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SENATE—*Tuesday, November 18, 1969*

The Senate met in executive session at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we stand to acknowledge Thy presence and implore Thy aid, we beseech Thee to control our inmost beings, and so direct our lives that we may do Thy will. If in the pressure of daily duties or the confusion of our times we lose the way, wilt Thou rescue us and bring us to Thyself. Instill within us a more enduring faith and that purer patriotism which, in compassion and love, lifts all men to that fullness of life which belongs to Thy kingdom; for Thine is the Kingdom and the power and the glory forever. Amen.

MESSAGE FROM THE PRESIDENT

As in legislative session, a message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 17, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that statements in relation to the transaction of routine morning business, as in legislative session, to be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

As in legislative session, the President pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved management of repair and maintenance of public school buildings, by the District of Columbia Government, dated November 18, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION PROVIDING A 5 PERCENT INCREASE IN CERTAIN ANNUITIES

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend section 8340 of title 5, United States Code, to provide a 5 percent increase in certain annuities (with an accompanying paper); to the Committee on Post Office and Civil Service.

PROSPECTUS FOR PROPOSED ALTERATIONS

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Custom House and Appraisers Stores in Philadelphia, Pa. (with an accompanying paper); to the Committee on Public Works.

REPORT OF BUILDING PROJECT SURVEY, ORLANDO, FLA.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of a building project survey for Orlando, Fla. (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

As in legislative session, the following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 497. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired) (Rept. No. 91–532).

By Mr. DODD, from the Committee on the Judiciary, with an amendment:

S. 2734. A bill granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact (Rept. No. 91–533).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act (Rept. No. 91–534).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1520. A bill to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers (Rept. No. 91–535).

(The remarks of Mr. Eastland when he reported the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1170. A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes (Rept. No. 91–537); and

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act (Rept. No. 91–536).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 2869. A bill to revise the criminal law and procedure of the District of Columbia, and for other purposes (Rept. No. 91–538).

By Mr. DODD, from the Committee on the Judiciary, with amendments:

S. 849. A bill to strengthen the penalty provisions of the Gun Control Act of 1968 (Rept. No. 91–539).

(See reference to S. 849 when Mr. Dodd reported the bill which appears later in the Record under the appropriate heading.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Caspar W. Weinberger, of California, to be a Federal Trade Commissioner.

By Mr. COTTON, from the Committee on Commerce:

Robert Coleman Gresham, of Maryland, to be an Interstate Commerce Commissioner.

BILLS INTRODUCED

As in legislative session bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE (for himself and Mr. Goldwater):

S. 3148. A bill to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of master of military art and science; to the Committee on Armed Services.

(The remarks of Mr. Dole when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 3149. A bill for the relief of Dr. Arun D. Joshi and Dr. Anjeli Joshi; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. Bayh, Mr. Brooke, Mr. Cannon, Mr. Case, Mr. Eagleton, Mr. Goodell, Mr. Harris, Mr. Hartke, Mr. Inouye, Mr. Jackson, Mr. Mathias, Mr. McCarthy, Mr. McGovern, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Prouty, Mr. Randolph, Mr. Saxbe, Mr. Schweiker, Mr. Scott, and Mr. Williams of New Jersey:

S. 3150. A bill to amend the Public Health Service Act to provide for the making of grants to certain medical and dental schools, which are in dire financial distress, to enable such schools to continue, without curtailment, certain services, functions, programs, and activities which are in the national interest; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

(The further proceedings from this point to the conclusion of morning business were conducted as in legislative session.)

S. 3148—INTRODUCTION OF A BILL RELATING TO MASTERS DEGREE FOR ARMY COMMAND AND GENERAL STAFF COLLEGE

Mr. DOLE. Mr. President, the U.S. Army Command and General Staff College at Fort Leavenworth, Kans., has a distinguished record in the preparation of Army officers to assume the responsibilities and burdens of career leadership. The college is widely known and highly regarded for the quality and rigor of its curriculum. Its course of instructions is considered to be academically equivalent to a collegiate masters program, but presently a graduate receives no degree for his efforts in completing the course.

Each candidate for graduation must demonstrate academic achievement and suitability for entrance into the program, including a satisfactory score on the Graduate Record Examination, which is employed by most civilian colleges and universities as an admissions measuring device. In addition to regular course work, student officers must undertake independent research and submit a thesis by the completion of the year.

A special review committee of the U.S. Office of Education has thoroughly examined the college's entrance procedures, curriculum offerings, and graduation criteria and has concluded the Command and General Staff College meets the high standards set for the granting of degrees by Federal agencies and institutions.

Also, the North Central Association of Colleges and Secondary Schools has indicated its willingness to accredit the college's program should it be given authority to issue degrees.

A proposal was submitted to the 90th Congress which would have granted the Commandant of the Command and General Staff College authority to issue the degree of master of military art and science to graduates of the program. This bill passed the House of Representatives, but was not considered by the Senate.

This proposal had the support of the Department of the Army and of the Commandant of the Command and General Staff College, Maj. Gen. John H. Hay, Jr.

I feel this proposal is meritorious and appropriately grants recognition to the high professional standards of the U.S. Army and its officers.

I am introducing legislation to this effect, and am pleased that my distinguished colleague, the junior Senator from Arizona, has joined me in the sponsorship of this bill. His outstanding military record as an officer in the U.S. Air Force is known to us all, and I welcome his support.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3148) to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of master of military art and science, introduced by Mr. Dole (for himself and Mr. Goldwater), was was received, read twice by its title, and referred to the Committee on Armed Services.

ADDITIONAL COSPONSORS OF BILLS

S. 3000

Mr. BYRD of West Virginia. Mr. President, as in legislative session, at the request of the Senator from New York (Mr. Goodell), I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. McGovern) be added as a cosponsor of S. 3000, to amend the Foreign Assistance Act of 1961.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3112

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. Mansfield), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Utah (Mr. Moss) be added as cosponsors of S. 3112, to require an investigation and study, including research, into possible use of solid wastes resulting from mining and processing coal.

The PRESIDENT pro tempore. Without objection,it is so ordered.

SENATE RESOLUTION 284—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

Mr. MAGNUSON, from the Committee on Commerce, reported the following original resolution (S. Res. 284); which was referred to the Committee on Rules and Administration:

S. Res. 284

Resolved, That the Committee on Commerce is hereby authorized to expend, from the contingent fund of the Senate, $75,000.00, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 79, Ninety-first Congress, agreed to February 17, 1969.

SENATE RESOLUTION 285—RESOLUTION SUBMITTED AUTHORIZING A STUDY BY THE FOREIGN RELATIONS COMMITTEE

Mr. PROXMIRE (for himself, Mr. Goodell, Mr. Hart, Mr. McCarthy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Sparkman, Mr. Tydings, and Mr. Yarborough) submitted a resolution (S. Res. 285) to authorize a study by the Foreign Relations Committee, pursuant to its jurisdiction in matters relating to the relations of the United States with foreign nations generally and to the United Nations Organization, of the possibilities for international cooperation and cost sharing in the exploration of space, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Proxmire when he submitted the resolution appear later in the Record under the appropriate heading.)

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 28

Mr. SCHWEIKER. Mr. President, as in legislative session, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Goodell) be added as a cosponsor of my resolution, Senate Concurrent Resolution 28, expressing the sense of the Congress with respect to the incorporation into the Interstate System of U.S. Route 219.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GOODELL. Mr. President, I am pleased to join as a cosponsor of Senate Concurrent Resolution 28, introduced by my colleague from Pennsylvania (Mr. Schweiker) and cosponsored by Mr. Byrd of West Virginia, Mr. Javits of New York, Mr. Randolph of West Virginia, and Mr. Scott of Pennsylvania.

This resolution expresses the sense of the Senate that U.S. Route 219 be incorporated into the Interstate Highway System of the United States as soon as possible.

At the present time, there is a critical lack of modern highways passing through the Appalachian region of New York, Pennsylvania, Maryland, West Virginia, and Virginia. Route 219, which services the region, is a dangerous, obsolete two-lane road, and cannot adequately provide much-needed accessibility into this portion of the country.

As part of the Interstate Highway System, route development activities will become eligible to receive 90 percent funding by the Federal Government under the highway trust fund. This financial assistance would help provide more rapid development of an adequate north-south highway from Buffalo, N.Y., to Bluefield, W. Va.

Route 219 is the major north-south truck route linking the Niagara Frontier with central Pennsylvania and the South. Its development and expansion would create the shortest, fastest, and safest route for interstate traffic. In addition, it would encourage the economic development of the counties through which it will pass, as well as adjacent counties.

I have cosponsored Senate Concurrent Resolution 28 to help provide the people of New York and other States in the region safer and faster transportation thoroughfares and greater economic development. I am hopeful that my colleagues will support this resolution.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 287

Mr. BYRD of Virginia submitted amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Byrd of Virginia when he submitted the amendments appear later in the Record under the appropriate heading.)

NOTICE OF HEARINGS ON S. 721, UNSOLICITED CREDIT CARDS

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 721, a bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes.

The hearings will be held on Thursday, Friday, and Monday, December 4, 5, and 8, 1969, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300, New Senate Office Building, Washington, D.C., 20510; telephone 225–7391.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years, vice Calvin K. Hamilton.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, November 25, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

OIL IMPORT CONTROLS

Mr. MUSKIE. Mr. President, the time is approaching when we will soon receive from the President's Cabinet Task Force the long-awaited report on oil import controls. Senators who have been deeply involved in this matter have submitted their ideas and suggestions to the task force, individually and in concert.

Although many good recommendations have been made, one recent submission deserves our special attention.

On November 12, 1969, five members of the Senate Armed Services Committee wrote to Secretary of Defense Melvin Laird suggesting significant changes in the oil import program.

Using the Department of Defense report to the task force as a base, our colleagues on the Armed Services Committee made nine recommendations. These recommended changes, if adopted, will provide the needed consumer benefits in the form of lower cost petroleum products, and at the same time, meet the needs of our national security goals—goals that have been clearly defined by the Department of Defense.

The major points made in this proposal are:

That an active role be given to refineries located in foreign trade zones;

That oil imported overland from Canada and Mexico be eliminated from the import control program; and

That the import quota be raised from 12.2 percent of domestic demand to 20 percent of domestic demand.

The arguments for these changes are sound, and the members of the Armed Services Committee who have prepared these recommendations are to be commended. Senator Smith, Senator Stephen Young, Senator McIntyre, Senator Inouye, and Senator Brooke have made an outstanding contribution to the deliberations on the issue.

Mr. President, I ask unanimous consent that the text of the letter and the memorandum to the Secretary of Defense be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

November 11, 1969.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: We would like to congratulate you and your Department for your forthright statement of views on oil import control to the President's Task Force. We were deeply impressed by the statement's constructive presentation of the national security aspects of an import control policy. As you know, the legal justification for controlling imports is our national security needs. We therefore consider the views of your Department to be vital to the structuring of a wise, realistic and equitable control policy.

As members of the Armed Services Committee, as well as Senators deeply concerned by the impact of the oil import program on the people we represent, we would like to share with you our thoughts about possible changes in the present structure of the program which would respond directly to the security needs discussed in your Department's presentation to the Task Force.

From an economic standpoint, as the Department of Justice pointed out in its submission to the Task Force, the ideal answer would be a return to free trade in oil. Some members of the Senate, including some signatories of this letter, have supported this position. But, it is also possible, to suggest more limited changes in the program which would achieve a measure of consumer relief and at the same time be fully consistent with defense needs as defined by your Department. The proposed changes set forth in the attached memorandum seem to us a logical outgrowth of your definition of these national security needs. We feel, in fact, that the logic of the Department's own presentation compels a restructuring of the present program along the lines at least similar to those we propose.

A key aspect of our proposed restructuring would be the use of foreign trade zones. This aspect of our proposals should be of special interest to you since your Department is represented on the Foreign Trade Zones Board and would share direct responsibility for executing an oil import policy tied to the use of such zones.

Since you are presently in the process of discharging your responsibilities as a member of the President's Task Force and are reviewing the alternative solutions to the problem, we hope you will keep in mind the points raised in the attached memorandum. We believe our proposals to be compatible with the interests of your Department, as well as with a healthy economy, and hope they will prove helpful to you in your contribution to the efforts of the Task Force.

If you have any comments or questions regarding these matters we shall, as always, be pleased to hear from you.

Sincerely,

Margaret Chase Smith,
U.S. Senate.
Edward W. Brooke,
U.S. Senate.
Stephen M. Young,
U.S. Senate.
Daniel K. Inouye,
U.S. Senate.
Thomas J. McIntyre,
U.S. Senate.

Moratorium

SUBJECT: NATIONAL SECURITY AND OIL IMPORTS

A. Defense submission to task force

Before explaining our recommendations we believe it will be useful to outline briefly the salient points made by the Department of Defense to the Task Force.

1. Oil is a strategic material and from a military standpoint is absolutely essential. Success or failure in any conventional conflict may hinge on oil.

2. Military petroleum capacity cannot be judged simply by measuring productivity and deliverability of crude oil but is measured in terms of refining capacities, pipeline through put, and capacity of storage terminals as well.

3. There must be maintained a capability in the U.S. to supply our own war needs in case existing foreign sources and alternative foreign sources are denied.

4. Mobilization studies show that any type of extended emergency involving the U.S. and its allies cannot be adequately fueled by the U.S. alone.

5. Our national security dictates that we have in existence dependable, capable and willing overseas sources to satisfy our petroleum needs on a global basis.

6. The most secure oil supply source is clearly continental U.S. The most secure foreign sources are Canada and Mexico, and particularly insofar as overland movements are concerned. They are probably as secure as supplies from the U.S. itself. Within the U.S. the least secure supply is that which moves from the Gulf to the East Coast by tanker, thus becoming vulnerable to hostile submarine action.

Shipments from the Caribbean area to the East Coast by tanker are no greater risk than shipments from U.S. Gulf. The Caribbean is more desirable than the U.S. Gulf for West Coast needs. Among all major foreign producing areas, the Middle East is least secure, with Iran less susceptible to supply interruption than other Middle East countries. North Africa and West Africa are more secure than the Middle East countries.

Supplies from Alaska are not as secure as those from the continental U.S., Canada, Mexico, or the Caribbean. There are obviously no political risks in Alaska but the North Slope is highly vulnerable to enemy action. Moreover, the potential Northwest passage sea route to the East Coast is vulnerable to enemy submarines sheltered by Arctic ice fields. Deliveries to the West Coast are similarly vulnerable, but probably to a lesser degree.

7. There are only two types of threat against which we must protect ourselves from the standpoint of oil availability:

a. A protracted conventional war to which we are a party.

b. A cut-off of supplies resulting from a limited conflict involving some of the producing nations.

Continuity of oil supply in the aftermath of a nuclear exchange would not be a factor of major significance since consumption of oil would be sharply reduced, as would the capacity to refine oil.

8. All experience to date with limited wars indicates that disruptions associated with them are limited in scope. The denial of sources is not apt to be universal, nor do such denials affect all consuming countries equally. Of the two major sources for U.S. military requirements, it is unlikely that the Caribbean area will be affected by this type of hostility, but possible that all or part of the Middle East area could be denied at any time.

9. The more serious threat is the possibility of a protracted general war.

Such a war requires large and continuing military oil requirements and is likely to involve some of the world's major oil supplying nations. It is only the possibility of this kind of a conflict which justifies the maintenance of sufficient U.S. and Western hemisphere spare capacity to make up for the loss of other foreign supplies. Thus, it is only the possibility of this kind of a conflict which justifies the continuation of some oil import controls.

10. In the forseseeable future, partial or complete denial of foreign oil to the U.S. would not limit our capabilities for military action. A conventional war of extended duration would probably result in severe oil shortages but the least effect would be felt in the U.S. Europe and Japan are far more dependent on oil as an energy source (55% and 70%) than is the U.S. (44%) and less able to reduce demand by restricting nonessential uses or substituting other energy sources.

11. In the event of a sudden curtailment of foreign oil supplies, particularly if heavy fuel supplies were cut off, government control over U.S. refining and transportation operations and an allocation of producing, transportation and refining resources would have to be initiated.

12. Denial of foreign supplies of residual fuel would be of great significance to the Navy. Except on the West Coast, Navy special fuel oil is entirely of foreign origin. A military supply gap of 45–50 million barrels per year would be created if this oil were cut off. Allocation of available U.S. residual fuel would be required immediately in order to avoid the early immobilization of the fleet. Imposition of government controls would be absolutely necessary.

By far the greater portion of military requirements are below the motor gasoline range of refinery output, and they will be even more so should the Air Force shift to a distillate based jet fuel as is now being considered.

U.S. refinery outputs, now heavily oriented towards gasoline (47% in 1968), would need restructuring to meet military requirements if foreign sources were denied.

13. Adequate U.S. flag or U.S controlled shipping must be available to move U.S. crude oil to refineries dependent on waterborne supplies. Most water-borne supplies consist now of foreign crude oil shipped to the U.S. in foreign flag vessels which might not be available under emergency conditions.

RECOMMENDATIONS

1. Canadian and Mexican oil shipped overland should be allowed to enter the U.S. freely outside of the quota system. There is simply no reason to restrict this oil. As indicated by the Department of Defense in its submission to the Task Force, overland shipments from Canada and Mexico are as secure as our own continental oil supplies, more secure than Gulf Coast supplies which have to be moved to the East Coast by tanker and far more secure than militarily vulnerable Alaskan oil.

With complete freedom of access to the U.S. market, Canadian imports would probably increase from current levels of 600,000 b/d to 1.5 million b/d within two years and to 2.5 to 3 million b/d within 5 to 10 years.

Canadian oil is lower cost oil than our own continental supplies on an average by about 50¢ per barrel. Thus free access of Canadian oil to U.S. markets would cause a price decline in the U.S. which would be likely to force our highest-cost, least-efficient wells to close down. Within a relatively few years, most of our inefficient stripper well production would be phased out as Canadian imports grow. State pro-rationing tied to market demand and designed to protect high-cost wells would become a thing of the past, eliminating an economic misallocation which the C.R.A. study estimates costs the nation 2.3 billion dollars annually.

In the process stripper well reserves of approximately 6 billion barrels would probably be lost until such time as technological advances made their production economical once again. On the other hand, some 12–15 billion barrels of new reserves would be added from Canada, new exploration incentives there would add still further reserves, and our industrial and home consumers, particularly in the middle west, would benefit from lower cost energy.

Moreover, the largest single market for U.S. exports of a wide range of goods, the Canadian market, would expand as Canadians earned more dollars from oil exports to America and could thus increase purchases of other goods here.

The only serious objections raised about increasing our dependence on Canadian oil has been the fact that Canada itself depends on foreign imports to cover oil requirements in the eastern part of the country (from Ottawa Valley east to the Maritime Provinces). Part of that demand is met by crude oil piped to Montreal from Portland, Maine, and part by crude oil and product imports shipped by tanker from foreign sources. We can't depend on Canada, so the argument runs, because in an emergency supplies normally sold to the Western U.S. will be directed to Eastern Canada.

That argument is simply not defensible. In the first place, as Canada's own submission to the Task Force clearly indicates, Canada doesn't have the transportation facilities for shipping oil from its Western provinces to Montreal and points east. Moreover, as part of any overall oil agreement between the two countries, we could logically undertake to supply our crude and finished products from the Gulf Coast to the Montreal market in an emergency while Canada in return could step up shipments to us in the Mid-west.

In view of both the military security of supply and the economic benefits involved, we urge that the Task Force recommend complete freedom of overland Canadian oil shipments on a normal commercial basis. In addition, if Mexico production grows sharply and overland pipeline shipments from that country can be initiated, we urge that they be treated similarly to Canadian oil.

2. We urge that the Federal government develop new methods of insuring emergency spare capacity. The government could, for example, construct extensive storage facilities, establish a national pro-rationing system for efficient large fields, or promote the research necessary to make practicable the exploitation of shale oil and oil from coal in the United States and tar sands in Canada.

3. In determining the level of permissible imports from non-North American sources, a detailed determination should be made by the Department of the Interior with the direct assistance of the Department of Defense of the volume of crude oil needed to cover our essential requirements. Current data suggests that the country could meet any emergency operating on about 80% of current consumption levels. This figure is based on the fact that about 55% of our total oil use is centered in the transportation field. And of total transportation use, about 70% is used by private automobiles, motorcycles, and pleasure boats. In an emergency situation, use of these private vehicles could easily be cut by 50%, without endangering essential industrial and military operations. This would in turn reduce overall consumption of oil by a minimum of 20%.

4. After making a determination of essential requirements the Federal Government will be in a position to establish a rational oil import program. The allowable import rate would be fixed so as to assume continued domestic capacity equal to the essential requirement. We believe that the rate chosen should be reviewed frequently and, at the least, every two years.

If we assume that essential needs equal 80% of our total consumption, then the Federal government could set non-North American imports at, say, 14% of consumption, leaving a 6% pool to be used selectively by the government to promote military, economic and social objectives which could not be achieved by simply allowing the entire 20% to come in under the Oil Import Program as presently administered.

A 14% quota may not seem like a significant expansion from the current 12.2% permissible level. In reality, however, it would provide for sharp growth of non-North American supplies, because at present almost 30% of our total crude imports Districts I–IV come from Canada, which, under the program suggested above would no longer be included in the oil import system. We expect much of the increase in non-North American imports to come from the Eastern Hemisphere rather than Venezuela because Eastern Hemisphere supplies are lower cost than Venezuelan. The expansion of Eastern Hemisphere imports would, of course, help our relations with producing countries in that area, but since such imports would be non-essential, we would not become vulnerable to sudden denial of such supplies in an emergency.

5. We believe that foreign trade zones would be a most useful vehicle in allocating the remaining 6% pool of import allocations. By their nature, refineries located in foreign trade zones require federal approval. Thus the Federal government is in a position to impose the terms under which such zones can operate. The Government could spell out conditions which would enable such zone refineries to achieve national foreign policy, defense, and economic objectives.

6. In foreign trade zone refineries, for example, the following military objectives could be achieved.

a. Zone refineries located on the East and Gulf coasts could be induced to operate largely on Venezuelan oil, providing a dramatic growth in the U.S. market for supplies from that country which would otherwise not take place. The government could, for example, grant one barrel of product import quota (allowing a company to sell products from the foreign trade zone into the U.S.), for each 3 barrels of Venezuelan oil used at the foreign trade zone refinery. Such an arrangement would assure a very high proportion of non-North American imports from Venezuela—the area deemed most secure among foreign sources by the Department of Defense in its submission to the Task Force.

In fact, as noted, Defense states that Caribbean supplies are equally secure from a military standpoint as our own tanker-shipped supplies from the U.S. Gulf Coast. The encouragement of Venezuelan shipments would also be consistent with long-standing State Department priorities and foreign policy goals in South America.

b. The government could require that only a certain type of refinery be built in a zone, thus ending the Navy's 100% dependence on foreign fuel for its Atlantic and Mediterranean fleets. At present our Navy faces immediate immobilization if foreign sources of Navy special fuel oil are shut off. The DOD in its submission notes that there would have to be a restructuring of the entire U.S. refinery set-up in order to avoid such immobilization in the event foreign supplies were denied.

This situation has developed because U.S. refineries run their plants to maximize gasoline output and minimize the heavy residual fuel oil which is used by the Navy to power its ships. No heavy fuel type refineries are built in the U.S. Meanwhile companies without import quotas desiring to participate in the U.S. heavy fuel market have been forced, under the present oil import program, to build their plants off-shore of the U.S. In the last decade, since import controls were established, there has been a rapid expansion of heavy fuel type refining capacity in the Maritimes, Panama, Trinidad, and elsewhere. New plants are now under construction in the Bahamas and Newfoundland.

In short, we have been exporting our refinery capacity. This is bad news from a balance of payments standpoint, and it is even worse from a military standpoint because in an emergency when such refining capacity would be needed most by the Defense Department, these refineries could not be placed under control of the U.S. government.

According to the Defense Department submission, the great preponderance of its military requirements are products below the gasoline range. Thus, in approving foreign trade zone refineries, the Government could require that such plants produce a high proportion—perhaps 80%—of products below the motor gasoline range.

It is interesting to note that Occidental Petroleum Corporation at Machiasport, Maine, Tenneco at Savannah, Georgia, Steuart Petroleum in Maryland, the Hawaii Independent Refining Company in Honolulu, already plan to build heavy fuel oriented plants of the type recommended. In fact, the revised Occidental refinery plan provides for production 153,000 b/d of low sulphur residual fuel—more than 55 million barrels annually. Thus, this one plant could in an emergency cover the entire shortfall of Navy special fuel oil outlined by the DOD in its submission. A string of such heavy fuel oriented refineries would give the DOD flexibility of supply in an emergency and make it far less vulnerable to denial of foreign supplies than at present. Naturally, such refineries would be under complete U.S. control in any emergency mobilization since they would be located on U.S. soil.

c. A separate but related military issue is the question of dispersal of refinery capacity. During the 10 years of the Oil Import Program, 85% of refinery capacity in Districts I–IV has been built in just two states—Texas and Louisiana. This has increased the concentration of refining capacity in that area, making our refining capability more vulnerable to enemy attack. With absolute control over foreign trade zone approvals, the Federal government can easily, through its approval of zone locations, contribute to a meaningful dispersal of our refining capacity.

d. Another vulnerable military area outlined by the DOD is the lack of U.S. flag tankers. All of the heavy fuel now imported into this country from the off-shore plants described above is shipped in foreign-flag vessels. Under an emergency mobilization we have no control over these vessels, and should they be denied us, it would be difficult if not impossible to increase the flow of U.S. Gulf Coast oil to the East Coast.

Foreign trade zone refineries under existing law would be required to ship products from the zone to the U.S. in U.S. flag tankers. Occidental Petroleum, for example, has estimated that its zone refinery alone would require the addition of 8–12 new T–2 type U.S. tankers to the U.S. flag fleet.

7. Foreign trade zone refineries can also be used to bring a measure of economic relief to those regions of the country which have been burdened unfairly and disproportionately with high prices under the present program. We attach two tables summarizing the trends in retail and wholesale home heating oil prices over the last five years. These show that New England, the Southeastern Atlantic area, and the middle Atlantic area, all are at a considerable price disadvantage compared to the midwest, where refining capacity is sufficient to cover local demand. With free access for Canadian crude as proposed above, the disparity between midwest consumer prices and those along the Eastern seaboard, in the Pacific Northwest and Hawaii, will become even greater unless foreign trade zones are promoted specifically to reduce prices.

District I, which comprises the East Coast, uses 45% of the Nation's oil yet has only 15% of this Nation's refining capacity. No new refineries have been built along the entire East Coast since the Import Program was instituted. Nor are any likely to be constructed there given the economic realities of the situation unless the present program is changed.

8. Use of foreign trade zones should not be restricted solely to the East Coast, although they will be particularly useful in that area. Prices for home heating oil in the Pacific Northwest are also far above the national average and foreign trade zones in that area would be useful.

Similarly prices for all refined products in Hawaii are far above those on the mainland. On the basis of the evidence submitted to the Task Force so far, there seems to be a good case for removing Hawaii from District V and eliminating all import restrictions now applicable to Hawaii. If, however, the Task Force decides to continue import restrictions in Hawaii or to phase them out gradually over an extended period of time, foreign trade zones would be a useful vehicle during such a transitional period.

9. In addition to all of the above military and economic objectives which can be achieved through the use of zones, we believe there are a number of other requirements that the Federal government could consider in connection with granting foreign trade zones. These include possible requirements that:

a. zone refineries maintain at least 10% spare storage and refinery capacity for use in times of emergency;

b. the tightest possible air and water pollution controls be built into any zone refinery and terminal operation;

c. a positive contribution to the U.S. balance of payments be demonstrated by each foreign trade zone refinery applicant;

d. zone refiners meet any other objectives deemed appropriate by the competent local, state and federal officials involved.

Statement on Oil Letter to Defense Secretary Laird

Several members of the Senate Armed Services Committee have today sent to the Secretary of Defense Melvin Laird a position paper urging increased use of Foreign Trade Zones as a part of the Oil Import Control Program. They expressed the hope that the Secretary would consider their proposal in determining the Defense Department's contribution to the soon-to-be-concluded Presidential Task Force review of the Program. Joining in the letter were Senators Margaret Chase Smith (R-Maine), Stephen M. Young (D-Ohio), Daniel K. Inouye (D-Hawaii), Thomas J. McIntyre (D-N.H.), and Edward W. Brooke (R-Mass.). (A text of the position paper is attached).

The five Senators pointed out that their letter is fully consistent with the definition of national security needs as regards oil made by the Department of Defense in its own earlier staff level presentation to the Task Force. They said that their proposal has been offered as a viable accommodation between those who would eliminate the Oil Import Control Program entirely and those who would retain it essentially in its present form. The lawmakers pointed out that if adopted as government policy their recommendations would improve our ability to meet national security needs and, at the same time, greatly increase the annual volume of oil imports to the considerable advantage of American consumers.

The Senators called for the following changes in the present program:

(1) The immediate decontrol of all Canadian and Mexican oil shipped overland into the United States.

(2) An increase in the present quota of 12.2% of domestic demand to 20% of existing demand, 14% of this amount to be wholly decontrolled and the remaining 6% allocated to Foreign Trade Zones.

Additional background information follows:

The Senators have recommended, first, that Canadian and Mexican oil shipped overland into the United States be allowed to enter without any import controls. They have done this because they agree with the Defense Department's recognition, in it's earlier submission to the Task Force, that these sources are fully as secure militarily as continental oil supplies, more secure than U.S. Gulf Coast supplies moved to the East Coast by tanker, and far more secure than militarily quite vulnerable Alaskan oil.

They have recommended, second, that the present oil import quota of 12.2% of domestic demand be raised to 20% of domestic demand. This recommendation is based on their considered judgment that in a prolonged emergency the United States could continue to operate successfully on the 80% of domestic demand which would continue to be supplied from militarily secure sources.

It is their belief that the bulk of the oil coming into the United States under his increased quota—an amount equal to 14% of domestic demand—should come in free of any controls whatsoever.

They feel that the remaining 6%, however, should be allocated to Foreign Trade Zones. Because these zones and their manner of operation must be approved by the Federal government, their activities can be regulated to achieve a number of foreign policy, military, and economic objectives not being achieved under the present program.

For example, the present program is so constituted that no new refineries have been built on the East Coast since the program was instituted in 1959. The East Coast, with 45% of the Nation's oil demand, has at present only 15% of the Nation's refining capacity, which is presently heavily concentrated along the Gulf Coast. The construction of new refineries at Foreign Trade Zones throughout the Nation would not only benefit consumers but would disperse our refining capacity and thereby make it less vulnerable to enemy attack.

Moreover, most existing refineries have an economic incentive to maximize gasoline production and to minimize the production of heavy fuel oil such as is required by the United States Navy. As a result, the Navy is almost wholly dependent on oil refined in the Caribbean and in the Maritime Provinces of Canada. Since none of these refineries could be controlled by the Defense Department through emergency mobilization, the Navy might well be immobilized if certain types of hostilities broke out. Foreign Trade Zones, however, could be granted incentives to engage in the type of refining which would meet our Navy's needs.

Additional national policy goals might be achieved if East and Gulf Coast refineries operating in Foreign Trade Zones were required to operate on Venezuelan oil. Given the political uncertainties in the Middle East, it would not be prudent for the United States to become overwhelmingly dependent on Eastern Hemisphere supplies. At the same time, however, we have always been able to count on Venezuelan oil throughout long history, even during World War II, the Korean war, the Vietnamese conflict, and two Arab-Israeli wars. Such a requirement would serve foreign policy as well as just military objectives. It would be consistent with President Nixon's and Governor Rockefeller's new Latin American policy which is designed to help all developing countries and particularly those of Latin America.

Other policy objectives which the Senator's recommendations could help achieve are developed in the position paper itself. They feel that the possible realization of these objectives, and the considerable consumer relief entailed by their recommendations, entitle them to serious consideration both by the Department of Defense and by other agencies represented on the President's Task Force.

Mr. BROOKE. Mr. President, I want to thank the junior Senator from Maine for bringing this matter to the attention of the Senate.

In making our proposal to the Secretary of Defense we have tried to offer an alternative that is fully consistent with national security needs as set forth by the Department of Defense in its own earlier staff level presentation to the task force. This recommendation offers both improvement of our ability to meet our national security needs and, at the same time, greatly increases the annual volume of oil imports to the considerable advantage of American consumers.

I am hopeful that all who are concerned with this program will realize that as presently structured it does not and cannot serve the best interest of the country. We must look to the task force for relief from the intolerable burden that this system has placed upon us. The embattled consumers of this Nation agree: major reforms of our oil import system are needed now.

Mr. McINTYRE. Mr. President, I want to thank my distinguished colleague from Maine (Mr. Muskie) who has long been an ardent advocate of consumer interests, for his remarks.

As members of the Armed Services Committee our primary focus in analyzing and developing recommendations to modify the existing oil import control program has been keyed to national security goals. At the same time, as Senators concerned with the problems of our constituents, we have been anxious to reduce the unfair burden imposed on oil consumers from the unnecessarily high prices resulting from the present program.

The proposal we have outlined is a moderate one which lies part way between the status quo, advocated by oil industry representatives and the complete elimination of the program, advocated by many of us representing consuming States.

It is designed to appeal as a middle road approach to President Nixon who must soon decide this Nation's future oil import policy. We know the President is beset by mounting pressures on both sides of the import issue. Our proposal is designed to seek an accommodation so that no one wins or loses the oil import battle except this Nation's taxpayers, who will get more security for a smaller expenditure, and this Nation's consumers, who will get more supplies at lower costs.

The oil industry will be benefited by these proposals as well. If adopted, they will signal the end of what has been described by many as a bitter struggle between the oil industry's privileged position and the public interest. I believe that struggle should be terminated for it does industry no good here at home or in its operations abroad. I think it is time the oil industry realized some accommodation must be made—some recognition must be given to the legitimate complaints of the public. For if moderate proposals such as those we have outlined are attacked by the industry, the battle will go on. And the final resolution of this problem is apt to be far more severe on its impact on the industry than these proposals advanced to Secretary Laird.

THE ESTABLISHMENT OF FEDERAL CREDIT UNIONS IN LOW-INCOME AREAS

Mr. SCOTT. Mr. President, on May 27 of this year, I introduced S. 2259 to amend the Federal Credit Union Act to assist in establishing credit unions in low-income areas.

I believe that if my bill were enacted, it would pave the way for a substantial easement of the rigid and inflexible incomes of the poor. It is unrealistic to expect poverty neighborhoods, by themselves, to produce the necessary funds and leadership to form credit unions or other types of legitimate financial institutions to provide the kind of service particular to low-income needs and ability to repay. My bill will make available national leadership and support of good credit programs for the poor by giving the Director of the Bureau of Federal Credit Unions the authority and funds to initiate credit unions in needy neighborhoods.

The Urban Coalition conducted a 4-month survey of innovative credit programs undertaken by bankers, retailers, and credit union officials across the country. A summary was prepared of that survey, entitled "Consumer Credit and the Low-Income Consumer." I believe its findings should have widespread attention; therefore, I ask unanimous consent that it be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

CONSUMER CREDIT AND THE LOW-INCOME CONSUMER

SUMMARY

Major banks and retail establishments throughout the country have expressed concern with the problems of decay in America's cities. Some have expressed to the Urban Coalition an interest in participating in programs to improve the life of the cities and its residents. "Consumer Credit and the Low Income Consumer" was prepared in response to this interest.

Ours is a credit economy. In 1968, outstanding consumer credit totaled $113 billion. Although convenient access to reasonably priced credit is a problem besetting many segments of our population, it is particularly acute for the poor. Low and middle income citizens, because of limited savings and no resources to fall back on in time of emergency, have a greater need for credit for essential purchases—such as automobiles, household furnishings and even services such as education or health. Yet, in many inner city neighborhoods, there is little or no access to legitimate, reasonably priced sources of credit, such as banks, retail establishments or credit unions. Despite the greater need of the poor, they are forced to rely on high priced, often illegal sources of credit. "Consumer Credit and the Low Income Consumer" seeks to show bankers, retailers and credit union officials specific steps that they can take to make credit available to the poor or to support others who are providing credit. The report is based on more than 20 different models that have already been successfully operated by banks, retailers and credit unions across the country. Information about how these models were developed, how they operate and what their problems have been should help leading financial institutions to determine how they can help to solve one of the most pressing problems of the urban crisis.

We have found a wide variety of activities in the field of consumer credit. They are small in size and constitute only a tiny step in solving a huge problem. But, the projects we have found are a beginning and they tell us much about the realities of what can and cannot be done. Banks, retailers and credit unions which have been persistent and innovative in trying to accommodate the low-income consumer have found—often to their surprise—that the poor do pay. The low income consumer may at times encounter some difficulty in paying bills when due, but in the end, his performance in paying his full obligation is nearly as good as his more affluent suburban counterpart.

ACTION BY BANKS

The Northwestern National Bank of Minneapolis started a loan production office, the Southside Financial Planning Service, which provides financial counseling as well as applications for new savings or checking accounts and loans. The applications are processed in a nearby office of the bank with the assistance of staff members from the loan production office. This approach has enabled the bank to direct services to an inner-city neighborhood without violating Minnesota's branch banking laws.

On the northside of Minneapolis, the Northwestern National Bank has built a new community based financial center. The upper level is for regular banking activities. The lower level is for adult education, counseling and guidance services—including legal referral services.

The First Plymouth National Bank in Minneapolis, which began as an inner-city loan production office, has become a new black-operated bank organized as a member of the First Bank System, a bank holding company. It provides a variety of services to meet the needs of the community.

Black banks provide important services, jobs and ownership opportunities to the neighborhoods they serve. Studies by the Federal Reserve Board, however, show that they are confronted by serious operating problems. These include: smallness of operation, lack of adequate management and financial resources, heavier service costs and exclusion from many of the major investment opportunities shared by larger banks.

The Freedom National Bank of New York and the Unity Bank and Trust Company of Roxbury, Massachusetts have met these difficulties; they are expanding their operations and meeting the needs of the black community. They have succeeded in attracting corporate deposits, federal tax accounts and state treasury deposits which have substantially increased their growth potential. Since the resources available to all innercity ethnic banks are limited by the markets they serve, public and private individuals interested in advancing their development should do everything they can to make funds from outside the ghetto community available.

The Banco Popular de Puerto Rico operates four branches in the New York City area and provides a focal point for Puerto Rican business and consumer development.

Banco Popular provides extensive counseling to both consumer and business borrowers. This pattern of having to provide extensive counseling is found in most ghetto-related banks. In part, it arises from the lack of business or borrowing backgrounds of many applicants for credit.

When the neighborhood it was serving became an integrated, middle to lower-middle income area, Hyde Park Bank and Trust Company in Chicago re-oriented its services. The bank has created a fast growing Urban Development Division as a way to attract deposits, make minority business loans, increase consumer installment loans and provide the counseling and guidance necessary to properly service these new accounts. Hyde Park Bank and Trust Company has been helped immeasurably by deposits made for developmental purposes by the State of Illinois and by numerous businesses in Chicago and elsewhere.

The State of Illinois has developed a program of depositing state funds in banks which have made special commitments to serve the needs of ghetto or inner-city residents. While all banks in the state presumably have access to state deposits, some funds are reserved for distribution in a pattern calculated to expand the activities of banks which meet a public need above and beyond normal day-to-day operations. Hyde Park Bank and Trust Company has received nearly $3 million in deposits as a result of this special program. All urban states could help to expand low income consumer credit and to aid the economic development of the inner-city by adopting a similar pattern.

A number of ghetto oriented banks have succeeded in attracting deposits from large U.S. corporations, many of which have working accounts with the banks. In addition, many corporations use the ghetto banks as depositories for tax funds which are periodically collected by the Federal Government.

In Newark, New Jersey a group of banks have joined together to establish a guarantee program for consumer lending. The state of New Jersey has agreed to subsidize the banks for the cost of processing each application and local public agencies have agreed to perform credit checks and other services. However, the program has been slow to get off the ground and the banks have succeeded in raising only $120,000 including a grant of $60,000 from the State of New Jersey.

In the Bedford-Stuyvesant area of Brooklyn, the Better Business Bureau of Metropolitan New York has inaugurated a mobile Consumer Information Center which offers lectures to community groups, pamphlets for passers-by and in-depth counseling for the few who choose to avail themselves of it. The Center is financed by a $35,000 grant from the Chase Manhattan Foundation. If the education program were followed by credit, it could have a significant impact.

The Continental Illinois National Bank and Trust Company of Chicago, one of the city's largest banks, has made a major investment in a pilot program of consumer education and will offer the program and materials at no charge to high schools and public agencies in Chicago. It will also offer the course and materials to other banks, businesses and agencies across the country for use in their communities on a cost reimbursement basis.

LIMITED-INCOME CREDIT UNIONS

Although federal and state credit unions have long serviced middle and upper income consumers, recently rapid growth has occurred in limited-income credit unions. These credit unions—often sponsored by OEO agencies—provide lower-priced credit than either banks or retailers can offer. In addition, they can serve as a financial base for community economic development. "Consumer Credit and The Low Income Consumer" shows how the effectiveness of these credit unions can be expanded through cooperative ventures with banks, retailers, corporations and other financial organizations.

There are nine limited-income Federal credit unions in Washington, D.C., with combined assets of $1 million. Data furnished by the United Planning Organization, the Washington area's community action agency which supervises these credit unions, shows that 22% of the loans made by these credit unions are made to people with incomes under $3,000 and that 51% are made to people with incomes under $5,000. The standard interest-rate for Credit Union loans is 1%.

Although the limited assets of some low-income credit unions inhibit their ability to respond to community needs, their growth potential can be greatly expanded through technical assistance and/or the deposit of funds by larger credit unions, by banks and by corporations.

The Bureau of Federal Credit Unions, sponsor of all Federal credit unions, has inaugurated a program, Project Moneywise, to provide consumer education and training for credit union management. It has thereby helped a number of limited-income credit unions to get started. In addition, about one in eight of the limited-income credit unions existing today is subsidized by Office of Economic Opportunity funds. However, there is a need for much more assistance than the federal government has been willing to provide to date.

Although the Federal Credit Union Act provides broad experimental authority, few credit unions have exercised it fully. One of the most innovative programs has been launched by The Consumer Action Program of Bedford-Stuyvesant, Inc. (CABS). This program, supported by the Office of Economic Opportunity, businesses and aided by foundations, has seen the limited-income credit union become the financial focal point of a diversified community development program. Under the sponsorship of the CABS parent corporation and financed by the CABS credit union and others, a cooperative housing development has been organized; a merchant's cooperative has been developed; a nursing home is in the planning stage; and a community business development corporation is envisioned.

All this has been made possible by expanding the credit union's field of membership to allow investors from outside the immediate Bedford-Stuyvesant area to support its activities; by getting the Department of Housing and Urban Development to recognize the CABS corporation and credit union as eligible sponsors for non-profit housing under the 221(d)(3) provisions of the Housing Act; by getting the Small Business Administration to recognize CABS as a *bona fide* lending institution eligible to administer a blanket guarantee under the Small Business Administration's programs, and finally, by getting the State of New York to recognize the credit union and the corporation as a proper sponsor for a nursing home.

ACTION BY RETAILERS

Like bankers, retailers willing to involve themselves in the low-income credit market have been faced with the problem of defining new standards of credit eligibility. Middle class measurements simply do not apply to the poor. One bank, the Marine Midland Trust Company of Western New York has developed specific guidelines for its lending officers; others are responding on an ad hoc basis.

The retailers have taken a different approach; in many cases they are working cooperatively with community groups, such as credit unions or welfare rights organizations which help them identify credit-worthy individuals and—in some cases—provide credit education.

Kann's Department Store in Washington, D.C., for example, ties in the granting of credit with credit education given by the Community Action Agency. The United Planning Organization in Washington, D.C. provides Kann's with the names of credit applicants whom they have cleared. All applicants have completed a short course in consumer credit practices. Kann's then extends a $50 line of credit to each. The store reports that the vast majority of participants have met their obligations and will be extended additional credit. The delinquency (lateness) ratio on this special project is about double what the department store normally experiences with its customers, but the actual default rate is low. Kann's feels that the program has been a success.

The National Foundation for Consumer Credit, an industry-sponsored organization concerned with research, education and counseling, has developed a pilot consumer education program for low-income persons in the District of Columbia. The project, sponsored initially by Sears, Montgomery Ward, Federated Department Stores and J. C. Penney, is developing a master syllabus for a consumer education course which the sponsors hope ultimately to make available to appropriate counseling groups across the country. There is no intention at present to follow consumer education with the granting of credit.

In Boston, three major department stores—Jordan-Marsh, Filene's and Gilchrist's—have jointly accepted more than 150 names submitted to them by local credit unions for the purpose of establishing credit for low-income people. As a result of experience gained in the program, these same department stores are now willing to also extend credit to members of the National Welfare Rights Organization. Having gained a sense of confidence as a result of "Operation Credit-Worthy", the retail community in Boston reports that it is today more liberal in its credit extension practices and that many individuals who would heretofore have been denied credit have gained access to credit at the leading department stores on their own.

The National Welfare Rights Organization has utilized the picket line to bring pressure on retailers to extend credit to its members. A focal target of the group has been Sears, Roebuck which insists upon the right to evaluate each credit applicant on his or her own merits, rather than to accept membership in the Welfare Rights Organization as a reason for credit alone. On November 1, 1969, a nationwide pilot program will be started by NWRO and Montgomery Ward in which 3,000 welfare recipients, members of the Organization, will each receive $100 in credit. A number of other major stores in Philadelphia, Pittsburgh, New York and Boston are already providing credit to NWRO members.

CONCLUSION

It should be apparent from the variety of projects we have described that each bank or retail store, each business or individual that wishes to involve himself or his company in meeting an urgent need in our urban centers among the poor should be able to find a project suitable to his means and to his commitment.

Low-income credit unions, because of their low operating costs, have the greatest capacity for providing low cost credit to the consumer. As neighborhood organizations sensitive to the needs of fellow consumers, these credit unions are in a position to educate, counsel and provide relatively small per person loans. Their effectiveness can be greatly increased by deposits of public and private funds and by technical assistance from larger credit unions, bankers and others. A federal deposit insurance program for such credit unions would help to broaden their base. Once a viable lending institution is established it provides a base for diverse economic development activities in the community.

Retailers, working with credit unions and other community groups experienced in measuring the credit-worthiness of the low-income consumer found that they can successfully extend credit to the low-income consumer. Often short education courses explaining the mechanisms of this form of credit (unfamiliar to the low-income consumer) make the program more successful. This form of credit, although more expensive than credit union loans, is convenient for household needs, back-to-school purchases and other requirements.

Some banks will want to undertake loan programs of their own. Many banks cannot make profitable installment loans under $600, but low-income consumers need very small loans to take care of immediate needs such as food stamps, rent or auto repairs. These banks may find that they can make a more effective contribution by supporting low-income credit unions through loans, deposits, the provision of security, and management or technical assistance. They can also make a major contribution by inviting ethnic banks located in inner-city communities and banks meeting community needs to participate in their investment programs.

HISTORIC LIME KILNS AT POINT REYES NATIONAL SEASHORE

Mr. CRANSTON. Mr. President, the spectacular beauty of that portion of the California coastline encompassed by Point Reyes National Seashore has been well documented, as has the historic probability that Sir Francis Drake repaired the *Golden Hind* at the Drakes Bay portion of Point Reyes in 1579.

However, since introducing S. 1530, to increase the Point Reyes authorization, I have learned of another curious aspect of the national seashore, having both historical and anthropological interest. Just south of Olema on the eastern border of the seashore are some old lime kilns built about 120 years ago.

I am indebted to Gordon Chan, director of the marine technology program at the College of Marin, for obtaining the pertinent article from the State of California's geologic guidebook of the San Francisco Bay counties. It should be noted that there has been some vandalism to the kilns over the years, which only adds to the urgency that we complete land acquisition and institute complete park management services as soon as possible.

Mr. President, I ask unanimous consent that the article entitled "Old Lime Kilns Near Olema" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OLD LIME KILNS NEAR OLEMA

(By Adan E. Treganza, assistant professor of anthropology, San Francisco State College)

Aside from the debated location of Francis Drake's landing and the Mission San Rafael Archangel building, few places of historic interest in Marin County have attracted as much attention as have the old lime kilns near Olema. Much of this interest can be attributed to two facts—that for many years the original builders of the kilns have remained unknown, and that the setting of the kilns has an air of antiquity. Most impressive is the presence of two large Douglas fir trees growing directly out of the architectural structure of the kilns. Both trees, obviously, started their growth after the kilns were abandoned. The lack of true knowledge concerning the age of these trees has led to speculations that the builders of the kilns were the Russians established at Fort Ross in 1812, or the Spanish padres who erected the Mission of San Rafael in 1817. With the passing years, the cool, moist climate of the Marin coast has caused the stone structure to become so covered wth moss and lichens that it assumes a natural position in the landscape.

The lime kilns are located on the east bank of Olema Creek about 100 yards west of State Highway 1. Because of the topography and the vegetational covering, neither the kilns nor the limestone outcrop can be seen from the highway. The present owner of the property is Mr. Sam Smoot of Petaluma.

Mr. Bliss Brown deserves credit for discovering the historical document establishing the time of construction and the identity of the original builders of the Olema Creek lime kilns. Though his description of architectural features may be subject to several additional notes and some revision, the date of July 13, 1850, presented by him as the original time of building, goes unchallenged.

Speculations that the Russians, established at Fort Ross in 1812, and at Bodega Bay somewhat earlier, could have built and operated the kilns, find no basis in historical fact. From all indications it would appear that the construction of the kilns was a costly and fairly long-term project such as would have been undertaken either by a group of people intending to establish a large settlement or by some group of individuals intending to exploit the limestone deposit for a ready and profitable market. Neither of these situations provides a suitable frame for the picture of Russian penetration into upper California. First of all, the Russians, with the aid of Aleut Indians, were moving southward to obtain sea-mammal skins, and to establish bases in warmer latitudes where they could grow vegetable produce to ship back to their settlements in southern Alaska. Secondly, Russian architecture employed a highly involved notched-wood construction technique, of which an excellent example still remains in the ruins of the old block house at the northeast corner of the compound at Fort Ross. Lime was not used. A ready market for the sale of lime seems improbable, as the nearest purchasers would have been the Spanish settlers on San Francisco Bay, and at that time relationship between the two parties was anything but favorable. Also, the buildings of the mission period consisted in large part of adobe brick set in a mud mortar. Had the Spanish required lime in any great quantity, one would expect to find kilns in a chain from Baja California to San Francisco. Actually, only a few exist. When lime was required by the Fathers at Mission Carmel, for instance, they burned in a kiln abalone shells obtained from the Indian shell mounds.

The land upon which the Olema kilns are situated was originally granted to James R. Berry by the Mexican Government on March 17, 1836; at that time there was no mention of any limestone or kilns. The property must later have changed hands, for the first historical document that bears reference to the lime kilns is dated July 13, 1850. This document established the true identity of the builders of the kilns, thus eliminating much of the mystery surrounding them—especially any implication of an early Russian or Spanish origin. The document consists of a lease between Rafael Garcia, owner, and James A. Shorb, county judge in 1850, and William F. Mercer, a clerk in the judge's court. The lease was to run for a period of 10 years and the significant part reads as follows: "Rafael Garcia, as party of the first part and owner of the land, and James A. Shorb and William F. Mercer parties of the second part. . . ." The lease was to cover ". . . all that tract or parcel of land known as the ranch to the party of the first part and called or named *Ponta lastera de Malo,* for all the liming and timber and wooded purposes." The lessees were to have the privilege of building lime kilns; of quarrying and using limestone; of using wood for burning the kilns; and the entire privilege of the rancho. In exchange for these privileges, the parties of the second part were to give one-third of all the lime burned in the *"kiln or kilns that they may erect or cause to be erected."* At this point it seems quite clear that had any other kilns been present, notation of them would certainly have been made in this rather carefully worded document. It is further mentioned that ". . . the party of the first part is to furnish oxen, carts, and Indians to haul all the lime burnt in the kiln or kilns to the Embarcadero and assist in loading or putting the lime in the vessels. Also the party of the first part may receive his one-third at the kiln or Embarcadero." According to Mr. Brown, the Embarcadero mentioned was probably the one at Bolinas Lagoon, a point from which lumber was being shipped at that time. He suggests that the landing may have been the one located at Inverness Park, as this was but a short distance from the Garcia home. However, the Bolinas Lagoon was closer to San Francisco.

As indicated by all the evidence from historical records and excavation, the lime kilns were operated for a very short period. On March 15, 1852, the land west of the kilns was leased by Gregorio Briones to George R. Morris to cut wood and timber. In this lease the kilns were mentioned, as they constituted one of the boundary markers; the lease also stated that the kilns were being operated by a Spaniard, who may have been employed by Shorb and Mercer. The description, however, did not suggest any large-scale operation. On September 25, 1856, Garcia sold the tract of land containing the kilns to Daniel and Nelson Olds. This sale was made 4 years before the lease to Shorb and Mercer was to have expired, yet there is no mention in the deed of any transference of the lease. From all indications, it would appear that the financial venture by Shorb and Mercer was a failure. Material evidence also militates against the idea of any large-scale operation for any length of time. By trenching the dumps in front of the kilns and by counting the sequence of layers of charcoal-ash and overburned limestone, it has been determined that no one kiln has been fired more than four times, and that there have probably been no more than 12 firings for all the kilns. When abandoned, the smallest of the kilns (no. 1) was loaded but had not been fired. The amount of material removed from the face of the quarry is of no great significance. Taking into account the large amount of limestone used in the actual construction of the kilns, it is evident that very little stone was quarried and prepared for firing. Thus, both the source of material and the reject from firing indicate that there was no large-scale operation.

The greatest obstacle in dating the kilns has been the presence of the Douglas fir trees. One of these trees, 6 feet 5 inches in circumference, has grown directly out of the floor of kiln 3. A larger tree, 11 feet 4 inches in circumference and 40 inches in average diameter, has grown up between the outer retaining wall (casing) and the central kiln. In 1935 the Marin County Agricultural Commissioner attempted to determine the age of the larger tree by taking a core boring and counting the annual growth rings. Unfortunately, the increment auger could take only an 8-inch sample, thus leaving about 12 inches to the center of the tree in which the number of rings had to be estimated. Inasmuch as rings are very compact and narrow near the outside of a tree, but increase in width as the center is approached, any estimate as to the number of rings contained in the unsampled inner 12 inches would be subject to considerable error.

In 1949 the author was able to obtain a much larger increment auger. With it two samples were taken—a complete one from the small tree, and one within 2½ inches of the center of the large tree. The one from the big tree was taken on the same level and just to the side of the 1935 test. The samples are now in the Museum of Anthropology, University of California. They were examined by Dr. Cockrell, dendrologist at the University of California; he estimated the age of the tree to be 70 to 80 years. Two distinct methods were used to estimate the number of rings on the unrecovered 2½ inches. In the first method, the number of rings contained on the last inner one inch of the sample were counted and multiplied by 2.5; the result, added to the known 59 rings, gave 70 years as the age of the tree. In the second method, the inner 2½ inches of the small tree was substituted for the 2½ inches not obtained from the big tree. Since the two trees grew under almost the same environmental conditions, their growth patterns should be approximately the same. Through this method an age of 69 years was obtained. Since the tree was sampled about 4 feet above the ground level, the loss of about 10 rings could be assumed. Taking into consideration possible errors, a safe estimate of the age of the large tree would be 70 to 80 years. According to Dr. Cockrell, the growth rate of the tree was not unusual, considering that there was sufficient water, little competition, and certainly no calcium deficiency.

The trees, spectacular as they appear, can henceforth be eliminated as a confusing factor in determining the age of the lime kilns. As nearly as can be ascertained, the kilns were last in operation in 1852, some 97 years ago. Allowing the large tree its maximum age (80 years), there remains a period of 17 years between the time the kilns could have been abandoned and the time the seedling fir took root. It therefore seems most certain that the lime kilns along Olema Creek date from 1850.

Maps made in 1862 show the kilns on the east side of Olema Creek, and a house and road on the west side of the creek. The house is reported to have burned down, but about 50 yards down the creek from the kilns the remains of the stone fireplace may still be seen. Sections of the road remain, but they are badly cut up by earth slides and obscured by vegetational growth.

Excavation in and around the base of the kilns did not produce a single cultural object of any consequence. However, the rubbish dump associated with the house was located and partially excavated. From this dump was recovered a great quantity of broken porcelain, glass, iron objects, square nails, and the stem of a clay tobacco pipe. All the material recovered appeared to be characteristic of the post-1850's. This would be in accordance with the known historic date of the kilns, assuming the occupants of the house were also the operators of the kilns. Directly across the creek from the kilns the hillside adjacent to the water has an unnatural appearance, suggesting possibly that some sort of structure might once have occupied the area; however, test pitting failed to produce any cultural material.

At present the greater part of the kilns still stands intact, though through natural agencies and vandalism by people seeking moss-covered garden stone, some of the more important features have been destroyed. Someone has torn down and hauled away the vertical walls of an undetermined structure at the north end of the kilns. Also missing is the entire front casing and fire arch from kiln 3. The large Douglas fir growing out of the top of the wall in front of kiln 2 has so weakened the structure as to place it in immediate danger of total destruction. Since 1913 the roots of this tree have pushed out an entire section of the front retaining wall and have partially destroyed the inner part of the fire box in kiln 2.

Though the gross features of the kilns are rustic, it is nevertheless apparent that the builder was an experienced stone-mason well versed in the building of kilns suitable for burning limestone. Judging from the consistency throughout the structural detail, the kilns were erected as a well-planned unit under the direction of one person. Considerable time and labor must have been expended on the construction.

The structure consists of three barrel-shaped kilns surrounded by angular casings. The angular offsets on the front facade are the result of building around the contour of the hill, and for structural support. On the north end joining kiln 3 is a rectangular structure of uncertain use, which probably served as a storage bin for burned lime. It is a passageway 4 feet 3 inches wide, 11 feet long and 32 inches deep, which extends back to the outer casing of the northernmost kiln. The sides of this structure are built up with stone and lined with lime mortar. At one time there were straight vertical walls rising along both sides of the passage.

The three kilns are made basically on the same plan, though they differ considerably in their dimensions and vary in minor architectural detail. Some idea of the sequence of construction can be obtained on the basis of the type of mortar used. It is reasonable to assume that no lime mortar was available until the first kiln was constructed and fired. This assumption is borne out by examination of kiln 1, the smallest of the three, wherein the fire box and casing were laid up entirely in a clay matrix. This clay, where it has been in contact with the heat, has been partially metamorphosed into a poorly fired, dull red brick; however, it has proved itself a good bonding material. Kilns 2 and 3, and the structure at the north end, were all laid up in a combination of this same clay and a lime mortar, the latter presumably being derived from the first firing of the small kiln.

Following traditional form, the quarry is located above the top of the kilns. This provided easy access for loading the shafts. Examination of the quarry face indicated no drilling, or use of powder; instead a stripping technique following the dip and strike of the fracture zones along a near-vertical face was apparently used. The talus debris gives every indication of having been reduced to a fairly uniform size by means of a sledge hammer. The quarry is in a fine-grained dark-gray limestone lens in the Franciscan formation. Some of the specimens on the talus slope below the quarry face contain impurities, but the material in the loaded kiln was fairly uniform and of relatively pure grade.

The practice of burning limestone to obtain lime is an extremely ancient one. It was not until very early in the twentieth century that any radical or new improvements were introduced into the industry. With the exception of the method used to remove burned lime from the shaft, the Olema Creek lime kilns were remarkably like kilns operating in 1913 in the eastern United States.

A stipulation in the Mercer and Shorb lease called for the lime to be transported to an Embarcadero by means of ox carts and Indian labor. At the waterfront it was to be loaded on vessels and shipped, presumably to the port of San Francisco. That lime from the Olema kilns ever reached San Francisco or any other destination is, however, unlikely, for only a brief period of operation is indicated, which probably resulted in considerable financial loss to the original builders and operators.

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STAND UP AND BE COUNTED

Mr. MUNDT. Mr. President, for the past several months there has been much pro and con discussion as to whether the debate on the Vietnam war moratorium activities was undermining the efforts in Paris to negotiate a just and lasting peace. The answer to that question was received yesterday when the negotiators for North Vietnam made plain that they are counting on growing protests in the United States to speed the end of the war on their terms.

Mr. President, we all want peace. We want a lasting and just peace. It is time that all Americans join hands in the spirit of unity and strength which brought us from an infant nation founded by the landings at Plymouth Rock to the position of world leadership for freedom we have today.

Mr. President, I ask unanimous consent that an article published in the Washington Evening Star of November 13 be printed in the Record.

I also ask unanimous consent to have printed in the Record an editorial published in the Watertown, S. Dak., Public Opinion, which reprinted a letter from a South Dakotan serving in Vietnam. It offers a perceptive viewpoint on the moratorium days and their effect on the President's efforts to secure a just and lasting peace.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, Nov. 13, 1969]

HANOI CLAIMS WAR WILL BE SHORTENED BY U.S. PROTESTS

PARIS.—North Vietnam and the Viet Cong made plain today that they are counting on growing protests in the United States to speed the end of the Vietnam war on their terms.

U.S. Ambassador Henry Cabot Lodge told the Communists they were harboring "false expectations." He said, "The great majority of the American people support President Nixon as he seeks a just peace."

This exchange took place at the 42nd weekly session of the Vietnam peace talks while opponents of the war in the United States marshaled their forces for a massive demonstration this weekend.

Nixon's Nov. 3 broadcast was denounced by North Vietnamese Ambassador Xuan Thuy as "A speech for war."

He said Nixon's declaration "has aroused a strong wave of protest in American public opinion."

"It is certain the American people will oppose with increasing vigor the Nixon administration's policy of aggression," he continued.

WON'T MODIFY DEMANDS

In the meantime, Hanoi's man warned, North Vietnam will not modify its demand for unilateral U.S. withdrawal from South Vietnam and the overthrow of the Saigon government. If Nixon refuses to comply he said, "the people of the world will certainly strengthen their solidarity with the Vietnamese people."

Lodge accused the North Vietnamese and the Viet Cong allies of preferring "propaganda to making practical progress toward peace."

"You continue to rely on false expectations about events in the United States and South Vietnam rather than on joining us in seeking a settlement with justice for all parties," he declared.

CITES HOUSE BACKING

As evidence of American support for Nixon, Lodge cited a House of Representatives resolution backed by 300 members who he said declared their "support" for the President in his efforts to negotiate a just peace in Vietnam.

The U.S. envoy also cited letters of encouragement from 59 of the 100 members of the Senate. He called the House resolution "remarkable" and said the two together represented "a very unusual event."

"Let me say," Lodge added, "that our strength as a nation does not mean that we are inflexible. We ask you to match our flexibility and desire for peace now. Join us in serious negotiations."

In a telephone call from Nixon's office yesterday, some sponsors of the House resolution talked with Lodge.

REJECTS HANOI CHARGES

Ambassador Pham Dong Lam of South Vietnam delivered a 3,000-word rejection of Hanoi's charge that the "Vietnamization" program is "a scheme to prolong the war."

"The government of Vietnam is only searching for a just and genuine basis for peace in the South in order to channel all the abilities of the people and all the resources of the country into building the nation," Lam said.

"The Vietnamization program is conceived in this spirit."

Lam also announced that his government is releasing 62 North Vietnamese prisoners of war and asked Hanoi for a meeting to arrange the procedure.

"These 62 prisoners of war are sick and wounded soldiers who, after receiving medical treatment, are now in condition to be sent home," Lam said. "The aforesaid individuals have also expressed the desire to return to their home in the North."

Mrs. Nguyen Thi Binh, head of the provisional revolutionary government delegation to the talks, focused as well on the antiwar movement in America.

"The American people, more and more disgusted and disappointed by the prolongation" of the war "will certainly not let President Nixon . . . prolong that immoral war indefinitely," she said.

"No deceitful trick, no deterrent or repressive measures taken by the Nixon administration can stop the antiwar movement of the American people."

"That movement surged up strongly on the Oct. 15 Moratorium Day and is spreading over the United States," she added. "The more the Nixon administration endeavors to Vietnamize the war the deeper it runs headlong into failure."

Mrs. Binh said the only "honorable way" out of the war for America is to accept the 10-point program of the Viet Cong.

[From the Watertown (S. Dak.) Public Opinion]

STAND UP AND BE COUNTED!

(EDITOR'S NOTE: The following letter was sent to the Public Opinion by Major William B. Benshoof, former Revillo resident, now an Air Force pilot serving in Vietnam. We think it offers an unusually perceptive viewpoint on the recent war "moratorium day", why the United States does not pull precipitously out of Vietnam, and the attitude of a majority of fighting men in that far-off country.)

Editor, Public Opinion:

Even though I've been away from eastern South Dakota for quite a long time, I guess I still consider the "Public Opinion" my home town paper. It naturally follows that when I want to speak out I turn to you. I grew up in Revillo, graduated from S. D. State University and have been in the U.S. Air Force since.

The current moratorium demonstrations are pretty disturbing to us over here. Most of us have lost buddies and have acquaintances in the "Hanoi Hilton." Goodness knows, we want it over, too. A lot of us are on our second tour away from our families which makes it even tougher. I don't know what upsets me most, the lack of respect shown for my commander-in-chief or the idea that he may be forced to pull out prematurely. Both thoughts are sickening to me.

War is an economic waste, plain and simple. When a shell or bomb explodes it destroys itself plus anything near it. It also follows that war is not necessary for economic prosperity. Spending can easily be kept at a high level by redirecting funds into other projects i.e., education, public construction, etc.

Naturally I haven't discussed this with President Nixon or his predecessors, but I'll guarantee you that he would give most anything to attain some sort of honorable peace. The pressure being put on him with the moratorium business must be terrible. Nonetheless, being an honorable man, he must pursue the course of action which will neither leave the free world unprotected or dishonor those who have already paid the price.

We are building up the ARVN as fast as possible while helping to secure what has already been gained militarily. Along with this, reductions in troops are being carried out and more will be possible soon. We are on the spot because if we pull out too fast, they could attack again inflicting irreparable losses on the fledgling ARVN. Losing isn't the American way either, you know.

Why war: If war is such a waste, etc., why don't we all simply lay down our arms and live in peace? This can be answered very simply through human nature. Nations are made up of people and run by people. Just as all people are not moral and just, neither are nations. In the absence of some opposing force, some will act in their own interests to take from others.

A good analogy is, why does Watertown have a police force? The opposing force! It may be hard for us to comprehend, but not all nations were formed around Christian principles such as ours. We should be proud to the point of tears. You may ask, "Why must we be the opposing force"? Well, someone has to do it.

I'm not going to expound on what wars are just or unjust, but I will say this: I'll believe my President and those before him before I'll take up with the North Vietnamese or Viet Cong. We hired President Nixon for a four year term. He is doing his level best to do a job for us, so let's give him some support. Next time we can elect a "peace-nik" if we want to.

I'm banking on the fact that at least in my little corner of South Dakota there are a few Americans left who have a little respect for the office of the President of the United States. It would sure make us who are serving over here feel a lot better if you would stand up and be counted.

WILLIAM B. BENSHOOF,
Major, USAF.

"DEMOCRATIC VISTAS"—REMARKS BY HARRY McPHERSON TO THE WOMEN'S NATIONAL DEMOCRATIC CLUB

Mr. MUSKIE. Mr. President, Harry McPherson, who served with great distinction as general counsel to the Democratic Policy Committee, Deputy Undersecretary of the Army for International Affairs, Special Assistant to the Secretary of the Army for Civil Functions, Assistant Secretary of State for Educational and Cultural Affairs, and Special Counsel to President Johnson, recently spoke before the Women's National Democratic Club.

Although Mr. McPherson's remarks were entitled "Democratic Vistas" and were addressed to a partisan audience, I am impressed by his well-balanced analysis of some of the doubts at present besetting all Americans and by his suggestions for restoring faith in our basic democratic ideals. I commend his message to Senators and ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEMOCRATIC VISTAS

(By Harry McPherson)

I chose "Democratic Vistas" as a title so that I could talk about the outlook for our Party, and for democratic ideals in America.

Anyone who speaks confidently about either takes a lot of risks. I think there has never been a time in this century—with the possible exception of the late '20's and early 30's—when the values most people live by were under such attack, and when understanding was so clouded. Ten or twenty years from now we will probably describe it complacently as "a time of transition," but that doesn't do us much good now. We are confused about ourselves, and that hurts. We are deprived even of the feeling that what we are transiting to is likely to be better than what we have.

Many of the beliefs we have lived by—and by "we" I mean the American center—have been strained so severely by events that their continued vitality is in doubt. Much of what we held to be self-evident at the beginning of this decade seems now, in the words of the old Scottish verdict, not proved.

Let me be specific and talk about some of those beliefs. I am going to simplify, at the risk of being simplistic, in order to provoke your thought and comment.

We believed, at the beginning of the 60's, in the limitless potential of the American economy, if properly stimulated, to bring the good life to all. To a majority it has. But for many millions, things are no better now than they were ten years ago, and for a large number of people things are worse. What's more, after several years of experiment and considerable expenditure of funds, there is no common agreement on a remedy.

We believed that the "Negro problem", as it was called, could be solved if we could only force civil rights legislation through the Congress. We did, and it wasn't. The riots taught us that "the problem" was deeper and more complex than that. Then we decided that a great deal of compensatory help was needed, but we weren't sure what was most effective, and we were further confused by the frequent hostility of the recipients, who felt that we were making decisions for them that they should make themselves. After a time we decided that the problem lay in ourselves, in white racism; but when we escalated our rhetoric in an effort to expunge that evil, we alienated a great many voters, including many who had customarily supported our political spokesmen. At the moment we are in neutral—torn between our consciences and our reluctance to exacerbate our divisions.

We believed in urban renewal, and now many urban scholars and many city poor think of it as a threat or a monstrosity or both.

We believed in aid to depressed areas; that was one of the programs we thought most urgently needed passing, back in the early 60's; and who can say today what has become of it?

We believed in aid to education, and we still do; but so far as I can tell, we are presently without the means to tell what Title I has achieved. It is probably fortunate that despite our uncertainty about its effectiveness, aid to education develops its own lobby as it goes along, and may bring results even if we don't know why or how.

We believed, like most people, in the basically stabilizing value of material goods; those who had cars and roads to drive them on, television sets, and labor-saving devices were likely to be more content than those who didn't. But now our chief concern is that the cars are poisoning the air, and even 400 horsepower ram-jet engines can't compensate for that, especially when they are carrying us at 15 miles an hour behind a procession of others over what used to be the American earth. The quality of television speaks for itself, and the labor-saving devices can't be fixed this month.

We believed in youth, particularly in college-educated youth; but now youth—*particularly* college-educated youth—has made it clear that it doesn't believe in us. That is unsettling, and not a little irritating. I'll say more about that later on.

In international affairs, others of our beliefs have taken their lumps. The luster is off foreign aid. Though the need for it is as great as ever, we've heard more about its failures than its successes, and on top of our boredom with it and our impatience with those who have received it, we now have the rationale that we need the money here at home.

When we began this decade, we thought our gravest international problem after peace with the Russians, was in meeting our obligations abroad with sufficient military force and flexibility. What we needed was not more weapons of massive retaliation, but transports, helicopters, APC's, mobile artillery and automatic weapons. We needed systematic planning. We needed specialists in jungle warfare and hard-nosed AID and political cadre. When we had all this, we could meet a war of communist insurgency and defeat it before it got out of hand, before it required massive infusions of our manpower. We could do this, no matter what the political climate in the country where the war was fought.

This belief is no longer widely held.

Some, who did not cotton to military power as the best answer to threats of aggression, put their faith in the United Nations. Last year's president of the General Assembly, a Central American, told us in effect that that faith was misplaced, at least at the present time; that demogoguery was more common than statesmanship among the members of the world body. One does not have to be an Israeli to share that opinion.

All right, enough. Assuming for the moment that a number of our 1960 beliefs have not weathered well, or at the very least have been shaken, what do we do now?

There are a number of alternatives, and substantial numbers of people have already taken one or more of them.

One is to decide that these beliefs were never any good, that they were superficial and self-serving; that they appeased the conscience, but were never anything more than the opiate of the liberals. Since our society is sick, racist, imperialist, and obsessed with material goods, nothing decent can come of it until the system is destroyed and the society re-constituted. This of course is the indictment of the New Left, of many articulate college kids. The young have created a kind of Salem, in which the weaknesses of their elders are daily excoriated with the tyrannical righteousness of a hanging judge. A good many of their elders, stung by charges that contain some truth, as well as tantrum, have begged forgiveness, and turned on their unrepentant contemporaries with the passion of the converted—or at least with the self-protective cunning of trusties. This phenomenon seems particularly evident among college faculties, television commentators, editorial writers and columnists. Its driving force is guilt, and it is probably insatiable even if the whole country ends up crowded into the confessional.

Another alternative is to decide that the government programs that grew out of liberal-centrist beliefs were generally misdirected and futile, because they weren't addressed to what really ails us: namely, the alienation of modern man, the absence of community, anomie, powerlessness, and so on. Again, there is truth in that. Poets and novelists have been writing about it at least since the 1920's and J. Alfred Prufrock, and one result of multiplying the college population five times over is that many more people are exposed to that mordant analysis. But the problem with this alternative, in my view, is that it suggests that there are things government programs can do directly to fill the emptiness in individual life. And that creates just the kind of unsatisfiable anticipations about which complaints have recently been made. Maybe there are such things; maybe "participation" is one of them, if it means something better than shock-troop violence. But I think we are going to have to find personal meaning and community and effectiveness as by-products of government action to make this a more humane and attractive country, rather than as the fruits of a War on Anomie Programs.

Still another alternative is to play it cool, "lower our voices", as President Nixon said, and let things ride for a while. After a period of intensive law-making, exhortation, dire warnings and challenging prescriptions, this has undoubted political merit. Liberals tend to nag, and after a while the naggers get sore and want to be left alone with a beer and the tube. Whoever promises to let them alone is bound to win favor. The problem with this alternative—beyond the fact that it goes against nature in most Democrats—is that it is often nothing more than a stylistic cover for a basic lack of concern. If you don't intend to *do* anything about poverty, urban blight, pollution, racial discrimination, consumer frauds, and the spoilation of the countryside, you first stop talking about them. Problems don't go away just because of that, but when trouble breaks out, at least you aren't accused of having made a lot of speeches and launched a lot of programs that didn't solve them. As I say, this has political merit, but in my opinion it is ultimately irresponsible.

Another alternative is to say we just don't know enough to build new beliefs about what must be done; we need a crash program of social and economic research and analysis. We *don't* know enough, but there is an obvious danger here that waiting around for a scholarly censensus on our probelms and their remedies will be waiting too long.

In the international field, one popular alternative is to hold that since Vietnam proves we can't do everything, by extension it proves that we shouldn't try to do anything. This nation, which has borne the principal burden of maintaining world peace for a quarter of a century—and in a time of unparalleled, explosive danger, has managed to contain and stabilize most of the sharpest threats to peace—should now, it is argued, adopt a kind of laissez-faire approach to aggression. Maybe Vietnam has exposed an American *hubris* that needed exposing, but I don't believe abdication by the most powerful democracy of its world responsibilities is the lesson we ought to draw from it. It is unfashionable to make historical analogies, particularly if they refer to the days before the Second World War, but I think what we learned then, and what has until recently been commonly accepted as true—that democracies ignore aggression at their peril, that we cannot go it alone, either in a fortress America or a love-in America, that our need for reform and regeneration here at home does not diminish our concern for what happens elsewhere—I think these lessons, though they are now more than thirty-years old, can still be trusted. Restraint, yes; retreat, no.

Now, having frowned on these alternatives, I ought to come up with my own. I considered saying that it is too early, that we ought to wait and see what Mr. Nixon vetoes and threatens to veto, and that will be our new set of beliefs. That is how we did it in the fifties, when Mr. Eisenhower was vetoing Democratic legislation, and it carried us into the mid-sixties. In the sixties, of course, we ran into the problem of putting our beliefs into programs and our programs into effective action. Sometimes they worked splendidly; sometimes we succeeded chiefly in becoming more realistic.

But I won't take that out. It's only fair that I give you something to shoot at.

First, my program is to elect and reelect as many Democratic Senators, Congressmen, and Governors as we can in 1970. The main reason is that historically Democrats produce whatever progressive ideas get produced; Republicans come in when the country gets tired of producing and wants a coffee break. By 1970 the country will have had its coffee and it will be time to work again.

Second, it is time to turn our attention to the second part of legislative activity, the part that comes after the great dramatic struggles to get programs adopted. That is the fight for adequate appropriations. The best antipollution bill in the world, the most hopeful education act, the broadest antipoverty program, cannot clean a single river, teach a single child, or help a single family unless enough money is appropriated for them. Through the appropriations process, the Congress can destroy the potential of these programs by subtle attrition, just as if the country had risen as one man against them. The concerned center ought to have the sticking power to stay with good programs and see that they are funded.

Third, Democrats in Congress should examine—outside the Appropriations Committees, as well as within—the effectiveness of the programs they passed in the 1960's. Where they are not producing desired results, we ought to know why. It may be because they are poorly managed; it may be because they have been starved; it may be because they were erratically aimed in the beginning. I for one would rather find out in the open, under the aegis of men on the Hill who are basically sympathetic to them, than to have efforts begun with such concern and hope put to death in the dark downtown.

Fourth, I would like to hear Democrats talking again about the country's urgent needs—the needs of our cities, our poor, our racial minorities, of everyone who wants a fair shake in the marketplace and a tolerable environment. Vietnam and college radicals and Judge Haynsworth aren't the only things worth discussing. And as to the fear that forgotten, lower middle-class white Americans will get bitter if we start talking about the blacks and the poor again, I think that is misplaced and exaggerated. I don't believe lower middle-class whites want a country where millions of people are held in perpetual bondage and bitterness. Much of the writing I have seen about them by upper middle-class liberals contains a barely concealed contempt for their opinions and instincts. I think Democrats who regard this large group of Americans as being interested in a better country for everyone, and as something more than a muttering crowd of racists, will do all of us a favor and still avoid backlash against themselves.

Fifth, I hope our Democratic attitude toward the activist young will be marked by patience, sensitivity, a desire to understand, candor, and—adult manliness. There is much to be learned from them: their perception of the weakness of many of the arrangements and compromises that grown men have believed necessary, the calculated way in which we blind ourselves to what is unpleasant and uncomfortable, the gap between what we say and do, and so on. It is very hard to learn from young people who tell us what they see in a disrespectful, sometimes obscene way. The instinct of some grownups is to tell them to bug off, it's not their world to run; a variation on this is in telling *other* grown-ups, in a vice presidential kind of way, what we think about the kids. Other adults, as I said earlier, simply defect and become kidults. The most successful approach I have seen is the one that seems to come naturally to generous and confident men. It embodies a readiness to change where change is called for, without worrying too much about loss of face. It is candid about the real problems men deal with as they do business, teach, practice, and govern. It is firm in its belief that the new Salem of the young, with its doomsday jeremiads and denunciations, is no place to live the good life. And it is clear that, however much we adults might want to find the fountain of youth, we are not willing to fake having found it for the sake of youthful acceptance.

Sixth and last, I think the beliefs we started out with, and that I described at the beginning, have in common a good purpose. In many cases the purpose inspired claims that were beyond our achieving, but that does not make them bad purposes. On the contrary, our purpose should still be to eradicate poverty; to end racial discrimination and its social and economic effects; to rebuild our cities more attractively; to improve the quality of education; to distribute wealth more equitably; to demand better and safer consumer goods; to work for improved public arts; to stop the spoiling of the air, the water and the land; to contribute to man's security against war, tyranny and aggression. Maybe these things can't be done as quickly as we once thought, or with the tools we have given ourselves. But they ought to be done as quickly as possible, and with the right tools. And if Democrats don't try to do them, who will?

U.S. GOVERNMENT IS IN CONTROL OF EVENTS IN VIETNAM

Mr. McGEE. Mr. President, in the wake of the past weekend's moratorium events in Washington, it is a good idea to take a new look at the latest address by Mr. Nixon, our President. As the weekend was building up this was done by John Roche in his column published in the Washington Post of Friday, November 14, 1969.

Mr. Roche observes that what President Nixon has done, it is hoped, is to let the American people know that our Government is not drifting from one desperate improvisation to another, but is in control of events in South Vietnam. This is indeed an important point. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 14, 1969]

IMPORTANCE OF NIXON VIET SPEECH LIES IN EFFECTIVENESS AGAINST HYSTERIA

(By John P. Roche)

Since my readers, whether favorable or critical, would hardly have been holding their breath awaiting my reaction to President Nixon's Vietnam address, I have held back comment until some perspective could be established. Needless to say, I thought it was a first-rate speech—serious, frank, and direct. I personally could have spared the side-shots at the Johnson administration, but then I recall that in the early 60s we Democrats blamed everything but bad weather on poor Ike.

What was important about the President's speech was its effectiveness in countering the politics of hysteria that has dominated discussions of Vietnam these last three years. The critics of the war managed to seize the commanding rhetorical heights. A singularly talented lot, they have utilized with devastating effectiveness the best Madison Avenue techniques. We got the political equivalent of cigarette slogans—the "immoral war," the "corrupt and unrepresentative Saigon regime" etc. I actually heard a radio interview a while back which began with the commentator asking "How do you justify this vicious, immoral war?"

Of course, what disturbs most Americans about the war is not its alleged immorality. They have become increasingly disturbed by our seeming incapacity to win it. To put it differently, a substantial majority of our people, became convinced that the United States government simply didn't know what it was doing. They are quite aware, as Mr. Nixon said, that the North Vietnamese, cannot humiliate the United States. Thus they take refuge in bitterness and its Siamese twin, isolationism.

It is interesting in a mordant way to watch the historical growth of this sense of disillusionment. The Gallup rating on President Johnson's handling of the war took its first massive dip at the time of the Buddhists "riots" in the spring of 1966. (I put riots in quotes because I witnessed several of these events and I have seen better riots on any random Saturday night in South Boston, but the American journalists in Saigon really gave these trivial demonstrations a ride.)

The real drop in confidence, however, came in the wake of the Tet offensive in January, 1968. In military terms, Tet was a shambles for the North Vietnamese, but politically it was a master stroke. Indeed, I argued at the time that this was its purpose, and evidence that has come in since confirms this judgment.

As the average American became more and more convinced his government was the prisoner of events rather than their master, his sense of rage and frustration increased. Simultaneously, the crescendo of antiwar sentiment went over the rational edge into the abyss of hysterics. And because the majority was sullen and bitter, the antiwar militants had the field virtually to themselves.

But what seemed, particularly to European observers, to be a massive antiwar movement in fact had two components; those who were antiwar (a quite small minority) and those who were opposed to losing the war in political terms, the first priority for those supporting the war has been to divide these two segments. We tried but were unsuccessful, largely because the whole energy of the Johnson administration was devoted to putting out of fire, to coping with a savage, resourceful enemy that had gotten the jump on us in 1965. This is no excuse—excuses have no places in politics.

What President Nixon has hopefully accomplished is precisely the correct strategy. He has indicated to the "silent majority" that our government is in control of events, that we are not drifting from one desperate improvisation to another with no end in sight. If his analysis of the failings of his predecessor seems harsh, his courage in nailing his colors to the mast must be admired by all those who feel that our commitment in Vietnam cannot be betrayed without fearful implications for the future of world peace.

THE PEACE MARCH

Mr. GOODELL. Mr. President, last weekend, a quarter of a million Americans poured into the Nation's Capital for an overwhelmingly peaceful march for peace. Anyone who participated in the march, as I did, will never forget it as an outpouring of concerned citizens who love their country and who abhor violence here and in Vietnam.

It is a disservice for any public official to try to equate this dignified and solemn march with the isolated and irresponsible behavior of a handful of extremists—who were easily contained by the parade marshals and the police.

Mass public demonstrations have now made their point, and the very success of the march makes further demonstrations of a similar kind unnecessary at this time. We must not risk having tempers rise in confrontation, and letting the persuasiveness of the peace movement be dissipated in violence.

The peace movement must now undertake a new direction—one that aims at convincing those still in doubt, rather than reconvincing those who participated in the October and November demonstrations. This involves organizing for peace in our respective communities, and mobilizing public opinion at the local level.

Particular attention should be given to developing support throughout the country for prompt congressional action on the war. Congress must exercise the responsibility it shares with the President for ending this tragic conflict.

I will continue to press for enactment of S. 3000—the bill I recently introduced which would require withdrawal of all

American military personnel from Vietnam by December 1, 1970.

The Senator from South Dakota (Mr. McGovern) has agreed to cosponsor S. 3000.

I will also support Senate Congressional Resolution 39, a sense of Congress resolution introduced by Senator McGovern, which calls for the prompt and complete disengagement of all American troops from Vietnam.

ARBITRARY TERMINATION OF FRANCHISES

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has pending before it the Fairness in Franchising Act introduced by Senators Aiken, Bayh, Dodd, and myself. The bill would prohibit the arbitrary termination of a franchise by a franchiser.

I recently have had brought to my attention a decision of the Honorable Joseph F. Gagliardi, judge of the Supreme Court of the State of New York, county of Westchester, which I believe shows clearly the need for such legislation.

The case involved a gasoline dealer whose past performance was admittedly more than satisfactory during the 3-year period immediately before the termination. The reason for the termination was that the oil company wanted the location for a different purpose. Judge Gagliardi, in a most thorough opinion, decided that under present law he had no choice but to dismiss the complaint for failure to state a cause of action. Thus, the dealer, who had expended his time, effort, and money in establishing a successful business, was turned out without any recompense for his years of efforts. I shall quote one sentence from Judge Gagliardi's opinion:

> It has been the sacredness of contractual obligations which has prevented courts of equity from imposing justice in many circumstances.

In his opinion, Judge Gagliardi expressed the wish that this case may provide the stimulus necessary to enact remedial legislation. I, for one, join him in that sentiment.

I ask unanimous consent that the opinion be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

Supreme Court of the State of New York, County of Westchester, Index No. 7343–1969, Division of the Triple T Service, Inc., d/b/a Eastchester Service Center, Plaintiff, v. Mobil Oil Corporation, Defendant

OPINION JOSEPH F. GAGLIARDI, JUDGE, SUPREME COURT, NEW YORK, SEPTEMBER 5, 1969

Engelman, Kiernan & Fishman, Esqs., Attorneys for Plaintiff, 230 Park Avenue, New York, N.Y.

Gagliardi, J. Motion by plaintiff for an injunction *pendente lite*; and cross-motion by defendant for an order dismissing the complaint for failure to state a cause of action, are disposed of in accordance with the following decision.

Plaintiff, the lessee of certain premises operated as an automobile service station in the Town of Eastchester, brings this action for a permanent injunction to restrain defendant, the lessor, from terminating a "franchise" or "distributorship" agreement. On July 5, 1966, the parties executed a retail dealer contract and service station lease for a term of three years, both agreements to commence on August 1, 1966, and end on July 31, 1969, unless renewed as provided for in the agreements. Said contracts in fact superseded a certain similar agreement dated July 17, 1964, that plaintiff had executed with the defendant or one of its affiliates. Plaintiff has been operating an automobile service station on the demised premises since July 17, 1964, and alleges that he has expended substantial sums of monies for improvements thereon.

The July 5, 1966 retail dealer contract denominates defendant as "seller" and plaintiff as "buyer" of defendant's products listed in the agreement. The contract provides that the seller shall sell and the buyer shall buy not less than the minimum nor more than the maximum quantity of specified products for any contract year.

Pursuant to the contract and the separate lease agreement of even date, plaintiff was obligated to purchase various petroleum products and automobile accessories from defendant and pay a monthly rental computed on the purchases of motor fuel. Pursuant to a "Rent Security Rider" incorporated in the lease, plaintiff deposited $1,500 as security which sum was returnable to him upon termination of the agreements and in "the event that (plaintiff) shall fully and faithfully comply with all of the terms, provisions, covenants and conditions of said Lease and Retail Dealer Contract * * *." The parties also entered into an equipment loan agreement whereby defendant loaned plaintiff certain equipment necessary to the successful operation of the service station. Plaintiff agreed to maintain insurance and indemnify defendant against liability for injuries caused any person on the demised premises. These agreements are standard forms used by the defendant and common to the industry.

The retail dealer contract and lease each provide in paragraph two thereof that the original term of the agreements shall be for three years and is automatically renewable for successive three year periods "provided that it shall terminate at the end of any current period (originally or renewal) by notice from either party to the other, given not less than 90 days prior to such termination, * * *." Said paragraph also gives the defendant the right to cancel the agreement on 30 days' notice during the first 12 months of the agreements.

On April 25, 1969, defendant's district manager notified plaintiff by certified mail that defendant elected to terminate the lease agreement because a "further renewal of the lease would be inadvisable." Plaintiff thereafter learned that defendant's proposed reason for termination is its desire to convert the property into a diagnostic and repair service center. Plaintiff notified defendant that such conversion would require changes in the applicable zoning ordinances and requested defendant to extend the term of the lease until such time as defendant could lawfully operate a diagnostic center. Plaintiff also requested that defendant attempt to locate another area where plaintiff could operate a service station. Defendant has refused the first request and done nothing about the second.

The parties appear to agree that plaintiff's performance has been more than satisfactory during the latest three-year period. Nor does plaintiff claim that defendant did not fulfill its obligations under the contract and lease. Furthermore, no questions of fraud, duress, deceit, coercion, mistake, misrepresentation or ignorance are raised. Nevertheless, plaintiff contends that defendant's arbitrary action is not in good faith as requested by the Uniform Commercial Code and is an attempt to seize the good will created by plaintiff during his five-year leasehold. Plaintiff further contends that defendant's failure to renew constitutes unfair practices under the Federal Trade Commission Act (15 USC § 45[a][1]) and amounts to conduct in illegal restraint of trade under the Sherman Act (15 USC § 1[d]). However, on a motion to dismiss pursuant to CPLR 3211 the Court may, as requested by plaintiff in his affidavit in opposition to the cross-motion, consider such motion as one for summary judgment (Mareno v. Kibbe, 32 A D 2d 325 [2d Dept.]), and plaintiff must come forward with evidence which will raise an issue as to the facts pleaded (CPLR 3211, subd. [c]; Leonard v. Leonard, 31 A D 2d 620). Considering the allegations in the complaint as to violations of federal statutes, and in the absence of any evidence contained therein or in the motion papers and affidavits submitted hereon which "show a genuine issue of fact" (Silinsky v. State-Wide Ins. Co., 30 A D 2d 1, 6), those "causes of action" are dismissed (see 8 Encyclopedia, New York Law of Contracts, ch. 29; City Trade & Ind. v. New Cent. Jute Mills Co., 25 N Y 2d 49). Nevertheless, "[a] motion to dismiss a complaint cannot be granted if it contains any valid cause of action" (Rosenblatt v. Birnbaum, 16 N. Y. 2d 212, 216). The Court looks to substance and not form (Kaufman v. Sweigard, 27 A D 2d 717) and it must determine whether plaintiff has sufficiently set forth a cause of action for improper termination of a sales contract under the Uniform Commercial Code. "The inquiry is whether the pleader has a cause of action rather than whether he has properly stated one" (Kelly v. Bank of Buffalo, 32 A D 2d 875).

Before discussing the merits it should be noted that the relief requested by plaintiff (a temporary and eventually a permanent injunction) is not provided for in the Code (Uniform Commercial Code, Article 2, Part VII; see 17 ALR 3d 1010 et seq., Anno., "Uniform Commercial Code—Sales"). However, it does provide that where the seller fails to deliver the goods the buyer, in a proper case, may obtain specific performance (Uniform Commercial Code § 2–711[2][b]). The Code further provides that specific performance "may be decreed where the goods are unique or in other proper circumstances" (Uniform Commercial Code § 2–716[1]). Official Comment 2 to the last cited section states in pertinent part:

> "The test of uniqueness under this section must be made in terms of the total situation which characterizes the contract. Output and requirements contracts involving a particular or peculiarly available source or market present today the typical commercial specific performance situation * * *."

While the complaint herein seeks a permanent injunction it is clear that the effect of a favorable decision will be to require defendant to maintain its business relationship with plaintiff, albeit perhaps at a different location. This is a form of specific performance which is properly accorded to requirements contracts and other agreements akin thereto (cf. 12 Carmody-Walt 2d, Injunctions §§ 78:37, 78:41). As will be indicated *infra*, the federal courts have not hesitated in the exercise of their equitable discretion to grant injunctions under the "Dealer's Day-in-Court Act" (15 USC § 1221) despite the absence of any statutory injuctive remedy specifically conferred upon the franchisee. Moreover, Governor Rockefeller did not approve the proposed New York State franchise legislation, which shall also be discussed hereafter, on the ground that the injunctive remedies granted to franchisees was too broad and that it would be advisable to leave to the courts any question of injunctive relief. Clearly, the power to issue injunctions is inherent in the courts (Schwartz v. Lubin, 6 A D 2d 108, 110–111), and it is the policy of this State to make the remedy more available, not to restrict it (Peo. ex rel. Bennett v. Laman, 277 N.Y. 368, 383). Since the avowed purpose of the Code is to enable the judiciary to fashion relief according to the commercial nature of the transaction an injunction *pendente lite* or permanent in nature may, in the exercise of discretion, be granted pursuant to established principles (Polin v. Kaplan, 257 N.Y. 277; Butterick Pub. Co. v. Loeser & Co., 232 N.Y. 86; Belmont Quadrangle Drilling Corp v. Galek, 137 Misc. 637; Spielman v. Sigrist, 72 N.Y.S. 2d 861; Berrien v. Pollitzer, 165 F. 2d 21; CPLR 6301; 12 Carmody-Wait 2d, Injunctions §§ 78:46–48).

The ultimate question raised herein is whether franchisers or distributors with tremendous bargaining power can terminate agreements with franchisees pursuant to their contract but without cause? Plaintiff offers for the Court's consideration a plethora of cases concerning price fixing and restraint of trade, which is not this case, and cases involving the "Dealer's Day-in-Court Act" (15 USC § 1221; see General Business Law § 197). While the federal legislation governing the automobile industry is not applicable at bar, it and other recent developments, may serve as a helpful guide in aiding the Court in reaching a proper resolution of the issues presented.

The "Dealer's Day-in-Court Act" gives the automobile dealer a cause of action, where none previously existed, for damages where the automobile manufacturer has failed to act in "good faith" (15 USC § 1222). Temporary injunctions have been granted enjoining termination of automobile franchises in "bad faith" (see *e.g.*, Bateman *v.* Ford Motor Co., 302 F. 2d 63; 310 F. 2d 805). The avowed purpose of the legislation is to alleviate the imbalance of bargaining power between automobile dealers and manufacturers, which imbalance would appear to exist in the gasoline-service station industry. Even today Congress is considering extending similar protection to small business distributors (S. 2321, S. 2507 [1967]; S. 1967, H.R. 12074 [1969]). The proposed legislation is known as the "Fairness in Franchising Act" and would require franchisers engaged in interstate commerce to show "good cause" in terminating or failing to renew franchise agreements. "Good cause" is defined as failure by the franchisee to comply with reasonable contract provisions or the use of bad faith by the franchisee in carrying out the terms of the franchise. Termination cannot occur unless 90 days' advance written notice is given.

During 1966 and 1967 hearings on the proposed federal legislation were conducted by the subcommittee on antitrust and monopoly. Significant opposition to the bills came from all areas of industry. Noteworthy is the opposition put on the record by the defendant Mobil Oil Corporation (see 1968 hearing minutes, Committee on the Judiciary, "Franchise Legislation" p. 508–510). The gist of defendant's opposition may be tersely summarized as follows: existing contract and antitrust law is more than adequate "to prevent abuse of the franchise relationship." Congressional action on the proposed legislation has been delayed and the matter was referred to the Committee on the Judiciary.

More recently, the New York State Legislature attempted to enact franchise legislation similar in import to the proposed federal legislation (S. 4915). The legislation would have amended the General Business Law by providing a new Article 9–c, entitled "Franchise Distribution." The new act would require franchisors to act in a fair, equitable and honest manner and in accordance with reasonable standards of fair dealing when granting, modifying, terminating, canceling or failing to renew a franchise. The legislation would also require the franchisor when failing to renew a franchise to purchase from the franchise all facilities and inventory at fair market value, including good will. It is interesting to note that in its declaration of policy the Legislature stated:

"The legislature hereby finds that because of the substantial growth in the distribution of goods and services through installation of the franchise system, in industries engaged in commerce or activities affecting commerce, which system is presently estimated to account for ten per centum of the nation's gross material product and twenty-five per centum of all retail sales that the interest of many thousands of small franchises requires that the great disparity in economic power now heavily weighted in the favor of franchisors be reduced by providing that the franchisor must deal in a fair and equitable manner with its franchisees as to all aspects of the franchise relationship; and that the existing judicial remedies to afford relief to franchisees from injurious practices or [sic] franchisors are limited, ineffective, and too costly and franchisees should be provided with a means of simple, direct, and full legal relief against franchisors failing to deal in a fair and equitable manner.

"It is hereby declared to be the policy of this state, through the exercise by the legislature of its power to regulate commerce partly or wholly within the state of New York to correct as rapidly as practical the inequities in the franchise system in such industries so as to establish a more equitable balance of power between franchisors and franchisees, to require franchisors to deal fairly and equitably with their franchisees with reference to all aspects of the franchise relationship and to provide franchisees direct, simple, and full judicial relief against franchisors who fail to deal fairly and equitably with franchisees."

Unfortunately for plaintiff the Governor was "constrained to withhold" approval of the bill "because of the unreasonable injunctive rights it would grant dealers" (memo filed with S. 4915, May 26, 1969).

Under general contract principles and in absence of special circumstances, courts will not interfere with the parties contractual obligations (Graf v. Hope Building Corp., 254 N. Y. 1). As our Court of Appeals has so aptly stated: "[i]t is not enough to induce a court of equity to interfere that a bargain is hard and unreasonable. Every man is presumed to be capable of managing his own affairs, and whether his bargains are wise or unwise, is not ordinarily a legitimate subject of inquiry in a court of either legal or equitable jurisdiction" (Parmelee v. Cameron, 41 N. Y. 392, 395). Furthermore, it has been held that where a contract gives either party thereto the absolute unqualified right to terminate upon notice, the court is precluded from inquiring whether such termination was actuated by an ulterior motive (Brown v. Retsof Mining Co., 127 App. Div. 368 [2d Dept.], app. dism. 195 N. Y. 605). Furthermore, in personal employment contracts terminable by either party after a specified period of time, the courts have been hesitant in upholding the employee's cause of action for damages for improper discharge where he knew of the "precarious tenure of his position" (Douglass v. M. Ins. Co., 118 N. Y. 484, 489). Moreover, in other various contractual situations, termination clauses exercisable by either party upon reasonable notice have invariably been upheld by the courts (see 10 N Y Jur, Contracts § 422; 9 Williston on Contracts [3d ed.] § 1017A; 5A Corbin on Contracts § 1229); although every commercial contract carries with it the implicit obligations of good faith and fair dealing so as not to place one party at the mercy of the other (O'Neil Supply Co. v. Petroleum H. & P. Co., 280 N. Y. 50, 54; Wigand v. Bachmann-Bechtel Brewing Co., 222 N. Y. 272, 277; Simon v. Etgen, 213 N. Y. 589, 595; Richardson on Contracts [1956 ed.] §§ 357–362). Nevertheless, the implied obligations of good faith and fair dealing merely relate to obligations incurred by the parties during the term of the contract unless the relationship is continued beyond the expiration date (New York Tel. Co. v. Jamestown Tel. Corp., 282 N. Y. 365; see Leyotte v. Canadian Johns-Manville Co., 387 F. 2d 607). Accordingly, it would appear that unless plaintiff has some statutory cause of action he cannot prevail on this motion.

Plaintiff contends that the Uniform Commercial Code requires defendant to exercise "good faith" in terminating his agreements and that the clause permitting defendant to terminate without cause is unconscionable. Defendant, for its part, does not question the applicability of the aforementioned statute but argues that it in no way affects its rights under the contract. At first blush one might assume that the Uniform Commercial Code does not reach franchise or distributorship agreements (Uniform Commercial Code § 2–102; 1967 Duke L. Journal 465, 471, Gellhorn, "Limitations on Contract Termination Rights—Franchise Cancellations"; 22 Business Lawyer 1075 [1967]). However, the courts have not been reluctant to enlarge the type of commercial transactions clearly encompassed within the spirit and intendment of the statute (see Agar v. Orda, 264 N.Y. 248, holding that under the former Personal Property Law [Uniform Sales Act]—the predecessor to the Uniform Commercial Code—a sale of corporate stock certificates constituted a sale of "goods"; Vitex Manufacturing Corp. v. Caribtex Corp., 377 F. 2d 795, holding damage remedies provided for in the Uniform Commercial Code available in a non-code case; also see Recchio v. Manufacturers Trust Co., 55 Misc. 2d 788). Furthermore, in *Hertz Com'l. Leas. Corp.* v. *Transportation Cr. Cl. H.* (298 N.Y.S. 2d 392), the court held that the Uniform Commercial Code governed the rights of parties to an equipment leasing contract. The court there noted (at 395):

"In view of the great volume of commercial transactions which are entered into by the device of a lease, rather than a sale, it would be anomalous if this large body of commercial transactions were subject to diffferent rules of law than other commercial transactions which tend to the identical economic result."

That reasoning would appear to be of persuasive force here since franchising presently accounts for at least twenty per cent of all retail business equalling $80 billion in annual sales (115 Congressional Record, April 25, 1969). That the retail dealer contract is not so alien in every day commercial transactions and therefore falls within the purview of the Uniform Commercial Code seems clear (see Sinkoff Bev. Co. v. Schlitz Brewing Co., 51 Misc 2d 446, holding beer distributorship contract within terms of the Code; Mastrian v. William Freehofer Banking Co., 45 Pa. D & C 2d 237, 5 UCC Rep. Serv. 988, holding "sales distributorship arrangement" within purview of the Code). The Code is designed to "provide its own machinery for expansion of commercial practices" and is intended for the courts to develop the law "in light of unforeseen and new circumstances and practices" within reason (Uniform Commercial Code, § 1–102[2][a], Official Comment 1). However, the Code provisions governing sales are limited in scope to "transactions in goods" (Uniform Commercial Code § 2–102) and by no means application of judicial sophistry can the lease of real property be deemed to fall within its intendment (Newton v. Allen, 220 Ga. 681, 141 S E 2d 417; 17 ALR 3d 1010, 1029, Anno., "Uniform Commercial Code—Sales"). Consequently, if plaintiff be entitled to an injunction at all, such relief may only be directed against the termination of his retail dealer contract.

At this posture of the pleadings, however, plaintiff has failed to convince the Court that the retail dealer contract and lease were in fact separate contractual agreements (see Tibbetts Contr. Corp. v. O & E Contr. Co., 15 NY 2d 324, 338; Portfolio v. Rubin, 233 N.Y. 439; 7 Encyclopedia, New York Law of

Contracts §§ 1405–1407). The lease itself provides for a rental computed upon the sales of defendant's products; and the retail dealer contract, in turn, states the obligations of the parties as to purchases and deliveries. Furthermore, the lease conditions the return of plaintiff's security deposit upon his compliance with the provisions of both the lease and the retail dealer contract.

Of course, the "paramount function" (Perlmutter v. Beth David Hosp., 308 N.Y. 100, 106) of the franchise is to provide defendant a means whereby it can sell its products while maintaining a degree of control over the retailer-franchise. Nevertheless, the nature of the transaction and the intention of the parties as reflected by their writings inescapably indicate that each made a single primary promise to the other, to wit: plaintiff to pay a rental computed upon sales and to use his best efforts in marketing defendant's products; defendant to lease the demised premises including equipment facilities and to use its best efforts in making necessary deliveries (cf. Uniform Commercial Code § 2–306[2]). If the Court were to separate the sale and leasing concepts (Perlmutter v. Beth David Hosp., *supra* at 104) and construe the agreements otherwise, it would be writing a new contract for the parties "and the new contract so written * * * might be, for all we know, most unjust to one or the other party" (New Era Homes Corp. v. Forester, 299 N.Y. 303, 306). In short, if plaintiff were to prevail on this motion as to the retail dealer contract, the Court would be holding that the parties had intended plaintiff to have a "floating" franchise, which is akin to giving plaintiff a paddle in a dry creek. Plaintiff has failed to persuade the Court that this was the parties' intention. Moreover, the best evidence of intention is usually found by the way the parties conduct themselves as regards the contracts. At bar defendant elected to terminate the *lease* agreement and, yet, the parties have treated such election as terminating the entire franchise business relationship. Their conduct renders inescapable the conclusion that the parties intended the agreements to be indivisible (cf. Borles, Inc. v. Westinghouse Broadcast, 29 A D 2d 430).

While the Code generally provides that sales contracts carry the obligations of good faith, diligence, reasonableness and care (Uniform Commercial Code § 1–102[3]), this is a codification of pre-Code case law which was also codified in the predecessor statute and merely relates to the honesty imposed upon the parties during the *term* of the contract (former Personal Property Law § 156[2]; Uniform Commercial Code § 1–201[19]; Leyotte v. Canadian Johns-Manville Corp., 387 F. 2d 607, *supra;* cf. Tele-Controls, Inc. v. Ford Industries, Inc., 333 F. 2d 48). Consequently, unless the termination clause be deemed unconscionable there is no implicit requirement that it be exercised other than as provided for in the contract.

Nevertheless, assuming that the contracts are divisible and that the Code applies to the retailer dealer contract (Uniform Commercial Code § 2–106[1]; Foster v. Colorado Radio Corp., 381 F. 2d 222; see 1968 Annual Survey of American Law [NYU] 221–222), the Court shall discuss plaintiff's contention that the termination clause is unconscionable.

The Code provides that "when it is claimed" that a clause may be unconscionable the court "shall" afford the parties an opportunity to present evidence (Uniform Commercial Code § 2–302[2]). It has been held that once the court accepts the possibility of unconscionability the hearing called for is mandatory (Sinkoff Bev. Co. v. Schlitz Brewing Co., 51 Misc. 2d 446, *supra;* see 1 *Anderson's* Uniform Commercial Code, § 2–302:5; cf. Wilson Trading Corp. v. Ferguson, Ltd., 23 N Y 2d 398, footnote 2). However, the Court is of the opinion that that part of the termination clause reviewed here (the Court expresses no view as to the 30-day notice provision during the first 12-month period), is not unconscionable *per se* since the basic test is whether under the circumstances existing at the time of the making of the contract and "in light of the general commercial background and the commercial needs of the particular trade or case, the clauses involved are so one-sided" as to oppress or unfairly surprise a party (Uniform Commercial Code § 2–302, Official Comment 1; Wilson Trading Corp. v. Ferguson, Ltd., 23 N Y 2d 398, 403, *supra;* Hawkland, Sales & Bulk Sales [PLI 2d ed.] pp. 22–24). The test does not reach the question of allocation of risks because of superior bargaining power (Uniform Commercial Code § 2–302, Official Comment 1) and, in any event, neither party claims lack of mutual benefits inuring from the reciprocal covenants. Moreover, while recent cases concerning warranty disclaimers (Walsh v. Ford Motor Co., 59 Misc 2d 241) and exorbitant financing charges (Star Credit Corp. v. Mulina, 59 Misc. 2d 290; Jones v. Star Credit Corp., 59 Misc 2d 189), appear to have adopted a broader test (see Bender's, UCC Service, § 2–302), the factual considerations peculiar to those cases have not emerged herein and plaintiff claims neither surprise nor oppression (see State Bank of Albany v. Hickey, 29 A D 2d 993). Furthermore, the Court of Appeals had occasion recently to observe that there is nothing inherenty wrong in having a termination clause such as the one at bar in a franchise agreement (407 E. 61st Garage v. Savoy Corp., 23 N Y 2d 275; see 1A Corbin on Contracts § 265); and the Code itsef does not prohibit termination clauses on reasonable notice (Uniform Commercial Code § 2–309[3]; see Sinkoff Bev. Co. v. Schlitz Brewing Co., 51 Misc 2d 446, *supra*). Additionally, the Federal Congress has gone on record that 90 days' notice is more than ample to permit a franchise to adequately wind up his affairs (S. 1967; 115 Congressional Record, *supra;* also see Uniform Commercial Code § 2–309, Official Comment 8, which speaks of "a substitute arrangement").

Plaintiff raises one other question which is set forth in his affidavit. The claim educed is that plaintiff has abitrarily been singled out and denied a franchise renewal while it is the custom of the gasoline-service industry to renew franchise agreements unless the franchisee has failed in a material respect to adhere to the contract provisions. Consequently, plaintiff contends, it was the intention of the parties when the contracts were executed to renew the franchise *ad infinitum* unless plaintiff gave defendant cause for acting otherwise. Assuming for this limited purpose that the retail dealer contract is so distinct and apart from the lease that the Code applies, plaintiff's contention is without merit.

It has been said that parties who contract, knowing of a prevalent usage, by implication incorporate the usage in their agreement even where the contract seems clear and unambiguous (Vold, Law of Sales [2d ed.] pp. 53–58). However, New York case law apparently has admitted such evidence only where the contract provisions were ambiguous (see Uniform Commercial Code § 2–202, New York Annotation, coumant 2). The Uniform Commercial Code has effected a change as regards sales contracts and evidence of custom or usage in the trade is admissible to determine the parties' true intention even if the contract terms are not ambiguous (Uniform Commercial Code § 2–202, Official Comment 1[c]; also see Uniform Commercial Code §§ 2–314[3], 2–316[3][c]); and evidence of custom and usage is admissible in certain circumstances in order to fix the duration of the contract (6 Encyclopedia, New York Law of Contracts §§ 903, 904). Nevertheless, the Code itself codifies the well established rule in the law of contracts that evidence of custom or usage in the trade is not admissible where inconsistent with the express terms of the contract (Uniform Commercial Code § 1–205[4]; Pink v. Amercian Surety Co., 283 N.Y. 290, 296; Newhall v. Appleton, 114 N.Y. 140; Hopper v. Sage, 112 N.Y. 530, 535; Walls v. Bailey, 49 N.Y. 464–469; Richardson on Evidence [9th ed.] § 602). At bar the express terms of the contract cover the entire area of termination and negate plaintiff's argument that the custom or usage in the trade implicitly adds the words "with cause" in the termination clause. The contracts are unambiguous and no sufficient basis appears for a construction which would insert words to limit the effect of the termination clause (cf Mtr. of Hart, 31 AD 2d 548 [2d Dept.], app. dism. 24 N.Y. 2d 738). Only language *consistent* with the tenor of the otherwise complete agreement is admissible under the guise of "custom and usage" and the Code effects no change in that doctrine. Accordingly, the parol evidence rule precludes plaintiff from offering evidence that would vary and change the express terms of the written agreements (see Laskey v. Rubel Corp., 303 N.Y. 69; Uniform Commercial Code § 2–202).

An offshoot of the above argument that plaintiff might allege in an amended pleading is that the parties by their course of dealing modified the agreement or placed their own construction upon its terms. Nevertheless, assuming once again that the retail dealer contract alone is subject to the Code, the argument is fruitless.

As it is well established that a contract is to be construed most strongly against its maker (Simon v. Etgen, 213 N.Y. 589, *supra*), it is equally well settled that the parties through previous or subsequent conduct may place their own construction upon its terms (City of New York v. New York City Ry. Co., 193 N.Y. 543, 548; Neuhaus v. L.I.R.R. Co., 30 A.D. 2d 825, affd. 23 N.Y. 2d 987; Battista v. Carlo, 57 Misc. 2d 495). Once again the Code rejects those New York cases which require ambiguity in the contract before evidence of course of dealing or performance is admissible (Uniform Commercial Code § 2–202[a]; cf. City of New York v. New York City Ry. Co., *supra;* Woolsey v. Funke, 121 N.Y. 87; Syms v. Mayor, etc., of N.Y., 105 N.Y. 153). Nevertheless, the express terms of the agreement govern where the evidence offered is inconsistent therewith (Uniform Commercial Code §§ 1–205[4], 2–208[2]). At bar, plaintiff would be put to the formidable task of overcoming paragraph 14 in the contracts which provides that defendant's "right to require strict performance shall not be affected by any previous waiver or course of dealing" (cf. Uniform Commercial Code § 2–209). Additionally, Official Comment 4 to section 2–208 of the Code observes that "a single occasion of conduct does not fall within the language of this section" (concerning course of dealing and performance). Accordingly, even the July 5, 1966 "renewal" of the franchise, using the most liberal appellation applicable to the execution of the agreements sued upon, cold not constitute a course of dealing or performance. As a matter of fact, defendant at its first opportunity under the superseded agreement elected to terminate the franchise. Consequently, under the circumstances and pursuant to precedent, defendant's motion must be granted and plaintiff's motion denied.

Finally, it should be noted that plaintiff is not being given leave to replead for two reasons. First, he did not request permission to plead over (CPLR 3211[e]). Secondly, there is nothing that plaintiff could allege in a new pleading that would aid him in overcoming the obstacles discussed in this opinion. Assuming leave was granted and plaintiff met another motion to dismiss by alleging that the parties had intended plaintiff to have a "floating" franchise. The result, of necessity, would be identical even if the Code applied solely to the retail dealer contract. The termination clause is valid and not unconscionable and evidence of custom or course of dealing to vary otherwise clearly expressed terms is inadmissible.

The Court is not unsympathetic to plaintiff's plight but "[s]tability of contract obligations must not be undermined by judicial sympathy" (Graf v. Hope Building Corp., 254 N.Y. 1, 4, *supra*; see Mico Mgt. Corp. v. Scaraggi, 59 Misc 2d 984). It has been the sacredness of contractual obligations which has prevented courts of equity from imposing justice in many circumstances. Nevertheless, it is anticipated that ameliorative legislation covering business distributorship will shortly be a reality and perhaps this very case may provide the stimulus necessary to enactment. Copies of this opinion shall be sent to the appropriate legislative committees. The Court cannot legislate (but cf. Flanagan v. Mount Eden General Hospital, 24 N.Y. 2d 427) and is constrained to grant defendant's motion and deny plaintiff's motion despite the apparent inequities.

Submit order on notice.

WHITE PLAINS, N.Y. *September 5, 1969.*

JOSEPH F. GAGLIARDI,
Judge, Supreme Court.

ENGELMAN, KIERNAN & FISHMAN, ESQS.,
Attorneys for Plaintiff.

BLEAKLEY, PLATT, SCHMIDT, HART & FRITZ, ESQS.,
Attorneys for Defendant.

FREEDOM OF SPEECH AND ASSEMBLY

Mr. MUSKIE. Mr. President, there have been many reactions to the events of the past week, including the peace marches in Washington and their potential impact on the attitude of the President and his administration. I found the lead editorial in this morning's Washington Post particularly incisive, and I commend it to Senators. I ask unanimous consent that the editorial, entitled "No," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 1969]

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—the enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazies—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—over-all—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people overall out of a crowd of a quarter of a million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the likes of that since Marie Antoinette.

VETERANS DAY

Mr. DOLE. Mr. President, on Veterans Day, LOU WYMAN, the distinguished Representative from the First District of New Hampshire, spoke in Manchester, N.H.

Representative WYMAN's address is so timely and his remarks relate so directly to the problems of civil disobedience and Vietnam that I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF REPRESENTATIVE LOUIS C. WYMAN

Friends and fellow veterans—it is an honor to be invited to address you this Veterans Day 1969. Thank you for the invitation. You are concerned Americans. So am I. All is not well with our world. This we realize as we seek responsible solutions to pressing problems.

Veterans of World War One fought—it was said—to make the world safe for democracy. They were valiant and they prevailed but the world blew it afterwards by failing to provide a meaningfully effective international keeper of the peace.

Veterans of World War 2 fought to stop fascist aggression inspired by a madman who conceived of his people as a super race. His mass genocide will stand in history as the most horrible example of man's inhumanity to man. Yet after that war . . . in the rush to demobilize and regain life as usual . . . we again neglected to fashion an international organization that was capable of operating to preserve world peace.

Today . . . a brief quarter of a century later . . . localized wars . . . or the threat of them . . . endanger the security of mankind and threaten world peace once again. This time the menace that is surfacing is that of the totalitarian aggression of world communism that . . . just as fanatically as Hitler . . . is dedicated to the overthrow and destruction of the free nations of the world.

Consider in this connection that:

1. The war in Vietnam could not last thirty days without being supported and supplied by the Soviet Union.
2. The Arab states are openly armed and encouraged by the Soviet Union.
3. Korea was Chinese Communist aggression . . . pure and simple.

One week ago last night President Nixon announced an American policy to have the men of South Vietnam assume the combat operations in that country in their own self defense. This announcement was said by some to involve nothing really new. This is not so . . . for the President is massively disengaging U.S. troops from involvement in a land war on the continent of Asia to which American ground forces ought not to have become committed in the first place. This is not because our national self-interests are unrelated to threatened Communist domination of Southeast Asia . . . but because this was and is a manifestly untenable locale in which to become involved in a long confrontation. Not only are the problems of supply enormously expensive but Asian soil is a morass of quicksand in which all of our forces could be swallowed up while Communist manpower there is numbered in the hundreds of millions.

The American President's response was not to the so-called moratorium. It was a recognition of the realities of logistics both military and political. Last November's election clearly expressed public dissatisfaction with our former President's handling of the war in Vietnam. Substantial changes were indicated. Public dissatisfaction found expression in unrest and demonstrations culminating in those of last October 15th. Now it is suggested that events a few days hence may not be as peaceful.

What puzzles me in this connection is the continued protest while our President is withdrawing troops? He *must* assure protection of those remaining while the withdrawal process goes on. With a half a million Americans stuck on a small peninsula surrounded by ocean or hostile territory they could not physically be withdrawn faster than 25,000 a month if all the ships and planes we have were used to get them out. In the meantime should the enemy step up its attacks the prospect would be that of the spectacle of American retreat while under attack . . . inviting another Dunkirk and rendering the United States subject to ignominy on an international basis Surely even our more rebellious young people want no part of such infamy.

Yet there are those at home, who, while

veterans die abroad . . . commit acts of violence, engage in civil disobedience, and announce in advance that they intend to take the law into their own hands and be the judge of what laws will be obeyed and what will not. They even say as Jerry Rubin, head of the so-called "Yippies," said in Chicago—

"Law—there isn't any real law in America. What you people have here is coercion. And you call it freedom. There won't be any real freedom in this farcial society until the workers realize that the so-called law is made against their best interests; in other words, man, there ain't no law—the students realize this now, and when the workers do, you fellows better start running, because we're going to remake the law in our own fashion as citizens ought to do."

This is not the first time this Nation has witnessed such conduct. But never before has it been so blatant.

Many veterans returning from overseas, where they have risked their lives to make it safe for marchers and protesters, are itching to get their hands on them. The potential for violence in reaction is every bit as great as it is from the deliberate few who continue to calculate and plot civil unrest. These challenges to the structure of social order in America must be responsibly dissolved.

The constitutional guarantees of freedom of speech and assembly in America do not apply to unlawful conduct. They do not protect deliberate law breaking or acts or violence toward persons or property.

Freedom does not and cannot license the right to destroy freedom itself. Those who would take the law into their own hands in the cause of protesting the war in Vietnam are every bit as destructive of our constitutional form of government as the syndicated criminal or the purveyor of narcotics. We are a Government of law and not of men. This we must remain. It is not for any citizen whether his persuasion is to the right or to the left . . . to take the law into his own hands no matter the annoyance of the moment. Unless such violence and the threat of it through mob action is checked . . . no man's family nor his property will be safe in the United States of America.

Those who contemplate violence in demonstrations . . . whether on the war or civil causes . . . or in sympathy with the American Nazi party . . . must know that a determined citizenry will meet violence with whatever force is necessary to preserve this nation. A pat on the wrist or the suggestion of being misunderstood is no longer the public response. They want it made crystal clear to those who take to the streets with clubs or stones or guns that if they want to get their heads broken just rush a policeman. If they want to get kicked out of school just occupy the principal's office. If they want to get arrested, and enjoy a criminal record for the rest of their natural lives just tear up an American flag.

While veterans everywhere staunchly defend the constitutional right of peaceful and law-abiding dissent . . . they are sorely perplexed by the Fulbrights in public life who sometimes appear to be blissfully unaware of the worldwide struggle in which we are engaged. They watch with dismay while the enemy is given aid and comfort by the public statements of some in public office indicative of an opinion within America—that incidentally is fortunately that of a small minority—that we no longer have the national will to make sacrifices essential to our own survival as a free nation.

The extent of the harm that is done in this manner is illustrated by the publication by radio Hanoi of the full text of a speech on September 26th by Senator Stephen Young of Ohio describing the Vietnam war as immoral and calling for a coalition government in Saigon despite the public record of what happens to nations that attempt coalition governments with Communists. What was the source of the Senator's speech? The Congressional Record!

Such figures do immeasurable harm to the cause of responsibly ending the tragic war in Vietnam. They must realize this, yet they continue.

To date . . . We have lost nearly 40,000 American lives in little Vietnam plus hundreds of thousands of casualties. In the meanwhile . . . the enemy . . . both the Viet Cong and the North Vietnamese regular troops continue to attack and kill both our men and our allies. All the wanting out at this end . . . all the longing for disengagement. All the graphic depiction of the horrors of war will not change one iota the fact of the enemy's continuing aggression nor the strategic significance to the balance of power in the world of South Vietnam and its adjacent states.

Phased differently all the wishing in the world that Communist fanaticism will disappear will not make it disappear. On the contrary, to the extent such wishing translated into action manifests weakness or surrender . . . It is bound to encourage further Communist aggression . . . not only in the Far East . . . but as it reaches for power in this hemisphere. Those responsible for determining the course of events at this time in history faced with such facts, owe it to the same youth that manifests discontent with the involvement in Vietnam . . . as well as the great majority of other young people in our land, to insure that the balance of power in the world remains on the side of freedom.

I have said before . . . and I say again now . . . that if the time ever comes that the balance of power has shifted to the Communists and they feel that they can administer an attack upon us from which we can neither recover nor effectively retaliate . . . they will do so with no more compunction than you would have in killing a fly on your windowpane.

Those in this country who urge outright appeasement and retreat in Vietnam or elsewhere merely encourage further Communist aggression. If we run out on our South Vietnamese allies . . . just turn tail and withdraw wholesale . . . not a single nation in the world will ever trust the United States of America again.

At the same time, it is inexcusable that we should have committed men to this unfortunate battlefield without backing them up in the field with civilian policies that permitted our Air Force to meaningfully destroy major target areas being used by the enemy to supply the guns and ammunition and weapons of war used to attack our men. This policy of so-called avoidance of confrontation has been ghastly in the enormity of its offense to our men in the field, whose frustration in the conduct of this war . . . because of civilian limitations on military tactics and operations . . . must exceed the frustrations of the young people who understandably don't want to go to Vietnam and be shot at under similar conditions.

We have very seriously depleted our reserves in this war in Vietnam; 6,000 aircraft destroyed . . . 40,000 Americans killed . . . More than 100,000 seriously wounded . . . 83 billion dollars spent . . . 25 billion dollars annually going down the drain . . . and darn little left in the United States or the field with which to respond to aggression upon us from another direction.

All this the top Soviet powers must witness with pleasure for they have yielded but little. In rough example, it is Stalingrad in reverse . . . except that, of course, veterans know and the world knows that Vietnam could not continue a month without Soviet support in money and material, so that again the hard truth is that the Soviets are making war on us in Vietnam.

I said after the President's speech last Monday, that I was hopeful . . . but not optimistic . . . that the policy of gradually scaling down the fighting in Vietnam would cause the war to shrink in dimension. If withdrawal on our part continues while under attack . . . I can foresee a time when to protect a reduced number of Americans remaining in Vietnam . . . the President may be required to resort to ultimatum. If most of our combat troops have departed . . . If a majority of what sea power was there available has been turned over to the South Vietnamese . . . and if there is little in the way of meaningful aerial power readily available by way of response . . . there may be only one resort that the American President will have in terms of a backup to his ultimatum. This resort is that which has sought to be avoided ever since this unfortunate involvement in the Far East was initiated. Thus, we will have come full scale around the clock . . . except that it is 40,000 American lives late.

I wish that I could tell you that I felt that confrontation between communism and capitalism would disappear in the sunlight of brotherhood and mutual understanding. I wish I could state that Communist leaders would accede to a mutual cease fire to be supervised by the United Nations—that they would permit self-determination in South Vietnam—that they would agree not to slaughter those South Vietnamese who have helped us defend them once we have left.

Unfortunately, lacking an enforceable commitment, it is likely that Communist aggression will again break loose in South Vietnam once we have gone. We cannot withdraw completely without a solemn and enforceable commitment from both the Viet Cong and North Vietnam not to murder the South Vietnamese population or we render the entire Viet Nam operation virtually meaningless. Either Vietnam is worth it to us or it is not. If it is not we ought never to have decided to become involved there in the beginning. If it is, the significance of such a commitment in terms of its relationship to our national self-interest is undeniable.

Former President Johnson, presumably on the advice of the Joint Chiefs of Staff, the National Security Council and the Civilian Secretaries of State and Defense, decided that it was. Either this decision when made was right or it was wrong. If it was wrong it is tragically late to find this out. If it was right, then unless things have materially changed, it is contrary to the best interests of the United States to let South Vietnam go without protection. In the meantime certain truths are evident.

The only way to preserve the continued freedom and high standard of living of the people of the United States of America—who, incidentally, represent but a small fraction of the world's total population but yet have more than half of the world's wealth—is to stay so strong that no one dares to attack us or our friends.

What is at stake, therefore, in the ultimate decision as to how to resolve this impassé in the Far East is the survival of our way of life. Those in the Congress and amongst our people who either fail to recognize this or . . . recognizing it . . . play politics with appeasement to perpetuate themselves in office, do our Nation a profound public disservice.

Long ago . . . those who fashioned dictatorships and monarchies doubted that a representative democracy in a republican form of government could work. Their doubt was based largely upon the conviction that selfish motivation and political propaganda would cause the majority, who determine policy in such a form of government, to reject sound doctrine or distasteful but necessary governmental decisions.

I am confident that a majority of our people will think the present crisis through and that they will support those persons in public office who make the necessary and responsible decisions so as to preserve our union. Failure to do this invites the complete collapse of representative government and the consequent loss of freedom for our people and their children to follow them.

Freedom is a very precious thing. Our forefathers fought for it in fashioning this country and our form of representative government. We have had to fight for it repeatedly against forces seeking world domination. Such a force again threatens us.

On this Veterans Day 1969, then, let us stand firm in the resolution that this great land of ours shall remain the home of the free.

THE DISEASE IS DENSITY

Mr. MONDALE. Mr. President, I have long been deeply concerned with the squeezing of more and more Americans into less and less space. Certainly there could and should be viable alternatives of how and where to live than in our increasingly congested major metropolitan areas.

Because of my interest in this situation I have, from time to time, called excellent portrayals on this general subject to the attention of the Senate.

One of the most vivid articles on this subject was published in the Saturday Review of November 9, 1969, entitled "Can Anyone Run a City?" It is written by Gus Tyler in a fashion which should certainly arouse many to a concern for the mammoth environmnetal problems of tomorrow.

In opening, Mr. Tyler tells us quite shockingly—

> What is the universal malady of cities? The disease is density.

In closing he says:

> What is needed is national concern for the commonweal in the location and design of new cities: a kind of inner space program.

Mr. President, I commend the article to the attention of all who are concerned with our urbanization crisis and ask unanimous consent that it be printed in the RECORD.

ORDERLY URBAN-RURAL GROWTH AND DEVELOPMENT

Mr. MUSKIE. Mr. President, in recent years, the idea of building whole new cities and towns has been raised as a proposed new direction to follow in achieving orderly urban-rural growth and development.

Mr. Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, has spoken on the wisdom of this approach. He provides insights into the problems of urban growth and rural decline and his evaluation of the concept of new cities.

I join the Senator from Minnesota (Mr. MONDALE) in asking unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Saturday Review, Nov. 8, 1969]

CAN ANYONE RUN A CITY?

(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schrunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any mayor who's not frustrated is not thinking." Thomas G. Currigan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmentation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignite urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethnically homogenous. Tokyo is in hara-kiri, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is failing badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, according to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950s, half of all the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic: urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the central city; but jobs, too, thereby creating a whole new set of economic and logistic problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolis, the city *lost* 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white-collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

This disallocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem, as central cities have become stricken with auto-immobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters, 6 per cent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmospheric filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

The auto is even failing in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became citified. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes another two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. *Public* action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs $38 a square foot—a little *more* than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic 'stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the free-lance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down: density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend $14.60 per person on police; those of 300,000 to 490,000 spend $18.33; and those of 500,000 to one million spend $21.88. New York City spends $39.83. On hospitalization, the first two categories spend $5 to $8 per person; those over 500,000 spend $12.54; New York spends $55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this piece of empiric pessimism: if the gross income of a city goes up 100 per cent, revenue solve the problem ;it makes it worse. Sev- rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and $5 billion by 1975, while urban experts see a need for $20- to $50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, redirect highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor bring to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political retribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan areas as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious, geographic—that have in numerous cases turned a city into a no man's land.

Is there no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban renewal but urban "newal," to use planner Charles Abrams' felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported *Time* amidst the 1967 riot months, "that one of the most important ways of saving cities is simply to have more cities." The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000, and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish, Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school bussing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private developments that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with every additional story. On the other hand, as city planners have been pointing out for a couple of decades, "it has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission "to isolate its highly secret operations."

What then is the obstacle to this new-cities idea? It runs contrary to the traditional wisdom that a) where cities are located, they should be located, and b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with laissez faire, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of waters; still later at railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the opportunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin; it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonweal in the location and design of new cities; a kind of inner space program.

VIETCONG ATROCITIES

Mr. ALLOTT. Mr. President, during the demonstrations of the last weekend a proportionately small number of participants carried North Vietnamese flags. It can only be assumed that these people carried them out of ignorance, because it is difficult to believe that anyone marching in what he believes to be the cause of peace would ally himself with murderers and torturers.

It should be clear by now to most Americans that the Vietcong and the North Vietnamese have murdered and tortured on a scale that would do credit to Genghis Khan and Tamerlane.

Of course, the worst atrocity of the Vietnamese war was the massacre at Hue during the 1968 Tet offensive. As late as November 6 of this year, seven more mass graves from that massacre were uncovered. It is estimated that about 300 more civilians were killed and buried in these graves.

Mr. President, I ask unanimous consent to have printed in the RECORD the story of the Hue massacre, as by Horst Faas, the Associated Press Pulitzer Prize-winning photographer and reporter. Mr. Faas said:

> This atrocity is the reason I say that no matter how you feel about the Vietnam war, it is impossible to have any sympathy for the Viet Cong.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MASSACRE AT HUE: ITS DEATH WAIL LINGERS

(This is the gruesome story of the worst atrocity of the Vietnam war.

(It is a story told by Horst Faas, Associated Press Pulitzer Prize-winning photographer and reporter. Faas has covered the Vietnam war since June, 1962, and has photographed countless battles and was himself severely wounded while photographing American soldiers in one of those battles.

("Nothing I have seen in this war has left me as shocked and angered as the massacre of the battle of Hue," Faas said.

(During their Tet offensive of 1968, communists gained temporary control of a large part of the city of Hue.

(It was during this period they perpetrated one of the worst atrocities of this or any war.

(Communist soldiers systematically went from door to door in the battered and terrorized city rounding up civilians.

(By the time allied forces had regained Hue, some 2,000 residents of the city were unaccounted for—most of them feared to have fallen into the clutches of the Communists.

(By the spring of this year there was no doubt what had happened to them.

(South Vietnamese officials and soldiers had discovered and were uncovering mass graves on the outskirts of Hue containing the bullet-shattered bodies of innocent civilians who had been executed by Communist soldiers.

("This atrocity is the reason I say that no matter how you feel about the Vietnam war it is impossible to have any sympathy for the Viet Cong," Faas stated.

(Here is Faas' story on the massacre of Hue.)

DIEN BAI, VIETNAM.—"A few hours after dark they told us that we will go to wash in the river and then meet with a cadre for a political lecture. The Viet Cong leader said we should give him all valuable belongings and our bundles because we would not need them for this walk.

"We were among thirty prisoners of the Viet Cong. They had captured me and the others on the first day of Tet and marched to the Dong Son pagoda, two hours walk east of Hue.

"Then they tied us up with strips of rattan. My hands were free, but the arms behind my back were hurting because the bands were so tight. We were tied together with a rope, one behind the other. I was the last in line.

"Five guards led us from the pagoda to a jungle near the cemetery. Then they pulled the first man out into the sand and into a trench. We all had to follow because we were tied to him.

"I opened the knot at the end of the rope and suddenly knew that I could run away.

"The guards stopped near the trench with machine guns and the Viet Cong who had led us into it jumped out and ordered all to kneel down.

"When everybody got down I ran, right and left behind the tombs till I reached the woods. They were shooting after me.

"When I could not breathe anymore, I hid under the brush. I heard the shooting and the cries. They had murdered the other prisoners."

Militiaman Phan Duy, 26, of Dong-Di hamlet in Phu Thu District, who thus survived the massacres committed by Communist troops, watched as workmen slowly uncovered yard after yard of execution trenches.

Fifteen trenches have been discovered in desolate sand flats eight miles east of Hue, where Phan Duy ran for his life around midnight of February 18, 1968.

In the five trenches opened so far, 248 dead have been found and it is estimated that about 750 prisoners were executed here.

The sand flats of Dien Bai Village, dotted with the monuments and tombs of an old Buddhist cemetery, are only one area in three districts east and southeast of Hue where mass graves were located recently.

There are grave trenches in at least three other locations and it is feared that most of the 2,000 persons missing in Hue since the 1968 Tet fighting may have been murdered.

Since March 26—interrupted only by the Holy Week—mass graves have been opened almost daily.

The grim job of excavating all of the mass graves will take at least 30 more days, officials say.

The mass graves of Dien Bai are in what allied officials say is now a "pacified" area. After years of Viet Cong control and terror over this region, allied troops drove the enemy off into the mountains to the west.

At dawn, old women and children, carrying baskets of fruit and vegetables swinging from carrying poles now trip toward the Hue markets along the same narrow dirt roads over which the victims of the massacres stumbled to their deaths.

Also in the procession are hundreds of relatives hoping—yet fearful—that the fate of their loved ones might at last be resolved.

The trucks halt at the edge of low, gray dunes stretching between paddies and the sea.

The women and old men squat sullenly on the ground.

Rusty cartridges of a Russian submachine gun lie in the white sand at the bottom of one trench, apparently from bullets fired by the executioners.

The trenches—each about 50 feet long and straight—are a stone's throw apart.

Between them are old foxholes, rusty C-ration cans and other debris of war telling of battles fought across the graves between American soldiers and the Communists.

A bullet-pierced American helmet is half-covered by the sand. A tank track, churning over one of the execution trenches, has left a deep depression.

The trench to be excavated is clearly recognizable; a long, three foot wide depression overgrown with bright green grass standing out amid the coarse scrub of the dunes.

Women distribute surgical gloves and face masks. From a bottle they pour alcohol over the gauze.

Eight grave-diggers, mostly barefoot and wearing shorts, begin to open the length of the trench.

Three feet down, they find the corpses, stacked against each other in a straight line. With small shovels, sand is removed right and left of the line.

With their hands, the workers lift the bodies from the graves onto plastic sheets.

The grave-diggers lift the skull of every body out first, gently brushing away the sand.

Two men check the dental structure and the length and color of the hair. They report the results through their facemasks to four young men and girls registering all identifications in pads. A number for future identifications is put on each skull.

One unidentified victim is found to have a plastic image of Buddha on a silver chain clenched between the teeth.

The torsoes of the corpses, with arms and legs huddled in the crouching, kneeling position in which the victims were killed, are lifted out by grave-diggers.

In monotonous voices, officials announce to the waiting men and women what they find as they rip clothing apart, search pockets for identification papers and military tags.

Militiaman Nguyen My, who has stood beside the trench for two hours, suddenly falls to his knee, howling like a wounded animal. Then his voice becomes a whimper and he touches a piece of uniform with the name tag of his brother Nguyen Duc. With trembling hands he pulls his dead brother's picture from his wallet, showing it around.

The brother's remains are wrapped in a plastic sheet. The package looks like the mummy of a child.

Two black-clad militiamen carry the corpse away on a makeshift bamboo stretcher. Soldier Nguyen My, crying, stumbles behind.

The day before he had found his other brother, Nguyen Doan, in another mass grave. All three had been captured during the Tet offensive. Only Nguyen My escaped.

As the hot day wears on, almost every yard of trench yields a body.

The grave-diggers run short of plastic sheets and bodies are laid out in the sand.

A woman, digging with her fingers through a heap of bones, shrieks and collapses, tears streaming down her face. She wails and beats her hands on the ground, rocking back and forth. After her husband's body is wrapped she embraces the bundle. Other women drag her away and support her as she follows the stretcher-bearers.

Some of the women return after burying one relative, looking for others. One peasant woman found her husband and two sons within two days in different execution trenches.

Such scenes are repeated along the road, to which the bodies are carried and again at the schoolhouse where they are laid out and lists of identification marks are tacked to the walls.

More than 300 unknown victims await a mass funeral unless relatives can identify and bury them in family plots.

The number of persons waiting at the graves has become larger each day.

Many citizens of Hue have tried to believe their relatives were taken away by the Viet Cong to serve as soldiers, laborers or just to be indoctrinated for the Communist cause. Now they know that the Viet Cong meant death.

PRESIDENTIAL WORLD TRADE MESSAGE

Mr. SCOTT. Mr. President, President Nixon has presented a balanced approach to world trade. He has recognized the need for open markets but, more importantly, he has also recognized the hardship now faced by some of our domestic industries, such as textiles. Of additional importance to my own Commonwealth of Pennsylvania is the rising level of shoe imports which I hope can be curtailed, or at least remedied, by means of effective legislation.

The President's proposed Trade Act of 1969 will provide some remedy for those industries which are adversely affected by rising import levels. Whenever increased imports are the primary cause of serious injury, relief will now be available to both the industry involved and its employees. I believe that the essence of the President's proposals lies in his assertion that—

> U.S. trade policies must respect legitimate U.S. interests, and that to be fair to our trading partners does not require us to be unfair to our own people.

Free trade will not mean much to the working man who is out of a job. I hope that the President's plan will help to remedy the serious situations some of our industries now face in addition to bolstering our position on the world market.

STRATEGIC ARMS LIMITATION

Mr. McGOVERN. Mr. President, on November 10, Dr. Wolfgang K. H. Panofsky, one of this country's most eminent scientific authorities, delivered what I consider to be an immensely important address at the University of Chicago, dealing with the Strategic Arms Limitations Talks—SALT—between the United States and the Soviet Union.

Dr. Panofsky noted that several of the major strategic weapons systems which are coming of age at the present time have the inherent tendency to justify differing Soviet conclusions about our intentions. Thus, while the Safeguard ABM is described as a means of preserving our deterrent, it is also consistent with a plan to develop a first-strike capability. While multiple independently targetable reentry vehicles have been offered as a device for penetrating a Soviet ABM, they, too, can be viewed as a threat to the Soviet Union's deterrent forces—particularly when they are described as enhancements of our ability to strike hard targets. The fact that we are moving ahead on both in combination gives special force to the arguments of those elements within the Soviet Union who ascribe warlike intentions to the United States.

From this he draws a conclusion with which I heartily agree that—

> A small step in arms limitations may be harder to negotiate and be in fact more dangerous to U.S. and also Soviety security than a large step: Because of the multiple strategic roles of these systems impeding development of just one of them may be dangerous to either side. The more restrictive the SALT treaty can be on the further evolution of MIRV's and ABM, the more substantial will be the success of the treaty in achieving stability.

In addition, Dr. Panofsky notes that in terms of policing an arms control agreement the physical activity which we would undertake in deploying other kinds of weaponry, such as bomber defenses, probably cannot be readily discerned from the early steps in deployment of such provocative systems as ABM's and MIRV's. Hence, where inspection is concerned, he points out that—

> The more far-reaching the prohibition of the SALT treaty, the less important the question of cheating becomes . . . A freeze of the "status quo" at present levels of strategic armaments is easier to police than a treaty specifying agreed numbers of components (missiles, radars, etc.) of permitted strategic systems. It is easier to recognize changes than to interpret in detail what is discovered.

It is my fervent hope that the Nixon administration recognizes the significance of these arguments, and that it is moving into the SALT discussions with a firm determination to achieve far-reaching agreements.

I must say in this respect, however, that recent disclosures of the opening posture to be taken in Helsinki are most discouraging. I have been unable to see any justification for the continuation of our MIRV testing program during the months immediately preceding the talks, and I am even more alarmed to note that our negotiators do not plan to seek a mutual moratorium on MIRV tests as the first order of business. This latter, minimal step has been urged by no less than 42 Members of the Senate who are sponsoring the resolution submitted by the Senator from Massachusetts (Mr. BROOKE).

Mr. President, because I believe it offers a high level of understanding on the relationships between weapons now under congressional consideration and the prospects for meaningful arms control agreements, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STRATEGIC ARMS LIMITATION

(By W. K. H. Panofsky)

After World War II representatives of the United States and the Soviet Union have sat down together 5,000 times to discuss the limitations of armaments of their two nations. In spite of these efforts to do something about the arms race both countries combined have spent $1 trillion, that is one thousand billion dollars, on military expenses. This sum is so enormous that it is difficult to visualize: It represents approximately the total productive effort of the U.S. for a period of two years.

Why can't we do better? It is obvious that both countries have over-riding interests to do something about this madness; both countries could have used this enormous effort on more constructive pursuits than escalating the threat of one against the other. Both countries would have in fact greater security if neither had engaged in this arms race.

The achievements stemming from these 5,000 meetings have been woefully inadequate, although not totally negligible: We have the Limited Test Ban Treaty, we have the U.N. resolution banning nuclear weapons in space, and we have the beginnings at least of a treaty on the non-proliferation of nuclear weapons. Yet all this is very small relative to the rate at which the arms race is progressing, and it does not take much mathematics to predict that the further we go along the road of military build-up on both sides the harder it will be to turn back without disaster.

Most arms limitation negotiations involving the Soviets and Americans have involved many other nations also; however the "strategic" arms race, that is the build-up of those weapons of mass destruction involving long-range nuclear weapons, is the province of the Soviet Union and the United States only; America and Russia possess a nuclear arsenal greatly in excess of any other nation and an arsenal vastly more than they would need to inflict total destruction on one another. It should therefore be more productive to hold bilateral talks, that is directly between the Soviet Union and the U.S., to limit the strategic arms race rather than to negotiate in as complicated a forum as the 18-nation disarmament conference (ENDC) which has been going on in Geneva for several years.

The idea of bilateral talks between the Soviet Union and the U.S. was first proposed over three years ago and personally introduced to Mr. Kosygin by President Johnson and Mr. McNamara at their meeting in Glassboro, New Jersey. It appeared the talks on strategic arms limitation, generally known as the SALT talks, would have a good chance to materialize before the end of the Johnson Administration, but the cooling off of relations brought on by the Soviet invasion of Czechoslovakia intervened and the Nixon Administration has taken its time to formulate plans of its own. Now the U.S. officially had been prepared to start talking for some time but the Soviets have just now agreed to a specific time and place for preliminary talks, to begin at Helsinki in mid-November. All this delay has occurred in the face of the formal treaty obligation assumed by both nations in connection with the nuclear nonproliferation treaty to pursue seriously steps to limit their strategic weapons.

Clearly all this hesitation in the face of an overriding common interest to get rid of the burden and dangers of strategic weapons must be the result of some serious indecision and infighting on both sides of the Iron Curtain. What the conflicts are in the Soviet Union in arriving at definite plans we can only surmise—on the other hand from Congressional Hearings, public statements and newspaper "leaks" it is becoming fairly clear how the sides are drawn in the United States in trying to influence the U.S. position in the forthcoming SALT talks.

Both sides in the strategic arms race suffer from the lack of a clearly defined policy on their strategic objectives, and how each side is willing to modify its strategic objectives as a result of the SALT talks. U.S. strategy has been described in many public statements and Congressional Hearings by such jargon as deterrence, damage limiting capability, first strike capability, second strike capability, counterforce, countervalue, etc. What does all this mean? All this jargon is really a symptom of a dilemma. All military planners know "in their hearts" that should nuclear war break out, prediction of the outcome is really a hopeless task. The amount of destructive power available to both sides is so enormous that with all the computers and "think tanks" in the world one has little confidence in most conclusions of "war game" calculations. Therefore the primary stated policy of both nations has been prevention of nuclear war through deterrence, that is maintaining armaments at such a level that, should the one side attack first, then the other could strike back and destroy the opponent's society. Yet the lingering problem remains—what should be done in case deterrence fails, that is if war should break out anyhow by accident, by gradual escalation, or by inadvertent involvement of the two super powers in conflicts stirred up by third parties. To counter this possibility the strategists have invented "damage limiting" as a strategic objective, that is they would like to be prepared to minimize damage to the home country if deterrence should fail.

What does a strategy of "damage limiting" imply? It means that we attempt to protect our population through Civil Defense and ABM, and that we direct some of our airplanes and missiles to destroy those few airplanes and missiles which have not yet been launched against us.

But here we have the dilemma: the very things we would have to do to limit damage to the U.S. in nuclear war are qualitatively the same steps we would take if we planned a "first strike" against the USSR. As we increase the "damage limiting" forces we possess, the Soviet side would conclude that we would be more difficult to deter from a sudden attack against them; in other words, if we protect our population if war should break out, then the other side would have to raise its total destructive power in order to be convinced that we would be "deterred" from striking first. Clearly this argument applies equally whether you discuss it from the point of view of the Soviets or the Americans. Therefore the strategy of deterrence and the strategy of damage limitation effectively countermand one another, yet in all official pronouncements both ourselves and the Soviets espouse both.

This ambiguity in official attitude reflects of course an internal struggle on both sides of the Iron Curtain among the traditional military men who want to retain the ability to "fight a war and prevail" even in the nuclear age, and the group of advisors, among them the majority of civilian scientists, who see sanctuary only in prevention of nuclear war. It is clear that one can not hope for much progress in the SALT talks unless both sides implicitly or explicitly agree that reducing strategic arms to a minimum deterrent level is the common objective worth striving for at this time. Both even with such a consensus there can be a wide margin of opinion as to how large a "minimum deterrent force" should be.

The current, much publicized debates on ABM and a moratorium on testing of MIRV's directly reflects the ambiguity of U.S. thinking. Let me elaborate on these controversies and how they relate to SALT.

As you know, ABM was first discussed as a defense of the cities and their population against Soviet long-range ballistic missiles. The opponents of massive deployment of ABM to defend cities, and I among them, have concluded that such a defense would be an enormously expensive technical enterprise and would buy very little; the protection offered could be negated by an increase of Soviet offensive forces at less cost than what we would have spent in providing the defense; therefore the result would simply be another step in the arms race with no increase in protection for anyone, and with much greater destruction, should war break out. This type of criticism had apparently been accepted by the Nixon Administration and accordingly the President withdrew the Johnson "Sentinel" city defense plan and instead substituted the "Safeguard" system which is intended primarily to protect the Minuteman land-based missile forces in North Dakota and Montana. In this new role ABM would increase U.S. deterrence by defending our Minuteman forces: a first attack by the Soviets could not result in destroying the ability of Minuteman to strike back. Unfortunately this strategic decision was not paralleled by a corresponding shift in engineering of Safeguard—the actual system which is now approved for deployment will do very little in protecting Minuteman, and also can easily be interpreted to be actually a first step for a city defense. Safeguard Phase II actually is intended to be a "thin" city defense against China, but its configuration is such that the Soviets may be forced to conclude that their deterrence against the U.S. is to some extent impaired.

This situation illustrates that ABM can and does have an ambiguous role: It can either serve a purely deterrent role such as defending Minuteman, or it can assist in a damage-limiting role if it defends cities, and it is very difficult for an opponent to tell which is which.

Our view of Soviet ABM is even more confusing since we can only interpret the limited information which we have; the only ABM system which we definitely know about is a very marginal deployment around Moscow; there have been "on again, off again" systems, and there are anti-aircraft defenses which may or may not also have a potential ABM role.

The situation with MIRV is similarly ambivalent as we shall see. The term MIRV stands for "Multiple Independent Re-entry Vehicles." This is a fancy way of saying that a single missile can carry a number of independent warheads carrying nuclear weapons which can be targeted against several objectives at once. MIRV's again have a dual function: On the one hand they can be used as a "penetration aid" against the enemy's defenses: the enemy's ABM can be penetrated if he has too many incoming warheads to shoot at. For this particular mission MIRV's would not need high accuracy. On the other hand if MIRV did have high accuracy then it would become a threat against the other side's retaliatory force; high accuracy would make it possible to take out simultaneously such a large number of the other side's implaced missiles in a single strike to keep most of them from striking back. It is for this reason that widespread deployment of MIRV, combined with high accuracy raises a spectre of a first strike.

This MIRV threat was pointed out by Secretary Laird when he advocated the Safeguard as a defense against the Soviet SS–9, which he described as a potential MIRV. Actually the SS–9 missile, as far as we have observed, lacks essential elements to make it a MIRV; some versions of the SS–9 carry three separate warheads, but there is doubt whether each can be independently directed at separate targets. Nevertheless, because of the high explosive power of the SS–9 it would become a great threat against the U.S. Minuteman silos should it be developed into a full-fledged MIRV. A halt on MIRV testing would eliminate this danger.

The U.S. position in relation to its MIRV's has been far from unambiguous also. Historically the decision to develop MIRV's in the U.S. came as a response to penetrate a surmised Soviet ABM system which, however, did not make anywhere near as much progress as we had feared; yet our MIRV plans continued. U.S. MIRV tests appear further advanced than those of the Soviets—we have successfully tested MIRV's both for Poseidon and Minuteman; if forced to discontinue MIRV testing as a result of SALT, or a MIRV moratorium, we could still produce these devices with sufficient performance to serve in a deterrent role, i.e. to penetrate Soviet defenses.

As I mentioned above, if penetrating Soviet defenses remained the only motive, then low accuracy for U.S. MIRV's would have been sufficient. However, last year the U.S. not only undertook extensive tests of its MIRV's but also proposed a program to increase the accuracy of U.S. missiles. This would be very difficult to justify if penetrating Soviet defenses were really the only objective. In fact Secretary Laird candidly testified in the Senate that the purpose of increasing accuracy was to improve our efficiency against "hard targets." This is clearly inconsistent with the strategy of deterrence and unquestionably will give rise to Soviet fears of U.S. intent against striking first against their missile force.

Dr. John Foster, Director of Defense Research and Engineering, tried to back-paddle from Secretary Laird's statement that upgrading of MIRV accuracy was intended against hard strategic targets: He testified in Congress that this increased accuracy was needed against such items as industrial targets such as steel mills. This statement is technically insupportable. Even if one gives industrial targets a rather substantial resistance to blast, the *presently* programmed yields and accuracy for both Poseidon and Minuteman III are fully adequate to give a very high probability to destroy such targets.

The first slide shows a picture of the damage to a machine shop at Hiroshima caused by the first 20 KT nuclear bomb at a miss distance over half a mile. The presently programmed MIRV's for Poseidon and Minuteman have explosive power considerably larger than that of the Hiroshima bombs and are designed for accuracy higher that the "miss" which caused the devastation in the picture. It appears difficult to justify an improved accuracy program to do better than this!

What does all this discussion of MIRV and ABM have to do with the problem of formulating a U.S. position for SALT? The next slide summarizes the conclusions from the previous discussion about the ambivalence of ABM and MIRV. We can now understand that, depending on how MIRV's and ABM's are deployed, and depending on their physical characteristics they can be viewed *either* as *protecting* the domestic deterrent forces or as *threatening* the deterrent forces of the other side. Specifically deployment of ABM by the Soviets has given the incentive for U.S. development of MIRV, deployment of multiple warheads by the Soviets has given an excuse for U.S. deployment of Safeguard, the possible role of Safeguard in protecting cities will give rise to Soviet fears of being able to maintain their deterrent against us, the possibility of improving the accuracy of American MIRV's appears to threaten Soviet missile silos etc. In short, because of this ambiguity, the whole ABM and MIRV complex becomes an inextricable part of the next large step of the arms race and the world would be better off without either.

It is much easier to assure compliance with treaty terms which prohibit a weapons system entirely than with a provision which permits a specified number of weapons. A "zero ABM" provision in SALT would be much easier to enforce than an agreement limiting both sides to a level corresponding to the U.S. Safeguard. Since ABM and MIRV's pose an inter-related set of problems we can see that the Safeguard decision greatly complicates the SALT talks.

It is this intertwined situation which makes the conclusion clear that a small step in arms limitation may be harder to negotiate and be in fact more dangerous to U.S. and also Soviet security than a large step: Because of the multiple strategic roles of these systems impeding development of just one of them may be dangerous to either side. The more restrictive the SALT treaty can be on the further evolution of MIRV's and ABM, the more substantial will be the success of the treaty in achieving stability.

Starting from this conclusion we are immediately thrown into the complex question of policing the terms of a treaty. We are living in an era of mutual mistrust between the Soviet Union and the U.S. This circumstance, combined with the long-standing tradition of the Soviet Union for secrecy, raises both the question of cheating by the Soviet Union against the provisions of a treaty, and of abrogation of such a treaty following clandestine preparations. We know relatively little about the decision-making processes in the Soviet Union's military strategic issues; although our technical information on Soviet systems is remarkably good, it is nowhere as detailed as we think the information is which the Soviets have about our systems. Most people are quite pessimistic that we will be able to negotiate into the SALT treaty a substantial amount of "on-site inspection" of Soviet installations, although this possibility cannot be excluded; most of you know that lack of agreement on such inspections proved to be the stumbling block which prevented the partial nuclear test ban treaty to become a comprehensive treaty, including prohibition of underground nuclear explosions. Therefore a great deal of attention has been given to evaluating the extent to which the SALT treaty could be verified on the basis of "unilateral intelligence," that is from information which we gather through our miscellaneous surveillance techniques of Soviet activities. How effective these techniques are in detail is impossible to discuss in public; suffice it to say here that even in private there is substantial disagreement as to how good a job we can really do in verifying Soviet activities. The opponents of a far-reaching SALT treaty tend to emphasize the ease by which the Soviet could clandestinely develop and test forbidden military systems and then suddenly "trot out" completely developed military systems which would endanger the strategic balance between the Soviet Union and the U.S. The spectre of "instant ABM" and "instant MIRV" suddenly appearing, followed by a Soviet ultimatum, is being raised. The fear of a superhuman clandestine effort on the part of the Soviets resulting in a sudden shift in the strategic balance under a treaty, has caused our more conservative military planners to oppose far-reaching arms limitation moves in the past and they are expected to do so in relation to SALT.

Yet it is true in general that under the more restrictive arms limitation agreements cheating will be much less dangerous toward upsetting the strategic balance than if the arms race continued with only small restraints. This point was illustrated above in relation to ABM and MIRV.

If one carries conservatism in military matters viewed in isolation to the extreme, any basis for a negotiable position is, of course, destroyed. The degree of absurdity to which this kind of thing can lead became apparent recently when one compares the testimony given by the Defense Department witnesses in support of the Safeguard ABM system with the testimony given to justify continued MIRV testing and deployment as needed to penetrate certain Soviet air defense systems (the SA–2 and SA–5 systems) in a possible ABM role. Specifically the SA–2 system is a very simple but very extensively deployed anti-aircraft defense in the Soviet Union; it has also been used in Viet Nam. The possibility was raised that the SA–2's would have some potential of shooting down incoming U.S. ICBM's and thereby would protect Soviet cities; the U.S. deterrent would then be endangered. At the same time when justifying the Safeguard System Defense Department witnesses maintained that a system as complex as the one proposed would be required to carry out the much simpler task, namely the job of protecting the hardened Minuteman sites.

Next I am showing a comparison of the qualitative features of the Soviet SA–2 system and the U.S. Safeguard ABM. Clearly, in trying to be conservative our Defense Department is giving the Soviets credit for an incredible performance with a very primitive system which we deny exists for the much more sophisticated devices which we are proposing should be built.

A similar degree of "one way" conservatism pervades the argument relating to our ability to verify possible Soviet violations of a SALT treaty. One of the frequently proposed measures to control the further evolution of MIRV technology and deployment would be to prohibit testing of intercontinental ballistic missiles which appear to carry MIRV warheads, or even to prohibit or severely restrict the test firing of such missiles entirely. The question then naturally arises as to how well we can monitor the firing of such vehicles by the Soviet Union, both in regard to the total number of firings and in terms of the characteristics of the devices under test. Naturally the experts differ in their assessment of our ability to find out what the Soviets are doing. However, as was again revealed in recent Congressional testimony, most of the debate deals with the wrong subject, namely whether we can correctly identify a few single test firings carried out clandestinely or specifically designed to hide their true purpose. What is ignored in these discussions is the total picture in which such "cheating" would have to be carried out: The Soviets would have to make a deliberate decision in the face of their treaty obligation to man a large-scale program starting from design and engineering, through a clandestine test program and leading to secret deployment, and they would then have to have the confidence that the resulting system would be reliable enough that it could be used in a first strike role against the U.S. to inflict so much damage that the U.S. could not retaliate. Even if single tests escape detection, the likelihood that this long sequence of events will remain unnoticed and will have an important military consequence is very, very small.

Focusing these discussions on the physical detectability of a single test tends to obscure the basic issue: Are the kind of risks which would be involved in pursuing cheating on the scale required affecting the strategic balance acceptable to the Soviet Union?

What we face here is a symptom of the wrong avenues we are apt to pursue when purely technical reasoning, combined with highly conservative military planning, are being considered in isolation. We are contriving situations in which the Soviets could accomplish technological feats which we could not conceive of performing ourselves and we are visualizing complex scenarios where the normally conservative Soviet military planners are pursuing a long-range, clandestine course which would shift their strategic pattern overnight once the covers were removed.

Any decisions on arms limitations involve a balance of risks to the survival of the U.S. and the World. We cannot rationally pursue a course where we are willing to take no military risks at all in pursuing arms control negotiations, while we are willing to expose ourselves to the ever-increasing risk of war and annihilation which the unchecked growth of the arms race implies.

A debate similar to the "MIRV" cheating controversy centers around possible Soviet evasion of limitations on ABM deployment. ABM's are complex systems: they require radars, computers, interceptor missiles, control centers and communications. Yet many such facilities are also common to other military installations, in particular those connected with Air Defense: I mentioned previously that in Congressional Hearings Defense Department witnesses raised a possible threat that the Soviet SA–2 and SA–5 anti-aircraft defense systems could be "upgraded" into ABM. Without arguing about the technical feasibility and costs of such a move, it is clear that revamping of Soviet Air Defense into an effective ABM would be a very large scale undertaking. Such an activity would be almost impossible to conceal; to prevent evolution of ABM by these means under the guise of improvements of Air Defense installations it would be good if SALT would prohibit new or modified Air Defense installations also. This conclusion is again part of the general pattern demonstrated before: *The more far-reaching the prohibition of the SALT treaty, the less important the question of cheating becomes.* A second, equally important conclusion is: A *freeze* of the "status quo" at present levels of strategic armaments is easier to police than a treaty specifying agreed numbers of components (missiles, radars, etc.) of permitted strategic systems. It is easier to recognize changes than to interpret in detail what is discovered.

A "freeze" would tend to perpetuate for the time being many of the asymmetries between the U.S. and the Soviet Union: the Soviets are "ahead" of the U.S. in terms of total megatonnage of nuclear arms; we are ahead of them in number of bombers and missiles. Both nations could destroy the other's civilization many times over; neither side could hope to attack the other without risking its own survival. The strategic arms race would be halted and the way might be paved for future reductions. Yet only the future will tell whether in the present atmosphere of mistrust and under the spectre of large scale Soviet clandestine programs, agreement on such far-reaching, but simple, treaty terms can be reached.

The spectre of sudden emergence of hitherto secret Soviet ABM or MIRV systems developed clandestinely under a treaty has given rise to another debate which is possibly of even more far-reaching significance than the debate about the SALT treaty itself. This is the controversy about the controls on the growth of technology. All of you have been exposed to the increasing clamor about man's need to put reins on the technology of his own creation lest technology control him. We have become painfully aware that when we make decisions to improve our standard of living through new technological devices we are often very short-sighted in assessing the consequences of each new step. We are apt to balance the short-range benefit of a new device only with the immediate *monetary* cost. What we tend to ignore are the long-range *social* as well as financial costs of many of our decisions in terms of disturbing the environment through pollution, through ecological damage, etc. In the military area we are now being faced with the claim of some of our military spokesmen that we must not impede development of new military technology in order to be prepared to cope with unexpected clandestine military developments of an opponent. To put it in blunt terms—the military technicians maintain that evolution of military technology is inexorable and that we must adjust our lives and political and strategic decisions to live with that evolution. I claim that such an assumption is both dangerous to man's very existence and is also insupportable on its own merit. Our knowledge of science will indeed increase continuously—the facts of nature are there to be explored and they will not remain hidden, nor should they remain hidden. However, the step from science to military technology involves a protracted series of planned deliberate steps extending over many years; man can decide through his political processes to either undertake such steps or not to.

Although the Limited Test Ban prohibiting atomic explosions in the atmosphere and in outer space has been only a relatively minor move in the field of arms control it nevertheless is a major milestone in demonstrating that a barrier against unchecked evolution of military technology can be erected. This, of course, was the real reason why the Limited Test Ban was fought so vigorously. I see no reason why we should acquiesce to the development of the ever-increasing lethality of our weapons; if we subscribe to the belief that technology has a life of its own and that its progress in any direction, however anti-social, cannot be impeded, then it is indeed true that man has lost control over his own destiny.

I have gone far afield in discussing the specific issues underlying the debate involving the U.S. preparation for the SALT talks, and of course I do not know in detail what the issues are which are being debated in the Soviet Union and which keep the Soviets from responding to the U.S. requests to establish a firm beginning date for the negotiations. Part of the controversial issues within the Soviet Union, I am sure, are similar to the ones debated in the U.S.; some of them may well have to do with the special problems which the Soviets are facing in regard to China, that is, how to design a possible treaty which reduces the level of armaments in the bilateral race between the Soviet Union and the USA while leaving the Soviet Union freedom of action against China. Maybe the Soviet military planners are quoting Lenin who said:

"Everyone will agree that an army which does not train itself to wield all arms, all means and methods of warfare that the enemy possesses, or may possess, is behaving in an unwise or even in a criminal manner."

This sounds disturbingly similar to the philosophy of some of the U.S. military spokesmen; if such views prevail in either the USA or the Soviet Union, we will see the Arms Race continue unabated by the results of SALT. Whatever the real conflicts are on both sides of the Iron Curtain, it is clear they involve questions which both societies have to resolve internally before meaningful negotiations can result.

I hope I have demonstrated to you that the nature of the questions underlying SALT is very profound; although many technical factors entering the decisions each nation faces are basically political. We must not identify narrow military planning with the "National Interest"; we should not confuse superiority in arms with "Security." SALT offers a new opportunity to redirect our national priorities from an unproductive and dangerous technological contest to the solution of urgent problems at home. At stake is the survival of civilization on this earth. There is very little time.

THE MEDIA

Mr. DOLE. Mr. President, it appears that former Vice President Humphrey has a short memory when he criticizes Vice President AGNEW for his statements concerning the news media.

A story by William Chapman in today's Washington Post states:

> Humphrey's charges stressed that he considers Agnew's remarks and others' comments part of a premeditated and concentrated administration plan.

In another portion of the story, Humphrey accused the Nixon administration of mounting a "calculated attack" on the right of dissent and on the news media.

Just to keep the record straight, I ask permission to have printed at this point in the RECORD excerpts from an article published in the Birmingham News of Tuesday, June 25, 1968, and an article from the New York Times of June 25, 1968.

It is not unusual for the former Vice President to be on both sides of an issue, but in this particular case his statement concerning the news media, particularly network television, makes Vice President AGNEW's statements mild in comparison.

Former Vice President Humphrey charged that TV in particular has been used to spread the message of rioting and looting. Senators will note in the New York Times article that the Vice President is quoted as saying that it was essential that television in particular, "and radio and press secondarily," accept responsibility in riot situations.

In another quotation, Humphrey said:

> If the media are going to broadcast the emotional appeals of the Stokely Carmichael's and the other agitators, it is like throwing gasoline on the flames.

This certainly indicates the then Vice President's displeasure with media coverage. At any rate, I believe the articles referred to will be of interest. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) News, June 25, 1968]

HUMPHREY SAYS TV "HAS SPREAD THE MESSAGE OF RIOTING AND LOOTING"

NEW YORK.—Vice President Hubert H. Humphrey says television, "in particular," has "served as a catalyst to promote even more trouble" during riots.

In an article in the current issue of Look magazine, Humphrey is quoted as saying: "I am convinced that just as the media can tell the facts to the people, they can also exaggerate and inflame the situation.

"I am not a wise enough man to make a judgment as to how the media should respond to this situation. But I do know that TV in particular has spread the message of rioting and looting, has displayed the carrying out of televisions, home appliances, groceries, etc., and has literally served as a catalyst to promote even more trouble."

Discussing other phases of dealing with riots, the vice president and Democratic presidental hopeful, says "there must be rapid introduction of sufficient manpower." He adds, however, "The emphasis must be on men rather than guns."

Humphrey also urges police to "use minimum force, but make arrests rapidly . . . arrests rather than shooting." He says police should be trained in riot control and there must be "preplanning for the integration of state, local and federal forces" to enable them to work together efficiently.

[From the New York Times, June 25, 1968]

HUMPHREY CALLS TELEVISION A CATALYST OF RIOTS

(By Val Adams)

Vice President Humphrey charged yesterday that television "has spread the message of rioting and looting" and "has literally served as a catalyst to promote even more trouble."

His comment was contained in a profile of Mr. Humphrey published in the July 9 issue of Look magazine which goes on sale today. The article included his views on how to control civil disorders and the responsibility of television, radio and the press in reporting such events.

The Vice President's criticism that TV added fuel to civil disorders was much more unfavorable than the recent report by the President's National Advisory Commission on Civil Disorders, which analyzed the riots of last summer. That report, noting instances of sensationalism, inaccuracy and distortion by newspapers, radio and television, concluded that the media "on the whole tried to give a balanced, factual account of the 1967 disorders."

Asked to comment on Mr. Humphrey's charge, the National Broadcasting Company said it was essential to cover the news even if it were "unpleasant and unattractive." The American Broadcasting Company said it sought to televise balanced, objective reports that would not "inflame any situation."

The Columbia Broadcasting System declined direct comment but referred to an earlier statement of policy that it must report any "significant trends in our society."

Where the President's National Advisory Commission on Civil Disorders had said that "our criticisms, important as they are, do not lead us to conclude that the media are a cause of riots," the Vice President singled out television for criticism:

"I do know," Mr. Humphrey said in the Look article, "that TV in particular has spread the message of rioting and looting, has displayed the carrying out of televisions, home appliances, groceries, etc., and has literally served as a catalyst to promote even more trouble. The basic question is how do you report the news and at the same time not add fuel to the fire."

The Vice President said it was essential that television in particular, "and radio and press secondarily," accept responsibility in riot situations.

"If the media are going to broadcast the emotional appeals of the Stokely Carmichaels and the other agitators," he said, "it is like throwing gasoline on the flames. I have discovered even in my campaign that Negro youth particularly likes to get on television. Half of the jumping, pushing and shoving that goes on in a campaign is a desire on the part of the youngster in the ghetto to have some publicity, to see his picture on television."

ADDRESS BY THE SECRETARY GENERAL U THANT TO THE NAVY LEAGUE

Mr. MUSKIE. Mr. President, on October 28, Secretary General U Thant addressed the Navy League in New York City.

In his speech, the Secretary General addressed himself to criticism often lofted at the United Nations—that as an international body it is generally ineffective in resolving world problems. It is true that often in our concern with a crisis of the moment, we fail to view the broader spectrum of contributions the United Nations has made through its unique role as an international body in an age of often bitter nationalism. With this in mind, I submit the Secretary General's remarks as a perceptive analysis of the constructive influence the United Nations has exerted in the past and must continue to effect in the future, if nations of the world are to eradicate the enormous social and environmental problems which affect all of mankind.

I ask unanimous consent that the text of the speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Secretary General U Thant to Navy League

I am happy to participate in this fine gathering by which the Navy League has chosen to honour the United Nations tonight. I hope you will bear with me if I take this opportunity to look back to some of the fundamentals of the Charter and to examine with you their relevance to the demands and challenges which we must face today.

It has been said fairly regularly for the past twenty years or so that the United Nations is declining. Annually, at this time of the year, many people at the General Assembly tell each other that the life has gone out of the United Nations, that things aren't what they used to be and so on, ignoring the fact that people, both within and outside the United Nations, have said this every year since about 1948 when the United Nations was two years old. I would be the first to admit that the state of the United Nations, which reflects the state of the world, leaves a great deal to be desired, as it always has done. But having said that, it would be wise to search for the real reasons for this shortcoming rather than to escape from the problem by the easy course of blaming the world organization as if it were some independent all-powerful body. The trouble, of course, is not fundamentally with the concept of the United Nations but with the state of the world in relation to that concept. If the world and the world organization are to do better, they must tackle the problem at its roots. We all must ask ourselves why sovereign nations find it so hard to co-exist and co-operate sensibly except under the imminent threat of disaster or extinction, and what changes of attitude might begin to liberate us from this highly dangerous dilemma.

For the continuing frustration of the world organization *is* highly dangerous, and time is not on humanity's side. It is not only the threat of war which must deeply concern all responsible people, but also some of the other major problems of our age which can only be tackled and solved by real international co-operation and action, and whose solution is indispensable to secure an enduring peace.

There are now few serious and responsible people who do not agree with the objectives of the Charter—international peace and security, justice, equal rights and self-determination of peoples, economic and social progress, the elimination of racism in all its forms and human rights. The problem is to reconcile these objectives with national policies and with the concept of national sovereignty. It is also true that some of the means provided by the Charter to secure these ends have not worked out in the manner that was envisaged by the founding fathers. Of these, perhaps the most significant are the arrangements in Chapter VII of the Charter for the use by the Security Council of military force, including naval and air units, to maintain or restore international peace and security—provisions which, in their time, were considered to be among the most radical innovations of the Charter. These provisions have never been used. This is the result of two unforeseen events, the change in the nature of war caused by the development of atomic weapons, and the cold war, which have somewhat belied the notion that the Security Council, with the great powers in total agreement, would keep the peace of the world, if necessary by force.

But even supposing it had proved possible for the great powers to agree to constitute United Nations forces under the Security Council, would such an arrangement really have been of much assistance in the context of the last twenty-four years? The Chapter VII arrangement had been designed with Manchuria and the Nazi and Fascist aggressions of the 1930s especially in mind, for situations where aggressors could be easily identified and where the "good guys" of the international world would have no moral doubts about collectively fighting the "bad guys". But the situation that has prevailed since World War II defied such simplifications. It is worth remembering that United Nations enforcement measures were actually suggested as early as 1948 when war broke out in the Middle East. But this suggestion quickly lapsed when it was found impossible to answer even the simplest questions about such a United Nations force. Which way, by what criteria and at whom would it shoot, and who would give the command to shoot? On what ground would the force take its stand? What countries, indeed, would be prepared to lend their soldiers to such a force in such a situation?

And so one of the greatest innovations in the Charter has up till now remained a virtually dead letter. The idea of collective security which these arrangements were supposed to provide has broken down and has to some extent been replaced by regional defence pacts outside the United Nations.

Meanwhile the United Nations has faced some of the novel challenges of the last twenty-four years by improvising the quite unforeseen mechanism which has come to be called peace-keeping. It has pioneered the use of military personnel and units in a non-violent role, acting as peace-keepers rather than soldiers, and relying for their success on the voluntary cooperation of the parties to a conflict, on the moral authority of the United Nations and on their own skill as pacifiers, negotiators and guardians of the peace. Peace-keeping on a voluntary basis has been undertaken in the Middle East, Kashmir, Lebanon, the Congo, Cyprus, and the Dominican Republic, for example, with considerable success in situations where an enforcement operation would have been out of the question. Although United Nations peace-keeping is still the subject of some international controversy, it has, I believe, provided in the political sphere one of the most encouraging examples of what internationalism, acting in the light of Charter principles and aims, can at its best achieve.

The United Nations Security Council itself provides an interesting example of a gradual return to Charter fundamentals after long years of frustration and paralysis. The Council, which has under the Charter primary responsibility for the maintenance of international peace and security, was originally intended to act on behalf of all the Members of the United Nations and, with the unanimity of the great powers, to deal with threats to world peace in an Olympian manner which would far transcend considerations of purely national interest. We know all too well how in the years of the cold war this dream was largely shattered, but it is encouraging to note that in the past few years the Security Council has taken on a new life by beginning to return to something like the original Charter concept. Where the Security Council used to specialize in acrimonious public disagreement, its members now strive laboriously for consensus and make a particular effort to avoid public displays of complete disagreement and deadlock. It now tends to pass important resolutions unanimously and has in the past two years succeeded in agreeing on resolutions upon some uniquely difficult subjects, such as the Middle East and Southern Rhodesia. The next essential step is to improve the effectiveness of and respect for the Council's decisions, but at least a first step in the right direction has been made—a step in the direction of international responsibility. There is a pressing need, however, to achieve for the Security Council and its decisions the sort of authority and influence envisaged for them in the Charter. There is a disturbing tendency toward willful disregard and defiance of even the unanimous and repeated decisions of the Council, a tendency which erodes its authority.

The Council itself, and especially its permanent members, can best combat this tendency by following up, with all the various means at their disposal, the decisions of the Council, and by trying, through vigilance and persistence, to ensure that its decisions take real effect within a reasonable limit of time. If the world becomes accustomed to the decisions of the highest United Nations organ for peace and security going by default or being ignored, we shall have taken a very dangerous step backwards toward anarchy. The fabric of international peace will be seriously weakened, and bad situations will grow worse. I think especially of the Middle East, a problem for which the Council in November 1967 unanimously agreed on a resolution which was a major step toward a solution. Despite this considerable achievement, and after two years of effort, a peaceful solution seems as far away as ever, and an almost daily outbreak of violent events makes it ever more possible that we may be witnessing in the Middle East something like the early stages of a new Hundred Years War. There has never been a situation in which all of the Security Council's prestige, resources and persistence, and the support of other Member States as well, were so vitally needed to reverse a disastrous trend.

We are still far from the spirit, or the realization, of the internationalism which the horrors of World War II inspired the authors of the Charter to strive for—and even to expect. Too often I have the feeling at the United Nations that Members are more preoccupied with making nationalism safe or saving themselves from the predictable results of their own policies than with pressing on to that international order and degree of mutual confidence which alone can begin to remove the threat of war, bring disarmament, promote a more just and equitable world and allow us to save ourselves from some of the social and economic disasters which threaten us ever more ominously as we approach the last quarter of the 20th century. National sovereignty and patriotism are fine concepts and have a vital place in the world. But already in other major fields of human activity they have taken their place in a larger order of loyalties and objectives with excellent results—I think, for instance, of the fields of science, of art, of communications, of commerce and, by no means least, of the world of youth.

It has become almost obligatory nowadays for public speakers to mention youth. I do so this evening not out of any sense of fashionable compulsion, but because I believe that the United Nations and the young people of the world have a lot to learn from each other and that we may all be missing a great opportunity through a failure, due to misunderstanding or ignorance, to identify the basic interests we have in common. It is often said that young people now show little interest in the work of the United Nations. In so far as this may be true, I think there is a good reason for it. Intelligent young people since time immemorial have tended to be critical of, or even to be against, the *status quo* as embodied in what has come to be known as the "Establishment". Sovereign Governments are certainly "Establishments", and the fact that 126 Governments constitute the United Nations makes the United Nations a super-Establishment, and therefore of limited concern to the progressive young. It is not surprising that a generation which takes the atom bomb, the computer, space exploration and supersonic earth travel for granted should not be unduly impressed by the concept of national sovereignty as the controlling influence in world politics. Many of the most intelligent young people all over the world are less and less interested in nationalism and increasingly regard themselves as an international entity with common interests, ideals and goals, which are not always sympathetic or understandable to their elders in the "Establishment".

But disillusion with the United Nations should not be a logical consequence of this state of mind—in fact, quite the contrary. Public disillusion with the United Nations is often based on ignorance of politics and history in general and of the history of the United Nations in particular. In fact, the tendency in some young progressive circles to write off the world organization as just another instrument of the "Establishment" echoes the similar, and equally badly informed, sentiments which we have heard over the last twenty years from a diminishing chorus of isolationists and supernationalists—a coincidence which would not, I believe, be welcome to either party. Let us bear in mind that although the United Nations is an organization of sovereign Governments, the collective will of the organization, inspired by the Charter, has worked solidly, and often effectively, for change in many vitally important areas of human activity. I think, for example, of the process of decolonization, which has liberated nearly a billion people in less than a quarter of a century—a development on a scale which was inconceivable in 1945 and in which the United Nations has played a central role. I think of the concept of international assistance for economic development, which has in twenty short years become an accepted fact, so that the obligation of the rich nations to assist the poor ones is now widely regarded as a normal feature of life and a new moral precept in the international community. I think of the Universal Declaration of Human Rights, the effort to make it increasingly applicable and the endless struggle against racism and discrimination in all their different forms which has been and is being waged in the United Nations. In all of these developments we must recognize that progress is slow and that certain major obstacles have so far remained. But the spirit and the aims are there, as well as enough practical results to point the way. It is this kind of activity that makes the United Nations greater than the sum of its parts, the 126 sovereign member nations. The United Nations has set, and will, I am sure, continue to set, high standards and to urge nations, whose individual policies on such matters may often be weak or indecisive, to cooperate for their achievement. Quite apart from the peace-keeping and peacemaking achievements of the organization, this is by no means an inconsiderable or insignificant record.

I hope, therefore, that people, whatever age group they may belong to will sometimes take the time, and make the effort, to go back to the fundamentals of the Charter, and to find out how they have been developed and put into effect over the first twenty-four years of the United Nations; and to ask themselves what can be done now to make a better and more fruitful world on the basis of these fundamental principles. Older people may well find unexpected progress in many areas which have been forgotten, and the young may realize that many of the things they seek and to which they attach importance have all along been very much at the heart of the United Nations effort.

Of all human activities, the relations between States seem to have been left stranded in the old pattern of rigid nationalism, while in most other important fields of activity men have stepped forward into a more contemporary and more international setting. Nothing could do more to increase the effectiveness of the United Nations than a modification of the concept of national sovereignty in harmony with the intellectual and technological realities of our time, and here I believe that artists, scientists, business men, those who deal with communications of all kinds, and the young people can help us in a decisive way. I have confidence that the new internationalism of the young and a reassertion of the spirit of internationalism which inspired the Charter will help us to make this crucial step forward before it is too late.

IMPROVEMENT OF CHILDREN'S TELEVISION PROGRAMS

Mr. CURTIS. Mr. President, I mentioned in a Senate speech some months ago that a very fine group of citizens in western Nebraska had undertaken a campaign to improve the content of children's programs on television.

I said the work of this group illustrated what Parent Power can do when properly organized and guided, and I issued a warning to the moving picture industry.

In my remarks, which appeared in the RECORD on April 29, I said:

> The Scotts Bluff Juvenile Advisory Committee is broadening its scope to include evaluations and, where warranted, protest movements against the production and distribution of movies that are smutty, obscene or violence-inciting.

There has come to my attention an article published in the Scottsbluff, Nebr. Star-Herald of October 5 which tells what this committee of citizens has learned in its initial examination of the movie problem.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Going to a Movie Not That Simple Anymore—Many Promise Plenty of Sex and Violence

(By Carol Lomicky)

The phrase "let's go to the movies" has come to be a little more complicated than just hauling the whole family to the nearest movie house for a good, enjoyable "flicker."

With a greater majority of movies promising scenes packed with plenty of sex, violence and "adult" entertainment, foreboding "codes" and rating systems have emerged. These codes are Hollywood's answer to categorizing each movie, complete with rules and suggestions for making the selection of film entertainment as easy as pushing a vending machine button.

While some are screaming that the "code" is an insult to intelligence and a form of censorship, others are crying even louder: Rating system or not, the quality of films is falling way below the guidelines of "just plain decency."

Through the Star-Herald Letterbox and Action Pronto Columns, it is apparent that people in the area (and nationally) are no longer content to sit back and simply refrain from taking in a motion picture. They want to get organized and do something about the situation.

One of these organizations is a sub-committee of the Scotts Bluff County Juvenile Advisory Committee, an organization geared to preventing crimes of youth and rehabilitating juveniles in trouble. This sub-committee first started as a group with the responsibility of bringing educational films to the community for the youth.

After a large number of citizens began complaining of the quality of television cartoons for children, this small group pointed an angry finger at local TV stations, program sponsors, national broadcasters and networks. Having achieved some success in "cleaning up" the Saturday morning cartoons, the group centered its attention on "indecent" movies in its "scrubbing-up" project.

Although the group is small and still in its infancy, it is organized. Its television campaign mushroomed from a local drive for letters to sponsors and correspondence to and from Sen. Carl Curtis from which reports to Congress were made to become part of a national campaign. Working with other groups, such as the American Council for Better Broadcasting and Christians United for Responsible Entertainment, and protesting to the presidents of television networks and the National Association of Broadcasters, which is responsible for the television code, national boycotts were implemented and the goal was reached. The fall season cartoon shows are of a much better grade, according to James Landrum, president of the Advisory Committee. The plan of attack for upgrading movies will be much the same.

"If adults want to see this kind of movie, fine; but let's not make them so available to our children." Landrum says. He adds that the committee is not necessarily in favor of government regulations but "if this is the only route we can take, then that's how we'll do it."

So far, the group has done extensive research on the history of movie restrictions and codes, contacted parents, clubs and organizations, written letters to Congress and the movie industry. "We're working through state legislation so that, if necessary, we can bring about a law that would give us a city ordinance," Landrum reports.

He says the best method stems from the theory that if enough apathy is shown toward these movies, they will pull them off the screen. Parents and citizens are urged to boycott the films in question.

This group is also looking into some sort of substitute recreation. "When you really think about it, going to the movies on Friday and Saturday nights is about the only entertainment this community provides for its youth," Landrum states.

The committee is also considering bringing in popular recent movies if a sponsor can be found. Landrum, the minister of the Church at Bryant, says these movies are not first run but are up-to-date and selections can be made.

Landrum explains that parents should be educated to know what this code is all about and the committee is also attempting to get the movie industry to establish a better code and enforce it.

Landrum, who has worked as a national chairman on radio and television coverage for Churches of Christ and Christian Churches for four years, say the first picture production code was adopted in 1930 by the Motion Picture Association of America.

It stated in part, "no picture shall be produced that will lower the moral standards of those who see it."

Landrum says the failure of this code was due to a series of federal and state court decisions, beginning in 1952, restricting state and city censorship boards in their power.

In 1966 another code for producers went into effect setting standards by which films should be judged. The regulations are:

1. The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life. (In contrast, the 1930 code contained four paragraphs dealing specifically with the treatment of murder. For example, brutal killings are not to be shown in detail.)

2. Evil, sin, crime and wrongdoing shall not be justified. (The old code contained ten lengthy paragraphs dealing with the treatment of crime ranging from suicide to mercy killing and drug addiction.)

3. Special restraint shall be exercised in portraying criminal or antisocial activities in which minors participate or are involved.

4. Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse shall not be presented.

5. Indecent or undue exposure of the human body shall not be presented. (The old regulations specified that complete nudity, in fact or in silhouette, is never permitted, nor shall there by any licentious notice by characters in the film of suggested nudity.)

6. Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed. Restraint and care shall be exercised in presentations dealing with sex aberrations.

7. Obscene speech, gestures, or movements shall not be presented. Undue profanity should not be permitted.

8. Religion shall not be demeaned.

9. Words or symbols contemptuous of racial, religious or national groups shall not be used to incite hatred.

10. Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

Obviously, this set of standards has a lot of loopholes and it allows the code authorities a good deal of interpretations, according to Landrum. "They get around this thing by saying the scenes are art," he says.

In 1968, the first rating system of Hollywood films was adopted. This code classified films under the following four categories:

1. "G" Suggested for general audiences.

2. "M" Suggested for mature audiences. Children may attend but parental discretion is advised.

3. "R" Restricted, persons under the age of 16 not admitted unless accompanied by a parent or adult guardian. Youth over 16 may attend.

4. "X" Persons under 16 not admitted under any circumstances. Persons over 16 are admitted in most cases with identification.

Landrum offered this comment about the new rating system: "If producers abided by the 10 movie standards adopted in 1966, there wouldn't be a need for the new classifications!"

As a matter of Congressional record, Sen. Curtis warns the movie industry, "The Scotts Bluff Juvenile Advisory Committee is broadening its scope to include evaluations and, where warranted, protest movements against the production and distribution of movies that are smutty, obscene or violence-inciting."

In response to this statement, the Nebraska senator received a letter from Jack Valenti, president of the Motion Picture Association of America, which stated:

"Your insertion in the Congressional Record about the Scotts Bluff enterprise to encourage better films for children finds a favorable response with me.

"The pornography, or out and out smut film, the use of sadistic and gratuitous violence in any form of mass entertainment is unexcusable. Within the framework of legal restrictions today, the motion picture industry aims to restrict the showing of certain movies from viewing by children, and to rate as accurately as we can, all movies so that parents can know which ones are suitable for their children."

The local committee, however, does not agree with Valenti. They maintain a parent cannot know by the present rating the content of a movie. Even the advertising that goes along with movies is a distorted measure, they say.

They suggest that parents choose such guidelines as the Parents Magazine, the Green Sheet, which is available at most libraries, the Protestant Motion Picture Council, the Catholic Legion of Decency and the rating carried by the Christian Science Monitor.

Landrum is emphatic in the belief that the community and country are in "sad shape when we allow the showing of movies like "The Fox"—portraying two lesbians kissing on a bed and showing one completely nude in the bathtub—and 'Succubus'—a female demon who has sexual relations with sleeping men and wooden dolls."

He says it's no wonder psychiatrists and counselors are snowed under with family problems. "What will it be like when teenagers, who are presently being taught through movies that homosexuality, lesbianism and sodomy are normal relationships, enter into marriage?"

Valenti once said, "You haven't seen anything yet. In movies for the first time there is an exploration of human aberrations. Homosexuality, lesbianism and even sodomy will be more evident on the screen."

Valenti implied it will not stop until the public demands its halt.

Landrum, as spokesman for the committee, told Valenti via letter that many of the movie houses are not enforcing their industry code and are allowing children to see "adult only movies."

He continued, "The American people are getting to the point where they are fed up with both television and the movie industry showing morbid and suggestive movies and we think they are ready to do something about it nationally. Filth-for-profit has taken over good family entertainment and we think it's about time Congress, the news media and concerned parents and citizens clean up this mess."

HOW NOT TO REACT TO THE PEACE MARCH

Mr. HARTKE. Mr. President, the massive peace demonstrations of last week evoked a number of responses throughout the Nation, but none more striking or more unsettling than those of the television networks and the administration.

Only days before they were subjected to what many of us thought a witheringly unfair assault on their integrity by the Vice President of the United States, the television networks made a policy decision that would cause their stanchest defenders to wonder how much integrity they really had. I refer to their decision to provide no live coverage of the greatest political demonstration in American history. Since they could never have reached that decision on the basis of the newsworthiness of the event, we can only assume that they reached it on political and prudential grounds—that is, they chose not to risk giving offense to the present administration.

The Washington Post Columnist Nicholas von Hoffman addressed himself perceptively and sardonically to this flight from responsibility on the part of the networks in his column of November 17. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TELEVISION BLACKOUT

(By Nicholas von Hoffman)

The television networks can broadcast live and in color from the moon but not from the base of the Washington monument. NBC had one, mind you, one live camera to photograph the largest political meeting in the history of the United States. It was used three times for a total of five minutes, and that was all the live coverage there was on American television; the other networks had none.

The vast rally was made to order for television. It's the kind of story that makes us old pad and pencil journalists wish we could get into electronics, but on Saturday it was the TV correspondents who were coming up to us and saying, "My God, you don't know how lucky you are to work for an outfit that will cover the news. We collapsed on this story."

Think what it would have cost if the networks had gone out to buy the talent that was performing on stage across the field from the great marble spike, Arlo Guthrie, Dick Gregory, Leonard Bernstein, Richie Havens, Pete Seeger, Earl Scruggs, Peter, Paul and Mary; Mitch Miller, John Denver, Tom Paxton, John Hartford and the cast of "Hair" singing the super hit song from the show. If that isn't a spectacular, then what is? Companies like Plymouth and Westinghouse pay hundreds of thousands of dollars to put entertainment of that quality on the tube, and here it was for free.

But that wasn't all. There was a supporting cast of hundreds of thousands costumed in everything from the saffron robes of buddhist monks to cowboy outfits. There was street theater, impromptu traveling bands of music makers, giant puppets, a thousand different kinds of visual jokes, signs and slogans. Just the kind of stuff that drives a writer to make movies or try for a job in television.

On the more sober side, there was the political meaning of this event, which was either missed or mutilated. If, five years ago, somebody had told you that between a quarter and a half million people would turn up at the White House carrying hundreds of red flags you would have had him committed to the boobyhatch. But it happened; there were countless red flags of revolution and black flags of anarchy there on Saturday. On the flag poles planted in a circle around the base of the Washington Monument where the American flag usually flies, there was a Vietcong flag, peace banners with the upside down Y, Yippie pennants and emblems from organizations too new or too obscure to be easily identifiable.

It would have been performing a service television is supposed to perform to show these symbols and how they were used. It would have been useful to let the television audience see and make its own judgment of how many people in that throng were signifying their politics by making the V-sign and how many were using the clenched fist and shouting, "Right on! Right on!" Because of the television blackout—and that's what it was for practical purposes—the public will have to accent reporters' estimates of these highly indicative acts. We reporters try to be fair but every human being's perception is colored by his beliefs and sympathies, so that each person will make and pass on to the public a different assessment when the public could have made its own.

Now let's look at what the networks' schedules show them putting on the air during the hours the President of the United States was hiding in his house behind barricades of buses and battalions of soldiers lest maddened waves of peace-crazed young Americans see him in the flesh and ask, "Why?" NBC was offering, among other items, "Banana Splits Adventure Hour," "The Flintstones" and "The All-American College Show." About the time this unbelievable march kicked off down Pennsylvania Avenue, Metromedia was airing "The Spirit of Notre Dame," a 1931 movie starring Andy Devine and Lew Ayres, for its Washington audience. Lord, wouldn't it be terrible to miss that one to look at a half a million pinko faggots who ought to go back to Russia?

Later in the day, Metromedia showed the following musts: reruns of "Daktari," "I Love Lucy," "Gidget" and "I Spy." The American Broadcasting Company had a football game on, while CBS checked in with some real heavy stuff: "The Perils of Penelope Pitstop," "Scooby-Do, Where Are You?" "Superman" and "The Red Skelton Show."

However, never let it be said that CBS, with its staff of highly paid, veteran newsmen is not alert to the exigencies of the times. No, no, CBS was on the spot with an evening special telecast, an hour and a half long, and do you know what it was? No, you don't know what it was because you weren't watching. You were too worked up and excited about the March, so you missed it. You missed, "Miss Teenage America With Dick Clark."

A lot of people are going to blame this disaster on Slugger Agnew. Slugger's all right. Don't pick on him, because he's one of the few elected officials we've got who shows himself for what he is. If he feels that his boss isn't getting enough adulation from those Alpo Dog Food salesmen who read the Associated Press wirecopy on the air, Slugger muscles himself some airtime to threaten the network executives.

He needn't have bothered. It appears from asking around that the decision to black out this enormous rally in favor of "The Archie Comedy Hour" and "Wacky Races" (CBS, the both of 'em) was made before Slugger opened America's biggest mouth. And that's the pity of it. They don't need to be threatened with censorship. They'll castrate themselves and call it "sound news judgment."

They are genuinely upset at what Slugger did to them, because he did it out in the open. They've lost face and been humiliated, and so they're running around to the newspapers saying, "We're journalists, too, we should have the same first amendment-free speech rights as the printing press."

You can't maintain a right without using it and in the case of free speech that means saying things a lot of people don't like. You don't need free speech to put on propaganda plugs for government front organizations like the Boy Scouts and the Red Cross. You need the protection of the first admendment to do things that will get you angry phone calls and letters,.things like covering the rally Saturday.

As it is now, we might as well let Slugger have the networks. That way there won't be any confusion about their being independent news agencies; everybody will know that they will have become, in a more genteel way, the American equivalent of Radio Moscow. We'll all buy ourselves shortwave sets and listen to the Canadian Broadcasting Company.

Mr. HARTKE. Mr. President, the other response that merits our attention and concern was that of the administration, which evidently has decided to treat the peace rally as something very small and very nasty. In fact, of course, it was massive beyond belief, and extraordinarily and movingly peaceful. The vicious actions of a handful of extremists Friday night and Saturday evening only dramatized the magnificent restraint and dignity of the half million marchers who came to Washington in peace.

How perversely unfair the administration reaction was to the demonstration has been brilliantly analyzed in the lead editorial in this morning's Washington Post. I commend the editorial to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazes—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—over-all—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people overall out of a crowd of a quarter of a million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the likes of that since Marie Antoinette.

WATER POLLUTION CONTROL

Mr. McINTYRE. Mr. President, both Houses of Congress have recently addressed themselves to the need for Federal aid to local and State governments for the construction of water treatment plants. However, I hope that we do not delude ourselves into believing that we have fulfilled our responsibilities in the area of water pollution control.

As an article written by Senator Gaylord A. Nelson, of Wisconsin, points out, the problem of water pollution is far more encompassing than that of municipalities' sewage. Because the article was written almost 3 years ago, some of the figures mentioned may no longer apply, but the article is still relevant because it presents a cogent analysis of the variety of sources of water pollution and a corresponding variety of suggestions to deal effectively with those causes.

So that Senators will have the opportunity to read this important article, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE NATIONAL POLLUTION SCANDAL

(By Senator Gaylord A. Nelson)

The natural environment of America—the woods and waters and wildlife, the clear air and blue sky, the fertile soil and the scenic landscape—is threatened with destruction. Our growing population and expanding industries, the explosion of scientific knowledge, the vast increase in income levels, leisure time, and mobility—all of these powerful trends are exerting such pressure on our natural resources that many of them could be effectively ruined over the next ten or fifteen years.

Our overcrowded parks are becoming slums. Our birds and wildlife are being driven away or killed outright. Scenic rural areas are blighted by junkyards and billboards, and neon blight soils the outskirts of most cities. In our orgy of expansion, we are bulldozing away the natural landscape and building a cold new world of concrete and aluminum. Strip miners' shovels are tearing away whole mountains and spreading ugly wastes for miles around. America the affluent is well on the way to destroying America the beautiful.

Of all these developments, the most tragic and the most costly is the rapidly mounting pollution of our lakes and streams.

Perhaps the pain is more intense for a Senator from a state like Wisconsin, bordered on three sides by the Great Lakes and the Mississippi, blessed with 8,000 inland lakes and hundreds of rivers and trout streams. Actually, our state seems rather fortunate at the moment. A yachtsman on Lake Superior can raise a bucket of water still crystal-clear and cold enough to drink with delight. Canoeists on the St. Croix or Wolf Rivers still shoot through frothing rapids of sparkling water, and catch fish in the deep, swirling pools.

But the bell is tolling for Wisconsin just as for all the nation. A recent survey of twelve major river basins in southeastern Wisconsin found not a single one fit even for the partial body contact involved in fishing or wading. A competent governmental agency concluded that 754 miles of rivers in this region had been turned into open sewers. Beaches along Lake Michigan, a vast blue sea with seemingly limitless quantities of fresh water, are being closed to swimmers. A sordid ocean of pollution is pouring into the Mississippi from the Minneapolis-St. Paul urban complex. The first serious signs of pollution are soiling Lake Superior, and our small inland lakes are, one by one, becoming murky and smelly and choked with algae.

Elsewhere, all across the nation, the same tragedy is being enacted, although in many areas the curtain already has come down. The waters are already ruined.

Every major river system in America is seriously polluted, from the Androscoggin in Maine to the Columbia in the far Northwest. The rivers once celebrated in poetry and song—the Monongahela, the Cumberland, the Ohio, the Hudson, the Delaware, the Rio Grande—have been blackened with sewage, chemicals, oil, and trash. They are sewers of filth and disease.

The Monongahela, which drains the mining and industrial areas of West Virginia and Pennsylvania, empties the equivalent of 200,000 tons of sulfuric acid each year into the Ohio River—which in turn is the water supply for millions of people who use and re-use Ohio River water many times over.

National attention has been centered on once beautiful Lake Erie, the great lake which is the recreational front yard of Buffalo, Cleveland, Toledo and Detroit, and which supplies water for ten million Americans.

A Public Health Service survey of Lake Erie made the shocking discovery that, in the 2,600 square mile heart of the lake, there was no dissolved oxygen at all in the water. The lake in this vast area could support no desirable aquatic life, only lowly creatures such as bloodworms, sludgeworms, sowbugs, and bloodsuckers.

Along with the germs and industrial acids which pour into Lake Erie are millions of pounds of phosphates, a major ingredient in detergents. Each pound of phosphate will propagate 700 pounds of algae. Beneath the waters of this great like, largely hidden from sight, a hideous, cancer-like growth of algae is forming. As algae blooms and dies, it becomes a pollutant itself. It robs the lake of still more oxygen—and it releases the phosphate to grow another crop of algae.

Lake Erie is a product of its tributaries. A Public Health Service study of these American sewers is horrifying to read.

The Maumee River flows from Fort Wayne, Indiana, through Defiance and Napoleon, Ohio, and on to Toledo, where it joins the lake. Even as far upstream as Fort Wayne, the river has insufficient oxygen to support anything but trash fish and lower organisms, and as it flows toward Lake Erie conditions get steadily worse. The count of coliform bacteria runs as high as 24,000 times the allowable maximum under Federal drinking water standards. The concentration of carbolic acid, a byproduct of steelmaking, runs up to 137 times the allowable maximum. A packing company dumps 136 pounds of oil per day into the Maumee River. A plating company dumps thirty-eight pounds of cyanide per day. Defiance, Ohio, closes its sewage plant entirely for one to two months each year, and all its raw sewage goes directly into the Maumee.

Below Defiance, a foundry dumps cinders and ashes into the river. The Maumee is joined by the Auglaize River, which is even more polluted than the Maumee, and is especially rich in ammonia compounds.

At Napoleon, Ohio, the city draws its drinking water from the sordid Maumee, and a soup company draws off ten million gallons a day for soup processing. (The firm assures me that its modern water treatment plant, complete with carbon filters, can "polish the water to a high quality.")

Below Napoleon, things get really bad. Forty per cent of samples taken by the Public Health Service showed presence of salmonella, an intestinal bacteria that can cause severe illness. As the Maumee flows into Lake Erie at Toledo, it gets its final dose of pollution—the effluent from the Toledo sewage plant and what the Public Health Service describes as "oil, scum, metallic deposits, and toxic materials."

Another Lake Erie tributary—the Cuyahoga—which flows into the lake at Cleveland, is described by the Public Health Service as "debris-filled, oil-slicked, and dirty-looking throughout." It is loaded with coliform bacteria and salmonella. It is so polluted with oil that it frequently catches fire. Structures known as "fire breaks" have been built out into the river to fight these blazes. In the Cleveland harbor, the Public Health Service could find virtually no conventional aquatic life. However, the sludgeworms which thrive on organic matter were well represented—400,000 per square meter on the harbor bottom.

That is the story of Lake Erie, and although it is so shocking and disgusting as to deserve urgent national attention, it is not unique. Southern Lake Michigan, ringed with oil refineries, steel mills, and municipal sewage outfalls, may be even worse. Scientists estimate that it would take 100 years to replace the polluted water of southern Lake Michigan, and some consider the pollution in this area irreversible.

We have our own Wisconsin pollution scandal in Green Bay, a magnificent recreational body of water in northeastern Wisconsin, widely known as a yachtsman's paradise and site of a multimillion dollar resort industry. This "Cape Cod of Wisconsin" is threatened with ruin by a tide of pollution which is moving up the bay at the rate of more than one mile per year. The pollution comes from rivers such as the Fox, the Peshtigo, the Oconto, and the Menominee, which drain large areas of Wisconsin and northern Michigan.

The experience in Lake Erie, Lake Michigan, and Green Bay has convinced many experts of this chilling fact: It is a definite possibility that the Great Lakes—the greatest single source of fresh water in the world—could be effectively destroyed by pollution in the years ahead. If this were to happen, it would be the greatest natural resource disaster in modern history.

That is the outline of this new American tragedy. The obvious question now is, what can be done about it?

First, I think we must learn what a complex and widespread problem we face in water pollution. Like crime, like death on the highway, pollution is a social problem which extends throughout our society. There is no single villain, and there is no simple answer. It must be attacked for what it is—a sinister byproduct of the prosperous, urbanized, industrial world in which we live.

We must take care not to ride off in pursuit of just one villain—such as city sewage, or industrial waste, or detergents, or toilet wastes from boats; this is a battle which must be fought with skill and courage on many different fronts. Nor should we be fooled by the strategy of many polluters, who argue, in effect: "The pollution which we cause is minor compared to the big, nation-wide problem. Why not leave us alone and go after the big offenders?" Even some of the lesser offenders in the pollution crisis could ruin us in time.

The primary sources of pollution are these:

Municipal sewage: Despite heroic efforts and heavy investments by many cities, our municipal sewage treatment plants are woefully inadequate. Some cities have no treatment at all; others remove only part of the pollutants found in sewage. As a result. the effluent discharged by our cities today (treated and untreated) is equivalent to the *untreated* sewage from a nation of seventy-five million people.

Industrial pollution is roughly twice as big a problem as municipal sewage. Despite tremendous investments in research and treatment plant construction by some industries, the overall record is terrible. Some industries feel they cannot remain competitive if they spend heavily for treatment plants. Communities and states are reluctant to push them too far. As a result, industrial wastes (treated and untreated) now discharged into our waters are presently equal to the *untreated* sewage of a nation of 165 million people.

Septic tanks: Vast sections of the nation have no sewer collection or treatment system at all. In such areas, underground septic tanks, often poorly made and undersized, are expected to distribute wastes into the soil. They overflow into natural watercourses, they leak bacteria and detergents into underground wells, and they are destroying lakes by filling them with nutrients that foster heavy growths of algae.

Ships and marine terminals: In selected areas, the discharge of toilet wastes, oil, garbage, and rubbish from ships and shoreline installations is a major problem. For some reason, this form of pollution is widely tolerated and enforcement of laws forbidding it is virtually nonexistent.

Pesticides: The terrifying prospect of spreading poison all over the globe confronts us. We now use more than 700 million pounds a year of synthetic pesticides and agricultureal chemicals of 45,000 varieties. This volume is expected to increase tenfold in the next twenty years. Many of these poisons persist forever in the environment, and their concentration builds up geometically as they progress though the food chain (water, seaweed, fish, birds, mammals). DDT residue has been discovered in penguins in Antarctica, in reindeer in Alaska, in seals, and in fish caught in remote areas of the Pacific Ocean. One part of DDT in one billion parts of water will kill blue crabs in eight days.

Silt: One of the most serious pollutants all over the world is the dirt which washes into our waters from off the land. This somewhat natural problem is disastrously aggravated by contemporary trends—widespread clearing of land for subdivisions and shopping centers; construction of highways and parking lots (which cause rapid runoff) and the intensive development of lake shores and riverbanks. Controlling surface runoff and the siltation which it causes is complicated by our patchwork of political boundaries and the lack of coordinated government planning.

Detergents, fertilizers, and other chemicals: Some of these commonly used substances pass through even good waste treatment systems and become persistent pollutants. Such pollution can be eliminated only by changing the composition of such substances, regulating their use, or devising new removal techniques.

Obviously, any nation-wide problem made up of so many elements is extremely difficult to attack. Yet I believe that the rapidly accelerating destruction of our natural resources is our number one domestic problem, and the greatest of all our resource problems is water pollution. If we are to meet this pollution threat, if we are to save the waters of America and preserve this most indispensable part of our natural environment, we must make the war on pollution a high priority matter at every level of government—local, state and Federal—and we must insist that private industry do likewise.

Baffling and complicated as the pollution problem is, it is not insoluble. There is no reason in the world why a great and prosperous nation, with the money and know-how to shoot man to the moon, cannot prevent its lakes and rivers from being destroyed and its life-giving water supplies endangered.

Just as there is no single cause of pollution, so there is no single solution to the problem.

Consider the question of what to do about municipal sewage and industrial wastes. Why do we tolerate a situation where these two sources alone pour into our waters each year the equivalent of the completely untreated sewage of a nation of 240 million persons?

In the case of municipal sewage, it is largely a matter of lack of money, aggravated in some cases by a shocking lack of public concern. There are now more than 1300 communities which have sewer systems but discharge their wastes into the waters without any treatment at all. These communities have a population of more than eleven million people. How such a condition could exist in the year 1966—when it is generally illegal to throw a gum wrapper out of a car window—is inconceivable.

We have another 1300 communities—with almost seventeen million population—which treat their wastes but in a completely inadequate manner. In most cases, these are communities which use what is known as "primary" treatment. They screen their sewage and let the solids settle out, but they do not remove dissolved solids, salts, chemicals, bacteria, and special problems such as detergents. Every community should have what is known as "secondary" treatment, under which sewage—after primary treatment—is held in in holding tanks, brought into contact with air and biologically active sludge, so that bacteria have a chance to consume the pollutants.

The Conference of State Sanitary Engineers estimates that it would cost $1.8 billion to provide adequate sewage collection and treatment for these communities which now have no treatment or completely inadequate treatment.

But even this would still leave us with a massive municipal pollution problem. Even good secondary treatment removes only eighty per cent to ninety per cent of the pollutants. Chicago, for instance, with a good secondary treatment plant, discharges treated effluent which is equivalent to the untreated, raw sewage of one million people. It dumps 1,800 tons of solids per day into the Illinois waterway. At the rate the pollution load is increasing it is estimated that even if all communities have secondary treatment plants by 1980, the total amount of pollutants reaching watercourses would still be the same as today. Obviously, we need a massive program to build highly effective city sewage treatment plants.

It is also obvious that local property taxes cannot support such a gigantic investment, and that if we wait for communities to do this on their own, it will never be done. Most state budgets also are severely strained, so much of this burden is going to have to be borne by the Federal government—if we want the job done early enough to be effective.

The Senate Air and Water Pollution subcommittee estimates that it will cost $20 billion to provide secondary treatment in plants serving eighty per cent of the population and more advanced treatment in plants serving the other twenty per cent. We have had a Federal program to assist communities in building such treatment plants for the past ten years, but it has been inadequate. It has recently been greatly improved, but it is still inadequate. In the past it has provided grants of up to thirty per cent within the limits of available funds. The most recent act—the Clean Waters Restoration Act of 1966—authorizes a total of about $3.6 billion over the next five years ($150 million in 1967, $405 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971). A community can get a grant for up to fifty per cent of the cost of a project, provided the state pays twenty-five per cent and provided water quality standards have been established.

New York needs an estimated $1.7 billion for new sewage plants. The new law would give it a total of only $307 million. Ohio needs $1 billion and would get $180 million. Wisconsin needs $286 million and would get $75 million.

If we are serious about the Federal government paying fifty per cent of the cost of eliminating municipal pollution, then Washington must provide $10 billion—not $3.6 billion—and even then we will be expecting our hard pressed states and communities to come up with another $10 billion.

Personally, I think it is unrealistic to expect the states and localities to assume a burden of this size. And I do not think the nation can sit by and wait while its communities struggle to build up the financial resources and the political courage needed to do the job. I think we should get sewage treatment plants built the way we are getting interstate highways built—by offering ninety per cent Federal financing. I have introduced legislation which would establish such a program.

The municipal sewage problem is complicated by another problem—combined storm and sanitary sewers. By combining storm water and human wastes in one sewer system, many cities build up such a tremendous load during rainstorms that their sewage treatment plants cannot handle it. They have had to install automatic devices which divert the combined sewer load directly into lakes or streams whenever it get above a certain level. In this manner, sixty-five billion gallons of raw, untreated sewage goes into our lakes and rivers each year.

Most cities are separating storm and sanitary sewers in new subdivisions, but the task of separating the sewers in the older areas is a staggering one. Complete separation would cost an estimated $30 billion. It would cost $160 per resident in Washington, D.C., $215 in Milwaukee, $280 in Concord, New Hampshire. It would cost Wisconsin an estimated $186 million, Indiana $496 million, Michigan $970 million, New York and Illinois about $1.12 billion each. These are only general estimates of the direct costs and they do not take into account the disruption of traffic and the local economy caused by ripping up miles of underground sewers.

In the hope of avoiding such costs, the Federal government has underwritten several research projects to see if this problem cannot be met in some other way—through temporary underground storage of sewer overflows, for instance, or by building smaller sanitary sewer pipes inside existing storm sewers.

The staggering problem of *industrial* pollution is virtually untouched today by our Federal anti-pollution programs, even though industry contributes twice as much pollution to our waters as do municipalities. If we do not step up our industrial waste treatment plant construction, the pollution effect of industrial wastes alone by 1970 will be equal to the untreated, raw *sewage* from our entire population.

Industries are widely critized for dumping wastes into our waters, and this criticism is often justified. They are pressured by local, state, and Federal officials. But some industries are able to avoid a serious crackdown against them by threatening to move. Most industries argue—sometimes effectively—that they cannot be expected to make massive investments in treatment plants if their competitors—often in different parts of the country—are not forced to do so.

I have come to the conclusion that the threat of enforcement alone is not going to solve our industrial pollution problem. We must provide direct financial assistance to see to it that the plants are built. I have introduced legislation to provide both loans and grants of up to fifty per cent to industries whose size and economic circumstances prevent them from assuming the full burden of providing their own facilities. I think such assistance should be carefully limited and should be for a short period, but I do not think we can avoid it. We are going to pay the cost of industrial pollution in one way or another—in the cost of the manufactured product, in taxes, or in ruined water resources.

But massive construction programs alone are not going to solve our municipal and industrial pollution problems. We need a tremendous expansion of Federally supported research to find completely new answers. Our whole waste disposal system, from the household toilet to the municipal sewage treatment plant, is a holdover from another era. The system should be studied and redesigned, using the latest scientific techniques and fitted into a coordinated, nation-wide system of waste disposal. Research grants should be made to private industry and universities to develop new methods and devices to refine, use, neutralize, or destroy pollutants. We should compute what our present waste disposal systems are costing us—including the loss in natural resources destroyed—and what alternative systems would cost.

Compared with municipal and industrial pollution, the other pollution problems I have mentioned are statistically small. For that reason, they are often ignored. But we cannot safely do that. Even if we managed to contain the flood of municipal and industrial pollution, the other sources could do fatal damage to our environment.

Septic tanks must be controlled at the state and local level, and in many areas I think we must forbid new installations and work to replace existing ones with sewer systems. For instance, once an inland lake is ringed with cottages with septic tanks, it is doomed. Septic tanks must drain somewhere and in most lakeshore settings the natural drainage flow is into the lake. At the very least, this drainage will fertilize the lake, cause the rapid growth of algae, and turn the lake into a murky, foul smelling mess.

Ship pollution is certainly serious enough to justify Federal action, even though such suggestions cause howls of protest from those who insist it "isn't practical." Why is it practical to install retention facilities on buses, house trailers, and aircraft but not on boats and ships? Obviously, we are willing to allow wastes to be dumped into our water supplies which we would never tolerate being dumped onto the land. We need Federal laws to require suitable facilities on all vessels using our navigable waters, and we need a better enforcement system to crack down on such disgraceful practices as dumping oil and pumping out oily ballast tanks on the Great Lakes and in our rivers.

The siltation problem can be controlled only through strict zoning and land use controls. We have got to prevent intensive development of our shorelines if we are to save our waters. Once a large portion of the natural vegetative cover is destroyed, the water resource is in danger. I believe that the Federal government should provide financial assistance to those willing to carry out soil conservation practices along our lakes and streams on a scale large enough to be meaningful.

Pesticides, detergents, and exotic new chemicals will plague us for years to come. New treatment systems may offer some hope for removing these substances, but I think they must be controlled directly. Those which cannot be removed safely in normal treatment processes, and those which have chemical structures which cause them to persit in our environment and to threaten fish, wildlife, and human health, should be banned or their use strictly regulated.

In speeches in some twenty-three states in the past four years, I have called for an emergency, crash program to fight water pollution. I have offered my estimate of the cost of conquering water pollution as $50 to $100 billion over the next decade. It now appears I may have been conservative. The Public Health Service now estimates that it will cost some $20 billion to clean up the Great Lakes alone, and the total national cost is now estimated at $100 billion.

But everywhere I have gone I have found the public willing to pay this cost to save their waters. In fact, I think the public is far ahead of local, state, and Federal officials in facing up to this crisis. I think that citizens in most communities would support a sharp crackdown on local polluters of every variety. I think they want their states to establish high water quality standards, and then enforce them. I think they can be shown the need for bold regional action to deal with those vast interstate pollution problems (such as on the Mississippi and the Great Lakes) which obviously are too big for any community or any state to handle.

And I think that the citizens of America now recognize that the destruction of the major river networks of the nation, the threatened destruction of the Great Lakes, and the slow ruination of our treasured inland lakes and trout streams is a calamity of such gigantic proportions as to deserve the urgent attention of all citizens and prompt action by the national government.

WANTED: A UNIFIED STRATEGY FOR ENVIRONMENTAL PROTECTION

Mr. MUSKIE. Mr. President, Edwin A. Locke, Jr., president of the American Paper Institute, recently called upon President Nixon and Congress to establish an agency with strong executive powers to carry out a unified strategy to protect the environment.

Mr. Locke has solid qualifications to make his recommendations. He has served his country well, having been called by three Presidents—Franklin D. Roosevelt, Harry S. Truman, and John F. Kennedy—to perform special duties. He was the featured speaker at a luncheon during the annual meetings of the American Forest Institute held in Washington on October 27 and 28.

Because I believe his speech is of interest to the Senate, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Wanted: A Unified Strategy for Environmental Protection

(By Edwin A. Locke, Jr., president, American Paper Institute)

When I tell you that it's a pleasure to be with you today I mean it, but in all honesty I was not sure for a while that I was going to be able to say that. The fact is that when your president asked me some two weeks ago to talk about the environmental problem I was rather at a loss. Certainly I have long been interested in what some people call the problem of "the effluent society", but it seemed to me at first that the subject had been so thoroughly analyzed forwards and backwards by so many writers and speakers that there was really nothing fresh or worthwhile left to say. I had a mental picture of myself standing up here and repeating things you have all heard before, to our common misery.

But now I am grateful to Buzz Hodges for stimulating me to come to grips with this problem. I felt impelled to try to see the environmental dangers confronting the nation as a whole, as well as those aspects of it that relate to the forest-based industries. As a result my outlook has gradually changed. I have come to some tentative conclusions about the nature of the effort needed to improve environmental quality and I would like to share those conclusions with you today.

Let me say at once that there has not been time to discuss the purport of these remarks in any formal way with others in the industry. But on the basis of recent talks about the environmental problem with many paper company executives, I think there would be considerable support for my views among them. And let me say further that there is every reason for people in our industries to speak out on the broad national aspects of the environmental effort, when we see some step that might soundly be taken. We have I think proved our earnest intention to promote the environmental cause. We have long since realized that aside from the dictates of social responsibility, our long-range economic interests are inextricably linked to the quality of the environment.

I believe that anyone who objectively examines our efforts to cope with the environmental threats that have gathered so much momentum in recent years must realize that we are taking determined strides to conserve the nation's resources and protect its air and water. It is worth while reminding ourselves how much has already been done. Let me take a minute or two for that.

Critics who have not yet caught up with the facts sometimes assume that we are lukewarm about conservation, but what are the facts? Since 1950 the pulp and paper companies alone have put at least a billion dollars into reforestation, fire prevention and forest research. This effort is now showing substantial results. Take research alone. Recent advances in tree genetics and techniques of fertilization have opened up the prospect of producting and speeding the growth of superior trees that in the next generation will greatly enlarge our forest resources.

Meanwhile we are by no means standing still. Important developments in forest management, the improvement of harvesting methods, successful research in tree chemistry and improved techniques of pulping are already enabling the industry to make use of increasing amounts of wood substances previously regarded as waste. Equally important, the industry in recent years has found ways to produce light-weight papers for purposes that formerly required heavier stock, thus saving large amounts of wood fiber. We are also beginning to move vigorously in the collection of waste paper which is recycled and used again. Putting all these factors together, one of the leading scientific authorities of the industry recently told me that within the lifetime of most of us an acre of typical timberland will go a great deal farther to satisfy consumer demand than at present. He actually said six or seven times farther, but I think we would all gladly settle for half of that.

The industry's progress in fighting pollution of water and air has been equally impressive. Our liquid waste discharge per ton of production has been cut to considerably less than half as compared with 10 years ago, and great quantities of water are being conserved as our mills progressively install recently developed processes that permit the recycling of industrial water. As for air improvement, at the present time virtually all the kraft paper mills of the country have now installed major devices to control particulate emissions. More than 90% of all such emissions have been eliminated, and industry research is concentrating hard on ways of coping with other aspects of the air pollution problem. In some of our research projects, the government has given us valuable cooperation.

We have, I believe, earned our credentials as convinced supporters of the national effort to protect the environment. For that matter, I think the public would be surprised to learn how far industry as a whole has come in its determination to improve the environmental picture. Recently I have been working with more than a score of major industry associations assisted by the staff of a major institution in the field of economic research and analysis. By the end of this year, we hope to have completed the outline of a program to which all industries could subscribe, as a basis for even greater efforts to assure future environmental quality.

Now in saying what I have said about the positive gains already made, I am not for a moment losing sight of the magnitude of the Nation's environmental problem as a whole. It is perfectly clear that however much industry has accomplished, and however much government has achieved, it is still not enough—not by a long sight—certainly not enough to permit complacency.

I try to be conservative in my use of language, and I draw back from using words like "emergency," but I think we must seriously listen to ecologists who tell us that if we do not promptly, as a nation, take adequate preventive measures, we will have an environmental emergency in the next decade. The essence of their warning is simple and blunt. Increasing amounts of deleterious substances entering the air threaten to impair the Nation's health and productivity, perhaps on an epidemic scale. A water emergency may be even more imminent. It is now familiar that a number of our rivers and lakes are so badly polluted that they will no longer support much aquatic life and are a biological threat to human populations on their shores; but what may not be so well known is that by the middle 1970's, if the current trend of demand continues, the need for water in our expanding population may well exceed the total potential supply from present sources. Whether by that time desalinization of ocean water will be far enough advanced to make up the shortage is still uncertain.

I think we must all ask ourselves why is it, since industry is doing so much, and government is striving so hard to prevent further deterioration of the environment—why is it that there has not been more progress overall?

A good part of the answer is that the effort to protect the environment is badly fragmented on both the local and national levels. Let me take the local situation first. The tendency has been to attack the problem piece-meal, as situations become critical in one respect or another. There has been comparatively little overall environmental planning in local communities. Few have been able to figure out how to deal with the complexities of pollution from sewage and garbage, from automobile exhausts, from domestic heating, and from industrial smoke and effluents, together with the problems of waste disposal; and few could find the money to do the job even if they knew how. As a result there is often a good deal of procrastinating and an inclination to blame the other fellow for worsening conditions, but too little constructive action.

People need to realize that pollution is not an evil visited upon their communities by this or that segment of society. It is the common problem of all, the inevitable accompaniment of the process of social growth and development. Wherever people produce and consume there are bound to be residues that are extremely difficult to dispose of, and which if they accumulate too rapidly can poison the air, water and soil on which man depends for life. These are simply products of the social metabolism. The problem is to keep the residues at tolerable levels—a difficult but by no means impossible task. But unless and until the environment is dealt with as a whole, there will not be enough forward momentum, in my opinion, to reverse present negative trends.

Now I am a great believer in local initiative. I know that the well-springs of our success as a nation lie in the spontaneous response of many thousands of separate communities to local conditions and challenges. But it is all too easy for the energies of a community to be frustrated and dissipated unless they are synchronized with the primary goals of the nation as a whole. If we are going to be effective in checking environmental deterioration at the local level—if we are going to pass on to our children an environment that offers promise for a good life, I believe we will have to make a much more unified effort than we have seen to date—an effort that will combine all the now scattered energies devoted to this problem into a single force to the benefit of the entire country.

I imagine that all of us here know that President Nixon and the Congress have recently begun to move toward a national approach to environmental protection. The President has already established an Environmental Quality Council with himself as Chairman, and with a membership made up of appropriate Cabinet members and White House advisers, with the aim of arriving at sound national policies. Bills with much the same purpose are currently being considered by the Congress. One of them, sponsored by Senator Jackson, proposes to set up a council consisting of full time professionals in this field to advise the President. Another bill, introduced by Senator Muskie, aims to establish an Office of Environmental Quality in the Executive Office of the President, as an intelligence center and advisory body.

These are useful steps as far as they go, but in my opinion they do not go nearly far enough to meet the requirements of our national situation. If we are going to deal successfully with the mounting dangers to the environment, the government needs not only sound information, advice and policies, but an operating organization that can move fast to do what needs to be done. At present executive authority in this field is divided among so many government departments and agencies that the complete list runs to several typed pages.

We have in the not far distant past seen *ad hoc* agencies of this kind called into being by the President and the Congress to meet emergency situations, and with good results. One of them was the War Production Board of the early 1940's, where I was able to see close up how much could be accomplished by an agency with broad powers to tap the energies of the nation's complicated economy, and direct them to a specific end. The other was the Reconstruction Finance Corporation of the 1930's, which had the task of helping to revive a declining economy, together with the power to raise the needed capital. Both of these organizations were staffed primarily by businessmen. While I would not presume to try to define the right kind of government agency for the present need, it strikes me that the nature and accomplishments of the WPB and RFC might be profitably studied and the lessons applied in the current environmental situation.

My feeling is that the sooner the President and the Congress create an "Environmental Protection Board" with strong executive, rather than merely advisory powers, the better off the country will be a few years from now. I can see no more hopeful way to carry out the necessary work. A top level agency reporting to the President and acting under his authority would be in a position to analyze the environmental needs of every part of the country, and set up regional models and priorities to enable local authorities to see what has to be done, in what sequence, how soon, and at what cost. Such an agency could coordinate scientific research on the environment throughout the country, with a view to arriving at sound criteria and standards, and the use of the most efficient equipment and processes. The Board could assist states, cities and towns in systematically initiating essential projects in the most economical way. Of great importance also would be the intensive education of the public in their responsibilities to the environment—not only adults, but especially the young who will have to carry on the effort to protect the environment in the years ahead.

My remarks here have concentrated on the aspects of environmental deterioration that demand prior attention from the forest-based industries, notably air and water pollution and conservation, but in all probability a Federal program of action to be fully effective might finally have to deal with other major aspects of the ecological balance, as they derive from such major conditions as urban blight and soil pollution.

Plainly, the cost of environmental protection is going to run to many billions of dollars over the next decade—and this is a time when the government is already faced with many urgent and competing demands on the budget. The new agency, however, by centralizing operations which are now appallingly fragmented, could undoubtedly achieve important economies. Certainly, it would offer for the first time a fully coordinated attack on the problem—and one that is essential if we are going to overcome the threats of a water famine, epidemics of respiratory diseases and shortages of raw materials. I think the American public has the good sense to recognize the imperative need and would support the government in a unification of executive powers over the environment.

Bold and vigorous action by the Federal government along these lines is also likely to have a tonic effect on the nation's morale. The depressing psychological climate created by a deteriorating environment cannot be easily measured, but I suspect that it is an insidious negative force now working below the level of consciousness to weaken the spirit of the people. The reassurance that would be given by an all-out drive to improve the environment might do more to unify, encourage and energize our nation than any other development that I can foresee.

In fact, if the government should move soon to create and implement a unified environmental strategy, the benefits might be felt internationally, as well as within our borders. The United Nations has called a conference to formulate world policy on the environmental problem in 1972. If by that time we in the United States are moving strongly to protect our own environment, many another nation may find our example worth following. This is one of the few issues on which international solidarity might be achieved in our time. By displaying vision, by leading the way, this country may open up new vistas of hope to all men threatened by environmental deterioration, and may enrich the lives of future generations, not only on this continent, but throughout the world.

RECOGNITION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the first paragraph in the preamble of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, states:

> Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

I feel that in this preceding paragraph, "recognition" is a vital word, one that we should all pay close attention to.

The United States has historically affirmed "the inherent dignity and of the equal and inalienable rights of all members of the human family." Furthermore, our Declaration of Independence and Constitution explicitly extols these basic principles. This is as it should be.

However, whereas the United States has incorporated these most basic principles into its own laws, it has not done so on the international level. In other words, the United States has not officially "recognized" a number of these human rights. Specifically, I am referring to the refusal of this body to ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide.

The time is now for the United States to stand up and be counted as one of the many nations to recognize "the equal and inalienable rights of all members of the human family." Simply to affirm these rights through political rhetoric is no longer enough. We must move to close the gap between rhetoric and reality, we must move to ratify these Human Rights Conventions.

I am firmly convinced that if we take this step toward ratification, that if we take this step of "recognition," then we will have advanced the day when there will be "justice and peace in the world" for all.

THE MORGANTOWN, W. VA., YOUTH CENTER

Mr. BYRD of West Virginia. Mr. President, in its Current Affairs section on November 16, the Sunday Gazette-Mail of Charleston, W. Va., published an informative article on a project in which I am deeply interested—the Robert F. Kennedy Youth Center.

Some years ago, I was instrumental in getting the National Training School for Boys moved from its century-old facilities in Washington, D.C., to a 322-acre site at Morgantown, W. Va. The facilities which had been renamed the Robert F. Kennedy Youth Center, was opened in January of this year and currently trains 178 youthful offenders. Eventually it will have adequate facilities for 300.

Mr. President, I take pride in playing a part in the transfer and in securing the necessary funds, as a member of the Appropriations Committee to provide the Federal institution with the most modern facilities and equipment to carry out its rehabilitation program. I also take great pride in the successes being reported by the center.

The article, written by Sandra Grant, points out that one boy released earlier this month has made arrangements to enter college. Describing the center as more of a community than an institution, the writer also notes:

> The work program is designed to give each inmate basic skills and crafts in several trades or crafts—skills that will get him a job when he is released.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUNS, FENCES, FEAR—HERE THERE IS NONE

(By Sandra Grant)

MORGANTOWN.—The penologist in the U.S. Department of Justice wanted it to be a prison.

They wanted the buildings to look like prison buildings. They wanted two high fences of barbed wire around the property, with armed guards and police dogs patrolling between the fences.

The sociologists wanted it to be a school and a treatment center.

The sociologists won.

The Robert F. Kennedy Youth Center, about a mile from Morgantown, is a collection of light-filled, spacious buildings separated from the outside world only by a perimeter road. Few of the guards wear uniforms or guns. The inmates are called students, and they are allowed to wear long hair, sideburns and mustaches. The walls in a couple of the buildings are plastered with antiwar signs. And the Robert F. Kennedy Youth Center is the only prison in the federal system that has a pet cat.

"I know that a lot of people call this country-clubbing," says Roy Gerard, who did most of the planning for the center he now directs. "A lot of people think prisons don't deserve the comforts and attention we provide. But we're trying to run a rehabilitation institution, not just a place where people are confined and punished for a designated length of time. Isn't it better to release people who have some work skills and can function successfully in society rather than people who have gained nothing from being in an institution and are likely to get into trouble again?"

Kennedy opened in January. It now has 178 inmates, ranging in age from 13 to 20. The population will gradually build to about 300 and will be kept at that level.

"Our population is selected for us," says Gerard. "We take boys from the eastern half of the United States and we receive the youngest, least sophisticated offenders. The boys we get have usually been in trouble for two or three years. More than half have had previous commitments to correctional institutions. Most of them have committed crimes against property, such as driving stolen cars across state lines. We get very few who have committed violent crimes, because those are usually state offenses. We have some boys who have been convicted of charges involving drugs, such as illegal possession of marijuana. We get a few who have committed military-related crimes, such as going AWOL or refusing to be inducted."

Many of the boys at Kennedy now were transferred there from other institutions when the center opened in January. It was a move they appreciated. "I was at the National Training School in Washington before I came here," one boy said recently. "I couldn't even compare the two. I've gained insight into my problems here and I've learned to care about other people." This boy went home a week ago. He has already made arrangements to re-enter college.

Boys arrive at Kennedy in arm chains, handcuffs and, sometimes, leg irons. They are placed in the reception cottage, the only building which is always locked. For two weeks they are tested, observed and interviewed. They are classified into four behavior groups: inadequate-immature, neurotic-disturbed, subcultural and psychopathic. At the end of the first two weeks, they are moved to the four cottages where the different behavior groups are housed.

"An important part of our program is differential treatment and staff matching," says Gerard. "Their criminal behavior is related to their emotional problems. If they're going to be rehabilitated, they need treatment tailored to their needs. They can't be put together and treated the same."

The inadequate-immature inmates need enriching, educational experiences that will help them grow up emotionally. These are usually youngsters who have been led into delinquency by more sophisticated offenders, Gerard points out.

The boys classified as subcultural need to have their attention focused on society as whole. They have gang habits that must be broken.

The psycopathic inmates, Gerard says, are helped most by varied, constant activity and a firm set of rules that leaves no doubt in their minds about what is expected of them.

"In each cottage," the director says, "we place the correctional officers whose beliefs about and approach to their work match the needs of the boys. Many people who are attracted to correctional work are police types. We need them to work with the psychopathic offenders who respond best to the drill-sergeant approach. The other boys need officers who are more interested in getting close to the inmates and working on their emotional problems."

Gerard, who was superintendent of the National Training School for two and a half years before he was assigned to work on plans for Kennedy, developed the classification and differential treatment program with the help of Dr. Herbert C. Quay, chairman of Temple University's Division of Educational Psychology, and Dr. Robert Levenson, chief of psychological services for the Bureau of Prisons.

"I was given a major role in the planning almost a year before the center was completed and opened," Gerard says. "Many of the things we're doing here have a strong theoretical base. We tested these treatment techniques in experiments at the National Training School and we proved that they work."

Gerard and a battery of consultants also planned an innovative work program and an institution-wide economic system.

The work program is designed to give each inmate basic skills in several trades or crafts—skills that will get him a job when he's released. Each boy begins as a trainee. He must wear an inmate's uniform and sleep in a cubicle in a dormitory. Every week he gets a salary in the form of points. The number of points he receives depends on how well he does his work, how well he does in the center's school and how well he gets along with his fellow inmates. He must pay for everything he receives, from his sleeping space to his between-meal snacks.

A trainee works his way up to apprentice and begins to earn a higher salary. He is able at this point to pay for a private room with a cot, a metal cabinet and a chair. He may wear his own clothes during evenings and on weekends.

The third and last work level is the honor class. An inmate in the honors group has larger room with a private sink, a toilet, and more storage space. He may wear his own clothes at any time and is eligible for weekend home visits.

The boys who cooperate in this program are doing all they can be expected to do, Gerard says. They shouldn't be badgered constantly about the length of their hair, their feelings about the Vietnam war or the style of clothing they prefer.

"It's much easier for them to relax and devote themselves to what we want them to be doing if they don't have to think about a lot of things that have nothing to do with our program," Gerard says. "We could spend most of our time making sure the boys have short haircuts and don't smoke cigarettes. But we'd be wasting our time if we did. They're going to smoke anyway, and they'd get the cigarettes somehow. There's no point in trying to prevent it. And hair is an individual thing. I don't know of any study that relates the length of a person's hair to delinquency. We have rules, but lenient ones. The hair can be no longer than the collar. The mustache can be no wider than the mouth. No beards are allowed. Sideburns must be no longer than the bottom of the ear. The Negro boys can wear Afros if they want to—some of them do."

Gerard had some trouble convincing the center's barber that it was all right to just trim instead of cut, but that problem was licked long ago.

Gerard has been fighting little battles like these for the boys since the place opened. One of his memorable attacks on the twists and tangles of bureaucratic red tape and punishment-oriented treatment came after a cat took up residence on the center's grounds. As cats will, this one decided he had found a home and he settled down to stay. But pets are strictly forbidden in federal institutions.

The boys wanted to keep the cat. Gerard couldn't see any harm in the animal's presence. To the contrary, the cat seemed to have united the boys in a pride of owership.

Gerard had to go to Washington officials with a good sales talk on the cat. But he finally got permission for the animal to stay and it is there now, symbol of an unprecedented victory over rules and regulations.

These little battles are little indeed after the wrangling that took place before the center was even built. Plans for the facility were initiated while Robert F. Kennedy was attorney general—almost eight years ago. The architectural contract was awarded to C. E. Silling and Associates, a Charleston firm.

Although Gerard emphasizes the favorable way plans finally worked out, Silling recalls, "If it had been built the way the penologists originally wanted it, the Kennedy Youth Center would look and be like a prison today. They wanted the two barbed wire fences with the dogs patrolling between them, for instance. The sociologists and we, the architects, got rid of one of the fences. Then we managed to get rid of the second one. Then we got rid of the dogs. Now there's just a road around the grounds, and the boys understand that the minute they put a foot on that road, they're off limits. We hope, and we believe, that the architecture has something to do with the atmosphere of the center. We're very proud of it. We regard it as one of our most successful projects."

With the center not yet a year old, Gerard still has many plans that he hasn't had time to put into operation. A Morgantown drama group used the center's auditorium to present a play this summer and inmates took part in the production. Gerard wants more activities of this sort going on more often. He's pleased by the success of a Jaycee chapter that was started in one of the cottages and he wants to get other boys involved in scouting and similar "outside" groups. He wants to work out a legal procedure that will allow more events such as the West Virginia University swim meet held in the center's gymnasium recently.

"This is the first federal correctional institution that's been a real part of the community," Gerard says. "We've still got red tape to get around, because there's liability involved when any citizen uses this kind of federal government facility. We're getting the community more and more interested and involved in what we're doing here, though. The people of Morgantown are learning that they don't have to be afraid of the boys at the Kennedy Center, and the boys are beginning to feel that they're living in a community, not in an institution that has no relation to what's outside of it."

CHEMICAL AND BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, the subject of chemical and biological weapons is one of utmost concern and great complexity. They are not pleasant subjects to think about in the first place and until very recently they have been further shielded from our consciousness by an excessive shroud of secrecy. Having now been brought into the open, the theoretical and technical aspects of the subject matter complicate the task of sound analysis and judgment. Nevertheless, a great deal of excellent thought is now being given to this subject, work which should be of great value to Members of this body in the future.

Recently, several Members of the House sponsored a study of the strategic and tactical implications of chemical and biological weapons. Their report was presented on November 3, and I have received a copy of it from Representative JOHN DELLENBACK.

I commend this effort and bring it to the attention of the Senate, for it goes directly to the most difficult and most abstract elements of the CBW issue. Even those of us who most deeply abhor the thought that chemical and biological agents might actually be employed must, nevertheless, arrive at our own answer to the central question posed in this excellent study: "Do chemical and biological weapons add a positive measure to our overall national security?"

I urge Senators to study the report, and I ask unanimous consent that a statement by its sponsors and its introduction be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CBW AND NATIONAL SECURITY, NOVEMBER 3, 1969

This is a study of the strategic and tactical implications of chemical and biological weapons. While an analysis of this length cannot be exhaustive, the sponsors of this study group paper believe that it contains perspectives and recommendations worthy of consideration by this Congress and the Administration.

The sponsors of this study group paper are Congressmen:

John Dellenback of Oregon.
Charles A. Mosher of Ohio.
Howard W. Robison of New York.
Fred Schwengel of Iowa.

Additionally, the following Members of Congress have joined the study group in encouraging, through the release of this paper, a re-examination of the strategic and tactical purposes served by chemical and biological weapons:

Marvin L. Esch of Michigan.
Peter H. B. Frelinghuysen of New Jersey.
Gilbert Gude of Maryland.
Frank Horton of New York.
Paul McCloskey of California.
Joseph M. McDade of Pennsylvania.
F. Bradford Morse of Massachusetts.
Ogden R. Reid of New York.
Philip E. Ruppe of Michigan.
Herman T. Schneebeli of Pennsylvania.
Robert T. Stafford of Vermont.
Charles W. Whalen, Jr. of Ohio.

INTRODUCTION

The recent concern about safety procedures in the handling of chemical and biological weapons has caused us to re-examine the purposes for which we have these weapons. Our effort has necessarily involved analysis of the advantages and disadvantages of CBW in each of the situations our country faces or might face. Accordingly, we have considered chemicals and biologics as deterrents to all-out war and as tactical weapons in limited wars. It stands to reason that the judgment of the Congress concerning the future of these weapons must be based on this kind of analysis.

We need to determine whether these weapons are valuable additions to our already impressive arsenal of conventional and nuclear weapons. It is not justifiable to continue developing, producing and testing chemical and biological weapons simply because we can develop safe testing and storage procedures for them. Also, we cannot logically accept the rationale that we need chemical and biological weapons simply because some other country is engaged in CBW production. Similarly, it is not enough to say that they enhance "flexibility": one must analyze their specific advantages. Only weapons which add a positive measure to our overall national security deserve support.

As a result of our inquiry, we question whether chemical and biological weapons add significantly to our security. The risks we run by using and maintaining secret stockpiles seem to outweigh the dubious advantages offered by these weapons.

On this page and the next page, we will present a few of our concerns, highlighting rationales which are elaborated in the main body of the paper. Here we will also offer some recommendations.

As deterrents to all-out war, chemical weapons are neither more cost-effective nor certain than our nuclear deterrent. Biological weapons are doubly uncertain as mass killers. On the one hand, their effectiveness can be blunted by extreme weather conditions or unpredictable biological reactions. On the other hand, a successful attack by us could initiate an epidemic that might spread to infect our own population. When a weapon is potentially dangerous to both the attacker and the attacked, retaliatory threats lack sufficient credibility.

Although many have accepted the notion that CB weaponry is humane, we are dubious. Many of these weapons are naturally inhumane, while others which could theoretically be used to reduce war deaths have actually been used to increase them. Contrary to the assumption that weapons which have been secretly developed and tested for years will perform effectively in the field, many of them have not significantly improved our military position and many more cause severe ecological damage which may make them less acceptable than conventional weapons.

We suspect that virtually all CBW is highly escalatory in limited war. When we fight limited conflicts to avoid all-out war, chemical and biological weapons may push us toward total war. When we are willing to escalate, chemicals and biologics are very likely at least as escalatory as tactical nuclear devices.

Finally, we find that in the field of CBW there appear to be unique opportunities to disarm voluntarily or on a negotiated basis. There is genuine international interest in reaching a negotiated settlement on CBW, yet it is doubtful that the elimination of our chemical and biological stockpiles would result in significant military loss.

We are cognizant of the dangers associated either with using these weapons or secretly continuing to produce and stockpile them. There are already indications that our use of chemicals causes serious and permanent damage. Yet, even this damage is small when compared to the unpredictable misery that a full-scale biological attack might initiate or the total war that a chemical attack might provoke during a limited conflict. By possessing these weapons we increase the likelihood of use. In addition, we risk an international incident when an unexplained epidemic provokes charges of a secret biological attack. Finally, these uncertain weapons have a destabilizing effect on relations between adversaries because they make rational calculations difficult.

Because the logic of this paper suggests that the disadvantages of CBW outweigh their marginal advantages and because it takes into account both the evils and the alleged benefits of CB weaponry,

We recommend careful consideration of the following actions:

(1) Eliminating all stockpiles of chemical and biological weapons, including any low-evel chemicals for military use. This does not incude riot control agents used for crowd control in the U.S.

(2) Publicizing the results of future research in the field of CBW.

(3) Encouraging international agreement on the prohibition of chemical and biological production and usage.

(4) Ratification by the U.S. of the 1925 Geneva Protocol.

(5) Declaring that the United States will not use such weapons but will respond to their use by adversaries with appropriate conventional or nuclear force.

WHO DARES TO SPEAK OUT?—AGNEW DOES

Mr. MUNDT. Mr. President, in reading the editorial pages of the widely acclaimed Commercial Appeal, of Memphis, Tenn., the other day, I came across an interesting column written by its columnist Alice Widener. I ask unanimous consent that it be printed in the RECORD. It is yet another indication of the rising reputation of Vice President

AGNEW, which grows more apparent every day.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO DARES TO SPEAK OUT?—AGNEW DOES

(By Alice Widener)

NEW YORK.—President Nixon's pride in Vice President Spiro Agnew is understandable and justified. No doubt about it, Vice President Agnew is an unusual man and political figure, one with a mind of his own and courage to speak it in his own graphic words. This is refreshing in these times when professional speech writers or "ghost writers" are the gray eminences behind the thrones occupied by many mediocre public officials.

Of course, Mr. Agnew's colorful, forthright remarks are distasteful to the sloganeers of the Eastern Establishment, who go on and on in print and over the air, writing and mouthing the faddist phrases "generation gap" and "life style" and "doing our thing" (my thing, his thing, her thing, your thing, its thing, their thing).

In the opinion of several stars in the Eastern firmament, Agnew is committing an unpardonable sin by writing his own speeches. Just imagine! He has the temerity to speak to Americans in words not put into his mouth by Arthur Schlesinger Jr., or Ted Sorenson, or Richard Goodwin, or Marcus Raskin, or Arthur Waskow or Jack Newfield, or any other writer for the Massachusetts Dynasty.

Think of it! Mr. Agnew has the gall to address Americans without first having sent emissaries to pundit Walter Lippman to find out what is right, just, reasonable, equitable, philosophical and "mature." Still worse, Spiro T. Agnew doesn't clear his speeches in advance with the editorial board of The New York Times, or let it float a "trial balloon" on the front page to find out whether he can afford politically to present a proposal or suggestion to his fellow citizens.

"It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society," declared the Vice President in Harrisburg, Pa. "The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American life."

Eh, what's that? Does Agnew dare to say that Rennie Davis of the Chicago Eight on trial for conspiracy to riot is not humble, prudent, experienced and cool-headed? Why in Grant Park, Chicago, last August, Rennie called for the spreading of mutiny "to every Army base, every high school and every community in the country." Isn't that truly progressive, humane and peaceful?

It seems President Nixon thinks Vice President Agnew is voicing views held by the majority of Americans. Evidently, the President is correct.

Surely, a majority of Americans support Vice President Agnew's aphorism: "People cannot live in a state of perpetual electric shock." But of course these wise words must be too simplistic and utterly worthless intellectually since neither J. Kenneth Galbraith nor Dr. Benjamin Spock said them.

Nevertheless, Agnew said it and Nixon praised it. But perhaps they don't really count, being merely the duly elected President and Vice President of the United States, not appointed spokesmen for the "in" group at the Compound in Hyannis Port.

TRADE ACT OF 1969—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-194)

The **PRESIDENT** pro tempore. The Chair lays before the Senate, as in legislative session, a message from the President of the United States on freer world trade. Without objection, the message will be printed in the RECORD, without being read, and will be appropriately referred.

As in legislative session, the following message from the President of the United States, with the accompanying papers, was referred to the Committee on Finance:

To the Congress of the United States:

For the past 35 years, the United States has steadfastly pursued a policy of freer world trade. As a nation, we have recognized that competition cannot stop at the ocean's edge. We have determined that American trade policies must advance the national interest—which means they must respond to the whole of our interests, and not be a device to favor the narrow interest.

This Administration has reviewed that policy and we find that its continuation is in our national interest. At the same time, however, it is clear that the trade problems of the 1970s will differ significantly from those of the past. New developments in the rapidly evolving world economy will require new responses and new initiatives.

As we look at the changing patterns of world trade, three factors stand out that require us to continue modernizing our own trade policies:

First, world economic interdependence has become a fact. Reductions in tariffs and in transportation costs have internationalized the world economy just as satellites and global television have internationalized the world communications network. The growth of multinational corporations provides a dramatic example of this development.

Second, we must recognize that a number of foreign countries now compete fully with the United States in world markets.

We have always welcomed such competition. It promotes the economic development of the entire world to the mutual benefit of all, including our own consumers. It provides an additional stimulus to our own industry, agriculture and labor force. At the same time, however, it requires us to insist on fair competition among all countries.

Third, the traditional surplus in the U.S. balance of trade has disappeared. This is largely due to our own internal inflation and is one more reason why we must bring that inflation under control.

The disappearance of the surplus has suggested to some that we should abandon our traditional approach toward freer trade. I reject this argument not only because I believe in the principle of freer trade, but also for a very simple and pragmatic reason: any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose. In the longer term, such a policy of trade restriction would add to domestic inflation and jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible.

In fact, the need to restore our trade surplus heightens the need for further movement toward freer trade. It requires us to persuade other nations to lower barriers which deny us fair access to their markets. An environment of freer trade will permit the widest possible scope for the genius of American industry and agriculture to respond to the competitive challenge of the 1970s.

Fourth, the less developed countries need improved access to the markets of the industrialized countries if their economic development is to proceed satisfactorily. Public aid will never be sufficient to meet their needs, nor should it be. I recently announced that, as one step toward improving their market access, the United States would press in world trade forums for a liberal system of tariffs preferences for all developing countries. International discussions are now in progress on the matter and I will not deal with it in the trade bill I am submitting today. At the appropriate time, I will submit legislation to the Congress to seek authorization for the United States to extend preferences and to take any other steps toward improving the market access of the less developed countries which might appear desirable and which would require legislation.

THE TRADE ACT OF 1969

The trade bill which I am submitting today addresses these new problems of the 1970s. It is modest in scope, but significant in its impact. It continues the general drive toward freer world trade. It also explicitly recognizes that, while seeking to advance world interests, U.S. trade policies must also respect legitimate U.S. interests, and that to be fair to our trading partners does not require us to be unfair to our own people. Specifically:

—It restores the authority needed by the President to make limited tariff reductions.

—It takes concrete steps toward the increasingly urgent goal of lowering non-tariff barriers to trade.

—It recognizes the very real plight of particular industries, companies and workers faced with import competition, and provides for readier relief in these special cases.

—It strengthens GATT—the General Agreement on Tariffs and Trade—by regularizing the funding of United States participation.

While asking enactment of these proposals now, the trade program I will outline in this message also includes setting preparations under way for the more ambitious initiatives that will later be needed for the long-term future.

TARIFF REDUCTION

I recommend that the President be given authority to make modest reductions in U.S. tariffs.

The President has been without such authority for over two years. This authority is not designed to be used for major tariff negotiations, but rather to make possible minor adjustments that individual circumstances from time to time require—as, for example, when it becomes necessary to raise the duty on an article as the result of an "escape clause" action or when a statutory change is made in tariff classification. Our trading partners are then entitled to reasonable compensation, just as we would be entitled to receive it from them in reverse circumstances. Lack of this authority exposes our exports to foreign retaliation. Therefore, the Bill would provide to the President, through June 30, 1973, the authority to reduce tariffs by limited amounts.

NON-TARIFF BARRIERS

The time has come for a serious and sustained effort to reduce non-tariff barriers to trade. These non-tariff barriers have become increasingly important with the decline in tariff protection and the growing interdependence of the world economy. Their elimination is vital to our efforts to increase U.S. exports.

As a first step in this direction, I propose today that the United States eliminate the American Selling Price system of customs valuation.

Although this system applies only to a very few American products—mainly benzenoid chemicals—it is viewed by our principal trading partners as a major symbol of American protectionism. Its removal will bring reciprocal reductions in foreign tariffs on U.S. chemical exports, and a reduction in important foreign non-tariff barriers—including European road taxes, which discriminate against our larger automobiles, and the preferential treatment on tobacco extended by the United Kingdom to the countries of the Commonwealth. Beyond this, its removal will unlock the door to new negotiations on the entire range of non-tariff barriers. Because of the symbolic importance our trading partners attach to it, the American Selling Price system has itself become a major barrier to the removal of other barriers.

Essentially, the American Selling Price system is a device by which the value of imports for tariff purposes is set by the price of competitive American products instead of the actual price of the foreign product, which is the basis of tariff valuation for all other imports. The extraordinary protection it provides to these few products has outlived its original purposes. The special advantage it gives particular producers can no longer justify its heavy cost in terms of the obstacles it places in the way of opening foreign markets to American exports.

Reducing or eliminating other non-tariff barriers to world trade will require a great deal of detailed negotiating and hard bargaining.

Unlike tariffs, approaches to the reduction of non-tariff barriers are often difficult to embody in prior delegation of authority. Many—both here and abroad—have their roots in purely domestic concerns that are only indirectly related to foreign trade, and many arise from domestic laws.

Many would require specific legislative actions to accomplish their removal—but the nature of this action would not finally be clear until negotiation had shown what was possible.

This presents a special opportunity for Congress to be helpful in achieving international agreements in this vital area.

I would welcome a clear statement of Congressional intent with regard to non-tariff barriers to assist in our efforts to obtain reciprocal lowering of such barriers.

It is not my intention to use such a declaration as a "blank check." On the contrary, I pledge to maintain close consultation with the Congress during the course of any such negotiations, to keep the Congress fully informed on problems and progress, and to submit for Congressional consideration any agreements which would require new legislation. The purpose of seeking such an advance declaration is not to bypass Congress, but to strengthen our negotiating position.

In fact, it is precisely because ours is a system in which the Executive cannot commit the Legislative Branch that a general declaration of legislative intent would be important to those with whom we must negotiate.

At the same time, I urge private interests to work closely with the government in seeking the removal of these barriers. Close cooperation by the private sector is essential, because many non-tariff barriers are subtle, complex and difficult to appraise.

AID FOR AFFECTED INDUSTRIES

Freer trade brings benefits to the entire community, but it can also cause hardship for parts of the community. The price of a trade policy from which we all receive benefits must not fall unfairly on the few—whether on particular industries, on individual firms or on groups of workers. As we have long recognized, there should be prompt and effective means of helping those faced with adversity because of increased imports.

The Trade Act of 1969 provides significant improvements in the means by which U.S. industry, firms, and workers can receive assistance from their government to meet injury truly caused by imports.

This relief falls into two broad categories: 1) the escape clause, which is industry-wide; and 2) adjustment assistance, which provides specific aid to particular firms or groups of workers.

These improvements are needed because the assistance programs provided in the Trade Expansion Act of 1962 have simply not worked.

ESCAPE CLAUSE

The escape clause provisions of the 1962 Act have proved so stringent, so rigid, and so technical that in not a single case has the Tariff Commission been able to justify a recommendation for relief. This must be remedied. We must be able to provide, on a case-by-case basis, careful and expedited consideration of petitions for relief, and such relief must be available on a fair and reasonable basis.

I recommend a liberalization of the escape clause to provide, for industries adversely affected by import competition, a test that will be simple and clear: relief should be available whenever increased imports are the primary cause of actual or potential serious injury. The increase in imports should not—as it now is—have to be related to a prior tariff reduction.

While making these escape clause adjustments more readily obtainable, however, we must ensure that they remain what they are intended to be: temporary relief measures, not permanent features of the tariff landscape. An industry provided with temporary escape-clause relief must assume responsibility for improving its competitive position. The bill provides for regular reports on these efforts, to be taken into account in determining whether relief should be continued.

ADJUSTMENT ASSISTANCE

With regard to adjustment assistance for individual firms and groups of workers, the provisions of the Trade Expansion Act of 1962 again have not worked adequately.

The Act provides for loans, technical assistance and tax relief for firms, and readjustment allowances, relocation and training for workers. This direct aid to those individually injured should be more readily available than tariff relief for entire industries. It can be more closely targeted; it matches the relief to the damage; and it has no harmful side effects on overall trade policy.

I recommend that firms and workers be considered eligible for adjustment assistance when increased imports are found to be a substantial cause of actual or potential serious injury.

Again, the increase in imports would not have to be related to a prior tariff reduction. The "substantial cause" criterion for adjustment assistance would be less stringent than the "primary cause" criterion for tariff relief.

I also recommend two further changes in the existing adjustment provisions:

—That the Tariff Commission continue to gather and supply the needed factual information, but that determinations of eligibility to apply for assistance be made by the President.

—That adjustment assistance be made available to separate units of multi-plant companies and to groups of workers in them, when the injury is substantial to the unit but not to the entire parent firm.

With these modifications, plus improved administrative procedures, our program of assistance to import-injured firms and workers can and will be made to work. Taken together, they will remedy what has too long been a serious shortcoming in our trade programs.

These changes in our escape clause and adjustment assistance programs will provide an adequate basis for government help in cases where such help is justified in the overall national interest. They will thus help us move away from protectionist proposals, which would reverse the trend toward interdependence, and toward a constructive attack on the existing trade barriers of others.

The textile import problem, of course, is a special circumstance that requires special measures. We are not trying to persuade other countries to limit their textile shipments to the United States. In doing so, however, we are trying to work out with our trading partners a reasonable solution which will allow both domestic and foreign producers to share equitably in the development of the U.S. market.

Such measures should not be misconstrued, nor should they be allowed to turn us away from the basic direction of our progress toward freer exchange.

FAIR TREATMENT OF U.S. EXPORTS

By nature and by definition, trade is a two-way street. We must make every effort to ensure that American products are allowed to compete in world markets on equitable terms. These efforts will be more successful if we have the means to take effective action when confronted with illegal or unjust restrictions on American exports.

Section 252 of the Trade Expansion Act of 1962 authorizes the President to impose duties or other import restrictions on the products of any nation that places unjustifiable restrictions on U.S. agricultural products. *I recommend that this authority be expanded in two ways:*

—By extending the existing authority to cover unfair actions against all U.S. products, rather than only against U.S. agricultural products.

—By providing new authority to take appropriate action against nations that practice what amounts to subsidized competition in third-country markets, when that subsidized competition unfairly affects U.S. exports.

Any weapon is most effective if its presence makes its use unnecessary. With these new weapons in our negotiating arsenal, we should be better able to negotiate relief from the unfair restrictions to which American exports still are subject.

STRENGTHENING GATT

Ever since its beginning in 1947, U.S. participation in GATT—the General Agreement on Tariffs and Trade—has been financed through general contingency funds rather than through a specific appropriation.

GATT has proved its worth. It is the international organization we depend on for the enforcement of our trading rights, and toward which we look as a forum for the important new negotiations on nontariff barriers which must now be undertaken.

I recommend specific authorization for the funding of our participation in GATT, thus both demonstrating our support and regularizing our procedures.

FOR THE LONG-TERM FUTURE

The trade bill I have submitted today is a necessary beginning. It corrects deficiencies in present policies; it enables us to begin the 1970s with a program geared to the start of that decade.

As we look further into the Seventies, it is clear that we must reexamine the entire range of our policies and objectives.

We must take into account the far-reaching changes which have occurred in investment abroad and in patterns of world trade. I have already outlined some of the problems which we will face in the 1970s. Many more will develop—and also new opportunities will emerge.

Intense international competition, new and growing markets, changes in cost levels, technological developments in both agriculture and industry, and large-scale exports of capital are having profound and continuing effects on international production and trade patterns. We can no longer afford to think of our trade policies in the old, simple terms of liberalism vs. protectionism. Rather, we must learn to treat investment, production, employment and trade as interrelated and interdependent.

We need a deeper understanding of the ways in which the major sectors of our economy are actually affected by international trade.

We have arrived at a point at which a careful review should also be made of our tariff structure itself—including such traditional aspects as its reliance upon specific duties, the relationships among tariff rates on various products, and adapting our system to conform more closely with that of the rest of the world.

To help prepare for these many future needs, I will appoint a Commission on World Trade to examine the entire range of our trade and related policies, to analyze the problems we are likely to face in the 1970s, and to prepare recommendations on what we should do about them. It will be empowered to call upon the Tariff Commission and the agencies of the Executive Branch for advice, support and assistance, but its recommendations will be its own.

By expanding world markets, our trade policies have speeded the pace of our own economic progress and aided the development of others. As we look to the future, we must seek a continued expansion of world trade, even as we also seek the dismantling of those other barriers—political, social and ideological—that have stood in the way of a freer exchange of people and ideas, as well as of goods and technology.

Our goal is an open world. Trade is one of the doors to that open world. Its continued expansion requires that others move with us, and that we achieve reciprocity in fact as well as in spirit.

Armed with the recommendations and analyses of the new Commission on World Trade, we will work toward broad new policies for the 1970s that will encourage that reciprocity, and that will lead us, in growing and shared prosperity, toward a world both open and just.

RICHARD NIXON.

THE WHITE HOUSE, *November 18, 1969.*

CONCLUSION OF MORNING BUSINESS AS IN LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, is there further morning business as in legislative session.

The PRESIDENT pro tempore. Is there further morning business as in legislative session? If not, morning business is closed.

SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, in executive session, the Senate proceed to the consideration of the pending nomination.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the nomination.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the distinguished Senator from South Carolina (Mr. HOLLINGS).

Mr. HOLLINGS. Mr. President, on last Thursday, the news media reported that the debate on confirmation of Judge Haynsworth had finally begun. This brings into sharp focus the current debate over the accuracy of the news media. For, in fact, the debate was over when it supposedly began last Thursday. Opposition to the confirmation was launched long before the appointment. Long before the Judiciary Committee could hold its hearings and make its findings, the opposition filled the air with sufficient confusion and doubt as to cause a near majority of this Senate to proclaim against Judge Haynsworth. All save a dozen Senators had taken a position before last Thursday. Rather than debate, what occurs now is an articulation of positions taken.

Spencer Rich in the Sunday Washington Post, quoting Senator MILLER of Iowa stated:

> What is all important, however, is that judges who have lifetime appointments and do not have to answer to the public at election time demonstrate that their high office and the public they serve come first, and that private considerations come second. Validly or not, Haynsworth's opponents have succeeded in convincing many senators and much of the public that Haynsworth does not meet this standard, and if his nomination is beaten, that will be the reason.

Mr. President, this may be the excuse, but not the reason. If the judge had put his private interests first in 1963, he never would have sold his stock. With the stock, on which they claim he made a half million dollars in putting his private interests first, he would have made an additional million dollars in the last 7 years. But he did more than the judicial conference had asked him to do. If he had put his private interests first, he would have been keeping the records of Carolina Vend-A-Matic, in South Carolina, rather than not keeping the records, as was the fact, and which causes him now to be charged with a violation or a crime by the Senator from Indiana in his bill of particulars.

So Judge Haynsworth was not putting his private interests first. Indeed, if he had put his private interests first, he would have been handling his own stock, rather than, as the records show, having it handled by one of his close friends, Arthur McCall, of Greenville, whom he brought into the fraternity at Furman University. McCall, for all intents and purposes, invested and sold, and bought and sold, and reviewed the judge's stock at the end of each year. This was also true in the Brunswick situation where he had $20,000 left from the sale of some stock. Making an accounting at the end of the year, Judge Haynsworth was advised to purchase the Brunswick stock.

So he did not put his private interest first. If he had put his private interest first, I guess he would have had a good portfolio of stock.

I remember well that the heat of this particular debate really began in August and it got heated up by the second week in September. The New York Daily News had a stock broker, or an investment counselor, analyze Judge Haynsworth's stock portfolio, which had nothing to do with the confirmation of a judge, but this is how far the opposition reached. The investment counselor went over it in detail and said that with that much money invested, rather than having 35 types he should better have 15 types of stock, and rather than holding on to that "lousy" textile stock—which the Senator from New Hampshire and the distinguished Senator from Rhode Island are constantly talking about—because it is a poor investment, no wise investor would have held that textile investment.

So rather than putting his private interest first he had put his public interest first in the administration of justice, and he was leading the way—it was called dynamic by the Senator from Maryland—and he was appearing and acting as a consultant for the American Bar Association on the ethics panel in leading the way and participating in a full-fledged judicial administration.

The truth is that the standards of judicial ethics are not obscure. Violations of law and ethics for which the judge has been charged constitute dishonesty. No Senator questions Judge Haynsworth's honesty. None has asked Judge Haynsworth's resignation as chief judge of the Fourth Circuit Court of Appeals. Yet since shadows have been cast, they, in turn, shadow the philosophical and political reasons employed by the Senators in a finding of "insensitivity." And the die is cast.

So that the public would better understand this "debate," the strategy of the opposition should be revealed. Judge Haynsworth was appointed on August 18; but prior to the appointment, the AFL–CIO had already gone to work, with investigators fanning out into South Carolina soliciting rumors and talking with South Carolina leaders of the ADA, NAACP, and AFL–CIO.

Back in Washington, they immediately began spreading their poison. On August 15, Tom Harris, general counsel for the AFL–CIO, called the White House and Justice Department stating the opposition of the AFL–CIO to the Haynsworth appointment, and George Meany confirmed this in a telegram to the President that same day. By August 24, and this is prior to even receiving the nomination in the Senate because we were in recess and had not received the appointment, such headlines appeared in the Washington Post as "Haynsworth Had $450,000 Stock Linked to Suit," and by August 26, "Haynsworth Was in Clear Violation of Canons and Ethics for 10 Years." On the day the Senators returned from the Labor Day break on September 4, the Senate on that day received the appointment and that same day each Senator received a 59-page brief from the AFL–CIO in opposition to Haynsworth. Walter Reuther of the United Auto Workers, Alexander E. Barkan of COPE, Lee W. Minton of the Glass Bottle Blowers Association, William Pollock of TWUA all joined the assault. They met with a responsive press. The eminent group of writers covering the Supreme Court and judicial affairs in Washington had been burned by the Fortas affair. They pooh-poohed and minimized all about Fortas until Bill Lambert of Life magazine, one of their own profession, brought the facts to the surface. These writers were not going to be burned again. Overreaction was the result. They came with a case and a conviction made in their minds and they only asked certain questions of me and other Senators and only listened to answers they wanted to receive and disregarded anything that disagreed with their own preconceptions. By the time Judge Haynsworth was presented to the Judiciary Committee, I commented in the introduction that rather than an appointee, I had the feeling [illegible] was presenting an indicted defendant. The witnesses in support of the judge were not given a chance. Mr. Meany demanded to be heard before the witnesses for Judge Haynsworth had completed their testimony. Witnesses that traveled long distances were told to file written statements. Prof. Charles Alan Wright, University of Texas Law School, and G. W. Foster, Jr., associate dean of University of Wisconsin School of Law, came to Washington and were told to file statements. Mr. Coming B. Gibbs, an attorney who wanted to show consideration and understanding of the problems of the young, came and was told to file his statement. Prof. William Van Alystyne, of Duke University Law School, came and was told to file his statement.

In the middle of the hearing, Joseph Rauh, in the tactics of Bobby Seale, blurted out that the committee was preventing Roy Wilkins from being heard. Now the Judiciary Committee was on the defense. Each stockholding was examined in the light of "wheeler-dealer." The judge had presented his income tax returns, had reported on all income and holdings, and had answered in detail the requested information of Senators TYDINGS and HART. But he was accused of withholding information. The judge had answered in detail but he was accused immediately of withholding information. The Justice Department was accused of trying to sanitize the record. In the middle of it all, headlines blared that Judge Haynsworth was a friend of Bobby Baker. So suspect was news coverage that when the judge announced categorically that in order to end all questions he would place his stock in trust whether or not he was confirmed, the news headline read, "Haynsworth Deal Eyed." Furman Haynsworth, one of his forebears, was the founder of Furman University, so when it was learned that the judge had given a house to Furman University as the contribution of a loyal and proud alumni—and it was viewed in the news as "sinister."

Herblock's "Vend-a-Justice" cartoon published in the Washington Post had a lot of humor but it also has a devastating effect, because there are many people who do not read a newspaper thoroughly but do look at the pictures, and when there is a cartoon like the "Vend-a-Justice" cartoons, it has a particularly devastating and damaging effect. Herblock kept hammering with "Vend-a-Justice" cartoons. Another cartoon this weekend shows the judge rocking on the front porch of his southern plantation with his slave servant standing by as he reads the Wall Street Journal; the title, "How To Succeed in Business Without Really Trying," as though it were a crime to invest in the future of America.

Mr. President, how would half the Senate sustain itself financially if Senators did not go back into the cloakroom and grab the Wall Street Journal and make money "without really trying"?

But no, now, with Judge Haynsworth, that becomes offensive. "We have got to get rid of this wheeler-dealer."

Throughout, the "southern strategy" of President Nixon was rebuked. With headlines reading, "Haynsworth Selection Seen as Thurmond Payoff," one witness testified that the appointment was "one of the dirtiest and most sordid political games that has ever been played with judgeships as pawns and poker chips in the history of the Respublic."

It is contemplated that has all been agreed to in the home capital of the distinguished Presiding Officer now occupying the chair, Atlanta, Ga., long before the nomination. This is a criminal offense, if one promises public office in exchange for public support. "You have violated the statutory law of the United States of America." There it is. It is in the RECORD. It says that he promised THURMOND of South Carolina. He says "You can have the Supreme Court appointment. This has all been agreed to long before."

Amidst the foray, the Senator from Indiana, BIRCH BAYH, was leading the attack. The Senator's attack on Judge Haynsworth was calculated. With the Justice Fortas debacle and Bobby Baker shenanigans as a background, Senator BAYH quoted President Nixon as employing the test of "clean as a hound's tooth" in the appointment of judges. Then at the Judiciary Committee he came upon the judge as a cat with a canary, liberally sprinkling the record with words of "regret," "embarrassment," "I am sorry to have to ask you this," "We don't question your honesty"—then bam. He socked the judge with a nine-page bill of particulars dated October 8, 1969. There was no reference here to Justice Fortas or Bobby Baker but rather coldly calculated charges of crime, statutory violations, breaches of ethics, avariciousness, and lack of candor.

May I ask the distinguished occupant of the chair, the President pro tempore, would you please tell me, sir, considering the experience of a Presiding Officer, how one gets this nice talk about not questioning the honesty of a judge, how in public experience and service, and particularly in the Senate, how can one smilingly say to everyone with supercourtesy and superdeference, charging that the fellow is a crook, and then saying, "Wait a minute—no, we are not questioning his honesty?"

Well, Mr. President, I do not know about this double talk. I cannot understand it.

The charge of employing his judicial position for personal gain in a vending business is not made lightly. So that the reader will understand, a full-page chart is drawn as dramatic proof of a business faltering until Mr. Haynsworth became judge and then volume soared, while the judge sat distributing favorable decisions to the company's customers. Mr. President, can you not just see the Senator trying to find an article, and then saying to his staff, "They might not get the picture," and so they get up this chart—so they get this out. This is followed with the innuendo that the judge lied to the Judiciary Committee about being an active officer, soliciting business. Five violations of section 28, U.S.C. 455 are charged. The violations of section 29 U.S.C. 301–308 with the stated sentence of 6 months' imprisonment or a fine of $1,000 or both is charged. So the Senator from Indiana comes now—everything is sweetness and light. The fellow cannot possibly recoup the truth at this hour. He should say it is true and then go ahead and indict him and send him to jail, or apologize publicly. One or the other is true. If this body of 100 men cannot find the truth, then we are in sad shape, indeed, in the United States of America.

Violations of canons 4, 13, 24, 25, 26, 29, 33, and 34 of the Judicial Canons of Ethics of the American Bar Association are charged with numerous violations of each. He said, "Don't worry about this one"—That is, canon 4, 12 times; canon 13, five times; canon 26, six times; canon 29, seven times. Thirty-seven violations of the Code of the Judicial Canons of Ethics. But, says Senator BAYH, the question is not whether the judge is dishonest but whether he has the right temperament.

Mr. President, the Senator does not question the fellow's honesty. But look at the bill of particulars. I do not know how you do it, but look at the special views stating that he does not question the judge's honesty but whether he has the right temperament.

I hope that the judge never gets the right temperament to understand the logic of that—neither do I.

With this understatement, Senator BAYH finalizes the onslaught with a picture of the Justice Department conspiring against the Senate Judiciary Committee to "sanitize the records" in order to keep the truth from the individual Senators. Thus inflamed, the reader of this bill has abandoned all thoughts of confirmation and wants to go out and wring the judge's neck. Senator BAYH, thereupon, refuses to debate the bill and from his pedestal of no discussion, he enunciates his regret at having to bring all of this up in the first place.

At this particular time, when the bill of particulars appeared and the Senator from Indiana was covered on television, I asked Senator BAYH for an opportunity to discuss it on television with him. He categorically refused. We were invited to go on the "Issues and Answers" show. We were invited to go on the Lawrence Spivak "Meet the Press" show. We were invited to go on the morning "Today" show, and numerous radio shows, but the Senator from Indiana said, "This is too serious a matter"—too serious a matter to discuss in the press and news. We should not get personal. We should reserve our comments for debate on the floor of the Senate.

Mr. President, that was a month ago, and the man is down the drain. He has gone. The debate is over with.

If he wanted fairness and the truth, he could be answered. I have the answers for him. But, they did not want that. They did not want anyone to answer anything. They do not want debate. They do not want the deliberative processes in the Senate.

Really what is wrong, says the Senator, is that the judge is insensitive. Thereupon, the Senator leads the lynching party with cries of, "Withdrawal, withdrawal."

I went around here for 5 days denying that the judge had withdrawn. I got no response at trying to get at the truth. All I got here was that he was trying to withdraw, "Is he going to withdraw?" "Have you talked to the judge? Did he sound good? Did he sound sad? Did he sound happy?"

Well, I said, "understandably, he did not sound so happy." Then, Senator HOLLINGS is quoted as saying, "Judge not happy." And so on down the line. They disagree about the truth on the bill of particulars. The lynching party was on.

While difficult to remember at this point, it is a fact that Judge Haynsworth came to his appointment with an impeccable record of integrity. Practically at the top of the judiciary as chief judge of the Fourth Judicial Circuit, the judge ranked immediately below the nine Supreme Court Justices. Described in the hearings as dynamic in his development of the administration of justice, the judge served as a consultant to the American Bar Association's Committee on Professional Ethics.

Obviously, when first appointed, Judge Haynsworth gave every appearance of propriety, so who created the appearance of impropriety—the judge or others? Did the judge violate the law and disregard the ethics? Did the judge's conduct warrant these impressions? Are they founded in truth?

Mr. President, since I have referred to Senator BAYH's bill of particulars, I ask unanimous consent to have printed in the RECORD at this point a copy of that bill of particulars.

There being no objection, the bill of particulars was ordered to be printed in the RECORD, as follows:

SENATOR BIRCH BAYH'S BILL OF PARTICULARS AND SENATOR ERNEST F. HOLLINGS' DETAILED ANSWER WITH PAGE REFERENCES TO THE RECORD OF SENATE COMMITTEE ON JUDICIARY, NOVEMBER 18, 1969

In recent years our judicial system has come under increasing attack, not only by the citizenry at large, but by lawyers and members of the legislative branch of both national and state governments. As our ideas, opinions and judgments of law and its application have changed over the past 180 years, so have changed the expectations of the American public of our public officials. Particularly now, when public confidence in the integrity of the federal judiciary at the highest level has so recently been severely shaken, it is of the utmost importance that only men who are truly distinguished and truly above reproach sit on the bench of our highest court.

Since the nomination of Judge Clement F. Haynsworth to be Associate Justice of the Supreme Court, numerous facts that raise a serious question as to the propriety of his conduct while a member of the Federal Judiciary have come to my attention. An intensive investigation aimed at uncovering the truth has resulted in the following bill of particulars which has convinced me that Judge Haynsworth falls short of the demanding ethical standards required of an Associate Justice of the Supreme Court. I issue the bill of particulars with no malice toward Judge Haynsworth but with some considerable regret. The question is not whether Judge Haynsworth is dishonest but whether he has shown the temperment necessary to sit in the highest judicial council.

CAROLINA VEND-A-MATIC

Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic in 1950, with an original investment of $2,400.00.

(Charge 1) He was Vice President and a director of Carolina Vend-A-Matic until 1963. He stated that he orally resigned from the Vice Presidency in 1957, but the corporation records show he was listed as Vice President until 1963 and indeed regularly attended meetings of the Board of Directors and voted for slates of officers through the years. He was in fact paid director's fees in amounts as high as $2,600.00 per year, and the records show his wife, Dorothy M. Haynsworth, served as Secretary of the corporation for two years while he was on the Federal bench.

(Charge 2) Although the Judge claims he was an inactive officer, the minutes of the corporation indicate that such was not the case. Directors were active in locating new business and Judge Haynsworth took an active part in director's meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors and the profit sharing trust.

(Charge 3) Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987.00. Some of these notes were endorsed after he assumed the bench.

In 1963 more than three-fourths of CVAM's total business was with textile concerns.

(Charge 4) Thus any precedent setting decision affecting the textile industry would also affect CVAM through its customers.

For some years there had been an exodus of textile concerns from the North to the South in an effort to take advantage of lower wages as a result of strong regional pressures against collective bargaining in the South. The *Darlington Mfg. Co.* v. *NLRB* case was a landmark case in the textile industry because it enabled textile concerns to close plants attempting or organize. Thus, it gave them an important weapon.

The case of *Darlington Mfg. Co. v. NLRB* came before the Fourth Circuit Court of Judge Haynsworth in both 1961 and 1963, while CVAM had a vending contract with Deering Milliken Corp., Darlington's parent company, for $50,000 per year. (Charge 5) While the litigation was still pending, CVAM signed a new contract with Deering Milliken Corp., increasing their vending business with that company to $100,000 per year. The Darlington case was eventually decided in favor of Darlington, with Judge Haynsworth casting the deciding vote and thus establishing an important legal precedent for the textile industry in a decision later substantially modified by the Supreme Court.

In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously. Gross sales increased only slowly from $169,355 in 1951 to $296,413 in 1956. (Charge 6) But in 1957, the year Judge Haynsworth assumed the Federal bench, sales jumped to $435,110 and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company.

Gross annual sales of Carolina Vend-A-Matic Co., Inc.

1951–52	$169, 355
1953	(1)
1954	171, 774
1955	214, 503
1956	296, 413
1957	453, 110
1958	491, 166
1959	714, 009
1960	941, 370
1961	1, 697, 329
1962	2, 552, 240
1963	3, 160, 665

[1] Not available.

(Charge 7)—Between 1958 and 1963 Judge Haynsworth sat on at least six other cases involving customers of CVAM.

1. *Homelite v. Trywilk Realty Co., Inc.*, 272 F2d 688 (1959) Gross sales to Homelite by CVAM in 1959 totaled $15,957.22.

2. *Kent Mfg. Corp. v. Commissioner of Internal Revenue* 288 F2d 812 (1961). CVAM gross sales to Runneymeade, a subsidiary of Kent Mfg. Corp., in 1961 totaled $21,323.63.

3. *Textile Workers Union of America v. Cone Mills Corporation* 268 F2d 920 (1959). CVAM gross sales to Cone Mills and its subsidiaries Carlisle Mill and Union Bleachery in 1959 totaled $97,367.12.

4. *Leesona Corp. v. Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 315 F2d 895 (1963). CVAM gross sales to Deering Milliken plants in 1963 totaled $10,000,00.

5. *Leesona Corp. v. Cotwoll Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 308 F2d 895 (1962). CVAM gross sales to Deering Milliken 1962 totaled $50,000.00.

6. *Textile Workers Union of America v. Cone Mills* 290 F2d 921 (1961). CVAM gross sales to Cone Mills and its subsidiaries in 1961 totaled $174,314.92.

OTHER CASES INVOLVING CONFLICT OF INTEREST

(Charge 8) There are at least five cases in which Judge Haynsworth held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the Canons of judicial ethics.

Brunswick Corp. v. *Long,* 392 F. 2d 348 (1967)

Farrow v. *Gray Lines, Inc.,* 381 F. 2d 380 (1967)

Merck v. *Olin Mathieson Chemical Corp.* 253 F. 2d 156 (1958)

Darter v. *Greenville Community Hotel Corp.*, 301 F. 2d 70 (1962)

Donohue v. *Maryland Casualty Co.,* 363 F. 2d 442 (1966)

DEMONSTRATED LACK OF CANDOR

I. Denial of active participation in the business of CVAM.

In a letter to the Chairman of the Judiciary Committee dated September 6, 1969, Judge Haynsworth said:

(Paragraph 12) "The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations."

In testimony before the Judiciary Committee on September 16, 1969, the following exchange occurred:

Chairman. Did you have anything to do with the preparing of bids or soliciting business for Carolina Vend-A-Matic?

Judge Haynsworth. Nothing whatsoever.

Senator Tydings. As a part of your work, or as a part of your association with Carolina Vend-A-Matic, did you formally or informally seek to obtain business for Carolina Vend-A-Matic?

Judge Haynsworth. Never. I did not.

Fact. Judge Haynsworth was consistently and intimately involved with the operation of Carolina Vend-A-Matic from June 1957 until October 1963 and regularly accepted funds from CVAM during that period subsequent to a resolution by the Board of Directors which appears in the minute books of the corporation and states that:

"It was pointed out that the main sales and promotional work of CVAM had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers by one or more of the directors or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the Board of Directors."

(Charge 9) II. Denial of having sat on any cases in which he had a substantial financial relationship with one of the litigants.

In a letter to the Chairman of the Judiciary Committee, dated September 6, 1969, Judge Haynsworth said:

(Paragraph 13) "I have disqualified myself in all cases in which my former law firm or any of its members were counsel, cases in which certain relatives were counsel, and all cases in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation."

(Charge 10) And in testimony before the Judiciary Committee on September 17, 1969, Judge Haynsworth said:

"And I suggest to you that I have not made or retained any investment in any concern which was likely to be involved with frequency in my court."

Fact: Judge Haynsworth sat on at least five cases in which he had a substantial stock interest in litigants before him:

Brunswick Corp. v. *Long* 392 F2d 348 (1967).

Farrow v. *Grace Lines Inc.* 381 F2d 380 (1967).

Merck v. *Olin Mathieson Chemical Corp.* 253 F2d 152 (1958).

Darter v. *Greenville Community Hotel Corp.* 301 F2d 70 (1962).

Donohue v. *Maryland Casulty Co.* 363 F2d 442 (1966).

(Charge 11) III. Denial of having retained positions as a director and officer in Carolina Vend-A-Matic and the Main Oak Corporation.

In testimony before the Subcommittee on Improvements in Judiciary Machinery on September 17, 1969, Judge Haynsworth said:

"Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is stop doing even that."

Fact. Judge Haynsworth retained his position as director and officer of the Main Oak Corporation and CVAM when he went on the bench and until October, 1963.

He also had remained as a trustee of the Furman Charitable Trust from the time he went on the bench until today.

VIOLATION OF 29 USC 301–308

The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. (Charge 12) Willful violation of the act can lead to six months imprisonment or a fine of $1,000 or both. Judge Haynsworth was a trustee of the CVAM profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator with the Secretary of Labor. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised my office by letter, "Our records do not show that any reports have been received under the name of Carolina Vend A Matic Company, Inc., for a Profit Sharing and Retirement Plan."

VIOLATIONS OF THE CANONS OF ETHICS OF THE ABA

I. Canon 4 states:

"Avoidance of Impropriety. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

(Charge 13) Judge Haynsworth has violated 29 USC 301–308 by his failure to comply with the Welfare and Pension Plan Disclosure Act and has violated 28 USC 455 and the law of due process as interpreted by the U.S. Supreme Court in *Tumey* v. *Ohio* 273 US 510 (1927), *In Re Murchison* 349 US 133 (1955) and *Commonwealth Coatings Corp.* v. *Continental Casulty Co.* 393 US 145 (1968), no less than 12 times by sitting on cases involving customers of CVAM and in cases in which he held stock interest in a litigant as cited above.

II. Canon 13 states:

"Kinship or Influence. A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

(Charge 14) By sitting on cases involving customers of CVAM and ruling in their favor at least five times in five years Judge Haynsworth conducted himself in such a manner as to "justify the impression" that he may have been improperly influenced.

III. Canon 24 states:

"Inconsistent Obligations. A judge should not accept inconsistent duties nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

(Charge 15) By acting as a director and Vice President of CVAM, Judge Haynsworth clearly accepted duties likely "to interfere or appear to interfere" with the proper administration of his official functions. Shortly after investigating bribery charges in the 4th Circuit Court of Appeals in 1963–64, Judge Simon Sobeloff, in an article for the *Federal Bar Journal* observed:

"One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him."

IV. Canon 25 states:

"Business Promotions and Solicitations for Charity. A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relations which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

(Charge 16) Judge Haynsworth's financial interest and active participation in the affairs of CVAM constituted a clear breach of this standard. The remarkable rise in gross sales of CVAM after he assumed the Federal Bench justified the *suspicion* that the prestige of his office was used to promote his own interests as well as those of his fellow stockholders. In addition, his practice of taking part in cases involving customers of CVAM furnishes further grounds for the belief that his office was used to promote patronization of a business in which he had substantial interest.

V. Canon 26 states:

"Personal Investments and Relations. A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin."

(Charge 17) Judge Haynsworth breached this Canon on at least six occasions. His largest investment has been Georgia Pacific Corp., which was the subject of a consent decree by the S.E.C. in 1966. The decree was entered in the Second Circuit, but fraudulent stock transfers could have led to litigation in the Fourth Circuit. In the Brunswick case, Judge Haynsworth bought stock in Brunswick while a case involving that company was before his court. Other investments made by Judge Haynsworth can be considered investments which "are apt to be involved in litigation in the court" since in fact W. R. Grace Co., Greenville Community Hotel Corporation, Maryland Casualty Ins., and Monsanto Chemical Corp. did appear before his court.

VI. Canon 29 states:

"Self-Interest. A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy."

(Charge 18) By deciding cases involving customers of CVAM on at least seven occasions, he exercised judicial discretion which could have affected the business of CVAM and hence Judge Haynsworth, a clear breach of this canon. In interpreting Canon 29, Opinion #170 of the Ethics Committee of the ABA clearly states that a judge shall exercise no act of judicial discretion in cases where he owns stock in a corporate litigant. In the Brunswick case, by participating in the decision and denying the motion for an extension of time, Judge Haynsworth clearly violated Canon 29 as interpreted by the ABA. Similarly, by sitting in the W. R. Grace Co., Maryland Casualty Ins. Co., Greenville Community Hotel Corp., and Olin Mathieson Chemical Corp. cases the Canon was breached.

VII. Canon 33 states:

"Social Relations. It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct."

(Charge 19) By sitting in cases involving important customers of CVAM Judge Haynsworth gave grounds for the *suspicion* that business relations influenced his conduct

VIII. Canon 34 states:

"A Summary of Judicial Obligation. In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity."

(Charge 20) Judge Haynsworth in view of the facts detailed above has obviously not conducted himself in such a manner that his conduct is above reproach "in every particular."

I would like to point out in closing that this bill of particulars is less complete and comprehensive than I would like due to the extreme difficulty we have experienced in gaining access to all of the material we have requested. It is unfortunate that the Justice Department has not only been less than candid with the Senate Judiciary Committee but appears to have embarked on a calculated effort to sanitize the records upon which individual members of the Senate must decide this important question. Some records are incomplete and because of countless delays we have had less time than we would like to assess the material that has recently become available. I consider this to be in the nature of a preliminary report which will be updated as we acquire more complete records and have the opportunity to study at greater length those we already have.

Mr. HOLLINGS. Mr. President, having put that in context and reprinted the bill of particulars under date of October 8, 1969, I shall now attempt to answer Senator BAYH's bill of particulars with reference to each page of the actual record before the Senate Judiciary Committee that is appropriate, because I still have some questions that every Senator has read every page of this particular record or that every Senator read the record before he made up his mind on how he would vote on this nomination.

ANSWER TO SENATOR BAYH'S INDICTMENT OF JUDGE HAYNSWORTH—CAROLINA VEND-A-MATIC

Charge 1: The judge stated he orally resigned as vice president but the corporation records showed otherwise.

Truth: The judge told of his oral resignation and that he was carried as a vice president on the corporation records all in the same breath. He did not mislead the Judiciary Committee—page 91.

Charge 2: The judge claims he was an inactive officer when, in fact, he was active.

Truth: This charge of active participation and lack of candor on page 4 and 5, quotes questions out of context by both Chairman EASTLAND and Senator TYDINGS. The charge is made that the judge was soliciting business because he was "intimately involved," and this is supported by a quote from the minute books. A reading of the record shows that the judge answered every question with candor. The real point in interest was whether or not the judge solicited business. The quoted answer given Senator EASTLAND shows on page 42 the judge's denial that he prepared bids and solicited business. He stated his only interest was in financing. On page 60 he told Senator TYDINGS that he never contacted directly or indirectly Deering Milliken and never made telephone calls. He told of his director's fees and denied categorically that he never formally or informally sought to obtain business for Carolina Vend-A-Matic. This is undisputed.

They have had weeks and all kinds of minions and law clerks and everybody else in on this matter. If they could have gotten any inference from any citizen on that matter that was accurate, they would have brought it to the Senate committee and to the Senate itself. It is undisputed.

But an insidious inference is created by way the charge is set in the bill of particulars and by extracting an entry from the minutes 2 months after the judge took office in 1957. This entry was in justification of director's fees from a tax standpoint. To levy a charge of a lack of candor with a lack of candor is nothing less than vicious. This is an intentional deception and all the evidence shows that the judge had nothing to do with obtaining business.

Yet we still have Senators talking about "obtaining business." They have picked up the virus.

Charge 3: To add to the impression of a "wheeler-dealer," the judge is charged with signing notes as high as $501,987.

The inference is that there is a very big fraud here or that he is a big "wheeler-dealer."

Truth: The judge did sign several notes but no note exceeded $50,000 nor did the endorsed indebtedness of Carolina Vend-A-Matic exceed $55,550 at any one time.

But this is all coupled in one package; and, going into it in detail, they could, in all candor, have found this.

Charge 4: The judge cast the deciding vote in a precedent-setting decision in favor of the textile industry, the principal customer of CVAM.

Truth: The decision affected all industry—not just textiles—and there were three decisions rather than one.

The press is never going to report that.

In the first Darlington decision the judge ruled with the union. In the second Darlington decision the judge ruled with the company that it could close its business whenever it wanted to. This was the prevailing Supreme Court view at the time. On appeal the Supreme Court sustained this view, but set new law by stating if the the closing was a device to discourage union activity at other plants owned by the company involved, then the company could not close. The case was referred back for further testimony on this point. The lower court found that it was a design to discourage activity at other plans and in the third Darlington decision Judge Haynsworth sustained the lower court which was affirmed by the Supreme Court.

If the President please, these were the same lawyers, the same group, and they are good lawyers. They had every opportunity to object. They could have objected, when the case was on appeal the first time. When they found, by an anonymous telephone call, that there was some question, they did not raise the point that the judge should step aside. The truth is, when they talk about Deering Milliken and a conspiracy, that there were other stockholders in this company, some 200, who did not own any other textile stock. Judge Haynsworth wrote a special opinion. He said those stockholders should not be penalized by a judgment calling for the backpayment of discharged employees. He said Deering Milliken should sustain the entire burden. That was a special opinion against Deering Milliken. It was not the judgment of the court. So, in fact and in law, the judge found against Deering Milliken.

Where are we going to find that in the press? We will never hear it.

Charge 5: While the case was pending, Deering Milliken doubled its business with the Judge's vending company.

Truth: In the spring of 1963 CVAM was invited to make a bid along with at least eight other companies. The proposal was submitted on June 27, 1963, and the contract was awarded on July 15. In June 1963, they were again invited to make a bid on another location, but were told that they lost in the competitive bidding in the early fall of 1963. Another bid was made in early fall 1963 on another contract and they were told on November 19, 1963, that they had lost that contract. The Darlington Mills case was decided on November 15, 1963. The inference here is that Deering Milliken was increasing its business with CVAM when the truth is it was actually losing business during this period.

Charge 6: CVAM enjoyed "remarkable rise in gross sales" because Clement Haynsworth became a judge.

Truth: On page 63 the Judge categorically denied the implication that he had anything to do with the industrial expansion, with soliciting industry for the South, or with the "precipitous climb" in sales. The judge stated, "I am a lawyer, not a salesman."

In January 1959 the State Development Board was reorganized. The Governor bought an airplane and started traveling weekly to New York and other cities soliciting industry for South Carolina. He traveled thousands and thousands of miles in that 4-year period from 1959 to 1963. He traveled to five countries in Latin America and seven countries in Europe. Just the other day, we announced a new industry, for which contact was made back in 1963, at Beaufort, S.C.—a $500 million industry—and I can tell of a pending or imminent announcement of a $700 million industry that is about to go in in the low country area of South Carolina, as a result of those same travels. You go, you solicit, and you grow. Between 1959 and 1963 over $1 billion in new industry located in South Carolina creating over 100,000 new jobs. In addition thereto, the impact of desegregation—and they do not want to talk about this, but this is a fact—the impact of desegregation upon the industry of South Carolina was met universally with desegregated eating facilities as provided by vending machines.

They had previously had an old "bum wagon," and went around the plant, and they would feed employees separately. Management was confronted with the problem of desegregation. With the vending machines, they would put all the machines in one room, the meals were hot, it was clean, it was serviceable—it has been the solution. Everyone gets what he wants, and they sit down as they want to, together. No one complains, and it has worked extremely well. Judge Haynsworth had nothing to do with the coming of the industry or the change to vending—and all vending companies in South Carolina experienced a "remarkable" rise in gross sales during the 4-year period of 1959–63. Judge Haynsworth disposed of his interest in 1964. The same precipitous climb continued for CVAM and all vending companies in South Carolina. It continued for that same company after the judge had sold all his stock. But they do not give the full picture. They do not give the truth, which is all the facts they know about.

Why did they not review what the principal competitor, in Greenville, S.C., The Atlas Vending Co.—Greenville's oldest and largest operator of vending machines—had to say. Its owner, Alex Kiriakides, Jr., wrote to Senator EASTLAND. I would like to include a letter of mine, which I received on September 5. I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ATLAS VENDING CO., INC.,
Greenville, S.C., September 5, 1969.

Hon. ERNEST F. HOLLINGS,
U.S. Senator, South Carolina,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLINGS: There have been a lot of rumors in our newspapers lately concerning Judge Haynsworth, his business connections and ethics. Let me take this opportunity to speak in his behalf.

It seems to me his having an interest in a vending company should not be a deterring factor in his being appointed to the Supreme Court. As in the past, any person who owned stock in a vending company seemed to leave a bad taste in the mouths of the people. Speaking as an independent operator and in behalf of independent operators like Carolina Vend-A-Matic; we are a business like any other business, part of a free enterprise. A business whose ethics are up to or surpass any other business in this nation and we resent being classified as a "Bobby Baker Case." I cannot, however, speak for the ethics of the national vending companies.

I am probably the oldest vendor in this area and probably know more about the operation of my then competitor, Carolina Vend-A-Matic than any other person in this area in which they operated. I own and operate Atlas Vending Company, Inc. here in Greenville, South Carolina and have been doing so for over thirty years. Carolina Vend-A-Matic was a competitor of ours and during the time this company was Carolina Vend-A-Matic the stockholders and the management did nothing unethical in obtaining new business or in holding old business. As you know, they are now known as A.R.A. Service and Judge Haynsworth is not a stockholder in the present company. I had the greatest regard for Carolina Vend-A-Matic, its employees, and its management for the ethical manner in which they conducted business. If all the other companies or competitors could come together around a conference table I am sure they would feel that the good points of Carolina, in the way in which they conducted business, would certainly overcome and outweigh any competitive "jealousy." All of the vendors in this area, which at that time were several in number, had equal opportunity to obtain business. We got some of the business, others got some, and Carolina got some. Judge Haynsworth to my knowledge was never an officer of Carolina Vend-A-Matic and at no time used his position to gain new business. To the best of my knowledge the Presidents of Carolina Vend-A-Matic were Francis Marion and Gene Bryant.

The persons who were the stockholders of Carolina are well known to me. They are men of great means who are honorable and respectable business men who would never stoop to gaining wealth by using their position or their influence in unethical measures.

The reason that Carolina and myself and others have grown and gained in the vending industry is due largely and for the most part to the change in the times in the textile industry. The textile plants approached vending seeking more modern means to feed their people. They needed better quality food, with less time involved in feeding in order to gain through production. The textile plants are looking out for their people. The business is gained through competitive bidding. A textile firm will often have as many as five to twenty bids on which to base their decision. These bids are reviewed by employee committees, personnel, and management in order to come to a decision in the best interest of all concerned. This leaves little room for personal or political gain.

My reason for writing this letter is that I can no longer sit still and see the charges being made by the news media and the attempts by them and others to dig into the past and use facts in such a way as to throw reflection on Judge Haynsworth with no knowledge of the person whom they are talking against or the great injustice which they are doing to our nation. It seems that personal and political gain is clouding the minds of some and closing their eyes to the truth. Now is not the time for self, we must put our nation first and our nation needs a good Supreme Court.

We have been visited recently by a Charlotte reporter who asked questions regarding Judge Haynsworth's past vending affiliations. One of his questions dealt with whether or not Carolina Vend-A-Matic had the vending for the Deering-Milliken Plant in Darlington, South Carolina. My reply to him was that at that time neither I nor Carolina could go beyond our own county because of our volume of business and that it was some years later that we were able to spread into other areas within our state.

The dignity and reputation of a man like Judge Haynsworth must and will be spoken with truth. The people of this nation should be proud to have a man of his character in the Supreme Court. I, personally and wholeheartedly, support President Nixon's choice of this man; but, Senator, it will be a grave injustice if his record is not wiped clean before his appointment and it must be done by people who know him and who have been in contact with him. People from other states and in other capacities should not be judging a man for their own benefits.

My only aim in writing this letter is to see that the reputation of this man does not fall into the hands of a few and to do my part to see that he becomes a part of the Supreme

> Court of the United States. I would be willing for and would urge you to use this letter, any or all of it, at your discretion before the Judiciary Committee or in any other way it might be beneficial to Judge Haynsworth's appointment and this nation. I will also be available, at my own expense, to come to Washington and appear before the committee on this matter. We need Judge Haynsworth in the Supreme Court and we need the slate wiped clean. Please use this letter to that end.
>
> Sincerely,
>
> Alex Kiriakides, Jr.

Mr. HOLLINGS. I refer specifically to paragraph 3, and read a couple of sentences there:

> I am probably the oldest vendor in this area, and probably know more about the operation of my then competitor, Carolina Vend-A-Matic, than any other person in this area in which they operated. I own and operate Atlas Vending Company, Inc., here in Greenville, S.C., and have been doing so for over 30 years . . .
>
> Carolina Vend-A-Matic, the stockholders and the management, did nothing unethical in obtaining this business, or in holding the business.

Well, where did they get the charge? They do not have a person connected with the vending business, and there have been many of them there. They have been competing. Where is the testimony? Where is the record?

They say, "Oh, the inference is there." Is there a fair inference, when all the companies were growing, when all the companies experienced this precipitous climb in sales?

Quoting further, Mr. President, from the letter from Alex Kiriakides, Jr., he does not say "because I have got me a judge over on the fourth circuit, and he started getting business for me"; instead, he says:

> The reason Carolina and myself and others have grown and gained in the vending industry is primarily and for the most part due to a change in times in the textile industry. The textile industry changed to vending machines as a more modern way to feed the people.

That is a nice way of saying they needed to desegregate their eating facilities. The letter continues:

> A textile firm will often have as many as five to twenty bids on which to base their decision. These bids are reviewed by employee committees, personnel, and management, in order to come to a decision in the best interests of all concerned. This leaves little room for personal or political gain.

Mr. President, I reiterate, Judge Haynsworth had nothing to do with the coming of the industry or the change to vending. All vending companies in South Carolina experienced the remarkable rise in gross sales during the 4-year period from 1959 to 1963, and all companies, Mr. President, have experienced a similar rise since 1963 to the present date, 1969—ergo, the increase of a million dollars in the Carolina Vend-A-Matic stock that Judge Haynsworth sold. If he had held it, he would have made a million dollars more. These are the facts in the case, and the truth.

The same chart can be drawn for the 4 years after Judge Haynsworth left CVAM as for the 4-year period 1959–63. And the same chart can be drawn for all vending companies in South Carolina for the last 10 years. If the insinuation intended by this charge is true, Judge Haynsworth should be tried as a criminal. If not, then the insinuation itself constitutes a violation of canon 1 of the Professional Ethics of the American Bar Association.

Charge 7: Between 1958–63 Judge Haynsworth sat on six cases involving customers of CVAM, inferring, of course, that the judge had a substantial interest as provided under 28 U.S.C. 455, which section required his disqualification.

Truth: In none of the six was the judge a stockholder in a party litigant and in none of the six did he have a substantial interest as outlined under the statute. In each of the six, under the finding of the American Bar Association, Judge Walsh's testimony—pages 151, 153, and 160—and under the decision of Prof. John Frank—pages 115, 117, and 128—the leading authority on judicial disqualification, Judge Haynsworth would have had a duty to sit in each of these cases. CVAM made no sales for Kent Manufacturing Co. listed in case No. 2 on page 4 of Senator Bayh's bill of particulars. The charge is false.

Charge 8: Judge Haynsworth had a financial interest in the party litigant of five listed cases thereby violating the statute and also the canons.

Truth: Case 1: In the Brunswick case the judge heard the appeal on November 10, 1967, joined in the unanimous decision to affirm on that same day and 6 weeks later his broker bought 1,000 shares of Brunswick stock. The printed opinion was not rendered until February 2, 1968. The judge admits this mistake and says it was wrong; however, there is no inference or suggestion that the subsequent purchase of stock had any bearing on the judge's decision in the case. No one contends that. Judge Harrison Winter who rendered the decision testified accordingly. The American Bar investigated this and reaffirmed its highest recommendation of Judge Haynsworth to be an Associate Justice of the U.S. Supreme Court.

Mr. President, I respectfully submit that this was a lapse of memory, and not a lapse of ethics.

They have been talking and talking, and never got the facts on Carolina Vend-A-Matic, and did not want to put in all the picture; but they have been talking about the Brunswick case. What about that case? What did the lawyer think who handled the Brunswick case, the Honorable Edward D. Buckley, a member of the firm of Bailey and Buckley? I talked with him about it, and as a result, he wrote a letter to me.

Now, can he not assume that as counsel for one of the parties, he would really have wanted to know all the facts about it? Especially, as counsel for the losing party in the Brunswick case. The letter read as follows:

> Dear Fritz: Enjoyed talking with you today. As counsel for the losing party in the "Brunswick Case" I welcome the opportunity to comment on Judge Haynsworth's propriety. It will interest you to know that yours is the only inquiry I have received from anyone in the Senate.
>
> Let me preface my remarks by saying I have conferred with my client and he has told me I was free to express my opinion of Judge Haynsworth's handling of this case.
>
> In my judgment, Judge Haynsworth's stock ownership had nothing to do with any ruling he was called upon to make.

Let me repeat: "Nothing to do with any ruling he was called upon to make." And we have literally thousands of headlines and letters and much debate. However, the person involved says that it had nothing to do with it.

I continue to read from the letter:

> Although I did not agree with the decision in this case, the entire panel of three judges ruled against my position. I do not think a thousand shares of Brunswick stock is a large enough interest to be of any consequence, nor do I feel there was any conflict of interest on Judge Haynsworth's part.
>
> I have never heard the least word of criticism of Judge Haynsworth for his conduct on the bench in the twelve years he has sat on the 4th Circuit.

Where is that group that were talking about appearances? I wish they in the Chamber. They were hollering about lack of sensitivity and lack of judgment and not giving the appearance of being right.

This is a letter from the lawyer for Brunswick. That is what he says. They create all kinds of appearances themselves and then blame the judge for it.

I continue to read the letter:

> I appeared in the Brunswick case with complete confidence my client would receive a fair and just hearing. I believe we received such all the way, and I would not have the slightest qualm to appear before Judge Haynsworth on any other matter.
>
> I hope that this letter may place the "Brunswick Case" in its proper perspective. I trust that this case will no longer cloud the issues.
>
> With kind personal regards, I am,
>
> Sincerely,
>
> Edward D. Buckley.

Here it is with all the appearances involved. But we have to measure this in the court. What about confidence in the good commonsense and judgment of the U.S. Senate as a deliberative body finding the truth and really responding to the truth?

Cases Nos. 2, 3, 4, and 5 on that charge No. 8 in the bill of particulars.

In the remaining four cases, the charge is absolutely false. The judge did not own any stock in the party litigants. In the Grace Lines case, the judge owned 300 shares out of 18,252,335 outstanding shares in W. R. Grace & Co. Grace Line, Inc. was one of 53 subsidiaries of W. R. Grace & Co. The case involved a $50 verdict for an injured workman, which verdict was affirmed unanimously in a per curiam opinion. Under the statute, he had a duty to sit.

I have been reading the comments made by some Senators to the effect that this was a case of a poor little defendant with a $50 verdict looking at the tipping of the scales of justice. They ask how he could escape the feeling that he was affected by this minimum stock holding by Judge Haynsworth. They ask how he could escape feeling that he had not had his day in court.

He had a lawyer. That $50 verdict was a $15.12 verdict rendered by 12 of his own peers. They did not think very much of that $30,000 claim for the sprained wrist.

The trial judge said, "If you are going to give anything, give something a little nearer to what is fair."

The jury went back, the jury of his 12 peers in this case, and rendered a verdict of $50.

I make the statement as a plaintiff's lawyer. There was a $50 verdict handed down in a $30,000 claim. We have that kind of case sometimes. They present any kind of claim with no substance to back it up. The jury found that there was no substance. The judge found in the per curiam opinion that there was no error in the law to disturb the jury verdict.

The Merck-Olin Mathieson case is false out of hand. The judge never had any stock in either party.

Talk about charging a man and then after having ruined him, coming around here and saying that the judge was not charged at all. They just put down a whole lot of charges.

In the Greenville Community Hotel case, the judge 4 years previously had owned one share of stock worth $21, which he had disposed of 4 years before the case was heard. He did not have it at the time. The stock had been gone for 4 years.

In the Donohue case, the judge owned 200 shares of preferred stock out of 3.2 million outstanding shares, and 67 shares of common stock out of 4.5 million shares outstanding American General Insurance Co., a corporation in which Maryland Casualty was one of the numerous subsidiaries. He joined in a unanimous three-sentence per curiam opinion.

Herein, the judge is charged with five violations of the statute and five violations of numerous canons, when the record before the Judiciary Committee shows that the judge had a duty to sit in each of these cases.

Mr. President, charge 9 is that the judge lacked candor in denying that he sat on any case in which he had a substantial financial interest.

The truth is that the denial is sustained by the record. The judge is not embarrassed now—pages 91 and 92—that he sat then. Under the same circumstances today, he believes it is his duty to sit and he would sit—page 99.

When the judge was testifying, they said, "I don't want to ask this. It may be embarrassing. But what about so-and-so?" The judge made it clear in the record, that he was not "embarrassed." "Ask the question, and I will give you the truth."

Under the same circumstances today, the judge says he believes it is his duty to sit and that he would sit.

There is no question of temperament or sensitivity. The judge is either right or wrong. Either he violated the statute that Congress, and particularly the Senate, enacted into law or he did not. But there are so many charges here, how can one discern or distinguish them?

Charge 10, the judge lacked candor in stating that he had not made or retained any investment with a concern likely to be involved in his court.

The truth is that the record sustains the judge's position. These five cases have been discussed. And there is no evidence that any of his stockholdings were apt to be involved. And, with the exception of Brunswick, none were involved as parties before him. And the Brunswick Co. was not involved as a party before him at the time the case was heard and decided.

Charge No. 11, the judge denied retaining positions as a director and/or officer of Carolina Vend-A-Matic and Main Oak Corp.

The truth is that on page 42, the judge referred to public corporations and the accuracy of a statement rendered at another hearing before Senator TYDINGS in June 1969. He clarified this at Senator TYDING's request and stated on page 66 that he was a director and officer of the two companies.

Charge 12 is that there was a violation of section 29 U.S.C. 301–308 by the judge's failing to file information about a pension fund with the Secretary of Labor.

Mr. President, this charge includes the ominous 6 months' imprisonment and a fine of $1,000 as if we have a criminal rather than a chief judge under consideration.

I want to make this clear. This is the printed bill of particulars of the Senator from Indiana. Let us not take it lightly. There is a mention of 6 months' imprisonment in jail. We either have a crook or a judge, one or the other.

The truth is that all information required under the Welfare and Pension Plan Disclosure Act was rendered in writing to each of the employees and beneficiaries of the plan. In order to constitute a violation, the employee filed a claim with the Department of Labor.

We both went to the Department of Labor on this matter. The staff of the Senator from Indiana went. My staff went. And I went.

In order to constitute a violation, the employee filed a claim with the Department of Labor. No employee ever did, and the spirit and letter of the law was carried out. All the information was filed.

Judge Haynsworth, if it interests anyone, was the trustee and not the manager. The manager failed to file the paper, but the employees were fully informed and protected. Moreover, a check with the Labor Department shows that this particular section was never enforced and obviously no one considers anyone in violation in the administration of the CVAM retirement plan. To list this seemingly as having caught the judge in a crime is, in itself, a demonstration of lack of candor.

It is intimated one time that the judge was "running" the business, and "wheeling and dealing." And when he does not do this, he is a criminal because he violated this statute, when actually a manager ran this particular pension plan and the manager failed to file the paper; but the employees were fully informed and protected.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. DOLE. I have been concerned about this one charge. It is a very serious charge, and the Senator from South Carolina makes it clear that we are talking about either a criminal or a judge.

I am wondering whether the Senator from South Carolina knows if any action has been taken by any of the accusers or those who have raised this question. Have they asked the Justice Department to proceed? Have they signed a complaint? Are they saying, in effect, that the judge is a criminal and should be prosecuted?

Mr. HOLLINGS. No.

Mr. DOLE. They make the charge very clearly in the bill of particulars.

Mr. HOLLINGS. What actually is occurring is that they are trying to fill the air with charges and crimes. When I wanted to answer, they continued to charge. They just kept on charging. That is the strategy: Do not stop, do not answer, do not discuss, keep on charging; "we have him on the run." Then they come up, after he is ruined, and say, "We don't question his honesty." How do you do that? I do not know, but that is what they do.

Mr. DOLE. It shows a certain amount of insensitivity, if nothing else, when a man is charged one day with violating a criminal statute and the next day to say he is an honest man; and with the cooperation of certain media, they have put the judge in a bad light. If they are serious about the charge, they should be required to go forward with it and not just raise a smokescreen, as the Senator from Tennessee said yesterday—engage in smoke shoveling.

Mr. HOLLINGS. It gets down to the Newsweek article of yesterday, which said the trouble with supporters of Judge Haynsworth is that they have not gone into why he ought to be a judge and what his attributes are, and if he is outstanding, why do they not say so? How can we? I had news conference after news conference, and they would not write it. They said they talked to HOLLINGS, and HOLLINGS said the judge looked sick when he saw him this morning. That is all they included of my trying to tell of his fine record.

This is the whole creation. There are so many charges, and one tries to bring out the truth and meet the charge.

On the desk of each Senator is a copy of my prepared remarks. I do not fault the distinguished Senator from Indiana for asking any questions. We have a responsibility, as individual Senators and as a body, to have the minutest, detailed investigation of Judge Haynsworth or any other Associate Justice of the Supreme Court of the United States, because once confirmed, he is there for life. So I do not fault that at all. But, in fairness, I do not really believe that the opposition believes that Judge Haynsworth is a criminal; yet, they continue to charge him with a crime.

Mr. DOLE. The question has been raised. I have not seen anybody rise to lay it to rest other than those supporting him. As a freshman Member of this body, it is important that we resolve the question of whether or not there was a violation of title 29, United States Code. If there was not, they should say so, and this charge should be withdrawn, because it may be affecting the opinions and judgments of some Senators. It is serious, and I am glad that the Senator has raised the question.

Mr. HOLLINGS. I agree with the Senator that the way in which this has been brought about, and after we have tried to clear it up, in itself is a demonstration of a lack of candor.

Charge 13: The violation of canon 4 by the judge's conduct creating impropriety or the appearance of impropriety.

The truth is, Mr. President, that until the judge came to the Senate hearings, there was no appearance of impropriety; and the attempt to create such an appearance in the face of the testimony of Judge Walsh of the American Bar Association, Prof. John Frank, Prof. William Foster, and the controlling decisions is unfair and unfounded. It was pointed out that the statute was merely a restatement of the canon.

There was a long discussion in the Judiciary Committee of what is canon and what is law. All the authorities who appeared—Professor Frank, Judge Walsh, and all others—said that, really, the statute itself encompassed every requirement of the canons of ethics. Of the 12 times that the judge is charged with violating canon 4, all are cases in which the judge had a duty to sit, under the statute and in conformance with the ruling of the U.S. Supreme Court.

Charge 14: The violation of canon 13 by justifying the impression that the judge may have been improperly influenced.

The truth is that in each of these cases the judge had a duty to sit. In the Carolina Vend-A-Matic case, the impression was found not to be justified by Judge Simon Scheloff and affirmed by Attorney General Robert Kennedy. The impression is continually rendered to Senators that the investigation of Judge Sobeloff never considered propriety or disqualification but only considered the criminal charge of bribery.

If you want to see some of the friends of our distinguished late colleague, the Senator from New York, become annoyed, let us start bringing up this matter right now, and they come out of the desks fighting, as to what Attorney General Robert Kennedy meant when he wrote his letter in which he sustained the finding of Judge Sobeloff.

I do not yield friendship with Robert Kennedy to any. I knew him longer than most Members of this body, and I had the greatest respect and admiration for Robert Kennedy. I met him when he was a labor investigator.

He was cited as one of the outstanding young men of America for his erudition in investigating labor abuses in America. Robert Kennedy, as Attorney General, made his record with the Teamsters and in organized labor and was very sensitive to this point I cannot conceive of Senator Kennedy—I do not know; none of us really knows, because Senator Kennedy is not here to tell us—in a labor matter, in which a Federal judge is charged with hanky-panky and a crime in building up his business, treating it lightly, like a paper across his desk. I cannot conceive of that. I think Attorney General Robert Kennedy treated this matter and this charge very seriously. And what does the record show? They tried to divide it: this is a crime, and that is injustice, and over here is propriety. And the contention is that Attorney General Kennedy never had propriety in his mind. With that I disagree as strongly as I know how. No one had a keener sense of propriety than Senator Robert Kennedy.

So let us go to the record, to which the opponents do not want to refer. Thanks to the distinguished chairman of the Judiciary Committee and the membership of that committee, let us go to the record and see whether we just talked of a crime, or whether it also included the matter of propriety.

In the original letter from the attorney for the Textile Workers Union of America, which appears on pages 6–7 of the record, the question is raised as to whether or not Judge Haynsworth should have disqualified himself from participating in the decision. I quote from the original letter:

> Whether or not a criminal violation has occurred, we certainly believe that if the Deering-Milliken contract was thrown to Carolina Vend-A-Matic, Judge Haynsworth should be disqualified from participating in the decision. . . .

So, Mr. President, the question of disqualification came up in the original instance, in the original letter, in which they say it was not even considered. But there it is.

Now let us refer to page 11 and see what occurred. I refer to the bottom of page 11, in the letter to Judge Sobeloff by Mr. Updike: "when there should issue from the court a vindication of Judge Haynsworth and a flat rejection of the union's suggestion that he should be disqualified."

Again, the question of disqualification in the original correspondence.

Later, on page 13 of the record, in another letter to Judge Sobeloff, from Patricia Eames, Assistant General Counsel of TWVA:

> With that basic fact established, it becomes clear that my collateral concerns, as expressed to you in the last paragraph on the second page of my letter to you of December 17, became inappropriate.

So it was not just a crime under consideration, but collateral concerns, as well. It was not just a crime but a question of disqualification, as well.

Mr. President, no one has documented this information fully in the Record. I dislike taking this extensive time, but it has to be answered somewhere in the permanent Record of this body.

On page 15, at the top of the page, in a letter from Judge Sobeloff to the assistant general counsel of the Textile Workers Union of America it is stated:

> He also remained on the board of Carolina Vend-A-Matic, which is not publicly owned, for he thought that the considerations which led him to resign from the boards of the other corporations were inapplicable to it and the small, passive corporation.
>
> Some months ago it became known that judges in other sections of the country were serving on the boards of large, active, publicly owned corporations. They had not done what Judge Haynsworth had done in the first instance. Their service on the boards of such corporations led to criticism, with the result that last fall the Judicial Conference of the United States adopted a resolution that—
>
> "No justice or judge of the United States shall serve in the capacity of an officer, director or employee of a corporation organized for profit."
>
> Incidentally, we are assured that Judge Haynsworth has had no active participation in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employees of any other company.
>
> Sincerely,
>
> Simon E. Sobeloff.

They even went into the solicitation question.

The letter continues:

> However unwarranted the allegation, since the propriety of the conduct of a member of this court has been in question—

Not just crime but propriety, as well; and they get as irritated as they can be and go right through the roof and say this was a matter before Attorney General Kennedy.

Again, the letter by Judge Sobeloff to the Attorney General, at the bottom of page 15, relates to the alleged conduct, the assertions, and insinuations about Judge Haynsworth.

Finally, on page 19 the Attorney General himself states:

> February 28, 1964.
>
> Hon. Simon E. Sobeloff,
> *U.S. Court of Appeals for the Fourth Circuit, Baltimore, Md.*
>
> Dear Mr. Chief Judge: This will acknowledge receipt of your letter dated February 18, 1964, enclosing the file that reflects your investigation of certain assertions and insinuations about Judge Clement F. Haynsworth, Jr.
>
> Your thorough and complete investigation reflects that the charges were without foundation. I share your expression of complete confidence in Judge Haynsworth.
>
> Sincerely,
>
> Robert F. Kennedy,
> *Attorney General.*

When that letter was shown to Members there were some who became highly incensed that the inference was made that Attorney General Kennedy considered anything other than crime; that he considered insinuations, that he considered assertions, propriety, conduct, disqualification—which was unfair to the memory of that great man.

Let us look at the inner-office memorandum on page 17 from Gelchen to John Duffener:

> John, as I began at the beginning and read this I thought "shades of Bobby Baker" with the vending machine aspects.
>
> Having read it all I agree this matter has been fully and satisfactorily * * * by Judge Sobeloff.

Mr. President, that is exactly a literal reading. I guess it would be "agreed to" or whatever it might have been, but there it is. No one knows. We cannot know but it gives no basis and foundation to be highly irritated when the best evidence is knowing the character of Robert Kennedy; his sensitivity on labor matters, and having appear before him a charge that a judge in a labor case used his position to feather his own nest—that Robert Kennedy did not consider propriety.

Charge 15: Violation of canon 24 because the Judge's duties were interfered with by acting as a director and vice president of CVAM.

Truth: This is completely unfounded. They never interfered and even the union which knew of the office that Judge Haynsworth held in CVAM did not ask the Judge to disqualify. In 1963, 1964, and 1965 the parties that complain now never complained.

They went on with the judge. They did not ask about appearances. Who believes that? These labor lawyers and the chief counsel of the Textile Workers Union of America, as keen as they are, did not think of it.

In 1963, while the Darlington case was on appeal, the TWUA knew of the judge's affiliation with CVAM and did not ask him to disqualify. In 1964, when the new hearing was held and appeal had, no request was made for disqualification. The article by Judge Simon Sobeloff is an intentional deception with the intent to give the impression that Judge Sobeloff would have found Judge Haynsworth in violation of this particular canon of ethics. The contrary is true, regardless of insinuations. Judge Sobeloff investigated the charge as is outlined above and discharged not only the charge but the assertions and insinuations—and expressed complete confidence in Judge Haynsworth. The article of Judge Sobeloff was written in July 1964 subsequent to his finding of complete confidence on February 18, 1964. A reading of this complete article shows approval of the conduct of Judge Haynsworth, citing with approval the holding of an insubstantial stock holding by a judge in a party litigant. Again, it must be emphasized that Darlington Manufacturing Co. had no machines of CVAM and was not doing business with CVAM.

If there could be any doubt, after all of this was charged and headlined, and testified to, what happened but a telegram from Judge Sobeloff and Judge Sobeloff himself said:

> I have every confidence in you, Judge Haynsworth, as to ethics, as to law, . . .

And Judge Sobeloff's telegram is a matter of record by the Committee on the Judiciary. So there is no innuendo here to contend with, but rather the actual fact.

Charge 16: The violation of canon 25 that the judge used his office to promote the vending business.

Truth: Once again, the suspicion or appearance is nothing more than an impression received from some of the facts. Once all of the facts have been developed, then appearance and suspicions are dispelled and one speaks of the fact. No suspicions developed before Judge Haynsworth's nomination to the Supreme Court other than the anonymous call case where the union joined in the position that the judge should not be disqualified and the record before the Judiciary Committee gives exactly the opposite appearance than the suspicion charged. The investigation of Judge Haynsworth in the minutest detail shows no violation of this ethic.

Charge 17: Violation of canon 26 by investing in enterprises apt to be involved in litigation.

Truth: Georgia Pacific, just like Carolina Vend-A-Matic never has been involved in a case before Judge Haynsworth. The citation of the consent decree by the SEC would mean no investment of stock whatsoever in the first 500 of American corporations listed with Fortune magazine. They are constantly involved in some proceedings. In other words, you could not own stock in General Motors because you are bound to find a case filed against General Motors somewhere each year. In the Brunswick case it was an investment after the fact and a mistake; and, in the Grace, Greenville Hotel and Maryland Casualty cases, the judge was not a stockholder of the party litigant and Monsanto has never appeared before Judge Haynsworth.

Charge 18: Violation of canon 29 by exercising an act of judicial discretion while owning stock in the party litigant.

Truth: Again, back to the mistake of the Brunswick case, no judicial discretion was exercised after the stock was purchased. The decision had been made 6 weeks before. The ABA has investigated this and the other cases, citing and reaffirming its highest endorsement of Judge Haynsworth's appointment.

Charge 18: Violation of canon 33 by sitting in cases involving customers of CVAM.

Truth: Once again the Darlington case and the other customer cases of CVAM were thoroughly investigated with the finding before the Judiciary Committee that the judge had a duty to sit and the ABA—the promulgator of the canons—absolved—Judge Haynsworth of any suspicion.

Charge 20: Violation of canon 34 about the general conduct of Judge Haynsworth not being above reproach in any particular.

Truth: On charge 20, I think from source of the charge and I think from the facts, that literally the judge has been third-degreed, from income tax returns to every stock holding, to every stock purchase and sales slip, plus the minute books, every decision reviewed with field investigations of citizens in the South Carolina area, plus labor leaders, members of the ABA, the NAACP, AFL-CIO and, finally, most thoroughly on a sound review by the special committee of the American Bar Association which reaffirmed its highest endorsement.

Mr. President, if you please, when it comes to the Brunswick case, they complain, but what does the lawyer for Brunswick say on the losing side, "Never, any time, did I ever question Judge Haynsworth. In the 12 years, never has there been an appearance of impropriety." That is what the lawyer for Brunswick said. There is no reason to disqualify. Did not agree with the judge's finding. No appearance of impropriety or reason for disqualification. Yet, they seem to find it and talk about the "appearance" when the lawyer for Brunswick himself says there is none there. They find nothing unethical. The ones who handled the case, the American Bar Association, who wrote the canons, who continue to know and understand the import of the canons and who have continued to study the matter, have all given Judge Haynsworth their highest recommendation.

But, no, there are those who wish to continue their innuendo, the inference, the "appearance," and then blame the judge for it.

What is the truth and the effect of this assault? The truth is best contained in the conclusion of an opponent, Senator JOSEPH TYDINGS of Maryland, who said, when he first heard the nomination, that he was ready to approve him, would work with him, and would testify in his behalf; but the situation now is that the Senator from Maryland (Mr. TYDINGS), in his special findings, says:

> I do not believe that any one of the decisions of actions of Judge Haynsworth to which I have alluded is of a gravity which requires the denial of the seat to which he aspires.

But the effect is devastating, as is also stated by Senator TYDINGS when he found, viewed in the aggregate:

> One clearly discerns a pattern of repeated judgments, which, unfortunately, create the impression that Judge Haynsworth is insensitive or oblivious to the subtle requirements of judicial ethics especially that cardinal rule which admonishes judges to avoid even the appearance of impropriety.

Mr. President, Lord help future appointees to the Supreme Court, because there will be "appearances." Let them come up here and from now on one of the 100 Senators will find some kind of appearance. They will get it, or they will create it, one way or the other, so that there is bound to be an appearance.

We have had a lot of charges. We have had a lot of investigations. We have had witnesses repeating most of the evidence. We have read the headlines. And after careful study, the Senator from Maryland says that the judge should be rejected.

But what is the effect? In the same Senator's report, the effect is devastating. These appearances, reasons Senator TYDINGS, have cast a shadow upon the Supreme Court. More importantly, I respectfully submit, a shadow has been cast upon the U.S. Senate as a deliberate body. The opposition, like the trapped octopus, has darkened the waters of reason with his black ink of poison and escaped, chortling while Senators run in circles shouting "withdrawal," "insensitivity," "lack of judgment," "shadows," and "lack of candor." By now the strategy of the opposition is complete. Charges of antilabor have blended into the background. Even the special reports of the Senators in opposition do not find Haynsworth antilabor.

Is that not amusing, almost, if one can get amused by this serious situation? All the charges of antilabor, all the hearings and all of the findings, none find him antilabor. Some individual Senators have been candid enough to get up and speak on the basis of saying, "That is exactly what I disagree with. I cannot agree with the judge's philosophy," but there are those also astute enough not even to mention that.

Now the Senator, like the politician in Cato's famous couplet makes his own little laws, and sits attentive to his own applause.

For the record, it must be stated that, true to its charge, the Senate has been deliberate in its process. No rule has been violated and no rush has been experienced. Upon receipt of the appointment, the very system established—the rules, the committee system, and so forth—to insure that the Senate deliberate was adhered to. Referred to a hearing with due notice, witnesses were summoned and all kinds of testimony was received. No one faults the thoroughness with which Senator BAYH or any others investigated. Since a confirmation is for life, it is the duty of the Senate to examine every facet of an appointment. Due time was given to make further investigations after the hearings. Sufficient time was allowed to file majority and minority reports. But this deliberate process has been preempted by the doubletime of the news media.

When a Senator returned in September, on the very day the appointment was received, before reflection could be had, and hearings held, and evidence taken, he had already received headlines. Reporters jumped all over him and wanted to know his comment on the $1.5 million stock deal. I just returned to Washington and reporters were jumping around with notebooks. A Senator is supposed to be intelligent. He is not supposed to be dumb. So he looks at the reporters and says, "That is a very serious thing. I want to consider it." The Senator does not know what they are talking about, because he has not seen the Washington Post. That was the first time he was confronted with it. He is asked, "What about the $1.5 million stock deal? What about the AFL–CIO charge of conflict of interest and bribery? What about Bobby Baker? What about the Brunswick case? What about the Darlington case? What about the Grace case? Did you hear that the judge was corespondent in two divorce cases in Richmond and the records have been withdrawn from the courthouse?" Several reporters called me one evening and wanted a comment on that particular matter. "We have just learned that the judge has withdrawn. What's your comment?"

Senators like to be leaders; they like to be decisive. Faced with labor pressure, faced with press pressure, they were also faced with a lack of leadership in the Republican Party. Senator GRIFFIN, the Republican whip, asked the President—in fact, the leadership was in the other direction—to withdraw the nomination. Senator SMITH, chairman of the Republican conference, asked that the nomination be withdrawn; and Senator SCOTT, the Republican leader, stated he had not made up his mind. He refused to declare his support.

Is there anything more damaging than that? If so, I do not know what it is, when one's party has an appointment and the Senator says he is still studying it. If that does not give the message that there is something wrong or that it may be withdrawn or something is not quite right, I do not know how a message could be more effective.

Now if you are a Democrat under these circumstances, you want to credit yourself with foreseeing the imminent, so you prepare a statement of "insensitivity" or "lack of judgment" and you declare against; and, if you are a Republican, you get the message that the party's divided, and so for the good of the party, you oppose. This was happening all around me when I addressed myself to this subject on October 7. I explained then that Judge Haynsworth was the victim of sensitivity.

I want to emphasize that. He actually was the victim of sensitivity.

There is no law against the judge owning stock. In fact, the law does not prohibit the shareholding by a judge of a party litigant appearing before him. Only 3 weeks ago, in October, two Federal judges in the fifth circuit refused to disqualify themselves in a case where they held stock in a party litigant of $35,000 and $600,000 respectively.

Mr. President, can you imagine that? That is the fact and that is the law.

When Judge Haynsworth ascended to the bench in 1957, the law provided that you could be an officer or director in a public corporation as well as a stockholder. At that time, due to his sensitivity to the ethics, Judge Haynsworth resigned his directorship in publicly held corporations. When the Judicial Conference in 1963 requested that all judges do likewise, Judge Haynsworth, due to his sensitivity, went a step further. He sold all of his stock. No one would claim that the judge sold his stock in order to obtain an appointment to the U.S. Supreme Court. This was almost 7 years ago and any hope for promotion of Judge Haynsworth was remote. He did this as a leader in the administration of justice.

When Judge Sobeloff completed his investigation, Judge Haynsworth, due to his sensitivity, asked that it be made a public record; not simply have the judges judge the judge, but send it to the impartial Justice Department and the Attorney General and have them review it—due to his sensitivity.

Remember, Senator TYDINGS described his leadership in the administration of justice as dynamic. But Judge Haynsworth's troubles occurred when he attempted to correct one of the most frequent abuses of judicial procedure.

As the Presiding Officer knows, as a former distinguished attorney general of his State, a story about random selection of judges would have to take about one page as a news story. I agree that a city editor would scratch it out because it would take a page.

The hanky panky of appellate procedures, the adulteration of a fair appeal occurs when certain judges are assigned to certain cases. As a trial lawyer of 20 years admitted to practice before the circuit court of appeals, I can tell you that the principal concern in the fourth circuit prior to Judge Haynsworth taking over as Chief Judge, was that somehow certain judges seemed to receive certain types of cases. This is a matter of concern here in Washington in the District Court of Appeals at the present time, but no longer in the fourth circuit court of appeals.

It hit the press in June of this past year. Judges in the district court of appeals had been receiving certain types of cases each time, and lawyers had appeared and complained publicly about it.

Judge Haynsworth, sensitive to the basic precepts of justice, directed that hereafter the panel of judges be selected at random.

As an aside, 3 years ago I had occasion to be involved in an appeal before that court—and Judge Haynsworth was not on the panel—from a verdict of $265,000 awarded to an injured employee, a worker, whom I represented. I do not stand second to anyone on the matter of labor. I respect labor and I respect unions. I cannot help it if there are defalcations in the union movement because of the lack of leadership. I represented organized labor in my own hometown. I did not represent insurance companies. I represented injured workers and plaintiffs.

In taking that case up on appeal, I was told by the lawyers for the opposition, "We will get a panel that will never confirm that $265,000 verdict for an injured client." I may say facetiously that my choice was Judge Oren Lewis, of Virginia, who confirmed my $265,000 verdict. I would like to see him promoted, and I told him so. But the fact is that I was told time and again—and he was investigated as thoroughly as I know he could be—that it was Judge Haynsworth who instituted the policy of random selection of judges and adhered to it. Lawyers are not concerned about a judge's stock holding in a party litigant. The holding can be easily determined. The lawyer can let it go with a favorable judge, and call it into question with an unfavorable.

There is no mystery about that, if a lawyer is worth half his salt. If the judge has some stock, let him sit. That is what the average lawyer would say, if he told the truth. If the judge is unfavorable, and he has that stock, and his inclinations and persuasions are otherwise, call him in turn. The practice works. It is when the judge himself can jockey for position in certain types of cases, by claiming an interest, no matter how insubstantial; then there is nothing the trial attorney can do but sit by and watch it happen to him. There is absolutely nothing he can do. He cannot say anything. He does not have to, in fact; he just knows it; he feels it. If the lawyer tries to charge him with it, or rather infers it, it does become a charge, and he is liable to get in contempt. In any event, he is going to ruin the chances of his client. So he shuts up and listens.

The only way to correct this vice is to adhere to a random selection of panels of judges and not allow a judge to disqualify unless he has a substantial interest, because that is the way they jockey, and they had better not sit.

Judges know how far they can go. Back in chambers, they can maneuver. They know how to get in place. They know what is coming. The only way to correct that is to have a random selection. But a judge will not disqualify unless he has a substantial interest. That is the way the law reads, and that is the finding of the U.S. Supreme Court. That is the law of the land today. Unless a judge has a substantial interest, he has a duty to sit. The so-called being in violation of the canons of ethics for 10 years should rather have read: adhering to the law in conformance to the highest standards of ethics for the past 10 years. But when have we ever read that headline? Never.

Where did you ever see that headline? Nowhere. Never, Mr. President.

I offered a bill back in October to try to clarify this situation. It extends further than the efforts of the distinguished chairman of the House Judiciary Committee (Mr. EMANUEL CELLER) who at least tried to take the matter up with respect to being an officer in a corporation. He offered bills in the House Judiciary Committee, and they have failed. They have failed to pass the House of Representatives.

So I proposed this particular bill, S. 2994. No one wants to cosponsor it. No; they want to beat a judge on the head with the present law, because it vests in the judge a discretion. The law now uses the words "unless there is a substantial interest in." Otherwise, a judge has a duty to sit.

I said, "Let us clear that up." I rather agree with Professor Frank and Dean Foster of the University of Wisconsin School of Law, and the majority opinion among judges and among judicial circuits, that "any interest" is the only way to make sure, so they cannot ask questions. I believe that is the best answer.

So my bill reads as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 455 of title 28, United States Code, is amended by adding at the end of such section the following: "Ownership by a judge of stock in a corporation which is a party litigant or which owns any interest in a party litigant shall be deemed substantial for the purposes of this section; and a judge shall abstain from participation in any case involving a party litigant in which he has any investment whatever."

That would include realty holdings as well as stock holdings—any investment—and it would make it clear. But Congress does not want it clear. They like to beat the judge over the head with it, when he obeys the law. Is that in a manner consistent with a sense of fairplay?

Mr. President, who has ever heard of Prof. William van Alstyne, of Duke University?

Yesterday I was talking with a Senator. I have been trying to get votes. I said to him, "Oh, no, read what Van Alstyne said."

"Van Alstyne, the professor from Duke University."

"Never heard of him. What kind of funny thing is that?"

I said, "Look, that fellow served as counsel for the American Civil Liberties Union." The New York Times got him irritated and he wrote the New York Times a letter.

He came to testify, but by then, George Meany had to be heard, and he interrupted the whole thing and took it over, so Professor van Alstyne had to go back down to Duke University, and they told him to file his statement.

So, when does the press cover a filed statement? That is not news, so they do not cover it.

But what did he say about Judge Haynsworth? Let me read this—it is not long—because they want to have something positive and understandable as to why Judge Haynsworth was ever considered by President Nixon.

He says:

> It is not surprising that a Supreme Court appointment from the South, by a President who campaigned with some degree of criticism of the Warren Court, should attract a measured amount of liberal skepticism. The degree of reaction to Clement Haynsworth's nomination, however, is in fact unworthy of some of the truly fine people who have too quickly given it currency. In those areas of statutory interpretation and constitutional adjudication where the issue is so unsettled that judicial discretion must necessarily play a major role, Judge Haynsworth's record cannot be seen as illiberal.
>
> In Hawkins v. North Carolina Dental Society, Judge Haynsworth authored the court of appeals opinion which desegregated the North Carolina Dental Association—

Here is old anti-civil rights Haynsworth. I do not know where they got this; did he ever desegregate anything?

> rejecting its claim that it was not subject to the equal protection clause of the 14th Amendment. He joined as well in North Carolina Teachers Association v. Asheboro City Board of Education, reversing a lower federal court which had upheld the displacement of Negro teachers who had lost their jobs to whites when schools were integrated. He also shared the court's decision in Newman v. Piggy Park Enterprises, applying the Civil Rights Act against a claim that insufficient food was sold for consumption on the premises to bring the business within the statute.
>
> In the field of criminal justice, he authored an extraordinarily careful opinion in Rowe v. Peyton, extending the right of prisoners to have their convictions reviewed on habeas corpus—a new development later affirmed by the Supreme Court. He joined (sic) in Crawford v. Bounds to protect defendants in capital cases from being sentenced by death-prone juries from which all expressing any reservation to capital punishment had been excluded—a new development also subsequently affirmed by the Supreme Court in a related case.

Has anyone here heard of the Supreme Court following Judge Haynsworth? My distinguished colleague from Montana (Mr. METCALF) yesterday said that the trouble with the judge was that he was following 10-year-old civil rights law. There he is leading the Supreme Court; but where would my distinguished friend ever hear of this?

> In Pearce v. North Carolina, he applied a constitutional principle newly developed at the federal level in his own circuit to protect defendants from harsher sentences following retrial—again in advance of the Supreme Court which affirmed the decision several months later.

Here is Judge Haynsworth again leading the Supreme Court, in the development of the law in the light of changing times.

Quoting further from Van Alstyne:

> In respect to First Amendment rights, he joined in the first federal decision which struck down a state law restricting the right of university students to hear guest speakers on campus—a principle later expanded by a half-dozen other federal courts and indirectly approved by the Supreme Court in a related case just this year.

Thus says Professor Van Alstyne. Again every leader around here of a liberal bent, walking arm in arm with moratoriums and students says: "Get with it; get identified." Judge Haynsworth got with it a year ago.

But they say, when they rise to speak, "This thing is disturbing to me. This man has got blinders. He is ruling on civil rights, union, and student matters, as of 10 years ago."

What is the fact? What does the record show? Quoting further from Van Alstyne:

> On occasion when his opinion has differed conservatively from that of more liberal jurists, it has not been without care or reason. Thus, his conclusion in Baines v. City of Danville that only an extraordinary kind of civil rights case could be removed from a state court to a federal court was accompanied by a painstaking analysis with which a majority of the Supreme Court subsequently agreed in Peacock v. City of Greenville. Similarly, his conclusion in Warden v. Hayden that an otherwise constitutional search is not unreasonable because its object is only to secure evidence of a crime was also subsequently shared by a majority of the Supreme Court.
>
> I do not submit that these decisions warrant that Judge Haynsworth will be a 'liberal' justice. His record on the court of appeals does not—and in the nature of things could not—enable us to predict his votes in the substantially different role of associate supreme court justice. They do indicate, however, that he is an able and conscientious man who will approach his duties on the Supreme Court with a spirit of open-mindedness as well as an appreciation of the difficulties of the judicial process.

Who knows that man who has dedicated his book to Chief Justice Warren? This same man carried Thurgood Marshall's briefcase in the original school desegregation case of Sweat against Painter.

Remember Chief Justice Fred Vinson talking about the value of association. Who was Solicitor General and handled the appeals, and who wrote the briefs and who carried Thurgood Marshall's briefcase? He was co-counsel in the case of Miranda against Arizona, on the prevailing side. Last year the Judiciary Committee confirmed him as a Federal judge, but he never was appointed.

I was complimented that the press asked about that. This statement was released shortly before I took the floor. I am complimented that the press read the facts. That is a fact. They checked with the Judiciary Committee. In the closing days, President Johnson was to send up the appointment. The committee was notified. The appointment was discussed, and it was agreed that the gentleman would be confirmed. However, the appointment never came.

John Frank of Arizona, the leading authority on judicial disqualification, came out of conscience. He came out of conscience, because actually he testified that he thought that if we confirmed in the Judiciary Committee, one person it was Judge Arthur Goldberg. All of the witnesses said they were for Arthur Goldberg. Personally I have the highest regard for former Justice Goldberg and would not hesitate to vote for his confirmation. But Judge Frank came out of conscience. He stated to the Judiciary Committee that, under the Canons of Professional Ethics, the judge should not be unjustly charged. He came to defend Judge Haynsworth and this is what he said:

> Obviously given my point of view and experience I would without doubt have pre-

> ferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth is a truly unjust criticism which cannot be fairly made.

Where have we heard of that amidst of this onslaught? I remember one night when they had the poor judge in the Mayflower Hotel. He has an impediment in his speech and a high sensitivity to the canons of ethics. He knows that it would be better not to say anything to the public. A judge should not engage in polemics or public debates.

He refused "Meet the Press" this week. They had him there. The reporter had him in the picture. They said, "We have a picture of the judge coming in, but he would not talk."

Did anyone think of the canons of ethics which require that a judge is not supposed to engage in this kind of conduct? That is why he did not do so.

Do you know who wrote the desegregation guidelines in 1965 for the Department of Health, Education, and Welfare—Associate Dean G. W. Foster, Jr., of the University of Wisconsin School of Law. And what did he say of Judge Haynsworth? He said:

> In the area of racially sensitive cases, I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined Judge, but as that of an intelligent and open-minded man with practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I might have decided another way. I am not aware, though, of any opinion associated with Judge Haynsworth that could not be sustained by reasonable views of reasonable men.
>
> To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man.

And I hope that the press will cover some of this. I continue to quote:

> His record as a judge shows him to be a man capable of continuing growth and responsive to the needs for change where needs are persuasively shown to exist. And in my judgment, the question posed by his nomination is not whether you or I might have made a different nomination but whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My answer, based on Judge Haynsworth's record and the reputation I know him to have among the federal judges with whom he has worked, is that he will make a first-rate Associate Justice of the United States.

Mr. President, this gentleman came to Washington. But he was not reached. He was not examined. They had already disrupted the routine. And as a result, they told him to file his statement and they would hear him later.

When they summed up in Newsweek, they said:

> Why don't the supporters of Haynsworth say something positive about the fellow and cut out this ying-yang about charging everybody with a smokescreen and saying this charge is wrong and everything else?

We have tried our best to bring out the truth. The distinguished Senator from Missouri said, "Where do you get this second coming of Brandeis? I have never heard of these accolades."

Mr. President, Who is the leading liberal scholar who taught for several years at the University of Minnesota and Yale and Harvard? Who wrote cases on Federal courts and the revision to the seven volume set of Barron and Holtzoff Treatise on Federal Practice and Procedure? Who is the man who read every decision, not just the ones he wrote, but every decision ever participated in by Judge Haynsworth, covering 167 volumes of the Federal Reporter—Prof. Charles Alan Wright, McCormick professor of law at the University of Texas. What did he say of Judge Haynsworth?

He read all the decisions. He had to sit there day in and day out to keep up with his profession and his particular skill, to keep up with all of the decisions in writing the various treaties. He said:

> With this professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of these courts. We are fortunate that federal judges are, on the whole, men of very high caliber and great ability.

I am trying to find the second coming of Brandeis for a distinguished colleague of mine.

I continue to read:

> Among even so able a group, Clement Haynsworth stands out.

That is not Fritz Hollings talking. That is not a personal friend from South Carolina. I wish I were from elsewhere so that I could tell the Senate from a different viewpoint. Everything I say is compromised. He said that even among so able a group of legal scholars, Clement Haynsworth stands out.

He said further:

> Long before I ever met him, I had come to admire him from his writings as I had seen them in the *Federal Reporter*.

Professor Wright further stated:

> It would be very hard to characterize Judge Haynsworth as a "conservative" or a "liberal"—whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his own policy preferences.

Mr. President, I know of no greater compliment to a man of the legal profession, particularly to a presiding judge.

I wish to emphasize the fact that Professor Wright is not a Johnny-come-lately embroiled in the Nixon nomination of Judge Haynsworth. Professor Wright emphasized this in a letter to me on November 13, and I quote from that letter:

> You have referred several times to my remark at page 592 of the hearings that long before I ever met him, I had come to admire him from his writings as I had seen them in the Federal Reporter. I did not cite any authority or any example because in early September I did not realize it would be needed and I naively supposed that Senators would regard me as competent to have an expert opinion on the abilities of Federal judges and as honest when I express that opinion.

Professor Wright, used to the due process, as is Judge Haynsworth, came to Washington and naively thought that Senators would regard him as competent and know of his opinion and credit him with honesty.

Professor Wright continues:

> My hornbook on Federal courts was published in 1963, nine months before I first met Judge Haynsworth. I enclosed a Xerox of page 151 of the hornbook in which I describe the Fourth Circuit's opinion in Markham vs. the City of Newport News as a notable opinion, and say that the argument for a contrary result was effectively refuted by the Fourth Circuit. I think you know my work and my book well enough to know that it is sparing in its praise, and there are few occasions in which I call an opinion notable. The opinion in Markham was by Clement Haynsworth.
>
> There are many other instances that I could cite, but this is the one in which my praise for his work has been a matter of public record for seven years.

Professor Wright came to Washington three times and never had an opportunity to testify, but only filed his written statement. If he had testified, he could have been cross-examined on his high regard for Judge Haynsworth. He would have gone into it thoroughly, it would have impressed the news media, and we would have positive facts appearing in behalf of Judge Haynsworth as to why we regard him as outstanding.

Mr. President, what makes a good judge? I have my own ideas, but I never heard it so clearly, succinctly, cogently, and impressively stated in an extemporaneous fashion as was done by Professor Wright on a TV program some 2 weeks ago. After the program, I could not get a transcript, so I spoke to him over the telephone and he dictated substantially what he said. One of the reporters asked, "What makes a good judge?" And this is what Professor Wright said referring to Judge Haynsworth:

> He is able to write opinions that proceed logically, so that you can see what the Court's reasoning process was and why it decided as it did.
>
> Second, he does not not talk about things that are not involved in the case. He avoids the temptation to express his views on a lot of issues that do not have to be talked about in order to have the case decided.
>
> Third, he makes a discriminating use of precedent. He is able to recognize which cases are really authoritative and ought to be followed and which cases do not directly bear on the case.
>
> Fourth, he has a breadth of viewpoint in humanity.

Do Senators recall the statement in the New York Times? He just was not quite humane; he was insensitive. He is on that front porch rocker on the weekend—how to make money without really trying, with his slave servant cooling him off, and reading the Wall Street Journal.

Is this the man Professor Wright was talking about, having come to his opinion from the writings of Judge Haynsworth?

I quote further what Professor Wright said makes a good judge:

> Judge Haynsworth recognizes the context in which cases come in two ways. First,

> he is quite conscious that these are not just numbers he is dealing with; these are real people. This can be seen especially in criminal cases. There are many cases in which, for example, a person is under a death sentence or a long prison sentence and there is considerable doubt about whether a person is sane. Judge Haynsworth is not going to worry about technical barriers. He insists that such a person can get a fair hearing, and he finds out whether he is actually sane before he is electrocuted or sent up to prison for life.

If you read and heard that, you would think that is a sort of callous thing—actually sending people to be electrocuted and admitting them to insane asylums. They are. We of the profession, the lawyer of experience knows it. Here is a real scholar writing of it. He said this is not a fellow sitting on the porch, waving a fan and reading the Wall Street Journal, but he insists that a person get a fair hearing, and he finds out whether the person is actually insane before he is electrocuted or sent to prison.

> Second, he realizes that the law grows. You can't decide a restriction on habeas corpus today simply on what happened 200 years ago. You have to approach it in light of today's problems rather than simply by sterile history.

Where are the colleagues who say that Judge Haynsworth's decisions are those of 10 or 15 years ago? Where are they who say he is in yesteryear? I have related what the man says who reads all his decisions. He says that Judge Haynsworth is true to the charge that you must approach these problems in the light of today's problems rather than simply by sterile history .

Professor Wright asks:

> What about his true sensitivity? There is only a limited amount to what a good judge can do in respect to the movements in our society. An awful lot of that has come from Congress and from the Executive Branch, but foremost is the attitude of a judge on free speech. Those parts of society which are unhappy should have an opportunity which the Constitution guarantees to voice their grievances as long as they do so in a peaceful manner. Judge Haynsworth's First Amendment cases, though they are not numerous, show that Judge Haynsworth is much aware of that. In fact, he goes a little further than I would.

This is from a liberal legal scholar who perhaps would have recommended someone else, as he said in his statement and discussions. He said that on the first amendment, on freedom of speech. "he goes a little further than I would."

> Second is the administration of the criminal law, and this is one of the ways in which the poor and minority groups feel downtrodden, that the police are their enemies. Here Judge Haynsworth's record is outstanding.

Where have my colleagues heard that? This is what Professor Wright has said:

> Here his record is outstanding. His full record on criminal law shows that he is very responsive to this concern.
>
> Finally, a judge makes sure that the courts are always open so the people can vent their grievances in a lawful way rather than resort to—
>
> There is no judge in the country who has been more insistent that you do not keep cases out of court simply on technical grounds.
>
> If a person has a grievance, you ought to hear it and see if there is any substance to it instead of saying, "You did not draw up the papers right."

Mr. President, that language is very persuasive. That was not a prepared statement by Professor Wright but a statement given extemporaneously on the television program on which I appeared with him.

Who among the Senators has ever heard of Louis B. Fine, for 12 years an officer of the American Trial Lawyers Association and a member of the Board of Governors? What did he say?

> I feel that the criticism that has been made by labor is unfounded, and I feel that the representation that has been made here that he is anti-Negro is not true, and I say that on the same basis that I am not anti-Semitic being of the Jewish faith.

On page 230 of the hearings before the Committee on the Judiciary a previous witness had talked about civil rights and anti-Negro. Here comes Louis B. Fine, of Norfolk, Va., and he said:

> Now, let us take his personal character which I will tell you gentlemen about.
>
> As a member of the Judicial Conference of the Fourth Circuit, it is necessary to be appointed to that, and if you are appointed and selected for 3 consecutive years you become a permanent member, and during the time that Judge Haynsworth was Chief Judge he personally had more black men on the judicial conference who attended the Homestead and the Greenbrier at Virginia, not only as a member of the bar but socially to determine what was good and best for the fourth judicial circuit. This is a matter that he did not have to do. It was a matter of discretion, and I say that to you as a matter of personal conduct on the part of the judge.

Later in his testimony he made other references. He was the first person to introduce black participation in the Fourth Circuit Judicial Conference. But Judge Haynsworth insisted that black members participate.

But whoever heard of that? Was that in the news? Was this covered where colleagues could study it?

And how many know Frederick F. Leister, Jr., No. 34802, inmate at the Federal Prison at Lewisburg, Pa. He was in the leading case, that landmark decision, where Judge Haynsworth adopted the American Law Institute test for insanity, *United States* v. *Leister*, 393 Fed. 2d. 920 (1968). Frederick F. Leister, Jr. ,wrote to the judge on October 26:

> Hon. Clement Haynsworth,
> *Chief U.S. District Judge,*
> *Fourth Circuit Court of Appeals,*
> *Greenville, S.C.*
>
> Dear Judge Haynsworth: If you were to give up now you would be unworthy of the man who wrote the decision in my appeal. The man who saw that I had no attorney and appointed one of high calibre, the man who saw the need for treatment for the mentally ill but who gave society first priority: The man who condemned me to prision and who was right in doing so.
>
> Because of the decision you wrote and your words, I began to strike back gainst the problems that I myself created. And I'm winning the battle.
>
> This is probably the first time that you have ever been under serious attack for anything and I know how it hurts. Oh how it hurts! I have been under attack since I slipped from my mother's womb but I am not about to give up. Admittedly, I almost did a few times, but somewhere, someone always gave me the strength not to.
>
> Your words helped me. They weren't fancy or glittering words but they were sensible words and I listened to them.
>
> I am on my way back from the road that I once traveled, for the first time in my life. I will become a law-abiding citizen. I am not there yet but I am fast approaching my destination.
>
> If you were to give up now, it would be a disappointment and shock to me that would certainly encourage me (and men like me) to detour if not to do so.
>
> Stand firm, your honor, and stand proud. You have done nothing wrong, only human (and we are *all* human, aren't we?)
>
> Keep in mind the tribulations that Christ and his followers encountered and yours will be easier to bear, and I am as positive as I am that I sit in this prison cell, that (1) you *will* be confirmed, and (2) that you will become one of the greatest Supreme Court Justices of all times . . .
>
> May God bless you.
>
> Respectfully,
> Frederick F. Leister, Jr.,
> *PMB 34802, Federal Prison.*
> Lewisburg, Pa.

This is a man writing from the penitentiary and he was committed to the penitentiary by Judge Haynsworth. I think this is the highest testimonial for a man who has been through the wringer.

Mr. President, "Seek and ye shall find; knock and it shall be opened unto you." How many have really sought the truth and who have refused it.

When I presented Judge Haynsworth on September 6, I laid down the challenge. I stated at that time that while the opposition was working feverously in Judge Haynsworth's backyard, that from South Carolina labor would not have a labor attorney or official appear in opposition to the judge. The NAACP would not have an NAACP attorney or official appear in opposition to the judge and the ADA would not have an attorney or official of the ADA appear in opposition to the judge. Today I stand with my charge unchallenged. They could not bring you anyone. On the contrary, we brought the TWUA lawyer who testified in the judge's behalf.

Only a couple of weeks ago, while this hearing was being held, the direction from the local was, "Get rid of that lawyer." He faced them in Rock Hill, S.C. He was the Textile Workers' Union lawyer in South Carolina and he was proud of his support of Judge Haynsworth. We brought him here. He came voluntarily of his own accord. He feels strongly in this case about the witnesses presented. The fact is, he came voluntarily. We brought the attorney for Longshoremen's Union who testified in the judge's behalf. We brought the dean of the ADA who testified in the judge's behalf. Every Bar Association in the judge's circuit has endorsed him. Every U.S. District Judge of the Fourth Circuit subsequent to the adverse headlines and charge of violation of ethics has endorsed the judge's position.

Every U.S. Circuit Judge in the Fourth Circuit represented in the telegram on October 9 which was sent to the Senator from Mississippi (Mr. Eastland), chairman of the Committee on the Judiciary, and seven past presidents of the American Bar Association, that they endorsed him since the holocaust.

Deliberate process—who has deliberated these facts? Questions of impropriety—the judge came without question. The mere fact that questions are asked must not disqualify. We must not approve the strategy of the opposition that if we charge falsely, loud enough and long enough, and keep charging, then the nominee, for the good of the Court, should withdraw from the field. That is what this is, a matter of confidence in the judge, and confidence in the court.

We must reject the idea that even though the attacks are unfounded, the very fact that they have raised such misunderstanding is in itself reason for refusing confirmation. Such a contention is contrary to the American tradition of fair play. To accede to this view would be to place the nominee's fate not in the hands of senators charged by the Constitution with advising and consenting to the nomination, but in the hands of his accusers. For those who find the judge not guilty of either a violation of ethics or law, for those who find the judge honest yet still question appearances, talk of shadows and allude to insensitivities, then I can only say that they malign their responsibilities as members of the most deliberative body and aid in impugning the integrity of the U.S. Senate. For our responsibility as Senators cannot be more clearly stated than in John 7:24:

> Judge not by appearance but give just judgment.

As we reach the vote, a popularity poll on yesterday indicates that only 38 percent of the people support the judge and 53 percent oppose him.

What about that? Are we going to elect judges popularly? Are we really protecting the Union and preserving the role of advise and consent? Are we to yield to popularity polls?

The story alongside tells of the leader of the Republican Party in the U.S. Senate recommendation of another southern jurist. No one would claim Clement Haynsworth indispensable. But I shall continue to claim as indispensable the uniqueness of this body as being the most deliberative of all democratic institutions. John C. Calhoun, one of John F. Kennedy's "Profiles in Courage," once asked:

> Are we bound in all cases to do what is popular? Have the people of this country snatched the power of deliberation from this body?

I believe this is an hour for sensitivity. I believe this is the hour for candor. Where is the candor and the courage that Kennedy spoke of in his profiles? Does any one really believe this is the Fortas case all over again?

We know the philosophical differences. Justice Fortas did not elect to come back before the Judiciary Committee. "Explain or resign" was the charge. Justice Fortas chose to resign.

But when Judge Haynsworth comes to explain, they fault him for it, because his very explanation gives the appearance of explaining and discussing charges of impropriety.

This is something we always say "After Fortas, you know how it is in the Senate. Fine. We welcome the improvement of the detail and concern that we have." Justice Burger was appointed after the Fortas case. Was he subjected to this scrutiny, this inquisition, this trial by headline? Justice Burger is of the same philosophy as Judge Haynsworth. Why was he not opposed with equal vigor? Judgment—poor judgment. The fact is that Judge Haynsworth's poor judgment consists purely of allowing himself to be born in the South. That is his poor judgment. Senators know that.

Could it be because Chief Justice Burger is from Minnesota, and Judge Haynsworth is from South Carolina?

The shaken confidence in the Court itself—is it really the individual conduct of the Justices that shakes the confidence, or the Court's philosophy in unleashing known convicts upon a defenseless public, tying the hands of law enforcement officers, allowing Communists to run rampant in defense plants, and denying prayer in the public schools, as the Court's bailiff chants:

> God save the United States and this honorable Court.

That is the shaking of confidence—not in individuals—but in the Court itself.

No, the crying need of the hour in America today is for leadership. As in the administration before, this administration continues to deal with the politics of problems rather than with the problems themselves. This country is being polarized, and those who call for soft tones are leading in the shouting. In this atmosphere, it is next to impossible to consider anything divorced from politics and pressures. The popular is tempting. Let it be said that Judge Haynsworth did not seek this office. He was recommended by a Democratic Senator who took note of his balanced judgment and his capacity to grow in these changing times. Amidst the change, the demonstration, the charge, the headline, and the devastating pressure upon Senators, it would behoove this body soberly to reflect, deliberate, and confirm.

Mr. President, I yield the floor.

THE CIVIL RIGHTS OF JUDGE HAYNSWORTH

Mr. BAKER. Mr. President, I have previously made known my strong support for the nomination of Judge Clement Haynsworth to the Supreme Court. Yesterday I stated in some detail my belief that Judge Haynsworth has diligently followed the rulings of the Supreme Court in civil rights cases and that his decisions in this area have been objective, fair-minded, and without bias.

On Friday last the distinguished senior Senator from New York (Mr. Javits) addressed himself to the civil rights record of Judge Haynsworth, concluding that he has demonstrated an insensitivity to the constitutional rights of Negroes. While I was not on the Senate floor at the time these remarks were made, I have since had the opportunity to read and consider them in detail.

In discussing this important question Senator Javits relied only on the cases in which Judge Haynsworth filed a written opinion either for the court or concurring or in dissent. While there can be no doubt that the written opinion is of great significance in ascertaining the philosophy of a particular judge, I believe it is a serious error not to consider the entire record, which obviously provides a more complete reflection of a judge's judicial philosophy.

There have been numerous civil rights cases in which Judge Haynsworth had joined in opinions written by his colleagues upholding the guarantees of Federal rights of minority groups and voting against the party charged with engaging in discriminatory practice. I discussed these cases yesterday, but in light of the conclusions of Senator Javits, I would like to restate some of them briefly today.

I refer, first, to the case styled *McCoy* v. *Greensboro City Board of Education*, 283 F. 2d 677, in which Judge Haynsworth joined Judges Sobeloff and Soper in holding that Negro students need not exhaust their State administrative remedies where a local board had acted in obvious violation of their constitutional duty to end school desegregation.

Cummings v. *City of Charleston*, 288 F. 2d. 817: In that case there was per curiam opinion in which Judges Haynsworth, Sobeloff, and Boreman found no reason for postponing the integration of a public golf course beyond the 6-month period agreed to by the plaintiffs.

Wheeler v. *Durham City Board of Education*, 309 F. 2d 630: This was a unanimous en banc decision enjoining the Durham School Board from continuing to administer the North Carolina Pupil Enrollment Act in a discriminatory manner.

Brooks v. *County School Board of Arlington*, 324 F. 2d 303: Judge Haynsworth joined Judges Sobeloff and Boreman in holding that the district judge had prematurely and erroneously dissolved an injunction against the board's discriminatory practices.

Wheeler v. *Durham City Board of Education*, 346 F. 2d 768: A unanimous court ordered that the district court reexamine the actions taken by the board to eliminate the dual system which had existed in the city of Durham. The board's suggestion that its plan should be approved by the court of appeals was rejected.

Felder v. *Harnett County Board of Education*, 348 F. 2d 366: This was another en banc decision, a per curiam decision, upholding the district court's order that the school cease its discriminatory application of North Carolina's assignment and enrollment of pupils act.

Wanner v. *County School Board of Arlington County*, 357 F. 2d 452: Judge Haynsworth joined Judge Sobeloff, Judge Boreman, and Judge Bell in reversing the district court, which had enjoined the board, at the insistence of white parents, from putting certain desegregation plans into effect. The court of appeals found that the board was proceeding in an appropriate manner in its attempt to comply with earlier desegregation decrees and, therefore, should not have been enjoined.

Franklin v. *County School Board of Giles County*, 360 F. 2d 325: In this unanimous en banc decision the court held that teachers who have been discriminatorily discharged are entitled to "reemployment in any vacancy which occurs for which they are qualified by certificate or experience."

Smith v. *Hampton Training Schools for Nurses*, 360 F. 2d 577: Several Negro nurses at a hospital receiving Hill-Burton funds were discharged for entering an all-white cafeteria after being ordered not to do so. They brought an action under the Civil Rights Act. While the litigation was pending, the Fourth Circuit held that hospitals receiving Hill-Burton assistance are engaged in "State action" and, therefore, may not discriminate. A question in this case was whether the plaintiffs here could rely on that precedent. The court unanimously held that they could and that it followed that they had been unconstitutionally discharged. The nurses were ordered reinstated.

Wheeler v. *Durham City Board of Education*, 363 F. 2d 738: The court unanimously reversed the district court's holding that racial considerations had not been a factor in the board's employment and placement of teachers. An order requiring the board to desegregate facilities was entered.

Chambers v. *Hendersonville City Board of Education*, 364 F. 2d 189: Judge Haynsworth was the "swing" vote in this case. He joined Judges Sobeloff and Bell in applying the principle that where there is a long history of discrimination, the local board is under a duty to show by clear and convincing evidence that its acts were not discriminatory. Concluding that the board had not made such a showing, the three judges held that the plaintiffs were entitled to relief.

Cypress v. *Newport News General and Nonsectarian Hospital Association*, 375 F. 2d 648: The court, sitting en banc, held that the defendant hospital had discriminatorily denied the plaintiff Negro physician's request for admission to the staff and also that it had engaged in the practice of taking race into consideration in making room assignments to patients.

Wall v. *Stanly County Board of Education*, 378 F. 2d 275: A unanimous en banc court reversed the district court's denial of relief to a Negro teacher who had been discharged by the defendant board. The appellate court ordered an award of money damages as well as a cessation of the board's discriminatory practices.

Wooten v. *Moore*, 400 F. 2d 239: Judges Haynsworth, Butzner, and Merhige held a restaurant subject to the 1964 Civil Rights Act. The court rejected claims that the restaurant did not offer to serve interstate travelers and did not have a substantial effect on commerce.

Felder v. *Harnett County Board of Education*, 409 F. 2d 1070: Judge Haynsworth joined a majority of the court in holding a school desegregation plan constitutionally deficient because its effects on segregation had not been determined. The district court's order that the board furnish a plan that would promise realistically to end the dual school system was affirmed.

These are some; there are others. In each of these decisions, Mr. President, Judge Haynsworth voted in favor of the party claiming the deprivation of a federally guaranteed right. A reading of this record will clearly indicate that Judge Haynsworth has been most sensitive to the civil rights of all of our citizens.

It is undeniable, as pointed out by Senator JAVITS, that there have been three cases involving civil rights issues in which a written opinion by Judge Haynsworth has been reversed by the Supreme Court. In my judgment, a fair reading of these opinions indicates that each involved points on which reasonable men could and did differ, and while the Supreme Court disagreed with the viewpoint espoused by Judge Haynsworth, these three opinions do not evidence any bias or unreasonableness.

Senator JAVITS was particularly critical of the opinion of Judge Haynsworth in *Brewer* v. *School Board of the City of Norfolk*, 392 F.2d 37, a decision in which Judge Haynsworth dissented in part and in which it is alleged that by mentioning freedom of choice with favor Judge Haynsworth acted contrary to a decision of the Supreme Court rendered 4 days prior thereto.

It is, of course, correct that the Supreme Court in *Green* v. *County School of New Kent County*, 391 U.S. 430, held that a freedom-of-choice plan which does not work is unconstitutional. The Court expressly stated, however, that a freedom-of-choice plan which promises to result in the dismantling of a dual school system is constitutional. The Court said:

> There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system "at the earliest practicable date," then the plan may be said to provide effective relief.
>
> * * * * *
>
> We do not hold that "freedom of choice" can have no place in such a plan. We do not hold that a "freedom-of-choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom of choice" is not an end in itself.

It is apparent that Judge Haynsworth's statements on freedom of choice were, therefore, not at variance with the Supreme Court's pronouncement.

In his remarks Senator JAVITS did mention several decisions in which Judge Haynsworth held for plaintiffs claiming deprivation of their constitutional rights. These cases include *Hawkins* v. *North Carolina Dental Society*, 355 F. 2d 718, a case in which a Negro dentist brought suit against the North Carolina Dental Society contending that the society in excluding him from its membership had violated the equal protection clause of the 14th amendment. In reversing the district court in an opinion written by Judge Haynsworth, the Fourth Circuit held that "the activities of the society being 'State action,' its practice of racial exclusivity is patently unconstitutional."

Another written opinion by Judge Haynsworth in favor of a black plaintiff in a school desegregation case is *Coppedge* v. *Franklin County Board of Education*, 394 F. 2d 410, in which the Fourth Circuit upheld a district court order to abandon a freedom-of-choice plan.

A case of significance that Senator JAVITS failed to include in this latter group of cases in which Judge Haynsworth wrote an opinion holding for plaintiffs claiming a deprivation of their rights involved the same parties that were in an earlier action, *Coppedge* v. *Franklin County Board of Education*, 404 F. 2d 1177. In that case a Federal district court had ordered compliance with a school desegregation plan. The board of education appealed claiming it would be administratively impracticable for it to comply and claiming also that it had not been given an ample opportunity to present evidence on this claim. The court in an opinion written by Judge Haynsworth rejected the board's claim and regarding the appeal as devoid of merit, ordered the board to reimburse the plaintiffs for the costs incurred by them in the litigation of it. As I have said, this case involved the same parties that had been before the Fourth Circuit in an earlier case in which the court had struck down a freedom-of-choice plan with the opinion in the earlier action also written by Judge Haynsworth.

Mr. President, I believe that the following points can be accurately made in summarizing the entire civil rights record of Judge Haynsworth:

In 12 years on the court of appeals his decisions on civil rights matters have been reversed on only three occasions.

On the three occasions when he was reversed the decisions of Judge Haynsworth do not evidence any bias or unreasonableness.

There is not one case in which Judge Haynsworth has refused to apply a mandate of the Supreme Court.

The entire civil rights record of Judge Haynsworth demonstrates that he is an intelligent, fair-minded man with a serious concern for obtaining practical answers to difficult questions.

Mr. President, while Judge Haynsworth has not in every civil rights case that has come before him always attributed to the Supreme Court's decisions the broadest possible scope of application and while he has not always correctly anticipated later rulings of the high court, I do not believe that the full record of Judge Haynsworth on civil rights cases will justify a vote against confirmation.

COMMENTS OF SENATOR JAVITS CONCERNING REMARKS OF SENATOR BAKER WITH RESPECT TO JUDGE HAYNSWORTH'S CIVIL RIGHTS DECISION

Mr. JAVITS. Mr. President, I have reviewed the remarks of Senator BAKER concerning certain civil rights decisions in which Judge Haynsworth has participated, and I find nothing in those remarks which would contradict the analysis I submitted to the Senate last Friday, November 14, and which appears in the Congressional Record beginning on page 34275.

Senator Baker cites 15 cases—the same 15 cases cited on pages 17 and 18 of the Judiciary Committee Report, Senate Executive Report No. 91-12, and the same 15 cases discussed yesterday on the Senate floor by Senator Baker in a previous statement by him. These cases are: *McCoy* v. *Greensboro City Board of Education*, 283 F. 2d 677 (4th Cir. 1960); *Cummings* v. *City of Charleston*, 288 F. 2d 817 (4th Cir. 1961); *Wheeler* v. *Durham City Board of Education*, 309 F. 2d 630 (4th Cir. 1961); *Brooks* v. *County School Board of Arlington*, 324 F. 2d 303 (4th Cir. 1963); *Wheeler* v. *Durham City Board of Education*, 346 F. 2d 768 (4th Cir. 1965); *Felder* v. *Harnett County Board of Education*, 349 F. 2d 366 (4th Cir. 1965); *Wanner* v. *County School Board of Arlington County*, 357 F. 2d 452 (4th Cir. 1966); *Franklin* v. *County School Board of Giles County*, 360 F. 2d 325 (4th Cir. 1966); *Smith* v. *Hampton Training Schools for Nurses*, 360 F. 2d 577 (4th Cir. 1966; *Wheeler* v. *Durham City Board of Education*, 363 F. 2d 738 (4th Cir. 1966); *Chambers* v. *Hendersonville City Board of Education*, 364 F. 2d 189 (4th Cir. 1966); *Cypress* v. *Newport News General and Nonsectarian Hospital Association*, 375 F. 2d 648 (4th Cir. 1967); *Wall* v. *Stanly County Board of Education*, 378 F. 2d 275 (4th Cir. 1967); *Wooten* v. *Moore*, 400 F. 2d 239 (4th Cir. 1968); and *Felder* v. *Harnett County Board of Education*.

Of these 15 cases cited by Senator Baker, 13 were decided unanimously by the Court of Appeals—all except the second Felder case and the Chambers case. Those 13 cases, in my judgment, show Judge Haynsworth's conclusions, not his ideas; he wrote no opinions in them; and the cases raised no difficult or novel questions about which any of the Fourth Circuit judges could find anything to disagree.

The 14th case is the second *Felder* case, 409 F.2d 1070. The only real issue in that case, however, was whether to award counsel fees because of a "frivolous appeal" and it was Judge Craven's opinion, with which Judge Haynsworth joined, which denied counsel fees. Judges Sobeloff and Winter dissented and would have found the appeal frivolous. Thus, Judge Haynsworth's stand in this case could hardly be defined as siding with the black plaintiffs, as he decided against them on such a central point.

In the 15th of the cases cited by Senator Baker, *Chambers* v. *Hendersonville City Board of Education*, 364 F.2d 189 (4th Cir. 1966), Senator Baker refers to Judge Haynsworth as casting the "swing" vote in that he joined Judges Sobeloff and Bell while two other judges dissented. My own reading of the case, however, convinces me that the majority opinion, in which Judge Haynsworth joined, was "amended" to absorb the views of the dissenters and make the decision substantially unanimous. The dissenters—Judges Bryan and Boreman—complained that the court was ordering the school board to rehire teachers without regard to their ability to meet minimum qualifications. In the words of the dissenters, appearing in 364 F.2d at 194—

> Whatever Constitutional guidelines are recognized the bald facts here plainly reveal that at least 15 of the 16 unretained teachers were not kept because of their own preference, their physical incapacity or their failure to meet minimum criteria.

Obviously in an effort to meet this point after becoming aware of the dissenters' views, the majority opinion contains, at the end, a footnote, 364 F.2d at 193 n. 3, as follows:

> While all of the improperly discharged teachers are entitled to re-employment, we do not think any practical benefit would be derived by requiring the Board to offer re-employment to a teacher who failed to meet definite, objective minimum standards.

Putting the footnoted majority opinion together with the objections of the dissenters, I fail to see how Judge Haynsworth was really a "swing" vote to all; we have here what amounts to another unanimous decision.

In sum, of the 15 cases cited by the committee report and repeated by Senator Baker, not one reflects Judge Haynsworth's views in his own words; 14 of the 15 were clear-cut cases; and the 15th, the Felder case, was one in which Judge Haynsworth opposed the award of counsel fees to the black plaintiff.

In addition to citing these 15 cases, Senator Baker has suggested that I did not mention "several decisions in which Judge Haynsworth held for plaintiffs claiming deprivation of their constitutional rights."

The first such case, Senator Baker argues, is *Hawkins* v. *North Carolina Dental Society*, 355 F. 2d 718 (4th Cir. 1966). I believe the Senator is in error, as I mentioned that case in my analysis, appearing on page 34276 of the Congressional Record of November 14, 1969, and pointed out that the case was clear-cut, as the State dental society in that case had, in effect, been given the State's licensing power.

The next case which Senator Baker says I overlooked was *Coppedge* v. *Franklin County Board of Education*, 394 F. 2d 410 (4th Cir. 1968). In point of fact, I did mention that case, also on page 34276, and pointed out that Judge Haynsworth did in fact find no "freedom of choice" in that case, but only after Ku Klux Klan bombings of those who chose to exercise their "freedom," and I remarked that, short of a bombing, Judge Haynsworth seems to adhere, to this day, to his preference for so-called "freedom of choice" plans, now overruled by the Supreme Court.

Senator Baker does, however, correctly note that I overlooked one decision, the second half of the very same case, *Coppedge* v. *Franklin County Board of Education*, 404 F. 2d 1177 (4th Cir. 1968). My oversight was a result of the fact that the case bears the same title as the one discussed above, which I did mention. But the second Coppedge case does not, in any event, appear to me to support any argument that Judge Haynsworth was "pro" civil rights. In this instance, Judge Haynsworth held, writing for an unanimous court, that Coppedge was entitled to attorneys' fees because the school board had taken a frivolous appeal. The school board contended that compliance with the court's order would present "insurmountable administrative problems," 404 F. 2d at 1179. The basis for award of counsel fees, as the court put it, was, "the school board carried on with its appeal notwithstanding the fact that, meanwhile, it had fully complied with the district court's order," 404 F. 2d at 1179. What could be more of an open-and-shut case of frivolous appeal than urging a court of appeals to reverse on the ground that the district court's order could not be complied with, while all the while the order had already been complied with? I see nothing in that decision to suggest that Judge Haynsworth was sensitive to civil rights, but I have never suggested that he was blind as a judge.

In sum, I stand by my original analysis. Judge Haynsworth's decisions in those instances cited which were not open and shut, and particularly in those in which he expressed his own views in his own words, are outside the context of our time in history on this most important civil rights question. I find nothing in the cases cited by Senator Baker or the committee report to shake me in that conclusion.

I ask unanimous consent that I may speak out of order for 10 minutes.

The PRESIDING OFFICER (Mr. Boggs in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. BAYH. Mr. President, inasmuch as my distinguished colleague from South Carolina aimed a good portion of his very eloquent remarks at me and the impropriety of my acts, I want to serve notice to the Senate, now, that I intend to supply, at some later date, whenever convenient to the Senate, what I feel to be an adequate rebuttal to the remarks of the Senator from South Carolina. However, I certainly will not interfere with the Senator from New York at this moment.

Mr. JAVITS. If the Senator from Indiana would find it more convenient, I would be pleased to yield the floor and let him get the floor and then he could yield to me for a few minutes. I just wish to introduce a bill.

Mr. BAYH. The Senator from New York already has the floor. Why does he not proceed?

Mr. JAVITS. All right. I shall be just a few minutes. I think the Senator from Indiana is quite right, that I should go right ahead.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLINGS. I would like the Record to show that I took approximately 2½ hours. My distinguished colleague from Indiana has had that much time on television since this debate started, I would gladly swap those 2½ hours for half the time he asked for.

I shall be glad to support the facts as I have given them to the U.S. Senate.

I thank the Senator from New York for yielding to me.

Mr. JAVITS. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I have the greatest respect for the Senator from South Carolina, but I must say I have never seen a man better able to set up a strawman that is so far afield from the issue. This, the floor of the Senate, is the place to debate this issue.

I sincerely hope that my colleague from South Carolina and I can disagree without his impugning my motives, because I have not impugned his. If it ever gets to the point where 100 Members of the Senate cannot face issues and arrive at different conclusions, we might as well close up shop and let someone else conduct our business.

I give my friend—I call him my friend; I call him that and hope he still is—full faith and credit for everything he has said. I feel a little sensitive in that I do not think he is giving me and others who take the opposite side that same full faith and credit.

Mr. JAVITS. Mr. President, I yield to the Senator from South Carolina. [Laughter in the galleries.]

The PRESIDING OFFICER. There will be order in the galleries. The Chair must remind the occupants of the galleries that they are guests of the Senate and must be quiet.

Mr. HOLLINGS. Mr. President, let it be said that it is not the intent of the Senator from South Carolina to be personal, but to be factual. There is no intent to impugn. There is only the intent to reflect properly the facts and to have prepared, written answers to his own bill of particulars, and to tell this country exactly what is going on, what we have been experiencing, what are the real issues, and trying to bring them into focus. This is in fairness to Judge Haynsworth, in fairness to the U.S. Supreme Court, and, most of all, in fairness to the U.S. Senate as a deliberative body.

I know that in parliamentary tactics—and I have debated before—the immediate thing, when one gets on the weak side, is to say, "Oh, let us not be personal." I am not going to be personal, but I am going to be factual in everything I have lined up and everything the Senator from Indiana has lined up.

Reference was made to a straw man. The Senator from Indiana has been the leader of the opposition. I have tried my best to get in the ring with him and to get into debate with him. He knows that. We have been in correspondence. We have talked.

I have lost elections by 100,000 votes before getting elected, so I do not come here as a babe in the woods.

I think perhaps a majority would not confirm the nomination if they voted this very minute. I say that sincerely. But I am hoping to persuade members of the committee, so we can have it by a good majority.

There is no personal feeling about this matter whatsoever, but there is a personal, strong conviction. I have tried to establish, as strongly as I know how, that the Senate has been true to its charge in receiving evidence, hearing witnesses, making reports. The majority leader has not shoved or delayed or tried to influence; but, due to the news media and the rush of the news media, the debate was over before it began. I believe it is very, very important to realize that, in order to preserve the integrity of the Senate, the most deliberative body of all the democratic institutions, we should be able to debate and discuss an issue of this kind without being charged with various things.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Indiana.

Mr. BAYH. I am glad to have that clarification from the Senator from South Carolina. I hope that all Senators will read these remarks in light of what he said in his formal statement. It was my desire not to get personal and to disagree with the Senator from South Carolina only on the facts. I have been with him on other facts and issues, and I am going to be with him on issues in the future because he has been a good Senator.

I thank the Senator from New York. I shall continue later.

Mr. BAYH subsequently said: Mr. President, I thought I might make one or two observations in light of the statements of the distinguished Senator from South Carolina.

Mr. President, as I mentioned earlier, I hope we can have differences of opinion in this body. I noticed that the Senator from Montana (Mr. METCALF) had a lengthy and detailed critique which reached conclusions different from those of the Senator from South Carolina (Mr. HOLLINGS) with respect to the assessment of the nominee in the field of labor. Similarly, the Senator from New York gave the Senate a long and detailed assessment of the nominee's civil rights record which differs from the report given by the Senator from South Carolina.

I think there is also room for disagreement so far as ethical questions are concerned. Each of us sets out the criteria that he thinks should be met. Seven members of the judiciary joined in the conclusion that this nomination should not be confirmed, so I do not stand alone.

My position has not been an easy one. I started out by asking questions apologetically, hoping that the answers would be forthcoming. They were not.

Two or three of the allegations I made were mistaken, and I sent personal letters to our colleagues pointing out these errors. In one instance, the mistake was made by one of my staff who misread certain records; and in the other instance, certain records had not been made available to us.

I do not intend to reiterate point by point some of the charges made because I share the concern of the Senator from Iowa that some allegations made by the press have not had any merit. I do not intend to add dignity to those allegations by repeating them in the Senate. I have not made these charges and do not intend to do so.

I think the standard of conduct of one nominated to the Court is an important factor to be considered by the Senate.

Mr. President, in order to save time, I ask unanimous consent to have printed in the RECORD at this point the minority views which I submitted when the nomination was reported from the Committee on the Judiciary.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. BAYH

It is a fundamental principle that in order to govern effectively, a government must have the confidence of the people. That confidence is quickly eroded when those in positions of public responsibility fail to meet the standards expected of them by the public. Thus, Government has long been concerned with insuring the even handed and disinterested administration of the functions and powers given it by the governed.

The judicial branches of our State and Federal Governments have been most diligent in safeguarding the integrity of their officers. Among public officers, judges occupy a unique position. Unlike legislative and executive officials who are constantly judged by their political choices and decisions and by the practical success of their proposals and programs, Supreme Court judges are lifetime appointees and are primarily appraised by a test of trust: Are their decisions impartial, just, and in accordance with the law? To meet this test, rules have been established in case law, statutes, and canons of ethics, calling for judges to disqualify themselves from cases in which their personal interests might knowingly or unknowingly influence their decisions. Though these rules may appear strict, they are especially important today. For the first time in history, the U.S. Senate is asked to confirm a nominee for a Supreme Court seat which was vacated by the resignation of a sitting justice accused of conduct involving the appearance of impropriety.

In exercising its constitutional power to advise and consent to the present nomination, the Senate thus has the added responsibility, at this time, of shoring up public confidence in the Federal judiciary in general, and, more specifically, in the Supreme Court itself. Supreme Court Justices truly must be beyond reproach and must be sensitive to the ethical standards which have been established in order to guarantee propriety, the appearance of propriety, and equal justice to all who come before them.

In light of the judicial rules which have been laid down over the years governing the conduct of judges and the pressing concern of the people to see these standards adhered to, it would be a mistake for the Senate to confirm the nomination of Clement F. Haynsworth, Jr., to the Supreme Court of the United States. It is true, as the majority of this committee has said, that Judge Haynsworth is basically an honest man. It is also true that the nominee has been a tremendously successful businessman and member of the bar in his home community. But these are not the sole standards on which the Senate must base its decision in determining whether or not to confirm the nomination of a Supreme Court Justice. The Senate must also consider the standards of ethical conduct which the nominee has established for himself while serving on the Federal bench. Has the nominee taken those precautions in his personal and financial relationships which are necessary to avoid even the appearance of impropriety in the eyes of those who might appear before him as litigants and in the eyes of the public as a whole?

Unfortunately, Judge Haynsworth has not taken these necessary precautions and, as a result his record has been blemished by a pattern of insensitivity to the appearance of impropriety:

1. On at least four occasions, Judge Haynsworth sat on cases involving corporations in which he had a financial interest.
2. Judge Haynsworth invested in companies which were apt to be subjects of litigation in his court.

3. Judge Haynsworth sat on cases, at least six times, involving customers of Carolina Vend-A-Matic Co., a company in which he had a one-seventh interest worth $450,000.

4. Judge Haynsworth violated Federal law in his administration of the Carolina Vend-A-Matic Co. profit sharing and retirement plan.

5. Judge Haynsworth has displayed a marked lack of candor with this committee and with the Subcommittee on Improvements in Judicial Machinery.

Some of these failings would be relatively minor if each stood alone. But they do not stand alone. Together they produce a profile of a judge who consistently failed to give ethical questions the weighty consideration they deserved.

Proprietary interests in litigants

On at least four occasions, Judge Haynsworth sat on cases involving corporations in which he had a financial interest and in doing so he violated both the disqualification law and the canons of judicial ethics. The cases are: *Brunswick* v. *Long* 393 F. 2d 337 (1968); *Farrow* v. *Grace Lines Inc.* 381 F. 2d 380 (1967); *Donohue* v. *Maryland Casualty Co* 363 F. 2d 442 (1966); and *Maryland Casualty Co. v. Baldwin* 357 F. 2d 338 (1966).

Judge Haynsworth purchased 1,000 shares of Brunswick Corp, for $16,230 while *Brunswick* v. *Long* was pending. At the time of the *Grace Lines* decision, Judge Haynsworth owned 300 shares of W. R. Grace and Co., which wholly owned Grace Lines. That stock was worth $13,875. Similarly, Judge Haynsworth owned 66⅔ shares of common stock and 200 shares of convertible preferred stock of American General Insurance Co., which owned over 95 percent of Maryland Casualty Co., when the *Donohue* and *Baldwin* cases were decided by his court. Maryland Casualty was a major subsidiary of American General Insurance. On the days of *Donohue* and *Baldwin* cases were decided, the value of Judge Haynsworth's stock in American General Insurance was $10,201 and $10,734, respectively.

The sources of the law on judicial disqualification are in the common law, constitutional law, and statutory law. Each source indicates that a judge should not sit in cases where he holds stock in a litigant. As John P. Frank, whom President Nixon has described as the country's leading expert on disqualification law, has stated:

"The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party. [Footnote: This is the heavy majority rule; see cases collected at note, 48 A.L.R. 617, updated in a comprehensive collection at 25 A.L.R. 3d 1331. There is some refinement where the holding is very small * * * (20 shares on 13,881,016). See also my own article at 56 Yale L.J. 605, 637 (1947), reporting that in 33 State and Federal courts there is disqualifications in such circumstances, but that two State and two Federal courts reported that disqualification might be waived where the holding was very slight, and one Federal court reported that a judge had sat where the holding was very slight. Nonetheless, the view is overwhelming. * * *] As my study shows, every State and Federal court reporting agrees that if a judge has a pecuniary interest in the party, he may not sit * * *. (Letter from John P. Frank to Hon. James O. Eastland, Sept. 3, 1969, hearings, p. 119.)"

Mr. Frank amplified his written statement in the following colloquy concerning the Federal disqualification statute.

"Senator BAYH. How large is a substantial interest [for the purposes of 28 U.S.C. 455, which governs disqualifications of Federal judges]?

"Mr. FRANK. I think that generally the better view, Senator, but not the only view is that if there is any interest it ought to be regarded as a disqualifier. But the word "substantial" is used here to cover the marginal situation of the small stockholdings, let us say, in a corporation, somebody has a few shares of G.M., that sort of thing * * *

"Senator BAYH. Then general nationwide authority on substantial interest would be that if you hold stock of any appreciable value in any corporation that is before you, you should automatically disqualify yourself?

"Mr. FRANK. Yes, that is certainly my view of it. (Hearings, p. 127.)"

As Mr. Frank noted, there is a minority view that when a judge's holdings in a corporation are small and there is a vast amount of stock outstanding, the judge need not disqualify himself. This minority view, however, does not apply to the cases involving Judge Haynsworth for several reasons.

First, the minority view is flatly contrary to the cases decided by the Supreme Court. As the Court noted in *Commonwealth Coatings* v. *Continental Casualty Co.*, 393 U.S. 145, 148 (1968):

"For in *Tumey* [v. *Ohio* 273 U.S. 510, 524] the Court held that a decision should be set aside where there is 'the slightest pecuniary interest on the part of the judge, and specifically rejected the State's contention that the compensation involved there was 'so small that it is not to be regarded as likely to influence improperly a judicial officer in the discharge of his duty * * *' * * * in the case of courts this is a constitutional principle * * *"

Second, the minority view was accepted by the Fourth Circuit only to the extent that a judge disclosed his interests to the parties before his court. As Judge Haynsworth stated the practice of his court:

"Even here, we, on the Fourth Circuit, regard a proportionately insignificant interest in a party as not disqualifying if, after being informed of it, the lawyers do not request the substitution of another judge. (Letter from Clement F. Haynsworth to Hon. James O. Eastland, Sept. 6, 1969.)"

There is no evidence that Judge Haynsworth ever disclosed his interests to the parties in the four cases cited above.

Finally, Judge Haynsworth himself espoused the majority view of ethical standards as described by Mr. Frank. In the September letter to Chairman Eastland, he stated,

"I have disqualified myself in all cases * * * in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation."

As the record clearly shows, he ignored the rules he set for himself by sitting in *Brunswick*, *Grace Lines*, and the two *Maryland Casualty* cases. Indeed, Judge Haynsworth testified:

"Senator MATHIAS. You consider that your interest [in Brunswick] was substantial then?

"Judge HAYNSWORTH. Yes, I do, without question, though it was not in the outcome in terms of that, but much more substantial than I think a judge should run the risk of being criticized. (Hearing p. 305.)"

It has been contended that it was not improper for Judge Haynsworth to sit on the *Farrow*, *Donohue* and *Baldwin* cases because he held stock in the parent companies of the subsidiaries which were before him, and not the subsidiaries themselves. It is obvious that this defense makes no practical sense. It improperly emphasizes a form of corporate structure as opposed to substantial ownership interest which is the basis of the law. In June 1964, the judge purchased 200 shares of Maryland Casualty Co. and in August 1964, upon a corporate reorganization, he exchanged that stock for 200 shares of convertible preferred stock and 66⅔ shares of common stock of American General Insurance Co., the parent company of Maryand Casualty. Both before and after that exchange he had a substantial ownership interest in Maryland Casualty. Thus, there is no reason to apply one rule to the June-to-August period and another to the period after August.

It is true that there is one State court case supporting the proposition that ownership in the parent of a subsidiary does not require disqualification. However, there is no Federal authority for such a rule of law. As Mr. Frank has pointed out, the California case which supports this distinction, *Central Pacific Railway Co.* v. *Superior Court*, 211 Cal. 706, 296 P. 883 (1931), is based on the theory "that the judge must be capable of being made an actual party to the case . . ." in question. Mr. Frank concluded that "this is not the better view . . . The proper test is whether the third party has a 'present proprietary interest in the subject matter." (See letter from John P. Frank to Hon. James O. Eastland, Sept. 3, 1969.)

Requiring disqualification in cases involving subsidiaries of corporations in which a judge holds stock can at times be a difficult standard to adhere to. As Judge Harrison L. Winter testified during the hearings of the Judiciary Committee:

"Certainly, Senator, with the growth of conglomerates and the tendency of so many companies to diversify, this presents a real problem. I know myself that inadvertently once or twice I have almost sat in cases where parties were subsidiaries of something on [sic] which I had an investment, and quite frankly I did not recognize it until the very 11th hour. I just do not know what the answer is. It becomes almost impossible to learn all the trade names and all the subsidiary names and what have you, if you are about to make an investment, so that you are fully advised if you are in judicial office, when one of the parties in which you may have an interest or do have an interest is before you. (Hearings p. 259.)"

Judge Haynsworth cannot plead ignorance to the parent-subsidiary relationship, however. His interest in American General Insurance Co. was acquired in 1964 in exchange for 200 shares of Maryland Casualty Co. when the companies merged. He had purchased the Maryland Casualty stock a few months earlier for over $12,000, a fact he would certainly remember. He also should have known W. R. Grace & Co. wholly owned Grace Lines Inc., since W. R. Grace had been a client of Judge Haynsworth's law firm before he assumed the bench. The evidence indicates, therefore, that Judge Haynsworth's disregard for the rule requiring disqualification for interest was either willful or grossly negligent.

Judge Haynsworth's defenders protest that his failure to disqualify himself in *Brunswick* v. *Long* was proper on the ground that he made his investment in Brunswick after the case had been heard. The essential facts are these: The case was heard on November 10, 1967, by a panel of circuit judges composed of Judge Haynsworth, Judge Winter, and District Judge Woodrow Wilson Jones. The judges met in conference after hearing the case and arrived at the conclusion that a judgment in favor of Brunswick should be affirmed in an opinion to be written by Judge Winter. On or about December 15, 1967, Judge Haynsworth had his regular year-end meeting with stockbroker, Arthur C. McCall, who recommended that the judge buy Brunswick stock. The judge agreed, and his order for 1,000 shares of Brunswick stock was executed on December 26 at $16 a share. A confirmation notice was sent to Judge Haynsworth on December 26, and on the 27th the judge signed and sent his check in payment to Mr. McCall, who received it on December 28. Judge Haynsworth testified that the Brunswick case did not enter his mind during his discussion with Mr. McCall or at the time he received the confirmation and signed his check as payment for the stock.

On December 27, 1967, Judge Winter circulated his written opinion in *Brunswick* v. *Long* to Judges Haynsworth and Jones by mail. During the first full week of January 1968, during a term of court in Richmond, Va., Judge Haynsworth and Judge Winter discussed that opinion. Judge Haynsworth noted his concurrence in the opinion and also suggested the possible need for changes due to certain points of South Carolina law noticed by his law clerk. Judge Winter accepted these changes and recirculated the amended opinion on January 17, 1969. The amended opinion was finally approved by the other judges of the court, and on February 2, 1968, after a judgment had been prepared, the opinion and judgment were filed.

The Federal rules provide for 30 days in which a party may ask for rehearing. On March 12, 1968, counsel for Long filed a petition to extend the time for filing a petition for rehearing. Counsel argued that the extension should be granted because he had not been furnished a copy of the opinion by the clerk until February 27, 1968. This petition was considered on the merits, it being agreed that the court had jurisdiction to do so, by Judges Winter, Haynsworth, and Jones who decided to deny it. On April 3, 1968, another petition for rehearing was filed. On August 26, it was denied in an order prepared by Judge Haynsworth.

Judge Haynsworth testified:

"The * * * [first] time [after the hearing], of course, that the [Brunswick] case entered my mind was when I received the proposed opinion from Judge Winter. At that stage, I realized it had not been completely disposed of, and at that time I thought what I should do. I had now become a stockholder.

"My conclusion was that I should endorse it since Judge Winter had written an opinion precisely as we had agreed, since Judge Jones concurred, since no one had any doubt about it, and nothing else occurred to return the case to the discussion stage * * *. (Hearings pp. 271–272.)

"I considered what I should do and I made up my own mind * * *.

"I did not consult them at the time. (Hearings pp. 286–287.)"

It is plain that the judge performed the following judicial acts while he was a stockholder: reviewing and joining in the judgment and opinion, reviewing and rejecting two petitions for an extension of time to file a petition for rehearing. None of these acts was ministerial—indeed, the reasoned exposition of the result reached by a court is the very essence of the judicial process.

As Judge Winter testified:

"I think it may be fairly stated that a case is never decided finally or never put to rest until an opinion has been filed, all post opinion motions have been denied, and the Supreme Court has denied certiorari * * * (Hearings, p. 243.)"

This being so, Judge Haynsworth's failure to disqualify himself or even to notify the parties or his fellow judges of the situation was improper.

The canons of judicial ethics, though they do not have the force of law, have established accepted guidelines for the conduct of judges. Like the law on disqualification, the canons hold that a judge should not sit on cases where he has an interest. Canon 29 states:

"A Judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy."

In interpreting Canon 29, the American Bar Association's Committee on Professional Ethics stated in Opinion 170:

"A Judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder."

Judge Winter recognized the significance of this Opinion in his testimony before the Judiciary Committee:

"The American Bar Association committee at least has taken the position that if you own any stock, that is it. You ought not to sit at all. (Hearings, p. 248.)"

Judge Haynsworth's financial interests were involved in the *Brunswick, Grace Lines,* and *Maryland Casualty cases*, yet he did not refrain from performing judicial acts in these controversies. To argue that Canon 29 does not apply in situations where the litigant is a subsidiary of a corporation in which a judge owns stock is unreasonable. The Canon states that a judge should not sit in a case "in which his personal interests are involved," and Opinion 170 further indicates that even one share of stock in a corporate litigant is an interest. Certainly direct interest in a litigant through ownership in the parent corporation should be treated no differently.

Canons 4 and 34 also come into play when a judge sits on cases in which he has personal interests. They state:

"*Canon 4—Avoidance of Impropriety.*—A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

"*Canon 34—A Summary of Judicial Obligations.*—In every particular his conduct should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity."

Judge Haynsworth's conduct was not "beyond reproach." He disregarded the precedents on disqualification which have been so carefully established to avoid the appearances of impropriety. While not dishonest, he has callously ignored the ethical rules which the great majority of judges follow meticulously.

Investments in corporations apt to be subject to litigation

"*Canon 26—Personal Investments and Relations.*—A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relationship warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

"He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin."

On several occasions, Judge Haynsworth totally disregarded Canon 26. As was pointed out earlier, he purchased Brunswick stock while the case was still pending before his court. No business was more apt to be involved in litigation in his court than a company which was before the Court at the time he purchased its stock.

The investments in Maryland Casualty Co. and Nationwide Corp. were similarly in violation of Canon 26. It is common knowledge, even among laymen, that casualty companies are continuously involved in litigation. Judge Winter pointed this out to Senator Ervin during the hearings:

"Senator ERVIN. And this canon 26 which provides in part that a judge should abstain from making personal investments in enterprises which are apt, and I digress to say that my dictionary says the word "apt" means "likely," to be involved in litigation. Of course, does that not imply in the first place that he is apt to be involved in some litigation before his court, not that of some other judge? Isn't that implied?

"Judge WINTER. Well, I think it generally—I would read it to mean to him, before him.

"Senator ERVIN. Yes.

"Judge WINTER. I mean a typical example of this, at least in my estimation, is if you are a district judge, you do what I did, and that is sell stock in casualty insurers, because you cannot tell who is defending, who is the insurer behind the defender or who is not, and you refrain from going out and buying any other stock in casualty insurers.

"Senator ERVIN. Now, I would say not only a judge should abstain from buying interest in a business that is likely to be involved in litigation, but I would say just as a layman he would be a plumb fool if he would buy stock in an organization that is going to be involved in litigation.

"Judge WINTER. Except with casualty companies, litigation is a part of their business. (Hearings p. 255.)"

Finally, Judge Haynsworth maintained his holding in W. R. Grace & Co., even after Grace had appeared before the judge's court on one occasion. That litigation should have warned Judge Haynsworth that the company was apt to appear again. A sufficiently sensitive judge would have disposed of this holding.

Cases involving customers of Carolina Vend-A-Matic

The poor judgment and insensitivity shown by Judge Haynsworth in sitting on cases where he had a pecuniary interest in the litigant and his investments in corporations apt to be subjects of litigation do not stand alone. There are other commissions and omissions of the judge which raise further questions concerning his sensitivity to judicial ethics. Foremost among these is Judge Haynsworth's relationship with Carolina Vend-A-Matic Co. and the textile industry.

Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic in 1950, with an original investment of $2,400. He was a director and vice president of Carolina Vend-A-Matic until 1963. Although the judge stated that he orally resigned from the vice presidency in 1957, the corporation records show he was listed as vice president until 1963 and show further that he regularly attended meetings of the board of directors and voted for slates of officers including himself through the years, 1957–63. He was, in fact, paid director's fees amounting to $12,270 (including director's fees of $3,100 in 1960) during the years of 1957 to 1963 and the records show his wife, Dorothy M. Haynsworth, served as secretary of the corporation for 2 years (1962–63) while he was on the Federal bench.

Although the judge claims he was an inactive officer, the only information available from the minutes of the corporation indicates that the directors were active in locating new business. A resolution by the board of directors of Carolina Vend-A-Matic which appears in the minute books of the corporation states that:

"It was pointed out that the main sales and promotional work of Carolina Vend-A-Matic had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers by one or more of the directors or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the board of directors. (Minutes, June 3, 1957.)"

Judge Haynsworth took an active part in directors' meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors and the profit sharing trust. Judge Haynsworth also endorsed notes for the corporation both before and after his appointment to the Federal bench.

In 1957, after Judge Haynsworth assumed the bench, the gross sales of Carolina Vend-A-Matic and its subsidiaries increased tremendously. In contrast, gross sales had only increased from $169,335 in 1951 to $296,413 in 1956. But in 1957, the year Judge Haynsworth assumed the Federal bench, sales jumped to $435,110 and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company. Between the end of 1956 and 1963, Carolina Vend-A-Matic sales increased by 966 percent, while sales of the vending machine industry as a whole increased by only 69 percent.

PERCENTAGE OF INCREASE IN SALES BY YEAR AS REPORTED BY VEND MAGAZINE

	Vending machine industry	Carolina Vend-A-Matic
1957	7.8	52.8
1958	3.9	8.0
1959	11.7	45.0
1960	8.8	31.1
1961	5.8	80.3
1962	8.0	50.4
1963	8.8	23.8

In 1963, more than three-fourth's of Carolina Vend-A-Matic's total business was with textile concerns. The textile oriented nature of Vend-A-Matic's business did not reflect the business in the area. Census figures show only 28.9 percent of the Greenville, S.C. working force was employed in textile mills. (See Census of Population: 1960, vol. I, pt. 42, p. 132)

It is also interesting to note that Judge Haynsworth's investments in textile companies amounted to $49,557.60 in 1963. Thus any precedent setting decisions in the Southern textile industry would directly affect Haynsworth's financial position through Carolina Vend-A-Matic and through his textile stocks.

For some years there had been an exodus of textile concerns from north to south in an effort to take advantage of lower wages as a result of strong regional pressures against collective bargaining in the South. The *Darlington Mfg. Co.* v. *NLRB* case was a landmark case for the industry because it enabled textile companies to close their plants in the face of union attempts to organize the workers.

The case of *Darlington Mfg. Co.* v. *NLRB* came before the Fourth Circuit Court of Judge Haynsworth in both 1961 and 1963, while Carolina Vend-A-Matic had vending contracts with plants of Deering Milliken Corp., Darlington's parent company, bringing in $50,000 per year. While the litigation was pending, Carolina Vend-A-Matic signed a new contract with a Deering Milliken plant, increasing their vending business with that company to $100,000 per year. The case was eventually decided in favor of Darlington in a 3 to 2 decision with Judge Haynsworth casting the deciding vote, thus establishing an important legal precedent for the textile industry. The decision was later substantially modified by the Supreme Court.

Between 1958 and 1963 Judge Haynsworth sat on at least five other cases involving customers of Carolina Vend-A-Matic.

1. *Homelite* v. *Trywilk Realty Co., Inc.*, 272 F2d 688 (1959).
2. *Textile Workers Union of America* v. *Cone Mills Corporation* 268 F2d 920 (1959).
3. *Textile Workers Union Workers of America* v. *Cone Mills* 290 F2d 921 (1961).
4. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 308 F2d 895 (1962).
5. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 315 F2d 538 (1963).

Judge Haynsworth's failure to disqualify himself from the *Darlington* case and from other cases involving customers of Carolina Vend-A-Matic and his failure even to disclose his interests in CVAM again violates the strong precedents of disqualification law and the canons of judicial ethics on this subject.

These views do not suggest that Judge Haynsworth intentionally decided cases in a manner designed to enhance his financial interests. Such a charge would be unreasonable. However, the judge opened himself to legitimate criticism and the appearance of impropriety by permitting such a commingling of his judicial responsibility and his financial interests.

Although John Frank has testified that he believes Judge Haynsworth's interest in the litigation was too remote to require disqualification, Supreme Court cases indicate that the law of disqualification extends to cases of even relatively remote financial relationships.

The basic standard a judge is required to follow in deciding whether or not to hear a case is set out in *In Re Murchison* 349 U.S. 133 (1955), where the Supreme Court reversed contempt convictions handed out by a Michigan State judge who had investigated the underlying offense as a one-man grand jury. The Court stated:

"This Court has said, however, that 'every procedure which would offer a possible temptation to the average man as a judge * * * not to hold the balance nice, clear, and true between the State and the accused, denies the latter due process of law.' *Tumey* v. *Ohio*, 273 U.S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way 'justice must satisfy the apperance of justice.' *Offutt* v. *United States*, 348 U.S. 11, 14 (349 U.S. 133, 136)."

This standard was clarified in *Commonwealth Coatings Corp.* v. *Continental Casualty Co.*, 393 U.S. 145 (1968). In that case, one of the parties to an arbitration proceeding had done business with one of three arbitrators, a consulting engineer. The relationship between the party and the arbitrator had been sporadic over the years and amounted to less than 1 percent of the arbitrator's business. In fact, there had been no business dealings between the two for over a year. The financial relationships in Commonwealth Coatings, obviously, was far more remote than Carolina Vend-A-Matic's relationship with Darlington. There, the relationship was current, and the business amounted to 3 percent of Carolina Vend-A-Matic's sales. Yet, the Court set aside the judgment of the arbitrators and applied the constitutional rules of judicial disqualification. Justice Black stated:

"It is true that petitioner does not charge before us that the third arbitrator was actually guilty of fraud or bias in deciding this case, and we have no reason, apart from the undisclosed *business* relationships, to suspect him of any improper motives. But neither this arbitrator nor the prime contractor gave to petitioner even an intimation of the close *financial* relations that had existed between them for a period of years. *We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge.* This is shown beyond doubt by *Tumey* v. *Ohio*, 273 U.S. 510 (1947), where this Court held that a conviction could not stand because a small part of the judge's income consisted of court fee collected from convicted defendants. Although in *Tumey* it appeared the amount of the judge's compensation actually depended on whether he decided for one side or the other, that is too small a distinction to allow this manifest violation of the strict morality and fairness Congress would have expected on the part of the arbitrator and the other party in this case. *Nor should it be at all relevant, as the Court of Appeals apparently thought it was here, that "(t)he payments received were a very small part of (the arbitrator's) income * * *"* For in *Tumey* the Court held that a decision should be set aside where there is "the slightest pecuniary interest" on the part of the judge, and specifically rejected the State's contention that the compensation involved there was "so small that it is not to be regarded as likely to influence improperly a judicial officer in the discharge of his duty * * *" (393 U.S. 145, 147–48). [Emphasis added.]"

The opinion concluded by noting the similarity in rule 18 of the American Arbitration Association and the pertinent section of the 33d Canon of Judicial Ethics which states:

"*Canon 33—Social Relations.*—* * * [A judge] should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships, constitute an element in influencing his judicial conduct."

The Court suggested further that the standard required for ethical conduct rested on a broader and more fundamental constitutional concept. In the words of Justice Black:

"This rule of arbitration and this canon of judicial ethics rest on the premise that any tribunal permitted by law to try cases and controversies must not only be unbiased, but must avoid even the appearance of bias. (393 U.S. 145, 150)"

By sitting in the litigation when Carolina Vend-A-Matic was doing business with a litigant, Judge Haynsworth breached the standards established by the Supreme Court. His testimony before the Judiciary Committee indicated his disregard for ethical standards would continue in the future. In answering a question concerning the propriety of his relationship with Carolina Vend-A-Matic, Judge Haynsworth admitted he would act in the same manner were the situation to arise again.

"Senator BAYH. * * * Now, you have been quoted, and I wonder if it is accurate, that if you had that *Darlington-Deering Milliken* case to do over gain, that you would still feel that you did not have a sufficient conflict of interest.

"Judge HAYNSWORTH. Even if I knew at the time all that I know about it now, I would feel compelled to sit. (Hearings, p. 99.)"

Similarly, in answer to Senator Tydings' question of whether Judge Haynsworth disclosed his interests to the parties, the Judge stated, "No, sir; because I did not regard myself as having any financial interest in the outcome, and I still do not." (Hearings, p. 65.) It is unfortunate that Judge Haynsworth either refuses or is incapable of grasping the principle that the appearance of bias is as important as actual bias.

As in the cases where Judge Haynsworth owned stock in a corporate litigant or its parent, the Canons of ethics apply to the Judge's conduct in deciding cases involving customers of Carolina Vend-A-Matic, and were clearly stated throughout his term on the bench.

The applicable Canons

"*I. Canon 4—Avoidance of Impropriety.*—A judge's official conduct should be free from impropriety and the appearance of impropriety: he should avoid infractions of law; and his personal behavior, not only upon the Bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

By sitting on cases involving customers of Carolina Vend-A-Matic Co. Judge Haynsworth allowed his conduct to suffer the appearance of impropriety.

"*II. Canon 13—Kinship or Influence.*—A judge should not act in a controversy where a near relative is a party; *he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person.* [Italic added.]"

By sitting on cases involving customers of Carolina Vend-A-Matic and ruling in their favor at least four times in 5 years, Judge Haynsworth conducted himself in such a manner as to "justify the impression" that he may have been improperly influenced.

"*III. Canon 24—Inconsistent Obligations.*—A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

By acting as a director and vice president of Carolina Vend-A-Matic, Judge Haynsworth clearly accepted duties likely to "interfere or appear to interfere" with the proper administration of his official judicial functions. Shortly after investigating bribery charges in the Fourth Circuit Court of Appeals in 1963–64, Judge Simon Sobeloff, in an article for the Federal Bar Journal, observed:

"One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him. (Sobeloff, *Striving for Impartiality in the Federal Courts,* 24 Fed. Bar J. 286, 293 (1964))."

"*IV. Canon 25—Business Promotions and Solicitations for Charity.*—A Judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relations which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

Judge Haynsworth's continued financial interest and active participation in the affairs of Carolina Vend-A-Matic constituted a clear breach of this standard.

"*V. Canon 29—Self-Interest.*—A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation on the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy."

By deciding cases involving customers of Carolina Vend-A-Matic on at least six occasions, he performed judicial acts which clearly violated this canon.

"*VI. Canon 33—Social Relations.*—It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. *He should, however, in pending or prospective litigation before him, be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct.* [Italic added.]"

By sitting in cases involving important customers of Carolina Vend-A-Matic, Judge Haynsworth gave grounds for the appearance that business relations influenced his conduct.

"*VII. Canon 34—A Summary of Judicial Obligation.—In every particular his conduct should be above reproach.* He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity. [Italic added.]"

Judge Haynsworth, in view of the facts detailed above, has obviously not conducted himself in such a manner that his conduct is above reproach "in every particular."

Violation of 29 U.S.C. 301–308

Another matter deserves notice. Judge Haynsworth was a trustee of the Carolina Vend-A-Matic Co. profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator by law. The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. Willful violation of the act can lead to 6 months imprisonment or a fine of $1,000 or both. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised by letter, "Our records do not show that any reports have been received under the name of Carolina Vend-A-Matic Co., Inc., for a profit sharing and retirement plan."

The omission by the judge was in all probability an oversight and not an intentional violation. However, the facts are cited to reinforce the obvious conclusion that complicated financial relationships and judicial responsibility can become a dangerous mixture.

Lack of candor

The statements made by Judge Haynsworth to the Judiciary Committee have shown an amazing lack of candor. Senator Griffin has aptly pointed these out in his report, and there is no need to repeat these contradictions here.

Conclusion

The central theme of the canons of judicial ethics and the law of disqualification is that judges must be extremely careful to avoid bias or even the appearance of bias in administering their judicial functions. Judge Haynsworth entered into and maintained numerous relationships which, in view of the fact that he continued to perform judicial acts affecting other parties to those relationships, give the appearances of bias and thus constitute breaches of the canons of ethics and violations of the disqualification law.

He sat on cases involving litigants in which he had a financial interest; he purchased stock in corporations apt to appear before his court; he sat on cases involving customers of a corporation in which he was a major stockholder and for which he served as a director and vice president. Moreover, he failed to comply with Federal law in administering a profitsharing trust, and he displayed a lack of candor in testimony before this committee.

This is not acceptable conduct for a nominee to the Supreme Court.

The Supreme Court is the final determinant of the standard of judicial conduct not only for itself but also for every court in the land. The Court requires men sensitive to the many ethical problems which often arise. The Senate must await such a nominee before exercising its power to consent.

Mr. BAYH. Mr. President, I believe the individual views point out the reasons for my concern about the Brunswick case, the Grace Lines case, and the cases involving Maryland Casualty. The report points out how Judge Frank had questions about these cases although he disagreed with me as far as Carolina Vend-A-Matic is concerned.

I also ask unanimous consent to have a letter printed in the RECORD. It is a letter from Professor Mellinkoff of UCLA, who is very concerned about Judge Haynsworth's conduct in performing judicial acts affecting litigants in which the judge had financial interests.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, LOS ANGELES, SCHOOL OF LAW,
Los Angeles, Calif., October 20, 1969.
Hon. JAMES O. EASTLAND,
U.S. Senate, Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

MY DEAR SENATOR EASTLAND: As a professor of law teaching legal ethics to future lawyers, I write to invite your further attention to what I believe to be the central issue in the consideration of the fitness of Mr. Justice Haynsworth for appointment to the Supreme Court of the United States.

Three instances of apparent conflict of interest have been given prominence in the press: the Justice's purchase of Brunswick Corporation stock before announcement of his Court's decision in favor of Brunswick; his substantial ownership of Carolina Vend-O-Matic, a company having a valuable business relationship with a successful litigant before the Court; and his small stock holding in the W. R. Grace Co. at the time of a decision favorable to its subsidiary Grace Lines. According to report, Justice Haynsworth has explained that the Brunswick case had been decided and forgotten before he bought any Brunswick stock, and that financial interest did not influence his vote in any of these cases. As a member of the bar for 30 years I accept Justice Haynsworth's explanation.

At the same time I cannot but observe that to the unsuccessful litigant in Justice Haynsworth's Court the explanation would ring hollow. At best losing a lawsuit is a disheartening, at worst a crushing experience to anyone convinced rightly or wrongly of the justice of his cause. The disappointment is endurable only under a system of justice in which the loser knows that the process by which he lost was a fair one.

In a grosser age, when the brilliant Francis Bacon was forced from office and forced to acknowledge that as Lord Chancellor of England he had been taking gifts from litigants, he was still able to assert, ". . . I am as innocent as any born upon St. Innocent's day: I never had a bribe or reward in my eye or thought when pronouncing sentence or order." It may have been true, but it was hardly satisfying, least of all to the man who lost his case in the Lord Chancellor's court.

In a United States district court a jury awards an injured seaman $50.00 on a claim against Grace Lines he thought worth $30,000.00. Saddened, he takes his case to the United States Circuit Court of Appeals. It is not difficult to imagine the bitterness in the heart of the injured seaman when he learns that one of the judges to whom he appealed in vain to right the supposed wrong of the Grace Lines was even a small owner of the company that owns Grace Lines. By the standard of the marketplace Justice Haynsworth's stockholding was trifling. It looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only do justice but that they shall seem to do justice. This ancient wisdom finds expression in the Canons of Judicial Ethics of the American Bar Association providing that a judge's conduct should not only be "free from impropriety" but from "the appearance of impropriety." (Canon 4). The importance of the appearance of things is stressed again and again (Canons 13, 24, 26, 33), culminating in the injunction that "In every particular his conduct should be above reproach." (Canon 34).

These Canons apply to judges at every level. They apply most stringently to the men who are to grace the court which sets an example of right to the rest of the nation. I hope, Senator, that you will consider the nomination of Mr. Justice Haynsworth in this light. If you do, I believe you will come to share my conclusion that his confirmation would not promote that necessary public respect for our system of justice which each of us in his own way seeks to preserve.

Very truly yours,

DAVID MELLINKOFF,
Professor of Law.

Mr. BAYH. Mr. President, the matter of substantial interest is covered in the minority views which I have already asked unanimous consent to have printed in the RECORD. I will not labor that point any further.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks from the hearings of the Senator from Massachusetts (Mr. KENNEDY) relative to the Sobeloff letter since he cannot be here due to a tragic loss he sustained today. The Sobeloff letter has been a matter of controversy throughout this debate.

There being no objection, the statement of Senator KENNEDY was ordered to be printed in the RECORD, as follows:

Senator KENNEDY. Would the Senator yield?

Senator BAYH. Let me just pursue this one point. He based it on a letter of Judge Sobeloff. And in reading Judge Sobeloff's letter I have had no inclination to find, so no indication that the judge——

The CHAIRMAN. You better read it again.

Senator ERVIN. It's got all the facts.

The CHAIRMAN. It does raise a question, in fairness to this nominee.

Senator BAYH. I have read it, Mr. Chairman.

The CHAIRMAN. It does raise a question of conflict of interest.

Senator ERVIN. I have to say what Phillip said to the Ethiopians: "Understandeth what thou readeth."

Senator KENNEDY. Would the Senator yield?

Senator BAYH. Let me just pursue this one point.

Does the chairman find in the Sobeloff letter—and he has had a chance to study it a great deal more than I—the fact that Judge Haynsworth claimed a half million dollars in Vend-A-Matic?

The CHAIRMAN. I think the question of conflict of interest was raised in the Sobeloff letter, and I think it was raised in Miss Eames' letter. The letters are part of the record. They will speak for themselves.

Yes; I think that.

Senator KENNEDY. Will the Senator yield?

Senator BAYH. I yield.

Senator KENNEDY. I think we can clear it up. Mr. Duffner is here. He is familiar with that case. I have had a chance to review the file on it, and it is certainly my impression from reviewing the file that the only question that was brought up to Judge Sobeloff, the basis of the allegation of Patricia Eames was a criminal violation, whether a criminal violation had occurred because of the alleged "throwing" of the contracts.

In reading——

The CHAIRMAN. I think the——

Senator KENNEDY. Would the Senator permit me to continue?

The CHAIRMAN. Excuse me.

Senator KENNEDY. Nowhere either in the allegation that was raised by Patricia Eames or in Judge Sobeloff's records or comments did they ever reach the question about the initial propriety of Judge Haynsworth sitting on that case. And if any of my distinguished colleagues can find that within the record, then I would like to hear that now, because I have not seen that. And we have Mr. Duffner here, who is from the Justice Department, who can respond.

We can look.

The matter that came to the Justice Department was sent to the Criminal Division, referred to the Criminal Division of the Justice Department for the investigation of any criminal liability. It did not come before the Attorney General on a preexisting conflict of interest.

Senator HRUSKA. Would the Senator yield?

The matter was referred to the Criminal Division, and properly so, because the text of 28 U.S.C. 455 has to do with that, and it requires a judge to disqualify himself in a case in which he has a substantial interest, and so forth.

However, Judge Sobeloff's letter clearly indicates in the first two paragraphs that he is treating as completely unfounded the charge of bribery or corruption in connection with the award of contracts. Then he proceeds for the balance of the several page letter to devote himself to the task of describing the stockholdings of the nominee, and the fact of his resignation from these boards of directors long before any court rule was established requiring that that be done.

He arrives at the general conclusion that the court, having all of these facts in reference upon which any possible conflict of interest could be based, has declared itself as having full confidence in Judge Haynsworth.

Now, I doubt very much that when the record of stock ownership and the membership on the board of directors and all of these other things are so plainly evident to the members of the court as well as to the Department of Justice, that the Department would say: "Wait a minute. We are not going to deal with anything but Miss Eames' charge that there was corruption and bribery."

When they take charge of a case for the purpose of determining the violation of a statute on conflict of interest because of a substantial interest in a case and a failure to disqualify they take charge of it for all purposes. To deny that would put the argument on the basis of a narrow legalistic proposition: A charge of bribery was made; it was dimissed; and that's all.

That's not true interpretation. And the full import of all of that record will clearly substantiate. It was the basis of the memorandum which the chairman and this Senator issued and which is in the record. That conclusion is based upon a full and complete and fair consideration of the record.

Senator ERVIN. And I would like to add——

Senator KENNEDY. We have——

The CHAIRMAN. Would the Senator yield?

Senator KENNEDY. Would the Senator yield? I think I still have——

The CHAIRMAN. I say, will you yield?

Senator KENNEDY. Well, I would just like to repond to this question.

The letter that the Senator from Nebraska refers to does not state what he alleges is a part of the record. It is two paragraphs long and I will read it at this time.

"Dear Mr. Attorney General:

"Enclosed is the file of correspondence passing between our court and counsel for the Textile Workers Union of America and Deering Milliken Corporation following the argument of an appeal in our court. Inasmuch as this relates to alleged conduct of one of our colleagues, we think it appropriate to pass the file on to the Department of Justice."

In that record—and I cease reading the letter from Mr. Sobeloff—or in that letter, there are the charges on page 3 from Patricia Eames of whether or not a criminal violation has occurred, and in reading through the record what was suggested based upon the anonymous phone call is that as a result of this decision, that the vending contract was thrown to Carolina Vend-A-Matic. And you just can't get away from that, and I will stand by this record:

"We think it appropriate to pass the file on to the Department of Justice.

"Happily, Miss Eames, who wrote the initial letter to the court on December 17, 1963, has herself acknowledged that the assertions and insinuations about Judge Haynsworth, made to her by some anonymous person in a telephone call, are without foundation; but I wish to add on behalf of the members of the court that our independent—

and once again the telephone call came on the basis of the "throwing" of the contract and it is all the way through this file—

"are without foundation; but I wish to add on behalf of the members of the court that our independent investigation has convinced us that there is no warrant whatever for these assertions and insinuations, and we express our complete confidence in Judge Haynsworth."

The only point that we have raised both by Judge Sobeloff's letter, which is a part of the record, and is very clear and available to all of us—is that the question that was reached—and I think we have Mr. Duffner here who was in the Department of Justice at the time and can clear up this matter if there is any open question—that the question that was reached was about the criminal liability if the contract was "thrown." I don't see any place within the assertions by the Attorney General at that time that in any or the ethical question about Judge Haynsworth's originally sitting on that case.

I don't believe that it was raised. And I way it reached the question of the propriety don't believe that the question was reached.

Senator Ervin. Will the Senator yield?

The Chairman. The Attorney General said that he had complete confidence in Judge Haynsworth. I do not believe that Attorney General Kennedy would have made such a statement had he thought there had been a conflict of interest.

Senator Kennedy. Well, I read that same file and I am completely confident that there was no criminality involved in it, and I share Attorney General Kennedy's expression as well as Mr. Sobeloff's expression of complete confidence in Judge Haynsworth.

The Chairman. There was no criminality involved in it and no conflict of interest.

Senator Kennedy. That's not—where does it say that?

Senator Ervin. Well, I can tell you, If you yield to me I will show you.

Senator Kennedy. No, I am yielding to—I am asking——

The Chairman. That's the meaning of the letter the Attorney General wrote, and above it, above it in the file it had the initials.

Senator Ervin. If the Senator will yield, I will show where the question was put.

The Chairman. All right.

Senator Kennedy. If you stand up, does it help——

Senator Ervin. I will tell the Senator from Massachusetts I always stand up, even when I am sitting down.

This whole investigation was set in motion by a letter of December 17, 1963, written by Miss Patricia Eames to Judge Sobeloff, the Chief Judge of the U.S. Court of Appeals. After setting forth this rumor which had been conveyed to her by an anonymous telephone call charging bribery, she wrote the three-page letter, and she put this in the closing paragraph:

"We believe that an investigation should be made immediately. We do not know whether we ourselves should ask the Justice Department to investigate or whether we should leave the handling of this matter entirely up to you. It is clear to us that you are the first person to whom the matter should be referred."

Now, here are the words I invite attention to:

"Whether or not a criminal violation has occurred, we certainly believe that if the Deering Milliken contract was thrown to Carolina Vend-A-Matic, Judge Haynsworth should be disqualified from participating in the decision in this case, and that the resulting two-to-two decision should lead to the sustaining of the NLRB decision below."

Now, so this statement coupled with the acknowledgement that Judge Haynsworth was a vice president of Carolina Vend-A-Matic contained earlier in the letter, conveyed the alleged criminal charge and also the charge of a conflict of interest. And that was investigated by Judge Sobeloff, and Judge Sobeloff sent a copy of a letter, wrote a letter on December 18, 1964, which is contained in the Department of Justice file. In the letter, Judge Haynsworth reviews all of these facts about Judge Haynsworth——

The Chairman. Let's have order.

Senator Ervin (continuing). In connection with Carolina Vend-A-Matic, and he closed with a statement that "However unwarranted the allegation"—this is the first allegation—"since the propriety of the conduct of a member of this court has been questioned"—and it is questioned in two respects——

Senator Kennedy. Does it say two respects?

Senator Ervin. No, but I interpolate it was a question in two respects: First, whether there was evidence of a bribe and, second, whether there had been impropriety by reason of Judge Haynsworth holding office in Carolina Vend-A-Matic.

Senator Bayh. Will the Senator yield?

Senator Ervin. Not yet; wait until I finish this.

"However unwarranted the allegation, since the propriety of the conduct of a member of this court has been questioned, I am today, at Judge Haynsworth's request and with the concurrence of the entire court, sending the file to the Department of Justice, together with an expression of our full confidence in Judge Haynsworth."

He sent the whole file, including Patricia Eames' letter stating that he ought to disqualify himself, irrespective of the other charge, the main charge. This was considered in the Department of Justice and a very brilliant Attorney General of the United States, Robert F. Kennedy, after getting this file and Judge Soboloff's, the file from Judge Sobeloff, he says—

"Dear Mr. Chief Judge: This will acknowledge receipt of your letter dated February 19, 1964, enclosing the file that reflects your investigation of certain assertions and insinuations about Judge Clement F. Haynsworth, Jr."

And I pause to interpolate that one of those assertions was that he should be disqualified by reason of his holding office in Carolina Vend-A-Matic.

Then he concludes with this paragraph:

"Your thorough and complete investigation reflects that the charges were without foundation. I share your expression of complete confidence in Judge Haynsworth.

"Thanks for bringing this matter to my attention.

"Sincerely,

"Robert F. Kennedy,
Attorney General."

Both things were brought to his attention.

Mr. BAYH. Mr. President, I think that anyone who reads the views and the remarks I have made will understand the differences of opinion I have with my distinguished colleague from South Carolina.

I am certain that the Senate will work its will and that we will abide by the decision it makes.

Mr. DOLE. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. DOLE. I was in the Chamber throughout the very fine statement made by the Senator from South Carolina (Mr. Hollings) today and I have since read his remarks again, especially the charges made in the Senator from Indiana's bill of particulars and the responses thereto.

I agree with the Senator that we can have differences of opinion and reach different conclusions without being disagreeable or impugning the motives of anyone. Surely that is not the purpose of any Senator here.

As stated during the remarks of the Senator from South Carolina, I have been concerned about one charge because it is, in effect, a violation of the criminal statutes as set forth in the Senator's bill of particulars; namely, violations of title 29 United States Code, sections 301–308, which refer specifically to the Welfare Pension Plan Disclosure Act. The charge of violation was leveled, at least the inference was drawn; therefore, if we look at the charge, violation of title 29 United States Code, it goes on to say: "Willful violation, 6-months' imprisonment or a fine of $1,000, or both."

This is, as a matter of fact, contained in the Senator's bill of particulars. It is not a matter of refuting anyone's opinion.

I am wondering, seriously, if the Senator believes in that charge, and, if so, has he pursued it or was it something in his bill of particulars that should have been withdrawn or should not have been made?

Mr. BAYH. Let me read from page 39 of the report of the Judiciary Committee. I think that the matter the Senator from Kansas brought out is a valid point.

I want the Senator from Kansas to have my thoughts on this.

Violation of 29 U.S.C. 301–308

Another matter deserves notice. Judge Haynsworth was a trustee of the Carolina Vend-A-Matic Co. profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator by law. The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. Willful violation of the act can lead to 6 months imprisonment or a fine of $1,000 or both. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised by letter, "Our records do not show that any reports have been received under the name of Carolina Vend-A-Matic Co., Inc., for a profit sharing and retirement plan."

The omission by the judge was in all probability an oversight and not an intentional violation. However, the facts are cited to reinforce the obvious conclusion that complicated financial relationships and judicial responsibility can become a dangerous mixture.

I would ask if the Senator from Kansas would have any objection to having the act printed in the Record, so that we will know what the facts are.

Mr. DOLE. No objection.

Mr. BAYH. Mr. President, I ask unanimous consent to have a copy of the act printed in the Record.

There being no objection, the act was ordered to be printed in the Record, as follows:

References in Text

The Fair Labor Standards Act, as amended, referred to in text, is classified to chapter 8 of this title.

Chapter 10.—DISCLOSURE OF WELFARE AND PENSION PLANS

Sec.
301. Findings and policy.
302. Definitions.
303. Plans within chapter.
304. Administrator.
  (a) Duty to publish description of plan and annual financial report.
  (b) Definition of "administrator".
305. Description of plan.
  (a) Time for publication.
  (b) Contents.
306. Annual reports.
  (a) Time for publication.
  (b) Contents.
  (c) Unfunded plans.
  (d) Additional information required where benefits are provided by insurance carrier or other service or organization.
  (e) Holding or investing of funds.
  (f) Plans funded through trust; plans

funded through contract with insurance carrier; unfunded plans.

(g) Certification of information by insurance carrier or service or other organization.

(h) Simplified reports.

Sec.

307. Publication of description of plan and annual report.

(a) Availability for examination in office of plan; delivery of copy of description of plan and summary of report.

(b) Filing of copies of plan and report with Secretary; availability for examination in Department of Labor.

(c) Preparation and availability of forms for description of plan and annual report.

308. Enforcement.

(a) Penalty for violations.

(b) Liability for failure or refusal to make publication.

(c) Actions to recover liability; jurisdiction; attorney fees and costs.

(d) Investigations to disclose violations.

(e) Attendance of witnesses and production of books, records, and documents; applicability of other laws.

(f) Injunctions.

(g) Jurisdiction to restrain violations.

(h) Regulation or interference in management of plan; restriction on power of Secretary.

(i) Information to Attorney General.

308a. Reports made public information.

308b. Retention of records.

308c. Reliance on administrative interpretations and forms.

308d. Bonds.

(a) Requirement; amount; conditions; sureties.

(b) Violations.

(c) Procurement from surety or other company or through agent or broker in whose business operations such plan or party in interest has significant control or financial interest.

(d) Bonding requirements in other provisions of law.

(e) Regulations; exemption of plan.

308e. Advisory Council.

(a) Establishment; appointment of members.

(b) Duties; meetings; report to Congress.

(c) Executive secretary; secretarial, clerical and other services; statistical data, reports, and other information from governmental agencies.

(d) Compensation of members.

(e) Exemption of members from provisions of other laws.

308f. Administration.

(a) Applicability of Administrative Procedure Act.

(b) Prohibition on administration or enforcement by employee with respect to organization in which he has an interest.

(c) Limitation on number of employees.

(d) Authorization of appropriations.

309. Effect of other laws.

(a) State laws.

(b) Present or future Federal or State laws.

§ 301. Findings and policy.

(a) The Congress finds that the growth in size, scope, and numbers of employees welfare and pension benefit plans in recent years has been rapid and substantial; that the continued well-being and security of millions of employees and their dependents are directly affected by these plans; that they are affected with a national public interest; that they have become an important factor affecting the stability of employment and the successful development of industrial relations; that they have become an important factor in commerce because of the interstate character of their activities, and of the activities of their participants, and the employers, employee organizations, and other entities by which they are established or maintained; that owing to the lack of employee information concerning their operation, it is desirable in the interests of employees and their beneficiaries, and to provide for the general welfare and the free flow of commerce, that disclosure be made with respect to the operation and administration of such plans.

(b) It is declared to be the policy of this chapter to protect interstate commerce and the interests of participants in employee welfare and pension benefit plans and their beneficiaries, by requiring the disclosure and reporting to participants and beneficiaries of financial and other information with respect thereto. (Pub. L. 85–836, § 2, Aug. 28, 1958, 72 Stat. 997.)

EFFECTIVE DATE

Section 18, formerly § 12, of Pub. L. 85–836, renumbered by Pub. L. 85–420, § 16(a), Mar. 20, 1962, 76 Stat. 38, provided that: "The provisions of this Act [this chapter] shall become effective January 1, 1959."

SHORT TITLE

Section 1 of Pub. L. 85–836 provided that Pub. L. 85–836, which comprises this chapter, should be popularly known as the "Welfare and Pension Plans Disclosure Act".

SEPARABILITY OF PROVISIONS

Section 17, formerly § 11, of Pub. L. 85–836, renumbered by Pub. L. 87–420 § 16(a), Mar. 20, 1962, 76 Stat. 38, provided that: "If any provision of this Act [this chapter] or the application of such provision to any person or circumstance is held invalid, the remainder of this Act [this chapter] and the application of such provision to other persons or circumstances shall not be affected."

CROSS REFERENCES

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

Offer, acceptance, or solicitation to influence operations of employee benefit plan, see section 1954 of Title 18.

Theft or embezzlement from employee benefit plan, see section 664 of Title 18.

§ 302. Definitions.

(a) When used in this chapter—

(1) The term "employee welfare benefit plan" means any plan, fund, or program which is communicated or its benefits described in writing to the employees, and which was heretofore or is hereafter established by any employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death, or unemployment.

(2) The term "employee pension benefit plan" means any plan, fund, or program which is communicated or its benefits described in writing or to the employees, and which was heretofore or is hereafter established by an employer or by an employee organization, or by both, for the purpose of providing for its participants or their beneficiaries, by the purchase of insurance or annuity contracts or otherwise, retirement benefits, and includes any profit-sharing plan which provides benefits at or after retirement.

(3) The term "employee organization" means any labor union or any organization of any kind, or any agency or employee representation committee, association, group, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing wtih employers concerning an employee welfare or pension benefit plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, of establishing such a plan.

(4) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee welfare or pension benefit plan, and includes a group or association of employers acting for an employer in such capacity.

(5) The term "employee" means any individual employed by an employer.

(6) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee welfare or pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit.

(7) The term "beneficiary" means a person designated by a participant or by the terms of an employee welfare or pension benefit plan who is or may become entitled to a benefit thereunder.

(8) The term "person" means an individual, partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(9) The term "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

(10) The term "commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(11) The term "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(12) The term "Secretary" means the Secretary of Labor.

(13) The term "party in interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan.

(Pub. L. 85–836, § 3, Aug. 28, 1958, 72 Stat. 997; Pub. L. 86–624, § 21(d), July 12, 1960, 74 Stat. 417; Pub. L. 87–420, §§ 2–5, Mar. 20, 1962, 76 Stat. 35.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in par. (9), is classified to sections 1331—1343 of Title 43, Public Lands.

The Labor-Management Relations Act 1947, referred to in par. (11), is classified to chapter 7 of this title.

The Railway Labor Act, referred to in par. (11), is classified to chapter 8 of Title 45, Railroads.

CODIFICATION

Section was enacted without a subsec. (b).

AMENDMENTS

1962—Pub. L. 87–420 substituted "communicated or its benefits" for "communicated for its benefits" in par. (1), included American Samoa, Guam, Wake Island and the Outer Continental Shelf lands in par. (9), substituted the definition of "industry or activity affecting commerce" for provisions which defined "affecting commerce" as meaning in commerce, or burdening or obstructing commerce or the free flow of commerce, in par. (11), and added pars. (12) and (13).

1960—Subsec. (a) (9). Pub. L. 86–624 eliminated "Hawaii," preceding "Puerto Rico."

Effective Date of 1962 Amendment

Section 19 of Pub. L. 87–420 provided that: "The amendments made by this Act [adding sections 308a–308f of this title and sections 664, 1027, and 1954 of title 18, Crimes and Criminal Procedure, amending this section and sections 303–309 of this title, and, renumbering sections 10–12 of Pub. L. 85–536, classified to section 309 of this title and as notes under section 301 of this title] shall take effect ninety days after the enactment of this Act [Mar. 20, 1962], except that section 13 of the Welfare and Pension Plans Disclosure Act [section 308d of this title] shall take effect one hundred eighty days after such date of enactment [Mar. 20, 1962].

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

Short Title

Section 1 of Pub. L. 87–420 provided that Pub. L. 87–420, which enacted sections 308a–308f of this title and sections 664, 1027, and 1954 of Title 18, Crimes and Criminal Procedure, amended this section and sections 303–309 of this title, and renumbered sections 10–12 of Pub. L. 85–536, classified to section 309 of this title and as notes under section 301 of this title, may be cited as the "Welfare and Pension Plans Disclosure Act Amendments of 1962."

§ 303. Plans within chapter.

(a) Except as provided in subsection (b), of this section, this chapter shall apply to any employee welfare or pension benefit plan if it is established or maintained by any employer or employers engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce or by both.

(b) This chapter shall not apply to an employee welfare or pension benefit plan if—

(1) such plan is administered by the Federal Government or by the government of a State, by a political subdivision of a State, or by an agency or instrumentality of any of the foregoing;

(2) such plan was established and is maintained solely for the purpose of complying with applicable workmen's compensation laws or unemployment compensation disability insurance laws;

(3) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of Title 26 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c) (8) of Title 26 or by organizations described in sections 501(c) (3) and 501(c) (4) of Title 26: *Provided,* That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining; or

(4) such plan covers not more than twenty-five participants.

(Pub. L. 85–836, § 4, Aug. 28, 1958, 72 Stat. 998; Pub. L. 87–420, § 6, Mar 20, 1962, 76 Stat. 35.)

Amendments

1962—Subsec. (b). Pub. L. 87–420 substituted, in par. (3), "such plan is administered by an organization which is exempt" for "such plan is exempt" and inserted proviso stating that such paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining, and in par. (4) substituted "participants" for "employees."

Effective Date of 1962 Amendment

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

§ 304. Administrator.

(a) Duty to publish description of plan and annual financial report.

The administrator of an employee welfare benefit plan or an employee pension benefit plan shall publish in accordance with section 307 of this title to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain the information required by sections 305 and 306 of this title in such form and detail as the Secretary shall by regulations prescribe and copies thereof shall be executed, published, and filed in accordance with the provisions of this chapter and the Secretary's regulations thereunder. No regulation shall be issued under the preceding sentence which relieves any administrator of the obligation to include in such description or report any information relative to his plan which is required by section 305 or 306 of this title. Notwithstanding the foregoing, if the Secretary finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds or on any class or classes of benefits described in section 302 (1) and (2) of this title which are provided by such plans cannot, in the normal method of operation of such plans, be practicably ascertained or made available for publication in the manner or for the period prescribed in any provision of this chapter, or that the information if published in such manner or for such period would be duplicative or uninformative, the Secretary may by regulations prescribe such other manner or such other period for the publication of such information as he may determine to be necessary and appropriate to carry out the purposes of this chapter.

(b) Definition of "administrator".

The term "administrator" whenever used in this chapter, refers to—

(1) the person or persons designated by the terms of the plan or the collective bargaining agreement with responsibility for the ultimate control, disposition, or management of the money received or contributed; or

(2) in the absence of such designation, the person or persons actually responsible for the control, disposition, or management of the money received or contributed, irrespective of whether such control, disposition, or management is exercised directly or through an agent or trustee designated by such person or persons.

(Pub. L. 85–836, § 5, Aug. 28, 1958, 72 Stat. 998; Pub. L. 87–420, § 7, Mar. 20, 1962, 76 Stat. 36.)

Amendments

1962—Subsec. (a). Pub. L. 87–420 empowered the Secretary to prescribe the form and detail in which the information shall be reported, provided for filing copies of the report, prohibited issuance of a regulation which relieves any administrator of the obligation to include in the description or report any information relative to his plan which is required by section 305 or 306 of this title, and authorized the Secretary to prescribe the manner or period for the publication of information in cases where specific information on plans of certain kinds or on any class or classes of benefits described in section 302 (1) and (2) of this title which are provided by such plans cannot, in the normal method of operation of such plans, be practicably ascertained or made available in the manner or for the period prescribed, or that the information if published would be duplicative or uninformative.

Effective Date of 1962 Amendment

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

Cross References

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

Offer, acceptance, or solicitation to influence operations of employee benefit plan, see section 1954 of Title 18.

Theft or embezzlement from employee benefit plan, see section 664 of Title 18.

§ 305. Description of plan.

(a) Time for publication.

Except as provided in section 303 of this title, the description of any employee welfare or pension benefit plan shall be published as required herein within ninety days of the effective date of this chapter or within ninety days after the establishment of such plan, whichever is later.

(b) Contents.

The description of the plan shall be published, signed, and sworn to by the person or persons defined as the "administrator" in section 304 of this title, and shall include their names and addresses, their official positions with respect to the plan, and their relationship, if any, to the employer or to any employee organizations, and any other offices, positions, or employment held by them; the name, address, and description of the plan and the type of administration; the schedule of benefits; the names, titles, and addresses of any trustee or trustees (if such persons are different from those persons defined as the "administrator"); whether the plan is mentioned in a collective bargaining agreement; copies of the plan or of the bargaining agreement, trust agreement, contract, or other instrument, if any, under which the plan was established and is operated; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether the records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 306 of this title, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported to the Secretary within sixty days after the change has been effectuated. (Pub. L. 85–836, § 6, Aug. 28, 1958, 72 Stat. 999; Pub. L. 87–420, § 8, Mar. 20, 1962, 76 Stat. 36.)

References in Text

"Effective date of this chapter", referred to in the text of subsec. (a) of this section, as Jan 1, 1959, see section 12 of Pub. L. 85–836, set out as a note under section 301 of this title.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87–420 required any change in the information to be reported to the Secretary within sixty days after the change has been effectuated.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

CROSS REFERENCES

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

§ 306. Annual reports.

(a) Time for publication.

The administrator of any employee welfare or pension benefit plan, a description of which is required to be published under section 305 of this title, shall also publish an annual report with respect to such plan if it covers one hundred or more participants. However, the Secretary, after investigation, may require the administrator of any plan otherwise covered by the chapter to publish such report when necessary and appropriate to carry out the purposes of the chapter. Such report shall be published as required under section 307 of this title, within one hundred and fifty days after the end of the calendar year (or, if the records of the plan are kept on a policy or other fiscal year basis, within one hundred and fifty days after the end of such policy or fiscal year).

(b) Contents.

A report under this section shall be signed by the administrator and such report shall include the following:

The amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets specifying the total amount in each of the following types of assets: cash, Government bonds, non-Government bonds and debentures, common stocks, preferred stocks, common trust funds, real estate loans and mortgages, operated real estate, other real estate, and other assets; a statement of liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes. The Secretary, when he has determined that an investigation is necessary in accordance with section 308(d) of this title, may require the filing of supporting schedules of assets and liabilities. The information required by this section shall be sworn to by the administrator, or certified to by an independent certified or licensed public accountant, based upon a comprehensive audit conducted in accordance with accepted standards of auditing, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to examination by any agency of the Federal Government or the government of any State. In the case of reports sworn to, but not certified, the Secretary, when he determines that it may be necessary to investigate the plan in accordance with section 308(d) of this title, shall, prior to investigation by the Department of Labor, require certification of the report by an independent certified or licensed public accountant.

(c) Unfunded plans.

If the plan is unfunded the report shall include only the total benefits paid and the average number of employees eligible for participation, during the past five years, broken down by years; and a statement, if applicable, that the only assets from which claims against the plan must be paid are the general assets of the employer.

(d) Additional information required where benefits are provided by insurance carrier or other service or organization.

If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization such report shall include with respect to such plan (in addition to the information required by subsection (b) of this section) the following:

(1) The premium rate or subscription charge and the total premium or subscription charges paid to each such carrier or organization and the approximate number of persons covered by each class of such benefits.

(2) The total amount of premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carrier or other organization; dividends or retroactive rate adjustments, commissions, and administrative service or other fees or other specific acquisition costs, paid by such carrier or other organization; any amounts held to provide benefits after retirement; the remainder of such premiums; and the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid, the amount paid to each, and for what purpose: *Provided*, That if any such carrier or other organization does not maintain separate experience records covering the specific groups it serves, the report shall include in lieu of the information required by the foregoing provisions of this paragraph (A) a statement as to the basis of its premium rate or subscription charge, the total amount of premiums or subscription charges received from the plan, and a copy of the financial report of the carrier or other organization and (B), if such carrier or organization incurs specific costs in connection with the acquisition or retention of any particular plan or plans, a detailed statement of such costs.

(e) Holding or investing of funds.

Details relative to the manner in which any funds held by an employee welfare benefit plan are held or invested shall be reported as provided under paragraphs (B), (C), and (D) of subsection (f)(1) of this section.

(f) Plans funded through trust; plans funded through contract with insurance carrier; unfunded plans.

Reports on employee pension benefit plans shall include, in addition to the applicable information required by the foregoing provisions of this section, the following:

(1) If the plan is funded through the medium of a trust, the report shall include—

(A) the type and basis of funding, actuarial assumptions used, the amount of current and past service liabilities, and the number of employees, both retired and nonretired covered by the plan;

(B) a statement showing the assets of the fund as required by section 306(b) of this title. Such assets shall be valued on the basis regularly used in valuing investments held in the fund and reported to the United States Treasury Department, or shall be valued at their aggregate cost or present value, whichever is lower, if such a statement is not so required to be filed with the United States Treasury Department;

(C) a detailed list, including information as to cost, present value, and percentage of total funds, of all investments in securities or properties of the employer or employee organization, or any other party in interest, but the identity of all securities and the detail of brokerage fees and commissions incidental to the purchase or sale of such securities need not be revealed if such securities are listed and traded on an exchange subject to regulation by the Securities and Exchange Commission or securities in an investment company registered under the Investment Company Act of 1940, or securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, and the statement of assets contains a statement of the total investments in common stock, preferred stock, bonds and debentures, respectively, valued as provided in subparagraph (B).

(D) a detailed list of all loans made to the employer, employee organization, or other party in interest, including the terms and conditions of the loan and the name and address of the borrower: *Provided*, That if the plan is funded through the medium of a trust invested, in whole or in part, in one or more insurance or annuity contracts with an insurance carrier, the report shall include, as to the portion of the funds so invested, only the information required by paragraph (2) below.

(2) If the plan is funded through the medium of a contract with an insurance carrier, the report shall include—

(A) the type and basis of funding, actuarial assumptions used in determining the payments under the contract, and the number of employees, both retired and nonretired, covered by the contract; and

(B) except for benefits completely guaranteed by the carrier, the amount of current and past service liabilities, based on those assumptions, and the amount of all reserves accumulated under the plan.

(3) If the plan is unfunded, the report shall include the total benefits paid to retired employees for the past five years, broken down by year.

(g) Certification of information by insurance carrier or service or other organization.

If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this chapter.

(h) Simplified reports.

The Secretary shall prescribe by general rule simplified reports for plans which he finds that by virtue of their size or otherwise a detailed report would be unduly burdensome, but the Secretary may revoke such provisions for simplified forms for any plan if the purposes of the chapter would be served thereby. (Pub. L. 85–836, § 7, Aug. 28, 1958, 72 Stat. 1000; Pub. L. 87–420, §§ 9–13, Mar. 20, 1962, 76 Stat. 36, 37.)

REFERENCES IN TEXT

The Investment Company Act of 1940, referred to in subsec. (f)(1)(C) of this section, is classified to sections 80a–1 to 80a–52 of Title 15, Commerce and Trade.

The Public Utility Holding Company Act of 1935, referred to in subsec. (f)(1)(C) of this section, is classified to chapter 2C of Title 15.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87–420, § 9(a), limited the requirement of publishing the annual report to those plans which cover one hundred or more participants, empowered the Secretary to require the administrator of any plan to publish such report when necessary and appropriate to carry out the purposes of this chapter, and substituted "one hundred and fifty" for "one hundred and twenty" in two instances.

Subsec. (b). Pub. L. 87–420, § 9(b), (c), required the statement of assets to show the total amount of cash, Government bonds, non-Government bonds and debentures, common stocks, preferred stocks, common trust funds, real estate loans and mortgages, operated real estate, other real estate, and other assets, authorized the Secretary to require the filing of supporting schedules of assets and liabilities, and empowered the Secretary if he determines that it may be necessary to investigate the plan to require the certification of the report by an independent certified or licensed public accountant.

Subsec. (f) (1) (B). Pub. L. 87–420, § 10, substituted "a statement showing the assets of the fund as required by section 306(b) of this title" for "a summary statement showing the assets of the fund broken down by types, such as cash investments in governmental obligations, investments in nongovernmental bonds, and investments in corporate stocks."

Subsec. (f) (1) (C). Pub. L. 87–420, § 11, substituted "total funds" for "total fund" and "valued as provided in subparagraph (B)" for "listed at their aggregate cost or present value, whichever is lower," and eliminated words "by reason of being an officer, trustee, or employee of such fund" which followed "other party in interest."

Subsec. (f) (1) (D). Pub. L. 87–420, § 12, eliminated words "by reason of being an officer, trustee, or employee of such fund" which followed "other party in interest."

Subsecs. (g), (h). Pub. L. 87–420, § 13, added subsecs. (g) and (h).

Effective Date of 1962 Amendment

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

Cross References

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

§ 307. Publication of description of plan and annual report.

(a) Availability for examination in office of plan; delivery of copy of description of plan and summary of report.

Publication of the description of the plan and the latest annual report required under this chapter shall be made to the participants and to the beneficiaries covered by the particular plan as follows:

(1) The administrator shall make copies of such description of the plan (including all amendments or modifications thereto upon their effective date) and of the latest annual report available for examination by any participant or beneficiary in the principal office of the plan.

(2) The administrator shall deliver upon written request to such participant or beneficiary a copy of the description of the plan (including all amendments or modifications thereto upon their effective date) and an adequate summary of the latest annual report, by mailing such documents to the last known address of the participant or beneficiary making such request.

(b) Filing of copies of plan and report with Secretary; availability for examination in Department of Labor.

The administrator of any plan subject to the provisions of this chapter shall file with the Secretary two copies of the description of the plan and each annual report thereon. The Secretary shall make available for examination in the public document room of the Department of Labor copies of descriptions of plans and annual reports filed under this subsection.

(c) Preparation and availability of forms for description of plan and annual report.

The Secretary shall prepare forms for the descriptions of plans and the annual reports required by the provisions of this chapter and shall make such forms available to the administrators of such plans on request. (Pub. L. 85–836, § 8, Aug. 28, 1968, 72 Stat. 1002; Pub. L. 87–420, §§ 14, 18, Mar. 20, 1962, 76 Stat. 37, 43.)

Amendments

1962—Subsec. (a). Pub. L. 87–420, § 14, substituted "an adequate summary" for "a summary" in par. (2).

Subsecs. (b), (c). Pub. L. 87–420, § 18, substituted "Secretary" for "Secretary of Labor", wherever appearing.

Effective Date of 1962 Amendment

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub. L. 85–836, set out as a note under section 301 of this title.

Cross References

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

§ 308. Enforcement.

(a) Penalty for violations.

Any person who willfully violates any provision of this chapter shall be fined not more that $1,000, or imprisoned not more than six months, or both.

(b) Liability for failure or refusal to make publication.

Any administrator of a plan who fails or refuses, upon the written request of a participant or beneficiary covered by such plan, to make publication to him within thirty days of such request, in accordance with the provisions of section 307 of this title, of a description of the plan or an annual report containing the information required by sections 305 and 306 of this title, may in the court's discretion become liable to any such participant or beneficiary making such request in the amount of $50 a day from the date of such failure or refusal.

(c) Actions to recover liability; jurisdiction; attorney fees and costs.

Action to recover such liability may be maintained in any court of competent jurisdiction by any participant or beneficiary The court in such action may in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) Investigations to disclose violations.

The Secretary may, after first requiring certification in accordance with section 306 (b) of this title, upon complaint of violation not satisfied by such certification, or on his own motion, when he continues to have reasonable cause to believe investigation may disclose violation of this chapter, make such investigations as he deems necessary, and may require or permit any person to file with him a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be investigated.

(e) Attendance of witnesses and production of books, records, and documents; applicability of other laws.

For the purposes of any investigation provided for in this chapter, the provisions of sections 49 and 50 (relating to the attendance of witnesses and the production of books, records, and documents) of Title 15, are made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

(f) Injunctions.

Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this chapter, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

(g) Jurisdiction to restrain violations.

The United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction, for cause shown, to restrain violations of this chapter.

(h) Regulation or interference in management of plan; restriction on power of Secretary.

Nothing contained in this chapter shall be so construed or applied as to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan, except that the Secretary may inquire into the existence and amount of investments, actuarial assumptions, or accounting practices only when it has been determined that investigation is required in accordance with section 308(d) of this title.

(i) Information to Attorney General.

The Secretary shall immediately forward to the Attorney General or his representative any information coming to his attention in the course of the administration of this chapter which may warrant consideration for criminal prosecution under the provisions of this chapter or other Federal law. (Pub. L. 85–836, § 9, Aug. 28, 1958, 72 Stat. 1002; Pub. L. 87–402, § 15, Mar. 20, 1962, 76 Stat. 37.)

Amendments

1962—Subsec. (a). Pub. L. 87–420, § 15(a), eliminated provisions which limited subsection to violations of section 304 or 307 of this title, and inserted provisions authorizing imposition of both fine and imprisonment.

Subsecs. (d)—(i). Pub. L. 87–420, § 15(b), added subsecs. (d)—(i). Former subsec. (d), which related to jurisdiction to restrain violations, is now covered by subsec. (g) of this section. Former subsec. (e) made section 1001 of Title 18 applicable to any description of a plan or any annual report which is sworn to under this chapter. See section 1027 of Title 18, Crimes and Criminal Procedure.

Effective Date of 1962 Amendment

Amendment of section by Pub. L. 87–420 effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Effective Date

Section effective Jan. 1, 1959, see section 18 of Pub L. 85–836, set out as a note under section 301 of this title.

Cross References

False statements and concealment of facts in relation to documents required by this chapter, see section 1027 of Title 18, Crimes and Criminal Procedure.

Offer, acceptance, or solicitation to influence operations of employee benefit plan, see section 1954 of Title 18.

Theft or embezzlement from employee benefit plan, see section 664 of Title 18.

§ 308a. Reports made public information.

The contents of the descriptions and regular annual reports filed with the Secretary pursuant to this chapter shall be public information, and the Secretary, where to do so would protect the interests of participants or beneficiaries of a plan, may publish any such information and data. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate. (Pub. L. 85–836, § 10, as added Pub. L. 87–420, § 16(a), Mar. 20, 1962, 76 Stat. 38.)

Effective Date

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

§ 308b. Retention of records.

Every person required to file any description or report or to certify any information therefor under this chapter shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain. (Pub. L. 85–836, § 11, as added Pub. L. 87–420, § 16(a), Mar. 20, 1962, 76 Stat 38.)

Effective Date

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

§ 308c. Reliance on administrative interpretations and forms.

In any action or proceeding based on any act or omission in alleged violation of this chapter, no person shall be subject to any liability or punishment for or on account of the failure of such person to (1) comply with any provision of this chapter if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Secretary, or (2) publish and file any information required by any provision of this chapter if he pleads and proves that he published and filed such information in good faith, on the description and annual report form prepared by the Secretary and in conformity with the instructions of the Secretary issued under this chapter regarding the filing of such forms. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this chapter. (Pub. L. 85–836, § 12, as added Pub. L. 87–420, § 16 (a), Mar. 20, 1962, 76 Stat. 38.)

Effective Date

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

§ 308d. Bonds.

(a) Requirement; amount; conditions; sureties.

Every administrator, officer, and employee of any employee welfare benefit plan or of any employee pension benefit plan subject to this chapter who handles funds or other property of such plan shall be bonded as herein provided; except that, where such plan is one under which the only assets from which benefits are paid are the general assets of a union or of an employer, the administrator, officers and employees of such plan shall be exempt from the bonding requirements of this section. The amount of such bond shall be fixed at the beginning of each calendar, policy, or other fiscal year, as the case may be, which constitutes the reporting year of such plan. Such amount shall be not less than 10 per centum of the amount of funds handled, determined as herein provided, except that any such bond shall be in at least the amount of $1,000 and no such bond shall be required in an amount in excess of $500,000: *Provided*, That the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of $500,000, which in no event shall exceed 10 per centum of the funds handled. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the person, group, or class to be covered by such bond and by their predecessor or predecessors, if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such person, group, or class, estimated as provided in regulations of the Secretary. Such bond shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of such administrator, officer, or employee, directly or through connivance with others. Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to sections 6–13 of Title 6. Any bond shall be in a form or of a type approved by the Secretary, including individual bonds or schedule or blanket forms of bonds which cover a group or class.

(b) Violations.

It shall be unlawful for any administrator, officer, or employee to whom subsection (a) of this section applies, to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of any employee welfare benefit plan or employee pension benefit plan, without being bonded as required by subsection (a) of this section and it shall be unlawful for any administrator, officer, or employee of such plan, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any such person, with respect to whom the requirements of subsection (a) of this section have not been met.

(c) Procurement from surety or other company or through agent or broker in whose business operations such plan or party in interest has significant control or financial interest.

It shall be unlawful for any person to procure any bond required by subsection (a) of this section from any surety or other company or through any agent or broker in whose business operations such plan or any party in interest in such plan has any significant control or financial interest, direct or indirect.

(d) Bonding requirements in other provisions of law.

Nothing in any other provision of law shall require any person, required to be bonded as provided in subsection (a) of this section because he handles funds or other property of an employee welfare benefit plan or of an employee pension benefit plan to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned.

(e) Regulations; exemption of plan.

The Secretary shall from time to time issue such regulations as may be necessary to carry out the provisions of this section. When, in the opinion of the Secretary, the administrator of a plan offers adequate evidence of the financial responsibility of the plan, or that other bonding arrangements would provide adequate protection of the beneficiaries and participants, he may exempt such plan from the requirements of this section. (Pub. L. 85–836, § 13 as added Pub. L. 87–420, § 16(a), Mar. 20, 1962, 76 Stat. 39.)

Effective Date

Section effective 180 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 301 of this title.

§ 308e. Advisory Council.

(a) Establishment; appointment of members.

There is established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter referred to as the "Council") which shall consist of thirteen members to be appointed in the following manner: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all appointed by the Secretary from among persons recommended by organizations in the respective groups; and three representatives of the general public appointed by the Secretary.

(b) Duties; meetings, report to Congress.

It shall be the duty of the Council to advise the Secretary with respect to the carrying out of the functions under this chapter, and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least twice each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year and a report covering his activities under the chapter for such preceding calendar year, including full information as to the number of plans and their size, the results of any studies he may have made of such plans and the chapter's operation and such other information and data as he may deem desirable in connection with employee welfare and pension benefit plans.

(c) Executive secretary; secretarial, clerical and other services; statistical data, reports, and other information from governmental agencies.

The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties.

(d) Compensation of members.

Appointed members of the Council shall be paid compensation at the rate of $50 per diem when engaged in the work of the Council, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (section 73b–2 of Title 5) for persons in the Government service, employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(e) Exemption of members from provisions of other laws.

(1) Any member of the Council is exempted, with respect to such appointment, from the operation of sections 281, 283, and 1914 of Title 18 and section 99 of Title 5, except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(A) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(B) during the period of such appointment, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment. (Pub. L. 85–836, § 14, as added Pub. L. 87–420, § 16(a), Mar. 20, 1962, 76 Stat. 40.)

References in Text

Sections 281, 283, and 1914 of Title 18 and section 99 of Title 5, referred to in subsec. (e)(1), are repealed. See sections 201 et seq. of Title 18, Crimes and Criminal Procedure.

Effective Date

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

§ 308f. Administration.

(a) Applicability of Administrative Procedure Act.

The provisions of the Administrative Procedure Act shall be applicable to this chapter.

(b) Prohibition on administration or enforcement by employee with respect to organization in which he has an interest.

No employee of the Department of Labor

shall administer or enforce this chapter with respect to any employee organization of which he is a member or employer organization in which he has an interest.

(c) Limitation on number of employees.

No more than 260 employees shall be employed by the Department of Labor to administer or enforce this chapter for the first two years after March 20, 1962.

(d) Authorization of appropriations.

Not more than two million two hundred thousand dollars per year is authorized to be appropriated for the administration and enforcement of this chapter, for the first two years after March 20, 1962. (Pub. L. 87–836, § 15, as added Pub. L. 87–420, § 16(a). Mar. 20, 1962, 76 Stat. 41.)

Reference in Text

The Administrative Procedure Act, referred to in subsec. (a), is classified to chapter 19 of Title I, Executive Departments and Government Officers and Employees.

Effective Date

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87–420, set out as a note under section 302 of this title.

Cross Reference

Offer, acceptance, or solicitation to influence operations of employee benefit plan, see section 1954 of Title 18, Crimes and Criminal Procedure.

§ 309. Effect of other laws.

(a) State laws.

In the case of an employee welfare or pension benefit plan providing benefits to employees employed in two or more States, no person shall be required by reason of any law of any such State to file with any State agency (other than an agency of the State in which such plan has its principal office) any information included within a description of the plan or an annual report published and filed pursuant to the provisions of this chapter if copies of such description of the plan and of such annual report are filed with the State agency, and if copies of such portion of the description of the plan and annual report, as may be required by the State agency, are distributed to participants and beneficiaries in accordance with the requirements of such State law with respect to scope of distribution. Nothing contained in this subsection shall be construed to prevent any State from obtaining such additional information relating to any such plan as it may desire, or from otherwise regulating such plan.

(b) Present or future Federal or State laws.

The provisions of this chapter, except subsection (a) of this section and section 308d of this title, and any action taken thereunder, shall not be held to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the United States or of any State affecting the operation or administration of employee welfare or pension benefit plans, or in any manner to authorize the operation or administration of any such plan contrary to any such law. (Pub. L. 85–836, § 16, formerly § 10, Aug. 28, 1958, 72 Stat. 1002, renumbered and amended Pub. L. 87–420, § 16(a), (b), Mar. 20, 1962, 76 Stat. 38, 41.)

Amendments

1962—Subsec. (b). Pub. L. 87–420, § 16(b), excepted section 308d of this title.

Mr. BAYH. Mr. President, I do not think that Judge Haynsworth did that intentionally. I do not ask my friend from Kansas to share my concern, but I believe—and I hope the Senate will act on this later this year, or next year—that if a man is going to be on that bench for life and make those important determinations, he should absolve himself of all intricate financial relationships such as these. Not to do so gets a judge into this present sticky situation.

Mr. DOLE. Mr. President, the reason this question is raised is that it is one which has been highly publicized all across America, and in my State of Kansas; namely, did Judge Haynsworth commit a crime? It has raised doubts in the minds of many people who were neither for nor against Judge Haynsworth at the time. It is a rather serious situation, but perhaps, since he was only one of three trustees, there was no deliberate effort not to disclose information. In fact, the plan was made available to the employees. He was not the manager. It is unclear whether this law would apply to him, in the first instance, but the charge was made and it was made publicly, and apparently, for some reason. It certainly has not been helpful to Judge Haynsworth, because after the news media publicized it, displayed it, it then appeared in this regular bill of particulars. It was played up all over the country, and it has raised serious doubts in the minds of many people as to Judge Haynsworth's qualifications.

Mr. BAYH. I have not had the good fortune to read the papers of Kansas. I have not read all the newspapers in my State of Indiana, for that matter. I have not seen it in the clippings which have come over my desk. I have not seen this particular issue dwelt on. Certainly, Judge Haynsworth did not intentionally violate the statute.

I do not think this issue has received any attention in the press. At least I have not seen it. I expect the Senator from Kansas has.

Mr. DOLE. The Senator may have been on television at that time. The point is that in the statement issued by the Senator from Nebraska (Mr. HRUSKA) and the Senator from Kentucky (Mr. COOK) on October 15, 1969—let me read it for the RECORD:

Pension and Profit Sharing Plan

While serving as a director of Carolina Vend-A-Matic, Judge Haynsworth was appointed in 1961 as a trustee of the company's pension and profit-sharing plan. The benefits of the plan did not accrue to the directors, only to the employees. He was one of three directors. (Hearings Pages 92, 290). His duties as trustee ended in 1964 when the corporation was merged. 29 U.S.C. Sec. 301–308 was passed by Congress in 1962. Its purpose was to require the disclosure and reporting to participants and beneficiaries of the details of pension and profit-sharing plans. Carolina Vend-A-Matic did fully disclose the details of the plan's operations to the participants: a description of the plan was given to the participants at the plan's inception and thereafter the participants received an annual statement of accounts. Records of the Department of Labor do not disclose that a short form description of the plan was filed with the Department. The only penalties included in the Act are for willful violation. Inadvertent failure to comply is not a willful violation. Because the short form filing was part of the daily administration of the plan and normally would be done by clerical staff, Judge Haynsworth was not aware of the inadvertence. (Hearings Page 291). There is no evidence that Judge Haynsworth was in violation of the Act. As a matter of fact, the reported cases have found a violation only if the trustees of a plan refuse to disclose the required information to employees after the information is demanded. Here the opposite is true. The information was made available to the employees willingly.

Mr. BAYH. Does the Senator have evidence that the trust had a clerical staff?

Mr. DOLE. It is my judgment there was.

Mr. BAYH. It is my judgment there was no clerical staff or administrator, but that there were three trustees, one of whom was a judge. I do not think he willfully violated it, but it is an example of a man not removing himself from complicated financial relationships that are likely to raise a question of impropriety.

The Senator from Kansas disagrees with that. It is certainly within his right to disagree.

If I may expand these remarks, I have tried my very best to make my feelings known, although I have not succeeded 100 percent. Remarks were made earlier by the distinguished Senator from Iowa that there have been allegations relative to certain activities of the judge that are not relevant. I have not made them. I do not know of any Senator who has made any that do not have a bearing on the case.

I think, in fact, whether the judge violated the law does not have any bearing, either. It is just that it is a relationship which is subject to question. I would rather that a judge going into that high position on the Court not involve himself in such relationships.

Mr. DOLE. We get back to the question raised earlier. Why is the allegation included in the bill of particulars of the Senator from Indiana if it has no relevance or bearing on the question? The inference is that he committed a crime.

Mr. BAYH. Is it difficult for the Senator to hear what I am saying?

Mr. DOLE. I can also read, and I read the bill of particulars.

Mr. BAYH. I suggest that the Senator read it further. It is my feeling that it is clear. I cannot understand why it is not clear to the Senator.

Mr. DOLE. It is also contained in the bill of particulars in a particular way.

Mr. BAYH. At the time the bill of particulars was submitted, and immediately afterwards I pointed out the same thing orally that I pointed out in the minority views.

Mr. DOLE. But the Senator agrees that his bill of particulars contains a different statement than contained in the report.

Mr. BAYH. In the first part it is almost verbatim, and it is factual.

Mr. DOLE. Charge No. 12 refers to a violation of title 29 of the United States Code, section 301. What other inference could anyone draw who read that charge than that he violated the provisions of that statute?

Mr. BAYH. I do not know how to say it any clearer.

Mr. DOLE. The Senator says it so clearly that perhaps he damaged the judge in doing so. That is why the question should be raised.

Mr. BAYH. If the judge is damaged by the activities he engaged in and the judgments he made, that is his responsibility. I have been as kind and sensitive as I know how, but I am not apologetic for submitting this and letting everyone make his own determination. Anyone can come to a conclusion as to whether this is the kind of relationship which a judge going on the Supreme Court should have as an everyday kind of activity.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. I have this particular paragraph in the bill of particulars before me. I fully agree with the Senator from Indiana that the public and the Senate should know all the facts and the truth about the facts. I would seriously question that the way in which the bill of particulars is fashioned gives us the entire truth. The entire truth would include a statement that there was no willful violation of the statute which is referred to. A willful violation can lead to 6 months' imprisonment or a fine of $1,000, or both.

In the bill of particulars the letter from the U.S. Department of Labor is quoted:

> Our records do not show that any reports have been received under the name of Carolina Vend-A-Matic, Inc. for a profit sharing and retirement plan.

The whole truth would be that this does not constitute a willful violation unless and until under those circumstances the Department of Labor asks for a report, and there is noncompliance with such a request. That is what the whole record shows.

I ask the Senator from Indiana for any commentary on that. The truth is fine, but should not we have the whole truth? I do not apologize for the judge, nor excuse the fact that a report was not filed, but we need all of the facts of the case. There is such a thing as willful violation, to be sure, but it is not to be inferred until such time as a request is made for the report and the request is denied.

Mr. BAYH. Perhaps the Senator would point out where these ameliorating circumstances that go beyond what I put in the RECORD are.

Mr. HRUSKA. I would be glad to read the whole text into the RECORD, so the Senator and I will be talking about the same thing.

Mr. BAYH. I suggested that the whole text go into the RECORD. I think that bill of particulars has been in there. I think it is going to be on the best seller's list, but if the Senator wants to put it in again, that is fine. I put the statute ino the RECORD, so we could see what we are talking about.

Mr. HRUSKA. Is that pension fund a profitmaking proposition?

Mr. BAYH. It is a profitsharing proposition and comes under the provisions of the act.

Mr. HRUSKA. It is not an organization organized for profit. It is a fund gathered together by joint contributions from employers and employees and dispensed according to the rules of the trust.

Mr. BAYH. It is for retirement and profitsharing. The Senator refers to a sentence from the second paragraph of the bill of particulars. Long before we even got into the matter of listing what I feel is an impropriety, I said I issued the bill of particulars with no malice toward Judge Haynsworth, and with considerable regret. The question is not whether Judge Haynsworth is dishonest, but whether he has shown a temperament which qualified him to sit on the highest judicial council. The Senator has heard me say this. He has heard me ask the questions as apologetically as I know how. I do not know what else to say.

Mr. HRUSKA. It is one thing to call attention to something which might give rise to an appearance of evil or to put a man in a position of reproach, but when it is clearly pointed out that there is no evil, that there is no violation of the statute, and there is nothing improper about being involved in transactions with that retirement fund, then it seems to me most Senators who would be reasonable and who would like to put this matter in the proper light and who had a fair intendment for the integrity of a man who has been on the bench 12 years, would say, "All appearance of evil disappears with this explanation." Unfortunately the Senator from Indiana apparently is reluctant to do that.

Mr. BAYH. May I quote from the guiding language of the statute which has already been put into the RECORD:

> The administrator of any plan subject to the provisions of this chapter—

Mr. HRUSKA. What is the Senator reading?

Mr. BAYH. Section 307, title 29—

> the administrator of any plan subject to the provisions of this chapter shall file with the Secretary two copies of the description of the plan and each annual report thereon. The Secretary shall make available for examination in the public document room of the Department of Labor copies of description of plans and annual reports filed under this subsection.

I have said this from the beginning. I will repeat it again. As I recall, when I discussed this matter in the hearings, I suggested that we were dealing with the provision under the canons of ethics that a judge should avoid getting himself involved in litigation. What if the proper precautions had not been taken, and the judge maintained that financial relationship? A complaint could have been made. The reports were not filed.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield.

Mr. DOLE. The Senator is saying he probably did not violate the Federal law.

Mr. BAYH. It is my judgment he was not subject to penalty. It was inadvertent. It is the type of relationship from which he should have severed himself before he went on the bench.

Mr. DOLE. I assume the Senator will admit that his individual views on that point were different. On page 26 of the report are shown the differences which come to mind, where he said Judge Haynsworth "violated Federal law in his administration of the Caroinla Vend-A-Matic Co. profit sharing and retirement plan."

If that is not a concise statement that a man had violated Federal law, then I do not understand the English language.

Mr. BAYH. If he violated the letter of the law, he is not subject to penalty unless it is a willful violation. It is that simple.

Mr. HRUSKA. In no event is he subject to penalty unless it is willful. He did not violate any law unless it is a willful violation. When we look for evidence of willfulness, it is not there. There is no showing that it was the duty of the judge, himself, to have filed that statement. There is no showing on that.

Mr. BAYH. The Senator is not at all concerned about this type of relationship, as far as this trust is concerned?

Mr. HRUSKA. No, not when all of the facts are related, because here we have a situation of no willful violation, no showing of the violation of any criminal statute, or the incurring of any sanction. We do have the rules of the Judicial Conference of the United States, which say, do they not, that "no justice or judge shall serve in the capacity of an officer, director, or employee of a corporation organized for profit?"

This corporation is not organized for profit. Judge Haynsworth got no profit out of it. The trust did not get any profit. There is no appearance of evil, nor any circumstances that would amount to a situation that he could be considered in reproach. Yet the Senator insists upon including in his statement inferences of violation of the law, of bad business, and that Judge Haynsworth got himself into a bad situation.

What is the bad situation? We would like to know what the bad situation is.

Mr. BAYH. The bad situation is that he did not adhere to the letter of this law, and it looks bad.

Mr. HRUSKA. Did what?

Mr. BAYH. He did not adhere to the letter of the law. You can violate one section of the law and not be subject to the penalty section; the Senator knows that.

Mr. HRUSKA. He did not violate the law.

Mr. BAYH. The report was not submitted——

Mr. HRUSKA. No; the law is that there shall be a penalty in case of willful violation. There was no willful violation; therefore, he did not violate the law.

Mr. BAYH. The Senator and I, standing here, are willing to concede that there was no willful violation, but we have no proof of it; do we?

Mr. HRUSKA. And since when is it incumbent upon a man to prove he is innocent? The Senator made the statement; it is for him to prove there was a willful violation. I do not think anyone accused of a crime has to prove he is innocent. Not in this country. Not in America.

Mr. BAYH. Whether it was a willful violation or not, I am trying to suggest that it is the relationship, the impropriety of the relationship.

Mr. HRUSKA. What is improper about it? No rule against it. No law against it. It is perfectly honorable: an effort to try to help the employees of the organization. No motive of profit; no corruption; what is improper about it?

Mr. BAYH. The very fact that the judge was a trustee of this profitsharing and retirement fund, and no report was filed could be interpreted by one of the employees as a willful refusal to file.

Mr. HRUSKA. Oh, it could be, indeed.

Mr. BAYH. And that employee could bring a suit, which could ultimately come before the judge in his own court.

Mr. HRUSKA. Oh, that argument has no application at all.

Mr. BAYH. It is the very fact——

Mr. HRUSKA. None at all. With that standard, the judge would have to resign from the human race, because one member of the human race, somewhere along the line, might come before the court with litigation against the judge. How can a judge resign from the human race? That has no applicability.

Mr. BAYH. Therein the Senator from Nebraska is stretching the point just a bit.

Mr. HRUSKA. No more than the Senator from Indiana.

Mr. BAYH. To suggest that it is impossible for a man to sit on the bench, when he has a pretty good salary, lifetime tenure, and does not have to run for reelection the way the Senator and I do, without resigning from the human race is preposterous. A man has to resign from the human race, does he, to deny himself the opportunity to serve as a member of a board of trustees, or as an officer or vice president of a corporation such as the Carolina Vend-A-Matic Co.? Does that say you are going to have to resign from the human race?

Mr. HRUSKA. No, but the Senator is a good debater, and so he shifts from the question of a permanent trustee to that of a vice president. But his argument will not hold water. There is nothing from which an inference of impropriety could be drawn. He was a trustee, and of course he could be held to answer for a violation, if he willfully did it. He could have been guilty of defalcation or embezzlement. It is not proved, but he could be. Does that mean there is an appearance of evil? That would not follow. And I still say there is nothing upon which to charge that anything is improper, or that there is anything that would put the judge in a position of reproach, notwithstanding the recital here in the individual views and in the Senator's bill of particulars.

Mr. BAYH. May I make a suggestion?

Mr. HRUSKA. Surely.

Mr. BAYH. The Senator from Nebraska has had considerably more experience in the law than has the Senator from Indiana, and I say that with a slight touch of envy in my voice.

Perhaps we should let it rest at this: It is the contention of the Senator from Indiana, much junior as he is to his friend from Nebraska, that it is possible to violate provisions of a statute and not violate the criminal section. That is what we are talking about.

Now, if the Senator from Nebraksa says that is not possible, let us let the RECORD stand where it is and let the lawyers of this country decide whether it is right or wrong.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. DOLE. The reason for raising the point in the first instance in that the Senator lists five reasons why the judge's appointment should not be confirmed. The one just read to the Senator, on page 26, No. 4, states very clearly—in his words, not mine—that "Judge Haynsworth violated Federal law in his administration of the Carolina Vend-A-Matic Co. profit sharing and retirement plan."

The Senator concludes, after listing these five reasons why he should not be confirmed, by saying:

> Some of these failings would be relatively minor if each stood alone. But they do not stand alone. Together they produce a profile of a judge who consistently failed to give ethical questions the weighty consideration they deserved.

The point in raising the issue is this: First of all, as the Senator from South Carolina asked, "Do we have a criminal on trial, or are we trying to confirm or not confirm a judge?"

And second, if item No. 4 drops out of the Senator's bill of particulars——

Mr. BAYH. Does the Senator say I am calling Judge Haynsworth a criminal?

Mr. DOLE. I am quoting what the Senator from South Carolina said. He is talking about——

Mr. BAYH. Mr. President, is the Senator from Kansas saying I have called Judge Haynsworth a criminal?

Mr. DOLE. No, I am simply saying what the Senator from South Carolina said.

Mr. BAYH. I thought the Senator said that is what the Senator from South Carolina quoted me as saying.

Mr. DOLE. No; but I want to raise a question.

Mr. BAYH. The Senator knows there are civil and criminal statutes, does he not? He is a very learned member of the bar.

Mr. DOLE. I am a member of the bar. I am not very learned.

Mr. BAYH. That makes two of us.

Mr. DOLE. But the Senator said that for five reasons, the nomination should not be confirmed. The question is raised only in an attempt to sway the Senator over to our side, because if this point disappears, he has only four left, and if another of them disappears, perhaps there would not be sufficient reason to oppose the confirmation.

The Senator has said many times, and I agree, that Judge Haynsworth is a man of honesty and integrity; is that not correct?

Mr. BAYH. That is correct, basic honesty and basic integrity. And very successful financially.

Mr. DOLE. The only point he raises is that Judge Haynsworth is insensitive?

Mr. BAYH. That is correct.

Mr. DOLE. Is that word used anywhere in the canons of ethics?

Mr. BAYH. The Senator does not want me to get out the canons of ethics and start reading about the appearance of impropriety, does he?

Mr. DOLE. I could not find the word "insensitive" anywhere in the canons.

Mr. BAYH. The Senator is making a rather unique distinction, but certainly that is within his right.

Mr. DOLE. The point is this: We are all concerned. As the Senator has said many times, we may reach different conclusions; but if we are to have any meaningful debate on the floor of the Senate with reference to Judge Haynsworth, we should be perfectly candid with one another. There have been some spectacular charges made. Some may be correct, some not correct. But if we agree that perhaps the charge that he may have violated 29 United States Code is not correct, and the Senator now says that it probably was not correct in the bill of particulars, we ought to set the record straight, so that the weight may be lifted from the shoulders of Judge Haynsworth and the Senators who have to make a decision on Friday of this week.

Mr. BAYH. Nice try. But I repeat to my friend from Kansas: Let us read the whole paragraph there on page 26, because I think the preceding sentence, before the five points that the Senator listed, might put those five points in a little different perspective:

> Unfortunately, Judge Haynsworth has not taken these necessary precautions and, as a result, his record has been blemished by a pattern of insensitivity to the appearance of impropriety.

The Senator may not like the word "insensitivity," but I think he knows what it means. This is the whole frame of reference in which the following five points are listed.

Then, of course, if we are going to look at the whole picture, I think it is only fair to suggest that we look at what I said when dealing with that one point specifically, when I suggested that the failure to file was probably inadvertent.

Mr. DOLE. The Senator is saying there are some very minor points in the total reason for his opposing the judge?

Mr. BAYH. Shall I read again what I said?

Mr. DOLE. No, but if the Senator wants to amend that, when he says he violated the law——

Mr. BAYH. He did violate the civil statute.

Mr. HRUSKA. Where is the violation?

Mr. BAYH. The violation is that he did not file where the statute said he should, as was pointed out a while ago.

Mr. HRUSKA. Mr. President, there is no showing in that kind of a simple statement that it is a willful violation. And the statute has to do with a willful violation.

Mr. BAYH. Mr. President, there we get into the criminal penalty involved. And the Senator and I disagree on that point. There is no use of thrashing that matter out.

Mr. HRUSKA. There is no violation unless it is willful. If the Senator wants to prove that it was willful, he has a job.

Mr. BAYH. I never had any intention of proving it was willful. I said it was possible to have the violation of a civil provision of a statute and not of a criminal provision. And that is exactly what happened.

Mr. HRUSKA. Mr. President, we have here a situation where an allegation is made with reference to the nominee. The burden is not on the nominee to disprove that he has done something and that it was bad. The burden is on the people who say he is a bad man or an insensitive man to prove affirmatively that he did something. That has not been done.

Mr. BAYH. Mr. President, I appreciate

the Senator's bringing up these points. A couple of matters have been mentioned that I wish had not been mentioned. They were mentioned inadvertently. As I say, I disclosed those as quickly as I could.

Both sides have been fraught with frustration from time to time because of the inaccessibility of the records. Our distinguished friend, the junior Senator from Kentucky (Mr. Cook), made reference to this the other day when he was rather critical of the Justice Department for the way they handled this matter. His counter bill of particulars stated that there was no Furman trust. We have the copy of the trust instrument with Judge Haynsworth's signature on it. So I do not believe that any of us have intentionally misrepresented the facts. I know that the other side has not, and I trust that they will give me credit for the same intentions.

Mr. DOLE. Mr. President, this is in some respects a difficult decision because of the questions which were raised. And I do not doubt the propriety of raising some of the questions. However, I think in fairness to the judge, we should explain the matter. I have pointed out that a couple of times I had read the canons on prior occasions, but not as thoroughly as I have recently.

Canon 1 is directed to lawyers.

Mr. BAYH. The Senator is correct.

Mr. DOLE. Mr. President, we have some responsibility to Senators and to the members of the bar. And the members of the bar are in a rather peculiar circumstance. The court is not in a position to defend itself.

We have an obligation as members of the bar—and I assume it continues into our service in the Senate—when we think some of the charges are erroneous to discuss the matter and try to resolve it, if we can do so in all propriety, in favor of the court.

That is one of the reasons I have raised the issue. I think there will be a very close vote on the Senate floor on Friday.

Perhaps some Senators are sincerely in doubt. It seems to me that if we are now in agreement that there was no violation of the law, it might make a difference to two or three Senators.

I hope the Senator from Indiana will find it in his heart, if he agrees that there was no violation, to agree that we can say so on the Record and let the other Senators know that there was no violation and that the statements in the bill of particulars, while they were inaccurate, were inadvertently made, and there was not any violation of a law. And perhaps the charge might be withdrawn.

Mr. BAYH. Mr. President, why do we not let our colleagues read the Record, including the statute, the bill of particulars, and our colloquy, and then let them determine the matter in their own judgment?

I think the Senator knows what I will respond, and I know what he is trying to get to. I think we both realize we have reached an impasse.

As forthrightly as I can, I suggest that I do not see point 4 as a worldbeater insofar as being a significant conflict of interest. I do not think that it is. It is one of the unfortunate situations that the judge let himself get involved in.

Mr. DOLE. Mr. President, I think that is all we have here, one nuance piled on top of another.

Mr. BAYH. Mr. President, I respectfully take issue with that description.

Mr. DOLE. We will take them one at a time.

Mr. BAYH. Mr. President, if the Senator will rest easier tonight by reading that interpretation into my statement, I will let him do so. However, I do not interpret it in that way. Perhaps we have set the record straight on the matter.

Mr. DOLE. Mr. President, the Senator is saying that if there was any violation, it was of the civil part and not of the criminal part.

Mr. BAYH. The Senator is correct. And further—perhaps I should not open the matter any further—it was probably inadvertent, but it just goes to prove that judicial responsibility mixed with complicated financial relationships can result in a rather sticky business.

I have not tried to allege that this is a great cause celebre as far as the judge is concerned. I think that it is another little incident that helps to fill in the whole picture. That is what concerns me.

I respect the Senator's judgment.

Mr. DOLE. The Senator is saying that it probably is not very serious, but that it is evidence of an appearance of impropriety.

Mr. BAYH. I think that is correct.

Mr. DOLE. And the Senator has referred to several of these appearances of impropriety and they add up in his mind to a reason for not voting for confirmation.

Mr. BAYH. I think that is a fair statement. That is exactly the way I feel, as I read earlier:

> Some of these failings would be relatively minor if they stood alone. But they do not stand alone. Together they produce a profile of a judge who consistently failed to give ethical questions the weighty consideration they deserved.

I think that expresses my feelings as accurately as I am able to express them.

Mr. DOLE. Mr. President, the Senator said many times in the hearings that he does not question the judge's honesty or integrity and does not question the right of the President to appoint him for any philosophical reason.

The basis of the Senator's opposition boils down to the so-called insensitivity of the nominee which is based on the appearance of impropriety.

Mr. BAYH. If the Senator strikes the "so-called," I agree.

Mr. DOLE. The Senator can strike whatever he wants to, but I think that is the issue.

Mr. BAYH. I think the Senator is accurate.

Mr. President, over the last few weeks I have received many petitions and resolutions from various groups concerning the nomination of Judge Haynsworth to the Supreme Court. They include resolutions of church groups, political organizations, and the Student Bar Association of the University of Southern California. I invite the attention of the Senate to petitions circulated to several of the country's law schools by a group of law students at the University of Virginia. In a short time, they received an amazing response.

I ask unanimous consent that some of the resolutions and petitions and some of the correspondence which accompanied them be printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

The Nomination of Judge Clement F. Haynsworth

(Approved by the Board of Christian Social Concerns, of The United Methodist Church, October 7, 1969, Lake Junaluska, North Carolina, Annual Meeting. Vote: *41* for *11* against, *0* abstaining.)

The Board of Christian Social Concerns reaffirms its respect for and faith in the United States Supreme Court as the highest judicial body in our nation. We believe the Court should continue to reflect, with fine-tuned sensitivity, the ethical values which Americans historically have embraced. Recognizing this, we express deep concern over the possible appointment of Judge Clement F. Haynsworth as Justice of the high Court for the following reasons:

We believe that a judge should refrain from making a judicial decision in any case in which he has or contemplates a personal investment interest and that he should refrain from all relations which would arouse suspicion of prejudice or bias of judgment.

In view of this, we are gravely concerned over the question of conflict of interest, whether apparent or real, in the *Darlington* and *Brunswick* cases considered before Judge Haynsworth's court.

Further, we recognize that in major civil rights cases, Judge Haynsworth has taken a position opposing school desegregation, favoring "freedom of choice" plans, and denying rights to Negro hospital employees and patients.

We are also aware that in the seven labor cases on which Judge Haynsworth sat and which were reviewed by the Supreme Court, all seven were reversed by the Supreme Court.

The history of the United Methodist Church, and its predecessors, has been clear with respect to proclaiming strong and unequivocal statements on behalf of civil rights and the rights of labor.

Therefore, in considering the aforementioned, we oppose the nomination of Judge Clement F. Haynsworth to the United States Supreme Court and urge Senators not to support confirmation. We are not questioning Judge Haynsworth's personal integrity, but rather his ethical sensitivity at the points of conflict of interest and human rights. Prospective nominees to the Supreme Court should not give even the appearance of impropriety nor should they be involved in such relations which arouse suspicion regarding their objectivity, past or future, on the bench.

We encourage the President to appoint to the highest court of the land a distinguished appointee who has earned the right to the full respect of the American people by reflecting a sensitivity to ethical values and a responsiveness to this century's movement toward equal justice under the law for all.

Statement of Tilford E. Dudley for the Council for Christian Social Action, United Church of Christ, Before the Senate Committee on the Judiciary, Re: Confirmation of Judge Clement F. Haynsworth

I am Tilford E. Dudley, Director of the Washington Office for the Council for Christian Social Action of the United Church of Christ. Our office is at 110 Maryland Ave. N.E., Washington, D.C. 20002.

The United Church of Christ is a relatively new denomination formed several years ago by the merger of the Congregational Christian Churches and the Evangelical and Reformed Church. It has about 7,000 local churches with slightly over 2 million members. The Council for Christian Social Action is an official agency within that church with the responsibility of working to make the implications of the Gospel effective in society. Its 27 members are appointed by the Church instrumentalities.

At its meeting on September 20, 1969, the Council discussed the President's nomination of Judge Clement F. Haynsworth, Jr. to membership on the U.S. Supreme Court. The Council members were concerned over Judge Haynsworth's insensitivity over conflicts and the appearance of conflicts between his personal finances and cases that come before him and also over his philosophical inability to understand and meet the current challenges of society. The discussion culminated in the unanimous adoption of a formal statement which is set forth below.

I should point out that the Council's deliberations were before the revelation—or at least without any knowledge—of Judge Haynsworth's purchase of $16,000 worth of stock in the Brunswick Corp. while that company was involved in litigation before him and his Court. The Council also did not know that the Judge's wife still owns 10 shares of stock in the Chesapeake & Ohio Railroad and that the Judge has sat in several cases involving the C & O. These additional instances of improper, or at least questionable, conduct would have sharpened the Council's conviction that confirmation of the appointment should be denied. The nominee does not have the qualifications needed for the nation's top judicial authority.

A STATEMENT ADOPTED SEPTEMBER 20, 1969, BY THE COUNCIL FOR CHRISTIAN SOCIAL ACTION CONCERNING THE APPOINTMENT OF JUDGE HAYNSWORTH

The Council for Christian Social Action of the United Church of Christ opposes the confirmation of Judge Clement F. Haynsworth, Jr. as Associate Justice of the United States Supreme Court both because of his demonstrated indifference to conflicts of interest and because of the philosophy revealed by his decisions.

CONFLICTS OF INTEREST

Federal judges are appointed for life and the Constitution further provides that their salaries cannot be reduced during their tenure. Canon 26 of the Code of Judicial Ethics promulgated by the American Bar Association provides: "A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court, and after his accession to the bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss."

In 1950, when he was a practicing attorney, Mr. Haynsworth and his partners formed an automatic vending machine company. He became a stockholder, director, and vice president and his wife became the Secretary. In 1957 he was appointed to the U.S. Court of Appeals. He retained his holdings but now says he orally resigned as vice president, although the corporation records continued to list him as such for at least five years. His company did a substantial business with the Deering Milliken Company. Early in 1963 his court began hearing an important case involving that company and in November he cast the deciding vote and wrote the opinion favoring the company. The following spring he sold his stock at a profit of $434,710. Later in 1964, the U.S. Supreme Court reversed his decision by a vote of 7 to 0.

Testimony at the current Hearings of the Senate Judiciary Committee shows that Judge Haynsworth now holds more than $24,000 worth of stock in the J. P. Stevens textile firm. He stated at the hearing that he saw nothing wrong in retaining this investment. The Stevens company's labor relations problems, among the most turbulent in the South, have been in and out of the Fourth Circuit Court for many years.

PHILOSOPHY

We believe that the nation is entitled to a Supreme Court familiar wth current trends and able to interpret the Constitution so as to meet the new challenges that confront us each day. Judge Haynsworth's record discloses no such ability.

In the long, bitter fight for desegregated schooling in Prince Edward County, Virginia, Judge Haynsworth played an important role. In 1959, he wrote a 2 to 1 decision reversing a Federal Court order against school officials, holding that it was proper to await action by state courts of Virginia.

In 1963, he could find no way for Federal Courts to cope with the county's strategy of closing down public schools and helping private ones operate with tax credits for parents. He wrote:

"When there is a total cessation of the operation of an independent public school system, there is no denial of equal protection of the laws, though the resort of the poor man to an adequate substitute may be more difficult and though the result may be the absence of integrated classrooms in a locality."

The Supreme Court disagreed in 1964, holding that even if Virginia had no duty to operate public schools, it must operate them in Prince Edward if it operated them elsewhere.

We find a similar insensitivity in the area of civil liberties. For example, Judge Haynsworth upheld the conviction of an illiterate Negro, Elmer Davis of Charlotte, North Carolina, when Davis sought habeas corpus relief from a death sentence. He had confessed to a rape-murder after two weeks in police custody. The U.S. Supreme Court reversed the Haynsworth decision by a 7 to 2 majority.

RESOLUTION ON THE CONFIRMATION OF CLEMENT F. HAYNSWORTH FROM THE POLK COUNTY DEMOCRATIC CONFERENCE, DES MOINES, IOWA

Whereas, the Judiciary Committee of the United States Senate is presently considering the confirmation of the nomination of Clement F. Haynsworth to the position of Associate Justice of the Supreme Court of the United States of America, and,

Whereas Judge Clement F. Haynsworth appears to have substantial investment holdings in a broad spectrum of corporations whose activities are woven throughout the fabric of our nation's economy, and,

Whereas, litigation involving such corporations having a substantial effect upon the value of such holdings has in the past and will inevitably in the future come before Judge Haynsworth in his official capacity, and,

Whereas, Judge Haynsworth has admittedly exercised poor judgment with respect to the conflict of interest presented by such cases and the requirements of Canons 26 and 29 of the Canons of Judicial Ethics, and,

Whereas, Judge Haynsworth has admittedly been "forgetful" with respect to the cases pending before him and the investments that he contemporaneously makes, and,

Whereas, Judge Haynsworth, contrary to Canon 26, has admittedly engaged in speculative investments which turned an investment of several hundred dollars into an investment of a few hundred thousand dollars at a time when such corporation had substantial dealings with another corporation with litigation pending before him, and,

Whereas, contrary to Canon 26, Judge Haynsworth has not only held such investments longer than a reasonable time after his appointment, but has continued throughout his tenure to make such investments, and,

Whereas, such conduct has and will detract from the public confidence in the integrity of the legal system, arouse suspicion as to the soundness and impartiality of his decisions, and impair the integrity and effectiveness of the Supreme Court of the United States of America, and,

Whereas, sound judgment would require Judge Haynsworth to disqualify himself from sitting on cases involving his own extensive personal holdings, thereby depriving the Court and the public of one of nine justices, and,

Whereas, Judge Haynsworth has throughout his judicial tenure sought to frustrate the implementation of civil rights decisions of the Supreme Court of the United States of America; sought to limit the application of desegregation decisions to slow down integration; and continued to hang onto segregationist ways thereby feeding the fires of racial injustice and hatred, all under the guise of a strict constructionist, with nebulous distinctions and reasoning of gossamer strength, and,

Whereas, the elevation of such a person to the highest court of our land can only lead to a further deterioration of race relations, impairment of public confidence in the honesty and integrity of our courts, and further erosion of the confidence of minority groups in the ability of our courts and legal system to protect minority rights and to meet the social problems of our day,

Now, therefore, be it resolved by the Polk County Democratic Conference at a regular meeting of its members this 29th day of September, in the year of Our Lord One Thousand Nine Hundred and Sixty Ninth, and of the Independence of the United States of America the One Hundred and Ninety Fourth, that the United States should refuse to confirm the nomination of Clement F. Haynsworth to the position of Associate Justice of the Supreme Court of the United States of America, and,

Be it further resolved that the President of the United States request the resignation of Clement F. Haynsworth as a United States Court of Appeals Judge for the Fourth Circuit, or that the House of Representatives of the United States of America commence a Petition of Impeachment, and,

Be it further resolved that a copy of this resolution be sent to Richard M. Nixon, President of the United States of America, United States Senators Harold E. Hughes, Jack R. Miller, Birch Bayh, and James O. Eastland, and United States Congressmen Neal Smith, John C. Culver, Fred Schwengel, John H. Kyle, Wiley Mayne, William J. Scherle, and H. R. Gross.

Done this first day of October, 1969.

GLENN E. BUHR,
Chairman.

UNIVERSITY OF SOUTHERN
CALIFORNIA LAW CENTER,
Los Angeles, Calif., October 27, 1969.

Senator BIRCH BAYH,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR BAYH: On Monday, October 13, 1969, the Board of Governors of the Student Bar Association of the University of Southern California Law School considered the appointment of Judge Clement F. Haynsworth, Jr., to the Supreme Court of the United States. Enclosed is a copy of the resolution expressing the Board's opinion as to this appointment. The Board has sent copies of the resolution to the Senators from California and wishes to express our appreciation for your efforts in rejecting this nominee. Your fight will prove of benefit to the United States judicial system and the American people.

Sincerely yours,

BOARD OF GOVERNORS,
STUDENT BAR ASSOCIATION.

[From the University of Southern California Law Center, Los Angeles, Calif.]

Resolution

Whereas the Student Bar Association Board of Governors is greatly concerned about the leadership and influence of this nation's judicial system, and,

Whereas the stature of the United States Supreme Court has been diminished by recent events, and,

Whereas the pending appointment of Judge Clement F. Haynsworth, Jr., to the United States Supreme Court has raised the spectre of criticism and mistrust of the nation's highest judicial body, and,

Whereas Judge Haynsworth's insensitivity to judicial ethics has cast grave doubt on the propriety of appointing him to the Court whose support must ultimately rest in the respect accorded to it by the people,

Therefore, be it resolved that the Student Bar Association Board of Governors does strongly urge that the nomination of Judge Clement F. Haynsworth be rejected by the Senate of the United States.

A letter expressing opposition to the Haynsworth nomination has been circulating through all of the nation's law schools for the past week. We have already received the signatures of over one thousand students from sixteen law schools in fifteen states on copies of this statement. In some of these schools, this represents but one day's solicitation and in many others the petition is still in the process of circulation. This expression of sentiment by the young people who will constitute America's legal profession of tomorrow is in itself a serious indictment of any man who aspires to a position of leadership in the judicial system.

The signers clearly recognize the importance of the Supreme Court to the law, the government and to our society and rightly demand that a member of it be of unquestioned integrity. Clearly, they realize that Clement Haynsworth is not acceptable by that test, and the maintenance of confidence in the integrity of the court demands that a better qualified candidate be found.

The signers also have expressed their dismay over Mr. Haynsworth's disconsonance with the ideals and principles of equal justice in civil rights and in the rights of labor, which are so important to their generation.

The depth of their feeling and the extent of unanimity is definitely shown by a letter from the Cornell Law School where in one day, one-fourth of the student body signed the petition and the Student Law Association president estimates three-fourths of the student body will ultimately be signing.

A profession must look to its youth for the future and if the United States Congress looks to the future of the law, its youth has significantly indicated opposition to the Haynsworth nomination.

(Petition distributed by United Students for Society's Rights: Gregory Murphy, Bernie Carl, Linda Fairstein, James Ghee, c/o University of Virginia Law School.)

A Petition From the University of Virginia, United Students for Society's Rights

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynesworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Barbara A. Bailey, Gregg Murphy, Paul P. Taddem, Ralph W. Setner, Lucien Wulsin, Russel H. Lubbin, Philip S. Davi, Mark W. Brandt, Robert P. Hodores, Michall A. Solodor, Edward H. Bains, Jr., D. Sophodes Dodakis.

Dominick J. Thomas, Jr., Ronald R. Toral, Gary D. Twafel, Tim Spoman, Harvey A. Goldman, W. D. Tucker, Geoffrey P. Hull, Ron Steven, Stan Tharp, John P. Paone, David Bolzern, James J. Tanous.

Thomas J. Tgar, Jr., Carl W. Tobias, William S. Horn, Thomas A. Sandoboni, Robert W. Benjamin, R. Belk, Jeffrey H. Krasnon, Christopher J. Murphy, Dozle P. Wadills, R. T. Mundy, Liz Medagtia, Lawrence D. Rech.

Thomas E. Bundy, Dean L. Hassman, Stephen Milletto, Paul Vincent, John J. Millihler, Arden B. Schell, Charles Redick, William A. Parks Jr., John M. Oleyer, Paul W. Zeller, Gerald W. Walhney, Stephen T. Yandle.

Michael R. Brown, Callis T. Johnson Jr., Don Carroll Jr., King O. Golden Jr., Stephen Pevar, Jeffrey M. Proper, Mike Matyomas, Kenneth M. Murchison, Robert C. Miller, Bob G. Hexson, James G. Winstead, Robert A. Sugarman.

David R. Johnson, Michael F. Blair, Joseph A. Derrin Jr., Ken Royn, Gregory L. Juland, A. R. Snyder, Morris Rosenberg, Sandra J. Adkins, Arthur Strickland, R. A. Mbl, C. D. Cowley, Elaine R. Jones.

Dave Long, John F. Kuither, Stephen T. Nyking, Laird T. Riedel, Eugene Shapiro, James Bryan, J. L. Malone III, John Cassady, J. Rush Barnes, Michael A. Cohen, Neil S. McBride, Henry Hurton.

James P. Meyer, Bernard T. Carl, Linda Fairstein, Robert H. Tony (S.C.), Raymond G. Osberg, Jr., Robert C. Gary, Edward H. Stover, John T. Brodevile, Jr., James Ghee, Lee Caplin, William H. Wilson, Jr., Lindsay B. Donier, Jr.

John W. Brinkenloff, Peter H. Leroy, A. L. Williams, Jr., Prof. R. B. Lillust, Robert C. Smith, Charles A. Bentley Jr., Patrick M. Stanton, George W. House, Clifford F. Haygood, Steven R. Belaso, Jean Roane, Brad Foster.

Hans J. Warden, J. Richard Rossie, Barry A. Bryer, John J. Michal, Geoffery H. Keppel, Emmett R. Costrich, Brad Bryant, John T. Schell III, Lawrence D. Gaylan, Charles A. Shanon, Peter T. O'Keeffe, Michael D. Wright.

Philip T. Lacy, W Toderouri, Cecil Oiwe, Rick Kaplan, David Kirbein, John X. Denney, Jr., Thomas A. Morris, Sr., Vincent V. Shenlay Jr., Barry J. Levin, W. C. Ford, Charles L. Jaffee, Burton Greenspon.

John Ons, Andrew H. Goodman, Herb Hyl, W. U. Deane, B. L. Weston, W. Wm. J. Thorgood, Dan Sullivan, Daniel B. Mahony, B. Vicki Senski, J. W. Grawely, William O. Shapiro, Alfred T. Bolton.

Carol J. Duane, Jennifer Vantoyl, Frederick F. Staut, Jr., Rich Seein, R. A. Skeels, R. G. Andcery, Howard Myers III, David H. Nelson, Michael Friedley, Sue Ann Slackin, Kent Christison, W. Roger Adams.

Joseph C. Kenfott, Kurt Kaufmann, Anita Baly, William Grant, H. Gregory Skidmore, Thomas B. Spaulding, Gordon J. Brandt, Jr., John V. Buffington, Charles M. Oberlym, Elizabeth C. Thacker, Richard L. Clark, Terence M. Donnelly.

Richard H. Goodson, Daniel P. Parfett, Tom Johnston, K. Stewart Evans, Jr., Peter F. Edelman, Lorelei Haig, Donald B. Dillport, Craig M. Bradley, Samuel M. Bradley, Long Smith, A. J. Laubham, Steve Edwards.

Ron Tarrant, Tom Renehan, Fred D. Smith, Jr., Elaine R. Jones, Jerry R. Carter, William S. Bowe, Ed Haddock, Jr., Morris Rosenberg, Lois E. Anderson, Jeanne Erhardt, Robert E. Beach, Jr., Donald Oorenberg, Richard B. Mathews.

Dear United Students: The names on the petition represent about ¼ of the Cornell legal community. I received it Wednesday and it was posted but one day. I am returning it now on the theory that it's better to have less than the maximum number of potential signatures than to submit a full list too late for effective use. I would surmise that, given sufficient time, upwards of ¾'s of our students would have signed.

I wish you success on what is a most commendable effort.

Carl T. Hayden,
President, Cornell Law Student Association.

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

O. J. Cleveland, Andy Hewit, Bradley Bank, Charles Paddy, Gynn J. Ink, Gordon L. Rashner, David C. Minc, Robert Hill, John Gallagher, Carl S. Taylor, Ellen S. George, Warren E. George.

Jay W. Waks, Booth Kelly, Ira Shepard, Robert D. Gaudet, William Beyer, Peter M. Smith, John H. Gros, Jon Brod, Carl Braunset, Lawrence S. Lese, Warren D. Brocy, Tony Smith, Bruce Allen, Daniel Sleasman.

Marc Silberman, Anthony J. Siurlino, Sheldon S. Cohn, Robert J. Leerw, Patrick R. Oster, Lun Anelin, Robert Fish, Stat A. Michlin, Robert Jethrers, A. J. Zarjuff, Norm Geer, D. C. Wilson.

Clifford Wiedberg, Frank L. Murray, Al Meyerhoff, James S. Strauss, Karl J. Eeze, Jeffrey Bivins, Doris Provine, Alex Gaynes, L. Pollan, Larry Berent, Stephen Hegles, Stanley Kantor.

Dan Sheehan, Bruce Roswick, Peter I. Wolff, David E. Burford, Nick Schiula, S. W. Dunto, Steve Brown, David F. Craver, William Fahey, Jan Bellsey, Bruce Gorman.

Leslie A. Reovern, Peter Bienstock, Jon Landau, Robert Magielnicki John J. Strothers, R. V. Kenon, Joseph M. Sharnoff, Harold G. Cohen, Kurt R. Kupohy, Jeffrey Mistike, Julie Hilliss.

A Petition From the Southern University Law School, Baton Rouge, La.

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image

of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

RODNEY M. WILLIAMS,
Student Bar Association President.

Jim Carnes, Rodney M. Williams, Fred L. Tinsley, Jr., Robert D. Richardson, Tom E. Roberson, Harold W. Isadore, Miss Regina McClay, Russell Castille, Charles Jones, Jr., Charles Yancy, Donald Robinson, Edward Rubin.

Mack McCaney, Charles Z. Hanel, Jesse Pebo, James A. Waye, Larry E. Roberts, Vincent Wilkins, Jr., Clod F. Richard, Allen Sims, Houston J. Patton, Douglas P. Wilson, Samuel Morgan, W. H. Samuel.

Otha C. Nelson, Steven Young, Earl D. Thomas, Robert L. Conneuf, Gail Sandle, Sid Cox, Rochard Snudy, Warren Phillips, Aaron Harris, Louis Drew, John Pohl, Mrs. P. Spencer Torry, Robert Torry.

A PETITION FROM SYRACUSE UNIVERSITY

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of changes in our times, especially in the areas of labor and civil rights.

David D. Kerman, Laurence Uhlick, Richard B. Boddie, Edward M. Onlinofsba, M. D. Lenith, George Fiesinger, Joe Nathanson, Rick Tremaine, James A. Rosel, Robert Baumann, Edward Fingerman, John A Yaskow.

Richard Q. Catanise, Steve Mullens, Tony Adany, James J. Hook, Mike DiPrima, William J. Welles, Dan Shaugnessy, Jr., Michael Coopiever, Lawrence Keller, Harry Newman, Richard Kirk, James P. Donald.

Harvey Spring, Joe DiPalma, Tom Haburn, Pete Panels, Jeffrey Weitzman, Marc S. Seigle, James A. Cuparts, Jeffrey L. Hill, Robert Rubine, Karen Debrow, Frederick G. Tobin, Kim Gorman.

Arthur A. Petoona, Kenneth W. Tucker, Neil H. Deutsch, Paul K. Mulligan, Richard B. MacFarland, Stephen D. Fryk, Joseph R. Catanise, Rubin England, Gerald Mingobelle, Jr., Harvey Scot Mandelcom, Jerry Dorfman, Robert P. Rothman.

NOVEMBER 6, 1969.

GREGG MURPHY,
United Students for Society's Rights,
University of Virginia Law School,
Charlottesville, Va.

DEAR SIRS: Enclosed is a copy of a petition that was circulated at the University of Colorado law school before we received yours. Hopefully this one will be satisfactory, although it was addressed to Senators Allott and Dominick. The petition was posted for a period of about five hours, during which time it was signed by fourteen members of the faculty and about 143 students. This figure represents almost half of the student body at this law school. Undoubtedly more would have signed had we left the petition up longer.

Hopefully this petition will produce the desired results.

Sincerely.

WALTER J. HOPP.

OCTOBER 20, 1969.

Hon. GORDON ALLOTT,
Hon. PETER DOMINICK,
U.S. Senate,
Washington, D.C.

GENTLEMEN: As members and future members of the legal profession, we urge you to oppose the confirmation of Judge Clement Haynsworth as an Associate Justice of the United States Supreme Court.

Because of the vital role the Supreme Court plays in our government and society, it is imperative that its members be unbiased in cases confronting them and of unquestioned integrity in their professional conduct. In a time of unprecedented social change and conflict, confidence in the integrity of the Court is especially necessary. The appointment of an individual whose integrity and impartiality are open to serious question would undermine this confidence and do a disservice to the judicial system.

Serious questions have been raised regarding Judge Haynsworth's personal interest in cases before him. In addition, we feel that his opinions are not consonant with the principles of equal social justice in the area of civil rights. For these reasons a better qualified candidate for the Supreme Court should be found.

Walter J. Hopp, J. W. Raisch, J. W. Earley, Walter Slatkins, Charles S. Sisk, Andrew Vargas, Bruce Nelson, Dan Hale, Nicholas J. Bourg, Robert F. Hill, James A. Collins, Peter A. Goldstein, Evelyn Roberts, L. J. Tobe.

Gus Pluor, E. H. Hoffey, H. W. Cavallera, F. J. Baxter, James S. Swift, John ——, Austy Grant, W. J. Klakey, Gail F. Linn, Jon C. Hilges, Woody Norman, Tnomas Fhorsheim, Marc Collins.

Charles Hutchens, J. Michael Harry, Chester C. Edward, Luize Q. Adler, Jill Ragsdale, Annette Pierce, Ann Trumble, Jim Windhos, Jane Tueance, Catayton Adams, Alfred Tate, Don B. Miller.

Bruce G. Smith, Mark Levy, Stan Stark, Gary Stumf, U. W. High, Don Humphrey, Thomas E. Meacham, David T. Fisher, Richard Valdy, Bette Halorian, Marion B. Farris, James A. Lowe.

Phil Cochran, Rick Pike, Jim Moranek, Diane Horn, Paul Pinson, Fred Charleston, J. J. Bland, C. W. Maes, Paul Salem, Thomas A. Trainer, Burch Billard.

Tyler Mekpeace, Linder Grueskin, Charles Bolen, L. N. Wood, Jr., Beth Peck, Jack Truburable, John Walker, Dennis M. Ginnis, Mary A. Allen, Philip E. Colmer, Rober H. Lichty, Archer B. Howse, Kyth P. Pecant, Russel P. Rowe, R. H. C. Lehr.

John T. Bruce, N. H. Barnes, Seymour Jensen, Erwin Pidican, Jane L. Cauges, Alan Brothers, Robert Felton, George Keldonlàw, Tr Ax Fulton, Jeffrey A. Bullen, Barry M. Johnson, Edward Stevenson, Kent McDonald, Mrs. Natalie S. Ellwood, Charles David Miller, Piper Murray, Rina Jankelli, Prof. R. Marony, Carolyn S. Mckinnon, David Snyder, M. W. Hertzog, Edwardo Voitzman, Felix Licini, Tim Rivera, Carmen Krakling,

Adam MacLaughlin, Peter E. Rivers, Walter V. Lawrence, Stanley J. Mayhew, Albert C. Proctor, Diane Delany, Robert E. Ray, Dan M. Haskell, Gus Sandstrom, Jr., Raymond P. Reyes, J. K. Miller, Gary M. Jackson, Silvaro Aeldicel.

George Clough, W. Sherman Weidner, Patrick Moynihan, Daniel Brantley, J. Downing, Michael Ehrlich, Jonathan B. Chase, J. D. Hynes, Frank Dubb Eskey, William L. Ripley, Donald M. Hoerl, Morton L. Stanton.

Douglas W. Parker, Clifford J. Calhoun, Oscar J. Miller, Russell Olin, James W. Burroughs, Gay P. Sandblon, Doug Brown, H. V. Ellwood, Stephan Oder, Walter Parish, William Brown, Timothy Murphy.

Michael L. Calvin, John C. Flanders, H. G. McCleary, Gilbert N. Whitener, David D. Belian, Anthony Frank Renzo, Francis M. Goldsberry II, Robert J. Adler, Charles D. Tribtz, C. F. Hurd, John C. Richardson, Harold S. Beudent, Homer H. Clark Jr., Howard Plummer, Terrence A. Fribee.

STUDENT BAR ASSOCIATION, WEST VIRGINIA UNIVERSTIY COLLEGE OF LAW,
Morgantown, W. Va., November 10, 1969.

Mr. GREGG MURPHY, et al.
United Students for Societys' Rights, University of Virginia School of Law, Charlottesville, Va.

GENTLEMEN: This is the best we could do on such short notice. Maybe it will help a little.

Sincerely,

E. F. THAXTON,
President.

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Lewis G. Brewer, Betty L. Caplan, R. W. Bltytap, Diana Everett, J. Davitt McAtun, Alan B. Mollohan, Fred Ioder, Dennis L. Schrader, E. L. Hoffman III, Robert Joseph Simol.

Robert L. White, J. F. Boomer, James S. Arnold, Larry Alan Stark, F. L. Satter, David J. Millston, Charles H. Damron, Daniel F. Hedges, John Krisa, J. David Cecil, R. S. Cavallars, William Robert Wooton, William S. Cummings, E. F. Thornton.

JUNIOR BAR ASSOCIATION, NORTHWESTERN UNIVERSITY SCHOOL OF LAW,
Chicago, Ill., November 10, 1969.

UNITED STUDENTS FOR SOCIETY'S RIGHTS,
University of Virginia Law School,
Charlottesville, Va.

Gentlemen: Enclosed please find petitions concerning the Haynsworth appointment. These petitions have been signed primarily by students of Northwestern Law School. The student body at the Law School numbers approximately 500.

Sincerely,

DAVID M. MITCHELL,
Secretary.

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Douglas G. Brown, Senior; Jeffrey M. Thiner, Senior; Elizabeth Mulford; David A. Rood; Ben E. Cohen; Hndreu M. Stroginy; John F. Rodhska; Stephen F. Stoht; Michael Mushlin; Seva Dubuac; Richard Q. Fox; Carter W. Emerson.

David Rudstein, Judge T. Ellis, Norman Mulddo, Douglas M. Brannont, Donie Bwoley, Charles E. Levin, Kathy Miller Hahn, Arnold Harrison, James G. McConnell, A. C. Cunningham.

Joan Humphrey, Walter W. Nielsen, Michael G. Binton, Zoela Goldstein, Robert S. Bayer, Stewart Gerhitt, Robert A. Steinberg, Wm. D. McIntyre, David Coeler, Jack Fong, Thomas Wm. Branehi, Thomas R. Pendin.

Larry Zanger. Nicholas Bulle, Richard Booth, Bradford J. Race, Frederick S. Burstein, Barbara Caulfield, Robert W. Queeney, Eugene Runster, Myron D. Novik, Michael H. Holland, Alee D. Berry, David O. Kallick.

John L. J. Tronaiczyk, Paul E. Slater, John A. Relias, Henry A. Abey, Gary Martin, Dennis P. McPencon, Victor M. McAron, John J. Blake, Jack Wesokay, S. J. Commody, Ron Zernlicker, Enis Shiller.

Catherine Ryan, James J. Aufini, Jack H. Welch, Clark Mitchell Rose, Henry Vess, Alan Norogrud, Diane Crawford, Robert Garfolich, Jeffery L. Gibbs, Dennis Fields, John K. Weir, Stephen M. Miller.

Kevin E. Gallagher, Richard Chanzet, Harry Seigle, Richard Kling, Martin Denis, Laurence K. Hellman, Thomas F. George, Stephen Horbut, Laurence H. Levine, Starn Samuels.

Charles Uchland, V. Shaw, John M. Smyth, Jr., R. C. Freeso, Donald S. Cohen, Jonathan Solomon, Jeff Johnson.

University of Pittsburgh

We the undersign law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Peter D. Jacobson, Ralph S. Pinkus, Robert L. Flint, Peter R. Penney, A. E. Deelanch, J. T. Gillenbal, Trevor Edwards, Howard L. Rubenfield, Pete Cherellia, Ted Miller, Samuel Acey, Martin H. Ausenberg.

Joe M. Lewis, Burt F. Swope, Ronald M. Chesin, D. M. Smith, Nathania. Williams, Homer J. Harris, Albert Jay Mendelson, James H. Logan, Ken Bake, Stuart M. Blane, Mark Kaiserman, Daniel S. Kaploth.

Mari D. Ants, Larry T. May, John G. Stracner, Gary Wilson, John J. Keller, Stanford B. Dunn, Charles C. Tyson, Dennis Shitobac, Michael A. Nemec, Thomas C. Jameson, Paulet Pittman, Michael Handler.

Eler Josephson, Michael Brenaham, Thomas M. Burly, Sam Victors, Elissa Parker, George Teaffer, Kim Patrono, Ken Lewis, Jess Warett, R. Lee McLadden, Ted Goldburg, James V. Seif.

Ames Cole, James V. English, Paul Boas, Marc Kranson, Gordon Banks, Edward D. delCanto, Denis DiLoretto, Janet Horner, John Knight, Edward Masar, Stanley Lederman, William Kinner, Dwight L. Kairber, George B. Jones, Jan T. Mahachlin, Clyde Miller.

Hastings College of Law

We the undersigned law faculty and students of Hastings College of the Law strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

(1) The ethical questions raised about Mr. Haynsworth's conduct reveal his inability to comprehend his judicial responsibility and present a clear threat to the public image of the Supreme Court as well as, by implication, the legal profession.

(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the direction of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Stephen Bomes, Jorgen Nielsen, A. H. Rose, Lother Eiserloh, Steven N. Belaces, Howard Watkins, Ed Forstenger, John O'Connor, Mary T. Grove, Don Priego, Martin A. Kresse, Richard Stampor, Andrew C. Sigal.

J. W. Whitener, James D. Grandjeau, Paul Shingle, William S. Ogle, Thomas Dobyns, Mark Ross, Mike Miller, Jeffrey Surche, Richard Oliver, Dion Dury, Anne Chiverydagt, Karl Chandler.

Dale F. Smith, T. D. Woo, Ken Cochrane, S. J. Phonefan, Steven Obermay, Raymond A. Alyn, Jr., Paul Clark, Bob Tuts, David I. Stanton.

Joel Pressman, John S. Morfirms, Jim Fryman, Frank A. Konecz, Byron M. Rabin, William Runyarn, Jeff Forster, Margot Champagne, Michele Schwartz, Neal Snyder, Andrew I. Pott, Joseph N. Ighunder.

Dannis T. Gary, Joel Marsh, John Kubs, John D. Rortud, George Wright Twek, Mike Crady, John Rogers Jay, B. Pagi, Leo M. Pruett, I. Dewey Watson, Ralph Winter, R. Z. Pruit.

J. Kendrickresse, Dennis Wayne Krarke, Gregory C. Parashon, Philip E. Dullion, Ed Schulman, Sandrae Musser, Dan Lavery, Ben Taylor, Roger W. Pottor, Lawrence Rosenberg, Gary Couter, Daniel K. Whiteham, Gerard F. Roney.

University of Montana

We the undersigned law faculty and students strongly *oppose* the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Ron A. Belder, Michael S. McKeon, Jim Driscoll, Sharon L. Bretz, Paul B. Smith, Alexander Blewett III, Michael S. Murphy, Roger A. Barber, Daniel McCarthy, Ronald J. Glorvan, Harold W. Daze.

Terry Casgrove, Greg Skakles, Willard L. Poyer, Terry A. Wallace, Richard Volikaty, Jim Whalen, Max Haishman, Edward J. Brooke, Ted J. Poney, Richard T. McCann, Frank Kampfe, Keith Haker.

Pat Sherlock, Gary Wilson, Matthew W. Shaw, Bill Leaphart, Jim Sudler, Nat E. Ugrim, Nick A. Roteing, Chuck Evans.

University of North Dakota

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Mark Thomason, Sal Lorello, Marcia O'Kelly, Keith Rodli, Henry F. Rompage, Judi McDonald, Tony Holter, Thomas H. Edstrom, James R. Flett, George V. Goodwin, R. E. Gross.

Dwight F. Kalash, William Muldoon, R. Paumephail, Barry T. Olsen, K. U. Reinck, Stanley M. Axelrod, Gary Schnech, Mario Gonzalez, Todd J. O'Malley, John Ohon.

Texas Southern University

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Robert Anderson, Bibiam Rosa, Osborn L. Caldwell, Daniel E. Mueso, Jethro Currie, Earl L. Bush, Kenneth M. Hoyt, Amelia Hunter, Norma M. Watson, John F. Hofly, Patricia A. Catchinqse, Willow P. Connor, Jr.

Bruce Johnson, James Buttock, Thornben Cohincin, Bernard L. Middleton, Sam Jackson, Virgin J. Rhodes, Jr., Craig A. Washington, J. B. Keys, Thomas J. Jackson, V. E. Morgan.

Dan W. Hern, Jr., James R. Pierce, Bill Monkres, Clarie Sluderint, J. H. Jurim, Richard Wallearrs.

University of Toledo Law School

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Joseph J. Farna, Raymond R. Porte, Philip J. Berg, Peter W. Rimy, Jason Halp, Arthur Ecegcuw, B. W. Gallagher, Louis J. Petruzzo, Lawrence P. Brodie, John Korn, Peter J. Wayne, Douglas Alyard, Gary M. Victor.

Harris N. Walters, Rick Stearns, G. T. Merritt, William C. Buigle, Michael G. Breslin, Carolyn Wheat, John R. Warrick, Philip S. Fortune, Howard E. Engle, Jr., James I. Muhlatt, Sim Herb, Thomas V. Spinks, Russell A. Kelm, Samuel Lionel Rosenberg.

Alan M. Freedman, James D. Cohen, R. Cox, Nick Geven, Jr., Phillip M. Leshe, P. Gel, Neil D. Breslin, Anthony P. Capozzi, John L. Jacobson, Bernard Stern, Michael J. Vernacer, Alan L. Lapp.

Robert T. Maison, Barry Denkensohn, Thomas R. Cassant, Don Holmes, Stanley M. Brower, Vincent M. Nathan, Kenneth C. Shotland, Joel Rossen, Murray L. Ross, Kenneth A. Rohrs, Horace Rice, Kenneth C. Stein.

Bob Lindeman, Bob Sihien, Frank A. Stupah, Jr., Judy Jackson, Brian Sin, Robert J. Potter, Steven C. Rene, John Pjarnechi.

VALPARAISO UNVERSITY

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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(2) Mr. Haynsworth's (well-documented) record as a federal judge is replete with unanimous reversals by the Supreme Court, demonstrating his insensitivity to the directions of judicial thought, and to the important forces of change in our times, especially in the areas of labor and civil rights.

Robert Swanson, Stephen C. Raithe, A. R. Soderman, Larry Albrecht, Robert Veyter, Thomas Dent Cuelzar, William J. Brendemuhl, Jr., Thomas P. Young, Thomas J. Ruthkosh, Michael E. Hughes, Kenneth R. Tuel.

Michael S. Suggert, James L. Wieser, J. Peter Ault, W. Walter, Mrs. Carol Caldwell, Philip Sehaeter, John Halkonz, Alfred W. Myer, Burton D. Wichster, Henry C. Hagen, Stephen N. Brenman, David Horn.

DEAR VALPARAISO SCHOOL OF LAW: Enclosed is a copy of a petition being sent to as many law schools as we can contact. Please place this petition in an appropriate place in your law school and gather as many signatures as possible in any way you are able. Time is short.

When you have finished with this petition, please mail it to us by November 10 so that we can present them all to Senator Birch Bayh, who is leading the fight against the Haynsworth nomination.

The media has said that one more serious embarrassment to Haynsworth could result in the failure of confirmation, and we hope that a massive expression of opposition to Mr. Haynsworth by law students and young lawyers could provide the needed embarrassment.

Thanks for your help.

UNITED STUDENTS FOR
SOCIETYS' RIGHTS.
THE UNIVERSITY OF VIRGINIA
LAW SCHOOL.

WASHINGTON UNIVERSITY

We the undersigned law faculty and students strongly oppose the nomination of Clement Haynsworth to the Supreme Court for the following reasons:

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Mike King, Joseph S. Sanchez, Wendy N. Schiller, Bob Ford, Al Rosen, Don B. Palmer, Richard Bertram Teitelman, David H. Collins, John Biroth, Amos Ripesto, Barry Barr, Richard A. Knutson, Joe Ellis, Norman Wirey, Jr., Brenda Vander Host, Janice Carr, William T. Gagen, B. Platz, Chris Andreoff, Lowel Irving, Ed Page, Jim Cook, Wayne C. Harvey, Jerome Bulansky, Stanley E. Nolan, Thomas P. Watson, Ilene Spevack, Susan Glassberg, Glenn Altman, Geoffrey Z. Tucker, E. Stripes, Ruth Fehr, Clyde Ferris, Jr., Tom Haugelin, Thomas R. Trager, Ward Brue, Richard Kandeman, Barry S. Schermer, Andrew M. Brown, Steven B. Fishman, Robert A. Taylor, O. H. Douglass, Nancy Edelman, Jan Marble, Mark Painter, Alphonse Gibson, Phillip Morris, Gary D. Bullock, Derek I. Meier.

S. 3150—INTRODUCTION OF A BILL RELATING TO EMERGENCY ASSISTANCE TO THE NATION'S MEDICAL AND DENTAL SCHOOLS

Mr. JAVITS. Mr. President, as in legislative session, and out of order, I introduce for myself and 25 other Senators a bill that would authorize an additional $100 million in grants as a form of emergency relief to our Nation's medical and dental schools, many of which are in great financial distress and in danger of being forced to curtail teaching and research programs or to close down altogether. This is a crisis with the gravest humanitarian implications, and my bill is designed to enable these schools to continue programs and services that are in the national interest.

Joining as cosponsors in the introduction of the bill are Senators BAYH, BROOKE, CANNON, CASE, EAGLETON, GOODELL, HARRIS, HARTKE, INOUYE, JACKSON, MCCARTHY, MCGOVERN, MATHIAS, MONDALE, MONTOYA, MOSS, NELSON, PACKWOOD, PELL, PROUTY, RANDOLPH, SAXBE, SCHWEIKER, SCOTT, and WILLIAMS of New Jersey.

I introduce the bill as a partial response to a health-care crisis at the threshold of which America stands today. This crisis is evidenced by skyrocketing health costs and is exacerbated by marked shortages of doctors, dentists, and other health personnel—as well as seriously inadequate, obsolete, and outmoded health facilities. And yet, in the face of this crisis, there is the imminent danger of the closing of medical and dental schools or at least the cutback of several of their programs. The critical shortage of physicians and dentists is estimated at 52,000 and 9,000 respectively for 1969. If we are to meet this shortage, we must allocate sufficient resources to establish a Federal commitment for assisting schools of medicine and dentistry to increase their output of graduates. We must rescue those schools that face a clear and present danger to their survival.

The sources of the best, the newest, and the safest in health care and treatment are the medical and dental schools and their teaching hospitals. These institutions are traditionally committed to standards of excellence in the care of the sick, in the training of new physicians, dentists and other health professionals, and in the expansion of medical knowledge. Therefore, at the very time that their survival and their continued growth are so essential to keeping up with the exploding health needs of the Nation, it just does not make sense to have these schools on the brink of financial disaster.

A month ago I met with the deans of all the medical schools in New York State to discuss the financial problems of their institutions that have resulted from cutbacks in Federal programs—cutbacks that I will discuss in a few moments. I was told that three distinguished medical institutions from my State—the New York Medical College, the New York University School of Medicine, and the Albert Einstein College of Medicine of Yeshiva University—are in such acute financial straits that their very survival is threatened. So, the State of New York is in danger of losing three of its 10 medical schools.

Since that meeting, I have been informed by the Association of American Medical Colleges that this critical situation is common across the country. Two universities—St. Louis University and Loyola University in New Orleans—recently discontinued their dental schools because they were unable to continue to meet the financial commitment required for maintaining high professional standards. Although many medical and dental schools throughout the country face similar problems, some are reluctant to admit publicly their severe financial plight because of the repercussions these disclosures might have on the relations of these schools with the academic community.

I have communicated my concern over the growing financial problems of our Nation's medical and dental schools to Secretary Finch, who fully shares my concern. He responded in a letter to me:

> At this time of growing need, we can ill afford the loss of a single resource for training medical manpower . . . we will work with you in any way we can.

The bill I introduce today is designed to be a first step—not a final solution—to this problem. It is a stopgap, emergency measure that seeks to save our medical and dental schools from disaster while we begin to correct the basic problems through other means. In fact, the $100,000 in additional funding provided under this bill would be not altogether dissimilar to disaster relief programs that have been enacted to meet the ravages of flood and hurricane—only this time it is our entire Nation that faces disaster if our medical and dental schools cannot meet their current financial crisis.

I am proud to announce that the bill has the active support of the Association of Medical Colleges, the American Dental Association, and the American Association of Dental Schools.

The bill would authorize the Secretary of Health, Education, and Welfare to issue grants to medical and dental schools in dire financial straits as a result of their affirmative response to one or more of the following aspects of national health policy: First, increasing enrollment of students for the purpose of augmenting the supply of trained health professions personnel; second, improving the quality or delivery of health care and services to disadvantaged persons in urban or rural areas; third, providing health care and services to a substantial number of patients who are beneficiaries of programs established by or pursuant to titles XVIII or XIX of the Social Security Act; fourth, maintaining present enrollments and maintaining or enhancing the quality of training, despite costs that increase more rapidly than school income from all sources.

In order to be eligible for a grant, an institution would be required to establish:

First, that its financial distress is attributable, in substantial degree, to seeking to fulfill any of the national health policies which I have just outlined.

Second, that without the benefit of financial assistance provided under this bill, the institution would be forced either to discontinue or curtail its performance in meeting this national health policy.

Third, that the institution submit a plan providing reasonable assurance that if it receive the grant, it will continue or expand its fulfillment of the national health policies.

Fourth, that any grant will be utilized in performing the stated national health policies pursuant to regulations of the Secretary of Health, Education, and Welfare.

The bill also provides that when a medical or dental school owns or is affiliated with a hospital, which the school utilizes for its teaching program, the hospital's activities shall be considered the same as the school's program in determining the school's participation in meeting the specified national health policies.

Mr. President, I am convinced that our medical and dental schools are willing to respond to the demands of our society, and it is the purpose of this measure to give them the support they require to meet these goals.

The reduction in appropriations for research training grants, and the inadequate funding for the programs contained in the Health Manpower Act, have caused a drain on our medical and dental schools and teaching hospitals. Inflationary costs involving the provision of sophisticated equipment and facilities necessary for the delivery or adequate health care in our large teaching hospitals have made it virtually impossible for many of these institutions located in our urban areas to exist without emergency Federal financial assistance.

The effects of research cuts reverberate throughout a medical school, affecting teaching and graduate training as well as science. When budget cuts slice deeply into funds for research training grants and fellowships, the effect is to dry up the supply of future teachers who will be needed to produce the larger numbers of doctors and dentists that both the present and earlier administrations have said the Nation must have, and that are called for in legislation we in Congress have passed.

I believe the proposed Federal budget for health programs—vital to the continued existence of medical and dental schools and at a time when their resources are greatly needed by all America—is insufficient in our ordering of priorities. My survey of the 1970 budget for the Department of Health, Education, and Welfare, shows why medical and dental schools, which have a major part of their support furnished through Federal grants, are in such dire financial straits.

The full authorization permitted in the Health Manpower Act for Institutional and Special Project Grants is $117 million, and yet the administration's budget request falls short by $15,600,000—a sum which would be most helpful in alleviating our medical schools' financial distress. This shortfall is of particular significance since an expressed purpose of special project grants is, and I quote the legislative language, to "assist any such schools which are in serious financial straits to meet their costs of operation."

Funds also should be appropriated to the full permissible authorization in the Health Manpower Act for support of construction and renovation of health professional educational facilities. In 1970, there is $170 million authorized for construction, and yet only $126 million is requested by the administration—a $44 million shortfall in constructive grants for teaching facilities so urgently needed to substantially increase the numbers of professional personnel trained at these schools.

For health research facilities construction, no funds are requested by the administration, despite the fact that the 1968 extension of the health research facility construction grant programs authorizes $20 million.

Health professions student loan and scholarship programs funds should be increased from the $16 million for scholarships and the $15 million for loans that are presently appropriated to meet the needs of medical and dental students. These schools have been urged to provide education for young people from economically disadvantaged backgrounds. They have attempted to do this, only to find that the funds for scholarship and loans have been cut back, forcing them to totally subsidize the education of these students out of resources that are badly required for the operation of their education programs—funds that are rapidly dwindling away under the onslaught of rising costs and inadequate income. The medical schools made known that students required $46 million in loans, and yet only $15 million was appropriated. The House action which transferred approximately $5 million from scholarships to loans not only failed to meet the need, but undermined the schools' ability to rely upon what little was previously committed for urgently needed scholarship funds.

Although the amount of the appropriations for student loans for both health professions, $15 million; and nursing, $9,601,000; remains constant from 1969 to the 1970 budget request, there is a substantial reduction in the student loan revolving funds.

There are two sources of student loans for health professions and nursing. One source is the appropriation, from which matching nonrepayable grants are given to the schools to loan to students. The second source is from a revolving fund, whereby the schools borrow loan funds from the Federal Government which must be repaid. Together, these sources make up the total amount of funds available for the loan portion of student assistance.

The revolving fund is maintained by the sale of notes obtained from schools who have borrowed from the revolving fund. The sale of the notes was not authorized in 1969, so that funds have not become available to maintain the revolving fund. As a result, the revolving funds have been drastically reduced—by $10.3 million for health professions schools and by $4.6 million for nursing schools. Since the requests for the appropriation portion of the loan program are the same for 1970 as for 1969, there will be $10.3 million less for health professions schools and $4.6 million less for schools of nursing than was available for the preceding school year.

So in terms of budgets and even in terms of student loans and scholarship funds, there have been sharp cuts, in one case attributable to the fact that there is just no money in the revolving fund which was provided. In addition, there have been sharp cutbacks in research funds for the National Institutes of Health.

Now let us look at some of our more established research programs. The National Cancer Institute estimated it needed $203,741,000. But only $160,513,000 is scheduled to be appropriated—a $26 million shortfall while diseases of the heart and circulatory system continue to be the major cause of death in the United States, accounting for 54 percent of all deaths.

The National Institute of Child Health and Human Development estimated it needed $85,065,000. But only $75,852,000 is scheduled to be appropriated—a $10 million shortfall while uncontrolled population growth continues to be one of the most critical problems of our time, affecting the health and well-being of everyone.

Congress provides disaster relief when a flood or a tornado strikes. But this bill would provide disaster relief of a more basic nature, because without it the whole device of American medical care could collapse. This is not a wild dream. When institutions authorize me to give their names as being on the verge of collapse, that certainly indicates the seriousness of the situation.

President Nixon, in his July 10, 1969 report on the health of the Nation's health care system, stated:

> This Nation is faced with a breakdown in the delivery of health care unless immediate

concerted action is taken by Government and the private sector.

The President could have gone a step further by telling the people that we are faced also with a crisis in medical and dental education and research unless assistance is given through the same immediate concerted action. The medical and dental schools and teaching hospitals can make significant contributions in resolving the problems of providing quality medical care in adequate quantity to all of our citizens—but only if they can remain viable.

We must move boldly to rescue our medical and dental schools from the brink of financial disaster on which they stand.

I shall do my utmost, with the magnificent support of the 24 Senators who are cosponsors, to move the bill in our committee. Our chairman is sympathetic to the bill. Indeed, I told him I would introduce the bill this week.

I hope very much that the other body will see some bills introduced to the same effect, because confidence must be restored in the students, the faculties, and the institutions that contain the medical and dental schools. We must let them know that we are not going to allow those schools to be closed simply by virtue of a financial stringency. I think it is critically important to strike a note of confidence.

I hope that as many Senators as are moved to do so will join in support of the bill. I hope that I shall be able to move it as an emergency measure before the Committee on Labor and Public Welfare, on which I have the honor to be the ranking Republican member.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3150) to amend the Public Health Service Act to provide for the making of grants to certain medical and dental schools, which are in dire financial distress, to enable such schools to continue, without curtailment, certain services, functions, programs, and activities which are in the national interest, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that Mr. DANIELS of New Jersey, and Mr. ASHBROOK of Ohio had been appointed as additional managers on the part of the House at the conference of the two Houses on the amendments of the House to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The message announced that the House had passed, without amendment, the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historic Site, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 34 and 50 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 5 and 14 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House has passed the joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 7618) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

As in legislative session, the bill (H.R. 7618) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., was read twice by its title and referred to the Committee on Armed Services.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970—CONFERENCE REPORT

Mr. PASTORE. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of November 17, 1969, pp. 34371–34372, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, if it is agreeable with the Senate, I should like to have a short quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, before the Senator starts, will he yield me about 2 minutes?

Mr. PASTORE. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, on November 10, 1969, I had a colloquy with the distinguished Senator from Rhode Island (Mr. PASTORE). The colloquy reads as follows:

> Mr. MANSFIELD. Mr. President, before the Senator gets into the main part of his speech I wish to ask a question about the Veterans' Administration hospital at Fort Harrison, Mont.
>
> I have been receiving a number of communications from various veterans' organizations and individual veterans in Montana about the fact that the Veterans' Administration at Fort Harrison has closed a 40-unit wing, stating they could give a better service with the remaining facility. That may be true or it may not be true, but the fear on the part of veterans in Montana—and the State covers approximately 148,000 square miles—is that the Veterans' Administration is using this as a first step to close down permanently this 40-unit wing, thereby reducing the capability of Fort Harrison to take care of the needs of veterans in Montana. Can the distinguished chairman of the committee give me some information on this particular situation?
>
> Mr. PASTORE. Yes, I would be delighted to do so.

This is still Mr. PASTORE speaking:

> Mr. President, the distinguished Senator from Montana raised the same question at the markup in full committee. Pursuant to that statement we had the staff check into it in detail. The staff took the matter up with the proper agency and the proper authorities therein. We have been assured that the particular wing is closed temporarily because of the lack of patients, but it is available and will be available, and it is not to be abandoned.
>
> Mr. MANSFIELD. I could not ask for more of an assurance than that.

An assurance, incidentally, in which I believe the distinguished senior Senator from Colorado, the ranking minority member of the Appropriations Committee (Mr. ALLOTT), concurred.

Mr. ALLOTT. That is correct.

Mr. MANSFIELD. The colloquy continued:

> On behalf of the veterans of Montana I wish to thank the chairman of the committee, the Senator from Rhode Island (Mr. PASTORE) for his assurance that this 40-unit wing will not be abandoned.
>
> Mr. PASTORE. It was a pleasure to make the inquiry and gain that assurance.

Mr. President, this morning at approximately 10:57 a.m., Dola Wilson called from Helena. He said that he went to Fort Harrison Hospital on Wednesday, November 12, to be admitted and he was told that there was no bed. At that time, he said he had a driver and he asked the people at Fort Harrison if there would be a bed at Miles City, as he would have his driver take him there. He was told by Fort Harrison that there was no bed at Miles City.

He was certified for admission on Monday, November 17, but still has no bed as of this morning. Dola is a 40-percent service-connected veteran. He stated that, while he was not exactly an emergency case, he was quite sick when he went up to Helena last week. He has been staying at his daughter's home in the meantime. Dola was told at Fort Harrison that they would pay for a motel room while he waited for a bed. He refused this.

He stated on the days that he has been up there, he has seen other veterans similarly turned away for lack of a bed. I asked him if he knew who they were and how many. He did not have any names but he said there were approximately 10 that he knows of. He went up to the Veterans of Foreign Wars office and saw Robert Durkee, and he was told by Bob that Bob knew personally one Vietnam veteran who was not admitted because of the lack of a bed. I asked Dola to call Bob Durkee and ask him to send in to us the names of any veterans he knows who have not been admitted to Fort Harrison Hospital because of the lack of bed space. He said he would do this.

I called the Veterans Liaison office and told them of this situation, and I have received a call back from the Veterans' Administration office. They are checking into this situation immediately, particularly in view of the information contained in the letter of November 14 which we just received, which I ask unanimous consent to have printed in the RECORD at this point, together with other letters having to do with the situation which seems to be developing at Fort Harrison.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, D.C., November 14, 1969.
Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Thank you for transmitting the inquiry from Mr. John G. Gregory, of the Veterans of Foreign Wars, at Whitehall, Montana, pertaining to the Veterans' Administration Center, Fort Harrison, Montana.

We assure you that no veteran has been discharged prematurely or rejected for lack of available space. Also, no veteran has been forced to go to the Miles City Hospital. Some applicants for admission have been referred, with their consent, to our Miles City Hospital when geographical considerations make such referrals advisable. That Hospital has vacant beds and no waiting list.

Since closing the ward, there has been a sufficient number of vacant beds on the remaining wards to accommodate the admission of all eligible veterans. There is no waiting list. The action was effected to improve staffing and care of patients by the concentration of professional and other service personnel on the remaining three wards. The nursing staff available to patients has been significantly augmented by this means. These beds are available for reactivation; however, the demand at present does not exist. This was confirmed by recent contacts with the Center Director who indicated he had vacant beds on the three remaining wards.

We shall continue to meet the demand for medical care at the Fort Harrison Hospital and provide effective service to all eligible veterans.

Sincerely,
DONALD E. JOHNSON,
Administrator.

HELENA, MONT.
Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR MIKE: I hate to take all these complaints to you about the Hospital at Fort Harrison, but reading the information you put in the local paper, I would like very much to tell the man he is a you know what.

I will admit that in order for them not to have a waiting list there they very conveniently take care of that by putting every one they don't want to let in the hospital on what they call post Hospital Care that way they do not keep a waiting list.

Now this place and the man that gave you that false information I feel that if given a chance to talk to all the people they turn away I could prove them liars.

They tell us the only reason the hospital wing is closed because Congress did not appropriate enough money to operate it.

Some one is pulling someone's leg. Before election comes up again I would like to know who.

R. L. MOCK.

VETERANS' ADMINISTRATION,
Washington, D.C., October 7, 1969.
Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Thank you for your inquiry in behalf of Mr. Lyle Jacobson who wrote you concerning the Veterans Administration Center, Fort Harrison, Montana.

We have recently taken out of operation one hospital ward of 40 beds. This action was effected to improve staffing and care of patients by the concentration of professional and other service personnel of the remaining three wards. The nursing staff available to patients has been significantly augmented by this means.

Since closing the ward, there has been a sufficient number of vacant beds on the remaining wards to admit veterans who, in the judgment of the professional staff, are in need of hospital treatment. You will be glad to learn that there is no waiting list. Some applicants for admission are being referred with their consent to our Miles City hospital, when geographical considerations make such referrals advisable. The percentage of applicants being admitted to Fort Harrison is comparable to that of other general medical and surgical hospital of the Veterans Administration.

We are confident that the hospitalized veterans will continue to be well served at Fort Harrison. There are no plans for closing either of the VA hospitals in Montana.

I appreciate your interest in the medical program of the Veterans Administration.

Sincerely,
DONALD E. JOHNSON,
Administrator.

Mr. MANSFIELD. I would express the hope that the Veterans' Administration is not again, for a second time in 6 years, trying an end-run around the Senator from the State of Montana. We had an awfully hard time keeping the VA hospital at Miles City. We had an awfully hard time getting the necessary beds and the enlargement at Fort Harrison, and had looked to this committee, on the basis of its assurances both in the committee and on the floor, to watch this matter carefully and see that what the committee said will be done and that this 40-unit wing will not be disbanded or done away with, but will be kept and that the veterans of Montana will be given every possible facility to take care of the needs which developed as a result of their service to their country. And what I have to say for Montana I intend to say for all other veterans of all States of the Union.

Mr. PASTORE. Mr. President, how long has he had the correspondence?

Mr. MANSFIELD. Since the Senate passed the appropriation bill being considered now in the conference report, a week ago Monday.

Mr. PASTORE. I can understand the indignation of the majority leader predicated on the fact that we gave him the report based on the investigation made by our staff. Had the majority leader given me the letter sooner, I would have had satisfaction for him today. If he will give me the letter now, I will get him satisfaction within 24 hours.

Mr. MANSFIELD. What I have read is information I have received as a result of a telephone call from Dola Wilson, from Helena this morning. But this is a letter dated the 14th, which was after the bill was acted on.

I hope that both will appear in the RECORD.

Mr. PASTORE. Mr. President, I will be in touch with the Senator within 24 hours.

Mr. ALLOTT. Mr. President, I state to the distinguished Senator from Montana that I previously indicated to him that I am in complete sympathy with the position he has taken.

I joined with him and with many other Senators in the fight we had 6 years ago to preserve some of our veterans hospitals. My feelings are wholly akin to his. I think we should see that our veterans are taken care of.

I join with the distinguished chairman of the subcommittee in this matter.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 12307, which was read, as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes."

The PRESIDING OFFICER. The clerk will report the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert: ", of which $175,000,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the amount herein appropriated.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: "$26,533,000".

Mr. PASTORE. I move that the Senate agree to the amendments of the House to Senate amendments Nos. 5 and 14.

No. 5 limits obligations to the amount appropriated in the bill, and appropriates $175 million for the Appalachian highway program.

No. 14 raises the appropriation amount to include both the Chicago project and the FBI Academy in the construction projects approved.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation showing the action taken on the appropriation bill.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970

H.R. 12307—COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969, BUDGET ESTIMATES FOR 1970, AMOUNTS RECOMMENDED IN HOUSE AND SENATE VERSIONS OF BILL AND CONFERENCE ACTION

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
TITLE I					
EXECUTIVE OFFICE OF THE PRESIDENT					
NATIONAL AERONAUTICS AND SPACE COUNCIL					
Salaries and expenses	$500, 000	$524, 000	$500, 000	$524, 000	$500, 000
OFFICE OF EMERGENCY PREPAREDNESS					
Salaries and expenses	4, 950, 000	5, 290, 000	5, 000, 000	5, 000, 000	5, 000, 000
Salaries and expenses, telecommunications	2, 175, 000	2, 095, 000	1, 795, 000	1, 795, 000	1, 795, 000
Defense mobilization functions of Federal agencies	3, 130, 000	3, 260, 000	3, 200, 000	3, 200, 000	3, 200, 000
Total, Office of Emergency Preparedness	10, 255, 000	10, 645, 000	9, 995, 000	9, 995, 000	9, 995, 000
OFFICE OF SCIENCE AND TECHNOLOGY					
Salaries and expenses	1, 800, 000	1, 958, 000	1, 875, 000	1, 958, 000	1, 958, 000
Total, Executive Office of the President	12, 555, 000	13, 127, 000	12, 370, 000	12, 477, 000	12, 453, 000
FUNDS APPROPRIATED TO THE PRESIDENT					
Appalachian regional development programs	173, 600, 000	[2] 462, 500, 000	445, 000, 000	107, 500, 000	282, 500, 000
Disaster relief	45, 000, 000	[3] 170, 000, 000	45, 000, 000	170, 000, 000	170, 000, 000
Total, funds appropriated to the President	218, 600, 000	632, 500, 000	490, 000, 000	277, 500, 000	452, 500, 000
INDEPENDENT OFFICES					
APPALACHIAN REGIONAL COMMISSION					
Salaries and expenses	850, 000	890, 000	890, 000	890, 000	890, 000
CIVIL SERVICE COMMISSION					
Salaries and expenses:					
Appropriation	38, 564, 000	[4] 41, 830, 000	40, 000, 000	41, 397, 000	40, 778, 500
By transfer	*(6, 460, 000)*	*(7, 364, 000)*	*(7, 364, 000)*	*(7, 364, 000)*	*(7, 364, 000)*
Annuities under special acts	1, 350, 000	1, 265, 000	1, 265, 000	1, 265, 000	1, 265, 000
Government payment for annuitants, employees health benefits	40, 478, 000	41, 185, 000	41, 185, 000	41, 185, 000	41, 185, 000
Payment to civil service retirement and disability fund	72, 000, 000	73, 000, 000	73, 000, 000	73, 000, 000	73, 000, 000
Total, Civil Service Commission	152, 662, 000	157, 280, 000	155, 450, 000	156, 847, 000	156, 228, 500
COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES					
Salaries and expenses	100, 000				
FEDERAL COMMUNICATIONS COMMISSION					
Salaries and expenses	20, 720, 000	23, 950, 000	21, 600, 000	22, 850, 000	22, 225, 000
FEDERAL POWER COMMISSION					
Salaries and expenses	15, 878, 000	[5] 16, 650, 000	16, 000, 000	16, 400, 000	16, 400, 000
FEDERAL TRADE COMMISSION					
Salaries and expenses	16, 900, 000	19, 940, 000	19, 500, 000	19, 500, 000	19, 500, 000
GENERAL SERVICES ADMINISTRATION					
Operating expenses, Public Buildings Service	278, 671, 000	[6] 309, 119, 000	301, 500, 000	309, 119, 000	307, 000, 000
Repairs and improvement of public buildings	80, 000, 000	[7] 61, 600, 000	70, 000, 000	61, 600, 000	61, 600, 000
Construction, public buildings projects		[8] 12, 748, 600	19, 137, 000	13, 248, 000	26, 533, 000
Construction, official residence of the Vice President		150, 000			
Sites and expenses, public buildings project	10, 995, 000	11, 000, 000	11, 000, 000	11, 000, 000	11, 000, 000
Payment, public buildings purchase contracts	2, 400, 000	2, 400, 000	2, 400, 000	2, 400, 000	2, 400, 000
Expenses, U.S. court facilities	750, 000	1, 500, 000	750, 000	1, 250, 000	1, 250, 000
Operating expenses, Federal Supply Service	72, 500, 000	78, 873, 000	77, 515, 900	77, 515, 000	77, 515, 000
Operating expenses, National Archives and Records Service	19, 348, 000	[9] 22, 153, 000	21, 350, 000	21, 350, 000	21, 350, 000
National historical publication grants	350, 000	350, 000	350, 000	350, 000	350, 000

Footnotes at end of table.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970—Continued

H.R. 12307—COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969, BUDGET ESTIMATES FOR 1970, AMOUNTS RECOMMENDED IN HOUSE AND SENATE VERSIONS OF BILL AND CONFERENCE ACTION—continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
TITLE I—Continued					
INDEPENDENT OFFICES—Continued					
GENERAL SERVICES ADMINISTRATION—Continued					
Operating expenses, Transportation and Communications Service	$6,150,000	$6,150,000	$6,150,000	$6,150,000	$6,150,000
Operating expenses, Property Management and Disposal Service	28,500,000	29,780,000	29,000,000	29,000,000	29,000,000
Salaries and expenses, Office of Administrator	1,939,000	1,926,000	1,926,000	1,926,000	1,926,000
Allowances and office staff for former Presidents	307,000	440,000	335,000	335,000	335,000
Expenses, Presidential transition	900,000				
Administrative operations fund (limitation on administrative expenses)	*(13,700,000)*	*(13,833,000)*	*(13,800,000)*	*(13,800,000)*	*(13,800,000)*
Total, General Services Administration	502,810,000	538,189,600	541,413,000	535,243,000	546,409,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Research and development	3,370,300,000	[10] 3,006,427,000	3,000,000,000	3,019,927,000	3,006,000,000
Construction of facilities	21,800,000	58,200,000	53,233,000	58,200,000	53,233,000
Research and program management	603,173,000	650,900,000	643,750,000	637,400,000	637,400,000
Total, National Aeronautics and Space Administration	3,995,273,000	3,715,527,000	3,696,983,000	3,715,527,000	3,696,633,000
NATIONAL SCIENCE FOUNDATION					
Salaries and expenses	400,000,000	497,000,000	418,000,000	458,000,000	438,000,000
Scientific activities (special foreign currency program)		3,000,000	2,000,000	3,000,000	2,000,000
Total, National Science Foundation	400,000,000	500,000,000	420,000,000	461,000,000	440,000,000
RENEGOTIATION BOARD					
Salaries and expenses	3,140,000	4,140,000	3,640,000	4,140,000	4,000,000
SECURITIES AND EXCHANGE COMMISSION					
Salaries and expenses	18,624,000	[11] 20,416,000	19,750,000	20,416,000	20,416,000
SELECTIVE SERVICE SYSTEM					
Salaries and expenses	66,418,000	[12] 69,321,000	67,375,000	69,321,000	68,348,000
VETERANS' ADMINISTRATION					
Compensation and pensions	4,930,936,000	5,041,355,000	5,041,355,000	5,041,355,000	5,041,355,000
Readjustment benefits	701,200,000	742,200,000	742,200,000	742,200,000	742,200,000
Veterans insurance and indemnities	9,350,000	7,253,000	7,253,000	7,253,000	7,253,000
Medical care	1,474,064,000	[13] 1,524,101,000	1,541,701,000	1,541,701,000	1,541,701,000
Medical and prosthetic research	48,018,000	[14] 54,638,000	54,638,000	54,638,000	54,638,000
Medical administration and miscellaneous operating expenses	14,789,000	[15] 16,994,000	16,950,000	16,950,000	16,950,000
General operating expenses	207,000,000	[16] 220,865,000	220,865,000	220,865,000	220,865,000
Construction of hospital and domiciliary facilities	7,926,000	[17] 55,217,000	69,152,000	55,217,000	69,152,000
Grants for construction of State nursing homes	4,000,000	[18] 1,000,000	4,000,000	4,000,000	4,000,000
Grants to the Republic of the Philippines	1,776,000	1,362,000	1,362,000	1,362,000	1,362,000
Payment of participation sales insufficiencies	9,505,000	5,716,000	5,716,000	5,716,000	5,716,000
Loan guaranty revolving fund (limitation on obligations)	*(450,000,000)*	Language	*(425,000,000)*	*(425,000,000)*	*(425,000,000)*
Total, Veterans' Administration	7,408,564,000	7,670,701,000	7,705,192,000	7,691,257,000	7,705,192,000
Total, independent offices	12,601,939,000	12,737,004,600	12,667,793,000	12,713,391,000	12,696,241,500
DEPARTMENT OF DEFENSE					
CIVIL DEFENSE					
Operation and maintenance	$48,040,000	$50,700,000	$47,700,000	$50,700,000	49,200,000
Research, shelter survey, and marking	12,500,000	24,600,000	16,500,000	21,800,000	20,050,000
Total, Civil Defense, Department of Defense	60,540,000	75,300,000	64,200,000	72,500,000	69,250,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
PUBLIC HEALTH SERVICE					
Emergency health		[19] 4,000,000	6,000,000	4,000,000	4,000,000
Total, Title I	12,893,634,000	13,461,931,600	13,240,363,000	13,079,868,000	13,234,444,500
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
RENEWAL AND HOUSING ASSISTANCE					
Grants for neighborhood facilities	35,000,000	[20] 45,000,000	40,000,000	40,000,000	40,000,000
Alaska housing	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Urban renewal programs	[21] 750,000,000	[22] 250,000,000	100,000,000	250,000,000	250,000,000
Rehabilitation loan fund		[23] 50,000,000	45,000,000	45,000,000	45,000,000
Low-rent public housing annual contributions	366,000,000	473,500,000	473,500,000	473,500,000	473,500,000
Housing for the elderly or handicapped fund	25,000,000				
College housing:					
Increased limitation for annual contract authorization	*(5,500,000)*	*(7,500,000)*	*(5,500,000)*	*(7,500,000)*	*(6,500,000)*
(Cumulative limitation for annual contract authorization)	*(5,500,000)*	*(13,000,000)*	*(11,000,000)*	*(13,000,000)*	*(12,000,000)*
Appropriation for payments		2,500,000	2,500,000	2,500,000	2,500,000
Salaries and expenses	35,907,000	[24] 37,500,000	37,000,000	37,500,000	37,000,000
Total, renewal and housing assistance	1,212,907,000	859,500,000	699,000,000	849,500,000	849,000,000

Footnotes at end of table.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970—Continued

H.R. 12307—COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969, BUDGET ESTIMATES FOR 1970, AMOUNTS RECOMMENDED IN HOUSE AND SENATE VERSIONS OF BILL AND CONFERENCE ACTION—continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action
TITLE II—Continued					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued					
METROPOLITAN DEVELOPMENT					
Comprehensive planning grants	$43,838,000	[25] $60,000,000	$50,000,000	$50,000,000	$50,000,000
Community development training programs	3,000,000	8,000,000	3,000,000	3,000,000	3,000,000
Fellowships for city planning and urban studies	500,000	[26] 500,000	500,000	500,000	500,000
New community assistance		5,000,000	2,500,000	2,500,000	2,500,000
Open space land programs:					
Appropriation to liquidate contract authorization	(75,000,000)				
Appropriation		[27] 85,000,000	75,000,000	75,000,000	75,000,000
Grants for basic water and sewer facilities	165,000,000	135,000,000	135,000,000	135,000,000	135,000,000
Grants to aid advanced adquisition of land		5,000,000	2,500,000	2,500,000	2,500,000
Salaries and expenses	7,280,000	[28] 7,850,000	7,500,000	7,500,000	7,500,000
Total, metropolitan development	219,618,000	306,350,000	276,000,000	276,000,000	276,000,000
MODEL CITIES AND GOVERNMENTAL RELATIONS					
Model cities program	625,000,000	[29] 675,000,000	500,000,000	600,000,000	575,000,000
Salaries and expenses:					
Appropriations	1,466,000	[30] 550,000	550,000	550,000	550,000
By transfer	(6,171,000)	(7,000,000)	(6,500,000)	(7,000,000)	(6,750,000)
Total, model cities and governmental relations	626,466,000	675,550,000	500,550,000	600,550,000	575,550,000
URBAN TECHNOLOGY AND RESEARCH					
Urban research and technology	11,000,000	[31] 30,000,000	25,000,000	25,000,000	$5,000,000
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	(2,000,000)	(2,510,000)	[32] (2,000,000)	[32] (2,000,000)	(2,000,000)
Total, urban technology and research	11,000,000	30,000,000	25,000,000	25,000,000	25,000,000
MORTGAGE CREDIT					
Homeownership and rental housing assistance:					
Homeownership assistance, increased limitation for annual contract authorization	(70,000,000)	(100,000,000)	(80,000,000)	(100,000,000)	(90,000,000)
(Cumulative annual contract authorization)	(70,000,000)	(170,000,000)	(150,000,000)	(170,000,000)	(160,000,000)
Rental housing assistance, increased limitation for annual contract authorization	(70,000,000)	(100,000,000)	(70,000,000)	(100,000,000)	(85,000,000)
(Cumulative annual contract authorization)	(70,000,000)	(170,000,000)	(140,000,000)	(170,000,000)	(155,000,000)
Appropriation for payments	7,000,000	[33] 46,500,000	46,500,000	26,500,000	26,500,000
Rent supplement program:					
Increased limitation for annual contract authorization	(30,000,000)	(100,000,000)	(50,000,000)	(100,000,000)	(50,000,000)
(Cumulative annual contract authorization)	(72,000,000)	(172,000,000)	(122,000,000)	(172,000,000)	(122,000,000)
Appropriation for payments	12,000,000	[34] 23,000,000	23,000,000	23,000,000	23,000,000
Low- and moderate-income sponsor fund	500,000	[35] 3,000,000	2,000,000	2,000,000	2,000,000
Salaries and expenses	1,975,000	[36] 4,100,000	3,500,000	3,500,000	3,500,000
Total, mortgage credit	21,475,000	76,600,000	75,000,000	55,000,000	55,000,000
FEDERAL INSURANCE ADMINISTRATION					
Flood insurance	1,500,000	[37] 2,400,000	2,400,000	2,400,000	2,400,000
FAIR HOUSING AND EQUAL OPPORTUNITY					
Fair housing and equal opportunity program	2,000,000	[38] 10,500,000	5,000,000	7,000,000	6,000,000
DEPARTMENTAL MANAGEMENT					
General administration	6,230,000	[39] 9,000,000	7,000,000	9,000,000	9,000,000
Regional management and services	6,778,000	[40] 10,500,000	9,800,000	11,905,000	10,500,000
Working capital fund		5,750,000	4,338,000	4,338,000	4,338,000
Total, departmental management	13,008,000	25,250,000	21,138,000	25,243,000	23,838,000
PARTICIPATION SALES					
Payment of participation sales insufficiencies	47,638,000	56,238,000	56,238,000	56,238,000	56,238,000
SPECIAL INSTITUTION					
National Homeownership Foundation		[41] 250,000		250,000	
Total, Department of Housing and Urban Development—Title II	2,155,612,000	[42] 2,042,638,000	1,660,326,000	1,897,181,000	1,869,026,000
TITLE III					
CORPORATIONS					
FEDERAL HOME LOAN BANK BOARD					
Construction of headquarters facility		[43] 8,400,000	8,400,000	8,400,000	8,400,000
Grand total, new budget (obligational) authority	15,049,246,000	15,512,969,600	14,909,089,000	14,985,449,000	15,111,870,500
Consisting of—					
Appropriations:					
Fiscal year 1969	(14,299,246,000)				
Fiscal year 1970	(750,000,000)	(15,337,969,600)	(14,734,089,000)	(14,985,449,000)	(15,111,870,500)
Fiscal year 1971		(175,000,000)	(175,000,000)		
Memorandum—					
Appropriation to liquidate contract authorization	(77,000,000)	(2,510,000)	([44])	([44])	
Grand total	(15,126,246,000)	(15,515,479,600)	(14,909,089,000)	(14,985,449,000)	(15,111,870,500)

Footnotes on following page.

[1] Amounts have not been reduced to reflect reserves established pursuant to Public Law 90-218. Includes 2d supplemental but interaccount transfers are excluded.

[2] Includes $175,000,000 advance funding for fiscal year 1971.

[3] Includes $25,000,000 in H. Doc. 91-113 and $125,000,000 in S. Doc. 91-36.

[4] Reflects reduction of $210,000 in H. Doc. 91-100 and addition of $160,000 in S. Doc. 91-34.

[5] Reflects reduction of $80,000 in H. Doc. 91-100.

[6] Reflects reduction of $2,052,000 in H. Doc. 91-100.

[7] Reflects reduction of $19,672,000 in H. Doc. 91-100.

[8] Reflects reduction of $7,477,400 in H. Doc. 91-100 and addition of $7,396,000 in S. Doc. 91-29.

[9] Reflects reduction of $80,000 in H. Doc. 91-100.

[10] Reflects reduction of $45,000,000 in H. Doc. 91-100.

[11] Includes $300,000 in H. Doc. 91-113.

[12] Reflects reduction of $405,000 in H. Doc. 91-100.

[13] Reflects reduction of $17,600,000 in H. Doc. 91-100.

[14] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[15] Reflects reduction of $333,000 in H. Doc. 91-100.

[16] Reflects reduction of $2,200,000 in H. Doc. 91-100.

[17] Reflects reduction of $41,151,000 in H. Doc. 91-100.

[18] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[19] Reflects reduction of $3,728,000 in H. Doc. 91-113.

[20] Reflects reduction of $7,500,000 in H. Doc. 91-100.

[21] Advance funding for fiscal year 1970.

[22] For fiscal year 1970. Original budget estimate of $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[23] Reflects reduction of $28,000,000 in H. Doc. 91-100.

[24] Reflects reduction of $1,250,000 in H. Doc. 91-100.

[25] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[26] Reflects reduction of $500,000 in H. Doc. 91-100.

[27] Reflects reduction of $10,000,000 in H. Doc. 91-100.

[28] Reflects reduction of $150,000 in H. Doc. 91-100.

[29] Reflects reduction of $75,000,000. Original budget estimate of $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[30] Reflects reduction of $100,000 in H. Doc. 91-100.

[31] Includes $5,000,000 in revised estimate in H. Doc. 91-100.

[32] By transfer from previous items.

[33] Reflects reduction of $22,500,000 in H. Doc. 91-100.

[34] Reflects reduction of $7,000,000 in H. Doc. 91-100.

[35] Reflects reduction of $2,000,000 in H. Doc. 91-100.

[36] Reflects reduction of $4,900,000 in H. Doc. 91-100.

[37] Reflects reduction of $70,000 in H. Doc. 91-100.

[38] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[39] Reflects reduction of $1,100,000 in H. Doc. 91-100.

[40] Reflects reduction of $400,000 in H. Doc. 91-100.

[41] Contained in H. Doc. 91-100.

[42] Reflects reductions of $15,000,000 for "Grants for tenant services"; $5,000,000 for "Urban information and technical assistance"; $10,000,000 for "Planned areawide development"; and $7,750,000 for "Urban transportation".

[43] Contained in H. Doc. 91-117.

[44] Included in Urban Research and Technology.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. DOMINICK. Mr. President, the Senate is to advise and consent to the nomination of Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court. Many view this nomination as unique in our history. There have been reports and polls from groups and individuals of all varieties, but they cannot and will not make this decision. The responsibility is solely that of the United States Senate.

Few nominations to the Supreme Court have raised so much controversy in this century since Louis D. Brandeis and John J. Parker. The debates on Charles Evans Hughes and Harlan Fiske Stone also bear some relevance on this nomination. Of these nominations only Judge Parker was rejected and most, including labor interests, concede that that rejection was unjustified. Judge Parker and Judge Haynsworth share the dubious distinction of being the only Supreme Court nominees opposed by organized labor, so the union representatives have testified. For those who did not hear or have not read Senator COOK's excellent review of these hearings in his floor speech on November 14, 1969, they should certainly do so.

Judge Haynsworth is opposed also by certain civil rights organizations.

I, as one Senator, refuse to consider polls or political pressure from special interest groups as bearing on my decision. Special interest groups should not have the final say here, even if one happens to agree with the general objectives and purposes of such groups.

The sharp focus on this nomination has come about primarily because of the growing controversy surrounding the Supreme Court. We have all had something to say about the Warren court, judicial ethics and confidence in the Court at one time or another over the past few years. And because of this discussion many are apparently determined to see that there is no change in the membership of the Court which might change the philosophy which they conceive as been expressed. That does not, however, alter our responsibility under the Constitution to determine whether this man who has served 12 years in judicial office has the temperament, ability, integrity, and ethics to be a Justice of the Supreme Court.

Many charges and allegations have been made concerning Judge Haynsworth's ethical judgments and social, legal, and constitutional philosophies. All have been investigated and thoroughly reviewed. The record has been made over 8 days of testimony covering some 700 pages with intensive investigation of every conceivable point.

Out of all this, two factors have been publicized which, in my opinion, have no place in this debate. "Doubt" and "appearance" are those factors or watchwords governing the judgment of some of my colleagues. The record clearly shows criticisms to be founded on overgeneralization; unfounded and occasionally outright false facts; or ethical standards apparently espoused for this nomination alone and which are not supported by law, practice or judicial requirement. In addition, these opponents of the nomination wish to make these novel ethical standards retroactive for 6 or even the full 12 years he has been on the Federal bench.

But the power of "advise and consent" is an affirmative duty. We have the factual record and we must decide upon that record. We must vote "yea" or "nay." We cannot say, "I do not know."

Every accusation, every question, every "doubt" was investigated and explored. Nothing was glossed over. Every "appearance" was put under a microscope. The Judiciary Committee made a record that contains answers, not doubts—reality, not appearances. Let everyone in this country know that a man can come before this body for confirmation and have that decision made on evidence and facts.

False accusations and political smokescreens against this nominee should weigh almost as heavily on the reputation of the Senate as they do on the reputation of the man charged. The two highest requirements for a judge are fairness and unbiased judgment. The Senate has placed no less an obligation on itself while acting in a quasi-judicial capacity. Each of us must be equal to that burden.

The facts and the record show that we have before us a man of high reputation, eminently qualified by every judicial requirement to sit on the Supreme Court of the United States.

The American Bar Association through its chairman of the Committee on the Federal Judiciary, Judge Lawrence E. Walsh, gave its full approval of Judge Haynsworth. A man's reputation is a good indication of his integrity. We are fortunate to have before us a man who sat on the Federal Court of Appeals for the Fourth Circuit for 12 years. This court is only one step below the Supreme Court. His long tenure gave ample opportunity to interview judges and lawyers associated with him. Judge Walsh testified before the Senate Judiciary Committee on September 18 and I would like to quote part of his testimony which appears in the record on page 138:

> At the request of Chairman Eastland, we have examined into the professional qualifications of Chief Judge Clement F. Haynsworth. Our investigation has consisted of interviews with his judicial colleagues, interviews with a cross-section of district judges and lawyers practicing in the Fourth Circuit and an interview with Judge Haynsworth himself.
>
> These interviews were conducted by Norman P. Ramsey of Baltimore, the Committee member of the Fourth Circuit and his partner, David R. Owen. I also made certain inquiries of my own. The members of the bar from whom comments were received included lawyers from each State in the Circuit and lawyers having different specialities. For example, some customarily represented plaintiffs in personal injury cases. Others represent defendants. Two were deans of law schools. Two represent labor unions. One specializes in admiralty work for shipowners, another represents seamen and longshoremen. Two are outstanding Negro lawyers. Others include a past president of the American Bar Association and three members of the Council of the American Law Institute. A sincere effort was made to get candid reports from a representative sample of the bar.
>
> All of the persons interviewed—

And I emphasize the words here—

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability. A few regretted the appointment because of differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.

> A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work. As is its practice, the Committee does not express either agreement or disagreement as to the various points of view contained in Judge Haynsworth's opinions.

The conclusion was that "Judge Haynsworth was highly acceptable from the viewpoint of professional qualifications."

The six other judges who sit with Judge Haynsworth have expressed their "complete and unshaken confidence in his integrity and ability."

Judge Harrison L. Winter, one of these judges, personally testified:

> But to begin, I would like to say that I have known Judge Haynsworth since he was appointed to the U.C. Court of Appeals, and I have had a very close association with him since I was appointed a district judge in 1961, and even closer association since I was appointed to the court of appeals in 1966.
>
> I think that I have had ample opportunity to observe the manner in which he conducts himself, the manner in which he has led his court, and the quality and content of his written opinions.
>
> To summarize my views, I would say that I know of no fairer judge, no more gracious, considerate or understanding leader, and no judicial officer more possessed of judicial temperament.

Keep in mind that what we are dealing with is ability, temperament, and judgment. These are the opinions of his fellow judges and the American Bar Association.

I continue to quote from Judge Winter:

> Judge Haynsworth and I have differed on the decision of cases. At times I have sought to give decisions of the Supreme Court wider scope and wider application than he has. At times the converse has been true. And at times he and I have found ourselves in disagreement with our brethren on the Court, so that we were in a dissenting position. But I must say, sir and gentlemen, that when he and I have disagreed between ourselves, I have never felt or thought that this position on a particular matter has exceeded the area of legitimate and informed debate.
>
> From my association with him, I have a profound respect for his capabilities as a legal scholar and as an intelligent, capable, and informed judge. (Senate Report 91–12, pp. 3–4.)

Judge Walsh reviewed the American Bar Association committee's study of Judge Haynsworth's opinions:

> As far as Judge Haynsworth's opinions are concerned, he has written more than 300. Probably 90 percent of them are not controversial in any way. He has participated in many, many more, probably well over 1,000, but looking to the 10 percent of his opinions which were in the areas which inevitably would invite controversy, we can see that in those areas where the Supreme Court is perhaps moving the most rapidly in breaking new ground he has tended to favor allowing time to pass in following up or in any way expanding these new precedents.
>
> The areas in which you might notice this would be in the areas of civil rights but also in the areas perhaps of labor law and in the areas of the rights of, for example, seamen and longshoremen. The Supreme Court has greatly expanded the old definitions of seaworthiness and things like that. In all of these areas, whether they are politically sensitive or not, you see the same intellectual approach.
>
> It was our conclusion, after looking through these cases, that this was in no way a reflection of bias. This was a reflection of a man who has a concept of deliberatness in the judicial process and that his opinions were scholarly, well written, and that he was, therefore, professionally qualified for this post for which he is being considered.
>
> Incidentally, in reporting to this committee for the lower courts, we usually express our qualifications without limitation. When we report on a person under consideration for the Supreme Court, we realize that professional qualification is only one of many factors that has to be considered in this case. The Supreme Court has such broad responsibilities that there are many things that must go into selection besides professional qualification. It is only for that reason that we limit our endorsement to professional qualification. We feel that it is beyond the scope of our committee to go into these other factors, so we do not express any view as to the points of view expressed by Judge Haynsworth for example. All we say is that they are within the limits of good professional thinking. (Hearing Record, pp. 138–140)

Judge Walsh went on:

> I think it was Senator Tydings who posed the three questions which must be considered at this time: first, integrity, second, judicial temperament, and third, professional ability. As far as integrity is concerned it is the unvarying, unequivocal and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is, beyond any reservation, a man of impeccable integrity. His word is good. (Hearing Record, page 140)

There is also no question concerning his judicial temperament, and the quotations concerning his able professional ability have already been given.

The Senator from Maryland asked the following of Mr. Ramsey, one of the interviewers:

> Senator Tydings. Would it be a fair statement to say that not just the great weight but the overwhelming opinion of the lawyers of Maryland who have had any contact, direct or indirect, with Judge Haynsworth would be that he, regardless of his political philosophy or political allegiance or political registration, is competent and qualified to be a Justice of the Supreme Court?
>
> Mr. Ramsey. I believe that is correct, sir, and I think our State bar association has advised the chairman of the Committee that in the opinion of the board of governors of our association, he is eminently well qualified to be a member of the Supreme Court and in addition, I would concur that I think that it is unvaryingly the opinion of our board. (Hearing Record, page 142)

Mr. President, there is nowhere in the record a challenge to Judge Haynsworth's professional ability, judicial temperament, or integrity as a judge or a man.

Opposition to Judge Haynsworth, then, lies not in his judicial qualifications—his ability to decide cases fairly in an unbiased manner. He has been attacked partly on manufactured flimsy ethics charges and largely on unfounded assumptions as to his legal, social and judicial philosophy. Specifically he is charged with being a "strict constructionist," anti-civil rights and antilabor. All of these challenges are unfounded.

Judge Haynsworth decided thousands of cases in 12 years. He was charged by one opponent of sitting in cases in which he owned stock in one of the litigants. He was so charged in Kent Manufacturing Corp. against Commissioner of Internal Revenue. It turned out to be a different Kent Manufacturing. He was so charged in Merck against Olin Matheson Chemical Corp. This case received wide publicity. He never owned stock in either. He was so charged in Darter against Greenville Community Hotel Corp. Judge Haynsworth owned one share for 1 year but had disposed of it 5 years earlier before the case ever came before the court. Another mistake. This matter has been detailed by the Senator from South Carolina (Mr. Hollings).

There were other mistakes and the opponents so conceded but the damage was done. The report clearly states that out of the thousands of cases in which Judge Haynsworth participated a question is raised in only five cases. It is charged Judge Haynsworth should have disqualified himself even though the Federal law 28 U.S.C. 455 required that he sit and decide those cases. 28 U.S.C. 455 provides:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein. (Senate Report 91–12, p. 5)

The key words are "substantial interests."

Canon 29 of the code of ethics provides in part:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. (Senate Report 91–22, p. 5)

The key words are "personal interest."

The five cases present three separate circumstances. The first is the question of an interest in a third party not a litigant in the case. This is Darlington Manufacturing Co. against NLRB, argued June 13, 1963, and decided November 15, 1963. Judge Haynsworth owned stock and was an officer and director in Carolina Vend-A-Matic, not a party to the suit. This company had vending machines in three textile plants. Deering-Milliken, Inc., owned controlling interests in 27 textile plants including these three. Darlington Manufacturing was one of these plants controlled by Deering-Milliken but not one in which Carolina Vend-A-Matic had vending machines. So here we have a situation where he is accused of conflict of interest, where he owned no stock in either litigant, and where the customer of one company did not have any interest in the plant involved in the suit.

Judge Haynsworth took no active part in the management of Carolina Vend-A-Matic and the litigation in no way affected Carolina Vend-A-Matic. There is certainly no substantial or personal interest in the litigation.

John P. Frank, a lawyer and expert on judicial disqualification, appeared before the committee and testified on September 17, 1969. I would like to quote part of his testimony.

> Now, the precise question in disqualification terms which is presented is what is to be done in the so-called third party situation—that is to say where a judge is connected with a third party who, in turn, has a busi-

> ness connection of some sort with a party to a lawsuit, and that reduced to its legal substance, is the problem which is here.
>
> In this connection then we have the precise question, should Judge Haynsworth have disqualified himself in this case because he was connected with a third party, which, in turn, had such a business relation? (Hearing Record, p. 111)

Mr. Frank went on to state that the cases under the Federal law not only require disqualification if there is substantial interest in the litigation, it also requires the judge to sit where that requirement is not met. There is no third possibility. Judge Haynsworth was not disqualified and therefore he had to sit. There was no conflict of interest in appearance or reality from a factual or legal viewpoint.

Interpolating again, it would be as though we were saying there is a conflict of interest if one owned stock in any company doing any business with any company having a suit. Under those conditions, could any judge sit in any case where he owned any stock in any corporation? If so, we should make a law to that effect, if that is the way the Senate wants to work. But that was not the law when this happened, and it is not the law now. In my opinion, it is simply creating another red herring to so interpret it at this time.

A second line of three cases which Judge Haynsworth decided involved ownership of stock in a parent corporation when a subsidiary was before his court. Again the law requires the judge to sit where there is no substantial or personal interest in the litigation. Disqualification is clearly not automatic because of mere stock ownership in a subsidiary. If we want it so we must change the law.

This leaves the Brunswick case. The third situation is ownership of stock in one of the litigants. *Brunswick Corp.* v. *Long*, 393 Fed. 337 involving competing claims for repossession of bowling alley equipment. The case was argued on November 10, 1967. The judges met immediately afterward and unanimously affirmed the judgment of the lower court. The case was assigned to Judge Winter, not Judge Haynsworth, for preparation of the opinion.

On December 20, 1967, a stockbroker placed an order for Judge Haynsworth for 1,000 shares of Brunswick. The broker recommended the purchase and Judge Haynsworth testified he had no recollection at the time that the Brunswick case had not been finally disposed of. The purchase was made on December 26, 1967. The draft opinion was circulated on December 27, 1967, and signed by Judge Haynsworth on January 3, 1968. The opinion was released on February 2, 1968, and petitions for rehearing and certiorari to the Supreme Court were subsequently denied.

Had Brunswick been allowed the full claim of $90,000, which it was alleging and this amount distributed to each shareholder, Judge Haynsworth's personal interest would have been less than $5.

This could be a technical error in judgment but it is not a substantial "interest" as set forth specifically in the law of disqualification.

The committee report states:

> It scarcely needs to be added that to regard an inadvertent error such as the purchase of the stock as a basis for refusing to confirm Judge Haynsworth would be to demand a degree of perfection seldom, if ever, achieved by those in either public or private life. This committee requires a nominee to be honest, honorable, and sensitive to ethical considerations. It does not require him to be infallible. (Senate Report 91–12, p. 12)

I fully agree with that conclusion.

There is no cumulative effect on small errors here as charged by some opponents. There was one inadvertent error of a highly technical nature in 12 years and thousands of cases.

Charges of "ethical insensitivity" are not valid. Opponents have tried to create a completely new standard of ethical practice, contrary to Federal law, and make it retroactive. They charge that if it was not wrong, it could have the "appearance" of wrongdoing. Again, that is contrary to Federal law and the overwhelming opinion of cases decided. There is no doubt. The record is clear. If we do not like these standards it is up to us to change them, but we have not changed them yet.

Judge Haynsworth has violated no existing standard of ethical conduct except the one that is being emphasized over and again, especially created to deny his confirmation. He was, in fact, scrupulous in his ethical conduct in the thousands of cases that came before him.

Mr. President, one of the major objections of Judge Haynsworth is that he is supposedly a "strict constructionist" of of the Constitution—a conservative. The history of the men who have sat on the Court should be fair warning to all of us that we cannot "pigeonhole" men's political philosophies. It is unique that this objection seems to be a central concern of many who stated that such considerations were not relevant when more "liberal" men were being considered for this position.

I would quote one excerpt from the record appearing on pages 75 and 76. The Senator from Michigan (Mr. HART) was questioning Judge Haynsworth.

> We have been hearing for months, years, that what we need on the Supreme Court is a strict constructionist. Now, what is that? I take it you are one.
>
> Judge HAYNSWORTH. Senator, I have been said to be one. I don't know—I don't know what it is and I certainly do not know that I am one. Again, one can read what I have written as judge and draw conclusions from it. But I have not labeled myself a strict constructionist. And I think if you read some opinions I have written, you would not think I was.
>
> Senator HART. I am trying to find out what it is that I should establish as the standard against which to make that judgment. And apparently this definition was not discussed with you by the President who nominated you.
>
> Judge HAYNSWORTH. The term has not been defined to me by anyone, sir.
>
> Senator HART. I think it is politically a popular phrase, but we would all be the better off if it was more clearly defined.
>
> Now, certainly in the mind of the man who nominated you, Earl Warren is not a strict constructionist.
>
> That opinion is shared by many. I think he was an outstanding, magnificent Chief Justice.
>
> Judge HAYNSWORTH. He is a very close friend of mine.
>
> Senator HART. I am speaking now of what he did in terms of leading that Court in the direction that history will reflect was very timely, in the best long term interests of this country. He got into trouble because he said, among other things, that "separate but equal" wasn't equal and wasn't constitutional.
>
> Do you agree with him?
>
> Judge HAYNSWORTH. I certainly do.
>
> Senator HART. He said that the right to counsel of a man under a criminal charge was a right that was available to rich and poor alike; if you couldn't afford it, you didn't lose it. We would provide counsel for you.
>
> Now, do you think that is good?
>
> Judge HAYNSWORTH. Senator, we have upheld that right again and again in my court.
>
> Senator ERVIN. If the Senator will pardon me for committing an unpardonable sin, I am glad at long last the Senator from Michigan agrees with me that a Senator has a right to ascertain the view of a nominee for the Supreme Court.
>
> Senator HART. I am ascertaining whether he agrees with Earl Warren.
>
> Senator ERVIN. And I would like to say that I am glad to have a convert to my philosophy. However, I never did get one of the previous nominees to ever reveal any of his political or constitutional philosophy. And I was told at the time that it was highly improper for me to seek to ascertain it.
>
> Excuse me, I won't interrupt you any more.
>
> Senator HART. I was trying to figure out a device that would enable me not to backtrack on the position I have taken earlier, and nonetheless——
>
> Judge HAYNSWORTH. It is very hard to do.
>
> Senator HART (continuing). And nonetheless find out if we were asked to consent to the nomination of a man who thought that the direction of the Supreme Court under Earl Warren should be reversed or modified.
>
> Now, I think that is a fair question because on its answer hinges, I suspect, my vote.

In other words, not a question of judicial temperament, not a question of ability, not a question of integrity but on the question solely, insofar as the Senator from Michigan is concerned, as to whether the movement of the Court as it was under Chief Justice Warren would be continued. If it is not, then he will vote against Judge Haynsworth. It says so right here. Read the record.

Mr. President, I submit that that is hardly a fair way to approach the question of whether this man who has been nominated has the judicial temperament, the ability, and the integrity to serve as a Justice of the Supreme Court.

A close examination of the cases and opinions by Judge Haynsworth show first of all a scholarly balanced approach to the law. Prof. G. W. Foster, Jr., submitted a statement particularly with regard to Judge Haynsworth's Civil Rights opinions as follows:

> I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent and openminded man with a practical knack for seeking workable answers to hard questions * * *.
>
> Judge Haynsworth is an intelligent, sensitive, reasoning man. His record as a judge shows him to be a man capable of continuing growth and responsive to the needs for change where needs are persuasively shown to exist.

Mr. ALLOTT. Will my colleague yield to me?

Mr. DOMINICK. I am glad to yield.

Mr. ALLOTT. I concur completely with the arguments made by my distinguished colleague, who is a distinguished lawyer in his own right. Before he gets further into his discussion on this matter, I should like to ask him, knowing that he has studied the record, does he find any impugnment of the personal integrity of Judge Haynsworth anywhere in the record?

Mr. DOMINICK. I have not found it anywhere, but surely it is interesting that the Senator from Maryland (Mr. TYDINGS), who opposes Judge Haynsworth for reasons known only to himself, has clearly brought out the fact that Judge Haynsworth has unquestioned integrity and unquestioned ability.

Mr. ALLOTT. Yes, it is difficult for me to reconcile how a man could praise a judge in such a lavish way and then make a determination that he was going to vote against him.

Mr. DOMINICK. I wholeheartedly agree with my distinguished colleague.

Mr. ALLOTT. The Senator from Maryland is either 100-percent wrong now or, when he was speaking from his heart and mind, he was 100-percent wrong. Thus, he is wrong on one of the other occasions, too.

Mr. DOMINICK. I might say, on the first occasion, however, when he was praising Judge Haynsworth, that what he said about him was backed up by all the other witnesses.

Mr. ALLOTT. That is true. It was, entirely. To pursue the same line of questioning, all of the testimony of those qualified to judge Judge Haynsworth's legal abilities, as I read the record, indicated 100 percent that he has very high legal ability.

Mr. DOMINICK. Without any question. Some of the people did not agree with some of his philosophy, but they did say that they were able, well-reasoned and intelligent decisions.

Mr. ALLOTT. That is correct. Some of them did not quite agree with his philosophy, especially as to implementing or moving into an innovative field as might be interpreted by a future Supreme Court decision; but if we take the fact that no one has ever accused him of profiting from a decision in any respect, and if we take the Brunswick case, for example, that was decided within 10 minutes or so after the hearing had concluded and the only thing that remained was for Judge Winter—not Judge Haynsworth—to write the opinion and for them to affix their signatures.

When one considers all these factors, how can a reasonable and sane man question the ability of this man to sit on the Supreme Court?

I simply cannot fathom the reasoning of those persons.

Mr. DOMINICK. I concur. I think the major problem was that the attack got started before his qualifications were distributed nationwide. As brought out by the Senator from South Carolina (Mr. HOLLINGS), the attack was delivered by labor unions and others.

I was quite intrigued with the speech of the Senator from Kentucky (Mr. COOK), in which he went into what happened to Judge Parker when he was nominated. After reviewing the history of the career of the judge, his former opponents confessed they had been wrong. Yet, just on the basis of philosophy, they were able to carry enough weight to defeat his nomination.

For example, in the bill of particulars of the distinguished Senator from Indiana (Mr. BAYH), he cites cases of conflict of interest on the ground that the judge had stock in litigant companies; and in at least three out of four he did not have stock.

Mr. ALLOTT. It was spread around the country. The impression people got of the Haynsworth matter was that he was deciding cases in which he had a pecuniary interest, when he was not.

Mr. DOMINICK. That is correct.

Mr. ALLOTT. Let me carry this one step further. It has already been pointed out that in the Darlington case, Carolina Vend-A-Matic had machines in a particular building which was controlled by the Deering-Milliken Corp. Would that mean that if a man owned stock in Ford Motor Co., he could not sit on a Hertz Co. case? I am not sure that Hertz does business with Ford, or whether it is Avis, No. 2——

Mr. DOMINICK. The Senator is right, Hertz does do business with Ford.

Mr. ALLOTT. Does that mean that if one owned 100 shares of Hertz stock or 100 shares of Ford stock, he would be precluded from sitting on a case involving the other company, simply because it did business with that company?

Mr. DOMINICK. That is what the opponents are trying to say, although it is not a rule or canon.

Mr. ALLOTT. For example, it is a well known fact that the large motor companies do business with literally hundreds of companies. That is also true in the airplane business. I know my colleague well knows that, because he knows that field so well. If a company did business with hundreds of companies, and if a judge owned stock in a company which did part of its business with the litigant, it is then said he then would be precluded from sitting on that case. Where do we stop in this particular reasoning?

Mr. DOMINICK. I do not know. On that reasoning, if a judge owned a cow, he could not sit in a case involving a butter or cream company, because the milk from the cow had gone into that butter or cream. We would make a parade of horrors out of it. I hope we do not have that as a serious charge against the nominee, because it is ridiculous.

Mr. ALLOTT. In fact, I do not think there is a serious charge of any nature against Judge Haynsworth which has been proven.

I would like to ask the Senator one other question. I do not want to delay the completion of the Senator's stimulating discussion of this matter.

My colleague from Colorado has practiced law for quite a few years, as I have. I do not think any legitimate lawyer—thank God most of them are—has asked anything of a judge other than that he be honest and that he be intelligent. I would like to call my colleague's attention to the last paragraph of a letter written to me by a Democratic Congressman from South Carolina, in which, after mentioning his Democratic affiliation, he stated as follows, which I think is very persuasive:

> Of course, the decision is not to be mine. If it were, I would find it easy. I would rather have the honesty, objectivity, and judgment of Clement Haynsworth apply to my rights of life, liberty, and property than that of any judge who graces the bench of this great Nation.

Here is a man who has known him, who has lived in the same State with him. I cannot think of any greater tribute than that.

I am sure my colleague will join me when I say that if we were to pick a judge, we would ask for no greater tribute to a judge than that which was given by that Member of Congress, who lives in the same State as the judge.

Mr. DOMINICK. I certainly agree with my distinguished colleague. I am grateful to him for having highlighted many of the points I am trying to make.

I really have deep concern over the charges that have been made. It is interesting that the ethical charges have been knocked down by editorials in the Washington Post and many of the major newspapers throughout the country. Those charges have just been eliminated. They recognized there was nothing to them at all.

Yet, somehow or other, after saying that, some of the editorials have come to the conclusion that, nevertheless, the man should not have his nomination confirmed. One cannot really put his finger on why his nomination should not be confirmed from their reasoning except on the basis of some manufactured doubt or that they are concerned, as the Senator from Michigan (Mr. HART) said, as appears in the hearing record, that perhaps he would not move as rapidly as Earl Warren moved.

That should not be the focal point of our consideration. The President has nominated a person of great integrity, great ability, complete honesty, and objectivity. We may consider it, but we in the Senate cannot control what his philosophy will be when he gets on the Court.

Mr. ALLOTT. That is correct. I think of Justice Brandeis and what was said of him before he went on the Court. That matter has been discussed on the floor. It is recognized that he became a great Justice.

With respect to some of the charges made, and which were not proved, as was shown in the hearings, perhaps certain Senators cannot support the nomination of Judge Haynsworth simply because they were blocked out in the first instance, and would find it very embarrassing to change their positions, even though all logic and reason dictate that they should.

Mr. DOMINICK. I think the Senator has made a good point; but I would hope that we recognize that this body has some judicial authority when it comes to the nomination of members to the Court. We ought to look at those nominations objectively, as we would want the nominee to look objectively at cases he had before him as a judge. Yet we are not doing that here.

Mr. ALLOTT. The nominee is entitled to the same objectivity and fairness that a Senator would ask of him were he to be so unfortunate as to be in any court of law. I say "unfortunate," because it is not fortunate when anyone has to go to a court of law, particularly if a person is to be before that judge on a criminal appeal.

I think one thing people do not recognize generally is that there is a great difference—and this is probably due to lack of knowledge on the part of a great many people—between the practice of law in a trial court and a proceeding before an appellate court. Most people think of a court hearing, for example, the Brunswick case, as a hearing in which witnesses are paraded in before the court, in which there is an evaluating of the testimony of the witnesses, and the jury is instructed. They do not realize that the hearing before the appellate court on that particular day was only one of three.

The only thing that occurred was that the briefs and the appellate papers were before the judges; they heard the argument of the lawyers in the case, and that was all that occurred. To them it was a fairly routine matter.

It is also noteworthy, I think, that at no time was the original finding of the judges disturbed or modified in that case.

Mr. DOMINICK. That is exactly correct. Another interesting thing, too, in connection with the so-called Darlington case, is that there were actually three cases. I do not think the unions opposing him actually bothered to look this thing up. The first time the matter came before the court, he voted for the union. Then it was sent back and came up on a side or procedural issue, and he voted for the company that time. Then it went to the Supreme Court, and was reversed in the Supreme Court and sent back. The NLRB put in an order and it was appealed, and he affirmed again.

So in two cases out of the three, in the Darlington Mills case, he actually was on the labor side, which seems difficult to put together with a so-called antilabor bias that we have heard alleged all around us.

Mr. ALLOTT. Mr. President, I thank the Senator for permitting me to intervene, and I shall be very interested in the subject matter which he had just started on when he permitted me to intervene.

Mr. DOMINICK. I thank my colleague. I think we have highlighted some of the points which are of such deep concern, I know, to the Senator as well as to all of us, and I know what a fine speech he made the other day pointing out some of these sensitive areas, and in fact rapping some people rather sharply on the knuckles in the process of doing it—something which I think needed to be done.

Mr. President, Judge Haynsworth's opinions show a deep respect for the law and he has consistently followed Supreme Court decisions or those of other circuits when the Supreme Court had not decided a point. He has in fact broken new ground in some criminal, civil rights and labor cases.

I have previously stated the conclusions of the ABA through Mr. Walsh after study of Judge Haynsworth's opinions. Labor witnesses freely admitted that their objection was based on a few cases decided generally against the organized labor viewpoint in those selected cases. They completely ignored any analysis of his opinions in favor of the organized labor viewpoint in other cases. The same criticism can generally be made of those who say he is anticivil rights. North Carolina Teachers Association against Asheboro City Board of Education is particularly relevant because the court split four ways in four separate opinions, Judge Haynsworth holding with the majority. Seven judges heard the case en banc. Several Negro teachers had been displaced as a result of desegregation, and had claimed the board's failure to reemploy them was racially motivated. The district court denied relief.

The majority opinion by Judges Winter, Butzner, and Haynsworth awarded injunctive relief to the Negro plaintiffs as a class and money damages to three plaintiffs, declared two were entitled to preferential hiring, and denied relief to four others. Judge Sobeloff thought more relief should have been granted to individual teachers. Judges Bryan and Boreman contended the district court should be upheld—it having denied relief—and Judge Craven concurred but thought preferential hiring rights should not be granted the two plaintiffs.

In order of "sympathies," then—speaking in terms of civil rights—Judge Sobeloff would be "most sympathetic." Judge Winter, Butzner, and Haynsworth second most sympathetic. Judge Craven would be third most sympathetic and Judge Bryan and Boreman least sympathetic.

I, for one, as a strong supporter of the civil rights movement—which I have been ever since I have held public office—have no doubts about Judge Haynsworth in the area of civil rights.

For those who still express doubts about Judge Haynsworth's philosophies I recommend a review of the testimony of Mr. John Bolt Culbertson appearing at pages 211 through 230 of the hearing record. Mr. Culbertson is a practicing lawyer in South Carolina. He is a member of ADA, supports the NAACP, has represented the AFL-CIO, in particular the textile workers and the criminally indigent. He has written no books or articles. He is truly a practicing lawyer. He calls himself an activist, not a theorist. His testimony bears that out. He does not agree wholeheartedly with Judge Haynsworth's philosophies, but he supported him as a judge, a lawyer, and a man.

At page 215, Mr. Culbertson stated:

> Judge Haynsworth, in my opinion, has one of the best legal minds, the most incisive mind that I have run into.

At page 216, Mr. Culbertson continued:

> Clement Haynsworth's mind, legal mind, is really sharp and he is a competent man. Now, don't misunderstand me, he has decided a lot of cases. I take a lot of cases on social security for disability before that court and I haven't had much success up there, and I have got some of those, one of those cases on the way now, on the pauper's oath, to the U.S. Supreme Court, but what I am saying in response to Senator Eastland's question is that he has as good a legal mind as there is in the United States, in my opinion. Now. I don't know whether that answers that or not.
>
> The CHAIRMAN. And he has made a fair judge?
>
> Mr. CULBERTSON. What is that, sir?
>
> The CHAIRMAN. He made a fair judge?
>
> Mr. CULBERTSON. If I didn't believe he was fair and honest, Senator, a thousand mules couldn't pull me from South Carolina up here.
>
> Nobody is paying me for this. I am hoping before I go back that I am going over here to the Teamsters place and pick me up a check for $2,500 that they owe me.
>
> [Laughter.]
>
> For defending them.

At pages 221 and 222 of the hearing record, the following colloquy occurred between Senator ERVIN and Mr. Culbertson:

> Senator ERVIN. I want to ask you if you agree with me that no single American and no group of Americans have a right to demand that no one will be appointed to the Supreme Court except those who will do their bidding or will share their views. Isn't the only thing we can ask is that appointees to the Supreme Court will be men who accept the Constitution as their guide and who do the best they can with all the fallibility of human beings to inform themselves about the merits of the case and then reach conclusion with respect to which they believe to be an honest conclusion?
>
> Mr. CULBERTSON. Yes, sir.
>
> Your honor, may I say this: When the American Bar Association called me, they didn't know I was president of the bar, they didn't call me for that reason, they called me because they thought again, my name had been given to them by someone and I told them substantially what I am saying here, and I said, *How can you pick a judge that has not lived, I said, you can't raise them in a vacuum. You can't come to the bench sterile. He has got to have some exposure, and the real criterion and test is the honesty and integrity of the individual.* They make a lot about textiles. It is true we have textiles in Greenville, and nobody can be involved in making a living or in politics or anything else that is not touched by the textile trade, but just to say that he is "Mr. Textile" or something, you have got to go to the character and the nature of a man.
>
> *Now, if he was a one-sided individual, if I thought he was vindictive or dishonest, I would be the first man to get on the stand in South Carolina and I would tell it all.* I don't never hold anything back. And let me say this, your honor, if I may, some people asked me today, the News and Courier reporter, a black man here, Mr. Price, I think is his name, he said they want to know back in South Carolina what John Bolt Culbertson is doing up here. Let me read to you, just a second. "Certificate of Merit awarded to John Bolt Culbertson in recognition of praiseworthy service in the area of political action in efforts to secure equality of opportunity in behalf of the underprivileged by the South Carolina Conference of Branches, National Association for the Advancement of Colored People." Signed J. Hubert Nelson, president, D. C. Francis, secretary, J. D. Quincy Newman, field secretary. At the 24th annual State convention, November 11–14, 1965, at Sumter, S.C.
>
> *Do you think that I would prostitute myself and give up all that I have ever lived for and fought for to come up here and express a dishonest opinion? If I have to be condemned and criticized by my longtime friends and associates for honestly stating my convictions then what is America for?* (Emphasis added.) (Senate Hearings, pp. 221, 222.)

Mr. Culbertson further stated:

> I predict that Judge Haynsworth will prove to be one of the greatest Justices of the Supreme Court that ever has been on this Court. If I were a member of the U.S. Senate, I would vote for the confirmation of his appointment. (Senate Hearings, p. 222.)

Mr. President, Shakespeare wrote in "Timon of Athens": "Every man has his fault, and honesty is his." The bard could well have been speaking of Clement Haynsworth. He has been called a lawyer's lawyer, a judge's judge. Judge Haynsworth has been frank and honest with the committee. He has been subjected to one of the most detailed personal inquiries conducted by this committee for a nominee for the Supreme Court. He has furnished item after item on his personal finances. His decisions have been examined, dissected, and analyzed by friend and foe alike. Through it all he has remained cooperative and candid.

The reputation of this man as a judge shines clearly through the record. The esteem in which he is held, even by those who might disagree with him philosophically, is uniformly high. His professional credentials have withstood the determined attack against his confirmation. The record is clear. This man is exceptionally qualified to serve on the Supreme Court.

I wish to reiterate a word of caution which I pointed out in my opening remarks. Certain labor leaders have made much of the fact that this is only the second nomination they have opposed. The first, Judge Parker, was the only nominee rejected by the Senate as a body in the last 60 years. He was alleged to be antilabor, unsympathetic to Negroes, and supposedly politics dictated his selection. How familiar that sounds. He likewise was from the fourth circuit. The special interest groups finally conceded they had defeated a nominee who was essentially liberal. We should all be warned not to label people by their supposed political philosophies. History has proven this wrong time and time again.

Likewise we should not allow political pressure from special interest groups to dictate our individual decision as Senators. At best this is secondhand politics in a debate that should be without political motivations.

I shall vote to confirm Judge Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court. On the record I can do nothing less. I do so without reservation or doubt.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I am supporting President Nixon's nomination of the Honorable Clement F. Haynsworth, Jr., to be an Associate Justice of the U.S. Supreme Court. I believe he is well qualified, that he is a man of integrity, and that he will make an excellent Associate Justice.

I have followed the testimony as it has been given in the hearings on his nomination. I have read many, many articles in the papers and magazines of this country. I have heard his appointment discussed both favorably and unfavorably. I have tried to do my best in separating the chaff from the grain and I have come to the conclusion that on the record I should vote to confirm.

The framers of our Constitution gave to the Senate the sole power of confirmation. However, it gave only the power to confirm or refuse to confirm. It did not give to the Senate the power to nominate. That power vests in the President of the United States and in him alone. Ordinarily, I believe that doubts that are not sufficient to vote against confirmation, even though they exist, should be resolved in favor of the President's nominee, particularly since we are not empowered to select someone to his place.

Some very able arguments have been presented on the Senate floor. I have been particularly impressed with the elaborate and careful analysis given by the junior Senator from Kentucky (Mr. COOK) and by the senior Senator from Nebraska (Mr. HRUSKA). There have been other very fine, forceful, and able presentations in behalf of Judge Haynsworth.

The opposition to Judge Haynsworth has been of a twofold nature. In the first place, it is claimed by some that he has not rendered decisions as a Federal judge in the way they believe they should have been rendered. Yet, experienced lawyers in the American Bar Association have examined cases in which Judge Haynsworth has participated and have come up with a recommendation for his promotion to the Supreme Court.

I have not heard anyone say that Judge Haynsworth is not qualified for the Supreme Court. I believe even those who oppose his appointment say that he is a man of honor and integrity. What more can we require of a man's promotion to this high position than those very qualifications—that is, that he is an able lawyer and jurist and that he is a man of honor and of integrity?

The other point that has been made against him relates to his investments. Again, I believe there is nothing in his record that shows any dishonest or reprehensible conduct on his part in connection with his investments.

Mr. President, I have often wondered how a man who has accumulated wealth can invest that wealth in a way that secures him completely against ever running into any conflict of interest in any way whatsoever. As a matter of fact, if conflict of interest were strictly enforced, many times Members of Congress would have to abstain from voting on everyday issues, for we do have an interest in many things about which we must legislate. As it happens, such interest ordinarily is not of the degree that could be presumed to affect the vote of a Member of Congress. I have examined as best I can the securities listed as being owned by Judge Haynsworth, and I have heard the arguments presented by those who have spoken in his behalf that his interest was so small that it could not be expected to affect his decisions in any way.

As I have said, I have often wondered how a man in public office, such as Judge Haynsworth, possessing wealth, can safely invest. I know little about the field of investment from personal experience, but I do know that a person generally relies on a broker or a brokerage firm to look after his investment interests; and I am of the opinion that the average person, whoever he may be, simply does what his broker recommends. I believe that also true in the case of Judge Haynsworth and that he should not be denied the high office offered him on such evidence as has been presented against him. Accordingly, I shall vote for his confirmation.

Mr. MOSS. Mr. President, it was my hope that this debate on the nomination of Clement Haynsworth would never have had to take place. I had hoped that when the President of the United States realized that this nomination was not satisfactory to the Senate he would withdraw it. There are, after all, many other conservative lawyers who are eminently qualified and who would be confirmed readily.

But, the President has chosen to force this issue to a showdown and has once again brought bitter divisiveness to this floor. I, therefore, must tell the Senate that I will vote against the confirmation of Judge Haynsworth.

I will take no pleasure in this vote. This confirmation battle, whatever the outcome, only adds more hurt to an already injured man and only does more damage to an already weakened Supreme Court.

Nor is there any gain for the liberal cause if this nomination should be defeated. President Nixon can simply propose another nominee whose ideology is just as conservative as is Judge Haynsworth's. The liberal Senators know this and so does the President.

In casting my vote, therefore, I seek not to preserve the so-called liberal block on the Court—that could not be accomplished by this vote in any event. I seek to preserve the integrity of the Supreme Court.

In the eyes of many American citizens, the integrity of the Supreme Court would be damaged by the confirmation of Clement Haynsworth. At a time when respect for law is so vital to domestic order, respect for the courts and their judges becomes even more crucial.

To command this respect judges who are appointed for life must conform to the Canons of Judicial Ethics. Unfortunately, Clement Haynsworth does not meet these high standards.

Judge Haynsworth sat on cases involving litigants in which he had a financial interest; he purchased stock in corporations likely to appear before his court; and he sat on cases involving customers of a corporation in which he was a major stockholder and for which he served as a director and vice president.

These activities were clearly contrary to the guidelines set down by the Canons of Judicial Ethics.

Canon 26 provides:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation.

Judge Haynsworth purchased stock in corporations which later had litigation before his court.

It is not a defense to this breach of judicial ethics to claim that the judge's potential monetary gain was minimal. Litigants are entitled to expect that the judge will have no financial interest whatsoever in either party.

A Federal statute provides:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest.

Judge Haynsworth purchased 1,000 shares of Brunswick Corp. stock while a case involving that corporation was pending before his court. Later he participated in the denial of two post-verdict motions in that same case.

Canon 4 provides:

> A judge's official conduct should be free from impropriety and the appearance of impropriety.

If it is not clear from the many incidents revealed concerning Judge Haynsworth's business activities while on the bench that he is guilty of improper conduct, it is at least clear that he has created the appearance of impropriety.

President Nixon disputes this standard saying that the appearance of impropriety can be created by any charge against a sitting judge. But it takes more than a few random charges to create the appearance of impropriety. In Judge Haynsworth's case there is, at least, reasonable doubt as to his conformity to judicial ethics.

Finally there is the grave matter of Judge Haynsworth's lack of candor. Judge Haynsworth testified that when he went on the bench he resigned from "all directorships and things of that sort." Yet until sometime in 1963 Clement Haynsworth was a director and vice president of Vend-A-Matic. This was not a casual relationship. Judge Haynsworth attended directors meetings, received a director's fee, and pledged his personal credit to enable the company to borrow substantial sums. Clement Haynsworth was not telling the truth to a committee of the Senate and I find it difficult to believe that he did not realize it.

In the final analysis Judge Haynsworth himself summarized the reasons why his nomination should be defeated:

> While I am concerned about myself and my reputation, I am much more concerned about my country and the Supreme Court as an institution, and if there is substantial doubt about the propriety of what I did and my fitness to sit on the Supreme Court, then I hope the Senate will resolve the doubt against me.

Unfortunately, there is in my mind a substantial doubt and I must, therefore, resolve it against the nomination of Judge Clement Haynsworth to become a Justice of the Supreme Court of the United States.

Mr. DOLE. Mr. President, in these closing hours of debate on the confirmation of Judge Clement Haynsworth, it is important to remember that, throughout the Nation, people in general are convinced of Judge Haynsworth's integrity, honesty, and qualifications for a seat on the Supreme Court.

As evidence, I submit editorials from newspapers ranging from Seattle to Orlando, and commend them to the attention of my colleagues.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Sept. 30, 1969]

COURT VACANCY

A P–I View: Senate confirmation of Judge Haynsworth to the vacant seat on the U.S. Supreme Court should be accomplished without further delay so he may be present when the Court begins its Fall Term Oct. 6.

We wonder how many men of 56 years, which is the age of Judge Clement F. Haynsworth, could have survived so well the hostile and exhaustive probe to which he was subjected for eight days by the Senate Judiciary Committee. In the end, the inquisitors were able to produce nothing to shake President Nixon's confidence—or ours—in the "qualifications and integrity" of the man he nominated to fill the Supreme Court seat vacated by the resignation of Abe Fortas.

All kinds of slurs and innuendoes were cast at Judge Haynsworth by his critics. It was alleged he ignored the "appearance" of judicial purity in failing to disqualify himself from two cases in which he had a remote personal interest. It was alleged he showed apparent favoritism in cases involving former law clients. Liberal senators joined civil rights and labor leaders in contending his rulings proved him biased against their causes. It was hinted that his Supreme Court nomination was a post-election payoff to Sen. Strom Thurmond (R–S.C.).

None of the politically-motivated aspersions jelled into anything solid. We concede that Judge Haynsworth may have been less than discreet in the two cases mentioned, but not even his strongest critics charged that he did or could have profited personally from his decisions in them. And so far as the rest of his many decisions during 12 distinguished years on the Fourth U.S. Circuit Court of Appeals are concerned, nothing was proven at all except that he is a legal conservative who goes strictly by the book.

This is precisely the kind of judicial philosophy President Nixon was after in making his nominaton. Judge Haynsworth has made a full, frank and convincing response to those who did their best to discredit him. He should be confirmed with no further delay so that he may take his seat as the ninth member of the Supreme Court when it begins its fall term Oct. 6, as the President hopes and expects him to do.

[From the Washington Star, October 22, 1969]

NIXON'S DEFENSE OF HAYNSWORTH

If ever there was a case of "character assassination"—as the term was used during Senate committee investigations in the 1950's—it is the attack which has been made on Judge Clement F. Haynsworth, who has been nominated by President Nixon to be an associate justice of the Supreme Court.

President Nixon is plainly displeased with accusation that have been leveled against a man who he considers innocent of any wrongdoing. Were the President's comments—a most significant presentation made at a news conference here on Monday—widely distributed throughout the country? Nixon says that, having evaluated all of the allegations, he reaffirms "with even greater conviction" the support he has given Judge Haynsworth, and makes a pointed plea for fairness as follows:

"When a man has been through the fire, when he has had his entire life and its entire record exposed to the glare of investigation—which, of course, any man who is submitted for confirmation to the Senate should expect to have—and in addition to that, when he has had to go through what I believe to be a vicious character assassination, if after all that he stands up and comes through as a man of integrity, a man of honesty, and a man of qualifications, then that even more indicated that he deserves the support of the President of the United States who nominated him in the first place, and also the votes of the senators who will be voting on his nomination."

Nixon now has personally examined all the charges mentioned by opposing senators. The President is particularly critical of those who say Judge Haynsworth's nomination should be withdrawn just because "a doubt has been raised." Nixon continues:

"The appearance of impropriety, some say, is enough to disqualify a man who served as judge or in some other capacity. That would mean that anybody who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, and that then his name should be withdrawn. That isn't our system. Under our system, a man is innocent until he is proven guilty."

The President declares that it is not proper to turn down a man just because he is a Southerner or a Jew or a Negro or "because of his philosophy," and that the real question relates to what kind of lawyer he is and what his attitude is toward the Constitution. Nixon contends that it is the duty of the senators to take into consideration the following:

"Is he a man of integrity? Is he a man that will call the great cases that come before him as he sees them, and in this case will provide the balance that this great court needs? I think Judge Haynsworth does that."

Nixon reveals that some of his friends came to him a few weeks ago suggesting that he withdraw Judge Haynsworth's nomination because a doubt had been raised which would be politically difficult to handle. But the President made this observation:

"I had to consider then whether because charges had been made without proof, and whether there was a doubt, whether I would then take upon my hands the destruction of a man's whole life, to destroy his reputation, to drive him from the bench and public service. I did not do so."

The President notes that if Judge Haynsworth's philosophy leans to the conservative side, this is in his favor, because the Supreme Court "needs balance." Nixon explains it this way:

"I think that the court needs a man who is conservative—and I use the term not in terms of economics, but conservative, as I said of Judge Burger, conservative in respect of his attitude towards the Constitution.

"It is the judge's responsibility, and the Supreme Court's responsibility, to interpret the Constitution and interpret the law, and not to go beyond that in putting his own socio-economic philosophy into decisions in a way that goes beyond the law, beyond the Constitution."

The President is right when he says that no man who has already served many years on a federal court bench should have to go through such an ordeal. The truth is the critics oppose Judge Haynsworth because of his views. They have raised the issue of honesty as a smokescreen in order to defeat the nomination as demanded by civil-rights leaders and labor unions who don't like some of Judge Haynsworth's rulings.

[From the Dallas (Tex.) News, October 14, 1969]

CUT OUT THAT JAZZ

The nomination of Judge Clement Haynsworth to the Supreme Court has again been reviewed by the American Bar Association's committee on the federal judiciary. After the second review, again the ABA has given the nominee its endorsement—but the endorsement is unlikely to calm in any degree the storm directed at Haynsworth.

That's because the attacks on Haynsworth have nothing to do with his qualifications as a jurist, acknowledged to be outstanding, or the charges of conflict of interest, which have been demonstrably groundless.

The liberals leading the attack on Haynsworth object to him because they do not own him. Newsweek magazine quoted couple of critics who made it clear that the judge's nomination is being fought on this basis, despite the smoke screen of false charges and unfounded innuendo.

One senator declared, "Conflict of interest is so much jazz. We are against him for what he believes. He thinks like a medieval prince."

A civil rights leader narrowed down the focus, saying that Haynsworth's "much heralded 'strict constructionist' approach is not new to the Negroes. (It) means granting their constitutional rights with an eyedropper when they should be flowing like a river . . ."

Since, by the critics' own admission the other charges are "so much jazz," why don't they stop confusing the issues and debate the main issue here, which is the philosophy of strict construction?

Strict construction implies no doctrinaire way of looking at racial questions or labor disputes or any other public issues. Strict construction refers to the way in which an individual regards the law.

The strict constructionist believes that the law pretty well means what it says, as written. The loose constructionist prefers to interpret the law not on the basis of what it says, but on what it would have said had the lawmakers had the benefit of his wisdom and experience.

In recent years, the Warren court has placed a construction on the law that is not so much loose as psychedelic. In effect, the high court has not been interpreting law, it has been making policy, disregarding the Congress and the voters in the process.

Under our system, the voters' ability to influence the court has always been tenuous and indirect at best, but they do rate a say. The chief method by which the public can give its opinion of the court's opinions is in its votes for the presidency, the office that nominates the members. The public did so in 1968, making it clear that it felt the court has gone too far in rolling its own law.

What the loose constructionists seek, on the other hand, is to pass on to the court even greater opportunities to take over the task of lawmaking, the task that is Congress' reason for being. If the liberal senators really want to pass on their legislative duties to the court for good, as they seem to do, why don't they just say so and cut out all that other jazz?

[From The Birmingham News, Oct. 20, 1969]

HAYNSWORTH'S RECORD

Opponents of the nomination of Judge Clement Haynsworth to the U.S. Supreme Court have zeroed in publicly on some business dealings. But the hard-core center of opposition to the South Carolinian is a belief that he would bring a more conservative, strict-constructionist approach to the court.

In that belief they are right; or at least we certainly hope and expect so. But even in this respect some of the judge's foes have misrepresented his record on the U.S. Fourth Circuit Court of Appeals to make him appear a segregationist and an enemy of civil rights.

An interesting column to this point appeared last week in *The Washington Post*, hardly a champion of segregation or anti-civil rights sentiment. Written by a *Post* editorial page staff member, James E. Clayton, the article concluded that Judge Haynsworth's record on civil rights in 12 years on the appeals court puts him "somewhere in between."

Clayton wrote:

"Unlike some other federal judges in the South (the heroes of the civil rights movement), he was not willing to go beyond what the Supreme Court or Congress specifically ordered. Also unlike some other federal judges in the South (the heroes of the segregationists), he was not willing to oppose what the Supreme Court, or a majority of his own court, had already done. He preferred to read Supreme Court opinions literally and to interpret them narrowly, doing precisely what that court said had to be done but rarely, if ever, going beyond that narrow interpretation.

"The result was that Judge Haynsworth voted with the most pro-civil rights judge in his circuit, Simon Sobeloff, far more than he voted against him; most of his civil rights cases were easy. But they parted company most of the time when Sobeloff wanted to break new ground in the civil rights struggle or to put a broad interpretation on Supreme Court opinions . . .

"Thus, you can tote up the score in several ways. If the standard of judgment to avoid being called a segregationist is that a judge must almost always support expansions of desegregation and avoid options that discourage it, Haynsworth comes out a segregationist. If the standard is that a judge is a friend of civil rights unless he takes every opportunity to denounce integration and never votes to encourage it, Haynsworth is a friend of civil rights. If the standard is somewhere in between, Haynsworth is somewhere in between. He rarely did anything more than that required of him by the Supreme Court, he rarely did anything less, and when he had options open to him he turned aside from being bold."

That may not be the portrait of the kind of judicial activist Judge Haynsworth's opponents would like to see appointed to the U.S. Supreme Court. But it describes precisely the kind of man most Americans—who, whether anyone likes to admit it or not, have grown increasingly disturbed at the Supreme Court's leanings in recent years—wanted President Nixon to name.

President Nixon is standing by his nomination. The Senate has heard more than enough pertinent testimony—and Judge Haynsworth has been subjected to more than enough attack by innuendo—to make a decision. Every effort should be made to bring this nomination to a vote. We are convinced that a majority of senators after fair-minded consideration will vote for confirmation.

[From the Manchester Union Leader, Nov. 3, 1969]

IN SUPPORT OF JUDGE HAYNSWORTH

The Judge Haynsworth appointment is quite in line with President Nixon's campaign pledge that there would be no more political cronies put on the U.S. Supreme Court but that, wherever possible, promotions would be made from the federal judiciary to the Supreme Court.

This, of course, is the way to produce an experienced and able Supreme Court. It is a marked improvement from the previous practice of picking politicians and cronies that unfortunately, was engaged in too often in the last eight years or so.

The attacks on Judge Haynsworth, of course, border on gutter tactics and are a sad commentary on the political leaders and others who have made them. The attacks are nothing but a complete smokescreen and an attempt to prevent the Haynsworth appointment by hurling so many false charges at the Nixon appointee that he will either withdraw or ask the President to withdraw his nomination.

President Nixon quite properly says he has no intention of withdrawing the nomination and Judge Haynsworth, who does not seem to be afraid of the cross-fire, has announced that he has no intention of asking the President to withdraw his name.

This is as it should be.

If appointees to the Supreme Court are to be scared off by verbal garbage thrown at them from individuals with special interests and very personal axes to grind, then we would indeed end up with a very sorry Supreme Court.

Senator Cotton has announced that he will support the Haynsworth appointment. It certainly would be a happy event if Senator McIntyre were to do the same.

The Haynsworth appointment really should not be a question of partisan politics. It should be a question of putting a man who has proved his capabilities as a judge on the Supreme Court by way of promotion from the Court of Appeals on which he has been sitting.

President Nixon elevated Chief Justice Burger from the Appeals Court of another district and if he continues to make appointments to the Supreme Court from such experienced jurists, then a much higher quality of decisions should be forthcoming from the highest court in the land.

[From the Orlando (Fla.) Sentinel, Nov. 2, 1969]

THE CHARACTER ASSASSINATION OF JUDGE CLEMENT HAYNSWORTH

There has been controversy over the nomination of several great Supreme Court justices, including Hughes, Brandeis, Black and Warren.

So controversy is not new to the court and perhaps it is a good thing. In a democracy all should be free to voice their opinions whether agreeable or not.

If anything distinguishes the Judge Clement F. Haynsworth case it is the depth to which his detractors have gone to try to destroy his character.

The judge has been accused of many things by many irresponsible people. He has answered all of the accusations satisfactorily. He has willingly cooperated in baring his life and his record to the glare of investigation.

He emerges, in our opinion, as a man of integrity, a man of honesty and a man of qualifications, who deserves, as Richard Nixon said, "the support of the President and also the votes of the senators who will be voting on his nomination."

The American Bar Association, the same group which found that Justice Abe Fortas acted "clearly contrary" to the canons of judicial ethics in his dealings with financier Louis E. Wolfson, was quick to support the Haynsworth nomination and has defended Haynsworth's handling of cases in which some senators have charged there was an interest conflict. Obviously there was none or the ABA would have withheld its support.

Many senators who have said they intend to vote against confirmation of Judge Haynsworth state they have found nothing dishonest or unethical in his record, but feel compelled to oppose him only "because there is considerable public doubt about him."

That is asinine logic. The public doubt has been created to a large extent by the continued circulation of false and misleading statements and irresponsible accusations.

President Nixon, who has been pressured to withdraw his nomination because "a doubt had been raised" about Haynsworth, categorically refused with this explanation:

"The appearance of impropriety, some say, is enough to disqualify a man who served as judge or in some other capacity. That would mean that anybody who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, and that then his name should be withdrawn.

"That isn't our system. Under our system, a man is innocent until he is proven guilty.

> Judge Haynsworth, when the charges were made—instead of withdrawing his name, as he could—openly came before the committee, answered all the questions and submitted his case to the committee and now to the full Senate.
>
> "I have examined the charges. I find that Judge Haynsworth is an honest man."
>
> As the Judge Haynsworth case drags on it is clearer than ever that those opposing him can find nothing on which to base their allegations of "impropriety." So they have resorted to wild character assassination.
>
> Part of this is inspired by the fact they want to embarrass President Nixon, but more by the fact that in truth Haynsworth may be too honest for them. A Southern conservative, he has a middle of the road record on major issues. Most of us, including Richard Nixon, feel Haynsworth is a man who would simply intepret the Constitution and the law, not put his own socio-economic philosophy into decisions in a way which goes beyond the Constitution.
>
> In short, the Supreme Court needs Clement F. Haynsworth.

Mr. FANNIN. Mr. President, long years ago, Mathew Henry gave us that now famous quotation, "None so blind as those that will not see."

I am afraid that is the sad situation with regard to the debate which presently surrounds the President's nomination of Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States.

It is not my purpose to scold or deride or to scoff at those with whom I am in disagreement over this nomination. Nothing is to be gained in that direction. Besides, such a function, if it is to be performed with some force, is best left to those to whom we, as elected representatives of our several States, are responsible.

The purpose I have in mind today is to bring what I believe to be the real issue into sharper focus so that the Nation may better see the point on which this issue turns, and the basis upon which the votes are cast.

On the day of the White House announcement of the nomination of Judge Haynsworth, I stated:

> The President has nominated a man of proven ability and qualifications to sit on the bench of the highest tribunal. Judge Haynsworth's record as an attorney and a jurist fulfill the President's stated desire to see men serve on the Court who are concerned with interpreting rather than making law. In nominating Judge Haynsworth, I feel the President has selected a man of character and integrity, and I feel sure the Senate will agree.

On September 4, 1969, here in this Chamber, I reaffirmed that conviction. As yet I have found nothing in the record that changes my mind. The judge has been subjected to an examination—much of it by his own request and using information which he, himself, has supplied.

Never, in comparatively recent history, has a Presidential nominee to the highest Court been subjected to the attacks, innuendoes, and judgments of motive which have been leveled at Judge Haynsworth.

I only hope that those who have been so "nitpicking" in regard to the record of this outstanding man will be able to find a candidate in some future nomination who can meet their standards.

The question which should be examined today, Mr. President, is the consistency of those who have opposed the nomination of Judge Haynsworth and in so doing have denied the very principles upon which they, such a short time ago, were castigating their colleagues.

Let us review a little history, Mr. President.

Last year we had before the Senate the nomination of Mr. Justice Abe Fortas to be Chief Justice of the United States, and Judge Homer Thornberry to be an Associate Justice. Since that nomination was before the Senate, several important events have taken place. A sequence of events transpired, sparked by a magazine article appearing in Life magazine, which resulted ultimately in Mr. Justice Fortas resigning from the Court.

Mr. President, I am not one to take advantage of another man's misfortune, mistake, or indiscretion.

There are men sitting upon the highest bench today about whom there is, even now, some question as to complete candor, uprightness, perhaps even a cloud as to former clientele. The question is, Can these Justices be completely unbiased when certain persons or causes come before them?

The Court deserves the best men who can be found to serve. I think that Judge Haynsworth is such a man. But those of us who were so sorely used when the Fortas affair was before the Senate, found our reservations and opposition fully justified.

Mr. President, in going back through the record of late in the summer of 1968, and early fall, one can find quotations that are most embarrassing in light of subsequent events. I know that we cannot always be sure of the actions of those we must trust. And I am sure that those who were most vocal in their support of the former Associate Justice were just as chagrined as I to learn of his seeming indiscretions.

I shall not trot out those quotations. I feel it is neither fair nor proper to do so. I will say they exist; and to those who are so glib and easy with their condemnations and pronouncements today, I say look at the record and see how very wrong some have been.

If I may cite the record in my own behalf, Mr. President, one of the major labor organizations in the United States, the AFL–CIO, has made my quotations of the Fortas case one of their frequent headlines. I suppose I should be flattered that they endow me with such power and influence that I have never noticed to exist.

They have gone back to the Fortas case and cited my opposition and quoted my words that "A judge should not only avoid impropriety, he should avoid the appearance of impropriety."

Well, that is what I said, Mr. President, when I quoted the Canons of Judicial Ethics and that is what I believe. That is what I believe is the case in the present circumstances before us.

There have been many comparisons made between the Fortas case and the Haynsworth case. They are unworthy. There is no comparison possible.

If there are those who seriously wish to compare the two, let us just look together at a few facts.

Former Justice Fortas received a substantial payment from the Wolfson Family Foundation in pursuit of a contract which called for payments to him and his wife after his death of $20,000 a year for assistance to the foundation and its charitable activities during the Court's summer recess. He said he returned the payment a year later when he found he would be unable to serve as contracted. There is a real question as to the size of the fee in consideration or the amount of the foundation sums to be administered. The statements made by Mr. Fortas when confronted with these facts were contradictory. He was faced with the need of giving further explanations or to resign. Mr. President, he chose to resign. This does not compare with Judge Haynsworth's actions.

There are several other major contrasts, Mr. President, but perhaps this is the most striking.

Judge Haynsworth has made a thorough disclosure of the facts and the records involving his judicial activities. He has provided the Judiciary Committee with information pertaining to the most minute and miniscule of his transactions—even to a 15-cent dividend.

In fact, Mr. President, the only case in which there even is the semblance of a serious question is the so-called Brunswick case—which I shall deal with later—and even Judge Haynsworth's most severe critics, including the Senator from Indiana, have not charged the judge with bad motive, or with attempting to make a financial gain, or with any other impropriety in this connection.

There is nothing in Judge Haynsworth's record that suggests impropriety, Mr. President. In fact, all the evidence points the other way. Most of the judge's detractors, when pinned down, admit that the Brunswick case might never have been "discovered" at all, were it not for the judge's complete and meticulous disclosure of his total investment activity. Is that the act of a devious man, Mr. President? It does not compare with Mr. Fortas.

Under these circumstances, Mr. President, and many more which can be cited, it is a gross distortion to suggest that there is even an appearance of impropriety in the case of Judge Haynsworth.

There are many other comparisons and contrasts which could be drawn, but I fear that following down that trail does not lead out at the right place, for there are none so blind.

Today, Mr. President, I would like to raise a question of honesty—intellectual honesty.

I have dealt with my own record in these matters. So far as I can determine I am applying the same standards to Judge Haynsworth that I have applied to the previous appointees. In my view there is no such nice distinction to be made between a nominee's ability and his philosophy. I am aware, Mr. President, that on the matter of Judge Haynsworth some of my colleagues, who back the President on this issue, notably the Senator from Kentucky (Mr. COOK), do make such a distinction.

Certainly, my colleague from Kentucky is a distinguished lawyer, a former judge, and far more learned in the matters of law than I shall ever hope to be. But as I read the Constitution and the duty of the Senate to advise and counsel the President on these appointments, I can find no distinction. I respect the Senator's view however, and I suggest that he is completely honest and consistent in applying it. If I interpret what the Senator has said on this subject correctly, I understand that if he considered it proper to take a judge's philosophy into account he might have some reason to disagree with the President's choice, particularly since he views Judge Haynsworth's record of decisions in civil rights as somewhat in disagreement with his views.

I respect the Senator's position, even though I do not agree with his reasoning on this particular point. I would like to point out that he is being consistent with the principle which he espouses and has not shifted his ground to suit the expediency of the moment.

It is unfortunate, I feel, that this consistency cannot be discerned in all those who have taken this line in opposition to Judge Haynsworth.

If I may paraphrase the language of my friend from Michigan (Mr. HART), in in the record which appears on page 27 of the judiciary hearings, in regard to Mr. Fortas, he said that while it may be interesting which side of the tracks a fellow comes from, or if he, as in the case of Justice Frankfurter, has had a great deal of correspondence with the President, and all other bits and pieces of extraneous information, while these are interesting, the Senator says, they are not the questions to be asked. He says we must only ask, "Is the man a distinguished lawyer, able to preside over the court? And is he intellectually fitted for the work?" Those, if I am to believe the Senator from Michigan, are the only two tests that he would apply, at least in the case of Mr. Fortas.

Now I submit, Mr. President, that Judge Haynsworth meets those qualifications and meets them without question.

In all the testimony developed in the committee, from friend and foe alike, there is no suggestion that Judge Haynsworth is anything less than a distinguished and dedicated jurist.

Attorneys whose practice is almost entirely made up of labor or civil rights groups, who have appeared before Judge Haynsworth multitudes of times, all testify to his capability, and to his fairness.

I was most impressed with the testimony, Mr. President, of one John Bolt Culbertson. Mr. Culbertson, who is an attorney in Judge Haynsworth's hometown of Greenville, S.C., has represented almost every unpopular cause in that area for years and years.

He was a liberal before it became fashionable to be one. He has stood with the NAACP in their legal battles when it was almost impossible to find someone to help them. He testified on the day he appeared before the committee that he planned to go by the Washington headquarters of the Teamster's Union to pick up a check which was due him for some work he had recently done for them.

Here was a labor attorney, Mr. President. Here was a lawyer whose life, practically, has been spent in arguing civil rights and labor cases before the courts—and specifically before Judge Haynsworth.

If anyone has a question as to the testimony of John Bolt Culbertson, I suggest he go and look at the record. The hearing record is full of praise for the judge's fairness and complete competence in matters relating to these cases. To those of my colleagues who have so glibly charged the nominee with bias in these areas of labor and civil rights, I again ask them to read and reread that section of the hearing record. Here is an attorney in a position to know, an adversary position, if you will, for his duty is to represent those very causes and cases in which the judge has been accused of bias.

Here is a quotation, Mr. President, taken from the CONGRESSIONAL RECORD of September 13, 1968. I will not identify the speaker, needless to say, he is opposed to Judge Haynsworth. However, at this point in the record he was advocating the confirmation of the nomination of Justice Fortas to the post of Chief Justice. He is saying that we must not look at decisions of the court when we make our judgments:

> With regard to decisions of the Supreme Court, each of us as lawyers and individuals, can disagree with their reasonings or results, but we must not consciously distort them and impute motives to the justice which simply do not exist.

Now I am of the opinion, Mr. President, that we must examine the judicial philosophy of the nominee. I thought that when Mr. Justice Fortas was nominated. I think it now that Judge Haynsworth is the nominee. I examined Mr. Justice Fortas' judicial philosophy. I did not like what I found; I opposed him. I examined Judge Haynsworth's judicial philosophy, I like what I find, I support him.

If one makes the argument, however, that judiical philosophy does not pertain in the case of Mr. Fortas—then to be intellectually honest—one must make the same argument in the case of Judge Haynsworth.

Here is another quotation from a Haynsworth opponent, a New England senator, who supported Justice Fortas. He said on September 12, 1968:

> There is a serious question whether any judge in our system should be accountable to an elected legislative body for his decision in a specific case. There is a great danger in basing decisions on their popular appear to a majority of senators rather than on less emotional considerations of constitutional law.

This same colleague who, a year ago, could not countenance the application of a test of judicial decisions to a nominee he supported, is today opposing the President's nominee for the very reasons he denounced.

There are many other instances, Mr. President. The record is full for all who care to browse. I would just like to conclude this section of my argument by citing a recent statement of former Supreme Court Justice Charles E. Whittaker. Mr. Justice Whittaker served on the highest tribunal from 1957–1962. He has publicly stated that he is convinced that opposition to Judge Haynsworth is spurred by his philosophy not by ethics nor his character.

The Supreme Court Justice, now retired, said his study of the records of hearings before the Judiciary Committee, in the light of criticism of Haynsworth's appointment, compelled him to speak out on the matter. He said that a thorough review of the hearings had convinced him that Haynsworth is guilty of no improper or unethical conduct.

To quote the Justice exactly:

> I say simply that it seems to me to be a shame that his opponents are willing to falsely assault his character in order to obtain his defeat because they want a more "liberal" justice appointed to the Supreme Court. It seems evident to me, that any proper sense of moral decency requires those who oppose Judge Haynsworth's confirmation to state their real reasons for opposing him rather than to resort to false charges of unethical conduct.

The Justice went on to say that he is convinced that Haynsworth is guilty of no misconduct in the two cases brought up in the hearings. Regarding the Brunswick case, which I have already mentioned, Mr. Justice Whittaker said:

> The record shows that quite aside from this being a piddling suit on a promissory note to foreclose a chattel mortgage that resulted in a judgement of $1,425 Judge Haynsworth owned no stock in the Brunswick company at the time the case was heard and decided. The record shows that after the case was heard and decided and another judge had been assigned to write the opinion, Judge Haynsworth on the recommendation of his broker, purchased some shares in the publicly-held Brunswick company.

If this eminent jurist comes to such a conclusion, based on his experience with evidence, giving it credence, and so forth, I think he must be quite close to the truth.

The point is, Mr. President, there are those who are opposing the nomination of Judge Haynsworth on grounds that are not only specious, but contradictory to positions which they espoused just a few short months ago.

J. P. STEVENS SECTION

Critical allusion has been made in this Chamber, Mr. President, to the fact that Judge Haynsworth, after coming on the bench, continued to hold shares in a major textile firm operating in his region of the country and nationally. The criticism is directed at the fact that this concern, J. P. Stevens & Co., Inc., has on a number of occasions been ruled in violation of the National Labor Relations Act, by various Federal courts, including the fourth circuit of which Judge Haynsworth is the chief judge. Such ownership, his critics suggest in a not too veiled manner, implies approval of wrongdoing. This is not so.

Those who have adopted this stand missed the entire point of Judge Haynsworth's position in the matter, possibly because they have not mastered the facts as they actually stand.

The judge himself has pointed out that this textile company was a client of his law firm before he ascended to the bench, and he has added that he held the relationship to be one that clearly would forever disqualify him from sitting on a case concerning it. This disqualification, he held, was so basic that disposal of shares in the company could not in any way modify it. And why was that?

Well, questioning of almost anyone in the judge's home city of Greenville, S.C., would disclose that many more years ago than living man can remember with certainty, the Haynsworth family firm was representing a number of cotton mills in this city and surrounding areas. The Stevens firm, which has its roots in New England, during the War of 1812, was selling agent for several of these mills. The relationship of the law firm began in the time of the judge's grandfather.

Nearly a quarter century ago these several companies were acquired by Stevens, thus making possible their expansion, modernization, and adaption to new products and new markets. From the Greenville standpoint the firm is an economic benefactor of no mean proportions. It has been and is responsible for growth of employment, payrolls, and business throughout the Piedmont area, largely because it had the capacity to move forward with the times while many other concerns found it difficult to meet the competition and keep up with new technology. This ability was publicly given later as the reason why the company was singled out as a union target. One may well imagine that the firm of Haynsworth, Perry, Bryant, Marian & Johnston was very pleased to be asked to continue handling the local legal affairs of the national company which took charge of these mills, and the interest expressed itself in modest investment in Stevens shares upon this new relationship being established.

A three-generation connection of that sort is as definite a link as a blood relationship, and Judge Haynsworth with proper appreciation of the fact knew, when he was appointed to the bench in 1957, he would not sit on any case concerning Stevens. Secure in the fact in succeeding years he increased his investment in an expanding and profitable venture that continued to benefit his whole community.

If, on ascending to the bench, he should have to dispose of shares in the company, whose acts he could not pass upon legally, what could he invest in?

There never has been the slightest suggestion on Judge Haynsworth's part that the investment was not a substantial one. It was and is, if $25,000 is substantial, and so what? It seems inevitable that any man raised to the bench through corporate practice would have a number of disqualifications applying to former client companies and their successes. To draw a line against investment in such firms would be tantamount to requiring any occupant of the bench to hold no investment in shares or bonds that could in any way be affected by any court rule. This would debar even investing in U.S. funds.

One would expect instead that a judge might feel freer to invest where he could and would not sit in judgment than in the situation of a company which might at any time come before him with no one else knowing, unless he or someone disclosed the fact, that he might be an interested party through financial holdings. Other judges have been less prompt to disqualify themselves.

But the issue as presented by the critics of the nominee does not turn on any such question. The objection is based on the demands by his critics that to suit them he should throw out investment in a company toward which they bear extreme prejudice.

The prejudice is based on the fact that when in 1963 this company was selected from the entire textile industry as the target of a widely heralded massive multimillion-dollar organization drive of the Textile Workers Union of America, the union was totally unsuccessful and turned to the Labor Board which ruled against Stevens, not once but repeatedly, and had been supported in those cases the company appealed and had heard by the courts. The company still is not unionized.

The last recorded acquisition of Stevens' shares by Judge Haynsworth occurred in 1964. The first ruling of an NLRB examiner against the company was not announced until July 26, 1965, and the Board itself did not rule until March 1966. Disposal of appeal and conclusion of this first case took place in December of 1967 and by the end of the following November the company had gone through the stages of compliance required by the Board order. The fact that other cases involving small numbers of employes in various plants of the company were arising and that a civil contempt action was launched this year concerning a small number of supervisor actions toward a few employees, is sharply magnified by those who feel thwarted by the failure to unionize this company, but Judge Haynsworth was not going to be passing on any affairs of the concern under any circumstances. In this situation he has refrained from action.

Where should he have shifted his investment to satisfy these critics?

There are very few corporations outstanding in this country that have not lost some cases involving the Labor Board, probably quite a number have lost far more such than Stevens, but the unions have organized them whereas the workers at Stevens for whatever cause have turned down election drives by wide margins registered in secret ballots.

It is probably also that, by decisions of the Board, or of umpires, many large companies have had to reinstate far more employees discharged for infraction of rules and other types of disapproved conduct than Stevens has been required to reinstate.

This is not the occasion to discuss the controverted conduct of the National Labor Relations Board nor the constantly heard questioning of the wide disparity between the language of the law Congress enacted and the interpretation at this time.

Suffice is to say that the union here in question has fared no better with competitors than Stevens nor with many of the industries in the Southeast. I would like to meet the public man who makes unionization a controlling criterion in selecting his investments.

Judge Haynsworth's relations with Stevens did not affect the judgment of his own circuit which was one of the courts that upheld Labor Board rulings on Stevens. This should be favorable rather than unfavorable evidence concerning his conduct.

But the fact is that what the critics of Judge Haynsworth demand in the present instance is that he exercise active interventionary prejudice. They demand that despite his disqualification from sitting on matters affecting his old client, he register his disapproval of its policies and of the action of its employees. They demand that he conduct his investments in such a way as to indicate he believes Stevens must not only obey Government orders, which it contends it has done, but must bow its neck to a TWUA which employees have not chosen. He must, in other words, intervene morally in a case from which he is disqualified legally.

Mr. President, without elaborating further let me say that the whole case amassed against Judge Haynsworth is shot through with this same quality, this sharp disappointment and failure to find the judge acting on the prejudice of his critics. The actions they demand are not made necessary by any standard of ethics, morals, prudence, or sense of propriety and fitness.

For the reasons I have stated and because of his record that has been placed before the Senate, I support and shall vote for the confirmation of Judge Haynsworth.

Mr. MILLER. Mr. President, one of the things that has made it so difficult for me to oppose the nomination of Judge Haynsworth has been the proclivity for some of the opponents, aided and abetted by a few columnists and reporters, to raise false issues and inneundos against the nominee. These have no place on the Senate floor and they are unbecoming the Senate.

An example of what I am referring to is the story about Judge Haynsworth's gift of his home to Furman University which, understandably, resulted in a charitable contribution deduction for him on his income tax return. It has been insinuated that there was some violation of the income tax laws connected with this gift. However, from all of the facts I have been able to ascertain about the matter, there was nothing but careful compliance with the income tax laws and the serving of a very worthy purpose for which charitable contribution deductions were designed by Congress.

HAYNSWORTH HOME GIFT

In 1958, Senator and Mrs. Charles Daniel started construction of a large new home in Greenville, S.C. At that time Mrs. Daniel, who held title to the home in which they were living, gave a one-half interest in that home to Furman University. In 1959, Mrs. Daniel gave Furman University the remaining one-half interest in the old Daniel home.

The deductions for these gifts were taken on the Daniel tax returns in 1958 and 1959, but the deed was not recorded until May 1960. The delay in recording the deed was at the request of Mrs. Daniel, who did not want publicity in connection with the gift of the home to Furman University.

In May 1960, Judge Clement F. Haynsworth, Jr., purchased the Daniel home for the appraised value of $115,000. Furman University had no need for this type of home, but did need the money and accepted Judge Haynsworth's offer. In purchasing the home, Judge Haynsworth gave the university $65,000 in cash along with his former home, which had an appraised value at that time of $50,000. The former Haynsworth home was actually sold by the university for $50,000, so this was not an imaginary figure.

There was no arrangement or even discussion between Senator Daniel and Mrs. Daniel and the Haynsworths in connection with the gift of the house to Furman and the subsequent purchase by Judge Haynsworth. The Daniels, looking forward to moving into a new and much more elaborate home, permitted the old home to fall into disrepair in the last 2 years they were living in it, while paying rent to the university.

Upon moving into the old Daniels' home in June of 1960, Judge and Mrs. Haynsworth improved it with remodeling, air conditioning, and landscaping. The total cash outlay in connection with these improvements was in excess of $10,000.

In 1963, the Haynsworths concluded that the children were not coming home to Greenville to live, and they then decided to give the home to Furman University and retained a life estate. Under this arrangement, Judge Haynsworth and Mrs. Haynsworth retained the right to live in the house during his life and her life; during that time they were liable to pay real estate taxes, other taxes, insurance, and maintenance on the property.

In 1963, Judge and Mrs. Haynsworth held clear title to the home for which they had paid $115,000, and upon which they had expended more than $10,000 for improvements. The appraised value at that time was $153,000, and the replacement value was $184,000.

Judge and Mrs. Haynsworth could have retained the home for their estate. They could have sold it for something in the neighborhood of $153,000. They could have made a gift of the home to any university, including Furman University, and claimed something between $125,000—which includes the more than $10,000 cash outlay—and the $153,000—appraised market value—as a tax base for deductions on Federal tax returns. Judge Haynsworth chose to give the home to Furman University, the school from which he was graduated and which was named after one of his ancestors. His close relationship with the university, and his membership at that time on the university advisory council, was no barrier to him making a gift of the family home to the university while retaining a life estate for himself and his wife.

Judge Haynsworth passed up the legal right to claim the "market value" of $153,000 on the home as the base for his tax deduction. Instead, he took the $115,000 figure, which represented the sum he paid for the home in 1960. He arranged to take the deduction over a 5-year period as provided in the Internal Revenue Service laws and regulations.

Pursuant to a table prepared by the IRS, Judge Haynsworth took the following deductions:

1963	$9,844.46
1964	10,125.98
1965	10,414.00
1966	10,996.00
1968	11,294.00
Total	52,673.44

The variations follow the IRS tax table where a life estate is retained by persons of the ages of Judge and Mrs. Haynsworth.

Instead of being an illegal or questionable act, this was a commendable act. Judge Haynsworth had no conversations or arrangements with Senator Daniel in connection with his purchase of this house, and all of the evidence indicates that these were two separate and unrelated gifts of the same home to Furman University.

Judge Haynsworth is not now and has never been a trustee of Furman University.

Since early 1961, he has been a member of a Furman University advisory council. This council was established by the university in October 1960, 5 months after Judge Haynsworth had purchased the old Daniel home. Judge Haynsworth was appointed to this council in early 1961 and has served on that council since that time.

This advisory council is a "visiting board" with no authority in the operations and administration of the university. It has only the authority to advise and recommend.

At the time he purchased the Daniel home in May 1960, Judge Haynsworth had no official connection with Furman University other than that of a loyal alumnus and as a public-spirited citizen of Greenville who consistently contributed money to support this local educational institution.

Because of my own background as a tax lawyer, it seemed little enough for me to bring this matter to the attention of my colleagues. When the vote is taken on this nomination next Friday, let it not be said that any Senator cast his vote on a basis of a specious issue such a this.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request, which may or may not be accepted by this body.

It had been my position that we could have voted on the pending nomination today, or Wednesday or Thursday next. It was otherwise indicated that, because there were so many speakers, it could go into next week. On the basis of the give-and-take of the discussion concerning a vote on the nomination, it was finally suggested that the vote occur at 1 o'clock on Friday next.

Unfortunately, there are Members on both sides of this question who have longstanding engagements outside the city. The same reasoning would apply to any other day we could mention, because I have indications that that would be the case on Wednesday and Thursday, and on Monday and Tuesday of next week as well.

Thus, no matter which way the leadership goes, it is caught between the anvil and the hammer. The only way to face up to the situation is to make a unanimous-consent request and see if the Senate will bear with the suggestion of the joint leadership and grant that request.

Mr. President, I ask unanimous consent that the vote on the pending nomination occur at 1 o'clock p.m. on Friday next.

Mr. BAYH. Mr. President, if the Senator from Montana will yield, and, reserving the right to object, would the distinguished Senator consider the possibility of amending that unanimous consent to make it either Wednesday or Thursday, instead of Friday?

Personally, I am prepared to vote right now. I would prefer to have the vote now rather than on Friday.

Mr. MANSFIELD. Mr. President, it would make no difference to me. All I want to do is get the business along and the issue decided. I seem unable to get a mutually satisfactory agreement for either of those days.

Mr. HRUSKA. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HRUSKA. It should be suggested that there are at least 12 requests on this side of the aisle by Senators who have not yet spoken and who would like to speak tomorrow or the next day. That, it seems to me, would be ample reason for saying that we must rule out of consideration the matter of trying to vote either tomorrow or Thursday. It seems to me the choice should be either Friday or Monday next.

This Senator proposed Monday as the time, because it is one thing to have Senators with commitments on Thursday or Friday having to modify them on such short notice, and it is another thing, with 6 days' notice, to have the opportunity to adjust commitments that would have to be changed for next Monday.

In common and widespread discussion of this thing informally, I receded from the Monday position to Friday at 1 o'clock. Whichever way the pie is cut, it will not be a happy decision for some one or the other.

Therefore, we might as well—I say in answer to what the Senator from Indiana has suggested—get out of our minds either Wednesday or Thursday because there will not be enough time to take care of all those who wish to speak on the subject.

Mr. BAYH. I am joining in the effort to find a common ground. Would it be conceivable, instead of 1 o'clock on Friday, to have the vote at 6 o'clock on Thursday? This gives us practically 2 whole days of speeches. Certainly, no Senator is going to keep any other Senator from being heard.

Mr. HRUSKA. If the Senator undertakes to make a unanimous-consent request on that basis, let him try it. I know he will meet with failure, because there are some speeches to be made, but principally because someone's ox is going to be gored.

Mr. MANSFIELD. Some Members of the Senate will be absent on Thursday, or on Friday, or on Monday, or whatever day is proposed. I do not know. All one can do is try.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I would suggest that a time which would be satisfactory to everyone would be 1 a.m. on Friday.

Mr. MANSFIELD. 1 a.m.?

Mr. AIKEN. Yes.

Mr. MANSFIELD. No; I know one Member of the Senate who would be very much put out.

Mr. AIKEN. Make it 6 a.m. on Friday.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MANSFIELD. Mr. President, I withdraw my request for the time being. I understand the distinguished Senator from Indiana has a request to make.

Mr. BAYH. Mr. President, so that we may "sense" the sense of the Senate and move forward on this matter, with 2 further days of debate, with what is remaining of today as well—and I would think we could go on as long this evening and tomorrow as the leader and both sides thought necessary to accommodate those of our colleagues who have not been heard—let me propose a unanimous-consent request that we consider voting at the end of the day on Thursday, 6 p.m.

The PRESIDING OFFICER. Is there objection to the request that a vote be had on Thursday next at 6 p.m.?

Mr. HRUSKA. Mr. President, I would be constrained to enter an objection, not on my own behalf, but on behalf of Senators who want to speak, together with other Senators, at least one of whom comes from the other side of the aisle. As far as I know, he is not going to favor the position very meritoriously favored by the Senator from Nebraska, but before he departed the Nation's Capital he said that if he were present, he would object to voting at any time on Thursday.

So I do hope the Senator from Indiana will withdraw his suggestion so I will not be put to the duty of entering an objection; and I do not think the Senator from Indiana wants me to do that.

Mr. BAYH. Mr. President, it is difficult for me to imagine my friend from Nebraska being objectionable in any way. I am glad to withdraw the request, faced with the cold facts as they are.

Mr. MANSFIELD. Mr. President, I renew my request.

Mr. HRUSKA. Mr. President, what is the request? May we have it repeated?

The PRESIDING OFFICER. Is there objection to the request that the vote on the nomination be set for Friday at 1 p.m.? Without objection, it is so ordered.

The agreement reduced to writing is as follows:

Ordered, That at 1 p.m. on Friday, November 21, 1969, the Senate proceed to vote on the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

[The following proceedings were conducted as in legislative session.]

LEGISLATIVE PROGRAM—ANNOUNCEMENT ON A POSSIBLE ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, this may be as good a time as any for me to make this announcement with respect to the rest of the year.

During a recent discussion with the distinguished minority leader, an understanding was reached that adjournment sine die would occur between December 15 and 23, probably closer to the 23d, 1969. Further, the second session of the 91st Congress will not convene before January 12, and possibly a few days thereafter.

Legislation to be considered prior to adjournment includes the following: Six appropriation bills; a tax reform and tax relief measure; draft reform; a drug bill; a crime bill, a pornography bill; a gun bill—the Lesnick bill; and, if possible, elementary and secondary education.

It is our intention to call the Senate into session early and stay late during the weeks ahead in order to finish this schedule. All Senators are advised that Saturday sessions will be scheduled during the deliberation of the tax bill.

This information is provided in order that Senators may plan their schedules between now and the beginning of the second session of this Congress.

And on that merry note, I will conclude.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. Will our leader advise us about next week? As I understood earlier, there had been an announcement that there would be some kind of recess over Thanksgiving.

Mr. MANSFIELD. Yes.

May I say it is the hope of the joint leadership, in addition to disposing of the Haynsworth nomination this week, to take up the draft reform proposal, which should not take too long; the Lesnick gun bill, which was reported unanimously——

Mr. McCLELLAN. Mr. President, if the Senator will yield—which bill?

Mr. MANSFIELD. The Lesnick gun bill, to provide that if one carries a gun in the perpetration of a crime, the carrying of the gun itself is a crime.

Mr. McCLELLAN. That bill was reported today.

Mr. MANSFIELD. Unanimously.

Sentences would be mandatory, to a degree, and a sentence imposed in such a case would be in addition to the sentence imposed for the crime itself.

Then it is my understanding that the Finance Committee may well place the tax reform-tax relief bill on the calendar Friday. It is the hope of the joint leadership to make that the pending business and to get started on the tax reform-tax relief bill on Monday, hopefully to finish it within two weeks or so.

Mr. McCLELLAN. Mr. President, do I understand there will be a session this Saturday?

Mr. MANSFIELD. Not this Saturday. At the conclusion of business on Wednesday next, the Senate will have Thanksgiving Day off and Friday as well.

Mr. McCLELLAN. And Saturday and Sunday?

Mr. MANSFIELD. Yes.

Mr. DODD. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DODD. I did not hear all the Senator said about the gun amendment. We did not report the amendment until this afternoon.

Mr. MANSFIELD. Yes, and I appreciate the efforts of the Senator and the other members of the committee.

Mr. DODD. I wanted to make that clear.

Mr. HART. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HART. I hope to make it clearer that the majority leader is not quite accurate when he says the gun bill was reported out of the committee unanimously. I rise only to correct the RECORD.

Mr. MANSFIELD. When we get within one of unanimity, I think that is pretty fair shooting.

Mr. HART. The Senator did not come that close, but he came one step shorter.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. Mr. President, would the Senator consider bringing up the draft bill and disposing of it prior to the end of business on Friday?

Mr. MANSFIELD. Hopefully, if conditions permit. I would like to see it disposed of this week. I would hope, when we take it up, that Senators would not spend too much time expounding their views, but would allow the matter to come to a vote as soon as possible, so that the matter could be sent to the President as expeditiously as possible.

Mr. BROOKE. If the debate on the Haynsworth nomination were concluded by Thursday, at the end of the day, would it be possible that the draft bill would be taken up on Friday and laid before the Senate?

Mr. MANSFIELD. Yes, or possibly before, if conditions permit.

Mr. HRUSKA. Or after the vote.

Mr. BROOKE. Or after the vote; either.

Mr. MANSFIELD. Yes.

HELSINKI: A HOPEFUL BEGINNING

Mr. BROOKE. Mr. President, the most momentous arms control discussions in history have opened. The United States and the Soviet Union have come together in Helsinki, Finland, to consider how best to promote their mutual security and the peace of the world through agreed limitations on strategic arms.

Yesterday's opening statements by Finnish Foreign Minister Karjalainen, Soviet Deputy Foreign Minister Semyenov, and U.S. Ambassador Smith offer clear testimony to the sober determination with which the parties approach these discussions and the profound concern which all nations have for them. As the Finnish leader put it, the so-called SALT talks "will largely determine, not only the prospects of further progress in the field of disarmament and arms control, but also the future trend of international relations as a whole."

I believe that both Moscow and Washington have come to the negotiations with the most serious intentions to reach viable agreements. A broad variety of understandings may be feasible, especially if it is made clear in these preliminary talks that the two States recognize that the only stable strategic balance open to them is one founded on a clear recognition of the fact of mutual deterrence.

While the urgency of the issues for negotiation is great, and heightened by the quickening pace of weapons technology, there is yet time to address the problem of halting another spiral in the arms race. As Soviet Foreign Minister Gromyko declared some months ago, "The arms race has long become sheer madness." On that conviction, which is certainly shared by Americans, a saner foundation for peace and security can be erected.

All men can be heartened by the open-minded approach voiced at the opening session. In his charge to the American delegation, President Nixon left no doubt that the United States is ready to consider reasonable limitations on all major strategic systems, including the menacing new weapon known as MIRV and the planned ABM system. In the President's words:

> We are prepared to discuss limitations on all offensive and defensive systems, and to reach agreements in which both sides can have confidence. . . . We are prepared to deal with the issues seriously, carefully, and purposefully. We seek no unilateral advantage. Nor do we seek arrangements which could be prejudicial to the interests of third parties. We are prepared to engage in bona fide negotiations on concrete issues, avoiding polemics and extraneous matters.

I take these assurances to mean that the administration is willing to consider any sensible proposal of mutual interest to the Soviet Union and the United States, including such suggestions as a moratorium of MIRV tests and a freeze on deployment of both offensive and defensive weapons.

The Soviet Union seems to bring a similar willingness to the conference table and does not appear to view the effort as another propaganda exercise. Moreover, in recent discussions with American participants in the so-called pugwash conferences, a number of prominent members of the Soviet technical elite explicitly stressed that the priority task for SALT should be an early limit on both MIRV and ABM. Since Soviet commentators have long resisted any hint of acknowledgement that ABM systems might have destabilizing implications for the strategic balance, their forthcoming stand in these conversations may herald a basic modification in the official Soviet position. That would be a hopeful development indeed, since the prospects for halting the insidious MIRV technology will certainly perish if there is no chance for an agreed limit on the anti-ballistic-missile systems they are designed to penetrate.

Every informed person will be looking to Helsinki for the signs which will emerge there. The encouraging words I have cited are mere straws and the hard bargaining is yet to come. But the straws are bent the right way and all of us must pray that they point toward the historic agreements that will ultimately save mankind from the awesome weapons it has wrought.

Mr. President, I ask unanimous consent that the opening statements of the Helsinki conference be printed in the RECORD at this point.

There being no objection, the opening statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FOREIGN MINISTER OF FINLAND, DR. AHTI KARJALAINEN

Ladies and gentlemen, on behalf of the Government of Finland it is a great pleasure for me to welcome to Finland today the distinguished leaders and the members of the delegations of the Soviet Union and the United States.

We are today witnessing a historical occasion. Two major powers, the United States and the Soviet Union, have decided to begin negotiations on a question which has the utmost importance and urgency, not only for themselves, but for mankind as a whole. Never has the need for putting an end to the nuclear arms race been so universally recognized as it is today. By starting these discussions the two powers which are in control of the major part of the nuclear arsenal of the world have on their part acknowledged their supreme responsibility for the maintenance of international peace and security.

Even as we realize the complexity of the task, we believe that the starting of discussions between the two leading nuclear powers is an encouraging sign of their willingness to advance in the field of disarmament and thus to continue along the road of arms control in the spirit of the treaties on a partial test ban and on the non-proliferation of nuclear weapons. There can be no doubt that the outcome of these talks will largely determine, not only the prospects of further progress in the field of disarmament and arms control, but also the future trend of international relations as a whole.

Ladies and gentlemen, as a neutral country which maintains friendly relations, with all nations across the dividing lines of military blocks and ideological alignments, Finland is ready to make every effort to serve the cause of peace. We are proud that you have chosen Helsinki as the site for your discussions. We wish to do our utmost to facilitate your efforts. As a spokesman for the host country I would like to express the hope that the arrangements made will meet with your approval and that the neutral ground which we offer you will be beneficial to the important task that you have before you. We will now give you the privacy that you will need.

We wish you the best of success.

Thank you.

ADDRESS BY MR. V. S. SEMENOV, HEAD OF THE U.S.S.R. DELEGATION

Esteemed Mr. Karjalainen, esteemed Mr. Smith, ladies and gentlemen, permit me first of all to express our sincere gratitude to Mr. Karjalainen, Minister of Foreign Affairs, for his warm welcome and wishes for success in our work.

The Government of the U.S.S.R. attaches great importance to the negotiations on curbing strategic arms race. Their positive results would undoubtedly contribute both to improvement in the Soviet-American relations and to the consolidation of universal peace.

Unswervingly guided by the principles of ensuring lasting peace and international security, laid down by V. I. Lenin into the basis of the foreign policy of the Soviet State, the Soviet Union has always been a proponent of the implementation of the principles of peaceful co-existence, of effective measures to end the arms race and of general and complete disarmament. The Soviet moves aimed at this goal are widely supported by peace-loving states and peoples.

It is our desire to see this meeting in Helsinki successfully solving its tasks.

Curbing of the strategic arms race, limitation and subsequent reduction of such armaments—this is an important goal the achievement of which would meet the vital interests not only of the Soviet and American peoples, but also of other nations of the world.

Given genuine desire on both sides to seek mutually acceptable agreement without prejudice to the security of our states and all other countries it is possible and imperative to overcome obvious complexities and obstacles and to bring about reasonable solutions.

As regards the Soviet delegation, our efforts at the talks will be directed towards this very end.

On behalf of the U.S.S.R. delegation we extend greetings to Mr. Smith, Chairman of the United States delegation, to all its members and staff. We are hopeful that an exchange of views between us will develop in a constructive manner and create the necessary foundation for further negotiations.

In conclusion may I on behalf of the Soviet Government express our appreciation to the Government of Finland for providing opportunity to hold this meeting in Helsinki. We regard it as an expression not only of the traditional Finnish hospitality but also of the active peace-loving foreign policy of the Government of Finland which has won respect throughout the world.

STATEMENT BY AMBASSADOR GERARD C. SMITH, HEAD OF THE U.S. DELEGATION

Foreign Minister Karjalainen, Minister Semenov, ladies and gentlemen, on behalf of the United States delegation, I want to thank you, Mr. Karjalainen, for your kind words of welcome. I would also like to express the appreciation of delegation for the hospitality and cooperation of the Finnish Government in providing such a fine site for the preliminary talks on strategic arms limitation between the Soviet Union and the United States. May I thank you personally, Mr. Karjalainen, for your part in making available the accommodations for the United States delegation in this lovely city of Helsinki, the capital of a neutral country of friendly and stouthearted people.

I also wish on this occasion to extend greetings to you, Minister Semenov, and to the other members of the Soviet delegation. We look forward to working with you on the complex tasks before us. The start of these preliminary talks on strategic arms limitation is an historic occasion, for as the Secretary of State of the United States said last Thursday, the United States and the Soviet Union open today talks "leading to what could be the most critical negotiations on disarmament ever undertaken."

Mr. Foreign Minister, Minister Semenov, I have a message from the President of the United States, which I would like to read at this time.

"You are embarking upon one of the most momentous negotiations ever entrusted to an American delegation.

"I do not mean to belittle the past. The Antarctic Treaty, the Limited Test Ban Treaty, the Outer Space Treaty, and most recently the Non-Proliferation Treaty, which we hope will soon enter into force, were all important steps along the road to international security. Other tasks remain on the agenda of the United Nations and the Conference of the Committee on Disarmament. Today, however, you will begin what all of your fellow citizens in the United States and, I believe, all people throughout the world, profoundly hope will be a sustained effort not only to limit the buildup of strategic forces but to reverse it.

"I do not underestimate the difficulty of your task: the nature of modern weapons makes their control an exceedingly complex endeavor. But this very fact increases the importance of your effort.

"Nor do I underestimate the suspicion and distrust that must be dispelled if you are to succeed in your assignment.

"I am also conscious of the historical fact that wars and crises between nations can arise not simply from the existence of arms but from clashing interests or the ambitious pursuit of unilateral interests. That is why we seek progress toward the solution of the dangerous political issues of our day.

"I am, nevertheless, hopeful that your negotiations with representatives from the Soviet Union will serve to increase mutual security. Such a result is possible if we approach these negotiations recognizing the legitimate security interests on each side.

"I have stated that for our part we will be guided by the concept of maintaining 'sufficiency' in the forces required to protect ourselves and our allies. I recognize that the leaders of the Soviet Union bear similar defense responsibilities. I believe it is possible, however, that we can carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals.

"We are prepared to discuss limitations on all offensive and defensive systems, and to reach agreements in which both sides can have confidence. As I stated in my address to the United Nations, we are prepared to deal with the issues seriously, carefully, and purposefully. We seek no unilateral advantage. Nor do we seek arrangements which could be prejudicial to the interests of third parties. We are prepared to engage in bona fide negotiations on concrete issues, avoiding polemics and extraneous matters.

"No one can foresee what the outcome of your work will be. I believe your approach to these talks will demonstrate the seriousness of the United States in pursuing a path of equitable accommodation. I am convinced that the limitation of strategic arms is in the mutual interest of our country and the Soviet Union."

The United States delegation is deeply conscious of the responsibility we have in these talks to try to limit strategic arms in the United States and the Soviet Union. This objective concerns not only the United States and the Soviet Union, but the whole world.

AUTHORIZATION FOR COMMITTEE ON THE JUDICIARY TO FILE ITS REPORT ON S. 849 BY MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Committee on the Judiciary be authorized to file its report on S. 849, known as the Lesnick gun bill, by midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, as in legislative session, Mr. DODD, from the Committee on the Judiciary, reported favorably with amendments, the bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, and submitted a report (No. 91-539) thereon.)

NEWSPAPER PRESERVATION ACT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-535)

Mr. EASTLAND. Mr. President, as in legislative session, from the Committee on the Judiciary, I report favorably, with amendments, the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Mississippi.

AMENDMENT TO H.R. 13270 TO END THE INCOME TAX SURCHARGE AS OF JANUARY 1, 1970

AMENDMENT NO. 287

Mr. BYRD of Virginia. Mr. President, as in legislative session, I sent to the desk an amendment to H.R. 13270, the tax reform bill. I ask that this amendment be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. My amendment would end the surcharge on income taxes as of January 1, 1970.

When the surtax first was imposed, it was described as a temporary tax. At the end of this year, it will have been in effect for 21 months for individuals and 24 months for corporations.

It already has been extended once beyond its original expiration date. In my opinion, extension of the tax beyond the end of 1969 would take it out of the "temporary" category.

I give full credence to the President's good intentions in his pledge that the tax will be allowed to die as of July 1, 1970, but I fear that the temptation to extend it beyond that date will be very strong—just as was the temptation to extend it beyond its previous termination date of June 30, 1969.

Each extension of a tax makes the next extension easier.

Sooner or later—and I suspect the time is at hand—the Government will begin to regard the temporary tax increase as a permanent part of the tax structure.

I think that this must be avoided. I think that the Government must keep faith with the people.

The way to keep faith with the people is to kill the surcharge on income taxes as of the end of this year.

There is evidence that many Senators have serious misgivings about extending the surtax. When a vote was taken on the question in the Senate Finance Committee, the count was only 9 to 7 in favor of extension.

I recognize that there is a pressing need to combat inflation in this country. But I submit that the best way to fight the war on inflation is by reducing spending—not by increasing taxes.

During the recent debate on the military procurement bill, I remarked that it was essential to cut the fat from the military budget, but that we dare not cut the muscle. That statement applies with equal force to the whole budget.

I am convinced that, despite the commendable efforts of the administration to reduce the budget, there remain significant areas of fat that can be trimmed.

For one thing, the proposed budget for foreign economic aid is $2.2 billion. That is almost double last year's authorization—an increase of a billion dollars.

I do not believe that the American people should be called upon to pay a surcharge on their income taxes to help finance this kind of increase. As a matter of fact, I am strongly inclined to vote against the entire appropriation for foreign economic aid, for I know that there is $5.2 billion available in the pipeline to take care of contingencies.

The anticipated revenue from the surtax at the proposed rate of 5 percent for the first 6 months of 1970 is approximately $1.7 billion, according to the Budget Bureau's September estimate. Elimination of the foreign aid authorization would more than compensate for the loss of this revenue.

As a matter of fact, if the surtax were to die on next January 1, foreign aid could be funded at a reduced level without changing the administration's budget goals.

Foreign aid is not the only area of the budget in which there is considerable fat. I feel sure that reductions can be made without damage to the Nation in the antipoverty program—in which there has been much waste and inefficiency—and in a number of other domestic fields. Furthermore, the $2 billion reduction made so far in the military budget probably is not the limit of what can be cut without risking our security.

I admit that, if the surtax is eliminated, it will make the budgetary choices ahead of us more difficult. But I feel that we must undergo necessary discipline. We must control spending.

In the long run, controlled spending—and not repeated extensions of tax increases—will best combat inflation.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gravel in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 285—RESOLUTION AUTHORIZING SENATE FOREIGN RELATIONS COMMITTEE TO STUDY POSSIBILITIES FOR INTERNATIONAL COOPERATION IN SPACE EXPLORATION

Mr. PROXMIRE. Mr. President, in recent years, a number of Senators have been concerned over the high costs of the U.S. space program. Unfortunately, efforts to reduce these costs have been consistently met with the argument that man's thirst for knowledge and the advancement of science compel us to keep our space program fully funded.

However, a way does exist to sharply cut our costs on the space program without reducing advancements in this area. It involves sharing the benefits and costs of space exploration with the international community.

Accordingly, Mr. President, as in legislative session, on behalf of myself and Senators Goodell, Hart, McCarthy, McGovern, Mondale, Muskie, Nelson, Packwood, Pastore, Sparkman, Tydings, and Yarborough, I am today submitting a resolution which would authorize the Senate Foreign Relations Committee to undertake a comprehensive study of all possibilities for international cooperation in space exploration.

The resolution reads as follows:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction specified by Rule XXV of the Standing Rules of the Senate, to make a full and complete study of the possibilities for international cooperation and cost sharing in the exploration of space, including, but not limited to, the desirability and feasibility of—

(1) establishing an international consortium for space missions, or

(2) utilizing the United Nations Organization, or a subsidiary organization thereof, for securing international cooperation and participation in the exploration of space.

Sec. 2. The Committee shall report its findings upon the study authorized by the resolution, together with such recommendations, including recommendations for additional legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

Sec. 3. For the purposes of this resolution the committee is authorized, through February 28, 1971, (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Mr. PROXMIRE. Mr. President, such a study has been sorely needed for a long time. The benefits from space exploration are certainly international in character.

We ought to realize that the moon flights, for example, are going to be just as beneficial to a person in West Germany or in England or in France or in Russia, for that matter, as to an individual American. The benefits are the satisfaction in seeing men in space and on the moon and the knowledge of how the moon, the earth, and the sun evolved. Nobody is saying that we should keep these secrets or that we are going to do so.

So everybody is going to benefit almost equally, throughout the world.

We all know that the space exploration has no military value. This particular space effort certainly does not. Of course, we have to recognize the multibillion dollar cost of future explorations, including those in the solar system and those beyond the solar system, and no one would maintain that there is any national value in our taking that long step for mankind. Yet, we all know that it is going to be taken.

Unless we move, and move soon, to begin to get an understanding of the possibilities of involving other countries, our taxpayers are going to be so heavily burdened that either they are going to refuse to go ahead, understandably, or we are going to have a very heavy burden of space exploration which, as I have said, will benefit all mankind, but the cost will be on the American taxpayer.

Achievements in space inure to the benefit of all mankind, not just to citizens of any one nationality. Moreover, any psychological lift or entertainment value generated by space spectaculars is shared equally by the world community. If the benefits are shared on an equal basis, why not the costs? Hundreds of millions of dollars could be saved—and should be saved—by encouraging other nations to join us in the space venture.

In the past, NASA has repeatedly asked the Soviet Union if they would cooperate and share expenses on various aspects of the space program. A list of these efforts through the end of 1967 was included in the hearings on the NASA authorization bill for fiscal 1970, and I should like to read this list because I think it sheds some light on the way NASA has approached this question in the past:

December 7, 1959.—NASA Administrator Glennan offered U.S. assistance in tracking Soviet manned flights. The Soviets replied that they would be in touch if the need arose.

March 7, 1962.—President Kennedy proposed an exchange of tracking and data acquisition stations. The Soviets did not accept.

September 20, 1963.—President Kennedy suggested in a speech to the U.N. General Assembly that the United States and the U.S.S.R. explore the possibility of joint exploration of the moon. President Johnson later reaffirmed this offer. There has been no official Soviet response.

December 8, 1964.—NASA proposed an exchange of visits by NASA and Soviet teams to deep space tracking and data acquisition facilities. The Soviets replied on August 13, 1965, that such visits were not then possible.

May 3, 1965.—NASA suggested United States/U.S.S.R. communications tests via the Soviet Molniya I. There was no Soviet response.

August 25, 1965.—At the request of President Johnson, Administrator Webb invited the Soviet Academy of Sciences to send a high-level representative to the launching of Gemini VI. At the same time, the President said that "we will continue to hold out to all nations, including the Soviet Union, the hand of cooperation in the exciting years of space exploration which lie ahead for all of us." The Soviets did not accept this invitation.

November 16, 1965.—NASA inquired about the possibility of United States/U.S.S.R. communications tests via Molniya I. On January 23, 1966, the Soviets replied that it was not possible to consider joint experiments "in the present conditions."

January 6, 1966.—Administrator Webb asked Academician Blagonravov, Chairman of the Soviet Academy's Commission on the Exploration and Use of Outer Space, for a description of experiments on Soviet Venus probes then in flight in order that NASA plans for Venus probes might emphasize experiments which could complement rather than duplicate Soviet work. Blagonravov replied informally that he did not have authority to describe the experiments.

March 24 and May 23, 1966.—Administrator Webb suggested to Academician Blagonravov that the Soviets propose subjects for discussion with a view to extending cooperation between NASA and the Soviet Academy. Blagonravov replied informally that the Soviets were not ready for further cooperation.

September 22, 1966.—Ambassador Goldberg, speaking in the U.N. General Assembly, said that if the U.S.S.R desired tracking coverage from US. territory, we were prepared to discuss with the Soviets the technical and other requirements involved "with a view to reaching some mutually beneficial agreement."

March 27, 1967.—President Seitz, of the National Academy of Sciences, proposed to President Keldysh, of the Academy of Sciences of the U.S.S.R. that the U.S.S.R. provide the United States with some results of the Luna 13 soil meter experiment in advance of Soviet normal reporting to the world scientific community in return for comparable data from future flights in the Surveyor series. President Keldysh replied 4 months later on July 28, forwarding data which had already been reported at the International Committee on Space Research (COSPAR) meeting in London.

March 27–31, 1967.—Dr. Kistiakowsky, during the visit of a National Academy of Sciences delegation to Moscow, suggested small United States/U.S.S.R. meetings to consider such topics as cooperation in weather prediction, lunar and planetary research, and orbiting telescopes. At the same time, Dr. Brown proposed that representatives of the two academies consider joint space efforts in basic science, excluding rocketry. The Soviets have not replied to these proposals.

April 4, 1967.—Administrator Webb said in his statement on the death of Cosmonaut Komarov that NASA wished to make every realistic effort to cooperate with the Soviet Union. The Soviets have not responded.

June 2, 1967.—Administrator Webb proposed to Academician Blagonravov that they meet in July at the time of the COSPAR meeting in London to review progress in the exchange of weather data as required every 6 months under bilateral agreements. Blagonravov replied on July 3 that he had been unable to arrange for the presence of the necessary Soviets experts. The required semiannual meetings had not been held since October 1965.

October 10, 1967.—President Johnson, speaking on the occasion of the entry into force of the U.N. Outer Space Treaty, listed previous U.S. offers of cooperation and said "We again renew these offers today. They are only the beginnings of what should be a long, cooperative endeavor in exploring the heavens together."

October 18, 1967.—President Seitz of the National Academy of Sciences, in a telegram congratulating Academician Keldysh on the success of Venus 4, spoke of the need to further full and prompt exchange of data on planetary exploration. Keldysh's telegram of acknowledgement made no reference to data exchange.

December 15, 1967.—President Seitz of the National Academy wrote to Academician Keldysh proposing a small working meeting between the Soviet Venera IV experimenters and the American Mariner V experimenters to compare results of the two Venus probes and to assist each other in understanding the significance of the measurements. Keldysh replied in a letter of January 24, 1968, that he would be sending proposals on this matter shortly. The proposals never came, and there has been no further Soviet response.

Mr. PROXMIRE. Mr. President, nowhere in this list do I find any efforts to make a unilateral offer to have the Soviet Union participate, without insisting on a quid pro quo in return. Have we, for example, ever offered to take a Russian cosmonaut along with us to the moon? Have we sent samples of moon rock to the U.S.S.R. for Russian scientists to analyze? Or have we instead made sharing strictly conditioned on getting some of Russia's undisclosed space information in return? A reading of the list suggests such a limitation, which in turn could well have led to the rejection which NASA complains of.

It is precisely because I think new approaches are needed—approaches that are not limited by old thoughts and concepts—that I am asking the Foreign Relations Committee to make this study. Granted, if such a unilateral approach were to be undertaken, it is possible that at the outset little would be saved in terms of American outlays, American manpower, and the like. But as time goes on, I am convinced that space exploration can—and must—become a cooperative effort, and that the U.S.S.R. would be encouraged to contribute whatever it could in terms of money, manpower, equipment, and technology in order to reap benefits which are of as much value to the Russian citizen as they are to us.

But another, and more important, reason exists for my asking the Foreign Relations Committee to make this study. In the past, NASA's efforts to achieve cooperation have been limited exclusively to the U.S.S.R.—presumably on the ground that they are the only other nation in the world which presently has any space capability. It is high time, Mr. President, that we considered inviting other nations—indeed, the entire world community—to participate in this venture whose benefits are of such an international character. I might add that Russia is only one country. Other countries have great scientific achievements and they should be invited to come in.

As stated by NASA, the space program—and in particular the Apollo series—is designed to provide clues to the origin and development of the moon, the earth, and the entire solar system. If this is the primary mission of space exploration, I can think of nothing which is less of a national character, or which has more of an international purpose, than such a goal. Surely the common man in the street—whatever his nationality—would feel the same thrill of discovery as the American man in the street at new information concerning the origin of our planet and the beginnings of the human race.

It is to provide the approach which would include the entire world community at large that I have asked the Senate to authorize a study by the Foreign Relations Committee.

The resolution suggests two possible avenues to take advantage of international cooperation in space, although the committee is free to consider such other approaches as it deems appropriate. First, the resolution calls upon the committee to consider the example of the Intelstat consortium as one avenue toward international cooperation and sharing of costs. The Communications Satellite Corporation—Comsat—was set up in 1962 pursuant to the Communications Satellite Act. Since 1962 Comsat has acted as manager for the Intelstat international consortium in arranging for satellite launches, and Comsat has also served as the American representative in the consortium. Member nations own and operate earth stations that are located in their country—stations are strategically situated around the globe for the purpose of tracking the satellites and communicating with them. Since all of the launch capability and most of the technological capability is presently concentrated in the United States, Comsat, the American representative, is charged with management responsibility for the entire system. Nevertheless, the goal of global communications is one in which all nations share a common interest. This has been borne out by the resounding success enjoyed by Intelstat in the 7 years of its existence. More than 60 nations now belong to the consortium and share its costs.

The possibility of establishing a similar international consortium for space missions is certainly worth exploring. Space exploration, like global communications, is a goal in which all nations have a common interest. Success of the Comsat experiment augurs well for the approach outlined in my amendment. Of course, should NASA and the State Department recommend the establishment of such an organization, an act of Congress would be required to set the necessary wheels in motion.

A UNITED NATIONS SPACE COUNCIL

My resolution would also direct the committee to consider the possibility of bringing space exploration under the jurisdiction and control of thhe United Nations. Such a step, if recommended, would emphasize the peaceful nature of space exploration, and could even provide a mechanism for insuring against the use of space for military advantage.

Utilizing the United Nations would permit each of the 120-odd member nations to contribute whatever they could—in terms of manpower, money, equipment, technology—to the common pursuit of knowledge. The mechanism could be structured along the lines of the World Health Organization, a U.N. subsidiary whose aim of advancing the cause of science and medicine is not too far different from the U.N. Space Council which I am proposing. A corollary benefit of this approach could be to bolster and revitalize the parent United Nations.

Mr. President, the current flight of Apollo 12, which is costing the American taxpayers $350 million, points up the gigantic cost of our space program, and should provide a tremendous incentive to get such a study underway at the earliest possible moment.

I might add that $350 million, as I understand it, is the out-of-pocket cost for this flight. If one were to prorate the overhead costs all together, the cost of the three flights this year would be in the neighborhood of $1.7 billion. If we fund nine additional flights the cost will be around $5 billion. Therefore, if other countries assist us the immediate benefits and the longterm benefits can be seen because of the enormous cost of going to Mars and unimagined cost to go farther, which we may want to do in a few years. I strongly urge the Senate to give this resolution early and favorable consideration.

Mr. President, I send the resolution to the desk for appropriate reference.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The resolution will be received and appropriately referred.

The resolution (S. Res. 285) was referred to the Committee on Foreign Relations.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, November 19, 1969, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, November 18, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong and of good courage, fear not, be not dismayed.—1 Chronicles 22: 13.

Lord of our lives, whose light is truth and whose love is life, we thank Thee for the dawning of a new day, for this moment of prayer which makes us conscious of Thy presence and which calls us to a rededication of our talents as we seek to lead our Nation in these troubled times.

During the busy hours of this day help us to think clearly, to speak constructively, and to act courageously that we may prove ourselves worthy of the positions we hold in our national life.

Give us the steadfast faith to join all men of good will who follow the light which leads to an enduring peace and to the establishment of law and order where men of all colors and all creeds can live together safely and securely.

In the spirit of Him who is the light of the world we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed joint resolutions of the House of the following titles:

On November 13, 1969:

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000.

On November 14, 1969:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

THE LATE HONORABLE JOSEPH P. KENNEDY

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, I am very sorry to announce to the House the death of the late Honorable Joseph P. Kennedy, the distinguished former Ambassador to Great Britain as well as other trusts and positions, and one of the most dedicated Americans of our Nation's history. The life and career of the late Joseph P. Kennedy is an amazing one, starting out under difficulties and overcoming them and rising to the great heights that he did, as well as having one of his sons elected to the House of Representatives, then to the U.S. Senate, and finally to the office of President of the United States, as well as two other sons elected to the U.S. Senate. He had a remarkable life but one of great tragedy with which we are all familiar. Joe Kennedy was a very close and personal friend of mine for many years. I valued that friendship very much. He and I kept in close contact with each other throughout the years not only as friends but in connection with matters concerning the best interests of our people and the national interest of our country. He always maintained an active interest in public affairs, prior to the condition that arose some few years ago that incapacitated him. Joe Kennedy's name will always be recorded in American history as that of one who has always been a great contributor to the strength, the dignity, and the progress of our country. He leaves behind him his widow, Mrs. Rose Kennedy, who is a remarkable lady, just as young and vibrant and virile today as she was when she was a girl. Her outlook on life has also been an inspiration to countless millions of persons to follow. I am very saddened today on the passing of Joe Kennedy, but he leaves behind him a heritage that will always be an integral part of the history of the United States. I extend to Mrs. Kennedy and to Senator EDWARD M. KENNEDY, and the other loved ones the deep sympathy of both Mrs. McCormack and myself in their bereavement.

I now yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I, too, was saddened upon receiving the news of the death of the late Honorable Joseph P. Kennedy.

Ambassador Kennedy was one of the great Americans of our time. He was a man of many talents, extraordinarily successful in many areas of human endeavor. His family was one of the greatest in the history of the Nation.

Mr. Kennedy was not only successful in the financial and business communities; he was also a great and distinguished public servant. He served as Chairman of the Securities Exchange Commission, Chairman of the Maritime Commission, and Ambassador to the Court of St. James. He served during the years preceding World War II. He was a man of strong will and independent judgment. He was a great and good American.

I extend to Mrs. Kennedy and to Senator EDWARD KENNEDY and his sisters, and to all loved ones of the Kennedy family, my deepest sympathy, and in this expression Mrs. Albert joins me.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, on behalf of those on our side of the aisle, we join you, Mr. Speaker, and the distinguished majority leader in expressing our sadness at the passing of Joseph Kennedy.

Although he was the father of sons who were outstanding public servants, he himself had an enviable record in the Government of the United States, having served as former Ambassador to Great Britain and one of the first Chairmen of the Securities and Exchange Commission. He was a man who had a wide variety of constructive interests in Government. He frequently expressed himself forthrightly on many controversial issues.

He, of course, was an inspiration to his three sons who served in the Congress, one of whom was President of the United States and one of whom served here in the House of Representatives and three in the U.S. Senate.

It was his inspiration I am sure that gave to these three men the challenge to serve their fellow men in the Government of the United States of America.

Mr. Speaker, we all applaud the accomplishments of Joseph Kennedy and were saddened by his passing. We express to Mrs. Kennedy and the family our deepest condolences.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I join in expressing grief at the death of Joseph P. Kennedy, patriarch of one of the most celebrated families in American history. Mr. Kennedy was known to the general public as merely the venerable head of the Kennedy family—the father of President John F. Kennedy, Senator Robert F. Kennedy, and Senator EDWARD M. KENNEDY. But he was much more than that. A brilliant financier who singlehandedly built a business empire rivaled by few others, a tough and canny SEC Chairman who helped revive public confidence in the stock market after the debacle of 1929, a U.S. Ambassador to Great Britain in the harrowing early years of World War II, Joseph Kennedy showed abilities that were legendary among his fellows. One quality, in particular, was his sons' hallmark as well as his own: a toughness of spirit and a strength of character that could weather virtually any crisis. John Kennedy—whose inauguration as President was his father's proudest moment—showed the same kind of coolheaded equanimity in keeping this country from the brink of war during the Cuban missile crisis. Even the stroke that left him partially paralyzed failed to dim Joseph Kennedy's mind or break his spirit. His death today, although not wholly unexpected, is nevertheless a blow to me and everyone else who admired him.

Joseph Kennedy shared amply in the kind of financial and personal success offered by American society, and he wanted his sons to serve in public life so that the Kennedys could give back to the United States some of that which the Nation had given them. He encouraged his sons—even at their youngest, just past the age of toddlers—to take part in the celebrated dining table discussions that brought a veritable "Who's Who" of political and business leaders to the Kennedy household. Trying to build his children's confidence and whet their already keen appetites for debate, Joseph Kennedy saw to it that their comments were not stifled by the tolerant smiles or startled glares that usually greet a child's forays into the world of adult conversation. He demanded only a few things of his sons: independent thought, moral courage, consuming devotion to their own ideals. Unlike many famous fathers, he did not ask his children to truckle obsequiously to his own convictions nor to devotedly parrot his own views. He did not protest, for example, when young John Kennedy went to an economics school in London run by men whose views were virtually antithetical to his own. He gave each of his sons financial independence when they reached 21—just so they would not feel yoked to him.

Joseph Kennedy lived to see his years of fatherly encouragement and training bear fruit: one son elected President of the United States, two others elected to the U.S. Senate. Yet, in one of the cruelest ironies any family has encountered, he also saw three of his sons killed in the service of their country: Joseph, Jr., killed in an aircraft explosion during World War II; John, killed by an assassin's bullet in the streets of Dallas; Robert, murdered in the dingy serving pantry of a Los Angeles hotel at the height of his political career. It is fair to say, Mr. Speaker, that no family has sacrificed more for their Nation in that Nation's history.

I want to express my deepest sympathy to Joseph Kennedy's widow, Rose, whose remarkable courage and faith, I am sure, will see her through this latest tragedy; to his son TED; to his daughters, Eunice, Jean, and Pat; and to his many grandchildren.

Joseph Kennedy is dead, yet his family name will remain prominent in U.S. history books as long as the United States survives.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. HANNA. Mr. Speaker, I would like to join in the remarks that have been made and say to this House that I believe that Joseph Kennedy embodied the premise that was in the comment made by another great Speaker of this House, the Honorable Sam Rayburn, when in speaking to a graduating class he said for many years American parents have encouraged their young people to prepare themselves for professions, for industry, and for commerce. It is desirable that we also encourage and direct some of the best of our young people into the paths of Government because if we do not love this country well enough to serve it, then it could well be there would come a time when we would have no country to love.

I believe, as the gentleman from Massachusetts, our Speaker, indicated, in Joseph Kennedy we had a man who understood the sense of the remarks made by the late Honorable Sam Rayburn, and he has certainly given us a heritage which many parents in America could well envy and could, with profit to our Republic, follow.

I extend my sympathy and that of my wife and family to the survivors of Mr. Kennedy.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Speaker, I join with my colleagues in expressing profound sorrow at the passing of Joseph P. Kennedy, father of our beloved former President, John; of the courageous former Attorney General and Senator from New York, Robert; and of our distinguished colleague and friend, Senator EDWARD M. KENNEDY, of Massachusetts.

Like most men, Joseph Kennedy knew inherently that every human being must pay a price for the privilege of life. But this man knew more than most. He knew that a man who wants to live life to the fullest, who wants the most of life, must pay a greater price, must sacrifice more, must know how to give and must give more.

Joseph Kennedy took up the greater challenge of life early, learned its lessons well, and taught them to his children. Only today, after years of significant personal achievement and of loving devotion to his family and his country, having experienced sacrifices few men have had to make, has he put the challenge aside. It has not been met more successfully by many men.

Joseph Kennedy's legacy to this Nation is a family more beloved, more respected, and more admired than any other in the world. We shall forever be in his debt. It is my earnest hope that this great family will derive some consolation from the sure knowledge that the Nation shares their deep grief.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to my colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, it was with a saddened heart that I learned of the passing of Ambassador Joseph P. Kennedy today. I wish to join with our distinguished Speaker, our majority leader, our minority leader, and the many other colleagues here today in paying tribute to a great American.

Born in East Boston, September 6, 1888, Joseph P. Kennedy pursued a dynamic career on Wall Street, and later branched out into real estate, movies, and numerous other business ventures, always displaying "the Kennedy form," marked by a proud and optimistic attitude and an exuberant vitality.

Mr. Kennedy, in large measure, brought this vitality back into the Nation's bloodstream, as he served as President Roosevelt's Chairman of the Securities and Exchange Commission during the depression. No stranger to Wall Street, he managed to infuse a new confidence and spirit into the business world.

In a troubled time, Roosevelt utilized the Kennedy talent. Once, as Chairman of the Maritime Commission, and again in 1937, by naming Joseph P. Kennedy as Ambassador to England.

Father of a President and two U.S. Senators, Joseph P. Kennedy saw his dreams for his sons fulfilled, but ironically, and sadly, he also witnessed these destinies become tangled in the web of tragedy.

To his beloved wife, to Senator EDWARD M. KENNEDY, and the Kennedy family go my most heartfelt sympathy at their loss.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Speaker, 30 years ago today I was serving under Ambassador Kennedy at the Embassy in London as assistant naval attaché, and I came to have great respect and affection for him and for the members of his family, which has continued down through the years.

I simply want to join in expressing my personal sorrow and to extend my condolences to his family.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, I knew Joe Kennedy. I remember when he set up the SEC. I remember when he set up the Maritime Commission. These were two great contributions to his Government. I talked with him many times about his Ambassadorship to the Court of St. James.

Mr. Speaker, this man served his country well and with great distinction, in addition to giving us his sons for service to their country.

We have lost a great American. We have lost a great patriot, and I want to join my Speaker in mourning the death of this great man.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I join my colleagues in expressing deep sympathy to the Kennedy family, in the loss of Ambassador Joseph Kennedy.

Without question Joseph P. Kennedy must be regarded as one of the Nation's most remarkable men—a distinguished and able public servant himself, he was father of four distinguished and remarkable sons who have each made great contributions in the public service, three of them in the Capital of the Nation.

The Kennedy spirit of public service has also been demonstrated by the daughters of the Ambassador, and by his lovely wife, who have all made significant contributions to the country.

No family in modern times has had greater impact upon the history of our country than the Kennedy family, and I am sure all Americans join in mourning the loss of this great father and great American.

Mr. DONOHUE. Mr. Speaker, I am, indeed, very sorry to learn of the passing of former U.S. Ambassador to Great Britain, Joseph P. Kennedy, and wish to join with my colleagues here in paying tribute to this great American.

The life of Joseph P. Kennedy and his extraordinary accomplishments clearly reflect his renowned possession of an uncommon "will to win," together with the most intensive application of all his concentrated intelligence, talent, and energy in every endeavor in which he engaged.

Through the projection of these disciplined qualities, he achieved substantial material success in the most competitive fields of this practical world. He was a man who sought success and exerted himself diligently and tirelessly to reach it. He was a hard competitor in the cold climate of worldly business but he was charitable, compassionate, warm and sentimental in human relationships.

He was deeply interested in retaining and strengthening the concepts and traditions of free government and he personally served his country very ably and devotedly as Chairman of the extremely important agencies of Securities Exchange and Maritime Commissions as well as Ambassador to Great Britain.

He transmitted his high sense of independence, moral courage and loyalty to personal conviction to his four sons by virtue of which each achieved very high distinction in the service of their country.

Three of them met tragic deaths in public service, Joseph Jr. killed during World War II; President John F. Kennedy, assassinated in office, and U.S. Senator Robert F. Kennedy, also assassinated at the height of his political career.

The Joseph P. Kennedy family presents a unique record of public service in the history of this country and the guiding source and inspiration of this tremendous family contribution was the late and valiant Joseph P. Kennedy, Sr., whom we honor here today.

As we unite in our prayers for the eternal rest of his great soul, we extend our deepest sympathy to his courageous and gracious wife, Mrs. Rose Kennedy; his only surviving son, U.S. Senator TED KENNEDY; his lovely daughters, Eunice, Jean, and Pat, and his many grandchildren.

Mrs. HECKLER of Massachusetts. Mr. Speaker, today the Nation mourns the passing of Joseph P. Kennedy, a distinguished American patriot and statesman.

A self-made man, Joseph P. Kennedy deeply loved his country and the Commonwealth of Massachusetts where he spent most of his life.

He was an extraordinary human being, both courageous and colorful. He was a financier of great renown, who served in England as Ambassador to the Court of St. James. Each of his triumphs, as well as the tragedies, he shared with his loving and devoted wife, Rose Fitzgerald Kennedy, to whom the Nation will extend deepest sympathies in this time of loss. And each of his experiences he also shared in full with his family. His was a colossal American success story.

But perhaps he achieved his greatest excellence in the art of being a father—a role requiring firmness and a commanding stature, frequent patience, and kindly counsel, and the imprinting of a lifetime of rich experience on his offspring. He was appropriately called "the founding father" of the Kennedy clan.

Joseph P. Kennedy fathered nine children. His rewards as a father were rich and notable, despite tragic moments of great pain. He fostered a President of the United States who left an indelible mark on our world. He inspired each of his children to the greatest heights of self-fulfillment.

Joseph P. Kennedy will live as a legend in a day and age when it is alleged that the structure of the family is disintegrating and when mothers and fathers alike are criticized for lack of attention to their own "clans."

Above all, he was a father and a great one. I commend this fact as I join in expressing my own sense of loss, my sorrow, and my warmest sympathy to the members of the Kennedy family.

Mr. TIERNAN. Mr. Speaker, today we have learned that former Ambassador Joseph P. Kennedy passed away at the age of 81. To Senator EDWARD KENNEDY and to his mother, Mrs. Rose Kennedy, and to the Kennedy family, I wish to extend my profound sympathy on their great loss.

Of all of his accomplishments, I think Joseph Kennedy felt that his most significant one was that of his family. He instilled in all of his children a sense of public service and deep concern for all their fellow man.

The service of this one family ranks along side that of the Adams and Roosevelt families. Joseph Kennedy gave his country four sons. All served in the military, three served as U.S. Senators, and one was our 35th President.

Ambassador Kennedy's own service to his country took place for the most part during the first two terms of President Franklin Roosevelt under whom he served with distinction as the first Chairman of the Securities and Exchange Commission, and later as Maritime Administrator. He then went on to represent our country at the Court of St. James for more than 2 years. After the war, he served as a member of the Hoover Commission on Governmental Reorganization.

The influence of Joseph P. Kennedy and that of his family has been felt in a beneficial way by almost every American. On behalf of Mrs. Tiernan and myself, I offer our personal prayers for this good family on this sad occasion.

Mr. MACDONALD of Massachusetts. Mr. Speaker, it is with a great sense of loss that the news of the death of Ambassador Joseph P. Kennedy was received here in Washington today. In my opinion, there is no one man who has contributed more to the United States and, in turn, been rewarded more by the United States.

Mr. Kennedy's record, both in private and public achievements, is unparalleled in the history of the United States—millionaire, financier, dedicated head of Government agencies, and finally Ambassador to the Court of St. James. His personal achievements constitute a Horatio Alger story, and he was the first to point out that it could only happen in the United States.

However, I firmly believe that he took more pride in the achievements of his beloved family, which include a President, two Senators, and a war hero who died before his exceptional potential could be realized. All have added to the luster of the very fabric of our governmental and national life.

I also know, in a very personal way, that the force of his personality, as well as the example of his life, was an inspiration not only to his children, but to intimate friends of the various members of the Kennedy family. I am honored to be able to state that I should be numbered among those whose life was directly influenced by this great American.

It would be impossible to estimate the number of people now serving not only within the formal framework of Government, but in other dedicated fields of endeavor, who owe the motivation of their career to the inspirational influence of Joseph P. Kennedy's words and deeds.

The great loss to his family is an equally great loss to his country, yet there is solace in the truism that "death is but the side of life which has momentarily turned away from us." May he rest in peace.

Mr. MURPHY of New York. Mr. Speaker, Joseph P. Kennedy, patriarch of the Kennedy family, created a dynasty and left a legacy unique in American political annals.

The senior Kennedy was Ambassador to Great Britain at the outbreak of World War II. He was the father of a President and two Senators. Another son died in the service of his country.

Joseph Kennedy died today at the age of 81. Incapacitated by a stroke since 1961, he nonetheless saw his sons rise to political peaks. oNt since the Adams family of Colonial America has one family so dominated the political mainstream.

For this, Joseph P. Kennedy richly deserves the title of a modern-day founding father. His loss, therefore, is the Nation's loss, and I extend my sincerest condolences to Mrs. Rose Kennedy, his indefatigable wife, in her moment of sorrow.

Joseph Kennedy, who amassed a fortune in Wall Street, was the first Chairman of the Securities and Exchange Commission. He presided over the revamping of the U.S. Maritime Commission, served as Ambassador, and then devoted all of his energies toward gaining the zenith of American power for his sons.

Though plagued by family tragedies, he lived to see his hopes realized when John F. Kennedy was elected President in 1960.

The following touching obituary on the patriarch of the ill-starred American dynasty appeared in the Washington Evening Star:

KENNEDY: PATRIARCH OF POLITICAL DYNASTY DIES AT 81

Joseph Patrick Kennedy, who wanted to put a son in the White House and did never forgot how it was to grow up as a Catholic in Boston's old-line Protestant society.

Even in the 1930s, when he had already amassed a fortune in Wall Street and New Deal prominence in Washington, Kennedy once exploded with wrath when a newspaper referred to him as "Irish-American."

"I was born here," he protested. "My children were born here. What the hell do I have to do to be an American?"

He did everything he could.

GOVERNMENT SERVICE

He won accolades as the first chairman of the Securities and Exchange Commission. He turned author to help the reelection of President Franklin D. Roosevelt in 1936. He presided over the revamping of the U.S. Maritime Commission. And he served as ambassador to Great Britain in the early years of World War II, until his outspoken isolationism appeared to doom any political hopes he had for himself.

From then on, his vindication was clearly to be in the hands of his four sons, and he devoted all his efforts toward providing them with the competitive spirit and bankroll that would put the name Kennedy—the "Irish-American" Catholic name—at the zenith of American power.

One of the nation's wealthiest men, Joseph Kennedy lived to see his hopes realized, although the family's triumphs were dogged by tragedies that rivaled the classics he studied as a boy in Boston Latin school.

He lost his first great hope, Joseph, Jr., in the war he had tried as ambassador to avert. That war also claimed a son-in-law and very nearly claimed his second son, John Fitzgerald.

SERIES OF TRAGEDIES

John won the presidency in 1960, but an assassin's bullet ended his career three years later. The third son, Robert Francis, met the same fate last year campaigning for the presidency.

And his youngest son, Edward Moore, survived a near-fatal plane crash in 1964 only to damage the family's last presidential hope by his involvement in the death of a woman passenger in an auto accident last summer.

It is believed that the ailing patriarch was never told of that accident and its repercussions.

An invalid since suffering a stroke in December 1961, Joe Kennedy watched the funerals of his two slain sons on television.

In addition to his indefatigable wife Rose and his surviving son, the Senate majority whip, Kennedy leaves four of his five daughters.

They are Rosemary, who is retarded and lives in a special institution in Wisconsin; Eunice, wife of Ambassador to France Sargeant Shriver; Patricia, the former wife of actor Peter Lawford, and Jean, wife of Stephen Smith, who manages the Kennedy family fortune.

FATHER A STATE SENATOR

"The Founding Father," as he was dubbed in Richard J. Whalen's 1964 biography, was born in East Boston on Sept. 6, 1888.

Contrary to widespread belief, his parents were second-generation Americans, not immigrants, and they were moderately well-to-do. His father, Patrick Joseph Kennedy, was a politically minded saloon-keeper who later served in the Massachusetts Senate, and his mother, Mary Hickey, was from a family "a notch or two" above the Kennedys.

The eldest of four children and the only one who survived past childhood, young Joe early exhibited his business acumen by organizing a church baseball team at the age of 15, hiring a ball park and charging admission to the games. Of course, the venture turned a profit.

He also peddled candy on the East Boston ferryboat, and felt a burning resentment at the newspaper help-wanted advertisements which read "Protestants Only" and "No Irish Need Apply."

An indifferent student except in mathematics, he was president of his class at the city's prestigious Latin public high school and won the citywide baseball batting championship.

The batting prize came from Mayor John F. (Honey Fitz) Fitzgerald, whose daughter Rose he met and courted in secret, since Fitzgerald felt the Kennedy's weren't quite socially acceptable.

The Kennedys, meanwhile, shocked their neighbors by enrolling Joe in Harvard College, the bastion of Boston's Protestant Brahmins, where he proceeded to be elected to the exclusive DU Club and the Hasty Pudding Institute of 1776. He and a college friend also began a sightseeing bus operation, which netted him $5,000 and a determination to become a millionaire.

Graduating with the Class of 1912, Kennedy became a bank examiner at $125 a week.

Two years later, at the age of 25, he became president of Columbia Trust Co., in which his father had an interest. At the time, he was believed to be the youngest bank president in America.

"I knew banking could lead a man anywhere," he later said, "as it played an important part in every business."

To those who raised eyebrows about his age, he retorted: "It's no crime to be young."

That same year he married Rose Fitzgerald in a private chapel in the residence of the archbishop of Boston. William Cardinal O'Connell officiated.

With the outbreak of World War I, Kennedy became assistant general manager of Bethlehem Steel's shipyard at Quincy, in charge of 22,000 men. Through this work he came to know a young assistant secretary of the Navy, Franklin D. Roosevelt.

MADE FORTUNE IN MARKET

After the war he became manager of the Boston office of Hayden, Stone & Co., the investment banking house, leaving it to freelance as a stock speculator in the unrestricted market of the Calvin Coolidge administration.

Described as "an angle shooter who likes to move around the table," he made a fortune in the market, then became board chairman of a series of motion picture distributing firms.

In 1926 he moved his family from Boston's Brookline suburb to New York City's fashionable Bronxville. He explained that he wanted his children to grow up in an atmosphere not dominated by Boston Yankees.

Kennedy realized his ambition of becoming a millionaire by age 30. In fact, he realized some $5 million from his movie dealings, switched back into Wall Street speculation and was hardly touched by the 1929 market crash.

His secret, he explained later with a smile, was that "with enough inside information and unlimited credit, you are sure to go broke."

WON PRAISE FROM CRITICS

His business insight led him to invest in Scotch whisky importation "for medicinal purposes" just before prohibition was repealed.

President Roosevelt, whom Kennedy gambled on by supporting, in 1932, stirred a storm of protest in 1934 by appointing him chairman of the new federal agency to regulate the stock market.

But the manipulative "wolf of Wall Street," as his critics sneeringly called him, soon won praise from both liberals and conservatives as he guided the SEC through its first three years.

In 1936 he turned author with a book entitled "I'm For Roosevelt," in which he made the ironic declaration: ". . . I have no political ambitions for myself or for my children. . . ."

After a brief retirement from Washington, Kennedy was recalled by Roosevelt to revitalize the Maritime Commission. His admiring colleague and successor in that post, Vice Adm. Emory Scott Land, once described Kennedy's head-butting with shipbuilders as "ruthless, yes, but essential to progress and efficiency. . . .

"As a consequence, the U.S. was far better prepared in logistics for World War II than it was for World War I."

NAMED ENVOY TO BRITAIN

In an era when tycoons were symbolized by Peter Arno's famous New Yorker cartoon ("Let's all go down to the Trans-Lux and hiss Roosevelt"), Joseph Kennedy in 1938 got the big reward for his loyal cheers—the ambassadorship to the Court of St. James's.

Columnists Joseph Alsop and Robert Kinter wrote of him later that year:

"His language is a cheerful torrent of profanity and picturesque expression. No one is better, or more ebullient company. Because he is rich, because he plays at being a rough diamond, because he is clever and because his brood of nine handsome children fascinate and astonish the British as the Dionne quintuplets might, he has been a vast success in England."

But his success rapidly dimmed as Prime Minister Neville Chamberlain, whose appeasement policy Kennedy backed, was discredited. The outspoken Kennedy continued to resist all-out arms aid to Britain, believing that America should in no case be dragged into the European war.

CLASHED WITH ROOSEVELT

He endured 244 air raids on London in 1940 but his clash with Roosevelt's lend-lease policy became unendurable.

Kennedy resigned as ambassador late that year amid criticism that seemed to preclude speculation that he might be a presidential candidate in 1944.

Back home, he plunged into real estate speculation, by 1945 acquiring sight unseen Chicago's Merchandise Mart—the world's largest commercial building—and amassing more money than he ever had before.

But his financial triumphs during the 1940s, and his receipt of the highest papal honor ever conferred upon an American (Grand Knight of the Order of Pope Pius XII), seemed to be overshadowed by family tragedies.

Navy Lt. Joseph P. Kennedy Jr. was killed when his plane exploded over the English Channel. A month later Daughter Kathleen's husband, the Marquis of Hartington, died in action in France, where Kathleen was killed in a 1948 plane crash.

As son John recuperated from a wartime back injury, the ambitious father urged him to run for a House seat in 1946.

"I told him it was his responsibility to run for Congress," Kennedy declared later. "He didn't want to do it."

Fearful that his own unpopular isolationist views would damage his son's chances, Kennedy quietly yet unashamedly put the weight of his wealth behind John's campaigns and watched with relish as he defeated a Brahmin, Henry Cabot Lodge, for a Senate seat in 1952.

In 1957, a Fortune magazine survey listed the senior Kennedy among the nation's 15 wealthiest men, and he saw to it that each child in the close-knit family had a trust fund of $1 million. The patriarch's own fortune was estimated at $300–$500 million by the early 1960s.

"None of my children has the slightest interest in making money, not the slightest," Kennedy once said in apparent pride at their interest in law, politics and the arts.

HIS OTHER AMBITIONS

"Joe's greatest ambition," Adm. Land once wrote in a Star book review, "was to have one son in the White House and another on the Supreme Court of the United States."

In 1961, he had one son in the White House and another as attorney general.

In 1965, little more than a year after John's assassination, Joseph P. Kennedy became the only man in American history to have sired three U.S. senators.

Though he suffered a series of heart attacks after the initial stroke in 1961 and was confined to a wheelchair, the patriarch continued to be a rallying point for the close-knit family at his resort homes in Hyannis Port, Mass., and Palm Beach, Fla.

COULD SPEAK ONE WORD

Dr. Howard A. Rusk, director of the Institute of Rehabilitation Medicine in New York, who had treated Kennedy, says that the stroke left him able to speak only one word—"no." But with it, Rusk says, he was able to communicate to the extent of answering questions.

"When he replied, 'no, no, no, no,' he meant 'yes,'" Rusk said "When he replied much more emphatically, 'no, no, no, no,' he did mean 'no.'"

Whatever fate dished out to him—the religious prejudice in his youth, the infirmities of old age, the untimely deaths of his cherished sons—crusty Joe Kennedy endured it all with his massive will to conquer.

"He had the progenitor's sense," a Washington friend once said. "To him, his children were an extension of himself. What he did, he did with them always in mind."

His children will not be remembered as "Irish-Americans."

Mr. GALLAGHER. Mr. Speaker, the glory, the suffering, the joy, and the pain have finally ended for Joseph Patrick Kennedy, for he is dead at 81 years of age.

But, death has no triumph over his life. Indeed, this final sleep may come as a blessed reward for a long period of anguish and suffering.

Death has no triumph, for life was complete. The man who began as a bank examiner in 1912 ended as a major national industrialist. The man who entered Government as a member of the SEC, served Government as Ambassador to the Court of St. James, and the man who married Rose Fitzgerald in 1914, fathered the 35th President of the United States.

But he did more. When we think of Joseph P. Kennedy, we think of a father, of a father who dedicated his life to his children, of a father who realized the greatest of moments from the work of his children, and of a father who suffered perhaps more than any other from the cruel tragedies which struck his children.

If there ever was an American who gave more for his country than Joseph P. Kennedy, then I do not know his name. Three of Joseph Kennedy's sons fell in service to America. Of what man has more ever been demanded?

Joseph P. Kennedy will live on. He will live on as we remember his son Joseph, Jr., his son John Fitzgerald, and his son Robert Francis. He will live on as we remember his own brilliant achievements in business and in Government. He will live on in the memory of his surviving beloved family members. And the record of national service which he began will live on in the distinguished work of his youngest son in the U.S. Senate.

So, to his wonderful wife, to his children, to his grandchildren, we express our heartfelt sympathies, and prayers that the Kennedy family will find the peace and happiness which they so richly deserve.

Mr. ROONEY of New York. Mr. Speaker, I was indeed saddened to learn of the passing of former Ambassador Joseph P. Kennedy and wish to extend to his dear wife and all her family the Rooneys' deepest sympathy and prayers in their great loss. I knew Ambassador Kennedy long before President Franklin D. Roosevelt sent him to the Court of St. James. I was very happy to have been a guest in his home at Palm Beach, Fla., at Christmastime in 1960 after his son Jack was elected President of the United States.

There are many memories flowing through my mind at this moment, but I think the best tribute I can pay is that he was the fine father of a fine family. May God rest his soul.

Mr. MORSE. Mr. Speaker, today in Hyannisport, Mass., Joseph P. Kennedy, patriarch of one of the most distinguished families in America's political history, died at the age of 81. He leaves behind a memorable legacy to the American people. His values were those that have given strength to our Nation—industry, perseverance, hard work and success. His life was a testimony to those values.

Joseph Kennedy served his country in many ways. During the troubled years of the late 1930's, he represented the United States at the Court of St. James. It was during that time that his second son, first became closely acquainted with the problems of international diplomacy and those of Europe especially, which later were to occupy so much of his energies as President of the United States.

Joseph Kennedy had a fine sense of the responsibility that his abilities required of him—he taught his children the value of human life and their own responsibility toward those less fortunate than they. More important, he taught them the value and importance of diligence in the pursuit of their goals.

The American people are indebted to this man who gave so much to his country and sacrificed so much for it. First, his son Joe, Jr., was killed during the Second World War. He enjoyed the culmination of every father's dreams when John Kennedy became President of the United States—and saw his dreams shattered by an assassin's bullet. His third son Robert, who served so ably as a courageous Attorney General, as a distinguished U.S. Senator, and who, as candidate for the Presidency, focused our attention on the needs of the poor, the hungry, the neglected in our national life—was killed also by a lone and misguided youth.

We have shared Joseph Kennedy's massive grief with him—and now, with the Kennedy family, we mourn his death. He was indeed a great American.

Mrs. Morse joins me in extending to Mrs. Kennedy, to Senator EDWARD KENNEDY, and the other members of the Kennedy family, our deepest sympathy.

Mr. BROWN of Ohio. Mr. Speaker, I add my voice to those who offer their condolences to the members of one of America's great families in the loss of their patriarch. The death of Ambassador Joseph P. Kennedy, unlike that of three of his sons, comes in its season and thereby does not come with the same impact of shock. But it is nonetheless sad because it marks the end of a colorful career on a muted rather than a triumphant note.

Ambassador Kennedy had many triumphs in his lifetime, however. His rewards were great in his day. And, in his day, his contributions to his Nation have been great. Others will recount these services more elaborately and with eloquence drawn from more personal knowledge than I. But I can testify to one area of contribution from personal familiarity, and that is the participation he had in the Hoover Commission on the Reorganization of the Executive Branch of Government. He served on that body with my late father who authored the legislation which created both Commissions.

The two were good friends as a result of their mutual interest in the objectives of the Commission and their service thereon. Circumstances frequently found them in agreement because they often shared common views, not so surprising since both were self-made men in the classic American sense. And when they were in disagreement they were worthy adversaries because they shared mutual respect, but no fear of each other.

Only this past summer when my wife and I visited Paris, Ambassador Kennedy's daughter, now herself married to the American Ambassador to France, recalled her father's comments about service with my father on the Hoover Commission. She recalls Mr. Kennedy observing after an early meeting of the Commission:

> At least there is one man on the Commission with commonsense, that Congressman from Ohio named Brown.

It was a flattering recollection and not dissimilar to comments I can recall my own father making about the Ambassador. The Congressman from Ohio held him in affection because Mr. Kennedy was a man of charm and candor and had that basic good sense and understanding of the common man which all of us wish to have and admire in others. It was these qualities which contributed to the building of a great fortune, a great career and an outstanding family. His kind is rare. He will be missed.

Mr. DORN. Mr. Speaker, I first came to admire Mr. Kennedy when he became Ambassador to Great Britain. He spoke out with courage and forthrightness about the impending world crisis.

Ambassador Kennedy was a great and good American. He was dedicated to those principles and ideals which made this Nation great. He was a rugged individualist, devoted to private enterprise as the best system to provide opportunity and improve the standards of living for the greatest number of our people. He was intensely patriotic and placed the welfare of the United States above any other consideration. He reared an outstanding family. He instilled in his family the virtues of loyalty, discipline, courage, and integrity.

It has been the privilege of many of us here to know personally the members of his family who were so dedicated to public service. This Nation today is a greater country, and the cause of freedom throughout the world more secure because of the life and dedication of Ambassador Kennedy and that of his noble family.

Mrs. Dorn and my constituents join me in my prayers and most heartfelt sympathy to Mrs. Kennedy and each member of her distinguished and wonderful family.

Mr. CLEVELAND. Mr. Speaker, Joseph Kennedy's death brings to an end one of the most remarkable careers in American history. Among many distinctions, Joseph Kennedy was the only man in history to father three U.S. Senators. He had a massive will to conquer. He overcame religious prejudice, he endured one staggering tragedy after another in his life. He battled his way to the top at whatever he did. He made one of the great fortunes of history. He made history himself as first Chairman of the Securities and Exchange Commission and revitalized the Maritime Commission.

He fought old age and illness with spirit and tenacity, as he had tackled all other adversaries. He thus set an inspiring example to his family, his friends, and to his countrymen.

His death adds yet one more loss to the burden of loss borne by his widow, the valiant Rose Fitzgerald Kennedy.

To her, to Senator Kennedy, and to all her family go our deepest sympathy.

GENERAL LEAVE TO EXTEND REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the passing of the late Honorable Joseph Kennedy.

The SPEAKER pro tempore (Mr. Wolff). Without objection, it is so ordered.

There was no objection.

SPECIAL ORDERS DEVOTED TO VIETNAM

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, at the close of legislative business today the gentleman from Montana (Mr. Olsen) will launch a series of 1-hour special orders devoted to Vietnam.

The purpose of these discussions, which will be held on Tuesdays, Wednesdays, and Thursdays with different Members in the well, is to have all our colleagues—no matter what their individual views on Vietnam—take part in a continuing debate of varying viewpoints.

I sincerely hope the Members will seize this opportunity to become an appropriate forum for discussion of Vietnam which is clearly the single most important issue facing the American people.

I urge all Members, no matter how they feel about American policy in Vietnam, to use this opportunity of continuing special orders to express their opinion and to discuss with other Members the vital question of Vietnam.

IOWA DEVELOPMENT COMMISSION WELCOMES VISITORS

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, as a Member of this body from Des Moines, Iowa, a week ago I welcomed some Republicans to Iowa to a powwow they were having in Des Moines.

It was on moratorium day.

Of course, their moratorium was different than the one we had here. Their interest is in a moratorium on the erosion of their membership in this body. Anyway, they came there and demonstrated and left. I want to thank them for coming. Anyway, Mr. Speaker, the Iowa Development Commission was especially thankful. They are always thankful for any wealthy foreigners who come in that have more money to spend than they know what to do with. We need the money to help our balance of payments out there in Iowa. I also extended the Vice President a special invitation and was pleased that the Vice President decided at the last minute to come to Iowa. I wanted him to receive some exposure in Iowa, and he got that all right. I was, however, disappointed that after inviting him there he did not invite the dean of our Iowa delegation to come out with him.

Mr. Speaker, I want to say that Hubert Humphrey never came to Iowa without inviting some member of the delegation to go out there with him.

While the Vice President was in Des Moines, Iowa, reporters could not get a copy of his speech. They said he was up in a room writing it at the time. It is interesting to note that 2 hours before that time a Member of the Senate put his speech in the Congressional Record where it appears on page 34042. Now the White House denies that they had anything to do with it, all of which makes me think that perhaps Nixon is trying to divorce himself from Agnew, because it is now strongly rumored around Washington that in making up the ticket in 1972, Agnew is going to dump Nixon.

THE LATE HONORABLE CHARLES W. HENNEY

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, it is my sad duty to call to the attention of the House the passing on Sunday, November 16, of a former colleague, Charles W. Henney. As the Representative of Wisconsin's Second District, he served in the 73d Congress, 1933–34, noted for the "hundred days" which passed much progressive legislation.

Funeral services for Mr. Henney were held this morning in Portage, Wis.

Throughout his 85 years, Charles Henney maintained a strong interest in public affairs and was quite active in his community of Portage, Wis., and the Democratic Party. At the same time, he continued his practice of medicine and, at the age of 70, was honored by being elected to fellowship in the International College of Surgeons.

Mr. Henney was the last Democrat to represent the Second District until my election in 1958. I always treasured my association with him and he gave me wise counsel on more than one occasion.

I extend my condolences to his family on their loss. I am certain those who knew him here in Congress and elsewhere will mourn the passing of this distinguished American.

THE STUCK PIG SQUEALS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, some of the Members who have been around here for awhile will remember how I stood up to McCarthy and McCarthyism in the day when it was rampant here, and they will remember the investigation of foundations which was authorized by the House, and which set out to prove that everybody connected with every foundation was a Communist. I got one of the antifoundation people's leading witnesses to identify some of the papal encyclicals as Communist literature, which broke up the investigation.

So I do not think I need to do more to remind the House of my credentials against people trying to silence criticism, to silence opposition, and to silence the press, and to destroy dissent, as some tried to do in the McCarthy days.

But, for the life of me, I cannot understand why the press and the television commentators have gotten so exercised at a little criticism directed their way when they tend to be critical of everybody and everything, and the Congress especially. I think what is sauce for the goose is sauce for the gander, and if Spiro, who is not one of my most favorite people, and I am not one of his greatest admirers, hit them where it hurt a little, I am reminded of the traditional Ohio hog, of which I have spoken previously, who squeals only when he gets stuck where it hurts. Apparently they got a little hurt about this.

THE WEIGHT OF IMPORTED GOODS

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, and Members of the House, within the last 2 weeks the Tariff Commission has ruled, for the first time since the Kennedy round procedure was set up, to pay damages to 600 workers in two small steel plants. The amount of money involved in payments to these 600 workers will be $3 million.

We now have 140,000 steelworkers whose jobs have been lost as a result of the difference between the export and import of steel. Based upon the same ratio of award that was given in the plants of which I have spoken, there will be 100,000 steelworkers eligible for this type of relief, which will cost the American taxpayer $2,500 million. There are 340,000 textile workers out of work. There are 65,000 lost jobs in the shoe industry. Fifty percent of all the glassworkers in the United States are out of work because of tariff reductions and import increases since 1959. This is documented before the Tariff Commission.

Altogether we figure from an incomplete tabulation that we will have about 940,000 Americans eligible for this type of relief.

Those of us who have gone out saying that imports result in a great saving for the consumer will soon see how much savings consumers will have when they start paying damages for the cheap Japanese goods they are buying.

RESPONSE TO REMARKS OF CONGRESSMAN CUNNINGHAM WITH RESPECT TO LOBBYING IN CONNECTION WITH CONVERSION OF POST OFFICE TO GOVERNMENT-OWNED CORPORATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, in checking the RECORD of November 6, I noted the remarks of the gentleman from Nebraska (Mr. CUNNINGHAM) on page 33340. Although they are directed at me, he did not show me the courtesy of advising me of his intention to insert the remarks in the RECORD.

Be that as it may, I regret that he did not see fit to deliver the remarks in person and thus afford me the opportunity to respond at that time.

It apparently disturbed the gentleman that I had reported on the activities of the Citizens Committee for Postal Reform, Inc., the high-powered, well-heeled, lobbying outfit which is putting on the pressure for conversion of the Post Office Department into a Government-owned corporation.

Since I reported on the contributions to, and expenditures by the Citizens Committee, the gentleman expresses the belief that I now have an obligation to report on the expenditures of two postal unions. Frankly, I do not understand his logic and could only suggest that if he is interested in the lobbying activities of the two groups that he conduct his own investigation.

And if the gentleman is so concerned, as he seems to be, about the power of postal unions, I find it strange indeed that he would support a plan which could lead to compulsory unionism—with all postal employees required to join a union as a condition of employment.

PREMIER GOLDA MEIR CONGRATULATES PRESIDENT NIXON ON HIS NOVEMBER 3 SPEECH

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the simplistic and myopic view of the struggle in South Vietnam which some strident critics of President Nixon's policy takes is sharply refuted by the Prime Minister of Israel, Mrs. Golda Meir. Mrs. Meir, whose indomitable courage and independence of mind cannot be questioned, knows as do her countrymen that the fate of small and still-free nations everywhere is deeply involved. I commend to all Americans the bright vision of this country which Premier Meir expresses in her congratulatory message to President Nixon on his November 3 speech to the Nation. The text of Mrs. Meir's message is as follows:

> The Prime Minister wishes to congratulate the President on his meaningful speech, and express her hope that he will speedily succeed in bringing about peace in Vietnam. The President's speech contains much that encourages and strengthens freedom-loving small nations the world over, which are striving to maintain their independent existence looking to that great democracy, the United States of America.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historic Site, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Strike out all after the enacting clause and insert: "That, in order to preserve public ownership historically significant properties associated with the life of William Howard Taft, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such land and interests in land, together with buildings and improvements thereon and including scenic easements, at or in the vicinity of Auburn Avenue, Cincinnati, Ohio, as the Secretary of the Interior shall deem necessary for the establishment of a national historic site in commemoration of William Howard Taft. Such site shall be known as the William Howard Taft National Historic Site.
>
> "SEC. 2. The administration, development, preservation, and maintenance of the William Howard Taft National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916, as amended (16 U.S.C. 1 et seq.) and the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (16 U.S.C. 461 et seq.).
>
> "SEC. 3. There are hereby authorized to be appropriated not to exceed $318,000 to provide for the restoration and development of the William Howard Taft National Historic Site."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of asking the gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs, if he will explain the amendments.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, H.R. 7066 as approved by the House authorized the use of donated or appropriated funds for the acquisition of needed lands at the proposed William Howard Taft National Historic Site. We understood, however, that all of the lands would be donated or purchased with donated funds, but in order to facilitate the needed acquisition the use of appropriated funds was authorized with the understanding that the Federal Government would be reimbursed if any land acquisition costs were incurred. As evidence of this understanding, it should be noted that the authorization ceiling was limited to the amount estimated to be needed for the restoration and development of the historic site.

The Senate amendment to H.R. 7066 goes one step further in that it requires that all of the lands be acquired by donation or by purchase with donated funds. I hasten to emphasize, Mr. Speaker, that this does not, in any way, impair the power of eminent domain. It is well established in law that the power of the Federal Government to exercise condemnation is assured whenever the procurement of real estate for public purposes is authorized—25 U.S.C. 275. Regardless of the source of the funds, the power of eminent domain may be utilized to acquire real property within the boundaries of an area authorized by law to be acquired. Since the power of the Government to acquire the needed lands, in this case, is not impaired and since it has been the understanding, from the beginning, that the lands to be acquired would be purchased with donated funds, it is appropriate that the House concur in this portion of the Senate amendment.

The amendment which is being offered at this time was included in the bill as originally approved by the House. It merely designates the boundaries of the proposed national historic site by reference to a map rather than granting the Secretary of the Interior discretionary authority to establish such boundaries as he deems appropriate. This is not an uncommon provision in legislation involving new authorizations for units of the national park system. It makes the congressional intent absolutely clear with respect to the area being authorized.

Mr. Speaker, I make these brief comments to establish some legislative history on the points mentioned so that there will be no misunderstandings as to what was or was not intended by the Congress. I urge the Members of the House to concur in the Senate amendment with the amendment proposed.

Mr. SAYLOR. Mr. Speaker, with that explanation, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. ASPINALL moves that the House concur in the Senate amendment with an amendment as follows: Amend section 1 of the act as amended by the Senate to read as follows:
>
> "That, in order to preserve in public ownership historically significant properties associated with the life of William Howard Taft, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such land and interests in land, together with buildings and improvements thereon and including scenic easements, at or in the vicinity of Auburn Avenue, Cincinnati, Ohio, as are depicted on the drawing entitled 'William Howard Taft National Historic Site Boundary Map,' numbered TAHO-20009, and dated August 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the William Howard Taft National Historic Site."

The motion was agreed to.

The Senate amendment, as amended, was concurred in.

A motion to reconsider was laid on the table.

THE TRADE ACT OF 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-194)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

For the past 35 years, the United States has steadfastly pursued a policy of freer world trade. As a Nation, we have recognized that competition cannot stop at the ocean's edge. We have determined that American trade policies must advance the national interest—which means they must respond to the whole of our interests, and not be a device to favor the narrow interest.

This Administration has reviewed that policy and we find that its continuation is in our national interest. At the same time, however, it is clear that the trade problems of the 1970s will differ significantly from those of the past. New developments in the rapidly evolving world economy will require new responses and new initiatives.

As we look at the changing patterns of world trade, three factors stand out that require us to continue modernizing our own trade policies:

First, world economic interdependence has become a fact. Reductions in tariffs and in transportation costs have internationalized the world economy just as satellites and global television have internationalized the world communications network. The growth of multinational corporations provides a dramatic example of this development.

Second, we must recognize that a number of foreign countries now compete fully with the United States in world markets.

We have always welcomed such competition. It promotes the economic development of the entire world to the mutual benefit of all, including our own consumers. It provides an additional stimulus to our own industry, agriculture and labor force. At the same time, however, it requires us to insist on fair competition among all countries.

Third, the traditional surplus in the U.S. balance of trade has disappeared. This is largely due to our own internal inflation and is one more reason why we must bring that inflation under control.

The disappearance of the surplus has suggested to some that we should abandon our traditional approach toward freer trade. I reject this argument not only because I believe in the principle of freer trade, but also for a very simple and pragmatic reason: any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose. In the longer term, such a policy of trade restriction would add to domestic inflation and jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible.

In fact, the need to restore our trade surplus heightens the need for further movement toward freer trade. It requires us to persuade other nations to lower barriers which deny us fair access to their markets. An environment of freer trade will permit the widest possible scope for the genius of American industry and agriculture to respond to the competitive challenge of the 1970s.

Fourth, the less developed countries need improved access to the markets of the industrialized countries if their economic development is to proceed satisfactorily. Public aid will never be sufficient to meet their needs, nor should it be. I recently announced that, as one step toward improving their market access, the United States would press in world trade forums for a liberal system of tariff preferences for all developing countries. International discussions are now in progress on the matter and I will not deal with it in the trade bill I am submitting today. At the appropriate time, I will submit legislation to the Congress to seek authorization for the United States to extend preferences and to take any other steps toward improving the market access of the less developed countries which might appear desirable and which would require legislation.

THE TRADE ACT OF 1969

The trade bill which I am submitting today addresses these new problems of the 1970s. It is modest in scope, but significant in its impact. It continues the general drive toward freer world trade. It also explicitly recognizes that, while seeking to advance world interests, U.S. trade policies must also respect legitimate U.S. interests, and that to be fair to our trading partners does not require us to be unfair to our own people. Specifically:

—It restores the authority needed by the President to make limited tariff reductions.

—It takes concrete steps toward the increasingly urgent goal of lowering non-tariff barriers to trade.

—It recognizes the very real plight of particular industries, companies and workers faced with import competition, and provides for readier relief in these special cases.

—It strengthens GATT—the General Agreement on Tariffs and Trade—by regularizing the funding of United States participation.

While asking enactment of these proposals now, the trade program I will outline in this message also includes setting preparations under way for the more ambitious initiatives that will later be needed for the long-term future.

TARIFF REDUCTION

I recommend that the President be given authority to make modest reductions in U.S. tariffs.

The President has been without such authority for over two years. This authority is not designed to be used for major tariff negotiations, but rather to make possible minor adjustments that individual circumstances from time to time require—as, for example, when it becomes necessary to raise the duty on an article as the result of an "escape clause" action or when a statutory change is made in tariff classification. Our trading partners are then entitled to reasonable compensation, just as we would be entitled to receive it from them in reverse cirmumstances. Lack of this authority exposes our exports to foreign retaliation. Therefore, the Bill would provide to the President, through June 30, 1973, the authority to reduce tariffs by limited amounts.

NON-TARIFF BARRIERS

The time has come for a serious and sustained effort to reduce non-tariff barriers to trade. These non-tariff barriers have become increasingly important with the decline in tariff protection and the growing interdependence of the world economy. Their elimination is vital to our efforts to increase U.S. exports.

As a first step in this direction, I propose today that the United States eliminate the American Selling Price system of customs valuation.

Although this system applies only to a very few American products—mainly benzenoid chemicals—it is viewed by our principal trading partners as a major symbol of American protectionism. Its removal will bring reciprocal reductions in foreign tariffs on U.S. chemical exports, and a reduction in important foreign non-tariff barriers—including European road taxes, which discriminate against our larger automobiles, and the preferential treatment on tobacco extended by the United Kingdom to the countries of the Commonwealth. Beyond this, its removal will unlock the door to new negotiations on the entire range of non-tariff barriers. Because of the symbolic importance our trading partners attach to it, the American Selling Price system has itself become a major barrier to the removal of other barriers.

Essentially, the American Selling Price system is a device by which the value of imports for tariff purposes is set by the price of competitive American products instead of the actual price of the foreign product, which is the basis of tariff valuation for all other imports. The extraordinary protection it provides to these few products has outlived its original purposes. The special advantage it gives particular producers can no longer justify its heavy cost in terms of the obstacles it places in the way of opening foreign markets to American exports.

Reducing or eliminating other non-tariff barriers to world trade will require a great deal of detailed negotiating and hard bargaining.

Unlike tariffs, approaches to the reduction of non-tariff barriers are often difficult to embody in prior delegation of authority. Many—both here and abroad—have their roots in purely domestic concerns that are only indirectly related to foreign trade, and many arise from domestic laws.

Many would require specific legislative actions to accomplish their removal—but the nature of this action would not finally be clear until negotiation had shown what was possible.

This presents a special opportunity for Congress to be helpful in achieving international agreements in this vital area.

I would welcome a clear statement of Congressional intent with regard to non-tariff barriers to assist in our efforts to obtain reciprocal lowering of such barriers.

It is not my intention to use such a declaration as a "blank check." On the contrary, I pledge to maintain close consultation with the Congress during the course of any such negotiations, to keep the Congress fully informed on problems and progress, and to submit for Congressional consideration any agreements which would require new legislation. The purpose of seeking such an advance declaration is not to bypass Congress, but to strengthen our negotiating position.

In fact, it is precisely because ours is a system in which the Executive cannot commit the Legislative Branch that a general declaration of legislative intent would be important to those with whom we must negotiate.

At the same time, I urge private interests to work closely with the government in seeking the removal of these barriers. Close cooperation by the private sector is essential, because many non-tariff barriers are subtle, complex and difficult to appraise.

AID FOR AFFECTED INDUSTRIES

Freer trade brings benefits to the entire community, but it can also cause hardship for parts of the community. The price of trade policy from which we all receive benefits must not fall unfairly on the few—whether on particular industries, on individual firms or on groups of workers. As we have long recognized, there should be prompt and effective means of helping those faced with adversity because of increased imports.

The Trade Act of 1969 provides significant improvements in the means by which U.S. industry, firms, and workers can receive assistance from their government to meet injury truly caused by imports.

This relief falls into two broad categories: 1) the escape clause, which is industry-wide; and 2) adjustment assistance, which provides specific aid to particular firms or groups of workers.

These improvements are needed because the assistance programs provided in the Trade Expansion Act of 1962 have simply not worked.

ESCAPE CLAUSE

The escape clause provisions of the 1962 Act have proved so stringent, so rigid, and so technical that in not a single case has the Tariff Commission been able to justify a recommendation for relief. This must be remedied. We must be able to provide, on a case-by-case basis, careful and expedited consideration of petitions for relief, and such relief must be available on a fair and reasonable basis.

I recommend a liberalization of the escape clause to provide, for industries adversely affected by import competition, a test that will be simple and clear: relief should be available whenever increased imports are the primary cause of actual or potential serious injury. The increase in imports should not—as it now is—have to be related to a prior tariff reduction.

While making these escape clause adjustments more readily obtainable, however, we must ensure that they remain what they are intended to be: temporary relief measures, not permanent features of the tariff landscape. An industry provided with temporary escape-clause relief must assume responsibility for improving its competitive position. The bill provides for regular reports on these efforts, to be taken into account in determining whether relief should be continued.

ADJUSTMENT ASSISTANCE

With regard to adjustment assistance for individual firms and groups of workers, the provisions of the Trade Expansion Act of 1962 again have not worked adequately.

The Act provides for loans, technical assistance and tax relief for firms, and readjustment allowances, relocation and training for workers. This direct aid to those individually injured should be more readily available than tariff relief for entire industries. It can be more closely targeted; it matches the relief to the damage; and it has no harmful side effects on overall trade policy.

I recommend that firms and workers be considered eligible for adjustment assistance when increased imports are found to be a substantial cause of actual or potential serious injury.

Again, the increase in imports would not have to be related to a prior tariff reduction. The "substantial cause" criterion for adjustment assistance would be less stringent than the "primary cause" criterion for tariff relief.

I also recommend two further changes in existing adjustment provisions:

—That the Tariff Commission continue to gather and supply the needed factual information, but that determinations of eligibility to apply for assistance be made by the President.

—That adjustment assistance be made available to separate units of multi-plant companies and to groups of workers in them, when the injury is substantial to the unit but not to the entire parent firm.

With these modifications, plus improved administrative procedures, our program of assistance to import-injured firms and workers can and will be made to work. Taken together, they will remedy what has too long been a serious shortcoming in our trade programs.

These changes in our escape clause and adjustment assistance programs will provide an adequate basis for government help in cases where such help is justified in the overall national interest. They will thus help us move away from protectionist proposals, which would reverse the trend toward interdependence, and towards a constructive attack on the existing trade barriers of others.

The textile import problem, of course, is a special circumstance that requires special measures. We are not trying to persuade other countries to limit their textile shipments to the United States. In doing so, however, we are trying to work out with our trading partners a reasonable solution which will allow both domestic and foreign producers to share equitably in the development of the U.S. market.

Such measures should not be misconstrued, nor should they be allowed to turn us away from the basic direction of our progress toward freer exchange.

FAIR TREATMENT OF U.S. EXPORTS

By nature and by definition, trade is a two-way street. We must make every effort to ensure that American products are allowed to compete in world markets on equitable terms. These efforts will be more successful if we have the means to take effective action when confronted with illegal or unjust restrictions on American exports.

Section 252 of the Trade Expansion Act of 1962 authorizes the President to impose duties or other import restrictions on the products of any nation that places unjustifiable restrictions on U.S. agricultural products. *I recommend that this authority be expanded in two ways:*

—By extending the existing authority to cover unfair actions against all U.S. products, rather than only against U.S. agricultural products.

—By providing new authority to take appropriate action against nations that practice what amounts to subsidized competition in third-country markets,

when that subsidized competition unfairly affects U.S. exports.

Any weapon is most effective if its presence makes its use unnecessary. With these new weapons in our negotiating arsenal, we should be better able to negotiate relief from the unfair restrictions to which American exports still are subject.

STRENGTHENING GATT

Ever since its beginning in 1947, U.S. participation in GATT—the General Agreement on Tariffs and Trade—has been financed through general contingency funds rather than through a specific appropriation.

GATT has proved its worth. It is the international organization we depend on for the enforcement of our trading rights, and toward which we look as a forum for the important new negotiations on non-tariff barriers which must now be undertaken.

I recommend specific authorization for the funding of our participation in GATT, thus both demonstrating our support and regularizing our procedures.

FOR THE LONG-TERM FUTURE

The trade bill I have submitted today is a necessary beginning. It corrects deficiencies in present policies; it enables us to begin the 1970's with a program geared to the start of that decade.

As we look further into the Seventies, it is clear that we must reexamine the entire range of our policies and objectives.

We must take into account the far-reaching changes which have occurred in investment abroad and in patterns of world trade. I have already outlined some of the problems which we will face in the 1970's. Many more will develop—and also new opportunities will emerge.

Intense international competition, new and growing markets, changes in cost levels, technological developments in both agriculture and industry, and large-scale exports of capital are having profound and continuing effects on international production and trade patterns. We can no longer afford to think of our trade policies in the old, simple terms of liberalism vs. protectionism. Rather, we must learn to treat investment, production, employment and trade as interrelated and interdependent.

We need a deeper understanding of the ways in which the major sectors of our economy are actually affected by international trade.

We have arrived at a point at which a careful review should also be made of our tariff structure itself—including such traditional aspects as its reliance upon specific duties, the relationships among tariff rates on various products, and adapting our system to conform more closely with that of the rest of the world.

To help prepare for these many future needs, I will appoint a Commission on World Trade to examine the entire range of our trade and related policies, to analyze the problems we are likely to face in the 1970's and to prepare recommendations on what we should do about them. It will be empowered to call upon the Tariff Commission and the agencies of the Executive Branch for advice, support and assistance, but its recommendations will be its own.

By expanding world markets, our trade policies have speeded the pace of our own economic progress and aided the development of others. As we look to the future, we must seek a continued expansion of world trade, even as we also seek the dismantling of those other barriers—political, social and ideological—that have stood in the way of a freer exchange of people and ideas, as well as of goods and technology.

Our goal is an open world. Trade is one of the doors to that open world. Its continued expansion requires that others move with us, and that we achieve reciprocity in fact as well as in spirit.

Armed with the recommendations and analyses of the new Commission on World Trade, we will work toward broad new policies for the 1970's that will encourage that reciprocity, and that will lead us, in growing and shared prosperity, toward a world both open and just.

RICHARD NIXON.

THE WHITE HOUSE, *November 18, 1969*.

PRESIDENT'S MESSAGE ON THE PRINCIPLES OF FREE TRADE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon has today sent the Congress a message which reaffirms this Nation's devotion to the principles of free trade. I am pleased that the President has outlined a course which will steer us toward the objectives of freer trade but at the same time shows an awareness of the shoals and sandbars along the way.

I believe the trade policies recommended by the President will be helpful in restoring our Nation to a position of trade surplus. There is no question that movement toward freer trade is necessary if we are to move toward the much-desired goal of a favorable balance of trade.

To that end, I fully support the President's request for authority to make limited tariff reductions. The President has quite accurately stated that lack of authority to make such reductions exposes our exports to foreign retaliation.

The Congress also should give serious consideration to the President's request for elimination of nontariff barriers to trade. As the President stated, a clear statement of congressional intent in this regard is needed to achieve the reciprocal lowering of nontariff trade obstacles.

The President's message on trade is a prime example of the balance that President Nixon has brought to our domestic and foreign affairs. I refer particularly to his realistic recommendations regarding aid for industries and individuals adversely affected by increased imports and the need to take effective action in cases where American exports are illegally or unjustly discriminated against.

By and large, the President's trade recommendations commend themselves to the Congress. Prompt action on these recommendations is vital to our Nation's future well-being.

Mr. POFF. Mr. Speaker, on the initiative of President Nixon, the Congress once again has before it basic legislation on U.S. foreign trade policy.

As we proceed to what I am certain will be thorough consideration of every provision of this bill, let us not overlook the impressive foundations upon which the President's recommendations rest.

This bill calls for an extension into the 1970's of a policy of trade expansion that has served our Nation well since the 1930's.

It is a policy based on the principle that the expansion of world trade benefits all nations.

It is a policy that has been proven by a record of many years' duration.

It is a policy studied and upheld over many years by a series of distinguished committees.

It is a policy adhered to by both American political parties.

It is a policy embodied in many of our international agreements including the Charter of the United Nations.

In short, the President is asking us to enable him to carry out an up-to-date version of a tried and tested program.

I know there are many of us who are disappointed in certain provisions of our basic trade legislation. There can be no question about the need to improve procedures for assisting those workers and industries hurt by foreign competition. And we should all be concerned with strengthening our negotiating capacity to open wider world markets for American products. I believe the carefully drafted bill now before us fulfills these needs.

Mr. RHODES. Mr. Speaker, in his message on the proposed Trade Act of 1969, President Nixon has let it be known that the United States is going to insist on its reciprocal rights in the give and take of world trade. And he has asked for authority to back up his words.

The President has asked for a modest amount of tariff-cutting authority to end the dangerously weak position he occupies in dealing with unavoidable tariff adjustments. The President needs this authority to prevent other nations from threatening the United States with retaliation every time we make a minor change in a tariff.

The President also needs the support of the Congress in his campaign to convince other nations that the United States will no longer put up with nontariff barriers that make some of their tariff concessions next to worthless. To make this campaign credible he has asked for repeal of our best known nontariff barrier, the American selling price system. The President made it clear that in return for ending this outdated system, the United States will demand all the reciprocal concessions promised in the Kennedy round as well as an open door for negotiations on the nontariff barriers of other countries.

Finally, the President seeks extension of section 252, which gives him authority to raise existing duties, impose them where they don't exist or even put import quotas on any product of any nation that places unjustifiable restrictions on U.S. farm products.

What the President now wants is broad authority to use this weapon whenever

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any American goods—agricultural or nonagricultural—are unfairly treated.

The new proposals also call for authority to penalize countries that use subsidies to undercut American exports to third countries.

Taken as a package, this trade bill continues and reaffirms the traditional U.S. policy of trade expansion through reciprocal reduction of barriers. But it makes it clear that there will be no more free rides and that, in nontariff barrier talks, the United States intends to get as much as it gives.

I suggest that we move as expeditiously as possible in consideration of these welcome proposals.

Mr. ANDERSON of Illinois. Mr. Speaker, the U.S. 35-year campaign to reduce barriers to world trade takes another significant step forward with the introduction of the administration's foreign trade bill. Our goal continues to be a more prosperous America in a more prosperous world. Many Members of Congress here today remember when the "35-year campaign" to reduce tariffs started in the thirties when the value of world trade had dropped by two-thirds, strangled by the combined effects of worldwide depression. Under those circumstances, we assumed a leadership role in the program for reductions of tariffs on a reciprocal basis for as many countries as possible. Today excepting the free list, the average duty paid on imports has been reduced from around 60 percent in the early thirties to around 11 percent.

The liberalization of foreign trade over the past 35 years has meant more jobs and more markets for the products of American farmers and industries. No wonder this program has had the continued support of the last six administrations and enjoyed the support of both political parties in the Congress.

The international trade initiative of this bill is most welcomed and timely. New trends are developing in international trade patterns and we are experiencing real competition from our rapidly growing allies and trade partners across both oceans. We should not let our negotiating authority lapse, and we should take every measure to assure the world that the United States will continue to play a constructive leadership role.

At the same time, we must bear in mind that the "two-way street" we have long talked about in trade policy is kept clear of roadblocks. If we are to continue our dynamic internal growth, we must remain competitive internationally. This fact becomes more apparent and more important every year as an economical interdependence of the free world becomes more evident. We must go on expanding at home and abroad and develop policy in the next decade which will enable us to share fairly with others the growing benefits of the technological revolution in industry and agriculture.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the President's message.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 17, 1969, p. 34371.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to propound a parliamentary inquiry. When is the Private Calendar to be called?

The SPEAKER. Immediately following this conference report.

Mr. GROSS. I thought that the Private Calendar took precedence over other business in the House.

The SPEAKER. Not on the third Tuesday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the conference report.

Mr. GROSS. Mr. Speaker, may we have some discussion before we adopt the conference report?

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. EVINS of Tennessee. Mr. Speaker, I will say to my friend from Iowa that I will try not to delay the proceedings for very long so the House can get to the matter that he discussed and in which he is interested.

Mr. GROSS. Will the gentleman yield?

Mr. EVINS of Tennessee. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. I had only a short time to look at this conference report, but it seems to me that almost every item is increased over the House figure when the bill was originally passed. Do you not think that we ought to take a little time to find out why the House bill was increased?

Mr. EVINS of Tennessee. I propose to explain the major items of the conference to my friend and to the House.

Mr. Speaker, we bring you the conference report on the independent offices and Department of Housing and Urban Development appropriations bill for 1970.

The original appropriations bill was passed by the House on last June 24. The matter has languished in the other body for some months because of the necessity of enacting authorizing legislation on three items—National Aeronautics and Space Administration, the Appalachian Regional Commission, and the National Science Foundation.

These bills have recently been finalized, the conferees met and reached agreement.

Today we are bringing back to the House a conference report which we consider justified and prudent—a good report.

Some 50 items were in disagreement. As in all legislative matters, this report is a compromise—and we feel that satisfactory compromises were reached in this report.

The original budget which we considered was for $18,197,672,000. The revised Nixon budget, considered by the House, was $15,380,413,600.

As passed by the House the bill called for appropriations of $14,909,089,000. This represented a cut and reduction from the original budget of $3,288,583,000, and a cut and reduction of $471,324,600 from the revised budget.

The Senate increased items in the House bill by $482,934,000. The Senate made reductions in other items totaling $406,574,000. This leaves a net increase of $76,360,000 by the Senate over the House bill.

The Senate also considered $132,556,000 which was not submitted to the House for consideration.

We came out of the conference $401.099,100 under the amended budget, so while there is an increase in the Senate over the House figure we came out of conference $401 million under the amended budget.

This bill is $202,781,500 over the House bill because of Senate additions to the bill, and I should like to explain the additions.

The major increase was $125 million for diseaster relief—an essential and unavoidable expense because of Hurricane Camille. A budget amendment for $125,000,000 more was sent to the Senate after the House had acted on the bill, and the increased figure was added by the Senate. This $125 million for disaster relief was not considered by the House. The conference agreed to it because Hurricane Camille was a disaster of major proportions and the worst in the history of this Nation. The House conferees agreed to this necessary and essential increase.

There are two major titles in the bill.

Let me report first on title II. This provides funds for the Department of Housing and Urban Development.

Your conferees agreed to a $150 million increase in the funding for urban renewal programs as passed by the Senate.

The Senate yielded to the House proposal of $50,000,000 annual contract authorization for the rent supplement program.

On some of the other items, such as annual contract authorization for section 235 of the Department of Housing and Urban Development Act of 1968, the home ownership assistance program; and section 236, the rental housing assistance program, the conferees reached a compromise agreement equally between the House and Senate amounts. The conference agreement provides $90,000,000 annual contract authorization for section 235 and $85,000,000 for section 236.

In addition to the disaster relief and housing programs, this conference report provides for the modernization and air conditioning of three veterans hospitals that were included in the House bill, but deleted by the Senate. The hospitals are located in Muskogee, Okla.; Tuskegee, Ala.; and Waco, Tex. This provision is urgently needed at this time for the care of veterans in those areas, and these modernizations should not be delayed.

This report also includes funding for nine public works projects included in the House bill.

All of these are projects that have been previously funded for construction and additional funding is needed to assure completion of the projects.

This funding is needed and necessary because of increased labor and material costs—and because of delays.

It is false economy to defer construction of needed public buildings, especially those with construction underway and partially completed.

The Senate added funds for construction of one project; namely, the FBI Academy—a total of $7,396,000.

This appropriation is necessary to aid and assist the Justice Department and police departments and law enforcement agencies throughout the Nation in their war on crime through training.

The conferees felt that this project should not be delayed further as the Nation's crime rate continues to mount.

For the National Aeronautics and Space Administration the Senate increased the House figure by $18,544,000.

In conference we provided $3,006,000,000 for research and development for NASA, and $53,233,000 for construction of facilities as proposed in the House bill instead of the $58,200,000 as proposed in the Senate bill.

For administrative expenses—program management of NASA—we accepted the lower Senate figure of $637,400,000, a reduction of $6,350,000.

Overall reductions of $401,099,100 were made by the conferees under the revised Nixon budget.

We believe this is a good conference report—a product of compromise.

The report has been thoroughly considered and I urge its adoption.

I would like to insert at this point in the RECORD a summary table of the conference action for the bill:

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1970 (H.R. 12307) COMPARATIVE STATEMENT OF CONFERENCE ACTION

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Amended budget estimates of new budget (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I								
EXECUTIVE OFFICE OF THE PRESIDENT								
NATIONAL AERONAUTICS AND SPACE COUNCIL								
Salaries and expenses	$500,000	$524,000	$500,000	$524,000	$500,000	−$24,000		−$24,000
OFFICE OF EMERGENCY PREPAREDNESS								
Salaries and expenses	4,950,000	5,290,000	5,000,000	5,000,000	5,000,000	−290,000		
Salaries and expenses, telecommunications	2,175,000	2,095,000	1,795,000	1,795,000	1,795,000	−300,000		
Defense mobilization functions of Federal agencies	3,130,000	3,260,000	3,200,000	3,200,000	3,200,000	−60,000		
Total, Office of Emergency Preparedness	10,255,000	10,645,000	9,995,000	9,995,000	9,995,000	−650,000		
OFFICE OF SCIENCE AND TECHNOLOGY								
Salaries and expenses	1,800,000	1,958,000	1,875,000	1,958,000	1,958,000		+$83,000	
Total, Executive Office of the President	12,555,000	13,127,000	12,370,000	12,477,000	12,453,000	−674,000	+83,000	−24,000
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian regional development programs	173,600,000	[2] 462,500,000	445,000,000	107,500,000	282,500,000	−180,000,000	−162,500,000	+175,000,000
Disaster relief	45,000,000	[3] 170,000,000	45,000,000	170,000,000	170,000,000		+125,000,000	
Total, funds appropriated to the President	218,600,000	632,500,000	490,000,000	277,500,000	452,500,000	−180,000,000	−37,500,000	+175,000,000
INDEPENDENT OFFICES								
APPALACHIAN REGIONAL COMMISSION								
Salaries and expenses	850,000	890,000	890,000	890,000	890,000			
CIVIL SERVICE COMMISSION								
Salaries and expenses:								
Appropriation	38,564,000	[4] 41,830,000	40,000,000	41,397,000	40,778,500	−1,051,500	+778,500	−618,500
By transfer	*(6,460,000)*	*(7,364,000)*	*(7,364,000)*	*(7,364,000)*	*(7,364,000)*			
Annuities under special acts	1,350,000	1,265,000	1,265,000	1,265,000	1,265,000			
Government payment for annuitants, employees health benefits	40,478,000	41,185,000	41,185,000	41,185,000	41,185,000			
Payment to civil service retirement and disability fund	72,000,000	73,000,000	73,000,000	73,000,000	73,000,000			
Total, Civil Service Commission	152,662,000	157,280,000	155,450,000	156,847,000	156,228,500	−1,051,500	+778,500	−618,500

Footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1970 (H.R. 12307) COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969[1]	Amended budget estimates of new budget (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I—Continued								
INDEPENDENT OFFICES—Con.								
COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES								
Salaries and expenses	$100,000							
FEDERAL COMMUNICATIONS COMMISSION								
Salaries and expenses	20,720,000	$23,950,000	$21,600,000	$22,850,000	$22,225,000	−$1,725,000	+$625,000	−$625,000
FEDERAL POWER COMMISSOIN								
Salaries and expenses	15,878,000	[5] 16,650,000	16,000,000	16,400,000	16,400,000	−250,000	+400,000	
FEDERAL TRADE COMMISSION								
Salaries and expenses	16,900,000	19,940,000	19,500,000	19,500,000	19,500,000	−440,000		
GENERAL SERVICES ADMINISTRATION								
Operating expenses, Public Buildings Service	278,671,000	[6] 309,119,000	301,500,000	309,119,000	307,000,000	−2,119,000	+5,500,000	−2,119,000
Repairs and improvement of public buildings	80,000,000	[7] 61,600,000	70,000,000	61,600,000	61,600,000		−8,400,000	
Construction, public buildings projects		[8] 12,748,600	19,137,000	13,248,000	26,533,000	+13,784,400	+7,396,000	+13,285,000
Construction, official residence of the Vice President		150,000				−150,000		
Sites and expenses, public buildings projects	10,995,000	11,000,000	11,000,000	11,000,000	11,000,000			
Payments, public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	750,000	1,500,000	750,000	1,250,000	1,250,000	−250,000	+500,000	
Operating expenses, Federal Supply Service	72,500,000	78,873,000	77,515,000	77,515,000	77,515,000	−1,358,000		
Operating expenses, National Archives and Records Service	19,348,000	[9] 22,153,000	21,350,000	21,350,000	21,350,000	−803,000		
National historical publication grants	350,000	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,150,000	6,150,000	6,150,000	6,150,000	6,150,000			
Operating expenses, Property Management and Disposal Service	28,500,000	29,780,000	29,000,000	29,000,000	29,000,000	−780,000		
Salaries and expenses, Office of Administrator	1,939,000	1,926,000	1,926,000	1,926,000	1,926,000			
Allowances and office staff for former Presidents	307,000	440,000	335,000	335,000	335,000	−105,000		
Expenses, Presidential transition	900,000							
Administrative operations fund (limitation on administrative expenses)	*(13,700,000)*	*(13,833,000)*	*(13,800,000)*	*(13,800,000)*	*(13,800,000)*	*(−33,000)*		
Total, General Services Administration	502,810,000	538,189,600	541,413,000	535,243,000	546,409,000	+8,219,400	+4,996,000	+11,166,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development	3,370,300,000	[10] 3,006,427,000	3,000,000,000	3,019,927,000	3,006,000,000	−427,000	+6,000,000	−13,927,000
Construction of facilities	21,800,000	58,200,000	53,233,000	58,200,000	53,233,000	−4,967,000		−4,967,000
Research and program management	603,173,000	650,900,000	643,750,000	637,400,000	637,400,000	−13,500,000	−6,350,000	
Total, National Aeronautics and Space Administration	3,995,273,000	3,715,527,000	3,696,983,000	3,715,527,000	3,696,633,000	−18,894,000	−350,000	−18,894,000
NATIONAL SCIENCE FOUNDATION								
Salaries and expenses	400,000,000	497,000,000	418,000,000	458,000,000	438,000,000	−59,000,000	+20,000,000	−20,000,000
Scientific activities (special foreign currency program)		3,000,000	2,000,000	3,000,000	2,000,000	−1,000,000		−1,000,000
Total, National Science Foundation	400,000,000	500,000,000	420,000,000	461,000,000	440,000,000	−60,000,000	+20,000,000	−21,000,000
RENEGOTIATION BOARD								
Salaries and expenses	3,140,000	4,140,000	3,640,000	4,140,000	4,000,000	−140,000	+360,000	−140,000
SECUTITIES AND EXCHANGE COMMISSION								
Salaries and expenses	18,624,000	[11] 20,416,000	19,750,000	20,416,000	20,416,000		+666,000	
SELECTIVE SERVICE SYSTEM								
Salaries and expenses	66,418,000	[12] 69,321,000	67,375,000	69,321,000	68,348,000	−973,000	+973,000	−973,000
VETERANS ADMINISTRATION								
Compensation and pensions	4,930,936,000	5,041,355,000	5,041,355,000	5,041,355,000	5,041,355,000			
Readjustment benefits	701,200,000	742,200,000	742,200,000	742,200,000	742,200,000			
Veterans insurance and indemnities	9,350,000	7,253,000	7,253,000	7,253,000	7,253,000			
Medical care	1,474,064,000	[13] 1,524,101,000	1,541,701,000	1,541,701,000	1,541,701,000	+17,600,000		
Medical and prosthetic research	48,018,000	[14] 54,638,000	54,638,000	54,638,000	54,638,000			
Medical administration and miscellaneous operating expenses	14,789,000	[15] 16,994,000	16,950,000	16,950,000	16,950,000	−44,000		
General operating expenses	207,000,000	[16] 220,865,000	220,865,000	220,865,000	220,865,000			
Construction of hospital and domiciliary facilities	7,926,000	[17] 55,217,000	69,152,000	55,217,000	69,152,000	+13,935,000		+13,935,000
Grants for construction of State nursing homes	4,000,000	[18] 1,000,000	4,000,000	4,000,000	4,000,000	+3,000,000		
Grants to the Republic of the Philippines	1,776,000	1,362,000	1,362,000	1,362,000	1,362,000			
Payment of participation sales insufficiencies	9,505,000	5,716,000	5,716,000	5,716,000	5,716,000			

Footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1970 (H.R. 12307) COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Amended budget estimates of new budget (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I—Continued								
INDEPENDENT OFFICES—Con.								
VETERANS' ADMINISTRATION—Con.								
Loan guaranty revolving fund (limitation on obligations	*($450,000,000)*	Language	*($425,000,000)*	*($425,000,000)*	*($425,000,000)*			
Total, Veterans Administration	7,408,564,000	$7,670,701,000	7,705,192,000	7,691,257,000	7,705,192,000	+$34,491,000		+$13,935,000
Total, independent offices	12,601,939,000	12,737,004,600	12,667,793,000	12,713,391,000	12,696,241,500	−40,763,100	+$28,448,500	−17,149,500
DEPARTMENT OF DEFENSE								
CIVIL DEFENSE								
Operation and maintenance	48,040,000	50,700,000	47,700,000	50,700,000	49,200,000	−1,500,000	+1,500,000	−1,500,000
Research, shelter survey and marking	12,500,000	24,600,000	16,500,000	21,800,000	20,050,000	−4,550,000	+3,550,000	−1,750,000
Total, Civil Defense, Department of Defense	60,540,000	75,300,000	64,200,000	72,500,000	69,250,000	−6,050,000	+5,050,000	−3,250,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
PUBLIC HEALTH SERVICE								
Emergency health		[19] 4,000,000	6,000,000	4,000,000	4,000,000		−2,000,000	
Total, Title I	12,893,634,000	13,461,931,600	13,240,363,000	13,079,868,000	13,234,444,500	−227,487,100	−5,918,500	+154,576,500
TITLE II								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
RENEWAL AND HOUSING ASSISTANCE								
Grants for neighborhood facilities	35,000,000	[20] 45,000,000	40,000,000	40,000,000	40,000,000	−5,000,000		
Alaska housing	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Urban renewal programs	[21] 750,000,000	[22] 250,000,000	100,000,000	250,000,000	250,000,000		+150,000,000	
Rehabilitation loan fund		[23] 50,000,000	45,000,000	45,000,000	45,000,000	−5,000,000		
Low-rent public housing annual contributions	366,000,000	473,500,000	473,500,000	473,500,000	473,500,000			
Housing for the elderly or handicapped fund	25,000,000							
College housing:								
Increased limitation for annual contract authorization	*(5,500,000)*	*(7,500,000)*	*(5,500,000)*	*(7,500,000)*	*(6,500,000)*	*(−1,000,000)*	*(+1,000,000)*	*(−1,000,000)*
(Cumulative limitation for annual contract authorization)	*(5,500,000)*	*(13,000,000)*	*(11,000,000)*	*(13,000,000)*	*(12,500,000)*	*(−1,000,000)*	*(+1,000,000)*	*(−1,000,000)*
Appropriation for payments		2,500,000	2,500,000	2,500,000	2,500,000			
Salaries and expenses	35,907,000	[24] 37,500,000	37,000,000	37,500,000	37,000,000	−500,000		−500,000
Total, renewal and housing assistance	1,212,907,000	859,500,000	699,000,000	849,500,000	849,000,000	−10,500,000	+150,000,000	−500,000
METROPOLITAN DEVELOPMENT								
Comprehensive planning grants	43,838,000	[25] 60,000,000	50,000,000	50,000,000	50,000,000	−10,000,000		
Community development training programs	3,000,000	8,000,000	3,000,000	3,000,000	3,000,000	−5,000,000		
Fellowships for city planning and urban studies	500,000	[26] 500,000	500,000	500,000	500,000			
New community assistance		5,000,000	2,500,000	2,500,000	2,500,000	−2,500,000		
Open space land programs:								
Appropriation to liquidate contract authorization	*(75,000,000)*							
Appropriation		[27] 85,000,000	75,000,000	75,000,000	75,000,000	−10,000,000		
Grants for basic water and sewer facilities	165,000,000	135,000,000	135,000,000	135,000,000	135,000,000			
Grants to aid advanced acquisition of land		5,000,000	2,500,000	2,500,000	2,500,000	−2,500,000		
Salaries and expenses	7,280,000	[28] 7,850,000	7,500,000	7,500,000	7,500,000	−350,000		
Total, metropolitan development	219,618,000	306,350,000	276,000,000	276,000,000	276,000,000	−30,350,000		
MODEL CITIES AND GOVERNMENTAL RELATIONS								
Model cities program	625,000,000	[29] 675,000,000	500,000,000	600,000,000	575,000,000	−100,000,000	+75,000,000	−25,000,000
Salaries and expenses:								
Appropriations	1,466,000	[30] 550,000	550,000	550,000	550,000			
By transfer	*(6,171,000)*	*(7,000,000)*	*(6,500,000)*	*(7,000,000)*	*(6,750,000)*	*(−250,000)*	*(+250,000)*	*(−250,000)*
Total, model cities and governmental relations	626,466,000	675,550,000	500,550,000	600,550,000	575,550,000	−100,000,000	+75,000,000	−25,000,000
URBAN TECHNOLOGY AND RESEARCH								
Urban research and technology	11,000,000	[31] 30,000,000	25,000,000	25,000,000	25,000,000	−5,000,000		
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	*(2,000,000)*	*(2,510,000)*	[32] *(2,000,000)*	[32] *(2,000,000)*	[32] *(2,000,000)*	*(−510,000)*		
Total, urban technology and research	11,000,000	30,000,000	25,000,000	25,000,000	25,000,000	−5,000,000		

Footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1970 (H.R. 12307) COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Amended budget estimates of new budget (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE II—Continued								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued								
MORTGAGE CREDIT								
Homeownership and rental housing assistance:								
Homeownership assistance, increased limitation for annual contract authorization	*($70,000,000)*	*($100,000,000)*	*($80,000,000)*	*($100,000,000)*	*($90,000,000)*	*(−$10,000,000)*	*(+$10,000,000)*	*(−$10,000,000)*
(Cumulative annual contract authorization)	*(70,000,000)*	*(170,000,000)*	*(150,000,000)*	*(170,000,000)*	*(160,000,000)*	*(−10,000,000)*	*(+10,000,000)*	*(−10,000,000)*
Rental housing assistance, increased limitation for annual contract authorization	*(70,000,000)*	*(100,000,000)*	*(70,000,000)*	*(100,000,000)*	*(85,000,000)*	*(−15,000,000)*	*(+15,000,000)*	*(−15,000,000)*
(Cumulative annual contract authorization)	*(70,000,000)*	*(170,000,000)*	*(140,000,000)*	*(170,000,000)*	*(155,000,000)*	*(−15,000,000)*	*(+15,000,000)*	*(−15,000,000)*
Appropriation for payments	7,000,000	[33] 46,500,000	46,500,000	26,500,000	26,500,000	−20,000,000	−20,000,000	
Rent supplement program:								
Increased limitation for annual contract authorization	*(30,000,000)*	*(100,000,000)*	*(50,000,000)*	*(100,000,000)*	*(50,000,000)*	*(−50,000,000)*		*(−50,000,000)*
(Cumulative annual contract authorization)	*(72,000,000)*	*(172,000,000)*	*(122,000,000)*	*(172,000,000)*	*(122,000,000)*	*(−50,000,000)*		*(−50,000,000)*
Appropriation for payments	12,000,000	[34] 23,000,000	23,000,000	23,000,000	23,000,000			
Low- and moderate-income sponsor fund	500,000	[35] 3,000,000	2,000,000	2,000,000	2,000,000	−1,000,000		
Salaries and expenses	1,975,000	[36] 4,100,000	3,500,000	3,500,000	3,500,000	−600,000		
Total, mortgage credit	21,475,000	76,600,000	75,000,000	55,000,000	55,000,000	−21,600,000	−20,000,000	
FEDERAL INSURANCE ADMINISTRATION								
Flood insurance	1,500,000	[37] 2,400,000	2,400,000	2,400,000	2,400,000			
FAIR HOUSING AND EQUAL OPPORTUNITY								
Fair housing and equal opportunity program	2,000,000	[38] 10,500,000	5,000,000	7,000,000	6,000,000	−4,500,000	+1,000,000	−1,000,000
DEPARTMENTAL MANAGEMENT								
General administration	6,230,000	[39] 9,000,000	7,000,000	9,000,000	9,000,000		+2,000,000	
Regional management and services	6,778,000	[40] 10,500,000	9,800,000	11,905,000	10,500,000		+700,000	−1,405,000
Working capital fund		5,750,000	4,338,000	4,338,000	4,338,000	−1,412,000		
Total, departmental management	13,008,000	25,250,000	21,138,000	25,243,000	23,838,000	−1,412,000	+2,700,000	−1,405,000
PARTICIPATION SALES								
Payment of participation sales insufficiencies	47,638,000	56,238,000	56,238,000	56,238,000	56,238,000			
SPECIAL INSTITUTION								
National Homeownership Foundation		[41] 250,000		250,000		−250,000		−250,000
Total, Department of Housing and Urban Development—Title II	2,155,612,000	[42] 2,042,638,000	1,660,326,000	1,897,181,000	1,869,026,000	−173,612,000	+208,700,000	−28,155,000
TITLE III								
CORPORATIONS								
FEDERAL HOME LOAN BANK BOARD								
Construction of headquarters facility		[43] 8,400,000	8,400,000	8,400,000	8,400,000			
Administrative and nonadministrative expenses (limitation on accounts of corporate funds to be expended)								
Federal Home Loan Bank Board:								
Administrative expenses	*(5,115,000)*	*(5,325,000)*	*(5,300,000)*	*(5,300,000)*	*(5,300,000)*	*(−25,000)*		
Nonadministrative expenses	*(14,396,000)*	*(13,800,000)*	*(13,800,000)*	*(13,800,000)*	*(13,800,000)*			
Federal Savings and Loan Insurance Corporation	*(340,000)*	*(360,000)*	*(360,000)*	*(360,000)*	*(360,000)*			
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	*(1,272,000)*	*(1,200,000)*	*(1,200,000)*	*(1,200,000)*	*(1,200,000)*			
College housing loans	*(2,275,000)*	*(1,100,000)*	*(1,100,000)*	*(1,100,000)*	*(1,100,000)*			
Public facility loans	*(1,227,000)*	*(1,000,000)*	*(1,000,000)*	*(1,000,000)*	*(1,000,000)*			
Revolving fund (liquidating programs)	*(100,000)*	*(100,000)*	*(100,000)*	*(100,000)*	*(100,000)*			
Federal Housing Administration:								
Administrative expenses	*(12,490,000)*	*(12,525,000)*	*(12,500,000)*	*(12,500,000)*	*(12,500,000)*	*(−25,000)*		
Nonadministrative expenses	*(97,500,000)*	*(108,825,000)*	*(105,000,000)*	*(105,000,000)*	*(105,000,000)*	*(−3,825,000)*		
Government National Mortgage Association	*(10,000,000)*	*(5,000,000)*	*(5,000,000)*	*(5,000,000)*	*(5,000,000)*			
Total, administrative and nonadministrative expenses—title III	*(144,715,000)*	*(149,235,000)*	*(145,360,000)*	*(145,360,000)*	*(145,360,000)*	*(−3,875,000)*		

Footnotes at end of article.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1970 (H.R. 12307) COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority enacted to date fiscal year 1969 [1]	Amended budget estimates of new budget (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
Grand total, new budget (obligational) authority	$15,049,246,000	$15,512,969,600	$14,909,089,000	$14,985,449,000	$15,111,870,500	−$401,099,100	+$202,781,500	+$126,421,500
Consisting of—								
Appropriations:								
Fiscal year 1969	*(14,299,246,000)*							
Fiscal year 1970	*(750,000,000)*	*(15,337,969,600)*	*(14,734,089,000)*	*(14,985,449,000)*	*(15,111,870,500)*	*(−226,099,100)*	*(+377,781,500)*	*(+126,421,500)*
Fiscal year 1971		*(175,000,000)*	*(175,000,000)*			*(−175,000,000)*	*(−175,000,000)*	
Memorandum—								
Appropriation to liquidate contract authorization	*(77,000,000)*	*(2,510,000)*	(44)	(44)				
Grand total	*(15,126,246,000)*	*(15,515,479,600)*	*(14,909,089,000)*	*(14,985,449,000)*	*(15,111,870,500)*	*(−401,099,100)*	*(+202,781,500)*	*(+126,421,500)*

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[1] Amounts have not been reduced to reflect reserves established pursuant to Public Law 90-218. Includes 2d supplemental but interaccount transfers are excluded.

[2] Includes $175,000,000 advance funding for fiscal year 1971.

[3] Includes $25,000,000 in H. Doc. 91-113 and $125,000,000 in S. Doc. 91-36.

[4] Reflects reduction of $210,000 in H. Doc. 91-100 and addition of $160,000 in S. Doc. 91-34.

[5] Reflects reduction of $80,000 in H. Doc. 91-100.

[6] Reflects reduction of $2,052,000 in H. Doc. 91-100.

[7] Reflects reduction of $19,672,000 in H. Doc. 91-100.

[8] Reflects reduction of $7,477,400 in H. Doc. 91-100 and addition of $7,396,000 in S. Doc. 91-29.

[9] Reflects reduction of $80,000 in H. Doc. 91-100.

[10] Reflects reduction of $45,000,000 in H. Doc. 91-100.

[11] Includes $300,000 in H. Doc. 91-113.

[12] Reflects reduction of $405,000 in H. Doc. 91-100.

[13] Reflects reduction of $17,600,000 in H. Doc. 91-100.

[14] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[15] Reflects reduction of $333,000 in H. Doc. 91-100.

[16] Reflects reduction of $2,200,000 in H. Doc. 91-100.

[17] Reflects reduction of $41,151,000 in H. Doc. 91-100.

[18] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[19] Reflects reduction of $3,728,000 in H. Doc. 91-113.

[20] Reflects reduction of $7,500,000 in H. Doc. 91-100.

[21] Advance funding for fiscal year 1970.

[22] For fiscal year 1970. Original budget estimate of $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[23] Reflects reduction of $28,000,000 in H. Doc. 91-100.

[24] Reflects reduction of $1,250,000 in H. Doc. 91-100.

[25] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[26] Reflects reduction of $500,000 in H. Doc. 91-100.

[27] Reflects reduction of $10,000,000 in H. Doc. 91-100.

[28] Reflects reduction of $150,000 in H. Doc. 91-100.

[29] Reflects reduction of $75,000,000. Original budget estimate of $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[30] Reflects reduction of $100,000 in H. Doc. 91-100.

[31] Includes $5,000,000 in revised estimate in H. Doc. 91-100.

[32] By transfer from previous items.

[33] Reflects reduction of $22,500,000 in H. Doc. 91-100.

[34] Reflects reduction of $7,000,000 in H. Doc. 91-100.

[35] Reflects reduction of $2,000,000 in H. Doc. 91-100.

[36] Reflects reduction of $4,900,000 in H. Doc. 91-100.

[37] Reflects reduction of $70,000 in H. Doc. 91-100.

[38] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[39] Reflects reduction of $1,100,000 in H. Doc. 91-100.

[40] Reflects reduction of $400,000 in H. Doc. 91-100.

[41] Contained in H. Doc. 91-100.

[42] Reflects reductions of $15,000,000 for "Grants for tenant services"; $5,000,000 for "Urban information and technical assistance"; $10,000,000 for "Planned areawide development"; and $7,750,000 for "Urban transportation".

[43] Contained in H. Doc. 91-117.

[44] Included in Urban Research and Technology.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I want to express my very deep personal appreciation and I am sure the appreciation of many thousands of veterans in the United States for the fight which the House conferees made to hold this necessary money for construction and modernization of veterans' hospitals in the United States in the bill. I think the House won a battle for thousands of men who were unable to appear here personally to plead their own case on this subject.

In eastern Oklahoma I know we have been waiting to get this modernization of this veterans' hospital for many, many years, and I know there will be thousands who will applaud the action of this House on this matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Iowa.

Mr. GROSS. Let me see if I have these figures straight. This bill is how much above the bill as first passed by the House? Did I understand $202 million?

Mr. EVINS of Tennessee. That is correct. However, $125 million is for disaster relief as I explained.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I want to make the point here that over $132 million of this money was first considered in the other body; $125 million of it is for disaster relief that we did not even have an estimate on.

Mr. EVINS of Tennessee. That is correct.

Mr. JONAS. If you eliminate that, the bill is just slightly above the House-passed bill but is still under the revised budget and substantially under the Johnson budget.

Mr. EVINS of Tennessee. I would repeat to the gentleman that this bill is some $401 million under the Nixon budget.

Mr. GROSS. This business of how much the bill is under the budget or over the budget does not have a great deal of meaning insofar as I am concerned. I am interested in what the conference did to the House bill, and how it stacks up with the spending for the same general purposes last year.

Does the gentleman have any kind of figure of what was expended in the Independent Offices and Urban Development appropriation bill last year? How much is this above last year's bill?

Mr. EVINS of Tennessee. The appropriations for 1969, including liquidation of contract authority, total $15,126,246,000 and the conference report carries $15,111,870,500 for 1970. This is $14,375,500 less than last year.

However, the 1969 total includes some contract liquidations, such as $75,000,000 for open space land programs, and advance funding for urban renewal that are not in the 1970 bill. So the comparison does not accurately reflect comparable programs. There have been cuts and reductions in many items, as the gentleman knows, and of course some of the programs in housing are growing and therefore require some increases. The total is about $3 billion under the budget which was originally presented to the Congress.

Mr. GROSS. I am not talking about the budget. We all understand what budget requests mean. They are more or less like campaign platforms: they are made to be busted and broken. Budgets are the asking price, and the departments and agencies expect them to be cut.

Mr. EVINS of Tennessee. In total it is $14,375,500 less than the appropriations for last year.

Mr. GROSS. How much?

Mr. EVINS of Tennessee. It is $14,375,500 less than last year.

Mr. GROSS. It is $14 million?

Mr. EVINS of Tennessee. Yes.

Mr. GROSS. Is that by virtue of a 75-percent cut in new construction, or what?

Mr. EVINS of Tennessee. Some construction has been deferred.

There have been reductions all the way through the bill, I would say to my friend. We have made reductions below last year and below the budget in the space program; we have made some reductions in housing, we have made reductions in many areas in this bill in which some 20 agencies and the Department of Housing and Urban Development are represented.

Mr. GROSS. I am glad to hear that at least there is a ray of hope that one Appropriations Committee of the Congress is making some reductions. I hope this stands up, and does not come back to us in the form of a supplemental appropriation.

Incidentally, was any money put in by the conference to fund the pay raises that became effective earlier this year, or will these be left to a supplemental?

Mr. EVINS of Tennessee. There is no money in this bill for the pay raise.

Mr. GROSS. That cost is left for a supplemental appropriation?

Mr. EVINS of Tennessee. This will come later. There are no funds in this bill for the pay raise.

Mr. GROSS. I thank the gentleman.

(Mr. JONAS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. JONAS. Mr. Speaker, I join the distinguished gentleman from Tennessee (Mr. Evins), in commending this conference report to the House. The committee of conference worked all of yesterday afternoon reconciling the differences between the House-passed and the Senate-passed bills. Of course, the managers on the part of the House had engaged in preliminary conferences before meeting with the Senate conferees.

We bring to the House today a conference report which we feel is deserving of the support of the House. As the report indicates, 50 amendments had been adopted by the Senate to the bill that passed the House back in June. All except four of these amendments were cleared up in conference and four are brought back in disagreement and these will require affirmative approval today by the House if the bill as agreed to in conference goes to the President for his approval. I strongly urge the House to approve the motions that will be made by the chairman with respect to the four amendments.

I am including below a tabulation showing the pertinent actions taken by the House, the Senate, and the conference committee with respect to this bill:

House bill:	
Johnson budget	$18, 197, 672, 000
Nixon budget	15, 380, 413, 600
House bill:	14, 909, 089, 000
Below Johnson budget	−3, 288, 583, 000
Below Nixon budget	−471, 324, 600
Senate bill:	
Budget considered by Senate	15, 512, 969, 600
Senate budget over House	+$132, 556, 000
Disaster relief	+125, 000, 000
CSC salaries and expenses	+160, 000
GSA-FBI Academy	+7, 396, 000
Senate bill	14, 985, 449, 000
Senate bill over House	+76, 360, 000
Conference:	
Conference bill	15, 111, 870, 500
Under Senate budget	−401, 099, 100
Under House budget (Nixon)	−268, 543, 100
Over House bill	+202, 781, 500
Over Senate bill	+126, 421, 500

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5. Page 4, line 4, strike out "of which $175,000,000 shall be available during the fiscal year 1971 for the Appalachian Development Highway System."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment insert ", of which $175,000,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the amount herein appropriated."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14. Page 10, line 16, strike out "$19,137,000" and insert "$13,248,000".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,533,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34. Page 31, line 25, after "expended" insert ": *Provided,* That not to exceed $1,800,000 of this appropriation may be transferred to appropriations of the Department of Defense available for military construction for construction of Federal regional operation centers."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50. Page 52, line 4, strike out: "None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project." and insert: and "None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided,* That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks on the conference report just passed and include tabular material and all Members may also extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 2917, COAL MINE SAFETY ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional conferees on the bill, S. 2917, the Coal Mine Safety Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The Chair appoints as additional conferees on the bill (S. 2917) the gentleman from New Jersey (Mr. Daniels) and the gentleman from Ohio (Mr. Ashbrook).

The Clerk will notify the Senate of this action.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

There being no objection, the Clerk read the bill, as follows:

H.R. 1865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any limiting law or regulation, the Veterans' Administration is authorized and directed to pay insurance benefits to Mrs. Beatrice Jaffe; of 248 East Twenty-eighth Street, Brooklyn, New York, in accordance with the national service life insurance application of her late husband, Hyman Jaffe, executed on September 14, 1943, in the amount of $10,000 and identified by insurance number N–14 238 056 for which monthly premiums were duly deducted from the Army pay of the serviceman during his active service and prior to his discharge on April 19, 1945. Payment of the $10,000 authorized by this Act shall be made notwithstanding the adverse determination made on or about September 18, 1945, that the original application for insurance could not be accepted in absence of a medical examination. Any amount paid under the authority of this Act shall be reduced by the amounts of any refunded premiums.

No part of the amount authorized in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: Page 1, lines 3, 4 and 5, strike "That, notwithstanding any limiting law or regulation, the Veterans' Administration is authorized and directed to pay insurance benefits" and insert "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000".

Page 1, line 6, after "New York," insert "in full settlement of her claims against the United States for insurance benefits".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

There being no objection, the Clerk read the bill, as follows:

H.R. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Melvin A. Kaye (Air Force service number FV3166742) of Selfridge Air Force Base, Michigan, the sum of $10,831.84 in full settlement of all his claims against the United States arising out of the destruction of his household goods on August 1, 1968, near Houghton Lake, Michigan. At the time of their destruction, the household goods were being shipped at Government expense from Philadelphia, Pennsylvania, to Selfridge Air Force Base, Michigan, in connection with his assignment to a permanent station at Selfridge Air Force Base, Michigan. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike "$10,831.84" and insert "$3,628.22".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERRING JURISDICTION OVER CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice .

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MR. AND MRS. WONG YUI

The Clerk called the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

There being no objection, the Clerk read the bill, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mr. and Mrs. Wong Yui shall be held and considered to have been born in China.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 275]

Abbitt
Ashley
Belcher
Bevill
Blackburn
Byrnes, Wis.
Cahill
Casey
Celler
Chappell
Clark
Clay
Dawson
de la Garza
Denney
Diggs
Downing
Esch
Fascell
Findley
Fish
Frelinghuysen
Gallagher
Giaimo
Griffin
Harrington
Howard
Jones, Tenn.
Kirwan
Landrum
Leggett
Lukens
Mathias
May
Melcher
Morgan
Morse
Morton
Murphy, N.Y.
Passman
Patman
Pirnie
Powell
Pryor, Ark
Pucinski
Purcell
Rees
Reid, N.Y.
Rooney, Pa.
Rostenkowski
Scheuer
Sisk
Stephens
Stratton
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Ullman
Utt
Whalley
Wold

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 708 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 708

Resolved, That during the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, all points of order against lines 4 through 10, on page 12, and lines 14 through 20, on page 16, are hereby waived.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. Martin), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 708 provides that during the consideration of H.R. 14794, the Department of Transportation and related agencies appropriation bill, all points of order are waived against lines 4 through 10 on page 12, and against lines 14 through 20 on page 16.

The language on page 12 covers traffic and highway safety. The authorization bill, H.R. 10105, has passed the House but has not been acted on by the Senate.

The language on page 16 covers urban mass transit. H.R. 13827, the applicable authorization bill, passed the House on October 23. Passage was subsequently vacated and S. 2864 was passed in lieu thereof after being amended with the House-passed language. The House then requested a conference and the Senate agreed to a conference on November 12.

Mr. Speaker, I urge the adoption of House Resolution 708 in order that points of order may not be raised against the portions of the bill set forth above.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 708 provides for a waiver of points of order, as the gentleman from Tennessee has explained, in two specific sections of the bill:

The first is found on page 12, lines 4 to 10. This appropriates funds for the traffic and highway safety program which has not yet been authorized. The bill has passed the House but not the Senate.

The second is found on page 16, lines 14 to 20. This section appropriates funds for the urban mass transportation fund. The legislative bill has passed both Houses in different forms and is now in conference. The appropriation contained here is about 50 percent of the House-passed authorization.

I have no further requests for time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion I ask unanimous consent that the general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Minshall) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14794, with Mr. Jones of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts (Mr. Boland) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Minshall) will be recognized for 1 hour.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Subcommittee on Appropriations for the Department of Transportation and Related Agencies brings this bill to the floor today. I am pleased to report that all members of this subcommittee are in complete agreement with the bill, except in one instance.

Mr. Chairman, this is the third year of operation of the Department of Transportation, and it is the third year the Committee of the Whole has considered this bill. The Subcommittee on Transportation spent a considerable amount of time in hearings on the bill and we have voluminous hearings in three volumes.

I might say, Mr. Chairman, all the committee members agree that the Department of Transportation under the able leadership of Secretary Volpe is directing itself to some of the great problems that the Department has experienced and will experience in the foreseeable future. I think it can be said and I think Members will agree with me that Under Secretary James M. Beggs, the Deputy Secretary, Charles Baker, and all the Assistant Secretaries of the Department of Transportation, men who have been appointed by the Secretary, are men who have considerable knowledge and expertise. In their appearances before the committee all of us were impressed by their knowledge and dedication.

Mr. Chairman, it is a great honor to serve on a subcommittee with such wonderful colleagues. All of the members of the subcommittee are active and hard working. They question the witnesses closely and with a great store of knowledge. As chairman, I could not ask for finer cooperation on either side of the aisle.

We lost a valuable member when the gentleman from North Carolina (Mr. Jonas), due to the pressure of his other committee assignments, decided not to serve on the subcommittee this year. His replacement, the gentleman from Massachusetts (Mr. Conte), brought new thoughts and made a significant contribution to the deliberations of the committee in his first year.

The able and experienced member from Ohio (Mr. Minshall), who is himself a pilot, is a real expert on matters involving the FAA and is a ranking minority member who, in the fine tradition of the Committee on Appropriations, always places the national needs above political consideration.

My two Democratic colleagues, the gentleman from California (Mr. McFall) and the gentleman from Illinois (Mr. Yates), continued their excellent service to the committee, the Congress, and the country. It is a privilege and honor to serve with them.

Also at this time, Mr. Chairman, I pay my respects to the staff of this committee, to chief of staff Ralph Preston, who has been with the Committee on Appropriations for a number of years and was assigned to the subcommittee 3 years ago. He is one of the most able members of the staff of the Committee on Appropriations. Also I pay my respects to Thomas Kingfield, an associate on this committee.

Mr. Chairman, I fear that this bill may become known as the SST bill. The SST is certainly the single program included in the scope of the bill, which has received the most publicity. I think you will find from the hearing record that the committee gave an appropriate amount of attention to the SST. Volume 3 of the hearings, which totals 348 pages of testimony, is concerned solely with the SST.

However, such a designation would be inappropriate. There are many other very important transportation programs funded in the bill that reflect a degree of detailed effort that, I am sure, every member of the subcommittee takes pride in. Mr. Chairman, I believe we performed our duties well and have brought a good bill to the House.

We recommend the appropriation of $6,614,430,000 for the transportation programs financed in the bill now before us. Of this amount, $4.5 million is liquidating cash and just over $2 billion is new obligational authority. The reduction recommended below the budget request is $158,175,000; but, Mr. Chairman, as our population and our economy grow, our transportation needs grow also, and the bill would provide $596,438,000 more than was appropriated for fiscal year 1969 for the same activities.

Early this year, the chairman of the full committee added the Civil Aeronautics Board, the Interstate Commerce Commission, and the Washington Metropolitan Area Transit Authority to the jurisdiction of the Transportation Subcommittee. This is the first time that appropriations for these agencies appear in the transportation appropriation bill. Since they are obviously a part of the Federal transportation picture, we welcome them and believe that the opportunity to analyze their programs has added to the overall knowledge of the committee in the area of transportation.

In addition to the $158 million reduction referred to, the committee also placed limitations on obligating authority on programs funded under contract authorization. Such authorizations were limited to $95 million, a reduction of $45.5 million.

This year the Congress and the executive branch have been very mindful of expenditures and I am pleased to report that the estimated expenditure reduction reflected in this bill is $172 million, a greater sum than in any other appropriation bill reported thus far this year. This is because of reductions made in liquidating cash which has a direct, almost 100 percent, impact on expenditures in this fiscal year.

The bill includes funds for approximately 67,100 civilian and 38,200 military personnel. This is an increase of 5,200 civilian and 400 military personnel over fiscal 1969. The civilian personnel increases provided for are almost exclusively related to safety functions, both in the FAA and the Federal Highway Administration. The committee denied increases for military and civilian personnel totaling over 500 positions. This was offset, however, by the addition of 1,000 air traffic control personnel over the 2,800 in the budget.

I would call the attention of the Members of the Committee to the summary of the major actions recommended in the bill which is found on page 5 of the report. These actions are as follows:

First, the additional of 1,000 air traffic control personnel above the 2,800 in the budget for a total of 3,800 new air traffic control personnel;

Second, the addition of $90,000,000 more than the $134,000,000 budgeted for equipment and facilities for the FAA to help ease the crises in air congestion and enhance safety in aviation;

Third, the appropriation of the $95,958,000 requested for the continued development of a civil supersonic transport aircraft;

Fourth, a reduction of $100,000,000 in liquidating cash for the highway construction program as an estimate of the impact of the President's program to achieve reductions in federally assisted programs;

Fifth, a reduction of $20,000,000 in liquidating cash for the State and Community Highway Safety program based on the estimated impact of the ceiling on budget outlays;

Sixth, a reduction of $20,000,000 in the acquisition, construction, and improvement program of the Coast Guard based on the impact of the construction curtailment;

Seventh, a reduction of 2,500 personnel in the Coast Guard Selected Reserve;

Eighth, a reduction of $4,000,000 in the high-speed ground transportation research and development appropriation based on the required reduction in outlays and on large unobligated balances;

Ninth, a reduction of $12,000,000 in the request for transportation planning, research, and development in the Office of the Secretary of Transportation;

Tenth, a reduction of $30,000,000 in research and technical studies for the Urban Mass Transportation Administration;

Eleventh, reductions in liquidating cash of $12,000,000 in the forest highways and $5,000,000 in the public lands highways programs due to the restrictions on federally financed construction; and

Twelfth, provision of the $43,173,000 requested for the Federal share of the subway system in Washington, D.C.

OFFICE OF THE SECRETARY

Mr. Chairman, the bill provides $24,020,000 for the Office of the Secretary of Transportation. This is a reduction of $8,880,000 from the budget request of $32,900,000. The amount recommended is $7,870,000 more than the $16,150,000 provided in fiscal year 1969. Most of this increase is occasioned by a large onetime appropriation of $4.5 million for the cost of moving many of the elements of the Department into the new Nassif Building in Southwest Washington. The committee conducted very detailed hearings and had a staff investigation made of the activities and related costs involved in the Department's move into the new building. We wanted to insure that the cost to the Government was held to a minimum and that the employees of the Department were given every possible consideration in this movement.

On balance, the committee approves of the consolidation. The various offices and activities of the Department were widely scattered in the city of Washington—at 14 different locations. It is hoped that greater efficiency will be promoted by consolidating these activities in two buildings in the same area in Southwest Washington.

The January budget requested $6.4 million for expenses related to the move into the new building. This request was withdrawn and at the present time no budget estimate is before the Congress, so the $4.5 million recommended by the committee is technically an amount above the budget. The Department did present an unofficial request for $6.5 million in the hearings. It was this request on which the committee based its action and its $1.9 million reduction.

We are particularly disturbed by the handling of parking in the new building. Floors 2 through 10 of the Nassif Building were leased by GSA and will be occupied by various elements of the Department of Transportation. The David Nassif Associates, the owners of the building, leased the parking facilities to Parking Management Inc., a commercial automobile parking firm. PMI, as this firm is known, is charging $35 per month for parking space in the building. The committee felt that GSA should have leased this space and provided it to the employees for a monthly amount, which would cover actual expenses but would not allow a profit to be made. Departmental employees presently working with the FAA and the Office of the Secretary of Transportation in Federal Office Building 10A, a Government-owned building, pay a little over $6 per month per parking space as contrasted to the $35 per month rate in the privately owned Nassif Building.

The committee heard not only the Department of Transportation on this matter, but representatives of the General Services Administration, who claim they have no authority to lease this parking space. We looked into the matter thoroughly and think they made a very weak case since, at the same time, GSA is leasing parking space in connection with a leased building called the Parklawn Building in Rockville, Md. GSA had based its position with respect to the Nassif Building on a decision of the Comptroller General on a matter in Mobile, Ala. Neither the Assistant Secretary of Transportation for Administration, who handled the matter for the Department, or the Regional Administrator of the General Services Administration requested a specific ruling of the Comptroller General with reference to the Nassif Building.

The committee was told of a plan which would lessen the cost of parking space to the employees in the new building by forcing the employees in the FAA building, Federal Office Building 10A, to share in the cost. Under this plan their parking fee would go from $6.25 a month to $23 or $24, the same amount that would be paid by the employees housed in the Nassif Building. The committee is uncertain as to the legality of this so-called parking equalization plan, and has asked the Comptroller General for clarification.

The committee also feels that the arrangement under which the new building will be occupied on a floor-by-floor basis as construction of an individual floor is completed, is an unnecessary inconvenience for the employees of the Department. The dust, dirt, confusion, noise, and greater degree of safety hazards inherent in such an operation is obvious, but, again, the Department and the General Services Administration agreed to this procedure—agreed to start paying rent on the building on a floor-by-floor basis as floors are completed. Members desiring to obtain more information on this matter can read the committee report on pages 8 through 11, and that part of the committee's hearings in volume 2 where the matter is discussed in considerable detail.

For salaries and expenses for the Office of the Secretary, $11.5 million was recommended instead of the $12.9 million requested. The committee has approved only 15 of the 97 new permanent positions requested. The past 2 years—the first 2 years of the Department—the committee provided language permitting the transfer of personnel from the various administrations of the Department into the Office of the Secretary, as determinations were made that such transfers would be in the best interest of the Department. The Department, again, requested such language this year, but the committee feels that the Department is now mature enough to tell Congress what jobs it wants where, and to budget them and justify them on this basis. Therefore, this requested language is denied.

Other departments of the Government are not permitted such leeway and we believe that at this point in time the Department of Transportation can follow the regular budget procedure in this matter.

Also in the Office of the Secretary, a very large increase was requested for planning, research, and development. The fiscal year 1970 budget request was $20 million compared to the appropriation of $6 million of last year. We recommend an increase of $2 million—the appropriation of $8 million and a reduction of $12 million.

COAST GUARD

The Coast Guard is one of the great organizations in our Government. It has the reputation for operating a trim ship and for being cost conscious. In the operating expenses of the Coast Guard, the committee recommends a less than 1-percent reduction, recommending an appropriation of $386 million and a reduction of $3,015,000.

A rather sharp reduction is recommended in the acquisition, construction, and improvement appropriation of the Coast Guard, but this reduction is based on the application of construction curtailments and expenditure limitations which have been tentatively applied in the executive branch. It is believed at this point in time, that the Coast Guard will be permitted to obligate about $22 million less than in the budget. The committee's reduction of $20 million leaves some leeway for the Coast Guard in this area. The committee has provided funds for the one high-endurance cutter requested in the budget and the six new helicopters requested.

For the most part, this should not be considered a reduction, but a postponement in that the facilities included in the budget will, at some point in time, be required by the Coast Guard. The committee believes that the sum recommended is realistic in view of the fiscal situation and the present policies of the administration with regard to expenditures and construction.

In the area of reserve training, a reduction of $700,000 is recommended in the $26.6 million request. More significantly, a limitation on the numbers of personnel in the selected reserve in the Coast Guard is recommended. The authorized level at June 30, 1970, is 17,500. After having requested and received a staff investigative report on the operations of the Coast Guard Reserve and after discussing the matter during the Coast Guard hearing, we believe that the Coast Guard Reserve could be improved by a reduction in personnel. Committee investigators found that in the training program, the motivation and the morale of the Coast Guard were at a very low level. We believe that it is imperative that a peacetime mission, other than training, be found for the Coast Guard Reserve if it is to be continued. The Reserve is oriented basically toward the wartime mission of the Coast Guard, not to its peacetime mission, which is much broader and covers many more areas of operation and offers many opportunities for being of real assistance. I believe that in working with the Coast Guard we will improve the Coast Guard Reserve and reduce unnecessary expenditures.

A sizable increase is recommended for the research, development, test, and evaluation program of the Coast Guard. The sum of $4 million was provided last year and $14.5 million is recommended this year. Of this increase, $4 million is related to the detection and control of oil pollution and $6.5 million is for the national data buoy development project. Both of these are important new functions of the Coast Guard. The data buoy program involves the development and deployment of unmanned ocean data buoys in the Gulf of Mexico. The Coast Guard plans to utilize the Mississippi test facility of NASA for the reduction of data gained. It seems like the program, as presented, will provide important weather and other information for that area of the country.

FEDERAL AVIATION ADMINISTRATION

With the growth of aviation, the Federal Aviation Administration has grown into one of the larger organizations in the Government. The budget request for the FAA totaled more than $1 billion, and $1,139 million is recommended.

The committee recommends the full $767 million requested for operations in the Federal Aviation Administration. This includes the hiring of 3,800 new air traffic controller personnel. The budget requested an increase of 2,800 personnel in this area and the committee has added an additional 1,000 personnel.

It was developed in the hearings that the Administrator of the FAA felt that the number of additional personnel provided in the budget was inadequate and that he was trying to get the Bureau of the Budget to approve a supplemental request of $5 million to provide an additional 1,000 controllers. The committee, in its markup on the 3d of November, voted to include the 1,000 controllers requested. Later that week, the President sent a letter to the Congress in which he requested 1,000 controllers and stated that the funds in the budget would be adequate to provide for the salaries of these personnel for the short part of the fiscal year in which most of them would be on board. I would point out to the Committee, that next year when these personnel will be on the rolls for a full year considerable additional funds will be required.

All of the Members of the House fly from time to time—some several times every week. We all know of the increasing congestion in the air, and we all know of the increasing safety problems associated with this congestion. It is my feeling that it will be the sentiment of the House, and of the other body I might add, that the positions which we recommend adding should be added. There may be some who feel that the additional $5 million should have been provided, but the FAA has operated under continuing resolutions for almost one-half of the fiscal year. There have been slippages, there have been savings. The FAA has grown rapidly in recent years and there is some fat which could be cut out without impairing safety in the air. I believe the committee's recommendation is a good one.

In the area of facilities and equipment, the committee recommends an appropriation of $224 million, an increase of $90 million more than the budgeted amount. The budget in this area only provided funds for automation of the en route traffic control system. The committee believes that there are additional urgently required items such as long-range radars, terminal-area radars, communications, and new control towers, and recommends the appropriation of the additional funds. In the hearings it was disclosed that the FAA believed that $116 million would be required for a list of items in addition to those in the budget. The committee studied the list and believes that the highest priority items can be accommodated with the $90 million recommended.

Included in the list are 54 new control towers. These towers are listed on page 15 of the report and they are the 54 towers of highest priority on the list submitted by the FAA, and were the only towers included in the FAA's supplemental request.

A $14 million increase over fiscal year 1969 is recommended in the funds for research and development for FAA. It is felt that with the rapid growth of aviation activity, the present equipment will not be able to fully cope with the situation in which we will find ourselves in a few years, and that new and better equipment will be required. To that end, an appropriation of $41 million is recommended as compared with the $27 million provided in fiscal year 1969. The recommended amount is $6,500,000 less than the budget request.

The SST would be funded at $95,958,000 in the committee's recommendation. This is the full amount of the budget request. We have already appropriated $623,000,000 for the development of the SST. It is estimated that $662 million more will be required to complete the development and testing effort.

As I said when I began, this program is controversial and it has been for several years. It is an expensive program. It does involve development of a civil aircraft, but since 1962 Presidents have recommended the program and Congresses have voted to continue the program. I believe that this Congress will go along with this President's recommendation that the program be continued further and be completed. To stop the program now would be to lose not only the $623 million already appropriated, but additional funds for termination costs, which could amount to another $50 million. The contractual arrangements are such that if we complete the funding of the development program and the manufacturers sell 300 SST aircraft, royalty payments will accrue to the Government in a sum equal to the Government's investment. If as many as 500 aircraft are sold, and this is not altogether out of the question, the Government will gain an additional $1 billion.

There are those who are quite disturbed by the SST—some are even emotional about it. They point to sonic boom and engine noise, and dangers of flying at 1,800 miles an hour above 60,000 feet and think that the program should not go on. Of course, those of us who have studied history know that the first steam locomotives, steamboats, automobiles, as well as airplanes, were considered to be dangerous objects and, by many, to be completely impractical. The history of transportation, not only the history of aviation, is the history of ever increasing speed—and the SST is the latest step in this direction. It is not a step being taken in this country alone. The British and French, working together, have developed and have flown and have flown supersonically, their SST transport called the Concorde. The Soviet Union has likewise developed and flown, and flown supersonically their SST transport, TU-144. The competition is ahead of us. The American plane will be larger, will carry more passengers, will fly faster, and we think, be more attractive to the airlines and to the public. We will not be the first in the SST market, but we will be the best.

Today, more than 80 percent of the jet aircraft sold are manufactured in this country. If this country fails to develop an SST, this will not remain true. We will continue to sell subsonic aircraft, and I would trust many of them, but the leadership role will pass to those who fly the fastest as it always has, and if American-owned airlines cannot buy American SST's they will buy foreign built SST's. Our aircraft sales have been a bright spot in a very dreary picture in recent years in international trade and balance of payments. Sales of aircraft and a healthy aircraft manufacturing industry involve hundreds of thousands of very valuable jobs in this country—the high-paying, skilled jobs to which all workers aspire. The loss of these jobs and the loss of sales to foreign competitors would be felt throughout the country.

Mr. Chairman, I believe those who continue to raise the specter of SST aircraft flying supersonically across the United States, with the resultant sonic booms awakening citizens, breaking windows and creating general havoc and confusion are completely unfair, in view of the repeated statements by those in the executive branch and in the Congress close to the program that SST's will only be permitted to fly over water or unpopulated land areas until the sonic boom problem is solved. Mr. Chairman, I do not think this problem will be solved easily or quickly or in the generation of aircraft to which we address ourselves today. The marketing estimates for our SST, the 300 aircraft sales break even point, are based on an overseas flight market, not on flying over the United States. I do not think it is realistic to imply that the citizens of this great Nation are so powerless or that their representatives in the Congress are so powerless that such an intrusion would ever be permitted.

Mr. Chairman, there are those who say that we should not spend money on the SST—that we should spend it for some of the great social programs to meet some of the great social needs in our country today. Mr. Chairman, I am an advocate of funding to meet the social needs of the country. Mr. Chairman, I know that the funds to pay for the social programs must be based on the productivity of this Nation and I believe the SST will add to that productivity and help generate the funds to pay for some of the social programs. The funds we are asking for the SST would not go very far in meeting the funding requirements of our social programs, but the SST and the other great productive efforts of the country will underwrite those programs.

FEDERAL HIGHWAY ADMINISTRATION

Mr. Chairman, I am proud of the committee's record in the last 3 years in connection with financial management in the Federal Highway Administration. We have created new appropriations. We have established limitations. I think we have to a very great extent, increased congressional control over the operations of the Federal Highway Administration and have found areas in which unnecessary expenditures could be curtailed. Since much of the money spent by the Federal Highway Administration has been from the highway trust fund there are those who would say that this is not real money and does not come out of the general funds of the Treasury and, therefore, we should be lax in its administration. I say this is not so. American taxpayers pay their tax dollars into the highway trust fund just as they do into the general funds of the Treasury, and we are charged as guardians of the public purse with the proper administration of these funds. I point with pride to the committee's record in this area.

This year we have created a new appropriation and have broken out the Office of the Administrator as a separate appropriation item. This Office had been funded heretofore by bits and pieces from several other appropriation accounts. It was difficult to see just how much was being spent in this area and just how it was being spent. We believe that the new separate account will facilitate congressional scrutiny and scrutiny in the administrative branch of this Office. We provide $14.1 million for this Office.

Some reductions are recommended in the Bureau of Public Roads, which is also set up in a single appropriation account after the establishment of a separate account for the Office of the Administrator. The committee found in the hearings that the Bureau of Public Roads had not given Congress as good information as it should have had as to just how it would spend funds allocated to it. These matters were discussed in detail in the hearings and some reductions are recommended in this area. A total reduction of $10.1 million is recommended for the Bureau of Public Roads, of which $7 million is in a new comprehensive corridor transportation demonstration program. We could obtain very little information about this program, since it is in an early planning stage. We allow $1 million in planning funds in lieu of the $8 million requested.

In a somewhat unusual recommendation we recommend the deletion of $100 million in liquidating cash for the funding of the Federal-aid highway program. This recommendation is based on an estimate furnished by the Federal Highway Administration and the Department of Transportation of the action which will probably be taken by the Administration in this area. Since almost half the fiscal year is gone, it is felt that the guidance in expenditures which has been given on an interim basis is likely to be rather firm.

Under our recommendation, no reduction in obligations for the highway program this fiscal year will be required or would be recommended. It is believed that by careful management of the expenditure of funds in the program, the $100 million reduction in this $4.5 billion appropriation will not have an adverse impact on highway construction. I will point out that this is more in the nature of a deferral than a denial of funds in that under the contract authority provisions under which the Federal-aid highways program is administered, the Government must honor its commitments and must provide the liquidating cash which is required. It is felt that with the expenditure problem facing the President and facing those of us in Congress in this fiscal year, this rather minimal reduction will have to be made whether we make it now or not.

A total of $40 million is provided for a new right-of-way revolving fund which promises to be of assistance in expeditious handling of payments involved in the acquisition of rights-of-way and relocation expenses. This is a new program which was passed in the Highway Act last year.

For highway beautification, the committee recommends $5 million in liquidating cash rather than the $10 million estimated in the budget. This reduction is based on recent figures submitted by the Department in connection with the limitations on outlays currently in being. The highway beautification program is another area in which there has been considerable controversy. It has not been an entirely satisfactory program. The program was placed on a contract authority basis last year rather than a straight appropriation basis which it had been under heretofore. The committee recommends a limitation of $16.1 million on obligations in this program in fiscal year 1970, which includes $15 million for direct expenses of the program and $1.1 million for administrative expenses.

In traffic and highway safety, the committee recommends appropriation of $27,550,000 instead of the $34,146,000 requested. This is an area in which great contributions to highway and traffic safety are being made. This is an area in which the automobile safety standards are administered. This is an area in which research and development is done in areas of additional safety devices such as the air-bag device which is now under very active development.

In the hearings, it was developed that the highest priority requirement of this organization was for additional personnel and the committee has approved all of the 38 additional positions requested. In addition, we recommend approval of 13 of the 23 positions associated with the administration of the State and community highway safety program. Of the total recommended increase, more than $2 million is for the contract research program of the National Traffic Safety Institute. This would make $19 million available in 1970 compared with $16,950,000 in 1969. The committee feels that these increases are warranted and that continued important contributions will be made by the Department in this area.

The State and community highway safety program is that part of the highway safety program in which grants are made to States on a matching fund basis for highway safety programs in the States. The program operates under contract authorization and $50 million liquidating cash was included in the budget. The committee recommends the appropriation of $30 million, a reduction of $20 million based on the most recent estimates of the administration and the Department of the actual requirements for the fiscal year.

The committee recommends a limitation of $65 million on obligations in this program in fiscal year 1970—the same amount as was provided in fiscal year 1969. The committee is concerned that this program is being administered in such a way that proper matching funds are not being required from all States. The General Accounting Office studied this problem and issued a report which was discussed in detail in the hearings. The committee feels that the funds spent in this area should be for the Federal share of new highway safety programs in the States, and that Federal funds should not be utilized to fully fund new programs by the acceptance of ongoing State highway safety programs as the State contribution in this area. It is the feeling of the General Accounting Office and of the committee that this is not the intent of the law and certainly not what was testified to be the intention of those administering this program in the past. This matter is discussed in the Report and in the hearings. It is our understanding that the Bureau of the Budget is also concerned about the administration of this program and we hope that improvements will be made in this area before next year's hearings.

Rather sharp reductions are recommended in both the forest highways and public lands highway programs. Both of these programs are 100 percent federally financed construction and fall under the present 75 percent construction freeze. The $30 million requested for liquidating cash for forest highways has been reduced to $18 mllion, and the $12 million for public lands highways has been reduced to $7 million. Obligations for forest highways are limited to $12 million and for public lands highways to $3 million. In both of these instances, the recommendations are based on the latest estimates of the executive branch in this area.

FEDERAL RAILROAD ADMINISTRATION

Under the Federal Railroad Administration the only program of real size is the high-speed ground transportation research and development program for which $14 million was requested and $10 million is recommended. In making this reduction, the committee has directed that no part of the reduction be made in the ongoing demonstration programs such as the Boston to New York turbotrain and the New York to Washington metroliner.

There are considerable unobligated funds in this program, and they totaled $11.7 million at the beginning of the current fiscal year. This amount, along with the $10 million recommended in the bill, will provide $21.7 million of obligating authority in this fiscal year. Reductions will be made in the research efforts. The committee believes that the amount provided will be sufficient to fund the most urgently required efforts.

URBAN MASS TRANSPORTATION ADMINISTRATION

The committee held detailed hearings which we recommend to the Members, on the Urban Mass Transportation Administration. We had a staff investigative study which reviewed in depth the operations and activities of this Administration, and found that the management was incredibly sloppy and that for the funds administered by the organization too few personnel were available to oversee the proper use of the funds. Therefore, we recommend 70 new positions for this Administration, and a salaries and expenses appropriation of $1.5 million. This is a reduction of $500,000 in the $2 million request.

A total of $220 million is recommended for the urban mass transportation fund. This is a reduction of $30 million from the budget estimate of $250 million. In the housing bill which passed the House about 2 weeks ago and which has also passed the Senate, $300 million is authorized for this program. These funds are for fiscal year 1971. It has been the practice of Congress to advance fund the urban mass transportation program in order to give the cities and counties an opportunity to finance their share of the program. We believe that this procedure should be continued and recommend advanced funding in this instance.

Of the $220 million recommended, $176 million is for grants to various programs and the remainder is for research and development, and technical studies. The reduction is applied to this research and development area. The Urban Mass Transportation Administration has spent funds on research projects which seem quite removed from the realities of mass transportation and transportation in this country. The hearings are informative in this regard. The committee has not specifically denied any individual programs, but was assured by personnel and officials of UMTA that a careful screening of these activities would take place.

RELATED AGENCIES

For the related agencies, $5 million is provided for the National Transportation Safety Board, an organization which investigates catastrophic or fatal accidents and has done an extremely fine job. They have made many worthwhile recommendations to the FAA and to other organizations as to ways of improving safety. The amount recommended is $100,000 less than the budget request.

For the Civil Aeronautics Board—$10.2 million was recommended for salaries and expenses—a reduction of $200,000. Payments to air carriers are also provided. The $33.5 million recommended is a considerable decrease from the amount provided last year and is indicative of the downward trend in subsidy payments to air carriers.

The Interstate Commerce Commission is provided $25 million as compared with the $24.6 million provided last year and the $25.5 million requested. The committee recommends the full budget request for the Federal contribution to the Washington Metropolitan Area Transit Authority. We believe that the Washington subway is at long last about to be constructed and feel that the full amount of the request is a realistic requirement for this fiscal year. Overall, Mr. Chairman, I believe that the committee's action is marked by selectivity. We have reduced items where we found that they could be or would be reduced. We have added funds in those instances where we thought that funds were urgently needed and that further delay would not be in the national interest. We have looked at all the items I think objectively and with a desire only to do a workmanlike job.

CONCLUSION

I want to commend witnesses who appeared before us for their forthright answers. In many areas we requested and received the information concerning reductions in personnel, budget outlays and in construction programs which had been imposed on a temporary or interim basis by the administration, fully realizing that witnesses are reluctant to give such information to congressional committees because this may lead to reductions. But the witnesses were frank with us and I believe we have been fair with them.

As I said earlier, it is a real pleasure to chair the Subcommittee on Transportation Appropriations and work with such an active and interested group of men. We had good attendance at our hearings. We had active participation by all members. They usually met early and stayed late and took short lunch breaks. We started late in the year for a number of reasons, but we performed our work in an expeditious way and the entire atmosphere was one of interest and stimulation and intellectual activity. I wish to commend all my colleagues for the fine work they did and especially thank my good friend, the gentleman from Ohio (Mr. MINSHALL), the ranking minority member of the subcommittee for his cooperation. I think we can accurately say that this subcommittee is nonpartisan in a political sense and that Democrats and Republicans worked together as one. Mr. Chairman, I urge the adoption of the bill.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I will be delighted to yield to my colleague.

Let me say before I yield to the gentleman that our hearings on the SST were the most lengthy and extensive hearings held by any committee of the Congress in this area. On this subject the subcommittee is particularly indebted to the distinguished and knowledgeable gentleman from Illinois, my good friend (Mr. YATES).

If Members of the House will just follow his incisive and probative questioning all through the hearings, I think they will see that he brought out some exceptionally fine points. His questioning was extensive and it was knowledgeable and I express the committee's gratitude to our colleague for the manner in which he conducted himself in the hearings on this very, very important and controversial item.

Mr. Chairman, I am delighted to yield to my colleague, the gentleman from Illinois.

Mr. YATES. I thank the gentleman very much. The gentleman well knows that I consider him to be among the most valuable Members of the House. I certainly consider him to be one of the finest chairmen of any committee of the House.

The gentleman, I know, wants to be accurate. But he said with respect to the sonic boom a few moments ago that the SST will not be permitted to fly overland unless the sonic boom problem was solved. That is not in accordance with the statement of the gentleman of the FAA and of the Department of Transportation when they testified before our committee. I wonder whether the gentleman equates the phrase with the one that they used, which is as follows.

They said:

> The supersonic transport will not be allowed to fly supersonically over populated areas unless and until the noise factor comes within acceptable limits.

Acceptable to whom? The FAA is under an obligation. It is charged with the responsibility of doing everything it can to assure flight of the SST. There are some experts who believe that if the SST is not permitted to fly overland, if it does have the sonic boom restrictions against flight overland, there is a very serious question as to whether it would be economically viable.

This being true, it seems to me that the pressures will become very, very intensive upon the FAA to be less firm against sonic boom and to promulgate a noise standard that would permit supersonic aircraft to use American airports. And I am sure the gentleman will agree with me that the noise factor from the supersonic aircraft is greater than it is for today's jets, certainly, with respect to sideways noise, at least.

Second, with respect to sonic boom I say the average American is entitled to total freedom from a jarring, disruptive, nerve-shattering type of pollution—and I use the word "pollution" advisedly, because it is noise pollution, such as the sonic boom.

Is it the gentleman's understanding, and does he state to the House that the SST will not be allowed to fly supersonically over the United States as long as it generates a sonic boom?

Mr. BOLAND. Yes, that would be my position on it. Let me say this, before I yield to my friend on the committee, the gentleman from California (Mr. McFall), that in this particular area the gentleman from Illinois was most helpful. I think you made an excellent record with reference to the evil of noise pollution. As you have indicated, it is pollution. I do not think anyone in the United States ought to be subjected to that kind of disturbance. I agree with you totally. I do not totally agree with the remarks which were made by the Administrator of the FAA, Mr. Shaffer, who is one of the fine members of this Government and an extremely able Administrator. I think that the word "acceptable" is precisely as you have suggested. It ought not to be left as "acceptable" without adding "to whom?" I agree with the gentleman completely. If it is not acceptable to fly supersonically, then I say there ought to be rules that would prevent it from flying over any populated areas. There is no question about that in my mind.

I am delighted that you have made the record on that point. As I said, you were particularly helpful to the committee in this area. I think you made a fine record here. I think the FAA ought to understand, and I think the Secretary of Transportation ought to know that we are concerned about this. We do not expect that they are going to permit the SST to fly over populated areas using their yardstick—acceptable to the FAA or to the commercial airline industry.

Mr. YATES. I thank the gentleman for that statement. It will let the FAA and the Department of Transportation know the viewpoint of this committee.

Mr. BOLAND. I yield to the gentleman from California (Mr. McFall), a member of the subcommittee.

Mr. McFALL. Mr. Chairman, with reference to the sonic boom, as I understand the hearings, the economic viability of the SST is based upon the premise that aircraft would be flying only over water, and not over land.

Further, with reference to the conversation here about the word "acceptable" which has been used by the administrative head of the FAA, I do not know whether we need to argue about what acceptable means. I think both the gentleman from Illinois (Mr. Yates) and the gentleman from Massachusetts (Mr. Boland) have said that they would not have the SST fly over the United States with a sonic boom which would damage the people below, and I agree with them. I suppose each of us would have his own definition of what "acceptable" means, if you want to get into the field of semantics. What I understand Mr. Shaffer to mean is that it would be acceptable to anyone in the United States.

But I think the standard ought to be, as the gentleman from Massachusetts has outlined it, that there should be no flight of the SST over the United States when there is a sonic boom problem.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think what my good friend, the gentleman from California (Mr. McFall), has said is very good. He, too, as I understand it, joins the gentleman from Massachusetts (Mr. Boland) and the gentleman from Illinois (Mr. Yates) in stating that it is our intention and our desire as Members of Congress and hopefully the viewpoint of all the Members of Congress, that supersonic flight will not be permitted over the United States as long as it generates a supersonic boom.

The reason I believe it is important to state this position now is because the former director of the supersonic program, Gen. Jewell Maxwell has said, and this is why I am so concerned and why I cross-examined the Administrator so strongly when he appeared before the committee. This is what General Maxwell said:

> We believe people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation.

Some have referred to the sonic boom as the sound of progress. Others have called it the 20th-century sound. If this is the kind of attitude some proponents of the SST take, I think we must make it very clear that it is the intention of Congress that there should be no supersonic flights that generate a sonic boom over the United States by any commercial plane. I am glad to hear the gentleman from Massachusetts (Mr. Boland) and the gentleman from California (Mr. McFall) agree to that.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, in response to the remarks of my good friend, the gentleman from Illinois, about the sonic boom, I want to say, as the gentleman has already said, that I do not know, in my 6 years of having followed progress of the SST program, of anyone who has gone into it in greater detail or more carefully than my good friend, the gentleman from Illinois (Mr. Yates), but the gentleman has brought up the question of sonic boom, and I want to make it unequivocally clear that the Secretary of Transportation, John Volpe, and the FAA Administrator, John Shaffer, have in very clear words said there would be no flight of the SST over land masses.

If the gentleman will bear with me, I will read several paragraphs from a speech that the FAA Administrator made on November 17 before the Long Island Association of Commerce and Industry, at Long Island, N.Y. In speaking of the sonic boom and the SST program, Mr. Shaffer said:

> Let's talk for a minute about the sonic boom. There is a lot of misunderstanding about this issue and frankly, I'm not too surprised. Speculation on the sonic boom has run rampant of late. All sorts of dire consequences are being predicted. I personally believe that these "scare stories" will be dissipated in time, first, as we learn that the boom *would* be rather than what it's reported to be; and, second, as we demonstrate that we do, indeed, intend to respect the wishes of our citizens and respond to their watchfulness in this matter.
>
> The fact is that the "boom" is a sudden sound, similar to a thunder clap. It can be startling if you are not expecting it. The sonic boom from the American SST will not damage anything on the ground or on the sea, but it could surprise—or startle—people if they are unprepared for it.
>
> Now I want to make this point about the SST and sonic boom, or as we water people say "now hear this." There will be no sonic boom nuisance or annoyance because the whole program is based on the President's policy that the plane will not be operated at boom-producing speeds over populated areas.
>
> The 2707-300 program is based on supersonic operations *only* on overwater routes (it's a "water bird") and unpopulated areas, such as those north of the Arctic Circle. This doesn't mean it can't be flown—subsonically—over land, or that it can't serve certain major inland cities. The plane is designed so it can be flown efficiently at subsonic speeds for considerable distances. It will fly subsonically when approaching or leaving airports, and during those times when its flight routes take it over populated areas.
>
> Now a little plain English on what the sonic boom would be like if we *could* hear it. The boom created by our SST flying at high

> altitude is only three or four per cent as powerful as those which could—and have—caused damage to buildings. The effect of the boom from the SST is much overrated and almost universally misunderstood. Sonic booms of 50 to 100 pounds per square foot can be destructive; but the boom from the SST is two pounds per square foot.

Mr. Shaffer goes on in some detail. His speech is reproduced in the RECORD for yesterday at page 34366 for those who care to read it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. May I ask a question of my good friend from Ohio. Is it his understanding as well that there will not be supersonic flights by commercial planes over the United States so long as they generate a sonic boom?

Mr. MINSHALL. That is my understanding.

Mr. YATES. I thank the gentleman.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I should like to commend the gentleman for an excellent statement on the bill, on which he has done a tremendous amount of work. He has been an able chairman of the Subcommittee on Transportation.

I should like to commend also the gentleman from Massachusetts for his comments on supersonic transportation. I believe it ought to be stressed in this discussion about supersonic transportation problems that, concurrent with the problems of pollution, with the problems of noise abatement, with the problems of sonic booms, all of which will have to be worked out, whether it means planes will have to fly subsonically over land or otherwise. These are all technological problems and arguments that have to be worked out.

But it must be stressed that the SST and supersonic transporation are with us, and commercial supersonic aricraft will be with us in a short period of time.

The French and British Concorde will be in existence. The TU-144 will be in existence.

So the age of the supersonic transport aircraft is here. The question is whether the United States is going to stay competitive in this area of the sale of airplanes, as we are now when aircraft of Boeing and Douglas have practically been enjoying a monopoly in the sales of planes throughout the world.

The question is whether or not we are going to forgo this leadership, this economic competitive leadership, to other nations in the world, or whether we are going to stay in this race in this advanced age of aviation and have our own supersonic transports.

I believe firmly we must stay in it and that we must produce a supersonic transport.

Mr. BOLAND. I appreciate the gentleman's comments. I believe he is precisely right.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. On the question of the gentleman's statement about competition and the Russian plane, General Quesada, formerly the Administrator of the FAA, in his statement to the review committee said this on that point:

> I do not mean to imply that there should not be a supersonic transport program. But I would like to see controlled, if not eradicated, this demand that we must beat the Russians. As far as I am concerned, the Russians can never compete in the open market with the supersonic transport or any other type of transport in the next four decades. They just cannot make ariplanes. And in my opinion the supersonic transport that the Russians have could not be given away.

Mr. BOLAND. Those are General Quesada's remarks. I am sure if the Russians were willing to give them away somebody would take them. They are now in the process of attempting to sell them not only to Italy but also to Japan and India.

General Quesada is a very able man in the field of aeronautics. He does not suggest killing the SST program, as I understand it. General Quesada suggests that we go ahead with additional research and development.

All I know, from what was developed by the committee, is that any effort to go ahead further only with research and development is a positive and total waste of money. We have gone as far as we possibly could on research here. Now, we need to proceed with phase three, and get into prototype development, with 100 hours of test flying. Then there is a gap between the prototype development and the production area, so that they can work out some of the bugs.

I think one of the greatest authorities in aviation design in this country is Dr. Bisplinghoff, who is one of the great educators at MIT. His background is in the record. I have never read a statement by anyone with a finer background or with better knowledge of the field of aeronautics than Dr. Bisplinghoff. His testimony before the committee was that to go on with research and develooment is a waste of money and that we are now ready to go into the development of the prototype and that we ought to do it.

At this point in the RECORD I insert the biography and statement of the distinguished Dr. Bisplinghoff:

BIOGRAPHICAL SKETCH OF DR. RAYMOND L. BISPLINGHOFF, DEAN, SCHOOL OF ENGINEERING, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Dr. Raymond L. Bisplinghoff, Dean of the School of Engineering of the Massachusetts Institute of Technology, is a recognized authority in aeronautical and space research and development.

Dr. Bisplinghoff was on leave of absence 1962–1966 while serving as Associate Administrator of the National Aeronautics and Space Administration. At this time he was responsible for the leadership of NASA's activities in advanced research and technology in aeronautics and space programs looking toward space flight beyond the Apollo program. These responsibilities embraced direction of NASA's Langley, Ames, Lewis, Edwards and Electronics Research Centers. In 1966, Dr. Bisplinghoff was consultant to the Administrator of NASA, and chief scientific advisor to the Federal Aviation Agency Administrator.

Born in Hamilton, Ohio, in 1917, Dr. Bisplinghoff received the Aeronautical Engineer degree in 1940 and the S.M. degree in physics in 1942 from the University of Cincinnati. He was awarded the Sc.D. degree in 1957 by the Swiss Federal Institute, Zurich.

From 1937–40, Dr. Bisplinghoff served as an aeronautical engineer with the Aeronca Aircraft Corp., Middletown, Ohio, and from 1940–41 as a vibration engineer at Wright Field, Dayton, Ohio. Dr. Bisplinghoff spent 3 years with the University of Cincinnati (1941–43) as research associate and instructor of aeronautical engineering. From 1943–46, he was an engineering officer in the Navy Department's Bureau of Aeronautics.

Dr. Bisplinghoff came to MIT in 1946 as an assistant professor of aeronautical engineering. He was made an associate professor in 1948 and professor in 1953. He was named deputy head of the Department of Aeronautics and Astronautics in 1957 and head of the department in 1966, following his NASA service.

Since coming to MIT in 1946, Dr. Bisplinghoff has been responsible for the development of research and instruction in flight vehicle structures. He also served the Department of Aeronautics and Astronautics as director of the Aeroelastic and Structures Research Laboratory and as chairman of the Aerospace Research Division. Together with Dr. H. Guyford Stever, then at MIT, he carried out a 3-year program of research on the effects of atomic bomb blasts on flying aircraft.

Dr. Bisplinghoff has received many honors in his profession including membership in the National Academy of Sciences and the National Academy of Engineering. He received the Certificate of Achievement for atomic tests at Eniwetok Atoll from the USAF-Operation Greenhouse, and the Sylvanus Albert Reed Award, 1958, for developing ways to calculate aircraft loads and stresses during maneuvers. In 1955 he was honored as 19th Wright Brothers lecturer and in 1962 as the third Samuel P. Langley Memorial lecturer, University of Pittsburgh. From 1956–57 he was a post-doctoral fellow for the National Science Foundation. In 1963 he was invited by Japan Society for Aeronautical and Space Sciences to present lectures at Tokyo, Nagoya and Osaka. Recipient of the Honorary Sc.D. degree at the University of Cincinnati 1963, Dr. Bisplinghoff was the third annual Von Karman lecturer, American Institute of Aeronautics and Astronautics, 1965. In 1965 he received an honorary doctorate in engineering from the Case Institute of Technology. He was elected national president, American Institute of Aeronautics and Astronautics for 1966. Dr. Bisplinghoff is also a member of Phi Eta Sigma, Tau Beta Pi, Sigma Xi, and a member of the Cosmos Club, Washington, D.C.

Past professional affiliations of Dr. Bisplinghoff include membership on committees of the National Advisory Committee for Aeronautics and later the National Aeronautics and Space Administration. During World War II he was a member of several Army-Navy-Civil Committees. He also participated in several U.S. Air Force and U.S. Navy boards and committees including the Air Force Scientific Advisory Board.

Dr. Bisplinghoff's current professional affiliations include fellowship in the American Academy of Arts and Sciences; American Association for the Advancement of Science; Honorary Fellow of the American Institute of Aeronautics and Astronautics; Royal Aeronautical Society; American Astronautical Society. He is a member of the American Society for Engineering Education. Association of Former Students of the Swiss Federal Institute of Technology, the Visiting Committee of the Carnegie Institute of Technology, member from the United States of the International Council of the Aeronautical Sciences, New York Academy of Sciences, Sonic

Boom Committee and Scientific and Technical Communications Committee of the National Academy of Sciences, International Academy of Astronautics, International Astronautical Foundation. In addition, he is chairman of the Aeronautics and Space Engineering Board of the National Academy of Engineering and director, Engineers Joint Council.

Dr. Bisplinghoff is the author or coauthor of numerous articles and three books: "Aeroelasticity," "Principles of Aeroelasticity" and "Solid Mechanics."

Dr. Bisplinghoff, his wife, the former Ruth Doherty, and their two children, Ross and Ron, reside in Wellesley, Mass.

STATEMENT OF DEAN OF SCHOOL OF ENGINEERING, MIT

Dr. BISPLINGHOFF. I welcome the opportunity to appear before you this morning to give you very briefly my assessment of technological readiness for proceeding with the development of prototype supersonic transport airplanes. As you know, we are considering design objectives, cruise speeds of 1,780 m.p.h. above 60,000 feet for distances up to 4,000 statute miles, that have never before been achieved with commercial transportation standards of safety, reliability and economy. The SST is the only truly advanced-technology, high-performance supersonic airplane under development in the United States at this time. Its successful completion will be the result of synthesis, development, test, and perfection of thousands of components that have never been built before. The question of readiness is one that has been and rightfully should be raised at this point in aviation history, and this is the question that I intend to speak to.

In early August of this year, I had the opportunity to review with Boeing and General Electric engineers the status of the airplane and the engine as they stood at that time. My remarks this morning will be based largely upon this review.

The original conception of a supersonic transport by aeronautical engineers was based upon a principle laid down some 60 years ago by the French engineer, Louis Breguet. Breguet showed that the range of an airplane, or the distance it can travel, is the product of three factors: aerodynamic efficiency, propulsive efficiency, and structural efficiency.

It was realized in the early 1960's by quite a few people in the industry and in NASA and the Federal Aviation Agency that if certain levels of efficiency could be reached in these three areas, supersonic commercial air transportation would be economically attractive. A large part of the question of technological readiness is answered by assessing our ability to reach these efficiencies. After reviewing the results of the wind tunnel tests, engine tests, and structural component tests, both on my own and with my two colleagues—Dr. Arthur Raymond, the Rand Corp., Santa Monica, Calif., and Dr. Ernest E. Sechler, executive officer for aeronautics, California Institute of Technology, Pasadena, Calif.—at a previous time, we became convinced that the efficiencies that can be reached in these three areas are sufficient to construct a supersonic transport weighing roughly 750,000 pounds that will carry nearly 300 passengers over a range of 4,000 statute miles with a mach number of about 2.7.

In view of the change from a variable sweep to a fixed wing configuration in 1968, it is logical for anybody who looks at this program to ask, "Now, how sure are we now that the underlying technologies can be brought together in a successful overall design?" The aeronautical engineer can answer this question with assurance provided he has had the time to proceed through enough airplane design cycles. In the case of the 2707-200, the variable swept wing airplane, it was found that as we progressed through four design cycles there resulted a continuous reduction in structural efficiency and a corresponding degradation of range and payload. It was for this reason that in 1968 it was concluded by Boeing and the Federal Aviation Agency that there should be a reexamination of the airplane configuration. I can report, however, that as the Boeing Co. has progressed through four of the design cycles of the present 2707-300 airplane, they find a solid convergence in aerodynamic, propulsive and structural efficiencies. It is this result, obtained by an experienced design team, that gives me the confidence to predict that we can achieve with the 2707-300 configuration the payload and range characteristics that I mentioned earlier.

As you know, Mr. Chairman, achievement of payload and range in an SST design is only part of the story. Can it be achieved with the commercial transportation standards of safety, reliability, and economy of operation? I can say frankly it is more difficult to answer this question with the same assurance as the previous one because much of the answer will depend upon the detail design and the prototype flight test experience, yet to be completed. One can observe, however, that the history of airplane design shows we have consistently been able to design and build higher performance and more complex aircraft with even higher standards of safety, reliability, and economy, than their predecessors.

There are numerous examples of design features in the 2707-300 airplane where higher levels of safety and reliability than ever achieved before are being sought. Let me give you a couple of examples very briefly.

Development of automatic flight management was started early in the SST program to reduce pilot workload during short flight times with numreous events demanding attention. Such automation puts the pilot in better command of the airplane and could considerably improve safety during periods of poor visibility. On the present-day subsonic aircraft system, reliability and flight safety has been achieved largely by using many nonintegrated elements such as cables, beams, power units, instruments, and two pilots cross checking procedures. The SST, to achieve safety, will require automatic flight control systems and advanced cockpit displays. Achievement of safe and reliable automatic flight controls has stimulated the development of multiple-control activating systems with duplicated electronic control channels devised to detect failure and automatically take the action required to continue normal flight. Automatic flight controls can also relieve the pilot in congested traffic, provide a smoother and safer ride through rough air, and permit automatic landings in extremely adverse visibility. These are all things that go well beyond anything we have done in the past in terms of flight control.

Another example of a higher level of safety to be achieved in the SST is its fireproof structure. Contemporary aircraft use titanium extensively as firewall material because of its superior resistance to penetration by fire. This material is actually used for the fuselage shell surrounding the passenger compartment of the SST and will provide a safety advantage relative to today's aluminum structure, because of its much greater resistance to external fire damage during crash conditions. The stimulus of the SST program could hasten the day when all future aircraft will utilize titanium structures for both cost and safety reasons. Indeed, one could conclude that many technological advances already in process and to be completed for the SST will apply to the whole of air transportation. These include not only safety advances stemming from automatic flight control equipment and fireproof structures, as I mentioned earlier, but flight efficiency improvements derived from advances in structures; propulsion; aerodynamics and lightweight components; manufacturing advances particularly in the realm of titanium structures applicable to other equipment; and, finally, flight operations advancements that will permit the efficient handling of increased air traffic. As a result of these comprehensive efforts to improve the safety, reliability of the SST, there is no reason, in my mind, to believe that the consistent trend of aircraft engineering history, which tells us that the SST can be safer and more reliable than its predecessors, will reverse itself.

In conclusion, Mr. Chairman, I would reaffirm my belief that aeronautical technology has been developed to the point where we can now construct a successful supersonic commercial air transport and that enough comprehensive design studies have been completed to give us a configuration that is very close to optimum. There are no justifiable technical reasons for delay in constructing prototype aircraft and little could be gained, in my opinion, and in the opinion of those who joined me in the evaluation group from the outside, by continuing this program further in an R. & D. status.

This completes what I have written down in terms of a prepared statement, Mr. Chairman. I would be happy to answer any questions.

I will yield to the gentleman from New York (Mr. OTTINGER), and then I would like to wind this matter up.

Mr. OTTINGER. This is on another subject, Mr. Chairman.

Robert Nelson, the outgoing head of the Office of High Speed Ground Transportation, told the Appropriations Subcommittee during hearings on the Department of Transportation bill—and this is in response to a question from the gentleman from Illinois (Mr. YATES)—that the Penn Central Railroad had not complied with roadbed specifications called for in the contract between the ePnn Central Railroad and the Department of Transportation for the development of the Metroliner. The roadbed at present does not meet the contract specifications. Penn Central's position was stated to be that if the Government wants the roadbed ungraded, it would have to bear the cost. I want to make it clear on the record it is the intent of the Congress that the Penn Central Railroad be held to the terms of its contract without additional subsidy by the Government.

Therefore, I will ask the following question of the gentleman from Massachusetts. Is it the intent of the committee that the Penn Central Railroad be required to bring its roadbed up to the standards in the specifications of its contract with the Department of Transportation without further Government subsidy?

Mr. BOLAND. I am glad that the gentleman from New York raised that question. It is the intent of the committee to have the Penn Central Railroad honor its obligation with respect to the roadbed without coming to the Federal Government for a handout on it.

This question was developed in the hearings as a result of the gentleman from Illinois (Mr. YATES) questioning one of the Government witnesses on an accident that occurred at Glenn Dale, Md., where one passenger was killed. The evidence was adduced that if it had been a Metroliner involved at the greater speeds at which it travels, there would have been a considerable number of people killed or injured in the crash.

So I agree with the gentleman from New York that the Penn Central Railroad ought to take care of its own problems on the roadbed and not expect to come to the Federal Government.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman for yielding.

This question is not on the SST. I want to commend the gentleman and his colleagues for the time that they have spent on a very vital element of the whole transportation question, which is the question of urban mass transport. Particularly I congratulate them on allowing additional personnel for the Urban Mass Transit Administration, including those in the field of research.

I heartily concur with what is said in the report that what is needed in the field of mass transit for the future is fewer paper studies, and more action-oriented programs. They did a great job there, although I have to say that I am disappointed in the advance appropriation for research and development and demonstration, which has been pared from $50 to $25 million.

What I just said about action-oriented programs was one of the reasons for this cut, but I would ask the gentleman, knowing his belief in mass transport, whether, should the administration, under what I think is a dynamic new leader, Mr. Carlos Villereal, show an intention to get into action-oriented projects and programs, the gentleman and his colleagues would feel kindly about some effort at a later stage of this legislation to restore the research funds?

Mr. BOLAND. In response to the gentleman's inquiry, the thrust of the whole action that the committee took here was in that direction. We would like to see better research performed on fewer programs to solve some of the mass transportation problems with which the gentleman from Wisconsin is so familiar, serving on the Committee on Banking and Currency from which authorizing legislation comes on mass transportation.

It is the feeling of the committee, and has been for some time let me say, that the Urban Mass Transportation Administration is spread too thin on research and development. It is our feeling, and we think this will be agreed to by my colleagues on the committee, that there have been too many programs in research that are really not paying off. With the expenditure of the $25 million recommended in this bill, it will come to approximately $120 million for research and development with respect to mass transit that has been obligated to date.

I must say that we have very little to show for it. There are some great programs in which they are engaged and upon which they are concentrating. Let me say to the gentleman from Wisconsin, the committee feels as you do, and we are concerned about trying to solve some of our mass transportation problems. If they will come up with programs that have direction and point to a solution of these difficult problems that we face in mass transportation, the committee certainly will fund them.

Mr. REUSS. I thank the gentleman. I am gratified at his response.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I thank the gentleman for yielding to me for this question.

The gentleman knows that mass transit is one of the urgent priorities in this country. It affects every area of this country. The gentleman knows that all we have in the bill before us for mass transit is $220 million, both for capital grants and for research and development.

With respect to research and development the sum of $25 million appropriated is actually $5 million less than appropriated for the current year.

When one thinks of the fact that the Nixon administration is going to bring in a bill—and there are other bills already pending before the Committee on Banking and Currency—which would spend upward of $10 billion either over the next 4 years or the next 12 years depending upon which bill we are looking at—does it make sense to cut down on research and development? I say this because the Nixon administration has asked the Appropriations Committee for $50 million for research and development. Yet the committee in its wisdom cut that amount to $25 million.

I ask the gentleman whether it makes sense to do that when we hopefully will soon be spending billions of dollars for capital grants and research and development is so very, very important to make certain that each capital grant dollar is used wisely.

Now, it is correct when the gentleman says that research and development to date has not fulfilled our expectations. But there is a new group in the DOT working with former Governor Volpe who have a great commitment to mass transit which up to now has been treated as a stepchild.

When you look at the funds this Congress has appropriated for research and development generally and in other fields, we find we have appropriated $96 million for the SST, $41 million for the FAA, $1.5 million for NASA outside of the Apollo program. When you think of the moneys that we are investing, and correctly so, on research and development in a great number of important areas, when we have one of the most significant areas; namely, mass transit that affects every one of our citizens, is it right to reduce the research and development appropriation from the modest $50 million administration request to $25 million?

Mr. BOLAND. The gentleman poses a very good question. However, some of the programs which UMTA is directing its research efforts in mass transportation are not the kinds of programs that will solve our problems in this area. It was the feeling of the committee after looking at the program—and we looked at it in detail—that not all these research programs should be funded this year. If you will pick up the justifications, I think you will find there are a number of programs that I think you yourself would not approve.

I totally agree, you cannot solve the problems of mass transportation without research, or the problems of housing without research; there is no question about it. You cannot solve problems of pollution, or many of the other problems with which we are perplexed today, without adequate research. I could not agree with the gentleman more. But my disagreement only comes in the fact that there are some programs in the budget that ought to be dropped, and we gave them an opportunity to drop them. The Administrator testified that he was going to take a very close look at these research programs. We gave them $25 million; we reduced this $5 million below the level of the previous year. We are just trying to tell them to get on the ball, keep your feet toward the fire.

Mr. KOCH. Mr. Chairman, I want to point out to the gentleman that the areas of research and development that we are talking about are tunneling, air pollution controls, center city programs, express bus systems with express lanes, a moving belt, or a moving sidewalk.

Mr. BOLAND. I would say to the gentleman that some of those are fine. The gentleman is naming some of the good ones. I am sure we could detail some others that are not so good.

Mr. KOCH. I agree with the gentleman. The point I want to make is this, that of the $250 million that was requested by the Nixon administration, under the provisions as originally requested, no more than $50 million could have been spent for research and development.

Mr. BOLAND. That is right.

Mr. KOCH. And would what was not used for R. & D. would be used for capital grants.

The Urban Mass Transportation Administrator Carlos Villareal, has said that the request for funding from the various States will exceed $400 million for capital projects, and that is just a very small drop in the bucket of need. So what I intend to do when amendments are in order, is to offer one, and I would hope the gentleman might consider that amendment and accept it at that time—it would restore the appropriation for mass transit to $250 million with a maximum restriction of $50 million for research and development, with the expectation that not a single dollar will be spent on excess R. & D., and whatever is not used for R. & D. would be used to fund additional capital grants.

The CHAIRMAN. The gentleman from Massachusetts has consumed 55 minutes.

Mr. BOLAND. Mr. Chairman, I regret that I have taken so much time. I am terribly sorry. Perhaps the gentleman from Ohio can yield some of his time to those on this side who wish to speak on the bill.

Mr. MINSHALL. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this marks the third

time, and the second full fiscal year I have had the privilege of joining the distinguished chairman of our Subcommittee on the Department of Transportation Appropriations in presenting the transportation appropriation bill to this Chamber.

The gentleman from Massachusetts (Mr. Boland) is a hard act to follow. As usual, he has presented an exceptionally detailed, excellently prepared, item-by-item analysis of the bill. He completely covers the fine print. As the ranking minority member of this great subcommittee, it is a privilege to work with a chairman who has the great ability that the gentleman from Massachusetts (Mr. Boland) has.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I would be delighted to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I appreciate the gentleman yielding, and I want to join in commending the gentleman in the well, the gentleman from Massachusetts, the chairman of the committee, and the entire committee, for presenting what I believe is a balanced and realistic appropriation measure on the important transportation matters facing the country.

I believe the record developed with respect to the SST earlier and the supersonic boom problem will serve the committee and the Congress very well. As was developed during the dialog and the colloquy between the gentleman from Illinois (Mr. Yates) and the gentleman from Massachusetts (Mr. Boland) the Congress must be concerned with and guard against any adverse problems associated with the sonic boom problem.

However, I would like to make a couple of observations, in addition to the sonic problems, we must realize we are dealing primarily with prototype aircraft at this point; many of the concerns expressed will be researched and solutions for operational technicians advanced, prior to full-scale production. I believe that some of the questions raised are somewhat hypothetical, and I believe there will evolve over a period of time more specific answers to these unusual aeronautical problems.

There is one final point I would like to make. The Armed Services Committee and the Congress for years have been financing appropriations to build aircraft purely for defense purposes. A lot of the advanced technology in the aerospace field has come as a result of expenditures directed toward building these aircraft for defense purposes. Most of the comfortable civil air travel of today and the economic benefits associated with aviation have come as a result of these dollar commitments.

I would like to look on this as expenditures for offense purposes. I am referring to an international economic and technologic offensive. I think it is about time the American people generally understood that this kind of expenditure will pay many, many dividends in the future as we move toward maintaining a first position in the field of aerospace technology. In a nuclear age, a defense posture, by itself, will not give us the kind of security we all desire. Worldwide air marketing and free nation building must be the wave of the future. The SST, jumbo jets, and advanced aerospace technology are the necessary ingredients for a successful air borne freedom ideological offensive.

Therefore, I support the committee's efforts to keep the United States ahead in this vital field.

The free world nations must move forward toward developing economic interdependence. We need more foreign trade in order to minimize or eliminate foreign aid.

By our action today, we will decide whether or not our aviation, airport and airways systems and equipment are superior or whether the Soviet Union and/or other countries grab the lead in aviation technology.

Balance of trade and our balance-of-payments problems are directly involved in this question.

This is a day of decision. America is at the crossroads in aviation history. I urge my colleagues to keep the United States out in front by supporting the SST and other aviation programs. We want to build a better world for all mankind.

Mr. MINSHALL. I thank the gentleman for his remarks.

Mr. Chairman, I will not reiterate all of the remarks made by my distinguished colleague, the gentlemen from Massachusetts (Mr. Boland), in which he so excellently reviewed the items on a line-by-line basis. We can discuss those items as debate progresses.

As was pointed out, the appropriations for transportation calls for a grand total of $6,614,430,000.

I will not reiterate what he has so excellently reviewed on a line-by-line basis. We can discuss these items as debate progresses. As has been pointed out, the transportation appropriation calls for a grand total of $6,614,430,000, of which some $4 billion is in the highway trust fund.

This is an overall reduction of $158,175,000 from the 1970 departmental request. That represents a very substantial savings to the taxpayer.

Those of you who know my record are aware that I am always gratified when economies can be achieved. My years on the Appropriations Committee constantly reaffirm that reductions can be made, no matter what budget comes under our surveillance. It may come as a surprise today to those acquainted with my economy voting record that I point this time with pride not only to the economies we have achieved in the transportation appropriation bill, but also toward two increases.

Specifically I refer to additional personnel and funds the committee has approved, at my urging, for air safety.

The report of this bill is significant for it authorizes FAA to add 1,000 new air traffic controllers to their request for 2,800, bringing the total to 3,800. FAA has assured me that 3,800 trainees will not put a strain on their Oklahoma City facilities. Air traffic continues to burgeon, the skies are becoming increasingly crowded and dangerous. Since it takes as long as 4½ years to fully qualify an air traffic controller in a busy terminal like New York, Washington, or Cleveland and more than 3 years for a smaller terminal, the time to start training these men is now, if we are to meet the burdens future years will impose. I would be remiss if I did not pay tribute to the air traffic controllers for their many hours of hard work. There is, of course, no reckoning in dollars the toll in human life and suffering which accompany a commercial airline tragedy. These personnel are a sound investment, good insurance.

The major increase to which I call the attention of the House is for $90 million, for air safety facilities and equipment.

Insufficient or antiquated equipment has no place in the air world of the 1970's. It has been more than 3 years since any funds were provided for air control towers. There are 54 locations across the Nation which meet FAA criteria for towers. Our increase will permit their funding.

It will provide, too, for additional long range and terminal area radar, for new sectors at 19 locations, for remote center air-ground channels, for modernization of towers at 95 locations and for other long overdue, urgently needed updating of facilities and equipment.

I believe this House recognizes and will approve expenditures which will provide a maximum of safety for air travelers.

Safety has been a vital consideration throughout our hearings, reaching into all facets of transportation we reviewed. We approved more than a million dollars more for 1970 than 1969 for traffic and highway safety under the Federal Highway Administration, an increase of almost a quarter of a million dollars above the 1969 appropriation for motor carrier safety programs, more than a quarter of a million more than 1969 for the Bureau of Railroad Safety, and an increase of $202,000 for the National Transportation Safety Board.

The key to this appropriation bill is safety: Safety in the air, at sea and on the ground. We have attempted to eliminate overlapping or duplicatory safety programs and have achieved economies without jeopardizing any safety feature of any of the Transportation Department's duties.

Obviously, the controversial portion of today's bill is the request for $95,958,000 to continue prototype development of the civil supersonic aircraft. Included in this request are $5 million for supporting research and development and $2.6 million for program management.

I am aware there are many who sincerely feel this money might well be channeled into other domestic uses, or eliminated completely to reduce Federal expenditures.

Let me anticipate those comments by saying here and now that continuation of the program will provide new employment for an estimated 50,000 persons in the prime air frame and engine manufacturing industries. This new employment has been projected to as many as a quarter of a million new jobs in peripheral industries supplying the major contractors and subcontractors. These new jobs will be for people at all economic levels. I do not believe we should overlook this very important benefit of the SST program, or ignore the fact that if the SST is canceled these new job opportunities will evaporate.

This is a projection for worthwhile peacetime employment which will also assure U.S. leadership in world aviation during the 1970's and 1980's. You must realize that if American industry does not have an SST on the market, our airlines will make their purchase abroad. Aircraft exports are an important factor in our balance of trade.

Cancel the SST and you will see a supersonic flight of U.S. dollars overseas which will seriously disrupt that balance of payment, as well as throwing American workers out of jobs.

Time is all important. Soviet, French, and English versions of the SST already have been flight tested. The Russians flew their TU-144 in December 1968, the French Concorde was tested last March. Two foreign supersonics already have been in the air while we argue the desirability of continuing our own program.

Our country has spent many billions of dollars to put a man on the moon. I cannot understand why we suddenly balk at spending a total of $1.3 billion in Federal money on a program based on a royalty payment basis which assures a return of nearly $1 billion of the Government's investment. Add to that new tax revenue generated by increased employment, sales, and air travel.

I urge you to give these facts your most serious consideration—not only America's prestige is involved, but a vast segment of our economy.

This, then, is the fiscal 1970 Department of Transportation appropriation—a money bill from which we have pared $601 billion-plus in nonessentials, a budget in which we have given safety and progress top priority.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. YATES. It was recently reported that when the French-Anglo Concorde made its maiden flight this past winter, NBC reported that on takeoff the roar of its four engines could be heard in villages 20 miles away, and the Concorde is expected to be even noisier on approach.

Do you think if Concorde exhibits that much noise, it will be allowed to land at American airports? Second, if it is not allowed to land in American airports subsonically, can it be designated a commercially viable airplane?

Mr. MINSHALL. I am glad to have the gentleman's remarks, and if the gentleman will bear with me, I will quote a speech recently made by the FAA Administrator in Long Island, N.Y., in response to a question like that. I think it is better to have it in his words than in mine. The Administrator said:

> Another concern that is being voiced relates to the noise of the 2707-300, apart from sonic boom, let's look at that. There are three types of noise to be considered—community noise under the flight path on climb-out, community noise on approach, and sideline noise at the airport itself during ground run and takeoff. Taking these one at a time, we have so much power in this airplane, to enable it to accelerate through the transonic regime, that it takes off in a short (8000 ft.) distance (10,300 ft. field length) and climbs out like a "homesick angel."
>
> The airplane will be about twice the usual altitude at the classic three and a half mile distance from brake release point (1,800 ft. and climbing). Likewise, we expect the SST to be quieter than today's jets on approach. This is accomplished primarily by means of a choke on the supersonic air inlets that keeps much of the sound from coming out the front.
>
> We do have a problem on sideline noise, but we have a development program going on between Boeing and General Electric to improve this. One means of attacking that part of the noise problem has been identified which involves breaking up the low frequency sounds into higher frequencies which do not carry as far. We understand the problem, we are working at it, and we expect, by the time the production airplane rolls out, that this problem will have yielded to the intensive and extensive development efforts being waged on aircraft noise.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman's remarks correctly give the testimony of the FAA Administrator, but my question was directed at the Concorde. My reason for this statement is because I remember the distinguished gentleman from Indiana (Mr. BRAY) attended the airshow, and he came back after having seen and after having heard the Concorde and made the statement that he never heard such a racket in his life as the surface noise from the Concorde.

The gentleman from Ohio stated a few moments ago that we have competition from the British-French Concorde and the Russian Tupolev. If the noise of the Concorde will be so great, will it be allowed to land at the airports at Boston and Chicago and New York and Los Angeles? Will it be as great as the gentleman suggested and as the gentleman from Indiana (Mr. BRAY) suggested, and if so, will it be allowed to fly into those airports?

Mr. MINSHALL. Mr. Chairman, I am not an expert on the noise made by those other jets. The gentleman however, has made a case for the American SST program, and we can practically guarantee it will not have anywhere near the noise factor of that you claim the British-French Concorde.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. MINSHALL. I yield further to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, my point was directly the result of the argument the gentleman was making, that the Concorde is competitive. If the Concorde cannot fly into those airports, if the noise of its motors and engines is so great, can it be competitive?

Mr. MINSHALL. As I say, I am not an expert on that.

Mr. YATES. There would be a very serious consideration which would have to be given by the FAA as to whether it will permit the Concorde to fly into those airports.

Mr. MINSHALL. The gentleman is looking a little further down the road than my expertise permits.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I was at the air show this year and the year before that and the year before that, and I was there the first time they brought one of the Concordes in, but I did not find the noise was so shattering

Mr. MINSHALL. Mr. Chairman, it is common knowledge that the noise the morning after a night out in Paris can be very penetrating and deafening.

Mr. YATES. And sometimes it can be much more quiet.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, referring to page 16 of the report, under "Construction, National Capital Airports," that breaks down to $1.3 million for the National Airport and $1.9 million for Dulles Airport. Are any of these funds to be used for expansion at National Airport?

Mr. MINSHALL. As far as I know, none of these funds will be used for expansion at the Washington National Airport. I stand to be corrected if I am wrong.

Mr. BOLAND. None of the funds are scheduled to be used for expansion of Washington National Airport.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, know the gentleman has other subjects to cover, and I do not want to belabor the SST program, but is it not true that today, in the air transport field, we have one item in which the industry of the United States has not priced itself out of the world market?

Is it not true that 80 percent of the planes which are sold throughout the world are from the United States, and that here, so far as our balance of payments is concerned, is the one hope—as I see it, at least—that we can continue to maintain our supremacy and protect our balance of payments.

Mr. MINSHALL. The gentleman has made a valid point, and I heartily concur.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from New York.

Mr. ADDABBO. Is it not a further fact that most of the airplanes which have been developed and sold were built by the airplane manufacturers and were not subsidized by the Government?

Mr. MINSHALL. I appreciate the gentleman's remarks. We discussed this at great length in the committee.

This is such a massive program that one cannot possibly see it being handled by private industry as an economically viable project.

Mr. ADDABBO. There is one further

point, since there has been brought up the remarks of the FAA Director, Mr. Shaffer, about sound at Long Island. When he was out at Long Island he was nowhere near Kennedy Airport. If he had been near Kennedy Airport he would not have been able to hear his remarks.

When we speak of 3½ miles, at every major airport there are people living within 500 feet. At 3½ miles a person can sleep, but not 500 feet away.

Mr. MINSHALL. This is one thing I cannot understand. People complain about the noise at airports, but more frequently than not we find they moved to that area long after the airport was in existence.

Mr. ADDABBO. This may be the case for some of them, but not for most.

Mr. MINSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the gentleman from Ohio for yielding this time. I am very appreciative for his thoughtfulness not only on this occasion but also for his many courtesies during the committee sessions. I am afraid I took a great deal of the time of the committee on this SST problem, and I am grateful to all the committee members for the consideration that was shown at that time in permitting the SST to receive the thorough review that it did.

I want to express not only my very distinct pleasure at serving on a subcommittee that has such fine members but also particularly to state to the House my feelings about our very fine chairman, the gentleman from Massachusetts (Mr. BOLAND), who, apart from his superlative personal traits and his general excellence as a legislator—and, as I stated before, I consider him to be one of the most valuable Members of the House—is also a superb chairman. He is fair. He is impartial. He is thorough.

I recall that the great Sam Rayburn used to say, when the late Congressman Albert Thomas used to take the floor with his independent offices appropriation bill, as he paid him the greatest compliment that Mr. Rayburn would give to any Member, "He knew his bill."

So it is, too, with the distinguished gentleman from Massachusetts. As has already been made clear on the floor of the House and will be made clear in the further debates, the gentleman from Massachusetts knows his bill. It is a pleasure to serve on the committee with him.

Mr. Chairman, I will have two amendments that I will offer to this bill. One will seek to strike the $96 million for the SST program. The other will seek to prevent the use of any funds to construct any airport in Florida unless there first shall have been obtained a joint study by the Department of the Interior and the Department of Transportation stating that such construction will not upset or interfere with the ecology of the Florida Everglades.

Mr. Chairman, let me discuss my second amendment first.

This is not a local Florida problem, although the Everglades do lie in Florida. The Everglades belong to the Nation. Their natural beauties and wonders make this area one of the most uniquely spectacular sights in the United States and in the world, to be sure.

Just as the attempt to alter the Grand Canyon by building dams in proximity to it projected a national controversy, so, too, has a controversy been raging over the question of building a jet port in the Everglades.

Conservationists and nature lovers and, to my mind, every American who wants to preserve America's natural beauties for our children and as a part of our natural heritage want the Everglades protected. I propose to offer an amendment which will do that.

On the SST, Mr. Chairman, the discussion has already shown my views. I made my views much more amply and thoroughly known in the report to the committee, where I filed separate views. I dislike very much to dissent from the members of my committee. They are very able Members of the House. They see this as a difficult question, as do I. They favor the continuation of the program. I think it should be brought to a halt at this time. If that is done, I believe very little will be lost. Many Members who object to this program do so in the belief that this is in a great measure a Boeing bonus bill. I think there is a great deal to be said for that viewpoint, because, of the $1.5 billion, approximately, that will be put up for this program, 88 percent of those funds will come from the Federal Government and approximately 12 percent will come from Boeing and General Electric, which is making the great, powerful motors that are proposed to fly this plane. Yet I know that Boeing is taking a very grave risk here. I wonder whether it is a valid risk, because of the tremendous dangers that are implicit in the development of this prototype. I do not know Boeing's corporate structure. I do not know its financial strength. But if the SST is not commercially viable—and there are very strong arguments that it is not commercially viable—I think there is a good chance that Boeing may go bust. Perhaps I should not say something like that, but I read an article which appeared in last night's Star, an article which quotes the very authoritative Jane's of Great Britain, which produces the publication "All the World's Aircraft." It was stated in this article:

> The cost of America's space flights could bankrupt both the United States aircraft industry and the public.

It says this:

> This became inevitable when the industry began to produce aircraft of such high performance that normal company resources could no longer finance their development or purchase.

Then it asks the question:

> Can the process continue without bankrupting both the industry and the customer?

I quote further:

> The aircraft industry seems to have got itself into the position where it must continue to build progressively bigger and faster transport aircraft to stay in business, even if the customer does not really want them.

I quote further:

> The cost and size of the new designs has forced the United States Government to subsidize Boeing's development of its supersonic airliner and this could lead to more and more Government involvement in aircraft industries.

The article continues:

> Only a decade ago the cost of a DC-8 or Boeing 707 seemed crippling at $7 million. Yet today airlines must think in terms of $21 million for a Boeing 747 and anything up to $33 million for a large supersonic airliner.

Well, that is not the price. So much for the article. That is not the price for the SST. The currently quoted price for the SST is $37 million. It was testified to before our committee that before the SST goes into production and is able to fly it is expected that the price of an SST will have escalated to $52 million. How many planes, how many planes, can the airlines afford to buy at those prices?

Who knows what dangers still lurk in this prototype phase of the supersonic plane?

Mr. Chairman, testimony before our committee indicated that there were still four problems that have not been overcome during the prototype phase. One relates to noise, one relates to the inlet, one relates to the fuel cell and it seems that the noise of the fuel cell seems to be the one that bothered them most. However, Mr. Chairman, this is one of the most complex scientific undertakings that was ever attempted. It is a different kind of plane. The SST will not replace the Concorde. It is not in competition with the Concorde as such. The Concorde is an extension of today's aircraft. The Concorde will be an aluminum plane and it will have special fittings. It will fly at subsonic speed and to the extent that the tension of the metal will permit. But the SST will not be made of aluminum. It will be made of titanium. It will be an entirely new horizon in aircraft flight, if it is successful, and with all the dangers connected with the friction problem and the sonic boom. If the SST runs into difficulty at this prototype stage, the sky is the limit on what the ultimate cost of the aircraft will be.

Next, Mr. Chairman, is the aircraft viable?

I have here the "Review of Reports Relating to the Economic Feasibility of the Supersonic Commercial Transport, No. B-159141," by the Comptroller General of the United States—the General Accounting Office—reviewing the various points that have been made. On page 21 of that study after discussing the various expert treatises that have been proposed by the FAA, it says—it offers a comparison as to the economic viability of this plane depending upon its price and depending upon whether there will be a sonic boom restriction; that is, whether the plane will not be able to fly supersonically over the United States—and we all agree that it will not be able to do this whether it has a sonic boom restriction or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Illinois is recognized for 1 additional minute.

Mr. YATES. This comparison shows the number of planes that are anticipated to be sold if the price is $40 million, if the price is $50 million or $60 million with and without the sonic boom restriction.

If the price is $50 million it is anticipated that there will be 155 planes sold if there is a sonic boom restriction and 422 planes sold if there is no sonic boom restriction.

If the price is $60 million and if there is a sonic boom restriction, the number of planes to be sold is 101. If there is no sonic boom restriction, it is estimated the total will be 280 planes.

So, I say it is a very serious question as to whether or not there is adequate viability to this plane. I hope the Members of the Committee of the Whole House on the State of the Union will have time to read my views that are contained in the report and in the hearings and it is my opinion that if you do, there is a good chance you will vote for my amendment.

Mr. MINSHALL. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, this is, as you know, my first year on your very distinguished Transportation Subcommittee. It has been a good freshman year, if I may call it that, and one in which I learned a lot.

We certainly had our work cut out for us. To begin with, the bill, H.R. 14794, is a big one. It calls for spending $6.61 billion for transportation and related systems.

Our committee cut some $158 million from the original request of $6.77 billion to arrive at this figure. The recommendation represents an increase of $596 million over the appropriation for fiscal 1969.

The transportation needs of this country are great. Improvements are essential if we are to maintain an effective system balanced among air, rail, motor vehicle, and mass transit components. These improvements cost money. This distinguished committee has the responsibility of deciding where that money is best spent and, therefore, where the necessary improvements will be made. We have worked hard to arrive at these decisions. I think the bill before us reflects both the great effort that went into it and the balance that must be struck between improving transportation systems and holding back inflationary spending.

The most controversial item in the entire bill is undoubtedly the $96 million we have allocated for the supersonic aircraft. The question of whether to go ahead with the SST is, as my colleagues know, a very complicated one. Persuasive arguments can be made on both sides of the issue, but the time has now come for this body to make a decision.

I took no position on the SST either during the hearings or at the mark up. I have kept my mind open completely to all different points of view. I have read and studied everything I could get my hands on. And I have finally come to the conclusion that we should go ahead with the SST.

This was not an easy decision. I listened carefully to all the testimony in our hearings. I also raised several questions that I had about the SST. For example, I asked how we could sell the SST to foreign airlines when it cost twice as much as the *Concorde*, and how countries like India and Pakistan in particular, which are potential customers but which cannot afford luxuries, could buy the craft. I also asked about the very serious noise problem—including current *Concorde* noise levels, the need for international noise agreements, and sonic boom damage payments.

Moreover, I took a hard look at the estimated 50,000 jobs that would be created and the suggested military application of SST technology.

But my work did not end with this testimony. I went on, as I said earlier, to read everything I could. Among other things, I read the ad hoc committee report from cover to cover. That report is, I must admit, devastating—so much so that had I stopped my research there, I would have come out against the SST.

I went on, however, because the report raised additional questions in my own mind—foremost among which was how could the administration support the SST after such a devastating report?

In continuing my work, I was able to answer this question in my own mind and to my own satisfaction. The report alleges many things which my research showed were either inaccurate or subject to serious question. For example, whether or not the sonic boom will be considered intolerable by most people is not the issue because the SST will fly at subsonic speeds over land. Thus, there will be no sonic boom affecting populated areas. In addition, the SST will make no more noise during takeoff and landing than the 707 or the DC-8.

I would also like to mention a few other answers that I came up with. Passengers will be subjected to less radiation exposure per SST trip than the same trip in subsonic aircraft due to differences in exposure duration.

The SST engines will not produce visible smoke, and the environment in the plane will be more free of ozone than today's subsonic jets.

Most scientists reject the proposition that the SST flights will pose a significant threat to modification of the weather.

Moreover, the ad hoc committee report assumed that the Concorde would not be commercially viable. That assumption now appears to be incorrect. This means our balance of payments will be improved—rather than hurt—by the SST. If 500 are sold, we will end up with a favorable net balance of $10.1 billion. On the other hand, if we do not build an SST, we could end up with a net loss of $15.8 billion.

I am also impressed by the fact that the same arguments were raised in the fifties about the technological feasibility and commercial viability of passenger jet aircraft. I need not elaborate on the success of commercial jets since that time, but I would like to point out some of the more interesting predictions made during that debate.

It was alleged that the jet-airliner market might not be large enough to support profitably more than two U.S. companies and possibly only one and one British.

It was alleged that while the pure jet had the speed, it was known to be an optimum performer only at certain ranges—a fact that might put severe restrictions on the size of its market.

It was alleged that in the race for jet supremacy, the market was less certain than the technology.

The pure jet—turbojet—was regarded as a specialized airplane by BOAC—which was flying the Comet in the early fifties—and thus suited only to specific tasks. In fact, because tourist travel was reportedly reaching a saturation point, BOAC expected the big new expansion to be air freight for which they felt the turboprop was especially well suited.

The U.S. airlines were generally skeptical of the jet in the beginning. One airline indicated that it did not plan to buy any until one were available that would yield a profit, unless forced to purchase uneconomical equipment by the competition. Another airline pointed to how efficient, safe, and dependable nonjet transports were at 6 cents a mile, but as it turned out, the 707 jet runs at 4.5 a seat-mile.

In fact, the general outlook on jets on the part of U.S. airlines was described as "bearish" some 15 years ago. The reasons were many, and the technical problems of putting jets into operation seemed formidable. The jet was then limited to airfields with long runways. Its fuel consumption at low altitudes raised questions of reserves, airport stacking, and alternate airports. It had braking problems on landing. Its speed raised numerous traffic problems. And in addition to all this, its noise—yes, its noise—raised serious problems.

This all has a familiar ring as one follows the SST debate. Can you imagine, however, what would have happened had we not gone ahead with the development of commercial jet aircraft?

In this regard, it might be worth noting what did happen to our merchant marine fleet in the last 25 years. After the Second World War, we were carrying about 75 percent of U.S. foreign commerce, both exports and imports. The figure declined to around 50 percent in the midfifties. Since then, it has dropped all the way down to 6—I repeat, 6 percent.

This is not the end of the sad story about the decline of our merchant fleet. We are now fifth in the world in number of vessels, behind Liberia, Norway, Great Britain, and Japan, and only slightly ahead of the Soviet Union, which is sixth.

We are, however, behind Russia in tonnage of our fleet, but worse than that, our ships are relics compared to their Soviet counterpart. Fifty percent of the Russian fleet is 5 years old or less, and 80 percent is 10 years old or less. On the other hand, 80 percent of the U.S. fleet is 20 years old or more. I repeat, 80 percent is at least 20 years old.

I mention these statistics only to show what could happen if we did not remain in the forefront of aircraft development.

I also want to make it clear that I am talking about a very tangible concept—economics or just plain dollars and cents. I am not talking about prestige and about being first as ends that justify whatever means are necessary to get there. To my way of thinking, the SST is a matter of good business on both a national and international level.

As I look over my remarks, I am reminded once again of how often the experts have been wrong. Their crystal balls have been clouded up on numerous occasions. I would like to share some of these inaccurate predictions with my colleagues, many of whom will no doubt recall them and others like them.

In 1904, American aviation pioneer Octave Chanute said:

> Airplanes will eventually be fast, they will be used in sport, but they are not to be thought of as commercial carriers.

In 1939, Rear Adm. Clark Woodward said:

> As far as sinking a ship with a bomb is concerned, you just can't do it.

In 1941, the Navy indicated that it was not feasible to use gas turbines on airplanes, but beginning the very next year they were used successfully in airplanes.

In 1945, Adm. William Leahy said:

> That is the biggest fool thing we have ever done. The (atomic) bomb will never go off, and I speak as an expert in explosives.

The point I am trying to make, at the risk of being repetitious, is that the so-called experts can and do make mistakes. I have just mentioned a few of them, but it would not be hard to find more. For this reason, I feel justified in being skeptical about many of the overly pessimistic predictions on the SST.

But after all is said and done, the emotional question of budgetary priorities remains. The fact of the matter is that, as I said before, the SST—apart from these emotional arguments—makes good sense economically. The same can certainly not be said for many other Government programs.

Here we have a good investment that promises to pay handsomely in the long-run. This is not a subsidy, but rather, I repeat, a national investment designed to be self-liquidating.

Royalties on production sales will return the full prototype investment of $1.2 billion by approximately the 300th plane sale, and an additional $1 billion by the 500th sale—the present market estimate.

Moreover, it will generate some 50,000 jobs directly and roughly two to three times that many jobs indirectly.

And finally, personal and corporate income tax payments—Federal, State, and local—by participants in the program will return some $6.6 billion.

In conclusion, the SST program does not seem to be an inversion of priorities. On the contrary, it seems to be a good business venture on the part of the Government and the entire Nation.

I have spent a lot of time on the SST because it is so controversial. Nevertheless, by my own calculations, it only represents about 1.5 percent of the total amount recommended in our bill. I would like to turn now to the rest of the bill.

We are recommending a total of $24 million for the Office of the Secretary. This represents $7.8 million more than the figure for fiscal 1969 and $8.8 million less than the request for fiscal 1970.

This item is composed of three elements. We added $4.5 million for the consolidation of departmental headquarters in the new Nassif Building. However, we cut $1.4 million from the request for salaries and expenses and recommended $11.5 million. This is only an increase of $1.35 million over the figure for 1969.

I might also note that we only allowed 15 of 97 new positions requested—10 of which are for the Office of Hazardous Materials and five of which are for the Office of Pipeline Safety.

The salaries and expenses appropriation finances the principal costs of policy development, central supervisory and coordinating functions, and the administrative services necessary for the overall direction of the Department of Transportation.

In the Office of the Secretary, we also cut $12 million from the request for transportation planning, research, and development. Our recommendation of $8 million is $2 million more than last year. We denied all 21 new positions requested for this item.

This research money includes $1.5 million for studies toward full automation of the air traffic control system. The R. & D. facilitation program has, among other things, shown how $2.5 billion could be saved from the elimination of processing and storing documents currently required on U.S. imports and exports and in the standardization of commodity descriptions and codes.

Our total recommendation for the Coast Guard is $541 million. This is $2.9 million less than the figure for 1969 and $24.1 million less than the request this year. This appropriation is composed of several items.

We recommended $386 million for operating expenses, which is an increase of $14.5 million over 1969 and $3 million less than requested for 1970.

The big decrease took place in the appropriation for acquisition, construction, and improvement because of the President's freeze on Federal construction. We only recommended $57.3 million. This is $32.7 million less than we appropriated last year and $20 million less than the request this year.

We did not cut the request of $57.7 million for retired pay, which is $4.7 million more than last year.

A nominal cut was made from the Reserve training request and we recommended the 1969 level of $25.9 million.

We recommended $14.5 million for research and development. This is $400,000 less than the request but $10.5 million more than the figure for last year. Part of the increase is the result of new efforts to combat the problem of oil pollution. We have allocated $4.4 million for oil pollution detection and control.

I might note here that the additional cost of Coast Guard operations in Vietnam, adjusted for pay changes through fiscal 1969, is $18.18 million.

The Federal Aviation Administration is the largest single item in our bill. The committee recognized the seriousness of air traffic controller, air congestion, and related problems, and recommended $1.14 billion. This is $81.9 million more than the FAA requested, and $247.1 million more than the 1969 appropriation.

The biggest element in the FAA budget is operations. We have approved the request for $767 million, which is $61.6 million more than the appropriation last year. Our recommendation provides for 4,015 new positions, including 2,800 air traffic controllers. In addition, we have recommended the hiring of 1,000 more air traffic controllers, bringing the total number of new controllers to 3,800. The $5 million necessary for the extra 1,000 controllers can be obtained from savings in other areas. We expect that this action will make a significant contribution to easing the air traffic controller problem.

The FAA recorded savings of some $1.9 million in maintenance of the traffic control system. Improvements in manpower utilization and the discontinuance of nonessential facilities and services made this savings possible.

Savings of $236,000 were also realized as a result of implementing GAO recommendations concerning FAA activities in Europe, Africa, and the Middle East.

The second element of the FAA budget is facilities and equipment. Here we added $90 million to the original request of $134 million and recommended $244 million. This represents an increase of $104 million over the appropriation last year.

The original request was for automation equipment for the en route air traffic control system. This equipment is expensive. The full implementation cost of the automation system is about $25 million per center.

We added $116 million for a variety of items related to control and safety. These included $41 million for terminal area radar, and another $13 million for instrument landing systems that are desperately needed at our smaller airports. Savings, however, reduced this increase to the $90 million figure I have already mentioned.

The third element of the budget is research and development, for which we have recommended $41 million. This is $14 million more than the figure for last year, but $6.5 million less than the request. Included in this amount is a broad noise research program.

The FAA appropriation also covers the National and Dulles Airports. For their operation and maintenance, we recommended $9.5 million which is $380,000 more than last year but $300,000 less than the request. We also recommended $1.9 million for construction, an increase of $1.2 million over last year but a decrease of $1.3 million from the request.

The projected loss for Dulles Airport is $7 million, but because National is profitable, the projected net loss for the two airports is only $3.5 million.

The cost of depreciation and interest at the airports totals $8.2 million, of $6.3 million is attributable to Dulles.

I have already dealt at length with the SST which is the final item in the FAA budget. We have, as I said, approved the request for $95.9 million.

Before leaving the FAA, I would like

to mention the highly controversial Everglades Jetport. Some very serious and very legitimate objections were raised by conservation groups. They maintained the jetport would permanently alter the delicate balance of nature that exists in Everglades National Park and thus destroy one of our last great natural wildernesses.

The FAA has invested something less than $1 million in the jetport, according to testimony by Administrator John H. Shaffer. This includes an initial $500,000 investment, an additional $163,000 for lighting this year, and the transfer of instrument landing systems.

Nonetheless, Mr. Shaffer testified that as a result of consultations between Secretary of the Interior, Walter Hickel, and Secretary of Transportation, John A. Volpe, the Federal Government will no longer participate financially in the development of the project. I might note, in this regard, that there is no money in the current budget for its further development.

The Federal Highway Administration is another major item in our bill. We recommended $36.6 million, which represents an increase of $4.9 million over 1969 but a decrease of $6.9 million from the request. This appropriation is composed of many elements.

To begin with, we have set up a new appropriation for the Office of the Administrator. We have recommended $1.6 million, which is $180,000 less than requested, out of general funds, and $12.4 million, or $590,000 less than requested, as a trust fund limitation. We allowed 26 of 39 new positions requested.

We have recommended $59 million as a limitation on general expenses for the Bureau of Public Roads. This is $10.1 million less that what was requested. We only approved 21 of 42 new positions requested.

The largest item in the Federal Highway Administration budget is the allocation of trust funds for Federal-aid highways. We cut $110.7 million from the request and recommended $4.4 billion. This is $263.9 million more than the figure for last year.

We also cut $10 million from the request for the right-of-way revolving fund, which is another trust fund item. Our recommendation was for $40 million for this new program.

The highway beautification program, about which there has been a lot of publicity, is also funded under the FHWA budget. We cut $150,000 from the request for administrative expenses of this program and recommended $1.1 million. This is $36,000 more than the figure for 1969. We also cut $5 million from the request for liquidation of contract authority, and recommended $5 million.

This is the first year the program is operating under contract authority so there was no appropriation in 1969.

We recommended $27.5 million for traffic and highway safety, which is $1 million more than last year but $6.5 million less than requested. This includes approval of 38 new positions.

The State and community highway safety appropriation for the liquidation of contract authority is $30 million, or $20 million less than both the request and the figure for last year.

The administration of the grant program for State and community highway safety is to be transferred to traffic and highway safety. This year we recommended $2 million for it, which is $800,000 more than 1969 but $100,000 less than requested. In so doing, we approved 13 of 23 new positions.

We cut $64,000 from the request for motor carrier safety and recommended $2.3 million. This is $220,000 over the 1969 level, and includes eight new positions.

To liquidate contract authority for forest highways, we recommended $18 million. This is $11 million less than the figure for 1969 and $12 million less than requested because of the Federal cutback in construction.

The Federal cutback is also responsible for our cut of $5 million for the liquidation of contract authority on public lands highways. We recommended $7 million, or $600,000 under last year's figure.

And finally under the FHWA, we approved a request for a $4 million for the Chamizal Memorial Highway. There was no 1969 appropriation for this item.

The committee spent a lot of time looking into the Federal Highway Administration. In view of the many items I have just mentioned, this is understandable. I would like to note a few of the things the FHWA told me that I think are important to know as we consider this bill and the general operation of the Department of Transportation.

Under Federal statute, no highway can be placed through an historic area, like the famed French Quarter of New Orleans, unless there are no feasible or practicable ways of avoiding it. Fortunately, there were ways to avoid it in the New Orleans case.

In the past several years, there have been more than 25,000 projects for correction of highway booby-traps.

The billboard element of the highway beautification program is not working well because, according to Administrator Francis C. Turner, there is not enough Federal money to pay for their removal. The other features of the program, like automobile junkyards, roadside rest area and scenic strips, have, Mr. Turner added, been highly successful.

The FHWA also provided extensive rebuttals to charges that it was dragging its feet in the areas of auto and truck safety.

All in all, the highway program—like every other transportation program—really has its work cut out for it.

The Federal Railroad Administration is another major item in our appropriation bill. We have recommended $15.3 million, a $3.2 million decrease from last year's level and $4.9 million below this year's request. The total appropriation consists of four components.

The first is the Office of the Administrator. We recommended $1 million for salaries and expenses here, which is $100,000 more than last year but $300,000 less than requested. In so doing, we denied 20 new positions that were requested.

We recommended $4 million for the Bureau of Railroad Safety, an increase of $260,000 over the figure for 1969 but a cut of $400,000 from the 1970 request. We denied five new positions for oil pipeline safety in anticipation of this function being merged with gas pipeline safety in the Office of the Secretary.

We cut $4 million from the request for high speed ground transportation research and development. Our recommendation of $10 million is $3 million below last year's level. In arriving at this figure, we denied 12 new positions for administration but did not make any cuts in the demonstration program.

And finally, we cut $200,000 from the request for railroad research and recommended the 1969 level of $300,000.

No appropriation was requested or recommended for the Alaska Railroad revolving fund.

Our committee went into the very serious problem of rail safety at great length. I noted that in my district alone, the First District of Massachusetts, there had been 38 derailments in a little over 2 years. Most of the derailments occurred at the same places. The situation on a national scale is equally as serious.

One thing that troubled me is the fact that no one seems to have the necessary authority to do anything about the problem. For instance, the Federal Railroad Administration's authority is limited to those areas which account for only 5 percent of the total railroad accidents. I repeat, only 5 percent of the cases. The other 95 percent seem to fall in a shadow area over which no one will claim jurisdiction.

The FRA is quite aware of this problem. They did extensive work on the rail safety situation and came up with a sweeping reform bill. I had the pleasure of introducing that legislation, H.R. 14417, on October 20. It would replace existing Federal laws that only touch scattered aspects of the rail safety problems with a comprehensive new law that would authorize the Secretary of Transportation to set safety standards for all areas of railroad safety and that would also authorize a program of railroad safety research. I think the bill, if passed, would go a long way toward remedying the serious rail safety problem.

The Urban Mass Transportation Administration has the very difficult job of solving the urban transit crisis. All it takes is one trip to any city to realize how big a job this is going to be.

We recommended $1.5 million for UMTA salaries and expenses. This is $647,000 more than last year but $500,000 less than the request. We approved 70 of 92 new positions requested.

The request of $250 million for the UMTA grant program was unofficially withdrawn because of the proposed new mass transit legislation. However, since it is unlikely this legislation will be enacted in this session, we felt that an advance appropriation was necessary. Therefore, we recommended $220 million for fiscal 1971, an increase of $45 million over the 1969 appropriation for fiscal 1970, but $30 million less than the request.

Our recommendation includes $176 million for capital facilities, the total amount requested; $25 million for research, a cut of $25 million from the request and a decrease of $5 million from 1969; and $15 million for technical studies, a cut of $5 million from the request and an increase of $6 million over 1969.

Urban mass transit is essential in our increasingly urban society. Many questions must still be answered about how best to improve urban transportation schemes, but I am hopeful that UMTA will find the answer and thereby significantly contribute to easing the serious urban crisis in which we find ourselves today.

In this regard, I might also mention our recommendation of $43.1 million for the Washington Metropolitan Area Transit Authority. This is the Federal contribution for fiscal 1970 to a new rapid rail transit system for the Nation's Capital. The figure is $599,000 less than last year's, but the same as this year's request.

The rapid transit project in Washington gives one a good idea of how expensive such projects are. The total project cost is estimated at $2.55 billion. The net project cost after revenue bond issues of $835 million is $1.72 billion. The Federal share of this is $1.14 billion or two-thirds and the local share is $573 million, or one-third.

There are four more items in our bill that I would like to briefly mention. First, we recommended $600,000 as a limitation on administrative expenses for the St. Lawrence Seaway. This is $50,000 more than last year but $30,000 less than requested.

We also recommended $5 million for the National Transportation Safety Board, which is $202,000 more than the 1969 appropriation. However, we did cut $100,000 from this year's request. In addition, we approved eight of 11 new positions requested including six of six asked for aviation, and two of five asked for surface transportation, accident cause determination, and safety promotion.

The committee cut $200,000 from the Civil Aeronautics Board request for salaries and expenses. We recommended $10.2 million, or $350,000 over the 1969 level. We also cut $1.1 million from the CAB request for payments to air carriers, and recommended $33.5 million. This figure is $11.5 million below the figure for 1969.

This brings me to the final item—the Interstate Commerce Commission. We cut $508,000 from their request. Our recommendation of $25 million for salaries and expenses is $336,000 over the figure for 1969.

The ICC has a real problem trying to keep enough freight cars in circulation. It is currently cheaper for the railroads to keep loaded cars sitting around than it is for them to unload the goods and pay for storage. The ICC admits the reason for this is that the demurrage penalty charge is not steep enough. They are, however, trying to put sufficient teeth into the penalty to bring cars into circulation.

The ICC also has another problem—the length of its hearings. One particular case took two hearing examiners 149 days of hearings resulting in 23,000 pages of record and over 1,800 exhibits. The combined efforts of these two examiners totaled 6,713 man-hours, which, at an average hourly cost of $12.22, amounts to $82,033. The ICC is fortunately considering ways to simplify legal procedures for merger cases.

Mr. Chairman, that wraps up my discussion of H.R. 14794, a bill making appropriations for the Department of Transportation and related agencies for fiscal 1970. It has been a real pleasure serving with you on this committee. As I said earlier, we put in a lot of work but I think we came up with a good balanced bill.

I thank the Chairman for the opportunity to make these remarks.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my colleague from Massachusetts.

Mr. BOLAND. I compliment the gentleman from Massachusetts on a very fine statement. This is his first year on this Subcommittee on Department of Transportation Appropriations. He has served with distinction on two other subcommittees of the Appropriations Committee, and his knowledge and the work he has done on those subcommittees is well known to the Members of the Congress.

As he has said in his statement here, he has wrestled with the problem of the SST. I have lived with it now since 1963 when President Kennedy first recommended that we go into the development of the SST when he sent to Congress in mid-1963, a request for $60 million to start research and development on a supersonic transport.

So I understand what the problem of the gentleman from Massachusetts (Mr. CONTE) has been. In the time the gentleman has served on this subcommittee that I chair, I have not asked the gentleman to support the SST. I felt he would come to his own conclusion in his way, whatever that conclusion might be.

In wrestling with the problem as he has, the gentleman indicated that he refrained from voting in the subcommittee on this matter—and he did—and he refrained from voting in the full committee—and he did—because he was still not satisfied in his own mind at that time that we should proceed with the SST. He gave a great deal of time and study to the ad hoc committee review, about which many other Members of this body are concerned, and about which the gentleman from Illinois is concerned, and as so many are rightly concerned. So the gentleman from Massachusetts went outside the ad hoc committee review and went to other reports, some written many years ago.

This is precisely what the Department of Transportation has done in this area. It has not hung its hat or pegged its decisions on the ad hoc committee review report, but there were other reports, some that went back for 6 to 8 years.

The gentleman from Massachusetts has looked into those reports. He has made his decision without any pressure from any members of this committee and without any pressure from the Secretary of Transportation. I am sure the gentleman in the well has expressed his point of view to the Department of Transportation. I congratulate the gentleman on his work and on his position.

Mr. CONTE. Mr. Chairman, I thank my good friend, the gentleman from Massachusetts (Mr. BOLAND). It has been a pleasure for me to serve on the Committee on Transportation. It has been a pleasure for me to serve with my neighbor, the gentleman from Massachusetts (Mr. BOLAND), who does such an excellent job in chairing that committee, and to serve with all the members of that committee, including my good friend, the gentleman from Illinois. It really hurts me that I could not be side by side with the gentleman and with my friend, the gentleman from Wisconsin, as we usually are, but I had to come to this decision.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. I know the soul searching the gentleman has gone through in trying to find the correct solution to his decision on the SST. I wish the gentleman had come to another conclusion. I wish he had come to another decision. I know from my conversations with the gentleman that he almost did.

My good friend, the gentleman from Massachusetts (Mr. BOLAND), has indicated the gentleman's decision was predicated in great measure, not upon the ad hoc report, but on reports that went on before that time. If this is true, I would hope the gentleman would reexamine those, because they refer to the variable sweptwing aircraft that was discarded, as the gentleman knows.

Mr. CONTE. That is correct. It was not only those reports, but also the Library of Congress prepared reports that gave me great help. Many of the assumptions have changed since the ad hoc report came out, such as the findings on the *Concorde* and the Russian TU.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I want to correct the impression that I may have left with the committee, if I left that impression with the committee. that the reports were based on the sweptwing aircraft design. I am talking about reports that went back to 1963, when President Kennedy formed a committee to inform him as to whether or not we should proceed with the SST, and the sweptwing design was not even in being at that time. They cover the time from that date to this. So those are different reports.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Mr. Chairman, it is my understanding the airplane is the largest export item we have today.

Mr. CONTE. It may be one of the largest.

Mr. KUYKENDALL. I understand it is the largest.

Mr. CONTE. The United States manufactures approximately 80 to 85 percent of the jet aircraft sold throughout the world.

Mr. KUYKENDALL. There is a big question about the confidence of the airlines themselves in this aircraft. Is it not true there are 122 reservations, which are fairly expensive, which have been placed for this aircraft.

Mr. CONTE. That is absolutely correct.

Mr. KUYKENDALL. Have any of them been canceled?

Mr. CONTE. I do not know.

Mr. KUYKENDALL. It is my understanding there have been no cancellations by commercial airline companies, and one of the major airlines of this country has actually considered buying the TU–144 from Russia.

I do not know whether they have gone that far. I suppose the gentleman has read the publicity.

Mr. CONTE. There is no doubt in my mind. That was one of the prime arguments that got me to go along with the SST—that if we did not go along with it and we did not build it, the American airlines would be forced to go on the foreign markets. They would have to buy the Concorde. The Soviets have not been in the airplane business, but they are now, and they are seeking to sell these airplanes throughout the world.

Mr. KUYKENDALL. Lastly, is it not true that the present economic projections made by the airline companies are based on the reality of not flying supersonically over the continental limits at this time?

Mr. CONTE. Definitely. I believe that question is moot at this point. Secretary Volpe, President Nixon, and Mr. Shaffer the head of FAA, have all stated that this airplane will not fly supersonically over land massed areas.

Mr. KUYKENDALL. I thank the gentleman from Massachusetts for a very fine statement.

Mr. MINSHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. Chairman, throughout my section of the country and indeed in all areas of the United States, there are airports that are totally tied up, rail systems that have been allowed to disintegrate, urban bus systems that are no more, and highways that are just one long parking lot. In fact, it can be said that although there may be 1,000 transportation happenings in the United States, there is no transportation system.

Several months ago, I pointed out that if, in the future, we are going to spend money on transportation as we have spent transportation funds in the past, then such expenditures will be a waste. At that time I urged the Congress to prevent the waste of transit funds by requiring future expenditures to embody the new concepts that are essential to unraveling our national transportation snarl.

Yet today in the Department of Transportation appropriation bill, Congress continues the policies of the past for not only does this bill fail to coordinate the expenditures of Federal transportation moneys, it cuts back funds in vital areas of rail transportation and urban mass transit.

We live in the age of the automobile and airplane. Because of the emphasis on these two modes of transit, it is difficult to convince my colleagues of the urgency of a mass transportation solution.

I would like to point out, however, that as the population of the Nation continues to grow, the rural areas of today will find themselves in the 1970's, 1980's, and 1990's facing a similar situation as occurred in my section of the country in the 1940's, 1950's, and 1960's.

When this time comes, if the present transportation trends are not reversed and new direction taken to coordinate our transportation systems, the rural areas will find, more airplanes overhead, more airports using up open space, more highways creating new traffic problems and more cars infringing on the environment.

The indisputable fact is that even in this day and age of advanced technology, the railroad is the one means of transportation that can carry the greatest number of people with speed and comfort and with the least imposition on the environment.

I do not speak out against the highway trust fund; I do not speak out against the concept of an airport trust fund or a mass transit trust fund. But not one of these modes of transportation can serve the Nation by itself.

I am for all of these modes of transportation, but I am for them in a balanced and integrated way.

This appropriation bill makes the mistake of playing to the transportation system that is most current in the public spotlight rather than providing a balance of funding in ratio to our overall transportation needs. It does not insist upon coordination and, therefore, provides for continuation of a policy that perpetuates transportation happenings rather than a transportation system.

Where are the provisions in this bill that say if you build a Federal highway you have to coordinate its exits with rail links? Where are the provisions in the bill to construct rail links between airports and urban centers?

I can assure my colleagues that unless such conditions are attached to Federal appropriation bills, nobody is going to plan these coordinated transit systems on their own.

It is incredible, that the focal point of the debate on this bill is the supersonic transport project which is involved in getting from New York to Europe when thousands of people cannot even travel without difficulty from Norwalk, Stamford, and Greenwich, Conn., to New York.

It may seem almost impossible to conceive that a single transportation trust fund will ever be established to fund a coordinated transit system. However, until there is such a fund, the United States will continue to build more modes of transportation, but it will not be better transportation.

Mr. MINSHALL. Mr. Chairman, I am glad to yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, I rise in support of this legislation and urge the adoption of the bill.

We live today in a transportation-oriented society. The quality of transportation or its availability determines our mobility, affects our capacity for commerce, and even influences the ability of people to get and hold jobs. On the international scene, transportation has taken on a new importance with the advent of the jets, and now the supersonics promise to further compress travel time and again increase the consumer demand for air travel. The development of a supersonic transport will not only keep the United States in the forefront of world aviation, but will result in many economic benefits to the Nation as well. It is well to point out here that the Government will collect a royalty on all U.S. SST sales to recover all of its costs plus interest. These royalty provisions are designed to provide an additional return to the Government on all sales beyond 300 planes.

There are many positive national interests to be served by a successful SST program. The supersonic transport program which President Nixon and previous administrations have endorsed is expected to provide 50,000 jobs directly, and many more will be indirectly created as a result of the SST's impact on our economy. Many of these will be high-technology jobs, of the type which the space program has fostered in the past.

The GE Co. in Evendale, Ohio, was selected by the Federal Aviation Agency to develop and produce the engine which powers the U.S. supersonic transport. It is estimated that up to 2,500 persons will be employed by General Electric in phase III and up to 8,000 in the production phase of this program.

The economic impact of the SST program which we have mentioned will be felt in many ways. Here at home, investment expenditures will raise employment levels, consumption, and tax revenues. The U.S. workers will be producing an airplane that would have otherwise been purchased abroad by U.S. carriers. In addition, it is estimated that the development and sale of the SST will have a favorable net effect on the U.S. balance of payments of about $17 billion.

As a result of technological expertise, production knowledge and risk capital, capital goods have historically been a major factor in our export business. Reports show that in 1967 the largest single contributor to the export business in the capital goods account was commercial airplanes. This amounted to $914 million or 8.4 percent of the $10.9 billion of capital goods sold abroad. In other words, this $914 million of commercial airplane exports constitutes 22.3 percent of the total $4.1 billion merchandise trade surplus in 1967.

The American tourist will still travel abroad and will still be able to fly in supersonic transports whether or not the United States builds the SST. The French/British Concorde and the Russian TU-144 are in flight-test programs and have flown supersonically. It is estimated that the Concorde will enter the market in early 1973. As far as supersonic transports are concerned, the issue is merely whether tourists will ride on Concordes or on U.S. SST's. Therefore, it is the sale of the U.S. SST aircraft that will be important to our balance-of-payments position.

The prospects of a supersonic transport in commercial airline operation are both exciting and unique. There are risks in undertaking the SST program, just as there are risks in any large program involving advances in the state-of-the-art, in the engineering and in the design of complex technical equipment.

I believe that the doubts raised in the report of the Ad Hoc Review Committee have been satisfactorily resolved and can be dispelled.

President Nixon, Secretary Volpe, and the Federal Aviation Agency have stated that the SST will not fly supersonically over inhabited land masses. The airplane will take off and cruise subsonically until it is over water or unpopulated areas before accelerating to supersonic speed. Therefore, there will be no disturbance by sonic boom.

In an attempt to understand the impact of noise generation on airport environment and surrounding communities, aggressive studies of engine influences, basic research, airplane operational procedures and scale model/full-scale testing are being made. Using the measuring points established by the FAA, the SST is projected to be substantially quieter than the presently operating intercontinental subsonic jets. Improved operational techniques and additional suppression devices are a solution to this challenge.

To insure the design of a safe and reliable cabin pressurization system, considerable engineering development in the form of analyses and tests have been conducted at the airplane contractor's facilities and the FAA. While the SST cruise altitudes will be higher than the present subsonic commercial jet airplanes, the SST cabin pressure altitude will be essentially the same as in subsonic jets. Pressurization limits have been validated in physiological studies at the Civil Aeromedical Institute. The cabin pressurization system of the SST is designed with sufficient excess capacity to maintain cabin altitude within these regulations in the event of an emergency situation. The capability of maintaining control of the cabin pressure to assure passenger safety during normal and failure conditions is a prime design requirement of the SST.

Although the temperature on the outside of the airplane will reach 425° F. during supersonic cruise, four independent systems will provide cabin cooling, interskin cooling, and heating. With three of the four units operating, interior temperature can be held as low as 65° F. The probability that all would fail simultaneously is extremely remote; however, if they did, it would take at least 10 minutes for cabin temperature to rise to 110° F. In that time the airplane can safely descend to 8,000 feet where pressurization is no longer required.

Turbine engine design technology is sufficiently advanced so that the SST engines will not produce visible smoke over the complete power range.

The take-off and landing "g" forces will be essentially the same as with today's aircraft. The acceleration during all phases of flight will be gradual and will not be felt by passengers. As the clear air turbulence is less at the SST cruise altitude than at current flight altitudes, the possibility of encountering severe turbulence will be greatly reduced. The SST will have a much greater and safer flexibility or speed spread than a subsonic jet transport. As water routes will be used, the air turbulence associated with mountains will not be a problem. In addition, gust velocities are not as severe at 60,000 to 65,000 feet as they are in lower altitudes.

Cockpit instrumentation and aircraft automatic stability control systems for the SST will represent an appreciable advance in state-of-the-art applications of technology for the purpose of improving ride comfort in turbulence.

The advent of supersonic transport aircraft flying routinely in the stratosphere has raised the question of inadvertent atmospheric modification. However, based on the findings of the National Research Council of the National Academy of Sciences, the worldwide climate will not be affected adversely as the local condensation of vapor from flights, even on crowded routes, will be spread rapidly and will be of no significance. Based on an assumed traffic volume of four flights per day for 400 supersonic transport airplanes, neither water vapor absorption of a long-wave radiation nor additional cloudiness—contrails—will be sufficient to appreciably disturb either stratospheric properties or the large-scale circulations that are influenced by its thermodynamic state.

SST passengers will be subjected to less radiation exposure than their subsonic counterparts due to the difference in exposure time. As a result of the induction system temperatures, the SST's environment will be more free of ozone than today's subsonic jets. Research has proven that the rate of ozone decomposition into oxygen is greatly increased at higher temperatures. Consequently, at the SST induction temperature of 500° F., decomposition is nearly instantaneous.

I feel that the above discussion adequately handles some of the so-called misconceptions surrounding the SST. It is my hope that the great majority of the 50 million Americans who will be taking international flights by 1980 will be riding SST's made in the U.S.A. and that millions of travelers on foreign airlines will also enjoy the superiority of the U.S. SST.

As I mentioned before, it is most important to note that the development of the supersonic transport will significantly improve the balance-of-payments position of the United States and that the Government will recover its investment in this program by the sale of the planes.

I urge that all Members of the House support the decision of President Nixon to enable the United States to maintain her leadership in the field of aviation.

Mr. MINSHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of this appropriations bill, H.R. 14794, for the Department of Transportation in fiscal 1970. Within this bill Congress is providing funding to more effectively combat the growing problems of air traffic congestion and aviation safety. In addition, the Appropriations Committee, on which it is my privilege to serve, has, after extensive hearings, recommended necessary funding for the supersonic transport program to insure the continuing aviation leadership of the United States.

I support these actions. The committee has recommended that the Federal Aviation Administration hire 1,000 more air traffic control operations personnel than the 2,800 budgeted. In addition, the Appropriations Committee has added $90 million to the FAA budget for the facilities and equipment required to help meet the growing air traffic congestion and aviation safety problems. Eventually, such costs will be borne by user charges; but there is urgent need to move ahead and we are asked to provide funding now.

High priority is to be given for the early installation of long-range radar, terminal area radar, communications and new control towers.

Mr. Chairman, there are compelling reasons why the United States must move ahead with the development of supersonic transport aircraft. The age of the supersonic transport aircraft is upon us. It is the next logical step forward in commercial aviation.

The British, French, and Russians already are flight testing their own versions of the SST. While thev still have "bugs" to iron out in their experimental models, these countries will have SST's in service years before an American SST is ready.

The longer we delay, the more SST's will be purchased from the British and the French and the Russians. We have been wrestling for some time with a serious balance-of-payments problem. Aircraft sales are not only a favorable factor in our balance of payments at the present but have great opportunity for export growth.

Testimony before the Subcommittee on Transportation Appropriations underscored the importance of the SST to the balance-of-payments situation. The FAA Administrator, John H. Shaffer, stated:

> Without a U.S. SST in being or on the way, U.S. carriers would probably have to for competitive reasons import about 300 Concordes by 1990, at a cost of 7 billion U.S. dollars flowing out of the country. Offsetting that flow to some degree will be exports of about $1.3 billion in additional subsonic jets that will be sold if a U.S. SST is not available. The difference, combined with the $101.1 billion in gold flow that would otherwise be earned through the sale of U.S. SST's overseas adds up to a possible net loss of $15.8 billion for the United States.

In this bill, nearly $96 million will be provided for the continued development of the SST. This money, along with unobligated appropriations from prior years, will finance the Federal Government's portion of the 1970 costs of construction of two prototype aircraft.

Now the Congress already has appropriated over $623 million on this program. To cancel the program now would be to breach the Government's contract with the manufacturers and cause the loss of all of the $623 million.

However, if we move the program along to completion, the Government will through a royalty payment agreement recoup all of the Federal funds by the time the 300th aircraft is sold.

One of the most important domestic contributions of the SST program is the impact it will have on employment. It will not only mean jobs at Boeing and General Electric, the principal contractors, the work will be spread throughout the country, touching most of the 50 States. At the production stage the program will employ an estimated 50,000 persons directly.

Mr. Chairman, there are those who argue that there are problems connected with the SST. We often hear the arguments of sonic boom, noise, pollution. However, these are problems which must be dealt with through continuing research. Meanwhile, the President and the Department of Transportation have agreed that flights at supersonic speed over the United States will not be permitted as long as the sonic boom is an "unacceptable factor."

Many of the reservations being voiced today about the SST were also uttered 15 years ago when the introduction of commercial jets were being debated.

My colleague from Ohio (Mr. MINSHALL), the distinguished ranking Republican on the subcommittee, put this issue in proper perspective when he stated during the hearings:

> One question that came up earlier was the risk factor involved in this. My only thought was that the Wright Brothers had a risk factor when they took off. If they had stayed on the ground wondering whether or not they would get up in the air, we would still be going around on bicycles.

We must see to it that when the day of extensive supersonic travel arrives, U.S. aircraft lead the way.

On September 23, 1969, President Nixon committed this Nation to proceed with SST prototype construction. The House today must act favorably to provide the necessary funds to fulfill that commitment. To do otherwise would cripple the aircraft manufacturing industry of America and damage severely the economy of our Nation. It also would mean the United States would surrender aviation leadership to the British, French, and Russians.

Mr. MINSHALL. Mr. Chairman, I am glad to yield such time as he may consume to the gentleman from Washington (Mr. HICKS).

Mr. HICKS. Mr. Chairman, I rise in support of the supersonic transport appropriation.

We have heard a lot today, and we will hear more, about the various problems involved with an American SST. These are good, valid points, and we should be worrying about them.

But they are not the point, the one that really counts. For just about all of them apply to the TU–144 being built by the Soviets, and to the British-French Concorde.

We are told that the balance of payments plus which would be enjoyed by airlines buying the American SST would be offset by a balance of payments minus resulting from more Americans traveling and spending abroad in the American-built SST.

Mr. Speaker, more Americans are going to travel abroad by SST and spend abroad whether the American SST is built or not. The TU–144 and the Concorde will carry them if the American SST does not.

We are told that the sonic boom is going to be a problem if the American SST is built. Well, Mr. Speaker, an SST—or, rather, two versions of supersonic transports—are going to be flying into and out of the United States in a short time now, and a Russian-built sonic boom or a British-French-built sonic boom is no different than an American-built boom. We are going to have to face the sonic boom problem. It is with us, American SST or no American SST.

We are told there will be safety problems with the American SST. But this holds true with the other SST's also, and we are better at solving American problems than Russian or British or French problems.

We are told of a wide variety of environmental problems which the SST may cause. I think this danger is vastly overstated but, if such problems are going to develop, they are going to develop whether or not America builds an SST.

We are told also, Mr. Chairman, that there may not be a market for a supersonic plane. Well, I recall some 20 years ago hearing that there might not be a market for commercial jet airplanes, that military application of the jet was the only one that had proven feasible.

Boeing gambled, if that is the term, and developed what became its 700 jet series. And it has sold 2,000 of these planes in what has been called a "questionable" market. Denied Government funds for assistance, Boeing was able to go ahead with development of the subsonic commercial jet.

It is not able to go ahead with SST development, for the simple reason that the cost is too high. The total cost of SST development through prototype construction and test will be approximately twice the net worth of the company. And do not forget that industry will have invested $410 million by that time, too.

Mr. Chairman, there is no question that there will be new problems to solve with the advent of the SST, just as there were new problems with the railroad, the steamship, the airplane, the automobile—presumably, with the advent of the wheel itself.

I had not previously thought that we would be seriously considering backing off from progress just because there were problems.

The point is, Mr. Chairman, that the problems will exist, and surely we will solve them.

The question is whether we solve them to the benefit of the Soviets and Britain and France, or to the benefit of the United States.

And the main issue before us today is, simply, whether we build SST's or buy them. To me, the answer is obvious, we must build an American version of the SST and I urge the House to support the committee in its endeavor to keep this project moving forward.

Mr. MINSHALL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, I rise in support of the bill, H.R. 14794, and commend the very distinguished gentleman from Massachusetts on his extremely able leadership in the field of transportation.

I have heard few reports from a subcommittee as comprehensive as he has made to this committee.

However, I deeply regret that it has been necessary to limit expenditures and authorizations on Forest highways and public lands highway. I may say criticism is not due the subcommittee on this transportation bill. Upon inquiry, I have found that the small amount provided is a result of the administration's order curtailing construction on these highways. This curtailment is a mistake. These are important roads to the development of rural economy as well as in providing access to our forest resources on lands in Government ownership.

In many States the ownership of land by the Federal Government is very substantial. In my State of Washington, almost 30 percent of the land is in public domain. Other States with large Federal ownership are:

	Percent
Alaska	98
Arizona	44
California	44
Colorado	36
Idaho	64
Montana	29
Nevada	86
New Mexico	34
Oklahoma	52
Utah	66
Wyoming	48

The total governmental ownership in all the States is 33.7 percent of the total area. These lands are usually in areas remote from centers of population. As is to be expected, the States give priority to highways which are needed to reduce congestion on existing highways. The needs of the rural areas take second priority. The needs of highways to develop wildland resources usually come last.

The authorizations for forest highways and for public lands highways were devised to relieve this situation. Forest highways are the main trunks into and through the national forests. Public lands highways are highways through unappropriated or unreserved public lands, nontaxable Indian lands, and other Federal reservations.

In the Federal Highways Act of 1968, the Congress wisely authorized $16 million for public lands highways and $30 million for forest highways for fiscal years 1970 and 1971. These are small amounts in relation to the need. For instance, in testimony before Congress, the Chief, Forest Service, has stated that, at the rate of $33 million per year, it would take 100 years to complete the forest highways system. We do not have reliable figures on the total public lands highway needs; however, we do know that the needs are also tremendous. There is no planned public lands highway system such as exists for forest highways; however, these highways are on the planned State systems. The States submit their highest priorities to the Department of Transportation which allots the funds on the basis of highest need. The submissions each year by the States are about 10 times the available authorization. This is an indication of the size of the problem.

The importance of these roads in the overall national interest may be illustrated by a very graphic example. The national forests, public lands, and Indian reservations provide an annual cut of timber approaching 15 billion board feet. About one half of this timber is converted into lumber and plywood for home construction—an amount sufficient to build about 1 million homes.

The cost of lumber is affected in part by the cost of transportation. This cost, for truck hauling is more nearly proportional to time of travel rather than miles traveled. The construction of comparatively high-speed highways to connect to the lower standard resource development roads will greatly cut down this travel time. In the West, timber hauls are sometimes up to 100 miles from forest to mill.

I assume that the amounts included in this bill are the best estimate of cash requirements needed to meet obligations of the curtailed program. It may be too late this fiscal year to prevail on the administration to restore the cuts in apportionment for these highways. However, I do urge that the administration reconsider its ultimatum of killing the public lands and forest highways program.

At this point I would like to relate a small episode. There is an Indian village of Queets in the Far West in my own district. There is also the Indian village of Taholah, at a distance of some 20 miles. At Taholah, the Government has spent a great deal of money for Indian health facilities which should be available to all Indians in that area. However, because the public lands road going from Taholah to Queets has been 8 years in construction—and is not done yet—Indian Health Service people must go at the present time 85 miles to reach Taholah. This is a waste of Government money to ask employees to travel 85 down and 85 miles back to attend the medical needs which are substantial in the area.

These villages are among the highest level of poverty. They need health programs. Taholah has shown a marked decrease in disease since the establishment of their medical facility.

Now, how stupid can we be in refusing to complete a road with funds designated for this very purpose and at the same time have to provide in the budget travel money to travel four times the distance which a little more money on a road could erase?

Does the administration by its policy suggest to us that we should build extensive health facilities in two locations 20 miles apart? If this is so, boondoggling is a gentle word for this kind of activity.

Mr. Chairman, I have had enough of this kind of governmental nonsense. It is high time we worked at commonsense and fiscally responsible Government.

Mr. MINSHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, it is quite apparent that the Appropriations Committee, under the able leadership of its chairman, has done its usual excellent and thorough job.

There is one area, however, on which I want to call the attention of my colleagues. The report expresses approval of the creation of a new Office of the Assistant Secretary for Environment and Urban Studies. The committee felt, however, that the responsibilities of this office were not properly spelled out and withheld the request for additional personnel made by the Department of Transportation.

The role to be played by the Department of Transportation's Office of the Assistant Secretary for Environment and Urban Studies, as it relates to the quality of our environment and the urban problem confronting our Nation, will be significant.

Mr. Chairman, I would, therefore, call to the attention of my colleagues the crisis our Nation faces with environmental and urban problems. I would express the hope that the information relative to the responsibilities of the Office of the Assistant Secretary for Environment and Urban Studies will lead to proper recognition of the important functions it performs. I believe that the Senate, after a full and complete study of the Office of the Assistant Secretary for Environment and Urban Studies, will act favorably on the Department's request for additional personnel.

Mr. BOLAND. Mr. Chairman, I yield the remaining time on our side to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I, too, want to add my tribute to this great subcommittee, to its chairman and to every member of it. I do not know of a subcommittee which has done harder work and has been more open with its colleagues. It is a delight to do business with it.

Mr. Chairman, I want to take my time to point out how the bill before us highlights our national priorities.

Take mass transit. At least 100 million Americans desperately need some better way of getting around our cities than the present air-polluting, fender-crumpling, traffic-jamming, tax-eating internal combustion automobile.

The mass transit research and development advance appropriation request was for $50 million, enough at least to make a start in developing new systems of mass transit that will carry people safely, inexpensively, conveniently, speedily, and without polluting the atmosphere.

Mr. Chairman, the bill before us, as has been remarked earlier, cuts that in two, from $50 to $25 million.

Yet it gives every penny requested, $96 million, to the supersonic transport.

Let us take a look at it. I will stipulate that, if the SST works, it will cut down air travel time between New York and Paris from 5½ to 3 hours. As far as I can see, the principal beneficiaries will be a handful of jetsetters, a gaggle of international playboys, and, if I may coin a phrase, an effete corps of impudent snobs.

Mr. Chairman, it will hurt millions whose peace will be shattered by the noise of the SST and its air pollution.

In the famous suppressed administration ad hoc report on the SST, the Treasury says it will hurt, not help, our balance of payments. The Interior and HEW Departments say it will degrade the environment. The Council of Economic Advisers calls it a financial white elephant.

So, why in heaven's name are we building it, then, and at the taxpayers' expense?

It is said that it will give America prestige. Prestige my eye. Is it prestigious to be fourth on the world scene with a white elephant—after the British and the French and the Russians?

Well, it is said, it will help the SST's prime contractors, General Electric and Boeing Aircraft. They are already receiving billions every year in governmental contracts, and are already second and ninth, respectively, on the list of favored defense contractors. However, they want more.

I have nothing against General Electric or Boeing. In fact I like both very much. But why in the name of commonsense do we not put Boeing to work making a new mass transit vehicle, and GE to work producing a pollution-free engine for it? If we do, mankind all over the world will call us blessed. And America will gain some real prestige.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REUSS. Yes, I am pleased to yield to the gentleman from Illinois.

Mr. YATES. On the question of prestige the Under Secretary of State Alexis Johnson in his report to the ad hoc committee said this:

> One specific aspect of this position in our view is that it would not be proper to base the decision to go ahead with the project on any generalized concept on the enhancement of United States prestige, or the like.

Mr. REUSS. Yes, and one member of the Council of Economic Advisers, Dr. Houthaker, asked what prestige there is in a white elephant.

Mr. BOLAND. Mr. Chairman, I have no further requests for time.

Mr. MINSHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my understanding, if I am correct, we have 4 minutes remaining on this side. I would like to again commend the chairman and all the other subcommittee members for the outstanding manner in which we have conducted the hearings this year. It has been my privilege to serve on this subcommittee for 3 years. I think that in this year's testimony we had more testimony in this 1 year than we have had in the other 2 years combined. We went into all the programs in detail and my colleagues, especially my good friend, the gentleman from Massachusetts (Mr. CONTE), did a lot of research on his own and he is to be commended for that. I also commend him on coming to the decision which he has made.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, when we start to read the bill, I am going to ask unanimous consent that the bill be considered as read and open for amendment at any point. If there is anyone now who would object to that procedure, I will not make the request.

Mr. TUNNEY. Mr. Chairman, this is a time when the country is faced with an urgent need to review its budgetary priorities. On the one hand we must dramatically increase our efforts to control air and water pollution, to increase our stock of available housing, to provide jobs and train those with limited skills, and to attack the problems of the poor and aged who are left behind as inflation gallops along, and medical costs and interest rates soar. On the other hand, we must watch our expenditures closely, to avoid stimulating the same inflation which gnaws away at the quality of the lives of most Americans.

The development of the SST is symbolic of our unwillingness to come to terms with this dilemma. Which expenditures are we watching? We are closely watching expenditures for medical research, water pollution control, and federally assisted housing. We are closing our eyes to massive expenditures for certain defense systems of doubtful effectiveness, for the military support of a regime that is unwilling to make any political sacrifices to gain the loyalty of its own people, and for the SST.

Our priorities are seriously out of balance. We can begin to restore balance to our national goals by deferring the $96 million included in H.R. 14794 for SST prototype development costs, and reassessing our original commitment in light of present national priorities. If industry believes that the SST is commercially feasible, then I think that it should go ahead on its own.

The administration carefully marked down the costs of SST development for the next fiscal year to the point where they appear a bargain. Like the proverbial encyclopedia salesman, however, they will keep coming back, each time asking for a little more: $315 million in fiscal 1971, $189 million in fiscal 1972. By fiscal 1974, we will have spent over $1.2 billion on prototype development alone. As Fortune magazine has stated, the industry will not stop there. It says:

> The manufacturers are hoping for major Government participation through the production phase.

And further:

> If the manufacturers get their way, total Government investment could rise to $4 billion.

I think that we must draw the line now. The time is getting late.

The SST is the only aircraft to be commissioned and directly subsidized by the Federal Government for strictly commercial use. Our initial commitment was made at a time when our defense budget was running at $50 billion, not $80 billion; when cost of living was increasing at a steady 1 percent a year, not a spiraling 6 percent. The combined net worth of the aerospace industry was only about $4 billion. The Federal budget was about one-half what it is today. The recommendation of the Black and Osborne committee to President Kennedy in 1963 stressed that industry could not obtain necessary development capital in the private market. So in 1963 the FAA was given management control of the SST. Congress was promised a definitive financing plan which it finally received in 1967.

By then, times had changed. The aerospace industry had a net income of over $600 million, $240 million above the figure for 1963. The combined net worth of the aerospace industry had increased by $1.6 billion since the earlier period.

I think that if there is in fact demand for the SST, private industry has the capacity to develop the aircraft. Federal subsidies have created an artificial situation where the demand for the aircraft has been ignored. It is a strange twist of the democratic process when the American consumer is told that he must have a supersonic transport plane whether he wants one or not. It is a novel situation where Government administrators decide when a product is going to be placed on the market, without regard for its economic utility, and without consideration for its environmental side effects. We are told that American prestige in world air travel is at stake. This is all too reminiscent of the justification for our escalated involvement in Vietnam. It has become a device for avoiding careful analysis.

How is the average person affected by the development of the SST? The SST is not safer, or more economical, or more comfortable than presently available aircraft. The new jumbo jets will carry as many passengers, at cheaper fares. The SST's will sell for between $40 and $48 million. This places a tremendous burden on capital structure of the airlines. Not only will SST fares be high, but the increased investment will probably inflate costs to the extent that increased fares will be necessary on all routes.

The average American will never fly on an SST. It will be a luxury enjoyed by only 1 percent of the population, who are willing to pay a premium to fly a little faster to Europe or the Far East.

Although the SST, according to the FAA, will not fly over land, there is every reason to expect pressures to permit overland flight. Sweden, Ireland, and West Germany have banned such flights. The FAA refuses to prohibit them categorically. Once it appears that the SST is not economically viable unless overland flights are allowed, I believe that the pressures to permit such flights will be irresistable.

The results will be catastrophic for many of us. There will be ear-shattering sonic booms over a 50-mile swath beneath the aircraft. Experience with Air Force reconnaissance flights have already demonstrated the harmful effects of such sonic booms. Houses quake, windows shatter, and nerves are jarred. I question whether thousands must suffer this, so that a few can travel a few hours faster.

Our transportation needs are more down to earth. We need faster and more convenient ways to reach our airports, we need to improve our airports to provide better air traffic control and greater safety. We need more airports to relieve congestion. We need mass transit systems in many of our major cities.

The technological abilities of the Aerospace Industry apply equally to solving the problems of our cities. There is currently no job shortage in this industry, and SST development is not necessary as a pump-priming technique to generate employment. Problems of absorbing the hard-core unemployed into the economic life of this country are much more pressing. Rather than pursue the goal of developing technology for the sake of technology alone, in the construction of the SST, I urge the Aerospace Industry to turn instead toward using systems techniques for overcoming our urgent urban and environmental problems.

We are moving toward controlling the arms race, a self-defeating cycle which diverts precious resources from crucial national problems. Do we need to embark on a federally funded "air race"? Do we follow Russia, Britain and France on a merry chase to develop technology which has no public acceptance, and no proven utility or economic feasibility? I think not.

This is technocracy with a vengeance. We must shed this bias, and accept the proposition that, in the final analysis, our national pride and prestige do not rest on whether we get to the moon first, or whether we build a plane that flies 400 miles per hour faster than somebody else's plane. It rests instead on the quality of life which we enjoy.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 14794, the Department of Transportation and related agencies appropriation bill for the fiscal year ending June 30, 1970, but in opposition to the appropriation of $95,958,000 for the development of a civil supersonic transport aircraft.

The legislation before the House today contains several important provisions, including the funds to authorize 1,000 new air traffic control personnel above the 2,800 new slots provided for in the budget. I have advocated funds to hire new air controllers for the past several years and this is an important step in easing the hazards produced by air traffic congestion over our Nation's major jetports. Those of us who have read the alarming number of "near misses" over Kennedy Airport commend this provision to our colleagues.

In addition the 1970 appropriation bill for the Department of Transportation and related agencies provides $224 million for equipment and facilities for the Federal Aviation Administration to relieve air congestion and to improve air safety. This represents $90 million more than requested and is a mandate from

Congress to the FAA to step up activities in this area.

It is unfortunate that this bill on the one hand recognizes these urgent priorities in spending to improve the Nation's airways and then proceeds to authorize the expenditure of nearly $96 million to continue the development of a civil supersonic transport. I have opposed this project since it was first proposed and sent to Congress by the last administration. The scientific and technological evidence relating to the control of sonic boom reinforce my opposition to this expenditure.

We are told by Government officials that the SST will only fly supersonically over water and subsonic speeds overland. I have serious reservations about approving an appropriation based on a mere promise that the aircraft will not fly overland until we have perfected the control of sonic boom. I also must challenge the economic justification for building, subsidizing, and fostering the development of a supersonic aircraft which cannot fly overland.

In addition to these reasons the unknown future costs, the lack of evidence of the need to compete with other nations in this field, the potential hazards to health and property from the aircraft, and the need for these funds in other areas are several other grounds for my opposition. I urge my colleagues to support the amendment to strike these funds.

Mr. DELLENBACK. Mr. Chairman, I am deeply and particularly concerned with one aspect of H.R. 14794. That is the amount appropriated for forest highways. In fiscal 1969 the appropriation for forest highways was $29,000,000. The estimate for 1970 was $30 million. However, only $18,000,000 is provided for in this bill, a $12 million reduction below the 1970 estimate.

This is the wrong place to cut funds. These moneys are used to construct and improve main highways within or adjacent to national forests. Their development is essential to the forest products industry. This system is approximately 25,600 miles in total length and is of great value and benefit to all Federal land resource users. They move people and commodities to and from our national forests, an absolutely vital function.

In the State of Oregon, where the Federal Government owns 52 percent of the land, much of which lies within national forests, this forest highway system represents a most critical communications link for the peoples' use. Much more than has been done with this system needs to be done. Instead of reducing this appropriation we should be increasing it.

I sincerely hope that the other body increases the amount to be appropriated for this purpose so that necessary development of this most critical forest highways program will not be slowed.

Mr. TIERNAN. Mr. Chairman, I want to go on record opposed to spending $96 million for the SST plane at a time when the Nation is committed to cutting back and fighting inflation.

How can we justify an outlay this large for machinery research and production when we say we must cut the budget in the area of antipoverty, crime prevention, and pollution control?

We should also question whether our Government should get involved in a project which is basically commercial and should be left to private enterprise.

As the ad hoc committee has pointed out, the military weapons systems advancement will not be aided by the SST program. We cannot justify the outlay on these grounds.

I do not believe that 1969–70 is the time to go ahead with this expensive project. The economy dictates frugality. The problems of the Nation dictate a reconsideration of priorities. And most of all, the SST project itself demands further study to insure against increased environmental pollution, noise, and other hazards to passengers and crew.

Mr. BROTZMAN. Mr. Chairman, it is my opinion that H.R. 14794 is generally sound, insofar as its responsiveness to the Nation's fiscal problems is concerned.

In other words, viewing H.R. 14794 from the standpoint of its total impact on the Federal budget, it is quite satisfactory inasmuch as it provides for a funding growth for the Department of Transportation which is consonant with the rate of growth of our national revenues.

I would particularly commend the Committee on Appropriations for including in this bill two major items which are intended to alleviate our growing air traffic crisis.

The first item is addition of 1,000 air traffic control personnel above the 2,800 specified in the budget. The shortage of personnel in the centers which literally hold the lives of thousands of commercial, general and private aviation travelers in their hands has become a national shame, and this legislation will be extremely meaningful both in making the skies safer and in relieving current air traffic controllers of intolerable work overloads.

The second item is the addition of $90 million more than the $134 million originally budgeted for equipment and facilities for the FAA. This too, will be an important gain in the area of air safety.

I noted that among the new facilities will be 54 control towers, two of which are located at relatively small Colorado airports which sorely need positive control to handle an increasing traffic pattern. I am very familiar with both of these facilities—the Arapahoe County Airport, which is located in my district, and the Aspen Airport, located in the western portion of Colorado—and I can assure my colleagues that the money spent will pay dividends in flight safety.

There are two aspects about H.R. 14794 which, in my opinion, should be modified because they run counter to our national priorities.

First, I feel that our Nation is years behind schedule in the development and deployment of mass urban transportation systems. This is a situation which cannot help but detract from the quality of life, not only in the inner city but for those in the suburbs as well. Many authorities believe that immobility is a prime factor in the sociological ills which plague our lower- and middle-income families, and from my personal observations I believe this theory to be correct.

Thus, I view it as unfortunate that H.R. 14794 reduces by $4 million the requested appropriation for high-speed ground transportation research and development; by $12 million the request for transportation planning, research, and development; and by $30 million the hoped-for research and technical studies for the Urban Mass Transportation Administration.

On the other hand, the bill provides $95.9 million for continued development of a supersonic transport aircraft. While I do not quarrel with the expenditure of some funds for SST technology, I definitely believe that proceeding headlong with deployment of SST aircraft is unwise. For one thing, it is becoming increasingly clear that until and unless some startling breakthroughs are achieved in the sonic boom problem, this system will be extremely limited in its applications and thus will benefit a minuscule of our population. For another, I cannot believe that, considering the strained condition of our budget, deployment of SST to the airlines is more important than deployment of decent mass urban transportation systems.

I hope my colleagues will note that adequate funding for ground systems would cost less than half of the proposed fiscal year 1970 appropriation for the SST.

Mr. ROTH. Mr. Chairman, I am opposed to the spending of Federal funds for the development of a supersonic transport. My opposition is not based on lack of concern for the position of the United States in world aviation. My opposition is not based on a lack of sensitivity to the impact on our balance-of-payments problem if other nations take over the supersonic transport field.

I am opposed to Government funding of this program principally for three reasons.

First, I think the current financial crisis demands that we hold down Government spending whenever and wherever possible, and I personally do not consider spending the taxpayer's dollar to insure a 2½-hour flight time to Paris a matter of top priority.

Second, I think the basic burden of financing the program should fall upon private enterprise itself. It may be possible, as some of my colleagues have suggested, that an SST authority could float bonds through regular channels, and the Government might guarantee the principal and interest; other forms of indirect assistance might also be considered.

Third, to the extent that Federal funds are available for mass transportation, I believe we should direct our efforts toward improving transit between and within our cities. Our airways and highways are already overburdened; Government funds must be aimed at easing—not complicating—the problems of congestion.

I want to be clear on this point: I do believe development of a supersonic transport might be desirable. I do not believe, however, that it is desirable for the Federal Government to provide an estimated additional $602 million to complete development and testing of the supersonic transport.

Mr. McCARTHY. Mr. Chairman, as many of my colleagues know, I have often commented on those aspects of the Department of Transportation's programs that I believe can be improved. I have been concerned about the highway beautification program, aircraft noise, the transportation of hazardous materials, to name only a few. In those cases where I disagreed with the course of action recommended, I have made my views known.

Today, I would like to add my voice in support of an activity being carried out by Secretary Volpe and the Department of Transportation. Early in his administration, Secretary Volpe created an Office of the Assistant Secretary for Environment and Urban Systems. This Office has the responsibility for seeing that our transportation systems are planned and constructed in a manner that is most beneficial to the environment. For example, highways and airports are not to be built in a manner that degrades the surrounding areas. Whether it be noise pollution, scenic beauty, protection of parks and wildlife areas, this Office has the responsibility of insuring that Federal programs protect rather than destroy.

The task of those in the Office of the Assistant Secretary for Environment and Urban Systems is not an easy one. The need for transportation often comes in conflict with other values, values that are not as well represented when decisions on highway routes, new aircraft developments are made. A strong voice for the environment is needed at these policy councils. It is the job of those in this office to inform Secretary Volpe of the environmental considerations involved in transportation programs.

Fortunately, Secretary Volpe has chosen an individual who is well qualified to head this office. Assistant Secretary J. D. Braman, former mayor of Seattle, Wash., has carried out his responsibilities with vigor and foresight. The rerouting of the New Orleans Expressway around the Vieux Carre, one of the oldest historic areas in the country, is an example of his activity. Those of us concerned about the impact of our interstate highway system on our cities are watching with keen interest on the decisions made by the Department of Transportation on similar problems throughout the Nation.

I am concerned, however, that the Appropriations Subcommittee report fails to recognize the need for an expanded effort in this area. This office is called on to meet with many different advisory bodies that deal with parks, highways, and all the other aspects of the environment that impinge on transportation. These coordinating efforts are central to the question of whether we can build a better America, a nation that is both convenient and yet attractive to the eye. The quality of American life is inextricably mixed with the decisions that we make on transportation. The environment should not be shortchanged when we make these decisions. I urge, therefore, that the committee report recommendation limiting the staff of this office be considered as advisory only and that as the needs develop, additional personnel will be added. This is a small price to pay for what they can add to our transportation programs.

I am inserting in the RECORD for the information of my colleagues a list of the assigned responsibilities of the Office of the Assistant Secretary for Environment and Urban Systems. I also include an article by Secretary J. D. Braman on the functions of his office:

ASSIGNED RESPONSIBILITIES, OFFICE OF THE ASSISTANT SECRETARY FOR ENVIRONMENT AND URBAN SYSTEMS, DEPARTMENT OF TRANSPORTATION

A. STAFFING PRESIDENTIAL AND SECRETARIAL COMMITTEES—ACTION OFFICE FOR ALL DOT STAFFING

1. *Urban Affairs Council* (Presidential):

Subcommittee on Urban Transportation (Secretary Volpe is Chairman).

Subcommittee on Model Cities (Secretary Volpe is Member).

Subcommittee on Land Use and Development (New Towns) (Secretary Volpe is Chairman).

Subcommittee on Minority Business Enterprise (Assistant Secretary Braman is Chairman).

2. *Environmental Quality Council* (Presidential):

Subcommittee on Automotive Pollution (Secretary Volpe is Chairman).

Committee on Handling, Transportation and Disposal of Toxic Materials (Assistant Secretary Braman is Chairman of Steering Committee).

3. *Urban Transportation Advisory Council* (Secretarial): Action office for staffing and program.

4. *Office of Intergovernmental Relations* (Vice Presidential): Staff.

B. STAFFING AGENCY COMMITTEES AND TASK FORCES—ACTION OFFICE FOR ALL DOT STAFFING

1. Model Cities: DOT Steering Committee (Assistant Secretary Braman is Chairman).

HUD Coordination on Transportation Components of All Model Cities Programs (Action Office).

Under Secretaries Working Group on Model Cities (DOT Representative).

2. Federal Task Force on Alaskan Development (Assistant Secretary Braman is permanent DOT Representative).

3. Advisory Council on Historic Preservation (Assistant Secretary Braman is DOT Representative).

4. Joint Interior-DOT Task Force on Miami Jetport (Assistant Secretary Braman represents DOT).

5. Migratory Bird Conservation Commission (Assistant Secretary Braman represents Secretary).

6. Interagency Committee on Disposal of Chemical Munitions (Assistant Secretary Braman represents DOT on Committee with HEW and DOD).

7. Cabinet Committee on Voluntary Action (Assistant Secretary Braman is DOT Representative).

8. Commission on Pesticides (DOT Action Office).

9. Planning Assistance and Coordinating Committee (DOT Representative).

C. DIRECTING DOT PROGRAMS FOR SECRETARY VOLPE

1. Section 4(f) of DOT Act—Delegated statutory responsibility for evaluation of and recommendation on *every* proposed transportation project likely to traverse parkland (Action office to work with HUD, Interior and Agriculture on all § 4(f) cases.

2. Section 134 of 1962 Highway Act—Directing Departmental evaluation of urban transportation planning process required by 1962 Act and aimed at new urban transportation planning guidelines.

3. Implementation of National Trail Systems Act (Action Office for work with Interior).

4. National Historic Preservation Act, Section 106 (DOT Action Office).

5. Special User Problems: Transportation of the Handicapped (DOT Action Office to prepare program).

6. Urban Corridor Demonstration Program (Directing Office for joint highway-mass transportation program to reduce congestion in 10-12 urban corridors).

APPLYING ENLIGHTENMENT TO TRANSPORTATION GOALS

(By J. D. Braman, Assistant Secretary for Environment and Urban Systems)

(EDITOR'S NOTE.—*As part of* FAA Horizons' *recent series on model agencies within the Department of Transportation, the following article discusses the work being accomplished by the Office of Environment and Urban Systems.*)

All around our country, transportation developments have become the vital concern of groups and ordinary citizens.

In San Antonio and Memphis, factions are at odds on the issue of parks over highways or highways over parks. In other cities, citizens are divided on the matter of subways versus highways versus keeping old neighborhoods intact. In New Jersey, the debate centers on whether to locate an airport in a vast expanse of land, accessible to New York and its critical need for new airport facilities—but a conservationist's treasure, a wildlife refuge.

Governors, municipal authorities and groups of concerned citizens throughout the nation are seeking solutions to such problems as air pollution, noise, traffic congestion and casualties, abandoned autos, freeway revolts, crowded airports, disrupted neighborhoods and land use without adequate planning for life's intangible and tangible values.

To apply policies, programs and resources of the DOT to public and private efforts to solve these problems, Secretary Volpe created the Office of Environment and Urban Systems.

The primary mission of this office is to provide a bridge between purely transportation objectives and the broader and more fundamental social, economic and environmental goals of the nation and the individual communities making up our 50 states.

In Florida, for example, Secretary Volpe is particularly concerned and has asked us to advise him about the full ecological impact of a proposed international jetport near the Everglades National Park. In New Orleans, he wanted to know whether modern technology and traffic should be allowed to impinge on the historic French Quarter. We advised against the use of Federal funds to build a freeway and the project was halted.

OPEN LAND SHORTAGE

In most cities we no longer have all the open land we need to do all the things that need doing. Something has to give. An established urban park is one of the last pieces of land to be taken for any purpose and we must explore all alternatives and avoid such action wherever possible. One of the jobs of the Office of Environment and Urban Systems is to develop policies, criteria and methodology to insure full consideration of nonquantitative values—for example, the value of a park as a park. Resolving such conflicts during the earliest planning stages of a transportation project is less expensive and less divisive within the community than last-minute confrontations.

In addition to our concern for an improved environment, we have major responsibility for coordinating the resources of the Department to achieve balanced, intermodal urban transportation systems. With the growing demands upon the tax dollar and on land use, transportation improvements must complement, rather than compete with, each other.

In analyzing specific transportation problems, we work closely with teams of specialists, planners economists, systems analysts and engineers from the secretarial staffs and operating administrations. In this way, programs and funding can be inter-related throughout the planning stages to increase transportation's effectiveness and decrease its costs.

At Secretary Volpe's request, my office serves as prime coordinator on the Model Cities Program, consolidating Departmental positions, channeling working relations with the Department of Housing and Urban Development, and coordinating the commitment of Departmental resources to specific model cities.

WORK WITH LOCAL GOVERNMENTS

We work closely with state and local governments and civic and business groups to check the urban and environmental impact of Federal transportation policies and activities in individual communities. This continuing contact is useful to us in developing new programs for helping the cities, suggesting improvements in on-going programs of our operating administrations and supporting our overall goal of promoting environmental quality in American life.

My staff and I work closely with operating administration officials to support the Secretary in his role on the important new councils established by the President—the Urban Affairs Council and the Environmental Quality Council. Responsibilities which flow from these assignments and which necessitate a teamwork approach on the part of the modal administration and this office include urban transportation policy, land use and new towns, model cities, minority business enterprises, automotive pollution and transportation of toxic materials. We represent the Department on the Federal Task Force on Alaskan Development and work with a variety of other public and private agencies concerned with urban problems and the environment and transportation's impact.

Secretary Volpe has stated "so many of our national problems these days are centered in our urban areas, and so many of our other problems revolve around the way we treat the world in which we live." The implication of such problems for transportation today and in the future is the daily concern of this office and provides a constant challenge to all of us.

Mr. PODELL. Mr. Chairman, we have before us an appropriations bill which contains an additional $95.9 million in Federal subsidies for development of an SST while funds for mass urban transit have been cut in half by the Appropriations Committee.

In recent months, evidence has mounted showing that the SST is questioned by the very segment of American business who supposedly support and would benefit by its creation. A Cabinet task force warned early this year that the SST may produce serious balance-of-payments problems, unacceptable noise levels, and environmental pollution. Its report also stated that the plane would contribute relatively little to employment, technological advancement, or America's international prestige.

Some major air carriers have substantial misgivings about the SST. General Quesada, former FAA head and member of the board of American Airlines, voiced doubts to the task force.

What is most tragic is that no really viable defense can be made for the SST. Some of the objections shall be repleted herein.

Admittedly, the sonic boom has not been cured, and the sole answer of proponents to this problem is that the plane will not be flown overland at supersonic speed. Needless to say, this does not make sense, as even at subsonic speeds the current noise level of the SST is equivalent to ten 707 engines revving simultaneously.

The major objection, however, is the use of Federal funds in an enterprise, risky at the very best, at a time when $30 million in research and technical studies for urban mass transit is deleted from the appropriation bill. To me there is a greater need for expenditure of our resources in that area than for the development of a supersonic transport plane.

I live but 15 miles from Kennedy Airport. Of what value is it to me to go from Kennedy to London in 2 hours when it sometimes takes me 2 hours to go from my home to Kennedy Airport? Of what further value is it to arrive at Kennedy Airport in 2 hours of flight time and then circle the airport for 2 additional hours because there is an utter lack of airport facilities in the great urban centers of our country?

I do not oppose the SST as an instrument of the future, but I do think that as a question of priority we must devote ourselves to urban mass transit and that private industry should continue in their efforts to develop the SST.

I might indicate at this point that in the early 1950's the jet plane industry sought Government assistance and was turned down. Private enterprise was not discouraged; and as a result, the American aerospace industry is preeminent in the world.

In the future, of course, men will travel supersonically. The vast resources of private enterprise will make this the accomplished fact. The Federal Government has more important things to do.

Mr. OTTINGER. Mr. Chairman, the Transportation Department appropriation bill before us represents a gross distortion of our national priorities. I am opposing the bill as a whole for the first time today in protest against these distortions, and despite the fact that there are many provisions in the bill that I warmly support, particularly the increases mandated by the committee for air traffic safety equipment.

Overall, however, the bill cuts in the areas of most vital national need, while committing Congress irrevocably to a huge subsidy for the civilian supersonic transport plane. This misplaced emphasis just cannot be tolerated.

Mass urban transportation to assist with subways, commuter trains, and bus service to get people to and from jobs in our metropolitan areas is the No. 1 transportation need of the Nation. Yet, the Mass Transportation Fund appropriation was cut $30 million, the research funds were cut in half, and the salaries for the Mass Transportation Administration were cut by $500,000.

Highway safety is another of our most crucial programs. Highway mayhem is the No. 1 killer in the United States today, taking many more lives than the Vietnam war. Yet the overall highway safety program appropriations were more than halved, a reduction that will seriously cripple the operation of the State and Federal highway safety programs.

Funds for the Bureau of Railroad Safety were cut by $400,000 in the face of an unprecedented rash of railway accidents that have cost millions of dollars in damage to property and resulted in many deaths and injuries. Our Nation's tracks are in deplorable shape, endangering not only passengers but every community served by the railroads. The transportation of dangerous cargoes over inadequately maintained tracks poses an ever-increasing hazard for which more, rather than less, supervision is required.

The National Transportation Safety Board which investigates public carrier accidents and recommends remedial action was cut $100,000, representing denial of badly needed additional personnel, in the face of sharp increases in both rail and air accidents.

Contrasted to these cuts in areas of vital national concern, the $96 million appropriated to finance a civilian supersonic transport as a part of a program that eventually will cost the Government billions of dollars seems ludicrous. The worst aspect is that the $96 million in this bill is not just for research and development. It commits the Government to proceed with the building of prototypes and to the huge eventual Federal subsidy. If the project were economically viable, the air industry would certainly have financed it. The Government should not gamble billions on a project industry has found too unsound to finance itself. This kind of special-interest subsidy in the name of national pride certainly must be the lowest of priorities; certainly that is so next to programs like highway safety that can save thousands of lives and the mass transportation programs that can mean getting people off relief rolls and onto payrolls.

To commit the country to finance supersonic air transportation for the benefit of less than one-tenth of 1 percent of the population while cutting transportation programs which affect the jobs and safety of the large majority of Americans just makes no sense.

I, therefore, feel I have no alternative but to oppose the bill.

Mr. ULLMAN. Mr. Chairman, I am deeply concerned over the sections of this bill that cut deeply into funds for forest highways and public lands highways. While the significance of these reductions may not be apparent to my colleagues from States with little or no public lands and national forests, it represents a serious oversight of the needs of those States with a major share of their lands in Federal ownership.

The fiscal year 1970 budget estimate for national forest highway construction was $30 million. This request was grossly inadequate compared to the need. In spite of the paucity of the request, this bill would provide an appropriation of only $18 million. The estimate for public lands roads was $12 million, woefully inadequate for the need. This figure has been reduced to $7 million for fiscal year 1970.

I want to state that I do not consider funds for these purposes to be a contribution of any kind. The Federal Government has a definite responsibility to finance the construction of highways that traverse vast acreages of Federal land. In a State such as Oregon, with over 52 percent of total acreage in Federal ownership, and therefore off the tax rolls, there is an acute awareness that this responsibility has not been met in the past. Under the provisions of this appropriation bill, we see a further erosion that will surely result in delay and cancellation of this vital portion of the State's highway construction program in areas that are already long overdue for action.

I regret that the Appropriation Committee has recommended these reductions. I have noted that the reason given is President Nixon's cutback in Federal construction expenditures as an anti-inflationary fiscal measure. I can assure the President, and you, my colleagues, that the administration's policies in this regard and the tight money policy that has crippled the Nation's housing industry have already taken a serious toll in the State of Oregon. This is a clear case of fiscal overkill that I hope will be remedied before this bill is finally enacted.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 14794, the Department of Transportation and related agencies appropriations bill. The work of the Subcommittee on Transportation, ably chaired by the gentleman from Massachusetts (Mr. BOLAND) is to be commended for their excellent and timely work on this bill.

This bill, as reported from committee is $158.2 million less than the administration request. The total for the entire bill is $6.61 billion which is $596.4 million over the fiscal year 1969 appropriations.

Both the subcommittee and the full committee have moved in this measure to alleviate some of the problems of air traffic congestion. This bill provides for an additional 1,000 air traffic controllers over what the budget request would have provided. In addition, the subcommittee provided $90,000,000 more for the en route automation equipment for air traffic control centers. These two constructive steps seem to me to enhance the possibility of having a safer air transportation system. The $90 million increase, coupled with the $134 million requested, will be used for long range radar, terminal area radar, communications and new control towers. All of these items are vitally necessary if air transportation is to remain safe.

The $135 million cut in various highway programs represents the committee effort to aid the President in his announcement that he desires a 75-percent cutback in federally financed projects. Although I see the need to cut back on Federal expenditures, I am not sure if this meat-ax approach is the wisest method of economizing. I support this bill, however, and I hope that the administration will utilize this cut by making discriminating choices in the projects to be financed, rather than applying it across the board, not taking into account important situational factors.

Mr. Chairman, I must admit that I was a little concerned over the decrease in expenditures for planning, research, and development in the Office of the Secretary of Transportation, minus $12 million; Urban Mass Transportation, minus $30 million; and, High-Speed Ground Transportation, minus $4 million. These programs seem to provide the future directions for our mass transit needs. I am partially reassured by the subcommittee's report that much of these funds would be used for duplication of existing work. If this is the case, the cuts are more than justified. I am especially taken with the argument that the Urban Mass Transportation Administration should move from research and demonstration areas and technical studies to more action oriented programs. The need and pressures for mass transit are apparent. It seems to me that plans should now move into an implementation stage. I know that Bay Area Transit in my own area holds much promise for alleviating some of our transportation needs. This type of project seems to be the sort of project that should receive not only operational planning assistance, but also support from construction funds and thus be exempted from the 75-percent cutback.

There is one item in this bill which I find very objectionable. That is the provision of Federal tax dollars for the construction of the SST. It is my opinion that this project is one that should be funded by private investment. I realize that many Members in good faith feel the need for this Federal assistance for the SST. I do not share this view. It seems to me that our national priorities dictate that SST funding should be a private effort. Based on the available evidence, I am not convinced that the social priorities in this country, external balance-of-payments arguments for SST, or the environmental problems that are associated with the SST permit me to support the $96 million in new funds requested.

Mr. Chairman, with these few exceptions, I feel that H.R. 14794 is on balance a good bill and I urge my colleagues to support it.

Mr. HECHLER of West Virginia. Mr. Chairman, this appropriation bill includes badly needed funds for the Federal Aviation Administration. There have been occasions in past years when the amount of funds appropriated for the construction of airports has fallen far short of the Nation's needs. In fact, on several occasions in past years I have called attention to and made attempts on the floor to increase the amounts made available for Federal aid to airports funds, at least to equal the amounts requested by the President and included in the budget. These attempts have failed, and the Appropriations Committee has confidently predicted that more funds were not needed. Unfortunately, this has not proven to be the case, as our airport crisis throughout the Nation has deepened until it has fast developed toward becoming a catastrophe.

THE GAP BETWEEN FUNDS AND NEEDS

For the fiscal year 1970, only $30 million was made available to meet the rising needs of the Nation for airport aid. This figure contrasts with the $70 million made available last year when the needs were not as great. The explanation has been made that only $30 million is needed because Congress is considering and will shortly enact the commendable plan to finance new airport construction through a trust fund derived from user charges on such items as aviation fuel and passenger ticket taxes. The trust fund concept, as embodied in legislation which I enthusiastically supported and which was passed by the House of Representatives on November 6, when it takes hold will certainly help break the airport bottleneck. Yet the widening gap between available funds and national needs has been dramatically highlighted on page 52 of the hearings.

But what about the hiatus between now and the passage and funding of this legislation? How long will it take before the trust fund is funded and in operation? I consulted with Mr. Edward Stimpson of the Federal Aviation Administration, and he assured me that he did not feel that this hiatus would cause any particular problems for the Federal Aviation Administration in its future funding for new airports. In fact, Mr. Stimpson expressed confidence that by next summer funds would be available for distribution under the new law. I informed Mr. Stimpson that I felt his schedule was over-optimistic, and that the administration should take some steps to insure earlier airport construction funding to cover the gap between the drying up of Federal aid to airport funds and the availability of funding under the new user charge-trust fund principle. Only time will tell whether the loss of funding during the upcoming construction season will once again deal a severe blow to the future development of desperately-needed airports throughout the Nation. I hope I am wrong in my pessimistic prediction.

MIDWAY AIRPORT DECISION

Meanwhile, it becomes more apparent every day that the Federal Aviation Administration made a wise decision when the FAA declared on May 15, 1967, that it "believes that the long-range airport requirements of the people of southern West Virginia are best met, and the public interest best served by the least-cost development of a midway regional airport" to serve Charleston and Huntington, W. Va.—the two largest cities of West Virginia, located only 50 miles apart and joined by an interstate highway.

Hundreds of experienced pilots, private and commercial, who have landed at these mountain-top airports, have commented on the far superior safety factors which a regional, midway airport would provide. The Air Line Pilots Association and the pilots who have flown into West Virginia have repeatedly pointed out the particular threats to safety at the Kanawha Airport in Charleston, W. Va. Members of the House Interstate and Foreign Commerce Committee, speaking as individuals, have called attention to the dangerous nature of this airport. Recently, plans were developed to lengthen the runway from 5,600 to 6,300 feet at Kanawha Airport and make other improvements. The Air Line Pilots Association, in reviewing these improvements, terms them commendable, but only "temporary" in nature. A clear-cut recommendation is made to go ahead with the planning and construction of the long-delayed Midway Airport.

TEXTS OF LETTERS FROM AIRLINE PILOTS

The full texts of the letters from Capt. Joseph W. Meeks, chairman of the Air Line Pilots Association Airport Evaluation Committee, include telling evidence that we must get on with the job of building this vital facility midway between Charleston and Huntington, W. Va.:

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., November 11, 1969.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HECHLER: I must apologize for being so late in answering your letter of October 13. Your letter arrived while I was away on vacation and my wife suffered a heart attack on our return.

Thank you for your kind words about the Airport article in the National Observer. I do not recall discussing the actual length of the runway at the Kanawha Airport with the author. I believe the figures used were his.

ALPA does not agree that the improvements at Kanawha Airport would alleviate our objections to this field. The improvements now underway at Kanawha will help to some extent, the unsafe situation that exists at this airport. However, they should be considered an effort to satisfy the needs on a temporary basis until a new airport can be constructed. We think everyone connected with this effort should be complimented, but do strongly urge that the new Midway Airport be developed with great speed.

There are many problems that cannot be overcome at the present Kanawha Airport site. To name a few, the geographical location of the airport to the northeast of the industrial section keeps it continually in smoke and haze; the proximity to the Kanawha and Elk Rivers plus the valley around it develops a great deal of ground fog that envelopes the airport. It has no capabilities of being enlarged to accommodate the larger and newer jet aircraft; it can certainly never have adequate overrun and underrun areas; the terrain presents a terrific problem on approach both from an optical standpoint and physically flying of the airplane, and there is no possible way to achieve lower landing minimums.

The construction of a new airport at the proposed Midway site would solve these problems and give the traveling public a safer and more dependable transportation.

Thank you very much for your continued efforts to promote safer air travel. Please feel free to call on me at any time I can be of help in your efforts.

Sincerely yours,
JOSEPH W. MEEK,
Chairman, ALPA Airport Evaluation Committee.

AIR LINE PILOTS ASSOCIATION,
Washington, D.C. November 11, 1969.

Mr. MICHAEL J. RUSSELL,
Kanawha Ccunty Planning and Zoning Commission, Charleston, W. Va.

DEAR MR. RUSSELL: I must apologize for being so late in answering your letter of September 17. This letter was forwarded to me while I was away on vacation, and, upon my return, my wife suffered a heart attack which disrupted my schedule.

First, I must state that ALPA did not list Kanawha Airport as one of the ten most dangerous in the United States. This came from an article in the *National Observer* by Mr. Peter Chew from an interview with me. The airports used in this article were merely examples of unsafe situations that exist at airports. When the wire service picked this article up, they did show it as an ALPA list of the ten most unsafe airports.

At the present time, we are attempting to survey all airports served by scheduled airlines for unsafe conditions. As you can well imagine, this is time-consuming effort and nowhere completion.

The extension of the runway to 6,300 and the other work to improve Kanawha Airport is a commendable project. This work is probably the best that could be done with the present physical location. This should be considered as money and effort will spent to satisfy the needs of safety and efficiency on a temporary basis.

There are many problems that cannot be overcome at the present Kanawha site. To name a few, the geographical location of the airport to the northeast of the industrial section keeps it continually in smoke and haze; the proximity of Kanawha to the Kanawha and Elk Rivers plus the valley around it develops a great deal of ground fog that envelopes the airports; it has no capability of being enlarged to accommodate the larger and newer jet aircraft; it can certainly never have adequate overrun and underrun areas; the terrain presents a terrific problem on approach both from an optical standpoint and physically flying of the airplane, and there is no possibility of achieving lower landing minimums.

As most forward-thinking officials involved in airport planning know, the sooner a site is selected and purchased for airport use, the cheaper will be the cost. Land prices have a way of increasing as time goes on; they do not come down. The growth of any community must be closely associated with the development of air traffic capability. Since air traffic must involve larger and larger aircraft, the development of a newer and larger airport must be faced and accomplished as soon as possible. If this is not faced now, the problem will become more acute in the future as other communities with adequate air service get the new manufacturing plants and other businesses that need good air service.

We therefore urge the construction of a new airport at the Midway site.

I am sending you under separate cover a copy of "ALPA Guide for Airport Standards."

If we can be of any assistance, please feel free to call on us.

Sincerely yours,
JOE W. MEEK,
Chairman, ALPA Airport Committee.

Mr. BROWN of California. Mr. Chairman, matched against other large Government spending programs, the $6.6 billion for transportation under consideration today is not a huge amount. Nevertheless, I think its represents a distortion of national priorities.

The priority argument can be carried on at two levels. First, placing this bill within the broad scheme of national needs, I am upset when I see funds allocated for such marginal projects as the supersonic transport and additional superhighways at the same time that so little is spent for crucial programs in medical research and family planning, just to name two areas which have undergone substantial budget slashes or underfunding in current years.

But, beyond that rhetorical argument, I see major flaws within the overall direction of transportation policy.

And while I support policies leading to the most modern, efficient, and economical transportation systems this Nation can afford, it appears to me that in this bill we continue causing problems instead of solving them.

The highway program is a good example. Certainly the surface costs of the highway program are but a sliver of the total costs imposed by our continuing efforts to asphalt the Nation.

After much experience in this area over the past 15 years in public office, I am almost sure that there exists a perverse relationship between highways and cars, and that cars expand—in some Parkinsonian manner—to meet the amount of highway space available, and not the other way around.

Thus, the more highways we build, the more congestion we seem to end up with. Yes, even more important, the more highways we make, the more intense are our environmental problems—problems ranging from that of ever increasing smog levels to those of severe ecological imbalances and the visual ugliness created by the accumulations of scrapped vehicles and parts.

Then, too, we must remember that the costs of each new mile of highway must be counted in terms of so much less in funds allocated to important alternative transportation modes—and more specifically, urban mass transit programs and mass transit research.

Until today, I have always supported the highway program. Now I find that the mounting problems resulting from our extreme overemphasis on highway construction are too large to warrant my continued backing. Balance must be established between highways and alternative mass transit systems, and that balance is lacking in this bill.

Of course when we deal with priorities, immediately we come across the supersonic transport, and in my opinion, hardly any other nonmilitary spending program has so little to recommend it.

Economic analysis repeatedly shows that the SST figures to be a negative investment—unless the Government allows it to have land flyovers. But its unacceptable sonic boom renders the plane unfit for overland travel. However, if we allow the SST to be built, and it begins to lose lots of money, when the pressure begins to be applied to permit overland flights, it is not hard to guess who will prevail in the struggle between the industry lobbies and the public interest.

Then there are the billions of dollars, ones uncounted in mere construction analyses of SST costs, which will arise in order to provide adequate ground facilities to handle these monster jets.

Go right on down the list of controversial facets of the SST, as I have, and each time the benefits accruing from continued tax dollar investment in this project come out zero or negative. Yet the Government proposes spending over $95 million for fiscal 1970, and I foresee total costs for the entire SST program topping well over the current projected level of $1.3 billion.

National priorities are not served by this bill. The highway program and the SST are but two examples of programs which make this legislation unacceptable to me. I support the attempts by my colleagues from Illinois (Mr. YATES) and New York (Mr. KOCH) to bring about a more rational allocation of transportation funds.

Without the Yates and Koch amendments, I find that I have no other choice but to vote against this appropriation package.

Mr. ZWACH. Mr. Chairman, immediately after President Nixon announced his approval of funds for continuing the development of the supersonic transport plane—SST—I issued a news release expressing my opposition to this decision.

While I am not against progress or industrial growth, I do believe the time has come for the Congress of the United States to take a good, hard look at the Nation's priorities. Today, our country faces a multitude of problems which are yet to be solved: Air and water pollution, education, housing, health, highways, and job development. In aviation, there is a dire need to straighten out the chaotic conditions in air traffic control before our domestic air travel becomes paralyzed.

Constantly, Mr. Chairman, I receive letters from my constituents advising me that a program of one type or another has been curtailed or canceled because of a lack of funds, programs which are doing a good job not only for their communities but for their State and Nation. Foster grandparents program in my district has been affected. Cities and citizens want to clean up their rivers and lakes but are unable to get full assistance.

Housing, which is a problem not only in urban America but also a tremendous problem in rural America, is in dire need of additional funding. Certainly the more than 4 million substandard homes in rural America must be improved. Granted we voted additional funds to begin to handle this problem, but is it enough? Would it not be to the benefit of all America to improve our homes throughout the Nation? Is it not time to return to the people, who have worked many long, hard hours to pay their taxes, some sign that we are responsive to their needs—that we realize we owe them a commitment to make life a little bit better by solving or working to solve the problems of our Nation?

Mr. Chairman, I believe there is a need for improvement in our transportation system, both land and air. But it is my belief that these improvements should be made by industry itself. Were the Wright Brothers subsidized? Was Whitney when he worked on the cotton gin? No, they were not. If we did not have a problem of crowded cities, if we did not have the problem of air and water pollution, if there was not an immediate need to rebuild countryside America, if we had solved the problem of cancer, then, yes, I would be in favor of appropriating $96 million for further development on the SST. But we have not solved these problems, and certainly the need to is greater than the SST. I cannot condone this action.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; $11,500,000.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics; $8,000,000, of which $400,000 shall be available only for the study of the existing motor vehicle accident compensation system authorized in Public Law 90–313, to remain available until expended.

Consolidation of Departmental Headquarters

For necessary expenses in connection with the consolidation of departmental activities into the Southwest Area of Washington, District of Columbia, $4,520,000.

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); $386,000,000, of which $131,370 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-three exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by 5 U.S.C. 3109; $57,300,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, $57,750,000.

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; supplies, equipment, and services; and the maintenance, operation, and repair of aircraft; $25,900,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That none of the funds appropriated herein shall be available for a Selected Reserve programed to be in excess of 15,000 personnel on June 30, 1970.

Research, Development, Test and Evaluation

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test and evaluation; services as authorized by 5 U.S.C. 3109; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $14,500,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; purchase of five passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; $767,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

Facilities and Equipment

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction of not to exceed $50,000 per housing unit in Alaska; $224,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

Research and Development

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $41,000,000, to remain available until expended.

Operation and Maintenance, National Capital Airports

For expenses incident to the care, operation, maintenance, improvement and protection of the federally owned civil airports in the vicinity of the District of Columbia, includng purchase of eight passenger motor vehicles for police use, for replacement only, which may exceed by $450 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; $9,500,000.

Construction, National Capital Airports

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $1,900,000, to remain available until expended.

Civil Supersonic Aircraft Development

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $95,958,000, to remain available until expended.

Aviation War Risk Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

FEDERAL HIGHWAY ADMINISTRATION

Office of the Administrator, Salaries and Expenses

For necessary expenses, not otherwise provided, as authorized by law, of the Office of the Administrator and staff offices of the Federal Highway Administration, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); services as authorized by 5 U.S.C. 3109, and for hire of passenger motor vehicles, $1,650,000, together with $12,467,000, to be transferred from the appropriation for "Federal-Aid Highways (trust fund)."

Bureau of Public Roads, Limitation on General Expenses

For necessary expenses, not otherwise provided, for administration, operation, and research of the Bureau of Public Roads, as authorized by law, not to exceed $59,012,000 shall be paid, in accordance with law, from the appropriation "Federal-Aid Highways (trust fund)" (including advances and reimbursements): *Provided*, That appropriations available to the Bureau of Public Roads shall be available for hire of passenger motor vehicles; uniforms or allowances therefor authorized by law (5 U.S.C. 5901–5902); and services as authorized by 5 U.S.C. 3109.

Federal-Aid Highways (Trust Fund)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, $4,419,279,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of $847,481,534, the balance of the amount authorized for the fiscal year 1968, and $3,533,765,964 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1969, $11,549,761 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, $133,443 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320, $24,949,709 for reimbursement of sums expended pursuant to the provisions of section 2 of the Pacific Northwest Disaster Relief Act of 1965 (79 Stat. 131), and $1,398,589 for reimbusement of the sums expended pursuant to the provisions of section 21 of the Alaska Omnibus Act, as amended (78 Stat. 505).

Right-of-Way Revolving Fund (Liquidation of Contract Authorization) (Trust Fund)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, $40,000,000, to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals.

Highway Beautification (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), to remain available until expended, $5,000,000, together with $1,100,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968.

Traffic and Highway Safety

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109; $27,550,000, together with $2,000,000 to be transferred from the appropriation for "State and community highway safety (Liquidation of contract authorization)."

State and Community Highway Safety (Liquidation of Contract Authorization)

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, $30,000,000, of which not to exceed $2,000,000 may be advanced to the appropriation "Traffic and highway safety" for administration of this program.

Motor Carrier Safety

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939–40): $2,300,000.

Forest Highways (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $18,000,000, which sum is composed of $11,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1968, and $6,050,000, a part of the amount authorized to be appropriated for the fiscal year 1969: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000.

Public Lands Highways (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $7,000,000, which sum is composed of $5,300,000, the balance of the amount authorized to be appropriated for the fiscal year 1968, and $1,700,000, a part of the amount authorized to be appropriated for the fiscal year 1969.

Chamizal Memorial Highway

For necessary expenses to carry out the provisions of the Act of November 8, 1966 (Public Law 89–795), $4,000,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $1,000,000.

Bureau of Railroad Safety

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $4,050,000.

High-Speed Ground Transportation Research and Development

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $10,000,000, to remain available until expended.

Railroad Research

For necessary expenses for conducting railroad research activities, $300,000, to remain available until expended.

Alaska Railroad

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

URBAN MASS TRANSPORTATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Urban Mass Transportation Administration, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $1,500,000.

URBAN MASS TRANSPORTATION FUND

For an additional amount for grants and loans as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $220,000,000, for the fiscal year 1971, of which not to exceed $25,000,000 shall be available for research, development, and demonstration grants.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $600,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation, hire of passenger motor vehicles, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902) and $5,000 for services as authorized by 5 U.S.C. 3109.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including employment of temporary guards on a contract or fee basis; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); $5,000,000.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed $1,000 for official reception and representation expenses, $10,200,000.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, $33,500,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $25,000,000, of which $150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1965, as amended (79 Stat. 663; 80 Stat. 1352; 81 Stat. 670), including acquisition of rights-of-way, land and interests therein, $43,173,000 to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Federal Aviation Administration shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds appropriated under this Act for expenditure by the Federal Aviation Administration may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Administration, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $16,100,000 for "Highway Beautification" in fiscal year 1970.

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $65,000,000 in fiscal year 1970 for "State and Community Highway Safety".

SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $12,000,000, exclusive of the reimbursable program, in fiscal year 1970 for "Forest Highways".

SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $3,000,000 in fiscal year 1970 for "Public Lands Highways".

SEC. 307. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 308. None of the money appropriated hereby shall be used to make any payment on any lease purchase contract for jet airplanes to be used by the Federal Aviation Administration wherein the total cost of the lease payments plus the amount needed to exercise the purchase option exceeds the purchase price of the aircraft (which would have been charged were the aircraft to be purchased by normal appropriations) by more than 20 per centum.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1970".

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order to be made against any provisions of the bill?

If not, are there any amendments to the bill?

Mr. YATES. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 276]

Abbitt
Ashley
Aspinall
Baring
Belcher
Bevill
Blackburn
Button
Cahill
Carey
Celler
Chappell
Clark
Clay
Dawson
de la Garza
Denney
Dent
Diggs
Dingell
Edwards, Calif.
Evins, Tenn.
Fascell
Frelinghuysen
Griffin
Gubser
Hébert
Howard
Jones, Tenn.
Kastenmeier
Kirwan
Landrum
Lujan
Lukens
McClory
Mathias
May
Morgan
Ottinger
Passman
Patman
Philbin
Powell
Pucinski
Rooney, Pa.
Rosenthal
Rostenkowski
Stephens
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Utt
Vigorito
Whalley
Widnall
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JONES of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14794, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 8, strike out line 19 and all lines thereafter through line 3 on page 9.

Mr. YATES. Mr. Chairman, this is the amendment to strike out the funds for the SST. It comes at a logical time in the SST program because it is entering a new phase. The Boeing Co., the contractor on the plane, was engaged previously in developing a variable-swept wing design, and most of the funds have been devoted up to the present time to that purpose.

Last year the FAA in agreement with Boeing decided that the variable-swept wing would not work, and they scrapped that design. Now the program seeks to develop a prototype plane with a fixed wing. It is the start of that phase. That is why I say it is a logical time to knock it out.

My reasons for my views are explained at length in the report of the committee where I filed dissenting views. I urge you to read them.

The total SST program will cost approximately $3.5 billion, or more. The prototype phase will cost approximately $1.5 billion. Of the $1.5 billion, the Government will put up about $1.3 billion in appropriations funds, and the contractor approximately $200 million. Thus the Government will advance 88 percent of the funds and the contractors 12 percent.

It is argued that this must be done because we have to keep America first in the air. America will be kept first in the air, but not because of the SST. American will be kept first in the air through the so-called Jumbo Jet, the 747, the 1011, and the DC-10.

It was said that the airlines wanted a plane that will give them speed. That is true, but not entirely. The airlines want most of all a plane that will make money for them. The 747, the 1011, and the DC-10 will be much more profitable than the SST is likely to be.

This is from the report of the General Accounting Office on the feasibility of the plane, which compares the proposed SST with the 747. It says this, at page 223 of the hearings:

> In essence, only the Boeing 747 is shown to have the competitive advantage over the SST in operating costs with respect to distances exceeding 2,500 miles.

Only the 747 can do that. I assume the big jets of other companies will be able to do it, too. With respect to the argument that we need the SST to keep America first in the air, I say the 747 is the plane that is going to do that, not the SST.

President Nixon early this year appointed a committee of the ablest men in Government to review the SST to decide whether it ought to go ahead. This is what they said, and I read from page 36 of the committee report, from my dissenting views. On the question of prestige, and this is what the Under Secretary of State said:

> One specific aspect of this position is our view that it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige, or the like.

That is from the Department of State.

The Department of the Treasury said this:

> Proceeding to prototype production would not be prudent at this time in view of the uncertainties cited above, and the implied large commitment of U.S. government funds, not only for fiscal 1970 but for years ahead, very probably extending to substantial assistance in production financing.

That is the statement of the Under Secretary of the Treasury.

The Under Secretary of the Interior said:

> We believe that the probable adverse environmental impact of the SST is such that the program should not be pursued in the absence of overwhelming evidence of positive advantages.

The Assistant Secretary of Labor said—and you have heard the statement made about 50,000 jobs—this is what the Assistant Secretary of Labor said:

> The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

These are the opinions of some of the highest officials in the administration.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(Mr. YATES asked and was given permission to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, innumerable dangers still lie in wait in development of the SST prototype.

But assuming that the contractors are able to bring this plane through the prototype stage, what would happen then? There would be the necessity of obtaining $2 billion to finance the production of the plane. Where is Boeing going to go to obtain the $2 billion? Will it return to the Federal Government? That is the most realistic prospect. Do you want your taxpayers to assume another $2 billion to finance the production phase of this plane? Somebody is going to have to put that money up. The airlines cannot do it because the airlines are in financial difficulties today. And they are buying the 747. Why? That is the most profitable plane for the airlines.

It is said that the British and the French are in the field and that we must build this plane to compete with them.

I am not sure there will be competition. The prospective cost of the Concorde is $21 million, of the SST $52 million. An airline can buy two Concordes for the price of one SST. Which will they buy? Moreover, the planes are entirely dissimilar. We do not know now whether the British or the French plane will fly. It is true that the prototype has had some short supersonic flights. Yet the noise factor was so great, I wonder whether or not the FAA Administrator will permit that supersonic craft to fly into New York or into Boston or Chicago or Miami. The noise factor will continue to be a barrier that will have to be overcome.

For all these reasons, for the reasons I have outlined at greater length in the report and I urge you to take a look at that report, I ask that my amendment be supported.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment to eliminate funds for the SST. This project to construct a supersonic transport plane would distort national priorities for years to come. What we actually need is the construction of 26 million homes to eliminate slums and provide for our growing population. We need to construct new public facilities—decent schools, water and sewer facilities, public buildings, the whole range of public works that enable our communities to serve our people. We need to construct entire new communities to help meet our national housing goals approved overwhelmingly last year by the Congress. We are being asked now to hedge on that commitment to all of our people so that a few jet-setters can save an hour or two in their travels. At the same time, we would raise the threat of polluting our environment with sonic boms which might in the end lead to a prohibition against the use of this rich man's toy.

Mr. Chairman, we are told that we need to launch into this expensive venture to keep up with other countries, but what nation is it which now has men on the moon. This country leads the world in science and technology. We do not need to catch up or show off. What we do need is to eradicate the root causes of turmoil in our cities, to make the American dream a reality for all of our people, to overcome the shortage of housing and community facilities, and to provide more jobs for the average American workingman, not just scientists and engineers.

Mr. Chairman, we do not have to look far to see the distortion in our national priorities—the question is raised right here in the bill before us today. I have the greatest respect for the hard and thoughtful work of the Committee on Appropriations and its subcommittees. I know how conscientious they are in their deliberations. Those of us who feel keenly about the critical traffic problems in our towns and cities, however, must feel disappointment at the funds provided for the vital urban mass transit program. Both the House and the Senate have authorized a level of $300 million for this program in the coming fiscal year, but unfortunately the administration requested only $250 million and even that inadequate amount has been cut by $30 million in the bill before us. The people of this country would be far better off if the mass transit program had been fully funded instead of undertaking an unneeded and costly venture to build the SST.

Mr. Chairman, I hope the amendment to eliminate funds for the supersonic transport will receive the overwhelming support it deserves.

Mr. FARBSTEIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois (Mr. YATES) to delete the $96 million included for the development and construction of the supersonic transport plane—SST.

The SST is not one of our Nation's paramount priorities. Funds for much more essential programs have been curtailed in this administration's drive for economy. If we cannot find funds to house our poor and cure our sick, I do not see how we can afford to subsidize an American industry which every year enjoys a large profit.

I cannot help speculating on what might have been achieved in the public interest if the almost $650 million in funds already devoted to the development of the new, powerful, and relatively smokeless SST engine had been used instead to produce a non-polluting automotive engine.

More than just the distortion of national priorities which would occur if the SST continued to receive Government subsidy, there is the question of the desirability of the SST at all. We are told that it will improve our position in international affairs, be economically viable, provide jobs, improve our balance of payments and just about solve every other problem we have. Yet the SST Ad Hoc Review Committee appointed in January by the President and composed of some of the most able men in government recommended against the continuation of the development of the SST.

U. Alexis Johnson, Under Secretary of State, declared in the committee report that:

> There are no overriding foreign policy grounds . . . for pushing ahead with the SST project now.

Paul A. Voloker, Under Secretary of the Treasury, declared:

> Our own review of this project . . . has raised many unresolved questions concerning . . . the economic viability of the SST project.

Arnold Weber, Assistant Secretary of Labor, declared:

> The net employment increase from SST production would likely be negligible.

Henrick S. Houhakker, member of the Council of Economic Advisors, declared:

> The balance of payments impact of the SST is likely to be adverse.

And there was the statement of Russell E. Train, Under Secretary of the Interior, warning of the effect of the SST on the environment. He said:

> It is my conclusion that the justification for . . . the program is not now apparent . . . However, we consider the environmental disadvantages to be of extreme significance.

We should eliminate any funding for the SST. We have better uses for our money than public works for the airline industry.

Mr. ADDABBO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Yates amendment to strike the funds for the SST. I oppose any appropriations for building a supersonic transport this year. My reasons are based on these unresolved economic questions:

First. Can the SST be economically justified while it is limited to flights over water pending development of our ability to control sonic boom?

Second. Can the SST be flown safely even though limited to oceanic flights? What would happen if a sonic boom hit the U.S.S. *Enterprise* or any other ship at sea?

Third. It has been estimated that less than 3 percent of our population will ever use the SST. Is the development of such ar. aircraft justified in light of national priorities?

Fourth. If the SST is important for U.S. competition with other nations, is it not more important for the United States to spend more resources to relieve the airport crisis—build and expand airfields to relieve congestion, improve air safety, and reduce aircraft noise and pollution?

Fifth. There is much concern about the Concorde but who will buy a plane that only seats 130 in view of the coming of the jumbo jets?

The Federal Aviation Act required that FAA, through its regulations of the use of airspace, "protect persons and property on the ground."

This mandate has not been followed and it is time for Congress to let the FAA know where it must direct its attention if the aviation industry is to continue to expand.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman.

Mr. McCARTHY. Mr. Chairman, today Members of Congress will be asked to appropriate nearly $100 million for continuing research on the proposed supersonic passenger plane. The question we all must resolve before approving this appropriation is whether or not the Government should require the American public—95 percent of which will never use the SST—to provide billions of dollars for a plane that will bring only discomfort and destruction into their lives. Beyond the obvious illogic of requiring such a public expenditure, there exist numerous policy arguments that require this legislation be defeated.

The history of the SST began nearly 10 years ago during the Kennedy administration. Since then, Congress has provided more than $500 million for the development of an experimental version of the supersonic plane. To make the project more palatable, three successive administrations have made a number of erroneous assumptions concerning the need for and practicality of a supersonic airliner. If the present administration expects Congress to continue funding this ill-conceived program, then it must correct those assumptions based solely on professional attachment to an apparently glamorous national effort. They also must begin to accept the findings of those constructive critics who are deeply concerned with the threats to man and his environment posed by the proliferation of hundreds of commercial supersonic airplanes.

The first assumption made by the administration is that the prestige of the United States is at stake—that American aircraft manufacturers, long the world leaders in the field, will suddenly become second rate if they fail to continue the SST project at this time. This assumption is erroneous for two reasons. First, it is a fact of life that we will not lead the world into the supersonic age. Both the French-English Concorde and the Russian Tupelev are already flying and the Concorde, at least, will be available for the international airplane market within the next couple of years. Aware of this, it is difficult to understand how this country assumes leadership in the race to put a fleet of SST's into service when our version of the SST is not planned for production until 1978 or 1979. The second reason why this assumption is wrong concerns the status of the American aircraft industry itself. Without question it is the largest, healthiest and most efficient aircraft industry in the world. Boeing alone has 1,700 jets in daily service. By the beginning of next year the industry will be filling orders for the first of the huge jumbo jets. Boeing already has over 200 orders from all over the world for its version of the 400 passenger plane. To suggest that a failure to proceed with the production of an SST at this time would tumble our aircraft manufacturers from their position of world leadership amounts to empty rhetoric. It is certainly an unfair and unjust criticism of one of this country's healthiest industries.

The second assumption the administration makes concerns the role of the SST within the airways system generally. Originally conceived as a vehicle for moving large numbers of people quickly around the world, its proposed use has been limited greatly due to the flight restrictions necessitated by the plane's sonic boom. The administration has admitted that the present design of the Boeing SST will give rise to a sonic boom 50 miles wide and 2,000 miles long. The resulting force of the boom is enough to break windows and crack foundations wherever the plane flies. The 100,000 square miles thus affected would contain in excess of 10 million persons. When multiplied by the number of trips to be made each day the total number of people affected by the boom would approach 100 million. Although General Maxwell, chief of the SST project, has assured the opponents of the SST that damage caused by the boom will be negligible, data recently released by the U.S. Air Force is to the contrary. In fact, from 1956 through 1967 the Air Force received 35,429 damage claims for almost $20 million as a result of sonic boom damage from its own limited supersonic bomber squadron. Of these claims 12,615 have been approved and paid thus far. This potential for damage has forced the Department of Transportation to promise that the plan will be used only over water routes where resulting damage will be limited to sailing ships and offshore islands.

Confined to transoceanic routes, one is forced to wonder how a $50 to $60 million plane can pay for itself. Is it really practical for an airline company to invest such a large sum of money in a plane of such limited use—a sum that exceeds the net profits of all the airline companies combined? Is it practical for an airline company to invest such large sums of money in a plane that will reduce the New York to Paris flying time from 5½ hours to 3 hours? I do not believe so. In fact I am convinced that economics will force admission of the plane to overland routes. Dr. I. R. Schwartz of the Office of Advanced Research and Technology, NASA, has stated:

> It is the consensus of opinion that the SST's must be capable of supersonic operation overland to be a true economic success.

Recognizing the probability of overland flights, former Secretary of Transportation Allen Boyd told a congressional appropriations committee:

> Going out of Chicago to the West Coast, I think it will be entirely possible to operate a route over the plains area and possibly across the Canadian border to permit supersonic flight without discomfort or inconvenience to the people on the ground.

Although such statements are not official policy, they clearly indicate how economic necessity may well demand that the proposed land restrictions be removed. One further point about the plane's utility, the 3,000 mile range of the SST will require all flights leaving California for Japan to stop in Hawaii to refuel. The Boeing jumbo jet, on the other hand, has a range in excess of 6,000 miles and besides crossing the Pacific with ease, will be allowed to fly over land along with the rest of the commercial jets in service today.

The third assumption made by the administration concerns the profitability of the SST. The administration has claimed unequivocally that the SST will strengthen our balance-of-payments position. Originally the FAA had projected the sale of 1,200 SST's by 1990, but the overland limitation has reduced expected sales to 500 or less. Furthermore, the FAA has failed to take into account the competitive effect of the 400 jumbo jets that will be flying by 1978. Projected foreign sales for the larger 747 are increasing monthly. When it is understood that most foreign countries are limited in the amount of money they are permitted to spend on U.S. exports, these purchases of the jumbo jet could seriously damage the SST market. In addition, the FAA fails to recognize that the availability of a practical SST would make foreign travel so attractive that there would be an increase in the expenditure of tourist dollars abroad, thus adversely affecting our balance of payments.

Probably the threat of the sonic boom alone is reason enough for abandoning the SST project; however, when considered along with the plane's other limitations discussed above, a decision to go ahead with the project seems absurd. If the supersonic passenger plane does prove itself a success, it would be at least 10 years before we could compete for part of the SST market. Would it not be more prudent to wait and see whether the present operational SST's prove themselves safe and practical? Our industry is not threatened. Our conventional jets will always have a market. Furthermore, our aircraft manufacturers have developed enough data to enable them to respond to the demand for an SST if and when the SST proves itself worthy of American investment.

The future of the SST must also be considered in the context of our national priorities, generally, and in the context of the priorities problems within the airlines industry, specifically. Concerning the latter, the SST will only bring further confusion in inefficiency to a system already plagued with an inordinate number of problems—Inaccessability of airports to the general public, congested air traffic requiring as much as an hour's holding time for each 45-minute trip, and outdated and unsafe airports. There is simply no way to justify spending $96 billion more on the SST in fiscal 1970 when we have spent a meager $30 million during that same period for the modernization and maintenance of the whole airway system. How can we justify spending close to $1 billion more during the next 5 or 6 years for one plane of questionable utility when Congress can authorize only $5 billion for future development of our airways and airport systems during the next 10 years? Our airports alone will require in excess of $15 billion just to catch up with presently available technological and scientific information. A recent report by air pilots has called 10 of our most heavily used airports unsafe and hazardous—these include JFK and Miami International. At least two-thirds of the fatalities on commercially scheduled flights occur on the ground at airports. where landing and takeoff speeds rarely exceed 100 miles per hour. All these airport ills are compounded by an inexcusable dearth of adequate ground transportation facilities. A 45-minute flight to Washington entails a 45-minute trip to the airport on congested highways, a 45-minute wait in a holding pattern in New Jersey and finally 45 minutes of flying time. Before we open these outdated airports to 1,800 mile's per hour jets with runway speeds in excess of 150 miles per hour, we must first solve the existing problems that make supersonic flights less safe than acceptable.

In the same vein our airway system has been begging for needed funds for years. Most of the commercial planes in flight today are directed around the available air spaces by antiquated control systems that are incapable of providing basic data on clearance and altitude. In 1968 alone there were nearly 2,400 near-mid-air collisions. Through proper funding all these ills could be removed. If I may repeat a phrase often used to describe military appropriations:

> We can afford anything we need, but we can't afford anything we don't need.

In light of all the problems that presently exist within our airway system, including our airports, we certainly cannot afford the additional burden of an SST.

The priorities problems within this nation generally have been discussed at length by both myself and many of my colleagues. Yet I must once again state that our lakes and rivers, schools and hospitals, and poor and underprivileged are gasping for funds to retain some semblance of natural integrity. Should we not take care of them first?

Can a public expenditure close to $2 billion for an inefficient plane that promises to destroy peace and quiet throughout most of the world be justified when funds for medical research are being slashed by as much as 20 percent, when the money squeeze has made it impossible to secure the desperately needed money to wage an effective fight against pollution, and at a time when the President has attempted to cut $1 billion from Government aid to education. The answer is obviously no. I will vote against this request and I urge my colleagues to do likewise.

Mr. PELLY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in a commencement address to the class of 1963 at the U.S. Air Force Academy, former President John F. Kennedy said:

> It is my judgment that this government should immediately commence a new program in partnership with private industry to develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country.

Today, Mr. Chairman, we are voting whether or not to continue that development.

We are at the crucial junction. There are those who say we should not have an SST. To them, I say we are vividly in an era of supersonic transports, with both the Russians and the British-French consortium way ahead of us technologically. Economically, it is obvious that we must compete, but we lose our technological supremacy and our American dollars to the Communists or the British and French.

But, more than this, Mr. Chairman, we have today the opportunity to create a minimum of 50,000 new skilled and unskilled jobs across our land. American labor will be watching what we do here today. I, for one, am determined in my view that the development of the best SST in the world be accomplished by American laborers.

To those who continue to want private financing, I join their desire, but as has been proved time and time again, this financing is not available, and the investment we make in the development of the SST is, under contract, to be repaid with royalties to the U.S. Treasury from sales of the aircraft.

In total, Mr. Chairman, the continuation of prototype development of the SST in America is vital to our economy, our technology, and to our labor market. I strongly urge my colleagues' support for an American SST.

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in listening to the amendment—and the gentleman who offered the amendment is one of the most sincere Members of the House—you would or might come to the opinion that this airplane—and when I say "this airplane" I mean the supersonic transport airplane—will not be built. But anyone who thinks about that at all knows that that just is not so. A supersonic transport aircraft will be built. It is just a question of who is going to build it.

Many of you, I am sure, have read Mr. Halaby's remarks in the Washington Post just a few weeks ago or a few days ago. Mr. Halaby is president of Pan American Airways. He said it would be unthinkable that the Russian airline could cross the Atlantic from east to west in 3 hours, and it would take them 7 hours. They are required to have supersonic aircraft regardless of where they get them, whether it is from Russia or the British-French Concorde.

Of course, if the Boeing plane is available, it will be the choice of U.S. airlines, for it will be a far superior plane.

The gentleman from Illinois spoke of noise. If we go back and read a little in history we find that every mode of transportation generally as it moved along had all these bogies thrown up. The steam engine was too noisy and it frightened horses, and the automobile did the same.

I would call the attention of the House to the fact that in air transport the fast drives the slow out of business. That has been so from the very beginning. All the

Members must remember the C–47 or the DC–3, the workhorse of the airlines in the forties. The DC–3 cruised at about 140 miles an hour. Then along came the DC–4 and the DC–6, cruising at 240 miles an hour, and they drove the DC–3 out. Then along came the turboprop, cruising at 400 miles an hour, and that drove the DC–4 and DC–6 out. Then came the jet, cruising at 600 miles an hour, and it drove the turboprop out—at least for the long-haul flights. That is exactly what will happen when the SST comes along.

So there is not any question we are going to have the supersonic transport. The question now is who is going to build the SST.

I urge my colleagues to defeat the amendment of the gentleman from Illinois (Mr. YATES).

Mr. KUYKENDALL. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, let me briefly cover about four of the questions that have been raised here. First, on the matter of economic feasibility, I think the proof of economic feasibility, at least in the judgment of the ultimate customers of this airplane, is already proven by the fact that we have 122 orders from the airlines themselves, some of them placed for as long as 2½ or 3 years, and we have had no cancellations whatsoever.

Second, one of the gentlemen who spoke previously on this subject has somehow or other come up with the idea that when we sell anything overseas, it can hurt the balance of payments. I would like to have somebody explain to me how we can export a product and hurt the balance of payments.

Third, on the matter of the sonic boom, it has been clearly stated by everyone involved—the FAA, the airlines, and the Secretary of Transportation—that the aircraft would not be flying over the populated part of this continent, or of this globe, at supersonic speeds. All of the airline companies have planned their routes in accordance with this. I have talked to representatives of Lufthansa, of Germany, and they plan to use the supersonic transport plane to fly around the world, but they plan to fly it at subsonic speeds across the United States. I talked to their representatives. They have purchased two of the aircraft.

There has been an implication that the entire amount of money which has been spent up to now on this project has been wasted. This simply is not true. In Cincinnati, Members can find the SST engine has been built and is complete, and one of the engines has been on the test block for approximately 1,000 hours.

On the matter of noise of the engine, the approach noise, the test shows it already is within the limits of the FAA regulations. The takeoff noise at 1 mile is within the limits. Yes, we still have the matter of the problem of the airport noise itself, but in the surrounding neighborhoods near the airports the noise at 1 mile on the approach and at 1 mile on the takeoff is presently less than the 707–320 we use throughout the country today.

The question has been raised about the postprototype financing. This was brought up by the gentleman from Illinois. There have been several proposals, one of which I think looks very attractive, that immediately upon completion of the prototype and testing of it—there will be proposals, I do not know whether they will be accepted or not, for the formation of a Comsat-type corporation, a public corporation to take this project over completely at that time. I happen to be one of the people who think this should have been done in the beginning. I was against the variable wing in the beginning, but I do not think we can cry over spilt milk at this point. We do have now an engine and we have capability.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, on the balance-of-payments question, I will advise the gentleman I take my advice from the Treasury Department, who say that while, indeed, the selling of the SST overseas will add to our balance of payments, that will be immensely outweighed by the increased tourism from this country to Europe, where Americans will spend more money, and the net to our balance of payments will be a minus.

Mr. CONTE. Mr. Chairman, if the gentleman will yield, when the Concorde is built, those same people from the United States will be going to Europe on those foreign-built planes, will they not?

Mr. KUYKENDALL. This is absolutely true and in addition, we find now that tourism into this country is now increasing at a greater rate than American tourism overseas.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Ohio.

Mr. TAFT. I thank the gentleman for yielding.

I certainly believe that his remarks on tourism are appropriate, and particularly on a day the President has presented to the Congress his message calling for a trade policy which I believe most will agree is sound, though certainly likely to aggravate in some aspects our balance of trade problems.

I should like to take a moment to correct a misapprehension I feel was given by the gentleman from Illinois (Mr. YATES) just a short while ago. The General Electric plant at Cincinnati, in my opinion, has been one of the outstanding leaders in training the underprivileged. Anybody who came to our community and looked at the situation would rapidly find that this plant, in which the SST engine is to be built, has been a leader in programs of training the underprivileged and has done a good job. I think we should not let the record stand uncorrected on that point.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am happy to yield to the chairman of the Appropriations Committee.

Mr. MAHON. I should like to thank the gentleman for the very helpful statement he is making.

President Nixon took a lot of time to determine his policy with respect to the SST. I am sure he did not want to ask Congress to spend the money at this time of fiscal stringency, but he decided it was inevitable in our own interest that we proceed with the SST.

I, for one, am supporting the President's position that we move forward. I am convinced it is vitally important to labor and to management and to the Nation as a whole.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

(By unanimous consent, Mr. KUYKENDALL was allowed to proceed for 1 additional minute.)

Mr. KUYKENDALL. Mr. Chairman, there is one thing I should like to add. In addition to the statement made by the gentleman from Washington (Mr. HICKS), who quoted the chairman of Pan American Airways, Mr. Halaby, there is one thing he did not mention which I believe may be one of the most important things the gentleman from Pan American said. That was that he was considering the possibility of looking at and purchasing the TU 144, the Russian aircraft which is flying and has flown supersonically. We have reasons to believe it will be as successful, or possibly more so, than its counterpart.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Illinois.

Mr. YATES. With respect to the comment made by the gentleman from Ohio (Mr. TAFT), I was reading from the statement made by the Under Secretary of Labor to the Ad Hoc Review Committee on the SST. It was not my statement with respect to the number of jobs available to the underprivileged. It was his statement.

Mr. KUYKENDALL. I believe the gentleman who represents the district of Cincinnati, Ohio, would know more about his own district than the Under Secretary of Labor.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard some rather peculiar arguments around here this afternoon about why this amendment should pass.

I want to make crystal clear I am against the amendment. For the life of me I cannot see why anybody could take much credence in the argument that people are not going to ride the SST when the jumbo jet is available. If any of the Members have flown on a regular jet lately, either interstate in the United States or internationally, and if they have carried any baggage, which is a mistake, it takes an hour to get the baggage. Now, when they get the jumbo jet, that is going to take three times as many people, and it has got to take three times as long, which means 3 hours. I cannot figure that anybody is going to ride that, if they have another airplane which will get them there and will give them the 3 hours to get their baggage, and still do it in the same time as it is done today. That is one argument that goes down the drain.

The other argument, that it is going to hurt the balance of payments, is about as much nonsense as I have heard on this floor in a long time.

The point does not lie at all that people who ride airplanes are going to ride foreign airlines. One of the single biggest dollar earners we have in this country right now is the foreign airline purchases of American-made jets.

It does not make much difference which country makes the jet; people are going to ride them. If they are faster they are going to ride those, and especially if they are faster at the same price they are going to ride those.

They are going to spend their money on whatever airline has it. So not only are we going to lose the money that they would pay for the jets, but we are going to lose the money of the passengers who ride on them if American airlines do not have them. So what you are going to have, really, is foreign airlines buying foreign jets and American airlines buying them and you will have the same division of passengers you have now. So the net loss is going to be a loss in the balance of payments. Therefore I think it is the better part of prudence, if you are interested in the balance of payments, to defeat this amendment.

Of course, Mr. Chairman, you know that there were people who, when the Model T was invented, said "the darned thing will not work; the horse and buggy is here to stay." They were wrong. And there are people who are saying now that the SST will not work. However, I think it will work. It may have some annoyances and noise problems that they will have to solve.

The gentleman from Wisconsin talked about air pollution. All you have to do is get to some vantage point where you can see planes landing at National Airport, present-day jets. I doubt that the SST will pollute the air any more than they do and maybe not as much. I understand that they are going to lick that problem, too. The FAA has ordered that by a certain date they must have engines which do not give out but about 10 percent as much air pollutants as the engines that they are flying today. So I think that is an argument that falls by the wayside.

It seems to me—and it is a pretty simple proposition—that we have the advantage. Every airline in the world, with the exception of the Russian Aeroflot, is using American-built planes—every single one, including BOAC. I do not think we should give up that advantage and that billion dollars or so a year that we would lose in the balance of payments.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I had the privilege of serving on the Commerce Committee when the question of building a prototype SST was first discussed. As I recall it, the team who proposed it was composed of former director of the precedent agency of the FAA, Mr. Pyle, and former Lieutenant General Quesada. Those gentlemen presented a proposal which envisioned the development in an orderly fashion, to meet the needs of competition, the needs of commerce, of an aircraft with a distribution of cost of 90 percent private funding and 10 percent Federal.

Mr. Chairman, I noted in the newspapers yesterday the fact that the testimony of General Quesada had been released where he voiced very strongly his conviction that we should develop this plane in an orderly fashion to meet the demands of competition.

Now, let me tell you that it has only been a few weeks ago that we passed legislation through this House creating more than a $5 billion trust fund to meet the lag existing in airport construction in the United States. We have not successfully digested the present generation of aircraft in our airports, and we have an entirely new generation coming into service, the first to be delivered to one of the major air carriers before the end of the year, if they overcome all of the problems they are having with motors, and the others to be delivered on an accelerated scale during the next few years.

Those are going to impose a very heavy doubt upon the facilities of this Nation to handle the commerce they generate.

And, Mr. Chairman, another very important fact—and I think I have gone into this about as carefully as any Member of this body—a suit was filed in the Federal Court here just about a week ago against the Civil Aeronautics Board. The fact is that we are not using effectively the seat capacity now available.

The whole emphasis of the air industry is to advertise not air transportation but the first-class cabin, the attraction of stewardesses, and gourmet meals without any effort to broaden the base which is so desperately needed to support the industry.

All of you know that you have had your ticket go up since the 1st of October. Perhaps you do not realize that part of that increase since February—and we have had that portion of the ticket which is described as terminal just go from $2 to $9 on every ticket and that is exclusive of the revenue that you voted into a trust fund here just a few weeks ago.

Now, I am not at all worried about the Concorde. It is totally uneconomic. There are some very well informed experts not now producing aircraft in this country, impartial experts, who will concur. I am not worried about the Russian Tupelov aircraft. The Russians have not been overly successful in attracting any industry to buy their aircraft. They have a few captive countries that must rely upon their production. But it does not meet the needs of our travelers and I think that I am going to go along myself, however the House goes, and support as I did when he first came before the Commerce Committee, the views of General Quesada. I think he was well informed then. I think he presented a logical case for the logical development of this aircraft. He has not called for its deferment at this time, but he has said let us meet the needs of competition.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 1 additional minute.)

Mr. MOSS. I would like to hope that one of his statements will be borne in mind while we are considering this matter:

> I gag, if I may use my own term, at the Federal Government by its positive action replacing economic demand. Our free enterprise system at least in my opinion has been a very successful system and I would hate to see it replaced by something else.

Well, in the case of the SST you are replacing it with something else, something different than you have done for any other generation of aircraft. I think it would be a major mistake.

Mr. Chairman, I have been lobbied as effectively as anyone on this floor by economic interests in my own district who came to me to tell me that they would get a slice of this great big pie. But I have an obligation to some taxpayers out my way and in this case I am going to heed the voice of the taxpayers.

Mr. RIVERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I favor the SST, and we need it. As the distinguished gentleman from Ohio (Mr. HAYS) said, travel to the outermost parts of the earth and there you will see the inventories of the American genius. Everywhere you go, you see an airplane outside of the Iron Curtain it says "Made in U.S.A."

To this day—and I do not travel as much as I used to, but I have committees traveling equally as much as I used to, and they are going to continue to do so—you will see the old DC-3's, the pioneer of pioneers, made in America.

What has blazed the trail more for America than the American products? Do you think for one moment that this Russian plane is being paid for by private industry? They are building an SST just like they are building a bomber—like we need the AMSA—they are building a supersonic bomber. And you are getting this from the horse's mouth. And they are using the know-how from that as a windfall for the SST. And they build good airplanes, and let nobody kid you.

Now, you know who is paying for the Concorde?—the British and the French Governments. Maybe we were smart and did not know it when former President Lyndon Johnson decided not to push the SST; we can use some of the know-how of the French and the British—if they have anything worth using.

Now, we have the know-how of the 707, and the DC-8, and the military aircraft, the jet fighters, and the B-52's. I know the great engines that we have built, the great United Aircraft, and the great General Electric—and Allison has not done so badly, only they do not make a pure jet, but they do have a cross-license from a foreign manufacturer, and this could be a good thing. But they are made in America. In the Falcon jet made by the Dassault Co. in France, they have GE engines in them, made in America.

Now, they selected a contractor who had done a good job. I guess Boeing still has the job. If they do not have it they should have it. Boeing has made great airplanes.

We need a good airplane. Private industry cannot build it, and you know it. How on earth could they finance it? Who on earth could stand the R.D.T. & E. to build this airplane if the Government did not help them? It will be paid back 10,000-fold. Do not worry about the pollution from the engines. They have this licked, and if you want to talk about pollution we have a billion things polluting the atmosphere more than these jet aircraft, and they are stopping this.

But we need this airplane, and we need it now. It is easy to say, oh, you have so many other things of priority—they are just about "prioriting" the military out of business on some of these things that they should not be spending money on. This country can afford the SST, with a GNP heading for a trillion dollars—I am not an economist, thank God, but I have sense enough to know one thing, and that is that this country needs now to set about keeping America first, keeping the planes that America builds first. Everybody has got his pocketbook full of money. If you do not believe it, go over to NATO where the gentleman from Ohio (Mr. Hays) and I just left. They are getting fat, dumb, and sassy now, and they are riding all over the world and they are going to demand that they go first class.

And he who comes out without an SST in the decades ahead, comes out second. In this business when you come out second, you come out last.

Now, we have a lot of military knowhow on titanium and the sophisticated alloys that will go into this plane. Let us build it. We need it. America can afford it—do not let anybody kid you. Already we are late.

Mr. BOLAND. Mr. Chairman, I wonder if we can get some agreement on time and how many Members would like to talk on this amendment.

Mr. Chairman, since so many Members have risen, I move to strike out the last word.

Mr. Chairman, we have been debating here and most of the debate during general debate was on the SST. A lot of the Members were not here then and I think it is unfair to the committee to have 20, 25, or 30 Members standing up now to get in on the debate on the SST amendment.

MOTION OFFERED BY MR. BOLAND

So, Mr. Chairman, I move that all debate on this amendment, and all amendments thereto close at 20 minutes after 5.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing and each Member will be recognized for 1¼ minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, those of us who have seen the British-French Concorde and discussed the TU-144, the Russian plane, with their designers can guarantee you that these planes will not only fly but that both nations fully intend to use it to obtain the first-class trade over the North Atlantic. They will be landing in the United States in 1972.

The British-French Concorde will be here in the spring of 1973, and when this occurs you will find that people will ride it because the time factor is going to be approximately one-half the regular time.

To those of you who have objections to the effect on the environment, I would state to you—prepare your bills now for the SST that will arrive. Do not plan to knock out the American SST because the British-French model will be here approximately 4 years in advance. The Russian model will be here 5 years in advance.

I have a telegram that Mr. Halaby sent to the committee indicating that they expect to purchase the Russian plane, if we do not have one.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ADAMS. I thank the chairman for the time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Chairman, a year ago an opponent of the SST said in debate on this floor that the only thing the supersonic transport has to recommend it is speed.

That is what the man said: "The only thing the SST has to recommend it is speed." While he didn't intend it as such, it was the most concise argument I heard in favor of the SST.

In 11 simple words that Member of Congress summed up the history of commercial transportation.

When the first caveman, thousands of years ago, captured a horse and trained it for riding, about the only thing the horse had to recommend it was speed. Man could travel faster on horseback than on foot.

When the first man hoisted the first sail on a boat, about the only thing to recommend it was speed. Man could travel faster over water by sail than by paddle.

When James Watt invented the steam engine, the only thing to recommend it was speed. Trains move faster than horse and buggies.

When the Wright brothers invented the airplane, the only thing to recommend it was speed.

When the subsonic jet was developed, the only thing to recommend it was speed. Subsonic jet speed is wiping out the propeller-driven transport plane. Very soon we will find propeller-driven commercial planes only in aircraft museums, a relic of transportation history.

I am grateful to the Member who said the only thing to recommend the SST is speed. As a strong supporter of the SST program, I would change just one word from that sentence. I would change the word "only." I would say: "The primary thing the SST has to recommend it is speed."

The quicker movement of men and materials from one place to another is what transportation progress is all about.

The other great powers recognize that simple fact—Great Britain, France, and Russia.

They are building their versions of a supersonic aircraft. They recognize the financial value of faster methods of transportation.

Those of us here who recognize that same profit-making, job-creating potential are voting for the SST appropriation to build a prototype model of the next generation of air transportation vehicles.

Let me stress once again this money—$96 million—is basically a loan. It is the seed money that will be repaid to the Government out of later sales of Commercial versions of the SST.

We are asking the American people today to lend less than one-half cent each to this enterprise. The total investment will be higher, perhaps 6½ cents.

Certainly there are risks. Any new venture is fraught with danger. But no man, no corporation, indeed, no nation ever attained greatness without taking chances. It is the story of our life as a nation.

After weighing all the evidence, both for and against, the SST, including the fact that the supersonic aircraft will be built somewhere by somebody—it is my conclusion that the United States should proceed with the building of the SST.

In addition to many other benefits I would say: "The thing the SST has to recommend it is speed."

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, how much time is allotted to each Member?

The CHAIRMAN. One and one-quarter minutes.

Mr. GROSS. Mr. Chairman, I will yield the time to the chairman of the committee, the gentleman from Masachusetts (Mr. Boland), if he wants it and I ask unanimous consent that the time be allotted to the gentleman.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Chair recognizes the gentleman from Minnesota (Mr. MacGregor).

Mr. MacGREGOR. Mr. Chairman, I rise in support of the amendment. Since 1966 I have felt that funding of the SST should be through private sources and not by Federal Treasury financing. Mr. Bow and I have offered a program of alternate financing. That program envisages further SST development financed by private investment with a measure of government guarantee.

If the Boeing-General Electric SST will be the great success its backers claim, surely private investment can build it. If it is merely a prestige item, the taxpayers should not be paying for it. In our free enterprise society, why should government finance a commercial vehicle whose utility is uncertain?

At a time when funds for such high priority needs as pollution control, education, housing, job training, inner city transport and rural revitalization are in such short supply, I cannot vote $96 million for the prototype development and flight testing of a supersonic transport aircraft.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Chairman, I have given the matter of major Federal appropriations for development of a supersonic transport a great deal of thought.

I do not question the desirability of

keeping America at the forefront of aviation technology, as we have in space technology.

I do not question that the remaining technological problems of noise and sonic booms will be given considerable attention by the builders of the aircraft and its engines.

I am not unsympathetic to the claim that $1.5 billion is a great deal of money for private industry to ante-up on its own.

Because of the relatively few people who will eventually benefit from the development of this plane, however, and because of far more pressing and unanswered budgetary demands, I cannot support the more than $95 million in this appropriation bill for SST development.

Last week, the Congress sent to the President a continuing resolution to which Congress overwhelmingly had added needed funds for starving aid to education programs. The President has already announced that he will not permit the expenditure of any of these additional education funds because of the precarious state of the budget.

Within a budget so constrained as to cause the President to overrule Congress on the level of educational aid, I cannot, in conscience, approve this expenditure of nearly $100 million for the SST in this fiscal year.

However, I do not believe that failure to approve this request for SST development funds should preclude the progress of this plane on schedule.

I propose that the various companies involved in building the SST work out a capital funding arrangement whereby the necessary $1.5 billion can be raised through the sale of federally guaranteed bonds in the private sector. These bonds would fall due in the decade between 1980 and 1990, when the sales of the U.S. SST should put developers in a position to repay the bonds.

The development of an SST cannot be undertaken without Federal assistance. It is too big a project. But I do not believe this assistance must come in the form of current appropriations. I do not believe this airplane should preempt tax dollars that are more desperately needed now in other areas.

Why could not the Federal Government stand behind these SST bonds with a guarantee equal to the total amount requested as the Federal share of SST development—$1.2 billion?

In this way, the Government would encourage immediate production of the necessary capital by attracting private investors, who in turn will rely on a Federal guarantee of repayment to lessen their risk. In this way, if the SST is the financial success its proponents say it will be, the Federal Government will substantially reduce its direct dollar investment in the plane's development, and may eliminate it altogether if all of the bonds can be repaid by corporate borrowers. At worst, the Federal investment is postponed a full decade, with far less disastrous effects on the Federal budget.

Thus, Mr. Chairman, I will cast my vote for the amendment to eliminate the current fiscal year appropriation for the SST.

But I propose an alternative method of SST financing which places greater emphasis on private development, less strain on the immediate Federal budget, but which still puts the full financial support of the Government behind this important program.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I oppose the expenditure of $96 million on the supersonic transport. This program should be deferred until there is some evidence that the supersonic transport can practically be flown over the land without damaging the countryside—until there is more certainty of recoupment of the American taxpayers' investment—until a better case can be made for going ahead with it.

It is difficult for me to justify this kind of priority for spending $96 million on the supersonic transport.

We had no special message from the President of the United States to support our Nation's needs in education. We had no special message from the President on fighting the problems of pollution and the deterioration of our environment. We had no special message from the President on plans to meet the housing crisis which confronts the millions of young Americans who are today entering family life.

But we did get a message on the supersonic transport requesting an open-ended commitment, leading undoubtedly to the expenditure of billions of taxpayer dollars. And we did get a message on a multibillion-dollar increase in subsidies for our merchant marine.

When we appropriated judiciously for education and for the preservation of our environment, we were admonished by the President that our actions were inflationary and that he would consider possible vetoes.

Well what about the inflationary impact of the billions of dollars which will be committed by this appropriation?

I do not believe that we owe any special obligation to the supersonic jet set who will probably use the time they have saved in supersonic flight to write letters to their Congressmen urging a reduction in Federal expenditures for other things which may be more essential.

I believe it would be good sense to pause for a better judgment on the supersonic transport.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of the amendment. I would like to commend the gentleman from Illinois (Mr. YATES) for his very well reasoned separate views which appear in the report which point out very clearly the public questions involved. I do not believe that at this juncture in our history, when our priorities are so out of balance, Congress should commit funds for another installment on what eventually will be at least a $1.3 billion Federal expenditure for the SST. With all the implications, including the adverse effects on the environment and the sonic boom, it is unwise to approve this SST appropriation today.

This bill provides for almost $96 million for the supersonic transport program.

In 1963, at the start of the SST program, President Kennedy said that the cost to the Federal Government would not exceed $750 million.

So far, $623 million have been appropriated for the SST, and according to Department of Transportation estimates, an additional $662 million will be needed. Thus, the promise of President Kennedy has all but been forgotten.

It has been estimated that development of the SST through the prototype development phase will cost at least $1.52 billion of which the Federal Government's share is about $1.29 billion.

I should like to call attention to the views of the President's National Science Adviser, Dr. Lee A. DuBridge, as set forth in his letter of March 20, 1969, to the chairman of the SST Ad Hoc Review Committee in which he said:

> On the whole, I come out negative on the desirability for further government subsidy for the development of this plane and would suggest that the possibility be explored of turning the remainder of the development and, of course, all the production expenditures over to private enterprise. Any technological benefits which would accrue from its further development, either for civilian or military purposes, would seem to be minimal.
>
> Granted that this is an exciting technological development, it still seems best to me to avoid the serious environmental and nuisance problems and the Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

President Nixon, when he announced his decision to proceed with the program, said that his decision was based on the need to keep the United States No. 1 in the field of air transportation. This is not a question of American preeminence in the air affecting national defense. Instead, it is a program to benefit the commercial airline companies. At this point the responsibility to finance the SST should be turned over to the aircraft companies.

Funds for the SST should rank far back in our national priorities. If the administration is interested in cutting spending, it should do so by cutting funds for the SST, not by cutting funds for housing, education, health, pollution control, and other imperative domestic needs.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, we have heard many statements by those who have interests, either because they live near airports and are concerned about noise or pollution, or because of the fact that those who will be working on the SST are in their districts. Let me say at the outset that I come from Connecticut, where we have the Pratt & Whitney Aircraft Co., which lost out in the competition. So we have nothing to gain from developing the SST. Nevertheless, I believe the United States must develop the supersonic transport, because the supersonic transport is a reality and will be in operation very shortly and people are going to fly in it. The only question will be whether or not we fly as Americans on American supersonic transports or on those of the Russians or of the French and British combine. We enjoy a near monopoly in aviation today. Throughout the world people are purchasing American airplanes, American engines, and American equipment.

I want to see this continue. I want to see the United States remain paramount in aviation. In our difficult trade relations with the other nations of the world, we must remain paramount in aviation.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

We have started on this venture and we have been in it for some time. There has been a great deal of money spent on it, many hundreds of millions of dollars. I do not think the American people like to start on a venture like this, and then want to stop when they are part way through. The slogan of America in the past has been, "Press on." That has been the reason why we are the leaders of the world in so many ways.

Mr. Chairman, I say we should press on now with this project and make the SST a reality.

The CHAIRMAN. The Chair recognizes the gentleman from California, (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I believe everything has been said that might be said.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of the amendment to strike funds for the development of the SST.

I associate myself with the remarks of the gentleman from New York (Mr. HORTON).

The economic advantages of development are questionable. President Nixon's science adviser has stated that further development would seem of minimal technological benefit. There is a serious question about the usefulness of the SST because of the sonic boom produced. Our airports cannot absorb the aircraft flying today and the new airplanes on order.

We in Congress are daily concerned with national priorities—with what should get done first and what can be postponed. It seems to me that a higher priority should be given to safe, fast, clean commuter rail service for hundreds of thousands of American wage earners, than to an expensive airliner which will benefit only a few. Let us spend the money on building a mass transportation system for our people.

We are being asked for $92 million at present. This is an installment toward additional appropriations of at least $662 million in requests to come. Now is the time to call a halt. Now we have an opportunity to reconsider our priorities.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I rise in support of the Yates amendment to delete further funding for the development of the SST. The case against proceeding further with Government subsidies at this time is overwhelming. Rosy predictions of the SST's likely financial success are based on faulty and incomplete economic analysis. The only thing the experts can say with certainty is that the SST will add noise and pollution to our beleaguered environment.

We have heard much about national priorities and national prestige, and these considerations merge in the question of the SST. I, for one, will not take much pride in seeing commuters still struggling to work in decaying cities by the time the SST flies, benefiting the few at the expense of the many. And I hardly think the development of the SST will make this Nation stand taller in the eyes of the rest of the world. The millions who witnessed our landing on the moon need no reminder of our topflight scientific and engineering capability. I think it is time we demonstrated that we have the maturity to resist spending scarce resources on tantalizing technical gadgets and the will to devote them to restoring an environment hospitable to healthy and civilized human life. A nation that sets sane priorities will not lack prestige.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in opposition to the Yates amendment.

As an economist, I have given considerable study to the balance of payments implications of our decision to continue or defer the supersonic transport development program.

Commercial aircraft have made a substantial contribution to total U.S. exports during the past several years. In 1968, for example, sales abroad of our civil transport aircraft amounted to $1.2 billion. This, in effect, accounted for 121 percent of America's $990 million trade surplus last year.

In 1946 I returned from my military assignment in India in a C–54, the military version of the DC–4. This model subsequently was replaced on transoceanic flights by the DC–6 and the DC–7, both four engine, propeller-driven aircraft.

The decade of the 1950's saw the inauguration of transoceanic jet service. The 1960's introduced new jet models with increased capacities and greater economy of operation. Next year will mark the beginning of commercial jumbo jet flights.

This dramatic metamorphosis in commercial aircraft design during these past 23 years will not end with the jumbo jet.

The next logical development is the supersonic transport. This represents the market of the late 1970's and the 1980's.

In a study entitled "SST Economic Feasibility Report," issued in April 1967, the Federal Aviation Agency concluded that the SST market by 1990 should be at least 500 airplanes under sonic boom flight restrictions. The Boeing Co. already has received orders, with accompanying downpayments, for 122 of its supersonic commercial jet, the B–2707. The French-British consortium producing the Concorde SST has delivery position reservations for 74 of that aircraft.

The forfeiture of this market by U.S. aircraft producers would place this country's international trade posture in double jeopardy.

First, we would lose the overseas commercial aircraft market which our firms now dominate. This would reduce the export—or "plus"—side of our balance-of-payments statement.

Second, U.S. airlines, in order to compete with their international rivals, would be required to purchase supersonic jets from foreign markers. Mr. Najeeb E. Halaby, president of Pan-American World Airways, already has expressed his possible interest in buying the Russian TU–144 if Boeing cancels delivery of its 2707. Such action by American carriers would increase the import—or "minus"—side of our balance-of-payments statement.

If we proceed with the development of the SST, the Federal Aviation Agency predicts a favorable balance of payments import by 1990 of approximately $17 billion. To terminate the program may have the reverse effect.

The SST ad hoc review committee, appointed by President Richard M. Nixon, concluded that if the overall balance-of-payments picture is considered, there is substantial reason for delay in proceeding to prototype production. The reason, as outlined in the committee's report, is the adverse effect which the SST would have on the U.S. travel deficit.

The committee, in effect, is saying that the SST will generate American tourism abroad. Ergo, it should not be produced.

This same reasoning, of course, could have been applied to the new jumbo jets which will begin traversing the oceans this winter. Do not build these jets, so the argument goes. They will carry to many Americans abroad.

Using this same logic, a case could have been made against the development of the first aircraft by my fellow Daytonians, Wilbur and Orville Wright.

The simple fact is that Americans will continue to travel abroad. It not carried on a U.S.-produced SST, they will ride on the Concorde, the TU–144, or subsonic aircraft.

If, indeed, the development of the SST generates more tourism, this fact, in itself, make the market for that type of aircraft more attractive for U.S. airplane producers. All the more reason for them to proceed with the SST.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the arguments for proceeding with the development of the SST at this time simply are not very convincing. Of all that have been advanced, those concerning the stimulus to the economy come closest to making sense, but even these begin to pale when it is realized what a high-risk undertaking it all is, not only from the standpoint of the technical development but from the standpoint of the favorable world market we expect to find with the finished product some conservatively estimated $4 to $5 billions later.

And in the wake of our second moon landing, the prestige that would be added to the incontestable technical excellence of U.S. science and industry is, in my opinion, so much icing on the cake—and totally unnecessary.

The lavish funding of this project is another manifestation of how badly awry our national priorities have gotten.

We have competed with the best technical competition the world has to offer in a race to the moon, and we have won twice over.

For a change, let us now compete in making life more abundantly complete and meaningful on this planet.

Let us, as a logical place to start, compete in the excellence of educational opportunities to be afforded our citizens so that they themselves can find their own fulfillment.

It is doubtful that most of those taxpayers who are being asked to underwrite the cost of SST development will ever fly in one. It is more probable that they will look with envy at those able to fly above this polluted planet, to which this miraculous transport will make a negative contribution in noise and noxious fumes. With a little diligent effort on our parts, most will be able to find a seat in educational programs they are supporting with their tax dollars.

And what about our elderly and needy citizens who have contributed so much to our progress to this time? What consternation they must feel at this very moment as we respond with alacrity with a billion or so dollars for this dubious project, even as we tell them the time is not propitious to give them more than a bare subsistence social security benefit.

Thus, I repeat, let us compete in something rational and socially meaningful for a change. The choices are as broad as they are rewarding—education, a clean environment, and a meaningful life to tens of thousands of needy senior citizens.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. McCARTHY).

Mr. McCARTHY. Mr. Chairman, throughout this whole controversy there has been a theme, I have detected. It is that the human, economic, and environmental values must somehow be subordinated to the thrust of technology, and the Congress and the American people must somehow adjust to technology—in this case foreign technology.

Mr. Chairman, I agree we can build bigger and faster airplanes, and we can build bigger and faster trucks, and we can build bigger and faster lots of things. But I wonder, do we want to especially if they adversely affect human beings and man's environment?

I think this is a good time to reassert our mastery over the technology that is thrusting us willy-nilly forward.

Mr. Chairman, I support the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I spoke at great length during the general debate. I would like first of all to answer the gentleman from California. I do not have one job in my district in this particular field. I passed and voted present in both the subcommittee and the full committee, before I made the decision after thorough study.

I just notice on my desk part of that study, which indicates that President Kennedy in June 1963 sent this message to the Congress of the United States.

He said:

> Our determination that the national interest requires such a program is based on a number of factors of varying weight and importance:
>
> A successful supersonic transport can be an efficient, productive commercial vehicle which provides swift travel for the passenger and shows promise of developing a market which will prove profitable to the manufacturer and operator.
>
> It will advance the frontiers of technical knowledge—not as a by-product of military procurement, but in the pursuit of commercial objectives.
>
> It will maintain the historic United States leadership in aircraft development.
>
> It will enable this country to demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system.
>
> Its manufacture and operation will expand our international trade.
>
> It will strengthen the United States aircraft manufacturing industry—a valuable national asset—and provide employment to thousands of Americans.

Mr. Chairman, the question before us is whether to go ahead with the supersonic transport. There has been $623 million appropriated to date. Some $662 million more will be needed—$96 million of which is provided in the bill before us today.

This is a very complicated question once you throw away emotional preconceptions and get down to the meat of it, and I did just that.

This is also a question upon which reasonable men may differ. But it is a question that we in this body must answer here today.

Mr. Chairman, as you know I have as yet taken no position. I have kept my mind completely open to all the arguments, both pro and con. I have read everything I could lay my hands on. And I have finally come to the conclusion that we should go ahead with the SST.

This was not an easy decision. I think the critical questions I raised during our hearings reflected my doubts at that time. I must admit that the ad hoc committee report did not help these doubts any.

But I did not stop there. In going on with my research, I concluded that many of the questions raised by the ad hoc committee and other critics of the SST could be answered.

For example, the sonic boom is not really an issue because the SST will fly at subsonic speeds over land. In addition, it will make no more noise during takeoff and landing than the 707.

The threat of radiation or ozone poisoning is less than it is in today's jets.

The Concorde will most likely be commercially viable, and therefore we would lose $15.8 billion in our balance of payments if we did not proceed with the SST. On the other hand, we would improve our balance of payments by $10.1 billion if we did proceed.

Mr. Chairman, I am also impressed by the fact that the exact same arguments were raised in the fifties about the technological feasibility and commercial viability of passenger jet aircraft. And when I say the same, I mean the same.

It was alleged that the jet airliner market would only support, at the most, two companies.

It was also alleged that in the race for jet supremacy, the market was less certain than the technology.

The U.S. airlines were so skeptical that the general outlook on jets was described as "bearish."

And the jet's noise—yes, its noise—raised serious problems.

To be sure, there were reasons to question the jet then, just as there are reasons to question the SST now. But look at what happened when we went ahead with jet aircraft. I hate to think how it might have turned out had we not. In this regard, it is worth looking at what did happen to our merchant marine. We are now sixth in the world behind Russia in tonnage. And worse than that, while 80 percent of our ships are at least 20 years old, 80 percent of the Soviet ships are 10 years old or less and 50 percent are 5 years old or less.

As my colleagues well know, the experts have been wrong. Their crystal balls are just as cloudy as anyone else's. I will never forget what Adm. William Leahy said in 1945:

> That is the biggest fool thing we have ever done. The (atomic) bomb will never go off, and I speak as an expert in explosives.

It would not be difficult to find dozens of similar predictions about things that just did not work out the way the experts said they would.

Mr. Chairman, I want to say something about the emotional question of budgetary priorities. The SST makes good sense economically. The Federal investment will be returned when the 300th plane is sold. However, it is more likely that 500 will be sold, so we should make an additional $1 billion profit to boot. Besides that, the project will create more than 150,000 jobs directly and indirectly.

I do not call that an inversion of priorities. On the contrary, I call it good business for the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I, too, have talked at some length during general debate. I should merely like to point out to the Committee that most of the members of the subcommittee have spent literally hundreds of hours listening to expert testimony about the SST program.

It boils down to four factors: One, economic feasibility; two, technical feasibility; three, noise level; and four, balance of payments.

Yes, there are arguments pro and con, but in the great balance the big plus is for going ahead with this program.

I certainly hope that the Committee

will support this program. President Kennedy was for it. President Johnson was for it. Now President Nixon is for it.

Every succeeding Congress since 1963 has approved this program. The amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, reference has been made to the message of President Kennedy delivered in 1963 in favor of the SST. None of the proponents of the program has pointed out that at the time in that same eloquent message President Kennedy said the total cost to the United States for this program would not exceed $750 million.

The cost through only the prototype phase, Mr. Chairman, will be twice that; it will be $1.5 billion. And this does not take into account the amount that will be necessary to provide through Federal financing, the $2 billion that might be necessary through the production phase.

My good friend the gentleman from Ohio (Mr. Hays) talked of the potential inconveniences of the 747. He pointed to the difficulties that will come with travelling in that huge plane with so many passengers. Whether that is true or not is beside the point. I believe we who travel are going to have to ride the 747 because it is going to be the No. 1 moneymaker of the airlines, and the airlines are interested in making money. They are not nearly as anxious to buy the SST's.

Finally, Mr. Chairman, the cost for the SST will be $52 million. The cost for the Concorde will be $21 million. The airlines will be able to buy two Concordes for one SST. I ask my friend from Ohio (Mr. Whalen) who spoke about the economics of the situation, will the airlines prefer to buy two Concordes or one SST for the same price?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

As has been pointed out here, three Presidents have recommended that we go ahead with the SST.

On June 5, 1963, President Kennedy made the initial decision to go ahead. Let me quote his remarks. What the gentleman from Illinois said was true; President Kennedy did at that time indicate that the Government should not exceed $750 million. But that was in 1963. He also anticipated that the program would be completed in about 6 years.

This is what he said:

> The cost of such a program is large—it could be as great as one billion dollars for a development program of about six years.

The development program has already been going on for 6 years, and it will continue until 1972. Obviously, the costs have risen as the time has been extended.

Listen to these words of our late President. He said:

> This is beyond the financial capability of our aircraft manufacturers. We cannot, however, permit this high cost, nor the difficulties and risks of such an ambitious program to preclude this country from participating in the logical next development of a commercial aircraft.

President Johnson agreed with that position, and so does President Nixon. President Nixon said in his message:

> I have made the decision that we should go ahead. I have made it first because I want the United States to continue to lead the world in air transport, and it is essential to build this plane if we are to maintain that leadership.

Mr. Chairman, references have been made here to various reports that have been studied by the President, four reports in particular. These reports were available to the committee. They include the Ad Hoc Committee report on which Mr. Yates and others have hung their hats in opposition to this program, but there were three other reports that said, "Go ahead with the SST." On the committee desk here, in fact, there is a ream of reports, a 5-foot shelf of reports, which indicate the feasibility of the SST and express confidence in the ability of our scientists and technicians to solve the sonic boom and other problems connected with the SST.

Mr. Chairman, this committee gave this matter considerable study, as our 348-page hearing on this matter alone indicates, and we recommend that the United States go ahead with the SST, and I hope that the amendment will be defeated.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Gross moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his motion.

Mr. GROSS. Mr. Chairman, it seems to me that it was a little precipitate to put a 20-minute limit on debate on this vital amendment which I support.

We have heard a great deal about leadership this afternoon; that we must maintain leadership at any and all cost in the production of airplanes. Let me remind you of one area of leadership that the United States has that none of the Members should be envious of. That is the $365 billion of Federal debt, and it is more governmental debt than the rest of the world combined by some $40 to $50 billion. To continue construction of the SST will help assure U.S. leadership in the debt of the entire world.

How much more is proposed to be spent on this plane? It is interesting to read something of the hearings on this bill, especially the report of the ad hoc committee. I do not see how anyone can read the report of that committee and still support a $100 million continuation of this experiment. The committee cast all kinds of doubt on the future of this plane.

Where is it proposed to sell this aircraft, and what are the foreign countries who buy it going to use for money? It is almost unbelievable to read a discussion in the hearings of the suggestion, apparently made by Mr. Vierling, Acting Director in the Department of Transportation, for the development of the SST, that this huge supersonic aircraft will be sold to Pakistan and India. What are the Pakistani and the Indians going to use for money to buy this plane at $50 to $60 million a copy? How silly can anyone be in advocating or suggesting or believing that we are going to sell these planes for cash, for hard money, to Pakistan and India of all places?

Of course, if we give them the money, they may buy them. But what then happens to the international balance of payments?

Now, just stop and think again about this leadership business. What would be wrong with letting someone else somewhere in this world take the lead in something while we do something here in this country about the $365 billion of debt, the $18 billion of annual interest payment on that debt, and the inflation that is ravaging our economy. Let someone else take the leadership in something and let us try to save the hides of the American taxpayers.

It is about time a third party spoke up around here every day on the hour in behalf of the taxpayers.

As the gentleman from Illinois said a few moments ago, some $750 million has already been expended on this aircraft and all we have is a prototype. How much more? How many billions will this plane cost before it is flying 9 years from now? Is this plane going to be restricted to flying only the Atlantic and other oceans at supersonic speeds? It might be nice for the junketing Members of Congress. They could get to Europe in a matter of about 3 hours or less, and I suppose they could get to all the fleshpots of the world in a matter of hours, and at taxpayers' expense, of course.

Mr. Chairman, I support the amendment which has been offered by the gentleman from Illinois. This costly experiment ought to be stopped dead in its tracks.

Mr. HAYS. Mr. Chairman, I rise in opposition to the preferential motion.

I am sorry that I did not hear all of the oration of the gentleman from Iowa, but I did hear the last few sentences.

The gentleman is a member of the Foreign Affairs Committee. If this method of getting somebody to Europe in a hurry would induce him to go so he could find out more about the committee business, I think we ought to pass it. I think it would help to get him aboard one of these planes and get him over there.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. At your own peril. You and I are working together, you know, and I do not want to upset you because we have this foreign aid bill coming up tomorrow. So, maybe, I should not yield.

Mr. GROSS. This will not make any difference with respect to the foreign aid bill. But I would say to the gentleman if he had an armload of SST's he could not draft me to take one of those junkets to Europe.

Mr. HAYS. I think it would be most helpful.

Mr. GROSS. On the serious side, let me ask the gentleman this question: What does he think the Pakistanis and the Indians are going to use for money to buy the SST?

Mr. HAYS. Whatever they used before. They got the Boeings. I do not know what kind of script it was, but they got them. They got it some place.

Mr. GROSS. Perhaps from the $9 billion which we have poured into India in the last few years?

Mr. HAYS. The gentleman from Iowa is a pragmatist. He knows that two of the biggest recipients of foreign aid are Pakistan and India.

Mr. GROSS. Yes.

Mr. HAYS. And the gentleman also admits that that bill is going to pass day after tomorrow?

Mr. GROSS. I suppose it will in view of the spending habits of the House.

Mr. HAYS. And, maybe, we will get some of that money back if we let them have the SSTs. We will give it to them anyway.

Mr. GROSS. There is little reason to believe they will pay us for them.

Mr. HAYS. I think Boeing will get it one way or the other.

Mr. GROSS. I do not think Boeing will be making the sales. I suspect they will be sales which will be guaranteed by the U.S. Government.

Mr. HAYS. I think we will get some of their money.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Iowa (Mr. Gross).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The question was taken; and on a division (demanded by Mr. Yates) there were—ayes 64, noes 126.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Koch: On page 16, line 18 strike "$220,000,000" and insert "$250,000,000" and on line 19 strike "$25,000,000" and insert "$50,000,000".

Mr. KOCH. Mr. Chairman, I would like to talk to my colleagues about mass transit, and my amendment which deals with an appropriation which had originally been requested by the administration of $250 million, and has been reduced by the Appropriations Committee to $220 million.

If the $30 million is put back, it would not be an increase above what was requested; it would merely give the administration what it requested.

Twenty-five million dollars of that amount would be for R. & D., and $5 million would be for other programs.

Let me try to put this into perspective. In this country, in the cities in particular, we are strangling in traffic jams, and what I am appealing to you to do now is to assist your constituents and do equity in this area of need.

If you look over the years during which we have provided funds for mass transit and provided funds for highways, you will find that we have provided funds at the rate of 30 to 1—30 to 1 in favor of highways. I do not question at this moment the appropriations for highways, but I want to urge you to appropriate this small amount that we are asking for mass transit, which meager amount has been reduced by the Committee on Appropriations.

What will happen if the amendment is not accepted is this: $25 million that could be used for R. & D. will not be included in the bill.

Possibly in this year and surely in the years to come, whether it is a Nixon bill or someone else's bill—and there are 107 of us who have joined together on one mass transit bill—there will be a mass transit bill and it will provide billions of dollars either over the next 4 years or over the next 12 years.

It would be wrong not to provide the research and development funds now to help develop programs which would enable us to use those moneys wisely.

What is the amount that we are talking of? We are talking about a total request for fiscal year 1971 of $250 million. In that same period we will spend $5 billion for highways. Is not that small sum of $250 million worthwhile spending? Ought we not provide those moneys for your constituents and for my constituents?

Compare that with other R. & D. programs: We are providing $96 million for research and development for the SST; we are providing $41 million for the FAA.

We are providing $1½ billion for research and development for NASA, not including the Apollo program.

All that I am urging you to do is to provide the very meager sum of $250 million for the people who live in the cities—and we are talking not only of the people who live in the major cities, but in all of the urban areas. This is not a sectional bill—it does not apply just to cities like New York and Chicago. It applies to almost every city in this country, all of which are strangling in their traffic jams.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman.

Mr. OTTINGER. Mr. Chairman, I would like to congratulate the gentleman on his amendment.

The needs are just tremendous in every city in the country for these mass transit funds.

I agree with the gentleman that the priorities of the country are very much disturbed through the failure to take care of this problem.

Mr. Chairman, I hope the committee will strongly support the gentleman's amendment.

Mr. KOCH. I thank my colleague.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I would like to congratulate my colleague for his energy and thoughtfulness in offering this amendment.

I would make the point that this not only affects the cities but it affects the entire metropolitan area. It affects the suburbs too because most people who live in the suburbs work in the cities and part of their way of life and part of the amenity of their existence is getting to their place of work easily.

Mr. Chairman, this affects the vast metropolitan areas.

Mr. KOCH. I thank the gentleman.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. RYAN. I should like to commend the gentleman for offering this amendment.

I would point out, as I understand it, this amendment increases the appropriation by $30 million which is a small enough amount to invest in the future of mass transportation compared to the disproportionate amount of money constantly being spent on the Federal aid to highway programs.

For sometime I have introduced legislation to permit a State to elect to use funds from the highway trust fund for the purpose of mass transit—H.R. 48 in the 91st Congress.

This country has one of the most extensive highway systems in the world. Every year, the Federal Government pours billions of dollars into this system. At the same time, the transportation systems of our cities become more and more clogged because funds are unavailable.

The committee has seen fit to cut the request for mass transit from $250 to $220 million. The area that has suffered most from these cuts is research and development, where funds have been cut from $50 to $25 million.

I support the amendment to restore the $30 million and to make available $50 million for mass transit research and development.

The transportation needs of the cities cannot be ignored any longer.

Mr. KOCH. I thank my colleague.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I just want to associate myself with and echo the remarks that the gentleman has made.

Mr. Chairman, I congratulate the gentleman in taking the lead in this effort.

Mr. KOCH. I thank my colleague.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. FARBSTEIN. I want to say I appreciate the efforts made by the gentleman from New York (Mr. Koch). His ideas are very salutary and I certainly support the gentleman's amendment.

Mr. KOCH. I thank my colleague.

Mr. Chairman, I would like to further point out that the research and development funds will be used to develop the gravity tube transit system and to deal with our overwhelming vehicular pollution problems.

The funds will be used to develop express bus systems and bus lanes, and to develop moving sidewalk systems. Eighty percent of America lives in our cities. Some attention must be paid to their needs.

Having briefly outlined the scope of the problem and the nature of my amendment, I would like now to go into greater detail.

President Richard Nixon sent to the Congress a budget recommendation of $250 million for the Nation's fiscal year 1971 public transportation program. This compares with the projected expenditure of $5 billion for highways during the same year.

Two hundred and fifty million dollars for all of the Nation's transit needs is not a large sum; nevertheless the Appropriations Committee has recommended that the President's budget be cut back by $30 to $220 million. The cuts have been directed primarily at UMTA's research, development, and demonstration program. The President had requested $50 million for this program, but the committee has recommended that no more than $25 million be spent for R. & D., $5 million below the fiscal year 1970 level.

It seems to me that this is not the time to cut back on either capital improvement programs or research. Today's public transportation networks are already behind in meeting the needs of our people, and with the projected growth of our urban centers, they will have to assume an even greater burden.

During the past few decades, mass transit has suffered tremendous economic problems. People do not ride the trains the way they use to, and many transit systems are inefficient and cannot compete with other forms of transportation. One reason for their failure has been the fact that they are laboring with old technology. For example, our rail cars are not much different from those built by Pullman in the 1850's.

One of the R. & D. programs pursued by the UMTA has been the development of a prototype car for the BARTD rail transit system in the San Francisco Bay Area. Further research is needed on the air cushion vehicle, the monorail, and the proposed vacuum tube transit concept. When one looks around at the transit systems in the United States and then compares them to those in the rest of the world, one sees that we are behind in the application of modern technology in public transportation.

One of the reasons we have not been able to move ahead in the development of a gravity tube transit system is that today tunneling is a slow and costly process. Little progress has been made in the science of tunneling since the development of the Brunel shield in the early 1880's. The Department of Transportation estimates that approximately 3,000 miles of tunnels will have to be built between now and 1990; and one of its R. & D. projects is in modernizing tunneling technology.

I know that the committee has tried to limit total expenses by cutting back research and development programs. But, I would submit that the apparent savings in this field would in the long run be a loss, for it would be just that much longer before our transit systems catch up with the times, that much longer before they shed their handicap of stale technology.

Efficient, clean and rapid mass transit is a critical need in our urban areas where large masses of people need to move from one place to another. Let us look for a moment at our metropolitan areas' population statistics. Approximately 80 percent of the country's 200 million people live in urban areas today. By the year 2000 we will have another 100 million people and 90 percent of all the population will live in our cities and suburbs. Surely $50 million in fiscal year 1971 for research for tomorrow's transportation to serve over 250 million people is not too much to spend.

Compare this figure with the fiscal year 1970 appropriations for other R. & D. programs. Today we have discussed the $95,958,000 recommended by the committee for continued development of the supersonic transport. We already have spent $623 million for its initial development as compared to a total of approximately $80 million to study public transportation problems; and it is estimated that we will spend $662 million in the future—a total of $1.3 billion for this one airplane.

In addition, the Federal Aviation Administration is being given $41 million for its fiscal year 1970 research and development program, $14 million more than the previous year's level.

On June 24, the House approved NASA's $3 billion research and development budget for NASA; half of this will go to the Apollo program and the rest for NASA's other research programs; one item is labeled "physics and astronomy," and it has been given $117 million.

The House Appropriations Committee is now working on a $7.3 billion request for research, development, testing and evaluation for the Department of Defense.

Compared to these other programs, surely $50 million is not too much to appropriate for research in public transportation.

I might point out that on August 7 when the President set forth his 12-year public transportation assistance program, he recommended that $300 million be spent on transportation during fiscal year 1971. Fifty million dollars of this would be for research and development.

I have introduced a bill which would provide for an expenditure of $10 billion on public transportation in the next 4 years. Whether we spend $10 billion in the next 4 years or $10.1 billion in 12 years as recommended by President Nixon, we should move rapidly ahead now with research so that the Federal Government and our Nation's cities will be able to purchase the best buses and rail equipment that today's technology is capable of producing. We have sent three men to the moon and back, and we pray for the safe return of those three astronauts now in space. Let us devote some of this same commitment to harnessing 20th century technology for mass transit so that our Nation's people can get to work and back speedily and comfortably.

Mr. KLUCZYNSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend at this time to propose any amendments or otherwise oppose the appropriation for highway safety, but I do feel compelled to warn my fellow Members that the $30 million appropriated in this bill is totally inadequate. If the highway safety program is to have any meaning it will have to be adequately funded, and as chairman of the legislative subcommittee responsible for this program, I must say now that I intend to make a serious and determined drive for proper funding in future years. A cut from the $75 million authorization to $30 million is simply not tolerable.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to the gentleman.

Mr. BOLAND. Mr. Chairman, the committee appreciates the position of the gentleman from Illinois. We are aware of your dedication to the highway safety program and I think I can offer the gentleman the assurance of the subcommittee that we would like to take care of you and your committee in future years.

Mr. KLUCZYNSKI. I thank the gentleman. I know he is a man of his word.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I am happy to yield to my colleague from Illinois.

Mr. McCLORY. I commend the gentleman on his statement and indicate that, as a colleague from the State of Illinois, I realize there is a need for additional funds for these purposes, and I support the gentleman's position and will in the future when the matter comes to the floor of the House for consideration.

Mr. KLUCZYNSKI. I thank the gentleman. We are slaughtering 56,000 people on the highways, and it is about time we put some money into the program for highway safety.

Mr. HALPERN. Mr. Chairman, I rise in support of the amendment introduced by my able colleague, the gentleman from New York (Mr. KOCH), calling for the restoration of $30 million to the appropriations for the urban mass transportation fund.

The original budget request for fiscal year 1971 was $250 million, but the committee has chosen to reduce this amount to $220 million, with the major cut being in research money.

Mr. Chairman, the restoration of the complete amount requested is the least this body can do to assure some forward momentum in an area which is grossly underfunded. Over 70 percent of our population lives in urban America, and yet we continue to appropriate billions for roads and very little for mass transit. Since 1956 the Federal Government has spent $44 billion on highways and ultimately will spend, during the course of the highways trust fund which now expires in 1974, the sum of $60 billion. The current annual highway expenditure reaches almost $5 billion, while the present proposed allocation is hardly 5 percent of this amount.

But the challenge in urban transportation is not a contest between highways and mass transit.

We need both. We need balance.

I would have preferred what would have given a really fair share to urban mass transit—an urban mass transportation trust fund which would be funded in part through the use of present auto excise taxes. However, if we cannot have this, certainly let us not accept anything less than the highest level of funding possible at this time.

I could not agree more with the committee's call for "action," but let us make no mistake about the necessary basis of research upon which action is based. Urban mass transit is a highly technical area involving numerous different alternatives—from subways to minicar systems. We must continue to allow indepth examination of all feasible alternatives.

Therefore, Mr. Chairman, let us not be unrealistic in the name of economy. Mr. Koch's proposal is not exorbitant. Urban mass transportation is a vital problem which needs the fullest concern of Government. We cannot afford to slice the pie any thinner if we are going to have any effect at all on the traffic jams that are strangling most major cities today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Koch).

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Yates: On page 21, line 11, insert a new section as follows:
>
> "Sec. 309. None of the funds provided under this act shall be available for the planning or execution of programs for the construction of any airport in the State of Florida until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation, that such an airport will not have an adverse environmental effect on the ecology of the Everglades."

Mr. YATES. Mr. Chairman, the purpose of my amendment is simple. It is to protect the ecological balance of one of our Nation's most unique wilderness areas, the Everglades. The amendment requires that a study be made of the environmental impact of the proposed jetport. I think that the amendment is a reasonable safeguard against the possibility that one of our greatest wilderness areas will be destroyed by the unthinking construction of an airport.

H. G. Wells has written that "human history more and more becomes a race between education and catastrophe." That is certainly true in regards to the Everglades. Unless we learn to value wilderness areas for their own sake and to take the time to understand the complex ecology which keeps them alive, we will witness their disappearance.

In all fairness Secretary of Transportation Volpe has said he doubted the jetport would not be constructed. The jetport which is proposed will have some 39 square miles—more than the combined area of Kennedy, Los Angeles, San Francisco, and Washington National Airports combined. It will spawn air and water pollution on a huge scale. It will interfere with the fresh water supply so essential to maintaining the environmental integrity of the Everglades. We simply cannot stand by while this natural wonderland is pillaged unnecessarily.

The whole chain of life in the Everglades, from algae to alligators, will be threatened by the inevitable pollution which will accompany the jetport and the facilities which support it.

Noise from takeoffs and landings, estimated eventually at two per minute, will be intolerable not only to the wildlife population but to the million annual visitors to the park, whose opportunity for a wilderness experience will be gone forever.

It is important that the Department of Transportation, as the Nation's airport and roadbuilder, take the lead in recognizing the importance of preserving our natural heritage. Section 4(f) of the Department's statutory authority states:

> The secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl, or historic site unless (1) there is no feasible and prudent alternative use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

Though the proposed jetport will not be located in the Everglades itself, its impact on the park lands is unquestioned. This amendment would serve to extend the principle of section 4(f) so as to provide some real assurance that the threat to the Everglades will be minimized. I urge support of the amendment.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the chairman of the committee.

Mr. BOLAND. The gentleman from Illinois has discussed the amendment with me and with other members of the subcommittee. As far as this side of the aisle is concerned, we are willing to accept the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. CONTE. I joined with the gentleman and the subcommittee in asking Secretary Volpe some questions on this matter. I think he did say he had no intention of building a jetport. I agree with you. I would like to see this in writing as a part of the bill. I agree with the amendment, and urge its adoption.

Mr. YATES. I thank the gentleman.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio, the distinguished ranking minority member of the Appropriations Committee.

Mr. BOW. The gentleman's amendment is a good one, and I suport it.

Mr. YATES. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The amendment was agreed to.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to ask the chairman of the committee about funds in this bill for the highspeed ground transportation demonstration site. The question might seem a bit incongruous after we have spent an hour or two on the SST. But I am concerned to see if any action has developed in the matter of high-speed transportation, such as the selection of the demonstration site and money to carry it forward.

Mr. BOLAND. In response to the gentleman from Texas, let me say there is no money in this bill for a high-speed ground transportation demonstration site, nor was any requested for it in the budget.

Mr. PICKLE. No money was requested in the budget?

Mr. BOLAND. No; there was not. They have now been engaged for a period of almost a year in site selection, but they have not come up with any determination as to where the site ought to be.

Mr. PICKLE. We were hoping that site selection might have been made at the end of this last fall. It was not. They were close to it. We have gone 11 months now, and no site selection has been made.

So if it has not been made at this hour, then we can assume that for at least this year and possibly next there will be no progress in this field.

Mr. BOLAND. I think that assumption would be correct.

Mr. PICKLE. Have they made any indication they are going to send up any request for funds in the supplemental?

Mr. BOLAND. No, there was no indication made to the committee during our hearings that there would be any supplemental request for the site. I think if the request came up for the site in the supplemental, we would perhaps turn it down. That is not the way to get funds for this kind of project.

Mr. PICKLE. I am very disappointed the Department of Transportation has not made a site selection. That should have been done in this last 18 months, and they have not done it. Whatever we do in this field of high-speed ground transportation, it has been set back a year or two because nothing has been done on the site selection. I hope immediate action is given to this.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, I agree with the gentleman. I am glad he raised this. Whatever influence this committee has and can bring to bear, we will, so we will have the site selection made as soon as possible.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to call the attention of the chairman of the subcommittee to page 14 of the bill, lines 7 and 8, where I note $4 million for the Lyndon Johnson superhighway in Texas and ask if this is the last $4 million for this enterprise?

Mr. BOLAND. Mr. Chairman, if the gentleman will yield, this is the last $4 million. This $4 million makes a total of $8 million. We provided $4 million in 1968, none in 1969, and we are providing $4 million this year. This will complete the Chamizal Memorial Highway.

Mr. GROSS. I repeat, that is the Lyndon Johnson superhighway.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I notice that the committee has increased funds for facilities and equipment for the FAA in the amount of $90 million. It is my understanding—and I would like to verify this by discussion with the chairman—that these funds would go for long-range radar, terminal-area radar, communications, and new control towers.

Mr. BOLAND. That is correct. Page 15 of the report, the second paragraph, spells out the factors the gentleman has indicated.

Mr. Chairman, I commend the chairman of the committee and the members of the Appropriations Committee who supported the increase in funds for facilities and equipment for the Federal Aviation Administration.

The FAA had requested $134 million for fiscal year 1970 for facilities and equipment for the air traffic control centers. No specific request was made for long-range radar, terminal area radar, instrument landing systems, communications and new control towers.

The FAA had based its decision not to request funds for these most necessary items on the fact that the airport and airways improvement legislation was being considered in the Congress and the FAA anticipated that that legislation would be passed thus providing an additional $116 million in revenues for facilities and equipment.

I was shocked during hearings before the Interstate and Foreign Commerce Committee to learn that no specific request had been made for these safety items, particularly in light of the FAA's own report that some 4,000 near misses of aircraft collisions were reported in 1968.

I commend the Appropriations Committee for their concern for the safety of the flying public, both in commercial and general aviation, and I support the increase for facilities and equipment for the FAA.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, may I express our appreciation for the gentleman's remarks. Also, we congratulate the gentleman, as a member of the Legislative Committee which does concern itself with air traffic safety, as a member of that committee who has shown a great deal of concern for the items we have here.

This is the first year, at least in my knowledge since I have been on the committee, that we have taken such action in the House. We did this after searching analysis.

Mr. ROGERS of Florida. This is excellent. I commend the gentleman.

Mr. DORN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am concerned that we have not provided adequate appropriations for the staffing of the new Office of Environment and Urban Systems. I agree with Secretary Volpe when he said that one of the most important things he has done since he has been in office is to establish a new Office of Environment and Urban Systems.

This Office has set out to see that transportation is used wisely as a tool for helping cities meet their social and physical development goals. Very often nowadays, when we talk about urban activities, we think only of major metropolitan areas, the cities with millions of people trying to solve the problems of millions of people. I have been pleased to find that the Department of Transportation's new Office concerns itself with the smaller cities as well. In Greenwood, S.C., for example, this Office of the Department of Transportation is working with the city and with State officials to try to use transportation development as a tool for renewing the heart of the downtown area. I am very pleased that urban systems concerns itself with small towns as well as big cities.

I am very impressed by what this Office has been able to do in the short time since it was established early this year. I note that the personnel assigned to this Office are severely limited in number and am concerned that because of the size of the staff the Office will not be able to do what it has set out to do. Even worse, it will not be able to do what needs to be done—not just in cities but in small towns as well, hundreds of them, in terms of all transportation programs and their impact on the quality of life in America today.

I do hope that in the future we will give more consideration to an adequate staff for this particular Office because this Office is directly involved with the problems of hundreds of the smaller cities throughout the Nation which are concerned with social and physical reform in the downtown areas, where there are so many grade crossings and hazardous crossings, the same as those in the larger cities of our country.

So I want to commend Secretary Volpe for creating this new Office, which gives to many of us who represent the smalltown areas some hope for the future that our smaller cities will be considered, as well as the larger cities.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the able and distinguished gentleman from Massachusetts.

Mr. BOLAND. As the gentleman indicated, this is a new Office in the Department of Transportation. It is the Office of the Assistant Secretary for Environment and Urban Systems. The Assistant Secretary is a former mayor of Seattle, Secretary James D. Braman.

We believe that since this program is just getting off the ground—I believe there was a request for 25 new positions in this area—a 100-percent increase. It has been funded, but not to that extent—it ought to crawl before it starts to run.

The gentleman can be sure it is an office we consider terribly important, as he has indicated. We will be happy to get further into this matter next year, and I am sure this Office will be funded to the extent that is warranted.

Mr. DORN. I commend the Secretary, the chairman and the committee for the work they have done along this line.

I am glad the gentleman mentioned Secretary Braman. I have had the pleasure of meeting him. I am impressed with Mr. Braman's sincerity and his knowledge and determination to solve our complex transportation problems.

Mr. Chairman, we are fortunate to have men like Secretary Volpe and Secretary Braman who serve our Nation in this complicated field where leadership and imagination are essential in moving our country forward.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

I should like to join the remarks of the gentleman from South Carolina (Mr. DORN) in expressing my concern to the distinguished subcommittee chairman that the Office of Environment and Urban Systems be given increasing attention by the subcommittee. I believe this Office has one of the most important functions of the Department of Transportation.

It is unfortunate, in a way, that the Department started its program in environment and urban affairs on so small a scale, because I believe their first request to the subcommittee may have seemed to be rather large, in seeking to double the number of existing personnel. In my judgment, however, the critical nature of the responsibilities of this Office fully justifies that request.

I am not offering any criticism of the subcommittee. I do hope we will be able to fully fund this most significant new Office of the Department of Transportation, headed by the very able former mayor of Seattle. I hope every opportunity will be given the Department of Transportation to provide necessary attention in our transportation policy to the development of a quality environment and to the solution of our pressing urban problems.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I believe the argument the gentleman from Washington uses is precisely right and correct. It is the intention of the subcommittee to look at this Office carefully. There is no question about its importance.

We join the gentleman and others who are congratulating Secretary Volpe on establishing this Office. It should have been established long ago, because the impact of transportation systems on the environment in our urban areas is very serious. We agree totally with the gentleman's position.

When we have more information on how it is proceeding, we will fund it so that it will be a very effective Office.

Mr. FOLEY. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I join the gentleman from Washington.

I rise to express my concern over the lack of sufficient funding for personnel in the Office of the Assistant Secretary for Environment and Urban Systems. Secretary of Transportation Volpe said in his testimony before the Appropriations Committee that the creation of this department was one of his most significant actions since taking office, and the committee in its report of the bill noted this action with approval. Yet in the bill before us, there is funding for only 25 staff positions.

This is inconsistent with their important responsibilities and entirely inadequate for the functions this Office is charged with carrying out. Environment and Urban Systems is an Office of extreme importance within the Department of Transportation. In the words of J. D. Bramen, the new Assistant Secretary:

> The primary mission of this Office is to provide a bridge between purely transportation objectives and the broader and more fundamental social, economic and environmental goals of the Nation and the individual communities making up our 50 States.

This is the Office where the urban planners are going to be, where the sociologists and ecologists are going to be. This is the Office whose responsibility it is to tell us how the policies of the Department of Transportation affect the environment and the quality of life in our cities, and what can be done about it. No one else in the Department has the responsibility of responding to the needs of communities all across the country as they are affected by transportation systems.

There currently exists a plethora of problems to which this Office will have the responsibility of finding settlement. There must be 1,000 communities of all sizes across the country who are facing a transportation crisis or can see it coming over the horizon. Just a few of the communities that this Office has been asked to help in solving a transportation problem are Tulsa, Oklahoma City, Norfolk, Charleston, W. Va.; Palm Dale, Calif.; Philadelphia; and Miami. When the new Assistant Secretaryship was created this year, a staff of 25 was hastily assembled to work out procedures and the Office structure. Now, when virtually every urban problem caused by mass transportation crosses his desk, the Assistant Secretary for Environment and Urban Systems must be given the manpower resources to handle these diverse demands. A staff of 25 was never meant to be sufficient in this regard.

It is also the task of this Office to answer the question concerning pollution that has been ignored far too long: "How can the deleterious effects on our atmosphere caused by transportation methods and systems be curtailed?" This important environmental research function is distinct from the technological, methods research carried on by the Office of Research and Technology. But the main objection of the Appropriations Committee to the proper funding of the Office of Environment and Urban Systems seemed to be the feeling that the specific responsibilities of this Office have not been clearly spelled out. It is my hope that the necessary clarification takes place when the Senate Committee holds hearings on these appropriations—because this is an important Office with important functions. It must be given the capability to fulfill its promise.

Mr. KOCH. Mr. Chairman, before I cast my vote in favor of H.R. 14797, I would like to state that in my opinion this Congress is falling short of its responsibilities. I will vote for the bill because it includes necessary funds for worthwhile projects. Unfortunately, we were not able to defeat the appropriation for the SST, and my amendment to increase the funds for mass transit was unsuccessful. Today, I have stated on several occasions the need for the full funding of the urban mass transit budget request of the administration which itself was far too meager. I hope that we will remedy this situation by enacting in this 91st Congress urban mass transportation trust fund legislation which will begin to approach the needs of our people.

Our colleague, the gentleman from New York (Mr. LOWENSTEIN), has asked that he be associated with these remarks and that his vote for the bill is being cast with the same reservations.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JONES of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BOLAND. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow moves to recommit the bill H.R. 14794 to the Committee on Appropriations.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 361, nays 25, not voting 45, as follows:

[Roll No. 277]

YEAS—361

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Berry
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Langen
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle

Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—25

Bennett
Bow
Brock
Brown, Calif.
Byrnes, Wis.
Edwards, Calif.
Eshleman
Farbstein
Goodling
Gross
Hanna
Kastenmeier
Kyl
Latta
Lujan
McCarthy
O'Konski
Ottinger
Roybal
Schadeberg
Schneebeli
Steiger, Ariz.
Steiger, Wis.
Waldie
Wilson, Charles H.

NOT VOTING—45

Abbitt
Anderson, Tenn.
Ashley
Belcher
Bevill
Blackburn
Button
Cabell
Cahill
Celler
Chappell
Dawson
de la Garza
Denney
Frelinghuysen
Gray
Griffin
Howard
Hunt
Jacobs
Jones, Tenn.
Kirwan
Landrum
Lipscomb
Lukens
Mathias
May
Melcher
Morgan
Moss
Passman
Patman
Philbin
Powell
Pucinski
Rooney, Pa.
Rostenkowski
Saylor
Stephens
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Mathias.
Mr. Anderson of Tennessee with Mrs. May.
Mr. Teague of Texas with Mr. Hunt.
Mr. Ashley with Mr. Denney.
Mr. Pucinski with Mr. Cabell.
Mr. Rooney of Pennsylvania with Mr. Saylor.
Mr. Stuckey with Mr. Blackburn.
Mr. Rostenkowski with Mr. Lipscomb.
Mr. Melcher with Mr. Lukens.

Mr. Jones of Tennessee with Mr. Watson.
Mr. Bevill with Mr. Belcher.
Mr. Celler with Mr. Button.
Mr. Chappell with Mr. Utt.
Mr. Gray with Mr. Stephens.
Mr. Griffin with Mr. Tunney.
Mr. Passman with Mr. Landrum.
Mr. Morgan with Mr. Frelinghuysen.
Mr. Howard with Mr. Cahill.
Mr. Abbitt with Mr. Moss.
Mr. Philbin with Mr. Patman.
Mr. Jacobs with Mr. Dawson.
Mr. Kirwan with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 14794, making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and to include pertinent extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MILLS, pursuant to permission granted on November 17, 1969, submitted the following conference report and statement on the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–656)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, and 7; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the Senate amendment, insert the matter proposed to be inserted by the Senate amendment, and on page 2, line 2, of the House engrossed bill, after "amended" insert the following: *, effective with respect to acquisitions made after September 30, 1969,*; and the Senate agree to the same.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JAMES B. UTT,
Managers on the Part of the House.

RUSSELL LONG,
CLINTON P. ANDERSON,
ALBERT GORE,
JOHN J. WILLIAMS,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 2 of the House bill amended section 4911(d) of the Internal Revenue Code of 1954 to extend the expiration date of the interest equalization tax from August 31, 1969, to March 31, 1971. The Senate amendment extended the expiration date of the tax from September 30, 1969, to March 31, 1971, reflecting the temporary extension of the tax which had occurred since House passage of the bill. The House recedes with a clarifying amendment.

Amendments Nos. 2 and 3: Section 4(e) (2) of the House bill added to section 4920 of the Code a new subsection (d), permitting a domestic financing company to elect to be treated as a foreign issuer or obligor for purposes of the interest equalization tax if it satisfies certain conditions; among other things the trade or busness in which it is exclusively engaged must involve one or more specified types of debt obligations arising out of sales of tangible personal property. The Senate amendments added language permitting this election in a case where the debt obligations involved arise wholly or partly out of the lease of tangible personal property if at least 85 percent of the value of the property subject to the lease is attributable to the use of property manufactured, produced, grown, or extracted in the United States or to the performance of services by a United States person or to both. The House recedes.

Amendment No. 4: Section 4(e) of the House bill, in its amendment to section 4920 of the Code permitting a domestic financing company to elect to be treated as a foreign issuer or obligor for purposes of the interest equalization tax, required that such company own only certain specified types of debt obligations arising out of sales of tangible personal property. The Senate amendment added a provision allowing a financing company to own other debt obligations acquired in the course of, and incidental to carrying on, its financing company business, without losing its right to make such election. The House recedes.

Amendment No. 5: Section 4(e) of the House bill, in its amendment to section 4920 of the Code permitting a domestic financing company to elect to be treated as a foreign issuer or obligor for puropses of the interest equalization tax, allowed such company to treat its trade accounts and accrued liabilities as foreign funds out of which debt obligations may be acquired only in the case of accounts and liabilities which are payable within a period of 1 year of the date they were incurred or accrued. The Senate amendment added language extending this period from 1 to 3 years in the case of accrued foreign tax liabilities. The House recedes.

Amendment No. 6: The Senate amendment added to section 4 of the House bill a new subsection (i), amending section 4914(c) (6) of the Code to provide an exemption from the interest equalization tax (similar to the exemption presently provided in the case of export sales involving nonproducing exporters) where a United States person acquires a debt obligation of a foreign person which arises out of a lease of tangible personal property to such foreign person, if either (i) such debt obligation (or any related obligation arising out of the lease) is guaranteed or insured by a United States agency or instrumentality, or (ii) at least 85 percent of the value of the property is attributable to the use of tangible personal property which was manufactured or produced in the United States or to the performance of services with respect to the leased property under the terms of the least by the United States persons (or an affiliated corporation) or to both. Thus, a United States person either could directly make such an export lease free of tax or could make a tax-free direct investment in a foreign corporation which engaged in such export leasing transactions. The new subsection (i) also amends section 4920(a) (1) of the Code to make it clear that an obligation arising under a lease entered into principally as a financing transaction is to be considered a debt obligation for interest equalization tax purposes; this provision would of course have no effect on the treatment or characterization of such a lease for income tax purposes. The House recedes.

Amendment No. 7: The Senate amendment added to the House bill a new section 5, adding to section 4182 of the Internal Revenue Code of 1954 a new subsection (c) relating to ammunition recordkeeping requirements. Under the Gun Control Act of 1968 and regulations issued thereunder, a person selling ammunition is required to obtain the purchaser's name, address, date of birth, and some form of identification, and to note certain additional information in his records.

The new section 4182(c) in effect repeals these requirements in the case of sales of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts therefor; purchases of ammunition presently interchangeable between rifles and handguns, such as .22 caliber rimfire ammunition, would continue to be subject to the recordkeeping requirements. The House recedes.

W. B. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN BYRNES,
JAMES B. UTT,
Managers on the Part of the House.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11612, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 11612, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91–657)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11612) "making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, 10, 11, 14, 18, 19, 24, 39, 41, 49, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 13, 16, 17, 20, 21, 22, 23, 27, 28, 30, 31, 32, 33, 35, 36, 37, 38, 40, 42, 46, 48, 50, 53, 55, 56, 57, 58, and 60.

And agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$131,802,200"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$935,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,809,750"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,500,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$114,006,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,412,800"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$133,595,500"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$610,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,437,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,657,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,354,650"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,229,500"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$3,025,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,125,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$66,250,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "fifty-two (52)"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 12.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
W. R. HULL, Jr.,
GEORGE E. SHIPLEY,
FRANK E. EVANS,
GEORGE MAHON,
ODIN LANGEN,
ROBERT H. MICHEL
(with reservation on amendment No. 48),
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

SPESSARD L. HOLLAND,
RICHARD B. RUSSELL,
JOHN STENNIS,
ALLEN J. ELLENDER,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
KARL E. MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

Amendment No. 1: Deletes the Senate proposal for construction of a new animal disease and parasite research facility at Beltsville, Maryland.

Amendment No. 2: Appropriates $131,802,200 for research instead of $130,182,000 as proposed by the House and $134,452,000 as proposed by the Senate. The following tabulation indicates action of the conferees on items which were in conference:

Improve methods to control avian leukosis in poultry	$875, 000
Food and nutrition research:	
(a) Food and nutrition research studies	478, 500
(b) Update handbook on nutrition "Family Fare"	(1)
Cane sugar refining research	50, 000
Bovine mastitis and abnormal milk research	554, 200
Wholesaling and retailing research	[2]($100, 000)
Research acceleration: Development funds for the U.S. Meat Animal Research Center, Clay Center, Nebraska	967, 100
Research on sunflowers to improve varieties with high oil content and to breed disease resistant and improved varieties	100, 000
Improve research methods and controls on aquatic weeds	324, 900
Completion of financing on Israeli oat research on Avena sterilis, and on oat foliage	82, 000
Acceleration of cooperatively financed basic surgarcane research in Hawaii	60, 000
Acceleration of sterile codling moth release program (3-year program)	308, 200
Acceleration of research on Caribbean fruit fly	133, 000
Upgrading quality of processed peaches	92, 500

Pollution research concerned with animal waste management	$661,800
Acceleration of special cost-cutting research program on cotton	2,761,000
Facilities:	
Construction and modernization of research facilities, Beltsville, Maryland	[3] 525,000
Senate additions for construction and improvement	0
Senate additions for planning	0

[1] To be completed with available funds.
[2] From contingency research fund.
[3] Additional funds for modernization only.

Amendment No. 3: Provides that $935,000 of the appropriation for research shall remain available until expended instead of $710,000 as proposed by the House and $2,306,000 as proposed by the Senate.

Amendment No. 4: *Plant and animal disease and pest control.*—Appropriates $90,809,750 instead of $69,493,000 as proposed by the House and $92,126,500 as proposed by the Senate. On items in disagreement between the two houses, the recommendation of the conferees provides for one-half of the Senate increase in each case. With reference to the cooperative fire ant eradication program, the conferees expect the Department to take every step possible to obtain matching funds. The conferees are in agreement with language in the Senate report stating that at least $1,000,000 of funds in the contingency fund be reserved for control of plant and related insect pests.

Amendment No. 5: Provides that $1,500,000 shall remain available until expended for construction of facilities instead of $1,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

Amendment No. 6: Deletes the Senate proposal with reference to the purchase or application of chemical pesticides.

Amendment No. 7: *Salaries and expenses. Special foreign currency program.*—Appropriates $5,000,000 instead of $4,500,000 as proposed by the House and $5,500,000 as proposed by the Senate.

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 8: Appropriates $55,189,000 for payments and expenses as proposed by the Senate instead of $53,854,000 as proposed by the House.

Amendment No. 9: Provides $2,000,000 for contracts and grants for scientific research as proposed by the House instead of $2,150,000 as proposed by the Senate.

Amendment No. 10: Restores House language providing $1,000,000 for grants for facilities.

Amendment No. 11: Provides $376,000 for expenses of the Cooperative State Research Service as proposed by the House instead of $426,000 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to provide a total amount of $62,510,000.

EXTENSION SERVICE

Amendment No. 13: *Payments to States and Puerto Rico.*—Provides $83,621,000 for payments for cooperative agricultural extension work as proposed by the Senate instead of $82,006,000 as proposed by the House. The conferees are in agreement with the directive in the House report for the use of $7,500,000 for professional workers to promote 4–H type programs in the depressed areas of our cities.

Amendment No. 14: Provides $375,000 for payments under the District of Columbia Public Education Act as proposed by the House instead of $500,000 as proposed by the Senate.

Amendment No. 15: Appropriates a total of $114,006,000 instead of $112,391,000 as proposed by the House and $114,131,000 as proposed by the Senate.

Amendment No. 16: *Retirement and employees' compensation costs for extension agents.*—Appropriates $10,240,000 as proposed by the Senate instead of $10,000,000 as proposed by the House.

Amendment No. 17: *Federal Extension Service.*—Appropriates $3,838,000 as proposed by the Senate instead of $3,338,000 as proposed by the House.

FARMER COOPERATIVE SERVICE

Amendment No. 18: Appropriates $1,500,000 for salaries and expenses as proposed by the House instead of $1,635,000 as proposed by the Senate.

SOIL CONSERVATION SERVICE

Amendment No. 19: Appropriates $6,209,000 for watershed planning as proposed by the House instead of $5,000,000 as proposed by the Senate. The conferees are in agreement with the language of the House report directing that not less than 100 new plans be started during the coming year.

Amendment No. 20: Appropriates $63,873,000 for watershed works of improvement as proposed by the Senate instead of $57,873,000 as proposed by the House. The conferees are in agreement that not less than 80 new construction starts should be undertaken.

Amendment No. 21: Provides that $5,000,000 in the direct loan account of the Farmers Home Administration shall be available until expended for loans instead of $3,000,000 as proposed by the House.

Amendment No. 22: *Resource conservation and development.*—Appropriates $10,252,000 as proposed by the Senate instead of $7,452,000 as proposed by the House.

Amendment No. 23: Provides that $3,300,000 shall remain available until expended for loans under subtitle A as proposed by the Senate instead of $1,500,000 as proposed by the House.

ECONOMIC RESEARCH SERVICE

Amendment No. 24: Appropriates $13,450,000 for salaries and expenses as proposed by the House instead of $13,562,000 as proposed by the Senate.

STATISTICAL REPORTING SERVICE

Amendment No. 25: Appropriates $15,412,800 for salaries and expenses instead of $14,950,000 as proposed by the House and $16,375,600 as proposed by the Senate. Included in the amount allowed is $103,500 for probability surveys of farm grain stocks, $358,000 for research to improve agricultural statistics, and $160,300 to reinstate a number of crop and livestock estimates. The sum of $250,000 is also provided to initiate a multiframe sampling program to improve the accuracy and reliability of livestock estimates; in addition, not to exceed $250,000 is authorized for transfer from other livestock funds.

CONSUMER AND MARKETING SERVICE

Amendment No. 26: *Consumer protective, marketing, and regulatory programs.*—Appropriates $133,595,500 instead of $130,867,000 as proposed by the House and $134,695,500 as proposed by the Senate. As for items in disagreement between the two Houses, the amount allowed will provide $6,923,800 for market news service, $80,000,000 for meat inspection, $28,000,000 for poultry inspection, and $2,896,500 for increased pay costs.

Amendment No. 27: *Child nutrition programs.*—Makes available $252,441,000 as proposed by the Senate instead of $247,441,000 as proposed by the House.

Amendment No. 28: Provides $15,000,000 for special food service programs as proposed by the Senate instead of $10,000,000 as proposed by the House.

Amendment No. 29. *Food stamp program.*—Appropriates $610,000,000 instead of $340,000,000 as proposed by the House and $750,000,000 as proposed by the Senate.

Amendment No. 30: *Special milk program.*—Appropriates $84,000,000 as proposed by the Senate.

Amendment Nos. 31 and 32: Insert language proposed by the Senate relative to the distribution of milk to children.

Amendment No. 33: Deletes the proposal of the House to provide $120,000,000 from Section 32 funds for the special milk program.

As a result of action on Amendment Nos. 30 to 33, inclusive, a total of $104,000,000 will be available for the special milk program as proposed by the Senate instead of $120,000,000 as proposed by the House.

FOREIGN AGRICULTURAL SERVICE

Amendment No. 34: Appropriates $23,437,000 for salaries and expenses instead of $22,937,000 as proposed by the House and $23,937,000 as proposed by the Senate. The additional $500,000 is for new export market projects.

COMMODITY EXCHANGE AUTHORITY

Amendment No. 35: Appropriates $2,321,000 for salaries and expenses as proposed by the Senate instead of $2,100,000 as proposed by the House.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Amendment No. 36: Appropriates $146,000,000 for necessary administrative expenses as proposed by the Senate instead of $147,420,000 as proposed by the House. The conferees take note of the restrictive standards established by the Department for the Farm Storage Facilities Loan Program, effective last May 30, and expect the Department to carefully review this program prior to next year's operations with a view to more adequately meeting the needs of producers. This program has been very effective in enabling farmers to step up their farm storage capacities and to assist in the stabilization of the rural economy.

Amendment No. 37: The House recedes from disagreement to the Senate amendment. This provision would apply only to crops planted in fiscal year 1970. The limitation provisions would not apply under the words of the House provision to sugar and wool and, since winter wheat has been planted, it was the view of the conferees that exemption from the limitations would have to be provided for winter wheat. Cotton would, in effect, be exempted by reason of the snapback provision, paragraph 12 of section 103(d) of the Food and Agriculture Act of 1965, as amended, which provides:

"(12) Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate. . . ."

This would leave the House limitation where it would apply only to feed grains and spring wheat, which would be most inequitable. In agreeing with the Senate amendment, it was the belief that this subject matter must of necessity have the consideration of the appropriate legislative committees and the Congress prior to December 31, 1970, the date of the expiration of existing agricultural legislation.

Amendment No. 38: *Sugar Act program.*—Appropriates $93,000,000 as proposed by the Senate instead of $89,500,000 as proposed by the House.

Amendment No. 39: *Agricultural conservation program.*—Sets a 1970 program for

$195,500,000 as proposed by the House instead of $185,000,000 as proposed by the Senate. The conferees are agreed that the Department should give increased emphasis on practices to promote permanent soil and water conservation.

Amendment No. 40: *Cropland adjustment program.*—Appropriates $78,600,000 as proposed by the Senate instead of $78,000,000 as proposed by the House.

Amendment No. 41: Deletes the Senate proposal for a cropland adjustment program of $99,300,000 for the calendar year 1970 and restores House language prohibiting additional agreements for the fiscal year 1970.

Amendment No. 42: *Conservation reserve program.*—Appropriates $37,250,000 as proposed by the Senate instead of $37,500,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 43: Appropriates $13,657,000 for salaries and expenses instead of $13,389,000 as proposed by the House and $13,925,000 as proposed by the Senate.

PACKERS AND STOCKYARDS ADMINISTRATION

Amendment No. 44: Appropriates $3,354,650 for salaries and expenses instead of $3,200,000 as proposed by the House and $3,509,300 as proposed by the Senate.

OFFICE THE GENERAL COUNSEL

Amendment No. 45: Appropriates $5,229,500 for salaries and expenses instead of $5,000,000 as proposed by the House and $5,459,000 as proposed by the Senate.

NATIONAL AGRICULTURAL LIBRARY

Amendment No. 46: Appropriates $3,226,750 for salaries and expenses as proposed by the Senate instead of $3,200,000 as proposed by the House.

OFFICE OF MANAGEMENT SERVICES

Amendment No. 47: Appropriates $3,025,000 for salaries and expenses instead of $3,000,000 as proposed by the House and $3,050,000 as proposed by the Senate.

Title II—Credit Agencies

RURAL ELECTRIFICATION ADMINISTRATION

Amendment No. 48: Provides loan authorization of $340,000,000 for electrification loans as proposed by the Senate instead of $320,000,000 as proposed by the House.

FARMERS HOME ADMINISTRATION

Amendment No. 49: *Direct loan account.*—Authorizes $83,000,000 for real estate loans as proposed by the House instead of $69,600,000 as proposed by the Senate.

Amendment No. 50: *Rural water and waste disposal grants.*—Appropriates $46,000,000 as proposed by the Senate instead of $40,000,000 as proposed by the House.

Amendment No. 51: *Rural housing for domestic farm labor.*—Appropriates $2,500,000 instead of $1,250,000 as proposed by the House and $3,700,000 as proposed by the Senate. The conferees are in agreement that the program should be directed toward housing for transient farm labor.

Amendment No. 52: *Mutual and self-help housing.*—Appropriates $2,125,000 instead of $1,250,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Amendment No. 53: *Self-help housing land development fund.*—Appropriates $1,000,000 as proposed by the Senate instead of $600,000 as proposed by the House.

Amendment No. 54: *Salaries and expenses.*—Appropriates $66,250,000, instead of $65,000,000 as proposed by the House and $67,500,000 as proposed by the Senate.

Title III—Corporations

COMMODITY CREDIT CORPORATION

Amendment Nos. 55 and 56: Provide reimbursement to the Commodity Credit Corporation for net realized losses in the fiscal year 1968 of $2,948,217,859 as proposed by the Senate instead of $2,698,217,859 as proposed by the House.

Amendment No. 57: *Limitation on administrative expenses.*—Provides for not to exceed $32,000,000 as proposed by the Senate instead of $31,500,000 as proposed by the House.

Amendment No. 58: *Public Law 480.*—Appropriates $420,000,000 for sales for foreign currencies and for dollars on credit terms (title I) as proposed by the Senate instead of $400,000,000 as proposed by the House.

Amendment No. 59: Appropriates $500,000,000 for commodities disposed of in connection with donations abroad (title II) as proposed by the House instead of $515,000,000 as proposed by the Senate.

Amendment No. 60: *Bartered materials for supplemental stockpile.*—Appropriates $1,250,000 as proposed by the Senate instead of $750,000 as proposed by the House. The conferees are agreed that all of the funds are to be used for liquidating existing contracts.

Title V—General Provisions

Amendment No. 61: Permits the purchase of 552 passenger motor vehicles instead of 530 as proposed by the House and 566 as proposed by the Senate.

Jamie L. Whitten,
William H. Natcher,
W. R. Hull, Jr.,
George E. Shipley,
Frank E. Evans,
George Mahon,
Odin Langen,
Robert H. Michel
(with reservation on
amendment No. 48),
Jack Edwards,
Frank T. Bow,
Managers on the Part of the House.

THE VICE PRESIDENT'S REMARKS ON THE PUBLIC SERVICE OF MR. HARRIMAN

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, recent remarks by the Vice President, especially as they attempted to downgrade and tarnish the record of a man who has given some 40 years of diligent service around the globe in behalf of our country, including the successful negotiation of the Nuclear Test Ban Treaty, emphasizes once again how important it is in a democratic society to try to maintain respect for a given public high office, no matter how difficult the conduct of the person who temporarily occupies that high office might make it.

Many of us in both political parties would like to give this administration all the support we can, consistent with the dictates of our consciences and what we can see to be in the best interests of the United States. But that task is made difficult by the surly and graceless conduct of the Vice President.

The difficulty with this administration is that it seems to be hell-bent on forcing each and every American citizen to choose between it and its views and other prominent Americans with somewhat differing views—on Vietnam and many other matters. This is a strange tactic for an administration with the avowed goal of "bringing us together again."

I, for one, feel that it would be better if our people were not forced to draw hard lines, were not forced to choose between such fully divided camps. I feel it would be better to enable them to support the best ideas and the best programs of both the administration and others who in good faith present various alternatives.

However, if I must choose between expressing support for the public service of our Vice President or the public service of Mr. Harriman, the Vice President leaves me little alternative but to choose Mr. Harriman. I believe the editorial which recently appeared in the Washington Post, which I should like to include at this point, indicates the sensitivity and judgment of the one man and the graceless disregard for that man's contributions to our country by the other, who by virtue of the office he occupies, if nothing else, should know better.

The editorial follows:

For the Record

". . . a very carefully thought out speech by the President of the United States. I'm sure he wants to end this war and no one wishes him well any more than I do. He approaches the subject quite differently from the manner in which I approach it. Let me say, though, that I'm utterly opposed to these people that are talking about cutting and running. I'm against the Republican Senator from New York's proposal, Senator Goodell, to get out our troops in a year willy-nilly. I think we should have a responsible withdrawal.

"I think he's (the President) got the full support of the people. He certainly has got my support, in hoping he will develop a program for peace . . . this (speech) is about what I thought he would say from the positions he had previously taken."

The passages quoted above are just about all that Mr. W. Averell Harriman had to say directly about President Nixon's famous Vietnam speech on Nov. 3, when he was interviewed directly afterward by commentators for ABC. He had other things to say, of course, about the way he thinks we ought to try to get out of the war, things he had said many, many times before, things critical, largely by implication, not only of the current administration's efforts, but of the efforts of the previous administration for which Mr. Harriman served as chief negotiator in the Paris peace talks. If anything, he was tougher on the old crowd than the new, harder on Democrats than Republicans, which does not come easily to this, shall we say, intense political partisan.

For this Mr. Harriman became, in the Vice President's phrase, an "Ancient Mariner . . . under some heavy compulsion to justify his failures to anyone who will listen." As Mr. Agnew put it, in his own inimitable way, and *en passant* in his assault on the television networks the other night, "Mr. Harriman offered a broad range of gratuitous advice challenging and contradicting the policies outlined by the President of the United States."

All this was by way of trying to establish the bias in television news presentation and we have already had something to say about Mr. Agnew's approach to this issue, and will doubtless return to it. For now it is enough to take note of how the Vice President performs when *he* holds forth on television from *his* privileged sanctuary. Raised eyebrows, an inflection of the voice, a caustic remark dropped in the middle of a broadcast, these tricks he ascribes to the TV men are not for the Vice President. Better the sweeping rewrite of history "A word about Mr. Harriman. For 10 months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest concessions in the history of warfare for an enemy agreement on the shape of a bargaining table." Where to begin untangling it—with the fact that a two-stage halt in the bombing had nothing to do with the dispute over the shape of the table? With the fact that final renunciation of this rather dubious military instrument was made in exchange for an understanding that the Demilitarized Zone would not be violated, that indiscriminate shelling of major cities would stop, and that four-way talks, including the South Vietnamese and the North Vietnamese, would begin? Does Mr. Agnew not know that the argument over the table shape was precipitated by the Saigon government and settled with the active behind-the-scenes collaboration of the incoming Nixon administration in the closing days of Mr. Johnson's term? The most generous answer that we can think of is that he does not.

CONGRESS MUST CENSURE THOSE WHO THREATEN FREEDOM OF THE PRESS

(Mr. **OTTINGER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **OTTINGER**. Mr. Speaker, I am deeply disturbed by the recent attempts of the Nixon administration to stifle disagreement with its policies and to attack the freedom of the press to report such disagreements.

The freedom to criticize our Government by individuals and the press is fundamental to our democracy. We are quick to express our outrage when other governments trample these basic rights. Indeed, one of our major complaints against Communist societies is their repression of dissent and their harnessing of the press.

I call on the President to repudiate statements by his Vice President equating disagreement and disloyalty, by his Secretary of Transportation calling dissenters Communists or Communist-inspired, and actions by his Vice President and the chairman of the FCC attacking the radio and television networks' freedom to criticize. By his acquiescence in these actions, the President assumes responsibility for them and participates in their insidious threat to democracy.

It is no answer to say that the Vice President and Dean Burch were only calling upon the television networks to reform themselves. Attacking network commentaries on the President's Vietnam speech and demanding transcripts of the news analyses of that speech were acts of blatant intimidation. Indeed, from the lack of live network coverage of last week's Vietnam protest events, it is quite clear that their intimidation already has had its effect.

If the President will not act to stop his lieutenants from trampling on our basic freedoms, the Congress must. I hope all my colleagues, whatever their views may be on the merits of the President's Vietnam proposals, will unite in calling forcefully for an end to these attacks on our free institutions.

Not since the days of Senator Joseph McCarthy have we seen such a concerted effort to condemn disagreement and criticism of Government policies.

In the end Senator McCarthy was censured for his excesses by the Senate. Since the threat to our freedoms comes now from the highest levels of Government the censure by Congress must be all the more swift and certain.

TRANSPORTATION AND THE NATION'S PARKS

(Mr. **SAYLOR** asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. **SAYLOR**. Mr. Speaker, the Department of Transportation appropriation bill is under debate this week; appropos of that, an article in the November 16 issue of the Washington Post deserves careful attention. Wolf Von Eckardt points up the dangers facing the nation's parks, recreation areas, and historical shrines unless DOT Secretary Volpe learns to temper the freeway fanatics in his agency. The article focused in a recent and symptomatic DOT decision which would pave over two parks, a stadium, a college, a zoo, a sunken garden area, hiking trails, and other recreation areas in San Antonio, Tex.

Irrespective of the 1966 Transportation Act provisions designed to protect public lands threatened by the almighty bulldozer, Secretary Volpe has caught the pave-or-perish virus and appears willing to flatten our national and natural treasures under ribbons of gleaming highways. Perhaps now is the time, when DOT is pressing its claim on the National Treasury, to get it straight, once and for all, ground rules for highway building. One of those ground rules must be the human and environmental necessities which transcend the need for asphalt avenues to and from urban areas. Another ground rule should be established which would require developers to pay a fair market value for any land proposed for highways and that funds received from such sales be deposited in the land and water conservation fund for the purchase of additional or new park and recreation areas. If something is not done to slow down the headlong rush to pave America solid, no public lands will be safe from the bulldozer blade.

The Von Eckardt article follows:

Paving Our Parks

(By Wolf Von Eckardt)

The 10-month-long seesaw battle for the heart and mind of Transportation Secretary John A. Volpe seems lost.

Volpe reportedly has decided to approve a long controversial freeway in San Antonio which would pave some 150 acres of Brackenridge and Olmos Park, the Alamo Stadium, Incarnate Word College, a zoo, the famous Sunken Garden area, hiking trails and other recreation areas.

Volpe's decision is to be announced in the next few days. And if he indeed approves the destruction of parkland in San Antonio, conservationists fear that Washington's Glover Archbold Park, Minneapolis' Minnehaha State Park, Santa Barbara's Goleta Slough Estuary and the parks of other cities will also be bull-dozed into freeways unless the courts come to the rescue.

Just a few days ago Volpe decided to sacrifice Overton Park in Memphis, Tenn.

Court action, already pending in Washington and dormant in San Antonio, would essentially be based on Section 4(f) of the 1966 Transportation Act. It provides that the Secretary of Transportation shall not approve a freeway that uses any land from a public park unless there is no feasible alternative and unless everything has been done to minimize harm to the park.

The section was written into the law by Sen. Ralph W. Yarborough (D-Tex.) primarily to save the San Antonio Park.

A decision to build the freeway anyway with minor and, according to preservationists, insignificant modifications, would mean a clear victory for the militant highway builders, led within the Department of Transportation by the uncompromising Frank Turner, the federal highway administrator.

It would spell defeat for the valiant efforts of James D. Braman, DOT's assistant secretary for environment and urban systems and the big-city mayors and conservation groups across the country who are cheering him on in his struggle to tame the freeways as they enter the cities.

Some of Braman's friends say that Braman may resign over the San Antonio issue. Braman himself just smiles and says he has not yet given up and is still trying to get Secretary Volpe's ear.

A former mayor of Seattle and Republican businessman, Braman is no antifreeway hothead. But he strongly believes that while the highway builders have done a good job in the country, their zeal must be subordinated to human and environmental values when they approach downtown and that good public transportation must be given a chance in this country if our cities are to survive.

At times it has seemed that Volpe agrees. He is in a better position to curb freeways and advance public transportation than his predecessor Alan S. Boyd who, of course, attempted to do so.

But Boyd is a liberal and was thus suspect with the highway lobby, while Volpe is conservative and, as a former building contractor, knowledgeable enough about engineering matters to turn Turner off when he claims "technical infeasibility" of human considerations.

But Volpe is said to be overly susceptible to political pressures. Early in his regime, for instance, he seemed all agreed that a proposed highway along the Hudson, at Tappan Zee Bridge near Ossining, N.Y., was a clear violation of the park protecting Section 4(f).

When Gov. Nelson Rockefeller called to ask him to approve the highway, however, he did so instantly, without even consulting his legal staff.

At San Antonio it also first seemed that Volpe would decide in favor of preserving an irreplaceable heritage.

Alan Boyd had been forced to approve the San Antonio freeway, but did so only on condition that the damage to the parks be minimized. After Volpe replaced him, the Texas State Highway Department submitted its old plan again without the changes Boyd wanted.

DOT seemed inclined to disapprove, and Braman went to San Antonio to look for alternatives. He found one, acceptable to conservation groups. It would save the park but take four high-priced suburban homes on the outskirts of the Olmos Park community.

The owner of one of these homes is said to be a heavy campaign contributor to Sen. John G. Tower (R.-Tex.). Tower, at any rate, suddenly and energetically supports the old plan. So does San Antonio Mayor W. W. McAllister, also a Republican. Other prominent Republicans, however, are opposed to bulldozing the park.

Just where Volpe stands on the Washington freeway fight is unknown. While Boyd sided more or less openly with the freeway opponents and the March 1966 report by Arthur D. Little, Inc., the renowned systems analysts, who found Washington's proposed freeway system "inconsistent and incompatible with urban transportation needs." Volpe has kept his own counsel in his negotiations with Congressman William H. Natcher (D-Ky.) who insists on building the system.

It is clear, however, that the fate of San

XUM

Antonio's Brackenridge Park will have its effect along the Potomac. Now that it is to be routed across the Three Sisters Bridge, Virginia Route 66 traffic is poised directly at Glover Archbold Park and the area north of it up to the Beltway.

So far the District Highway Department has only published a plan that would sharply turn this traffic east along the Georgetown Waterfront into the city.

This obviously makes little sense. And people who have watched freeway politics over the last few years predict with some certainty that as soon as the bridge is built, the highway militants will start pressuring for a Glover Archbold route. They have taken a piece of it already.

The loss of Brackenridge Park and Volpe's disregard for Section 4(f) can only encourage them.

So transportation planning, like school integration, appears now to be left to the courts, which, historians and political scientists feel, may not be quite what the American system of government had intended.

Lawyers who filed suit in the Court of Appeals on behalf of Washington citizen groups are optimistic, however. The Three Sisters Bridge, to be sure, is being built under an amendment to the 1968 Highway Act. It orders construction "not withstanding any other law," apparently past, present and future.

To these optimistic lawyers this seems too murky a clause to survive judicial scrutiny.

HANDFUL OF BIG BANKS MAINLY RESPONSIBLE FOR INFLATION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, an article in today's Washington Post, discussing a speech by Federal Reserve Governor Andrew Brimmer, may well have pinpointed the reason why interest rates have risen to record heights and show every indication of going even higher. The article deals with a speech given by Governor Brimmer at the London School of Economics in England which, for the most part, discusses the increased use by American banks of Eurodollars, which are dollars owned by Europeans.

According to the article, Governor Brimmer said:

> Just a handful of American banks—14 to be exact—account for 95 percent of the Euro-dollar business. It is this group of banks—the giants in the field—that have been able to soften the impact of Federal Reserve monetary policy by substantial resort to non-conventional sources of funds.

The article further describes the Fed's attempt to restrict the supply of lending funds which, hopefully, would drive down interest rates. However, the bigger banks were able to find loopholes in the Fed's policy, particularly in the area of commercial paper and Eurodollars.

Mr. Speaker, it is unfortunate that our economy must suffer because a handful of banks will not abide by the spirit of the Federal Reserve's policy to lower interest rates. Until these banks join the battle against inflation, we are in for a long hard struggle.

I am including the Washington Post article in my remarks because, although it deals with a high-level economic subject, it, nevertheless, at the same time spells out quite clearly who is responsible for the high cost of money in our Nation:

BRIMMER OUTLINES EURO-DOLLAR BATTLE

(By Hobart Rowen)

A member of the Federal Reserve Board of Governors admitted yesterday that the Board's effort to limit U.S. bankers' reliance on one unconventional source of funds had accelerated their efforts to find such funds in another direction.

This observation was made in a speech yesterday to the London School of Economics in London, England, by FRB Governor Andrew F. Brimmer. A text of Brimmer's detailed analysis, keyed to the Euro-dollar market, was made available.

Brimmer noted that on Oct. 29, the Fed had announced that it was considering applying interest ceilings under its Regulation Q to funds received by member banks from the issuance of commercial paper.

ABOVE BANK RATE

Commercial paper is a form of promissory note issued by non-bank corporations, sold far above the 6¼ per cent rate that banks, seeking lendable funds, can pay on large certificates of deposit.

Desperate because of the Fed's tight money policy, banks have been acquiring funds, in part, by paying high rates for commercial paper. Brimmer revealed to a top-level audience in London that when the Fed acted, some 58 banks had $3.6 billion of such liabilities outstanding "through their subsidiaries or related one-bank holding companies." Fully half of this had been issued in the three months prior to the Fed ruling.

But in response to the Fed move, Brimmer said, banks in the U.S. "substantially increased their bidding for Euro-dollar funds during the week ending Nov. 5.

"This development may well account for the sharp rise in Euro-dollar rates during the last few days of October. As the commercial paper outstanding matures, banks probably will not be able to renew it at the existing rate ceilings. Thus, some of them may attempt to expand their borrowing in the Euro-dollar market."

MARGIN REQUIREMENTS

On the other hand, Brimmer noted that the higher cost of obtaining Euro-dollars caused by the imposition of higher Federal Reserve margin requirements could dampen the banks, enthusiasms to pick up funds this way.

Using measures he said were comparable to those devised by the Bank for International Settlements at Basle, Switzerland, Brimmer estimated that the size of the Euro-dollar market at the end of June was $32 to $33 billion, up some $7 to $8 billion in the first six months of the year.

Thus Euro-dollar funds (dollars owned by Europeans) had about trebled since the end of 1965 by mid-1969.

The Fed Governor, in passing, revealed that just a handful of American banks—14 to be exact—account for 95 per cent of the Euro-dollar business. It is this group of banks—the giants in the field—that have been able to soften the impact of Federal Reserve monetary policy by substantial resort to non-conventional sources of funds.

At mid-year, U.S. banks had borrowed $13.3 billion in Euro-dollars through their foreign branches. By no small coincidence, the attrition in certificates of deposit from mid-December 1968 to October 29, 1969, was comparable: $12.9 billion.

INTERESTS OF AMERICANS IN OKINAWA MUST BE PROTECTED

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, in connection with the pending negotiations between President Nixon and Prime Minister Sato of Japan on the reversion of Okinawa, a matter of grave concern to American citizens now living in Okinawa was only yesterday brought to my attention.

While I am confident that President Nixon and his advisers will not have overlooked the private interests of Americans, individual and corporate, I offer for the RECORD a position paper on the reversion of Okinawa, presented to me by a representative of the Chamber of Commerce of the United States in Okinawa. The paper outlines effectively the case for Americans, now employed or engaged in business in Okinawa, and I include it in the RECORD following my remarks:

CHAMBER OF COMMERCE OF THE UNITED STATES IN OKINAWA

POSITION PAPER ON REVERSION

On September 4, 1951, in his opening statement to the San Francisco Peace Conference, Secretary of State John Foster Dulles used the term "residual sovereignty" for the first time. Although no definition has been supplied for this phrase, it has come to mean that at some time in the future Japan will again recover full sovereignty over the Ryukyu Islands. Successive administrations in Washington further underscored this intention to return the administration of the islands to Japan and effectively to abrogate Article III of the Treaty of Peace with Japan by mutual agreement between Japan and the United States.

Since the last mentioned date, the United States has returned to Japan full sovereignty to the Oshima and Bonin Islands. Now the time has come to concern ourselves with the effects of return of Okinawa to Japanese administration.

With reversion approaching, the United States Chamber of Commerce in Okinawa, an affiliate of the Chamber of Commerce of the United States, Washington, D.C., invites your attention to certain areas of great concern to American and other non-Ryukyuan investors, who by their work and investment of their capital and talents in Okinawa, have contributed to the raising of the status of Okinawa from a small war-beaten island of less than 400,000 people to 1 million people operating a semi-industrial economy with a gross national product of 644.4 million dollars in FY 68.

The Government of Japan has made certain demands and pronouncements concerning the reversion of these islands to Japan in 1972 or before. There has been no dialogue between the foreign business community of Okinawa and the Government of Japan concerning the effects of total reversion upon the foreign business community here. We now must bring to your attention, as our proper representative in dealing with the Japanese Government, these areas of concern which must be included in any conversations or negotiations between Japan and the United States upon the terms of reversion of administration of the Ryukyu Islands to Japan.

AMERICAN BUSINESS INTERESTS IN OKINAWA MUST BE PRESENTED AS A SPECIFIC ITEM ON THE AGENDA OF THE REVERSION NEGOTIATIONS WHICH TAKE PLACE BETWEEN WASHINGTON AND TOKYO

Through newspaper accounts we have learned that various levels of government of the United States and Japan have been conducting informal negotiations concerning the basic position between the United States and Japan on the issue of the reversion of Okinawa to Japan. In an effort to build a viable economy, American and other foreign business interests were invited to come to Okinawa to invest their money and skills in promoting the economy. A multimillion dollar investment has occurred over the years since the battle of Okinawa ended. The foreign business community in Okinawa, as well as the military establishment, is responsible for upgrading skill levels of Okinawans to the point that Okinawans now function effectively in all areas of the professions, business management and trade skills. It is our position that we have a justifiable interest in the reversion negotiations. We are unable here to establish liaison with the Japanese Government. There appears to be no agency of the Japanese Government interested, willing or able to advise the American and foreign business community of Okinawa as to what it may expect, either as a result of reversion or after reversion to Japan. So far as we can determine from the available evidence, the Japanese Government appears little concerned with the welfare of the foreign business community in Okinawa. It is our hope to excite such interest.

SPECIFIC WAIVER OF RETROACTIVE TAX CLAIM BY JAPAN

In Okinawa, foreign businessmen pay personal income tax under the provisions of Civil Administration Ordinance No. 114. Foreign corporations and other foreign business entities pay corporation income tax under Civil Administration Ordinance No. 115. We believe that unless there is a specific waiver on the part of Japan against retroactive tax assessments, the foreign business community of Okinawa may be faced with additional taxation from the Government of Japan back to its statute of limitations, several years before the date of actual reversion. We believe that any taxes to be claimed by Japan should not commence until the actual date of reversion. Japan should waive any claim for taxes against any persons of the Ryukyu Islands prior to the actual date of reversion. This waiver should be expressed and specifically set forth in the final documents providing for the reversion of Okinawa to Japan.

REQUEST FOR RECOGNITION OF EXISTING FOREIGN INVESTMENT LICENSES

Most American and foreign business activities in Okinawa operate by virtue of foreign investment licenses granted under Civil Administration Ordinance 11. We believe that the United States Government, in its negotiations with Japan concerning reversion, should require Japan to give full faith and credit to these licenses. It is suggested that the way this should be done is for Japan to expressly adopt and hold as legal all acts of the United States Government done during the years of its administration of the Ryukyu Islands from the first day of April, 1945 until the date of reversion. Such provision will permit all existing foreign investment licenses to continue according to their own terms and be treated as if they were licenses of the same character issued by the Government of Japan.

CLARIFY AND MAINTAIN WORK PERMITS OF THIRD COUNTRY NATIONALS

In Okinawa there are a substantial number of nationals from countries other than the United States and Japan. These third country nationals should be given the same authority to continue their jobs and professions as they now enjoy in Okinawa. The United States should insist that Japan recognize as legal and continuing all acts and policies as they pertain to third country nationals, of the United States during the time of American administration of the Ryukyu Islands.

PROTECTION OF REAL ESTATE LEASES OVER PREFECTURAL LAND

Several foreign business entities in Okinawa occupy Japanese prefectural land by virtue of leases between the particular foreign entity and the United States Civil Administration. Since the end of World War II, the land formerly owned by the Japanese Government has been under the custody of the Property Custodian of the U.S. Civil Administration of the Ryukyus (USCAR). During that time USCAR has issued leases of varying lengths to public and private lessees. There are many private individuals and corporations who hold such leases. The Japanese Government should be required to recognize these leases as being in full force and effect according to their own terms.

RECIPROCITY BETWEEN RYUKYUAN AND JAPANESE CORPORATIONS TO DO BUSINESS THROUGHOUT JAPAN AFTER REVERSION

The Government of the Ryukyu Islands has permitted the establishment of Okinawan corporations by several foreign companies. There are now in existence many Ryukyuan corporations that are wholly owned by Ryukyuans, wholly owned by foreigners, partially owned by Ryukyuans and partially owned by foreigners. These corporations (Kabushiki Kaisha) were established under the Corporation Code of the Government of the Ryukyu Islands which is identical to that of Japan. It is certain that all Japanese Corporations will be permitted to do business in Okinawa after reversion without any requirement of additional licensing. Therefore, the rights of shareholders of Ryukyuan corporations should be protected by reciprocity. The United States Government should require Japan to recognize and treat as Japanese corporations all those corporations organized under the Government of the Ryukyu Islands Corporation Code. All such Ryukyuan corporations should be treated as Japanese corporations for all purposes.

FREE CONVERSION AND PROTECTION OF DOLLAR ASSETS

Under the administration of the United States Government, the currency in Okinawa is the U.S. Dollar. The U.S. Dollar circulates freely in the international commerce. Japanese Yen, although a highly respected currency, does not circulate in the international commerce, and therefore, it must be considered a "blocked currency." After reversion, the currency in Okinawa will be the Japanese Yen. At the present time in Japan, an investor of U.S. Dollars is permitted to open a "free yen" bank account, and is authorized to repatriate his investment in U.S. Dollars. There is no evidence that any such protection will be allowed for U.S. Dollar assets, bank accounts, currency or other property in Okinawa after reversion occurs. The Government of the United States should insist that the Government of Japan permit the withdrawal of profits, capital and assets from Okinawa in U.S. Dollars with no time limitation. To do otherwise amounts to an agreement by the United States Government to the confiscation of dollar assets by the Japanese Government through no fault of Okinawan and foreign investors. Also, sufficient conversion of currency should be allowed to permit the purchase of raw materials, machinery and spare parts from the United States.

EXISTING PROFESSIONAL LICENSES SHOULD BE CONTINUED

In Okinawa, as in Japan, nearly every person who holds himself out as a technician or professional must be licensed. Licensing in Okinawa concerns the highly skilled surgeon, lawyer, architect, pharmacist, dentist, electrician, plumber, stationary boiler operator and on and on for many categories. Japan does not accept GRI licenses of professional personnel in Okinawa as meeting Japan's requirements for such professions. However, the Japanese Bar Association has carried on a dialogue with the legal profession in Okinawa in an attempt to solve their differences. The Government of Japan has been silent as to what it intends to do with persons who hold licenses to practice law in Okinawa but do not hold such license in Japan. This applies to all other professional licensing. There is no reciprocity in professional licensing between Japan and Okinawa. After reversion, should the Government of Japan refuse to accept existing licenses as valid, such nonacceptance will effectively destroy careers of hundreds of professional and technical personnel in Okinawa. At the same time, the economy of Okinawa will be unable to operate in the absence of trained and licensed professionals. The United States Government should insist that Japan recognize all professional and technical licenses issued by the United States Government or the Government of the Ryukyu Islands as valid and continuing as if the same had been issued by the Government of Japan itself.

EXCLUSION OF RESTRICTIVE DUTIES AND QUOTAS WHICH WOULD PREVENT THE CONTINUING OPERATION OF EXISTING BUSINESSES

Many foreign firms in Okinawa require extracts, flavors, medicines, equipment and spare parts imported from the United States and elsewhere. Without these items their business cannot operate. Japan restricts the importation of many of these items by means of a system of duties, quotas and embargo regulations. Should these same restrictions be applied to existing American business firms in Okinawa it would be impossible for the subject firms to manufacture their products or to maintain their equipment, and otherwise continue business activities. Therefore, Okinawa should be excluded from the enforcement of these trade restrictions and the final agreement between the United States and Japan on reversion must expressly and specifically contain the protection required.

PERSONAL ANNOUNCEMENT

Mr. GRAY. Mr. Speaker, on the rollcall just concluded I was unavoidably detained in my office on business. Had I been present I would have voted "yea."

PERSONAL ANNOUNCEMENT

Mr. FOLEY. Mr. Speaker, yesterday, during the call of rollcall No. 273, I was unavoidably absent. Had I been present I would have voted "yea."

RHODESIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

(Mr. ASHBROOK asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, on November 11, 1965, Rhodesia declared unilateral independence from Great Britain. Since that time this valiant nation has—even in the face of threats, economic sanctions, attempts at subversion from within and without, and other forces—continued to maintain its independence. In the past 4 years, Rhodesians have fought off the pressures against their government and have built an even more enriched economy, diversified by necessity, and a higher standard of living for all her citizens.

During these 4 years the policy of the United States toward Rhodesia has been inexplicable. The threat alleged on the part of Rhodesia certainly does not warrant the actions we have taken. We have pursued an incredible double standard in our foreign policy. We have shunned and attempted to degrade a friend and ally. We have blithely perverted the charter of the United Nations and have allowed that body to be used in a way which was never intended. We have meddled in the affairs of two sovereign nations like some international busybody and we have pandered to the questionable whims of black African states. We have, I am sure, alienated many valuable friends.

No one is apt to argue that any of us agree fully with the Government of Rhodesia on all issues and all of their methods. By any relative standard, however, Rhodesia is the jewel of Africa. If there were common, widespread knowledge of Rhodesia, her people, her goals and her progress, I think there would be widespread agreement that U.S. policy toward this nation has approached the absurd, and that it should be changed through removal of economic sanctions and through recognition of the sovereignty of this state.

I have followed the Rhodesia issue since they declared independence, UDI it is called, in 1965. I have visited Rhodesia, I have studied events of both before and after UDI. I have met and talked with Prime Minister Ian Smith and other Government leaders. And it is an understatement to say that I have opinions which vary drastically from those of the State Department promulgators of our Rhodesia policy.

In 1966, only 3 months after UDI, I journeyed to this country in southern Africa along with Columnist Ralph deToledano and Dr. Max Yergan. From a report which the group subsequently prepared and from my own impressions I addressed the House on March 8, 1966. As I said then: I liked what I saw and I believe the average American has not gotten a true picture of the Rhodesian. I added that the same was probably true of Members of Congress. I found the Smith regime secure and the nation a model for peace, stability, and racial harmony. Moreover, I found increasing rather than decreasing understanding between the races.

This is the key to whatever success Rhodesia may achieve, understanding, and education. Rhodesians are attempting—and succeeding—at great expense, to educate the tribal natives, to train them and bring them into the civilized world.

The policies of the United States and of the other nations that follow the British instigated sanctions in the United Nations are working to destroy a nation which holds great promise for all its people. As I said after visiting this country, this is an exciting country and its most exciting aspect lies in the promise that its policies hold for the future of white man and black man alike—an evolving multiracial society in which both races increasingly will share in the political, economic, and social development of a pioneer land. I have visited something like 40 nations around this world. I have observed and compared and it is my opinion that Rhodesia is one of the finest countries I have ever visited.

U.S. policy today is an attempt to foist upon this Nation an immediate plan for one man, one vote. But what will this mean? What will the end product be? If we force the African out of his tribe and culture and into some sort of parliamentary system he may not want, does not understand and even less desires to perpetuate, what have we really done? Have we helped him? Have we fed the apparently gluttonous national appetite for our own brand of political philosophy at the expense of those we say we are helping?

The Rhodesians are, at their best, a sophisticated people. They have built magnificent cities, luxurious gardens and parks, and a growing and stable and free economy and they are not about to watch idly as it is shattered by foreign hands. They are more than willing to work for and pay for the education and training that will further open their society to the black Africans. Their is no Iron Curtain in Rhodesia. Blacks do not leave Rhodesia, they come there.

We have joined in a complete boycott of Rhodesia and refuse to buy or sell according to the United Nations "rules" of economic sanctions. However, the question of Rhodesia has not, under any stretch of the imagination been fairly presented to the American people. The press has shown a stilted and false view which the Government officials in Washington for 4 years have supported and fostered.

Prof. W. H. Hutt has noted:

> The extent to which, through press, radio, television and pulpit, the American public has been misinformed on this issue is fantastic. I can illustrate by . . . hundreds of examples. . . . The number of people outside Rhodesia who know the facts about the country is almost infinitesimal, and the occasional attempts of these few to correct misrepresentation have had little success. For instance, during the year 1966. I can recall seeing only two really unslanted references in New York newspapers to the policy of the Smith government . . .

Professor Hutt, incidentally, has been dean of the faculty of commerce at the University of Cape Town, and also has served as visiting professor of economics at Wabash College. He is an authority on the origins and impacts of racial legislation in South Africa.

Perhaps this slanted presentation by the press has accounted for American acceptance of the U.N. sanctions, up to a point. But what caused us to fall for this line? Certainly there is not unanimity. As Dean Acheson put it:

> The United States is engaged in an international conspiracy, instigated by Britain, and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one. This is barefaced aggression, unprovoked and unjustified by a single legal or moral principle.

Former Secretary of State Acheson has also noted:

> How fortunate were the American colonies to have no United Nations to confront in 1776!

The mechanics of United Nations intervention are the mechanics of rationalization. U.N. action swings only on the frail hinge of a "threat to international peace." After 4 years of peace, security, and prosperity, even this tenuous link is unable to support the actions of economic warfare. Rhodesia remains a tranquil nation, interrupted only by the forays into its territory by Communist trained and equipped guerrillas.

At the same time, the colorblinded U.N. sees no threat from Communist tyranny or blood baths. When people are killed trying to flee East Germany to go to West Germany, for example, the U.N. sees no threat to peace.

Even with the added pressure of economic hardships, there is still no threat. There never was. Other nations are not threatened; there is no uprising, and, in fact, when terrorists invade Rhodesia, the Africans have been strong in their support for the Government and avowedly antiterrorist.

We hear most often that we are pressing for a policy of one man, one vote. All Africans are, overnight, to be made voting members of the Rhodesian society. Let us look at the people to whom we are asking the sophisticated Rhodesians to give their Government and their Nation.

As short a time ago as 30 years a large percentage of Africans in Rhodesia were clothed in little more than loin cloths; witchcraft and superstitions prevailed to a great extent and still do; some 2 million and more still live in tribal territories; thousands of others speak only a tribal dialect and have no written language at all. The progress that has been made—and it has been considerable—is due to Government-promoted programs of education and training. Even today, the Government is continuing to attempt to change such barbaric customs as the killing of one of twins.

Yet, we are told that a crash program must be followed to give immediate rule to all Rhodesians. Some say, give the vote to all now; teach them to use it later.

To those who counsel crash programs to bring the tribal Africans to a level where they are politically, educationally, vocationally, and culturally efficient and proficient enough to assume full control of a sophisticated nation, I suggest that they study the difficulties encountered by the richest and most advanced nation in promoting "crash" programs to hacksaw through the bars of poverty, and illiteracy, and ignorance.

The Government of Rhodesia is attempting to pull the tribal Africans out of a neolithic age into the modern world. It will take many years unless they are prepared to destroy their society in the process. They are not. The position of the Rhodesian Government was well stated several years ago by the Minister of Information. He said:

> In Rhodesia there are two distinct societies. One is western, parliamentary and

> democratic. The second is an African tribal society. This tribal society is authoritarian and hierarchical. . . . the Africans must be the arbiters of their own destiny. It would be morally and pragmatically wrong for Western society to impose its own mores. On the other hand, we will put no obstacle in the way of those who wish to leave the tribal society and join the Western system.

We in the West cannot transplant democracy, nor can we transplant Western culture. We can encourage their acceptance and we should, but culture, and a Western system of government cannot be given to the African any more than they can be forced upon him. They can, however, be taken away from the Rhodesians who have them now. Our present policies are working only to take away.

Those persons in this Nation who favor the U.N. attempts to bring Rhodesia to her knees should also realize that this position carries with it the rejection of the present system in that country which extends the right of suffrage independent of race or color and based on educational and property qualifications.

OUR DOUBLE STANDARD

Especially interesting to the observer of our foreign policy is our unconscionable double standard. We are shocked, as the line goes, by Rhodesia, but we casually dismiss the captive nations of Europe; we throw barriers at the Rhodesians, yet we continue to condone British shiploads of materials flowing into North Vietnam; we express a concern for the freedoms of Rhodesian Africans, yet, where is a similar statement on the freedoms of Czechoslovakian citizens, much less sanctions against the Warsaw Pact nations; we refuse to trade with Rhodesia, yet continue to trade with the Communist bloc nations which supply the very forces to Hanoi which kill Americans; we refuse to buy Rhodesian chromite, and then buy the same product from the Soviet Union at 150 percent of the Rhodesian rate; and at the same time we place an unreasonable burden on the American investors in these Rhodesian mines.

Chromite is an important facet of this issue. The mines in Rhodesia account for most of the estimated total of $56 million of U.S. investments in that country. Major investors are Union Carbide Corp. and the Foote Mineral Co. Both have asked the Treasury Department, which implements the sanctions, for relief from the orders. Relief has not been granted.

Meanwhile, we continue to import chromite from the Soviet Union and from 1965 to 1969 the percentage of ore imported from the Soviets has increased from 27 percent to 45 percent. We are pursuing a ridiculous double standard and it has led us into a box. We are jeopardizing several large American industries, their products, and their work forces. And the problem is as great as the use of stainless steel across the Nation because chromite is essential to the production of stainless steel. Clayton Stephenson, president of Union Carbide's mining and metals division recently put the problem into perspective with these words:

> There is hardly a major industry in the United States that does not utilize or benefit in some way from stainless steel . . . when we add, to stainless steel the alloy steels, high temperature alloys, castings, tool steels and special applications, we can see that chrome ore is fundamental to a broad area of our national economy and defense.

Then too, we must not overlook the critical hardships imposed on industries which use petalite, a lithium ore. Rhodesia is the only nation which can supply this high quality ore. Substitutes have not been devised for it and there is no national stockpile from which industry can draw. Rhodesia has an unlimited supply. Without it there is a distinct possibility that American workers will be thrown out of work, plants will be forced to close, and several important industries will be unable to supply products to consumers.

These are two of the most glaring absurdities resulting from our diplomatic double standard, a double standard which had been a hallmark of the Johnson years. I hope it will not continue during the Nixon administration. The people voted for a change. Policy regarding Rhodesia is one of those important areas where change is needed but has not been forthcoming.

After 4 years I think we should separate fact from fantasy. Prime Minister Wilson once said that sanctions would bring the Rhodesians around in a matter of weeks. It has been 4 years and the nation is strong. It has diversified; new industries have sprung up to fill gaps. Rhodesian Africans were expected to rise up against the Government. Instead, they are helping to defeat the sanctions and to defeat the terrorist infiltration into Rhodesia from neighboring nations. There is support to the Smith government without regard for race or color. There is Rhodesia, as in our country, a vocal black minority which in one fell swoop wants to claim what others have built. Their demands should be rejected there just as they should be rejected in our country.

The Government was expected to topple. It has not and it appears to be strong and supported by a wide base. Prof. Walter Darnell Jacobs recently noted:

> The government in Salisbury maintains that it has earned the right to elaborate a constitution for the country. It has, it is argued, made good its revolution against Great Britain; it has established its sovereignty over the national territory; it has maintained domestic peace; it has been able to protect the state from outside enemies and it has won the allegiance of its citizens. These claims may be open to some dispute but few can deny that the government in Salisbury does meet the minimum standards of international law for definition as a state. Other members of the world community may disapprove of the Rhodesian type of government but they must admit the factual existence of an operating state system there. This operating state system is factually independent of the United Kingdom. It meets the norm necessary to be called a state.

Of the many points I might make, let me advance just one other. There is a serious threat that Rhodesia could become a battleground. Guerrilla warfare could break out in Rhodesia. But every indication is that this would not be an internal struggle, but a conflict promoted by and fought by terrorists trained by representatives of the Soviet Union and Red China. Is this what we want? Do we want a war in Africa? Tragically, our present policies are supporting those who do, and at the same time our economic clamps are making it even more difficult for the tribal African to advance into the modern world.

I propose that we end the economic sanctions against Rhodesia and admit the all-too-evident fact that this country that we have been trying to keep out of sight is entitled to full recognition.

Mr. Speaker, several dozen Members have advanced legislation directed generally at the Rhodesian issue. I am one of them. January 3, 1969, I introduced House Joint Resolution 112. It asks that the President notify the United Nations that the United States is rescinding sanctions against Rhodesia, and to void all executive orders relating to prohibitions against imports and exports.

More recently, on October 9, I joined with the gentleman from New York (Mr. King) in cosponsoring a concurrent resolution of similar content.

The Subcommittee on Africa of the Foreign Affairs Committee recently began hearings to investigate the sanctions and I would hope the able chairman, the gentleman from Michigan (Mr. Diggs) would fully consider the legislation, in its various forms, which has been proposed and that a full discussion of it can soon take place on the House floor.

At this point I would like to insert the full text of House Joint Resolution 112:

H.J. Res. 112

Whereas the United Nations has acted illegally and in contravention of chapter 1 of its own charter, which prohibits interference in the domestic affairs of sovereign nations, in ordering economic sanctions against Rhodesia; and

Whereas the United States is involved in a bloody and interminable war in Vietnam against an enemy that is being supplied by Great Britain, which has refused our requests that it cease doing business with the enemy that is killing American boys every day; and

Whereas the United States has never sought economic sanctions from the United Nations against its enemy in Vietnam, and Rhodesia has refrained from engaging in trade with North Vietnam: and

Whereas United States trade with Rhodesia is in the best interests of this Nation, particularly in view of the fact that such trade in the past has been two to one in our favor; and

Whereas the Rhodesian Declaration of Independence is in the same honored tradition as our own such Declaration, and deserves the full support of every American who is proud of our great national heritage; and

Whereas the continuation of the United Nations illegal sanctions can lead only to a bloody struggle in southern Africa from which our enemies alone can benefit; and

Whereas the Congress of the United States is vested with sole authority to regulate foreign commerce under article I, section 8, paragraph 3 of the Constitution, while the only authority delegated by Congress to the executive branch to restrict trade concerns the control of trading with the enemy; and

Whereas the executive branch of the United States Government has undertaken to honor the illegal United Nations sanctions without seeking the advice and consent of the Congress; and

Whereas the United Nations sanctions against Rhodesia, in addition to being illegal under the Charter of the United Nations and in contravention of the United States Constitution, since they have not been approved by the United States Congress, are clearly against the best interests of the United States of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and directed to notify the United Nations and all other interested parties that the United States will not honor the United Nations sanctions against Rhodesia.

SEC. 2. The provisions of Executive Order Numbered 11322, of January 5, 1967, relating to prohibitions against imports of certain commodities from Rhodesia, are hereby rescinded. All orders, regulations, and other directives and all decisions promulgated or made under such Executive Order Numbered 11322 are hereby rescinded.

SEC. 3. All Executive orders, Presidential proclamations or other orders, regulations, or directives promulgated or made under the authority of the Export Control Act of 1949, which relate to the export of commodities to Rhodesia, are hereby rescinded.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Iowa.

(Mr. GROSS asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. GROSS. Mr. Speaker, I commend the gentleman from Ohio for taking this time and I should like to join him in acknowledging the national day of Rhodesia. Four years ago, on November 11, the Government of Rhodesia, acting in the name of the people of Rhodesia, chose to follow our example of nearly 200 years ago and assume, among the powers of the earth, the separate and equal station to which it is entitled. Instead of welcoming this sturdy young Western-oriented country into the community of nations, President Johnson foolishly alined this Government with the British Government's futile claim to sovereignty over the territory of Rhodesia and joined this nation in applying economic sanctions against Rhodesia on the ludicrous pretense that she was a threat to international peace and security.

Four years later it is interesting, and it should be instructive, to survey the outcome of our folly.

Rhodesia has maintained its independence and by all accounts is growing in strength.

The futility of Britain's claim to sovereignty over Rhodesia has been more than amply demonstrated by her total incapacity to exercise it. The limit of her capability in this direction appears to be punitive action against individual Rhodesian citizens who choose to travel to Britain.

So far as threats to the peace are concerned, none has come from Rhodesia—which incidentally has one of the smallest armies in the world. Rhodesia on the other hand has successfully resisted guerrilla attacks over her northern border, carried out by marauders who have been trained and equipped in Moscow and Peking and given sanctuary and sustenance by member states of the Organization of African Unity—an ironic example of international morality standing on its head.

I am primarily concerned with the American interest in this situation. Not only has the American interest been badly served by this Government's imprudent actions, American industry has been damaged and American security has been gravely prejudiced. We are indebted to the chairman of the Africa Subcommittee of the Foreign Affairs Committee for providing the opportunity for these facts to be aired in congressional hearings.

The subcommittee has been told by expert government and industrial witnesses that Rhodesia is the major free world source of chrome ore and the only commercial source of petalite—a lithium ore—both of which are vitally important raw materials for U.S. industry, including the defense industry; that U.S. sanctions against Rhodesia have brought about a total prohibition on the importation of these commodities into this country from Rhodesia; that we are now almost totally dependent on Russia for high grade metallurgical chrome; that the Russians are gouging us on price and quality; that the strategic stockpile of chrome is declining and that the Office of Emergency Preparedness sees no way in which the chromium needs of the United States can be met without importations from Rhodesia.

Wider awareness of this incredible situation may persuade the executive branch to revise this country's policy towards Rhodesia with an application of common sense to take account of our economic and strategic interests, just as other countries are taking care of theirs. Those of us who follow the situation know perfectly well that Rhodesia is doing business with many other countries besides South Africa and Portugal. It does not surprise me to find that Britain, because of her duplicity, is one of them, though I would not expect her to admit it. I understand that a sizable proportion of Rhodesia's imports in the last 2 years were goods of British origin.

Another factor of interest relates to the prohibition of air flights into or out of Rhodesia. The United Nations Security Council resolution provides that Britain, the United States and others are supposed to not only prevent their airline companies from operating in Rhodesia but also prevent them from linking up with flights originating in Rhodesia. According to my information, within the last few weeks the British Overseas Airways Corp., doubtless, with the connivance and possibly with the encouragement of the British Government, has introduced an additional service between London and Blantyre—in Malawi—to connect up with a flight from Salisbury to Blantyre and thereby virtually provide a direct service from Salisbury to London. I will insert with these remarks an advertisement from a Rhodesian newspaper, inserted by Air India, giving a schedule of connections to the Far East. No country is more sanctimonious than India in its condemnation of Rhodesia, but its airline company is obviously not averse to picking up Rhodesian business.

It makes no sense, in fact it is utterly insane for the United States to deprive itself of a free world supply of a strategic mineral, and to pay a ridiculously inflated price for an inferior substitute from Russia, in order to comply with U.N. sanctions requirements while other countries are flouting those requirements for a commercial advantage. It would be hard to justify such a policy if we were dealing with a real enemy. It is plain lunacy when we are dealing with a country that has been as friendly to us as Rhodesia. I urge President Nixon to take stock of this absurd situation that he has inherited, and promptly revoke the Executive order issued by Lyndon Johnson that put the United States into this shabby business of boycotting Rhodesia and in so doing increasing the deficit in our balance of trade to the profit of Communist Russia.

Mr. Speaker, I submit for printing in the RECORD at this point the advertisement to which I referred in my previous remarks together with two articles dealing with Rhodesia, one by the columnist, James J. Kilpatrick, and the other by Thurman Sensing, of the Southern States Industrial Council.

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RHODESIAN SANCTIONS REVEAL DOUBLE STANDARD

(By James J. Kilpatrick)

It is Veterans Day in the United States, but it's Independence Day in Rhodesia, marking the fourth anniversary of Rhodesia's historic separation from the Crown.

The act of Nov. 11, 1965, was historic for two reasons: It marked the first time a British outpost had declared its unilateral indepedence since another small country, better known to us all, proclaimed the same intention on July 4, 1776. Second, Rhodesia's action produced within the United Nations the worst blunder in the U.N.'s brief history—a blunder that may yet prove fatal.

The U.N. was in trouble long before the Rhodesian incident came along. It was not blatant hypocrisy, perhaps, but it surely was transplanted deception to seat the exiled delegation from Formosa in the Charter seat assigned to "China." The seat should have been declared vacant, and the representatives of Chiang Kai-shek given chairs in the visitors' lounge.

The "China" seat has been so much make-believe. The punitive sanctions imposed upon Rhodesia have proved a far greater folly. As

Dean Acheson has remarked, the sanctions constitute a flagrant violation of the U.N.'s own charter. More than this, the sanctions stand as a continuing monument to the emptiness, the impotence, and the massive hypocrisy of the United Nations as an instrument of international order.

Manifestly, the sanctions have failed in their purpose, which was to bring Rhodesia to its knees. The sanctions have had precisely the opposite effect: Rhodesia survives; it flourishes; its economy is strong and growing stronger. And instead of whipping Rhodesia back to the arms of Mother England, these toothless mandates have succeeded merely in obliterating any prospect of reunion.

It is the purblind hypocrisy—the imposition on Rhodesia of a naked double standard—that reduces the U.N. to imbecility and contempt. Why were these drastic sanctions imposed? It was because the established government of Rhodesia, in the view of the General Assembly, had failed to provide for majority rule and for participatory democracy by all the Rhodesian people.

The notion that Rhodesia's independence constituted a threat to the peace was pure fiction. Rhodesia had failed to provide a system based upon one man, one vote; and Rhodesia, therefore, must be ostracized and her economy destroyed.

It is useful to glance at the news from Africa in recent weeks.

President Shermake of Somalia was assassinated on Oct. 15. A military junta seized power the following day. All civil liberties, including a right to vote, have been suspended. What will the U.N. say of democracy in Somalia? Not a word; not a single word.

On Oct. 19, the government of Burundi uncovered a "plot" and jailed 30 putative leaders of the opposition. Here, too, participatory democracy is a fiction. Will the U.N. reproach Burundi? Men will walk on Mars before that day arrives.

On Oct. 26, the government of Tanzania jailed six prominent politicians under the same kind of "preventive detention" that is so denounced in South Africa and Rhodesia. Tanzania has not even a pretense of majority rule. But the U.N. will remain as silent as the desert sands.

On Oct. 27, Jomo Kenyatta jailed his only political opponent, along with all opposition members of his parliament, and outlawed the Kenya Peoples Union. Democracy is a dead letter in Kenya. But you will not learn this from the United Nations.

The same picture obtains in Uganda. It obtains in Zambia. It obtains in Ethiopia. One-party rule is the almost universal practice of Africa. Participatory democracy, under the rubric of one man, one vote, is unknown. The only difference, when it comes to imposing sanctions and discovering threats to the peace, is that the ruling minority in Rhodesia is white; and the ruling minorities elsewhere are black. And so long as the United Nations adheres to this indefensible and hypocritical position, the U.N. is doomed.

Rhodesia and Realism

(By Thurman Sensing)

One of the reasons that Richard M. Nixon won the Presidency is that the American people wanted a more realistic foreign policy. During the Kennedy and Johnson years, U.S. policies overseas were based on emotion, not on careful calculation of American national interests and protection of orderly, capitalist societies.

In some respects, the Nixon administration has made progress toward meeting the demands of the people for a realistic foreign policy. Some of the ambassadors selected are thoroughgoing realists who are well equipped to implement the President's policies. The Nixon administration generally has downplayed emotional considerations. Nevertheless, there are some areas where no significant progress has been made and where liberal pressures on the administration apparently still have a powerful impact.

A case in point is the Nixon administration's handling of the Rhodesian situation. Rhodesia is not the biggest country in the world, but the manner in which relations with Rhodesia is handled is indicative of basic strengths and weaknesses in the administration's conduct of foreign affairs.

Many supporters of Mr. Nixon hoped and expected that on entering the White House he would abandon outright the vindictive policy the Johnson administration adopted with respect to Rhodesia. Specifically, they assumed that he would revoke the Executive Orders under which President Johnson prohibted U.S. trade with Rhodesia, a country that has offered to send a contingent of troops to fight the communists in Vietnam.

Many of Mr. Nixon's supporters have been cruelly disappointed on this score. The LBJ Executive Orders have not been revoked. It's true that the administration has retained in Salisbury, capital of Rhodesia, the U.S. consul, over the objection of militant liberals who have made an emotional cause of humiliating and destroying Rhodesia.

Yet there is no assurance whatever that the U.S. Consul will be permanently retained in Rhodesia, let alone that the United States will recognize Rhodesia as an independent, sovereign nation.

On the contrary, there was dismaying evidence in recent weeks that the Nixon administration is bowing to the fanatical liberals who want to cripple Rhodesia because it is a symbol of stable, civilized government on the African continent.

Assistant Secretary of State David D. Newsom, testifying before a House Foreign Affairs subcommittee, said the United States "is giving full support" to U.N. sanctions against Rhodesia. He added that "we have continued to recognize British sovereignty in Rhodesia and regard the Smith regime as illegal."

This is an extremely unfortunate and disturbing statement. It is completely counterproductive to constructive foreign policy moves made by the administration. There's no basis in realism for joining in the crusade of the Afro-Asian U.N. bloc against Rhodesia. France, Germany, Japan and other solid, progressive states are busily trading with Rhodesia. Giant Japanese ore carriers regularly transport Rhodesian chrome, in defiance of U.N. edicts and the British naval blockade in the Mozambique Channel of Africa's east coast. Rhodesia has been self-governing and self-supporting since 1923. It has been independent since 1965, and there is no sign that the U.N. trade ban will crack Rhodesian spirits—no more than the British assault on the 13 American colonies crushed the colonists' determination to be independent of the British Crown.

Assistant Secretary Newson's remarks to the congressional subcommittee were absurd to anyone who knows conditions in Africa. For example, he said that the administration's policy was designed to head off "increased racial tensions and possibly widespread violence."

For years, liberals have been predicting an explosion in South Africa, but it hasn't taken place. The explosions have come in the unstable, disorderly regimes elsewhere in Africa. Within recent days the president of Somalia, a leftist state on the Horn of Africa, was assassinated. Libya, in North Africa, recently joined the socialist Arab bloc and is forcing the U.S. to remove its air base facilities. Nigeria, in West Africa, is the scene of incredibly bloody tribal war, with the Biafrans threatened with extinction.

Rhodesia, on the other hand, is a land of tranquility and progress. Both white and black Rhodesians enjoy the blessings of peace and intelligent, free enterprise government.

The United States stands to gain from a world community of stable nations. Rhodesia is one of them. The Nixon administration, aware of the threats to civilized government and stability overseas and at home, should recognize Rhodesia. It should permit renewal of a normal trade with the Rhodesians. For one thing, such a renewal would free the U.S. of dependence on Russian chrome ore. The handling of the Rhodesian situation is, therefore, an important test of the Nixon administration's commitment to realism.

Mr. ASHBROOK. I thank the gentleman for his contribution.

Mr. Speaker, at this point I ask unanimous consent that the gentleman from Mississippi (Mr. Colmer), the gentleman from Washington (Mr. Pelly), and the gentleman from Indiana (Mr. Zion) may extend their remarks at this point in the Record.

The SPEAKER pro tempore (Mr. Pepper). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COLMER. Mr. Speaker, 4 years have now passed since the people of Rhodesia declared their independence from the British. Yet, the United States continues in its refusal to recognize the Government of Mr. Ian Smith or engage in trade with it, even though our policy is clearly working to the disadvantage of our own national interest.

Rhodesia has prospered during the sanctions and has maintained continuous and stable control over its legal territory and population. In fact, according to current estimates, the Rhodesian gross national product will show an increase of 13 percent for this fiscal year. And only 2½ percent of that represents the inflation factor.

It is ironic, Mr. Speaker, that this country will rush to any part of the world to accord de jure recognition to every shoestring, tin-horn dictator who can muster enough firepower to achieve a military coup. And yet, after 4 years of stable, civilized and prosperous control we still refuse to recognize the truly legitimate government in Rhodesia. Rhodesia's only sin appears to be that it is doing the very same thing to the British that we did nearly 200 years ago. Or perhaps, Mr. Speaker, we have played into the hands of those who use false racial politics as an instrument of national policy. Whatever the reason, the time has now come to abandon this ridiculous policy and get on with the business of reopening the channels of commerce and diplomatic relations with Rhodesia.

But the story of the United States' position in relation to Rhodesia does not end with the essentially legal and semantic argument over recognition. An issue far more critical to the United States is found in our stubborn refusal to recognize that the sanctions against Rhodesia will never bring down Mr. Smith's government. We continue, almost alone and to our great disadvantage in applying sanctions. The case has clearly been made, and particularly within the last month, that the loss of Rhodesia as a supplier of high-grade chromite ore has made us dependent on the Soviet Union

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for this militarily and industrially strategic material. The Soviet Union has clearly exploited our blind adherence to these useless sanctions by using its position as the world's only other large supplier of high-grade chromite to charge prices which are at minimum 50 percent higher than those at which Rhodesian chromite can be purchased. Additionally, the Soviet Union now requires dependent American purchasers to take 1 ton of worthless low-grade chromite ore for every ton of high-grade ore which it supplies.

Recent testimony given before the Subcommittee on Africa of the House Foreign Affairs Committee by industry and Government officials has clearly revealed that if we do not immediately lift our sanctions and allow American firms to begin taking delivery on the products of their chromite mines in Rhodesia we will be faced with a complete exhaustion of our already dangerously small stockpile of high-grade chromite thus making us solely dependent on the Soviet Union for this vital material. In fact, Mr. Speaker, the Office of Emergency Preparedness has testified that we have no choice but to start buying Rhodesian chromite if we are to continue to meet our military and industrial needs.

The time has come Mr. Speaker for a return to a rational basis in our behavior toward the Government in Rhodesia. In the name of sound economic and military policy I today call upon the administration to take all necessary measures to reopen the channels of diplomacy and commerce with the legal Government in Rhodesia.

Mr. PELLY. Mr. Speaker, I commend the gentleman from Ohio (Mr. ASHBROOK) for taking this special order today to bring to the attention of the world the situation in which we find ourselves today with regard to Southern Rhodesia.

Personally, I have been very concerned about our Government's position toward the Smith government in Rhodesia. My concern was carried to the President in a letter asking that he issue a new Executive order revoking President Johnson's previous Executive order declaring that it is not essential to our national defense to remain on the U.N.'s list of nations with sanctions against Southern Rhodesia.

In addition, I have introduced a joint resolution—House Concurrent Resolution 388—calling for the end of sanctions against Southern Rhodesia.

Basically, our policy appears to me to be one of inconsistency in this regard. We refuse to purchase products from Rhodesia, even though they could be purchased cheaper, and we buy the same products from Russia at the higher price. All of this, of course, because of the sanctions Great Britain has invoked against Rhodesia and has received U.N. endorsement.

I cannot understand, Mr. Speaker, why we should buy from a country that has been supplying 80 percent of the arms and ammunition to our enemy in North Vietnam, arms and ammunition used to kill and maim our young men, while refusing to purchase from a country that has never, as far as I know, caused one problem, much less a death, to a single American citizen.

Mr. Speaker, I urge cosponsors for my resolution and further I urge early committee consideration.

Mr. ZION. Mr. Speaker, on the occasion of Rhodesia's National Day I am proud to join many of my colleagues in offering tribute to a friend. Concurrently, I rise to offer the suggestion that this Nation may learn to recognize just who its friends really are. Along with other Members of the House, I have sponsored a resolution calling for an end to American support of United Nations economic sanctions against Rhodesia.

Such sanctions and our support of them make little sense—on either moral or economic grounds. Rhodesia has long been on of America's firmest friends in Africa. In addition to possessing a stable, anti-Communist government, Rhodesia has offered her assistance to our country in our commitment to South Vietnam.

In our support of United Nations sanctions, we are aiding a deplorable exercise of the double standard. At a time when the United Nations has marshaled its resources and its rhetoric against "colonialism," this proud young nation has sought to escape the colonial rule of Britain. Our own historical beginnings demand that this contradiction be repudiated. This nation has a tradition of respecting the freedom and integrity of other nations, especially those new states seeking to find independence and their own place in the family of nations. We once asked this respect for our own emerging young Nation. Our Rhodesian policy represents a cancer on this tradition.

If moral argumentation cannot capture the heart of our leadership, let us delve in the pure economics of the question. Rhodesia represented our major source of chrome ore prior to 1967, the date when this country concurred in the imposition of sanctions. U.S. investment in this vital ore was precluded at that time and American firms with enterprises in Rhodesia were forced to surrender their operations to Rhodesian officials. To gain necessary chrome, we have been forced to turn to the Soviet Union as a supplier, now obtaining 60 percent of our needs from this Communist power. The price of that ore has also risen by 50 percent, with a further hike in price anticipated when our contract with the Soviets is renegotiated next year.

In dancing to the U.N. sanction melody, we have also forfeited our only commercial source of high grade petalite, used in ceramic and optical glass manufacturing. We have no national stockpile of this ore and attempts to develop a substitute have not been successful.

Commerce Department officials have, in recent days, expressed concern over American industrial problems created by our adherence to these United Nations sanctions. Thinking Americans are concerned with a policy which gives an economic smack of the hand to a good friend, forcing trade with a Communist state allied with the killers of American youth in Vietnam.

Mr. Speaker, its time that some common sense was called into play.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Ohio yielding to me. I want to commend the gentleman for taking this time on the fourth anniversary of the surprising, and I might say delightful, growth and resurgence of the Republic of Rhodesia. It may have had a struggle separating the umbilical cord from John Bull but it has not shown it insofar as its present resurgence is concerned.

Mr. Speaker, I liken their struggle to our own revolution. In 1776 we brought about the great documents, the Declaration of Independence and the Constitution. I particularly commend the gentleman on pointing out the strength of Rhodesia 4 years later and in doing it by inviting attention to the Members of the House and to the United States and the world at large to the double standards that we have applied. I can think of no better way to put it. Actually, it is worse than just a double standard applicable to any one sovereign nation or even a group of nations trying to control another sovereign nation.

We are building bridges, so to speak, in the West in spite of the Communists' intent in the Near East and toward Czechoslovakia. Of course, we are fighting a Red aggressor in the Far East. If this is not a double standard, I never heard of it. And, it, of course, has cost us 40,000 lives and over 200,000 wounded. But insofar as my observations of Rhodesia are concerned, my concern could be summed up in two areas and boiled down to two principal tenets and two problems well illustrated by the gentleman's statement of double standards.

The gentleman from Iowa (Mr. GROSS) just referred to the Executive order placing us in the United Nations corner, and commitments based on the laws or statutes of our Nation in 1947. Actually, this prescribes almost exactly what the Chief Executive must do in reaction to certain decisions of the General Assembly and the United Nations in particular. This has been devastating to us, and I am sure it has to the growing young nation of the Republic of Rhodesia.

I believe we should give serious consideration not only to the repeal of the Executive order, but to repeal of the existing legislation that requires that if the United Nations or some other body says "frog" that we jump first.

Second, I am seriously concerned, as the gentleman from Ohio has so well said, about the embargo placed on Rhodesia, the emerging and growing young nation. It is not only a paradox that we would fail to buy chromium ore—in which we are short and in which there are just two world supplies—from Rhodesia in spite of the embargo and so-called blockade, and turn about and buy it from the Russians or the Communist bloc. But even more paradoxical, those who requested the blockade in the first place have their own chromium ore runners, and I am advised that one ship a week runs the blockade and goes back to take chromium ore to Mother England, who is far too parsimonious to purchase chromium ore from the Soviets.

Mr. Speaker, again I want to commend the gentleman for taking this time, and for stating so aptly, as he has throughout his content, the saga of this emerging nation which will indeed become a world power because of simple allegiance, stick-to-itness, will to do, and know-how properly applied. I wish we still had more of the same as we did during the time of our revolution.

Mr. **ASHBROOK**. Mr. Speaker, I thank the gentleman for his contribution.

In closing, Mr. Speaker, I would like to point out that I had the opportunity several years ago to visit Rhodesia. I have had the opportunity over the years to visit between 40 or 50 countries throughout the world, and I think you can gain a certain insight in spending time in a country. I would say as far as Rhodesia is concerned that it is one of the most peaceful, secure and progressive countries I have ever visited. For us to participate in this country in an effort to smear Rhodesia, to make it look like it is not a proper member of the world community of nations, in my opinion is not only a mistake; it is absolutely foolhardy.

For some reason or other we want to apply a different standard to Rhodesia than we want to apply to some of the other 125 to 130 nations in the world. I would say to our President that the people last year voted for a change, and this is one of the areas where I think we can effectuate a change which is long overdue and would be very proper, and I now call upon the State Department to review its relations with Rhodesia. I ask that our administration bring about changes in many areas, particularly in the area of our foreign policy dealings with the sovereign State of Rhodesia.

It is absolutely foolish to assume that Rhodesia is not a state, does not function as a state, and I would point out that in the body of my remarks I make reference to statements by the elder statesman Dean Atcheson and to the penetrating analysis that our former Secretary of State has made regarding Rhodesia, and regarding what he feels is a foolish policy of our country vis-a-vis Rhodesia, and I believe this certainly makes good sense.

Mr. **DICKINSON**. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. Ashbrook) for the efforts he has taken to bring this matter to the attention of the House of Representatives. I am pleased to join with him today in a thorough discussion of Rhodesia and the economic sanctions placed against Rhodesia by the United Nations. I subscribe to the sentiments voiced by the gentleman and I, too, have voiced those sentiments on the floor of this House and shall continue to do so.

I submit that our present policy toward Rhodesia shows that we are legally wrong, and morally wrong in enforcing the boycott and sanctions imposed upon that nation. We are embarked on a foolish course. If we persist and are consistent in this policy, it will inevitably lead us to consequences in regard to foreign policy more dire than the situation in which we presently find ourselves in Southeast Asia.

On October 23, 1969, I cosponsored House Concurrent Resolution 430, which expresses the sense of the Congress that the President, acting through the United States delegation to the United Nations, bring about the revocation of the United Nations economic sanctions against Southern Rhodesia.

Mr. Speaker, the theory that supports the United Nations' boycott is that the U.N. is dedicated to "world peace through world law." If this lofty phrase means anything, it must mean that the U.N. stands for obedience to the law, first of all. But in order to adopt these resolutions against Rhodesia, the United Nations Security Council had to flout their own basic law. Former Secretary of State, Dean Acheson, among other distinguished authorities, has termed the sanctions "patently illegal." I have often wondered aloud if we uphold these sanctions against peaceful Rhodesia, why do we not demand from the United Nations proper sanctions against the aggressor nations of North Vietnam, North Korea, Communist China, and others?

Is there a greater offender to the United Nations principles of peace and justice and self-determination than the Soviet Union which, by the way, has stymied the U.N. Council scores of times by exercising its veto? The Russian people are servants, not masters, of their government.

Clearly, the United Nations has in this case applied the double standard. It can afford to be sanctimonious in putting the pressure upon tiny countries, but has clearly shown that it lacks courage to stand up to a big bully right in its own membership.

Mr. Speaker, unfortunately, the United Nations lacks the strength to punish an errant big power, inside or outside the organization. But need it be hypocritical as well as weak?

Mr. **ABERNETHY**. Mr. Speaker, there are times when the foreign policy of our Government reaches the height of plain stupidity. And this is particularly true regarding our policy toward Rhodesia.

On July 4, 1776 the people of this area of the world determined for themselves that they were tired of being a colonial satellite of Great Britain. So, they simply declared themselves independent of Britain, established a unity of States, prepared a constitution and became an independent nation.

Four years ago, on November 11, 1965, Rhodesia followed a similar course. The Rhodesian people, for reasons satisfactory to them, determined that they wanted to be independent of British colonialism. They, like our progenitors, declared their independence and established their own government. The British Government shrieked "foul" and declared to bring Rhodesia to her knees via economic sanctions.

The United Nations, which is anything but "unified," projected itself into the British-Rhodesian issue and likewise voted economic sanctions against the youthful, independent nation of Rhodesia. It even went so far as to declare that this little country was a threat to world peace—a rather asinine and silly conclusion.

So, sanctions there were, with our own Nation joining in. We joined in the movement with our eyes closed to our own Declaration of Independence of July 4, 1776.

Take a look at Rhodesia today. She is much stronger economically than ever before. Her industrial growth is steadily climbing. Her monetary system is sound. There is no inflation. There is progress, growth and stability. There is peaceful living within its borders.

No, Rhodesia does not govern or do everything as we do. But what nation does? Yet, because those who control the foreign policy of our Government dislike the government and policy of Rhodesia, we refuse to recognize and do business with her.

We bitterly differ with the Communist nations of the world. Yet, many of them, and more particularly the Soviet Union, maintain Embassy establishments right here in the heart of our Capital City and we do the same in their's. The Soviets are providing North Vietnam with the implements of war to kill American boys. But still our Government leaders exchange smiles and clink cocktail glasses with the Soviet foreign service personnel over in the Soviet Embassy. How, oh how, Mr. Speaker, can we do this and then turn our faces on little Rhodesia which has done us no harm and is actually our friend?

Mr. Speaker, I am among those who introduced the concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. delegation to the United States, should take such steps as may be necessary to bring about the revocation of the United Nations economic sanctions against Rhodesia. I sincerely hope the resolution will soon have the immediate attention and approval of the Committee on Foreign Affairs and the Congress. And may I add, Mr. Speaker, that regardless of what action is taken by the United Nations, the time has come for us to recognize and do business with the brave little nation of Rhodesia.

GENERAL LEAVE

Mr. **ASHBROOK**. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks in the body of the Record and to include extraneous matter on the subject of my special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VIETNAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentle-

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man from Montana (Mr. OLSEN) is recognized for 60 minutes.

(Mr. OLSEN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. WOLFF. Mr. Speaker, I wish to thank and commend the gentleman from Montana for taking the lead in what will be a series of 1-hour sessions devoted to the subject of Vietnam.

Twenty-eight Members from both sides of the aisle representing a variety of opinions about American policy in Vietnam have agreed to join in a program I outlined in a letter to the Members on October 29.

In that letter I said:

> Whatever our individual views are on the course of American policy in Vietnam I trust we can agree on the desirability of discussion and debate in the classic American tradition. Thus I wish to address the following proposal to all the Members whether or not you support the President's policy on the war. . . .
>
> Because Vietnam is the most important issue confronting the American people I feel strongly that debate among those with varying views on the war should be undertaken on a regular basis. We cannot escape from this issue; nor can we deny its importance in every phase of our activity. For this reason it makes good sense to have a continuing debate on Vietnam in the House.

Then in a letter to the Members on November 14, I reported:

> To date 27 of our colleagues have agreed to take special orders on a rotating basis every Tuesday, Wednesday and Thursday for an indefinite period. This way we will ensure that at least one hour is devoted to Vietnam on these days.
>
> All Members are urged to participate in these discussions no matter what their view on American policy in Vietnam . . .
>
> The purpose of these discussions is to bring to the Congress the debate that has been waged in the streets and in the media. It is time that the Congress assumed its position of responsibility regarding our policy in Vietnam.

So today we begin these discussions with the able and distinguished gentleman from Montana taking the lead. For the Members' information I shall be in the well tomorrow for 1 hour on the same subject and the gentleman from California (Mr. LEGGETT) will carry on on Thursday.

I wish to emphasize that the purpose of these discussions will not be realized unless Members with different views participate. Our goal is not to advocate a single position but rather to promote debate and consideration of the views of others.

It seems axiomatic that the House would welcome this opportunity to become an appropriate forum for discussion of the single most important issue facing our Nation. In the past we have failed to live up to our responsibility and have abdicated congressional authority to the executive branch. The time is long past due to reverse this unhappy and dangerous trend and to reassert the rightful prerogatives of the Congress.

Tomorrow I shall devote my time directly to our policy in Vietnam; today I just wanted to describe the purpose of these discussions and thank the gentleman from Montana for his role in this effort.

Mr. Speaker, I again want to commend the gentleman for taking the lead in leading these discussions and I thank the gentleman for yielding.

Mr. OLSEN. I thank the gentleman from New York.

Mr. Speaker, last October 14, I and several of our colleagues planned to conduct an all night session to coincide with the dawn of moratorium day. Unfortunately a majority of the Members present did not want us to do this and so adjournment was voted at 11:17 p.m. As a result of this negative action most of us who had prepared speeches and statements in support of the spirit of the moratorium of the 14th of October were prevented from doing so.

In the aftermath of that moratoriums day and through the events of the mobilization weekend just past a curious but definitely frightful new phase in the Vietnam controversy has been inaugurated. It began with implications, some voiced here in this Chamber, that those who participated in the moratorium of the 14th of October were somehow acting against the best interest of their country. This implication was emphasized and magnified by the administration's "unofficial" spokesman Vice President AGNEW, in his "effete snob" speech and in subsequent rhetorical pronouncements, the climax of which was his vicious attack on the radio and television industries and upon Ambassador Harriman last Thursday. All along administration spokesmen claimed that President Nixon knew nothing—nothing—in advance of the Vice President's attacks on those who even hinted criticism of our Vietnam policy and besides, they would have you believe, the President does not make foreign policy in the street and therefore he is not influenced by those who demonstrate in behalf of peace.

In the words of today's Washington Post editorial "Balderdash" to both points. It is simply not credible that the President of the United States would allow his next in charge to go around the country verbally attacking a substantial number of his fellow citizens without his consent. The proposition is unacceptable. Who among us Members of the Congress would permit someone on his staff to insult a large portion of the electorate without foreknowledge? The answer is obvious. No one would.

As to the contention that President Nixon is oblivious to demonstrations of dissent this is not beliveable either. There is one factor that is common to all but the extreme solutions to the Vietnam war and that is the desire to extricate our troops from the mess in that country. One thing common to us all is that we all want to extricate ourselves from that country. This is the message that I received from the events of moratorium day, October 14, and again the mobilization of last weekend. Personally I was most active in the moratorium of October 14, and the position that I advocated then and I have been advocating for over 2 years is that the President should develop an orderly timetable of troop withdrawals contingent on the ability of the Vietnamese forces to assume the duties of prosecuting the war and, of course, conditioned upon the welfare and safe being of our own troops. In other words, I recommend a systematic de-Americanization of the Vietnam war, and have been doing so for more than 2 years.

This position has a familiar ring, does it not? It seems that it is identical in substance to what the President said on November 3. I had no problem of identifying with Saturday's marchers nor partaking in the moratorium last October. Why is the President so rigid in his opposition to people who are in basic agreement? As former Vice President Humphrey said yesterday, the President is mounting a calculated attack on the forces of dissent. I ask why? Dissent is certainly more in keeping with American tradition. Our Founding Fathers were Europeans or descendants of Europeans who left their homelands because there was no room for dissent.

Of course, last weekend's march belies the charge made by some that dissent is no longer tolerated by the Nation's leaders. This simply is not true. However, there is a disturbing pattern of attempts to discredit and to muffle dissent. There are the Vice President's peculiar speeches. There are the letters and telegrams to the President bearing thousands of signatures of support for remarks which have not yet been made, and there are the polls emanating from the White House showing support for the President at percentages in the high seventies. It almost seems that the President is willing the opposition right out of existence, wishing the opposition right out of existence.

This is unhealthy. This difference of opinion and the right to express such are paramount to the existence of democracy. It is invariably the characteristic of a State under tyrannical rule that the winner of whatever elections are held are victorious by percentages in the high nineties. I do not believe for one moment that such a tragic state will ever exist here. Yet to avoid this we must always keep open the avenues of dissent. The administration must abandon its present course of implication and innuendoes. It is a great disservice to the cause of peace to imply that someone not in full agreement with the administration's position is something less than a loyal American.

Mr. Speaker, at this point I include the statement I prepared for delivery in this Chamber early on the morning of October 15, but was prevented from doing so:

> In the last several years I have registered my misgivings and my personal recommendations on Vietnam policies to high ranking individuals in the Administration and I have joined in introducing legislation in the Congress which called for greater effort on the part of our government to place this issue before the United States.
>
> I have never issued public statements regarding the conduct of the war unless I sincerely believed specific action on the part of our government was in the interest of the peaceful goal we all of us seek.
>
> However, after years of frustrated involve-

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ment in Vietnam, I believe there comes a time in foreign affairs, as in domestic, when the "people" must be heard. The mounting tension in American democracy between the "people" and their chosen representatives has reached the point which policies directing this Nation's efforts in South Vietnam fail to command respect in the conscience of the American people. When government policies no longer express the will of the people those laws lose their natural legitimacy and such is the case in Vietnam.

A 1967 Congressional poll indicated that 80.2% of the people in the Western District of Montana wanted to continue the then course of the war or escalate with 63% of these in favor of an all out military effort to win. Only 12.8% were in favor of withdrawal. One year later in 1968 another Congressional polling of the same area showed that those in favor of maintaining the status quo or stepping up our military effort had slipped to 55% and that those in favor of deescalation had risen to 45%. A private poll of the Northwestern states, including Montana, which was completed in August of this year, indicated that 52% of those asked were in favor of withdrawal of American Troops and turning the fighting to the South Vietnamese. Another 22% recommended immediate withdrawal. Results of the most recent Gallup Poll show that the percent of Americans favoring complete withdrawal of Americans troops from South Vietnam by the end of 1970 to be 57%.

All of these poll results and the mail I received daily in my office have convinced me a significant trend has developed. It is a trend that must be reckoned with and the leaders of this nation should not turn a deaf ear.

President Nixon, in a letter to a Georgetown University student drew a distinction between "public opinion" and "public demonstrations" vowing government policy would not be "made in the streets." White House sources further pointed out that his reply to the student was directed not at the "shouters" but to the "concerned majority" of Americans who have remained silent. The results of the Polls I have cited, which polled not only people in the streets, but also the "silent Americans" or the "concerned majority" to which President Nixon was referring, has indicated their "will" overwhelmingly in favor of withdrawal of American troops.

Administrations past and present have been guided by military leaders who have shown many blatant and obvious cases of misjudgment: the tragic loss of 74 lives when a navy destroyer on routine maneuvers off the Philippines was sliced in two when it turned into the path of the Australian carrier: the navy sending the underarmed and tiny electronic spy ship, Pueblo, and 82 men into North Korean waters despite a high level intelligence warning of danger. Not long after the Pueblo and its crew were captured, an unprotected electronic "snooper" plane was shot down as it passed over the shores of North Korea with the loss of 30 lives: the Pentagon also authorized a secret contingency arrangement with Thailand, which, if mutually invoked, would have placed United States troops under Thai command; the testing of poisonous gas, resulting in the death of 640 sheep in Utah and the storage on Okinawa of gases which sent 26 men to the hospital not to mention the additional strains placed on Japanese and United States relations.

I say this series of bumblings, including the mishandling of our effort in Vietnam, had led the majority of the people in this country either to apathy or to outright opposition, in varying degrees across the country.

A very important point that is often overlooked is that the South Vietnamese have to take over the operation and defense of their own country—whether now, or one to ten years from now. Are we to leave more than a half million men in Vietnam while we wait for Saigon and Hanoi to come to some political settlement? I believe *that* is not our obligation.

Since the beginning of the cold war we have intervened on an average of once every 18 months in some foreign country. We have often looked at these interventions as our duty bound response to moral imperatives. We have somehow convinced ourselves and are telling the world that our interference in the affairs of other nations grows out of our determination for justice, self-determination, and freedom for all men. I am not saying these ambitions are wrong but that they are clearly not the major reasons for our interventions. It has been on the basis of cold war fears and our anti-communist diplomacy that we have continued to become involved in these crises.

Following the second World War we were cast as the protector of freedom. It is a role we took unwillingly but are now afraid to relinquish.

Ronald Steel made a similar observation in his outstanding book, *Pax Americana*, when he wrote "where a communist problem exists, as in Vietnam, we have found the defense of freedom to be an unshirkable obligation, even if performed on behalf of a regime which may be as indifferent to freedom as the communist one it opposes. When we decide to honor our moral duty, the label that the oppressor wears is exceedingly important."

The United States waded into Vietnam for no other reason than to prevent domination of the South by the Viet Cong. Surely we have always realized that we cannot *be* South Vietnam. We cannot govern South Vietnam. We cannot accept full responsibility for the war. Our commitment is limited. The outcome of that struggle depends now, as it always has, on the ability of the people of South Vietnam.

There have been many disappointments in our relations with the South Vietnamese and the government of South Vietnam. We had hoped that we could help the South Vietnamese to help themselves to build a nation and a government that could attract the support of its own people and to achieve a political victory over the Viet Cong.

Time and time again our hopes have been dashed by the corruption of our South Vietnam ally—a government, as Senator Kennedy said, that "has consistently proved incapable or unwilling to meet the demands of its own people, a government that has demanded ever more money, ever more American lives to be poured into the swamp of their failure."

The casualties are still coming home and the thought of more dead, more bombed villages, more children maimed and made homeless is increasingly repugnant.

From January 1961 to date, the war has taken 45,598 American lives and left 254,274 of our troops wounded. It has cost the taxpayers of this nation a total of more than 81 billion dollars with an additional 25.3 billion dollars to be spent in Vietnam in fiscal year 1970.

In addition to the tragic loss of lives, that is yet to follow, there is also the loss of the 2.1 billion dollars being spent each month in Vietnam which could provide, if used domestically, public libraries for 12 millions of Americans who have no library facilities; eliminate the backlog of need for: 169,000 school teachers; 125,000 nurses; and some 50,000 doctors by providing four years medical or teacher training for 344,000 young people and give a college education to the 100,000 young people who were not able to go on to college this year because of the lack of funds.

The cost of all housing and urban affairs programs of the federal government, including slum clearance and other efforts to make the nation's cities safer and more satisfying places of human habitation represent only 6 weeks of the cost of the Vietnamese war. Our entire contribution to the United Nations organizations comes to 80 hours or 3 days of war expenditures in Vietnam.

Our children may well wonder at the sense of values of a nation which spends $52,000 to kill one guerrilla on the other side of the world.

The United States began some time ago to take steps to persuade the South Vietnamese to take eventual complete control of the War. But despite the fact that never before in history has a nation done for another what we have done for South Vietnam, it has been to little avail. It seems to me that with our generous contribution of resources—human, monetary, and material—South Vietnam should have triumphed long ago if it had a government with the desire or capability to meet the needs of its people.

Perhaps we have performed a disservice to those we would help by holding onto the initiative of that conflict: by permitting them to depend to much upon the United States: and by looking the other way and sometimes contributing to the corruption of the South Vietnamese government.

It would appear a mistake to continue our present policy which allows things to drift on in the wild hope that some solution will be found. The time has come for the Congress to act within the limits of its power and recommend continuous and orderly withdrawal of United States forces as expeditiously as possible until all American forces are removed, the pace of withdrawal to be limited only by steps to insure the safety of our forces.

Mr. Speaker, I also wish to include the editorial from the Washington Post and the article containing former Vice President Humphrey's remarks:

[From the Washington Post, Nov. 18, 1969]

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—the enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazies—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—overall—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people overall out of a crowd of a quarter of a million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the like of that since Marie Antoinette.

HHH SEES "CALCULATED ATTACK" BY ADMINISTRATION ON DISSENT

(By William Chapman)

Former Vice President Hubert H. Humphrey accused the Nixon administration yesterday of mounting a "calculated attack" on the right of dissent and on the news media.

If such attacks are not stopped, he said, they will "open up a Pandora's box of reaction, backlash and repression."

Humphrey was referring primarily to Vice President Agnew's recent controversial speeches criticizing antiwar demonstrators and television commentators, but he included others in the administration in his charge.

Such comments as Agnew's, said the former vice president, undoubtedly had Mr. Nixon's approval. "This wasn't just a case of the vice president having a lost weekend," he added.

(The White House reiterated that the President did not see Agnew's speech in advance. It was learned that Agnew's speech on the TV networks was largely written by one of President Nixon's writers.

In a free-swinging style reminiscent of last year's political campaign, Humphrey criticized the administration during a press conference following a meeting of the Democratic Policy Council, of which he is chairman.

The Council, which has been formed to prepare Democratic position papers on major issues, joined the skirmishing with a resolution accusing administration leaders of "appealing to fear and creating a climate of retaliation."

Also moving to the counterattack was former U.S. peace negotiator W. Averell Harriman, who was himself one of Agnew targets last week. The vice president said Harriman was chief negotiator at the Paris peace talk during a period "in which the U.S. swapped some of the greatest military concessions in the history of warfare for any enemy agreement on the shape of a bargaining table."

Harriman did not reply to that. Instead, he called the criticism of television commentaries an attempt to "intimidate."

"It smacks of totalitarianism and I don't like it," Harriman declared.

Humphrey's charges stressed that he considers Agnew's remark and others' comments part of a premeditated and concentrated administration plan.

The administration, he said, is not trying to "bring us together"—a phrase Mr. Nixon favors—but is engaged in a "polarization process" by attributing to war dissenters a lack of patriotism.

"I personally doubt that our country has seen in 20 years such a calculated appeal to our baser interest," he said. "I disagree with those who would create an atmosphere of suppression and call it patriotim."

Humphrey embraced in his counter-attack in addition to Agnew's speeches, the following specific Administration moves and statements:

The Justice Department's initial refusal to grant a Pennsylvania Avenue demonstration permit for the massive antiwar march last Saturday and the Department's claim the march would result in violence.

Federal Communications Commission Chairman Dean Burch's personal calls to television network officials requesting transcripts of commentators' analyses of Mr. Nixon's Nov. 3 speech on Vietnam—the analyses that first provoked Agnew.

A statement Humphrey attributed to the Republican National Committee. He apparently was referring to Republican Chairman Rogers C. B. Morton's comment in a Republican newsletter supporting Agnew.

Humphrey conceded that he had made "sporadic" criticisms of antiwar protesters who heckled him in the 1968 campaign and had occasionally privately lectured the news media for its coverage.

"But it's another thing to have a calculated, premeditated attack," he said.

At one point, Humphrey appeared to have some reservations about the warm support he gave Mr. Nixon's policy on the war during a White House meeting on Oct. 10. He said yesterday that he does not want to see U.S. disengagement in Vietnam conditioned either on approval by the South Vietnamese government or on the behavior of North Vietnam. Any disengagement plan, he said, should be formed on the basis of "our own best interests."

SOME MODEST PROPOSALS WITH REGARD TO THE IMPENDING RETURN OF OKINAWA TO JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON), is recognized for 60 minutes.

(Mr. STRATTON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, yesterday Japanese Prime Minister Sato arrived in Washington to begin conversations on Wednesday with President Nixon looking toward the conclusion of an agreement to return the Island of Okinawa and its associated smaller islands in the Ryukyu chain to full Japanese sovereignty, reportedly by 1972. Although officially the only details that we in the Congress have on this impending transfer are what have been reported indirectly in the press, the understanding seems to be that this return of Okinawa to Japanese sovereignty, including the key American bases which are now located on that island, will be carried out under the same conditions that apply to those U.S. bases presently located on the Japanese mainland. Specifically, these limitations are two: First, that we will henceforth be unable to keep nuclear weapons on Okinawa, and second, that we will be unable to conduct combat operations from these bases in other parts of Asia without getting the prior approval of the Japanese Government, a condition that, as Members will recall, prevented our prompt response to the seizure of the *Pueblo* off Korea in January of 1968 with the rescue aircraft flown from Japan.

This projected reversion of Okinawa to Japan is clearly, from many points of view, not only politically but also militarily, one of the most important actions that our country will be taking in the next few years bearing on our own strategic position in the Far East, a position we established as a result of our costly participation in both World War II and the Korean war. Yet the surprising fact is that there have been virtually no official discussions on this matter on the part of the Executive Department with the Congress, certainly not with those committees of the Congress specifically charged with responsibility for our military posture. All any of us knows, as far as I can determine, is what we can read in the papers and this has been quite confusing, especially in recent days as the hour of decision draws closer.

Because of the importance of this issue I believe that we in this House, no less than those in the other body, have an obligation to be consulted on this question and to speak out our own feelings with regard to it. As the late Senator Arthur Vandenburg once said in the late 1940's, it is important that Congress be taken into the confidence of the executive branch in matters of foreign and military policy on the takeoffs, too, and not just on the crash landings. That wise statement would seem to be even more relevant today as we here in the Congress, and especially in this House, have lately been making a special effort to give the President of the United States wide bipartisan support as our Nation struggles with the complex task of disengaging from Vietnam without causing disaster to ourselves, to the people of South Vietnam, or to the cause of peace, stability, and mutual security in Asia and the rest of the world.

I notice that the Senate has already given expression to a similar desire for information and consultation over Okinawa. And although the other body does have, constitutionally, a unique position in the development of foreign policy, the reality is that in today's world, where foreign and military policy are so closely intertwined, and where neither can really be implemented without necessary supporting appropriations, the House of Representatives also plays a very important role in any action with as much potential for affecting our world position as this one about Okinawa obviously has.

Before proceeding further let me just observe, so there will be no possible misunderstanding, that my remarks on the subject of Okinawa do not represent any Johnny-come-lately interest in the problems of the Far East. I have had a deep personal interest in Japan and the Far East generally for more than a quarter of a century, beginning with an intensive year studying the Japanese language at the start of my naval service in 1952, combat duty in the Pacific from Australia to Tokyo, 2 years as a member of the staff of the Far Eastern Commission, the international body which set the policy for the allied occupation of Japan from the surrender to the Peace Treaty of 1951, and 11 years service on the House Armed Services Committee, including three separate trips to the orient, all with visits to Japan.

So I believe I speak not only with some understanding of the Far East—including, incidentally, a conviction that the shape of the world in the next 50 years is far more likely to be determined by what happens in the Far East than what happens in Europe—but also as one who regards himself as a friend of Japan and of the Japanese people.

Now, Mr. Speaker, the press reports on which we must so far rely with regard to this Okinawa matter suggest that within the next few days President Nixon and Prime Minister Sato will be releasing a communique, whose text has reportedly already been written, except for one or two key sentences, and which will provide that this country will return Okinawa to full Japanese sovereignty by the year 1972, with the understanding that our military bases on Okinawa will thereupon become subject to the same two restrictions that I have already referred to which already apply to all our bases presently located in Japan proper. Actually on the crucial issue of these two limitations, the press accounts are somewhat ambiguous. One account suggests that for political reasons, both here and in Japan, the communique will be a little "fuzzy" on details of both of these key restrictions, with a hint that the final decision will be spelled out in greater detail when the 1972 deadline is reached. The clear impression remains, however, that the United States has already reached the basic decision to concede both key points to the Japanese, although some nuances of phraseology will mask the full extent of these concessions in the text of the actual communique.

If these accounts are true, then the reversion of Okinawa and its bases to full Japanese control will clearly represent a substantial reduction in America's capacity in the Far East to defend not only ourselves but also the Japanese, who still, after all, depend for their own defense to a very large extent on us, especially on the security of our nuclear umbrella. Much as the Japanese may want Okinawa back; much as we may desire, for a variety of reasons, to oblige them; and much as the projected return of this island by a specified future date is expected to enhance the survival of a Japanese Government which is considerably more friendly to the United States than its major opposition, there is certainly a real question whether we can afford to make any such sweeping change in our own defensive posture in the Pacific without some very careful and sober thought on our part. Obviously there has been no opportunity for such careful and sober thought here in the legislative branch of our Government, including those committees most directly concerned with our military posture. And I would think it would be most unfortunate if this kind of sweeping decision were to be presented to this Congress within the next few days as already a fait accompli by the executive branch.

One can of course understand why the Japanese attach so much importance in connection with the return of Okinawa, to these two restrictions which represent an impairment in our Asian defensive posture. The ban on nuclear weapons is of course another instance of Japan's so-called "nuclear allergy" which stems from the fact that the only two nuclear weapons ever used in combat was dropped on Hiroshima and Nagasaki in 1945. This nuclear allergy extends even to such nonlethal nuclear devices as nuclear propulsion, at least when it is found in American ships and submarines. Oddly enough, the Japanese have now developed nuclear propulsion for a merchant ship of their own, something which does not seem to have provoked any great popular reaction in Japan similar to that occasioned by the arrival of an American nuclear-propelled submarine. And one might also observe that, for reasons which are not entirely clear, the Japanese Government has so far refrained from ratifying the pending nuclear proliferation treaty which bans the further spread of nuclear weapons.

The ban on permitting American military operations from American bases located on Japanese territory stems from the fact that there has been in Japan for a very long time a sizable and highly militant pacifist sentiment, which we must acknowledge has been undergirded and reinforced by an American-imposed constitution outlawing all Japanese armed forces. It was this militant, pacifist, and anti-American sentiment which prevented President Eisenhower from visiting Japan, as he had planned to in 1960, and which threatened to disrupt Prime Minister Sato's takeoff Sunday from Tokyo for Washington.

Yet, again, the fact is that although the Japanese are constitutionally prevented from possessing an Army, Navy, or Air Force, they do possess what are referred to as land, sea and air "self-defense forces" which actually exceed in their military capacity the armed forces of most other Asian nations. Indeed as far as the sea "self-defense forces" are concerned, they regularly operate thousands of miles beyond Japan's own immediate coastline.

So even with a full appreciation of the reasons behind this nuclear allergy and pacifist and even anti-American sentiment, the hard fact remains that as the world's third greatest industrial power today, after the United States and the Soviet Union, Japan has certainly not matched her phenomenal economic growth with a corresponding effort in providing for her own defense, putting only eight-tenths of 1 percent of her gross national product into defense expenditures. Indeed a good deal of Japan's swift and amazing economic growth has probably resulted from her freedom from having to worry about defense budgets, a luxury that has been made possible of course only by virtue of the fact that Japan relies for her own defense primarily on the United States, with defensive military forces based not only in Japan but in Okinawa. In short, in defense matters Japan has been largely enjoying a free ride.

Thus it follows that any degradation of American military power in the Far East must inevitably result in a corresponding impairment in Japan's own defense. And I do not believe that, much as we may understand and even sympathize with the Japanese point of view, we would be doing either them or ourselves any real long-run favor if the conditions under which we return Okinawa to their control undermine in any significant way our ability to protect her security, our own security, and our joint capacity to maintain peace and stability in Asia as a whole.

I think it would be a very grave mistake if we were to restore Okinawa to Japan under conditions that are bound in some measure to impair America's defensive power in the Far East without getting in return from them some kind of commitment to make a corresponding effort to increase their own contribution to their own defense as well as to the overall task of maintaining peace and stability in the orient. And therefore, I believe that as part of this Okinawa communique coming out later this week, we must insist at the very least on some such statement of intent on the part of Prime Minister Sato.

It will be argued that any such increase in defensive military capability is impossible for Japan because of the clearcut prohibitions in her present constitution. But as I have already noted, the constitutional provision against military forces has not prevented the development of armed forces that in many cases surpass those of most of the other Asian countries. If a hole has been found in the present constitution big enough to drive such effective "self-defense forces" through, then it certainly will be large enough to permit still other developments that could permit Japan to assume some larger share of America's current defense burden in the Far East.

Moreover, as I understand it, the present ban on American combat operations from bases located in Japanese home territory does not apply if those operations are clearly in defense of Japan itself. But where, exactly, does one draw this local defense line? I have already noted that Japan's sea "self-defense" forces operate, in defense of the homeland, thousands of miles away from Japan's own coastline. Surely we are all sophisticated enough to realize that modern military defense extends well beyond fighting the enemy on one's own home beaches. Our involvement earlier in Korea and now in Vietnam are in a very real sense military actions undertaken in defense of our own country and our own security. Therefore does not defense against aggression in Asia, and the support of peace and stability in that essential part of the globe, likewise represent a very meaningful defense of Asia's most prosperous and productive country? Surely the operations we have so far carried out from Okinawa and might hope to be able to carry out from there in the future, are all related directly to the defense and security of Japan itself, no less than of the other free Asian nations involved. So much for the constitutional argument.

Alternately, it might also be argued that the vehemence of the political opposition to the Sato government is so great and so violent in Japan that no such increased defense commitment could ever be supported. Well, if this is really so, then I would think there might be a very real question as to how far the United States could wisely go at all in reducing our defensive posture in an area of the world apparently teetering so closely on the brink of control by an almost pathologically anti-American majority.

What I am proposing here is obviously not something that we can hope to be able to spell out in detail within the next 2 or 3 days. It would take time, and the political realities and the strength of the Japanese opposition cannot of course be ignored on this side of the Pacific. But there are still another 2 years, presumably, before the projected transfer will take place. And if we are not going to be entirely precise about how we propose to make the Okinawan bases nuclear-free and how we propose not to operate out of them except after "prior consultation" with the Japanese, until 1972, then I see no very great problem in a similar delay in spelling out with precision just what corresponding increase in her own capabilities Japan will be prepared to make to offset whatever degradation in American defensive power will result from turning over Okinawa.

All that is important, I believe, at this juncture is that the initial communique should clearly spell out Japan's intention to move in this cooperative direction. This, as I see it, must be the vital quid pro quo in this particular transaction. And unless we incorporate it at the outset, we shall certainly not get another opportunity to do so at any later date; that much is sure.

Actually, to a very large extent what I am suggesting here appears from some of the press accounts to be not so very far removed from what Prime Minister Sato himself has been hinting at on several recent occasions. Although insisting that the Okinawan bases, once they have reverted, must conform—in the letter—to the same restrictions that now apply to other American bases in Japan proper, Mr. Sato has left himself a certain amount of leeway. There has been an implication, for example, as I read it, that perhaps nuclear weapons might be allowed to be reintroduced in Okinawa in time of serious emergency. And there has also been a hint that Japan might even be willing to permit some military operations out of Okinawa without "prior consultation" in certain nearby areas, with even the added hint that if necessity still requires it by the time 1972 rolls around, the Japanese self-defense perimeter for Okinawan operations might even be stretched a bit farther to include South Vietnam.

Thus, to the extent that Mr. Sato is suggesting that reversion of Okinawa to Japan will not really reduce America's defensive capability in the Pacific as much as we might expect, there would of course be less need for any corresponding Japanese action to fill the resulting gap with efforts of their own. Nevertheless, in spite of some of these vague press hints, I take it that to get the communique accepted by the Japanese people there will almost certainly have to be some impairment in our capabilities in operating out of our Okinawan bases; and at this point, it seems to me that we must convince the Japanese that to get the deal accepted by the American people as well, what is needed is a basic expression of willingless on their part to pull a correspondingly greater share of the overall load, so that our common mutual defense in the Orient will remain essentially unimpaired and intact.

There are, I think, a number of ways in which this might be accomplished. There might, for example, be increased Japanese air patrols, or antisubmarine surface operations. Almost certainly we might hope to be able to look to Japan to supply some of the personnel that might be required in any international peacekeeping force that might someday be agreed to for South Vietnam. We would certainly want to look toward Japan to assume a greater measure of the financial costs of foreign aid, and new reconstruction and rehabilitation programs, not only in Southeast Asia, but in Korea, Indonesia, and other free countries in the Far East.

There is really nothing new or unique in this suggestion that in return for our willingness to give Okinawa back to full Japanese control we ask the Japanese to prepare to assume a greater measure of the burden we have thus far been largely carrying alone in behalf of peace, progress, and stability in the Orient. This is in fact the substance of our most important new departure in foreign policy in the Nixon administration, the so-called Guam Doctrine enunciated last summer. As we move to reduce our own overseas commitments, and to lower our world "profile," we seek to persuade others to assume a larger and more effective share of the common load, so that the sum total of the forces for peace and freedom remains firm. This is what we have been trying to do for some time—not too successfully, I am afraid—in NATO. It is what we are now in the process of doing in Vietnam, with our "Vietnamization" of the conflict there. And it is what we would hope to be able to do in the Pacific generally, by persuading the greatest industrial nation in Asia, our friend and ally, Japan, to take over an increasingly larger share of this common burden in her own particular section of the globe. If we are now to start backing away from the role of being the world's policeman, then at the very least we are going to have to get to work recruiting and training some auxiliary world policemen to take our place. Otherwise international law and order would collapse for want of effective enforcement.

My own feeling is that the best solution to this problem would be some kind of expanded or reinforced Asian regional defense arrangement, similar to the NATO structure in Europe, in which both Japan and ourselves could work as members in much the same way we have worked with West Germany and other regional allies in the mutual defense of Western Europe. Such an arrangement might be created, for example, by an expansion of either the present Southeast Asia Treaty Organization—SEATO—of which Japan is not a member, or the rather informal Asian and Pacific Council—ASPAC—to which Japan belongs, but which as an organization has no present military mission.

If such an improved Asian regional defense organization were set up, with a standing military committee similar to the one that operates for NATO, a machinery would thereby be created in which consultation between the United States and Japan, as well as with all the other regional pact members, would take place on a regular, continuing basis on all the current and developing military problems and threats in Asia. In addition it is likely that, for normal military operations at any rate, both the Japanese and the United States Governments would delegate to their permanent representatives on this committee a measure of authority with regard to participation in such joint operations. Thus I can visualize that the requirement of "prior consultations" with regard to operating out of our Okinawan and Japanese bases after their reversion might turn out in the end not really to involve any appreciable delay—as was the case with the *Pueblo*—because the consultations had preceded the emergencies as well as followed them.

All that we would need to get this movement started, and what we should have made clear this week as part of the overall agreement between the President and the Prime Minister, would be a clear expression on the part of both the President and the Prime Minister to work toward this mutual cooperation in defense matters in Asia as part of the understanding relating to the return of Okinawa to Japanese sovereignty.

It is certainly ironic, but none the less true, in Europe and in Asia today, that our best hope for maintaining peace and stability lies in working cooperatively with two able and energetic countries who were our enemes a quarter of a century ago. In spite of past differences and some current difficulties, the fact remains that lasting peace and prosperity in Asia requires that we work closely with Japan. The suggestions which I have made in these remarks will, I hope, be seriously considered at the other end of Pennsylvania Avenue.

Faced with a strong Japanese demand for the return of Okinawa, we have here today a unique opportunity to enlist their support, in return for our accession to their request, in the promotion of an absolutely vital common endeavor. If we let this opportunity slip through our fingers to achieve this very significant advance in constructing a framework for effective mutual security in Asia, we may never find another similar opportunity. But properly handled, we can use these discussions over the future of Okinawa to promote a new and unprecented degree of cooperation between the United States and Japan in pursuit of the peace and freedom which it must always be our principal objective to promote.

Mr. WHITEHURST. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am very happy to yield to my distinguished friend, the gentleman from Virginia.

Mr. WHITEHURST. Mr. Speaker, 10 years ago I wrote my doctoral dissertation on American Far Eastern policy during the 1930's.

In my academic life, before coming to this great House of Representatives, I long preached to my students the same theme that my friend, the gentleman from New York, has been discussing this afternoon.

I commend the gentleman for his excellent and well-thought-out statement dwelling on our policy, one which should have been pursued by this Government of ours not in 1969 but back in 1959. I hope it is not too late and I want to commend the gentleman and wish to identify myself with his remarks.

Mr. STRATTON. Mr. Speaker, I am very grateful for the very generous remarks of the gentleman from Virginia who is a colleague of mine on the Committee on Armed Services. I am interested in what he says about a doctoral thesis. As one who never succeeded in getting his Ph. D. at Harvard, I am tempted perhaps to submit these remarks, if he thinks so well of them, so that perhaps I can make up for that omission.

I certainly agree with the gentleman that this is an area that does pose some important questions and while perhaps we should have pursued this earlier, I do not really feel it is too late. I gather, as I tried to indicate in my remarks, that there is going to be some ambiguity and fuzziness in the communique and that perhaps there will be continuing consultations between now and 1972.

Perhaps if we in this House spell out our feelings, and I think we have a very important right to be heard, it may reach down to the other end of the avenue and perhaps if not on Friday, at least on some later date, something along this line will be worked into the final agreement. At least I certainly hope so. I welcome the support of the gentleman from Virginia.

WELCOME TO A BILLION-DOLLAR FARM CUSTOMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the people of the United States today welcome to our shores the distinguished leader of our partner of the Pacific, Prime Minister Sato of Japan.

In the years since World War II, Japan has been our patient and loyal friend and a progressive influence in world economic development, especially in Asia.

The time has come to cement this relationship, and I express the hope that President Nixon will take the occasion of Mr. Sato's visit to announce plans to eliminate the two most prominent sources of potential difficulty—the status of Okinawa and the proposed agreement which would restrict Japan's textile exports to the United States.

The United States did not participate in World War with any thought of territorial expansion. Today, a quarter-century after the war's end, we should announce plans to restore to Japan at an early date political control over Okinawa. Further delay will serve only to intensify political feeling in Japan and possibly even jeopardize the survival of Mr. Sato's government, whose policies have been almost without exception entirely cordial to U.S. interests.

At the same time, the proposal voiced frequently by Secretary of Commerce Stans in support of restrictions on textile imports should be scrapped. It would threaten our billion-dollar farm market in Japan and also injure the interests of U.S. consumers.

On the occasion of Mr. Sato's arrival, it might be well for the Members of the House to consider certain actions that have been taken to facilitate improved relations between our two countries. The forthright steps taken by the Department of Agriculture to reprice certain agricultural commodities to meet world competition certainly must be included as significant. The Agriculture Department's action has resulted in a substantial increase in sales of many agricultural commodities to Japan, including soybeans, feed grains, and wheat. This aggressive market action was necessary because of the keen competition for cash markets.

There are many other nations anxious to get their hands on Japanese yen.

Further, our efforts in Japan to liberalize certain nontariff restrictions on our trade have met with some success. Japan is our No. 1 customer for farm commodities. While there has been a slight reduction in recent years, there is every reason to believe that projections calling for sales of agricultural produce of $1 billion this year will be achieved.

Specifically, liberalization of restrictions has been extended to grapefruit, prime beef, lemon juice, soybeans, and soybean meal.

However, while the trend in Japan is toward liberalization, a contrasting trend in some quarters in this country raises the specter of a reversal in our traditional role of moving toward freer trade. This is illustrated by an apparently ever-widening wedge of protectionist sentiment.

An example of this is found in the drive toward a textile agreement which, while supposedly voluntary in nature, would if accepted actually be mandatory. This move would limit Japan's potential sales of textiles in the U.S. market. It would be a step backward—not forward—in world trade relations.

We need look no further to prove the regressive, unjustified nature of the textile proposal than to examine a report of the U.S. Tariff Commission, which has affirmed that the U.S. textile industry has not suffered unduly as a result of imports from Japan. Indeed, an exhaustive and comprehensive report by the Commission, issued just last year, concluded that U.S. textile and apparel industries have enjoyed a period of unparalleled growth since the early 1960's.

There are some cases of hardship in the textile industry and persuasive arguments can be made for adjustments in existing arrangements. Since the issuance of the Commission's report, there have been substantial increases in Japanese exports to this country and certain realinements may need to be made. Nonetheless, an across-the-board limitation of textile sales to the United States could trigger a reaction in Japan which would jeopardize our trade, and particularly our agricultural markets.

President Nixon has indicated that he intends to pursue a course leading to an increase in trade. In view of the Tariff Commission's report, textiles should not be made an exception in administration policy.

Let us not force Japan to consider means of retaliation on trade matters. How she might retaliate—or whether she would at all—we do not know. But, we all are well aware that there is a surplus on world cash markets of virtually all farm commodities—and Japan always pays cash.

Japan and the United States are each the best foreign customer of the other. We should be careful lest hasty or thoughtless action be taken to interfere with this relationship.

My home State of Illinois is a principal exporter of farm commodities to Japan, supplying a major source of soybeans for export. In 1968, Japan's total soybean purchases from the United States amounted to $218 million.

But our entire Nation would suffer, not just Illinois, if any impediments to increased trade between Japan and the United States, such as textile import quotas, were permitted to remain in the path of negotiators.

One prime consideration must be the impact on our balance-of-payments position of a billion dollars in U.S. farm exports to the Japanese.

In the past quarter-century, Japan has made great strides forward in improving the diet of her people. Their great energies have helped their nation rise from the ashes of war to the position of the third most industrialized nation on the face of the earth.

Recently, Japan has initiated actions to implement a form of foreign aid to her neighbors in Southeast Asia. This most recent step is a sure sign of Japan's maturing approach toward the other nations of the world. We may expect this approach to be continually

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broadened as the nature of the American presence in Southeast Asia changes.

As these developments occur, it is vitally important that the United States base its own policies upon a realistic evaluation of our own long-term interests. If we do so, I am confident that our trade policies will recognize the increasing significance and value of our great friend and trading partner, Japan.

PROBLEMS OF AMERICAN INDIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Rhodes) is recognized for 10 minutes.

Mr. RHODES. Mr. Speaker, it is clear to me that the time has come for an objective study of the problems facing American Indians—a study on a high level in which the Indians themselves will participate.

Accordingly, I am introducing legislation today, together with 24 of my colleagues representing 12 Western States, to provide for a White House Conference on Indian Affairs.

Hopefully, this conference will be held sometime before July of next year and will provide a national forum for the consideration of pressing problems in the field of Indian affairs as well as recommendations for the solution of those problems.

While the Indian problem is national in scope, perhaps its most obvious manifestation is in those Western States having large reservation populations. For example, there are more Indians residing in Arizona than in any other State. One particular reservation in our State contains about one-fifth of the total Indian land in the United States.

But this bill was not introduced with the intent of benefiting only the Indians of Arizona or Alaska, or providing a forum for the Indians of Washington or Wyoming. It was introduced to stimulate new approaches toward meeting the problems of all American Indians, recognizing that they do not partake of the artificial homogeneity which we often tend to ascribe to them.

If the support that has been exhibited thus far is any indication, I am confident that the House will act without delay on this important legislation.

The bill referred to above follows:

H.R. 14859

A bill to provide for a White House conference on Indian Affairs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations are hereby authorized, as set forth in sections 2 and 3, to enable the President to hold in the city of Washington, District of Columbia, before June 30, 1970, a conference broadly representative of interested citizens from all parts of the Nation, to be called the White House Conference on Indian Affairs, to consider and report to the President on significant and pressing problems in the field of Indian life, and to make recommendations directed to the solution of these problems.

GRANTS FOR STATE CONFERENCES ON INDIAN AFFAIRS

Sec. 2. (a) To assist each eligible State to bring together, prior to the White House Conference on Indian Affairs, interested citizens to discuss problems in the State and make recommendations for appropriate action to be taken at local, State, and Federal levels, there is hereby authorized to be appropriated the sum of $100,000. Sums appropriated pursuant to this section shall be allotted to eligible States on the basis of their respective population of Indians, whether or not subject to Federal administration, according to the latest figures certified by the United States Bureau of the Census, except that no State's allotment shall be less than $1,500. Eligible States are those having a meaningful Indian population.

(b) The Commissioner of Indian Affairs shall pay, through the disbursing facilities of the United States Department of the Treasury, its allotment to each eligible State which, through its Governor or other State official designated by the Governor, undertakes to accept and use the sums so paid exclusively for the purpose set forth in subsection (a), and to make a report of the findings and recommendations of the State conference for use by the White House Conference on Indian Affairs. Sums appropriated pursuant to this section shall remain available until January 1, 1971, and any such sums remaining unpaid to the States or unobligated by them as of that date shall be returned to the Treasury of the United States.

FEDERAL ADMINISTRATIVE EXPENSES

Sec. 3. There are also authorized to be appropriated to the Commissioner of Indian Affairs for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as Congress determines to be necessary for the administration of this Act, including the expenses of the Bureau of Indian Affairs in making available to the public the findings and recommendations of the Conference. The Commissioner of the Bureau of Indian Affairs is also authorized to accept funds, equipment, and facilities donated for the purposes of the Conference and to use the same in accordance with such purpose.

DEFINITIONS

Sec. 4. For the purposes of this Act—

(1) the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and Guam; and

(2) the term "Indian" shall include Eskimos and Aleuts.

THE FIRST AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'Hara) is recognized for 30 minutes.

Mr. O'HARA. Mr. Speaker, this administration seems to be intent upon being the first administration to successfully suspend the workings of the first amendment to the Constitution.

The first amendment, among other guarantees, protects freedom of the press and of other forms of expression. But for the past few days, the highest officials of the administration, working in apparent close coordination, have launched an all-out attack upon that freedom—and they are making it perfectly plain that their only "beef" with the press is that it does not give the Nixon administration the "objective coverage" that Kosygin can expect from Pravda, Nasser from Al Ahram, or Hitler got from the Voelkischer Beobachter.

The campaign began, as everyone now knows, with Vice President Agnew's speech of last Thursday, in which he denounced the television news commentators for "making sure the President's plea for national unity would be challenged."

The Vice President then clearly uttered an unmistakable threat, when he said it was time the television networks should be made more responsive to the sounds the Vice President keeps hearing from the silent majority.

Let me reiterate, Mr. Speaker, the Vice President did not content himself with urging the networks to be more responsive. He said they should be made more responsive. I also heard his disavowal of any thought of censorship, but what he said about making networks say what he wants them to say sounded so loud to my ears that I had some difficulty detecting any convincing guarantees against censorship.

But the Vice President was only the first salvo in the weekend barrage of threat and intimidation directed at the news media. According to some very scanty press reports, the Secretary of Housing and Urban Development also expressed the view that the eastern reporters are adherents of some mysterious new culture which apparently renders them incapable of reporting accurately.

From the Vice President and the Secretary of Housing and Urban Development the operation quickly escalated up the power ladder. The next, and most ominous voice thus far, was the Chairman of the Federal Communications Commission, Dean Burch, former chairman of the Republican National Committee. Chairman Burch, armed with the FCC's vague but frightening power over broadcast licenses, seconded what the Vice President said—a seconding speech which would hardly be overlooked by the television and radio broadcasters.

Finally, moving to the top of the power ladder there came the broadest and most explicit threat of them all, from Herb Klein, the President's director of communications. Mr. Klein, presumably in expanding on the "open administration" policy we heard so much talk about, said:

> All the news media need to reexamine itself in the format it has and its approach to problems of news, to meet the current issues of the day.

Mr. Klein made it perfectly clear that he included the newspapers in this sweeping proposal, and then he removed the slightest doubt as to what he was proposing when he said:

> If you look at the problems you have today and you fail to continue to examine them, you do invite the Government to come in.

Mr. Klein made a very perfunctory genuflection toward the Constitution by adding that he would not like to see that happen, but the fact is that it was he who made the threat.

According to the news accounts—Mr. Klein later stated that any industry which fails to examine itself opens the door for unscrupulous politicians to move in.

Mr. Speaker, I suggest now, as I have suggested in a letter I have today written to the President, that he open the door to let at least one "unscrupulous politician"—Mr. Herb Klein—out. If the President's director of communications thinks that the Constitution of the United States, would for one second support the kind of threats and intimidation that he and others in the Nixon administration are making toward a free press, then he does not understand that document, and he is manifestly unqualified to keep his oath to uphold and defend it.

The same can be said of the Vice President and the Secretary of Housing and Urban Development, but the President does not have the authority to remove the Vice President, and the views of the Secretary of Housing and Urban Development are barely relevant.

I have, however, urged the President to request the resignation of Dean Burch, since he, too, occupies a very powerful position in relation to the news media, and he, too, has demonstrated a total unfitness to occupy this delicate and powerful post.

The world, Mr. Speaker, has had recent experiences with a government which believed that "national unity" was so important that communications media had to be made to be more responsive to the "public will"—as interpreted, of course, by the national leader. On October 4, 1933, Nazi Germany adopted a press law which said, in part, that editors had to "keep out of the newspapers anything which in any manner is misleading to the public, mixes selfish aims with community aims, tends to weaken the strength of the German Reich, outwardly or inwardly, the common will of the German people, the defense of Germany, its culture and economy—or offends the honor and dignity of Germany."

I am well aware that Mr. Klein and the Vice President have both strenuously denied that they have any censorship in mind, and Mr. Klein has shed a few plastic tears about how he would "regret" seeing the Government move in. But, Mr. Speaker, whatever the good intentions of these gentlemen, they are the kind of good intentions which can only pave the road to repression, thought control, and a loss of our most fundamental freedoms.

Mr. Speaker, in closing, let me say I do not want to be understood as suggesting that the news media have all been consistently fair in every word they have written or televised. Of course, there are human weaknesses displayed by the news commentators and the editors and the publishers in every single one of the media. They are human beings, and, like Vice Presidents and like presidential public relations men, they have their own individual views. These views color their work, just as Agnew's views and Klein's views affect their judgments. The point which the Vice President and Herb Klein seem to have missed altogether is that in a free society, with a free press, Government officials should not expect the media of communications to be "neutral."

Criticism, even unfair criticism, is an essential part of the game. If they do not like to be criticized, they should get out of public life. If they are going to stay in public life, then they should get used to the basic facts of that life—and free vigorous criticism by and in the press is one of those facts.

If they do not like the heat, Mr. Speaker, then they should take the advice President after President has found valida, and get out of the kitchen—not try to bank the fires of democracy in order to make it cooler for the cooks we have temporarily hired.

No one has drafted Richard Nixon to be President, nor has anyone told these other gentlemen that they must serve their country in powerful and highly paid posts, whether they want to or not. Richard Nixon has striven and fought and campaigned for the office he now holds for most of the past 15 years. He finally won it, and I honor him for winning it. But in his own long political career, he certainly made ample and vigorous use of the right our system gives everyone to criticize those in public office.

Private citizen Nixon used his ample powers of analysis and description to castigate many an officeholder in his time, from Presidents on downward. I have never heard from him or from his associates before the notion that officeholders should be immune from criticism. The fact that he has finally won an election on his own does not mean that it is now time to end all the criticism, and cloak the Presidency in an invisible armor of immunity from dissent.

Freedom of speech is not something we guarantee to Republicans or to Democrats alone. It is not a right we reserve for use only when one part or the other is in office. It is more important than either party. It is more necessary to the working of our free institutions than any of our other rights. It is vital to our continued survival as a free nation.

If the leaders of the Nixon administration do not realize what they are suggesting and what the consequences of following their suggestions would be to our entire constitutional system, then they should, as Mr. Klein suggests, "reexamine their approach," and perhaps they should all get out of public life and go into some career where they will be happier.

[From the New York Times, Nov. 17, 1969]

NIXON AIDE WIDENS CRITICISM ON NEWS—KLEIN SAYS ALL MEDIA NEED TO REEXAMINE COVERAGE—DISCLAIMS ANY THREAT

(By Richard Halloran)

WASHINGTON, November 16.—President Nixon's director of communications, Herbert G. Klein, widened the Administration's criticism of news coverage today to include all news media, not just television.

Referring to Vice President Agnew's censure of news commentators on television networks Thursday night, Mr. Klein said:

"I think you can go beyond that. All of the news media needs to re-examine itself in the format it has and its approach to problems of news, to meet the current issues of the day."

Mr. Klein, interviewed on the C.B.S. program "Face the Nation," said: "I include the newspapers very thoroughly in this, as well as the networks—if you look at the problems you have today and you fail to continue to examine them, you do invite the Government to come in. I would not like to see that happen."

Reached by telephone later, Mr. Klein said that any industry failing to examine itself "opens the door for unscrupulous politicians to move in." He said the Nixon Administration had no intention to do so and that his remarks were an observation, not a threat. He said he did not have a specific method of Government intervention in mind.

On the television program, Mr. Klein said, "I think there is a legitimate question to be debated within the industry, and I would be opposed to Government participation in it, but within the industry, as to whether we are doing a good enough job, whether we are being objective enough, and whether we ought not to spend more time in self-examination."

Mr. Klein, a former reporter and editor, said in the telephone interview that this was part of a theme he had expounded at various times over the past six years.

President Agnew was speaking on his own when he criticized television news commentators Thursday, but that the Vice President's speech reflected a widely held view in the top levels of the Nixon Administration.

Mr. Klein also said that the Vice President had informed the President that he was going to make the speech and told Mr. Nixon what the subject would be.

Time magazine reported last night that the President had ordered Mr. Agnew to make the speech and had assigned Patrick Buchanan, one of the President's speech writers, to write it.

White House sources said last night that they believed that Cynthia Rosenwald, who writes speeches for Mr. Agnew, had drafted the speech and that the Vice President himself had done considerable work on it.

On the Columbia Broadcasting System program, Mr. Klein reiterated Mr. Agnew's criticism of W. Averell Harriman, who had been President Johnson's chief negotiator at the Paris peace talks.

Mr. Klein said "it was obvious that he was the first voice and the only public voice which came on immediately after the President's speech, that it would be a form of rebuttal, that if you look at any statement he made, none have been in favor of policies that the President has had."

Mr. Klein was asked to specify what military concessions the Vice President had in mind when he said Thursday that the period while Mr. Harriman was the chief negotiator in Paris was one "in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of the bargaining table."

SCOTT JOINS IN CRITICISM

Senator Hugh Scott, the Republican leader from Pennsylvania, appeared on A.B.C.'s "Issues and Answers" with more criticism of the news media and Mr. Harriman.

Senator Scott said of Mr. Harriman that "having been Ambassador at the time when peace efforts did not work and the war was escalated, it is very important for him, as a public official, somehow to convince the public that he really was more successful than in fact he was."

The Senator said, however, that he did not know what the Vice President was talking about in his charge of swapping military concessions for the shape of the bargaining table.

"He may have referred to the suspension of the bombing, for example," Senator Scott said. "He may have referred to this rumored drawback which may or may not exist in the limitation of our offensive operations. He would have more information than I do, but I don't know what that is."

Senator Scott generally supported Mr. Agnew's criticism of television news.

"What he said was firm," the Senator said. "It opened up a dialogue, it found the television networks very defensive on the issue. There are people who say, in a rustic way, that it is the pig that is caught under the fence that squeals."

He said, however, that "I don't think the networks or the press should be responsive to anybody's views and to that degree I disagree" with the Vice President, who had called on television to reflect more accurately the views of the American public.

[From Time magazine, Nov. 21, 1969]

ACTIVIST AT THE FCC?

Soon after President Nixon delivered his Viet Nam speech on television two weeks ago, the three networks received an unusual personal request from Dean Burch, new chairman of the Federal Communications Commission. Burch wanted to see transcripts of the discussion programs that followed Nixon's address. Immediately. Since the transcripts would have reached FCC offices routinely within 30 days, the new chairman was obviously showing something more than casual interest. Last week broadcasters learned how much more. Endorsing Spiro Agnew's attack on network news as "thoughtful" and "provocative," Burch delivered a not-so-subtle reminder that the FCC has the potential—and in fact the duty—to wield enormous influence on U.S. television.

Burch shrugged off his display of interest as "the easiest way to get the information." Moreover, he carefully re-emphasized Agnew's disclaimer of any notion of Government censorship and, like Agnew, said that change should come from public pressure and the industry itself.

Burch is nothing if not adaptable. At Du Pont-Columbia broadcast award ceremonies last week, he declared in his first speech as FCC chairman that "the finest hour of television is in its news and public-affairs reporting." In fact, he came on more as the Hugh Downs of TV officialdom than a fighting critic. "Unthinking criticism, in my opinion, is a cop-out," said Burch. "We must not contribute to an atmosphere in which each party to an issue tries to outshout the other so that neither is heard." He frankly admitted that he did not have "all the answers to the problems of the communications industry" and suggested that no one else did.

Nor, until last week, did his appointment give any hint that the White House was unhappy with television's point of view. Nicholas Johnson, the commission's most outspoken liberal (who has also called for more public involvement in TV), recently critcized Nixon for clearing Burch's appointment with broadcasting honchos before announcing it.

The son of a federal prison guard, Burch worked his way through the University of Arizona's law school, graduating in 1953. Taking his first trip east of the Mississippi, Burch went to work for Senator Barry Goldwater in Washington a year later as an administrative assistant. Among other things, Goldwater taught the young lawyer how to fly an airplane. In 1964, Burch served as a deputy director of Goldwater's presidential campaign and later as Republican national chairman. His tall, rugged good looks (a colleague recently called him the "Marlboro Man from Arizona") and breezy Western manner made him one of the more personable figures in Goldwater's campaign. Burch has gained the reputation of being a skilled organizer and an imperturbable man in the face of ridicule.

His sudden change of tone on TV news broadcasting raises the possibility that in last week's statement Burch was simply backing up a political friend. Even so, if the friend happens to be Vice President and is determined to curb TV dissent, the implications are that the friend has the rightest man in the right job at the right time.

NOVEMBER 18, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Certain events of the past several days have given me deeper cause for concern about the future of our free system of government than anything else that has happened in the eleven years since I was first elected to the Congress. I have given considerable thought to how I should best describe my state of mind because I am not much attracted to the use of superlatives in situations where they might not apply.

But I am afraid, sir, that the attack that has been mounted in the past few days on the basic Constitutional freedom of the press needs precisely that kind of superlative to adequately describe it.

I am referring, of course, to the speech delivered in Iowa by the Vice President, to the remarks of the Chairman of the Federal Communications Commission, to the very ominous statement of your Director of Communications, Herb Klein, and to supporting speeches by secondary Administration officials, such as the Secretary of Housing and Urban Development.

Of all of these remarks, the most dangerous were Mr. Klein's views that if the various news media do not "re-examine" their approach to the news, then they are "inviting the government to do it for them." Mr. Klein was careful to assure the nation that he would "regret" seeing this happen, but he subsequently re-emphasized his prediction by suggesting that any failure on the part of the industry to examine itself would "open the door for unscrupulous politicians to move in."

Mr. President, it takes a pretty unscrupulous politician to embark upon direct assaults on the Constitutional guarantees of a free press, and I hope you will open the door and let the unscrupulous politician who made that threat out.

I have no quarrel with anyone who wants to assert that this or that news commentator or newspaper or magazine has been unfair to him. I don't argue with those who assert that the press as a whole has a certain leaning toward the sensational and the oversimplified. No one can dispute this, and both parties have suffered from this at times, just as both have benefited from it at times.

But that is not the point, Mr. President, whether the press is fair or not, whether the press is accurate or not, whether the press is "responsive to the public will" or not, none of these are at the heart of the issue. The central point is that the press is free—Constitutionally free—and that any governmental attempts to "re-examine" its handling of the news, are flagrant attacks upon the spirit of the Constitution.

Herb Klein, Mr. President, took the same oath as a government employee, that you and I have taken, as elected officials. He has sworn to uphold and defend the Constitution of the United States. The Constitution includes the First Amendment. I am sure Mr. Klein would not deliberately violate his oath, but his ability to make the flagrantly unconstitutional suggestion he made, his inability to see that what he proposes would be fatal to our most basic freedom, serves as evidence to me that he is simply unqualified to fulfill the oath he has taken. I think you would be doing the nation, and yourself, a service by letting Mr. Klein leave the Federal service before he makes any further attempts to give further meaning to his title, "Director of Communications."

As for the Vice President, you of course, do not have the Constitutional power to remove him, and his gross error is probably not an impeachable offense. The Secretary of HUD could be removed, but I doubt that his impact upon this problem is very great. This leaves us with Dean Burch, whose confirmation as Chairman of the FCC was scarcely made formal before he began threatening television networks—who were hardly expected to be unaware of his power over broadcasting. I recognize there is some question about the President's legal ability to remove a Commissioner, but certainly you would be able to request his resignation.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

ADDRESS BY HON. JAMES J. ROWLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GRAY) is recognized for 10 minutes.

Mr. GRAY. Mr. Speaker, one of our most respected Americans and outstanding public servants and a personal friend of mine, the Director of the U.S. Secret Service, the Honorable Jame J. Rowley, delivered remarks as the principal speaker at the first annual awards dinner held by the Northern Virginia Catholic Committee on Scouting on November 9, 1969, at the Knights of Columbus in Arlington, Va.

The dinner was an outstanding success and one of the reasons for it was the presentation of a speech by Mr. Rowley and his very timely and effective remarks on the question of the youth of our Nation. I commend this to the Members as a thoughtful and well considered statement on the position of youth in our Nation today.

I include the speech of Mr. Rowley in my remarks:

REMARKS BY JAMES J. ROWLEY

Thank you Bill, Bishop Flaherty, Monsignor Nott, ladies and gentlemen.

I appreciate being here with you this evening and having this opportunity to express my views on a vital national issue—an issue of interest to us all: *The Youth of our Nation.*

All of you have concerns for the young members of your own families and, quite evidently, you also have concerns for the youth in your community or you wouldn't be volunteering your valuable time to scouting.

In connection with these concerns, I want to first review some current facts about youth today. Second, state some of my views and those of others that are deeply interested in our youth. And lastly, talk of scouting and the value of your leadership.

My intention is not to be an alarmist; however, I believe that we all should have the knowledge of certain facts so that we can see more clearly the reasons for present day concerns.

The following information is taken from the Counter-Intelligence Activities Section of the FBI's Annual Report for fiscal year 1969.

"The New Left movement continued to pose a serious threat to the Nation's internal security. During the last year, this extremist minority group located primarily on college campuses, was involved in considerable violence, sabotage, and revolutionary activity. Major disorders erupted on some 225 campuses, causing over $3 million in property damage and resulting in over 4,000 arrests. Almost incredible situations developed whereby rebellious students armed with shotguns and rifles seized academic buildings and defied legitimate authorities. Some 61 campus bombings and arsons occurred."

All of us here are aware of what took place on college campuses across the country last year. I also realize that you are aware that the crime problem continues to grow; however, some of you may not be aware of the youthful involvement in this growing crime rate. For example, the 1968 Uniform Crime Reports reveal that over 75 percent of all those arrested for serious crimes were persons under 25 years of age, and almost fifty percent of those arrested for serious crimes were teenagers—17 years old or younger.

In his recent statement before the Senate Sub-Committee on Juvenile Delinquency, the Attorney General, John N. Mitchell, said that he could not overestimate the threat that narcotics and dangerous drugs pose to the young people of this nation. The Attorney General said:

"Our young people look to drugs for various reasons: for excitement, for experimentation, for physical escape. All sections of this country are affected; the suburbs and the inner cities, the colleges and high school campuses."

No longer can we view this problem from a distance. All of us have read or heard of the increasing evidence indicating that high school and college students are using marihuana and dangerous drugs in the Washington Metropolitan area.

These current facts on crime and disorder concern us all. However, our concerns have not grown strong enough to encourage the needed active responses, that is:

Too many citizens spend little time on problems other than their own;

Too many citizens find it easier to talk about national problems than to work for solutions; and

Too many citizens find it easy to enjoy a complacency growing out of our present comfortable way of living.

In law enforcement, we have long recognized that lack of public action contributes to the problems we are facing today. Public inaction, in other words, helps crime and disorder to flourish throughout the country.

Now we have an opportunity to face this problem on two fronts: In the home and in the community.

In the home, we have an opportunity to lay a foundation for our youth—a foundation fostered by love and moral guidance. I also want to note that a significant rise in juvenile delinquency in our society has been occurring in families in the upper income group. Whether deprived or affluent—social and behaviorial scientists are in general agreement that the breakdown of the family, as the character builder, is the cause of growing delinquency.

A year ago, Cardinal O'Boyle, addressing the John Carroll Society in Washington, D.C., said:

"What is happening to us? Probably the whole trend is too complicated to explain in any simple fashion. But one thing seems clear to me. There has been too much permissiveness and too much of what I call 'groupthink'."

Cardinal O'Boyle, if I may paraphrase, is of the opinion that some parents in raising their children have adopted a policy of little discipline, have set few standards, and have made few demands that any goals be achieved. The Cardinal believes that there has been a tendency for parents to lose confidence in their own sense of values, to readily adopt to the mainstream of thinking, and to look to some kind of current trend to chart their personal courses.

With this in mind, is it any wonder that administrators and educators on college and university campuses are facing problems today—problems which may well have had their roots in the student's life within his family.

Is it any wonder that police throughout the nation are finding themselves continually abused by a portion of the younger generation who show little regard for law and order.

Last year, as you may know, the President and Congress directed the Secret Service to protect presidential and vice presidential candidates. While traveling throughout the country, we were ably supported by local police in each city and town we visited. Sadly though, it wasn't unusual to see young people shouting obscenities at the police and at the candidates. The saying: that respect for law and order must begin at an early age, is not a cliche—it's a fact.

If there is parental failure in the home, we must try to be helpful through community efforts by developing responsible citizens through appropriate educational, religious and civic programs.

In this regard, I know of no better opportunity to prepare our youth for the challenges of the adult world than through the programs of scouting. Scouting activities can accomplish a great deal toward the proper development of our nation's youth.

As scout leaders, you have probably had the experience of a scout pouring out his or her troubled heart to you, after not having been able to communicate at home. This type of situation speaks of the value of your role as a scout leader.

Therefore, your leadership and that of countless others like you can contribute significantly to the future of our nation, and I do not say this idly. When we consider that there are millions of boys and girls involved in scouting, the influence of your leadership can have a substantial impact on these citizens of tomorrow.

One of my associates suggested that I look at a book by William Oursler called The Boy Scout Story. I recommend this book to you.

Mr. Oursler has written many articles and books regarding juvenile delinquency and youth and believes that youth problems—growing delinquency and mental breakdown of the young—can be answered through scouting. His book is replete with examples of the values of scouting and scout leadership.

One example involved a problem to which many of us can probably relate. A scout had prepared a speech to present before an audience of parents and friends. As the boy stood up to speak, he panicked and consequently, as you might well imagine, his mind went blank. The scoutmaster, sitting behind the speaker, had to prompt him with the words of his speech until the scout had completed his agonizing ordeal.

Some people might consider this a failure on the part of the scout. The scoutmaster didn't—he turned it into a victory by explaining to the audience that the scout could have easily quit and not completed the speech. In fact, the scoutmaster stressed the point that this young man had shown great personal courage in finishing the speech before an imposing audience of over two hundred adults. That scoutmaster had the leadership qualities which brought that scout through a difficult moment in his life.

Moving from an individual example to a more complex problem, a scout leader—as told by Mr. Oursler—faced a tense situation in Los Angeles, California, several years ago. A Mexican-American and a Negro youth, each belonging to a rival gang were fighting, while members of the two gangs watched. One youth fatally stabbed the other. This tragic incident created a tense and explosive situation among the young people of these two minority groups in that neighborhood.

Months before this tragedy, a project worker for the Boy Scouts was instrumental in starting scouting programs in that area in an attempt to suppress the rise in delinquency.

After the tragedy, this same scout leader convinced the slain boy's mother that more hatred and violence should not result from the tragic fight. After talking with the woman, the scout leader then summoned scouts in the area and asked them to pass on her wish that there be no further hostilities. The result was that the leader was able to convince the two gangs to end their rivalry.

These are just two examples of many individual and group problems that have been solved by scout leaders.

I might add that this type of leadership is vital today in solving the problems which exist among our Nation's youth.

And obviously, you wouldn't be involved if you didn't feel strongly about the value of scouting—the opportunity it offers to prepare young people for the adult world. It must be extremely rewarding.

In law enforcement, we are encouraged by responsible leadership which promotes the true concept of law and order. We are encouraged by the Law Enforcement Explorer Scout Program and hope that it continues to gain support. This program, as many of you know, offers a young man the opportunity to gain an insight to the problems confronting law enforcement on all levels and the means toward solving the problems. Through this program, the young man has an opportunity to form his own opinions about law and order. They will be first hand impressions—not tarnished by rumor or propaganda.

In the Secret Service, we know well the value of scouting. Many of our Special Agents were scouts and a number are involved in scouting today. Scouting builds the type of character that we look for in recruiting our agents.

Over the years, the Secret Service has witnessed the participation of Boy Scouts in ceremonies attended by the Presidents of the United States. Personally, I can well remember escorting the late President Dwight David Eisenhower to Boy Scout Jamborees at Valley Forge, Pennsylvania in 1957 and Colorado Springs, Colorado in 1960. More recently, scouts from all over the country participated in the 1969 Presidential Inauguration.

Another tribute to scouting is the support and respect it receives from the American people.

The American people know that scouting teaches respect: respect for oneself and respect for God and country. If all the youth of our Nation had this respect, there would be no need for our concern today.

I have appreciated being here with such a dedicated group and wish you continued success in your future endeavors in scouting.

Thank you.

INTEGRATION SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, there is an ever-increasing resentment from concerned mothers and dads over the forced integration in public schools by unelected Federal judges and other appointed bureaucrats.

Archibald Edward Roberts, lieutenant colonel, U.S. Army (retired), renowned author and constitutionalist, clearly demonstrates that the source of the instigated racial unrest in the schools lies in the United Nations Organization, and the failure of American elected leaders to act in arresting its usurpation of Government powers by foreign agents. Colonel Roberts' latest article is called "The Integration Syndrome."

In the 90th Congress, I introduced H.R. 6954 to amend section 242 of title 18 of the United States Code. This bill would protect American citizens from deprivation of their constitutional rights by officials claiming authority under UNO orders, rules, laws, statutes, et cetera.

During the arguments on H.R. 2516, to provide penalties for interference with civil rights, I offered the text of my bill as an amendment to the act, only to have it ruled not germane.

While it has been made a Federal crime for a State official to violate the civil rights of an American citizen, our colleagues lacked the foresight to understand that a State official, or a Federal official, or an individual operating under the orders of an international bureaucracy could likewise deprive an American citizen of rights guaranteed under the Constitution. I have reintroduced this bill as H.R. 1318, on January 3, 1969.

Mr. Speaker, the American people are becoming more and more aroused. They are looking for answers and they are not receiving them. They are not going to like what they find when they come face to face with the truth that their country has been stolen from them—their Constitution supplanted by the United Nations organization.

Mr. Speaker, I include Colonel Roberts' article, and pertinent portions of the debate on H.R. 2516:

The Integration Syndrome

(By Archibald Edward Roberts)

The immediate cause for the mounting constitutional crisis over forced integration of State schools is the failure of State governments to take proper legislative action to arrest the usurpation of governmental powers by international agencies.

In the Mississippi case the contentions of lawyers avoided the real issue involved and merely served to compound the confusion under which usurpation flourishes.

Not one of the States effected by the United States Supreme Court order of 29 October, 1969, which directs "immediate desegregation of thirty-three Mississippi school districts", has organized its legal and legislative forces to meet this challenge to its sovereignty. As a consequence the free public school system in the State, and in America, faces inevitable collapse and ultimate assumption by a world government authority.

The real issue before State governments is that: a. Federal "laws" are promulgated by the United Nations Organization, and, b. These ultra vires acts are foisted upon State governments, and the citizens they represent, by federal agencies acting in violation of the prohibitions of the United States Constitution.

Clearly, the United States Supreme Court feels that it is no longer bound by the Constitution for it has assigned to itself the task of implementing United Nations directives. This new extra-national role exceeds the authority granted to the Court by the States under constitutional contract. Being illegal it must be put down.

It is by such deceit that forced integration of the State school systems, and of the American society, became the "Law of the Land."

The origin of this subterfuge is U.N. General Assembly Resolution 1904, "The United Nations Declaration on the Elimination of All Forms of Racial Discrimination." This sweeping decree, humanitarian on the surface but basically subversive, was adopted by the one hundred nineteen nation body on 20 November, 1963. Ambassador Arthur J. Goldberg signed on behalf of the United States on 28 September, 1966. By the end of that year forty-eight U.N. Member States had signed the resolution and five had ratified or acceeded to it.

Further in this study it will be shown how such U.N. resolutions are inserted into the U. S. legal code. But, first, it is important to illustrate the implications which Resolution 1904 carries for races and cultures in America.

Resolution 1904 is, of course, couched in the most disarming language.

"The Charter of the United Nations," it begins, "is based on the principle of the dignity and equality of all human beings."

This cruel hoax is rooted in Article 55 of the U.N. Charter, which states in part:

". . the United Nations shall promote . . universal respect for . . human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

An even earlier source is the cry of the French Revolution (1789), "Liberty, Equality, Fraternity," a slogan which claimed the lives of one and a half million French citizens.

Following a lengthy preamble Resolution 1904 then declares that (because) ". . . the building of a world society free from all forms of racial segregation and discrimination . . . is one of the fundamental objectives of the United Nations. . . . All (Member) States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists."

Forced bussing, racial balance, and other mandatory directives imposed upon State school systems suggest that the real intent of Resolution 1904 is more than advertised. The "building of a world society free from all forms of racial segregation" may have to be achieved at the cost of eliminating races and cultures. The world of the future would then be populated by the United Nations brown man.

"All effective steps," Resolution 1904 continues, "shall be taken immediately in the fields of teaching, education, and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance, and friendship . . . among racial groups."

Responding to this astonishing order the vast power of mass media is shaping public opinion began to promote the objectives stipulated by the United Nations. Elemental examination of the current massive attack upon the American public would convince most impartial observers, however, that the true objective of this assault is not the elimination of racial discrimination, but the elimination of social and religious inhibitions against racial assimilation. Hard sell integration, and its predictable consequence, assumes increasing characteristics of genocide, planned or otherwise.

In Little Rock, Arkansas, for example, where "tolerance and friendship" was promoted at the point of a bayonet, the graduates of this initial experiment in forced integration are starting their own families. Of the seven original negro subjects involved, five have married white partners. This miscegenation will result in posterity denied cultural identification with either black or white heritage.

The destructive policy of forced integration has created a nightmare for its victims resulting in the most ominous racial tensions in American history. Our sick society is the product of sick brained men. The cynical program of these madmen will lead, unless reversed, to the eclipse of the American civilization.

The sooner Americans study the skills with which these mattoids circumvent the Constitution and impose U.N. edicts upon the States the sooner can such nihilists be neutralized.

U.N. disposition of, The Question of Southern Rhodesia," offers a convenient case history to illustrate the point. As the following political vignette of 1966–1967 unfolds it will be seen that the hostile contempt displayed by U.N. directors in the sample incident is not necessarily reserved for South Africa.

The pivot factor is U.N. General Assembly Resolution 1904. The central figures are Ambassador Arthur J. Goldberg and President Lyndon B. Johnson.

Two weeks after signing Resolution 1904 on behalf of the United States, Ambassador Goldberg, on 12 October, 1966, announced that South Africa, by the "abhorrent system of racial segregation known as apartheid," had forfeited all right to go on ruling the territory. Goldberg declared that the United States was committed to take the territory away from Pretoria and to place South Africa under U.N. protection. He further indicated that the U.S. must order immediate sanctions against Rhodesia.

The next move was with the U. N. Security Council.

Allowing a sixty-day propaganda campaign to build world opinion in support of its forthcoming announcement, the United Nations Security Council, on 16 December, 1966, adopted Resolution No. 232, "Question of Southern Rhodesia." In this order the Council declared that Southern Rhodesia "constitutes a threat to international peace and security" and directed Member States to impose an economic boycott against the government of South Africa. The Council also reminded U. N. States that failure to implement the Security Council Resolution "shall constitute a violation of Article 25 of the Charter."

"The Members of the United Nations agree," states Article 25, "to accept and carry out the decisions of the Security Council in accordance with the present Charter."

The ban on Rhodesia was, of course, drawn in conformity with another little-publicized Charter article, #39, which provides that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall . . . decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."

The day following its Security Council decision the General Assembly, on 17 December, 1966, ordered mandatory economic sanctions against Rhodesia and directed Member States to comply with the decisions of the Security Council.

Bound by these United Nations directives, President Lyndon B. Johnson, on 5 January, 1967, issued Executive Order No. 11322, prohibiting trade and other transactions with Southern Rhodesia.

The Order stated in part:

"By virtue of my authority under . . . section 5 of the United Nations Participation Act of 1945 . . . and considering the measures which the Security Council of the United Nations, by Security Council Resolution No. 232 of the Charter of the United Nations . . . has decided upon pursuant to article 41 of the Charter of the United Nations, and which it has called upon all members of the United Nations, including the United States, to apply, it is hereby ordered. . . ."

Imprisonment and $10,000.00 fine awaited transgressors.

At the risk of becoming overly technical it is now necessary to identify the U.N. authorities which President Johnson quoted in Executive Order 11322 so that the reader may judge the effect which these agreements have on United States foreign and domestic policy, and on U.S. sovereignty.

First, the United Nations Participation Act of 1945, enacted by Senate and House vote on 20 December, amended 19 October, 1949, Section 5:

"Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may . . . prohibit, in whole or in part economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication."

Second, Article 41 of the Charter, which defines the sanctions which Member States are to apply upon call of the Security Council:

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decision, and it may call upon the Members of the United Nations to apply such measures."

The effect of the foregoing alleged U.N. authorities is to transfer powers of government from the United States to international agencies without the knowledge or consent of the State or its people.

Under color of such illegal and void statutes the executive, legislative, and judicial agents of government now seek to impose the provisions of U.S. Resolution 1904 upon the State and its people to build a "world society free from all forms of racial segregation."

This presumption of power is illegal and in violation of the authority granted to the executive, legislative, and judicial branches of government by constitutional contract. Only the Sovereign States, as principals to the Constitution, have the authority to change, amend, or modify the Constitution of the United States. This restriction is precisely fixed in the Constitution itself.

Adoption of the so-called United Nations Treaty, the equally tainted United Nations Participation Act, and the abhorrent United Nations Declaration on the Elimination of All Forms of Racial Discrimination, are flagrant abuses of the constitutional contract.

However, when the State fails to repudiate the unauthorized acts of its agents, a presumption arises that the State has approved these actions. The vitality that is thus given to the purported acts of the agent arises from the power of the State in question. The power does not come from the agents who had no power to so act.

The duty of the State government is, therefore, manifest!

The State Legislature, finding that the constitutional contract is being violated, must take action to bring about correction.

To arrest usurpation of governmental powers the State Legislature may convene a fact-finding committee to inquire into the following constitutional questions:

a. Did the United States Senate have authority under the Constitution to ratify the so-called United Nations Treaty?

b. Can any officer or agency of the United States, or of the Sovereign State, accept and carry out the decisions of the Security Council of the United Nations without violating his oath of office, "to support this Constitution," and so render him subject to impeachment?

c. Are the rights, freedoms and privileges guaranteed to the citizens of the State by the Constitution preserved intact by operations of federal agents who accept and carry out decisions and directives from the United Nations Organization, or any agency thereof?

If the State Legislature finds the answer to any of these questions to be "No", then the citizens of the State may demand immediate passage of appropriate laws making it a felony to attempt to enforce within the State any provision, from any source, based upon the United Nations Charter, and providing suitable penalties for infractions thereof.

The citizens of the State are morally and legally obligated to demand of their state legislators an investigation of any threat to the freedoms of person and property guaranteed to the people by the Constitution.

The Integration Syndrome, circulated by sociological drovers posing as humanitarians, constitutes such a threat.

Colonel Roberts, author of the award-winning book "Victory Denied", played a prominent role in the U.S. Senate "military muzzling investigations in 1962. He subsequently won a precedent-setting court case against the Secretary of the Army and retired in 1965, terminating twenty-six years Army service. Roberts now leads a national campaign to restore the Constitution.

[From CONGRESSIONAL RECORD, Aug. 16, 1967]

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment offered by Mr. RARICK: On page 9, line 19, after (b), strike out lines 19, 20, 21, and 22, and insert:

" '(b) Section 342 of title 18, United States Code is amended to read as follows:

" '§ 242. Deprivation of rights under color of law

" 'Whoever, under color of any law, statute, treaty, ordinance, regulation, or custom (including any order, rule, or regulation issued by the President to apply measures which the Security Council or General Assembly has decided, or may decide, pursuant to chapter 41, or any other chapter, of the Charter of the United Nations, are to be employed to give effect to its decisions or resolutions under such charter, or otherwise), willfully subjects any inhabitant of any State, District, Commonwealth, territory, or possession of the United States to the deprivation of any rights, privileges, immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and if death results shall be subject to imprisonment for any term of years for life.' "

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane in that in the bill before us all we do with reference to section 242 is to amend the penalties.

But in the amendment as offered by the gentleman from Louisiana the entire section and substance of section 242 of title 18 of the United States Code is added to the bill.

This amendment is purely extraneous matter so far as the bill is concerned and it has no relevancy.

Reference is even made in that section to the United Nations, and of course the United Nations has no relevancy to this act and to the issues that we are debating.

Mr. Chairman, for these reasons I ask that the amendment be declared out of order.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. RARICK] desire to be heard on the point of order?

Mr. RARICK. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RARICK. Mr. Chairman, the bill before us today in subsection (b) does provide for amendment by additional penalties under section 242 of title 18, United States Code.

In substance the amendment that I have offered only provides that in addition to the penalties against States and State officials acting under color of law, an American citizen may also have his constitutional rights denied him by treaties and orders, et cetera, emanating from the United Nations and from other sources.

Therefore, Mr. Chairman, I certainly feel that the amendment is germane and I would ask the Chairman to so rule.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule. The Chair has had an opportunity to examine the amendment of the gentleman from Louisiana, and he feels that it goes well beyond the proposition before the House and adds additional penalties to title 18, section 242, which are not germane to the bill. He therefore sustains the point of order.

THE PRESS AND GOLDA MEIR'S PRAISE OF NIXON: CHAPTER 2

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, yesterday—page 34365—I wondered about the downgrading in the New York Times of the story describing the allout backing which Prime Minister Meir of Israel gave to our President's position on Vietnam.

Whereas the Boston Herald Traveler, which I read on the plane to Washington, played this very important diplomatic development on the first page—set off in a box with a picture of the Prime Minister—the New York Times had displayed the same story on page eight.

My purpose was to express total bafflement at this editorial judgment of the Times. Here was a story not only inherently important but involving major elements of two subjects of paramount importance to readers of the Times: Israel and Vietnam. The element, I suggest, which sent this story flying to page eight, is that it was favorable to Nixon.

I thought that was bad but this morning I found an abbreviated account of Mrs. Meir's endorsement of the President on page 23 of this morning's "early bird" edition of the Washington Post, a day late. I was interested enough to make some inquiries, furthermore, and found out that the item ran only in the first edition of the Post. It was stricken from all subsequent editions, which have the greatest circulation.

It is true that Joseph Alsop's column on the previous day dealt with Mrs. Meir's statement but an interpretation of news is absolutely no substitute for the hard report on which the interpretation is based.

It is this sort of failure in service which has led to the crisis of confidence in the news media, which the Vice President articulated so well in his recent address in Des Moines.

OCCUPATIONAL HEALTH

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I extend my remarks at this point in the RECORD and include an editorial from the Journal of Occupational Medicine, October 1969, by Robert B. O'Connor, M.D., and a speech by Lorin E. Kerr, M.D., presented at the long-range planning conference of the American College of Radiology held at the Mayflower Hotel, Washington, D.C., September 27, 1969:

UNIONS AND OCCUPATIONAL HEALTH

(By Robert B. O'Connor, M.D.)

The appointment of Dr. Lorin E. Kerr as Medical Director of a newly created Department of Occupational Health for the United Mine Workers of America brings to attention the role of unions in the growth and development of occupational medicine. Labor unions have not been noteworthy in their support and understanding of the occupational physician in his endeavors to provide better health conditions at work. Perhaps Dr. Kerr's appointment will lead to what W. A. Boyle, President of the United Mine Workers of America, urged in his announcement of the creation of the new post: "Occupational health should become a major point of union activity. Hopefully, all unions will recognize this and, together, we can add significantly to the overall well-being of the American worker."

A number of unions have functioning safety departments. This includes the United

Mine Workers of America, but only recently have any unions demonstrated an active interest or professed any responsibility to promote occupational health. The American Federation of Labor craft unions, in many instances, have been opposed to it, whereas the Congress of Industrial Organization unions accept the *concept* of in-plant preventive medicine but do not actively engage in the *practice* of preventive medicine under the auspices of a labor union. In 1952, Dr. William A. Sawyer, after his retirement from Eastman Kodak, became consultant and adviser to the International Association of Machinists but did not take on the active role which apparently will be carried out by Dr. Kerr.

Labor's interest in better health for its workers in the past has been mostly confined to developing disability insurance (particularly workmen's compensation) for those injured at work, and to medical-care plans for total care of the worker and his dependents for nonoccupational illness and/or injury. Although it has been argued that the unions have made the most noteworthy contributions to better health of its workers *indirectly*, by demanding increased wages and a better working condition leading to a better standard of living, it is somewhat ironic that the worker, who is the beneficiary of all the endeavors of the occupational health specialist in the past, has not seen fit to develop and participate *directly* in his own well-being. This is understandable in view of our history—the American way of getting something done is to impose so great an economic penalty if the situation remains uncorrected that action is taken by the one bearing the cost.

Another reason for the lack of direct participation by labor in occupational health is the mobility of the American worker which permits him to leave an unpleasant or unhealthy job. However, as more workers become more entrenched and less mobile because of seniority, etc., more interest is being expressed in occupational health. This is particularly necessary in those trades in which there is no central massing of people and in which the union is the key to security. In places where many workers are employed under a single roof, management has provided the means and techniques for improving health through better environmental conditions. Where small units are employed without any great local concentration of manpower (e.g., the craft unions in the construction trades), the provision of adequately healthy working conditions is sometimes minimal and certainly needs improving.

We welcome Dr. Kerr to the ranks of the occupational physician. It is a major undertaking. We offer our help—we think he will need it. His appointment may be the precursor of other such departments in the future in those unions which have the same problem of small groups of men widely scattered in many locations. We will follow with interest his problems and his contributions to the prevention of diseases which have proven recalcitrant heretofore to the piecemeal and uncoordinated efforts carried out by the managements of small production units.

THE POVERTY OF AFFLUENCE

(By Lorin E. Kerr, M.D., M.P.H., F.A.P.H.A., director, department of occupational health, United Mine Workers of America)

I am pleased to be one of those invited to speak at the American College of Radiology Long Range Planning Conference. To my knowledge no other medical specialty has endeavored to review its present and future policies and then redefine its course in accordance with those deliberations. You are to be commended for this forward step.

Consideration of your future role should not be as difficult as it might be for some of our other colleagues. You are not burdened with the cliche about the physician-patient relationship, nor are you fettered by the free-choice hangup which often distorts the vision of some of our conferees. Your specialty has the additional advantage of being more attuned to organizational techniques than usually prevail in medicine. Finally your specialty, in contrast with most others, has long been accustomed to the use of technical assistants. Thus, you are familiar with administrative policies and procedures, you have been your own innovators, and you have had to communicate with your colleagues. This knowledge and experience will stand you in good stead in projecting the future role of the American College of Radiology.

While I have been billed as a labor spokesman, it would be presumptuous of me to assume this appellation. However, having been an active participant for the last 25 years in national programs designed to resolve some of the health problems confronting workers, I think I can accurately report some of their apprehensions about the future.

The number one health problem facing the nation, and labor in particular, is the ominous acceleration of charges for medical care services. Collective bargaining agreements for health benefits have usually included monetary increases, but they still pay no more than one-third of the expenses and omit many essential health services.

To meet these escalating costs organized labor has had to run hard to stand still but as a consumer has become medically sophisticated. The United Mine Workers of America Welfare and Retirement Fund is an example of an unique national program providing one segment of the nation's work force with almost comprehensive medical care of a high quality (1.2). This sophistication was further underscored when the United Mine Workers of America recently established its own Department of Occupational Health. While this Department is initially devoting major attention to job-related illnesses, it is already assisting the Union membership in resolving other health problems in addition to serving as a focal point for other unions interested in moving in the same direction. It is the first time in the history of American labor unions that such concern has been implemented.

Organized labor is now demanding comprehensive readily accessible medical care at a cost the Economy can afford. The need and discontent is so great that former staunch advocates of the voluntary approach are seeking the solution through organized national health insurance (3,4). Will the American College of Radiology follow the discredited past dictates of organized medicine or will it provide leadership in developing solutions to this growing and critical problem?

In its struggle to provide high quality medical care at a reasonable cost, organized labor has become a strong proponent of prepaid group practice (5,6). The reduction of hospital utilization through the provision of continuing coordinated comprehensive ambulatory medical care results in marked financial savings (7,8). Prepaid group practice thus enjoys an undisputed economic advantage over all other methods of delivering medical services. Until recently, organized labor and consumer organizations such as the Group Health Association of America, were the solitary forces promoting and subscribing to prepaid group practice. Today, they are being joined by medical faculties, management consultants, entrepreneurs, corporations and conglomerates. Can you assess your role in this development? How will you participate?

Attempts to resolve the problems of the quality, quantity and cost of medical care are inextricably intertwined with the shortage and maldistribution of health manpower. The health industry is now the third largest in the nation with annual expenditures exceeding $50 billion, and employing more than 3½ million individuals. The major control of this vast industry rests with physicians and there are far too few of them. Authoritative voices claim the number of medical students graduated annually should be doubled. Look at your own specialty. I am sure you will agree that there are far too few qualified radiologists to meet any rational demand for your services. This shortage of all physicians places a high premium on their services.

Until very recently, organized medicine has opposed increasing the number of medical schools as well as making funds available for students unable to pay the exorbitant costs of medical education. Moreover, opposition to national licensure enables state boards to pursue a restrictive course. Until recently one state with a population of about 2.5 million would license no more than 800 physicians in the entire state. Furthermore, a maldistribution of physicians is not only a Southern phenomenon. A recent report from the American Public Health Association states that there are only five physicians, two of whom are quite elderly, providing services for the 50,000 residents in the Kenwood-Oakland area of Chicago (9). In 1930 28,000 people lived there and they were served by 110 physicians.

Organized labor is actively supporting all endeavors to relieve the shortage and maldistribution of physicians. Educational opportunities must be readily available for the qualified sons and daughters of every worker, both black and white. Continued racial and religious discrimination will only prolong the agonizing shortage of all health manpower, including doctors. Will you break with patterns of the past?

The last item I would like to add to your future deliberations is the almost extinct subject of the health of the worker on the job. Any discussion of comprehensive health must, by definition, include occupational health. However, over the years I have encountered a disturbing lack of concern among many physicians about this subject and a frighteningly cavalier attitude about the prevention of these illnesses and injuries. Annually about 14.500 men and women are killed on the job. This occupational slaughter approximates the number of U.S. troops killed last year in Vietnam. Two million more workers are either permanently or totally disabled and 7 million lose a day or more of work because of injuries on the job. Moreover, the rate of injuries per million man-hours worked has been steadily rising during the last decade. This is attributed, by workers, to the generalized speedup occurring throughout all industries. In addition, a decline in real earnings occasioned by the inflationary spiral has made overtime and moonlighting essential for making ends meet. The resultant fatigue slows reflexes, and jobs, like the angel of death, take their toll.

Disturbing as these figures may be, they understate the actual conditions. There is ample reason to believe that these figures do not begin to indicate the severity of the situation. More than a decade ago a Department of Labor official charged that all those concerned with the collection of these figures were playing a numbers game which constantly dealt the worker a bum hand. In the intervening 12 years nothing has changed except the worsening of conditions.

The statistics on occupational injuries may be incomplete but they are more accurate than information on the extent and severity of occupational illnesses. For example, we are ignorant about the number of workers disabled or killed by exposure to carbon monoxide, lead and dynamite. More than half of the illnesses reported are diseases of the skin but I am not convinced this is disproportionately high. Although the precise incidence and prevalence of the pneumoconioses is unknown, it is possible from a number of different sources to make knowledgeable estimates.

An outstanding example of the problems associated with the occupational dust diseases is provided by the protracted efforts of the United Mine Workers of America and the UMWA Welfare and Retirement Fund, reported in detail elsewhere, to secure medical recognition of coal workers' pneumoconiosis as a clinical entity in the United States (10–13). In 1942 British investigators identified a new type of dust disease which they called "coal workers' pneumokoniosis" (14). The following year this disease, distinct from, and in addition to, classical silicosis became compensable (15, 16). In Britain coal workers' pneumoconiosis is a diagnosable occupational dust disease, separable into two distinct forms, simple and complicated (17). It is reported to have characteristic pulmonary radiological changes which have been observed in workers exposed to hard or soft coal and some other carbon dusts both in Britain and the United States (18). Pathological studies have demonstrated lesions which are believed to be specifically characteristic (19).

Evidence accumulating indicates that coal workers' pneumoconiosis is today the most alarming occupational dust disease in America (20). It is conservatively estimated that 125,000 active and former coal miners have some radiographic evidence of this disease and that of this number nearly 50,000 may be disabled by the disease (21–30). These are frightening figures! Even more frightening is the fact that physicians are now reporting 35 year old miners with incipient disability which, until recently, was rarely seen in men younger than 50 years of age. This development could be the prodromal warning of an epidemic outbreak of coal workers' pneumoconiosis reminiscent of the silicosis debacle in another industry at Gauley Bridge, West Virginia, nearly 40 years ago.

Radiographic examination of the lungs is essential for determining the earliest changes, severity, progression and prevalence of coal workers' pneumoconiosis. A standardized method of describing and classifying the radiographic changes, developed by British investigators, was accepted with minor modifications by the International Labour Office Conference of Experts on Pneumoconiosis in 1950 (31). This Classification was further refined in 1958 and is now designated as the International Classification of Radiographs of the Pneumoconioses (Geneva, 1958) (32). This Classification is the generally accepted method of classifying the degree and extent of pulmonary abnormality. The Classification is purely radiological and does not imply a relationship between categories of abnormality and "suffering from pneumoconiosis", the presence of compensable disease, or a particular degree of disability.

Two major types of changes, simple and complicated pneumoconiosis, are defined, and the "dust opacity" is described as the basic abnormality. These opacities are usually less striking than those observed in silicosis. Some radiologists in Britain and elsewhere who are unfamiliar with the characteristic appearance of coal workers' pneumoconiosis are inclined to regard the radiographic changes as trivial and not necessarily diagnostic of disease. The significance of the radiographs is apparent when comparisons are made with the autopsied lung. The exceptions are those minimal cases with lesions not radiologically apparent. There is a fairly close correlation between the two types of examinations in slight or moderate pneumoconiosis. The major difficulty in making a correct radiological diagnosis of complicated pneumoconiosis is the occasional confusion with pulmonary malignancies. The radiograph is rarely helpful in determining the severity of the focal emphysema observed at autopsy.

The standardized radiographs and photographs illustrating the Classification are readily available from the International Labour Office and are now being utilized successfully by an increasing number of physicians who are concerned about the need for an objective description of coal workers' pneumoconiosis. A higher consistency of proper radiographic classification than is usually obtained, particularly among less experienced observers, occurs with the use of the standard reference films. Their use is enhanced when recommended standards for the exposure and development of the films are observed. It is also recommended that duplicate readings be made on all films with an additional third reading in the event of disagreement between the first two. Miniature films are not satisfactory for the proper classification of coal workers' pneumoconiosis.

The experience in Britain and elsewhere with the International Classification and the standard films and photographs illustrating the Classification is reported to be sufficiently helpful to warrant an intensive American evaluation of the system. A limited Anglo-American study of the Classification has been conducted by the United States Public Health Service in cooperation with some of your colleagues (33). The resultant USPHS Modification of the Classification has been published and is readily available (34). This limited experience must be broadened to include many physicians. There is an urgent need to clarify any differences of opinion concerning both classifications and their use and thereby hasten the early detection and control of coal workers' pneumoconiosis among U.S. coal miners.

Despite seven major conferences on coal workers' pneumoconiosis, this disease is still not well known or widely recognized in the United States. There are many reasons why American doctors have been reluctant to accept the fact that coal dust is a killer. Until recently little has appeared in American medical journals on this disease and most of the earlier articles were reports on British research and surveys. This lack of concern about coal workers' pneumoconiosis has been due, in part, to a belief that conditions reported world-wide could not exist in the United States. It is also due to the conviction that only silica and dust containing silica are injurious. Moreover, there is the attitude and influence of employer-oriented physicians who avoid facing known facts about the ravages of coal dust in human lungs because to do otherwise could cost money.

Dr. Adolph Kammer, 14 years ago, in searching for the answers concerning coal workers' pneumoconiosis, urged American physicians to reassess earlier decisions. He stated, "Our best observations will be those that encompass the breathless coal miner as a total man, living in a particular kind of community and working in a particular kind of industrial structure. He is a member of a social group in which there are perhaps some fixed thought patterns, particularly as relates to shortness of breath after one has worked underground for a number of years. The reassessment must be made by physicians with this sort of horizon and not by physicians acting simply as lung doctors. Full utilization must be made of good epidemiologic techniques and the best possible case judgments that give full consideration to the miner as a total man" (35).

Today, there is a marked similarity of conditions in the United States and Britain 30 years ago. A pertinent comment on our 30-year lag behind the British is provided by Dr. Donald Hunter, the world-famous British authority on occupational health (36). Ten years ago he said that although coal had been mined in Britain since 1234 it was not until 700 years later that British physicians began to accept the fact that coal dust in miners' lungs produces a slowly progressive fatal disease. He continued to say, "It must be admitted that medical men, by their ill-informed complacency have a heavy load of responsibility to bear for this failure to discover the true state of affairs; a failure which constitutes what is probably the greatest disgrace in the history of British medicine." Today, American medicine has barely begun to overcome its "ill-informed complacency" and "discover the true state of affairs" regarding coal workers' pneumoconiosis. This failure to take earlier action constitutes what may be labeled in the future as the greatest disgrace in the history of American medicine. U.S. schools of medicine must accept a substantial share of this indictment.

Recognition by the U.S. medical profession of coal workers' pneumoconiosis is a first order of business. More than anything right now coal miners need doctors who, regardless of past assumptions, are adequately trained and know how to make a correct diagnosis of this man-made disease.

I have related in some detail the situation as I know it in one particular industry. But similar conditions prevail for many of the same reasons in other industries. For example, today we still have no accurate figures on the amount of silicosis occurring among workers. The control and prevention of beryllium poisoning is receiving insignificant attention. We, in this country, had to be convinced of the dangers of asbestos from reports emanating from South Africa via the United Kingdom. Only recently have U.S. medical investigators conceded that, in addition to asbestosis, an alarmingly high cancer death-rate occurs among those exposed to this dust. For those who may not recall, I would remind you that nearly 20 years ago the need to control and prevent diatomaceous earth pneumoconiosis was the sole reason the affected workers stayed out on strike for 15 months. The scandalous amount of this disease, complicated by tuberculosis, which was occurring among these workers caused such an uproar when publicized that their demands were finally met. A more current example is the repudiation of the reports which have appeared consistently in the American literature that American textile workers do not suffer from byssinosis. We now know this is not true.

It is my sincere hope that in your deliberations about the future of your College you will be fully cognizant of the key responsibility of radiologists in diagnosing the occupational dust diseases. The workers and their unions have known too well that the ravages of disability and death are the daily penalties paid for allowing conditions to prevail which produce these diseases. Throughout the world the great plagues, polio, typhus, malaria and smallpox are being eradicated. The pneumoconioses are man-made plagues which can be eliminated in one generation. Your help is vital to the ultimate success of labor's campaign to control and prevent these diseases.

In conclusion I would like to return to the title I selected for this paper, The Poverty of Affluence. Each of the four points I have covered is a problem of long standing which, with the passage of time, has worsened. This, in part, is due to the national priorities which have permitted the expenditure of billions of dollars for precision lunar landings and billions more for precise and wanton destruction in Vietnam. Despite the plethora of skills, talents and money devoted to such awesome precision, we as a nation have been sadly lacking in setting our house in order. Lately I have been haunted by the thought that a more pervasive reason may be the deadening impact of these and other billions of dollars on ethical precepts. Medicine is an ethical profession with dedicated commitments to the patient, the community and itself. But after reciting my litany this morning, it is worrisome to think that the impact of the community of which we are also a product has fragmented our ethics and separated us from those in need of our skills and learning. Ethically we may be poverty stricken because we, as physicians, have abjured our responsibilities in the community and in the nation, and have not shared both the hopes and pains of others. We have forgotten that, "They who sow in tears shall reap in joy."

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CLEVELAND, CITING LOCAL WORRIES, OPPOSES BIG DAM PROPOSAL AS THREAT TO NORTHERN NEW HAMPSHIRE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, on several occasions during the 7 years that I have served in the Congress, I have expended considerable time and energy in opposing large dams in various parts of my district, and for that matter, in other parts of the country. A number of factors have been involved. Considerations of cost, conservation, and the feelings of affected citizens have been among them.

It seems to me unfortunate that Washington-oriented planners in the Corps of Engineers or elsewhere seem to be so delighted at the prospect of a big dam, which is not wanted. An important part of my district in northern New Hampshire is now faced with just such a proposal, and the people there are understandably beginning to express to me mounting concern. For the Record, I include editorials from the News and Sentinel of Colebrook, N.H., and in addition, an excellent article by Linnea Staples, the natural resources editor of the New Hampshire Sunday News, Manchester.

I am grateful to Frederick J. Harrigan, the publisher of the Colebrook, N.H. paper, for his excellent editorial comments and his serving notice of the petition, which will shortly be coming my way.

I am also grateful to Linnea Staples for the time and effort and research that went into her fascinating article.

[From the Colebrook (N.H.) News and Sentinel, Oct. 8, 1969]

The Second Indian Stream Rebellion

The complete account of last week's meeting of about forty Upper Coos citizens with Union-Leader feature writer Linnea Staples is on its way to us via our man on the scene, but Mrs. Staples' account in the Sunday paper gives a pretty good idea of what went on. That proposed Army Engineer Dam at Indian Stream, coming on the heels of the earlier Connecticut Valley Recreation Area scheme, has Pittsburg and area residents almost literally up in arms. There haven't been any head knockings yet (such were the only casualties in the earlier Indian Stream Rebellion), but feelings are running so high it looks like 1832 all over again.

Maybe this newspaper didn't help matters with an editorial a couple of weeks ago, suggesting only partly with tongue in cheek that the Republic of the United Inhabitants of Indian Stream might get itself back in business. It might also be remembered that both news story and editorial emphasized the question asked by Colebrook Selectman Fred King at the September 18 meeting in Groveton with the Army Engineers. Mr. King asked why residents of the area weren't consulted before these grandiose schemes are concocted, and got the facetious answer that you couldn't "knock at the doors of the million, plus, inhabitants of the area." 'Twan't funny, McGee.

The answer is, of course, that you don't have to knock on a million doors. All that needs to be done is to make the elected officers of the various townships a part of the planning in the beginning, or at least consult with them, instead of coming around months afterward with elaborate slides and brochures of expensive plans already made, saying, "You do approve of this, don't you?"

That would be too simple. Yet Mrs. Staples, with only word of mouth communications to help, managed to assemble forty area leaders on a moment's notice. The government had better learn to do the same, before instead of after, if it's going to promote the flooding, expropriation, or bankruptcy of the far north country for somebody else's profit.

[From the Colebrook (N.H.) News and Sentinel, Nov. 12, 1969]

Are You Listening, George?

The drive for signatures is only just getting under way in the Upper Coos and the Indian

Stream Republic with regard to a sonorous and significant document, which readeth as follows:

"PETITION

"To the President of the United States, the Congress of the United States, the Governor of New Hampshire, the Governor of Vermont, the General Court of New Hampshire, the General Assembly of Vermont, and to whom it may concern:

"We, the undersigned, being residents of the towns located in those townships of both New Hampshire and Vermont which are in the vicinity of and will be affected by the impoundment dam proposed by the U.S. Army Corps of Engineers for Indian Stream in Pittsburg, New Hampshire, and the Connecticut River Recreation Area planned or proposed by the Bureau of Outdoor Recreation of the Department of the Interior, insofar as this plan affects the areas of northeastern Essex County, Vermont, and northwestern Coos County, New Hampshire, having duly considered the impact of either or both of these measures on the economy, recreational potential, agricultural production, industrial activity, and woodland and forestry management and production within said area, do hereby most vigorously and sincerely protest the enactment of implementation of either or both of said proposed measures, and do call upon the addressees hereof for all assistance which they or any of them can give in their aforesaid capacities."

The response to the foregoing is expected to be overwhelming as the downtrodden citizenry try to protect their fields and forests. Makes one think of another document, some years ago, which said, among other things, "In Every Stage Of These Oppressions, We Have Petitioned For Redress In The Most Humble Terms." It began, "When In the Course Of Human Events . . ."

[From the New Hampshire Sunday News, Manchester, Nov. 16, 1969]

FEDERAL PLANS STIR NEW INDIAN STREAM REVOLT

(By Linnea Staples)

PITTSBURG.—A second Indian Stream Rebellion is brewing. . . .

The fact that Pittsburg is this time joined by its sister towns to the south—Colebrook, Stewartstown, Clarksville and Columbia—merely enlarges the front. It changes nothing else.

The spirit of Yankee independence runs as strong in North Country people as ever it did; the determination to "do for ourselves whatever we can" is undiminished.

In that first uprising that spanned the 1830s, however, there was but one point of conflict, national allegiance.

The issues today are many. And incredibly complex.

Stripped to the bare bones, this new rebellion actually pits these people against the ruthless march of an exploding population, pushed onward by an increasingly urbanized, mechanized and materialistic "civilization."

And the mushrooming governmental agencies ostensibly created to provide for this human mass what it is, by the very nature of its own bigness, helpless to provide for itself.

The key issues to emerge involve the U.S. Army Corps of Engineers and the Bureau of Outdoor Recreation.

The first agency with its plan to dam wild and historically rich Indian Stream, turning the major portion of the beautiful valley into a barren "stream flow augmentation" impoundment.

The second, with its proposal for a Connecticut River Valley National Recreation Area, creating an 82-mile long public recreational "corridor" along the main stem of the river south to Littleton, plus a huge 54,000-acre state park encompassing the entire Connecticut Lakes region. This is part of a plan involving the whole river.

The questions raised thereby tear at the heartstrings of the citizens of these towns, bringing apprehension, anger and confusion.

How much of the land they still retain will they be required to give up should the projects succeed as outlined? Should they be made to relinquish it, according to the BOR plan, whether to provide recreation for others or, perhaps, to spare it from indiscriminate development?

How much will be inundated to dilute pollution dumped into the Connecticut River by downstream communities, to provide a "flushing" effect as projected by the Army Engineers?"

Or, as they firmly believe, should they instead be allowed to formulate their own plans for controlling the spreading influx of tourists and vacationers from overrunning and ruining this land, one of the last bulwarks of unspoiled countryside in the northeast?

Agriculture, the lumbering industry, and the fishing and hunting facilities and private campgrounds already developed are factors, as these people seek the means to counter these massive federal proposals.

SET UP REPUBLIC

This rebellion could brew up a storm equaling in bitterness that long rebellion of 1832 when the citizens of Indian Stream, left adrift by both the United States and Canada with the international boundary still unsettled, took matters into their own hands.

They simply up and declared their independence from both, and established the "Republic of the United Inhabitants of Indian Stream Territory."

The matter came to a head with the one-day Indian Stream "War" on Oct. 22, 1836; a fast-moving, furious, yet bloodless affair.

The town was subsequently annexed to New Hampshire and in 1840 was rechristened "Pittsburg." The boundary dispute was finally settled in 1842, with the Webster-Ashburton Treaty.

Short-lived though it was, the Indian Stream Republic represented one of the most colorful and intriguing periods in the history of our nation; one almost forgotten.

Today's North Country citizens are no less hardy a race.

AMEY'S VIEWS

Holman Amey, outspoken descendant of those stalwarts of old, is typical, and voices the resentment of his neighbors when he observes:

"They intend to wrap us up with out land in a big Santy Claus package and give us away to what they call the 'public.'

"When they look at us up here they think we're not of much consequence. It makes you wonder some, the way they go at things . . . We don't mind taking our part of the state burden, but why should the few of us up here be Santy Claus for this 'public'?

"We've done for ourselves all these years; we aim to continue."

This resolve was succinctly stated recently by Frederick Harrigan of Colebrook, editor, publisher, lawyer and probate judge. He declared:

"We can take care of things ourselves, if they'll just leave us alone and let us get on with it.

"No one in his right mind would say that nothing has to be done. We all know it has to be. But we'd like to have a say in what is being planned for us!"

NONE CONSULTED

Making hackles rise most of all hereabouts is this very factor. Community leaders in each of the towns affirm that in none of it, neither in the planning nor in the proposals now set forth, were any of those most directly concerned consulted.

Earl Wadsworth, president of the Colebrook Banks, commented at a meeting at The Glen in Pittsburg:

"We are simply told, 'like it or lump it, this is the way it's going to be.' "

In the unqualified opposition to the Indian Stream project, local citizens are joined by just about every state agency including Fish & Game Department and the various divisions of the Department of Resources and Economic Development. Water supply and pollution control officials also, at least to the extent that it is intended to make possible a lesser degree of sewage treatment at Groveton. Adequate treatment from the start is their goal.

ENGINEER SCHEME

The Army Engineer scheme is simply this: Dam Indian Stream just above the Tabor Grey place and catch the spring runoff, backing the reservoir all the way to Abbott Brook. Some reports say clear to Depot Camp.

At "full pool" around June 15 each year, the reservoir would cover 1,560 acres. From then until Sept. 1, the water would be released to dilute pollution in the Connecticut below Groveton, and 80-foot drawdown leaving only a 250-acre permanent pool by fall.

Fish and Game officials assert that any management for fishing would be impossible, and today's superb trout fishery destroyed. So, too, would be much of the valley's prime deer yards, and there would be a severe cut in the income from timber and pulp.

Destroyed, too, would be the priceless historical background.

For here is the land of the Dartmouth educated Indian Archie Annance who, in the early 1800's, took gold from the valley at will—gold the source of which no one else could discover. Old Jimmie Fry, who died in 1962, found gold here also, though apparently not in the amounts Archie Annance did. Jimmie Fry's cabin still stands at Depot Camp, historic lumber camp site.

There are those who firmly believe that the spirits of George Van Dyke, Win Schoppe, and their fellow loggers and lumber barons still walk in this valley and along the Connecticut River, scene of those mighty log drives of long ago.

Kim Day and his numerous kin; the Washburns, Tabors, Comstocks, Robies, Parkers, Judds and the Perkins family . . .

Far too numerous to recall here, those lusty, robust folk of the past are not forgotten, and many of their descendants still live in the northern towns.

CAMPING AREAS

"No question we need more camping areas up here, more places to put people who come. But why can't we have a go at it ourselves? Why does the government have to do everything?"

Tabor Gray, who farms the old Tabor Place on lower Indian, where he was born and raised when his father worked for the Tabor family, echoes the prevailing sentiment on this, and he adds: "Is this the way to fight inflation?"

Harry Huggins, president of the N.H. Guides Association, speaks for the many local and out-of-state hunters and fishermen who fear what widespread development into public lands will do.

"What part of the town is going to be left for us? We have a good hunting and fishing recreation industry up here now, why ruin it? The people they leave won't be able to pay enough taxes to support the town."

OTHER VIEWS

But others have different views.

George McGee, of the State Water Resources Board, while stating his agency is neutral, recently commented:

"In the end it is the greatest good for the greatest number that will have to be considered. I am fully sympathetic to these people up here. Of course they love their land. But what about all the thousands of others who want to enjoy the river? How about the man down in, let's say Claremont who has Sunday off and goes over to Connecticut River to fish.

"He gets there and finds the river too low. If extra water let out up here will make the river usable below, well, who's to say it wouldn't be right?"

The Army Engineers, in their report, outline six possible courses of action. But they recommend the Indian Stream project as being the least expensive at $6 million as opposed to the cost of tertiary sewage treatment at Groveton.

On the heels of this comes the prediction that within 10 years tertiary, or the most stringent, treatment would have to be installed anyway—Indian or no Indian.

Joseph L. Ignazio, chief, Basin Planning Branch, New England Division, at a recent hearing in Groveton, further stated:

SCENIC UNIT

"Low flows from the confluence of Indian Stream would greatly enhance and permit increased water activity, and significantly contribute to the Coos Scenic unit."

The Coos Scenic Unit is a part of the immense BOR Connecticut Valley National Recreation Area. It is outlined in a magnificently illustrated report titled "New England Heritage."

Sen. Abraham Ribicoff (D-Conn.) has provided the vehicle for implementing it in his Senate Bill S. 1805, entered April 15, 1969.

Sen. Thomas McIntyre (D) of New Hampshire is co-sponsor along with Senators Thomas Dodd (D-Conn.), Edward Kennedy (D-Mass.), and Edward Brooke (R-Mass.).

This takes in the 82-mile section of the river from Lake Francis to the Moore Reservoir in Littleton. Of the 21,000 acres of land involved, 1,000 acres would be acquired outright and the remainder controlled by scenic and access easements.

Far too complex to deal with here, it nevertheless calls for careful consideration, according to DRED Commissioner Roger J. Crowley.

The U.S. Army Corps of Engineers and the Bureau of Outdoor Recreation would do well to heed these articles before they waste any more time and money on planning. An area that once seceded from the United States and Canada as an ultimate expression of independence will certainly not sit idly by while large areas of its finest river, forestry, and hunting potential is laid waste, nor will those who represent them. On several occasions in the past, with the most able help of U.S. Senator COTTON, I have been successful in preventing the construction of big dams in my district, which were clearly and justifiably opposed by local residents.

It seems too bad that the Federal Government does not give northern New Hampshire more of what it needs and wants; for example, better roads and better communications facilities, and less of what it does not want, of which the big dam plan for the Indian Stream in Pittsburg, N.H., is typical.

CAN THE ADMINISTRATION'S POLICY TOWARD THE SMALL SAVER BE DEFENDED?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a perceptive article in the November 13 issue of the Washington Star, financial columnist Sylvia Porter questions whether this administration's policy toward the small saver can be defended. Using as an example the interest rate on U.S. savings bonds, she concludes that the Treasury is paying the least amount of interest on such savings of any nation in the world.

Some time ago I pointed out that bond sales were falling off at an alarming rate; the trend has not stopped and nothing is being done to reverse the trend. There is an official callousness about the savings bonds program that is hard to stomach and I find it incompatible with the publicly reiterated concern of the Republican Party to "do something" for the forgotten American. Unless the interest rate on savings bonds is raised to be competitive with other marketable Government securities, the party and the administration will be contributing to the spread of a lack of faith in the system we so proudly hail.

Miss Porter's article follows:

[From the Washington Star, Nov. 13, 1969]

UNITED STATES LAGS ON SAVINGS BONDS

(By Sylvia Porter)

If you were a small investor in Canada today, you could buy a new issue of Canada savings bonds paying 7 percent for the first year, 8 percent for each of the next two years, 8¼ percent for each of the last six years.

If you held the bonds to maturity in nine years and didn't cash the interest coupons as they came due, you would get a bonus payment which, along with your accrued interest, would double your original investment in the nine years.

You could buy the bonds in denominations as low as $50 up to a limit of $25,000. Of course, you could cash in the bonds at any time for their full face value plus earned interest.

In England today, you also can buy a new series of savings bonds via payroll deductions which pay the equivalent of a tax-free 7 percent for five years or 7½ percent for seven years—a return which the London Economist says is "not to be sniffed at." All sorts of bonus deals encourage you to hold bonds to maturity plus safety, plus the advantage of systematic savings, etc.

U.S. RATE CITED

A small saver in the United States buying U.S. savings bonds via payroll deductions can get 4¼ percent, but only if he holds the bonds to maturity in seven years. He gets much less if he cashes in before maturity.

And while Congress eventually will get around to raising this rate to 5 percent by shortening the maturity of the bonds to five years and 10 months, the new high rate still will be less than 1969's rise in the cost of living.

The new 5 percent rate will, in blunt summary, be disgracefully belated, although it will be made retroactive to June. It will be shamefully out of line with what the Treasury is paying sophisticated buyers of its marketable securities (8 percent on a short-term I.O.U. last month). The rate will be blatantly unfair to the innocent saver in this era of steep interest rates and galloping inflation.

LACK OF IMAGINATION

And even after it's voted, it will mirror a lack of imagination among administration policymakers which is embarrassing.

It's getting tougher and tougher to defend this administration's attitude toward the small saver in this land.

I don't want to undercut this program, for it's fundamentally too good to deserve this treatment. I don't want to risk spurring a mass cash-in of the $52 billion of savings bonds held by 10,300,000-plus Americans today, for I understand the inflationary dangers inherent in this.

Nevertheless, when I study what Canada and Britain are offering their savers, I am ashamed of my own government.

The U.S. Treasury is paying the small saver of this country less interest than any other nation in the entire world. It is openly taking advantage of the small saver's apathy while paying more sophisticated investors what the market demands.

UNMISTAKABLE WASHOUT

The Treasury (with the help of Congress) is severely damaging one of the greatest savings programs ever devised—turning into an unmistakable washout a program with which I was once proud to be associated. Savings bond sales have lagged behind cash-ins for the last 11 months; while Treasury officials pay lip service to the program, I can't help wondering whether they give a damn.

The debt managers of this administration are showing a shocking lack of imagination and boldness.

If incentives are essential to encourage people to save via bonds in this era, why not give them? If Canada and England can offer bonus rewards to long-term investors, why can't we? If other major countries try to pay the little fellow enough interest to keep him at least even with rising living costs, how dare our government pay a negative rate of return?

If this column sounds as though my typewriter is stuttering with indignation, it is—and I am.

THE ULTIMATE CONSUMER FRAUD

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the administration has unveiled its consumer protection program with self-praise and great modesty. They have much to be modest about. What is termed "a consumer's bill of rights" is the ultimate consumer fraud, perpetrated this time by Government itself. At the outset it makes no provision for a powerful, centralized, independent agency for consumer protection. Such a creation could possess an unfettered consumer counsel to intervene on behalf of the public in administrative and court proceedings. Under the administration measure, a consumer protection measure would be tacked on to the Department of Justice. The President's consumer affairs adviser supposedly would have statutory coordinating power. How enlightening it would be to see the Attorney General being so instructed. Sort of like a corporal giving commands to a field marshal.

Now the Justice Department often represents agencies opposing the consumer interest. It now has a minimal legal staff dealing with corporate criminal behavior, which accounts for almost all consumer victimization. In effect, the administration seeks to water down the really sound measures now awaiting congressional action. The Government really aims at depriving consumers of assistance under the guise of helping them.

One essential step in inhibiting consumer fraud by industry would be to allow victimized consumers to band together to bring class action suits against individual corporations. Advocating a law allowing such suits would have been true consumer protection. The President cleverly pulls the fangs of this alternative.

His proposal says citizens could bring such suits only if the Justice Department first took an initiative by establishing fraud through a Federal suit. Even then recovery would be limited to 11 types of fraud. This is consumer helplessness. Mrs. Knauer will only have to make 1,463,762 more speeches in the next 30 days to smokescreen this one out. The President's message is replete with clever delaying words, such as "surveillance" and "study." Nothing which would really prevent poor and unsafe goods from reaching the marketplace.

An independent consumer protection agency, well staffed and strong, as offered in the House-originated bill which I have joined in sponsoring, aims at consumer rather than political benefit. Under it, an administrator would audit consumer performance of Government agencies for the Congress. Information would be made publicly available on performance of brand-name products tested by Government. There would be a Director of Consumer Safety. Yet, in each of these areas the President's proposals call for "surveillance" or "dissemination of general information." Instead of curing the disease, he proposes to tell the patient he is ill.

Ralph Nader has assailed the President's consumer program. So has Mayor Lindsay's consumer affairs commissioner, Mrs. Bess Myerson Grant. The attorney general of New York State has been equally negative toward it. Most damning of all, the Consumer's Union has found fundamental fault with the President's entire approach.

For under it, consumers can still be victimized by unsafe goods, frauds, usurious interest rates, shoddy merchandise, and the entire range of deceptions which endanger health as well as steal dollars. Plenty of nifty words endorsing consumerism, but no action.

Meanwhile, this administration is going along with moves which will expose the public to dirty meat for another year or more, as it prepares to give almost every State more leadtime to upgrade inspection procedures; 15,000 plants are involved, producing 15 percent of all meat eaten by consumers. This meat, moving intrastate, was to be subjected to Federal-type inspection by this December 15. Matching grants were offered to help States upgrade procedures. To date, almost all States have been sitting on their hands, awaiting the extension they are now practically guaranteed.

In both House and Senate, bills have been offered to delay the deadline by 1 year, adding a further 1-year grace period after that. Small plants are exempted if they do less than $250,000 annual business. These are the very same plants who were found in 1967 to be the worst offenders.

Meanwhile, Agriculture has been assuring consumer groups the 1969 deadline would be scrupulously adhered to. How about that for consumer protection? When the man charged with enforcing the act was its main opponent, you have a fox guarding the chickenhouse. Label the consumers' chickens.

And yet while all this goes on, we are offered what the Government calls a consumer's bill of rights. The prisoner awaiting execution receives a new suit of clothes.

Where is the voice of President's special assistant for consumer affairs? We have heard for months from her that President Nixon is practically Ralph Nader in disguise. The voice of the consumer in the administration is as silent as a pork chop salesman at a Jewish wedding. The good lady has endorsed direct class action suits by consumers, which seems to have escaped the President's attention. The champion of the people has been telling garden clubs and literary lunches from San Antonio to Dubuque that the President's program will save us all from bad meat, low beef prices, rabies, and the cold wobblies. What will she tell the yeomanry now? That Richard Nixon is a consumer, too? That Agnew believes all consumers are effete shoppers?

That what is good for A. & P. is good for all of us? That once you have seen one consumer fraud, you have seen them all? That once you have seen one piece of dirty meat, you have seen them all? Anybody for chicken in our hot dogs?

The consumer better wake up and use better judgment when she shops, or else somebody here will take away her license to be cheated. What is good for television commentators is good enough for the average shopper.

EFFETISM IN DEFENSE OF LIBERTY IS NO VICE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the mobilization against our Vietnam involvement has come and gone. Washington is relatively quiet once again, and a few comments on recent events are in order.

First, the entire demonstration is a tribute to the young people of this country. They organized and carried through the largest protest of its kind in American history. Those forces who eagerly awaited a chance to exploit any violence were terribly disappointed. Sorry. Better luck next time.

It is enlightening to list events leading up to this protest, for many roadblocks were heaved in its path by supposedly responsible officials. A carefully orchestrated campaign was waged by our highest political authorities to discredit it. Every resource of government was employed in this ignoble effort. Speeches filled the Congressional Record forecasting doom and Communist takeover. They implied that at best the protesters were misguided Communist dupes. Implications of treason flew around the Capitol like feathers in a breeze. I fully expected to see Lenin and Trotsky's ghosts walking arm in arm in front of the demonstration.

Next, our President took to the television screens of the Nation to deliver a Vietnam speech billed as a modern equivalent of the Sermon on the Mount. Its content was as bare of new alternatives or gestures towards dissenters as the Vice President's speeches are devoid of moderation.

I will not dwell upon the Vice President's venture into media criticism, for that is a luscious subject worthy of separate mention. It is worth noting that comedians blossomed into political pundits overnight, seeking to utilize their reputation as entertainers as political levers. Then Government played musical chairs with parade permits, pretending fear at protest demonstrations after failing to drum up major crowds for its own policies. Frontline combat troops were brought into the city in significant numbers, and were deployed in many major Government buildings. Shameful to relate, even the very Capitol of the Nation was turned into an appendage of confrontation, and was used by elements of the Armed Forces. What were these children going to charge them with; death-dealing buttons and banners?

What actually occurred? Approximately 300,000 effete snobs descended on their capital, spent several days protesting the war, and then went home as quietly as they had come. Some few extremists disturbed the peace at the Embassy of South Vietnam and at the Justice Department. They were vigorously disowned beforehand by the entire mobilization leadership. A few windows were smashed. Some tear gas was thrown. Curse words often filled the air. The Washington police, heaven praise them, set an example of law enforcement the entire Nation can look upon with admiration. The President chose to ignore the protest and its arguments, refusing any communication with these people. The White House was turned into something like a bunker.

And who were these people who came? Effete snobs wearing medals won in combat in other American wars. Decent youngsters in their scores of thousands, demonstrating because they still have faith in our system. They were not anarchists or Communists, as the President would have the Nation believe. And I do not think it is yet a crime to trudge in rain and hail past the White House carrying a placard with the name of a dead American boy killed in Vietnam on it. Not yet, at least.

Never has an administration been further or more totally out of touch with an entire generation of American youth. Never before has an administration sought to use Government as an instrument for discrediting such a protest. Never has such an outpouring of sentiment been so utterly ignored by an American Government. Such blindness has rarely been seen in our history.

America changes, changes, changes before our eyes and beneath our feet. Those who have implied these youngsters are traitors have done them a fierce, degrading injustice.

Surely we must learn from what these people have shown us. Surely we must look beyond past silence and recent anger. These are the majority and their views should command some Government accommodation. If we deny their views respect or understanding, we invite mass actions outside the law. If a government will not hearken to voices of its own people, it invites vengeful reaction.

Mr. Speaker, in his book, "All Quiet on the Western Front," Erich Maria Remarque has a remarkable passage. One soldier asks how the war started. Another responds that France got mad at Germany. A third ridicules the idea, commenting that a hill in France could not have been enraged by a field in Germany. Sergeant Katczynski suggests the following solution:

> They ought to rope off a big field and put all the generals and field marshals and politicians and ministers and kings and queens and presidents in it when a war is coming. Strip them down to their long underwear and give them clubs. Then they can beat each other's brains out while we watch from the sidelines.

Mr. Speaker, I am very proud of our youth. A few use dope and support our enemies. A few are criminals and delinquents. Most, however, are simply wonderful, conscience-stricken, concerned, aware young people. I totally reject those who fear them so much that they must condemn them. It seems they struggle for a better world than the one we have created for them. They want a vital America. Mr. Speaker, they love their country and fight for the souls of those who hate them. They love ideals we have taught them. They cherish principles we have told them America stands for. That is why they came. That is why they spoke out. A million soldiers will not cow or inhibit them. No speech by AGNEW will swerve them from their course. Their voice is freedom, conscience, protest, peace, and life. Our Government makes war. They chant "peace." Naive they may be in some few ways. Traitors? Never.

VICE PRESIDENT AGNEW AND THE MEDIA

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, last Thursday, November 13, the Vice President not only attacked network television commentators for their commentary following President Nixon's much heralded November 3 address on Vietnam but also singled out Ambassador Averell Harriman because of his comments on ABC television.

Certainly Ambassador Harriman needs no defense from anyone, but I do want to express my astonishment that the Vice President would make unsubstantiated charges about Ambassador Harriman's role at the Paris peace talks. It is interesting to note that the New York Times reported on November 15 that the White House refused to comment officially on the meaning of the Vice President's charges.

In reviewing Governor Harriman's comments on ABC upon President Nixon's address, I find them to be both well reasoned and restrained. As for the President's policy of Vietnamizing the war, he said:

> I don't think we can be successful in Vietnamizing the war, because I don't think they can carry the weight.

He pointed out, as he had in the past, the necessity of broadening the base of the Saigon regime if it is to gain the support of the people.

In his years of service to our country Averell Harriman has been Ambassador to Great Britain, Ambassador to the Soviet Union, Secretary of Commerce, Governor of New York, Under Secretary of State, chief negotiator for the United States at the talks on the Limited Nuclear Test Ban Treaty, and President Johnson's chief negotiator at the Paris peace talks.

The administration would do well to consult with, and listen to the advice of, Governor Harriman whose experience as a diplomat and negotiator would be of invaluable assistance to the President.

It does not further the course of peace or the unity, which the administration professes to seek, to discredit an outstanding public servant who has contributed so much to his country.

Furthermore, I might add that the Vice President's attempt to intimidate the media by reminding them that the privilege of broadcasting required Government licensing is hardly consistent with democratic concepts of free speech and press.

The New York Post in an editorial on November 15 summed up the dangers of the Vice President's attack and the support the Vice President received from the new Chairman of the Federal Communications Commission. The editorial follows:

DEAN BURCH GETS INTO THE ACT

> Just a month ago today, during his confirmation hearings before the Senate Commerce Committee, Chairman Dean Burch of the Federal Communications Commission assured his questioners that "I would not be a Republican chairman of the FCC, but simply the chairman. I'll be sitting there as an advocate of the public interest."
>
> Now Burch has emerged as a frankly, aggressively Republican chairman of the FCC, hailing Vice President Agnew's blast at the TV networks as "thoughtful" and "provocative," and commending it to "careful consideration by the industry and the public." It developed that Burch had personally asked the networks to produce transcripts of commentary on President Nixon's Nov. 3 Vietnam address—the same commentary Agnew denounced as "instant analysis and querulous criticism." Where will he strike next?
>
> New York Post readers can judge for themselves today whether these commentaries were sinister or thoughtful, capricious or conscientious. The transcripts are published in full in the Weekend Magazine. But whatever one's appraisal of the validity of some of the observations, there can be little serious respect for the claims of both Agnew and Burch that their concern is "responsible" broadcasting.
>
> The real motivation in this case, as transparent as it is ominous, is political reprisal and intimidation. Apart from occasional stout dissents by individual members, the FCC has rarely challenged broadcasters to battle. There are, indeed, many legitimate public-service questions that might be raised on many matters. But there would obviously have been no complaints from Agnew and no seconding statements from Burch had the commentary on the Nixon address been universally favorable or at least acquiescent. The right to assent is still secure.
>
> In other words, they are attempting to promote precisely the same kind of monolithic, partisan comment on public affairs which they profess to be protesting. It is painfully clear that Agnew speaks for President Nixon. Does Burch speak for all the FCC members? Is he really prepared to convene public hearings on licensing in which the test would be loyalty to the Nixon Administration rather than service to the public? The spectacle would be interesting but no such clear-cut challenge is likely. It is plain, however, that although the season for paid political broadcasting is over, both these "commentators" are anxious to make it a year-round activity—without paying for time. And they have raised an unmistakable threat to the integrity of the TV industry and to independent journalism on every level.

MARCH FOR PEACE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, for 3 days—November 13, 14, and 15—Americans from all over this Nation came to Washington to express their opposition to the present policy in the Vietnam war.

On Thursday night, a march against death began at Arlington National Cemetery. For 40 hours, a solemn procession of Americans—each one carrying the name of an American soldier killed in Vietnam—proceeded past the White House, and then to the Capitol.

On Saturday, well over a quarter of a million people gathered on the grounds of the Mall to march on Pennsylvania Avenue to a rally at the Washington Monument grounds.

In this largest demonstration in our Nation's history, a peaceful march took place along a route which less than a week before the Justice Department refused to make available.

Keeping the marchers in line were volunteer marshals, who during the course of the march, made sure that the terms of the permit were met.

The marchers were united in their deep disappointment in the President's Vietnam policy and their desire to see peace and the return of American troops.

The marchers were united in their frustration over the President's refusal to acknowledge their position and their right to express it.

Recently the administration had, through the Vice President, equated disagreement over Vietnam policy with lack of patriotism. But most of the marchers were patriotic, and many of them proudly carried the American flag.

The President still did not listen.

And the Attorney General and Communications Director Herbert Klein dismissed the protest and its importance.

Although local police officals and other authorities praised the peacefulness of the protest, the representatives of the administration stated that the antiwar gathering had not been a peaceful one. They cited two disturbances, one at DuPont Circle involving a march on the South Vietnamese Embassy and one at the Justice Department, involving radical elements. But these disturbances involved a small fraction of the 250,000—by conservative estimate—people who participated in the march.

Yesterday the Attorney General was quoted in the Washington Post as saying:

> I do not believe that, overall, the gathering here can be characterized as peaceful.

Communications Director Klein said that, if there had not been massive security arrangements, a riot would have ensued which would have been far more serious than the April riot of 1968. He based this assessment on evidence that—

> Greater elements, better planned elements who were dedicated to destruction were present in this city during the weekend.

Once again, the administration was balming over 250,000 people for the position of a small percentage. Of course, violence cannot be condoned. But the administration's attitude did not help avert it.

The President recently sent all Members of Congress a photograph of 52,000 telegrams he received the day after his speech on Vietnam illustrating his support from the "silent majority."

Senator EUGENE MCCARTHY, in his remarks before the march on Pennsylvania Avenue, told the thousands of people—who had come to Washington to demand peace now—that they bore better witness than 52,00 telegrams.

On Saturday the peace marchers were living proof that the ratification of the first amendment in 1791 was not a mistake. For on Saturday, Americans exercised their freedom of speech, assembly, and right to petition the Government for redress of grievances.

They spoke in a loud, clear, and unified voice. And they did so peacefully.

Such a demonstration cannot be ignored.

I include at this point in the RECORD an editorial from today's Washington Post which states:

> The effort by this administration to characterize the weekend demonstrations as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue.

I also include Tom Wicker's column from today's New York Times, in which he observes:

> But if the President continues to make policy on the pretense that the protest movement is not serious, he will be basing that policy on an unreality.

The material follows:

[From the Washington Post, Nov. 18, 1969]

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—the enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazies—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—over-all—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people over-all out of a crowd of a quarter of a million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the likes of that since Marie Antoinette.

[From the New York Times, Nov. 18, 1969]

In The Nation: Missing the Point of the Mobe

(By Tom Wicker)

WASHINGTON, November 17—Attorney General Mitchell told the nation Sunday that the gathering of a quarter-million Americans in Washington to demonstrate against the war had not been peaceful enough. On another network, Herbert G. Klein, the Administration's director of communications, insisted that the majority of the people support the President, no matter how big the turnout was.

The facts are that:

The kind of violence Mr. Mitchell and the Justice Department said in advance that they expected was never remotely in evidence. A magnificent performance by the Washington police and the Mobilization marshals, a jovial and generous spirit in the immense crowd, the nature of the occasion, perhaps even the clear but cold weather, kept the violence to a minimum. The incidents that did occur were clearly the work of fringe groups.

Nobody ever claimed that the size of the turnout would be an accurate guide as to how many people do or do not support Mr. Nixon's Vietnam policies. It was a much bigger gathering than the Administration wanted and it might well be asked whether Herb Klein or anybody alse believes he could get 250,000 people together anywhere in this country to march in support of Richard Nixon and the present pace of his peacemaking. But the real point is simply that the Mobe showed once again that a huge and dynamic segment of the population wants that pace speeded up, and sharply.

THE HARD FACT

That is the fact that confronts Mr. Mitchell and Mr. Klein after the Mobe. That is the fact that they tried to diminish on television. That is the fact that Mr. Nixon, behind the wall of parked buses that surrounded the White House, tried to ignore by tuning in the Purdue-Ohio State game (not that he could have found any of those unfair Eastern liberal networks televising perhaps the largest crowd ever seen in America, and certainly in Washington; where were they?)

But this hard fact will not go away. The protest movement is not a fringe group of violent extremists. It is not a small and unreasonable minority. It is a serious, sizable, sustained element of American politics that, while it may or may not be a majority, certainly is not silent. It is active, growing, determinated and here to stay.

Nevertheless, the reaction of Mr. Klein and the Attorney General, which may be taken for that of the President, suggest not only that Mr. Nixon is standing firm on his approach to Vietnam, which was to be expected; they suggest also that the Administration will persist in trying to discredit and deny the importance of the opposition to that approach. Like King Canute and Lyndon Johnson, it will try to command the waves to cease.

But if the President continues to make policy on the pretense that the protest movement is not serious, he will be basing that policy on an unreality.

NO TIME FOR DELUSION

Take, for instance, the empty debater's argument that a President cannot make decisions under the pressures of a street mob; of course he can't, but no one expected Mr. Nixon to take a look out the window on Saturday, then call Hanoi. What he might be expected to do is to stop deluding himself that there is enough unity in this country to permit, without serious political and social disruption, the long, dubious process of "Vietnamization."

The Administration also asserts that peace demonstrations encourage Hanoi to hold out. But not only does the evidence suggest that Hanoi—certainly the N.L.F.—will hold out anyway; surely it is unrealistic for Mr. Nixon to expect the peace movement, with its origins and experience, to swallow its moral objections to the war and its political doubts about his policies so that he can move unhurriedly toward a faraway and ill-defined end. It is the most frightening of his difficulties that so many Americans no longer trust their leaders that much.

The point the Nixon Administration seems to miss, as its predecessor did, is that the main cost of the war is in America itself—the alienation of the young as well as more and more of their elders from a political system that appears ineffective and a Government that seems unresponsive—and it is far too great for any interest that might conceivably be pursued in Vietnam. That Mr. Nixon cannot see this is why he could not see the mobilization for what it was.

THE BILL BRYANT STORY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the story of Summersville, W. Va., is a success story whose leading character is Bill Bryant. As mayor of this bustling Nicholas County metropolis, 48-year-old Bill Bryant is starting his seventh 2-year term. A bundle of energy, he has turned his hand to so many civic projects that he leaves the average person gasping for breath, but they all end up gasping with admiration for his talent, pride, and drive.

One of the high watermarks of his tenure as mayor came in 1966 when President Lyndon B. Johnson came to Summersville to dedicate the Summersville Dam and Reservoir. Crowds thronged Summersville not only to see and hear the President of the United States but to pay tribute to Mayor-millionaire Bryant, a native of Beckley who came to the town as a lowly payroll clerk in 1948 and rose to be lord of the roost.

The Bill Bryant story should be made into a motion picture, it is so fabulous. It is a typical American story of rags to riches, but even more it is an inspiring story of how determination and community pride can remake small-town America and make it into something which is living and vibrant.

Mayor Bryant has time for national political activity as well as running his hometown. As a delegate to the Democratic National Convention, he helps make national policy. He is well known throughout West Virginia. His accomplishments should be an inspiration for all Americans, and the progress of Summersville is graphically told in some of the following articles from the Charleston, W. Va., Daily Mail of November 14, 1969:

SUMMERSVILLE SUCCESS STORY: INITIATIVE, INGENUITY

(By Richard Grimes)

Summersville, a one-time typical coal town, has turned the tables on poverty. The place is booming.

And, there are many success stories in the Nicholas County seat as a result of it.

One story might be the people—friendly ones not afraid to invest their time, money and energies in the young people of the area.

Another might be the local speculators like Mayor William S. Bryant who 22 years ago pinned his hopes on virgin coal fields around Summersville and came out smelling like a million dollars. Much of his good fortune has been invested back in the town.

The story might be the Bright brothers, natives of the community who started a greeting card business in their bedroom and now, not even a decade later, operate a multimillion dollar industry, hiring 300 people, in a structure covering two football fields just outside Summersville.

And so on. Easily, there are a dozen more.

The story seems the reverse of elsewhere across Appalachia. In most instances, the spark of hope long trusted by the Mountaineer that his once bustling, tiny coal town will someday shake the drabs and again ring with life, flickers no more.

West Virginia has its string of them, too: towns once rich in, if nothing else, spirit and young high school football players; and now bleak crossroads with depressed widows whose children left for the city and whose husbands died from disappointment long before their graves.

But out of the ashes has emerged this hot bed of coals—Summersville, a town of 2,500 that was a crossroads and became a community, rich in spirit and wealth.

What might appear to the uninformed traveler as simply some houses and a store at the intersection of U.S. 19 and W.Va. 39 actually is the production center for coal, greeting cards, placemats, model homes, camping trailers, plastics, mine machinery and shoes. Some 500 are employed in Summersville proper, and another 700 on the perimeter.

The city sports a new municipal building, library and teen center complex, plus a modern, five wing, convalescent hospital that may go general in the near future.

For a switch, young people are returning to Summersville. While there is no true way to measure at this point, the mayor, a banker, a county clerk, a grocer and a coal miner all say that between 50 and 75 per cent of the area's working force is under 35 years of age.

Besides that, executives from Ohio, New York and Pennsylvania are moving to Summersville to base operations.

Take John Harris, a big man in the plastics field. He came to Summersville from Binghamton, N.Y. in February to invest talent and money in a new plastics plant in the heart of town.

Harris plans to organize the Summersville Players, a theater group he says will soon be one of the best in the state. He adores the Charleston Civic Center and predicts his players will someday perform there.

"I can't understand why West Virginians complain. This is great down here . . ." he adds. "I fell in love with West Virginia immediately."

Harry Richards, who was an engineering consultant to 20 hospitals in the Toledo, Ohio area gave that up to come to Summersville and become executive vice-president of Cardinal Homes, a firm building eight mobile homes a day with 25 men.

Most of the imports say Mayor Bryant was instrumental in bringing them to the Nicholas County seat.

Four major industries have started up this year alone. Besides Cardinal Homes, for example, Hanna Line is building a plant to make camping trailers. Bright of America, which started in greeting cards for fund raising groups, has diversified into other fields and is contemplating further expansion.

Inventive Molded Products Co. has its hand on a contract that may revolutionize the plastics packaging industry. There are 25 coal companies around the city. The Carroll Shoe Company is going strong.

U.S. Department of Labor statistics indicate that in the last decade Summersville and its surrounding area has increased from 45 to 75 businesses.

The population has grown almost 1,000 in 10 years and the mayor predicts it will exceed 5,000 before 1980. "That increase, incidentally, will be one of well trained people," says Mayor Bryant.

Bill Bright, one of the successful Bright brothers, says his firm is forced to tie up housing ahead of time so that enough is available for his people. Not only that, but he is counting on the town's mobile home manufacturer to produce enough units to assist in the housing shortage there. Since 1955, more than 300 new homes have been built in and around Summersville.

Of course, there is popular Summersville Dam nearby. It opened in 1966 and already is a tourist attraction for West Virginians. Still, Mayor Bryant says it hasn't even started to be the recreation mecca it will be for the eastern United States when the Appalachian Highway System passes it.

Summersville has its problems. The roads are not up to snuff and Nicholas County still has an unemployment rate higher than the national average. But it's a far cry better than it was 15 years ago and prospects of additional improvement are great. And, there are hot politics in the city, some jealousy and probably some hate.

"You have to expect that," says the mayor, "when there is money to be made and people are competing."

IMPRINT BOTTLE IS THE NAME TO REMEMBER

Remember the name, "Imprint bottle."

It may revolutionize the packaging industry, says its future manufacturers in Summersville.

Summersville Mayor William S. Bryant and former New York plastics industrialist John Harris are building a plant in which to produce it. Things should be ready by next August.

Their firm, Inventive Molded Products Co., has a verbal understanding from the German inventor of the operation that the Summersville company will be given exclusive U.S. manufacturing rights.

Usually, a plastic bottle is made in one operation, explains Harris. Then, in a separate operation, the label is put on or the printing is done. Sometimes, the bottle is transported to another location for labeling.

Under the new method, the label will be formed into the plastic bottle at the same time it is being formed. One operation for both processes should cut the overall production time and cost 30 to 40 per cent, says Harris.

When you ship bottles, you ship air. So, he points out, either the firm will have to sub-license other manufacturers to produce it, or the Summersville firm will have to build other plants.

"We won't take it more than 500 miles," Harris says.

The firm also expects to get into the plastic whisky bottle business. "It's a natural," Harris adds.

Under the imprint bottle method, the coloring on labels will permit a maximum of eight colors.

According to Harris, present labeling methods permit five colors.

MAYOR BILL BRYANT'S HAND EVERYWHERE IN COMMUNITY HE SERVES WITHOUT PAY

There is a saying around Summersville that when you eat or sleep here, you must deal with Bill Bryant.

Mayor William S. Bryant owns more than his fair share of greater Summersville and makes no bones about it.

Some love him for it and others hate him.

Veteran Nicholas Countian Miss Sarah Hamilton says she can remember when the town had boardwalks and outhouses on the main street. Then came Bill Bryant, she beams.

"I've seen the city move from not much of anything to this bustling community. And Bill Bryant championed it. This has to be our greatest day. He goes out and dares to do this and dares to do that . . ."

On the other hand, retorts a town opponent, "Bill Bryant is like a pumpkin seed. You put one in the ground and it takes over the whole damn garden."

Whatever the recipe is for mixing financial wizardy with political savvy, Bryant has found it.

He doesn't have enough fingers and toes to count his investments. He owns Cardinal Homes, most of Inventive Molded Products Co., is vice president of Peerless Coal Co. and owns three corporations that operate hotels, motels and eating establishments in Nicholas County. Then there are his land holdings.

He confirms that his estate is worth a million dollars. With his wife and two daughters (he has a son attending Marshall) he resides in a stone mansion atop a knoll in Summersville. He has an ample supply of cars and a horse farm for a back yard. But he lets someone else farm it.

"I'm the type of guy who would rather stand with a glass of scotch and watch," he says.

Bryant explains frankly that he knows he manipulates and that he dangles money to get things for Summersville, but adds: "The town is prospering, isn't it?"

Bryant, besides traveling to make promotion for his town, says he gives at least $1,000 annually from his pocket to the city. He doesn't accept his $100 a month salary for being mayor.

"Sure, my business is more important to me than being mayor," he says. "It would have to be. Politics is a hobby for me. Of course, the people here are terrific and this place is my life."

Bryant, a Democrat, is 48. He recently started his seventh, two-year term, or 13th year as mayor of Summersville. The last four times he has been unopposed.

He doesn't know whether he wants to be mayor again. "I'm interested in the state Senate." His friends would like to see him governor. Bryant kind of smirks at the thought, but adds:

"I think I could do for West Virginia what I've done for Summersville." Bank official Larry Tucker, also President of the state's Young Democrats, says: "Bill will make us a fine governor in 10 years."

Asked what will happen to Summersville when Bryant dies, he says, "This is a real problem. I worry about that. Really, I do."

Yet, Bryant moves so fast it may be difficult for someone else to grab the reins. The federal government built the lake and dam, but people around the town say if it hadn't been for Bill there would be no dam.

The convalescent hospital was partially financed by Hill-Burton Funds at a time when they were available only to nursing and convalescent hospitals. So that's what the hospital is. But a tour indicates that with few modifications it might just as easily be a general hospital. When queried about this, hospital officials could only smile sheepishly and refer the reporter back to Mayor Bryant. The mayor, when questioned, gave an ornery smile.

Bryant runs the town, not from city hall, but from his second floor office atop The Farmers Merchants Bank or in an office in the St. Nicholas Hotel across the street. "I rarely use the mayor's office in the municipal building," he says.

The man on the street, knowing full well that Bryant may own the land he lives on, still, for the most part, speaks highly of him. Bryant appears to have the greatest admiration for the townspeople. Like the boy with a reconstructed village under the Christmas tree, Bryant shows off the area and the people with the greatest pride.

A native of Beckley, he came to Summersville area in 1948 as a payroll clerk for the Peters Creek Coal Co. As other coal firms moved in, he applied his talents and moved up. He bought into the companies and it paid off. He bought land around Summersville and cashed in when the influx came to Summersville. Bryant is the graduate of a business college in Roanoke, Va.

One day a man called the mayor and, in an effort to get Bryant to endorse a new memorial park, said: "Mr. Bryant, how would you like to go into a cemetery?"

Replied, the mayor: "There are a lot of people around here who would like to see me in a cemetery.

"When I die, I expect to be buried on the courthouse lawn."

AGNEW, THE WASHINGTON MARCH, AND FREEDOM OF THE AIRWAVES

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, on November 13, 1969, in his Des Moines speech, Vice President Spiro Agnew lashed out at the television industry for its instant analysis and commentaries which occurred immediately after President Nixon's Vietnam speech on November 3.

The Vice President said:

> When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of 70 million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the *majority* of whom expressed, in one way or another, their hostility to what he had to say.

The Vice President also said:

> How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show?

The Vice President's speech was drafted far in advance of November 13. As a matter of fact, the entire speech was printed in the issue of Human Events dated November 22, and delivered November 15 and submitted to the magazine, before actual delivery of the Vice President's speech in Des Moines. It was expertly prepared by an effete panel of cornflake public relations men in the best tradition of the Madison Avenue industry.

Was it coincidental that the Vice President's expertly prepared speech was delivered 2 days before the young peoples march in Washington? Did the Vice President intend to warn the television industry from covering the events on Pennsylvania Avenue and the Washington Monument? When the Vice President's speech was fully endorsed by Federal Communications Commissioner Dean Burch, former Republican Chairman, the words were supported by the flexed muscle of Federal regulators.

For 32 minutes on November 3, the President spoke to the entire Nation on Vietnam. For 2 days, in dreadful weather, 250,000 young and old Americans petitioned their Government in utter blackout by the television medium. Vice President Agnew and Dean Burch made their point—put the Washington march on television, and we will get you.

Following is an excellent article by Nicholas von Hoffman entitled "Television Blackout," which appeared in the Washington Post on November 17, 1969:

Television Blackout

(By Nicholas von Hoffman)

The television networks can broadcast live and in color from the moon but not from the base of the Washington monument. NBC had one, mind you, one live camera to photograph the largest political meeting in the history of the United States. It was used three times for a total of five minutes, and that was all the live coverage there was on American television; the other networks had none.

The vast rally was made to order for television. It's the kind of story that makes us old pad and pencil journalists wish we could get into electronics, but on Saturday it was the TV correspondents who were coming up to us and saying, "My God, you don't know how lucky you are to work for an outfit that will cover the news. We collapsed on this story."

Think what it would have cost if the networks had gone out to buy the talent that was performing on the stage across the field from the great marble spike, Arlo Guthrie, Dick Gregory, Leonard Bernstein, Richie Havens, Pete Seeger, Earl Scruggs, Peter, Paul and Mary; Mitch Miller, John Denver, Tom Paxton, John Hartford and the cast of "Hair" singing the super hit song from the show. If that isn't a spectacular, then what is? Companies like Plymouth and Westinghouse pay hundreds of thousands of dollars to put entertainment of that quality on the tube, and here it was for free.

But that wasn't all. There was a supporting cast of hundreds of thousands costumed in everything from the saffron robes of buddhist monks to cowboy outfits. There was street theater, impromptu traveling bands of music makers, giant puppets, a thousand different kinds of visual jokes, signs and slogans. Just the kind of stuff that drives a writer to make movies or try for a job in television.

On the more sober side, there was the political meaning of the event, which was either missed or mutilated. If, five years ago, somebody had told you that between a quarter and a half million people would turn up at the White House carrying hundreds of red flags you would have had him committed to the boobyhatch. But it happened; there were countless red flags of revolution and black flags of anarchy there on Saturday. On the flag poles planted in a circle around the base of the Washington Monument where the American flag usually flies, there was a Vietcong flag, peace banners with the upside down Y, Yippie pennants and emblems from organizations too new or too obscure to be easily identifiable.

It would have been performing a service television is supposed to perform to show these symbols and how they were used. It would have been useful to let the television audience see and make its own judgment of how many people in that throng were signifying their politics by making the V-sign and how many were using the clenched fist and shouting, "Right on! Right on!" Because of the television blackout—and that's what it was for practical purposes—the public will have to accept reporters' estimates of these highly indicative acts. We reporters try to be fair but every human being's perception is colored by his beliefs and sympathies, so that each person will make and pass on to the public a different assessment when the public could have made its own.

Now let's look at what the networks' schedules show them putting on the air during the hours the President of the United States was hiding in his house behind barricades of buses and battalions of soldiers lest maddened waves of peace-crazed young Americans see him in the flesh and ask, "WHY?" NBC was offering, among other items, "Ba-

> nana Splits Adventure Hours," "The Flintstones" and "The All-American College Show." About the time this unbelievable march kicked off down Pennsylvania Avenue, Metromedia was airing "The Spirit of Notre Dame," a 1931 movie starring Andy Devine and Lew Ayres, for its Washington audience. Lord, wouldn't it be terrible to miss that one to look at a half a million pinko faggots who ought to go back to Russia?
>
> Later in the day, Metromedia showed the following musts: reruns of "Daktari," "I Love Lucy," "Gidget" and "I Spy." The American Broadcasting Company had a football game on, while CBS checked in with some real heavy stuff: "The Perils of Penelope Pitstop," "Scooby-Do, Where Are You?" "Superman" and "The Red Skelton Show."
>
> However, never let it be said that CBS, with its staff of highly paid, veteran newsmen is not alert to the exigencies of the times. No, no, CBS was on the spot with an evening special telecast, an hour and a half long, and do you know what it was? No, you don't know what it was because you weren't watching. You were too worked up and excited about the March, so you missed it. You missed, "Miss Teenage America With Dick Clark."
>
> A lot of people are going to blame this disaster on Slugger Agnew. Slugger's all right. Don't pick on him, because he's one of the few elected officials we've got who shows himself for what he is. If he feels that his boss isn't getting enough adulation from those Alpo Dog Food salesmen who read the Associated Press wirecopy on the air, Slugger muscles himself some airtime to threaten the network executives.
>
> He needn't have bothered. It appears from asking around that the decision to black out this enormous rally in favor of "The Archie Comedy Hour" and "Wacky Races" (CBS, the both of 'em) was made before Slugger opened America's biggest mouth. And that's the pity of it. They don't need to be threatened with censorship. They'll castrate themselves and call it "sound news judgment."
>
> They are genuinely upset at what Slugger did to them, because he did it out in the open. They've lost face and been humiliated, and so they're running around to the newspapers saying, "We're journalists, too, we should have the same first amendment-free speech rights as the printing press."
>
> You can't maintain a right without using it and in the case of free speech that means saying things a lot of people dont' like. You don't need free speech to put on propaganda plugs for government front organizations like the Boy Scouts and the Red Cross. You need the protection of the first amendment to do things that will get you angry phone calls and letters, things like covering the rally Saturday.
>
> As it is now, we might as well let Slugger have the networks. That way there won't be any confusion about their being independent news agencies; everybody will know that they will have become, in a more genteel way, the American equivalent of Radio Moscow. We'll all buy ourselves shortwave sets and listen to the Canadian Broadcasting Company.

In the final paragraph of his Des Moines speech of November 13, Vice President Agnew said of television network power:

> We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

However grave are the dangers of the concentration of power in those who determine the content of network communications, they are less than the infinitely greater danger of government manipulation and restraint on circulation of ideas and information.

Mr. Corydon B. Dunham, vice president of the National Broadcasting Co., on Monday, August 11, 1969, in a speech entitled "Crossroads: Free Media or Regulated Access" before the American Bar Association said:

> It is important to our society that there be access to information and ideas. The question is whether providing a regulatory remedy of access to the mass media to serve this clearly definable end will serve the public—particularly when the price is undefinable government regulation of media content which the tenets of an open society and our own traditions have historically condemned.

The risk of abuse of fairness by the television industry which Mr. Agnew and every other American can openly criticize and attack is indeed a lesser danger than the risk of assault on freedom by political groups which can control the administration of Government and suppress truth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mrs. Hansen of Washington, for November 19 through December 2, 1969, on account of urgent district business.

To Mr. Kyl (at the request of Mr. Gerald R. Ford), for November 20 and the balance of the week, on account of official business.

To Mr. Ayres (at the request of Mr. Gerald R. Ford), for November 20 through November 24, on account of official business as member of House Committee on Education and Labor.

To Mr. Watson (at the request of Mr. Gerald R. Ford), for today on account of knee injury.

To Mr. Watson (at the request of Mr. Gerald R. Ford), on November 19 and the balance of the week, on account of official business as a member of the House Select Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members) at the request of Mr. Whitehurst), to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 15 minutes, today.

Mr. Milller of Ohio, for one hour, on November 25.

Mr. Rhodes, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 10 minutes, today.

(The following Members (at the request of Mr. Preyer of North Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. O'Hara, for 30 minutes, today.

Mr. Gray, for 10 minutes, today.

Mr. Rarick, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McCormack to extend his remarks, and that the remarks that he made and the remarks made by other Members today on the death of Joseph P. Kennedy appear at the outset of the Record of the House today.

Mr. Miller of California in five instances.

Mr. Evins of Tennessee on the conference report on H.R. 12307 and to include tabular matter.

Mr. Holifield and to include extraneous matter.

Mr. Macdonald of Massachusetts, to have his remarks on the death of Joseph Kennedy follow those of the Speaker, today.

Mr. Hechler of West Virginia to extend his remarks and include extraneous matter during general debate on H.R. 14794, today.

Mr. Halpern to extend his remarks prior to the vote on the Koch amendment to H.R. 14794, today.

Mr. Randall to extend his remarks during consideration of H.R. 14794, today.

(The following Members (at the request of Mr. Whitehurst) and to include extraneous matter:)

Mr. Hastings.
Mr. Sebelius.
Mr. Reid of New York.
Mr. Cowger.
Mr. Pirnie in two instances.
Mr. Conte.
Mr. Grover.
Mr. Steiger of Wisconsin.
Mr. Burke of Florida.
Mr. Rhodes in five instances.
Mr. Riegle.
Mr. Bob Wilson.
Mr. Schwengel in three instances.
Mr. Wyman in two instances.
Mr. Lloyd.
Mr. Mizell in three instances.
Mr. Ashbrook.
Mr. Don H. Clausen.
Mr. Halpern.
Mr. Gubser.
Mr. Lipscomb.
Mr. Nelsen.
Mr. Wold.
Mr. Schadeberg.
Mr. Hansen of Idaho.
Mr. Collier in two instances.
Mr. Cramer.
Mr. Fulton of Pennsylvania in five instances.
Mr. Foreman in two instances.
Mr. Davis of Wisconsin.
Mr. Collins in four instances.
Mr. Taft.
Mr. Arends.
Mr. Córdova.
Mr. Buchanan in two instances.
Mrs. Reid of Illinois in two instances.
Mr. Horton in two instances.

(The following Members (at the request of Mr. Preyer of North Carolina) and to include extraneous matter:)

Mr. Ottinger.
Mr. Corman.
Mr. Long of Maryland.
Mr. Edwards of California.
Mr. Boland.
Mr. Gonzalez in two instances.
Mr. Jacobs in two instances.
Mr. Clay in six instances.
Mr. Matsunaga.
Mr. Rees.
Mr. Marsh.

Mr. ANDERSON of California.
Mr. RARICK in three instances.
Mr. NEDZI.
Mr. HAWKINS.
Mr. GAYDOS in three instances.
Mr. FEIGHAN in five instances.
Mr. BINGHAM in three instances.
Mr. TEAGUE of Texas in eight instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. CASEY.
Mr. FRASER in four instances.
Mr. COHELAN.
Mr. NICHOLS in two instances.
Mr. WILLIAM D. FORD.
Mr. TUNNEY.
Mr. NIX.
Mr. HATHAWAY.
Mr. HUNGATE.
Mr. DULSKI in four instances.
Mr. HAGAN in three instances.
Mr. FOLEY.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, November 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1344. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value, by country, of support furnished from military functions appropriations, for the first quarter of fiscal year 1970, pursuant to the provisions of Public Law 91-33; to the Committee on Appropriations.

1345. A letter from the Acting Assistant Secretary of Transportation for Administration, transmitting a list of the purchases and contracts made by the U.S. Coast Guard under clause 11 of section 2304(a) of title 10 of the United States Code since April 30, 1969, and a report that no procurements were made under clause 16 of that section, pursuant to the provisions of 10 U.S.C. 2304(e); to the Committee on Armed Services.

1346. A letter from the Comptroller General of the United States, transmitting a report on the need for improved management of repair and maintenance of public school buildings by the District of Columbia Government; to the Committee on Government Operations.

1347. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities; to the Committee on Post Office and Civil Service.

1348. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to modify the project for Libby Dam, Kootenai River, Mont.; to the Committee on Public Works.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. S. 118. An act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes; with an amendment (Rept. No. 91–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 91–651). Referred to the House Calendar.

Mr. RIVERS: Committee on Armed Services. H.R. 14227. A bill to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index; with an amendment (Rept. No. 91–653). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 14571. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes (Rept. No. 91–654). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 12025. A bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes; with an amendment (Rept. 91–655). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Conference. Conference report on H.R. 12829 (Rept. No. 91–656). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 11612. (Rept. No. 91–657). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 1728. A bill for the relief of Capt. Norman W. Stanley; with an amendment (Rept. No. 91–652). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 14840. A bill to restore an appropriate separation of powers within the Federal Government in the area of equal employment opportunities and to preclude encroachment upon the legislative powers and functions of the Congress in this area; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 14841. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next-of-kin of the serviceman; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 14842. A bill to amend title XVIII of the Social Security Act to include payment under part A thereof for the costs of services needed for the treatment of any dental condition or afflication; to the Committee on Ways and Means.

By Mr. EDMONDSON (by request):

H.R. 14843. A bill to amend the laws relating to the Osage Tribe in Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of Louisiana:

H.R. 14844. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. CRAMER, Mr. HARSHA, and Mr. DON H. CLAUSEN) (by request):

H.R. 14845. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Public Works.

By Mr. FLOWERS:

H.R. 14846. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. MAYNE:

H.R. 14847. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. PERKINS:

H.R. 14848. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 14849. A bill to amend the Public Health Service Act to provide for the making of grants to certain medical and dental schools, which are in dire financial distress, to enable such schools to continue, without curtailment, certain service functions, programs and activities which are in the national interest; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 14850. A bill to amend the act of September 13, 1962, authorizing the establishment of the Point Reyes National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER:

H.R. 14851. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 14852. A bill to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. DANIELS of New Jersey:

H.R. 14853. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 14854. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho:

H.R. 14855. A bill to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Louisiana:

H.R. 14856. A bill to amend the Public Health Service Act to provide for the payment of a rehabilitation pension to certain persons released from Public Health Service hospitals after treatment for leprosy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14857. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands; to the Committee on Merchant Marine and Fisheries.

By Mr. PURCELL:

H.R. 14858. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. Steiger of Arizona, Mr. Udall, Mr. Lujan, Mr. Foreman, Mr. McClure, Mr. Hansen of Idaho, Mr. Olsen, Mr. Melcher, Mr. Burton of Utah, Mr. Lloyd, Mr. Pollock, Mr. Talcott, Mr. Tunney, Mr. Pettis, Mr. Van Deerlin, Mr. Johnson of California, Mr. Sisk, Mr. Baring, Mr. Wold, Mr. Andrews of North Dakota, Mr. Kleppe, Mr. Reifel, Mr. Berry, and Mr. Foley):

H.R. 14859. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. RHODES (for himself and Mr. Lipscomb):

H.R. 14860. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. WYDLER:

H.R. 14861. A bill to amend the Miller Act to preclude recoveries on prime contractors' bonds of extensions of credit irresponsibly made to subcontractors; to the Committee on the Judiciary.

By Mr. BOLAND:

H.J. Res. 986. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.J. Res. 987. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune; to the Committee on House Administration.

By Mr. FOREMAN:

H.J. Res. 988. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 989. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 990. Joint resolution to amend the joint resolution entitled a "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America" to permit the display of all-weather flags at night and without regard to weather conditions; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 991. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PERKINS:

H. Con. Res. 451. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H. Con. Res. 452. Concurrent Resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself and Mr. Burke of Massachusetts):

H. Con. Res. 453. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. WAGGONNER:

H. Res. 710. Resolution providing funds for the Committee on House Administration; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Res. 711. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first-use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

By Mr. FISHER (for himself, Mr. Ashley, and Mr. Stubblefield):

H. Res. 712. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. FOLEY:

H. Res. 713. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of California introduced a bill (H.R. 14862) for the relief of David Hernandez-Luna and Alicia Leon Guerrero de Hernandez, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

334. The SPEAKER presented a petition of the Kadena-son Villagers' Rally for Immediate Withdrawal of B–52, Okinawa, relative to withdrawal of B–52 bombers from Okinawa, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

JAMES BATTLE: "WHAT'S RIGHT WITH AMERICA"

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to call to the attention of the House a very meritorious enterprise. James Battle, a student at Virginia Polytechnic Institute, is author of a "What's Right With America" program there. Jim is a senior, an A-student, with a major in space and mechanical engineering. He is a member of the student senate at VPI.

His father, Laurie C. Battle, is known and respected by all the Members of this body and is presently the counsel and staff director of the House Committee on Rules. Laurie Battle distinguished himself as a Member of the Congress serving the people of the Birmingham area, whom it is now my pleasure to represent. He was author of the Mutual Defense Assistance Control Act of 1951, better known as "the Battle Act." After 6 years of outstanding service to the then Ninth District of Alabama, he did not seek reelection to the House. He is well remembered with great appreciation by the people of my city.

As the newspaper article enclosed hereafter makes plain, Jim Battle is a student leader representative of the finest qualities of American manhood. It is a pleasure to call to the attention of my colleagues this example of a fine son following in the footsteps of his distinguished father.

The article follows:

SGA Senate Vote Supports Battle's "America" Program

(By Art Cover)

The Student Senate voted Tuesday night to support the program "What's Right with America" to be held November 18 on the Virginia Tech campus.

Senator Jim Battle spoke about the program stating that despite the fact that there are many things wrong with America, there also is "a lot our nation has to be proud of."

Battle did not give the exact details of the program for the rally because "its policy will be formally made at a committee meeting Thursday." The committee includes members of the sponsoring organizations. He did say that it would be "in contrast to aspects of the Moratorium demonstration," but would not be "pro-war."

The program tentatively planned includes a "one-half to one hour commentary" and will feature "students and faculty members presenting prepared speeches." Battle pointed out that he was not trying to hold an anti-anti-war demonstration; rather, that the purpose of the rally is to emphasize student belief that America has a lot to be proud of.

Battle emphasized that the supporters of the program did not want people to cut classes, as the supporters of the Moratorium requested students to do, but "to come whenever they can."

Before the beginning of the Senate meeting, Battle passed a petition to the members of the Senate, requesting them to sign it. The petition read as follows:

"The Student Senate, representing the student body of V.P.I., recognizes the great need for a proper perspective of the American scene. While being aware of our nation's problems, we must also recognize that our nation has much to be proud of. We therefore endorse the program "What's Right with America" which has the above stated goals and which will occur on November 13, 1969, on the Tech campus. The above should in no way interfere with the regularly scheduled activities of the university." Approximately 25 of the Senators signed the petition.

Battle stated that every American Flag that could be found would be displayed.

SALUTE TO DENMARK

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FARBSTEIN. Mr. Speaker, it is my pleasure to insert in the RECORD the statement delivered by my good friend, Charles H. Silver, president of Beth Israel Medical Center on October 23, 1969. At this "Salute to Denmark" Dr. Karl Henry Koster, who spearheaded the rescue operation of the Danish Jews, was honored. Also present were Consul General G. F. K. Harhoff and Mr. Eliott Arnold, author of the book "A Night of Watching" Dr. Koster was presented with a plaque, in English and Danish, and a plaque has been placed at the entrance of the Beth Israel Medical Center in his honor.

SALUTE TO DENMARK

(Address by Charles H. Silver, president, Beth Israel Medical Center)

Few stories have revealed human nature as vividly as one by the immortal Hans Christian Andersen called "The Emperor's New Clothes."

The gleanings of Andersen's vast genius will never fade in the memory of man. But there is another story that has much to do with our meeting here tonight—and one of its chapters might be called "The King's New Clothes."

For it was in 1940, shortly after the sudden and brutal occupation of Denmark, that the ruthless conqueror ordained that all Jews must don a badge of shame in this land where every denomination had been granted freedom of religion for many decades.

The morning on which this hateful decree was imposed, Denmark's noble ruler, King Christian the Tenth, appeared in his court and in public proudly bearing on the sleeve of his tunic the same yellow badge emblazoned with the Star of David—identifying himself as one with his Jewish subjects.

Thus, he proclaimed the profound disgust and defiance of the Danish people and his personal decision that just as the Jews had become part of Denmark, the heart of every Dane was deeply involved and outraged by this persecution. And this is just one chapter in the thrilling story of Denmark's heroism under the heel of the Nazi invader.

The souls of men were lifted by the brave and loyal act of this people and their monarch in linking themselves with the plight of the Jews. But Denmark's finest hour was yet to come.

It came in the grey dawn of Rosh Hashonah—the Jewish New Year—October first, 1943—A grim day in the history of Nazi cruelty—A great day in the anthology of humanity.

After three-and-a-half years of occupation and oppression, Hitler decided that Denmark was to serve as a model of the means to solve the "Jewish Problem."

All Jews were to be rounded up and sent to concentration camps.

An imported striking force of Storm Troopers began to search for Denmark's 8000 Jews.

The vans were waiting to pile them in like cattle.

The ship was waiting to chain them in like slaves.

The streets of every Danish city echoed with the ominous tramp of Nazi boots.

Fists and gun butts battered against the doors of Jewish homes.

The search was savage and tireless—and almost in vain.

As the incomparable Victor Borge puts it in his epic lines, it was: "Without a moment's hesitation, without a thought of self, without question, without appeal—the Danish people took the—Jews out of sight—into hiding! In attics! Into cellars! Into haylofts! Little Jewish families hidden under every bush and barrel!"

It was the story of Anne Frank multiplied eight thousand times—and that story had a happy ending—seven thousand five hundred happy endings.

That is how many Jews were rescued—seven thousand five hundred—in a Danish Dunkirk.

Hundreds of fishing boats took them to sanctuary in neutral Sweden. They sailed silently in the dead of night across ten to twelve hours of dangerous sea. The Jews lay huddled in the holds under oilskins—covered with fish—holding their breath in the fearful knowledge that the destination was death unless the courageous Danes who piloted these boats could run the gauntlet of guns and searchlights on the Nazi ships all around them.

Miraculously, they got through! The almost unbelievable courage of the Danes was matched by the Norwegians, the Finns and the Swedes.

Every Scandinavian country reacted with the same brave defiance in startling contrast to the apathy exhibited by almost every other nation which stood by and watched—practically without protest—as six million Jews were consigned to slavery and slaughter.

I have told you the end of the story first. Before they were smuggled into the boats and out of Denmark, the Jews had to be gathered together into safe hiding places—and this was done at great risk and jeopardy to their Danish fellow countrymen and friends.

One of the more prominent and populated places of refuge was Bispebjerg Hospital.

All through the eve of Rosh Hashonah until late into the night, Jews were brought to the hospital in ambulances and taxis—even buses—and put into beds as if they were patients.

Christian names were lettered on their charts for their own further safety—and Christian hands fed them and hid them until it was safe to send them in ambulances to the waterfront where the rescue fleet was waiting.

Has history ever recorded such heroism as this legendary and saintly act of the Danish people?

How can we ever do enough to demonstrate our profound admiration and gratitude?

Others who will speak here after me will tell you the names of some of those who led in this exalting and successful struggle against injustice. They will tell you that a whole nation was involved—doctors, nurses, lawyers, businessmen, workers, cab drivers, clergymen, schoolchildren, sailors, housewives, newspapermen, government officials, men and women of every status and walk of life, political figures of every persuasion.

The Danish Minister of Trade—Christmas Moller—risked his personal safety to say: "This has become to us part of Denmark's fate and if we desert the Jews in this hour of their misery, we desert our native country."

He put into words the high resolve of four million Danes.

But how can we put into words how much we owe them?

How can we thank Denmark sufficiently—not just for saving almost 8000 Jews—but for saving the self-respect of civilization—for setting before the judgment of history an example of courage and sacrifice that will burn brighter in the memory of man than the ovens of Auschwitz and Buchenwald?

What a bright and shining example of goodness and hope in the human soul at a time of inhumanity and degradation—when the greatest horror of all was that there was not horror enough!

Perhaps our cherished friend and board member of Beth Israel Medical Center, Richard Netter, will tell us what we can do beyond today's tribute.

He is the Chairman of the Board of "Thanks to Scandinavia" and a true humanitarian.

Through Dick Netter and Dr. Carl Koster, let me say that we shall never forget our debt to the Danish people.

Like the hollow voice of the ghost of Hamlet's father wandering on the eerie ramparts of Kronberg Castle, the silence speaks from the nameless graves of millions of Jews.

It thunders across the seas that wash the shore of Denmark.

It echoes the heroic story we recall here today. It says: "Remember me . . . Remember me."—And we answer: We shall never forget.

While much of the rest of civilization looked the other way and millions of Jewish men, women and children were sent to their death—the people of Denmark risked their lives to save nearly eight thousand.

We will remember you. We will never forget.

We will never forget the eternal lesson that with the help of God the valor of man can triumph over evil.

We will never forget the courage of the Danes.

We will never forget the saviours in white worked for mankind's better self.

We will never forget.

PRESIDENT NIXON'S ADDRESS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. TALCOTT. Mr. Speaker, I hope it is clear that the "silent majority" has not yet marched or paraded. It probably will not.

Although I agreed with the intentions and the messages of yesterday's speakers, I could not bring myself to march, parade, or take to the streets on Veterans Day. I paid my respects and expressed my gratitude to those veterans—living, fighting, and dead—in a quiet private way, renewing my commitment that they shall not have served, suffered, or died in vain. I find that a large majority of responsible citizens share my views in this respect.

The silent majority, in my opinion, trust President Nixon's judgment, skill, and sincerity in extricating us from this

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miserable war. The silent majority believes in our representative system of government and wants our governmental business to be conducted in the conventional constitutional manner. The silent majority is repulsed by most of what is said on the streets, resents the tactics of the curbstone diplomats, and is offended by the obscenities and misrepresentations of the street demonstrators.

The silent majority will parade neither to support the President's policy for peace nor to demonstrate its disapproval of the anti-Nixon, anti-American, and antiwar groups. Their patience and trust in our elected President, and in our venerable system of government, will continue so long as the President levels with them and so long as their constitutional rights are also respected and protected. The President can be assured that the "silent majority" will not extend its moratorium to the disrupters, degraders, and destructors lest it become a "silenced majority" like those behind the various Communist curtains.

The President should be neither dejected nor buoyed by those who attempt to dictate the principles, policies, programs, and plans of our Government by the din of street demonstrations.

I commend the President for the manner in which he is conducting the business of our Nation. The mail from my constituency strongly supports the President's plans and proposals for peace.

POLITICAL PERSPECTIVE: THE ROLE OF THE POLITICAL PARTY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHWENGEL. Mr. Speaker, the League of Women Voters is a nonpartisan organization. As a group it neither supports nor opposes candidates nor does it line up for or against a political party. However, league members as individuals are encouraged to work actively for the candidate or party of their choice. The league believes that more citizens should participate in political activity and that one of the barriers to greater participation is a lack of understanding of the function of the political party. The taped recording "Political Perspective: The Role of the Political Party" was produced by the league to help citizens understand what political parties are all about. On the program, Dr. Howard Penniman, professor of political science at Georgetown University discusses how U.S. political parties began, what makes them tick, and the pros and cons of reorganization along ideological lines.

A transcript of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: THE ROLE OF THE POLITICAL PARTY

Participants in the order they are heard: Torrey Baker, Former broadcaster, Voice of America;

Dr. Howard Penniman, Professor of Political Science, Georgetown University, Washington, D.C.

(Music up and under.)

Baker. The League of Women Voters brings you "Political Perspective: The Role of the Political Party."

(Music out.)

George Washington didn't approve of them; the Constitution doesn't mention them, and little federal legislation controls them, but we have them just the same—political parties, that is.

And this is Torrey Baker speaking to you on behalf of the League of Women Voters—a nonpartisan organization devoted to the informed and active participation of citizens in government.

Today we are asking: What *is* the role of the political party in the United States of America? Are parties necessary? Who needs them? These are the questions we will ask Dr. Howard Penniman, Professor of Political Science at Georgetown University in Washington, D.C.

Dr. Penniman why did our early leaders take such a dim view of political parties?

Penniman. Well, of course, the Founding Fathers had never seen parties work. This is one of the interesting aspects of our parties, and one of the reasons I suppose that our parties are different from anybody else's parties, and that is that they grew up more or less spontaneously, because no one had understood that in a democratic society, since we were really the first democratic society, one did need this kind of organizing force. What the Founding Fathers had seen were the factions around the King, and the factions within the small groups of the Parliament. They had of course seen factions develop during the Revolutionary War period. In addition to that, they saw factions as divisive on issues.

What they didn't realize and there is no reason why they should have realized it, was that parties would be precisely the instrument which would cut down on the degree of divisiveness in the society, because in order to get its people elected it would have to organize some of these groups together, and the moment they organized some of them together they would lose some of the extremism that is likely to be there when they are acting in small independent groups.

Baker. George Washington then could be called our only President elected on a nonpartisan basis. Dr. Penniman, what changed the system from that which the Founding Fathers had envisioned?

Penniman. The people who founded the country had hoped that each individual member of Congress in both the House and the Senate would act as individual philosophers, so to speak, thinking about their problems, and debating them as individuals. But Hamilton found almost immediately after he became Secretary of the Treasury that if he were to get through the very broad and important proposals that he had for improving the economy of the country, he had to draw together a number of people from different sections, who would agree to give up a little here, and a little there, in order to get what was good for the country as a whole, or as Hamilton viewed what was good for the country as a whole. But in order to do this, he had to organize—so almost immediately after the new government got underway, Hamilton, who had opposed the development of faction found himself the creator of factions within the Congress and almost immediately thereafter, another author of the Federalist Papers, Madison, was organizing the opposition to the group that Hamilton had brought to the fore.

Baker. So I suppose the next development was inevitable. If a faction—or a party—was to get its position accepted in the Congress it had to elect a majority of its people to the Congress. The only way to assure the election of a majority of its people was to go back to the grass roots and organize the voters—explaining why one faction should be elected rather than another. And, so, all of a sudden we had political parties.

Dr. Penniman, what are the main functions of political parties in this country *now?*

Penniman. In the first place they do select the candidates. I was looking at a piece the other day which noted that there are perhaps seventy million Americans who qualify for the presidency under the simple rules of the Constitution. Obviously, we couldn't select from among 70 million citizens. What happens is that ultimately the two parties draw it down to where we are voting for a candidate of the Democratic Party and a candidate of the Republican Party. But this is a major function of the parties to select the candidates not only for the presidency, of course, but at all levels of the society.

Baker. And the second function?

Penniman. The second function that the parties perform is that of choosing the issues which will be debated during the campaign.

Now along with this, and one which is not adequately stressed, is—in the determinings of the policies that we will discuss, by implication, the parties also will determine the ones which we will not discuss. And one of the great merits, I think, of the party system, particularly of a two-party system, some issues are left out. The issues which would most seriously divide the society, tend not to be discussed.

The fourth function that parties perform is that of organizing the government. No government requires organization so much perhaps as the American Government, since the Founding Fathers created a government which is divided between the legislative and the executive, and the legislative itself divided into two bodies, and then the courts separated from both, and in addition to that we divided the powers between the states and the national government. In order to coordinate this mass of governmental instruments, the party became almost essential.

Baker. And the fifth function of political parties?

Penniman. A fifth function is the one obviously, of the opposition party. If there is going to be a party in power that is promoting programs and organizing the government to carry out these programs, then also there needs to be an examination and a criticism of these policies if we are to have responsible government where the people can (a) learn what is going on; and (b) control that which is going on.

And the final function that I would list is the serving as a link between the citizen and his government. Most people today do not know much about what is going on inside the bureaucracy, and the Congressman serves as a link between the citizen out in Nebraska, or South Dakota, or California, and the bureaucracy which so often controls a portion of that man's life.

Baker. There are some people who don't approve of this function of the political party and who say Congressmen should be making laws and not running errands. Dr. Penniman, you take a somewhat different view about the function of a Congressman.

Penniman. He is the ombudsman that we hear so much about at the present time, which is that—serving that function of linking the citizen with his government, of making it possible for the citizen to complain, and to examine into what his government is doing. The Congressmen do pay a great deal of attention to their constituents, of either party, and that is to say a Democratic Congressman listens to the Republican citizens as well as to the Democratic citizens—he seeks to solve their problems just as much as he does those of the people in his own party, and this is an important humanizing fact, it humanizes the bureaucracy, which is far removed from the people and it is the politician who brings the government down to the people.

Baker. If parties select candidates, select the issues, organize the government, provide the stimulus of opposition and act as the link between the citizen and the government, they have a big and important function to perform. Are parties organized to do all that is asked of them?

Penniman. Our parties are decentralized, they are multi-centered, and undisciplined and they lack an ideology. They are decentralized in the sense that there are many centers of power. There is obviously the White House; there are the leaders in Congress; there's the National Committee of each of the parties, and the state central committees, there are the mayors of the big cities. But the real point I am making is that there are all kinds of centers of power within both of the parties, all over the country, and no one segment can make the policies for all the other segments.

Baker. This system doesn't sound terribly efficient. Why *are* the parties set up in this way?

Penniman. They are multi-centered and decentralized basically because the organization of parties is at the state level. The laws which control parties are state laws; the laws which control elections are state laws. When we first began regulating parties with the corruption of the 1870's and 1880's, it was the states that began the regulation; when the direct primary came in to existence it was at the state level not at the national level. And each of these has had its effect upon the nature of the party system, and the only party, legally, the only party that exists is the state parties. They are undisciplined, meaning that the President or the leadership in Congress, or the leadership in some states cannot tell the individual office holder what he shall do, and the reason that they are undisciplined at the national level is because they are multi-centered and because they are state-oriented. If I owe my election to activities in the State of Wisconsin, then I am likely to reflect a good deal of the views of the people of the State of Wisconsin, and in the crunch, if the President wants me to do somthing, and the people of the State of Wisconsin want me to do something, I am very likely to do what the people of the State of Wisconsin would like me to do. This is obviously what happens when Southerners are asked by the President to do something and it conflicts with what the folk in Mississippi want, then they do what the folk in Mississippi want.

Now the parties are undisciplined, and they are likely to continue to be undisciplined. They lack an ideology.

Well, quite obviously, if we have the other conditions which I have described, it would be very difficult for them to pick up an ideology that would be uniform throughout the parties.

Baker. Dr. Penniman, I gather that you would not suggest reorganizing the political parties along ideological lines. Why?

Penniman. The real fact is, of course, that if you realign along ideological lines, and thus had unified parties, probably disciplined parties, that we would begin to create more than two parties, because some of these issues simply cannot be broken down two ways, or if the two major parties, as for example, now on civil rights, more or less, agree on civil rights, then any party which—or any group of people who disagree, who don't believe in the advancement of civil rights, or on the other hand who would prefer to have it move much, much faster than the two parties are prepared to go, then the only place for them to go is to create a third party.

If you have two parties where there is room for movement within the two parties, then fine, you can have some who in the Democratic Party who are opposed to civil rights, in Congress, and you have some in Congress we think are not moving nearly fast enough. If you had rigid discipline, and rigid ideology, then both those who would like to slow things down would have to get out. We would also have to—and I think this is terribly important to recognize—if we want to have ideological alignment, then we are pretty nearly going to have to get rid of the direct primary, because a direct primary means that in each state the party is whatever the Democrats of that state, or the Republicans of that state, want it to be. And so the Democrats of Mississippi have a wholly different view of what the Democratic Party ought to be from what the Democrats of New York City believe. And the same is true of the Republicans.

Baker. Thank you, Dr. Penniman, and now if I may sum up: Political parties make democracy work. Without parties citizens would find controlling their government a hopeless task. Political organization is essential if a large society is to operate with even a moderate degree of success. Parties provide that means.

Thanks to Dr. Howard Penniman of Georgetown University for giving us "Political Perspective" on the role of the political party. This is Torrey Baker speaking on behalf of the League of Women Voters.

ASSEMBLYMAN NORM ANDERSON, WISCONSIN CONSERVATION LEGISLATOR OF THE YEAR

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. KASTENMEIER. Mr. Speaker, while more people in our Nation are living more comfortably than ever before in history, brought about through spectacular gains in methods for producing the needs and luxuries of life, the technological advances responsible for this accomplishment have been achieved at the expense of an increasing deterioration of the environment, the pollution of air and water, a loss of living space and of wild nature.

There are, however, a number of individuals who are concerned with the deteriorating environmental quality. One such person is Wisconsin Assemblyman Norman Anderson of Madison, who happens to be one of my constituents and a friend. During his tenure in the Wisconsin Assembly, Norm Anderson has consistently distinguished himself in the field of conservation legislation. Recently, he was given special recognition for his many accomplishments when the Wisconsin Wildlife Federation named him the Conservation Legislator of the Year.

Mr. Speaker, I join with my fellow Wisconsinites in congratulating Norm Anderson for this singular and richly deserved honor. A recent November 5 Madison, Wis., Capitol Times article, written by staff reporter Whitney Gould, describing Assemblyman Anderson's activities follows:

NORMAN ANDERSON LEADS BATTLE TO SAVE OUR ENVIRONMENT—NAMED "CONSERVATION LEGISLATOR OF THE YEAR"

(By Whitney Gould)

Polluted waterways and besooted air, a landscape littered with throwaway cans, birds dead from pesticides—all are evidence to some that the battle to save the environment may already be lost.

Assemblyman Norman C. Anderson (D-Madison) is not one of them.

"I was more pessimistic four or five years ago than I am now," he says. "Then we felt we were voices in the wilderness. Now at least someone is listening."

Anderson, now in his sixth term in the Assembly, was named Conservation Legislator of the Year recently by the Wisconsin Wildlife Federation. He was among those honored Saturday at a banquet at the Park Motor Inn.

The 41-year-old Assemblyman's most visible project during the current legislative session was a bill which would outlaw the use, sale or distribution of DDT in Wisconsin, except in certain emergency situations. The bill, authored by Anderson and Assemblyman Lewis Mittness (D-Janesville), passed the Assembly by a smashing 99 to 0 vote, in the wake of the state Department of Natural Resources Department's lengthy and well-publicized hearings on a petition for a ban, by two conservation groups.

"There is no doubt in my mind," Anderson says, "that those hearings and the resulting hammering away in the news media, created the climate which made it possible to pass the bill." A similar measure, introduced by Anderson in 1967, got bogged down permanently in the Assembly Agriculture Committee.

He gives the current measure a good chance for passage in the Senate, once it comes up for a vote, though he doubts that the endorsement will be unanimous. "The senators are perhaps a little more political than the Assemblymen," he smiles.

Anderson combines his State Capitol chores with his work as partner in the firm of Wheeler, Van Sickle, Day and Anderson.

From his eighth floor office in the Anchor Building, he looks down into the russet-colored treetops at the South entrance to the Capitol, where "you can see entirely different species of birds from the ones you see on the ground."

"He is," says one longtime Statehouse observer, "the most knowledgeable legislator in conservation matters in either party. He's been behind every major piece of conservation legislation in the past 10 years. And he's so single-minded, as a matter of fact, that if you don't share his enthusiasm on an issue, he'll bore you to tears."

Of the current conservation output in the legislature he shakes his head. "We haven't done very much."

Anderson helped draft the original Outdoor Recreation Act Program (ORAP) bill in 1966. That bill filed failed to pass. But he was a member of the task force which recommended the "ORAP–200" program, which would provide some $200 million in bonding for recreation lands acquisition and water pollution abatement measures.

Wisconsin citizens approved the proposals in an April 1 advisory referendum, but the Legislature has stalled action on funding the measures and setting up the machinery to put them into operation.

The ORAP proposals are finally scheduled for action by both houses this week. Anderson is optimistic that the water pollution measure will pass, but expects that an additional one cent-per-pack tax on cigarettes may be substituted for the bonding proposal.

Other sessions were more productive.

As a member of the governor's Water Resources Task Force in 1965, Anderson was instrumental in helping to forge a major revision of the state's water laws. The bill which eventually became law as a result of that group's work, centralized administration of all of the state's water resources in the department of Resource Development (amalgamated under the Kellett reorganization bill into the Natural Resources Department); expanded the state's police powers in water pollution abatement, established a septic tank permit system; and provided that all counties must zone their shorelands to minimum standards.

Anderson regards that bill as a major accomplishment. Few would give the same measure a chance of passage in the current Legislature.

Another measure which he introduced and is now pending was a bill which would require a two-cent redemption on disposable beer bottles and cans.

"I remembered reading an article about the Coors brewery in Denver," he recalls. "They paid one cent a few years back for every aluminum can brought in, for salvage. Eventually, they discontinued the practice because they said it was uneconomic, but they got 85 million cans."

"I'm convinced that if this were in operation here, kids would pick them up by the million."

Among other conservation measures Anderson has pushed was the fight to preserve the Wolf and other wild rivers; a revision in the County forest crop law; legislation to fund what is now the Scientific Areas Preservation Council; and a bill which has provided appropriations for research into possible toxicants for carp.

Anderson was born in Hammond, Ind., a heavily industrial city in the northwest corner of the state.

"I assumed that you'd just never get a breath of fresh air because that was what I had always had."

Visits to an aunt's cottage on Lake Ripley in Cambridge convinced him that "Wisconsin was where I wanted to live."

Since he was first elected to the Assembly in 1956, he has served variously on the Assembly Conservation Committee, the Legislative Council's conservation committee, the Wisconsin Council on Natural Beauty, and a number of legislative task forces.

"It is possible to get discouraged," he admits when pressed about the environmental crisis. But the growing public awareness has helped bring about a lot of changes in this field.

"The future looks grim until we can hold the population in check and find more efficient ways of getting rid of our waste products. But I'm not convinced that all of this deterioration is not reversible. If we can at least slow it down, it will have been worth it."

Honored at Saturday's banquet, in addition to Anderson, were: "Conservationist of the Year" Leonard J. Seyberth of Eau Claire, former chairman of the state Conservation Commission, who helped bring about the state's party permit system for deer hunting, and who is chairman of the ORAP advisory council.

Gov. Knowles and Lt. Gov. Jack Olson, for leadership in conservation programs; entertainer Arthur Godfrey, for helping to "spread the gospel" of conservation throughout the globe; A. W. Jorgensen, Mazomane, conservation educator; Wisconsin League of Women Voters, water conservation; Don L. Johnson, the Milwaukee Sentinel, conservation communicator; conservation committee of the AFL–CIO; Carl Nisen, Union Grove, wildlife conservationist; John Deichelbohrer, Holmen, soil conservationist; Kurt Listeman, Neillsville, forest conservation; and Neil Larsen, Clear Lake, youth conservationist.

POSTAL REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DERWINSKI. Mr. Speaker, since we have been properly preoccupied by the debate over Vietnam and the good and bad effects of the weekend moratorium, I pointedly direct the attention of the Members to a key Presidential proposal which is encountering unfortunate delay and distortion in the House Post Office Committee.

I refer, of course, to the President's proposal for postal reform with the basic concept of a Government corporation takeover of the present responsibilities of the Post Office Department.

Therefore, I was pleased to note an editorial carried on October 23 by radio station WBBM in Chicago which emphasizes the need for prompt processing of the postal reform bill.

The editorial follows:

> POSTAL REFORM
>
> "Neither rain nor snow nor sleet nor gloom of night,
> Shall stay these carriers from the swift completion of their appointed rounds."
>
> That famous saying about the nation's mailmen may be true, but it doesn't take into account the burden posed by an obsolete postal system. The United States Post Office Department still is operating under principles set down in the last century—and this at a time when the volume of mail has climbed to 82-billion pieces annually.
>
> Our postal organization is inefficient. A Presidential commission has advised the creation of a government-owned corporation to handle the nation's mails. It's estimated that such an administrative set-up would save taxpayers one billion dollars a year.
>
> But—legislation for postal reform is stalled in committee in the House of Representatives. A corporate set-up would mean the end of political patronage in the post office, and most politicians adopt a "go-slow" attitude when it comes to proposals that would erode their own political power.
>
> We think it's time Congress faced the facts, as we said in previous editorials: the nation can no longer afford the luxury of a horse-and-buggy post office. We urge the Congress to act speedily to adopt the measures which would stream-line the postal service and put it in the space age.

WILL CHINESE-AMERICANS BE NEXT?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. MATSUNAGA. Mr. Speaker, the possibility of another travesty of justice involving the deprivation of the civil rights and civil liberties of a racial minority in this Nation was brought strikingly to mind by the remarks of FBI Director J. Edgar Hoover in recent testimony before a House congressional committee.

On page 546 of the printed hearings, before a subcommittee of the Committee on Appropriations of the House of Representatives on April 17, 1969, Mr. Hoover stated:

> We are being confronted with a growing amount of work in being alert for Chinese Americans and others in this country who would assist Red China in supplying needed material or promoting Red Chinese propaganda. For one thing, Red China has been flooding the country with its propaganda and there are over 300,000 Chinese in the United States, some of whom could be susceptible to recruitment either through ethnic ties or hostage situations because of relatives in Communist China.

The repugnant implications of this statement are only too obvious to the loyal Americans of Chinese ancestry whose lives could be drastically affected, as were the lives of 110,000 Americans of Japanese ancestry who were arrested, their property confiscated, and who were detained in so-called "relocation camps" during the dark days of 1942.

A most pertinent article by the Seattle Times' columnist, Herb Robinson, cuts to the heart of the matter regarding Mr. Hoover's comments. I urge my colleagues to read it and to join in the effort, if they have not already done so, to repeal title II of the Internal Security Act of 1950, the law which provides that American concentration camps "can happen here."

The article, "Hoover's Remark Recalls Dark Days," from the October 19, 1969, issue of the Seattle Times, follows:

> HOOVER'S REMARK RECALLS DARK DAYS
>
> In his annual appearances before the House appropriations subcommittee to discuss the Federal Bureau of Investigation's budget, it is J. Edgar Hoover's custom to outline his views on crime, communism, internal security and other matters of F.B.I. interest.
>
> This year, news accounts of Hoover's testimony—delivered in April but not made public until July—dwelt largely upon his opinions on campus radicals and the new-left movement.
>
> It was not until later that attention was focused on another statement made in the same hearing, one that has provoked heated protest among Americans of Oriental descent and that may lead to repeal of an all-but-forgotten section of the McCarran, or Subversive Activities Control Act.
>
> Discussing the growth of Communist China's intelligence activities within the United States, Hoover said the F.B.I. is confronted with "a growing amount of work in being alert for Chinese Americans and others in this country who would assist Red China."
>
> Communist China, Hoover continued, has been "flooding the country with its propaganda and there are over 300,000 Chinese in the United States, some of whom could be susceptible to recruitment either through ethnic ties or hostage situations because of relatives in China."
>
> A month later, the Japanese-American Citizens League in San Francisco responded to Hoover's remarks, saying there was, by inference, a "melancholy resemblance to the charges against Japanese-Americans prior to and during the Second World War."
>
> Meantime, in Seattle, the newly organized Asian Coalition for Equality (ACE), was stirred into action. A spokesman for the group, consisting of people from Seattle's Japanese, Chinese and Filipino communities, said "it is an outrage that loyal American citizens—simply because they are not white—are considered potentially disloyal Americans."
>
> Hoover's racial slur, the ace statement said, "makes us wonder how tenuous the relationship of Chinese Americans is in this country and how safe they are from being victims of the same fate as the Japanese-Americans during the war."
>
> Among Oriental Americans, few have forgotten the dark moments of 1942 when more than 100,000 American residents of Japanese ancestry—many of them native-born—were rounded up and herded into detention centers, a polite euphemism for "concentration camp." The episode remains an incredible chapter in United States history, particularly

since no such action was taken against German- or Italian-Americans. They, after all, were white.

Because memories are still fresh on that score, not all Orientals in this country have been as skeptical as other Americans toward the wild rumors circulated by black extremists in recent years about the existence of "Negro concentration camps."

They recall, for example, that the House Un-American Activities Committee recommended last year that the government activate detention camps for black nationalists and Communists under authority of the McCarran Act.

Much of the McCarran Act, passed in 1950 over President Truman's veto ("it punishes opinions, not actions," said Mr. Truman), has been invalidated over the years by a series of Supreme Court decisions. Still intact, however, is a section authorizing the arrest and detention of citizens—during a declared "internal-security emergency"—felt by the Justice Department to be capable of espionage or sabotage.

Literature is circulating in Seattle describing various government installations being held in "stand-by" status for future use as detention camps. Despite the questionable authenticity of this literature and official pronouncements that no such facilities are in existence, rumors continue to circulate, due partly to the efforts of black extremist agitators.

Fortunately, legislation has been introduced in Congress to repeal the McCarran Act's detention-center clause. Among co-sponsors is Representative Al Ullman of Oregon, who finds it "inconceivable that a law should still be on the books that permits the rights of American citizenship to be extinguished . . . simply on the basis of national origin or other indiscriminate reasons."

Regrettably, however, the repeal measure has not yet been scheduled for hearings and—as reported in The Times yesterday by Rowland Evans and Robert Novak—the Justice Department unofficially wants to preserve the existing law.

That is why Seattle members of the Asian Coalition for Equality have begun a petition campaign urging prompt congressional action.

The campaign merits support for two reasons. First, the detention-center law serves no purposes today except to recall the awful events involving Japanese-Americans in 1942.

And second, as long as it remains on the books, the statute lends credibility to black extremist rhetoric, even though right-minded Americans insist "it couldn't happen again."

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. HOGAN. Mr. Speaker, this is another in a series of statements dealing with the problem of crime in the District of Columbia.

My statement today deals principally with the question of the extent of criminal defendants testimonial immunity from impeachment by the use of prior convictions as applied by the U.S. Court of Appeals for the District of Columbia. It also deals with the question of court backlogs.

A recent case decided by this court is illustrative, in my opinion, of the "strained" construction placed on the statutes relating to criminal law in the District of Columbia by certain members of the appellate bench. The case involved is *United States of America* v. *Joseph Coleman*, No. 22,316, U.S. Court of Appeals for the District of Columbia Circuit, July 11, 1969.

I find myself in agreement with the dissenting opinion of Circuit Judge Edward Tamm on several counts. First, I agree with Judge Tamm as stated in his opinion that—

> Two members of this court reach a new height in their creation of near-mythical "rights" of criminal defendants which requires that their convictions be vacated.

Second, I agree with Judge Tamm's observations that the two majority judges arrive at decisions for reasons more philosophical than legal. I submit that the philosophical approach of the majority opinion is more fitting to a classroom discussion on jurisprudence than it is to the application of laws to decisions coming before the Federal circuit bench. Third, Judge Tamm's opinion concerning the effect these "near-mythical rights" decisions have on an overburdened court docket strikes at the very heart of one of the basic problems concerning criminal court procedure as it exists in the District of Columbia.

I think this opinion, particularly Judge Tamm's dissent, will prove instructive and informative to the Members of Congress, especially as certain of the President's crime bills are presented for floor action in the House and the Senate. Accordingly, I insert the opinion in the Record in full below:

[U.S. Court of Appeals for the District of Columbia Circuit]

No. 22,316—United States of America v. Joseph Coleman, Appellant

(Appeal from the U.S. District Court for the District of Columbia)

[Decided July 11, 1969]

Before Bazelon, *Chief Judge*, and Tamm and Robinson, *Circuit Judges*.

Robinson, *Circuit Judge*: On August 20 or 21, 1967, an apartment was burglarized, and a saxophone and other items were purloined.[1] On August 21, a man identifying himself as Wilson Terry pawned the saxophone, signing "Wilson Terry" on the pawnbroker's copy of the ticket evidencing the transaction. The pawn broker's appraiser spotted appellant in the pawnshop on the following September 18 and, believing him to be the man who had brought the stolen saxophone in, promptly called the police.[2] After conversations with appellant and the manager of the pawnshop, who made a similar identification, the police officers placed appellant under arrest. A search of his person produced a copy of the pawn ticket for the saxophone and identification cards bearing the name "Wilson F. Terry."

Indicted in counts of housebreaking[3] and grand larceny,[4] appellant stood trial in the District Court before a jury. The real Wilson F. Terry testified that he had lost the identification cards, and denied signing the "Wilson Terry" on the pawn ticket. A handwriting expert expressed the opinion that appellant had made that signature,[5] and the two employees of the pawnshop reiterated their identifications of appellant as the party who had pawned the saxophone.

As is evident, the Government's theory that appellant had broken into the apartment and filched the saxophone was based wholly upon an inference from its possession by appellant shortly after it was stolen. Appellant offered no witnesses in his own behalf and, for reasons hereinafter elucidated, did not take the witness stand himself. The prosecuting attorney argued to the jury that it should, and the trial court charged the jury that it might, infer appellant's guilt of either or both of the offenses charged from unexplained possession of the saxophone so closely on the heels of its theft from the apartment.[6] The jury convicted on both counts, and the court sentenced appellant to imprisonment for a maximum term of 12 years.

The principal argument on appeal, and the only contention meriting discussion,[7] is that the court misapplied our *Luck*[8] doctrine in ruling on appellant's request for testimonial immunity from impeachment by the use of criminal convictions which he had accumulated. We held in *Luck* that trial judges have discretion to limit or ban impeachment of that type where "the cause of truth would be helped more by letting the jury hear the defendant's story than by the defendant foregoing that opportunity because of the fear of prejudice founded upon a prior conviction."[9] Appellant's challenge thus commands our scrutiny of the record with a view to ascertaining whether the teachings of *Luck* and its progeny[10] were honored in this case.

At the close of the Government's case in chief, defense counsel[11] approached the bench and informed the trial judge that he "would like to put the defendant on the stand if we can have the benefit of the *Luck* decision. In other words, what I am interested in is not having his record spread before the jury." Without further inquiry of any sort, the trial judge, citing our *Gordon*[12] holding, stated that "[a]nything that has to do with cheating and stealing is admissible," and proceeded at once to examine appellant's criminal record. Going down the list of past offenses, he excluded one,[13] but ruled that the Government could use a conviction for housebreaking and larceny, an additional larceny, conviction, and three convictions of false pretenses. The judge then concluded the inquiry, appellant elected not to testify and, as we have observed, the case went to the jury on the Government's evidence alone.[14]

In *Gorden*,[15] we held that "as a rule of thumb"[16] convictions evidencing dishonest conduct go to testimonial credibility while those involving assaultive or violent conduct do not,[17] and the trial judge made that distinction here. *Gordon* also emphasized other considerations highly relevant to an adjudication on impeachment by prior convictions, but we find no indication that they were assigned a role in this case. One such consideration is the remoteness, in point of time, of a conviction;[18] another is its similarity to the offense for which the accused is on trial.[19] Still another is the importance, in the search for truth, of giving the triers of fact the benefit of the accused's testimony.[20] Here the housebreaking and larceny conviction came in 1959; when the others occurred we know not. Moreover, two of the convictions the judge would have let in were for larceny, one of the offenses with which appellant was charged. And notwithstanding the judge's elimination of some of the convictions, we discern no effort to weigh the prejudicial effect of impeachment by those remaining upon such testimonial contribution as appellant could have been expected to make.

Even more importantly, we have recognized, from early in the *Luck* era, that "where inferences founded upon unexplained acts are likely to be heavily operative, the court's discretion to let the jury have the accused's story, unaccompanied by a recital of his past misdeeds, may play an important part in the achievement of justice."[21] In the case at bar, appellant's version of the affair, unembarrassed by mention of his previous diffi-

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Footnotes at end of article.

culties with the law, could very well have been crucial. The success of the prosecution depended entirely upon the strength of an inference from appellant's possession of the stolen saxophone that he was the housebreaker who stole it. Unless the fact of possession was refuted or satisfactorily explained—and ostensibly only appellant could possibly do either—that fact was "like to be heavily operative" against him.

The Government argues, however, that appellant should not benefit from an application of *Luck* principles because appellant's trial counsel made no representation as to what appellant's testimony would be, or as to the unavailability of other witnesses to establish his defense. We have said many times that it is for defense counsel to invoke *Luck*,[22] and to invoke it in a meaningful way,[23] and this, of course, will necessitate initially some explanation of the theory and testimonial details of the defense where, as usually is the case, they cannot otherwise be made known to the court.[24] At the same time, we have admonished that, once the *Luck* issue is raised, defense counsel's shortcomings [25] do not mitigate the need for an exercise of judicial discretion.[26] Certainly there is nothing to commend a requirement that defense counsel delineate that which is already plainly apparent to all concerned.[27]

When, after the Government rested in this case, appellant's attorney requested the *Luck* ruling, it was manifest that the Government had hung its entire effort on the inference permitted by an unexplained possession of recently stolen property. It was equally clear that the Government, in its endeavor to win the verdict, was forced to ask for an appropriate instruction on that score. In that setting, appellant's proposed testimony, if it was to be helpful at all, had to be directed toward an explanation of his possession of the saxophone, or toward a denial of that possession and an explanation as to how he came to have the pawn ticket. Indeed, in the same monologue which contained his disposition of the *Luck* issue, the trial judge said to defense counsel: "What is your defense? He didn't do it and didn't go in there and didn't have it. That is all you can say." And we realize, as we think the trial judge also should have done, that all too frequently the innocent have no witnesses other than themselves who can testify on such matters.

We hold that the circumstances here emphatically enough called upon the trial judge to strike the balance that *Luck* demands and, in the process, "to make sufficient inquiry to inform himself on the relevant considerations." [28] We mean, not that all impeachment by appellant's past record was necessarily to be ruled out, but that a suitable exploration and a sound discretionary exercise became requisite. But since, in some though certainly not in all respects, the Government's case was strong,[29] we are not prepared to say that the judge's omission to do so entitles appellant to a new trial. Any sound disposition of this litigation must follow an inquiry as to what result a proper exercise of *Luck* discretion would have produced, and whether the failure to achieve that result prejudiced appellant.[30] Such a probe, in turn necessitates precise knowledge as to what appellant would have said from the witness stand and, in somewhat smaller degree, as to the availability of other witnesses who could have said the same thing.

Accordingly, we remand this case for a *Gordon*-type hearing [31] in which these and any other relevant points may be investigated.[32] Unless the trial judge, after considering all the circumstances, old and new alike, can say "with fair assurance" that the verdict "was not substantially swayed by the *Luck* error," if any there was, appellant must be awarded a new trial.[33]

So ordered.

TAMM, *Circuit Judge, dissenting*: Today two members of this court reach a new height in their creation of near-mythical "rights" of criminal defendants which requires that their convictions be vacated. One Samuel R. Pillow, a resident of the District of Columbia, left the city for a period of nine days. During that time his apartment was burglarized and he lost $700 worth of personal property including a saxophone valued at $175. Subsequently, Mr. Pillow alerted the police department of his loss. The police located the saxophone in a pawn shop in the northwest section of Washington. It was pawned by a person who signed "Wilson Terry" on the pawn ticket and who produced the requisite identification cards. The police then requested the attendants in the store to notify them immediately if the individual who pawned the saxophone returned. Less than one month later the store attendant called the police and notified them that the person who pawned the saxophone was again in the store. The police arrived at the store and placed appellant under arrest. When appellant was searched incident to this arrest the police discovered on his person the other half of the pawn ticket bearing the name "Wilson Terry." At trial, Wilson Terry testified that he had lost the various identification cards previously mentioned and that he had not signed the pawn ticket. Both attendants at the store positively identified appellant as the person who pawned the saxaphone. In addition, a handwriting expert testified that it was his opinion that appellant's signature matched the signature of Wilson Terry on the pawn ticket. Appellant did not take the stand and offered neither witnesses nor evidence in his behalf. Needless to say, the jury convicted appellant as charged.

On these facts the majority reverses appellant's conviction and reminds for a *Luck* [34]-*Gordon* [35] hearing to determine whether the verdict was "substantially swayed by the *Luck* error." [36] It is clear from the record that the evidence against appellant is overwhelming and that any *Luck* error by the trial judge surely must be classified as "harmless" under *Chapman* v. *California*, 386 U.S. 18 (1967); *accord, Harrington* v. *California*, 37 U.S.L.W. 4472 (U.S. June 2, 1969). Under my reading of the relevant authority in the *Luck* area, it is not at all clear that the appellant in this case ever meaningfully invoked the rule, since he proffered absolutely no defense when queried by the trial judge.[37] I believe that the court need not reach its ponderous consideration of any *Luck* problem since even if the trial judge did not conduct a completely proper *Luck* hearing any error was clearly not prejudicial under both FED. R. CRIM. P. 52(a) and *Chapman*.

Since appellant refused to take the stand, appellant's defense was presented to the jury by his counsel in his opening statement:

"[I]t is our contention that the defendant did not pawn the saxophone nor did he enter the house and take it out" Tr. 88).

It is my opinion that the evidence of appellant's guilt is so overwhelming that whether he took the stand or whether his past convictions were introduced are factors which have a *de minimis* effect upon the conviction which he now seeks to vacate. After reading thoroughly the majority's exercise in judicial time-wasting, one must wonder exactly what appellant's defense will be on the remand. Given this new opportunity, however, perhaps he will be able to explain: (1) if he did not enter the apartment, how he came into possession of the saxophone, and (2) if he did not pawn the saxophone, why he had the other half of the pawn ticket in his possession and why his handwriting matched that on the pawn ticket. The majority might do well to answer these questions for the members of the public who are not well versed in all the technical nuances of the criminal law and who wonder why our trial courts have such backlogs and delays.

Our court dockets are crowded and this court has repeatedly emphasized the necessity and desirability of speedy trials for all defendants. Yet, with this in mind and for reasons more philosphical than legal, the majority demands this case to the already busy district judge with directions to hold a hearing at which appellant can proffer his "alibi." I must dissent from this further impediment to the achievement of justice in this case despite my acknowledgment of the submissive fatalism with which bench and bar calmly accept the inevitably of endless delay in the termination of criminal prosecutions. I feel it is essential that appellate courts develop an eye for the forest of reality as a necessary substitute for the prevailing sense of the trees of abstract theory. Since my reading of the record discloses insurmountable evidence of appellant's guilt and no "error . . . affect[ing] substantial rights" [38] of appellant, I would affirm his conviction.

FOOTNOTES

[1] The exact time of the housebreaking and theft—a matter of some importance here, see *Travers* v. *United States*, 118 U.S. App. D.C. 276, 280, 335 F.2d 698, 702 (1964)—is uncertain. The occupants of the apartment were out of the city and, by prior arrangement, a friend checked the apartment periodically. "[E]verything was fine" on the August 20 check, but the check on the next day disclosed that the apartment had been broken into and articles stolen therefrom.

[2] In the meanwhile, the theft of the saxophone had been reported, and the police had requested notification in the event that the man who had pawned it returned.

[3] D.C. Code § 22–1801 (1967 ed.), since amended (Supp. II 1969).

[4] D.C. Code § 22–2201 (1967 ed.).

[5] This witness concluded that appellant had also made a similar signature on one of Terry's identification cards which had been removed from appellant's person after arrest.

[6] See, *e.g.*, *Pendergrast* v. *United States*, No. 21,031 (D.C. Cir. Jan. 31, 1969) at 16–25, *cert. denied* 37 U.S.L.W. 3451 (May 26, 1969).

[7] Appellant presents two additional claims. One relates to the court's instructions to the jury on the inference permitted from appellant's unexplained possession of the recently stolen saxophone, but the several points appellant seeks to make are foreclosed by our decision in *Pendergrast* v. *United States, supra* note 6. The instruction did not meet all of the standards we recently laid down in *Pendergrast*, but there was no objection to it and we do not consider its shortcomings such plain error as to justify reversal. See Fed. R. Crim. P. 30; *Singer v. United States*, 380 U.S. 24, 38 (1965).

Appellant's remaining contention focuses on two references by the prosecuting attorney to "fingerprint" evidence; handwriting, but no fingerprint, evidence was introduced at the trial. The references were obviously inadvertent and in our view too innocuous to mislead the jury or to otherwise affect substantial rights. See Fed. R. Crim. P. 52 (a).

[8] 121 U.S. App. D.C. 151, 348 F.2d 763 (1965).

[9] *Id.* at 156, 348 F.2d at 768.

[10] See *Weaver* v. *United States*, —— U.S. App. D.C. ——, 408 F.2d 1269, 1274-75 (1969).

[11] Not his counsel on appeal.

[12] *Gordon* v. *United States*, 127 U.S. App. D.C. 343, 383 F.2d 936 (1967), *cert. denied* 390 U.S. 1029 (1968).

[13] Possession of a prohibited weapon. Appellant's record also revealed charges of destroying private property and attempted housebreaking of which he was found not guilty.

[14] Immediately after the *Luck* ruling, the trial judge directed appellant's counsel to make his opening statement, the privilege of making which he had earlier reserved. Defense counsel then informed the jury that "it is our contention that the defendant did not pawn the saxophone nor did he enter the house and take it out." The court then took a recess, and when it reconvened defense counsel stated that he rested. It seems obvious that during the recess appellant made the decision that he would not undertake to testify under the conditions the judge's *Luck* ruling made possible.

[15] *Gordon* v. *United States, supra* note 12.

[16] 127 U.S.App.D.C. at 347, 383 F.2d at 940.

[17] *Id.*

[18] *Id.* See also *Luck* v. *United States, supra* note 8, 121 U.S.App.D.C. at 157, 348 F.2d at 769.

[19] 127 U.S.App.D.C. at 347, 383 F.2d at 940.

[20] *Id.* See also *Luck* v. *United States, supra* note 8, 121 U.S.App.D.C. at 156–157, 348 F.2d at 768–69.

[21] *Smith* v. *United States*, 123 U.S.App.D.C. 259, 261, 359 F.2d 243, 245 (1966). See also *Gordon* v. *United States, supra* note 12, 127 U.S.App.D.C. at 348 n. 11, 383 F.2d at 941 n. 11; *Suggs* v. *United States*, 129 U.S.App.D.C. 133, 138–39, 391 F.2d 971, 976–77 (1968). Compare *Barber* v. *United States*, —U.S.App. D.C. —, —, 392 F.2d 517, 519 (1968).

[22] *Smith* v. *United States, supra* note 21, 123 U.S. App. D.C. at 261, 359 F.2d at 245; *Walker* v. *United States*, 124 U.S. App. D.C. 194, 195, 363 F.2d 681, 682 (1966); *Covington* v. *United States*, 125 U.S. App. D.C. 224, 225, 370 F.2d 246, 247 (1966); *Stevens* v. *United States*, 125 U.S. App. D.C. 239, 370 F.2d 485 (1966); *Harley* v. *United States*, 126 U.S. App. D.C. 287, 288, 377 F.2d 172, 173 (1967); *Lewis* v. *United States*, 127 U.S. App. D.C. 115, 381 F.2d 894 (1967); *Suggs* v. *United States, supra* note 21, 129 U.S. App. D.C. at 138–39, 391 F.2d at 976–77. See also *Trimble* v. *United States*, 125 U.S. App. D.C. 173, 174–75, 369 F.2d 950, 951–52 (1966).

[23] Although there was a *Luck* request at trial, we held that the judge's discretion was insufficiently invoked in *Hood* v. *United States*, 125 U.S. App. D.C. 16, 17–18, 365 F.2d 949, 950–51 (1966); *Evans* v. *United States*, —— U.S. App. D.C. ——, ——, 397 F. 2d 675, 678–80; (1968); *Smith* v. *United States*, —— U.S. App. D.C. ——, ——, 406 F.2d 667, 668 (1968). See also *Gordon* v. *United States, supra* note 12, 127 U.S. App. D.C. at 345, F.2d at 938; *Jones* v. *United States*, No. 21866 (D.C. Cir. Oct. 17, 1968) at 7 (concurring opinion).

[24] See *Hood* v. *United States, supra* note 23, 125. U.S. App. D.C. at 18, 365 F.2d at 951; *Payne* v. *United States*, 129 U.S. App. D.C. 215, 216, 392 F.2d 820, 821 (1968); *Evans* v. *United States, supra* note 23, 397 F.2d at 678–79.

[25] It is not, however, clear here that "the District Judge afforded defense counsel abundant opportunity to present his contentions concerning the *Luck* issue." *Evans* v. *United States, supra* note 23, 397 F.2d at 679. Rather, following appellant's bare *Luck* request, the judge promptly made his ruling without any sort of inquiry beyond the criminal record and immediately thereafter called upon defense counsel for his opening statement. See note 14, *supra*.

[26] *Lewis* v. *United States, supra* note 22; *Gordon* v. *United States, supra* note 12, 127 U.S. App. D.C. at 346–47, 383 F.2d at 939–40; *Suggs* v. *United States, supra* note 21, 129 U.S. App. D.C. at 138, 391 F.2d at 976; *Jones* V. *United States*, —— U.S. App. D.C. ——, 402 F.2d 639, 643 (1968). See also *Stevens* v. *United States, supra* note 22, 125 U.S. App. D.C. at 240, 370 F.2d at 486 (dissenting opinion); *Williams* v. *United States*, 129 U.S. App. D.C. 332, 339, 394 F.2d 957, 964, *cert. denied* 393 U.S. 984 (1968) (concurring opinion); *Evans* v. *United States, supra* note 23, 397 F 2d at 681, 683 (dissenting opinion).

[27] Compare *Jones* v. *United States, supra* note 26, 402 F.2d at 643.

[29] The two employees of the pawnshop identified appellant as the party who brought the stolen saxophone in for the pawn, although one may not initially have been fully certain. The Government's handwriting expert was firm in his opinion that appellant had signed the pawn receipt in the name of Wilson Terry, and had similarly signed one of Terry's identification cards. The jury could also have taken into consideration appellant's deception through the use of Terry's name when the pawn was made. Yet the only circumstances indicating that appellant was the party who broke into the apartment and stole the saxophone was his possession of the saxophone in the pawnshop. If in truth appellant acquired possession of the instrument by some other means, the verdict should have been different.

[30] Since a vital link in the Government's evidentiary chain rested wholly on inference—an inference that appellant might have explained away had he been permitted to testify—we, unlike our dissenting colleague, are unable to say that the error foreclosing his testimony was nonprejudicial.

[31] See *Gordon* v. *United States, supra* note 12, 127 U.S.App.D.C. at 348, 383 F.2d at 941.

[32] Compare *Luck* v. *United States, supra* note 8, 121 U.S.App.D.C. at 157, 348 F.2d at 769.

[33] See *Kotteakos* v. *United States*, 328 U.S. 750, 765 (1946).

[34] Luck v. United States, 121 U.S.App.D.C. 151, 348 F.2d 763 (1965).

[35] Gordon v. United States, 127 U.S.App. D.C. 343, 383 F.2d 936 (1967), *cert. denied*, 390 U.S. 1029 (1968).

[36] Majority opinion at 9.

[37] This court has held many times, as the majority must recognize, that the defense counsel must invoke *Luck* in a meaningful way. Indeed, we stated not long ago that "[i]f *Luck* made anything clear, it was that the defense is ill-advised to content itself simply with citing *Luck*." Hood v. United States, 125 U.S.App.D.C. 16, 18, 365 F.2d 949, 951 (1966). *See* Jones v. United States, —— U.S.App.D.C. ——, 404 F.2d 212 (1968); Smith v. United States, —— U.S.App.D.C. ——, 406, F.2d 667 (1968).

[38] FED. R. CRIM. P. 52(a).

DECLINE OF NEWARK'S LEATHER INDUSTRY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. RODINO. Mr. Speaker, during the last few years, and especially the last few months, Newark's leather industry has been critically hurt by the accumulative impact of foreign imports. I am particularly disturbed about the economic and human cost that those of us in Newark will suffer because of the decline in our leather industry. The following article from the Newark Sunday News outlines much of the problem:

DECLINE IN NEWARK'S LEATHER INDUSTRY LAID TO IMPORTS

(By Sam. A. Gronner)

Increased import of inexpensive leather goods, if continued at its present rate, will mean unemployment for some Newark workers.

This warning came from local representatives of the leather industry, who say the influx of leather goods produced at one fifth the cost abroad is the main reason for recent cutbacks.

The problem has been especially acute in Newark.

Statistics cited by Irving R. Glass, president of the Tanners Council of America, appear to substantiate local claims of a decline in business. Glass said that the cutbacks by the domestic industry in the face of the cheaper imports with which they cannot compete resulted in 5,000 jobs lost last year, and 50,000 in the last five years.

OLD STORY

Joseph C. Kaltenbacher, president of Seton Leather Co., 849 Broadway, said that his firm, founded in 1906, was forced to reduce production for the first time in his memory.

The impact of foreign imports is not new to the industry. As early as 1913, a delegation representing Newark leather tanners went to Washington to protest a proposal to relax a protective tariff imposed on foreign leather goods.

And in 1929, a report prepared for the city Chamber of Commerce, used arguments much similar to those heard today.

Shortly after that report was made public, one Newark tanner testified before a Senate finance subcommittee that imports of bags and suitcases had increased 400 per cent since the enactment in 1922 of the Underwood Act. That law substantially lowered the tariff on these goods, he said, and he was forced to operate at 50 per cent capacity.

The issue again was in the limelight recently when representatives of the trade, union members and city officials discussed ways to restore Newark to its former status as a leather center.

INCREASING DEMAND

The meeting, the first in a series on Newark's troubled industries—especially those needing a substantial low-skilled labor force—was arranged under the auspices of the city's Economic Development Office.

Glass recounted statistics which illustrate that the demand for shoes, handbags and leather goods has increased 25 per cent over the last five years.

As a striking example he cited the shoe industry. With the rise in demand from 1963 to 1968, the foreign imports began taking larger slices away from the domestically produced shoes, increasing by a dramatic 16.8 per cent in five years.

Glass' report predicted a gloomy future if the trend continues, ending in "economic stagnation." It was agreed between industry members and Deputy Mayor Paul Reilly to prepare a petition which would be sent to President Nixon, and simultaneously to send informational packets to the state's federal legislators.

By enlisting such support, the industry hoped some steps would be initiated to cut the flow of imports.

QUOTAS URGED

Glass urged imposing quotas on shoes, handbags, and small leather goods to curb the currently unrestricted flow of such items from Formosa, Spain, Japan, Portugal, France and Hong Kong. He said wages paid in those countries are so low that dealers buy the finished goods abroad to get more of a profit margin in the retail trade and bypass domestic manufacturers.

So dramatic is the decline in demand for domestic leather, that Barrett & Co. of 49 Vesey St., an old and respectable firm, is working at 50 per cent normal capacity, according to Joseph Bistany, secretary-controller.

"This is impossible competition," Bistany said, We just granted our workers a 50-cent per hour increase, and all our related services, like maintenance, are going up as well.

"In our line we compete with the Frenchman. Now, with devaluation, their finished product becomes even more attractive for the retail business. And this import, like shoes, means lost leather sales for us."

Although it is far less of a leather center than it once used to be, Newark is still a favorable location for the tanning industry, especially with regard to labor supply.

UNSKILLED SUFFER

Were it not for the present rollback in production, the industry could absorb more unskilled manpower of Newark—at wages averaging $3.50 an hour. As Floyd Gold, treasure of Goldsmith Leather Co., 121 Paris St. put it: "Our people are taking home up to $200 a week. They would be on welfare if it wasn't for this type of work."

The slowdown had no effects locally until recently, according to Kaltenbacher of Seton, the city's largest tanning house. "The industry is still substantial today, although it was at its peak in the 1890's."

Kaltenbacher related the growth of his firm, founded by his father at 62 Verona Ave., and which spread during 60 years into adjoining buildings. Seton became a public corporation in 1927, and has since acquired Radel Leather Manufacturing Co. of Newark and the Wilmington Chemical Corp. of Delaware and an Ohio plant.

Kaltenbacher, whose son Philip D. is also with the firm and was just re-elected to represent Essex Assembly District 11F, said that in contrast to the growth the company had enjoyed, the layoffs are "something new."

The younger Kaltenbacher pointed to the imports again as the root of the problem, stating "we're playing by the free-trade concept while other countries build protective barriers to guard against American goods overrunning their industries."

He was echoed by Gold: "Take for example Japan, which puts restrictions on all types of things. They protect themselves and damage your industry. We should have restrictions on what's coming in too."

MORATORIUM PROTESTORS PROLONGING THE WAR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. WYMAN. Mr. Speaker, why do not—or cannot—those moratorium protestors realize that by their demands for immediate, unconditional wtihdrawal of all American forces from Vietnam they are in fact prolonging the war there? Those who contribute to the impression in Hanoi that the United States may any day now adopt a policy of outright appeasement and wholesale retreat from Vietnam encourage continued Communist recalcitrance at Paris.

They must understand that if we run out on our South Vietnamese allies—just turn tail and withdraw lock, stock, and barrel—not a single nation in the world will ever trust the United States of America again. Frustrations with the conduct of a war by civilian policies that for years have demonstrably prevented the military from winning a military victory in South Vietnam are virtually universal in this country and understandably so. The frustrations of young people who naturally do not want to go to Vietnam and be shot at under similar conditions are also understandable.

In this connection an editorial in today's U.S. News & World Report by the distinguished Columnist David Lawrence is worthy of consideration and careful study by both the Pentagon and the White House.

The editorial follows:

[From U.S. News & World Report, Nov. 17, 1969]

Who Is Prolonging the War?

(By David Lawrence)

The United States is militarily the most powerful nation in the world. Certainly a tiny country like North Vietnam would never have been able to deprive an American army of victory if the commanders of our forces had been permitted to use military strategy and air power in the customary ways.

Who interfered with our own military operations? Who in this country prevented our armed services from using their maximum strength? Who, indeed, must accept the responsibility for the long list of casualties? This would never have been so large if American forces had been authorized to employ the military means necessary to attain victory.

But ever since we went to the aid of the South Vietnamese, there have been pressures inside the United States. These have been called "political." Basically they were influences which catered to pacifist elements and sought to sway the uninformed citizens who never really knew how or why the war was being lost.

General William C. Westmoreland, who commanded U.S. ground forces in Vietnam for four years and now is Chief of Staff of the Army, revealed in an interview in this magazine on Sept. 29, 1969, some of the frustrations of our military commanders. He said:

"One of the interesting things about this war is that responsibility has been divided. I had the U.S. ground war in the South, Admiral Sharpe had the air war in the North. The political, psychological, economic factors implicit in this entire equation were vested in the Ambassador in Saigon and the Secretary of State. Also, operations were conducted in the territory of an ally who exercised sovereign authority over his land and his people and control of his troops.

"No U.S. authority short of the President had cognizance over the entire conflict. Therefore, the President had to get into all sorts of details. And he had many pressures brought to bear on him—numerous factors to consider: international opinion, domestic opinion, as well as the military situation. The war has been more than military. I'm not unaware of the many complex factors that had to be considered."

Psychological warfare is in some respects as important as military operations. The newspapers, radio and television are filled with pronouncements from persons, inside and outside of Congress, who have publicly denounced the foreign policy of their Government in the middle of a war.

In Hanoi, everything said in this country is studied carefully day by day. The Red Chinese and the Soviets also note that the United States seems to be wavering and apparently is unwilling to pursue the war to a military decision.

When President Johnson acceded to the wishes of the "anti-war" elements and announced that he would halt the bombing of North Vietnam in the hope of initiating peace negotiations, the enemy was sure that the critics of the Vietnam war within the United States were making headway. Hanoi concluded that it was just a question of time before America would have to acknowledge a humiliating defeat and withdraw from Asia altogether.

For more than a year now the United States has made every effort to get a constructive peace settlement. But North Vietnam has refused to negotiate meaningfully. Encouraged no doubt by both Peking and Moscow, Hanoi feels that it needs only to wait a year or two and all American troops will be withdrawn. Then the Saigon Government could be ousted and a Communist-controlled regime would take over.

Many people in America think that the Vietnam war is a remote affair and that the United States "has no business" in Asia. This is an erroneous concept because the underlying issues can make the difference between world war and world peace.

The safety of nearly every country—in Asia, Europe and Latin America—is at stake and will be threatened if Communism achieves a victory in Vietnam.

Speeches and statements being made day after day in the United States decrying American policy are giving "aid and comfort" to the Hanoi Government and are prolonging the war.

The demonstrations by so-called "peace" groups are helping to prolong the war.

The carping criticisms by politicians who mistakenly think they are currying favor with the public are also prolonging the war.

The war could be ended honorably by the President if he were given the wholehearted support of the American people.

If we could develop right now a united America, the fighting in Vietnam would be promptly terminated. We could, for instance, announce the date of a cease-fire. If it were not respected, we would be able to retaliate immediately with maximum military power.

When the enemy becomes convinced that the United States means what it says and that the dissenters in this country are a small minority, peace will come soon in Vietnam, and we might well avoid World War III.

SETTING A DEADLINE FOR WITHDRAWAL

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. GOODELL. Mr. President, I remain firmly convinced that we should establish a fixed, public timetable of 1 year for the withdrawal of all American troops from Vietnam.

The bill I recently introduced in the Senate, S. 3000, would mandate such a timetable. It provides that no funds may be expended to support the presence of American military personnel in Vietnam after December 1, 1970.

There has been extensive public discussion of the pros and cons of such an approach. In his November 3 speech, the President indicated that he opposed a firm withdrawal deadline.

I have prepared an article entitled "Set a Deadline for Withdrawal," which is published in the New Republic of November 22. It describes the reasons for my proposal, and responds to the arguments made in opposition to it.

Mr. President, I ask unanimous consent that my article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New Republic, Nov. 22, 1969]

Set a Deadline for Withdrawal!

(By Senator Charles E. Goodell)

The President has announced that he does not intend to be the first American President to lose a war, but the Vietnam war is not his to win or lose. This war was "lost" by his predecessors when they involved us in a purposeless conflict, the origins and nature of which they never understood.

On September 25, I introduced in the Senate, S. 3000, "The Vietnam Disengagement Act." The bill provides that no funds may be expended to support the presence of American military personnel in Vietnam after December 1, 1970. It sets a fixed, public timetable of one year to accomplish the total withdrawal of all our military personnel, but it would permit the continuation of appropriate military and economic aid to the South Vietnamese government, as recommended by the President and approved by Congress.

The human, economic and other costs of prolonging our unconscionable military presence in Vietnam outweigh, I deeply believe, any benefits which could possibly result from our continued presence there for an indefinite time. While there are risks attendant to complete withdrawal, these are smaller than the risks and costs of any policy of extended troop commitment.

Notice to the South Vietnamese government that we are withdrawing our forces within one year will create a powerful incentive for that government to mobilize its forces more effectively and to seek the political strength of a broadened popular base.

As the foreign intruder, we have polarized the political situation in the South, and driven many nationalist elements toward the NLF. Our withdrawal is likely to help foster a depolarization that would create a favorable environment for a genuine political settlement.

In his November 3 speech, the President argued that a fixed withdrawal date would remove any incentive for the enemy to negotiate in Paris. He admits, however, that there has been no movement whatever in the Paris talks. A fixed withdrawal timetable could hardly make these stalemated talks more stalemated.

The President contends that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." The South Vietnamese army has over a million men under arms. The Vietcong has only about 100,000 and the North Vietnamese army has only 110,000 men in the South. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting the populous areas—and to abandon its objectives of controlling the entire countryside. To assume, however, that such a large army could simply be overrun by a relatively ill-armed and much smaller enemy assumes that the President's own plan for "Vietnamization" likewise would have little or no chance for success in the foreseeable future.

The President places great stress on the notion that a "bloodbath" would occur in South Vietnam if our troops were swiftly withdrawn. An even greater bloodbath, however, is occurring now. American bombing raids and artillery have been killing Vietnamese by the hundreds of thousands. Beyond that, the South Vietnamese government is conducting its own political assassinations. Saigon radio reported that by December 31, 1968—one year after its inception—the joint Saigon-US "Phoenix" program for killing NLF village officials had caused the death of 18,393 persons.

It is difficult to judge how the Communists would act if they were to take control of South Vietnam. There would be some reprisals, certainly. Yet a persuasive case can be made that it would be contrary to the Communists' self-interest to initiate large-scale violence against the civilian population, thereby diminishing their ability to unite the widely disparate elements of South Vietnamese society. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

The "bloodbath" argument also rests on the questionable assumption, discussed earlier, that the South Vietnamese army would be powerless to prevent a complete Communist take-over of the South.

What will happen if the enemy decides to re-escalate the fighting and increase American casualties by this spring? We can only look with trepidation on the ominous suggestion that Mr. Nixon will in that event take "strong and effective measures"—presumably of counter-escalation.

The fundamental defect of the President's plan is that it makes the pace of our withdrawal dependent upon factors wholly beyond our control, thus continuing the old approach under which the United States, instead of having a viable policy of its own, merely responds to the initiatives of the enemy. It is time to stop postponing our withdrawal until our adversaries change their minds. It is time for the South Vietnamese to take over responsibility for protecting themselves. In short, it is time that we make up our minds to get out by a certain date, and then get out.

THE FORT LAUDERDALE NEWS OFFERS SIGNIFICANT OPPORTUNITY FOR NOT-SO-SILENT MAJORITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BURKE of Florida. Mr. Speaker, one of the outstanding newspapers in my district and in the State of Florida, the Fort Lauderdale News, has undertaken a most significant effort in endeavoring to give its readers an opportunity to voice their viewpoints on President Nixon's efforts to achieve a just and lasting peace in Vietnam.

The Fort Lauderdale News gave its readers an opportunity to have their say on this issue through a ballot which was recently published in one of its daily editions.

Over a period of only 6 days, the News received a total of 8,541 responses from concerned readers in the Fort Lauderdale area, and it is interesting to note that out of this large total, only 567 votes were cast in favor of an immediate pullout of American forces in Vietnam, while there were 1,543 votes in favor of even increased military pressure on the enemy.

I feel that the results of this ballot serves to point up the strong, widespread support being given to the President in his peace efforts and I am happy to bring the results of this effort by the Fort Lauderdale News to the attention of the Congress.

The article follows:

[From the Fort Lauderdale News, Nov. 12, 1969]

ENTHUSIASTIC READERSHIP RESPONSE ON VIET VIEWS WERE SENT TO PRESIDENT

Yesterday afternoon a rather bulky package was air-expressed from Ft. Lauderdale to President Richard Nixon at the White House.

This particular package contained 8,541 ballots sent to The Ft. Lauderdale News and our sister publication, the Sun-Sentinel, in recent days which our readers had used to express their opinion in regard to the war in Vietnam.

These ballots rather conclusively proved at least two points. One point was that a surprisingly large majority of the people who responded to our plea let Mr. Nixon know how they felt about the war and his program for ending it and that they were solidly behind his program. Out of these 8,541 ballots there were 6,431 people who voted in favor of Mr. Nixon carrying through with the plan he outlined to the nation 10 days ago.

Surprisingly, also there were only 567 votes cast in favor of an immediate pullout of all our forces in Vietnam, while there were 1,543 votes cast in favor of applying greater military pressure on the enemy to force him to negotiate an end to the war.

The second point these ballots proved was the contention made by President Nixon that there does exist in this nation a great mass of citizens who up to now haven't had much of an opportunity or perhaps an inclination to voice their opinion on the war or how they feel it can best be ended.

The very fact that in just six days some 8,541 people in this area took the time and the trouble to clip a ballot from our newspapers, mark it, and mail it to us for tabulation and submission to President Nixon, makes this point evident beyond any shadow of doubt.

It was our original intention to wait until our poll ended before sending all the ballots we had received to the White House. But with yesterday being Veterans Day, and with the day being used by many groups across the nation, not only to honor our war dead but to rally behind President Nixon's stand on the Vietnam conflict, we thought it appropriate these ballots be sent to the White House on this day and by the quickest means possible.

We would also like to inform those who took part in our poll, and those who might still do so, that their expressions of opinion won't go unnoticed at the White House. Presidential aides informed us yesterday they were eager to receive the ballots and bring them and their results to the President's attention.

There was one other reason we felt it was timely to dispatch these ballots to the President in advance of our original plans. As most of us now know, thousands of anti-war protestors are now gathering in our nation's capital to launch another series of demonstrations aimed at forcing President Nixon to pull all of our troops out of Vietnam right now, even though that course would mean literally abandoning South Vietnam to the enemy.

Unquestionably, the great majority of these antiwar protestors aren't going to Washington to promote any violence. Most of them are sincere people who believe we made a bad mistake in getting into the war in the first place and are compounding that mistake every day we stay in it. These people certainly have a right to be heard and to emphasize their stand by peaceful demonstrations.

There will be some, however, who won't be so peacefully inclined, and who will no doubt seek to use the series of demonstrations as a means to incite violence. This well explains why a feeling of tenseness is now spreading through Washington and why police and military officials are taking unusual precautions to handle any outbreaks that might occur during the remainder of this week.

With these potentially dangerous demonstrations looming directly ahead we thought it was important that the President know right now that his plea for the "silent majority" in this country to back his hand is having the kind of result he hoped it would have.

These 8,541 ballots from the people of this area will come as welcome news to Mr. Nixon at the very time he most needs it, and we sincerely thank all of the readers of The News and the Sun-Sentinel for the truly amazing manner in which they responded to our poll and enabled us to provide Mr. Nixon with an unmistakable and clear-cut cross section of public opinion in our circulation areas in regard to the war and to his plans for ending it as quickly as possible on an honorable note.

VOICE VIEW ON VIETNAM

President Nixon in his speech on November 3, asked the "silent majority" to support his policies regarding the phased withdrawal of combat troops from South Vietnam.

This is an opportunity for all citizens to express their views. To facilitate this, we are presenting the ballot below:

I support President Nixon's Vietnam policies ------------------------------ ☐
I favor an immediate withdrawal from Vietnam ------------------------------ ☐
I believe we should apply more military pressure to force North Vietnam to negotiate a meaningful peace -------------- ☐

Name ------------------------------------
Address ---------------------------------
City------------------- State------------

Indicate your preference by marking the appropriate box. Mail this ballot to:

The Ft. Lauderdale News,
Vietnam Views
101 N. New River Dr., East,
Ft. Lauderdale, Fla. 33302

All ballots will be tabulated, the results published and the ballots forwarded to the White House.

BARRIER-FREE ARCHITECTURE

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. DOLE. Mr. President, it is estimated that more than 20 million Americans are confronted each day with architectural barriers which severely limit or entirely prohibit their use of facilities and buildings.

Steep stairs and a lack of elevators, for example, are impossible hurdles for those suffering from cardiac conditions, arthritis, or neurological disabilities; public restrooms, water fountains, and telephone booths become inaccessible to those with severe physical limitations.

It is indeed encouraging therefore that the American Institute of Architects is conducting workshops for its members to stimulate architectural design which includes meeting the needs of the physically handicapped. The purpose of the workshops is to acquaint architects with Public Law 90–480, which Congress enacted last year to assure that buildings constructed with public funds are accessible and usable by the handicapped and elderly.

In addition, it is hoped that architects will be stimulated to keep the handicapped in mind when they design other buildings and facilities intended for public use.

Upcoming AIA workshops include: November 17–18, Hartford, Conn.; November 24–25, Fort Worth, Tex.; December 2–3, San Francisco; and December 10–11, Los Angeles.

Since early October, 2-day workshops also have been held in Philadelphia, Louisville, Minneapolis, Denver, Seattle, and Atlanta.

The National Easter Seal Society for Crippled Children and Adults, Rehabilitation Services Administration, General Services Administration, and the President's Committee on Employment of the Handicapped also are cooperating to make the AIA seminars a joint effort to break down architectural barriers.

At the Minneapolis meeting, William P. McCahill, Executive Secretary of the President's Committee on Employment of the Handicapped, delivered a speech which I commend to the attention of Senators because of its clarity and realism. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BARRIER-FREE ARCHITECTURE

(By William P. McCahill)

It is a sad but true fact of life that many of the most severely wounded veterans of Vietnam will not be able to obtain the education promised them by a grateful Congress. The reason is simple. They won't be able to get into or function adequately in more than 90% of our colleges and universities. Either there won't be any elevators in multi-story buildings or there won't be even one ground-level entrance. And, even if there are elevators and stepless doorways, toilet stalls will be too narrow, drinking fountains too low, telephones too high or parking facilities either non-existent or too far away for wheelchairs. We have constructed an environment on campus which does what the Viet Cong couldn't do, stop the American fighting man dead in his tracks, wheel tracks. That's part of what this meeting is all about. Perhaps a more dramatic part, but an important one.

TEN AIA WORKSHOPS

Our meeting today in Minneapolis is the third in a series of ten orientation workshops in carefully selected cities throughout the country. When they are completed, we hope to have involved between 1500 and 2000 students, architects in private practice, builders, architects working with Federal, State and local agencies of all kinds, key professors and deans of the major schools of architecture in the country. Our purpose in so doing is to acquaint architects in private practice and in public programs with the needs of disabled people and the provisions of new Federal legislation now going into effect, Public Law 90–480. We hope to enlist your interest in implementing this legislation and similar State legislation so that buildings and transportation systems you design will be more responsive to the special needs of people with physical impairments.

We have here today some disabled people who will demonstrate problems they face in getting around in the average building. We have other consultants who can answer questions about the Legislation. The film you will see tomorrow portrays vividly the human problems of the men and women who have chronic impairments.

My job today is to set the stage—to explain why it is so important that the architectural professions and the building industry generally take the lead in improving the environment for the disabled and elderly. This will include some ideas about the size of the problem and what different groups, including the Federal Government, are trying to do about it.

TWENTY MILLION AMERICANS

As one looks around, it is easy to note that the modern man-made environment is designed for the young and healthy. Yet almost everyone, sooner or later, is handicapped by a chronic or temporary disability or by the infirmities of old age. By designing for the physically perfect we bar real people from getting an education, earning a living, going to church or synagogue, library or opera, becoming a part of active community life. It has been estimated that more than 20 million Americans are built out of normal living by unnecessary barriers—a stairway, a too-narrow door, a too-high telephone.

ARCHITECTURE COMMISSION RECOMMENDATIONS

To throw the spotlight of public attention on this problem, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped conducted several hearings across the country and presented to Congress some recommendations stemming from its 2-year investigation. Incidentally, Lorenzo Williams—a prominent architect from Minneapolis—was a member of that commission. Among these were:

1. Enactment of Federal legislation requiring that all new public buildings and facilities which are intended for use by the public must be designed to accommodate the elderly and the handicapped if any Federal funds are used in their construction.

2. Enactment or revision of State legislation to require that State and local buildings constructed with public funds meet accessibility standards and to include strong enforcement provisions.

3. Revision of all building codes so that industries, shops, and other privately owned structures used by the public will be built for accessibility in the future and so that, when existing buildings are renovated, feasible improvements in accessibility will be made.

As the Commission reviewed studies, and talked with people in all walks of life from different sections of the country, it became clear that one of the major reasons for inaccessible buildings was simple thoughtlessness. A public opinion poll by Gallup revealed that 64% of the American people had not thought at all about how the handicapped manage to get around. They were unaware that one of the greatest single obstacles to employment for the disabled youth or adult, veteran or housewife, is the physical design of the buildings and facilities they must use.

Most people did not know that of the one in every ten persons who has some disability there are 2 million children with orthopedic difficulties, and countless others with more hidden physical defects. What about the education of these children?

And there are millions of adults enfeebled by age or who have heart conditions that preclude their climbing stairs and hills. There are millions with arthritis, who are blind or deaf plus those with other chronic disabilities that keeps them in heavy leg braces or on crutches or in wheelchairs . . . Over and above these are those temporarily disabled by accidents who could return to school or work sooner if buildings were designed for accessibility.

Some of the other key findings that will interest you were that new facilities built and equipped to accommodate the handicapped cost little or no more to construct than buildings designed only for the able-bodied. The important point here is to achieve this at the design stage—not later. Testimony and studies of the Commission showed, however, that many old buildings could have some of their barriers removed at nominal cost. It was found, also, that industry and business could tap a new reservoir of competent employees and new customers simply by adding a few accessibility features such as hand rails, ground level main entrance or ramp, doors that open automatically, nonslip flooring, one or more wide toilet stalls with grab rails and an open booth with a low placed telephone.

The great obstacle of stairs and steps and inaccessible toilets, or lack or usable transportation often makes it necessary to underplace a person in terms of his real capacity or potential. This fact and the obvious need for all disabled people to get around their communities to shop, go to church, to vote or to go to the movie makes it necessary for all of us in the rehabilitation professions to urge the design professions, the building industries and transportation officials to work with us toward a barrier free environment.

Removing architectural barriers is a "cause" involving a number of agencies of the Federal Government, many voluntary organizations including universities, professional societies and thousands of volunteers.

I'd like to review some of the high-lights of the work of the past few years so that you will have a greater appreciation of why the Federal Government and the American Institute of Architects along with the other sponsors of these meetings are teamed together on this current series of workshops on barrier-free architecture.

NATIONAL EMBARRASSMENT

Our work on different facets of this problem goes back about ten years. Architectural barriers became a live "public issue" when the "Handicapped man of the Year" came to Washington to receive the President's trophy. This particular disabled man was in a wheelchair. It was necessary to tug and lug him and his wheelchair into the Federal Building and onto the stage where the ceremony was being held—as if he were a sack of potatoes and not a sensitive human being. We got six Marines to assist him and other wheelchair users into the auditorium and I pulled his chair up the platform backsteps.

The incident was a national and personal embarrassment, and that Fall at a White House meeting of our Advisory Council, an ad hoc committee was formed to try to come up with a solution to the vexing problem of architectural barriers. Represented on that ad hoc committee were, besides the President's Committee, the Veterans Administration, the then Office of Vocational Rehabilitation and the Department of Labor.

Following consultation among these groups, the President's Committee joined forces with the National Society for Crippled Children and Adults to wage a massive educational campaign to make the public aware of the problem of architectural barriers. These two organizations have affiliates or counterparts in every State and in many communities around the country who could attack the problem at its very roots—the local neighborhood.

FORMATION OF STANDARDS COMMITTEE

It was decided at the start to invite representatives of some 50 organizations who were vitally interested in, and ably qualified to assist in attacking the problem of architectural barriers. As a result these experts and consultants formed an American Standards Association Committee. Under the chairmanship of a distinguished Washington architect, Leon Chatelain, Jr., who formerly was President of the American Institute of Architects, and the staff director was Minnesota's own K. Vernon Banta, here with us today.

This Committee was composed of representatives of professional and trade associations—including architects, engineers, the construction industry, and building trade unions—societies, manufacturers, and government agencies. A comprehensive and detailed "Work Outline" was developed, and with this as a guide, each member of the Committee investigated independently specific areas which related to his basic interest and knowledge. The findings were then tested over a two-year period on the campus of the University of Illinois, which included in its enrollment about 200 severely handicapped students.

RESEARCH, TESTS, THEN A REPORT

Through this research and testing, using individuals with a wide range of physical impairments, the Committee was able to have the essential data necessary for making its many decisions. Ramps were constructed that were adjustable to different pitch and length and combinations of both. Adjustable handrails were installed. Research men tested wheelchair-bound individuals having various types and degrees of handicaps under widely varying conditions. Another basic research team measured the turning space of a wheelchair and the vertical and horizontal reach of the individuals using them. Each test was conducted by individuals representing various manifestations of disability, various ages and varied circumstances relating to time of onset of disability. The data from these tests were included in a report of over 100 pages.

At the end of this two-year testing period, the report was condensed into a 12-page set of specifications, and approved by the American Standards Association. This approval means that they were reviewed by every committee and board concerned with building, safety, fire egress and protection within this Association.

These Standards are intended for use by architects, designers, engineers, builders, and those who want to make their buildings accessible to the physically handicapped. They were purposely drawn up as guidelines, rather than specific blueprints. In order to have a wider and more general application; but they were informative enough to satisfy any architect or builder who wishes to convert the principles into accessible architectural design.

They include such items as grading of ground, walkways, parking lots, entranceways, ramps, doors, toilet facilities, water fountains, public telephones, and elevators. They are specific with respect to dimensions, in use of materials, and methods of construction and design.

These minimum standards were distributed to architects and builders throughout the Nation not once, but several times through various channels.

The President's Committee and the National Society urged the State Governors' and city Mayors' Committees and the State and local Easter Seal Societies to form voluntary groups to study the removal of architectural barriers and if necessary, to work for State legislation where public construction was involved.

SOME ACTION; NEEDED: MORE

By 1965 about 24 States had taken some kind of official action (law, executive order or building code) to eliminate architectural barriers in public buildings, and by 1969 the total was 45 States.

Although this represented great accomplishment, much of the legislation was permissive or not fully comprehensive in coverage. The net effect was that by 1965 too few buildings intended for general public use were really being constructed in such a manner as to make this possible. Too few architects, designers, financiers and owners of buildings including Federal, State and local governments were fully committed to the objectives of these laws, if, indeed, they even knew about them.

PROMOTION AND PERSUASION

Through the efforts of the architectural barriers project of the National Society, financed by grants from the Rehabilitation Services Administration of the Federal Government, approximately one hundred local communities established committees of citizens to make surveys, to issue public educational materials, to develop guidebooks to local buildings citing those which could be used by the disabled. Many magazines of national organizations carried informative articles supporting the use of the standards and the objective of removing barriers.

While no government wide order was promulgated, several key Federal agencies adopted some or most features of the standards. Accordingly, many public buildings such as post offices, veterans' facilities, national parks and office buildings began to cater to some of the needs of the disabled. Faithful promotion and persuasion added a few more Federal agencies or facilities to this group each year.

CONGRESS CREATES NATIONAL COMMISSION

By the end of 1965, the Congress agreed with other interested groups that it was time to take stock—to get an overview—of what had been accomplished to date in eliminating barriers, and what else might be done. As part of a bill to improve and extend vocational rehabilitation services for the disabled, the Congress created a National Commission on Architectural Barriers.

The National Commission was made up of private citizens chosen from different sections of the country who were knowledgeable about one or more aspects of the problem. The Commission's work was financed by your Federal Government.

At the request of the Commission, both the American Institute of Architects and the National League of Cities undertook special studies covering the orientation of architects to the problem, the adequacy of State and local laws and codes in helping to remove architectural barriers, and the state of public awareness of the problem and how it could be solved. Many national, State, and local groups, as well as concerned individuals appeared or sent in testimony, information, research studies, or statements expressing their points of view to the Commission. These were considered by Commission members and reflected in many of the Commission's major recommendations.

RECENT PROGRESS

Following the Commission's recommendations, progress continues to be made on several fronts:

(1) The Congress passed the recommended Federal legislation and some States have passed improved State laws.

(2) The Federal agencies have developed guidelines and standards for new buildings based on the USASI (American Standards Institute) standards.

(3) The American Institute of Architects is involving architects in a study of these laws, regulations and standards through this national series of workshops and action programs in 10 regions.

(4) Reports and studies on this problem have been given publicity.

(5) The National Easter Seal Society for Crippled Children and Adults, with Federal assistance, is doing a special research study in three communities to develop "a prevention formula" which will help communities to avoid the development of architectural barriers.

(6) A Federal grant has just been made to Eastern Oklahoma State College at Ada, Oklahoma, to establish an information service on the removal of architectural bar-

riers. Such an information service will serve colleges and universities as well as research groups.

(7) This summer we held in Washington a national citizen's conference of 1200 citizens from all parts of the United States. This group studied the nature of environmental barriers. They looked at public schools, public transportation facilities, housing, recreation facilities and public buildings which for the most part have been designed for use by able-bodied people. Technical papers, films, and other materials developed especially for this conference have been taken back to hundreds of communities throughout the country.

COMMITMENT, COOPERATION

All of our work on elimination of architectural barriers has involved cooperation between governmental agencies and one or more non-governmental civic or professional groups. This approach to the solution of the barriers problem is characteristic of the manner in which the vocational rehabilitation of disabled individuals has been developed in the United States. By joining forces with all groups, our movement has greater strength. It draws upon a broader base of financial resources, a wider spectrum of community, State and national leadership. It helps to develop a fraternity of committed people.

HOUSING AND TRANSPORTATION

I have left to the last a reference to the work which has been done on the special problems of housing and transportation. Through strong congressional interest, sparked by organizations of handicapped people, our basic national housing act has been amended to make possible certain types of Federal benefits to disabled people seeking rental or purchase housing—in single family homes or in apartment units. Certain financial incentives are available to profit and non-profit groups willing to sponsor the development of special housing for these groups.

Our general philosophy is that the disabled should be able to find a variety of accessible housing, transportation, and other services just as the able bodied do—consistent with their financial capability. We believe that there should not be ghettos of old or handicapped people segregated from the able bodied.

On the other hand, we know that some older people and handicapped people prefer to live separately in specially designed housing. They prefer to work and to socialize primarily with other old or handicapped people. For this reason, the Department of Housing and Urban Development and local housing authorities work cooperatively with sponsors of both types of housing in an effort to provide more usable residential units for older and disabled people. We don't have any one formula, rather a flexible response to community preferences.

National efforts with respect to improving transportation facilities are at an earlier stage of development. As a result of the constant persuasion exerted by groups such as the Paralyzed Veterans of America, the President's Committee and individuals associated with it, airports and carriers are offering better accommodations to the disabled. Similarly, local leaders usually associated with organizations of handicapped persons, the Easter Seal Society and the Mayor's and Governor's Committees on the handicapped have engaged in strong educational campaigns to influence the design of new public transportation systems. They have persuaded the developers of local rapid transit facilities in Washington and San Francisco, for example, to include the disabled among those whose patronage they will accommodate. The example of accessible transportation at Expo '67 in Canada has been used as a spur to galvanize American designers of transport into action. Similar plans for the Osaka 1970 festival in Japan will also help.

DISTRICT OF COLUMBIA SUBWAY SYSTEM

Incidentally, an Amendment to Public Law 90–480 will be introduced in the House this week with hearings set for November. The legislation will make accessibility for the handicapped and elderly mandatory in the D.C. Subway System. The accessibility and usability features of common carriers were analyzed—the bus and street car systems, trains and air transport. The major findings will help the policy staff of the Department of Transportation shape their responsibilities toward including the handicapped in this Nation's transportation scheme.

Recently, the U.S. Department of Transportation received recommendations from a year long study of the public transportation needs of the disabled. All modes of transportation were studied.

THE BARTLETT AWARD

One last remark. To stimulate greater interest by all architects in barrier-free architecture, the American Institute of Architects and the President's Committee are making an annual award. An outstanding example of fine architecture which also exemplifies accessibility for the disabled will receive the Bartlett Award, named in memory of the late, great Senator E. L. Bartlett from Alaska who was the Senate sponsor of Public Law 90–480, the Federal legislation on barrier-free design. I hope that many of you will be competing for this new award in the years to come.

During the next several weeks we will be presenting this award to the three recipients of the 1969 competition during the workshops similar to this scheduled for Hartford, Los Angeles, and San Francisco. These awards are going to the architects of the Boston City Hall, the San Diego Stadium and the Tenneco Building in Houston. I regret we are not able to present an award during this luncheon to an architect from this region. Hopefully, things will be different after this workshop concludes.

A JUDICIOUS JUDGE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENGEL. Mr. Speaker, the State of Iowa has been working in recent years to achieve reform of its lower courts. Like many States, Iowa has suffered from the concept of part-time judges. Conflicts of interest were, and continue to be a problem.

The municipal judge for Iowa City, Iowa, the Honorable Marion Neely, has handled this difficult problem in a most admirable manner under the circumstances. Rather than duck the question of a possible conflict of interest between his duties as judge, his duties as a private attorney, and his duties as the Republican county chairman, he faced them forthrightly. He made full disclosure of the problem, and made certain that appropriate officials were cognizant of the problems involved before he accepted the post.

The Cedar Rapids Gazette of November 3, 1969, editorialized on the judge's handling of the problem, and I would like to add my congratulations for his superb handling of a most difficult situation.

The editorial follows:

A JUDGE'S VIEW

Does a part-time police judge who is also Republican county chairman have a conflict of interest? This question was raised recently in Iowa City where Police Judge Marion Neely is also Johnson county G.O.P. chairman.

Judge Neely, a lawyer, had anticipated the question when he agreed to accept the judgeship in 1965. One condition to his acceptance, he set out then, was that he would be permitted to work in the party of his choice. Iowa City officials agreed to the condition. Only this year, at Judge Neely's request, the Johnson County Bar association checked into the Neely situation and agreed there is no conflict of interest.

Judge Neely referred to these instances in a recent statement answering the question, which was raised by a candidate for the city council. He went a step farther, saying:

"Even though the purpose of the allegation was to revive an issue that had been resolved, it does emphasize the necessity of court reform in Iowa, for every person with judicial capacity below that of district judge faces political attacks such as the one in the instant situation. This includes those directly involved in politics in Iowa, such as municipal court judges, justices of the peace, and mayors of communities that have mayor's courts. And, of course, those involved indirectly in the political scene, such as police court judges, who have to rely on a political appointment every two years. The only way to have compliance with a rule that takes all judges out of politics is to enact judicial reform, which proposition I have long advocated."

That's straight talk from a judge who is on the front firing line probably as much or more than most because he is located in a university community where there is a good deal of action.

Iowa City is a large enough community to have a full-time municipal judge, removed from city politics. In his four years on the bench—as a part-time judge—Judge Neely has raised the status of his court and actually handles a volume of work equal to that processed by full-time municipal judges in Clinton, which has the same population, and in Ames, which is smaller. He is right. Judicial reform, especially on the lower court level, is overdue in Iowa.

STUDENTS AT ORAL ROBERTS UNIVERSITY JOIN IN PRAYERS FOR PEACE—HAWKS AND DOVES UNITE IN PRAYER RATHER THAN PICKET WITH PLACARDS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. RANDOLPH. Mr. President, as students on campuses across the land participated in pro and con demonstrations on the Vietnam conflict, the youth of Oral Roberts University, Tulsa, Okla., united in prayer.

These students, like those elsewhere, desire peace. However, rather than carry placards, they placed their faith in God and asked His guidance in bringing a just settlement.

This is a new institution of higher learning, and I had the privilege of addressing its first class in 1965 and also its first graduating class in 1969.

Mr. President, the Tulsa Tribune of October 15 contains a story entitled "ORU Students Pray for Peace." I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ORU Students Pray for Peace—Doves and Hawks Alike

(By Bob Foresman)

Oral Roberts University has both hawks and doves but today virtually all are praying for a peaceful solution to the Vietnamese War.

They are stopping to pray instead of picketing with placards as is being done at many campuses.

The moratorium was officially noted at the 10 a.m. chapel which is compulsory for the 882 students. They gathered quietly at the Learning Resources Building auditorium to the strains of "The Battle Hymn of the Republic."

As the students sat waiting for the program to begin, they quietly sang the words to the old Civil War hymn.

The Rev. Bob Stamps, Methodist minister and university chaplain, quietly stepped to the podium and said he would lead a responsive prayer in which, at intervals, students would reply with the words, "We implore You, God of Peace."

Mr. Stamps termed today a "great day for ORU's campus."

It is one of the highlights of a four-day Cultural Emphasis Week which will be climaxed on Thursday by dedication of the new Avenue of Flags leading into the campus from Lewis Avenue.

On Thursday morning the American flag, the new Oral Roberts University flag, the Oklahoma flag and the Christian flag will be hoisted together with those of 20 nations which have students attending the university.

Mr. Stamps asked the students to cast their eyes to God and relax and let the Spirit of peace go through them.

"Usually our prayers are much too small but today we are great.

"Our dreams of faith are large," he began.

Specifically he asked God to grant wisdom to President Nixon and other national leaders.

He also prayed for the salvation of the 45,000 American "boys" who have given their lives in the struggle. He also prayed for the "hundreds of thousands" of enemy soldiers who have given their lives.

After each prayer the students would intone "we implore you, God of peace."

Mr. Stamps asked the Lord to grant wisdom to the Paris negotiators who are attempting to settle the war.

"Bring peace to our campuses, bring an end to war."

The students sat in absolute silence except for the responses. A few were visibly moved.

After the program, which included a panel discussion by women of several ethnic groups seeking universal understanding, the students filed out of the hall and went to classes.

Many instructors abandoned their lectures and students held open discussions on the Vietnam situation.

Bob Goodwin, Tulsa senior, president of the Student Senate, asked each student to spend a portion of the day in prayer.

Afterward he said that he did not object to boisterous meetings and placard-carrying on other campuses.

"We don't do that sort of thing here."

Goodwin said the student body at ORU is one in allegiance "first to God and next to country."

THE EVER-PRESENT PROBLEM OF KEEPING THE RECORD STRAIGHT

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HOLIFIELD. Mr. Speaker, on October 29 the attention of this body was directed toward an article which appeared in the October 29 issue of the Washington Post reported as an endorsement of a strong State role in regulating safety standards for nuclear powerplants. The article reported upon testimony presented on October 28 by John Nassikas, Chairman of the Federal Power Commission, in an appearance before the Joint Committee on Atomic Energy of which I am chairman. These hearings currently being held by the Joint Committee concern the environmental effects of producing electric power.

I personally was very surprised on the morning of October 29 to read the referenced article since I had listened very carefully to Chairman Nassikas. I found that the article created exactly the opposite impression of the one I had received from listening to Mr. Nassikas' testimony.

Mr. Nassikas had returned to the committee hearings on October 29 for the purpose of continuing his testimony, and I took advantage of the opportunity to ask him to comment upon the impression created by the article in the Washington Post. In brief, Mr. Nassikas stated that the article was incorrect. He reiterated his view that the regulation of nuclear powerplants should continue to be in the hands of the Federal Government and stated his belief that on the basis of his own knowledge of the Atomic Energy Act there has been Federal preemption of this field as a matter of public policy.

In order to "set the record straight once more," I am furnishing for the Record an extract of the transcript of the Joint Committee hearings containing the portion of the discussion which centered about this issue on the morning of October 29. In fairness to the Post, I should say that on the morning of October 30 there appeared a small paragraph in correction of their October 29 article.

The extract follows:

Extract From Hearings Before the Joint Committee on Atomic Energy on October 29, 1969, on "Environmental Effects of Producing Electric Power"

Mr. Nassikas. Whatever I may have stated yesterday in reply to questions or in my prepared testimony, I am certain that no inference reasonably could be derived that I would in any way suggest taking away from the Atomic Energy Commission its established powers over the areas of radiological effects in relation to safety and health.

In other words, we know that this particular question, that is, whether or not there is Federal pre-emption of this area, is before the court in the Minnesota cases.

I did not in any part of my testimony refer to the Minnesota cases by inference or otherwise, nor was there any intention to attempt to erode the established authority of the Atomic Energy Commission.

To the contrary, I specifically and positively stated that I thought this should continue to be in the Federal realm and I can't forecast what the court will do, but I would think that from my own knowledge of the act and its experience that there has been Federal pre-emption of this field and, as a matter of public policy, properly so.

Chairman Holifield. I thank the gentleman for that statement.

The problem is not quite as newsworthy as if he had made an opposite statement but, nevertheless, it does set the record straight.

Representative May. Mr. Chairman, thank you.

May I say before I pose a question to Chairman Nassikas that after the meeting yesterday, Mr. Chairman, I was called by a member of the press and he put specific questions to me as to what my interpretation was of what you said on this.

At least you and I understood what you were saying because I said exactly what you have said, that this was the general thrust and tenor of your remarks.

I, too, get sometimes confused on people who sit and listen to the same thing and come out with several different interpretations.

Mr. Nassikas. Thank you, Mrs. May.

I never have claimed to be always right but I try to be clear.

B'NAI B'RITH MESSENGER'S TRIBUTE TO SENATOR MURPHY

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, November 18, 1969

Mr. JAVITS. The B'nai B'rith Messenger of October 31, 1969, an independent newspaper published in Los Angeles, contains an editorial attesting to what many of us in the Senate have known for some time: that George Murphy is a Senator with a deep sense of compassion which has earned him the friendship of his colleagues and the respect of the State he represents.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Unity

The basic philosophy of the majority of the Zionist community in the United States has long been that Israel and Jewry have friends in both political parties.

Thus, in days gone by, both the Tafts and the Wagners spoke their praises and translated their words into support for the Jewish State.

Thus, major Zionist groups in recent years have heard from the Humphreys and the Nixons, the Dirksens and the Kennedys.

No greater proof of the Zionist theory has ever been offered than that of the past weekend at the Jewish National Fund's annual conference.

There, Gov. Ronald Reagan, Sen. George Murphy and Sen. Alan Cranston stood shoulder to shoulder behind the State of Israel. It was a display of unity that many in the Jewish community would call "rare," but in reality, it was a reaffirmation of a basic fact of American political life. In both parties, among those who may differ on a multitude of other issues, Israel has friends.

It is a fact that too many of the so-called Jewish communal leaders overlook each November as they paint themselves into political corners. They permit the phrase "anti-Semitic" to be used liberally in the Jewish community to describe any candidate whose views may be more conservative than theirs.

Thus, our phones ring every election time with denunciations of conservative candidates, Sam Yorty, our callers would tell us, is an anti-Semite. This is the Sam Yorty who led the way in his campaign against Hitler in the late 1930s. It cost him an election. It's the same Sam Yorty who has three times visited Israel and who has appointed more Jewish city commissoners than all his predecessors combined.

Thus, our callers denounced George Murphy as an anti-Semite. This is the same George Murphy who has endeared himself to many for his devotion to the Jewish aged. This is the same George Murphy who has, without prodding, taken up the cudgels for Russian Jewry and has been a leader, not a follower, in the United States Senate in his support of the Jewish State.

Thus our callers condemned Ronald Reagan, a man who once slept all night in a car rather than register at a hotel which did not accept Jews. This is the same Ronald Reagan who needed no second invitation to express his positive viewpoints on the State of Israel.

Our callers have scathed Richard Nixon as an anti-Semite. They have tarred Barry Goldwater with this brush. They have never been able to face an American truth, that to be a conservative is not to be an anti-Semite. They have never been able to really acknowledge that anti-Semitism lurks at the extremes of both the right and the left and that conservatives are no more extremists than are liberals.

Yes, the late Sen. Robert A. Taft and the late Sen. Robert Wagner could find a unity of purpose and a unity of spirit in their support of a Jewish State in Palestine. The late Sen. Dirksen and the late John F. Kennedy could, with vigor, praise the American Jewish community for its accomplishments on behalf of the creation and the survival of that State.

What happpened Sunday at the JNF conference was a reaffirmation of the principle that Israel has many friends in both of our great major political parties, a fact which all of us should remember.

HON. ARMISTEAD I. SELDEN, JR., HONORED AT LIVINGSTON UNIVERSITY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NICHOLS. Mr. Speaker recently a former colleague of ours was honored in my home State by having a public building dedicated in his honor.

The former member of our Alabama legislative delegation for some 16 years, our esteemed friend, the Honorable Armistead I. Selden, Jr., was singularly honored by Livingston University in the recent dedication of their Armistead I. Selden junior hall.

Former Congressman Selden is no stranger to university campuses. He was graduated from the University of the South at Sewanee, Tenn., and holds a law degree from the University of Alabama.

As you will all remember, Mr. Selden served with much distinction on the House Committee on Foreign Affairs. In addition to his very active participation in committee work, he was also an official U.S. delegate to the North Atlantic Treaty Parliamentary Conference during 1957–1959. He distinguished himself as an outstanding authority on Central and South American issues by heading special congressional studies on the Panama problem in 1963.

I believe that former Congressman Selden can be considered an expert on U.S. foreign policy and is certainly well-qualified to discuss a subject which continues to receive both nationwide and worldwide attention, that is, the effort presently underway by some to effect the immediate and unconditional withdrawal of American troops from South Vietnam.

These remarks are extremely timely, and as one who steadfastly supports the position of our former colleague, I wish to make this excellent speech available to my colleagues. I am sure that no matter what your particular position might be that you will find his statement of considerable interest.

The speech follows:

REMARKS OF HON. ARMISTEAD I. SELDEN, JR., AT LIVINGSTON UNIVERSITY

To say that it's an honor and a privilege to be here on this occasion would be perhaps the understatement of my entire public career. This has to be one of the greatest honors that anyone could hope for—to have a public structure named for him during his lifetime. That this structure is a building dedicated to the molding of an informed citizenry makes me especially grateful and humble.

To President Deloney, the Board of Trustees, the state legislature, particularly Representative Pruitt and Manley, and to all who played a part in the naming of this dormitory, I am deeply indebted.

During the sixteen years I had the honor of representing this county and district in the United States Congress, it was my privilege to work closely with the leaders of this institution, this community, and this county. And while my contributions were small indeed, I, too, am extremely proud of the progress that has been made and the fact that my name will be associated by future generations with that progress.

I suggested to Dr. Deloney when he informed me of today's activities that perhaps it might be inappropriate for me to make the dedicatory speech. When he assured me that I would be expected to do so, I concluded there would be no more timely occasion than today to discuss on the campus of an institution of higher learning a subject that at this very moment is receiving both nationwide and worldwide attention. I refer, of course, to the efforts presently underway by some in Washington and in other parts of our nation to bring about an immediate withdrawal of all United States forces from South Vietnam.

I'm certain I need not remind this audience that since the United States was launched by World War II into a position of world leadership, our nation has expended vast resources and manpower in an effort to stop the spread of international Communism.

The Marshall Plan, the Korean conflict, numerous Berlin crises, vast expenditures of foreign aid, even vaster expenditures on military manpower and equipment, the Cuban confrontation, the war in Vietnam—all have been efforts to combat tremendous pressures exerted by the forces of international Communism on the United States and on our allies.

No wonder, then, that the people of our Nation are weary of these burdens and are continually searching for some way to achieve world peace and thereby lighten the load we necessarily have had to shoulder. There are those who feel we should draw back our lines of defense and discontinue our efforts to aid these nations who wish to remain free but cannot do so without our help. There are others who feel that events transpiring within the Communist world will bring about a conflict of such magnitude among the Communist nations that the international Communist movement will no longer be a threat.

Unfortunately, both these views are unrealistic. To abandon our friends would only strengthen our enemies, move the front lines of our enemies closer to our own shores, and possibly make inevitable a direct confrontation with Soviet-Sino military forces.

Also, while the Communist nations are having problems both internally and among themselves, a war that will irreconcilably split the two most powerful Communist nations and forever rend asunder the principal factions of the international Communist movement—such a war, regardless of how much we may desire it, does not appear as a reasonable likelihood today.

So no matter how hard we may wish for a simple solution, we can never afford to lose sight of the fact that there is still such a thing as the international Communist movement. Its threat to democratic forms of governments continues to be real, whether the threat is of the Soviet and satellite variety or of the more extreme Chinese variety. Between these two parent poles of influence in the world Communist movement, there is not that much difference, particularly in terms of the threat they still pose to our interests throughout the world.

We are aware, of course, that at this very moment there are seekers of "that simple solution," who are urging "peace at once" in Vietnam with the immediate removal of all American forces. Yet, despite the desire to end a costly and unpopular war, can we in this nation afford to run up the white flag in Vietnam, abandon the South Vietnamese, and ignore the sacrifices that have been made by tens of thousands of Americans who have been killed or wounded in an effort to protect the rights of people to select their own form of government? This, in effect, would be the abandonment of those awesome responsibilities that world leadership has thrust upon the United States in this critical stage of history.

It was the philosopher Santayana who said "He who forgets the past is condemned to relive it." With this in mind it might be well this morning to recall that thirty years ago, so-called peace activists, perhaps with great sincerity, demonstrated in London. The result of those demonstrations was the encouragement of Adolph Hitler in his belief that the Western democracies would surrender rather than stand firm against aggression.

Thirty years ago, the London Times argued in its editorials that Hitler and Mussolini were not really making unreasonable territorial demands on their neighbors—and in Berlin and Rome, those editorials were read and understood to represent British intentions not to resist aggression.

Thirty years ago, students at a leading British University voted that they would not carry arms in defense of their country, and observers in foreign capitals mistakenly concluded that the English had no will to resist aggression.

That was three decades ago. Looking back, we now know that the actions of these British peace-now-at-any-price advocates led to the dangerous miscalculations that finally precipitated World War II.

And today despite the sincerity of many of those who advocate and demonstrate in this country for peace-now-at-any-price, I am convinced that the Communist world can only be misled as to America's will to resist aggression by their activities.

The salient historical fact ignored by the governments of Britain and France in the nineteen thirties was their responsibility as world leaders, and into this vacuum of abdicated responsibility moved the aggressor states. Ultimately World War II, with its massive destruction and loss of lives, came to pass—a war in which my generation and the generations of many of you here today found it necessary to participate.

"I have brought back," said Neville Chamberlain, stepping from his plane after meeting with Hitler and Mussolini at Munich, "I have brought back peace in our time."

Yet, a year and a half later the world was engulfed in the bloodiest war in human history.

What, then are the lessons to be gained for that terrible experience?

What are the lessons applicable to our time?

None, say the doves, the "peace in our time" spokesmen of the late 1960's. These advocates of American disengagement from any confrontation with Communist aggression argue that the United States has no right or obligation, legal or moral, to aid in the defense of Vietnam—or, in fact, any other nation.

"We cannot be policemen for the world," they argue. And, indeed, the question arises: If not the United States, what nation *can* be a force for the establishment and maintenance of international law in the face of continued Communist aggression, from Prague to Southeast Asia?

Unfortunately, the United Nations—upon whom we placed so much hope—has proven inadequate to the task of maintaining international law, order, and peace. This fact leads inevitably to the moral—and practical—choice: Can and should the United States withdraw its influence and strength from areas throughout the world where aggressive Communism threatens?

Can we withdraw as did the British and French into splendid isolation, ignoring the fact that even if there is no policeman for the world, international lawlessness still persists.

Considering this, would such withdrawal be right? Would it be moral? To be sure, the argument is raised that our interest in Vietnam is not wholly selfless.

We have, say our critics, foreign and domestic, a selfish stake in the Vietnam war.

But that argument merely states the obvious. Of course, it is to our self interest to defend any allied nation against aggressive Communism.

"Ask not for whom the bell tolls," Ernest Hemingway quoted the poet Donne at the height of the Spanish Civil War, "it tolls for thee." His point was clear: The struggle for the freedom and self-determination of *any* people affects *all* people.

This does not mean that the United States is legally or morally obligated to take sides in every international controversy. But it does mean that there are those areas of challenge and confrontation in which no great and free nation—if it wishes to remain great and free—can avoid risk and responsibility.

Ultimately, Britain, France, and the free West had to face up to the totalitarian threat of the 1930's. But the overwhelming evidence of the times has made clear the fact that if Hitler, Mussolini and Imperial Japan had been confronted earlier, if they had been stopped by a firm stand on the part of Western Democracies, World War II, the bloodiest war of all times, might well have been prevented.

But there was the morality of Neville Chamberlain—sincere as he might have been—in purchasing what he thought was peace at the cost of Czechoslovakia's self-determination in 1938.

And what would have been the morality of the United States, if in 1946 we had purchased peace from aggressive communism, at the cost of Turkish and Greek self-determination?

Or the morality of "peace in our time" had President Harry Truman surrendered West Berlin in 1948—or stood still while Communist forces overran South Korea in 1950?

Or what would we have had to say about the morality of President Dwight Eisenhower had he not stood firm in the Middle East following the Communist-backed coup in Iraq?

Moral judgment, in a historical context, is always difficult. But of this, despite America's chronic critics, we may be sure. No nation in world history ever before concluded a major war, as we did in 1945, with as great power and pre-eminence throughout the world.

Had the United States been the international villain described by our Communist enemies and other critics, we could easily have used that power and pre-eminence—which included overwhelming military and economic might, supported by a monopoly of nuclear weapons, to shape the world to our will. Instead, we developed the most generous policy any great nation ever employed in dealing with conquered nations and weakened nations. We did not plunder the world. On the contrary, the United States launched the greatest program of support and aid to other nations ever devised.

We rebuilt Europe—and sent billions in resources and aid to other countries of the world, including even our former enemies.

Was there a selfish interest involved in our actions? Is there a selfish interest involved in our continued support of the South Vietnamese government against Communist attacks?

Again, I say: *Yes*—that is the motive of self interest that arises from an honest and enlightened recognition of the fact that—to paraphrase Donne—"so long as the freedom of any people is diminished, ours is diminished."

We have fought in Vietnam—and Americans are in Vietnam today—*not* because the government of South Vietnam is pure and perfect.

Indeed, we aided the dictator Stalin during World War II, certainly *not* because his Communist regime was pure—but because had we not helped him, the shadow of Nazism might well have engulfed the world.

And today, in Vietnam, our withdrawal from that country—as is being urged by the modern echoes of Neville Chamberlain—will not bring peace in our time. It will simply lengthen the shadow of Communist aggression throughout the world.

It will set the stage—as did the British and French disengagement from confrontation in Munich in 1938—for an even more ominous confrontation at a later time.

Thus, "get out of Vietnam—at any price" is *not* an argument for peace and morality. It is an argument for the easy, simplistic way to avoid the responsibility that falls upon the United States as the leading nation of the West and the shield of Western freedom.

To avoid that responsibility—to ignore the lessons of the recent past—and to lead an agressive world force into reckless future action based on miscalculations—that would be the greatest immorality.

"I have brought back 'peace in our time,'" said the British prime minister 31 years ago. Let us hope that no American President will ever bring back to the American people such a peace—a peace purchased at the price of respect of international law and national security.

In expressing these views here this morning, I do so confident that the great majority of students on this and other campuses throughout Alabama look to and work toward a future in which the frontiers of freedom are safeguarded not only here in America, but wherever in the world men and women desire to remain free.

For that, after all, is the ultimate purpose of an educational system in a free society—to preserve as Jefferson wrote, "the blessings of liberty for ourselves and our posterity."

And so on this occasion we dedicate a building—a dedication for which I cannot find words to express my heartfelt appreciation. But I would hope that in the days and years ahead those who reside within these walls will dedicate themselves to something much more important—a dedication of those who live and study here to ideas and principles of a great institution, a free society and a great nation.

DETROIT FREE PRESS EDITORIAL ON AGNEW'S ATTACK ON TV NETWORKS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NEDZI. Mr. Speaker, while all of us have at one time or another been unsettled by television coverage of news events, we should find far more unsettling the implications of Vice President AGNEW's attack on the television networks and their commentators.

Constructive criticism and independent coverage by all the news media is indispensable for the proper functioning of American democracy.

I hope that the networks will not feel obliged to trim their coverage and comments to suit Government officials.

Under leave to extend my remarks in the RECORD, an astute and comprehensive editorial from the Detroit Free Press issue of November 15, 1969 is set forth below:

> No honest man could deny that he has occasionally seethed in his chair, from time to time, because of a peculiar twitch of Walter Cronkite's mustache or the arch of David Brinkley's brow or because a comment seemed biased or unintelligent. By the same token, we in the printed news media know we give our readers cause for righteous indignation from time to time.
>
> And because we know this—because we are sensitive to the power of the "media"—we know that the average citizen is tempted to accept what Vice President Agnew said about television as the whole truth. We know, too, that because of our obvious vested interest in the First Amendment, our reactions are suspect.
>
> Yet the vice president's argument was so beguiling, so deceptive and so dangerous that it must be answered forthrightly. Of course there are abuses. Of course the enormous power of television must be watched. Of course the public character of the airwaves and the licensing process puts them in a situation different from that of newspapers.
>
> But is the exercise of the obligation to report and analyze critically really the danger the vice president conceives it to be? He complains of the treatment given President Nixon's recent Vietnam speech. If we are to believe Mr. Nixon, however—or Mr. Agnew himself, for that matter—the President has succeeded rather well in mobilizing his "silent majority." In other words, de-

spite what Averell Harriman or Marvin Kalb may have said about the speech, it got through to the people.

Indeed, Mr. Nixon knows better than anyone that the astute politician, using television without the intrusion of critical questioners, has great power to manipulate public opinion. Is it not better to have a critical panel reviewing the President's speech, raising questions, than to have it accepted in its entirety? We will have foolish and even dishonest newsmen, just as we will have foolish and dishonest public officials. The one serves as a check on the other.

Were it not for critical reporting—free of intimidation—there would be no counterweight to the power of the presidency. Any President occasionally wishes the critics in the press would go away. But in a free society, a public official has to take his chances with criticism.

Mr. Agnew's attack on the critical comments by former Ambassador Harriman is particularly revealing. This is no mere commentator, but a man who has served his country far longer and with far more distinction than Spiro Agnew. Mr. Agnew's dismissal of his patient service at the Paris peace conference is gratuitously insulting, especially since Mr. Harriman's successor at Paris, Henry Cabot Lodge, has had the same frustrating experience.

Should Mr. Harriman be consigned to silence because he did not achieve success in the Paris negotiations? We think his testimony is rather useful. It would be useful, after any presidential address on Vietnam, to hear from Mr. Harriman, or a George Kennan, or a Senator Fulbright. The comment need not be taken as the whole truth, but it helps to balance the kind of one-sided report the President is prone to give in justifying his position.

No less is under attack from Vice President Agnew than the role of criticism in a democratic society. He would shut off the commentators' right to criticize a presidential address, and he would dismiss the televised comments of an experienced diplomat such as Averell Harriman. Who, then, is qualified to question the President?

Vice President Agnew's performance becomes daily more incredible. He has set out on a concerted—and it would appear cynical—attempt to discredit dissent, despite his lip service to that right. He is ready, by his own testimony, to polarize American opinion.

It is a strange performance from a member of an administration pledged to "bring us together" and to persuading us to "lower our voices." Now, the watchword, at least according to the vice president, seems to be "sit down and shut up."

WHO SPEAKS FOR THE SILENT MINORITY IN VIETNAM?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HAWKINS. Mr. Speaker, many speak for what they want to believe is the silent majority but few speak for the very real silent minority, our black fighting men in Vietnam.

They bleed, they die, and hunger for home but their voices are not really heard. They ask such questions as these: How fair was the draft board that tapped me on the shoulder and sent me away?

Am I in Vietnam only because I am black and poor?

Is there no sound of my voice in high places where policy is made and destiny determined, in the President's Cabinet or at the Pentagon?

He hardly had an opportunity to raise such questions in unfamiliar and often unfriendly induction centers nor would the answers have satisfied him.

The statistics, had he known them, would have revealed: Had he come from Mississippi, the odds he would face a Negro member on his draft board was one in 300. In any one of three other States—Alabama, Arkansas, and Louisiana—not a single black face would have participated in the judgment to draft him, although in these States, Negroes constitute almost a third of the total population.

And the same 100 percent exclusion of blacks from draft boards would have been true in 20 other States. As a matter of fact, in only three States would the percentage of Negroes on draft boards have been higher than 3 percent. Even in California it adds up to a mere 1.6 percent.

What of the Pentagon where policy is made and the military conducts the war?

Only three Negroes are included in the 523 supergrade positions and this silent black trio is like prisoners "inside the walls" but not a part of "the establishment."

So the black fighting silent minority serviceman in Vietnam fights on—a little weary perhaps but with still other unanswered questions on his mind.

Why does not the President speak out against the injustice against him?

When will the Congress get around to real draft reform and making things better back home? And if he is really fighting for self-determination for others in far away places, why not for himself?

And so our brave fighting man goes on without the answers, in jungles whose names he had never heard in the all-black schools he attended—silently fighting for a freedom he himself never enjoyed.

THE PEACE QUESTION

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. GROVER. Mr. Speaker, I am pleased to bring to the attention of my colleagues the following recent editorial in the weekly newspaper of the Diocese of Rockville Centre, the Long Island Catholic which analyzes the frustrating problem of Vietnam and supports the peace efforts of President Richard M. Nixon:

[From the Long Island Catholic, Nov. 13, 1969]

ON THE PEACE QUESTION

Up until 10 days ago, when President Nixon revealed his plan for ending direct U.S. involvement, the war in Vietnam seemed to most Americans to be a veritable treadmill—and once we were on it, it was impossible to get off.

Those opting for total victory viewed the U.S. policy of de-escalation as suicidal, resulting eventually in humiliating defeat. At the other end of the spectrum were those who deplored our presence in Vietnam and called for immediate, total and unilateral withdrawal of all American forces, and appeared to show little or at the most only perfunctory concern over the consequences involving the people of South Vietnam.

In between were those who also deplored the death and destruction wrought by the war, but who wanted neither an all-out war with North Vietnam and eventually Red China, yet at the same time did not want to abandon the South Vietnamese to fate.

For many Americans it was not even a question of "saving face" but of trying to save what has been accomplished in South Vietnam, consisting primarily of the establishment of a democratic form of government, even if only in its rudimentary stages and often accused of being highly corrupt.

But the war in Vietnam had begun to look like it would never end. A victory here, a loss there. More and more U.S. troops being sent overseas, more and more being killed, millions of dollars being poured into a ravenous creature that could not be satiated. And here at home people starved.

More and more clamored for an answer. When will it end?

On Nov. 3, President Nixon went before the American people with what he called a plan for a just and lasting peace. Basically it called for Vietnamization of the war with a resulting reduction in the number of American soldiers involved in combat. The schedule to be followed would depend on how quickly the South Vietnamese can be trained and equipped to replace American troops in the field. It also depends on how the North Vietnamese react. Any stepped up action on the part of Hanoi would slow down the process.

There is, in Mr. Nixon's view, little hope of any negotiated peace at the Paris talks. Not ruling out the possibility of a negotiated settlement, he favors withdrawing American troops "on a schedule in accordance with our program, as the South Vietnamese become strong enough to defend their own freedom."

Critics of the war look on the President's plan not so much as an effort toward peace but merely a shifting of the burden of the war from the U.S. forces to South Vietnamese forces. They also note that the program is heavily contingent on the actions of Hanoi, and therefore means little as far as ending the war is concerned.

Others, however, particularly those who feel the U.S. has gone far enough in our concessions to the North Vietnamese, believe the President's plan is workable, if the American people and our friends around the world give it wholehearted support. They believe anything else would jeopardize American lives and the lives of thousands of South Vietnamese.

In the firm belief that it is the only realistic proposal for possible peace in Asia, they say let's give it a try. Or, let someone come up with a better plan.

Our analysis of the present situation in Vietnam tends to support this view. We agree that meaningful negotiations between Saigon and the National Liberation Front are difficult as long as there is a mammoth U.S. presence in South Vietnam. But the predicted consequences of a unilateral withdrawal are too awesome for us to support such a move. We also feel the South Vietnamese government should be able to bargain from a position of strength and not weakness. Taking all this into consideration, we too say let's give President Nixon's plan a try.

ELUSIVE TRUTH IN PACKAGING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ROSENTHAL. Mr. Speaker, one of the constant concerns of students of government is the question of how much organization affects policy.

President Theodore Roosevelt discovered, for example, that it was impossible to change land use policy from homesteading to conservation until he first established the Interior Department. Before that Department existed, no one in Government spoke for the conservationist to balance the views of those who championed more and more exploitation of land.

Similarly, with consumer protection, we in Congress are discovering slowly that unless organization of consumer interests improve, even good consumer laws lack efficacy.

I include below a striking report on how little has been accomplished by the 1966 truth in packaging law. The failure is due, to an important extent, to flaccid administration of the law. The article, from the November 6, 1969, Wall Street Journal, follows:

KING-SIZED HEADACHE—CONSUMER FORCES SAY PACKAGING LAW FAILS TO CLEAR UP CONFUSION—RULES FOR TERMS LIKE "GIANT" STILL LACKING; MULTIPLICITY OF PACKAGE SIZES REMAINS—TOUGHER RULES IN NEW YORK

(By Ronald G. Shafer)

WASHINGTON.—Question for consumers: Which contains more toothpaste—a "medium" tube of Colgate, a "large" size of Crest or "giant" tube of Pepsodent?

Answer: They're all the same. Each tube weighs 3.25 ounces.

That's a small example of why consumer spokesmen say the "truth in packaging" law enacted in 1966 hasn't been a roaring success in stemming confusion at the grocery shelves. Even now, no regulations have been drawn up to define such terms as "medium," "large" and "giant."

The packaging act is three years old this week, and just about everybody familiar with the law agrees its impact has been minimal so far. It's true some labeling has improved; the wording on a pudding package may now specifically say "six half-cup servings" instead of only a vague "six servings." But, for the most part, "shopping is just as confusing as ever," complains Erma Angevine, executive director of the Consumer Federation of America, a coalition of 140 consumer organizations.

In the view of Mrs. Angevine and other critics, there still are too many inadequately labeled packages in too many confusing sizes; despite reductions, there still are 56 sizes of cookies and crackers and 16 sizes of dry cereal. And packages often come labeled with fractionalized weights, such as 1⅝ pounds, that make value comparisons difficult.

HIGH HOPES

Industry and Government officials concede that progress has been slow, but some argue that the critics expected too much too soon. "It's premature to make a judgment yet because the law hasn't been full implemented; the results are just beginning to become apparent," says a spokesman for the Grocery Manufacturers of America, a trade group.

Whatever the reasons, discontent about packaging is mounting. A Senate Commerce subcommittee headed by Democrat Frank Moss of Utah plans hearings on the law next January, and it could propose new legislation. Already there are efforts in Congress to require unit-pricing to show, for instance, how many cents per ounce a package of detergent costs. Such a regulation is slated to take effect Nov. 20 in New York City.

The prime complaint is that, after three years, the major "truth in packaging" requirements are only now taking effect. The law basically requires the weight or volume of consumer items to be clearly and prominently labeled in simple terms, such as 21 ounces instead of 1-5/16 pounds. The Food and Drug Administration sets the requirements for foods, nonprescription drugs and cosmetics, the Federal Trade Commission for nonfood items like soap and floor polishes. In addition, the Commerce Department is required to seek voluntary agreements by industries to reduce package proliferation.

Originally, the labeling rules were to go into force July 1, 1967. But because of delays granted to let industry use up old labels, many of the FDA's food requirements didn't take effect until July of this year, and all the FTC's regulations were delayed until Sept. 10. In addition, the FTC responded to several court challenges by reducing by more than half the list of goods that its rules cover. Dropped were such items as paint products, toys and jewelry.

"TIRED OF WAITING"

Moreover, the two agencies still haven't set labeling requirements for cosmetics or handsoaps. And they haven't carried out tougher sections of the law to regulate the amount of empty space in packages, govern "cents-off" promotions and limit the use of terms like "jumbo" "king-size." The consumer is "tired of waiting," says Virginia Knauer, President Nixon's consumer adviser.

Results also have been mixed in the effort to curb package proliferation. According to the Commerce Department, the number of toothpaste sizes is being cut to five from 57, paper-towel packages to eight from 33 and certain dry-detergent packages to three from 24. But Mrs. Knauer's staff complains that this detergent count ignores at least 12 more packages it found on grocery shelves. In any case, officials have made hardly any headway with some other industries.

"The two great problem areas are analgesics (aspirin and other pain-killers) and toiletry goods," such as hairsprays, deodorants, mouthwashes and after-shave lotions, says M. W. Jensen, who heads the Commerce Department's packaging program at the National Bureau of Standards. Hairspray comes in 34 different sizes and mouthwash in 24. "The toilet-goods people tell us that people aren't interested in value-comparisons with their products, but in how they feel or smell or look," Mr. Jensen says.

CHANGING LABELS

Government officials give two major explanations for the packaging act's delays. One is money, or the lack of it. "Congress is darn good at passing legislation but darn poor at supporting it," complains one regulator. The FDA says it has enough funds for only two persons to work full-time on packaging regulations and hasn't any money to police its restrictions.

Another cause of delay has been that manufacturers needed time to make the labeling changes required and to use up products bearing old labels. Members of the Label Manufacturers National Association, which represents about 40% of the industry, have changed billions of labels in the past three years to meet the regulations, says Francis Cawley, the group's executive director. "It couldn't have been done any faster." he maintains.

Many of the law's requirements actually go little beyond the FDA's previous food-labeling authority, and some current disillusionment may reflect the fact that people looked for a more dramatic change, adds J. Kenneth Kirk, the FDA's association compliance commissioner. "Even when we get all in compliance, it doesn't do what some thought it should do—tell people the best buy," he says.

Since the packaging law doesn't dictate package sizes or end the use of fractional sizes, many shoppers find they still can't compare prices easily. "I try to get the most for my money," complains one Virginia housewife, "but not being able to carry around a computer in my pocketbook, I can't figure out the best buy."

That's why many consumer groups are calling for further packaging and labeling improvements. "The customer isn't satisfied," warns Mrs. Knauer, the consumer adviser, "and he will not be until he obtains the label or packaging he needs to enable him to make basic unit-price comparisons between the products he buys, without spending all day at it."

One bill already has been introduced in Congress to require food retailers to do the customer's arithmetic for him. The unit-pricing bill would require that a cost-per-unit be stamped on the package or displayed near the product so that consumers could compare costs easily. Democratic Rep. Benjamin Rosenthal of New York, a sponsor of the bill, also plans to propose legislation to require food makers to list the quantities of each ingredient in a product; the manufacturers will probably oppose the plan as forcing them to spill secrets to competitors.

TEST IN NEW YORK

Support for a Federal unit-pricing law is expected to depend heavily on the results of similar regulations that New York City's Consumer Affairs Office, headed by Bess Myerson Grant, plans to implement Nov. 20. About a dozen products, including meat, bread, cereals and soft drinks, will have to be labeled with the price per pound or per quart. The regulations were proposed after Mrs. Grant's office dispatched a group of housewives to supermarkets to find the best buy on 14 products; they made the wrong choice 40% of the time.

The New York State Merchants Association, which opposes the regulation, contends the unit-pricing may cost New York shoppers $50 million a year in higher prices, because of the expense of figuring and displaying the unit prices. "We don't think it's going to cost very much at all," counters a spokesman for Mrs. Grant's office.

Meanwhile, more help for consumers may be on the way under the "truth in packaging" law. Both the FDA and the FTC say they plan to issue proposals this year for limiting the empty space (or "slack-fill") in packages and regulating "cents-off" promotions. The "slack-fill" rules basically would require packages to be filled as much as possible. The "cents-off" regulations would be aimed at making sure that such discounts advertised by manufacturers are passed on by retailers to consumers.

"BIG" IS SMALL

The agencies also plan to look at package sizes, such as jumbo and king, "to see if they really are depicting the product, or just puffing them up," says Earl Johnson, an FTC attorney. In many cases (such as toothpastes), the terms have no uniform meaning, except that "they all seem to start with 'big' and work their way up," FTC officials say.

"Eventually, we may designate that packages either be large, medium and small, or define what other terms mean," Mr. Johnson says.

Despite the delays thus far, Government officials contend the packaging law has begun to make shopping less confusing for shoppers who want to compare prices of competing products. "But it's something the consumer will have to learn to use," says one official. For example, the contents of paper-towel packages used to be listed only in linear feet, though the width varied; now the towel packages must list square feet, so that shoppers can compare the total surface area.

In some cases, however, "you begin to see a quandary among consumers" about the new labeling, an official adds. "The person who was squawking for it now has it, but doesn't understand it," he says.

UTAH BUSINESS EDUCATOR INSTALLED AS NATIONAL PRESIDENT OF USBA

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LLOYD. Mr. Speaker, on October 29, an outstanding business educator from Utah was installed as president of the United Business Schools Association during the annual convention in Washington. The new USBA president is LeRoy R. Stevens, president of Stevens Henager College in Salt Lake City.

Mr. Stevens is himself a graduate of Stevens Henager College and the University of Utah. Before being named president of the school in 1964, he served as vice president and director of Stevens Henager College in Ogden, Utah.

Mr. Stevens' father, I. W. Stevens, served as president of USBA in 1955–56.

Mr. Speaker, I insert newspaper articles from the Salt Lake Tribune and the Deseret News concerning Mr. Stevens' installation as USBA president in the RECORD, together with another article from the Salt Lake Tribune entitled, "College of Business Fights for Place in Educational Sun."

The articles follow:

[From the Salt Lake Tribune, Oct. 30, 1969]

BUSINESS SCHOOLS NAME UTAHAN AS PRESIDENT

WASHINGTON.—LeRoy R. Stevens, Salt Lake City, president of Stevens Henager College, has been named president of the United Business Schools Assn., it was announced Wednesday evening at the annual association convention here.

United Business Schools Assn. is the parent of the Accrediting Commission for Business Schools which has some 500 members in the U.S., Canada and Latin America with combined enrollment of over 250,000.

Mr. Stevens has served on the association's executive committee for seven years and has been treasurer for six years. He was president-elect during the past year.

The election of Mr. Stevens to the post was the first time the business school group has chosen a former association president's son as its leader. Mr. Stevens father, I. W. Stevens, was UBSA president in 1955 and 1956.

The 62-year-old Stevens Henager College has been accredited as a junior college of business by the Accrediting Commission for Business Schools, designated by the United States Office of Education as a nationally recognized accrediting agency.

[From the Deseret News, Oct. 30, 1969]

UTAHN HEADS NATIONAL UNIT

WASHINGTON.—A Utah educator was installed Wednesday as national president of the United Business Schools Association.

LeRoy R. Stevens, president of Stevens Henager College, Salt Lake City, took over the reins at the association convention at the Statler Hilton Hotel.

During the past year, Stevens has been president-elect of the organization. He also has been a member of the executive committee for seven years and has been treasurer for six years. His father, I. W. Stevens, headed the association in 1955–1956.

Stevens became president of Stevens Henager College in 1964. Previously, he was vice president and director of Stevens Henager College, Ogden. He is a graduate of Stevens Henager and of the University of Utah.

[From the Salt Lake Tribune]

COLLEGE OF BUSINESS FIGHTS FOR PLACE IN EDUCATIONAL SUN

(By Robert H. Woody)

"We cannot expect to impose all human tasks on the universities. A technical, junior, or proprietary college a few miles away can operate in the same light and do a better job with much of the population than the university professors . . ."

That assertion was made by Dr. G. Homer Durham, commissioner and executive officer of the Utah System of Higher Education at the annual Milton Bennion Memorial Foundation Lecture Oct. 28.

No one would agree more than the owners and officers of Stevens Henager College, a proprietary junior college of business within a few miles of the University of Utah.

The college was founded in 1907 and now has campuses in Salt Lake City and Ogden, and a day and night school enrollment of between 1,200 and 1,300.

"PARA-PROFESSIONAL" GOAL

Its emphasis is upon producing what the college calls "para-professionals"—or employe talent to fill a broad spectrum of middle-management openings.

And it is here there is a crying need.

For the junior colleges like the technical colleges have long suffered under a pall of presumed inferiority in the American value system.

However, the administration of Stevens Henager trots out a recent survey showing that only 20 percent of the job opportunities in Utah in 1968 required a four-year education.

And 58 percent of the job opportunities required an education of two years specialized callege education.

The same survey showed only 10 percent of the graduating high school students viewing a two-year specialized college as their goal, while 54 percent con * * * themselves, they have found tough going

It has been, for such schools, as Stevens Henager, a long battle for popular acceptance and accreditation.

While the junior business colleges have set accreditation systems among themselves, they have found tough going in breeching the academic walls set up by large regional accrediting associations.

But the cracks are forming. For example a federal district judge ruled in favor of Marjorie Webster Junior College, Washington, D.C., in its efforts to get accreditation from the Middle States Association of Colleges and Secondary Schools.

FILED ANTI-TRUST SUIT

Webster Junior College brought the case under the Sherman Anti-Trust Act. The association was ordered to examine Webster Junior College on an academic basis. The case has since been appealed to the U.S. Supreme Court.

Stevens Henager makes no bones about being in business to make a profit. But it also pays income and property taxes as a business. It receives no subsidy or support except indirectly through federal aid to students.

Tuition is higher than the resident students of state colleges and universities. This quarter tuition went to $275 from $225.

GOOD INVESTMENT

But the college answers that because of the time saved through specialized education, the student gets into the earning stream well ahead of the four-year graduate.

In an orientation talk to students, College dean Donald E. Matthews had asked his group to come up with some ideas about the role of a secretary.

"To correct the boss' mistakes," quipped one student. A check of the course outlined indicates considerably more than correcting the boss's mistakes.

The content of the "executive secretarial course" ranges from shorthand theory to business law, payroll accounting and principles of psychology.

DIFFERENT SCHOOLS

As universities have their "colleges," Stevens Henager has its schools—secretarial science, accounting and business administration, fashion merchandising and marketing; and data processing and computer science.

The school makes no pretense at providing candidates for the executive suite—a la the Harvard Business School.

But several of its graduates have become entrepreneurs in their right, and have bypassed the Old School Tie syndrome to become top executives.

Recently named to receive a distinguished alumni award was William J. Wilson, a 1934 Stevens Henager student, who was named president of Garrett Freightlines in 1968.

SCHOOL OFFICERS

Officers and owners include LeRoy R. Stevens, president, Jack M. Stevens, executive vice president; I. Wells Stevens, vice president, and Robert V. Stevens, vice president.

They are the sons of the late Irvin W. Stevens, who bought the college in 1941. LeRoy this week became president of the United Business Schools Assn.

The first class was held in the upstairs room of a brick building at 63 S. West Temple on Nov. 11, 1907, with three students.

Sixty-two years later the Salt Lake campus is located on 7th East just south of 3rd South. And with about an 11 percent annual increase in enrollment, the school and its two dormitories are having pleasant growing pains.

The school shortly will unveil plans for an enlarged and new campus at the site.

M-DAY FOR PRAYER

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. FOREMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

M-DAY FOR PRAYER

(By David Lawrence)

WASHINGTON.—A different kind of "Moratorium" would provide a better understanding of American purpose in Vietnam as well as its relationship to peoples in other parts of the world—A "Moratorium" on bitterness and hate, on greed and selfishness, and on the activities of those small groups which are responsible for the acts of aggression which lead to wars.

The "Moratorium" could be well expressed by the American people in a day of prayer. It could encourage the peoples of other lands to do the same.

The day of prayer might include a broad list of themes, among which are the following:

One: A prayer for the helpless people in North Vietnam, who are manipulated by selfish and cruel leaders.

Two: A prayer for the peoples of Red China, who are being deprived of freedom and of a decent standard of living through the misguided attitudes of their self-chosen leaders.

Three: A prayer for the peoples of the Soviet Union, who, after having undergone in World War I and World War II enormous sacrifices involving many millions of lives, still are being subjected to the same tyranny as in the past.

Four: A prayer for the peoples of South Vietnam, Japan, Formosa, South Korea, Australia, New Zealand, the Philippines and the countries of Southeast Asia, who live under a constant threat of the nuclear power of the Red Chinese autocracy in Peking.

Five: A prayer for the peoples of all of Europe, who face today the menace of destruction by the nuclear weapons of Russia.

Six: A prayer for the peoples of the "captive nations" of Eastern Europe, who live under the yoke of their Communist oppressors.

Seven: A prayer for the peoples of the Middle East, who are frightened by the possibility of more war and need instead a spirit of reconciliation.

Eight: A prayer for the peoples of Africa, who are struggling to build economic as well as political structures that will provide a better life for an ever-increasing population.

Nine: A prayer for the peoples of this hemisphere, who have been involved in 2 World Wars and may soon be the victims of another such catastrophe unless the peoples in the Soviet Union and Red China—presided over at present by reckless and irresponsible individuals—are able to take over their own governments and join the free countries of the world.

Ten: A prayer for those uninformed Americans who believe the Vietnam war, if stopped immediately, will bring peace when there is no assurance that the Hanoi government will cooperate in attaining that objective.

Eleven: A prayer for the members of the Armed Services of the United States and those of allied countries who are in Vietnam defending a small country against aggression and manifesting to the world a remarkable example of altruism, as great sacrifices are made to uphold the principle of self-determination.

Twelve: A prayer for the release of the prisoners held by the North Vietnamese government—a humane act which could perhaps open the way for further consultations on how to end the war honorably.

Thirteen: A prayer that North Vietnam will come to a realization that the United States—by halting the bombing and limiting its military activities—has shown a sincere desire to terminate the war as soon as there is reciprocal action and a willingness to negotiate a peace agreement.

Fourteen: A prayer for the representatives in New York of all countries which are members of the United Nations so they may employ every method possible to persuade the Communist governments that the time has come for a universal peace.

Fifteen: A prayer for the president of the United States and his cabinet and members of Congress, expressing the wish that they will recognize their primary obligation to avoid partisanship and the politics of self-interest and seek instead a unified country, so that our adversaries will not expect America to surrender and will join us in a realistic formula for peace in Vietnam.

There is an opportunity for prayers of this kind to be given nationwide expression inasmuch as next Wednesday has been set aside as "National Prayer Day." In a proclamation issued by President Nixon, he said in part:

"At a time in our nation's history when the power of prayer is needed more than ever, it is fitting that we publicly demonstrate our faith in the power of prayer."

ORDERLY DISENGAGEMENT FROM THE WAR IN VIETNAM

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BOLAND. Mr. Speaker, I place in the RECORD a speech I gave on the October 15 moratorium day before a student audience at Mount Holyoke College in South Hadley, Mass. The speech makes clear my views on the necessity for a measured withdrawal of American forces from Vietnam—the kind of withdrawal that will help achieve a just negotiated settlement of the war. The speech follows:

ORDERLY DISENGAGEMENT FROM THE WAR IN VIETNAM

(By Hon. Edward P. BOLAND)

We meet here today—just as people like you are meeting all over this Nation—to give expression to the American conscience.

At a time when almost 40,000 Americans have died on the battlefields of South Vietnam—a toll surpassing the sum total of human sacrifice in the Korean war—when more than 300,000 wounded—many of them maimed for life—in a conflict that has proved as frustrating and indecisive, as it has been economically and morally debilitating.

The great majority of American people—like yourselves—aroused and informed—are reacting with the dedication and intelligence which mark a great nation.

What is the meaning of this moratorium?

Its meaning can be found in the longing of every American—of plain and unchallenged patriotism—for a quick end to the grim and unhappy story of Vietnam.

It can be found in the yearning of our people for leadership with the courage and unswerving sense of purpose to lead us—and lead us now—out of the morass of futility in which we have been mired for 5 long years.

It can be found in the deep-rooted and instinctive desire of all of us to live in a crisis-free future of sanity and peace.

And your voice will be heard by those in high places—it must be heard—and because that is so—just as surely as the first rays of the morning sun kiss the waking world—historians, from the perspective of a generation or so hence, will tell how what we did and what we said had a profound effect—not only on our own lives but on the course of world history.

The toll this conflict has taken in lives and suffering is staggering.

It has literally devastated Vietnam—North and South—leaving its cities in ruins, its villages in flames, its people in poverty and terror.

The war has had an almost calamitous impact here at home. It has shaken our economic stability. It has diverted our energies, our resources, our finance, from the baffling social problems which cry out for solution—if we are to maintain our posture as a republic of, by, and for its people.

The grim spectacle of poverty remains in our city slums and countryside towns—hunger, disease, social strife, and unrest are portrayed as an integral part of the American scene—each one of them a corollary of our abortive attempt to settle problems elsewhere.

Every right thinking American wants the war to end. Many proposals have been offered to achieve this objective—among them military escalation.

Nothing could be more unjustified—both from a practical and from a purely moral point of view.

A new military buildup would only plunge us deeper into the morass in Vietnam. The experience of the past decade makes this plain.

The bombing raids over North Vietnam are a striking example of the futility of our strategic military policy in this conflict.

These raids—raids that dropped more explosives on North Vietnam than were dropped on Germany during the whole of World War II—were calculated to bring Hanoi to its knees.

The thousands of bombing sorties, we were told, would destroy North Vietnam's war capacity and convince its leaders their cause was hopeless.

Just the opposite occurred.

A small agrarian country with few cities and even fewer big industries, North Vietnam weathered bombing strikes that might have reduced a European nation to rubble.

The bombing steeled North Vietnam's resolve to continue pressing for victory, convincing everyone, from Ho Chi Minh to the most humble North Vietnam peasant, that the survival of their culture and their national identity, hinged on continued battle.

The sound of giant B-52 stratofortresses droning overhead and the sight of buildings exploding apart—far from intimidating the North Vietnamese—instead united them behind their leaders, just as they did the English during the London blitz of World War II.

Indeed, we know now that the thousands upon thousands of bombing raids, which reduced the countryside to rubble, inspired in these people a cohesiveness, and a strength of purpose, they might have lacked otherwise.

The bombing failed—and failed almost wholly—in reaching still another goal envisioned by our military leaders in Washington.

It failed to halt—indeed, even to significantly reduce—the infiltration of North Vietnam's armed forces into the south.

But the bombing has been just one example of the failure of our military policy in Vietnam.

The staggering buildup in manpower—a buildup that placed literally half a million American troops in Vietnam—proved similarly fruitless.

This is not a war amendable to the classical principles of warfare, enunciated by clausewitz a century ago, and still embraced by the joint chiefs of staff.

It is a sporadic guerrilla war—a war that allows the small bands of enemy forces to strike their targets with devastating suddenness and then melt away into the jungles and rice paddies.

We have learned the hard way bombing is not effective against such elusive forces. We have learned, at tremendous cost, heavy armament is not effective. We have learned that huge forces of men are not effective.

Indeed, the whole military rationale of the U.S. Government during the course of this war in Vietnam has not been effective.

A military victory in Vietnam—the illusory goal that has eluded military strategists for years—is simply inconceivable as things now stand.

President Nixon has recognized this strikingly obvious fact, pointing out that he is not seeking a military solution to the war.

I hope my words here today will not be interpreted as an attack against the President—an effort to make him shoulder the blame for this country's plight in Vietnam.

None of us in government are wholly blameless. In the past, too many of us have remained silent or tacitly acquiesced to decisions that turned out to be major blunders.

That point, however, is irrelevant now. We must speak up frankly and straightforwardly, putting before President Nixon reasoned arguments supporting our points of view rather than rancorous admonitions attacking his point of view. We must not allow past errors to taint present judgment.

I do not consider this moratorium as an exercise in the breaking of the President or as an impairment of the President's powers.

I share the view of one of the best informed columnists on Vietnam, Joseph Kraft, that this moratorium has two very specific points to press upon the administration.

The first is that the President repudiate the present policy of reducing and hanging on in Vietnam, in favor of a commitment to a total winding down.

The second is, that the present Saigon Government, be broadened in ways, that make it, at least thinkable, for the other side to negotiate.

How can we end this war?

I am convinced that the only way to break the deadlock at the Paris negotiations is to withdraw U.S. forces from Vietnam. I am not talking about a sudden overnight flight from Vietnam, leaving that country in chaos and its leaders naked before their enemies.

I am talking about a measured withdrawal; a withdrawal that would increase, step by step, with South Vietnam's growing ability to defend itself.

South Vietnam's armed forces have been trained and equipped by the United States for the past 10 years. Indeed, thy have been drilled in the techniques of warfare more thoroughly than the armies of any other Asian Nation.

If South Vietnam is not ready now to defend itself, it will never be ready.

Early this year, and again last week, I introduced resolutions calling for the kind of withdrawal I just outlined—a withdrawal that should be complete, ideally—before the end of 1970.

This withdrawal, I am confident, would hasten a peace settlement in three ways:

First, and, probably, most significantly, it would end the carnage of American troops in Vietnam.

This alone would constitute a meaningful peace to most Americans.

Second, it would convince South Vietnam's leaders that we do not intend to remain yoked to their cause, in a kind of mulish allegiance to them, and their political philosophy.

One of the principal obstacles to peace, after all, is the Saigon government's stony intransigence toward any kind of political settlement that might dilute its power.

Thieu, Ky et al. adamantly refuse to accept any kind of coalition government. They reject, out of hand, and kind of election plan allowing participation to leaders they consider to have distasteful or unpalatable political views—communist views, neutralist views, nationalist views.

Saigon's leaders must be convinced that we will not play the role of pawn, in their effort to cling to power at any cost.

They must be convinced that a negotiated political settlement is the only way to end this war.

The third way a withdrawal would hasten peace, would be to put North Vietnam on notice before world opinion, that we are genuinely and honestly seeking a settlement.

Hanoi is exquisitely sensitive to world opinion. Indeed, its hopes for an eventual victory hinge on the support of peoples and governments around the world.

North Vietnam's leaders could simply not afford, to continue icily standing aloof from peace negotiations, once we have made plain our desire for peace.

They could not afford, similarly, to ignore an American ceasefire—the kind of ceasefire suggested by Senator Mike Mansfield.

Now that the celebrated lull in the fighting has almost ended hostilities, and the U.S. has virtually abandoned its search-and-destroy missions, a ceasefire might lead to a total cessation in combat.

Hanoi could only lose by ignoring a ceasefire declaration that would make banner headlines around the world.

The war in Vietnam is not a dramatic struggle between the forces of communism and the forces of democracy—an armageddon between evil and good.

It is essentially an internal war—an internal war that began as a countryside revolt against a government most Vietnamese considered cruelly repressive.

North Vietnam, to be sure, encouraged the insurrection and took more than a trivial role in its strategy. Indeed, North Vietnam wrested control of the war effort away from the Vietcong some time ago. This fact, however, does not alter the fact that the war is a limited internal struggle among the Vietnamese themselves.

It is their war—not ours!

I do not believe that an American withdrawal from Vietnam will whet the Communist's appetite for territorial gain. It can be argued quite convincingly, in fact, that a unified Vietnam under any kind of native government would prevent Chinese expansion and blunt its influence more effectively than the presence of American troops.

The Vietnamese fear the Chinese—an attitude that stems from centuries of bloody encounters between them. I do not believe, moreover, that an American withdrawal would jeopardize our national prestige nor sow doubts among our allies about our world commitments.

Indeed, a withdrawal would enhance our prestige with our principal allies—Great Britain, for example, or France. Certainly France lost no prestige in abandoning its whimsical attempt to thwart Algerian nationalism. Nor did Great Britain lose prestige in granting independence to its American colonies.

The principal motivating thrust behind the Vietcong and North Vietnamese war effort is nationalism—just as it was in the Algerian war and the American colonial war.

It is unfortunate—indeed, almost tragic—that this struggle seized upon Communist doctrine as its chief intellectual and political tool. But it remains a fact that nationalism—not grim ambitions hatched in the Kremlin or in Peking—gave rise to this war.

The strategic decisions reached in Hanoi do not hinge upon the political climate in the United States—as some of our military and civilian leaders contend.

The claim that dissent against the war encourages North Vietnam to continue the fighting is wrong—simply and utterly wrong.

American citizens, for one thing, have a right—indeed, a responsibility—to speak out against a foreign policy they consider fruitless.

And North Vietnam for another thing, does not base its bargaining position upon the term papers of American college students or the speeches of American Congressmen.

The history of this war demonstrates that Hanoi's positions rest on internal events in Vietnam and not in the United States. The long struggle for nationalism does not waver to and pro with the opinions of the American public.

Chafing for decades under foreign masters, the Vietnamese want to run their own lives and control their own fate.

Our military effort to crush this ambition is futile—quite literally futile.

In a book just published on his career in the State Department, Dean Acheson points out the folly of seeking to suppress nationalist conflicts within Asian countries.

He says of the Communist revolution in China, and I quote: (From "Present at the Creation: My Years in the State Department.")

"The unfortunate but inescapable fact is that the ominous result of the civil war in China was beyond the control of the Government of the United States. Nothing that this country did or could have done within the reasonable limits of its capabilities could have changed that result; nothing that was left undone by this country has contributed to it. It was a product of internal Chinese forces, forces which this country tried to influence but could not."

William Pitts, in the second year of the American revolution, made a similar point in a celebrated speech to the House of Lords, November 20, 1777:

"My Lords," he said, "you cannot conquer America—you may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful Germain prime that sells and sends his subjects to the shambles—your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies—if I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!"

The Vietnamese Communists feel the same way.

You cannot make a wholly valid analogy, of course, between the American revolution and the Vietnamese war. North Vietnam—and any kind of government run by the Vietcong, for that matter—are harsh and austere autocracies.

The egalitarian visions of Thomas Jefferson are not remotely comparable to the grim political philosophy of Ho Chi Minh.

But the two wars are exactly analagous in the sense they were caused by nationalism—a consuming nationalism dedicated to independence from foreign powers.

We cannot win this war.

We can only seek a negotiated settlement—a settlement that, at its best, would guarantee free political participation to every contending political philosophy in South Vietnam.

But we must act now—not next month or next year.

More debating and wallowing in indecision will yield nothing but a higher body count and a hotter war.

We have already sacrificed too much of our future and too much of our resources.

Now is the time to do all that we can to retrieve our mistakes. The future of America, no matter what anyone said, is as limitless as the human spirit.

Yes, as a nation, we have our imperfections.

We have crime in the streets of our cities. We have our bigots whose minds have never crossed the frontiers of darkness. We have our crisis challenges and formidable problems and injustices and indecencies—but with all these, we live in a great, vibrant, bountiful, optimistic country—a country founded on the concept of human liberty with a standard of living unequalled in the history of the world—a nation that is the last great refuge of liberty on this earth.

A nation whose history has proved that its elected officials are only as good as the public opinion that sustains them.

As citizens of this great land, you have the right and even the duty to disagree with your President when you believe he is wrong.

In the exercise of that right and in the discharge of that duty, you have joined a great army of vigilant and intelligent people over all America in a common cause.

Let us pray that, a year hence, there will be no more need for a moratorium day.

Let us pray that we can end this war and the kind of foreign policy decisions that led us into Vietnam in the first place.

SOCIETY AND ITS ORGANIZATION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HANSEN of Idaho. Mr. Speaker, Mr. Robert V. Hansberger, president of the Idaho-based Boise Cascade Corp., has won a deserved reputation not only as one of America's outstanding business leaders but as one of the most effective builders of a better society. Under his leadership Boise Cascade Corp. is playing an important role in developing solutions to some of the pressing problems of our cities.

Mr. Speaker, I include as a part of my remarks, and bring to the attention of my colleagues, an address by Mr. Robert V. Hansberger presented as part of the distinguished businessman's seminar series at San Jose State College on October 23, 1969:

SOCIETY AND ITS ORGANIZATIONS

(By Robert V. Hansberger)

Why does the great American society now have so many problems? And we do have them. We have the problem of increasing pollution of our lakes, our rivers, and our ocean beaches. We have the problem of the pollution of the air we breathe. We have the problem of decay in our cities, both in downtown areas and in ghetto areas. We have the problem of riots in the streets of our cities and on our campuses. We have the problem of inflation, which tends to rob many of our citizens of the benefits of our economic gains. We have the problems of increasing use of drugs and an increasing crime rate. And yet, even with these problems our society has done some mighty fantastic things.

We can turn out literally millions of complicated, high speed automobiles each and every year and at relatively low cost. We have developed nuclear devices that could either create new ocean harbors or destroy huge metropolitan areas. We have developed supersonic aircraft that can hurtle through the air faster than the speed of a bullet. We have learned to transplant the hearts of human beings. And we have sent Man to outer space, landed him on the moon and brought him back.

Our world of yesterday was a bucolic, peaceful, rural America without telephones, television, radios, automobiles, or jet airplanes. News was created slowly and it traveled even more slowly. Our environment of yesterday was a world dominated by Mother Nature.

Today with our new, fantastic technology we live in a world dominated by machines—machines conceived by Man, built by Man, and serviced by Man. They are complex and they are expensive. To build them, to operate them, and to consume their output, we have placed them in huge industrial beehives, closely surrounded by human attendants. They dominate our life today more than the weather did twenty-five years ago. They prepare our food, they transport us, they clothe us, they heal us, and they entertain us. They even manufacture more machines. But most of all they manufacture change.

In an incredibly short period our machines have caused the redistribution of our population from the countryside into a few huge and growing metropolitan centers. They have pulled and pushed the farmer from his country home to the urban maze and the Negro from the rural South to the northern city. One hundred years ago 72% of our population lived in the countryside. Twenty five years ago this figure had decreased to 44%. Today we have only 30% of our population still living in the country, and we have an astounding 70% jammed together on 1% of our land. This change in only two and one half decades is surely one of the most massive population shifts in the history of Man.

Today news events which may be taking place in far corners of the world are brought quickly to the attention of millions of our people through the use of radio and television. With our computers we can almost instantaneously sort out the best alternative from many, a process which in many cases could occupy the lifetimes of several persons.

These are examples of tremendous change which has taken place very recently in our American society, and this change has been created by the machinery of our technology. One philosopher took a look about him at all the whirring, clanking machinery on our farms, in our factories, in our offices, and in our kitchens and muttered, "Today things are in the saddle, and now they're riding people."

I happen to think that the existing, and indeed, increasing rate of change taking place within our society is responsible for many of the problems which are now so evident. Change has brought about a cleavage and a conflict between the individual and his social organizations, organizations which were established to serve the individual and his needs.

There seems to be a significant difference between the ability of the individual to cope with change and that of a social organization. The individual has only himself to communicate with, to convince, and to adapt. Acting as an individual his debates need only be with himself. His thinking need only relate to his own personal experience, and his actions may be taken in complete solitude. Change, therefore, is something with which the individual functioning alone can cope with relative ease.

However, as a member of one of society's organizations in which actions are taken as a group, he finds that adaptation to change seems to come much more slowly. In order to maintain the integrity of the organization, the group must have some kind of adhesive—in fact, many kinds. These adhesives seem to be common thinking, past experiences not of one individual, but the collective experiences of many, articles of incorporation, by-laws, policies, rules, regulations, and laws. These adhesives make for relative rigidity within the organization, and when change impinges upon the rigidity of the organization, the result is frustration.

And so our social organizations such as families, communities, churches, universities, and governments at many levels, including of course the federal government, find themselves increasingly buffeted and battered by the tides of change—change manufactured by the machinery of our technology and accepted much faster by individuals than by the organizations designed to serve them. Individuals react to the snail's pace adaptations of their organizations with increasing impatience, and the results are massive discontent and growing credibility gaps—too often culminating in social disruptions and even destruction of life and property. The individual is at war with his social organizations.

Today in our northern city, a city governed by rules and regulations usually designed many years ago, a young black person sits in squalor in a ghetto apartment with his eyes glued to one of our machines, the TV set. He sees the filming of a riot just now taking place a few blocks away down the street. Reacting to the deep and bitter frustration of the difference between his actuality and the aspiration he hears proclaimed for all Americans, he joins the riot. Truly, technology and change have brought us to a point of confrontation.

But our technology is here, our machines are here, and they will not go away, for they have now become essential human needs. And we must recognize that despite their complicating effect upon American life, they have, through the process of shifting the load of supporting ourselves from our backs to our machinery, given us the highest standard of living in the history of the earth.

And so we must find a way to live with them and a way to cope with the ever increasing rates of change which they will bring about. This will impose new kinds of responsibilities on both the individuals and the organizations of our society.

What are these new responsibilities?

The individual of today needs to acknowledge that our human needs and our human problems are so many and so huge that massive efforts are absolutely essential to solve them. Their solution will require, therefore, formal organizations which bring together collective individual human effort in a common cause.

It is healthy for the individual in subordinating himself to the regulation of a social organization to be critical of it, for indeed this kind of criticism is an important factor in the process of self-renewal of the organization. But it is not enough simply for the individual to try to tear down the organization. If indeed the organization pursues a viable objective even though in an archaic manner, it is essential that the individual have available a workable, modern alternative before attempting to destroy the organization.

The individual of today is increasingly conscious of his individuality and his differences from his fellow men. However, in pursuing his individuality he must recognize the individuality of others and respect the right of others also to be different.

But perhaps the major assumption of a new-felt responsibility must come from our social organizations toward the individual. Today's individual is different. He is younger. At the present time 47% of our population is under the age of 25. Our young people almost outnumber the rest of us, and soon they will outvote us. Today's individual is better educated and better informed on the events of the nation and the world. He is less concerned with the discipline of supporting himself, since our technology has made our society so affluent. He is certainly far more intolerant of out-dated methods and objectives, and certainly more critical of pronouncements which are not accurate or are not followed up by action.

Our social organizations, which were designed to serve the individual, badly need to recognize these substantial differences in the individuals they now serve. They need to accept the individual's desire to be different, to be critical, and they need to acknowledge that they are in business to serve the individual and not their past experience or their rulebooks. They need continual self-examination, self-criticism, and more rapid response to needed modifications in their methods, their rules and regulations, and even in their objectives.

Some of our churches today appear to be suffering from a lack of adaptability. Certainly many of our colleges and universities, with the exception, of course, of San Jose State, are still clinging to archaic curricula and methods of instruction. Many of our cities are vigorously fighting against the process of urban renewal. And our federal government, which was originally designed to serve a rural society, faces with increasing frustration the mounting problems of an industrialized, urban society.

Now so far I have said nothing about our economic organizations. This is not because some of our business organizations are not encrusted with the barnacles of resistance. Some of them are. But those that are, are headed for extinction, or will soon become the victims of a tender offer. There is, however, a degree of difference between economic organizations and the other organizations of our society.

Business is one of the principal creators of new technology and new machines, and one of the principal users of these new devices. Therefore, in a sense it bears some responsibility for the rate of change which is taking place within our society. But secondly, and perhaps even more important, through the incentive of profit and loss, it retains more than most other kinds of organizations, an automatic need to accept change. This need is brought about by the great pressures of competition.

Business competes for personnel, it competes for financing, it competes for management talent, it competes in the marketplace for customers, and it competes in the investment world for stockholders. If it succeeds in these several and very tough competitions and does so continually, it will survive and prosper. If not, it fairly soon goes out of existence. Buggy whip companies, companies which once manufactured steam locomotives, and companies which produced wooden wagon wheels are no longer with us. This is as it should be.

Under the stress of competition business has developed management technology designed to cope with ever larger, ever more complex tangible and intangible problems. It has been forced to adapt to change, not only in its methods of production and distribution, and in the design of its products, but in its very organization concepts. Because it has unique capabilities both as a creator of change and as an adapter to change, I believe that business should become more of a partner in some of the social organizations of our American society. It can help in resolving the problems of air and water pollution. It can help in attacking the problems of our cities such as education, transportation, urban development, ghetto rehabilitation, and recreation. It can and should be a part of our cultural organizations, such as our art associations, our museums, and organizations of the performing arts.

It can help the federal government resolve some of the enormous problems with which it is now confronted. In so doing, I believe it would not only render a service to society, but also a better profit to its shareholders because these huge problems of our nation represent big human needs, and therefore big markets—not only for products, but for services as well. And business is well equipped to provide both.

I consider this special kind of partnership with the other organizations of our society to be a primary new responsibility of the business community. I am happy to say that some corporations are beginning to recognize this responsibility and are doing something about it. But not nearly enough, and today the problems are still outstripping in their growth our efforts to resolve them.

The company I work for, Boise Cascade, although only twelve years old is already deeply involved in the social marketplace. I thought you might be interested in some of the activities we have undertaken, and we are happy to say that some of them are already profitable.

Our hometown of Boise, Idaho, like many, many other cities across the nation, has been undergoing a progressive process of decay in its downtown core area. As a result, businesses have been moving more and more to the suburbs, leaving the downtown area to fall increasingly into disrepair. This has resulted in an ever lower tax base from which the city derives revenues to provide the increasingly expensive services of a growing community whose inhabitants are living more and more outside of the city limits. To improve the environment of our headquarters city, we decided to collaborate on a dollar a year consultant basis on the redevelopment of sixty square blocks of the downtown Boise heartland.

This experience led us to create a Department of Urban Development within the corporation designed specifically to tackle the problems of cities. Today this department has underway a 700 unit housing project in a ghetto area of Indianapolis and a 332 unit urban renewal project in Pittsburgh. We have been designated the developer of a 21-acre site in downtown Long Beach, California's fourth largest city. We are developing 360 low income housing units in the heart of Boston, as well as 660 residential redevelopment units in Baltimore, Maryland. We have been designated as a special consultant to the Department of Housing and Community Development of the city of Baltimore on a project which will include several thousand units of low and moderate income housing. We are involved in a massive joint venture with several other large corporations and a regional builder in Camden, New Jersey. And our Department of Urban Development is in the planning stage on projects in six other locations.

In addition to collaborating with our city government, we have worked with the State of Idaho in helping the Legislature improve its procedures. Through the President's Committee on Urban Housing, we have worked on the problem of low and moderate income housing with representatives of the White House and the Department of Housing and Urban Development.

In the field of the arts, we helped the State of Idaho establish its first Arts and Humanities Commission. As the principal supported, we also invested over $40,000 to bring the world famous City Center Joffrey Ballet to Idaho. During a three year period, it has now performed in five cities throughout the state.

About two and one half years ago one of the very few licensed black contractors in the city of New York came to Boise with a problem. He felt that a black construction company could be extremely successful training and utilizing black skills in doing construction work in black communities. His problem was that he did not have enough money to obtain a performance bond, and without the performance bond he could not get enough work to make money. After some discussion with him, we formed a new company called the Burnett-Boise Company, an all black corporation. We agreed to supply money and performance bonds and assist with management. Today this firm has on the books or is negotiating for a total of one hundred million dollars worth of construction work across the country. Our ownership position in the Burnett-Boise Company is that of a minority partner.

Less than a year ago we were approached by a group of black people from New York who had established a small computer software company. They had plenty of work, but they were short of working capital. We entered into an agreement with them whereby we agreed to finance their expansion and to turn over control of the company to them after a short period of time.

We have established within our personnel department a group of five individuals, not all white, to help our supervisors understand the problems of working with disadvantaged actual or potential employees.

In Chicago we established night courses using supervisors to help teach employees how to budget and to improve their English. These same supervisors have studied Spanish to increase their understanding of their employees' problems. We have a similar project under way in Los Angeles.

In Nampa, Idaho, prior to putting into operation a new container plant, we worked with fifteen itinerant laborers to upgrade their skills so that they could become industrial employees, and we wound up hiring seven of them.

In New Jersey we conducted a sensitivity training program, and our plant reports that the waste percentage has been dropping 3% per month since the program.

We are just now completing a one hundred million dollar forest products complex at DeRidder, Louisiana, a community of both black and white citizens. Prior to our arrival, these two groups were not in communication with each other over mutual community issues. Through a carefully designed program we have succeeded in bringing these groups together in discussions of the mutual problems that will result from an expanding community. We have also pre-trained a substantial number of workers, both black and white, for employment in our facility when it starts operations.

We established a company-wide affirmative action program designed to lean over backwards in trying to help train hard core unemployables. To put some teeth in this program, we have set up at the corporate level a fund of $500,000 available to managers throughout the corporation to cover the cost of this training. We also told our managers that when the $500,000 is gone, we will set up another fund.

We have also collaborated with a number of educational institutions. By sharing detailed information about our company over a number of years, we have become the subject of one of the largest case studies ever written about a corporation at Stanford University Graduate School of Business. At the end of the case study, our practice has been to subject about ten or twelve of our top management executives to a critique by the students, a process which occupies several days. We are questioned, probed, and criticized. Of course, we are given an opportunity to defend ourselves, but I can assure you that two hundred management consultants without an axe to grind who have studied our company and its industry for over a quarter are pretty tough to handle.

Currently we have an executive in residence at the University of Washington with the objective of trying to help relate the business campus to the business world. Next year Boise Cascade will host a visiting professor and he will be meaningfully involved in our day to day activities.

Also, at the University of Washington we have recently completed a unique program involving a select group of University of Washington Business School students. Over a period of two quarters, fifteen of the University students conducted an in-depth study of Boise Cascade's operations, visiting locations and interviewing Boise Cascade employees at many different levels of company operations. At the end of the study, individual seminars were held with our principal corporation executives. At the conclusion of these seminars, I was invited to visit the campus, and recommendations were made to me as to what the president of Boise Cascade should be worrying about. In the process, we became a living laboratory for the students, and we benefited from a number of very sound recommendations as well as the perspective they gave us about out own operations.

I don't know how much these efforts of Boise Cascade's and similar efforts of many other companies will affect the wars between our individuals and their organizations, but they are serving the purpose of making us more adaptable to change. It is my hope that the individuals in our society in expressing their individuality, their differences, and their criticisms, can also be responsible for accepting the fact that in today's society we still need the collective effort of our social and economic organizations. And I hope that our social organizations can reach out and include the modern day individual, and with his help look introspectively into themselves, critically examine their objectives and their methods, and bring about those changes which can make them better servants of the individuals they are intended to serve. And I hope more of the business community can lend its adaptability to change and its management expertise to easing the conflict between the individual and his organizations.

Last year when Bill Batten spoke to you, he proposed a partnership with San Jose State in aiding low income areas of the San Jose community. I thought his proposal was extremely worthwhile, and I was very impressed with it. I too would like to propose today a partnership with San Jose State.

It seems to me that there is a great opportunity for your students and our company to collaborate in studying what we as a company are doing for minority groups. I would like to suggest, much as we have already done at the University of Washington, that you select a small group of well-qualified students, hopefully an ethnically mixed group, and that these students be given the assignment of studying—in the field where the action is—Boise Cascade's efforts to involve itself with minority groups. This would involve work in New York, Los Angeles, Idaho, and perhaps some other areas. I would ask that the group render to us as the management of Boise Cascade an objective, critical report at the end of their study which would be helpful to us in improving our efforts in this area. This kind of a study would not be inexpensive, but as the beneficiary of the final report and recommendations, Boise Cascade is prepared to finance the cost of the entire project. If you are interested, we will be glad to sit down with you and design an appropriate program. I think the benefits to both of us in terms of better understanding could be substantial.

Thank you.

THE DAY THE LORD CAME TO TOWN

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. COWGER. Mr. Speaker, my minister, Dr. Henry Pope Mobley, Jr., recently delivered a sermon at the Highland Presbyterian Church, Louisville, Ky., that I would like to share with my colleagues. Dr. Mobley's remarks were entitled "The Day the Lord Came to Town," and is one of the finest sermons that I have ever heard.

The sermon follows:

THE DAY THE LORD CAME TO TOWN

(By Dr. Henry Pope Mobley, Jr.)

No one was quite sure just how the news arrived, but suddenly it became common knowledge that the Lord Jesus would visit Louisville, Kentucky on such and such a date, and while the meaning of such an event took a while to sink in, excitement began to mount and it soon became evident that some considerable planning and organization would be necessary or this thing would get out of hand.

The city administration sagely took the initiative, had a private meeting with all the available advisors, and promptly ran into trouble about how to stage such a celebration which would be appropriate and yet would not offend or irritate anyone. It being an election year, the administration decided to offer any help and financing necessary, but that it might be better to turn the planning over to the Louisville Area Council of Churches.

The Council was delighted, of course, but soon recognized that these little plans would not have smooth sailing. The Roman Catholic hierarchy did not particularly object to the Council of Churches, but did not belong, and had begun plans of its own, assuming, when they heard that Jesus was coming, that He was coming to see them. The Baptists had also started plans of their own with the reasonable assumption that the occasion would provide an unprecedented opportunity for a revival.

Fortunately, all parties concerned quickly comprehended the problems involved in trying to run three celebrations with only one guest of honor, and agreed to coordinate all their plans. The truth of the matter was that each group harbored a tiny doubt, and felt a little afraid that the Lord might possibly choose one group as representative of the true Church which did not happen to be theirs.

So, a great ecumenical committee was formed. The Churches had never had cooperation like this since before Martin Luther began the Reformation by nailing his 95 theses on the door of the Church at Wittenberg.

The next big question had to do with the place for the anticipated mass meeting. Freedom Hall and the ball park came up first because of the parking facilities, and the Fairgrounds Board made an excellent presentation, but it soon became apparent that the anticipated crowd could not be accommodated there either indoors or out of doors. Inevitably someone mentioned Churchill Downs, and of course, this was the logical spot, although some expressed reservations about how the Lord might react to the paramutual boards as a background to a gloriously spiritual gathering. When it was determined that Churchill Downs would be available since the Fall meeting would not have started, a large volunteer ecumenical committee of women was appointed to decorate the paramutual boards with some sort of hanging with a Christian motif. The tent and awning companies agreed to cooperate. A sub-committee was given the responsibility of disguising the betting and pay-off windows with crepe paper hangings.

This was not the end of the problems by any means, because it was soon discovered that Christians can be mighty sensitive about relatively minor things, and in fact, the cardinal sin of pride had considerable influence on the decisions. For example, it was assumed that the mass meeting would be opened with prayer. Who would do the praying? After several hours of polite discussion it was decided that perhaps several prayers should be offered up for so great an occasion, and a decision was reached—not entirely satisfactory to anyone—that any group that really insisted on participating in prayer would name a representative. Just where to put so many prayers was turned over to another sub-committee on program.

This agreed upon, a well-known theological liberal threw a monkey wrench in the machinery by inquiring whether a rabbi should be invited to participate on the grounds that Jesus had been born of the Hebrew faith. The ensuing discussion—with great theological undertones—lasted quite a while and though I have forgotten the exact disposition of the matter, I believe it was turned over to a sub-committee appointed by the chairman.

Time will not permit any further cataloguing of the difficulties and problems of preparation; suffice it to say there were quite a few, some of which never got settled.

In the meantime, the Board of Aldermen on its own initiative decided to remove temporarily the statute of the Bride in Guthrie Green and replace it with a large wooden cross neatly covered with gold foil.

It should be mentioned that the sub-committee on Itinerary selected certain fine examples of Church architecture in the City—from various denominations, of course—as places our Lord might want to visit. It may have been a coincidence that each of the Churches selected suddenly decided it was time to do some necessary repairs, redecorating and painting. Also a vast paint-up, clean-up crusade was started in all parts of the City so Louisville might put its best face forward for the distinguished visitor no matter where He might want to go. The people were so cleanliness-conscious that one young man who threw an empty milkshake carton out of his car onto Bardstown Road had his automobile license reported and was fined $50 for littering.

Finally the great day arrived and the people and the dignitaries gathered at Churchill Downs. An extra helicopter had been lent by Indianapolis to help out with the anticipated influx of automobiles, but did little to relieve the greatest traffic jam in all of history. People came from everywhere. The stands of Churchill Downs were filled by nine in the morning and by noon the infield was overflowing, and the track was covered with the massing faithful. The dignitaries arrived by one o'clock and completely filled the platform built over the tulip garden at the winner's circle.

Then it was discovered that no one knew just when or how Jesus would arrive. They had thought of everything but this. Delegations were quickly dispatched to the airport, the bus station, even the train station. There were some mighty anxious moments for a while, but then suddenly everyone knew He was there. No one even knew how he looked, but when He came everyone knew who He was. And a mighty roar, which began as an exclamation of surprise and delight by those who saw Him first, and turned into a growing thunder of joy, went up, which must have shaken the windows in Bowling Green.

Just as suddenly the crowd became quiet in anticipation. The Mayor made a lovely speech of welcome, expressing the humility that all of the people felt that their Lord had so honored them by visiting their City.

Then the program chairman called the people to stand for the invocation, which was followed by the people singing "The Church's One Foundation Is Jesus Christ Her Lord", accompanied by a band made up of selected members of the various high school and college bands. There was some considerable lag between the time when the band finished the hymn and when the last segment of the crowd finished the hymn, but this was anticipated, so the program chairman waited a minute or so before calling on the denominational representatives for the prayers. As mentioned before, quite a few were scheduled, but somewhere between the time that the Methodists had finished and the Pentecostal Holiness had begun, Jesus stood up without any introduction and began to speak quietly to the people. He did not say anything they had not heard before, and I shall not repeat it all here, but He concluded with a familiar passage, "You are the salt of the earth; but if salt has lost its taste, how shall its saltiness be restored? It is no longer good for anything except to be thrown out and trodden under foot by men. You are the light of the world. A city set on a hill cannot be hid. Nor do men light a lamp and put it under a bushel, but on a stand, and it gives light to all in the house. Let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven."

He had not talked very long, and when He finished those words, He started down the platform steps. The chairman of the meeting quickly caught up with Him and mentioned that there was quite a bit more to the program. But Jesus answered him gently that He did not come for the righteous, but to save sinners. And He left, making His way through the crowds.

Well, as you can imagine, the platform people were stunned. Nobody knew what to do except perhaps have the benediction by the Archbishop. But in the meantime, a good many people followed the Master, just as the crowds had done during His Galilean ministry.

It was reported later that He appeared at Greenwood and 28th Streets and quite a group made up of those who followed Him, local residents, including some young militants. They all listened respectfully and intently, we were told later. Among other things He said was this: "You have heard that it was said to the men of old, 'You shall not kill, and whoever kills shall be liable to judgment'. But I say to you that every one who is angry with his brother shall be liable to judgment. You have heard that it was said, 'An eye for an eye and a tooth for a tooth'. But I say to you, Do not resist one who is evil. You have heard that it was said, 'You shall love your neighbor and hate your enemy'. But I say to you, love your enemies and pray for those who persecute you, so that you may be sons of your father who is in heaven."

Then He left and went His way. It was not until He had disappeared that the anger at what He said began to show. First some muttering, then some rather inflamed oratory. As one speaker said, "This is nothing but a plea for appeasement; we know from long experience that we cannot get what we rightfully deserve without force, without impressing our wrongs." A good bit of discontent began to spread, and quite a bit of anger. But some took to heart what He said.

On His way down-town—so we heard later—He was stopped and loudly cheered by a group who carried signs indicating that they demanded more for the poor. They had intended to picket Churchill Downs during the mass meeting, but had been frustrated by the size of the crowd. He spoke gently to them, and blessed them, but did not seem to sympathize with their demands—or at least they interpreted His manner in that way—"The Son of Man has not a place to lay his head," He said. "But my Father which is in heaven takes care of me. Even as he watches over the fallen sparrow, and provides for the beasts of the field, even so will he care for you. Happy are the poor in spirit, for theirs is the kingdom of heaven." "Do not lay for yourselves treasures on earth, but lay up for yourselves treasures in heaven."

And many of them were humbled by this, but some were furiously angry, and threw down their signs, and spoke of betrayal. They did not show their anger until after He was out of sight, however.

The next thing we heard, He had made His way to the East End of town. By this time the Itinerary Committee had caught up with Him, and suggested timidly that He might possibly like to see some of the Churches which had been built in His honor and for His worship. He thanked them kindly, but went His way visiting every bar He came to, talking with His winsome way to the people there, speaking to them in a way they never heard. Some followed Him.

The Itinerary Committee insisted that He give them some little time, so He did. He listened for a moment or two as they pointed out that after all, He was spending His time with those who had not been faithful to Him, while those who had all these years put their efforts into the Church of Jesus Christ deserved a little attention. And He said to them, as He went His way, "Not everyone who says to me, 'Lord, Lord', shall enter the kingdom of heaven, but he who does the will of my Father. On that day many will say to me, 'Lord, Lord, did we not prophesy in your name, and cast out demons in your name, and do many mighty works in your name?' And then will I declare to them, I never knew you; depart from me, you evildoers."

This did not endear Him to the Itinerary Committee or to many of the people who were proud of their church architecture, and who had worked so hard to make things pretty and presentable.

The next thing we knew He was talking to the jailers in the county jail, and had gathered in some mysterious way all the officials of the Churches, the city government, and the judges of the courts. "Tell me," He asked, "Do you open all your churches to anyone who wishes to come for worship? Do you have one system of justice for the rich and another for the poor? Do you treat all men as children of God, or do you discriminate because of race or condition in society? Are the people here judged on the basis of their ability, and given equal opportunity on the basis of their qualifications? I will tell you the answer: You live in a place of beauty, but there is ugliness in your hearts. You give lip service to my way, but you seek only that which will bring you profit. You say you are concerned, but your concern goes no further than your own selfish interest. You have heard that I am the way, but you go your own way. You have denied the power of the Father's spirit, and sought to live by your own power. You claim you are virtuous, but you are whited sepulchres. You have a place here which is heavenly for some and hell for others. You see the needs, and you seek to hide from them."

He said quite a bit more, and the people were first ashamed, and then angry. They began to mutter, and some of them felt that the whole visit had been a disaster. And finally, one of the church leaders said what some were thinking, that it would be a good thing when Jesus left.

But then, someone noticed that He was already gone. And then the news came quickly somehow or other He had made His way to Guthrie Green and was hanging on the cross the city had erected in His honor. However, it was later noted that some who had seen Him were different.

END OF THE ROAD

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, the people of the Milwaukee area have been patient with the Vietnam dissenters, but that patience has been rewarded with greater boldness and greater effrontery on the part of the demonstrators.

Last week, Students for a Democratic Society displayed a Vietcong flag at the University of Wisconsin—Milwaukee. Another was displayed at a moratorium rally at Milwaukee Technical College.

When reports of these disgraceful episodes reached Jack Krueger of WTMJ, that patient man had "had it." Like the war veterans and ROTC students who struck back at the Vietcong flag displayers, Jack Krueger struck back, too. The result was the following editorial which was aired on WTMJ stations on November 13:

END OF THE ROAD

(By Jack Krueger)

The present trend by Vietnam war veterans and ROTC students to strike back was long in coming. But the incidents of the last several days should give the campus revolutionaries something to think about. They have had their own way for so long that it must have come as a shock to them when their Vietcong flags were snatched away and burned because the patience of others had run out.

The Students for a Democratic Society, and if ever an organization was misnamed this was it, had the gall to display a Vietcong flag in a state-owned building at the University of Wisconsin-Milwaukee. How could university officials aware of this despicable action allow such a thing to happen? This is carrying freedom of expression beyond anything intended. Displaying an enemy flag would be a treasonable act if our nation were in a declared war in Vietnam. Declared or not, the men fighting under its banner are killing American sons and fathers. When veterans of the war come home they should not have to be exposed to such insults by a cult of misfits hiding their frustrations under the guise of dirty clothes, dirty actions and dirty language. You should have heard the obscenities uttered by the young girl whose Vietcong flag was taken from her at the Technical College moratorium rally by Tech war veterans.

Now that the radicals are no longer the big attraction and ROTC students and war veterans are standing up to them and upholding American ideals, perhaps they'll realize they're coming to the end of the road of lawlessness, disrespect and revolution. It's about time.

SERIOUS THOUGHTS ON THE POST OFFICE OPERATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to call to the attention of my colleagues some comments I received from an employee of the postal service.

Letters from postal employees are certainly not a rarity these days as there is much interest on the part of employees with respect to the Post Office. However, the comments which I wish to call to your attention today are comprehensive and apparently reflect the thoughts, feelings, et cetera, of a conscientious postal carrier who has given serious thought to much of the Post Office's operations as he has personally observed them.

The comments of this postal employee follow:

OCTOBER 15, 1969.

MR. ANDERSON: I have just received a magazine called the Postal Life. It is published by the Post Office Department for the postal employees. In my estimation any information contained in this magazine is strictly for the birds. There is nothing in it except what the Postmaster General wishes to put in it. It is labeled "Official Business" and it would seem that the postal employees are the only ones who get it. It is published by funds given to the Post Office and yet it seems to me that postal employees already have this knowledge or can obtain it without expense to the public.

Another thing, I have read in papers where the publishers of magazines would be willing to pay more for better service. I wonder if they know that the following is the practice for the Post Office, at least in the Greater Los Angeles area.

Weekly magazines, such as Newsweek and World News are printed in the East. They are *flown* to LA at the cost of the public and must be delivered by the local postal carrier right away if they reach his desk before he goes to the street to make deliveries. All that this costs the publisher is approximately 12¢ per copy. Whereas a letter mailed by the general public, air mail, costs 10¢ per ounce. Magazines and newspapers cost 5¢ for the first 2 ounces and 3¢ for each additional ounce. Say that 1000 letters weighing approximately 1 ounce each are flown from any point in the States—this is a revenue of $100. But say a letter weighing 9 ounces would cost 90¢, which would be $900. Now the publishers are paying approximately 12¢ per unit by shipping 1000 copies by mail. They are getting the same service, for $120. If a person would sit down and figure it out, it is the public who is financing big business. If I write a letter, the cost of the stamp is not deductible at the end of the year, but big business can deduct it as a business expense which cuts into the taxpayer again.

Now, take bulk mailing. I am enclosing a sample of one flown from New at the cost of 3.6¢—weight about 2 ounces—and required by the Post Office to receive a 24-hour delivery. In other words, if received by the carrier one day, he is required to effect delivery by the next day.

I would estimate that our local post office gets approximately 10,000 of these per month. The bulk mailer pays approximately $360.00 If they would have paid first-class rates at 2 ounces per unit, it would have cost them approximately $2,000 for 10,000 units. Who pays the difference? The public, but yet the amount it costs the mailer will still be deducted at the end of the year as business expense.

Even if a local grocer wants to advertise by mail and have a bulk mailing, it still costs 3.6¢ per unit or $36.00 per thousand. If first class rates were applied and the ad weighed 1 ounce, it would cost $60.00 per 1000. I would estimate that 85 percent of mail delivered by carriers daily is bulk or second-class mail.

Another thing is catalogs; on a 3-pound catalog, they pay approximately 24¢ to effect delivery. How much would it cost if it were being sent first class? It would be $2.64 per 3 pounds.

Now, if all mail, regardless of the material—be it an airmail letter from me to you or a magazine or a catalog—would cost 10¢ per ounce, the Post Office would show a profit. Because everyone would be paying their share even though big business could deduct their expenses at the end of the year under the Internal Revenue laws, but the public cannot do this. The rates were set by Congress and held by Congress because of big business. As I say, if all postage were equal, the mails could be delivered and the Post Office could show a profit even if the first-class mail costs 6¢ per ounce.

I would estimate that 75% of the public has no need for this bulk mail nor desire it. I know they even ask me why I deliver it. I just tell them that it is required by the Post Office. Even then, some of them tell me to take it back because they refuse it. That means I have to return it to the Post Office "to kill it" and place it in the dead mail for further operation.

I have been asked about this on routes that I have worked, and many of the people told me that they would write to Congress to make the postal rate equal for everyone. I know that if the general public knew all of this, they would really flood the mails to their Congressmen to adjust it so they could get better services. Then the Post Office would be put on a paying basis.

Sure, we might lose a lot of this bulk and special rate mail, but then we could say we are a public service and not an ad or selling service for big business. If you would get a list of all special rates and approximate units handled by the Post Office, you would see why the Post Office is a nonprofit unit. And if all rates were equal, you would not have to consider making the Post Office a corporation because I believe then it would help the economy. You would be able to put tax money aside for operation of the Post Office, because it would show a profit.

In other words, why should the general public be hogwashed into the idea that it is the postal employees making it tougher in all ways to receive mail on time. Before a Postal Corporation is considered, I think that Congress should establish equal rates for all, public and big business, and then if it is necessary to form a corporation it should only handle first-class mail and nothing else. There would be exceptions, such as mailing privileges for government—Congress, Army, Navy, personnel in combat zones, etc. But this could be offset by the buying of stamps or special envelopes from the Post Office and adding the amount to the cost of operation of the Department.

I wish you would consider this suggestion. Please bring this to the light of the public and make it an issue by getting all the different rates. Show the overall picture to the public and lay it on the line. Show them who is paying the money for the operation of the Post Office. This corporation deal is another means, by big business, to take over another part of our government.

It has been said that the public must be advised of the problems of the Post Office. In the first place, I do not think that the postal union has the money or the right to bring this out into the light, because it would be interpreted as undermining the Congress. I know that the people in Congress are not that dense not to see this. I am an employee of the government and with my Army service, I have been working for the government for many years. I do everything I can to give better service to the public, but as I have said in a previous letter to you, whenever any of the public ask me about this subject, I give them my opinion. However, to make a mass approach to the public by any group or any one person could lead to repercussions. I believe it is up to the lawmakers of our country to bring it to light.

I know that neither the Post Office Department nor the Postmaster General would allow an employee to make this information known to the public, and the Postmaster General would lay a heavy hand on anyone or any groups who did and would classify them as troublemakers. Nevertheless, only about one percent of the public really knows of this condition and other than postal employees they are the lawmakers and big business. Do you think that they would allow anyone or any group to publicly announce it and get public support? But since it is in the interest of public service, Congress could get away with it and get the support of the people. I feel that if most people were told about it, they would think that the Congress was really looking out for their interests and would really appreciate it.

And I believe that each Member of Congress would get the full support of postal employees. Also, let the pubic know the working conditions and pay of their servants. Even a driver for the rich gets more pay and benefits than the government employees.

I thank you for the time of this letter and would appreciate your views on the subject.

At your service.

A Postal Employee Constituent.

P.S.—Did you know that all mail was sent on a space available basis, regardless of rate? Of course, air mail rates have priority. But 6¢ and second-class, even third and fourth class mail can be sent by air if space is available.

PROFESSOR EMERITUS EMANUEL FRITZ

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, Professor Emeritus Emanuel Fritz, of California, served for 35 years on the staff of the University of California School of Forestry before retiring in 1954. He enjoyed two distinctions recently—he received the first Col. William B. Greeley Award presented by the American Forest Institute on October 27, and he enjoyed his 83d birthday on October 29.

The Greeley Award was presented at the annual meeting of the American Forest Institute, the communication and education arm of the forest industries. The award is named in honor the late Colonel Greeley who was the chief of the U.S. Forest Service from 1920 to 1928.

I would like to offer here the comments of Mr. B. L. Orell, vice president of the Weyerhauser Co., in explanation of the award:

Mr. Orell. It seems most appropriate in this age of major change that the American Forest Institute should present a new award honoring a man who was most associated with controversy—the late Col. William B. Greeley. I am proud, as many others of you must be, to have known Col. Greeley personally and to have worked with him. He brought to the American Forest Products Industries, Inc., as its first chairman of the board of trustees, a wealth of knowledge of forestry, an infectious spirit of yankee independence, and a boundless supply of energy. We, today, still enjoy the fruits of Col. Greeley's unshakeable belief that the Federal Government must arrive at a working partnership with the forest industries. To the extent that his beliefs sometimes shattered the calm of the Government, he is remembered by some people as being controversial. However, the years which have passed have had their effect and I believe it is a measure of the Forest Service's recognition in his greatness that its official biography of Col. Greeley states:

"He realized the necessity for practical, profitable justifications for good management practices on private forest lands. This experience led him to take a cautious position on the regulation of timber cutting on private land and forced him to oppose his former mentor, Gifford Pinchot, who was the first Chief of the Forest Service, during the great debate on this topic in the early 1920's, much of which took place within the professional Society of American Foresters and in Congressional hearings. Pinchot demanded stringent, detailed Federal regulations of private lumbering, with a license required for every logging operation. Greeley realized this was impractical to administer, of questionable legality, would never be passed by Congress, and would only antagonize the industry and delay effective action."

It was this inherent trust in the forest industries which brought about the cooperative development of the country's vast timberlands. Upon his recommendation, Congress enacted legislation providing for Federal assistance to private landowners for tree planting. Cooperative agreements between the Federal Government, the states and private land owners set in motion the first organized fire protection plan for the forests.

His administration as chief of the Forest Service from 1920 to 1928 is one that will be long remembered. He left his mark on the organization which grew into the AFI at a time when the nation was in need of bold leadership to meet the timber crisis following World War II. We are happy to honor his memory in establishing this award. We do this because his beliefs in the proper management of private lands are still important to us today, and also because of the tribute it extends from us to the recipient.

Mr. J. V. Sutton, chairman of the AFI Board of Trustees had the pleasure of presenting this first award to Professor Fritz. I believe my colleagues would enjoy sharing his comments which follow:

Prof. Fritz was a long-time associate and friend of Col. Greeley, and perhaps it was typical of the times in which they effectively worked, he, too, is a fighter. Our award winner also served in World War One, and being somewhat younger than Greeley, emerged as a captain in the fledgling U.S. Air Force.

His practical background in the woods was similarly helpful in producing the leadership the timber industry sorely needed in earlier times. He worked for the New Hampshire State Forestry Department and the U.S. Forest Service. He holds a master's degree in forestry from Yale University.

These are some of the lesser-known aspects of the career of our honoree, and while I was hopeful of keeping you all in suspense for a few minutes longer. I find that this is impossible. Our man of the day is too well known. All I would have to say next is redwoods and the University of California, and you would know that I am referring to Professor Emeritus Emanuel Fritz, the dean of western forestry educators. His list of honors and accomplishments is a long one, and I shall mention only a few.

In 1936, he founded the Redwood Region Logging Conference and served as its executive secretary and a director for more than a decade.

During his 35-year tenure with the U.S. School of Forestry, Professor Fritz found time to serve as a consultant on forestry matters to the U.S. Department of the Interior, the National Recovery Administration and the California Joint Legislative Committee on Forestry, which produced the state's model Forest Practice Act. He has consulted for individual companies and the California Redwood Association for many years.

He has been elected a fellow of the Forest History Society and the Society of American Foresters, serving the latter group as editor of the Journal of Forestry. Professor Fritz has also been editor of the California Forester. He is president of the Foundation for American Resource Management.

Among his honors is the Distinguished Achievement Award of the Western Forestry and Conservation Association and the Contribution of the Year Award of the SAF. He is a member of Sigma Xi Phi Sigma and Xi Sigma Pi honor societies.

The list goes on. But each achievement is only a milepost along a road that leads to the truthful conclusion: this man, like Greeley, has been a giant influence for better forestry. There's no possible way it can be measured in words.

This courageous, sometimes controversial, but always fair authority has written more than 270 technical and popular articles and monographs, largely about the redwoods. He compiled the valuable annotated bibliography on the California Coast Redwood. His students have gone on to become leaders in the timber products industry themselves, and to his credit, many of them still consult with the man they call Mr. Redwood.

I like the way author Kramer Adams describes the Fritz charisma in his new book, *The Redwoods*. Says Kramer: "With soft-spoken logic or fiery-eyed invective that could terrorize his students, the respected professor had the rare ability to persuade tough loggers or tough company presidents to do the right thing. Today in his eighties, he still does."

It is a further measure of the man to note here briefly that his influence is felt on what we have been in the habit of calling "the other side of the fence." For Professor Fritz is also a councilor of the Save-the-Redwoods League and a co-organizer and long-time director of the Regional Parks Association.

Only a lack of time has made it necessary to forgo listing his very real achievements in the field of fire protection, reforestation and improved logging practices. They are considerable, and it is tempting to think that Colonel Greeley himself would have trod the same path had he chosen to stick to his original field, education, rather than the practice of forestry.

"POLITICAL PERSPECTIVE: WOMEN IN POLITICS"

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENGEL. Mr. Speaker, although the League of Women Voters is a nonpartisan organization its members are encouraged to engage in political activity as individuals. Many of them do and quite a number hold elective and appointive office. The taped program "Political Perspective: Women in Politics" features nine women party workers who tell what women can accomplish through political activity and encourage others to participate.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: WOMEN IN POLITICS

Participants in the program in the order they are heard:

Torrey Baker, former broadcaster, Voice of America;

Billie Farnum, Democratic National Headquaters;

Dr. John Hunger, Republican National Headquarters;

Dorothy Vredenberg Bush, Secretary of the Democratic National Committee;

Mary Brooks, former Vice Chairman, Republican National Committee;

Kathryn Stone, former First Vice President, League of Women Voters of the United States; former member of the Virginia General Assembly;

Mrs. Robert Kintner, Women's Speakers Bureau, Democratic National Committee;

Miss Ethel Payne, volunteer worker, and

Spencer Oliver, President, Young Democrats.

BAKER. The League of Women Voters brings you Political Perspective—Women in Politics.

This is Torrey Baker speaking to you in behalf of the League of Women Voters.

In an election year there are few things on which Republicans and Democrats agree, but this year both Democrats and Republicans say with one voice, "The essential work of the party could not go forward without the efforts of women." Take, for example, Billie Farnum in Democratic National Headquarters:

FARNUM. I would rather have one woman than five men working for me, and I don't care what political activity it is because they produce so much more.

BAKER. And Dr. John Hunger speaking from his office at the Republican National Committee says:

HUNGER. . . . Women have a very strong position across the board, not just the menial volunteer tasks but the issue making. . . . There is no limit to the role women can play.

BAKER. The women in the two parties are more modest but they too feel that the role of women in politics is growing in size and in importance. I asked Dorothy Vredenberg Bush, Secretary of Democratic National Committee, what women Democrats are doing for the party.

BUSH. Well; all the way from the menial things . . . from folding material, and stamping, and just things of that kind clear on up to helping plan policy. Women do all sorts of work, let's face it. You know, fund-raising, organizing, precinct work, just everything. Getting people to the polls on election day, getting them registered.

BAKER. Mary Brooks, Vice Chairman of the Republican National Committee agrees that women are doing a tremendous job.

BROOKS. Women are workhorses, truly, and my job is always to get the men to recognize this and thank the women and encourage them. Women are so anxious to help, especially this year. I have never seen anything like the people that come in and offer their services. But the door-to-door, the bellringing is the natural thing for a woman. It's a neighborly thing. She makes new friends; we are encouraging it on the national level, this "Hi neighbor!" program we are promoting, to make sure that everyone who moves into a new suburb is contacted by a Republican woman and made to feel a part of the community. . . . It is interesting, the Chairman puts out the statistics that only eight or nine percent of the people in the country have ever had a person of either party knock on their door. Now this is amazing, isn't it? It's a frightening figure, but this is true. But the women can do a tremendous job on the precinct work. Well, there are all kinds of work in the precinct. Your registration drives, getting your canvass, contacting your people in between canvasses, and of course, money-raising drives. We have a number of states and a number of countries where the women will get out and knock on every door in the city or county, and ask for a dollar or more to support the party. This has been tremendously successful but it takes a great deal of organization and that's what the chairman and I have been working so hard at these last two years, is to try and build from the ground up a firm foundation for the party apparatus.

BAKER. Mrs. Brooks is not only Vice Chairman of the Republican National Committee but has also successfully run for office herself and is serving as a State Senator in the Idaho legislature. We asked her about the satisfactions of running for office.

BROOKS. Oh, there are so many. Involvement in other people, interest in all of your neighbors, problems that come up in your community that you wouldn't be aware of before. If you have the time as I do, and as many, many women do when they reach mature age, you need this sort of activity to project yourself and to help other people. I never have felt anything as rewarding as my service in the State Senate out there.

BAKER. On the Democratic side we talked to Kathryn Stone who has also served as a state legislator—for 12 years in the Virginia General Assembly. And we asked about her satisfactions in serving.

STONE. Well, I wanted to contribute to my state, the Commonwealth of Virginia. I admired its traditions in government very much indeed; even though I wasn't a member of the conservative part of the Democratic party I admired many of their accomplishments and was able to work with them.

I was able to achieve very concrete improvements in youth services, mental health, and I am particularly proud of being copatron of the new state system that established two-year colleges. It is now thriving. We have a fine one in Northern Virginia; there will be 16 in the state, many of them underway right now. So I have some very practical achievements to look back on and then I also was a plaintiff on the Supreme Court case that brought fair apportionment to Virginia; that wasn't through the Legislature, but it came about because of my concern.

BAKER. Both these women politicians found there were frustrations in service as well.

STONE. Well, of course to be a member of the minority part of the Byrd organization at that period of history was not sometimes comfortable because we faced the "massive resistance" and I was part of the "Save the Public Schools" movement. However, it turned out pretty well in the end and then a major frustration is the lack of staff services. This is almost universally true in state legislatures. . . . We simply need more research service, more staff service, secretarial service, and so on.

BAKER. Mrs. Brooks also finds some frustrations in serving.

BROOKS. There are other frustrations such as the long hours, the fact that you are away from your family a great deal. It's—but it is so much more rewarding than it is frustrating. I couldn't possibly be more enthused about asking women to get into running for office themselves.

BAKER. All the women we talked to who have served in public life stressed the opportunity politics gives you to get done those things you see that need doing. Dorothy Vredenberg Bush feels that unless we have participated in government—at least to the extent of voting—that we have little right to criticize what our public servants do.

BUSH. By the same token, if you do have close to your heart some school problem, then why not become active. Get elected if possible to the school board and in doing so, then you will have some power to be heard. Now whether or not you will get it all done right away is another thing, but unless you have actually done something about trying to get in there and fight for what you think is right, you—there is no way—you can't just sit back and do nothing and expect what you want or what you think to be done.

BAKER. Mrs. Bush also has some advice to the women wishing to run for office.

BUSH. Well, first she better do a little bit of leg work and get herself known and do a good job and then let it be known that she is available, and would like to—you know you have to have a burning desire to do a job well. The same is true to do a real good campaign or get on the ticket, so to speak. You must really want it, so unless you had an audience to tell this to, nobody is going to come and pick you out of a hat and say "please run," you know. So you must do some leg work, and do it well, and then when the times comes you will be chosen.

BAKER. Mrs. Stone stressed that a knowledge of the community was a necessary prerequisite for running for office and advocated—

STONE. A wide-range of voluntary experience; if possible some appointive positions such as on a school board, or a library board or a planning commission. This shows you—begins to show you—how the wheels go around and you develop some know-how from within; but some leadership role and certainly some Board experience, having been a president of the local organization, having had some experience as a Board member is very good preparation for membership in the legislature. And then of course I would have to give the League of Women Voters a great deal of credit for my practical education.

BAKER. Although the League is nonpartisan and as an organization does not support or oppose candidates for public office, we are proud of the League members in both parties who have gone into politics and have run for public office. We agree with Mrs. Brooks when she says—

BROOKS. I believe women make excellent public servants.

BAKER. Both parties carry on a constant campaign to get more women active, more interested in lending a hand and more involved in the issues. Mrs. Robert Kintner heads the Women's Speakers Bureau for the Democratic party. We asked her what sort of things her speakers are asked to discuss.

KINTER. Well, we have a variety of subjects. Arts and culture; beautification; the status of women; the wise consumer; urban affairs; crime in the streets; air and water pollution;—quote, "To fulfill these rights,"—end quote; equal opportunity; America through the ages; education; Head Start to adult; mental health; transportation; and auto safety; food, drugs, cosmetics; and of course we are expanding all the time.

We have one subject that operates under the overall title of "Politics, Pure and Simple," or the mechanics of what a local organization can do, how to assemble a meeting, get a group together, set up a luncheon, request a speaker . . . making your vote count. The Pen is Mightier, meaning that you can write about politics as well as speak about them. How the grass roots grow.

BAKER. And Mrs. Brooks described the workshops Republican women are holding.

BROOKS. We are trying to train our women in campaign management technique, in public relations technique as well as precinct work, and new ideas that have developed. You know, the political problems have changed so with the advent of television, we are in a completely new era, and we are trying to train our party, and we are trying to develop people who can help candidates, and we are hoping that we'll find women coming out of these campaign management workshops that will get into the active campaign management for local candidates. For instance, when you are setting up you are working in your campaign; you wonder how to set up your campaign headquarters. You wonder where to locate, how to open it, how to handle your secretary, what to do with your hostesses, your telephones, your work schedules, literature, giveaways, storage and all those practical aspects. We will be hitting on this as a training for the information to help people get out and set up campaign headquarters in the smallest village in the United States, you see.

Then we have a very detailed explanation and materials showing you how to work precincts. We have a beautiful movie showing how you do the whole precinct bit.

The other thing is what to do with volunteers. You have so many people who come and tell you, "I want to help. Mercy I want to help this year, what can I do?" We are going to get our material and we are going to talk about what you do with your volunteers. I know that we are going to use many, many hundreds of thousands of them in the "Hi Neighbor!" drive.

Then, of course, the absentee ballot is a separate activity. We are going to explain the importance of that and how you handle that. In the Armed Services, in the nursing homes, in the colleges, wherever there are absentee people who would be unaware of the mechanics of casting their ballot, but would if they were urged to.

BAKER. Both parties are interested in attracting voters from the inner city. Mrs. Brooks explains a little of what the Republicans are doing. She spoke of a program called the "Involvement Program."

BROOKS. It's an idea of starting an action center in the slums, in the underprivileged area of the town, and giving these poor souls who are so lost in this bureaucratic maze of where they can go for their social security check, where do they get a rat exterminator—all of the thousands of questions that bother people—having an answering service. . . . We call it "Community Involvement"—from there they have kindergartens for the children. In Chicago for instance, they started a music school, a ballet school, the women in the clubs out in the outlying areas would come in and help and it has grown into a tremendous movement. Then from there it went into Detroit and after the riots in Detroit, the Action Center there brought in I think it was a 160,000 dozen diapers, food by the truckload, the neighborliness of it, the community involvement; and we're trying to get our county and state committees to use the women in this fashion. It takes a bit of organization, but it has tremendous implications, that you were interested in the other person's problem.

BAKER. Mrs. Brooks stressed that Republican women are working not only for, but with Negro women. So, too, are the Democrats. Miss Ethel Payne, Washington Correspondent for the Sengstache publications and a volunteer at Demicratic National Headquarters explained why she feels that there has been apathy among Negro voters but how she thinks the picture is changing.

PAYNE. Well, I think it is all part of the great social changes in our country. I think it is all part of the pattern of shall we call "revolutionary" changes going on, and in that there has become more perceptiveness about the things that make changes and even the person in the ghetto begins to understand now that one of the instruments of power is the ballot. For example, let me give you an example. The recent election of two Negro mayors is something which most people—the people in the inner city can relate to. This becomes a part of a personal thing to them. So they become a little more aware and then when they are approached they begin to have a little different feeling about this because they see that two of the members of their race have made it into the "Big League," so to speak, and this offers some hope to them.

BAKER. On the campus too the parties are looking for women interested in politics. And both parties seem to be finding them. We talked to Spencer Oliver, President of the Young Democrats, and asked him if women are welcome in councils of his organization.

OLIVER. Oh yes, very much so. As a matter of fact, we find that female students participate to a greater extent probably than—than their male counterparts. I am not sure why this is, but I think that anyone that—anyone who has been involved in politics will tell you that if you get a young energetic woman involved in politics, that she will outwork any man that you have ever seen. . . . I know today, out—probably our most outstanding Young Democratic organization is in the State of Texas and the President of that State organization is a young girl, who is 24 years old, who is one of the most accomplished and effective politicians that I have ever seen. In addition to her role as President of the Young Democrats, she just recently completed a job as Vice Chairman of a Texas Voter Education project, which was a voter registration program. She was probably the most active member of that organization, and extremely talented and she's not only extremely talented in that area, but she is well-informed, and can hold her own with any—any young man in the Young Democrats that I have ever seen when it comes to debating issues or winning conventions, or winning elections, or anything. When you have attractive young women who are in politics, they always attract young men in the political process too.

BAKER. John Hunger of the Republicans said:

HUNGER. We have held "Opportunities Unlimited" conferences on college campuses

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across the country. Our "Opportunities Unlimited" Conferences are day-long programs. . . . We invite college student leaders from every campus in the state. . . . We specifically say in our instructions to all of our state coordinators and state central committees that they must not, under any circumstances, overlook women on their panels in their program. . . .

Baker: Thus from the city to the suburbs and the college campus women are stepping up their role in politics. But there is plenty of room for more workers.

Farnum: We never have enough volunteers.

Hunger: We have many, many, many county chairmen who are women. There is tremendous opportunities for them.

Baker: Is politics a job for women? The overwhelming response from the parties seems to be yes.

This is Torrey Baker speaking to you for the League of Women Voters and bringing you Political Perspective—Women in Politics.

SUPPORT FOR THE YATES AMENDMENT

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. COHELAN. Mr. Speaker, I was in my district on Thursday fulfilling a previous commitment. Had I been present during the debate on the military construction bill, I would have supported Mr. Yates' amendment to restrict funds available to the Safeguard program by providing that no funds "may be used for construction associated with the operational deployment of the Safeguard anti-ballistic-missile system."

I was the earliest opponent of the ABM system. I still retained my serious doubts about the technical feasibility of this project. As has been pointed out on numerous occasions, there is grave concern whether the ABM can accomplish its task. First, can it intercept incoming missiles of a total first-strike effort; and second, if it can intercept these missiles, will it pollute the atmosphere to such a degree that we have, in effect, just temporarily delayed the effects of an all-out nuclear exchange? Also there is grave question of the basic assumption of the need for ABM, the first-strike capability of the U.S.S.R. is or will be present.

I do not intend to go through a lengthy discourse on the ABM. I have done that on numerous occasions, but I wish to say that the amendment offered by Mr. Yates is a constructive effort to put some rationality into our defense spending. The Yates amendment would allow research and development on the ABM system and I feel this is valid, but I do not feel that this emphasis on research and development means the full-scale construction of ABM facilities in the continental United States. This could be more effectively done by utilizing the facilities on Kwajalein Island. Indeed, there is $14.1 million available in this bill for that exact purpose.

Mr. Speaker, we must realize that this initial commitment is but a small portion of the total price tag of this questionable project. The most conservative estimate is that it will cost $10 billion. This figure represents about $1 billion more than is available under this year's budget constraints for our cities, open spaces, education, and welfare. This is a glaring example of our mistaken priorities and some small effort can be made to alter these priorities by confining the ABM to a research and development effort, confined to Kwajalein Island. I support the Yates amendment.

SPEED OR NEED? NBC'S SECOND SUNDAY EXAMINES THE SST

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REUSS. Mr. Speaker, NBC News, in its radio documentary series Second Sunday, recently examined the supersonic transport—SST. The program, titled "The Flying Dilemma: Speed or Need" was produced by Kenneth Bell and narrated by Peter Hackes.

I feel the show, in which I was privileged to participate, presented a meaningful analysis of the problems and questions surrounding what I consider President Nixon's unfortunate decision to assign high priority to developing the SST.

The transcript of the program follows:

Peter Hackes. The Air Force calls it the "sound of security." A leading airplane manufacturer hopefully calls it the "sound of the 20th century." It's a sonic boom, of course, a shock wave produced by an airplane breaking the so-called sound-barrier, flying faster than the speed of sound. The shock and reverberation of sonic booms have startled people out of bed, have shattered windows and cracked plaster walls.

The sonic boom is one reason why many people are against the government-sponsored development of a commercial supersonic transport plane, the SST.

This broadcast will question the wisdom of this multi-million-dollar proposal, examining arguments for and against the SST.

Flying has always intrigued man. It is adventurous and romantic to overcome earthly bonds. In this country, from the Wright Brothers at Kitty Hawk to Armstrong and Aldrin on the moon, man has progressed rapidly, taking advantage of each new aeronautical theory and mechanical invention. Whether each new step in financially sound or sociologically rewarding is another matter. The newest commercial aviation idea is a supersonic airliner to fly passengers faster than the speed of sound, faster than 700 miles an hour. It is called the SST, which stands for "supersonic transport." But the cost is so great that no private companies want to develop it themselves. The noise is so great that no one on the ground will like it. Nevertheless, three Presidents have endorsed the idea. And now President Nixon has given it a final go-ahead. He recently announced an all-out government-sponsored SST program.

President Nixon. The supersonic transport is going to be built. The question is whether in the years ahead the people of the world will be flying in American supersonic transports or in the transports of other nations. This has been a very difficult decision, in terms of a very spirited debate within the Administration and also within the Congress as to the proper priority for funds. I have made the decision that we should go ahead.

I have made it first because I want the United States to continue to lead the world in air transport. And it is essential to build this plane if we are to maintain that leadership.

I have made this decision also because, in another sense, this means that, through this plane, we are going to be able to bring the world closer together in a true physical and time sense.

Hackes. Since 1961, Congress has appropriated 623 million dollars for research, development and design competition for producing an SST.

Boeing Aircraft and General Electric won the contract. President Nixon has asked for another 662 million dollars over the next five years to get to the actual production stage. But, as prices go up, that total of 1.3 billion dollars will very likely not be enough.

The cost of each plane to an airline company is uncertain. Estimates range from 40 to 60 million dollars. The government would recover its development outlay, the taxpayers' investment, after the sale of 300 SST's, at so much per plane, then would make money on further sales royalties.

The Russians and the British and French are far ahead of the U.S. program. They have prototypes that are already flying. The Soviet story from NBC News Correspondent Angus Corley in Moscow.

Corley. The Soviet airline, Aeroflot, claims to be the world's busiest, and very likely is. For one thing, it has a monopoly here at home, a huge country in which airlines are the quickest and easiest and sometimes the only way to get around. For another, its overseas operations are not inconsiderable, reaching into 50 countries or more, including the United States.

The Soviet Union has reason to believe that it enjoys a preeminent position in air travel, and it intends to keep it. Its first supersonic plane, the TU–144, has flown successfully and has been indicated ready for service next year, a service which could reduce the flight time from Moscow to London or Paris to 90 minutes.

The test model had 120 seats, but the Russians now are talking of giants, giants that would lift 500 and even 1,000 passengers on long flights.

Hackes. As we have heard, the Soviets hope to begin production of their SST in 1970. A United States version would not be ready until about 1978.

Britain and France hope to be selling their jointly-produced Concorde SST to the airlines in 1973.

NBC News Correspondent George Montgomery reports from London.

Montgomery: The British and the French decided to club together on Concorde because, fueled by patriotism and the profit motive, they wanted to beat the Yanks and the Soviets to the supersonic pot of gold and didn't have the money to do it separately. Also, the British Concorde would fly them past Mount DeGaulle and into the Common Market. Well, they crashed on that one.

But the Concorde project has flown on and on, with costs rising, which makes some people wonder whether the plane can make as good a profit as originally expected when it supposedly comes into service in 1973.

Also the possible advent of Boeing's SST is darkening the sky for some skeptics. While they aren't particularly worried about Russian competition, the skeptics note that Boeing has received more option for its supersonic planes than have been filed for Concorde. However, Concorde's supporters argue that, with Concorde due to go into service five years ahead of the American plane, this should give the European plane enough time to establish itself as a usefu viable aircraft.

There's a lot of talk about how the bigger, faster American plane will complemen the Concorde, not compete with it, and tha there's room enough upstairs for both of them, all of which doesn't satisfy people on the ground agitating against sonic boom.

The Concorde advocates argue that booms aren't much of a problem, partly because many longhaul routes are over water or low population areas. This, like a lot of other things about Concorde, remains to be seen, and heard.

Hackes. The sonic boom is one of the most common objections to supersonic planes. We talked with a Harvard University physicist, Dr. William Shurcliff, who gave this explanation of how the noise is produced.

Shurcliff. Well, a sonic boom is an explosion-like sound that's produced when any airplane flies faster than the speed of sound. The air has trouble getting out of the way of a plane when it goes faster than sound can travel. So the air has to get out of the way very, very quickly, in a few millionths of a second, which creates tremendous pressure and heat, turbulence. And the energy spreads out in a huge wave, called the shock wave. And then you hear it. When it strikes you, it's called the sonic boom.

Hackes. Dr. Shurcliff is director of the Citizens League Against the Sonic Boom, which he says has 3500 members in six countries. Even though President Nixon and Transportation Secretary Volpe have said the SST will not fly at supersonic speeds overland, Dr. Shurcliff's group is disturbed that it might.

Shurcliff. We hate to think of one SST flying across this country bothering ten million people on a single flight. The boom hits with absolutely no warning. It comes instantly. And it is very startling. It tends to make you jump, it makes your heart beat faster. It makes you jerk. And if you are asleep, it would wake you up. It's a real harassment to living. They've made long tests over many different cities, using military supersonic planes. And the results have been uniformly bad. The biggest test was at Oklahoma City in 1964, where they kept booming these people every hour for five months. The people hated it, and there were something like 15,000 complaints registered, and there were 4,900 claims for damage. And the lawsuits are still going on for damage done to their windows, the plaster, brick walls, and so on.

Hackes. The proposed American plane will fly at 1800 miles an hour, three times as fast as the new jumbo jet airliners which will be in service next year. The Soviet and the British-French versions will fly at 1400 miles an hour. Because of the apparently assured foreign competition, it appears likely that Congress will appropriate more money for the SST. House and Senate committees are at work on it now.

One of the more forceful opponents of U.S. Government investment in a supersonic airliner is Senator William Proxmire of Wisconsin. He gave me several objections.

Proxmire. I think it has a very, very low priority. Of course it's helpful for all people who fly overseas to be able to fly in two or two and a half hours instead of take six to go from here to Europe, for example. But it isn't essential. And those people who would pay the premium rate which I am convinced a SST would command for many years would be very affluent people who are to be going over, at least in many cases, to gamble, to play, to enjoy Paris, to fly from Monaco to Las Vegas, and that kind of thing. I just don't think that you can establish the fact that this is the way that most people would fly, when we have the jumbo jets, which are just coming along now, will seat many, many more people, provide a much more economical flight, will fly at a lower cost; and I am convinced that the overwhelming majority of people who fly overseas would prefer, even if they have to take six or seven hours to do it, to pay, say 250 or 300 dollars instead of the two or three times as much that they would have to pay if they took the SST.

But the main point I'd make here is that, if this were a safe investment, if this were going to be paid back, there'd be no reason in the world why the government should have to finance it. Then it could be financed privately. But to have the federal government underwrite this, in face of the fact that the only studies that have been made of the SST, economic analyses made, show that it cannot be economically successful unless it can fly overland, I think under these circumstances it's clear that the airline companies don't finance it completely is because they recognize the very, very high degree of risk. And the taxpayer is going to have to pick up the loss.

And what particularly concerns me is that we have just decided this year that the Federal Government will finance the advanced manned strategic aircraft, which is a supersonic bomber, which will develop all of the technological research and go into all the technological work that would be necessary from a military standpoint. Now, if we're going to do that in the military area, I can't see any reason why the Federal Government should duplicate that kind of research in the commercial area.

Hackes: Senator Proxmire also said he's suspicious that some influential proponents of the SST wouldn't mind lifting the restriction against cracking the sound barrier over land.

Proxmire. I think that there has been a series of actions by the people who favor the SST to kind of condition us for this sort of thing. Obviously, if you look at the commercial payoff on airline operation, you find that the really important flights, from the standpoint of repaying investment, are not the flights over to Europe or over to Asia. They're the glamor flights. The important flights are the flights from coast to coast, from New York to Los Angeles, Seattle to Philadelphia, and so forth. If these planes cannot make these flights at supersonic speeds, then it's very clear, on the basis of every economic analysis I have seen, and there have been a number of them, that they can't come near to paying their bill.

So that I think that the airlines that have put in ten per cent are gambling that they can persuade the country to accept the sound pollution we'd suffer with supersonic flight. This carpet of devastating sound, 75 miles wide, right across the continent. Because they think that eventually the public will just be inured to all the disturbances they're suffering and they'll accept it and the FAA will go through with it and permit it.

Hackes. If the SST is not flown faster than the speed of sound overland, there remains the question of where it could fly over water and still not disturb someone. Most flight paths would be above shipping routes, and the sonic boom is no easier to like on an oceanliner than it is in our homes.

Perhaps there is some hope eventually. A California engineering firm, Vehicle Research Corporation, claims that a redesign of the SST could greatly reduce the sonic boom it produces. Dr. Scott Rethorst explains the idea.

Rethorst. The system essentially employs an internal-flow aircraft, as contrasted to the usual external-flow airplane. As you know, the sonic boom is caused by the air going around the outside of the aircraft, and by proper internal flow, the major portion of the boom can be eliminated.

You have an aircraft that has an aperture along the entire leading edge of the wing and has a large air-scoop in the front end of the fuselage. The passengers and cargo are then shielded behind the forward fuselage air-scoop. The air that is taken in by both the air-scoop and the wing aperture is emitted underneath the wing, where it spreads out the pressure, therefore having a less intense boom.

The work at the present time indicates that about 70 per cent of the boom can be eliminated, perhaps more with further work.

This idea was submitted to the National Academy of Sciences initially about three years ago, who endorsed it in principle and referred it the Air Force, which developed a general theory, which was then confirmed by 30 days of wind-tunnel testing in an Air Force tunnel at Tullahoma, Tennessee.

Hackes. Early this year, President Nixon appointed a committee to study the feasibility of continuing the supersonic transport program. The group included officials of several Cabinet departments and other special advisers. Their report to the President was kept classified until only a few days ago, when Wisconsin Representative Henry Reuss finally succeeded in forcing its release. He gave me this summary of the study.

Reuss. The basic tone was one of the condemnation of the SST as a real fiasco. The Department of Health, Education, and Welfare said that it would create intolerable noises, not just the sonic boom, but sideline noise. People living within 13 miles of the airport would find it intolerable, they say. They couldn't go on. And there would be damage claims and great illness.

Then the Treasury, also some honest men, pointed out that this would be a real debacle for our balance of payments, that it would induce American businessmen to make more trips to Europe, where they spend hard-earned foreign exchange, and that this would hurt our balance of payments, not help it.

Then the Council of Economic Advisers came along and said that it was a real dog as far as the American taxpayers are concerned. The actual word they used was "white elephant." "Don't do it, this is a white elephant."

Yet, incredibly, after reading all of these negative reports, the White House ordered the taxpayers of the United States to pony up ultimately with more than a billion dollars to finance this white elephant.

Hackes. Is it possible, do you think, that the President did not have the benefit of having seen this report before he decided to go ahead?

Reuss. I think it's not only possible but I think it's highly probable. As I read this report, the—a summary that was sent to the President was wholly misleading and didn't report at all what the Cabinet officers and others had to say. And it could well be that in innocence the President, confronted with a thick set of papers, picked up a document called "Report of the Ad Hoc Committee," read it and concluded that everything was rosy, whereas if he had seen the material submitted by the Treasury, the HEW Department, the Interior Department, the Council of Economic Advisers, he would have thrown the thing in the wastebasket then and there, which is where it should be thrown even now.

Hackes. Congressman Reuss, what difficulty did you have in ferreting out this report?

Reuss. I had great difficulty. I first got wind that there was such a report about a month ago, and I thought that the taxpayers of this country had a right to look at it. So I wrote the Administration, "May I, sir, have copy of this report?" And I got back a letter from the Department of Transportation saying, "This is privileged. You can't see it. You're just a Congressman."

Well, I took this up with our Freedom of Information subcommittee and they pointed out that this squarely violates an agreement the President made, which is that only the President can claim privilege, not the Department of Transportation, or anybody else. And with that, their house of cards collapsed and I got the report. And I now see why they didn't want to give it to me, because it completely contradicts everything they said and renders this one of the worst fiiascoes in our sorry history of waste.

Hackes. The Department of Transportation said when it released the report to Congressman Reuss that the special Presidential committee was only one of many sources of advice and that the committee had been working with old information, that, for example, prospects did not look good at the time of the study for successful development of the Soviet and British-French supersonic planes.

Nine major United States airline companies have put up 51 million dollars in risk money toward development of the SST's they hope to buy. And in letters sent to the Transportation Department early this year, they indicated they are unwilling to put any more dollars into the development program.

Most airlines are not making the money they'd like to these days. They haven't fully recovered from the financial burden of buying the first generation of jet airliners. And now many of them are buying fleets of the new jumbo jets. Yet major companies are still enthusiastic at the prospect of the SST.

Here is Trans World Airlines Vice President John Harrington.

Harrington. History has demonstrated that when feasible breakthroughs in aircraft design have proved possible they have been demanded by the public, so to speak. They have been converted into commercial vehicles and the public has flocked to them.

Second, we face the hard fact that the French-British combine, on the one hand, and the Russians, on the other hand, are going to produce and fly a supersonic airplane. And this means that United States' airlines will have to have supersonic airplanes to compete with them.

In view of the fact that the United States has a better and a faster and a more productive design, are we going to put it on the shelf or are we going to come forth and take the market that should rightly be ours by virtue of the product that we have?

Hackes. The chief executive of Pan American, Najeeb Halaby, agrees that super-speed will sell and says competition demands action.

Halaby. Now, I can't sit here, as president of Pan Am, and watch the Soviet supersonics go by. Therefore, I hope, as President Nixon has wisely recommended, we charge ahead with our own supersonic transport. It's not whether we're going to have an SST; it's whether there'll be an American SST flying in the skies with the British-French and Soviet models.

We're merchants of mobility, if you will. We're really selling speed or time. In the SST, we'll be able to make another major compression of time. The world will shrink from about a 24-hour-wide world to about an eight or ten-hour-wide world. And there we'll be selling probably mostly to the business and government and emergency traveler at first, at a higher fare.

I think you've got to think of the SST as the time premium class. However, by, let's say 1990, which is only 20 years away, at least 20 to 30 percent of the world's travel will be on supersonic transports.

Hackes. The National Aeronautics and Space Administration, NASA, has been given the task of researching the feasibility of the SST and of assisting its development as technical adviser to the FAA.

I asked Albert J. Evans, NASA's director of Aeronautical Vehicles, for his view of why an SST is necessary.

Evans. I think it's needed because the British and the French are developing an SST. The Russians are developing an SST. And I don't think this country can stand to be second in any area of technology.

Hackes. Well, why is it necessary for any segment of our population or any piece of air freight, for that matter, to fly, say New York to Europe, in three and a half hours, rather than six and a half hours?

Evans. If we go back in history a little bit, we might have asked the question, "Why did we want to go to Europe in six and a half hours rather than five days by ship?" I think the jet transport has brought the world closer together. I think it's played a very important role in communications between nations. It's stimulated new industry. The supersonic transport simply carries this a step further.

And to my mind, anything that improves communications, the transfer of cargo, transfer of people for people-to-people conversations, and so forth, is a good force in this world.

Hackes. Senator Proxmire is among the opponents of U.S. Government investment in the supersonic transport plane who say the real price of development is likely to be six billion dollars or more, not the 1.3 billion figure that's being used. And the Senator has other ideas of how so much money should be spent.

Proxmire: If you're going to spend this kind of money in aviation, I'd like to see it spent in getting your baggage on time when you are at the airport flying a regular flight that most people would fly. I'd like to see it spent on more and better—in improvement in our airports. I'd also like to see it spent, if we're going to spend it, on getting people from the cities to the airport. You know, this is what most people are concerned about, rather than the super-dooper, supersonic flight.

But I might also point out that when the President makes a decision, if the Congress follows his lead, it means we will not spend the kind of money that we should improving our mass transportation. We can't do everything in this country. And I think we have to recognize that we just have to establish priorities. And this should take a low priority, far below other transportation needs, not to speak of the fact that education is more important, the struggle against poverty is more important, the improvement of housing in our cities and throughout our country is far more important.

Hackes: On the House side of the Capitol, Representative Reuss ridicules any motivation of U.S. prestige through developing an SST and says it's a case of mixed-up values.

Reuss: Prestige? It's really a joke that those who support this billion-dollar giveaway to Boeing Aircraft and General Electric drag out the prestige argument. In any event, the Russians, the French and the British are going to have supersonic transport planes flying before we do, so there is no prestige in being fourth. If the United States really wants prestige in the world, as a country made up of sensible people, let us junk the SST promptly and put that money into finding new ways of clearing up our air and cleaning up our water. That's what the people of this country really need. They don't want to pay a billion dollars or more so that a handful of executives can flatter their vanity by flying to Paris in three hours instead of six hours.

Hackes. The proposed SST could fly 4,000 miles at 1800 miles an hour, with 280 passengers on board. Within a few months, the airlines will begin taking delivery of the jumbo jets, a new generation of airplanes that will not break the sound barrier. Every major aircraft manufacturer is working on its version of the jumbo jet. The first at the airport will be the Boeing 747. It flies at 625 miles an hour, with a range of 6,000 miles. It's a mammoth plane, a block long and five stories high. Perhaps the most impressive statistic is that it can carry up to 490 passengers. The jumbos will also carry more than twice as much commercial cargo as today's jets, which pleases the airlines.

Boeing's director of engineering for the 747, Joseph Sutter, says the passenger may not believe at first that he's on an airplane.

Sutter. The airplane is the first airplane that does not look like a tube. It's been commented that it looks more like you're walking into a living room. And the reason for this is that the airplane is 20 feet wide. It has two aisles instead of one. It has cross-aisles. And it's split up into five compartments or sections. We have, on this airplane, put five large doors on each side of the airplane. And therefore the various passengers can walk right into their own section.

The engine on the 747 is an engine developed specifically for the airplane and one of the rigid design requirements was that the engine would have improvements in the area of noise and improvements in the area of smoke emission. And with the improvement in the state of the art, we feel that there has been real advancement in both of these areas. For instance, if you observe the 747 flying, if the engine is putting out any smoke you really have to look for it; it's practically smokeless.

In the area of noise, we have quoted that it's roughly six to ten PNDB quieter than our present longrange airplanes. Now, those are technical terms, but if you actually consider noise power, it's roughly half the noise. The people that have observed the airplane around the many airports that we've flown all observe that the 747 is truly a quiet airplane.

Hackes. A giant airliner poses many problems, however, because it is unlike any other plane. Special ground facilities are needed. At Kennedy Airport in New York, for example, several airlines are changing their terminals or building new ones to accommodate the 747, and other large planes of the future. And changes must be made at every airport serviced by the jumbos.

TWA's John Harrington told us that nearly everything has to be enlarged.

Harrington. There have been several problems with which we have had to grapple, all of them related to the larger size of this airplane—problems involving the size and capacity of the passenger-handling buildings, the gatehold rooms, ticket counters, passenger circulation space. We've had to develop special equipment for handling the cargo and baggage containers on and off the airplanes, containers that can weigh two or three thousand pounds a piece fully loaded. Also the fact that the passenger deck of the airplane is five feet higher off of the ramp than the passenger deck of the 707.

Most of it would have come about anyway due to the natural growth in passenger travel. As a matter of fact, the existence of a 747, with its increased capacity, is in one sense an alleviating influence in the factor of congestion, because one airplane carrying 350 passengers will occupy no more airspace or runway time than today's airplane carrying 145 passengers.

Hackes. Pan Am's Najeeb Halaby points out that there are many other expenses that go along with the new airplanes, many of which must be paid by the public.

Halaby. In its early introductory phases, there will be some serious problems on the ground as the public facilities provided by states and authorities and municipalities catch up with the airplane which is provided by private, regulated free enterprise. So there are going to be times of delay and irritation and frustration, particularly during the first months of the airplane at the crowded terminals. There will be times when it will actually clog the access road to the airport as a surge of 360 people enplane or deplane. And you will have to go all the way back into the highways, to enlarge and facilitate them. Then the parking lots, then the passenger lounges in the terminals, and the ramp space. We have to have more taxiways and airport runways. Even if we don't have the 747, we're running out of cement, you might say, in the whole world of air travel and air shipment.

Hackes. Imagine the scene at a large airport one day in the not-too-distant future, when half a dozen jumbo jets, each with 350 to 400 passengers, arrive at about the same time. Aside from hard-pressing the terminal facilities, baggage for example, what happens when the passengers all try to leave for the downtown area? It's a real worry for New York City Traffic Commissoner Theodore Karagheuzoff.

Karagheuzoff. It's a problem that has to be faced by the City, the state to some extent, and the federal government. By that I mean there are highway construction projects which will provide the extra facilities that will be absolutely needed in order to handle this problem in any sort of efficient manner. Of course, the parking problem in the airport is very important. There I know the Port Authority is working on double-decking some of their parking lots and creating other parking lots, both east and west on the airport facilities. There's going to be a tremendous amount of activity then, not only the passengers but cargo. Now, the air cargo is going to be increased substantially simply because you're going to have jumbo jets transporting cargo, and some of those jets will have dual use, passengers and cargo. So we're going to have a tremendous amount of traffic and circulation within the airport, circulation back and forth from these cargo areas, outside of the airport into the airport. So it's very important that the—at least that the highway facilities that are planned be constructed speedily.

I think the Federal Government now finally is realizing that they have to spend money from the highway user tax, the same—highway trust fund, the same money that's used to build expressways and parkways, use that same money for improvements to the streets, improvement to traffic control and improvement to the existing expressway system, other than construction.

Hackes. Outside and inside the airport, many burgeoning problems await public financial help. A tremendous strain is put on the various air-traffic control centers. Air traffic is handled in stages by an airport control tower for planes at or close to the airport, by a separate control facility for planes a few miles away, and at regional centers. The volume of flights in the United States last year came to more than 55 million. It will be more this year.

Two air-traffic controllers stationed in the New York area, Robert Lamb and Joel Papish, told us they need better equipment to continue keeping aircraft safe and separated.

Lamb. The equipment, in my opinion, is still not as good as what the military has. I think we should have better equipment than we do, although the equipment we do have is adequate, but there are times where we have certain restrictions that cause delays in traffic. There are days when we have weather; it's a big factor on our equipment. I mean we can't completely cut out all the weather we get. It's not so bad at this time of the year because we don't have the thunderstorm activity that we have during the summer months. During the summer months when we have a lot of thunderstorms in the area, why, there are times where we just have to hold everything on the ground and hold in their holding patterns. And it's quite a problem because we just don't get the target return.

Papish. The actual designs of the airport sometimes is a hindrance to the operation. Aircraft traffic increases each year. The airport has a problem handling it. And also some of the equipment is old or not up to par. So we have a problem with that sometimes. But we're getting some new equipment. The new equipment, of course, seems to be the best. I think the prime thing that annoys the controller is equipment that isn't reliable and it doesn't stay up to the same standards day after day. And for instance you might have two or three days where the radar is operating at a high level and there is no problem, and then just as you get busy you have a drop in the quality of the equipment.

Hackes. Every air traveler might reflect that there, in the traffic control rooms, is a good place for the Federal Government to spend aviation money. And it's not just the equipment. More good men are needed. Today the load on each man is too heavy. Examples of that are given by Dr. W. Wayne Sands, a Des Moines psychiatrist who has made studies of air-traffic controllers at several large airports.

Sands. They perform at top, at peak, performance for long hours, and at the end of the day, for example, they get tired and they can't hold the picture of the number of airplanes, such as 20 or 25, that are on the screen. So they lose one and then the whole string becomes unscrambled, and they have to identify all of them. And this is a sheer moment of panic. Even computers have blowout times, as we found on the moon landing, in which they get overloading. Humans become tired, the blood sugar goes down. They have stress phenomena. And they can't work at a peak performance, which is the problem of the air-traffic controller of today.

Hackes. Dr. Sands says it's not a case of a man becoming more adjusted to the job because, the more experienced the man, the more he may fear the dangers.

Sands. The FAA studies I think are very good. I have enjoyed going over them, and some of their confidential and unclassified material have been excellent. They have put it very kindly. They say that symptoms increase with "too much experience." Not with age particularly, although there is a division among the researchers about this.

I find that it's true that ~~they become~~—they become more bothered, more symptoms, as the experience and the age goes along. Now, there is a reason for this. Hesitation is the mark of experience and wisdom. You know, when you were young and you could boom planes in, one after another, it was a great and glorious thing. You know, you were a controller of the skies. When you get older and you've had a lot of near-misses, and I mean a lot of them, because no one goes through this without them, it isn't so easy to do that. And you start hesitating a split second here and a split second there. You want to be sure. You check. This is all fatiguing and tiring. And also you tend to get planes more snarled up because remember the traffic pattern has been more loaded since you began in the control business.

Hackes. The FAA says it's optimistic about getting funds to hire more controllers. But Congressional appropriations have lagged for several years. And you can't just go out and hire a controller. It takes long training.

I talked about other air safety problems and hopes with the FAA's director of Air Traffic Service, William Flener.

Flener. The Federal Government is in a position today, and has been for several years, of trying to do two things at once. We're trying to maintain an in-place system and at the same time we're moving as rapidly as we can into a new automated system. So you're trying to keep the in-place system going while you, at the same time, on the same location, bring aboard new automated equipment.

Let me make a simile. Many years ago, we converted from the low-frequency navigational system to the very high-frequency, or VOR. We had two navigational systems operating, one on top of the other, at the same time. I was a controller during that period. And it made it rather difficult until you could phase one out.

So the system that exists today isn't antiquated, but we would like to have and need, in some locations at least, more sophisticated equipment than we have, because the traffic has escalated a tremendous amount over the last four or five years.

Hackes. Let's go beyond the turn of the century or as far as you'd like. What will the air-traffic control picture be, assuming we have enough money to spend and enough personnel, and so on?

Flener. There was a study that has just been completed in rough draft. Their basic tenet is that the automated system that we're putting in today, in its very, very early stages, will be the good basic groundwork for a future automated air-traffic control system. We do anticipate, as we move down the line, that we will go into the automated in-route systems, we'll get into satellites, the use of satellites for navigation, the use of satellites for communications.

Hackes. Will you use satellites for traffic control?

Flener. Yes, very definitely. Rather than a pilot going from A to a navigational aid at B, to a navigational aid at C, he'll go direct from A to C, over no navigational aid at all. His aircraft will be equipped with computers. It will automatically read out several navigational aids, cross-checking and giving him the best route to get there.

Our biggest problem is not the terminal or the in-route system, it's not the pilot and it's not the controller. It's the hard runway. Our most difficult thing that we see in the future is the lack of capability in the airport system. Our difficulty is that all our traffic feeds down to a funnel, the funnel being the runway. And until we get more runways, more airports, and more capability on the ground, we're going to continue to have a very serious delay problem throughout the aviation system today.

Hackes. And there is a good blueprint for the Congress to look at, if anyone wonders where aviation dollars are most needed. There seem to be more urgent needs than a commercial supersonic tranpsort plane.

We must have new equipment, more personnel, expanded airports, new airports. All require more money than Congress has allocated, while Congress meantime considers spending millions after millions of dollars to back the private development of a faster airliner. It's called an investment, and it will be, if the development program is successful, if enough airlines decide to buy enough SST's, if the airlines can keep up their installment payments, and if enough passengers are willing to pay a premium fare to get to Paris three hours quicker.

But each Boeing SST will cost about 50 million dollars. And 300 SST's must be sold before the government, that is you and I, can break even. It's not that anyone wants to hold back aviation progress. But, as Senator Proximire noted, if the SST is a safe investment, why can't it be financed privately? The coming generation of jumbo jets, not faster than sound, but fast, big, comfortable and no more expensive for the passenger than present jets, appears to offer a better solution for expanding air travel.

This is Peter Hackes, NBC News.

MRS. MEIR'S MESSAGE TO PRESIDENT NIXON ON HIS POLICY IN VIETNAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, of the many letters and telegrams that the President has received since his November 3 address to the Nation on the war in Vietnam, one of the most supportive messages is one that has come from Premier Golda Meir of Israel.

As leader of a small and vital nation, Mrs. Meir's message should merit the close attention of Americans. She wrote that the President's speech contained "much that encourages and strengthens freedom-loving small nations the world over."

For the information of my colleagues I am pleased to insert in the RECORD the full text of Mrs. Meir's message, as she relayed it through the U.S. Ambassador to Israel.

PRIME MINISTER GOLDA MEIR'S LETTER TO PRESIDENT NIXON

The Prime Minister wishes to congratulate the President on his meaningful speech and expresses her hope that he will speedily succeed in bringing about peace in Vietnam.

The President's speech contains much that encourages and strengthens freedom-loving small nations the world over which, striving to maintain their independent existence, look to that great democracy, the United States of America.

A COMEBACK FOR COAL

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WOLD. Mr. Speaker, periodic power blackouts continue to indicate the growing demands of the United States for electrical energy. Indeed one of the prime problems this Nation will face during the coming decades is keeping the supply of electrical power adequate with the demand.

Fortunately, the Nation has the resources which can be developed to fill the future demand. Many people, in speaking of these resources, speak of nuclear powerplants. Nonetheless, there is a growing body of knowledge which indicates fossil fuels hold a great potential to complement nuclear electric power generation. Indeed, these studies show that generation of electric power by fossil fuels may well be more practical in certain instances than generation of electric power by nuclear plants.

Wyoming, with its great reserves of lignites and coal, is a natural for the type of development outlined in an article entitled "A Comeback for Coal" in the October 4, 1969, issue of Chemical Week. For the benefit of my colleagues I insert the article in the RECORD:

A COMEBACK FOR COAL?

The way to solve tomorrow's problems in energy conversion is to think big—and also to think small.

Enough electricity to meet U.S. needs—now doubling every 10 years—might be generated by a huge national energy network fueled by Western coal, rather than nuclear materials. And to keep ailing hearts beating smoothly, improved minature batteries are being developed.

Engineers at the U.S. Atomic Energy Commission's Brookhaven National Laboratory (Upton, N.Y.) have been studying the economics of generating ever greater quantities of electricity. They have, of course, reviewed the various projections for growing use of fast-breeder and other nuclear reactors. By some predictions, nuclear plants will be generating 30% of all U.S. electricity by the early '80s; and by the year 2000, the nation's generating capacity could be divided like this: nuclear, 50%; coal, 32%; oil and gas, 10%; and hydroelectric, 8%.

Looking to Lignite: However, Meyer Steinberg and two colleagues in Brookhaven's Applied Science Dept. propose a completely different approach. Steinberg outlined their plan last week at the fourth annual Intersociety Energy Conversion Engineering Conference, which attracted 700 engineers to the Statler Hilton Hotel in Washington, D.C.

It's possible, he warned, that the U.S. may not discover sufficient low-cost uranium reserves. Developing an economic breeder reactor may take much longer than expected. Onerous restrictions may limit the use of nuclear power in urban areas.

Therefore, Steinberg suggests, serious consideration should be given to unlocking the vast reserves of subbituminous coal and lignite in Montana, North Dakota, Wyoming and Alaska. His gambit: in those coal fields erect 10 big power plants, each of 5,000-megawatt capacity, to be supplied by open-strip mining.

The plan calls for fluidized-bed gasification of the coal to make producer gas (carbon monoxide and hydrogen), which could be burned with compressed air to activiate a giant magnetohydrodynamic geneartor. This would produce high-voltage (500,000 v.) direct current to be wheeled through long-distance, cryogenically cooled transmission lines to the big powerconsuming areas on both coasts.

CHEAP POWER SECRET: HUGE PLANTS, LONG LINES, WESTERN COAL

Powerplant investment,[1] $4,600,000,000; 1,000-mile transmission line, $2,460,000,000

	Power cost [2]	
	At 8 percent fixed charges	At 16 percent fixed charges
Power production	2.1	3.1
Power transmission	.5	1.0
Total delivered cost, 1,000 miles	2.6	4.1
Byproduct credits:		
Uranium	.2	.2
Hydrogen	.1	.1
Net delivered cost	2.3	3.8

[1] Capacity: 50,000 megawatts, produced in ten 5,000-megawatt stations in Montana, North Dakota, Wyoming, or Alaska. Source: Brookhaven National Laboratory.

[2] Mills per kilowatt-hour of electricity.

Composition Costs: Steinberg calculates that delivered, pollution-free power could be priced at 2-4 mills/kwh. (*table, above*). The lower level is for publicly owned utilities with fixed charges of 8%; investor-owned utilities, with fixed charges of 16% would have to charge higher rates.

No such cryogenic transmission lines have been built yet, so the construction cost estimates are based on experience with conventional underground power cables and gas pipelines. The figure arrived at—$1 million/mile—is consistent with installation costs of several hundred thousand dollars/mile for gas pipelines.

The insulated conductors and the cryogenic coolant would be contained in a steel pipe, of 30-in. inside diameter; it would be buried in an 8-ft. ditch and covered with at least a 4-ft. layer of earth. The conductors could be aluminum, at $3/lb., or sodium metal, at $2/lb.

Valuable By-Products: Uranium oxide might be recovered from the coal ash, this would hinge on whether a water or sulfuric acid leach is feasible. If so, it might cost no more than $2-3/ton to recover U_3O_8, which could then be sold for about $10/ton.

Hydrogen, produced from coal and water, would be liquefied and used as the coolant (at about 18-20 K). It could also be a salable by-product, transported through the transmission line to customers along the way.

He suggests that the hydrogen could be used for cooling transformers and other electrical equipment, as fuel in gas turbines to generate additional electricity for peak-shaving, and for making pollution-free fuels for autos and hypersonic transport systems.

Chemical Outlets: The hydrogen could also be used as a chemical feedstock, Steinberg points out. If all of the available hydrogen were converted into ammonia, output (22,000 tons/day) would equal the nation's current total production of this commodity. It could be produced along the transmission line, and at lower costs than in existing facilities, he adds.

Still another possible by-product that could help improve the over-all economics of the Brookhaven scheme: Steinberg predicts that the cost of extracting deuterium from the liquid hydrogen should be very low.

Thinking Small: At the opposite end of the power-supply scale, President Morris Eisenberg of Electrochimica Corp. (Menlo Park, Calif.) described a new, rechargeable alkaline battery system that would be small enough and reliable enough to be implanted as a heart pacemaker. It has a mercuric oxide cathode and a cadmium (rather than previously used zinc) anode, with an open-circuit potential of 0.93 v.

Its energy density per unit volume is slightly lower than that of the HgO-Zn couple. But the developer claims a wet-stand shelf life of five years or more, and performance that is not impaired by deep charge-discharge cycles.

EVELYN F. EPPLEY

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mrs. REID of Illinois. Mr. Speaker, I would like to call to your attention what I consider to be another important step in the recognition of the capabilities of women to perform important responsibilities in high places in the Government.

At the same time, I would like to commend Mr. Robert L. Kunzig, Administrator of General Services, for naming Evelyn F. Eppley as Chief Judge of the GSA Board of Contract Appeals.

Miss Eppley, a native of Riverside, N.J., will be the first woman to serve as the Chief Judge of this important Board and will be the only woman serving in such a capacity with any agency or department in the Federal Government.

Miss Eppley attended the University of Pennsylvania where she received bachelor and master degrees in education. She later attended night law classes at Temple University where she earned her bachelor of law in 1948.

Miss Eppley presently is serving as Chief of the Renewal Branch at the Federal Communications Commission. She has been with the Commission for 16 years as an attorney adviser and for 5 years she was a senior attorney in the Rules and Standards Division.

I am sure this dedicated public servant will be of great help to the Nixon administration as chief judge of GSA's

Board of Contract Appeals. This Board plays a vital role at GSA where Administrator Kunzig contracts for literally billions of dollars in service, supplies, and construction annually.

O'HARA-MOSS CONSUMER FULL WARRANTY PROTECTION ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, the monthly publication of the United Auto Workers, Solidarity, carried an article in its October edition by our colleague, the distinguished gentleman from Michigan (Mr. O'HARA) devoted to a bill he and the distinguished gentleman from California (Mr. MOSS) are cosponsoring. The legislation is the proposed Consumer Full Warrant Protection Act, and it is designed to deal with one of the most vaxatious problems facing the American consumer in the marketplace—the warranty which fails to protect.

Unfortunately, as untold thousands of consumers in this country have learned through sad experience, many warranties are worth very little more than the paper they are written on. The title of the article in Solidarity is all too true in far too many cases—"The Nightmare of Warranties." The O'Hara-Moss bill is designed to make warranties meaningful and to provide the consumer an opportunity for redress of his grievances in cases where they are not. It is a bill which deserves to be enacted by Congress.

Mr. Speaker, I found the article in Solidarity by the gentleman from Michigan very interesting. With the thought in mind that some of my colleagues may also want to read it, I insert it as part of my remarks at this point in the RECORD:

THE NIGHTMARE OF WARRANTIES

(By Hon. JAMES G. O'HARA)

The files of the Federal Trade Commission are full of warranty horror stories.

A freezer was delivered with a faulty drain hose and water flooded the interior. The customer complained. After six weeks, repairs were made. Then the door fell off. The dealer ordered new hinges from the factory. The hinges arrived—four months later.

In another case, a relatively new television set developed picture trouble. The local retailer tried to fix it but couldn't. The manufacturer refused to replace the set but did offer the disgruntled customer a $10 trade-in allowance for the set which he had owned for less than a year.

In both cases, the buyers had in their possession warranty certificates which they thought protected them against defects in the products they had purchased.

They had learned the hard way, in the words of the Consumer's Union, that "a manufacturer's guarantee is no better than his willingness and ability to fulfill it."

The two cases cited here were just two of many reported in a recent study by a task force on appliance warranties, appointed by President Johnson last year in response to buyer indignation over warranty inadequacies.

The appliance study, which succeeded an earlier one by the FTC of automobile warranties, documented what thousands of consumers know from bitter experience: it is extremely difficult, if not impossible, to get a car or household appliance repaired or replaced if it is defective.

Long concerned about the warranty problem, Congressman John Moss (D-Calif.) and I were prompted by the FTC report to write legislation which offers comprehensive protection to the consumer.

While it has been nicknamed the truth-in-warranty" bill, the measure goes far beyond simple disclosure provisions associated with other "truth-in" consumer bills, such as those affecting interest rates and product packaging.

Our objective was to give the consumer the legal weapons to require the manufacturer to repair or, if repairs fail, replace a defective product quickly and with minimum inconvenience to the buyer.

Americans spend billions of dollars each year on machinery and appliances ranging from automobiles and television sets to blenders, toasters and electric razors.

Manufacturers go to a great deal of trouble and expense to assure quality control of their products but no matter how good quality control may be, there will always be some products sold which do not work the way they should.

If the consumer had doubts about a product's reliability at the time he bought it, the dealer may have quieted his fears by showing him an impressively embossed warranty certificate and assuring the potential buyer, in soothing tones, that it provides for any problem that might arise.

But does it?

These consumers also had warranties, but listen to their stories, as reported by the appliance warranty task force and the FTC:

The owner of a new car complained of 22 defects, including a spare tire with a plug patch in it. He took it to his dealer for repairs. After four days in the garage, no repairs had been made—but the car had been driven 28 miles.

A new refrigerator failed after six months, with six months remaining on the guarantee. The service company assured the worried buyer that it would replace the defective compressor and there would be no charge for parts. There would be a charge for service, however. The bill came to $65.

When her refrigerator failed, also within the year's warranty period, the housewife called the manufacturer. "Sure we'll fix it," she was told, "just send it to the nearest authorized service center." The nearest authorized service center (where it had to be sent at the customer's expense under the terms of the warranty) was 150 miles away!

There are scores of such cases in the FTC files, but I think these demonstrate the scope of the problem.

What can be done to correct this sad state of affairs?

Clearly, it appears that even with voluntary action on the part of industry. Federal legislation will be necessary to guarantee full and fair warranty protection for the consumer.

This could be done by enactment of the O'Hara-Moss "Consumer Full Warranty Protection Act.

It combines warranty disclosure with a requirement for speedy repair or replacement, plus penalties which may be levied against manufacturers who fail to do as the law requires.

Under the terms of the bill, the buyer of any product costing more than $10 would receive a one-year warranty guaranteeing prompt repair or replacement if defective.

But it goes further than that.

Let's say you buy a new $84 lawnmower. Under the provisions of the Warranty Protection Act, a tag carrying a summary of the warranty, in clear, non-legal language, instructions for using the mower and the name of the repairman authorized to service it, must be attached to the lawnmower.

If the mower breaks down during the warranty period, the manufacturer must see to it that it is either repaired or replaced quickly and without undue inconvenience to you.

If you cannot get the mower repaired within 60 days, you may recover from the manufacturer for the purchase price of the merchandise, plus damages, court costs and attorney's fees.

If the court finds that by failing to repair the mower the manufacturer was guilty of violating the warranty act, you may also recover a penalty from the manufacturer ranging from $100 up to a maximum of $5,000. The manufacturer may also face criminal penalties of up to $10,000 fine and five years in prison.

Admittedly, this is a tough bill. But I don't believe that it goes any further than the problem requires.

For the first time, the FTC will have the authority to see to it that every customer is protected by a meaningful warranty backed up by adequate service facilities.

I anticipate that manufacturers will cry that it will place heavy new costs on them, and that small business will be driven into bankruptcy.

I do not believe this would be the case.

If our industries manufacture high quality products, as they assure us they do, then they have nothing to fear from this bill's requirement of greater warranty protection against inferior products.

In fact, the manufacturers of good merchandise have a great deal to gain from the enactment of this proposal.

REPRESENTATIVE TAFT CITES FOOTBALL'S SILENT MAJORITY—SAYS ALL SUPPORT SENDING OHIO STATE UNIVERSITY TO ROSE BOWL

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TAFT. Mr. Speaker, I knew Ohio State had a great football team. But I never realized how powerful it was until I had the pleasure of watching the Buckeyes tromp Purdue, 42–14, last Saturday, in Columbus.

Coach Woody Hayes can take tremendous satisfaction in the job his boys turned in against a highly touted Purdue squad.

It is unfortunate that we will be deprived of viewing the Buckeyes in one of the annual bowl games.

For the information of my colleagues, I call their attention to the following WTVN radio editorial:

FOOTBALL'S SILENT MAJORITY

The fans want it. . . . The coach wants it. . . . The team wants it. . . . And the students want it. Everybody seems to want the Number One Buckeyes to play in a post season game, but the Big Ten.

Conference Commissioner Bill Reed says there is absolutely no chance that Ohio State can play in any post season game. He says that the Conference Faculty Representatives are backing him up. They are comprised of one faculty member from each of the ten universities.

This is a sad state of affairs. It's even more disappointing when you realize that Ohio State is the only team in the Big Ten which does not play ten games each season, although ten games have been authorized by

XUM

the Athletic Committee and by the all-powerful, all-knowledgeable Big Ten Conference.

Maybe what the supporters of a post season game need is a better organized, more aggressive, "Silent Majority".

OUT OF THE STREETS?

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHADEBERG. Mr. Speaker, much has been said and written concerning the recent mass demonstrations that took place in Washington this past weekend. Many editorials and many comments have been made on the subject, some rational and some emotional, but few as low keyed and responsible as the lead editorial in today's Wall Street Journal.

Hopefully it will be read and understood by the many who sanctioned a taking to the streets to prove their opposition to the President's course in Vietnam. It is time for those who engage in these forms of dissent to learn the meaning behind responsibility to themselves and to the developed processes of democratic dissent that have enabled a viable and responsive democracy to function in the United States.

The editorial from the Wall Street Journal follows:

OUT OF THE STREETS?

The Vietnam moratorium demonstrators have made the point that there's a lot of deeply felt opposition to the war. The question arises whether there's anything further to be proved by continuing to take to the streets.

If, indeed, there was anything to be proved in the first place. Opposition to the war comes as no surprise to anyone, least of all the Administration. The demonstrations have been notably empty on the level of specific policy—do the demonstrators want immediate withdrawal or don't they?

It is by now pretty evident, also, that the demonstrations are not going to topple the Nixon Administration. In fact, it seems to us their upshot has been to leave President Nixon in firmer command than ever before. The Administration was forced to get a grip on its self-assurance, and its mobilization of support has been impressive.

Not even the anti-war movement leaders are any longer talking about the quarrel in terms of The American People versus a recalcitrant President. Quite clearly, the disputants are a faction of the people versus opposing factions and their elected representatives. Now that this is clear, we doubt that the peace crusade will ever be quite the same.

That the anti-war people are merely a faction sharply reflects on the morality of their appeal from the electoral process to the streets. Yes, we fully understand about the necessity of structuring legal rights to protect free speech and dissent. That does not mean there is a moral right to sanction every form of dissent, and throughout history the appeal to the streets has been an attack on democracy itself.

The latest moratorium, after all, resulted in two nights of rioting in the streets of the capital. The fashionable circles have decided more or less to ignore this inconvenient fact. We have not asked the FCC to collect us any transcripts, but we would swear we heard Chet Huntley say the other night that while troops were on standby, "There was no violence to suppress." Perhaps he had not watched the filmclips he showed a little later in his program.

The violence was wrought by only a few thousand of the demonstrators, of course, and was not the dominant mood of the event. The demonstration leaders deserve a measure of praise for their successful efforts to prevent violence during the Saturday march itself. But they are trying to tell the nation: We collected 300,000 people and kept them peaceful for a few hours Saturday afternoon and the violence the night before and the night after is none of our responsibility. Imagine the reaction of the fashionable circles if the Administration offered such an infantilism.

The danger of the appeal to the streets is precisely that you cannot control the chain of events you start. The mob you assemble will always have its uncontrollable elements, and that they did not dominate the event one time is no guarantee they will not the next time. The inherent danger is compounded by the anti-war organizers' refusal to cleanse their ranks, where columnists Evans and Novak report pro-violence elements, pro-Hanoi elements, functionaries from the various Communist parties and the like.

Pro-Administration groups are also starting to appear, and as they gain organizational and logistical experience a clash in the streets will become more likely. We hope the Administration will lay a restraining hand on street action by its supporters, and that anti-war Senators will do the same on their side of the debate. We are encouraged that some who sympathize with protest are suggesting that political action in next year's elections is more appropriate than continued demonstrations. It is in electoral battles, not in the streets, that real policy alternatives can be articulated and real national sentiment measured.

Street demonstrations are a heady sport; their chief success seems to be intoxicating the participants with their own virtue. We only hope they sober up enough to realize they are toying with fire, that the success of democracy depends on keeping arguments in the political process and out of the streets.

A PROJECT FOR INTER-AMERICAN UNDERSTANDING

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CÓRDOVA. Mr. Speaker, Governor Luis A. Ferré of Puerto Rico is dedicated to the principle of better understanding between all of the Americas through continuing and improved dialog.

In his message to the Inter-American Press Association in Washington, D.C. on October 31, 1969, Governor Ferré describes how the establishment of a North-South Center operated by an Inter-American Institute of Technology in San Juan, Puerto Rico, could contribute to this worthy goal.

Because the subject matter of Governor Ferré's message is of interest to many of our colleagues, I offer its text for inclusion in the RECORD:

A PROJECT FOR INTER-AMERICAN UNDERSTANDING

I would like to take this opportunity to congratulate the delegates to the XXV General Assembly of the Inter American Press Association. You are providing an excellent opportunity for journalists in this hemisphere to get together to discuss common problems.

At the same time, I would like to send this message to you on a subject which is close to my heart and which I know must concern you deeply as disseminators of information and moulders of public opinion in this hemisphere.

I am deeply concerned about promoting better understanding between the two continents of this hemisphere. The technical media of communictions between the United States and the nations of Latin America are fairly well developed. Elaborate systems of radio, telephone, telegraph and even satellite communications have been set up. But while the mechanics of communication have improved, the ability to understand the message has diminished. The peoples of the United States and Latin America should be engaged in a continuing dialogue, but they are not.

Argument, polemics and vituperation fill the air. Much of what is said is colored by emotion and ideology and sometimes violence is threatened. There is need for a continuing dialogue between our peoples in an atmosphere of calm and reason, with the purpose in mind of eliminating passion and prejudice.

It is not unreasonable to aspire to better understanding among our peoples. True, we have different languages and cultures, different economic and educational systems and are in differing stages of development. But it is also true that most of us stem from the same European Christian culture, share the same love for freedom and democratic heritage; and experience common economic interdependence. The similarities among the peoples of this hemisphere are greater than the differences.

Under these circumstances, I think we can legitimately aspire to closer and warmer relations among our peoples. And in this task, I believe Puerto Rico can play a significant role. Puerto Rico is a peaceful blend between Latin American and North American cultures. Geographically, economically, politically, ideologically and in every other way, Puerto Rico is mid-way between the United States and Latin America. It is a living example of how Latin Americans, working together with North Americans, can make economic and political progress without sacrificing any basic cultural and spiritual values.

I should like to offer Puerto Rico for use as a bridge between North and Latin America, as a meeting place between representatives of the two cultures, as a half-way house where people of North and South America can come together in many walks of life to exchange information and learn from one another's experiences. This must be a genuine two-way exchange in an atmosphere of cultural empathy. As I said in my speech before the First Interamerican Conference of Accounting in 1949:

"Who knows if our people are destined to serve as a window which will offer a view of Latin America sensibilities to the Anglo Saxon peoples of North America, and which, at the same time, be the interpreter and ambassador to the Latin American people so that they can develop their economies under the powerful shelter of the North American economy, thereby bringing about true hemispheric prosperity?

"If, by virtue of the special position we occupy, familiar with both cultures of the Americas and speaking both major languages, we can serve the supreme goal of helping to fortify the peace and increasing the prosperity of the three Americas, which tonight, are represented by patriotic and loyal representatives, we will serve a noble task with the greatest heartfelt sincerity."

Specifically, I should like to request the moral and editorial support of the representatives of the media represented at this XXV General Assembly of the Inter American Press Association in my efforts to create an Inter American Institute of solid technology in San Juan, Puerto Rico. This Institute, which would grant degrees, would be staffed by a faculty borrowed from universities throughout the Americas. A principal function would be to operate a North-South Center to promote understanding between the Americas.

The North-South Center would sponsor visits, exchanges, seminars, conferences, technical training and other activities designed to bring persons from North America into contact with their opposite numbers from Latin America, and vice versa. North American students at the Institute would major in Latin American studies and Latin American students at the Institute would major in North American studies. The Institute and Center would be governed by an international board representing a consortium of participating universities.

The Inter American Institute and North South Center would be located on the grounds and in the buildings surrounding the famous El Morro fortress in Old San Juan. This is a quiet setting, overlooking both the Atlantic Ocean and San Juan Harbor. The atmosphere is ideal to accomplish the purposes of this endeavor.

Funds and assistance would come from the public and private sectors both from within and outside of Puerto Rico.

I would be pleased if the IAPA would pass a resolution in support of this concept and project, which could start a movement of understanding and rapprochement between all the people of the Americas as a forward step toward peace and progress in the Western Hemisphere.

PRESSING PROBLEMS OF URBAN AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SEBELIUS. Mr. Speaker, for the past several years there has been an understandable concentration on the part of this body, and the Government as a whole, on the pressing problems of urban America. These problems are certainly of great concern and magnitude but in our headlong rush to save urban America we have, in fact, ignored the plight of our fellow citizens who live in small town and rural America.

It seems as if we are looking at our Nation's problems through city-colored glasses. When the farmer or the small-town businessman looks to Washington for help, he, in turn, finds Washington preoccupied with the problems of his city cousin. A good example of this preoccupation and certainly one of the most pressing problems of rural and small-town America is the basic need of adequate medical service—the need for good doctors who are willing to locate and practice in rural areas. Now, it is not unusual to find many counties in rural areas with no doctor at all.

This problem has existed for some time and continues to grow more severe. Little, if any, real help has come from the Federal Government and our rural communities have either suffered in bewildering and confused silence or made an attmept to solve the problem themselves. In this light, we in Kansas are especially proud of the citizens of La Crosse, a community in my district with a population of almost 2,000. La Crosse has waged a successful self-help campaign that serves as a model example for others throughout rural America.

The La Crosse Chamber of Commerce appointed a five-man committee to insure the 6,000 people the community serves of adequate medical service. The committee contacted medical schools, wrote, called, visited, and literally recruited doctors. They recruited general practitioners much in the same fashion a major university recruits athletes—only the stakes in this game were much higher, the welfare and future of the community.

Their hard work and dedication paid off; two doctors are now practicing in a community which came very close to having none. The citizens of La Crosse have proven once again that self-help is best help. Once again we see what a community can do once the citizens work together to achieve a common goal. To use medical terms, La Crosse knew it had a medical problem, diagnosed it and cured it through a home remedy; no high-cost specialist from Washington was needed.

Mr. Speaker, I insert two newspaper articles, from the Hutchinson Daily News and the Wichita Eagle, in the RECORD:

[From the Hutchinson (Kans.) Daily News, June 13, 1969]

UNLIKE OTHER SMALL TOWNS, LA CROSSE BEATS DOCTOR SHORTAGE

(By Kevin LaGree)

LA CROSSE.—Suffering from severe doctor deficiency six months ago, La Crosse is well on its way to recovery while other Southwest Kansas towns are sinking fast.

The Chamber of Commerce diagnosed the problem early and directed a five-man committee to seek the cure.

The case needed immediate attention. Dr. J. H. Baker, one of the state's pioneer doctors who founded the Rush County Hospital, had to cut back his practice. That left the county with the full-time services of one physician, Dr. Robert McCorkle.

The symptom could lead to the most dreaded disease in rural Kansas—city rigor mortis—and this city knew it.

So the committee got busy. Chairman Clarence Wilson and secretary S. T. Merrill barraged between 250 and 300 promising doctors with letters inviting them to La Crosse.

ROYAL TREATMENT

Those who answered got royal attention. Many came to visit the town.

Not satisfied with one treatment, the committee also started others.

For example, John Pokorny, who operates the town's pharmacy, has taken his days off to travel to see physicians in the Western Kansas area. Pokorny used to cover that area for a large drug firm.

"I'd find out which doctors might be thinking of moving for one reason or another, search down leads any way I could," Pokorny said.

He also used his telephone to contact prospects for the medical openings in La Crosse.

PHONE BILL $100

"I don't know how many phone calls I've made," he said, "but my phone bill's running around $100 a month."

"But it isn't the cost that's important, it's the results," he is quick to add.

Most of the funds for the committee came from the city's industrial fund. The fund has been financed by contributions until this year's industrial levy proposal was passed.

"We decided we needed adequate doctor services before we could go after industry," Wilson explained.

A new doctor will join the community in July: Dr. Larry Ward, an osteopathic physician. But Dr. McCorkle leaves La Crosse at the end of June to start residency in internal medicine in California.

The biggest hurdle to clear continues to be the wives of doctors. Pokorny said some are hesitant about journeying to a town that lacks the social and cultural opportunities of a larger city.

The other drawback confronting the committee has been the desire of doctors to have more physicians in the area to hold their hours down.

WANT ONE OTHER DOCTOR

"We've had quite a few say they would come if we could guarantee another full-time physician," Wilson said.

The roadblocks haven't halted La Crosse's hard driving committee. One additional physician is thinking seriously of settling in La Crosse, Pokorny said, and a second has shown interest in visiting the city. In fact, one physician toured the city and its facilities Thursday with Wilson and Pokorny.

"It's gone a lot better than I had expected," Pokorny admitted Thursday. "I am confident we will reach our goal if we keep working as we have.

"This sort of thing really pulls a community together," Pokorny said. "We have a tendency to work for ourselves and get channeled in our thinking. We take all things for granted.

"This has gotten me out of the groove of my own interests," he explained.

PLENTY OF SUPPORT

"The whole community has supported us, and I've had a real good committee to work with," said Wilson, who Pokorny called "the backbone of the thing—a good community worker."

Now that the doctor dilemma looks like it will be solved, the sights of the residents are turning higher. One of the community's next goals will be a clinic, Wilson said.

"I don't know how we'll fund it," he said. "We'll probably incorporate and go from there."

With all the work toward the future, the residents still won't let the past be forgotten. For his years of service, the city will honor Dr. McCorkle with a going-away picnic at the city auditorium the afternoon of Father's Day.

"He's done a great job. He even helped us get this new doctor," Pokorny said. "We are going to miss him."

[From the Wichita (Kans.) Eagle & Beacon, July 19, 1969]

DIAGNOSING CRISIS, TOWN SELLS SELF TO DOCTORS

(By Forrest Hintz)

LA CROSSE, KANS.—People do things differently in La Crosse.

In most towns, the Chamber of Commerce hunts new industry in the belief that this will end their problems. In La Crosse, the chamber decided to hunt another doctor. They found two at a time when entire counties have none.

Banker Clarence Wilson was the chief magician in performing this bit of legerdemain. He denies it, but other committee members dispute the point.

La Crosse, a town of 1,900 persons, halfway between Hays and Great Bend, wants to attract new industry. Blessed with a small industrial levy, it has the wherewithal but the chamber's industrial committee decided to put first things first.

"We felt that if we didn't retain our medical facilities, our industrial committee was absolutely worthless," Wilson said. "No one is going to locate in a town or a county without medical facilities.

"Here's the situation we faced: We have a 26-bed hospital plus a 26-bed extended care unit. These employ more than 50 people. We have a private rest home and there's another in Nekoma.

"We had two doctors, Dr. Baker, past 80, would like to retire while he's still active.

XUM

Last June, Dr. McCorkle left for California to specialize. That left us with one M.D. to care for approximately 6,000 people in our area. It would be catastrophic to be without medical service."

The search, rivaling Henry Stanley's celebrated hunt for Dr. Livingstone, got underway. Nearly everyone in the area helped. Medical schools were contacted, but the results were less than spectacular. Any doctor who inadvertently batted an eyelash was certain to get a call or a visit from one of the committee members.

"Locating them was the first problem," Wilson said. "The next hurdle was getting them to come out here and look at the town.

"We made it clear we weren't trying to 'buy' a doctor. We want to supply their needs, of course, but we feel this area has much to offer. It's a good place to live and raise kids and a doctor can enjoy life here. It's country living.

"The most important point in a small town is that doctors and patients develop a personal feeling for each other. A patient here is not just another slab of meat and the doctor is his friend."

Dr. Larry Ward was the first to accept the offer, following shortly by Dr. Steve Polland. Both were in town by July 1.

Dr. Polland, who recently completed his internship in Kansas City, explained why he came to La Crosse.

"I talked with Clarence Wilson for several months," he said. "Frankly, I was interested in a medical residency in the Air Force, but doctors can't enlist now.

"I'm small town myself, and La Crosse is a small town in which a doctor can wear many hats, and a doctor has a responsibility to serve his community.

"You have to work together and you can develop a personal touch with your patients."

Dr. Polland cited several reasons few doctors choose small towns.

"First, only about 2 per cent of medical graduates go into general practice, yet this is exactly what is needed in the small towns," he said.

"But perhaps the biggest reason is a lack of the intellectual stimulation a physician needs. I'm not talking about concerts, plays and so forth. A doctor has to continually learn, and there generally are few places near the small towns where he can.

"Here, we're close to medical centers at Hays and Great Bend. Any time we might need a specialist, they're available there. What we want to do here is make this hospital, in effect, an extension of those medical centers, and the potential is tremendous."

"This whole approach is going to help all of us," Wilson said. "The first concern has to be better medical service for our people, but it's also going to be a spur to industrial development. It's an inducement to people to live and trade here and to bring in new people.

"It may be a somewhat different approach to industrial development, but we think it will work."

THE GLOOMY TRAIN WHISTLE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HASTINGS. Mr. Speaker, the Subcommittee on Transportation and Aeronautics has been holding hearings on proposed legislation dealing with the very serious problem of dwindling passenger train service.

If we are to have an effective, well-balanced transit system serving the ever-growing needs of the public, the passenger train must be preserved and diverted from its present course which is taking it along the track to extinction.

Two excellent editorials in the Buffalo Evening News state the case with compelling eloquence and understanding. Therefore, I am submitting them for inclusion in the Record:

No Hand at Rail Switch

At a time when inter-city passenger trains have dwindled to about a third of the number operating only ten years ago, it is obviously very late for Congress to be seeking some way of saving the remainder from extinction. But better late than never, as some impatient congressmen are saying, if there is to be any train left to catch.

Rep. James F. Hastings (R. Allegany), for example, urges the adoption of tougher federal regulations to hold the line against continuing suspensions, while Congress takes the necessary time to find proper long-range remedies for the revenue losses sustained on passenger service.

Since the Intertate Commerce Commission claims it lacks the power to regulate the quality of passenger service, Congress has little choice but to grant it the authority it seeks. This regulatory vacuum has left the government—and railroad patrons—helpless in checking calculated downgrading of service by some railroads intent upon discouraging patronage and then using unprofitable runs as an excuse for ultimate abandonment.

Granting the ICC the power to suspend discontinuance applications, however, is at best a stopgap moratorium measure. That body's past record of timidity hardly inspires public confidence. As one member of the House Commerce subcommittee observes, the ICC "has tired blood. The august body moves as feebly as though it were in the December of its life-span."

The House has before it at least six different approaches for salvaging intercity passenger service. Several of these are complex, far-reaching, and costly, involving such ideas as outright federal subsidies for keeping deficit operations going as a public convenience, government leasing of equipment to the railroads, and government-industry regional commissions for inter-urban service.

There may, in the end, be no alternative to some form of government assistance if the country is to preserve a minimum of reliable ground service. Stacked-up airports and clogged highways underscore the need for a master ground transportation plan for the development of high speed inter-city rail systems. And the railroads can make a plausible case for some measure of the generous federal assistance which air and motor travel have enjoyed.

But sorting out the solutions will be an imposing task requiring time and careful study of priority transportation needs and the proper role of the carriers and government. In the meantime, Rep. Hastings and his colleagues, are right in warning that there will be precious little passenger business to save unless prompt steps are taken to flag down the dreary routine of abandonments.

Gloomy Train Whistle

The alarm signal sounded by the Interstate Commerce Commission about the survivial of the nation's remaining long-haul rail passenger service could just as well have been pushed five years or a full decade ago.

Even so, the ICC's dire warning of an extinction dead ahead should surely be enough to jolt both the appropriate congressional committees and the administration's transportation officialdom into an urgent where-are-we-going evaluation before it is too late.

Neither long nor medium-distance passenger service, declares the ICC, can survive "the next few years without a major change in federal and carrier policies." In a period when intercity travel has more than doubled, rail service has shrunk to less than half.

Under present law, the ICC chairman reminds the Senate Interstate & Foreign Commerce Committee, railroads "cannot be required" to continue the operation of trains that constitute "unreasonable financial burdens." Certainly railroad managements themselves must shoulder a part of the blame for the fact that much of the traveling public has all but given up on the passenger business as a lost cause. It has been all too easy for the railroads to rationalize their downgrading of service as a money-losing proposition in an era when the public has turned to the federally subsidized interstate highways and jet airliners.

Yet the fact remains that, except for some high-density travel corridors, the passenger business does represent overall a money drain on the carriers. An ICC study of eight major lines shows that for every dollar they would have lost last year in not operating their passenger trains, they would have saved $1.83 in expenses. What is even more sobering is the ICC's report that, with only about 500 regular intercity trains still operating in the nation, it already has applications for the abandonment of most of these.

Thus, with all but a few of the name trains already relegated to the transportation museum, it is very late indeed for any massive rescue effort. Yet it would be a serious blunder, we believe, for the government to permit the writing-off of even a minimum of reliable inter-city service. Current warnings that aviation growth has severely overstrained airports and airways safety facilities should be illustration enough of the danger in too exclusive a reliance on one form of mass transportation.

The question that can be deferred no longer is whether it is in the national interest to insure the preservation of at least as much of the remaining passenger service as economic and public needs dictate. Before inter-city rail service joins the stagecoach, we had better determine whether its salvation is vital enough to warrant a measure of the federal assistance given the airlines and highways, along with a review of what ingenuity and innovative concepts could do to lure back the traveling public.

IS MECHANIC LICENSING BILL LIKE THE PEARL HARBOR ATTACK?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HALPERN. Mr. Speaker, I have been greatly encouraged by the response to the introduction of my bill, H.R. 13824, to license motor vehicle mechanics, especially within the industry itself.

Many of the industry spokesmen have written to me expressing support and numerous specialized trade periodicals have carried favorable stories.

However, a recent series in Motor Age magazine was particularly striking to me since it apparently analogized the investigations by Senator Hart, myself, and others in Congress into the auto repair business to the startling attack on Pearl Harbor. The point, apparently, is that our investigations may have the positive effect of galvanizing and unifying the diverse members of the auto service industry into unified action. If this were the case, I would gladly see myself likened to the pilot of a bomber plane embossed with the symbol of the rising sun.

My proposal is based fundamentally on the cooperation and action of industry, labor, and the States, and by no means is it intended to engender an overbearing Federal Government agency to dictate the lines of action in the auto repair field.

I am heartened to see that some industry people understand this thrust of my proposal.

I commend the response of industry and I would ask my colleagues, and especially those individuals most concerned and uncertain about the mechanics licensing bill, to examine carefully the sound thinking involved in Mr. Kushnerick's editorials in Motor Age and his recognition of the vital importance of credentials to make the profession honorable and attractive:

[From Motor Age, January 1969]

UNITY NOW—OR NEVER

(By John Kushnerick)

The attack on Pearl Harbor was a brilliant tactical exercise. But its overall strategic significance for the attacker was a negative one. It failed because it had exactly the opposite effect from what had been expected. It did not demoralize the victim.

Pearl Harbor united the American nation. To a man. The country gave full support to a major war. That was something which had never been achieved up to that time. It has not been achieved since. And, it will not be achieved again—easily.

It is questionable whether Americans could have been convinced to subject themselves to the sacrifices required of a nation involved in a major war in the absence of action as scurrilous as Pearl Harbor. The Vietnam Conflict and the fate of Lyndon Johnson stand as living examples of what can happen when a nation of independent thinkers is not totally committed to a cause.

As calamitous as they may appear at first, the present assault on automotive repair practices by Senate investigators could be the greatest thing that ever happened to the independent automotive service industry. The Democratic Senator from Michigan, Philip A. Hart, may yet galvanize the army of independents, garagemen who comprise part of the auto service industry, into unified action. Association leaders, manufacturers and magazine editors have not been able to achieve this in 70 years. Industry unity remains an elusive hope.

The great competitiveness and total independence within the automotive service industry creates many rivalries. The investigators tried to capitalize on the frustrations that these rivalries have tended to create in some quarters. And, there was more than a little success.

The men who own or manage the service stations, independent repair shops, and car dealer service bays have a great deal in common. A lot more than some people would like them to know. Their own business drive and mechanical expertise keep the world's greatest personalized and commercial transportation system rolling safely. The industry was built on 70 years of busted knuckles and sheer guts. It would be a shame for those who built this industry to lose it by default.

The service dealers of America have problems in common too. The principal problem is lack of trained—certified—manpower. It is one of the root problems from which much of the present turmoil springs.

This magazine, in 1966, called for a "Meeting at the Summit" to set up an Industry-Wide Automotive Training Council. Motor/Age again calls for IGOA, NCPR, ABAA, ATRA NADA, etc., to join hands, now. Object: to launch a mechanic training and certification program. And, we urge that manufacturer and distributor associations be invited to participate.

This could be the last chance for the independents. If the Washington attack does not motivate the industry to unify, nothing will. Why the present hour is so important is obvious. The result of inaction now ultimately will be federal control. Government licenses for mechanics, government licenses for shops, government regulated practices and prices through federal flat rate manuals. The stakes are high.

Is there no one who can see the importance of self-certification of mechanical competence? If not, Motor/Age will undertake a program to certify its subscriber shops and offer means for shop proprietors to train and certify the men who are employed in these shops.

[From Motor Age, January 1967]

AMERICA'S MOST MISTRUSTED MEN

(By John Kushnerick)

The most mistrusted man in America is guess who? You! That is the malicious message spilled across the nation by a king-sized ad in the Wall Street Journal. But, you've got company. The TV repairman, and a lot of other "fixers who can't fix."

So, you've got yourself a reputation. A notorious reputation. Do you deserve it? Probably not. You'd never send a half-done job out of your shop and you'd never overcharge a motorist. It's those other 135,000 shops scattered down your street and across the roadways of America who pull those capers. But you're stuck with the tab. And the question is, what are you going to do about it?

The first thing you're not going to do is run to the government, federal or state, to control the licensing of mechanics. The second thing you're not going to do is deny that a problem exists.

Your image, and the image of your industry is besmirched by the fact that anyone who wishes to call himself a mechanic may do so. The degree of Automotive Technician is the only one that can be self granted. This allows individuals of untested ethics and unproven competency to operate or work in garages and other service outlets. The industry is hurt in three ways: (1) Public distrust is generated when unqualified people charge for, but fail to correct malfunctions; (2) The industry fails to attract and hold bright young men who can perpetuate the independent automotive service industry; (3) The image of the qualified and ethical service dealers is dragged down to the lowest denominator.

So, the industry must act. You must act. And the first thing you do is join the association which best suits your specialized or general interests. Then you should ask your association leader to meet with all of the other leaders in a meeting at the summit. Purpose? Establish an Automotive Training Council, and pick a leader for the Certified Automotive Repairman's Society (CARS).

There is great strength within the vertical associations of the automotive aftermarket. More strength than most people realize. Enough strength to solve the certification program and allow automotive technicians to display meaningful credentials to the motoring public. Credentials which attest to business ethics and mechanical proficiency of the shop, and every individual employed in that shop.

A professional structure resembling the following could result:

Businessman/Technician (Proprietor).

Automotive Technician (Mechanic).

Apprentice Automotive Technician (Mechanic).

Qualifications for each "degree" would be a combination of experience and proof of academic attainment—tests. And through the efforts of the vertical associations it would be no great task to set categories of technical competence, i.e. body, brakes, transmissions, tuneup, etc.

[From Motor Age, February 1967]

THE STEPS TO CERTIFICATION

(By John Kushnerick)

There is a notion rampant in the land that the federal government has a lot of money. From this it follows that the feds can solve all of the social, business and labor problems of the nation. Both are false notions. The federal government has no money of its own. It has only what it takes from the people. And most federal programs keep getting more and more expensive, as it becomes apparent that they are doing less and less toward really solving the problem. Social Security is a good example. It was a great concept. But, like a lot of good concepts it is loaded with holes. They are now being patched up with bailing wire and Scotch tape techniques unfitting of such an expensive machine.

The same thing would happen if this industry ran to the government to set up certification standards and administrative procedures for the certification of automotive technicians (mechanics).

Most sane people agree that certification of professional competence among the men who service cars is needed. It would do two things: make the profession honorable; contribute to assuring that only safe cars are driven on the nation's highways.

The first step to certification is to begin. You must be convinced that it can be done by the industry itself. That's the hard part.

What follows that first step has been outlined on these pages in the past three months. In brief this is what could happen:

Draw up qualifications for each level, based on a combination of experience and academic attainment (tests). Both the standards and the tests already exist. It's just a matter of having all of the vertical groups come to agreement on specialist requirements, i.e., body technician, transmission technician, brake and front end technician, etc.

Reward successful completion of requirements with proper credentials and certificates. Membership in a professional society such as Certified Automotive Repairman's Society (CARS) would be appropriate. It would be the equivalent of Society of Automotive Engineers (SAE) at the service level.

We visualize the day, not too far off, when post high schools and vocational schools turn out certified technicians. Apprenticeship will be tied into formal education so that the young man enters the industry with both credentials and competence. That will leave the existing technicians in an inferior position if a move is not made to certify the nucleus of competent, honest businessmen who already exist.

But to stem the tide of a rush to "specialization" let us close this page and series with the word of caution: "A specialist is a technician who knows more and more about less and less until he knows all there is to know about nothing."

OEO'S LEGAL SERVICES PROGRAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CORMAN. Mr. Speaker, there will soon be before the House consideration of legislation to authorize the continuation of programs under the Economic Opportunity Act. Senate action on this legislation included the controversial Murphy amendment, giving the Governor of each State the privilege to exercise an

absolute veto over the funding of any of OEO's legal services programs within his State.

Strong opposition to the Murphy amendment has been heard from many sources, including the board of governors of the American Bar Association. In my own State, the board of trustees of the Los Angeles County Bar Association at its November 5 meeting voted to adopt a resolution opposing the Murphy amendment.

I wish to bring this resolution to the attention of the Members of the House, so that the voice of the Los Angeles County Bar Association's board can be added to the growing opposition to the Murphy amendment:

RESOLUTION ADOPTED NOVEMBER 5, 1969, REGARDING MURPHY AMENDMENT

Resolved, that the Board of Trustees of the Los Angeles County Bar Association declare its position in opposition to the so-called "Murphy Amendment" to Senate Bill 3016, whereby the Governors of the various states would be given a veto power over the activities of the legal services programs funded by the Office of Economic Opportunity; and

Resolved further, that this opposition be placed on the basis that enlarging the scope and effectiveness of the power of the various state Governors to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients and to discourage actions which are politically unpopular or adverse to the views of the majority; and

Resolved further, that the President of the Association advise all of the United States Congressmen from Los Angeles County of the position of the Board of Trustees of the Bar Association and

Resolved further, that the position of the Board of Trustees of the County Bar Association be released to the press in such manner as shall be deemed appropriate by the four Officers of the Association.

DEFENSE PROCUREMENT—WESTINGHOUSE COST REDUCTION AWARD

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. GUBSER. Mr. Speaker, we have heard a great deal about cost "overruns" and alleged profiteering on defense contracts. Whether substantiated or not, such charges frequently make headlines. This is true primarily because each of us as a taxpayer is properly concerned that the Government gets its money's worth from the enormous expenditures necessary for our security. Rarely, if ever, do we see headlines about the painstaking efforts made to reduce costs on extremely complex military procurement. An example is the cost reduction program of Westinghouse Electric Corp. facility at Sunnyvale, Calif., which produces Poseidon missile launching and handling equipment for the U.S. Navy and marine propulsion and auxiliary apparatus for the Navy and merchant marine.

The successful effort by Westinghouse was recognized August 29 with the award in Sunnyvale of the Defense Department's Contractor Cost Reduction Achievement Award. Although it was awarded several months ago, it has just come to my attention. Following is the announcement by the Defense Supply Agency of the award presented to Sunnyvale's general manager, A. L. Bethel, by Col. W. K. Ashby, USAF:

ANNOUNCEMENT OF AWARD

Westinghouse Electric Corp.'s Marine Division at Sunnyvale Friday (August 27, 1969) will receive the Department of Defense's new Contractor Cost Reduction Achievement Award for its significant program to save taxpayer money.

The award is based on a positive cost reduction system such as Westinghouse organized in July 1964, and covers four consecutive six-month reporting periods of 1967 and 1968.

The latest honor follows award of the DoD Zero Defects Certificate of Achievement, the second highest, which was presented to Westinghouse employees on July 3 for their sustained error-free production efforts. They produce Poseidon missile launching and handling equipment for the U.S. Navy and marine propulsion and auxiliary apparatus for the Navy and Merchant Marine.

Col. W. K. Ashby, USAF, Commander of the nine-state San Francisco Defense Contract Administration Services Region which monitors cost reduction and Zero Defects programs, will present the Contractor Cost Reduction Achievement Award to General Manager A. L. Bethel at Westinghouse.

AID TO OUR COUNTRY'S DENTAL AND MEDICAL SCHOOLS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REID of New York. Mr. Speaker, I am introducing today legislation to relieve the acute financial distress of our country's medical and dental schools.

This bill, which is also being sponsored in the Senate by the distinguished senior Senator from New York, Mr. JAVITS, is an emergency measure to alleviate the particularly severe financial difficulties in which the Nation's 100 medical schools now find themselves.

There are three major reasons for this crisis:

First. These medical schools are affiliated with teaching hospitals, often some of the best in the Nation, and, especially in New York, cuts in the State's medicaid reimbursement, resulting from Federal cuts in medicare payments, have deeply affected hospital operations. Federal payments were frozen on June 1 at the 1968 level, but costs have gone up some 15 to 20 percent in the last year.

Second. Rules governing reimbursement to hospitals for patient costs have been tightened.

Third. Federal funds for the various National Health Institutes have been reduced, thereby reducing the research moneys available to these hospitals, and ultimately affecting the training of good medical teachers.

In New York City, three medical schools of the State's 17—the New York Medical College, which operates Flower and Fifth Avenue Hospitals, the New York University School of Medicine, and the Albert Einstein College of Medicine of Yeshiva University—are particularly hard hit. Dr. J. Frederick Eagle, dean of the New York Medical College, pointed out recently that his hospital receives $40 less than actual cost per patient-day from medicaid reimbursement.

I think there is no doubt that the need for well-trained physicians, well-equipped hospitals, and well-staffed laboratories is greater today than ever before. New programs of financial assistance to the medical indigent have brought to light conditions which in some cases have needed treatment for years, and more and more citizens are now aware that their right to decent medical care can be realized. Whatever else our Nation does, the health of our citizens must be the first concern, and to fail to fulfill that promise by cutting back funds is a national disgrace.

In fact, the Congress has recognized this responsibility by establishing medicaid and medicare programs and by encouraging, through various incentives, increased enrollments in medical schools. But, as in so many other programs, we have failed to deliver the funds that will make these things possible commensurate with the need.

Thus, the legislation I am introducing today would make $100 million available in the current fiscal year for grants by the Secretary of Health, Education, and Welfare to medical and dental schools which are in financial distress as a result of the school's affirmative response to national health policy, which is defined to include expansion of enrollment, improvement of research facilities, establishment of improved health care delivery services to the urban and rural disadvantaged, participation in medicaid, and inability to maintain the level of enrollment and quality of training in the face of costs rising more rapidly than income.

A medical school would have to show that its financial situation, unless relieved by a grant under this legislation, would force it to curtail one or more of these activities. The school would be required to submit a plan indicating how it proposes to use the emergency funds to prevent such a cutback.

Mr. Speaker, the gentleman from Indiana (Mr. BRADEMAS) and I have introduced the medical education bill of rights, H.R. 6536, which would make available increased financial support to medical schools and medical students on a more permanent basis. The support for this legislation from the medical community has been strong and clear, and it is partially because there has been no action on our kind of proposal that the emergency legislation I am introducing is now necessary.

Thus, I would hope that hearings will be held on this measure without further delay, and that this emergency authorization and subsequent appropriation will be acted upon promptly by the full House.

CONGRESSMAN WEICKER'S URBAN RENEWAL AMENDMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RIEGLE. Mr. Speaker, recently our colleague from Connecticut (Mr. WEICKER) led a floor fight to amend the HUD bill to provide that when urban renewal projects tear down tenement buildings, the buildings which are redeveloped must provide substitute housing on a unit-for-unit basis. I fully supported this important amendment because I think our urban renewal programs have continued to displace our poorer citizens—and I do not think that that was the original intention of the program.

The Detroit News carried a most thoughtful article on Mr. WEICKER's leadership that noted the important effect his amendment will have nationally. I would like to insert this article into the RECORD so that all concerned citizens will learn about this needed breakthrough:

[From the Detroit (Mich.) News, Nov. 6, 1969]

HOW A FRESHMAN CHALLENGED THE FEDERAL BULLDOZERS

(By John Chamberlain)

Ideas do have consequences.

In the golden days of John F. Kennedy and Lyndon B. Johnson, it was more than your life was worth to criticize urban renewal. Nobody in power paid any attention to the charge, thoroughly documented by Prof. Martin Anderson, of Columbia University, that two decades of urban renewal actually had decreased the number of housing units available to the poor.

It was considered an insincere part of the "white backlash" to suggest that urban renewal was, indeed, Negro removal.

Among the few legislators who came, in due time, to take Anderson's figures seriously was Lowell P. Weicker, Jr., a freshman Republican congressman from the 4th Connecticut District.

Weicker had noticed that mayors in his home state supported the bulldozing of slum property for strictly financial reasons; if you could replace tenements with high-rise, middle-class apartment houses, the resulting increase in assessments brought more taxes into the city hall coffers.

Lacking any particular political clout, the Negroes who were forced to double up in the remaining slums as they were bulldozed out of their rookeries had to take it and like it.

Weicker also noticed that the mayors habitually tried to put the blame for urban congestion on the suburbs, which were chastised by many a self-righteous urbanologist for not providing housing for the poor who had been thrown out of their central-city homes. The critical swipes at the suburbs seemed to Weicker to consist of one part bad conscience and one part sour grapes.

Even in unzoned suburban areas, land prices were too high to accommodate the poorer refugees from the federal bulldozer. Moreover, moving the poor to the suburbs would have been the final straw for the near-bankrupt passenger railroads, which even now cannot provide the service needed to get the existing commuter population into town.

Putting everything together, Weicker offered an amendment to the housing and urban development bill, which was about to reach the floor of the House of Representatives. The Weicker amendment stipulated that if existing housing in an urban renewal area is to be demolished, the redevelopment plan must include provisions to provide substitute housing on a unit-for-unit basis.

Surprised by Weicker's freshman temerity and lacking any word from the White House, the opposition rallied to kill the amendment by a 50–48 vote. It looked as though Weicker's attempt to prove to the urban poor that cities are for people had been sidetracked for the duration of the 91st Congress.

Then a strange thing happened. After the House had recessed upon completion of the adverse vote on the "one-for-one" idea, some of the Democrats came up to Republican Weicker to say that they had second thoughts about his amendment. The news seeped through to Republican Minority Leader Gerald Ford and a move to recommit the bill followed.

The powerful committee leadership which had killed Weicker's idea the first time around suddenly discovered it didn't have the votes to sidetrack it a second time. In a new vote, Weicker was upheld, 116–92.

In Weicker's home state, the victory has had swift impact. No Connecticut freshman within memory ever had such an effect on Congress in his first year in office.

The result is that Weicker is being acclaimed in some quarters as a possible candidate for governor or U.S. senator.

A sometime maverick when it comes to following the "party line," Weicker has opposed the White House on a couple of things. He voted against extension of the 10 percent surtax and he has been against the anti-ballistic missile.

But the White House has not tried to discipline him. Possibly, with Prof. Anderson, the original critic of the federal bulldozer, sitting in on White House urban renewal discussions, the administration is happy to see Weicker performing as his own man.

THE PRESIDENT'S TALK

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LIPSCOMB. Mr. Speaker, on this Tuesday following a weekend which found thousands of dissenters in our Nation's Capital to protest the President's policy on Vietnam, I would like to commend to my fellow legislators an editorial which appeared in the Daily Report, an Ontario, Calif., newspaper which has a large readership in the 24th Congressional District which I am privileged to represent.

I think this editorial is significant in that it is helpful in appraising President Nixon's Vietnam policy and in appraising the value, if any, of the recent demonstrations which took place in Washington and other cities across the Nation. In my opinion, the thoughts expressed by Mr. Jopes as editor of the Daily Report exemplify the view of the great majority of the American public on the issue of Vietnam.

Under leave to extend my remarks, I would, therefore, like to take this opportunity to insert the editorial in the CONGRESSIONAL RECORD as one of but many evidences which have been brought to my attention of the broad support of the American public for the President's position on Vietnam:

THE PRESIDENT'S TALK

Finding fault with President Nixon's plan for easing the U.S. out of the struggle in Vietnam leaves but one alternative: That is to subscribe to the theory that it is best to quit now, quit totally and quit without condition.

The "in between" possibilities have been tested—we have agreed to sit down and talk peace, we have stopped bombing the north, we have agreed to bilateral cease fire and troop pullout, and have commenced a cutback in combat forces.

All to little avail.

Those who would have the U.S. quit now must be prepared to abandon hundreds of thousands of South Vietnamese, and condemn them to the iron heel of international communism. Too, they must be prepared to betray the freedom that exists in Laos and Thailand.

And most important, they must be willing to assume that the brothers and sons of those Americans fighting now will be called upon to die in another crazy war some day.

The President means business. Three quarters through his speech he said: "We have adopted a plan . . . for the complete withdrawal of all ground combat forces . . ."

He did not announce a precise timetable for the pullout, and it is rather ridiculous that anyone would expect him to.

Mr. Nixon sought the support of the great "silent majority" of Americans who share his view that the war should be ended as quickly and safely as possible. The thinking people of this nation surely will respond in one way or another.

As one caller to The Daily Report said this morning, "I'm sick and tired of those who condemn the one man who's trying so sincerely to get us out of this stupid war. It's time for people in this country to wake up."

It is reasonable, really, to support a President who has rejected immediate withdrawal of U.S. troops from South Vietnam, but who has pledged to end the war in such a way that others will not have to die "in some future Vietnam someplace in the world."

He has solicited our help.

We should extend it to him.

"SILENT MINORITY" LETTER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LONG of Maryland. Mr. Speaker, the moratorium has served as a vehicle of expression for those who disagree with the President's policy in Vietnam. At the same time, President Nixon's appeal to the "Silent Majority" has rallied those who support him. For once, let us listen to the "Silent Minority" fighting the war for us—the Americans in Vietnam. I would like to share with my colleagues today a letter I received from one of my constituents who is now fighting in Nui Ba Den:

DEAR MR. LONG: I don't know if you remember me, but I'm the boy who wrote you from Fort Benning, Georgia. Also, you were a great deal of help in getting me 15 extra days leave to be reunited with my brother before coming to Vietnam. I know it's been quite a long time, but I've been very busy over here and now have the time to express my grateful thanks. I'm not writing because of any problems I have this time. I'm writing mainly to tell you I would like to thank you for all the help you have given me.

I was on the line with the Infantry approximately the first 90 days when I got here. Now I am stationed on the top of Nui Ba Den—a 3,000 foot mountain—the only one in the Tay Ninh Province. I'm doing fine over here and I'm very satisfied with the way the Americans are handling the war. I've worked with the South Vietnamese Army and the airborne troops are very good fighters. I just hope to see more of them fighting soon. I just can't understand the people who are against the war over here. But I guess they haven't seen how most of the people live and what they have to go through with the war. I'm only glad I'm here doing a little to help. I'm also very much in support of Mr. Nixon and I'm sure most of the men on line fighting the actual war are also.

I'm also proud to be in the Army and even more proud to be a citizen of the United States.

Well, I better go now. I have a lot of work to do. Thank you again for your help in the past.

Sincerely,

MICHAEL W. MCGRANE.

LINDA G. PETTEY GETS SPECIAL ACT AWARD

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BUCHANAN. Mr. Speaker, it was my pleasure yesterday to attend the presentation ceremony in the office of Assistant Secretary Carl L. Klein of the Department of the Interior honoring Miss Linda G. Pettey, a special assistant in Mr. Klein's office. Miss Pettey was the youngest person ever to receive the Department's Special Act Award. I share the pride of her family and her many friends in the Birmingham area for this significant achievement on the part of a very lovely young lady who is a credit to her native State. Enclosed herewith is the Department's news release concerning this honor:

LINDA G. PETTEY HONORED BY DEPARTMENT OF THE INTERIOR

Linda G. Pettey, formerly of Bessemer, Alabama, today received the Department of the Interior's Special Act Award from Assistant Secretary Carl L. Klein. Miss Pettey, 23, has been a special assistant in Klein's office for the past four months. She is the youngest person ever to receive the award, which was approved by the Department's Incentive Awards Committee. She also is the employee with the shortest time in Interior Department service to be so honored.

The award, which includes a scroll, a flag and a cash payment, was presented by the Assistant Secretary in his office. He said it was being given in recognition of Miss Pettey's role in organizing a large national conference on water pollution abatement in Washington late in October.

Assistant Secretary Klein said Miss Pettey became involved in preparations for the conference only a few weeks before it was to take place, and at a time when it appeared to be in danger of failing to achieve its purpose and goal. He credited her efforts with helping to produce capacity attendance at the two-day meeting, which attracted more than 750 industrialists and water pollution control specialists from this country and abroad.

"Linda worked very long hours on this project," Klein said, "and her persistence and charm made every phase of the conference a complete success. Secretary Hickel was especially appreciative of the work that went into this effort, and he asked me to pass along his personal thanks."

Miss Pettey is a graduate of Brooke Hill High School and of Vanderbilt University. In June, 1969, she received a Master of Arts degree from Yale University. She is the daughter of Mr. & Mrs. W. G. Pettey of Lakewood Estates, Bessemer.

DEMONSTRATIONS IN WASHINGTON: LOTS OF "MOUTH" BUT NO "MONEY"—TIME TO REDRESS THE BALANCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BRAY. Mr. Speaker, just how long should the American taxpayer be expected to underwrite the costs of these demonstrations that seethe periodically into Washington?

Is it fair to the vast majority of our citizens, to saddle them with the costs of a quarter million people—or less, depending on demonstration size—who are getting some sort of political-intellectual kicks out of parading around the city?

That is what happens. Overtime for public authorities and officials charged with peace-keeping, maintenance, and sanitation; extra equipment; extra help; troop movement into and out of the city—all for the very real benefit and convenience of whatever crowd decides to parade its moral superiority before the rest of the country and chooses the Nation's Capital as a stage on which to do it.

In addition, what of the local merchants whose places of business are damaged? Two nights of street fighting, last weekend, meant at least 75 and probably twice that number of stores damaged. This was primarily, it seems, in smashed windows, expensive to replace and repair. What of the merchant whose insurance does not cover malicious damage? Are not these innocent bystanders entitled to compensation?

The first and ultimate responsibility for meeting all of these costs lies with the backers and organizers of the demonstrations. I do not care one bit for all the pious protestations about how these gatherings are intended to be peaceful. As the irrepressible Dr. Samuel Johnson once snapped:

> Sir, Hell is paved with good intentions!

It is simply a matter of fact and record that every major demonstration in this city over the past 3 years has had violence as a sideline. "Lie down with dogs, get up with fleas," as the rather harsh but true saying goes. Come to think of it, some flea powder might have been in order here in Washington last weekend. Peaceful intentions notwithstanding, there have been, and always will be, radical, violent elements attracted to these demonstrations to stir up what trouble they can.

I, for one, think the American taxpayer is getting pretty sick and tired of paying for all of this. The October 1967 March on Washington cost $1 million—"tribute," is what I called it at the time. I never did see final figures on the cost to the country of the "Poor People's March" in 1968 but it is known that that group welshed on its obligations to the Federal Government to the tune of thousands of dollars—some estimated several hundred thousand dollars.

All paid for by the taxpayers; sort of a system where you pay, they play—or riot, as the case may be. The first estimated cost for last weekend's demonstration is between $800,000 and $1 million and if losses to merchants are counted it will run higher still.

Since the responsibility for the trouble and the cost lies with the demonstrators, then I maintain they should bear the expense. Yes, for moving troops in, too; the troops are there in case the crowd gets out of hand, but since this still is a country where everyone's rights are protected, the troops would be on the streets just as quickly if some other element tried to bother the marchers. And they would be out to protect the demonstrators, remember. There are some countries I could name—much favored by the demonstrators, too—where there would also be troops: to mow down every marcher in sight.

It is high time the taxpayer stopped paying for all of this. So, I recommend requiring a cash bond, to be posted by the organizers and backers of any future demonstration, with the Federal and District of Columbia Government. Some formula for the amount could be worked out: Organizers usually have a pretty close idea how many will show up, and the city of Washington has certainly had experience enough in the past 3 years to serve as a guideline in setting up an equitable method to insure enough money on hand to take care of extra expenses, plus any damages.

Post mortems on the demonstration last weekend, by its organizers, were full of sentimental drool about how "beautiful" and "meaningful" it was. I wish they would get the opium pipe out of their teeth long enough, just for a moment, and realize it was a lot of expense and inconvenience, as well, and all for their benefit.

"Put your money where your mouth is" is a good old American saying. Well, we have had plenty of "mouth" around this city in the past 3 years. I think it is now time to turn our attention to getting some money to pay for it, as well.

SERIES OF DISCUSSIONS ABOUT THE WAR

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. LOWENSTEIN. Mr. Speaker, today our distinguished colleague from Montana (Mr. OLSEN) begins the series of discussions about the war that will continue here every day until our troops are home. It is right that this first discussion should occur soon after the enormous outpouring of dedicated Americans who gathered this weekend to protest the President's policy in Vietnam.

There is much to say about that policy. But for the moment I just want to pay tribute to all those remarkable people who, with unfailing good spirit and dignity and at considerable inconvenience, availed themselves of their first amendment rights to petition their Government for redress of grievances. It made me proud to be among so many Americans who rejected alike the importuning of those who sought to disrupt and the name-calling of those who sought to intimidate—to be among so many Americans who decided simply to stand their ground for peace, justice, Constitution, and country.

The small band of ruffians who tried to discredit the new mobilization by defying the spirit and the plans of this remarkable weekend were no more successful in their efforts than were those whose spewing of invective from high places simply brought discredit to high officials. But there were also, thank goodness, other high officials, including the Mayor and the Chief of Police of this city, whose behavior brought credit to the public service.

I have participated in no event more poignant or more memorable than the long cold trek from Arlington to the Capitol. Through the anonimity of the biting darkness moved countless thousands of our citizens, guarding their candles in unbroken sequence, past the great historic shrines of this torn land and on to its centers of political power. I cannot believe that their message will be unheard in those centers, for it has already made its mark in the farthest corners of America.

HAWAII SERGEANT DISPLAYS LEADERSHIP UNDER FIRE—"JUST LIKE IN THE MOVIES"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. MATSUNAGA. Mr. Speaker, we have been so emotionally involved in the debate over the future course of the Vietnam war that we have almost neglected to show our appreciation and respect to our veterans and servicemen who have borne and continue to bear the heaviest burden of the most difficult war in our Nation's history.

The courage of these men who daily face death in the grassy marshlands of Vietnam is exemplified in the coolness and bravery under fire of a young Army sergeant from Hawaii, Rodney K. Namauu, affectionately called "Kimo" by his men.

An AP news report from Cuchi described a recent battle 25 miles northwest of Saigon in which, under the leadership of Sergeant Namauu, the Vietcong were routed in what may be described as a small battle in the larger battle to bring peace to that war-torn country.

I am privileged to be a cosponsor of House Resolution 663, a resolution commending the American serviceman in Vietnam for his bravery and sacrifices.

I wish to submit for inclusion in the CONGRESSIONAL RECORD the full text of this resolution, as well as the news report which describes so vividly the Americans we wish to honor by the adoption of House Resolution 663.

The resolution, and the news article from the Tuesday, November 4, 1969 issue of the Honolulu Star-Bulletin, entitled "Sarge Must Think This is the Movies," follow for the RECORD:

RESOLUTION

Whereas the efforts and sacrifices of the American serviceman in Vietnam have been overshadowed by the emotional debate over our future course in Vietnam; and

Whereas he is involved in a dangerous and bloody conflict being fought under the worst possible conditions; and

Whereas the American people, regardless of their opinions about the overall conflict, should take note of the bravery and dedication which he has exhibited and the sacrifices which he has made: Now, therefore, be it

Resolved, That the House of Representatives pays the highest tribute to the American serviceman who has given his life or has been wounded in the Vietnam conflict; and be it further

Resolved, That the House of Representatives commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative, and devotion to duty; and be it further

Resolved, That the House of Representatives will do all in its power to lift from his shoulders the heavy burden he has carried for so long.

SARGE MUST THINK THIS IS THE MOVIES

CUCHI, VIETNAM.—"I see gooks," screamed a radio operator, wildly firing his M-16 into a clump of bushes less than 15 yards away.

Every man in the platoon hit the dirt, and suddenly an eerie silence enveloped the area. Nobody was doing anything they were trained to do, nobody except platoon Sgt. Rodney K. Namauu, 29, of Hilo, Hawaii.

"Let's get some security set up in the rear," roared the man respected by all and called Kimo.

Just seconds earlier, Kimo and his men had leaped from helicopters into the grassy marshlands 25 miles northwest of Saigon.

They were acting on intelligence that increased enemy activity could be expected in the area, but they never intended to land in the middle of an enemy bunker complex.

Quickly, Kimo wired a Claymore mine, a deadly package that spews hundreds of sharp pellets in a 180-degree swatch. Grabbing his rifle, he raced to a spot where he had seen movement moments before. He plunged the mine down 10 feet in front of a hedgerow and dashed back to his men as they covered him with automatic weapons fire.

The mine blasted away the concealing undergrowth and circling helicopter gunships pounced on four armed Viet Cong running from the area, firing rockets and miniguns at the enemy.

"Come on," Kimo said as he moved forward with a grenade in one hand and his rifle in the other. Ushering his men forward, he encouraged them saying "We can't afford to let them set up for us. I think we surprised them so let's keep the pressure on."

Kimo and his buddies had heard about the slaughter of their fellow 25th Infantry Division soldiers two days before when they let a handful of North Vietnamese regulars take the initiative. Ten Americans were killed and 12 were wounded in two or three minutes of fighting.

"We can't hack any of that stuff here," he said.

One of his men, a nervous machine-gunner, shook his head, muttering, "Sarge must think this is the movies."

Men who moments before clung to the security of the watery marsh now moved forward.

"After watching him, we'd be embarrassed not to put out," admitted a sweat-soaked soldier. "Besides, somehow he gives me a sense of safety. If he isn't afraid, why should we be?"

Said one officer who has seen Kimo work: "The essential quality for successful leadership in this war is quick and sure reaction. The first few minutes are all that count. After that, American firepower is going to prevent the loss of nearly all your potential friendly casualties."

The day's toll was 14 enemy soldiers killed and 2 Americans wounded.

"What they say in Washington and Paris is fine for politicians," said Kimo, "but out here in the boonies it's still kill or be killed. The first one off the blocks is going to win these small battles."

Sgt. Namauu is son of Mr. and Mrs. George Namauu II of 386 King St., Hilo. His father is a construction foreman.

He started serving his second hitch in Vietnam in August. He was wounded two years ago when he stepped on a mine.

He joined the Army about nine years ago, his mother said.

BANNING CBW WEAPONS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CONTE. Mr. Speaker. On July 1 of this year, the Secretary General of the United Nations, U Thant, released his report on chemical and biological weapons. In that report, Secretary General Thant urged that members of the United Nations ratify the Geneva Protocol of 1925 banning first-use of chemical and biological warfare.

The United States has not yet done this. Earlier this year, I joined my distinguished colleague from New York (Mr. MCCARTHY) in a resolution calling upon President Nixon to resubmit this protocol for ratification.

Secretary General Thant also urged all countries to agree to halt development, production and stockpiling of all chemical and biological weapons.

My distinguished colleague from New York (Mr. MCCARTHY) has written an excellent review of the Thant report for the November 1969 edition of War/Peace Report. I would like to include that in the RECORD at this point:

BANNING CB WEAPONS—THE PRESSURE MOUNTS

(By Representative RICHARD D. MCCARTHY)

The sun shone with a brilliance unique to Washington late in May as I parked my car at the diplomatic entrance to the Department of State. A member of my staff and I walked through the foyer, quiet on a Saturday morning, and took the elevator to the heavily carpeted seventh floor. There, my visit with Under Secretary of State Elliott Richardson would center on the forthcoming United Nations report on chemical and biological warfare (CBW). The report was in its final stages of preparation and I had learned that it contained portions opposed by those seeking effective international controls of these weapons.

The report is now complete; it was published in July. Briefly, here is how it came into being: The United Nations had responded to the appeal of its Eighteen Nation Disarmament Committee by passing a resolution on December 20, 1968, calling on the secretary general to prepare a report on chemical and biological weapons and the effects of their use. The resolution urged that the report be completed by July 1, 1969, so that it could be considered at subsequent sessions of the Eighteen Nation Disarmament Committee and at the fall session of the General Assembly. With surprising speed, the 14 experts appointed by Secretary General U Thant were going to meet their deadline.

Following passage of the resolution by the General Assembly, U Thant had appointed Dr. Ivan L. Bennett, director of the New York University Medical Center; Dr. Jiri Franek, director of the Military Institute for Hygiene, Epidemiology and Microbiology, Czechoslovakia; Academician O. A. Reutov, professor of chemistry at the Moscow State University; Sir Solly Zuckerman, chief scientific adviser to the United Kingdom, and 10 others as consultant experts. These men would prepare the report. They were drawn from nations having some expertise in either gas or germ warfare or both; however, in this context, they were not regarded as the representatives of their countries but rather as appointees of the secretary general. Nevertheless, they were expected to be free to draw on the resources of their countries in the preparation of the report.

One of the by-products of the secrecy that has surrounded the matter of chemical and biological warfare turned out to be the practical necessity of appointing as members of the panel, seven men from chemical and biological warfare institutions in their respective countries. Considering their involvement in chemical and biological warfare research, it is surprising that the report is as objective as it is. Academician Reutov of Russia, for example, took pains to make it clear to a number of his co-panelists that he was not connected with his country's chemical and biological warfare establishment. But even when the experts themselves were not members of the trade, their advisers often were. On his staff, Dr. Bennett employed three members of the Department of Defense and only one member of the State Department's Arms Control and Disarmament Agency.

The panel of experts decided to divide into teams, each of which would prepare one of the five chapters of the report. Dr. Bennett was the leader of the team preparing chapter one, describing the basic characteristics of chemical and biological means of warfare. Sir Solly Zuckerman and Academician Reutov were the other members of his team. Reutov was the team leader for chapter five, which summarized the economic and security implications of chemical and biological warfare arsenals and their use. The United States Army's CBW experts, ironically, prepared the first draft of Dr. Bennett's chapter. Fortunately, it was not the final draft.

Some of the non-military members of the panel recognized the heavy influence of the CBW establishment in the preparation of the initial drafts and worked out informal arrangements to eliminate portions of the report that they considered objectionable by the time-honored strategem of giving in to pre-arranged protests of other members. In this way they avoided alienating their respective staff members and yet were able to achieve their objectives.

By the middle of May, however, when I appeared at the State Department, the influence of CBW proponents was still present in the final draft of the report as it went under discussion. The report still used the phrase "biological incapacitant," a term that CBW advocates use to describe diseases that are supposed to make people so sick they cannot perform their regular duties but not kill them. Tularemia and Venezuelan equine encephalitis are two diseases that the United States Army wishes to characterize as "biological incapacitants." The trouble with this term is that most medical men do not consider it valid. What is incapacitating to one person may kill another; what is incapacitating to the people of one country may kill the people of another because of differences in living conditions and general health. Using this term in the U.N. report would tend to give it a stature that it otherwise does not possess.

A similar objection applied to the word "toxin." The report defined toxin, a deadly by-product of bacteria, as a chemical rather than a biological agent. Although toxins are dead—that is, they don't multiply as do bacteria—they are poisons derived from bacteria. If toxins are classified as chemicals, then we may suppose the biological warfare laboratories and production plants would continue to produce toxins even in the event of an international ban on biological warfare.

I met with Under Secretary Richardson to urge him to do what he could to bring about changes to these sections of the final report. Although Dr. Bennett was not an appointee of the United States Government, he met regularly with officials of the U.S. government and the views of the State Department would presumably carry some weight in his thinking. Richardson agreed to bring these problems to Dr. Bennett's attention and also assured me that if the U.N. report presented a distorted picture of CBW when published, that the Department of State would probably issue a statement making it clear that the report in no way represented the official views of the United States. Richardson's comments were in keeping with the State Department's long-standing efforts to maintain the international ban on the use of chemical and biological weapons.

Subsequently, although the term "biological incapacitant" was not removed from the report and although toxins continued to be defined as chemicals, assurances were received that when these and other problem areas in the report came up at Geneva the reservations about them would be taken fully into account.

On July 1, Secretary General U Thant announced the release of the report and in a strongly-worded foreword urged that members of the United Nations:

Ratify the Geneva Protocol of 1925 banning first-use of chemical and biological warfare.

Clearly state that the Geneva Protocol applies to the use in war of all chemical and biological weapons including tear gas and other harassing agents which now exist or may be developed in the future.

Call on all countries to agree to halt development, production and stockpiling of all chemical and biological weapons.

Even though it condemned the use of tear gas as a violation of the Geneva Protocol and included defoliants and herbicides in its discussion of chemical weapons of warfare, President Nixon commended the U.N. report in his July 3, 1969, message to the Eighteen-Nation Disarmament Committee. This endorsement, following his June 17, 1969, order for a full-scale executive branch review of chemical and biological warfare policies and practices, offered the hope that the United States might abandon the extensive use of tear gas in conjunction with artillery bombing and infantry attacks and the widespread use of defoliants and anti-food herbicides.

DEVELOPING COUNTRIES' THREAT

U Thant's report is strong in pointing out the dangers of biological warfare. This emphasis takes into account not only the dangerous uncertainty and unpredictability of this form of warfare (there being no record of its use in this century) but also the introduction by the United Kingdom at the Eighteen-Nation Disarmament Committee meeting in the spring of 1969 of a resolution calling for a ban on the development, production and stockpiling of biological weapons.

The U.N. report, receiving wide publicity, could help set the stage for effective limitations on biological warfare weapons. Military advocates of the use of gas and germs recognized that there was a possibility that a ban on lethal biological warfare might be adopted and they were doing what they could to counter possible limitations by defining bacteria-produced toxins as chemicals and seeking acceptance of incapacitating biological agents in the hope that they might be excluded from the ban.

The report also highlighted one of the major problems with effective arms control measures for chemical and biological weapons: "Any country could develop or acquire, in one way or another, a capability in this type of warfare, despite the fact that this could prove costly. The danger of the proliferation of this class of weapons applies as much to the developing as it does to the developed countries." For this reason alone, it is very much in the interests of the more economically developed nations to seek an effective ban on the use of CBW.

In the introduction to its findings the panel offers two deeply disturbing comments on biological warfare. The first notes the uncertainty connected with the use of gas and germs: "The outstanding characteristics of this class of weapons, and particularly of biological weapons, is the variability, amounting under some circumstances to unpredictability, of their effects." In the body of the report the experts point out that biological weapons are so unpredictable that an attack on one country might well contaminate a neighboring country.

The second point relates to the lack of defense: "Civilians would be even more vulnerable than the military."

And: ". . . it would be enormously costly in resources, and administratively all but impossible, to organize adequate protection for a civilian population against the range of possible chemical agents."

And: "Mass disease, following an attack [of biological weapons], especially of civilian populations, could be expected not only because of the lack of timely warning of the danger, but also because effective measures of protection or treatment simply do not exist or cannot be provided on an adequate scale."

The lack of defense possibilities was confirmed in a comprehensive reply on chemical and biological warfare policy that I received from Dr. John Foster, director of defense research and engineering in the Pentagon, earlier in the spring of 1969. He said that there could be no really effective vaccination against biological agents since there were over 100 known diseases, for some of which there is no known vaccine. Even if vaccines for all were known, to take them all would probably be harmful to the health of the average person. He also pointed out that we certainly didn't have gas masks and other special devices needed for protection against nerve gas. A key problem—how to know when we are attacked by biological weapons—was also unsolved, according to Foster, although we were still investigating warning devices.

Based on the report prepared by his panel, Secretary General U Thant recommended that both chemical and biological weapons be abandoned. The report did not contain enough information about inspection techniques on which to base an effective ban on gas. In the view of many experts there are enough disadvantages to biological weapons to recommend their elimination even if inspection systems are imperfect. This amounts to a belief that a country would retaliate with conventional or nuclear weapons of a known deadlines rather than loose a plague on humanity. However, because poison gas is less indiscriminate, and therefore more controllable, it is extensively stockpiled by some countries and, in the eyes of military experts must be subject to inspection if it is to be fully banned.

I fully agreed with Secretary General U Thant's recommendation on biological warfare and wrote to Presdent Nixon urging that the United States support the United Kingdom resolution at the Eighteen Nation Disarmament Committee meeting. In a reply from the White House on August 19, 1969, William Timmons, special assistant to the President, replied for his chief that the

United States supports in principle the ban on biological warfare proposed by Britain.

I should mention that I have also introduced in the House of Representatives—and have been joined by almost 100 of my colleagues—a resolution urging President Nixon to resubmit for ratification the Geneva Protocol of 1925, which bans first use of chemical and biological warfare. President Nixon has since indicated that he would consider resubmitting the Protocol in the executive branch policy review now under way. I think it would be highly useful and in keeping with our highest principles of humanity to ratify this Protocol. And I believe effective inspection and control techniques can be developed, facilitating an eventual complete ban on chemical weapons. By supporting these actions, by working tirelessly for their realization, we would be reaffirming one of the few effective limits on man's inhumanity to man.

Secretary General U Thant's report has set the stage for action at Geneva and in Washington. What is done now is up to the people of the nations of the world and their leaders.

AGNEW—AT IT AGAIN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CLAY. Mr. Speaker, extremism did not die with the defeat of Barry Goldwater. It is alive and well in the care of Spiro Agnew. Vice President Agnew has picked up the label with a determination to make it stick on the American people.

In his most recent public outrage, the Vice President has taken on the television industry—specifically the well-known television commentators who did not, as the Vice President would have had them—praise the President for his Vietnam address. His position seems to be that the industry has a responsibility to mold public opinion around that of the country's leadership—however well-advised or representative that leadership may be. The Vice President must have doubts about the so-called "silent majority"—if he fears the observations of newsmen will carry more influence than the words of the President.

In this most recent outburst of the Vice President attacking our basic freedoms, he has publicly threatened blackmail of the press. It is a threat no American should take lightly—whether in agreement or disagreement with the notable spokesmen on television news programs.

Mr. Agnew accused these men of improper use of their authority—without noting his own improper use of his high office. President Nixon vowed his Vice President would make something of the office—and he has. It has become a soap box for the conservative's militant, freedom-curbing points of view, a position from which blasphemy flourishes without regard to the dignity of the office.

Dr. Frank Stanton, president of CBS, said:

> The speech an unprecedented attempt of the Vice President to intimidate a news medium which depends for its existence upon government licenses.

Julian Goodman, president of NBC said:

> Vice President Agnew's attack on TV news is an appeal to prejudice.

Leonard H. Goldenson, president of ABC, made what I consider a profound observation. He said his network was "fully confident in the ultimate judgment of the American public." I share that faith.

Coincident with Agnew's attack—all four television networks were conspicuously absent when more than one-quarter of a million people came to Washington this weekend to state their disagreement with the President's proposal for peace in Vietnam.

Agnew did not stop with the television industry—he even raked up the graves of sectional prejudices. He placed himself in Nebraska from which to chastise the people and the way of life of New York and Washington. Wake up, Mr. Vice President. We are all Americans and your disdain for us will not make us less adamant in our struggle for freedom and rights which are American.

Some have called Mr. Agnew's attacks ignorant. I do not agree. He knows precisely where he wants this country to go and mistakenly, he feels that "in our hearts" we want to go in that direction with him—or that we can be pushed in that direction. By his vocal rage, he hopes to force dissenters into his camp from fear. You are wrong, Mr. Vice President. As one sign in the march Saturday put it:

> When Agnew closes his mouth, I will get out of the street—signed: first time marcher.

SLAIN MARINE LEAVES SCHOLARSHIPS

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CRAMER. Mr. Speaker, we hear a lot about the lack of patriotism today. We are beset by demonstrators and revolutionaries attacking every one of our sacred institutions.

Therefore, I believe it important that we pause to remind ourselves that the vast majority of our young people are responsible and dedicated—and yes, even patriotic. The Yippies and the hatemongers may not know why we are in Vietnam, but the brave young people who are fighting there know what is at stake in Southeast Asia.

The depth of that understanding and willingness to make the necessary sacrifices was illuminated recently by an 18-year-old Marine from Stuart, a delightful Florida town of about 5,000 people on Florida's east coast, north of Palm Beach. The people at Stuart exemplify the best of small-town America, and the Marine, Charles Tyson, was one of their sons.

Here, according to the Associated Press, is his story:

Slain Marine Leaves Scholarship Fund

> Stuart, Florida.—A young Marine killed in Vietnam has left $2,500 of his GI insurance to his high school for two scholarships and a plaque dedicated to the school's war dead.
>
> The plaque will bear the famous last words of Nathan Hale:
>
> "I only regret that I have but one life to lose for my country."
>
> The Marine, Charles Tyson, 18, also bequeathed to the school the American Flag removed from his coffin just before his body was lowered into a grave in Fernwood Cemetery.
>
> The bequests were made in a will the young Marine drafted after telling his father in a last letter home that he had a premonition of death.
>
> His father, Leonard Tyson, told pupils of Martin County High School about the will at a special assembly Monday.
>
> "We know he loved it here," the elder Tyson said.
>
> The Marine private, who was too skinny to play high school football, called this small coastal town home after his father retired from a globe-trotting Army career.
>
> More than 1,000 persons sat silent as his parents read part of the Marine's last letter home.
>
> Young Tyson left two $1,000 scholarships to be awarded to a boy and girl in the 1970 graduating class. He also left $500 for the plaque.

It goes without saying that my sympathy goes out to the grieving parents. But above all, we should feel proud that Marine Charles Tyson, 18, lover of his country, its flag, and its hallowed institutions—we should feel proud that he was one of us.

DAY-CARE FACILITIES FOR CHILDREN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. OTTINGER. Mr. Speaker, I proposed a plan last year to get welfare mothers off relief rolls and on to payrolls. One of the best ways to do this is to provide adequate day care facilities for their children. Day care is both financially and socially advantageous.

Aid to families with dependent children—AFDC—continues to be the largest of all public assistance programs. We must help these recipients help themselves to become self-supporting. Day care services operated by welfare recipients for the children of welfare recipients, and other women in low-income groups is a promising approach to this problem.

An interesting analysis of day-care programs in northern Westchester County, N.Y., appeared in the Patent Trader of Saturday, November 15, 1969. I commend it to the attention of my colleagues:

New Aids at Hand for Starting Badly-Needed Day-Care Centers

(By Joanne Dann)

> Northern Westchester urgently needs more day care centers for low and middle income mothers who want to go to work. In addition these centers can provide enrichment for children—instead of serving only as custodians.
>
> Not only are there too few of the centers but the lack of adequate public transportation compounds the problem. The mother in Goldens Bridge, for example, who wants to work is hard pressed to get her child to Mt. Kisco, Katonah or Armonk for day care.
>
> "What I need is something close by," a welfare mother in Hawthorne explains. "I want to be able to go to work, and I want my son to be with other children during the day."

The answer for the estimated 9,000 children who could use day care may be many small centers spotted strategically throughout the northern part of the county. Another help would be state subsidy of busing for day care centers.

How are day care centers started? Until now most have been fostered by church groups.

For example, the Katonah Day Care Center grew in 1966 out of a pilot "Who is My Neighbor" church project. "We decided the care of the children of working mothers was our real need, and it grew and grew," says Mrs. Bracebridge Young, executive director of the center.

Area churches financed the day care group's early sessions. Last year the center's budget was $32,000 and this year, for the first time, the United Fund will contribute to its running expenses.

The Mt. Kisco center, began privately by Mrs. Ruby Gadsen, has been housed by the Lutheran Church of the Resurrection in the Village, and in Armonk the Children's Center is housed in the Methodist Church and is supervised by that church's Commission on Education.

In Mt. Kisco where it is estimated that one in five mothers not now working would work if there were adequate day care, the village's Interfaith Council of Churches is looking into the mechanics of establishing a second day care center.

Methods of beginning new centers may change, however. A state bill passed in May authorizes the State Housing Finance Agency to provide up to $50 million in mortgage loans for constructing and equipping day care centers. A public corporation known as the Youth Facilities Project Guarantee Fund was created and authorized to guarantee the principal and interest on the mortgage loans and to guarantee up to 80 per cent of the principal of loans made by private lending institutions.

Corporations which build centers under the new program must be subject to supervision by the New York State Department of Social Services. Rates charged will be subject to department approval as well.

Greenburgh, the first community granted funds under the new act, has obtained a mortgage loan of a million dollars to build a new day care center.

Some are disturbed at the size of the first loan considering the fact that only $50 million is available throughout the state. "Remember, it's a loan, not a grant. How can they pay it back?" one day care expert asks.

The practicality of establishing huge day care centers in areas with poor transportation is also open to question. One facet of the new bill which permits municipalities to lease space in public buildings for nonprofit day care centers may help smaller centers get established. In addition, the new legislation permits limited profit housing companies to provide child care facilities in housing projects.

After a group has decided it wants to establish a day care center, what is the next step? According to Mrs. Inez Singletary, head of the Day Care Council of Westchester, one can start by writing for a pamphlet called "Day Care Centers," to the Publications Clerk, New York State Department of Social Services, 1450 Western Avenue, Albany, N.Y. 12203. This will provide much of the needed basic information.

Then, she says, one must find a place for a center. Next comes application to the state Department of Social Services for a "site visit" to be sure that the site is adequate. Simultaneously, she suggests the hiring of a lawyer for incorporation and for the application to receive a non-profit designation.

After the visit of the social services agency, the founding group will get an application to receive accreditation. Financing may be raised through church or local fund raising projects—although United Fund money for operation may be obtained only after the center has been running for a year.

If families that will use the center are on welfare or have marginal incomes, application may be made to the Department of Social Services for county aid for part of day care costs.

And finally, in order to finance a new center, application may be made through the State Department of Social Services for a state loan under the new Youth Facilities Project Guarantee fund.

Under the impetus of the new bill that established the fund which went into effect September 1, social service agencies have gone all out in urging day care.

The New York State Board of Social Welfare two weeks ago directed all local departments to establish day care programs and told its staff to help local commissioners and community groups to develop these services. It also directed the State Department of Social Services to speed up the processing of applications for state loans under the new program.

Baldwin Maull, head of the New York State Board of Social Welfare, has also advocated family day care projects run by groups of welfare mothers, so that other welfare mothers can work or can attend job training programs.

Last year, the County Department of Social Services for the first time budgeted $288,000 for family group day care, to be paid for out of child welfare money.

Recently, the New York State Department of Social Services has seriously considered buying "slots" in day care centers, and filling them with the children of families who need them most.

Several weeks ago the United Fund of Westchester pinpointed day care as a priority for agency funds.

Money is finally available. The social agencies have rallied. It is now up to individual groups throughout the northern end of the county to make use of the aids available to them for starting more day care centers.

"Slowly we're waking up to day care needs," says Mrs. Singletary, and slowly communities are beginning to come to the Day Care Council in White Plains for help. "I think the picture may be brightening," she says.

VETERANS DAY CELEBRATION IN BIRMINGHAM, ALA.

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NICHOLS. Mr. Speaker, on November 11, the city of Birmingham celebrated its 23d year of National Veterans Day observances with a full slate of parades and dinner engagements and distinguished speakers. Over 35,000 people participated actively in these observances and there were over 100,000 spectators.

Some of the distinguished personages participating in these programs were the Secretary of the Army, Stanley Resor; Rear Adm. James W. Kelly, Navy Chief of Chaplains; and Col. Roscoe Turner, a pioneer in the aviation history of this country whose name belongs with the other greats of flying, the Wright brothers, Wiley Post, Charles Lindbergh, and others.

Colonel Turner was the guest of honor at the national veterans award dinner on November 10 and was presented the distinguished national veterans award.

Colonel Turner flew his first airplane in 1917 and has won both the Bendix and Thompson trophies for his tireless and successful efforts to increase aircraft speed.

Although Colonel Turner is supposedly retired, he still serves as an adviser to the congressional Science and Astronautics Committee.

The remarks which he made in accepting this honor prove that this fine American veteran, who has dedicated his entire life to the service of his country, has certainly not retired from responsible citizenship. I believe that you will be interested in his remarks.

> I thank you for this great honor that you have bestowed on me tonight. I thank you for placing my name with the names of the great patriotic leaders, many of whom I have had the privilege and honor of meeting.
>
> I accept this honor with great humility in the name of all veterans—those living and those who have made the supreme sacrifice so that we could continue to be a free people.
>
> No one likes war. All of us have disagreed one time or the other with our political leaders about how we got into a war, but when the chips were down, we were for our country, right or wrong, until the shooting was over.
>
> We will all agree, I believe, that our country is in a terrible shape. But we should realize that we are responsible for the present condition our country is in. These antiwar demonstrations are a stab in the back for our armed forces in Viet Nam. Why? Let me give you three definitions from Webster's Dictionary which I believe aptly define those who are rioting in our streets:
>
> *Sedition*—Any act aimed at disturbing the peace of the realm or at producing insurrection.
>
> The leaders of the protestors actively encourage young men to defy the draft, to refuse to serve their country, to advocate victory for the enemy, and to riot in the streets.
>
> *Traitor*—One who betrays person, country or cause.
>
> The demonstrators are betraying our servicemen in Viet Nam, our country, and the cause of freedom that we are fighting for.
>
> *Treason*—Disloyalty to country; act of betrayal.
>
> Their actions speak for themselves, and I am sure that none of us doubt that these actions constitute disloyalty and betrayal.
>
> All of these crazy riots and demonstrations could have been nipped in the bud if we had proper leadership in both low and high places. Unfortunately many of our leaders do not recognize the great danger that our country is in. The present unrest is engineered, guided and financed by Communists, Socialists, pacifists and other traitors to our system of doing things.
>
> Our educational institutions were established for learning and knowledge at great expense to taxpayers and private contributors. They were not established for students to take over, disrupt classes, and burn buildings. If the students knew how to meet the payroll and manage the place, we would not need chancellors, presidents, trustees and boards of regents.
>
> How can we change this situation? We should first dismiss students who are not satisfied with where they are. We should also not allow anyone to teach who will not take an oath of allegiance to our flag and the country for which it stands.
>
> We must make it our business to clean up this mess and continue in a position of leadership and strength. There has never been an instance in recorded history where appeasement has ever won a victory.
>
> Ladies and Gentlemen we must stand up and be counted and heard.
>
> Again thank you for this great honor and the privilege of being with you.

PRENATAL MURDER BECOMES LAWFUL—CAPITAL TO BECOME ABORTION MECCA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, U.S. Judge Gerhard A. Gesell, who bought his judgeship by preparing the infamous Gesell report for the Kennedy-McNamara team, is in the news again. He has now decided that in the District of Columbia the Government cannot prevent abortions provided they are performed by licensed physicians. That he apparently believes in a right to extinguish unwanted life without trial is no real surprise. Earlier this year he directed a jury to return a verdict of not guilty in the trial for first-degree murder of the Negroes who murdered two young Marine officers during the Abernathy "nonviolent" occupation of the Mall in 1968. His last headline case was earlier this month when he refused to impose the death penalty on the convicted murderer of two FBI agents.

Fully realizing that his "freedom to commit abortion" ruling will be violently opposed by decent people who take seriously the moral charge to do no murder, Judge Gesell instructed the government attorneys to immediately appeal his ruling to the U.S. Supreme Court. Apparently Judge Gesell feels that when the Supreme Court approves of his decision, it will then bear respectability.

One wonders how Judge Gesell and his ilk can justify the murder of unborn children as legal and yet refuse to permit the State to take the lives of convicted murderers, rapists, and other dangerous criminals.

Most Americans do not understand the longtime connection between the Kennedys, Gerhard A. Gesell, and Supreme Court Justice William O. Douglas. I think that the biographies of the two judges from the Congressional Directory may be most informative:

[From the Congressional Directory]

WILLIAM ORVILLE DOUGLAS

William Orville Douglas, Associate Justice of the Supreme Court of the United States, was born at Maine, Minn., on October 16, 1898; graduated from Whitman College, Walla Walla, Wash., A. B., 1920, and from Columbia University Law School, L.L. B., 1925; practiced law New York and Washington; member of law faculties, Columbia and Yale; member of Securities and Exchange Commission, 1936–39, chairman, 1937–39; nominated Associate Justice of the United States Supreme Court by President Roosevelt, March 20, 1939; confirmed by the Senate, April 4, 1939, and took his seat April 17, 1939.

GERHARD A. GESELL

Gerhard A. Gesell, judge; born June 16, 1910, Los Angeles, Calif., son of Dr. Arnold L. and Beatrice Chandler Gesell; married Marion Holliday Pike, September 19, 1936; children: Peter Gerhard, Patricia Pike; graduate Phillips Andover Academy, 1928; A.B. Yale 1932, LL. B. Yale, 1935; member of the District of Columbia and Connecticut bars; attorney with Securities and Exchange Commission at Washington, D.C., 1935–40; technical adviser to chairman, 1940–41; acted for Commissioner as special counsel Temporary National Economic Committee, study legal resumes life insurance companies; partner in private practice, Covington & Burling, Washington, D.C. 1941–67; member American Bar Association, fellow American College of Trial Lawyers; American Law Institute, District of Columbia Bar Association, Phi Delta Phi; member, executive committee, The Madeira School; honorary member, board of directors, Children's Hospital; honorary member, executive committee, Yale Law School Association; received Yale Law School Citation of Merit, April 1967; chief assistant counsel Joint Congressional Committee on Investigation Pearl Harbor Attack, 1945–46; chairman, President's Commission on Equal Opportunity in the Armed Forces, 1962–65; member, Lawyer's Committee for Civil Rights Under Law, 1963–67; chairman, Committee on the Administration of Justice of the Judicial Conference of the District of Columbia, 1966–67; nominated by President Lyndon B. Johnson November 29, 1967, confirmed by the Senate December 7, 1967, and took oath of office January 2, 1968 under Presidential Commission of December 11, 1967. Residence: Washington, D.C.

Since many Members may not be familiar with the Gesell report and the participation of former Justice Abe Fortas in its preparation, I include its full text in my remarks at this point:

[From the CONGRESSIONAL RECORD, Aug. 7, 1963]

THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN THE ARMED FORCES—INITIAL REPORT, EQUALITY OF TREATMENT AND OPPORTUNITY FOR NEGRO MILITARY PERSONNEL STATIONED WITHIN THE UNITED STATES, JUNE 13, 1963

(Chairman, Gerhard A. Gesell)

DEPARTMENT OF DEFENSE NEWS RELEASE, JULY 26, 1963

Secretary of Defense Robert S. McNamara, as requested on June 21, 1963, has reported to the President following his review of the recommendations of the President's Committee on Equal Opportunity in the Armed Forces.

In his memorandum, Secretary McNamara states that he has issued a directive stating Department of Defense policy with respect to off-base discrimination.

Copies of both the Secretary of Defense Memorandum to the President dated July 24, 1963, and the directive referred to in this memorandum are attached.

THE SECRETARY OF DEFENSE,
Washington, D.C., July 24, 1963.

Memorandum for the President.

On June 21 you sent me a copy of the initial report of your Committee on Equal Opportunity in the Armed Forces and asked that I review the document and report on the recommendations within 30 days. This memorandum responds to that request.

In its year of work the Committee observed racial imbalances and vestiges of racial discrimination within the Armed Forces themselves. Nevertheless, the Committee found that in the main, racial equality is a reality on military bases today. The Department of Defense will eliminate the exceptions and guard the continuing reality.

It is to the Department's off-base responsibilities that the Committee has devoted the bulk of its report. In eloquent terms the Committee has described the nature and pervasiveness of off-base discrimination against Negro servicemen and their families, the divisive and demoralizing impact of that discrimination, and the general absence of affirmative, effective action to ameliorate or end the off-base practices affecting nearly a quarter of a million of our servicemen.

Our military effectiveness is unquestionably reduced as a result of civilian racial discrimination against men in uniform. The Committee report has made this point with great clarity. With equal clarity it demonstrates that the Department of Defense has in the past only imperfectly recognized the harm flowing from off-base discrimination. That imperfect recognition has in turn meant the lack of a program to correct the conditions giving rise to the harm.

The Committee report contained recommendations for such a program. Consistently therewith I have issued a directive explictly stating Department of Defense policy with respect to off-base discrimination and requiring:

Preparation of detailed directives, manuals, and regulations making clear the leadership responsibility both on and off base and containing guidance as to how that responsibility is to be discharged.

Institution in each service of a system for regularly monitoring and measuring progress in this field.

We are in the process of establishing a staff element within my office to give full time to such matters.

While the foregoing is in accord with the recommendations of the Committee, the details of the program necessarily will be found in the manuals and regulations to be issued as a result of my directive.

The initial Committee report contained many specific recommendations on recruitment, assignment, promotion, techniques for eliminating on- and off-base discrimination, housing, education, and recording of racial data. Many of these have been or will be put into effect, but some require more study and on a few we have reservations. These will be discussed further with the Committee.

The recommendations on sanctions do require special comment. The Committee suggests using a form of the off-limits sanction when, despite the commander's best efforts with community leaders, relentless discrimination persists against Negro servicemen and their families.

Certainly the damage to military effectiveness from off-base discrimination is not less than that caused by off-base vice, as to which the off-limits sanction is quite customary. While I would hope that it need never be put in effect, I agree with the Committee that a like sanction against discrimination must be available. It should be applied, however, only with the prior approval of the Secretary of the Military Department concerned.

The Committee also suggested the possibility of closing bases near communities where discrimination is particularly prevalent. I do not regard this as a feasible action at this time.

In your letter transmitting the Committee report you wrote that "Discriminatory practices are morally wrong wherever they occur—they are especially inequatible and iniquitous when they inconvenience and embarrass those serving in the armed services and their families."

Guided by those words and the report of your Committee on Equal Opportunity in the Armed Forces, the military departments will take a leadership role in combating discrimination wherever it affects the military effectiveness of the men and women serving in defense of this country.

ROBERT S. MCNAMARA.

DEPARTMENT OF DEFENSE DIRECTIVE

Subject: Equal opportunity in the Armed Forces.

Reference: Department of Defense Directive No. 512027, "Assistant Secretary of Defense (Manpower)," June 7, 1963.

I. POLICY

It is the policy of the Department of Defense to conduct all of its activities in a manner which is free from racial discrimination, and which provides equal opportunity for all uniformed members and all civilian employees irrespective of their color.

Discriminatory practices directed against Armed Forces members, all of whom lack a civilian's freedom of choice in where to live, to work, to travel, and to spend his off-duty hours, are harmful to military effectiveness. Therefore, all members of the Department of Defense should oppose such practices on every occasion, while fostering equal opportunity for servicemen and their families, on and off base.

II. RESPONSIBILITIES

A. Office of the Secretary of Defense:

1. Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, the Assistant Secretary of Defense (Manpower) is hereby assigned responsibility and authority for promoting equal opportunity for members of the Armed Forces.

In the performance of this function he shall (a) be the representative of the Secretary of Defense in civil rights matters, (b) give direction to programs that promote equal opportunity for military personnel, (c), provide policy guidance and review policies, regulations and manuals of the military departments, and (d) monitor their performance through periodic reports and visits to field installations.

2. In carrying out the functions enumerated above, the Assistant Secretary of Defense (Manpower) is authorized to establish the Office of Deputy Assistant Secretary of Defense (Civil Rights).

B. The military departments:

1. The military departments shall, with the approval of the Assistant Secretary of Defense (Manpower), issue appropriate instructions, manuals and regulations in connection with the leadership responsibility for equal opportunity, on and off base, and containing guidance for its discharge.

2. The military departments shall institute in each service a system for regularly reporting, monitoring and measuring progress in achieving equal opportunity on and off base.

C. Military commanders: Every military commander has the responsibility to oppose discriminatory practices affecting his men and their dependents and to foster equal opportunity for them, not only in areas under his immediate control, but also in nearby communities where they may live or gather in off-duty hours. In discharging that responsibility a commander shall not, except with the prior approval of the Secretary of his military department, use the off-limits sanction in discrimination cases arising within the United States.

III. IMPLEMENTATION

Not later than August 15, 1963, the military departments shall forward for the approval of the Assistant Secretary of Defense (Manpower) an outline plan for implementing this directive.

IV. EFFECTIVE DATE

This directive is effective immediately.

ROBERT S. MCNAMARA,
Secretary of Defense.

Mr. Speaker, I also include at this point the report, with accompanying letter, which I have referred to known as the Gesell report:

THE PRESIDENT'S COMMITTEE ON
EQUAL OPPORTUNITY IN THE
ARMED FORCES,
Washington, D.C., June 13, 1963.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: There is transmitted herewith the initial report of the President's Committee on Equal Opportunity in the Armed Forces covering the work of the Committee during its first year of existence.

This report considers problems of equal opportunity affecting Negro military personnel on and off base within the United States. The recommendations emphasize matters which the Committee believes should receive the immediate attention of the Secretary of Defense. The Committee is available to consult as to any plan of action which the Department of Defense proposes to put into effect to meet the specific matters covered by this initial report.

Discrimination in the Reserve and National Guard and problems of equal opportunity affecting Negro military personnel serving in oversea areas have been under intensive study. A further report covering these matters will be completed soon.

Yours respectfully,

NATHANIEL S. COLLEY.
ABE FORTAS.
GERHARD A. GESELL,
Chairman.
LOUIS J. HECTOR.
BENJAMIN MUSE.
JOHN H. SENGSTACKE.
WHITNEY M. YOUNG, JR.

THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN THE ARMED FORCES—INITIAL REPORT, EQUALITY OF TREATMENT AND OPPORTUNITY FOR NEGRO MILITARY PERSONNEL STATIONED WITHIN THE UNITED STATES, JUNE 13, 1963

I. INTRODUCTION

This initial report, covering the work of the Committee since its appointment in June 1962, considers certain matters involving equality of treatment and opportunity for Negro military personnel stationed within the United States.

The Committee has been actively exploring the two questions it was directed to consider, i.e.:

"1. What measures should be taken to improve the effectiveness of current policies and procedures in the Armed Forces with regard to equality of treatment and opportunity for persons in the Armed Forces?

"2. What measures should be employed to improve equality of opportunity for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, community events, programs, and activities?"[1]

The Committee has held frequent sessions of 2 to 3 days' duration. During these sessions discussions were held with installation and other commanders, representatives of the Department of Defense and the services, officials of interested Federal agencies, and others.[2] Committee members have traveled to a number of military bases and have interviewed officers and enlisted personnel of all ranks. In addition, information has been gathered through questionnaires and complaints received from servicemen.

The Committee has devoted its efforts to formulating general policies and recommendations and has not conducted detailed hearings and investigations into the merits of individual specific claims of discrimination. The Committee's inquiries have been courteously received with full cooperation.

II. THE INTEGRATION AND PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

Prior to 1948, the Negro had little or no opportunity in the Armed Forces. His skills and even his ability were a matter of debate. He was officially segregated, if not excluded; his duties were limited and his ability to serve his country in time of need was minimized or ignored. Such official policies no longer exist, and, in the main, the conditions which accompanied them have disappeared. Negroes have made military service their career in increasing numbers. They are formally integrated and have served well in both officer and enlisted ranks in times of war and peace.

It is desirable at the outset to review how this change occurred. In July 1948, President Truman, by Executive Order No. 9981, made the following declaration of principle which has since been applied throughout the Armed Forces:

"It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services, without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."

On this occasion, President Truman appointed a committee to advise how this policy could best be implemented. As a result of the Executive order and the work of that committee, with continuing emphasis by succeeding administrations during the subsequent years, the Armed Forces were gradually integrated, and recognition was given to the ability of Negroes to train for, and serve in, all capacities.

This is the first general policy review of questions of equality of treatment and opportunity in the Armed Forces since that committee completed its work approximately * * * vast changes which have occurred since that time. Not only have there been dramatic developments in the field of racial equality, but under the stress of international events and technological developments the composition and mission of the Armed Forces have substantially changed. While steps taken pursuant to President Truman's Executive order were essential first ones in dealing with racial problems in the Armed Forces, it is wholly appropriate now to consider what further must be done to assure equality of treatment and opportunity for all qualified military personnel in the light of present-day conditions.

Any consideration of problems pertaining to equality of treatment and opportunity for Negroes in the Armed Forces must emphasize the vast scope and complexity of the Military Establishment. As of September 30, 1962, there were 2,674,000 men in uniform stationed at home and abroad. Of these, approximately 1,900,000 were stationed in the United States. Within the 50 States alone, there are 1,145 military installations to which 100 or more military personnel are assigned, and some 88,000 military personnel are assigned to many smaller installations in the United States. These installations are scattered throughout the 50 States.

There are no quotas or other forms of limitations on the recruiting of Negroes or on their assignment to career fields. All writen policies governing advancement and promotion through both enlisted and commissioned ranks are nondiscriminatory in character.

The number of Negroes in the Armed Forces has increased since President Truman's Executive order was issued in 1948. Nevertheless, while about 11 percent of our population is Negro, it is significant that only

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[1] Letter from President dated June 22, 1962.

[2] The principal organizations providing information and assistance to the Committee, apart from the Department of Defense and the Services, have been the President's Committee on Equal Opportunity in Housing, the President's Committee on Equal Employment Opportunity, the Department of Justice, the Department of Health, Education, and Welfare, the Housing and Home Finance Agency (especially its component, the Federal Housing Administration), and the U.S. Commission on Civil Rights. The Commission on Civil Rights has been especially helpful in furnishing factual information for study by the Committee. Generally, other agencies have furnished published information. None of these organizations bear any responsibility for the conclusions or recommendations of this Committee.

8.2 percent of all military personnel is Negro. The following table graphically demonstrates the disparities between the overall Negro population percentage and the percentages of enlisted and officer personnel found in each service.

Negro personnel as percent[1] of all personnel 1949–62

Percentage of Negroes in national population	11.0
Army:	
Enlisted:	
1949	12.4
1954	13.7
1962	12.2
Officers:	
1949	1.8
1954	3.0
1962	3.2

Negro personnel as percent[1] of all personnel 1949–62—Continued

Navy:	
Enlisted:	
1949	4.7
1954	3.6
1962	5.1
Officers:	
1949	0
1954	.1
1962	.2
Air Force:	
Enlisted:	
1949	5.1
1954	8.6
1962	9.1
Officers:	
1949	.6
1954	1.1
1962	1.2

Negro personnel as percent[1] of all personnel 1949–62—Continued

Marine Corps:	
Enlisted:	
1949	2.1
1954	6.5
1962	7.7
Officers:	
1949	0
1954	.1
1962	.2

[1] To the nearest 1/10 of 1 percent.

As these figures show, Negro participation in officer ranks is still very small for all the services. A breakdown of the current number of Negroes and their relative percentage in both commissioned and enlisted ranks, shown in the following tables, reveals that substantial progress must yet be achieved:

TABLE I.—STATISTICS ON NEGRO COMMISSIONED OFFICERS[1]

Rank		Number and percent of Negro personnel in each rank							
		Army		Navy		Air Force		Marine Corps	
Army, Air Force, and Marine Corps	Navy	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Generals (all types)	Admirals (all types)	0	0	0	0	1	0.29	0	0
Colonels	Captains	6	.11	0	0	6	.14	0	0
Lieutenant colonels	Commanders	117	.95	3	.03	67	2.54	0	0
Majors	Lieutenant commanders	424	2.47	17	.14	124	.60	0	0
Captains	Lieutenants	1,532	5.21	88	.35	615	1.74	7	.17
1st Lieutenants	Lieutenants (junior grade)	650	4.33	57	.39	317	1.56	16	.44
2d Lieutenants	Ensigns	421	2.26	29	.22	170	1.45	9	.28
Total officers and percentages		3,150	3.2	174	.24	1,300	1.24	32	.21

[1] 1962 data for all services. The Air Force figures include only officers assigned to duty in the 48 States of the continental United States. All other figures are complete and worldwide in scope.

TABLE II.—STATISTICS ON NEGRO ENLISTED PERSONNEL[1]

Grade	Number and percent of Negro personnel in each grade							
	Army		Navy		Air Force		Marine Corps	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
E-9 (highest)	76	2.97	22	1.30	32	0.83	5	0.71
E-8	586	5.72	89	1.22	140	1.67	19	.81
E-7	3,143	7.64	984	2.42	616	2.51	142	2.12
E-6	10,496	12.65	2,843	4.43	2,115	4.19	417	3.93
E-5	21,892	16.28	5,370	6.23	10,287	9.33	1,490	8.65
E-4	21,133	12.20	6,771	6.59	14,321	12.47	2,663	9.08
E-3	26,385	11.90	7,502	5.11	11.505	9.26	3,101	8.14
E-2	10,836	10.58	5,396	5.22	6,951	10.23	3,727	8.01
E-1 (lowest)	8,456	11.15	1,431	4.77	597	17.17	1,787	7.55
Total enlisted members and percentages	103,003	12.20	30,408	5.22	46,564	9.1	13,351	7.59

[1] 1962 data for all services. The Air Force figures are drawn from certain selected commands, and represent about 76 percent of all Air Force enlisted personnel. All other figures are complete and worldwide in scope.

The Armed Forces have made an intelligent and far-reaching advance toward complete integration, and, with some variations from service to service, substantial progress toward equality of treatment and opportunity. By and large, military bases reflect a clear pattern of integration. Segregation or exclusion of Negroes from barracks or other onbase housing facilities is not allowed. Military messes and all other onbase facilities are open to all personnel without regard to race. Negro personnel serve with whites in almost all types of units and at all unit levels. Negroes command white and Negro troops. Although the distribution is quite uneven, as will appear, Negroes have been placed in virtually all of the numerous job specialties and career fields which exist in the various services.

The committee feels, however, that the urgency of the remaining problems faced by Negro military personnel requires that this initial report be rendered at this time, so that corrective action may begin without delay. The headlines of recent weeks highlight this urgency. The great progress made is not enough. Negro military personnel and their families are daily suffering humiliation and degradation in communities near the bases at which they are compelled to serve, and a vigorous, new program of action is needed to relieve the situation. In addition, remaining problems of equality of treatment and opportunity, both servicewide and at particular bases, call for correction. National policy requires prompt action to eliminate all these conditions. Equal opportunity for the Negro will exist only when it is possible for him to enter upon a career of military service with assurance that his acceptance and his progress will be in no way impeded by reason of his color. Clearly, distinctions based on race prevent full utilization of Negro military personnel and are inconsistent with the objectives of our democratic society.

III. IMPROVING THE PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

A. There is need to make greater efforts to attract qualified Negroes

All services are making strenuous efforts to attract and hold personnel. Only the Army still relies to some extent on the draft, but all branches of the Armed Forces report difficulty in recruiting qualified personnel of all races. As the statistics previously presented discloses, the participation of the Negro in the Armed Forces is less than the percentage of Negroes in our total population.

Negroes are only now coming to realize that opportunity is available in the Armed Forces. Undoubtedly, the glaring lack of opportunity which existed not so many years ago and the limited progress which Negroes have as yet made to higher ranks have, in part, produced this result, as have other inequalities and conditions confronting Negro military personnel off base. Moreover, continuing educational disadvantages make many Negroes unavoidable for certain types of job opportunities in the Armed Forces.

The means by which individuals are influenced to enter the service are, of course, important. While methods differ in each service, there is, at the present time, little recruiting directed toward Negroes and insufficient awareness on the part of recruiting officers of special matters which would be of interest to potential Negro personnel.

For example, of the illustrative photographs in the occupational training guide of one service, the only Negro shown is an enlisted man, in kitchen garb in the steward field, where he appears working with a uniformed, white enlisted man. In general, Negroes rarely appear in recruiting literature, and then almost never on the cover together with other personnel or in the more appealing action shots.

Service programs to attract personnel

properly emphasize special educational backgrounds and technical training, a need resulting from the increasing complexity of military operations. Unless Negroes with such aptitudes are encouraged to enter the services, there is the danger that the Negro least attractive to private industry and other career fields—men not always in a position to take full advantage of the opportunity offered by the services—will enter the Armed Forces.

Turning from the general problem of attracting Negroes to the Armed Forces to the particular question of officer selection, it should be noted at the outset that officers are obtained by the services from several sources. For instance, there is direct commissioning of persons with special skills, including doctors, dentists, and certain others.

In addition, the services obtain officers through the respective Academies, officer candidate programs, and, in significant numbers, from ROTC programs. Negroes are currently represented at all of the Academies—14 at West Point, 10 at the Naval Academy, and 15 at the Air Force Academy—and the other programs and sources are all offering Negroes for officer training. Participation of Negroes in these programs and services is discussed below in the section of this report dealing with educational opportunities.

Additional Negro officer participation can be achieved only by attracting qualified candidates through improved opportunity for Negroes in the military service. It should be noted that the standards one must meet to become an officer are necessarily high and that the military is competing for skilled personnel with other employers who can often offer greater material rewards to Negroes and whites alike.

B. Recommendations for attracting qualified Negroes

In order to increase the presently insufficient flow of qualified Negroes into the Armed Forces, techniques and procedures to attract persons should be carefully reexamined to insure that they do not operate to reduce the entry of qualified Negroes into the service. The problems here do not appear to be ones of an affirmative discrimination encouraged by official service policies. Rather, the condition results from a lack of adequate attention to, and review of, several aspects of the personnel selection process. The services should initiate a more informed solicitation of colleges having substantial numbers of Negro students, develop literature appealing to Negroes and make wider use of Negro officers in recruiting assignments. Special efforts should be made to find and recruit Negroes with the special aptitudes the services now require and affirmative steps should be taken to insure that no recruiting personnel, consciously or unconsciously, channel Negroes to particular career fields, disregarding their aptitudes.

To increase the pitifully small number of Negro officers, energetic efforts must be made to raise the number of Negroes in the Academies and in all other programs which supply officers for the services.

Finally, the services should continually review all aspects of personnel selection procedures and their operation, to minimize the possibility of discrimination, especially discrimination by individuals in positions of responsibility at all service levels.

C. There is need for continuing reappraisal of assignment patterns

The assignment of an occupational classification to an enlisted man, shortly after he enters military service, is usually one of the most significant actions affecting his entire service career. It will have an obvious bearing upon his training and duty assignments, and upon his earnings outlook, as well, since the more technical specialties normally offer greater opportunities for grade advancement and related benefits. Initial classification action normally occurs during basic training. The bases for such classification are the results of detailed aptitude testing, an evaluation of pertinent training, work experience and interests, and a personal interview. Actual assignments to particular schools or specialties are also influenced by available quotas and changes in skill requirements.

There have been a number of complaints from Negro military personnel at particular bases to the effect that discrimination exists as to duty and career field assignments. Since many factors enter into assignment decisions, the merits of these complaints are difficult to determine without exhaustive inquiry. Statistics do show that on a servicewide basis, Negroes are to be found assigned to virtually all occupational areas.

However, there is some evidence of a disproportionate grouping of Negro enlisted personnel in the service area. For example, one out of every five Negroes in the Navy is in the food service career field, along with a substantial number of Filipinos. The heavy proportion of Negroes in this career field undoubtedly reflects the policy, now abandoned, of assigning Negroes only to occupations such as food service and other support-type activities.

To some extent, unevenness of assignment represents the cumulation of individual preferences. In any event, the bunching of Negro military personnel in any particular category, for whatever reasons, operates as a brake upon advancement because only a limited number of promotion vacancies are available in any particular career specialty.

Conversely, Negro participation in most technical career fields is slight, though relative participation appears to be increasing. Such fields include, for example, electronics and crafts in the Navy, and electronic maintenance in the Air Force. These patterns appear to have improved in the case of more recent entrants into service, reflecting the impact of policies designed to provide equal treatment and opportunity for Negroes in the Armed Forces. The improvement has been dramatic in the Navy and Marine Corps, although, it is evident that some difference in relative occupational distribution persists. The trend toward equal occupational distribution has resulted in an increasing proportion of Negroes in the white collar skills and in many of the more technical specialties.

Many of the Negroes in the Navy and Marine Corps are still grouped in assignments which perpetuate the image of the Negro as a menial or servant in respect to the total activities of these services, and it will take some time before the more recent assignment trends rectify this discrepancy.

Service policies governing the assignment and advancement of military personnel find their reflection in the atmosphere of each particular base. Where assignments in any substantial way appear to reflect the relegation of Negro personnel to particular activities or where there is an unexplained absence of Negro officers in significant duty assignments, the posture of the base as a whole is unavoidably one of inequality of treatment and suggests to Negro personnel that there is a lack of opportunity. In some instances, of course, such patterns are created unconsciously since the services generally assign personnel to particular bases without regard to race. As a result, the representation and assignments of Negroes on a particular installation may be quite inconsistent with the pattern of the particular service as a whole.

Since the number of Negro officers in the Armed Forces is very small, there are still relatively few Negro officers at most installations, and the commands and headquarters are often overwhelmingly white. Several installation commanders expressed the view that a greater proportion of Negro officers would be helpful to the morale of the installation as a whole.

D. Recommendations for improving assignment patterns

Because of the importance of the assignment of an occupational classification to a new enlisted man, the procedures affecting such assignment, as well as their results, must be carefully and regularly reviewed to see whether they operate to insure equality of treatment and opportunity for Negro military personnel. While new Negro personnel or applicants are interviewed, they should be made fully aware of the variety of opportunities available before being required to express preferences for career fields. Special effort should be made to recognize potential capacities of Negroes at the time of recruitment and at other appropriate times, and to encourage their entering, with proper vocational assistance, into career fields which match latent skill.

In addition, continuing efforts must be made to place Negro personnel in as many special and technical career fields and positions of troop command as possible, in order to afford Negro personnel wide training and insure the fullest utilization of available talent. In this regard, the disproportionate bunchings of Negro personnel in certain service career fields should be reexamined, these personnel retested, carefully advised about other fields for which they are trainable, retrained accordingly and reassigned.

Although the Committee does not feel competent to recommend specific procedures for assuring the participation of Negro officers at base and regional headquarters in all sections of the country, it is advisable to point out that informal efforts to minimize Negro assignment to certain bases, however well motivated, are undesirable.

E. There is need to improve procedures affecting promotions

The slight Negro participation in higher noncommissioned and commissioned ranks, indicated in tables I and II above, suggests strongly that Negroes, at least in the past, have not enjoyed equality of treatment and opportunity in the Armed Forces. In any event, this pattern acts to deter other Negroes from choosing the Armed Forces as a career.

Generally, advancement in the noncommissioned ranks is based, among other things, upon the recommendations of commanding officers, and involves board actions of various kinds as well as certain written examinations. None of the higher noncommissioned officer ranks can be achieved without long periods of duty in the service and there are many Negroes who have not yet served the minimum time required. Satisfaction of minimum requirements does not, however, assure promotion since the number of openings available are limited by the necessities of the military organization and may be smaller than the number of men meeting minimum requirements.

Selection for promotion from among qualified personnel is based on value judgments formed from a review of the entire experience of these qualified for advancement. There is at the present time no system within any of the services for periodic review of noncommissioned officer promotions in order to investigate and eliminate the possibility that elements of racial bias may have been operative in the selection or rating of candidates at installation and other levels where crucial decisions affecting a man's career are made.

Each of the services has established a system for selecting officers for promotion by action of specially appointed boards of senior officers. When there are variations, the systems have much in common. All services have to maintain high standards and are faced with very substantial attrition due to legislation and other factors which limit the number of officers that may hold a particular rank at a given time. Efforts have been made by all of the services to establish fair promotion criteria. In the nature of things, however, it is inevitable that many officers fail of promotion. Competition is extremely keen and minor differences in experience, training and personality may be decisive as between individual candidates.

One factor affecting the advancement of Negro officers has been the emphasis given by the services to specialized educational backgrounds in selecting candidates for promotion. The more limited educational opportunities available for Negroes, until recent years, have, therefore, operated to their disadvantage in the promotion selection process.

Seniority, too, plays a vital part in the officer promotion system. Indeed, promotions are possible only after minimum prescribed lengths of service. For example, under present conditions, it normally takes approximately 16 years of service as an officer to be eligible for promotion to lieutenant colonel in the Army, Air Force, or Marine Corps, or to the corresponding rank of commander in the Navy. Since the full participation of the Negro in the Armed Forces is of recent origin, there are relatively few Negroes with the requisite seniority. Studies show, for instance, that although 3.2 percent of all Army officers are Negroes, only 1 percent of the officers with 20 years or more service are Negroes. While this fact may explain the existence of so few high ranking Negro officers, it does not eliminate the need for all personnel concerned with recruitment, assignment and promotion to be ever mindful of the history of discriminatory practices from which this situation arose and of the desirability of closing the gap as quickly as possible.

The ability of competent Negroes to succeed is all important. Nothing will do more to encourage the able Negro to enter military service as a career than tangible proof, as yet almost entirely lacking, that Negro officers can receive equal recognition and opportunity for advancement with whites. Actual examples of Negroes who have achieved major positions of responsibility in the Armed Forces will be worth thousands of words devoted to claims that no barriers exist.

Several problems have come to the Committee's attention concerning significant details in the machinery of officer promotions. The personnel folders reviewed by promotion boards, in the case of all the services, contain a photograph of the officers under consideration and, in the case of some of the services, contain forms having racial designations. Thus, the officer's race is brought sharply to the attention of the promotion board. There do not appear to be adequate reasons for having photographs or racial designations in the materials reviewed for promotion purposes. The presence of this information raises serious questions whether individual members of a promotion board, intentionally or otherwise, might discriminate on the basis of race.

The number of Negro officers who have served on boards concerned with officer promotions is very small. This follows from the fact that the members of such boards in all services are normally colonels (or the Navy equivalent, captain) or higher ranking officers, and, as table I, above, indicates, the number of Negroes who have attained these ranks is extremely small. In fact, in the Navy and Marine Corps, no officers have attained these ranks. So long as promotion selection is made primarily by white officers, questions as to the impartiality of these boards will continue to arise.

Officers serving on promotion boards are selected with care and take an oath demanding objectivity, but no particular effort is made to determine whether an officer serving on a promotion board, because of his background and personal experience, has a conscious or unconscious bias. Experience with this delicate and intangible problem in commercial organizations suggests that, on occasion, bias exists which can be disclosed by specific inquiry and attention to the individual's past performance.

F. Recommendations for improving promotion procedures

In view of the numerous complaints of discrimination in enlisted promotions and the slight participation of Negroes in the higher NCO ranks, the services should initiate, on a spot check basis, periodic inquiries into the operation of enlisted promotion procedures, particularly to the higher NCO ranks.

To minimize the possibility that conscious or unconscious discrimination on the basis of race or color may affect the impartiality of the officer promotion system, photographs and racial designations in the folders reviewed by promotion boards should be eliminated. Every opportunity should be taken to appoint Negro officers to serve on promotion boards, in normal rotation. Techniques for assuring that all promotion board members are free from conscious or unconscious racial bias should be developed. Wherever possible, officers chosen to serve on promotion boards should be chosen from those who have had more than casual experience serving with Negro officers and enlisted personnel. To the extent that similar situations pertain in the enlisted promotion system, like steps should be taken there.

A final comment: No system is valid if the standards used to make decisions, no matter how objectively applied, are such as to operate unfairly against any group of persons. Accordingly, the services should each periodically review their standards for promotion, selection and assignment to make certain that latent ability is always properly measured and utilized.

IV. ELIMINATING REMAINING ON-BASE DISCRIMINATION

A. The present lack of communication between Negro personnel and commanders causes discrimination to fester

Reference has already been made to the highly successful program of the Armed Forces to bring about full integration and to the progress made toward equality of treatment and opportunity. More is required. Many of the remaining problems result from the lack of communication between Negro military personnel and the command echelon at bases.

Equality of treatment and opportunity is not the responsibility of any particular official or office in any of the services. Rather, responsibility is servicewide, in the sense that a general policy has been defined by broad directives. As a result, no machinery exists at any particular base by which a given officer is specifically charged with continuing responsibility in this area. There is no satisfactory method of handling complaints. Conditions conducive to discriminatory practices are often not even known to commanders. The Negro serviceman may complain to his immediate superior but it is rare that these complaints reach the attention of the base commander or members of his immediate staff. As problems become severe, they may or may not receive attention at one or more echelons in the command. In sum, there is no affirmative and continuing effort to monitor race relations problems on base.

An important byproduct of the Committee's work has been a new awareness, on the part of many of the commanders of bases visited, of the necessity for greater efforts to eliminate remaining obstacles to equality of treatment and opportunity in the Armed Forces. For example, on visits to bases, Committee members noted a number of discriminatory practices. Such practices were often remedied forthwith when brought to the attention of the base commander by Committee members. This illustrates the value of expanded communications between Negro military personnel and base commanders. Means must be found to keep base commanders informed of such conditions as they develop. It is clear to the Committee that only by fixing responsibility and establishing some means for monitoring these matters, base by base, can problems of discrimination, which will inevitably arise from time to time, be cured effectively and promptly.

At the present time, the absence of an effective procedure for dealing with complaints has led Negro personnel to complain to Congressmen and to various private groups such as the NAACP, and to broadcast letters, sometimes anonymous, to individuals and groups interested in racial matters. The investigation of these letters through the traditional Inspector General or Department of Defense channels is often fruitless. These authorities are not geared to handle such problems and too much time elapses, making it difficult to ascertain the facts.

There exists in the minds of many Negro personnel the fear that they will be subject to criticism and reprisal if they raise matters of this kind. Procedures must be developed which eliminate this fear and encourage them to present their complaints. Merely stating that reprisals are forbidden is not enough.

Some complaints will allege that a specific individual has suffered discriminatory treatment of some kind. Such complaints, involving matters relating to a single person, such as failing to be promoted, cannot ordinarily be investigated without disclosing the identity of the aggrieved individual. This is not true, however, where the complaint discloses a discriminatory condition on base, such as a segregated NCO club. Such conditions can be investigated and eliminated without the need for identifying a particular complainant.

It cannot be emphasized too strongly that prompt correction of what may appear on the surface to be minor examples of discrimination will contribute substantially to morale. Such actions will also serve to keep the standard of conduct which national policy has decreed before all individuals on the base.

B. Recommendations for improving communication with commanders

In order to improve the processing of complaints at the base level, procedures must be established which will encourage Negro personnel to present complaints of discrimination while eliminating the risk that they will be subject to criticism or reprisal for so doing. In order to accomplish this, an officer should be designated at each base to receive such complaints. This officer must have free access to the base commander or his deputy for the purpose of communicating and discussing complaints of discrimination. Commanders at bases must, of course, be held personally responsible for the effectiveness of the system and for conditions on the base. Discriminatory conditions may exist even where few complaints are made, and the commander should be held accountable to discover and remedy such conditions.

All personnel, officer and enlisted, should be free to contact the officer designated to receive complaints at any time, without the consent, knowledge, or approval of any person in the chain of command over them. Communications between servicemen and this officer should be privileged and service regulations should prohibit the disclosure of such communications or the identity of the complainant without the serviceman's consent.

The officer designated to receive such complaints should be carefully chosen to ensure that he is sensitive to problems of discrimination. The confidential nature of his duties in this area should be thoroughly explained to him and others, and he should be provided with a detailed manual of instructions. In view of his role as a confidential counselor, consideration should be given to the designation of the local legal assistance officer as the officer to receive such complaints, but the base commander should be free to designate the officer best qualified for such duties, regardless of the officer's other duties. However, the officer so chosen must not be so burdened with other duties that he cannot effectively deal with complaints presented to him; he should be so situated that servicemen can contact and consult him in privacy; and he should be independent and free from intimidation by any person in the performance of his duties.

Under this system, all base personnel should be repeatedly and periodically advised of the identity of the complaint officer, and further advised of their right to present complaints. Service regulations should forbid attempts to discourage the presentation of such complaints or reprisals against complainants, and all personnel should be advised that such attempts, in violation of these regulations, will subject them to disciplinary action.

Such day-to-day efforts to discover and eliminate examples of discrimination at the base level should be checked and supplemented by periodic field visits from personnel from the Department of Defense who are skilled and sensitive in handling problems of discrimination and whose full-time energies are devoted to such problems. In this way, commanders' efforts can be measured. In addition, servicemen should be free, if they choose, to present their complaints to such visiting personnel and to contact the Department of Defense office to which such personnel are assigned if they so desire.

C. Examples of remaining on-base discrimination and recommendations for their elimination

Members of the Committee received complaints from Negro personnel concerning particular conditions existing at specific bases. These complaints were received orally during base visits and by letters from servicemen. The Committee has not had the time or the resources to conduct specific investigations into such complaints, nor did the Committee conceive that this was the role assigned to it.

Personal observations and interviews have, however, pointed to discriminatory conditions which do exist at some bases.[3] These can be remedied and would appear to be of sufficient general consequence to be mentioned here, although conditions such as those discussed below are not the only ones which may exist nor are they prevalent on every base.

The Committee anticipates that if a better system of communication for dealing with racial problems suggestive of discrimination is established on base, and specific matters found on bases, such as those mentioned below, are given intelligent attention, many of the principal sources of irritation which reflect on morale, military efficiency and opportunity would be eliminated.

1. NCO and Service Clubs Require Careful Continuing Attention

One of the principal sources of difficulty arises in connection with the operation of on-base service and NCO clubs. The number and program of these clubs vary from base to base. Generally, they provide a place for gathering, refreshment, entertainment and occasional dances. There is sometimes more than one NCO or service club on a base. At some bases, due to pressures brought by white personnel or other factors, forms of segregated service clubs have developed in practice. For example, the majority of Negro servicemen may gravitate to one club and white servicemen to another. Commanding officers have permitted this condition to be imposed by the wishes of a minority of white personnel and have not taken sufficient affirmative steps to encourage utilization of all clubs by all personnel who desire to do so.

At some service clubs, it is customary for the command, through professional or volunteer hostesses, to arrange for girls to come to the base for a dance or other entertainment. Although such service clubs are used by whites and Negroes alike, there are instances when too few or no Negro girls are brought to the base, thus creating unnecessary tensions. There is also evidence that on occasion civilian hostesses have imported onto the base from the civilian community attitudes which are inconsistent with Department of Defense policy. One of the most successful service clubs is that at an Army base in the South, operated by a very able Negro hostess, which attracts local volunteer workers and servicemen of both races.

These problems are not necessary and should be eliminated without delay. To do this, commanders should take affirmative action to insure that there is no de facto segregation or discrimination at any of these club facilities. In addition, Negro girls should be secured for dances, and greater care should be taken in the selection and training of hostesses and other civilian personnel operating service clubs.

2. Military Police Assignments Require Review

Another area of fairly common complaint involves the use of military police of all services on base, at the base gate, and on patrols sent from the base into nearby communities. At some bases Negro military police have not been used at the base gate because of possible objection by members of the white civilian community. At others, there are instances in which wholly Negro patrols are sent into Negro areas, but not into white areas, while integrated patrols are not used for off-base assignments. These problems are particularly sensitive ones because of the status and authority of the military police.

To the extent numerically possible, regular military police patrols should be assigned on a racially integrated basis, and there should be no distinctions based on race in any type of military police assignment. Sufficient numbers of Negro personnel should be included in military police units to permit such assignment policies to be effectuated. National and defense policy on integration should be clearly spelled out to personnel undergoing military police training and to those who train and supervise military police.

3. Base-Sponsored Activities Must Adhere to National Policy

The Department of Defense and the services have prohibited the use of their names, facilities, activities or sponsorship by any employee recreational organization practicing racial discrimination. However, policies have not been established concerning the participation of bands, sports teams, choirs, and the like, in activities off base. For example, no directive specifically prohibits the removal of Negro members from bands, choirs, marching units, or other military groups representing the base at off-base functions, where such removal is sought or suggested by community representatives.

Many base commanders on their own initiative have refused to permit groups from a base to participate outside the base in events where elimination or segregation of Negro personnel would be required because of civilian attitudes. This has been a very healthy and desirable action. To remove Negro members from bands and choruses, as has been done on occasion, or from any other service creates an indefensible form of discrimination within the services.

Base commanders themselves have frequent opportunities to attend gatherings of local groups, as speakers or in other semi-official capacities. A number of these groups both practice segregation and support local segregation policies. Such attendance may serve a legitimate and useful function in furthering objectives of the services.

Where commanders limit their community activities to civic groups that exclude Negroes and favor segregation—as is often the case—they fail in their mission. The commander must not appear, by his speeches to such groups and his acceptance of awards from them, to condone conditions which are offensive to his men and injurious to the efficiency of his command.

To assure that these off-base functions do not undermine the atmosphere of equality developed on the base, all military commanders should be instructed to follow the lead of those who have refused to permit their personnel to participate in base-controlled activities outside the base where elimination or segregation of Negro personnel is sought. While commanders' discretion must guide their own attendance policies, they should be sensitive to avoid attending any function if such attendance might seem an endorsement of discriminatory civilian attitudes.

4. Freedom of Association and Expression Must Be Preserved

Another example of the influence which off-base civilian attitudes have on base is reflected in the efforts of some commanders to discourage interracial association by military personnel off base and to urge compliance with all forms of local segregation requirements. In some cases, it has been officially suggested, in effect, that friends segregate themselves off base in order to avoid local objections. In one case, it was reported that military police at the base gate systematically warned personnel that white and Negro personnel leaving the base together in private automobiles should not enter town together. In other cases, personnel have been advised to comply with local segregation policies without any protest, and have even been told that expressions of their views concerning such local policies may result in disciplinary action against them.

These actions by some commanders, restraining freedom of association and expression, are misguided and should be terminated.

5. Segregation in Transportation and Schoolbuses Must Be Eliminated

A number of bases utilize local transportation facilities which run with some frequency between the base and the local community. Some of these local operators practice segregation. In a number of instances, buses while required to integrate during the period the bus is on base property, enforce a segregated pattern of seating immediately upon leaving the installation. Conversely, troops traveling to the base in segregated patterns may change seating only upon arrival at the base. In other instances, taxis which refuse Negroes transportation are permitted to serve the installation. Thus, servicemen are carried to and from the base in a segregated pattern wholly inconsistent with the existing pattern of integration on base.

There are few schools on military bases for dependents living on base. None of these schools serve all such dependents. As a consequence, dependents living on base are sent to local public and sometimes, private school systems. Where these public school systems are segregated, different transportation services are sometimes provided for

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[3] Disturbing patterns of civilian employment at some military bases, both in the Federal civil service and in clubs, exchange facilities and other non-appropriated fund activities, have come to the attention of the Committee during its study. Since discrimination in Federal civilian employment is under continuing review by the President's Committee on Equal Employment Opportunity, these patterns have been called to the attention of that body.

Negro and white students. As a consequence, during the school year separate buses for Negro and white children arrive and depart from a base daily. The white and Negro children live and play together on base and may have gone to school together on base. The enforced separation and differentiation which the segregated schoolbus system sharply exhibits is inconsistent with other conditions on base and is often the only example of on-base segregation. By appearing even in this fashion to support a segregated school system, the Military Establishment is lending support to a basically unconstitutional, and therefore, unlawful, condition.

These and any other examples of discrimination in transportation serving the base should be eliminated. Agreements should be sought with bus and taxi companies willing to provide nondiscriminatory transportation for servicemen. If such agreements cannot be promptly obtained, the services should provide other forms of transportation to terminate this indignity.

In addition, the services should make every effort to have local school authorities discontinue segregation of all school buses traveling to the post without delay. If such efforts should in any case be unsuccessful, immediate provisions should be made for transporting these children in military vehicles or under contractual arrangements with other carriers. This will entail some difficulty and expense, but the clear national policy of on-base integration requires it. Moreover, such action will daily carry to the civilian community a demonstration of the services' conviction that all such discrimination must disappear.

V. ELIMINATING THE SERIOUS OFF-BASE DISCRIMINATION BY CIVILIAN COMMUNITIES AFFECTING THE MORALE OF NEGRO MILITARY PERSONNEL AND DEPENDENTS

A. Civilian communities near base often segregate and discriminate against Negro military personnel

The hundreds of military installations within the United States cannot exist in isolation from surrounding civilian communities. The reasons are obvious and need be only briefly covered.

Military family housing on base is, generally speaking, assigned to eligible personnel on the basis of seniority. Such housing is not sufficient, in most instances, to house more than about one-half the eligible married personnel. At many bases there is relatively little on-base housing. Therefore, it is quite usual for many of the married personnel to live off base. Statistics from the Department of Defense indicate that there are within the United States approximately 405,000 families residing in various types of off-base community housing, in communities near the service members' places of duty.

As far as schools are concerned, the overwhelming majority of school-age dependents of military personnel use the local public school system, whether they live on or off base.

A family residing on or off base utilizes many of the normal community facilities for shopping and recreation. While the services have attempted in some degree to provide recreational opportunities on base—and there are, among other things, service clubs, swimming pools and theaters found in some of the larger bases—the limited and institutional character of these arrangements does not satisfy the needs of the military personnel. Apart from the natural desire of military personnel to exist free from command supervision, many families reside sufficiently far from the base to make on-base facilities of limited utility.

Although the Supreme Court has declared that laws requiring segregation of public school or other public facilities are unconstitutional, the Committee's studies have disclosed that a very substantial number of communities neighboring military bases practice various forms of segregation. Segregation is found in varying degrees throughout the United States. In some communities local laws require segregation; in others the condition derives from custom and the wishes of the local population. The pattern of discrimination and segregation is, of course, particularly noticeable in the southern communities, but there are substantial variations from community to community and State to State. Forms of discrimination appear in many northern communities. Discrimination in housing is almost universal. Some bases established in States such as the Dakotas have confronted forms of segregation and discrimination which have much of the same rigidity found in certain southern communities.

In addition to its personal examination of conditions in certain communities, the Committee requested the services to supply information indicating prevalence of segregation in communities neighboring to bases. Studies made by the Army and Navy or certain of their domestic installations and activities illustrate the typical pattern with which the Committee is concerned. The following table containing this information is illuminating; less complete analyses by the Air Force and Marine Corps indicate that their personnel confront similar patterns.

TABLE III.—SEGREGATION OF PUBLIC FACILITIES IN COMMUNITIES ADJACENT TO MILITARY INSTALLATIONS

Types of segregated public facility	Number of surveyed installations and activities with such segregated facilities [1]		Number of personnel stationed where facilities are segregated		Percentage of surveyed installations and activities with segregated facilities	
	Army	Navy	Army	Navy	Army	Navy
Public schools	48	143	178, 109	58, 500	24	25
Restaurants and bars	68	238	257, 893	110, 000	34	43
Theaters	63	223	232, 301	105, 000	31	40
Swimming pools	19	226	178, 201	102, 000	9	40
Golf courses	38	164	190, 931	82, 000	19	29
Beaches	10	203	128, 502	90, 000	5	26
Bowling alleys	32	194	205, 901	103, 000	16	35
Libraries	10	49	130, 179	28, 000	5	9
Public transportation	4	47	41, 091	22, 000	2	8
Hotels, motels	12	252	205, 618	141, 000	6	45
Churches	28	163	127, 602	70, 000	11	29

[1] The Army survey for this table covered 301 installations and activities, while the Navy survey covered 550. Each installation and activity surveyed had 100 or more military personnel assigned to it.

B. Community segregation and discrimination adversely affects service morale

A Negro officer or serviceman is, like all military personnel, subject to orders. On short notice he may be transferred to any base. This dislocation of his affairs is one of the disadvantages of military service. The time allowed is limited and orders are immutable.

When a Negro officer or serviceman is transferred to a base where the neighboring community practices substantial forms of segregation and discrimination, he immediately faces very special and difficult problems. Assuming, as is often the case, that he must live off base, he must look for a house or an apartment; he must then arrange for the schooling of his children; he must find transportation between home and base. In short, he must obtain for himself and his family food, shelter, and recreation in what to him is necessarily a new and unfriendly community. In making this transition he gets little help from the base or the community. He must cope with the problems as he finds them, on short notice.

Discrimination in housing confronts him immediately in most sections of the country. Private housing in many parts of town is not available. Many real estate agents will have nothing to do with him. He is forced to that part of town and type of housing occupied by Negroes. Here in many cases are structures well below acceptable standards, expensive, dirty, dilapidated—in all respects undesirable. Often Negro housing areas are farthest from the base. Almost always the available segregated housing is below the standard available for white military personnel. Frequently little or no housing is available and space is at a premium. After one or two nights sleeping in his family car or at an expensive Negro motel (if he can find one) he takes whatever turns up.

Schools are his next concern. Here again patterns of segregation often exist. Although he wears the uniform of his country, his dependents may be forced into segregated schools. In some communities near bases these schools are well below standards, overcrowded, distant from the base and otherwise undesirable. Whatever the quality of the schools, and school conditions do of course, vary, his children, like himself, are again set apart, contrary to their wishes.

Usually the Negro officer or serviceman has few friends in the community where he is sent. He and his family must build a new life, but many doors are closed outside the Negro section of town. Drugstores, restaurants and bars may refuse to serve him. Bowling alleys, golf courses, theaters, hotels and sections of department stores may exclude him. Transportation may be segregated. Churches may deny him admission. Throughout his period of service at the particular base he is in many ways set apart and denied the general freedom of the community available to his white counterpart.

Many of these Negro military personnel are well educated, especially skilled and accustomed to home communities relatively free from discrimination. All of them have enjoyed the relative freedom from distinctions drawn on the basis of color which prevails on military bases. To all Negroes these community conditions are a constant affront and a constant reminder that the society they are prepared to defend is a society that deprecates their right to full participation as citizens. This should not be.

Letters from Negro military personnel bring these conditions into sharp focus. Visits which members of the Committee made to bases and their surrounding communities have served to give them special emphasis. Interviews with Negro military personnel reflect their gravity and the need for prompt action.

Complaints which the Committee has received, some in interviews and some written, show that for some Negro families, the pressures of community discrimination prove too great to bear. Homes are broken up by these conditions as Negro families coming from parts of the country which are relatively tolerant of color differences find themselves facing a situation which is both new and frightening. For them, the clock has turned back more than a generation. To protect their children and to maintain some degree of dignity they return home, and the husband is left to work out his service obligations alone. Other families never attempt

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to venture into these conditions in the first place. Under either of these circumstances the Negro serviceman becomes consumed with the frustration of separation and the desire for transfer. And whether his family is with him or not, the indignities suffered in the community place a load upon his service career affecting both his interest and his performance.

The impact of community discrimination is not solely upon those who have families. Such discrimination creates another demoralizing condition affecting all military personnel. On base many of the artificial barriers caused by race disappear as Negro and white personnel work, eat, and sleep together. Friendships develop between Negro and white officers and servicemen. Normally these relationships would carry over into moments of liberty and recreation. But many communities do not tolerate relations between Negroes and whites. Leaving the base, they may not be able to ride the bus into town together, attend a movie, go bowling, get a coke at a drugstore or a beer at a bar or, indeed, even stroll through a public park. This sharp taboo which the civilian community seeks to impose is particularly intolerable and its effects unusually severe in view of the easy, normal relationships which develop on base under existing military policy. The contrast makes the discrimination more biting and affront more serious. Conditions such as these cause deep resentment among Negro and many white personnel.

The isolation caused by this type of blatant discrimination is felt keenly by the increasingly large group of Negro personnel whose education and training make the facilities available in the Negro areas of many communities unacceptable. There are many Negroes in the Armed forces who simply will not patronize the usual places of public recreation and accommodations available to Negroes in typical segregated communities. Judged by standards to which they have been accustomed at home, these places seem both shabby and disreputable. They will not accept them merely because no alternative is available. Their efforts to find forms of recreation and pursue cultural interests consonant with their background go unrewarded because of the barriers placed in their way by community attitudes.

It is not surprising, but most discouraging, to have to report that there are bases where Negro personnel confront such intolerable conditions off base that almost any device will be employed to effect a change in duty assignment. Applications for transfer,[4] infractions of rules and a general contempt for the "system" are apt to appear. The effect on service morale and efficiency is apparent. The Committee's inquiries, including interviews with many base commanders, made it clear that the accomplishment of the military mission of a base confronted with such conditions is measurably impaired. There was general agreement among base commanders that the morale of both white and Negro troops suffers in the presence of such indignities and inequities. A practical program for dealing with off-base discrimination against Negro military personnel and their dependents is urgently required.

C. Base commanders lack adequate instructions and generally ignore off-base discrimination

The focal point of any practical approach to this most pressing problem is the base commander.[5] He represents the military in the area. It is his duty to be concerned with the welfare of those under his command. He is in a better position than higher echelons to identify the particular discrimination forms prevalent in the community neighboring his base. On his shoulders should fall the primary responsibility for solving local problems.

The record of base commanders in dealing with such problems has not been impressive. Their failure in this regard stems from a number of causes.

While the failure can be explained by the absence of specific directives requiring affirmative programs, in part it stems from the attitudes and training which most base commanders bring to their jobs. As a group, they do not believe that problems of segregation and racial discrimination in the local community should be their concern. Base commanders express this view in various ways. That the authority of the base commander ends at the gate, that it is not his job to rearrange the social order, that it is not part of the military mission to change community attitudes, that any pressure would be misunderstood and merely stir up trouble, that questions of this kind should be left to the courts, that military personnel are traditionally nonpolitical and should not involve themselves in controversial questions.

The failure stems also from the nature of assignments to the job of base commander. Such assignments are for a limited tour of duty, often between 2 and 3 years. Rarely does a man serve as a base commander more than once. The base commander naturally looks upon his job as an opportunity to exercise military command on a substantial scale, thus providing important experience as he moves up the promotion ladder. Quite naturally he conceives of his job as overwhelmingly military in character, his mission being to develop the units and troops under his command to peak efficiency. While he has a multitude of duties, many of these may be delegated or subordinated to the priority which he feels must be given the strictly military aspects of his job, the aspects most familiar to him. His course of training as an officer has not been such as to bring him into contact with literature and experience in the field of equal opportunity. He operates without the guidance of persons experienced with such problems.

The typical base commander understands that he is expected to complete his limited tour of duty without disturbance. The problems with which he might become concerned in attempting to improve treatment of his troops off base are emotionally surcharged and controversial, as well as difficult to solve. He will not venture into this area without specific instructions.

The attitudes and background of the base commander influence the manner in which he utilizes the fairly well-established procedures by which commanders discuss certain types of problems with the neighboring civilian community. The various services' instructions concerning community relations suggest working through some sort of committee or council. The civilian members of such a group are often designated by the chamber of commerce, Rotary Club, or other civic group, or by officials of the local governments, and rarely are Negroes represented. The base is represented by the base commander and certain officers designated by him.

The principal function of the committee is to develop a smooth-working relationship on certain matters of obviously common concern, such as relations with local police authorities. Base commanders are instructed by directives, quite properly, to recognize the public-relations aspects of their jobs, to encourage parades and troop participation in civic affairs, and generally to project before the community a favorable image of the base and the service. It has not been the practice for these community relations committees to concern themselves with racial matters. Indeed, in most communities where there is a substantial Negro population and serious forms of discrimination exist, the leaders of the Negro community are not represented on the committees, nor are whites who are mindful of these problems. The commander, moreover, selects no Negro personnel to represent the base. As a result, the base commander has little or no contact with local discrimination problems.

The pattern which the Committee has observed is clearly one of inaction by base commanders in the face of serious discrimination affecting the morale and military efficiency of members of their commands. But while the base commander represents his service and the Department of Defense locally, it would be unfair to ascribe to him sole responsibility for the policy of inaction. If he has failed to pursue an active program, it is largely because no higher command has directed him to do so, provided him with guidance in developing a program, or assured him that he would be given support if his affirmative actions should incur the disfavor of the community.

It is true that the Department of Defense, in recognition of the off-base problem, has made some limited moves in the direction of improving conditions. Military police, for example, are not permitted to be employed on behalf of local authorities to support enforcement of racial segregation or other forms of discrimination. Where civilian authorities initiate legal action against military personnel arising out of the enforcement of segregation or discrimination policies, limited legal assistance may be provided on an ad hoc basis to assure that such personnel are afforded due process of law.

In the field of housing, a recent Secretary of Defense memorandum now provides that private housing leased by the services for assignment to military personnel may be obtained only where the lessor agrees that the services may assign it without discrimination. In dealing with the problem of segregated schools, the services are cooperating with the Department of Health, Education, and Welfare and the Department of Justice in a program designed to desegregate schooling in certain communities by constructing on-base schools and withdrawing payments made to local schools for educating dependents living on base.

These are, of course, policies for dealing with rather well-defined, specific problems. It is also important to consider direct instructions to bases giving general policies for attacking problems of discrimination. The existing instructions are found in the so-called Gilpatric memorandum, issued to all branches of the service by the Deputy Secretary of Defense on June 19, 1961, and reissued thereafter by each of the services, which reads in part, as follows:

"1. The policy of equal treatment for all members of the Armed Forces without regard to race, creed or color is firmly established within the Department of Defense.

"2. Therefore, in those areas where unsegregated facilities are not readily available to members of the Armed Forces in adjacent or surrounding communities, it is the policy of the Department of Defense to provide such facilities on military installations to the extent possible. In addition, local commanders are expected to make every effort to obtain such facilities off base for members of the Armed Forces through command-community relations committees."

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[4] In order to maintain maximum utilization of manpower, the Services generally deny transfers to Negro servicemen when such transfers are requested upon the sole ground that they and their families are suffering racial discrimination in the communities where their places of duty are located. Exceptions may be made for particularly severe cases.

[5] At some bases, there are commanders senior to the person designated as the base commander. Where this is true, the attitudes of the senior commander are naturally given great weight by the base commander. In such situations, the considerations discussed in the context of the base commander's functions apply with equal force to the role of this senior commander located at the base.

The policy announced by the second paragraph of this memorandum has not been carried out. While copies of this memorandum were distributed widely in the services, there was no well-developed plan for carrying out the program outlined in these general terms, and the words "to the extent possible" vitiated its effectiveness. Except in the Navy, the policy has not been incorporated in any of the relatively permanent types of directives which are referred to by those in the field for guidance in developing base policies. Equally serious, no service has issued detailed regulations or manuals implementing the policy, nor has any systematic effort been made to determine what, if anything, base commanders were doing to carry out its letter or spirit. Indeed, the great majority of base commanders interviewed were unaware of the existence of the policy. These procedures are fairly typical of the way in which most other policies in this area have been handled.

Apart from the Gilpatric memorandum, no directive or policy of any service specifically assigns to base commanders the responsibility for attempting to eliminate problems of dscrimination in surrounding communities, where such problems affect the morale and military efficiency of members of their commands. The service literature dealing with community relations has not in the past discussed the problem; apparently no higher command has censured base commanders for policies of inaction; no effort has been made to identify and commend commanders who have made efforts to solve such problems; no one has suggested to base commanders that their achievements in dealing with such problems will be considered in rating their performance of duty and in promotion selection. It is not surprising, therefore, that the base commander, without instruction, experience or technical support, keeps his emphasis solidly on the military aspect of his mission. While some commanders assert that they have quietly urged desegregation "behind the scenes" and in the course of social contacts, few, if any, have regularly and systematically sought to solve problems of discrimination.

Despite the general climate of inaction, the Committee has seen some evidence of occasional efforts by individual base commanders to deal with off-base discrimination problems, efforts which have met with some success. One commander encouraged enactment of an equal accommodations law; another has attempted to desegregate multiple housing units; others have placed considerable emphasis on breaking color lines in sports contests in which the base is involved. Occasionally, local auditoriums have been thrown open to all servicemen in the face of an established pattern of exclusion and segregation. Efforts have been made to open up cultural events in communities to Negro personnel or to permit attendance at sports events, with nonsegregated seating. While, in many instances, in communities where segregation is practiced, segregated military police patrols are used—an undesirable practice—there has been some effort to use mixed military police patrols in white and Negro areas. Some commanders have been able to arrange desegregated transportation between the base and the nearby community, contrary to local practice. At least one commander started a program of meetings and discussions with local Negro civil rights leaders.

The examples given above are the rare exception, rather than the rule, but they offer an indication of the advances which a positive effort can achieve.

D. Recommendations for an urgently needed program

1. The Defense Department and the Services Must Redefine Responsibilities, Establish Goals and Provide Detailed Instructions

While any worthwhile efforts to eliminate off-base discrimination must center on the functions of the base commander, a redefinition of responsibilities at all levels of command in this field is an essential preliminary. It should be the policy of the Department of Defense and part of the mission of the chain of command from the secretaries of the services to the local base commander, not only to remove discrimination within the Armed Forces, but also to make every effort to eliminate discriminatory practices as they affect members of the Armed Forces and their dependents within the neighboring civilian communities.

As a part of this process of redefinition, a different concept of the base commander's functions in the racial field must be evolved. Interviews with base commanders have led the Committee to conclude that commanders desire more explicit instructions and clarification of their responsibilities in this regard. These commanders, concerned with morale factors, increasingly feel the need to act. Before they act, they need to have their responsibilities defined. They need more explicit orders and more detailed directives. These should be provided.

2. Commanders' Performance Must Be Rated, Monitored and Supported

Redefinition is, however, not enough. There is need for a continuing program in this area, a program which must be imaginative and persistent in order to achieve the desired equality of treatment and opportunity. It must be made clear to base commanders and others concerned with these problems that they will be measured in terms of their performance. A regular system of monitoring and reporting on progress should be instituted. It should be made clear that officers showing initiative and achievement in this area will enhance their performance ratings and obtain favorable consideration for promotion and career advancement. It is especially important that such officers be assured that they will not run the risk of official disfavor for their efforts and that they will receive the support of all echelons of command if their programs are attacked by local interests.

In implementing the program to eliminate off-base discrimination against military personnel, considerable care should be taken to insure that the policies of the Department of Defense are disseminated to lower echelons by the services in relatively permanent media of the type maintained for continuing reference by those responsible for operating military bases.

But it is not sufficient merely to state in directives, of whatever type, the substance of the foregoing policy. There has been a great failure of communications to bases of the attitudes and policies of the Department of Defense concerning discrimination. It will be necessary to emphasize and reemphasize that progress is required, and that a constant showing of serious, intense effort is the minimum performance accepted. While this attitude must be instilled in base commanders, it must also be part of the command philosophy of the many superior commanders who assign base commanders to duty, assess their performance, and necessarily influence their attitudes.

3. Command Training Programs and Manuals Should Treat All Aspects of Discrimination Problems and Solutions

Still other steps should be taken to insure that a sense of responsibility for problems of offbase discrimination replaces the prevalent notion that matters outside the gate are of no concern to the base commander. The history of Negro participation in the Armed Forces and the problems which he confronts in the services must be emphasized and made a definite part of the curriculum at all levels of officer and command training. The services must insure that men reaching the position of base commander are familiar with the requirements of the Constitution and the history of the Negroes' struggle to achieve equality of treatment and opportunity. In addition, it would be beneficial for base commanders to attend regional and interregional seminars or conferences where discussions of techniques and results are featured. Base commanders and higher commands should be made aware of other Federal agencies which work with problems of discrimination and directed to cooperate with such agencies and to seek their technical assistance and advice.

Base commanders should also be provided a carefully prepared manual, which will guide their activities in this as yet unfamiliar area and fill some of the gaps in their experience and training.

4. Base Commanders Must Establish Biracial Community Committees and by This and Other Means Lead Efforts To Reduce Discrimination

An active program for eliminating off-base discrimination demands the creation of a wholly different working relationship between the commander and the local community in which discrimination is practiced. Solving such problems should be the means at his disposal in seeking solutions. One of the means base commanders should use to solve problems of discrimination is a committee of base and community representatives. But satisfactory results cannot be obtained by relying on the types of committees which have heretofore existed. Generally, these committees have represented a part of the white community, but not the community as a whole.

In the future the installation commander should be required to appoint such a committee in order to bring together leaders of both the white and Negro communities. He is in the best position to do this. Care should be taken to include individuals experienced and concerned with problems of racial equality, as a recent Navy instruction has noted, and to insure that the Negro members are those who are not, by virtue of their job or position, subservient to white interests. Both white and Negro military personnel should participate.

The committees should function as working committees, identifying problem areas in the community and working toward their solution with the guidance and help of committee members and with technical assistance from experts when appropriate. It will be necessary to establish specific objectives and a timetable against which results can be measured. Problems of housing will prevail everywhere, but exclusion of Negro military personnel from theaters may be the most pressing problem in one community, while exclusion from restaurants is the principal aggravation in another. Various types of recreational facilities may have special local significance because of their proximity to the base, the lack of adequate on-base facilities or other considerations. It will be necessary to move from objective to objective and these objectives will differ from community to community.

Each community has its own special traditions and history. In some, attitudes are more entrenched than in others. It is significant, however, that base commanders who have genuinely undertaken to accomplish progress in this area have met some degree of success, even in communities where feelings are strong. Similarly, the progress of the national USO program to eliminate segregation in all its local facilities, discussed later in this report, shows that serious effort can produce results.

It is important to emphasize that the base commander's concern should be that of correcting forms of discrimination which interfere with the morale and efficiency of members of his command. The pattern the community choose to follow as to its own civilians cannot be accepted as the pattern which must be imposed upon men in uniform or their dependents, when that pattern is detrimental to military morale and efficiency. The significant tradition of non-involvement by military authorities in local political matters will be unimpaired if base commanders limit their concern to problems affecting the morale and efficiency of members of their commands.

It is the Committee's judgment that many communities are awaiting leadership and direction. Proprietors of local establishments and others who must live and work in the community may understandably hesitate to urge a change in existing customs. However, the enormous growth of relatively permanent military installations, scattered throughout the country and economically important to the communities which surround them, enables local commanders to supply some of the necessary leadership. The base commander not only enjoys an independence which permits him to do so; he can also point to the successful program of equality of treatment and opportunity which exists on his base and to the economic dependence of the community upon the base. The base commander should emphasize his concern for morale and the policy of the services concerning off-base discrimination in conferences with individuals, in his work with the local committee, and in public expressions of his views. Such an approach, stressing troop morale and efficiency, should lead patriotic citizens to join together, where their business interests are common, to find an appropriate solution.

5. Where Efforts of Base Commanders Are Unsuccessful Sanctions Are Available and Should Be Employed

It is important to consider what further steps may be necessary where efforts to achieve progress by persuasion and discussion are unsuccessful.

Litigation, brought in the name of the Federal Government, to open some types of public establishments to members of the Armed Forces and their dependents is one possible avenue for achieving integration. But even in those cases in which such litigation offers some hope of eventual success, it is piecemeal and time consuming at best.

A more satisfactory approach must be developed. Segregation and other forms of discrimination in facilities in a given locality, detrimental to the morale of Negro personnel at a neighboring military base, must cease. The commander should, of course, attempt by means available to him—community committees, persuasion, emphasis of the base's importance to the local economy—to eliminate such practices. In situations in which these efforts are unsuccessful, the commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval. One of the requirements for such approval should be a guarantee from the proprietor that the establishment will be open to all servicemen and their dependents without regard to race or color, and that all patrons will receive equal treatment. Qualifying establishments might be issued a display placard or decal.

Approval of an establishment is not, of course, the final step. There must be procedures for dealing with complaints that approved establishments have not fulfilled their guarantees, and for withdrawing approval if such complaints are substantiated.

Should all other efforts fail, the services must consider a curtailment or termination of activities at certain military installations near communities where discrimination is particularly prevalent. While compelling military considerations must prevail, it is often possible to conduct certain activities at any one of a number of locations. Where this is true, alternative communities' attitudes and practices should be carefully weighed. Such relocation of activities is particularly important at bases that play an important role in the training of new recruits or officers or in the orientation of representatives of foreign governments. The objective here should be preservation of morale, not the punishment of local communities which have a tradition of segregation.

In this context, one further comment is appropriate. The Armed Forces have, in the past, unfortunately not given attention to the important morale factors presented in off-base communities at the time that new installations are opened or changes made in the deployment of forces as between bases.

Where tactical considerations make a variety of sites eligible for consideration, the military decision should, among other things, strenuously emphasize the necessity of obtaining from the communities involved explicit guarantees against the continuation or establishment of patterns of discrimination against members of the Armed Forces and their dependents. At these moments of decision the economic well-being of the community will serve as a potent influence toward assuring the conditions necessary to maintain morale and efficiency.

6. Official Charged With Responsibility for Equality of Treatment and Opportunity On and Off Base Should Be Appointed in the Defense Department and the Services

It is not within the province of this committee to detail the administrative steps which are obviously necessary to carry out the type of program that has been outlined. Some general recommendations in this regard are, however, indicated.

It will be necessary to establish offices in each service to monitor developments and to provide assistance. Trained individuals must be in frequent contact with the bases involved. Overall policies must be guided by an official within the Department of Defense whose full-time responsibility is the program for assuring equality of opportunity and treatment for servicemen. This official should have a full-time, biracial staff skilled in dealing with deprivations of equality, and should, in addition have access to consultants who have broad experience in dealing with racial discrimination. Procedures must be devised to bring the base commander into close working relationship with other Federal bodies concerned with problems in this area, and with local groups working to eliminate forms of discrimination. All of the resources of the Federal Government should be made available to him and brought to bear on the intelligent solution of specific problems.

VI. EFFORTS OF THE USO TO ELIMINATE SEGREGATION AND DISCRIMINATION

It is appropriate at this juncture to comment briefly on some recent developments affecting the United Services Organization, commonly known as the USO. The USO, which operates some 130 clubs in the United States, is a voluntary civilian agency established for the purpose of assisting the Armed Forces. It does so by providing recreational and entertainment facilities and programs for servicemen in various communities. Operating on a nonprofit basis, it collects its funds largely through private donations in a number of communities throughout the United States. No Federal funds support the program within the United States. Quite naturally, the USO has a close working relationship with the Department of Defense, which is represented on its board of governors.

In January 1963, the USO board of governors determined to implement more aggressively a policy, long established by the USO, designed to assure operation of all its facilities without distinctions based on race, color or national origin. The USO is now in the process of adjusting its program and devising methods to make maximum service possible on a nonsegregated basis to all members of the Armed Forces. It has determined that it will not sponsor, operate or finance anything other than integrated USO facilities in any community after 1963.

This new policy involves various adjustments at clubs in 20 communities located chiefly in Florida, Georgia, Texas, South Carolina, and Virginia. Since January a number of clubs have integrated and established new programs. The Department of Defense and the commanders at the installations affected have agreed to cooperate with the USO in carrying out its program. As a result of those measures, it is expected that all local USO clubs will be operating on an integrated basis by the end of the year. This Committee has been in close touch with the USO throughout this program and comments its efforts, which it will continue to observe in the forthcoming months.

VII. THE UNAVAILABILITY OF SUITABLE HOUSING FOR NEGRO MILITARY PERSONNEL AND RECOMMENDATIONS FOR IMPROVEMENT

Representatives of the serviecs are unanimous in characterizing undesirable family housing conditions as the most serious problem affecting the morale of military families of all races. Some measure of the gravity of this problem is suggested by a complete 1962 Department of Defense survey which shows that of the 487,408 military families not living on military installations, 181,635 live in quarters which are below service standards in some fashion.[6] Bad as the situation is for all personnel, it is much worse for Negroes who face discrimination in housing throughout the United States Unfortunately, the Department of Defense is not at present acting with vigor or sensitivity in this area.

The full scope of housing problems encountered by Negro personnel off base cannot be determined from available figures. These figures are based on an annual questionnaire on family housing which does not include questions identifying the race of the family or the nature of the neighborhood in which the family lives. Neither does the questionnaire inquire into difficulties stemming from discriminatory off-base housing practices. Modification of this questionnaire to develop such information is essential if Negro housing problems, as an important element of overall housing problems, are to be adequately assessed. In planning Government owned or controlled housing, the information developed from the modified questionnaire should be fully utilized to insure that estimates of the availability of housing in the community and standards for determining the adequacy of such housing gave appropriate weight to discriminatory housing practices.

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[6] Of these 181,635 families, 74,250 families live in housing which is substandard because of the condition of the dwelling or inadequate size for the family unit. An additional 27,284 families live at a distance from the base which is considered excessive by Department of Defense standards, and 80,101 live in housing whose cost exceeds the allowance for quarters paid the serviceman. The first figure given does not include 23,859 families who desire to live near the duty station of the service member, but cannot because of the unavailability of adequate housing.

If this is done, construction of additional Government-owned or controlled housing units at installations where housing problems are severe can be properly planned to help alleviate the problem of discrimination in housing. Any new units should, of course, be occupied on an integrated basis as other military housing is now occupied.

Furthermore, in order to provide a fair opportunity for all servicemen eligible for on-base housing to obtain such quarters, it may be desirable in some instances to assign on-base housing by alloting blocks of housing to certain specific enlisted grades, as is now done occasionally.

That little has been done at the base level to increase the amount of housing available to Negro personnel reflects the absence of any helpful policies or guidance from the services or the Department of Defense dealing with this problem. While discrimination in housing is not susceptible of easy solution, there are a number of steps which, if utilized, can bring improvement in the off-base housing situation.

Some of these steps will be informal in nature. For example, base housing officials and base commanders should stimulate interest among private builders in developing multiple units available without regard to race. Equally important are concerted efforts to develop and maintain lists of private housing available without regard to race, by means of a canvass of units available in the community. Such lists, kept current and open to all personnel, would help to avoid the embarrassment and wasted effort which results when each Negro serviceman seeking housing has to rely on his own investigation and efforts.

Other steps of a more formal nature should also be vigorously pursued. The leased housing program currently available to the Services has, in the past, been generally limited to providing housing for personnel assigned to jobs whose tactical significance required them to live near their place of duty. Such housing can now be obtained for personnel not holding tactical positions. Under this program, privately owned units are rented by the service and assigned as public quarters to military personnel, who then forfeit their quarters allowance. The advantage of such a program include both utilization of the private housing market and speed and flexibility in adapting to changing conditions. This program should be expanded and applied more vigorously in tactical and in nontactical situations, where necessary, to minimize the effects of discriminatory housing practices. While current directives require that the lessor consent to nondiscriminatory assignment, it will naturally be necessary for the services to insure that the housing to which Negroes are assigned is not in substandard neighborhoods.

Section 810 of the National Housing Act has recently provided for FHA insurance of multiple-family housing to be constructed on the basis of military need. However, the number of units currently authorized is far too small to have any significant effect on Negro housing problems. This program, too, should be enlarged and made more flexible. Here, again, the agencies of government responsible for approving construction of this so-called "810" housing should weigh, with other considerations, the incidence of discrimination in housing near bases.

New housing, to be insured by the Federal Housing Administration, will be subject to the mandatory nondiscrimination provisions of the recent Executive order on equal opportunity in housing. The services should insure that lists of such housing are made easily available to all personnel at the base level. Any discrimination in this housing should be promptly reported by the base to the FHA, the Department of Justice and the President's Committee on Equal Opportunity in Housing for proper action.

As an essential part of a meaningful program, base commanders will have to utilize their good offices and those of other involved Federal Agencies, as directed in the Executive order, at every opportunity, in order to promote the abandonment of discriminatory practices in housing.

Some States and local communities prohibit discrimination in certan types of housing. For example, at least 17 States, including California, New Jersey, New York, and Pennsylvania, have laws to this effect. Information on such requirements, including the agency of the State charged with their enforcement, should be made accessible to base commanders and housing officers, who should be responsible for utilizing procedures available through such agencies for eliminating discrimination in housing.

The inexperience of base housing officers in attacking discrimination problems makes it necessary that rather detailed regulations and manuals be prepared, outlining the steps to be taken and the avenues to be explored. In discussing recommendations for a vigorous program, the Committee remarked on the need to impress upon responsible officials that serious, continued effort in dealing with equal opportunity matters is required. Those remarks apply with equal force here.

VIII. EDUCATIONAL OPPORTUNITIES FOR NEGRO MILITARY PERSONNEL AND DEPENDENTS AND RECOMMENDATIONS FOR IMPROVEMENT

Many military personnel are stationed at locations where segregation is practiced in the schools of the nearby community. This condition is not only unlawful under the Constitution but it operates against the military program of equal treatment and opportunity and is inconsistent with the patterns of integration which exist on base. Traditionally, the military has not provided on-base schooling in any substantial degree. Where such schooling is provided, it is, of course, integrated and is specifically for dependents of personnel living on base. Thus, the great bulk of school-age dependents of military personnel, whether living on base or off base, attend local public schools.

The extent to which segregated public schooling exists in communities neighboring military installations is suggested by the following statistics.

TABLE IV.—SEGREGATED PUBLIC SCHOOLING SERVING CHILDREN OF SERVICE PERSONNEL

	Army	Navy	Marine Corps	Air Force
Number of installations or activities (with 100 or more assigned military personnel) in areas where public schools are segregated	48	143	4	53
Number of military personnel assigned to such installations and activities	178,109	58,500	47,956	159,691
Percentage of all service installations of this size in such segregated school areas	20	25	5	18

There are probably about 200,000 to 210,000 school-age dependents, including perhaps between 15,000 to 20,000 Negro children, of the military personnel assigned to those bases referred to in table IV above. Usually the majority of school-age dependent children attend off-base schools. Negro military personnel expressed deep resentment about school segregation to the Committee during its visits. One letter reported that a serviceman had decided to send his wife and child home, leaving the serviceman alone at a base more than a thousand miles away, to avoid segregated schooling. Undoubtedly, others have done likewise.

The Federal Government has already begun steps to ease the problems. Where children living on base attend off-base locally operated schools, such schools in some cases receive Federal financial assistance. The determination of the Secretary of Health, Education, and Welfare that segregated schools do not provide suitable education for military dependents living on base will result in the establishment of a number of schools on-base, with a consequent withdrawal of students and funds from the schools of the community. These on-base schools, which can under existing law serve only children living on base, leave untouched the needs of the large numbers of military dependents who must live off base. Federal financial assistance is also being furnished in some cases to schools serving dependents who live off base, but whose parent works on base; the Secretary of Health, Education, and Welfare has determined that such payments must, under current law, be continued despite segregation in the schools receiving payment.

Suits initiated by the Department of Justice in the name of the United States, now pending in the courts, will, if successful, compel the integration of other schools serving military dependents, including dependents who live off base. If the right of the United States to bring such suits is upheld, the burden of supporting desegregation suits can be lifted from the shoulders of individual Negro servicemen. But such litigation is by nature long drawn out and piecemeal.

The children of our military personnel should not be compelled to wait. Their needs are immediate and should receive more attention. Legislation requiring desegregation of all public schools receiving Federal assistance which serve dependents of military personnel is urgently needed. As public schools are desegregated—through such legislation, through litigation, through efforts of the base commander, or by other means—local commanders should insure that children of Negro military personnel are promptly placed in such recently desegregated schools. In accomplishing this, the full power and influence of the base commander and of the service should be placed squarely on the side of Negro parents as they attempt to overcome the administrative barriers which often accompany desegregation. Token integration is only a first step toward satisfactory progress; efforts must not be considered successful until dispersion of children of Negro military personnel within the local school system is complete.

There are several aspects of military education programs conducted in, by or through civilian schools which also require comment. A variety of opportunities exist by which an enlisted man or officer may improve his education and hence enhance his opportunity for advancement. Efforts have been made by the Armed Forces to provide this education to Negro personnel as well as to others.

However, some of these programs involve direct agreements or contracts between the services and segregated secondary schools or institutions of higher learning. For example, some of the Army's junior ROTC and National Defense Cadet Corps units are located in segregated secondary schools. All of the services have ROTC units and fully subsidized professional education programs in segregated institutions of higher learning. These arrangements should not be continued. There is no readily apparent reason why similar arrangements to afford the types of education here involved cannot be made with institutions which have desegregated. Fortunately, the number of segregated institutions participating in military education programs is not so large for any service that the recommended alterations of programs should cause serious difficulties.

The services also have programs designed to permit full-time college attendance by personnel who need only a semester or a year of college work to qualify for a degree. Some personnel involved in this program are attending segregated institutions. To require these personnel to complete their work at a college other than the one previously attended would cause complications because of the difficulty of transferring credits and the different curricula involved. The Committee does not feel that those limited, special situations need be altered. It does not follow, of course, that personnel with no record of prior attendance at a segregated college should be permitted to complete their degree requirements there when integrated colleges are available.

In addition to these programs all of the services subsidize in part so-called off-duty education programs. Many service personnel afford themselves the advantages of such programs. However, some cannot because of segregation policies at certain institutions. At a few bases, where only white schools are available for this program and yet sufficient numbers of Negro personnel would participate if they could, integrated courses have been arranged on base for all personnel. These examples are highly commendable, and this practice should be required whenever similar segregated conditions exist together with sufficient numbers of interested Negro and white personnel. This practice should result in continuing minimization of use of segregated institutions in the off-duty program.

There are occasions, however, when courses are not arranged because of the limited number of Negroes present. While these determinations are administrative in character and are in no way intended as a form of discrimination, the Committee feels that under no circumstances should any Negro desiring to improve his education be prohibited from doing so because of the unavailability of schools. The very lack of such opportunities will keep Negroes from moving into technical and other nonservice occupational areas as mentioned earlier in this report. Where it is not feasible to establish on-base courses, and off-base schooling is not available, Negroes desiring additional education should be freely given the opportunity for transfer to or temporary duty at other locations.

There are compelling reasons for the Committee's recommendations regarding service educational programs involving segregated civilian institutions. First, of course, service funds should not be provided for these programs to State-controlled schools conducted in a manner offensive to a clear constitutional requirement, particularly one so oft-pronounced. Second, officer and enlisted personnel should not be trained in an environment which fosters among its members a policy opposite to, and at loggerheads with, that of equality of treatment and opportunity for all military personnel. To produce men trained for leadership under such conditions will make the job of correcting current problems more difficult for years to come. Finally, of course, Negro personnel who desire to partake of these educational opportunities should not be barred from doing so, for if they are, their careers and usefulness will be stunted to that extent.

In summary, then, as Armed Forces operations have become more complex, the importance of education of military personnel has been accentuated. This trend will undoubtedly continue. Full utilization of available talent—Negro or otherwise—demands that education programs contain no features which limit the opportunities of any personnel.

IX. RECOMMENDATIONS INVOLVING RACIAL DATA

All of the services have, in one form or another, an indication of each serviceman's race. This information is usually obtained at the time a man enters the service and accompanies his personnel file, together with other basic data such as educational history, experience, etc. While the Committee believes that the presence of racial information in promotion files is undesirable for the reasons indicated elsewhere in this report, it has been handicapped in its work by an almost complete absence of current statistical reports which would permit measurements of such elementary matters as recruitment, promotion or assignment of Negroes. Such information is lacking in a readily available form at the installation level in many cases, as well as at major command and headquarters levels generally. Special questionnaires and detailed statistical studies undertaken by the services provide the basis for this report. A substantial amount of time and money have been required to develop them.

The entire problem of racial statistics is a controversial one because they can be used both for proper and improper purposes. It is the Committee's opinion that sufficient controls on such data can be deviated to insure that they are used only for proper purposes. Accordingly, with such controls, the services should provide for the maintenance of centralized racial data which may be availed of under special circumstances to measure progress in achieving the equality of treatment and opportunity which national policy requires. Racial entries should not be maintained in records which accompany the servicemen, or on other records routinely available to those who rate, assign or promote personnel.

It is essential as Negroes are increasingly recruited into the Armed Forces, that their assignments be consistent with their skills, and that they receive appropriate recognition through promotions. The process has been, and presumably will be, gradual, although far greater acceleration is required than has been exhibited in recent years. Only with the availability of informative statistical information, subject to constant and penetrating review by the appropriate officials, will it be possible to determine, except through great expenditure of time and money, whether the desired progress is being achieved. Such statistics also will point up special areas within this general field which require attention.

X. ASPECTS OF DISCRIMINATION UNDER FURTHER STUDY

This initial report covers a substantial portion, but not all, of the work assigned to the Committee. Three specific areas are now under intensive study and will be the subject of a further report. These involve problems of segregation and discrimination in the National Guard and the Reserves and problems of inequality of treatment and apportunity affecting Negroes at installations overseas. In addition, consideration must be given to areas of possible discrimination and inequality of treatment affecting individuals of other races and creeds serving in the Armed Forces.

While pursuing these matters to completion, the Committee will maintain close contact with the Department of Defense and the Armed Forces on matters covered by this report. The services are reviewing existing procedures and policies, and there is every prospect that affirmative action will be taken in many of the areas suggested. As these and other steps are taken, their effectiveness will be measured by the Committee during its tenure.

The Committee is mindful that the Armed Forces are an ever-present symbol of our democracy. Both at home and abroad, they must be leaders rather than followers in establishing equal opportunity. To the extent they practice and preach equality without regard to race, creed, color, or national origin, they provide a standard by which communities at home may measure their own conduct and against which citizens of other lands may judge our adherence to the principles of equality we advocate.

Respectfully submitted.

NATHANIEL S. COLLEY,
ABE FORTAS,
GERHARD A. GESELL,
Chairman.
LOUIS J. HECTOR,
BENJAMIN MUSE,
JOHN H. SENGSTACKE,
WHITNEY M. YOUNG, Jr.

Attest:

LAURENCE I. HEWES, III,
Committee Counsel.

For the convenience of Members, I insert clippings from the local papers reporting the racially motivated murder of two young Marine officers together with a report from the Legislative Reference Service of the Library of Congress indicating the disposition of the case. I point out specifically that Judge Gesell directed the jury to find the Negroes not guilty of first degree murder in this killing.

[From the Washington (D.C.) Evening Star, June 5, 1968]

TWO SLAIN IN SHOOTING ON M STREET

Two young marine lieutenants were fatally shot and a third officer and a young woman were wounded early today in a burst of gunfire at a Georgetown hamburger shop.

Police arrested three men a block from the scene, the Little Tavern at 3331 M St. NW, and charged them with homicide. The three, all Negroes, gave California addresses.

One told police he had come to Washington late last week to join the Poor People's Campaign. He told police he was living in a 14th Street apartment and not at Resurrection City.

POLICE LIST NAMES

Police listed the dead officers as Lt. William King, 21, and Lt. Thaddeus Lesnick, about 20, who had come to Washington with three other officers late last night after a social function at the marine base at Quantico, Va.

The wounded man, police said, is Lt. Ellsworth R. Kramer, 26, who suffered a scalp wound. The young woman with him, Barbara Kelly, 28, of the 1800 block of Metzerott Road, Adelphi, Md., was shot in the hip.

All the victims are white.

Charged with homicide are Gordon Alexander, 27, and Cornelius Frazier Jr., 23, both of San Jose, Calif., and Benjamin Murdock, 20, of Los Angeles.

The other two lieutenants from Quantico were identified by police as Daniel LeGear Jr., 26, and Frank R. Marasco, 23.

According to police, the five officers came to Washington still in their dress white uniforms, visited a Georgetown night spot and called on some friends.

Finally the five, accompanied by Miss Kelly, went to the hamburger shop and were at the counter when some words were exchanged with three men after one of them made a remark about the name of one of the Marine officers, displayed on his uniform, police said.

POLICE CONVERGE ON AREA

The three civilians left, but returned in a matter of minutes and shooting began, police said. Police said they later recovered two guns. One witness reported that nine shots were fired.

Police converged on the area after the shooting, which took place about 3 a.m. Pvt. Junior Webster, alone in a scout car, said he heard the shots and took off after a Mustang racing from the scene and captured the three suspects.

Lesnick was pronounced dead at 3:15 a.m. at George Washington University Hospital, and King at 3:50 a.m. at Georgetown University Hospital.

Kramer was taken to the GWU hospital and later moved to Bethesda Naval Hospital where his condition was called satisfactory. Miss Kelly was in the GU hospital also in satisfactory condition.

Police identified Alexander as the suspect who said he had come here to join the Poor People's Campaign. They quoted him as saying he did not come East with the other two suspects but became acquainted with them here.

[From the Washington (D.C.) Evening Star, Feb. 19, 1969]

SURVIVING MARINE TELLS OF M STREET KILLING OF TWO

(By Donald Hirzel)

A racial taunt led to the slaying of two young Marine officers and the wounding of a third in a Georgetown Little Tavern last June, the surviving Marine told a District Court jury yesterday.

Second Lt. Ellsworth R. Kramer, 26, of Arlington, was the first major witness to take the stand for the government in the trial before Judge Gerhard Gesell of Gordon Alexander, 27, of San Jose, Calif., and Benjamin Murdock, 20, of Los Angeles.

They are charged with the murders of Second Lts. William King Jr., 21, of Orlando, Fla., and Thaddeus Lesnick, 23, of Fishtail, Mont.

In addition, each is charged with four counts of assault with a dangerous weapon and one count of carrying a pistol without a license.

Kramer testified that he and four fellow Marines from Quantico, Va., and a girl entered the Little Tavern Restaurant, 3331 M St., NW, about 3 a.m. June 5. As they entered he noticed three men seated on stools at the counter.

The marines and the girl stood at the take-out counter near the door and ordered hamburgers and coffee.

Kramer said one of the seated men, later identified as Alexander, kept staring at him and he stared back. He said the three were dressed "eccentrically," explaining that they had African bush haircuts and goatees.

"Alexander looked at me steadily," Kramer said. "I returned the look. We stared at each other for an indefinite time."

He said Alexander may have found the white dress uniforms the Marines were wearing as eccentric as he found their appearances to be.

Kramer said he turned to the counter and felt a tap on his shoulder and turned around to face Alexander, who tapped Kramer's nameplate on his tunic and said: "Kramer, do you want to come outside and talk about it more? I'll turn you into a Little Red Riding Hood."

Kramer said he later learned the term "Little Red Riding Hood" meant that Alexander intended to "bloody me." Even though he did not know the term at the time, he said, he took it to be a threat.

At this moment, according to Kramer, King stepped to his side and said: "What do you goddamned niggers want?" Kramer said Alexander reached into his coat and pulled out a revolver, cocking it as he pointed it at arm's length at King. Kramer said Alexander replied, "I'll show you what I want."

Murdock, who had gone out the door with the third man who had been seated at the counter, returned at this moment and "then shooting began," Kramer said.

Kramer was not able to tell who fired the first shots, but William H. Collins Jr., an assistant U.S. attorney prosecuting the case, said in his opening statements that the government would attempt to show that only Murdock's weapon was used.

Kramer said he felt a "strike to the head" and fell with a scalp wound.

"As I was dropping to the deck (the floor) I looked to Murdock. He was in a crouch and was firing . . ."

Kramer said Alexander and Murdock ran out the door with Murdock still shooting. Kramer then tried to assist the two Marines who had been shot, he said. They were dead on arrival at the hospital.

Prosecutor Collins in his opening statement said the defendants were arrested a short time later in their car in the 3300 block of N Street NW. The third man in the restaurant with the defendants was Cornelius Frazier Jr., 23, also of San Jose, who originally was arrested on a murder charge but was never indicted.

The trial resumes today.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., June 13, 1969.

To Hon. JOHN R. RARICK.
From American Law Division.
Subject: Slaying of marines in Georgetown cafe, summer 1968.

This will refer to your request of June 5, 1969, on behalf of a constituent, who wishes to know what happened to the killers of the two Marines in a Georgetown hamburger shop.

Two persons were accused of the slaying of the two Marines; they were Benjamin Murdock and Gordon Alexander, members of a Poor People's group from the West Coast. According to the Washington Post for February 27, 1969, Murdock was convicted of a second degree murder on February 26, 1969 in United States District Court for the District of Columbia (Criminal Number 1130-60); Alexander was acquitted of this charge, but convicted of criminal assault. The presiding judge was Judge Gesell. Murdock was committed to St. Elizabeth's Asylum for psychiatric tests to determine his mental condition at the time of the killing and Judge Gesell said that he would take the psychiatric reports into consideration at the time of sentencing. There is no further action in the Murdock case, according to the Criminal Clerk's office.

Gordon Alexander was acquitted of the charge of second degree murder, but convicted on several counts of criminal assault. Judge Gesell deferred sentencing Alexander until a report was made by the Probation Department and ordered him returned to jail in the meanwhile. On April 11, 1969 Alexander was sentenced from two to ten years on counts 3 and 4 of the indictment to run consecutively; to from one to three years on counts 5 and 6 to run concurrently; and to one year on count 7 to run consecutively with the other counts. A notice of appeal has been filed. On May 21, 1969 a motion for bond pending appeal was denied. There is no further record.

HUGH C. KEENAN, Jr.,
Legislative Attorney.

The judge's recent dismissal of the abortion charge against a local physician, who has had frequent prior difficulties with the law, has attracted national attention. The New York Law Journal considered it important enough to reprint his decision on its front page. The decision lays the groundwork to give the District of Columbia a new and profitable industry by making it an abortion mecca for the Nation.

CONSTITUTIONAL LAW—ABORTIONS—STATUTORY LANGUAGE REQUIRING HOLDING OF CRIMINAL LAW UNCONSTITUTIONAL FOR VAGUENESS

Title 22. Sec. 201 of the District of Columbia Code makes it a felony for anyone to abort a woman unless the operation is performed under the direction of a licensed physician and is necessary for the preservation of the mother's life or health. The defendants, a physician and a nurse's aid, moved to dismiss an indictment for abortion on constitutional grounds. In view of ample evidence that infection and death may result from unskilled terminations of pregnancy it is within the police power of Congress to require abortions to be performed by a licensed physician. That portion of the statute is separable and is permitted to stand. The remaining exception is vague. It fails to define "health" and does not indicate whether it includes varying degrees of mental as well as physical health. Decisions of the Supreme Court indicate increasingly that a woman's right of privacy may well include the right to remove an unwanted child, at least in the early stages of pregnancy. The indictment is dismissed as to the physician and the motion to dismiss, as to the nurse's aid, is denied. Prompt appeal to the United States Supreme Court is highly desirable.

UNITED STATES OF AMERICA V. MILAN VUITCH—UNITED STATES OF AMERICA V. SHIRLEY A. BOYD

(Decided Nov. 10, 1969)

Gesell, J.—These cases involve motions to dismiss indictments for abortion brought under title 22, section 301, of the D.C. Code. Vuitch is a physician licensed in the District of Columbia; Boyd is a nurse's aide. There is no relation between the two except that each defendant has moved to dismiss the indictment on the ground that the District of Columbia abortion statute is unconstitutional. The elaborate briefs, replete with authorities and background materials, have been considered, including the brief amicus of the American Civil Liberties Union. The arguments having been completed today, the court is prepared to rule from the bench because of the public urgency of the matter.

While there have been many prosecutions under this statute over the years, there are very few decisions interpreting it and none of recent vintage. Apart from the wording of the statute itself there is no significant legislative history giving any indication of the underlying congressional intent, either at the time of enactment or subsequent amendment. As far as can be ascertained, this is the first constitutional challenge of the statute and the issues presented in these motions have not been decided in this jurisdiction. The court has taken judicial notice of the materials cited in the briefs, but they are of such common understanding that they need not be elaborated on here in any detail.

The statute in question was orginially enacted as part of the District of Columbia Code of 1901 and thereafter reenacted with only slight modification. It provides in pertinent part:

"Whoever . . . produces an abortion . . . on any woman, unless the same were done as necessary for the preservation of the mother's life or health and under the direction of a competent licensed practitioner of medicine, shall be imprisoned. . . ."

A felony penalty of from one to ten years is provided.

Basically the motions attack the statute for vagueness, allege that its practical operation denies equal protection to certain economic and other groups subject to its sanctions and assert a constitutional right of all women, regardless of their circumstances, to determine whether or not they shall bear a child. Constitutional doctrines of recent evolution or referred to by analogy to reinforce the motions.

The statute does not prohibit all abortions. An abortion is permitted where done "as necessary for the preservation of the mother's life and health" *and* "under the direction of a competent licensed practitioner of medicine." This two partite exception clearly points up a basic congressional concern with what may broadly be said to be medical factors. The court has a duty to interpret the statute in a manner consistent with the apparent congressional intent. As the briefs and arguments have emphasized, there are still many health or medical problems created by the varying conditions under which abortions are performed. While there have been many advances in medical knowledge and techniques since 1901, there is nothing before the court which establishes that abortions may be safely and hygienically performed at various stages of pregnancy except under medical direction. Indeed, there is ample evidence, and the parties so assert, that infection and death still often attend clumsy, unskilled terminations of pregnancy performed by non-physicians.

Under these circumstances, it was and still is well within the police power of the Congress to outlaw abortions that are not performed under a "competent," that is, a qualified, licensed practitioner of medicine.

The true crux of the controversy here concerns the other part of the exception—"as necessary for the preservation of the mother's life or health." It is suggested that these words are not precise, that, as interpreted, they improperly limit the physician in carrying out his professional responsibilities, and that they interfere with a woman's right to avoid childbirth for any reason. The word "health" is not defined and in fact remains so vague in its interpretation and the practice under the act that there is no indication whether it includes varying degrees of mental as well as physical health. While the law generally has been careful not to interfere with medical judgment of competent physicians in treatment of individual patients, the physician in this instance is placed in a particularly unconscionable position under the conflicting and inadequate interpretations of the D.C. abortion statute now prevailing. The Court of Appeals established by such early cases as Peckham v. United States (96 U.S. App. D.C. 312, 1955, cert. denied, 350 U.S. 912), and Williams v. United States (78 U.S. App. D. C. 147, 143), that upon the government establishing that a physician committed an abortion the burden shifted to the physician to justify his acts. In other words, he is presumed guilty and remains so unless a jury can be persuaded that his acts were necessary for the preservation of the woman's life or health. These holdings, which may well offend the Fifth Amendment of the Constitution, as interpreted in recent decisions such as Leary (395 U.S. 6, 1969), and Gainey (380 U.S. 63, 1965), also emphasize the lack of necessary precision in this criminal statute. The jury's acceptance or nonacceptance of an individual doctor's interpretation of the ambivalent and uncertain word "health" should not determine whether he stands convicted of a felony, facing ten years' imprisonment. His professional judgment made in good faith should not be challenged. There is no clear standard to guide either the doctor, the jury or the court. Nobody of medical knowledge delineates what degree of mental or physical health or combination of the two is required to make an abortion conducted by a competent physician legal or illegal under the code. Other uncertainties in the phrase "as necessary for the preservation of the mother's life or health" are discussed and documented in People v. Belous (80 Cal. Rep. 354, 1969), and need not be repeated here.

Thus the phrase under discussion will not withstand attack for it fails to give that certainty which due process of law considers essential in a criminal statute. Its many ambiguities are particularly subject to criticism for the statute unquestionably impinges to an appreciable extent on significant constitutional rights of individuals.

At common law abortion prior to quickening was not an offense. In fact, abortion did not become a statutory crime in the United States until about 1830. It has repeatedly been held, even under the D.C. statute, that the woman who aborts commits no offense (Thompson v. United States, 30 U.S. App. D.C. 352, 1908). There has been, moreover, an increasing indication in decisions of the Supreme Court of the United States that as a secular matter a woman's liberty and right of privacy extends to family, marriage and sex matters and may well include the right to remove an unwanted child at least in early stages of pregnancy (Griswold, 381 U.S. 479, 1965; Loving (388 U.S. 1, 1967). Matters have certainly reached a point where a sound, informed interest of the state must affirmatively appear before the state infringes unduly on such rights. The abortion debate covers a wide spectrum of considerations: moral, ethical, social, economic, legal, political and humanitarian, as well as medical (see Abortion, Tietze & Lewit, Scientific American, January, 1969, vol. 220, No. 1). But it does not appear to what extent Congress has weighed these matters in establishing abortion policy for the District of Columbia beyond an expression of a clear necessity of placing the matter in the hands of competent doctors.

The question is next presented whether the statute is severable, that is, whether it may be read as outlawing abortions except when performed under the direction of a competent physician, eliminating only the preservation-of-life-or-health standard. Boyd, a nonphysician, urges that because of the vagueness of the life-and-health phrase, the entire statute must fall. The court concludes otherwise. The statute still protects a proper legislative and separate legislative objective if the one factor is stricken and the other allowed to remain. The court is satisfied that the statute is severable (United States v. Jackson, 390 U.S. 570, 1968; Stewart v. Washington, 301 F. Supp. 610, 1969), and holds that Congress has constitutionally required that abortions be undertaken only under the direction of a competent physician. Title 2–102, 130 governing licensing of the healing arts is not sufficient to protect the congressional purpose of limiting abortions to competent physicians. Even if the court accepts claim to standing under liberal criteria of such cases as Baker v. Carr (369 U.S. 186, 1962), and Flast v. Cohen (392 U.S. 93, 1968), her challenge fails because the statute is severable.

Boyd's further contention that the statute discriminates against the poor and in its present operation denies medical help in city hospitals but is more liberally applied in some private hospitals has considerable support in the sketchy statistics and other data presented. The statute has received differing interpretations in the hospitals. In the light of the court's ruling, however, there is no reason why the statute cannot henceforth be evenly applied throughout the city in a way which removes the principal basis for existing uncertainy and confusion. National and local policy provides free medical care for the poor. It is legally proper and indeed imperative that uniform medical abortion services be provided all segments of the population, the poor as well as the rich. Principles of equal protection under our constitution require that policies in our public hospitals be liberalized immediately. Other contentions advanced by Boyd are without merit in view of the rulings made.

The court cannot legislate. A far more scientific and appropriate statute could undoubtedly be framed than what remains of the 1901 legislation. The asserted constitutional right of privacy, here the unqualified right to refuse to bear children, has limitations. Congress can undoubtedly regulate abortion practice in many ways, perhaps even establishing different standards at various phases of pregnancy, if informed legislative findings were made after a modern review of the medical, social and constitutional problems presented. The court ventures the suggestion that Congress should re-examine the statute promptly in the light of current conditions.

The motion of Dr. Milan Vuitch in both cases is granted as to him only. The motion of Shirley A. Boyd is denied. These remarks shall constitute the court's opinion when transcribed. A prompt appeal to the United States Supreme Court under 18 U.S.C., section 3731, is highly desirable.

Counsel shall submit an appropriate order promptly.

(NOTE.—The Law Journal rarely publishes opinions of the United States District Court of any jurisdiction but it is publishing the above opinion by Judge Gerhard A. Gesell of the District Court for the District of Columbia because of the widespread interest in it. His opinion was given orally a week ago but the text only became available over the weekend. The decision left the District of Columbia as the only jurisdiction in the country in which there is no law in effect that forbids physicians to perform abortions.)

His opinion also broadly suggests that these abortions could be performed at taxpayers' expense. Instant public housing, instant welfare, and now instant abortions, all by virtue of the generosity of unelected judicrats place the Nation's Capital in the same position as Bolshevik Moscow 50 years ago.

Since the ultraliberal communications media can sense that Judge Gesell's actions are suspect, they are already hardbent on shoring up his defenses and building a healthy public image of respectability in preparation for the wrath of indignant citizens, which is bound to come.

An editorial out of tonight's Evening Star and a not surprising laudatory feature from Monday morning's ultra leftwing Washington Post are included in my remarks at this point:

[From the Washington Evening Star,
Nov. 18, 1969]

ABORTION RULING

The decision by District Judge Gerhard A. Gesell which struck down the District's 1901 abortion law does not mean that the stage has been set for the operation of "abortion mills" in the Nation's Capital. It does mean that opportunity is at hand to bring the matter of terminating unwanted pregnancies in line with current knowledge and, in fact, with rather widespread modern practice.

Under existing law an abortion may be legally performed under the direction of a competent licensed physician if "necessary for the preservation of the mother's life or health." This language, said Judge Gesell, is unconstitutionally vague. And this may very well be the case even though one practical effect of the ruling, to the extent that it becomes accepted, will be to reform a practice rather than a statute.

A spokesman for the District Medical Society says there has been a "great increase" in the number of abortions performed in hospitals in Washington in recent years. This is another way of saying what everyone knows—that a women with the money and the right connections has no great difficulty in getting an abortion performed in a hospital even though the "health" basis for the operation may be something less than clear-cut. The case is different with the woman who lacks both the money and the connections. She often winds up in the hands of an incompetent practitioner, sometimes with fatal results.

Judge Gesell refused to relax the requirement that an abortion must be performed by a competent licensed practitioner. He went on to say, however, that it is "legally proper and indeed imperative that uniform medical abortion services be provided all segments of the population, the poor as well as the rich." He also urged that his ruling be appealed to the Supreme Court, and he "suggested" that Congress promptly "re-examine the abortion statute in the light of current conditions."

It is our belief that Judge Gesell has pointed the community toward more enlightened handling of a poignant human problem.

[From the Washington Post, Nov. 16, 1969]

Multifaceted Judge Gesell

(By Michael Kernan)

Judge Gerhard A. Gesell, whose opinion on the right to perform abortions plunged him into the headlines Tuesday, firmly turned down a request on Wednesday for an interview about his private life.

The next thing he did was to give the names of several friends at the law firm of Covington and Burling, where he previously was a senior partner, and to suggest that they be contacted for the story.

At 59, Judge Gesell is a man who refuses to let his business life engulf the rest of his time. When he leaves his chambers at the U.S. District Court every night he dismisses from his mind the career that began 34 years ago upon his graduation from Yale Law School, and he becomes a husband and father, a dairy farmer, skilled sailor and a man treasured by his friends for his loyalty and wit.

In the courtroom he is punctilious, stern and coldly pragmatic in his view of the law and the realities of its enforcement. Earlier this month he sentenced Billie Austin Bryant for the murder of two FBI agents last January. Pressed to give the death penalty, the judge sentenced the 30-year-old Bryant to two consecutive life terms even though, he said, execution would be appropriate.

The reason: to keep the escape-motivated prisoner "indefinitely" in the "antiquated" death cell of the local jail while appealing the death sentence—instead of in a maximum-security penitentiary—would be dangerous, "and this danger should not be enhanced by keeping him here in the D.C. Jail where his mistaken views of his own importance would be fed by the continued controversy. . . ."

Before his appointment to the District judgeship two years ago by President Johnson, Gesell had built a reputation as one of the ablest trial lawyers in the business, unexcelled particularly in antitrust cases. His style, once he had isolated a key point, was to home in on it with staccato statements, creating a dramatic effect that concealed the almost fanatical thoroughness with which he prepared.

"He never seemed to need as much sleep as most lawyers," commented John Lord O'Brien, a long-time law associate. "He has tremendous energy and physical resilience. His work was notable for its lucidity and clarity."

The judge, added O'Brien, has been devoted to public service since his five years with the Securities and Exchange Commission in the New Deal's heyday: "He has worked with little public notice, and it has been a very great financial sacrifice for him to go on the bench."

In time he calls his own, Judge Gesell lives with his wife, Peggy, in a home on N Street across from the former John F. Kennedy house (on Inauguration Day in 1959 he invited a friend over to watch the top-hatted comings and goings), often weekends on his Virginia farm.

"It's a working farm," said Fontaine C. Bradley, another Covington and Burling colleague. "He's got a prize herd of cattle there, and the improvements he's made are for the working side. The house itself is very unpretentious."

Until recently Gesell was fond of spending most of the summer in Maine on a working vacation, but even there he knew when to lay aside the briefs and take off in his 30-foot yawl for a cruise of the Maine islands. His place, on North Haven Island, is reached by ferry and formerly belonged to Dwight Morrow and later Chester Bowles. Gesell acquired it when Bowles became ambassador to India.

"He cooks the breakfast sometimes and usually washes the dishes, too," Bradley said "Oh, and he paints. I remember one morning before breakfast I saw Gary sitting out there in the field with that white hair of his and his easel, and he did an oil of the house. All before breakfast."

The judge's schedule no longer leaves time for the Maine summers, and the yawl has been disposed of, not an easy thing to do for an experienced sailor who once taught sailing and who moves around a deck with ease and grace despite his somewhat stocky build. He's having a power boat built now, to suit his shorter vacations. It wasn't until recent years, it should be noted, that he took vacations at all.

A native of Los Angeles, Gesell spent his childhood in New Haven, Conn., where his famous father, the late Dr. Arnold Gesell (author of "The Child from 5 to 10," etc.), did his pioneer research into child psychology at Yale University and after 1950 ran the Gesell Institute he had founded. This background was, however, incidental to the judge's arriving at his abortion opinion, his friends say; it was based on a point of constitutionality.

Graduating from Andover in 1928, the younger Gesell took his AB at Yale (1932) and three years later his law degree at the Yale Law School to which he has given a great deal of time since.

"He has always been especially warm and generous to young law students," said another friend, William Delano. "More than one young clerk in the firm would be offered the free use of his town house in the summer, and in those days a law clerk could use a little help. Once I needed a quiet place to finish some work, and he let me stay at his country place."

The family is scattered today. Son Peter, 30, married, a Peace Corps veteran (Ethiopia) and a graduate of Harvard, is studying at the Harvard School of Education and working part time for a Boston education consulting firm. Daughter Patricia (Patsy), 27, formerly with the civil rights division of the Department of Justice, is at the Bank Street School of Education in New York.

Gesell has always maintained close ties with his children, much the way his own father did. (Researchers at Gesell Institute recalled that the senior Gesell "made a lot of holidays for his family and was a most interested father.") There is one sister, "Tassie," Mrs. Joseph Walden of Guilford, Conn.

One traditional event is the enormous New Year's Day milk punch party, which lasts from 11 a.m. to sundown, but the usual Gesell party is a small affair for close friends.

Bradley commented on the precision and speed with which the judge works. He reads fast, too, devouring fiction and nonfiction alike. He even walks fast.

"Sometimes he walks to work," Bradley added, "all the way from Georgetown, or at least part of the way."

After both children contracted polio (they recovered), the judge, typically, became a member of the board at Children's Hospital. Another theme that underlies much of his extracurricular work is aid to the underprivileged. Mrs. Gesell also specializes in that area, working with Planned Parenthood and other groups, and the children both seem to be headed toward teaching the underprivileged.

Gesell's legal credits fill several pages, not surprising for a holder of the Yale Law School Citation of Merit (1967).

As a Democrat ("he's liberal but he also has a lot of horse sense," said one friend), he served on several special committees for Presidents Kennedy and Johnson, dealing with treatment of Negro servicemen and District court reorganization.

Washington is a town that feeds on private lives, chews them up and spits them out, to the ruin of many an ambitious man. Gerhard Gesell has shown that it is possible to beat Washington with family, privacy and personality still intact. All it takes is character.

TRIBUTE TO GENE KELLY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. REES. Mr. Speaker, I can think of no better time than now for us to pay official tribute to an American whose great contribution to American art, culture, and entertainment is matched by his record of public service. I refer to Gene Kelly, who is known around the world as an internationally acclaimed actor, dancer, singer, choreographer, and director.

I consider this the appropriate time for my remarks because Gene Kelly's working community of Hollywood has now chosen him for one of its highest honors, the historic ritual of cementing his footprints in the forecourt of the famed Grauman's Chinese Theater on Monday, November 24. At the same time, he reaches a peak in his career as a motion picture director with the public release of "Hello, Dolly," one of the most important film productions of the past several years.

Gene Kelly does not lack in honors. The theater, film, and television industries have bestowed them on him generously. These industries are fully appreciative of how much his multiple talents and imagination have added to the advancement of the creative media. The enormous success of all of his ventures is evidence of the high public regard which he enjoys.

Nor will this be the first time that Gene Kelly has been singled out for citations on a Government level for his public service. In 1945, he was cited by the U.S. Treasury Department "for distinguished service rendered in behalf of the War Finance Program." Two years later, President Harry S. Truman cited Mr. Kelly "in recognition of patriotic and generous cooperation rendered to the President's Citizens Food Committee."

His consciousness of our foreign relations problems and his efforts to further American goodwill abroad, particularly in France, won enthusiastic appreciation in 1960. In that year, the French Government made him a Chevalier of the Legion of Honor. He was presented with a citation by the Paris Headquarters of the American Legion for "meritorious services and outstanding contribution to Franco-American relations." He received the Silver Medal from the City of Paris, and homage from its Municipal Council, "honoring him as a friend of the city."

Recognition of Gene Kelly as a one-man institution at the head of his many-faceted profession is something of long standing. As far back as 1951 the Academy of Motion Picture Arts and Sciences presented him with a special award "in appreciation of his versatility as an actor, singer, director and dancer; and specifically for his brilliant achievements in the art of choreography on film."

But there is something special at this particular time in the career of Gene Kelly. He has directed an important film in motion picture history, and a Hollywood theater has asked him to establish his imprint for posterity to see.

It is a double culmination for Gene Kelly, and it brings into review the years of dedication and effort that have led up to it. It is a fitting time for this legislative body of the country he has served so well to pay him official tribute.

VIETNAM AND THE EL SALVADOR-HONDURAS CONFLICT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. FRASER. Mr. Speaker, in addition to the tremendous human, spiritual, and material losses being sustained by the United States and other parties involved in Vietnam, there is also a great wastage of our Nation's intellectual resources on the Vietnamese tragedy.

Great quantities of our resources, governmental and private, those of individuals and organizations, are being devoted to Vietnam. These intellectual and material resources could have a much greater positive effect on other international problems, problems closer than Vietnam to the true security interests of the United States. But Vietnam has warped our sense of priorities, dominated the public interest, and consumed an inordinate amount of time and talent.

One of the conflicts which has been pushed from our consciousness by the Vietnam war is the still simmering conflict between two of our close Central American neighbors, El Salvador and Honduras. Most of us recall the short armed confrontation which occurred last July between these two members of the Central American Common Market. Not many of us have heard about the continuing ill will between these countries and the adverse impact these strained relations are having upon the nations of Central America. If the situation continues to deteriorate, the long-term impact on American relations could be disastrous.

Recently the New York Times published stories on efforts to alleviate the economic difficulties exacerbated by the July war and on the impact of the war on Central American society in general.

Mr. Speaker, I introduce into the RECORD at this point these two news articles by Juan de Onis. I suggest that here is a complex international conflict which is, in the long run, of greater importance to the United States and to this hemisphere than is Vietnam:

CENTRAL AMERICA ACTS TO SAVE BLOC; 5 PLAN TO ERASE RESULTS OF HONDURAS-SALVADOR WAR

(By Juan de Onis)

SAN JOSE, COSTA RICA, November 10—The five Central American foreign ministers, meeting as a group for the first time since the war between Honduras and El Salvador in July, have agreed to try to save the region's Common Market through peace-making in the area.

A communiqué, issued after two days of informal talks among the foreign ministers of Guatemala, El Salvador, Nicaragua, Honduras and Costa Rica, gave indications of the opening of new effort to repair the damage done to Central American regional cooperation by the Honduras-El Salvador conflict.

Nevertheless, Gen. Tiburcio Carias Andino, Foreign Minister of Honduras, left for his capital, Tegucigalpa, after signing the communiqué without committing Honduras to reopening the highway to El Salvador that is the only land transportation route between El Salvador and the southern members of the Common Market—Nicaragua and Costa Rica.

Francisco Guerrero, Foreign Minister of El Salvador, said he had received assurances from Galo Plaza, Secretary General of the Organization of American States, that the inter-American organization, of which the United States is a member, would set up an airlift to transport cargo between El Salvador and Nicaragua and Costa Rica.

"Since Honduras has not complied with the order of the meeting of consultation of the O.A.S. to reopen the highway," Mr. Guerrero said, "the people of El Salvador are waiting for the O.A.S. to do something to show that we did not withdraw our troops from Honduras for nothing."

PLANE "CAN HELP A LOT"

El Salvador invaded border areas of Honduras in July after killings and seizures of the property of Salvadorans who had migrated, many illegally, to western Honduras. A meeting of foreign ministers, called to resolve the crisis, ordered El Salvador to pull back her troops under a cease-fire, and she did.

Since then, Mr. Guerrero said, 18,000 Salvadoran families have returned to their homeland, many penniless.

Some Salvadoran industries have been affected by the transport blockade to the point that they are close to bankruptcy. Mr. Guerrero said that the airlift would ease the problem.

"One large transport plane making five flights a week can help a lot in restoring commerce in manufactures until land transport is restored, as I am confident that it will be soon," he said.

The cut in normal commerce has disrupted trade among the five Central American countries that reached an annual level of $180 million before the conflict. The population of the Common Market's area totals 14 million.

Policy-making groups and technical bodies that guide the nine-year-old regional common market have also been disrupted.

These include the Central American Integration Bank, with headquarters in Tegucigalpa. Salvadoran Government representatives and businessmen are barred from there because of the break in diplomatic relations.

Major decisions on Central American integration have been delayed. The foreign ministers agreed that they would try to hold a meeting of the organization of Central American States on Dec. 6.

"The foreign ministers agreed to continue holding conversations to exchange views on the ways to resolve problems in the region, to make peace secure, rebuild the Central American Common Market and re-establish . . . mechanisms of the process of economic integration," the communiqué said.

REFUGEES CROWD INTO EL SALVADOR: TOTAL FROM HONDURAS IS PUT AT 61,000 SINCE JUNE

(By Juan de Onis)

SAN JOSE, COSTA RICA, NOVEMBER 13.—Since the end of the brief war between Salvador and Honduras four months ago, the number of Salvadoran refugees has grown by more than 20,000, bringing the total to more than 61,000.

Observers of the Organization of American States who have been controlling the "voluntary" evacuation of Salvadorans from Honduras since Sept. 8 at two border points, El Amatillo and El Poy, have issued more than 20,000 refugee certificates.

The recent arrivals, at a rate of more than 200 a day, have joined the initial flight of 40,000 refugees who left Honduras in June when widespread violence against Salvadorans began there in the wake of El Salvador's invasion of border areas of western Honduras.

REPORT BEING PREPARED

The Inter-American Human Rights Commission, an expert group of eight members, is meeting here to prepare a report to the Council of the Organization of American States on the refugee problem and other human rights aspects of the tense and bitter situation between Honduras and El Salvador.

"The situation for Salvadorans in Honduras is worse now than before the war. They are being systematically fired from jobs, including people who have been living in Honduras for 30 years," said a private observer who has recently visited Honduras.

Bitterness is rising in El Salvador over the inability of the hemisphere organization to persuade the Honduran Government of President Osvaldo Lopez Arellano to lift the blockade on overland traffic to and from El Salvador on the Pan-American Highway, which links the two countries and is the main traffic artery for Central America.

ECONOMIC AID REJECTED

The Salvadorean Legislative Assembly voted Tuesday to reject any economic aid from the organization, including an offer of $100,000 for refugee relief. A similar offer of aid was accepted by Honduras. Most of the funds have been put up by the United States.

The reolution in the Salvadorean Legislature, directed at President Fidel Sanchez, was supported by all four parties in the assembly. The legislators said that "national dignity" did not permit El Salvador to accept aid while the organization proved unable to obtain compliance by Honduras with the decisions of the O.A.S. council that the highway be reopened.

The highway is the only route for trucks carrying Salvadorean industrial goods and rice to the southern members of the Central American Common Market, Costa Rica and Nicaragua. Guatemala and Honduras are the other members of the trade bloc.

FAIL TO END BLOCKADE

A meeting of the five Central American foreign ministers here over the weekend failed to reach an agreement on ending the highway blockade.

Honduran officials say they are unable to open the highway to Salvadorean products because of public hostility. Feeling in Honduras are running high over El Salvador's one month occupation of border zones after fighting broke out in July.

El Salvador pulled out her troops in compliance with a resolution of the American foreign ministers calling for a cease-fire and disengagement of forces.

The highway blockade has seriously disrupted trade among the Central American market partners, which had risen to an annual level of $180 million since the arrangement for the region's economic integration went into effect in 1960.

SMALLEST COUNTRY IN THE AREA

The refugee problem is aggravating already difficult economic conditions in El Salvador, the smallest but most densely populated Central American country. For many years there had been a steady emigration, often illegal, to relatively unoccupied Honduran farmlands from El Salvador's 3.3 million people, who are primarily employed in agriculture.

The Salvadorean Government is weighing a request from the Dominican Republic for 5,000 sugar-cane cutters for the sugar harvest now under way in that Caribbean country.

Dominican authorities have been unable to reach agreement this year on contract laborers from Haiti, the traditional source of low-cost labor for the Dominican sugar plantations.

Observers reported that the devastation caused in Honduras by a hurricane that battered the Gulf Coast in September, destroying an estimated 30 per cent of this year's banana crop, had contributed to pressure to expel Salvadorean workers. Bananas are Honduras' main export.

DUMITRU DANIELOPOL WRITES PRESIDENT NIXON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Under leave to extend my remarks in the RECORD, I wish to include a copy of a letter written to President Nixon just prior to the first Vietnam moratorium held in October. The letter was written by Dumitru Danielopol, a former banker and diplomat in prewar Rumania. He came to this country in 1947 and is now a columnist for the Copley newspapers in California and Illinois:

OCTOBER 9, 1969.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Don't feel lonesome on Wednesday—Vietnam Moratorium Day—when anti-war demonstrators attack you and try to force you to do something you know is wrong.

There are hundreds of millions of people here in the United States and around the world who know that you are right. They know that freedom is indivisible, that it cannot accommodate tyranny in one corner of the world and survive in another.

People like myself whose birthplaces are now behind the Iron Curtain are wholeheartedly with you. We have learned about communism at first hand. Poles, Czechs, Hungarians, Bulgarians, Albanians, Romanians, Lithuanians, Latvians, Estonians, Yugoslavs, Ukrainians, Cubans, Chinese, Jews, Christians, Mohammedans—no matter what color, race or creed—we have suffered indiscriminately at the hands of the Communists. We know their ruthlessness and their perfidy.

The tens of millions who have taken refuge from Communism in free lands stand by you.

We don't want to see what happened to us happen to the people of Vietnam, if it can be prevented.

And you know, and we know, that it can be prevented.

The great majority of native-born Americans back you, too, Mr. President, especially those sent overseas to fight the Nazis and the Fascists because governments in democratic countries in Europe in the 1930's failed to understand totalitarianism and failed to do what America is doing right now—stopping aggression while there is still time.

Every major national veterans organization in this country is on record in support of U.S. involvement in Vietnam.

No one wants to prevent free discussion, free opinion and even dissent—but on the condition that our rights are respected, too.

It seems incredible that so many people in high places advocate appeasement and the abandonment of a country fighting for its inalienable right to self determination.

Never in history have the aims of the Communists coincided with those of free people. Never have they voiced any policies that did not try to destroy freedom somewhere in the world. Yet today they seem to have so many articulate allies.

We know, Mr. President, that should the Americans abandon Vietnam—as the dissenters insist—America will cease to be the greatest country in the world.

There are times in the history of great countries and of great men when they have to stand up—even if alone—for what is right.

I witnessed some of those moments in the House of Commons when Winston Churchill tore his government and his party to shreds for the shameful Munich agreement of 1938. He was powerless, but he knew he was right.

From London, I heard Col. Charles de Gaulle, an unknown, call on his fellow Frenchmen, who had been shamefully defeated, to rally against overwhelming odds in the summer of 1940. He, too, was powerless, but he knew he was right.

Mr. President, you are in a much more favorable position than those leaders. You have the power, you have the time, for you are our President and our Commander in Chief, and you have an arsenal that can bring an honorable conclusion in Vietnam.

And, Mr. President, you have us on your side. We don't march or demonstrate, but that doesn't mean we aren't ready to help you.

Sincerely,

DUMITRU DANIELOPOL.

CONTRASTING STATEMENTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. JACOBS. Mr. Speaker, does the administration really believe it is not in the best interests of America to express honest disagreement with the executive branch over foreign policy?

The following contrasts cause one to wonder:

ON SUPPORT

President Nixon, November 13, 1969:

And those of you who were in the House then will remember that on those great initiatives which were recommended to the country and to this House and to the other body by President Truman . . . received the support not only of the majority of Democrats, but of the majority of Republicans.

Senator Nixon, April 11, 1951:

So far as the policy in China is concerned, and the Orient, I feel that the facts speak for themselves. That policy did not deserve support then, it does not deserve it now, because the policy has failed.

ON UNITY

President Nixon, November 13, 1969:

I do know that . . . when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

Senator Nixon, April 11, 1951:

If we continue in the present stalemate, if we continue to follow the present leadership of the State Department, all we can expect is a continuance of the war.

THE NEW TRADITION

President Nixon, November 13, 1969:

That what happened yesterday with that announcement on the part of Members of both sides of the aisle of well over a majority supporting the policy of the U.S., I realize that that was in the great tradition of this society.

Senator Nixon, April 11, 1951:

But I do know that those who have been responsible for our foreign policy in the Far East have failed. The American People have had enough of our past policy in the Far East.

LIFE UNDER COMMUNISM

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CASEY. Mr. Speaker, we in the Congress are well aware that our Nation has vocal foreign and domestic critics. There is no question that we face many problems, but we are attempting to solve them. This is in sharp contrast to the situation in Communist nations where they have no domestic critics because the right of dissent is stifled and the problems of the people are ignored.

I recently received a copy of a letter written to one of my constituents, Mr. Bruce Barkis, by a Hollander who took a trip through Yugoslavia, Rumania, and Bulgaria. In this letter some very cogent comments were made about the quality of life under communism. I only regret that the critics of our country do not have the opportunity to see first hand the countries described by this astute Hollander. I commend this letter to my colleagues and include it in the CONGRESSIONAL RECORD at this point:

OCTOBER 22, 1969.

DEAR MARIE AND BRUCE. As you know, we went to Yugoslavia, Rumania, and Bulgaria. I knew that you would be interested in how people live there and what they have accomplished. We went to satisfy my curiosity and to see something I do not know anything about. I could have given you a sort of blow by blow description of my experiences there, but I found that I needed a lot of time to think over my observations in order to put on paper what I thought of the country and its people instead of giving you a statement on the quality of the highways and the height of the buildings. This seems to have a rather heavy preface to an even heavier thesis on life behind the iron curtain.

Well now, Bruce, I know it interests you and I will tell you about Rumania and Bulgaria as I see it. I have had some arguments here with a few friends and I call them arguments because they lack the essential knowledge to reach the quality of discussions, and that goes for them that admire the communist as well as those who are against them. Of some of them, I know that they have crossed from one side to the other and though I believe that one should be able to change his mind when he grows older and better informed, I fell that sticking to principles as well as adopting other principles is not as right as judging one's principles.

Of course, I left on our trip to these countries after having lived here and listening to opinions from young people (usually red) and old people (as a rule square) that were based on propaganda and slogans.

Propaganda is often criminal negligence of the truth and slogans are in my view literary innovations of stupidity. I will try to avoid being pompous but I think I left both of these notions behind when we left, or at least, I tried.

We travelled by car through Germany to Yugoslavia (red) and crossed the frontier into Rumania, camping with our little tent—staying where we liked it two nights, and if not only one. We bought food in markets and shops and restaurants and sat and talked to people we met (and you really meet people in camping). We did a lot of window shopping to compare things and I noted down prices of necessities and commodities. I still find it difficult to draw conclusions and I am thankful that I am not a travelling bookwriter who has to make a living that way.

For the time being however, I will be a capitalist, be it without much capital, because I think a man should be able to win or lose and have his chance to own or owe. (I don't know if that last word is right).

Whether people are poor in those countries, I do not know because I am not sure that possession of a radio in every room of the house, an automatic dishwasher, and new furniture every three years make one rich. Here in Holland are quite a few people that think me rich because I own a car and others find me poor because Kees has not got one. (his wife)

I hear a lot about the population explosion, but equally influential on our environment is the commodity explosion as a result of industrialization and that is what we have in the west.

By the looks of it, I would say it will take a long time before those countries are bothered by the possessions that prove us rich for the simple reason that they lack the machinery that make the production of these things possible. To obtain that machinery they will have to work and since everybody works for the government, they just don't, like everybody else in the world who works for the government. I do think that you must have noticed that people that start or work on their own, work like the devil, but working for a large concern frees you to fit in with the crowd around you. If not, you'll never make promotion which is the achievement possible. In Europe everybody who works for the larger of all concerns, like a government, sit tight and are very careful not to do anything wrong.

Well now, that is what everybody seems to do in Rumania and Bulgaria. Everybody is forced to work, but nothing can make them work hard. They are fully protected by minimum wages and complete social securities. They do not have to compete so they can't lose. On the other hand, they cannot win and I think it only natural in a man to try to prove himself better than the other fellow.

The result is pitiful in my opinion. In Holland we have nationalized railways. Effective control has eliminated corruption and graft. Same with most government jobs. Same with the members of a strong union. Nobody can be laid off or fired and so you're safe and so you can loaf about and do as little as possible. These however, are small groups and they still have contact and associate with the independents, the baker, and the candlestick maker. Over there everybody works for the government and here when the railway employees are dissatisfied with one thing or the other, they work for a short period according to the book of rules, which slows everything down. Over there they work according to the books all the time from habit and it sure enough slows everything down. For everything you need, be it shoes or food, you stand in line and wait your turn. Nobody sells you anything. They just distribute the merchandise. The prices are fixed so there is nothing that can happen to you as long as you wait your turn. To make sure that nobody gets cheated, a large amount of administration is necessary, all written by hand since the cash register factory has not yet been built and of course they produce not enough export articles to be able to buy them elsewhere. People don't grumble when they waste their time arguing because they are used to it and besides time is by no means money here. There is food, but not nice. It feeds you like the bread which is good and cheap. Potatoes are good and cheap. They have three kinds of wheat. They have pork and any other meat is called veal and unchewable meat, which is ground up, is called sausage. All of it contains the essential food substance, so nobody is hungry and everybody is dressed, but the choice in clothes is limited to what the government decided. The price is fixed so you do not have to look for a special suit or dress or try to find what you want a little cheaper. So you just stand in line. There is enough so just wait your turn.

As a result there is very little talk in these shops, no courtesy, no complaints and not because people are afraid to talk either. There's just no use to say you are looking for something special because it is not there. I think the government experts decide on the various designs in dress material and the shape, so you know, since the number of designs are limited, exactly what you can get and also for how much money. Needless to say that there is nothing to buy for tourists because innovations and mode (fashion) is not made by governments, but by individuals and they have gotten lost. I do not think that they have been suppressed. There is simply no chance for them and after 25 years of this system, no need, or at least the need is not felt by the population. The little man is protected by the state and there are no big men anymore. One of the drabbest things in these countries is the ice cream stand.

This is a splendid example. The government decided that the people should have ice cream. They decide on amount, shape, price, and the place of sale and appoint the sellers, so everywhere in the country you can buy a simple ice cream cone with 35 grams of ice cream for 15 cents (local) and again you stand in line and state how many you want, no please, no thank you. To make sure nobody gets cheated, every ice cream vendor has an old fashion grocery scale with two brass basins, one of which has been adapted to hold the cone. In the other one a brass weight. The vendor scoops some ice cream from a covered bucket and fills the cone until the scale tilts. If it goes too far they take something out. All of them use an old shoe box. or an empty cigarette carton for the money they receive and change. It takes a long time and they don't care. They don't sell. They distribute. The line of people is silent. There is only one taste (vanilla) and it is a good quality. Controllers check regularly on intake of money against distribution of ice cream. So the people have ice cream. I do not know if it is right to send you all these observations, they might be a bit boring. Of course Bruce, all this is observation and no criticism or explanation.

I could tell you a lot more for I have visited cooperative farms (4,000 acres and 500 farmers reduced to farmhands), sat in trolley cars, sailed on the Black Sea with an English made power passenger ship (50 miles/hr) from one harbor to another. Talked to many people in German, English, and French of different nations from director (vice president) of heavy industry to factory workers and students and high school girls. I do not think they are unhappy and I know they are not happy. I think it could be the ultimate results of Marxism, and you can call it Communism or Socialism. Communism seems the situation after a violent change like revolution, but in our own and in your country, we have the evolution to socialism or democracy. We have a minimum wage in Holland, whether you work or sit back and look at work. We have outgrown the feudal system when one man dressed in silk, dictates the life of many. We are now free to choose our leaders and they are union presidents and politicians and they will ultimately dictate what we may eat and wear like they do already behind the iron curtain. I think it is a pity but I can see no other alternative.

A sad story by the looks of it. In the end it might not be so important to us what we eat and wear but to realize that we need a lot of education, like Bruce, Jr. wrote to you. If praying for the restoration of our nation to the level it had obtained through the observance of sound laws (including recognition of free enterprise, sanctity of the home, respect for the parents by children, etc.) is extreme, then I'm extreme and proud of it.

That's all for now.

CITIZEN'S COMPLAINT ON AIR POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. MIKVA. Mr. Speaker, amid all the mail which every Congressman receives, occasionally one letter on an issue stands out as an eloquent example of citizen concern. Last week I received such a letter from Mr. Ronald Moore of Chicago, Ill. Mr. Moore was able to convey in only a few words of his own idiom the sense of urgency which citizens of Chicago feel about the problem of pollution—and what it is doing to their lives and health. I include at this point in the RECORD a copy of Mr. Moore's letter and my response to him:

CHICAGO, ILL.,
October 29, 1969.

Hon. ABNER J. MIKVA,
House Office Building,
Washington, D.C.

DEAR MR. MIKVA: This air pollution got to go man, because I am dying for air. I wake up in the morning on a bright sunny day and it looks like rain. Help me to breathe more freely by stopping air pollution right now, not tomorrow, not Easter, now. Because I might die from suffocation.

Yours truly,

RONALD MOORE.

Mr. RONALD MOORE,
Chicago, Ill.

DEAR MR. MOORE: Thanks for your letter on the need for immediate action to curb air pollution in Chicago.

You managed to capture in your letter a sense of the urgency and seriousness of air pollution that few writers have been able to convey. I can assure you that I am trying very hard to get rid of those leaden, pollution-filled skies. As you say, all of us will be able to breathe more freely when we finally have air pollution under control.

I sincerely appreciate your taking the time to write to me about this important problem.

Sincerely,

ABNER J. MIKVA,
Member of Congress.

EISENHOWER ON DEFENSE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ARENDS. Mr. Speaker, much ado has been made about our so-called "military-industrial complex." And much of what has been said about a "military-industrial complex" has proven to be pure figment of the fertile imaginations of those who would have us sacrifice our security needs to satisfy their social and political objectives.

The distinguished chairman of our Armed Services Committee (Mr. RIVERS) discussed this matter at length and in depth in a brilliant analytical speech on the floor of the House on June 12. As the ranking minority member of the committee, I concur in what our chairman has pointed out.

There is no such thing as a "military-industrial complex" operating as a "secret conspiracy of malefactors." If there is such a conspiracy it is more likely to be on the part of those who would have us neglect our defense needs at the risk of our national safety in a restless world. To give some credence to their allegations they persist in referring to what our late beloved President Eisenhower said. By taking a phrase "military-industrial" out of the context of one of his speeches they misrepresent President Eisenhower's views on defense.

To set the record straight I am inserting in the CONGRESSIONAL RECORD an editorial which appeared in the November-December issue of the magazine called "Ordnance" which deals with various aspects of our national defense. It follows:

EISENHOWER ON DEFENSE

With such an impressive array of personal achievements—as soldier, statesman, educator, author—coupled with such a rich legacy of counsel he left the American people, it is somewhat ironic that a catchy phrase from a single speech should become the most frequently quoted remembrance of the late President Eisenhower.

He included this thought in his 1961 farewell address: "In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

Spokesmen for the antidefense elements in this country have seized upon this single statement to serve their purposes. They diligently overlook the other things Dwight D. Eisenhower had to say about the continuing threat to our national security and what must be done about it.

With so much exposure to this one phrase, one might be led to the conclusion that this was the most momentous statement President Eisenhower ever made. Therefore, in fairness to this great man, as well as for our national benefit, it would be a good idea for us to reflect on some of his other comments. For example, we should recall that he said:

"For the first 5 years following World War II, we in the United States, hopeful of a global and durable peace, pursued a policy of virtual disarmament. But the blockade of Berlin, the military weakness of our European friends living face to face with the Communist menace, and finally the Korean war—together with arrogant threats against other peaceful nations—belatedly made it clear to us that only under an umbrella of military strength could free nations hope to make progress toward an enduring and just peace. World uneasiness rose to the point of alarm.

"Today a militant, aggressive Communistic doctrine is dominant over much of the world's surface and over hundreds of millions of the world's people. In the postwar period, we have seen it indulge in a particularly cynical type of colonialism, expressed in the Communist subjugation of once free and proud nations in Europe and in Asia.

"Communism denies the spiritual premises on which your education has been based. According to that doctrine, there is no God; there is no soul in man; there is no reward beyond the satisfaction of daily needs. Consequently, toward the human being, Communism is cruel, intolerant, materialistic.

"This doctrine, committed to conquest by lure, by intimidation, and by force, seeks to destroy the political concepts and institutions that we hold to be dearer than life itself. Thus Communism poses a threat from which even this mighty Nation is not wholly immune.

"The principal and continuing factor is the persistently aggressive design of Moscow and Peiping, which shows no evidence of genuine change despite their professed desire to relax tensions and to preserve peace. Continuing, also, is the breadth and scope of the Communist attack; no weapon is absent from their arsenal, whether intended for destruction of cities and people or for the destruction of truth, of integrity, or loyalty.

"With both sections of this divided world in possession of unbelievably destructive weapons, mankind approaches a state where mutual annihilation becomes a possibility. No other fact of today's world equals this in importance; it colors everything we say, everything we plan, and everything we do.

"There is demanded of us, vigilance, determination and the dedication of whatever portion of our resources to provide adequate security, especially to provide a real deterrent to aggression.

"For our own country, it has been a time of recurring trial. We have grown in power and in responsibility. We have passed through the anxieties of depression and of war to a summit unmatched in man's history. Seeking to secure peace in the world, we have had to fight through the forests of the Argonne, to the shores of Iwo Jima, and to the cold mountains of Korea.

"Now, this country, as other free countries, maintains arms. We maintain formations of war and all the modern weapons. Why? Because we must. As long as this spirit that has prevailed up to now continues to prevail in the world, we cannot expose our rights, our privileges, our homes, our wives, our children to the risk which would come to an unarmed country.

"It is true that we have given first priority to worldwide measures for security against the possibility of military aggression. We have made many sacrifices to assure that this security is and will be maintained.

"America speaks from strength—strength in good allies, in arms, in readiness, in ever-increasing productivity, in the broader sharing of the abundant fruits of our economy, in our unchanging devotion to liberty and to human justice. Her vote is for peace based upon decency and right.

"But let no man think that we want peace at any price; that we shall forsake principle in resigned tolerance of evident evil; or that we may pawn our honor for transitory concession.

"No matter how earnest is our quest for guaranteed peace, we must maintain a high degree of military effectiveness at the same time we are engaged in negotiating the issue of arms reduction. Until tangible and mutually enforceable arms-reduction measures are worked out we will not weaken the means of defending our institutions.

"America possesses an enormous defense power. It is my studied conviction that no nation will ever risk general war against us unless we should become so foolish as to neglect the defense forces we now so powerfully support. It is worldwide knowledge that any power which might be tempted today to attack the United States by surprise, even though we might sustain great losses, would itself promptly suffer a terrible destruction.

"Nowhere in the world, outside this land, is there the richness of resources, stamina, and will needed to lead what at times may be a costly and exhausting effort. But leadership cannot be exercised by the weak. It demands strength, the strength of this great Nation when its people are united in purpose, united in a common fundamental faith, united in their readiness to work for human freedom and peace.

"This spiritual and economic strength, in turn, must be reinforced in a still armed world by the physical strength necessary for the defense of ourselves and our friends.

"The American Government and our allies provide the defensive strength against aggression that permits men of good will to work together for peace. Such strength is an absolute requirement until controlled and safeguarded disarmament allows its reduction, step by step. This strength is a trust on which rests the current safety of free men.

"Neither in size nor in character can our military establishment remain static. With constantly changing dangers, with rapidly changing developments in the science of warfare, our military forces, too, must change. From atomic submarine to atomic cannon, from new weapon systems to new military organizations, this giant complex structure must respond to the current needs of our time.

"Above all, its purpose is to prevent aggression and war. Our forces will never be used to initiate war against any nation; they will be used only for the defense of the free world.

"Together with the armed strength of other free nations, our military power, the greatest in our peacetime history, is today a deterrent to war. This awesome power we must and shall maintain, for we are determined that at all times, in today's uncertain world, we shall be able to deal effectively and flexibly with whatever situations may arise.

"We must be ready to dare all for our country. For history does not long entrust the care of freedom to the weak or the timid. We must acquire proficiency in defense and display stamina in purpose.

"We must be willing, individually and as a nation, to accept whatever sacrifices may be required of us. A people that values its privileges above its principles soon loses both.

"These basic precepts are not lofty abstractions, far removed from matters of daily living. They are laws of spiritual strength that generate and define our material strength. Patriotism means equipped forces and a prepared citizenry . . .

"I have emphasized that we seek peace, but only in freedom. If peoples were willing to give up their liberty and their personal dignity, they could readily have peace—a peace in which a single great power controlled all other nations.

"Genghis Khan, Tamerlane, Alexander the Great, Napoleon, Hitler, and others sought to establish that kind of peace. But always peoples and nations have rebelled against their false, self-serving doctrines. We do not want an imposed peace. We want, rather, a cooperative peace in which the peoples of every nation have the right of free choice, the right to establish their own institutions, to live by their own cardinal concepts and to be free of external pressure or threat.

"Unhappily, until the last threat of force has been suppressed, there must also be military cooperation, for no single nation, no matter how mighty, can alone protect the freedom of all. Together, however, the nations which cherish independence can command a power so great that no potential aggressor could violate the peace without destruction.

"Recognizing the ruthless purposes of international Communism, we must assure, above all else, our own national safety. At the same time we must continue to appeal to the sense of logic and decency of all peoples to work with us in the development of some kind of sane arrangement for peace.

"And it is not paradoxical in our peaceful efforts that we maintain powerful military forces. For in a world partly dominated by men who respect only guns, planes, and tanks, these weapons are essential to our survival."

These are only a few of the remarks President Eisenhower made about defense preparedness. Admittedly, they were selected from a number of his speeches. Nevertheless, every phrase is just as he said it.

Have we presented his thoughts out of context? Perhaps. But they are as much in context as making constant reference to his "military-industrial complex" statement while ignoring that in the very same speech, he said, "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American Ordnance Association endorses the Eisenhower philosophy. A careful reading of a number of his speeches discloses a man who, having known firsthand the agonies of war, intensely sought peace for all.

At the same time, though, here clearly was a man far from naïve about the world in which he lived. We believe he realized, better than most, that the free world's prospects for peace rested squarely upon a militarily strong, industrially prepared United States of America.

Never once did we find an instance where he advocated shirking the responsibility we acquired with unsought great-power status.

The principles inherent in the Eisenhower philosophy have guided our Association for over half a century. We are, and always have been, dedicated to peace. We are familiar enough with the history of that half-century, however, to be convinced that international peace is maintained only through our national preparedness.

We agree with President Eisenhower's observation—"Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself."

VETERANS DAY, 1969

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WYMAN. Mr. Speaker, Mr. Robertson Page of Douglaston, N.Y., has expressed the sentiment of the "silent majority" concerning Veterans Day 1969 so well that I commend his message to all Americans:

VETERANS DAY, 1969

(By Robertson Page)

Through the incandescence of millions of auto headlights, the American people spoke their heart on Veterans Day, 1969.

They spoke of patriotism, of quiet confidence, and love of country. And, yes, they spoke of the trail of tears and sacrifice and heartache that brought this nation to its pinnacle of greatness.

They spoke—quite as a disregarded majority must speak—when many of its public officials support a malignant minority bent on staining our national honor; when ambitious jackals play "peace politics" to gain entrance to the executive suite; when the practitioners of the press, broadcast and entertainment fields use their awesome influence to fawn upon the people who would divide and undermine our country.

They spoke—the silent majority did—in the silence to which they have grown accustomed. There was no insolent screaming. No pretentious protests, no marching, no demonstration. There was no violence!

But, nonetheless, there was a blaze of glory—silently reflected in something as ordinary as a headlight. For these were ordinary people, striving in their best way to express an ordinary but profound belief in the United States of America.

On November 11, 1969, the American eagle struck back against those who were fouling its nest!

REFLECTIONS ON THE RECENT ANTI-VIETNAM WAR DEMONSTRATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ASHBROOK. Mr. Speaker, the respected journalist, David Lawrence, in his syndicated column in the Washington Star of November 17, poses some pertinent questions on the worth of large public demonstrations to alter existing foreign policy on such key issues as that of Vietnam. It is certainly germane to ask just how many of the demonstrators gave sufficient thought to the complex aspects of the issue and the possible consequences of an immediate withdrawal of American forces from Vietnam. In fact, how many supporters of the demonstrations knew that the basic purpose motivating this whole affair was an immediate pull-out of our forces regardless of the consequences to the people of South Vietnam.

As Mr. Lawrence points out, a mobocracy and not a democracy would be the logical result if our foreign policies were based on the number of demonstrators that a particular cause could turn out to march the streets of Washington.

I insert at this point the column "Debates Are Better Than Marches," by David Lawrence, appearing in the November 17 issue of the Washington Star:

DEBATES ARE BETTER THAN MARCHES

(By David Lawrence)

What good did the big demonstration here do, as more than 250,000 persons took part in an expression of dissent against American participation in the Vietnam war?

Looking at the organized protest objectively, it may be said that many individuals participated who had the best of intentions and sincerely felt it was the only way to arouse sentiment against a continuing war. But if this were true, we would be governed by a mobocracy instead of a democracy, and the end result would be suppression and then anarchy.

Millions of persons don't understand the processes of a free government and don't realize that there are better ways of trying to influence the President and the Congress than by a mobilization in the streets, which so often leads to violence.

Unfortunately, there were unruly elements—some of them encouraged by Communists—who thought that more noise and shouting would be impressive. Persons of irresponsible mind took advantage of the occasion to break windows and loot stores in Washington's finest shopping districts.

No more effective way to shape public opinion—including that of the "silent majority"—can be employed than by intelligently discussing the issues, whether it be on the floor of Congress, in convention halls and auditoriums, in letters to the press or in talks on television.

Both sides of the case need to be presented thoughtfully in debate so the average citizen will understand how dangerous it would be for a government like ours to raise a white flag and run away from the Communist threat in the world.

Nobody likes wars—not even the military commanders who must direct them. But nobody likes to think an irresponsible hand may push a button some day and launch nuclear missiles to cause the death of millions of Americans. Defense is not just something that makes money for contractors who sell armament materials and equipment.

The simple facts about our foreign policy need thorough explanation. Frankness and candor are essential, though it is difficult for a government sometimes to speak of such delicate questions in public without arousing international complications.

But some truths are available, and the mobs of demonstrators need to keep them in mind.

Why, for instance, did Red China and the Soviet Union provoke acts of aggression by the North Vietnamese who invaded the territory south of their borders?

Why have these two Communist regimes supplied arms and ammunition year after year to North Vietnam and intensified the war?

Can the United States withdraw from Vietnam and give the impression it doesn't care if the rest of Asia, along with Australia and the Philippines, is taken over by the Communist dictatorships in Peking or Moscow?

Will any of Europe or Latin America be safe?

This is a world of unprecedented circumstances. Science has developed ways to destroy millions of human beings in a matter of hours. Isn't it logical, therefore, to build up a deterrent force so the enemy will know that instant retaliation of equally devastating power will follow any attack?

Do the demonstrators ever think these things through? Do they realize that 30,000 to 40,000 casualties in Vietnam may prove America is resolute and convince the enemy that the people of the United States are not going to sit by and let free nation after free nation be gobbled up? Isn't it better to do those things which will insure our safety than to take risks and chances in a world of atomic weaponry?

Some of the arguments in rebuttal may be helpful in understanding the opposition, especially if spokesmen for the demonstrators would really make clear that, while they want peace, they do not believe in surrender or "peace at any price."

How many of the young people in the marches or their leaders are well-informed and could stand up against opponents and debate freely in an orderly way the basic issues which cause the President to proceed cautiously in dealing with the Vietnam War problem?

Such a dialogue would be listened to over radio or television by more people than those who watched on TV the acts of violence and saw the placards with some phrases of outright treason displayed in the parades just held in the National Capital.

FORSYTHE VIEWPOINT PAPER—MAN'S ENVIRONMENT: KEY TO SURVIVAL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NELSEN. Mr. Speaker, a position paper on environmental quality has recently been developed by Mr. Robert A. Forsythe, former Assistant Secretary of Health, Education, and Welfare, who is now seeking to represent Minnesota's Third Congressional District in the 92d Congress. When this position paper was brought to my attention, I was impressed with its content, and ask that it be made a part of the RECORD.

Commendably, Mr. Forsythe endorses congressional action giving permanence to the President's Environmental Quality Council. This legislation has passed both Houses of Congress, and S. 1075 is presently pending in conference. I hope that the Conference Committee will meet soon to resolve the differences between the House and Senate versions, so that we can obtain final congressional approval before this session ends. Mr. Forsythe's paper follows:

FORSYTHE VIEWPOINT PAPER—MAN'S ENVIRONMENT: KEY TO SURVIVAL

America, not unlike the other nations of the world, today is confronted with a monumental task of managing its environment—not only for the improvement of the quality of life but for the very survival of mankind. The people of Minnesota and indeed of the Third District are dramatically affected by the environmental crisis upon us and must share in the responsibility contributing viable solutions. As Congressman, I would want to be in the forefront of this effort.

The crisis of the human environment is of world-wide scope involving all the nations of the globe whether they be an industrial giant like the United States or a newly emerging nation state.

THE CAUSES

The United Nations Economic and Social Council best summarized the root causes of this environmental crisis in a recent report:

"The explosive growth of human populations;

"The poor integration of a powerful and efficent technology with environmental requirements;

"The deterioration of agricultural lands and the unplanned extension of urban areas;

"The decrease of available space; and

"The growing danger of extinction of many forms of animal and plant life."

The consequences of man's imprudent use of his natural resources and the environment are no longer isolated or localized. Industrialization and urbanization now demand, more than ever before, a "total" approach to environmental planning and resource management. As proven by others, the regenerative powers of nature are no longer sufficient to overcome the mistakes of man. We must avoid yesterday's mistakes tomorrow.

AN URBANIZED POPULATION

Let's look briefly at the population pressures. In less than four centuries, the global population has increased more than sevenfold with virtually every inch of the earth's surface somehow touched or modified by man. Looking at urbanization patterns, we find that forty percent of the world's people live in urban centers or urban areas. In 1920, the world's urban population was some 100 million; by the year 2000, this will have increased twentyfold—an incredible development in just eight decades.

Last July President Nixon told the Congress:

"If [the] rate of population growth continues, it is likely that earth will contain *over* seven billion human beings by the end of this century. Over the next thirty years, in other words, the world's population could double. And at the end of that time, each new addition of one billion persons would not come over the millenia nor over a century nor even a decade. If present trends were to continue until the year 2000, *the eighth billion would be added in only five years and each additional billion in an even shorter period.* (Italic added.)

The President, in calling for congressional establishment of a Commission on Population Growth and the American Future, went on to note that, given today's growth rate, the United States—now a nation of 205 million—will have a population of 300 million by the turn of the century. It goes without saying that such enormous growth portends great economic, social, educational, and environmental problems for the future. *I support the President's proposal because I believe it essential that, for environmental purposes, we give serious study to the problems population growth will continue to cause in the future.*

Mr. Nixon also posed a most significant question: Where will the next hundred million Americans live? Our best projection or guess, if you will, indicates that at least 75 percent will locate in highly urbanized areas . . . thereby exacerbating the very problems plaguing us today.

Recently the National Commission on Urban Growth reported that, to accommodate the projected population growth in *new* communities, we would need to build a new city of 250,000—a city the size of Tulsa or Jersey City—each month for the next thirty years.

The pressure of numbers will be fantastic . . . pressures on our natural resources and the quality of our environment. Clean air and water, recreational facilities, open space, mineral resources, plant and animal life . . . all will be subjected to the excruciating pains of our population explosions.

As the President said: "The ecological system upon which we now depend will seriously deteriorate if our efforts to conserve and enhance the environment do not match the growth of the population." Let me add that our efforts to "conserve and enhance" may have to exceed the growth of population.

Quite obviously, any discussion of environmental planning and improvement touches upon vitally important matters such as family planning, mass transit, housing and other equally important matters. And, while not the immediate subject at hand, they are indeed vital concerns which we will elaborate on as this campaign unfolds.

After surveying the magnitude of the population question, let's review some of the more salient environmental considerations.

POLLUTION

Man's capacity to pollute the environment expands concomitantly with the accelerated drive toward industrialization and urbanization. For example, a century ago the production of crude petroleum was virtually nonexistent. But by 1966, it has amounted to 1.7 billion metric tons per year. Between 1937 and 1966, annual petroleum production rates increased 600 percent. Throughout the world the passenger motor vehicle, in that same period, was produced at a rate that increased from 5 million to 19 million per year. Understandably, the rise in residual environmental pollutants from such an increase is dramatic. Air pollution is a national problem of paramount importance and Minnesota, unlike some of our unfortunate sister states, still has time to avoid the crisis of polluted air.

A recent magazine advertisement stated "In this age, of affluence, we have more of everything, including more trash." Consider for a moment the sobering fact that each of us produces about five pounds of solid wastes daily . . . that amounts to 182,000,000 tons every year. It is an established fact that waste is growing more rapidly than the population and, by 1980, that yearly figure will amount to 280,000,000 tons.

It is manifest that the increased use of modern technology has brought major increases in the amount of waste products which contaminate our environment. In the United States today, more than 142 million tons of smoke and noxious fumes poison the air, 7 million automobiles spew forth carbon monoxide, 20 million tons of paper, 48,000 million cans, 26,000 million bottles and jars, 3,000 million tons of waste rock and mill tailings and 50 trillion gallons of hot water must be disposed of. The disposal of liquid and solid wastes in our country is a gargantuan problem, especially in our ever-growing metropolitan regions such as Minnesota's Third District.

Turning to plant and animal life, we find that 150 types of birds and animals have become extinct because of human acts and nearly 1,000 species or races of wild animals are considered to be rare or endangered. Furthermore, we know that pesticides such as DDT inhibit photosynthesis in some algae and plant life by as much as 75 percent. Nonetheless, we have introduced worldwide nearly one billion pounds of DDT into our environment and are adding 100 million pounds every year. World production of pesticides exceeds 1,300 million pounds annually and the United States exports over 400 million pounds per year. The effects upon fish, wildlife, human health, and our total environment are of serious and, to date, incalcuable consequence and inflict a needless cost upon mankind. We can ill-afford to ignore these growing menaces.

As mentioned, the deterioration of the human environment is related to the three primary causes of population growth, increased urbanization and an expanded and efficient new technology. None of these need necessarily be detrimental to the human environment . . . they have been so because of man's inability to see the consequences of raping his natural environment. Today we witness those consequences in countless ways; tomorrow we need not suffer from this historic lack of vision.

As both an agricultural and industrial leader, Minnesota faces these very same problems. Questions of pesticides and insecticides, feed lot run-off, the disposal of taconite tailings, the development and use of nuclear power and possible radiological contamination, restoration of abandoned open pit mines and tailing dumps, the preservation of unique and historic open spaces . . . all of these public policy decisions confront the people of Minnesota and of our Third District.

Recent actions by the Governor and the Legislature reflect the growing awareness of our people and their leaders to the significance of environmental management. The Legislature, in creating the Pollution Control

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Agency in 1967—and by giving it expanded powers in air, water, and solid waste control, moved Minnesota to the forefront in this field. Governor LeVander's recent action in creating an environmental affairs cabinet at the state level is commendable, for it will bring together for the time Minnesota's operating departments and agencies in coordinating the State's environmental programs and policies.

A PROGRAM FOR THE 1970'S

I offer the following recommendations for action which, if implemented, would greatly enhance our state and national capability for dealing with the environmental crisis:

1. *Congressional establishment of a national Environmental Quality Council.*

The President, by executive order, has created a Council to operate at the Federal level and legislation designed to give permanence to the Council, S. 1075 and HR 12549, has been passed by the House and Senate and is awaiting final conference committee action. I urge the Congress to resolve the minor differences and establish the Council in the immediate future with *appropriate funding and staff resources.*

2. *Appointment of full-time environmental adviser to the President.*

An environmental specialist similar to the caliber of Dr. Moynihan, assistant to the President for Urban Affairs and chief staff aide to the Urban Affairs Council, should be appointed by the President.

3. *A White House Conference on Environmental Management in 1970.*

In conjunction with this national effort to review our present state of affairs, each of the fifty governors ought to hold a prior statewide environmental conclave designed to generate recommendations to be considered by the White House Conference. Follow-up state conferences should be held subsequent to the White House Conference to implement the recommendations through state legislative and executive action.

4. *Creation of a Select Joint Committee on Environmental Living by the House and Senate of the Congress.*

The Congress needs an integrated view of its responsibilities which can only be achieved by such a committee. The Committee should be structured and should operate similar to the Joint Economic Committee.

5. *Review of National and State Laws.*

Minnesota's recent experience with the Atomic Energy Commission on the question of radiological pollution standards points up dramatically the immediate necessity for a comprehensive review of Federal and State law in the entire field of environmental improvement. This entire matter of man's environment is much too significant to allow it to become ensnarled in a maze of legal battles. In the recent Minnesota case I support Governor LeVander for his action and the action of the Minnesota Pollution Control Agency and the action of other state officials in defending Minnesota's legal right to impose stricter standards than those required by the AEC. The Governor and the State chose the right alternative. N.S.P., on the other hand, had a legal right to institute legal proceedings in an effort to get a court determination of the issue of Federal vs. State authority.

But the real question becomes—just how long can man await the unraveling of legal issues while damage to his environment goes on in its implacable and relentless pace?

The time has come for the federal authorities to cooperate with states in the encouragement and development of high standards and vigorous enforcement action in protecting our air and water resources.

6. *Divide the present authority and responsibility of the Atomic Energy Commission.*

It makes no sense to continue the Commission as both a regulator and promoter of the peaceful uses of atomic energy when public confidence in the Commission has been undermined. At the time when the A.E.C. was commissioned, nobody realized nor contemplated the true significance of the regulatory factor. By separating the regulatory and promotional functions, public confidence could once again be restored to its fullest extent and our fears and concerns over radioactivity in the environment could begin to be put to rest.

7. *Increased State and Federal support of the Minnesota Experimental City as a proposed laboratory for dealing with environmental concerns in a total systems experiment.*

The University of Minnesota's MXC project is one of America's boldest planning efforts in trying to cope with the social, economic, political, technological, and environmental problems of an urban environment. It is an imaginative research and planning endeavor which has attracted widespread interest and support in both the private and public sectors. Now in its second phase, the MXC project deserves greater Federal support by the affected departments and agencies. Surely it is a project worthy of the Congress' attention as America grapples with problems of urban decay in the months and years ahead. As a member of the Congress, I would work for the building of the Minnesota City.

8. *Support for Jonathon.*

At the same time, I support the work and efforts of those who are participating in the exciting new city concept known as Jonathon in Carver County. It demonstrates how private enterprise can participate in the development of a quality environment.

9. *Increased State and Federal support of the Freshwater Biological Institute at Lake Minnetonka.*

As an arm of the University of Minnesota's Graduate School, the Institute holds great potential for freshwater biological research and for the training of environmental scientists. This effort on the shores of Lake Minnetonka warrants both private and public support as a pioneering effort in freshwater research.

10. *Creation of the proposed Voyageurs National Park.*

Minnesota's unique Kabetogama region deserves to be included in our National Park System as one of America's few remaining biological and historic treasures. This scenic masterpiece would make one of the nation's truly outstanding national parks and, since chairing Governor LeVander's 1967 public conference at Virginia, I have been convinced of the proposal's merits and of the advisability of preserving this Voyageur area. The Voyageurs park proposal is a natural resource project of pre-eminent importance and I hope congressional action is soon forthcoming. Establishment of the park would help maintain Minnesota's leadership as a recreational and tourist haven, as well as preserving a unique natural resource for all our people.

11. *Creation of a national foundation to solicit and maintain broad public understanding and support for environmental planning and improvement.*

While it is fashionable to decry the value of private foundations today, I believe we desperately need a private organization, adequately funded, operating in the environmental field. Only through the educational efforts of government and private voluntary organizations can we reach our people. Public sector efforts are insufficient and can never take the place of enlivened citizen participation.

12. *Creation of an international vehicle for saving Lake Superior.*

We must not stand idly by and watch Lake Superior, North America's greatest freshwater asset, succumb to the fate of a Lake Erie. Let us heed the early warnings and take immediate action to protect Superior against the onslaught of pollution. This can only be achieved by Canada, Minnesota, Michigan and Wisconsin acting in concert on an international program of pollution abatement and control.

13. *Encouragement of actions by private industry to improve our environment.*

Private industry is often criticized for the manner in which it is defiling our environment. In many cases this criticism is justified. Nevertheless, in my practice as a lawyer, I have worked with many industry leaders, and I sense a new awareness in these leaders of the role that the private sector must play in the preservation of our environment. I will initiate actions to further encourage and expand private industry's role in this area, by investigating tax incentives to encourage industry's efforts, by introducing legislative guidelines to curtail the activities of the exploiters, and by speaking out in favor of those industries which are doing the job that needs to be done and speaking out against those industries which are not doing so.

DISTORTION BY NEWS MEDIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HOGAN. Mr. Speaker, Vice President AGNEW last week articulated a controversial point of view about the news establishment in this country. I commend him for his courage in bringing this issue into such sharp focus.

Mr. Speaker, today I would like to call to the attention of my colleagues a letter which I received prior to the Vice President's speech in Des Moines, Iowa, which discusses the subject matter—distortion by news media.

In his letter, my constituent, Mr. Stanley W. Bowers, makes some very interesting observations and comments about television coverage of the President's November 3 speech which I would like to insert into the CONGRESSIONAL RECORD at this point:

NOVEMBER 6, 1969.

Hon LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOGAN: Enclosed is a letter to Columbia Broadcasting System, Inc., which expresses my feelings immediately following the President's speech to the Nation on Monday night. The language is strong but intentionally so for I feel that television news commentators are given far too much latitude today in what they are allowed to express without rebuttal. However qualified or unqualified they may be, they set themselves up as experts on the war and national policy telling their viewing audiences what the mind of the majority of American people is whether it is true or not.

I have had a number of discussions with friends of mine, including the minister of my church and others of the "silent majority," since Monday night and all were appalled at the tone of the commentators following the President's speech. If we are to be a nation united, how can it be when a media of undeniable influence deliberately seeks to divide and seemingly further incite the immature vocal minority?

I respectfully request that you do all in your power to investigate the motivation and circumstances behind the telecasting of the newsreel from Vietnam on the CBS 11 p.m. news report mentioned in the enclosed letter. A personal viewing of the entire re-

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port will substantiate what I have said and partially demonstrate the reason for my concern.

I am a firm believer in free democratic expression, but without opposing viewpoints much of what we hear and see becomes propaganda. What some are calling "interpretative reports" are nothing more than an individual's misguided viewpoint, or deliberate subversive statements, disguised as the mind of proper American thinking.

You have had my support at the ballot box and now may I respectfully request your support in this concern of mine? May I hear from you soon?

Sincerely,

STANLEY W. BOWERS.

NOVEMBER 3, 1969.

COLUMBIA BROADCASTING SYSTEM, INC.,
Washington, D.C.

DEAR SIRS: If your news staff are not card carrying members of the American Communist Party they might just as well be. They are among the "effete corps of pseudo-intellectual impudent snobs." Strong words? Yes! But don't throw this letter in the waste basket yet. No words can express my utter disgust with your news staff.

I have just witnessed what is contributing to the moral decay among certain elements of my country, for I have just finished watching your commentaries following the President's speech to the Nation. Your news staff immediately began to tear down and rip apart what the President said as he tried to "bring us together" through understanding. One of your news people ("impudent snob") used the term "illogic" to describe the President's remarks. In a few minutes time your people attempted to destroy all that the President was trying his best to say to my Nation. (You will note I have used the possessive when referring to my Nation for obviously your news people are only a part of this country because of birth or naturalization.)

On top of the above, I have never seen such deliberate gall and obviously slanted and subversive reporting when you showed a newsreel from Vietnam purportedly showing a wounded North Vietnamese being slain with a knife by a South Vietnamese while our U.S. advisors stood by. Never, never, in my years of watching the news (and I watch religiously) have I witnessed anything like this on the part of either of the opposing forces. It cannot be just coincidence that this was saved for viewing 1 hour after the President's speech. It appears that it was purposely scheduled for just the proper time to further demoralize and incite the vocal minority of my Nation.

May it be little comfort to you to know that you were not alone in your commentaries for the other networks were equally negative in their reports but not so blatant as to show supposed U.S. approved atrocities.

On your 11 p.m. news report you arranged to air the views of two congressmen. But who was allowed to speak the longest—the communist sympathizer, of course!

Your news staff are very likely among those who say "communism—so what! If we become a communist nation, but at 'peace', what of it?"

Admittedly, I am irate. I've never felt compelled to write a broadcasting network before, but when I see my country being undermined by revolutionaries from within, I'm compelled to express my views for whatever they are worth.

You may say, "Who is he, anyway?" Well I'm just another 32 year old Management Analyst serving my seventh year in the U.S. Government. Yes, I'm a Republican (and have served on the President's staff) but more than that I am a concerned American.

As a result of your programing of this date, I'm asking my Senator and Congressman to do what they can to initiate an investigation of the motives of the aforementioned irresponsible and subversive programing.

My hope is that the American public will not allow our broadcast media to be taken over by the likes of your news staff. I shall actively seek to do my part in seeing that this is so. Complacent, I'm not anymore. As one of the "silent majority" it's time to speak out—however intemperate it may seem.

Sincerely,

STANLEY W. BOWERS.

MONROE COUNTY, N.Y., PURE WATERS AGENCY SETS COMMENDABLE EXAMPLE IN COMPREHENSIVE $200 MILLION ANTIPOLLUTION DRIVE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HORTON. Mr. Speaker, the greatest problem facing the people of this country today is to clean up our environment. We have been fouling our own nests for too long. It is time all of us took up the cause of clean water, clean air, and clean lands.

The Federal Water Pollution Control Administration has taken a major lead in the Federal efforts. I would also like to bring the attention of my colleagues to the efforts in my district of the Monroe County Pure Waters Agency which is undertaking a $200 million countywide program.

The Federal and local objectives are spelled out vividly in addresses given at the first meeting of the Monroe County Pure Waters Agency last spring. I would like to share the remarks of David D. Dominick, Commissioner, Federal Water Pollution Control Administration, and Frank E. Van Lare, former New York State senator and chairman of the pure waters agency.

The remarks referred to follow:

REMARKS OF DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION BEFORE THE FIRST MEETING OF THE MONROE COUNTY PURE WATERS AGENCY, ROCHESTER, N.Y., APRIL 16, 1969

I'm here speaking to you today as a new man on the job. Three weeks on the job to be exact. And I know that I'm speaking to a great number of people who have been on the job for a greater time—people who have devoted high intelligence and energy to solving the pollution problems of your county and of your region.

This is my first foray out of Washington since assuming my new responsibilities. My first foray out to the front lines—to where the action is.

I consider it especially appropriate that I have been privileged to come to Monroe County, New York. For I know that this is a county that has initiated more than $200 million in sewage construction in a little over a year. A county that can be viewed as a progressive model for the whole State of New York and the Nation. I'm very happy to be here.

If the National clean water program is to succeed, I believe that Americans must have a more respectful and less arrogant attitude toward their water resources. And I believe we are moving in this direction.

A recent Gallup Poll, sponsored by the National Wildlife Federation, shows that great numbers of Americans—more than 85 percent in fact—are concerned about pollution of their environment, and that the concern is shared by city people, rural people, and the young and old alike.

The poll showed that about half, or 51 percent, of the persons interviewed were "deeply concerned" about pollution as compared to all other environmental problems. And that one-third, or 35 percent, said they were "somewhat concerned." Only 12 percent said they were "not very concerned." Even more important, 3 out of 4 people interviewed said they were willing to spend more tax dollars to improve their natural surroundings.

The reason we are moving is this: Evidence of man's abuse and misuse of water, of lakes and streams has become overpowering. It is impossible to ignore.

You observe the evidence in the Genesee and Lake Ontario, I see it in the Potomac and Chesapeake Bay. The evidence of gross pollution stings our sensibilities and threatens to slow economic growth across the land.

We are almost out of time. This is why active units such as the Monroe County Pure Waters Agency are so important, so vital to the effectiveness of the National clean water drive.

These local groups energize public opinion which is at the heart of power and action. They police pollution, ferret out the causes, and propose solutions.

On the part of the Federal Water Pollution Control Administration I pledge the fullest cooperation to the Monroe County Pure Waters Agency and all similar local units throughout the country. I assure you that we are aware in the bureaucratic thicket of Washington that without local initiative and support there simply would be no National clean water program.

Now, I would like to report briefly today on the future of our clean water program as we see it in Washington through the Federal spyglass.

First, I do not look for any major policy changes in overall water pollution control objectives in the immediate future. However, there may be some changes in emphasis by which we would hope to strengthen the program. As Secretary Hickel said at his highly publicized confirmation hearings before the Senate—

"Implementation" is going to be the key to the early days of his administration. I can tell you in a personal aside that Secretary Hickel is very much a man of action—he's a doer—and he's a man that expects and I think is going to get results.

You know, of course, that President Nixon has a personal commitment as well to the urgency of safeguarding the environment. During the presidential campaign, President Nixon proposed the following six-point program to combat water and air pollution:

"First, we should recognize that some problems—like air and water pollution—spill over traditional political boundaries. We must now begin to perfect and expand regional and Fedral approaches to controlling pollution. . . .

"Second, we need to accelerate the development of more effective and less expensive pollution control devices. . . .

"Third, we need to develop more objective standards for measuring air and water pollution. Our research efforts in this vital area must be strengthened.

"Fourth, we have to develop and implement effective and fair enforcement procedures . . . we must improve our capability for identifying and fixing the responsibility for pollution.

"Fifth, to eliminate expensive bureaucratic confusion, duplication and red tape, we should give careful consideration to the transfer of all related pollution control programs now administered by other Federal agencies to the Federal Water Pollution Control Administration.

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"Sixth, the Federal Government *must set the example by eliminating,* as soon as possible, all pollution from Federal facilities. The Federal Government must practice what it advocates."

Secretary of the Interior Hickel has given unequivocal support to the clean water program. Even a casual newspaper reader is aware of that fact. He told the Senate Subcommittee on Air and Water Pollution in February that:

"I support the basic concepts as outlined in the Water Quality Act of 1965, as amended. I am convinced that with proper administration, adequate financing, and good tough enforcement the objectives as outlined by Congress can be attained.

"Our Federal program requires a *cooperative effort by local,* State and national governments, coupled with the support of private industry and the general public.

"It is only when all these elements of society work together that we can realize progress in cleaning up the polluted waters and prevent further pollution.

"The Department of the Interior must utilize to the utmost the present laws. We must seek new authority where new authority is needed. We must be willing to move in new directions and assist the States in developing programs which will prevent as well as control water pollution. We must establish the proper guidelines so that each entity will know its responsibilities. Industry must know what is expected of it, as must the municipalities, the States, and the regional and interstate groups. We must develop the technical capability that is needed. We must have training programs. There is much that needs to be done."

Secretary Hickel went on to say:

"I am committed to the effort and will do all I can to improve and advance the programs designed to protect and improve the quality of this Nation's water."

I think you will agree that the Administration has adopted a positive approach to environmental management and water pollution control.

This approach, attended as it will be by a closer working relationship among Federal, State and local clean water teams, has a special significance for the rich and magnificent Great Lakes area, beset by grave, and in some areas, worsening water pollution.

Federal-State cooperation has constructed solid pollution control programs to clean up Lake Erie and Lake Michigan. The implementation of these programs will receive top priority at FWPCA.

The five-State schedules for Lake Erie call for the appropriate municipal and industrial treatment facilities to be completed by 1970, for the most part, and by 1972 in a few cases.

The four-State schedules for Lake Michigan are to be fulfilled by the end of 1972.

The Lake Michigan and Lake Erie conferences have stimulated FWPCA and the Corps of Engineers to come nearer to a satisfactory solution to the critical problem of dredging. FWPCA and the Corps are in continuing consultation on this problem.

The conferences also have stimulated significantly studies and research by FWPCA in the field of eutrophication, a problem which confronts the Great Lakes and smaller lakes in the Basin in varying degree.

The Erie and Michigan enforcement conferences, I believe, showed us how necessary it is to act promptly to curb lake pollution in its early or relatively early stages. This is what we're doing in Lake Superior. It is what we have already attempted to do in Lake Tahoe.

As you know a Federal-State enforcement conference to consider ways of reducing pollution in Lake Superior has been called for May 13 in Duluth. Lake Superior is the deepest and still the cleanest of the Great Lakes.

Further, as you know very well, an action program is being put together to clean up algae-plagued Lake Ontario and its severely polluted tributaries. The basis of the program is a report prepared by FWPCA and the State of New York—a report which calls for the expenditures of more than $300 million to install or upgrade water pollution control facilities in 229 municipalities and 200 industries.

FWPCA stands ready, of course, to provide whatever assistance it can in support of this massive and far-seeing clean-up project.

It is unfortunately true that water cleanup by municipalities has been and is hampered by a lack of funds. The authorized amount of Federal construction grant money has not been appropriated by Congress because of budgetary cutbacks.

But Secretary Hickel has testified before Congress:

"We will be reviewing and studying the needs and requirements of municipalities in supplying treatment facilities. . . . We must come up with realistic ways of financing these needed facilities."

Also we hope to make more money available through grants to the States and to interstate agencies to help them meet the costs of establishing and maintaining adequate water pollution control measures and to train personnel in public agencies.

A determined effort will be made to beef up training programs.

Secretary Hickel has told Congress:

"In the training area, we believe that it is essential that programs be initiated soon in all the states for the training of persons qualified in the operation of waste treatment works.

"In some cases we find that waste treatment works because of the lack of trained personnel are operating at only 80 to 85 percent of the designed capability. Combined with this effort, we will attempt to develop with the state administrators, a program where our technical people can join with the state officials in assessing the extent of water quality improvement possible through the improved operation of the more than eleven thousand treatment plants now in existence in the United States."

In closing, let me say this: I think you will find that the new water team leadership in Washington will strengthen and advance our water quality programs. It stands for effective water pollution control laws, adequate financing, and proper enforcement. It stands for more effective cooperation with the States and local communities.

And above all, it stands for less rhetoric, more action!

REMARKS BY FRANK E. VAN LARE, CHAIRMAN, MONROE COUNTY PURE WATERS AGENCY, APRIL 16, 1969

My message for this gathering is a short and happy one. During the past year the corner was turned in the war against water pollution in Monroe county. Our county has emerged as a national leader in halting the defilement of our rich heritage of water resources. The corner was turned because county, city, town and village officials joined in a nonpartisan cooperative endeavor without precedent in the history of Monroe County. This effort in the public sector has been supplemented by the projects of private industry.

Let me cite a few of the highlights of this endeavor.

The city council of Rochester approved a bond authorization of $48.7 million to finance an expansion and upgrading of the Durand-Eastman sewage treatment plant. Construction of this project, which includes an 18,000-foot outfall into Lake Ontario, will start this year.

The county legislature approved a bond authorization of $90.0 million to construct the 37-mile Irondequoit bay regional interceptor sewer system. Construction of this project will begin late this year and ultimately will serve 10 suburban communities. It also will accept sewage flows from part of Rochester.

Completion of the project will permit the abandonment of 15 small treatment plants. Flows will be transported to the expanded Durand-Eastman plant.

The county legislature approved bond authorizations totaling $30,046,000 to construct a new treatment plant and interceptor sewer system to serve the nine communities in the northwest quadrant of Monroe county. Construction of this project will begin this fall.

The town of Webster completed its new treatment plant. The construction of this plant was made possible by a model of municipal-industrial cooperation between the town and Xerox corporation. This plant eventually will be a regional facility as interceptor sewers are extended into northern Penfield.

The Gates-Chili-Ogden county sewer district approved an expansion and upgrading of its treatment plant at a cost of $10,675,000. This plant ultimately will serve the southwest and south central areas of Monroe county. Construction will begin this year on an interceptor which will tie western Henrietta and Brighton into the Gates-Chili-Ogden system. Design has started on an interceptor system which eventually will reach Wheatland and Riga.

The City of Rochester has completed a study on abatement of pollution from combined sewer overflows into the Genesee river. This study is under review and a program should be adopted this year.

The first portion of the new Eastman Kodak Company plant is scheduled to be placed in operation this fall. The remainder of the plant will be placed in operation next year.

Other highlights include the start of the expansion of the Brighton-Pittsford Allens Creek plant, which is a key element in the Irondequoit Bay regional program; completion of design of the new Honeoye Falls tertiary treatment plant; and completion of the village of Scottsville plant.

More than 90 per cent of the sewage flows from public sewer systems will be treated at the Durand-Eastman, northwest quadrant, and Gates-Chili-Ogden plants. Each of these plants will provide better than 80 per cent removal of phosphates, a key element in the overfertilization of Lake Ontario. I expect that these plants will be the first three large treatment facilities on the Great Lakes to provide high-level phosphate removal. I am certain that they will be among the first five plants.

The county legislature appointed the pure waters agency to prepare a pure waters master plan for Monroe County and make recommendations for its implementation. This plan, which provides for treating most sewage at four regional plants, has been completed. Recommendations for bond authorizations in excess of $120 million were made to the county legislature. Each recommendation was approved by a unanimous vote. Other recommendations have been approved by the city, towns and villages.

I attribute this record to three factors. The first one is the ability and dedication of the members of the pure waters agency. They have devoted many hours to their task. The second factor is the more than 100 meetings which the agency held with city, town and village officials and with citizens groups. The master plan and recommendations for implementing it reflect the many suggestions which emerged from these meetings. The third and perhaps most important factor is the tremendous public support the agency has received. The people of Monroe County—

to put it bluntly—are fed up with water pollution.

I want to make mention of State and Federal aid programs. Without this aid, particularly that from the $1 billion Rockefeller bond issue, a program of the scope we have undertaken would not be feasible.

In closing, let me say that the war on water pollution has not yet been won. Much remains to be done. But the groundwork has been laid for giving Monroe County the highest level of water quality of any metropolitan area in the Nation.

TRIBUTE TO RAY BORST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DULSKI. Mr. Speaker, a former colleague, the Honorable Leo W. O'Brien of New York, was a newspaperman—indeed, an excellent newspaperman—before he came to Washington to spend seven terms in this House. He retired to private life at the end of the 88th Congress.

During his newspaper career, he spent much time in our State capital at Albany, alongside another topnotch newspaperman, Raymond I. Borst, Albany bureau chief for the Buffalo, N.Y., Evening News.

Mr. Borst, who retired several years ago, died on November 1.

Leo O'Brien wrote a special tribute to his former colleague, which appeared in the Albany Times-Union and the Buffalo Evening News. The column provides an insight on both these men and I include the text with my remarks:

AN EX-CONGRESSMAN'S TRIBUTE TO BORST: ONE OF THE DOZEN GREATEST REPORTERS

(By Leo W. O'Brien)

One of the dozen great reporters of the last 50 years died the other day and, perhaps fittingly, was buried on Election Day. Fittingly, because most of his half century of reporting revolved around national and state politics.

I refer to Raymond I. Borst who wrote his name high on the list of top journalists.

And yet, strangely, he was not well known to the general public in Albany, where he won his spurs. His byline appeared mainly in other places, first as bureau chief for the International News Service and later as Capitol correspondent for The Buffalo Evening News.

He and I sat side by side at desks in the Capitol press room for 25 years. We shared hotel rooms in Wyoming, California and Montana. We traveled together on Presidential campaign trains from coast to coast and we shared cars in many gubernatorial campaign caravans.

In all that time I don't think I ever said "you're a great guy," but I thought it a thousand times. Men cover up such things with wisecracks and pretended insults.

ONE OF THE LAST

Ray's death cut one more link between these days, when everyone seems to be an interpreter of the news, and the old days when the story itself was the main target. It reduced too, the dwindling ranks of those who reported the happenings of Al Smith's and Franklin D. Roosevelt's days as well as the more current times of Rockefeller and Harriman.

Ray came from the Schoharie Valley. He never wanted to go to Washington. It was too far from the Adirondacks for him.

During decades of political writing, he faced all kinds of competition and, with only a high school education, he stood head and shoulders over the best colleges of journalism could send into the lists.

On presidential campaign trains, jousting with famous writers from Washington, he was always the best reporter aboard.

ABOARD TRAIN WRECK

I well remember a cold day in the fall of 1944 when the campaign train on which we were riding with Thomas E. Dewey was wrecked near a small town called Castle Rock, in the State of Washington.

Most of us were writing our leads on the speech Dewey was to deliver that night in Portland at the time of the collision. Only a few left the train to interview the engineer. Ray was one. When he returned to the press car, filled with top reporters, Ray remarked:

"They don't know what to write. Today they're stuck with the facts."

One of the most quoted campaign train stories of all time revolved around Ray and his great friend, the late Bert Andrews of the late New York Herald-Tribune.

A SUITABLE TIP

During the long trip from Albany to California and back, Ray and Bert shared a compartment and traveled about together in the many cities visited.

Bert had a running gag, sticking Ray for taxi fares, dinners and so forth, and boasting in the press car of each triumph.

As we approached Albany on the return trip, Ray started toward the compartment to pack. With a broad grin at the rest of us, Bert made his final gesture.

"Ray," he said, "will you tip the porter for me? I'll pay you back."

Ray quietly left and Andrews roared with laughter. A little later, he hurried to the compartment to pack.

"Did you tip the porter?" he asked.

"Yeah," replied Ray.

Suddenly, Bert exclaimed:

"What happened to that gray suit I bought in Los Angeles?"

"Oh," said Ray, "I gave it to the porter as your tip."

Ray loved that story and I suspect I have used it here to cover up a very deep grief with laughter. Men do those things.

THERE OUGHT TO BE A LAW

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. NIX. Mr. Speaker, the most recent issue of the Federal Bar Journal, which has just been sent from the printers, contains an article by Mr. Thomas Kennedy and Mr. Bowie Johnson on the subject of Government labor relations. Their title is "Public and Private Employment—A Double Standard." I think the title should have been a different one. It should have been "There Ought To Be a Law."

It is their position that an Executive order of the President of the United States is nothing more than the personal wishes of the President and it is an instruction that can be changed between breakfast and lunch.

The President of the United States on October 29, 1969, issued a new Executive order governing labor-management relations in the Federal service. During the presidential campaign, the President sent a letter to James Rademacher, president of the National Association of Letter Carriers dated September 24, 1968. In that letter to Mr. Rademacher Mr. Nixon stated:

> I intend to propose legislation which will insure the participation of Federal employees in the formulation and implementation of personnel policies directly related to their employment. This legislation should provide for meaningful consultation between the employee organization and those in positions of management. The legislation should spell out procedures to insure that charges of unfair labor practices can be heard expeditiously by an independent forum. I think a great deal can be accomplished by encouraging close cooperation between management and employees at all levels of the Federal service.

I agree with the Nixon statement of September 24, 1968. The article by Kennedy and Johnson points out that Executive orders grant unenforceable rights that can be withdrawn and the cases of Manhattan-Bronx Postal Union against Gronouski, National Association of Internal Revenue Employees against Dillon, Norris against Steele, support this view. What is more, other decisions handed down by Federal appellate courts take the same attitude to Executive orders, including the case of Congress of Racial Equality—Target City Project—against Commissioner of Social Security Administration.

Mr. Speaker, there should be a law governing Government employee-labor relations so that Federal management and Federal labor can sit down at the bargaining table as equals and settle their differences. I endorse H.R. 4, the Dulski bill on postal reform which contains a section on postal labor relations. I will offer perfecting amendments to this section, but I want to make plain what I think. Chairman DULSKI has done a splendid job in his bill on postal labor relations as well as the other sections of H.R. 4.

I now offer for inclusion in the RECORD the article from the Federal Bar Journal, "Public and Private Employment—A Double Standard," by two Government lawyers, Mr. Kennedy and Mr. Johnson:

PUBLIC AND PRIVATE EMPLOYMENT—A DOUBLE STANDARD

(By Thomas R. Kennedy* and W. Bowie Johnson**)

UP UNTIL NOW

When Calvin Coolidge as Governor of Massachusetts sent his famous telegram regarding the Boston Police strike, he said that "there is no right to strike against the public safety by anybody, anywhere, any time."[1] This statement eventually launched him into the Presidency and established as doctrine an attitude toward public employee organizations. At that time the Federal, State and local governments did not perform the myriad functions they do today and the statement was made in an era that was not hospitable to American labor generally.

From the 1930's until the present time the Federal Government has pressed private industry to bargain collectively with their employees; large industrial unions have been formed, strikes fought, contracts signed and renegotiated and improved from year to year. Labor battles have moved from the streets

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Footnotes at end of article.

to the negotiating table, into the hearing rooms of the National Labor Relations Board and into the courts. Mediation and arbitration are much more common than strikes in the private sector and long term contracts with cost-of-living adjustments are normal contract terms. When there are strikes today, picketing very often consists of one man sitting in a chair or automobile at a plant gate, more symbolic than anything else, but more effective under a system of well-developed labor law than the mass picketing of the thirties.[2]

The law affecting public employees in Federal, State and local governments is totally different. A difference that has been generally accepted up until now. There are five propositions that are still valid today.[3]

1. Strikes and picketing are prohibited activities and the prohibition of such activities is not unconstitutional or a violation of civil rights.[4]

2. Any type of closed shop, union shop, or other form of union security agreement between a government agency and a union representing employees is invalid.[5]

3. Any agreement that union members will be given preference in hiring, firing, reductions in force, promotion, or any other employment benefit or privilege is invalid.[6]

4. Any agreement for automatic checkoff of union dues, absent a specific written assignment from each individual employee concerned, is invalid.[7]

5. In the absence of any prohibitory statute or regulation, public employees may organize or join unions, including unions which are affiliated with national labor organizations such as the A.F.L.–C.I.O.[8]

This five point analysis is based on Wilson R. Hart's book on Collective Bargaining in the Federal Service and an American Law Reports article on public employees.[9]

During the last four years when serious strikes have occurred, they more than likely have occurred in the public sector. The public pays twice in such strikes—in increased wages and taxes and in serious inconvenience, if not in addition being subject to an emergency condition. There have been strikes within the past four years of policemen, firemen, employees of a State mental hospital, sanitation men, and school teachers on a city-wide as well as state-wide basis.[10]

The threat of work stoppages has spread to the Federal Government. On June 19, 1969, air controllers reported sick in cities as far apart as New York, Denver, Houston, Honolulu, causing three hour delays in air flights.[11] Twenty-two postal employees of the Kings Bridge station in New York City reported sick on July 1 and on the same day the National Association of Letter Carriers filed suit in Federal District Court in Washington, D.C. challenging the constitutionality of that provision of the U.S. Code which forbids the advocacy of the right to strike, as a violation of the constitutional freedom of speech and association.[12]

The situation in the Post Office Department is serious because postal workers who live in some of our large metropolitan areas earn, on the average, $2,000 a year less than city sanitation workers. What is more, working conditions are poor and facilities date back to the 1930's in an industrial operation with a government mission. There is also little personal incentive in the postal service in that 80 percent of the postal employees retire or leave the service at their entry grade and inflation devalues pension rights.[13]

The Federal Government has had a comparatively good experience in labor relations despite the lack of an adequate labor relations program. The Congress sets wage scales, thus eliminating the major issue confronting management and labor. Civil Service laws are fairly detailed, and there is job protection by statute. But employees, particularly in the Federal Government's heavy industry operations, want to have a voice and an impact through their own chosen employee organization representatives. Today, one million two hundred thousand Federal employees belong to Government unions.[14] But the threat of criminal penalties against group action will not hold employee organizations in check for much longer unless meaningful contracts and negotiations take place between Government management and labor organization. Most of the countries among the Western Democracies permit government employee strikes and there have been postal strikes in Australia, Canada, Great Britain, Italy and France, and slow downs resulting from strict enforcement of work rules in Germany.[15] This isn't the answer for the United States but a continuing vacuum in Federal industrial relations such as exist in the postal service must be replaced by a realistic program based on legislation which can be tested in the Federal Courts if need be.

A GOOD START

Executive Order 10988, issued January 18, 1962, resulted from an intensive study, by a task force headed by the then Secretary of Labor Arthur Goldberg, of employee-management relations in the Federal service.[16] This Executive Order governs labor relations at this writing, although a substantially modified new order contained in a report from a task force chaired by the Chairman of the Civil Service Commission, Robert Hampton, awaits President Nixon's signature.[17]

President Kennedy's Executive Order provided for a form of proportional representation with a threefold form of government employee recognition— exclusive, formal and informal.[18] This was based on Federal practice in which all employee organizations were treated equally and differed from practice in private industry where the winner of a representation election is the exclusive representative.[19]

Exclusive recognition required that 50 percent of the employees in an appropriate unit become members of the employee organization. or choose such union in a recognition election. An appropriate unit was one where the employees had a community interest.[20]

Formal recognition entitled an employee organization to consultation rights before personnel decisions were made. In practice this has not worked well, since there is no way to measure whether or not management had already made up its mind. Formal recognition required that 10 percent of an appropriate unit hold membership in the union.[21] Informal recognition merely entitled an organization to bring the views of its members to management's attention.[22] This form of recognition gives no real rights, but the very fact of recognition has been helpful to some organizations in that employees would ask such an organization to represent them in grievance proceedings.[23] When an organization receives exclusive recognition, all rival organizations lose formal recognition but retain informal recognition status.[24]

Exclusive recognition under the Kennedy Executive Order entitled an organization to seek and sign contracts with Government management.[25] This was a truly significant development and at the time of the signing of the Executive Order made the Federal Government the leader in the field of government-labor relations. These contracts covered for the most part terms concerning working conditions. It did not permit negotiations on the subjects of wages, budget, mission of the agency, hiring, firing, transferring, or automation and modernization.[26] This new right to negotiate contracts proved ephemeral for postal unions during local contract negotiations during the fall of 1968, because for the first time management made extensive use of its right under the Executive Order to declare numerous items, including those in previous contracts, as being management prerogatives and therefore non-negotiable.[27]

This was a change in postal mangement policy brought about because it was felt that local managers had given up too much authority during previous local postal negotiations. Declaring items offered as contract terms non-negotiable as management prerogatives was permissible under Executive Order 10988, even though many of these terms were in previous contracts. The effect on postal labor relations was disastrous.[28]

Many postal unions in their fall conventions removed the no-strike pledge as an article of their union constitutions. At this time, in the early fall, comparatively few local agreements had been signed. Finally, Postmaster General Watson stepped in and ordered postal representatives to negotiate on all items. The contracts were signed and a strike was averted.[29]

But a shadow clouded the future of such contracts in that there was some doubt that the terms of the contracts were enforceable because of the doctrine of "sovereign immunity" which prevents law suits against the Federal Government unless the Congress by Statute has specifically permitted such suits or there is a claim of a constitutional violation.[30] Under the provisions of the Executive Order the only appeal available to employee organizations of a contract interpretation is to the head of the agency who may have authorized the interpretation complained of.[31] On a day-to-day basis the contracts mean what management thinks they mean and in future negotiations contract terms can be stricken by management's refusal to negotiate because such a term is then considered as a management prerogative.[32] In addition, the Court of Appeals for the District of Columbia Circuit held in the case of *Manhattan Bronx Postal Union vs. Gronouski* [33] that an Executive Order can be changed unilaterally by a President for any reason or for no reason, since such order is only the personal policy of the President and not the business of the Federal courts. This meant that an Executive Order is a weak reed indeed, and the promises by management in contracts with postal unions and employee groups are gentlemen's agreements. The word gentleman in this situation is only definable by management.

EXECUTIVE ORDERS AND UNENFORCEABLE RIGHTS

Executive Order 10988, as Executive Orders generally, fulfills the same need in the Federal Government that decrees, edicts or ukases have always fulfilled for central governments; that is, a personal Executive direction to subordinates demanding efficiency.[34] An Executive Order is a policy matter. It is not a legal matter where rights and duties can be enforced by a neutral court system.[35] The Russian proverb that "God is too high and the Czar is too far away" is applicable to Executive Orders.[36] Appeals from conflicting or unreasonable decisions are only to personnel management. The following cases based on the *Manhattan Bronx Postal Union v. Gronouski* decision demonstrate the personal discretion aspects of Executive Orders and their limited nature.

A. Manhattan-Bronx Postal Union v. Gronouski

The issue in the *Manhattan-Bronx Postal Union* case was whether or not the terms of Executive Order 10988 could be applied to challenge the action of the Postmaster General in refusing to give exclusive recognition to the National Postal Union's local on the basis of a Civil Service Commission regulation and Postal Bulletin which required a 60 percent majority in a recognition election, where less than half of the workers in the

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Footnotes at end of article.

appropriate unit voted. The court of appeals affirmed the decision of the district court, to the effect that the Federal courts had no role to play and no jurisdiction to act in a case involving rights created by an Executive Order, since an Executive Order is the personal policy of a President which can be changed for any reason.

This decision was upheld by the United States Supreme Court to the extent that a writ of certiorari was denied. The court of appeals held, and it has not been overruled, that the Federal courts have no jurisdiction in matters involving Executive Orders, where the only purpose of the author of the Executive Order, the President, is to insure the efficient functioning of the subordinates. The President again, could withdraw the order "for any reason or no reason."

The doctrine of sovereign immunity, as enunciated in the case of *Larson v. War Assets Administrator and Surplus Property Administration,*[37] provides that the Federal Government may not be used or brought into the courts except as a matter of constitutional right or in a matter where the Congress has specifically provided for such jurisdiction by the Federal courts.

The case involved a misunderstanding about the manner of payment for surplus coal which was then resold to another business when Larson deferred payment rather than pay cash. This surplus property was being disposed of under an Executive Order. The petitioner Larsen was asking for a specific remedy. He alleged a cause of action—breach of contract—but this was not sufficient since the court said he had to prove more; that the Federal official acted beyond his powers and his act was *ultra vires* or unconstitutional. Only Congress by statute can provide the power to sue or be sued in the case of a Federal agency.

B. National Association of Internal Revenue Employees v. Dillon

In this declaratory judgment action against the Secretary of the Treasury, seeking to overturn a ruling of the Secretary that Internal Revenue investigators were among those barred from participation in Executive Order 10988 activities, the Court of Appeals for the District of Columbia Circuit again held that the Federal courts had no jurisdiction and stated:

"But, as we said in Manhattan Bronx, if the Secretary of the Treasury is incorrectly interpreting the President's federal personnel policies as manifested in Executive Order 10988, correction of that error, if such it be, must be sought in a quarter other than the District Court . . . . The order of a dismissal of the District Court is affirmed."[38]

C. Norris v. Steele

The United States District Court of Massachusetts in this case dismissed a complaint of a postal worker who alleged that under an agreement drawn up under Executive Order 10988 the Post Office's Regional Director had no right to reduce him from a regular postal employee to a substitute employee, which resulted in a loss of status and income. The court, stating that it had no jurisdiction in the case and that the complainant should have joined the postal union that had signed the contract as an indispensable party, went on to quote the District of Columbia Court of Appeals as follows:

"Executive Order 10988 represents in essence a formulation of broad policy by the President for the guidance of federal employing agencies. It had no specific foundation in Congressional action, nor was it required to effectuate any statute. It could have been withdrawn at any time and for no reason. He left large areas for the exercise of discretion at levels below the summit. The President did not create any role for the Judiciary in the implementation of this policy."[39]

The rights of the employee under the contract flow from Executive Order 10988 and, as such, appeal was not to the courts.

These cases contrast with the case of *United Federation of Postal Clerks, A.F.L.–C.I.O. v. W. Marvin Watson, Postmaster General of the United States.*[40] In this case the District of Columbia Court of Appeals upheld the position of the Postal Clerks Union on the interpretation by the Post Office Department of an overtime statute. It is interesting to observe that the court in a footnote stated that if the right to overtime pay had been asserted by the Postal Clerks Union based on a contract negotiated under Executive Order 10988, the result might have been different. If the *Manhattan Bronx Postal Union* line of cases mean what they seem to say, and if *Norris v. Steele* seems in point, then it is certain that contract rights dependent on Executive Order 10988 cannot be enforced in the courts and are dependent either on Presidential action or the good will of Federal agency heads. The simultaneous and identical interpretation of contract terms by Government labor and management is too much to expect.

OTHER CASES AND EXECUTIVE ORDERS

Executive Orders have been tested previously in the Federal courts with the same result as that in the *Manhattan Bronx Postal Union* case. Executive Order 11246 and Civil Service Commission regulations issued under it were tested in the case of *Congress of Racial Equality (Target City Project)* v. *Commissioner of Social Security Administration.*[41] The Executive Order in this case dealt with the Federal Government's equal opportunity program. CORE's complaint was dismissed on the basis that the doctrine of sovereign immunity protected the Executive Branch from suit when Congress had not taken action, by statute, to give the courts jurisdiction.

The security risk program of the 1950's was based for the most part on the National Security Act of 1950, and two of the three Executive Orders issued by Presidents Truman and Eisenhower attempted to carry out the policy of this Act. In 1955, the Supreme Court struck down Executive Order 10450, as not carrying out the intent of Congress, in the case of *Cole* v. *Young.*[42] In the case of *Peters* v. *Hobby,*[43] Justice Reed who dissented maintained that the Court had treated Executive Order 9835, issued in 1947 by President Truman, as a statute rather than as a matter only of Executive concern. *Peters* had raised constitutional issues of free speech and the constitutional question of whether or not he had the right to face his accusers after having twice been cleared by his own agency before having his clearance revoked in a post audit hearing by a Civil Service Commission board who did not themselves know much of the source of the derogatory information they used as evidence against Peters. The constitutional claim of right as a source of jurisdiction seems to be borne out in a recent case involving Executive Order 10988. The Court of Appeals for the District of Columbia held in *National Association of Government Employees* v. *Robert M. White,*[44] that where there is an issue involving constitutional rights such as free speech, the court may assume jurisdiction over a matter involving an Executive Order. Twenty-two employees of the U.S. Weather Bureau had picketed the New York City offices of the Bureau on their own time without interfering with traffic, carrying signs supporting bills in Congress which would liberalize the Executive Order. The bargaining rights and dues checkoff privileges of the union were withdrawn by management and the Federal Government based its case on the argument that *Manhattan Bronx Postal Union* v. *Gronouski* and *Larson* v. *War Assets Administrator and Surplus Property Administration* prevented the Federal courts from taking jurisdiction.[45] The court of appeals remanded the case on the basis that there was jurisdiction in a matter involving constitutional rights, since a violation of constitutional rights would be an *ultra vires* act. An Executive Order then may only be tested in the courts if there is a constitutional question.

THERE OUGHT TO BE A LAW

During hearings on postal reform, almost one hundred bills were studied by the Post Office and Civil Service Committee, many of which contain separate titles on labor relations in the postal service. H.R. 4, 91st Cong., the Dulski proposal on postal reform which would completely overhaul the postal service, contains a Title VII on employee-management relations.

It provides for contract negotiations on a national level on the subject of working conditions under rules promulgated by a postal labor relations board to insure fair and useful negotiations. In addition, the services of the Federal Mediation Service would be provided by the Board in appropriate cases. If a settlement could not be reached, the Board would hold hearings and render a decision. Unresolved grievances would be decided by compulsory arbitration and such grievances may be initiated by employees with the consent of the employees' labor organization or by the employee's organization at its own volition. Dues checkoff, recognition election procedures under the supervision of the Department of Labor are provided for as well as fair labor practices and a code of conduct for labor organizations. This bill is limited to those A.F.L.–C.I.O. postal craft unions that now have a national agreement with the postal service. H.R. 7916, which is similar to the labor provisions of H.R. 4, provides for local and national contract negotiations and recognition of industrial postal unions as well. H.R. 12499, a bill by Congressman Benjamin B. Blackburn, provides specific language which would protect the right of individual employees not to join a postal union, limitation of the spending of dues to support political parties and language forbidding the right to strike.

The administration's postal corporation bills (H.R. 11750–11751) provide for a Contract Disputes Panel, negotiation of wages in contract negotiations and the applicability of the National Labor Relations Act to all matters not specifically covered in the bill in its labor-management provisions. This is a far-reaching proposal and perhaps the most advanced in that it provides for negotiations of countless matters, plus compulsory arbitration where the Contract Disputes Panel decides that arbitration is necessary. The Panel may also refuse to act, leaving wage scales and other matters in a *status quo* situation. Negotiations under this bill would begin at a national level and national contracts could provide for negotiations at a local level.[46]

These bills which have support from both political parties, from the Administration and from Congressmen from every region in the country, mean that the day of complete personal discretion on the part of personnel managers is over. Two million Federal employees need the same legal protection for their representative organizations as employees in the private sector need for their organizations and have received since the 1930's. A legal system which can protect motorists, pedestrians and the Government in matters of speeding tickets can certainly provide order in an employee relations program within the Federal Government. Postal reform is providing the first step towards making the Federal Government a government of laws, not of men, in regard to its own employees. A new Executive Order will only be helpful as it carries out legislative

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Footnotes at end of article.

policy so that it too can be tested in the courts when need be. The day of the law and the lawyer must come to the Federal Government labor relations program.[47]

FROM NOW ON

A two-fold standard for public employment is necessary, because of the need to protect the public at large from Government work stoppages and the maintaining of public services. Postal strikes would delay the checks of those on retirement and welfare, who could not long subsist if their checks did not arrive on time. Those citizens who can least stand it would suffer most through a postal strike.[46] But the gap between the rights of employees in private industry and those in public employment must be narrowed by legislation so that whatever conflict there can be settled by negotiation, compulsory arbitration and court action, where necessary, and this gap can only be closed by legislation.

FOOTNOTES

[*] Counsel, Postal Operations Subcommittee, Committee on Post Office and Civil Service, U.S. House of Representatives; B.A., Carroll College; LL.B., University of Montana; Member of the bar of Montana and the U.S. Supreme Court.

[**] Attorney, Office of General Counsel, Veterans Administration; B.A., George Washington University, Washington, D.C.; LL.B., Washington College of Law, American University; Member of the District of Columbia Bar.

[1] Harnsberger, "Telegram to Samuel Gompers," TREASURY OF PRESIDENTIAL QUOTATIONS, 1919, p. 304.

[2] See Ross, *Those Newly Militant Government Workers,* FORTUNE, August 1968, p. 104.

[3] Hart, COLLECTIVE BARGAINING IN THE FEDERAL SERVICE, 1961, Chapter 3, p. 27.

[4] King v. Priest, 206 S.W. 2d 547 (1947), app. dism. 333 U.S. 582, rehearing den. 333 U.S. 878, 31 A.L.R. 2d 1142, and City of Greenfield v. Local 1127, 150 N.W. 2d 476, 481 (1967).

[5] Norwalk Teachers Association v. Board of Education, 83 A.2d 482 (1951), and Benson v. School District No. 1, 344 P.2d 117, (1959). Benson distinguished, Union v. Professional Association Magenheim v. Board of Education, 347 S.W. 2d 409, 412 (1961).

[6] Petrucci v. Hogan, 27 N.Y.S. 2d 718 (1941), and Local Union 283, International Brotherhood of Electrical Workers v. Robison, 423 P.2d 999 (1967).

[7] Mugford v. Baltimore, 44 A.2d 745 (1945) and Bauch v. City of New York, 282 N.Y.S. 2d 816, 826 (1967).

[8] Norwalk Teachers Association v. Board of Education 83 A.2d 482 (1951) and Joint School District No. 8 v. Wisconsin Employee Relations Board 155 N.W. 2d 78, 82 (1967).

[9] Hart, *supra* note 2 at p. 27. See also 31 A.L.R. 2d 1142.

[10] See Arundel, *The Big Parade of Strikes,* THE PHILADELPHHIA SUNDAY BULLETIN, March 23, 1969, p. 1, Sec. 2.

[11] Applegate, *FAA Checks on 'Sick' Controllers,* FEDERAL TIMES, July 2, 1969, p. 3.

[12] *See Bronx Postal Station has 72 of 79 Employees Report They are Sick,* WALL STREET JOURNAL, July 2, 1969, p. 22, and Causey, 72 *N.Y. Postal Employees Report 'Sick',* The Federal Diary, THE WASHINGTON POST, July 3, 1969, p. B9.

[13] *Postal Labor Relations and Employee Morale,* Hearings before the Postal Operations Subcommittee, U.S. House of Representatives, 91st Congress, 1st Sess., (April 23, 24 and 25, and May 22, 1969), p. A–30–P–222. [Hereinafter referred to as Labor Relations Hearings].

[14] Survey conducted by Postal Operations Subcommittee Staff, U.S. House of Representatives, prior to first hearing date, April 23, 1969 (Postal Labor Relations and Employee Morale, 91st Congress, 1st Session).

[15] Labor Relations Hearings, Appendix 89–92. Letters from embassies to Subcommittee Chairman Robert N. C. Nix, included in hearing record.

Australia. Since 1950, there have been 23 work stoppages in the postal service with a loss of 32 working days. Disputes are settled by negotiation, and arbitration is available if requested. Wages are among the issues negotiated by postal management and postal labor. Strikes are legal.

Canada. Postal strikes are now legal in Canada. There has been one legal strike of nationwide scope since the certification of the Council of Postal Unions under the Public Service Staff Relations Act in 1968. This strike occurred in the summer of 1968, involving 23,000 employees and 360,000 man days and an estimated revenue loss of $20,000,000. In March 1969, a wildcat strike occurred which lasted three days and involved 1,200 employees. The present contract will expire on the 30th of September 1969. The total man days lost from 1950 to April 1969 total 436,200 days (legal 360,000—wildcat 76,200).

France. Post Office workers are bound by the Constitution of 1946 which permits strikes by Government employees. The legality of a strike is determined by Court interpretation of the constitutional provisions (Counceil d'Etat). The right to strike is limited by the need for essential services.

Germany. Strikes are permitted in the case of some government employees. The German postal service has had two slowdowns based on "service according to the book" in 1962 and 1968. The slowdowns involved wage disputes.

Great Britain. The right to strike exists. There have been seven strikes in the British postal service since 1950 and 228,000 man days were lost in consequence of these stoppages. Negotiations are carried on directly with the British postal service on the subject of wages. Great Britain is in the process of setting up a postal corporation, which in the labor field will replace the National Whitley Council, negotiating system for these postal employees who will work in the future for the Corporation.

Italy. Article 40 of the Italian Constitution (1946) allows public strikes but not lock outs by management. Public employee strikes in Italy are over wage issues generally. According to the Italian Annual Statistical Report of 1966, the data on strikes in 1965 by workers in the Services and Public Administration category are listed as follows: Number of strikes 3,191; Participating workers, 2,310,000; Hours of work lost, 55,000,000. There was not more detailed information available on the Italian Postal Service in that a postal strike developed at the time of the inquiry letter from the Subcommittee.

[16] Labor Relations Hearings, Memorandum from Subcommittee Counsel Kennedy to Chairman Robert N. C. Nix dated April 21, 1969, Appendix A20.

[17] Labor Relations Hearings, Testimony of W. V. Gill, Director, Office of Labor Management Relations, U.S. Civil Service Commission, p. 110.

[18] Executive Order 10988, 27 Fed. Reg. 551, Section 3(a).

[19] See Hart, *Government Labor's New Frontiers Through Presidential Directive,* 48 Virginia L. Rev., 898, 901.

[20] Executive Order 10988, 27 Fed. Reg. 551, Section 6(a).

[21] *Id.,* Section 5(a).

[22] *Id.,* Section 4(a).

[23] *Id.,* Section 4(b).

[24] *Id.,* Section 6(b).

[25] *Id.,* Section 6(b).

[26] *Id.,* Section 6(b) and Section 7.

[27] *Personnel Promotion System of the Post Office Department, Part III—Morale Problems,* Hearings before the Postal Operations Subcommittee, U.S. House of Representatives, 90th Congress, 2nd Sess., (June 18, 25, 26 and 27, 1968). Testimony of Rademacher, National Association of Letter Carriers; Hallbeck and Nilan, United Federation of Postal Clerks; and Murphy of Post Office Department.

[28] Labor Relations Hearing, Testimony of Rademacher and Lewis of the National Association of Letter Carriers, pp. 77–81, (April 24, 1969).

[29] See Levine, *Delaying the Mail, Restive Postal Workers Post Mounting Threat of Wildcat Walkouts,* WALL STREET JOURNAL, September 9, 1968, p. 1.

[30] Larson v. War Assets Administration and Surplus Property Administration, 337 U.S. 682.

[31] Executive Order 10988, 27 Fed. Reg. 551, Section 6(b).

[32] *Id.,* Section 7(2).

[33] 350 F. 2d 451 (D.C. Cir., 1965), cert. den. 382 U.S. 978 (1966)

[34] The terms "decree" and "edict" are interchangeable. An edict is defined by the Oxford University Dictionary as "that which is proclaimed by authority as a rule of action; an order issued by a sovereign to his subjects; an ordinance or proclamation having the force of law." A ukase is defined by the same source as "an edict of the Russian Emperor and Government; any arbitrary order."

[35] Justice Oliver Wendell Holmes described law in the Anglo-Saxon sense as "the prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law." This definition takes into account precedents more or less binding and an independent Court system. The distinction is one that seems to be based on philosophy involving enforceable rights and duties, even as to the sovereign. Lerner, THE MIND AND FAITH OF JUSTICE HOLMES, The Modern Library, New York, 1943. See Part 5, p. 75.

[36] Oldenbourg, CATHERINE THE GREAT, Pantheon Books, 1965. P. 293.

[37] Note 30, *supra.*

[38] 356 F.2d 811 (D.C. Cir., 1966).

[39] 253 F.Supp. 769 (D. Mass., 1966).

[40] Ct. of App., D.C. Cir., Doc. No. 21,685,—F.2d—(1969).

[41] 274 F. Supp. 537 (1967).

[42] 351 U.S. 356 (1955).

[43] 349 U.S. 331 (1955).

[44] Ct. of App., D.C. Cir., Doc. No. 22,630,—F.2d—(1969).

[45] See notes 33 and 37, *supra.*

[46] *Post Office Reorganization,* Hearings before the Post Office and Civil Service Committee, U.S. House of Representatives, 91st Congress, 1st Sess., (June 10, 1969), p. 324.

Question. (Congressman William Ford of Michigan—D.)

I want you to tell me whether or not it is the view of the administration that a union shop is a proper matter to be negotiated into a contract with a postal employee." (organization?)

Answer. (Postmaster General Blount)

We certainly believe it is a proper matter to be included in the collective bargaining between the parties." This would be a departure from previous practice in Government, since State right to work laws and cases such as Benson v. School District No. 1, (Mont.), 344 P. 2d 117, 1959, might post obstacles to such negotiations.

[47] See Barr, *Executive Order 10988: An Experiment in Employee-Management Cooperation in the Federal Service,* 52 Geo. L. J. 420, 423. The paragraph quoted below shows some of the problems faced by federal lawyers in applying law into this program.

"The most natural inclination, at least on the part of labor organizations, was to turn to the National Labor Relations Act. Here was a readily available body of law that had successfully withstood the test of time since its beginnings in 1935. It governed labor-management relations in much the same way, it appeared, as the Order was to govern such relations in the public sector. The act, was after all, something that lawyers, union leaders, administrators and arbitrators had become familiar with. The feelings of most federal agencies (with such obvious exceptions as the National Relations Board and the Department of Labor) were precisely to the contrary. They were almost totally unfamiliar with the act or with the decisions of the NLRB and therefore strongly suspected the motives of those who would impose upon them a set of principles, which had been formulated without their participation."

[48] See opposite view, Kheel, *Can We Stand Strikes by Teachers, Police, Garbage Men, Etc.?* THE READERS DIGEST, August 1969, p. 99.

Mr. Kheel takes the position that public employees should be allowed to strike if cooling off periods similar to those provided for in the 80 day cooling off period in the National Labor Relations Act are part of new legislation. If during the cooling off period there was no apparent progress in a dispute between government employees and management, arbitration could be used as a last resort. The article is not only interesting in itself but Mr. Kheel was consulted during the drawing up of the Postal Corporation plan by Postmaster General Blount, and the Postal Corporation bill, H.R. 11750, is similar in part to the views of Mr. Kheel. It provides for direct wage negotiations between postal unions and postal management.

ADDRESS BY HON. GEORGE J. FELDMAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to call the attention of my colleagues to an eloquent and very understanding speech delivered by Ambassador George Feldman at the National Industry Leader Award Dinner of B'nai B'rith. It is indeed fitting that this speech, which addresses itself to America's youth, be brought to the attention of America's leaders at this time.

Last week we witnessed the most impressive demonstration in this great Nation's history. The November 15 moratorium saw a nationwide outpouring of dissent in the best tradition of democracy, a demonstration which was organized and led by thousands of our young men and women. It is essential that we, of another generation, go beyond our deep concern over youthful unrest and make every effort to understand those in whose hands lies America's future.

Ambassador Feldman's speech, I believe, lends itself to this end. He points out that for the majority, dissent today is the result of deep and abiding concern over the inequities and injustices in our society. This concern is needed by America, for although we have prospered, we have left many things undone.

Many of you here may know Ambassador Feldman and of the outstanding contributions he has made. He has been one of the Nation's most respected and innovative public servants. A brilliant attorney, he has practiced before the bar since 1926. He has served the Nation in many capacities. He was the administrative assistant to U.S. Senator David I. Walsh. He was an attorney at the Federal Trade Commission, a litigation counsel at the NRA, and was the director and chief counsel of the Select Committee on Astronautics and Outer Space of the House of Representatives, when that committee formulated our space policy and when the field of space exploration was new. Ambassador Feldman provided legal advice to the State Department and served as a member of the U.S. delegation to the Second U.N. Conference on the Law of the Sea; he was a member of the U.S. NATO Citizens Committee and a member of the U.S. delegation to the 14th Assembly of the U.N. and chairman of the Finance Committee to U.S. Committee for Refugees. From 1965 to 1967, he was Ambassador to Malta, and from 1967 to 1969, he was Ambassador to Luxembourg.

In each position and in every instance, Ambassador Feldman brought a rare degree of devotion, creativity, and effectiveness in public service. During his illustrious career, he has superbly demonstrated the qualities of statesmanship, innovation, and enlightened leadership the Nation needs. He has served America well, representing it around the world and improving it at home. He has brought dedication, brilliance of thought and understanding of people to each task he has assumed.

And now, having returned to private life, Ambassador Feldman continues to serve the Nation by making his thoughts and great understanding available to others. It is with great pleasure that I make this speech available to my colleagues. Ambassador Feldman's understanding of the younger generation is very deep and comprehensive. I am sure you will find this speech enlightening and instructive:

AMERICA'S YOUTH—STILL THE SPEARHEAD OF CHANGE

(Address by the Honorable George J. Feldman)

I am honored by the opportunity to take part in this tribute to a great industrial statesman. Individual enterprise and private industry are under constant attack today, even in this highly developed nation of ours. The contributions of corporate enterprise to our economy in terms of employment, taxes and goods and services must be supplemented with a direct concern for the problems that beset our society.

Kendrick Wilson, whom it has been my pleasure to know for many years, typifies that kind of corporate responsibility. In his personal life as well as in his business leadership, his genial manner is matched by an awareness of key problems and a strong will in finding solutions.

He symbolizes the enlightened outlook of the corporation he heads, a company that has been in the forefront of corporate efforts to train and bring job opportunities to the seriously disadvantaged people in our society. In conducting Avco Corporation's business affairs and in leading its enlightened, businesslike programs in the areas of human and urban problems, Mr. Wilson measures up to every criterion for statesmanlike industrial leadership.

His career typifies the best qualities of the leaders of our generation. If our nation can continue to produce men and women of Kendrick Wilson's caliber, its future will be in good hands. In view of some of the activities of today's young generation, many people are worried that that may not be the case.

American youth, they say, want either to drop out of our society or to tear it down. Since my return to the United States I have been troubled by the alarmist nature of our concern over youthful unrest. An excerpt from one angry letter to an editor especially stays in my mind. Quote:

"A great many of the students of today are the most self-centered, self-pitying, confused generation of parasites in history." Unquote. When we ponder the destruction of colleges offices, the shrilling of "non-negotiable demands," the chanted obscenities and the evidence of drug use, it is easy to nod our heads in sad agreement.

And so the stereotype is hardened. "The new generation is decadent; they can't pick up the torch," we lament, as we repeat a cry that has rung down the ages.

We do have many self-centered young people today. Many *are* confused. Many are indeed parasites. But how many is many? Can we generalize, can we sustain that stereotype about 23 million young men and women in this complex country of ours?

What does the boy from a Scarsdale mansion have in common with the son of a jobless ghetto family? Does either of them share in any common outlooks with the lower-middle class workingmen's son? Being young, they share in the desire for change, but not always the same kinds of change.

I think that in talking about America's young people we can use the old analogy of the iceberg, with nine-tenths of its mass invisible from the surface. The vast majority of American youth may not be totally content with our society—I hope they are not—but their desire for change does not lead to loud demonstrations, destruction or bizarre modes of living.

That's why they don't catch our eye. Conflict and noise get news coverage, make headlines and earn appearances on the nightly TV newscasts.

But the national meeting of the moderate, rational Association of Student Governments in Washington, D.C. went relatively unnoticed in the press, even though their leaders met with President Nixon. I did see an editorial on that convention in *The New York Times* and I warmly concur with its conclusion about the basic soundness of America's college students. It said, and I quote:

"The majority is neither revolutionary nor contemptuous of American institutions, on and off campus. Only a lunatic fringe has embraced nihilist chaos or hedonistic escapism." End of quote.

But is it merely wishful thinking to say that moderate, sensible students comprise the relatively invisible nine-tenths of our iceberg? Am I whistling in the dark because I don't want to believe what I have seen and read since my return from Europe?

No, my friends. We in this country have a passion for facts. We do research to find out what a problem really looks like. The major American opinion research firms have been hard at work interviewing college students and other young people all over America. Thorough studies have been made. And here is one of the principal conclusions: True revolutionaries and violence-prone youth on compus comprise no more than three to five percent. American youth remains basically reformist rather than revolutionary. After studying survey results, *Fortune* magazine commented that, "Eighty-eight percent of young adults agree . . . that there are legitimate channels for reform . . ."

Don't think for one moment that I am saying everything is just fine. We all know that it is not. Dissidence is growing and it is spreading beyond the campus. But is that really so surprising? Our society is not perfect. We have been patching and reworking and adapting it to change since 1791, when the first ten amendments to our Constitution took force.

In the mid-1960's the time was ripe for a big change. Societies adjust themselves in spurts and cycles to relieve stresses that build up gradually, like the sporadic movements of earth alongside a geological fault. By the mid-1960's virtually one generation had elapsed since the veterans of World War II, who had matured during the Depression, began building a prosperous economy in the shadow of the Cold War. Their big challenge was an economic one—to make a decent living, to provide security and comfort for their families. And they succeeded on a scale never before seen in the history of the world.

That is why many of their children are able to look for different challenges. Many of today's generation are free from single-minded concentration upon money and security, free to be idealistic, even free to be irresponsible without having to pay severe economic penalties.

During that same World War II-post-war era we created the greatest change of all. We let the Geni out of the bottle for all time: we brought about the technological revolution. Nuclear energy, electronic computers, automated factories, television, space exploration—Benefactors of mankind, all of them, yet each has its dark underside, its capacity for evil, for despoliation, for waste of human resources or insult to human sensibilities, if it is not properly used and controlled.

So a major problem concerning today's youth is not a "youth problem" after all. It is a problem for our entire nation, old and young alike. Technology has advanced so fast that our political structure, our educational system, our social forms have not been able to keep up. We see technicians emerging as leaders in business, in government, in education, because traditional sources of such leadership do not produce the specialized technical knowledge necessary to understand how this awesome new machinery functions.

Technology has revolutionized communications and transportation. For the first time in history news events can be seen while they are actually happening, at virtually any spot on the globe. Ideas, modes of dress and action travel literally with the speed of light into homes throughout the nation and around the world. Jet aircraft have brought any spot in the world within a day's travel. Our affluent young people consider foreign travel for recreation and education as a normal part of their experience. So technological change has brought people into one vast community, and young people sense this and react to it.

Then, we are faced with what is probably the greatest single cause of unease and dissent among the young. The tragic war in Viet Nam obsesses their thoughts. For many of them it has been part of the world ever since they emerged from childhood. The skepticism and bitterness about the war are shared by college and non-college students alike.

So the problem of youth, dissent, generation gap, call it what we will—is upon us.

A new generation has emerged in the midst of a revolution in technology and a cruel, controversial war. The result has been a churning among young American that makes parents sick with anxiety. Let us look quickly at the rash of symptoms we find so upsetting:

The violence, the protests, the dress, the drugs are symptoms of a basic dissatisfaction with American society and the individual's place in it. A sizeable majority of young people in college and out sees a need to improve our basic institutions—our system of business and industry, our politics, our judicial system, our higher education.

And herein lies the outstanding characteristic of today's student dissent. It is the young person's *concern* over inequities and injustices in our society. Naturally, there is a good deal of self-seeking in the protest and dissent. But there is more than selfish complaining. Our young people *are* concerned about others and about society as a whole. It is one of the healthiest signs of our times.

And here again I would like to cite a statistic, because so many unfounded assumptions permeate discussion of youthful dissent. Dr. Gallup reports that 51 percent of college students have done social work. He goes on to make this interesting point, and I quote: "It wasn't so long ago that doing extracurricular social work while in college was considered in some quarters to be 'square.' Now it is frequently a normal and effective part of one's college experience." Unquote.

When concerned but affluent young people scold their elders because of injustices in our society, how can we look them in the eye and say, "Why are you so ungrateful when you have been given so much?"

Yes, as a nation we have developed and prospered, but we have left many things undone. We have strenuous work to do on problems of poverty, job opportunities, education, housing, the environment, and so many others. The young critics accuse our society of tolerating injustices because we have not eliminated them. No doubt there is some basis for the charge, but history shows that a society's basic problems can never be solved quickly and neatly, and that a fast-growing nation inevitably creates new problems as it evolves.

America has a long heritage of problem-solving. Just 100 years ago the nation was torn by a dissent so widespread and so bitter that those Reconstruction days were known as "The Age of Hate." Whites and Blacks rioted against one another. The Ku Klux Klan was born. The president was impeached. Yet the nation survived, knitted itself together and resumed its progress.

In our own time the United States survived the Depression, then went on to build unparalleled prosperity for most of her people. In World War II America and her Allies put down the effort to impose a new Age of Darkness on all of Western civilization.

Looking to the future, I see still another cause for optimism. It lies in the technological revolution which helped to foster so much of today's dissent. When our three astronauts landed on the moon, people throughout the world, from sheepherder to statesmen, were caught up in the emotional impact.

Communications satellites carry events around the world in a fraction of a second, linking peoples to watch together as a president is inaugurated or an Olympics champion is crowned. And that is but the beginning. In 1972, millions of villagers in India will see, on community TV sets, shows about planting and cultivating, pesticides and other valuable information. Those programs will be beamed from an orbiting satellite.

I admit to a strong parental interest in communications satellites. And as one who has represented our country abroad I am fascinated by the prospect of daily face-to-face diplomatic contacts via satellite TV and picture phone.

It is hard for most of us, reared in a simpler mechanical and electrical era, to contemplate the implications of today's unfolding technology. But the young people who grew up with the story of space exploration in their daily newspapers are attuned to accepting what has seemed impossible. And they are the people to whom the torch is being passed.

Their number includes agitators who want chaos for chaos' sake, but it includes far, far more of tomorrow's scientists and engineers, doctors and executives, professors and statesmen. Many of them will fight to bring change and reform to the professions they enter. Their concern, their new perspective and their advanced education are needed by America.

As always in the past, the emerging generation will be the source of renewal of America's heritage. *Our* generation still has much hard work to do on problems that trouble the young and sap our national strength.

We must extricate the United States from the war in Viet Nam, which, more than any other issue of the day, has caused dissention and grief in our nation.

We must put an end to the cruelty and sheer waste of discrimination.

We must find ways to restore the soundness of our dollar.

We must discover means for operating our complex industrial machine which are consistent with the preservation of a healthy, ecologically sound natural environment.

Our responsibility as business leaders, governmental leaders and professional men and women is to recognize that we are in an era of convulsive change, to recognize our own increasing obsolescence. We must be prepared to assign to the most capable members of this new generation a heavy burden of responsibility and leadership.

In closing, I think it is appropriate to emphasize to you in this mature audience, the same thoughts I have expressed to a class of graduating college seniors: Don't you lose faith in America! Our nation's people have a history of turning restlessness and dissatisfaction into progress. Overcoming obstacles lifts us to new levels of achievement.

THE TWO OF US

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DERWINSKI. Mr. Speaker, as we continue the intensive national debate over Vietnam with the added dimension of the propriety and legitimacy of demonstrations, my attention has been directed to a column for teenagers which is a standard feature of the Blue Island, Ill., Star. In the November 12 issue a letter from a young student and appropriate commentary by columnists Norb and Noreen are of special interest.

The letters follow:

THE TWO OF US

(Norb and Noreen)

DEAR NORB AND NOREEN: Yesterday was Veteran's Day and as a result I did not have to go to school. About five of my schoolmates and I decided to go downtown for the day to see a show and go shopping.

At noon we got caught in the crowd which gathered to observe Veteran's Day and pray for all the dead soldiers. We were hearing speakers and discussing the war when a large group of anti-war protesters started chanting various slogans and yelling and screaming and disturbing "our" gathering.

I am not for war. I doubt if anyone enjoys killing or dying. But I have a brother in Vietnam and I am not about to protest against the administration and government he is fighting for. I am not about to protest against Nixon's policies because Americans elected him as our leader. I am very proud of America and its traditions. I am very happy to live in a democratic society instead of a dictatorship or communism.

But I am writing to you because I was very angered by the anti-war (anti-everything) protesters who had the nerve to disturb our gathering. How many times have they demonstrated against our country and received no opposition? Or when they did receive it, it was only due to the fact they started to get violent. This is a free country and we are allowed to protest and demonstrate. But the militant groups don't want the people who are for our government to stand out because they are trying to show Nixon they are the majority. But they are not! And I think it was very unfair for them to disturb our demonstration.

I only want to tell you, that all young people are not anti-government, war, Nixon, etc. and that there is quite a large number of us who love our country and will stand-up for it no matter what! Is that clear, dissenters?!

BILL BENGSTON.

DEAR BILL: Well, what do you know. There are some of us left. I had always hoped all young people weren't out to overthrow our country. But I'm afraid the way the news media is run, the only groups that get publicity are these anti-groups. I like to see American spirit in youth to show adults our country is not what other young people put it up to be. Sometimes it's "in" to be against everything—but you'll see its "in" to stand up for democracy, too. And probably more fun.

NOREEN.

DEAR BILL: People have widely differing views on many things! I agree with you that the demonstrators had no right interferring with the ceremony. This however does not mean they are disloyal it just means they are bad mannered. Those who feel as you do must avoid the pitfall of hating those who think differently.

NORB.

THE "SILENT MAJORITY" SPEAKS UP—IN SUPPORT OF OUR PRESIDENT

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mrs. REID of Illinois. Mr. Speaker, a large number of citizens of my hometown took a full page in Aurora, Ill., Beacon-News on November 12 to write an open letter to President Nixon supporting his Vietnam policies. The signatures were obtained in a matter of only 3 or 4 days without any organization. In my opinion, this is an example of the response which is being felt all across the Nation as the "silent majority of Americans" are speaking up to show that they are behind the President's efforts to bring the war to an honorable conclusion.

I include the letter and signatures herewith as part of my remarks:

[Advertisment from the Aurora (Ill.) Beacon-News, Nov. 12, 1969]

THE "SILENT MAJORITY" SPEAKS UP—IN SUPPORT OF OUR PRESIDENT

Dear Mr. President: We, a modest part of the "Silent Majority" of dedicated Americans want you to know we support your Vietnam policies, presented on your recent broadcast from the White House to the people.

We feel it's about time we spoke up in rebuttal to the loud and vociferous minority, who has been making all the noise and objections for some time, without making any constructive proposals of its own.

The half-million boys in Vietnam—the flower of our young American manhood—deserve better than that—and we want them to know, the vast and so far "Silent Majority" of their fellow Americans, are with them 100 percent!

We speak out against those who advocate complete disruption of our American system—political and otherwise!

Join us and "Stand up and be counted" for America! "Black out" the moratorium by turning on your car lights and your porch lights Thursday, Friday and Saturday, Nov. 13, 14 and 15.

This vital message sponsored in support of America and Our President by the following "Silent Majority" Americans:

Rep. Allan L. Schoeberlein, Rep. John E. Friedland, Senator Robert W. Mitchler, Mrs. Robert W. Mitchler, Mr. and Mrs. M. C. Dooley, Mr. Charles Glasco, Mr. and Mrs. Lambert M. Ochsenschlager, Zelda B. Rieger, Atty. and Mrs. William Foote, Farnsey Peters, Mr. and Mrs. Charles W. Clemens, Mr. and Mrs. Louis DeMartelly, Sr., Mr. and Mrs. John R. Gray, Mr. and Mrs. Glen Commons, Mr. and Mrs. Alfred Sinder.

Dr. and Mrs. LeRoy Hill, Mr. and Mrs. Robert G. Foster, Mr. and Mrs. Charles Garrison, Mr. and Mrs. Howard A. Johnson, Mr. and Mrs. Robert S. Cherry, Mr. and Mrs. Philip Schalz, Dr. and Mrs. Carl E. Weber, Sarah Welch, Bill Poss, Verne A. Thompson, Robert Moga, Joe Heitkotter, Bill Wake, Howard Metzger, Mr. and Mrs. Haakon Andersen, Mr. and Mrs. Robert W. Lyon, Mr. and Mrs. Kenneth MacDonald, Mr. and Mrs. Fred Kroll.

Mr. and Mrs. Edward Rankin, Mr. and Mrs. James Critton, Mr. and Mrs. Robert Critton, Mrs. Walter Rudy, Mrs. Earl Weeks, Mr. and Mrs. Ray Watkins, Virginia Gurry, Mr. and Mrs. Harry Childress, Mr. and Mrs. Don Stein, Mr. and Mrs. William Craigle, Mr. and Mrs. Patrick R. Scully, Dr. and Mrs. Lloyd O'Neil, Mr. and Mrs. John Bryan, Mr. and Mrs. Robert Hollis, Mr. and Mrs. Ray Hanson, Steve Jarrett, Mr. and Mrs. Sam Badner, Mr. and Mrs. Ralph Reuland.

Mr. and Mrs. Richard J. Reedy, Dr. and Mrs. Walter A. Sperry, Mr. and Mrs. Mayford Snyder, Mr. and Mrs. George Crawley, Mr. and Mrs. Joe Chapman, Mr. and Mrs. Sam Ford, Mr. and Mrs. Robert Mall, Mr. and Mrs. Art Newquiet, Mr. and Mrs. Felice Torza, Mr. and Mrs. Roy Conner, Mr. and Mrs. Raymond H. Carpenter, Dr. and Mrs. Howard E. Gillette, Mr. and Mrs. Earl F. Pfister, Mr. and Mrs. David M. Fletcher, Mrs. William A. Barr, Mrs. Arthur N. Cordell, Dr. and Mrs. Ivor Morris, Dr. and Mrs. Coye Mason.

Jeff Morris, Robert Mason, Mr. and Mrs. A. J. Hermann, Jr., Mr. and Mrs. J. M. Bals, Captain and Mrs. Sam C. Loomis, Jr., U.S.N. Ret, Mr. and Mrs. William Mann, Mrs. George Beyer, Mr. and Mrs. E. B. Redman, Mr. and Mrs. Robert E. Taylor, Mr. and Mrs. William A. Osterland, Mr. and Mrs. Merle Faut, Mr. and Mrs. James D. McMakin, Dr. and Mrs. K. G. Bulley, Mr. and Mrs. Merrill Olson, Mr. and Mrs. Donald Helfers, Mr. and Mrs. Richard Amoni, Mr. and Mrs. L. H. Heyerman,

Mr. and Mrs. K. C. Palmer, Mr. and Mrs. John N. Kapellas, Mr. and Mrs. Kenneth J. Zilly, Miss Gertrude Friedrich, Mr. and Mrs. Leo Tilly, Mr. and Mrs. Charles Frye, Mr. and Mrs. Robert F. Shult, Mr. and Mrs. Edward J. Roots, Mr. and Mrs. Dudley Smith, Joseph F. Duran, Mr. and Mrs. Gerold W. Starck, William H. Donovan, Mrs. W. H. Donovan, Arthur Abbott, Charles David Smith, Nancy S. Reid, Mr. and Mrs. John M. Groninger, Mr. and Mrs. Roy Deal.

The Woman's Club of Aurora, Mr. and Mrs. Orian J. Henderson, Mr. and Mrs. Arthur F. Truesdell, Mr. and Mrs. J. W. Hawking, Mr. and Mrs. George Battenschlag, Mrs. Ralph J. Swan & Nancy, Dr. and Mrs. John M. Brandel, Mr. and Mrs. Wayne Dieterle, Mr. and Mrs. Daniel L. Mesch, Mr. and Mrs. Quetin Norem, Atty. and Mrs. Stephen J. Mrkvicka, Mr. and Mrs. W. L. Goheen, Mr. and Mrs. Edward Potteiger, Mr. and Mrs. William F. Becker, Mrs. Betty McCoy, Mr. and Mrs. J. Paul Bartsch, Mr. and Mrs. Ralph J. Swan, Mr. and Mrs. Harvey Brown.

Mr. and Mrs. Francis T. Smith, Mr. and Mrs. William L. Green, Mr. and Mrs. Anthony W. Tuma, Atty. and Mrs. Thomas J. Streit, Mr. and Mrs. Wesley C. Leveck, Mr. and Mrs. Ray L. Marshall, Mr. and Mrs. John L. Esser, Mr and Mrs. Ralph J. Bentson, Mr. and Mrs. Edwin Aister, Jr, Mr. and Mrs. Thomas B. Jones, Mr. and Mrs. Carl H. Hannaman, Mr. and Mrs. Robert J. Beallis, Mr. and Mrs. Chester A. Obma, Mr. and Mrs. Lee Veling, Mr. and Mrs Laurence Westfall, Mrs. Millie Lee, Mrs. A. W. Lauder, Mrs. R. A. Lewis.

Mrs. H H Evans, Mrs E A Crowe, Mr and Mrs. Edward H. St. Jules, Mrs. H. B. Spackman, Mr. and Mrs. Jack Haried, Mr. and Mrs. John Strecker, Mr. and Mrs. Henry C. Fletcher, Mr. and Mrs. Guy Parent, Mr. and Mrs. W. J. Whyte, Mr. and Mrs. R. L. McCreery, Dan Dolan, Mr. and Mrs. Raymond B. Wilmarth, Mr. and Mrs. Malcolm L. Jones, Mr. and Mrs. George Peters, Mr. and Mrs. Raymond F. Schmitz, Dr. and Mrs. Robert Helmen, Mr. and Mrs. N. Vance McCay, Mr. and Mrs. L. A. Diasio.

Mr. and Mrs. Homer N. Offutt, Mr. and Mrs. James S. Pollock, Mr. and Mrs. Robert C Humphrey, Mr. and Mrs. John Klaren, Mr and Mrs. Raymond W. Capaul, Mr and Mrs H. W. Habermeyer, George R. Matyas, Dolores Powers, Mr. and Mrs. Paul Sweigart, Mr. and Mrs. Lee Thurow, Mr. and Mrs. Dennis Helvig, Mrs. Margaret Hepburn, Mrs. Evelyn M. Garbe, Mrs. Jos. Laz, Mr. and Mrs. Julius Cinquina, Dr. and Mrs. Stanley C. Parks, Mr. and Mrs. Richard Tater.

Mr. and Mrs. John K. Morrison, Mr. and Mrs. William H. Kaiser, Mr. and Mrs. Rudy Nebel, Mr. and Mrs. Richard H. Humm, Mr. and Mrs. Keith Hardy, Mr. and Mrs. Edward H. Holt, Mr. and Mrs. Robert H. Diller, Mr. and Mrs. Andrew C. Wilson, Mr. and Mrs. James Garbe, Dr. and Mrs. Don Lies, Mr. and Mrs. Bob Arthurs, Dr. and Mrs. Stanley C. Parks, Mr. and Mrs. Stanley W. Warner, Mr. and Mrs. Harold E. Frazier, Mr. and Mrs. Edwin Bilstrom, Mr. and Mrs. Kenneth Ochsenschlager, Mr. and Mrs. Horald Armbruster, Mr. and Mrs. D. V. McWethy, Jr.

Mr. and Mrs. William G. Mitchler, Sgt. Davis Offutt, USAF, Mr. and Mrs. John Dodd, Mr. and Mrs. Paul Daley, Mr. and Mrs. Floyd Bentley, Mr. and Mrs. Victor Avram, Mr. and Mrs. Glenn Pierce, Mr. and Mrs. Robert Lindgren, Miss Nancy Daley, Miss Pat Daley, Mr. and Mrs. Karl Grube, Mrs. Alice Olson, Mrs. John Knell, Mr. and Mrs. James L. Pini, Mr. and Mrs. Ralph Knight, Mr. and Mrs. John Kuney, John Banks, Richard J. Larson, Helen Beran, Quintus Frederickson.

Bruce Bean, David Heeg, Sr., Robert Stumm, Frank Fox, Mr. and Mrs. Henry Banser, Ted Farnham, Lloyd Phillips, C. R. Benson, Jack Cunningham, J. M. Weistroffer, H. B. Hamper, James Ahlgren, Fred Schussler, Mildred Metzger, John Millen, Clarence Rabe, Robert Weber, William McConkey, Jack Peters, Ralph Fisher, William A. Vollrath, C. J. Renner, Charles M. Spivey, Don Burgholzer, Jack Myers.

Don Burgholzer, Jack Myers, Mr. and Mrs. Nelson Austin, Mr. and Mrs. Albert Griffin, Mr. and Mrs. R. Jeff Rogerson, Dr. and Mrs. M. R. Saxon, Mr. and Mrs. Barney Garberson, Mr. and Mrs. Wm. E. Frank, Dr. and Mrs. William H. Blackburn, Dr. and Mrs. H. Y. Greeley, Dr. and Mrs. William H. Blackburn,, Dr. and Mrs. H. Y. Greeley, Dr. and Mrs. John B. Abell, Mr. and Mrs. Ron Frazer, Mr. and Mrs. Paul E. Neumann, Mr. and Mrs. Steve Andrus, Mr. and Mrs. Douglas Holmes, Mr. and Mrs. Donald E. Gerberich, Mr. and Mrs. Ted Brattin, Dr. J. C. Hudell, Dr. M. Witanowski, Dave Garbe.

XUM

CULTURAL EXCHANGE PROGRAM EXPLOITED BY REDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, typical of the way our U.S. taxpayers are subsidizing communism is the sponsorship by the U.S. State Department under the cultural exchange program of a young journalist from Red Tanzania, John Kimwaga.

As a cultural exchange journalist, Kimwaga is able to utilize his position not to study American journalism but rather to gain a podium to spread race hate, deceit, and distortion as a guest editor in vulnerable American newspapers.

An example of such misuse of the cultural exchange program was Kimwaga's guest column which appeared in the Atlanta Journal and Constitution on Sunday, November 16. Uninformed Americans, elsewhere about the country, can expect like doses of communism in their newspapers under similar fanfare.

While Kimwaga parrots the Red line of the Organization of African Unity in attacking peaceful, nonaggressive, civilized countries of southern Africa, he either ignores or deliberately distorts the situation in black Africa. Two short examples are his admission of some difficulty in Nigeria—with no reference to the fact that its ruler was eaten by his own subjects, and his lack of comment about the mass murders—true genocide—of the civilized Arab inhabitants of the Sultanate of Zanzibar, which was devoured by Tanganyika to become his country of Tanzania. Virtually every country lauded by Kimwaga in his article has been in the throes of bloody revolt this year.

Kimwaga even overlooks that the dictator of his country of Tanzania is not only a puppet of Red China but openly admits the same and defends the Red Chinese ties.

Kimwaga's invitation to our country by the State Department and his activities while here again point out the utter ridiculousness of the cultural exchange program as applied to the Reds.

Kimwaga comes from a Communist country, well indoctrinated, and must be regarded as an agent of his dictator. He can contribute nothing to our culture.

Any enlightenment and advancement that he gains while in the United States, upon his return to Tanzania, will be of no use to him and could prove fatal if he were to attempt to apply his newly gained values in Dar es Salaam.

Mr. Speaker, several news articles follow:

[From the Atlanta Journal and Constitution, Nov. 16, 1969]

UNITY ABOUNDING—AFRICA'S "DEVIL" GETTING DEHORNED

(By John Kimwaga)

(EDITOR'S NOTE.—The Atlanta Journal-Constitution asked a visiting newsman to write an African's views on modern-day Africa. The accompanying article by John Kimwaga of Tanzania presents his views and opinions on the changes taking place on that continent.

(Kimwaga, 32, is touring the United States as a member of the Multi-National Journalist Project sponsored by the U.S. State Department under the Cultural Exchange Program. The project aims at acquainting foreign journalists with the operation of the American press and providing an understanding of the American people.

(Kimwaga is employed by his government as a subeditor in the newsroom of Radio Tanzania in Dar es Salaam, where he lives with his wife and three children.

(He began his journalistic career five years ago with a Swahali bimonthly Catholic newspaper in his hometown of Tabora, where he attended St. Mary's (Catholic) Secondary School. He holds a journalism degree from the Institute of Publicity Media, Mwanza, northern Tanzania.

(On his tour of this country, Kimwaga has spent the past two weeks in Atlanta.)

After one of the Organization of African Unity summit conferences some years back, President Julius Nyerere of Tanzania said there was a devil somewhere in Africa. Indeed, a devil there was—trying to mess things about. For a time any talk about African unity looked like daydreaming.

But if that devil still lurks around now, he has lost a lot of ground. For now, more than ever, the independent states of Africa have joined forces, not only for cooperation but also towards the creation of a United States of Africa.

Africa's devil has in fact been its own diversity. Diversity in the nations' backgrounds, ethnic groupings and the miles which separate some of them.

Independent Africa is Ethiopia, which has never known colonialism, except for a short period when Mussolini's troops rolled in. Independent Africa is also Equatorial Guinea, which wrestled its independence from Britain in recent years. Ethnically, there is little in common between the Arab north and the blacks south of the Sahara and Lusaka in Zambia is almost a day's flight from Cairo.

Colonialism contributed much to the ideological diversity in Africa. While the French treated most of their colonies as dear sons, Britain tended to play master.

African leaders in the former French colonies sat in the French Parliament in Paris, representing their countries' interests long before independence. For the British colonies, it was the Colonial Office which represented all their interests.

Former French colonies in Africa have almost no grudge against their former master. An exception perhaps is Guinea, where the French were very reluctant to leave and threatened to strip the country of all traces of civilization. When this threat was ignored, the French left, but not before pulling out the light and telephone poles and digging out the tarmac on the roads.

Another place where the French smeared their otherwise clean record was Algeria, where the people fought for independence for seven years.

Though most of the former British colonies maintain ties with Britain, the apathy towards their former master is strong.

The nations of free Africa made a milestone of their history in 1963 when they formed the Organization of African Unity (OAU). An organization aimed at joining their collective resources for economic development, the liberation of the whole of Africa and ultimate union.

The OAU has given the people of Africa a new hope, enhanced Africa's integrity and opened new horizons for Africa's place in the world.

While it can be argued that the Organization has done little toward the realization of its goals since its establishment six years ago, some successes have been tremendous. It has transformed the continent from a group of nations which had little in common, apart from territorial proximity, to a people who now have a very high sense of belonging. And above all, it has given Africa one voice.

Africa's critics point out the Organization's failure to solve the Nigerian-Biafran war and the ever-tightening hand of "apartheid" in Rhodesia, Southwest Africa and South Africa.

The Nigerian situation remains Africa's biggest eyesore. It is a conflict in which former classmates trade bullets and thousands of innocent women and children die of starvation. It is one of the ironies of the principles of international understanding that such a conflict has been going on for about two years now.

When the war broke out, the Organization of African Unity formed a committee to try to solve the problem. The committee, headed by Emperor Haile Selassie of Ethiopia, goes about solving the problem on the principles of noninterference and the recognition of the present states. It tries to help maintain the Nigerian federation—a federation which never was.

The Nigerian Federation tells the story of Britain's politics in Africa. Because of her own ends, she tried to melt together people who could not stay together.

In fact the melting pot only got hotter and hotter until the lid blew off with the first military coup in 1966, followed by the programs, another military coup and finally, Biafra's declaration of self-determination.

Again, Britain has stepped in, giving military support to the federal government in an attempt to subdue the Biafrans. And for the first time in modern history, Russia has set aside her ideological conflict with Britain and has joined forces with her to arm Nigeria against Biafra.

The Nigerian history and the reasons leading to the present drama would need more than a book to give the true picture of the situation. Whatever the reasons for or against Biafra's independence, one thing is clear, the disagreement has reached a point of no return.

In 1953, British tactics also forced a Central African Federation, grouping Southern Rhodesia, Northern Rhodesia (now Zambia) and Nyasaland (present day Malawi). But after 10 years of a fierce verbal war with the local African leaders the federation finally broke up.

The current situation in Rhodesia shows clearly British failure to solve problems in Africa.

Africa's leaders believe that apartheid in Rhodesia, South Africa and Southwest Africa is an international concern and can best be handled by the United Nations.

As for the rest of the countries still under colonial rule, Africa is bent on their liberation as soon as possible. The OAU's liberation Committee uses a big slice of the organization's budget to arm the freedom fighters and gives them other material and moral support.

The committee's headquarters are in Dar es Salaam, Tanzania, where the liberation movements have their bases and from where they operate liberation activities.

Since the escalation of these activities, the Mozambique Liberation Front has freed and set its government in three of the country's provinces and substantial gains have been made in almost all the colonies.

Since the creation of the Organization of African Unity, African nations have made a tremendous step towards eventual unification. They are going about it by starting with regional groupings.

Tanzania, Kenya and Uganda have formed the East African Community, which apart from being a common market, combines their efforts for joint development and has virtually brought them under one government.

The community carries on joint services, ranging from aviation, telecommunications, shipping to medical research—in all more than 50 major services.

The community's policies are formulated by the East African Authority, comprised of the three heads of state and whose chairmanship rotates from one country to another every year.

The administration is headed by the secretary general and executed by three East African ministers, one drawn from each country, and in charge of a section of the services, with a strong East African civil service under him.

The East African Assembly, which has 10 members from each country, makes the legislation necessary for the running of the services and estimates the budget.

There is also the East African High Court, which is the highest appeal court for the three countries.

Zambia, Ethiopia, Somalia, Rwanda and Burundi have already submitted their applications for admission in the East African Community and their applications are now in the process of ratification. In fact, Zambia is already a de facto member, because since Rhodesia's unilateral declaration of independence, all her imports and exports have passed through Dar es Salaam and she is also a member of a steamship line jointly owned with the member countries.

A pipeline, which started operation late last year, runs more than 1,000 miles from Dar es Salaam to Ndola in the Zambian copper belt, and under construction now are a railway line and a highway between Dar es Salaam and Ndola. With the ratification of these applications, almost one third of Africa will have united.

Other important groupings in the continent are the Organization of the Senegal River states in the west and the Central African Common Organization.

In world politics, African countries have come up with one voice. At the United Nations, together with their Asian friends, they have formed a strong Afro-Asian bloc, which has swayed many decisions and has brought moral pressure to bear on the big powers.

The days of a divided Africa are numbered and the creation of a United States of Africa now remains only a matter of time.

[From the Washington Evening Star, Nov. 18, 1969]

NYERERE DEFENDS TANZANIA'S TIES TO RED CHINA

(By C. C. Miniclier)

DAR ES SALAAM, TANZANIA.—President Julius K. Nyerere defended his country's association with Communist China but said he looks forward to meeting President Nixon some day.

Tanzania's 47-year-old president also expressed doubts about how long he should continue to lead his people, who call him Mwalium, or Teacher.

Gesturing frequently to make a point, Nyerere was in a relaxed mood as he gave one of his rare interviews, sipping a beer and fielding questions on the breeze-swept veranda of State House, overlooking rustling palm trees and the Indian Ocean.

Nyerere, discussing the thousand-mile rail line that the Chinese are going to build between Zambia's copper belt and Tanzania's seacoast, said Western countries fear China is demanding "a disruption of normal trade patterns as the price of building this railway. This is not so. I do not believe it."

"The West regards China as a problem . . . and more of a problem where copper is concerned," he observed.

Chinese, Zambian and Tanzanian experts have been meeting in Lusaka to work out agreements for the Chinese construction and an interest-free Chinese loan. The rail line is one of the biggest projects in Africa.

Western nations look upon the railroad "as an interference by the East," Nyerere said, "but we keep saying all we want is an outlet other than through people who do not regard us as human beings."

Western advisers and the World Bank rejected the railway project impractical.

There are about 3,000 Peking Chinese in Tanzania and Zambia. They have just completed surveying the route for the railroad and are involved in many other aid projects—including training of police and army units.

Nyerere sidestepped the question of whether Tanzania would soon be acquiring Chinese jet fighters. He noted that his country had actively supported guerrilla movements against white minority governments to the south for years without either an air force or navy.

However, last July his second vice president, Rashidi Mfaume Kawawa, said Tanzania would develop its own navy and air force. China has supplied the Chinese- and Canadian-trained army for several years, and the Canadians end their contract within two months. Both Uganda and Somalia have Soviet-built MIG fighters. Ethiopia's air force flies American jets.

Asked whether he was disappointed that the U.S. government did not invite him to Washington last month when he visited Canada and Moscow, Nyerere said, "There is no blame anywhere."

DEDICATION OF CROWLEY, TEX., POST OFFICE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a new post office was dedicated at Crowley, Tex., on October 25. Because of my inability to attend the dedication, a longtime friend of mine, Mr. Clyde Johnson, customer relations officer of the Dallas regional office made the dedicatory remarks. Under leave to extend my remarks in the RECORD, I wish to include Mr. Johnson's remarks:

POST OFFICE DEDICATION

(By Clyde E. Johnson)

I am delighted to join with you today in dedicating your new Post Office, and to bring you the best wishes of Postmaster General Winton Blount.

I had looked forward to seeing my good friend, Congressman Olin Teague, and I regret his inability to attend our dedication; I wish to take this opportunity to congratulate you on having such a fine Congressman to represent you. But I'm somewhat biased in his favor. You see, he's been my Congressman down in Navarro County for many years, and I have personally admired him and worked with him on many matters for the past 20-odd years. I live in Corsicana, and we—like you here in Crowley—are proud of the representation we get in Washington from Congressman Teague.

As a Post Office Department official, I happen to know that Mr. Teague took a personal interest in securing this new post office for the people of Crowley, and I know, too, that he has been quite instrumental in securing other needed facilities in his district, because he is one of the most effective Congressmen on Capitol Hill today.

Occasions like this have always impressed me.

For one thing, we are helping make history—helping in our own small way to fill one tiny page in the giant volumes of time.

I'm confident that all of you share with me this unique sense of significance that sweeps over us as we add these few moments to the growing history of your fine community.

So I would hope that we observe this occasion—this dedication of your post office—in a spirit of appreciation for our heritage, a spirit of thankfulness, and of gratitude.

We usually take a post office for granted—just as we do many of the freedoms we enjoy in this great land of ours.

Only on occasions, such as this, do we give much thought to the broad significance of the post office.

The postal service is perhaps our most outstanding symbol of national freedom. Since the days of colonial postmaster Benjamin Franklin, our mail service has provided a free flow of information and opinion, under the sanctity of a sealed envelope.

We are criticized a lot concerning our old fashioned ways in the postal service—about our so-called backward methods. And this is true in many ways, but let us hope and pray that the public doors of our post offices always remain open for the uncensored flow of knowledge, and that the sanctity of a sealed letter remains just as it was in Ben Franklin's day.

The Post Office stands out as another great symbol: It is actually a barometer of business and economic growth. The activities of the postal service—its mail volume, postal receipts, etc., are accurate reflections of the nation's overall well-being.

This new building we dedicate here today is most certainly a vital part of the growth and progress of America, and it reflects the rapid development of this part of our great State.

It will be only a matter of a few years until Crowley will become a part of a mass metropolis having populations of many millions of people spreading out from Dallas and Fort Worth.

The population explosion has caused a tremendous increase in mail volume—more than 80-billion pieces a year. We can no longer rely on manpower alone to move these daily mountains of mail. We are like the telephone company which tells us that, if they didn't have the dial system, every man, woman and child in our country would have to be working for the telephone company just to handle their phone calls. Likewise, everyone would soon have to be working for the post office department if we didn't develop mechanization and modern mail-moving methods.

Of course we face many problems. And much publicity has been given these problems and the need for postal reform, which the Administration has asked Congress to consider.

President Nixon and Postmaster General Blount are certainly facing up to the new and challenging responsibilities of this era. Their primary aim is to achieve greater efficiency and economy in postal operations. This is our constant goal.

And the new Crowley Post Office building is a step in this direction, because it helps fulfill a need for better facilities—not only for our patrons, but for our employees who work the mail.

I would urge each of you to keep in mind that the postal system is a tremendously complex business—the biggest peacetime business in all the world. Operating this business is no easy task—without the support and cooperation of the public.

Our business, of course, is serving you. But we need your help, and your suggestions—and, above all, your understanding of our many problems.

With your help, we can achieve our goal of providing better service at lower cost.

Now, in conclusion, as we make our bit of history here this afternoon, let us do so in a spirit of appreciation and gratitude—

and with *pride*, in knowing that this splendid structure—so long as it shall stand—and the flag that will fly in front—will be shining symbols of our great heritage.

RULING COLONELS STIFLE GREEK NEWSPAPERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. FRASER. Mr. Speaker, ham-handed efforts by the Greek colonels to stifle the Greek press continue. The junta's most recent moves are clearly described in two recent New York Times dispatches from Athens. In its last two paragraphs, the second of these reports, which appears in this morning's Times, characterizes the new press code:

> It is widely believed here that the Government will soon announce the reactivation of Article 14 of the Constitution, safeguarding press freedom, to prove its intention to restore constitutional rule.
>
> But the enactment of the press code heavily qualifies that freedom down to such minute detail that Greek journalists feel that in effect, they will be forced to consult their lawyers whenever they plan to write the latest sports roundup.

Mr. Speaker, I introduce these articles into the RECORD at this point. The colonels advocate severity as the mother of justice and freedom. The recent Greek experience proves otherwise. The articles follow:

[From the New York Times, Nov. 16, 1969]

GREECE ABOLISHES PRESS PRIVILEGES—DUTY-FREE IMPORTS OF PAPER SCALED DOWN—TAX RAISED

ATHENS, November 15.—The military-backed government of Greece today abolished major financial concessions enjoyed for decades by Greek newspapers. The move was described as a measure to "cleanse and discipline" the press.

A new press law ended some duty exemptions for imported newsprint. The privilege, granted in 1938, was designed to facilitate freedom of the press.

John Agathanghelou, Alternate Minister to the Premier's office said at a news conference that the new press law sought "to protect society and the state from an abuse of press freedom," an abuse that, he said, was "the main cause for the decline of democracy in Greece" before the military coup of April, 1967.

The Minister refused to disclose the full contents of the news laws, which also specify penalties for press offenses. He also refused to answer all questions about the law, and said technical reasons made it necessary for the texts to be distributed Monday.

FINANCIAL RESTRICTIONS IMPOSED

The press law also imposed strict controls on the finances of all Greek newspapers, he said, to insure "they cannot be bribed, bought off, or engage in illicit transactions that are not in the interests of the Greek people."

Mr. Agathangehelou refused to clarify, in view of the suspension of constitutional guarantees for press, whether press offenses would still be tried by special military tribunals under the current martial law.

He said that the duty-free newsprint privilege would now be scaled in this way: Newspapers with circulations up to 25,000 daily will still enjoy the privilege; dailies with circulations up to 50,000 will pay 50 per cent of the import duty for newsprint, which amounts to 70 per cent of its cost—the duty on a ton of newsprint costing $166 would be $116.

The exemption rate will drop to 25 per cent for circulations to 75,000 and to 5 per cent for daily circulations of 100,000 or more. The rates are to be applicable to all the newsprint used by each paper.

THREE LARGE DAILIES AFFECTED

Three of the nine Athens dailies have a circulation of over 100,000—the morning Acropolis and its afternoon edition Apogevmatini, and the evening Ta Nea.

All three were accused by the Government recently of abusing the qualified press freedom granted on Oct. 3 after the abolition of censorship.

Their publishers were warned action would be taken against them if they did not quit printing "provocative" headlines and cartoons implying hostility to the Government.

All three, particularly "Acropolis," have since suffered severe financial losses in the countryside, where local authorities forbid local distribution agents to sell the usual number. "Acropolis" estimates that its circulation outside Athens has been cut down by one-third, or by about 20,000 copies.

PROTEST IS UNAVAILING

When its publisher protested to the Government, he was told that no restrictive orders had been issued, but that the readers "disgusted by the contents" of his paper had decided overnight to stop buying it.

At today's news conference, Mr. Agathanghelou also disclosed in order to offset newspaper losses from the abolition of the duty exemption, increases in the newsstand price of newspapers—now frozen at 5 cents—would be allowed. Larger sizes will also be allowed. in order to make more space available for advertising.

A second new law requires press enterprises to pay taxes on profits, as do other Greek businesses, although newspapers with circulations under 15,000 will retain their tax exemption.

Two of the three Athens dailies that support the Government circulate 12,000 to 15,000 copies a day, meaning they will retain their privilege of importing newsprint duty-free and will pay no taxes.

Mr. Agathanghelou, in explaining the new tax system, said that one newspaper with a circulation of 50,000 had been taxed $9,670 last year on profits of $140,000, for example. Under the new law it would pay $64,000 on the same income.

He said the steps were to aid freedom of the press "by equalizing the opportunity for competition between large and small newspapers."

[From the New York Times, Nov. 18, 1969]

GREEK PRESS CODE LISTS NEW PENALTIES

ATHENS, November 17.—Prison terms and fines for press offenses were decreed today by the Greek Government in a law that goes into effect Jan. 1.

The 101-article press code, officials said, was designed to "cleanse and discipline" the Greek press. They charged that the press had been "responsible for the decadence of Greek democracy" before the military takeover 30 months ago.

Deputy Premier Stylianos Patakos, asked why the new law was so severe, said tonight: "Severity is the mother of justice and freedom."

The military-backed Government has promised since the April, 1967, coup to restore genuine democracy after reforming institutions, but has been faced by the delicate problem of allowing freedom of the press without incurring the risks that a totally free press might pose.

After 30 months of strict censorship, the Government said on Oct. 3 that it was lifting restrictions, in an apparent attempt to demonstrate its good faith. However, editors were given a two-page list of banned topics.

The code issued today is considered to be another move in the Government's search for a method of dealing with the press.

SUSPENSION POSSIBLE

Under the code, courts must suspend the publication of a newspaper if, within five years, it twice commits certain offenses. These include any articles that are deemed to insult the king, or the state religion, to disclose military secrets, to incite sedition, to propagate the views of outlawed parties or to commit libel.

Publishers, editors and reporters will be collectively responsible for the accuracy of their publications and will be jointly indicted in case of an offense.

Under the new code, incitement to sedition may involve prison terms ranging from five years to life. The publication of an article considered likely to shake the public trust in the economy can bring imprisonment for at least six months and a fine of at least $3,330.

Articles or cartoons judged to have rekindled political passions can result in a jail term of at least a month and a fine of at least $330.

Sentences of press offenses cannot be suspended.

POINTS MADE IN HEADLINES

The new law also provides punishment for misleading headlines, which have been used recently to show hostility to the military-backed Government and to the suspension of 10 constitutional guarantees since the coup in April, 1967.

Late last month, for example, an Athens daily had a 3-inch-high headline saying "More Democracy." In smaller letters, it added: "—Brandt Promises."

The press code says: "The use of headlines, pictures or drawings that do not reflect accurately the relevant text or deliberately mislead the public is punishable by a minimum jail term of six months, a $3,330 fine and suspension of the right to cut-rate duty newsprint."

Also made punishable press offenses under the new rules were distortion or misinterpretation of parliamentary reports, defamation, out-of-context reference to documents or statements, descriptions of criminal acts or suicides and references to trial cases before an irrevocable verdict.

Libel regulations were also tightened. Penalties for insult, defamation and libel were increased to a minimum of three months in jail plus a minimum $660 fine.

Provisions of the new code announced last Saturday abolished major financial concessions that Greek newspapers had enjoyed for decades. Among other actions, the code ended some duty exemptions for imported newsprint and required some newspapers for the first time to pay taxes on profits, as do other businesses.

The new law establishes a commission of senior judges and governmental officials who are authorized to control the finances of all newspapers to prevent bribery, blackmail and foreign financing. Publishers must be Greek citizens.

All press offenses will be tried by the civil courts after Jan. 1. Until then, the press regulations issued under martial law, after the abolition of preventive censorship in October, remain in force and violations come under the jurisdiction of special military courts.

After the abolition, publishers discovered that an anti-Government attitude increased their sales. They devised a method of handling headlines and cartoons that clearly implied hostility to the military without violating the regulations.

To discourage this attitude, an erratic pattern of obstruction of unfriendly newspapers was established. The Government denied that it had given any orders, but said that readers had become "disgusted" by opposition newspapers and no longer bought them.

This resulted in severe financial losses for some leading Athens dailies, and they quickly ended their critical practices. The new law will make these practices punishable by prison terms and fines.

While the new code tries to discourage irresponsibility of the press, which had been rampant before the coup, the penalties it imposes on a broad range of topics is likely to inhibit journalists.

It is widely believed here that the Government will soon announce the reactivation of Article 14 of the Constitution, safeguarding press freedom, to prove its intention to restore constitutional rule.

But the enactment of the press code heavily qualifies that freedom down to such minute detail that Greek journalists feel that in effect, they will be forced to consult their lawyers whenever they plan to write the latest sports roundup.

PESTICIDES ARE KILLING OUR HONEY INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, recently Secretary Finch publicly announced an HEW directive to terminate the use and sale of DDT over the next 2 years. In light of this decision and the reasons given for such action, I feel it is time for the House to take a careful look at H.R. 10749, legislation introduced by the gentlewoman from Washington (Mrs. MAY) to indemnify our Nation's beekeepers for losses sustained from the use of pesticides on adjacent farmlands. In a letter to Secretary Hardin outlining the problems now facing the honey industry, Mr. Roy Weaver, of Navasota, Tex., stated 500,000 of our 5 million bee colonies were destroyed or heavily damaged by pesticides in 1967. It is important for the membership to read and understand the significance of Mr. Weaver's letter, which follows:

NAVASOTA, TEX.,
September 18, 1969.

SECRETARY OF AGRICULTURE,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am Roy S. Weaver, Jr., a commercial beekeeper in Texas operating about 5500 colonies of honey bees in partnership with my father and one brother. I am chairman of the Legislative Committee of The American Beekeeping Federation, and chairman of the Government Relations Committee of the Honey Industry Council of America. Duriny my beekeeping career I have served as president of the American Beekeeping Federation, president of the American Bee Breeders Association, and president of the Texas Beekeepers Association.

The honeybee is of great value to agriculture as a pollinator, and is the only known pollinator which can be moved into an area in great numbers when desired. However, the beekeeping industry in the United States is in poor condition. For the last 22 years the number of colonies of honeybees in the U.S. has declined steadily at the rate of 1% per year. Many operators are finding it an unprofitable enterprise and are going out of business. If the abundant agricultural production of the United States is to continue, ways must be found to reverse the decline in the number of colonies of honeybees. There are two obvious sources for increased income to beekeepers. The first is through the sale of the traditional cash crop, honey, at profitable prices. The second is through the rental of honeybee colonies for the pollination of agricultural crops.

Briefly, I recommend that the United States Department of Agriculture aid the beekeepers in selling their honey at a profit, and aid beekeepers and farmers to a better understanding as to the value of honeybees as pollinators with the thought that eventually fees for pollination services will be on the main sources of income for beekeepers.

About 90 crops grown in the United States, valued at more than a billion dollars, are considered to be dependent upon insect pollination. In addition, other crops valued at about 4 billion dollars are benefited by insect pollination. The honeybee is the only insect which can be moved into the vicinity of these crops in large numbers to perform the pollination service at the time it is required.

The primary purpose of the beekeeper has generally been the production of honey as his cash crop. Little has been understood by beekeepers or farmers as to the value of honeybees as pollinators. Much of the pollination is done incidentally while the beekeeper is trying to produce a crop of honey. Communications between beekeepers and farmers has been poor. As a result most pollination fees are "starvation wages" for beekeepers.

It is imperative for agriculture that honey become a stronger competitor with other food commodities. Although there are about 200,000 beekeepers in the United States, only about 1,200 are full-time commercial operators with 400 or more colonies. However, they produce about one-third of the honey crop and provide most of the colonies used in commercial pollination. There are about 12,000 part-time beekeepers who own 25 to 400 colonies each and produce another third of the honey. The remaining 187,000 are hobbyists who own less than 25 colonies each.

These beekeepers encounter many problems. Some of these are: low prices of honey and low pollination fees in relation to the high cost of operation; decreasing bee pasture due to changing agricultural practices and urbanization; losses caused by bee diseases; and losses due to pesticides.

While the cost of operating a beekeeping enterprise has been spiralling upward the price of honey has remained almost static. Honey is not holding its own in the marketplace. Even though it is our only natural unrefined sweet, the per-capita consumption is slowly declining.

The price support program on honey has operated quite well in that it has prevented disastrously low prices and at the same time has provided honey for school lunches at a very low cost to the government. However, the support price has not been high enough to prevent a decline in the number of colonies of bees. I recommend that the support program be continued, and that the support rate be gradually raised until it approaches parity.

For a long time to come beekeepers will continue to produce honey as their cash crop. As a permanent solution to the problem of low honey prices we need to increase the per-capita consumption of honey. In order to do this the beekeepers of the United States have devised a self-help promotion and research program on honey which requires enabling legislation. This proposed legislation is now before the 91st Congress in H.R. 955, S 1851, and similar bills. I request that the USDA strongly recommend passage of this act and assist the beekeeping industry in implementing it as rapidly as possible.

If the price of honey rises due to increased supports or increased demand it is possible that low priced foreign honey will come into the country in large quantities. The import tariff on honey is only 1 cent per pound. H.R. 374 and similar bills before the 91st Congress would increase the tariff to 3 cents per pound and require the USDA to set quotas on honey to be imported. I am working for the passage of this bill.

If neither increased support prices or increased demand for honey caused by the promotion of this delicious and healthful sweet serve to reverse the decline in the numbers of honeybees available for pollination of our crops then direct subsidy payments to beekeepers may be become necessary. Our country must have enough honeybees to fill their vital role in our abundant agricultural production.

In 1967, an estimated 500,000 colonies of honeybees out of the 5 million in existence in this country were destroyed or heavily damaged by pesticides. Thousands more were damaged or destroyed by diseases. The total damage to the beekeeping industry by pesticides and disease is estimated to be $7.5 million annually, while the income from the production of honey and beeswax is less than $40 million. Changing agricultural practices and urbanization are destroying many wild plants which honeybees depend on for pollen and nectar for building strong colonies. Operating a beekeeping enterprise requires much expensive hand labor and complex management decisions.

The solutions to these and other problems can be found only through research, both on the scientific level and on the practical level by beekeepers and others who have the incentive to try to progress. The USDA can be of great help in this. I recommend a thorough study and implementation of "A National Program of Research for Bees and other Pollinating Insects and Insects Affecting Man" prepared by a joint task force of the U.S. Department of Agriculture and the State Universities and Land Grant Colleges. This is a good outline of some of the research that is sorely needed.

Respectfully submitted.

ROY S. WEAVER, JR.

SENATE—*Wednesday, November 19, 1969*

The Senate met in executive session at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou are God.—Psalm 90: 1 and 2.

O Lord, renew our knowledge of Thee and of Thy grace and providence. To those who mourn, give comfort; to those who are ill, send Thy healing grace; to the youthful voyagers in the vastness of Thy universe, give wisdom and courage; and to each of us here, give an awareness of Thy presence moment by moment, that as we live and work we may submit our lives to Thy higher judgment. In the name of Him who taught us to seek first the kingdom of God and His righteousness. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 18, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business as in legislative session be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATIONS

Mr. MANSFIELD. Mr. President, in executive session I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive Calendar under "New Reports."

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTERSTATE COMMERCE COMMISSION

The bill clerk read the nomination of Robert Coleman Gresham, of Maryland, to be an Interstate Commerce Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

FEDERAL TRADE COMMISSION

The bill clerk read the nomination of Caspar W. Weinberger, of California, to be a Federal Trade Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 4 or 5 minutes as in legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. MILITARY BASES IN THE PHILIPPINES

Mr. MANSFIELD. Mr. President, the Subcommittee on U.S. Security Agreements has now made available the text of its initial hearings. This first release, a censored version of several sessions of executive hearings of Government witnesses, is focused on the military bases which are leased by the United States in the Republic of the Philippines.

The press of other Senate business prevented me from attending all but one of the sessions, and that very briefly. As a member of the subcommittee, however, I have seen the full transcript, both before and after certain deletions were made.

For the record, it should be noted, that the executive branch requested a delay in publication of these hearings until after the general elections in the Philippines. That was a request to which I could and did fully subscribe because it seemed to me a most reasonable and responsible course for the Senate committee in the circumstances. The proposed delay was for but a few days, and it afforded the advantage of avoiding even a remote suggestion of an intrusion in the Philippine election.

Beyond that request for a delay, however, I made no proposal myself nor endorsed any proposal for the deletion of any material in these hearings on the Philippines for any purpose whatsoever. That any deletions are necessary in Senate hearings is always regrettable even though, in this instance, those involving security were unavoidable. In any event, so far as I am aware, the decisions on deletions were made solely by representatives of the executive branch and of the Foreign Relations Committee.

It seems to me that the committee's hearings brought together a great deal of useful information. The immense cost of the bases to the people of the United States, for example, is highly relevant to the work of the Senate. So, too, is what appears to be a superfluity in these installations in terms of reasonable utility. It is useful, too, that there be a Senate awareness of the great dimensions of this base complex, because from its vastness stems distortions in the country of location and in our relations with that country. The committee's investigation into these aspects of the U.S. base problem and the diplomatic complications which they pose was necessary and appropriate.

Moreover, it is to be anticipated that we will be confronted in the near future with the problem of renegotiating the base agreements with the Philippines. The hearings have made a distinct contribution to the Senate's understanding of what will be entailed in that process.

In recognizing these values, however, it should also be noted that matters were touched on in the course of the hearings—in some cases there were references to deprecating innuendoes and sensational rumors involving Philippine Government leaders, citizens, and internal Philippine affairs. These are matters which, in my judgment, did not fall within our responsibility and, in any case, tend to detract from the main purpose of the investigation. The record of the hearings, however, suggests a somewhat unintended involvement on the part of the committee in these matters as they pertain to the Philippines. Any such suggestion seems to me to be unfortunate in this instance, especially because the Philippines is now the oldest continuing free democracy in Southeast Asia. Its special link with the United States can be, if the relationship evolves in the context of cooperation and respect, an element of great reciprocal advantage as well as a factor of general stability in the western Pacific.

Lest the relationship be damaged through inadvertence, I think it would be well to emphasize for purposes of balance and perspective that every nation, our own included, has problems of violence and crime as well as imperfections in its institutions. It would be well to bear in mind, too, that the Philippines ceased to be an American colony in 1946, and that, while the newly formed Republic, in the wake of the great devastation which it suffered in World War II, counted heavily on promised help from the United States and the carryover of certain prewar dependent relationships, the situation has changed markedly. A quarter of a century later, the Philippines has moved a long way—a very long way—from these vestiges of the past. A social, political, and economic momentum has been generated on the basis of an awakened Filipino nationalism which, in my judgment, is authentic, dynamic and constructive.

It would be well to bear in mind, finally, that the U.S. military bases remain on Philippine soil by our design and desire as well as by the request of the Philippine Government. The bases are for the use and convenience of the U.S. Armed Forces and for the security of this Nation as well as for the security of the Philippines. To the extent that they are no longer mutually required—and I stress "mutually required"—adjustments can be made in existing arrangements and, by all means, they should be made without delay. It would be most unfortunate, however, if these and other adjustments in the relationship should be brought about in an atmosphere between the two nations which is disturbed by irrelevant hangovers from the past and avoidable misunderstandings in the present.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Chair lay before the Senate messages from the House of Representatives on S. 2000, H.R. 7066, and Senate Joint Resolution 26.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ESTABLISHMENT OF THE LYNDON B. JOHNSON NATIONAL HISTORIC SITE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2000) to establish the Lyndon B. Johnson National Historic Site, which was to strike out all after the enacting clause and insert:

That, in order to preserve in public ownership historically significant properties associated with the life of Lyndon B. Johnson, the Secretary of the Interior is authorized to acquire, by donation or by purchase with donated funds, such lands and interests in lands, together with the buildings and improvements thereon, at or in the vicinity of Johnson City, Texas, as are depicted on the drawing entitled "Lyndon B. Johnson National Historic Site Boundary Map", numbered NHS–LBJ–20,000 and dated September 1969, together with such lands as from time to time may be donated for addition to the site and such lands as he shall deem necessary to provide adequate public parking for visitors at a suitable location. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the Lyndon B. Johnson National Historic Site.

Sec. 2. The Secretary shall administer the Lyndon B. Johnson National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Sec. 3. There are hereby authorized to be appropriated not more than $180,000 to provide for the development of the Lyndon B. Johnson National Historic Site.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ESTABLISHMENT OF WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historic Site, which was to amend section 1 of the act as amended by the Senate to read as follows:

That, in order to preserve in public ownership historically significant properties associated with the life of William Howard Taft, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such land and interests in land, together with buildings and improvements thereon and including scenic easements, at or in the vicinity of Auburn Avenue, Cincinnati, Ohio, as are depicted on the drawing entitled "William Howard Taft National Historic Site Boundary Map," numbered TAHO–20009, and dated August 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the William Howard Taft National Historic Site.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

DEVELOPMENT OF THE EISENHOWER NATIONAL HISTORIC SITE

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 26) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes, which were to strike out all after the resolving clause, and insert:

That there are hereby authorized to be appropriated not more than $1,081,000 for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, which may not be expended for the construction of major capital improvements as long as the special use permit issued to Mamie Doud Eisenhower by the National Park Service, United States Department of the Interior, on June 3, 1969, remains in effect.

Sec. 2. There are hereby excluded from the boundaries of Gettysburg National Military Park, and included within the boundaries of the Eisenhower National Historic Site, the lands and interests therein identified as "Additions to Eisenhower NHS" on the drawing entitled "Proposed Additions to Eisenhower National Historic Site", numbered EISE–20000 and dated June 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

And to strike out the preamble.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

CREDIT LIFE OVERCHARGE REACHES $250 MILLION

Mr. PROXMIRE. Mr. President, the latest figures from Spectator magazine, an insurance industry trade publication, reveal that the credit life insurance industry overcharged the American consumer by $250 million in 1968 compared to a $225 million overcharge in 1967. Despite assurances given by industry spokesman that the States are beginning to protect consumers, the latest figures show just the opposite. The consumer is being socked even harder to the tune of one quarter of a billion dollars.

The overcharge on credit life insurance has been computed according to the formula developed by a former State insurance commissioner who first testified at congressional hearings in 1967. Each year the overcharge has steadily increased despite industry claims that the States are beginning to regulate the charges. Today, the overcharge is approaching scandalous proportions.

Credit life, health, and accident insurance is commonly sold by finance companies, auto dealers, banks, and other creditors in connection with a credit transaction. The insurance pays off the loan in the event the buyer dies or becomes disabled. The insurance thus protects the creditor as much as the buyer although the buyer usually is required to pay the full cost.

The person who buys credit life insurance is generally anxious to obtain credit and is in a poor position to bargain over the cost of credit insurance. Because of the captive market, many creditors charge all the traffic will bear and pocket the excess charge in the form of kickbacks from the insurance company. Creditor kickbacks sometimes run as high as 80 percent of the premium dollar according to evidence contained in Senate Banking Committee hearings.

Credit life insurance in force at the end of 1968 was $64 billion or about 70 percent of total consumer installment debt. Many finance companies who loan to hardpressed borrowers are able to "sell" credit life insurance on over 99 percent of their loans, thus illustrating the captive nature of the market.

I should hasten to add that not all insurance companies overcharge the public on credit life insurance. For example, in 1968, 10 reputable, well-established companies collected $205 million in premiums and paid out $156 million in benefits to the public, a loss ratio of 76 percent. However, the rest of the industry took in $646 million but paid out only $286 million, a loss ratio of 44 percent.

State insurance commissioners feel that credit life insurance companies should pay back at least 50 percent of their premiums to the public to avoid excessive charges. However, the vast bulk of the industry only pays back 44 percent. Moreover, the 44 percent payback figure for 1968 is identical to 1967. Benefits paid to the public have not increased despite industry claims that the situation is getting better.

The States have had 10 years to solve the problem and have failed. In 1961 the payback ratio for most companies was only 42 percent, practically unchanged from the current 44 percent. During this same period, the well established reputable companies consistently returned 75 percent of the premium dollar to the public, showing that it can be done.

Last April, I introduced legislation to authorize the Federal Reserve Board to establish maximum charges on credit life insurance. During the hearings in June, industry spokesmen urged delay on the grounds that State regulation was beginning to have an effect. However, the latest figures make it clear that this is just not so.

As a result, I intend to press for legislation curbing excessive charges on credit life insurance. Passage of the legislation can save the consumer $250 million a year. It is high time we put a stop to the credit life scandal and bring reform to the industry.

Mr. President, I ask unanimous consent to have printed in the Record two tables showing the losses paid on credit life insurance in 1968 and the computation of the amount of overcharge.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CREDIT LIFE, HEALTH, AND ACCIDENT INSURANCE EXPERIENCE, 1968

[Dollars in millions]

	Earned premiums	Incurred losses	Loss ratio (percent)
A. 10 "low charge" companies:			
Prudential	$108, 225	$82, 230	75. 9
Credit Union Mutual	50, 075	40, 597	81. 0
John Hancock	14, 277	9, 481	66. 4
Metroplitan	7, 986	6, 279	78. 6
Aetna	8, 037	5, 252	65. 3
League Life	4, 543	4, 271	94. 0
New York Life	3, 273	2, 371	72. 4
Minnesota Mutual	3, 805	2, 575	67. 6
Travelers	2, 263	1, 681	74. 3
Equitable	2, 164	1, 610	74. 3
Subtotal	204, 648	156, 347	76. 4
B. 9 "high charge" companies:			
Old Republic	115, 619	52, 783	45. 7
Credit Life Insurance Co	30, 346	13, 296	43. 8
AmericanNational	25, 697	11, 760	45. 7
Continental Assurance	20, 673	10, 036	48. 5
American Health & Life	19, 409	10, 133	52. 2
American Bankers Life	22, 237	8, 343	37. 5
Connecticut General	17, 653	9, 098	51. 4
Bankers National Life	15, 329	8, 369	54. 5
Federal Life & Casualty	14, 959	7, 697	51. 4
Subtotal	281, 922	131, 515	46. 6
C. All other companies	363, 888	154, 262	42. 3
D. Industry total excluding 10 "low charge" companies (B + C)	645, 810	285, 777	44. 3

Computation of overcharge—Credit life, health, and accident insurance, 1968

Premiums collected by the industry	$935, 000, 000
Less legitimate expenses:	
Actual benefits paid to the public	486, 000, 000
Actual insurance company administrative cost	78, 000, 000
Allowance for creditor administrative cost (10% of net premiums)	66, 000, 000
Allowance for insurance company profit (3% of premiums)	28, 000, 000
Allowance for creditor profit (3% of premiums)	28, 000, 000
Total legitimate expenses and profit	686, 000, 000
Overcharge	249, 000, 000

SOURCE: Spectator Magazine, October 1969. Premiums are on an earned basis. All figures increased by 10% to cover all companies not included on the Spectator survey.

THE DANGER OF DISREGARD

Mr. PROXMIRE. Mr. President, the United Nations General Assembly should be highly commended for the service it performed when, on December 10, 1948, it spelled out for all the world to see the basic principles of human rights. These principles should be examined closely by all nations as a standard to see how each individual nation measures up to these most fundamental rights of free men. This, of course, was the purpose of the President's Commission for the Observance of Human Rights Year. Even in this Nation that has the grandest tradition for liberty and respect for human rights, former President Johnson felt it necessary to ascertain the status of human rights in the United States. The Universal Declaration of Human Rights is the yardstick for this measurement.

Perhaps the most pressing need for this appraisal, not only for this Nation but for all nations, was expressed in the preamble of the Universal Declaration in the following manner:

> Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

In response to this section of the preamble, the President's Commission wrote:

> Secondly, the Preamble notes that "disregard and contempt for human rights have resulted in barbarous acts." These words reflect the vivid memory of tyranny, oppression, and murder of millions of innocent persons in World War II, and the clause goes on to reaffirm President Roosevelt's Four Freedoms.

Clearly, then, this paragraph in the preamble lies within our American tradition of human rights. But, just as clearly, it points out an aspect of our approach to human rights that is not, and should not, be a part of our tradition. This aspect that we should not be alined with is disregard.

As the preamble expressed in its first sentence of the above paragraph, "disregard and contempt for human rights have resulted in barbarous acts." This Nation has never had contempt for human rights, but its refusal to ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide come dangerously close to what I would call "the danger of disregard." All nations, particularly this one, should attempt to avoid what would appear to be disregard for human rights.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Unless otherwise indicated the following proceedings, up to the conclusion of morning business, were held as in legislative session.)

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AID TO VIETNAM

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report on aid to Vietnam; to the Committee on Appropriations.

REPORT OF PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting, pursuant to law, the 56th annual report of the Commission for the calendar year 1968 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the omission of significant costs from charges to the Federal Republic of Germany for pilot training, Department of Defense, dated November 19, 1969 (with an accompanying report); to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Board of Supervisors of Sullivan County, N.Y., expressing support of the President of the United States in the endeavor to bring the Vietnam war to an end; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes (Rept. No. 91–545);

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes (Rept. No. 91–546);

S. Res. 272. Resolution authorizing additional expenditures by the Committee on the

Judiciary, Subcommittee on Internal Security (Rept. No. 91–540);

S. Res. 281. Resolution authorizing the printing of additional copies of the Senate report on H.R. 13270, the Tax Reform Act of 1969 (Rept. No. 91–541);

S. Res. 284. Resolution authorizing additional expenditures by the Committee on Commerce (Rept. No. 91–542);

S. Con. Res. 44. Concurrent resolution to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings," as a Senate document (Rept. No. 91–543); and

S. Con. Res. 46. Concurrent resolution authorizing the printing of a report entitled "Handbook for Small Business," as a Senate document (Rept. No. 91–544).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 1421. A bill to amend the District of Columbia Legal Aid Act (Rept. No. 91–547); and

S. 2602. A bill, the District of Columbia Public Defender Act of 1969 (Rept. No. 91–548).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which has previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they be placed on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Walter E. Mason, Jr., and sundry other officers, for promotion in the Coast Guard; and

Jack K. Stice, Reserve officer, to be a permanent commissioned officer in the Coast Guard.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

S. 3151. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Labor and Public Welfare.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 3152. A bill to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered; to the Committee on Armed Services.

(The remarks of Mr. HATFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FONG (for himself, Mr. JACKSON, and Mr. INOUYE):

S. 3153. A bill to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON relating to cosponsorship of the bill appear later in the RECORD under the appropriate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. TOWER, Mr. SPARKMAN, Mr. BENNETT, Mr. MUSKIE, Mr. BROOKE, Mr. MCINTYRE, Mr. PERCY, Mr. MONDALE, Mr. GOODELL, Mr. HOLLINGS, Mr. PACKWOOD, Mr. RANDOLPH, Mr. TYDINGS, and Mr. HUGHES):

S. 3154. A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BURDICK (for himself, and Mr. GRAVEL) (by request):

S. 3155. A bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BURDICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GURNEY (for himself, Mr. HOLLAND, Mr. RUSSELL, and Mr. TALMADGE):

S.J. Res. 165. A joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States; to the Committee on the Judiciary.

S. 3151—INTRODUCTION OF ENVIRONMENTAL QUALITY EDUCATION ACT

Mr. NELSON. Mr. President, I am introducing the Environmental Quality Education Act which is designed to give the Office of Education a high priority and a firm mandate to support bold and imaginative programs in this area. There is a dire need to improve the understanding by Americans of the ominous deterioration of the Nation's environment and the increasing threat of irreversible ecological catastrophe. We must all become stewards for the preservation of life on our resource deficient planet. Moonscape scenes must remain on the moon, but may be duplicated on earth if our air, water, and soil resources are continually used with short-term objectives mainly in mind.

We can no longer afford the luxury, which is an implicit assumption of our technical and industrial sector, of managing our resources with the view that "progress" over "prudence" and "waste" over "wisdom" should prevail. We are no longer in a survival of the fittest struggle with nature, but must, instead, learn the act of coexistence.

Education, I believe, is the only proper way to influence values, attitudes, and basic assumptions in a democratic society. Behavior, in the long run, can best be changed through the process of education.

On September 20, I proposed a national teach-in on the crisis of the environment to be held on April 22, 1970. The purpose is to focus sharply on the vital concerns of this generation of youth about the environment they will inherit—not a legacy to be proud of. The magnitude, diversity, and intensity of interest shown thus far has prompted me to introduce legislation today on environmental and ecological education. The ecological crisis is so severe that we need an environmental teach-in every day and not just on one day.

New teaching techniques and curriculums are a necessity in order to make greater use of the environment as a teaching resource and to teach ecology in a more imaginative and exciting manner in the classroom.

The bill specifically authorizes the Commission of Education to develop a national strategy on environmental education to encompass preschool, elementary, secondary, undergraduate, graduate, adult and community education and teacher training as well. Curriculum development, demonstration and dissemination, teacher and related personnel training, and community education programs are underscored for support in the bill. Support of the preparation and distribution of materials for use by mass media is also included.

Examples of what is being done gives a hint of the potential of this bill, if enacted.

Too often elementary and secondary school teachers are uncomfortable with the thought of using the outdoors as a classroom. New techniques are being devised for teacher training to help to break down this barrier so that the relationships between man, his artificial world and nature can be viewed as a whole and not in academic pieces. Also curriculums in the classroom are being expanded to steer away from the superficial approach of memorizing tree and bird charts and disecting ad nauseam and toward more active participation by the student in the learning process.

Efforts at the secondary and undergraduate level include emphasis on the problem-solving approach. Students are encouraged to go out into the field and look at pollution firsthand. They normally start with the science phase. What has happened chemically or physically? They proceed to the technology phase. What can be done to prevent or reduce the pollution? Then, they get into the economic and political aspects. Is it economically and politically feasible to make the change? This approach again gives the student a total view of the problem, sharpens his sense of inquiry and has often contributed useful data and recommendations to local and State governmental agencies and private industries.

At the graduate level the purpose would be primarily to step up the professionalization of the discipline of ecology.

Mr. President, in conclusion let me point out that we are a highly urban nation. Our environmental crisis should be largely viewed from that context. Many of the past assumptions about conservation education may no longer be valid.

The intense interest by the public in the quality of our lives as affected by the environment clearly indicates that we cannot just use incentives and prescriptions to industry and other sources of pollution. That is necessary but not sufficient. The race between education and catastrophy can be won by education if we marshal our resources in a systematic manner and squarely confront the long-term approach to saving our environment through the process of education.

Man, the incessant conqueror of nature, has to reexamine his place and role. Our world is no longer an endless frontier. We constanly are feeling the backlash from many of our ill-conceived efforts to achieve progress.

Rachel Carson's theme of "reverence for life" is becoming less mystical and of more substance as our eyes are opened to much of the havoc we have wrought under the guise of progress. A strong commitment to an all-embracing program of environmental education will help us to find that new working definition of progress that is a prerequisite to the continued presence of life on this planet. This proposal has already been introduced in the House by Mr. Brademas, Mr. Scheuer, Mr. Reid of New York, and Mr. Hansen of Idaho.

I welcome cosponsorship of this bill and encourage my colleagues to do so.

I ask unanimous consent that the full text of the bill be printed in the Record at this time.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3151) to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Quality Education Act".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance is in part due to poor understanding by citizens of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and industrial business leaders and employees, and government employees at State, Federal, and local levels; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance.

USES OF FUNDS

Sec. 3. (a) From the sums appropriated, the United States Commissioner of Education, hereinafter referred to in this Act as the "Commissioner", shall assist in educating the public on the problems of environmental quality and ecological balance by:

(1) Making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations for:

(a) Projects for the development of curriculums to encourage preserving and enhancing environmental quality and maintaining ecological balance.

(b) Pilot projects designed to demonstrate and test the effectiveness of the curriculums described in clause (a) whether developed with assistance under this Act or otherwise.

(c) In the case of applicants who have conducted pilot projects under clause (b), projects for the dissemination of curricular materials and other information regarding the environment and ecology.

(2) Undertaking directly or through contract or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations evaluations of the effectiveness of curriculums tested in use in elementary, secondary, college, and adult education programs involved in pilot projects described in paragraph 1(b).

(3) Making grants to institutions of higher education, local educational agencies, and other public or private organizations to provide preservice and inservice training programs on environmental quality and ecology (including courses of study, symposiums, and workshops, institutes, seminars, conferences) for teachers, other educational personnel, public service personnel, and community, business and industrial leaders and employees, and government employees at State, Federal, and local levels.

(4) Making grants to local educational, municipal, and State agencies and other public and private nonprofit organizations for community education on environmental quality and ecology, especially for adults.

(5) Making grants for preparation and distribution of materials suitable for use by mass media in dealing with the environment and ecology.

APPROVAL OF APPLICATIONS

Sec. 4. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 3 and provides for such methods of administration as are necessary for the proper and efficient operation of such programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds.

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY EDUCATION

Sec. 5. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Environmental Quality Education which shall—

(1) advise the Secretary concerning the administration of, preparation of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 3 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Environmental Quality Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, information media, and the relationship of man as producer, consumer, and citizen to his environment and the Nation's ecology. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

Sec. 6. The Secretary, in cooperation with other Cabinet officers with relevant jurisdiction, shall, upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, private profitmaking organizations, institutions of higher learning, agencies of local, State, and Federal Government and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which deal with environmental quality and ecology and (2) deal with environmental and ecological problems pertinent to the recipient agency.

PAYMENTS

Sec. 7. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

Sec. 8. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

AUTHORIZATION

Sec. 9. There is authorized to be appropriated for the fiscal year ending June 30, 1970, for carrying out the purposes of this Act such sums as Congress may deem necessary.

S. 3152—INTRODUCTION OF A BILL TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES INCIDENT TO THE DEATH OF MEMBERS OF THE ARMED FORCES IN WHICH NO REMAINS ARE RECOVERED

Mr. HATFIELD. Mr. President, we are all aware, or should be, that as we debate the pros and cons of the war in Vietnam, our young men are dying in that conflict. As we march and countermarch, the death toll mounts. I carry with me the knowledge that irreplaceable young people have been lost to my home State of Oregon and to the Nation.

Surely, to no other group do we owe the same type of debt as to the families of those lost in this conflict.

And yet, I recently learned that a portion of these families must bear a burden that is greater than others. In the case of most Vietnam dead, the military returns the body and assumes certain costs for burial services. But some bodies are not returned. Some families must live forever with the statement that "the body has not been recovered." And these families, twice bereft, must assume the cost of memorial services, because under present statute, services and allowances are applicable only in the cases of recovered remains.

A recent letter to the editor of the Portland Oregonian dramatically illustrates the pain of a family caught in this situation:

> The service was held April 19 in a local funeral home chapel. Like any funeral service, we had the minister, organist, soloist, ushers for guests, flowers and the many services of the owner.
>
> On June 12, one year from the day he left home for Ft. Lewis and army duty, we were told the expenses would not be paid. It was explained that when the bill was passed in Congress to take care of "burial expense" of service-connected personnel it did not include cases where the remains were not recovered. An application to Social Security came back with the same answer.
>
> Right now I am numb with disbelief that a country that is willing to take on what we feel is injustices to others and send our sons 8,000 miles from home to die has not considered that there is some expense to those that have nothing brought back to them.

Surely, we owe this family, the H. E. Lovegrens of Portland, Oreg., and the other families in similar circumstances, the same honor, the same assistance we give in cases where the body is recovered. I am, therefore, introducing legislation to eliminate this inequity. Such legislation is overdue. Let us meet this debt.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3152) to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered; introduced by Mr. Hatfield (for himself and Mr. Packwood), was received, read twice by its title, and referred to the Committee on Armed Services.

S. 3153—COSPONSORSHIP OF A BILL RELATING TO CONSERVATION OF CORAL REEFS

Mr. JACKSON. Mr. President, I wish to join the Senator from Hawaii (Mr. Fong) in cosponsoring the bill (S. 3153). If enacted, this measure promises to control the devastating crown of thorns starfish that currently threatens the economic livelihood of Guam and may soon have an adverse impact upon the economy of the Trust Territory of the Pacific Islands. Although relatively little is known about the intensity of starfish infestations in other areas of the Pacific under the jurisdiction of the United States, this menacing creature has been noted in American Samoa and the State of Hawaii.

As chairman of the Committee on Interior and Insular Affairs, which has legislative jurisdiction over the insular possessions of the United States, I have long sought to assist in their economic development. If something is not done soon to control this starfish which feeds on the living parts of coral, it could have long-range economic repercussions, particularly since many of the islanders are dependent upon the reefs and their fisheries resources for subsistence. Evidence now indicates that following the destruction of the living parts of the coral by the starfish, the dead coral becomes encrusted with algae and the resident fishes diminish in total numbers because their food supply has been eliminated.

In addition to providing a habitat and food source for fish, the living coral reefs offer protection to the islands during tropical storms. If the coral dies, and begins to erode, the islands become susceptable to erosion and other damage caused by typhoons.

I am uncertain why the crown of thorns starfish, which was regarded as a rarity only 5 years ago, has undergone such a rampant population increase in the South Pacific. Perhaps it is a cyclical phenomenon similar to the lemmings of the Scandinavian countries, and will dissipate itself just as abruptly. It is my belief, however, that unless control measures are initiated, the starfish population will not diminish until the available food supply, namely the living parts of coral, are diminished.

Somehow the balance of nature, and more specifically the predator-prey relationship, has been upset and has enabled the starfish to reach a position of dominance among the living creatures of the reefs. I believe the actions of man, attempting to better himself economically, have brought about a large part of this problem. The triton, the chief predator of the adult crown of thorns starfish, has been removed in large numbers from coral reefs because of the value of its beautiful shell.

Also, the dynamite blasting and excavation of coral reefs may have greatly assisted the starfish. As anomolous as it may seem, the living parts of coral are actually predatory on small starfish and help keep its population in check. When the coral is killed by blasting, the juvenile starfish survive in large numbers, and subsequently expand their geographic limits until they have matured and become predatory upon the coral.

Mr. President, the crown of thorns starfish is not just a menace to the insular possessions of the United States and a potential threat to the State of Hawaii. It has now become a matter of concern to all nations and territories of the South Pacific. The starfish has already destroyed about 100 square miles of the Great Barrier Reef off Australia. It undoubtedly is present in numerous other islands of the South Pacific which have not been surveyed because of the lack of funds.

During the South Pacific Commission meetings held last month in New Caledonia, that body passed a resolution requesting the financial assistance and technical scientific expertise of the United Nations be applied toward solving this matter. The 17 nongoverning territories and independent states which are associated with the South Pacific Commission voted unanimously to seek international support to solve an international problem.

For the U.S. part, I am hopeful that expeditious action will be taken on this measure to insure that damage by this starfish is brought to an abrupt halt.

S. 3154—INTRODUCTION OF THE PUBLIC TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and Senators Tower, Sparkman, Bennett, Muskie, Brooke, McIntyre, Percy, Mondale, Goodell, Hollings, Packwood, Hughes, Randolph, and Tydings, I am honored today to introduce the Public Transportation Assistance Act. This bill is an amended version of S. 2821, the administration's mass transportation bill, which was first introduced on September 9, 1969.

The amended Public Transportation Act would provide $3.1 billion in Federal funds for the improvement of mass transit facilities. The money would be committed over a 5-year period of time. But most importantly, immediately upon enactment the funds would become available for obligation, thereby guaranteeing the long-term commitment which our States and cities must have in order to embark upon the construction of new and innovative mass transportation facilities.

This bill is the product of true bipartisan efforts. The majority and the minority of the Banking and Currency Committee, under the leadership of our chairman, the senior Senator from Alabama, Senator SPARKMAN, and the ranking minority member of our Housing and Urban Affairs Subcommittee, the junior Senator from Texas, Senator TOWER, have worked in full cooperation with the administration. Secretary of Transportation Volpe has made this legislation one of his first priorities.

At the outset there was a common objective. Differences appeared, not in principle, but in method. Without any compromise in principle, but with enlightened compromise in method, this bill was originated.

And so, Mr. President, I am honored today to introduce this legislation. It is legislation which transcends the consideration of party and partisanship. It is legislation whose only goal is to help meet the mass transit needs of our Nation.

The Banking and Currency Committee has already held 7 days of hearings on the Public Transportation Assistance Act. During those hearings, the widespread support for this legislation has become abundantly clear. And, during that time, the merits of this legislation became equally apparent.

This bill is supported by Governor Rockefeller of New York, Governor Reagan of California, Governor Moore of West Virginia, Governor Ellington of Tennessee, Governor Mandel of Maryland, Mayor D'Alesandro of Baltimore, and Mayor Jonsson of Dallas.

Perhaps the legislation might more appropriately be described as nonpartisan rather than bipartisan since it has the backing of the U.S. Conference of Mayors—League of Cities, the American Transit Association, and the Institute of Rapid Transit.

The bill will aid all segments of our population; the poor who cannot afford cars.

The elderly who either cannot afford cars or who are unable to drive. For them, mass transit can be their only link with the rest of the world. It can represent the difference between lonely days at home or happy days of community involvement.

For suburban commuters it can mean a greatly reduced workweek; a workweek in which they will not have to undergo the time-consuming and exhausting daily battle with traffic jams.

It will assist business by cutting the spiraling costs which stem from the time trucks and delivery vehicles lose in traffic jams. These savings can be passed on to consumers who no longer would have to underwrite the built-in charge of traffic congestion.

Not the least of the benefits of this legislation would be the reduction of air pollution caused by motor vehicle exhausts.

The bill will help in the orderly development of cities and States by opening reasonable means of access between homes and job.

And it will help end the strangulation which each year constricts more tightly around our urban centers.

The need is extremely urgent. We have seen without question that private automobiles cannot cope with the problem of moving masses of people despite our gigantic, Federal roadbuilding program.

Today, daytime city traffic literally moves more slowly than it did in the horse and buggy days.

The average highway user spends about 13 percent of his day in his car. In a year or two, that figure may increase to 20 percent unless we do something about it.

Obviously, the situation is not going to improve unless help is forthcoming. In 1968, there were 200 million people driving nearly 100 million cars. Projections indicate that by 1985, there will be almost 265 million people driving nearly 144 million motor vehicles. Perhaps crawling would be a better description than driving.

We must also remember that this is not a problem indigenous to any one area of our country. Today, 70 percent of all Americans live in or near urban areas. If the past is prolog, that figure will rise. Certainly, mass transit is a problem national in scope.

Under the terms of this legislation, the Secretary of Transportation can expend moneys not to exceed in aggregate, the following amounts: Prior to July 1, 1971, $80 million; prior to July 1, 1972, $310 million; prior to July 1, 1973, $710 million; prior to July 1974, $1,260 million; prior to July 1, 1975, $1,860 million and not to exceed an aggregate of $3,100 million thereafter. I again stress those are aggregate figures.

Some might question the relatively small expenditure for the first 2 years. However, experience shows that actual expenditures under programs of this nature are fairly small in the first year or two as cities and States begin to embark on new developments.

One other major consideration that I would like to mention specifically concerns the relocation provisions of S. 1. That legislation has been passed by the Senate and now is pending before the House. The administration has given me its full commitment that if S. 1 has not passed the House prior to the passage of the Public Transportation Assistance Act, it would have no objection to those relocation provisions being included in this legislation.

Mr. President, this bill is a major step forward in meeting our Nation's transit needs. I wish to again state my appreciation for the farsighted and sound position of President Nixon, Secretary Volpe, and Senator Tower.

With this legislation, we will have the funds and the guaranteed commitment that will enable us to move forward and aid all of our Nation's citizens.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban public transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least $100,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its public transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (c) as subsection (e); and

(2) striking subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c) and (d) as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof and private transit systems in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in public transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated public transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

(1) the legal, financial, and technical capacity to carry out the proposed project; and

(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a public transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of operating expenses. No grant or loan shall be made for the benefit of a private transit system unless the application for assistance has been approved by the appropriate State or local public body or agency thereof, as determined by the Secretary. No grant shall be made directly to a private transit system unless the Secretary determines that (1) there is no appropriate State or local public body or agency thereof through which a grant for the benefit of a private transit system may be made, and (2) the public interest does not require the establishment of a public body or agency for the purposes of that grant. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban public transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban public transportation facilities on acquired rights-of-way within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for right-of-way purposes, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property will be paid to the Secretary for credit to miscellaneous receipts of the Treasury Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired rights-of-way is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If, within thirty days thereafter, the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

(1) loans may be made for projects as to which grants are made for relocation payments; and

(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of one per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes or approves applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its public transportation service shall certify to the Secretary that it has held public hearings, or has afforded the opportunity for such hearings, has considered the economic and social effects of the project for which application for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

Sec. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) or (b) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. If a grant is made to a private transit system for the acquisition of buses or other rolling stock, the grant agreement shall include an undertaking by the grantee that it will establish an escrow account which shall be reserved for the purchase of buses or other rolling stock and into which shall be paid annually an amount equal to the annual depreciation on that portion of the cost of the buses or rolling stock financed with the Federal grant."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of $310,000,000 prior to July 1, 1972, not to exceed an aggregate of $710,000,000 prior to July 1, 1973, not to exceed an aggregate of $1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of $1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of $3,100,000,000 thereafter. Sums so appropriated remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

Sec. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentences: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital. If a grant is made to a private transit system for the acquisition of buses or other rolling stock, the grant agreement shall include an undertaking by the grantee that it will establish an escrow account which shall be reserved for the purchase of buses or other rolling stock and into which shall be paid annually an amount equal to the annual depreciation on that portion of the cost of the buses or rolling stock financed with the Federal grant."

Sec. 5. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"Sec. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed $12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded."

Sec. 6. Nothing herein shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, 1607c et seq.), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 7. (a) Reorganization Plan Numbered 2 of 1968 is amended by changing "Urban Mass Transportation Administration" to "Public Transportation Administration", wherever it occurs, and by changing "Urban Mass Transportation Administrator" to "Public Transportation Administrator" wherever it occurs.

(b) The Urban Mass Transportation Act of 1964, as amended, is further amended by changing the words "mass transportation" to "public transportation" wherever they occur.

Sec. 8. This Act may be cited as the "Public Transportation Assistance Act of 1969."

Mr. TOWER. Mr. President, on October 14, Secretary Volpe appeared before the Committee on Banking and Currency and testified on S. 2821, the administration's mass transit legislation, of which I was a cosponsor. This bill provided for $3.1 billion to be annually appropriated on a scheduled basis over a 5-year period.

There was also pending in that committee at the same time, S. 1032, which would create a mass transit trust fund to be funded by moneys from the automobile excise tax. This trust fund was supposed to parallel the trust fund which has been created for the Federal highway system; but it was readily apparent that there was an obvious discrepancy between the means by which these trusts obtained their funds. The highway trust is financed by user taxes which are levied directly upon those persons using the facility; whereas the mass transit fund was to acquire moneys from persons not using the facility; that is to say, automobile operators. The justification for this type tax apparently was that the automobile driver would benefit by not having as many vehicles on the highway if mass transit systems were initiated. This logic may be justified in congested metropolitan areas, but we would be hard pressed to explain to the rural population of this Nation that their excise tax dollars were being expended on mass transit systems.

Yet, it was obvious also that the administration bill was not the answer to the problem. Testimony revealed, very pointedly, that the primary obstacle facing mass transit was the nonavailability of long-term Federal commitments in this area. Local authorities could not pass referendums without binding contracts between themselves and the Federal Government which would guarantee the Government's full participation for the whole project.

S. 2821 required that the Department of Transportation go to the Appropriations Committee each year with its request for funds; this means that there could be no long-term guarantees issued to a broad-based segment of American cities.

It appeared that the line had been drawn on this issue and we were at an impasse; neither the advocates of the trust fund nor the administration appeared willing to capitulate. There was one thing, however, which gave us hope of reaching a compromise: the testimony of Secretary Volpe wherein he stated:

> We would be willing to work with your staff in developing language that would provide for the five-year contract authority and a total of the $3.1 billion providing that a schedule of expenditures were written into the bill which clearly shows that the money would be spent in an orderly and prudent fashion.

We have now come forth with a compromise proposal which I feel accomplishes the aim of our national transit goals. Secretary Volpe, Senator WILLIAMS of New Jersey, and I have conferred with representatives of industry, labor, transit authorities, municipal and State governments; we have received overwhelming support for this compromise proposal for the administration bill. The reason we have acquired this support is that we have accomplished the end result of a trust fund without earmarking specific tax revenues for funding. Under this legislation the Secretary can obligate by contractual authority up to $3.1 billion immediately, but the budgetary impact will be held to a minimum. Even though the money may be obligated, it will be spent over an extended period of time pursuant to a schedule which is contained in the bill. These amounts to be annually expended increase proportionally with the passage of time because experience has shown that, as transit systems progress, proportionally more funds are needed.

Also, the Secretary is directed to report upon the progress of the program to the Senate every 2 years; and, if he finds that the amounts specified are in any manner inappropriate, then he will recommend such changes as he feels necessary. If we are to alleviate our national transit crisis, we must have legislation of this type—legislation which does not place a direct burden upon those who will not directly benefit from the systems, yet legislation which guarantees long-term, broad-based contractual commitments by the Federal Government. This bill will accomplish these ends.

Mr. RANDOLPH. Mr. President, I am pleased to join with Senator WILLIAMS of New Jersey and the other cosponsors of the Public Transportation Assistance Act of 1969. This measure can provide an important interim step in the development of a responsive mass transportation program for the cities of our Nation. I join in the sponsorship of this legislative proposal, not because I believe it is a final answer to the difficult problem of providing adequate transportation facilities for our cities, but because I recognize that without it we will not soon achieve the posture for developing such a program.

As chairman of the Committee on Public Works, I have been vitally concerned with the development of our Nation's highway system. The committee has long recognized that highways alone cannot supply the total transportation needs of our urban transportation. With 70 percent of our Nation's population living on 1 percent of its landmass, good transportation is a priority of the first magnitude. We need the service of all forms of transportation in order to provide the proper service and if we are to avoid stagnation, frustration, and disruption of our urban growth patterns.

I would have preferred, as I know Senator WILLIAMS would have preferred, to make provision for establishing a trust fund to finance the program which would be carried forward by the bill being introduced today. It does not seem to be possible to accomplish that goal at this time. I feel, however, that we should persevere with efforts to establish a mass transportation trust fund and I know that other Members of the Senate will continue to work with us toward making such an ultimate goal a reality.

S. 3155—INTRODUCTION OF A BILL TO AMEND THE ORGANIC ACT OF GUAM

Mr. BURDICK. Mr. President, on behalf of the junior Senator from Alaska (Mr. GRAVEL) and myself, I introduce, by request, a bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary.

The purpose of the proposed legislation is to clarify the intent of Congress with respect to the application of the Guam territorial income tax.

Present subsection (e) of section 31 was adopted in 1958 to set up the mechanics of administering and enforcing the income tax laws in Guam by authorizing the substitution of nomenclature and other changes in language—that is, "Guam" for "United States"—to the income tax laws of the United States for appropriate application as the Guam territorial income tax. It was understood at the time that Congress enacted section 31 of the Organic Act of Guam that some inequities could result from a strict application of substitution of language and for this reason expressly provided for "omission" of language substitution which might be or is "manifestly otherwise required" to effect the intent of the statute.

By the legislation herein proposed, a specific clarification is being made so as to correct an inequity which inadvertently has resulted from this substitution of language and which has caused confusion for the courts.

A situation exists under section 881 of the income tax laws of the United States, as applied by Guam, where a 30-percent tax is imposed on the transfer of dividends from a Guam subsidiary corporation to a parent U.S. corporation. This tax is imposed in addition to the normal 48-percent income tax applied by Guam under section 11 of the income tax laws of the United States. A judicial determination was made in 1966 that applying the substitution of language provided for by present subsection (e) of section 31 of the Organic Act of Guam to sections 881 and 7701 of the Internal Revenue Code of 1954 did not create liability for the 30-percent tax on transfers from a Guam subsidiary to a U.S. parent corporation. The Ninth Circuit Court of Appeals decided, in 1966, that to consider a California corporation a "foreign" corporation so as to make transfers from its Guam subsidiary taxable under section 881 was "a manifest and substantial inequity" not intended by the Congress. The court went on to say that if Guam is allowed to impose the 30-percent tax called for by section 881 on these facts then: "the combined Guam and Federal tax burden on the income which a California corporation ultimately received from the business of its Guam subsidiary substantially exceeds the applicable corporate income tax rate under either the laws of Guam or the United States. We find nothing to indicate that Congress intended the Guam tax laws to be interpreted so as to reach such a result." *Atkins-Kroll (Guam) Ltd.* v. *Government of Guam*, 367 F. 2d 127, 129 (1966).

This decision, however, was specifically overruled by the same court in a 1968 case based on a new set of facts not involving a corporate parent-subsidiary relationship. The court in the second case said that if its original interpretation of subsection (e) of section 31 of the Organic Act of Guam, as it applies to sections 881 and 7701 of the income tax laws of the United States, were to be followed in the later case, the effect would be to limit the section 881 tax available to Guam under this new set of facts and would result in an inequity to Guam, whereas, on the other hand, under the facts of the previous case involving a U.S. corporate parent-Guam subsidiary, it would be inequitable to apply the tax there. Because of these conflicting results, the court pointed out in its second decision that the only recourse is to clarify the intent of section 31 through legislation. In a footnote to its opinion, the court stated:

> Congress has provided an avenue of relief from combined tax burdens imposed upon

> dividend income paid to foreign parent corporations through the medium of the treaty-making power. 8 Mertens, Income Tax 45.69 (1964 rev.). Congress could as readily provide relief appropriate to Guam without distorting the basic taxing structure. We cannot. Sayre & Company v. Riddell, 395 F. 2d 407, 413 (1968).

Since Guam is a territory of the United States and not a "foreign" country, there can be no bilateral income tax convention which would solve the problem without need for legislation.

The net effect of the court's later decision has been to penalize a U.S. corporation doing business in Guam through a Guam subsidiary corporation as opposed to a branch office only. In the first instance, the Guam subsidiary pays to Guam a 48-percent tax on earnings and, as a result of the court's second decision, also pays a 30-percent tax on the earnings transferred to its parent corporation in the United States. Because of the limitation on the amount of credit for foreign taxes paid provided by sections 901-906 of the income tax laws of the United States, the result is that the U.S. company ends up paying a combination tax equivalent to approximately 64 percent of earned income in Guam as opposed to the normal 48-percent corporate tax rate. Under the second set of facts where a branch office only is operated in Guam, the income derived from sources within Guam is taxed at the regular corporate rate of 48 percent and this is the only tax levied on the U.S. corporation's earnings in Guam which are transferred from its branch in Guam to the home office in the United States. The U.S. corporation, in turn, takes the full 48-percent corporate tax paid to Guam as a credit against the tax to be paid to the United States.

The purpose of the amendment proposed here is to eliminate this double tax in Guam based simply on the form of doing business. Without this amendment, there can only be a discouragement of new subsidiary corporations being formed in Guam for development of its economy and thus a lessening of the overall tax revenue to the detriment of Guam.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3155) to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary, introduced by Mr. BURDICK (for himself and Mr. GRAVEL), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SENATE RESOLUTION 286—RESOLUTION REPORTED TO PAY A GRATUITY TO ROSETTA JONES

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 286); which was placed on the calendar:

S. RES. 286

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rosetta Jones, widow of Levi Jones, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 287—RESOLUTION REPORTED TO PAY A GRATUITY TO BLANNIE E. McATEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 287); which was placed on the calendar:

S. RES. 287

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Blannie E. McAtee, widow of James McAtee, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 288—RESOLUTION REPORTED TO PAY A GRATUITY TO VALERIA E. RAINES

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 288); which was placed on the calendar:

S. RES. 288

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Valeria E. Raines, widow of William F. Raines, Sr., an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICE OF HEARING ON SENATE JOINT RESOLUTION 133, REDESIGNATING CAPE KENNEDY IN THE STATE OF FLORIDA AS CAPE CANAVERAL

Mr. JACKSON. Mr. President, as chairman of the Senate Interior and Insular Affairs Committee, I would like to announce an open public hearing on Senate Joint Resolution 133, redesignating Cape Kennedy in the State of Florida as Cape Canaveral.

The hearing will be conducted starting at 10 a.m., Monday, November 24, in room 3110 of the New Senate Office Building.

While the resolution would redesignate the area as Cape Canaveral, it provides that the facilities of the National Aeronautics and Space Administration and of the Department of Defense shall continue to be known as John F. Kennedy Space Center.

TRIBUTE TO OUR ASTRONAUTS

Mr. DODD. Mr. President, it is natural and fitting that all Americans should share in a sense of national pride and elation over the successful landing of astronauts Charles Conrad and Alan Bean on the moon this morning.

There is nothing parochial or chauvinistic about this feeling of pride. Like astronauts Neal Armstrong and Buzz Aldrin, Conrad and Bean "Come in peace for all mankind." And mankind will applaud their triumph as it applauded the triumph of the first moon landing.

But it is proper that we, as Americans, should take a special pride in the flight of Apollo 12 because the ingenuity, the pioneering spirit, and the courage that went into the making of this triumph, are qualities deeply ingrained in the American tradition.

There is, perhaps, an emotional tendency to downgrade Apollo 12 because it is the second moon landing and not the first. But in terms of new scientific knowledge and precision space navigation, there is common agreement that Apollo 12 will be even more important than Apollo 11. As one correspondent writing from Houston this morning put it:

> If Apollo 11 was the landing of Columbus, Apollo 12 is De Soto journeying inland.

Our technological triumph in this case is all the greater when one recalls the grim predictions that were made in October 1957, when the Soviet Union orbited its first satellite.

At that time and for a number of years thereafter, we were told that the United States was hopelessly behind in the space race, that the Russians were at least 4 or 5 years ahead of us technologically.

But in 12 years' time we have not only wiped out the 4- or 5-year lead which Russia is once supposed to have held: We have forged several years ahead of the Soviet Union in most aspects of our space program.

It is not difficult to imagine the strident and boastful propaganda campaign that the Soviet Union would have mounted if its cosmonauts had landed on the moon in two successive flights before America achieved its first lunar landing.

In repeated broadcasts, in every language, the nations would have been told that this was clear proof of the superiority of the Communist system over the Capitalist system, and that it was still another augury of the coming triumph of communism throughout the world.

And it is not difficult to imagine the mood of depression that would have spread across America if the first two moon landings had, in fact, been Soviet triumphs instead of American triumphs.

The success of our moon program has denied Moscow an important psychological triumph that it would have exploited to support its campaign of expansion and subversion.

It has enhanced the respect of the world for America and the respect of the American people for themselves.

It has given our people a feeling of unity that somehow cuts across all the other divisions that today plague our country.

It has demonstrated once again that free men working in a free environment are more than a match for technological slaves working in a closed totalitarian society.

But if we take pride in the success of our moon program, it is a pride that is restrained and devoid of any threat to other nations.

I join Senators in congratulating all those concerned with the flight of Apollo 12 and, above all, Astronauts Conrad, Bean, and Gordon.

We all pray for their safe return to earth.

THE 39TH WORLD TRAVEL CONGRESS—ADDRESS BY ROBERT T. MURPHY

Mr. PASTORE. Mr. President, recently the American Society of Travel Agents, Inc.—ASTA—the world's leading travel agent association, held its 39th World Travel Congress in Tokyo, Japan. The congress, which attracted more than 2,800 delegates from more than 90 countries throughout the world, had a full and interesting agenda considering many issues of concern to the world's travel and tourism industry.

One of the important programs was a panel discussion on the role of government in travel's future. A participant in that discussion was the Honorable Robert T. Murphy, member of the Civil Aeronautics Board and former counsel to the Senate Committee on Commerce.

Because of the important issues touched upon by Mr. Murphy, I ask unanimous consent his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. MURPHY

I am pleased and honored to have this opportunity, in connection with my other business here in Tokyo, to participate in the 39th World Travel Congress of ASTA. It is quite fitting that you are conducting your convention in this city and at this time. This is the most significant commercial gateway in all of Asia—Asia which is the greatest travel market of the future.

This is my first visit to Japan. As my plane was coming in over Tokyo a few days ago and I had my first glimpse of this great city, I could not help but think that here I was, arriving at one of the great travel centers which was the subject of all those reams of briefs, weeks of hearings and volumes of evidence which marked our processing of the monumental *Transpacific Route Case*. The geographic sweep of that case was the largest in the history of our Board, extending from the Atlantic seaboard communities in the United States, across the continent and the Pacific into Southeast Asia and from the Arctic areas of Alaska south to the Antipodes. Its thrust, of course, was to provide not only for the present but for the future needs of the public for travel and trade over this whole vast area. It contemplated not only increased travel by United States citizens to this beautiful country and other lands in the Pacific area but also the potential increase in visitations by residents thereof to the United States.

Obviously, our traffic projections in that case were keyed to the future. Like all economic forecasts, they were subject to acceptance or qualification depending on one's point of view. But I believe they were reasonably realistic. If we could postulate—as I like to do—an era of peace and good will which some day will prevail in all of Asia, then those traffic forecasts are indeed most conservative. Promotion of tourism can do much to bring such a happy day to a realization. The interchange of peoples, the communication afforded by tourism, constitutes a force for better international understanding and hence serves as an invaluable tool for the advancement and enhancement of world peace.

I note the attendance here today of representatives of the tourist industry from all parts of the world. Naturally you have in mind your own economic self-interest and the interests of the countries you represent. More than that, however, you are forging a common bond of unity in your mutual desire to promote and develop the free interchange of people with people. In this sense, therefore, you are truly engaged in building a better world community.

Our topic today is a rather broad one—"Governments—and Travel's Future". The most important function of government in relation to the travel industry and its future is to bring to bear an attitude and outlook of a liberal character. Freedom to travel constitutes the very essence of your business as well as that of air transportation. This freedom has been generally characteristic of the American way of life since the foundation of the Republic. Our concerns of more than a year ago on the subject of balance of payments as related to travel expenditures of U.S. citizens abroad, in my judgment, have been laid to rest. That concern, however, did serve a useful purpose. It led to serious studies by the Industry-Government Special Task Force on Travel ably headed by former Ambassador Robert M. McKinney, which focused our attention upon the urgent need for a coordinated effort to facilitate visits to the United States by tourists from foreign countries. I was pleased to participate in many of the meetings and discussions of that committee in Washington and I was impressed with the spirit of cooperation and assistance that was volunteered and given by the air transportation and travel industries. I am delighted to note that the Director of the United States Travel Service, C. Langhorne Washburn, is participating in this panel discussion and I know he will touch upon this phase of the government's functioning in detail.

The role of the Board has been that of fostering and encouraging the development of international air travel as well as regulating it in accordance with an international air policy which has permitted a flourishing growth of travel to and from the United States by foreign flag carriers as well as U.S. flag carriers. In this respect, therefore, our function as an arm of Government and your function as travel agents have a common purpose, namely, the promotion of air transportation. In the past and as of today it is United States citizen travel that constitutes much of the grist upon which the wheels of international air transportation grind. The economic achievements of our U.S. flag carriers and their principal foreign competitors constitute convincing evidence that our international air policy has been equitable and fair to all alike.

I believe you are aware of the fact that the jurisdiction of the CAB with respect to the business in which you are engaged, namely the sale of air transportation, is chiefly an indirect one. It derives principally from the provisions of the Federal Aviation Act which allows the air carriers to enter into various agreements affecting your operations subject to approval by the Board. Under these agreements the carriers, acting through their international and domestic travel conferences, are able to pass upon the fate and fortune of travel agents. In approving such agreements we are directed to take into account antitrust policy considerations.

There are an unusual number of matters pending before the Board affecting the welfare of travel agents.

First of all, there is the matter of agents' commissions. On the fifteenth of August we approved, subject to possible later modification, a revised schedule of commissions proposed by the carriers' Air Traffic Conference. Under this schedule, commissions for sale of point-to-point tickets over $70 were raised to 6 percent and over $140 were raised to 7 percent. Commissions on Discover America and Family Fares were raised from 7 percent to 8 percent and such fares were made commissionable when purchased on the Universal Air Travel Plan. Other commissions were raised from 10 percent to 11 percent. While these increases do not meet all the demands of travel agents, I believe you will agree that they will provide some improvement in the economic position of your industry.

Along with these commission increases, however, the Air Traffic Conference has proposed five other major revisions of the Agency rules. These resolutions involved five far-reaching changes as follows:

One, they provide that no new applicants may be placed on the agents list for an area where 25 percent of the agencies in that area sold less than $150,000 in travel in the previous calendar year. Second, they would remove from the list of agents those who failed to achieve $150,000 of airline business in a calendar year. Third, they would require that agency locations be unmistakably separated from any other type of business on the same premises. Fourth, they would permit agents to assess service charges against their customers and finally, they would allow agents to elect to sell only certain types of air transportation.

I realize that a good deal of time and effort have gone into these resolutions by the carriers and your representatives. But you will recognize that certain of these proposals, particularly those restricting entry of new companies into the travel business will have far-reaching effects and raise a number of difficult questions. Our Board has therefore deferred action on approval of these five resolutions and has requested public comment on the issues which they present.

Pending also before our agency is the equally difficult question of the ATAR System, the Automated Travel Agents Reservation System. On the one hand this wonderful computer system with its almost superhuman capacity to receive, store and deliver information and confirm reservations will serve as a great boon to all of you in your day to day task of making and confirming air reservations. We are told by your representatives that ATARS will enable the travel agent to cut his selling costs by an average of 72 cents on every domestic ticket sold using the system. The ATAR System, however, presents the Board with a novel and difficult legal question. The agreement between the airlines and the agents as it now stands, provides that the airlines will not provide information or use any competing system, thus excluding any competitors from the field.

The first question which must be asked, and which the technicians must answer is, must the system be exclusive in order to operate feasibly. The second question is can we permit an arrangement under which all the parties agree among themselves not to use the facilities of any competing system. I raise the question and its answer will have to await further study and consideration.

In conclusion, I think it is well for us in government to realize that while there are many, many things we can do in a positive sense to benefit travel, perhaps the most useful contribution government can make is in the things they do not do. Let us in government, therefore, bend every effort to reduce the restraints which impede or discourage the movement of people so that these great engines of air transportation that we have created can do the work for which they were designed.

A LOOK AT THE MORATORIUM

Mr. HATFIELD. Mr. President, the Washington Post of November 18 included two editorials which are perceptive and to the point. The first editorial takes a hard look at the recent events across the Nation in reference to the moratorium and New Mobe activities and the administration's response, both before and after the march in Washington, D.C., November 15. When we are facing an undeclared, debilitating war in Asia and increasing polarization and alienation here at home, particularly among our youth, we should be doing everything possible to decrease these tensions rather than contribute to furthering divisiveness.

The second editorial, written by Frank Mankiewicz and Tom Braden, views this problem from another perspective and makes some discerning conclusions which are particularly relevant to our political party system and its future.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 1969]

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—the enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazies—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—over-all—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people overall out of a crowd of a quarter million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the likes of that since Marie Antoinette.

NIXON, LIKE FDR, FACES PROBLEM OF KEEPING REVOLT WITHIN SYSTEM

(By Frank Mankiewicz and Tom Braden)

On the whole it would appear that Mr. Nixon has won this round.

The orchestration was brilliantly conceived and carried out in a fashion which made Lyndon Johnson's performances look primitive.

It began with Clark Mollenhoff, the former newspaperman turned White House counsel, calling his former associates "fraudulent." It went on to Vice President Agnew, and the spectacle of a Republican dinner in Iowa being treated as though it were a moon shot.

The result is that many who have been embarrassed since the late Sen. Joseph McCarthy was censured feel like patriots again and are swamping television stations with obscene phone calls. Doubtless the polls will reveal a great upsurge in presidential popularity and an almost corresponding drop in the number of the George Wallace faithful.

The real problem, however, is not Mr. Nixon's popularity, but whether the President can handle the revolt which is on the horizon. To make an analogy with recent history, we appear to be in a period rather like that between 1932 and 1936. Old structures were then as now under attack. The question then was whether the President (Franklin D. Roosevelt) could move fast enough to keep the revolt within the system. The world knows that he did.

Mr. Nixon and his men are behaving, on the other hand, rather as Herbert Hoover and his men did. "Prosperity is just around the corner" has a familiar ring as compared with reassurances about Vietnam. And the mobilization of the Liberty League is surely comparable in weight if not in technique with the White House instigation of Bob Hope's counter-demonstration on Veteran's Day which drew a crowd generously estimated at 8,000 and to which television gave its time in equal proportion to that afforded the largest political rally in history.

The President is—as has been pointed out—a brilliant politician. Right now, he is playing the averages. The averages tell him that the American voter is 45 years old, earns $8,600 per year, and is, if male, a veteran. Common sense tells him that this voter is on his side and against the college youth who poured into Washington to protest.

But to look carefully at those who marched is to predict a future radicalization of American politics as clearly as hindsight affords the knowledge that the years from 1932 to 1936 predicted the radicalization of the American economy. The marchers were almost entirely white. They were almost entirely upper-middle class. They were serious; they were well-educated.

In fifteen to twenty years they will be congressmen, senators, judges and mayors, and long before that, they will be voters.

Their business as voters—Mr. Nixon, Mr. Mitchell, Mr. Agnew and others having given them the backs of their hands—will be to revolutionize the political system, just as a previous generation—scorned by Herbert Hoover, W. R. Hearst and the Liberty League, revolutionized an economic system.

The depth of their feeling and the massiveness of their demonstration raises a great many questions—including the political question of how long Mr. Nixon can keep the generation gap on his side. If the young can mobilize politically as ably as they mobilized for a march, it is conceivable that they can turn things around quite rapidly—creating, say, the same kind of vague impulse for change which brought Roosevelt into power in 1932.

If they cannot do this in time for 1972, their political strength seems certain to grow as their age grows.

Mr. Nixon—on the winning side as of now—may thus escape direct vengeance. But the administration's carefully rehearsed efforts to minimize the march will imprint the minds of the young as Mr. Hoover's refusal to see the collapse around him imprinted the best young minds of an earlier day. The Newtonian theory—that every action has an equal and opposition reaction—is true—and not of physics alone.

HOW TO STOP SMOKING

Mr. MOSS. Mr. President, the Triangle Stations, through their Philadelphia station, WFIL–TV, have prepared an outstanding series of public service programs which I wish to bring to the attention of the Senate.

These programs are in the form of a series of 20 broadcasts, each 3½ minutes in length, and are aimed at helping cigarette smokers who want to quit, actually to give up the habit.

Narrated by E. G. Marshall, these programs will be picked up by 47 worldwide stations of the Armed Forces Television Service in early 1970. In addition, several commercial stations, including KSL–TV in my home city, Salt Lake City, will be presenting the series.

I compliment Triangle Stations for this effort, and ask unanimous consent that a news release explaining the entire series be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

E. G. MARSHALL HOSTS WFIL-TV SMOKING SERIES

PHILADELPHIA, October 30, 1969.—E. G. Marshall, noted TV actor, is currently heading a most serious program series, and he is not acting. He is host of the WFIL-TV instructional series on cigarette smoking, "Why Not Quit?"

The series, 20 five-minute color tapes, is designed to help people who want to quit. It was produced and premiered by WFIL-TV in September, and shown twice nightly on the station's 6 and 11 p.m. newscasts over a four week period.

Offered by Triangle Stations for national distribution in September, "Why Not Quit?" has already been accepted for programing by the Armed Forces Television Service for an early 1970 start on its 47 world-wide stations. In addition, KLAS-TV, Las Vegas; KSL-TV, Salt Lake City; KIRO-TV, Seattle; and the Triangle television outlets (WFIL-TV, Philadelphia; WNBF-TV, Binghamton; WFBG-TV, Altoona-Johnstown; WNHC-TV, Hartford/New Haven; WLYH-TV, Lancaster-Lebanon; and KFRE-TV, Fresno) have scheduled the series.

"Why Not Quit?" was produced with the cooperation of the extensive medical facilities of the University of Pennsylvania. Dr. Luther L. Terry, former Surgeon General of the United States and now Vice President for Medical Affairs at the university, appears with host Marshall in two of the programs, the opening and the closing.

Dr. Daniel Horn, Director of the National Clearing House on Smoking and Health, a division of the U.S. Department of Health, Education and Welfare, served as consultant.

Based on Dr. Horn's research findings that the individual smoker must learn his own particular problem characteristics before he will attempt to break the habit, the programs are designed to enable the smoker to find definite reasons for quitting based on added insight and understanding of his own attitudes toward smoking.

The guide for discussions throughout the series is the "Smoker's Self-Testing Kit," a Public Health Service handbook. The kit centers on four basic reasons for quitting: health; setting a good example for others; self-control; and esthetics, the unpleasant aspects of smoking.

The self-testing kit is being made available free by the Triangle Stations to those who register requests with the stations.

Net proceeds from sales of the series will be contributed by Triangle to the University of Pennsylvania for medical research.

"This kind of series, informative and educational, is what television is best equipped to do," notes George A. Koehler, chief executive of the station group. "Triangle does not feel that as a broadcaster it can dictate whether the public should smoke or not, but we think it is in the public interest to offer instructional methods in the breaking of the cigarette habit for those who want to stop and need help to do so."

E. G. Marshall just completed narration for another Triangle Television production, "Whatever Happened to Law?", a study of the 'law and order' question. The one-hour film was presented prior to its national release and for the first time, on October 15th, in a Lincoln Center (New York) invitation gathering of newsmen and honored guests. The presentation also featured a panel discussion on law and order, with E. G. Marshall hosting a group of noted experts in the field, and featuring a question and answer segment with the audience.

REVERSION OF OKINAWA TO JAPAN

Mr. INOUYE. Mr. President, recently we have heard an increasingly loud cry for the early return of the administration of Okinawa to Japan. The question of the reversion of Okinawa to Japan was a major issue in the recent Japanese national election as well as in recent diplomatic discussions between the United States and Japan.

Eighteen years ago, our Nation became a party to the Japanese Peace Treaty of 1951—a treaty which describes Japan's relationship to the Ryukyus as one of residual sovereignty. It was agreed that Okinawa was Japanese territory and, therefore, would be returned to the Japanese at some undetermined date in the future. We have administered the affairs of the people of the Ryukyus for nearly 30 years. To prolong the future return date much longer would be unreasonable and unwise.

While our military presence in Okinawa has provided a decided defense umbrella for Japan, it has at the same time been a matter of serious concern for her. In fact, the distress voiced by the Japanese over the return of Okinawa to their country is most understandable. It is understandable because the stationing of foreign troops, no matter how friendly they may be, creates an uneasiness, particularly when such troops remain in a country long after the cessation of warfare.

We Americans should be able to understand this uneasiness. We need only picture Washington, our Nation's Capital, occupied by a division of troops—troops of a different country and culture—and Long Island with a military base composed of a jet airport, an arsenal of destructive weapons and several divisions of foreign troops to know how we would protest the prolonged stationing of such foreign troops on our soil, regardless of how friendly they were. Therefore, as we deal with the question of returning Okinawa to Japan, we must remember that while foreign troops can be tolerated for a short time this cannot be continued for generations.

Why then do we remain in Okinawa? Is it to guard against a potential Japanese military threat? I cannot believe this. I think most reasonable men will agree that there is little or no danger of Japan rearming and attacking the United States again. Nor is there any question of the ability of the Japanese to govern themselves and Okinawa. It thus appears that our primary reason for remaining in Okinawa is to use the island as a convenient military outpost to check Chinese Communist expansion or aggression. While this is a worthy reason, neither the Japan-United States Security Treaty nor the understanding that members of the United Nations have of our occupation of Okinawa provides for our continued presence on the island for this purpose. It is my belief that we can just as effectively check the expansionist ambitions of Red China without insisting that the Japanese live indefinitely under the indignity of military occupation.

A most important consideration in our discussion of the Okinawa problem, but one often forgotten, is that in the 20th century, stability in Asia will depend on four powers: the United States, the Soviet Union, Japan, and Communist China. This consideration makes developing and maintaining a cooperative relationship with Japan, from the standpoint not only of economics but also military security, vital to our national interest. We can insist on keeping an occupation force in Okinawa only at the risk of deteriorating the good relationship we have been able to develop with Japan in the last two decades.

To further good Japanese-American relations, we must first reduce our presence on the major islands of Japan. Even the most conservative of military minds admit that most of our bases there are unnecessary. They are simply costly and abrasive to our relationship with Japan.

Second, we should sit down with the Japanese to resolve the Okinawa question. If Japan desires that our troops remain in Okinawa but without the nuclear weapons we are presently storing there, then so it should be. There are other places where these weapons can be stored.

While I believe that we should seek in all possible ways to foster our good relationship with the Japanese, let me also add a word of caution: the people of Japan must realize that if the United States leaves Okinawa, they may find it necessary to increase their own defense expenditures. American presence in Okinawa has provided a defense umbrella under which Japan has prospered to unprecedented heights. The reality of our withdrawal may well mean that Japan will have to spend more yen for defense and security.

Further, if the Japanese are sincere in arguing that the principle of the Okinawan problem is sovereignty, then they should with equal vigor and insistence call on the Soviet Union to return the Kurile Islands. If they fail to do this, it will be more than understandable if Americans begin to feel that they are being picked on as whipping boys.

The Japanese must also be willing to accept the responsibility of providing for the future of Okinawa. The history of Japan indicates that just prior to the commencement of World War II, Okinawa was equivalent to our Appalachia. Poverty abounded. Little yen from the central government ever filtered down to the Ryukyus. Socially and politically, Okinawans were considered inferior.

Since our occupation of the Ryukyus, the Okinawan economy has spurted and expanded until today the per capita income of the islanders is far higher than that of many other Asian countries. The United States alone is presently pumping some $260 million each year into the Okinawan economy—over 50 percent of the Ryukyuan GNP—and directly employing over 50,000 Okinawans. The Okinawan economy has, in fact, expanded at a rate of 18 percent per annum for the last 5 years.

Once Okinawa is returned to Japan, the task of buttressing and developing the island's economy will rest with Tokyo. I sincerely hope that the Japanese will not default on this responsibility and permit Okinawa to revert to its former status as the Appalachia of Japan. I further hope that Okinawa is not being used as an international political football. The people of Okinawa deserve better than that. Their welfare should be our joint concern.

A HOOSIER HOUSEWIFE'S PLEA FOR SANITY

Mr. HARTKE. Mr. President, in yesterday's mail I received one of the most remarkable letters it has ever been my privilege to have come to my desk. It was written, in longhand, by a young housewife in Spencer County, Ind., whose concerns and hopes are shared by almost all Americans. Never have I seen them expressed more poignantly.

Mrs. Jake Miller is a lifelong Republican from a generations-old Republican family. But she finds the current administration's campaign against dissent so repellent that she has "decided to become the first Democrat in the history of her family." This despite the fact that she is not a "dove" on Vietnam but "was willing to go along with the President's plan for ending the war." When, however, she found herself being propagandized through her own elementary schoolchildren, she decided that she no longer wanted to be counted a part of Mr. Nixon's "silent majority."

Let me say that I take no personal comfort or satisfaction from Mrs. Miller's letter. There are no bouquets in it for the senior Senator from Indiana. She demands of me what she demands of all of us in Government: That we be mindful of our responsibilities and join in a common effort to pull this country back together again while there is still time. "Forget the circus," she tells us, "and get down to business."

Mr. President, that is important and necessary advice. In the hope that all of us may be inspired to follow it, I ask unanimous consent that Mrs. Miller's letter be printed in the RECORD so that it may be read with profit by all Members of the Congress.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 1969.

DEAR SENATOR HARTKE: I am a 32 year old housewife. I have been a Republican all my life, as have two generations before me. The same goes for my husband and his family. Both our families have lived in Spencer County for over 100 years. I say this to illustrate the fact that we are not given to changing our minds easily. Especially when it comes to politics. However, I am becoming increasingly disillusioned with the present Republican Administration. So disillusioned, in fact, that I have decided to become the first Democrat in the history of my family. And I assure you, this takes a great deal of courage.

I can't help thinking it's wrong for our President and Vice-President to deliberately set the citizens of our country at each other's throats. And yet, this seems to be exactly what they are doing. I thought the President was supposed to be the leader of *all* the people, not just a chosen few. Our country has always been large enough to permit people from all backgrounds to live in peace and harmony. Are we becoming so narrow-minded that only our own point of view has validity?

I was willing to go along with the President's plan for ending the war in Vietnam. I made no protest when my husband lost his job in construction during the recent slowdown. I wanted what was right for my country. I like it here; I didn't want to shake the boat. I didn't demonstrate in the streets during the moratorium. I left that to the students. I did envy them their naive idealism, but only to myself.

I did become angry and disturbed, however, when my children came home from elementary school with cards reading "Silent Majority." I do not like the idea of political propaganda being distributed in the schools. I do not like being told, through my children, that I am to be a part of the "Silent Majority." I rather prefer the old-fashioned American way of letting each person make his own decision, according to his own conscience. The only democracy I can think of that was built on silence was Hitler's and I pray to God that's not what our leaders have in mind for us. Mr. Agnew's speech concerning government control of television did nothing to reassure me on this point.

Instead of taking sides on every conceivable issue, why can't our leaders try to bring everyone together? Maybe I feel so disillusioned because I don't seem to fit into any of the neat pigeonholes this Administration has so kindly provided for us. I'm not a super-patriot or a Communist, and I will not be taken for granted as a part of Mr. Nixon's so-called "Silent Majority"! So where do I fit in? If there were a group called the "Increasingly Irritated Independents," I might subscribe to that. However, I prefer being just plain old American.

Just how long can we expect this state of affairs to continue? There are things that need to be done in our country. Our leaders don't have the time to be playing cowboys and Indians in the streets and on television. Our economy, our cities and our schools are going to hell in a handbasket while our leaders are cavorting about and coining cute little phrases for one another. Is this any way to run a country? Our own leaders in government have saved Saigon the trouble of dividing our country by doing it themselves. Won't somebody please wake up before it's too late? Put aside your petty quarrels and bickering, and pull us back together into what was and still can be a great nation. Don't destroy everything our ancestors worked so hard to achieve. I say not to you, but to every lawmaker in our country, and most importantly, our President and his Vice President: Set us a good example. Give us something to have faith in. Show us and the rest of the world what great statesmen are made of. Let us point to you with pride. We need your diplomacy, wisdom and tact as we have never needed it before.

For just this once, stop and think of the importance you have in shaping this country's future, the awesome responsibilities you hold in your hands, and the millions of people in the world whose lives your decisions affect.

Forget the circus and get down to business.

Please.

Very Sincerely,

DIXIE MILLER
Mrs. Jake H. Miller.

ROCKPORT, IND.

POLITICS IN VIETNAM

Mr. EAGLETON. Mr. President, on October 8 of this year, the Senator from Iowa, HAROLD HUGHES, and I submitted a resolution calling for the termination of the U.S. commitment to the present Government of South Vietnam unless major reform steps are taken by that Government in the next 60 days.

That government has remained unrepresentative and unresponsive, and in fact, seems to be becoming more so. In this regard I found a recent series of articles on politics in Vietnam, written by Elizabeth Pond, special correspondent of the Christian Science Monitor, of great interest.

She concludes:

> The Thieu government is no Chiang Kai-shek postwar regime ready to collapse under its own decadence and irrelevance. But President Thieu's decision to organize an Army/Catholic party—at this time and in this manner—sets the course for increasing isolation of the Saigon regime. This step is politically irrevocable in a way that naming of a hardline cabinet, for instance, was not.
>
> It will be argued by doves that the history of the United States involvement in Vietnam has decreed this outcome from the start with the inexorability of a Greek tragedy.
>
> They will contend that the United States repeatedly made shortsighted decisions: in picking up the French mantle at all; in supporting President Diem with combatant advisers while he was stifling any possible development of social democracy; in sending United States combat troops to Vietnam in 1965 in an effort to counter what was basically a political decay that had escalated into mobile warfare; in valuing stability above reform from then on; in supporting the military over civilian candidates in the 1967 presidential election.
>
> Perhaps the doves are right. But politically, until September, 1969, there was a chance of salvaging something from the deaths of 90,000 South Vietnamese, 40,000 Americans, and over half a million North Vietnamese casualties. After September, 1969, this chance seemed remote.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Nov. 6, 1969]

NEW SAIGON PARTY—THIEU PICKS MILITARY FOR POLITICAL BASE

(By Elizabeth Pond)

SAIGON.—After two years of deliberation and maneuvering, Nguyen Van Thieu has crossed the Rubicon.

He is organizing a new party with its nucleus in the Army and is giving its formation top priority.

All indications are that the South Vietnamese President no longer is equivocating but has finally made his decision. He is turning to military hard-liners and former Diemists as his primary political base.

With this move a new phase has begun. President Thieu finally is shifting away from his long-held negative strategy of dispersing his rivals but not building any political structure of his own.

BREATHING SPACE

Two diametrically opposed projections for the future arise from this development.

In the optimistic analysis, President Thieu now feels himself firmly enough in the saddle to control whatever political apparatus he builds.

If all goes well, Saigon will be able to keep the mass of South Vietnamese benevolently neutral toward the government long enough to contain the Communist insurgency politically. This will allow the United States the few years' breathing space necessary to disengage.

In the pessimistic analysis President Thieu is turning to the military and the Roman Catholics out of weakness and a self-centered determination to hold power as long as possible.

In this view Saigon will strangle the beginnings of political consensus here and forfeit the one chance to transform its present military advantage over the Communists into a longer-term political superiority.

The exact shape of President Thieu's new party—tentatively called the Great Masses Force—is not yet clear. Partial information gives some indication of the general character of the party, however.

First, it should be very similar to the Can Lao Party, as it is being directed by old Diemists, several of whom were Can Lao members.

SENSITIVE ROLE

Second, the vigor with which President Thieu is quietly pushing the party indicates a major commitment on his part, not another trial balloon or decoy effort.

Thus the baffling question of the past year—how President Thieu was planning to hold together the non-Communist nationalists in the absence of any organizational bone structure—now is answered.

Third, it appears that the military will form the nucleus of the party.

The role of Army officers in the party is the most sensitive aspect of the whole development as the Constitution forbids political activity by members of the armed forces.

The best information now available, however, would indicate there will be a secret elite organization within the Army anyway, in traditional Can Lao fashion. And it is obvious that a number of Diemist generals will have a close working relationship with the party.

Other segments of the party are to be organized among trade unionists, businessmen, civil servants, possibly among the People's Self-Defense Forces, and various other civilian groups. But unlike the Can Lao, it appears that this time the military may form the core of the whole party.

President Thieu appears to believe he is operating from a position of strength, not weakness. But he is turning back wholeheartedly to the Army and the northern Catholics who elected him after a year of daring to offend them by negotiation offers to the Communists. And he is returning to the fold without having found any alternative political base in the meantime.

ULTIMATE VICTORY SEEN

Fourth, the party will be hard-line on two major issues in Vietnam: the war, and non-Communist nationalist opponents.

"The Republic of Vietnam will not stop short of victory no matter what happens in Washington," Mr. Thieu said to graduating Revolutionary Development cadres at the end of September. What is known of his private conversations with party organizers confirms the toughness of this and other public pronouncements.

To an associate of his, President Thieu reportedly elaborated that he had just realized the right way to handle the Americans.

Before and after his election, he said, he would propose policies and discuss them with the Americans before pushing ahead. But the Americans would consider such proposals at length and advise one thing and another until the original policy was completely destroyed. So the proper solution, Mr. Thieu said, is to inform the Americans of a proposed course of action and then proceed with it. The Americans may object and even bring pressure to bear, but in the end they give up.

ARMY LINK NURTURED

So the new party will be used to counter the Communists, opposition non-Communists, and also any American pressures for a peace displeasing to Saigon.

As Vietnamese sources analyze President Thieu's thinking, he is calculating that the U.S. cannot afford to lose the war and is therefore stuck here almost no matter what Saigon does.

The U.S. might dare, it is reasoned, to abandon the Thieu regime within a year or so, but it would never dare to destroy the South Vietnamese Army. If President Thieu links his destiny inextricably to that of the Army, then, he may figure that the U.S. cannot depose him.

The relationship of Mr. Thieu to the Americans—or, more accurately, the South Vietnamese President's perception of it—is crucial in his decision to push ahead with the new party. It is extremely difficult for any outsider to unravel this relationship, however. The best that can be offered is a working hypothesis, which may be wrong, but might at least cast some light on developments.

PRESSURE RECOGNIZED

A case can be made that until fall of 1969 Mr. Thieu leaned politically half on the Americans and half on the Army and northern Catholics who had elected him. In this view, up through some point after Midway, President Thieu used hard-line pressures in South Vietnam primarily in an attempt to slow down, not to sabotage, the American timetable of troop reduction.

In this period, President Thieu had probably not yet made up his mind quite how far to fall in with the Americans and play them against his political rivals, quite how far to use hard-line rivals against American peace pressures.

The Americans, after all, had been essential to Mr. Thieu's rise to primacy in 1967, in standing behind President Thieu's invocation of the Constitution in 1968, in reneging on his promise to follow the military committee's orders, and in forbidding any coups. But the Army was his real base within the country, and President Thieu ran the danger of turning it against him if he went too far too fast in his peace offers and his reduction of Vice-President Nguyen Cao Ky's position.

At some point President Thieu's fears for his own future at the hands of the Americans crystallized, however. Perhaps the moment of truth came with American enthusiasm for formation of a high-powered advisory council.

As Vietnamese analyzed it, a strong and prestigious advisory council could all too easily be substituted for President Thieu as the ranking authority.

At some point after Mr. Khiem's appointment as Prime Minister, then, the final decision was made to go ahead with the tentative plans for the largely Army-backed party. And it is this, rather than the naming of a hard-line Cabinet, that marks the real turning point in Vietnam.

SOCIAL IMMOBILITY

Social immobility is the rule in the Army. To begin with, most of the top command fought for the French against Vietnamese independence. The highest-ranking officers were promoted under Diem on a political basis. Generals and colonels resist changes that would erode their personal positions.

Even this military conservation might have been surmounted. Once upon a time Mr. Thieu might have established an infrastructure in the Army and the civil service that could have carried out village development and linked it with Saigon But this is clearly not in the cards now. For that President Thieu would have had to approach the Army from an unequivocal position of strength.

Mr. Thieu and his fellow generals are probably too suspicious of each other ever to return to a really chummy arrangement. Each will have an acute sense of the other's actual power, however. Both will know that President Thieu now has boxed himself in—and that he will be proportionally bound by rigid policies in the coming fluid period of political transition.

[From the Christian Science Monitor, Nov. 8, 1969]

VIET CONG DISLIKED MORE NOW—PEASANTS SIDE WITH SAIGON REGIME—FOR THE MOMENT

(By Elizabeth Pond)

SAIGON.—The fundamental axiom for any analysis of South Vietnam must be that this country consists of a mass of largely neutral peasants (and slightly less neutral urbanites) strung between two political authorities—the Saigon government and the National Liberation Front (NLF).

While the majority would much prefer no rule at all to rule by either side, they feel the government is the stronger of the two at the moment. And they dislike the Viet Cong more than they do the government.

There are exceptions. Villages dominated by Roman Catholics, the Hoa Hao, and some others are often staunch anti-Viet Cong bastions for ideological reasons of their own. Contrariwise, in a few areas that have been Viet Minh/Viet Cong heartland for 20 years or so, something of the old revolutionary mystique survives.

LEADERS HEEDED

But for the most part the peasants fall in with whichever power is dominant in an area.

Nevertheless, insofar as there is choice, the peasant basically favors the side that presses him least. At this stage of a messy war that less oppressive side is the government.

By now the sheer weight of years of firepower, massive sweeps, and grand forced population shifts have reduced the population base of the NLF and made the Viet Cong squeeze their remaining peasants ever harder and less discriminatingly for recruits, porters, and rice taxes. By contrast, government control tends to be much less disciplined.

At this point too there is for the average citizen more of that intangible that might be termed a sense of possibility. Villagers who five years ago sought to redress their grievances by joining the Viet Cong have many more channels for change opened up to them now—and use them.

AVENUES OF REDRESS

These channels include:

Joining the local militia to escape national military service away from home.

Using civil-defense forces to keep marauding South Vietnamese soldiers as well as Viet Cong tax collectors away from villagers.

Increasing harvest incomes by selling watermelons or vegetables in Saigon, getting technical assistance to grow high-yield miracle rice, or doubling crops with water pumps bought with funds from mutual loan associations.

Drifting to the city for relatively well-paying jobs with the Americans.

Complaining about inequities to American advisers or even occasionally lower-house representatives and village-council members.

The rural poor are able to find a better life in the government-run cities now than in NLF villages. And one of the important issues that drew adherents to the NLF in earlier days, land reform, may even be appropriated by the government, if present plans are implemented soon.

PROSPERITY ASSESSED

Finally, the peasant on the government side is simply better off materially than his brother on the NLF side. Prosperity is radiating out from Saigon. People are acquiring something of a stake in the system.

But this preference for the government is only passive, relative, and fragile.

As for the "sense of possibility," this is all too easily shriveled when rampant corruption skews daily life.

As for the Communist side, it may be too weakened now to take quick advantage of Saigon's embarrassments. It lost heavily in Tet of 1968. And the highly successful Accelerated Pacification Campaign of November 1968, to January 1969 hampered NFL political cadres in many areas by depriving them of their military cover.

But at the present rate of neutralization of political cadres, the NLF infrastructure simply is not going to be rooted out. And as long as the infrastructure exists, Viet Cong troops can always be rebuilt.

Furthermore, any trend toward a decline in government fortunes and reprieve for the NLF, once set in motion, would only be exacerbated in a cease-fire situation. The inevitable sagging of discipline would hurt the government more than the tightly organized Communists.

The greater ambiguities of a relative peace would blur what now is in many ways an exclusive choice between the government and the NLF. The faults of the government side would loom larger, the harshness of the Communist side fade a bit in memory.

[From the Christian Science Monitor, Nov. 14, 1969]

ARMY PREFERRED AS POLITICAL BASE—THIEU REJECTS BROADENING OF GOVERNMENT INTO GRASS ROOTS

(By Elizabeth Pond)

SAIGON.—In turning to the military for his political base, President Thieu appears to have discarded such alternatives as he had to constructively unify the non-Communist forces within South Vietnam.

These alternatives included organization of a real cadre structure—for national rather than for the elite purposes his chosen course suggests—or decentralization and nurturing of strong local governments.

The need to build a solid organizational infrastructure is vital if Saigon hopes to hold this traditionally fragmented country together. The Army and civil service would be the logical places on which to base such an infrastructure. But in forming the neo-Can Lao Party, President Thieu has opted for tightening his own administrative grip rather than for using the Army and civil service for community or structural political development.

They are not to be used to rally patriots of differing stripes to the national cause or to provide the linkage between the macropolitics of Saigon and the micropolitics of the village. Rather they are being used to maintain the narrow interests and power of the existing military oligarchy as long as possible.

COALITION A POSSIBILITY

One organizational possibility other than the military and civilian bureaucracies might have been based on coalescence of the major existing political parties. The Americans were eager to pursue this idea and pushed President Thieu into forming the six-party National Social Democratic Front bloc last spring.

It is sufficient to say, however, that a major stumbling block to realization of this hope is South Vietnam's political underdevelopment. Parties here continue to be factional and semiclandestine rather than vehicles for mass participation or interest resolvers and policy advocates. The very name for party in Vietnamese incorporates a word for "secret."

Some veteran Vietnamese and American officials put their hopes in a combination of decentralization and strong village development. This, they contend, is the only chance, when the maximum that can reasonably be hoped for is tolerance of the Saigon regime rather than commitment to it.

In this analysis, the only workable arrangement would be a tacit coalition between the central government and those who are in effective control over particular areas.

Saigon would, it is suggested, grant to local authorities funds and a fair degree of autonomy, including selection of or veto over local police and militia, cultural guarantees to ethnic minorities, and general immunity from incursions by the national Army.

SPUR TO OPPOSITION?

Local authorities, the theory goes, finding loose arrangements with Saigon more beneficial than the manpower and ideological demands of the NLF, would, with minimal national assistance, defend their own areas against the Viet Cong.

But as with his other options, President Thieu also has decided against this route to political development.

As for the Buddhists (nominally three-quarters of the population), President Thieu has made no attempt at reconciliation.

Given the history of Buddhist-government relations since 1964, any reconciliation is highly unlikely. But a mutual truce was never even explored.

Most Vietnamese name a time span of at least five years—if there is real progress—as necessary to glue the non-Communist nationalists together. But even this projection assumes constant cohesive pressure of one sort or another.

And President Thieu now has chosen the contrary strategy of dispersal of other nationalists in favor of a power concentration in the inward-looking elite of the Army and the Roman Catholics.

OPTION FORFEITED

He would appear to have forfeited conclusively the option of decentralization and accommodation of local interests, in much the same way that Saigon squandered the voluntary leadership following the Tet offensive of 1968.

The unexpected could happen. An outbreak of major warfare between Communist China and the Soviet Union, for instance, could halt delivery of material to North Vietnam and cripple Hanoi's war effort. A succession struggle in Hanoi might lead to crucial indecision on the war.

In the absence of any such historical accidents, however, as the course now is set, it would appear to be only a matter of time before Saigon itself strangles the beginnings of political consensus here and leaves the field to superior Communist organization, discipline, and staying power.

In the negative political sense it won't even matter if the new Army party turns out to be relatively weak. Perhaps especially if it is weak, handing its members capricious privileges but little discipline, it will effectively serve to alienate other nationalist groups that would have had to unite in order to survive the Communist threat.

DECISION SEEN IRREVOCABLE

The Thieu government is no Chiang Kai-shek postwar regime ready to collapse under its own decadence and irrelevance. But President Thieu's decision to organize an Army/Catholic party—at this time and in this manner—sets the course for increasing isolation of the Saigon regime. This step is politically irrevocable in a way that naming of a hardline cabinet, for instance, was not.

It will be argued by doves that the history of United States involvement in Vietnam has decreed this outcome from the start with the inexorability of a Greek tragedy.

They will contend that the United States repeatedly made shortsighted decisions: in picking up the French mantle at all; in supporting President Diem with combatant advisers while he was stifling any possible development of social democracy; in sending United States combat troops to Vietnam in 1965 in an effort to counter what was basically a political decay that had escalated into mobile warfare; in valuing stability above reform from then on; in supporting the military over civilian candidates in the 1967 presidential election.

Perhaps the doves are right. But politically, until September, 1969, there was a chance of salvaging something from the death of 90,000 South Vietnamese, 40,000 Americans, and over half a million North Vietnamese casualties. After September, 1969, this chance seemed remote.

POLLUTION CONTROL AND THE POTENTIAL OF NUCLEAR POWER

Mr. GORE. Mr. President, the American people have shown increased concern in recent years over the accelerated deterioration of our environment. And there is genuine cause for concern. Should present trends continue, we are warned, the earth may well become uninhabitable by man. Before the dismal formula of Malthus finally produces a thinning of the population through cruel and absolute starvation. Fortunately, trends do not continue unbroken, straight-line progression for an indefinite period. Having become alerted to some of the problems and some of the processes now threatening our environment, we can take action—intelligent, reasoned action—to reverse or alter current deterioration.

Let me emphasize that we need to approach our environmental problems intelligently. We are not yet faced with a crisis and crash programs are not indicated. Some would have us believe that we face such an imminent and catastrophic environmental deterioration as that confronting residents of Pompeii, Herculaneum and Stabii in A.D. 79. When the first rumblings from Mount Vesuvius were felt and heard. Perhaps our outlook is not so foreboding, but action now is clearly imperative.

Furthermore, although the automobile is our number one polluter, being responsible for 60 to 70 percent or more of pollution in some areas, the militants have chosen to center attention on a less troublesome, but the more headline catching, problem of pollution from electric power generating plants. These plants do cause pollution—particulate, thermal, radiation, for example—and this particular problem must be dealt with promptly and positively. But this problem must be placed in perspective and considered rationally, not viscerally.

We could, of course, control pollution from powerplants by cutting back on power demands, just as we could control pollution from automobile exhaust by manufacturing fewer automobiles. But this is a most unlikely solution, and one which I would reject. We must continue to move forward in all phases of production, and power generation is clearly basic to our mode of life. Because of population growth and more concentration in cities, increased generating capacity is necessary just to stay abreast of demand at current levels. We are now operating on the borderline. We recall vividly the massive power failure of 1965 which blacked out New York and a large portion of the northeastern part of the country. Such situations must not be allowed to recur, and this, of course, means that we must not only install increased generating capacity, but accomplish a degree of grid integration that will stagger the present profit-motivated utility isolationism.

Let me emphasize this point. With a proper national grid, economies can be achieved and safeguards erected against the possibility of major area blackouts without installation in each area of extra capacity which would make each area completely self-sufficient. The necessary margin of safety for unforeseen contingencies, often local in nature, can in this way be provided at lower cost, both in dollars and in pollution. But this may require that the Federal Government take a stronger hand in the power field. The individual States are unable to cope with this kind of problem or to provide for this type of solution.

According to present estimates, the demand for electric power by 1980 will be 150 percent of the 1965 level. And by the year 2000, a date which not so long ago had only Buck Rogers connotations, but which will be upon us within a short generation, we will be using two and one-half times as much electric energy as we did in 1965. Strikingly, during the period 1974–80 we must install more new generating capacity than the total capacity now in being.

Now, since our environment is being somewhat altered by the operation of these electric generating plants, and since we must install much greater, rather than less, capacity, it behooves us to look to the operation of these plants and determine just how detrimental they may be and what may be done to make their operation less disruptive of our environment.

And it is certainly fair to acknowledge that, since a large proportion of new generating capacity is likely to be nuclear rather than fossil fueled, an additional increment of public concern has been introduced. Because of the relative newness of nuclear reactors, and the mysteries surrounding nuclear processes and byproducts, but most of all, I feel, because nuclear operations conjure up the awful destruction of fission and fusion weapons of war, an additional element of concern amounting almost to public hysteria seems to be injected whenever a proposal to build a nuclear power plant is considered. We have seen this in connection with proposals in various parts of the country, notably in New York and now in Minnesota.

This Minnesota situation is interesting in that the whole question of Federal preemption in the nuclear field has been called into question and is being litigated. State authorities in Minnesota want to impose tighter restrictions and higher standards than does the Federal Government through the Atomic Energy Commission. Perhaps all standards should be reexamined, but we should approach this with a balanced view.

Radiation is present in any nuclear operation. But in nuclear reactors the radiation emission is of a very low level, and is released under carefully controlled conditions. There are, of course, dangers from any level of radiation, but the levels we are talking about are not unknown in nature. We live in a world in which radiation is an ever present factor. Radiation levels vary widely, depending on where we live, the altitude, the types of materials of which our houses are constructed.

Nuclear plants now generating electricity do release radiation. They give forth a degree of radiation pollution. But, as I understand it, they release low levels of radiation under controlled conditions. They operate within the limits of safety prescribed by the Atomic Energy Commission, and improvements in this regard are being made with each new installation and with each new generation of reactors developed. To date, no accidents whatsoever affecting the general public have occurred in the civilian nuclear reactor program. In fact, since 1943, a total of seven workers have died in radiation-connected accidents of any or all sorts.

True, the adequacy of the AEC standards for powerplants has been called into question, and this, too, is involved in the Minnesota litigation. But the basic question there seems to be whether the Federal Government has preempted, and whether it constitutionally can and has intended deliberately to preempt, the field of regulation of nuclear power plants. The Minnesota Pollution Control Agency has issued Northern States Power an operating permit, but it has specified standards which are considerably tighter than those of the AEC. Indeed, standards sought to be imposed by the State of Minnesota contemplate some 2 percent of the radioactivity discharge allowed by the AEC.

Are the AEC standards inadequate? Scientists may disagree. But the standards have been arrived at, not arbitrarily or capriciously by a bunch of bungling bureaucrats, but, rather, they have been set in the light of recommendations of the Federal Radiation Council, which itself is representative of several Federal agencies, and national and international experts in the radiation field.

Mr. President, we must recognize radiation dangers and we should constantly review and reexamine our standards. We must, also, understand that in the current popular wave of militant attitudes the conservation movement has been taken over by militants and they have made nuclear generation of electric power their chief whipping boy. The Congress and the Federal Government cannot allow the power needs of the Nation to go unmet. In all respects, the Government, the agent of society, must be responsible—yes, without quibble. But equally the Government must resist irresponsibility.

We are concerned about pollution of all sorts, and rightly so. But the greatest single offender by far is the automobile, and I have heard of no militant conservationist giving up his automobile. The automobile problem requires attention. It is receiving some attention but perhaps in the absence of a proper sense of urgency.

I want to see sufficiently tight standards applied to electric generating plants, whether they are privately or publicly owned, whether they are fossil or nuclear fueled, whether they are located in areas already heavily polluted or relatively clean. But I also want to see our power generating capacity continue to expand. It must. This is the life blood of modern industry and the index to comforts and conveniences of homelife. We cannot stand still. We cannot go backward. We can, through genuine Federal-State cooperation, pursue a proper course.

One of the very interesting chapters in man's general progress is the use and control of new sources of energy. Without the tremendous strides in harnessing energy sources beyond man's own very limited physical efforts, economic, social and political progress would have stopped far short of present standards. Present goals, yet unrealized, would be unthinkable, true, mistakes have been made in the exploitation of each newly developed energy source, but this must not stop our pushing ahead.

The relative merits or demerits of fossil and nuclear fuels is an interesting question. My State has a sizable interest in both; the Tennessee Valley Authority is utilizing both. So, the people in the southeastern part of the United States, as elsewhere, are interested in both.

Fossil fuels firing electric generating plants cause pollution. They add heat to air and water. They add carbon dioxide, sulfur dioxide and particulates to the atmosphere. Nuclear plants are better in that they do not pollute the atmosphere with these dioxides and particulates, and such pollution as they are guilty of is released under more controlled conditions. They do, as I understand, add more heat to the water than do fossil fueled plants. There is considerable dispute about how much damage, if any, this heated water does. In addition, they add low levels of radiation to the environment.

At this point, I do not believe there is a clear consensus among those who are well informed in this area as to which type of plant is more detrimental to the environment.

But, regardless of the relative merits of fossil versus nuclear fuels, we must continue in the foreseeable future to develop, improve and install both types. Both types can and must be improved. Carbon dioxide and sulfur dioxide emission must be brought under better control insofar as fossil fuels are concerned. Radioactivity must be closely watched in nuclear installations. In both types, thermal pollution of both air and water must be held within proper limits, with this excess heat preferably being utilized in a positive and beneficial way.

Of course, it goes without saying that we want better, more efficient, less polluting powerplants. Improvements are needed for reasons beyond the pollution problem.

Fuels, whether fossil or nuclear, are not inexhaustible. Improved powerplants will use less fuel, and this is fast becoming critical in fossil fuels. We may very soon be faced with the more pressing need for coal and petroleum to be preserved for use in chemical processes. They are perhaps already too valuable, in a social if not a monetary sense, to be wasted in powerplants and in behemoth automobiles employing 300 horsepower to transport one man to work, or a 100-pound housewife to the grocery store.

Then, too, improvements will allow reuse in our powerplants of what are now waste products. We still get only a small fraction of the potential energy from any of our power sources. Improvements in this regard will preserve raw materials as well as assist in the antipollution drive.

Perhaps, because of their relative newness, there is more opportunity for rapid improvement in design in the nuclear plants. We should proceed more purposefully, it seems to me, with the development of advanced reactors, particularly of the breeder type. The molten salt reactor seems to be particularly promising and more money and more manpower should be put to work in furthering this development on an accelerated, although not necessarily a crash, basis. Perhaps controlled fusion will not much longer elude us.

On the other hand, there is a great deal we can do right now with our present reactors to hold down the level of radioactive pollution. Indeed, the standards sought to be imposed by the State of Minnesota can be met, but at some additional cost in the form of more frequent shutdowns with more frequent reworking of the fuel elements. This is a matter of cost, not of physical impossibility or even of technical difficulty. With present reactors, an increased nuclear fuel supply would probably be required.

Mr. President, we face problems from pollution, and we must meet these problems boldly. Our environment must be preserved, we must set about this task, however, without hysteria. Future generations cannot be denied the benefits of a safe environment, nor, on the other hand, should they be denied the potential of nuclear power.

WEEK OF NATIONAL UNITY—PROCLAMATION BY CITY OF SPARTANBURG, S.C.

Mr. HOLLINGS. Mr. President, on November 11, 1969, the city of Spartanburg, S.C., proclaimed a "Week of National Unity" in support of "our gallant veterans of all wars." The purpose of this proclamation is to help to restore confidence in America in support of patriotic endeavors and to recognize the contributions of our servicemen throughout the world.

I ask unanimous consent that the proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation of the City of Spartanburg, S.C.

Whereas, November 9–16, 1969, is "Week of National Unity," and

Whereas, National Chairman Bob Hope, has requested that we join in participating in Unity activities to promote patriotic support for Americanism, and

Whereas, today, November 11, 1969, is National Veterans Day in honor of our gallant veterans of all wars, and

Whereas, it behooves all honest, law abiding Americans to support patriotic endeavors and to help restore confidence in America by our fighting servicemen throughout the world,

Now, therefore, I Robert L. Stoddard, as Mayor of the City of Spartanburg, South Carolina, do hereby proclaim this week, November 9–16, as "National Unity Week" and call upon our citizens to display flags, to write a letter to a serviceman, to turn on your car lights today, November 11, as you travel, to write President Nixon in support of his policies in Vietnam and on law and order; and for our churches to have a special prayer for National Unity and Support of our servicemen on Sunday, November 16, 1969.

Witness my hand and the seal of the City of Spartanburg this 11th day of November, 1969.

Robert L. Stoddard,
Mayor.

UDALL SPEAKS OUT ON CRISIS OF THE ENVIRONMENT

Mr. NELSON. Mr. President, recently Stewart Udall, the Secretary of Interior under Presidents Kennedy and Johnson, spoke at the campus of Wisconsin State University at Eau Claire in the first of a series of forum speeches.

Mr. Udall's speech pulled no punches in describing the crisis of our environment. He pointed out:

> We are richer; yet we're living in filthier communities like Croesus on a garbage heap.

He mentioned that perhaps the real America today could be characterized by a bumper sticker he saw in Madison: "Be American—Pollute Something." Man, he said, could be characterized as an endangered species. Our cities, unlike most civilizations, are disaster areas instead of places of pride, he pointed out.

Ex-Secretary Udall painted a gloomy picture which unfortunately is all too true.

One of the listeners to this eloquent plea was John Lavine, publisher of the sprightly Chippewa Herald-Telegram. His editorial of October 27, 1969, describing the speech is another example of the press of our country taking its responsibility seriously and bringing the crucial issue of our generation to the American people.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

What Can Be Done About This Horror Picture That We Are Making Out of Our Environment?

(By John Lavine)

I know that there prevails the stereotype that daily newspapermen are supposed to be a hard boiled lot. And perhaps in some ways we are.

Yet, I must frankly admit that last Thursday evening I went to hear a quietly stated speech at Wisconsin State University-Eau Claire, WSU–EC. And it really scared me. In fact, I think that it scared me enough that it made me into a convert, but also a bit of a raving fanatic!

The speech was given by Yale University Professor Stewart Udall—the Secretary of Interior under John Kennedy.

Udall's speech was the first of the FORUM speeches of the year. And, frankly, by all outward signs, it should have bored me silly.

I mean what excitement could there be in hearing a man who was out of office, a man who would probably talk about hunting and fishing—and I do neither—and a man who had turned a fairly minor cabinet appointment into a full professorship?

Was Udall's a quiet, boring speech? Not by a trip to the moon and back it wasn't.

The first thing that the ex-Secretary did was paint a picture of America today:

(After talking about some of our accomplishments as a nation such as the Apollo 11 trip, Udall outlined the other side of the ledger.)

"We produce more pollutants and waste than any other country in the world . . . Our cities instead of being a place of pride, as in most civilizations, are a disaster area . . . We are richer and richer; yet we're living in filthier communities like Croesus on a garbage heap . . . We think that all growth is good growth—even if it hurts the quality of our life."

Perhaps the real America today, Udall stated, is the one personified by the bumper sticker he saw recently in Madison, Wis. It read: "Be American—pollute something!" Or, maybe our life is better characterized by the title of the Dept. of the Interior's year book which was called: "Man—an endangered species?"

Finally looking at the heart of America, Mr. Udall noted the price we pay for our amazing mobility of which we are so proud: The price is: 1.) "The main source of air pollution is the automobile. 2.) The noise level in the United States is doubling every eight years. 3.) Even though it is best for children to walk—even a couple of miles to school each day, we bus them because it isn't safe to walk. We have provided no side walks, and with the speed and number of cars, even riding a bicycle is hazardous. 4.) And, last but not least, we kill more people in auto accidents than in war . . . Last year we killed 53,000; injured thousands more, and are now only minimally starting to talk about auto safety."

What can be done about this horror picture that we are making out of our environment? Udall, to use his own words, was "very blunt with the answers:"

"First," Udall said, "We must change our national policy which is now to encourage growth. We must stop the population explosion, and we must realize that we can continue to prosper without more people for whom we do not have room . . . Remember the nation with the best rate of growth of GNP, gross national product, has been Japan—and they have had an almost level population rate."

"Second," the former Secretary said, "We have to reorder our national priorities. We now spend $35 billion on getting a man to the moon $600 million for the SST, when it would take only a few million to gather together a NASA type team to develop a silent, pollution free engine . . . And it would take relatively little to make major strikes in water pollution—an area where we have done nothing for years."

"Of course I want my country to be strong," the speaker concluded, "but isn't it time we were a little less in space and in 130 other countries militarily and put a little more effort towards doing something about the quality of our own people's life here at home?"

Can the reader see why the speech was upsetting? Can you see why it made me—and I hope all of us—a bit of a fanatic on what we are doing, and are not doing, to our environment?

This isn't a subject we can pussy-foot around any longer. It must be met. And it must be met head on and now!

ENVIRONMENTAL PROBLEMS OF THE EARTH

Mr. MOSS. Mr. President, all Senators certainly have heard the saying—

Now is the time for all good men to come to the aid of their party.

I noticed an interesting play on these words in an advertisement published in Time magazine for November 14.

The ad, on behalf of the Leo Burnett Co., Inc., carried the headline "Now Is the Time for All Good Men To Come to the Aid of Their Planet." The ad, which ran more than a full page, contained an excellent, concise account of the environmental problems facing the entire earth.

The ad touches on pollution, overpopulation, urbanization, industrialization, poverty, and other problems. I compliment the Leo Burnett Co. for taking this most effective means once again to bring these problems to our attention. I ask unanimous consent that the contents of the ad be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

NOW IS THE TIME FOR ALL GOOD MEN TO COME TO THE AID OF THEIR PLANET

What we don't know about this earth we live on not only can hurt us—it can kill us.

What we don't know—or refuse to recognize—is that modern man has been altering his total environment so swiftly and suddenly that the whole "great chain of life" on this planet is endangered.

All of us live on a tiny space-ship which is hurtling through the universe at a speed 600 times faster than the fastest jet plane—carrying with it its own limited resources for sustaining life.

What we have now is all we will ever have to keep us alive. Having already set foot on the lifeless moon, we shall presumably find that we are the only creatures in our solar system. As lonely astronauts on our own ceaseless journey through space, what do we have as our basic equipment for survival?

Above us, a narrow band of usable atmosphere, no more than seven miles high, with no "new" air available to us.

Beneath us, a thin crust of land, with only one-eighth of the surface fit for human life.

And around us, a finite supply of "usable" water that we must eternally cleanse and reuse.

These are the elements of man's physical environment. This is the "envelope" in which our planet is perpetually sealed.

Together, and left alone, land, air, and water work well as an "eco-system" to maintain the great chain of life, and the delicate balance of nature from ocean depth to mountain top.

But man, since he first rose up on two legs, has been tampering with this system. He cannot help it. Everything we do alters our environment: the ways we grow food and build shelter and create what we call "culture" and "civilization."

Now, entering the last three decades of the 20th Century, we face the shocking realization that we have gone too far too fast and too heedlessly—and now we are forced to cope with some of the consequences of our "progress" as a species.

For, increasingly, all over the world scientists and statesmen and specialists in every field are coming to agree on the pressing paradoxes of our modern age:

That, as societies grow richer, their environments grow poorer.

That, as the array of objects expands, the vigor of life declines.

That, as we acquire more leisure to enjoy our surroundings, we find less around us to enjoy.

It is nobody's fault, and it is everybody's fault.

The real culprits are the three main currents of the 20th Century—Population, Industrialization, and Urbanization.

Together, these three swift and mighty currents of history have acted to foul the air, contaminate the land, pollute the waters—and to accelerate our mounting loss of beauty and privacy, quiet and recreation.

World population is growing at a rate that will double by the year 2000—only a brief three decades away—when nearly seven billion people will inhabit the earth.

Already, the poverty-stricken countries of Asia, the Near East, Africa, and Latin America contain 70 percent of the world's adults and 80 percent of its children. The most people are concentrated where the least food and goods are available.

Industrialization has added its own burden to the population pressure. The more we produce and consume, the more waste products we discharge into the air and water and land around us, where they do not "disappear," but last forever in one form or another.

Our natural resources—both renewable and non-renewable—are taxed to the utmost by industrialization. The U.S. water supply, for instance, remains at the same fixed level, but we are using four times as much per person as in 1900.

Yet, at the same time, the volume of waste waters discharged into our lakes, rivers, and streams has risen 600 percent so far in this century. Less than one-tenth of one percent of contaminating materials can kill fish life by consuming oxygen in the waters. (The de-salting of sea water for household and agricultural use on a large scale is a long way off.)

We now spew 150 million tons of pollutants into the atmosphere annually, and 90 percent of this consists of largely invisible but potentially lethal gases. This may reduce solar radiation, and raise the temperature at the earth's surface. Some predict that this could conceivably melt the polar ice cap, thus flooding the coastal cities of the world. Moreover, these contaminants are global in their effects; as the Bible tersely reminds us. "The wind bloweth where it listeth."

From the plains in Russia to the mountains of Switzerland, from the blue waters of the Pacific to the smokestacks of Chicago, the air is hazier, the smog is thicker, the sun dimmer. Throughout the world, the statistics are uniformly appalling—but the figures speak less vividly than the sad bewilderment of California school children who are now excused from outdoor games on those days when the atmosphere chokes their lungs.

Industrialization plagues the land as well as the air and waters. Our rise in synthetic technology has given us innumerable conveniences—but the roadsides are strewn with cans, bottles, and cartons, the dumps overflow, and in some cities it costs three times more to get rid of a ton of junk than to ship in a ton of coal.

Urbanization is perhaps the most menacing of the three converging trends that threaten our planet today.

In the U.S., land is being urbanized at the rate of 3,000 acres a day. One million Americans a year leave the rural areas for cities. Seventy percent of all Americans now live on 10 percent of the land; by the year 2000, some 85 percent will live in urban areas. And the same is happening all over the world. By the end of this century, most human beings—for the first time in history—will be born, live, reproduce, and die within the confines of an urban setting.

Each time we build a new highway, bulldoze a woods into a shopping center, or turn farmland into housing developments, we decrease the acreage that will grow food. Great progress is being made in the productivity of our soil, yet agriculture is now taking three to four million tons more nutrients from it than are being replaced each year.

The word "ecology" was devised exactly a hundred years ago—in 1869—to signify the study of the relationship between life systems and their environment. "Ecology" is what everybody on this planet must start thinking about—and quickly—if we are to avoid irreversible changes within the closed system of our space-ship.

For everything around is is tied together in a system of mutual interdependence. The plants help renew our air; the air helps purify our water; the water irrigates the plants. Man, as a part of nature, cannot "master" it; he must learn to work with it—and with his fellows everywhere—to ensure that we do not alter the environment so drastically that we perish before we can adjust to it.

Mankind as a species needs esthetic as well as physical values—sweet rivers to walk by in solitude and serenity, and pleasant prospects even in the midst of industrial affluence. The constant din of urban life assails the ears relentlessly, and noise contributes its own ugly obligato to the disharmony of our surroundings.

"The world is too much with us, late and soon," as Wordsworth prophetically put it more than a century ago, "Getting and spending, we lay waste our powers."

We have laid waste our powers for too long, not merely by ignoring the warnings of dead lakes and noxious air and ravaged countrysides, but also by periodically killing off of our bravest and our best in senseless warfare.

Now is the time for all good men to come to the aid of their planet.

We have the technical skill and resources. We have a common cause worth fighting for: a new kind of war to make the world safe for humanity against its own worst instincts.

Perhaps this mighty global struggle to restore the quality of our human environment may provide an effective and inspired substitute for national conflict and bloodshed.

Perhaps only a planetary view of man can guarantee our survival.

We have the weapons that enable us all to die together; can we not forge the tools that enable us all to live together?

IS SST A BAD IDEA THAT WON'T DIE?

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Is SST a Bad Idea That Won't Die?" published in the Washington Sunday Star of November 16, and an article entitled "General Quesada Decried 'Forced' SST Project," published in the Washington Post of November 17. The latter article relates to suppressed testimony of the former head of the Federal Aviation Administration.

The questions raised by these two articles must be answered, and answered fully, before Congress appropriates any further funds for the SST.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Sunday Star, Nov. 16, 1969]

IS SST A BAD IDEA THAT WON'T DIE?

(By William Hines)

The proposition that nothing has quite the staying power of a bad idea has been proved repeatedly, but never with more dramatic force than in the case of the supersonic transport airplane.

The SST is a legacy of John F. Kennedy which promises in the long run to rank, in the hierarchy of fiascos, as the technological equivalent of the Bay of Pigs. If its advocates in and out of government were to seek an adequately descriptive name for the big bird today, six years after its hatching, they could do worse than consider "The Albatross."

The Albatross, or Boeing 2707 (to use its official designation), got its start in a commencement address to the class of '63 at the U.S. Air Force Academy when JFK almost offhandedly remarked:

"I am announcing today that the United States will commit itself to an important new program in civilian aviation. . . . It is my judgment that this government should immediately commence a new program in partnership with private industry to develop at the earliest practical date the prototype of a commercially successful supersonic transport superior to that being built in any other country . . ."

Kennedy predicted that the SST would be flying over international routes at the end of the 1960s. Today, with the beginning of the 70s only a few weeks off, the airplane is still on paper after having undergone an almost complete metamorphosis to correct what turned out to be an unworkable original design.

Six years after the academy speech at Colorado Springs, the SST was in limbo. Lyndon Johnson in almost his final official act, submitted a fiscal 1970 budget that contained no funds for carrying forward SST development. Johnson's aides explained that he was leaving the "go-no-go" decision to his successor, Richard Nixon.

Less than a month after taking office, Nixon appointed a panel of high-ranking government officials, called the SST Ad Hoc Review Committee, to study the program and prepare a report on which the new president could base a judgment about its future. The following month, when he submitted to Congress revisions to the Johnson budget, Nixon left the SST item blank.

For two months the Ad Hoc Committee looked at the SST from every angle, and then in April submitted to Transportation Secretary John Volpe a report that was clearly negative in tone. Volpe handed the report to Nixon along with his personal recommendation to forge ahead on the SST regardless.

As printed in the Congressional Record of Oct. 31 (pages 32599 to 32613), the report and supporting documents effectively knocked down all the tired old cliches and sales pitches offered in support of the SST by the aviation lobby, which is indistinguishable most of the time from the celebrated "Military-Industrial Complex."

Balance of payments? SST would probably do more harm than good. Return on the government's investment? It might not sell well enough to give Uncle Sam his seed money back, let alone return a profit. Bonanza for the airlines? Serious question that the SST could cut the mustard in commercial service unless subsidized.

Sonic boom? Intolerable and likely to remain so, with no scientific basis for hope that the problem can ever be licked. Noise near airports? Another black mark against the SST. Other environmental pollution? Serious, possibly with world-wide effects.

Job opportunities? Few if any for those who need them most, the inner-city poor. Effects on domestic economy? Serious danger of added inflationary pressures as a result of competition for skilled workers already employed.

American prestige abroad? This from U. Alexis Johnson, undersecretary of state: "It would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige."

The most telling summary of arguments against the SST probably came from Nixon's science adviser, Dr. Lee A. Du Bridge:

"On the whole, I come out negative on the desirability for further government subsidy for the development of this plane. . . . Any technological benefits which would accrue from its further development, either for civilian or military purposes, would seem to be minimal.

"Granted that this is an exciting technological development, it still seems best to me to avoid the serious environmental and nuisance problems, and the government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance."

On the basis of this sort of advice, President Nixon last September 23 made his decision. He elected to go ahead with prototype development of the SST.

[From the Washington (D.C.) Post, Nov. 17, 1969]

GENERAL QUESADA DECRIED "FORCED" SST PROJECT

A former head of the Federal Aviation Administration has gone on record as opposing Nixon administration plans to push development of a supersonic transport.

Rep. Henry S. Reuss (D-Wis.), a leading critic of the SST, yesterday released testimony given by Lt. Gen. Elwood R. Quesada, FAA chief from 1958 to 1961 and now a director of American Airlines.

Reuss said the Department of Transportation denied the existence of the Quesada testimony, "but finally, after repeated requests, they were able to produce one copy. It had been found in a safe in the office of the Under Secretary of Transportation."

The battle over continued government funding of the SST program will center on the House floor next week when the administration's request for $96 million to develop the plane comes up as part of the department of transportation's appropriation bill.

The testimony produced by Reuss, which he said he would enter in the Congressional Record today, was given by Quesada last March before a presidential task force on the SST.

"I gag a little bit at what I observe to be a tendency to put the supersonic transport program under the aegis of the federal government," Quesada testified. "And more important, sir, I gag at what has been, at least I have observed, an apparent desire to develop this airplane under forced draft; and in my opinion false goals have been established in terms of time."

CONSERVATION IN THE USE OF COAL

Mr. BURDICK. Mr. President, as each passing day brings to light new threats to the quality of our environment, I become more aware of how fortunate I am to be a citizen of North Dakota, where the air is cleaner. However, North Dakota is also being touched by industrialization and must face the attendant problem of environmental pollution.

Since January 1966, the Basin Electric Power Cooperative has operated the 216,000-kilowatt lignite-fueled Leland Olds Station near Stanton, N. Dak. This was the first large lignite-fueled unit in the United States and Canada. One does not have to be an expert in environmental quality control to appreciate the environmental havoc this could have created.

This was not allowed to happen, however. From the outset, the foresighted Basin Electric membership and board of directors established a policy of reducing the adverse effects on the environment of its plant operations. James Grahl, general manager of the Basin Electric Power Cooperative, outlined Basin Electric's program at a recent speech before the Montana Coal Symposium in Billings, Mont.

I ask unanimous consent that Mr. Grahl's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONSERVATION IN THE USE OF COAL

(Presented by James Grahl, general manager, Basin Electric Power Cooperative, at the Montana Coal Symposium, Billings, Mont., Nov. 7, 1969)

Basin Electric Power Cooperative as a wholesale power supplier for rural electric cooperatives located in eight states of the Missouri Basin, including Montana, is presently operating the 216,000 KW lignite-fueled Leland Olds Station near Stanton, N.D. This first large lignite-fueled unit in the U.S. and Canada has been operating since January, 1966. It is fulfilling very successfully its purpose of a low-cost kilowatt-hour factory for the cooperatives.

Because it has a fuel cost of about 1.5 mills/kwh, it is a base load plant, and we burn about 1.2 million tons of lignite per year.

From the beginning, the Basin Electric membership and Board of Directors, as established policy, have tried to reduce the adverse effects on the environment of our plant operations.

However, given the present technology, there is no way of producing the thermal electric power our society requires without affecting our environment adversely. The plants fueled with coal and lignite produce waste heat and ashes, and result in the strip-mining of land. Atomic power plants discharge even larger amounts of heat and result in substantial quantities of radioactive wastes.

A power producer at present has no choice but to build one of the types of plants now available, despite its effects on the environment, but we can do our best to reduce these effects.

Basin Electric has been making such efforts. For example, we have attempted to do something about water pollution. When we started design of our plant, North Dakota had no anti-water pollution law and we could have dumped our ashes (about 60,000 tons per year) into the Missouri River as far as state law was concerned. We do not do that, but impound them in a lagoon and return clean, effluent water to the river. More significantly, we were the only industrial organization, to my knowledge, to support the enactment of the model anti-water pollution law by the North Dakota legislature in 1967.

Our plant does discharge waste heat into the Missouri River. However, at this stage of development along the River, we have been advised by the State environmental health officer that the heat discharged is probably beneficial because it keeps a stretch of the River open during the winter and thus increases oxygenation.

With respect to air pollution, power plants have a problem with the Western coals. Their low sulfur content is desirable because it reduces air pollution by oxides of sulfur, but electrostatic precipitators, designed to remove 96–99% of the fly ash from stack gas, apparently do not work well with low-sulfur ash.

Basin Electric is going to participate with a major equipment manufacturer and the U.S. Bureau of Mines laboratory in Grand Forks in a research program with a large pilot unit to try to develop improved techniques and equipment and more efficient ash removal by electrostatic precipitators when used with plants burning Western coals. The immediate objective will be an improved and more efficient electrostatic precipitator in our second generating unit, of 400,000 KW, to be built at the Leland Olds Station by 1974–75. This research is of especial importance, we believe, because enormous amounts of these Western coals are destined to be burned in power plants in the years ahead. We hope through this joint effort to help minimize the air pollution which this coming development otherwise will cause.

Basin Electric also advocated state legislation controlling air pollution, and such a law was enacted in 1969.

With respect to fly ash, Basin Electric has supported research on the uses of fly ash at the University of North Dakota for several years, by Dr. Oscar Manz. This research already has paid off. As the result of work by Dr. Manz and the North Dakota highway department, lignite fly ash was specified last spring as an acceptable mineral filler for asphalt paving. Several thousand tons of Basin Electric fly ash were used in highway construction this summer, and we expect much more to be used in the future.

I believe we were the first power producer in the Missouri Basin voluntarily to require our coal supplier to grade the spoil banks so as to return them to the "contours of rolling countryside", and to participate with us in experimental plantings. The mining company estimates that the grading adds about 1.5 cents per ton to the price we pay for lignite. Out of an annual fuel bill of about $2 million, we pay about $17,000 for grading the spoil banks so that they look similar to the landscape before it was strip-mined. The planting of trees, shrubs and grasses is still experimental.

Consequently, we can say that spoil banks can be graded so that they are not eyesores, and are passable by vehicles as well as on foot, without unacceptable expense to the consumer of electricity.

Finally, we also have tried to make our power plant an attractive part of the landscape. How to do this puzzled us at first, as it seemed that any large industry facility would stick out like a sore thumb in the open North Dakota prairie. However, it was suggested that the main feature of the landscape was the blue sky. We accordingly used shades of blue for the plant, and Consolidation Coal Company used a matching color scheme for its conveyors and crushing plant. This color scheme worked out just the way we hoped it would. My wife contributed the original suggestion, illustrating that it is sometimes worthwhile to talk about these problems at home.

I have reviewed Basin Electric's efforts in behalf of the environment not to brag but to illustrate that industry can do quite a bit to ameliorate its disturbing effects on the environment with a reasonable degree of effort and at acceptable expense, compared to the total costs of doing business. One reason for our efforts has been to demonstrate this fact, to encourage the relatively undeveloped states of the Missouri Basin to enact regulatory legislation before the industrialization that is coming pollutes the air and water and ravages the landscape to the degree that has happened in other parts of the country.

Montana, with its enormous resources, should make sure it has legislation to require new industrial plants to minimize air and water pollution to the extent technically and economically feasible, and to do a reasonable amount of rehabilitation work on spoil banks. There is no use depending upon voluntary action. It is not reasonable to expect industry to do these things voluntarily, because they do cost money. In competitive enterprises, individual companies will not spend money to reduce damage to the environment when they know their competitors may not do so. If the law requires all to do so, however, then all must operate according to the same ground rules.

Basin Electrics experience is illustrative in this regard. We wanted to install an electrostatic precipitator in our first unit, to take our 96% of the fly ash instead of the 85% which our mechanical collector removes. However, our banker (REA) could not justify the additional investment because it was not required by either State or Federal law. As a consequence, our first unit has the less efficient equipment, as do two subsequent plants built by others.

In contrast, when we included funds for an electrostatic precipitator in our loan estimate for our second unit (of 400,000 KW), the substantial additional cost was approved because it was evident by that time that State and Federal legislation would be enacted which probably would require this increased protection of the atmosphere.

Obviously, it is better and cheaper to install such equipment when a plant is built than to have to modify the plant later or else live with continuing pollution which could have been prevented.

Efforts to minimize adverse effects on the environment are extremely important, but they nevertheless represent a "band-aid" approach compared to what needs to be done if our environment is to be protected to the exent necessary.

To protect effectively our resources and our environment, in view of the great expansion in coal-fired power production in this region in the next twenty years, we need to develop a technology deliberately designed to conserve our fuel supplies, in the case of generating plants, and to minimize the damage done to our air, land and water.

The present technology is not designed for these purposes. For example, coal-burning power plants waste about 65–70% of the heat in the coal. This waste heat has no place to go except into the environment, into bodies of water and the air. There is little at present that a power producer can do about this because it is the only type of plant available. The nuclear-powered plants are even worse and waste a much larger percentage of the heat of fission, again discharging it to the environment.

So one program urgently needed is the development of far more efficient and less primitive methods of converting coal to electric energy. The process termed magneto-hydro-dynamics has a theoretical efficiency of 65%, about twice that of present coal-fired plants, and the solid fuel cell has a theoretical efficiency of about 80%. If we could build power plants with 60–70% efficiency, we then would have to mine only half as much coal to get the same amount of electricity, strip only half as much land, produce only half as much ashes, and discharge to the air and water only half as much waste heat as we do with our present technology.

Such a development would do more to protect the environment that any alternative program. It also would save billons of tons of irreplaceable coal resources.

A second basic step is to find ways to reach more rational judgments about what we use our resources for. At present, the nations of the world devote much of their resources to military purposes. They are providing themselves with weapons of annihilation at a cost of almost 200 billion dollars per year. This annual expenditure represents a huge non-productive consumption of natural resources, and a great deal of air pollution, water pollution, strip mining and other side benefits of industrial and military activity. Man could reduce damage to his environment enormously just by deciding that, with weapons on hand more than sufficient to destroy civilization, production for military purposes can be sharply reduced.

Without water, and the Earth's thin layer of topsoil and thin envelope of air, human life could not survive. Our technological society could not exist without continuing supplies of minerals and chemicals. As far as we know, Earth is the only planet in the Universe on which life is possible.

Our natural resources therefore are precious beyond measuring if we place special value on human life. Since society often places a very low value on human life, it is not surprising that we also have been incredibly unintelligent in selecting the purposes for which we expend our natural resources.

Although organizations like ours should continue to support good conservation practices, we face the fact that our activities in the end will be woefully inadequate unless mankind soon resolves to decide far more wisely and rationally the major purposes for which our resources are used, and to develop technologies for using them far less wastefully.

ENVIRONMENTAL QUALITY: THE ATOMIC ENERGY COMMISSION, CALVERT CLIFFS, AND TRITIUM

Mr. TYDINGS. Mr. President, the decision of the Baltimore Gas & Electric Co. to locate a nuclear powerplant at Calvert Cliffs has generated considerable controversy.

Last May, I submitted a statement on this facility to the Atomic Energy Commission for their hearings in Prince Frederick, Calvert County, Md. In August, the Commission replied to my statement and, at my request, commented on the problem of tritium releases, a problem raised by several members of the Johns Hopkins University faculty.

I, in turn, sent the AEC documents to several distinguished Maryland scientists: Dr. L. Eugene Cronin, director of the Chesapeake Biological Laboratory of the Natural Resources Institute, University of Maryland; Dr. Roland F. Beers, Jr., professor of radiological science at the School of Hygiene and Public Health, the Johns Hopkins University. I asked these gentlemen if they would review the AEC responses and report back to me. This, they kindly agreed to do.

Dr. Merz sent me a paper outlining an experiment he had performed concerning tritium. I passed this on to the AEC a few weeks ago with at least one result being an article in the Baltimore Sun entitled "Radiologist Wins His Point on Possible A-Plant Peril."

Dr. Cronin sent me a paper commenting critically on the AEC papers and enclosing a report that he and Dr. Donald W. Pritchard, director of the Chesapeake Bay Institute, the Johns Hopkins University prepared for the Maryland Board of Natural Resources. I feel that Dr. Cronin makes some extremely good points.

Dr. Beers sent me an analysis of the Commission's papers which take issue with some of the conclusions drawn by the AEC. Dr. Beers' paper is most provocative.

I have passed on the recently received comments of Dr. Cronin and Dr. Beers to the Commission and requested a reply both to myself and the authors. Additionally, I have asked the AEC to send copies to Dr. William W. Eaton, chairman of the Maryland Governor's Nuclear Power Plant Study Commission.

In order to make this information a matter of public record, Mr. President, I ask unanimous consent that the follow-

ing be printed in the Record: First, my statement to the AEC hearing in Prince Frederick; second, a cover letter to me dated August 8, 1969, from AEC Chairman, Dr. Glenn Seaborg, along with the three AEC enclosures; third, the October 14, 1969, story from the Baltimore Sun that I mentioned in regard to Dr. Merz's report; fourth, the comments of Dr. Cronin dated October 14 in a letter to me with attachments; and fifth, the comments of Dr. Beers dated September 10 also in a letter to me with attachments.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS, SUBMITTED TO THE ATOMIC ENERGY COMMISSION HEARINGS ON THE PROPOSED CALVERT CLIFFS NUCLEAR ELECTRIC POWER GENERATING FACILITY, PRINCE FREDERICK, CALVERT COUNTY, MD., MAY 12, 1969

The Baltimore Gas and Electric Company's planned nuclear power station at Calvert Cliffs will be a two unit, 1.6 million kilowatt facility. It will use 5,000 cubic feet of water per second for cooling purposes. This water will be returned to the Chesapeake Bay at a higher temperature than that withdrawn.

The Calvert Cliffs plant will be in full operation by 1974. It will then be the tenth largest power facility in the nation.

The need for this plant cannot be doubted. Our nation has almost insatiable appetite for electricity. Since World War II production of electricity has doubled every ten years. This trend is expected to continue. Our nation's growth depends on an ample power supply being readily available.

This is particularly true for the Baltimore area which in the next decade will experience considerable growth. The Calvert Cliffs plant is designed to serve this area.

Yet with progress comes problems. The discharge of the cooling water affects the ecology of the receiving waters. Scientists consider temperature the primary control of life and report that fish are especially sensitive to changes in the thermal environment. They and other forms of marine life are often unable to adjust to even the most limited changes in temperature.

"For this reason there is growing concern among ecologists about the heating of aquatic habitats by man's activities. In the U.S. it appears that the use of river, lake, and estuarine waters for industrial cooling purposes may become so extensive in future decades as to pose a considerable threat to fish and to aquatic life in general." So writes John R. Clark in the March, 1969 issue of the *Scientific American*.

Thermal pollution must thus be recognized as an important problem, one which may block our achieving a quality environment.

By 1980, the electric power industry will use one-fifth of the total fresh water runoff of the U.S. for purposes of cooling. The scope of this potentially dangerous thermal discharge is therefore large.

The Chesapeake Bay is an invaluable natural resource of Maryland. Its quality cannot be tampered with. The AEC, the business community, and the state and local agencies involved must recognize the great importance of the Bay to the people of our state.

Thermal pollution simply must not be permitted to abuse its water quality.

The proposed facility at Calvert Cliffs will be nuclear powered. Atomic energy has been shown to be a safe and efficient source of future potential energy.

The Atomic Energy Commission proceeds with extreme caution when licensing atomic reactors. It is of course proper that they do so. I am confident that the Commission will exercise considerable and great care with the Calvert Cliffs reactor and that, upon their final approval, the facility will pose no danger of a nuclear nature to the area.

The responsibility of the AEC, however, extends only to issues of national security and health and safety. It has no jurisdiction over concerns of environmental quality. A January 13, 1969 ruling of the U.S. Court of Appeals for the First Circuit affirmed a lower court decision that the AEC did not err in refusing to consider the possibility of thermal pollution from a nuclear power facility. The Court held that the Commission simply did not have the necessary jurisdiction to involve itself in such an area.

This is a serious gap in the legislative authority of the AEC. I respectfully urge the Commission, on is own, to seek redress before the Congress. Thermal pollution is too serious a threat to permit an inactive position on the part of the AEC. Additionally, I urge the Commission to upgrade its informal, advisory contacts with the Department of the Interior in order to insure maximum use of available expertise within that Department.

For my own part I am cosponsoring legislation, the Water Quality Improvement Act of 1969, which in part directs itself to this problem of thermal discharges by requiring certification, consistent with established water quality standards, of permits required for water withdrawals affected with a federal interest.

As a regulated public utility the Baltimore Gas and Electric Company has the responsibility to meet the present and future power needs of well over a million Marylanders. In general the company has served the people well. Their desire to build a plant at Calvert Cliffs reflects their awareness of future power demands in the Baltimore area.

The company has often expressed their willingness to preserve and protect the Chesapeake Bay. I have no doubt of their sincerity and am aware of steps taken by Baltimore Gas and Electric to transform this willingness to action. One particular step that is significant is the extensive consultations that have taken place between the company and concerned state officials. These have resulted in design alterations which lessen the impact of plant operations on the cooling and receiving waters. Such action can only be applauded and recognized as an absolute necessity in the future.

There are, however, two disturbing aspects to this project. The first is the absence of public research on the environmental impact of the Calvert Cliffs facility. The state and the Atomic Energy Commission should not have to rely on company sponsored studies, with or without access to their data. They should be provided with the capacity to conduct independent studies of their own. My second concern involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it. Additionally, as the Washington Post suggests in a May 8 editorial, this lessens the importance of these hearings and lends credence to those who argue that local interests are in fact being overlooked.

An additional problem raised by the construction of new electric power generating stations is the routing of power lines. It is a problem here, as the B.G. & E. lines must go northwest to the Baltimore area, and elsewhere. Present technology does not permit such high voltage lines to be placed underground.

The industry as a whole must recognize that it has an obligation to minimize the environmental impact of these lines, and that this will cost considerable money. Power lines no longer can simply be strung in a straight path, representing the shortest distance between two points. Concern for aesthetics and history must be programmed into the routing. We do not need another Antietam affair. The industry must recognize that the additional expense incurred must be borne as a regular cost of doing business. The public interest does not ask the industry to do this. It demands it, and expects that it will be done.

In concluding, I would like to state that I believe that the proposed nuclear power plant at Calvert Cliffs is needed if Maryland's future electric demands are to be met. Equally necessary, however, is the responsibility of all of us to preserve and protect the Chesapeake Bay. The threat to the Bay from thermal pollution is a real one. To argue that all the nuclear facilities now in existence would raise the temperature of the Bay only one or two degrees is misleading. Thermal discharges are like some poisons: In small dosages they can be lethal. The overall temperature at the Bay may be only slightly affected but a specific portion, the receiving waters, may be severely damaged. I do not think we can be too careful.

We need electric power; we need environmental protection as well.

It is imperative that the appropriate state agencies act now to institute objective, State-sponsored scientific studies of each area of the Bay and its tributaries proposed to be used as a site for a power generating station during the next 20 years. We should determine long before construction plans are finalized whether the site selected by the power company is desirable from a conservation point of view. The study should determine further which areas of the Bay are best suited to absorb thermal discharges without injury to the ecology of the estuary.

[From the Washington Post, May 8, 1969]

NUCLEAR POWER AND THE PUBLIC INTEREST

The storm that has blown up in Southern Maryland over the proposal to locate a nuclear power plant on the Calvert Cliffs at Lusby, Calvert County, is typical of many that will be brewing in the months and years ahead. People who live in the area are worried about the possibility of radiation and heat pollution in the Chesapeake Bay. Others are deeply concerned about the clutter of towers and wires that will be necessary for the transmission of 1,600,000 kilowatts of power to Baltimore. And many others whose lives will not be immediately affected see in this project an unwarranted assault on our natural environment.

As Hal Willard noted in an illuminating discussion of the problem in our Panorama Section on Thursday, 11 nuclear power plants are already under construction or in operation along the Atlantic Coast. Every one has been controversial, and the controversy is certain to mount as additional plants of this kind are planned and constructed. The outcome may cast a long shadow over the future.

It is not a question of whether or not the power companies are planning wisely. Calvert Cliffs, for example, was selected by the Baltimore Gas and Electric Co. from about 50 potential sites. Possibly it is the best location for a nuclear power plant that can be found in the area. It is also clear that elaborate precautions will be taken to make the plant safe and to minimize its impact on wildlife in the area, especially the fish in the Chesapeake Bay. Yet some vital changes in the environment will be unavoidable, and the results of these changes cannot now be fully known.

There is not much comfort in the assurance of one company official that if studies now being undertaken show that "the plant will have significant effects on the Bay then we will have to try to do something about it." When the plant is built and in operation, it will be too late to turn back. Some responsible body ought to be determining before the die is cast, whether the risk is tolerable and if so where the plant can be best located in the public interest.

It is interesting to note that the first public hearing on this project will be held by the Atomic Energy Commission on May 12, although excavation for the plant has been completed and the company has spent millions of dollars for right-of-way, equipment and so forth. The hearing will have the appearance of a mere ratification proceeding for a fait accompli. The company must also obtain a certificate of convenience and necessity from the Maryland Public Service Commission, but this too will seem to be a mere formality. Fortunately, the Maryland regulations will require site approval before construction of another such project can begin, but that does not change the unpalatable facts in the present situation.

The least the country can ask, in venturing into a new field of this kind which may vitally affect the environment, is that a competent and disinterested public body take a careful look at all the available facts before the leap is taken The location of such plants ought to be a major issue before a Council on Environmental Quality, such as Senator Jackson has proposed The hope for cheaper nuclear power must be weighed against long-range risks to all forms of life, and no private enterprise is competent to make such determinations by itself.

U.S. Atomic Energy Commission,
Washington, D.C., August 8, 1969.
Hon. Joseph D. Tydings,
U.S. Senate.

Dear Senator Tydings: I am pleased to enclose for your review, information which we believe will answer some of the concerns expressed in your statement of May 12, 1969, regarding the projected Calvert Cliffs nuclear power plant and its possible effects on the Chesapeake Bay.

At the public hearing held in connection with the application by the Baltimore Gas and Electric Company for a construction permit for this facility, a statement was introduced by several scientists from Johns Hopkins University entitled, "Effects of Nuclear Power Plants on the Chesapeake Bay from an Environmental and Public Health Point of View." In view of the concerns expressed by those scientists about the effects that might result from releases of small quantities of tritium into the Bay during routine plant operation, I am also enclosing two AEC commentaries on several statements made in their testimony on this subject. The first paper presents AEC comments on expected tritium releases from the proposed Calvert Cliffs nuclear power plant in nontechnical terminology. The second is a technical discussion of the same subject, and serves as a basis for the AEC comments on tritium.

I hope you will find this information useful. If we can provide any further information on these matters, please let me know.

Cordially,

Glenn Seaborg,
Chairman.

AEC Comments on Senator Tydings' Statement Regarding the Calvert Cliffs Nuclear Power Plant

The following information is submitted with reference to the statement made by Senator Tydings on May 12, 1969, regarding the Calvert Cliffs Nuclear Power Plant.

"This is a serious gap in the legislative authority of the AEC. I respectfully urge the Commission, on its own, to seek redress before the Congress. Thermal pollution is too serious a threat to permit an inactive position on the part of the AEC."

The Commission recognizes the desirability of controlling thermal effects of released heated water on the environment, and has examined a number of proposed legislative solutions to this problem over the past few years. The AEC favors legislation in this area along the lines of the proposed Water Quality Improvement Act of 1969, introduced in the Senate as S. 7 by Senator Muskie for himself, Senator Tydings, and others. This legislation would require applicants for federal licenses to obtain advance certification from state water pollution control agencies with respect to compliance with applicable state water quality standards, and the AEC would be precluded from issuing any license or construction permit until this precondition had been met. AEC Commissioner James T. Ramey appeared before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works on March 3, 1969, where he testified that the Commission was pleased to support this proposed legislation, subject to certain technical modifications.

The AEC presently lacks authority to impose restrictions regarding the thermal effects of discharges from licensed nuclear facilities. Licensing by the AEC, however, does not relieve the applicant from being subject to the appropriate jurisdictions in other areas which would also be involved if the plant were fueled by coal, oil, or other nonnuclear means. Each state, of course, has the same authority to deal with thermal effects from nuclear power plants as it does from fossil fueled power plants unless in some way restricted by state law. In this connection, the AEC keeps interested state and local officials informed of applications received and licensing actions taken on the proposed nuclear projects.

The Commission recently surveyed the New England utilities that were constructing or operating nuclear power facilities, and found that they all had extensive environmental studies in progress to determine the potential thermal effects of the operation of their facilities. In addition, the AEC is now conducting a survey of all applicants and licensees to obtain detailed information concerning their studies relating to possible thermal effects on the environment.

"Additionally, I urge the Commission to upgrade its informal, advisory contacts with the Department of Interior in order to insure maximum use of available expertise within that Department."

The Commission is cognizant of the Department of the Interior's interest in the thermal effects of such discharges under the Fish and Wildlife Coordination Act and the Federal Water Pollution Control Act, as amended. Under a 1964 Memorandum of Understanding between the Atomic Energy Commission and the Department of the Interior, the AEC routinely obtains expert advice and recommendations on all projected nuclear power facilities from appropriate agencies of the Department. This practice involves the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and more recently, the Federal Water Pollution Control Administration. In addition to comments on the radiological health and safety aspects of the proposed facility, the Fish and Wildlife Service report (which includes FWPCA's comments) also makes recommendations on nonradiological matters, including the thermal effects of the discharge of coolant water in the marine environment. A copy is sent to the applicant, calling attention to the Service's recommendations concerning potential nonradiological effects and urging cooperation with the appropriate federal and state agencies. These reports are also made public and are forwarded to the state and local agencies that may have an interest for their information and use. As indicated above, the Commission is conducting a survey of all AEC licensees to determine the extent of their cooperation, and our information to date indicates that the utilities are cooperating in resolving the various environmental problems that might be associated with the construction and operation of these large facilities.

"There are, however, two disturbing aspects to this project. The first is the absence of public research on the environmental impact of the Calvert Cliffs facility. The State and the Atomic Energy Commission should not have to rely on company sponsored studies, with or without access to their data. They should be provided with the capacity to conduct independent studies of their own. My second concern involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

The AEC has been very conscious of the possible impact of radioactivity in the environment and, realizing that radionuclides released to the environment might find their way back to man through food chains, has for over 20 years funded research programs in this area. The program supports work by many of the Nation's leading scientists, and includes studies of rivers, streams, lakes, and bays throughout the Nation. During the past 12 years about $70,000,000 has been expended in this program, and in our 1969 budget over $9,000,000 is included.

For several years, the AEC has supported research by scientists at Johns Hopkins University on the ecology and movement of water in the Chesapeake Bay. Three contracts for research are now in force. One is for ecological studies of the Bay, from the Susquehanna River to near the south end of the Bay, from the Susquehanna River to near the south end of the Bay. Another is for a study of plankton and other small organisms in the Bay. The third is for dye studies of the dispersion of plumes in the near-shore environment (which have been in progress since 1962). This work is designed to predict the dispersion of both heat and radioactivity in the Bay. The total expenditure on these contracts, including money for 1969, is about $1,590,000.

Much of the work on behavior and fate of radionuclides in the environment will become available in a new book by the National Academy of Sciences—National Research Council entitled *Radioactivity in the Marine Environment*. This volume, sponsored by AEC, will be published early in 1970, and will summarize knowledge gained from studies of nuclear tests, nuclear reactor effluent in the environment, and natural radioactivity. Nearly all of the work on behavior, fate, and effects of radionuclides on the environment is also published in the open scientific literature.

The AEC also has been supporting research in thermal effects. The Research, Development and Demonstration Subcommittee of the Federal Council for Science and Technology's Committee on Environmental Quality is currently making a study of Federal Government activities in this field. Their data show that of $867,000 committed to thermal pollution research in 1969, 54 percent ($471,000) is being provided by the AEC.

The second concern "involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

It was noted above that much research by many qualified biologists and ecologists in many areas of the Nation has been and still surveys in the vicinity of reactors now in operation—both power reactors and AEC-owned reactors—have shown no deleterious effects on the environment. In a recent survey by the U.S. Public Health Service in the vicinity of the Dresden nuclear power plant in Illinois, for example, it was found that radioactivity levels contributed by the Dresden plant were so low that it was difficult to distinguish the levels either from natural background radioactivity or from fallout.

As to the relation between research and actual construction at the site, the research and experience mentioned above were taken into account by the AEC regulatory staff in its consideration of the site and of the proposed plant. The staff's position set forth at the public hearing was based on this research and on the knowledge that environmental effects can be controlled by limiting the radioactive effluents. Specific limits for such effluents will be incorporated in any operating license which may be issued for the facility; nonetheless, the AEC's Division of Biology and Medicine is currently negotiating with the University of Maryland for a comprehensive ecological study in the vicinity of Calvert Cliffs. This study is part of a planned program for in-depth study of typical power plant sites, Calvert Cliffs being representative of a bay site. It should be noted that the Calvert Cliffs Unit 1 is not scheduled for operation before January 1973, and Unit 2 not before January 1974. If an operating license is issued, the licensee will be required to monitor effluent releases to assure that radioactivity in such releases from the facility are within limits prescribed in the license and AEC regulations. The licensee will also make periodic radiological surveys of the environment in the vicinity of the site in order to detect any significant increase in radioactivity and assure that exposures of the public that may result from releases are well within radiation protection guides.

The Commission understands that Baltimore Gas and Electric Company has also initiated three basic studies relevant to the question of thermal effects on Chesapeake Bay. The first of these involves general oceanographic studies being carried out by Sheppard T. Powell Associates to assemble data on the physical characteristics of the Bay at the Calvert Cliffs site to obtain basic information such as depths, flow, temperatures, salinity concentrations and tide levels.

The second program involves model studies of the Bay being carried out by the Alden Research Laboratories of Worcester Polytechnic Institute. A scale model of a 34-mile stretch of the Bay has been utilized for some time to study the thermal dispersion of cooling water leaving the plant. The stated objective of these studies is to provide information for appropriate design of the intake and discharge structures to minimize thermal effects in the Bay. These model studies are being followed by a model advisory committee appointed by the Board of Natural Resources of the State of Maryland. The committee, which consists of three states representatives and three company representatives, is expected to report on the results in the near future.

Baltimore Gas and Electric Company's third program is being conducted by the Academy of Natural Sciences of Philadelphia to obtain base line information on aquatic life in the vicinity of the plant site. This broad program involves accumulation of information on physical, chemical and bacteriological characteristics of the water, plankton studies, and population and reproduction studies of fish and shellfish species of importance in the Bay. The general objective of the work by the Academy is to establish a basis for comparison with corresponding data obtained after the plant may be placed in operation.

The Baltimore Gas and Electric Company has indicated that it will design and operate the plant in such a manner that the water quality standards of the State of Maryland are met. From the standpoint of thermal effects, this involves provisions in the design and operation of the condensers such that the temperature elevation would not exceed 10° F above natural water temperature. In addition, a limit of 90° F would be set for cooling water discharges, taking into account a small mixing zone to be specified by the Department of Water Resources of The State of Maryland.

It is the understanding of the Commission that the State Department of Water Resources has authority to decide whether Bay water may be used for cooling purposes, and that the Company will file an application in the near future with that Department seeking authorization to use Chesapeake Bay water for cooling purposes.

"Additionally, as the Washington Post suggests in a May 8 editorial, this lessens the importance of these hearings and lends credence to those who argue that local interests are in fact being overlooked."

Sites for nuclear power plants are selected by the utility which proposes to build such facilities, and the AEC's jurisdiction in this respect is limited to consideration of the suitability of the site and the other features of the proposed reactor that have a bearing on radiological health and safety. Insofar as the local interests are related to matters such as zoning, aesthetics, and land acquisition, the AEC has no regulatory authority to deal with them. These matters, however, are traditionally considered by state and local jurisdiction.

With respect to matters within the AEC's jurisdiction, excavation work and some concrete construction had been done at the Calvert Cliffs site prior to the public hearing. Under the AEC's regulations, site preparation is permitted, and in certain circumstances limited construction may take place under exemptions as provided in the regulations; however, all such work done prior to the issuance of a construction permit represents only a very small fraction of the total cost of the facility and is done wholly at the risk of the applicant. The fact that such work is permitted does not mean that a construction permit will be issued. For example, the regulatory staff recommended against the construction of a nuclear power plant by Pacific Gas and Electric Company at Bodega Bay, and the Company withdrew its application after the expenditure of several million dollars in work on the site.

AEC COMMENTS ON TRITIUM RELEASES FROM THE PROPOSED CALVERT CLIFFS NUCLEAR POWER PLANT[1]

Public hearings were held in May, 1969, on the proposal to build a nuclear electric power plant at Calvert Cliffs on the Chesapeake Bay. At these hearings concern was expressed by interested citizens as to the possible environmental effects that might result from routine releases of low levels of radioactive hydrogen (tritium) into the Bay. A careful review of the information available on this question leads to the general conclusion that the resulting radiation exposures to members of the public who would come into contact with Bay waters or with food from the Bay would be a very tiny fraction (not more than a few millionths) of levels considered acceptable by national and international advisory groups (the International Commission on Radiological Protection, National Council on Radiation Protection and Measurements and the Federal Radiation Council). The biological effects, if any, of exposures to such a low level would be too small to be detected, even if very large populations were exposed, and would have no ecological significance. In deriving limits for tritium applicable to members of the general public, these expert groups have taken into account the unique energy and absorption properties of tritium as they relate to distribution of the dose in body tissue.

Tritium is a form of hydrogen, with chemical behavior very similar to ordinary hydrogen. Water containing tritium acts chemically like ordinary water; most of it passes through the human body very rapidly. More than half of the tritium taken up by the body is passed on within three to ten days; practically all remaining molecules of water containing tritium are gone within sixty days. It is this rapid turnover that has made tritium a valuable research and diagnostic tool to doctors and radiobiologists.

The only radiation exposures from tritium of interest are exposures that would result from the small amount that would be taken into the body by absorption or through contact with Bay water or eating food from the Bay over extended periods of time. The external exposure to the very low energy radiation from tritium is of no interest since it is absorbed harmlessly in the insensitive outer layer of skin.

To bring the exposures to tritium from the Calvert Cliffs reactor into perspective, consider an extreme case. Assume that an individual obtains his drinking water from a water supply containing the same concentration of tritium as the coolant water proposed to be discharged from the Calvert Cliffs plant before dilution in Bay water. Assume also that he obtains his entire food supply from aquatic plants and animals growing in the same water supply.

The resulting annual radiation exposure that this individual would be expected to receive from tritium contributed by the reactor could not exceed one millirem per year to the whole body. This amount of exposure is about one five hundredths (1/500) of the exposure considered acceptable for individuals in the general public and one one hundredth (1/100) of what a person in this area receives every year from natural sources.

In the Calvert Cliffs situation, however, possible exposures involved would be at least a thousand times lower, less than 0.001 (1/1,000) millirem per year, for the following reasons. Water in the Bay is not used for drinking. In addition, the water discharged from the plant will be diluted many fold by the water in the Bay. Furthermore, of course, it is doubtful that many persons would obtain more than half of their protein from the Bay.

What is known about the relative biological importance of this small an exposure? In this regard, a large number of research programs on these subjects have been and are being undertaken. The results of this research on biological and environmental effects of radiation provide a solid background against which to consider this question. In particular, there is much known about the biochemical behavior and effects of tritium. For example, a report by L. E. Feinendegen, "Tritium-Labeled Molecules in Biology and Medicine", Academic Press, 1967, provides a mass of sound information on the questions raised and includes references to approximately 1,000 experimental studies of the behavior of tritium in the body, more than 100 studies of its effects on the body, and nearly 400 articles on experimental techniques. The probability of effects from exposures of 0.001 millirem per year is extremely small. This is far below the level where even minimal effects have been observed. Even so, in developing radiation protection standards, it has been assumed, as a matter of prudence, that there may be some risk associated with any exposure, however small.

It can be stated with confidence that the effects, if any, of an exposure of 0.001 millirem from tritium will not differ substantially from those that might result from an exposure of a similar level to radiation from natural sources. We have been unable to detect any biological effects due to natural background levels of radiation (natural background in most sea level regions averages 100 millirems/year; which is 100,000 times larger than the exposure that would result from the tritium from the Calvert Cliffs reactor).

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[1] The quantities of tritium that would be released from the Calvert Cliffs Nuclear Power Plant discussed in this paper refer to releases expected from one nuclear unit of 2700 thermal megawatts capacity as described in the construction permit. It is noted that the Baltimore Gas and Electric Company has construction permits for two such units—one scheduled for operation not before January 1973, and the other scheduled for operation not before January 1974. The quantities of tritium that would be released from the second unit would be approximately the same as from the first unit.

To put an annual exposure rate of 0.001 millirem per year into perspective in day-to-day terms, it can be compared to variations in background radiation levels from place to place. For example, if a person living in Baltimore moves to Cumberland, Maryland, his average annual exposure rate from natural background cosmic radiation alone would be increased by approximately 3 millirems per year. This difference is about 3,000 times any exposure that might be expected to result from eating Chesapeake Bay fish and shellfish containing tritium from the Calvert Cliffs reactor.

There has been a suggestion that the exceedingly dilute concentrations of tritium might become concentrated by processes in nature. For some elements this can and does happen. But there is no theoretical or experimental support for a conclusion that significant separation of tritium from hydrogen can occur by natural chemical or biological means. These properties of tritium tend to prevent concentration of tritium by biological processes, for example, in the food chain.

Concentrations of tritium in the cells of an animal feeding on aquatic organisms cannot be higher than the concentration in the water where the aquatic organisms live, unless there are biological processes which concentrate the tritium relative to hydrogen. A great deal is known about the biological behavior of tritium. There is no evidence for a biological mechanism capable of incorporating the tritium in water into tissue at substantially higher concentrations than were originally present in the water. Experimental studies indicate that, on the average, there will be substantially the same ratio of tritium to ordinary hydrogen in the animal using the water, as was present in the water itself.

A portion of an individual's diet, let us say, consists of fish from the Chesapeake Bay which contains a minute increase in tritium concentrations (above that from natural background) as a result of the operation of the proposed nuclear plant. The tissues of the fish would have a tritium concentration comparable to that present in the Bay. In the normal process of digestion, some organic molecules (building blocks) may be incorporated directly into new tissues. This new tissue then would have a tritium concentration comparable to that present in the fish. This conclusion applies to all tissue cells, including those of genetic concern. Hence, the suggestion of a concentration mechanism for tritium in nature of any importance is unsupported by either theoretical or experimental considerations.

AEC TECHNICAL DISCUSSION ON TRITIUM RELEASES FROM THE PROPOSED CALVERT CLIFFS NUCLEAR POWER PLANT

The following discussion is addressed primarily to one question: Can tritium released as T_2O or HTO into the Chesapeake Bay from the proposed Calvert Cliffs reactor become more concentrated or, with respect to hydrogen, more enriched as it moves along natural food webs to man? The answer arrived at is *no*. In addition, based upon information furnished to us on tritium release rate, bay size and flush time, we have assumed a simple model and estimated the equilibrium concentration for reactor-produced tritium in the bay and the resultant dose rate.

The suggestion has been made that tritium will concentrate significantly in organic compounds as it moves upward through a food web and that higher concentrations, particularly in genetic material, could ultimately be achieved in man. We know of no mechanism that would tend to support this suggestion. Organisms living in the bay should ultimately have the same ratio of tritium to hydrogen (T/H)[1] in their organic molecules as the T/H ratio in the water in which they grow. This equilibrium will be reached slowly on the order of a few years.

Any presumed biological concentration of tritium would have to result from differences in rates of chemical reactions involving the heavier tritium atom as compared to the lighter hydrogen. In general, the compounds in living organisms are present in concentrations which result from the steady state processes of formation and destruction. There is a tendency for tritium to remain behind in those reactions involving transfer of hydrogen (which must initially come from H_2O) *to* a compound, but there is also a tendency for tritium to remain behind in reactions transferring hydrogen *away* from the organic compound. The net effect of these two opposing processes is to keep the T/H ratio approximately the same as in the ambient water once this ratio has been closely approached.

The statement that tritium decay within the cell nucleus is particularly hazardous simply paraphrases the well-known fact that the nucleus of the cell is more radiosensitive than is the cytoplasm. This is true whether the ionization be from X-rays, gamma rays, or radioactive isotopes. This fact, in conjunction with the supposition that tritium concentrates to a high degree locally in the cell nucleus and deposits the energy resulting from its decay in this more radiosensitive volume leads to an implication that tritium is uniquely hazardous. But, as pointed out above, there is little reason to assume that such localization occurs; and since the volume of the cytoplasm is about 10–30 times larger than the volume of the nucleus, homogeneously distributed tritium atoms would expend their energy proportionately more frequently in the cytoplasm. Such irradiation of the cytoplasm contributes little to lethality or to mutations.

The point has been made that the concentration of tritium in specific portions of the cells of people eating seafood from the bay could become substantially higher than that predicted from the concentration of tritium in the water in which the marine life lived. In particlular there is concern that tritium might accumulate in deoxyribonucleic acid (DNA), the genetic material of the cell. DNA is a polymer that is synthesized from building blocks of purine and pyrimidine nucleotides. Higher organisms such as man obtain these building blocks from their diet and through biosynthesis from more elementary cell constituents.

With regard to the present matter the worst case would be if all of the building blocks came from the diet. Then, all of the newly formed DNA would have the same tritium concentration as that of the seafood ingested. The tritium concentration of these building blocks from the diet, however, could be no higher than that of the water in which the organisms lived. Calculations to be presented later show that even this level would represent a small addition to the present tritium background.

Higher organisms such as man also synthesize their own purine and pyrimidine nucleotide building blocks. The tritium concentration of these molecules will depend on the tritium concentration of dietary water. So to the extent that other sources of water are part of the diet the tritium concentration of these building blocks would be accordingly reduced. From either consideration the tritium concentration in the DNA in cells of people would not be higher than that of the seafood they ingest and the expectation is that it would be far less.

Extensive measurements of tritium concentrations in animals from the Nevada Test Site and the Savannah River Project, where ambient tritium levels in certain areas are far higher than those anticipated near the Calvert Cliffs reactor, confirm the above assertion that there is no evidence for concentration of tritium in organic molecules as tritium passes up through the food web.

As indicated earlier, we have calculated very roughly the anticipated equilibrium concentration of tritium in the bay and the radiation dose rate to the bay water from this concentration. The calculations are based on the following assumptions:

1. 2,910 curies of tritium released per year and uniformly distributed in the bay[2]
2. A physical half-life of tritium of 12.3 years; therefore, a mean life of 17.7 years
3. A bay volume of 6.4×10^{12} cubic feet (1.8×10^{11} cubic meters)
4. Mean residence time ("Flush" time) of water in the bay is 2.3 years, and the bay is considered to be a homogeneous well-mixed reservoir having a rate of discharge that is proportional to its volume. We think that this value is conservative because it does not consider tidal action. A more realistic value would be about one year.

Using these assumptions, the equilibrium concentration would be 3.3×10^{-8} microcuries of tritium per cubic centimeter (a T/H ratio of about 10^{-17}) and the radiation dose rate would be 4.0×10^{-7} millirad per hour or about 3.6×10^{-3} millirad per year. This dose rate represents about 1/30,000th of natural background radiation. One might also compare the value of 3.6×10^{-3} millirad per year with the larger whole-body radiation dose rates of about 19 and 1 millirad per year, which man continuously receives from the decay of naturally occurring ^{40}K and ^{14}C, respectively. The dose rate from all sources of natural background is roughly 100 to 150 millirad per year but may vary considerably depending on numerous factors such as altitude, geography, and shelter construction. We fully realize that the current philosophy of radiation protection does not recommend unnecessary additions to background radiation-dose rates; the values are used for illustrative and comparative purposes and show that the dose rate from reactor-produced tritium is small compared with dose-rates associated with natural sources.

The foregoing calculation is more applicable to sites near the head of the bay. The assumption that the tritium will distribute throughout the entire volume of the bay is perhaps invalid because the reactor is not sited at the head of the bay. Because Calvert Cliffs is part way down the bay, the "flush" time will be shorter than the one assumed and the "flush" time is the most important single factor determining equilibrium concentrations.

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[1] As used throughout this discussion, the ratio of tritium to all hydrogen isotopes (T/H) is the specific activity of tritium. The standard tritium ratio (TR), previously called a tritium unit (TU), is defined as a tritium-to-hydrogen ratio of 10^{-18} (i.e., one atom of tritium per 10^{18} atoms of hydrogen). On a water concentration basis, a TR of 1.0 is $3. \times 10^{-9}$ microcurie per cubic centimeter.

[2] The quantities of tritium that would be released from the Calvert Cliffs Nuclear Power Plant discussed in this paper refer to releases expected from one nuclear unit of 2700 thermal megawatts capacity as described in the construction permit. It is noted that the Baltimore Gas and Electric Company has construction permits for two such units—one scheduled for operation not before January 1973, and the other scheduled for operation not before January 1974. The quantities of tritium that would be released from the second unit would be approximately the same as from the first unit.

It is recognized that the tritium releases may vary in magnitude at different times and that back waters may accumulate higher concentrations in limited volumes of bay water. However, the radiation dose would still be small, about 1% of natural background, even if these local concentrations reach 300 times the anticipated average. Furthermore, the population of bay organisms exposed to these higher concentrations would necessarily be smaller and hence quantitatively less important as regards human consumption.

Because biological enrichment of tritium relative to hydrogen is not known to occur, the equilibrium concentration and dose rates calculated above would apply to a human cell and to the nucleus of a human cell. There are about 1.57×10^{11} hydrogen atoms in the DNA of the mammalian cell nucleus. Thus, using an estimate of 5×10^{-16} for the *current* T/H ratio, a total of 8×10^{-5} tritium atoms would be expected in the DNA of a cell. Put another way, 80 cells per 10^6 cells would have a tritium atom associated with its DNA. Recent unpublished data from the USPHS give T/H ratios of $1–2 \times ^{-16}$ for water in the Susquehanna and Potomac Rivers in the spring of this year.

By comparison the T/H equilibrium ratios of roughly 10^{-17} to be reached in the bay water from reactor-produced tritium alone would produce an additional 1.6×10^{-6} tritium atoms in the DNA of a cell. That is, another 1.6 cells per 10^6 cells would have a tritium atom associated with its DNA.

RADIOLOGIST WINS HIS POINT ON POSSIBLE A-PLANT PERIL

(By Jerry Stilkind)

ANNAPOLIS, October 13—Dr. Timothy Merz, a radiologist at the Johns Hopkins University, was unsatisfied back in May, when scientists for the Atomic Energy Commission (AEC) denied there would be danger from radioactive by-products of the proposed Calvert Cliffs nuclear power plant.

So, early in the summer, he ran some simple experiments using the kind of fish and tanks common in many homes. What he found was stunted, radioactivity-harmed fish.

He told Senator Joseph D. Tydings (D., Md.) about his experiment with the radioactive isotope known as tritium. The senator spoke to the AEC, and last month, Dr. Merz said, he got a telephone call from a commission scientist.

Then, and only then was he told that the AEC knew of previous experiments which had indicated tritium could get into the genetic cells of plants and animals and create havoc.

"The real immorality of the AEC is that information is not readily available. They are not being flat-out truthful, . . . with the public," Dr. Merz said today.

Dr. Merz is concerned about the nuclear plant being built at Calvert Cliffs because he is certain more such plants are planned and that no one really knows how dangerous tritium may be.

"A single plant in this single location is no problem. But this is an industry, a commitment to a way of life. Three nuclear units are being built on the Susquehanna River (which empties into the Chesapeake Bay) and one on the James River. Baltimore Gas and Electric (which is building the Calvert Cliffs plant) owns two more sites on the bay," he asserted.

Tritium, a radioactive isotope of hydrogen, normaly is found everywhere on earth in tiny amounts so small as to present no danger to living things, the Hopkins sicentist said.

"But it becomes 1,000 times more dangerous inside the cells of plants and animals, according to recent experiments," Dr. Merz said.

He fears that tritium may produce leukemia in those who get heavy doses of the radioactive substance, and that it may cause mutations in the genes, resulting in deformed offspring.

Dr. Merz was one of a small group of faculty members from the Hopkins School of Hygiene and Public Health at a public hearing held last May by the AEC on the application of Baltimore gas to build the plant. The AEC later granted the permit.

"The entire safety reactor board of the AEC was there. Baltimore Gas had is engineers and consultants and equipment manufacturers had their engineers there. They said there was no reason to expect any danger of tritium getting into the genetic material through the food chain," Dr. Merz said.

The power company said its plant would produce about 5,800 curies of tritiated water a year, far below the AEC's maximum allowance of about 12 million curies a year, he said.

The cooling process in the plant would produce the isotope tritium instead of normal hydrogen, which then combines with oxygen to form water.

Dr. Merz went back to his laboratory, and, working with James D. Shaeffer, a graduate student in radiation biology, he set up three fish tanks. In one they placed heavily tritiated water, algae, other plants, snails and black mollies. The fish and snails fed on the algae and the snails on the other plant life as well.

In a second tank they placed all of the above except algae. The fish had to depend on food fed to them by the experimenters.

"In five days there was radioactive material in the snails and fish.

"The question was whether tritium, simply because it was in the water, would get in the genetic material of the fish and snails.

"It does," Dr. Merz concluded.

A third tank was filled with regular water, and the fish thrived as much as those cared for in any home.

Re Proposed Calvert Cliffs Nuclear Power Plant.

UNIVERSITY OF MARYLAND,
NATURAL RESOURCES INSTITUTE,
Solomons, Md., October 14, 1969.

Hon. JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: In response to your request, I am enclosing comments on the Atomic Energy Commission report to you on the proposed Calvert Cliffs Nuclear Power Plant. I regret some delay in this response but ot her obligations have been unusually demanding in the last month.

I have made rather detailed comments on the first report from AEC, that dealing with general characteristics and procedures in the Calvert Cliffs matter. These are intended to clarify the situation for your information and to provide certain suggestions.

My general feeling at this point in time is that a very large environmental change is being created in the Chesapeake and our information is not sufficient to provide a firm basis for reasonably accurate prediction of the effects. This, in my opinion, is a dangerous way to proceed although I recognize that the Baltimore Gas and Electric Company has made unusual efforts to take as much advantage as possible of present technology and knowledge. The question is not, however, whether or not they are earnest. The question is whether or not such information is adequate. Frequently, it is not.

I have limited my comments almost entirely to the procedure and to thermal effects. I am not expert in nuclear effects and can provide no specific analysis of the reports which they have given you dealing with tritium and its possible effects in the Bay. As you know, a group of radiological scientists at Hopkins have expressed considerable concern about this matter but I have not added to their comment. Again, I have the impression that this quantity of material in this form presents a new problem when it is introduced into a rich estuarine system. Some predictions are available but they really are not all that should exist before such a change.

It seems to me that we urgently need clear and conservative polices on such changes in the Bay, that we must greatly increase our knowledge and understanding of the areas of the Bay which are subject to high danger and those which are usable for industrial purposes, that broad consideration at the beginning of such developments should involve the State in questions of siting, sizing, cooling techniques, the fuel to be used, and that alternate methods of cooling power plant heat wastes should be more rigorously examined.

Recently, Dr. Pritchard and I developed a statement on research requirements which I am enclosing for your information.

Thank you for your interest in and concern about these important matters.

Cordially,

L. EUGENE CRONIN,
Research Professor and Director.

THE JOHNS HOPKINS UNIVERSITY,
SCHOOL OF HYGIENE AND HEALTH,
Baltimore, Md., September 10, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR MR. TYDINGS: I have reviewed the AEC documents and submit the following comments:

(1) In the general report and the technical report the issue of concentration of tritium by living organisms is raised as a potential hazard and correctly dismissed. No studies have demonstrated any marked capacity of any living organism to concentrate preferentially tritium in the manner described for zinc in oysters and other shell fish. On the other hand, none of the qualified critics of the tritium standards have considered this to be a valid issue. Consequently, a great deal of discussion and argument has been generated by both the AEC and the Baltimore Gas and Electric Company on what is in my opinion essentially a red herring. Hopefully, this issue can be truly dismissed and not brought up again for further discussion.

(2) The statement on page 1 of the general report with respect to the public hearings cannot be substantiated and is, in fact, an extrapolation rather than a factual observation. Specifically,

"A careful review of the information available on this question (environmental effects) leads to the general conclusion that the resulting radiation exposures to members of the public who would come into contact with Bay waters or with food from the Bay would be a very tiny fraction (not more than a few millionths) of levels considered acceptable by national and international advisory groups (the International Commission of Radiological Protection, National Council on Radiation Protection and Measurements and Federal Radiation Council)."

This raises the serious question of whether such organizations have established proper standards. If the wisdom and knowledge of the experts were infallible and these statements could be accepted at their value then there would be no argument. It is precisely the disagreement with such organizations that has led to the current controversy.

"The biological effects, if any, of exposures to such a low level would be too small to be detected, even if very large populations were exposed, and would have no ecological significance."

These are opinions and not facts. The question of detection is dependent to a large degree upon the sensitivity of the method of detection. At this University by the use of highly sensitive cytogenetic techniques previously undetected radiological effects have been observed on children's blood forming tissue exposed to diagnostic levels of x-rays. Rats receiving radioactive calcium (Ca-45) deposited in their bone show profound chromosomal changes at levels of Ca-45 which approach those levels now considered safe for clinical diagnostic studies in children. In other words, in reference to the previous statement, the standards set by the various commissions are probably too lax, especially when these standards are applied to the entire population rather than to just a select group.

"In deriving limits for tritium applicable to members of the general public, these expert groups have taken into account the unique energy and absorption properties of tritium as they relate to distribution of the dose in body tissue."

If the true biological effects of tritium were taken into consideration these experts would have to account for the fact that one tritium atom can produce a mutation when it is at the right spot, can kill one bacterial cell (equivalent to 200 rads) and, in general, does not display the simple dose-response curves observed with x-rays and other high energy radiation that distributes its energy along a diffuse path.

"Tritium is a form of hydrogen, with chemical behavior very similar to ordinary hydrogen. Water containing tritium acts chemically like ordinary water; most of it passes through the human body very rapidly. More than half of the tritium taken up by the body is passed on within three to ten days; practically all remaining water molecules of water containing tritium are gone within sixty days. It is this rapid turnover that has made tritium a valuable research and diagnostic tool to doctors and radiobiologists."

As long as tritium remains as water this conclusion is essentially correct. However, it is quite erroneous to dismiss the residual that does not remain as water. It is in an organic form which, depending upon its location, can produce small or major cytological damage. Tritium as a diagnostic tool is in my opinion potentially a very hazardous one. At one time, for example, thorotrast was a favorite radiopaque material to use for contrast in x-ray studies, until the observation was made clinically of an alarmingly high incidence of leukemia and other malignancies in patients who had received injections of thorotrast for angiograms and other vascular studies. Furthermore, diagnostic studies are designed for ill persons who have need of information from such studies and therefore must accept such risks. The population at large does not need to be and must not be required to accept such risks.

The statements on page 2, paragraphs 2 and 3, and page 3, paragraphs 1 and 2, again ignore the qualitative difference between radiation of tritium, ingested in a form that renders its deposition in the body relatively permanent, and external radiation. One cannot talk rationally about millirems of radiation from tritium and compare this with millirems of x-rays.

The reference to the volume by Feinendegen in paragraph 3 of page 3 is a paradoxical inclusion in the report insofar as answers to questions about the adverse effects of tritium are concerned. The author cites 350 references on the subject of the incorporation of exogenous precursors of tritium (chapter 5) and only 128 references on the toxicity of tritium (chapter 6). There are some statements of his on toxicity that bear quoting:

p. 317: "It is, however, obvious that a single maximum permissible burden of tritium (or tritium labeled compound) in an organism cannot be recommended as generally valid for all labeled compounds. An extreme example is the comparison of toxicity of tritiated water and H^3-thymidine. The latter being concentrated in the cell nucleus was found to be about 1000 times more toxic than tritiated water in comparable doses in HeLa cells in culture. It has been estimated that under various conditions in the total animal body H^3-thymidine, because of its selective incorporation into DNA, may deliver a dose to the chromosomes of proliferating cells from 50 to 50,000 times greater than that delivered from tritiated water administered to the animal in equal amount of microcuries."

p. 317: "Conclusion. Since the radiation absorbed from the tritium beta particle cannot be expressed easily in most instances in conventional terms of comparative dosimetry, predictions as to the degree of toxicity to be expected from a certain dose of tritiated compound are frequently vague. Radiation effects from tritium in living systems must be determined experimentally for each class of tritiated compound."

p. 343: "The information on tritium toxicity in higher cells thus far is incomplete for expressing the effect as a function of either the number of tritium disintegrations per target or of absorbed dose. For the latter the geometry of the source with respect to the target must be known."

P. 345. "Considering the accumulation of tritiated metabolites in cells, especially that of H^3-thymidine in DNA with the concomitant possibility of late somatic and genetic effects, tritium-labeled compounds should not be given as tracers to man, unless the life expectancy is limited and fertility is excluded. Further data on long-term experiments are needed to better asses the mutagenic and carcinogenia properties of H^3-thymidine and other tritiated precursors until valid recommendations as to permissible dose are possible.

These statements hardly support the rather confident statement of the AEC report. The statement on page 4, "It can be stated with confidence that the effects, if any, of an exposure of 0.001 millirem from tritium will not differ substantially from those that might result from an exposure of a similar level to radiation from natural sources."—is in view of the quotations above quite false. And the next statement in the same paragraph:

"We have been unable to detect any biological effects due to natural background levels of radiation (natural background in most sea level regions averages 100 millirems/year; which is 100,000 times larger than the exposure that would result from the tritium from the Calvert Cliffs reactor)."—is equally irrelevant, both because the detection methods are not specified and background radiation and tritium radiation cannot be compared on the basis of simple dosimetry (rad or rem).

The AEC and the Baltimore Gas and Electric Company are asking that the population of Maryland accept a "tracer" dose of tritium as a price for electrical power. The AEC uses the authority of Feinendegen to support this position, despite his statement on page 345 (quoted above).

(3). The "technical" report adds little, chiefly because of the first sentence:

"The following discussion is addressed primarily to one question: Can tritium released as T_2O or HTO into the Chesapeake Bay from the proposed Calvert Cliffs reactor become more concentrated or, with respect to hydrogen, more enriched as it moves along natural food webs in man?"

Most of the discussion that follows is either a reply to this question or amplification of it. However, on page 2 is the statement:

"there is little reason to assume that such localization occurs;"

There is ample evidence for such localization, depending upon the tritium labeled precursor. Tritiated thymidine goes to the DNA. The extent of incorporation into DNA is dependent upon the rate of replication of DNA which in turn is a function of the rate of cell division. Thus, any tissue undergoing rapid growth will incorporate tritiated thymidine perferentially over tissue not growing rapidly. Children will incorporate more tritium under these conditions than adults, as will fetuses of pregnant women, etc. Most important from the standpoint of the genetic pool is the rate of incorporation into the germ cells of growing children, the oogonia and spermatogonia. These rapidly dividing cells will selectively pick up more tritium through the selected precursors than, say, bone or brain tissue or the body as a whole. This does not mean that the tritium would be concentrated or enriched at levels higher than those observed in the "environment" or the food chain. It simply means that the distribution in the organism will be unequal, depending upon the relative growth rates, metabolism of the tissues and the form of the tritium precursor.

(4). Considerable attention has been given to refuting the hazards of tritiated water (see above quotations), but the major hazard lies in the form of tritium existing in the food chain, a point which Dr. Merz has emphasized in his discussion with you. This goes directly to the ecological problem itself, both with respect to the distribution of tritium in the food chain and the effects of tritium on the food chain. The latter can be either lethal, non-lethal (somatic) or genetic. They can be observed very early or perhaps not for ten or fifteen years or longer: hence, the reasons for refuting any statement that no ecological effects have been observed. We have had too many examples of accepting such blanket statements, that is, until Rachel Carson appeared on the scene.

(5). A point not touched in the AEC report, but one which overrides all others, is the cumulative effect of a proliferation of nuclear power plants. In other words, we may be able to tolerate one Calvert Cliffs plant with the present standards but there is little evidence to support the conclusion that we as a nation can tolerate 100 or even 50 with the present standards. It is this prospect more than anything else which generates the great source of concern amongst the physicians, biologists and ecologists. Rather than elaborate on this point in this letter, however, I am enclosing some recent statements relating to the over-all picture of nuclear power generation that have been or will be published in the Baltimore Sun.

I trust these remarks will be of some value to you.

Sincerely,
ROLAND F. BEERS, Jr., M.D., Ph. D.,
Professor of Radiological Science.

REVIEW AND COMMENTS ON REPORTS DEALING WITH PROPOSED CALVERT CLIFFS NUCLEAR POWER PLANT

(By L. Eugene Cronin, Director, Natural Resources Institute, University of Maryland, October 8, 1969)

Reference 1: AEC comments on Senator Tydings' statement regarding the Calvert Nuclear Power Plant.

Special comments (see marginal numbers on attached copy of Reference 1):

1. The prior approval by Maryland agencies which AEC favors has not, in this case, been given. Therefore, in AEC's opinion, we are operating in a sequence which is undesirable.

2. and 3. The apparent limitation of AEC's responsibility to radiological effects has long disturbed me. Many states are not yet ready to deal competently with thermal problems many times as large as any previous experience. In addition, there is apparently no regional or national review and control of the location and magnitude of large nuclear plans nor of large fossil fuel plants. The type of control which the Federal Power Commission exerts over hydroelectric plants might be desirable for these.

4. Here is a damming comment. Extensive environmental studies should be completed prior to decision that such a large environmental force as a nuclear power plant will be constructed. The Commission reports that

studies are being made during construction or operation—therefore after commitment. This is near the crux of our Maryland problem and parallels precisely the procedure by Baltimore Gas and Electric and others. Such studies are made too late to protect public options, and are almost certain to be used defensively by the utility rather than objectively.

5. I suggest that you obtain the reports and recommendations on Calvert Cliffs by the U.S. Fish and Wildlife Service and the Federal Water Pollution Control Administration. I have seen the latter and the central comment is "The lack of specific information in the Preliminary Safety Analysis Report on hydrological and biological environment in which the plant is to be constructed has precluded our reaching definite conclusions as to the probable effects of the plant on Chesapeake Bay." We share this opinion.

They, and we, recommend thorough study of the area and, at least, objective monitoring of the effects.

6. and 7. How well are utilities complying with the recommendations of the Service? ". . . our information to date indicates . . ." is not a very strong statement on important environmental improvement.

8. These studies are good ones, and partially pertinent to Calvert Cliffs.

9. Only a small portion of the research completed deals with estuaries, and we have found no reports of adequate study of the effects on the environment in estuaries.

10. We are about ready to submit our proposal, and hope that it will be fully funded.

11. Observations by the licensee (Baltimore Gas and Electric Company) must be complemented by objective study, designed to test compliance, to learn of unexpected effects, and to guide future improvement in design and regulation.

12. These studies did not begin until late 1967 or early 1968, and are too brief for proper interpretation of the seasonal and annual variations which occur in the Bay.

13. The hydraulic model (for which I serve on the Advisory Committee) is helpful in making certain gross estimates of warmed water under certain conditions. We are limited to examining effects with a flow of 5400 cubic feet per second and a rise of 10° F. The predictions of thermal distribution from such a model have never, as far as we can determine, been adequately field tested. They do not test any biological effects. The model is, therefore, of limited value.

14. On the Model Advisory Committee, three members are appointed by the Company and three by Secretary Tawes (Dr. Pritchard, Mr. McKee, and me).

15. The biological studies by the Academy of Natural Sciences are superficial, contain serious errors, and lend themselves to nebulous interpretation. They should not be relied upon to protect the public interest.

16. At Morgantown on the Potomac, the Department of Water Resources has permitted PEPCO to heat water above 90° and bring additional water into the effluent canal to cool the effluent. This is a dangerous precedent and should not be followed at Calvert Cliffs.

17. Utilities (1) select the site, (2) decide the size of the plant, (3) choose the fuel to be used, and (4) decide to use the public waters as their coolant. The public agencies have few options left. The State should take the initiative in all of these decisions and avoid the repeated defensive review of company decisions.

18. I agree that these are traditional state and local responsibilities. Unfortunately, they are sometimes poorly met.

Reference 2: AEC comments on tritium releases from the proposed Calvert Cliffs nuclear power plant.

We have no comment on this report. The staff of AEC has excellent access to available knowledge on such subjects, and we have no basis for doubting their comments or conclusions.

AEC Comments on Senator Tydings' Statement Regarding the Calvert Cliffs Nuclear Powerplant

The following information is submitted with reference to the statement made by Senator Tydings on May 12, 1969, regarding the Calvert Cliffs Nuclear Power Plant.

"This is a serious gap in the legislative authority of the AEC. I respectfully urge the Commission, on its own, to seek redress before the Congress. Thermal pollution is too serious a threat, to permit an inactive position on the part of the AEC."

1. The Commission recognizes the desirability of controlling thermal effects of released heated water on the environment, and has examined a number of proposed legislative solutions to this problem over the past few years. The AEC favors legislation in this area along the lines of the proposed Water Quality Improvement Act of 1969, introduced in the Senate as S. 7 by Senator Muskie for himself, Senator Tydins, and others. This legislation would require applicants for federal licenses to obtain advance certification from state water pollution control agencies with respect to compliance with applicable state water quality standards, and the AEC would be precluded from issuing any license or construction permit until this precondition had been met. AEC Commissioner James T. Ramey appeared before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works on March 3, 1969, where he testified that the Commission was pleased to support this proposed legislation, subject to certain technical modifications.

2 and 3. The AEC presently lacks authority to impose restrictions regarding the thermal effects of discharges from licensed nuclear facilities. Licensing by the AEC, however, does not relieve the applicant from being subject to the appropriate jurisdictions in other areas which would also be involved if the plant were fueled by coal, oil, and other nonnuclear means. Each state, of course, has the same authority to deal with thermal effects from nuclear power plants as it does from fossil fuel power plants unless in some way restricted by state law. In this connection, the AEC keeps interested state and local officials informed of applications received and licensing actions taken on the proposed nuclear projects.

4. The Commission recently surveyed the New England utilities that were constructing or operating nuclear power facilities, and found that they all had extensive environmental studies in progress to determine the potential thermal effects of the operation of their facilities. In addition, the AEC is now conducting a survey of all applicants and licensees to obtain detailed information concerning their studies relating to possible thermal effects on the environment.

"Additionally, I urge the Commission to upgrade its informal, advisory contacts with the Department of Interior in order to insure maximum use of available expertise within that Department."

5 and 6. The Commission is cognizant of the Department of the Interior's interest in the thermal effects of such discharges under the Fish and Wildlife Coordination Act and the Federal Water Pollution Control Act, as amended. Under a 1964 Memorandum of Understanding between the Atomic Energy Commission and the Department of the Interior, the AEC routinely obtains expert advice and recommendations on all projected nuclear power facilities from appropriate agencies of the Department. This practice involves the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and more recently, the Federal Water Pollution Control Administration. In addition to comments on the radiological health and safety aspects of the proposed facility, the Fish and Wildlife Service report (which includes FWPCA's comments) also makes recommendations on nonradiological matters, including the thermal effects of the discharge of coolant water in the marine environment. A copy is sent to the applicant, calling attention to the Service's recommendations concerning potential nonradiological effects and urging cooperation with the appropriate federal and state agencies. These reports are also made public and are forwarded to the state and local agencies that may have an interest for their information and use.

7. As indicated above, the Commission is conducting a survey of all AEC licensees to determine the extent of their cooperation, and our information to date indicates that the utilities are cooperating in resolving the various environmental problems that might be associated with the construction and operation of these large facilities.

"There are, however, two disturbing aspects to this project. The first is the absence of public research on the environmental impact of the Calvert Cliffs facility. The State and the Atomic Energy Commission should not have to rely on company sponsored studies, with or without access to their data. They should be provided with the capacity to conduct independent studies of their own. My second concern involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

The AEC has been very conscious of the possible impact of radioactivity in the environment and, realizing that radionuclides released to the environment might find their way back to man through food chains, has for over 20 years funded research programs in this area. The program supports work by many of the Nation's leading scientists, and includes studies of rivers, streams, lakes, and bays throughout the Nation. During the past 12 years about $70,000,000 has been expended in this program, and in our 1969 budget over $9,000,000 is included.

8. For several years, the AEC has supported research by scientists at Johns Hopkins University on the ecology and movement of water in the Chesapeake Bay. Three contracts for research are now in force. One is for ecological studies of the Bay, from the Susquehanna River to near the south end of the Bay. Another is for a study of plankton and other small organisms in the Bay. The third is for dye studies of the dispersion of plumes in the near-shore environment (which have been in progress since 1962). This work is designed to predict the dispersion of both heat and radioactivity in the Bay. The total expenditure on these contracts, including money for 1969, is about $1,590,000.

9. Much of the work on behavior and fate of radionuclides in the environment will become available in a new book by the National Academy of Sciences—National Research Council entitled *Radioactivity in the Marine Environment*. This volume, sponsored by AEC, will be published early in 1970, and will summarize knowledge gained from studies of nuclear tests, nuclear reactor effluent in the environment, and natural radioactivity. Nearly all of the work on behavior, fate, and effects of radionuclides on the environment is also published in the open scientific literature.

The AEC also has been supporting research in thermal effects. The Research, Development and Demonstration Subcommittee of the Federal Council for Science and Technology's Committee on Environmental Quality is currently making a study of Federal Government activities in this field. Their data show that of $867,000 committed to thermal pollution research in 1969, 54% ($471,000) is being provided by the AEC.

The second concern "involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

It was noted above that much research by many qualified biologists and ecologists in many areas of the Nation has been and still is going on; furthermore, environmental surveys in the vicinity of reactors now in operation—both power reactors and AEC-owned reactors—have shown no deleterious effects on the environment. In a recent survey by the U.S. Public Health Service in the vicinity of the Dresden nuclear power plant in Illinois, for example, it was found that radioactivity levels contributed by the Dresden plant were so low that it was difficult to distinguish the levels either from natural background radioactivity or from fallout.

10. As to the relation between research and actual construction at the site, the research and experience mentioned above were taken into account by the AEC regulatory staff in its consideration of the site and of the proposed plant. The staff's position set forth at the public hearing was based on this research and on the knowledge that environmental effects can be controlled by limiting the radioactive effluents. Specific limits for such effluents will be incorporated in any operating license which may be issued for the facility; nonetheless, the AEC's Division of Biology and Medicine is currently negotiating with the University of Maryland for a comprehensive ecological study in the vicinity of Calvert Cliffs. This study is part of a planned program for in-depth study of typical power plant sites, Calvert Cliffs being representative of a bay site. It should be noted that the Calvert Cliffs Unit 1 is not scheduled for operation before January 1973, and Unit 2 not before January 1974.

11. If an operating license is issued, the licensee will be required to monitor effluent releases to assure that radioactivity in such releases from the facility are within limits prescribed in the license and AEC regulations. The licensee will also make periodic radiological surveys of the environment in the vicinity of the site in order to detect any significant increase in radioactivity and assure that exposures of the public that may result from releases are well within radiation protection guides.

12. The Commission understands that Baltimore Gas and Electric Company has also initiated three basic studies relevant to the question of thermal effects on Chesapeake Bay. The first of these involves general oceanographic studies being carried out by Sheppard T. Powell Associates to assemble data on the physical characteristics of the Bay at the Calvert Cliffs site to obtain basic information such as depths, flow, temperatures, salinity concentrations and tide levels.

13. The second program involves model studies of the Bay being carried out by the Alden Research Laboratories of Worcester Polytechnic Institute. A scale model of a 34-mile stretch of the Bay has been utilized for some time to study the thermal dispersion of cooling water leaving the plant. The stated objective of these studies is to provide information for appropriate design of the intake and discharge structures to minimize thermal effects in the Bay.

14. These model studies are being followed by a model advisory committee appointed in part by the Board of Natural Resources of the State of Maryland. The committee, which consists of three state representatives and three company representatives, is expected to report on the results in the near future.

15. Baltimore Gas and Electric Company's third program is being conducted by the Academy of Natural Sciences of Philadelphia to obtain base line information on aquatic life in the vicinity of the plant site. This broad program involves accumulation of information on physical, chemical and bacteriological characteristics of the water, plankton studies, and population and reproduction studies of fish and shellfish species of importance in the Bay. The general objective of the work by the Academy is to establish a basis for comparison with corresponding data obtained after the plant may be placed in operation.

16. The Baltimore Gas and Electric Company has indicated that it will design and operate the plant in such a manner that the water quality standards of the State of Maryland are met. From the standpoint of thermal effects, this involves provisions in the design and operation of the condensers such that the temperature elevation would not exceed 10°F above natural water temperature. In addition, a limit of 90°F would be set for cooling water discharges, taking into account a small mixing zone to be specified by the Department of Water Resources of The State of Maryland.

It is the understanding of the Commission that the State Department of Water Resources has authority to decide whether Bay water may be used for cooling purposes, and that the Company will file an application in the near future with that Department seeking authorization to use Chesapeake Bay water for cooling purposes.

"Additionally, as the Washington Post suggests in a May 8 editorial, this lessens the importance of these hearings and lends credence to those who argue that local interests are in fact being overlooked."

17. Sites for nuclear power plants are selected by the utility which proposes to build such facilities, and the AEC's jurisdiction in this respect is limited to consideration of the suitability of the site and the other features of the proposed reactor that have a bearing on radiological health and safety. Insofar as the local interests are related to matters such as zoning, aesthetics, and land acquisition, the AEC has no regulatory authority to deal with them.

18. These matters, however, are traditionally considered by state and local jurisdiction.

With respect to matters within the AEC's jurisdiction, excavation work and some concrete construction had been done at the Calvert Cliffs site prior to the public hearing. Under the AEC's regulations, site preparation is permitted, and in certain circumstances limited construction may take place under exemptions as provided in the regulations; however, all such work done prior to the issuance of a construction permit represents only a very small fraction of the total cost of the facility and is done wholly at the risk of the applicant. The fact that such work is permitted does not mean that a construction permit will be issued. For example, the regulatory staff recommended against the construction of a nuclear power plant by Pacific Gas and Electric Company at Bodega Bay, and the Company withdrew its application after the expenditure of several million dollars in work on the site.

Research Requirements Related to the Environmental Effects of Powerplants in Maryland

(Report to the Maryland Board of Natural Resources, May 26, 1969, by L. Eugene Cronin, director, Natural Resources Institute, University of Maryland and Donald W. Pritchard, director, Chesapeake Bay Institute, the Johns Hopkins University)

SUMMARY

Maryland must rapidly increase its understanding of the possible effects of large powerplants which use cooling water from the Chesapeake Bay and its tributaries if the State is to meet its heavy responsibilities for approval of sites for power plants and for properly controlling their environmental effects. The specific environmental problems which must be answered are stated and involve the physical, chemical, biological, geological and radiological characteristics of the Bay and the effects of power plants on these characteristics.

A research program is outlined, including base-line studies to learn natural conditions and identify serious problems at each site, research to permit seasonable prediction of the effects before approvals are given, and monitoring surveys to assist in continuous improvement of regulations and of engineering design. Comment is included on research directed toward constructive uses of heat from such sources.

Several suggestions are provided for effective coordination and supervision of the research program in order to assure its adequacy, prevent duplication, and take full advantage of all available research agencies and sources of support.

The demand for electrical supply is rapidly rising in Maryland and nearby areas as the result of population increases and growing industrial requirements. Nationally, power requirements are now doubling each 10 years. Maryland will probably exceed the average rate of increases, especially since the Chesapeake Bay and its tributaries are attractive as potential sources of cooling water. The size of individual plants is also increasing rapidly, so that the 100–700 megawatt plants of most present utilities are being supplemented by 2,000–3,000 MW plants, and new generating stations may be built of even larger capacity. Nuclear plants require about 50% more water per kilowatt for cooling, since they are less efficient and release more waste heat.

A representative of the Federal Power Commission has recently predicted that Maryland may have six nuclear stations the size of the proposed Calvert Cliffs plant by 1980. These new plants would, with present technology, require the use of at least 32,000 cubic feet per second of Bay water for cooling.

THE RESPONSIBILITIES OF THE STATE

The role of the State of Maryland is of the utmost importance in guiding and controlling whatever power development is to be permitted within the state. At the federal level, the Federal Power Commission licenses hydroelectric plants and the Atomic Energy Commission is responsible for radiological aspects of nuclear power units. There is no federal regulation, approval, coordination, or supervision of coal—or oil—fueled power plants except for the Federal Water Pollution Control Administration, which essentially "backs up" the Maryland Department of Water Resources. The State is the principal representative of the public and must make the controlling decisions on the siting of new plants, the size of units, the environmental effects to be permitted, and related decisions on economic, aesthetic and industrial problems.

The State has recently made signal progress through research, through more appropriate regulations, through legislative requirement for pre-construction review, and through effective cooperation with industrial efforts. The rapid expansion of plant size and predictable increase in requests for new sites urgently require, however, that the State adds further to its understanding of the potential beneficial and detrimental effects of power plants, especially in the extraordinarily valuable northern half of the Chesapeake Bay.

We wish to suggest the information which Maryland will need if the waters of the Bay and its tributaries are to be used for cooling condensers. Part of this information is already available from the management and research agencies within the State, part can be drawn from the experience of other areas, and part must be developed by further research. We have not dealt with economic, social, aesthetic or political problems, but with the physical, chemical, geological and biological aspects of the environment of steam electric generating stations.

STATEMENT OF PROBLEMS

1. What knowledge of environmental properties and processes is needed in order for the state to fulfill its obligations in terms of proper siting, design and regulation of thermo-electric power plants, and of protection of the environment for other uses?

(a) For any potential site, what is the volume rate of flow of "new" water to the tidal segment of the estuary from which the power plant would withdraw water for condenser cooling? That is, what is the rate of supply of "available" dilution water?

(b) What are the physical consequences of withdrawals of water at any specified volume rate from a given depth interval and the return of water to the same or to a different depth interval upon the non-tidal circulation in the estuary?

(c) What are the natural temporal and special distributions of temperature, salinity, dissolved oxygen and other chemical components of the estuary adjacent to any potential plant site?

(d) What are the natural temporal and special distributions and abundance of important estuarine organisms, including those directly useful to man, those which are abundant at any season, and those which support the useful and abundant species in the area of possible effects?

(e) What estuarine organisms and stages are likely to be drawn through the plant with the condenser cooling water flow, as a function of depth of withdrawal and season?

(f) What would be the effects of passage of specific organisms through the plant with the condenser cooling waters (mechanical destruction, chemical injury, thermal damage, thermal stimulation, etc.)?

(g) What is the significance to the ecology and use of the estuary of the predatory effects of the plant on specific organisms drawn through the plant with the condenser cooling water?

(h) What will be the effects of condenser water discharge on the behavior, distribution and abundance of important bottom species, migratory animals and other organisms in the receiving estuary?

(i) What organisms would be trapped in an intake forebay and damaged or killed by impingement against the intake screens?

(j) What contaminants (i.e., biocides, heavy metals, radioactive materials, etc.) are likely to be released into the estuarine environment with condenser cooling water, and in what quantities and concentrations?

(k) What will the effects of these contaminants be on the ecological system, on public health, and on the suitability of estuarine organisms for human use?

(l) What design features insure minimum or acceptable loss of important species by entrapment, entrainment or damage in receiving waters?

2. What special knowledge will be useful in continuously improving the ability of the State to deal effectively with these problems?

(a) What are the actual effects of each permitted plant on the environment and on human uses in relation to all of the pre-approved questions posed in Section 1 above?

SPECIFIC RESEARCH AND SURVEYS REQUIRED

The activities which must be undertaken to answer the questions posed above can be divided into three areas—baseline studies, research to assist prediction, and monitoring of post-operating conditions. The studies listed are appropriate to any large nuclear power plant site in Chesapeake Bay or similar areas. For plants using coal or oil, the radiological studies would be eliminated from the program.

Not all of these may be required at a specific site, and not all of the studies listed must be pursued exhaustively at every potential power plant location. Sufficient information on each question must be available to permit state officials and pertinent advisors to know when significant danger exists—or when a reasonable margin of safety is provided by natural conditions or plant design. Information from local studies, the published literature and all other reliable sources should be brought into use for each question.

A. Base-line data

This information is needed to understand the pertinent conditions before changes are made, to identify the problems and dangers which are most important at each site, and to serve as a valid reference in measuring any changes which are caused by the power plant. In the complex and variable conditions of Chesapeake Bay and other estuaries, some of these should be continued for five years prior to decision and final design, and data for two full years is the minimum acceptable for estimating natural conditions and variation.

1. *Environmental surveys,* to determine the temperature, salinity, oxygen content, heavy metals content, and radiological characteristics of the water which might be affected. Sampling of vertical patterns at a number of stations should usually be at frequent intervals and continuous sampling may be required during summer months.

2. *Sediment surveys,* to determine the physical, chemical and radiological characteristics of the bottom sediments which might be affected. Repetitious sampling is not usually necessary so that one thorough survey may be sufficient.

3. *Biological survey,* to determine the abundance of important species and learn their seasonal, vertical, and horizontal variations. Some populations are stable, but many are highly variable, and sampling must be appropriate for each of the following groups.

(a) *Phytoplankton*—in terms of the total crop and of the abundant species.

(b) *Large plants*—distributions and abundance should be mapped by species.

(c) *Zooplankton*—appropriate qualitative and quantitative measurements are necessary at the proper seasons. Special attention must be given to these forms, because they are vulnerable to physical, chemical and thermal damage when they are pumped through a power plant and because almost all estuarine species have a planktonic stage and are dependent on its success. Important organisms include:

(1) Eggs and larvae of useful species, including oysters, clams, crabs and fish.

(2) Sea nettle and comb jellies.

(3) The copepod crustacea which feed larger animals in the Bay.

(4) Other species.

(d) *Epidenthos*—the organisms which attach to or are found in close association with substrates are usually useful as indications of natural conditions and of the effects of change.

(e) *Bottom species*—these are the basis of the most valuable commercial fisheries, and thorough observation should be made, including:

(1) oysters, clams and associated species, including condition, growth rate and other factors which might be affected;

(2) other benthic organisms, many of which are important as food for useful species.

(f) *Crabs*—winter populations are semi-hibernating but summer populations are highly active and migratory. It is difficult but necessary to conduct adequate long-term sampling.

(g) *Fish*—each site may be used by resident species and by the migratory shad, herring, striped bass and many other species in the estuary. These make possible a large commercial fishery and burgeoning recreational use of the Bay. They also contribute to the fisheries of the Atlantic Coast. Adequate sampling would require design for each site and should be carried out throughout several years.

(h) *Radiological and heavy metals study* of any radiological activity and pertinent metals in all species which are present in significant quantities.

4. *Human uses,* to measure the past and present uses of the waters which might be affected: (a) Commercial fishing of all types; (b) Recreational fishing, boating and other use; (c) Support of waterfowl and other birds, mammals and reptiles.

B. Prediction data

Reasonable predictions of the effects of significant environmental changes should be available to public agencies *prior* to decisions that changes will be instituted. In the problems of siting and evaluating power plants, this requires that predictions be available for the effects of thermal release, circulation changes, redistribution of oxygen and salinity, and, in some cases, low-level release of radioactive elements and compounds.

Such prediction requires a basis of appropriate research. The most efficient and effective rationale in such research appears to be:

1. Learn, from appropriate sampling in the Bay, which important species are present, the season of the occurrence, and the life history stages present in various parts of the Bay.

2. Conduct carefully designed laboratory studies of the effects of appropriate environmental changes on the important species, including the most sensitive stages (usually the eggs and larvae).

3. Determine, from the Chesapeake Bay Hydraulic Model or other pertinent hydraulic or mathematical models, the best possible estimates of the distribution of temperature, oxygen, salinity and dissolved materials from the effluent.

4. Apply the laboratory and model results in a meaningful and realistic way to predict all of the significant effects on the region of the Bay under consideration.

The following specific research programs must be completed, and will require new studies to add to the knowledge available from research which has already been conducted at various laboratories:

1. *Determine the effects* of change in temperature, oxygen, salinity, biocides, radionuclides and appropriate metals on (a) Egg and larval stages of oysters, clams, crabs, and fish; (b) Post-larval stages of those species; (c) The important species of plants and of other animals in the Bay.

These studies must simulate actual potential exposures in the operation of power plants, and also contribute to basic comprehension of these and other possible environmental changes in estuaries. They must also include research on the effects of these environmental changes on the long-term health of organisms, on the efficiency of organisms, on the behavior of many species of animals and on the complete ecosystem, as well as the more usual study of lethal limits.

2. *Develop and test modeling techniques,* so that significant environmental changes can be partially tested in models with reasonable accuracy in predicting the physical and chemical effects of power plant operations. These have unique value in testing engineering improvements which might reduce costs or minimize damage to the Bay. They can also help identify the most probable environmental problems from plant operation. Imaginative approaches are needed, and every possible advantage should be sought from dye studies, hydraulic models, mathematical models and other methods of prediction.

Useful prediction is one of the primary purposes and values of research. If sufficient and continuing support is given for such studies of these and other environmental changes, the State will have a constantly improving basis for protecting the conditions necessary for the best uses of the Bay and preventing those changes which would be detrimental.

C. Monitoring

Whenever any power plant is added to those which now use water from the Chesapeake Bay and its tributaries, thorough observations should be made of the physical, chemical, and biological effects of the operation. These will test compliance with state regulations, determine the validity and errors of any predictions which have been made, and discover any unexpected significant effects. Together, these permit continuous improvement in engineering design and state regulations. Monitoring surveys after operation begins should include:

1. *The actual distributions* of temperature, salinity, oxygen, radionuclides and heavy metals at all stages of tide and under all pertinent meteorological conditions.

2. *Biological effects* on the abundance, distribution, production and welfare of (a) All important organisms entrained in the water passing through the condensers and (b) Important bottom species, swimming organisms, and drifting forms in the area affected by the effluent.

As in the prediction studies, it is important to observe shock effects, chronic effects, behavioral response, efficiency changes and other effects which are involved in the welfare of bay species.

3. *Radiological, heavy metal,* and *biocide effects,* wherever they are present. These should be properly sampled in (a) Effluent water; (b) Sediments; (c) Phytoplankton and zooplankton; (d) Important bottom species; (e) Resident and migratory fish; (f) Organisms (birds, turtles, mammals, etc.) feeding on bay species.

4. *Recreational and commercial gains and losses.* Surveys similar to the base-line studies are necessary at appropriate intervals to obtain valid data on increases and decreases in fishing success and recreation which may be influenced by power plant activity.

CONSTRUCTIVE USES OF WASTE HEAT

The enormous quantity of heat released in a dilute form in the effluent of power plants offers important potentials for constructive use. The possibilities are probably greater north of Chesapeake Bay and lesser in southern states, but the best possible use of this energy in this climate merits exploratory research.

A special committee on beneficial use of heat, advisory to the Maryland Department of Water Resources, is now preparing a report in this area, and we will not comment extensively. However, several guiding principles related to research are worth noting:

(1) Exploratory and pilot-plant research is required for aquacultural use of warmed waters, since no commercially profitable use is now known to exist. Some of the experience at other sites (England, Long Island. Florida, Louisiana, etc.) can be drawn upon with value.

(2) Estuarine mollusca, including oysters, clams and perhaps mussels, are likely to provide the greatest immediate potential for culture in warmed Chesapeake water. They have good market value, can be owned, are well suited to estuarine culture, and feed near the base of the food chain, where the potentials are greatest for quantity production. Some of the problems of using power plant effluents are difficult, however. There are also potentials for rearing shrimp, fish, and possibly crabs.

(3) Research should draw on engineering capacity, biological competence, management responsibility and other sources. This is a promising field for cooperation among the power industry, scientists and the representatives of management agencies.

(4) The established potentials of improving certain types of recreational and commercial fishing merit exploration and improvement. Effluents might be designed to provide maximum attraction for fish during cool and cold months, with minimum repulsion of fish in summer.

COORDINATION AND SUPERVISION OF RESEARCH

No single agency will be able to conduct all of the studies needed by the State, although Maryland contains research centers with unusual pertinence and capacity. Appropriate action should be taken to assure that all necessary studies are made, that undesirable duplication is avoided, and that there is good liaison between the management agencies and those conducting research. The Governor's Commission requested by House Resolution 137 of the 1969 Maryland General Assembly appears to provide an excellent potential center for such coordination and supervision, or a special Advisory Committee might be established by the Secretary of Natural Resources. We suggest the following guidelines:

1. That all pertinent sources of research support be encouraged by the Commission or Committee, including state funds, federal agencies, philanthropic organizations, private individuals and groups, and industries.

2. That the Commission or Committee seek and receive specific research proposals from those who wish to participate and arrange for suitable and thorough review of each as to professional competence, adequacy for the stated objectives, suitable administrative structure, pertinence to the needs of the State, and lack of duplication of the work of others. In this review expert out-of-state advisors may be useful. The proposals which meet these criteria should be approved as part of the State program, and their financial support should be encouraged.

3. That the unusual pertinence of existing research organizations, including state, federal and private, be fully utilized in the research program.

SUMMERSVILLE, W. VA., SUCCESS STORY

Mr. BYRD of West Virginia. Mr. President, the Charleston Daily Mail recently carried two articles on success stories in West Virginia. The articles, which appeared in the Friday, November 14, edition, deal with the city of Summersville in Nicholas County and with Bill Bryant, the city's energetic young mayor.

As reporter Richard Grimes notes:

> Summersville, a one-time typical coal town, has turned the tables on poverty. The place is booming.

The article points out that the number of businesses in and around Summersville has increased from 45 to 75 within the past decade, and that the population has risen by 1,000 over the same period.

Mayor Bryant is credited with bringing most of the new businesses to the city, and the second article states:

> What ever the recipe is for mixing financial wizardry with political savvy, Bryant has found it.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SUMMERSVILLE SUCCESS STORY: INITIATIVE, INGENUITY

(By Richard Grimes)

Summersville, a one-time typical coal town, has turned the tables on poverty. The place is booming.

And, there are many success stories in the Nicholas County seat as a result of it.

One story might be the people—friendly ones not afraid to invest their time, money and energies in the young people of the area.

Another might be the local speculators like Mayor William S. Bryant who 22 years ago pinned his hopes on virgin coal fields around Summersville and came out smelling like a million dollars. Much of his good fortune has been invested back in the town.

The story might be the Bright brothers, natives of the community, who started a greeting card business in their bedroom and now, not even a decade later, operate a multimillion dollar industry, hiring 300 people, in a structure covering two football fields just outside Summersville.

And so on. Easily, there are a dozen more.

The story seems the reverse of elsewhere across Appalachia. In most instances, the spark of hope long trusted by the Mountaineer that his once bustling, tiny coal town will someday shake the drabs and again ring with life, flickers no more.

West Virginia has its string of them, too: towns once rich in, if nothing else, spirit and young high school football players; and now bleak crossroads with depressed widows whose children left for the city and whose husbands died from disappointment long before their graves.

But out of the ashes has emerged this hot bed of coals—Summersville, a town of 2,500 that was a crossroads and became a community, rich in spirit and wealth.

What might appear to the uninformed traveler as simply some houses and a store at the intersection of U.S. 19 and W. Va. 39 actually is the production center for coal, greeting cards, placemats, model homes, camping trailers, plastics, mine machinery and shoes. Some 500 are employed in Summersville proper, and another 700 on the perimeter.

The city sports a new municipal building, library and teen center complex, plus a modern five wing, convalescent hospital that may go general in the near future.

For a switch, young people are returning to Summersville. While there is no true way to measure at this point, the mayor, a banker, a county clerk, a grocer and a coal miner all say that between 50 and 75 per cent of the area's working force is under 35 years of age.

Besides that, executives from Ohio, New York and Pennsylvania are moving to Summersville to base operations.

Take John Harris, a big man in the plastics field. He came to Summersville from Binghamton, N.Y. in February to invest talent and money in a new plastics plant in the heart of town.

Harris plans to organize the Summersville Players, a theater group he says will soon be one of the best in the state. He adores the Charleston Civic Center and predicts his players will someday perform there.

"I can't understand why West Virginians complain. This is great down here . . " he adds. "I fell in love with West Virginia immediately."

Harry Richards, who was an engineering consultant to 20 hospitals in the Toledo, Ohio area gave that up to come to Summersville and become executive vice-president of Cardinal Homes, a firm building eight mobile homes a day with 25 men.

Most of the imports say Mayor Bryant was instrumental in bringing them to the Nicholas County seat.

Four major industries have started up this year alone. Besides Cardinal Homes, for example, Hanna Line is building a plant to make camping trailers. Bright of America, which started in greeting cards for fund raising groups, has diversified into other fields and is contemplating further expansion.

Inventive Molded Products Co. has its hand on a contract that may revolutionize the plastics packaging industry. There are 25 coal companies around the city. The Carroll Shoe Company is going strong.

U.S. Department of Labor statistics indicate that in the last decade Summersville and its surrounding area has increased from 45 to 75 businesses.

The population has grown almost 1,000 in 10 years and the mayor predicts it will exceed 5,000 before 1980. "That increase, incidentally, will be one of well trained people," says Mayor Bryant.

Bill Bright, one of the successful Bright brothers, says his firm is forced to tie up housing ahead of time so that enough is available for his people. Not only that, but he is counting on the town's mobile home manufacturer to produce enough units to assist in the housing shortage there. Since 1955, more than 300 new homes have been built in and around Summersville.

Of course, there is popular Summersville Dam nearby. It opened in 1966 and already is a tourist attraction for West Virginians. Still, Mayor Bryant says it hasn't even started to be the recreation mecca it will be for the eastern United States when the Appalachian Highway System passes it.

Summersville has its problems. The roads are not up to snuff and Nicholas County still has an unemployment rate higher than the national average. But it's a far cry better than it was 15 years ago and prospects of additional improvement are great. And, there are hot politics in the city, some jealousy and probably some hate.

"You have to expect that," says the mayor, "when there is money to be made and people are competing."

MAYOR BILL BRYANT'S HAND "EVERYWHERE" IN COMMUNITY HE SERVES WITHOUT PAY

There is a saying around Summersville that when you eat or sleep there, you must deal with Bill Bryant.

Mayor William S. Bryant owns more than his fair share of greater Summersville and makes no bones about it.

Some love him for it and others hate him.

Veteran Nicholas Countian Miss Sarah Hamilton says she can remember when the town had boardwalks and outhouses on the main street. Then came Bill Bryant, she beams.

"I've seen the city move from not much of anything to this bustling community. And Bill Bryant championed it. This has to be our greatest day. He goes out and dares to do this and dares to do that . . ."

On the other hand, retorts a town opponent, "Bill Bryant is like a pumpkin seed. You put one in the ground and it takes over the whole damn garden."

Whatever the recipe is for mixing financial wizardry with political savvy, Bryant has found it.

He doesn't have enough fingers and toes to count his investments. He owns Cardinal Homes, most of Inventive Molded Products Co., is vice president of Peerless Coal Co. and owns three corporations that operate hotels, motels and eating establishments in Nicholes County. Then there are his land holdings.

He confirms that his estate is worth a million dollars. With his wife and two daughters (he has a son attending Marshall) he resides in a stone mansion atop a knoll in Summersville. He has an ample supply of cars and a horse farm for a back yard. But he lets someone else farm it.

"I'm the type of guy who would rather stand with a glass of scotch and watch," he says.

Bryant explains frankly that he knows he manipulates and that he dangles money to get things for Summersville, but adds: "The town is prospering, isn't it?"

Bryant, besides traveling to make promotion for his town, says he gives at least $1,000 annually from his pocket to the city. He doesn't accept his $100 a month salary for beng mayor.

"Sure, my business is more important to me than being mayor," he says. "It would have to be. Politics is a hobby for me. Of course, the people here are terrific and this place is my life."

Bryant, a Democrat, is 48. He recently started in seventh, two year term, on 13th year as mayor of Summersville. The last four times he has been unopposed.

He doesn't know whether he wants to be mayor again. "I'm interested in the state Senate." His friends would like to see him governor. Bryant kind of smirks at the thought, but adds:

"I think I could do for West Virginia what I've done for Summersville." Bank official Larry Tucker, also President of the state's Young Democrats, says: "Bill will make us a fine governor in 10 years."

Asked what will happen to Summersville when Bryant dies, he says, "This is a real problem. I worry about that. Really, I do."

Yet, Bryant moves so fast it may be difficult for someone else to grab the reins. The federal government built the lake and dam, but people around the town say if it hadn't been for Bill there would be no dam.

The convalescent hospital was partially financed by Hill-Burton Funds at a time when they were available only to nursing and convalescent hospitals. So, that's what the hospital is. But a tour indicates that with few modifications it might just as easily be a general hospital. When queried about this, hospital officials could only smile sheepishly and refer the reporter back to Mayor Bryant. The mayor, when questioned, gave an ornery smile.

Bryant runs the town, not from city hall, but from his second floor office atop the Farmers Merchants Bank or in an office in the St. Nicholas Hotel across the street. "I rarely use the mayor's office in the municipal building," he says.

The man on the street, knowing full well that Bryant may own the land he lives on, still, for the most part, speaks highly of him. Bryant appears to have the greatest admiration for the townspeople. Like a boy with a reconstructed village under the Christmas tree, Bryant shows off the area and the people with the greatest pride.

A native of Beckley, he came to Summersville area in 1948 as a payroll clerk for the Peters Creek Coal Co.

SUPREME COURT OF THE UNITED STATES

The Senate in executive session resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the President has nominated Judge Haynsworth to be an Associate Justice of the Supreme Court; and the question before the Senate is, Should he be confirmed?

In the past several days I have been reviewing the testimony before the Judiciary Committee, and I have also carefully studied the committee reports containing both the majority and minority views. Likewise I have followed the arguments as presented in the Senate by those who would support and those who would oppose his confirmation.

It appears that the arguments being made against his confirmation are confined to two basic points:

First. There are those who oppose his confirmation because they do not want a man of Judge Haynsworth's conservative background to be a member of the Supreme Court. These opponents criticize some of his earlier decisions as a judge on the basis that they were not as favorable to labor and the civil rights movement as they would like.

Second. Others oppose his confirmation because, while they do not question his honesty, they do question whether or not he is sensitive to the delicacy of the position of a judge. They cite his failure to disassociate himself from certain business connections after becoming a Federal judge and point out instances where he made a financial investment in a company while they had a case pending in his court and instances where he participated in rendering decisions involving companies with which a vending machine company in which he owned a one-seventh interest was doing business.

I comment first on objection No. 1; namely, that Judge Haynsworth's conservative background would justify a vote against his confirmation. In my opinion agreement or disagreement with the man's political philosophy is no valid basis for opposition to his confirmation.

In fact, if this argument were to be accepted as the basis for a decision I personally would have enthusiastically endorsed the confirmation of Judge Haynsworth when his nomination was first announced, and by the same token I would have voted against many of the preceding Justices appointed by former administrations.

Under our Constitution nominations to fill vacancies on the Supreme Court are made by the President, and it is to be expected that in making this selection the President will nominate men whose social or political philosophy more nearly coincides with his own. Had Mr. Humphrey been elected President I am sure he would have named a liberal to fill this vacancy, and the country expects Mr. Nixon to name a man of more conservative background.

Therefore in my opinion objection to or approval of Judge Haynsworth's conservative record is not a valid basis upon which to base our decision.

The second point, however, relating to Judge Haynsworth's continued business activities after being appointed as a Federal judge does raise a valid question and one that must be resolved by each Member of the Senate. It is this point that gave me concern.

Mr. Haynsworth was appointed as a Federal judge in 1957 and was promptly confirmed by the Senate. I voted for his confirmation. He accepted that position on the basis of the Canons of Judicial Ethics that had been in effect since 1924.

Canon 26 of Judicial Ethics provides that:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss.

Canon 4 provides that:

> A judge's official conduct should be free from impropriety and the appearance of impropriety; . . .

Canon 29 provides that:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved . . .

Section 455 of title 28 of the United States Code provides that:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . .

The Canons of Judicial Ethics from which I have just quoted were adopted by the American Bar Association in Philadelphia, Pa., on July 9, 1924, by a committee acting under the chairmanship of William H. Taft. They are still in effect.

In recognition of the strictness of this Judicial Code, in particular as it would limit the financial activities of any judge, Congress has provided a lifetime tenure of office plus an exceptionally liberal pension.

A judge, once confirmed by the Senate, not only has a guaranteed lifetime job—subject only to impeachment for bad behavior—but upon retirement is eligible for a pension equal to his full salary on the date of separation. If after his retirement the salary for the position which he held on the date of retirement is increased his pension automatically increases to that amount.

For example, Judge X retired 3 years ago at which time the salary of his office was $30,000; his pension was $30,000. Later as these salaries were increased to $42,500, his pension automatically increased to $42,500.

In cases of disability, if the judge has served less than 10 years, he is eligible for a minimum of one-half of the salary on the date of retirement, or if he has served a minimum of 10 years, then he is eligible for retirement benefits equal to the full salary of his office, regardless of his age. In addition, any future salary increases for that office are reflected in increased retirement benefits.

No contributions are deducted from the judge's salary to pay for his retirement benefits.

In addition, the judge can elect to obtain a liberal survivorship benefit for his widow, but there is a nominal deduction from his salary for these survivorship benefits—approximately 3 percent.

For example, in his present capacity Judge Haynsworth draws a salary of $42,500 with a lifetime tenure of office and then upon retirement he is eligible for a pension of $42,500 plus any increase in salary that may become effective for that office.

This lifetime tenure of office with retirement benefits at full salary plus liberal survivorship benefits for his widow was granted for the purpose of relieving a Federal judge of any worries as to his or his family's financial security and to offset the restrictions that were being placed upon a judge's having outside business arrangements.

The question now arises, Has Judge Haynsworth during his service as a Federal judge met these qualifications as circumscribed in the Canons of Judicial Ethics in a manner that would justify his promotion to a position as an Associate Justice of the Supreme Court? Would his confirmation help to restore the prestige of the Court that has been lost as the result of the recent exposure of the financial activities of certain of its members?

I shall not take the time to review the full committee report. It has all been placed in the CONGRESSIONAL RECORDS of last Thursday and Friday, but there seems to be general agreement of the fact that Judge Haynsworth did participate in rendering decisions in cases where he had some financial interest.

In some of the cases cited by his opponents his financial investment was of such insignificance that one can only conclude they were mentioned to cloud the record, but there were cases where even Judge Haynsworth admitted his financial holdings were such as to justify criticism of his actions.

Mr. MILLER. Mr. President, will the Senator from Delaware yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. The Senator refers to a citation of cases by some of the opponents which were insignificant. I can recall when a certain bill of particulars was presented to Members of the Senate and it contained an array of cases in which Judge Haynsworth was said to have had a substantial interest, which would be stopped by the canons of ethics—these canons of ethics would have stopped him from sitting on those cases.

Then the White House assistant, Clark Mollenhoff, came out with what I think was a masterly demolition of many of these cases. In fact, my recollection is that the name of a litigant was the same name as another corporation in which Judge Haynsworth did indeed have a few shares of stock, but it was a case that whoever had researched the bill of particulars had confused the cases. So it ended up that Judge Haynsworth did not even have a single share of stock in that company.

Then there was the W. R. Grace & Co. stock, in which Judge Haynsworth had a minute number of shares, but because a subsidiary of Grace Lines was before the court, it was alleged that he had a substantial interest, which should have stopped him from sitting.

I assume my colleague is talking about cases like that when he says these cases were put in to cloud the record.

Mr. WILLIAMS of Delaware. Yes. That is what I had reference to. I am familiar with the cases recited in the original charges. I am also familiar with the rebuttals which were prepared by Clark Mollenhoff and Senators in their majority report, showing that there was no validity to the charges involved in some of those cases.

It is unfortunate that they had ever been mentioned.

I do not want my remarks to appear to indicate that I do not think a judge can have independent wealth or have his money properly invested. After all, if he owns nothing but Government bonds then does he have a bias in favor of the Government?

I think we should remember one point. We should not have to try to put paupers on the Federal bench. I do not think we want only paupers in Federal positions. If we are going to allow men with some resources to be appointed to those positions they must invest their money in something. There is a line of reasoning to be drawn. We should keep that in perspective.

I think, at the same time, the rule that they should disassociate themselves from business activities must be interpreted as meaning having an active part in the operations to which they would have to devote a substantial part of their time and in which they really had a major or a controlling interest.

I only point out that it would have been better had no reference been made to these minor cases in the first place. In my opinion, it would have been better to leave them out than to put them in and say thy do not mean much. I do not think that is fair, as far as I am concerned.

Mr. MILLER. The Senator has made the same point which I myself have. One of the difficulties I had was in sweeping away the smoke that has been generated over this nomination.

I might say for the benefit of my colleagues on the floor that at the time I arrived at a tentative decision on this case I contacted—it was not a case of their coming to me; it was a case of my going to them—the Justice Department and the White House, including Clark Mollenhoff, to indicate that I was having difficulty on some of these cases and that I would like to have a memorandum, if they had one. Mr. Mollenhoff responded most exhaustively on this subject. As I said earlier, I think he did a masterly job of demolishing some of the cases that had been cited.

I regret that I could not agree with him on some other facets of this case, but it seems to me that there was a lot of demagoguery connected with some of the opposition to this case, and a good example was accusing Judge Haynsworth of having stock interest in a company that was before his court, when he never even had a share of stock in that company.

Another example came out when charges were made that, because of a gift that he had made of a home to the university, he had received a tax deduction that was illegal. My colleague, being on the Finance Committee, certainly is familiar with that one. I would like to ask the Senator if that is not another example of a red herring or a smokescreen.

Mr. WILLIAMS of Delaware. The Senator mentions the case of the gift of the home to the university. I am familiar with that. It was through the cooperation of Clark Mollenhoff that I got the information and the details. I went over them, and personally I saw nothing wrong with that transaction. In fact, I would commend the judge for his charitable intent. Notwithstanding the statements of some of his critics, I personally saw nothing wrong because the fact was that this home had been given to the university—Mr. President, I ask unanimous consent to have an additional 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. That home had been given to the university by former Senator Daniels. The university then traded that $115,000 home with Judge Haynsworth for a home that had been valued at $50,000 plus a payment of $65,000 cash. The university later sold that home for $50,000, so it was not overvalued. It was merely a trade.

Later Judge Haynsworth gave that home back to the university on the basis of a one-fifth undivided interest, for 5 consecutive years, which is permissible under the law. I may point out that Judge Haynsworth made some improvements on the home, air conditioning, and so forth.

Since he was reserving a lifetime interest in his home, the amount of allowable deduction was dropped from $115,000 valuation to between $50,000 and $55,000, or a little less than one-half of its current value. This reduction, was in accord with the actuarial table, which again was in accordance with the law. The judge had pledged a gift to the university, as I understand it, of $12,000 a year for 5 years. This value of the home was part of that gift, and he wrote his check to the university for the balance. He actually gave them more than the pledge.

I personally commend him for it and see nothing wrong with that transaction.

Mr. MILLER. I thank the Senator for yielding.

Mr. WILLIAMS of Delaware. Continuing, Mr. President, on December 26, 1967, Mr. Haynsworth purchased 1,000 shares of Brunswick Corp. stock. At the same time the company had a case pending before Judge Haynsworth's court—Brunswick Corp. against Long and others.

This case was argued on November 10, 1967, 5 weeks before the purchase of the stock, while the written decision on the case was rendered February 2, 1968, about 5 weeks after the purchase.

I quote Judge Haynsworth's own comment on this transaction as found on page 305 of the committee hearings:

> Senator MATHIAS. You consider that your interest (in Brunswick) was substantial, then?
>
> Judge HAYNSWORTH. Yes, I do, without question, though it was not in the outcome in terms of that, but much more substantial than I think a judge should run the risk of being criticized.

There are a series of other legal cases cited in the committee record where the nominee sat as judge on cases involving litigation with companies in which he or his vending company had financal connection, and the record shows that the litigants were not advised of this association nor did Judge Haynsworth refrain from participation in the decision rendered. Had this indiscretion been limited to one or two such incidents perhaps it could be accepted as an oversight, but it is hard to understand when it appears to be a pattern.

There is the case of his one-seventh ownership in Carolina Vend-A-Matic.

On April 5, 1950, 7 years before he was appointed a judge, Mr. Haynsworth, some of his law partners, and a couple of outside friends formed Carolina Vend-A-Matic, and with an initial investment of $3,000 Mr. Haynsworth obtained a one-seventh interest in the company.

This nominal sum did not represent his full investment, however, since he and his associates personally endorsed notes for the corporation in amounts of $50,000 or more. Therefore, in fairness it should be pointed out their individual liabilities were substantially more than the amount indicated by the stock investments.

The business of the company progressed at a good growth rate between 1950 and 1957, the date Mr. Haynsworth was nominated as a Federal judge, but after his elevation to the judiciary the company's business increased at a spectacular rate. For instance, gross sales were as follows:

1951	$169,000
1956	296,000
1957[1]	453,000
1959	714,000
1960	941,000
1961	1,697,000
1962	2,552,000
1963	3,160,000

[1] The year Mr. Haynsworth was appointed a judge.

In 1964 Judge Haynsworth sold his one-seventh financial interest in the vending company for a profit of over $400,000 on the original investment of $3,000.

Now, there is nothing wrong with a man making a profit on his business operations. That is a part of our free enterprise system; but does such a business operation coincide with the Canons of Judicial Ethics to which Judge Haynsworth subscribed when he assumed office?

Again I quote canon 26 of Judicial Ethics, which provides:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. . . .

On June 2, 1969, before his nomination to be an Associate Justice, Judge Haynsworth was testifying before a congressional committee holding hearings on improvements in judicial machinery, at which time he said:

> Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. (page 94, committee hearings)

Later, on September 17, 1969, after his nomination for the Supreme Court he was asked if this statement were in error, and he replied as follows:

> Well, yes; to the extent that I said that I resigned from them all when I first went on the bench it was. It was correct at the time I appeared. At the time I appeared I had no directorships whatever. (page 94, committee hearings)

Earlier that day he had said:

> My recollection is that I resigned when I went on the court in 1957, but the minutes for the next year and the years after that show my being reelected as vice president each year until 1964. (page 91, committee hearings)

Not only did Judge Haynsworth not resign his official capacity as an officer and director of the company but he continued to collect director fees between 1957, when he went on the bench, and 1963. In 1963 his director fees were $2,600. In addition, his wife continued to act as secretary to the company.

When asked why he continued to retain his investment and to serve as an officer or director of the vending company after becoming a judge he said:

> I retained on this board of directors because, again, it was very closely held. I had no reason to think that my interest as a stockholder or as a director was known outside this small group, and I felt no compulsion at that time to resign. (page 42, committee hearings)

Continuing in his testimony before the Judiciary Committee he commented further:

> I moved to sell my stock as soon as I could, once it became known of my stock interest I thought I should divest myself of that, and I moved to do that as quickly as I could. (page 43, committee hearings)

Judge Haynsworth emphatically denies that he ever contacted the executives of any company in an effort to solicit business for his vending company, nor is there any contradiction of his statement.

But there appears to be no denial of the fact that his vending machine company did have contracts for placing its vending machines in the plants of many corporations operating in that area, and these were companies which later could—and some did—become litigants in his court.

A question may well be asked, To what extent can the spectacular increase in sales and earnings of the vending company be attributed to the unspoken decision on the part of company management that it may be advisable for his company to sign a contract with a vending machine company in which a Federal judge had a major financial interest, especially in view of the fact that at some time they may have occasion to appear in his court?

Certainly it was the possibility of such a thought or conclusion that prompted the Canons of Judicial Ethics, which states that:

> After his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. (Canon 26)

And further:

> A judge's official conduct should be free from impropriety and the appearance of impropriety. (Canon 4)

After reviewing this record the questions which must be answered by each Senator are:

First. Did Judge Haynsworth after his confirmation as a Federal judge in 1957 disassociate himself from outside financial transactions in a manner which is in accord with the expected standards of a Federal judge?

Second. If confirmed by the Senate would he add dignity and help restore respect for our High Court?

Perhaps no single decision or action of Judge Haynsworth to which the committee report alludes is of such a grave nature as to require a vote against his confirmation, but when all the pertinent matters are viewed collectively one can discern a pattern which indicates that Judge Haynsworth is insensitive to the expected requirements of judicial ethics, especially the rule that requires judges to separate from active business connections and to avoid even the appearance of impropriety.

For years I have been critical of Federal judges' neglecting their judicial duties and directing their energies toward outside activities for the purpose of financial gain, and to confirm Judge Haynsworth as an Associate Justice of the Supreme Court in the light of his record would, in my opinion, be placing a stamp of approval on such outside financial operations. I believe this would be a mistake.

The restoration of the confidence of the American people in the integrity and fairness of our courts is of paramount importance. This objective can be achieved only by promoting to the High Court men whose past records demonstrate that they recognize the importance of avoiding the appearance of improprieties as well as refraining from the improprieties themselves.

It is with regret that I shall vote against his nomination.

Mr. President, in last week's issue of Newsweek there appeared an article by Samuel Shaffer entitled "Anatomy of a Decision."

This article refers to the problem experienced by Senator MILLER, of Iowa, in making his decision on this confirmation.

I ask unanimous consent that the article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANATOMY OF A DECISION: HOW ONE SENATOR MADE UP HIS MIND ON THE HAYNSWORTH CASE

(By Samuel Shaffer)

WASHINGTON.—What are the private agonies of a senator as he makes up his mind on a controversial issue like the Haynsworth case?

For Jack Miller, 53, a quiet, hard-working Iowa Republican, the decision was particularly heart-rending. He is a conservative, a Nixon admirer and a man who would ordinarily be delighted to vote for the confirmation of a fellow conservative like Judge Clement Haynsworth to the Supreme Court.

But there were complications, rising from Haynsworth's record and from that of Miller himself. Indeed, for the Iowa senator, the Haynsworth case actually began last year when he joined the fight against confirming Abe Fortas as Chief Justice.

Miller and like-minded senators made a strong—and eventually successful—stand against Fortas for failing to avoid "the appearance of impropriety." And then when Haynsworth was nominated for the court, he too was accused of the same sort of "carelessness" in stock transactions and the observance of the canons of ethics of the American Bar Association.

When the Haynsworth hearings began, Miller was immersed in the lengthy deliberations on the tax reform bill and was unable to watch the proceedings at first hand. But he had his staff prepare a memo on each day's happenings and at night would check the memo against the official transcript.

The more he studied the evidence and Haynsworth's own testimony on the stock transactions, the more convinced he became of the judge's "carelessness."

By mid-October, Miller had already reached a "tentative" decision to vote against Haynsworth. He reported this state of mind—in an atmosphere of the greatest secrecy—to Attorney General John Mitchell. At Mitchell's request, Miller agreed to keep his decision tentative until Mitchell could furnish him with briefs detailing the Administration's side of the controversy.

The briefs, extensive as they were, did not change Miller's mind. Nor did the arguments of deputy White House counsel Clark Mollenhoff who weighed in with stacks of legal material and testimonials. Haynsworth's chief Senate defenders also attempted to change Miller's view.

Finally, late in the afternoon of October 30, Miller was one of 14 senators invited to the White House to hear the President himself defend the nomination. And all along, there was pressure, pro and con, from all sorts of people.

"You become concerned over whether you are interpreting the canons of judicial ethics too harshly," says Miller, "especially when good friends, including both lawyers and judges, reach a different conclusion. You are further tormented by letters and phone calls from people in your own home state who are on both sides of the issue . . . and you realize there are good people who have arrived at different conclusions from yours."

Still, the senator was not yet willing to announce his decision. On the weekend after his meeting with the President, Miller flew back home to Iowa. With him went a bulging briefcase of papers on the case, as well as the 762-page text of the hearings.

He returned to Washington the following Monday and grimly announced his decision: he would vote against confirmation. Immediately afterwards, the word in the cloakrooms was: "That's the biggest nail in the Haynsworth coffin."

For Miller is symbolic of the problems the President encountered in the Haynsworth affair. Without men like him, none of the natural enemies of the appointment of the conservative Southern jurist—labor, the civil rights forces, the liberal Democrats—could ever have mustered enough votes to put the nomination in doubt.

Miller, moreover, is just the kind of Midwestern Republican Richard Nixon has always considered an ally. . . . Miller won his first term in the U.S. Senate (in 1960) and helped carry the state for Nixon. Re-elected in 1966, he was a staunch Nixon man at the '68 convention. Through it all, he has been a competent, well-informed legislator, with the forceful but low-keyed way with a speech that is most effective among professionals. In fact, some Senate observers consider him the "Mr. Republican" of the future.

His desertion from the Haynsworth cause, thus, was a particularly hard blow for the Administration. But in the end, his conscience prevailed, as did his feeling—which is almost an article of faith among some conservative legislators—that the Supreme Court has lost the confidence of the American people. And the appointment of Haynsworth, he concluded, would do nothing to restore this confidence.

Miller did not reach this conclusion gladly. Quite simply, he says, "It was torture."

MODIFICATIONS OF THE SYSTEM OF SELECTING PERSONS FOR INDUCTION INTO THE ARMED FORCES

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 524, H.R. 14001.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14001) to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. STENNIS. Mr. President, I ask the attention of Senators. This is an important bill. I do not think it will be debated at length, but it has been through quite a round of conferences and discussions, and I think the debate ought to be heard by Senators who are present.

The PRESIDENT pro tempore. The Senate will be in order.

The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, I again ask the attention of Senators who are present, and ask staff members to take seats and be quiet.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly, without losing his right to the floor?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I think perhaps there should be a quorum call.

Mr. STENNIS. Yes.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, the pending bill, H.R. 14001, is a simple bill. So far as I know, it has no opposition, or perhaps only slight opposition. In substance, it repeals one sentence of the Military Selective Service Act of 1967.

The legislation to be repealed, in effect, prohibits the use by the President of a random system of selection for induction. Stated in the affirmative, the passage of the bill will permit the President, in his discretion, to use a random system of selection for induction. The significance of the bill can, I think, be better understood with an explanation of the legislative background of the issue.

Since the original enactment of the Selective Service Act of 1948, the President has always had the authority to designate the so-called prime age group for induction and establish the sequence of induction. Up until the present, this system has always operated on the basis of the oldest first from among those qualified and available in the class 1-A pool.

The Military Selective Service Act of 1967, I should emphasize, did not change the Presidential authority for designating the prime age group. As finally enacted, however, the law did contain the sentence to be repealed by this bill, which, in effect, provides that within whatever prime age group the President designates, he must use the "oldest-first" method. The President has already announced that he will revise this system by designating the 19 to 20-year-olds as the prime age group for induction, and had this bill not been enacted he would have been required to utilize some form of the "oldest first" method, within this particular group. This legislation, as I have already indicated, will permit the use of the random system within the younger prime group in a manner which I shall outline in more detail in a few moments.

But I emphasize at this point that the bill does not require the President to utilize the random selective system; it merely extends to him the discretion for its use. In that way, this is purely permissive legislation.

It might be of interest to recall to Members of the Senate that the Military Selective Service Act of 1967 in the version passed by the Senate did not contain the prohibition on the use of the random system of selection. The committee did express some reservation on the use of the method because of its possible adverse effect on voluntary recruitment, but it did not feel sufficiently strong in the matter to adopt any prohibitory language. The House, on the other hand, felt very strongly at that time that the random system should not be permitted as a matter of law and the Senate finally receded to the House position.

I should add at this point, Mr. President, that Secretary Laird testified last Friday that the Department of Defense foresees no significant adverse effects on either the voluntary enlistments or the ROTC programs because of the initiation of the random system.

In substance, therefore, Mr. President, the enactment of the pending bill will restore to the President the same authority that he possessed in the bill as it passed the Senate in 1967. I say that with emphasis because the Senate is reenacting today what was its position in 1967.

I pause here to give the House committee a great deal of credit. In their willingness to reconsider entirely this matter, they brought the pending bill out of the House Committee on Armed Services by a vote of 34 to 0. And it passed the House almost unanimously.

Representative HÉBERT, of Louisiana, has always been very much interested in this subject. And he was very active in the leadership on this matter that is pending before the Senate today. He deserves a great deal of credit for this. The regular chairman of the committee at that time had to be away from the city on official business for a few days.

Mr. President, I pause here to point out that our committee report covers the full impact of the pending bill and how it will operate.

I refer to the President's message of May 13, 1969, as a historic matter. In that message he made six major proposals on revising the selective service. And five of those six proposals could be implemented by the President under the present law within his discretion, but the sixth one could not. And that sixth proposal is the one that is pending before the Senate today, to repeal the negative sentence in the present act.

HOW THE RANDOM SYSTEM IS INTENDED TO OPERATE

Mr. President, the virtue of having a random system of selection in combination with the "youngest first" system is that it shortens the time of uncertainty as to whether a young man will be called into active service. One of the greatest criticisms of the present draft system is the long period of time during which young men are unable to make firm plans for their education and careers. Basically the process which I will outline will limit the period of so-called prime exposure for draft vulnerability to 1 year.

The main points are as follows, and this is a little involved, but it ought to be stated for the RECORD:

First. The system will become operative early in 1970, hopefully around Januray 1, but it is not known at this time whether all of the administrative details can be worked out by this date.

Second. As I have already indicated, the system will establish for the age group 19 to 20 a maximum exposure of 1 year for prime vulnerability for induction. After the 1 year has elapsed those not inducted would be placed in a lower order for call.

In other words, if one is not called in that 12-month period, he would not drop out entirely, but would drop into a lower order for call.

Third. This system will operate through a national drawing under which each of the 365 days of the year will be scrambled and receive a sequential number. For instance, if No. 1 is November 15, all those born on November 15 would be in the highest priority for call. If November 20 were to receive No. 365, all those born on this day would be in the lowest order for call.

Each of the 4,000 local draft boards would be guided by this numerical sequence. I should point out, Mr. President, that due to the difference in quotas and many other factors, the local boards will reach different numbers at different times during the year. One board might be able to meet all of their quota by not going beyond No. 150, whereas another board might have to go to a much higher sequence, depending on the factors involved.

Fourth. Mr. President, for those registrants born on the same day there will be a second national drawing which will determine the sequence based on a scrambling of the alphabet. This process is fully described in the committee report.

Fifth. Mr. President, I would also point out that those in the older group between ages 20 to 26 will also receive a number in the initial national drawing.

In other words, they will then be carried over, and in this initial national drawing, that group will not be skipped, but will be given a number.

Their deferments, however, will not be affected by the drawing itself. At such time as their deferred status is terminated they will be placed in the 19 to 20 group with the vulnerability of the number they previously acquired.

Sixth. The last point I would emphasize, Mr. President, is that there will be no exact way in which a young man will know whether or not he will be called for induction as a result of his sequential number. He will only know his relative degree of vulnerability. Whether or not he will be inducted will depend on many factors, such as the extent of voluntary enlistments, the size of the Armed Forces, and the number of draft calls. Of course if one received either a very high number or a very low number a fairly safe conclusion can be reached.

MATTERS NOT AFFECTED BY THE BILL AND FUTURE COMMITTEE PLANS

Mr. President, this bill, though important, applies to only a limited aspect of the Selective Service System. It does not affect certain major areas, including: First, registration; second, classification, which is the process by which all registrants are placed in some 18 broad categories of induction vulnerability; and third, all existing deferments and exemptions.

The only issue that has arisen in connection with this bill is that it does not go far enough, and on this aspect I would like to make the following points. I mean, the objection is that it does not go far enough and cover other points and other questions.

On November 10, our committee unanimously adopted a committee resolution providing, among other things, that comprehensive selective service hearings will begin not later than February 15, 1970. I had announced here as early as May of this year, when the President's message was received, that it appeared that it might not be possible to hold hearings this year, but that we would hold comprehensive hearings early in 1970. I repeated that announcement on the floor of the Senate in early summer and later in the summer. It has been the purpose all the time to have these comprehensive hearings in calendar year 1970.

I am hopeful that the committee will be in a position to report a bill, but I want to make it clear that we cannot make any guarantee at this time. As chairman of the committee, it is my wish to reiterate and to make it clear that these hearings will begin not later than February 15, and Senators and other interested people who have suggestions or legislative amendments will be heard.

Furthermore, as Members of the Senate may know, a joint Selective Service/National Security Council study on Selective Service guidelines and procedures has been underway and is due to be completed December 1. Both General Hershey and Secretary of Defense Laird stated at our hearings last week that the results of this study will be available for the hearings.

As chairman of the committee, I have emphasized that we expect the executive branch to be prepared to testify on all phases of the Selective Service System, including the matter of extending the authority for induction beyond July 1, 1971.

Mr. President, I trust that the foregoing remarks have served to adequately explain this bill.

I hope that the Senator from Maine (Mrs. SMITH), the ranking minority member of the committee, will make some remarks on this matter. She is most interested in this subject. We have talked about it many times, and she has urged that we get into the subject matter.

I believe that this bill should be passed now, without amendment, in order for the President to implement this new system at the earliest possible date. This is a matter, however, that is entirely within his discretion, under the new bill.

There has been a great deal of debate, there have been many speeches, and there has been a great deal in the press about various other amendments to the Selective Service Act. Many of them would be far reaching. Many of them, in effect, would abolish the local draft boards and set up a regional authority—all of it controlled from here. Others went into the exemptions. Others gave new definitions of conscientious objectors that extended into many fields beyond religious beliefs, and a host of other things. Also, the voluntary Army concept has been proposed.

Those matters and all others will be gone into, of course. But I was very clear and firm that there should not be any attempt to pass a bill on those subjects without comprehensive hearings, so that we would have the facts before us on both sides—a bill that had been studied by the committee, with at least a majority of them making a recommendation—and then we could have debate on the floor and Senators would know what the real issues and the facts are.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. May I just finish? I have a minute or two more and then I am going to yield to the Senator from Maine.

Our committee had a conference, and we voted unanimously to support this bill; and we voted unanimously, under the circumstances, to oppose all amendments in this calendar year. We voted then to set a date on the hearings for early 1970. We took that matter up with the leadership, the Senator from Montana, the Senator from Pennsylvania, and other interested Senators who had been interested in offering amendments. I think we had a very wholesome discussion there. It was worked out around the table, and those gentlemen agreed that for this year this was all we could do in a proper way. They agreed to defer offering amendments, even though some may want to explain their positions—I mean, offer their amendments for debate now or later and get them in the Record. I commend them very highly for their practical approach and for a very sound legislative approach to this matter.

Mr. President, I will be glad to answer questions. I am not trying to hold the floor, but I believe the Senator from Maine wishes to make some remarks.

Mr. JAVITS. I would not dream of detaining Senator Smith, but I do have a question.

It is a fact that you gentlemen have agreed with Senator Kennedy and others about this matter. That was widely advertised. Other Senators have bills—I do and others do.

I agree with what the Senator from Mississippi has said, and I am going to abide by it, even though I was not one of the parties to the consultation. I think it is sensible. But I did want to make the point clear that not all of us who have measures to suggest were in this consultation.

Mr. STENNIS. Yes.

Mr. JAVITS. My question, therefore, is this: First, I would like the Senator to allow me to put my bill in the Record at this point, with unanimous consent.

Mr. STENNIS. I suggest that debate continue and that the Senator from New York do this at the end.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. My second question is, Will the committee consider all the bills, not just those of the Senators with whom they, as it were, conferred?

Mr. STENNIS. Yes. It will be a wide open hearing—comprehensive hearings. No one was excluded from the meeting we had. We notified everyone we knew had a present interest. I believe the two leaders did that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. As a matter of fact, I believe the distinguished Senator was absent on official business that day, because we did try to contact him.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Rhode Island.

Mr. PASTORE. If I correctly understand the explanation that the distinguished Senator just made, if a 24-year-old is now eligible for the draft and has no deferment and has no exemption, but his birthday falls on the same day as a 19-year-old, there is a likelihood that in the drawing both could be called up together, at the same time.

Mr. STENNIS. That is correct. They have an equal vulnerability, if I may use that term. I do not like it, but that is the term that is used at Selective Service. The Senator is correct.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine (Mrs. Smith) is recognized.

Mrs. SMITH of Maine. I thank the distinguished and able Senator from Mississippi, the Chairman of the Committee on Armed Services.

Mr. President, as the ranking minority member of the Committee on Armed Services, I fully support the committee's favorable action in recommending the enactment of H.R. 14001, which will permit the President to institute the random system of selection, along with other proposed changes which can be accomplished by executive action.

It is a credit to the Armed Services Committee as a whole that both on the committee resolution of November 10 endorsing this legislation in principle, and in the committee's action of November 14 in reporting the bill, all 18 committee members were recorded in favor of this legislation in both instances.

The chairman of the committee has outlined in some detail the anticipated operation of the system. I shall not attempt to reiterate the procedures he has outlined. I would, however, Mr. President, like to emphasize three points.

First, the random selection system was only one of six changes recommended by President Nixon in his message to the Congress of May 13. This bill permitting the random selection system is the only one of six proposals necessitating a statutory change. The remaining five changes can be accomplished by Presidential regulation. Any fair administration of the Selective Service System is difficult at best and I think it is extremely important that the Congress support the President in his efforts to achieve a more equitable system for the serious business of induction of young men into the Armed Forces. Much remains to be done. I think it is auspicious that the Senate should show this unanimity for the President's first legislative request in connection with the draft.

Second, the President's decision to reverse the order of induction from the so-called oldest first method, which has been in continuous use since the Selective Service Act of 1948, to a youngest first method is a wise one. As the chairman has already indicated, the prime draft liability will be placed on the 19 to 20 age group who will be in a period of prime exposure for only 1 year following the national drawing in which they receive a sequential number.

Third, Mr. President, one of the principal reasons for criticism and dissatisfaction of the draft laws today is the state of uncertainty in which young men are placed because of the inability to know whether they will be drafted and when they will be drafted.

By limiting the period of prime exposure to 1 year our young men will no longer be confronted with the long period of uncertainty and inability to plan their careers and families because of the vulnerable draft status.

Mr. President, I would conclude by saying that I firmly support the announced plans of Chairman Stennis with respect to the full and comprehensive draft hearings which are scheduled for early next year. The pending bill, though highly significant, deals with only a limited phase of the selective service system. I am confident that next year full and complete hearings will be had on all phases of the system either for reaffirming the soundness of the present system or for recommending whatever changes may prove necessary.

Mr. President, I urge the Senate to adopt the pending bill without amendment.

Mr. STENNIS. Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. Hollings in the chair). The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I thank the Senator, the chairman of the committee, for yielding. I commend the chairman of my committee, as well as the ranking member on my side of the aisle, the Senator from Maine (Mrs. Smith), for their leadership in bringing this bill to the floor of the Senate.

In my opinion, the bill, although innocuous to some, is the key that will unlock the door for draft reform. I think the chairman made abundantly clear, as he mentioned earlier—and as early in

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this year as May—his sincere desire to hold full-scale hearings on the draft situation.

Now we have two routes we can take to accomplish what has long been needed. First of all, there is the legislative route, which the chairman indicated he is going to follow. He told our committee some months ago of his intention to do this. I commend him for it. I think this, in itself, will be quite helpful.

Second, the Nixon administration acted as the catalyst in this situation to uncork the bottle so the procedure can become operative. They pledged, with this proviso, that they will go ahead with other reforms needed, that were mentioned in a message to Congress.

The idea has been to arrange eligibility so that young men will be on the hook for only 1 year, and taking the youngest first, so that the period of exposure comes early in a person's life or after his educational career has terminated. Fixing a specific time will be a great help to young people in planning their lives and in knowing when that period will come upon them.

In addition, the President indicated in his message that he is going to implement an amendment I had placed in the 1967 bill when I was a Member of the other body, namely, uniform national standards. I believe a study is already underway, as indicated by the President, to show we are perfectly able to operate under the law as it now stands.

These four or five major reforms can become operative by this mechanism. That is why I say this is the key to unlocking the door. The situation is conducive legislatively and administratively for draft reform.

Mr. President, again I commend the Senator, the chairman of the committee, for getting the entire matter moving.

Mr. STENNIS. I thank the Senator. I appreciate his remarks.

Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I thank the Senator for yielding. I join other Senators in commending the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Maine (Mrs. SMITH) for the way this draft matter has been handled.

I think in this particular instance the Senate is acting very responsibly. It is a credit to all parties involved in the consideration of the draft legislation that we have arrived at a meeting of the minds and that we can proceed to implement two of the most important reforms and most desired reforms by a very simple legislative act, giving us more time to proceed to the consideration of other suggested measures.

Mr. President, I am the author of a draft reform bill. I think that much that I have advocated and much that is contained in my bill would be accomplished by this simple act.

I have often spoken of the need to reform the draft and amend the Selective Service Act of 1967. In June of 1968, I introduced a bill known as the Fair Selective Service Act of 1968. During the first week of this year, I reintroduced this legislation. The main aim of my bill was to correct the sequence under which eligible persons are inducted into military service.

I am most pleased that the President has decided through the use of an executive order to adopt the changes which my bill would make legislatively. The executive branch of our Federal Government has always had the power to make changes in our Selective Service System but until recently has been hesitant to act. This Executive order will revise the order of induction from the so-called oldest first method to the youngest first system of prime vulnerability. It will also limit the period of prime vulnerability to a 12-month period.

I believe these changes will go a long way to providing the greatest possible equity in our draft laws. As the law exists now, a young man is eligible for the draft immediately upon reaching the age of 19. He remains eligible for induction for the next 7 years until he reaches the age of 26. These years of uncertainty cause the most distressing problem with the draft. In many cases a young man is unable to make adequate plans for the future simply because there is a chance that he may be called up to serve at a very short notice. There are many examples of this: A young man with a bachelor's degree confronted with the problem of attempting to pursue a graduate degree while being faced with the distinct possibility that he may be drafted; or the hesitancy of a businessman or factory owner to hire and train a potential employee due to the fact that the young man may soon be drafted.

By reducing the period of prime vulnerability and reversing the order of call for induction much of this uncertainty will disappear. To accomplish this, the President and the Director of the Selective Service System need the fairest system of selection that is possible. For this reason, this bill, although it may seem to be the simplest bill the Senate has had before it this session, is of great importance. In his testimony before the Senate Armed Services Committee on November 14 of this year, the Honorable Roger T. Kelley, Assistant Secretary of Defense of Manpower and Reserve Affairs, stated:

> We have examined the options of accomplishing the first objective—that of limiting draft vulnerability to one year—by Executive action without changing the law. The conclusion is that the options available through Executive action would not produce a system that has the combined virtues of fairness, simplicity, and understandability which is possible by simply repealing one sentence in the existing draft law. Also, important, the options available through Executive action would not as clearly help young men know whether and when they are likely to be drafted.

Under the President's plan as announced in his May 13 message to Congress, the prime age group would be composed of those 19 years old and in class I-A at the beginning of that year, along with those men whose deferments have expired. Prior to the beginning of each year all dates of that year would be randomly selected. This would enable the local boards to establish an orderly sequence of induction. Those dates drawn first would determine those individuals whose prime vulnerability would be high. Thus, depending on manpower needs and local board quotas, a young man would be able to judge his relative vulnerability to the draft. All he would need to know is where his birthdate falls in the last of 365 or 366 dates to judge his chances of being drafted. Those men whose birthdays fall at the bottom of the list would have a low vulnerability and would not probably be exempt from military service except in a national emergency situation.

I would like to applaud the action of the other Chamber in passing this legislation in both a speedy and near-unanimous manner. As a member of the Senate Armed Services Committee, I am very proud of the work which the committee did in reporting a resolution in unanimous fashion recommending passage of H.R. 14001. It is the duty of the Congress to establish the most equitable selective service system possible. President Nixon, in his May 13 message on draft reform eloquently explained his concern over this problem:

> Any system which selects only some from a pool of many will inevitably have some elements of inequity. As its name implies, choice is the very purpose of the Selective Service System. Such choices cannot be avoided so long as the supply of men exceeds military requirements. In these circumstances, however, the government bears a moral obligation to spread the risk of induction equally among those who are eligible.

In light, therefore, of all of the overpowering arguments for draft reform, I urge swift passage of H.R. 14001.

Mr. President, again, I commend not only members of the Committee on Armed Services—sort of patting ourselves on the back—but also all Senators who have an interest in this matter and who were helpful in expediting its consideration.

Mr. STENNIS. Mr. President, I thank the Senator for his help and his assistance in this matter. The unanimity we reached in the committee was a key factor. I agree that all Members of the Senate who have a special interest are entitled to credit. I am glad to give them such credit.

I yield to the Senator from Ohio, who is a member of our committee.

Mr. YOUNG of Ohio. Mr. President, as a member of the Committee on Armed Services, I desire to pay my respects and manifest my admiration for the distinguished chairman of our committee, the Senator from Mississippi (Mr. STENNIS). I shall vote for this stopgap proposal today but, as in the case of the Senator from Texas, I am also the author of a pending bill to effect draft reform. I consider my bill far superior to his bill. I hope it will be discussed in our committee early next year.

Mr. President, involuntary conscription is an abomination. We must do everything we possibly can early in the coming year to reform the present discriminatory and unfair Selective Service law. We must also go forward on the theory that conscripting young men is abhorrent to our way of life and should not be tolerated in our Republic except in times of grave national emergency or in times when we are engaged in war—not involved by an act of the chief executive in a civil war from which we are having difficulty extricating ourselves.

We should proceed on the theory that we should not, in this Republic, even consider conscripting our youth unless it is at a time when the Republic is in peril and that is needed. However, if we must have selective service, at least we can do our utmost not to disrupt family life and the lives of millions of young Americans as the present selective service law has done. We must not discriminate against any young Americans.

In that connection, we would do well to follow what our allies have done. Canada and England have no draft laws whatsoever. Most nations of Europe, such as Italy, France, Belgium, Norway, and others, have conscription for 12 months to 15 months. West Germany, of all the European allies, stands alone in having conscription for 18 months.

I am sorry to have to add that in many of those European countries, parents of boys about to be drafted are able to buy their way out of having to serve in the armed forces. I am glad that is not true in this country. However, if we have to have a draft, we must not require draftees to serve more than 18 months.

The Armed Services Committee, its chairman, and others, have expressed an interest in the matter of reducing the term of active service. I hope that perhaps when we look searchingly at this entire matter early in the coming year, the period for service will be set at 18 months.

The present tour of duty of men in our Armed Forces in Vietnam is 1 year. Even assuming that an inductee were given 6 months of training instead of the present 4 months before being assigned to combat duty overseas, it is obvious that our military manpower needs could be fulfilled with an 18-month draft. It is unfair and unnecessary to require these young men to serve for 2 years.

If we have to suffer this abomination—and conscription is an abomination—then I, for one, am going to fight to the utmost, early next year, to set the limit at 18 months. I know that many Senators share my view.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks. He was most cooperative in the committee when we took this unanimous position.

Mr. President, I am ready to yield the floor but there is one other point I want to make: The question came up in the conference he was talking about, as to the committee's promising to report a bill during calendar year 1970.

I said that I would certainly make every reasonable effort, but that it was a matter which rests squarely within the discretion of the committee. I asked a member to withdraw the request, and he did, because that is what committees are for. But we have the attitude I have already mentioned, with reference to the promise made about the content of any bill we might report. Let me say that no promises were made, although they were asked in good faith. Again, that is what committees are for.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. DOLE. Mr. President, I rise in support of H.R. 14001, to amend the Military Selective Service Act of 1967 to authorize modification of the system of selecting persons for induction into the armed services under this act.

There were times during this session when the future of draft reform legislation appeared to be bleak. It is gratifying to me that the Senate leadership and the Armed Services Committee were able to reach an agreement that allowed this bill to come before the Senate for consideration.

There are approximately 2 million young men who reach the age of military service each year. For them and their families the draft is one of the most important factors affecting their lives. President Nixon realized the disruptive impact of the present draft system on the individual and recommended to Congress on May 13 that changes be made that would provide immediate relief. In September, the President revised his proposal and requested only a modification that would restore to the President the discretionary authority held prior to the enactment of the Selective Service Act of 1967 with respect to determining the relative order of selection for induction within specific age groups.

Mr. President, on January 22, 1969, I joined with the Senator from Oregon (Mr. HATFIELD) and seven other Senators in introducing S. 503, a bill to end the draft and substitute a voluntary military manpower program. At that time, I thought it necessary to examine legislation that would meet the Nation's military requirements but with the maximum amount of personal liberty for our young men. On March 7, 1969, in recognition of the manpower needs arising out of the Vietnam war, I joined the Senator from Pennsylvania (Mr. SCHWEIKER) and nine other Senators in introducing S. 1433, composed of amendments to the Military Selective Service Act of 1967 which would have provided the most critically needed reform.

Mr. President, there are many in Congress who want to see a complete revision of the Selective Service System. I have worked toward this end myself. However, it is clear that if we are to provide any relief this year, it must be in the form of H.R. 14001. I urge my colleagues to support this legislation as a first step toward comprehensive draft reform.

Mr. STENNIS. Mr. President, I thank the Senator from Kansas for his comments.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I think I should make my position clear on this question.

I intend to vote against the pending legislation.

I feel that what it does is to constrict the pressure of the draft to that broad age group of 19-year-olds who, as the report indicates, will become the "prime vulnerable" group for induction.

There is a great deal wrong with our Selective Service System. Unfairness and inequity are built-in impediments. We are in need of an exhaustive review of the whole procedure involved in selecting and maintaining our Armed Forces—a review that should include the close scrutiny of all of the loopholes available and, even more, of the whole question of compulsive service.

Perhaps the so-called random selection or lottery proposal is a step in the right direction. I am not sure. In any case, I am not at this time prepared to support a move in that direction. More—much more has to be done.

I did not vote for the extension of the Draft Act last time. It is inequitable and, at first blush, this most recent proposal is pressurized insofar as a single age group is concerned. The fact is, inequities and unfairness still continue in the draft system.

Mr. President, I want the RECORD to show my position on this matter.

THE LOTTERY: A THREAT TO DEMOCRACY

Mr. HATFIELD. Mr. President, since the end of World War II our country has been faced with the inequity of a peacetime military draft. It has been my firm conviction, and still is, that peacetime conscription is contrary to the ideals on which our democracy was founded, ideals which we must maintain if our country is to flourish. There has been a proposal to establish a lottery, and I find it just as, if not more, inimical to our youth, our Nation, and our future than the the present Selective Service System.

There are three criteria by which to judge the adequacy of a military manpower procurement system: First, the degree to which it would preserve the maximum amount of individual liberty and freedom from unjustified intrusion by the Government; second, the fairness in its application so that every young man receives equal treatment and no young man is required to make sacrifices that are not demanded of his peers; and third, the system's provision for maximum national security with the greatest efficiency and economy.

The present draft system meets none of these standards adequately—nor does the proposed lottery. We are still faced with the injustice, inequity, and inefficiency with the lottery that we face with the draft. There are some differences, however, which would further frustrate a persisting, intolerable situation. Under the lottery we substitute Lady Luck for conscious choice. This will not alter the fact that some young men are forced into service and denied their individual liberty while others escape any military duty. Furthermore, we would discriminate against the 18- and 19-year-olds more than under the present selection methods.

Patching up the draft will not necessarily move us toward an all-voluntary Army. The continuation of a peacetime conscription serves as a case in point. Similarly, a stopgap lottery system will only postpone the necessary transition to an all-volunteer military. As long as the incentives for voluntary enlistment are not improved, the undemocratic principle of the military draft is further entrenched in our society.

On September 10, 1969, I wrote to the President expressing this opinion, proposing that he set January 1, 1971, as a target date for establishing an all-volunteer Army, having a lottery as an interim measure. To my knowledge no target date has been set. And, consequently, we are faced with the possibility of prolonging and heightening the alienation, discord and polarization that conscription has brought in its 25-year wake.

President Nixon has vehemently supported the concept of an all-volunteer armed force. He has stated that "as soon as our reduced manpower requirements in Vietnam will permit us to do so, we should stop the draft." Secretary of Defense Laird has asserted, furthermore, that the question of instituting a volunteer Army is essentially one of monetary cost. We have the manpower necessary to meet our military needs, and we can afford the budgetary cost—a cost, I might add, which is minimal when compared to the social losses incurred by conscription.

If we are to move toward constructive change, a unified citizenry and a more just nation, we must set our goal at instituting a volunteer military and the total abolition of the draft. Involuntary servitude in any form will only perpetuate the dysfunctional effects of inefficiency, inequity, and injustice. One does not reform inequity, one abolishes it.

Therefore, I would like to register my protest vote.

Mr. BYRD of West Virginia. Mr. President, the passage of H.R. 14001 could be a significant step toward meaningful reform in our Selective Service System. It would return to the President the authority to institute his proposed draft lottery—a random-selection system designed to erase some of the inequities that now exist.

The current draft system leaves a young man in the eligible category from the time of his maximum vulnerability—age 19—until he has reached his 26th birthday. Decisions concerning education, career, marriage, and family are often postponed simply because of the young man's uncertain draft status.

I feel that the proposal before us appears very sound in this regard. Under the random-selection method, each eligible young man would enter the lottery during his 19th year. If he is not called within 12 months after this entry, he is reasonably assured that he will not be drafted. His name, after that 1-year period, is placed in a less vulnerable bracket.

The lottery also provides that each person in the prime age bracket would run the same risk of being called first—there would be no discrimination within the age bracket, and the President would not be under compulsion to call the oldest first within the given age group. In his message to Congress, President Nixon said the first in a series of selective service years would be established. He further stated:

> Prior to the start of each selective service year, the dates of the 365 days to follow would be placed in a sequence determined by a random method. Those who spend the following year in the pool would take their places in the draft sequence in the same order that their birthdays come up on this scrambled calendar.

Thus, Mr. President, a young man born on January 1, would not be made more vulnerable just because of his apparently unfortunate birth date. Those persons who share the same birth date would be further arranged according to the first letter of their last names—and that alphabetical list would be scrambled to make the A's potential equals of the Z's. This lottery would be rearranged each year, further assuring its parity for all young men.

It has been accepted practice recently to induct the youngest men first, and the average age for inductees has dropped from 24 a few years ago to a present average of 20.2 years. The administration's proposal would make drafting on a youngest-first basis a matter of policy, rather than procedure, and would erase most of the inequities within a given age bracket.

The administration has seen fit—and wisely so, I think—to continue undergraduate student deferments and to make the rules governing graduate deferments more realistic. Our Nation needs young men who are being educated by our colleges and universities. To draft them before they finish their baccalaureate training would be to undercut an important national investment. The proposal before us recognizes this fact, but it also recognizes that letting these students completely miss induction would be denying the military their needed skills.

Thus, the proposal would grant the deferment, but would regroup these students in the 19-year-old age bracket once they finish college. The students would, therefore, run the same risk of involuntary induction that noncollege men run.

Graduate school deferments would be extended until the end of the academic year—rather than just until the end of the semester, as is presently the case. As we all realize, most financial planning for higher education is done on an annual basis, not a semester at a time; and much of the graduate work is distributed over the full school year. To interrupt that work—to impose that kind of a financial hardship—in midstream is to possibly drown a young man's career. After finishing out the year, the graduate student would serve his time in the military.

Blanket continuance would be given to only the deferments for medical students and those students in the allied health field. With a shortage of physicians estimated to reach 50,000 by 1975 and an equally alarming shortage of other health professionals, continuing these deferments appears to be in the best national interest.

A major reservation concerning the lottery proposal was whether such a selective service system would have a detrimental effect on voluntary enlistments and various Reserve Officers Training Corps programs. Addressing itself to this concern, the Senate Armed Services Committee has reported that:

> The testimony before the committee indicated that the Department of Defense does not consider this to be a matter of great significance based on recent studies.

Thus, without amendment, the committee has reported out H.R. 14001. Some of these proposals, it should be noted, were endorsed by both the Marshall Commission and the Clark Panel in 1967.

Mr. President, the Senate Armed Services Committee is expected to hold full hearings on draft reform next year, and the administration is expected to conduct further investigations into various aspects of our Selective Service System. The proposal now before us, therefore, is not necessarily the end of draft reform. It is a beginning, and it could provide an equitable base on which to build still other draft reforms.

EXHIBIT 1

S. 992

A bill to amend the Military Selective Service Act of 1967 to provide for uniform national criteria for the classification of registrants, to authorize a random system of selecting persons for induction into military service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Selective Service Amendments Act of 1969".

AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967

SEC. 2. The Military Selective Service Act of 1967 is amended as follows:

(1) Paragraph (1) of section 5(a) is amended by striking out "local board" each time it appears therein and inserting in lieu thereof "area office".

(2) Paragraph (2) of section 5(a) is amended to read as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in meeting any national quota of men to be inducted into the Armed Forces under this Act, selection of persons for induction to fill such quota shall be made from persons in the prime selection group, after the selection of delinquents and volunteers, to the extent that such group has a sufficient number of qualified registrants to meet such quota. Subject to the provisions of paragraph (3) of this section, selection of persons for induction into the Armed Forces from the prime selection group shall be made on the basis of the dates of birth of the registrants and upon such other factors as the President may deem appropriate."

(3) Section 5(a) is further amended by adding at the end thereof the following new paragraphs:

"(3) The President is authorized, under such rules and regulations as he deems appropriate, to provide for the selection of persons from the prime selection group for induction into the Armed Forces by a random selection system. In the event the President provides for such a system, he may provide for the selection of persons for such service on a national rather than a regional or local basis.

"(4) As used in this section the term 'prime selection group' means persons who are liable for training and service under this Act, who at the time of selection are registered and classified and who are—

"(A) between the ages of nineteen and twenty and are not deferred or exempted;

"(B) between the ages of nineteen and thirty-five and, on or after the effective date of the Military Selective Service Amendments Act of 1969, were in a deferred status, but are no longer in such status; or

"(C) between the ages of twenty and twenty-six on the effective date of the Military Selective Service Amendments Act of 1969 and are not deferred or exempted. Unless selected for induction or unless otherwise deferred from induction into the Armed Forces, a person shall remain in the prime selection group for a period of one year. Any person who is in a deferred status upon attaining the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred under authority of this Act. Any person who is removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. In no event shall any person be placed in the prime selection group for any period or periods totaling more than one year.

"(5) Notwithstanding the provisions of paragraph (4) of this subsection, any person who, on the effective date of the Military Selective Service Amendments Act of 1969, comes within the provisions of clause (B) or (C) of such paragraph shall be placed in the prime selection group as follows:

"(A) A person who attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

"(B) A person who is between the ages of twenty-two and twenty-four on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date.

"(C) A person who is between the ages of twenty and twenty-two on such effective date shall be placed in the prime selection group during the third twelve-month period following such effective date."

(4) The first sentence of section 5(b) is amended to read as follows: "Except when a random selection system is in effect pursuant to subsection (a)(3) of this section, and the President, by rule or regulation directs otherwise, quotas of men to be inducted for training and service under this title shall be determined for each State, territory, possession, and the District of Columbia on the basis of the actual number of men in the several States, territories, possessions, and the District of Columbia who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas to residents of such subdivisions who are in the Armed Forces of the United States on the date fixed for determining such quotas."

(5) Section 5 is further amended by adding at the end thereof a new subsection as follows:

"(d) The physical, mental, and moral standards which an individual must meet in order to qualify for induction into the Armed Forces under this Act shall be no lower than those prescribed for persons who voluntarily enlist for service in the Army."

(6) Subparagraphs (A) and (B) of section 6(b)(2) are amended by striking out "local board" each time it appears, and inserting in lieu thereof "area office".

(7) Paragraph (1) of section 6(h) is amended to read as follows:

"(1) Except as otherwise provided in this subsection, the President is authorized, under such rules and regulations as he may prescribe, to provide as uniformly as possible consistent with the national interest and the needs of the Armed Forces for the deferment from training and service in the Armed Forces of persons who are satisfactorily pursuing a course of instruction at a bona fide university, college, junior college, community college, technical college, vocational school or similar institution of learning, or who are satisfactorly pursuing a bona fide apprentice-training program or similar occupational instruction program, and who request such deferment. A deferment granted to any person under authority of this paragraph shall continue until such person completes the requirements for his baccalaureate degree, completes the training program, fails to pursue satisfactorily his course of instruction or training or attains the twenty-fourth anniversary of the date of his birth, or until the expiration of five years from the date of his graduation from high school or similar institution of learning, whichever first occurs. The President is authorized to restrict or terminate deferments under this paragraph whenever he determines such action is necessary to meet the military manpower needs of the Armed Forces. In the event of a declaration of war by the Congress or upon a determination by the President that a substantial number of persons inducted into the Armed Forces will probably be required to participate in armed conflict with hostile forces, deferments under this paragraph and paragraph (2) of this subsection shall be limited to those deferments he determines to be absolutely essential for the maintenance of successful military effort.

(8) Section 6(h)(2) is amended by striking out the last two sentences and inserting in lieu thereof the following: "There shall be posted in a conspicuous place in the headquarters of each area office a list setting forth the names and classifications of those persons who have been classified by such area office. Notwithstanding any other provision of this title, the President shall establish national standards and criteria for the deferment of persons under this subsection and such standards and criteria shall be applied at all levels of the Selective Service System as uniformly and impartially as practicable in the case of all registrants."

(9) Paragraph (2) of section 6(i) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a course of instruction at a university, college, junior college, community college, technical college, vocational school, or similar institution of learning, or who is satisfactorily pursuing an apprentice program or similar occupational instruction program, and is ordered to report for induction under this Act, shall, upon the facts being presented to the area office, be deferred (A) until the end of the academic term or training term, as the case may be, (B) until he ceases satisfactorily to pursue such course of instruction or apprentice or similar occupational instruction program, or (C) for a period of six months, whichever is the earliest. No person shall receive a deferment under this paragraph who has completed the requirements for a baccalaureate degree or who has heretofore been deferred as a student apprentice, or trainee under this paragraph or section 6(h) of this title, nor shall any person be further deferred by reason of pursuit of a course of instruction or training program except as may be provided by regulations prescribed by the President pursuant to the provisions of paragraph (h) of this section. Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed under subsection (h) of this section, for the deferment from training and service in the Armed Forces of any category or categories of students, apprentices, or trainees for such periods of time as he may deem appropriate."

(10) The second sentence of section 6(j) is amended to read as follows: "Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

(11) Section 6(j) is amended by adding at the end thereof the following: "Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearing. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department of Justice shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board that (1) if the objector is inducted into the Armed Forces under this title, he shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of such induction be ordered by his area office, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the area office may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his area office shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title. If after such hearing the Department of Justice finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall, in making its decision, give consideration to, but shall not be bound to follow, the recommendation of the Department of Justice together with the record on appeal from the local board. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the area office on a register of conscientious objectors."

(12) The third sentence of section 6(j) is amended by striking out "local board" the first time it appears in such sentence, and inserting in lieu thereof "area office or local board"; and by striking out "local board" each time it subsequently appears in such sentence, and inserting in lieu thereof "area office".

(13) Subsection (n) of section 6 is repealed.

(14) Section 10(a) is amended by redesignating paragraph (4) as paragraph (5), and by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

"(2) The Selective Service System shall be composed of (A) the National Selective Service System Office, to be located in Washington, District of Columbia, (B) eight regional headquarters distributed throughout the United States, and (C) such area offices, appeal boards, and other agencies as are hereafter provided.

(3) The Director of Selective Service shall be appointed by the President, by and with the advice and consent of the Senate.

"(4) The Selective Service System shall, to the maximum extent practicable, utilize automatic data processing equipment in carrying out the provisions of this Act."

(15) Section 10(b) is amended by redesignating paragraphs (5) through (10) as paragraphs (6) through (11); and by striking out paragraphs (2), (3), and (4), and inserting in lieu thereof the following:

"(2) to appoint a Regional Director for the Selective Service System for each regional headquarters, established pursuant to subsection (a)(2) of this section, who shall be in immediate charge of the regional headquarters; to employ such number of civilians, and upon declaration by the President of a state of national emergency to order to active duty with their consent and to assign to the Selective Service System such officials of the selective service section of the various regional headquarters and headquarters detachments and such other officials of the federally recognized National Guard of the United States and Air National Guard of the United States and other Armed Forces personnel (including personnel of the Reserve components thereof), as may be necessary for the administration of the national and of the several regional headquarters and area offices of the Selective Service System;

"(3) to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of the Selective Service System on a population basis. Each area office shall consist of a civilian area director, assisted by appropriate civilian staff. Each area director shall have the power within the respective jurisdiction of such an area office to hear and determine, in strict conformity with the rules and regulations prescribed by the President, and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from training and service under this title, of all individuals within the jurisdiction of such area offices, together with such other duties as may be assigned under this title;

"(4) to create and establish within the Selective Service System civilian local boards, as well as such other civilian agencies of appeal, as may be necessary to carry out its functions. Each local board shall function in conjunction with an area office provided for under paragraph (3) of this subsection and shall consist of three or more members. The local board shall, under rules and regulations prescribed by the President, and under appropriate precedents, have the power within the jurisdiction of such area office to hear and determine appeals from the decisions of an area director subject to the right of further appeal to the appeal boards herein authorized and all other questions relating to inclusion for, or exemption or deferment from, training and service arising under this title. There shall be not less than one appeal board, together with such additional separate panels thereof as may be prescribed by the President, located within the area of each regional headquarters of the Selective Service System. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the Armed Forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to deterimne all claims or questions with respect to inclusion for, or exemption or deferment from, training and service under this title, and the determination of the President shall be final unless modified or reversed upon judicial review, as hereinafter provided. Except in the case of a clear violation of the provisions of this title, decisions of area offices, local boards, appeal boards, and the President regarding the classification of a registrant shall be subject to judicial review only (A) by way of defense to a criminal prosecution of the registrant under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order for induction or for civilian work in the case of a registrant determined to be opposed to participation in war in any form, or (B) in the case of a registrant who has complied with an order to report for induction or for civilian work in an action under chapter 153 of title 28, United States Code, commenced within thirty days of the date of his induction. Judicial review in any case shall be limited to questions of law and the determination of whether there is any basis in the record for the classification assigned to the registrant. No citizen shall be denied membership in any component of the Selective Service System established pursuant to this section on account of race, color, creed, or sex. Composition of the membership of area offices and local boards and appeal boards shall represent, as far as practicable, all elements of the public which the boards serve. No person shall serve in an area office or on a local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No person who is a civilian officer, member, agent, or employee of the Selective Service System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such civilian officer, member, agent, or employee;

"(5) to appoint and fix the compensation of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title, but the compensation of employees of area offices and local boards and appeal boards may be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. Any officer on the active or retired list of the Armed Forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title (except to offices or positions in area offices or on local boards or appeal boards established or created pursuant to paragraphs (3) and (4) of this subsection may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or reserve component thereof, or as such officer or employee in any department or agency of the United States;".

(16) Section 10(b) is further amended by striking out the period at the end of paragraph (11), as redesignated by paragraph (15) of this section, and inserting in lieu thereof a semicolon; and by adding after such paragraph (11) a new paragraph as follows:

"(12) to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority."

(17) Section 10(c) is amended to read as follows:

"(c) Every individual shall be afforded the opportunity to appear in person before his local board for the purpose of objecting to or challenging the classification assigned to him and shall have the right to be represented before such board by private counsel and to present testimony and other evidence to such board regarding the matter of his classification. If any registrant is financially unable to provide his own counsel he shall have counsel made available to him without charge under such rules and regulations as the President may prescribe."

(18) The last sentence of section 12(a) is amended to read as follows: "Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for hearing at the earliest practicable date. The determination of appeals in cases arising under this title shall be expedited in every way practicable."

(19) Subsection (c) of section 12 is hereby repealed.

(20) Section 15(b) is amended by striking out "local board" and inserting in lieu thereof "area office".

(21) Section 15 is further amended by adding at the end thereof a new subsection as follows:

"(e) It shall be the duty of the Director to inform every registrant of all rights and procedures available to him under this title regarding classification, deferment, and exemption. Such information shall be in writing and shall be given to every person who registers under this title at the time of his registration."

(22) Subsection (e) of section 16 is hereby repealed.

(23) Section 16 is further amended by adding at the end thereof a new paragraph as follows:

"(j) The term 'delinquent' means a person required to be registered under this Act and who fails to perform or violates any duty, with respect to his own status, required of him under the provisions of this Act or any regulation issued thereunder."

MILITARY YOUTH OPPORTUNITY SCHOOLS

SEC. 3. (a) The Secretary of Defense, with the cooperation and assistance of the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other appropriate Federal agencies, shall conduct a comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training, for a period not exceeding one year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the Armed Forces.

(b) The Secretary of Defense shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The Secretary of Defense shall include in such report findings with respect to—

(1) the average annual number of volunteers for military service who fail to meet the educational and physical standards for such service, but who, with a maximum of one year's training in opportunity schools of the kind referred to in subsection (a) of this section, could qualify for military service;

(2) an estimate of the costs and benefits to the Department of Defense of establishing and operating such opportunity schools;

(3) the administrative capacity of the Department of Defense to carry out such a program;

(4) an estimate of the reenlistment rate which could be expected from volunteers trained in such opportunity schools;

(5) the advisability of requiring longer enlistment periods for volunteers receiving training in such opportunity schools; and

(6) the most effective means and measures for implementing a program of the kind described in subsection (a) of this section.

NATIONAL SERVICE CORPS STUDY

SEC. 4. (a) The President shall conduct a study and investigation to determine the feasibility and desirability of establishing a national service corps in which citizens of the United States who are mentally and physically able and who desire to perform nonmilitary services designed to combat disease, ignorance, and poverty at home and abroad may serve.

(b) The President shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The President shall include in such report such information as he deems appropriate, and in the event it is determined that the establishment of a national service corps as described in subsection (a) of this section is feasible and desirable, he shall specifically include in such report—

(1) a review of existing voluntary Federal service programs (nonmilitary) in which hardships are endured by the participants or extraordinary service is required of the participants, such as the Peace Corps and the Volunteers in Service to America, in order to determine the feasibility of establishing an expanded national service program with the broadest possible participation;

(2) a consideration of what the nature and scope of a national service program should be;

(3) the number of service opportunities which would be generated by such a program;

(4) the relationship of such a service system with the Selective Service System and the feasibility of authorizing service in such a national service corps program as an alternative to military service;

(5) the most effective means by which

such a service program might be coordinated with appropriate private, local, and State programs of a public service nature;

(6) the impact of such a service program upon the labor force and the economy of the United States;

(7) the effect of such a service program upon secondary education and higher education;

(8) the role of women in such a service program;

(9) the cost of establishing and operating such a service program; and

(10) the mental physical standards for participation, if any, and the duration of service in such a service program.

VOLUNTARY ARMY STUDY

Sec. 5. The President shall conduct a study to determine the cost, feasibility, and desirability of replacing the present system of involuntary induction of persons into the Armed Forces with an entirely voluntary system of enlistments. The President shall submit the results of such study to the Congress, together with such recommendations as he deems appropriate, within one year after the date of enactment of this section.

EFFECTIVE DATE

Sec. 6. Sections 2 through 5 of this Act shall take effect upon enactment. The amendments made by section 2 of this Act shall become effective ninety days following the date of enactment.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14001) was passed.

Mr. STENNIS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. TOWER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD the message from the President of the United States on the Selective Service System reform of May 13, 1969.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

SELECTIVE SERVICE SYSTEM REFORM

(Message from the President of the United States relative to reform of the Selective Service System)

To the Congress of the United States:

For almost two million young men who reach the age of military service each year—and for their families—the draft is one of the most important facts of life. It is my conviction that the disruptive impact of the military draft on individual lives should be minimized as much as possible, consistent with the national security. For this reason I am today asking the Congress for authority to implement important draft reforms.

Ideally, of course, minimum interference means no draft at all. I continue to believe that under more stable world conditions and with an armed force that is more attractive to volunteers, that ideal can be realized in practice. To this end, I appointed, on March 27, 1969, an Advisory Commission on an All-Volunteer Armed Force. I asked that group to develop a comprehensive plan which will attract more volunteers to military service, utilize military manpower in a more efficient way, and eliminate conscription as soon as that is feasible. I look forward to receiving the report of the Commission this coming November.

Under present conditions, however, some kind of draft will be needed for the immediate future. As long as that is the case, we must do everything we can to limit the disruption caused by the system and to make it as fair as possible. For one's vision of the eventual does not excuse his inattention to the immediate. A man may plan to sell his house in another year, but during that year he will do what is necessary to make it livable.

Accordingly, I will ask the Congress to amend the Military Selective Service Act of 1967, returning to the President the power which he had prior to June 30, 1967, to modify call-up procedures. I will describe below in some detail the new procedures which I will establish if Congress grants this authority. Essentially, I would make the following alterations:

1. Change from an oldest-first to a youngest-first order of call, so that a young man would become less vulnerable rather than more vulnerable to the draft as he grows older.

2. Reduce the period of prime draft vulnerability—and the uncertainty that accompanies it—from seven years to one year, so that a young man would normally enter that status during the time he was nineteen years old and leave it during the time he was twenty.

3. Select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at certain times of the year or the month.

4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

I believe these reforms are essential. I hope they can be implemented quickly.

Any system which selects only some from a pool of many will inevitably have some elements of inequity. As its name implies, choice is the very purpose of the Selective Service System. Such choices cannot be avoided so long as the supply of men exceeds military requirements. In these circumstances, however, the Government bears a moral obligation to spread the risk of induction equally among those who are eligible.

Moreover, a young man now begins his time of maximum vulnerability to the draft at age nineteen and leaves that status only when he is drafted or when he reaches his twenty-sixth birthday. Those who are *not* called up are nevertheless vulnerable to call for a seven-year period. For those who *are* called, the average age of induction can vary greatly. A few years ago, when calls were low, the average age of involuntary induction was nearly twenty-four. More recently it has dropped to just about twenty. What all of this means for the average young man is a prolonged time of great uncertainty.

The present draft arrangements make it extremely difficult for most young people to plan intelligently as they make some of the most important decisions of their lives, decisions concerning education, career, marriage, and family. Present policies extend a period during which young people come to look on government processes as particularly arbitrary.

For all of these reasons, the American people are unhappy about our present draft mechanisms. Various elements of the basic reforms which I here suggest have been endorsed by recent studies of the Selective Service System, including that of the Marshall Commisson of 1967, the Clark panel of that same year, and the reports of both the Senate and the House Armed Services Committees. Reform of this sort is also sound from a military standpoint, since younger men are easier to train and have fewer family responsibilities.

My specific proposals, in greater detail, are as follows:

1. *A "youngest-first" order of call.*—Under my proposal, the government would designate each year a "prime age group," a different pool of draft eligibles for each consecutive twelve-month period. (Since that period would not necessarily begin on January 1, it would be referred to as a "selective service year.") The prime age group for any given selective service year would contain those registrants who were nineteen years old when it began. Those who received deferments or exemptions would rejoin the prime age group at the time their deferment or exemption expired. During the first year that the new plan was in operation, the prime age group would include *all* eligible men from nineteen to twenty-six, not deferred or exempt, so that no one would escape vulnerability simply because of the transition.

2. *Limited vulnerability.*—Each individual would experience maximum vulnerability to the draft only for the one selective service year in which he is in the prime age group. At the end of the twelve-month period—which would normally come sometime during his twentieth year—he would move on to progressively less vulnerable categories and an entirely new set of registrants would become the new prime age group. Under this system, a young man would receive an earlier and more decisive answer to his question, "Where do I stand with draft?" and he could plan his life accordingly.

3. *A random selection system.*—Since more men are classified as available for service each year than are required to fill current or anticipated draft calls, Selective Service Boards must have some way of knowing whom to call first, whom to call second, and whom not to call at all. There must be some fair method of determining the sequence of induction for those available for service in the prime age group.

In my judgment, a fair system is one which randomizes by lot the order of selection. Each person in the prime age group should have the same chance of appearing at the top of the draft list, at the bottom, or somewhere in the middle. I would therefore establish the following procedure:

At the beginning of the third month after Congress grants this authority, the first of a sequence of selective service years would begin. Prior to the start of each selective service year, the dates of the 365 days to follow would be placed in a sequence determined by a random method. Those who spend the following year in the pool would take their place in the draft sequence in the same order that their birthdays come up on this scrambled calendar. Those born on June 21st, for example, might be at the head of the list, followed by those born on January 12th, who in turn might be followed by those born on October 23rd. Each year, a new random order would be established for the next year's draft pool. In turn those who share the same birthday would be further distributed, this time by the first letter of their last names. But rather than systematically discriminating against those who come at the front of the alphabet, the alphabet would also be scrambled in a random manner.

Once a person's place in the sequence was determined, that assignment would never change. If he were granted a deferment or exemption at age nineteen or twenty, he would re-enter the prime age group at the time his deferment or exemption expires, taking the same place in the sequence that he was originally assigned.

While the random sequence of induction would be nationally established, it would be locally applied by each draft board to meet its local quota. In addition to distributing widely and evenly the risk of induction, the system would also aid many young men in assessing the likelihood of induction even before the classification procedure is completed. This would reduce uncertainty for the individual registrant and, particularly in times of low draft calls, simplify the task of the draft boards.

4. *Undergraduate student deferments.*—I continue to believe in the wisdom of college deferments. Permitting the diligent student to complete his college education without interruption by the draft is a wise national investment. Under my proposal, a college student who chooses to take a student deferment would still receive his draft sequence number at the time he first enters the prime age group. But he would not be subject to induction until his deferment ended and he re-entered a period of maximum vulnerability.

5. *Graduate student induction.*—I believe that the induction of men engaged in graduate study should be postponed until the end of the full academic year during which they are first called to military service. I will ask the National Security Council to consider appropriate advice to the Director of the Selective Service to establish this policy. At present, graduate students are allowed to delay induction only to the end of a semester. This often means that they lose valuable time which has been invested in preparation for general examinations or other degree requirements. It can also jeopardize some of the financial arrangements which they made when they planned on a full year of schooling. Induction at the end of a full academic year will provide a less damaging interruption and will still be consistent with Congressional policy.

At the same time, however, the present policy against general graduate deferments should be continued, with exceptions only for students in medical and allied fields who are subject to a later special draft. We must prevent the pyramiding of student deferments—undergraduate and graduate—into a total exemption from military service. For this reason the postponement of induction should be possible only once for each graduate student.

6. *A review of guidelines.*—The above measures will reduce the uncertainty of young men as to when and if they may be called for service. It is also important that we encourage a consistent administration of draft procedures by the more than 4,000 local boards around the country. I am therefore requesting the National Security Council and the Director of Selective Service to conduct a thorough review of our guidelines, standards and procedures for deferments and exemptions, and to report their findings to me by December 1, 1969. While the autonomy of local boards provides valuable flexibility and sensitivity, reasonable guidelines can help to limit geographic inequities and enhance the equity of the entire System. The 25,000 concerned citizens who serve their country so well on these local boards deserve the best possible framework for their decisions.

Ultimately we should end the draft. Except for brief periods during the Civil War and World War I, conscription was foreign to the American experience until the 1940's. Only in 1948 did a peacetime draft become a relatively permanent fact of life for this country. Now a full generation of Americans has grown up under a system of compulsory military service.

I am hopeful that we can soon restore the principle of no draft in peacetime. But until we do, let us be sure that the operation of the Selective Service System is as equitable and as reasonable as we can make it. By drafting the youngest first, by limiting the period of vulnerability, by randomizing the selection process, and by reviewing deferment policies, we can do much to achieve these important interim goals. We should do no less for the youth of our country.

Richard Nixon.

The White House, *May 13, 1969.*

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that a statement by the Senator from Michigan be printed in the Record at this point.

There being no objection, the statement by Senator Griffin was ordered to be printed in the Record, as follows:

Mr. Griffin. Mr. President, I want to commend the distinguished chairman and members of the Senate Armed Services Committee, and the leadership of the Senate, for the action that has been taken in approving the administration's draft bill.

This legislation is only the first step—but an important one—in the direction of badly-needed reforms in the Selective Service System.

It is particularly heartening to see this measure go to the White House with bipartisan endorsement. Only a few weeks ago, it seemed that the Senate would not be given an opportunity to act on this legislation in this session but, as it sometimes happens, it turned out otherwise.

I am sure the Nation's young men will applaud the passage of this bill.

It will enable the President to adopt the method of random selection, or lottery, for calling young men into military service—a method far more equitable than the present system.

Under other changes which the administration proposes to accomplish by executive order a young man's vulnerability to the draft will be reduced from seven to one year. By placing the emphasis largely on the 19-year-old age group, the field of those subject to the draft will be narrowed from more than 12 million to under two million.

Most assuredly, much remains to be done in the area of draft reform. I am pleased that the Senate Armed Services Committee will hold hearings on additional reforms, starting early next year.

The President has placed a high priority on the objective of overhauling the draft system. I will do what I can to see that this objective is realized.

And I expect to have some recommendations for additional reforms which I will present at the appropriate time.

DEATH OF JOSEPH P. KENNEDY

Mr. PASTORE. Mr. President, it seems altogether fitting that the Senate of the United States should pause in its deliberations to mark the passing of a great American—Joseph P. Kennedy.

In his own right as Ambassador and as Chairman of the Securities Exchange Commission and the architect of policies that gave our Nation fiscal sense and security, he would deserve our eulogy as one who made American history.

But Joseph Kennedy is singular in our annals as a father who inspired three sons who, in their turn, made history in this Senate. He gave the Kennedy name to his sons—and they gave the Kennedy character and charisma to an era unsurpassed for its challenges and its changes. He saw his own flesh and blood achieve the Presidency of these United States in an atmosphere of exaltation America has not been able to retain.

In his hour of triumph Joseph Kennedy was stricken helpless—but he refused to accept the inevitable. In the years of his illness and infirmity we still sensed the power of his inspiration and example. He displayed the courage and stamina he expected of his sons—and they did not fail him.

Joseph Kennedy was a self-made man who believed that man was not made to serve himself alone.

His was a genius in the attainment of wealth—and his was a generosity in devoting that wealth to great and good causes.

They were causes that made the world a more cultured and kindly world—a more helpful and healthful world—because Joe Kennedy cared.

His own heart suffered the most cruel blows a father could endure. For violence took his precious children out of the destiny he had dreamed for them—destinies to which those children gave their loyalties—and their lives.

November can be a lonely month on Cape Cod. It is a month of sad memories in the Kennedy compound, a term that signifies this closely knit family—too often sundered by tragedy.

This November is a lonelier month in all Massachusetts. It is not only because a patriarch and patriot has passed from life's scene. But in that lonely scene there is a lovely personality who more than any other person or cause has made Massachusetts "Kennedy country."

Mrs. Rose Kennedy stood by her men and campaigned for her sons with a spirit to which the old Bay State joyously responded. It was the same loyalty she had for her husband—and our times are the sweeter for the steadfastness of her faith that has enabled her to rise above tragic blows to her heart and home.

The universal admiration in which she is held now becomes the earnest consolation of all our people to this fine woman—wife and mother.

As she has our praise, she has our fervent prayers that she shall find the strength to bear this newest sorrow.

To our colleague, Edward M. Kennedy, as to all the loved ones of Joseph P. Kennedy, there goes the heartfelt sympathy of this Senate and that of all the American people.

For Joseph P. Kennedy we repeat the prayer of his faith—that he may rest in eternal peace.

Mr. MANSFIELD. Mr. President, with the passing of Joseph Patrick Kennedy, a long and full life has ended. He saw in his lifetime the American dream—both as an adventuresome entrepreneur, public servant, and especially as a parent.

The great American dream—not yet fully realized—seeks to remove every limit to the measure of worldly success for each of its citizens. Joseph P. Kennedy proved the validity of this American experiment. He has been described as tough, ambitious, sometimes reactionary, often sentimental, and, on many occasions, even wrong. With such diverse characteristics it cannot be said that, in his lifetime, Joseph Kennedy did not provoke controversy.

But no combination could be more

American. And what it produced was success, and success like Joseph Kennedy's is the American way. This country gave Joseph Kennedy great opportunity. In return, he gave his country so much more.

As the so-called patriarch of an American legend, he set in motion what will remain a part of America. A good parent seeks to teach his offspring the best of his experience and to instill in them a motivation to seek a less selfish society and a more perfect world. Joseph Kennedy was a good parent. And his family—without exception—has demonstrated how well it learned. Idealism, devotion to public service, a capacity for work—these are the qualities that have become the legacy of his influence. In the end, Joseph Kennedy's own personal accomplishments have been overshadowed only by his greatest achievement of all—the family he fathered.

To his gracious and remarkable widow and to all the family, Mrs. Mansfield and I extend our heartfelt sympathies.

STRENGTHENING THE PENALTY PROVISIONS OF THE GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 532, S. 849.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 532, S. 849, a bill to strengthen the penalty provisions of the Gun Control Act of 1968.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 2, line 6, after the word "than", where it appears the first time, insert "two or more than"; in line 8, after the word "sentence", insert "in the case of a second or subsequent conviction"; in line 10, after the word "probationary", strike out the "sentence" and insert "sentence,"; so as to make the bill read:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(a) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than *two nor more than* twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence *in the case of a second or subsequent conviction* of such person or give him a probationary *sentence,* nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

Mr. MANSFIELD. Mr. President, as reported by the Judiciary Committee, the Lesnik bill provides mandatory sentences for using or carrying a gun in the commission of a crime.

The criminal gun user—first and subsequent offenders—would be penalized separately for choosing to use or carry a gun in committing a crime. The criminal gun user—first and subsequent offenders—would be penalized solely for choosing to use or carry a gun. The sentence imposed for the mere act of using or carrying a gun in the commission of a crime would be in addition to the sentence for the crime itself—be it bank robbery, interstate car theft, or whatever.

With regard to the first offender—that is, the man who for the first time commits a crime using or carrying a gun—the bill provides that the court be required to sentence the man for from 1 to 10 years solely for using or carrying a gun. However, in this first-offender instance, the court retains the power to suspend that first offender or to give him probation. In this fashion the court is given some leeway in the case of a first offender.

For a second or subsequent offender the mandatory sentence of from 2 to 25 years is provided in its fullest sense. The judge is given no leeway to suspend or set probation.

In short, this bill provides for the first time a separate and additional penalty for the mere act of choosing to use or carry a gun in committing a crime under Federal law. If that choice is made more than once, the offender can in no way avoid a prison sentence regardless of the circumstances.

A little more than a year ago, Thadeus Lesnik, a young marine from Fishtail, Mont., was shot down in a restaurant here in the District. That tragic act of violence, like so many others, caused me to reassess my thinking on gun legislation. The availability of guns, their easy access by those who are incompetent, by the criminal, the addict, the alcoholic, and the lawless was brought home to me in a very tragic way. In response, I introduced this year a bill, S. 849—now before the Senate—that would provide mandatory prison sentences against gun criminals in addition to the sentence imposed for the crime itself.

I certainly am pleased that this measure has now been reported out of the Committee on the Judiciary. It is the Lesnik bill, and what it says to the gun criminal in terms that are clear and simple is that he will be punished for his wanton act of violence—for the mere act of carrying a gun or using a gun in the commission of a crime. The terms of the bill as it was reported by the committee are explained in the report of the committee, and I ask unanimous consent that an excerpt from that report be inserted in the RECORD at this point.

There being no objection, the excerpt from the report (No. 91–539) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE AMENDMENTS

The bill, as introduced, provided that upon conviction for a Federal crime punishable as a felony, the person convicted who either used a gun or carried one with him in the commission of the crime, would be subject to a term of imprisonment of not less than 1 year nor more than 10 years and that such term would be imposed as a consecutive sentence to that imposed for the commission of the specific crime.

Upon conviction for a second or subsequent offense, the individual would be subject to a mandatory 25-year term of imprisonment, to run consecutively with that imposed for the specific crime. In addition, such an individual could not receive a suspension of sentence nor probation.

The committee amendments pertain to the person convicted on a second or subsequent offense and provide, in lieu of a mandatory 25-year term of imprisonment, a term of imprisonment of not less than 2 nor more that 25 years to run consecutively with the term imposed for the commission of the specific crime.

In addition, suspension of sentence and probation would not be allowed.

The committee believes that the stringent nature of the penalty provisions of the bill have not been lost in the amendments provided thereto, and that the intent of the bill as indicated by its sponsor, Senator Mansfield, is retained.

PURPOSE

The principle purpose of this bill is best stated by Senator Mansfield in his testimony before the Subcommittee to Investigate Juvenile Delinquency.

He stated:

"Gun crime is a national disgrace. And with this bill I offer another approach to curtailing the gun crime rate—an approach that says to the criminal in terms that are clear and simple that his resort to a gun will be met automatically with punishment that fits such an act of violence. In contrast to the present gun law, no burden is imposed on the law-abiding gun owner. No sacrifice is asked. The burden falls squarely where it belongs—on the criminal and the lawless; on those who roam the streets, gun in hand, ready and willing to perpetrate their acts of violence.

"I am no expert in crime control. I am not even a lawyer. But I know that there is something wrong when the Federal Bureau of Investigation tells us that while our gun crime rate continues to spiral upward, our prison population shrinks proportionately. I hope this trend is reversed. I would think an assured prison sentence for criminals who choose to resort to firearms would help establish such a reversal or at least stem the tide. That is the purpose of my bill."

STATEMENT

In 1968, according to Federal Bureau of Investigation figures, there were 8,900 gun murders committed in the United States. In addition, 65,000 Americans were victims of gun assaults and 73,000 citizens were robbed by gunmen that year. These figures reflect substantial increases over 1967, and since 1964, gun murders have jumped 71 percent; gun assaults have increased 117 percent and gun robberies have risen 113 percent.

While all of the above offenses are not Federal crimes, certain of them are including those bank robberies which violate Federal statutes, assaults upon killings of Federal officers, and robberies of U.S. post offices. It is upon this class of criminal, the Federal felon, that this legislation would have an impact.

In addition to these Federal crimes of violence upon which the Mansfield bill would have an impact, other serious Federal felonies, such as interstate transportation of automobiles, interstate gambling and racketeering, narcotics violations, threats against the President and his successors, extortion, and kidnaping come within the purview of the provisions of the bill.

Thus, this bill would provide the Federal

> courts with measures to deal stringently with serious Federal violators.
>
> ### SCOPE OF COVERAGE
>
> In amending the penalty provisions of the Gun Control Act of 1968, this bill would apply to those persons convicted of Federal felonies while armed with or carrying guns during the commission of the crime for which convicted.
>
> In addition to the penalty that the court would impose for the specific offense, S. 849 provides additional penalties of from 1 to 10 years on an initial conviction and, as amended by the committee, of not less than 2 nor more than 25 years on a second or subsequent conviction.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. MANSFIELD. Mr. President, let me just say in conclusion that I certainly appreciate the efforts of the Committee on the Judiciary, because the members of that committee cooperated splendidly in seeing that this measure was considered expeditiously and brought to the attention of the Senate as a whole.

It is my hope that henceforth, after this law is written firmly into the lawbooks, the gun criminal will consider carefully his resort to a gun in the first instance. He will know that that mere decision will be sufficient to penalize him with a jail sentence. I think this bill will act as a deterrent to the gun criminal. I think the gun criminal will think twice before he decides to employ such a weapon of violence.

If one life is saved, or one injury avoided, I think this measure will represent as well a fine memorial to the memory of Thadeus Lesnik, of Fishtail, Mont.

Mr. President, I urge the passage of the Lesnik bill.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SAXBE. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Montana, because it is a very healthy thing to put this burden on the law violator rather than the sportsman or gun collector who peaceably is a gun owner.

The action in the House yesterday, which continued the provision to relieve the shotgun owner from the onerous burden of registering components and shotgun shells, is another step, I believe, in recognizing that the majority of gun owners in this country are law-abiding people, people who are sportsmen, who are hunters, and who are gun collectors, and have a legal right to own guns.

The action which the Senator from Montana has referred to for the first time shows that we are serious about increasing penalties on a person who violates the law with a gun. I certainly am in accord with that.

Mr. ALLEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. I would like to ask as a matter of information if, in defining the new offense, the offense of using a weapon in the commission of a crime, it would require, as a condition precedent to conviction for using the weapon, conviction of the original offense. Would that be a condition precedent?

Mr. MANSFIELD. The answer is yes and no. I would imagine that with this measure on the books, the indictment would contain a separate count for a violation of this provision of the criminal law. But the Senator from Alabama is correct in what he suggests; that the crime itself must be established in the first instance, before the criminal may be convicted—in addition—for using or carrying a gun.

Mr. ALLEN. In other words, if he were acquitted of the original offense—of committing a crime—then, under the provisions of this bill, he could not be convicted for using a gun in the commission of a crime.

Mr. MANSFIELD. That is correct. He could not be convicted just for carrying a weapon itself. The offense would be the carrying or using of the weapon in the commission of a crime. The two would have to be considered together.

Mr. ALLEN. But he could not be acquitted of the original offense, and then be convicted under the provisions of this bill. Is that correct?

Mr. MANSFIELD. Not unless the commission of a crime were established. Then the criminal could be sentenced under this measure separately if it were found that he carried or used a gun in committing that crime.

Mr. DODD. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. DODD. Mr. President, I rise in support of S. 849, introduced by the majority leader (Mr. MANSFIELD), which is an amendment to title 18 of the United States Code, to strengthen the penalty provisions of section 924(c) of title 18.

The principal purpose of this bill was best stated by Senator MANSFIELD in his testimony before the Subcommittee To Investigate Juvenile Delinquency.

He stated:

> Gun crime is a national disgrace. And with this bill I offer another approach to curtailing the gun crime rate—an approach that says to the criminal in terms that are clear and simple that his resort to a gun will be met automatically with punishment that fits such an act of violence. In contrast to the present gun law, no burden is imposed on the law-abiding gun owner. No sacrifice is asked. The burden falls squarely where it belongs—on the criminal and the lawless; on those who roam the streets, gun in hand, ready and willing to perpetrate their acts of violence.
>
> I am no expert in crime control. I am not even a lawyer. But I know that there is something wrong when the Federal Bureau of Investigation tells us that while our gun crime rate continues to spiral upward, our prison population shrinks proportionately. I hope this trend is reversed. I would think an assured prison sentence for criminals who choose to resort to firearms would help establish such a reversal or at least stem the tide. This is the purpose of my bill.

In 1968, according to Federal Bureau of Investigation figures, there were 8,900 gun murders committed in the United States. In addition, 65,000 Americans were victims of gun assaults and 73,000 citizens were robbed by gunmen that year. These figures reflect substantial increases over 1967, and since 1964, gun murders have jumped 71 percent; gun assaults have increased 117 percent, and gun robberies have risen 113 percent.

While all of the above offenses are not Federal crimes, certain of them are including those bank robberies which violate Federal statutes, assaults upon or killing of Federal officers, and robberies of U.S. Post Offices. It is upon this class of criminal, the Federal felon, that this legislation would have an impact.

In addition to these Federal crimes of violence upon which the Mansfield bill would have an impact, other serious Federal felonies, such as interstate transportation of automobiles, interstate gambling and racketeering, narcotics violations, threats against the President and his successors, extortion, and kidnaping come within the purview of the provisions of the bill.

Thus, this bill would provide the Federal courts with measures to deal stringently with serious Federal violators.

In amending the penalty provisions of the Gun Control Act of 1968, this bill would apply to those persons convicted of Federal felonies while armed with or carrying guns during the commission of the crime for which convicted.

In addition to the penalty that the court would impose for the specific offense, S. 849 provides additional penalties of from 1 to 10 years on an initial conviction and, as amended by the committee, of not less than 2 nor more than 25 years on a second or subsequent conviction.

Mr. President, generally speaking, I have in the past been opposed to this type of additional sentence. However, the ever increasing rate of violent crime indicates that more stringent measures for crime control are in order. We must serve notice on those who would use guns in the commission of crimes that they will be severely punished for doing so.

I think stiffer penalties for using a gun in committing a crime will provide a deterrent. I think the deterrent will work. There are those who say, and there is something to it, that this approach shows lack of confidence in the judiciary. I would say, that if it does, it is only because the judiciary has brought it upon itself. Accordingly, I commend the majority leader for sponsoring this legislation, and I hope that the Senate will promptly pass the measure. There is no time to waste in curtailing crime in the streets, in deterring the assassin, or disarming the insane.

If we are to make progress in the war against crime, now is the time to move.

Mr. SCHWEIKER. Mr. President, I am a cosponsor of S. 849, introduced by the Senator from Montana (Mr. MANSFIELD), to impose mandatory minimum prison sentences on persons apprehended in the commission of a crime while possessing a firearm.

I am vitally interested in this measure and am pleased that we will have an opportunity to vote on it today.

For some time I have maintained that if we are to be successful in removing profitability from the use of firearms in the commission of a crime, we must act to penalize the criminal who carries a gun. The Mansfield bill would do this. A first offender, under this act, will receive an additional 1- to 10-year sen-

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tence, and a second offender will receive an additional 25-year sentence if he possesses a firearm while committing a felony. Additionally, the court would be prohibited from suspending these sentences, or releasing the felon on probation.

I have always been opposed to gun control measures which have the sole effect of imposing burdensome requirements on sportsmen and other law-abiding citizens, but which have no effect on criminals, and do not serve to deter crime. The bill can help to make law enforcement more effective by serving notice on criminals that if they use or possess firearms the courts will not go easy on them. At the same time, the law-abiding sportsmen will not be penalized by measures, such as registration, which have in the past proved impractical and a burden to both the law-abiding sportsman and the police.

Mr. President, we now have an opportunity to enact legislation which will be effective in removing firearms from the hands of criminals. I shall vote for this measure and I urge the Senate to give it their favorable consideration.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 849) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SAXBE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that in the engrossment of S. 849, passed earlier today, the Secretary of the Senate be authorized to change the letter "(a)" appearing on page 1, line 5, to the letter "(c)". This is merely a technical correction.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONNECTICUT-NEW YORK PASSENGER TRANSPORTATION COMPACT

Mr. MANSFIELD Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar 526, S. 2734, which I understand has been cleared on all sides.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2734) granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary with amendments on page 4, after line 11, strike out:

SEC. 2. The right to alter, amended, or repeal this Act is expressly reserved.

And, in lieu thereof, insert:

SEC. 2. The consent herein granted does not constitute consent in advance for any amendments or supplements to the compact which may be adopted by concurrent legislation of the party States pursuant to article II of the compact.

After line 17, insert a new section, as follows:

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Metropolitan Transportation Authority and the Connecticut Transportation Authority in their operation under the compact as is deemed appropriate by the Congress or such committee.

After line 24, insert a new section, as follows:

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

So as to make the bill read:

S. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Connecticut-New York Railroad Passenger Transportation Compact in substantially the following form:

"CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

"ARTICLE I

"For the purpose of continuing and improving the railroad passenger service of the New York, New Haven and Hartford Railroad (and its successors) between the city of New Haven in the state of Connecticut and the city of New York in the state of New York, including branch lines which are tributary to the main line of that railroad between the said cities; Metropolitan Transportation Authority, a governmental corporation of the state of New York, and Connecticut Transportation Authority, an agency of the state of Connecticut, acting individually, but in cooperation with each other, or as co-venturers where they deem it advisable and practical, are hereby authorized to do the following where permissible under the enabling laws of their respective states:

"(a) to acquire through eminent domain proceedings, or by gift, purchase, lease or otherwise, the ownership interest in or the right to the use of all those assets of the said railroad (or of any successor in interest to such assets), be they real property, personal property or a combination of the two (including rights arising out of contract, franchise or otherwise), which are or may reasonably be expected to become necessary, convenient or desirable for the continuation or improvement of such service;

"(b) to repair and rehabilitate such assets, or to acquire by gift, purchase, lease, or otherwise, such new or additional assets and rights as they deem necessary, convenient or desirable for such continuation or improvement;

"(c) to dispose of any such assets, new and additional assets and rights, or of the right to the use of the same, by conveyance, lease, or otherwise (including, without limitation, the grant of trackage rights) when and to the extent that they are not needed for such service by the said agencies; and to abandon or discontinue portions of such service when advisable; and/or

"(d) to operate such service, or to contract for the operation of the whole or any part of such service by others.

"To accomplish the foregoing objectives, the said agencies are authorized, individually and jointly, to apply for aid, Federal, State, or local, to supplement those funds appropriated or otherwise made available to them under the laws of the party States.

"ARTICLE II

"The provisions of this compact shall be construed liberally to effectuate the purposes thereof. Amendments and supplements to this compact to implement the purposes thereof may be adopted by concurrent legislation of the party States.

"ARTICLE III

"This compact shall be of no force and effect unless and until the Congress of the United States of America, on or before December thirty-first, nineteen hundred sixty-nine, has consented thereto."

SEC. 2. The consent herein granted does not constitute consent in advance for any amendments or supplements to the compact which may be adopted by concurrent legislation of the party States pursuant to article II of the compact.

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Metropolitan Transportation Authority and the Connecticut Transportation Authority in their operation under the compact as is deemed appropriate by the Congress or such committee.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

Mr. RIBICOFF. Mr. President, the bill now before the Senate would grant Federal consent to the formation of a compact by Connecticut and New York to revitalize railroad service between the two States.

The bill is cosponsored by my colleague from Connecticut (Mr. DODD) and by the Senators from New York (Mr. JAVITS and Mr. GOODELL).

The compact would combine the Metropolitan Transportation Authority of New York and the Connecticut Transportation Authority as an intergovernmental agency. The compact agencies would be authorized individually and jointly to acquire ownership of the railroad's assets or the right to use those assets—real property or personal property or passenger service. The compact agencies would also be authorized to apply for financial aid—Federal, State, or local—to supplement those funds appropriated or otherwise made available to them under the laws of Connecticut and New York.

The purpose of the bill is to give full and unquestioned legal status to the bi-State operation of rail service over the lines of the former New Haven Railroad. Both State legislatures have already approved the compact and are individually negotiating with the Penn Central for property acquisition, lease arrangements, and an operating agreement.

The railroad lines of the Penn Central's New Haven Division are a vital New England passenger artery. Each day, thousands of commuters use this line to travel to their jobs in New York.

Today, Connecticut and New York State commuters are suffering from deplorable traveling conditions because of old, worn equipment and years of minimum maintenance of railroad tracks, signals, and electrical overhead wires.

Both Connecticut and New York realize the importance of this railroad link. Both want to improve railroad service on this line.

I strongly urge favorable Senate consideration of the bill.

Mr. DODD. Mr. President, I am very pleased at the prompt consideration which the leadership has given to S. 2734, a bill to grant the consent of Congress to the Connecticut-New York Railroad passenger transportation compact. The Senate Judiciary Committee considered this bill yesterday, at my request, and I am grateful to the staff of the committee for preparing the report so promptly so that it could be considered on the floor today.

S. 2734 merely gives congressional consent to a compact established by the State legislatures of Connecticut and New York, which will seek to improve the railroad passenger service of the New Haven Division of the Penn Central Railroad.

As the Senate knows, the problems of passenger service across the country are legion, but perhaps no commuter has suffered more affronts than those who travel on the New Haven Railroad. Most Connecticut residents cannot remember the time when the New Haven provided adequate passenger service.

The Legislatures of Connecticut and New York have wisely agreed to form a compact in the hope that the two States can take joint action to solve, once and for all, the problems which have plagued Connecticut and New York commuters through the years.

I hope that the time will soon come when I can receive letters from New Haven commuters telling me that there has been an improvement in service.

Mr. President, since the enabling legislation approved by the two States terminates on December 31, 1969, I urge the Senate to take prompt action on this bill.

Again, I wish to express my appreciation to the chairman of the Judiciary Committee and to the staff for making it possible for S. 2734 to be taken up on the floor today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–533), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the proposed amendment is to make the consent of the Congress in accordance with the standard procedure relating to compacts.

PURPOSE

The purpose of S. 2734, as amended, is to give consent of Congress to the Connecticut-New York railroad passenger transportation compact, adopted by New York on June 16, 1968 (sec. 1, ch. 824, laws of New York for 1968) and by Connecticut on April 21, 1969 (sec. 1, Public Act 46 of the laws of Connecticut for 1969).

This legislation is sponsored by the Senators from Connecticut, Mr. Ribicoff and Mr. Dodd and by the Senators from New York, Mr. Javits and Mr. Goodell and recommended with a suggested amendment, which has been adopted by the Secretary of Transportation.

STATEMENT

The compact entered into by the two States relates to the continuation and improvement of railroad commuter passenger service over the Penn Central Railroad's lines between New York City, N.Y., and New Haven, Conn. It authorizes the Metropolitan Transportation Authority, a government corporation of the State of New York, and the Connecticut Transportation Authority, an agency of the State of Connecticut, acting individually but in cooperation with each other, and as conventures where they deem it advisable, to do the following (where permissible under the enabling laws of their respective States):

(a) Acquire assets of the New York, New Haven, & Hartford Railroad (and its successors) where needed, (b) repair and rehabilitate such assets, (c) dispose of such assets where not needed, and (d) and operate the service or contract for its operation.

By its terms, the compact legislation lapses if Congress fails to consent by December 31, 1969.

A letter dated July 28, 1969 from the Honorable Nelson A. Rockefeller, Governor of the State of New York to Chairman Celler, requesting the subject legislation reads as follows:

"I am seeking your help in securing the consent of Congress to a compact entered into by the States of New York and Connecticut relating to the continuation and improvement of railroad commuter passenger service over the Penn Central Railroad's lines between New York City, N.Y., and New Haven, Conn. That compact is evidenced by the enactment of two statutes, section 1 of chapter 824 of the laws of New York for 1968 and section 1 of Public Act 46 of the laws of Connecticut for 1969. A certified copy of the New York statute is enclosed, together with several uncertified copies of both acts.

"The Metropolitan Transportation Authority for our State and the Connecticut Transportation Authority for the State of Connecticut are hopeful of an early conclusion to their negotiations with Penn Central relating to the modernization and improvement program for this vitally needed commuter service which Governor Dempsey and I endorsed in late 1966. These negotiations were delayed, seemingly interminably by a host of complicated problems. Indeed, they could not begin in earnest until this past January, when Penn Central finally agreed to merge with the New Haven.

"Federal and State financing for the $56.8 million priority capital improvement program is also assured. Moreover, we are hopeful that additional Federal funds will be granted, making possible the full $80 million capital program which the two States originally contemplated. To this end I am asking the MTA and the CTA to reinstitute their 1966 request for funds under the Urban Mass Transportation Act of 1964.

"If you or your staff needs any further assistance relative to the details of the compact, the status of our financing or the nature of the projected relationship with Penn Central, I would suggest that they be referred directly to Dr. William J. Ronan, Metropolitan Transportation Authority chairman.

"The State of Connecticut has asked for assistance similar to that which we ask of you from their congressional delegation. You may wish to coordinate your efforts with them.

"Please note that if the compact is not approved by December 31, 1969, it lapses and the legislative process would have to be started all over again in both States.

"Sincerely,

"NELSON A. ROCKEFELLER."

The first section of S. 2734 grants the consent of Congress to the compact. As noted in the above letter the committee finds merit in the compact and believes that Congress should grant its consent thereto, subject to the amendments herein made in article II of the compact.

First, article II of the compact provides that amendments and supplements to the compact to implement the purposes thereof "may be adopted by concurrent legislation of the party States." Section 2 of S. 2734 makes clear that the consent of Congress to the compact does not constitute consent in advance for any amendments or supplements to the compact which may hereafter be adopted by concurrent legislation of the party States. Any such amendments or supplements would be adopted subject to the consent of Congress before being put into effect.

Second, section 3 of S. 2734 reserves the right of Congress or its standing committees to require submission of information and data concerning operations under the compact.

Third, section 4 of S. 2734 reserves the right of Congress to alter, amend, or repeal the legislation.

Attached hereto and made a part hereof is the report from the Secretary of Transportation to the Honorable James O. Eastland, chairman of the Senate Judiciary Committee, dated November 12, 1969.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2734) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask the Chair to lay before the Senate messages from the House of Representatives on S. 632, S. 499, and S. 757.

RELIEF OF RAYMOND C. MELVIN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 632) for the relief of Raymond C. Melvin, which were, on page 1, line 4, "2733" and insert "2733(b)"; and on page 2, line 3, strike out "July 4, 1964" and insert: "or about July 6, 1964".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

LUDGER J. COSSETTE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 499) for the relief of Ludger J. Cossette, which was, on page 2, line 4, strike out "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, I tion is on agreeing to the motion of the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

YVONNE DAVIS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 757) for the relief of Yvonne Davis which was, on page 2, after line 3, insert:

> No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRATEGIC ARMS LIMITATION TALKS

Mr. JAVITS. Mr. President, on Monday in Helsinki the United States and Soviet delegations met to commence the SALT negotiations. While the occasion Monday was largely ceremonial, there was a note of high purpose in the statements of both delegations. Serious discussions began yesterday in what could be the most portentous negotiations affecting the survival of mankind. As Secretary of State Rogers expressed it so aptly in his speech of November 13:

> The question to be faced in the strategic arms talks is whether societies with the advanced intellect to develop these awesome weapons of mass destruction have the combined wisdom to control and curtail them.

Let us hope that the enormous difficulties and complexities inherent in these negotiations will be overbalanced by a recognition on both sides of the mutual and reciprocal advantages to be obtained from viable arrangements to stabilize and control the strategic arms race. The negative incentive to agreement is similarly persuasive—the cost and the danger to both sides inherent in an escalation of the nuclear arms race could cast a most ominous shadow over the continued health and existence of both societies.

The immediate challenge to the United States and Soviet negotiators, once substantive discussions begin, will be to seek mutually agreeable arrangements for containing the next generation of strategic weapons now under development in both countries—ABM's and MIRV's.

In my judgment, it is regretable that the U.S. negotiators have reportedly been instructed not to offer a mutual moratorium on the flight testing of MIRV's. The clock is running out on MIRV's, and if an agreement with respect to this new weapons development is not achieved prior to the operational deployment stage—expected some time next year—hopes for a meaningful and verifiable agreement will be diminished.

The clock is also running out with respect to ABM systems, but fortunately, the pace is slower in this instance because deployed ABM systems are easily verifiable by aerial or satellite inspection, while deployed MIRV's are verifiable allegedly only by onsight inspection.

The major address by Secretary Rogers on November 13 is a most salutory indication that U.S. policy with respect to the life and death issues inherent in the SALT talks has not been defaulted to military authorities by the concerned civilian agencies of our Government—especially the State Department. I express this view against the background of numerous press reports and "leaks" in recent weeks which have indicated that efforts by the military authorities have succeeded within the administration in curtailing the brief and the negotiating leeway of Ambassador Gerard Smith and his colleagues in the SALT talks.

In his address to the Senate on November 13, President Nixon assured us that he would seek to work out an arrangement for consultations with the Senate respecting the SALT talks which would meet our requirements and prerogatives. The President's thoughtful and cooperative remarks in this regard merit our respect and appreciation. In this spirit, I think it is unfortunate that the administration has set itself against the inclusion of senatorial observers or advisors to the SALT negotiations. The implication in the administration's position that the necessary secrecy and discretion might be comprised by the presence of Senators is not one which the Senate could find acceptable as a reason.

Extensive and detailed consultations regarding the U.S. negotiating position have been carried out with the governments of our NATO allies. Virtually without exception our NATO allies have parliamentary forms of government. Consequently, the implication that the parliamentary leaders of Western Europe and Canada are more discreet than the congressional leaders of the United States is paradoxical and unconvincing; especially in view of the history of the congressional representatives and committees handling the most secret information.

There is an invisible third dimension to the SALT talks which is seldom mentioned—the specter of Peking. In the period since the 1962 United States-Soviet "eyeball-to-eyeball" confrontation over Cuba—and the emergence of Communist China as a thermonuclear power—it is perhaps no exaggeration to say that policymakers both in Washington and Moscow have considered the potential future threat of nuclear war with China to be as real a threat as a United States-Soviet nuclear exchange.

There is no doubt that calculations with respect to the potentiality of Chinese nuclear capabilities will be factored into the negotiating postures of both the United States and U.S.S.R. I regard this as prudent and unavoidable. Nonetheless, we must guard vigilantly against military hardliners on both sides attempting to exploit the Chinese "threat" as an instrument to prevent agreements and controls on advanced weapons systems that are the very purpose of the SALT negotiations.

Moreover, the SALT negotiators bear the additional responsibility for attempting to shape agreements resulting from the SALT talks in such a way as to encourage, rather than discourage, Peking from eventual cooperation with international nuclear arms control agreements.

The U.S. negotiators bear an additional responsibility with respect to Communist China in the SALT talks. Our negotiators must scrupulously seek to avoid agreements with the Soviet Union which will create the impression of a United States-Soviet nuclear "ganging up" against Communist China. In my judgment, agreements of such a nature could serve to exacerbate the grave tensions between Moscow and Peking, as well as between Washington and Peking—rather than making nuclear war on the Asian mainland less probable.

In this respect, I commend to my colleagues' attention Harrison Salisbury's new book "War Between Russia and China," which sets forth the dangers and implications of a Sino-Soviet war to the nuclear security of the United States in a most persuasive and sobering fashion.

My purpose today is to hail the beginning of the SALT negotiations. I wish to conclude on a high note rather than a low note, for I am an optimist on the future of mankind. Accordingly, I believe it is altogether fitting to close with a most sincere and deserved tribute to President Nixon and the U.S. delegation led by Director Gerard Smith for the diligence of preparation, the dignity, and high seriousness of purpose with which these landmark negotiations have been opened. I believe they have every right so long as this attitude and atmosphere in the U.S. delegation persists to be confident of the support of the Senate in their crucial and urgent search for a viable means to cap the volcano of the nuclear arms race.

CONCLUSION OF MORNING BUSINESS AS IN LEGISLATIVE SESSION

Mr. TOWER. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business as in legislative session? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye;

H.R. 1865. An act for the relief of Mrs. Beatrice Jaffe; and

H.R. 14794. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

HOUSE BILLS REFERRED

As in legislative session, the following bills were severally read twice by their titles and referred, as indicated:

H.R. 1453. An act for the relief of Capt. Melvin A. Kaye; and

H.R. 1865. An act for the relief of Mrs. Beatrice Jaffe; to the Committee on the Judiciary.

H.R. 14794. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. TOWER. Mr. President, the Senate will soon decide whether to approve the nomination of Clement F. Haynsworth to the post of Associate Justice of the Supreme Court. For over 2 months this man has undergone an examination of character, ability, and philosophy which has not been duplicated since the inquisition. In an attempt to find some reason to justify opposition to Judge Haynsworth's nomination, critics have invoked a standard of behavior that, if applied to all future nominees to the Court, would guarantee that the Supreme Court membership shall remain at eight until the millennium.

Justification for opposition, however, has simply not been presented. It has not been presented, Mr. President, unless one can consider a multipage collection of error and half-accuracies, known as a "bill of particulars," a meaningful indictment. The distinguished Senator from Kentucky (Mr. COOK) demonstrated the hollowness of the charges set out in this bill beyond any reasonable doubt.

He did such an outstanding job of refuting those charges that I shall not take the Senate's time to belabor the point. But I would like to briefly note that the Kentucky Senator's support of the Haynsworth nomination is particularly meaningful to me because of his own judicial experience and because of the searching analysis which he gives every issue before commenting on it. As one who stood on the opposite of the issue from the Kentucky Senator during the ABM debate, Mr. President, I can assure you with a great deal of confidence that he has reached his decision on this issue solely on the basis of his own judgment and knowledge.

Many of my colleagues have completely rebutted charges against Judge Haynsworth, which, if true, might have disqualified him under the traditional test applied to nominees to the Supreme Court. That test is best stated by canon 34 of the American Bar Association:

> In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to the law, and deal with his appointments as a public trust; he should not allow other affairs of his private interest to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

A careful review of the record, of the facts, shows that Judge Haynsworth has lived up to this standard of excellence.

I do not find anywhere in canon 34 the requirement that a nominee to the Federal bench has to be completely invulnerable to the attacks of those who differ from him on constitutional and judicial philosophy. It does not say in canon 34 or anywhere else that a man cannot be approved for service on the Supreme Court if those who oppose him are successful in raising—merely raising without proving—doubts about him.

No, Mr. President, this new standard created by the Haynsworth critics finds no precedent in law. Nor, I respectfully suggest, does it find any precedent in reason. Opponents outside this body have explained their decision thus:

> It is immaterial whether concrete *proof* of conflict of interest, lack of ability or question of character has been presented. But a doubt *has* been raised. Since the Supreme Court has already been the subject of considerable criticism, let us just fail to confirm this man and find somebody else.

Mr. President, if this reasoning were not so frightening, it would be ludicrous. It disturbs me greatly to think that responsible men and women will abandon the traditional Anglo-Saxon concept that the burden of proof is on the accuser in favor of this new circular argument. An argument that begins with an unproven presumption of doubt as to innocence and ends with a conviction because the unproved presumption has created an aura of incredibility.

In simple terms, this new test says that because fire creates smoke, wherever there is smoke, there is fire. Mr. President, hot air blowing over the ashes of political defeat can also create smoke. Let us not confuse the rhetoric and innuendo of those whose judicial and constitutional philosophy was rejected by the American people 1 year ago with fact and reason sufficient to justify opposition to the President's nomination. Mr. President, we must not adopt this new test and abandon one which has served the Republic well.

Mr. President, I firmly believe that each and every Senator here, makes a great effort to reach his decision on important issues independently. I also believe that this process of independent decisionmaking is absolutely essential to the continued existence of the Senate as a viable body. One cannot help, however, but be influenced by the background of those who stand on opposite sides of an issue.

The Committee on the Judiciary heard and received testimony which filled some 762 pages when reprinted. In addition to that, each Senator has been presented with the written and oral views of every conceivable labor, legal, business, and citizens group imaginable. In the course of my analysis of this plethora of information, it has struck me that those who have made the most careful examination, and those who have known and dealt with Clement F. Haynsworth the most, have supported him, while those who have conducted cursory examinations and have had only minimal exposure to Judge Haynsworth's judicial career have opposed him. I do not present this information as a statement of absolute, invariable, statistical analysis, but as an expression of one Senator's observation.

For example, let us compare the recommendations made by the American Bar Association standing committee on the Federal judiciary, and the American Trial Lawyers Association.

The standing committee of the ABA is composed of men of unquestioned good standing in the legal community who represent the various geographical districts of the country. The standing committee's function is to try and formulate standards of qualification for admission to the Federal bench. In order to bring about the application of these standards, the standing committee investigates each and every nominee to the Federal judiciary. It is rare, indeed, Mr. President, when the executive branch of our Government overrules the recommendation of the standing committee after its investigation.

Many times, Mr. President, Members of this body have experience acute unhappiness over the failure of that body to agree with their own judgment of a man's qualifications to sit on a Federal court. I think it is understating the truth to say that the ABA standing committee knows its own mind. That committee, Mr. President, met on September 5 in New York and stated, without reservation, that Judge Haynsworth met the qualifications for membership to the Supreme Court. Later, after the application of a great deal of pressure, the committee agreed to convene again and reassess its recommendation in light of all the charges made against Judge Haynsworth. Once again, the committee overwhelmingly approved the Haynsworth nomination.

Of course, a great deal of furor was raised over the fact that not all of the members agreed. Astute political commentators never tired of pointing out that the judge only received endorsement by a 2-to-1 majority. Mr. President, I greatly hope that these same commentators will have the opportunity to point out that I only received a 2-to-1 margin of approval the next time I take my record before the people of Texas. I do not know of a single elected official in this country who would not willingly suffer journalistic analysis of why he only received a 2-to-1 vote of confidence.

The American Trial Lawyers Association took a somewhat different approach to determining whether to recommend approval of the Haynsworth nomination. Not surprisingly, they reached a different result.

The American Trial Lawyers Association is comprised of some 24,000 trail attorneys in the United States. In order to determine their feelings on the Haynsworth nomination, the executive board conducted a poll. At least they conducted a type of poll. A "selected sample" of some 1,204 trial attorneys was requested to reply to a questionnaire which gave them three choices: First, approve the nomination; second, disapprove the nomination; and, third, withdraw the nomination.

A total of 715 people returned the questionnaire and of those, 524 answered that the nomination should be withdrawn or disapproved. In short, 524 out of 24,000 announced their conviction that Clement F. Haynsworth should not become a member of the Supreme Court. That represents a percentage of 2.15. On the basis of the opinions of 2.15 percent of the total membership of the American Trial Lawyers Association, the board of governors recommended that Justice Haynsworth not be promoted to the Supreme Court.

That, Mr. President, is an astounding conclusion. It is, however, representative of the opposition to the Haynsworth nomination.

Perhaps the most interesting of all the testimony before the Judiciary Committee was that given by John Bolt Culbertson. Mr. Culbertson gave a moving, though often humorous, explanation of his reasons for refusing to oppose the nomination of Clement Haynsworth.

John Bolt Culbertson is not a man who finds himself in philosophical agreement with Judge Haynsworth or the Republican Party very often. Politically, Mr. Culbertson must be described as a Democratic liberal. He would not be offended, I feel, if he were described as one who has favored a broadening of the interpretation of the Constitution as done by the Warren court. He is, in short, not a natural ally of Clement Haynsworth.

But, John Bolt Culbertson is an honorable man. He recognized his differences with the judge for what they were—differences of political persuasion. He also had the wisdom to observe that President Nixon had won a mandate from the American people, a mandate to appoint men to the Supreme Court who were not in total agreement with the philosophies of the past.

Mr. Culbertson recommended approval of the Haynsworth nomination in the unequivocal terms which have been the hallmark of his legal career. He said:

> I predict that Judge Haynsworth will prove to be one of the greatest Justices of the Supreme Court that has ever been on this Court. I believe that my friend of liberal persuasion can understand that if we have the right when our crowd is in power to appoint judges, then our opponents, by the same token, have this right when they win. As a South Carolinian, I shall be proud to have Judge Haynsworth on our highest Court, and if I were a Member of the U.S. Senate, I would vote for the confirmation of his appointment, and for this endorsement, I do not apologize to anyone.

I can add nothing to that.

Mr. President, I call upon all of my colleagues to carefully reassess their decision on this most important vote. Let us not be confused by innuendo nor convinced by inaccuracies. If we have philosophical differences with the nominee, let us refrain from insisting that he agree with us before we vote approval. As Charles Alan Wright, a noted constitutional scholar from my own State, said in his testimony before the Judiciary Committee:

> History teaches us that it is folly to suppose that anyone can predict in advance what kind of record a particular person will make as a Justice of the Supreme Court. The awesome and lonely responsibility that the Justices have in considering the great issues that come before them has made them, in many instances, different men than they were before. All that one can properly undertake in assigning a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform.

Clement Haynsworth has met the traditional requirements set for approval of this body for appointment to the Supreme Court of the United States. Let us act accordingly.

Mr. CURTIS. Mr. President, I rise to speak in support of the confirmation of the nomination of Judge Haynsworth. Perhaps nothing that I have said or will say will change any minds.

This matter is of the utmost importance. It is of great importance to the country. It is also of great importance to the Senate. I feel compelled, therefore, to state why I take the position I do.

First, I digress a bit to commend those Senators who have worked so long and hard in carrying out the task of sending to the Senate for confirmation the nomination of Judge Haynsworth to be an Associate Justice of the U.S. Supreme Court, whose name has been submitted to us by the President of the United States. I refer particularly to my distinguished senior colleague from Nebraska, Senator HRUSKA.

Perhaps no Member of the Senate has been more faithful in the attendance at the Committee on the Judiciary, the subcommittees, and all conferences pertaining to the matter of the nomination of Judge Haynsworth as an Associate Justice of the Supreme Court. Not only has Senator HRUSKA given his time, but also, he is a man of unquestionable character. In addition, he has a keen legal mind, he is a good scholar, and he is able to discern the wheat from the chaff. He is able to sort out and pass judgment on conflicting allegations.

So I want the RECORD to show my admiration for and my commendation of the fine work of Senator HRUSKA with respect to this nomination.

Mr. President, I feel that what is done in reference to this issue is of very great importance to the U.S. Senate. The U.S. Senate is going to establish a record here, a record that is going to be read for all time to come. I believe it is important that every Senator not vote on impulse or propaganda or publicity pro or con on this issue. We are called upon to examine the facts, examine the accusations, and then do justice. I cannot feel that to reject the nomination of Judge Haynsworth is justice, because it is well known that much of the opposition against Judge Haynsworth relates to his political philosophy.

Has any Senator risen and said, "I believe that Judge Haynsworth is corrupt"? Not one. Has any Senator ever cited an instance in which a decision in Judge Haynsworth's court was influenced by financial considerations of Judge Haynsworth? Never has such an accusation been made. Has any Senator or any other responsible person ever pointed to an instance in which Judge Haynsworth enriched himself by reason of any matter coming before him as a judge? The answer is "No."

Then, Mr. President, we come to this question: What do we mean when we say that judges and public officials should not only be free of wrongdoing—and certainly Judge Haynsworth has been scrutinized more than most Americans have been—but also, they should be without the appearance of evil or without the appearance of impropriety? We have to think about that. Does it mean that if someone mistakenly or recklessly, or even intentionally, accuses a good man and it happens that those accusations receive wide publicity, it is then correct to say there is the appearance of evil, there is an appearance of impropriety, because a great deal of complaint has received wide publicity?

That is where we reach the point in this proceeding where the Senate becomes on trial; because, if we adopt the principle that all one must do is to make some accusations, which accusations become widely publicized, and that that constitutes an appearance of impropriety, what is the result? The result is that a malicious individual or a malicious group, a mistaken individual or a mistaken group, an individual who did not carefully check his facts or a group that did not carefully check their facts, can fix upon any public official a charge or place him in a situation in which it is said that he has the appearance of impropriety and therefore should be rejected.

What is required of the Senate? The Senate is required to do justice, and we cannot follow a course of justice if we say that a man need only be accused of something, that the accusations be publicized, and that therefore there is an appearance of impropriety. In some instances there might truly be an appearance of impropriety. But if we go on that premise, we turn the selecting and the confirming power of the country over to the most vicious elements in the United States. If it is possible to hurl charges at a nominee or at an officeholder, cause those charges to be publicized, and that individual is accepted per se as having engaged in an operation that has the appearance of impropriety, then we have turned the appointing and selecting power over to outsiders, and we have created a situation in which the most vicious in the land have the authority of government. They could create a situation in which it would be said, "Because there is noise here, because there is smoke here, it has the appearance of impropriety."

I repeat, Mr. President, that to my knowledge not a single Senator has risen on this floor and said, "Here is a transaction in which Judge Haynsworth was dishonest." Not a single Senator has risen in his place, to my knowledge, and said, "Here is a case in which Judge Haynsworth enriched himself by reason of a matter being litigated before him," or, "Here is a case in which the decision was influenced by financial considerations."

Some of these charges are so flimsy that even opponents of Judge Haynsworth have dismissed them as such.

What does that indicate? When does an advocate or an opponent resort to flimsy arguments? There is only one time and that is when he does not have any other arguments.

For instance, I hold in my hand a news release of the Frank Mankiewicz and Tom Braden column for the Los Angeles Times Syndicate, Los Angeles, Calif., dated Sunday, November 9, 1969. Here is what it states:

> Among the ways in which men with large incomes avoid taxes is to buy and sell property through tax-exempt institutions, claiming charitable deductions along the way. Judge Clement Furman Haynsworth, Jr. now lives in a home which has twice been donated to Furman University and the value of which has twice been claimed as a charitable deduction.

I do not know whether these men are ignorant, or whether they are careless, or whether they are malicious, but one does not have to go beyond the fourth grade to understand that the opening paragraph there, in effect, charges Judge Haynsworth of skullduggery in giving a home to a university.

Mr. President, I think it would be well to take the time to consider the facts in reference to this charge. Again, I wish to ask why opponents of Judge Haynsworth would resort to such nonsense if they had a case. If they had a case, they would bring it in here. They do not have a case.

Mr. President, here are the facts. In 1958, Senator and Mrs. Charles Daniel started construction of a large new home in Greenville, S.C. At that time, Mrs. Daniel, who held title to the home in which they were living, gave a ½ interest in that home to Furman University. In 1959, Mrs. Daniel gave Furman University the remaining interest in the old Daniel home.

The deductions for these gifts were taken on the Daniel tax returns in 1958 and 1959, but the deed was not recorded until May 1960. The delay in recording the deed was at the request of Mrs. Daniel, who did not want publicity in connection with the gift of the home to Furman University.

In May 1960, Judge Clement F. Haynsworth, Jr., purchased the Daniel home for the appraised value of $115,000. Furman University had no need for this type of home, but did need the money and accepted Judge Haynsworth's offer. In purchasing the home, Judge Haynsworth gave the university $65,000 in cash along with his former home, which had an appraised value at that time of $50,000. The former Haynsworth home was actually sold by the university for $50,000, so this was not an imaginary figure.

There was no arrangement or even discussion between Senator Daniel and Mrs. Daniel and the Haynsworths in connection with the gift of the house to Furman and the subsequent purchase by Judge Haynsworth. The Daniels, looking forward to moving into a new and much more elaborate home, permitted the old home to fall into disrepair in the last 2 years they were living in it, while paying rent to the university.

Upon moving into the old Daniels' home in June of 1960, Judge and Mrs. Haynsworth improved it with remodeling, air conditioning, and landscaping. The total cash outlay in connection with these improvements were in excess of $10,000.

In 1963, the Haynsworths concluded that the children were not coming home to Greenville to live, and they then decided to give the home to Furman University and retained a life estate. Under this arrangement, Judge Haynsworth and Mrs. Haynsworth retained the right to live in the house during his life and her life; during that time they were liable to pay real estate taxes, other taxes, insurance, and maintenance on the property.

In 1963, Judge and Mrs. Haynsworth held clear title to the home for which they had paid $115,000, and upon which they had expended more than $10,000 for improvements. The appraised value at that time was $153,000, and the replacement value was $184,000.

Judge and Mrs. Haynsworth could have retained the home for their estate. They could have sold it for something in the neighborhood of $153,000. They could have made a gift of the home to any university, including Furman University, and claimed something between $125,000—which includes the more than $10,000 cash outlay—and the $153,000 appraised market value as a tax base for deductions on Federal tax returns. Judge Haynsworth chose to give the home to Furman University, the school from which he was graduated and which was named after one of his ancestors. His close relationship with the university, and his membership at that time on the university advisory council, was no barrier to him making a gift of the family home to the university while retaining a life estate for himself and his wife.

Judge Haynsworth passed up the legal right to claim the "market value" of $153,000 on the home as the base for his tax deduction. Instead, he took the $115,000 figure, which represented the sum he paid for the home in 1960. He arranged to take the deduction over a 5-year period as provided in the Internal Revenue Service laws and regulations.

Mr. President, I have spent a little time considering the tax laws of the country. If an individual gives some property to a college or hospital or something else, he gives the property away and he is entitled to a deduction for the fair market value of it.

If one wishes an insight into the character of Judge Haynsworth, he did not claim a tax deduction for the fair market value of $153,000. He did not claim a tax deduction for the $10,000 in improvements he put in the home. He claimed a tax deduction of $115,000, the very price he paid some years before—and all values have gone up as is well known.

Yet somebody here would so misstate the facts, either intentionally, unintentionally, accidentally, or somehow, that he would imply that a man who is generous, a man who decides in favor of the tax collector, is impugned to have done something wrong.

Mr. President, does that mean the man has the appearance of evil, or does that mean he has the appearance of impropriety? Actually there was no implication made. Again I wish to repeat that if the Senate ever goes to a system of turning down a nominee for confirmation because someone makes a charge, then we give veto power to outsiders and that power can be exercised by some of the most vicious individuals in the land.

When one gives something away and retains a life estate interest, he does not get a full deduction. This is not a new problem for the Internal Revenue Service. They take the donor's age and his life expectency and work out something according to the table.

Here is what happened. The deduction for the remainder interest in the house, after taking the lower value, in 1963 was $9,844.46; in 1964, $10,000-plus; in 1965, $10,000-plus; in 1966, $10,000-plus; in 1968, $11,000-plus; or a total of $52,673.44.

The variations follow the Internal Revenue Service tax table where a life estate is retained by persons of the ages of Mrs. Haynsworth and Judge Haynsworth.

Instead of being an illegal or questionable act, this was a commendable act. Judge Haynsworth had no conversations or arrangements with Senator Daniel in connection with his purchase of the home, and all the evidence indicates that these were two separate and unrelated gifts of the same home to Furman University. Judge Haynsworth is not now and has never been a trustee of Furman University.

Since early 1961, he has been a member of a Furman University Advisory Council. This council was established by the university in 1960, 5 months after Judge Haynsworth had purchased the old Daniel home. Judge Haynsworth was appointed to this council in early 1961 and has served on it since that time.

This advisory council is a "visiting board" with no authority in the operations and administration of the university. It has only the authority to advise and recommend.

Mr. President, we would have a much better land if more people in the United States gave their property to good causes; if more people who could afford to do so would leave their property to some worthy institution that is seeking to find a cure for cancer or some other dreaded disease. If more people gave their property to the cause of education, we would have a better country. If more people gave their property to the church, our society would be better. This is what Judge Haynsworth did. There is not one iota of evidence that he received special treatment; in fact, he did not receive as much tax benefit as he was entitled to.

Yet someone could publish a column and imply that his action was illegal; that it was wrong; that Judge Haynsworth was dishonest.

Mr. President, why do people do such things? I will tell you why: It is because they do not have a case. If they had a case of substance, they would bring it here. They would bring in canceled checks. They would do some other things. If they had a case against Judge Haynsworth, somebody would appear on the scene and say, "I had a suit pending in the court on which Judge Haynsworth sat. I received an injustice because"—and then he would tell the facts. Has any litigant ever made such a claim? Not at all.

I will tell the Senate what has happened. There are some pressure groups that do not like Judge Haynsworth, and they have opposed his nomination and made all sorts of charges. Some of the pressure groups have been quite vocal against Judge Haynsworth. It might be interesting to note that the same pressure groups have spent hundreds of thousands of dollars to elect men to the U.S. Senate and House of Representatives. If a nominee for a judgeship or other high office is opposed by a pressure group—and in this instance I am referring to some of the top union bosses in the country—I wonder whether it would not be in the interest of justice that those who have received large sums—$20,000, $30,000, or $40,000—as campaign contributions from unions should step aside and not vote on the pending nomination.

Certainly we should apply the same rules to ourselves as we apply to others. Would it be unreasonable to suggest that any Senator who had accepted $10,000, $20,000, $30,000, or $40,000 in campaign contributions from the unions should step aside in the Judge Haynsworth controversy? Certainly they have a financial interest in one of the parties because, according to the record, not all, but some, union officials, have vehemently opposed Judge Haynsworth.

I am not suggesting that that be done. I merely invite the attention of the Senate to the possibility that, perhaps, some of those who are battling so hard to defeat the President's nomination might serve as outstanding examples of ethics and virtue if they were to step aside voluntarily and not participate in the decision to confirm or not to confirm the nomination.

It has been said, or at least it has been implied, that there is a connection or a similarity between the Haynsworth situation and the Fortas case. They are dissimilar in many respects, and I shall mention two of them.

Judge Haynsworth has submitted to a complete investigation and has answered every question. He has not withheld any facts.

What happened in Judge Fortas' case? He resigned, and there has never been any investigation of him. That is one difference.

Here is another: Judge Fortas did receive funds from a foundation as a fee, not once, but for a lifetime, from a client that did have problems that could well come before the Court.

There is absolutely no similarity between the Haynsworth and the Fortas cases.

Mr. President, I read with interest the statement of the very distinguished Senator from Kansas (Mr. DOLE). If anyone has any doubt or questions about Judge Haynsworth and the so-called Brunswick case, he can get the answer in just a few paragraphs from Senator DOLE's statement. I shall not repeat it here, but I commend it to Senators for reading.

All of us have so much material to read, and we do not get it all done. One of the things that make Senator DOLE's statement such a good one is that he has been able to boil it down and concisely state the issue. He comes to the conclusion that there is nothing wrong about it that should hinder or prevent the confirmation of the nomination of Judge Haynsworth.

Mr. President, there is one man living in the United States who has resigned from the Supreme Court and has had something to say about this matter. I refer to former Justice Charles E. Whittaker. He has been on the inside. He is now a private citizen. I am sure that he has been moved by nothing but his desire to see justice done and the truth prevail. I want to refer to a statement made by him on November 10, 1969:

> Charles E. Whittaker, who served as an Associate Justice of the U.S. Supreme Court from 1957–1962, said here yesterday he was convinced that opposition to the confirmation of Judge Clement F. Haynsworth, Jr., to the Court is spurred by his philosophy, not by his ethical character.
>
> Whittaker said that his study of the records of hearings before the Senate Judiciary Committee in the light of criticism of Haynsworth's appointment compelled him to speak out on the matter.

Incidentally, Judge Whittaker read all of these hearings; and they are voluminous. He said a thorough review of the hearings has convinced him that Haynsworth is guilty of no improper or unethical conduct. Justice Whittaker said:

> I say simply that it seems to me to be a shame that his opponents are willing to falsely assault his character in order to obtain his defeat because they want a more "liberal" Justice appointed to the Supreme Court. It seems evident to me that any proper sense of moral decency requires those who oppose Judge Haynsworth's confirmation to state their real reasons for opposing him rather than to resort to false charges of unethical conduct.

Justice Whittaker said he is convinced that Haynsworth is guilty of no misconduct in two cases brought up in the hearings. Regarding the Brunswick case, Whittaker said:

> The record shows that quite aside from this being a piddling suit on a promissory note to foreclose a chattel mortgage that resulted in a judgment of $1,425, Judge Haynsworth owned no stock in the Brunswick Company at the time the case was heard and decided. The record shows that after the case was heard and decided another judge had been assigned to write the opinion. Judge Haynsworth, on the recommendation of his broker, purchased some shares in the publicly-held Brunswick Company.

Mr. President, the unsound ground upon which the opposition to the confirmation of the nomination of Judge Haynsworth stands is illustrated by this particular case. It was presented as though it might be a great case, involving a merger or some internal transaction which, as a result of the lawsuit, would greatly enhance the value of the stock of the company. But it was not that at all. It was a suit over a promissory note for $1,500. It was a publicly held corporation. Judge Haynsworth bought it on the advice of his broker. Senator DOLE's statement, to which I referred quotes the testimony of the broker wherein he said he recommended that to many of his clients.

Continuing with reference to Judge Whittaker, in another case in which Haynsworth has been criticized for his financial interests, Whittaker said:

> The record shows that he did not own stock in either litigant in the case, but only held some shares in a vending company which on a lease basis maintained some of its vending machines in a plant of one of the litigants.

Mr. President, to be a Judge of the Supreme Court of the United States is to assume a great responsibility. Who would be able to judge that better than someone who had sat on it and who is now free to speak out as a private citizen? The testimony of Judge Whittaker in behalf of Judge Haynsworth is worthy of consideration.

Mr. President, a question has been raised about the fact that Judge Haynsworth heard cases that involved firms and those firms, in turn, had vending machines for sandwiches, pop, and so on, in their plants, and that Judge Haynsworth was part owner of the vending company and therefore did wrong in sitting on those cases.

If there had been something dishonest, something unfair, going on, if there had been a situation where the judge's position on the bench was being used to promote business for a company of which he was part owner, certainly his competitors would have known about it.

Mr. President, the competitiors of the Carolina Vend-A-Matic Co., or one of the principal ones, the leading competitors, was Alex Kiriakides, Jr., of the Atlas Vending Co. of the same city.

This competitor has written a letter to the Senate Judiciary Committee stating his concern over what he calls "the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic."

Kiriakides makes these important points:

First. The food vending business in South Carolina and in the United States has had a phenomenal growth, and "the experience of Carolina Vend-A-Matic was not in the least unique to it."

Second. His own business, Atlas Vending, experienced comparable growth, as did others in the area.

Third. He competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants, and the practice in the area was to make the awards on the basis of open bidding.

Fourth. The business was not developed on the basis of anyone using anyone's influence on anybody.

Kiriakides said:

> I know that Judge Haynsworth's name was never used in an attempt to influence anybody. As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been.

Mr. President, when someone who is accused of an impropriety has a leading competitor in the business referred to, and that leading competitor of the concern involved volunteers the statement that there is nothing wrong, that there was not any influence peddling, that there was not any using of Judge Haynsworth's name to enrich anybody, that it happened to be a business that operated on open bidding, the Senate should consider that statement carefully.

I wish to make just one further point: I hope that, as my colleagues read this RECORD, and particularly my colleagues on the Republican side, they will remember that Judge Haynsworth was appointed to the circuit court of appeals by the late Dwight D. Eisenhower. President Dwight Eisenhower's is one of the most revered names in the history of our country. His notions on political questions may not meet with unanimous approval throughout the land, but one thing everyone knew: Dwight Eisenhower would not stand for anything that was wrong, illegal, or dishonest. Search the record throughout his administration. He fearlessly acted every time the facts justified it. In concluding, I wish to leave with the Senate this thought: If there was any doubt about Judge Haynsworth's ethics, or his honesty, Dwight Eisenhower would never have made him a judge of the circuit court.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. DOLE. First of all, I concur with what the Senator has said. He has put his finger on the real question involved in this nomination, that is, whether any group, whatever it may be—business, labor, or agriculture—should have veto power over appointments. That is really what is at stake here.

It was said by Mr. Meany during the hearings that his organization opposed the appointment of Justice Parker in the Hoover days and successfully blocked that appointment, and that they intended to do so again if possible. The Senator has clearly stated what I consider to be the real issue. It is not the philosophy; it is not that he may be antilabor; it is not that he may be anticivil rights. I do not believe he is and am certain the Senator from Nebraska would agree. No one questions the man's honesty; no one questions the man's integrity. As the Senator has just stated, certainly President Eisenhower would not have nominated him back in 1957 had he not been a man of honesty and integrity.

Again I state that the Senator has put his finger on the basic issue: whether or not any special interest group should have veto power over a Presidential nomination.

Mr. CURTIS. I thank the Senator. I might also add that President Richard Nixon would never send the name of a dishonest or unethical man to the Senate for confirmation.

Mr. BOGGS. Mr. President, on the confirmation of Judge Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States, after full and careful consideration and evaluation of the record, pro and con, I have reached the conclusion that I will support the nomination.

A review of the record confirms my opinion that Judge Haynsworth is a man of great integrity and of imminent judicial qualifications. His 12 years as a judge on the U.S. Court of Appeals for the Fourth Circuit offers ample evidence of his sound judicial temperament.

The opponents to Judge Haynsworth come from two sources: Those who differ with his judicial philosophy and those who question his ethical sensitivity.

The first point I do not believe is a valid basis for a decision. In 9 years I have voted on the confirmation of five nominees to the U.S. Supreme Court, most of them representing the liberal side of our political spectrum. Never in any of those cases did I base my opinion on the judicial philosophy of the nominee. I do not intend to do so now.

I have always rested my decision on the basis of character, qualifications, and experience.

During the past 2 months Judge Haynsworth's ethical conduct has been scrutinized more closely than that of any other nominee in the history of the Supreme Court, to my knowledge. The questions involving his ethical conduct have been reviewed twice by the American Bar Association, then by the Senate Committee on the Judiciary, and by many Senators working individually. Volumes have been written and spoken about Judge Haynsworth's conduct.

I do not believe his opponents have built a case substantiating the charge of ethical insensitivity.

I put great store in the endorsement of the American Bar Association, which offered its recommendation of Judge Haynsworth, then, upon request, reviewed its study and came back with the same recommendation. The American Bar Association is the custodian of the reputation of the legal profession. Its code of ethics is the rule by which attorneys must practice and judges must perform above and beyond the requirements of the law.

I would like to quote from Judge Lawrence E. Walsh, chairman of the American Bar Association's Committee on the Federal Judiciary. He said:

> I think it was Senator Tydings who posed the three questions which must be considered at this time: first, integrity, second, judicial temperament, and third, professional ability. As far as integrity is concerned it is the unvarying, unequivocal and and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is, beyond any reservation, a man of impeccable integrity.

I would like to point out that former Supreme Court Associate Justice Charles E. Whittaker, for whom everyone, to my knowledge, has the highest esteem, studied the record closely. He said that his thorough review of the hearings convinced him that Judge Haynsworth was guilty of no improper or unethical conduct.

In summary, after 2 solid months of consideration, Judge Haynsworth still carries the endorsement of the American Bar Association, the Committee on the Judiciary, Justice Whittaker, and of many other prominent legal experts. These endorsements confirm my opinion when, after my study and evaluation of the record, I decided to support the nomination of Judge Clement F. Haynsworth, Jr., to the U.S. Supreme Court.

Mr. GOLDWATER. Mr. President, in considering the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court, the Senate of the United States is called upon to exercise one of its most important responsibilities. Needless to say, this nomination by President Nixon has perhaps been subjected to the closest scrutiny ever conducted by this body into matters of judicial ethics. The debate over Judge Haynsworth's confirmation in which we are now engaged constitutes the concluding chapter of that scrutiny.

Our colleagues on the Judiciary Committee have already examined, in the most microscopic detail, Judge Haynsworth's sensitivity to ethical questions. The junior Senator from Indiana (Mr. BAYH) has provided us with a bill of particulars. The ranking Republican member of the Judiciary Committee (Mr. HRUSKA) and the distinguished junior Senator from Kentucky (Mr. COOK) have made several outstanding speeches which have been an invaluable aid to all Senators in evaluating the charges against Judge Haynsworth. The Senators I have mentioned and all other members of the Judiciary Committee should, I believe, be congratulated for their diligent work in providing the Senate with as detailed a record as possible so that we could properly evaluate the qualifications of the nominee.

Mr. President, it was my intention originally to leave this debate entirely in the hands of the Judiciary Committee and other Members of the Senate who have been trained as lawyers. However, the determined efforts to influence this matter through a process which might be described as "trial by news media" have convinced me that my own experience with the subject of "appearances" in the public media might prove helpful to some Members of this body who do not understand thoroughly the workings of all facets of news and public information.

The President of the United States in his staunch defense of Judge Haynsworth has himself drawn attention to one of the most dangerous aspects of the situation we find confronting us today. Mr. Nixon drew attention to an editorial in the Washington Post which was quite candid in saying that the charges against Mr. Haynsworth on the ethical side were not warranted, or at least were not with the foundation that should be, but that because a doubt had been raised, the judges' name should be withdrawn. This involves us quite directly in the whole concept of what is becoming known today as "the appearance of impropriety." There are those among the critics of Judge Haynsworth who insist that, like Caesar's wife, he should be above any hint of suspicion and that if charges against him give the appearance of impropriety, they are sufficient to disqualify him for the post to which he has been nominated.

As the President quite aptly pointed out, the application of this concept would mean that anybody who wants to make a charge can thereby create the appearance of impropriety, raise a doubt and cause the withdrawal of a Presidential nominee.

Mr. President, here I would like to ask the Senate's indulgence while I delve for a few moments into a personal experience of mine with the whole erroneous, misleading concept of appearance created by

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the press, radio, and television of this country in the handling of ethical allegations. I am here to state flatly and categorically that appearances are very often misleading and in a political contest of some heat, just as in a confirmation debate which arouses partisan passions, appearances are much more likely to be downright false.

I doubt if it is necessary to remind this Senate that in 1964 I was pictured by my critics in the public media of this Nation as a man totally ruthless and almost completely devoid of any humanitarian feelings. In a few short months of campaigning, I became—judging from the appearances of me which sprung up in the public print and on television—a candidate who was determined to abolish the American social security system and start World War III by the indiscriminate use of nuclear weapons. Once the charge was made, the appearance followed immediately, and try as I would to point to the many times I had voted for the enlargement and extension of social security, as many times as I tried to explain that no President, no matter how powerful, could abolish the social security system, my efforts were unavailing. By the same token, I was unable to erase the appearance of nuclear irresponsibility by any of my explanations of what I felt was required to keep this Nation strong and to honor her commitments. Never did I urge the indiscriminate use of nuclear weapons, nor did I ever suggest that they be placed in the hands of junior officers in the U.S. military. But I was never successful in substituting this for the appearance that had been created.

Because of this, Mr. President, I think I know what I am talking about when I speak of the danger of leaning on the whole idea of the appearance of impropriety. It can become dangerously close to the abhorrent practice which all Americans deplore—the practice of character assassination.

As close as I am to this whole debate, I found the charges being leveled in the newspapers and on the air coming so fast and furious that I had to deliberately sit down and review every word of testimony, every word of allegation, and every word in defense of Judge Haynsworth which I could get my hands upon. This was necessary for me, as a U.S. Senator, to keep the record straight in my own mind. And if this is true, one can imagine what the impression is with the casual reader of American newspapers and the casual listener of our broadcasts and the viewer of televised news reports.

Judge Haynsworth is accused of something called conflict of interest. Let me make it absolutely clear that there is not now, nor has there ever been, any implication at all that Judge Haynsworth's conduct could have—by the furthest stretch of the imagination—violated a criminal statute. On the contrary, the attack has been limited to the charge that he failed to disqualify himself from several cases in which he might have stood to make a tiny financial gain. The most that can be said is that it is conceivable that his decision in a few cases might have increased his stock value by an infinitesimal amount. For example, it has been estimated that if one construes the facts of the so-called Grace Lines case as strongly as possible against Judge Haynsworth, it is conceivable that his decision in the case might have increased the value of his stock by a value of 48 cents.

It should be pointed out that both the Federal disqualification statute and the Canons of Judicial Ethics attempt to provide a judge with some guide to the types of cases in which he could disqualify himself so as to avoid charges of the appearance of impropriety. And it should not be forgotten that at least three courts of appeal have held that a judge is as much under a duty to sit where he is not disqualified as he is under a duty to disqualify himself where required to do so. In other words, it should be thoroughly understood that these rulings make it impossible for a judge to "bend over backwards" but must make a careful judgment on the facts of each case.

I submit that the atmosphere surrounding this case is such that almost any kind of stock ownership on the part of a judicial nominee becomes almost prima facie evidence of impropriety. This, undoubtedly, is the result of the disclosures which led to the resignation some months ago of Justice Abe Fortas after his dealings with a convicted stock manipulator were revealed. Judge Haynsworth is suffering from the historical fact that his appointment occurred shortly after the Fortas revelation. However, there is no tangible similarity between these two cases, and I shall go into that in more detail later on in my remarks.

As has been pointed out in numerous newspaper editorials, men appointed to the Federal judiciary very often are men of substance—highly successful lawyers, for examples—and as such have assets to look after. If they are totally to escape any appearance of conflict problems, they would have to limit their assets to cash and Government bonds, and anyone acquainted with today's security situation will have to admit that this kind of stewardship of assets which a man hopes to pass along to the inheritors of his estate is a highly questionable investment program. In this connection, too, there is something to be said for a judge's confidence in the future of the American business community and the free enterprise system.

But, be that as it may, under the principles applied by Judge Haynsworth's critics, a man who held stock in any corporation would have to be intimately acquainted with all of its affairs, since, in the critics views, it would be a conflict if he sat on any case involving one of the corporation's customers. Imagine what this would mean if the judge happened to hold stock in one of the Nation's giant conglomerates. He would be hard put to acquaint himself with the nature of the multiple activities of such a corporate entity, much less examine the nature of the businesses conducted by its customers. And if you really want to carry this to its dizziest, impractical heights, just imagine the burden this would place on a judge with a sizable stock portfolio made up almost entirely of conglomerate issues. We are led to wonder what would happen to a judge's interest if he held stock in a mutual fund which is charged with conducting all kinds of investments on the stockholder's behalf, but not necessarily with his permission.

Mr. President, I believe that this alleged conflict of interest concept can be carried much too far and to such ridiculous lengths that we will soon be reaching a point where we exclude from public service—executive, judicial, or legislative—all men whose accomplishments and capabilities have brought them heavy financial reward.

Now, Mr. President, I should like to point out several of the points which differentiate in my mind the charges which led to the resignation of Justice Fortas and the attack presently being made on Judge Haynsworth.

Last spring, an account of certain dealings between Justice Fortas and Louis Wolfson was made public. The story indicated that Justice Fortas, while serving on the Supreme Court of the United States, had received a payment from the Wolfson family foundation. At about the same time, Wolfson had been investigated by the Securities and Exchange Commission and indicted by a Federal grand jury on multiple felony counts. Successive statements by Justice Fortas indicated that the $20,000 actually paid to him had been for work he was expected to do during the summer recess of the Court in connection with charitable projects of the Wolfson Foundation, and that the agreement had been canceled and the initial payment returned when it became apparent to Justice Fortas that he would not be able to do the contemplated work. However, it was further learned that there was an agreement between Justice Fortas and the Wolfson Foundation which called for payments of $20,000 every year to Justice Fortas as long as he lived and after his death for life payments to Mrs. Fortas as long as she lived.

When these facts were made public, a demand arose for the Justice, in effect, to either explain or resign. Faced with this alternative, Justice Fortas chose to vacate his seat, an action which resulted from his own decision and not from any formal action or decision by Congress. From this it can easily be seen that there is a vast difference between the charges which caused Fortas' resignation and the allegations of tiny conflict of interest against Judge Haynsworth.

If you give Judge Haynsworth all the worst of it, you have to admit that these conflict of interest cases—if they benefited Mr. Haynsworth at all—benefited him very indirectly and very infinitesimally. On the other hand, Justice Fortas had contracted to receive $20,000 for every year for the rest of his and his wife's lives and had actually accepted the first payment prior to retiring. But the biggest and most important difference between these affairs stems from the fact that Justice Fortas chose to resign rather than explain, while Judge Haynsworth has testified freely and fully before the Judiciary Committee and submitted to cross-examination by all of its members on all of his affairs. He also furnished voluminous personal records of a kind never before asked from any nominee for high office. Whereas Justice Fortas decided against disclosing all the facts, Judge Haynsworth was more than willing to reveal everything.

Mr. President, it is doubtful whether the financial affairs of any nominee for any judicial position have ever been subjected to more microscopic scrutiny in all the long history of this Republic. Throughout it all, Judge Haynsworth has conducted himself in exemplary fashion and cooperated with every phase of what can only be described as an unprecedented and uncalled for investigation.

For all of these reasons, I find absolutely no merit in the suggestion that Judge Haynsworth acted improperly or in a fashion not in the best keeping with the Federal judiciary. Some small examples of conflict of interest may accidently have crept into his affairs, but I would remind this Senate that the important consideration is intent. Obviously, there was no intent on Judge Haynsworth's part to enhance his financial condition at the expense of his judicial integrity.

From my examination of the record, I believe he is an honorable man and he is a fair man and he is eminently qualified to serve this Nation on the highest Court in the land. I congratulate President Nixon on his selection, and I applaud his steadfastness in supporting the nominee. For all these reasons, I shall be happy to add my voice to those in this Chamber who will join in confirming the nomination of the newest member of the U.S. Supreme Court.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. DOLE. I have listened with interest to the statement of the Senator from Arizona. I believe he pointed out early in his statement how appearances of impropriety or appearances of being on the wrong side of an issue can be created. Certainly, the Senator has had experience with this, as he has indicated. The Senator has known from personal experience what certain people in the news media can do, whether it be with respect to Judge Haynsworth, the Senator from Arizona, or anyone else; and I do not make blanket accusations with reference to all of the media. However, many times some are so busy reporting what they believe should be the outcome that they fail to report both sides of the news.

The American people, by and large, and some Senators, read the headlines—there were the incidents to which the Senator referred, and the house transaction which the Senator from Nebraska has discussed—and that Judge Haynsworth may have violated a criminal statute, and these charges raise serious doubts.

Now, some of the media feel, as an afterthought, that they should tell the other side of the story. But maybe it is too late; perhaps the man and his future have been destroyed. I hope that did not happen.

I believe the Senator from Arizona, having had firsthand experience, has set the record straight.

Mr. GOLDWATER. I thank the Senator.

I might point out that all of the judgment made by people around the country on Judge Haynsworth, prior to the publication of this book of testimony, was made because of things they had read in the press, seen on television, or heard on radio.

I listened to the distinguished Senator from South Carolina (Mr. HOLLINGS) yesterday, as he very meticulously and in great detail read chapter and verse of testimony supporting the judge that I have never seen on television, read in newspapers, or heard on the radio. And I might say I did not see it in this morning's Washington Post, either. I might say it was the most brilliant speech I have heard on the floor of the Senate since I have been in the Senate; and yet the Washington Post, in its useful, ignoring way, tucked it away.

Mr. DOLE. It was on page A8.

Mr. GOLDWATER. I usually read only the funny papers in that paper.

I had letters from many lawyers in my State urging me to vote against Judge Haynsworth. That was weeks ago. They are lawyers who would consider me as being to the left. Most of them have written since and said that they had changed their minds after reading the RECORD.

I think it is very proper that we call attention to the way this case was handled earlier. I am not critical of any Senators in this body. I am sure the distinguished Senator from Indiana did not ask the press to handle it in this way. This is the way the press is taking out after people with whom they disagree. They destroyed President Johnson, and they are trying to destroy President Nixon. They will destroy anyone in public life with whom they do not agree.

This is not relevant here, but that is why I applaud the Vice President's statement so strongly. I hope he intends to keep it up, because I intend to keep it up.

I was glad to relate the situation I went through. I am not being "sour grapes" about it. It is history. But I do not want to see it happen to any man.

Mr. DOLE. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator yield?

Mr. GOLDWATER. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have taken great encouragement from a statement I received, from former Associate Justice Charles Whittaker. As the Senator knows, he was confirmed in 1957 and he served with great distinction for about 5 years as Associate Justice. He had read the record.

I have heard from lawyers who said, "If the news accounts are correct, you should not vote for Judge Haynsworth's confirmation." They enclosed clippings which were not correct, they were biased.

If one reads the entire record, and this is the point I made yesterday and the day before, and it is the point I was making in reaching my decision, if one relies on all statements by Senators for or against, all witnesses for or against, one can arrive at different conclusions. But if one reads the record with the thought in mind that the President has the right to nominate, and ours is the right to advise and consent, and if one reads the record hoping he can find a way to vote for confirmation, not improperly, but looking at the record in that light, most will agree Judge Haynsworth is a man of honesty, ability, and integrity, and should be confirmed.

This is the conclusion of former Associate Justice Whittaker after reading the record, not the headlines.

Mr. GOLDWATER. I thank the Senator.

Mr. STENNIS. Mr. President, I wish to commend the Senator from Arizona for his timely remarks on this matter.

To give or withhold consent to the nomination of a Supreme Court Justice is one of the most solemn, delicate, sensitive, and important functions of the Senate. Not only is this one of the highest offices in the land, but, subject to good behavior, a Judge of the Supreme Court may serve for life. For this and other reasons the issue now before us is of particular importance.

Elective officers must submit their records, good or bad, to their constituencies every 2, 4, 6 years, and they can then be turned out of office by the people for any reason. However, a Supreme Court Justice can, and usually does, have a lasting impact since he participates in the shaping of the law over a period of many years without being accountable to any authority except his learning, judicial philosophy, integrity, and judgment. The decisions in which he participates may affect human conduct, rights, and relations for generations.

In the last few decades the importance of these positions has greatly increased. Whether a man is conservative, liberal, or middle of the road, whatever he may be, we must all agree and admit that the Supreme Court has become, in a major way, sort of a superlegislative body. I would not suggest that the justices acted in bad faith in this. If that was the case we would have to go into it at great length, but it is a fact of life. We are passing on a position now that, by acquiescence and custom, carries the equivalent of vast legislative power.

I am not happy about this situation, but if they are going to exercise legislative functions, it is all the more reason why we should have justices of different ideologies and philosophies. I am satisfied that Judge Haynsworth measures up in every respect and that he has the experience, learning, integrity, and political philosophy, and other attributes which will enable him to serve on the Supreme Court with distinction.

Therefore, I believe we should give our consent to the confirmation, and I shall do so.

A wide variety of charges have been hurled against Judge Haynsworth questioning his fitness to serve and his sense of ethics. I do not challenge any of my colleagues who raise these questions and question his fitness to serve; but I do severely challenge their conclusions. I challenge the logic of their reasoning. However, it is easy to understand that the gravity of these charges would confuse and concern segments of the population as well as some Members of the Senate. Nevertheless, upon analysis, almost all of the allegations are found to be unfounded and, in my judgment, none of them disqualifies him.

I shall not discuss the charges and the rebuttals thereto in any detail. This has already been done by those who have intimate familiarity with the facts.

However, I would like to say I have been furnished with a detailed memorandum listing the charges and the replies thereto. I have also discussed the matter with Senators who have the knowledge of the facts.

From this I have concluded that those who oppose Judge Haynsworth have failed to meet the burden of proving that the Senate should refuse to confirm him. In supporting this nomination now I am in good company. Aside from the fact he was selected by the President—and I shall refer to that later—the six other sitting judges of the Fourth Circuit on October 10, 1969, stated their "complete and unshaken confidence" in the integrity and the ability of Judge Haynsworth.

Just a few days ago former Supreme Court Justice Charles E. Whittaker said "there is no support in the record for the charge of unethical conduct that are being widely hurled at Judge Haynsworth." That is a sweeping statement. Judge Whittaker added that the Haynsworth opponents must be "doing these things for other reasons—perhaps because they do not like his nonlegislative and conservative judicial philosophy."

Mr. President, I have had the privilege of knowing Justice Whittaker, not as an intimate friend, but I knew him personally when he was a member of the Supreme Court. I have had special reason to hold conferences with him, some long ones by telephone and others by memorandums, in connection with some special duties I had as a Senator. He has one of the finest legal minds backed by a fine character that one could possibly find.

Those are sweeping statements by Justice Whittaker, that he finds no support in the record that in any way shows unethical or questionable conduct on the part of Judge Haynsworth. They are the most powerful statements, to me, from one of the most complete witnesses on the subject that could possibly be furnished to the Senate.

Mr. BAYH. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield, briefly if I may, because I have other duties.

Mr. BAYH. The Senator would perhaps prefer that I did not interrupt him now, but I want to make one observation, and I appreciate his yielding to me for that purpose. I appreciate Justice Whittaker's statement, too. I have not had the good fortune to meet him. I took issue the other day with our distinguished friend from Kansas (Mr. DOLE) when he introduced this statement into the RECORD. It was implied that those of us who oppose the nominee because of his ethical conduct were shielding other motives. I thought that the statement of the Senator from Mississippi just now was a rather sweeping statement, also, and not in the best interests of our discussion.

The distinguished Senator from Delaware, who spoke on the floor of the Senate a few moments ago, made his determination on the ethical question. I would hate to see that we were not considered sincere in our conclusions.

Mr. STENNIS. I do not think there is any basis whatsoever for the Senator's observation if he imputes a bad motive to Justice Whittaker. I do not think there is any purpose on his part to——

Mr. BAYH. Let me make myself clear——

Mr. STENNIS. I do not believe there was any desire in the mind of Justice Whittaker to impute bad motives to anyone.

Mr. BAYH. If I may interrupt there——

Mr. STENNIS. Of course.

Mr. BAYH. I believe that the RECORD will show that I did not impugn his motives, but the Senator from Mississippi is suggesting that those who are opposed to Judge Haynsworth on grounds of ethics are hiding their real motives.

Mr. STENNIS. I think the words speak for themselves. I do not think Judge Whittaker impugned the Senator's motives. I certainly am not. In making a strong statement here I say that one reason why I am for him is that I like his judicial philosophy. That is why. I do not think he is leaning toward the legislative-judicial approach as much as some.

I said at the beginning that we have different types on the Court, and if we have those who lean one way, we had better have some leaning the other way in order to give balance.

I am not giving special praise to anyone but those who know Justice Whittaker know the caliber and the character of his fine mind and know that his testimony here is of tremendous value, and I commend to any Senator any subject that he deliberately speaks on, particularly in this field. Of course, we do not have to accept his views.

I understand that 16 out of the 19 living former presidents of the American Bar Association have likewise expressed their support of and confidence in Judge Haynsworth. None of the remaining three have opposed him.

The American Bar Association committee on the Federal judiciary has twice endorsed Judge Haynsworth—once after examination of the charges against him. Judge Walsh, who headed and chaired this committee, a former Deputy Attorney General of the United States, a former Federal judge, and certainly one of the distinguished and eminent members of the American bar today, testified as follows:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament, and his professional ability. A few regretted the appointment because of the differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubt as to Judge Haynsworth's intellectual integrity or his capability as a jurist.
>
> A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work.

I direct your attention, Mr. President, particularly to Judge Walsh's statement that a few persons "regretted the appointment because of differences with Judge Haynsworth's ideological point of view." I think that this is a very relevant matter which has a very significant bearing on the issue we are considering.

I certainly do not impugn the motives of any Senator who opposes Judge Haynsworth. But I do believe that some, possibly many, of the opponents are subconsciously influenced by widely disparate views in personal, judicial, political, and philosophical ideologies. With these, perhaps without any conscious realization of the fact, the barrage of charges against Judge Haynsworth become an excuse and not a real or valid reason for opposition.

In short, I am suggesting that much of the opposition stems from the widespread, but fallacious, view that Judge Haynsworth is overly conservative, intensely antilabor, strongly against civil liberties, and sectional in his personal, political, and judicial approach, outlook and philosophy. Having taken a position of opposition to Judge Haynsworth on a political and philosophical basis, it was only natural to look around for a firmer basis for opposition and for reasons to buttress the argument that he should not be confirmed.

Let us take a brief look at how quickly these charges of conservatism, antilabor and anticivil liberties bias and sectionalism got started and how quickly they grew.

On August 18, 1969, President Nixon announced his selection of Judge Haynsworth. The next day, August 19, an editorial appeared in the liberal New York Times saying that the choice of Judge Haynsworth was "disappointing" and that the President "has sought out an obscure judge with little reputation for the kind of depth, social sensitivity, and philosophic insight that ought to be considered the prime qualifications for a Justice of the Nation's highest court." It said that Judge Haynsworth's record "has surely been marked by an extremely cautious reluctance to interpret the Constitution in the light of changing conditions."

On the same day, August 19, an editorial in the equally liberal Washington Post referred to Judge Haynsworth as a "not particularly distinguished Federal judge." It said further:

> We cannot avoid the feeling that he (President Nixon) chose a symbol more than a man. Judge Haynsworth comes out of the Southern aristocracy, and, whether fairly or unfairly, is widely believed to be more conservative than the President on the important legal issues of his time. His nomination will be read, no doubt, as a victory by the "law and order" boys and by those who would go slow on desegregation and civil rights.

A story in the New York Times on the same day, August 19, under the byline of Warren Weaver, Jr., stated in its opening paragraph that Judge Haynsworth's nomination "aroused immediate opposition today among civil rights, labor, and other liberal groups." It pointed out that statements of opposition "came from representatives of the Urban League, Americans for Democratic Action, and the Leadership Conference on Civil Rights, a confederation of more than 100 groups."

A story in the Washington Post on August 19 conceded that Judge Haynsworth had never defied the Supreme Court but stated that he was "faulted by civil rights lawyers chiefly for failing to move vigorously in the face of obstructionism and massive resistance by southern officials."

Opposition to Judge Haynsworth on doctrinaire and ideological grounds continued to mount, particularly among the civil rights groups, labor organizations, other liberal groups, and liberal columnists. Finally, on August 26, 1969, in a Washington Post column by Frank Mankiewicz and Tom Braden, who have been among the most persistent critics of Judge Haynsworth—and they have a right to criticize—it was charged that Judge Haynsworth "was in clear violation of the canon of ethics for 7 years on the bench." With this the opponents were in full cry.

I have outlined the foregoing comments for the purpose of showing how the opposition to Judge Haynsworth commenced with allegations that he was conservative, antilabor and anticivil rights and then progressed to the hue and cry that he was as guilty of improprieties and unethical conduct of sufficient gravity to disqualify him. Without questioning anyone's sincerity, I think the latter charges are excuses rather than valid reasons for opposition.

Let me say that I do not believe that all judges should not be cast in the same mold. Basically, in my judgment, the rap against Judge Haynsworth is that he exercises judicial restraint rather than being a judicial activist in the tradition of some justices. But if the opposition to Judge Haynsworth is on this basis, then this should be made clear so that the American people will fully understand the precise issue involved. It should not be clouded by flimsy charges against Judge Haynsworth's ethics and integrity.

I commend Senators who have come on the floor and given as the reason for their opposition to this nominee the ground that they did not like his judicial philosophy and they did not like his approach to interpretation of the Constitution of the United States. They have at least said what was in the back of their minds, and brought it out here, for whatever it was worth.

I say frankly that I am for the nomination, for one reason, because I do like his judicial approach. I do like his philosophy. We know this nine-man Court—and I make no attack on the Court—has become, in some ways, a superlegislative body. We need different types of philosophy on that Court just as we have different philosophies in this body—not to the degree that we have it here, but—and I speak with all deference to every present member—there are some on the bench who make it necessary to have someone on there to offset what seem to me to be extremely liberal views and what seem to me to be personal and individual interpretations of the Constitution of the United States.

As I see it, it just boils down to this: There is nothing wrong, there is nothing unethical, in what Judge Haynsworth has done that disqualifies him; it is a question of whether or not we are going to take him or reject him based on the philosophy he has, which is reflected in decisions which have been honest and fully developed. He has written 300 decisions himself, and has taken part in more than 1,000 decisions in cases that were important enough to get to the circuit court of appeals.

This is too important a matter to be decided merely on charges about being conservative or liberal, or prolabor or antilabor. Surely, it should not be determined solely on that basis.

We have to take a broader view. I think the great number of cases involving labor he took part in have been shown in the RECORD, when his decision was in favor of labor, as we use that term. Certainly, in the civil rights cases, no one has proved that he tried to defy the Supreme Court of the United States.

He was not quick to jump forward or move ahead. He was not a crusader in that subject, or in any other field so far as that matters.

I think this man has shown a tremendous judicial temperament and willingness to work and labor—and it is work of the hardest kind—and has applied himself rigidly in the court that is next to the Supreme Court of the United States.

We should not let the recent sound and fury that have been raised in this matter obscure the fact that much of the opposition has poured forth through the columns of the press and elsewhere.

Certainly, the original opposition, was motivated far more by disagreement with some of his decisions and his personal and political philosophy than by any thought of a conflict of interest. This is a matter which should be gotten back into clear and sharp focus.

I have been unable to find any substantial support for the charges that Judge Haynsworth has been guilty of unethical conduct or that he has given the appearance of impropriety. To the contrary, those who know him best express "unshaken confidence" in his ability, honesty and integrity.

I do not like to rake up the past, but I must say that I think one of the most significant facts in connection with Judge Haynsworth's nomination is that it came only 3 months after the resignation of Judge Fortas from the Supreme Court. Because of this, it was both inevitable and proper that Judge Haynsworth and his record would be examined very, very closely in an effort to determine whether he should be confirmed. There can be no quarrel with this as long as the examination and the inquiry is confined to matters which genuinely and legitimately relate to Judge Haynsworth's qualifications as a judge.

However, let us avoid the mistake of inferring that there is a connection, no matter how slight, between the Fortas and Haynsworth cases. Certainly, there should be no inference, because accusations were made against Justice Fortas and he resigned that, since accusations have also been made against Judge Haynsworth, he should not be confirmed. This would be a complete non sequitur. Mere accusations alone do not establish Judge Haynsworth's lack of qualifications. He must be judged by the facts which are either proven or can be proved to the satisfaction of this body.

In this connection, I think that it is important to realize that, as distinguished from the Fortas case, Judge Haynsworth had made the fullest sort of disclosure of the facts and records involving his personal, public, and judicial activities and the facts and records pertaining to his financial and private business transactions. I have been advised by the Committee on Judiciary that he has voluntarily made available to them his income tax returns, list of holdings, and all other financial data, including those connected with him personally, his family and with the businesses with which he had been associated. I was told that the extent of the disclosure which he has made and completeness of the examination of his financial records are unprecedented in the case of any judicial nominee.

Judge Haynsworth's actions in furnishing voluminous records has permitted a careful and factual examination of the charges made against him on their merits, and I think they have established beyond question that Judge Haynsworth was not guilty of any act of impropriety which disqualifies him from serving on the highest court of the land.

Judge Haynsworth is not a personal friend of mine. I have never met him. I do know others, however, who strongly vouch for his ability, honesty, and integrity. This fact, the records in this matter and the decisions and opinions by Judge Haynsworth as a judge of the court of appeals for the fourth circuit have convinced me that he is fully qualified for the office for which he has been nominated and will discharge his duties with distinction if he is confirmed, as I veritably believe he will be.

As President Nixon said in his news conference on October 20:

> I have examined the charges. I find that Judge Haynsworth is an honest man. I find that he has been, in my opinion as a lawyer, a lawyer's lawyer and a judge's judge. I think he would be a great credit to the Supreme Court and I am going to stand by him until he is confirmed. I trust he will be.

That quotation, Mr. President, as I have said, was from a statement by the President of the United States. I wish to make just two additional major points about this matter.

As I have stated, I do not know Judge Haynsworth, and I have never mentioned the name of anyone to President Nixon for membership on the Supreme Court. I shall mention a conversation I had with the President only because he gave out a public statement a few days later that covered the points I shall mention. I did talk to President Nixon, soon after he became President, about appointments to the Supreme Court; but no individual was discussed, and I had no man in mind. I think it is the duty of every Senator to discuss his ideas and philosophy on this subject with every incoming President. That is what I shall continue to do.

I was tremendously impressed with the President's saying that he considered appointments to that Court as purely his personal responsibility. As I say, he made that statement a few days later, or I would not be quoting him. They are purely his personal responsibility. We know he has to take the advice of someone on many matters to which he cannot give his personal attention, but he outlined, a few days later, that he considered nominations his responsibility. That was in connection with another appointment, not this one, but it was his position that he was solely responsible; that he made his own investigations and reached his own conclusions as President.

That is reassuring. It is to me, and I believe it is to the American people. I am not close to the President, but I believe this: If he had sent a name to the Senate and found out later that he had made a mistake, he has manhood enough to say so, and he would have. Instead of that, he looked into this matter, under the challenges that have been outlined here, and he came out, under his responsibility as President, and said to the Senate and the American people, "I have looked into these charges, and I find nothing in them that disqualifies this man." He said, "I am standing by my guns." I think he is doing a service to the Nation when he does that, and when he makes another appointment, I believe he will do the same thing and have the same attitude about it.

Even if Judge Haynsworth's personal, political, and judicial philosophy does lean to the conservative side, that recommends him to me. As has been said by others, our Supreme Court needs balance, and the Court needs a man who is not an extreme liberal but respects the Constitution and is conservative in his approach to it. Perhaps he will restore the judicial restraint which has often been conspicuously lacking in recent years.

I believe that Judge Haynsworth's nomination should and will be confirmed and urge upon my fellow Senators that they seriously consider this issue and vote for its confirmation.

I wish to refer now to a speech that I heard Monday by the distinguished Senator from West Virginia (Mr. BYRD). I said then that I thought it was a landmark in the history of the Senate on these matters, and I should like to adopt that speech, by reference, as a part of my thought. The way the Senator went into many points was illuminating, logical, sound, and solid in conclusions. The way he discussed the question of "substantial interest," as used in the statute, and the words "personal interest," as used in the code of ethics, and then applied them to the facts in this case, was an outstanding contribution to this debate and to all other debates on this subject.

I shall say just one further word to illustrate the transaction concerning the Brunswick stock. Much has been made of the fact that while the case involving Brunswick Corp was pending before the circuit court of appeals, Judge Haynsworth bought a thousand shares of stock in that company. It has been shown during the debate that the amount he bought was an infinitesimal part of the total outstanding stock; that the value of it was not high, relatively, when compared with the amount involved in the litigation. The outcome of the litigation could have had only a minimal financial impact on Judge Haynsworth.

What happened was that a case involving Brunswick was pending before the fourth circuit court of appeals. A simple legal question was involved. It was a question of conflict as to which lien was superior; the seller's lien on the bowling alley or the landlord's lien on the land where the bowling alley operated. It was the kind of case that lawyers who specialize in that kind of law have often tried.

The court heard the argument and decided the case that afternoon or the next morning; I have forgotten which. The assignment to write the opinion was given to another judge, not Judge Haynsworth. The court then went on to its other business. The docket was very busy at times. The conclusion the court reached was not written as an opinion until 3 or 4 months later. In that interim, a thousand shares of Brunswick Corp stock had been bought by the broker for Judge Haynsworth. The judge said that he had overlooked it.

I come now to the part that is a little personal. We do not like to use ourselves as illustrations. However, I had the responsibility, for almost 10 years, of being a trial judge in a court of unlimited jurisdiction, involving civil and criminal cases. Those who practice law know that that involves a world of cases, some of them highly important. The amounts involved are unlimited, and the criminal docket carries homicide cases and every other kind of criminal offense.

I have held 3 or 4 weeks of court and have been almost overwhelmed by the great number of cases that involved the signing of decrees, including those which would take a man's house away from him, or would sentence him to the penitentiary or sometimes sentence him to the loss of his life. That is not pleasant. I have often taken home 15 motions for new trials or other motions that I had taken under advisement before rendering decisions.

What does a judge do? He passes on the easy ones first and forgets them. He works hard and worries over and over again about the hard cases.

I do not have any doubt that that was what happened in Judge Haynsworth's case. The Brunswick case was easy; it involved a conflict of liens. The court decided that it was an easy case. Another judge wrote the opinion, and the case passed out of Judge Haynsworth's mind. Just as he said, he overlooked it.

The case later came up on a motion for reconsideration or a new trial, or whatever terms might apply in that circuit. But those hearings are often informal, particularly in simple cases of this kind. So I think that those circumstances have been built on, built on, and built on, and talked about, shown on television, and written up by columnists, until they have been built into a mountain. As a matter of fact, we have here just a mole hill. It is something that might happen to any judge. It does not reflect on his integrity. It does not detract from the man one bit. It merely shows how busy the courts are these days and how much the judges have to do.

I think Judge Haynsworth will be a valuable addition to our court. I have no doubt that he will apply himself there as assiduously and sincerely and effectively as he has always done. He will not be any trail blazer, but he will uphold the Court as he sees it.

I hope and trust that his nomination will be confirmed by the Senate so that he can be put to work soon.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. Mr. President, I was greatly interested in the Senator's entire discussion. However, I was particularly interested in his relation of his own experience and his reference to the so-called Brunswick case.

The thought occurred to me that I do not recall ever having heard any Senator who was opposed to the Haynsworth nomination say that Judge Haynsworth is not an honest man and is not a man of integrity.

Mr. STENNIS. Mr. President, the Senator is correct. All of the testimony and all of the debate is to that effect. The leaders of the opposition in the Senate agree that he is a man of honesty and integrity.

Mr. SPARKMAN. Mr. President, I do not recall that any Senator has said Judge Haynsworth is not an able, conscientious, and sincere judge.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. Are those not the two principal requirements by which to predict whether a man will be successful on the Supreme Court of the United States?

Mr. STENNIS. The Senator is correct. That is the kind of man we are looking for. All Justices cannot all have the same judicial temperament or political philosophy. However, we are looking for a man of honesty and integrity. That is exactly the type of man we are looking for.

The Senator also mentioned ability. It takes great legal ability to be a good Justice of the Supreme Court.

Mr. SPARKMAN. Mr. President, we know that the judges will not always decide cases in the same manner.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. Mr. President, it occurs to me sometimes when people talk to me about voting for or against a nominee that a great many people overlook the fact that we have only one duty to perform and that is to confirm or refuse to confirm. We do not have the power to select or nominate. That power vests in the President of the United States and in him alone.

Mr. STENNIS. Mr. President, the Senator is correct. The President of the United States represents all of the people in performing that duty under the Constitution of the United States.

Mr. SPARKMAN. Mr. President, I agree with the Senator from Mississippi. I think that President Nixon has been absolutely careful and conscientious in approaching this nomination.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I have been in heavy conferences between the Senate and the House, four of them in the last few weeks. I have not been able to prepare an address on this pending subject in which I am so vitally interested.

I do not want the debate to close without making the clear and unqualified statement on the floor that I strongly approve the confirmation of Judge Haynsworth to be an Associate Justice of the Supreme Court of the United States; that I have had my office follow very carefully the charges made and have the deep conviction that they have not been sustained; that I have received hundreds if not thousands, of letters from my State, most of which strongly approve his nomination and support the nomination; that I have watched the editorial columns in my State, which I regard as most illustrative of public opinion there and are edited by citizens of the highest training and character; and that, beyond that, I have sought the advice of four Federal judges who have served with Judge Haynsworth during his present service as a judge of the circuit court of appeals of his circuit, and all of them—and they are of varying philosophies—speak of him in the highest terms and say they think it would be a tragedy if he were not confirmed as a member of the U.S. Supreme Court.

I have also sought the advice of certain lawyers who have practiced before his court, one of whom, incidentally, said that the judge had decided against him in the gravest case he had there. All of them speak of Judge Haynsworth in the very highest terms and feel that his nomination should by all means be confirmed.

I have even been approached by various churchmen and educators and businessmen who know Judge Haynsworth well. I do not have that privilege myself. While I have met him from time to time, I do not know him well. Without exception, all of these contacts—and they have been with people whom I trust very greatly—have been contacts favorable to Judge Haynsworth. And not only have they been just favorable, but they have also been strongly insistent upon confirmation of his nomination and strongly insistent upon the idea that he has made a fine record as a judge of the circuit court of appeals in his area.

Mr. President, I have known for a long time that the sound editorial writers in our State are very apt to voice the opinion of our people in a way which very clearly exemplifies what our people are thinking.

Out of a large number of editorials from our State, I have found one that did not favor the nomination. All the others which I have seen—and I have seen a great many—have favored it. I have chosen two editorials in particular because they are written by highly trained men, whom I know personally to be moderate liberals, rather than conservatives, and who, I think speak the attitude of the sound-thinking people in the areas covered by their papers.

One is from the Tampa Tribune, of Tampa, Fla. The title of that editorial is "Victory for Pressure, Defeat for Fairness."

I am going to read most of that editorial. It reads in part:

When the Senate votes this week on the nomination of Judge Clement F. Haynsworth to the Supreme Court, it will come face to face with this issue:

Are organized labor and civil rights groups to hold a veto over Supreme Court appointments?

No matter what may be said in debate, that is the underlying question.

Much has been made of "conflicts of interest" in Judge Haynsworth's service on the Fourth Circuit Court of Appeals.

But the "conflicts" occurring in Judge Haynsworth's various stock holdings are so technical that they constitute an excuse, not a reason, for Senators to vote against him.

Consider the two principal complaints that have been raised against Judge Haynsworth.

That he cast the deciding vote in a 1963 decision permitting a textile firm to close one of its plants, in a labor dispute, although he owned an interest in a vending machine company doing business with the textile firm. Judge Haynsworth's personal stake in the profits from the vending contracts with the textile firm was estimated at $390; his role in the case was cleared by the Justice Department.

That he bought stock in the Brunswick company while a law suit by the company was pending before his court. The facts are that the case, involving foreclosure proceedings against a bowling alley, had been unanimously decided in the company's favor before the stock was purchased, although the decision had not been published. Judge Haynsworth admits the purchase was a mistake—but inasmuch as the benefit to his stock interest from the foreclosure suit amounted to a total of $4.96, he could hardly be suspected of venal intent.

No reasonable person, examining the whole record of Judge Haynsworth's conduct, could reach any conclusion other than that he is an honorable man.

It is pure hypocrisy for Senators who never uttered a word in criticism of Justice Douglas' $12,000-a-year handout from a gambling-financed foundation to express concern about Judge Haynsworth's "conflicts."

Some are honest enough to say, as Senator Jacob Javits of New York did last week, that they oppose Haynsworth because of his philosophy.

Javits joins the NAACP and other civil rights groups in interpreting Haynsworth's philosophy as being "relentlessly opposed" to the Supreme Court's integration decisions.

We do not so interpret it. We think Judge Haynsworth's opinions show that he has attempted to apply the principle laid down by the Supreme Court in a manner fair to both races; he has *not* adopted the extreme view that it is the duty of the court to remake the social system rather than simply forbid compulsory segregation.

In the same way, we think Judge Haynsworth has attempted to render balanced judgments in labor-management disputes.

But balance is not what labor bosses or civil rights zealots want in a judge. They want bias—in their favor. They want a judge who proceeds on the theory that unions and minorities enter the courtroom clothed in a presumption of right.

Thus we find, one by one, Senators who are dependent on labor and Negro support lining up against Haynsworth. One of his chief critics, Senator Birch Bayh of Indiana, is said to have received $70,000 in campaign funds from labor unions in his last election.

Mr. President, the other editorial entitled "Haynsworth Showdown Approaches," appeared in the Florida Times-Union of November 18. It reads:

The United States Senate faces a crisis of conscience this week when it comes time to vote on the nomination of Chief Judge Clement F. Haynsworth of the Fourth Circuit Court of Appeals to become a Justice of the Supreme Court of the United States.

Attempts have been made to impugn Haynsworth's honesty. They have failed. His critics once rode a tide of "conflict of interest" charges but the conclusiveness of the rebuttals has driven them back to the lesser, although still serious, charge of "insensitivity to judicial ethics."

Attempts have also been made to equate the Haynsworth case with that of former Justice Abe Fortas who accepted $20,000 as a fee from a private foundation and then, when asked to explain or resign, chose to resign. The two cases cannot be equated.

Haynsworth is perhaps the first Supreme Court nominee in history to lay bare the entire record of his financial transactions. A fifth generation attorney, from a wealthy family, he has numerous stockholdings.

Despite a concerted effort to connect Haynsworth's rulings while a judge with a desire to increase the value of his financial holdings, the attempt has failed.

Even the New York Times—which predictably wants no part of Haynsworth—couldn't find that accusation backed up by the facts. The Times says it opposes the nomination because Haynsworth does not have a distinguished enough background to sit on the Supreme Court.

And the Washington Post said: "It is not that he lacks integrity or honesty or that he has been involved in conflict of interest situations. These issues, it appears, were raised as strawmen by his own friends simply because they can be disproved so readily."

If Sen. Birch Bayh of Indiana can be classed as a friend of Haynsworth, perhaps the Post is correct. Bayh has been the principal author of the conflict innuendoes. However, if he is a friend of Haynsworth, the judge doesn't need any enemies.

Each so-called conflict case explodes like a bubble when explored. We've dealt with several of them here previously but perhaps the prize case trotted out by the liberals should be looked at again.

There are a lot of winks and nudges and caught-you-with-your-hand-in-the - cookie-jar looks when the Brunswick case is mentioned by the school that opposes Haynsworth on the basis of conflicts of interest.

The Circuit Court of Appeals decided the Brunswick versus Long case unanimously on Nov. 10, 1967. Haynsworth bought 1,000 shares of Brunswick stock in December of the same year. The written opinion was not handed down until February 1968.

To sustain the conflict charge, Haynsworth would either have had to have made the ruling anticipating buying of Brunswick stock or have bought Brunswick stock with the knowledge that the ruling, when finally written, would enrich him.

However, even had the entire $90,000 been recovered, it would have amounted to less than one-half cent per share of stock or a grand total of $5 on Haynsworth's 1,000 shares.

The truth of the matter is that all Haynsworth's opponents have done up until now is show him to be a scrupulously honest man. Their probing has perhaps been the most intensive in history.

If they set a precedent of rejecting him on conflict of interest or insensitivity to judicial ethics on the basis of what has so far been dug up, then it is probable that no judge can ever be found to fill the post.

Meanwhile, Bayh did not disqualify himself in the Haynsworth case despite the fact that he received $42,000 last year from the United Auto Workers, part of $68,000 in campaign funds overall from organized labor which is his announced ally in the fight against Haynsworth.

Let the senators vote their honest convictions but let them not attempt to hide behind a conflict of interest smokescreen. They should at least have the integrity to say—as some have—that Haynsworth is too con-

> servative for their tastes, or even that a vote for him would alienate organized voting blocs in their states.
>
> The record of appeals court decisions denying that there was any basis for disqualification in cases where judges had a much more substantial interest than Haynsworth, give a pallid hue to the disqualification argument. In fact, they raise serious doubt that Haynsworth could have legally disqualified himself in any of the cases in question.
>
> The Senate and the nation will have to live with the precedents being set in this case. If they result in the destruction of an honest man through innuendo, then the precedents will indeed be ones that will come back to haunt the Senate for years to come.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. BAYH. The Senator has read two editorials referring to campaign contributions to the Senator from Indiana; and both editorials reach the conclusion, or at least the inference that the Senator from Indiana cannot in good conscience oppose the nomination on ethical grounds because of obligations he has to organized labor as a result of contributions.

I just wonder. Does the Senator from Florida associate himself with these inferences and conclusions?

Mr. HOLLAND. Since the Senator puts it that way, the Senator from Florida does think the Senator from Indiana should have disqualified himself and should not have attempted, under his present situation, to have spoken for the interests which are backing him and backing him strongly in this effort.

The Senator from Florida had not proposed to say that unless questioned, but I have never been one of those who run from a question and I must say I have been grievously disappointed in the position taken in this matter by the Senator.

Mr. BAYH. I have great respect for the Senator from Florida, and the fact that my actions would disappoint the Senator is not taken lightly.

Will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. BAYH. Does the Senator feel, after reading the record, that it is impossible for a man in good conscience to disagree with the qualifications of Judge Haynsworth on ethical standards? Does the Senator believe that if a man proposes ethics as his basis for opposition rather than philosophy, labor, or civil rights, that man is being devious?

Mr. HOLLAND. The Senator from Florida does not look into the mind of the Senator from Indiana or the mind of anyone else. The Senator from Florida simply says that when the record in the Senate shows immense financial support obtained by his friend from Indiana from the sources named, and when the Senator from Indiana has fought the battle of these particular people here against the confirmation of the nomination of Judge Haynsworth, he feels the Senator from Indiana has followed a highly unfortunate course, and the Senator from Florida has said so simply because the Senator asked.

Mr. BAYH. I thought the nature of the Senator's association with these editorials should be made clear.

Mr. HOLLAND. Just a moment on that point. The Senator from Florida introduced these editorials as expressive of the high opinion of good people in Florida; and he thought from reading them and other editorials, that they expressed the opinions of most people who have expressed themselves on this subject in writing. The letters of the Senator from Florida indicate the same feeling. He realizes the Senator from Indiana is not elected by the people in Florida. But the Senator from Florida always claims the right and the Senator from Florida always will claim the right to speak in the Senate on what he regards as the opinion of the good people he represents, and he would not expect to make this a personal matter, but an expression of the sound thinking of the fine people in Florida.

The Senator from Indiana brought this on himself when he asked a question which the Senator from Florida cannot answer honestly but in one way.

The Senator from Florida thinks these editorialists expressed a sound view, which is also the view of the Senator from Florida.

Mr. BAYH. I wonder if the Senator from Florida and those who editorialized have looked at all of the campaign contributions and records concerning the Senator from Indiana that are listed according to Federal statute. Or have they looked only at the $68,000 that has been contributed by a number of different groups representing the working men and women of our State?

Mr. HOLLAND. These are working men and women representing organized labor, which made contributions.

Mr. BAYH. Representing working men and women of my State, and I see no other way.

Mr. HOLLAND. The organized labor group made the contribution and——

Mr. BAYH. Yes; they made it from contributions made by members.

Does the Senator realize that my campaign cost between $700,000 and $800,000? The contributions made by the so-called labor bosses represent about one-twelfth of this, whereas the representation of the laboring men and women of my State represents about one-sixth of my constituency. It seems to me that if the Senator is going to suggest I have to be a tool of organized labor, I would have gotten twice that amount.

Mr. HOLLAND. Maybe the Senator should. I do not know what he has done for organized labor. I am simply saying, that to have a man defeated here by statements and efforts and innuendoes of organized labor and civil rights groups would be a great tragedy. When that man has made a fine record in the enforcement of law in this Nation, who is highly respected by his brother lawyers, many of whom I have talked with, and who is highly respected by citizens of this State and his area, it seems to me would be a travesty and a tragedy to have such a man defeated by such an attack.

Mr. BAYH. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. BAYH. The Senator is entitled to his opinion. I have the greatest respect for it. I think it is possible to have respect for a brother Senator without necessarily agreeing with everything he says.

Mr. HOLLAND. Of course.

Mr. BAYH. I only rise because of the strong inference, if not direct allegation, that my involvement in this matter is because of the antilabor or anticivil rights position of the judge, and that this is directly related to contributions I received from these groups. In my judgment, such an allegation comes very close to the rule of this body which prohibits one Senator from impugning the motives of another Senator.

I suggest I have gone as far as I can, despite allegations of the Senator, to put these matters on a case-by-case basis, to talk only facts in this field of ethics.

For any Senator to cast off these arguments on ethics as specious allegations flies in the face of Senators such as JOHN WILLIAMS, ROBERT GRIFFIN, MARGARET CHASE SMITH, and others, who have expressed agreement with the Haynsworth philosophy on labor and civil rights, but who are concerned about the matter that concerned the Senator from Indiana.

Mr. HOLLAND. I am glad my distinguished friend finds some comfort in the expressions of some of his friends and my friends. All I can say is what I have said already. I think these two editorials speak soundly the views of most Florida people. I can produce many other editorials to the same effect but none to that effect I thought were so well studied, and none I knew to be written by moderate liberals, as are the two editorial writers here, James A. Clendinen, of the Tampa Tribune, and William E. Sweisgood, of the Florida Times-Union in Jacksonville, Fla.

I had not expected to bring any personal matters into this, but I am not going to run away from a question that asks for my personal expression.

Mr. BAYH. I say with envy that the distinguished Senator has been here much longer than I. I have not had a chance to make one-half the contribution to this body and to the country that the distinguished Senator from Florida, who has decided not to run for reelection, has made during his long tenure of services. I do not believe, however, that the Senator from Florida can introduce in the RECORD, reading them as he did, editorials containing the allegations about his colleague from Indiana, without expecting some people to make the reasonable inference that, indeed, the Senator from Indiana did make.

Mr. HOLLAND. The Senator by his questions made it necessary and the Senator from Florida stated how he felt about this matter.

In closing, I am no stranger to judicial ethics. I served for 8 years as judge of a minor court as to jurisdiction in criminal and civil cases, but major jurisdiction in the field of wills, minors, and the like, because it was unlimited in probate matters.

I later received with some pride an offer for an appointment from a Governor of the State of Florida, the offer of an appointment to be a circuit judge, which I declined. I also received an offer from the President of the United States to serve as a district judge of the United States, which I declined. I declined both offers because my years of experience led me to believe I did not want to be a judge of other people's matters, but an advocate. That is what I have tried to do since then and until now.

I must say I think this man Haynsworth, to whom I am not close at all, has been assaulted and attacked in a way which will bring great discredit upon the Senate in the event such attacks are seriously considered and confirmation is denied.

I think he has, by a long course of conduct, extending through his college days, extending through his war days, and extending through his many years of experience on the next to the highest Federal court, the Circuit Court of Appeals, shown such character, sense of honor, and sense of integrity as well as high legal ability that his nomination as a member of the Supreme Court is entitled to confirmation.

I strongly hope that Judge Haynsworth's nomination will be confirmed.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. ALLOTT. Mr. President, I want to compliment the distinguished Senator from Florida on his remarks and his conclusions. Having served in the Senate with him for 15 years, I shall always be grateful for those 15 years of association. There are few people, if any, whose opinions in such a sensitive and delicate area I value as much as those of the Senator from Florida.

His remarks, coupled with the just-concluded remarks of the Senator from Mississippi (Mr. STENNIS), if I had heard nothing else or read nothing else, would go far toward persuading me of the justness of the position they have taken.

Having served so long with the Senator from Florida and having had 25 years in the practice of law before coming to the Senate, I know of the deep legal knowledge, sense of fairness, and sense of ethics from which the Senator from Florida speaks.

To have him speak in this way on behalf of a man who has never yet had anything proven against him, and when most of Judge Haynsworth's opponents frankly openly now admit they find in him no dishonesty or lack of legal ability, will be persuasive, I am sure, to a great number of Senators.

That these admissions have been made and that the Senator has studied the record and concluded as he has carries great weight. Furthermore, that he has talked with people who have been on the court with Judge Haynsworth and to lawyers who have practiced before him in that Federal appellate jurisdiction, is greatly persuasive to me. It reveals his reputation among those who are in position to know, first hand.

Mr. President, I received a letter the other day from a Representative in that State—a Democrat—in which he stated the party position, but he concluded by saying, in essence, If I had to go to court and have my case adjudged and I wanted to be completely sure that the judge was fair and impartial and understood the law, I can think of no judge in the United States before whom I would rather appear than Judge Haynsworth.

Mr. President, this merely confirms what the Senator from Florida has said. I appreciate being able to listen to his persuasive arguments, which I believe cannot be answered.

Mr. HOLLAND. I thank my distinguished friend. I have expressed only my own deep convictions on this matter. It has been a great privilege for me to serve with the Senator from Colorado. We have served together on several committees. I have always found him willing to call a spade a spade, speaking from conviction.

He and I happen to be associated in a common view concerning a very serious matter before the country.

I thank the Senator from Colorado.

Mr. MURPHY. Mr. President, I am glad that I was in the Chamber today to listen to the colloquy which has taken place in the past few minutes.

As a longtime member of labor unions, with probably a longer membership than anyone in this body, beginning in 1920, when I first belonged to the Mine Workers of Pennsylvania, I am surprised time after time about statements made about organized labor, that organized labor says this and organized labor does that.

Having had years of experience in the field of labor, I wonder, sometimes, whether it is organized labor speaking or certain labor leaders.

In the old days, there were many who used to speak for organized labor who had not held an election in many years. I remember one important case in which he had not stood for election in 18 years. I remember some of those dealings.

Mr. President, I believe firmly in the right of collective bargaining and in the rights of the laboring man; but it does not necessarily follow that I will always go along with the judgments of so-called labor leaders. My concern over the years has always been with the rank and file.

I was active in helping to form a union in Hollywood. My concern was the same as that of many of my fellow actors, Robert Montgomery, James Cagney, Frank Morgan, and the rest, so that they could put their status as important stars on the line in order to help the small actor, some of whom could not speak very well or very loudly for themselves.

Mr. President, throughout my political career, I am glad to say that I have never asked for the endorsement of organized labor. I did not think it would be fair because I had been a part of it and active so long that I felt I should not go out and say, "Now you owe me something."

I have never been endorsed by organized labor. My opponent in California, before I came to the Senate, was endorsed by organized labor, even though he had no labor record at all. So far as I know, he never belonged to a labor union. But he was endorsed.

Mr. President, I have always opposed labor unions getting involved in politics. I have always held the belief that the job of the labor union was to represent wages, hours, and conditions of work of the working man, that once a labor union gets tied in with one political party or the other, it weakens its position, in my judgment. Such a labor union becomes a pressure group. I have witnessed that since I came to the Senate. I have been accosted in the hallways. They come up to me and say, "Now, you are going to support us, aren't you?" I say, "Yes, if I think you are right, or if I think it is in the best interest of the whole country or my whole State, but not merely because one labor leader, or two or three, decides that this is to be the position."

I was in Hollywood when we were told that if every member of the union did not donate $1, none of us would be permitted to go on the air. I remember that my good friend, Cecil B. DeMille, opposed it. He went to the people of the country, but he was taken off the air. The union had the power to deny him the right to work.

Thus, I have been through these periods of pressure. I know what they are. I think it is a shame if anything like this should be permitted in this Chamber, particularly in the selection of a man who is to sit on the highest legal body in this land.

Mr. President, I have reviewed the record regarding Judge Haynsworth's nomination. I have listened to the debate, I have read the speeches of my colleagues, and I intend to vote for the confirmation of this judge.

A great deal has been written and said about this nomination. It has been one of the most discussed incidents since I have been in this body.

The record of the hearings goes on and on. Here is the record, Mr. President—762 pages of hearings—762 pages of careful examination by those who were determined at the outset, it seems to me, that, regardless, this man's nomination was not to be confirmed.

Why, in the beginning, I was never sure. I thought that perhaps there were some who thought it might be an attempt to preserve the character of the present Court; to deny the new President of the United States the right to make a selection for the Court whose philosophy might be a little different from the Court as it had been constituted.

Then, as the debate went on, it began to revolve around two points—so-called opposition by some labor leaders, and an objection because there was a feeling that perhaps there was racial bias on the part of this judge.

I have listened and I have read and I have studied, and I do not find any evidence of these allegations. I do not find any. As a matter of fact, to the contrary, the more I read, the more I listen, the more I study, the more I am convinced that this man is a highly qualified judge, a very respectable member of his community, enjoys the highest reputation.

How, suddenly, does he become a rascal? Who says that now is the time that we reverse the entire structure of this man's life and reputation? Think of the mental anguish that this must be causing him.

It would be very easy to say, "I would like to withdraw my name," from the very beginning, or the President of the United States to withdraw the name. No great problem. But I think it is to the credit of the President and to the credit of Judge Haynsworth that when we find what has been referred to as the appearance of impropriety is without substance, it would be wrong to withdraw his name. It would be unjust. It would be dishonest.

So the name is not withdrawn. The name is before us. And on Friday, this distinguished body will make its decision.

In reading the record, Mr. President, in listening to the charges, I have been troubled by the charges of prejudice and bias made by some of the opponents. I have also been troubled by the onesided, what seems to me to be highly organized campaign that was conducted by some special interests in the press, television, and the rest, who oppose this nomination.

I believe there are a number of reasons why these charges should be rejected, and I shall explain more fully in a moment.

It is those who do not want a neutral Supreme Court who seem to accuse Judge Haynsworth of being anticivil rights or antilabor. In fact, what many of these opponents want is an avowed partisan, a partisan in agreement with their political philosophies, whose views will correspond exactly with theirs. In other words, they do not want an unbiased man; they want a man with friendly bias, friendly to their particular point of view.

Mr. President, appointments to the Supreme Court cannot and should not be based on whether the appointee's views are biased in any particular direction. To the contrary, insofar as we are able, we should find a man whose point of view should be expressed without bias; that his judgment should be based on the law and the proper practice of the law—equal justice to all under the law.

This distinguished body has a duty under the Constitution to consider the professional capability and the integrity of the nominee, and to advise and consent to the nomination if these criteria are satisfied.

Concern for the Court and for our responsibility counsels us to reject the pressure of those who would attack Judge Haynsworth recklessly, and decide whether their disagreement with the judge's philosophy is sufficient to justify the damage they may inflict upon the Court by using pressure to deny this man his position on the Court.

The very independence of the Supreme Court is threatened if a nominee can be successfully opposed not because he is unqualified, but because his philosophy is opposed. This is dangerous. This is very dangerous.

Judge Haynsworth's record cannot be properly attacked as biased simply because a careful study of the record reveals that he is an intelligent, sensitive, fair, open-minded, reasonable, and even-handed man. Indeed, the irony and unfairness of the organized opposition lies precisely in the fact that those who do not want neutrality have charged him with bias and with prejudice.

The record of the Judiciary Committee's hearings is replete with such evidence. I would like to highlight some of the more important areas to illustrate these points.

Possibly the most vigorous lobbying done against Judge Haynsworth's confirmation has come from some leaders of organized labor. The AFL–CIO has made Judge Haynsworth's nomination a "special" issue. On its face, the AFL–CIO opposition is based on charges that Judge Haynsworth is "antilabor."

In fact, however, this opposition, as I read it, as I understand it, is without merit and based, rather, on the fact that organized labor does not feel Judge Haynsworth is sufficiently biased in what I would consider a prolabor position.

What are the facts concerning Judge Haynsworth's labor record? Simply that, by no objective analysis of his labor record, could one conclude that he is antilabor. The AFL–CIO attempt to make it seem so, in my opinion and in my judgment, is completely unjustified.

No attempt was made to evaluate all of Judge Haynsworth's labor decisions. Instead, they based their attack upon a carefully selected group of cases, the neutral character of which, in my opinion, is distorted.

This body would, I believe, commit a grievous error were it to succumb to such a one-sided opposition without making a complete, full, and independent evaluation of Judge Haynsworth's entire list of decisions in the matter of labor trials.

Such an examination, Mr. President, reveals that there were at least 45 prolabor decisions in which Judge Haynsworth participated. I refer the Members of the Senate to the memorandum in the committee hearings on page 384.

This omission cannot be justified in any serious attempt to reach an objective appraisal of Judge Haynsworth's labor views.

In what perspective shall we place the AFL–CIO attack? While it was arguably proper for the AFL president, George Meany, to state frankly to the committee that "he would not approve of a decision against labor," this is not a position which the Senate can, in good conscience, adopt.

George Meany has a position. He is depended upon to be biased. He is the leader of the labor movement. He must take labor's point of view. He cannot do otherwise. That is his obligation. That is why he was elected.

For the Senate to fail to confirm Judge Haynsworth's nomination, despite the demonstrated lack of substance to these charges, would be to yield to political pressure, I believe, to decree that only nominees with particular political views can serve on the Supreme Court of the United States.

During the committee hearings, Judge Haynsworth's civil rights record was also sharply attacked. Again, a review of the whole record—as opposed to a few cases thrust at us by his opponents—persuades me that these charges against Judge Haynsworth are likewise unjustified. The judge has frequently voted in favor of persons claiming deprivation of their federally protected rights. I refer the Members of the Senate to the cases which appear in the committee report. There are many of them listed there.

Perhaps even more persuasive is the testimony of those who are nationally known for their concern for the protection of the rights of minorities. Prof. G. W. Foster, of the University of Wisconsin, a prominent civil rights advocate who worked on the 1965 school desegregation guidelines, testified in Judge Haynsworth's behalf as follows:

> Judge Haynsworth is not a segregationist and on this point I believe I have some special competence to speak. For more than a decade much of my time has been taken by problems of school segregation. Particularly between the years 1958 and 1966 I came to know a number of the federal judges across the South. For better or worse I am probably more responsible than anyone else for the original HEW School Desegregation Guidelines when they first appeared in 1965.
>
> In the area of racially sensitive cases, I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. *I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent and open-minded man with a practical knack for seeking workable answers to hard questions.* Here and there, to be sure, were cases I might have decided another way. I am not aware, though, of any opinion associated with Judge Haynsworth that could not be sustained by reasonable views of reasonable men.

Mr. President, here is an expert. He finds no bias. He finds no cause to oppose Judge Haynsworth. He dealt with him. He is the man who wrote the guidelines for desegregation.

He goes on to say:

> *Judge Haynsworth is an intelligent, sensitive, reasoning man. His record as a judge shows him to be a man capable of continuing growth and responsive to the needs for change where needs are persuasively shown to exist.* And in my judgment, the question posed by his nomination is not whether you or I might have made a different nomination but whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My answer, based on Judge Haynsworth's record and the reputation I know him to have among the Federal judges with whom he has worked, is that he will make a first-rate Associate Justice. [Hearings at 603, 611, emphasis added]

I have read Judge Haynsworth's civil rights decisions, and I agree with Professor Foster's conclusions. Judge Haynsworth has shown a commitment toward ending racial discrimination that is an impressive asset, along with his other qualifications.

I urge the Members of this body to take a careful look at the whole record in connection with this important nomination. Judge Haynsworth is not the average, colorless official—as some of his opponents would have us believe. He has a justly deserved reputation for scholarly analysis and sensitive, even handed, and extremely well-written decisions. This man has applied himself. He is a scholar. He is admired by his fellows.

One illustration of Judge Haynsworth's even-handed, constructive, and unbiased approach to the law is his treatment of the law of criminal procedure—an area of the law which has been the subject of some of the most intense controversy in these late days. An analysis of Judge Haynsworth's record in this area leads me to the same conclusion reached by Prof. Charles Wright, one of the country's leading authorities on criminal procedure, who stated:

> Judge Haynsworth has been in the vanguard, often ahead of the Supreme Court, in protecting persons accused of a crime against any tilting of the scales of justice that might lead to the conviction of an innocent man. At the same time, he has been reluctant to set free a person who is undoubtedly guilty because of some minor imperfection.

I am not a trained lawyer, Mr. President, but this seems to me to be a judge who has concern for the general welfare as well as for the rights of the condemned, or the man on trial.

Let me give an illustration of just one of many cases.

Judge Haynsworth has done much to make the writ of habeas corpus freely available to those who claimed to have been denied their constitutional rights. In the case of Rowe against Peyton, the Fourth Circuit was asked to consider the vitality of the 1934 Supreme Court decision known as McNally against Hill, which precluded a habeas corpus action against a consecutive sentence to be served in the future. In a most scholarly opinion, Judge Haynsworth correctly anticipated that the Supreme Court would no longer follow its earlier precedent. In addition to displaying the judge's scholarship, that opinion exemplifies Judge Haynsworth's ability to predict changes in doctrine and to create just solutions to problems in an area of traditional judicial cognizance. Judge Haynsworth emphasized that it was to the advantage of both the defendant and the State to have a present remedy to test the validity of future sentences, stating:

> The problem we face simply did not exist in the 17th century.

He went on to state:

> Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a 17th century technical conception which has no relation to the context in which today's problem arises. It is to the great interest of the Commonwealth and for the prisoner to have these matters determined as soon as possible, when there is the greatest likelihood that the truth of the matter may be established. Justice delayed for want of a procedural remedial device over a period of years, is indeed justice denied to the prisoner and, in an ever larger sense, to the Commonwealth of Virginia.
>
> The problem we face simply did not exist in the Seventeenth Century. Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a Seventeenth Century technical conception which had no relation to the context in which today's problem arises. (at 713)
>
> It is to the great interest of the Commonwealth and to the prisoner to have these matters determined as soon as possible when there is the greatest likelihood the truth of the matter may be established. Justice delayed for want of a procedural, remedial device over a period of years is, indeed, justice denied to the prisoner and, in an even larger degree, to Virginia. (at 715)
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> The law today abhors a right without a remedy just as the common law did. The genius of the common law was the improvisation of remedies to obtain adjudication of substantive rights. * * * Our recitation of its history discloses that the writ of habeas corpus has not been a static thing. There is nothing in that history to suggest that it should be restricted to the need of a much earlier time. (at 716–17)

The State brought the case to the Supreme Court. Said a unanimous Supreme Court:

> Writing for a unanimous court, Chief Judge Haynsworth reasoned that this Court would no longer follow *McNally* [the earlier Supreme Court decision], which in his view represented a 'doctrinaire approach' based on an 'old jurisdictional concept' which had been 'thoroughly rejected by the Supreme Court in recent cases.' We are in complete agreement with this conclusion and the considerations underlying it. (*Peyton* v. *Rowe* (1968), 391 U.S. 54, 57.)

The willingness of a unanimous Supreme Court so precisely to quote Judge Haynsworth's criticism of one of its former decisions in the course of agreeing with his views is indeed a tribute that is without parallel. The decisions of Judge Haynsworth in the area of appellate review of prisoners' petitions are quite obviously not those if a mediocre judge. This is an outstanding man. His entire record points this out and delineates it clearly. Nor are they the decisions of an insensitive judge who has been too much the businessman, as some would have us believe. Instead, Judge Haynsworth has eagerly undertaken the painstaking consideration of these petitions, usually brought by friendless, helpless, and impoverished men who have already been afforded the usual channels of redress, and whose claims have been found meritless. An examination of Judge Haynsworth's criminal decisions, and numerous other areas, reveals the work of a judge who is utterly dedicated to his office and to his duty and to his chosen calling—a purveyor of justice.

After a thorough review of the record, I have concluded that Judge Haynsworth is extraordinarily well qualified. I urge the Members of the Senate to make their own independent study, make the study and do it carefully. We should look at the entire record and not take the pieces out of context. A nominee to the Supreme Court of the United States should not be judged on the basis of accusations alone.

Judge Haynsworth's professional qualifications are impeccable. He received the full endorsement of the American Bar Association Standing Committee on the Federal Judiciary after their thorough investigation of his opinions and numerous interviews with judges and lawyers in the Fourth Circuit. He received the extraordinary tribute of 16 former American Bar Association presidents, who publicly announced their support of his nomination. I do not think this has ever happened before. As Judge Walsh said, summarizing the ABA committee investigation:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability.

Mr. President, what more can we seek? What other qualities are you looking for? What happens to this unfounded attack that we hear so often referred to as the appearance of impropriety—not the substance, not the act, not the fact, but the appearance of impropriety.

I have discussed Judge Haynsworth's qualifications and the nature of the charges made against him because I am persuaded that the Senate is being subject to irresponsible political pressure to reject the nomination of a distinguished jurist who will make an outstanding Associate Justice. For the Senate to yield to this political pressure, despite the demonstrated lack of substance in the attacks made against Judge Haynsworth, would mean that henceforth only nominees with particular views, or acceptable to certain organized groups, are entitled to sit on the Supreme Court. Oh, this is a very important decision. This is more than merely a vote on a man's confirmation. This is an extremely important decision. This result would undermine the independence of the judiciary as a whole and the Supreme Court in particular. Instead of carrying out the law as they see it, judges will be expected to make "popular" decisions. May the good Lord help us and preserve us from that. Nominees will be subject to the whim and clamor of constituents of Senators who are fighting the old war against the South or the new war in Vietnam or of the strange half-heated up war in the Middle East.

I urge the Senate not to follow this disastrous course. The true liberal will realize, upon reflection, that this Nation cannot be so divided and remain the Nation of all the people. There must be a tolerance for a diversity of views, within the Nation, and on the Supreme Court in particular.

Mr. President, I insist that just as the Supreme Court cannot decide constitutional issues on the basis of political expediency, the Senate cannot afford to deny confirmation on the basis of political expediency. To do so would be to undermine the Nation and the Court's concern for the rights of all groups, and to establish the practice that a nomination to the Supreme Court can be blocked by the lobbying of powerful special interest groups concerned with only one side of the issue. This is justice with half of the scales gone. It is unthinkable. It must not be permitted.

The Senate has a duty under the Constitution to consider the professional capability and integrity of the nominee, and to advise and consent to the nomination if these criteria are satisfied. It would be a serious error for this body to give controlling weight to the clamor of groups who are opposing the nominee because he is not biased in their favor, and for reasons having nothing to do with this nominee or the Supreme Court.

I commend President Nixon for making this nomination. Although the attacks have been furious, the charges against Judge Haynsworth have been shown to be without foundation insofar as I have read and studied them. The evidence is overwhelming that Judge Haynsworth is a conscientious and able judge who is widely regarded for his intellectual honesty, his integrity, and his professional ability.

President Nixon has been unwavering in his support of the nominee. In my opinion, Mr. President, Judge Haynsworth deserves that support, and I ask that the Senate advise and consent to Judge Haynsworth's nomination.

The other day I rose in the Chamber to speak briefly about the term we have heard so often of late—"the appearance of impropriety." No rules have been broken, but somebody said it might look as though a rule had been broken. The whisper, the rumor, the tool of the character assassin.

I have had some experience in those areas. In my town of Hollywood, years ago, we went through a great deal of that type of character assassination. No substance, no direct confrontation, no direct accusation, but the whisper—the appearance of impropriety.

I am sure that had there been impropriety and had the facts of impropriety been obtainable, they would have been brought forth. We would have heard them in this Chamber. But, so far as I know, we have not. I have not heard them. I have not been able to find them in the record. It is the appearance.

As I said a few days ago in this Chamber, I recall an instance when an attempt was made to destroy by character assassination a man who is a good friend of mine. There was a rumor, then it was published, then it was recited, and then it was spread across the country like wildfire, that he had done something wrong. It was an attempt to destroy his political life.

Then in preparation was a second rumor—that he had an inordinate amount of furniture in his house. Where did he get the money to buy it? Nobody said he had done anything wrong. But they posed the question, and the question took on all the characteristics of assault, of accusation. Where did he get it? The fact of the matter is that he did not have it. There was no truth. It was, once again, the appearance of impropriety, started by a rumor, a dishonest, evil rumor, without any basis or foundation.

Then there was a third attempt, which was never activated but was prepared—a letter which, once again, added coals to the fire, in the attempt to destroy this man's political character, his political life.

I was privy to the entire story. I knew about it. It was part of my duty at the time to find out about it. Three attempts were made to create the appearance of impropriety. The man against whom this was designed is now the President of the United States, who enjoys, I believe, the confidence at this moment of a higher percentage of the people of this great country than any other President in my lifetime. Yet, this entire, great political career might have been destroyed by the creation of the appearance of impropriety.

Mr. President, this has been a most important experience for me. I have listened to the debate and I have read the record, and I would not presume to influence the decision of any colleague. It would be improper. But I would beg my colleagues to read the entire record, read the carefully prepared remarks of the distinguished Senator from Colorado that are in the record, and read the remarks of the Senator from South Carolina (Mr. HOLLINGS)—a magnificent presentation. I am not a lawyer; I have had no legal training; but I have an appreciation and an understanding when I see a properly prepared case. I understand logic, I know truth from falsehood, I know fact from fiction, and I know where the appearance begins and where the actuality stops.

The vote which will occur on Friday, I believe, is as important as any vote that has occurred in this Chamber since I came to the Senate, and we have had some very important votes.

So, Mr. President, I beg that the attempts of the outside pressure groups be laid aside. They are not representative. They do not count here. This matter is clearly defined: Is the man capable? Is he honest? Is he trustworthy? What is his reputation among his fellows? If we look at it carefully, I am quite sure that a great majority of my colleagues will join me in voting to confirm the nomination of Judge Haynsworth.

I yield the floor.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield.

Mr. ALLOTT. First, I appreciate the very kind remarks the Senator has made about my discussion the other day of this matter.

I have been following this debate very closely, have studied the record, have been reading stories in the newspapers about it, and have listened to the news commentaries in the evening on television. As I gather at this point, some of those who are self-proclaimed in opposition to the confirmation of this nomination most unshakably seem to concede—there may be an exception to this, but I do not recall one—that there is no question of this man's honesty. Is that the impression of the Senator from California?

Mr. MURPHY. That is exactly my impression.

Mr. ALLOTT. Second, there is no question about his integrity.

Mr. MURPHY. The Senator is absolutely correct.

Mr. ALLOTT. There is no question about his legal ability.

Mr. MURPHY. I agree. That is the impression I have received from all of the media, throughout the hearings.

Mr. ALLOTT. It is unfortunate that the stories which were issued, the press releases, in the first instance created the impression that these things did exist. Now we are some 6 weeks later, perhaps more than that, and some of these impressions of dishonesty and lack of ethics still persist, despite the fact that those who originally made the statements, and even though their opposition continues, now say that these things are not true, that there is no question of the man's honesty, no question of his integrity, and no question of his legal ability.

Mr. MURPHY. After the damage has been done. It is like throwing a pebble into a clear stream, into the still water. Once those ripples start, it is impossible to stop them.

I wonder if those who started the rumors at the outset should not have been more careful in their accusations, if they had perhaps come to their second conclusion first, if they had perhaps waited until the hearings were finished, until the debate was finished, and then said, "We think this man is honest, decent, intelligent, and capable," or, "We still think that there are reasons why his nomination should not be confirmed."

This is the whole point, and the Senator has made it so well, just as he did the other day—the impropriety of this approach, of the accusation which presumes, assumes, and sometimes even creates the guilt which does not exist.

Mr. ALLOTT. I have been somewhat impressed by some of the inconsistencies I find. I was much impressed with the words of praise of Judge Haynsworth by the distinguished senior Senator from Maryland. I do not know how he could have been more forceful in praise of the man, his integrity, ability, and standing on the court. Yet, he has subsequently come out in oppositon to the nomination.

Mr. MURPHY. He is going in both directions at one time.

Mr. ALLOTT. He was either wrong in the first instance, in which event he should perhaps ask to have his remarks corrected, or he is wrong now.

As far as I know there is only one relevant constitutional qualification for a member of the Supreme Court. Actually, I have not checked it recently, but I am sure it is true, that a member of the Supreme Court does not even have to be a member of the bar.

Mr. MURPHY. I did not know that. Does the Senator mean there is still a chance for me?

Mr. ALLOTT. There is still a chance for the Senator from California.

The one thing that is necessary is that a member of the Supreme Court must be able to take the oath to support the Constitution and the laws of the United States.

I know of no other relevant qualifications for a judge. I would say that if a man supports the Constitution, the integrity and honesty would have to go as a corollary to that.

I wish to make one other point. This matter has been argued and debated very much. I compliment the distinguished senior Senator from California because he feels about this matter the way I do.

Here is a man who spent his life as a lawyer. His father's life was spent as a lawyer; and his grandfather's life was spent as a lawyer. All of that took place in one State. I wonder if these people who so glibly—and I do say "glibly"—said, "perhaps he raised an appearance of lack of ethics"—thought about the man, his family, his children, the sons he has, his sons' sons, and his daughters' sons and daughters. He will probably go through life, if his nomination should not be confirmed, remembered as the man the Senate refused to confirm.

I do not know whether we all realize how much we hold when we hold the good name, something a man spends a lifetime creating, in the palm of our hands. If anyone had shown dishonesty, if anyone had shown a breach of ethics, that he has represented two people at the same time on opposite sides of the fence, then I could seriously consider whether or not the nomination should be confirmed. But all of the substantive argument seems to have evaporated and we are left only with the preconceived notion people have formed in their minds.

I am reminded of an old saying by a man who was a very great theologian, a man who was the bishop of Colorado at one time, Bishop Irving P. Johnson, who said:

> When most people say they are thinking, they are merely rearranging their prejudices.

I realize, as does the Senator from California, and he feels as strongly about this matter as I do, that we are dealing with a man's life.

A while ago the Senator from Florida spoke of the reasons why he left the bench. He stated that he was tired of settling things in people's lives. That was why I left the district attorney's office of my State. I thought I did not want to have that much power over anybody's life; and like the Senator from Florida, I decided I would rather be an advocate. That is why I am here.

I hope and pray that when the Senate votes they will think not only of making a decision one way or another, but remember that they hold in the palm of their hands a man and his family and what they do will affect that family for a long, long time to come.

I know the Senator feels as deeply as I do about that. I appreciate the Senator's wonderful remarks here today and I appreciate the Senator permitting me to intervene.

Mr. MURPHY. Mr. President, I thank the distinguished Senator. As always, his remarks are a very helpful addition. The presentation which the Senator made several days ago was one of the most masterly presentations I have ever seen. I hope all Senators will take the time to read his presentation and understand it. Let us be certain that we in this Chamber are not guilty of bias in this consideration.

Let us make certain in our voting that we approach this matter with the same degree of honesty, integrity, and intelligence that we hope to find in Judge Haynsworth, and which he seems to enjoy from the record of his life and his family; and the respect in which he is held.

I hope that when we pass judgment we will be able to pass the same test that we have imposed on this distinguished judge in our considerations here.

Mr. ALLOTT. Mr. President, will the Senator yield further?

Mr. MURPHY. I yield to the Senator from Colorado.

Mr. ALLOTT. I heartily agree with the Senator.

I have just picked up from my desk an article entitled "Opponents Cruelly Unfair to Haynsworth," which was written by James J. Kilpatrick, and published in the Washington Star on October 26, 1969.

Among other things Mr. Kilpatrick said in the article:

> What we are witnessing, in the trumped-up "case against Haynsworth," is a triumph of the propagandist's craft. Into a smoking pot, the judge's opponents have flung a shrewd mixture of truth, half-truth, whole lies, base insinuations, and old-fashioned politics. By heating up this farrago, they have created great clouds of unfounded doubt; and they have succeeded in making this phony doubt the very basis of their opposition.

In a subsequent paragraph, Mr. Kilpatrick said:

> The trouble is that the smokescreen is so thick, that busy men—and Senators are busy men—cannot conveniently take the time to penetrate the fog.

Would the Senator object if I were to ask unanimous consent that the article be printed in the Record at this point?

Mr. MURPHY. I would be pleased to do so on behalf of the Senator.

Mr. ALLOTT. I thank the Senator.

Mr. MURPHY. Mr. President, I ask unanimous consent that the article to which the Senator referred be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

OPPONENTS CRUELLY UNFAIR TO HAYNSWORTH

(By James J. Kilpatrick)

The question is, or will be within the next two weeks: Will the Senate advise and consent to the nomination of Clement F. Haynsworth to become an associate justice of the Supreme Court?

It is a pity that 40-odd members of the Senate already have indicated their intention to vote against confirmation. Once a Senator has taken a position publicly, he hates publicly to change his mind. Yet the case against Haynsworth is so flimsy, so specious, so lacking in real substance, that many of these forty-odd Senators might be prompted by a close study of the record to reconsider their opposition.

What we are witnessing, in the trumped-up "case against Haynsworth," is a triumph of the propagandist's craft. Into a smoking pot, the judge's opponents have flung a shrewd mixture of truth, half-truth, whole lies, base insinuations, and old-fashioned politics. By heating up this farrago, they have created great clouds of unfounded doubt; and they have succeeded in making this phony doubt the very basis of their opposition.

It is cruelly unfair to Haynsworth. The South Carolinian is not the most brilliant nominee that Nixon might have found. He lacks color; he lacks style; and these can be important on the Court. Yet other qualities also are important on the Court: self-restraint, precision, a sense of strict construction. These Haynsworth has; and if he is not a Holmes or Hughes or Brandeis, he is a cut above the average nominee of this century.

. On one point I am absolutely satisfied: I am satisfied of Haynsworth's integrity. When the record is seen clearly, and not through a smokescreen, the record discloses not even the appearance of impropriety.

The trouble is that the smokescreen is so thick that busy men—and Senators are busy men—cannot conveniently take the time to penetrate the fog. It may be instructive to see how such a smokescreen is contrived.

In his statement of Oct. 8, Indiana's Senator Birch Bayh charged that in at least five cases, Judge Haynsworth "held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the canons of judicial ethics." It is a serious charge; if proved, it would justify Haynsworth's rejection.

But it is not true. One of the five cases listed by the Senator was Merck v. Olin Mathieson Chemical Corporation. Judge Haynsworth never held stock in either corporation. Bayh's staff was in error. Another of the listed cases was Darter v. Greenville Community Hospital. Haynsworth's "substantial" holding amounted to precisely one share—one pro forma share, paying a 15-cent annual dividend—in his home town's hospital. A third case was Farrow v. Grace Lines. Haynsworth held no stock in Grace Lines. He did hold 300 shares in W. R. Grace & Co., which owned Grace Lines along with 52 other subsidiaries. The Farrow case involved a $50 judgment.

Still another of Senator Bayh's charges was that Judge Haynsworth violated ethical canons by not disqualifying himself in Kent Mfg. Corp v. Commissioner of Internal Revenue. But it turned out, after the Senator's charge had been added to the stew, that Bayh had the wrong Kent Manufacturing Corporation. Sorry 'bout that.

Very well. I do not impugn Bayh's motives, only his staff work. But the damage is done. In a race of this kind, which must be quickly run, truth cannot catch up with falsehood. A Senator who might be predisposed to vote against Haynsworth, if only to soothe black and labor interests, is likely to recall vaguely that Bayh listed a whole string of cases in which the judge was a big stockholder in companies before his court. The refutation of these baseless charges will go unnoticed.

Perhaps Nixon himself should not have accused Haynsworth's opposition of engaging in vicious character assassination. Presidents are expected to speak in softer accents. Yet that is exactly what the case against Haynsworth amounts to. It is like John Randolph's dead mackerel in the moonlight, a work of artistry that both shines and stinks.

Mr. ALLOTT. Mr. President, in the article by Mr. Kilpatrick, I believe the sentence following that which I last quoted is the most pertinent:

> It may be instructive to see how such a smokescreen is contrived.

Mr. MURPHY. Mr. President, the Senator from Colorado has raised a very important point. In these days of communication at the speed of light, where we have mass media, where we are told that every night there are 40 million people looking at television screens, where we are told about the big audiences attracted by the big stars, audiences of 75 to 80 million people and events such as the lunar landing will command an audience in numbers unheard of, I think how cautious we must be of the work of the propagandists. We have seen this in the war in South Vietnam; we have seen one of the most respected newspapers print figures taken out of propaganda written in Hanoi, without explaining to the reader and without telling the listener the source.

So in these days, the point the Senator from Colorado raises about propaganda is important. The Senate has an obligation to make certain that we deal in basic facts; that we cut through propaganda; that we cut through all appearances of impropriety and base our judgment on actual facts.

As I said in conclusion before, we should ask ourselves: Is this man honest, capable, and intelligent? Is he a decent man? Is he a good jurist? Will he make a good Associate Justice? The answers to these questions should be the basis of our judgment.

I yield the floor.

Mr. BAYH. Mr. President, a copy of a letter to Senator Eastland has been sent to me by one of its writers, professor of law, Herman Schwartz, of the State University of New York at Buffalo. Professor Schwartz and several other professors, who signed the letter, believe, as I do, that Judge Haynsworth was under no duty to sit in the Darlington case, which has been discussed so much in the Judiciary Committee and on the floor of the Senate.

I ask unanimous consent that the letter be printed in the Record, for the consideration of the Senate and the public.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 12, 1969.

HON. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: In a recent appearance before the Senate Judiciary Committee on the Nomination of Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States, John P. Frank, Esq., testified with respect to whether Judge Haynsworth should have voluntarily recused himself from the *en banc* adjudication of *NLRB* v. *Darlington Mills, Inc.*, 325 F. 2d 682 (1963) because of his interest in Carolina Vend-A-Matic Co., a supplier of one of the litigants. Mr. Frank stated that since, in his judgment, Judge Haynsworth "was not disqualified, it was under the strict federal rule of duty, his plain responsibility to participate, and he would have shirked his duty if he had not done so." Although noting a special circumstance supporting Judge Haynsworth's decision to sit, Mr. Frank stressed that this obligation not to recuse himself existed "regardless of that circumstance." Hearings 121. Judge Lawrence E. Walsh, Chairman of the ABA Standing Committee on the Federeal Judiciary, concurred in this judgment. Hearings 139. With all due respect to their views, and in full recognition of Mr. Frank's expertness in this area as reflected both in his published writings and the quality of his testimony, the position that under the law Judge Haynsworth would somehow have been derelict in his duty had he voluntarily recused himself from participating in the determination of the case seems unsound.

1. *A judge's discretion when not legally disqualified.*

Mr. Frank's Memorandum and testimony argue and imply that if a judge is not subject to involuntary disqualification, he must sit. But there is surely an obvious distinction between *requiring* a judge to disqualify himself for interest, bias or other reason, and *allowing* him to, in order that "justice . . . satisfy the appearance of justice." *Offutt* v. *United States,* 348 U.S. 11, 14 (1954). Both the possibility of such an option, and examples thereof, are set forth in the very cases cited by Mr. Frank and elsewhere. Thus, in *Wolfson* v. *Palmieri,* 396 F. 2d 121 (2d Cir. 1968), the Court found that the affidavits presented were legally insufficient to show the trial judge's bias under 28 U.S.C. § 144, but added:

"*To be sure, there are circumstances in which a judge may wish to rescue himself although a legally sufficient affidavit of bias and prejudice could not be presented against him.* But whether such considerations make it wise to withdraw must be left to the informed discretion of the individual trial judge . . . The state of mind of the defendant cannot be made the test for the selection of the trial judge. On the other hand, if there be a real doubt created as to prejudice, this alone may be an important factor to be considered by the judge." 396 F.2d at 125–126. (emphasis added.)

The same point was made in a concurring opinion by Chief Judge Hastie in *Green* v. *Murphy,* 259 F.2d 591 (3rd Cir. 1958).[1] After finding the affidavits inadequate, he said:

"This does not mean that the trial judge cannot or should not in all the circumstances of this case, including the understandable indignation and irritation disclosed by the opinion on the question of disqualification, consider whether, however free of bias he may feel, the also important appearance of complete impartiality in the administration of justice would not best be maintained by stepping aside. *Judges from time to time elect not to try cases, which they are sure they can try fairly and objectively, because of their concern to avoid any substantial doubt which circumstances beyond their control may create in the public mind about the impartiality of their administration of justice in the matters at hand.* But this consideration must be left to the discretion and sensitive perception of each trial judge in the circumstances of each case." 296 F.2d at 595–596. (emphasis added.)

This option was availed of by a judge in litigation involving James Hoffa, as noted in another case cited by Mr. Frank, *United States v. Hoffa,* 382 F.2d 856 (6th Cir. 1967). The Court of Appeals noted that "after ruling that the affidavit was insufficient, [the trial judge] voluntarily and contemporaneously recused himself." 382 F.2d at 861. See also *Lampert v. Hollis,* 105 F. Supp. 3 (E.D.N.Y. 1952) where, despite a ruling that his shareholding in one of the litigants was much too remote (20 shares out of 13,881,016), the trial judge nevertheless notified the parties of his interest and apparently offered to withdraw; the parties agreed he should sit.

That there must be this option seems obvious. Legal disqualification is an extreme measure, particularly when it arises in the context of one judge passing on another refusal to recuse himself, as so many of these cases do; it is especially unappealing when the issue arises, as it not infrequently does, in the context of an attack on a judgment already rendered on the merits, by a disappointed litigant seeking a way to reverse the judgment. See, *e.g., In re Farber,* 260 Mich. 652, 245 N.W. 793 (1932); *Tucker v. Kerner,* 186 F.2d 79 (7th Cir. 1950); *Webb v. Town of Eutaw,* 9 Ala. App. 474, 63 So. 687 (1913); *Darlington v. Studebaker-Packard Corp.,* 261 F.2d 903 (7th Cir. 1959); cf. *Voltmann v. United Fruit Co.,* 147 F.2d 574 (2d Cir. 1945) (the appellate court observed that the trial judge learned during the trial that his son-in-law was a partner in the law firm of one of the parties and while he probably would have disqualified himself had he learned of this *before* trial, he need not have disqualified himself *after* trial began.) The distinction was drawn sharply in *Farber,* a case much relied on by Mr. Frank, where the judge owned shares in a bank that had loaned money to the bankrupt. Rejecting an attempt to set aside the judge's decree solely because of the ownership, the Court said:

"*The claim was not made before decree.* The bank is not a party to the suit. The record did not disclose that the corporation is indebted to the bank. It is not claimed that Judge Parker knew there was such a debt. *The question, therefore, is one of law, not affected by consideration of propriety or delicacy.*

"Where a judge, or a corporation of which he is a stockholder, is not a party to the suit, the interest which will disqualify him must be a direct interest in the subject-matter of the litigation or in the outcome of the suit, so that he or the corporation will be directly affected through pecuniary or property loss or gain or accrual of right or liability. [citing authority]

"Without anticipating the effect of special circumstances, in any given case, *especially when brought to the attention of the court before hearing,* a general rule of law that a a judge is disqualified from sitting in the case because a corporation, of which he is a stockholder, is a creditor of one of the parties, has no foundation and reason, nor does it bear any relation to the preservation of the court from the shadow of suspicion which is the purpose of the statute." 245 N.W. at 795. (emphases added.)

2. *The substantiality of Judge Haynsworth's interest.*

Considerations of this kind permitted—and perhaps should even have encouraged—Judge Haynsworth not to sit on the *Darlington Mills* case. For it cannot be said, as Mr. Frank seems to, that Judge Haynsworth's interest in the litigation was so clearly negligible, and his eligibility to participate so clearly beyond doubt, that voluntary recusal was not even to be considered. See his references to the *Farber* and *Webb* cases at Hearings 120, discussed below. Judge Haynsworth was a founder, a one-seventh owner of, and still much involved, both financially and through his wife, with a supplier of one of the litigants. His situation was similar to that in *Commonwealth Coatings Corp. v. Cont. Cas. Co.,* 393 U.S. 145 (1968), where the Court set aside an arbitration award because one of the three arbitrators of a unanimous decision had not disclosed that he had performed services for one of the parties during the preceding four to five years. Admittedly, *Commonwealth* arose five years later, but it hardly seemed to apply principles which were novel, at least as to judges. Nor was the Court treating arbitrators more stringently than judges, as both Mr. Frank and Judge Walsh asserted. All the opinions filed in the case—the majority, concurrence and dissent—indicated that if anything, they were applying looser standards for arbitrators than for judges. The only indication to the contrary appears in one statement in the majority opinion: at one point, the Court commented that because arbitrators are triers of fact and law, they should be even "more scrupulous." Apart from this brief remark, however, the opinions continually relied on well-established judicial principles, the majority opinion saying in its very first sentence:

"At issue in this case is the question whether elementary requirements of impartiality *taken for granted in every judicial proceeding* are suspended when the parties agree to resolve the dispute through arbitration." *Id.* at 145. (emphasis added.)

The Court continued:

"We have no doubt that if the litigant could show that a foreman of the jury or a *judge in a court of justice* had, unknown to the litigant, any such relationship, the judgment would be subject to challenge . . . Nor should it be at all relevant, as the Court of Appeals apparently thought it was here, that '[t]he payments received were a very small part of [the arbitrator's] income . . .' For in *Tumey* the Court held that a decision should be set aside where there is 'the slightest pecuniary interest' on the part of *the judge. . . .*" *Id.* at 148. (emphasis added.)

And the Court relied on Canon 33 of the Judicial Ethics which reads as follows:

"33 Social relations . . . [A judge] should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that a social or business relations or friendships constitute an element in influencing his judicial conduct."[2] *Id.* at 149–150 (brackets in original.)

The concurrence implied that the standards are even higher for judges by saying:

"The Court does not decide today that arbitrators are to be held to the standards of judicial decorum of Article III judges, or indeed of any judges. It is often because they are men of affairs, not apart from but of the marketplace, that they are effective in their adjudicatory function." *Id.* at 150.

And the dissent agreed in this issue, concluding:

"Arbitration is essentially consensual and practical . . . The Court applies to this process rules applicable to judges and not to a system characterized by dealing-on-faith and reputation for reliability." *Id.* at 154–155.

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[1] This case was not noted by Mr. Frank.

[2] The Court also seemed to indicate that judges should "sever all their ties with the business world," in pointing out that arbitrators could not. 393 U.S. at 148–149.

The *Farber* and *Webb* cases, cited by Mr. Frank, do not deny the delicacy of the situation and the necessity for choice, despite their holdings that a judge's mere shareholding in a customer is insufficient ground to disqualify him. In both cases, the issue was whether the interest was sufficient to actually set aside a judgment already rendered, a quite different question, as noted above and in *Farber*, from voluntary recusal prior to decision. Moreover, both cases seemed to involve mere shareholding. Thus, the *Webb* case involved a judge's shareholding in a bank which had loaned money to a litigant. In rejecting this as a basis for disqualification, the Court indicated how limited was its holding, saying:

"We are not of opinion that a presiding judge is shown to be disqualified to preside in a cause by proof of the *bare fact that he is a stockholder in a corporation* to which one of the parties is indebted" (emphasis added.)

The record shows that Judge Haynsworth's involvement in Vend-A-Matic obviously involved much more than the "bare fact that he is a stockholder in a corporation."

3. *A judge's obligation to sit.*

This is not to say that a judge may recuse himself for the wrong reasons, that is, simply in order as Senator Hollings put it, "to avoid hard or distasteful decisions." Hearings 38. As the oft-cited language in *In re Union Leader Corp.* put it, "There is as much obligation on the judge not to recuse himself *when there is no occasion* as there is for him to do so when there is. 292 F. 2d 381, 391 (1st Cir.) *cert. denied*, 368 U.S. 927 (1961) (emphasis added.) But this statement does not eliminate the need for judgment to determine "when there is no occasion" and no one could possibly have faulted Judge Haynsworth for concluding that his interest in Vend-A-Matic was such that he should withdraw himself from the case.

This is also not to deny that there are occasions when a judge should sit. Mr. Frank relies heavily on the opinion of Judge Rives in *Edwards* v. *United States*, 334 F. 2d 360, 362 n. 2 (5th Cir. 1964). In that case Judge Rives had been the dissenter in a 2–1 decision. When the case was set down for rehearing *en banc*, both members of the majority were no longer around to sit, one having died and the other being ineligible to sit because he was a visiting judge. The absence of the members of the earlier majority induced doubts in Judge Rives as to whether he should sit, but after reflection, he decided to participate. With all respect to the scruples of one of our most respected judges, Judge Rives' doubts seem quite unwarranted, for they apparently rested on the premise that the disagreeing judges of the earlier panel are the primary advocates of the contending viewpoints, and not the litigants themselves. This is, of course, a highly dubious proposition which finds no support in any statutory or other authority, but rather, as Judge Rives indicated, conflicts with clearly applicable precedent.

In the end, many of the arguments for an alleged obligation on Judge Haynsworth to sit seem to come down to arguments of necessity—primarily, that there would not have been a full court for an *en banc* hearing. But in the first place, Mr. Frank, as noted, eschews reliance on such special circumstances. Moreover, the common-law doctrine of necessity has usually required much more. As stated in the old leading case of *In re Ryers*, 72 N.Y. 1 (1878):

"Upon the facts of this case, as already stated, we may formulate a rule thus: That where a judicial officer has not so direct an interest in the cause or matter as that the result must necessarily affect him to his personal or pecuniary loss or gain, or where his personal or pecuniary interest is minute, and he has so exclusive jurisdiction of the cause or matter, by Constitution or by statute, as that his refusal to act will prevent any proceeding in it, then he may act so far as that there may not be a failure of remedy, or, as it is sometimes expressed, a failure of justice." 72 N.Y. at 15.

In a more recent case, a formal disqualification was ordered of one of three members of an administrative board even where one of the remaining two had abstained, the Court noting that a quorum would still have been possible. *Township Committee of Freehold Twp. v. Gelber*, 26 N.J. Super. 388, 98 A.2d 63 (1953); compare *Gordy v. Dennis*, 5 A.2d 69 (Md. Ct. Apps. 1939) (because disqualification would affect all the judges in a case involving a tax on judges' salaries, it was not required.) The same point can surely be made here where four judges remained.

4. *Conclusion.*

The Supreme Court said in *In re Murchison*, 349 U.S. 133 (1955):

"Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that 'every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law.' *Tumey v. Ohio*, 273 U.S. 510 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way 'justice must satisfy the appearance of justice.' *Offutt v. United States*." 348 U.S. 11, 14

On the applicable facts and law, Judge Haynsworth would not have "shirked his duty" had he decided that because of his interest in a supplier of one of the parties, the considerations set forth in *Murchison* and *Offutt* justified his voluntary recusal.

Respectfully submitted,

Kent Grenawalt, Michael Sovern, H. Richard Uviller, professors of law, Columbia Law School.

Vern Countryman, professor of law, Harvard Law School.

Alex Brooks, Leonard Chazen, Eva Hanks, professors of law, Rutgers—The State Univ. (Newark).

James B. Atleson, Robert B. Fleming, Mitchell Franklin, Paul Goldstein. Jacob D. Hyman, Kenneth F. Joyce, Al Katz, David R. Kochery, Joseph Laufer, W. Howard Mann, Robert Reis, Herman Schwartz, professors of law, State University of New York at Buffalo.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

INTRODUCTION

Mr. FONG. Mr. President, the Senate is now considering the nomination of Judge Clement F. Haynsworth, Chief Judge of the Fourth Circuit Court of Appeals, to be Associate Justice of the U.S. Supreme Court.

Article II, section 2, clause 2, of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Supreme Court."

A distinguished and very learned former colleague, Senator Paul Douglas, described this power of advice and consent conferred on the Senate as being substantial and as having great significance in our scheme of government. He said:

> The advice and consent of the Senate required by the Constitution for such appointments (to the Federal Judiciary) was intended to be real and not nominal. A large proportion of the members of the (Constitutional) Convention were fearful that if Judges owed their appointments solely to the President the Judiciary, even with life tenure, would then become dependent upon the executive and the powers of the latter would become overweening. By requiring joint action of the legislative and the executive, it was believed that the Judiciary would be more independent.

Under our Constitution, the power of the President to nominate constitutes only half of the appointing process. The other half lies within the jurisdiction of the U.S. Senate, on which has been conferred the solemn constitutional duty to confirm or deny confirmation of a nomination.

As Alexander Hamilton pointed out in his Federalist Paper No. 76, this requirement of senatorial approval would "be an excellent check upon a spirit of favoritism of the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachments, or from a view to popularity."

Another authority, James Bryce, described the Senate's confirmation function as follows:

> It has been doubted whether this executive function (confirmation of appointments) of the Senate is now a valuable part of the Constitution. It was designed to prevent the President from making himself a tyrant by filling the great offices with his accomplices or tools. That danger has passed away, if it ever existed; and Congress has other means of muzzling an ambitious Chief Magistrate. The more fully responsibility for appointments can be concentrated upon him, and the fewer secret influences to which he is exposed, the better will his appointments be.

Thus, to assure the independence of

the judiciary as a separate and coordinate branch of Government, the power of the Senate to advise and consent with respect to the judiciary is at least equally important as the power of the President to nominate.

Mr. President, as a member of the Committee on the Judiciary, I have followed closely the course of the hearings on Judge Haynsworth. I have listened to and have read the testimony of all the witnesses who have appeared. I felt that as a member of the Bar I had a professional responsibility to weigh with utmost judiciousness all the speculations, the charges, the rebuttals, and the many reports and other data which came to my attention regarding the nomination.

I have discussed this nomination with the President, who asked my opinion of the Haynsworth nomination. I told the President that, on the basis of all the evidence and material, I was of the firm opinion that the nomination of Judge Haynsworth should be confirmed.

In arriving at this decision, one of the key factors I took into account, and one which I feel very strongly about, is the substantial presumption that Judge Haynsworth is a highly qualified nominee, that he is a very competent and able jurist, and that he is indeed very capable of being a fair and impartial Justice of the Supreme Court. This substantial presumption rests upon the thorough investigation and evaluation which has been given the nomination, not only by the President, but also by the American Bar Association and by the Senate Judiciary Committee.

Ever since my election to the Senate I have accorded such substantial presumption to all nominations to the High Court. It was for this reason that I strongly supported the nominations of Justices Arthur Goldberg, Thurgood Marshall, Byron White, former Justice Abe Fortas, and Chief Justice Warren Burger when their names were first submitted to the Senate.

Unless the substantial presumption of competence, integrity, and capability are overcome, regardless of any ideological or other philosophic differences I might have with the views of the nominee, I shall vote for confirmation.

In my judgment, a nominee's philosophy is not a proper ground for rejection by Senators, as long as his philosophy—judicial, social, political, or otherwise—is reasonable and prudent.

INTENT OF FOUNDING FATHERS

My view on this matter is sustained by Alexander Hamilton, who wrote in Federalist No. 66 as follows:

> It will be the office of the President to nominate, and with the advice and consent of the Senate to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President. They might even entertain a preference to some other person, at the very moment they were assenting to the one proposed, because there might be no positive ground of opposition to him; and they could not be sure, if they withheld their assent, that the subsequent nomination would fall upon their own favorite, or upon any other person in their estimation more meritorious than the one rejected. Thus it could hardly happen that the majority of the Senate would feel any other complacency toward the object of an appointment than such as the appearances of merit might inspire, and the proofs of the want of it destroy.

Concerning the method provided for appointment of Federal judges, Hamilton declared:

> It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling offices of the Union.

Defending the selection of judges by a single executive officer, he maintained that—

> One man of discernment is better fitted to analyze and estimate the peculiar qualities adapted to particualr offices than a body of men of equal or perhaps even superior discernment. The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will on this account feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the station to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them. He will have fewer personal attachments to gratify than a body of men.

Hamilton then went on to point out the inherent weaknesses of legislative bodies in making appointments to the judiciary:

> In every exercise of the power of appointing to offices by an assembly of men we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly. . . . The intrinsic merit of the candidate will be too often out of sight. . . . The coalition will commonly turn upon some interested equivalent: "Give us the man we wish for this office, and you shall have the one you wish for that." This will be the usual condition of the bargain. And it will rarely happen that the advancement of the public service will be the primary object either of the party victories or of party negotiations.

It is clear that the framers of the Constitution assume that the Members of the Senate would act on the President's judicial nominations primarily, if not solely, with regard to the qualifications and fitness of the nominees. It was, therefore, believed that the requirement of Senate approval would constitute a salutary safeguard against bad appointments.

REJECTION OF NOMINEES

In his scholarly review of the history of the Supreme Court, Charles Warren cites that of the 116 persons nominated by Presidents to be Justices of the Supreme Court, 21 failed to receive approval of the Senate. Only four were rejected for lack of qualifications or fitness: those of John Rutledge in 1795; Alexander Wollcott in 1811; George H. Williams in 1873, and Caleb Cushing in 1874. Seventeen nominees were rejected for political and philosophic reasons.

Thus, the Senate has confirmed more than 80 percent of persons named by Presidents to the High Court.

Since 1900, only five nominations to the Supreme Court have faced serious opposition in the Senate—those of Brandeis in 1916, Stone in 1925, Hughes in 1930, Parker in 1930, and Black in 1937. In each of these cases the opposition was due to the philosophy and the views of the nominee on social and economic issues. Of these five nominations, only that of Judge Parker was rejected.

Therefore, in the last 68 years, only one nominee has failed to be confirmed by the Senate for any reason.

It would be instructive to review some of these cases to show the great wisdom of our Founding Fathers in their intended approach to Senate confirmation, and to show the irrelevance of a man's philosophy in being considered for appointment to the Supreme Court.

THE BRANDEIS CASE

One of the most celebrated senatorial confirmation contests in our history took place over the appointment of Louis D. Brandeis to the Supreme Court.

Hearings were conducted by a Senate Judiciary Subcommittee over a period of 4 months, and were twice reopened. The hearing record filled two thick volumes of more than 1,500 printed pages.

The contest aroused public attention throughout the country, and the prestige and leadership of President Wilson were at stake. Had Mr. Brandeis been rejected, the appointment, according to constitutional historians, would have become an issue in the campaign and might well have changed the result of the presidential election of 1916.

The President sent this nomination to the Senate early in 1916, and for several months the outcome was uncertain. When the vote finally came on June 1, less than a month before the Democratic National Convention, the appointment was confirmed.

No nominee to the Supreme Court ever faced stronger or more determined opposition. A group of leading members of the bar and prominent businessmen were not content merely to protest the appointment, but also engaged counsel to oppose it. Each side marshaled witnesses and vied with the other to secure the support of nationally prominent persons.

But the bulk of opposition came from Boston, where members of old and highly respected law firms and financial interests resented Mr. Brandeis as an outsider, a Jew, and a skillful lawyer who asked no quarter and gave none in his battles with some of the largest financial interests of the country.

It was not his vigorous law practice, however, by which he incurred the hostility of many members of the bar, but rather his unpaid public activities in opposing the merger of the New Haven and the Boston & Maine Railroads, his fight for lower gas rates and for public control of utilities, his support of minimum wage legislation, and his war against trusts and monopolistic practices of the time.

His practice as a corporation lawyer enabled him to observe the abuses of power by large corporations and monopolies, and he developed a philosophy opposed to bigness, irresponsible power, and some of the banking and financial practices of his day.

He was considered by many as an objectionable crusader, a radical, a Socialist, and a person with dangerous economic ideas.

Moreover, during the presidential campaign of 1912, Brandeis had supported La Follette, refusing to follow the Progressives into the Roosevelt camp and instead actively campaigned for Wilson—in spite of the fact that Brandeis was a registered Republican.

The Democratic organization in Massachusetts even sent President Wilson a photostatic copy of Brandeis' registration as a Republican.

Reacting to the nomination, former President William Howard Taft was quoted as saying that the appointment was to him a fearful shock. Taft continued:

> It is one of the deepest wounds that I have had as an American and a lover of the Constitution and a believer in progressive conservatism that such a man as Brandeis could be put on the Court. He is a muckraker, an emotionalist for his own purposes, a socialist.

Taft went on to say, rather bitterly, that while Brandeis doubtless was motivated by high ideals, he also had "much power for evil," and that he thought when his own name—Taft's—had been suggested for the Supreme Court, "it was to laugh."

Another charge hurled at Brandeis was his "infidelity, breach of faith, and unprofessional conduct" as a lawyer. Opposing witnesses testified that Brandeis was "not straightforward," was "untrustworthy," and had "engaged in sharp, unethical legal practices."

Most of the Senate hearings on the nomination were given over to the testimony of these and other opposing witnesses, who were asked to cite specific evidence of unethical conduct by the nominee. But the evidence placed before the committee completely failed to substantiate these charges of unprofessional conduct, of untrustworthiness, and unethical practices.

One authority wrote:

> It is significant that the opponents to Brandeis elected to base their opposition on charges of this kind rather than state the real reason for their opposition: They regarded him as a dangerous radical.

The relations of Brandeis with the United Shoe Machinery Co. also came in for a good deal of attention. Because one of his clients owned a large block of stock in that company, Brandeis served on its board of directors for a period of several years; moreover, his law firm acted as consulting counsel to the company. In this capacity, Brandeis came more and more to question the monopolistic practices of the company and, in 1907, withdrew from the company's board and discontinued to serve it as legal consultant.

At the Senate hearings, the company president attacked Brandeis for criticizing practices which he had sanctioned when he was an officer of the company, and for using confidential information he had secured as company counsel later to oppose it. But, on intense questioning, the company president was forced to withdraw these charges, and only his assertion that Brandeis had misrepresented the facts was allowed to stand.

Another attempt to indicate that Brandeis was not straightforward was the accusation that, when he appeared before a congressional investigating committee in 1910 as a defense counsel for Louis R. Glavis, whose article exposing land frauds in the Department of the Interior had been published by Collier's magazine, he did not announce that he was being employed and paid by Collier's.

A number of other charges of unprofessional conduct were made against Brandeis but, after they were explored by the Senate committee, none was sustained. It was apparent from the testimony that most witnesses who believed Brandeis had been unethical actually had little firsthand knowledge of the circumstances and situation, and, in fact, had secured their information from a scurrilous advertising campaign conducted by one of his avid enemies, who had mounted a vigorous publicity campaign for years to destroy Brandeis' reputation at the bar.

Near the end of the Senate hearings, a memorial signed by seven former presidents of the American Bar Association, opposing the confirmation of Brandeis, was submitted to the committee, as follows:

> The undersigned feel under the painful duty to say to you that in their opinion, taking into view the reputation, character and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States.

Former President Taft headed the list, which also included Elihu Root, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Moorfield Storey, and Peter W. Meldrin.

To counteract a report that the administration did not care whether or not the appointment was confirmed and to spur the Senate committee into action, President Wilson sent a strong letter of endorsement to the Senate committee, saying that the charges against Brandeis were not only unfounded but they "threw a great deal more weight upon the character and motives of those with whom they originated than upon the qualifications of Mr. Brandeis." The President went on to say:

> I perceived from the first that the charges were intrinsically incredible by anyone who had really known Mr. Brandeis. I have known him, I have tested him by seeking his advice upon some of the most difficult and perplexing public questions about which it was necessary for him to form a judgment. I have dealt with him in matters where nice questions of honor and fairplay, as well as large questions of justice and the public benefit, were involved. In every matter in which I have made test of his judgment and point of view I have received from him counsel singularly enlightening, singularly clearsighted and judicial, and, above all, full of moral stimulation.

When the Judiciary Committee voted on the nomination on May 24, 1916, the vote was 10 to 8 to report it favorably.

On June 1, the Senate confirmed the appointment of Brandeis by a vote of 47 to 22.

SIGNIFICANCE OF BRANDEIS CASE

The Brandeis case brought into sharp focus several important aspects of the senatorial confirmation process. The case illustrates that a person who has played a leading role in civic and economic reform movements and has taken stands on controversial public issues, and particularly if he has had to deal with powerful groups in society, will face strong opposition. Such a person can be confirmed only with the greatest effort.

The case also shows that where charges as serious and as personal in nature as unethical practices, unprofessional conduct, and untrustworthiness are made—such as those against Brandeis—they should be thoroughly and fairly investigated. This was done, as I pointed out earlier, and they were shown to be utterly without merit. The Senate wisely voted to confirm him.

It is a widely accepted fact of our judicial history that Justice Brandeis went on to become one of the great Justices of the Supreme Court, and that many who opposed his nomination, charging that he was not trustworthy and had been guilty of unprofessional and unethical conduct, completely reversed their attitudes. Among these, former President Taft was foremost. Following his appointment as Chief Justice of the Supreme Court, Taft's biographer, A. T. Mason, wrote of the relationship of the former President with Brandeis as follows:

> Bubbling with enthusiasm, Taft reported that "Brandeis and I are on most excellent terms and have some sympathetic views in reference to a change in the relations of the Court to the Clerk as to financial matters. He cannot be any more cordial to me than I am to him so that honors are easy."

Taft came to regard Brandeis as an able and valuable member of the Court, though often they were on different sides.

Mr. President, I have dwelt on this very historic case for two reasons; first, because I perceive some very obvious parallels between this case and the instant situation relating to Judge Haynsworth; and, second, because as a lawyer and as one who has some appreciation for the development of the principles of American jurisprudence, I have long admired the tremendous contribution Justice Brandeis has made in this regard—and I feel that very few events in our history have had greater significance in the annals of American jurisprudence.

THE HARLAN F. STONE CASE

The nomination by President Coolidge of Harlan F. Stone to the Supreme Court in 1925 was strongly opopsed by a bipartisan group of Senate liberals, led by Republicans Norris and La Follette. This was the first of several attempts to block appointment to the Court of persons they regarded to be too conservative.

A former dean of the Columbia University Law School, and widely recognized as an able attorney and a man of the highest integrity, Stone had been appointed Attorney General by President Coolidge before he was named to the Court.

The opposition to him was based mainly on the fact that his law firm had been engaged as legal counsel by the Morgan interests.

In addition, during Judiciary Committee hearings on the nomination, Stone was interrogated at great length concerning an action the Justice Department had instituted, seeking an indictment of Senator Wheeler in connection with a land fraud case in Montana, in which Stone had served as counsel. A special investigating committee of the Senate had absolved Senator Wheeler of any wrongful acts and the suit against him in Montana apparently had been dropped. But, on further investigation, the Department was attempting to secure his indictment and to bring him to trial before the Federal Court in the District of Columbia.

The Judiciary Committee reported the nomination favorably and it came before the Senate for action on February 4, 1925.

The principal speech against Stone was made by Senator Norris, who objected strongly to the practice which the Republican administration had followed by appointing persons identified with large corporations and great wealth to high positions in the Government. He said that, considering the high legal qualifications and personal integrity of the nominee, if the nomination of Stone had stood alone, he—Norris—would have entered no objection, but when he considered it in the light of a number of similar appointments, he felt impelled to protest.

The Senate overrode these objections overwhelmingly and voted 71 to 6 to confirm.

Justice Stone's subsequent record on the Supreme Court, as everyone knows, was very distinguished.

On June 27, 1941, when the nomination of Justice Stone to be Chief Justice was sent to the Senate, Senator Norris, who had opposed him in 1921, was moved strongly to support the nomination and indicated his change of heart as follows:

> The nomination by the President of Mr. Justice Stone to become Chief Justice of the United States is a very proper and commendable recognition of the ability, courage, and wisdom of Mr. Justice Stone, who has served as Associate Justice of the Supreme Court for quite a number of years.
>
> When Mr. Stone was appointed an Associate Justice of the United States Supreme Court, many years ago, I opposed the confirmation of his nomination and voted against it. In the years that have passed I became convinced, and am now convinced, that in my opposition to the confirmation of his nomination I was entirely in error.
>
> I am now about to perform one of the most pleasant duties that has ever come to me in my official life when I cast a vote in favor of his elevation to the highest judicial office in our land. I do this because, while it may not affect the country or the Senate, or even Mr. Justice Stone, it is a great satisfaction to me to rectify, in a very small degree, perhaps, the wrong which I did him years ago when I voted against the confirmation of his nomination to be an Associate Justice of the Supreme Court.

THE CHARLES EVANS HUGHES CASE

In February 1930, President Hoover nominated Charles Evans Hughes to be Chief Justice of the Supreme Court.

A former member of the Supreme Court who had resigned in 1916 to become Republican candidate for President, a former Governor of New York, and a former Secretary of State under Presidents Harding and Coolidge, the Hughes nomination was acclaimed across the country. Unquestionably, he was one of the ablest and most respected members of the American bar, and included among his clients many large corporations and persons of great wealth.

The Senate Judiciary Committee reported the nomination favorably, but Senator Norris, its chairman, filed a minority report. When the nomination came before the Senate, the same bipartisan coalition which had been against the Stone nomination, again opposed the Hughes appointment.

Their opposition was centered on what were alleged to be the economic views of Hughes.

Senator Borah asked:

> When during the last sixteen years has corporate wealth had a contest with the public . . . when Mr. Hughes has not appeared for organized wealth and against the public?

Considering that Hughes was a distinguished American of wide reputation and high standing, Borah said:

> I am only concerned with the proposition of placing upon the Court as Chief Justice one whose views are known upon these vital and important questions, views which ought (not) to be incorporated in and made a permanent part of our legal and economic system.

In his minority report, Norris wrote that Hughes had appeared before the Supreme Court 54 times "for corporations of untold wealth." Referring to Hughes' lucrative law practice, the Senator said:

> I am not willing that there should be transferred from that kind of surroundings one who shall sit at the head of the greatest judicial tribunal in the world. I am not willing to say that that kind of man, regardless of his ability, should go on the Supreme Bench.

The Senate vote came up April 13, and Hughes was confirmed 62 to 26.

In retrospect, there is wide agreement among scholars that the bipartisan group of Senate liberals misjudged their man in opposing Hughes, whose record on the Court was clearly that of a liberal Justice, frequently siding with Justices Holmes, Brandeis, Cardozo and Stone.

He became a Chief Justice who is considered to rank with Marshall and Taney. Like the Stone confirmation, the Hughes case concerned, not the ability and qualifications of the nominee, which were considered, but rather his economic and political philosophy.

Mr. President, again I feel that there are some important parallels between the Stone and Hughes confirmation cases and the Haynsworth case which we are now considering.

Had the opposition prevailed in defeating the Stone and Hughes nominations, the country would have been deprived of their great contributions to the Court.

THE JOHN J. PARKER CASE

President Hoover, in the spring of 1930, nominated John J. Parker to be Associate Justice of the Supreme Court—a nomination which was to be subjected to a vigorous attack in the Senate and in the Nation. Subsequently, it was to be rejected by a very narrow vote, the first nomination to be rejected in 36 years.

Judge Parker was a prominent Republican of North Carolina, a former candidate of his party for Governor and national committeeman from the State. In 1925, President Coolidge appointed him to the Fourth Circuit Court of Appeals, and he was serving on that bench at the time of his nomination.

He was highly regarded as a jurist, a reputation which continued to grow even after his nomination was rejected by the Senate. In 1945, he was named by President Truman as an alternate American member of the Nuremberg court for the trial of Nazi war leaders.

The opposition to Judge Parker in the Senate was based on three contentions: First, that he favored "yellow-dog" contracts and was unfriendly to labor; second, that he was opposed to Negro suffrage and participation in politics; and third, that the appointment was dictated by political considerations. Again, the opposition was led by a bipartisan coalition of progressive Republicans and most of the Democratic Members.

On the opening day of the public hearings, the Judiciary Committee chairman placed in the record some 20 pages of endorsements of Judge Parker by prominent persons in his State—a list headed by the State Governor, who was a member of the opposition party.

Appearing in opposition to the appointment were two principal groups.

Labor came out in stanch opposition to the nomination, contending that in the famous Red Jacket case in which an "injunction was sustained in a yellow-dog contract situation, Judge Parker had betrayed a judicial and mental bias in favor of powerful corporations and against the masses of the people." President William Green, of the American Federation of Labor, said that his confirmation would add "another injunction judge" to the Supreme Court, and, "as a result the power of reaction will be strengthened, and the broadminded, humane, progressive influence so courageously and patriotically exercised by the minority members of the highest tribunal of the land will be weakened."

In the so-called Red Jacket case, the Supreme Court upheld an injunction granted by a lower court enjoining the union from "inciting, inducing, or persuading the employees of the plaintiff to break their contract of employment"—that is, to join the union. Green contended that Judge Parker had shown in his language on that decision that he was quite in accord with the legal and economic policy of yellow-dog contracts. In other words, Judge Parker was charged to be antilabor.

The other principal opposition to Judge Parker came from the National Association for the Advancement of Colored People, which based its opposition entirely on a statement Judge Parker had made as a Republican candidate for Governor of North Carolina in 1920.

Replying to charges made by his Democratic opponents, Judge Parker denied that the Republican Party intended to enfranchise the Negro, and he said:

> The participation of the Negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina.

To the NAACP, this statement was "an open, shameless flouting of the 14th and 15th amendments of the Federal Constitution," and that no man who entertained such ideas "is fit to occupy a place on the bench of the U.S. Supreme Court."

When asked by Senator Borah if he knew "anything else in the career of Judge Parker to indicate that he was unfriendly to the Negro," the NAACP witness replied:

> Nothing, except this statement here. . . . Frankly, we never heard of him until he was nominated by President Hoover.

By a vote of 9 to 8, the Judiciary Committee reported the nomination adversely. Three progressive Republicans—Norris, Borah and Blaine—were joined by two Republicans and four Democrats against the nomination.

On the Senate floor, one of the main opposing speeches was made by Senator Borah, who said:

> I am opposed to the confirmation of Judge Parker because I think he is committed to principles and propositions to which I am very thoroughly opposed. . . . He is particularly identified with this kind (yellow dog) of contract.

Borah said:

> If the Senate decides that Mr. Parker should be confirmed, it is in moral effect a decision of the Senate in favor of the yellow dog contract.

One other charge frequently made during the Senate debate was that the appointment was motivated by political considerations, that President Hoover, by selecting a prominent Republican from the South, hoped to build up the party in that region of the country. This charge gained considerable credence when Senator McKellar of Tennessee placed in the record a letter from First Assistant Secretary of the Interior Joseph M. Dixon to Walter H. Newton, secretary to the President, in which Dixon said that the appointment of Judge Parker "would be a master political stroke at this time."

The Senate rejected the confirmation by a vote of 39 to 41.

The rejection of Judge Parker, in the final analysis, resulted from the adamant opposition of organized labor and the NAACP and not for any want of capability, of integrity, or of stature in the community.

Nor did the facts support the charges made against Judge Parker; his record ever since the rejection continued to be that of a highly able and open-minded judge.

Here, again, it is unnecessary for me to draw out the very apparent parallels between this case and the Haynsworth case. The facts did not support the charges which were made against Judge Parker, and I feel that the country was deprived of a distinguished and able Supreme Court Justice; and similarly, as I shall subsequently show, the facts in the instant case before us do not support the charges which have been made against Judge Haynsworth.

FOUNDING FATHERS WERE RIGHT

By hindsight, these four cases involving judicial nominations to the Supreme Court—Justice Brandeis, Justice Stone, Justice Hughes, and Judge Parker—appear to underline strongly and sustain the wisdom of the Founding Fathers, who intended that the confirmation power of the Senate be limited to a consideration of competence, integrity, and capability.

These cases plainly indicate to me the folly of using a nominee's philosophy, if reasonable, as the basis of rejection by the Senate.

Justice Brandeis was very nearly voted down by Senators deeming him to be too "liberal"—but he became a Justice of great wisdom, fairness, and foresight. Justice Stone and Justice Hughes were attacked by liberals in the Senate who accused both men of being too closely identified with great wealth and therefore apt to be too "conservative"—but these Justices became two of the most distinguished liberals ever to sit on the Supreme Court.

Judge Parker was denied the opportunity to serve on the High Court because he was alleged to be antilabor and anti-civil rights—but he has been widely acclaimed by judicial historians as one of the most liberal men of his time.

Mr. President, these very significant contests over nominations to the Supreme Court appear plainly to provide the Senate with a guideline which bears directly upon this debate over the confirmation of the nomination of Judge Haynsworth.

That is to say, allegations relating to a nominee's philosophy are at best inadequate gages by which to judge the quality of a man, and most certainly no indication of the future course of action the nominee may take once he mounts the Bench.

The four cases I have been discussing seem clearly to indicate that the most reliable yardstick for judging a nominee's fitness to serve on the Supreme Court is his competence, his integrity, and his capability to be a fair and impartial judge.

Nevertheless, although firmly believing philosophic considerations are not appropriate grounds for confirmation, many charges have been made alleging that Judge Haynsworth is anti-civil rights and antilabor—charges which should not be allowed to stand. Because, on careful examination of the entire record of cases in which Judge Haynsworth has participated as a judge of the fourth circuit court, he is shown to be neither pro- nor anti-civil rights, and he is shown to be neither pro- nor anti-labor. Rather, Judge Haynsworth emerges from his writings as a workmanlike and careful judge who is always solidly grounded in the principle of stare decisis.

HAYNSWORTH'S CIVIL RIGHTS RECORD

The author of the original HEW school desegregation guidelines, Prof. G. W. Foster, Jr., of the University of Wisconsin Law School, a man who has long been active in solving the problems of school desegregation—a man who has followed closely the work of the Federal courts in the South—has presented to the Senate an insightful analysis of Judge Haynsworth's record in the area of school desegregation—hearings, page 602 and the following. After comparing Judge Haynsworth's decisions with those of the Supreme Court and other circuits, Prof. Foster states:

> It is both wrong and unfair to charge that he (Judge Haynsworth) is a racial segregationist or that his judicial record shows him to be out of step with the Warren Court on racial matters. . . . His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. . . . In my judgment he ranks along with the best of the open-minded, pragmatic judges in the federal system, neither dogmatic nor doctrinaire.

A survey of all the decisions involving civil rights issues in which Judge Haynsworth participated shows no pattern of bias. In some cases, decisions were rendered in favor of the party claiming infringement of civil rights; others did not.

In the past 12 years, in some 25 civil rights cases, Judge Haynsworth was shown to be unwilling to go beyond the mandates of both the Supreme Court and Congress, preferring instead to follow Supreme Court and statutory directives, and where these were absent, to follow precedents of his own circuit or those of other circuits.

Judge Haynsworth's record shows that he voted more often to sustain a civil rights position than he did not. His work on the court reveals him to be an intelligent and openminded person, seeking to dispense true justice in extremely difficult situations.

The lengthy litigation in the Prince Edward County, Va., school desegregation case illustrates this point very well.[1] In 1959 Judge Haynsworth voted to strike down a lower court order giving that county 10 years to desegregate its schools. But, in 1963, after the public schools were replaced with "private" white schools, he wrote for a majority of the fourth circuit that closing the public schools to avoid integration was not violative of the Federal Constitution, that the county's action might violate State law, and that the Virginia Supreme Court should pass on the complex issues of the case. After the Virginia Supreme Court acted, the U.S. Supreme Court reversed this Haynsworth opinion. Two years later, he dissented when a majority of his court found Prince Edward officials in contempt for appropriating money to run the "private" schools while the case was pending.

Haynsworth's view on this issue of school desegregation is, as he wrote, that "schools that are operated must be made available to all citizens without regard to race, but what public schools the State provides is not the subject of constitutional command." In the contempt case, he agreed that the action of the county officials was "contemptible" and "unconscionable," but said the court lacked jurisdiction to hold them guilty of contempt. Thus, Judge Haynsworth's position with respect to the Prince Edward cases was always grounded in solid legal precedent and was in compliance with Supreme Court edicts.

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[1] *Griffin* v. *Board of Supervisors of Prince Edward County*, 322 F. 2d 332 (4 Cir. 1963), *Reversed*, 377 U.S. 218 (1964).

A similar pattern is to be found in his opinions dealing with the freedom of choice issue.[2] Until the Supreme Court ruled that such plans were unconstitutional and ordered the school board to take affirmative action to desegregate, his position was that the freedom of choice plan was acceptable, as long as each student was free to choose each year the school he attended, and as long as his choice was uninhibited by coercive action. Following the Supreme Court edict outlawing freedom of choice plans, he voted against them.

In other key cases, while the judge voted in dissent that a hospital receiving funds under the Hill-Burton Act could discriminate against Negroes on the ground that there was no "State action" present,[3] he subsequently reversed himself and concurred with the majority opinion in a case involving the same hospital, ruling that the hospital could not discriminate, because he felt it was his duty to accept the majority opinion of his own court as binding upon him.[4]

In 1966, in an opinion by Judge Haynsworth, the court ruled that the North Carolina Dental Society was required to accept Negro members, even though the State action involved was no greater than it was in the hospital case.[5] He wrote in the dental society case:

> The activities of the Society on State action, its practice of racial exclusivity is patently unconstitutional.

JUDGE HAYNSWORTH'S RECORD IN LABOR CASES

Just as in the civil rights cases, an evaluation of Judge Haynsworth's record in cases involving organized labor reveals him to be neither pro- nor antilabor, but rather as a fair and judicious man intent on providing the fairest possible solution in this very complex area of law. Indeed, his record shows an even-handed treatment of litigation in which he rendered the decision according to law, that he considers a question clearly, without regard to whether a particular result is advocated by union or management.

Judge Haynsworth has participated in more than 100 cases involving labor-management relations. In more than one-third of these he has endorsed the union's position in its entirety. In a comparable number of cases he has supported management's position. In the rest, he has not been satisfied with either the union's position nor management's position and has taken a middle ground. In cases where there have been divisions of opinion among the judges of the fourth circuit, Judge Haynsworth has found himself supporting each side at different times.

Organized labor's evaluation of Judge Haynsworth's labor views relied upon several decisions which were reversed by the Supreme Court, and others where there was a division of opinion in the fourth circuit.

It is noteworthy that the Fourth Circuit Court of Appeals, in the years 1968–69 ordered enforcement of National Labor Relations Board cease-and-desist orders in 93 percent of the cases—a very high figure as compared with the circuit courts in other parts of the country, which provided enforcement in 81 percent of the cases.

Moreover, in the 12 years that Judge Haynsworth has been a member of the fourth circuit, he has upheld the union's contentions in nearly 50 cases, in whole or in part, and has written at least eight opinions which were favorable to labor:

In *NLRB* v. *Electromotive Manufacturing Co.*, 389 F. 2d 61 (4th Cir. 1968) the court enforced an order of the NLRB to reinstate a prolabor supervisor. Judge Haynsworth rejected the contention that supervisors were not protected under the Labor Management Relations Act and noted that the discharge of supervisors who encouraged union activity would impair the functioning of machinery provided to protect employees' rights and instead would restrain employees in the exercise of their protected rights.

In *United Steel Workers* v. *Bagwell*, 383 F. 2d 492 (4th Cir. 1967), an injunction action by the union against a city ordinance which made it unlawful to distribute circulars or place them on automobiles, in soliciting memberships in labor unions, the court held such ordinance unconstitutional. Judge Haynsworth, writing for the Court, said:

> A municipality may prohibit the distribution of commercial advertisement on its streets and the throwing of litter upon those streets and sidewalks, but its interest in keeping the streets clear does not warrant an ordinance forbidding the distribution to willing recipients of handbills expressing ideas and opinions.

In *NLRB* v. *Empire Manufacturing Corp.*, 260 F. 2d 528 (4th Cir. 1958), the court sustained the Board ordering reinstatement of certain employees who were dismissed because of their union activity. Judge Haynsworth's opinion found that the close coincidence of union activity, company threats, and the dismissals within a short time was enough to sustain the Board's orders.

In *NLRB* v. *Community Motor Bus Co.*, 335 F. 2d 120 (4th Cir. 1964), finding that it was the responsibility of the Board to determine the credibility of the supervisor and employee involved in the case, the court found that the employee had been wrongfully discharged because of his union activity.

In *Chatham Manufacturing Co.* v. *NLRB*, 404 F. 2d 1116 (4th Cir. 1968), involving a question of the proper court in which a petition should be filed for a review of a Board decision, in an opinion by Judge Haynsworth the court granted the Board's motion to transfer the case to the Court of Appeals for the District of Columbia on the ground that the union had filed its petition for review in the District of Columbia court first; the employer had subsequently filed a petition for review in the fourth circuit court, which was denied.

In *NLRB* v. *Webb Furniture Corp.*, 366 F. 2d 314 (4th Cir. 1966), the court enforced the Board's finding that the employer had refused to bargain after the union had substantially modified its demands and charged the company with the unfair labor practice of refusing to bargain in good faith.

In *NLRB* v. *Carteret Towing Co.*, 307 F. 2d 835 (4th Cir. 1962), the court, in an opinion by Judge Haynsworth, held that the NLRB had jurisdiction over employers engaged in towboat operations assisting naval and large commerical vessels in and out of harbors. The employer was held to be engaged in activities affecting commerce and thereby fell under the Board's jurisdiction.

In *Intertype Co.* v. *NLRB*, 371 F. 2d 787 (4th Circuit 1967), the court, in an opinion by Judge Haynsworth, enforced the Board's decision finding that the employer conducted illegal surveillance of union meetings and then illegally discharging employees because of union activities; the opinion stated that the supervisors did not innocently chance upon the meeting, but went there for the purpose of identifying those present.

In addition to these cases, Judge Haynsworth joined in at least 37 opinions which may also be considered as being favorable to labor. Taken in toto, at the very least, this record cannot be said to indicate any bias against labor. These cases, particularly the eight cases I have discussed, appear to represent an excellent cross-section of the many complex issues arising from labor-management relations.

There were, of course, cases in which Judge Haynsworth participated where decisions were unfavorable to organized labor.

The union witnesses who testified against confirmation cited 10 cases in which the Supreme Court reversed Judge Haynsworth's decision as evidence of his "anti-union" prejudice. A careful reading of these 10 cases fails to support this contention. Only by failing to examine the issues involved and the basis of reversal in each case can one reach the conclusion advanced by the union representatives.

Of the 10 cases cited, two did not involve labor-management issues at all. In one the question was whether a certain engine was involved in "train" or "switching" movements under the Safety Appliance Act.[6] The other involved the issue whether the nonprofessional employees of an architectural firm—clerks, draftsmen, fieldmen, and stenographers—were "engaged in commerce" so as to subject the defendant to the recordkeeping and overtime provisions of the Fair Labor Standards Act.[7] Thus these cases did not involve unions at all.

Nor did another case which raised the question whether employees who were dissatisfied with working conditions had to inform their employer of their complaints before walking off the job.[8]

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[2] *Bowman* v. *County School Board*, 382 F. 2d 326 (4 Cir. 1967), *Reversed*, 391 U.S. 430 (1968).

[3] *Eaton* v. *Board of Managers of James Walker Memorial Hospital*, 261 F. 2d 521 (4 Cir. 1958).

[4] *Eaton* v. *Grubbs*, 329 F. 2d 210 (4 Cir. 1964).

[5] *Hawkins* v. *North Carolina Dental Society*, 355 F. 2d 718 (4 Cir. 1966).

[6] *U.S.* v. *Seaboard Air Line Railroad Co.*, 361 U.S. 78, *reversing* 258 F. 2d 262.

[7] *Mitchell* v. *Lublin, McGaughy & Associates*, 358 U.S. 207 (1959), *reversing* 250 F. 2d 253 (4 Cir. 1957)

[8] *NLRB* v. *Washington Aluminum*, 370 U.S. 9 (1962), *reversing* 291 F. 2d 869 (4 Cir. 1968)

Of the remaining seven cases, three involved identical issues and were decided together, with the Supreme Court acknowledging that its position was not significantly different from that taken by the fourth circuit.[9] In two other cases the Supreme Court reversal was based upon fundamental policy changes made by Congress subsequent to the fourth circuit's decision.[10]

Another case involved the announcement by the Supreme Court of sweeping new rules, circumscribing the permissible scope of judicial review in arbitration cases.[11] In making this fundamental policy change the Supreme Court also reversed fifth and sixth circuit cases involving issues similar to those in the case from the fourth circuit.[12]

In the 10th case cited the Supreme Court remanded the case so that the NLRB and the fourth circuit could consider an issue not previously dealt with. Judge Haynsworth subsequently upheld the union's position based on the evidence presented at the remand hearing.[13]

In none of these 10 cases did the Supreme Court purport to reverse an "antilabor" decision by Judge Haynsworth.

In this very sensitive and technically complex labor-management area, then, I believe that Judge Haynsworth has a commendable record of moderation and impartiality.

THE ETHICS CHARGES

There have been many charges made relative to Judge Haynsworth's conduct, implying that, at worst, he was guilty of violating specific canons of judicial ethics and was guilty of conflicts of interest, and at best, that he was guilty of poor judgment.

These objections centered upon the charge that Judge Haynsworth should have disqualified himself from sitting in at least two cases which he heard as a judge of the court of appeals for the fourth circuit—the Darlington case and the Brunswick case.

The relevant Federal law at 28 U.S.C. 455 provides:

> Any Justice or Judge of the United States shall disqualify himself in any case in which he has a substantial interest.

Canon 29 of the American Bar Association, Canons of Judicial Ethics, provides in pertinent part:

> A Judge should abstain from performing or taking part in any judicial act in which his personal interests are involved.

THE DARLINGTON CASE

Darlington Manufacturing Co. v. *NLRB*, 325 F. 2d 682, was orally argued before the fourth circuit on June 13, 1963, and was decided by that court on November 15, 1963.

Deering-Milliken, Inc., a party to this action, owned or controlled about 27 textile plants in the southeastern part of the United States. It granted space in these various plants to vending machine companies on the basis of competitive bidding for such rights.

Carolina Vend-A-Matic Co. was one such company and, during 1963, it obtained a little more than 3 percent of its gross sales from vending machines located in three of the Deering-Milliken plants—in which approximately 700 out of 19,000 Deering-Milliken employees were employed.

In 1950, 7 years before he was appointed to the court of appeals, Judge Haynsworth was one of the original incorporators of Carolina Vend-A-Matic. Again, prior to his judicial appointment in 1957, the judge was both a director and one of the vice presidents of the company. When he was appointed a circuit judge, he orally resigned as vice president, but continued to serve as a director until October 1963, when he resigned his directorship in Carolina Vend-A-Matic as well as in another corporation, in compliance with a resolution of the U.S. Judicial Conference adopted in September 1963.

During his tenure on the fourth circuit court, Judge Haynsworth served for several years as an uncompensated trustee of Carolina Vend-A-Matic pension and trust-sharing fund, and his wife served for 2 years as secretary of that company. Her role was limited to helping out at the office, handling only routine office matters.

It is undisputed, according to the record, that Judge Haynsworth took no part in the day-to-day conduct of the company's business after his appointment to the court; he played no part at all in obtaining locations for the company's vending machines and was largely unfamiliar with their location.

During 1963, Judge Haynsworth owned one-seventh of the stock of Carolina Vend-A-Matic. In that year the company had competed for three sites in the Deering-Milliken plants, but succeeded in obtaining only one. None of the Deering-Milliken officials who had charge of the vending machine rights knew that the judge was associated with Carolina Vend-A-Matic.

It has been charged that Judge Haynsworth should have disqualified himself in Darlington because he had an interest in Deering-Milliken within the meaning of the language of either the canons or the statute.

This contention is contrary to all the precedents involving judicial qualification, as two highly qualified witnesses so testified before the Judiciary Committee. The overwhelming weight of authority holds that where a judge holds stock, not in a party litigant, but in a corporation which has conducted business with the party litigant, the judge is not required to be disqualified from deciding the case—see, for example, *Webb* v. *Town of Eutaw*, 63 So. 687 (Ala. 1913); *In Re Farber*, 260 Mich. 652, 245 N.W. 793 (1932); *Central Savings Bank of Oakland* v. *Lake*, 257 Pac. 521 (Calif. 1927); *In Re Union Leader Corporation*, 292 F. 2d 381 (1st Cir. 1961); *Wolfson* v. *Palmieri*, 396 F. 2d 121 (2d Cir. 1968).

As Judge Lawrence E. Walsh, chairman of the American Bar Association Committee on Judicial Section, testified:

> We believe that there was no conflict of interest in the *Darlington* case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit (Hearings, p. 140).

Similarly, John P. Frank, a leading authority on the subject of disqualification, testified as follows:

> In the light of the overwhelming body of American law on this subject and indeed I think without exception, I have reviewed the cases comprehensively for this appearance, being aware of its gravity and have worked on the matter previously, and I cannot find a reported case in the United States in which any federal judge has ever disqualified in circumstances in the remotest degree like those here. There was no legal ground for disqualification.
>
> It follows that under the standard federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the cases. It is a judge's duty to refuse to sit when he was disqualified, but it is equally his duty to sit when there is no valid reason not to (Hearings, p. 115).

When Carolina Vend-A-Matic was acquired by Automatic Retailers of America, Inc., in 1964, Judge Haynsworth exchanged his shares for 14,173 shares of the ARA Co., which was worth $437,000, on the market. This is the basis of the criticism of Judge Haynsworth for having made a substantial profit out of his investment in Carolina Vend-A-Matic.

The suggestion underlying this criticism is that the continued rise in sales of Carolina Vend-A-Matic after he became a Federal judge was due to the use of the prestige of his office to promote the company's business—so that his initial investment of $2,300—hearings, page 60—ballooned to $435,000. No evidence whatsoever was offered at the committee hearings to support this outrageous charge. Indeed, all the evidence effectively refutes the suggestion.

Mr. Alex Kiriakides, president of one of Vend-A-Matic's principal competitors, in a letter to the chairman of the committee, stated:

> Because of the growing recognition that vending services provide the most pleasant and most efficient means of providing food and refreshment for industrial employees, the industry throughout the United States has experienced phenomenal growth. In the Southeast general industrial expansion has made the growth of all vending companies even more spectacular. The experience of Carolina Vend-A-Matic was not in the least

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[9] *NLRB* v. *Giessel Packing*; *NLRB* v. *Heck's, Inc.*, and *General Steel* v. *NLRB*, 37 Law Week 4536 (89 S.Ct. 1918) (1969), *reversing* 398 F. 2d 336 (4 Cir. 1968)

[10] *NLRB* v. *United Rubber, Cork, Linoleum & Plastic Workers*, 362 U.S. 329 (1959), *reversing* 269 F. 2d 694 (4 Cir. 1959). (Subsequent expression of congressional intent in the 1959 Labor Management Recording and Disclosure Act.)

Walker v. *Southern RR Co.*, 385 U.S. 196 (1966), *reversing* 354 F. 2d 950 (4 Cir. 1965). (Congressional dissatisfaction with operation of National Railroad Adjustment Board expressed subsequent to Fourth Circuit decision.)

[11] *United Steelworkers* v. *Enterprise Wheel*, 363 U.S. 593 (1960), *reversing, in part*, 269 F. 2d 327 (4 Cir. 1959).

[12] *United Steelworkers* v. *American Manufacturing Co.*, 363 U.S. 564, *reversing* 264 F. 2d 624 (6th Cir.)

United Steelworkers v. *Warrior & Gulf Navigation Co.*, 363 U.S. 574, *reversing* 269 F. 2d 633 (5th Cir.)

[13] *Darlington Manufacturing* v. *NLRB*, 325 F. 2d 682 (4 Cir. 1963), remanded in 380 U.S. 263 (1965), on remand 397 F. 2d 760, (4 Cir. 1968) *cert. den.* 393 U.S. 1023 (1969).

> unique to it. My own business experienced comparable growth. A vending business in Spartanburg, just 30 miles to the west, had similar experiences. It is simply the case of having a service to offer at a time of rapidly rising demands for that service (October 6, 1969).

In other words, the astronomic rate of growth for Carolina Vend-A-Matic was indicative of the success vending machine companies were experiencing in those years.

Kiriakides also wrote:

> This business (Carolina Vend-A-Matic) was not developed on the basis of anyone using anyone's influence on anybody. I know that Judge Haynsworth's name was never used in any attempt to influence anybody.

Another very relevant factor to consider with respect to the Carolina Vend-A-Matic situation is that at the time Judge Haynsworth was named to the Fourth Circuit neither the applicable statute nor the canons prohibited a judge from being either an officer or director of a corporation organized for profit, so long as he adhered in all respects to the law and the canons. But when, in 1963, the judicial conference recommended that Federal judges relinquish their offices and directorships in such corporations, Judge Haynsworth quickly and willingly complied.

Moreover, when in 1964, the entire record of Judge Haynsworth's participation in Carolina Vend-A-Matic was reviewed by the Fourth Circuit in connection with the Darlington case, Judge Sobeloff, speaking for the court, found after investigation that all the charges were "completely unfounded"—Hearings, page 15—and expressed complete confidence in Judge Haynsworth.

THE BRUNSWICK CASE

On November 10, 1967, a three-judge panel of the Fourth Circuit Court, consisting of Judges Haynsworth, Winter, and Jones, heard oral argument in the case of *Brunswick Corp.* v. *Long* 392 F. 2d 337. Immediately following oral argument the panel met and unanimously decided to affirm the judgment of the district court in favor of Brunswick; and Judge Winter was assigned to write the opinion of the court.

On December 20, 1967, a stockbroker in Greenville, S.C., who handled Judge Haynsworth's account, placed an order for the purchase of 1,000 shares of Brunswick stock for the judge's account at $16 per share. At the time Judge Haynsworth was unaware of the fact that the opinion and judgment in the Brunswick case had not yet been filed. The stock order was executed on December 26, 1967.

In the meantime, Judge Winter had prepared a draft opinion in the case and had circulated it to Judges Haynsworth and Jones on December 27. Judge Haynsworth noted his concurrence on January 3, 1968, and the written opinion was released on February 2, 1968. Petitions for a rehearing, and for certiorari to the Supreme Court were subsequently denied.

It is important to note at this point that according to the testimony of both Judge Winter and Judge Haynsworth, the Brunswick case was in fact decided on November 10, whereas the order to purchase the Brunswick stock was executed on December 26.

However, Judge Haynsworth's pecuniary interest in the case could hardly be called "substantial" within the purview and meaning of the statute.

In the Brunswick case, both litigants had filed competing claims to repossess used bowling alley equipment. Had the plaintiff been awarded priority for the full amount of his claim, and had the sale of the security been sufficient to liquidate the claim, he would have received $90,000. Assessing this figure against Judge Haynsworth's ownership of 1,000 out of more than 18,000,000 shares of stock outstanding, the total pecuniary effect of such a decision on Judge Haynsworth's interest in the Brunswick Co. would have been less than $5.

In any case, it is clear to me that because the decision had been rendered prior to the purchase of the stock, because Judge Haynsworth stood to make little, if any, financial gain by reason of the stock purchase and thus could not have been influenced in his judicial action, neither the statute nor the canons were violated.

THE APPEARANCE OF IMPROPRIETY

The Judicial Canons of Ethics No. 4 requires:

> A Judge's official conduct should be free from impropriety and the appearance of impropriety.

It has been charged by those who oppose Judge Haynsworth's confirmation that where allegations are made charging violation of canons of ethics or conflict of interest statutes, even though all the evidence conclusively showed that no such violations occurred, there nonetheless may be an "appearance of impropriety" which thereby violates Canon 4.

No such position has ever been taken by the American Bar Association's Committee on Ethics, nor is such an interpretation warranted by the language of the canon itself. Unfounded accusations alone cannot and should not disqualify an otherwise qualified candidate. To accede to such a view would be to place a nominee's fate in the hands of anyone who would wish to make any kind of accusation, regardless of its merit. To take such a position is contrary to all our traditions of fair play and justice.

Mr. President, I am therefore impelled to the conclusion that all of the so-called ethics charges which have been made against Judge Haynsworth have not at all been substantiated, and that nothing in his judicial conduct during the 12 years he has served as a judge in the fourth circuit in any way justifies withholding the Senate's approval of his nomination.

RELEVANCE OF THE FORTAS CASE

Mr. President, I wish to make one more observation which would seem to be appropriate at this point. Many who oppose confirmation have charged that by my opposition to the nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court in the last session of Congress, and by my support of the nomination of Judge Haynsworth, I am guilty of applying a double standard. This is simply not true.

The Fortas nomination was an entirely different case and, from my viewpoint, easily distinguishable from the Haynsworth case. When the nomination of Mr. Justice Fortas was sent to the Senate, my position was well known. As I said then, long before President Johnson submitted that nomination to the Senate, I opposed any judicial nomination at that time, regardless of its merit. I felt strongly that because a new President would be elected within a few months, he should make such appointments, as he would then have received the current mandate of the American people.

When I announced my position on September 25, 1968, I said that I had no way of prognosticating who would be elected President in November, but I pointed out that I had observed a deep-seated disquiet throughout the Nation. I felt that we had arrived at a crossroad in our history, and particularly at that point in our history I felt the Senate should not take any action which might thwart the orderly process of change.

I said further that after the November election, if the new President should decide to nominate Mr. Justice Fortas to be Chief Justice, I would at that time be quite disposed to vote for his confirmation, as I had in 1965, when he became an Associate Justice.

A new President having been elected last November, and President Nixon having sent the nomination of Judge Haynsworth to the Senate for its advice and consent, I now urge that the Senate vote for confirmation.

THE NOMINATION SHOULD BE CONFIRMED

In assessing the performance of Judge Haynsworth, Judge Winter, who was appointed to the district court from Maryland by President Kennedy, and to the Court of Appeals for the Fourth Circuit by President Johnson, testified before the Judiciary Committee:

> But to begin, I would like to say that I have known Judge Haynsworth since he was appointed to the United States Court of Appeals, and I have had a very close association with him since I was appointed a District Judge in 1961, and even closer association since I was appointed to the Court of Appeals in 1966.
>
> I think that I have had ample opportunity to observe the manner in which he conducts himself, the manner in which he has led his Court, and the quality and content of his written opinions.
>
> To summarize my views, I would say that I know of no fairer judge, no more gracious, considerate or understanding leader, and no judicial officer more possessed of judicial temperament.
>
> Judge Haynsworth and I have differed on the decision of cases. At times I have sought to give decisions of the Supreme Court wider scope and wider application than he has. At times the converse has been true. And at times he and I have found ourselves in disagreement with our brethren on the Court, so that we were in a dissenting position. But I must say, sir, and gentlemen, that when he and I have disagreed between ourselves, I have never felt or thought that his position on a particular matter has exceeded the area of legitimate and informed debate.
>
> From my association with him, I have a profound respect for his capabilities as a

legal scholar and as an intelligent, capable and informed judge. (Hearings, pp. 236-237).

Judging from all the records, the data, the testimony, and from my observations of the nominee when he appeared before the committee, I am inclined to agree with this estimation.

I believe that Judge Haynsworth is indeed a man who is admirably suited to the high judicial office to which he has been named; that he possesses an outstanding judicial temperament by which he deals with controversial and complex legal problems with absolute intellectual honesty and in a scholarly fashion.

I find the nominee to be a man of high moral character.

Canon 34 provides an exceedingly high standard to be met by our judiciary as follows:

> In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to the law, and deal with his appointments as a public trust; he should not allow other affairs or his private interest to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

In my careful, searching review of the record I have firmly concluded that Judge Clement F. Haynsworth has in every respect lived up to these standards of excellence. In my considered judgment, not a shred of evidence has been advanced to overcome the substantial presumption of Judge Haynsworth's competence, integrity, capability, and fair-mindedness to sit as Associate Judge of the U.S. Supreme Court. I have found that he has met the constitutional standard of fitness. It is my hope that the Senate will vote to confirm his nomination to the Supreme Court of the United States.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. ALLOTT. Mr. President, I compliment the distinguished Senator from Hawaii on his very lucid explanation of these matters, and particularly of the matters that grow out of the so-called labor aspects of the case.

We are all indebted to the distinguished Senator from Hawaii for his explanation of these matters because we all know him to be one of the outstanding lawyers in the Senate, as he has proven during his whole professional career.

I was just reviewing again in the record the Vend-A-Matic situation. The Vend-A-Matic situation begins in the record on page 2 of the hearings.

Mr. FONG. It came up very early in the course of the committee hearings.

Mr. ALLOTT. On page 2 of the hearings, the question of Vend-A-Matic was raised. And it continued through page 34. After that, of course, it came up several other times. And this is not the conventional printing either. Nearly all of this is in the very small type that is reserved for inserts in the record.

I think it is appropriate to call attention to the fact at this time that the whole Vend-A-Matic matter was raised by an alleged anonymous telephone call. I think the Senator would agree with me that from the viewpoint of his practice and his experience in the Senate, about the last thing that deserves creditable consideration is an anonymous phone call. I have never yet found one that bore any credence.

So, after Miss Patricia Eames called this to the attention of Judge Sobeloff—in passing I might comment that I am not sure whether it was her duty to call it to the attention of the judge, rather than that of the federal bar—The whole fabrication of the Vend-A-Matic situation was formed ultimately on the basis of an anonymous telephone call.

Mr. FONG. The Senator is correct. It was on the basis of an anonymous telephone call.

Mr. ALLOTT. And this caused all of the letters to the judge, the investigation and report, the referral to the Attorney General, and the findings of the Attorney General. In his letter of February 28 to Judge Sobeloff the Attorney General said:

> I share your expression of complete confidence in Judge Haynsworth.

Yet, we find this matter raised in such a way through the news media that it becomes an established fact, which has taken weeks now to disabuse, that somehow or other Judge Haynsworth had done something improper.

I think the Senator's statement on this matter has rendered a very valuable service for the Senate. I wish that everyone who is prone to condemn Judge Haynsworth on this one item or on any of the other items would merely take the time and trouble to read the RECORD.

I am reminded in this respect of what has been a stock instruction to the juries in our Colorado courts on the value of evidence, to the effect that, "If you find from the evidence that any witness has deliberately testified falsely to any material fact, you are at liberty to disregard all of his testimony."

It seems to me that a close parallel may be brought here with respect to people who were willing in this case to raise in order to serve their own self-interests a question as to the character and ability of the judge and thus to try to put a black cloud on him, which they were not able to do. They had to admit later that they had tried to do so wrongly.

In calling these things to the attention of the American public to demonstrate the real situation, the Senator has indeed been of very valuable service to the Senate and to the country.

I congratulate him.

Mr. FONG. Mr. President, I thank the distinguished Senator for calling attention to the Darlington case, because that case was really a very far-fetched case relied upon by those opposed to the nomination of Judge Haynsworth. Judge Haynsworth had no direct interest in Darlington.

He owned no Darlington stock. All he had was an interest in a company that did business with Darlington—in other words, a third-party interest which was not involved in the case at all. How, then, can he be accused of a conflict of interest?

Even if this matter had come to the attention of the litigants and of the judges at the time the case was heard, Judge Haynsworth would have been compelled by law and by all the legal precedents to sit in the case. He was compelled to sit, according to law, because he did not have a "substantial interest" in the defendant's case.

Mr. ALLOTT. I think this is entirely true. I congratulate the Senator. His remarks have been very lucid, and I wish everyone in the country could have an opportunity to read them.

Mr. FONG. I thank the distinguished senior Senator.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 12 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

(By order of the Senate, the following proceedings were held as in legislative session.)

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, as in legislative session I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending

June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of November 18, 1969, page 34678, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, this is a unanimous report signed by all conferees of both Houses.

Mr. President, I shall not report on the details of the conference agreement, since the full text of the conference report and the statement of the managers on the part of the House has been printed as House Report 91–657, and appears in the CONGRESSIONAL RECORD beginning on page 34678.

Mr. President, the Senate passed the agricultural appropriation bill on July 7. The bill as passed by the Senate contained 61 different numbered amendments, comprised of 104 individual differences. The House appointed its conferees on October 9, and the conference committee began meeting on October 22.

After four meetings, the conference committee agreed to recess pending the completion of action on House Joint Resolution 934, an authorization to increase the ceiling for the food stamp program during fiscal year 1970 from $340 to $610 million.

The President signed House Joint Resolution 934 on November 13, and on November 14 transmitted to the Congress in Senate Document 91–42, an amendment to the budget for the increased food stamp program authorization.

The conference committee met again yesterday, in the morning and again in the afternoon, and reached final agreement.

Mr. President, in recognizing the need to economize in Federal expenditures, plus the fact that almost 5 months of the current year have elapsed, many of the items in conference have been reduced to reflect these factors.

SUMMARY TOTALS

The conference agreement on the bill totals $7,488,903,150. This is $715,613,500 under the 1969 appropriation and is $251,341,100 over the 1970 estimates, including the budget amendment of $270 million transmitted to the Senate in Senate Document 91–42. The two items which cause the conference bill to be over the estimates are the continuation of the agricultural conservation program and the special milk program, which I will refer to again in my statement.

Mr. President, I will deal only briefly with a few items of general interest to Members of the Senate in my statement on the conference report. After its adoption, I will offer for the record a detailed comparative tabulation showing each appropriation item, compared with the prior year, the 1970 estimate, and the actions of the Congress through the conference agreement.

FOOD STAMP PROGRAM AND FOOD ASSISTANCE

As I indicated earlier, the conference agreement provided $610 million for operating expenses of the food stamp program this fiscal year. This is the amount requested by the Department of Agriculture and the amount authorized in Senate Joint Resolution 934, which was agreed to in the Senate on last November 6.

The Department advises that approximately 200 counties will be added to the program during the year, bringing the total number to 1,744 by next June 30.

Mr. President, I ask unanimous consent that a copy of Senate Document 91–42, and the justification of the estimate submitted by the Department of Agriculture, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Senate Document No. 91–42, Proposed Amendments to the 1970 Budget for the Department of Agriculture]

(A Communication From the President of the United States Transmitting an Amendment to the Requests for Appropriations Transmitted in the Budget for the Fiscal Year in 1970 in the Amount of $270,000,000 for the Department of Agriculture for the Food Stamp Program.)

THE WHITE HOUSE,
Washington, November 14, 1969.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider an amendment to the requests for appropriations transmitted in the budget for fiscal year 1970 in the amount of $270,000,000 for the Department of Agriculture for the food stamp program.

As I stated on May 6, 1969, in my message to the Congress on hunger and malnutrition, enactment of legislation to modify the food stamp program and to increase its funding is the major action necessary to put an end to hunger in America itself for all time.

Further details of this proposal and the necessity therefor are set forth in the enclosed letter from the Director of the Bureau of the Budget, with whose comments and recommendations I concur.

Respectfully yours,
RICHARD NIXON.

[Estimate No. 26, 91st Cong., first sess.]

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., November 14, 1969.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget for the fiscal year 1970 in the amount of $270 million for the Department of Agriculture, as follows:

Department of Agriculture—Consumer and Marketing Service

[Budget appendix p. 133]

Heading: Food stamp program:

Request pending	$340,000,000
Proposed amendment	270,000,000
Revised request	610,000,000

This amendment to the budget is to begin the expansion and modifications of the food stamp program outlined in your May 6 message to the Congress on hunger and malnutrition. Legislation (H.J. Res. 934) authorizing this increase in the 1970 program has now passed both Houses of Congress. Action is also pending on your request for the enactment of substantive changes in program design and authorities.

I recommend that this amendment to the budget for the fiscal year 1970 be transmitted to the Congress.

Respectfully yours,
ROBERT P. MAYO,
Director of the Bureau of the Budget.

U.S. Department of Agriculture, Food and Nutrition Service—1970 budget amendment

[Budget Appendix Page 134]

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, [$340,000,000]. *$610,000,000.*

Heading: Food stamp program:

Original estimate	$340,000,000
Revised estimate	610,000,000
Increase	270,000,000

EXPLANATION OF CHANGE

The proposed language would provide an increase in funds of $270,000,000 for fiscal year 1970 to meet the costs of expanding and modifying the food stamp program.

PURPOSE AND NEED FOR BUDGET AMENDMENT

The food stamp program is an important part of the Administration's program to improve the nutrition of low-income families. There is currently pending in the Congress a proposal to substantially change the program. Action to provide the necessary additional funds for fiscal year 1970 is imperative if the program is to expand and provide additional food-purchasing power to needy families.

Expansion into new areas is essential if the goal of having a food program in every county is to be realized. In addition to making the program available in more areas certain program changes are necessary to reach the eligible needy persons who are not presently participating in existing areas. Proposed modifications would lower the purchase requirement and increase the total allotment for eligible households.

Justification of budget amendment for food stamp program

Project: program costs:

Budget estimate, 1970	$326,150,000
Amendment to budget estimate, 1970	+270,000,000
Revised estimate, 1970	596,150,000

In line with intent of the Food Stamp Act of 1964, as amended, to progressively expand the program to all areas of the country that desire to participate, funds will be reserved to provide for an orderly geographic expansion into roughly 200 new areas which are not yet designated. The exact number of areas will depend upon the size of those requested by State welfare agencies. Priority will continue to be placed on designating areas which have no food program for needy households.

Primary emphasis will be placed on modifications designed to increase program effectiveness and to reach all eligible persons. The exact extent of these changes has not yet been finalized but they will be substantial. Intensive efforts will be required at the Federal, State, and local level to implement changes as rapidly as possible.

Mr. HOLLAND. Mr. President, in the Senate Committee Report No. 91–277, accompanying the Agriculture appropriation bill, there appeared on page 18 a table showing the amounts for feeding and food assistance activities, including transfers from section 32, with comparisons. I ask unanimous consent that this table, as revised, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE, FOOD ASSISTANCE PROGRAMS 1969 AND ESTIMATES AND AMOUNTS APPROVED FOR 1970

[In thousands]

	Fiscal year 1969 estimated	1970 revised budget	House bill	Senate bill	Conference agreement	Conference agreement compared with fiscal year 1969	Conference agreement compared with 1970 budget
A. Child feeding programs:							
1. Cash grants to States:							
(a) School lunch (sec. 4)	$162,041	$168,041	$168,041	$168,041	$168,041	+$6,000	
(b) Special assistance (sec. 11)	10,000	44,800	44,800	44,800	44,800	+34,800	
(c) School breakfast	3,500	10,000	10,000	10,000	10,000	+6,500	
(d) Nonfood assistance	750	10,000	10,000	10,000	10,000	+9,250	
(e) State administrative	750	750	750	750	750		
(f) Nonschool food program	5,750	10,000	10,000	15,000	15,000	+9,250	+$5,000
(g) Special milk	103,314		119,300	83,319	83,319	−19,995	+83,319
(h) Special sec. 32	43,941	89,000	89,000	89,000	89,000	+45,059	
Total, cash to States	330,046	332,591	451,891	420,910	420,910	+90,864	+88,319
A. 2. Commodities to States:							
School lunch (sec. 6)	64,325	64,325	64,325	64,325	64,325		
Sec. 321	80,500	90,411	90,411	90,411	90,411	+9,911	
Sec. 416	144,872	146,838	146,838	146,838	146,838	+1,966	
Total, commodities	289,697	301,574	301,574	301,574	301,574	+11,877	
3. Federal operating expenses:							
School lunch	2,161	3,100	3,100	3,100	3,100	+939	
Nonschool feeding	500	750	750	750	750	+250	
Special milk	681		700	681	681		681
Total, operating expenses	3,342	3,850	4,550	4,531	4,531	+1,189	+681
Total, child feeding	623,085	638,015	758,015	727,015	727,015	+103,930	+89,000
B. Family feeding programs:							
1. Food stamp program	279,908	[1] 610,000	340,000	750,000	610,000	+330,092	
2. Direct distribution to families (regular program):							
(a) Sec. 321	142,141	225,028	225,028	225,028	225,028	+82,887	
(b) Sec. 416	116,539	140,000	140,000	140,000	140,000	+23,461	
Total, direct distribution to families	258,680	365,028	365,028	365,028	365,028	+106,348	
3. Nutritional supplement (special packages):							
(a) Special sec. 32—Food stamp areas	1,000	11,000	11,000	11,000	11,000	+10,000	
(b) Sec. 321	7,317	22,000	22,000	22,000	22,000	+14,683	
(c) Sec. 416	500	1,500	1,500	1,500	1,500	+1,000	
Total, special packages	8,187	34,500	34,500	34,500	34,500	+25,683	
Total, family feeding	547,405	1,009,528	739,528	1,149,528	1,009,528	+462,123	
C. Direct distribution to institutions:							
1. Sec. 32 [2]	1,967	3,800	3,800	3,800	3,800	+1,833	
2. Sec. 416	43,000	29,000	29,000	29,000	29,000	−14,000	
3. VA, Armed Forces, penal	17,875	21,000	21,000	21,000	21,000	+3,125	
Total, direct distributions to institutions	62,842	53,800	53,800	53,800	53,800	−9,042	
D. Nutrition aide program	10,000	30,000	30,000	30,000	30,000	+20,000	
Total, food assistance program	1,243,332	1,731,343	1,581,343	1,960,343	1,820,343	+577,011	+89,000

[1] S. Doc. 91–42 transmitted to Congress on Nov. 14, 1969 an increase in the original estimate of $270,000 to a total estimate of $610,000.

[2] Includes related administrative expense.

Mr. HOLLAND. Mr. President, the foregoing tabulation shows that the conference report authorizes expenditures for child nutrition, special feeding, food stamp, and direct distribution programs in 1970, totaling $1,820,343,000, an increase of $577,011,000 over 1969, and is $89,000,000 over the estimate.

The increase over the estimate is comprised of two items: first, an increase in direct appropriations of $84,000,000, plus a transfer of $20,000,000 from section 32 under the special feeding program in order to continue the special milk program at $104 million. This compares with $120 million proposed by the other body to finance the special milk program entirely from section 32. The amount agreed to by the conference committee is $84 million over the estimate which proposed continuation of the special milk program at $20 million, to be limited to children from needy families.

PRICE SUPPORT LIMITATION

The most difficult amendment to be dealt with by the conference committee was amendment No. 37, which struck from the House passed bill the limitation on payments to any producer in excess of $20,000 on any crop planted in fiscal 1970—except for sugar. In reporting the bill to the Senate, the Committee on Appropriations struck this provision. Its action was based upon the recommendation of the Secretary of Agriculture and upon testimony from the major farm organizations. The committee position was sustained by a vote of 53 to 34 when the bill was under debate in the Senate on July 7.

The conferees from the other body were of necessity firmly upholding the action of the House of Representatives. This amendment was discussed repeatedly in the conference, but it was obvious from the testimony received by the committee that the Secretary of Agriculture was correct in stating that the "snapback" provision on cotton would provide for higher price supports and would in turn result in greater production of cotton at a greater cost to the Government, as well as returning to the surplus condition of earlier years. In addition, the winter wheat crop has all been planted and it constitutes about 78 percent of the total wheat production. Thus, the only crops to which the limitation would apply are spring wheat, feed grains, and other miscellaneous crops.

Next year, the standing committees on Agriculture and Forestry will recommend new farm legislation which will be acted upon by both branches of Congress. This is a more appropriate time for the Congress to consider and pass upon limitations on payments to producers.

AGRICULTURAL CONSERVATION PROGRAM

The revised budget estimate proposed that the agricultural conservation program, under which farmers are paid cost sharing for the installation of approved soil and water conservation measures, be discontinued as an economy measure.

This program has been basic to the preservation and development of our soil and water resources. Its interruption for even 1 year was opposed by farm groups and general conservationists.

The conference agreement provides an advance program authorization for 1970 at $195.5, instead of its elimination as had been proposed by the budget.

The conferees have instructed the Secretary of Agriculture to give further emphasis to enduring conservation practices and it is hoped that a favorable report showing progress under this directive which was carried in the Senate committee report will be reported to the subcommittee next year by departmental officials during the hearings of the 1971 estimates.

REIMBURSEMENT FOR NET REALIZED LOSSES OF COMMODITY CREDIT CORPORATION

The conference report includes an appropriation of $5,215,934,000 to reimburse the Commodity Credit Corporation for net losses. This amount covers the losses for all prior years except a balance of $250 million for fiscal 1968.

I feel confident that this action will encourage the executive branch to request the full amount next year necessary to clean up the balance and the loss for fiscal 1969, as intended by Public Law 87-155, approved August 17, 1961.

Mr. President, in brief, I believe the Senate prevailed on a large number of the items that were before the conference committee.

I see in the Chamber the distinguished Senator from North Dakota (Mr. YOUNG) who was one of the signers of the report and a member of the conference. I believe that he also feels that the report should be approved.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. YOUNG of North Dakota. Mr. President, I agree with the Senator. The conference report should be approved. I thank the Senator from Florida.

Mr. HOLLAND. I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HOLLAND. Mr. President, there is an amendment of the House to Senate amendment No. 12 on which action is required. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted, insert: "$62,510,000".

Mr. HOLLAND. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

Mr. HOLLAND. Mr. President, I wish to commend the gentleman from Nebraska, Senator ROMAN HRUSKA, the ranking Republican member of the Agriculture Appropriations Subcommittee, for his efforts and assistance in carrying this appropriations bill through the Senate and out of conference.

In addition to all of his other services, I want the RECORD to show that the Senator from Nebraska was a moving force on a number of items of great importance to the Midwest.

The first item is the $250,000 to initiate a multiframe sampling program to improve the accuracy and reliability of livestock estimates. Senator HRUSKA had considered $1 million as necessary for the program, and the Senate accepted that figure. The insistence of the House required reduction, but the amount $250,000 will get the program started. If livestock estimates can be improved, and marketing by the livestock industry benefited thereby, it is a small investment for such an important gain to one of the Midwest's greatest industries.

Another item related to livestock is the amount of $300,000 for development funds for the U.S. Meat Animal Research Center at Clay Center, Nebr. This amount was included by the conference committee in addition to the budget amount of $667,100 for that Center. Senator HRUSKA has long believed that there has been an imbalance between the resources invested in crop research against those invested in animal research. The Meat Animal Research Center at Clay Center is bringing about a better balance, and the funds argued for by Senator HRUSKA and added by the conference committee will expedite that balance.

Senator HRUSKA also believes strongly in soil and water conservation. Coming from Nebraska, he knows the importance of proper conservation practices to the continuing vitality and fertility of the soil, our most important resource. For this reason, the Senator from Nebraska was in the forefront of those seeking adequate funds for watershed works of improvement, the Great Plains conservation program, the resource conservation and development program, flood prevention, and the agricultural conservation program.

Senator HRUSKA was one of the prime movers in the area of pollution control. He persevered in his efforts to see increased funding for animal waste management research and as a result the Senate added $250,000 to the item; the conference committee permitted $125,000, which is still a 20-percent increase over fiscal 1969. The Senator from Nebraska also sought increased funds for rural water and waste disposal grants under the Farmers Home Administration. The Senate was able to prevail on this item, and the conference committee added $6 million above the House bill.

On these and many other items, Senator HRUSKA was an important advocate for the farmers and ranchers of America. I thank him on their behalf for his work on this bill.

Mr. President, in conclusion, I ask to have printed in the RECORD a table which shows for the entire bill and for each individual appropriation item the adjusted appropriations for fiscal year 1969, the fiscal year 1970 budget estimates, the amounts contained in the House and Senate bills, and the conference allowance.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS FOR 1970

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted [1] fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended, House bill, 1970	New budget (obligational) authority recommended by Senate for 1970	Conference allowance, 1970	(7) Conference bill (+) or (−)			
						Budget estimates, 1970	House bill	Senate bill	Appropriation 1969
(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)
TITLE I—GENERAL ACTIVITIES									
Agricultural Research Service:									
Salaries and expenses:									
Research:									
Direct appropriation	$129, 105, 300	$130, 631, 300	$130, 182, 000	$134, 452, 000	$131, 802, 200	+$1, 170, 900	+$1, 620, 020	−$2, 649, 800	+$2, 696, 900
Transfer from sec. 32	*(15, 000, 000)*	*(15, 000, 000)*	*(15, 000, 000)*	*(15, 000, 000)*	*(15, 000, 000)*				
Total, research	(144, 105, 300)	(145, 631, 300)	(145, 182, 000)	(149, 452, 000)	(146, 802, 200)	(+1, 170, 900	(+1, 620, 200	(−2, 649, 800)	(+2, 696, 900)
Plant and animal disease and pest control	88, 039, 500	91, 176, 500	89, 493, 000	92, 126, 500	90, 809, 750	−366, 750	+1, 316, 750	−1, 316, 750	+2, 770, 250
Special fund (reappropriation)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)	(2, 000, 000)				(−2, 000, 000)
Total, salaries and expenses	219, 144, 800	221, 807, 800	219, 675, 000	226, 578, 500	222, 611, 950	+804, 150	+2, 936, 950	−3, 966, 550	+3, 467, 150
Salaries and expenses (special foreign currency program)	4, 500, 000	8, 287, 000	4, 500, 000	5, 500, 000	5, 000, 000	−3, 287, 000	+500, 000	−500, 000	+500, 000
Total, Agricultural Research Service	223, 644, 800	230, 094, 800	224, 175, 000	232, 078, 500	227, 611, 950	−2, 482, 850	+3, 436, 950	−4, 466, 550	+3, 967, 150

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATE AND AMOUNTS FOR 1970—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted [1] fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended, House bill, 1970	New budget (obligational) authority recommended by Senate for 1970	Conference allowance, 1970	(7) Conference bill (+) or (−)			
						Budget estimates, 1970	House bill	Senate bill	Appropriation 1969
(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)
TITLE I—GENERAL ACTIVITIES—Con.									
Cooperative State Research Service: Payments and expenses	$58,911,000	$63,730,000	$61,175,000	$61,710,000	$62,510,000	−$1,220,000	+$1,335,000	+$800,000	+$3,599,000
Extension Service:									
Payments to States and Puerto Rico	81,605,500	113,131,000	112,391,000	114,131,000	114,006,000	+875,000	+1,615,000	−125,000	+32,400,500
Retirement and employees' compensation costs for extension agents	9,536,500	10,240,000	10,000,000	10,240,000	10,240,000		+240,000		+703,500
Penalty mail	3,299,000	3,500,000	3,400,000	3,400,000	3,400,000	−100,000			+101,000
Federal Extension Service	2,838,000	4,038,000	3,338,000	3,838,000	3,838,000	−200,000	+500,000		+1,000,000
Total, Extension Service	97,279,000	130,909,000	129,129,000	131,609,000	131,484,000	+575,000	+2,355,000	−125,000	+34,205,000
Farmer Cooperative Service:									
Salaries and expenses	1,414,000	1,635,000	1,500,000	1,635,000	1,500,000	−135,000		−135,000	+86,000
Soil Conservation Service:									
Conservation operations	118,873,000	118,786,000	118,786,000	118,786,000	118,786,000				−87,000
River basin surveys and investigations	9,086,000	8,187,000	8,187,000	8,187,000	8,187,000				−899,000
Watershed planning	6,419,000	6,209,000	6,209,000	5,000,000	6,209,000			+1,209,000	−210,000
Watershed works of improvement	57,908,000	55,078,000	57,873,000	63,873,000	63,873,000	+8,795,000	+6,000,000		+5,965,000
Flood prevention	24,224,000	20,223,000	20,223,000	20,223,000	20,223,000				−4,001,000
Great Plains conservation program	16,160,000	14,000,000	15,000,000	15,000,000	15,000,000	+1,000,000			−1,160,000
Resource conservation and development	6,367,000	8,452,000	7,452,000	10,252,000	10,252,000	+1,800,000	+2,800,000		+3,885,000
Total, Soil Conservation Service	239,037,000	230,935,000	233,730,000	241,321,000	242,530,000	+11,595,000	+8,800,000	+1,209,000	+3,493,000
Economic Research Service:									
Salaries and expenses	13,473,000	13,562,000	13,450,000	13,562,000	13,450,000	−112,000		−112,000	−23,000
Statistical Reporting Service:									
Salaries and expenses	14,853,000	15,055,000	14,950,000	16,375,600	15,412,800	+357,800	+462,800	−962,800	+559,800
Consumer and Marketing Service:									
Consumer protective, marketing, and regulatory programs	118,264,500	135,254,200	130,867,000	134,695,500	133,595,500	−1,658,700	+2,728,500	−1,100,000	+15,331,000
Payments to States and possessions	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000				
Special milk program:									
Transfer from sec. 32	*(104,000,000)*		*(120,000,000)*				*(−120,000,000)*		*(−104,000,000)*
Direct appropriation				[2] 84,000,000	[2] 84,000,000	+84,000,000	+84,000,000		+84,000,000
Child nutrition programs (school lunch program):									
Direct appropriation	188,474,000	117,500,000	117,500,000	122,500,000	122,500,000	+5,000,000	+5,000,000		−65,974,000
Transfer from sec. 32	*(64,325,000)*	*(194,266,000)*	*(194,266,000)*	*(194,266,000)*	*(194,266,000)*				*(+129,941,000)*
Total, child nutrition programs	252,799,000	(311,766,000)	(311,766,000)	(316,766,000)	(316,766,000)	(+5,000,000)	(+5,000,000)		(+63,967,000)
Food stamp program	280,000,000	[3] 610,000,000	340,000,000	750,000,000	610,000,000		+270,000,000	−140,000,000	+330,000,000
Total, Consumer and Marketing Service	588,338,500	864,354,200	589,967,000	1,092,795,500	951,695,500	+87,341,300	+361,728,500	−141,100,000	+363,357,000
Foreign Agricultural Service:									
Salaries and expenses	21,903,300	23,937,000	22,937,000	23,937,000	23,437,000	−500,000	+500,000	−500,000	+1,533,700
Transfer from sec. 32	(3,117,000)	*(3,117,000)*	*(3,117,000)*	*(3,117,000)*	(3,117,000)				
Transfer from CCC	(2,112,000)	*(107,000)*	*(107,000)*	*(107,000)*	(107,000)				(−2,005,000)
Total, Foreign Agricultural Service	(27,132,300)	(27,161,000)	(26,161,000)	27,161,000)	(26,661,000)	(−500,000)	(+500,000)	−500,000	(−471,300)
Commodity Exchange Authority: Salaries and expenses	1,895,000	2,321,000	2,100,000	2,321,000	2,321,000		+221,000		+426,000
Agricultural Stabilization and Conservation Service:									
Expenses, ASCS:									
Direct appropriation	[4] 142,857,400	128,870,000	147,420,000	146,000,000	146,000,000	+17,130,000	−1,420,000		+3,142,600
Transfer from CCC	(63,486,100)	(62,483,000)	(62,483,000)	(62,483,000)	(62,483,000)				(−1,003,100)
Total, expenses, ASCS	(206,343,500)	(191,353,000)	(209,903,000)	(208,483,000)	(208,483,000)	(+17,130,000)	(−1,420,000)		(+2,139,500)
Sugar Act Program	89,500,000	96,300,000	89,500,000	93,000,000	93,000,000	−3,300,000	+3,500,000		+3,500,000
Agricultural conservation program: Liquidation of contract authorization	(190,000,000)	(195,500,000)	(195,500,000)	(195,500,000)	(195,500,000)				(+5,500,000)
Advance authorization 1970 program (contract authorization)	195,500,000		195,500,000	185,000,000	195,500,000	+195,500,000		+10,500,000	
Cropland adjustment program:									
Appropriation	81,900,000	79,330,000	78,000,000	78,600,000	78,600,000	−730,000	+600,000		−3,300,000
Limitation on authorization for 1970 program		(99,300,000)		(99,300,000)	(..........)				

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATE AND AMOUNTS FOR 1970—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted [1] fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended, House bill, 1970	New budget (obligational) authority recommended by Senate for 1970	Conference allowance, 1970	(7) Conference bill (+) or (−)			
						Budget estimates, 1970	House bill	Senate bill	Appropriation 1969
(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)
TITLE I—GENERAL ACTIVITIES—Con.									
Agricultural, etc.—Con.									
Conservation reserve program	$109,000,000	$37,900,000	$37,500,000	$37,250,000	$37,250,000	−$650,000	−$250,000		−$77,750,000
Emergency conservation measures	5,000,000	5,000,000	5,000,000	50,00,000	5,000,000				
Indemnity payments to dairy farmers	300,000	200,000	200,000	200,000	200,000				−100,000
Total Agricultural Stabilization and Conservation Service	624,057,400	347,600,000	553,120,000	545,050,000	555,550,000	+207,950,000	+2,430,000	+$10,500,000	−68,507,400
Rural Community Development Services: Salaries and expenses	481,000	450,000	450,000	450,000	450,000				−31,000
Office of the Inspector General: Salaries and expenses	12,994,000	13,925,000	13,389,000	13,925,000	13,657,000	+268,000	+268,000	−268,000	−663,000
Packers and Stockyards Administration: Salaries and expenses	2,864,300	3,509,300	3,200,000	3,509,300	3,354,650	−154,650	+154,650	−154,650	+490,350
Office of the General Counsel: Salaries and expenses	4,850,000	5,559,000	5,000,000	5,459,000	5,229,500	−329,500	+229,500	−229,500	+379,500
Office of Information: Salaries and expenses	2,055,000	2,164,000	2,106,000	2,106,000	2,106,000	−58,000			+51,000
National Agricultural Library: Salaries and expenses	3,332,750	3,226,750	3,200,000	3,226,750	3,226,750		+26,750		−106,000
Office of Management Services: Salaries and expenses	2,957,600	3,069,000	3,000,000	3,050,000	3,205,000	−44,000	+25,000	25,000	+67,400
General Administration: Salaries and expenses	4,838,000	5,052,000	4,838,000	4,838,000	4,838,000	−214,000			
Total, title I, general activities	1,919,178,650	1,961,088,050	1,881,416,000	2,398,958,650	2,263,389,150	+302,301,100	+381,973,150	135,569,500	+344,210,500
TITLE II—CREDIT AGENCIES									
Rural Electrification Administration:									
Loan authorizations:									
Electrification	329,000,000	320,000,000	320,000,000	340,000,000	340,000,000	+20,000,000	+20,000,000		+11,000,000
Telephone	120,000,000	123,300,000	123,300,000	123,300,000	123,300,000				+3,300,000
Total, loans (authorization to spend debt receipts)	449,000,000	443,300,000	443,300,000	463,300,000	463,300,000	+20,000,000	+20,000,000		+14,300,000
Salaries and expenses	13,429,000	13,429,000	13,429,000	13,429,000	13,429,000				
Total, Rural Electrification Administration	462,429,000	456,729,000	456,729,000	476,729,000	476,729,000	+20,000,000	+20,000,000		+14,300,000
Farmers Home Administration:									
Direct loan account:									
Real estate loans	(83,000,000)	(69,600,000)	(83,000,000)	(69,600,000)	(83,000,000)	(+13,400,000)		(+13,400,000)	
Operating loans	(275,000,000)	(250,000,000)	(275,000,000)	(275,000,000)	(275,000,000)	(+25,000,000)			
Soil conservation loans	(4,900,000)	(8,800,000)	(4,900,000)	(8,700,000)	(8,700,000)	(−100,000)	(+3,800,000)		(+3,800,000)
Total, direct loan account	(362,900,000)	(328,400,000)	(362,900,000)	(353,300,000)	(366,700,000)	(+38,300,000)	(+3,800,000)	(+13,400,000)	(+3,800,000)
Rural housing direct loan account	(30,000,000)	(30,400,000)	(30,000,000)	(30,000,000)	(30,000,000)	(−400,000)			
Emergency credit revolving fund	[5] (25,000,000)	31,918,000	31,918,000	31,918,000	31,918,000				+31,918,000
Rural water and waste disposal grants	28,000,000	28,000,000	40,000,000	46,000,000	46,000,000	+18,000,000	+6,000,000		+18,000,000
Rural renewal	1,600,000								−1,600,000
Rural housing for domestic farm labor	4,250,000	3,700,000	1,250,000	3,700,000	2,500,000	−1,200,000	+1,250,000	−1,200,000	−1,750,000
Housing for rural trainees		1,000,000				−1,000,000			
Mutual and self-help housing		3,000,000	1,250,000	3,000,000	2,125,000	−875,000	+875,000	−875,000	+2,125,000
Self-help housing land development fund	600,000	1,400,000	600,000	1,000,000	1,000,000	−400,000	+400,000		+400,000
Salaries and expenses:									
Direct appropriations	60,218,000	84,885,000	65,000,000	67,500,000	66,250,000	−18,635,000	+1,250,000	−1,250,000	+6,032,000
Transfer from agricultural credit insurance fund	(2,250,000)	*(2,250,000)*	*(2,250,000)*	*(2,250,000)*	(2,250,000)				
Miscellaneous transfer	(500,000)	*(500,000)*	*(500,000)*	*(500,000)*	(500,000)				
Total, salaries and expenses	(62,968,000)	(87,635,000)	(67,750,000)	(70,250,000)	(69,000,000)	(−18,635,000)	(+1,250,000)	(−1,250,000)	+6,032,000
Total, Farmers Home Administration	94,668,000	153,903,000	140,018,000	153,118,000	149,793,000	−4,110,000	+9,775,000	−3,325,000	+55,125,000
Total, title II, credit agencies	557,097,000	610,632,000	596,747,000	629,847,000	626,522,000	+15,890,000	+29,775,000	−3,325,000	+69,425,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATE AND AMOUNTS FOR 1970—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted ¹ fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended, House bill, 1970	New budget (obligational) authority recommended by Senate for 1970	Conference allowance, 1970	(7) Conference bill (+) or (−)			
						Budget estimates, 1970	House bill	Senate bill	Appropriation 1969
(1)	(2)	(3)	(4)	(5)	(6)	(7a)	(7b)	(7c)	(7d)
TITLE III—CORPORATIONS									
Federal Crop Insurance Corporation:									
Appropriation	$11,517,500	$12,000,000	$12,000,000	$12,000,000	$12,000,000				+$482,000
Premium income	(2,140,000)	(1,648,000)	(1,648,000)	(1,648,000)	(1,648,000)				(−492,000)
Total, administrative and operating expenses	(13,657,500)	(13,648,000)	(13,648,000)	(13,648,000)	(13,648,000)				(−9,500)
Subscription to Capital fund		10,000,000	10,000,000	10,000,000					+10,000,000
Commodity Credit Corporation:									
Reimbursement for net realized losses:									
Appropriation	4,188,112,500	5,215,934,000	4,965,934,000	5,215,934,000	5,215,934,000		+$250,000,000		+1,027,821,500
Contract authority ⁶	+1,579,078,000								−1,579,028,000
Liquidation of contract authority	-350,467,000	−1,560,192,000	−1,560,192,000	−1,560,192,000	−1,560,192,000				−1,209,725,000
Budget authority	5,416,723,500	3,655,742,000	3,405,742,000	3,655,742,000	3,655,742,000		+250,000,000		−1,760,981,500
Limitation on administrative expenses	(31,500,000)	(32,000,000)	(31,500,000)	(32,000,000)	(32,000,000)	(..........)	(+500,000)		(+500,000)
Public Law 480:									
Sales, title I	100,000,000	427,400,000	400,000,000	420,000,000	420,000,000	−$37,400,000	+20,000,000		+320,000,000
Donations, title II	200,000,000	559,200,000	500,000,000	515,000,000	500,000,000	−59,200,000		−$15,000,000	+300,000,000
Total, Public Law 480	300,000,000	986,600,000	900,000,000	935,000,000	920,000,000	−66,600,000	+20,000,000	−15,000,000	+620,000,000
Bartered materials for supplemental stockpile		1,500,000	750,000	1,250,000	1,250,000	−250,000	+500,000		+1,250,000
Total, new budget (obligational) authority, title III, corporations	5,728,241,000	4,665,842,000	4,328,492,000	4,613,992,000	4,598,992,000	−66,850,000	+270,500,000	−15,000,000	−1,129,249,000
TITLE IV—RELATED AGENCIES									
Farm Credit Administration: Limitation on administrative expenses	(3,436,000)	(3,628,000)	(3,628,000)	(3,628,000)	(3,628,000)				(+192,000)
RECAPITULATION									
Title I—General activities	1,919,178,650	1,961,088,050	1,881,416,000	2,398,958,650	2,263,389,150	+302,301,100	+381,973,150	−135,569,500	+344,210,500
Title II—Credit agencies	557,097,000	610,632,000	596,747,000	629,847,000	626,522,000	+15,890,000	+29,775,000	−3,325,000	+69,425,000
Title III—Corporations	5,728,241,000	4,665,842,000	4,328,492,000	4,613,992,000	4,598,992,000	−66,850,000	+270,500,000	−15,000,000	−1,129,249,000
Total, new budget (obligational) authority	8,204,516,650	7,237,562,050	6,806,655,000	7,642,797,650	7,488,903,150	+251,341,100	+682,248,150	−153,894,500	−715,613,500
Consisting of:									
1. Appropriations	*5,978,938,650*	*6,794,262,050*	*6,167,855,000*	*6,994,497,650*	*6,830,103,150*	*+35,841,100*	*+662,248,150*	*−164,394,500*	*+851,164,500*
2. Reappropriations	*2,000,000*								*−2,000,000*
3. Contract authorizations	*1,774,578,000*		*195,500,000*	*185,000,000*	*195,500,000*	*+195,500,000*		*+10,500,000*	*−1,579,078,000*
4. Authorizations to spend from debt receipts	*449,000,000*	*443,300,000*	*443,300,000*	*463,300,000*	*463,300,000*	*+20,000,000*	*+20,000,000*		*+14,300,000*
Memoranda:									
1. Appropriations to liquidate contract authorizations	*540,467,000*	*1,755,692,000*	*1,755,692,000*	*1,755,692,000*	*1,755,692,000*				*+1,215,225,000*
2. Appropriations, including appropriations to liquidate contract authority	*6,519,405,650*	*8,549,954,050*	*7,923,547,000*	*8,750,189,650*	*8,585,795,150*	*+35,841,100*	*+662,248,150*	*−164,394,500*	*+2,066,389,500*
3. Transfers from sec. 32	*186,442,000*	*212,383,000*	*332,383,000*	*212,383,000*	*212,383,000*		*−120,000,000*		*+25,941,000*
4. Transfer from CCC	*65,598,100*	*62,590,000*	*62,590,000*	*62,590,000*	*62,590,000*				*−3,008,100*
Total, new budget (obligational) authority	8,204,516,650	7,232,562,050	6,806,655,000	7,642,797,650	7,488,903,150	+251,341,100	+682,248,150	−153,894,500	−705,613,500
Less: Loan repayments, Rural Electrification Administration ⁷	−189,500,000	−189,300,000	−189,300,000	−189,300,000	−189,300,000				−200,000
Net total, new budget (obligational) authority	8,015,016,650	7,048,262,050	6,617,355,000	7,453,497,650	7,299,603,150				

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[1] Totals shown include supplementals for 1969, which were unavailable when the bill was reported to the House and Senate.

[2] The Senate bill and conference amount provides $84,000,000 in direct appropriations for Special Milk Program. This amount, plus $20,000,000 available from sec. 32, will provide a total level of $104,000,000 for special milk program.

[3] S. Doc. 91–42 increased budget request for food stamp program from $340,000,000 to $610,000,000.

[4] In addition, $81,560,000 unobligated balance from cropland conservation program transferred to this amount.

[5] $25,000,000 was transferred to emergency credit revolving fund from FHA direct loan account.

[6] Contract authorization established under basic law.

[7] Deducting REA loan repayments from these totals has the effect of converting these figures to a basis comparable with the treatment of all other major loan programs in the Federal budget. Other loan programs operated through revolving funds net loan repayments against budget outlays, whereas REA loan repayments are covered into miscellaneous receipts of the Treasury.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the conference report and the amendment were agreed to.

Mr. YOUNG of North Dakota. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICAN PRISONERS OF WAR

Mr. ALLOTT. Mr. President, as Senators will recall, on October 30 I led off a rather extensive colloquy on the floor of the Senate in which Members on both sides of the aisle denounced an announcement made by the New Mobilization Committee To End the War in Vietnam on October 27 regarding American prisoners of war held by the North Vietnamese Government.

As Senators know, on October 27, William Kunstler, chief defense counsel at the Chicago eight riot conspiracy trial, held a press conference in Chicago to announce that in the future it would only be through the New Mobe that we would begin to receive names of American prisoners of war and "possibly other pertinent information" about their condition "as soon as the committee has the chance to set up an office and pass the information along to the prisoners' relatives." It will be recalled that in connection with that announcement David Dellinger, one of the Chicago defendants, said the details of the new operation would be announced at the November 15 Washington peace rally, and characterized the North Vietnamese effort as "a major friendly act" and "a peace feeler."

Many of us in the Senate shared a similar sense of outrage with regard to this announcement since we recognize that this was a last desperate effort on the part of Hanoi to escape public and world condemnation for their continued failure to abide by the Geneva Agreements of 1949. We all recognize that Hanoi has never abided by even the minimal standards required under the Geneva Agreements with regard to the treatment of prisoners of war.

In this connection, I noted that an article appearing in the Washington Post yesterday indicated an awareness that these promises of Messrs. Kunstler and Dellinger made front page news in many newspapers across the land. Obviously, as a result of the promise hopes were raised in the hearts of many of the families of American prisoners of war that a glimmer of news might be received with regard to whether or not these prisoners were alive or dead. I would only hope that, if as now appears to be true, this was a cruel hoax on the part of the New Mobe the press will be equally as desirous of exposing this hoax.

The Washington Post article mentions the fact that the State Department was deluged with requests all day Monday asking what had happened with the information which was supposed to have been supplied by the New Mobe regarding American prisoners of war held by the North Vietnamese Government. I could not agree more with the characterization contained in that article by the State Department representative that "the lack of new information, despite the publicity, is tragic exploitation of the feelings of the families who wait for their loved ones."

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 1969]

WAR FOE FAILED TO GIVE POW DATA

(By A. D. Horne)

Antiwar leader David Dellinger did not deliver Saturday on his promise to announce information about U.S. prisoners in North Vietnam.

Dellinger made his promise in a press conference Oct. 27 in Chicago, where he is on trial on charges of conspiring to riot during the 1968 Democratic convention. He said then that at the Nov. 15 Washington rally he would announce details of how the peace movement would furnish information on and mail from the prisoners to their relatives.

The promise was front-page news in many newspapers, including this one.

Wives of presumed prisoners, some of them still unsure whether their husbands were dead or captured, telephoned the State Department all day yesterday to ask what had happened.

State officials said they did not know. In answer to a press query, they issued a bitter statement concluding. "The lack of new information, despite the publicity, is tragic exploitation of the feelings of the families who wait for their loved ones."

Dellinger, reached in Chicago late last night, said, "We just were not able to work out the procedures and details in time. We've received some encouraging information but we're not clear enough yet on what it will add up to and we don't want to raise false hopes."

Dellinger said he regretted that a "premature" date had been set for the announcement. Some unanticipated problems had come up, he said, and an unpublicized trip to Paris would be required to work these out with the North Vietnamese.

The first trip in October had been made by William M. Kunstler, attorney for the Chicago defendants, after U.S. District Judge Julius J. Hoffman refused to allow Dellinger and co-defendant Rennie Davis to leave the country.

Dellinger blamed the delay at least in part on Hoffman's refusal to let him and Davis make the trip.

In their Oct. 27 press conference, Dellinger and Kunstler had said Hanoi had promised to expand information on the prisoners and to permit "a regular flow of mail" from them through the New Mobilization to End the War in Vietnam. In a telephone interview afterward, Kunstler said the North Vietnamese delegate, Xuan Oanh, had said a complete list of prisoners would be furnished but "maybe not at once."

The Pentagon lists about 1,300 men as captured or missing in both Vietnams, with 413 confirmed as prisoners. Letters have been received from only about 110 of these men.

Mr. ALLOTT. Mr. President, I think it was the general consensus of those of us who had participated in the October 30 colloquy on the floor of the Senate that despite our views with regard to the war—historically or prospectively—Congress must make it abundantly clear that it demands, on behalf of every American, assurance of proper and humane treatment of our military and civilian personnel held captive by the Communists. Obviously this kind of treatment must be completely in accordance with the provisions of the Geneva Agreement of 1949 to which the U.S. Government as well as the Governments of North Vietnam and South Vietnam are parties.

During the course of the colloquy on October 30 I called upon the distinguished chairman of the Senate Foreign Relations Committee to hold hearings on the issue of American prisoners of war with a view to reporting out any of the many resolutions now pending before it dealing with this most important issue. To date, no such hearings have been scheduled, and I would like to take this opportunity to reissue my call that this matter be taken up by the Senate committee as soon as practicable.

I have just been informed that the Subcommittee on National Security Policy and Scientific Developments of the Foreign Affairs Committee in the other body has, in executive session, agreed today to report to the full committee a resolution which makes congressional intent very clear with regard to assuring adequate treatment of our American prisoners of war in accordance with the Geneva Agreements. I note that this resolution is in the form of a House concurrent resolution which means that action by the Senate will be required before the full force and effect of the Congress can be constructively stated on this issue.

I ask unanimous consent that the draft of the House concurrent resolution reported to the full committee by the House Subcommittee on National Security Policy be printed at this point in the RECORD, for the benefit of my colleagues who share my interest in this matter.

There being no objection, the House concurrent resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. ——

Whereas more than 1,339 members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that the Congress strongly protests the treatment of United

States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

Mr. ALLOTT. I understand, Mr. President, that during the time the House subcommittee was holding public hearings on the prisoner-of-war situation they were the beneficiaries of some excellent testimony dealing with the continuation of the plight of American prisoners of war held captive by the Communists.

I believe the statement of William H. Sullivan, Deputy Assistant Secretary of State for East Asia and Pacific Affairs presented before the House subcommittee on November 13, particularly commends itself to the attention of every American who is deeply concerned with this prisoner-of-war issue. As Mr. Sullivan points out in the course of his statement, a number of efforts have been suggested to deal forthrightly with this question recognizing the tragic consequence which will accrue if we fail to take some immediate action in this area. Mr. Sullivan concludes his statement with this observation, with which I wholeheartedly concur:

> The actions taken thus far represent a broad range of effort—but tragically little in the way of results. The prisoners still wait, wait and endure and suffer. The wives and families wait and endure, and our hearts go out to them. Approval of a resolution on this subject by this Congress would express support and concern for the wives and for the men they wait for. More importantly, it may help convince Hanoi to treat the men humanely and to release them soon.

Mr. President, I ask unanimous consent that Mr. Sullivan's testimony, together with the statement issued by Mrs. Rita E. Hauser, U.S. representative in Committee III on the Violation of the Rights of Prisoners of War, on November 11, 1969, delivered at the United Nations, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, I need not remind anyone of the fact that 1,400 American civilian and military personnel have been listed either as prisoners of war or missing in action. Of this number over 200 have remained in a state of limbo for more than 3½ years. This period of time is, of course, longer than any U.S. serviceman was held a prisoner of war during World War II.

I remain confident, Mr. President, that constructive concerted action on the part of the U.S. Congress can help to mobilize and direct positive steps toward the alleviation of this tragic situation as it relates to our fellow Americans held captive by the Communists. In this regard, I conclude as I began by calling once again upon the chairman of the Senate Foreign Relations Committee to hold hearings on this matter at the earliest practicable date.

EXHIBIT 1

STATEMENT OF WILLIAM H. SULLIVAN, DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIA AND PACIFIC AFFAIRS, BEFORE THE HOUSE OF REPRESENTATIVES FOREIGN AFFAIRS SUBCOMMITTEE ON NATIONAL SECURITY POLICY AND SCIENTIFIC DEVELOPMENTS, NOVEMBER 13, 1969

Mr. Chairman, I appreciate the opportunity to appear in support of resolutions expressing the concern of the Congress about the treatment and welfare of Americans who are prisoners of war or missing in action in Southeast Asia. The Department of State strongly supports the passage of such a resolution. We do so, not only because we share and sympathize with the feelings of the families of our men who are missing or captured, but also because we believe that vocal public concern about our prisoners may be the most effective way to bring pressure on the Communist authorities to treat our men humanely, to release information about them, to let them exchange letters regularly with their loved ones, to enable them to receive gift packages, to allow the seriously sick and wounded to be repatriated, and to agree to arrangements for the early release of all prisoners of war.

From the start of the Vietnam conflict, the U.S. Government has made intensive efforts to arrange proper treatment for prisoners of war on both sides. In these efforts we have had the support and cooperation of a number of intermediaries, governmental, private, and organizational. Despite these urgent and wide-ranging efforts, which are continuing, North Vietnam has persisted in its refusal to live up to minimum standards of humane treatment, the standards spelled out in the Geneva Convention of 1949 relative to the treatment of Prisoners of War. Even apart from the Convention, these standards are no more than the minimum requirements of decency and humanity for the treatment of military personnel who have fallen into the hands of the enemy. Although North Vietnam has denied the applicability of the Convention to the captured U.S. pilots—a claim without legal validity, I should point out at once—we have sought to avoid fruitless legal contention on this subject because what is at stake here is the treatment and welfare and very survival of personnel who are helpless in the hands of the enemy. North Vietnam has frequently said that its policy is to treat the prisoners "humanely" and "leniently," and the NLF as well as the Communist authorities in Laos have echoed this claim. In a sense, we are simply asking the Communists to live up to their own statements—and to allow this to be verified in the simple manner prescribed by international law and tradition, namely that the prisoners be visited at their place of detention by representatives of an impartial intermediary.

The Secretary General of the United Nations, Mr. U Thant on October 30, just two weeks ago, gave support to this view when he called on North Vietnam to give "an international humanitarian organization such as the League of Red Cross societies access to the Americans detained in North Vietnam." Whether it is the League of Red Cross Societies or the ICRC or another respected, neutral intermediary is not the question. Any of these groups could serve the purpose of inspecting the conditions of interment and reporting on the health and welfare of the prisoners. The ICRC has a long history of responsibility in the prisoner of war field under the Geneva Conventions and carries out prisoner of war responsibilities throughout the world, and so would be a logical choice. The point is, however, that none of these groups or organizations, or any neutral government, has ever been given access to the prisoners, despite many and repeated efforts and appeals to arrange this.

As a consequence, we have long been concerned about how our men are treated. If North Vietnam's treatment of prisoners is humane, as they claim, then why not let the ICRC in to inspect? If conditions in the prisoner facilities are as good as North Vietnam has tried to depict them in propaganda films, then it would be to their advantage to invite impartial inspection. If the men are really treated in accordance with the standards of the Geneva Convention, then there would be no need for resolutions such as you are considering today, and we would not be witnessing the rising tide of concern about the prisoners that is apparent in this country and around the world.

But the concern is there, and we fear it is justified. There have long been disturbing indications of mistreatment, and those indications have been verified by the factual reports of Lt. Frishman and other returned prisoners.

North Vietnam's intransigence on this subject has moved the Secretary of State to speak out repeatedly. On June 5, 1969, he said at a press conference:

"There is a long tradition among nations that personnel captured in wartime be treated humanely. This principle has been expressed in the Geneva Convention of 1949 and is recognized by more than 120 nations. A basic requirement of the Convention is that names of prisoners be provided to their families and to an appropriate agency in a neutral country. Communist leaders have failed to observe this simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat. North Vietnamese officials have frequently declared that the prisoners are treated humanely. Many seriously question these statements. Assurance could readily be provided if North Vietnam would permit visits by impartial observers to the prison camps. For the sake of the prisoners and for their families, we continue to hope for a positive response from North Vietnam. We are prepared to discuss this subject and to move quickly toward arrangements for the release of prisoners on both sides, and I believe that any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris."

North Vietnam responded to this sincere appeal by repeating that there could be no progress on this subject until the United States withdrew all of its military personnel from South Vietnam.

Under Secretary of State Elliot L. Richardson, who has been given overall responsibility for our efforts for our prisoners of war, has also commented on Hanoi's refusal to provide names of American prisoners. On May 2, Mr. Richardson said:

"We are deeply concerned about the lack of information about our prisoners. Some of them have been held four years and longer with little or no word to their families. It is hard to see what Hanoi hopes to gain by denying the prisoners the basic right to communicate with their families. We are using every possible occasion to raise this subject and to bring about the release of prisoners on both sides."

In his forceful statement May 19, the Secretary of Defense drew further attention to Hanoi's cruelty in refusing to identify prisoners. Xuan Thuy responded the next day by telling reporters that the United States would "never" have a list of prisoners as long as the war continued and until the U.S. has withdrawn its troops from Vietnam, adding, perhaps with conscious irony, that Hanoi's policy in the treatment of prisoners "has always been humane and generous."

Ambassador Lodge answered Xuan Thuy's statements on May 22, setting forth with eloquence and emotion exactly what is at

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stake in Hanoi's position on this issue. Ambassador Lodge said:

"It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held: You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Vietnam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow."

Faced with Hanoi's intransigence on this simple humanitarian question, many of the wives of our men have gone to Paris in the past two months, at private expense and independent of the U.S. Government, to ask the North Vietnamese delegation directly for information about their loved ones. They want to know, as one of them put it, "Am I a wife or a widow?" With maximum publicity the North Vietnamese received the wives and promised the information would be obtained and sent to them. They also announced that relatives could write for information, and many hundreds have done so. To date there has been no response to these inquiries.

These were not the first attempts by the families to seek such information. For years, individual wives and relatives have asked the communist authorities to send word of their loved ones. Hundreds of families have written letters, to their men—month after month after month—with never a reply. The letters are sent directly to North Vietnam, as well as through the Red Cross. In a small number of cases, around 110 in number, letters have been received from American prisoners in North Vietnam. But the great majority of letters have gone unanswered and unacknowledged.

In August 1965, the ICRC addressed an appeal to the principal parties to the Vietnam conflict, calling on them to abide by "the humanitarian provisions of the Geneva Conventions." It reminded North Vietnam, the GVN, and the United States that all were parties to the Conventions and sent a copy of the appeal to the NLF on the ground that it too was bound by "the undertakings signed by Viet Nam." The ICRC appeal specified five points: (i) ICRC should be permitted to serve as a neutral intermediary; (ii) prisoners of war should be treated humanely; (iii) PW lists should be exchanged; (iv) ICRC delegates should be authorized to visit PW camps; and (v) civilians should be spared.

In reply, the United States and the GVN undertook to respect the Geneva Convention in their treatment of prisoners of war, and arranged, for the ICRC to visit PW camps in South Vietnam. Other Free World countries with forces in South Vietnam subsequently joined in affirming the applicability of the Convention, specifically stating this in the Declaration of the Manila Conference, 1966. There are now six PW camps in South Vietnam, holding over 30,000 PW's, operated by the GVN, with U.S. advisers present. The camps are regularly visited by ICRC delegates and doctors, who are able to visit privately with individual prisoners. Any complaints or comments are promptly reported by the ICRC, and corrective action is taken. After initial processing and classification, all enemy PW's captured by U.S. forces are turned over to the GVN for permanent detention, a procedure envisaged by Article 12 of the Geneva Convention.

North Vietnam and the NLF in separate letters to the ICRC rejected the applicability of the Geneva Convention, and in particular refused to accept the ICRC as a neutral intermediary. Although acknowledging that it had acceded to the Convention in 1957, the Hanoi government said it did not apply to the captured pilots because there has been no declaration of war, and because they were war criminals. These claims are invalid. By its own terms, the Geneva Convention applies in all cases of armed conflict between two or more of the parties to the Convention (see Article 2). Further, the U.S. prisoners are not war criminals, and, in any case, Hanoi's mere assertion to this effect does not deprive them of their rights under the Geneva Convention.

Subsequently, the United States attempted through diplomatic channels to arrange a Protecting Power for the prisoners, as envisaged in the Geneva Convention. We approached a number of governments, including neutrals as well as countries sympathetic to NVN. Despite the cooperation we obtained from other governments, North Vietnam refused to agree. We then asked the ICRC to offer its good offices to the DRV as a substitute for a protecting power, pursuant to Article 10 of the Convention. The ICRC transmitted the U.S. request to Hanoi on May 25, 1966, but it was rejected by the DRV on July 27, 1966. The ICRC has continued its efforts to visit prisoners in North Vietnam, to no avail. Its repeated applications to enter North Vietnam have been persistently denied. North Vietnam has, however, frequently sent the ICRC complaints alleging U.S. bombing of villages, hospitals, and civilian targets in NVN. The U.S. has proposed that these charges be investigated by the ICRC, but North Vietnam has rejected this offer as well.

* * * * *

In short, a bleak record. Although we have pressed North Vietnam by every available means and channel, diplomatic and private, their responses have been uncompromising and negative. The fact that what we are requesting is no more than the minimum treatment of prisoners of war sanctioned by international law and tradition has convinced other governments and organizations to join in these efforts, but has not thus far penetraed Hanoi's intransigence.

Over the years, however, it has been evident that North Vietnam is sensitive to public pressure and criticism, and that is why the resolutions you are considering at present are important. This is not the first time that North Vietnam's inhumanity towards the prisoners has been the subject of public concern. In 1966, for example, Hanoi threatened to try the U.S. prisoners on charges of "war crimes." Preparations for the trials appeared to be moving forward. Specific allegations of "war crimes" were broadcast on the Communist propaganda media.

As many of you may recall, there occurred a world-wide outpouring of criticism and concern about Hanoi's proclaimed intentions. Newspapers in this country and abroad denounced the plan. Members of the House and Senate representing a wide range of opinion joined in warning North Vietnam that such sham trials could not be tolerated. A number of governments also made known their opposition to such proceedings. Faced with this chorus of protest, Hanoi announced the trials had been "set aside," and they have not taken place.

Just two days ago, on November 11—Veterans Day—our delegate to the United Nations Human Rights Commission, Rita Hauser, raised the subject of prisoners of war in the United Nations. Appropriately, it was in the context of human rights—for that is what we are discussing here: the basic inalienable right of a man who is a prisoner of war in the hands of the enemy to be treated in accordance with minimum standards of decency. A number of wives of our prisoners were in the galleries at the United Nations when that statement was delivered, adding their mute testimony to the words and phrases of our presentation.

I understand the Subcommittee members have copies of Ambassador Hauser's statement, and I would respectfully suggest it be made part of this record following my statement.

You also have copies of Ambassador Graham Martin's statement to the Instanbul International Conference of the Red Cross. I will leave to the witness from the American Red Cross a fuller discussion of the action taken by that Conference. Suffice to say, the Conference gave important international endorsement to our concern about the protection of prisoners of war.

* * * * *

The actions taken thus far represent a broad range of effort—but tragically little in the way of results. The prisoners still wait, wait and endure and suffer. The wives and families wait and endure, and our hearts go out to them. Approval of a resolution on this subject by this Congress would express support and concern for the wives and for the men they wait for. More importantly, it may help convince Hanoi to treat the men humanely and to release them soon.

Statement by Mrs. Rita E. Hauser, U.S. Representative, in Committee III, on the Violation of Human Rights of Prisoners of War, November 11, 1969

Madam Chairman, we now commence general debate in this Committee on three subjects of moment: Elimination of all forms of racial discrimination, measures to be taken against Nazism and racial intolerance, and violations of human rights and fundamental freedoms. Of the three, the violation of human rights and fundamental freedoms appears to my Delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My Delegation continues to deplore the inhumane practice of *apartheid* in South Africa and in Namiba and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest, by so doing, we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedom . . . *in all countries*".

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my Delegation has noted the large number referring to violations of Articles 9–12 and Article 19 of the Universal Declaration of Human Rights. The latter provides that "Everyone has the right to freedom of opinion and expression", including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers". Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile". Articles 10, 11 and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 National Sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my Delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968/69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments, and, alas, many such prisoners are brutally ill-treated in violation of all standards of human decency. We note particularly the evidence compiled in the report of The Ad Hoc Working Group of Experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear, which serves to terrorize the mind and, eventually, the body of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my Delegation wishes strongly to affirm the inherent faculty of all men, if they are indeed, as Article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights . . . endowed with reason and conscience", to exercise their basic right of freedom of spirit, mind and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind, and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my Delegation was proud to witness the free exercise of free minds across our country on October 15th, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement, for we know that no country's policies are so sound or so correct that none will be found who disagree.

Madam Chairman, my Delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners, those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. United States forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned—the Convention on Protection of Prisoners of War, concluded at Geneva in 1949. This Convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Vietnam, which acceded to it in 1953, and North Vietnam, which acceded in 1957.

This Convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well-treated. It requires that—and I quote—"immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family." The Convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva Convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the Detaining Power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a Protecting Power for the prisoners. It requires that the Detaining Power provide the names of the Prisoners it holds to their families, as well as to the Protecting Power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the Detaining Party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this Convention is not meant to create a life of privilege for captured military personnel. It is meant to insure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy, and to provide minimum solace to families who are far from the front lines. In wartime, when passions are inflamed, this Convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this Convention. There are now some 30,000 North Vietnamese and Viet Cong prisoners of war in South Vietnam who have been accorded the status and the rights of prisoners of war under the Geneva Convention, even though many of them may not technically be entitled to such prisoner of war status as defined in the Convention. The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the Convention—identification of prisoners, the right to send and receive mail, and a Protecting Power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Vietnam with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Vietnam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Vietnam and which, as regular international inspection has shown, conform to the requirements of the Geneva Convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the allied command has made every effort to ensure that the Convention is applied. This includes the issuance of clear and explicit orders, and, even more important, thorough investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the Convention. This is our duty—our legal duty and our moral duty. The tragic fact, however, is that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power—Vietnamese as well as American.

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the United States Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied; nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets, and that, in many instances, they have been subjected to physical and mental torture. For example, Lt. Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, and being dragged along the ground with a broken leg. . . ." Recounting the treatment of Lieutenant Commander Stratton, Lt. Frishman said:

"The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprieved of sleep, beaten, had his finger nails removed and put in solitary, but the North Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell for 38 days to think about it."

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Vietnam as follows:

"In Vietnam it [the ICRC] has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a Delegation in Hanoi nor even to the visiting of prisoners of war.

". . . On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also receive nominal rolls of these prisoners."

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva Convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva Convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my government cannot accept these assertions. The Geneva Convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Vietnam's denial that the Convention is applicable, and its assertion that it therefore cannot be the standard to measure its conduct, has no basis in international law. Hanoi says that the Convention applies only where there has been a declaration of war. But it is clear from the language of the Convention, which I quoted earlier, that the absence of such a declaration has no relationship to the Convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Vietnam or Viet Cong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva Conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva Convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

The 21st International Conference of the Red Cross held at Istanbul in September cut through any possible quibbles that could be made by a party to the Vietnam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations. That resolution called upon all parties "to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention."

It also recognized—and again I repeat the exact words of this resolution—"that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisal."

We hope this Committee will take note this session of the resolution passed without dissent by the League of Red Cross Societies in Istanbul, and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva Convention. We especially hope that North Vietnam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, two weeks ago—on October 30th—the Secretary General made the following statement:

"It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal; its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva Convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

RESOLUTION NO. 3 ADOPTED BY THE LEAGUE OF RED CROSS SOCIETIES, ISTANBUL, SEPTEMBER 1969

PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate, until noon tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, under the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 20, 1969, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 1969:

INTERSTATE COMMERCE COMMISSION

Robert Coleman Gresham, of Maryland, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1974.

FEDERAL TRADE COMMISSION

Caspar W. Weinberger, of California, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1969.

HOUSE OF REPRESENTATIVES—*Wednesday, November 19, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

We do not grow weary; for though our outward man perish, yet the inner man is renewed day by day.—II Corinthians 4: 16.

Our Father God, ever ready to strengthen the souls of Thy children, we pause at this noontide altar of prayer to lift our hearts unto Thee. Into our littleness breathe Thou the greatness of Thy power, into our misunderstandings bring Thou the understanding of Thy wisdom, and into our troubled hearts let there come the steadiness of Thy strong spirit. Lift us from lower levels of living that, loving Thee fervently and serving our fellow men faithfully, we may find our true selves in Thee.

We pray for our country. May the people of this free land not miss the right path amid the confusion of these times. With courageous hearts, creative minds, and confident hands, help us to bring order into the disorders of this world, to expel ill will with good will and to replace low prejudices with high principles that we may leave behind us a better world, where men live together in peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

> S. 2000. An act to establish the Lyndon B. Johnson National Historic Site.
>
> S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

> H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 5 and 14 to the foregoing bill.

THE ILLUSION OF PHILIPPINE SUPPORT IN VIETNAM

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

Mr. VANIK. Mr. Speaker, today it is utterly shocking and disgusting to learn that our Government has paid $36 million to the Philippine Government for a mercenary noncombat force of 1,500 in Vietnam.

This money was spent to perpetrate a fraud on both the American people and the citizens of the Philippines, to provide the illusion of Philippine support for American action in Vietnam.

The truth is an incredible shame.

PERSONAL ANNOUNCEMENT

(Mr. PETTIS asked and was given permission to address the House for 1 minute.)

Mr. PETTIS. Mr. Speaker, it was with considerable distress that I found myself obligated to leave the floor prior to the vote on roll No. 272, on passage of H.R. 14705, Employment Security Amendments of 1969. I would like the RECORD to show that, had I been present, I would have voted "yea" on the bill.

LIMITATION ON PAYMENTS TO FARMERS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, it is my understanding that an early item of business today will be the conference report on the agriculture appropriation bill.

It is very clear from the committee report that the managers saw fit to acquiesce in the Senate provision which deletes the $20,000 limitation on individual payments. The committee report on page 8 indicates that in the interest of fairness to wheat producers this should be eliminated.

I would like to call to the attention of Members of the House that on August 11, 1969, in making the announcement of the 1970 wheat program, the Secretary of Agriculture very plainly put this admonition, and this is the last item of his announcement:

> Payments would be subject to any limitations that might be required by Congress in the Department of Agriculture appropriations.

Every wheat farmer in the country was on adequate notice that this limitation might well affect the 1970 crop. I hope the House, if it has the opportunity, will instruct the managers to take the conference report back and insist upon this limitation on payments.

RESERVE OFFICERS' TRAINING PROGRAM PROVIDES FINE MILITARY LEADERS

(Mr. PIRNIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PIRNIE. Mr. Speaker, the Reserve officers' training program has served to provide our Nation with fine military leaders during our most critical years of this century. Colleges across our Nation have participated with commendable results. Officers derived from this source have teamed most effectively with the graduates of our service academies to give this country integrity and ability in leadership responsibilities which have been most exacting in times of extreme tension and technological change. It is exciting to note that over 18 percent of our astronauts received their commissions through the ROTC. Recognizing as we do the high requirements of mind and body to qualify for this assignment, we are proud that this program has been able to provide men of such distinction. It is to be hoped that our colleges will continue to be a reservoir of such dedicated leadership.

CONFERENCE REPORT ON AGRICULTURAL APPROPRIATIONS BILL FOR 1970

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, it will come as no surprise to my colleagues to learn that the conference report on the agriculture appropriations bill for 1970, to be brought up shortly, no longer contains my amendment placing a $20,000 ceiling on farm subsidy payments.

Despite the overwhelming vote of 224 to 142, in support of that amendment, our conferees have once again failed to sustain the House position.

At the proper time today, Mr. Speaker, I intend to move to recommit the conference report with instructions that our conferees insist on this amendment.

In addition to the reasons which led the House to support my amendment last May, there are, briefly, two other reasons why we must maintain our position today.

First, there is no indication that either the House Agriculture Committee or the Department of Agriculture has any serious intent to include a subsidy ceiling in pending farm legislation.

Second, due to a cotton acreage increase of 1 million acres announced on October 15, 1969, the size of giant subsidies will increase dramatically unless we put a stop now to this runaway program.

Mr. Speaker, I urge all those who supported my amendment last May to support my motion to recommit.

Mr. Speaker, I understand there is going to be another parliamentary maneuver today to take this motion to recommit away from me and to place it in the hands of someone who does not believe in recommitting this bill without instructions. This is a farce on the taxpayers of this country. As P. T. Barnum would say:

> You can fool some of the people some of the time, but you cannot fool all of the people all of the time.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON S. 1072, APPALACHIAN AND REGIONAL ACTION PLANNING COMMISSIONS

Mr. JONES of Alabama. Mr. Speaker, I call up the conference report on the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the title of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 278]

Abbitt
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Baring
Barrett
Belcher
Blackburn
Blanton
Brock
Burton, Utah
Cabell
Cahill
Celler
Clark
Clay
Cunningham
Dawson
de la Garza
Denney
Diggs
Dingell
Downing
Eckhardt
Edwards, Calif.
Fisher
Fountain
Gallagher
Giaimo
Gray
Griffin
Halpern
Hansen, Wash.
Harrington
Jones, Tenn.
Kastenmeier
Kirwan
Kuykendall
Kyros
Landrum
Leggett
Lipscomb
Mathias
May
Moorhead
Morgan
Murphy, N.Y.
Passman
Patman
Philbin
Powell
Pucinski
Rhodes
Rodino
Rooney, Pa.
Rostenkowski
St. Onge
Sandman
Scheuer
Stephens
Stokes
Stratton
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Wold
Wydler

The SPEAKER. On this rollcall, 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 1072, APPALACHIAN AND REGIONAL ACTION PLANNING COMMISSIONS

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 12, 1969.)

Mr. JONES of Alabama (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Does the gentleman from Massachusetts insist on his point of order?

Mr. CONTE. I do, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

Mr. JONES of Alabama. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 279]

Abbitt
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Ayres
Baring
Barrett
Belcher
Blackburn
Blanton
Brock
Bush
Cabell
Cahill
Celler
Clark
Clay
Cleveland
Culver
Cunningham
Daddario
Davis, Wis.
Dawson
de la Garza
Denney
Dickinson
Diggs
Edwards, Calif.
Fallon
Feighan
Fisher
Flood
Fountain
Gallagher
Gray
Griffin
Hansen, Wash.
Harsha
Howard
Jones, Tenn.
Karth
Kirwan
Kleppe
Kluczynski
Landrum
Lipscomb
Long, Md.
Martin
Mathias
May
Montgomery
Moorhead
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Passman
Patman
Powell
Pucinski
Rees
Reifel
Rhodes
Riegle
Rodino
Rooney, Pa.
Rostenkowski
Ruppe
St. Onge
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Wold
Wydler

The SPEAKER. On this rollcall 350 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT, SELECT COMMITTEE ON SMALL BUSINESS, TO MEET DURING GENERAL DEBATE TODAY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the House Select Committee on Small Business be permitted to meet during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON S. 1072, APPALACHIAN AND REGIONAL ACTION PLANNING COMMISSIONS

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Speaker, the conference committee on this bill worked very hard to produce a bill which would provide for the needs of the people in the Appalachian region and in the five other economic development regions—New England, Coastal Plains, Ozarks, Upper Great Lakes, and Four Corners—as well as extension of the EDA program for other depressed areas of the country.

The conferees devoted a great deal of time to resolving the differences between the House and the Senate before reaching agreement on October 21, 1969. The conference report preserves the essential features of the House bill, and the bill which emerged from the conference committee is a good piece of legislation.

Before describing the provisions of the bill, I wish to thank most profoundly my colleagues from the Public Works Committee who served as members of the conference committee. Mr. BLATNIK, Mr. WRIGHT, Mr. EDMONDSON, Mr. CRAMER, Mr. HARSHA, and Mr. CLEVELAND worked diligently and deserve the thanks of the House.

We also enjoyed the usual courtesy and cooperation of the Senate managers, all were helpful and cooperative.

I insert a table showing the authorizations by program in the RECORD at this point:

Authorizations—Conference report, S. 1072

TITLE I—APPALACHIAN REGIONAL COMMISSION

Section 102—Highways: [1] (new authorization)	$150,000,000
Other programs for fiscal year 1970–71	
Section 105—Administrative expenses	1,900,000
Section 202—Demonstration health projects	90,000,000

TITLE I—APPALACHIAN REGIONAL COMMISSION—Continued

Other programs for fiscal year 1970–71	
Section 203—Land stabilization	$15,000,000
Section 205—Mining area restoration	15,000,000
Section 207—Housing assistance	3,000,000
Section 211—Vocational education	50,000,000
Section 214—Supplemental grants	82,500,000
Section 302—Administrative expenses of local development districts and research	13,000,000
	270,400,000
TITLE II—REGIONAL COMMISSIONS, FISCAL YEAR 1970–71	
Authorization for Commission programs [2]	255,000,000
Authorization for regional transportation study	20,000,000
Total	275,000,000
Alaska—Authorization (for planning)	500,000
Title I of EDA: Authorization for 1-year extension	500,000,000
Title III of EDA for fiscal 1970: Increased authorization for 1 year	25,000,000
Total	525,000,000
Total new authorization in the conference report	1,220,900,000

[1] Specific authorization of $175 million per year for fiscal years 1970, 1971, and 1972, and $170 million for fiscal year 1973. (This constitutes a reauthorization of highway funds provided for in the 1965 and 1967 versions of the legislation with the addition of $150 million in this bill. Total highway authority, fiscal years 1965–73, $1,165 million).

[2] Allocations: (1) Up to 10 percent of amount appropriated, for Secretary of Commerce technical assistance, and so forth. (2) Of the remainder, not more than 25 percent nor less than 10 percent to each regional commission.

The conference report contains three titles.

Title I extends the Appalachian Regional Development Act for a 2-year period beyond previous authorizations. The conferees approved a 2-year authorization of $268,500,000 for all programs conducted under the act other than the construction of the Appalachian development highway system and the construction of local access roads. The nonhighway portions of the act would be extended through fiscal 1971 and the highway program would be authorized through June 30, 1973.

Title II of the bill authorizes funds for the other five regional development commissions in a total of $275 million for fiscal 1970 and 1971. In addition $500,000 is authorized for planning by the Federal Field Committee for Alaska.

Title III authorizes a 1-year extension of the grant programs under title I of the Public Works and Economic Development Act. Five hundred million dollars is authorized for this purpose. Title III also increases the technical assistance authorization of that act by $25 million.

Mr. Speaker, I have been a Member of the House for over 23 years, and in that time I have rarely seen a unique and innovative program like that administered by the Appalachian Regional Commission develop such a broad base of support and public acceptance. The testimony received by the Public Works Committee this year was uniformly laudatory. The bill produced by the conference committee is addressed to strengthening the program by a number of technical changes in the statute and providing a basis for progress during the tight budget which we are experiencing. The principal changes in the present statute which would be authorized by the conference report are as follows:

The program for construction of a development highway system and access roads in the Appalachian region was due to expire June 30, 1971, with a substantial amount of the original authorization unappropriated. The conference report sets up a schedule for progress on the system and the access road program by extending the authorization through 1973 and increasing the original authorization for these purposes by $150 million. The authorization, which is on a contract authority basis, is $175 million for fiscal 1970; $175 million for fiscal 1971; $175 million for 1972; and $170 million for fiscal 1973. This schedule will permit the highway departments to proceed with longer term planning and more efficiency than is permitted under the present law.

The demonstration health program authorized by section 202 of the Appalachian Act is amended to set the Federal percentage of operating costs for 3 years at 75 percent after 2 years of 100-percent Federal funding. Current law provides for 50 percent. The law would also place emphasis on nutrition and child care projects in the Appalachian region, a matter which has received considerable and justified public attention. The health program is also amended to emphasize the need for the detection, diagnosis, and treatment of occupational diseases arising from coal mining, particularly the problem of black lung.

Section 205 of the act is amended to make it clear that mine restoration projects can be accomplished on a grant-in-aid basis. This amendment should make this critical program move faster than it has in the past.

Section 207 of the act is amended to authorize technical assistance through nonprofit organizations in the initiation of low- and moderate-income housing projects. This will serve to accelerate an already effective program.

Section 214 of the act is amended to permit the use of supplemental grant funds on sewage treatment projects which are prefinanced by State and local authorities under section 8(c) of the Federal Water Pollution Control Act.

Section 302 of the act is amended to permit local development districts to receive assistance on the same basis as those supported by EDA and HUD funds.

An amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) when the bill was considered by the House and passed in the House was further amended in the conference to provide for a presidential study of the extent to which portions of upper New York State are geographically part of the New England or Appalachian regions and should be included in either of them. This study is to be completed by June 30, 1970.

Title II of the conference report amends title V of the Public Works and Economic Development Act to give the other regional development programs the wherewithal to initiate programs for which they have been planning since 1966. The bill expands the supplemental grant authority passed by the Congress in 1967 to permit the acceleration of various Federal grant-in-aid programs within these regions where funds under the basic programs are inadequate.

The conference, and indeed both Houses of the Congress, have sought to make it clear that the commissions are given new authority to implement their plans. The commissions are granted independent authority for planning, investigations, studies, demonstration projects, and training programs. The Secretary's expenditures of funds is limited to not more than 10 percent of the amount appropriated for each fiscal year. The remaining 90 percent of the sums appropriated is to be allocated to the commissions for the purpose of their implementing section 505 and section 509 of the act. The language of the conference report recognizes the diversity of these regions by authorizing demonstration projects to respond to the economic problems which may be unique to their areas.

After the Secretary has deducted the maximum of 10 percent, provision is made for a minimum of 10 percent or a maximum of 25 percent of the remaining appropriations to be allocated to any one regional commission. This is similar to the House bill and presents a reasonable basis for allocation of funds by the Secretary of Commerce.

As included in the House bill, the conference report provides for the coordination of EDA grants and loans with each Federal Cochairman and likewise of the Commissions programs with the Secretary of Commerce.

As I indicated previously, the bill also authorizes planning funds for the Federal Field Committee for development planning in Alaska. This action in no way interferes with the potential creation of a Regional Commission in the State of Alaska.

The Senate bill authorized $100 million for transportation programs in the title V development regions. The conference report authorizes $20 million to be used for investigations and studies for regional transportation needs. It was our feeling that planning in the transportation field has not proceeded to the point of justifying a major and special transportation program, but that planning and investigation toward this end was warranted.

Title III of the bill extends the expiring portions of the Public Works and Economic Development Act through this fiscal year as requested by the Administration. Authorizations are included for development grants and technical assistance. The conference report adds to the areas eligible for assistance the special impact areas designated by OEO or Secretary of Commerce under part D of title I of the Economic Opportunity Act of 1964. This is an effort to include areas in major cities where there is profound economic need, but which are not eligible under current criteria.

Mr. Speaker, these changes and extensions of existing law are sound and desirable. I urge the adoption of the conference report.

Mr. Speaker, a table follows:

APPALACHIAN/EDA AMENDMENTS 1969—COMPARISON OF NEW AUTHORIZATIONS IN HOUSE BILL, SENATE BILL, AND CONFERENCE SUBSTITUTE

[In millions of dollars]

Section of act and description	House bill	Senate bill	Conference substitute
Title I—Appalachian Act amendments:			
202 Demonstration health projects	85.0	95.0	90.0
203 Land stabilization	15.0	15.0	15.0
205 Mining area restoration	15.0	15.0	15.0
207 Housing assistance	2.0	3.0	3.0
208 Manpower development		10.0	
211 Vocational education	50.0	50.0	50.0
214 Supplementary grants	75.0	90.0	82.5
215 Cultural programs		1.0	
302 Development districts and research	8.0	15.0	13.0
Total nonhighway programs	250.0	294.0	268.5
201 New highway authorization (making total highway authorization 1,165)		150.0	150.0
105 Administrative expenses	1.9	1.9	1.9
Total, Appalachia Act	251.9	445.9	420.4
Title II—EDA regions amendments:			
505 Planning and technical assistance	225.0	285.0	255.0
509 Supplementary grants			
512 Planning—Alaska Federal Field Commission			.5
513 Transportation systems study			20.0
Total, title V regions	225.0	285.0	275.5
Title III—Other EDA amendments:			
105 Grants and supplemental grants		500.0	500.0
302 Technical assistance		25.0	25.0
Total, other EDA amendments		525.0	525.0
Grand total, all titles	476.9	1,235.9	1,220.9

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not believe in my time in the House, I ever have seen a conference report which has listed in it more often this sentence:

> The House amendment contained no comparable provision.

This bill from the standpoint of the House must have been really rewritten in conference.

Mr. JONES of Alabama. That may be true. The reason for that was these are amendments in title I to the Appalachian Regional Development Act of 1965, and there are amendments to titles I, III, IV, and V of the Public Works and Economic Development Act of 1965. This covered a wide range of subjects. The Senate had some sections not in the House bill at all. They were meritorious and we accepted them with modifications of our own.

So we feel that the conference substitute is a better approach to this bill than we had heretofore.

Mr. GROSS. It has been difficult to hear the gentleman because of all the noise in the House. Do I understand this has been jumped from a 1-year to a 5-year program?

Mr. JONES of Alabama. No sir; it has not. The Appalachia program as regards grants-in-aid is extended for 2 years. The Appalachian highway program is extended for 2 years beyond the present 1971 date. The regional commissions under title V of EDA are funded for 2 years to 1971. Title I of EDA is funded for 1 year to 1970. Title III of EDA is funded for 1 year to 1970.

Mr. GROSS. How does the money figure stand up with the bill as it left the House?

Mr. JONES of Alabama. If the gentleman will turn to page 12 of the conference report he will see a breakdown of the three titles of the bill. The Senate bill for Appalachia, as I recall, had a figure of $294 million for 2 fiscal years. The House bill had a figure of $250 million. The conference substitute authorizes $268,500,000 for 2 years.

Mr. GROSS. It is $268 million?

Mr. JONES of Alabama. It is $268,500,000.

Mr. GROSS. I notice on page 15 of the report some very interesting language which reads as follows:

> While the Secretary may withhold amounts from the initial allocation, he is required to allocate all amounts appropriated to the regional commissions prior to the end of the fiscal year for which appropriated.

This is not much of an inducement to the Secretary to save the taxpayers any money. He has to allocate the funds made available before the end of the fiscal year, come hell or high water. He has to get rid of the money if it is made available to him; is that correct?

Mr. JONES of Alabama. The reason for this is, the commissions have been planning for several years. They are now ready to act.

They had accumulated programs that require this money. Therefore, we felt this was appropriate language to see they get this money as the record shows they can use it.

Mr. GROSS. But, come what may, the Secretary has to allocate the money before the end of the fiscal year.

Mr. JONES of Alabama. I will yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. May I say to the gentleman, in responding to that question, that this does represent a compromise between the House position and the Senate position. The Senate position would have required a specific amount to be allocated and apportioned to each commission. The House position was that the Secretary should have leeway from 10 to 25 percent of the total allocation for each commission. So he can hold down the percentage that goes to an individual commission. He can confine it to only 10 percent of the total for what an individual commission gets, if he feels it is not prepared and ready to go forward with the program.

However, under the compromise with the other body, he is required to go ahead and allocate to the commission at least that 10 percent before the end of the fiscal year. That is to assure that no other commission is left completely out of the funding picture in the allocation by the Secretary.

Mr. GROSS. Mr. Speaker, there are 25 other questions that I would like to ask the gentleman, but I cannot take all of the time. There is one further question if the gentleman will permit me.

Mr. JONES of Alabama. I yield to the gentleman.

Mr. GROSS. Is it now designed to make sure that that great resort area of upper New York State be included in the poverty kick under Appalachia? There is a study to be made, is there not?

Mr. JONES of Alabama. The floor amendment offered by the gentleman from New York (Mr. McEWEN), a member of the committee, was to make a study as to this area of New York which would be eligible to be covered by either the Appalachia program or title V of the EDA Act.

Mr. GROSS. It is going to be studied, and there is not much doubt about what the outcome of that study will be, is there?

Mr. JONES of Alabama. There will not be a duplication. I can assure the gentleman of that.

Mr. GROSS. There might not be a duplication, but they will be on the Appalachian dole in upper New York State, I am sure.

Mr. JONES of Alabama. I am quite sure the gentleman from New York would not be agreeable to that.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. McEWEN. In response to the gentleman from Iowa on upper New York State, that great resort area, I am pleased that the gentleman from Iowa is aware that there are resorts up there, but I would also like to point out to the gentleman from Iowa that I have the latest EDA map here, which shows that the dark green in northern New York and New England is an area of high unemployment. That area, by every definition of Appalachia, is a part of the Appalachian Mountain region. It suffers from the same economic factors—outmigration and low employment. It was for that reason that the gentleman from New Hampshire and I advocated this being brought in.

I want to say now to the gentleman from Alabama and the gentleman from Florida (Mr. CRAMER) and the others who were conferees on this bill, that I want to express my appreciation to them for holding this in. I think it is something that is very deserving and long overdue.

Four years ago a portion of New York State, which is not the deep green on this map, was brought under the Appalachia Regional Commission. This legislation now gives to the President the authority to make the study and recommend alternatives either under the New England Regional Commission or the Appalachia Regional Commission for inclusion of the northern part of New York State. This study should recognize the need of northern New York and northern New England for an east-west expressway.

I thank the gentleman for yielding to me.

Mr. GROSS. Will the gentleman yield for a quick observation?

Mr. JONES of Alabama. I yield to the gentleman.

Mr. GROSS. All I want to say is I guess attaching one more car to the Appalachia gravy train will not make a whole lot of difference.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Kentucky.

Mr. CARTER. As a Representative from the Appalachia area, I want to tell you what this act has meant to my area.

In the first place, in the past 4 years there have been 14 new vocational schools built in our area. Secondly, there have been miles of roads built through the mountains. Third, we have had increased funding for our hospitals. We have improved the health care.

I want to tell you that it has helped greatly. You can call it a gravy train or whatever else you wish, but it has been extremely helpful to the people in my area, and I strongly support the bill and the conference report.

I thank the gentleman for yielding.

Mr. FALLON. Mr. Speaker, I rise in support of the conference report on S. 1072. This is legislation which further amends two outstanding programs which have had their beginnings in the Committee on Public Works—the Appalachian regional development program, and the Economic Development Act of 1965.

At the outset, may I pay special tribute to the House conferees for their fine report which they present to this body today. May I particularly acknowledge the fine work of my old friend and colleague, the distinguished gentleman from Alabama, who was chairman of the conference and who has given us these further amendments to this fine piece of legislation. I refer to the Honorable ROBERT E. JONES, and his colleagues on the conference, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Texas (Mr. WRIGHT), the gentleman from Oklahoma (Mr. EDMONDSON), the able ranking minority member, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and the gentleman from New Hampshire (Mr. CLEVELAND).

I have been a strong supporter of these programs for a number of years and I know how effective they can be. I have seen them at work firsthand in various sections of our country and believe that programs such as the regional development concept which had its start in Appalachia, and which has been extended to the Economic Development Act as well, and direct grants and loans to communities and businesses as set forth under the terms of the Economic Development Act, have proved their value in stimulating the American economy and raising the standard of living of millions of our citizens who before the advent of these programs had little or no hope of raising themselves from the poverty and deep despair around which their lives were centered.

In closing I would urge again strong support for this conference report. I know that the amendments which will be accepted by this body today will continue to carry forth the concept of a true State-Federal relationship in this field that will in the long run pay dividends a thousandfold to all American citizens.

Mr. BLATNIK. Mr. Speaker, as a member of the conference on the House side which is submitting this conference for House approval today I strongly urge its adoption.

At the outset may I commend the conferees on the House side for their fine work on this involved piece of legislation and, in particular, my dear friend, the distinguished gentleman from Alabama (Mr. JONES). This legislation before you covers really three phases of the economic development program which the committee approved in 1965. The gentleman from Alabama (Mr. JONES) has dealt very capably with his analysis of the changes contained in the conference report as it covers the Appalachian regional development program and title V of the regional commissions now authorized under the Economic Development Act of 1965. I am prepared to address my remarks at this time to title III of the Senate legislation which was adopted in a modified form by the conferees. The bill as passed the House contained no similar provisions. Title III of the conference report covers amendments to other sections of the Economic Development Act of 1965 separately and apart from title V, the regional commissions.

One of the great features of the EDA since inception in 1965 is the fact that it has incorporated within it some of the most successful portions of previous economic development programs such as the accelerated public works programs and the area redevelopment programs and has had added to it other far-reaching changes which over the years prove more and more effective in accomplishing the goal of this legislation which is to uplift and give all American citizens a full opportunity to participate in the prosperity which engulfs the major portions of this country.

Title III of the Senate version contains some very commendable sections and with some fairly minor changes. The House conferees accepted these amendments and they are before you today in the conference report. I would like to address myself briefly to the Senate amendments to title III as adopted by the conference.

The conference adopted the Senate amendment to title I, which provides for grants for public works and development facilities, to permit the Secretary of Commerce to waive all or any part of the non-Federal share of grant to an Indian tribe below the minimum 20 percent otherwise required.

The conference also adopted the Senate language authorizing funds for title I of the Economic Development Act for 1 additional fiscal year of 1970. This authorization is $500 million.

The Senate bill amended section 301 of the Economic Development Act to authorize the Secretary to make grants for any demonstration project which he determines is designed to foster regional productivity and growth, prevent outmigration, and otherwise carry out the purposes of this act.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill, limited, however, to grants for demonstration projects within a redevelopment area or areas.

The Senate bill amended section 302 of the Economic Development Act to increase the authorization for title III of that act for the fiscal year ending on June 30, 1970, from $25 million to $50 million.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill in this regard.

One of the pressing problems of our time is the need to take care of those areas of our Nation both in the urban centers and in rural sections which due to the technicalities of the existing economic development program do not qualify for assistance under these acts. We have been faced for a number of years with the question of how we can resolve the problem of taking care of those areas of our country which need immediate attention but because of the technicalities of the law are contained within the areas larger than themselves which are so productive that they do not qualify for the eligibility or criteria under the Economic Development Act, and there, the pocket within these areas have been bypassed as well. There are about 30 million people in this country who are in these areas. More than 50 percent of our poor, nearly 14 million people whose annual earnings fail to exceed subsistence levels live in metropolitan centers. Within these hard core areas which exist within our great urban developments it is fairly obvious that unless these areas are so developed they will continue to spread and spoil and contributed to the tremendous problems our cities now face.

The same problem exists within many sections of the rural portions of our country and the legislation now pending before you attempts to amend the law so as to allow these areas to qualify and receive the assistance which they so need under the terms of this legislation. This is brought about in the following manner.

The Senate bill amended section 401(a) of the Economic Development Act to require the Secretary to designate as redevelopment areas those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964. This section of the Senate bill also amended section 401(b) of the Economic Development Act to exempt from the area and boundary limitations contained in paragraph (3) and (4) of that subsection the areas selected for assistance under the Economic Opportunity Act of 1964.

The House bill contained no comparable provision.

The Senate language was adopted by the conferees and in addition the following language was accepted which does the following things:

First. The Secretary would also be authorized to designate as redevelopment areas those areas which he determines meet the purpose of section 150 of part D of title I of the Economic Opportunity Act of 1964 and otherwise meet the requirements of the Economic Development Act. The purpose of section 150 of the OEO Act is to establish special programs for the solution of critical problems in particular communities or neighborhoods—defined without regard to political or other subdivisions or boundaries—within those urban areas having especially large concentrations of low-income persons, and within these rural areas having substantial outmigration to eligible urban areas.

Second. The areas which the Secretary would be authorized to so designate would also be exempt from the population and boundary limitations in section 401(b) and (4) of the Economic Development Act.

Third. Areas selected for assistance under part D of title I of the Economic Opportunity Act or by the Secretary under the authority referred to in paragraph (1) would not be eligible to meet the requirements for establishing an economic development district in accordance with section 403(a)(1)(B) of the Economic Development Act and would not be considered a redevelopment area for the purposes of determining the continued eligibility of an area designated in accordance with section 401(d).

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Speaker, I support the conference report and believe it should be approved overwhelmingly by the House.

I believe the bill passed by the House has been improved in several particulars, and particularly appreciate the funds that are added by conference for the Ozarks Commission and other regional commissions.

It also seems to me to be good policy to allow some latitude to the administration in the allocation of funds to the different commissions, and I am glad to report that the conference agreed substantially to the House position on this point.

As to criteria governing these allocations, some remarks appear to be in order in view of discussions in the other body on the question.

In discussing this question, one of the conferees from the other body, on November 5, said:

> The funds authorized to each commission by the Senate were, of course, based on certain criteria, such as population, area, per capita income and ability to use funds for development programs.
>
> The Conferees expect the Secretary in making his allocation, to give full consideration to these factors as well as to the proportionate amounts which the Senate adopted.
>
> In addition, the Conferees expect the Secretary will submit to the Senate Public Works Committee notification of all factors utilized by him—including the weight given to each such factor—in making allocations to the Regional Commissions.

It might be well to comment on these remarks as well as the compromise provision that was developed in the conference relating to the authorizations for the regional commissions.

It could be pointed out that the formula developed—which is a minimum of 10 percent and a maximum of 25 percent to be allocated by the Secretary to each of the regions—was established to give the Secretary the flexibility needed in the allocating of funds to regions. All of the regions have not been in existence the same length of time and therefore, the planning and development of each region has not advanced uniformly. They are in different stages of organization, and therefore, some regions are more prepared to utilize the funds than others.

There are several other considerations that should be made regarding the determination of the amount of funds to be given each region. Section 501 of the act sets forth the criteria intended to guide the Secretary in his task of determining areas that should be designated as an economic development region because they have lagged behind the Nation as a whole in economic development. These criteria would imply goals for the commissions since it is presumed that the ultimate objective would be to eliminate the sources of economic lag and thereby result in the redesignation of the area.

Among the criteria to be considered by the Secretary are the rate of unemployment, the median family income level and the rate of outmigration of labor or capital.

According to the statistical data at hand, the New England area had the lowest percent unemployed of the five regions as of 1960 with a 4.5-percent figure. Unemployment in the following regions was: Ozarks 5.4 percent; Upper Great Lakes 6.8 percent; Coastal Plains 5 percent, and Four Corners 6 percent.

Statistics show as of 1960 that New England had the highest median family income with $6,128. The other regions were as follows: Ozarks, $3,492; Upper Great Lakes, $4,735; Coastal Plains, $3,459; and Four Corners, $5,080.

The other criterion that should be considered in allocating to the regions is one that relates to outmigration. This problem varies from region to region, with no evidence of net outmigration in several regions.

If funds were to be distributed to the regional commissions on the basis of need as evidenced by the income gap, the Ozark and Coastal Plains regions would receive the largest allocations. New England's per capita income is above the national average. Tables indicate that New England has a negative income gap of minus $3,249. If funds were distributed solely under this criterion, Coastal Plains Commission would receive half of the money. Ozarks would receive 22 percent, Upper Great Lakes 15 percent, Four Corners 13 percent, and New England nothing. The above distribution would, of course, be unsatisfactory as far as New England is concerned; however, from an analytical point of view it is based on one of the eight designation criteria, specified by the law for designating regions.

Another potential measure of the problem of depressed regions is a lack of employment opportunities. The Federal Government has traditionally been concerned with the problem of unemployment. However, the unemployment rate alone may not be entirely appropriate for chronically depressed areas. To be counted as unemployed a person must be part of the labor force but when without a job he must be "looking for work." In depressed areas some people may be unemployed in that they are neither working nor seeking work because they are not able to find a job. The term "job gap" is the difference between the actual number of employed persons in the region and the number which would have been working if the proportion of the regional population working were the same as in the Nation.

Using this criterion the Ozark region has the greatest number of unemployed with the figure of 160,000 or 31 percent of the regions. The job gap for the balance of the regions are as follows: Coastal Plains 120,000, or 23 percent; Four Corners 110,000, or 21 percent; Upper Great Lakes 130,000, or 25 percent; and New England with zero or zero percent.

Of course, the bill as agreed to in conference properly assures at least 10 percent of the total allocation for commissions to each region, so these determinations are moderated by law to guarantee funding of each commission.

The state of planning in each of the five regions certainly must be considered in the allocations by the Secretary. Progress with economic development planning within each region is not the same.

In summary, the bill as agreed to in conference assures funding to each regional commission, but many factors must be carefully measured by the administration in allocating funds to each of them.

The commissions, by aggressive and able planning and development of good programs and projects, will be able to shape their own funding destinies to a considerable degree.

We hope the day will soon come when adequate Federal funding is available to assure progress in each region in the same way the Appalachia program has developed.

(Mr. ALBERT (at the request of Mr. EDMONDSON) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, House approval of the conference report on S. 1072, Appalachian regional development, completes congressional action on a piece of legislation of far-reaching significance. In addition to authorizing an additional $420 million for the Appalachian regional program, it provides $276 million for the other regional commissions; namely, the Ozarks Regional Commission, New England Regional Commission, Upper Great Lakes Regional Commission, Four Corners Regional Commission, and the Coastal Plains Regional Commission.

This measure is another example of the type of congressional initiative and innovation which has been characteristic of the 91st Congress. As I have pointed out on earlier occasions, in connection with electoral college reform, tax revision, coal mine safety, and increased appropriations for education and clean water, the 1969 congressional session has in every major legislative area seen the Congress rather than the executive branch take the leadership in the formulation of major proposals.

The initial bill providing for an extension of the Appalachian Regional Commission was introduced by the chairman of the House Public Works Committee, the gentleman from Maryland (Mr. FALLON) and by the gentleman from Alabama (Mr. JONES) on January 17, 1969. Because the administration was not prepared to present its views, it was not possible to start hearings until March 25. The Assistant Secretary for Economic Development in the Commerce Department, Mr. Robert Podesta, did not appear until near the conclusion of the hearings on April 17. The House Public Works Committee in executive sessions then fashioned a measure which extended the Appalachian Regional Commission as well as the other regional commissions established pursuant to title V of the Public Works and Economic Development Act of 1965.

The product produced by the Public Works Committee was a well thought-out balanced measure and passed the House by an overwhelming vote of 273 to 103 on July 15, 1969. Today, the House has approved the conference report on S. 1072 with a minimum of controversy. My congratulations to the gentleman from Maryland (Mr. FALLON), the chairman of the Public Works Committee, and to Congressman JONES of Alabama, for their success in steering this vital matter through the Congress. Their labors have given us a final product in which this House can well take pride.

One further observation I feel is in order at this point. The history of the Appalachian regional development bills in this body since 1965 is an excellent case study of what happens to progressive legislative proposals. In 1965 when Appalachian legislation was first considered by the House, the RECORD shows that a motion to recommit the bill on March 3 witnessed the Republican membership voting 92 to 44 in favor of recommittal and then 109 to 25 against final passage. In 1967 on September 14 our Republican friends voted 143 to 17 in favor of recommittal and 123 to 35 against passage.

This year, I am gratified to report that the sizable number of our friends on the other side of the aisle have finally seen the error of their ways. For when the House acted on this matter on July 15 Republicans voted 90 to 77 in favor—this time they did not even choose to offer a recommittal motion. While the Republican record of support did not approach that of the Democrats who voted 183 to 26 in favor, it was indeed commendable and shows that these regional programs must be succeeding and must be popular. I have personal knowledge that this is true in the case of the Ozarks Regional Commission which embraces my own congressional district.

Regional redevelopment thus follows in the path of so many other Democratic pieces of progressive legislation, social security, unemployment compensation, miminum wage, and so forth. At first they are violently and vociferously opposed by the gentlemen on the other side of the aisle, then reluctantly tolerated, and ultimately embraced.

My congratulations to the Republican Party upon another successful, if halting and reluctant step into the 20th century.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, the conference report on S. 1072, the Appalachian Regional Development Act Amendments of 1969, represents the recognition that real improvement in our central cities is not going to occur until the economic base of our cities is significantly strengthened. It is most appropriate that this legislation come to us at a time when unemployment is on the rise and those at the margins of the employment force are once again facing separation from their jobs.

This legislation will, for the first time, make cities eligible for assistance under the Economic Development Act. Under EDA, grants and loans are made available to plan and develop facilities which will attract and hold job-producing businesses.

It has appeared strange to me that the cities, where economic development is so badly needed, were excluded from the very program which could have made permanent and lasting contributions.

Since 1965, the year of EDA's inception, I have been fighting to extend it to central cities so that they could move toward economic development. In 1966, the Public Works Committee held hearings on legislation I introduced, and reported out a bill which, unfortunately, died with the sine die adjournment of the 89th Congress. During 1967 and 1968, I again introduced legislation. Each time, the need for the adoption of the concept of economic development to the central cities became more impelling and the legislation I offered more refined. Finally, in April of this year I introduced H.R. 9832 with 25 cosponsors. Section 304 of the bill we have before us is the culmination of my long fight and a source of great pride to me.

It makes parts of our cities eligible for Economic Development Act assistance which "have especially large concentrations of low-income persons." Previously, almost every city was excluded from assistance from EDA because of the requirement that a jurisdiction's overall unemployment rate be over 6 percent. While the slums of New York may have had a 20-percent unemployment rate and 15 times the population of those areas which did qualify for EDA assistance, the fact that they were located in a city or county which, as a whole, had less than a 6-percent unemployment rate made them ineligible for assistance. Thus, no part was eligible; and the cities were denied the opportunity for grants and low-interest loans with which to plan and attract job producing business.

Section 304 of this bill makes eligible for EDA grants and loans those areas designated by the Director of the Office of Economic Opportunity under section 150 of the Economic Development Act as communities or neighborhoods—defined without regard to political or other subdivisions or boundaries—within those urban areas having especially large concentrations of low-income persons. The legislation would also give the Secretary of Commerce the same prerogatives as are now held by the Director of OEO to designate pockets of low-income persons as "special impact areas" and thus eligible for EDA assistance.

This legislation is a great step forward, but it is still not the entire answer. The criteria set down in H.R. 9832 was definite and automatic. There was no discretion on the part of anyone. The criteria set forth in S. 1072 are extremely general and thus leave a great deal of discretion to the executive branch. I see no reason for such wide discretion. It can only be used for political purposes.

Still, the legislation is a vast step forward, and we can wait for another day. The important thing is that central cities can now be eligible for economic development assistance. The human component is the real strength of our cities, but when much of it is forced into a disfunctional mode through lack of employment opportunity, the real strength becomes the city's chief weakness. We can now begin to undo this tangled web.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I am concerned that there has been no basic improvement in the manner in which counties may qualify for participation in the Economic Development Act. The same qualifications with minor exceptions are being used today that were used in this program enacted 4 years ago, and these qualifications were basically taken from the old ARA program. At that time the Secretary of Agriculture designated many counties of the State to be eligible for ARA assistance if they were classified as a "poor county."

Although the EDA has succeeded the ARA, the same qualifications exist; namely, that a county must have a high percentage of outmigration or population and a high percentage of unemployment. Many counties in my State are just as deserving of help under this program as many of the counties in the east Texas section, but they cannot qualify and mostly for reasons that are technical. Since transportation and movement of people have changed so vastly in 10 years, a county today cannot show that it has such high outmigration or unemployment because people travel to adjoining counties—in Austin, Tex., for example, which is in my district—and any kind of survey made simply does not reflect today the same disadvantaged condition exists in one county as compared to another.

For 2 years, I have been trying to get EDA to loosen its qualifications and make this program more of a public works program, which in fact it should be. But EDA will not budge one inch. Earlier this year, I sent to the Public Works Committee full testimony explaining my concern. I have a bill drafted which I think will correct the problem.

However, in cases like today, we are always told that the bill is either being considered under a continuing resolution or that the section pertaining to eligibility is not involved. Now I see the Senate has changed the bill somewhat by amending section 401A of the EDA, which requires the Secretary to designate as redeveloped areas these areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964. I am advised that this section refers to certain impacted areas and relates to problems of size and population. However, it does not appear that this will give help to the average county that is just as deserving of help as those counties eligible to participate now.

Many of us who believe in the principle of the EDA program find it impossible to support a project that will not allow our counties to participate. We see the so-called Appalachian program extended throughout the entire boundaries of the United States—not every county or State but Appalachia now exists in five or six geographical areas of the United States and generally covers the whole country. This is not really then an Appalachian bill. Until the committee allows every county to be considered then I say you are not making available opportunities to the average county that might want to improve its conditions.

EDA has said that some counties could participate in planning money but this is not much help when all they can do is plan for programs along with several other counties in an area, yet when it comes to approving the project for this planning county, they are told that the county is not eligible.

This year I have drafted a bill that would amend the Public Works and Economic Development Act of 1965 to provide financial assistance to all areas within an economic development district. That bill would have read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by adding at the end thereof the following subsection:
>
> "(i) Notwithstanding any other provision of this Act any area within an economic development district designated in accordance with subsection (a) of this section which area is not eligible for designation as a redevelopment area under section 401 of this Act, shall be deemed to be a redevelopment area for the purpose of receiving financial assistance under all titles of this Act for so long as such area is within such economic development district."

My measure would have been a fair and reasonable approach to allow other counties to participate in this program. The bill being considered today is a conference report, and therefore I cannot offer the amendment now. I hope that EDA might change their eligibility standards although it would appear that the counties in my district still are not eligible. I have one county in particular—Burleston County—which has tried for 3 years to be made eligible for participation, yet it has been given no consideration.

I realize that there is nothing I can do at this point, but I want to serve notice to the House Public Works Committee that I expect to make an allout fight on this measure. It is not right when one county in my district which might be considered more disadvantaged than others cannot qualify for this program and yet the county next door to them is qualified, particularly when the neighboring county is in a fairly stronger economic condition. That does not make sense and until we can change the eligibility standards, this program ought to receive the closest scrutiny by the Congress.

Mr. JONES of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, I believe the House and Senate conferees did as good a job as could humanly be done. We had weeks and weeks of conferences. We cut out very substantial expenditure items included by the other body in this legislation. It is my opinion that we also made a number of improvements in it. We retained proper jurisdiction in the Secretary of Commerce. I think we now have the highway program in proper focus in Appalachia without going into expending billions more on an expanded separate program. We are not getting into a totally new highway program similar to Appalachia outside of Appalachia as some proposed for the regions. This is 80 percent of Appalachian expenditure and to get into a duplicating effort when we are considering a nationwide "after-1975" highway program is foolish.

I think the conferees did an outstanding job despite the fact that there was an awful lot of disagreement between the House and the other body, and within the membership of the conferees, and I wish to commend the gentleman from Alabama for his patience and for the job he did relating to this legislation, as well as all the conferees.

Mr. Speaker, therefore I rise in support of the conference report and hope that it will be agreed to.

The conference version of S. 1072 is the result of a month-long battle ending in adjustments between both Houses. Nevertheless, I believe that the bill we have before us today fairly presents a solution to program needs which have been presented to both bodies.

A summary of the conference report has been given, so I will address myself to a few points which I consider to be of major importance.

AUTHORIZATIONS

S. 1072, as agreed to in conference, contains a total new authorization of $1,220,900,000; $420.4 million is new authorization for the Appalachian Regional Development Act, and $800.5 million is new authorization for titles I, III, and V of the Public Works and Economic Development Act.

The detailed new authorizations are as follows:

[In millions]

Appalachian Act:	
Administrative expenses (1970 and 1971)	$1.9
Highways (through 1973)	150.0
Other programs (1970 and 1971)	268.5
Total	420.4
Economic Development Act:	
Grants and supplementary grants (through fiscal year 1970 only)	$500.0
Technical assistance (through fiscal year 1970 only)	25.0
Regional transportation study	20.0
Regional assistance	255.0
Alaska planning (1970 and 1971)	.5
Total EDA	800.5
Total, S. 1072	1,220.9

The new authorization for highways in the Appalachian Act, I will refer to later.

The authorization for Appalachian programs other than highways is $268.5 million, and represents a compromise between the House version of $250 million and the Senate version of $294 million.

For the Economic Development Act, the $500 million authorization represents a 1-year extension of title I of this act, which was scheduled to expire at the end of fiscal year 1969.

The $25 million new authorization for technical assistance represents an increase for fiscal year 1970 and thus would bring the total technical assistance authorization to $50 million for that fiscal year.

Title V regions under EDA would be authorized $255 million for fiscal years 1970 and 1971, and an additional $20 million would be authorized to carry out a regional transportation system study for all of these regions.

With regard to the authorizations for the title V regions, I would like to correct any misunderstanding which may result from an explanation made in the other body which suggested that the conferees agreed to a smaller authorization for these regions than the Senate bill provided.

S. 1072 initially provided $175 million for these regions. The Senate committee added $10 million for Alaska, and apportioned the $175 million as follows:

[In millions]

Ozarks	$30
New England	55
Upper Great Lakes	25
Four Corners	25
Coastal Plains	40
Total	175
Alaska	10
Grand total	185

At this point in time, the Senate committee also provided $20 million for regional transportation systems for each of the regions in a separate section of the bill. Later, these $20 million authorizations were added to each regional authorization, except Alaska.

In conference, it was agreed that Alaska should not at this time be considered as a region and a separate authorization was made for planning money. It was also agreed that the regional transportation systems should first be studied to determine their needs, and a separate authorization was provided for the study.

In the absence of program funding for Alaska and in the absence of funding for transportation systems, the original Senate bill, apparently, would have provided $175 million as itemized above.

In conference, it was agreed to authorize $255 million for the regional commissions. After deducting a maximum of 10 percent for regional programs to be administered by the Secretary, the remainder is to be allocated to the regions on the basis of no less than 10 percent and no more than 25 percent to any one region. If all of this authorization would be appropriated, the apportionment would appear as follows:

Total amount	$255,000,000
Less maximum 10 per cent for secretary	25,500,000
Remainder for regions	229,500,000
Minimum of 10 per cent	22,950,000
Maximum of 25 per cent	57,375,000

So the conferees authorized at least $229.5 million for the regions, which is $54.5 million more than was contained in the Senate bill, and allows a maximum of $57.375 million for any one region, which is $7.375 more than that for any region itemized in the Senate committee version. In addition, by adopting the House language, funding is assured for future regions which may be established.

HIGHWAY AND OTHER TRANSPORTATION PROGRAM

S. 1072, as agreed to in conference, contains a new authorization of only $150 million for highway programs in the Appalachian region. The Appalachian highway program was also given a 2-year stretchout, through fiscal year 1973, and contract authority as provided under sections 106(a) and 118 of title 23, United States Code, which authority we believed to have been granted in the original act.

This will increase the total authorized for Appalachian highways to $1,165,000,000. Up to this time, it was expected that the current authorization would provide for no more than 1,260 miles of the 2,700 miles of authorized development highways. The additional $100 million authorization should allow construction of some 150 additional miles, still only half way to the 2,700 miles authorized to be completed. The Senate version would have permitted this $150 million to be spent for right of way and engineering costs on sections of the development highway system whose actual construction was not expected to be accomplished under the act. In view of the commitment of future, as yet undetermined, highways needs which would have been obligated by this version, and to which I shall refer later, the Senate approach was stricken.

The Senate bill also authorized a maximum of $20 million for a 2-year fiscal period for each of the title V Commissions for the planning, development and construction of regional transportation systems, including highways. The conferees wisely substituted a regional transportation system study, the results of which are to be reported to the Congress by January 10, 1971, with a total authorized amount for the study of $20 million.

The importance of refraining from a commitment of future highway authorizations in the Appalachian and title V regions becomes apparent when we consider what must face the Congress in the coming year. During 1970, the Congress will be confronted with a new cost estimate for the Interstate Highway System, and a highway needs study which will include recommendations for an after-1975 highway program, and a report on the functional highway classification study. Thus, the Congress will have before it next year a complete review of the current highway program as well as a formulation of the next highway program. Until national needs are known, future commitments of highway programs should be held in abeyance, and are so held in the conference version of this bill.

REGIONAL BOUNDARY ADJUSTMENTS

One section of the Senate version of S. 1072, which the conferees left intact, I believe deserves mention. This section would amend title V of the Economic Development Act to provide that by resolution of either the Senate or House Public Works Committee, the Secretary of Commerce is directed to study the advisability of altering the geographical area of any region designated in order to further the purpose of the act. This matter of altering regional boundaries has been discussed in hearings on many occasions, and in my own State of Florida I know it will be of interest to those counties which have expressed a desire to be included in the Coastal Plains Region.

COORDINATION

One final comment with regard to the report before us today. In hearings and in private conversations, I have, in the past, heard of the possible existence of a misunderstanding or lack of communication between the Economic Development Administration and the title V regions in those areas where they overlap. In order to preclude any such misunderstanding, I offered in committee an amendment which requires that the Secretary of Commerce and each Federal cochairman shall coordinate, each with the other, their activities in making loans and grants under the act. The committee accepted this amendment as written, as did the conferees.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I am glad to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I strongly support the conference report on the Appalachian Regional Development Act amendments and the Public Works and Economic Development Act Amendments of 1969. I commend the excellent work of the conferees in arriving at a consensus that has produced a good bill. It is sound legislation that will further invigorate not only the economic growth of Appalachia, but also the other five economic development regions: Coastal Plains, Four Corners, New England, Upper Great Lakes, and the Ozarks within which most of my own Third Congressional District of Arkansas lies. While I want to express appreciation to all the conferees for their contribution, I would particularly commend the leadership given to the House managers by my distinguished colleague the gentleman from Alabama, ROBERT E. JONES, who served as chairman of the conference. I believe that the main thrust of legislative intent in the House version was left intact. The bill contains a number of imaginative new proposals. The authorization for regional transportation studies should be very valuable to the Ozarks Commission as we attempt to exploit to its fullest use the great natural resource that runs through the heartland of the region, the Arkansas River navigation project. In addition, transportation studies need to be made on how to best make use of access roads into the beautiful lake and mountain recreation areas that are not now being fully utilized. Consideration should also be given toward a study and then perhaps later a subsidization of arterial roads, badly underdeveloped for commerce as well as tourism. I also envision that under this new authority, the Commission will be able to initiate proper land-use planning study as it relates to the development of adjacent areas of the Arkansas River Basin. This would further help make sure that the best use is made of the $1¼ billion investment almost already in place there.

The additional authority to make base grants will give the administrators of all the regions a most valuable and needed tool with which to stimulate economic growth in those areas of our Nation that have been lagging behind.

Even though the Ozarks region is in a relatively early stage of development, I feel that it is off to a healthy start toward laying the groundwork in meeting its primary goal of closing the gaps between national per capita income and the per capita income of the Ozarks region.

Mr. Speaker, I am sure every Member of the House, is aware of the problems in inflation. I certainly know that we must act responsively and with discipline in Federal spending. I say to you, however, that economic development programs which upgrade or create jobs represent an investment, in not only the economic strength of the Nation, but in actual potential dollar return to the Treasury. In my own Ozarks region alone, the Federal Government is losing almost a billion dollars a year in taxes because the average per capita income is 32 percent below the national average and I might add, 12 percent below the income of the average individual in the Appalachian region. Unfortunately, the gap is growing larger than decreasing. Per capita income in our area has been increasing since 1965 at the rate of $117 per year compared with the national per capita income increase of $191 per year. So, we must approach this problem with vigor and imagination to find the correct solution in meeting the commitment made by Congress in the passage of the Public Works and Economic Development Act of 1965, which affirmed that the Federal Government should "help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development."

This bill is in the Nation's best interest. I predict with its passage, the Treasury in a reasonable time will receive a good return on the taxpayer's investment. At the same time, it will help to insure a more rewarding and fruitful life for many more of our citizens, and use more fully the Nation's resources.

This true Federal-State-local partnership approach brings new hope to the economically depressed in underdeveloped areas.

It will also aid in reverse migration which many feel is basic to relieving many of the urban social ills of our time. This legislation attacks the root causes of some of the crowded city population pressures with a relatively nominal investment that could have far more reaching affect than perhaps the many billions of dollars we are spending toward treating the symptoms. Again I commend the conferees of both bodies and I strongly urge the adoption of this conference report.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, as the ranking member on the Republican side of the Subcommittee on Appalachia, I have given a great deal of thought to this legislation and have had an avid interest in it. I agree with the report. I counseled with a number of people associated with this and I rise in support of the legislation and hope that we can get on with its passage and on with the administration of the program.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. WHITTEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 280]

Abbitt
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Belcher
Blackburn
Cabell
Cahill
Celler
Clancy
Clark
Colmer
Culver
Cunningham
Dawson
de la Garza
Denney
Dent
Dickinson
Diggs
Edwards, Calif.
Evins, Tenn.
Feighan
Fisher
Gettys
Gilbert
Griffin
Hanna
Hansen, Wash.
Hébert
Heckler, Mass.
Holifield
Jones, Tenn.
Kirwan
Kleppe
Landrum
Lipscomb
McDade
McMillan
Mathias
May
Moorhead
Morgan
Morton
Moss
Murphy, N.Y.
Nelsen
O'Neal, Ga.
Passman
Patman
Pepper
Powell
Pucinski
Rees
Reifel
Rhodes
Rodino
Rooney, Pa.
Rostenkowski
St. Onge
Scheuer
Steiger, Ariz.
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Wilson, Charles H.
Wold
Wydler

The SPEAKER pro tempore. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11612, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 18, 1969.)

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, we bring you today the conference report on the fiscal year 1970 appropriations bill for the Department of Agriculture and related agencies. I hope I may have the attention of my colleagues, because I realize that in this area, as in many others, there are differences of opinion. There have been in the past, and the House conferees worked with full knowledge of that situation. However, we worked long and hard to bring before you a conference report that carries in it far reaching programs touching on many aspects of American life.

As I have observed many times in the years that I have been here, the Members not only differ among themselves as to background and beliefs. The various areas of our country they represent have the same differences in viewpoint. Any bill that carries with it the appropriation for all activities in any department of the Federal Government touches virtually every segment of the entire 50 States of the Union and, may I say, practically all of the nations of the world. I hope you will keep in mind that this is not simply a conference report touching on only one or two items that you might take a different view of. It is a comprehensive report whereby finally we are bringing together in one place the funds for the various activities under the supervision of the Department of Agriculture for the well-being of the American people.

For instance, in this bill we have provided for some 100 new starts on watershed programs, which are not only vital to saving the soil for the rural areas of our country but which have become vital to the water supply for the many cities and the urban population of our Nation.

Mr. Speaker, we have in this program not only the funds that provide water systems and sewage systems for protection against pollution throughout the rural areas of the United States. We have in this bill something over $2 billion for food assistance programs for the American people. That would include, of course, the school lunch program and the school milk program. There is also $610 million for the food stamp program, which is the total amount authorized to be appropriated in the law.

I realize that in my opinion, based upon some erroneous conclusions to say the least and misinformation to say the most, that there has been some feeling with reference to limitation of form payments.

Many of you have heard me say in times past that I strongly opposed enactment of the Food and Agriculture Act of 1965, because those provisions intended to offset the ever using costs of essential items for those who engaged in agricultural production were made clearly identifiable. This was unique for agriculture, since the myriad forms of Federal assistance to other segments of the economy are often disguised and not easily tabulated.

If the Members will read the statement of the managers on the part of the House, they will find that this so-called limitation amendment would apply as it now stands to two crops, spring wheat and feed grains. Sugar was specifically left out by the amendment language. Wool was left out because the amendment applied only to planted crops. We have already planted winter wheat. So it would be only fair that winter wheat having been planted, we should make some exception in that regard.

May I say that insofar as cotton is concerned it never was within the limitation, because the basic act provided that in the event of a limitation on payments the so-called "snapback" provision under section 103(d) of the 1965 act—as was brought forward in 1969—automatically went into effect.

So, Mr. Speaker, insofar as such a limitation under this conference report is concerned, it would apply only to feed grains and spring wheat. It would be grossly unfair and inequitable to have such a provision in operation.

Further, Mr. Speaker, may I say to my colleagues, that this subject matter will doubtless come under the consideration of the appropriate legislative committees and the Congress prior to December 31, 1970, the date of the expiration of existing agricultural legislation. Certainly, you do not want to have such a limitation on two crops when certain others were left out.

Mr. Speaker, there is mighty little time left in the fiscal year. Here it is November 19. This bill should have been passed by the first of July under normal procedure. We have encountered a variety of reasons for its not having been passed before this late date.

But I bring to you as chairman of this conference, having served as chairman of the subcommittee for many years, what I consider a well-rounded conference report. It represents the concensus of the conferees who tried to do justice to the many programs and activities that are in this bill, some of which affect you and some of which affect me, all of which affect the 50 States of the United States, and many of the nations around the world that we continue to help.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I will yield to my colleague for a question only.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding.

The gentleman made mention of the problem confronted by planters of winter wheat, and suggested that in fairness they really should be exempted from a limitation on the payments, assuming this had been kept in the bill. Perhaps the gentleman is not aware of the fact that on August 12, in announcing the 1970 wheat program the Secretary of Agriculture issued an announcement which I am sure was available to all who signed up under the program, and the very last, and I would say most prominent item in this announcement read as follows: that payments would be subject to any limitations that might be required by Congress in the Department of Agriculture appropriations.

So I do not really feel that we need to worry too much about the problem of imposing a limitation upon wheatgrowers.

Mr. WHITTEN. I thank the gentleman for his comments. I agree that we need not worry much about the problem of imposing a limitation upon winter wheatgrowers. I do not believe the Congress would do that. But I do think that the Secretary of Agriculture, in fairness to himself, had to include that kind of provision in his statement. I would say to the gentleman from Illinois, although I understand that he, like myself, is not a farmer, that he should not have taken that to heart because, as the gentleman knows, the American people cannot count on what they read in the papers about what might become the law, and what might not become the law. If you would just compare two daily newspapers, you would see that if you took to heart all of the bills which are introduced and brought before committees of Congress, and tried to run your business in line with what might become the law, that you could not get your business off the ground.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I will yield briefly to the gentleman from Tennessee.

Mr. KUYKENDALL. I thank the gentleman for yielding .

I would ask the gentleman if it is not true that not only does cotton by law not go under any limitation, but that the cotton program constitutes almost 40 percent of all of the savings that have been talked about here for the last couple of years. That all this great big savings that they still talk about, 40 percent of that would have been cotton, which is not included in any limitation. Is this correct?

Mr. WHITTEN. I thank the gentleman for his comments, but just now we are talking about passing a conference report, and I do not believe that this subject is appropriate at the moment because it is not included in the report.

I should say I agree with the gentleman. I have been trying to point out, as the chairman of the conference committee, that cotton never was under the amendment. I refer Members to the statement of the House managers for an explanation of this matter.

I would simply close by saying to you that this is a conference report covering all the tremendous numbers of activities of a great department of government. The managers on the part of the House did their level best to do justice to the items in disagreement. I would urge you to adopt it.

At this point, Mr. Speaker, I would like to introduce for the RECORD a comprehensive table reflecting the recommendations of the conferees and covering all the items in the bill:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

Item	New budget (obligational) authority enacted to date, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (revised budget)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Difference between conference action and—			
						New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
Agricultural Research Service:									
Salaries and expenses:									
Research:									
Direct appropriation	$129,105,300	$130,631,300	$130,182,000	$134,452,000	$131,802,200	+$2,696,900	+$1,170,900	+$1,620,200	−$2,649,800
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)				
Total, research	(144,105,300)	(145,631,300)	(145,182,000)	(149,452,000)	(146,802,200)	(+2,696,900)	(+1,170,900)	(+1,620,200)	(−2,649,800)
Plant and animal disease and pest control	88,039,500	91,176,500	89,493,000	92,126,500	90,809,750	+2,770,250	−366,750	+1,316,750	−1,316,750
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Total, salaries and expenses	219,144,800	221,807,800	219,675,000	226,578,500	222,611,950	+3,467,150	+804,150	+2,936,950	−3,966,550

DEPARTMENT OF AGRICULTURE—Continued

TITLE I—GENERAL ACTIVITIES —Continued

Item	New budget (obligational) authority enacted o date, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (revised budget)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Difference between conference action and—			
						New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bil
Agricultural Research Service—Continued									
Salaries and expenses—Continued									
Salaries and expenses (special foreign currency program)	$4,500,000	$8,287,000	$4,500,000	$5,500,000	$5,000,000	+$500,000	-$3,287,000	+$500,000	-$500,000
Total, Agricultural Research Service	223,644,800	230,094,800	224,175,000	232,078,500	227,611,950	+3,967,150	-2,482,850	+3,436,950	-4,466,550
Cooperative State Research Service: Payments and expenses	58,911,000	63,730,000	61,175,000	61,710,000	62,510,000	+3,599,000	-1,220,000	+1,335,000	+800,000
Extension Service:									
Payments to States and Puerto Rico	81,605,500	113,131,000	112,391,000	114,131,000	114,006,000	+32,400,500	+875,000	+1,615,000	-125,000
Retirement and employees' compensation costs for extension agents	9,536,500	10,240,000	10,000,000	10,240,000	10,240,000	+703,500		+240,000	
Penalty mail	3,299,000	3,500,000	3,400,000	3,400,000	3,400,000	+101,000	-100,000		
Federal Extension Service	2,838,000	4,038,000	3,338,000	3,838,000	3,838,000	+1,000,000	-200,000	+500,000	
Total, Extension Service	97,279,000	130,909,000	129,129,000	131,609,000	131,484,000	+34,205,000	+575,000	+2,355,000	-125,000
Farmer Cooperative Service: Salaries and expenses	1,414,000	1,635,000	1,500,000	1,635,000	1,500,000	+86,000	-135,000		-135,000
Soil Conservation Service:									
Conservation operations	118,873,000	118,786,000	118,786,000	118,786,000	118,786,000	-87,000			
River basin surveys and investigations	9,086,000	8,187,000	8,187,000	1,187,000	8,187,000	-899,000			
Watershed planning	6,419,000	6,209,000	6,209,000	5,000,000	6,209,000	-210,000			+1,209,0000
Watershed works of improvement	57,908,000	55.078,000	57,873,000	63,873,000	63,873,000	+5,965,000	+8,795,000	+6,000,000	
Flood prevention	24,224,000	20,223,000	20,223,000	20,223,000	20,223,000	-4,001,000			
Great Plains conservation program	16,160,000	14,000,000	15,000,000	15,000,000	15,000,000	-1,160,000	+1,000,000		
Resource conservation and development	6,367,000	8,452,000	7,452,000	10,252,000	10,252,000	+3,885,000	+1,800,000	+2,800,000	
Total Soil Conservation Service	239,037,000	230,935,000	233,730,000	241,321,000	242,530,000	+3,493,000	+11,595,000	+8,800,000	+1,209,000
Economic Research Service: Salaries and expenses	13,473,000	13,562,000	13,450,000	13,562,000	13,450,000	-23,000	-112,000		-112,000
Statistical Reporting Service: Salaries and expenses	14,853,000	15,055,000	14,950,000	16,375,600	15,412,800	+559,800	+357,800	+462,800	-962,800
Consumer and Marketing Service:									
Consumer protective, marketing, and regulatory programs	118,264,500	135,254,200	130,867,000	134,695,500	133,595,500	+15,331,000	-1,658,700	+2,728,500	-1,100,000
Payments to States and possessions	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000				
Special milk program:									
Transfer from sec. 32	(104,000,000)		(120,000,000)			(-104,000,000)		(-120,000,000)	
Direct appropriation				[1]84,000,000	[1]84,000,000	+84,000,000	+84,000,000	+84,000,000	
Child nutrition programs (school lunch program):									
Direct appropriation	188,474,000	117,500,000	117,500,000	122,500,000	122,500,000	-65,974,000	+5,000,000	+5,000,000	
Transfer from sec. 32	(64,325,000)	(194,266,000)	(194,266,000)	(194,266,000)	(194,266,000)	(+129,941,000)			
Total, child nutrition programs	(252,799,000)	(311,766,000)	(311,766,000)	(316,766,000)	(316,766,000)	(+63,967,000)	(+5,000,000)	(+5,000,000)	
Food stamp program	280,000,000	610,000,000	340,000,000	750,000,000	610,000,000	+330,000,000		+270,000,000	-140,000,000
Total, Consumer and Marketing Service	588,338,500	864,354,200	589,967,000	1,092,795,500	951,695,500	+363,357,000	+87,341,300	+361,728,500	-141,100,000
Foreign Agricultural Service:									
Salaries and expenses	21,903,300	23,937,000	22,937,000	23,937,000	23,437,000	+1,533,700	-500,000	+500,000	-500,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Transfer from CCC	(2,112,000)	(107,000)	(107,000)	(107,000)	(107,000)	(-2,005,000)			
Total, Foreign Agricultural Service	(27,132,300)	(27,161,000)	(26,161,000)	(27,161,000)	(26,661,000)	(-471,300)	(-500,000)	(+500,000)	(-500,000)
Commodity Exchange Authority: Salaries and expenses	1,895,000	2,321,000	2,100,000	2,321,000	2,321,000	+426,000		+221,000	

Footnotes at end of table.

DEPARTMENT OF AGRICULTURE—Continued

TITLE I—GENERAL ACTIVITIES—Continued

Item	New budget (obligational) authority enacted to date, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (revised budget)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Difference between conference action and—			
						New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bil
Agricultural Stabilization and Conservation Service:									
Expenses, ASCS:									
Direct appropriation	$142,857,400	$128,870,000	$147,420,000	$146,000,000	$146,000,000	$+3,142,600	$+17,130,000	$−1,420,000	
Transfer from CCC	[2] (63,486,100)	(62,483,000)	(62,483,000)	(62,483,000)	(62,483,000)	(−1,003,100)			
Total, expenses, ASCS	(206,343,500)	(191,353,000)	(209,903,000)	(208,483,000)	(208,483,000)	(+2,139,500)	(+17,130,000)	(−1,420,000)	
Sugar Act program	89,500,000	96,300,000	89,500,000	93,000,000	93,000,000	+3,500,000	−3,300,000	+3,500,000	
Agricultural conservation program: Liquidation of contract authorization	(190,000,000)	(195,500,000)	(195,500,000)	(195,500,000)	(195,500,000)	(+5,500,000)			
Cropland adjustment program:									
Appropriation	81,900,000	79,330,000	78,000,000	78,600,000	78,600,000	−3,300,000	−730,000	+600,000	
Limitation on authorization for 1970 program		(99,300,000)		(99,300,000)			(−99,300,000)		(−$99,300,000)
Conservation reserve program	109,000,000	37,900,000	37,500,000	37,250,000	37,250,000	−71,750,000	−650,000	−250,000	
Emergency conservation measures	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Indemnity payments to dairy farmers	300,000	200,000	200,000	200,000	200,000	−100,000			
Total, agricultural Stabilization and Conservation Service	428,557,400	. 347,600,000	357,620,000	360,050,000	360,050,000	−68,507,400	+12,450,000	+2,430,000	
Rural Community Development Service: Salaries and expenses	481,000	450,000	450,000	450,000	450,000	−31,000			
Office of the Inspector General: Salaries and expenses	12,994,000	13,925,000	13,389,000	13,925,000	13,657,000	+663,000	−268,000	+268,000	−268,000
Packers and Stockyards Administration: Salaries and expenses	2,864,300	3,509,300	3,200,000	3,509,300	3,354,650	+490,350	−154,650	+154,650	−154,650
Office of the General Counsel: Salaries and expenses	4,850,000	5,559,000	5,000,000	5,459,000	5,229,500	+379,500	−329,500	+229,500	−229,500
Office of Information: Salaries and expenses	2,055,000	2,164,000	2,106,000	2,106,000	2,106,000	+51,000	−58,000		
National Agricultural Library: Salaries and expenses	3,332,750	3,226,750	3,200,000	3,226,750	3,226,750	−106,000		+26,750	
Office of Management Services: Salaries and expenses	2,957,600	3,069,000	3,000,000	3,050,000	3,025,000	+67,400	−44,000	+25,000	−25,000
General Administration: Salaries and expenses	4,838,000	5,052,000	4,838,000	4,838,000	4,838,000		−214,000		
Subtotal, title I, general activities	1,723,678,650	1,961,088,050	1,685,916,000	2,213,958,650	2,067,889,150	+344,210,500	+106,801,100	+381,973,150	+146,069,500
Agricultural conservation program: Advance authorization for 1970 program (contract authorization)	195,500,000		195,500,000	185,000,000	195,500,000		+195,500,000		+100,500,000
Total, title I, general activities	1,919,178,650	1,961,088,050	1,881,416,000	2,398,958,650	2,263,389,150	+344,210,500	+302,301,100	+381,973,150	−135,569,500
TITLE II—CREDIT AGENCIES									
Rural Electrification Administration:									
Loan authorizations:									
Electrification	$329,000,000	$320,000,000	$320,000,000	$340,000,000	$340,000,000	+$11,000,000	+$20,000,000	+$20,000,000	
Telephone	120,000,000	123,300,000	123,300,000	123,300,000	123,300,000	+3,300,000			
Total, loans (authorization to spend debt receipts)	449,000,000	443,300,000	443,300,000	463,300,000	463,300,000	+14,300,000	+20,000,000	+20,000,000	
Salaries and expenses	13,429,000	13,429,000	13,429,000	13,429,000	13,429,000				
Total, Rural Elecfication Administration	462,429,000	456,729,000	456,729,000	476,729,000	476,729,000	+14,300,000	+20,000,000	+20,000,000	

Footnotes at end of table.

DEPARTMENT OF AGRICULTURE—Continued

TITLE II—CREDIT AGENCIES—Continued

Item	New budget (obligational) authority enacted to date, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (revised budget)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Difference between conference action and—			
						New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bil
Farmers Home Administration:									
Direct loan account:									
Real estate loans	($83,000,000)	($69,600,000)	($83,000,000)	($69,600,000)	($83,000,000)		(+$13,400,000)		(+$13,400,000)
Operating loans	(275,000,000)	(250,000,000)	(275,000,000)	(275,000,000)	(275,000,000)		(+25,000,000)		
Soil conservation loans	(4,900,000)	(8,800,000)	(4,900,000)	(8,700,000)	(8,700,000)	(+$3,800,000)	(−100,000)	(+$3,800,000)	
Total, direct loan account	(362,900,000)	(328,400,000)	(362,900,000)	(353,300,000	(366,700,000)	(+3,800,000)	(+38,300,000)	(+3,800,000)	(+13,400,000)
Rural housing direct loan account	(30,000,000)	(30,400,000)	(30,000,000)	(30,000,000)	(30,000,000)		(−400,000)		
Emergency credit revolving fund:									
Direct appropriation		31,918,000	31,918,000	31,918,000	31,918,000	+31,918,000			
Transfer from direct loan account	(25,000,000)					(−25,000,000)			
Rural water and waste disposal grants	28,000,000	28,000,000	40,000,000	46,000,000	46,000,000	+18,000,000	+18,000,000	+6,000,000	
Rural renewal	1,600,000					−1,600,000			
Rural housing for domestic farm labor	4,250,000	3,700,000	1,250,000	3,700,000	2,500,000	−1,750,000	−1,200,000	+1,250,000	−1,200,000
Housing for rural trainees		1,000,000					−1,000,000		
Mutual and self-help housing		3,000,000	1,250,000	3,000,000	2,125,000	+2,125,000	−875,000	+875,000	−875,000
Self-help housing land development fund	600,000	1,400,000	600,000	1,000,000	1,000,000	+400,000	−400,000	+400,000	
Salaries and expenses:									
Direct appropriations	60,218,000	84,885,000	65,000,000	67,500,000	66,250,000	+6,032,000	−18,635,000	+1,250,000	−1,250,000
Transfer from agricultural credit insurance fund	(2,250,000)	(2,250,000)	(2,250,000)	(2,250,000)	(2,250,000)				
Miscellaneous transfer	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)				
Total, salaries and expenses	(62,968,000)	(87,635,000)	(67,750,000)	(70,250,000)	(69,000,000)	(+6,032,000)	(−18,635,000)	(+1,250,000)	(−1,250,000)
Total, Farmers Home Administration	94,668,000	153,903,000	140,018,000	153,118,000	149,793,000	+55,125,000	−4,110,000	+9,775,000	−3,325,000
Total, title II, credit agencies	557,097,000	610,632,000	596,747,000	629,847,000	626,522,000	+69,425,000	+15,890,000	+29,775,000	−3,325,000
TITLE III—CORPORATIONS									
Federal Crop Insurance Corporation:									
Appropriation	$11,517,500	$12,000,000	$12,000,000	$12,000,000	$12,000,000	+$482,500			
Premium income	(2,140,000)	(1,648,000)	(1,648,000)	(1,648,000)	(1,648,000)	(−492,000)			
Total, administrative and operating expenses	(13,657,500)	(13,648,000)	(13,648,000)	(13,648,000)	(13,648,000)	(−9,500)			
Subscription to capital fund		10,000,000	10,000,000	10,000,000	10,000,000	+10,000,000			
Commodity Credit Corporation:									
Appropriation	4,188,112,500	5,215,934,000	4,965,934,000	5,215,934,000	5,215,934,000	+1,027,821,500		+$250,000,000	
Contract authority [3]	+1,579,078,000					−1,579,078,000			
Liquidation of contract authority	−350,467,000	−1,560,192,000	−1,560,192,000	−1,560,192,000	−1,560,192,000	−1,209,725,000			
Budget authority	5,416,723,500	3,655,742,000	3,405,742,000	3,655,742,000	3,655,742,000	−1,760,981,500		+250,000,000	
Limitation on administrative expenses	(31,500,000)	(32,000,000)	(31,500,000)	(32,000,000)	(32,000,000)	(+500,000)		(+500,000)	
Public Law 480:									
Sales, title I	100,000,000	427,400,000	400,000,000	420,000,000	420,000,000	+320,000,000	−$7,400,000	+20,000,000	
Donations, title II	200,000,000	559,200,000	500,000,000	515,000,000	500,000,000	+300,000,000	−59,200,000		−$15,000,000
Total, Public Law 480	300,000,000	986,600,000	900,000,000	935,000,000	920,000,000	+620,000,000	−66,600,000	+20,000,000	−15,000,000
Bartered materials for supplemental stockpile		1,500,000	750,000	1,250,000	1,250,000	+1,250,000	−250,000	+500,000	
Total, new budget (obligational) authority, title III, corporations	5,728,241,000	4,665,842,000	4,328,492,000	4,613,992,000	4,598,992,000	−1,129,249,000	−66,850,000	+270,500,000	−15,000,000
TITLE IV—RELATED AGENCIES									
Farm Credit Administration: Limitation on administrative expenses	(3,628,000)	(3,628,000)	(3,628,000)	(3,628,000)	(3,628,000)	(+192,000)			

See footnotes at end of table.

DEPARTMENT OF AGRICULTURE—Continued

RECAPITULATION

Item	New budget (obligational) authority enacted to date, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970 (revised budget)	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Difference between conference action and— New budget (obligational) authority, fiscal year 1969	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
Title I—General activities	$1,919,178,650	$1,961,088,050	$1,881,416,000	$2,398,958,650	$2,263,389,150	+$344,210,500	+$302,301,100	+$381,973,150	−$135,569,500
Title II–Credit agencies	557,097,000	610,632,000	596,747,000	629,847,000	626,522,000	+69,425,000	+15,890,000	+29,775,000	−3,325,000
Title III—Corporations	5,728,241,000	4,665,842,000	4,328,492,000	4,613,992,000	4,598,992,000	−1,129,249,000	−66,850,000	+270,500,000	−15,000,000
Title IV—Related agencies	(3,628,000)	(3,628,000)	(3,628,000)	(3,628,000)	(3,628,000)				
Total, new budget (obligational) authority	8,204,516,650	7,237,562,050	6,806,655,000	7,642,797,650	7,488,903,150	−715,613,500	+251,341,100	+682,248,150	−153,894,500
Consisting of:									
1. Appropriations	5,978,938,650	6,794,262,050	6,167,855,000	6,994,497,650	6,830,103,150	+851,164,500	+35,841,100	+662,248,150	−164,394,500
2. Reappropriations	2,000,000					−2,000,000			
3. Contract authorizations	1,774,578,000		195,500,000	185,000,000	195,500,000	−1,579,078,000	+195,500,000		+10,500,000
4. Authorizations to spend from debt receipts	449,000,000	443,300,000	443,300,000	463,300,000	463,300,000	+14,300,000	+20,000,000	+20,000,000	
Memoranda:									
1. Appropriations to liquidate contract authorizations	540,467,000	1,755,692,000	1,755.692,000	1,755,692,000	1,755,692,000	+1,215 225,000			
2. Appropriations, including appropriations to liquidate contract authority	6,519,405,650	8,549.954,050	7.923.547,000	8,750.189.650	8,585,795,150	+2,066.389,500	+35,841,100	+662,248,150	−164,394,500
3. Transfers from sec. 32	186,442 000	212,383.000	332.383 000	212,383,000	212,383,000	+25,941,000		120,000,000	
4. Transfers from CCC	65,598,100	62,590,000	62 590 000	62,590,000	62,590,000	−3.008.100			
Total, new budget (obligational) authority	8 204.516.650	7,237,562,050	6,806,655,000	7,642,797,650	7,488,903,150				
Less: Loan repayments, Rural Electrification Administration [4]	−189,500,000	−189,300,000	−189,300,000	−189,300,000	−189,300,000				
Net total, new budget (obligational) authority	8,015,016,650	7,048,262.050	6,617,335,000	7,453,497,650	7,299,603,150				

[1] $84,000,000 in direct appropriations plus $20,000,000 available from sec. 32 would provide a total level of $104,000,000 for special milk program.

[2] Unobligated balance from cropland conversion program, $81,560,000.

[3] Contract authorization established under basic law.

[4] Deducting REA loan repayments from these totals has the effect of converting these figures to a basis comparable with the treatment of all other major loan programs in the Federal budget. Other loan programs operated through revolving funds net loan repayments against budget outlays, whereas REA loan repayments are covered into miscellaneous receipts of the Treasury.

Mr. WHITTEN. Mr. Speaker, at this time I yield to my Republican counterpart of the conference for the purposes of debate only, the gentleman from Minnesota (Mr. LANGEN).

Mr. LANGEN. Mr. Speaker, the chairman as usual has done such an excellent job, in conveying to you the decisions reached by your conference committee, that there is little left to say.

In reaching those decisions, I think it remains to be said that there is seldom a bill that comes before the House that has such a direct relationship to as large a volume of the populace as you will find within this appropriation bill. This bill has items in it which relate not only to agriculture and agricultural programs, but it also relates to preserving the natural resources of this country, the feeding of people in both cities and rural areas. It is of equal concern to educational systems in providing school lunches and school milk. It provides for recreational and work-training programs such as you will find in the Extension Service through the 4–H, homemakers, and any number of those kinds of programs which, over the years, have proven themselves to have been so effective and so well received on the part of the public.

It reaches out into the public service area, in providing for protection for consumers in a good many areas.

In all of these your conference committee has done its best to see that they are properly financed for the remainder of this fiscal year.

I think also it needs to be noted that in arriving at these decisions at this time it was necessary to give some consideration to the fact that the big part of this fiscal year has already gone, and so the spending levels, even if established at the figures that the committee thought correct, would require somewhat less money than had those spending levels been able to have been started on last July 1.

I would call your attention to another area in which this bill reaches out, even into the foreign countries, for it provides money for Public Law 480 programs and the distribution of agricultural products and food in foreign countries. One that is of interest, I am sure, to a good many folks here, is the addition of $500,000 for new export market projects.

We know that, in view of the surplus we have, being able to sell the additional products abroad is good business at this time.

The chairman has done an excellent job in calling your attention to possibly the more controversial item within the bill; namely, that referring to the $20,000 limitation in payments.

Let me just say this. Do not think your conferees did not pursue this subject, attempting as best they could to uphold the House position. The fact is the circumstances were such that it did not leave us any means whereby we could pursue that objective, and do it equitably, to farm people across the country; nor could it be done in the manner providing ways and means whereby the Department of Agriculture could administer such a limitation at this late stage in the year. The difficulty is in attempting limitation of payments to crops planted during the fiscal year 1970 or crops harvested prior to or after that time. We struggled for a long time to find a medium where at this late stage of the year a limitation could be effected.

I should be frank to say that we just did not come upon such a solution.

For this reason the only practical way such a limitation can be accomplished would be to make it effective beginning with the crops in the crop year of 1971. By then we must have new farm legislation.

For this reason it is my opinion that your conferees came up with the best possible agreement that can be registered at this time.

I think I should make note of another item or two, particularly as they relate to the conservation of soil in this country. Because, as you know, we see that the demands for food are growing and food distribution programs are growing and the population is growing. If we are not cognizant of the need for conserving our resources that are going to produce the quantity and quality of food in the future, we are just kidding ourselves, as we look ahead in that regard.

Your conferees, I think, have paid adequate attention to the preservation of our greatest of natural resources for the populations that are going to follow us. I am sure that the more than $2.2 billion provided for the various food assistance programs is of interest to everyone. This is an increase of almost $1 billion over last year.

Your conferees in six meetings have given careful consideration to all of the activities of the Department of Agriculture.

In view of these many significant items, I find it real assuring to recommend to the House the adoption of this conference report as it is before you at this time.

Mr. WHITTEN. Mr. Speaker, I thank my colleague.

At this time I yield 5 minutes, for purposes of debate only, to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, at the outset, I want to take this opportunity to thank the chairman of the committee, the gentleman from Mississippi, for giving me this time. I might say that when I was about to control the time the last time this bill was before the House I was also going to reciprocate at that time and give him time. Although we oppose each other on this issue, I think we do this in an intelligent manner. We disagree without becoming disagreeable.

Mr. Speaker, I intended today to move to recommit the conference report on H.R. 11612, the 1970 Agriculture appropriations bill.

My motion would have instructed the conferees to insist on my amendment placing a $20,000 ceiling on farm subsidy payments which passed this body on May 27, 1969, by the substantial margin of 224 to 142.

I would have taken this step here today, Mr. Speaker, in view of that substantial vote, and in order to clearly establish the very firm commitment of this body to putting an end to the scandal of these huge payments.

Therefore the only hope to maintain the House position to hold the $20,000 limitation is to vote down the previous question.

On September 24, 1969, after months of opportunity for analysis, the Secretary testified before our Agricultural Committee. To my deep disappointment, however, the Secretary offered no encouragement or support for those of us who have been fighting for a payments limitation.

Four months after advising the Members of this body that "it is possible to design a sound farm program" providing for some payment limitation, Secretary Hardin could do no better than to repeat that statement. Mr. Speaker, I am sorry, but such a position is just not good enough.

I, too, share the reluctance of many of my colleagues to making this sort of change through an appropriations bill. But last May, when my amendment passed by such a wide margin, it reflected the overwhelming judgment of this body that there was no other way to put an end to this inequitable program.

There is today no basis whatsoever for altering that judgment.

I am sure, Mr. Speaker, that a good deal will be said in opposition to a motion to recommit, to the effect that the so-called "snapback provision" would seriously disrupt the cotton program and possibly nullify the savings my amendment would otherwise make possible.

But, while there is a good deal of controversy on the question of the costs generated by the effect of the "snapback," I have no doubt that, if my amendment is restored in conference, it will be a simple matter to follow that action with a bill to repeal that provision. The administration would certainly be forced to consider such a move. And I stand ready to support such an effort at the earliest possible time.

And so, the only real issue facing this body today is whether it continues to hold the view that led it to support my amendment 5 months ago. Since then, as I have said, there has been absolutely no movement, either within the administration or in our own Agriculture Committee, to offer us any hope that new farm legislation will be reported with a ceiling on farm subsidies.

And, even if we consider awaiting a new farm bill, and adding some similar amendment to that bill when it reaches the floor, some time in the next session, we must recall that our current farm program does not expire until the end of 1970. This means that a limitation on the farm bill could not take effect until 1971 at the earliest.

And, Mr. Speaker, there is another reason why I urge my colleagues to support this motion today.

On October 15, the Secretary of Agriculture announced an increase in the 1970 allotment for cotton of 1 million acres. As I pointed out on October 23—CONGRESSIONAL RECORD, page 31447—this will enable the large farmers to receive much greater subsidies in 1970. It is therefore even more essential now to put some control on this runaway program.

I submit, Mr. Speaker, that this Nation cannot, and must not, wait for 2 more years. We must act now if we are to gain some control over a program which presently permits such huge payments to a fortunate handful of corporate farming giants, while doing nothing to aid the small farmer. It is not surprising that nearly every poll shows that the great majority of farmers themselves favor a payments ceiling.

We cannot wait to take this important step to reorder our national priorities.

Despite some criticism of the pace of this Congress, I believe that important efforts have been taken to reorder those priorities.

This body has passed the most comprehensive tax reform bill in history, eliminating many of the worst inequities in our present tax structure.

Congress has begun moving toward far greater control of our runaway defense budget. We have passed in this body the greatest appropriation for education in history.

Two months ago the other body passed the most comprehensive bill for the elimination of hunger and malnutrition to date. I am hopeful that a similar effort will be supported in this body.

It would, in short, be tragic to reverse that trend today.

I cannot believe that those of us who supported this reform only 5 months ago will permit that effort to die here today.

I urge all of my colleagues who supported my amendment so strongly then to join me once again, in making our position crystal clear, and even though we have been outmaneuvered, let us knock down the previous question.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN) for debate only.

Mrs. SULLIVAN. Mr. Speaker, I will vote against the motion to recommit.

It is easy to vote the other way, particularly if you have no farms in your district. You can boast that you fight for Government economy and against subsidies for the rich.

But the fact is that if you kick the big farms out of the acreage limitation programs, you might as well kick out the programs entirely, for there would be no effective limitations on farm production. The resulting glut of farm output would take billions of additional Federal dollars in price support subsidies in order to shore up farm prices.

I hope the city Democrats will not be persuaded to join the Republicans in what amounts to a repudiation of Democratic Party agricultural policies. If the new administration wants to change those policies, let it recommend changes. But let us not run out on our own party program. I do not intend to do so today.

I have had my fights with the Agriculture Committee and the farm bloc in the House because of their shortsightedness and their reluctance to help our urban citizens. I have voted to help their constituents by supporting Democratic agricultural programs. They must learn to return the favor and help our city people. I suspect they are learning to do that.

Next year we will have to make basic decisions on both the food stamp program and the farm program. That will be the time to argue out this issue of acreage limitation payments. If we are going to change the whole approach and emphasis of both the food stamp program and the agriculture program, let us do it with full understanding of what we are doing.

This argument today is more political than economic, and if it is political, then let us vote as Democrats, and vote for the conference report.

Mr. WHITTEN. Mr. Speaker, I yield for debate only 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I thank the chairman very much for yielding his time. I will take that time and ask for no more.

First, I cannot resist making some comments on the remarks of the gentlewoman from Missouri. The position of her own party may be a little bit difficult to determine at times, but before the election last year the U.S. Department of Agriculture, then under the leadership of Orville Freeman, completed a report which included a finding that a payment limitation of this sort would not adversely affect the successful operation of the commodity programs.

Subsequent to the election a man who at an earlier time was Mr. Freeman's Under Secretary of Agriculture, John Schnittker, who certainly is a prominent Democrat, voiced the same views.

If we try to find a Democratic Party position in the person either of the Orville Freeman administration or former Under Secretary Schnittker then the limitation on individual payments should be entirely acceptable to my friends on the other side of the aisle.

In fact, I received a note from Mr. Schnittker earlier this year in which he congratulated those of us who had been urging a limitation of payments by means of the appropriation bill and said he thought there might be a chance for success even this year. I think the chances are very dim, indeed. They have just about faded away.

The final comment I wanted to make was that during the Senate consideration of this appropriation bill the Secretary of Agriculture indicated that the snapback provision which would take effect as a result of the limitation on payments would cost the taxpayers—he used the word "cost"—about $160 million more. Subsequent events have proved that this is totally unfounded. In fact, adjusted figures prepared at my request by the Department of Agriculture showed that this is totally unfounded—indeed backward.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. If I may add one more sentence, I will be glad to yield.

For the reference of any Member who might like to determine the accuracy of my summary here, he can turn to page 31966 of the October 28 CONGRESSIONAL RECORD. In that CONGRESSIONAL RECORD I presented that adjusted table provided by USDA, which was based on the great changes in yield forecast for cotton, and the change in yield had a tremendous impact upon the outlook of the cost of the snapback provision.

I am glad to yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Has the gentleman changed his tune in the last 2 years, so that the vast saving he was promising 2 years ago has become a $100 million cost? That this vast saving is going to cost the taxpayers not $186 million but just $100 million more; is that correct?

In other words, the snapback is going to cost more?

Mr. FINDLEY. If the gentleman will permit me I will comment on his question.

It is impossible to project an exact figure, but my guess is the savings would be about $200 million.

Mr. WHITTEN. Mr. Speaker, I yield for debate only such time as he may desire to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I rise to urge support of the conference report on the pending agricultural appropriation bill. It is the best that could be done under the circumstances.

The limitation on farm payments was stricken from the bill in conference. Clearly, legislation involving such a controversial and important legislative matter was inappropriate for consideration on an appropriation bill. I continue to strongly oppose a limitation on payments, feeling that such a provision would destroy the very foundations of a workable farm program.

Mr. Speaker, it would be a great mistake not to approve this conference report. There has already been too much delay. Producers need to know what the farm program is to be like for next year and the Department of Agriculture needs to know precisely what funds will be available for expenditure for farmer and consumer programs during the current fiscal year.

I urge the adoption of the conference report.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I am pleased to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, we are now in the middle of November and we have several other appropriation bills to follow between now and adjournment. This conference report is before us. The conferees have worked very hard on it. I never knew any conference report of a comprehensive nature that was satisfactory to every Member. The immediate question before us, of course, is a sensitive one. On the other hand, we are faced with the realities of the situation. The conferees have done a very excellent job. There are a number of items in here that are of vital importance. There is more than one item which is of concern to the Members. I think the gentlewoman from Missouri (Mrs. SULLIVAN) made a very excellent statement a few minutes ago. Involved in this conference report is $610 million for the food stamp program. Back a few months ago very few of us were optimistic that we could get such an appropriation this year. Yet there has been no difficulty on the part of the conference committee in agreeing to the $610 million, which means a great deal to a lot of little Americans who are economically depressed. So I rise just for these moments to express the hope that the previous question will be adopted and that we recognize the benefits that flow from the bill and that those of us who represent city districts as well as farm districts will recognize that there are many parts of this bill that are of vital importance to the entire country whether we live in a farm community or whether we live in an urban community. And, I sincerely hope that the conference report will be agreed to.

Mr. MAHON. Mr. Speaker, I just want to say, having in mind what the distinguished Speaker has said, that the gentleman from Mississippi (Mr. WHITTEN), chairman of this conference, and the gentleman from Minnesota (Mr. LANGEN) on the other side of the aisle, and all other members of the conference have worked diligently in an effort to put together a bill with which all Members could be reasonably well pleased. I would hope that we will have the previous question ordered on the conference report and get this measure behind us in order that we can continue to move on with the program.

I thank the gentleman from Mississippi for yielding.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL) for the purpose of debate only.

Mr. MICHEL. Mr. Speaker, you will see by the conference report that I took a reservation on amendment No. 48 where the House receded from our $320 million figure for REA to the higher figure in the Senate bill of $340 million.

While I have been critical over the years on some of the practices of the Rural Electrification Administration, particularly with respect to the amount of money in more recent years going for generation and transmission lines, we have come upon additional information since the passage of our bill to cause me to take this exception.

On November 5, beginning on page 33196 of the RECORD, I discussed this subject at some length. It had to do with a series of articles appearing in the Chicago Tribune and authored by Mr. Ron Koziol, relative to some of the more significant loans of recent years that were approved for generation facilities and about which I had raised a number of questions when those applications were being considered. Very briefly, they involved the following:

HOOSIER LOAN

For $100 million with about $72 million already released. This generating plant and transmission system has been built but is standing idle because of a decision by the State supreme court that Hoosier has never obtained a certificate from the Public Service Commission of Indiana to operate the facilities. This idle plant, which should not have been built in the first place, probably will cost the taxpayers between $10,000 and $11,000 a day in delinquent interest as long as it stands idle. Even when the litigation is resolved, cooperative consumers will have to foot the bill for this unwise uneconomic plant.

The most ridiculous feature of this loan, however, is that the Government is financing facilities that will cost $100 million to duplicate facilities which cost $25 million and are already being used to serve the same customers.

LOUISIANA LOAN

This $56 million loan has been the subject of Appropriations Committee discussions, congressional debate, and litigation for the past several years. As hearings before the Appropriations Committee have demonstrated, this loan will result in higher cost power for farmers and other cooperative consumers in Louisiana if the system is built as approved by REA. This loan has placed the Federal Government in the embarrassing position of spending taxpayer dollars which, if the plant is built, could increase electric rates of rural people.

BASIN LOAN (NORTH DAKOTA)

This is the largest single loan in REA history—$97 million—and was made October 25, 1968, just prior to the election. It was made despite the fact that the record before the Appropriations Committee showed that facilities previously constructed by basin from a $36 million REA loan made in 1962 have more than adequate capacity to serve its customers for years into the future.

As a matter of fact, basin already has incurred a loss of $2,500,000 for the first 3 years of operations with this plant. This large loss accrued although no payments on principal have yet been made by REA on this loan. The recent $97 million loan is nothing more than throwing good money after bad, and there should be no advances of funds to basin until the entire situation has been fully investigated and reappraised. This loan was not designed to help REA borrowers, but to promote the scheme of Federal power zealots who want to control the power supply for the whole region.

BIG RIVERS LOAN

This generating and transmission cooperative, already federally financed to the tune of $72 million received $27,400,000 more in REA funds just 5 days before the new administration took office in January. This loan—and others—almost exhausted REA's loan authorization for fiscal year 1969, and caused the Appropriations Committees of Congress to urge the new Administrator to give priority to distribution loans in administering available funds.

The facts surrounding these cases have cast a new pall of suspicion over the whole REA program. It is time to call a moratorium on advances for these generation and transmission loans until they have been thoroughly restudied.

Surely, too, there should be a special review of REA loans made in the closing days of the previous administration in order that the type of long and involved litigation involving earlier loans might be avoided. If court cases could be avoided, the taxpayers and cooperative consumers would be saved millions of dollars.

So much for the REA—Mr. Speaker, and may I move on in the few remaining moments that I have to several other significant differences in this conference report from the House-passed bill.

The two really big items, as has been mentioned before, are the big increase in food stamps to the new authorized level of $610 million and an additional amount of $250 million for restoration of the capital impairment of the Commodity Credit Corporation. Incidentally, this still leaves the CCC even with this additional amount, roughly a quarter of a billion dollars shy of having its capital impairment fully restored.

Now with respect to the controversial $20,000 limitation that was passed by this House by a vote of 224 to 142, I must say that I had just about concluded that I would reserve on this point also, for as Members of this House well know, I have supported the concept of a limitation when the authorizing legislation has been before us, but I have opposed the limitation when it came as a rider to one of our appropriation bills. After hearing all the arguments pro and con over an extended period of time, I have come to the conclusion that we have no other recourse but to take the route as prescribed in our conference report. From a very practical point of view, the limitation would have no effect on the cotton program, which is really the prime target of such a limitation, for with the imposition of a limitation the cotton boys would simply go back to that so-called "snap-back" provision, which many of us opposed several years ago. But let us face it, we lost the battle then and the cotton boys in concert with their big city allies at that time, knew exactly what they were doing when writing this provision into the authorizing legislation. You can cuss it all you want to now, but it is the law, notwithstanding the warnings we spoke about years ago.

Another prime target of the limitation would be the big wheatgrowers, but I do not see how this could affect those who already planted their fall wheat. While the gentleman from Illinois (Mr. FINDLEY), read a communication from the Department of Agriculture earlier in this debate, warning of the prospects of a limitation, I do not think in good conscience the Congress could say in a body that this was sufficient notice to our farmers. So with cotton and fall planted wheat being excluded from the limitation, it narrows down to affecting feed grains only, and I would simply have to say that on its face this would be discriminatory.

Now let me say in conclusion that I am convinced that the Secretary, the Department, and the Agricultural Committees in both bodies have gotten the message about our feeling with respect to imposing limitations on any similar programs in the future. We are going to have a chance to rewrite a farm bill next year, and just as sure as we are sitting and standing here today you can bet your bottom dollar that there will not be any bill passed next year with any kind of payments involved unless there are some reasonable limitations.

I hate to be at odds with my very dear friend Mr. CONTE, a member of our full Committee on Appropriations, and his sidekick in this effort, my very dear friend and colleague from Illinois (Mr. FINDLEY), but they have had their day—they have made their points, good ones, to which I would surely have to subscribe in the main—but my bone of contention is the means by which they hope to accomplish their end.

I hope the Members will see fit to support those of us who are trying our best to reflect the will of the majority of this House and at the same time do it within the orderly procedures of this body. Vote up the previous question and while I make no special pleading that you support my straight motion to recommit, I will, as a matter of fact, offer it as a parliamentary device and means of getting this conference report adopted without further delay, so that we can move on to all the other pressing business bearing down upon us.

Mr. WHITTEN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to express at this point, as the chairman of the conferees, my appreciation for the very splendid statement just made by the distinguished Speaker, not that I do not appreciate all of the other statements which have been made. However, in my 18 years of service as chairman of the Subcommittee on Appropriations for the Department of Agriculture I have never seen the day that the distinguished Speaker, the Honorable JOHN McCORMACK, was not in there pitching for the bill designated "Agriculture."

But, you know, if you study it, you will find that about half of this bill goes for food programs, meat inspection, and other items not generally linked directly with "Agriculture." Our distinguished Speaker has recognized what many Americans today do not seem to recognize and that is this: The first step toward providing food is to produce food. We must do those things that are of assistance to those who produce the food and keep them producing it. Certainly we can pass all the laws we want to and not meet the demand for food.

Mr. Speaker, I did not want to close this debate without paying tribute to the distinguished Speaker not only for his interest in agriculture but for his interest in all phases of American life.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to make an observation.

Mr. WHITTEN. I yield only for a question.

Mr. CONTE. I have the same high regard and esteem for the distinguished Speaker as does the gentleman from Mississippi and I believe the Speaker knows it. But in answer to all your crying about the lateness of the session and the need for speedy action on this farm bill, where were you earlier in the year when some of us were trying to get a food stamp bill out of committee and into the House? Here it is November 19 and you have not passed this bill as of today. Not because of any delay taken on our part, but merely because you did not move sooner in getting this bill on the floor of the House. If you were really bleeding for the food stamp portion of this bill, you would have been doing something about it months ago.

The gentlewoman from Missouri is to be commended and everyone on this side of the aisle should get up and join with me for putting this farm albatross right around the necks of the Democrats.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman for a question only.

Mr. HAYS. I would like to point out in my question that I was fooled one time and voted for the motion of the gentleman from Massachusetts, and I would have again, until I saw him 2 hours after the motion to limit agricultural payments was defeated vote against the limitation on a similar amendment on subsidies to magazines.

Mr. WHITTEN. Mr. Speaker, I should have stuck by my original guns and moved the previous question earlier.

Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 172, not voting 45, as follows:

[Roll No. 281]

YEAS—214

Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Aspinall
Ayres
Bell, Calif.
Berry
Betts
Bevill
Blanton
Blatnik
Boggs
Bolling
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Bush
Byrnes, Wis.
Caffery
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Collins
Colmer
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Dent
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Edwards, Ala.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Fisher
Flood
Flowers
Flynt

Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Gonzalez
Goodling
Gray
Gubser
Hagan
Haley
Hammerschmidt
Hansen, Idaho
Hathaway
Hays
Hébert
Henderson
Hicks
Holifield
Hull
Hutchinson
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
McClory
McClure
McFall
McKneally
McMillan
Mahon
Mailliard
Mann
Martin
Matsunaga
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills
Mink
Minshall
Mize
Mizell
Montgomery

Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patten
Pepper
Perkins
Pickle
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Roudebush
Ruth
St. Onge
Satterfield
Schadeberg
Scherle
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Vigorito
Waggonner
Wampler
Watkins

Watts
Weicker
White
Whitehurst
Whitten

Wilson, Charles H.
Winn
Wright
Wyatt

Wylie
Young
Zion
Zwach

NAYS—172

Addabbo
Anderson, Calif.
Ashbrook
Baring
Barrett
Beall, Md.
Bennett
Biaggi
Biester
Bingham
Boland
Brademas
Brasco
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Carey
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daddario
Daniels, N.J.
Delaney
Derwinski
Diggs
Donohue
Duncan
Dwyer
Eckhardt
Eilberg
Erlenborn
Esch
Eshleman
Farbstein
Fascell
Findley
Fish
Ford, William D.

Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Hall
Halpern
Hamilton
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Ichord
Jacobs
Johnson, Pa.
Kastenmeier
Keith
Koch
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
Macdonald, Mass.
Madden
Marsh
Mayne
Meskill
Miller, Calif.

Minish
Mollohan
Monagan
Moorhead
Morse
Mosher
Nedzi
Nix
O'Konski
Ottinger
Pelly
Pettis
Philbin
Pike
Pirnie
Podell
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rogers, Colo.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Smith, Calif.
Stafford
Stokes
Stratton
Taft
Teague, Calif.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wyman
Yates
Yatron
Zablocki

NOT VOTING—45

Abbitt
Adams
Andrews, N. Dak.
Ashley
Belcher
Blackburn
Cabell
Cahill
Camp
Celler
Cunningham
Dawson
de la Garza
Denney
Edmondson

Edwards, Calif.
Goldwater
Griffin
Hansen, Wash.
Jones, Tenn.
Kirwan
Landgrebe
Lipscomb
MacGregor
Mathias
May
Morgan
Morton
O'Neal, Ga.
Patman
Pollock

Powell
Pucinski
Reifel
Rodino
Rooney, Pa.
Rostenkowski
Stephens
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Wold
Wydler

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Edmondson for, with Mr. Ashley against.

Mr. Cabell for, with Mr. Celler against.

Mr. Griffin for, with Mr. Edwards of California against.

Mr. Reifel for, with Mr. Morgan against.

Mr. Teague of Texas for, with Mr. Kirwan against.

Mrs. Hansen of Washington for, with Mr. Powell against.

Mr. Jones of Tennessee for, with Mr. Pucinski against.

Mr. O'Neal of Georgia for, with Mr. Rodino against.

Mr. Patman for, with Mr. Rooney of Pennsylvania against.

Mr. Stephens for, with Mr. Rostenkowski against.

Mr. Denney for, with Mr. Dawson against.

Mr. Belcher for, with Mr. Thompson of New Jersey against.

Mrs. May for, with Mr. Goldwater against.

Mr. Lipscomb for, with Mr. Blackburn against.

Mr. Camp for, with Mr. Wydler against.

Mr. Watson for, with Mr. Adams against.

Mr. Morton for, with Mr. Cahill against.

Mr. Pollock for, with Mr. MacGregor against.

Until further notice:

Mr. Abbitt with Mr. Cunningham.

Mr. de la Garza with Mr. Utt.

Mr. Tunney with Mr. Wold.

Mr. Andrews of North Dakota with Mr. Mathias.

Messrs. ECKHARDT, BYRNE of Pennsylvania, and RUPPE changed their votes from "yea" to "nay."

Mr. O'NEILL of Massachusetts changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the conference report (House Report No. 91–657) on H.R. 11612 to the committee of conference.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 12: On page 8, line 2, strike out "$61,175,000" and insert "$61,710,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: in lieu of the sum stricken and inserted, insert the following: "$62,510,000".

The motion was agreed to.

A motion to reconsider the votes by

which action was taken on the conference report and the motion was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report just adopted, and to include certain tables, relating thereto; and that all Members may have 5 legislative days in which to extend and revise their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 11702, MEDICAL LIBRARY AND HEALTH COMMUNICATIONS ASSISTANCE AMENDMENTS OF 1969

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11702) to amend the Pubic Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and CARTER.

CONFERENCE REPORT ON H.R. 12829, INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 18, 1969.)

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, what is involved here is a conference report on an extension of the interest equalization tax which, it will be recalled, passed the House on August 7, last, as I recall, by virtually a unanimous vote if not by an actual unanimous vote.

The bill itself would again extend this act, that we had previously enacted and previously extended, through March 31, 1971. The need for it was made quite evident in the report of the Committee on Ways and Means, and by the statements of those of us who discussed it in August in the House.

The Senate did develop, as I recall, several amendments to the body of the interest equalization tax extension bill. They are entirely technical in nature. They were sought by the Treasury after the bill had passed the House, and agreed to by the Treasury, agreed to by our staff working with the Senate Finance Committee.

However, Mr. Speaker, in nearly all respects, the interest equalization tax as it appears in the conference agreement before you is the same as in the bill passed by the House. Let me describe the only important changes the bill makes in this tax. First, the bill as agreed to by the conferees extends the tax from September 30, 1969, to March 31, 1971. This is the same as the House version of the bill provided.

Second, the President's discretionary authority to vary the tax rates is modified so that a lower rate may be applied to new issues than to outstanding issues. This also was provided in the House bill. In addition, there are minor perfecting changes that were contained in the House bill.

The bill as approved by the House extended the tax from its August 31, 1969, expiration date to March 31, 1971. The Senate extended the tax from the September 30, 1969, expiration date to take account of the temporary extension of the tax which had occurred since the House passed the bill. Thus, the conference agreement makes the tax effective as of September 30, 1969, and continues it until March 31, 1971.

The House bill permitted a domestic financing company to elect in effect to be exempt from the tax if, among other things, it only makes loans in connection with sales of tangible personal property. A Senate amendment agreed to by the conferees permits the company to also make loans in the course of, and incidental to, carrying on its financing company business, such as salary or travel advances to employees. The bill as approved by the House also allowed these financing companies to treat their trade accounts and liabilities which are payable within 1 year as foreign funds out of which loans may be made. The conferees agreed to a Senate amendment to extend this period to 3 years in the case of accrued foreign tax liabilities, since under a number of foreign tax systems taxes are not payable until 2 or 3 years after the time of accrual.

Three other Senate amendments to the interest equalization tax to which the House conferees agreed are concerned with the treatment of certain types of lease transactions. Presently, there is an uncertainty as to the treatment, for purposes of the tax, of financial leases which are used as a substitute for debt financing. To resolve this uncertainty, the Senate added an amendment to the House bill to make it clear that an obligation arising under a lease which is entered into principally as a financing transaction is to be subject to the tax. This change is only for the purposes of the interest equalization tax, however, and is not intended to have any effect on how these financial leases are treated for income tax purposes.

In addition, in order to insure that the tax does not adversely affect our exports where these financial leases are treated as debt obligations, the Senate amendments provide that export leases are to be exempted in a manner similar to debt obligations for purposes of the existing export credit exemption and also under the financing company provision.

In this regard, first an exemption from the tax, similar to the exemption presently available for export sales, is provided for leases where a U.S. person acquires a debt obligation of a foreign person which arises out of a lease of tangible personal property to the foreign person. For this exception to apply, the debt obligation arising from the lease either must be guaranteed or insured by a U.S. agency, such as the Export-Import Bank, or at least 85 percent of the value of the leased property must be attributable to the use of property which was produced in the United States or to the performance of related services by U.S. persons. Second, it is provided that a financing company of the type I referred to earlier also may acquire debt obligations which arise out of a lease of tangible personal property if at least 85 percent of the value of the property subject to the lease is attributable to property created in the United States or to the performance of services by a U.S. person.

There is no controversy whatsoever about these amendments.

But in addition, Mr. Speaker, an amendment was adopted that is somewhat controversial, I assume, and about which objection was made by the gentleman from New York (Mr. CELLER) to the bill going to conference by unanimous consent.

It will be recalled that this week the House did adopt a rule, the purpose of which was to send the bill to conference. Your conferees on the part of the House met with the Senate. We discussed the amendments which had been offered by the distinguished senior Senator from the State of Utah dealing with this matter; the recordkeeping in the case of the sale of shotgun and rifle ammunition.

The Senate amendment to which the House conferees agreed which does not deal with the interest equalization tax is concerned with the recordkeeping requirements in the case of purchases of shotgun and rifle ammunition. Regulations issued under the Gun Control Act of 1968 require a person selling ammunition to obtain the purchaser's name, address, date of birth, and some form of identification. The Senate amendment repeals these requirements for shotgun ammunition and ammunition suitable for use only in rifles generally available in commerce because recordkeeping in the case of this type of ammunition, used mostly by sportsmen, imposes a large and unnecessary burden on sellers and purchasers without contributing to public safety Ammunition presently interchangeable between rifles and handguns, such as .22-caliber rimfire ammunition would continue to be subject to the recordkeeping requirements.

The Senate adopted the amendment by a vote of 65 to 16.

Our conferees were told that the Senate had taken this position because after thorough consideration of the matter that the conferees on the part of the Senate felt themselves, because of this separate vote on this issue, and the sort of landslide proportions of the vote, felt themselves unable to recede from the amendment.

The House conferees did then accept this Senate amendment.

Let me talk to you just a little bit about this, in addition to what I have already said. You probably heard the gentleman from Minnesota (Mr. MacGregor) point out the other day in the course of the debate on the rule sending the matter to conference that he had offered an amendment which was more extensive in nature than the amendment in the conference report, and that that amendment, even though it was more extensive, was agreed to by the House in connection with the consideration of gun legislation in 1968, but that the matter was eliminated in conference even though the House had by an affirmative vote adopted it.

What we are doing here is accepting a part of an amendment that the House has thus already approved. This amendment has the support, and I have with me a letter from the Under Secretary of the Treasury, Dr. Charles E. Walker, telling me it is approved by the Treasury Department which is, as you know, through the Internal Revenue Service, the agency that actually administers the operation of this registration program of the sale of shells and shotguns.

I will read from the letter, as follows:

> The Department favors the Senate amendment to H.R. 12829 dealing with ammunition recordkeeping requirements. The Department has found that the records required of transactions in sporting type ammunition, primarily shotgun and rifle ammunition, are not effective as a law enforcement tool. The recordkeeping requirements, however, because of the volume of transactions in sporting ammunition tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws. The amendment does not affect the recordkeeping requirements concerning pistol and revolver ammunition, nor .22 caliber rimfire ammunition, nor does it affect the existing controls of interstate shipment and sales by licensees to prohibited persons. We believe, therefore, that the amendment is desirable.

As I have indicated, under existing law if one of your constituents goes to anyone operating a retail store and buys a box of shotgun shells, there is a registration requirement and a recordkeeping requirement that has to be performed by the individual retail merchant selling those shotgun shells. This, we are told by the Treasury, is a very onerous responsibility on those who have to keep the records.

As I remember, if I may call the attention of my colleague, the gentleman from Wisconsin (Mr. Byrnes) to this, in the conference we were told that these recordkeeping requirements are not effective as a law-enforcement tool; is that right?

Mr. BYRNES of Wisconsin. Yes; the nuisance created under that did not provide a beneficial effect so far as the enforcement of gun control legislation was concerned, which is the objective of the legislation.

Mr. MILLS. Yes; that is it and that is my recollection and I wanted the gentleman to correct me if I was wrong.

That is what is involved here, Mr. Speaker, and I would urge that the conference report be adopted even though there might be someone who does not like this particular amendment, because of the inherent nature and the great importance which I attach to the extension of the interest equalization tax.

It has already expired. It did so at the end of the period of the temporary extension on September 30, last. We have asked the Treasury to see to it that these transactions involving foreign securities and American dollars are enforced and supervised, even though we had not extended the legislation. If we do not extend it now, frankly, I do not know just when we will get back to an extension of that kind. I think it would give rise to an immediate stampede of American dollars into the purchase of foreign securities and into loans on foreign obligations and thus very adversely affect an already deplorable, as I see it, balance-of-payments situations right here in the closing days of the calendar year.

I would hope that those who, even though they might not like some aspects of the amendment, will see their way clear to support the conference report.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I am happy to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. We already have a deplorable situation. In effect, we have an excise tax that expired on the 30th of September, and this report requires us to make it retroactive, which is a very undesirable way, under the best of circumstances, to meet a situation.

Mr. MILLS. It is bad enough with respect to income taxes, but it seems worse with respect to excise taxes.

Mr. BYRNES of Wisconsin. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Hunt).

(Mr. HUNT asked and was given permission to extend his remarks.)

Mr. MILLS. Mr. Speaker, I yield to the gentleman from Oregon, a valuable member of the Ways and Means Committee.

Mr. ULLMAN. I thank the gentleman. Did I understand correctly that the amendment in question would not remove the reporting requirements on .22 rimfire target ammunition?

Mr. MILLS. It does not; because that matter, though it had been included in the amendment by the Senate Finance Committee, was deleted by a subsequent amendment adopted on the floor of the Senate. So the instant amendment has application only to shells of two varieties, shotgun shells and shells that are suitable and are usable in rifles.

Mr. ULLMAN. I want to congratulate the chairman for his effective work on this amendment and for accepting the amendment. But I would remind him that I have introduced legislation that would also remove the reporting requirements on .22 rimfire target ammunition, and I would hope that sometime we might take that up.

Mr. MILLS. The gentleman's amendment is more in line with the amendment adopted by the House, the so-called MacGregor amendment; is it not?

Mr. ULLMAN. Yes.

Mr. MILLS. This amendment does not go quite that far, as I said; but I want to say again, Mr. Speaker, that I do not consider that the Ways and Means Committee—that is, the conferees on the part of the House—in accepting this amendment in conference, has assumed jurisdiction of some other committee's legislation. The truth of the matter is that the bill which the gentleman from Oregon (Mr. Ullman) had introduced and bills other Members of the House had introduced of like nature had all been referred, some of them even before the Senate adopted this amendment, to the Ways and Means Committee. The Internal Revenue Service Administers this. The original legislation was connected with the Internal Revenue Code. This bill amends the Internal Revenue Code, and that is why the Speaker saw fit to refer these bills as he did.

I yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I think there are a considerable number of us on the floor today who are happy that the committee of the distinguished gentleman from Arkansas has been entrusted with a part of this responsibility for removing some very objectionable nuisance language from the statute books. I commend the gentleman and his committee on what has been done. This is an important step insofar as it goes.

Mr. Speaker, it is of more than casual interest that the elimination of nuisance reporting on ammunition sales which is now proposed will bring last year's antigun bill more in line with the House version of that bill. It will be recalled that the House, by a decisive vote, refused to accept many of the more objectionable features such as ammunition sales recordkeeping which was later added in the Senate. Once the bill left the House, a new, more restrictive bill was written. Conference action and subsequent procedures were such that the House was never given an opportunity to improve the bill. Now the people back home are making their voices heard and it is interesting to note that some of the more zealous antigun advocates of last year have seen the light and are now piously helping to lead the march toward partial correction of last year's mistake.

It should be recalled, however, that by today's action we are taking only one step. We should not lessen our efforts until last year's bill is repealed or rewritten in more reasonable form.

The folly of excessively restrictive antigun laws is now beginning to show up clearly. Gun registration and owner licensing which are being tried in the States and cities is simply compounding the problems of the law-abiding citizen and the police officials with no measureable benefit against crime. These laws have not helped reduce crime but they have imposed tremendous new burdens on government officials and new unnecessary costs on the taxpayer. It should be very obvious that crime is continuing to flourish and it is even increasing in many of the areas where antigun laws are the strictest. The Nation's Capital is a very good example. Some of the most stringent antigun regulations ever compounded are in effect here. Every gun owner must report his weapon and apply for a permit. Ammunition cannot be purchased until a permit to own a gun is shown. This includes long guns as well as handguns. Yet crime is up in Washington by a shocking percentage and many officials here and elsewhere, are ready to throw up their hands and admit nothing has been accomplished by actions to outlaw guns except to help insure that only the criminal will have weapons.

These situations are additional justification for what we do today. Removing the requirement for recordkeeping in the purchase of certain types of ammunition will eliminate some of the objectionable features of the bill. This will be welcomed by every hunter in the field and by every dealer who sells ammunition. The recordkeeping requirement of the new Federal law has multiplied the work of the dealer and provides an irritation to the hunter. It must be remembered, however, that this is only a part of the burden which accompanies the paper shoving, recordkeeping, irritations, and frustration of gun registration and licensing laws generally.

Mr. HUNT. Mr. Speaker, there appears in this morning's Washington Post an editorial on the pending amendment that would eliminate the requirement for recordkeeping with regard to sales of rifle and shotgun ammunition and their components. In the usual style of the Post, the editorial writers have gone off half-cocked, appealing to emotion rather than reason.

I consider the editorial to be a rather cynical reference to the motives of the majority of the Members of Congress who support this amendment, although they may not approve of the manner in which it was attached as a rider to an unrelated bill in the Senate. Fortunately, our representative government is more attuned to being responsive to all the people than is this one small element of the news media which is well known for its bias.

Contrary to the inference that the adoption of this amendment is a retrenchment in the resolve of Congress to fight crime, it has been my consistent belief that the primary emphasis of the Gun Control Act of 1968 was misplaced. Following the emotion that was whipped up by the news media and the subsequent highly effective antigun lobby, the intended impression was given that the gun commits the crime rather than the person with his finger on the trigger and the mental ability to choose whether or not to use it lawfully. With a variety of mixed emotions, the Congress passed the bill, some hoping that the criminal and other undesirables would not be able to obtain guns or the ammunition to make them lethal, as the Post says. Of course, everyone knows that any gun is to be treated as if it is loaded at all times.

Noticeably lacking from the legislation was a strong penalty provision to deter the use or possession of a gun in the commission or attempted commission of a crime. However, underlying the passage of the Gun Control Act, despite impassioned assurances to the contrary, was the notion by advocates of strong gun controls—as opposed to those favoring stringent criminal penalties—that this was the first step toward the eventual confiscation of all guns. This view was given substantial credence when the former President's Violence Commission released its report in July this year which recommended a national system of licensing that would remove from circulation more than 90 percent of the privately owned handguns in the Nation.

The Post editorial castigates the National Rifle Association—NRA—for its interest in gun-control legislation. And yet it makes no mention of the antigun lobbies that conducted a highly emotional and, in my estimation, highly irresponsible campaign in the months prior to the enactment of the Gun Control Act. I suggest that the Post make itself more familiar with the responsible and very worthwhile programs of the NRA which has not and should not apologize for its representation of those law-abiding citizens who own guns while at the same time maintaining that legislation should be directed to the criminal element whose unlawful use of a firearm must be severely punished regardless of any other controls. I have stated before and repeat here that the NRA has never contributed to a campaign in my behalf nor has a representative of the NRA ever visited my office or solicited in writing support of or opposition to any legislation.

The editorial makes a statement that—

> A requirement that ammunition sellers keep a record of all sales and identify all purchasers helps the police solve crimes and catch criminals; it even makes criminals a little leery about buying ammunition.

Perhaps the Post would like to volunteer information to support that statement rather than deluding anyone that the recordkeeping requirements for the sale of ammunition have been even remotely useful in curbing the unlawful use of a firearm. As for making a criminal leery about buying ammunition, I fail to see how anyone who is not deterred from using a gun to commit a crime would be the least hesitant to buy ammunition. He might even use his stolen gun to get the ammunition without paying for it.

In conclusion, I am pleased to note that the Senate Judiciary Committee has approved legislation providing for mandatory sentences in connection with any Federal felony in which a firearm is used or carried, in addition to the punishment imposed for the crime itself. I have introduced similar legislation in the House, and if the Post would like to be constructive, I suggest and invite the Post to lend its support to the enactment of the measure.

The editorial to which I have been referring follows in its entirety:

A bandit wearing a ski mask and brandishing a long-barreled gun held up the Centreville branch of the Potomac Bank & Trust Co. Monday and escaped with more than $1000. A service station in Southeast Washington was robbed the same day by two men, one wielding a sawed-off shotgun. It is true, to be sure, that a score or more of other robberies, shootings and assorted holdups occurring on the same day were accomplished by means of handguns; and there is no doubt that these are the weapons of choice for punks, grownup thugs and others bent upon relieving fellow-citizens of their lives or their possessions. When a pistol or revolver is lacking, however, a rifle or shotgun will serve well enough—provided the ammunition necessary to make it lethal is obtainable.

In a momentary outburst of revulsion against crime a year or so ago, Congress passed a law forbidding the sale of firearms and ammunition to certain classes of irresponsibles, criminals among them. Unfortunately, this imposed a minor inconvenience on "sportsmen;" it meant that they were obliged to identify themselves when purchasing bullets. So, in order to ease this insupportable burden, Congress is about to exempt shotgun and rifle ammunition from the restrictions of the gun control law. This will make it easy for anybody, the law-abiding and the criminal alike, to buy bullets whenever they feel like shooting a deer or a gas station attendant.

It was kind of cute the way the gun lobby got this thing through. In the Senate, they tacked the repealer onto a House-passed bill extending the interest-equalization tax with which it had about as much to do as the price of putty. The argument was that rifles and shotguns are used only for fun and can't really hurt anybody. And now the House, which is under a lot of pressure from the administration to get the interest-equalization tax extended, is going to be compelled to accede to the Senate version when the bill goes to conference. It's really quite amusing, isn't it—except for the folks who get shot?

You may wonder why the National Rifle Association is so good at getting its way in Congress while the gun control groups are so ineffectual. It's not difficult. The NRA has behind it a lot of vested interests—gun manufacturers, gun dealers and others who make money out of firearms and believe in letting the bullets fall where they may. These merchants are able to pay for year-round lobbyists and elaborate propaganda campaigns; and they're always glad to help a helpful congressman around election time. The gun control people are mere amateurs who tend to think that when they're sent a telegram or written an editorial they've got a problem solved.

A requirement that ammunition sellers keep a record of all sales and identify all purchasers helps the police solve crimes and catch criminals; it even makes criminals a little leery about buying ammunition. But if you'll look at the list of senators who voted to pass the ammunition indiscriminately to anyone, you'll find prominent among them the loudest and most eloquent denouncers of crime and criminals, including of course, the greatest Roman of them all.

Mr. TAYLOR. Mr. Speaker, I rise in support of this conference report and am especially interested in the section which repeals certain provisions of the Gun Control Act of 1968.

I voted against these provisions when they were adopted back in 1968. The ammunition recordkeeping provisions of the Gun Control Act have been regarded by the public as burdensome and unnecessary and unwise. In January of this year I introduced a bill which would repeal all ammunition sales from the Federal regulations under the Gun Control Act. As it now stands, licensed dealers for each ammunition sale must record the following information: Date; ammunition manufacturer, caliber or gage; quantity; purchaser's name, address, date of birth, and mode of identification, such as driver's license, social security card, and so forth. In some mountain areas hunters sometimes purchase only three or four shotgun shells rather than a full box. Obviously, the bookkeeping and time involved for ammunition sales—large or small—are a burden and hardship on both dealers and purchasers. It has caused some rural store operators to cease selling ammunition entirely, thereby inconveniencing hunters and sportsmen.

I am now pleased to have the opportunity to vote for legislation which repeals these requirements in regard to sales of shotgun ammunition and ammunition commonly used only in rifles generally available in commerce.

Mr. BERRY. Mr. Speaker, I want to commend the able chairman of the Ways and Means Committee and the conferees upon accepting the amendment of the other body with regard to repeal of that portion of the gun control law requiring registration for the purchase of shotgun and rifle shells. My only regret is the rim-fire 22-gauge shells were not included.

Personally, Mr. Speaker, I think the whole gun control law should be repealed. It has wholly failed to control crime which was the purpose of passage in the first place.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks at this point in the Record on the conference report.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Does the gentleman from Wisconsin desire me to yield further time to him?

Mr. BYRNES of Wisconsin. No, Mr. Chairman, you have explained the conference report fully, and there is nothing I can add.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. SAYLOR. Mr. Speaker, I withdraw my point of order.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Evidently a quorum is not present.

The Doorkeeper will close the doors, and the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 334, nays 47, not voting 50, as follows:

[Roll No. 282]

YEAS—334

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Culver
Daddario
Daniel, Va.
Davis; Wis.
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson Pa.
Jonas
Jones Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Roth
Roudebush
Ruppe
Ruth
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—47

Barrett
Bingham
Bolling
Brasco
Brown, Calif.
Burton, Calif.
Carey
Celler
Chisholm
Clay
Cleveland
Cohelan
Conyers
Corman
Daniels, N.J.
Farbstein
Fraser
Friedel
Gallagher
Gilbert
Green, Pa.
Gude
Halpern
Hanley
Harrington
Hawkins
Helstoski
Kastenmeier
Koch
Lowenstein
McCarthy
McClory
Mikva
Minish
Mosher
Ottinger
Podell
Rees
Reid, N.Y.
Rooney, N.Y.
Rosenthal
Ryan
St Germain
Scheuer
Stokes
Wolff
Yates

NOT VOTING—50

Abbitt
Andrews, N. Dak.
Ashley
Belcher
Blackburn
Blatnik
Cabell
Cahill
Camp
Cunningham
Davis, Ga.
Dawson
de la Garza
Delaney
Denney
Edmondson
Edwards, Calif.
Fish
Flynt
Griffin
Hansen, Wash.
Jones, Tenn.
Kirwan
Landgrebe
Lipscomb
McCulloch
Mathias
May
Morgan
Morton
O'Neal, Ga.
Patman
Pollock
Powell
Pucinski
Reid, Ill.
Reifel
Rodino
Rooney, Pa.
Rostenkowski
Roybal
Skubitz
Stephens
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Wold
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Morton.

Mr. Pucinski with Mr. McCulloch.

Mr. Rodino with Mr. Andrews of North Dakota.

Mr. Edwards of California with Mr. Mathias.

Mr. Edmondson with Mr. Belcher.

Mr. Delaney with Mr. Lipscomb.

Mr. Rooney of Pennsylvania with Mr. Cahill.

Mr. Rostenkowski with Mr. Cunningham.

Mr. Griffin with Mr. Utt.

Mr. Morgan with Mr. Reifel.

Mr. Ashley with Mr. Landgrebe.

Mr. Teague of Texas with Mr. Blackburn.

Mr. Jones of Tennessee with Mr. Skubitz.

Mr. Abbitt with Mrs. Reid of Illinois.

Mr. O'Neal of Georgia with Mr. Watson.

Mr. Blatnik with Mr. Wydler.

Mr. Cabell with Mr. Camp.

Mr. Davis of Georgia with Mr. Wold.

Mr. de la Garza with Mr. Fish.

Mr. Flynt with Mr. Pollock.

Mrs. Hansen of Washington with Mrs. May.

Mr. Stephens with Mr. Denney.

Mr. Roybal with Mr. Dawson.

Mr. Patman with Mr. Tunney.

Mr. Kirwan with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. MacGREGOR. Mr. Speaker, on rollcall No. 281, the vote on the previous question on the agriculture appropriations conference report for fiscal year 1970, I was unable to vote. When the roll was taken I was at the Mayflower Hotel in Washington speaking on refugee legislation to participants in the National Conference on World Refugee Problems. Had I been present in the House I would have voted "no."

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FOREIGN ASSISTANCE ACT OF 1969

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 707 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 707

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the resolution will note that this is an open rule providing for 3 hours of general debate on the foreign aid bill. As is usual, there is no controversy that I know of on the rule, but there is a great deal of controversy on the bill which is made in order by the rule.

Does the gentleman from Iowa desire me to yield to him?

Mr. GROSS. I would appreciate it.

Mr. BOLLING. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I wish to commend the Rules Committee—I do not often have the opportunity—for bringing forth a wide-open rule for the consideration of this particular legislation. I assume that this will make it easily possible to offer amendments to the bill to cut most of the money figures 75 percent, and I sincerely hope that I may have the support of the distinguished gentleman from Missouri for the amendments which I hope to have the opportunity to offer to that end.

Mr. BOLLING. I would be delighted to reply to the gentleman from Iowa that I will support his right to offer any amendment that he chooses at any time to this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize fiscal 1970 funding, and partial 1971 funding, for our foreign aid programs in two broad categories: Economic assistance and military assistance. Additionally, the bill creates new administrative authorities to assure that increased private capital will be encouraged to participate in the developing countries.

Authorizations contained in the bill total $2,189,400,000 for fiscal 1970. Of this total, $400 million is for military assistance and $1,789,400,000 is for economic assistance and administrative costs. This is $441 million below the budget request for fiscal 1970.

Major categories of assistance under the umbrella of economic assistance authorizations are:

Technical assistance	$422, 620, 000
Development loans	475, 500, 000
Alliance for Progress	337, 500, 000
Supporting assistance	414, 600, 000

Within these broad categories a number of programs are encompassed. The technical assistance programs are aimed at promoting the development of less developed friendly countries or areas. Either grants or loans may be made available. Bilateral, as well as multilateral assistance projects are eligible for assistance. The bill emphasizes the importance of technical assistance by authorizing a similar amount—$422,600,000 for fiscal 1971 with the aim of insuring advanced planning.

The development loans program is also authorized for 2 years at the same figure, $475,500,000. These loans are used by developing countries to create capital resources and insure locally created economic growth. They finance the construction of dams, factories, education, and health facilities, and the import from the United States of the raw materials needed to fuel industrial and agricultural development.

The Alliance for Progress also is authorized for 2 years at the figure of $337,500,000 per annum. This will be used to make dollar repayable loans in Latin America.

In the same area, $500,000 is authorized for assistance solely for Mexico to further a joint effort to shut off the illegal drug traffic.

Included in the bill is an authorization of up to $40,000,000 for the U.S. share in the cost of construction of a prototype water treatment and desalting plant in Israel. The U.S. cost is to be 50 percent or $40,000,000, whichever is less. This particular project was not a part of the administration's request and is not in the budget.

The bill establishes the Overseas Private Investment Corporation as a U.S. agency under the Secretary of State. Its purpose is to promote and support the participation of American private enterprise in providing resources and talents to help the economic and social development of underdeveloped countries. It will complement, not compete with, the efforts of AID. The bill authorizes up to $20,000,000 as working capital for the Corporation in each of fiscal 1970 and 1971. These funds will be derived from payments of principal and interest on AID loans. An 11-member Board of Directors will direct the activities of the Corporation and direct the staff. The chairman will be the Director of AID, ex officio. Six members, appointed by the President and confirmed by the Senate, will be from outside the Government. The remaining directors shall come from Government agencies involved in overseas investment and development, and shall be designated by the President.

The Corporation may not expend more than 10 percent of its available funds on any one investment or in support of any one investor. Beyond that it will serve primarily as an insurer of U.S. private industry in its development projects. It will insure or guarantee investments abroad on worthwhile projects and will be authorized to insure U.S. companies which participate in multinational projects as well as single company or national projects.

Supporting assistance is authorized in the amount of $414,600,000 for fiscal 1970. All funds will be used in seven countries: Vietnam, Korea, Laos, Thailand, Dominican Republic, Haiti, and Nigeria. Ninety-three percent is earmarked for Vietnam, Laos, and Thailand. Such assistance is available to countries where the United States has immediate foreign policy interests. Its primary function is to increase a country's ability to defend itself against Communist expansion and to maintain economic and political stability.

Contingent fund authorizations for fiscal 1970 total $15,000,000. The committee believes this to be sufficient, noting that a little less than $14,000,000 was obligated in fiscal 1969.

Military assistance authorizations are also contained in the bill, totaling $350,000,000 for fiscal 1970. Ninety percent of these funds will be spent in four countries: Greece, Turkey, Republic of China, and Republic of Korea to improve their defensive capabilities. Additional funds are authorized for Korea, totaling $50,000,000 in each of fiscal 1970 and 1971, to improve its ability to repulse the increasing attacks across the truce line by the Communists.

Finally, the bill creates the Inter-American Social Development Institute. Its function is to give new direction and emphasis to U.S. assistance efforts in

Latin America. It will be funded by the transfer of up to $50,000,000 of existing appropriated funds under the Foreign Assistance Act. It is to be a semiprivate organization working primarily on a people-to-people basis rather than through governments to improve the social and civic life in Latin America. Some 800 nonprofit organizations in the United States are now involved in this endeavor. The Institute will coordinate their actions and try to insure maximum benefits from their efforts.

Mr. Speaker, I would like to call the Members attention to the nine points in the minority report.

First. The program funded by this bill is only one part of our total foreign aid operations. More than a score of other laws authorize programs to funnel U.S. resources abroad. They vary in size, shape, and objectives but are uniform in that they all draw on the taxpayers of this country. For the next fiscal year they will shell out more than $10 billion for the hydra-headed monster called foreign assistance.

Second. Almost $19 billion remains in the pipeline from previous years appropriations for all these programs.

Third. Since 1946 we have sent abroad in one form or another $122 billion. The net interest on what we have borrowed to give this sum away adds another $60 billion.

Fourth. The public debt of the United States stands at more than $360 billion. Interest alone on that debt is more than $18 billion.

Fifth. Interest on Federal borrowing is now more than 7 percent. Compare this with the rate at which loans are now made under foreign assistance—2 percent for the first 10 years and 3 percent for the next 30 years.

Sixth. Federal taxes are at their highest level to say nothing of State and local taxes. We hear with increasing frequency of a taxpayers' revolt. If the taxpayers knew the full story of the extravagance and waste in this program, the threat would be even more real.

Seventh. With the increased unsettled conditions abroad, how much longer can defenders of this program argue that it is in our national interest; that it will promote security and development? Many of the recipients of our largesse are destroying their resources and themselves at a rate faster than we can try to save them.

Eighth. Three countries that have been receiving and will continue to receive funds under this bill—Thailand, Korea, and Taiwan—are now lending money to the United States at 6 percent interest.

Ninth. Last year Congress appropriated $1.7 billion for this program, a reduction from the Executive asking price of $2.9 billion. Can anyone point to any damage or disaster that resulted from this reduction? This year the asking price was $2.6 billion. The committee has reported out $2.1 billion. Clearly the House has an opportunity to do what the committee should have done—reduce the bill below last year's appropriation. Only then can it boast that it has made a reduction.

Mr. Speaker, I want to commend these three gentlemen who signed the minority views for this very factual information, so that the Members of this House could have these facts before them today.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from New Jersey.

Mr. GALLAGHER. Just for the purpose of the record, since the chairman is not here, the gentleman said perhaps the bill should have been brought up at a considerably earlier date, and indicated that there was some footdragging involved.

The President's message did not come to the committee before May 2, and in the form of a bill before June 9. The committee met continuously on hearings, and finished hearings before the recess, in giving the matter a thorough review. The committee then sat marking up the bill all during that period of time and finished the markup of the bill on November 6.

With the short delay of the Rules Committee and the Armistice Day holiday it appears that there was no earlier date available. I thought we should include that in the RECORD, in the absence of the chairman, who himself sat through every minute of the long hearings and markup. Were Chairman MORGAN not in Bethesda Hospital I am sure he would make this reply for the RECORD.

Mr. LATTA. I should like to say, after this bill was reported from the committee there was ample time for it to be brought to the Rules Committee for consideration prior to the time it was. I believe the testimony before the Rules Committee will substantiate this.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, in the past I have actively supported legislative restrictions and trade sanctions against foreign nations who assert sovereignty to coastal zones which the United States does not recognize and countries that have seized and fined American fishermen and fishing vessels. I have especially denounced such nations for their unwillingness to agree to arbitration, mediation or settlement of our disputes by the world court.

As such, Mr. Speaker, I have long intended to tighten such restrictions and, for example, to introduce an amendment to the Foreign Assistance Act which this rule will make in order to cut off all funds of any nature to any such offending countries.

However, I have no intention of offering any such amendment today. On the contrary, I feel there is urgent reason at this time not to take any action to provoke enmity. This feeling on my part is due to the fact that cordial discussions were held recently with certain Latin American countries with whom our differences have been particularly acrimonious; namely, Peru, Chile, and Equador.

Furthermore, I am informed that after consultations with their respective governments and with each other, the delegates of these countries will meet with us again in the near future.

So I propose no amendment but rather rise in support of policies as outlined by President Nixon.

In this connection, I am mindful of the fact that we are not popular in Latin America although our intentions have been good.

So I hope that the cause of friction will disappear and I believe indeed if the fishery dispute is settled it will pave the way for restored good will and adjustment of other disputes.

Mr. Speaker, of course I reserve the right later on to act in the interest of the American people and to support increased sanctions if necessary in the event there are continued seizures of American fishing vessels and if our talks fail and we get no response to our overtures.

On the other hand, as I said earlier I am in general support of some change in our Government's policy and in particular President Nixon's program for the reduction of nontariff barriers to trade by all industrialized countries against products of Latin America. Also, for support of increased technical and financial assistance to promote Latin American trade expansion; and for tariff preferences where needed.

Mr. Speaker, the settlement of fishery problems and the end of arbitrary action could indeed lead the way to renewed friendship and mutual confidence and respect.

Therefore, Mr. Speaker, I am not taking any provocative action today and support restoration of good neighbor relations.

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, since 1946 our country has been engaged in giving aid and assistance to countries throughout the world. There is no doubt but that aid under the Marshall plan was extremely successful and did save Western Europe from communism. It is my feeling that few of us, if any, have anything but praise for the Marshall plan which restored the productivity of the countries affected. However, foreign aid has continued now for 23 years. The policy of each year granting and loaning to countries throughout the world large amounts of money has not been reflected in economic development in the various countries. Neither has it been the basis of strong friendship which should exist between those who needed help and those who give it. As has been said previously, "loan often loses both itself and friend." Of this there can be no question.

One of the most startling examples of the misuse of foreign aid is in the case of Haiti. This country expropriated oil properties of the United States. The United States has recognized over the years the right of a foreign country to expropriate property of U.S. nationals if an equitable settlement is made. In this case, Haiti did not make such a settlement. The Government of Haiti canceled a concession agreement in which Valentine Petroleum & Chemical Corp., of the United States had investments covered by aid investment guaranties. A board of arbitration subsequently found that expropriation had occurred and awarded compensation from AID to the said oil company. That is, the Agency for International Development paid for a foreign expropriation of American property. In checking the total amount we have loaned Haiti since 1946, the amount is $33.9 million. The amount in actual grants or gifts is $81.8 million. It is a well-known fact that Dr. Francois said Franswa DuValier is known in many circles as "Papa Doc." He is the bloodthirsty tyrant who rules this country with a mailed fist. There is little doubt but that the aid from this country has kept this criminal in power over the thousands of people in Haiti. The purpose of the program should be to help the people and not to keep dictators in power. I strongly urge that aid to Haiti be discontinued.

On October 9, 1968, General Velasco, the dictator of Peru, confiscated International Petroleum Co., a Canadian subsidiary of Standard Oil of New Jersey. This again is not inconsistent with the policies of the United States if an equitable settlement is made. However, this settlement has not been arrived at and we continue to finance this regime. Since 1946 we have given—loaned—this country $46.7 million and we have given in outright grants $270.1 million. At the same time, Peruvians over the years have seized our tuna boats, our fishing vessels, even though they were far beyond the 12-mile limit recognized by the majority of the countries in the world. Again, we are financing a country which has no respect for the United States.

It is my feeling that if the American taxpayer knows that his money is being given and loaned to people who capture our fishing vessels, who expropriate our properties without payment and who riot when our emissaries visit their countries he will be unwilling to give 1 cent.

In the case of Ceylon which expropriated oil properties owned by Esso and Caltex, and as far as I can determine, no settlement has ever been made, we have loaned this small country $60 million since 1946 with a repayment of only $4.9 million and we have given grants to these people totalling $76.4 million. If Ceylon is necessary to the defense of the United States, I know not how. I feel that the taxpayers of America are unwilling to burden themselves further with payment to this small island country.

Guatemala, which in 1953 expropriated 234,000 acres of land owned by the United Fruit Co., has received largess from the United States to the extent of $77.8 million in loans and $172.1 million in outright grants.

Brazil, in 1959, expropriated American and Foreign Power Co., and in 1962 expropriated a subsidiary of International Telephone & Telegraph Co. However, in this case, a supposedly satisfactory settlement was reached pending final evaluation by the courts in Brazil. Brazil has received the lion's share of aid to Central and South American countries. Our loans to that country total $2.9 billion. Our outright gifts and grants amount to $801.4 million.

Bolivia, which recently expropriated a subsidiary of Gulf Oil, has received $205.8 million in loans and $307.3 million in grants. In 1968, alone, she received in grants $9.5 million. When Governor Rockefeller of New York visited South America as an Emissary of the present administration, violent riots broke out in practically every country in South America.

And, Argentina, another recipient of "Uncle Sugar's" money, stores built by Americans for assistance to the people of Argentina were sacked and burned. At no time was this distinguished gentleman safe. The billions of dollars which we have showered upon the countries of South America have produced enmity—not friendship. It seems the best way we can incur the enmity of a foreign country is to start loaning or granting money. In a recent paper, as I recall, it was the "A Bolivian Big Wig" who stated that the United States should provide $40 billion for future development of South America. To my way of thinking, the best way of helping South America would be to offer aid for family planning for birth control. It is the fastest growing country in the world. Overpopulation begets war and unrest. If we give aid, let it be given in this manner. I submit that the Foreign Aid Policy during the past 15 years has not only been an abysmal failure, it has kept in power dictatorial potentates and has not served the common people of the areas for which it is intended. To say something is wrong with the Foreign Aid Program is putting it mildly. It is difficult to find anything which is right. Therefore, Mr. Speaker, I urge this body to speak for the average taxpayer of the United States and vote against this abominable bill.

(Mr. POLLOCK (at the request of Mr. LATTA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, I rise in opposition to H.R. 14580, the Foreign Assistance Act of 1969. While I am not opposed to foreign aid per se, I feel that several of the expenditures authorized in H.R. 14580 are extremely ill-advised; other appropriations, though made to worthwhile projects, are simply too large.

Several factors have led me to conclude that this distinguished body should not pass H.R. 14580 in its present form. First and foremost, foreign aid appropriations totaling almost $19 billion remain in the pipeline from previous years. Moreover, at a time when Federal, State, and local taxes are higher than ever before, the Committee on Foreign Affairs recommends $2.1 billion, which is a substantial increase over last year's congressional appropriation of $1.7 billion.

Every American family must live within its budget, and every American business lives with the hard reality that expenses cannot be permitted to exceed profits. The Federal Government should do no less in matters relating to fiscal responsibility. Given the financial situation confronting the Federal Government at the present time, it is simply poor economics to continue to appropriate vast sums of money for foreign aid, at least under the current system of laws and regulations. The true state of our financial affairs can be easily ascertained by looking at some indicative statistics. Thus, for example, the present public debt of the United States is $360 billion. The interest alone on this huge indebtedness is $18 billion. In the area of foreign aid, we have sent abroad $122 billion—122 thousand million dollars—since 1946. The net interest on what the Federal Government has borrowed in order to appropriate this sum stands at $60 billion. Although the interest rate on Federal borrowing is now more than 7 percent, loans made under our foreign assistance progam yield only 2 percent for the first 10 years and 3 percent for the next 30 years.

This bleak financial picture could, perhaps, be tolerated if our present foreign aid scheme truly served to promote world peace and our national security. However, the conclusion is inescapable that many of our foreign aid programs have completely failed to accomplish these noble goals. Thus, with our foreign aid expenditures, we continue to support dictatorships in Haiti and elsewhere. In addition, we go on appropriating funds year after year to international monetary organizations over which we have absolutely no control. As a result, moneys derived from American taxpayers often end up in the treasuries of governments which have national objectives that are inimical to our own goals and aspirations. Of special concern to me, as the House Member from the great fishing and maritime State of Alaska, is the fact that we continue to allocate funds to the Governments of Ecuador and Peru, both of which have unlawfully seized American fishing vessels in international waters. Another graphic illustration of the inadequacy of our present foreign aid program is that three countries—Thailand, Korea, and Taiwan, all of which will keep on receiving funds under H.R. 14580—are currently lending money back to the United States at 6 percent interest.

Mr. Speaker, as I stated earlier, I am not altogether opposed to foreign aid. Thus, if it were not for the $19 billion which remains in the fiscal pipeline from the appropriations of previous years, I could support a bill which would reduce the total level of foreign aid expenditures, while completely eliminating allocations to some governments and projects. However, I am unalterably opposed to the version of the Foreign Assistance Act which is before us today. Since the stellar successes of the Marshall plan, our foreign aid programs have steadily deteriorated. Yet, we continue to spend billions without substantially improving our national security or accelerating the economic and social development of the countries which receive our aid. Given these bleak realities, I respectfully urge this distinguished body to vote against the Foreign Assistance Act of 1969 so that our foreign aid expenditures can be brought into line with the true facts of our economic situation and our international commitments.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14580, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. Zablocki) will be recognized for 1½ hours, and the gentleman from Indiana (Mr. Adair) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Wisconsin.

(Mr. MORGAN (at the request of Mr. Zablocki) was granted permission to extend his remarks at this point in the Record.)

Mr. MORGAN. Mr. Chairman, we have before us today H.R. 14580, the foreign assistance authorization bill. It authorizes appropriations of $2,189,400,000 for fiscal year 1970, and for three programs—technical assistance, development loans, and the Alliance for Progress—the amounts for fiscal 1970 are also authorized for fiscal year 1971.

The Executive request was for $2,630,400,000. The committee cut it by about 17 percent.

The committee began hearings on the foreign assistance authorization on June 9, 1969, one week after we received from the Executive a draft of the proposed legislation. The committee has been working on the bill ever since.

We have been fully aware of the realities of the situation we face. We had to recognize that the Congress last year voted only a little over half the money requested by the President.

We knew that the new administration needed time not only to analyze and review the foreign assistance program, but to restudy our entire foreign policy, because, after all, foreign aid exists to implement U.S. foreign policy.

At the same time, we were confronted with the fact that our military operations in Vietnam are dependent on funds to support the economy of that country. The Executive requested $415 million for this purpose.

We could not escape the fact that Korea, Turkey, and China are maintaining much larger armed forces than their economies can support. They need military assistance to keep the equipment of these forces in a state of readiness, and, except for China, they need economic aid to enable their economies to stand the strain.

Neither could we avoid the fact that some 60 less developed countries in Latin America, Asia, and Africa are depending on the United States to support their efforts to develop their resources and improve the living conditions of their people.

Maybe these poorer countries have become too dependent on us; maybe we have intervened too aggressively in trying to help them solve their problems.

We know, however, that if we suspend our foreign aid or terminate it, the impact on these countries would be very serious. Their governments and their people are firmly convinced that without outside assistance, they cannot, in the foreseeable future, make the progress which they are counting on.

If they feel that the United States is abandoning them, it will be bad not only for them, but for us.

The more the committee went into the details of the problems which we face and the need for funds, the more convinced we became that we needed to keep the program going and to make adequate financing available.

The President has appointed a task force, made up of very distinguished citizens, none of whom has been identified with the foreign aid program, to review the entire situation and report next spring. I do not believe, however, that we can afford to mark time until the task force completes its work and submits its recommendations.

The United States is confronted with problems all over the world, many of them serious and some acute. These problems will not wait until the Peterson task force completes its work.

The committee has done a careful job in dealing with a complex situation. I believe the bill we have reported is realistic and reasonable considering the problems that confront us.

It deserves the most careful evaluation by the House. I feel confident that in its deliberations the House will find that the recommendations of the committee have merit.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, today we have before us H.R. 14580, the Foreign Assistance Act of 1969.

The route by which this bill has come has been a long and difficult one. In fact, it would not be here today were it not for the untiring and skillful efforts of the chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania, the Honorable Thomas E. Morgan.

As you know, Chairman Morgan was injured in a fall last weekend and presently is a patient in Bethesda Naval Hospital. Although on the mend, he is unable to lead the fight for foreign aid as he has done so ably on many previous occasions.

I have been in touch with him several times in the past several days since his accident, and he has asked me to tell all of the Members that he stands very firmly behind this bill, although he cannot be here in person to express his convictions.

I know that it must be a particular disappointment for Mr. Morgan not to be here as we consider the Foreign Assistance Act of 1969. We are hopeful, however, that Chairman Morgan will be with us tomorrow.

Circumstances made this a particularly difficult bill to shape—and, as a result, this is the latest date in memory that the bill has been brought to the floor.

The new administration, rightfully seeking to give its own imprint to the program, did not send over draft legislation until June 2. It was the latest date on which that had occurred.

The House Foreign Affairs Committee began hearings on June 9 and continued through August 1. The committee met in executive sessions during August, September, and October to mark up the bill.

I might note that we went over the bill line by line and that very many hours were spent in perfecting and strengthening the legislation.

The bill which is before us today is the result of those labors.

The bill authorizes an appropriation of $2,189 million. This is $441 million less than the amount requested by the executive branch. And it compares roughly with last year's authorization of $1,974 million.

USES OF AID

I ask the Members of this body to give the most careful consideration to the use to which foreign aid funds are to be put. Each of us also should consider the consequences to our country if we discontinue or cripple the program.

It is much easier to attack foreign aid as an idea than to attack the specific programs for which the money is being spent.

If one believes foreign aid as giving away the taxpayers' money to inefficient and unappreciative foreigners, it does not make a whole lot of sense.

On the other hand, if we consider the need for maintaining U.S. military installations; the need for assisting in equipping the Allied armed forces; if we think about what would happen if we cut off our efforts in aiding underdeveloped countries to help themselves and to achieve some semblance of stability and security in the world, then Foreign Aid does make sense.

DEVELOPMENT LOANS

Mr. Chairman, I would now like to discuss the various authorizations, included in the bill before us.

The largest amount of money in the bill is for development loans—$475,500,000. This is a cut of $200 million below the Executive request.

The same amount is authorized for fiscal year 1971.

Development loans are repayable in dollars for both principal and interest.

Since foreign aid began in 1948, the United States has made development loans in the amount of $7.3 billion and has collected $1.1 billion in principal and interest. These loans are for as long as 30 years, and frequently there is a 10-year grace period before payments of principal and the full rate of interest, 3 percent, begin. Interest is 2 percent during the grace period.

Development loans have been programed for 16 countries for fiscal year 1970. The biggest are: India—$385 million; Pakistan—$140 million; Indonesia—$60 million; Turkey—$50 million; Korea—$30 million.

Development loans are provided only to countries where prospects for development are favorable and which have demonstrated progress toward development.

TECHNICAL ASSISTANCE

The bill authorizes $422,620,000 for fiscal year 1970 and the same amount for fiscal year 1971. The Executive request was $463,120,000 for fiscal year 1970. The committee cut it by $40,500,000. The comparable appropriation for last year was $337,600,000.

The authorization this year combines all the technical assistance authorizations in one place, and the Agency for International Development has reorganized its technical assistance operations to concentrate authority and improve the direction of the program.

The overall figure includes $200 million for the familiar point 4 type of operation. A large part of this work is done by U.S. universities. Last year, 114 American universities held 293 contracts to provide technical assistance in many parts of the world.

The United Nations specialized agencies carry on a very large technical assistance operation. The United States makes voluntary contributions to these programs which have always been financed under the foreign aid bill.

The financing of the budgets of the United Nations and its specialized agencies are included in the State Department appropriation and are not involved in this bill.

U.S. contributions for United Nations technical assistance—$122,620,000—are included in the overall authorization for technical assistance in this bill. This is shown on page 11 of the committee report.

In previous years, there was a specific authorization for voluntary contributions to the United Nations agencies, which included both technical assistance and peacekeeping operations, and the funds for Arab refugees. In this bill, the United Nations force in Cyprus and the Arab refugees—UNWRA—are to be financed with supporting assistance funds.

In this bill, funds for technical assistance to the Alliance for Progress—$100 million—are also included in the total technical assistance figure.

ALLIANCE FOR PROGRESS LOANS

The bill authorizes $337,500,000 for Alliance for Progress loans for fiscal year 1971. The Executive request was for $437,500,000 for fiscal year 1970. We cut it by $100,000,000.

The appropriation last year was $255 million.

These loans are repayable in dollars for both principal and interest.

Loans have been scheduled for 16 Latin American countries. The largest amount, $174 million, was planned for Brazil, $91 million for Colombia, and $75 million for Chile. These plans will have to be changed as a result of the $100 million cut.

There have been unfavorable developments in Latin America. No loans have been programed for Peru, and it may be necessary to cut off aid to some other countries.

The majority of the countries of Latin America appear to be friendly and cooperative, however. Several countries are making real progress. The committee does not believe that it is in our interest to cut off or drastically reduce aid to our friends who are depending on us because a few governments have turned in the wrong direction.

DESALTING PLANT

The bill in section 209 authorizes an appropriation of not to exceed $40 million, to be made available as needed over a 5-year period, to develop and construct a prototype large-scale desalting plant in Israel. The cost to the United States is limited to 50 percent of the total capital cost or $40 million, whichever is less.

Israel needs the water, and this plant should do a lot for Israel.

It should also do a lot for the people of the United States and of the world generally. The proposed plant is to be several times larger than any desalting plant in the world.

A capacity of 40 million gallons per day is planned. The largest plant now in existence handles 7.5 million gallons, and one for 20 million gallons daily is under construction.

It is expected that an operation on this scale will bring down the cost of desalinization substantially below current levels.

The Foreign Affairs Committee does not have much technical expertise in matters relating to desalinization.

On page 21 of the committee report Members can note, however, that the Interior and Insular Affairs Committee has said that the development of foreign desalting projects should be accomplished under the foreign aid program.

The Committee on Foreign Affairs held hearings on this project. The testimony appears on pages 1385–1414 of the printed hearings on the Foreign Assistance Act of 1969.

Two of the engineers—Mr. Philip Sporn, for many years president of the American Electric Power Co., and Dr. Abel Wolman, professor emeritus of sanitary engineering at Johns Hopkins, both of whom have worldwide reputations in this field—analyzed the project and gave it their strong endorsement.

SUPPORTING ASSISTANCE

The bill authorizes $414,600,000 for supporting assistance. This is a reduction of $100 million below the Executive request. The appropriation last year was $365 million.

The bill as printed is in error where, on page 61, line 18, it shows a 2-year authorization for supporting assistance. I will propose a correcting amendment on the floor, even though I personally hope it will not carry.

Supporting assistance is economic aid, but it is related primarily to the advantage the United States gets from giving assistance rather than the benefit the recipient country derives from our help.

Supporting assistance is provided to countries which maintain military forces larger than their economies can support, to countries who grant us base rights, to countries where it is in our interest to promote stability.

Only seven countries have been programed to receive supporting assistance. Vietnam was scheduled to get 73 percent of the money requested, and 93 percent was for three countries directly connected with the war in Vietnam—Vietnam, Laos, and Thailand.

The countries programed for supporting assistance are as follows:

	1970	1969
Vietnam	415,000,000	305,000,000
Laos	36,260,000	40,990,000
Thailand	35,000,000	26,300,000
Korea	15,000,000	21,700,000
Nigeria	20,000,000	21,463,000
Haiti	1,500,000	1,796,000
Dominican Republic	300,000	355,000

The money for Haiti is for malaria control, which benefits neighboring countries as well as the people of Haiti.

CONTINGENCY FUND

The bill authorizes $15 million for the contingency fund for fiscal year 1970. The Executive request was $40 million. The appropriation last year was $5 million.

Funds obligated under the contingency fund authority last year amounted to $13,871,000 derived from previous years' appropriations in addition to the $5 million for fiscal year 1969.

The contingency fund is intended not only to take care of unforeseen developments, but also to deal with situations where we expect U.S. aid to be needed but where there is no reasonable way of estimating the amount.

The Congress several years ago put a stop to using up money in the contingency fund not required for contingencies to finance other foreign assistance projects. As a result, the Executive has no incentive to pad the contingency fund request.

It is primarily a matter of judgment as to how much may be needed. The Committee felt that a little more than last year's requirement ought to be enough. We may be wrong.

MILITARY ASSISTANCE

Now Mr. Chairman, I would like to turn to the subject of military assistance.

The bill authorizes $350 million for military assistance, worldwide, including funds for Spain to take care of the agreement for our use of Spanish bases.

In addition, the bill authorizes an appropriation of $50 million for military assistance for Korea.

The Executive request was for $425 million, including Spain but exclusive of the special authorization for Korea.

The committee cut the Executive request by $75 million, but added $50 million for Korea.

Almost 90 percent of the Executive request was for four countries: Korea, the Republic of China (Formosa), Turkey, and Greece.

There are 48 countries included in the 1970 military assistance program. Of these, 24 receive training only. Only 22 receive military hardware.

Military assistance for Latin America is planned for 16 countries. Only 11 receive military hardware and 10 of the 16 countries are programed for less than $1 million each.

Many people do not realize that our NATO allies in Western Europe—not Greece or Turkey—received $12.3 billion of grant military aid between 1950 and 1967, and that since 1962 these same countries have bought $6.2 billion of U.S. military equipment with their own money. They are no longer getting military assistance from the United States.

TRANSFER OF FEDERAL EMPLOYEES TO INTERNATIONAL ORGANIZATIONS

Mr. Chairman, now I would like to turn to nontechnical provisions of the bill.

Section 7 of the bill, pages 79–83, amends title 5 of the United States Code in order to encourage Federal employees to accept assignments to serve with international organizations.

The problem which presently confronts the United States on this score is clearly stated in a communication from the General Accounting Office, which says, in part:

> In our work we have become increasingly concerned that the United States frequently has been unable to find qualified prospects, to serve in these international organizations. In many instances, the staff of an international organization may be comprised of, say, 5 percent Americans and 95 percent from other countries when the United States is carrying 30 to 40 percent or more of the financial load.

The bill authorizes, in the case of a Federal employee who transfers to an international organization where the monetary benefits are less than he would receive if he stayed in his regular job, the payment to him, after his reemployment in his old job, of an amount equal to the difference between the pay, allowances, and other benefits he received from the international organization and the amount he would have received had he remained in his Federal job.

The bill also authorizes the employee to continue to participate in the Federal employee's group life insurance program during his transfer to an international organization and authorizes his employing agency to continue to make "employer" contributions to his insurance and retirement programs.

The bill further authorizes an increase in the maximum period for which a Federal employee may be transferred to an international organization from 3 to 5 years and, in special circumstances, to extend the period for up to 3 additional years.

Many projects and assignments of international organizations involve appointments of 5 years or longer to senior positions. The Congress is considering a private bill to permit an employee of the Department of Commerce to serve for 6 years as Director of the International Radio Consultative Committee of the International Telecommunication Union. This is a position of great importance to the United States.

THE PRIVATE SECTOR

In many respects, the bill this year is not very different from the existing foreign aid legislation. In others, however, it is. And it makes some important changes which our committee regards as improvements in the program.

The most significant of those changes is the new emphasis on private involvement in foreign aid.

In this regard, the bill proposes three important changes which are designed to promote private investment in development, and to support the efforts of American private, nonprofit organizations which are working abroad in the economic and social development fields.

The first of these is the creation of the Overseas Private Investment Corp. which would manage our existing business investment guaranty activities and buttress them with a modest amount of supporting capital.

I want to note here that I have had some personal reservations about this proposal. These are explained in the supplemental views which I attached to the committee's report on the bill before us. In essence, I believe that the Overseas Private Investment Corp., as proposed in the bill, is topheavy with supergrades. This is its major weakness which I would personally like to see corrected.

The second innovation in the bill is the extension of the guaranty program to foreign capital invested in small community development projects. This proposal originated with our distinguished colleagues, Congressman JOHN MOSS of California, and Congressman OGDEN REID of New York, and was approved by the Committee on Foreign Affairs.

The bill authorizes the United States to make partial guaranty of loans made by Latin American banks, credit institutions, cooperatives, and other lending organizations to organized groups and individuals for local agricultural credit and community development projects. These would be such things as wells, pumps, farm machinery, fertilizer, sanitation facilities vocational training, and similar projects.

A maximum of $15 million of such guaranties can be outstanding, and they can be made in not more than five Latin American countries.

The United States will guarantee not more than 25 percent of the portfolio of such loans for any lender and not more than 75 percent of any one loan.

No more than 10 percent of the ceiling can go to any one institution.

Loans will not be made by the United States. They will be made and administered by local banks.

This is a 3-year pilot program designed to meet a problem which arises from the fact that banks and other lending institutions in Latin American countries have never gone in for making loans to small farmers or for community projects. These lenders normally make loans to larger borrowers.

The hope is that they will try to develop this new type of lending for community development purposes if they do not have to bear the entire risk.

No one knows whether this idea will work. The United States is not going to make any loans.

If the lenders are interested in this program, it ought to do some good; otherwise it will fail.

The idea is to try it out on a pilot basis without putting much money into it until it has been tested.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTES

The third major change in the bill involves the proposal to establish the Inter-American Social Development Institute in order to provide more effective support for long-term social development activities in Latin America. This Institute would also work through the private sector, endeavoring to multiply its input into development.

It's function will not be to take over work now being done by the Agency for International Development or other organizations in Latin America, but to put more emphasis on programs for increasing popular participation in economic and social development, and for building democratic institutions.

Certain programs now being operated by AID may be transferred to the Institute, including promotion of cooperatives, credit unions, savings and loan associations and the like.

The Institute will also try to eliminate bottlenecks retarding progress in education, agriculture, health, and housing.

The Institute is to operate through private rather than governmental channels on an institution-to-institution and people-to-people level.

The staff of the Institute cannot exceed 100.

No additional funds are authorized for the Institute but fiscal year 1970 AID funds, not to exceed $50 million, are to be transferred to this Institute, and remain available until expended.

This last provision is very important to allow the institute to become organized properly and to concentrate on quality undertakings instead of on the quantity of money it should spend by a given date.

An authorization to appropriate such funds as may be necessary in future years is also provided.

The institute will be governed by a board of directors of seven, four to be appointed from private life and three from Government personnel concerned with inter-American affairs.

Members of the board serve without compensation but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for transportation.

Mr. Chairman, the three innovations which I have just described impart a new thrust to our foreign assistance program.

In our committee's view, these three changes are necessary and desirable. An overwhelming majority of the committee has supported them on a thoroughly bipartisan basis.

AID "PIPELINE"

Now if I might turn to a specific criticism of the aid bill which is often made by opponents. They charge that there are huge unexpended sums in the "pipeline" which can be used to fund future programs.

This is plainly not the case.

The commitment or use of funds for economic assistance is accomplished for the most part by the signing of an agreement between the United States and the recipient government. These agreements are binding documents and meet all legislative criteria for obligation of U.S.

funds. These could be loan agreements or project grant agreements for major capital projects, agreements to train some people in the United States or to furnish a U.S. technician as an adviser to a particular ministry, or agreements to finance the export of U.S. commodities to the recipient country. In all of these instances, the U.S. Government has entered into legal binding commitments with other governments.

Roughly one-third of the total pipeline as of June 30, 1969—about $1.2 million out of $3.6 billion—represented agreements to finance services or commodities on a grant basis. For most of these amounts additional steps in implementing process has been taken, that is, contracts signed for services; purchase orders signed for commodities; and personnel hired and moved overseas.

The remaining two-thirds of the AID pipeline was committed for specific loans. Loans must be funded in advance, and it usually takes a number of years before project construction is completed or all commodities are delivered.

For example, when AID lends a country $10 million to buy American equipment for a power project, part of this $10 million will show up in the AID pipeline for several years, until the last generator or transformer has been delivered and final payment made to the American manufacturer.

In the same way, funds committed for an AID program loan remain in the pipeline until agreed self-help measures are taken by recipient governments, letters of credit or import licenses issued for goods to be imported, bids let, and the goods shipped and delivered.

AID continuously reviews funds in the pipeline to make sure that all the funds committed to particular activities are in fact necessary for successful completion. Each year a small amount of pipeline funds are deobligated as a result of this review. AID's estimates of these deobligations are used to reduce requests for new appropriations. For fiscal year 1970, AID estimates that deobligations on prior year commitments will total $178 million, which can then be used to meet specific program needs. The rest are needed for the purposes to which they are committed.

In short, AID cannot "live off the pipeline." New funds are necessary to avoid gaps in disbursement and, equally important, reduced ability to carry out essential self-help measures and loss of program momentum for development in the recipient countries.

CONCLUSION

Mr. Chairman, after 6 months of careful, deliberate, at times even agonizing review, the Committee on Foreign Affairs slashed the authorization contained in this bill by nearly $441 million.

We did not do it because the Executive request was excessive, or the program unsound. On the contrary, I firmly believe that the full amount requested represented a realistic appraisal of what needs to be done if we are going to make any significant progress in staving off disasters—military, political, as well as economic and social—in the years to come.

Nevertheless, we cut the program to the lowest level ever reported by our committee. And we did it strictly on the basis of our domestic priorities, realizing that in this time of turmoil and far-reaching change at home, we must deal first with the problems closest to us.

We cannot, however, ignore what is happening outside our shores. For no man, and no nation, is "an island unto itself." And the future of this country, the realization of the American dream, are as much dependent in the long run on what happens at home as on developments in the larger world society of which we are part.

I believe that it would be risky to cut this program even more, or to suspend it entirely as suggested by some people. Either course could lead to consequences which we would all regret, and which could be very expensive to remedy.

For these reasons, Mr. Chairman, our committee recommends that the authorization for the foreign assistance program for fiscal year 1970 be approved in the form reported in the bill before us.

Mr. ADAIR. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, we have all rejoiced at the news today about a second landing which has been made on the moon. The achievements of our intrepid astronauts are a cause of deep and lasting satisfaction to us all. Such news obviously overshadows the mundane work of Congress even when it considers a program of real importance such as foreign aid.

Mr. Chairman, my task today is to speak briefly about foreign aid. The gentleman from Wisconsin has already given a comprehensive picture of what this bill provides. Let me say at the outset I regret very much our distinguished chairman is not here, because his leadership has been of great value to the committee. I regret the aspersions cast upon the committee and I think on the chairman a few minutes ago during debate on the rule. There has been no foot-dragging in our committee and certainly it was not the chairman's accident which delayed bringing this bill to the floor.

A request was made of the Rules Committee the day after the report on the bill was available, and if anyone is to blame—and I am not suggesting anyone should be blamed—for a delay, it was because the Rules Committee was unable to find time to consider the application for a rule for 10 days after the Foreign Affairs Committee submitted a request.

Foreign aid unquestionably continues to be an important program, Mr. Chairman, criticized though it may be by some. I hope to address my remarks primarily to the newer Members of Congress. Most of us here have already taken a position on foreign aid in previous years. Our views are not likely to be changed, barring unforeseen major developments overseas—or perhaps some kind of new formula to justify our generosity to others less fortunate than we.

The newer Members, I am sure, need no detailed reminder that very real progress has been made in a number of developing nations. They know, too, of the importance of the assistance, military and economic, which this country has provided. Take Taiwan, for instance. Its accomplishments have been phenomenal. The real income of its people has been doubled, literacy raised dramatically, diseases have been checked, and an economic boom generated which has led to solid self-generated development.

Iran and Israel are also success stories, though the shadow of war still hangs ominously over the Middle East. Korea, too, has made astonishing progress. A number of us visited Korea last March and saw for ourselves the vitality of its people and the strength of its economy. Our aid to Korea still continues because of the military threat posed along her borders, but the achievements of Korea are remarkable all the same.

Newer Members presumably know also, Mr. Chairman, that some major recipients of our aid have not yet reached the same rung on the achievement ladder. Nonetheless in many cases the prospects are good. In India and Pakistan, for example, much has been done to achieve self-sufficiency in food, and accelerating growth rates indicate that further progress is underway.

In other words, Mr. Chairman, there is solid evidence that the $47 billion appropriated by this country for foreign economic assistance has paid dividends. True, in a world as diverse as ours, with the tough and manifold problems which many countries face, there have been some disappointments. Nonetheless we have seen results. How else can we account for the fact that this program has been carried on all these years, despite changes both in the executive branch and in Congress?

Mr. Chairman, President Nixon, in recommending the present program, underlined both the practical and moral reasons for foreign aid and its continuing importance. In his words:

> U.S. assistance is essential to express and achieve our national goals in the international community.—a world order of peace and justice.

In striving for a fresh approach the President stressed these points: First, enlistment of the energies of private enterprise for the purpose of economic development; second, a renewed emphasis on innovative technical assistance; third, greater reliance on multilateral aid; and, fourth, more emphasis on increased food production and family planning.

Let me quote further from the President's message:

> There is a moral quality in this nation that will not permit us to close our eyes to the want in this world, or to remain indifferent when the freedom and security of others are in danger.

To my new colleagues especially I would stress what has been discussed here for many years; that is, that foreign aid can be explained in terms of our own self-interest.

To help maintain peace in the world is in our own self-interest.

To assist in the security of our allies is in our own self-interest.

The development of our less fortunate neighbor-nations is in our own self-interest; when they become self-sufficient—as in Korea and the Republic of China—they become potential markets for our goods.

These, as the President says, are all good and practical reasons for our program.

The most original of the President's recommendations is the one dealing with the establishment of an Overseas Private Investment Corporation. Even opponents of foreign aid agree, I feel sure, that the burden of our international development program can and should be shifted increasingly from public to private resources.

The administration's proposal to set up a Corporation has as its basic objective stimulation of American businessmen into examining the possibility of profitable and productive enterprises in countries hungry for development.

The Corporation will be operated by men from private life who have business experience. I believe OPIC means business—a businesslike approach to foreign aid. After all, the profit motive was the prime mover in our own Nation's development. Why not use this profit motive in helping with the development of others?

The proposed Overseas Private Investment Corporation, with U.S. public policy interests well represented in its management, should give solid support to those private ventures which we consider most needed in the overall development process.

As the President has stated:

> Each nation must fashion its own institutions to its own needs, but progress has been greatest where governments have encouraged private enterprise, released bureaucratic controls, stimulated competition and allowed maximum opportunity for individual initiative.

Some have expressed concern that OPIC will not have sufficient public control. However, under the proposed setup the AID administrator will be chairman of OPIC's Board of Directors and policy will be guided by the Secretary of State. Assistance will be rendered only to new projects which obtain host country approval. The Corporation will not be allowed to make loans to enterprises engaged in extractive operations. The operation of the Corporation will be subject to the Inspector General for Foreign Assistance, as well as the Auditor General in AID. Further, the Corporation will be subject to the Government Corporation Control Act.

Most importantly for Members of Congress, OPIC budgets for operations and administration will be subject to the congressional appropriations process, annual reports will be submitted to Congress and audits will be made by the General Accounting Office. The 2-year authorization of capital assures a return to Congress for any additional funds.

In short, OPIC complements the more traditional foreign assistance program. It provides not only capital, but an orderly and integrated movement of managerial and technical skills to the less developed nations.

Mr. Chairman, I should like to turn next to the provisions in this bill regarding development loans. They represent the biggest category, in terms of dollars, of the various programs authorized by this bill. It is in this area that the Foreign Affairs Committee is recommending the largest dollar reduction from the President's recommendations.

The administration this year requested $675.5 million for development loans. The committee has cut that figure by $200 million, recommending only $475.5 million. This a 30-percent reduction. But, some may say, this figure of $475.5 million is still far more than appropriated last year; namely, $300 million. Is that not a logical point of reference in what should be made available this year?

Perhaps such a look at last year's performance is inevitable, Mr. Chairman, but I submit that it is a poor way to judge what should be made available this year. Let us examine instead the reasons why Mr. Nixon is requesting more than twice as much for development loans as was actually made available last year.

Put quite simply, development loans are the primary means by which the United States encourages countries to take the self-help steps needed for their own economic development. These loans, repayable in dollars I might point out, finance American materials and technical services needed for the construction of schools and clinics, for the building of roads and to provide the spare parts needed for agricultural and industrial development.

In this connection, Mr. Chairman, I should like to point to the size of the cut in the development loan request for Latin America. A total of $437.5 million for development loans was requested for the Alliance, but that figure was cut in committee by $100 million, or 25 percent. In addition, some $16 million was cut from the Alliance technical assistance request.

Why did the committee take this action, some may ask. Quite frankly, I know of no good reason. It was certainly not a result of careful scrutiny of the request. Presumably those who advocated such a very substantial cut in funds for our neighbors to the south were looking more at the $255 million actually appropriated last year for Alliance development loans than to the justifications for this year's request.

A subcommittee of our Foreign Affairs Commitee only recently declared, and I quote:

> Concern for our national interest compels us to opt for (a renewal of) our commitment to the Alliance for Progress, and provide timely, effective support to the forces of peaceful, progressive change operating on the Latin American continent.

How can this sharp reduction be considered "timely, effective support?" If this reduction is sustained—and how can these funds be restored to the bill—how can it help but have the effect of exacerbating the frustrations in Latin America which already exist over the inadequacy of progress there? It would be even more inverse, in my opinion if still further cuts should be made.

The truth is, Mr. Chairman, that concessional aid from the United States is vitally needed. It supplements the much more substantial funds available from the Inter-American Development Bank and the World Bank, and underpins the economic development so earnestly sought by our Latin American neighbors.

This kind of cutback reduces our own ability to contribute to these important goals, and jeopardizes the opportunity which our partners to the south have to achieve their development objectives.

It should be noted that on a worldwide basis a substantial part of the development loan funds requested—about 41 percent of the total—is planned for agricultural projects needed to finance the so-called green revolution. An impressive amount has already been accomplished in this area, with the use of new seeds, pesticides, more fertilizer, improved irrigation, and the like. A momentum has been built up which promises to break the mold of traditional methods of agriculture. Such a breakthrough could have momentous consequences.

It is for that reason that India, for example, is scheduled to receive some $200 million in fertilizer alone. This $200 million is roughly about the total amount made available last year to India for development loans.

If India continues to emphasize agricultural production, her rate of growth could be sustained at about 5 percent annually, nearly double the rate of the last decade. In the achievement of that goal, however, U.S. assistance is of critical importance. Our aid, together with that of other donors, is vital if there is not to be a slower rate of progress, and other problems as well.

If agriculture, which formerly had been a major drag on India's economy, can become a positive factor, the effect on other sectors of the economy can be far reaching. Private initiatives can be stimulated, new demands will develop for machinery, tools, tractors and consumer goods.

The key to this whole operation is sustained support. Self-sufficiency in food can be achieved—if help is provided now—in countries like India and Pakistan within a relatively short period. However, if less aid is available the growth rate must inevitably slow down. This will in turn slow down investment, increase unemployment, and increase the likelihood of social problems. What is involved, in other words, is the real possibility which now exists for rapid and orderly development in a vitally important area. Let us not forget that India and Pakistan represent two-thirds of the people of free Asia. If development falters—or even worse, if it fails—will our own interest be served?

The present bill provides for a 2-year authorization of $422.6 million per year for technical assistance. This is $85 million above last year's appropriation, but it is $40.5 million below the amount requested. Of this total, there is $200 million recommended for regional and bilateral assistance. The Alliance for Progress is to get $100 million for technical assistance grants. Multilateral organizations are to receive $122.6 million for technical assistance.

In the current bill, the administration is attempting to revitalize technical assistance so as to increase the effectiveness of capital assistance and local development resources. Unquestionably, the highest priorities are agricultural development and reduction in population growth. Roughly 90 percent of next year's funds are required to continue ongoing country regional and interregional activities.

Mr. Chairman, in conclusion I should like to focus on an amendment, approved by our committee in which I have a personal interest, along with my colleague, the gentleman from New York (Mr. ROSENTHAL).

We sponsored an amendment to the bill which would authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel. The cost to the United States, other than its administrative costs for study, design, construction, operation of such a prototype plant, would not exceed 50 percent of the total capital cost of the facilities associated with the production of water, or $40 million, whichever is less. Israel herself would add approximately $100 million to the U.S. contribution.

In 1967, President Nixon, upon returning from a trip to the crisis-torn Middle East, said there was an increasing awareness in the United States that Western assistance would be required in that troubled section of the world if any peace settlement there was to become permanent. He specifically mentioned two underlying causes of the major difficulties between Israel and the Arab States—refugees and the critical shortage of water.

The shortage of fresh water in the Middle East—and particularly in Israel—is rapidly approaching alarming proportions. The severity of the water shortage problem in Israel is evidenced by the fact that the last of the meager water resources in that country will be fully utilized by the 1970's. More than 95 percent of the available fresh water has already been tapped and the remaining natural waters in the south of Israel will probably be exploited fully within the next few years. With its population expected to increase by 1.6 million persons by 1981, Israel will have to produce 36 million additional gallons of water daily by that time if it is to avert very severe problems. If the arid lands in the south of Israel cannot be cultivated because of a water shortage, the already densely populated sections of the country will become quickly overcrowded and economic development will be stifled.

While desalination plants already are in operation in some countries—including one in Israel and one in Florida—the cost of providing water has been prohibitive, more than $1 per 1,000 gallons. The Office of Saline Water of the Department of the Interior has estimated that a 100-million-gallon-per-day desalination plant can operate at less than 25 cents per 1,000 gallons, a figure which compares favorably with the cost of today's chemically purified water. With the U.S. assistance proposed under our amendment, the plant in Israel would produce water at a cost of approximately 35 cents per 1,000 gallons. It is expected that the plant—once in operation—will produce nearly 40 million gallons of water per day, 10 times the current largest yield from existing desalination plants, as well as generate 450 megawatts of electricity.

The desalination project carries with it a vast potential for establishing a base for cooperation in agricultural ventures between Israel and the Arab States. Israel's neighbors, particularly Jordan, also face water shortages and the development of desalination technology could show the way for the construction of similar plants in Jordan and other countries in the Middle East. The proposed plant would provide irrigation for some 25,000 acres in the Ashdod region of Israel. It would also disperse electrical power to the nearby Gaza area where increasingly arid conditions threaten the citrus industry of the 350,000 Arab residents and refugees. Further, the water, and also electrical power can be piped to the south to provide both energy and irrigation for the development of the Negev Desert.

Israel is uniquely suited for the desalination plant. It has the knowledge and the scientific and technical personnel to assume the responsibility for constructing and operating the plant and for performing the many maintenance duties involved. In addition, its urgent need for water makes Israel willing to accept the financial burden of construction of the desalination plant.

The importance of this project to the United States should be obvious. The proposal itself provides an opportunity for this country to participate in a technologically advanced desalination project in order to further the objectives of developing large-scale processes. Our country will receive and will have available for domestic and worldwide use all of the technical data and operating information from this project. We will be granted permanent rights to receive data, and will have access to the plant for observation of its operations and improving science and technology in the desalination fields. Further, it is expected that the plant itself will be procured from the United States. This plant will serve as an important pilot operation for plants which will be required in the not too distant future in the southwestern part of the United States. Participation in this project will also provide an excellent opportunity to study a system of water use for agriculture.

I should like to quote from the former Assistant Secretary of Interior on the recommended action of the previous administration to build such a plant in Israel:

> In summary, while the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity and we urge the early enactment of this proposal.

Mr. Chairman, I believe the present bill is a modest response to urgent world needs. Our foreign assistance program amounts today to less than 1 percent of our gross national product. Because of domestic political considerations this figure has declined over the past 20 years so that now the U.S. ranks eighth in spending on foreign assistance as a percentage of gross national product.

But what we must understand is that our response is not only an allocation of dollars but also in new ideas and new projects. The purpose of these projects and ideas is to attempt to raise the value of our aid dollar. This is the reason for the new stress on technical assistance, for an Overseas Private Investment Corporation and for the creation of an Inter-American Social Development Institute to carry out development programs in Latin America through private channels.

I urge you to read the policy provisions of the bill. They restate the aims of the present legislation: to help build a world community of economically viable nations; encouragement of the cooperation of other nations in the task of development; the concentration of assistance in countries with the greatest development promise; the emphasis on food distribution and family planning—all these and more show a new determination by this administration to beef up our aid programs and to make them more meaningful in today's world.

Mr. ZABLOCKI. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, there is little I can add to the remarks made at the opening of the general debate by the ranking member of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), regarding the overall thrust of the bill before us today.

In a thorough and detailed manner, the gentleman from Wisconsin (Mr. ZABLOCKI) reviewed the foreign assistance program proposed for fiscal year 1970 by President Richard M. Nixon, the reasons for it, and the changes recommended in it by the Committee on Foreign Affairs.

I believe that he has presented a concise but persuasive case for the approval of the bill in its present form, and I want to congratulate him upon that accomplishment.

I also want to take this opportunity to pay tribute to Dr. THOMAS E. MORGAN, chairman of the Committee on Foreign Affairs—who, because of an injury, cannot be with us today—for the patience, impartiality, and deep concern for the future of our Nation which he displayed in presiding over our committee's deliberations during the past 5 months.

He has afforded the executive branch, public witnesses, and each one of us members of the committee, ample opportunity to present our views and proposals, and to have them considered carefully by the full committee.

Dr. MORGAN is a wise and experienced chairman and, in the words of a recent newspaper article, a truly gentle man. It is a great personal pleasure and honor for me to be working with him on the Foreign Affairs Committee.

Before turning to that part of the bill which deals with matters that come under the jurisdiction of my subcommittee, I would like to make two brief observations about the bill as a whole.

First, the Foreign Assistance Act of 1969, as reported by our committee, contains the smallest authorization in the history of the program bearing that name.

The reasons for this appear to me significant and deserving of note.

In reviewing the program proposed by the administration, our committee took note of the fact that a number of studies have been and are currently in progress, aimed at suggesting the shape of U.S. foreign policy undertakings for the next few years.

This reappraisal of our foreign policy operations will not be completed until the spring of 1970. At that time, President Nixon is expected to make his proposals to the Congress. For all practical purposes, therefore, the program for fiscal 1970 is a transitional program.

Our committee took this factor into consideration and decided to keep this transitional program as small and compact as possible. And we trimmed some $441 million from the executive branch recommendations.

My second observation is that although the bill before us has been pared to the bone, it does contain several new elements and a new thrust.

The bill emphasizes greater involvement of the private sector in the complex task of reshaping man's environment and building the base for a more peaceful, orderly and just world community.

It does so by creating the Overseas Private Investment Corporation which will expand the flow of private capital for development.

It does so also by establishing the Inter-American Social Development Institute which is designed to get more assistance of the grassroots level in Latin America in order to enable the Latin American people to participate more fully and more effectively in improving their living conditions.

And it does so, finally, by upgrading the portion of our aid which will be provided in the form of technical assistance to help others make better use of their own resources through the adaptation of our American skills, know-how, and technology.

These two features of the Foreign Assistance Act of 1969—the barebones authorization and the new thrust—are very important. I hope that they will receive full support from the House.

Now I would like to turn to those sections of the bill which relate to Latin America.

The Subcommittee on Inter-American Affairs which I have the honor to chair has devoted many months to a thorough review of our assistance programs in that part of the world.

Beginning last March, we conducted nearly 4 months of hearings, analyzing the 8-year record of the Alliance for Progress, its achievements and its failures, and the relevance of its objectives to the conditions which obtain in our hemisphere in the year 1969.

At the conclusion of those hearings, we submitted a report of our findings and recommendations to the Congress. Every Member of the House was mailed a copy of that document. It is entitled "New Directions for the 1970's: Toward a Strategy of Inter-American Development."

In that report, our subcommittee—with active bipartisan support—suggested that the future of development in Latin America has a vital, direct bearing on the health and prosperity of our own Nation, and on the security of the Western Hemisphere.

And we recommended that if the goals to which our Nation and the nations of Latin America are committed are to be attained, a new partnership will need to be developed in the Western Hemisphere, a partnership dedicated to man rather than matter, whose basic goal will be the improvement of the human condition for the peoples who inhabit our two continents.

I was indeed delighted to find this same theme running through the report which Gov. Nelson Rockefeller submitted to President Nixon, and in the President's own pronouncements and actions of the past few weeks.

The bill before us today can bring us at least part way toward that new partnership.

It provides $100 million in technical assistance for Latin America.

It supports this proposed transfer, or sharing, of human skills and technology with $437.5 million in development loans.

And it creates two instruments which will provide added impetus, and a new direction, to our cooperation in Latin America's development.

The first of these is the proposed Inter-American Social Development Institute which will support, on a continuing basis, long-term social development undertakings in this hemisphere.

The second is the community development loan guarantee program, originally proposed by our distinguished colleagues, Congressmen John Moss, of California, and Ogden Reid, of New York, which will, for the first time, provide for a sharing of risks between our Government and Latin American lenders in order to stimulate the flow of local capital for small community development projects.

These, in our view, are very significant departures from the program which has been in effect during the past few years. They will provide tangible means for implementing in an imaginative way and through the private sector the American people's deep, humanitarian concern for the masses of the Latin American people and, in Governor Rockefeller's words, for "the quality of human life" in our hemisphere.

The proposed Institute is especially important in this regard because it will remove from the arena of government-to-government relations, and year-to-year political fluctuations which accompany them, the task of modernizing the Latin societies and the building of basic democratic institutions such as cooperatives, credit unions, and others.

I may mention at this point that while the Institute was recommended by the Subcommittee on Inter-American Affairs, it was approved without a dissenting vote by the full Committee on Foreign Affairs and parallels in its essentials the recommendations issued 3 months later in the Rockefeller report.

Mr. Chairman, in commenting further on the details of the program proposed in H.R. 14580 for Latin America, I would like to note that the $100 million in technical assistance is intended to benefit every country of that continent with the exception of Cuba and Haiti.

The bulk of development loan funds—some $340 million in the program proposed by the administration—was to be concentrated in three countries: Brazil, Chile, and Colombia.

Our committee felt that, considering the conditions which obtain today in some of those countries, the proposed program was unrealistic. And we cut that part of the program by $116 million. We feel that the amount remaining in the bill is sufficient to continue without any serious interruption the important work of capital and infrastructure development which is in Latin America during this transitional period.

Let me add a word here about the military assistance program for the Western Hemisphere.

As Governor Rockefeller's report and studies published by our own subcommittee point out, Communist and other radical subversion continues to present a serious threat to the internal security, as well as economic and social development, of a number of countries of Latin America.

In order to cope with that threat, our sister republics of this hemisphere will continue to require equipment and training for internal security purposes.

The amount provided for these purposes in this bill—some $21.4 million—is the minimum that can be authorized without incurring some serious risks with the stability and security of our hemisphere.

I want to make it very clear that the legislation before the House would continue three very important restrictions on U.S. military aid to Latin America.

The prohibition against the furnishing of sophisticated weapons remains in effect.

The $25 million ceiling on grant military assistance is continued.

And the $75 million ceiling on all types of military aid, whether by grant, credit, guaranty or cash sale, is left undisturbed.

Mr. Chairman, I will have some additional things to say in the course of our debate on the bill before us, particularly when the bill will be read for amendments.

For the time being, let me restate my own conviction that the provisions of this legislation which would implement our partnership for development with Latin America are reasonable and necessary for the future well-being of our hemisphere.

I hope and I urge that they be approved by the House without change.

Mr. ADAIR. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, with Thanksgiving due next week, Christmas cannot be far behind. And, if the House runs true to form, foreign moochers around the world can give thanks next week, secure in the knowledge that the same old eager beaver Uncle Santa Claus will be around with a freshly plucked load of Christmas greenery.

What Americans will get for Christmas, in addition to a continuance of added-on taxes, more debt, and more inflation, is not known at the moment. You can be sure that no foreign poohbah, with a soft heart and a head to match, will visit our shores to play Santa Claus to us.

This bill, Mr. Chairman, would authorize another gigantic giveaway of the wealth of this Nation.

The promoters and managers of this program clearly operate on the basis that: "Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody."

That is their theme, their guiding beacon, their obsession.

In the relatively few years they have been in business, these bureaucrats have spewed out the staggering total of $182,583,000,000, including interest on the money borrowed for this huge fiasco.

The handout artists have lavished the resources of American taxpayers on all but 14 nations of this earth—and those left out nations include such giants as Monaco, Barbados, Bhutan, Liechtenstein, Andorra, Muscat, and Nauru.

These spenders are as indifferent as a calf in the meadow to the bald fact that, while they continue their squandering binges abroad, this country is on the brink of a financial crisis.

But they are not the only ones to blame—these starry-eyed, worldwide dogooders. The real culprit has been the Congress of the United States which has continued to appropriate these fantastic sums year after year.

Past experience has taught that the supporters of this program will give as little accounting as possible, and therefore it is incumbent upon some of us in the minority to spread some of the facts upon the record in the hope that the ordinary, everyday men and women across this land, whose pockets have been continually picked, may yet learn the true story.

Mr. Chairman, for years the leaders of this country have operated on the blind, misguided theory that money—endless amounts of it—could and would cure the ills of the entire world. Their dictum was that you can buy friends, buy peace, buy prosperity, buy happiness all over the surface of the globe simply by spending money.

And, of course, they told us there is no end to the wealth of the United States. No bottom to the barrel.

Last year, you will recall, even that champion of spending other people's money, Lyndon Johnson, had to admit that the bottom of the barrel had been reached. The Government's financial situation had become so desperate and so obvious that he agreed to a spending limitation in exchange for passage of the 10-percent surtax that was heaped upon the backs of the already staggering American public. The tax was levied with full force and effect but the spending limitation went with the wind that generated it. The public was again hoodwinked.

The reckless, mindless, headlong rush to throw away our money in every corner of the earth is one of the prime causes of the rampant inflation in this country.

Inflation, in turn, has almost destroyed the world markets for American-made products. They are too expensive. But there is more to it than this. Let me give you an example.

Over the years we have borrowed $3.6 billion—and are paying interest on it—to give away to Japan. Today, the Japanese can buy raw material for making steel, ship it to Japan, process it into steel, ship the steel to this country, and still sell it cheaper than the mills in Pittsburgh can afford to.

And on November 3, the U.S. Tariff Commission brought this entire, incomprehensible chain of events full circle when it ruled that American steelworkers are eligible for U.S. Government aid if imported steel products cost them their jobs.

How can anyone defend this sort of thing to Amercan taxpayers, and especially a steelworker who is on relief? Almost every Member of the House knows the effects in his own district of the Revenue and Expenditures Control Act of 1968.

In passing that legislation, Members of the House and Senate were, in effect, saying to the American taxpayer, "Look, we realize that we have spent too much on too many programs. We simply have to cut back or face economic and financial ruin."

So, certain domestic programs were reduced. But what happened to the foreign aid program?

Absolutely nothing. The handout artists went their merry way, spending at the same level as before.

If you will read the hearings of the committees that deal with the approval and financing of various domestic programs of the Government, you will find complaint after complaint that this or that program has been canceled, curtailed, or simply not started, but not foreign aid.

The Corps of Engineers, for instance, was given by the House only enough money to begin construction of 25 out of a total of 161 needed flood control, water supply, and pollution control projects.

In fiscal 1969, the Corps of Engineers and the Bureau of Reclamation delayed or stretched out 139 projects already underway throughout the United States and the corps had to issue 101 notices to contractors that its funds were exhausted.

These delays, deferrals and nonstarts will greatly increase the ultimate costs of these projects to the taxpayers, to say nothing of the fact that the benefits from these programs will be long delayed.

While the citizens of this country were being denied the fruits of public works projects because of a lack of money, the foreign handout specialists on July 1, this year, were sitting smugly on a bankroll or pipeline of $18,708,000,000—the unexpended balance in the foreign aid pipeline.

You can set your watch by the anguished howls that go up from these starryeyed spenders whenever a modest reduction is even proposed in their swollen budgets. Each year, these international do-gooders parade up to Capitol Hill, piously protesting that their money requests are the absolute minimum on which they can exist.

Yet they have almost $19 billion they have not spent while scores of communities here at home must go without flood control projects and other water resource programs.

Because of the unbelievable fiscal mess left by the reckless spenders of the last administrations, President Nixon has ordered a 75-percent cutback in Federal construction.

Construction of $39 million of needed hospital facilities, for example, has been deferred by the Veterans' Administration. Yet, while medical facilities for our veterans were being held up because of a lack of money, the AID boys had just finished handing out $205,900,000 to the corruption-ridden Government of India.

What in the world is going on when the foreign aiders can toss almost $206 million to India, but are unable to find $39 million to take care of the medical needs of our veterans?

To compound this idiocy, Mr. Chairman, the AID specialists are back on Capitol Hill at this very moment asking for another $399.5 million to give India in fiscal 1970.

We have spent ourselves so far down into the financial hole that just the interest alone that we have had to pay on what we have borrowed to give away amounts to $60.5 billion.

To further illustrate the absurdity to which we have carried this spending binge, consider the cases of Thailand, Korea, and the Republic of China.

The United States has borrowed the $1.2 billion given to Thailand, the $7.8 billion handed Korea, and the more than $5 billion poured out to Taiwan.

And now we learn that last year the Johnson administration went on its knees to these three nations, begging them to lend us $135 million at up to 6 percent interest. What a spectacle.

I submit that the ordinary American—the ordinary adult human being anywhere—would not be unreasonable in assuming that if a country is so solvent that it can lend $15 million, as Korea did, it no longer needs foreign aid. But the handout artists at AID are asking for $49.8 million more for Korea in fiscal 1970—$4 million more than they gave them last year.

Similarly, if Thailand is in such good shape that it can make this Government a loan of $100 million, the average man or woman might reasonably conclude that it also does not need foreign aid.

But the giveaway boys are asking, this year, for $45 million for Thailand—an increase of $9.2 million over what they got last year.

Does it strike anyone here as strange that the AID people are asking this Congress to borrow $94.8 million to give Thailand and Korea in fiscal 1970 when there is already a total of $599 million balance in the pipeline for them?

Perhaps someone would like to explain to the House why, for instance, the AID agency should be able to offer the Legislature of South Vietnam a $40 million bribe in the mere hope that it will enact a land reform law when the Corps of Engineers, at the same time, was forced by budget restrictions to close down a river channel project in Louisiana.

From what I have read about the curtailment of this river project, the contractor involved stands to lose as much as $1 million as a result. In addition, 250 employees of the firm were suddenly thrown out of work in an area where there was no other employment for them. And I wonder how many Members of the House are aware that while facing a financial and inflation crisis here at home, the AID agency had the money to finance a program to train bartenders in Panama?

Mr. Chairman, how can anyone justify this sort of thing to an American housewife who, when she shops for food and wearing apparel, finds inflation driving prices through the roof?

Who among you wants to tell her that her Government can afford to train bartenders in Panama but can not stop inflation at home?

Now let me turn to another facet of this year's giveaway program.

Much propaganda has been coming from Foggy Bottom recently concerning the proposed establishment by the handout artists of a gimmick they call the Overseas Private Investment Corporation—OPIC.

The AID agency propagandists, of course, loudly sing the praises of this so-called Corporation and insinuate that it is a way to take the Government out of the foreign assistance business and let private industry run it with private industry's money.

Nothing in this world, Mr. Chairman, could be further from the truth. What these AID people are attempting is to create yet another layer of bureaucratic blubber.

First of all, the foreign aiders have been in the business of guaranteeing the overseas investments of U.S. corporations for 20 years. They have been running an insurance company, in effect, and they have made a profit doing it.

Several years ago they came to the House, bleeding at every pore, insisting that the minimum appropriation they had to have to back this insurance program was $180 million.

They did not get it, and the American people owe a debt of gratitude to the gentleman form Louisiana (Mr. PASSMAN) and his Appropriations Subcommittee for cutting them down to $30 million.

I am sure that my friend from Louisiana will agree with me that even the $30 million was unnecessary.

By charging a premium for their insurance on foreign investments on the part of U.S. firms, the AID boys have actually accumulated a kitty of $68 million. They have had to pay out approximately $12 million for losses suffered by the insured American businesses in these years, and since those same firms paid in approximately $80 million in insurance premiums, you wind up with a $68 million fund. But, as you might expect, these bureaucrats are not satisfied. They did not turn over this $68 million to the Treasury, where it might have been used to reduce the public debt.

There it sits—$68 million. It is a bewitching sight to a bureaucrat. It is tantalizing. Hypnotic. The urge to spend it is overwhelming, but under the existing rules, the AID boys cannot touch it. What a shame. So what to do?

Why, create a corporation. You take most of the AID employees, who, right now—today—are running this foreign investment guarantee program, and put them on the so-called corporation's payroll. Then you ask for additional employees, create a high-powered and expensive board of directors, and you are almost ready to do the identical business that was being done by AID. Almost, but not quite.

There is the matter of the $57.4 million of appropriated reserves held by AID. Transfer that to the so-called Corporation and you begin operations with more than $130 million.

But, just in case Members of Congress are suckers enough to fall for it, they, the foreign aiders, are asking for an additional appropriation of $40 million for a program that, under a different name and with an inflated staff, would have more than a $130 million surplus the day it is created.

If these people have been able to amass a fund in excess of $130 million over the years and have sustained only $12 million in losses, why should we give them another $40 million?

More than that, why should we permit these empire builders to split off this one, self-sustaining segment of the AID Agency and allow them to add still another costly layer of Federal bureaucracy?

Each year when this legislation reaches the floor, most of the members of the press, some of them unwittingly, refer to it as the foreign aid bill. Whether deliberately or not, these journalists give the American people the clear impression that this bill authorizes all of the foreign aid supplied by the United States.

It is a shame that these reporters, upon whom the people of this Nation should be able to rely, do not have the time or inclination to make it clear that this bill represents less than a third of what the foreign aiders are planning to give away this year; that what they really want is ten and a half billion dollars for foreign aid this year.

If this Congress is foolish enough to give it to them, and with the amount already in the pipeline, the total foreign aid money available would be $29,236,000,000.

They have already been given, over the years, $18,708,000,000 more than they have been able to spend. That money is available for use right now, today, and don't let anybody tell you it is not because we have given the foreign aiders a blank check to use it virtually anywhere and in any way they see fit.

Great chunks of our wealth are annually given to the various international lending agencies that have sprung up like mushrooms all over the map, and while the United States puts up the bulk of the money to finance these outfits, we have virtually no say in its distribution.

The average American has only a superficial idea of what actually is going on.

If you ask the average American taxpayer to describe the Asian Development Bank, he would probably say its some bank in Asia, but he would not, I submit, know that much of its money will come out of the U.S. Treasury—$200 million so far.

If the Asian Development Bank funded every loan commitment it has right now, there would still be $255 million on hand, yet they want us to put up another $20 million this year.

Turn to the African Development Bank and you have a similar story, if not a more pitiful record.

And the foreign aiders have us headed, pell-mell, toward putting up $6 million for an East Caribbean Development Bank which has not even been established. If the bank does, some unfortunate day in the future, come into existence, the Foggy Bottom boys say they are not interested in the United States becoming a member. But they are positively ecstatic over the thought of giving it $6 million, free as the wind.

I do not pretend to be alert enough to keep track of all these international giveaway agencies. In addition to the three I have named there is the Export-Import Bank—which is really a hydra-headed monster—the Inter-American Development Bank, the International Development Association and very likely five or six that hatched late yesterday afternoon and are already asking for money. And I have not included in this list the handout agencies of the United Nations, which are so numerous as to almost defy tabulation.

Mr. Chairman, I will have to give the foreign aiders credit for being smart in one way. They saw, long ago, that the spewing out of our wealth was becoming an extremely sore subject with the taxpayers of this country, so they invented these international lending organizations as a clever way to get the money through another window. They saw that Members of Congress were catching hell from the people back home for this mindless spending of billions, and they also saw that here was a way to avoid the long hearings and criticism that has become a mark of these so-called foreign aid programs.

Their propaganda machine went to work with a vengeance, proclaiming far and wide that these international organizations were more efficient than the AID agency. Indeed, it is hard to see how one of them could be less efficient than the outfit in Foggy Bottom, but the question is: How does anyone know?

The simple fact is, Mr. Chairman, we do not really know how inefficient these lending agencies are because we have given away our right to look at their books.

This country is pouring literally hundreds and hundreds of millions into international lending organizations and the

General Accounting Office is absolutely barred from making any audit of their books to see what is going on.

Despite the fact that the advocates of ever more foreign aid have tried to clothe these international lending outfits with the magical powers of superefficiency, the evidence is that they are every bit as bad as AID.

Let me offer but three examples:

First. An AID-financed water filtration plant was completed and standing there, ready to go into operation, for 2 years before the international lending agency that was supposed to build the pipeline from the water source to the city got around to finishing the job.

Second. An international lending agency put up the money for three housing projects in a country, and when the hundreds of houses had finally been built—complete with indoor plumbing and wired for electricity—it developed that there was neither electricity, water, nor sewer systems in operation. You could have moved into one of those houses and spent all day flicking switches, turning faucets and trying to flush toilets without anything happening.

Third. One of these international lending organizations spent millions on a colonization project designed to move farmers to productive land. When last observed, only half the scheduled number of families had been relocated, and those who had were working at nearby banana plantations rather than cultivating their new farms.

The conclusion is inescapable. There is no reason under the sun to believe that these international lending organizations can do one bit better than the AID Agency, but we have abrogated our responsibility to the taxpayers by giving up the right of this Government to demand a strict accounting of what is done with the millions we give them to give away.

Mr. Chairman, if those people who choose to gather in front of various public structures in this city from time to time to read the list of American dead in the tragic war in Vietnam, chose instead to read the list of waste, frauds, sham, friends lost, enemies made and hopes dashed—which makes up the record of this foreign aid venture—those people would never finish reading.

If they stood on the steps of this Capitol and accounted for—one by one—the dollars that have been taken from the American people to be poured down every conceivable drain on this earth in the name of foreign aid—they would never go home.

I am no more in favor of the almost unlimited and mindless domestic spending programs that were the hallmark of the last two administrations than I am enraptured with this foreign aid fiasco. You have but to look around you to see what they have wrought.

But the time has come when the elected Representatives of the American people had better start paying prime attention to the needs of their own countrymen.

It is time that we stop being our brother's keeper, all over the globe, and let him keep himself while we tend to our own monumental problems here at home.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I support H.R. 14580, the legislation which we refer to as the foreign aid bill.

I believe, as I have said before in supporting similar legislation, that the availability of military and economic assistance for allocation to friendly and meritorious countries in other sections of the world is a tool that the Executive should have in order effectively to carry on the foreign policy of the United States.

A statement of the countries which receive the major portion of the military assistance clearly indicates the necessity for the continuation of this assistance in the pursuit of our own national security, and even if these sections were excluded from this bill, it is clear that arrangements would be made elsewhere in the Government to assist nations such as Vietnam, South Korea, Turkey, and other nations on the periphery of the Communist world and particularly sensitive to the pressures resulting from their exposed position.

The power to give assistance for purposes of internal security is also an important portion of this bill.

I believe too that it is vital that the President should have the ability to extend economic assistance to friendly regimes on a bilateral basis through grants or loans, and the granting of this power and the authorization of funds to support it is the main purpose of this legislation.

It is clear that we bring this bill to the floor today in a time of crisis in the field of foreign assistance. There are those who maintain that we should retire from this field entirely; there are those who believe that assistance should be furnished entirely through multilateral agencies; and there is a body of opinion—gradually diminishing—which supports the continuation of our existing form of participation.

The fact that the report of the Foreign Affairs Committee contains seven separate views, thereby resembling certain Supreme Court decisions, testifies to the confusion and differences of opinion which exist in the field of foreign aid today.

This confusion is understandable and I readily admit that I have shared the growing feeling of doubt about the efficacy of the aid program that has gradually made itself apparent in the country and also in the world at large since it is no secret that aid programs are no longer viewed with the idealism and optimism with which they were first invested.

There are many reasons for this disenchantment. To begin with there has been a confusion in the objectives of various types of aid. Some have been purely political, some have been related to short-range economic needs, some have concerned long-range development, some have assisted mature but devastated countries, while others have gone to new and undeveloped nations. Clearly to expect similar results from all such programs was unrealistic and yet this expectation did exist.

Another element was the expectation of recipient nations that assistance would solve the hard problems that can be resolved only by Spartan measures in economics and finance and a resultant disillusionment when the easy result did not seem to be forthcoming.

Another factor was the frequent appearance of a marked lack of managerial and organizational capactiy on the part of the U.S. agency administering the various aid programs.

A further element was the basic question whether in view of rapidly increasing population, the improvements which were effected by the aid program and which were demonstrable and real, actually had any effect in the long-range and comprehensive picture.

Added to this was the growing question whether in many cases—one thinks of the United Arab Republic—the granting of massive assistance in one form or another did not serve as a temporary crutch to a government which prevented it from trying to walk on its own, however painful that might prove to be.

Perhaps the most irritating factor has been the attitude of some countries that we had the obligation to help them, but they had not counter obligation to support us or even to be neutral on issues in which we were concerned. Some recipient nations in fact seemed to believe that it was incumbent upon them to be boorish where relations with us were involved.

In listing this category of difficulties one might feel that I should finish as an opponent of the legislation, but I do not reach this conclusion. Looking over the years, I believe that much valuable work and in fact much irreplacable assistance has been provided through this legislation. From the day of the Marshall plan down to the present there are examples of nations which have been helped to self-sufficiency or brought further along through this program. In education and health and in the provision of food production, transportation, economic and industrial development much has been done that otherwise would not have been possible to provide the growth and opportunity which people of every country in the world are seeking.

Although the multinational agency is a valuable instrument in the assistance field, it is well known that all agencies are not equally effective and even where it is highly desirable, are beyond the control of those who create and finance them.

Finally it seems clear to me that the Executive should have flexibility, control and the capacity to take reasonably prompt action in cases where he believes this to be in the interest of the United States. This ability is provided by the bilateral aid program and by no other.

In my opinion it is in the interest of the United States, therefore, that we continue this program, reduced as it is in size from those which have gone before and reduced also from the percentage of our gross national product which might well be devoted to this purpose.

For these reasons therefore I support this legislation and urge my fellow Members of the House to do likewise. I do believe, however, that a review of the program, its objectives and its public support is essential and I am looking forward with interest to the results of the study which the administration has promised.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I am going to ask unanimous consent to revise and extend my remarks in connection with the subject of OPIC. I anticipate that tomorrow in the course of the 5-minute rule it will be necessary to discuss this again.

Mr. Chairman, I would like to make a short statement in connection with one item in the bill. This deals with the question of the United Nations Relief, Rehabilitation, and Works Agency for the expansion of vocational and educational training for Arab refugees.

This year I notice that the bill calls for an additional appropriation of $1 million and another $1 million for 1971. Now, there were originally about 700,000 refugees in the camps in the Middle East following the war in 1948 that took place between the Arab States and Israel. This number has since increased to about 1.4 million. That is besides those who have left the refugee camps and gone to work in various countries of the area. This has become a way of life, evidently, but if this is what they want, I do not suppose that there is very much I or anybody else can do about it. It seems to me that this is not an appropriate time, though, to increase the moneys that we are appropriating here for the refugees simply because those refugee camps now in the main have been taken over by the terrorists in the Middle East. Not only have the camps or most of them been taken over by the terrorists there, but those camps are being used for training purposes and the young children for whom the schools are being built and who are being fed and clothed are being trained as terrorists in these refugee camps. In previous years, recognizing that the entire subject of the Arab refugees was a very delicate one but was nevertheless being taken advantage of unduly by the kings of the host countries in which the camps were located—the kings were using the refugees as a whip with which to beat Israel over the head—I felt it was time something should be done to make them realize that we know what is going on. So there was adopted at my behest and the behest of one of the gentlemen on the other side of the aisle an amendment to the foreign aid bill cutting down the appropriation of the United States to UNRRA. We contribute 70 percent of it, incidentally. We cut down 5 percent of the appropriation that we gave to UNRRA one year. It passed. I thought perhaps the host countries would come to the realization that something should be done and the refugees should be taught various kinds of work to hold jobs and sent to school and educated. However, multiplication goes on. I think this is being done intentionally by the kings in the host countries, because they know now how they can use these additional children. Incidentally, maybe 60 percent or even more of the inhabitants of the refugee camps are children. They are being used as a weapon against Israel. Incidentally, they are also being used as a weapon against Lebanon now. I do not propose at this time to offer any amendment to cut the sum which we contribute to UNRRA for the benefit of the refugees, because that area today is a tinder box as is. I do not believe anyone should throw a match that might perhaps light up that tinder box and cause it to explode.

Nevertheless, I would like the RECORD to show that if I am here next year and if this same situation continues I will then not hesitate at all to offer an amendment reducing our appropriations to UNRRA which is used for the purpose of assisting the Arab refugees and trust that it will pass.

Mr. Chairman, I support the creation of the Overseas Private Development Corporation, the one new development in the present bill.

The concept of a specialized corporation to enlist private investment more effectively in development is not new. Such a corporation was proposed by the International Private Investment Advisory Council (IPIAC) and in another report submitted to President Johnson by the Advisory Committee which was chaired by Prof. James A. Perkins, of Cornell.

Both panels recommended that some kind of a corporate entity be established to take over the investment promotion functions of the Agency for International Development. The objective was to provide a vehicle which could insure a more rapid expansion of private enterprise in less developed countries.

The Private Investment Center in the Office of Private Resources in AID now administers the investment incentives program. Experience has shown that because of the administrative machinery within the Agency for International Development that they have not been able to make quick enough decisions in their responses to requests for investment assistance. As a result many business people have withdrawn their requests for guarantees and have dropped the projects. Private projects in developing countries take a long time to plan and implement. If incentives are to be effective, the investors must be assured that the incentives involved will be available when needed. In effect there is a need to shorten the time within which decisions can be made by the Office of Private Resources, administration flexibility, and to make it more responsive to the business needs of the U.S. investor. This is the purpose of OPIC.

Now what is OPIC.

It is an agency of the U.S. Government under the general guidance of the Secretary of State. Its purpose is to promote and support the active participation of American private enterprise in providing resources and talents to help further the economic and social development of less developed countries. The Corporation's activities will complement the development assistance objective pursued through the AID programs and other development programs in which the United States participates. It must conduct its activities in consonance with the activities of AID and with the international trade, investment and financial policies of the U.S. Government.

It has been suggested that OPIC will have authorities substantially similar to those already administered by the Office of Private Resources and therefore is not necessary. I disagree.

OPIC, unlike the Office of Private Resources, will be a small specialized organization designed to meet both public and private business needs. It will provide a continuing staff of managers with specialized skills. It will be able to compete for, attract and hold top management and staff with requisite business skills, and because of its specialized purpose, its institutional identity, the strong private representation on its board and the built-in flexibility of the corporate form it will be able to make sound, businesslike decisions more rapidly than is now possible.

OPIC, through its businesslike corporate methods and its joint public-private makeup, will also be better able than a Government agency to monitor the performance of the projects it promotes.

And there are provisions in this bill which will insure that the objectives of OPIC will be consistent with the overall foreign policy objectives of the United States. As stated, OPIC will operate under the general policy guidance of the Secretary of State, and the Administrator of the Agency for International Development will be Chairman of the Board. In addition, four other officials of the U.S. Government will serve on the Board of Directors.

The remaining six members of the 11-man Board come from private life. Of these six at least one shall have had experience in small business, one in organized labor, and one in cooperatives. I believe that the composition of the Board will insure that OPIC does not overemphasize the interests of large businesses at the expense of the small- and medium-sized businessmen, or the interests of the investor at the expense of U.S. foreign policy objectives.

Thus, private investment will not compete with official government-to-government economic assistance. It will supplement and complement other economic development programs. It will be integrated with U.S. foreign economic policy.

In addition to the points that I have discussed, there are other provisions and safeguards in the bill that, in my opinion, will help make OPIC a valuable foreign assistance policy tool.

We often hear complaints that there is not enough congressional oversight over too many programs and that as a result the intent and objectives of the legislation are not achieved.

In my opinion, the provisions pertaining to OPIC in this legislation will enable the Congress to maintain close scrutiny over the operations of the Corporation.

First, the capitalization of the Corporation is for only 2 years. At the end of that time the officers of the Corporation will be required to appear before the Congress and justify any request for new capital.

Second, the Corporation is required to submit to the Congress after the end of each fiscal year a complete and detailed report of its operations during such fiscal year.

Third, the Corporation is subject to the Government Corporation Control Act and accordingly will be required to maintain accounts and submit budgets as required by that legislation.

Now, let me turn to the internal management of the Corporation. In order to insure better internal management in the daily affairs of the Corporation and to maximize the quality, coverage and security services of OPIC, the Auditor General of the Agency for International Development shall serve as the Auditor General of OPIC and will report to the Board of Directors of the Corporation. The President in his foreign aid message announced his intention to establish an Auditor General operation in the Agency for International Development to "provide a better means of continuous management inspection." On June 16, 1969, the AID Administrator appointed an Auditor General and established a single integrated organization for all auditing and investigating forces. The committee took note of this and approved the appointment of the Auditor General at level V of the Executive Schedule.

There is another important restriction placed on the Corporation which I feel is in the national interest. It has been recognized that there are political repercussions that often accompany investment by extractive industries in less developed countries. To assure that no U.S. Government funds may be used for this purpose the committee wrote in a prohibition that loans made from the direct investment fund shall not be made to finance operations for mining or any other extractive idea.

Finally, I want to discuss what I consider to be an exciting proposal, one which adds a new dimension in the investment guaranty program. Thus, the bill establishes a 3-year pilot program of community development loan guarantees in Latin America.

The program is restricted to five countries and the total amount of guarantees outstanding at any one time during the trial period may not exceed $15 million.

It is envisioned that this authority will be used to encourage private banks, other credit institutions, cooperatives and private nonprofit development organizations to make small loans on reasonable terms to organized groups and individuals to carry out self-help community development projects for which there is no other financing available.

Guarantees issued by OPIC for this purpose will be confined to 25 percent of any portfolio of loans, subject to an additional stipulation that the liability of the United States may not exceed 75 percent of any one loan in such a portfolio.

It is the hope of the supporters of this program that it would induce private banks and other lending institutions in the developing countries to participate more completely in providing capital for investment purposes. Taken in conjunction with the efforts of OPIC to attract increased private U.S. capital, it could have the effect of causing the private sector, both at home and abroad to become more involved in the development process.

Mr. Chairman, I offered legislation earlier this year which would have established a quasi-public corporation. I envisioned the use of private as well as public moneys. However, I soon became aware that my proposal was too new to be accepted at this time. Although OPIC does not satisfy me completely, I do believe that it is a step in the right direction. It will facilitate the attraction of private capital into the development process. It will permit timely decision-making. And it will be a valuable tool for the President in formulating U.S. foreign policy.

Mr. ADAIR. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 14580, the Foreign Assistance Act of 1969. I do so with the knowledge that there are a great many forces competing for appropriations this year, more perhaps than any other year in recent memory.

There is the deep concern on the part of many Members of this body that we cut Federal spending wherever possible as part of the effort to curb inflation. There is a determination to redirect as much of our resources as possible to treat the ills of our urban areas and fulfill other domestic needs. And, there is an overall concern that we take special precautions this year to insure that the money we do spend is used efficiently and wisely.

All of these are important and fundamental considerations which have my support.

The Foreign Assistance Act of 1969, as recommended by the Committee on Foreign Affairs, was tailored to fit these important considerations and still fulfill the legitimate responsibilities of the United States to the developing nations of the world.

The tenor of this year's foreign aid program was set in May when President Nixon asked Congress for an authorization of some $2.7 billion for fiscal 1970—the smallest foreign aid request ever made by a President of the United States since 1948.

Despite this bare-boned request, the committee heard a great many witnesses, gathered an impressive amount of testimony, and deliberated on that request at length.

The result was a reduction of more than a half-billion dollars in the President's request.

The bill before this body today represents the work of a great many people within the administration and outside it to produce the most efficient and economical foreign aid proposal possible.

Against this background, it is important to reexamine the reasons for maintaining this very minimum foreign aid program.

The preamble to the bill sets forth its purpose in very simple terms. It is:

> To promote the foreign policy, security, and general welfare of the United States by assisting the peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions.

The recent report of the Commission on International Development, chaired by the Honorable Lester B. Pearson, former Prime Minister of Canada, states that purpose in more graphic terms.

It says:

> The widening gap between the developed and the developing countries has become a central issue of our time.

Economic assistance, the report continues, is a major factor in helping "the poorer countries to move forward, in their own way, into the industrial and technological age so that the world will not become more and more starkly divided between the haves and the have-nots, the privileged and the less privileged.

The report maintains:

> International development is a great challenge of our age. Our response to it will show whether we understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of the great majority of mankind can be ignored without tragic consequences for all.

Those words reaffirm the conclusions of most thoughtful persons who have looked carefully at the arguments for and against foreign assistance. That conclusion is simply that it is in the self-interest of the prosperous nations of the world to invest some of their affluence to insure that the gap between them and the rest of the world does not become greater than it already is.

A great many nations less prosperous than the United States have made that judgment and are active participants in assistance programs to the developing nations.

There is no doubt that the United States has led the world in its contributions to foreign aid programs. But the bulk of our investment came in the years of the Marshall plan immediately after World War II.

Since then, with some fluctuations, the trend of U.S. participation has been downward.

Measured on a percentage basis against gross national product, the United States ranked seventh among the 15 principal aid donors of the world in 1968.

That year we devoted a little more than one-third of 1 percent—0.38—of our gross national product to aid programs placing us behind France, Australia, Netherlands, Belgium, the United Kingdom, and West Germany.

As the annual budget of the United States approaches $200 billion—more than one-third of it devoted to military and defense programs—it would seem at least appropriate to invest $2 billion in programs to help the underdeveloped nations build economic and political stability.

That investment seems logical for a number of reasons, not the least of which is the fact that with stability those nations might eventually assume a portion of that defense burden themselves.

Many do not realize that our aid programs are an investment in the short-range sense, as well as the long range.

AID loans are repaid with interest—all in dollars.

Further, as Dr. John Hannah, the new Administrator of the Agency for International Development, pointed out in testimony before the committee:

> Few people realize that over 98 percent of the commodities financed by AID this fiscal year will be purchased in the United States, thus providing jobs and additional income for American businesses and labor, and market development for our exporters.

While I am convinced that the long-range interests of the United States are served by providing assistance to the developing nations, I am by no means satisfied that we have used the most effective and efficient methods to provide this help.

Although I consistently have supported the concept of foreign aid during my 13 years in Congress, I have frequently objected to the mismanagement, poor judgment, and outright waste that occasionally has characterized the administration of some of these programs.

The erection of monuments to American generosity in countries which, instead, needed technical assistance and the tools to deal with their real problems was for years a major drawback in the program. These monuments took the form of large industrial complexes in countries without modern industrial skills, expensive dams and river projects in countries where hydroelectric technology was still primitive, and superhighways for nations still largely dependent on horse-drawn transportation.

In this connection, I was instrumental a few years ago in blocking U.S. participation in the Bokaro steel plant in India, a project which U.S. experts agreed was impractical because of the plant's remoteness from the raw materials necessary for steel manufacturing.

Similarly, I have never held to the belief that the American taxpayer has an obligation to assist nations which have governments openly and deliberately hostile to the United States.

When former Indonesian President Sukarno repeatedly and deliberately insulted our Government, I joined with some of my colleagues to cut off all U.S. assistance to that country.

We have an obligation, in my judgment, to make our aid programs contingent upon the same basic principles of mutual respect and human dignity which apply to all of our other dealings with the nations of the world.

For these reasons, I am especially pleased with the foreign-aid recommendation offered by the committee this year. It represents not only an effort to come up with an efficient program stripped of excess but also a program which builds on the lessons of the past and strikes out in new directions under a new administration.

That new administration is a key to the character of this program.

As many of my colleagues will recall, Dr. Hannah, the former president of Michigan State University, was one of the draftsmen of the original point 4 program under President Truman.

It is the effectiveness and momentum of that program which had such dramatic impact in Europe and Japan that we seek to recapture in this program.

Dr. Hannah proposes to do this through a variety of approaches, chief among them a renewed emphasis on technical assistance—which was one of the fundamental values of the old point 4 program—and a new stress on involving the private sector in economic assistance.

A Task Force on International Development Assistance and International Education, chaired by Dr. Hannah, made this recommendation in its report filed last January:

> We believe it to be vital that there be increased emphasis on technical assistance and institution building, and on the improvement of the relationships between the aid agencies of the U.S. Department of State and other units of the Federal government, foundations, voluntary organizations, business, higher education, and the public.

For the first time in this bill the role of private investment in foreign aid is given proper perspective and encouraged through the creation of an Overseas Private Investment Corporation.

The Corporation is designed to provide businesslike management of investment incentives already available in a way which will contribute to the economic and social progress of the developing nations.

This bill also recognizes that while many of the developed nations of the world now participate in foreign aid programs of their own, many still do not.

Through our own example and by channeling more and more of our aid into multilateral and international agencies, the bill seeks to encourage more nations to participate and to inspire those already involved to do more.

Further, the bill gives special recognition to the two central problems affecting the progress of every developing nation—the need for furthering food production and family planning on a worldwide basis.

During the past decade the world has witnessed dramatic breakthroughs in food production but only a start at attacking the problems of population growth.

In testimony before the committee last July, Secretary of State Rogers had this to say about these two basic problems:

> Another decade of continued effort on the part of the less developed nations will still be needed if widesperad famine is to be avoided. But this appears within the realm of the possible, with continued help from the United States and other aid donors.
>
> It cannot be done, however, without increased attention by rich and poor alike to the reduction of population growth. More and more countries which we are assisting are undertaking family planning programs. We proposed to devote as large a part of our AID program as we reasonably can to help the less developed countries come to grips with this problem.

The military assistance portion of this bill represents approximately the same minimum investment in the defense of those developing nations threatened externally as was authorized last year. It is an investment which will hasten the day when U.S. military influence and involvement can be reduced throughout the world.

A case in point is the special $50 million authorization for the modernization of the Republic of Korea's military forces. I proposed this addition to the committee which recommended its incorporation in the bill.

Korea remains one of the most vulnerable and volatile areas of the world, second only to Vietnam in its potential for violence. In recent years, our preoccupation with Vietnam has led us to minimize the dangers there and to neglect the need for a strong South Korean military force.

This authorization will assist in the strengthening and modernization of that highly trained military force in anticipation of the time when U.S. troops will no longer be required for the defense of the Republic of Korea.

In conclusion, it is important to keep in mind that this is fundamentally a transitional year for foreign aid.

A new President and a new administration have proposed fundamental shifts in direction and emphasis as well as a number of innovations. But the full impact of these will not be felt immediately.

We have seen probably the most extensive outlines of this new policy as it will affect Latin America. Using the exemplary work of Gov. Nelson A. Rockefeller's Presidential Mission for the Western Hemisphere as a guide, President Nixon on October 31 set forth the first principles of this new policy.

In addition to improved economic assistance programs, the President stressed the importance of increased technical assistance, improved cooperation in connection with tariffs and trade, more emphasis on multilateral aid, and finally a fundamental understanding of the limits on what we can accomplish.

In the President's words:

> As we seek to forge a new partnership (with Latin America), we must recognize that we are a community of widely diverse peoples. Our cultures are different. Our perceptions are often different. Our emotional reactions are often different. Partnership—mutuality—these do not flow naturally. We have to work at them.

This awareness that what has been done in the past must be improved upon, this emphasis on the need for reexamination and innovation is the central theme of the new administration's approach to foreign assistance.

The Presidential Task Force on International Development, headed by Mr. Rudolph A. Peterson, is now conducting a comprehensive review of our present efforts and will make its report and recommendations next March.

Together with the already completed

work of the Pearson Commission and other private and public studies, we will soon have a new blueprint from which to build more efficient and effective assistance programs for the 1970's.

Foreign aid is a responsibility we cannot afford to ignore from the standpoint of our long-range interests. At the same time, it is a program which must be made more efficient and economic because of our immediate needs at home.

President Nixon said it this way in his message to Congress last May:

> Foreign aid cannot be viewed in isolation. This is a statement with a double meaning, each side of which is true.
>
> If we turn inward, if we adopt an attitude of letting the underdeveloped nations shift for themselves, we would soon see them shift away from the values so necessary to international stability. Moreover, we would lose the traditional concern for humanity which is so vital a part of the American spirit.
>
> In another sense, foreign aid must be viewed as an integral part of our overall effort to achieve a world order of peace and justice. That order combines our sense of responsibility for helping those determined to defend their freedom; our sensible understanding of the mutual benefits that flow from cooperation between nations; and our sensitivity to the desires of our fellow men to improve their lot in the world.

Mr. ADAIR. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Taft).

Mr. TAFT. Mr. Chairman, I thank the gentleman for yielding me this time. I shall try to be as brief as possible. However, there is one aspect of this program which in my opinion is important to discuss today. It is a growing problem, one that is with us and one that relates to the overall efficacy of any foreign aid program upon which we embark.

However, before I discuss it, I would like to say how very important I think it is that this House give full consideration and a proper measure of support to the foreign aid program. Tomorrow the House will work its will in this connection. I would like to repeat in a general way before getting on with the specifics the injunction that I put before the House last year.

If we fail to pass the foreign aid program, I care not who the President of the United States may be or what party he might represent, in order effectively to carry on the foreign policy of the United States we would soon find ourselves embarking upon most of the present facets of such a program because they are in our long-range national interests.

Mr. Chairman, it may be said that it is wasteful and there needs to be corrections that should be brought about in its administration, but overall it is a weapon, an arm of our foreign policy, which, under the circumstances in which we find ourselves today, it would be most unwise to omit and overlook.

Now, Mr. Chairman, the specific area I would like to talk about relates to the question of population control. This has been an increasingly important area of our foreign aid program.

A vitally important element in this legislation is the provision of $100 million for population and family planning programs. The House Committee on Foreign Affairs has taken the lead in providing adequate funds for this program—$35 million in fiscal year 1968, $50 million in fiscal year 1969, and now $100 million in fiscal year 1970—because the committee feels that this is an area of extreme and urgent concern which until very recently AID has not given sufficiently high priority. It should be clear that this earmarking is intended for fiscal year 1970, even though portions of the bill to which it applies may end up with fiscal year 1971 authorizations as well.

The statistics of the population crisis are well known—the prospect of 7 billion people on earth in the year 2000, 80 percent of them in the impoverished, underdeveloped countries, population growth rates in these countries of 2.5 to 3.5 percent, or populations doubling in some 20 years, food production barely keeping pace with population growth, and per capita economic gain approximately halved by the effect of increased populations.

The dimensions and urgency of the issue have been widely described over the last few years. It is impossible to deny that a serious problem exists that can undermine much of the impact of our foreign assistance program.

How best to solve the population problem and give the peoples of the developing world a better chance to improve their lives is not yet fully known. Many elements are involved. Certainly better family planning methods, perhaps a once a year injection, are needed, methods which are adaptable to the customs of people in these countries, and more trained personnel to run family planning, maternal and child health clinics, better equipment, a regular supply of contraceptive needs. At the same time, broad educational programs should be expanded to make the possibilities of family planning familiar and accessible to all. The available know-how and resources, not only of governments but also of private family planning groups, of the International Planned Parenthood Federation and of United Nations organizations must be mobilized and brought to bear in this field. IPPF has done an especially outstanding job coordinating with both private and public programs.

The funds provided to AID in this legislation are to be used on a grant or loan basis, in whatever ways they can be most effective in line with the wishes of the peoples involved. Studies have already shown the majority of women in developing countries do want to control their family size. Dr. Alan Guttmacher, the distinguished U.S. physician, who testified before our committee estimated that there were some 25 million abortions annually—evidence of the great demand to check excess fertility. At the same time he pointed out that, typically enough, a group of village women he met in Indonesia were very interested, but not prepared to walk 15 miles to a clinic. Until family planning facilities and personnel are really within reach of the rural population, birth rates will not fall appreciably.

It should be noted that the report on pages 19 and 20 makes it clear that research on population programs is included under section 205 as well as elsewhere, and it is our hope that the earmarking technique will encourage increased research grants and loans.

Although the process of education and the successful adoption of a new social pattern such as a small, planned family is obviously not achieved overnight, there is already encouraging evidence that governments are recognizing the importance of the population problem and that, in some areas, birth rates are indeed beginning to fall measurably as a result of systematic family planning programs. Government family planning policies or programs are underway in some 30 countries in Asia, Africa, and Latin America. Few of these have been operating long enough to produce recorded declines in birth rates but the demand for and use of family planning is clearly increasing in these countries.

In both Korea and Taiwan, for instance, government-sponsored family planning efforts, assisted by the Population Council, the International Planned Parenthood Federation and also recently by AID, are showing measurable effects. In Korea one out of every four women has an IUD. Birth rates are believed to have dropped from about 45 per thousand in 1961 to about 34 in 1967. In Taiwan, birth rates have dropped from about 38 in 1961 to 29 in 1968.

In Singapore, Malaysia, and Hong Kong programs based primarily on use of oral contraceptives have had very considerable success. Figures based on crude birth rates, for several countries where vital statistics are reliable, show the remarkable decline. Crude birth rates do not take fully into account age structures, but on the whole most of the decline stems from a genuine drop in fertility rather than merely a decline in the number of women of child-bearing age, as follows:

CRUDE BIRTH RATES FOR KOREA, TAIWAN, HONG KONG, AND SINGAPORE

	1961	1965	1966	1967	1968
Korea	44.7			34.0	
Taiwan	37.7	32.1	30.7	29.3	28.8
Hong Kong	35.5	28.8	25.8	24.6	21.3
Singapore	35.5	29.9	28.6	25.9	23.5

Source: Studies in family planning, Korea 1967, estimate AID population program assistance 1969.

The example of these countries is very closely watched elsewhere where newer programs have not yet made a real impact on birth rates. In the Philippines and Indonesia, for instnace, interest in family planning is rapidly growing, private family planning groups are extremely active. Several have merged into a single unit, paving the way, it is hoped, for broader governmental actions that are now under study. In Africa, south of the Sahara, Ghana this year announced a comprehensive population policy with government and private clinics to operate cooperatively. Kenya is undertaking a similar effort, and other black African governments are showing new interest.

The Arab nations of North Africa are also moving ahead with government-sponsored programs.

In Latin America, the demand on the part of women for family planning is great. In some nations there is estimated to be one abortion for every two or three live births. Over-the-counter sales of oral contraceptives—which are available without prescription to those who can afford them—is rapidly increasing.

At the same time, population growth is literally devouring all economic growth and the goals of the Alliance for Progress seem almost as remote today as they were a decade ago despite great efforts on the part of the United States and the Latin American governments. Government family planning programs are beginning, slowly and timidly. Private association clinics are multiplying. The next year may see real breakthroughs in several Latin countries where additional funds for family planning services—to be included in maternal and child health clinics—may soon open the door for acknowledged government programs.

India still presents the greatest population problem in the free world and, disappointingly, the last few years have not shown as much progress as hoped for. Despite the urgency of the issue, U.S. assistance for India's population program has so far been too little and too late.

AID support of population and family planning in India—including AID personnel in India

Fiscal year:	
1965	0
1966	0
1967	127, 000
1968	7, 750, 000
1969	721, 000

This includes loan of $2.7 million for foreign exchange costs of vehicle parts. Also in 1969, $15 million from counterpart local funds was approved for family planning. How much was actually used is not yet clear. Perhaps a matching fund from counterpart should be required.

A substantial portion of the $100 million allocated for population in this bill should be used in India, and not merely a substitute for already programed Indian funds but rather to provide a real addition and increase in supplies, personnel, and programing. The recent United Nations mission to India, which studied the population program in great detail pointed out that for the family planning program "there was insufficient external assistance and in addition, whatever assistance was rendered was not always helpful in the attainment of program objectives."

In stressing particularly the need for more external aid to help the family planning program expand and reach more participants, the United Nations report also stated "The services need to be strengthened in respect of physical facilities, equipment, vehicles, drugs, and other supplies. The mission feels that opportunities for external assistance exist in this field and could contribute greatly to sustained and rapid progress. Communications, education, research, training, management, and evaluation could also be improved, the report indicated, by appropriate financial and material assistance."

It was the intent of the committee in allocating these funds for population and family planning work to encourage more vigorous and imaginative programing of support where it is most needed. Since $100 million represents approximately 5 percent of the total authorized for AID activities it would not be inappropriate in India or a number of other nations to regard 5 percent as a minimum ratio of population assistance to total economic aid.

Since a reduction in population growth rates actually works to multiply the effectiveness of all other types of assistance, assistance in this area must be viewed not, of course, as a substitute for other types of help but rather as a catalyst to accompany other elements of a balanced program.

Mr. ADAIR. Mr. Chairman, I yield such time as he may require to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in support of H.R. 14580, the Foreign Assistance Act of 1969. In my judgment this legislation is clearly in the national interest. It authorizes the continuation of economic and military assistance programs which constitute a vital part of our Nation's foreign policy.

Foreign assistance has often been attacked as a give-away program in which the hard-earned dollars of American taxpayers are loosely expended in programs of uncertain merit and in handouts to foreign countries. If I believed this to be the sum and substance of the foreign-assistance program, I would certainly oppose this legislation. To the extent that it is the case in any element of the work of the Agency for International Development, I am committed to that element's abolishment or reform.

My own understanding of the purpose and function of this part of our foreign policy, however, has brought me to the conclusion that is a wise investment which the United States needs to make for the sake of our own national security and in our own national interest. As a Christian and churchman who has always advocated voluntary giving by the more fortunate to assist in meeting the needs of the less fortunate, it is not a matter of grief to me that our Nation itself is known in the world as one which cares about man's ancient enemies of disease, hunger, poverty and illiteracy, and is willing to give generously of its resources in humanity's struggle toward a world without want.

In addition to all Government assistance programs, American citizens give voluntarily and privately through churches, foundations, and other charities around $600,000,000 a year in private foreign assistance. Of all the nations in world history, America was the first to initiate anything that could honestly be called a foreign assistance program when, through the Marshall plan, it sought to rebuild war-ravaged Europe—assisting friend and foe alike. After this it has continued through the present program to assist the developing countries of Asia, Africa, and Latin America.

It is not to my mind unreasonable that a nation's foreign policy should reflect what that nation is. I know of no aspect of American foreign policy which more truly reflects the nature of this society than its foreign assistance program. Americans are, as a people, consistently generous in giving to help others in need. We perhaps do not realize that it is not the case of a single one of our pious critics in Europe or anywhere else that the people give significant amounts of their personal income to support churches. United Fund, individual strangers, and various foreign and domestic charities generously, regularly, and without equivocation. This unique Nation, drawn from the blood of many nations, comprising a rich mosaic of many cultures, has given to the world something which is truly new and a part of that gift to the world is the truly American habit of giving and of sharing—expressed both personally and privately and as a matter of national policy.

In the Congress, however, we cannot lawfully pass legislation in which we take dollars taxed from American citizens by force of law and contribute them to the welfare of some other nation unless by so doing we in good conscience believe we serve the national interest of the United States or protect its national security. The sole constitutional basis for foreign policy is the national interest of the United States.

Our harshest critics opine that what we do in this field is not really for humanitarian purposes at all, but is indeed intended to serve our own interests. Could a case not be made for it in terms of the national interest, we could not, in my judgment, lawfully have a program at all. However, before attempting to at least partially state that case, let me first confess that in a very real sense we are guilty of a benign hypocrisy concerning the foreign assistance program. The basic reason there is such a thing in the world as foreign assistance in which America set the example and America has led the way, regardless of the present claims of other governments, is because of the honest concern of the people of this country for human need. We simply cannot stand the thought of little children starving to death in the streets or dying of the plague. We do not wish to live in a world filled with hunger, disease, and poverty. We could not leave the world destroyed by war with its people helpless and its recovery apparently hopeless. We had to act. We had to help, because this is the basic truth and the very essence of what we are as a people. We could no more abandon this struggle than could we stand idle while tyrants move forward to impose upon the people of the world the brutal totalitarianism of a Nazi, or a fascist, or a Communist world order. We are committed to the cause of freedom and we are committed to humanity's struggle for a better life on this planet. I must honestly confess that this is the real reason for our foreign assistance program.

There are, however, good and sufficient reasons clearly within the scope of the constitutional purpose of our Nation's foreign policy to which I would now direct the attention of my colleagues. The most basic reason for my support of this legislation is that I have become convinced it is an essential element of our successful response to the Communist challenge in our time. World communism does control more than 25 percent of the earth's surface and more than 1 billion of the world's people in its varying expressions. With continuing policies aimed at expanding the sphere of Communist influence toward ultimate world domination through political, economic, and military means, it constitutes a further threat to the freedom and self-determination of those people not yet under its control.

Europe is filled today with strong, prosperous and independent nations, many of whom are aid-giving nations to the developing countries. This almost certainly could not have been the case, however, had it not been for the assistance given these countries through the Marshall plan following World War II. Without such assistance, Western Europe, like Eastern Europe and the Soviet Union, might well have been at the mercy of a Communist minority. Our assistance program helped the nations of the free West to rise again to positions of strength and stability which make them a powerful force for freedom and an impressive deterrent to Communist expansion.

In Latin America Fidel Castro has thus far totally failed in his determined efforts to subvert the Western Hemisphere. There may be many reasons why Latin America has thus far turned away from, not toward, communism. At least a part of the answer, however, must be in our military assistance which has helped various nations to provide for adequate internal security and the economic assistance provided in our share of the Alliance for Progress toward better and more stable societies. This continuing expression of our friendship and interest has helped to guard against the growth of Communist power in the Western Hemisphere.

In Africa our own limited aid, along with the more substantial assistance from Western Europe, has helped various infant republics toward stability and progress. Africa also has in large measure resisted the dedicated efforts of both Red China and the Soviet Union to expand their influence there.

In Asia there exist such non-Communist independent nations as the Republic of China, the Republic of Korea, the Republic of Vietnam, and Thailand because, at least in part, of our military presence in that part of the world supplemented by our military and economic assistance programs. Indonesia's hope for continued progress following her dramatic turn from near total domination by Communist forces is heavily dependent upon continued economic assistance from the United States as part of the consortium formed for this purpose.

With all the failures toward which one could point in the foreign assistance program, it must be said that it has assisted many nations toward basic political and economic and military strength and a condition of internal security, frustrating the goals of Communist imperial expansionism.

Many Americans, both "hawks" and "doves" alike, are concerned over the tremendous investment of billions of American dollars and thousands of precious American lives in the present conflict in Vietnam. In his tour of Asia earlier this year our President made clear to Asian leaders that it was not the intention of this Government in the future to assume a comparable role in an Asian conflict to that which it has played in Vietnam. In Vietnam, as earlier in Korea, American combat soldiers have carried a major part of the battle for the freedom of an Asian ally. In the future it is almost certain Asia will have to look to herself for the bulk of the manpower in such situations should they occur.

Yet just as the continued presence of American military power—particularly that of our Navy and Air Force—will almost certainly be required to some extent in the Pacific for the foreseeable future, continuing military and economic assistance will be clearly required if the free and independent nations of Asia are to be able to deter Communist aggression and enjoy the peaceful development of their own societies.

It makes great sense to me to invest millions in economic and military assistance in Asia and elsewhere rather than many billions of dollars in American military expenditures in such situations as Vietnam, plus thousands of irreplaceable American lives as well. This is realistically the best means I know to fulfill the President's new Asian policy without total withdrawal of the United States from this part of the world—gambling on the ultimate control of those millions of people by some form of Communist totalitarianism.

Of the funds in this bill, $400 million are in the military assistance program, with the bulk of these funds going to such nations as the Republic of Korea and the Republic of China. $414.6 million is the figure for supporting assistance, with much of this money going toward the support of the Republic of Vietnam. It would seem to me to be an act of national folly to invest many billions of dollars and many thousands of lives in the Vietnamese conflict while failing to authorize the millions needed in economic assistance to Vietnam so essential to the Vietnamization of the conflict and the ability of the Saigon regime to successfully fulfill its governmental responsibilities.

The Agency for Internal Development is making a significant effort to help South Vietnam build a better life, even as they are fighting. One concrete example is in the Agency's efforts to provide medical help to the children of Vietnam. A recent article in the Saigon Post, for instance, refers to a newly constructed children's center for plastic and reconstructive surgery. This is a 50-bed hospital operated by Children's Medical Relief International and financed largely by AID, with additional funds from the Government of Vietnam, and private donations. The Saigon Post says:

> Expert care is being provided free of charge to any Vietnamese child in need of help. Already, in a pilot project, hundreds of children suffering from crippling war wounds, domestic accidents, and birth defects have been treated successfully.

I note also from the same article that surgeons have volunteered, not only from the United States, but from Australia, England, France, India, Israel, Scotland, and the Philippines to participate in this program. So have pediatricians and specially trained nurses. I also note, and this I would like to quote:

> The volunteer staff not only provides expert care for the children at a level fully equal to that found in any Western country, but it is involved in an intensive training program of the Vietnamese professional staff who will eventually operate the center.

Dr. Arthur J. Barsky, professor of plastic surgery at Albert Einstein College of Medicine and president of Children's Medical Relief International, to which the AID grant was given, stated:

> The center already serves as a model surgical unit for the entire country, and a great deal of interest has been generated in the Vietnamese medical community when doctors see it is now possible to develop in their own country the kind of hospital facility they have always envied in the Western world.

The sum of $422.6 million of the funds in this bill in the form of technical assistance, helping people to help themselves and quite possibly the best form of aid which can be given to a nation.

More than $800 million of the $2 billion in this bill is for development loans or loans under the Alliance for Progress, with every reason to expect that this money will ultimately return to our Treasury with interest. As a matter of fact the returns already coming in from previous loans, plus the fact that 92.7 percent of foreign aid dollars are actually spent in the United States and not abroad, mean that AID's present dollar effect on the U.S. balance of payments is positive rather than negative. The estimated net inflow in 1970 is $197 million. This is primarily due to the growing receipts of interest and principle repayments on past loans. There is every reason to expect that this will be a continuing trend in the future.

The new administration is making every effort to tighten up on and improve the AID program. Improved auditing procedures, for which the committee is at least partly responsible, should hold down the level of error which has been so painfully apparent at times in the past in the operation of the Agency for International Development.

There is in this legislation a new thrust toward greater participation of private enterprise in the development of less-developed countries. The creation of the Overseas Private Investment Corporation is a positive and substantial step in this direction. Even as it is clear that it is in our security interests to deter Communist aggression, it is in our economic interest to have expanding markets in societies that are increasingly strong, and stable, and prosperous, rather than poor and weak. Private investment can play a major role in this development process and it is essential that we do everything in our power governmentally to facilitate the participation of American private enterprise in this challenging and rewarding task.

The above are simply some of the basic reasons I believe this relatively small percentage of our gross national product and of the Federal budget to be a good investment for America. I am encouraged by the growing aid effort of the nations of Western Europe and of Japan. The Republic of China, like many of the former recipients of economic aid, has reached a position of prosperity which makes such aid no longer necessary and has a small but very excellent technical assistance program of her own which has been of most effective help in Africa. It is reasonable and right that an increasing percentage of the aid burden should be borne by others, particularly such prosperous nations as Japan and our friends of Western Europe.

In dollar terms, however, American aid will continue to be of great importance to the developing countries of Asia and Latin America, as well as to a lesser extent in Africa. Both the economic and the psychological impact of our withdrawal from this program or the failure to fulfill present commitments which too drastic a reduction in funds would entail would have a very adverse effect upon our interests all over the world. We must continue to be a part of the partnership for progrss which our Nation virtually invented and without which the present world would be much more completely a vale of tears than is presently the case. For the sake of all who are "riders on the earth together," but even more for the sake of the United States itself, I urge the Congress to pass this legislation and in so doing make an investment in the future which will pay large dividends for the world's people and for our country.

Mr. ZABLOCKI. Mr. Chairman, I yield to the gentleman from New York (Mr. BINGHAM) such time as he may require.

Mr. BINGHAM. Mr. Chairman, I rise in support of H.R. 14580, the Foreign Assistance Act of 1969.

I have reservations about the bill some of which are reflected in the supplemental views submitted by Messrs. CULVER, ROYBAL, ROSENTHAL and myself. I would like to see many of the restrictions imposed over the years lifted. I opposed the cuts voted in the committee in the developmental programs. Nevertheless, the Foreign Affairs Committee worked long and hard on this bill, under the patient, fair, and courteous leadership of its distinguished chairman, and the bill now before the House doubtless fairly represents the consensus of a majority of the committee. Certainly it would be a tragedy if the House were to make substantial further cuts in the developmental funds, and a real disaster if the bill as a whole were to fail of passage. This would be a signal that the richest, most powerful Nation of the world has turned its back on its responsibilities to its less fortunate neighbors.

Many of us in Congress—and I am sure many of our constituents as well—have the impression that the United States is the most openhanded of all the countries of the world when it comes to foreign aid. No doubt many also feel the terms and conditions of our economic assistance to developing countries are among the easiest: hence the talk we hear about the "giveaway program."

Neither of these impressions is correct.

It is true that the United States still provides more economic aid than any other country, in terms of total amount.

But relative to national income, which after all is a more valid measure of "generosity," if you want to call it that, we do not stand quite so tall.

Each year, the association of economic aid donor nations known as the Development Assistance Committee—of the Organization for Economic Cooperation and Development—takes a measurement of these nations' assistance efforts.

Their figures for 1968 show that:

The United States ranked eighth—of 16 nations—in percentage of gross national product devoted to official or government-financed economic aid to developing countries. And our role is shrinking: we were seventh in 1967 and fifth in 1966.

Using the amount of both official and private-sector aid as a measure, the United States ranked 12th in proportion to GNP.

And as for the terms of aid, the United States ranked 10th in the percentage of its aid provided on a concessional basis. This ranking is based on the grants provided, as against loans, the interest rate charged on maturity and grace period of loans.

The United States is among six countries of the DAC group which have neither met the United Nations target of 1 percent of GNP for official and private foreign assistance, nor have specific official plans for meeting it.

These facts hardly give us any reason for worry about being "Uncle Sucker" or about any "great giveaway program" authorized by the Foreign Assistance Act that we are discussing.

The downward trend in the share of our wealth we are using to help others is alarming in terms of the gap between our standard of living and that of developing nations. This gap, in spite of all our efforts, is growing and constitutes a potentially explosive situation.

Furthermore, the United States has been a leader in foreign aid for some decades and has encouraged other DAC members to expand and improve their aid programs substantially. It would be a shame for this, the wealthiest nation, to fall behind its obligations to the developing world. The result would surely be to discourage other donor nations from supporting and increasing their share of the burden.

Ten years ago we hailed the approaching 1960's as a "decade of development." Today, as we look back over this period, we can ask, "Was it a success or a failure?"

By and large, despite all the disappointments and frustrations, I believe it can be called a success.

For one thing, these years brought forth "the green revolution." This was a momentous leap forward in food production that has delivered new hope and new life to millions of people in the developing world.

The United States can take pride in having played an important role in this achievement. It came about through private initiative and enterprise; through the work of foundations; through the will and self-help efforts of the countries involved, and through the support of foreign aid.

Consider the situation on the eve of the green revolution in 1967: Two reports—that of the President's Science Advisory Committee and the National Advisory Commission on Food and Fiber—had presented a gloomy picture of the world situation that summer. Some food experts and serious writers were predicting famine in the developing world as early as 1975. India's half billion people were still suffering from the effects of 2 years of drought.

Late in 1967, however, reports began to trickle in that a new rice variety, IR–8, was achieving sensational yields in the Philippines. The harvests held the dramatic probability that the country would become self-sufficient in this basic crop for the first time. There were other reports. The monsoons at last were good in India. New wheat seeds—developed as were the rice seeds, by institutions financed by the Rockefeller and Ford Foundations—were bringing in a crop that would set a new record. Pakistan, too, sent glowing news of her wheat and rice crops. Turkey had planted the new "Mexican" wheat and forecast a great harvest.

The reports proved true. India's grain production hit 100 million tons. Between 1967 and 1969, Pakistan's wheat harvests were up 60 percent. The ingredients were not only the weather and new high-yield seeds. There was intensive use of fertilizer; good employment of water resources; use of insecticides; price incentives, backed up by local research and extension efforts. In much of this American foreign aid played a key role.

The picture is brighter today than it was 10 years ago. The green revolution has bought time for the developing countries to do something about cutting their birth rates.

If we are to continue to progress in the seventies, the green revolution will have to be supported by the necessary resources from the developed countries. The developing countries can do most of the job: they are giving priority to food production; they are willing and anxious to use new agricultural techniques. But they cannot do it all alone. They need the help that foreign aid can supply.

If we, and the other developed countries supply this help in adequate amounts we will speed the effects of the green revolution. Those effects will first be seen in greater food production, then in an improvement of general standards of nutrition, health, and education—the conditions which enhance the possibility of voluntary population limitation.

And if we can do that, we will have brightened the chances for a peaceful world. I will, of course, have more to say on specific aspects of this subject tomorrow.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, the past two decades have witnessed some of the most staggering changes in all of recorded history. The moon landings are the most spectacular evidence of the almost incredible progress of technology. The advent of nuclear weapons has drastically altered traditional concepts of the use of force in international relations. The Soviet Union has attained the status of a superpower, and China, under Communist rule, is one of the most feared enigmas in the world. The political map of the world is no longer recognizable to those of us who went to school before the Second World War, as more than 50 new nations have emerged out of territories formerly controlled by Britain, France, the Netherlands, and Belgium.

Throughout this entire period there has been one constant element in American foreign policy, one component that has been endorsed by all the administrations that have held office, and that component is foreign aid.

Why should this be? Why should five successive administrations propose and fight for foreign aid when foreign aid has been far from popular, and when it has been widely criticized by many Members of Congress and the public at large? Why, despite such strong opposition, has Congress annually passed a foreign aid bill?

The answer is simple, and it is basic. Every administration for the past 20 years has sponsored foreign aid, and every Congress for the past 20 years has passed it because foreign aid, when properly administered, is intimately entwined with our national security.

I do not say that national security has been the only motivation for the foreign aid program. Certainly a nation with our humanitarian traditions always has been, and let us hope always will be, concerned with the alleviation of human misery wherever it is found. But whatever the strength of the humanitarian impulse, it could never be more than a partner to the national security interests of our country.

For I suggest that we Americans can neither feel secure, nor be secure when what is officially considered a poverty level family income in this country, namely $3,000 a year, is five to 10 times the average family income in most countries in the underdeveloped world.

Thus in a period of great international stress, when the age-old cry against military action grows louder, our program of foreign assistance becomes an essential part of our arsenal against totalitarianism.

Let me emphasize here that our ongoing struggle against totalitarianism is not merely a resistance to communism. Certainly we must resist Communist influences whenever and wherever possible. But we must be wary as well lest another form of totalitarianism—fascism—is substituted for communism. These evils are to be resisted with equal fervency. Frankly, I am concerned that in certain cases—Greece, Vietnam and Latin America come immediately to mind—our understandable rejection of communism has permitted an unintentional rise of other forms of totalitarianism.

But there is an answer to this dilemma.

Rather than addressing our assistance to governments as we have too often done in the past, we must direct our aid toward people. By aiding people directly we can get across the vital message that we have a viable, desirable alternative to any form of totalitarianism.

That alternative, of course, is democracy. The basic tenets of democracy are, in fact, the greatest salesmen of democracy. The support of equal opportunity, the rights of free expression, the pursuit of human dignity, the elimination of need—of want—these are the tenets of democracy and if we can communicate our message to the people in the developing nations they can understand the validity and strength of meaningful alternatives to totalitarianism.

Now, Mr. Chairman, I have hit on the need to aid people, not governments. This is part of the needed reorientation of our aid policy. While I am a consistent backer of our aid program I do believe that too often we have been the victims of poor administration and management. Nowhere is this better evidenced than in the incorrect practice of aiding governments in lieu of people.

Also we must reorient our aid another way. The goal of aid should not be to satisfy immediate needs and ignore the future; we should not offer palliatives when solutions are possible. Accordingly, we should increase our emphasis on development projects that will enable recipient nations to become self-sustaining. I am reminded of the oriental proverb that says: When you give a man a fish, he will have a meal; but when you teach him how to fish, he will never go hungry. This basic principle is applicable to the goal of our foreign aid. Yes, when people are hungry, let us help feed them. But let us also provide them with the means to avoid hunger in the future.

This takes me to another point that I feel needs greater attention. Totalitarianism, no matter which of its equally terrible forms it might take, cannot thrive unless there is want and need. These are the awful host upon which communism and fascism can grow. Thus our aid must be properly directed toward building the base for viable economies in the recipient nations. We must offer self-help programs that will, in turn, offer a purposeful and desirable deterrent to power seekers who prey on the wants of people.

Mr. Chairman, I have sought to delineate the presence of self-interest and humanitarian goals in our aid program. In this direction I would note that I do favor certain strings in our aid program. We cannot buy a government nor a people for a bag of rice or for a cement factory; nor should we attempt to do so. But we have every right, in fact we have the responsibility, to require certain reasonable conditions from recipient natons regarding their own self-help programs and their international actions that would affect the United States.

These strings of which I speak are mutually beneficial strings that protect our interest in giving and at the same time provide the recipient with the promise of independence, self-sufficiency and economic development.

Now, Mr. Chairman, as I said a moment ago our foreign aid program is not the giveaway that some have called it. I hope I have demonstrated that when properly administered it is an integral and essential part of our foreign policy and national security.

And if our foreign assistance is to achieve its noble and worthy goals of aiding people everywhere while simultaneously contributing to our own national security, it must be made available out of a concern for something more than a sterile, shortrun stability. It should not be the object of U.S. foreign aid to freeze the status quo. Rather our concern should be for orderly, constructive change.

For U.S. security will not be served by support for stabilization measures which merely postpone needed change. Nor will it be served by support for repressive regimes simply because they can maintain the lid on bubbling discontent. Rather, U.S. security will be enhanced by our support of genuine development efforts, efforts which encompass change, which encourage popular participation, and which foster a broad sharing of the social and economic benefits of development. As the noted economist and specialist on development Max Millekan has written:

> We need no longer support for security reasons regimes which are neither interested in these goals nor capable of promoting them.

When Robert McNamara was Secretary of Defense he made a notable speech in which he said, "security is development." If I may be permitted a paraphrase, "foreign aid is our best defense." I believe in foreign aid—aid which does not require us to be the world's policeman, but aid that reaffirms our adherence to peaceful competition and our concern for the welfare of people everywhere.

Mr. Chairman, before closing I do want to address myself very briefly to one other point that I feel requires more attention. It is a fundamental economic reality that international markets are essential for the growth of the American economy. The developing nations that are today receiving our aid are going to be our trading partners of the next decade just as those countries that received our aid 10 and 20 years ago are our partners today.

Yet, too little has been done to prepare us for this day; too little has been done to bring the private sector here in the United States into the aid process. I realize a small step is being made with the creation of the Overseas Private Investment Corporation—OPIC. But I feel much more can be done. I urge a sharp increase in the involvement of American businessmen in the process of international development through appropriate loan, guarantee, and joint venture programs.

To conclude let me reiterate that I believe strongly in the wisdom and need for this program; foreign aid is not a giveaway. It is an investment in democracy, in the principles of our Nation, in our security; it is a vital and essential investment in the future of the United States and, indeed, in the future of our globe.

I take particular exception at this point to a statement that was made by Governor Rockefeller only the other day in his appearance before our committee. In his recent recommendations for Latin America he ventured that no individual nation can provide for its own internal security, thereby implying a recommendation that we interfere in the internal affairs of the Latin American nations. I think this is a highly dangerous recommendation, and I take strenuous objection to our Nation or any other nation interfering in the internal affairs of any other nation.

Mr. ADAIR. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, I wish to express my opposition to H.R. 14580. This bill which we have before us is a maze of 83 pages. This should not however, surprise us, for the program it represents has long since become a bureaucratic maze beyond comprehension.

The American taxpayer who so generously supported the Marshall plan after World War II has since been used to finance the myth that all the problems of the world can be solved by Americans, with American dollars.

The taxpayer in this country is a patient, down-to-earth individual. But there is a limit to his patience and he now would like to know what his hard-earned money has bought. And he is asking us—his elected Representatives—just what has the expenditure of more than $122 billion in foreign aid accomplished.

This is a good question and a difficult one to answer as we consider some of the more obvious and major beneficiaries of our generosity. Perhaps India is today's best example. The recipient of more than $8 billion in U.S. aid, India is glad to have the United States help with programs to feed its people. And yet, its Government policy consistently manages to avoid undue evidence of friendship toward America's foreign policy.

I could cite many examples of how our expenditure of foreign aid has failed to bring about either real progress in the country receiving the aid, or to improve the national security of the United States. But this is an old, old story, particularly to our taxpayer.

Even those in the executive branch bureaucracy know the time has come for a change. And this year they offered us one in the form of a new alphabetical agency called OPIC, or Overseas Private Investment Corporation. It is my impression after the extended hearings by the Foreign Affairs Committee that this new creation is more form than substance. While dedicated to helping private enterprise, which I support, it would actually do little that is not already being done by the Agency for International Development.

The time has come for fundamental changes in foreign aid policy. Until fundamental changes are made—changes that relate foreign aid more directly to our vital national security—I, for one, cannot support this program.

It is true this bill represents more than 5 months of work by the committee and I must commend our chairman and my colleagues for their patience. Yet, the improvements which the committee made in the bill still fall short of what I regard as an acceptable bill.

Frankly, there are parts of the measure that I could support. For example, support for American schools abroad is a commendable program. It brings to the less developed countries an understanding of American educational methods and of subject matter that can move countries more quickly into the 20th century. Military assistance to some nations is another portion that has merit. The equipment and services we are giving to the weaker countries are not designed to make them military machines. Rather the purpose is to enable them to preserve their independence and to maintain internal security. Without independence and security any other aid that we or others may give to those countries is wasted. Parts of the technical assistance program that focus on improved food production and health are worthy of praise as to objectives if not always as to achievement.

Yet, many of the programs, long established and perhaps well understood, need more than an annual congressional review. They require close study and scrutiny to determine whether they have outlived their usefulness, whether new direction should be given them, or whether they are conducted with maximum effectiveness. During committee consideration of the bill we listened patiently to explanations by those whose job it is to defend each of the parts of the total foreign-aid package. Without care, our judgment may be affected by the special pleaders. Objectivity is difficult to develop and maintain where one is considering the sum total of accomplishment of foreign aid. Statistics can bounce off the head like peas on a tin roof; but an assessment of changing values, attitudes, and patterns is much more important as a measure of success yet much more elusive.

It is a recognition of these problems that leads me to question why this program should be continued without a detailed, even microscopic, review. The President has appointed a commission that is to make a report early next year. Is the gap then of a few months so great that we should not wait and hopefully gain fresh insight into the complexities of foreign aid? I think we are making a serious mistake in pushing this bill at this time.

One part of the bill that gives me particular concern is the provision for the creation of another Government corporation to be known as the Overseas Private Investment Corporation, popularly called OPIC. Because of the far-reaching implications contained in the proposal, it was decided that one of our subcommittees hold separate hearings on the subject. A reading of these hearings leaves me unconvinced that another Government corporation is the answer to accelerated U.S. private investment abroad. We already have in operation a rather successful insurance and guarantee program for new investment moving into the less developed countries. Under the bill a new feature would be the use of Government funds to be loaned to U.S. companies going overseas. But what is not spelled out either in the bill or in the report is the interest rate that could be charged. Like many Members of this House, I am aware of the exorbitant price of borrowed money today. Yet, this new corporation could set rates much more favorable to companies that could afford to pay the rate that our constituents must pay. Of equal concern to me is the high-priced personnel that would be employed to run this corporation.

I have weighed, to the best of my ability, the favorable features of this bill against the unfavorable ones. It is my considered judgment that the latter outweigh the former. For that reason, I shall vote against the bill, H.R. 14580.

Mr. ZABLOCKI. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, we are at a moment of great decision in our hemisphere. It is a moment when we will decide whether we should turn our faces to the future and work with the forces of progress and development or whether we should turn the clock back and let our friends and neighbors struggle alone with poverty and underdevelopment that are now ways of life in Latin America.

The question is not one of jumping into the fray, providing all the funds, and showing them how to do the job. That would be as wrong as the other extreme. Our role as a partner and friend is to work with the countries of Latin America, extending a hand of friendship as they do the basic job themselves.

We have learned much in the past decade about how we can best work with our Latin American friends. Indeed, this lesson is one of the more important benefits that resulted from the Alliance for Progress, both in North America and in South America. For with all that remains undone as we now enter the decade of the 1970's, we know that there is a valid basis for cooperation within the hemisphere, both in the bilateral and in the multilateral sense—the United States working with each of the individual nations and with all the nations of the region together.

What faces us now is how to proceed, how do we apply the lessons of the past to build a better future?

The answer will not be obtained by any tactic that seeks what has been well described as "bargain basement tactics." It just cannot be done that way.

The commitment for Latin America that is spelled out in the foreign aid request is a minimal commitment. Anything less will cut the ground out from under an effective program during the coming fiscal year.

Is that what we want to tell the forces of progress in Latin America—that we cannot afford an investment in freedom—that the United States with all its wealth and with a steadily increasing GNP, just cannot find the funds to help its closest neighbors? If that is the answer we want to give, we had best think some other costs, too.

We had best think about the costs associated with a hemisphere hopelessly divided into two—a hemisphere of growing wealth and continuing development in the North and a hemisphere of growing poverty and continuing underdevelopment in the South—a hemisphere of discontent and violence fed by despair.

Yes; we may save a few million now, it is true, but at what cost a decade from now and at what greater cost by the end of the century?

The Rockefeller report tells us quite emphatically that we face today a crisis in human expectations, that unless we can succeed in making freedom and democracy work in the Western Hemisphere—our home hemisphere—we have little right to expect that it will work anywhere else in the world.

It is a warning all of us would do well to ponder—and to heed.

And in thinking now about how we will vote on the foreign aid commitment for Latin America, let use also bear in mind what the President said only recently—that the lives of the 600 million people who will be living in Latin America at the end of the century are "our challenge—our hope."

In this he was expressing no partisan belief, but one that has been at the heart of our policy toward Latin America since the end of World War II, one that has motivated all our Presidents since then, Republican and Democrat alike.

I mention this not because we do not have partisan differences about various aspects of our policy but because there is no difference about the fundamental philosophy behind it—the people of Latin America whose lives are very much the challenge and hope of all of us. And our vote will be a vote for their future no less than ours.

Mr. ADAIR. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. ROTH).

Mr. ROTH. Mr. Chairman, as my colleagues may know, since I have been in Congress I have been critical of foreign aid. However, my criticism has never been based on opposition to foreign aid as a concept. Indeed, I believe that the Marshall plan was an inspired act of constructive statesmanship. But I also felt, in subsequent years, that foreign aid was living on past momentum, that it had lost its sense of purpose, and that the program was characterized by drift and inertia. It was my conviction, stated on the floor of the House, that the strength of our domestic economy was the keystone on which all other undertakings depended. To maintain that strength it was necessary to cut spending, and foreign aid was one area where, in my judgment, spending could be cut.

In addition, there were some serious questions concerning the foreign aid program to which I sought answers: First, how could we maximize the effectiveness of those funds we had available? Second, had the program been responsible for involving us too closely in the affairs of other nations? Third, did the program, as it operated, result in a reduction of dependence on U.S. aid by the countries receiving it—in short, did it enable them to stand on their own feet?

The answers to these questions have not been too encouraging in the past, and I would not be wholly candid if I said I had no serious questions about foreign aid today. After a great deal of consideration, however, there are three reasons why I will support the foreign aid bill this year.

The most significant reason why I support the measure is the possible international implications of congressional opposition to this measure, implications that could be most harmful to other initiatives the administration is making in the foreign policy field. To me, this factor was more important than all others in determining my vote.

This is a time when we are trying to extricate ourselves honorably from Vietnam; this is a time when the President has espoused a new direction not only for our role in Asia but possibly for our military stance all over the free world. If the foreign aid bill does not have the support of Congress, our allies around the world might fear that this is a time when our great Nation is heading toward a period of neoisolationism, retreating far too rapidly from our moral obligation to help maintain international peace—a moral obligation that makes isolationism unacceptable. Lacking as we do the manpower and the moneypower to be the world's policeman, we must encourage other nations to assume a larger burden in the development and the defense of their own regions. As a principal power, however, we cannot retreat, like a turtle, into a shell.

Looking particularly at Vietnam, in view of the delicacy of the situation and in view of the extreme care with which Hanoi scrutinizes developments in this country, I feel it is of the utmost importance to strengthen the President's hand in his dealings with the Communist adversaries. The President is under tremendous pressure to end the war. I have no doubt that he is most anxious to bring about a just peace. Indeed, barring some unforeseen circumstances, it is likely that more bases and equipment will be rapidly transferred to the South Vietnamese as our ground troops are withdrawn.

By closing ranks behind the President in the critical area of foreign aid, then, I believe we can help signal Hanoi that it is not dealing with a fragmented and frightened United States; the leaders of North Vietnam must not be given the impression that the President is not in command of his own foreign policy. That is why I believe I have no choice: I must support the bill this year. Otherwise, not only will the President's own freedom of maneuver be circumscribed, but both North Vietnam and the Vietcong will have less incentive for an early peace.

In terms of the overall situation, and in terms of the President's outline for a new worldwide foreign policy, we must make it clear to friend and foe alike that we shall honor our commitment to help maintain international peace, as we must also make it clear that the free nations of the world must assume greater responsibility in providing for their own defense. In reducing the number of our own troops around the world, we must temporarily continue to send conventional military assistance to those nations we are pledged to help.

In short, while we move in the direction of new approaches and new techniques in foreign policy, we must be particularly careful to avoid any false indication that we are retreating from the world arena.

A second principal reason, I believe, is that the new administration must have the opportunity to study and reappraise our entire national security, including the foreign aid program. To oppose reasonable foreign aid legislation at a time when the administration is attempting to revise and redirect our entire foreign policy seems to me to be both unwise and unfair. Only if Congress continues, albeit cautiously, along the present course can the administration have the flexibility to put into practice any changes it may choose to recommend.

The third reason, I think it would be unsound to reject foreign aid this year is that the Presidential Task Force on International Development, headed by Rudolph A. Peterson, has not yet turned in its report. In his foreign aid message to Congress, the President announced the formation of a task force of private citizens to "make a comprehensive review of the entire range of U.S. aid activities—and to help determine what our national policies should be toward the developing countries in the decade of the 1970's." The White House added that the report would "focus on the underlying rationale of the U.S. aid effort and its relationship to overall U.S. foreign policy," and that the President would look to the report in developing his foreign assistance program for next year and beyond.

The question of making development assistance more effective is undergoing reconsideration at national and international levels in all corners of the globe; with the Peterson task force report due in February 1970, now is simply not the time for the Congress to undercut the program.

In supporting foreign aid at this crucial juncture, I do not withdraw the criticisms I have made in the past. They were relevant then; they are relevant now. I sincerely hope that there will be sufficient change in foreign aid policy so that such criticism will be unnecessary in the future.

I continue to believe that the amount of money available for foreign assistance is extremely limited in light of our serious fiscal problems. The Foreign Affairs Committee has, of course, reduced the executive request from $2,630,400,000 to $2,189,400,000.

Indeed, foreign aid is in need of new directions and new guidelines. The world of the 1970's is certainly not the same as the world of the 1950's and 1960's. Despite these changes, one cannot deny that the United States has an interest in the development of the third world for both moral and practical reasons. To assist in improving the conditions of life for millions of people is certainly a moral action. It is both practical and ethical to work, through aid, toward encouraging democratic institutions and toward a broader sharing of economic benefits.

Yet, we must be exceedingly careful, more so than we have been in the past, that these very worthy motivations do not result in undue interference with the internal affairs of other nations. I have said before and I repeat here that it is not the function of the United States to be the world's policeman. It is not in our interest to pursue such a policy. Our goal in the less developed countries should be to impart knowledge, to furnish training, to teach by example, and most important of all to help others to help themselves.

Because the administration is now examining the best way to meet these goals, and because at this time in our history Congress must provide the President with a strong front in foreign policy matters, I will support the foreign aid bill this year.

Mr. ADAIR. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, the gentleman from New Jersey (Mr. FRELINGHUYSEN) said awhile ago that he wanted the new Members of the House particularly to consider this matter. Because I am such a Member I have stayed here and listened to the debate. I have done that chiefly in the spirit of learning about a very difficult and complicated problem.

I do have, even at this point, a certain philosophy on this subject of foreign aid, and that is it seems to me, as the gentleman from Ohio said a moment ago, it is an instrument of American policy. I believe we ought to regard it in that light, rather than as a sort of global do-good program or welfare program which, to my notion, it ought not to be.

Its character as an instrument of American policy is, it seems to me, really the only thing which can justify it. In line with that thinking, I would expect to support many of the cuts which will be proposed here in amendments; for instance, cuts in development loans and that sort of thing.

In line with that same thinking, I would be somewhat less inclined to cut military assistance, and I would be actively opposed to removing supporting assistance from such countries as Vietnam and Thailand, where very broad and high principles of American policy requires that we keep those countries viable.

It seems to me one cannot be too doctrinaire about foreign aid; one has to be selective. But, when selecting, I believe it is very important to keep in mind that we are not running some kind of a global welfare program. We are dealing with an instrument of American foreign policy. We ought to approach our selection with that point of view in mind.

Mr. ADAIR. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, the ever-widening gap between the developed and developing countries has become a central issue of our time. In face of this challenge, international cooperation for development over the past 20 years has been of a nature and scope new to history. However, this unprecedented period of development cooperation began with several erroneous presumptions on both sides. In retrospect, what were the principal mistakes in reasoning vis-a-vis foreign aid?

In the first instance, development aid was often seen in new nations as the economic continuation of the political struggle for independence. The elimination of alien rule was thought by many to clear the way to early and easy prosperity. The nature of the barriers which blocked quick results, or the decisions which had to be taken to achieve any results at all, were not always understood. The need for export growth was underestimated and agricultural development was usually neglected. Development was also too often seen as a consequence of decision-making at the top. The vital need to bring about mass participation in development was at times sacrificed to the enrichment of special groups or individuals.

A second misconception on the part of donors and recipients alike is their hope that development of low-income countries would bring about a repetition of the industrial revolution in quick time. As a result, they focused inordinate attention on individual investment projects and relatively little attention on the causes and results of stagnation.

Beyond those misconceptions, recipients as well as donors also tended to expect too much too soon from foreign aid. A dramatic change in the lives of hundreds of millions of people was expected from a relatively modest flow of resources. As we now know, much of that flow was offset by unfavorable trends in the terms of international trade and by volatile political situations.

These false presumptions bring us, then, to a somewhat agonizing reappraisal of foreign aid. In light of past failures, the question of "Why aid?" haunts us. This is a basic question which we must examine specifically and directly because it goes to the very root of the problem of development cooperation. However, in trying to answer it we must be clear not only about what aid can do, but also what it cannot do and should not be expected to do.

First, development of the poorer nations is not a guarantee that they will choose any particular ideology or value system. This is not to say, however, that economic and social progress will leave ideologies and value systems unaffected. Development involves profound changes in national behavior and often creates threats to national unity and cohesion which may require strong appeals to each nation's unique historical experience. In short, it has been amply demonstrated that the political evolution of developing nations follows no single path, nor seeks any other country's image.

Second, development is not a guarantee of political stability or an antidote to violence. Change is, itself, intrinsically disruptive. But active participation in necessary change offers a chance to impart a sense of direction and identification. On the other hand, obstructing or ignoring it almost inevitably means violent disruption of the social fabric.

Finally, development is not an assurance of peaceful and responsible international behavior. Reasonable success in development may remove some of the sources of external aggressiveness. But history holds too many cases of highly developed or rapidly developing nations which have behaved both aggressively and irresponsibly toward their neighbors.

What, then, is the objective of development assistance? It is not to close all gaps and eliminate all inequality. That would be an impossible utopia. The actual objective is to reduce disparities and to lessen inequities. It is to help the poorer countries to move forward, in their own way, into the industrial and technological age so that the world will not become more and more starkly divided between the haves and the have-nots, the privileged and the less privileged.

Aside from the fact that the gap between the haves and have-nots is widening on the international scene, the richer nations are not without heavy social and economic problems. So we return to the question: Why should rich countries seek to help other nations in light of their own domestic problems?

The simplest answer to the question is the moral one: that it is only right for those who have to share with those who have not. Obedience to this moral imperative is a recognition that concern with improvement of the human condition is no longer divisible. If the rich countries try to make it so, if they concentrate on the elimination of poverty and backwardness at home and ignore them abroad, what would happen to the principles by which they seek to live? Could the moral and social foundations of their own societies remain firm and steady if they washed their hands of the plight of others?

While the moral incentive for programs of development assistance is valid and compelling in itself and should never be underestimated, it is certainly not the whole case. Indeed, it is not the basis on which support for international development mainly rests.

There is also the appeal of enlightened and constructive self-interest. This is a respectable and valid basis for international action and policy. The fullest possible utilization of all the world's resources, human and physical, which can be brought about only by international cooperation, helps not only those countries now economically weak, but also those strong and wealthy. This can be done through direct benefits from a bilateral aid relationship and also, more importantly, by the general increase in international trade which would follow international development. But development will not normally create, nor should it be expected to create, immediate economic windfalls for a donor country.

We must not interpret national interest in a narrow and restricted sense. Indeed, the acceleration of history, which is largely the result of the bewildering impact of modern technology, has changed the whole concept of national interest. Who can now ask where his country will be in a few decades without asking where the world will be? If we wish that world to be secure and prosperous, we must show a common concern for the common problems of all peoples.

We know now that a war anywhere in the world concerns and may engage us all. We know that the pollution of the environment in one area can affect life on the whole planet. We know that epidemics and diseases do not respect national boundaries. Many of the challenges of development pose themselves in much the same way in the industrialized nations as in the developing ones. Problems of nutrition, of excessive population growth, and of educational reform are worldwide in scope.

Therefore, in view of this concept of a world community, the goal of the rich nations should be to put the less developed countries as soon as possible in a position where they can realize their aspirations with regard to economic progress without forever relying on foreign aid. Even in the best conditions, such development will be untidy, uneven, and ridden with turmoil. Great forward movements in history usually are. The thing to remember is that the process, global in scope, and international in nature, must succeed if there is finally to be peace, security, and stability in the world.

In brief, we face an essential need and an unprecedented opportunity. International development is a great challenge of our time. Our response to it will show whether we understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of much of mankind can be ignored without tragic consequences for all.

Let me close with a sentence from a recent statement of a distinguished public servant on both the national and international scene, Mr. Eugene Black:

> Just as we have learned we can be neither safe nor comfortable in a Nation sharply divided between the welloff and the deprived, so must we also recognize that no wealthy nation can be safe or comfortable in a world where a majority of mankind is still impoverished and in need of hope.

Mr. ZABLOCKI. Mr. Chairman, I yield as much time as he desires to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I am very pleased that section 209 of H.R. 14580 authorizes an appropriation of $40 million for the United States share in the development of a prototype large-scale desalting plant in Israel as part of a dual purpose power generating and desalting project.

For several years I have urged U.S. participation in the construction of such a plant. I first put this proposal before the Congress in a bill I introduced in 1967—H.R. 14250 of the 90th Congress; H.R. 14438 with cosponsors who were: Mr. ADDABBO, Mr. BURTON of California, Mr. CORMAN, Mr. DOW, Mr. GIAIMO, Mr. HELSTOSKI, Mr. KUPFERMAN, Mr. LONG of Maryland, Mr. SCHEUER, Mr. VAN DEERLIN, and Mr. WOLFF. In this Congress, my bill is H.R. 587—H.R. 4307 with the following cosponsors: Mr. ADDABBO, Mr. BURTON of California, Mr. CORMAN, Mr. GIAIMO, Mr. HELSTOSKI, Mr. SCHEUER, Mr. VAN DEERLIN, and Mr. WOLFF.

The committee, in its report stresses the importance of the plant not only to the immediate water needs of Israel, but also to the development of facilities and techniques for dealing with the problems which must be solved in order to make use of sea water in dealing with water shortage in many parts of the world.

This shortage is particularly precarious in Israel. Presently, 95 percent of Israel's available fresh water supplies are being used. Israel's present population of 2.7 million is expected to increase by at least 1.5 million by the early 1980's. If new sources of fresh water are not developed, the country's agricultural needs will not be met.

Support for U.S. participation in such a plant has existed since 1964, when President Johnson announced that the United States and Israel would cooperate in desalting research and development.

A year later, the American-Israel Desalting Board made a report concluding that a facility was technically feasible which would produce the quantities of fresh water and electricity needed to solve Israel's water shortage problem.

While the feasibility of a desalting program has been thoroughly studied in the 5 years since President Johnson first authorized the joint saline water conversion research, no action has been taken since the Senate adopted a resolution in December of 1967 calling for regional plants to provide water and power for both Israelis and Arabs and to stimulate refugee resettlement.

This plan had been proposed by former President Eisenhower and Adm. Lewis Strauss, the former chairman of the Atomic Energy Commission; however, the political intransigence of the Arabs undermined hopes for cooperation in the development of such desalting facilities.

On January 19, 1969, Premier Levi Eshkol told the people of Israel that President Johnson had written to him promising Executive support for the construction of the plant.

Two days earlier, Assistant Secretary of the Interior Max Edwards had sent a bill to Congress similar to mine.

In a letter accompanying the bill, Secretary Edwards stressed that in addition to being "vital to Israel in terms of water supply and power," the plant also gives the United States "an opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalinization processes."

I commend the Foreign Affairs Committee for upholding the commitment that President Johnson made to Israel when he promised U.S. assistance for such a plant.

I think it is clear that this plant will have the important benefit of aiding Israel and, at the same time, aiding the United States.

Such a plant will make it possible for Israel to cultivate large portions of arid desert land which cannot be utilized today. The land and the jobs which the plant will create will make an important contribution to the stability of the entire Middle East. Without such a plant, Israel would be unable to maintain her industrial and ecomonic growth, starting in the early 1970s.

This country's domestic saline water conversion program will also benefit from the development. The committee report states that there are no desalting plants with a capacity of over 7.5 million gallons per day, although there is one under construction which will be able to handle 20 million gallons per day.

My original bill proposed a desalinization plant capable of producing 100 to 150 millions of fresh water daily. Although the plant proposed in this bill only will produce 40 million gallons a day, it will still surpass the production of any plant planned or in existence now. Such a large-scale plant of this type will allow for a cutting of the cost of desalinization.

I hope that the Senate Foreign Relations Committee will take note of the inclusion of this plant in the House bill, and that a similar section will be included in the Senate bill to show Congress' desire to uphold our commitment to Israel.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. GALLAGHER) to close debate.

Mr. GALLAGHER. Mr. Chairman, I rise in support of this legislation and to close this interesting and controversial debate we have had here this afternoon.

I wish to take but a moment to point out for the record that the bill before us, H.R. 14580, is the final product of more than 4 months of committee labor. I wish also to point out that most of that labor, along with the entire committee, was undertaken by a man who is not here today. I congratulate our distinguished chairman (Mr. MORGAN) who, as the Secretary of State so accurately pointed out last night, has made such an outstanding contribution down through the years to the national interests of the United States. I would like to compliment the chairman for his dedicated and courageous leadership on this piece of legislation.

Mr. Chairman, due in large measure to his persistent efforts, the Foreign Assistance Act of 1969 is truly a bipartisan piece of legislation, one which accurately reflects the national, bipartisan commitment to foreign aid.

COST

Mr. Chairman, the bill authorizes $1.79 billion in foreign economic assistance. Despite the low, and often loud, rumblings we hear, whenever the aid bill reaches the floor, to the effect that our aid spending is too high, let me point out that the request before us represents less than one-fourth of 1 percent of our entire gross national product. During the years of the "Marshall plan," our aid spending represented 2.8 percent of the GNP.

During fiscal year 1970, spending under the aid program will equal 1.3 percent of the budget; however, during the Marshall plan, total aid spending at no time amounted to less than 11.5 percent of our national budget.

Moreover, H.R. 14580 provides a smaller percentage of overseas assistance than that given by France, Australia, the Netherlands, Great Britain, West Germany, or even Belgium.

Finally, our committee has reduced the original administration request by $542 million—and that initial request was already $140 million lower than the previous administration's proposal.

BALANCE OF PAYMENTS

In our past considerations of aid programs, we have been confronted by various myths; these myths, by definition, bear little relation to the realities they purport to describe.

For example, critics of aid have alleged that the program hurts our already severe balance of payments problem. That is a myth. AID sends goods and services—not dollars—overseas. Moreover, AID loans are, with a few minor exceptions, tied. This means that AID dollars rarely leave the United States; they are used to purchase American goods or to pay American universities, companies, and other professional institutions which carry out overseas development projects.

The consistent policy of AID of tying aid expenditures to U.S. procurement has brought a dramatic reversal in the inflow-outflow ratio of American capital. In fiscal year 1970, the United States should gain a net inflow of $197 million from the foreign aid program.

These net inflows should not only continue, but will grow as a result of interest and capital repayments on past loans. Thus, far from having an adverse effect on our balance of payments, the aid program has had and will continue to have a significant, beneficial effect on that problem. The myth here must bow to the reality.

TRADE RETURNS

Our foreign aid program offers yet another material benefit to the citizens of this country: it inevitably improves U.S. foreign trade. Poor countries are indeed poor markets for American exports. But, as poor countries begin to prosper, they become customers for our American products. This is what happened under the Marshall plan in Europe; this is what has been occurring under the foreign aid program throughout the world.

Indeed, under aid, American commercial exports—not financed by U.S. assistance programs—to Iran have increased from $84 million in 1963 to $165 million in 1968. During the same period, exports to Israel have increased from $108 to $208 million.

FREEDOM'S FIRST LINE

But, Mr. Chairman, there is much more to foreign aid; there is more than any statistical sheet could hope to describe. For our foreign aid program is our own freedom's first line of defense.

I, for one, would rather send services than servicemen overseas.

I would rather see us keep firm the freedom of others by enabling others to stand strong. A country which has a strong government, a country which is growing economically, a country which is free from the ravages of mass starvation, ignorance, and poverty—such a country is the natural enemy of all who would subvert its institutions.

And I know that the American people understand this fact. A recent survey by the University of Michigan showed that even though a majority of those Americans interviewed had a highly exaggerated idea as to the actual cost of foreign aid, 46 percent of those interviewed still strongly supported our aid programs, 22 percent showed varying degrees of support and opposition, and only 12 percent opposed the program.

Thus, let no man say that we receive nothing from foreign aid but large price tags. We receive far more from our aid program than we actually give; it is one of our finest investments.

HIGHLIGHTS OF THE CURRENT BILL

Technical assistance: There is a new and greater emphasis on technical assistance for which is provided a 2-year authorization of $422.6 million a year. This technical assistance is reminiscent and, indeed, inspired by Harry Truman's point 4 program of which Dr. John A. Hannah, the present Administrator of AID, was one of the prime architects.

Private enterprise: This bill asks for an additional involvement on the part of AID to encourage American private enterprise in the less developed countries. The major tool for accomplishing this is the proposed Overseas Private Investment Corporation. OPIC would take over and build upon a number of functions of AID's Office of Private Investment including preinvestment assistance to help U.S. investors to develop opportunities in less developed countries; guarantee insurance; investment financing for private projects including local foreign currency loans, dollar loans, subordinated and equity debts, and extended risk guarantees; advisory support of programs of private enterprise or management assistance involving investment institutions. OPIC will have a new insurance authority of $7.5 billion, a new guarantee authority of $750 million, and a revolving direct investment fund of $100 million. Administrative and other expenses will come from interest and fees.

As a result of extensive hearings by the Fascell Subcommittee on Latin America this bill contains a provision for an Inter-American Social Development Institution. The institute will complement present government-to-government programs by utilizing both private, governmental, and international resources of self-help programs in the social development field. The committee recommends that AID programs involving credit unions, civic development programs, cooperatives, and similar activities be absorbed by the institute and removed from their present context as AID programs.

Development loans: The bill provides a 2-year authorization of $475.5 million a year for development loans, $200 million below the amount requested. Eighty-six percent of the development loan funds are earmarked for eight countries—Brazil, Chile, Colombia, India, Indonesia, Korea, Pakistan, and Turkey.

Alliance for Progress development loans: The bill provides $337.5 million for development loans for Alliance countries.

Supporting assistance: 79 percent of the Supporting Assistance funds are earmarked for Vietnam. Fourteen percent for Laos and Thailand. The remainder goes to UNRA, U.N. forces in Cyprus, and 2 percent to Haiti, the Dominican Republic, Korea and Nigeria. Supporting assistance funds have been authorized $414.6 million in this bill. The purpose of this money is primarily to increase the capacity of the recipient countries to defend against internal Communist expansion.

Population: This bill earmarks $100 million to be available only for population programs. If the ever more critical race between expanding population and food scarcity is to be solved more qualified personnel must be assigned both here and abroad. This earmarking makes this possible.

U.S. schools and hospitals abroad: The administration requested $12.9 million for U.S. schools and hospitals abroad. The committee has increased this to $23.4 million to include: $3 million for the Wiseman Institute in Israel. The funds provided will not only benefit Israel, but will also assist in the education of graduate students in the Mediterranean Basin and, hopefully, will contribute to a better standard of health both for Arab and Jew. $5 million is authorized for the Hadassah medical facilities in Israel. Hadassah, as I am sure you all know, is an organization of 318,000 Jewish women organized in 1,320 chapters throughout the United States. $2.5 million is further authorized to two educational institutions in Israel to train qualified teachers, especially among needy immigrants.

CONCLUSION

Mr. Chairman, we have a good bill before us; it is a frugal bill, it is a wise bill. It contains more emphasis on technical assistance than any aid bill before it; it puts more emphasis on private enterprise than any aid bill before it. And, it takes wise acknowledgment not only of the economic problems of the developing countries, but of their social, educational, and health problems as well.

I urge my colleagues to give a strong and hearty vote of approval to the Foreign Assistance Act of 1969.

Mr. KYROS. Mr. Chairman, as our courageous astronauts again explore the surface of the moon, we continue to search for means by which nations may better live together on this planet earth. If we are to live in greater harmony, I think it obvious that the one-third of the world's people who enjoy unprecedented prosperity must contribute to the well-being of the remaining two-thirds. As the President stated in his message to Congress concerning the foreign aid program, "a great nation must also be a good nation."

As a member of the Public Health and Welfare Subcommittee of the House Committee on Interstate and Foreign Commerce, I have been continually impressed by the importance of public health to our own Nation. A distinguished international panel headed by Lester B. Pearson, former Prime Minister of Canada, came to the same conclusion in its report on the massive problems facing low-income nations. The report states:

> There is probably no other area where social improvement has been realized which is of such direct benefit to individuals in developing countries as that of public health. In human terms, it has been the most convincing demonstration of the power of applied science. It has lifted people's spirits and raised their sights in planning for the future. It has increased their capacity to work, and it has opened up territories for new cultivation where disease had previously been rampant.

We seek, through our foreign aid program, a better world. We achieve this, in part, by improving the health of the world's people. I would like to share with my colleagues the record of accomplishments of our foreign aid programs in this area.

AID health programs in fiscal 1969, representing a commitment of $78 million, were coordinated with those of international organizations, such as the World Health Organization, Pan American Health Organization, and the United Nations Children's Fund.

Support for malaria eradication programs was provided in 18 countries under bilateral agreements. Of a population of 752 million in the malarious areas, 256 million now live in areas where the disease has been eradicated and 189 million where malaria transmission has been stopped. An active antimalaria campaign is protecting an additional 288 million population.

Malaria is an evil-sounding word for a disease which links man, an insect, and another man together in a deadly chain. This blood bond between men, like an ancient curse, brings delirium, death, and economic ruin. Twenty years of ceaseless struggle to break this chain have produced concrete results providing that the goal of eradication is attainable.

Measles control and smallpox eradication programs covered 19 countries in central and western Africa where more than 68.4 million people have been vaccinated against smallpox and 11 million children vaccinated against measles.

The number of known smallpox cases declined from over 120,000 in 1967 to 74,000 in 1968, a reduction of about 40 percent. Partly attributable to effective programs in many countries, the very low figure may also reflect cyclical variations in smallpox incidence.

The countries of western and central Africa recorded impressive progress: smallpox transmission has almost stopped; 65 million persons out of a total population of 119 million in 19 countries in the area were vaccinated during 2 years with assistance from AID and the World Health Organization.

In Brazil, the rate of vaccination has reached almost 2,000,000 a month and recorded cases declined by over 10 percent.

Almost 80 percent of the world's smallpox cases continue to occur in Asia, mainly in India, Indonesia, and Pakistan. Programs are underway or planned in all endemic countries of this area.

In environmental health activities, the management, operation, and maintenance of water and sewerage systems continued to be emphasized in efforts to lessen the danger of diseases caused by pollution.

Research projects have developed new approaches to the control and eradication of epidemic and endemic diseases. Promising leads to possible immunization techniques for the prevention of malaria were established. The major causes of death in infancy and childhood were also studied.

Poverty and illness go hand in hand, and through our foreign aid program, we are helping others to fight both.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the Foreign Assistance Act of 1969. As we approach the second development decade, we cannot shrink from our responsibility to promote third world development, though the temptation may be great. As President Nixon pointed out in his foreign aid message:

> U.S. assistance is essential to express and achieve our national goals in the international community—a world order of peace and justice.

The President goes on to take cognizance of the rising American frustration with the world situation but warns:

> This reality must not cause us to retreat into helpless, sullen isolation. On the contrary, this reality must cause us to redirect our efforts.

The Pearson Commission Report of the World Bank also notes:

> International support for development is now flagging. In some of the rich countries, its feasibility, even its very purpose, is in question. The climate surrounding foreign aid programs is heavy with disillusionment and distrust. . . . We have reached a point of crisis. The question which now arises is whether the rich and developed nations will continue their efforts to assist the developing countries or whether they will allow the structure built up for development cooperation to deteriorate and fall apart. The signs are not propitious.

Mr. Chairman, I for one do not want to see that structure deteriorate. We have both a moral obligation and a national stake in a peaceful and prosperous world community. I therefore commend the Committee on Foreign Affairs on reporting out a bill which incorporates many of the administration's recommendations for new directions in foreign development assistance. I am particularly pleased with the increased emphasis on technical assistance, the creation of an overseas private investment corporation—OPIC—to stimulate American private investment in developing areas, and the earmarking of funds for family planning. I especially want to commend my colleague, the gentleman from Ohio (Mr. TAFT) on his efforts to increase the amount of U.S. assistance for population programs in the third world. The population explosion has had the effect quite often of canceling any gains in the economic growth rate of these nations. We should provide family planning assistance to those nations which request it, and the commitment spelled out in this legislation toward that end is an important first step.

I am sure that the Committee will be further aided by the Latin American policy recommendations of Governor Rockefeller which have just been released, and by the findings of the President's task force on development which will be released early next year. We are at a critical juncture today as we reassess all our foreign policy commitments, be they military or economic. But I am hopeful that in the final analysis we will see fit to continue exercising a responsible and constructive role in assisting our less fortunate world neighbors as together we seek world peace and stability.

Mr. CORMAN. Mr. Chairman, the Foreign Assistance Act of 1969 includes a section that would authorize the appropriation of certain funds for this Nation's share of the cost of constructing a prototype large scale water treatment and desalting plant in Israel. Our cost would be limited to 50 percent of the total capital costs of the facilities, or $40 million, whichever is less, and it is anticipated that these expenditures would extend over a 5-year period with authorized appropriations provided as needed, year by year.

In the 90th Congress and again this year, I introduced legislation calling for U.S. participation in the construction of such a plant in Israel. I was very pleased when the House Foreign Affairs Committee, with what I understand was wide bipartisan support, adopted the proposal as an amendment to this year's Foreign Assistance Act. The committee is to be commended for this action. It is a giant step toward insuring the survival of many parts of the world which now face, or will soon face, aridity and economic instability due to lack of water. The realization of this project will add new knowledge which is essential to improving our own science and technology in the field of saline water conversion.

The prototype plant envisioned in this legislation—the first of its kind, several times larger than any now in existence—would yield the experience and knowledge needed to build future facilities which could produce large amounts of usable water at low cost. And, Israel is exactly the right place in which to build this plant.

This small country has already acquired skill and experience in the production of fresh water and in the management of her present water supply. With a population of approximately 2.7 million people and with the constant need of water for irrigation of its arid land, about 95 percent of Israel's fresh water supply has already been tapped. The population of that country is scheduled to increase by over 1 million within the next decade. Its agricultural needs cannot possibly be met if additional fresh water is not developed. The well-being of Israel's entire economy is dependent upon having sufficient water.

Demonstrating in the short span of two decades an outstanding capability to overcome the most difficult obstacles in her efforts to achieve a viable economy, Israel provides the environment and experience for a scientific breakthrough in desalinization technology.

The project has further promise. The need for fresh water is not only a condition of Israel, but of the entire Middle East. A desalting plant in Israel could, and should, be used eventually by all peoples of the Mid-East. The project could strengthen the chances of permanent peace and stability in that part of the world—a byproduct that would of itself be worthy of the investment called for in the legislation.

Since 1964, when President Johnson announced that the United States and Israel would cooperate in desalinization research and development, the Congress has had under consideration proposals to authorize our financial participation in such activity. Five years' consideration is surely sufficient. The cost of the project to our Government is meager—certainly in view of the fact that an adequate supply of fresh water is indispensable to human survival.

There is a growing shortage of fresh water already in many areas, and as the world's population grows and the need for water steadily increases, the situation will become even more critical unless remedial steps are taken now. In fact, they are long overdue. Three-fourths of the earth's surface is covered by salt water, unfit for human consumption, and the only feasible solution will be to remove the salt content from ocean water. The present high cost of the process and the lack of technological knowledge have precluded concentrated action along these lines by any government. We have a few modest desalting plants in this country; a few others exist in various parts of the world; but, the total output is less than 250 million gallons of desalinated water a day. In the United States alone, we now use more than 400 billion gallons of water every day. To meet the world's growing need for fresh water, not only for human consumption but for agricultural needs, large-scale, efficiently operated plants to produce large quantities of desalinated water cheaply will be an absolute necessity within a short time. The desalting plant in Israel would be a good beginning.

Mr. Chairman, the proposal to construct this plant in my judgment constitutes the best kind of foreign aid—cooperation between two nations, one large, one small, in which technological and financial resources are pooled for the benefit not only of the two participating countries, but for the good of people all over the world.

When the Foreign Assistance Act of 1969 is enacted, I would hope, and strongly urge, that it includes authorized funds for this Government to share with the Government of Israel in the construction of a desalting plant.

Mr. OTTINGER. Mr. Chairman, the President's foreign aid proposals reaffirm a major U.S. policy objective—that of increasing multilateral cooperation among the industrialized nations in providing development assistance to the poorer countries.

The President said in his message to the Congress on foreign assistance:

> I propose that we channel more of our assistance in ways that encourage other advanced nations to fairly share the burden of international development.

Two of the principal channels that can be used to accomplish this objective are the international development banks and the United Nations technical assistance program. Greater contributions to these programs from the United States, which as the wealthiest nation has been the leader in these development efforts, encourages greater contributions from other free world nations. In most cases, the United States pledges financial contributions under matching formulas, usually on a 40 to 60 ratio.

Also, the organizations to which we contribute require substantial matching local cost contributions from the aided countries. For instance, the U.N. development program—for which the administration bill proposes $100 million this year—requires that recipient governments meet the local costs of projects and also provide counterpart personnel, buildings and other local resources.

Multilateral organizations lend themselves well to assistance programs in sensitive areas such as family planning in some countries. Surveys of mineral resources, transportation studies in strategic locations or development projects in areas of tension are other examples of fields where developing countries may prefer international assistance.

I quote the President's message again:

> Assistance through international development banks and the United Nations is approaching a fifth of total world-wide aid for development and should be expanded. Multilateral programs cushion political frictions between donors and recipients and bring the experience of many nations to bear on the development problem.

The Foreign Assistance Act authorizes U.S. contributions for the technical assistance programs of the various organizations of the United Nations family. The principal ones are the U.N. development program, the children's fund (UNICEF), the FAO world food program, the population program, international atomic energy program and the world health organization medical research program.

As part of the request for supporting assistance, contributions totaling about $20 million are proposed for the U.N. force in Cyprus and for the U.N. Relief and Works Agency, which helps feed, house, and educate Arab refugees of the 1948 Arab-Israel conflict.

A $7.5 million authorization is also proposed for the Indus Basin development fund, to finance a construction program which will insure an equitable division of the waters of the Indus Basin between India and Pakistan. This project, administered by the World Bank, and financed by eight other donors besides the United States, was instrumental in forestalling hostilities over the Indus waters.

But the principal multilateral program funded by the Foreign Assistance Act is the U.N. development program, which is administered by Mr. Paul Hoffman. Because each $4 contributed by the United States generates at least $6 from other donors and an equal contribution to their projects by the recipient developing countries, every U.S. dollar is multiplied by 4 in the UNDP projects.

This makes it especially important for us to support the administration request for $142.2 million in technical assistance and supporting assistance funds for U.N. organizations. Of this amount, $100 million is for the U.N. development program, an increase of 25 percent over last year's request.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 14580, the Foreign Assistance Act of 1969.

This bill authorizes $2.19 billion for foreign economic and military assistance under the AID program in fiscal year 1970. The authorization is $441 million less than the amount requested by the administration, but some $430 million more than the amount that was appropriated in fiscal year 1969.

To those who oppose this increase, it should be pointed out that as a percentage of our gross national product, foreign economic assistance under the Agency for International Development and predecessor agencies has steadily declined from just over 2 percent in 1949 to less than one-fourth of 1 percent under the provisions of this bill. Although in absolute terms, the United States still provides about 50 percent of free world development assistance, it has dropped from first to eighth place when the GNP percentage yardstick is applied to the nations with foreign economic assistance programs.

The importance of maintaining our continued level of assistance to free world nations cannot be overemphasized. U.S. leadership in this field of international relations is clearly in the best interest not only of the peoples of the free world, but also of the American people.

H.R. 14580, as a vehicle to promote

the foreign policy, security, and general welfare of this Nation, is particularly outstanding in several particulars. First of all, this bill provides greater emphasis on technical assistance and lays greater stress on the use of private enterprise. This new direction in our foreign aid program is consistent with our foreign policy which favors support to those countries which foster economic development and social justice within their own borders.

The new Overseas Private Investment Corporation, to be created under the provisions of this bill to take over AID's present U.S. investment incentive programs, would encourage greater utilization of private capital and skills in the developing nations. Another new agency, the Inter-American Social Development Institute, would be created to take over AID's social and civil development programs in Latin America and carry them out through private channels. These new agencies would stimulate private enterprise abroad and encourage people-to-people contacts.

It is particularly gratifying to note that in the area of supporting assistance, 79 percent of the $414.6 million authorization is earmarked for Vietnam. Supporting assistance funds are used primarily to increase the capability of countries to defend against Communist expansion, and I believe that a vital part of that program is the improved education of the masses. The record of what AID has been doing to improve education in Vietnam is nothing short of inspiring.

Mr. Chairman, the Vietnamese people, like many other Asian peoples, revere education. Under the French, schools were designed to produce interpreters, clerks, and petty officials for the colonial government and business. But only the children of the wealthy attended school.

The education picture is now changing, thanks to assistance from the Agency for International Development.

In 1955, before U.S. participation in Vietnam, about 400,000 children were in elementary schools. Today, more than 1.6 million or 80 percent of school age children attend elementary schools. In reaching this goal, AID helped train more than 15,000 hamlet elementary teachers in 90-day accelerated courses and provided material to build 14,000 classrooms. AID also assisted in writing, printing, and distributing 16 million textbooks throughout Vietnam. Now, for the first time, every schoolchild has textbooks.

Fewer than 54,000 students attended secondary schools in 1955. Today, more than one-half million students attend secondary schools. From 1968 to 1969, secondary school enrollments increased from 417,000 to 542,000 and the number of teachers from 10,000 to 13,000.

In 1955, 2,900 students were enrolled in Vietnam's single university. Today, more than 40,000 students are enrolled in five universities, studying to become doctors, dentists, pharmacists, scientists, architects, educators, and other professionals. AID also has sponsored training programs in the United States for about 50 Vietnamese who are now teaching in Vietnam's five universities and in the national technical center.

To train skilled workers essential to Vietnam's economic development, AID has helped establish four polytechnic schools, five trade schools, 12 junior technical schools, and a vocational teacher training program. Enrollment in polytechnic schools is now nearly 4,000.

AID has also helped to establish eight vocational agriculture high schools which last year graduated 600 students. Currently, the total enrollment exceeds 3,000.

Many students are studying English, which is becoming the second language in Vietnam. About 70 percent of the secondary students have chosen English as a first foreign language. More than 20,000 university students and one-half million adults and out-of-school youth also are studying English.

With AID support the ministry of education has launched an adult education program concentrating on reading, writing, and vocational training. Special reading and writing classes for adults in rural areas are underway in hundreds of hamlets throughout Vietnam.

All of these are programs well worth our support.

Mr. Chairman, I urge a favorable vote for H.R. 14580, without crippling amendments.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. ZABLOCKI. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Assistance Act of 1969".

PART I—ECONOMIC ASSISTANCE

SECTION 1. Part I of the Foreign Assistance Act of 1961, as amended, is hereby deleted and the following part I substituted therefor:

"PART I

"CHAPTER 1—POLICY

"SEC. 101. STATEMENT OF POLICY.—The Congress declares that it is the national policy of the United States to support the quest of the peoples of the world for dignity, freedom, and a decent standard of living and realizes that effective steps toward economic development and social justice may involve fundamental change. The Congress further declares that this policy serves our national purpose to build a just, free, and peaceful community of nations. To this end, the United States should join with other nations to assist in building the necessary human and material resources, and economic and social institutions in those less developed countries which demonstrate the will to serve these aspirations of their people.

"SEC. 102. PRINCIPLES.—In carrying out the provisions of this Act, the President shall—

"(a) encourage the cooperation of the developed nations in mobilizing the resources and skills necessary to the task of development;

"(b) concentrate our assistance in countries with the greatest development promise and the strongest will to help themselves achieve self-sustaining growth;

"(c) emphasize technical and professional assistance designed to build institutions necessary for long-term national development;

"(d) give high priority to programs which encourage greater production and better distribution of food and enhance the ability of parents to choose the size of their own families;

"(e) encourage the investment of private resources from the United States and from the less developed countries themselves, to supplement other development efforts;

"(f) encourage broad popular participation by the peoples of the less developed nations in the planning, execution, and benefits of development progress;

"(g) foster regional cooperative efforts among countries seeking common development goals;

"(h) channel United States assistance through international organizations and under other multilateral auspices whenever the common development effort will be best served thereby;

"(i) assist the less developed nations to safeguard their internal and external security;

"(j) furnish assistance, wherever practicable, constituted of United States commodities and services furnished in a manner consistent with other efforts of the United States to improve its balance of payments position; and

"(k) take such steps as may be necessary to assure that, to the maximum extent practicable, the furnishing of agricultural commodities, disposal of excess property, and United States payments to international lending institutions, undertaken pursuant to this or any other Act, will complement and be coordinated with assistance provided under this part.

"SEC. 103. It is the sense of the Congress that the President shall continue to make every effort to obtain a permanent peace in the Middle East; help promote that objective by encouraging, as part of pacific settlement, direct talks among the parties concerned, using such third parties or United Nations assistance as the parties may wish; continue to review the needs of the several countries of that area and reevaluate United States policies aimed at helping meet those needs in securing a permanent peace in the area.

"CHAPTER 2—DEVELOPMENT ASSISTANCE

"SEC. 201. ASSISTANCE CRITERIA.—In furnishing development assistance under this chapter the President shall take into account—

"(a) the extent to which the recipient country demonstrates a determination to help itself and a willingness to pay a fair share of the cost of development programs;

"(b) the extent to which the recipient country is responsive to the vital economic, political, and social concerns of its people and to increasing their participation in the development process;

"(c) the extent to which the recipient country is creating a favorable environment for private enterprise and investment;

"(d) the extent to which the activity will contrbiute to self-sustaining growth, the development of human or material resources, and the creation or strengthening of institutions essential to economic and social progress;

"(e) the extent to which the recipient country is concerned with increasing employment and standards of living of all segments of its population;

"(f) the extent to which the activity will contribute to regional cooperation;

"(g) the economic and technical soundness of the activity;

"(h) the consistency of the activity with other development activities being undertaken or planned;

"(i) the possible effects of the assistance involved upon the United States economy, with special reference to areas of substantial labor surplus, and to the export-expansion objectives of the United States;

"(j) whether financing could be obtained from other free-world sources on reasonable terms, including private resources within or without the United States;

"(k) in the case of loans, reasonable prospects of repayment; and

"(l) the extent to which excess foreign currencies are available for expenditure in lieu of dollars.

"Sec. 202. Technical Assistance.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas through programs of technical cooperation, bilaterally or through regional, multilateral, or private entities; and for multilateral organizations and for programs administered by them in accordance with section 401(a)(1). There is hereby authorized to be appropriated to the President for the purposes of this section $422,620,000 for the fiscal year 1970, and $422,620,000 for the fiscal year 1971, which amounts shall remain available until expended, distributed as follows:

	1970	1971
(1) Worldwide	$200,000,000	$200,000,000
(2) Alliance for Progress (sec. 204)	100,000,000	100,000,000
(3) Multilateral organizations (sec. 401(a)(1))	122,620,000	122,620,000

"To meet the changing requirements of these areas and programs the agency primarily responsible for administering part I may redistribute up to 10 per centum of the funds made available during any fiscal year for any such area or program to any other such area or program. Bilateral assistance under this section distributed under (1) Worldwide, above, shall not be furnished in any fiscal year to more than 40 countries.

"Sec. 203. Development Loans.—(a) The President is authorized to make loans payable as to principal and interest in United States dollars, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas.

"(b) Funds made available under this section and section 204 shall not be loaned, or reloaned at rates of interest excessive or unreasonable for the borrower or higher than the applicable legal rate of interest of the country in which the loan is made. Such funds shall not be loaned at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum. The authority of section 614(a) may not be used to waive the requirements of this subsection and the authority of section 610 may not be used to decrease the funds available under this section or under section 204 except to transfer such latter funds to funds made available under this section.

"(c) For the purpose of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (49 Stat. 1985; 46 U.S.C. 1241 (b)), funds made available under this part may be used to the extent required to make grants to recipients under this part to pay any differential, as determined by the Secretary of Commerce, between United States and foreign-flag vessel charter or freight rates. Grants made under this subsection shall be paid with United States-owned foreign currencies wherever feasible.

"(d) The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this section and section 204 in accordance with the foreign and financial policies of the United States.

"(e) There is hereby authorized to be appropriated to the President for the purposes of this section $475,500,000 for the fiscal year 1970, and $475,500,000 for the fiscal year 1971, which amounts shall remain available until expended. Bilateral loans pursuant to this section shall not be made in any fiscal year to more than twenty countries.

"(f) Dollar receipts from loans made pursuant to this part or pursuant to predecessor authority contained in provisions repealed by the Foreign Assistance Act of 1969 and from loans made under the Mutual Security Act of 1954, as amended, are authorized to be made available for the fiscal year 1970 for use for the purposes of this section, section 204 (b), and section 322. Such receipts and other funds made available under this section shall remain available until expended.

"Sec. 204. Alliance for Progress.—(a) (1) In order to advance the welfare of the peoples of the Americas and strengthen the relations among the nations joined in the Alliance for Progress under the principles of the Act of Bogotá and the Charter of Punta del Este, and to encourage the countries and areas of Latin America to mobilize their own resources for development and to adopt reform measures to spread the benefits of economic, political, and social progress among their peoples, the President is authorized to furnish assistance under section 202 and this section, on such terms and conditions as he may determine, in order to promote the development of friendly less developed countries and areas of Latin America.

"(2) The President is authorized to furnish assistance to the Government of Mexico for the purpose of furthering a joint effort to suppress the illegal traffic in narcotic drugs, dangerous drugs, and marihuana between Mexico and the United States. Of amounts made available under section 202 for distribution under this section, $500,000 shall be available solely to make grants to the government of Mexico under this paragraph.

"(b) There is hereby authorized to be appropriated to the President for the purpose of making loans under this section, payable as to principal and interest in United States dollars and subject to the provisions of section 203, in addition to other funds available for such purpose, $337,500,000 for the fiscal year 1970, and $337,500,000 for the fiscal year 1971, which amounts shall remain available until expended.

"(c) Loans may be made under authority of this section only for social and economic development projects and programs which are consistent with the findings and recommendations of the Inter-American Committee for the Alliance for Progress in its annual review of national development activities.

"(d)(1) The President shall assist in the development in the American Republics of self-liquidating housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and the improvement of housing conditions in Latin America.

"(2) To carry out the purposes of subsection (d)(1), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors, as defined in section 328(c), assuring against loss of loan investment made by such investors in—

"(A) private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

"(B) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

"(C) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

"(D) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterpriso programs; or

"(E) housing projects in Latin America 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $8.500.

"(3) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $550,000,000: *Provided*, That $325,000,000 of guaranties may be used only for the purposes of subsection (d)(2)(A): *Provided*, That no payment may be made under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible: *Provided further*, That this authority shall continue until June 30, 1972.

"(4)(A) A fee shall be charged for each guaranty issued hereunder in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

"(B) The amount of $35,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this section and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to this section or heretofore pursuant to prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of subsection (d)(4)(B).

"(C) Any payments made to discharge liabilities under guaranties issued hereunder or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in sub-

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section (d) (4) (B) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (d) (4) (E).

"(D) All guaranties issued hereunder or heretofore under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(E) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of subsection (d).

"(F) In the case of any loan investment guaranteed under this section, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (d) (4) (F).

"(G) Housing guaranties committed, authorized or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (d) (4) (B).

"SEC. 205. RESEARCH AND EVALUATION.—(a) The President is authorized to use funds made available under this part to carry out programs of research into, and evaluation of, technical, economic, social and political problems of development, the factors affecting the relative successes and costs of development activities, the means, techniques and such other aspects of development assistance as he may determine, in order to increase the value and benefit of such assistance. In authorizing research designed to examine political, social and related obstacles to development, emphasis should be given to understanding of the ways in which development assistance can support democratic social and political trends in developing countries.

(b) In conducting programs under this chapter, the President shall conduct a continuous evaluation of the effectiveness of development programs, both past and current, using modern management techniques and equipment, so that experience gained in the development process may increase the effectiveness of current and future development programs.

"SEC. 206. SELF-HELP FUND.—Notwithstanding the limitations of section 202 on the number of countries to which technical assistance may be furnished, the President is authorized during each fiscal year to use funds made available under such section to assist friendly less developed countries or areas, through self-help project, emphasizing the participation of local human and material resources, up to a total amount not to exceed 1 per centum of the funds made available under section 202 for (1) Worldwide distribution.

"SEC. 207. POPULAR PARTICIPATION.—(a) In furnishing assistance under this part, the President shall place emphasis on assuring maximum participation in the task of economic, social, and political development on the part of the people of less developed countries through the encouragement of democratic private and local government institutions.

"(b) In order to carry out the purposes of this section, programs under this part shall—

"(1) recognize the differing needs, desires, and capacities of the people of the respective less developed countries and areas,

"(2) utilize the intellectual resources of such countries and areas in conjunction with assistance provided under this Act so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress, and

"(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

"(c) In order to carry out the purposes of this section, the President shall develop systematic programs of inservice training to familiarize United States Government personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds made available under section 202 may be used for carrying out the objectives of this subsection.

"SEC. 208. POPULATION PROGRAMS.—(a) While every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information can make a substantial contribution to improved health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

"(b) The President is authorized to provide assistance for programs relating to population growth in friendly countries and areas, on such terms and conditions as he shall determine, to foreign governments, the United Nations, its specialized agencies, and other international and regional organizations and programs, United States and foreign nonprofit organizations, universities, hospitals, accredited health institutions, and voluntary health or other qualified organizations.

"(c) In carrying out programs authorized in this section, the President shall establish reasonable procedures to ensure, whenever family planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

"(d) As used in this section, the term 'programs relating to population growth', includes, but is not limited to, demographic studies, medical, psychological, and sociological research and voluntary family planning programs, including personnel training, the construction and staffing of clinics and health centers important to effective population programs, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, the dissemination of family planning information, and provision of medical assistance and supplies.

"(e) It is the sense of the Congress that the President give priority to devising imaginative efforts to substantially increase assistance programs relating to population growth and to encourage greater expenditures by other donors and recipient countries, to the end that voluntary population programs receive the emphasis necessary to become effective. The President may use funds made available under this part and foreign currencies owned or controlled by the United States to achieve the purposes of this section, and notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis.

"(f) Of the funds provided to carry out the provisions of part I of this Act for the fiscal year 1970, $100,000,000 shall be available only to carry out the purposes of this section and, notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis.

"(g) The Administrator of the Agency for International Development shall assign responsibility for population control assistance to an officer appointed pursuant to section 624(a) of this Act, and such officer shall direct, coordinate, and expedite all assistance authorized under this section, and each overseas mission which provides pouplation control assistance shall report regularly to such officer on the progress of such assistance.

"SEC. 209. PROTOTYPE DESALTING PLANT.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

"(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5).

"(d) Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

"(e) In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

"(f) The United States costs, other than its administrative costs, for the study, design, construction, and operation of a pro to type plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $40,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

"Sec. 210. Programs for Peaceful Communication.—(a) The President is authorized to use funds made available under section 202 to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

"(b) In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for part I shall, to the extent possible, assist the developing countries with research, training, planning assistance and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

"(c) In implementing activities under this section, the agency primarily responsible for part I shall coordinate closely with Federal, State and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States.

"Sec. 211. Local Currency Utilization.—In furnishing assistance under this Act to the government of any country in which the United States owns excess foreign currencies as defined in section 612(b) of this Act, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes to which new funds authorized by this Act would themselves be available.

"CHAPTER 3—PRIVATE DEVELOPMENT ASSISTANCE

"TITLE I—PRIVATE ENTERPRISE ASSISTANCE

"Sec. 301. Role of Private Enterprise.—The Congress recognizes that vigorous and responsible private enterprise in less developed countries is both an objective and instrument of the economic, political, and social development which the United States seeks to encourage. Mobilization of private resources is a key to economic and social growth and serves as a means of participation in such growth by the people of less developed countries and the international community as a whole. Without support and encouragement of private enterprise, cooperative programs for advancing economic and social goals fail to utilize important resources and methods required in the developmental process and the effectiveness of development assistance and cooperation is diminished. Therefore, in administering assistance under this part, priority shall be given to an expanded role in economic and social development for private enterprise; and the President, in determining whether and to what extent the United States shall furnish development assistance under this part to any country or area, shall take into account—

"(a) the extent to which the country is creating a favorable environment for private enterprise and investment, both domestic and foreign, and for employers and free trade unions to work together in developing a healthy economy;

"(b) the effectiveness of policies to strengthen the institutional framework of systems of credit, savings, banking, and marketing;

"(c) the adequacy of transportation, water, power, and communications systems which undergird commerce and trade;

"(d) the adequacy of policies which provide incentives for private production, and which seek to eliminate uneconomic or discriminatory constraints on such production; and especially the adoption of incentives needed for a healthy agricultural sector; and

"(e) the availability of trained manpower to meet the short- and long-term requirements for human skills in all sectors.

"Sec. 302. Capital and Technical Assistance for Private Enterprise Development.—In administering assistance under this part, the President shall emphasize programs and projects which support and encourage the expansion of active private enterprise responsive to developmental needs. Such programs and projects may include (a) technical assistance to increase the abilities in less developed countries to manage and operate private entities, and to improve the skills of industrial and agricultural workers, (b) capital projects to increase the capacity of public and other facilities essential for private enterprise, and (c) loans to finance the importation of goods essential for private agricultural and industrial production. Such assistance shall, to the extent possible, be coordinated with self-help efforts, including economic policies which support private enterprise activities and contribute to developmental objectives. The President shall coordinate assistance under this part with, and utilize to the extent he deems desirable, the facilities of the Overseas Private Investment Corporation established under title II of this chapter, and he is authorized to transfer funds made available under chapter 2 of this part to such Corporation for the purposes and subject to the terms and conditions governing the uses of such funds. Upon request by such Corporation and agreement with the agency primarily responsible for administering part I, the overseas missions and staffs of such agency may act on behalf of such Corporation, with or without compensation. In order to further effectuate the purposes of this chapter, not less than 50 per centum of the loan funds made available under sections 203 and 204 shall be available for loans made to encourage economic development through private enterprise.

"Sec. 303. United States Private Enterprise Participation.—(a) In furnishing assistance under this part the President shall, to the maximum extent practicable, utilize private trade channels and the services of United States private enterprise, including nonprofit organizations, labor unions, cooperatives, savings and loan associations, credit unions, private experts and consultants, and educational institutions, and shall encourage continuing relationships between private United States institutions and their counterparts in less developed countries.

"(b) The President shall take appropriate steps to enable United States private enterprise to respond effectively in providing goods and services for assistance programs and projects authorized under this Act. It is declared to be in the national interest to encourage and develop the actual and potential capacity of American small business and to utilize this important segment of our economy in providing such goods and services. Insofar as practicable and to the maximum extent consistent with the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act—

"(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

"(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this act information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

"(3) by providing for additional services and methods to assure that small business is afforded better opportunities to participate equitably in the furnishing of such commodities, articles, and services financed with such funds.

"(c) There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such agency of the United States Government as the President may direct, to assist in carrying out the provisions of subsection (b) of this section.

"(d) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to part II, such information to be furnished as far in advance as possible.

"Sec. 304. Support of Voluntary Assistance.—(a) The Congress recognizes that United States private citizens and organizations significantly assist less developed countries by creating institutions and engaging in activities relating to development, relief, and rehabilitation which advance the purposes of this Act.

"(b)(1) The President is authorized (notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951, as amended) to furnish assistance on such terms and conditions as he may determine to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States and to hospital centers for medical education and research outside the United States founded or sponsored by United States citizens. For such purposes, there is hereby authorized to be appropriated to the President for the fiscal year 1970, $15,900,000, to remain available until expended, of which $3,000,000 shall be available solely to furnish assistance under this subsection to the Weizmann Institute in Israel.

"(2) There is authorized to be appropriated to the President for the fiscal year 1970, for the purpose of furnishing assistance under this part, $2,500,000 to be distributed as follows:

"(A) $1,900,000 for Merkaz Lechinuch Ichud; and

"(B) $600,000 for Amana Ulpenat B. A.

"(3) There is authorized to be appropriated to the President for the purposes of paragraph (1) of this subsection, in addition to amounts otherwise available for such purposes, $5,000,000, to remain available until expended, to provide financial assistance for the expansion in Israel of the medical facilities of Hadassah, an American voluntary organization registered with the President's Advisory Committee on Voluntary Foreign Aid.

"(c) The President is authorized to use funds made available under this part to pay transportation charges from United States ports, or in the case of excess or surplus property supplied by the United States, from foreign ports, on shipments by the American Red Cross and United States voluntary nonprofit organizations registered with and approved by the Advisory Committee on Voluntary Foreign Aid in order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples. Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies to defray the transportation cost of such shipments from the port of entry of the receiving country or area to the designated shipping point of the consignee.

"(d) The President shall maintain a system for collecting information concerning private activities and opportunities for participation of individuals and associations in the development process and shall utilize to the extent possible such information in connection with programs carried out under this part.

"Sec. 305. Assistance to United States Educational and Research Institutions.—Not to exceed $10,000,000 of the funds made available in any fiscal year under section 202 may be used for assistance, on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of less-developed countries.

"Sec. 306. Housing Guaranties.—In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, and to promote the development of thrift and credit institutions engaged in programs of mobilizing local savings for financing the construction of self-liquidating housing projects and related community facilities, the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible investors, as defined in section 328(c), assuring against loss of loan investments for self-liquidating housing projects as well as investments made to strengthen the programs of those institutions engaged directly or indirectly in the mobilization of local savings for the purpose of financing self-liquidating housing projects and related community facilities, including home mortgages. The total face amount of guaranties issued hereunder, outstanding at any one time, shall not exceed $130,000,000. Such guaranties shall be issued under the conditions set forth in the second and third provisos of subsection 204(d)(3) and all of subsections 204(d)(2) and 204(d)(4) except that an additional amount of $15,000,000 shall be available for the purposes set forth in 204(d)(4), and all of the provisions thereof shall apply to guaranties issued under the authority of this section as well as to guaranties issued under subsection 204(d).

"TITLE II—OVERSEAS PRIVATE INVESTMENT CORPORATION

"Sec. 321. Creation, Purpose, and Policy.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the Corporation), which shall be an agency of the United States under the policy guidance of the Secretary of State.

"In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(a) to conduct its financing operations on a self-sustaining basis, taking into account the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

"(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

"(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

"(e) to utilize, to the maximum practicable extent consistent with the accomplishment of its objectives, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

"(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their people;

"(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(h) to foster private initiative and competition and discourage monopolistic practices;

"(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance of payments objectives of the United States;

"(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment and financial policies of the United States Government; and

"(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"Sec. 322. Capital of the Corporation.—The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to this part or pursuant to predecessor authority contained in provisions repealed by the Foreign Assistance Act of 1969 and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970, not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"Sec. 323. Organization and Management.—(a) Structure of the Corporation.—The Corporation shall have a Board of Directors, a President, an Executive Vice President and such other officers and staff as the Board of Directors may determine.

"(b) Board of Directors.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex officio. Six Directors (other than the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall not be officials or employees of the Government of the United States. At least one of the six Directors appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) President of the Corporation.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) Officers and Staff.—The Executive Vice President of the Corporation shall be appointed by the President of the United States by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed thirty-five may be appointed, compensated or removed without regard to the Civil Service laws and regulations, of whom not to exceed fifteen may be compensated at rates and steps of the General Schedule higher than those provided for grade 15 of the General Schedule established by section 5332 of title 5 of the United States Code, but not in excess of the highest rate of grade 18 thereof: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"Sec. 324. Investment Incentive Programs.—The Corporation is hereby authorized to do the following:

"(a) Investment Insurance.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

"(C) loss due to war, revolution or insurrection.

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

"(3) Not more than 10 per centum of the total face amount of investment insurance which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(b) INVESTMENT GUARANTIES.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided, further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided, further,* That not more than 10 per centum of the total face amount of investment guaranties which the Corporation is authorized to issue under this subsection shall be issued to a single investor.

"(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

"No loans shall be made under this section to finance operations for mining or other extraction of any deposit of ore, oil, gas, or other mineral.

"(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas or other mineral. In carrying out this authority, the Corporation shall coordinate with such investment promotion activities as are carried out by the Department of Commerce.

"(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 302 or from other sources, public or private.

"SEC. 325. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a) (1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 324(a) shall not exceed $7,500,000,000.

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 324(b) shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investment shall not exceed $1,250,000: *Provided,* That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 324(b) or similar predecessor guaranty authority.

"(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 324 (a) and (b), as well as the use of funds for operating and administrative expenses.

"(4) The authority of section 324 (a) and (b) shall continue until June 30, 1974.

"(b) There shall be established, a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 322, shall be available for the purposes authorized under section 324(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 326.

"(c) There shall be established in the Treasury of the United States an Insurance and Guaranty Fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 325(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such Fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 204(d) (4) (B) and the amount made available to the Corporation pursuant to section 325(e); and (2) such sums as shall be appropriated pursuant to section 325(f) for such purpose. The allocation of such funds to each such Reserve shall be determined by the board after consultation with the Secretary of Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 326.

"(d) Any payments made to discharge liabilities under investment insurance issued under section 324(a) or under similar predecessor guaranty authority shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f). Any payments made to discharge liabilities under guaranties issued under section 324(b) or under similar predecessor guaranty authority shall be paid first out of the guaranty reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f).

"(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 326, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

"(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the Insurance and Guaranty Fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

"SEC. 326. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(a) payment of all expenses of the Corporation, including investment promotion expenses;

"(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 325 and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the board may determine; and

"(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers and additions under subsections (a) and (b) hereof.

"SEC. 327. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investment made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

"(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim or cause of action existing in connection therewith.

"(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

"(e) No insurance or guaranty of an equity investment shall extend beyond twenty years from the date of issuance.

"(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance or guaranty.

"(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company or other credit institution.

"(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(j) Each guaranty contract executed by such officer or officers as may be designated by the board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

"SEC. 328. DEFINITIONS.—As used in this title—

"(a) the term 'investment' includes any contribution of funds, commodities, services, patents, processes, or techniques in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

"(b) the term 'expropriation' includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

"(c) the term 'eligible investor' means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further,* That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

"(d) the term 'predecessor guaranty authority' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

"SEC. 329. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

"(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 324 (a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

"(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

"(d) To carry out the purposes of this title, the Corporation is authorized: To adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 321(c)); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

"(e) The Auditor-General of the Agency for International Development (1) shall have the responsibility for planning and directing the execution of audits, reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Auditor-General shall report to the Board of Directors of the Corporation. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Auditor-General in connection with his responsibilities under this subsection.

"SEC. 330. ADVISORY COUNCIL.—In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the chairman of the board. The president and the board of the Corporation shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this section.

"SEC. 331. AGRICULTURAL CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROJECTS.—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less developed countries in Latin America, the authority conferred by this section should be used to establish pilot programs in not more than five Latin American countries to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

"(b) To carry out the purposes of subsection (a), the Corporation is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations in not more than five Latin American countries assuring against loss of not to exceed 25 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

"(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $15,000,000. Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

"(d) The Inter-American Development Institute shall be consulted in developing criteria for making loans eligible for guaranty coverage under this section.

"(e) The guaranty reserve established under section 325(c) shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section.

"(f) Notwithstanding the limitation contained in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities incurred under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.

"(g) The Corporation shall, on or before January 15, 1972, make a detailed report to the Congress on the results of the pilot program established under this section, together with such recommendations as it may deem appropriate.

"(h) The authority of this section shall continue until June 30, 1972.

"SEC. 332. REPORTS TO THE CONGRESS.—(a) After the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year.

"(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations or other associations.

"CHAPTER 4—MULTILATERAL AND REGIONAL ORGANIZATIONS AND PROGRAMS

"SEC. 401. GENERAL AUTHORITY.—(a) Multilateral organizations play an important role in the promotion of development and the maintenance of peace. To support programs of these organizations, the President is authorized, on such terms and conditions as he may determine—

"(1) to use funds made available under this part for voluntary contributions for such organizations and for programs administered by them; and

"(2) to transfer to the International Bank for Reconstruction and Development, the International Finance Corporation, the International Development Association, the Asian Development Bank, the African Development Bank, and the Inter-American Development Bank up to 10 per centum of funds made available for development assistance under chapter 2 of this part, for use pursuant to the laws governing United States participation in such institutions, if any, and the governing statutes thereof and without regard to the requirements of this or any other act.

"(b) In the event that funds made available under this part are used by or under the management of the financial institutions identified in section (a)(2) hereof, such funds may be used in accordance with requirements, standards or procedures established by such institutions concerning completion of plans and cost estimates, contracts and contractors, and determinations of feasibility, rather than with requirements standards or procedures concerning such matters set forth in this or other acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (49 Stat. 1985; 46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided*, That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 901(b) are applicable.

"(c) Voluntary contributions to the United Nations Development Program may not exceed 40 per centum of the total contributed for such purposes (including assessed and audited local costs) for each calendar year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

"(d) There is hereby authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1970, $7,530,000, which shall remain available until expended. Any unappropriated portion of the amounts heretofore authorized to be appropriated for loans for Indus Basin Development, for use beginning in fiscal year 1969, may be appropriated in any subsequent fiscal year.

"(e) In any case in which a fund established solely by United States contributions under this or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement.

"(f) There is authorized to be appropriated $1,000,000 for fiscal year 1970, and $1,000,000 for fiscal year 1971, to provide added contribution to the United Nations Relief and Works Agency for expansion of technical and vocational training of Arab refugees.

"(g) No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

"SEC. 402. REGIONAL PROGRAMS.—In furnishing assistance under this part, the President shall encourage the cooperation of less developed countries in regional programs and the promotion of regional development institutions, so that the economic, social, and political development of such regions may be more readily advanced. In so doing the President may use regional multilateral and bilateral channels of assistance, as he deems appropriate.

"SEC. 403. MULTILATERAL COORDINATION OF DEVELOPMENT PROGRAMS.—In furnishing assistance under this part, the President shall encourage the participation in development assistance by other developed countries and shall seek to insure multilateral coordination of development assistance programs. In so doing, the President shall take into account the advantages of integrating programs of the United States with programs of multilateral organizations and other donors, and shall participate, where appropriate, in development assistance consortia and other groups which coordinate assistance from various sources for particular recipient countries.

"CHAPTER 5—EMERGENCY AND SUPPORTING ASSISTANCE

"SEC. 451. DISASTER ASSISTANCE.—Notwithstanding the provisions of this or any other Act, the President is authorized to use funds provided to carry out the provisions of this part to furnish assistance abroad on such terms and conditions as he may determine—

"(a) for famine or disaster relief;

"(b) for reconstruction or rehabilitation assistance for victims of famine or disasters; and

"(c) for aid in the preparation for, or prevention of, the effects of threatened famine or disasters.

Assistance under (a) or (b) shall be furnished no later than one year after the disaster or famine has ended.

"SEC. 452. SUPPORTING ASSISTANCE.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to or for friendly countries and areas, and to organizations and bodies eligible to receive assistance under this part, in order to support or promote economic or political stability or security.

"(b) There is authorized to be appropriated to the President to carry out the purposes of this section $414,600,000 for the fiscal year 1970, and $414,600,000 for the fiscal year 1971, which amounts shall remain available until expended. Bilateral assistance under this section shall not be furnished to more than twelve countries in any fiscal year.

"(c) In order to promote a durable peace in the Middle East, and to enable the United States to join with other nations in programs which will contribute to that end, thereby carrying out the purposes of this section, upon a determination by the President that a peaceful settlement has been achieved in the Middle East, there is authorized to be appropriated such sums as the President may request for use solely for programs and projects in the Middle East which are directly related to (1) peacekeeping activities, (2) resettlement and vocational training of refugees, (3) rehabilitation or restoration of public services and facilities damaged by war, and (4) programs of health, education, agriculture, and community development. The authorization of appropriations contained in this subsection shall expire at the end of the five-year period beginning July 1 of the first fiscal year in which funds are appropriated pursuant to such authorization.

"SEC. 453. CONTINGENCY FUND.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1970 not to exceed $15,000,000 for use by the President for assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest.

"(b) The President shall provide quarterly reports to the Congress on the programing and obligation of funds under subsection (a)."

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that section 1 of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on the bill H.R. 14580.

The SPEAKER. Is there objection to

the request of the gentleman from Wisconsin?

There was no objection.

REQUEST TO MEET AT 11 O'CLOCK A.M. TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, what would be the purpose of interrupting committee meetings already planned and witnesses already called and so forth by coming in early tomorrow?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, hopefully we will finish this bill tomorrow, to be rather frank with my friend.

Mr. HALL. Mr. Speaker, I would query the distinguished majority leader further under my reservation, do we have plans to finish out this week and work Friday looking toward adjournment by Christmas?

Mr. ALBERT. Certainly, if we have any business on Friday. But I would say to the gentleman that we will finish all the business, and we will finish it this week, whether we adjourn on Friday or Thursday. It would have no bearing upon the ultimate adjournment of the House. We have no other business——

Mr. HALL. Mr. Speaker, I find this exceedingly strange. I cannot understand why we come in here and adjourn some days at 12:20, and come in early other days in order to finish a particular bill, and then say that it has no effect upon when we will adjourn for Thanksgiving, or when we will adjourn sine die the first session of this Congress.

It would seem apparent, Mr. Speaker, that there is so much work to be done, and we have a limited time in which to do it, and, if we are going to do it, we ought to be working, as I said once before, from weekend to weekend and around the clock.

Mr. ALBERT. If the gentleman prefers that I withdraw the request, then I will.

Mr. HALL. I would have preferred that the distinguished majority leader had not made the request in the first place if there is no other basis for it than what has been made in the colloquy so far.

Mr. ALBERT. Then I withdraw the request.

The SPEAKER. The request is withdrawn.

RETIREMENT OF SENATOR SPESSARD LINDSEY HOLLAND

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HALEY. Mr. Speaker, on November 12, 1969, my longtime friend and Florida's senior Senator, the Honorable Spessard Lindsey Holland, announced that he would not seek reelection to the U.S. Senate. His retirement in 1970 will bring to the close a career that has covered more than a half of a century—a career that began as county prosecutor in his native county of Polk and will end with his powerful position as the eighth-ranking Member of the U.S. Senate. In each position he has held, in each step of his career, he has served with distinction and with honor. He has become, indeed, one of the greater elder statesmen of our times.

The Senator has many loyal friends throughout Florida, throughout the Nation, who recognize the effective and efficient work he has done in every position he has held and who are grateful for the fine representation he has given us. Many words will be spoken about his service and high tribute to his abilities and to his accomplishments will come from many people as he retires to private life. But the true measure of a man is the devotion he receives from his neighbors of a lifetime, from the people of his hometown who know their native son better than anyone else could know him.

On November 13, our mutual friend, Loyal Frisbie, editor and publisher of the Polk County Democrat—representing a family newspaper that has served Polk County for many years—in his editorial, "There Aren't Many Like Him," expresses well the high esteem in which Spessard Holland is held in his hometown. This editorial expression of the measure of this great American is only a single expression of the respect and esteem that thousands upon thousands of Floridians hold for one of our State's most distinguished native sons.

It is my privilege to have worked with and to have known the friendship of Spessard Lindsey Holland for more than 40 years. I know the truth of Loyal Frisbie's words. I wonder if there are any more like Spessard Holland. If there are, then Florida and the Nation will be the beneficiaries.

The editorial, "There Aren't Many Like Him," follows:

THERE AREN'T MANY LIKE HIM

When Spessard Holland steps out of the United States Senate at the end of next year, it will be more than simply one of 100 senators turning his position and responsibilities over to a new man.

It will be the end of an era.

Make that two eras.

For the man, it will be the end of half a century and more of outstanding public service by Bartow's most distinguished native son.

For the state of Florida, it will be the end of having this wise and patient man in public office, where his knowledge and talent have for so long been available.

As he rose through the ranks of government, from County Prosecutor to County Judge to State Senator to Governor to U.S. Senator, he found increasingly wider scope for his unique abilities, increasingly greater challenges for service.

Spessard Holland has made his fellow citizens, and especially those whose home is in Bartow, proud of him every step of the way. Few persons can stay so long in the public eye without showing feet of clay. But Holland has done so.

Real statesmen are rare in these frenzied days. Holland is one.

The timing and method of his announcement that he would not seek re-election next year are typical of the man. Months ago, he said that he would announce by year's end whether or not he would seek a fifth full term as senator.

Candidates who wanted to run if Holland should not began nervously to line up if-and-when support. More recently, Holland said that he would make up his mind by about Dec. 1. But when he reached his decision, he didn't delay speaking out so that all might know.

A lesser man, planning soon to bow off the public stage, would have played out the suspense, keeping himself in the spotlight as long as possible.

Holland's friends are shocked to learn that he has had a heart ailment for eight years. There has been no slackening of the energy and dedication with which he has attended to the public's business—and this, too, is typical of the man.

There is little doubt that if he had chosen to run again, Holland would have been re-elected by a wide margin, and there are many Floridians who were hoping that he would. Under the circumstances, though, he obviously made the right decision.

Holland has been flexible enough to progress with the times, while never once yielding ground on the high principles and sound governmental philosophy which have marked his career from the beginning.

He is remembered as one of Florida's ablest Governors—and one who gave the full four years of his term to the people of Florida.

Unlike so many of his predecessors, he did not spend the last year or more of his term preparing another career for himself.

In the Senate, he has been one of a dwindling number of senators who have held that when a change in the Constitution is needed, it should be made by constitutional amendment—not by statute or court decision. By his stubborn devotion to this principle he succeeded after long effort in gaining passage of the Holland Amendment, the 24th, which outlawed the poll tax as a prerequisite for voting.

Some 20 years earlier while Governor, he had persuaded the Florida Legislature to do the same in this state. Both in Florida and in the nation at large, then, he was responsible for measures which removed a weapon that had long been used to keep Negroes from voting. And his actions in both areas were started long before Civil Rights became a flaming and popular issue.

It is no reflection on the candidates who are lining up for a run at the office he will vacate to say that there is no actual or prospective candidate in sight who can measure up to the stature of Spessard Holland. There just aren't many people of his caliber, in or out of politics.

Florida will be poorer when he no longer represents this state in the Senate. But we in Bartow will be happy to have him coming home again, still the undefeated champion of Florida politics and a Senior Statesman who has never lost the common touch.

DISCOVERY OF PUERTO RICO

(Mr. CÓRDOVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CÓRDOVA. Mr. Speaker, the 19th of November is the anniversary of the discovery of Puerto Rico in 1493, on the second voyage of the *Admiral of the Ocean Sea* from Spain west to the Indies.

One of the men in the *Admiral*'s entourage on that voyage was a soldier from Granada, Juan Ponce de León. He requested of the Spanish crown, and was eventually granted, a charter to settle and rule the newly discovered land.

In 1508, Ponce de León became the first Governor of Puerto Rico. Eventually he sailed west from Puerto Rico to the

XUM

mainland, an adventurous dreamer in pursuit of an impossible dream.

Today also marks another momentous second voyage, the second voyage of men to the moon, men who a few days ago departed from the mainland peninsula where Ponce de León pursued his dream, and have this morning landed in the dream world of the moon.

The descendants of Ponce de León in Puerto Rico share the exultation of our Nation in the exploits of the new breed of "conquistadores" who plow through the uncharted vastness of space. We also share the troubles of our Nation. We share the rebellion of numbers of our young. We share the grief of blood and death in Southeast Asia. We share the pride in the noble and heroic qualities of a generation which matches the best in our history. This generation is truly exemplified by young men like Carlos Lozada, a boy from Puerto Rico and from the Bronx, posthumously awarded the Medal of Honor only yesterday, a worthy peer of the brave and generous men who have lived and fought and died for centuries in pursuit of the impossible dream that is now our America.

The official citation describes the magnificent heroism of Private Lozada in knowingly offering his life to protect his comrades:

CITATION

> The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress, the Medal of Honor posthumously to Private First Class Carlos J. Lozada, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:
>
> Private First Class Carlos J. Lozada, United States Army, distinguished himself by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 20 November 1967, in the battle of Dak To, Republic of Vietnam. While serving as a machine gunner with 1st Platoon, Company A, 2d Battalion (Airborne), 503d Infantry, 173d Airborne Brigade (Separate), Private Lozada was part of a four man early warning outpost, located thirty-five meters from his company's lines. At 1400 hours a North Vietnamese Army company rapidly approached the outpost along a well defined trail. Private Lozada alerted his comrades and commenced firing at the enemy who were within ten meters of the outpost. His heavy and accurate machine gun fire killed at least twenty North Vietnamese soldiers and completely disrupted their initial attack. Private Lozada remained in an exposed position and continued to pour deadly fire upon the enemy despite the urgent pleas of his comrades to withdraw. The enemy continued their assault, attempting to envelop the outpost. At the same time enemy forces launched a heavy attack on the forward west flank of Company A with the intent to cut them off from their battalion. Company A was given the order to withdraw. Private Lozada apparently realized that if he abandoned his position there would be nothing to hold back the surging North Vietnamese soldiers and that the entire company withdrawal would be jeopardized. He called for his comrades to move back and that he would stay and provide cover for them. He made this decision realizing that the enemy was converging on three sides of his position and only meters away, and a delay in withdrawal meant almost certain death. Private Lozada continued to deliver a heavy, accurate volume of suppressive fire against the enemy until he was mortally wounded. His actions not only inflicted heavy casualties on the enemy but saved the lives of many of his comrades, several of whom were seriously wounded and had to be carried during the withdrawal. His heroic deed served as an example and an inspiration to his comrades throughout the ensuing four-day battle. Private Lozada's actions are in the highest traditions of the United States Army and reflect great credit upon himself, his unit, and the United States Army.

THE PERIL OF AIR POLLUTION

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, today I am reintroducing, with 19 cosponsors, the Air Pollution Abatement Act of 1969. I wish to thank my colleagues for joining me in this effort to control and prevent air pollution.

Since introducing this bill on October 23, 1969, I have become increasingly convinced that such legislation should be a top congressional priority. Contrary to the pronouncements of some naive spokesmen, pollution is getting more serious every day. This is evidenced both by people's mounting concern about the perils and costs of air pollution and the increasing body of medical evidence that contaminated air endangers the health and well-being of man.

That the air is dirtier than ever is proven by the fact that we hurled 140 million tons of pollutants into the air this year, compared with only 130 million tons 2 years ago. Let no one be deceived: controlling air pollution is an ideal—not a reality. The public knows this and so does every Member of this body.

I might illustrate the public's growing concern about air contamination with two examples. A "breathers lobby" in Pennsylvania has declared war on the annihilation of the air. Disgusted with the dirty air and governmental inaction, a group of public-spirited citizens voiced their concerns at a hearing called to discuss the kind of pollution control standards Pennsylvania should adopt. Largely as a result of this group's efforts, the State air pollution commission adopted the most stringent limits in the Nation. In my own State of Illinois, a similarly aroused citizenry persuaded State officials to adopt more stringent standards than expected.

Concern about the deterioration of the air also manifests itself among people generally. The results of a questionnaire sent to the Second Congressional District of Illinois, which I represent, show that 92 percent of the 10,000 respondents consider air pollution to be a most critical problem. The distress of these citizens is mirrored in the desire of an overwhelming majority of Americans to halt air pollution. I believe that the extreme concern of the public about the corruption of the atmosphere gives Congress a mandate for action and justifies increased efforts at the national level to remedy a most deplorable situation.

That the situation is deplorable is shown by the fact that air pollution costs the United States over $12 billion annually. Dirty air ruins crops and vegetation, causes steel in bridges and rails to deteriorate, kills cattle and sheep, wastes valuable fuel in powerplants, and blocks out sunlight by as much as 40 percent. But the cost in dollars is not the worst of it. Dirty air is shortening our lives and damaging our health.

The sudden menace of prolonged air inversions has increased the rates of death—especially among our elderly citizens—in such cities as New York and Donora, Pa. But these dramatic episodes are analogous to the visible portion of an iceberg. Doctors also have been documenting, with increased frequency, that repeated exposure for prolonged periods to unclean air can severely damage a person's health. For example, a New York study discovered a direct relation between the major components in air pollution and excess deaths in that city over a 5-year period. In Buffalo, four doctors measured hospitalization rates for children troubled by asthma and eczema, compared to air pollution levels. They found a striking association between air pollution levels and hospitalization of these children.

Mr. Speaker, when I consider these discoveries, a phrase of a poignant ballad haunts me: "When will they ever learn, when will they ever learn." I hope we do not learn too late. The Congress must wage war on all types of air pollution, whether vehicular or industrial, whether the source is mobile or stationary. This bill attacks stationary sources of pollution alone. However, I am supporting the efforts of the gentleman from Washington (Mr. FOLEY) to control pollution from automobiles. Passage of legislation to control both types of pollution will assure the public that Congress really does recognize the peril of air pollution.

The Members cosponsoring the Air Pollution Abatement Act are Messrs. ANDERSON of California, ANNUNZIO, BINGHAM, BROWN of California, BYRNE of Pennsylvania, CONYERS, FARBSTEIN, HALPERN, KOCH, LOWENSTEIN, MACDONALD of Massachusetts, MATSUNAGA, Mrs. MINK, Messrs. PIKE, PODELL, REES, SCHEUER, SYMINGTON, and WRIGHT.

GETTING BEHIND THE PRESIDENT

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, the White House has received a wire bearing the names of more than 2,300 Arkansas citizens who support the President's policies seeking peace in Vietnam.

Mr. Elbert Fausett of Little Rock, had the idea for a "Get behind the President" telegram. He and several businessmen placed an ad in the Little Rock newspapers, asking people to write, authorizing the use of their names on a wire which reads as follows:

> Mr. President, we support your efforts for a just peace in Vietnam. Yes, President Nixon, we support the deliberate and honorable course you outlined in your speech Monday to achieve a solution to the Vietnam War. We are Democrats, Republicans, and Independent concerned Arkansans, and we know you inherited a complex problem in Vietnam. We believe that this problem has top priority from your administration.

> We are all tired of this war, but we are getting even more tired of those who offer daily criticisms but no workable solutions.
>
> We Arkansans are proud of our country and the traditions we are trying to uphold, and we support you in your policy. We are convinced that you are doing your best to end the war, bring our American troops home, and win a peace of dignity and honor in the American tradition.

Heading the list of the more than 2,300 Arkansans who signed the wire, were names of members of the Support America Committee of Arkansas which carried out the project: Mrs. Wayne H. Babbitt, S. J. Beauchamp, Jr., Elbert L. Fausett, Leo H. Griffin, Frank H. Parke, and Brig. Gen. Hugh Cort (retired).

The mail response and the telegram indicate very strong support in Arkansas for a responsible settlement of the controversy in Vietnam. In my view, the wire represents a forthright expression of their deep concern, and their faith in the institutions of this great Nation.

GALLAGHER INTRODUCES RESOLUTION TO ESTABLISH SELECT COMMITTEE ON TECHNOLOGY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce a resolution to establish a Select Committee on Technology, Human Values, and Democratic Institutions. I am well aware of the quite legitimate objections against select committees generally but I believe that the threats to the American people and to our system of government which are posed by the new technology demands that a concentrated effort take place within the House of Representatives.

I take as my basic text the words of Dr. Emmanuel Mesthene, director of the Harvard program on technology and society. In a program reprint of 1968 entitled, "How Technology Will Shape the Future," Dr. Mesthene poses this question:

> What happens to the traditional relationships between citizen and government, to such prerogatives of the individual as personal privacy, electoral consent, and access to the independent social criticism of the press and to the ethics of and public control over a new elite of information keepers, when economic, military, and social policies become increasingly long-range, machine-processed, information-based, and expert-dominated?

I would only make one small addition, directly relevant to those of us in the House of Representatives: What happens to the independence of the legislative branch when the vast majority of those experts are at the service of the executive branch? Further, can our Republic continue to stand if public men are unable to meaningfully influence the policies of government? Dr. Mesthene comments on this basic dilemma:

> Computers and associated intellectual tools can make our public decisions more informed, efficient and rational, and less subject to lethargy, partisanship, and ignorance. Yet that possibility seems to imply a degree of expertise and sophistication of policymaking and implementing procedures that may leave the public forever ill-informed, blur the lines between executive and legislature (and private bureaucracies) as all increasingly rely on the same experts and sources of information, and chase the idea of federalism into the history books close on the heels of the public-private separation.

NO EXISTING JURISDICTION IS CAPABLE

Mr. Speaker, let me deal with a major question in the establishment of a Select Committee on Technology, Human Values, and Democratic Institutions. The new technology today has a pervasive effect on every single aspect of American life. Its problems are those which cannot be dealt with by an organization focusing on specialized areas of interest. Since a valid study must assess long-range impacts and side effects which are frequently both ill-perceived and potentially harmful to immediate success of programs, we must assemble a body of knowledge which assimilates insights from many disciplines.

It is instantly apparent that such a wide-ranging consideration of potentialities and portents must, by necessity, cut across existing lines of congressional committee jurisdiction. Nothing in this speech should be taken as implying criticism of currently standing committees, subcommittees, or their dedicated members. However, the problem is so vast and promises dislocations in so many areas of our life, that it is outside both the jurisdiction and the competence of existing committee structures.

STUDIES NOW IN PROGRESS

This is not to say that the problems are not undergoing study, both within the Congress and outside it. The Harvard program on technology and society has been almost exclusively financed by IBM and, while Dr. Mesthene and his associates are skillfully posing meaningful questions, the answers are so important to America that a public body must be mobilized. Work is being done by the Computer Science and Engineering Board of the National Academy of Sciences. A subgroup is considering the effect of the computer on privacy, data banks, and due process.

The American Academy of Arts and Sciences, acting through its Committee on the Year 2000, has a working party on the social impact of computers.

Private industry is equally concerned. The Business Equipment Manufacturers Association has recently formed a special program on security and privacy to assist computer hardware manufacturers in building protective measures into the machines.

This small fragment of the interest in the new technology is hopeful, and it is reflected in the activities of many States, most notably California. Further, dozens of our major universities have seminars and courses on the threats and promises of technology.

I do not believe the Congress has fully measured the sweeping changes in American institutions and precepts toward which technology is pushing us. I believe that one critical task for the select committee would be to establish close liaison with these prestigious groups that we may have the benefit of their views. But these decisions are going to vitally effect us, and so we must act as more than a clearinghouse for data developed elsewhere.

This is why I believe that we must resist the temptation to establish a commission, rather than a select committee. We must input data to keep the Congress relevant to the new technology, and I feel that it should be oriented toward and controlled exclusively by the legislative branch, which most closely reflects the voice of the people. It is my judgment that the legislative process itself stands in the most danger and, therefore, as a simple act of self-preservation, we alone must guide the scope and direction of the inquiry.

POLLUTION OF THE POLITICAL ATMOSPHERE

One of the most hopeful developments I have seen in the 91st Congress is the growing realization that a basic realinement of priorities must take place with respect to the deployment of new technologies. The pollution of our air and our water as a side effect of technology is coming under increasingly informed scrutiny. It is to be expected that the many plans which are circulating in both the Congress and the executive will coalesce into a new mechanism to provide an assessment of the pollution of our physical environment.

But the pollution of our political atmosphere and the dilution of the role of political leadership in evolving society has received surprisingly little attention. Documents which have been forwarded to and developed by the Congress have, in my judgment, underemphasized what the new technology really means to us as Members of Congress, and what effects it will have upon the basic democratic processes in which Americans have placed their confidence. Dr. Mesthene has encapsulated the concerns which are now being expressed by many others, most notably Dr. Alan Westin of Columbia University and Prof. Arthur Miller of the University of Michigan Law School. I would now like to turn my attention to some of these areas which have been isolated as questions and which, hopefully, the Select Committee on Technology, Human Values, and Democratic Institutions could lead us to having our own expertise which would perhaps not solve the problems but at least recognize the clear and present dangers.

THE IMPACT OF INFORMATION IN A DEMOCRACY

It has been said that the entire history of mankind is to be found in information theory—who knows what, who believes what, and who controls access mechanisms. From DNA dictating the development of the individual organism to computer/communication systems determining the characteristics of society is a quantum jump, but only of degree, not of kind. Interlocking information systems, containing personal data and quantifying the quality of life, are the double helixes of mankind's future.

The vast majority of the few people who believe the assertions in the preceding paragraph consider themselves to be part of a new elite of information keepers. Almost all of the rest of us believe that those who deal on a day-to-day basis with new technologies are capable of evaluating the social consequences of their actions. Further, since this generation of data collectors and disseminators is demonstrably benevolent, it is felt that no harm can come to America from the unrestricted, almost unobserved, application of technological marvels.

The prevailing mood can be summed up in a paraphrase of Al Smith's famous statement:

> The only cure for the ills of democracy is more democracy.

The feeling is widespread in America that the only cure for the ills of the new technology is more and newer technology.

RELATIONSHIP BETWEEN CITIZEN AND GOVERNMENT

When Dr. Alan Westin appeared before my Special Subcommittee on Invasion of Privacy in March 1968, I put the following question to him:

> Is there a possibility of the formation of a data elite manipulating American society by their manipulation of data on individual Americans?

I knew that Dr. Westin takes this problem very seriously for, among his many important activities, he is editing a book on information systems and democratic politics for Harvard's program on technology and society. In my judgment, it will be a crucial question for the continuation of American democracy. All around us we see a rising tide of disenchantment with Government and I am convinced that one of the root causes of the violence that afflicts so much of American life is the current reality of the lack of the individual's ability to influence and alter decisions which affect the quality of his life and the quantity of his opportunities.

Those of us in the House of Representatives have a special and specific reason to be concerned. We must go to the people every 2 years and we are judged not only on our own merits but also upon the general success or failure of Federal programs. It is my conviction that while we have retained the ability to occasionally pull shut the purse strings, we are in the process of being denied the right to tug at the reins which steer the executive branch.

Dr. Westin responded to my question with a most interesting series of statements which could, in themselves, justify the immediate establishment of a Select Committee on Technology, Human Values, and Democratic Institutions. Here are some of Dr. Westin's remarks:

> I think it will be a while before the line can be drawn between what can be achieved through new management science techniques and information systems and what still remains the art of the political process. I am afraid the line is going to get very blurred in the next half-decade or decades because it is essentially the poor and the black who want access into and participation in the system. They have never had a voice of the kind the middle classes have had in the political system ... There is a dangerous arrogance that can be built up when a small group of people believe that they have the language, the system, and the most scientific way of making decisions.

While Dr. Westin did not make specifically this point, I believe that his remarks which follow indicate the way people now believe they are being addressed by many of their leaders:

> We have new technical ways of making decisions. Why don't you just ratify those? We can't let you participate because the planning is so complex that you don't even know the language and we will often have to make commitments that run 3 or 5 years ahead.

The point seems obvious to me that America simply does not have 3 or 5 years to demonstrate its ability to respond to the legitimate demands of our people. One vital result of the creation of a Select Committee on Technology, Human Values, and Democratic Institutions would be to humanize the "dangerous arrogance" of which Dr. Westin speaks.

I would now like to devote a sizable section of this speech to detailing some of the alleged benefits which the new technology is visiting upon the American people at this very moment. Many of these examples have been discussed elsewhere and I have commented upon some before. But the range and diversity disclosed in this section suggests one task which the Select Subcommittee on Technology, Human Values, and Democratic Institutions would perform. Science and technology are creating a new world and the Select Committee could discover just what kind of a world it will be and could ask the simple question: Is this the kind of world we want?

A NATIONAL DATA BANK OF CREDIT INFORMATION

Credit Data Corp.'s office in Anaheim, Calif., maintains files on 11 million persons in the Western States and can be instantly accessed, on special telephone lines, from as far away as New York City. This office handles more than 100,000 requests for credit information each day in less than 3 minutes each. According to Datamation of March 1969, direct teletype terminals are to be installed in the offices of many heavy users of the system.

When Credit Data Corp.'s president, Dr. Harry C. Jordan, testified before the Special Subcommittee on Invasion of Privacy, we learned that its computerized operation began when he convinced the Bank of America to yield 8 million data items relating to the financial histories of the bank's customers. Further, we learned that in 3½ years Credit Data Corp., assuming the continuation of its current growth rate, will have a privately owned national data bank containing a dossier on every single American who has ever applied for credit.

The Associated Credit Bureaus, Inc., has over 2,100 member bureaus around the country and they are actively marketing, in conjunction with International Telephone & Telegraph, a computer package which will connect all the bureaus. Over 100 million records are now contained in the ACB's system.

MOTORISTS: PROCEED AT YOUR OWN RISK

The important and necessary job of planning for auto use has caused the development of surveillance devices along our highways. On September 29, 1969, I disclosed a pilot project being conducted by the Metropolitan Washington Council of Governments. Photographs are taken of a moving auto, license numbers are matched against vehicle registrations, and a questionnaire is sent to the owner. Numerous disturbances of "the domestic tranquillity" have come to my attention: A husband traveling the wrong way on the wrong parkway, a wife now under constant suspicion because she swears the car was not out of the garage on the time it was alleged to have been observed, and perhaps most poignant, a young man now in a military academy in California because he had violated instructions not to take his parents' car onto the parkway.

Since then, my attention has been directed to a device developed and being marketed by LTV Aerospace Corp. called Orbis III. It is being tested in Falls Church, Va., and is in operation on the freeway between Dallas and Fort Worth in Texas. Let me quote from the description in Aviation Week & Space Technology of July 21, 1969:

> Data derived from the system includes a head-on photograph of the vehicle, its occupants including the driver, the license plate, the location of the offense, date and time, and the posted speed limits . . . It can be operated unattended or from within a mobile unit and has all-weather day-and-night capabilities.
>
> Heart of Orbis 3 is an electro-optical system developed by LTV which provides a clear photographic image, penetrating vehicle tinged glass and even dark glasses worn by the occupants, either by day or night . . . computer and camera located in a bullet-proof container, the size of a large rural mailbox.

Instant, automatic ticketing of speeders may cut down on auto accidents as this system is designed to do. When I was discussing this system with some of my office staff, however, one of my clerks exclaimed:

> That's why I never go into McLean, Va., anymore. What if it makes a mistake?

The salary I pay this clerk will not mean that the loss of his business will bankrupt merchants in McLean, but it is not hard to predict a similar reaction all around the country which would result in a serious financial loss to the jurisdictions which choose to save a little money on police cars. Other undesirable side effects demand earnest study.

THE COMPUTER FINDS A USEFUL NUMBER AND ELIMINATES IT

Solely to make its computerization program more efficient, the Library of Congress has recently changed its card catalog number so that it is impossible to determine the year a work which bears it was published. In a letter of October 2, 1969, Martin Bookspan, ASCAP executive and one of the leading classical record reviewers, commented:

> You are quite right in pointing out that the first two digits of the Card Catalog Number . . . has been an invaluable aid to consumers and collectors . . . The elimination of these two digits to make the job of the computers easier certainly represents the withdrawal of a valuable service to the public.

I would add that the sole purpose of the Library of Congress is to serve both the Congress and the American people. Further, if we are to assume from this that computer efficiency is the guiding factor at the Library, what will happen if the computer produces evidence that librarians are inefficient and uneconomical?

CENTRALIZATION OF SENSITIVE RECORDS

The California Department of Social Welfare recently disciplined two psychiatric social workers who had refused to yield personal case histories on the grounds that to do so would invade their client's privacy. The State is in the process of developing a model centralized computerized system and according to a recent article in the San Francisco Chronicle:

> Once the social services computer system is perfected it will form a foundation for broader state system which could include rehabilitation, employment, and other related management information.

The concerned welfare workers have formed a group known as the Committee on Clients' Rights which made the following statement on July 13, 1968:

> We are concerned that the client's social security number linked with his psychosocial diagnosis for even the most salutary purpose may lead to adverse situations for the person seeking help.

The committee goes on to say that they obviously have a deeper commitment to the welfare of their clients than does any data processor, who merely regards them as depersonalized cases. The need for prior planning was emphasized in a report about this dispute prepared by the Golden Gate Chapter of the National Association of Social Workers. They declared on September 24, 1968:

> The Administration did not help staff to raise relevant questions . . . it was not until the manuals were printed and the forms designed and in the hands of the workers expected to use them that workers found themselves in a position of sufficient knowledge of what had developed to formulate the good questions raised by the Committee.

The very existence of a select committee could go a long way to seeing that those questions are raised at the very beginning of any large-scale computerized system containing sensitive data.

A RECORD OF EVERY VACATION AND EVERY TRIP

The Civil Aeronautics Board has before it a plan of 11 major airlines to establish a common computerized reservation system. Travel agents will be able to book airlines space, order hotel rooms, reserve rental cars on a nationwide and undoubtedly worldwide basis. The privacy and security of the data are not a design feature of any of the plans which have been brought to my attention.

A MODERN GOD OF WAR WOULD BE ABLE TO HURL REAL THUNDERBOLTS

The U.S. Naval Institute proceedings of July 1960 carries a paper entitled "Weather Control and National Strategy." It says, in part:

> Try to imagine the fantastic possibilities of one nation possessing the capability to arrange over large areas, or perhaps the entire globe, the distribution of heat and cold, rain and sunshine, flood and drought, to the advantage of itself and its allies and to the detriment of its enemies. We *must* think about it—*now*—for this is the direction in which technology is leading us . . . (Emphasis in Original)

THE SOCIAL SECURITY NUMBER AS A UNIVERSAL IDENTIFIER

The social security account number is now being used as the key to identify individuals by the Army, the Air Force, the Veterans' Administration, the Internal Revenue Service, the Civil Service Commission, the Federal Aviation Agency, the Treasury Department, private credit and employment agencies, dozens of State and local agencies, and in hundreds of research projects. The Social Security Administration has not taken a formal position either in favor or opposed to this escalation.

In a letter dated March 21, 1968, the Commissioner of Social Security said that he was in the process of forming an advisory council "to study the important public policy issues involved and to formulate findings and recommendations which would help guide our actions in this matter in the years ahead." On October 21, 1968, Mr. Ball responded to a letter from my special subcommittee which had requested further information about the advisory council:

> Although we are pursuing these activities intensively, at this point it is difficult to predict when the council might be established and functioning.

We have heard nothing further about this council from the Social Security Administration. Certainly one task of the Select Committee on Technology, Human Values, and Democratic Institutions would be to provide the Social Security Administration with a body of public and private opinion over the use of the social security number as a universal identifier.

PERSONAL SURVEILLANCE MECHANISMS

In addition to the widely discussed techniques of wiretapping, the new technology has developed listening devices of a staggering variety. For example, the infinity transmitter requires only a brief access to an individual's telephone to install a simple device. Then, from anywhere in the world, the intruder dials the phone number, blows a whistle before the phone rings, and the transmitter is activated, disclosing every sound in the room to any telephone in the world.

Further, research into sonic booms has discovered the ability of fire to amplify sound. The capability of a microphone aimed across a restaurant to overhear any conversation may make it essential to say to a companion with whom you wish to have a confidential discussion: "Blow out the candle, I want to talk to you privately."

MACY'S DOES TELL GIMBELS

Credit bureaus around the Nation are now selling computerized lists of "good risks" to firms opening up stores in their areas. If a man has done well in repaying his obligations to one firm, he will receive invitations from others. It does not seem to trouble merchants who have established customers that potential competitors have access to this data; thus, technology provides the way for Macy's to tell Gimbels.

BY THEIR CHILDREN SHALL THEY TRAIL THEM

The Office of Education now has a data bank under construction in Arkansas which will contain all the educational, psychological, and health records of the children of migrant workers. It has yet to be determined whether access to this nationwide system will, or can, be limited to the concerned school administrators. Certainly, no privacy protection procedures were in the original plans and the director has been quoted as saying that, to the best of his knowledge, anyone will have access to these records.

It is apparent that the records of schoolchildren should be available to teachers in the new districts and this data bank will serve an extremely useful function in that regard. But if others are to have access and the parents of the children believe that they are followed and recorded by this bank, then they will probably not permit the child to go to school at all. Thus, a laudable purpose will be destroyed by insensitive planning.

MOE, THE BUGGED ELK AND DAVE, THE DEADLY DOLPHIN

In Yellowstone National Park, an elk named Moe will have a transmitter affixed to his body. Signals will be relayed to the satellite Nimbus 3 and the data gained will be sent to scientist's computers. The data is to be collected to plan methods for assuring the survival of elk herds. A far more deadly use of animals is the current research being conducted to employ the intelligence and adaptability of dolphins to turn them into kamikaze submarines. A powerful explosive charge is placed in the dolphin's body, he is trained to follow sonar soundings, and to ram potential enemies.

Can we be sure that these are not trial runs for eventual human applications. After all, we sent monkeys and dogs into space before we entrusted a human life to the tip of a rocket.

THE SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY

The preceding examples represent but a tiny sample of the ability of the new technology to intrude on our present and dictate our future, and are an infinitesimal sample of what has been brought to my attention because of my identification with the issue of invasion of privacy.

Since Congressman WILLIAM DAWSON, the distinguished chairman of the Committee on Government Operations established my privacy inquiry in 1964, we have formally considered psychological testing, the suggested national data bank, and initiated congressional concern with the credit industry. Chairman DAWSON has been exceedingly kind to me, as he has been to all younger members of his committee, and certainly much of the public knowledge of the dangers of the new technology is due to his concern and wisdom.

Throughout the years, the special subcommittee has attempted to create a climate of concern and I believe that, in the areas we have considered thus far, we have been successful. But our investigations have convinced me that the Congress needs to undertake a detailed study of the full problem and that it have major support. I would be more than willing to assist to a select committee with the expertise we have developed within the Special Subcommittee on Invasion of Privacy.

WHAT WOULD THE SELECT COMMITTEE DO

The first task of a select committee would be, in my judgment, to input data about the impact on humans of developing Federal programs. I would envision the select committee as being a powerful advocate within the executive branch and with congressional committees for the rights of the individual citizen. All too often we seem willing to sacrifice far too much in pursuit of the laudable goals of efficiency and economy.

By being able to focus exclusively upon side effects of proposed and ongoing programs a Select Committee on Technology, Human Values, and Democratic Institutions could discover the toxic in the tonic of technology and could program out what are often regarded as deadly and deadening Federal actions.

Its advocacy role could perform another important function. By being a focal point for citizen complaints it might well act as an ombudsman for information policy. The debate over the 1970 Census has disclosed that there is abroad in the land a very real threat of resistance to Federal data collection efforts. A select committee could evaluate citizen distress and could channel it into constructive action.

PRIVACY

I would not presume to detail the full range of the activities of the select committee. In addition to the very real questions already suggested, I believe that it could present evidence as to the effectiveness of surveillance as a tool to insure social order. In 1968, Sociologist Barry Schwartz presented remarks which should be further explored:

> Surveillance may itself create the disorder which it seeks to prevent . . . Where privacy is prohibited man can only imagine separateness as an act of stealth . . . (In a social structure) rules governing privacy, then, if accepted by all parties, constitute a common bond providing for periodic suspensions of interaction.

Poet Robert Frost put it much simpler:

> Good fences make good neighbors.

I have presented the case for privacy many times in the past and the evidence which has been disclosed has shown how real and how important it is to civilized society. A select committee would, as a first order of business, mount an effort to put what each of us feels to be true for ourselves into practical effect to protect the privacy of others as well.

SYSTEMS ANALYSIS

The fullest flower of technology's garden is systems analysis, a revolutionary new scientific decisionmaking tool. Its apparent success in military and space planning has thrust it into civilian applications as well. Millions of public dollars are being expended and the results remain largely unkown.

Serious doubts have arisen about its ultimate effectiveness and grave suspicions abound about its basic character. Dr. Ida R. Hoos of the Space Sciences Laboratory at the Berkeley campus of the University of California is one of the few who has studied it from a disinterested aspect and she has harsh things to say about both systems analysis and systems analysts:

> Systems analysis can neutralize highly charged political matters and, perhaps, even remove them from the arena of public debate . . . It helps rationalize a position, bypasses the checks and balances that safeguard the democratic process, and centralizes control—all in the name of efficiency.

As Dr. Hoos evaluates systems analysis, everyone is capable of doing it when a contract is offered, but few confess having done it when trouble develops.

Dr. Hoos points out what would seem to be particularly difficult problems in analyzing systems analysis. The concept is like a chameleon because the analyst apparently is a chameleon:

> Consultant to the government on one project, staff member of the contractor next, and later, entrepreneur seeking contracts on his own, the systems specialist pursues an existence characterized by common sense, whichever side of the table he happens to be occupying.

Systems analysis now presumes to wear the mantle of Galileo and Pasteur and has the audacity to brand its detractors as naive anti-intellectuals. I would expect the select committee to assemble the expertise necessary to discover just what systems analysis is, what it does, and whether or not its results are truly in the public interest.

TECHNOLOGY'S DIRECT THREAT TO THE CONGRESS

Somewhere in the funds which you and I have approved in the ordinary authorization and appropriation process is, I am confident, a pilot project to make it unnecessary for any Member of Congress to ever again exercise his own judgment on public policy. Computer technology has made the instant electorate an operational possibility.

All that would be necessary is to have our Washington offices keyed into computer terminals scattered throughout our districts and every single issue, every single vote could be part of a referendum. This would change our Nation from a Republic in which legislators assess the intricacies of bills and act on behalf of the people into a pure democracy where every whim of the majority becomes law.

I would point out that in the recent debate over changing the electoral college, a major argument in favor of altering this institution which has existed since our Republic began, was the absolute necessity to immediately respond to the disclosures of public opinion polls. The names of Jefferson and Lincoln were replaced by the names of Gallup and Roper, and we responded to the moment, no matter how fleeting that moment may prove to be.

I do not want to leave this subject without mentioning current plans to computerize rollcalls. While it may be wise to automatically record and tabulate the votes of Members, we should be very careful that we do not, at the same time, lead toward a situation in which Members are not required to come together at certain periods. Frankly, I think we need more ways to bring us together to exchange insights, facts, opinions, and simple good fellowship. I am sure I am not revealing a club secret when I say that many of my legislative judgments are the result of personal contacts with Members; I am sure it is the same for all of us.

CONCLUSION

Mr. Speaker, Gertrude Stein once said something to the effect that the United States is the oldest society in the world because we were the first nation into the 20th century. It is my feeling that the rush toward the new technology actually represents a hardening of our arteries and a failure of confidence in ourselves. Using technology to make hard decisions, or to provide graceful nonsolutions for problems, is a form of codified senility. I do not want America to be remembered as the only country that ever went from infancy to senility without passing through a period of maturity.

The abundance provided us by our technology and our unparalleled natural resources, has made us the envy of the world and our standard of living is the world's standard for eventual achievement. Yet, in this process, I believe we have become overabundant ourselves. By relying on the methodology of technology, we are imposing a layer of fat between government and people.

I believe that a Select Committee on Technology, Human Values, and Democratic Institutions could be a major impetus in America recapturing its youth. By making the values of our Founding Fathers truly our own, we can recover some of the pride in being Americans that seems to have gone out of modern life. By its constant advocacy of sophisticated means to make the Constitution viable, I believe the select committee can help to stem the tide of alienation, disenchantment, and disillusion which is becoming a cataract.

In no sense will such a select committee be a bastion against change nor will it wail against cherished illusions slipping away. It will, in my judgment, help to direct change and help to find the goals to match our means.

It is all well and good for us to talk of freedom and to proclaim our belief in individual dignity. A Select Committee on Technology, Human Values, and Democratic Institutions can be the instrument to make the American dream a reality, and not the nightmare of despair which troubles the sleep of so many acute observers. Only by insisting that respect for the individual be the guiding spirit of our technology, can we expect any respect for the Nation's goals and our Nation's leaders. We have an opportunity today to show our seriousness in dealing with the great domestic issues; and the greatest of these is preserving and expanding human values. Our democratic institutions have provided the framework for almost 200 years—it is up to us today to take this step which may allow the Congress and the Federal Government to remain relevant in our revolutionary times.

Finally, Mr. Speaker, a major undertaking of the Select Committee on Technology, Human Values, and Democratic Institutions would be to seek out the potential toxic in the promised tonic of technology. Let me make it clear: The select committee would not oppose change or be a forum for naive anti-intellectualism. The benefits of technology are as important to the health of our society and our economy as civil liberties are to the health of democratic government.

The orthodox businessman living "rugged individualism" and the alienated youth "doing his own thing" are both expressing American traditions and both are threatened by the rigidity of thought and the standardization of action which much in America today seems to engender. The new technology is pushing us toward an entirely different kind of nation than that which we have known and loved.

The major job of a Select Committee on Technology, Human Values, and Democratic Institutions would be to make clear where we are heading and, most important, permit us to ask the question: Is that where we want to go?

RESOLUTION ESTABLISHING THE SELECT COMMITTEE ON TECHNOLOGY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

Whereas, the development of technology is advancing at an unparalleled rate of speed and is rapidly coming to affect every level of American life; and

Whereas, the operations of industry and Government are coming more and more to rely on highly sophisticated computer technology to assist them in their operations; and

Whereas, the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown; and

Whereas, computers and other technological innovations aid in the gathering and centralization of massive information of all kinds on individuals and, consequently, call into question the effect of technology on the right of privacy; and

Whereas, Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens: Now, therefore, be it

Resolved, That there is hereby created a select committee to be known as the Select Committee on Technology, Human Values, and Democratic Institutions to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government, the consequences of using computers to solve social questions which traditionally have been addressed without the assistance of computers and other machines, and the effects of technology and machines on democratic institutions and processes. The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House if not in session shall be filed with the Clerk of the House.

CONGRESS SHOULD TAKE CHARGE OF ENVIRONMENT QUALITY CRUSADE

The SPEAKER pro tempore (Mr. ROYBAL). Under a previous order of the House, the gentleman from Colorado (Mr. BROTZMAN), is recognized for 15 minutes.

Mr. BROTZMAN. Mr. Speaker, I deeply appreciate your setting aside time on our busy calendar for a special order in behalf of my proposal that the House rules be amended to establish a Standing Committee on the Environment.

It is mandatory, in my opinion, that a major effort be mounted for man to gain positive and perpetual control over those byproducts of civilization which are destroying our physical environment. We have both an obligation and an opportunity to become that generation in which men, for the first time, begin leaving the earth, its water, and its atmosphere in better condition than they found it.

It seems to me that the Congress of the United States should be firmly in the driver's seat in this coming crusade. Despite the excellent work which has been done within our existing committee structure in some environmental areas, generally speaking our approach has been fragmented and sporadic when a unified, hard-driving approach is sorely needed.

Accordingly, last April I introduced my resolution to establish a Standing Committee on the Environment. This committee would have jurisdiction over most—although not all—of the environmental problems which today beset the Nation and the world.

My resolution, House Resolution 375, proposes that the committee charter include water quality, air quality, weather modification, waste disposal of all kinds, pesticides and herbicides, and acoustic problems.

Following the initial introduction of this resolution, 59 other Members have joined in sponsorship.

It is my hope that the Committee on Rules will schedule hearings in time for this resolution to come to the floor during the 91st Congress. Further, I would hope that the other body would establish a parallel committee to give still further impetus to the crusade for a world worth living in.

Mr. Speaker, when I began my research which led to the introduction of House Resolution 375, I knew that the quality of life in the world had been compromised by centuries of poor stewardship by man over his environment. You hardly need be an expert to know that the air in our metropolitan areas has deteriorated, that our waters have grown foul and that our lands have been badly misused.

However, I had no idea just how far we had fallen. As I read research studies and spoke to the scientists and technologists who already are involved in the fight, I learned that—at best—we are faced with several decades of hard-nosed public policies and expensive therapy in order to reverse the degradation of our land, our waters and our atmosphere.

At worst, we are already ecologically moribund, and all of the higher forms of life are endangered species.

Personally, I think the prognosis is about midway between the extremes, and it may take as much as 100 years to gain a firm grip over the quality of our environment.

I believe the time has come to attack the factors which are degrading our environment, systematically, and as a matter of the highest national priority.

I do not imply that either the executive branch or the Congress have been blind to the threats or negligent in stepping out to meet them.

But I do believe that insufficient human and material resources have been brought to bear. Furthermore, I think that the problems are so interrelated and complex that it is going to require a "systems management" approach, such as we employ in our most sophisticated space age industries, to be equal to the challenge.

It is incumbent upon Congress, in my view, to take a standing committee approach in providing the enabling legislation and—perhaps most important of all—eternal oversight as the environmental salvage efforts proceed.

I could not be more pleased with the broad pattern of support for the Committee on the Environment concept which is evidenced by the list of resolution cosponsors.

An analysis of the Members who have joined with me indicates that conservatives, moderates, and liberals have joined in about equal proportions in supporting the proposal. Also both parties are well represented.

I think it is particularly noteworthy that 33 of our 50 State delegations are represented. Significantly, the three States with the greatest population account for 20 of the 60 cosponsors. There are eight from New York, seven from Pennsylvania, and five from California. Logically, it should be so, because these delegations represent areas which will be the front lines of the fight for environmental quality.

Mr. Speaker, I am pleased to announce that 30 Members today joined in sponsoring resolutions identical to House Resolution 375. They include:

Mr. ADDABBO of New York.
Mr. ANDERSON of Illinois.
Mr. BROYHILL of North Carolina.
Mr. BUCHANAN of Alabama.
Mr. BURKE of Florida.
Mr. CARTER of Kentucky.
Mr. COWGER of Kentucky.
Mr. DENT of Pennsylvania.
Mr. FOREMAN of New Mexico.
Mr. HANSEN of Idaho.
Mr. HECHLER of West Virginia.
Mrs. HECKLER of Massachusetts.
Mr. HUNT of New Jersey.
Mr. KLEPPE of North Dakota.

Mr. McClory of Illinois.
Mr. Mayne of Iowa.
Mr. Podell of New York.
Mr. Riegle of Michigan.
Mr. Rooney of Pennsylvania.
Mr. Scheuer of New York.
Mr. Schneebeli of Pennsylvania.
Mr. Sebelius of Kansas.
Mr. Stanton of Ohio.
Mr. Whitehurst of Virginia.
Mr. Williams of Pennsylvania.
Mr. Wyatt of Oregon.
Mr. Wright of Texas.
Mr. Zwach of Minnesota.
Mr. Quie of Minnesota.
Mr. Roth of Delaware.

The 29 Members who previously joined me in sponsoring resolutions identical to House Resolution 375 included:

Mr. Blackburn of Georgia.
Mr. Burton of Utah.
Mr. Cahill of New Jersey.
Mr. Camp of Oklahoma.
Mr. Don Clausen of California.
Mr. Conte of Massachusetts.
Mr. Coughlin of Pennsylvania.
Mr. Fish of New York.
Mr. Gubser of California.
Mr. Halpern of New York.
Mr. Hogan of Maryland.
Mr. Horton of New York.
Mr. Kyros of Maine.
Mr. Lloyd of Utah.
Mr. Lujan of New Mexico.
Mr. McCloskey of California.
Mr. McDade of Pennsylvania.
Mr. Mann of South Carolina.
Mr. Mikva of Illinois.
Mr. Mollohan of West Virginia.
Mr. Pike of New York.
Mr. Reid of New York.
Mr. Saylor of Pennsylvania.
Mr. Steiger of Arizona.
Mr. Taft of Ohio.
Mr. Talcott of California.
Mr. Teague of California.
Mr. Wold of Wyoming.
Mr. Wyman of New Hampshire.

Mr. Speaker, I have asked leave to revise and extend my remarks, and accordingly I would like to include therein the list of those who joined in cosponsoring prior to today and those who have joined with me today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentleman.

THE ENVIRONMENTAL QUALITY EDUCATION ACT

Mr. BRADEMAS. Mr. Speaker, I want to commend the gentleman for his concern.

If the gentleman would allow me to do so, I would like to advise him that earlier this week my colleagues, the gentleman from New York (Mr. Scheuer), the gentleman from New York (Mr. Reid), and the gentleman from Idaho (Mr. Hansen), and I introduced the Environmental Quality Education Act, the purpose of which is to give support to the schools of our country, in particular, to educate Americans about the entire spectrum of problems associated with the environment. In effect, our bill is a companion to the kind of enterprise in which the gentleman is engaged. I therefore commend him and hope he will give sympathetic consideration to our proposal at such time as we have hearings on it.

(Mr. BRADEMAS asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the legislation which we have proposed can help us to begin now to educate Americans, especially schoolchildren, about the entire range of problems that will determine the kind of environment we have in the future.

Mr. Speaker, the costs to the American citizen—both in economic and qualitative terms—from a polluted environment are staggering.

Air pollution causes annual damages in the United States estimated at $12 billion.

Pesticides, once hailed as man's benefactors, now threaten the existence of many species of fish and wildlife.

Our two largest fresh water lakes—Michigan and Erie—are dangerously polluted as are thousands of rivers and streams throughout the country.

The growth of cities has so often meant urban sprawl and blight. Other environmental deterioration—oil slicks, uncontrolled smog, unsightly junkyards—has endangered the health of our citizens and seriously impaired the quality of our national life.

Mr. Speaker, the Environmental Quality Education Act is based on the recognition that the decay of our Nation's environment and ecological balance is due in part to poor understanding on the part of most Americans of the threat posed to our environment by an exploding technology. It is also premised on an awareness of the inadequate resources available at present for educating the public on environmental problems. H.R. 14753 provides for education and action to help meet this serious deficiency.

Today our elementary and secondary schools have far too little assistance for teaching environmental education, and our colleges and universities are similarly unprepared.

Under our bill, Federal funds would be provided for developing materials for teaching about natural resources, conservation, pollution control, and the need to maintain a balanced ecology—the proper relationship between man and nature.

Americans today are awakening to the grave dangers both to our environment and our lives of a continuing failure to develop intelligent environmental policies.

Essential to shaping such policies and to generating public support for them is an informed citizenry.

Today our elementary and secondary schools have almost no resources with which to teach environmental education.

Our bill, by providing for curriculum development by colleges and universities, teacher training, pilot projects, and support of environmental courses in schools and in local communities, can help fill this serious gap in our educational system.

As our distinguished colleague, Congressman Hansen, a cosponsor of this legislation, has eloquently pointed out:

> If we are to protect the environment that sustains life, we must learn more about it, more about the danger and the remedy. As a foundation for action we must initiate a comprehensive program to awaken the Nation to the crisis and to stimulate effective programs that will maintain the quality of air, water, soil, and other elements on which the survival of mankind depends. Nothing short of massive educational efforts backed by a coordinated program of action will be equal to the threat.

Mr. Speaker, the provisions of the Environmental Quality Education Act authorize the following kinds of activities:

First, development of environmental education courses for elementary, secondary, college, and adult education programs;

Second, initiation of pilot demonstration projects to test such new curricula;

Third, provision for evaluating the effectiveness of these projects and disseminating significant results and curricular materials for use throughout the country;

Fourth, training in environmental quality education for schoolteachers, other educational and public service personnel, and community and business leaders;

Fifth, creation of community education programs on environmental quality; and

Sixth, appointment of an Advisory Committee on Environmental Quality Education by the Secretary of the Department of Health, Education, and Welfare to aid in implementing provisions of the act.

Mr. Speaker, I am pleased that the Environmental Quality Education Act has bipartisan sponsorship, and as it has been referred to the Select Education Subcommittee, which I have the honor to chair, of the Committee on Education and Labor. I hope to conduct hearings on the measure in the next session of Congress.

Mr. Speaker, at this point I insert the text of H.R. 14753, the Environmental Quality Education Act.

H.R. 14753

A bill to authorize the United States Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Quality Education Act".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress of the United States finds the deterioration of the quality of the Nation's environment and of its ecological balance is in part due to poor understanding by citizens of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for education citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and industrial business leaders and employees, and government employees at State, Federal, and local levels; to provide for community education programs on preserving an enhancing environmental quality and maintaining ecological balance.

USES OF FUNDS

Sec. 3. (a) From the sums appropriated, the United States Commissioner of Education, hereinafter referred to in this Act as the "Commissioner", shall assist in educating the public on the problems of environmental quality and ecological balance by:

(1) Making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations for:

(a) Projects for the development of curriculums to encourage preserving and enhancing environmental quality and maintaining ecological balance.

(b) Pilot projects designed to demonstrate and test the effectiveness of the curriculums described in clause (a) whether developed with assistance under this Act or otherwise.

(c) In the case of applicants who have conducted pilot projects under clause (b), projects for the dissemination of curricular materials and other information regarding the environment and ecology.

(2) Undertaking directly or through contract or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations evaluations of the effectiveness of curriculums tested in use in elementary, secondary, college, and adult education programs involved in pilot projects described in paragraph 1(b).

(3) Making grants to institutions of higher education, local educational agencies, and other public or private organizations to provide preservice and inservice training programs on environmental quality and ecology (including courses of study, symposiums, and workshops, institutes, seminars, conferences) for teachers, other educational personnel, public service personnel, and community, business and industrial leaders and employees, and government employees at State, Federal, and local levels.

(4) Making grants to local educational, municipal, and State agencies and other public and private nonprofit organizations for community education on environmental quality and ecology, especially for adults.

(5) Making grants for preparation and distribution of materials suitable for use by mass media in dealing with the environment and ecology.

APPROVAL OF APPLICATIONS

Sec. 4. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 3 and provides for such methods of administration as are necessary for the proper and efficient operation of such programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds.

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY EDUCATION

Sec. 5. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Environmental Quality Education which shall—

(1) advise the Secretary concerning the administration of, preparation of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 3 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Environmental Quality Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, information media, and the relationship of man as producer, consumer, and citizen to his environment and the Nation's ecology. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

Sec. 6. The Secretary, in cooperation with other Cabinet officers with relevant jurisdiction, shall, upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, private profit-making organizations, institutions of higher learning, agencies of local, State, and Federal Government and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which deal with environmental quality and ecology and (2) deal with environmental and ecological problems pertinent to the recipient agency.

PAYMENTS

Sec. 7. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

Sec. 8. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

AUTHORIZATION

Sec. 9. There is authorized to be appropriated for the fiscal year ending June 30, 1970, for carrying out the purposes of this Act such sums as Congress may deem necessary.

Mr. Speaker, at this point in the Record, I insert the text of an excellent speech which points to the need for legislation such as the Environmental Quality Education Act.

I refer to an address by Dr. Elvis J. Stahr, former Secretary of the Army, former president of Indiana University, and now president of the National Audubon Society. Dr. Stahr's address, delivered on September 18, 1969, at Cape May, N.J., follows:

THE EARTHLY ENVIRONMENT

INTRODUCTION

Less than sixty days ago man left Spaceship Earth in a still tinier spaceship and set foot on Earth's little moon for the first time. He found a barren and lifeless environment on that satellite, though Earth, which itself is one of the smaller satellites of a minor star we call the Sun, has teemed with life for millennia. Here, in an environment possessing the indispensable elements of air, water, sunlight, and soil, there developed, over time, a complex life support system, an ecosystem, in which thousands upon tens of thousands of living species of plants and animals, including the one called man, have evolved in mutual interdependence. That ecosystem is now in danger.

I daresay, therefore, that every conservationist experienced that historic July weekend in two dimensions, even the keenest curiosity about the lunar environment not providing escape from deep concern about what is happening to the Earthly Environment. The irony that man can mobilize his technology, his genius and his ambitions sufficiently to take him to the moon and back during an era when, because of his own shortsightedness, his own ill-advised actions and attitudes, those same things so desperately need mobilizing to keep Mother Earth habitable, stimulates feelings ranging from great hope to great despair, depending on one's mood and perhaps one's degree of knowledge and understanding of what man actually is doing daily to his historic home.

As for me, I have much fear, yet also some hope and some faith, or I wouldn't have decided to commit to the conservation effort the best of what remaining good years I may have. I am very happy to be here this morning, therefore, happy and honored to be with so many who share my concerns and are laboring in the vineyard. I congratulate and thank Frank McLaughlin and New Jersey Audubon for planning and convening this symposium which I anticipate will consider, and develop constructive approaches to, some of the specific problems about which I shall be talking generally this morning.

OVERVIEW—NEW JERSEY

Now, first, let me mention briefly a few matters of mutual concern close to home, following which I'd like to attempt an overview of the present situation nationwide and then to suggest what may be necessary if the quality of the Earthly Environment, and therefore of the life within it, is not to proceed downhill to disaster.

Close to home, then—The Interior Department recently made a proposal that, on the face of it, looks good. They want to set up a National Recreation Area to preserve as much as possible of the undeveloped seashore that still remains around New York Harbor. For one thing, the plan would include Jamaica Bay and its unique wildlife sanctuary—and presumably would give it protection from the current threat of expansion of Kennedy Airport runways out into the Bay.

Sandy Hook would be included. Sandy Hook, of course, is now occupied by the Army and by a park on land leased from the Army by the State of New Jersey. Some of the people who know the area best—Frank McLaughlin is one—question whether National Seashore status would protect Sandy Hook's beaches, dunes and holly forest as well as they are now being protected by the Army and by the State. They ask whether the new plan would lead to over-use and hence to destruction of fragile habitats it had meant to save.

It's a good question, and I propose that the National and New Jersey Audubon Societies find the answer. Precisely what does the Interior Department have in mind for Sandy Hook under this proposal? Can we suggest improvements to their plan? Could adequate safeguards against over-use be written into the legislation, as in the nearby case of the Fire Island National Seashore?

I'd like to find the answers, decide on the best policy to follow, and then work side by side with the New Jersey Audubon Society to implement that decision. There's a lot at stake here—an attempt to save the remaining natural oceanfront of the nation's biggest metropolitan complex.

There are many other things going on in this state that New Jersey Audubon can be congratulated upon—some of them things that National helped to accomplish. A lot more needs to be done in the future. In fact, as Frank McLaughlin has pointed out so often, no conservation issue is ever won. We can never relax, because yesterday's victories can always be lost again today.

The Great Swamp, for example, was threatened by a garbage dump before we were scarcely through congratulating ourselves for getting it protected under the National Wilderness Preservation System. The New Jersey and National Audubon Societies helped squelch that one.

Sunfish Pond has been saved from one threat of destruction but legislation is still needed to protect it. The Pine Barrens is still there and is under consideration as a National Monument and Reserve—but that's certainly one that is going to take a great deal of work in the future.

The Hackensack Meadows is—at least in time and acreage—probably the biggest issue facing New Jersey today. For the next thirty years we'll have to be riding herd on that area, seeing to it that plans for development of the meadowlands provide for protection of a maximum amount of salvageable natural area, open space and recreational opportunity.

The degree of past cooperation between our National and New Jersey Societies leads us all I hope, to look forward to even closer and more effective cooperation in the future. I have been told by some of you that there are a few people who are reluctant to embrace the cooperative approach because they are fearful of our obtaining members from each other if we work together. Perhaps it will help clear the air if I say that our own Regional Representative for the region that includes New Jersey has one and only one mission in this state, and that is to *cooperate*—to help the two organizations to work together, and to work with others, as effectively as possible, on such things as the Pine Barrens and the Meadows. Alan Miller is a fine young man and a dedicated conservationist. I hope you'll get to know him better and will work with him. We are of course very happy to have three thousand members in New Jersey. We are also glad that many of these fine people belong to both organizations. But I assure you that we have no intention of luring people *away* from another conservation organization. On the contrary, we are looking for new members among those millions of Americans who don't yet belong to *any* but who are becoming concerned and should be enlisting in the fight for a decent world for their children's children to live in.

OVERVIEW—U.S.A.

Now let me try to broaden the perspective of my backdrop or keynote for your symposium.

As we enter the seventies, three things stand out in an overview of the conservation situation in America, it seems to me.

One is the increasingly widespread concern about what man is doing to his environment. Another is the broadening of the conservation movement form a preoccupation with minerals, wildlife and wilderness to a concern with the whole balance of nature and the total environment of man. The third is that despite the growing awareness reflected in the first two, Earth's environment continues, in the main, to deteriorate. Pollution, degradation and even destruction of air, water, soil, natural areas, natural ecosystems and natural beauty are still proceeding faster than are protective and corrective counter-measures.

MAN AND HIS ENVIRONMENT

It is now abundantly evident that of the countless thousands of species on Earth, not only the most complex, but the most dangerous, is the one called man. Man is the only one to achieve the capability of altering drastically the ecosystems that make life possible here and thus to have the ability to destroy himself and all other life. And he is steadily engaged in doing that! Rarely, perhaps, is this his deliberate objectives—but far too rarely does he deliberately guard against it. His impact on the natural environment of this little planet has already been tremendous, but he is now altering that environment at a rate whose acceleration is almost staggering. No matter what aspect of the natural environment one considers, one finds that man himself is destroying or degrading it: land, rivers, forests, widlife, even the oceans and atmosphere. And that part of the environment which might be called man-made is in some ways the worst of all: the cities.

Why is this happening? Because there persist tragic inadequacies in man's understanding of nature, of his own relations to it, and of what he must do about them and how. Many men don't know what is happening; even more, including many who ostensibly are well educated, do not understand why it is happening, and far too few are as yet committed to finding and spreading the necessary knowledge and acting upon it while there may yet be time.

The really big problems of the environment have resulted from man's own actions. Infinitely more damaging than nature's dramatic storms and earthquakes are what man does day-in and day-out. Curiously, many of the problems can be expressed or suggested in terms that also begin with the letter "P": population growth, pollution, persistent pesticides, power plants—from automobile motors to jet engines to atomic reactors—ploughing, paving, plundering power tools—from bulldozers to deep drills—politics, quick profits, public passivity, and lack of intelligent planning.

And yet I believe man possesses the intelligence, is capable of the foresight, and can organize the means to solve his environmental problems. Sometimes he has tried this seriously; usually he has not. His highly developed technology is used on a gigantic scale to solve narrowly defined, relatively short-range problems in such fields as transportation, power generation, flood control, industrial production, and housing and services for a fast-growing population. Grossly inadequate attention is given, however, to the far-reaching effects of the resulting environmental alterations. Many of the simplest basics of man's relation to nature are largely ignored. In fact planning at every level, from the private "developer" to the national government, has too rarely taken ecological factors seriously into account. The ancient injunction that man should have dominion over the Earth and all that dwell therein seems often to be interpreted to mean that he should destroy the Earth and all that dwell therein, rather than use them wisely and with a sense of the future. Thus, even while man steadily increases the quantity of his own species (and in considerable measure as a result of that) he busily degrades the quality of the life to which he can look forward. Indeed, during recent decades when millions of people have been agonizing about the potential sudden destruction of man's environment through atomic warfare, those multiplying millions have actually been eroding and destroying that environment themselves at a frightening pace.

Thus the estuaries, nurseries of the sea, are dredged and filled for real estate profits even while population pressures point to great future needs for more food from the sea. Dams built for the protection of flood plains from occasional floods result in permanently flooding large acreages of the dwindling numbers of natural river gorges, forests and scenic areas. Airports are often sited on foundation produced by the dredging and filling of marshlands, lake shores or coastlines which are vital to natural life cycles. Mounting masses of solid wastes and sewage are often dumped into the nearest lake, river or bay. Factories producing great quantities of pollutants are often located on streams into which the effluvient is unloaded. Farmers, home-owners and even some managers of public lands apply persistent chlorinated hydrocarbon pesticides, such as DDT and dieldrin, in an effort to kill certain insects (which usually can be controlled by other, less dangerous means) and as a result pollute lakes, streams and even oceans for years and years with substances that inhibit the oceanic oxygen-producing organisms and are threatening with extinction numerous wild species (including the national bird, the bald eagle) and whose worst effects on human health will not even be known for some time. Detergents and fertilizers find their ways into waters where their nitrates and phosphates produce eutrophication—as in Lake Erie. There is pretty good scientific evidence that less than 60% of the amount of atmospheric oxygen currently consumed in our 48 contiguous states is replenished from their total territory. Not only carbon dioxide but lead poisons, rubber, asbestos, radioactive particles, dangerous compounds of sulphur and nitrogen, and much else are constantly spewed into the air, and in alarming quantities. To all this, add such atrocities as oil spillage and drilling leaks, poorly regulated strip mining, wrongly-located dams, wrongly-routed highways, urban crowding, littering, wanton killing of non-game animals and birds, rising accumulations of filth and crescendoes of noise in our cities, and one must conclude that ecological ignorance and apathy in the American society are almost overwhelming.

NEED FOR EDUCATION

Clearly, there are serious needs both for conservation education and for environmental action. Schools and colleges, in the main, have done a demonstrably miserable job of educating about the fundamentals of man's relations to nature and about the incredibly complex yet magnificently systematic web of natural life forces and cycles—the balance of nature—which has been and remains the only source of life we know of. Political agencies at all levels of government have failed to protect adequately the public's vital interest in a decent environment. And people almost everywhere have been reproducing their species at a rate greater than their little planet can indefinitely sustain.

BROADENING OF CONSERVATION MOVEMENT

Has the point of no return been reached? No one knows for sure. The growing memberships and activities of private conservation organizations suggest that there are many Americans who believe that there may yet be time for man to save himself from his own attitudes, appetities and technology, and who are determined to work to that end. The growing concern of the Federal Government has been highlighted by several forward-looking (but as yet inadequately funded) pieces of legislation, particularly during the Johnson Administration; by President Nixon's establishment in June, 1969, of an Environmental Quality Council of key cabinet members chaired by the President himself, and by the introduction of several items of much-needed new legislation in the 91st Congress. A few states and communities and two countries have recently banned or limited the use of DDT; several others, including New Jersey, are seriously considering it (and I'm sure New Jersey Audubon is in the vanguard); and the National Audubon Society has now launched a nationwide campaign to ban both its use and its export. Public agencies in some states and cities are exhibiting increasing courage and sophistication in fighting pollution and in preserving open spaces, wildlife and natural areas. In recent years citizen groups have been influential in preserving some of the redwoods, protecting the Grand Canyon from a power project and getting a number of other national treasures in public ownership. They fight today to protect the Everglades and other threatened natural areas, as well as to save endangered species such as the alligator, the whooping crane, the California condor and many others. Nearly every day, in fact, somewhere in the country conservation-minded people undertake *defensive* action against some new threat to the quality of the environment. Sometimes they are successful. But the "war" is only beginning.

What is urgently needed is a grand strategy for taking the *offensive*. Fighting "brush fires" is not enough, especially when only some of them are fought successfully and even those victories are too often temporary. A sound and farseeing environmental policy, based on sound scientific research and deliberate value choices, and backed by strong political and economic decisions, is the best and probably the last hope for man to have a decent world to live in. The value choices must be made *first*, and then the technologists brought into play, in *support* of those choices. History has already seen too much of the other way round.

OBSTACLES

Unfortunately, there are at least three serious handicaps to the mounting of the kind of offensive that is now essential. One is the fragmented approach of our educational system; a second is the fragmented approach of our governmental structure, and the third is the fragmented approach of the conservation movement itself.

Fragmented approach of education system

In education, the root of the failure may lie in the almost frenzied specialization which has virtually taken over. Even the environmental sciences are studied piecemeal; nature is broken into little pieces—geology, botany, astronomy, zoology, bacteriology, ichthyology, climatology, physics, chemistry, biophysics, biochemistry, genetics, soil dynamics, etc., etc.—but scarcely anywhere in academe are the pieces put back together.

The engineers have a useful concept called "systems engineering". By this they mean that at Cape Kennedy, say, it's not just whether a thousand and one subcomponents will test out separately; what really counts is whether they will all work together and put the capsule into space and bring it back safely. In education—goodness knows—topics of research have a way of splitting apart on us as fast as we try to weave them together. Specialization up to a point has been useful, but the tragedy is that almost everybody is studying and teaching pieces, and stopping there—hardly anyone is teaching and very few are even studying how the pieces relate to one another and to man and his total environment. There is even lacking in the typical college graduate and graduate student the realization that how the pieces fit together is crucial and therefore it is perilous to tamper ignorantly with nature's balances. Thus, within—just as outside—the educational community, challenging yet narrowly defined problems are solved triumphantly while in the very process broader, deeper and more important problems are not only ignored but sometimes exacerbated.

Somehow more enviromental awareness must be fed into curricula all along the line. Chemists, biologists and engineers, like sociologists, lawyers, economists, political scientists, and all the rest, don't know and aren't learning or trying to learn enough about where their own specialized discipline or profession fits into the patterns of man's relations to the natural world. We can no longer afford to turn out engineers, well-trained in the mechanics of building highways and dams and runways, who have scarcely been asked even to ponder whether in a particular project their bulldozers may be irreversibly altering a region's ecology to the ultimate detriment of both wild and civilized life. We can no longer afford agricultural graduates who don't appreciate what the wrong kinds of pesticides and fertilizers are doing to the world beyond the farmer's fence. We desperately need more humanists and social scientists and opinion leaders who realize how very much the quality of people's lives depends on the quality of their environment—and that there can be no healthful environment in defiance of nature.

2. Fragmented approach of government

Turning to government, again one finds far too much fragmentation, specialization and lack of coordination. The need for cohesion and vision in environmental policies is glaringly acute in the Federal bureaucracy, where almost unbelievable numbers of government agencies are making important environmental decisions with little administrative machinery for full exchange of information, let alone for thorough coordination of policy. And Congressional committees tend to divide up their work in the same way. But it doesn't stop there. Decisions and actions of immense collective impact on the environment are taken almost daily, mostly without serious or competent efforts at planning, by conglomerations of state agencies and by countless local authorities who have all too little understanding of ecology and too often don't try to get it. Then, too, private developers and Chambers of Commerce across the land are almost frenetically active in seeking to alter the natural environment for short-term economic objectives, too often heedless of the long-range impact, even on economic health!

To top it all, there is much too little recognition that "nature" and "nation" are very different words, that this planet, this biosphere, is really a single, unpartitionable ecosystem, that air, and water and wildlife, and even soil and people, are not divisible into tightly closed and separately manageable ecologic compartments. A global approach to many conservation problems is ultimately going to have to be taken; how much more environmental damage does man want to tolerate before he sets about it in earnest?

3. Fragmented approach of conservation movement

The third sector in disarray is the general public. The too-commonly accepted definition of "progress" as being almost any multiplication of the works of man has deterred people from resisting pollution, unwarranted invasions of open space and other outrages even when their own immediate environs are directly affected. Nearly everyone is now beginning to understand that something precious is lost when, say, a stream or lake is hopelessly polluted—but the publice hasn't yet learned how to protect itself from the polluters. Far too few, even of those deeply concerned, have banded together in the organized groups which give major impact to their voices. And there persists a tendency to deride conservationists as blind opponents of progress, when in fact what they oppose is blind "progress"—the kind that fails to consider consequences.

Some headway is now being made toward coordinating the efforts of the numerous national and local conservation organizations on matters of nationwide or planetary import. Diversity, of course, can be, and has been, a source of strength. For that matter, some persons are just more willing to give their time or their money to help wildlife, others to protect places of natural beauty, others fight for clean air, and so on. All such groups are useful to some degree, but the conservation movement must become increasingly not only evangelical but ecumenical. The elements of the environment are interrelated and interdependent, after all; shouldn't we approach them that way?

HOPEFUL SIGNS

There are hopeful signs. Schools and colleges here and there are emphasizing ecology. Nature centers are being established in more and more communities. Both the executive and the legislative branches of the Federal Government seem seriously to be groping for coordinating machinery. There is an occasional sign that the courts may be persuaded to develop remedies, in certain types of cases, for abuses of the environment. The great conservation organizations—National Audubon Society, the Sierra Club and others—have not only broadened their own objectives but are beginning to form coalitions for special efforts. The fight against the Everglades jetport began just that way.

But it is only too clear that, beyond all this, some basic shake-ups of cultural attitudes and some genuine reorientations of economic and political approaches will be the prices demanded by the future if man is

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to have a habitat fit for living as distinguished from mere surviving. Eventually it could even come right down to survival if those prices are not paid, or are tendered too late. Choices in the future cannot be preserved without constraints in the present. An economy based on constant and unending growth must eventually destroy itself by consuming or unbalancing its natural base. A political environment which affords inadequate mechanisms and policies for the protection of the public at large and of posterity, yet provides substantial protections—even tax advantages—to polluters, exploiters and short-term profit-seekers, can scarcely be expected to ensure a decent natural environment over the long pull. The perversion of the principle of private property to permit a property owner not only to degrade permanently what he "owns" temporarily, but even to pass pollution into the air and water on which other people depend is a fantastic departure from the old common law of nuisance.

In short, at the present stage of man's rather uneasy sojourn on Mother Earth, the problems resulting from his appetites and technical prowess are finally coming clear but the solutions are not. Thus his pressing challenge is to conceptualize—and then to implement—fresh policies, based on natural realities, which will turn him to new and sounder directions in his now rapidly degenerating relationships with the natural world. For man, despite all his recent population growth, is making himself an endangered species! Nature can be very unforgiving. Some of the most thoughtful scientists here and abroad give man not centuries but only decades of survival—quite aside from any thought of nuclear war—unless drastic changes come about in his attitudes toward nature and toward his own propagation. In calling for a worldwide conference on the environment in 1972, the Secretary General of the United Nations has emphasized in the strongest terms that present trends and actions around the world are taking the environment headlong to a point of no return.

The handwriting is no longer obscure. Only if enough people care enough soon enough are their grandchildren, much less their grandchildren's posterity, likely to have a decent world to live in.

Can man meet this greatest of all challenges? His ability to fly to the moon has proven once again that his potential is awesomely great. Are there lessons in that success which could be of value in tackling the admittedly less dramatic but surely even more important question of the future quality of earthly life?

The needed elements of a strategy can be clustered in several ways; just to illustrate, my distinguished former colleague at Indiana University, Lynton Keith Caldwell, has suggested seven focuses for a U.S. strategy: 1. The "internalized behavior" of individual people. 2. Tax policy. 3. Population control. 4. Industry and the environment. 5. Domestic intergovernmental relations. 6. Business practices, including advertising. 7. Land use control. A global strategy would include similar elements.

Clearly the job is not one for biologists, or even ecologists, alone. In fact, in each case nearly every discipline and profession has some contribution to make, some in problem analysis, some in value selection and policy formulation, some in implementation of desired change—and some in all these areas. But they must interact; they must work together, and there must be some effective means of coordination of planning and eventually of management of effort.

Government is scarcely the most logical choice to be leader of the strategy planning group, at least in the beginning, since its own present organization, its susceptibility to short-term pressures, its fragmentation, layering and inertia constitute one of the large problem areas.

No single university is likely to have adequate resources or even to reorganize appropriately what it has.

Industry is growing worried, and in many instances is behaving better, but it is nevertheless to narrowly mission-oriented to give the matter sufficiently high priority to overcome inherent conflicts of interest, or to be able to pull together the wide spectrum of brainpower and resources needed.

All these—governments, universities, industries—have a contribution to make, and probably at least some desire to make it. But the leadership, the stimulus, the insistence, must, as I see it, come from the conservation movement.

Some of us are even now working on plans for a means of developing an effective strategy for the environment. There is today a public mood of receptivity, even of demand, for such a strategy. If all goes well, you'll be hearing more about it.

If all doesn't go well, we passengers of Spaceship Earth could indeed end up "standing knee-deep in sewage reaching for the stars."

Mr. BROTZMAN. I thank the gentleman from Indiana for his comments. Having just had a seminar on this particular problem in Colorado with other interested people in my district, I should like to point out that we were quite impressed at the tremendous interest in this subject on the part of the youth of America. There is a profound desire on their part to learn more about the problem, to go to work on it with those of us who have been here longer and, in fact, to try to improve the quality of American life, particularly the environmental factors we spoke of. So I will certainly be pleased to have an opportunity to examine the gentleman's bill. I thank him for his contribution.

Mr. MIKVA. Mr. Speaker, I enthusiastically endorse the innovative proposal of the gentleman from Colorado (Mr. BROTZMAN) to establish a Standing Committee on the Environment in the House of Representatives. I commend the gentleman's initiative in seeking a needed change in the committee structure of this body.

Critics may charge that the last thing that the environment needs is a committee. I would be the first to agree that what the environment needs most is a thorough restoration. However, I also realize that the environment cannot do this without man's help.

Nature fashioned its own marvelous ways to maintain the quality of the environment. Rain scrubs the air of dust, the earth filters impurities out of subterranean water, and the wind carries away particles suspended in the air. However, man has disrupted these natural processes. He has spewn so many contaminants into the sky, that wind and water can no longer cleanse the air. He has dumped so many poisons into the rivers and lakes, that the earth can no longer purify the water that seeps into the ground. Even the soil itself has been corrupted by deposits of pesticides and herbicides.

Man disrupted nature. He now must restore nature. The Congress has made half-hearted, piecemeal attempts to control pollution. These attempts merit commendation as far as they go. But they only go so far. What the environment needs is not fragmented and sporadic action by the Congress, but a unified and incessant attack on pollution and a coordinated and continuing effort to preserve natural resources. And what resources can we assess as being more valuable than our air, our water, and our soil?

A Standing Committee on the Environment would provide a mechanism for this body to launch a coordinated drive to enhance the quality of the environment. Such a committee is needed because the current arrangement has not worked. With responsibility for environmental quality scattered throughout the House, the deterioration of our environment has continued unabated. Tragically, Americans have become accustomed, to breathing smoggy air, catching contaminated fish and eating tainted food. I know that my colleagues are aware that we are being held accountable for our response to the concern of a majority of Americans about pollution. Unless Congress consolidates its responsibility for the environment, the voters will consolidate their existing movement to change the membership of the Congress.

A Standing Committee on the Environment is also needed because of the testimony of experts on the envirnoment. Several witnesses at the recent Congressional Conference on the Environment testified that Congress must implement a systematic approach to deal with the problems of the environment. For example, Prof. Richard Duke advocated a coordinated approach because of the extremely complex interrelationships between man and various environmental factors. The pesticides which we employ to increase crop yields in the fields become the poisons which we find to contaminate fish in our lakes. Only with a single committee, can this body adequately understand and cope with complex environmental problems.

Moreover, Congress has scarcely started to consider other problems of the environment, such as noise pollution, thermal pollution, and the treatment of solid wastes. Under the jurisdiction of a Committee on the Environment, these problems would also be dealt with—dealt with in coordination with efforts to solve related environmental issues.

For the reasons cited above, I have reached the ironic conclusion that the environment needs a committee. I regret that this is the case. But the oil slicks on the coast of Santa Barbara, the foul air over Chicago, and the roar of jets in New York make necessary the establishment of a Standing Committee on the Environment in the House of Representatives.

Mr. TALCOTT. Mr. Speaker, I thank the gentleman from Colorado (Mr. BROTZMAN) and commend him upon his initiative in speaking out again in support of a standing committee on the environment.

I have cosponsored a bill to establish such a committee. I have done so for two major reasons. The committee system of the House and the other body needs reorganization to better fit the dynamic, contemporary needs of our parliamentary system. A committee on environment would contribute to the reordering of the committee system which I deem necessary to meet the challenges to our federal system.

A principal reason for establishing a committee on the environment is the essentiality of dealing more directly and pertinently with our environment—the place where we live and the conditions under which we live.

We obviously need to do many deeds to accomplish many objectives. Collectively we inhabitants of this planet have several needs in common, no matter where we live, the most obvious of which is plain and simple survival for ourselves and our descendants.

We must be concerned about other life and other things on this earth. We have a special relationship to all other life—from other humans through the gamut of animals, fowl, fish, and plants. We have just as obvious a relationship with the land, air, and water. Our objective ought to be to leave our environment in better condition than we found it. I consider this an obligation—as an individual, citizen, and public official.

Unfortunately, we have permitted our environment to be polluted, our natural resources to have been despoiled, and our landscapes to be littered with debris. When we degrade our environment, we degrade our personalities and jeopardize the future generations of all forms of life.

Without dwelling in statistics or specifics, I suggest that there is a good deal more we need to know about our environment, our relationship with our environments, our abilities to cope with our environment and our capabilities to preserve our environment. A standing Committee on Environment can contribute to the marshaling of this crucial knowledge.

The problems are current, but they are also perpetual. Continual vigilance will be necessary to save a viable environment.

Individual awareness and motivation will be essential. The preservation of our environment is an individual responsibility primarily. No person has the right to pollute, despoil, or litter the environment of any neighbor. Also, no person should tolerate the degradation of our environment by any other person. But this awareness and motivation must be aroused. A standing committee of the Congress may be able to provide the necessary leadership.

We cannot simply try to avoid future pollution, despoilation, and litter—we have a good deal of restoration to do. Restoration must be a goal along with our goals of antipollution and preservation. A function of the committee would be to urge and direct restoration.

Many aspects of our environment deserve our attention. When we consider the preservation of our environment and the prevention of further deterioration, we must always keep uppermost the quality of our environment. The quality of our environment that we preserve deserves as much attention as the quantity of our environment that we preserve and restore. Oceans of water will be useless if it is polluted. Acres of denuded forests are not worth saving. Saving oceans, rivers, forests, agricultural lands, animals, are absolutely necessary, but quality must be the keystone.

It is not enough for every individual to be concerned. It is highly desirable that President Nixon continue to lend his enormous personal interest and the prestige of his office to the matter of solving our environmental problems. The President's Council on Environment, the President's statements and messages on the subject of environment are adding a dramatic impetus—to the individual and governmental concerns.

Resources are not a problem. If we do not have the resources to preserve our environment, we do not have the resources for any national, individual, or societal goal.

Concern is an ingredient which must be motivated. Business, industry, local, and State governments must participate and cooperate. A standing committee of the Congress can contribute to this coordinated effort.

Techniques and systems are important, but the "systems approval" being developed for space exploration, communication, and weaponry, have applications to solutions to our environmental problems and achievement of our environmental goals.

Motivation, resources, systems must be organized. A standing committee of the Congress on environment is a step in the right direction.

Mr. HOGAN. Mr. Speaker, when we consider the environment, we envision fresh air, clean water, plenty of wholesome food, pleasant surroundings, adequate natural resources for both industry and recreation, and lots of elbow room. But present-day realities force us to also consider the unpleasant aspects of our environment—crowded and cluttered cities, dirty rivers and lakes, polluted air, and intense noise.

In recent years nearly everyone has become cognizant of the deterioration of our environment. Because this destruction of our physical surroundings now threatens the survival of mankind as a species, involved citizens are responding on every level with efforts and appeals to salvage nature from the often fatal effects of technological progress, industrialization, and urbanization.

I wholeheartedly join in this ground swell of support for restoring quality to our polluted environment. In fact, I am delighted to witness the interest of so many groups and individual citizens to these efforts in recent years. My own interest in saving our habitat from gradual deterioration began in 1959 when I joined the "Citizens for a Clean Potomac."

Mr. Speaker, I have supported legislation designed to combat the overall problem while focusing my attention more specifically on the Potomac River.

In April of this year, I addressed the Potomac River Enforcement Conference and at that time called for a multijurisdictional entity which would have the authority to impose antipollution regulations on all the numerous governmental entities which now share responsibility for the Potomac River.

The pollution of our environment is a matter of national concern, and the Federal Government has the obligation to set and enforce the highest standards to control pollution. At the same time, however, the States and communities must play a major role in pollution control because an effective and equitable policy requires that due consideration be given to local needs, desires, and the opinions of the people most directly affected by pollution.

Nevertheless, I am convinced that these multiple agencies and interest groups must be unified and committed to a single policy if they are to be effective in any long-range efforts—and pollution curbs will require long-term planning and action. In the National Capital area I think this objective would be achieved through the proposed Potomac River compact.

On a nationwide scale the vote of this body to create a Council on Environmental Quality also provides a much-needed vortex for antipollution efforts.

To be consistent with this emphasis on unified coordination of pollution efforts, I urge my colleagues to give speedy consideration to the resolution, being reintroduced today by me and several of our colleagues, to establish a standing Committee on the Environment in the House of Representatives.

GENERAL LEAVE TO EXTEND

Mr. BROTZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. ROYBAL). Is there objection to the request of the gentleman from Colorado?

There was no objection.

AN APPEAL FOR NATIONAL UNITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. WOLFF), is recognized for 60 minutes.

(Mr. WOLFF asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, this is the second in a series of what we hope will at some date in the future prove to be an ongoing debate on Vietnam.

Mr. Speaker, while I am addressing myself to the House today I would also like to address this statement to the President. What I have to say about the war in Vietnam and its impact on life here in the United States is, in essence, an appeal for national unity. I make this appeal because I believe that we have the strength to withstand external aggression, but that we face a grave threat of internal disruption. Disunity here at home is the only thing that could ever destroy our country.

We must never become the dis-United States of America.

The President understands this. He struck as his theme upon assuming office the slogan "Bring Us Together." I believe this is what he would like to do. I also believe the President when he says he seeks peace; all responsible Americans want peace, even though we disagree on the best avenue toward this worthy goal. So I support the President's goal of peace.

But are we really moving toward this goal?

Instead of peace in Vietnam, we are promised a Vietnamization of the war. This is more talk of war and even if the South Vietnamese assume a greater share of the fighting our logistical and financial support probably will be required.

So, Mr. Speaker, I offer an alternative to Vietnamization of the war.

I call instead for Americanization of the peace.

Let us be the peacemakers and let us stop letting President Thieu and Vice President Ky perpetuate the war that is their only vehicle to power. The absence of representative government and freedom in South Vietnam has caused the substitution of one form of totalitarianism for another.

They do not represent the people and Ky is a most inappropriate person to be negotiating for peace since his power is built on prolonging the war. The South Vietnamese should remove Ky as the chief South Vietnamese negotiator in Paris, since he is incapable of negotiating to achieve peace.

Returning now to my earlier point, the President wants peace. He himself has said "it is time to end the war in Vietnam." Aside from this general goal which all Americans, except certain extreme elements on both ends of the political spectrum share, the President has told us very little. He tells us he has a plan—a means of achieving peace—but we have seen nothing of this plan.

The issue of how we shall achieve peace is one of which path is best for our country. The answer is not the opinion of a silent majority or a silent minority. What we need are not blind appeals for a policy we cannot understand; rather we need leadership that recognizes how vital peace is to the future of our country.

We cry out, Mr. Speaker, for leadership that understands the terrible divisions in our country and seeks to heal those divisions by ending the war and making the peace.

I would suggest that the President heed the following words from the late President Eisenhower:

> There are those who feel that compromise is an indication of weakness. The fact is that it is a highly useful tool—in some cases the only tool that will do the job. If there are to be solutions, a President must work with others, bend a little this way or that within the limits of his basic principles.

Continuing my quote from President Eisenhower:

> I have never believed that everyone in the opposition is a villain.
>
> Had we taken a stiff-necked attitude we would have accomplished little.

I say to President Nixon—heed these words of your mentor and share them with the Vice President and Attorney General.

To tie these various points together—the time is long past due for us to make the peace, to stop engaging in a futile battle of public opinion polls, to reverse the trend of disunity and to start to bring us together.

So I ask our President the following questions in which the future of our country may rest:

When, Mr. President, will we end the sacrifice of American lives for the sake of the Thieu-Ky regime?

When, Mr. President, will we stop giving precious American resources to autocrats who seek to perpetuate the war?

When, Mr. President, will it be understood that the great divisions in our country cannot be healed until the war is ended?

When, Mr. President, can we reverse the accelerating polarization of the American people so that you can achieve your worthy goal of bringing us together?

When, Mr. President, will it be realized that the cry for peace does not come from one part of our society, but from the hearts of all Americans?

When, Mr. President, will we have the leadership that places the best interests of our country above the well-meant but ill-advised counsel of a small group of individuals?

When, Mr. President, will we stop the hopeless attempt to save face and begin the vital attempt to save lives?

On October 2, I stood in this very spot and explained why I believe we must immediately begin a deliberate, orderly, and complete withdrawal of American troops from Vietnam.

Because my statement of October 2 is as relevant today as it was 6 weeks ago, I include it in the RECORD at this point:

STATEMENT DELIVERED OCTOBER 2, 1969, BY CONGRESSMAN LESTER L. WOLFF

I do wish to emphasize at the outset of this statement that I believe the first responsibility of our government is to provide for our security. For without that security our national ideals and goals are immediately in danger. So I speak, not as a pacifist, but as one who believes firmly in the importance of maintaining adequate defenses to insure our national security.

However, time and again since I took the oath of office almost five years ago, I have felt it my responsibility to speak out against what I regard as our tragic, futile policy in Vietnam. This war, that has taken 40,000 American lives and left 130,000 of our young men maimed and wounded, has been and remains the focus of our attention.

This is appropriate for it is clear that the prolonged war is the principle cause of the sharp divisions among Americans. The war is the single most important reason that our economy is beset by serious inflation, tight money and other dangers. The war has prevented the United States from correcting certain grave domestic problems to which we awakened only in this decade; and even our great country is unable to fight a land war in Asia and, at the same time, address itself to pressing domestic problems.

Despite the problems it has bred, it would be our responsibility to prosecute this war if it was vital to our national interest. But on balance, weighing the enormous costs against what we might possibly gain if all went our way in Vietnam (something that is quite unlikely), on balance, prolonging this war is not in our national interest. In fact, a continuation of the war, with the accompanying loss of American lives and the great drain on our national resources, is clearly contrary to the best interest of the United States.

I am drawn inexorably to the conclusion that we must begin immediately what former Under Secretary of the Air Force Townsend W. Hoopes has called "deliberate, orderly but complete withdrawal" from Vietnam. This total withdrawal must begin now, for as President Nixon said several weeks ago, "The time has come to end this war." The President is correct and I urge him to use the power at his disposal to give true meaning to his words; for it is deeds and not words that will stop the killing of 200 young Americans every week.

We must have an end to the side-stepping that appears to be our current policy. Just as we drifted into this war and the overwhelming American combat role it seems as though the Administration would have us drift out. The consequence of such a policy would be substantial, unnecessary loss of thousands of American lives and protecting our men now in Vietnam must be our first concern.

The withdrawal that I seek, I might add, is not susceptible to any fixed timetable. To establish some far away date for the end of American fighting in Vietnam would probably ensure that we will be involved up until that deadline. Rather than indirectly prolonging the war by picking some future date arbitrarily we should move promptly in the manner suggested by Mr. Hoopes.

Moreover I believe we should, at the same time, propose in Paris an immediate, standstill cease-fire. I have come to believe that the beginning of the end of American combat involvement in Vietnam must start immediately for the following reasons:

There is no reason to give 25 American lives every day to sustain the corruption in a South Vietnamese regime that is more interested in perpetuating its own power and waging war than it is in seeking peace.

Nor is there any reason to suffer the thousands of deaths that will ensue during a fictitious withdrawal such as the one already begun. The slim chance of saving face is not sufficient justification for additional American deaths and casualties.

Even today, more than four years after major escalation was begun, the South Vietnamese have not established a truly democratic government. Some time ago I saw, a glimmer of hope that democracy might be achieved but that glimmer has been extinguished. I shall only cite as a salient example the continued imprisonment of Truong Dinh Dzu, the man who ran second in the Vietnamese national elections, for alleged "treasonous statements"—charges never proven.

The South Vietnamese have provided no substantial moves to undertake their proper responsibility in fighting what is primarily their war.

At the same time some South Vietnamese governmental leaders provide impediments to peace with intransigent or unreasonable demands. I might note here the remarkable assertion last weekend by Vice President Ky in which he proposed to dictate American policy.

There is, here at home, a justifiable anxiety about the war that threatens to aggravate serious, existing differences among the American people.

There is, as has been charged so often of late, a confusion of priorities when we can fight this war, with its fantastic cost of 40,000 lives and more than $100 billion of our resources, while failing to act against more pressing problems here at home. The focus of American interest is blurred; we must attack isolationism, but we must, at the same time, recognize that the primary needs of our own people come first.

Now I know it has been said that those who are critical of American policy should remain silent. I cannot accept this; if freedom of expression is ever to be stifled, then we will have begun to forfeit our greatness. Americans have a responsibility not to be silent about our national problems and national needs, but rather to be honest, vocal and outspoken. Anything less than full freedom of expression would be a contradiction of our creed.

I believe the American errors in Vietnam can be identified in four separate Administrations. It is not, under any circumstances, a partisan issue and nothing is to be gained from futile efforts to place the blame here or there, with this individual or that.

My purpose, and I trust the purpose of all who differ with the evolution of our Vietnam policy, is not to affix blame. Rather I seek to correct the errors of the past and substitute for a failing policy new directions that will extricate us from a war that we cannot justify in terms of its cost to the American people.

The simple truth is that we cannot save face, salvage prestige or aid American interests in any way by permitting this war to continue.

I urge the President, in all good faith and with the conviction that what I propose is what the American people want and need, not to protract our disengagement.

The President seeks, as all Presidents should, the broad support of a majority of the American people. The only way this can be achieved is to begin immediately a reordering of our national priorities by undertaking without further delay the call for a stand-still cease-fire and the "deliberate, orderly but complete withdrawal" of American combat forces from Vietnam.

Since I spoke on October 2 there has been a rush of activity in and out of Congress regarding the war in Vietnam. We all waited with great hopefulness for the President's much heralded speech of November 3. And our hopes were dashed with "more of the same."

Let me interject before going on something that must be carefully understood. I support fully the Office of the President as do almost all Americans. My commitment to our country is such that I hold great respect for the Office. But my commitment to our country is so great that I cannot, in good conscience, blindly support a policy of the President when I believe he is wrong. No man is perfect; the Office of the President does not bestow infallibility upon the holder.

But despite this and despite the vague promises and lack of specifics in the President's November 3 speech, immediate efforts were undertaken in the House to endorse a policy that was never explained to us. Without hearings, without an explanation of terms, without a single witness, the Foreign Affairs Committee favorably reported that resolution that renews the congressional abdication of responsibility in Vietnam. I opposed that favorable report and now include portions of the minority report—which I signed—that accompanied that resolution:

MINORITY VIEWS ON FOREIGN AFFAIRS STATEMENT ON VIETNAM POLICY

We opposed the committee's action to favorably report this resolution on Vietnam both because the committee refused to hold any hearings on the measure and because the meaning of the resolution itself is unclear.

RESOLUTION DOESN'T MENTION WITHDRAWAL

This resolution was introduced on Tuesday, November 4, 1969. Although this resolution was drafted and signatures for the resolution were collected several days before the President's speech on November 3d, its submission to the House on November 4th was widely reported as an endorsement of the policy stated in the President's speech. It is unclear to us whether or not the resolution is designed for that purpose since the reference to the President's position lacks specificity.

Indeed, the main stress of the President's November 3 statement was upon the policy of Vietnamization and the prospect of concomitant withdrawals of U.S. troops. The resolution is silent upon this aspect of the President's statement. An amendment offered in committee to endorse this element of the President's policy was defeated on a 15 to 12 vote with the members of the President's party voting 6 to 4 against that endorsement.

"EFFORTS FOR PEACE"

The resolution states that the House "affirms its support for the President in his efforts to negotiate a just peace in Vietnam." What does this mean? Does the House give carte blanche to President Nixon to do whatever he deems necessary to secure such a "just peace"?

On August 5, 1964, President Johnson told the Congress that our objective was only to see that "the peace and security of the area will be preserved." By the end of that year there were 23,000 troops in Vietnam.

On April 7, 1965, President Johnson said "the only path * * * is the path of peaceful settlement." By the end of 1965 there were 181,392 troops in Vietnam.

On October 25, 1966, the President joined in a communique saying that "our united purpose is peace * * * whether through discussion and negotiation or through reciprocal actions by both sides to reduce the violence." By the end of 1966 there were 389,000 troops in Vietnam.

On March 15, 1967, President Johnson said that "I think we have all reached broad agreement on our basic objectives in Vietnam. First, an honorable peace, that will leave the people of South Vietnam free to fashion their own political and economic institutions without fear of terror or intimidation from the North." By the end of 1967 there were 485,000 troops in Vietnam.

CLARIFYING AMENDMENTS REJECTED

Thus the search for a "just peace" has led to increases in U.S. military involvement in Vietnam. Two amendments to the resolution were offered in committee to avoid such an interpretation: One sought to avoid approval of any enlargement or escalation of involvement in Vietnam, and the other to make clear that this resolution did not afford an independent authorization for the commitment or maintenance of troops in Vietnam. Both amendments were voted down in committee.

FIRST COMMITTEE ACTION SINCE GULF OF TONKIN RESOLUTION

The House Foreign Affairs Committee has taken no action upon Vietnam policy since August 6, 1964, when it voted out the Gulf of Tonkin resolution after 1 day of hearings. Many members today regret the haste with which the Congress acted upon that resolution, for certainly few members understood that it would be later construed by the executive branch as authorization to engage in a massive military effort in Vietnam.

Since 1964 the House Foreign Affairs Committee has held no further hearings on Vietnam in connection with any proposed action by the committee, despite requests that it do so. It is ironic that when the committee, after 5 years, again addresses itself to the Vietnam issue, it does so in a closed session with no public hearings and inadequate time to fully debate a resolution which had been introduced only 48 hours earlier.

VIEWS OF PUBLIC ON VIETNAM HAVE CHANGED

During these 5 years widespread public concern has developed over the war. In part in response to this concern President Johnson in 1968 reversed earlier policy by limiting and then ending the bombing of North Vietnam in an effort to initiate peace talks and move the United States toward disengagement. The House of Representatives played too little a part in that reversal of policy.

Many of us believe that the House through its committees has a deep obligation to the American people to study our Vietnam policies with great care in order to contribute toward the emergence of the wisest possible actions.

NO HEARINGS

Two separate motions for hearings on the resolution were made in the committee: One for 2 days of closed hearings, another for open hearings. Both were defeated.

We concur in the approach expressed by the majority leader in the Senate on the importance of committee consideration. In introducing a modified version of this resolution into the Senate he said:

"I would expect that the committee will consider the text thoroughly, very thoroughly, perhaps * * * as the committee in its wisdom may decide * * * as part of its hearings on Vietnam. It may well be the committee will want to suggest modifications, additions or subtractions."

He went on to say:

"Let me emphasize finally that I would expect the committee to take ample time to consider this resolution in all of its aspects. It is not introduced for purposes of window-dressing or propaganda and, since it is sponsored by the joint leadership, it is not introduced with partisan intent. The day is very late for anything other than the most sober consideration of this question. There is no margin for the misunderstandings of another Tonkin Gulf resolution in terms of the Senate's responsibility and in terms of the urgent need of the Nation for an end to this war."

Because we have heard no testimony about the President's policies and their prospects for leading either toward disengagement or toward prolonged involvement, we declined to vote to report the resolution.

Mr. Speaker, because of our unhappiness with the resolution endorsing blindly the President's Vietnam policy, 28 of us have introduced another resolution that calls for the withdrawal of American forces from Vietnam in a responsible manner consistent with the safety of American troops and Americans held prisoner by the National Liberation Front and North Vietnam. This resolution is totally in accord with our best national interests and deserves the immediate attention of the Foreign Affairs Committee and the full House. I include this resolution in the RECORD at this point:

RESOLUTION

Resolved, That it is the sense of Congress that the United States Forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of United States Forces, (b) secure the release of American prisoners of war, (c) assist any Vietnamese desiring asylum, and (d) enable the United States to make an orderly disposition of its facilities in South Vietnam.

Now, Mr. Speaker, the President obviously is under the greatly mistaken impression that what he has called "the great silent majority" of Americans are satisfied with the slow pace of withdrawal. I believe he is wrong. I believe the American people have reached the point where they will no longer support a policy that is not explained to them; that they will no longer endorse without qualification a prolongation of the war in Vietnam.

But because the public opinion polls on this subject are so contradictory and because the President is obviously not getting accurate information as to the mood of the Nation, I have introduced a resolution calling upon the President to hold a national plebiscite on this most crucial question. I include that resolution in the RECORD at this point.

H. CON. RES. 449

Whereas the estimates of the public sentiment by political leaders, and the findings by the various public opinion polls, with respect to public support for the present policy in Vietnam have proven to be ambiguous and such ambiguity is serving to deepen the public divisiveness on the question of our pursuit of peace in Vietnam; and

Whereas because of the singular importance of the Vietnam question to the course of this Nation's future, it is essential that the Government have an accurate gage with respect to public sentiment in this matter: Now, therefore, be it

Resolved, by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress that measures should be immediately undertaken to hold a national plebiscite (in which individuals aged eighteen or older may vote) in order that the public will be known with respect to the policy to be followed in seeking a just and lasting peace in Vietnam. And that it is the sense of Congress that the phrasing of the propositions to be placed before the voters in the plebiscite shall be determined by a commission of experts in the field of public surveys and analysis in order to insure that objectivity and comprehensiveness is attained.

Mr. Speaker, I cannot emphasize too greatly, at this point, that my position vis-a-vis American policy in Vietnam is not that of one who is either antimilitary or unaware of the need to resist communism. I believe we must maintain adequate defenses to deter war and to protect our national interests. I hold no brief for communism, nor for fascism, nor for any other "ism" but Americanism—the true sprit of freedom and the democratic way of life.

But I do believe continuation of the war in Vietnam is inconsistent with our national interests and that prolonging the war will actually work against the best interests of the United States.

Specifically I am becoming increasingly alarmed at the growing polarization among the American people. This is not merely a generation gap. Nor can it be identified as a split between extremists on the left and right.

Rather we are confronted with a sharp and dangerous division between millions of Americans who incorrectly ascribe varying degrees of patriotism to those who take one or another position on the war. This must not be a test of one's commitment to our country; on the contrary, I believe strongly that with the exception of certain fringe elements at both ends of the political spectrum Americans are equally patriotic but confused about what is really best for our country.

But we are left with the inescapable fact that the continued loss of American lives in Vietnam, the diversion of our resources needed at home to Vietnam and the futile attempt to save face instead of lives will only aggravate the polarization that threatens to do serious and perhaps permanent damage to our country.

There is a solution to this problem—it is tied to my opening comments about providing leadership to bring us together and end the disunity that endangers the very foundations of our society. The President should release a plan—a tentative timetable with appropriate conditions about protecting U.S. forces in the field—that begins immediately the deliberate orderly and complete withdrawal of all American forces from Vietnam. I have never favored timetables; but to withdraw in bits and pieces would compound our earlier error of escalating by bits and pieces.

Our withdrawal schedule should be based on the minimum loss of American lives, the return of all American prisoners and appropriate protection for South Vietnamese nationals who might be the victims of genocide.

Out of deep patriotism and strong feelings that our Nation's promise can be realized, I implore the President to follow this responsible, patriotic, and necessary course of action without further delay.

Yes, Mr. President, you can bring us together. You can be the peacemaker.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 30 minutes.

(Mr. DUNCAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, I have listened to most of the debate in the House of Representatives on the Vietnam issue.

The more I hear, the more I read, and the more I study the remarks of my colleagues who have supported the moratoriums, the more I believe that their position is much closer to that of President Nixon, than it is to that of the leaders of the demonstrations, or moratoriums.

I listened last evening to one of my colleagues, the distinguished gentleman from Montana. He said that he did not advocate an immediate withdrawal from Vietnam, but in his words, recommended a systematic de-Americanization of the war, and that the President should develop an orderly timetable of troop withdrawals contingent on the ability of the Vietnamese forces to assume the duties of prosecuting the war, and, of course, he said, conditioned upon the welfare and safe being of our own troops. This is essentially the plan of President Nixon.

This is not what the sponsors of the demonstrations, and is not what the Mobe, demand. They are demanding an immediate withdrawal.

I have also reviewed the RECORD of the speeches made on the evening of October 14, and I might say that I was present on the occasion. Nowhere in the RECORD, nor did I hear, one of my colleagues advocating an immediate withdrawal, however, an immediate withdrawal is what the Mobe is demanding.

One of our Senate colleagues when pressed as to how he would end the war, said he would end it by a negotiated settlement, or by a mutual withdrawal, or a mutual ceasefire. These methods sound good, but every child knows that Hanoi will not agree to anything. She will not agree to anything as long as we have dissension in this country.

The Vietnam problem cannot be solved by simple answers. However, some of the amateur theorists do offer simple answers which have proven in the past to be just idle talk.

There is no easy way out of Vietnam. We did not get into Vietnam in a well-planned, orderly fashion. President Nixon has had only about 9 months to try to unwind what it took 8 years to tangle into a mess beyond description.

May I say here I am for peace. I know from personal experience the hell and fury of war. No one wants peace more that I. No one wants peace more than the President, who must face this great international problem.

I am not, however, for giving aid and comfort to the enemies of everything we hold dear. It does not take great intelligence to know that actions of the demonstrators and peacemakers in the past have prolonged the war, and such actions can be measured in the lives of American men.

I am strongly of the opinion that the war would have been over 2 or 3 years ago if our own people had not urged Hanoi to hang on by creating dissension in this country.

At this point I would like to read an article by Jack Anderson which appeared in the Washington Post on October 15:

U.S. REVOLUTIONARIES LINKED TO HANOI

(By Jack Anderson)

TOKYO.—For the millions at home who will demonstrate against the Vietnam war today, the intelligence files here contain some facts worth pondering.

This column has examined documentary evidence that a few rabid revolutionaries who seek to dominate the anti-war movement in the United States are receiving instructions from Hanoi. They aren't against war at all; they merely are on the enemy's side.

Indeed, their aim is to stir up new "wars of liberation," including guerrilla warfare in the streets of America, to advance the Communist cause. Their immediate instructions are to agitate in the United States for an unconditional withdrawal from Vietnam.

In retrospect, I believe it was a mistake for the U.S. to plunge into the Vietnam conflagration. This remote patch of jungle simply hasn't been worth the price in American blood and treasure.

But those who are in a big rush to write off 38 887 American war dead and $81,407.000,000 of the taxpayers' money should consider the French experience. The French pullout of North Vietnam 15 years ago precipitated a Communist slaughter that hadn't been duplicated since the mad days of Adolph Hitler.

Too hasty abandonment of South Vietnam likewise might produce another bloodbath. Yet the Hanoi-directed militants, according to intelligence documents, are striving to turn the antiwar protest into a national demand for "quick and complete withdrawal of U.S. troops from South Vietnam."

Possibly to avoid treason charges, the American militants are not in direct touch with the Hanoi government. Most contacts, apparently, have been kept on a friend-to-friend or organization-to-organization basis.

The Hanoi-controlled South Vietnam Liberation Students' Union for example, maintains an underground liaison with U.S. leaders of the Students for a Democratic Society and the Students' Committee for the end of the Vietnam War.

On the eve of the Vietnam Moratorium, Tran Buu Kiem, the Students' Union chairman and former chief Vietcong delegate in Paris, wrote a letter to his American disciples urging "the active and massive participation of the American youths and students in this fall struggle movement."

HANOI LETTER

The letter, dated Oct. 6, called for a prompt American pull-out from Vietnam. Kiem contended that the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam.

"Your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pull-out, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it . . .

"If Mr. Nixon, sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency," the Kiem letter continued, "there is no other way than to respond to the 10-point solution of the Republic of South Vietnam's provisional revolutionary government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing any conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs.

"You are entering a new seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success in this fall struggle phase."

INTELLIGENCE REPORT

Another intelligence document, made available to this column, casts a revealing light on the North Korean role in stirring up opposition to the constitutional amendment, which will determine the future of South Korea. A national referendum will be held Friday to determine whether South Korea's bantam President Chung Hee Park can run for a third term.

"In connection with the constitutional amendment," declares the intelligence analysis, "the Pyongyang regime is trying to arouse popular views adverse to the constitutional amendment in an effort to create political chaos in the Republic of Korea. The Pyongyang regime is concentrating all efforts on its psychological warfare to encourage the recalcitrant elements in the South."

The attempt to extend President Park's rule for another term has been described, even in the Western press, as undemocratic. The truth is that the Park government has adhered scrupulously to the democratic processes.

Once the referendum is decided by popular vote on Friday, South Korea's troubles may merely be beginning. The intelligence document estimates that North Korea will intensify its efforts to subvert South Korea next year, thus "taking advantage of the possible political chaos in the ROK during the 1971 election."

Mr. Speaker, I have received several letters from constituents of mine who have given their sons for the cause of freedom. I have also read many letters inserted in the RECORD by my colleagues. All of these letters in sum and substance say we resent these long-haired demonstrators desecrating the names of their sons or husbands, as the case may be. We all read with regret where mothers and fathers came to Washington to request these people to not use the names of their sons.

Mr. Speaker, I prefer to follow our President, and take his advice in preference to that of Mitch Miller and some of my colleagues who know nothing whatsoever about war, military strategy, or, might I say, how to secure peace.

At this point, I would like to insert a letter and an article from the American Security Council's Washington Report:

OCTOBER 14, 1969.

Congressman JOHN J. DUNCAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DUNCAN: I do not know if other mothers have written their government to express their feelings and ask the questions I am asking. Perhaps I am just one of many.

It will, no doubt, be quite a surprise to some that parents can be confused. There also comes a time when they can no longer remain silent.

We have an article dated Sept. 19 which states that the names of the Americans killed in Vietnam were to be deposited in a casket in November in Washington.

My husband and I resent this. We do *not* want our son's name used. We feel we have every right to ask the government's help. How much more are the parents supposed to take? Was not the loss of our son enough? The very thought of this action taking place has truly upset us.

We lost our son Aug. 8, 1966. It does not seem possible that our son is gone. I keep hoping that it was a mistake and that our son will come home altho I have been told there was no mistake.

Our son was in Korea at the time he volunteered to go to Vietnam. While home on leave he told me he was an American soldier, he owed it to his Country and government and that it was his wish that all little boys growing up now would never be in uniform.

It is obvious that we have in our government those that feel that our sons are no less than animals and feel no responsibility where they are concerned except to use them politically.

When men in our government have their names called at the Paris peace table and Hanoi speaks openly of the help given them, as well as others you see on TV and read about, one can hardly keep from wondering where free speech stops and treason starts.

Every American who has ever served in Vietnam and those who are there now had every right to expect their government to be behind them. After all, who is responsible for them being there? Certainly not the Pentagon. I truly feel that this shows how little value has been placed on our sons' lives. Or is it only who dies that is important?

I can only ask where were these men when the first fighting troops were sent to Vietnam?

Where were they February, 1962 when Senator Robert Kennedy was in Saigon and said, "We are going to win this war in Vietnam. We will remain until we do win."

Isn't it true that it was *not* President Johnson who broke away from the Truman-Eisenhower policy?

Is it true that the statement was made, after the troops were sent to Vietnam, that it would show Khrushchev we meant business?

President Eisenhower's remark about "Military Complex" was brought up, but was his remark about the Communists or the one that *no* politician could conduct a war. Isn't it true he would *not* endorse sending the fighting troops to Vietnam?

The pressure was put on President Johnson to halt the bombing. Then we were told they would talk seriously about peace. Our sons died.

Has Hanoi ever shown any signs of wanting to stop fighting or to agree on anything that has been suggested?

If this is a civil war, as some say, why do they have troops in Laos? Why is there fighting there? Isn't it true that Hanoi does not tell its own people the truth? That they have wounded troops in Laos to keep them from being seen?

Isn't it true that they did not keep the agreement made with the French on withdrawing all Red forces north of the 17th parallel? Didn't they refuse an "on site" inspection and hid their weapons of war? Isn't it true that Canadian observers said the Reds murdered 11,500 South Vietnamese, these by terror?

In 1961 the Communists had a full-blown offensive mounted against Laos. Isn't it true that President Kennedy announced that he would *never* permit a Red dominated Laos?

At the time of the Pueblo affair there were those who instead of discussing the true seriousness of it used to slap our country around and did not show any concern for the men. This also included the men lost on the plane and those in North Korea at the present time. How many Americans have been killed by the North Koreans altho there isn't much said about it?

How many men have died and how many times has the military been blamed for political mistakes?

I have an article, very small, which says, "Russia assures Washington that although it will build a base for its missile firing nuclear submarines no missiles will be stored on Cuban soil. None will be in Cuban hands." How much is truly known about what Cuba does have? What will the Americans have to pay for the advice given President Kennedy?

And for those who only think of money, remember the cost of the Bay of Pigs?

I can't remember how many times I've heard men in our government talk about the cost of the Vietnam war—money-wise—and never mention the loss of our sons, the injured, the prisoners of war, or the ones lucky enough to live through the hell.

Because money came first with them, I will ask them to do this—think about how much your children mean to you, money-wise, now multiply it by 40,000.

I've heard the remarks made that some volunteers had done so for the extra money. This will, no doubt, come as a surprise. To get home from Korea before going to Vietnam, our son had to pay his own way. I have the papers, the cost was $627.00. This he was paying off at so much a month. His duffel bag was lost on the way to Vietnam; he was never paid for it. We sent him the things he asked for. He also asked me to send him a gun cleaning outfit, which I did. I wrote the airline, after our son's death, to see if his duffel bag had been found. I wanted his things back in his room. I was informed it had not been found.

Why do we hear the phrase "American barbarism." Yet silence prevails at the barbarism of the enemy. Perhaps these bleeding hearts do *not* feel that what happens to our sons could be called barbarism. Yet you see and read about them upholding everything in the book, here at home.

We hear so much about "moral obligation," but where is it where our fighting men are concerned? Could it be that they expect our sons to salute them and say, "Oh, wonderful ones, we who are about to die, salute you."

How many of them have had or have at the present time sons fighting in Vietnam?

XUM

I heard the Vietnam war called "poor man's war." Our three sons and son-in-law were volunteers for the military service, but who can ignore the unfairness of the draft. When our government asks young men to put their lives on the line it has no right to play God and say you fight and die because of their financial situation. The draft should include all. Now we hear that we should have all volunteers. Would the situation be the same? By this I mean, those that can't get jobs, etc? Wouldn't it still be more of the same—the haves and the have nots?

We heard the words, "I'm sorry" by one in regard to the Gulf of Tonkin agreement. I think it is a condition rather than an expression of regret.

How many laws are passed by our government which they do not consider includes "me" and "mine?" Or has it become the "used" and the "users?" I saw my husband go through hell before, at the time our son was in Vietnam and our youngest in Italy and after our son's death, and only God knows how many Americans found themselves in the same position, I wrote to Washington in 1965 and 1966. Our son died without knowing the truth. Our state could not be blamed.

How many known Communists are there in our Country? Isn't it true they can even work in our defense plants? Yet our sons died thousands of miles from home fighting them.

I think hundreds of our sons would be alive today if military decisions had not been ignored. The "arm chair generals" made the decisions. Yet some of the loudest critics were in on the "ground floor." Perhaps they thought that because they had not declared it a "war" they could change their minds. But wasn't it too late? Let them tell the dead and injured, not only of Vietnam but also of Korea, that it wasn't a war. I have heard that they do not receive full benefits because it wasn't a "declared" war. Is this true?

But how quick they are to criticize President Johnson, President Nixon, the military or any one else that doesn't agree with them. Or isn't it just to make themselves look good in the public eye and to "cover up" their poor decisions?

These great humanitarians at home with the blood of our sons on their hands. Why should the Reds talk about peace? It gives you plenty to think about, your son fighting thousands of miles from home and the enemy being given encouragement by his own countrymen. What about our sons' rights? How can those in our government censor a member over money and not ask questions about the aid and comfort given North Vietnam?

My last two questions are: When is murder a murder? Will all the little boys, growing up now, be in uniform?

Sincerely,

s/Mrs. F. J. Sherrod.

[From the Washington Report, Oct. 21, 1969]

Mobilization for Surrender

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4-5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among these persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall anti-war action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I am glad to yield to the gentleman.

Mr. WOLFF. Mr. Speaker, I want to thank the gentleman for his statement here tonight. At least it gives us some balance in our discussions, and that basically is the reason why I originally started the program of continuing debate on Vietnam for an hour each evening.

There are one or two points I would like to make, and I wonder if the gentleman would engage with me in a colloquy.

Mr. DUNCAN. I will be very glad to try to.

Mr. WOLFF. The gentleman said something about the fact that this war could have been over 2 or 3 years ago if there had not been demonstrations. In other words, to let the North Vietnamese feel that as long as they held out they would be able to achieve their ultimate goal or aim of taking over Vietnam.

How do you account for the Tet offensive? The Tet offensive took place last year. The North Vietnamese, and the VC were able to mount a very substantial offensive at that time showing great strength. However, even in view of whatever military action is mounted, our President has indicated that we do not seek any longer a military victory in Vietnam.

I did not march on the streets in the mobilization. But I do feel it is incumbent upon us as Members of the Congress to see to it that people who do want to speak do get the opportunity of speaking, and that people who feel differently than some of us may feel do have the opportunity of stating their different points of view.

I would say that I certainly do not want to write off the boys who have died in this war, not one single young American. I do not want to write off the $100 billion that we have spent. But would the gentleman in the well tell us how many more lives we have to spend and how many more dollars we have to spend? We have been there for 4 years since our major involvement began. If the Vietnamese have not been able to take over this war up to now, when will they do it?

Mr. DUNCAN. The gentleman has asked several questions. As the gentleman knows, the Tet offensive of last year was not a successful offensive. As long as 18 months ago, or perhaps a little longer than that, I think you know that the railroads were down, their mines were operating at 50 percent, their airports and everything else, until we pulled off the bombing.

The gentleman has asked how many more men can we spare? I do not say that we can spare a single man. But I do say that as long as we have one man in Vietnam who has been sent there by his Government, largely against his own wishes, then I say that we owe him every measure of protection that this country can give him, and that includes not aiding the enemy by causing dissension in this country.

Mr. WOLFF. I agree with the gentleman that we ought to give these men protection. I do want to protect every one of those kids who are over there.

By the same token, with the policy that we have now embarked upon of withdrawing all our combat forces leaving some 200,000 support troops, how do you feel about the idea of keeping those 200,000 support troops in Vietnam, with their only protection that which the ARVN would provide?

Mr. DUNCAN. I do not know how many men we shall leave in there and whether there will be support troops, none at all, 200,000 or 100,000. I would anticipate that the great number of those would be largely volunteer soldiers.

I believe that President Nixon's plan is the only one that will work. That is exactly what the gentleman has recommended and my other colleagues—the de-Americanization of the war. Some of you have asked for a timetable, a definite date. I think it would be very foolish to provide such a timetable.

Mr. WOLFF. One element all of us are looking for is some delineation of a plan. Unfortunately, we are asked to support in blind faith. This is one of the great problems. I believe the American people would support a plan if it were offered. But, unfortunately, no plan has been offered except vague generalities.

Mr. DUNCAN. I do not think it takes a great deal of intelligence to know that President Nixon's plan is certainly different from that of President Johnson's.

Mr. WOLFF. How is it different?

Mr. DUNCAN. The men have started coming back home.

Mr. WOLFF. They had started coming

back home when President Johnson was in office.

Mr. DUNCAN. They have a crash program on for the training of South Vietnamese now that we did not have under President Johnson.

Mr. WOLFF. We have unsuccessfully tried to train the South Vietnam for 4 years. I have been there six times in that period.

Mr. DUNCAN. It was not the same type of training. I have been there, also.

Mr. WOLFF. Do you believe that we can depend on the South Vietnamese in the present circumstances?

Mr. DUNCAN. We did not train them because Secretary McNamara kept thinking we would be out of the war soon. If you can train an American lad in 6 months to go over to defend the homeland of another, I say that we can train them, and we are doing so now.

Mr. WOLFF. On the basis of reports I have had from Vietnam and from what I have seen in the field, those who were supposed to provide security for our forces were found to be some place else other than in the position in which they were supposed to be.

As for the training of the South Vietnamese, I do think that basically what we are looking for, what all of us are looking for, is peace and not perpetuation of the war. We do not need a Vietnamization of the war; we need an Americanization of the peace.

Mr. DUNCAN. I thank the gentleman for his participation.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Montana.

Mr. OLSEN. I wish to compliment the gentleman from Tennessee on his statement. There is great agreement between himself and myself. We certainly must protect the people that we have committed to Vietnam or any other place. I join wholeheartedly and I wish to assure him that, for my part, I feel that we should support the people's President because he is the people's President in his policies. The other thing that I have in mind is that he is entitled to my advice when I do not agree with him.

He is entitled to my advice when I want to spur him on.

Mr. DUNCAN. Absolutely.

Mr. OLSEN. That is my position. I do not think he should have to reveal his particular plan for how he will and when he will bring the troops of America home. I only want to urge him to do it as soon as it is practicable and safe for those men. I think that he has to do it rather unilaterally with respect to the South Vietnamese. He has to tell them they are going to take this thing over. We have done more for them than any nation has ever done for any other nation in the history of the world. So we are not very far apart.

Mr. DUNCAN. No, sir.

Mr. OLSEN. And I appreciate the gentleman taking the time today. I hope we will be able to keep this dialog going, as the gentleman from New York (Mr. WOLFF) says. This is a very healthy thing for America. Within the bounds of supporting our great Republic, I think we should take time on this floor to discuss the policies and give sound advice as well as support to the people's President.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Montana for his participation.

U.S. SANCTIONS AGAINST RHODESIA

(Mr. FULTON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Pennsylvania. Mr. Speaker, U.S. sanctions against Rhodesia were imposed by Executive order without action or approval by the Congress, with penalties of fines up to $10,000 and prison terms up to 10 years, blocking even U.S. importation of chrome mined and refined by U.S. citizens and U.S. corporations in Rhodesia.

Mr. Speaker, during the amendment stage of the U.S. foreign aid bill, I give notice of an amendment to H.R. 11792 to be offered by the gentleman from Pennsylvania (Mr. FULTON) as follows:

Page 60, line 21, insert "(a)" after "SEC. 5.".

Page 60, after line 25, insert the following:

"(b) Section 647 of such chapter 3 is amended to read as follows:

"SEC. 647. DEPENDABLE FUEL AND RAW MATERIAL SUPPLY.—It is of paramount importance that long-range economic plans that cognizance of the need for a dependable supply of fuels and raw materials which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels and raw materials available in the free world. In furthering this policy, after the date of enactment of this Act, no prohibition may be imposed or continued against any nation in the supplying of fuels and raw materials, without the express approval of Congress.' "

Mr. Speaker, I read now into the RECORD the excellent statement of Dean Acheson against U.S. economic sanctions being imposed on free world countries, which was delivered before the Subcommittee on Africa, Committee on Foreign Affairs, House of Representatives, November 19, 1969:

STATEMENT OF DEAN ACHESON

The question whether Britain should, and on what terms might, grant independence to Rhodesia misses the essential operational reality. Britain had no power, and has no power, to grant or withhold Rhodesian independence. Rhodesia's independence of Britain is an established fact.

The dispute between Rhodesia and Britain focused on procedure for amending certain items in the Rhodesian constitution. The British official mind became befuddled by the concept of Parliament's supremacy. That idea has operational reality for the United Kingdom itself, where the instruments of administration are subject to Parliament's control. In view of Parliament's lack of leverage concerning the civil service, the courts, the police, the armed forces, the budget, revenue, commerce, or what not in Rhodesia, the idea of parliamentary supremacy projected to that land was an empty abstraction.

Rhodesia moved in 1965 to bring technicalities into line with operational realities by assuming full custody of its own constitution. It employed a power manifestly at its disposal, irrespective of the London government's acquiescence or objection. The action did not create the fact. It only registered the fact.

The British government invoked a parliamentary enactment which purportedly conveyed to it plenary powers to deal with the situation. It issued an Order-in-Council. That document purportedly abolished the governing structure in Rhodesia, assigned absolute control to the government in London, reduced Rhodesia to the status of a Crown Colony (which it has never been), and made the British-appointed figurehead governor in Salisbury a surrogate overlord of the land.

The provisions were fictitious. A more bizarre instance of fantasy decked out in trappings of law can scarcely be imagined.

To determine the pattern of rulership in another country requires conquering it. The British had neither appetite nor capabilities for doing anything of the sort. Nothing was farther from Prime Minister Harold Wilson's resourceful imagination than the intention to invade, to subjugate, to pacify, and to run Rhodesia.

International sanctions were what the British counted on to bail their policy out of bankruptcy. Wholesale commercial restrictions were to be a substitute for the war which the British lacked heart and means to fight.

We live in curious times. The British found the United Nations Security Council in a mood to be gulled. Chorusing anti-colonial cliches, assorted governments vowed to help Britain reduce a self-governing territory to Crown Colony status. British misrepresentations of the background and British misinformation about the prospects were accepted without question. When it came to a matter of declaring Rhodesia to constitute a threat to the peace, so as to rationalize application of mandatory sanctions under Article 41 of the Charter, the step was taken without the adducing of a scintilla of corroboratory evidence.

The actions which have been taken are, of course, in derogation of the Charter itself. The powers authorized by Chapter VII have been invoked not for the proper purpose of preserving peace but for doing something expressly forbidden by paragraph 7 of Article 2 of the Charter, which states that the United Nations is to keep hands off matters essentially within the domestic jurisdiction of states.

The idea of using commercial restrictions as a substitute for war in getting control over somebody else's country is a persistent and mischievous superstition in the conduct of international affairs. As in other instances, it has proved delusory in the Rhodesian case.

The results, all contraproductive, have been to encourage the British in impeding a settlement with Rhodesia by insisting on untenable conditions, to solidify the Rhodesian electorate's support of the regime, to push Rhodesia sharply rightward in political outlook, to slow up economic progress for the Rhodesian blacks, and to make the United States improvidently dependent on the Soviet Union for chromite.

In view of the manifest failure of economic sanctions, the question for this government now concerns next steps.

One theoretic possibility is a resort to direct hostilities under Article 42 of the Charter, as urged by some black African governments.

That course seems to me to be absolutely out of the question. Britain has no will or means for such a venture. I cannot imagine this government's letting itself get involved in hostilities certain to encompass all of Southern Africa—a multifarious remote, difficult area equal to a dozen Californians in size. To blunder into war in Southern Africa would have a divisive effect on our society measurelessly greater than Viet Nam has had.

An alternate idea is to extend sanctions to all Southern Africa. That is a scheme for redeeming folly by compounding it. Even if our government were to take leave of its senses and go along in such an undertaking, the British, I am sure, could be counted on to veto it. They are not about to cut off their lucrative trade with South Africa. In this respect at least, they have not lost perspective about means and ends.

What else? A few souls, reflecting little familiarity and no competence regarding what they are talking about, have urged invocation of Section 5(b) of the Trading-with-the-Enemy Act, as amended, or some other and hypothetical Act of Congress, with undefined provisions, as a measure for what they paradoxically call disengagement from Southern Africa. The only sure calculable result would be to provide a golden opportunity for capital from other countries, including especially South Africa, to take over extensive American corporate properties, operations, and markets at distress prices.

I do not see any way, just as I do not see any reason, for pressing further into the bog to which British folly, abetted by our own improvidence, has brought us.

I have seen three sorts of arguments on behalf of continuing sanctions. None of them strikes me as having even a shadow of validity.

The first such argument rests on a concept germane to public relations rather than to foreign policy soundly considered. Its gist is that persistence will garner moral credits for us among black African governments.

I reject any argument for persisting in folly in hope of applause. In this instance I think the argument is downright patronizing. It rests on a premise that other governments can be fobbed off with tokenism. Some of the black African governments have discerned the sterilility of sanctions all along and insisted that war would be necessary if the purpose of redesigning the government in Rhodesia were to be realized. If we are not willing to go down that avenue—and I am devoutly hopeful and substantially sure that we are not—then the dignified course is to tell the black African governments concerned that they saw the matter correctly at the outset; that for manifest good reasons we are not of a will to take the steps necessary to the purpose; that the folly of economic hostilities under a guise of preserving peace has proved folly enough; that we are not in a mood to go as far as the ultimate foolishness of making war in the name of avoiding it; that, in reason, we must abandon a purpose that is beyond our jurisdiction anyway.

The second sort of argument for persisting in sanctions is a hope that somehow, in some unascertainable future through developments not now foreseeable, sanctions may produce deterioration of conditions to a point where Rhodesia's blacks will be incited to rise up against the regime and thus ignite war in Southern Africa. In hope of inducing the tragedy of war, this argument would have us cling to a policy orginated ostensibly for the purpose of avoiding war. A more corrupted logic is hard to imagine.

The third argument for going on and on with sanctions is one uttered by a British government spokesman at a meeting of the United Nations Trusteeship Committee two weeks ago. While sanctions have proved inefficacious for the purpose of forcing the Rhodesian government to submit to being redesigned by others, they have had, according to his version, very important side effects in other directions in that they have denied Rhodesia the degree of economic development and outside capital investment necessary to the territory's economy if it is not to stagnate. So long as sanctions are maintained, Rhodesia's economy will never attain buoyancy. Thus he argued.

The predicton is at variance with observable trends. As its worst aspect, however, the argument is based not on principle but on malice. Sanctions, ostensibly designed for preserving peace, become a method of waging a mean war on prosperity. Impoverishment becomes a goal for international collaboration. The ethic of vengeance takes charge. One feels a touch of pity for the abjectness to which an old ally's policy has come. If we cannot dissuade the British from so shabby a goal, at least we should not feel impelled to accompany them further.

The question is how to get out of sanctions. We can and should do so by unilateral action if necessary, as well it may be.

One trouble is that the Charter does not take into account the eventuality of sanctions' coming a cropper. Neither does the United Nations Participation Act. Back at the time of their origin, almost a quarter century ago, it simply was not foreseen that Chapter VII would ever be invoked with such disregard for principles and practicality as we see in the Rhodesian instance.

It would be unwise and unnecessary to hold that the United States can extricate itself from sanctions only by the procedure by which it entered—to wit, by a vote of the Security Council susceptible of veto by any one of the Permanent Members. (I can scarcely imagine that the Soviet Union would fail to veto an action designed to free us from the predicament which we are in with respect to the availability and pricing of chromite ore.) My own belief is that the residual power remains with the United States, and rests specifically with the President, to determine whether and when an action under Chapter VII has failed and thereupon to declare an end to our obligation to continue the action.

I understand that the continued presence of the U.S. consular establishment in Salisbury is a matter of concern to the Subcommittee in view of the prospective proclamation of a Rhodesian republic. The allegation is that failure to close the consulate might be construed as a weakening of resolve to maintain sanctions and even as a prefigurement of eventual diplomatic recognition.

I do not see either of these results as a necessary corollary of keeping open the consulate. If the conclusion were otherwise, however, I would ask: So what?

It is high time to get the folly of sanctions over and done with.

As for the question of eventual recognition, I am content to leave the matter where the Constitution puts it—in the President's discretion, subject to coordination with the Senate serving as a sort of council of state.

On September 25, 1969, the Senate acted on Senate Resolution 205, introduced by Senators Cranston and Aiken. Its gist is: "That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not imply that the United States necessarily approves of the form, idealogy, or policy of that government." The yeas were 77. The nays were 3. I call that an impressive majority.

At the Senate Foreign Relations Committee's hearing on June 17, 1969, on Senate Resolution 205, Mr. George H. Aldrich, Acting Legal Adviser of the Department of State, appearing in support of the resolution, said, "The proposed resolution reflects the established position of the United States that recognition of a foreign government does not imply approval of that government's domestic policies or the means by which it came to power."

Good! The Executive also goes along in what I regard as a sound approach.

The proper source of advice is the Senate, and it has spoken. The Executive branch appears to concur. Without venturing a specific prediction, I think I see signs of the end of an error.

BLOUNT'S FOLLY

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I was shocked to read the folly of the statement of our Postmaster General in a recent speech he made before the Universal Postal Union, in the audience of which were representatives of most of the nations of the world.

An account of this statement appeared in the Washington Post on Sunday, November 16, and many other leading papers throughout the country. The first two paragraphs read as follows:

> Japanese letter sorters can work almost as fast as U.S. machines because unlike Americans, "the Japanese haven't forgotten how to work," Postmaster General Winton M. Blount recently told a news conference here.
>
> The head of the U.S. postal system said he had not been through the Japanese post office yet but had learned that a manual sorter here can handle 3,000 letters an hour. "The machines we have are designed to do only 3,600 letters an hour," he said.

It is apparent to me, and I am sure it will be to many of my colleagues, that a man who has such a low opinion of American labor is hardly qualified to be the Postmaster General of this great Nation. After all the derogatory statements of the efficiency of postal workers on the part of postal officials, I am surprised there is any loyalty to the postal service on the part of the 360,000 postal clerks of our system.

Mr. Speaker, I would first like to point out that this is a qualitative thing. The Postmaster General neglected to mention the fact that in manual sorting the reach of most workers—and I do not imagine the arms of the Japanese workers are longer than those of the American postal clerks—prevents sortation beyond a case containing 49 bins. In some sortations, the number of bins in a case reach to 77.

But the machines of which the Postmaster General speaks attain an in-depth sortation of 277 holes. This means, Mr. Speaker, that once a sortation is made by a machine it eliminates the necessity for secondary, tertiary—and in many cases even the need for a fourth sortation.

I would further like to point out that it has been empirically proven in postal work that it is nigh impossible for the letter sorter's mind to remember more than a 190-bin capacity. Again I point up the importance of the machine's capacity of 277 holes.

Mr. Speaker, it is all the more apparent to me that such pronouncements by the Postmaster General can only weaken his proposition for a postal corporation. Obviously, he intends to remove the civil service status protection of the postal workers.

If the Postmaster General has his corporation, if "politics" are removed from the Department, and if the dedicated postal workers lose civil service status, what would postal reform amount to?

Would it be a return to the sweatshop era? Would it be a return to an era where management held all the trump cards and the workers had to meet an almost impossible piece rate schedule in order to earn a meager living?

Mr. Speaker, I for one do not think the American labor force has forgotten how to work. I do believe American workmen have learned that there is a certain dignity of humankind and that these workers never again intend that our economy return to the day of slavery or the indentured servant—to a day when men dropped from exhaustion at their work.

Unfortunately, it has always been in the history of the Post Office that the administration has discouraged better wages, comparability, if you will, with the rest of the American work force. It has always been in the history of the Post Office that the letter carriers and clerks were denied wage increases comparable to those gained by private industry for similar work. And since the inception of the cost-of-living index the letter carriers and clerks have always lagged behind 18 months or 2 years in attaining wage increases that would make their wages comparable to those on similar jobs in private industry.

I submit that if these carriers and clerks had not been able to appeal to their elected representatives in Congress, they would have fallen even farther behind the cost-of-living index.

Mr. Speaker, the Postmaster General's statement in Tokyo leads me to once again plead with my colleagues to give their attention to the current pay raise bill, H.R. 13000, which has been passed by this body and sent to our colleagues in the Senate.

I am most especially concerned about that portion of the bill which would give the postal workers a 5.4-percent increase. This would increase their wages to the point where they would catch up to the cost-of-living index as of May 31 of this almost past year. And, nearly 6 months have already elapsed since that date. Soon the postal workers will be 2 years behind the BLS's figures on the cost-of-living index.

Actually, I get the feeling the present management of the Post Office is, through deliberate mismanagement, attempting to prove its case for the need of the Postal Corporation.

Unfortunately, the justification for the corporation concept seems to be based on derogatory attacks and smears on the ability and record of our dedicated postal workers. I frankly would shudder, Mr. Speaker, if our 750,000 postal workers suddenly did "forget how to work." I fear our cities would soon be so stacked with mountains of letters and parcels that all the bulldozers, cats, power shovels, and earth movers of the Blount Construction Co. would be required just to clear the streets for daily traffic.

Mr. Speaker, I submit that Mr. Blount better say a prayer tonight that 750,000 postal workers do not "forget how to work."

In conclusion, Mr. Speaker, in talking with my good friend, Patrick Nilan, the legislative director of the United Federation of Postal Clerks, he had this to say regarding Mr. Blount's speech at the Universal Postal Union:

> The Postmaster is apparently in his last ditch effort to resurrect his ill-advised and ill-conceived corporation plan, which Congress to date has refused to buy. Now in desperation he has seen fit to attack and degrade the American postal clerk without personally verifying on-the-spot distribution of mail by a Japanese postal clerk.
>
> If the Postmaster General will testify under oath that he personally watched a Japanese postal clerk achieve this work record of 3,000 an hour over an eight-hour day, we will accept his word for it. Otherwise, we will have to conclude that someone pulled the "honorable wool" over his eyes.

THE 476TH ANNIVERSARY OF DISCOVERY OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. FARBSTEIN) for 60 minutes.

Mr. FARBSTEIN. Mr. Speaker, recognizing that today, November 19, the date of the discovery of the island of Puerto Rico, and desiring that the students of Puerto Rican descent presently attending the public schools in the 19th Congressional District of New York, which I have the honor to represent, celebrate that fact with proper ceremonies, I have sent the following greeting to the principals of each of the schools in my district. I have suggested that assemblies be held to commemorate this date.

The greeting follows:

> Four hundred and seventy six years ago today (November 19, 1493), a year after his first great voyage to the New World, Christopher Columbus discovered the island of Puerto Rico. Just fifteen years later, the first Spanish settlement was established on the island, under the leadership of the discoverer of Florida, Ponce de Leon. So from the very beginning, the story of Puerto Rico has been closely associated with both Europe and mainland America, prophetic of her special relationship in later history to both the United States and the Hispanic culture of Latin America.
>
> It is my privilege and pleasure, sharing in the celebration of this occasion, to extend warmest greetings and good wishes to my fellow citizens of Puerto Rican birth or descent. America is a nation of many national, ethnic, and religious communities, each rightly proud of its own distinctive contribution to the life of our country. A major element in this rich tapestry of peoples is our great Spanish-speaking community, and especially those who come to our shores from Puerto Rico in increasing numbers, strengthening our common National heritage of unity in diversity. The people of Puerto Rico have brought to this land distinctive gifts of song, of dance, of grace, and of beauty, part of that larger culture shared by our Latin American friends and neighbors.
>
> It has been well said that our schools are the hope of democracy for it is there that the values and ideals of our society are transmitted, deepened, and refined by experience and knowledge alike. The challenging tasks of the future rest with you, the students and teachers of America—the building of a just and lasting peace, the overcoming of every form of prejudice and discrimination, the securing of equality of right and of opportunity for all. As we remember the dramatic story of Columbus and his momentous discovery, so may we dedicate ourselves anew to the fulfillment of the American faith in the freedom and dignity of every man. So may the people of Puerto Rico, proud of their great heritage and hopeful for the future, play their rightful part in the ongoing story of America.

WHY THE POTATO BILL GOT MASHED

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Illinois (Mr. FINDLEY) for 5 minutes.

Mr. FINDLEY. Mr. Speaker, my topic is mashed pototoes—more specifically, "The potato bill that got mashed, and why."

Last Wednesday the House of Representatives took up H.R. 2777, entitled the Potato Research and Promotion Act. It was designed to authorize the Secretary of Agriculture, under certain conditions, to establish a National Potato Promotion Board, and to authorize a checkoff of a penny per hundredweight against commercial producers to pay promotion and research costs.

Under the bill as it came to the floor, the U.S. Treasury would pay the annual administrative costs of the program, estimated at $80,000, plus the referendum cost, estimated at $325,000. In Washington that kind of money is really just peanuts, not even small potatoes.

It came to the floor under suspicious circumstances. It had the support of the Secretary of Agriculture and the Department he heads. It was reported favorably, 15 to 6, by the House Committee on Agriculture. Potato growers generally seemed well pleased with it.

The only organized opposition came from the Farm Bureau. I received critical letters from the American Farm Bureau Federation and the Illinois Agricultural Association, and I am sure similar letters went to my colleagues.

Attendance on the House floor was lighter than usual. At one point during debate I demanded a quorum call in an effort to get a few extra bodies on the floor to hear what was going on, and hopefully to pick up some support for a couple of amendments I had in mind.

The debate revolved partly around an amendment I offered which would require that the checkoff amounts would be large enough to cover administrative expenses and the cost of a successful referendum, as well as the direct promotion costs of potato advertising. This was in the nature of a substitute for an amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) which dealt only with administrative expense.

My point was that producers should pay all costs arising from the establishment and operation of what was mainly product advertising. I objected to Federal subsidy of this advertising, feeling that those served should foot the whole bill. It was a self-help, self-financing amendment, pure and simple.

My amendment carried, first on a voice vote, then on a 55 to 35 standing vote, and finally on a 58 to 48 teller vote.

While my amendment did not exactly make the bill perfect, by putting the promotion on a self-financing basis, the bill was so significantly improved that I was convinced that with the support that brought the original proposal to the floor, the amended version would breeze through on the final passage vote.

Then something funny—or perhaps better stated, unfunny—happened on the way to the rollcall.

The potato bill got mashed. Despite the fact that my amendment gained several extra votes for the bill it came out well-whipped potatoes, losing 171 to 198.

Why?

At first glance the defeat would seem a major victory for the Farm Bureau. Could it be said that single-handedly the Farm Bureau took on the combined forces of the Department of Agriculture and the House Committee on Agriculture and clobbered a farm bill?

Undoubtedly Farm Bureau opposition had its effect. Farm Bureau has a reputation on Capitol Hill, and is especially influential in conservative circles.

Secretary Hardin and his staff would be well advised to pay more attention to Farm Bureau policy views. I strongly urge just that.

But the message in the mashed potato bill was much broader than a tribute to Farm Bureau political muscle.

I see it as a clear warning that the temper of Congress regarding farm legislation has changed substantially over just a few years ago. It was a warning which everyone sincerely interested in the welfare of American agriculture should recognize. Those who should take notice include the officials of the Department of Agriculture, Members of the House Committee on Agriculture, farm organizations and individual farmers.

Here is the warning I see in the mashed potato bill: The U.S. Congress has a reflex reaction to farm bills which is negative. If in doubt, vote no.

The day is gone when bills will sweep through Congress just because they are labeled, "This helps the farmers."

City people—city Congressmen—are not favorably impressed with farm programs. They have been given so many grandiose promises followed by dismal results over so many years that a lot of them have stopped listening.

Every time a farm bill is presented, its proponents say it will cut Government costs, raise farm income, and protect the consumer. Nevertheless, the budget of the Department of Agriculture keeps climbing. Direct payments to farmers have jumped from a half-billion dollars in 1960 to $3 billion this year, and $4 billion estimated for next year.

Cotton farmers now get half their crop income from the Government, wheat farmers one-third, and feed grains farmers one-fourth. With farm population going down and payments to farmers going up, city Congressmen can be forgiven for being disenchanted with farm legislation.

Perhaps more than any other single factor, big payments to individual farmers have given farm bills a bad name. City people read about Senator EASTLAND getting over $100,000 a year, the Boswell farm over $4 million, and thousands of farmers getting individual payments totaling over $5,000 a year. The book listing these payments weighs more than a 5-pound sack of potatoes, is 3 inches thick, and is filled with small print.

If I read their reaction correctly, most Congressmen seem convinced that farm bills generally favor well-to-do farmers and provide little real help for the average family-type operation. They are upset at bills in Congress which pay vast sums for not growing food at a time when there is evidence that poor people right here at home do not get adequate nutrition.

At this late date with the 1970 fiscal year nearly half gone, the Agriculture Department's annual appropriation just today cleared Congress. What held it up until November 19? A House provision setting a $20,000 limit on Government payments to individual farmers. While it was not finally accepted today, it is clear that next year's farm bill will have to contain such a provision if it is to pass the House.

To sum up, the potato bill got mashed mainly because many individual Members of Congress coming to the House floor to vote instinctively felt that it was just another foolish subsidy bill for farmers, and voted "No."

And from this we should all learn this lesson: American agriculture has a serious public relations problem on its hands. On Capitol Hill, it is on the defensive. Farm bills of the future must be carefully and clearly designed to serve the broad interests of the American people, and shorn of any features which might be interpreted as serving the narrow interests of a handful of well-to-do farmers. Then they must be thoroughly merchandised in advance of floor action.

INTIMIDATION OF PRESIDENTIAL APPOINTEES

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS), for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, the House is fortunate, I have discovered, to have a mindreader in its midst.

I refer, of course, to the honorable gentleman from New York, Congressman OTTINGER.

I see by the Washington Post this morning that the Congressman has decided that because FCC Chairman Dean Burch called three networks and asked for transcripts—a most legitimate request, by the way—that he is guilty of "a clear effort at intimidation."

Mr. Speaker, I charge that the attacks by the honorable gentleman from New York and his colleague from California, the honorable LIONEL VAN DEERLIN, are guilty of a clear effort at intimidation.

However, they seek to intimidate the Chairman of the FCC in the performance of his duty.

Mr. Speaker, is it to be that every appointee of the President is going to be harassed by members of the other party in the performance of his duty?

Is it to be that my politically motivated colleagues are going to charge politics of intimidation every time a presidential appointee says or does something?

I would hope not. I would hope that my colleagues from New York and California would begin to put first things first and wait at least until next year to worry about reelection.

GEN. ROBERT E. WOOD: A PROMINENT BUILDER OF THE PANAMA CANAL AND ARCHITECT OF THE WORLD'S GREATEST MERCHANDISING ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD) for 10 minutes.

Mr. FLOOD. Mr. Speaker, the construction of the Panama Canal was one of the greatest works of man. Distinguished graduates of that school of experience, after leaving canal service, rose to high positions of leadership in their fields.

Among such leaders was Gen. Robert E. Wood, who started his notable career as chief quartermaster of the Panama Canal, later entered the mail-order field, and became the foremost merchandiser of the world as the head of Sears, Roebuck & Co. He later said that after his experience at Panama everything else was easy.

His notable achievements include rescue of the Encyclopaedia Britannica and starting it on the road to its position today as a great publishing house.

A staunch patriot, able executive, and shrewd business strategist, General Wood left his mark on every work with which he was associated and proved himself a statesman with the best interests of his country ever in mind.

In order that the story of General Wood's life as told in two obituaries may be recorded in the permanent annals of the Congress, I quote both as parts of my remarks as follows:

[From the Baltimore Sun, Nov. 7, 1969]

ARCHITECT OF SEARS GROWTH, GEN. R. E. WOOD, DIES AT 90

LAKE FOREST, ILL., November 6.—Gen. Robert E. Wood, architect of the modern-day multibillion-dollar Sears, Roebuck & Co. merchandising empire, died today at the age of 90.

The retired board chairman of Sears, who is credited with building the firm from a strictly mail-order business into the world's largest retail distributor of consumer products, died at his home in Lake Forest.

A graduate of West Point, General Wood enjoyed successful careers in the military as well as in the buisness field. He retired from the Army as a brigadier general.

He served as chief quartermaster with the Army in Panama during the building of the Panama Canal and was acting quartermaster general for the entire United States Army during World War I.

He joined Sears, Roebuck in 1924 as a vice president and later rose to president and chairman of the board. He gave up the chairmanship in 1954, when he retired, but continued as a director until May, 1968.

General Wood foresaw in 1924 a decline in mail-order sales as the balance of population moved from the country to urban centers and he steered Sears—until then, a $200-million-a-year mail-order operation—into the retail-store business.

The first store, opened in 1925, was a success. Under General Wood, the retail operation was expanded throughout the United States and Latin America. Today, Sears has more than 800 retail outlets with annual sales in excess of $7 billion.

General Wood attributed the success of Sears's retail operation and the transformation of the nation's shopping patterns to the automobile.

"It created a revolution, and we were the first to take advantage of it," he reminisced in an interview a year ago.

General Wood took advantage of space as well as time. He located Sears stores generally outside central shopping districts, where land was cheaper and parking lots could be built.

SUCCESS FORMULA

He gave this formula for successful mass selling: "A great merchandise force plus a great management force plus rank-and-file with spirit."

General Wood also founded All-State Insurance Company, a Sears subsidiary, now the world's largest stock company automobile insurer and a leader in other insurance fields.

A native of Kansas City, General Wood came from a military family. Both his maternal grandfather and his father were captains in the Union Army during the Civil War.

He is survived by his wife, the former Mary Butler Hardwick of Augusta, Ga., a son, and four daughters.

Funeral services will be held Saturday.

[From the Washington Evening Star, Nov. 6, 1969]

GENERAL WOOD DIES AT 90, RETIRED HEAD OF SEARS

CHICAGO.—Gen. Robert E. Wood, retired chairman of the board of Sears, Roebuck & Co., died today. He was 90 years old.

Gen. Wood, who was generally credited as the builder of the modern-day Sears, the world's largest merchandising firm, died in his Lake Forest home.

Gen. Wood, a retired Army officer, joined Sears in 1924 as a vice president and went on to become president and board chairman.

He also founded Allstate Insurance Co., a Sears subsidiary.

Gen. Wood was regarded throughout the world as a great leader in the merchandising field.

In 1924, the year he joined the firm, he proposed that Sears enter into the retail store field. He led the company from a strictly mail order house to a combined retail store and catalogue distribution system of international scope.

KANSAS CITY NATIVE

The first Sears retail store opened in 1925 when the firm's mail order sales totaled about $200 million a year. Now it has more than 800 retail outlets, and the company's over-all sales total more than $7 billion a year.

Gen. Wood became president of Sears in 1928 and chairman in 1939. He retired from active management in 1954 but continued as a director until May, 1968, when he was named the first honorary chairman of the board.

His long career was distinguishd by outstanding success in both military and business fields.

Born in Kansas City, Mo., June 13, 1879, Gen. Wood was graduated from the U.S. Military Academy at West Point in 1900 and later served 10 years in Panama during the building of the Panama Canal. There he rose to chief quartermaster in charge of all purchasing and distribution of supplies.

During World War I he was in charge of the Army Transport Service in France and England. At 39, he was recalled to Washington, promoted to brigadier general and named acting quartermaster general and director of purchases and storage for the entire United States Army.

Gen. Wood returned to civilian life in 1919 and spent five years as a vice president of Montgomery Ward & Co., where he started his career as a mass merchandiser, before joining Sears.

FOUNDED ALLSTATE IN 1931

In 1931, after he became president of Sears, Gen. Wood founded Allstate Insurance Co. as a Sears subsidiary. Allstate now is the world's largest stock company automobile insurer and a leader in other insurance fields.

Gen. Wood guided Sears through the difficult depression and World War II years, continuing an aggressive expansion program. Under his direction, stores were opened in Cuba and Latin America.

Gen. Wood was the eldest of five children of Robert W. and Lillie Collins Wood. Both his maternal grandfather and his father served as captains in the Union Army during the Civil War.

Survivors include his wife, the former Mary Butler Hardwick of Augusta, Ga., and five children, Robert W., of Palestine, Tex.; Mrs. Hugo V. Neuhaus of Houston, Tex.; and Mrs. William H. Mitchell, Mrs. Calvin Fentress and Mrs. A. Watson Armour III, all of Lake Forest.

THE NEW YORK TIMES AND GOLDA MEIR'S PRAISE OF NIXON'S VIETNAM POLICY: CHAPTER 3—GOLDA OUTRANKS POPE PAUL

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the antipathy to President Nixon is mighty strong in certain quarters. For the past 2 days, I have found evidence worthy of commenting on, in the RECORD—page 34365, November 17, and page 34701, November 18—that bears this out.

Now a third comment concerning the New York Times is in order.

One would think that when the Prime Minister of Israel and, subsequently, the Roman Catholic Supreme Pontiff each express support for President Nixon's policy in Southeast Asia, such developments would be front page news in New York City.

Apparently not to the Times, however, which put Mrs. Meir's statement on page 8 in Monday's editions and the Pope's on page 11 in Tuesday's paper.

As everyone knows, New York City is inhabited by millions of Americans who are either Jewish or Catholic. The news that their President has the support of the Prime Minister of Israel and the Pope is of intense interest to them particularly as well as to all Americans.

The failure of the Times to give that news the prominence it merited shows a lack of judgment inconsistent with the professional reputation—rightly or wrongly—enjoyed by that paper. The only conclusion I can reach is that a positive decision was made not to give "undue prominence" to the news that two of the world's most newsworthy leaders were in support of President Nixon.

At this point, I wish to insert the Times article describing the Pope's meeting with the Governors of five States to whom he gave his statement on Vietnam. It is highly significant coming from one of the greatest religious leaders in the world. I wish I could put it on page 1:

PONTIFF APPLAUDS NIXON ON VIETNAM—IMPLIES REPUDIATION OF CALLS FOR IMMEDIATE PULLOUT

(By Robert C. Doty)

ROME, November 17.—Pope Paul VI applauded today President Nixon's expressed resolve to end the Vietnam war by "a well mediated and responsible procedure" safeguarding the Vietnamese people's right to self-determination.

The Pontiff made what appeared to be an endorsement of the President's policy and an implied repudiation of the demands for immediate withdrawal by American demonstrators at an audience with five American governors.

The Pope said he had followed with great interest the "widespread manifestation" of desire in the United States for a speedy end to the Vietnam war, a "fervent wish" of his own. He noted with satisfaction that this was also the resolve "of your illustrious President."

"RIGHT MODE" IS STRESSED

He continued: "Nonetheless, we also understand that the right mode of ending the conflict demands, in the present circumstances, a well-mediated and responsible procedure, not only to avoid neglecting international obligations which honor and the necessity of not betraying the confidence of one's allies require should be fulfilled, but also in order that the cause and the ideal proposed to your fellow citizens, for which so many have made the sacrifice of their very lives, that is: helping a people which is weak and deserving of assistance to defend its right to self-determination and to the free promotion of its peaceful development—that this cause and this ideal should not be denied."

The five governors were James A. Rhodes of Ohio, Claude R. Kirk Jr. of Florida, Calvin I. Rampton of Utah, Frank L. Farrar of South Dakota and Frank Licht of Rhode Island. They were stopping here on their way back to the United States after a study mission in Israel.

The Pope also expressed to the governors his hope that the United States would "resist the temptation to furnish" developing countries with "armaments that menace life and security."

DEATH OF JOSEPH P. KENNEDY

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, I rise today to give honor to a great American, Joseph P. Kennedy, who has passed on to his eternal reward.

I never met Mr. Kennedy, but I feel I have known him through his family. When I came to the Congress in January 1949, I was junior to John F. Kennedy on the Education and Labor Committee and served with him for 4 years. That was a treasured association in which he became my trusted friend. I am grateful to say that the friendship continued after he became a U.S. Senator and the President of the United States.

I first met his son, Robert, when he was Attorney General of the United States. He served impressively in that position and in the U.S. Senate, where he came to be known for his great humanity and his concern for the poor and the hungry.

I was for several years associated through my legislative duties with R. Sargent Shriver, Joseph P. Kennedy's son-in-law, the husband of Eunice Kennedy Shriver. Mr. Shriver is a dedicated public servant in the great tradition of the Kennedy family, having served as first Director of the Peace Corps, then Director of the Office of Economic Opportunity. He is now our Ambassador to France.

Mr. Kennedy is the only man in history to have been the father of three U.S. Senators. His last and youngest son, EDWARD, continues the tradition of public service effectively and well as majority whip of the Senate. He is a great U.S. Senator and is certain to reach great heights of public service.

Joseph P. Kennedy's name will live in history in part because of his family, but also because he was himself a great man and a dedicated public servant.

The first Chairman of the Securities and Exchange Commission, he was later responsible for substantial reorganization of the U.S. Maritime Commission, and he served as this country's Ambassador to Great Britain during a difficult time in the early years of World War II.

Mr. Kennedy was a self-made man. His principles, his decency, and his humanity are now part of the history of this Nation. His memory is one which we will all honor. Our sympathy goes out to his family and to all who grieve at his passing.

NEW HAMPSHIRE MAN PRAISES NIXON STATEMENT ON VIETNAM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, my constituent, Alden H. Pillsbury of Grantham, N.H., has favored me with a copy of the letter he wrote to the President on the day after the President's address to the Nation on Vietnam.

I believe Mr. Pillsbury expresses the views of the vast majority of thinking, patriotic Americans. He does so with considerable eloquence which I am glad to bring to the attention of the House:

GRANTHAM, N.H.,
November 8, 1969.

DEAR MR. PRESIDENT: I listened to your speech last night and I am taking this opportunity to congratulate you on the finest speech I have ever heard you make.

The path you have chosen is not an easy one, but I sincerely believe it's the only right one you could take.

In the past year or so I have listened to and read an awful lot of garbage about what an unjust war this is and what a lousy country we live in etc., etc.

To say that the people I know and work with and myself and my family are fed up with it, is putting it mildly. We are proud to call ourselves Americans and to fly our country's flag. I personally still get a tingling feeling when I hear our National Anthem and see Old Glory waving in the breeze. Believe me Mr. President when I say I am not alone for there are millions more just like me.

Common sense, blood and guts and pride made this country and that's what it's going to take to keep it on the right path. It's not an easy road but then the best things in life almost never are.

I have read a lot in the papers and some magazines about what a poor choice you made in picking a vice president. I don't believe you could have done better. He may not get straight "A's" in English Language but, I don't really believe that's one of the qualifications for the position he holds. He talks straight from the shoulder and doesn't beat round the bush, and what's nice about that is, you don't need any news analyst to tell you what he is talking about, or how he stands.

It's inconceivable to me, that we could have intelligent people on Capitol Hill, such as Senator Fulbright, who is lacking so much in good judgment and common sense. This seems to be not uncommon with our so called intellectual society. Such a waste of brain power is a pity. To be an idealist is great but without tempering it with realism is stupid and useless.

I have lost a cousin in Vietnam. My kid brother was shot up badly and carries shrapnel today as well as a permanent plate in his head, but I am happy to say he has recovered and is back on full time duty. I have a nephew in Vietnam now as well as another nephew who just this month joined the Marines. I also have a son who will graduate from high school this year. He will undoubtedly be called upon to serve his country at some future date. I hope that he will never have to go into battle for his country, but I am just as sure that if he is asked or is needed for his country, he will give his "all". Just as his country's gallant men and women have done before him. My older brother retired from the Air Force last year, after 22 years of service. I also served 3 years and 9 months in the U.S.A.F.

This is one hell of a great country that we live in, Mr. President, and it didn't get that way by following a bunch of quitters or radical loud mouth minority groups. So I say in closing to stick to your guns for I believe this is the only way out of this mess at this time. I have the utmost confidence in your ability to lead this country down the right road, and if there was a Presidential election tomorrow, I'm sure you would win in a landslide victory.

Sincerely yours,
ALDEN H. PILLSBURY.

POSTAL PAY

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, on October 29, the United Federation of Postal Clerks placed an advertisement in the Washington Post, appealing to the Congress to vote a discriminatory pay raise for postal workers, and insisting that we override an expected veto should it pass Congress. While I do and have always appreciated dedicated and patriotic service, the ad contained several misleading statements.

For example, it said that "thousands of urban postal clerks and their families are literally eligible for supplemental welfare."

If this is true, Mr. Speaker, then millions of production workers in industry are also eligible for "relief." The average weekly earnings for 49 million production workers in the private sector in September of 1969 was $117.80, according to the Bureau of Labor statistics. This means they are being paid at the annual rate of $6,125.60. And that is less than the lowest pay of step 1, PFS–5 clerk or letter carrier, which is $6,176.

The private industry earnings figure includes overtime, and other differentials. The salary quoted for the PFS–5 clerk does not.

The current level of earnings of postal clerk under phase III of the existing pay law is estimated at $7,688, including overtime and other differentials, but excluding fringe benefits.

This represents an average weekly earnings level of $147.85—which is well above gross earnings of production workers in industry.

The advertisement also says, that "it is immoral" to "imprison us in a wage structure that has been so substandard for so long that some postal clerks are being forced into public welfare to make ends meet."

If this were true, I would agree.

However, with the exception of a New York Times story of October 17, which stated that two letter carriers had applied for welfare in New York City, there is no evidence that any postal clerks or letter carriers are on relief. The line-ups or "grieves" for employment are still long, and few resignations are noted.

The clerks take issue with President Nixon's content that the proposed pay bill gives disproportionate benefits to postal employees, but, I see no justification for giving such treatment to them. Mr. Speaker, I am not impressed by the "scare tactics" of the postal clerks. I trust my colleagues are equally unimpressed.

A BOUQUET FOR THE IRS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Internal Revenue Service is often on the receiving end of a lot of brickbats, not only from taxpayers but from media like the Reader's Digest, which has carried a series of articles on alleged harassment by the IRS, and from those of us in official positions of one kind or another.

As chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations I have received complaints from individual taxpayers that I have had to take up with the IRS. The subcommittee is continually studying the possibilities of simplifying income tax forms and procedures, to make them easier on the taxpayer. Not too long ago I raised very sharp criticism of the new income tax forms that the IRS is preparing for use next year. These are being promulgated by the IRS as simplifications, but I told IRS the new forms are even more confusing than the old forms and will compel more small taxpayers to pay consultants to help them with their returns. Because the subcommittee has oversight jurisdiction over IRS operations, we have the responsibility of bringing matters such as these to their attention.

As do all taxpayers, I have the very genuine feeling that the IRS does everything possible to collect any taxes it feels are owed to the Government. Sometimes their actions seem extremely harsh. Certainly, whenever in the review of a tax return it appears that the taxpayer has not paid enough the IRS quickly bring that fact to the taxpayer's attention. Recently I asked IRS this question:

When IRS finds that a taxpayer has made a mistake and owes more taxes, it automatically requests him to make a payment, but when IRS finds that the taxpayer has overpaid, does it automatically advise him that he has a refund coming?

I received a very affirmative answer to that question from the Commissioner of IRS, Randolph Thrower.

The Commissioner told me that whenever IRS finds that a mistake has been made in overpayment of taxes the taxpayer is advised and promptly given a refund or proper tax credit That is not only IRS policy but that policy is actively in force. For example, in the year ending last June 30 IRS returned over $140 million that had been overpaid by taxpayers. A lot of that was returned automatically, without the taxpayer even being aware that he had made a mistake against himself.

It is obvious from Commissioner Thrower's letter to me that he is extremely pleased with that policy and that he would like more people to know about it. Just as I have never hesitated to bring complaints to the attention of the IRS I feel it equally my obligation to tell the Members of Congress and all taxpayers about this IRS policy, and to publicly commend Commissioner Thrower for his full explanation of it.

Commissioner Thrower's letter is as follows:

INTERNAL REVENUE SERVICE,
Washington, D.C., October 31, 1969.

Hon. DANTE B. FASCELL,
Chairman, Legal and Monetary Affairs Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It has taken a little time to reply to your letter of September 30 but I wanted to give you a thoughtfully prepared response since your question deals with what is one of the most significant areas of tax administration under our present system. In a few words, if our tax system is to work effectively we must strive to assess and collect what is legally owed, not less, and certainly not more.

I am pleased to be able to tell you that when the Service finds a taxpayer has made a mistake which results in an overpayment, the taxpayer is advised, and the correct refund is made or his tax account otherwise credited. Under certain conditions our corrective action could be considered automatic, but there are other occasions when it would occur after consultation or correspondence with the taxpayer.

For example, during the various stages of individual tax return processing, primarily mathematical verification, we find numerous instances where the taxpayer error is such that it would result in an overpayment if left uncorrected. In these cases we notify the taxpayer and, without any further effort on his part, credit his account or refund the correct amount.

The number of cases in this category surprises many people, and you may be interested in the following statistics:

Fiscal years ending June 30

Number of returns with tax decrease:	
1967	1,506,000
1968	2,026,000
1969	2,046,000
Dollar amounts:	
1967	$94,281,000
1968	135,867,000
1969	140,236,000

In addition, we verify estimated tax payments claimed by taxpayers on Form 1040 against the amount of prepayments posted to their accounts on the master file. In F.Y. 1968 this program alone resulted in some $47 million of additional allowance to taxpayers who had mistakenly understated their prepayment credits.

At this point I should mention that the major portion of our capability relative to the above programs, and related areas, stems from the recently installed Service's automatic data processing system with its heavy reliance on advanced computer technology.

Also, in all tax examinations, agents are responsible for determining the correct tax liability. This means that examiners look for indications that taxpayers have overstated their liability. In 1968, Service examinations disclosed overassessments of $177.9 million.

I hope that this information acquaints you with the basic operating philosophy within the Service relative to the subject of your inquiry, and that the facts demonstrate the philosophy is implemented in the actual operating situation.

With kind regards,
Sincerely,
RANDOLPH W. THROWER,
Commissioner.

J. EDGAR HOOVER STRESSES NEED FOR PUBLIC AWARENESS ABOUT ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the battle to defeat organized crime in this country is one that cannot be fought by Government alone. The public is an indispensable participant in that fight.

It has always been my belief that if the American people are fully informed of the impact and effects of organized crime, they will demand effective law enforcement action against syndicated crime and will cooperate in that effort. A prerequisite, however, is that the people be educated to the fact that organized crime is a real threat to their wellbeing.

FBI Director J. Edgar Hoover said it well in the FBI Law Enforcement Bulletin of November 1969:

Although Federal, State, and local law enforcement agencies throughout our country are engaged in an unending struggle against the underworld, little headway will be made without the full cooperation of a dedicated and alert populace. And that populace will never be dedicated or alert as long as it thinks of organized crime in terms of a "harmless, streetcorner bookmaker" and the 25-cent numbers bet.

Because it represents a perceptive analysis of the terribly harmful effects of organized crime, I insert Mr. Hoover's message and commend it to my colleagues:

MESSAGE FROM DIRECTOR J. EDGAR HOOVER

It has been aptly stated that we should beware of judging men by their outward appearance. This warning takes on added significance when applied to the criminal hierarchy of our country.

Prosperous hoodlums are neither the "pillars of society" that they pretend to be nor the "friendly neighborhood bookmakers" of traditional fiction. Despite their zeal for a cloak of respectability and their preference for expensive clothing, wealthy neighborhoods, and famous friends, there is nothing respectable or glamorous about them. Most of them are brutal, ruthless killers, possessing little human compassion and no social conscience.

One national Cosa Nostra leader, noted for his contacts in the entertainment field, was the leading suspect in three murders before he was old enough to vote. Another major hoodlum—arrested by the FBI and convicted of interfering with interstate commerce—is alleged by his underworld associates to have participated in more than 20 gangland slayings over the years.

La Cosa Nostra means, literally, "our thing" or "our business," and the mob's business is violence. Violence is used in subduing rebellious union members, fighting competition in legitimate industry, eliminating witnesses and informants, collecting on gambling and loan-sharking debts, seizing control of certain forms of business, removing rival mobsters, and enforcing discipline within its own ranks.

If anyone thinks of gamblers and racketeers in the Hollywood fashion of gruff, but warmhearted, bumblers who wear loud ties and possess funny nicknames, let him dismiss that idea right now.

What is warmhearted about a loan-shark victim handcuffed to a basement pipe and beaten savagely because of a delinquent debt; or a suspected informant impaled on a meathook and tortured to death; or two rival mobsters chopped to death with a hatchet and a third thrown alive into a flaming furnace; or a young husband strangled and mutilated because he would not surrender his wife to a rackets boss smitten with her?

Or what is funny about an 11-year-old boy blown to death, and his 12-year-old brother seriously injured, by a bomb intended for their father, who incidentally was killed in the same explosion?

A former beauty contestant impressed by the free-spending, glamorous company of one hoodlum was brutally murdered along with him by La Cosa Nostra gunmen who riddled their car with gunfire. The father of four children was shot down in cold blood because of an unfortunate set of circumstances that made him an accidental witness to one of some 60 gangland slayings which have occurred in one east coast metropolitan area during the past 5 years.

Fortunately, organized crime and the greedy crime lords who prey on the American public are receiving more and more exposure. This is good. It helps to dispel some of the myth that has grown up about mob life in the past. But we still have a long way to go.

Peaceful, respectable citizens see the tentacles of vice and corruption crushing the very life out of their community and then ask, "So how does all this affect me?" Possibly, if they stopped to consider the answer, they would not be so complacent.

Let us examine some trends. Continuous, flagrant flouting of our laws can only lead to chaos and moral decay that may well prove to be irreparable. Labor racketeering undermines our whole financial structure by bleeding our working forces, raising consumer prices, and increasing the costs of production, distribution, and insurance. Bribery of civic officials deprives citizens of the legislative, judicial, and police protection that civilization itself demands. And narcotics can destroy the vital fiber of the future—our current generation of high school and college students.

Although Federal, State, and local law enforcement agencies throughout our country are engaged in an unending struggle against the underworld, little headway will be made without the full cooperation of a dedicated and alert populace. And that populace will never be dedicated or alert as long as it thinks of organized crime in terms of a "harmless, streetcorner bookmaker" and the 25-cent numbers bet.

The outward appearance of organized crime is a facade of deceit. In the future, whenever we think of hoodlums and racketeers, let us picture in our minds the furnace, the hatchet, the bomb, the meathook, the dead woman, the multilated husband, and the bleeding youngster. Then, and only then, will we have organized crime in a proper perspective and the campaign against it can proceed apace, with everyone united in a determination to clean up this evil as rapidly and as effectively as possible.

WHY U.S. OVERSEAS INFORMATION PROGRAMS ARE IMPORTANT TO THE UNITED STATES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on October 22, a very significant conference was held at the Overseas Press Club in New York City.

Specialists in communication, writers, newsmen, broadcasters, and other experts gathered there to discuss the U.S. Government's overseas information programs, their impact on foreign audiences, their accomplishments and their shortcomings.

The conference was sponsored jointly by the Emergency Committee for Reappraisal of U.S. Overseas Information Programs, headed by Dr. Edward Bernays, a gentleman of considerable renown in the field of communications and public relations, and by the Overseas Press Club Foundation whose president is Mr. Burnet Hershey.

One of the most thought-provoking addresses presented on that occasion was delivered by Dr. Robert F. Delaney, director of the Edward R. Murrow Center of Public Diplomacy at the Fletcher School of Law and Diplomacy, Tufts University.

Because Dr. Delaney's remarks are timely and deal with an issue which ought to be of deep concern to each and every one of us, I am placing them in the Congressional Record and wish to commend them to the attention of my colleagues:

Why U.S. Overseas Information Programs Are Important to the United States

Ladies and Gentlemen, I am delighted to be with fellow professionals to discuss a topic which should be self-evident in its importance and acceptance, but which, unfortunately, at least in my experience, is not at all the case.

We live in an age where the world is tuning in. Nowhere is this more apparent than in the most cursory review of the increase in world availability of radio and television sets and in the continued mass demand abroad for motion pictures.

With radio sets, energized by the transistor explosion reaching now into the billions, and with portable television becoming a world phenomenon in the hundreds of millions, something basic has happened to our world, and our individual national societies.

One might almost facetiously title this communications revolution "a funny thing happened to me on my way to see Marshall McLuhan."

We face the impact of all-encompassing marvels of a technology which permits a telephone call to the moon (collect we are told! Yet, we hasten to add, not without its price on earth in our apparent inability to phone downtown with any assurance of electronic success).

Industry knows this. The technocrats recognize this. The media operates by its ground rules. New agencies and new corporations, such as NASA, Corporation for Public Broadcasting and the Communications Satellite Corporation, attest both to the technologies and to the new realities.

Yet with the presence of instant news and a world information grid, the framework within which millions of people now live, fight, die or survive, the United States Government suffers from an impoverished, underfed international information program.

It is tragically strange that in an era of continuing high national security costs, and of continuing and sizeable international commitments and programs, the psychological dimension of our international affairs remains largely fallow due to lack of properly applied funds, lack of insight and lack of support.

This is, I suppose, the reason we are here today—to bridge the communications gap which we communicators are so fond of deploring, and say to the Congress, to the national administration and to the Information Agency itself "we are with you, we want what you want and we want to help."

International political communications in today's world are far too important for the nation's security and interests to be allowed to become the personal property of a bureaucracy which, in its present incarnation, is unequipped to do the job called for in the 1970's and after.

We are practicing "horse and buggy" public information.

Let me try to explain. In the days following the Apollo moon landing, the Information Agency did a superb job of conveying the facts to a waiting world. It was an example of traditional, organized and successful exploitation of a world shaking event. It was media operations at their best.

During the same period, and indeed for five years preceding the event, the Information Agency, faithfully and diligently, almost automatically, spoke to an increasingly skeptical world about the facts of conflict in Asia. And what were those facts?—killed in action and wounded in action figures, conflicting statements by national leaders and pronouncements of impending victory and military triumph.

To retain the parallel, the Information Agency did a parochial job of disseminating publicity to an unwaiting world. It was an example of traditional, organized and questionable communication of a world shaking event. It was media operations at their unthinking worst.

What makes the difference? Why is one acceptable and one condemned?

This is the heart of the problem for tomorrow's political communicators. It is, I would hope, the reason we beseech the executive for reappraisal.

In my view, what has happened is a basic realignment of how the world interacts. This has been brought about by the "radicalizing" of communications. Millions of Americans today have access to slices of history, politics and world affairs. As recently as 1950 this was not so.

Today, Americans are conducting "electronic plebiscites" on national and international affairs: Vietnam, military bases, overseas commitments, tax reform. You name it and someone in Iowa or Idaho has made up his mind because multi-media communications affecting values, attitudes and opinions have become a way of life.

You need go no further than the case of Lyndon Johnson to test the potency of this new channel of political communication and participation.

Now, internationalize all this. Add in satellites, electronic video recorders, cable television, portable, transistorized TV sets. Mix liberally with functional development of public opinion, the televised press conference, the raw emotion of "you are there" psychology, and what do you have?

You have nothing less than the new diplomacy. You have nothing less than a weapon system. You have nothing less than an internationalist's daydream or nightmare, depending on who is adroitly managing the system.

To put it in prosaic terms, the Information Agency is today but one unfortunately declining public information voice in a welter of competition and conflict which has led to a condition of receptivity known to researchers as the "obstinate audience."

Increasingly, one hears the phrase "communications relevance." It is entirely appropriate.

We heard in the fifties of the lead time necessary to warn North America of impending bomb attack across the "Dew Line." We heard in the sixties of the 30 or so minutes warning from intercontinental missile attack. And today we are told our lead time averages 3 minutes.

Ladies and Gentlemen, our lead time today in world communications is about a minute. In other words, we've run out of time. And with a world watching, judging, and deciding, this is a political reality which deserves something more than the attention it has been afforded to date.

This is the reason way our information posture and policies are so important.

This is why one views with alarm the situation that while the private media increases in impact and influence, the foreign affairs communicators languish in the backwash of old fashioned public information.

The Information Agency has serious bureaucratic and organizational problems. It lacks a constituency (although one would hope that we here today could form this nucleus); it lacks acceptance and that intimacy of chemistry that makes the role of national psychological advisor a truly effective one. It lacks muscle and standing.

The State Department in the same vein has not assessed the value of public affairs and has still to nominate an assistant secretary for that responsibility. Defense which overshadows State and USIA in the totality of its world information effort still continues to view communications as either defensive public relations or troop I & E.

Yet, as I hope I have demonstrated, this is precisely the time when new psychological initiatives must be advanced, if we are to retain any hold on world public opinion in the areas that are meaningful, and here I am not speaking of Americans pouring out what we think the world wants to hear, or what Congress wants to hear or, indeed, in scale, what any national administration wants to hear about itself.

The problem of talking to today's world is basically a psychological, cultural and politically oriented art. One uses the media, carefully tuned for relevance and sensitivity. We do not use the media as the end result.

And yet today USIA still pursues its media, rather than people oriented, approach. The Agency still relies more on intuition than on research, more on introspection than social science.

It is for all of these reasons, and because the time is short and the issue vital that we join, hopefully, to help, but certainly to urge that an objective, non-partisan and hard-hitting appraisal be undertaken before we foregather once again to lament what might have been.

REDWOOD NATIONAL PARK

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, a little more than a year ago the House Interior and Insular Affairs Committee reported a bill to create the Redwood National

Park. The Congress adopted the legislation and President Johnson made it Public Law 90-545. In order to preserve the redwood forest immediately and to avoid any escalation of prices, the legislation provided that title to over 22,000 acres of timberlands held by four operating timber companies should pass to the United States immediately upon the President's signature on the bill.

During the past year, the former owners of the land and the Interior Department have been working together to establish values, provide for land exchanges, and make certain boundary adjustments. In order to prevent interest from running on the full amount of money due the companies, partial payments have been offered or made to those former owners. Due to the magnitude of the undertaking and its complications of exchanging properties, establishing and adjusting boundaries, making detailed surveys, timber cruises and appraisals, and even reaching agreement upon the vast amounts of values involved, it will probably take another year or more before there is a final settlement.

During the floor discussion of the Redwood National Park Act, I acknowledged we were creating a unique and difficult tax problem particularly for the companies from whom major portions of the land were to be taken. At that time, I announced my intention to introduce legislation to mitigate that problem.

Although my cosponsor, Mr. Ullman, a member of the Ways and Means Committee, will explain the bill in technical detail, I will discuss the general equity of our proposal.

Section 1033 of the Internal Revenue Code provides that upon the involuntary conversion of property, the taxpayer need recognize no gain if he reinvests the proceeds in qualified replacement property. Though this section requires that the replacement property be related in type to the property which was lost, the taxpayer normally has little difficulty in finding sufficient qualified replacement property.

The present situation, however, is unique in several important respects, and without some limited enlargement of section 1033, the companies may, as a practical matter, be deprived of the benefits which the section was intended to provide. As we all know, the impact of the Redwood Park upon some of the individual companies was extraordinary. For example, one company lost more than half its timberlands and 60 percent of all its timber. The compensation which will eventually be paid to the companies will come to many millions of dollars; and even if suitable replacement property were available, the practical difficulties involved in the reinvestment of sums of such magnitude would obviously be considerable. The unfortunate fact, however, is that sufficient replacement property in the form of redwood timber and timberlands is not available. The very purpose of the Redwood National Park legislation was to preserve some of the last remaining stands of old-growth redwood, and there are no substantial tracts of old-growth redwood timber available for the companies to buy. The Northern Redwood Purchase Unit is the only substantial property comparable, and it will not be adequate to meet the exchange requirements of the companies.

In order to afford these companies, the full benefit of the tax protection which section 1033 was intended to provide to owners from whom property is taken, this bill will principally do two things:

First. It will broaden to a limited extent the types of replacement property in which reinvestment may be made. To accomplish this, the bill provides that the companies may reinvest in property for use in businesses similar to those in which they were engaged at the time their lands were taken. In addition, a related provision would authorize the companies to reinvest in any business in the two counties in which the Redwood National Park is situated; thus helping to alleviate the severely adverse economic effect of the Redwood National Park on the local economies.

Second. It will extend the time period for reinvestment. Because of the magnitude and complexity of the present situation, this extension is essential. At the present time section 1033 allows 1 year from the close of the first taxable year in which any of the gain is realized for reinvestment. But in this case, negotiations looking toward a determination of the many problems mentioned earlier have already taken more than a year, and could take another. If total agreement cannot be reached in the negotiations, any remaining issues must be settled by litigation in the court of claims. In the meantime, the companies are in a difficult situation as to reinvestment, since they neither have in hand the full amount of their compensation, nor do they know how much it will come to when it is eventually paid.

I believe that fairness to the companies and to the local economies requires that there be a limited expansion of section 1033 so that its policy may be fulfilled in these most unusual circumstances. Such action is, in my view, an important piece of unfinished business left over from the legislation which established the Redwood National Park. I therefore urge my colleagues to give favorable consideration to the bill which I cosponsor today.

REDWOOD NATIONAL PARK

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. ULLMAN. Mr. Speaker, my good friend, the gentleman from Colorado (Mr. Aspinall) has described generally the background of this bill, its relationship to action taken by the Congress in 1968, and the reasons of fairness to the persons whose property was taken for the Redwood National Park which call for its passage.

The effect of this bill is to enlarge somewhat the generally applicable tax benefits of section 1033 of the Internal Revenue Code as to any property owner whose property was taken for the Redwood National Park and who elects the treatment prescribed by section 1033. That section in general permits a taxpayer to defer the capital gains tax otherwise resulting from a condemnation award if the proceeds are reinvested in similar property within a specified time, under provisions set forth in detail in the statute. The bill in substance enlarges the type of property which can qualify under the provisions of section 1033 and extends the time within which a reinvestment can qualify under section 1033. This treatment is justified by the unusually large amounts of money or property which will be received by the taxpayers whose property was taken for the Redwood National Park, by the severe impact upon some property owners who lost a major part of their timber properties to the park, and by the inherent difficulty in reinvesting in comparable property in view of the fact that sufficient old growth redwood timber is simply not available.

The gentleman from Colorado (Mr. Aspinall) has described these reasons in more detail, and I should like to summarize the provisions of the bill we are introducing today.

Two preliminary points concerning the applicability of the bill should be noted.

First, the bill applies only to property which has been involuntarily converted into other property or money by reason of the Redwood National Park. While its provisions therefore affect all owners of such property, the tax relief provided is limited to the unusual tax problems created by the taking for this particular park pursuant to Public Law 90-545.

Second, the bill operates within the general framework of section 1033, and establishes certain treatment to be used in applying section 1033, which itself provides for tax relief at the election of the taxpayer. The bill enlarges the scope of those provisions for those property owners affected by the Redwood Park. The tax treatment provided for by the bill is not a substitute for, nor does it restrict, the treatment provided for by section 1033. Accordingly, each property owner within the limited group retains his right under present law to elect whether the treatment prescribed by section 1033 will apply to the involuntary conversion of his property; and if he so elects, the conversion will be governed automatically by the bill as well as by the provisions of section 1033.

Section 1 of the bill expands the types of property which constitute "property similar or related in service or use" to the property taken for the Redwood National Park. Each of the four listed additional types is included in the bill for a separate reason. The taxpayer may avail himself of any one or more of the four alternatives in addition to those existing under present law.

Subsection 1(A) is a technical provision which is consistent with the desire of Congress, in establishing the Redwood National Park, to encourage the payment of just compensation through a transfer of other real property owned by the Government to persons whose property was taken for the park, upon mutual agreement of the parties involved—

see statement of the managers on the part of the House, House Report No. 1890, page 7. Under existing law it seems quite likely, first, that such a transaction would constitute either a purchase of other property for the purpose of replacing the converted property under section 1033(a)(3)(A) or an exchange resulting in similar tax treatment under section 1031 of the Internal Revenue Code of 1954; and, second, that the property received by the taxpayer would constitute property similar or related in service or use to the property converted. However, in the absence of specific authority as to these two points, it has seemed desirable to include the clarifying provision of subsection 1(A) of this bill. The effect of this provision will be to encourage the exchange of property which the Congress contemplated in the act establishing the park, and to assure the tax relief benefits of section 1033 generally to those landowners who cooperate with the Department of the Interior in working out suitable and equitable exchanges.

Subsection 1(B) is a limited adaption of the basic purposes of the existing law to the particular situation of the owners of land and timber taken for the Redwood National Park. In the application of section 1033, under existing law a distinction has been drawn between real and personal property.

In some cases it may be uncertain under applicable local law whether specific portions of the property taken for the Redwood National Park, or of the property described in subsection 1(B) as standing timber and contract rights to cut timber, constitute real or personal property. In addition, the payments of just compensation reflect a value attributable to raw land. In order to resolve any possible uncertainty as to whether certain property used in the timber business constitutes real or personal property, and in order to avoid any necessity of allocating payment of just compensation and amounts reinvested between land and other property, subsection 1(B) provides that replacement property shall in any event include any interest in land, standing timber, or contract rights to cut timber. This will avoid any requirement that proceeds and reinvestment be allocated and traced, which would be burdensome and complicated in view of the large amounts of property and the values involved in the Redwood National Park taking, while at the same time it will limit the reinvestment to either land or timber holdings.

Subsection 1(C) is included in the bill primarily to provide equity for those taxpayers in the redwood processing business who will be unable to replace their holdings due to the unavailability of old growth redwood timberlands. Accordingly, subsection 1(C) of the bill permits a taxpayer to reinvest in property used in a different type of business, but only if the taxpayer, or a corporation controlled by the taxpayer, was engaged in that type of business on the date of enactment of the Redwood National Park Act. It is to be noted that subsection 1(C) does not apply to new types of businesses entered into after such date.

Subsection 1(D) represents a departure from the basic treatment provided by section 1033 in that it permits reinvestment in property held for use in any trade or business conducted in the two California counties in which the Redwood National Park is located. This departure is justified by the serious economic dislocation which will ultimately result from the decrease in the timber business activities upon which these two counties have relied heavily for many years, including the loss of jobs, the removal of property from local tax rolls, and similar consequences. Hopefully, this provision will encourage the taxpayers to reinvest in new businesses which will offset the impact of the Redwood National Park and will add to the economic development of the region by providing new and diversified business activities, including those unrelated to the timber business.

Section 2 of the bill expands the manner in which a taxpayer will be treated as having acquired property similar or related in service or use to the property taken for the park. Under section 1033 (a)(3)(A) of existing law, a taxpayer may not only acquire such other property directly, but may also purchase stock in the acquisition of control of a corporation owning such other property. In the latter case, amounts spent to acquire the stock are treated in the same manner as amounts spent to acquire such other property. This provision in existing law reflects the fact that as a business matter the taxpayer may be unable to purchase such other property directly but may be able to do so indirectly through an acquisition of stock.

Section 3 of the bill is a technical provision which extends the time within which the property must be replaced. Under existing law, this period expires 1 year after the close of the first taxable year in which any part of the gain was realized.

Accordingly, with respect to a taxpayer reporting taxes on a calendar year basis, for example, who received a partial payment in 1969 for property taken for the park, the statutory period would expire on the last day of 1970 as to the entire amount of the condemnation payment, even though further payment of a substantial balance might be received long after 1970. Under present law, the Secretary of the Treasury or his delegate is authorized to extend this period, and undoubtedly would do so under the circumstances described. However, I am informed that this authority has been delegated to the various local District Directors of Internal Revenue and is discretionary with each of them, so that it has seemed desirable to include a specific provision in this bill extending the statutory time. It is understood that the extension in the bill is in general not longer than extensions that might be granted by the District Directors, and the bill is not intended to foreclose the granting of additional extensions by the District Directors in their discretion.

Mr. Speaker, I believe the provisions of this bill are consistent in every respect with the intention of the Congress when we enacted the Redwoods National Park bill. It is intended to provide tax equity for those landowners who are affected by the unusual circumstances of Government acquisition of properties that cannot be replaced in kind.

APOLLO 12: ANOTHER MAGNIFICENT NASA ACCOMPLISHMENT

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLAND. Mr. Speaker, this country's second mission to the moon has reached its goal. Early this morning Apollo 12's lunar excursion module lurched and fluttered its way down to the surface of the moon, landing safely in the cratered fields of the Ocean of Storms.

Several hours later Astronaut Charles "Pete" Conrad, Apollo 12's command pilot, began the second most celebrated exploration in the history of the world.

The first, of course, was Astronaut Neil Armstrong's moon walk this summer. Apollo 12 is not generating the kind of banner headlines and awestruck TV coverage that attended her sister ship's mission earlier this year. But the feat accomplished during the night is no less significant—indeed, more significant in scientific terms.

Apollo 12 signals the opening of a detailed and searching geographical exploration of the moon.

The experiments Apollo 12's crew are carrying out—installing an exquisitely sensitive seismometer, for example, and installing a device to examine the charged particles clustered high above the moon's surface—will yield scientific data that researchers have been yearning for since selenology became a respectable discipline.

Astronaut Conrad and his crewmates, Alan L. Bean and Richard F. Gordon, Jr., are proceeding in their mission with the kind of coolheaded enthusiasm for which our spacemen are known throughout the world.

The courage and discipline of these men cannot be overstated. When the *Yankee Clipper*'s primary electrical system abruptly quit functioning seconds after lift-off from Cape Kennedy, the astronauts' instrument panel went ablaze with warning lights. Yet Conrad, showing astonishing "cool," reported:

> We're all chuckling up here over the lights.

The Apollo 12 mission, like that of Apollo 11 a few months ago, is a triumph for all mankind.

Literally hundreds of thousands of people—people ranging from the 18th-century visionary Tsiolovsky to the humblest technician at Houston's Space Center—made this staggering feat possible. As a ranking member of the Appropriations Subcommittee that funds NASA, I am proud of my own small role in making the space program a success.

I am sure my colleagues join me today in congratulating Astronauts Conrad, Bean, and Gordon and in wishing them a safe return to the earth.

ANOTHER IMPORTANT DEFENSE PROGRAM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. MONAGAN. Mr. Speaker, I am reintroducing legislation to authorize the Federal Government to recover by civil actions the cost of removing certain obstructions from navigable waters of the United States.

I introduced similar legislation in the 88th, 89th, and 90th Congresses. While no action was taken by the House in the years that have elapsed since I first introduced the measure, the navigational hazards and environmental tragedies toward which the bills were directed have occurred with alarming frequency.

A recent Supreme Court decision points the continuing need for this legislation. In *Wyandotte Transportation Company* v. *United States*, 389 U.S. 191 (1967), the Court left open the question of whether the Federal Government could recover all of its costs incurred in the cleaning up operations after chlorine barges sank in the Mississippi River. A reading of the case indicates that there woud be extensive litigation to determine the liability of the boat owner for the Government costs.

My bill would do away with the uncertainty surrounding cases of this sort by authorizing the Government to recover the costs of removing obstructions from navigable waters and to hold negligent boat owners liable for resultant pollution as well as for endangering navigation. The bill amends the Refuse Act of 1899 and would provide penalties against boat owners in instances of negligence substantially endangering desirable marine, aquatic, or other plant or animal life of the navigable waters of the United States.

I have long been concerned with the hazards of water pollution, and since my entry into Congress in 1959 I have supported every major pollution control bill which has come before the House for consideration.

This bill is a very practical and needed measure. It sets forth in clear and precise terms the liability for causing a navigational or environmental disaster through negligence. Its enactment will greatly facilitate the fixing of responsibility on the culpable party or parties, and will put all persons on notice that the maintenance of safe navigation and a healthy environment are matters clearly in the national interest.

ADMINISTRATION PLANS FOR FUTURE OWNERSHIP AND OPERATION OF THE GOVERNMENT'S URANIUM ENRICHING PLANTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the Joint Committee on Atomic Energy has held extensive hearings on the subject of future ownership and operation of the AEC's uranium enrichment facilities commonly referred to as the gaseous diffusion plant complex. On July 8 and 9, the committee heard detailed testimony by the AEC and GAO on their respective reports on this subject. During August—namely on the 5th, 7th, and 8th—the committee heard the views of representatives of the nuclear industry and the utility industry, both publicly owned and investor owned.

Recently, on November 10, the White House issued a press release setting forth the administration's request to the AEC to establish a separate directorate within the AEC to operate these plants. The conduct of such operations and the books and records thereof are to approach those of a commercial enterprise as nearly as possible. On the same day, the AEC issued a press release setting forth its proposal for implementation of the request from the White House.

Also on the same day, Representative Chet Holifield, chairman of the Joint Committee on Atomic Energy, issued a press release commenting on the action taken by the administration. The gentleman from California (Mr. Holifield) was subsequently interviewed by a staff writer from the Washington Post who published his article on Sunday, November 16.

It will be noted from Chairman Holifield's comments that a number of questions as to the President's proposal remain unresolved. He specifically brought up the lack of plans in the administration's announcement for upgrading these plants to meet our future enriched uranium requirements and the lack of information in the announcement concerning the magnitude of any pricing change for enriched uranium. It should also be noted that the gentleman from California (Mr. Holifield) stressed that the administration's action appears to be prelude to a proposal to sell these plants to private industry and that any proposal to do so will be given the most careful scrutiny by the Joint Committee on Atomic Energy.

Mr. Speaker, I include in the Congressional Record the three press releases and the Washington Post article mentioned above:

[Press release No. 618 from the Office of the Joint Committee on Atomic Energy, Nov. 10, 1969]

Representative Chet Holifield Comments on Administration Plan for Future Ownership and Operation of Uranium Enrichment Facilities

Representative Chet Holifield, Chairman of the Joint Committee on Atomic Energy, commented today:

"I have carefully reviewed the White House and AEC announcements relative to the future operation of the AEC's uranium enrichment plants. While I am generally pleased with the President's plan to retain the plants under Government ownership until the day arrives, assuming the day does arrive, that they can be sold to industry under circumstances that fully protect the public interest, I must confess that, in some respects at least, the announcements pose more questions than are answered."

The announcements issued by the White House and the Atomic Energy Commission stated that the enrichment plants would continue to be operated under AEC auspices, but by a separate Directorate within AEC. The Federal Government's responsibility for uranium enrichment should eventually be ended, according to the White House, but AEC operation of the enrichment facilities would continue until such time as various national interests" would best be served by sale of the facilities to the private sector. In the interim, the AEC is to "carry on the AEC's businesslike management of plant operations and establish separate accounts fully reflecting commercial criteria for financial accounting."

White House assurance was given that an adequate supply of enriched uranium would continue to be available for commercial and governmental users and to meet foreign commitments "so long as the Government is the sole source of enrichment services in this country," but no announcement was made of specific plans to fund needed improvements to the enrichment plants. In this regard, Representative Holifield said:

"President Nixon has not yet faced up to the urgent need for starting construction for plant improvements needed to provide the additional enrichment capacity to fuel the nuclear plants which will come on line in the late 1970's.

"Reliance on present enrichment service sales without a definite commitment on the part of the Administration to support an appropriation of at least $130 million in the fiscal 1971 budget introduces an element of uncertainty which I fear will affect new acquisition of nuclear plants by electric utilities. If the Administration decides it cannot make such a budgetary commitment in the near future, I think it should advocate a self-funding Government corporation, so that assurance of funding can be arranged without further delay."

Representative Holifield added:

"If the Administration does not follow up on its assurance that sufficient enrichment capacity will be available when needed, I plan to introduce the legislation which will establish within the Government an enrichment corporation capable of financing its own activities and providing the enrichment services so vitally needed."

While noting the fact that a number of informal meetings have been held between Committee members and representatives of the Administration to discuss Administration planning for uranium enrichment, Chairman Holifield stressed the point that the Committee has not reached any position on future ownership and operation of the enrichment plants.

The Chairman particularly emphasized that any plan to sell these unique production facilities, which cost the Government approximately $2.3 billion, would constitute a major policy decision requiring specific congressional approval and authorization. The possible implications of such a plan with regard to matters such as competition in the energy fuels business and the price of energy to the public, national security and the Nation's international commitments were mentioned by the Chairman as matters which would have to be considered.

Chairman Holifield said he was anxious to learn the views of the Department of Justice on the question of whether there was any likelihood within the relatively near future—that is, within five or six years—a sufficiently competitive uranium enrichment market could develop to permit transfer of these plants to private ownership. In this regard, Mr. Holifield observed that, "In my mind there is a very substantial question whether there is any likelihood for effective price competition in what is now, and in all probability for some years to come will be, a highly concentrated industry." He went on to say:

"Before the Congress would even consider taking such a major step, there isn't the slightest doubt in my mind that it would want to put any such proposal under a microscope in order to assure the protection of the public interest.

"I want to assure interested members of the public that any significant proposed changes in ownership of the plants will be the subject of full, complete, and comprehensive Joint Committee public hearings to consider all of the factors involved before the legislative branch approves, disapproves, or modifies any such proposals."

With regard to establishment of an AEC enrichment Directorate, Representative Holifield cited the following potential drawbacks to the President's plan:

"The question of when and under what circumstances the gaseous diffusion plants should be transferred to private ownership would remain unresolved. The lack of self-financing authority would keep the enrichment activities dependent upon the budgetary process for funds to cover operating expenditures and to provide plant improvements and expansions. Also, AEC would be charged with the responsibility of operating the diffusion plants on a basis approaching that of a commercial enterprise but would not have the complete authority, statutory or otherwise, necessary to do so. For example, improvements to the diffusion plants and resumption of higher operating levels through restoration of electric power to the plants would be subject to approval of authorities higher than AEC, such as the Bureau of the Budget. Decisions by BOB, in turn, are affected by other Government policies and programs, rather than determined on a strictly businesslike basis."

Given these uncertainties, Chairman Holifield stressed that while reserving any final judgment as to whether ownership of the plants should be transferred to private purchasers, a government corporation, or some other form of ownership, the Congress should continue to scrutinize enrichment developments to see that adequate funds are requested and approved, beyond those available through receipts from commercial sales, to assure that these plants will have sufficient capacity to meet the demands on them in future years.

The Chairman concluded:

"One of the most serious deficiencies in both the Administration's announcement and the AEC's is the lack of specific information concerning the magnitude of any price change for the enrichment services. I believe the failure to mention present limitations on changes in prices could have an unsettling effect on this important industry. Present pricing criteria, established pursuant to law, contain a guaranteed ceiling charge subject to upward escalation for the cost of electric power and labor. That ceiling charge was established at $30 per kilogram unit of separative work. Any change in these pricing criteria very definitely would have to be submitted to and lie before the Joint Committee for a 45-day review period while Congress is in session before they could possibly become effective. Moreover, it is my understanding that the present price of $26.00 per kilogram of separative work contains a contingency factor which would appear to cover any escalation which has occurred since the $26 price was established. In any event, the AEC will be requested to furnish the Committee the results of its reexamination of enrichment service charges when the review is completed."

[Press release from the Office of the White House press secretary, Nov. 10, 1969]

The President announced today that he has asked the Atomic Energy Commission to operate its uranium enrichment facilities as a separate organizational entity within the AEC, in a manner which approaches more closely a commercial enterprise. The facilities are located at Oak Ridge, Tennessee; Paducah, Kentucky; and Portsmouth, Ohio.

Although these facilities were originally developed for national defense purposes, national needs for enriched uranium are now largely commercial. Future Government requirements are expected to be relatively small. These facilities are currently operating at about 40% capacity. Commercial demand, however, is expected to rise and eventually require additional capacity.

The President's decision is based on his belief that the Federal Government's responsibility for uranium enrichment as the owner-operator of the nation's only enrichment facilities eventually should be ended. He believes that these facilities should be transferred to the private sector, by sale, at such time as various national interests will best be served, including a reasonable return to the Treasury.

Since the optimum time for this transfer will be sometime in the future, the President will not seek legislation at this time to authorize sale of the facilities to private industry. The establishment of a new entity, which will be an AEC Directorate will carry on the businesslike management of plant operations and will establish separate accounts fully reflecting commercial criteria for financial accounting.

So long as the Government is the sole source of enrichment services in this country, the President emphasized that it is essential that we continually assure an adequate supply of enriched uranium for commercial and governmental users and to meet our foreign commitments.

Operations are to be funded by receipts from commercial sales and, as necessary, by annual appropriations. The Atomic Energy Commission has been directed to develop a detailed plan for implementing this decision.

Depending on the timing, sale of these plants could free Federal resources for more pressing national uses. Revenues from sale at an appropriate time would be considerable. In addition, $2 billion or more is expected to be needed over the next 10–15 years to expand plant capacity to meet increasing commercial demand.

[Press release of the U.S. Atomic Energy Commission, Nov. 10, 1969]

AEC Proceeds To Implement Presidential Decision on Uranium Enrichment

The Atomic Energy Commission is proceeding to implement the decision of the President that uranium enrichment activities are to be conducted by a separate organizational entity within the AEC in a matter more closely approaching a commercial enterprise.

The decision, announced by the White House today, contemplates that responsibility for uranium enrichment ultimately will be transferred to the private sector at a time and in a manner which will best serve the national interest.

During the interim period, the AEC will continue to supply enriched uranium and uranium enrichment services to domestic and overseas users, including the fulfillment of all existing commitments.

The costs of providing enrichment services have changed since the current price was set. The AEC will in the near future re-examine its charge for enrichment services to determine the extent to which all costs are being covered and whether an adjustment to the charges is indicated. The current charge for enrichment services is set at $26 per kilogram unit of separative work. A kilogram unit of separative work is the unit used to measure the physical work required to separate the isotopes U–235 and U–238.

The new entity, which will be an AEC directorate, will maintain separate accounting records and will publish periodic financial reports similar to those of commercial enterprises. Such reports will reflect the financial results of operating the uranium enriching enterprise, and also will provide information needed for financial analysis and investment decisions when the sale of these facilities to the private sector is considered.

The uranium enriching enterprise will be funded with revenues from its sales, supplemented, as necessary, by appropriations through the normal budgetary process. Further information on the new arrangements within the AEC will be made available at the conclusion of studies which are now under way to identify the structure of the entity, its responsibilities, and its relationship to other AEC functions.

Uranium enriching is the only operation in the preparation of fuel for nuclear power reactors that is exclusively a government function. The operation involves the partial separation of the isotope U–235, which will sustain a nuclear chain reaction, from U–238. The work is carried out in large plants at Oak Ridge, Tennessee; Paducah, Kentucky; and Portsmouth, Ohio.

These three gaseous diffusion plants will continue to be operated by private industrial firms under contract to the AEC. The Oak Ridge and Paducah plants are operated by Union Carbide Corporation (Nuclear Division), and the Portsmouth facility is operated by Goodyear Atomic Corporation. The plants were built at an original cost to the government of $2.3 billion. A program for improving and uprating them would involve a further capital investment of at least $600 million to meet the growing demands for nuclear power plant fuel.

[From the Washington Post, Nov. 16, 1969]

Nuclear Plant Controversy—Nixon's Plan To Sell Enriched Uranium Facilities Arouses Fear of Private Energy Combine

(By Warren Unna)

Last Monday the President announced that he had asked the Atomic Energy Commission to begin operating the nation's three uranium enrichment plants as a separate commercial entity in preparation for their eventual sale and operation by private industry.

Behind this announcement was a chain of preparatory steps undertaken by private industry over the past few years, tentatively examined at the end of the Johnson administration and accelerated by the White House after the Nixon administration moved in.

The storm warnings are only beginning to fly but some see it as leading to the Nixon administration's counterpart of the Dixon-Yates contract.

Dixon-Yates was the Eisenhower administration's attempt to get the Tennessee Valley Authority's public-power business into private hands. Before the contract was voided by the courts the matter managed to engulf not only TVA, but the AEC, the Bureau of the Budget, the Federal Power Commission, the Securities and Exchange Commission and, of course, the watchdog committees in Congress.

President Nixon's proposal regarding the uranium enrichment plants is seen to have these potentialities:

Facilitating possible control of the nation's electric power by an oil industry which has the cash to purchase the hugely expensive uranium plants and which already has been moving into oil's two competing energy sources, coal and uranium.

Facilitating establishment of a new international cartel since the United States, as the prime source of free world enriched uranium, is bound to get more and more involved in other nations' power grids as they shift toward nuclear power.

Increasing the possibility of radioactive contamination as uranium control leaves government hands, and of proliferation of nuclear material with weapon potential.

For example, a small sheikdom might deny a U.S. oil company its product until the oil company provided it with weapons-potential, uranium.

Facilitating sale of the nation's $2.3 billion enriched-uranium plants and of $1 billion in "yellow cake" ore stockpile at depreciated prices that the industry already is beginning to specify.

All of these possibilities are anticipated by Rep. Chet Holifield (D.-Calif.), chairman of the congressional joint Committee on Atomic Energy and a leader in the Dixon-Yates fight of the 1950's.

When the President made his announcement last Monday, Holifield promised to put the matter "under a microscope in order to assure the public interest." In a subsequent interview he predicted that not one member of his 18-man committee would go along with the President's plans to sell the plants.

How did the idea of selling the plants first take hold?

Business and government officials in the know all come up with one name: Kenneth D. Nichols, a retired Major General in the Army Corps of Engineers who was AEC general manager at the time the commission became involved in the Dixon-Yates contract and in more recent years has maintained a Washington consultant's office for Gulf Oil, the Mellon family, Detroit Edison and the Atomic Industrial Forum, the focal point of the nation's nuclear industrialists, and others.

According to a June, 1968, forum study, which Nichols headed, the forum "initiated" discussion with the AEC in late 1965 on "the feasibility of private ownership and operation of enrichment facilities."

ACCESS POSTPONED

The AEC had used the forum previously in studies to assure both the public and private industry that its nuclear fuel charges were computed on a businesslike basis and not subsidized. But the AEC put off for a while giving Nichols and the forum access to classified material they wanted to make a study of selling the plants. Permission eventually was granted.

Nichols' study committee, in June, 1968, then recommended that the plants he sold with enabling legislation obtained from Congress this year and firm commitments to sell obtained from the administration before 1972.

The AEC itself began taking its own look into the feasibility of selling the plants last year, during the end of the Johnson administration—but without any White House guidance. Holifield's Joint Committee then asked the AEC to evaluate the Nichols-forum recommendations. An AEC staff study subsequently came up with various conclusions but ducked all recommendations.

The Johnson administration then gave way to the Nixon administration. Soon after that, according to a high official who has seen it, a White House memo was drawn up detailing a scenario on the matter. The official said the scenario concluded with these words: "Prepare data for justifying the President in advocating the immediate sale of these plants."

The Bureau of the Budget and Paul W. McCracken, chairman of the President's Council of Economic Advisers, reportedly began consideration of the matter and a hurry-up study was ordered from a well-known East Coast private management consultant. McCracken also headed a task force study which was completed in July but has never been made public.

AIDE TO PRESIDENT

Then the matter was put under a coordinating committee headed by Peter M. Flanigan, a longtime Republican financial contributor and deputy campaign manager of Mr. Nixon's 1968 campaign. Flanigan, who had been a vice president of New York's Dillon, Reed investment banking house, came into the White House on a full-time basis in mid-April as the President's assistant for the regulatory agencies.

Flanigan's committee reportedly includes McCracken, Lee A. DuBridge, the President's science adviser, and Thomas G. Moore, senior staff economist for the Council of Economic Advisers.

Presumably it was Flanigan's committee that prepared the President's Monday announcement calling for eventual sale of the three enriched uranium plants on the grounds that the material now is needed more for nuclear power plants than for weapons and that plant capacity soon will have to be increased to meet bigger foreign and domestic nuclear power plant needs.

"The thing that I fear is that there will be an energy combine developing," Holifield said in interview. "The oil companies have recently bought into coal companies very heavily and they have also bought into uranium. I'm not maintaining that there is an evil conspiracy, just an inevitable result of the forces that are interested, a coalescing of private interests that want to exploit it."

OTHERS FOLLOW SUIT

He noted that Continental Oil had bought Consolidated Coal several years ago and that since the Justice Department's antitrust division didn't object, Gulf Oil also went into coal, along with other oil companies.

Holifield also reported that Kerr-Mc-Gee, Standard Oil of New Jersey, Ashland and Gulf now were in uranium; that Gulf had bought General Atomics and now was in the reactor business; that Atlantic-Richfield had bought Nuclear Materials & Equipment Corp., a leading processor; that Getty Oil recently had bought Nuclear Fuel Service.

Holifield said he was convinced that U.S. utilities today lack the capital to start making bids for the big enriched uranium plants which produce the actual nuclear fuel, that only the oil companies, through their tax advantages have that sort of money.

"If they are going to control basic energy in the United States they will be controlling power across the board," he said.

Holifield also noted that since the United States, under the "Atoms for Peace" program, is committed to assuring foreign nuclear power users of at least a 30-year supply of this country's enriched uranium fuel, whoever owns this country's plants will have a tremendous say as the free world moves more and more into dependence on nuclear power.

PRICING OF PLANTS

As for the actual pricing of the nation's three big enriched uranium plants at Oak Ridge, Tenn., Paducah, Ky. and Portsmouth, Ohio, Holifield said:

"The big steal can come in selling them at book value or something less." He noted that even though the taxpayer's $2.3 billion investment in these plants now has been marked down through depreciated use to $1.2 billion, "the plants are not obsolete, or worn out, or poorly maintained. They are the only plants of their kind in the world and still worth $2.3 billion from a production standpoint."

Holifield and others have noted that the Nichols-forum study mentions a $30 per kilogram unit of separative work as the processing charge for enriched uranium customers.

The AEC currently sells this material at $26, but $30 is the limit permitted under the present Atomic Energy Act. There is a suspicion that the Nichols-forum group would like to have the price increased while the government is still the owner and thus avoid price-jacking accusations once private industry steps in.

Actually, the board of directors of the Atomic Industrial Forum refused to give the Nichols-forum study its official endorsement when it became apparent that the board lacked unanimity.

OBJECTION EXPRESSED

One member of Nichols' seven-man study committee, William M. Capron of the Brookings Institution, found it necessary to add a footnote objection to the study:

"The report suggests a confidence which I do not fully share that, if these plants are sold, the private market thereby created would operate in a sufficiently competitive manner so as to adequately protect the public interest," Capron wrote.

He went on to predict a "three-firm oligopoly" of any future three owners of the government plants and suggested a tighter enforcement of the nation's antitrust laws.

THINKING THINGS OVER—TV AND ALL OF THAT

(Mr. BROYHILL or North Carolina asked and was given permission to extend his remarks at this point in the Record.)

Mr. BROYHILL of North Carolina. Mr. Speaker, there has been a shrill outcry against the recent remarks of the Vice President in which he raised what I regard as thoughtful observations about the handling of news by the Nation's television networks. Vice President Agnew's comments have drawn unfortunate responses of personal villification. In fact, the furious and indignant reactions from the television networks and a large segment of the press offer no reassurance that the speech will result in many thoughtful reflections.

Certainly, Mr. Agnew's analysis is a kind of dissent which deserves respect. The first step in any process of problem-solving is the identification of the problem itself. The Vice President, I believe, has now made an important and useful contribution to this process. Efforts to shout down this discussion are not in the public interest and will only aggravate the problems arising from the Vice President's questions which are still unanswered.

The problems discussed by the Vice President are indeed difficult to solve. I can also understand the sensitivity of broadcasters to criticism since I am aware of and sympathetic to the special problems that have often unduly complicated the lives of the men and women operating the country's broadcasting facilities. However we must attempt to deal with the issues which circumstances create.

Today in the Wall Street Journal, an article wirtten by Vermont Royster attemps to put this conroversy into its proper context. Mr. Royster is a respected newspaperman and commentator upon the issues of our time who, we are proud to say, is a native of North Carolina. The perspective he gives in his remarks to this current issue is worth study and reflection.

The article referred to, follows:

Thinking Things Over—TV and All of That

(By Vermont Royster)

Well, Spiro Agnew seems to have done it again. And from all the hullabaloo you'd think he'd attacked Motherhood.

What he did, of course, was to criticize the communications media, especially the electronic components thereof. What he said was interesting, provocative, traditional and as American as the Fourth of July. It was even partly true.

But a one-man survey of the communications media, including both print and electronic, fails to disclose that his reward was to find himself linked with Thomas Jefferson, whom we all revere and who's the patron saint of the press, or with Woodrow Wilson, whom we all respect and who's the patron saint of all intellectuals engaged in political action.

It was Jefferson, you'll remember, who once called it "a melancholy truth . . . that nothing can be believed which is seen in a newspaper," and he went on to commiserate with his fellow citizens who, relying on the communications media of his day, "live and die in the belief that they have known something of what has been passing in the world of their time."

Wilson's prose was plainer but his thought equally plain. "Do not believe anything you read in the newspapers," he adjured his friends. "They are utterly untrustworthy." Similar sentiments, sometimes in blunter language, have been expressed by FDR, Truman, Eisenhower, Kennedy and LBJ.

But Mr. Agnew drew no praise for being in such distinguished company. The three presidents of the three major networks got so excited they took to their networks to denounce him for what he had said before he said it. And to be sure we got the word, repeated the excoriations after he had said it.

The print media (one must use the "in" phrases) were no kinder. The editorial writers, though normally acerbic about their electronic cousins, mostly shared the view that the Vice President was unconstitutional, and expressed regret that there was no way to repeal him.

All of which leads to the melancholy conclusion that the press (let us use the better name for it all) can dish it out but quivers when it's dished back. For there is some truth, melancholy though that thought be, in the words spake by Thomas Jefferson and Spiro Agnew.

The truth is that *all* news undergoes some distortion between its happening and its reporting to the public. A newspaper may send out a score of reporters to cover a riot, but each has only two eyes (some, like Floyd Gibbons, had only one but that's a technicality) and each can be in only one place at a time. None can report all he sees; he must select. His editor, moreover, must select among all the facts assembled; he can't print them all. Finally, the editor chooses among many stories for the prominence of place and length.

The result—why should we be self-righteous about it?—is distortion; i.e., an incomplete or a blurred picture. It is pointless, anyway, to deny what is self-evident. The point is to recognize that the distortion is inherent.

Television, and this too ought to be self-evident, has some especial distortion problems inherent in its medium. The television camera transmits faithfully what it sees; to that extent, it has less distortion than a reporter with a pencil. But the television camera is even more limited in what it sees.

Perforce, the camera can only look at one part of the story at a time. If it sees a policeman using a club on a student but doesn't see the student using a tire-chain on the policeman, then the "facts" it reports to the viewer are true but the story it reports is not necessarily true.

Any real football fan, for example, knows you can't really see the game better on TV; that's why the stands are packed. Some parts you see better, but you miss a lot more. You only see what the camera is pointed at, which is partly luck and partly the instant judgment of the "editor" choosing between several cameras. Now and then, with bad luck and bad judgment, you miss a whole play entirely.

No, Tom Jefferson and Spiro Agnew weren't wholly misguided. Mr. Agnew was also correct that in TV news coverage a handful of men dominate what you see as far as national and world news are concerned. Why deny the self-evident?

What Mr. Jefferson forgot in his moment of exasperation—though in calmer moments he knew it well—and what Mr. Agnew forgot to mention was that since all these problems of distortion are inherent in the process itself, the real argument is not about their existence but how best to deal with them in an imperfect world.

There was a time, once, when most American journalists distorted the news deliberately to serve their party or their prejudices. Some still do, perhaps, but by and large in newspapers the tradition has taken hold that if we poor ink-stained wretches can't always be "objective" we can at least be fair. We can, and we do, try to give the public many sides of the story. We even assemble now and then and castigate ourselves for our failures.

And then there's the safeguard of diversity. You could read a dozen accounts of that folk festival at Woodstock, all accurate as to details but differing in the total picture; you could then make up your own mind. You can supplement your local paper with Time, Newsweek, The Village Voice, The National Observer, The New Republic and so on ad infinitum.

With TV, as Mr. Agnew took note, the diversity is not so great. But are three major networks (and several smaller ones) still not better than one? It would be best to have more, as technology permits more, although the present network presidents would probably object to that too. But it would certainly be worse to have only one, whether its prejudices were those of the government or anybody else.

There's another thing. TV is still groping at the task of minimizing its inherent distortions. Because it is visual, it must grope at the task of presenting a less distorted view when it has pictures of one part of a story but, unhappily, none of the other parts. Handling non-visual news is even more difficult.

Probably these problems will never be solved, more's the pity. About all you can say about the free press—which includes TV commentators free to raise their eyebrows if they want to—is that it's less worse than any other system. 'Tis a poor defense, but 'twill do, and it's more honest than having hysterics over Thomas Jefferson, Woodrow Wilson or Spiro Agnew.

"FICKLE-FINGER-OF-FATE" AWARD SHOULD GO TO LABOR DEPARTMENT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the vein of the famous Rowan and Martin "Fickle-Finger-Of-Fate" Award, one of my constituents has called to my attention an incredible grant made by the Labor Department for training purposes. The comments on the award by Mr. Walter Wenklar, Jr., of Johnstown, Pa., need no further introduction.

Mr. Wenklar's letter follows:

Congressman John P. Saylor,
House of Representatives,
Washington, D.C.

Dear Congressman Saylor: Would you kindly read the enclosed article before I blow my stack?

[From the Pittsburgh Press, Oct. 23, 1969]

"U.S. AWARDS CONTRACT TO TRAIN 60 IDLE

"Philadelphia.—A $2.7 million contract has been given by the U.S. Dept. of Labor to the National Tool, Die and Precision Machining Assn. to train 60 unemployed workers in Pennsylvania.

"The workmen will be given on-the-job training in the critically short machine-tool occupations and learn such trades as machinist, tool and die maker and toolroom machine-operator."

Simple mathematics prove that this is forty-five thousand dollars ($45,000.00) per worker.

Being a middle-class worker as defined by the bureaucrats, the press, and the communication mediums, it would take me seven years just to earn this money. It must also be stated that this is *not* take-home wages.

Should I have at my finger-tips a total of forty-five thousand dollars, I could not only learn tool, die, and precision machinery, I could become a brain surgeon, a United States Senator, or the next leader of a moratorium.

On my salary, it must be noted that I am helping support or finance the United States Government, the state of Pennsylvania, the county of Cambria, the city of Johnstown, about nine schools in the Johnstown area, not even mentioning the fact of my contribution to the Richland Township treasury with my taxes.

Now, with my take-home pay, I am buying a house, thus helping to keep the Dale National Bank in Dale, feeding, clothing, boarding, providing medical care, and life insurance for my wife and three children.

I am also feeding and boarding two dogs, two parrots, and one hundred and twenty-three guppies on less than five-thousand dollars take-home pay a year.

We also do not exist on hamburger, macaroni, or tuna fish in this rising high spiral cost of living, so in one last gasp and sheer desperation, how in the Hell can this two-point-seven-million-dollar contract be justified?

Now, if the United States Government was willing to give me two-point-seven million dollars, ($2,700,000.00), I could put four-hundred and twenty-one-point eight (421.8) children through college, giving the United States two doctors, twenty-two teachers, three electrical engineers, two priests, six congressmen, one test pilot, three ambassadors, two automotive engineers, a General in the United States Army, four astronauts, one television commentator, two governors, five nurses, three lawyers, one senator, two X-ray technicians, three authors, two professional football players, one agriculturalist, three pianists, two ministers—Well, if the Senate and the House of Representatives don't have the idea by now, I must have been too late with this letter.

Yours truly,

Walter Wenklar, Jr.

SECOND PAIR OF AMERICAN ASTRONAUTS LAND ON THE MOON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, the second pair of American astronauts to land on the moon have completed their exploration and experiments there and have reentered their lunar module for the trip back to earth.

As did the other astronaut duo, Charles "Pete" Conrad and Alan Bean planted the American flag on the surface of the moon. As they did so, Pete Conrad spoke some simple words that I found very moving. "I hope," he said, "everybody down there is as proud of it as we are to put it up."

Mr. Speaker, what a contrast between the astronauts and the spirit of American courage exemplified by them and the radicals who pulled down the American flag at the Justice Department last Saturday and raised the Vietcong flag in its place.

I cannot help but wonder how the hundreds of thousands of protesters who took part in the peaceful mass march down Pennsylvania Avenue last Saturday view the two flagraisings—the one at the Justice Department and the one on the moon.

Although moratorium leaders complained of an SDS Weatherman faction's bid for blackmail money in exchange for nonviolence, I have yet to hear them publicly protest the raising of the Vietcong flag in place of our national emblem.

NO CHANGE IN FOREIGN AID

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, many of us had hoped that there would be some basic change in the structure of foreign aid. We had hoped this administration would place high priority on innovative thinking which would protect our interests while helping our friends in worthwhile, supportable projects. After close study of the bill which is before us today, it appears that it is once again business as usual.

Those nations which expropriate our property still get foreign aid. Nations which are loaning us back money still get foreign aid. Nations which supply our enemy in Vietnam can still get aid. Business as usual.

My able colleagues, H. R. GROSS, EDWARD J. DERWINSKI, and J. HERBERT BURKE have well set out the foolishness involved in this ridiculous program and their statement is very pertinent and quotable. I have consistently voted against this program because it is not properly administered and makes little distinction between friend and foe. I see no reason to subsidize those who are inimical to our interests or who take aggressive, arbitrary action against American nationals or American property.

The autumn foliage is gone, Christmas is almost upon us, and foreign aid is before the House. The taxpayers are wondering how to stretch their dollars so there will be something at the hearth on a cold, white Christmas Day. If this bill passes, the aid recipients will be assured a warm, green Christmas. Of course, we don't send Christmas checks. They lack the personal touch and sense of thoughtfulness that goes into giving. We carefully select projects and programs to suit the individual taste.

The gift list in this bill was not hastily drawn up. The committee spent 5 months on it. Those the executive overlooked or slighted the committee took care of.

Who can forget old "Doc" Duvalier and his happy hatchetmen in Haiti? We certainly can't. We are going to give him supporting assistance to keep his one-man "democracy" running. For Nigeria, "the showcase of Africa," where they are tackling the population problem in a down-to-earth way, there are also some goodies.

And how can we forget our close friends in this hemisphere who are joined with us in collective defense and working hard for the improvement of their people? Ecuador and Peru are busy seizing our fishing vessels, imposing fines on our citizens, and expropriating property owned by our citizens. Bolivia has something of a handicap. With no outlets on the sea it cannot seize our fishing vessels. It has to content itself with grabbing whatever of our property it can find at home. Naturally our gift to Bolivia will be larger than those we give to Ecuador or Peru. Our all-American favorite is Brazil where the dictatorship has closed the Congress and jailed most of the opposition. But this is no time of the year to be miserly or picayune. They need all the foreign aid they can get should they ever feel disposed to repay the loans we have made them.

On the other side of the globe we always remember India. India is not content to disagree; it takes pride in being disagreeable. That shows it is independent—and we admire that quality in our firm friends. With the more than $8 billion we have given that country it can now afford to have a "green revolution." We used to be generous to Ghana until that Government got mad at us. When a new government came along, we turned the other cheek and jumped at the chance to increase our gifts. We are down to our last cheek there; if we lose that, we will lose face. So, obviously, we cannot strike Ghana from our list.

The Good Book says:

> Come unto me, all ye that labor and are heavily laden, and I will give you rest.

The foreign aid version reads:

> Stay right where you are and we'll send you the rest.

Only a careful reading of the executive puff sheets that accompanied this bill will reveal some of the incredible things being done in the name of foreign aid. As Members might suspect, they reveal only the less sordid details.

The appointment of a Presidential commission neither arouses our enthusiasm nor raises our hopes. This is a classic gimmick repeated every few years when no one can think of anything better to do about foreign aid. If it follows the pattern of its many illustrious predecessors, whose names we have been trying to recall, some furniture will be moved in the executive branch, old programs will be perpetuated under new names, and possibly new stationery printed.

Apparently the majority of the committee does not put too much stock in the commission's possible findings. It authorized sums of money for three programs for 2 years instead of 1.

The other night the President told the Nation that "we in the United States have pursued the illusion that we could remake continents." He must have read this bill.

In addition to the usual Alliance for Progress funds for grants and loans the committee has added some new illusions. Under one section of the bill we will issue guarantees to local banks in Latin America against losses they may incur in lending their own money to their own citizens. Fortunately this is a 2-year pilot project in not more than five Latin American countries. If limited to 2 years, we cannot lose more than $15 million in this illusionary venture.

Another illusion fostered by the majority of the committee is the creation of another corporation called the Inter-American Social Development Institute. It will be headed by a $38,000-a-year man and may employ as many as 100 individuals at any salary it wishes to pay. The Institute will be engaged in agriculture, education, health, and anything else that meets the social and economic needs of the oligarchies that run those countries. This year the Institute may tap other programs for not more than $5 million. After that downpayment, there is an open-ended authorization.

We were led to believe all these years that the Alliance for Progress was supposed to be doing what the Institute plans to do. Maybe it is well to have bureaucrats compete with each other to see who can dole out the most money in the shortest time. This will develop bureaucratic creativity and initiative.

One of the touted innovations in the bill is the creation of still another Government corporation for overseas private investment, dubbed OPIC. This is not to be confused with a Homeric epic although its authority is broad enough to let it wander over the world. For years we have had an insurance program in the foreign aid law for investors who want to go into business abroad. One of the boasts about that program is that it has been self-supporting through the collection of insurance fees. But that is not enough for the empire builders. With this OPIC-al illusion it will get into the loan business as well as the insurance business—and do it through a high-powered, high-priced corporation that can set its own interest rates. To carry out this beefed-up program the request is made for a president at $40,000 a year, a vice president at $38,000 a year, and three executive vice presidents at $36,000 a year each plus 15 more jobs at supergrade salaries. More than 100 jobs in AID will be shifted to OPIC where they will be sheltered in the corporate structure. This will help AID meet its personnel reductions—but will not slow the growth of bureaucracy. Over the years foreign aid has been used to help industry, the farmers, and labor as well as to subsidize professors who are otherwise ungainfully employed. So maybe we should not be too surprised that OPIC wants to cut in some bankers and businessmen on this round for a piece of the foreign aid pie.

Before Members get carried away by the Christmas spirit, they ought to reflect on a few hard facts of foreign aid life.

First. The program funded by this bill is only one part of our total foreign aid operations. More than a score of other laws authorize programs to funnel U.S. resources abroad. They vary in size, shape, and objectives but are uniform in that they all draw on the taxpayers of this country. For the next fiscal year they will shell out more than $10 billion for the hydraheaded monster called foreign assistance.

Second. Almost $19 billion remains in the pipeline from previous years' appropriations for all these programs.

Third. Since 1946 we have sent abroad in one form or another $122 billion. The net interest on what we have borrowed to give this sum away adds another $60 billion.

Fourth. The public debt of the United States stands at more than $360 billion. Interest alone on that debt is more than $18 billion.

Fifth. Interest on Federal borrowing is now more than 7 percent. Compare this with the rate at which loans are now made under foreign assistance—2 percent for the first 10 years and 3 percent for the next 30 years.

Sixth. Federal taxes are at their highest level to say nothing of State and local taxes. We hear with increasing frequency of a taxpayers' revolt. If the taxpayers knew the full story of the extravagance and waste in this program, the threat would be even more real.

Seventh. With the increased unsettled conditions abroad, how much longer can defenders of this program argue that it is in our national interest; that it will promote security and development? Many of the recipients of our largesse are destroying their resources and themselves at a rate faster than we can try to save them.

Eighth. Three countries that have been receiving and will continue to receive, funds under this bill—Thailand, Korea, and Taiwan—are now lending money to the United States at 6-percent interest.

Ninth. Last year Congress appropriated $1.7 billion for this program, a reduction from the executive asking price of $2.9 billion. Can anyone point to any damage or disaster that resulted from this reduction? This year the asking price was $2.6 billion. The committee has reported out $2.1 billion. Clearly the House has an opportunity to do what the committee should have done—reduce the bill below last year's appropriation. Only then can it boast that it has made a reduction.

Let's tell these hard truths to our constituents and see what kind of a response we get on how to vote on this grab bag.

In view of the financial crisis that our country faces, commonsense and simple arithmetic demand that this program be cut drastically. To that end we seek the help of the Members of the House.

I am indebted to my good friend, the able gentleman from Louisiana (Mr. PASSMAN) for the following information regarding the true picture of our fantastic commitments with all of the attendant problems which have come from overspending and overpromising. Any study of these facts would certainly indicate the necessity for limiting foreign aid to only friends and only then for absolutely imperative projects.

The attached recapitulation sheets raise many questions. One question would be: Can we survive indefinitely as a strong nation if we continue dissipating our resources and giving away our wealth to nations all over the world? This practice is destroying our world markets. Many of our commodities are no longer competitive in the world markets. Note the following figures carefully:

First. New budget requests made since January 1, 1969, for additional authority for foreign assistance covering loans, grants and credits—ten billion, five hundred and twenty-eight million dollars.

Second. Unexpended balances in pipeline from prior years—eighteen billion, seven hundred and eight million dollars.

If all new requests are approved by the Congress, the total funds available, new and from prior years, will amount to twenty-nine billion, two hundred and thirty-six million dollars.

Third. Net cost, I repeat, net cost of the foreign assistance program since its inception—1946–69—including interest on what we have borrowed to give away, amounts to one hundred eighty-two billion, five hundred and eighty-three million dollars. Our wealth has been distributed among the entire 3½ billion population of the world, with the exception of a mere 36 million people.

Fourth. During this worldwide spending spree, our gold holdings have been reduced from twenty-two billion, eight hundred and seventy-nine million dollars to ten billion, three hundred and sixty-seven million dollars.

Fifth. Since the inception of this worldwide spending spree, short-term dollar claims against the United States due now have increased from eight billion, six hundred and forty-five million dollars to thirty-five billion, six hundred and sixty-five million dollars. If we should be called upon to redeem these short-term IOU's, we could not meet the demand.

Sixth. Our balance-of-payments situation, since this worldwide spending spree started, has become serious. We have sent to foreign nations of the world thirty-six billion, eight hundred and ninety-six million dollars more than they have returned to us.

Seventh. The freewheeling spending program covering the face of the earth has helped push the U.S. public debt to a figure fifty-seven billion, eighty-one million dollars above the combined public debt of all other nations of the world.

Eighth. Many believe that we have substituted dollars for a sound foreign policy. Indeed, we have substituted aid for trade. We have become so addicted to this new formula that to be able to continue it we are now borrowing money from more than 30 foreign nations of the world.

We are borrowing money from the American people to pay for commodities and services which are given free to foreign nations. At the same time we are borrowing money from foreign nations in order to improve temporarily our balance-of-payments situation. One example is as follows:

Thailand is the recipient of over $1 billion of our aid, both commodities and services. The United States borrowed the money to pay for these commodities and services we have given to them. During the same period, Thailand, out of its own resources, created a surplus in its foreign exchange and gold reserves of over $1 billion. Now the shocker—

After long diplomatic wrangling, strong argument, and arm twisting, Thailand reluctantly but finally agreed to make the United States a loan of $100 million. Terms: 4½ years at 6 percent interest.

This is just one of many examples of the mess we are getting into with our freewheeling, worldwide spending program.

The attached recapitulation sheets and the summary included in this letter are from the record and are being furnished to the overburdened American taxpayers, hoping that they have the means and persuasion to help put an end to this frightful spending spree that we have embarked upon.

This is the administration's program in name only. Third- and fourth-echelon bureaucrats are the ones who are involving us in these foreign entanglements. During fiscal 1970, the aid program will be operating in 99 nations and five territories of the world, with 51,000 individuals on the payroll. This includes U.S. personnel, foreign personnel, and participants. There are 4,403 projects and subprojects scattered all over the world. While many similar projects in America were closed down during fiscal 1969 for lack of funds, not a single foreign aid project suffered as much as a $1 reduction on account of the limitation imposed by the Revenue and Expenditure Control Act of last year.

The following tables supplied by the Foreign Operations Subcommittee on Appropriations graphically portray the true picture of our foreign aid program:

New budgetary requests for authorization and appropriation for foreign assistance for fiscal year 1970

Foreign assistance (mutual security)	$2, 710, 020, 000
Receipts and recoveries from previous programs	274, 785, 000
Military assistance (in defense budget)	2, 230, 900, 000
Economic assistance (in defense budget)	76, 600, 000
Foreign military credit sales fund	275, 000, 000
MAAG's, missions, and milgroups	168, 800, 000
Export-Import Bank, long-term credits	1, 872, 200, 000
Export-Import Bank, regular operations	570, 423, 000
Export-Import Bank, export expansion program	100, 000, 000
Public Law 480 (agricultural commodities)	986, 600, 000
Inter-American Development Bank (FSO)	300, 000, 000
International Development Association (1)	160, 000, 000

New budgetary requests for authorization and appropriation for foreign assistance for fiscal year 1970—Continued

International Development Association (2), supplemental	$160,000,000
Asian Development Bank (regular contribution)	20,000,000
Asian Development Bank (special funds)	25,000,000
Peace Corps	101,100,000
Permanent military construction—Foreign nations	255,300,000
Contributions to international organizations	130,187,000
Educational (foreign and other students)	43,614,000
Ryukyu Islands	20,651,000
Migrants and refugees	5,511,000
Trust Territories of the Pacific Islands	41,612,000
Total new requests for foreign assistance for fiscal year 1970	10,528,303,000

Unexpended balances in pipeline from prior years for foreign aid programs

Foreign assistance (mutual security)	$5,265,936,000
Foreign military credit sales fund	222,000,000
MAAG's, missions, and milgroups	5,000,000
Military and economic assistance (in defense budget)	1,086,000,000
Export-Import Bank, long-term credits	3,296,800,000
Export-Import Bank, regular operations	193,400,000
Export-Import Bank, uncommitted borrowing authority	5,288,300,000
Public Law 480 (agricultural commodities)	507,748,000
Inter-American Development Bank	2,109,494,000
International Development Association	103,600,000
Asian Development Bank	130,000,000
Peace Corps	35,619,000
Permanent military construction—Foreign nations	390,000,000
Contributions to international organizations	2,838,000
Educational (foreign and other students)	29,263,000
Ryukyu Islands	7,705,000
Migrants and refugees	3,616,000
Trust Territories of the Pacific Islands	16,551,000
Inter-American highway	14,146,000
Total	18,708,016,000

Total net foreign assistance to 121 nations and 7 territories of the world, fiscal years 1946 through 1969—Statistics finalized July 1, 1969 (the 5-F formula: frustrating, fanatical, frightening, foolish, but factual)

Afghanistan	$370,500,000
Albania	20,400,000
Algeria	193,500,000
Argentina	447,500,000
Australia	697,000,000
Austria	1,106,000,000
Barbados	200,000
Belgium-Luxembourg	1,747,500,000
Bolivia	532,000,000
Botswana	16,500,000
Brazil	2,772,500,000
Burundi	6,800,000
Burma	84,700,000
Cambodia	341,400,000
Cameroon	32,900,000
Canada	46,900,000
Central African Republic	4,600,000
Ceylon	158,900,000
Chad	8,800,000
Chile	1,410,000,000
Republic of China	$5,006,900,000
Colombia	962,700,000
Congo (B)	2,000,000
Congo (K)	440,900,000
Costa Rica	172,600,000
Cuba	43,800,000
Cyprus	20,300,000
Czechoslovakia	189,500,000
Dahomey	12,000,000
Denmark	875,900,000
Dominican Republic	461,500,000
East Germany	800,000
Ecuador	268,900,000
El Salvador	123,200,000
Ethiopia	357,000,000
Finland	30,200,000
France	7,014,300,000
Gabon	7,500,000
Gambia	1,600,000
Ghana	268,700,000
Germany and Berlin	3,675,600,000
Greece	3,681,200,000
Guatemala	318,800,000
Guinea	107,700,000
Guayana	61,200,000
Haiti	108,800,000
Honduras	109,400,000
Hungary	13,500,000
Iceland	67,300,000
India	7,464,400,000
Indochina	1,535,200,000
Indonesia	940,100,000
Iran	2,047,100,000
Iraq	96,800,000
Ireland	122,900,000
Israel	860,200,000
Italy	5,393,700,000
Ivory Coast	69,000,000
Jamaica	76,400,000
Japan	3,606,900,000
Jordan	635,300,000
Kenya	62,700,000
Korea	7,817,200,000
Kuwait	49,400,000
Laos	643,300,000
Lebanon	86,200,000
Lesotho	4,800,000
Liberia	228,600,000
Libya	221,500,000
Malagasy	13,400,000
Malawi	25,900,000
Malaysia	76,300,000
Mali	21,300,000
Malta	6,700,000
Mauritania	3,300,000
Mauritius	1,400,000
Mexico	569,000,000
Morocco	685,300,000
Nepal	129,600,000
Netherlands	2,050,500,000
New Zealand	66,800,000
Nicaragua	158,000,000
Niger	16,700,000
Nigeria	275,000,000
Norway	1,130,200,000
Pakistan	3,527,300,000
Panama	221,200,000
Paraguay	116,900,000
Peru	476,300,000
Philippines	1,839,900,000
Poland	453,800,000
Portugal	477,100,000
Rwanda	7,400,000
Saudi Arabia	70,300,000
Senegal	36,200,000
Sierra Leone	40,900,000
Singapore	33,900,000
Somalia	76,200,000
Sou. Rhodesia	2,000,000
Spain	1,960,000,000
Sudan	97,200,000
Surinam	10,000,000
Swaziland	500,000
Sweden	156,000,000
Syrian Arab Rep	$60,400,000
Tanzania	65,400,000
Thailand	1,144,900,000
Togo	14,900,000
Trinidad-Tobago	55,400,000
Tunisia	606,600,000
Turkey	5,391,200,000
Uganda	35,800,000
United Arab Rep	900,900,000
United Kingdom	7,690,700,000
USSR	7,690,700,000
Upper Volta	12,100,000
Uruguay	154,600,000
Venezuela	361,500,000
Vietnam	5,856,000,000
Western Samoa	1,500,000
Yemen	42,800,000
Yugoslavia	2,593,400,000
Zambia	9,800,000
Bahamas	34,700,000
Brit. Honduras	5,200,000
West Indies	8,000,000
Hong Kong	43,800,000
Ryukyu Islands	399,100,000
Trust Ter. Pac	225,300,000
CENTO	54,700,000
W/W Regional	14,896,500,00
Total net disbursements to foreign nations, 1946 to 1969	122,048,200,000
Total net interest paid on what we have borrowed to give away, 1946 to 1969	60,535,175,000
Grand total—cost of foreign assistance—1946 through 1969	182,583,375,000

NOTE.—Of the 3 billion people of the world, all but 36 million have received aid from the United States.

All of these programs have a bearing on our own domestic deficits, our tax burden which we heap on the back of our own people, inflation, and are further debauching our currency through removal of our protective gold cover. Study these figures carefully:

Gold holdings

[In millions]

Gold holdings, United States:	
Dec. 31, 1950	$22,879
Dec. 31, 1968	10,367
Gold loss by United States, 1950 through 1968	12,512
Gold holdings, other countries of the world, Dec. 31, 1968	28,028
Gold holdings, other countries of the world, Dec. 31, 1950	10,935
Gold increase, other countries of the world, 1950 through 1968	17,093

Short-term dollar claims against United States

[In millions]

Short-term dollar claims against United States, Dec. 31, 1968	$35,665
Short-term dollar claims against United States, Dec. 31, 1950	8,645
Short-term dollar claims increase against United States, 1950 through 1968	27,020

U.S. balance of payments

[In millions]

Net deficit:	
1950	—$1,912
1951	—578
1952	—1,100
1953	—2,100
1954	—1,500
1955	—1,100
1956	—1,000
1957 (net surplus)	+500
1958	—3,400
1959	—3,700
1960	—3,800
1961	—2,400
1962	—2,200
1963	—2,660
1964	—3,006
1965	—1,306
1966	—2,077
1967	—3,650
1968 (net surplus)	+93
Net U.S. balance-of-payments deficit (19 years) 1950 through 1968	—36,896

Gross public debts

[In thousands]

Public debt, United States, Dec. 31, 1968	$361,242,183
Public debt, all other nations of the world, Dec. 31, 1968	304,160,241
U.S. public debt exceeds combined public debt of all other nations of the world by (estimate)	57,081,942

Mr. Speaker, the above are verified statistics covering gold holdings, short-term dollar claims against the United States, U.S. balance-of-payments position—19 years—public debt of the United States, public debt of all other nations of the world, and amount by which our public debt exceeds combined public debt of all other nations of the world. It is not necessary for me to comment further. The statistics tell the full story.

Mr. Speaker, nothing more needs to be said. The record speaks for itself.

IN PURSUIT OF OBJECTIVITY

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, not too long ago newspaper headlines publicized attempts to protect the American public through the "fair packaging" and "truth in lending" issues. On November 13 when Vice President AGNEW attempted to further protect the public with his "fair TV news packaging" remarks in Des Moines, various sources agonized over the possibility of Federal control and censorship of the communications media. Actually, all that was suggested by the Vice President in the way of corrective action was a soul searching on the part of the TV news people and an exhortation to the public to register their concern in behalf of a TV news "fairness doctrine."

The target of Mr. AGNEW's remarks was "a small group of men, numbering perhaps no more than a dozen 'anchormen,' commentators, and executive producers" with each network. This reference to a small group rings a bell with me for on March 27 of this year I inserted in the RECORD an article by David Broder of the Washington Post describing another small group—the national political reporters. Mr. Broder observed that at any given time there are several hundred persons who are potentially candidates for nomination as President or Vice President which include Senators, Representatives, Governors, administration officials, mayors, military men, businessmen, and other assorted celebrities. He further observes that this collection of possibilities are winnowed down to manageable size by "the press—and particularly that small segment of the press called the national political reporters." This segment, according to Mr. Broder, is small and includes "a couple of dozen members."

A member himself of this "screening committee," Mr. Broder listed representatives of the three radio television networks as members of the "in crowd":

> These organizations include: the three news magazines, the two wire services, the three radio-television networks and the New York Times, the Washington Post, Washington Evening Star, the Los Angeles Times, the Christian Science Monitor, the Baltimore Sun, the Knight newspapers, the Field papers, and the Gannett, Newhouse, Scripps-Howard and Hearst chains. The political reporters for these organizations, plus a few syndicated columnists who cover politics along with other subjects, comprise the screening committee.

The Broder article describes the "screening committee" in action:

> I often thought, for example, as I saw Romney during his Presidential campaign, surrounded by our circle—men a generation younger than he, many of us with cigarettes in our mouths, drinks in our hands, and cynicism in our hearts—that he must have felt as helpless with us as I would feel if my fate or future as a journalist were being decided by a committee of Romney's colleagues among the elders of the Mormon church.

And finally, the article emphasizes the power of the political reporter:

> In his function as a talent scout, the political reporter not only puts some men forward, he rather ruthlessly bars the door to advancement for other men . . . Their reports, like those in Variety, are frequently make-or-break. "No talent," they will say of one man, and his name is forgotten. "Promising," they'll say of another, and he is booked into the Gridiron Dinner or "Meet the Press." It's a formidable power, and one that the screening committee of reporters is thoroughly conscious of possessing.

Considering the foregoing, it is not surprising that Mr. AGNEW has come upon another "screening committee," in this case in the TV news area. Ironically, perhaps the most valid criticism of the Des Moines speech is that the Vice President was too kind and too restrictive in his analysis. Consider the comments of some of TV's own people as they were reported in the TV Guide of September 27, 1969.

Referring to the Democratic convention disruptions in Chicago last year, Shad Northshield of NBC stated:

> I was stunned by the public reaction to Chicago. We all were. I was stunned, astonished, hurt. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't know 56 percent would have thought we were unfair. It raises enormous questions about journalism.

Phil Lewis of CBS said:

> We're beginning to realize we've ignored the majority. America doesn't end at the Hudson.

The newsmen's own liberal ideology is the cause of the present situation in the TV news field according to Fred Freed of NBC:

> This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of Newsweek, of the New York Times, of all media. Men of like mind are in the news. It's provincial. The blue-and-white-collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad to pretend they don't exist. We did this because we tend to be uppermiddle-class liberals. . . .

While Bill Leonard of CBS stated that they had nothing to apologize for, including the coverage of the Chicago Democratic Convention, he was most emphatic in his comments on "bad reporting":

> Most reporting is lousy. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side, because the answer might kill his story. . . .

And then, as if to reaffirm the Des Moines criticism, Mr. Leonard addressed himself to the performances of some of the gentlemen sitting on Mr. AGNEW's "screening committee":

> And these producers who develop and edit a broadcast from the point of view of the way they want it to turn out—with their own prejudices showing. That happens quite often . . . If we could get rid of those people we'd be a lot closer to our goal of objectivity.

Compared to Mr. Leonard's criticism, the Vice President was indeed too kind. Unlike Mr. Leonard, he did not mention getting rid of those producers in the various networks who peddle their biases in packages mislabeled "news." Mr. AGNEW merely asked for an improvement in the quality and objectivity of news presentation.

In exhorting the public to make their wishes known, the Vice President suggested writing to the networks and phone calls to local stations. This, along with the spirit of introspection so evident in the above comments of the various TV people could well effect developments in the TV news area mutually advantageous to all concerned.

I include the text of the Des Moines speech of Vice President AGNEW, delivered on November 13, in the RECORD at this point:

THE CHALLENGE OF TV

(Remarks of Vice President SPIRO T. AGNEW)

Tonight, I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is—are we demanding enough of our television news presentations? And, are the men of this medium demanding of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his Administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of seventy million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the *majority* of whom expressed, in one way or another, their hostility to what he had said.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek reelection have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

ENTER MR. HARRIMAN

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Viet Cong or North Vietnamese did not really want a military take-over of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months, he was America's chief negotiator at the Paris Peace Talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time he desires.

THE RIGHT TO DISAGREE

Every American has a right to disagree with the President of the United States—and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the Nation in the Cuban Missile Crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked America to follow.

POWERFUL GROUP OF MEN

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our Nation.

First, let us define that power. At least forty million Americans each night, it is estimated, watch the network news. Seven million of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

In Will Rogers' observation, what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is the network news determined? A small group of men, numbering perhaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what forty to fifty million Americans will learn of the day's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

TV MERITS AND DEMERITS

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence—nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark, dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

OBJECTIVITY

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States." Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for fairness."

Another anchorman on a network news show contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "His natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

The views of this fraternity do not represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

CENSORSHIP ELIMINATED

As with other American institutions, perhaps it is time that the networks were made more responsive to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that forty million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The questions I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Learned Hand that "right conclusions are more likely to be gathered out a multitude of tongues than through any kind of authoritative selection."

THE PRINTED WORD

Advocates for the networks have claimed a first amendment right to the same unlimited freedoms held by the great newspapers of America.

The situations are not identical. Where the *New York Times* reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing film and hearing commentary be compared with reading the printed edge.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippman spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But, besides the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers and books. If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph."

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

DEMOCRATIC CONVENTION—1968

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one sided picture which in large measure exonerates the demonstrators and protestors." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protestors provoked was shown to millions.

Another network showed virtually the same scene of violence from three separate angles—without making it clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

OTHER CONSIDERATIONS

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The Members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show.

We have heard demands that Senators and Congressmen and Judges make known their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

TV AND THE VIEWS

Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves . . . where the citizen . . . not government . . . must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not my decision; it is not your decision; it is their decision.

In tomorrow's edition of the Des Moines *Register* you will be able to read a news story detailing what I said tonight; editorial comments will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's networks?

We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

WORLD MENTAL HEALTH ASSEMBLY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on November 18, before the World Mental Health Assembly meeting in Washington, a distinguished friend and constituent of mine, Dr. Stanley R. Dean, delivered an outstanding address on the subject "Self-Conducted Group Psychotherapy: Mental Patients Rediscover Will Power." Dr. Dean is a fellow of the American Psychiatric Association and of the American College of Psychiatrists. He is the Stanley R. Dean in whose name the Stanley R. Dean Annual Award for Research in Psychiatry, which is jointly sponsored by the Fund for the Behavioral Sciences and the American College of Psychiatrists, is bestowed.

Eminent in his profession, a dedicated American and warm-hearted and broad-visioned citizen, Dr. Dean has done much for his profession and for his country. I commend this eloquent address to my colleagues and to my fellow countrymen.

I include Dr. Dean's address at this point in the Record:

Self-Help Group Psychotherapy: Mental Patients Rediscover Will Power

It is consistent with the democratic ideal that help for the mentally afflicted should be available to every individual rather than the privileged few. To achieve that goal we professionals must envision a system of outreach that literally permeates every level of society. We must speed the day when preventive and therapeutic first aid will be immediately available, not only for full-blown syndromes but also for the every-day crises that may be their forerunners. Only then will psychiatry, itself, attain maturity.

The Expert Committee of the World Health Organization in 1958 stated that "the dignity and the right to security of every disabled person is no less than that of a normal individual and that everything possible must be done to rehabilitate the disabled in order to restore them to as normal a life as possible in the society in which they live" (13). This includes the mentally disabled as well as the physically disabled.

It is no exaggeration to say that current demand for psychiatric service is greater than ever and its prestige is at an all-time high. In a relatively few years psychiatry has undergone a transition from the status of an isolated specialty to that of a major branch of medicine. Reasons: more affluent middle and lower income groups; popularization of psychiatry by mass media and government; accelerated physio-chemical therapy, making it more akin to medicine as a whole; closer socio-psychiatric rapprochement due to escalating pressures at home and abroad; increasing eclecticism within the ranks.

All these and other factors peculiar to our complex times have combined to create a veritable psychiatric explosion. To cope with it, the new psychiatric task force will have to expand its horizons. It will have to recruit sergeants and corporals as well as commanding officers. It will have to concern itself not only with theory and etiology but also with the necessity of tiding a patient over his immediate hang-ups. It will have to combine forces with adjunctive disciplines of all kinds in a cross-fertilizing atmosphere of concerted effort. In short we envision a psychiatry that is versatile rather than static, pluralistic rather than insular, liberal rather than conservative, protean rather than stereotyped. Despite resistance from the parochial old guard, the innovative shift from institutional and office-based therapy to domiciliary and community involvement continues to make stubborn headway.

Already various paraprofessional psychiatric aides have validated their roles in modern treatment, especially psychiatric social workers, clinical psychologists, occupational therapists and psychiatric nurses (16). But in addition, there are also many informal self-conducted "therapeutic clubs" within the community—e.g., Alcoholics Anonymous, Synanon, Weight Watchers, Recovery, Inc.—whose potential resources have been largely unexplored by professionals, although they have withstood the test of time and bid fair to become a permanent feature of the socio-psychiatric scene.

Self-directed therapeutic groups have characteristics that are particularly adaptive to patients afflicted with stigmatizing problems, since they aim to offset the isolation and estrangement imposed on such patients by family and friends at home or by the geographical dislocation of an institution remote from home. We might say that they provide an aura of community acceptance.

Self-directed groups do not provide "deep" psychotherapy, but their emphasis on faith, will power, self control and day-to-day victories do achieve constructive treatment goals. After all, who knows better how a mental patient, alcoholic or drug addict thinks or feels than other victims of the same malady? It is this unique feature that is so conducive to the effectiveness of self-directed groups.

The following list will serve to define self-help group therapy vis-a-vis orthodox psychotherapy. It is intended merely as an objective comparison and does not infer any superiority of one over the other.

APPROXIMATE COMPARISONS

Orthodox psychotherapy	*Self-help group therapy*
1. Professional, authoritative therapist.	Non-professional leaders, group parity.
2. Fee.	Free.
3. Appointments & records.	None.
4. Therapy-oriented milieu (psychiatrist's office, clinic, etc.).	Non-therapy oriented milieu (church rooms, community centers, etc.).
5. No family confrontation.	Family encouraged.
6. Psychiatrist is presumed normal, does not identify with patient.	Peery are similarly afflicted, identify with each other.
7. Therapist is not a role model, does not set personal examples.	Peers are role models, must set examples for each other.
8. Therapist is non-critical, non-jugmental, neutral, listens.	Peers are active, judgmental, supportive, critical, talk.
9. Patients unilaterally divulge to therapist, disclosures are secret.	Peers divulge to each other, disclosures are shared.
10. Patients expect only to *receive* support.	Patients must also *give* support.
11. Concerned about symptom substitution if underlying causes are not removed.	Urges appropriate behavior, not concerned about symptom substitution.
12. Accepts disruptive behavior and sick role, absolves patient, blames cause.	Rejects disruptive behavior and sick role, holds member responsible.
13. Therapist does not aim to reach patient at "gut level."	Peers aim to reach each other at "gut level."
14. Emphasis on etiology, insight.	Emphasis on faith, will-power, self-control.
15. Patient's improvement is randomly achieved.	Patient's behavior is planfully achieved.
16. Therapist-patient relationship has little direct community impact.	Peers' intersocial involvement has considerable community impact.
17. Everyday problems subordinated to long-range cure.	Primary emphasis on day-to-day victories: another day without liquor or drugs, another day without panic, etc.
18. Extra curricular contact and socialization with psychiatrist discouraged.	Continuing support and socialization available.
19. Lower cumulative dropout percentage.	Higher drop-out percentage.
20. Patient cannot achieve parity with psychiatrist.	Members may themselves become active therapist.

The group that this report is especially interested in is known as Recovery, Inc. It is a structured self-help program based on will power. It was founded in 1937 by a Chicago psychiatrist, the late Dr. Abraham A. Low, who was convinced that even the mentally ill could develop their will power. The present author was the first psychiatrist to promulgate it thereafter (15). Recovery, Inc. now has 725 groups in the United States and 35 in Canada, with more than 12,000 weekly attendance. Recovery maintains an ongoing program of cooperation with formal psychiatry. Hundreds of actual panel demonstrations are given each year for the professional staffs of psychiatric hospitals and clinics (17, 18). A panel demonstration was presented at the annual meeting of the American Psychiatric Association last May (19).

Dr. Low's book, *Mental Health Through Will Training*, is the handbook of Recovery's members (14). It has been criticized by some psychiatrists as being unorthodox and authoritarian. However, it was intended for patients who do not understand the jargon of psychiatry. Low devised a simple vocabulary of key phrases in order to provide a uniform basis among his groups for understanding, communication and procedure.

This vocabulary stresses such down-to-earth concepts as "will power," "muscle control," "endorsement," "spotting nervous symptoms," "sabotage," etc. To some psychiatrists that might seem rather naive and archaic, if not down-right heretical. However, such simple homilies have proved effective in a lay setting and I have never found them to interfere with our more recondite pontifications (6).

Members learn to spot and analyze the emotional nature of a disturbing symptom when it occurs. They also learn how to deal with it through will power and muscle control, forcing one's self to behave or react in an approved way. Having the member recount before others how he spotted a disturbing situation enables him to obtain cathartic relief in a setting in which he also gains enthusiastic group approval (endorsement) (2, 10).

Each session centers about a topic selected in advance from Dr. Low's book, *Mental Health Through Will Training*, or a prerecorded comment by Dr. Low on the topic. Examples and discussions by four or five panel members follow for approximately one hour, then a freewill offering is collected. Next comes a brief mutual aid period which is usually accompanied by simple refreshments. During this half hour group members have an opportunity to become better acquainted and to discuss Recovery techniques informally.

Organized large-scale social activity is kept to a minimum with the possible exceptions of a Christmas Party and a mid-summer picnic. While the members are encouraged to associate during meetings on an informal and friendly basis, they are often known to each other only by first names and last initials.

Recovery, Inc. stresses that the organization does not diagnose, treat, or supplant the doctor. Each member is at all times expected to follow the authority of his own physician or other professional. To do otherwise would be sabotage.

DISCUSSION

It follows that Recovery, Inc. is not a substitute for psychiatry, but a self-directed program that may be used to supplement psychiatry or alone in certain cases where psychiatric treatment is not available or mandatory. The ideal referral to Recovery should come from a physician or psychiatrist, for they are qualified to know what best fills the needs of the patient; but it is also important that *all* behavioral professions should become acquainted with the unique and valuable services that Recovery has to offer.

In addition to its value as an adjunct to psychiatry, Recovery can serve an important "caretaker" function in those cases where psychiatric treatment is not available for one reason or another, such as lack of funds or resistance on the part of a patient or his family psychiatric treatment (4).

Although group psychotherapy does not go as "deep" as individual psychotherapy, it provides some unique advantages that only group therapy can offer. There is a certain contagiousness about group attitudes that is transmitted to the individual. The collective mind and the collective will are stronger than that of the individual. A person who cannot utilize his own will to get better finds that he can surrender more readily to the will of the group. This group contagiousness explains to a large extent the cohesiveness of thought in political parties, religious denominations and other organizational activities.

The emotional climate of a group is an effective instrument for combatting the feelings of isolation and withdrawal of the patient. Mass suggestion and mass identification help to extrovert the patient's emotions and "draw him out of his shell." People who are themselves afflicted are more sympathetic and understanding to fellow sufferers. Most people feel better when they learn to share their troubles with kindred spirits. In Recovery each patient is encouraged to confront his problems, to air his symptoms and to examine the validity and appropriateness of his emotions. At home this might meet with arguments, objections, indifference or even pampering. In the group it meets with understanding and support.

It would appear that as patients confess their fears and eccentricities and observe no reactions of dismay on the faces of others, they feel accepted. They feel safe in the group because the shared secret evokes no condemnation. They are all in the same boat, so to speak. They reinforce each other by their mutual acceptance.

Still another advantage of Recovery is the competitive element that it provides. Patients consciously or unconsciously compete with one another to see who can improve most completely and quickly and thereby win the approval of the rest of the group. In turn, the actual demonstration of objective improvement from week to week is a source of great encouragement and inspiration to the others. Part of the program for each is the support and reclamation of other patients. This spirit of working together toward a common goal cannot be overemphasized. In union there is strength. Helping others is one of the surest ways to help one's self. These truths have been known through the ages. In Recovery they are brought into sharp focus where patients can actually observe them in practice.

A major advantage of Recovery, that is rare in the orthodox type of individual or group therapy, is the attendance of family members at meetings. The family is thereby able to obtain greater insight into the problems of the patients. The family realizes that nervous and mental problems are universal and not a unique and personal affliction. As a consequence, they learn not to feel so sorry for themselves. At the same time they acquire a new dimension in sympathy, tolerance and understanding. More important, since disturbed individuals often come from disturbed families, the latter may learn through Recovery to spot and correct their own abnormal reactions. It is a psychological truism that "we treat situations rather than individuals." Recovery provides an excellent opportunity to bring the entire situation into focus.

Last, but not least, in patients just released from an institution, Recovery helps to smooth the transition from hospital to society. Without such a medium the patient may find it difficult to cope with the sudden immersion back into an environment that presumably contributed to his breakdown in the first place. The Recovery group is a sort of miniature society that can serve as an important buffer between the patient and his environment. If he is accepted by Recovery, it lessens his fear about being accepted by society (9).

Although Recovery, Inc. prefers professional referrals, if the need arises it will accept members who, for economic or other reasons, are not currently under psychiatric care. Does that pose a threat to private practice? Not at all. The present author can affirm that a physician who refers selected patients to Recovery will find that it is like bread cast upon the waters—in terms of cross-referrals, therapeutic progress, prestige and self-esteem (6, 8).

What results may be expected from the Recovery program? As yet the answer to that question can be given only on an empirical level. Practically all the articles that have appeared so far were written by psychologists, sociologists and feature writers (1, 3, 5, 20). The present paper is the first independent report ever made by a psychiatrist to a national medical association. A thorough search of the literature reveals only one statistical study, conducted by Donald T. Lee, Chief of the Social Service Department at the Camarillo State Hospital in California. It is an ongoing study, as yet incomplete, but Lee's clinical impression is that the Recovery program tends to create a "well role" model in the important area of interpersonal relationships for the participating patient (11, 12). A favorable clinical impression has also been briefly noted by Shoichet (21).

The present author agrees with those impressions. Over a period of twenty years I have referred some 200 patients to Recovery, Inc. Most of them continued simultaneously under my care. In my opinion this concurrent group, as a whole, showed better progress than nonparticipants. There was more rapid symptomatic improvement; less self-consciousness and embarrassment; a greater sense of pride, accomplishment and degree of commitment; better coping behavior; accelerated social rehabilitation; and less tendency to decompensate under stress.

Any fears I may have had about dependency and secondary gain were soon allayed by the observation that any element of *dependency* upon the group was more than compensated for by *responsibility* to the group and ultimately a social obligation to get well and become a productive member of society.

SUMMARY

Recovery, Inc. is effective because the group and the individual strengthen each other. The emotional climate of the group, its contagiousness, competitive atmosphere, actual demonstration of beneficial results in others, the opportunity to share with and even help others, the inclusion of the family group—all these are constructive and positive forces of genuine value. Recovery replaces stigma with inspiration. It deserves the support of everyone in any way concerned with the problem of mental rehabilitation. (7).

Further information may be obtained by consulting the local telephone directory or by contacting the National Headquarters of Recovery, Inc., 116 South Michigan Avenue, Chicago, Illinois 60603.

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4. Carner, C.: *Now: Clubs for Mutual Mental Help,* Today's Health, Publ. by Amer. Med. Assoc., (Mar.) 1968.

*5. Crane, P.: *Self-Help in Emotional Illness,* The Liguorian (Dec.) 1968.

*6. Dean, S. R.: *Recovery, Inc.,* Amer. Journ. of Psychiat., Correspondence Section, 125, (May) 1969.

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*9. ——— *The Role of Self-Help Group Psychotherapy in Mental Rehabilitation,* Proceedings of the 4th Pan Pacific Rehabilitation Conference, Hong Kong, (Sept.) 1968.

*10. Harris, E. *Recovery, Inc.,* The Amer. Weekly Journ., (Jan. 15) 1961.

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*12. ——— *Recovery, Inc.: A Well Role Model,* The Quarterly of Camarillo, 2: 35–36, (Aug.) 1966.

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*14. Low, A. A.: *Mental Health Through Will Training,* Boston, The Christopher Publ. House, 1950. (11th ed., 1967).

*15. ——— Personal communication to the author, (June 1) 1947.

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*17. Recovery Panel Demonstration: Discussants, Bessent, T., and Sandron, L., *What Is Recovery, Inc.,* Annual Convention, Calif. State Psychol. Assoc. (Jan. 31), 1968. Unpubl. manuscript.

*18. ——— Discussants, Cozens, W. R., Palmer, J. D., and Sandron, L.: *Recovery, Inc., as an Innovative Self-Help Psychotherapy Group.* Unpubl. manuscript.

*19. ——— Moderator, Grosz, H. J., *Recovery, Inc. in Action,* Annual meeting Amer. Psychiat. Assoc. Miami, Fla. (May), 1969.

*20. Recovery Reporter, Publ. by Recovery, Inc. National Headquarters, Chicago, Ill., 32 (Jan.-Feb.), 1969.

*21. Shoichet, R.: *Recovery, Inc.,* Canadian Family Physician, Nov. 1968.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BELCHER (at the request of Mr. GERALD R. FORD), for November 17 through November 25, on account of official business.

Mr. DENNEY (at the request of Mr. GERALD R. FORD), for November 18 and balance of week, on account of knee injury.

Mr. KUYKENDALL (at the request of Mr. GERALD R. FORD), for November 20 through November 24, to attend conference of U.S. citizens residing abroad.

Mr. SCHERLE (at the request of Mr. GERALD R. FORD), for November 20 and balance of week, on account of official business as a member of House Committee on Education and Labor.

Mr. REIFEL (at the request of Mr. GERALD R. FORD), for November 19 through December 12, on account of official business.

Mr. PEPPER, for November 20 and 21, on account of official business on Crime Committee hearings.

Mr. FOUNTAIN (at the request of Mr. GRAY), until 2 p.m., on account of official business involving the Advisory Commission on Intergovernmental Relations.

Mr. EILBERG, for November 21 through December 6, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHITEHURST to revise and extend their remarks and include extraneous material:)

Mr. FINDLEY, for 5 minutes, today.

Mr. WILLIAMS, for 5 minutes, today.

(The following Members (at the request of Mr. WOLFF) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JONES of Alabama during his remarks on the conference report on S. 1072 and to include certain tables.

Mr. FALLON (at the request of Mr. JONES of Alabama) following the remarks of Mr. JONES of Alabama.

Mr. BLATNIK (at the request of Mr. JONES of Alabama) following the remarks of Mr. FALLON on the conference report on S. 1072.

Mr. MAHON (at the request of Mr. WOLFF), the remarks he made in the House today on the conference report accompanying the bill H.R. 11612, making appropriations for the Department of Agriculture and related agencies.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. TALCOTT.

Mr. HALL.

Mr. ASHBROOK in three instances.

Mr. HORTON.

Mr. EDWARDS of Alabama.

Mr. WYMAN in two instances.

Mr. DELLENBACK in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. ESCH.

Mr. ROTH.

Mr. SCHWENGEL in three instances.

Mr. HOGAN.

Mr. GOLDWATER.

Mr. MICHEL.

Mr. FISH.

Mr. UTT.

Mr. MCKNEALLY.

Mr. SKUBITZ in four instances.

(The following Members (at the request of Mr. WOLFF) and to include extraneous matter:)

Mr. MATSUNAGA in two instances.

Mr. OTTINGER in two instances.

Mr. MCCARTHY in three instances.

Mr. DANIEL of Virginia.

Mr. CHAPPELL.

Mr. PICKLE in three instances.

Mr. UDALL in eight instances.

Mr. RARICK in two instances.

Mr. RIVERS in two instances.

Mr. GONZALEZ.

Mr. DINGELL in two instances.

Mr. EDMONDSON in two instances.

Mr. WALDIE in two instances.

Mr. HUNGATE in two instances.

Mr. ANDERSON of California.

Mr. TIERNAN.

Mr. KLUCZYNSKI.

Mr. GIBBONS in two instances.

Mr. WILLIAM D. FORD.

Mr. SLACK in two instances.

Mr. O'HARA in two instances.

Mr. KYROS in two instances.

Mr. FOLEY in two instances.

Mr. BENNETT in three instances.

Mr. OLSEN.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Adminstration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 92. An act for the relief of Mr. and Mrs. Wong Yui; and

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

ADJOURNMENT

Mr. WOLFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Thursday, November 20, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1349. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on omission of significant costs from charges to the Federal Republic of Germany for pilot training, Department of Defense, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 714. Resolution for consideration of H.R. 4249, a bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices (Rept. No. 91–658). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 14517. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; (Rept. No. 91–659). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 14863. A bill to amend the Solid Waste Disposal Act to prohibit the use in interstate commerce of certain aluminum containers; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr. QUILLEN, Mr. BENNETT, Mr. FISHER, Mr. FUQUA, Mr. WAGGONNER, Mr. COLMER, Mr. RIVERS, Mr. PREYER of North Carolina, Mr. EDWARDS of Louisiana, Mr. ASHBROOK, Mr. ROUDEBUSH, Mr. WATSON, and Mr. SCHERLE):

H.R. 14864. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. JONES of North Carolina:

H.R. 14865. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KING (for himself and Mr. MCKNEALLY):

H.R. 14866. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provisions applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. ANDERSON of California, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BROWN of California, Mr. BYRNE of Pennsylvania, Mr. CONYERS, Mr. FARBSTEIN, Mr. HALPERN, Mr. KOCH, Mr. LOWENSTEIN, Mr. MACDONALD of Massachusetts, Mr. MATSUNAGA, Mrs. MINK, Mr. PIKE, Mr. PODELL, Mr. REES, Mr. SCHEUER, Mr. SYMINGTON, and Mr. WRIGHT):

H.R. 14867. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 14868. A bill to amend the act of March 3, 1899, to authorize the United States to recover by civil actions the cost of removing certain obstructions from the navigable waters of the United States, and for other purposes; to the Committee on Public Works.

By Mr. OTTINGER.

H.R. 14869. A bill to amend title 5, United States Code, to provide for retirement of employees under the civil service retirement program upon attainment of 50 years of age and completion of 25 years of service; to the Committee on Post Office and Civil Service.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 14870. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 14871. A bill to amend title 38 of the United States Code to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday or overtime duty and to authorize payment for standby or on-call time, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 14872. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. ASPINALL (for himself, Mr. Ullman, Mr. Johnson of California, and Mr. Don H. Clausen):

H.R. 14873. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 14874. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Sikes, Mr. Chappell, Mr. Kyros, Mr. Hathaway, Mr. Friedel, Mr. Morse, Mr. Harrington, Mr. Burke of Massachusetts, Mr. Addabbo, Mr. Podell, Mr. St Germain, Mr. Tiernan, Mr. Watson, Mr. Dorn, Mr. Mann, Mr. Downing, Mr. Abbitt, Mr. Poff, Mr. Marsh, Mr. Scott, Mr. Wampler, and Mr. Broyhill of Virginia):

H.R. 14875. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Philbin, Mrs. Heckler of Massachusetts, Mr. Boland, Mr. Helstoski, Mr. Keith, and Mr. Gettys):

H.R. 14876. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Sikes, Mr. Chappell, Mr. Kyros, Mr. Hathaway, Mr. Friedel, Mr. Morse, Mr. Harrington, Mr. Burke of Massachusetts, Mr. Addabbo, Mr. Podell, Mr. St Germain, Mr. Tiernan, Mr. Watson, Mr. Dorn, Mr. Mann, Mr. Downing, Mr. Abbitt, Mr. Poff, Mr. Marsh, Mr. Scott, Mr. Wampler, and Mr. Broyhill of Virginia):

H.R. 14877. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purpose; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Philbin, Mrs. Heckler of Massachusetts, Mr. Boland, Mr. Helstoski, Mr. Keith, and Mr. Gettys):

H.R. 14878. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 14879. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request):

H.R. 14880. A bill to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

H.R. 14881. A bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 14882. A bill to provide a cost of living increase in the additional allowance payable to veterans in need of regular aid and attendance; to the Committee on Veterans' Affairs.

H.R. 14883. A bill to amend section 624 of title 38, United States Code, to provide drugs and medicines for certain veterans sojourning or residing abroad; to the Committee on Veterans' Affairs.

H.R. 14884. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring reduction of pension allowance for certain veterans during hospitalization at Government expense; to the Committee on Veterans' Affairs.

H.R. 14885. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring the discontinuance of aid and attendance allowance for certain veterans during hospitalization at Government expense; to the Committee on Veterans' Affairs.

H.R. 14886. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring the discontinuance of pension payments to certain veterans during hospitalization, institutional or domiciliary care at Government expense; to the Committee on Veterans' Affairs.

H.R. 14887. A bill to amend title 38 of the United States Code to increase the pension payable to certain seriously disabled veterans; to the Committee on Veterans' Affairs.

H.R. 14888. A bill to amend title 38 of the United States Code to liberalize the income provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14889. A bill to amend title 38, United States Code, to increase the rates of additional compensation provided for certain disabled veterans with dependents; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 14890. A bill to permit the reading of verses from the Holy Bible at certain times in the public schools throughout the United States; to the Committee on Education and Labor.

By Mr. FUQUA (for himself, Mr. Stuckey, Mr. Bennett, Mr. Blackburn, Mr. Brinkley, Mr. Burke of Florida, Mr. Chappell, Mr. Cramer, Mr. Davis of Georgia, Mr. Fascell, Mr. Flynt, Mr. Frey, Mr. Gibbons, Mr. Hagan, Mr. Haley, Mr. Landrum, Mr. O'Neal of Georgia, Mr. Pepper, Mr. Rogers of Florida, Mr. Sikes, Mr. Stephens, and Mr. Thompson of Georgia):

H.J. Res. 992. A joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT (for himself, Mr. Mills, Mr. Pryor of Arkansas, and Mr. Alexander):

H.J. Res. 993. A joint resolution authorizing the President to proclaim annually the month of May as Clean Waters for America Month; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Adair, Mr. Broomfield, Mr. Fascell, Mr. Findley, Mr. Fountain, Mr. Fraser, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Hays, Mr. Nix, Mr. Taft, Mr. Thomson of Wisconsin, Mr. Blanton, Mr. Casey, Mr. Dickinson, Mr. Matsunaga, and Mr. McEwen):

H. Con. Res. 454. A concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 455. A concurrent resolution expressing the sense of Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Saylor, Mr. Podell, Mr. Scheuer, Mr. Broyhill of North Carolina, Mr. Zwach, Mr. Kleppe, Mr. Rooney of Pennsylvania, Mr. Wright, Mr. Hansen of Idaho, Mr. Whitehurst, Mr. Hechler of West Virginia, Mr. Foreman, and Mr. Stanton):

H. Res. 715. A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Anderson of Illinois, Mr. Hunt, Mr. Mayne, Mr. Wyatt, Mr. Schneebeli, Mr. Addabbo, Mr. Williams, Mr. Riegle, Mr. Cowger, Mr. Dent, Mr. Sebelius, Mr. Buchanan, Mr. Carter, Mrs. Heckler of Massachusetts, Mr. Burke of Florida, Mr. Quie, Mr. Roth, and Mr. McClory):

H. Res. 716. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. GALLAGHER (for himself, Mr. Horton, Mr. Karth, Mr. Koch, Mr. Murphy of New York, and Mr. Yates):

H. Res. 717. Resolution establishing the Select Committee on Technology, Human Values, and Democratic Institutions; to the Committee on Rules.

By Mrs. HANSEN of Washington:

H. Res. 718. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Res. 719. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. SYMINGTON (for himself and Mr. McCarthy):

H. Res. 720. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 14891. A bill for the relief of Juanita Savedia Varela; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 14892. A bill to extend Letters Patent Numbered 2, 322, 210, and for other purposes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

335. The SPEAKER presented a petition of the King County Council, Washington, relative to support of the President's efforts to end the Vietnam war, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

ROCHESTER COLUMNIST MAKES OBJECTIVE ASSESSMENT OF MEDIA ATTACK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HORTON. Mr. Speaker, there has been a great deal said about the recent speech of the Vice President attacking network television commentaries.

I would like to call to the attention of my colleagues a column by Cliff Carpenter of the Rochester, N.Y. Democrat & Chronicle, November 17, 1969. Mr. Carpenter's remarks, I feel, present an objective assessment of the Vice President's remarks and the media situation as a whole:

MR. AGNEW'S ATTACK

The nation now has electronic ants in its pants.

To agree entirely with Vice President Agnew in his critique of television's coverage of the news would amount to a dangerously casual indictment of a great industry and many great, great newscasters. Such total agreement could be projected into government control of television. This in turn means an end to freedom of speech, which in turn means starvation of democracy.

Some of the points made by the Vice President warrant profound thought and self-critical examination by the TV industry. Judging from the response of the American people, they think so too. But the points are not new. They are problems conscientious television executives have recognized for years.

It takes nothing from TV, in fact it accurately assesses its power, to say as Mr. Agnew did that "for millions of Americans the networks are the sole source of national and world news," and that "these men (a small group of network executives and commentators) can create national issues overnight. They can make or break by their coverage and commentary a moratorium on the war."

It takes nothing from TV to acknowledge the truth of the Vice President's remark that "a raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy." When he says that, Mr. Agnew is noting that the networks peg their popularity ratings on personalities. What listener cares whether CBS or NBC is doing the better technical job on news? . . . they make a decision on a basis of whether they like Walter Cronkite or Chet Huntley-David Brinkley best (I'll take Walter).

It is an acknowledgment of the power of TV when the Vice President asks: "How many marches and demonstrations would we have if the marchers did not know that the everfaithful TV cameras would be there to record their antics for the next news show?" He is right. It has been documented on a national scale; it has been admitted here at home in past fights and college demonstrations.

Mr. Agnew shrewdly and properly spent some of his time praising what television has done in documentaries and the like to awaken the conscience of the nation but he was blunt in his insistence that the "people have a right to make up their own minds and form their own opinions about a presidential address without having a president's words and thoughts characterized through the prejudices of hostile critics before they can even be digested."

NBC called the speech "an appeal to prejudice," CBS called it an "unprecedented attempt to influence a news medium," ABC said it had "always been and would continue to be fair and objective." But then came the National Citizens Committee for Broadcasting, chaired by Thomas P. F. Hoving, to declare that while it disagreed with the main thrust of Mr. Agnew's attack, nevertheless "particularly to the point is his criticism of the structure of the system of broadcasting in which programs on national issues . . . are determined by a small group of men at the head of the communications conglomerates which control the three networks."

A representative sample of strong public feeling supporting the Vice President in this paragraph from a letter by a Rochester friend of the D&C, Mrs. V. D. Braunschweig: "I, among many others, am very weary of seeing and hearing analysts tear apart a speech of importance minutes after it was delivered . . . The opinions voiced by the commentators most certainly do influence a large segment of our population. These latter are the individuals who will not spend the effort or the time to study the content of what they have heard, and who do not form their own opinions."

Instead of reacting with screams of rage, television might have pointed out that it is constantly re-examining itself—which it is—and will take seriously what the Vice President said, even while disagreeing sharply with him. And as for Mr. Agnew, he tried to cover too much ground in his presentation and wound up with something of a stew of morality, patriotism, public interest, ethics and presidential postures.

We have the world's best television and the world's best newspapers . . . but neither is above criticism. If either ever thinks it is, we're in more trouble than any war ever took us into.

WHAT REALLY HAPPENED IN SOUTH VIETNAM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ROSENTHAL. Mr. Speaker, Prof. George McT. Kahin is a distinguished specialist at Cornell University on the history of Southeast Asia and an acknowledged expert on our involvement in Vietnam.

He wrote recently, in these capacities, a commentary on the President's November 3 statement on Vietnam. I commend it to my colleagues:

A COMMENTARY ON THE PRESIDENT'S NOVEMBER 3D ADDRESS

On November 3 the President undertook to tell us in which direction he would move in Vietnam. This was a speech addressed primarily to securing public support in this country and not to a solution in Vietnam. He began by telling us that one of the reasons for the deep division in this Nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. They cannot and should not, he said, be asked to support a policy involving war and peace unless they know the truth about that policy. If this was his major concern, his speech was clearly a failure, for it served to increase rather than decrease the misunderstanding. Indeed, he has embraced the same historical myths that served to rationalize his predecessor's policies and has in fact added a number of his own.

Let us then turn to his speech: beginning with what he describes as the fundamental issue: why and how did the U.S. become involved in Vietnam in the first place? He immediately answers his question with the statement: "Fifteen years ago North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution." Fifteen years ago Ho Chi Minh's government was in fact in the process of withdrawing its troops from the South in accordance with Geneva and not instigating a revolution there. Ho Chi Minh's government confidently expected to win the elections two years later promised under Geneva and had no reason to intervene. What it did not expect was that as soon as it had withdrawn its troops, we would, contrary to the Geneva agreements, begin direct intervention in the southern half of the Vietnamese nation.

In fact, fifteen years ago in 1954, American intervention was not new. We had already been intervening heavily by four years of unstinting support to the French. Then, after failing in this effort and acquiescing in a Geneva settlement which we did not sign but promised not to overturn, we prepared to intervene more directly by building up a separate state in the South. Even so, Hanoi did not in fact begin to intervene in the South until some five years later when heavy repression by this American supported southern regime drove thousands of Vietnamese—noncommunists as well as procommunist—into rebellion.

A precipitate withdrawal now by the United States, President Nixon continues, would inevitably allow the communists to repeat the massacres which he charges followed their takeover in the North fifteen years ago—when, he alleges, they "murdered more than 50,000 people and hundreds of thousands more died in slave labor camps." This is an unconscionable misrepresentation likely to deter Americans from moving towards a compromise settlement. If President Nixon had taken the trouble to look at the records of the International Control Commission he would know that during the entire three year period following the armistice, they indicate allegations of only 55 incidents of political reprisal—whether murder, arrest, or confiscation of property—made by the French and Diem against Ho Chi Minh's regime. During the same period, the International Control Commission cited allegations involving a total of 1,404 incidents of political reprisal in the South involving murder, arrest, confiscation and property and in some cases massacres of several families or whole villages.

The significant violence that did occur in the North more than two years after the Geneva armistice did not involve reprisals against Vietnamese who had previously supported the French against the Vietminh. It had nothing to do with the civil war that had ended two years before. This violence in the North in which the historian Joseph Buttinger estimates that 10–15 thousand were killed, was the consequence of a clumsy and unrealistic attempt to impose a Chinese communist model of agrarian reorganization. Peasant resentment against the government's program in at least one province ended in a rebellion that troops were required to suppress. As a consequence, these agrarian policies were discredited and dropped and Hanoi's minister of agriculture sacked.

President Nixon then turns to reports of atrocities during the Tet offensive at Hue. During the terribly intense fighting at Hue there certainly were atrocities—perpetrated by both sides—though the number quoted by the President is much higher than any previous estimate. (One also wonders why in his text the President nearly doubled the figure for Catholic refugees from the North with which previous administrations were content.) It is disturbing to see him equate the situation of battlefield reprisals against civilians that existed at Hue with a post-armistice situation which would obtain after a settlement between us and our adversaries. In heat-of-battle conditions both sides have in the past, and probably will in the future, carry out reprisals against those who have been identified as working for the enemy, particularly if they occupy positions in intelligence, the police, or are believed to be informers. So long as the battle in question is simply one episode in a series which is destined to go on, both sides are likely to take punitive measures that will ensure that in the next round of battle they will not be disadvantaged by the work of such enemy civilians. This kind of reprisal will probably continue in conjunction with the fighting *until* an armistice is achieved, and must be distinguished from the central question as to prospects of political reprisal *after* such an armistice, which is what we will be concerned with in working for a negotiated settlement.

Now what of the President's view of the present? This is, I am afraid, as unbalanced and inaccurate as his view of the past. It is an amazing example of double-think to find that nowhere, not once in his speech, does he make mention of the major adversary which both we and Saigon face in Vietnam, the National Liberation Front. By reading his speech one would assume that there are only three parties to the conflict: ourselves, Saigon and Hanoi. He is so rigorous in his insistence upon avoiding any reference to the NLF that in reading from his *own* letter of July 15 to Ho Chi Minh he even excises his own mention of the NLF and its 10 points. Why? I certainly don't understand the President's reasoning, but the consequence is to lay before the American public a picture of a situation in Vietnam which is grotesquely artificial.

Thus, as with President Johnson in 1965, there is presented for Americans a simplistic diagram of a battle between two states, North and South Vietnam. He avoids the central fact that the problem confronting us is a revolution in the South wherein Saigon has a local adversary which commands wide popular support and is militarily capable of defeating Saigon's armies on its own if American and North Vietnamese troops were withdrawn. Hanoi at least knows that it cannot negotiate over the NLF's head, and as we know from the past, no amount of American bombing could induce it to do so. If our President is serious about negotiations, it is unrealistic to bypass the NLF and pretend it does not exist.

The President then asks who is at fault for the lack of progress in negotiations, answering categorically that it is *not* the President of the United States and *not* the South Vietnamese government. The obstacle, he says, is "the other side's absolute refusal to show the least willingness to join us in seeking a just peace."

Let me first observe that it is difficult to read the exchange of letters between President Nixon and Ho Chi Minh and conclude with Nixon that Ho "flatly rejected" his initiative. Ho's letter constitutes no such rejection, and in emphasizing the NLF's 10 point program, which Nixon in his own letter had stated the U.S. was prepared to discuss, Ho was referring to matters which it is very much to our interest to discuss if we are serious and realistic about reaching a negotiated settlement.

If the enemy *has* refused to show the least willingness to join us in seeking a just peace, it is incomprehensible why the President later on in his speech in referring to what he describes as "significant developments which have occurred since this administration took office" points out that enemy infiltration during the last three months is less than 20% of what it was over the similar period last year," and that American casualties "have declined during the last two months to the lowest point in three years." If the President acknowledges this, but is unwilling to interpret these actions as showing "the least willingness" of the enemy "to join us in seeking a just peace," an enemy decision to step up military activity following the President's speech would not seem illogical. This is particularly serious in view of his statement that one of the factors which will govern the rate of withdrawal of American forces will be "the level of enemy activity."

Let me turn to another condition which the President says will determine our schedule of troop withdrawal—namely, the rate of Vietnamization—the rate at which Saigon's forces take over the burden of fighting from our troops. If we *really* intend to shift responsibility from American to Saigon forces, we are certain to discover what our own army officers have known for a long time, that modern military equipment is no substitute for the will to fight and a Vietnamese regime worth fighting for. With the desertion rate of Saigon's military forces still running between 20 and 25% per year it is senseless to assume that somehow miraculously the attitude of its reluctant soldiers is going to change. And here I am in full agreement with Senator McGovern that to turn "the war over to the South Vietnamese army *only* if we are certain that it is able to carry the load . . . is the same as proposing that we stay in Vietnam indefinitely."

And that, I am afraid, is apparently what this Administration proposes to do—assuming somehow that it can manage to have it both ways—withdrawing enough American troops to placate public opinion in this country, but leaving enough behind (presumably some 200,000) to provide the necessary shield to protect at least Saigon and its immediate hinterland until our Presidential campaign of 1972.

Thereby, the Administration apparently hopes to follow what it believes is a middle course which will cut the ground from beneath both the opponents of the war and from the Wallacites and potential Wallacites who would be quick to accuse it of surrendering Asian territory to communist control if the NLF came to power. A President who first sat in the White House in 1952 with an administration that had used the loss of China issue as a means to win the election, can be presumably expected to remain sensitive to such an attack from the right.

But in the position he has now taken, President Nixon has really lost the power of initiative. By tying himself so closely to Saigon and so uncritically embracing General Thieu's position, he has robbed himself of almost all possibility of finding any common ground with our enemy—and without some common ground you simply cannot have a negotiated settlement. He has in fact made himself and the lives of Americans a prisoner of decision made in Saigon and Hanoi. In addition to being conditional upon the growing strength and self-sufficiency of Saigon's army, our willingness to withdraw is made dependent upon the utopian expectation that the NLF and Hanoi will meekly resign themselves to a major reduction in military activity—a reduction sufficient not only to keep American casualties low but also sufficient to sustain the myth that the Saigon military forces are increasingly effective, and that Nixon's policy of Vietnamization is really working. In effect, then, we will not withdraw, until our enemy cooperates with us to save our face by maintaining the credibility of Saigon's military forces and permitting the Thieu government to remain in power.

There is *nothing*, then, in the President's speech which eases the way for negotiations at Paris. His plan is not addressed to the NLF or Hanoi, but to the American public, and it centers about the major objective of strengthening and sustaining General Thieu's government. He has altered President Johnson's tactics, but he has embraced both his premises and his objectives. To buy himself a little time in managing the American public, he has been guilty as his predecessor in denying it the truth.

The greatest part of the tragedy, I think, is that in order to head off the pressure of antiwar sentiment he has resorted to seizing the national flag and waving it defiantly at those who oppose him. He has taken the tragic decision to shift the debate from consideration of the actual factual conditions that govern the present and future in Vietnam to a justification in terms of patriotism and what he alleges is our national honor. Once he tells Americans that their national honor is dependent upon maintaining a position which excludes the compromise ultimately necessary to end the fighting—then movement towards peace cannot be made without appearing to repudiate the very patriotism which he has called upon to justify his bankrupt policy. Once a President resorts to flag-waving in order to silence reasoned argument he reduces his own ability to move back to the course of reason.

AGNEW SCORES DIRECT HIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, it becomes daily more apparent that the Vice President hit a raw nerve when he called the hands of the Nation's communications czars and pointed out what a small number of men actually control and color the news of current events.

Most Americans realize that news reports by the television networks are highly biased. We in the South learned early that events which took place in our communities were totally unrecognizable when we saw them reported on television. Many other Americans learned this sad truth after the Chicago convention last year.

A bitter and expensive counterattack on the Vice President—and through him on the American people—was launched immediately after his speech and has increased in intensity almost hourly. The violence of the denial gives great credibility to the charge. In fact, it proves the point.

The true issue has not been discussed. The attacks are either highly personal or are aimed at a straw man of government censorship. The Vice President specifically stated that he did not advocate any kind of Government control of the news. What he suggested is that the

American people, acting individually, do something about bringing what might be termed community control to biased network news coverage.

On the subject of balancing bias I include in my remarks the thoughtful editorial of James J. Kilpatrick:

AGNEW RIGHT IN ASSESSING LIBERAL BIAS OF TV

(By James J. Kilpatrick)

The unfortunate thing is that Agnew is right. The still more unfortunate thing is that nothing much can be done about it.

The vice president charged, in brief, that television network news is shaped and controlled by a small group of men whose liberal bias dominates their presentation. Who can deny it? The charge is true. It has been true for 20 years.

It is the same charge, in essence, that has been leveled against the Warren Court. Members of the high tribunal are supposed to put their prejudices behind them when they sit down at the bench. They don't. Everyone knows where Thurgood Marshall will stand on a civil rights case. He will stand where TV's famous anchormen stand. Perhaps an answer to our problems lies in asking the Senate to advise and consent to the nominations of Messrs. Huntley, Brinkley, Cronkite and Reynolds, whose decrees come down every night.

The Constitution is filled with safeguards against the bias of judges. None of the safeguards has worked. The only effective restraint upon a Supreme Court judge is his own sense of self-restraint. The same thing is true of the network people. Much of the time, in my observation, the anchormen strive for an impeccable neutrality; but Huntley's eyebrows have an independent mind all their own. And Mr. Brinkley, for his part, could not read two columns of a telephone book, deadpan, without hinting at the character of Kunkle, Kunze Kunzig and Kupetz.

This is an inescapable aspect of the nature of strong men. Of course their biases creep in. Their whole lives play a part in forming their judgment on what constitutes news tonight. And in the particular case of network television, the ordinary problems of editorial judgment are compounded by the nature of the medium.

For TV is not like newspapers. The newspaper you are now reading has been assembled by editors whose lives are ruled by the printed word. If my column bores you at this point, you can switch in a twinkling to someone else's column. You can go to sports, to women's news, to business news, to foreign news, to the comics; you can put the paper aside and read it later. You can read as much or as little as you please, making your own choices. And if you find this newspaper unpalatable, you can—with a little effort—find some other printed medium.

The evening network shows are something else entirely. Cronkite cannot "raise his paper" by a couple of pages to accommodate a big day in the news. He is bound to the inexorable half-hour or to what remains of a half-hour after the commercials.

In this time span, a Cronkite must not only inform; he must also entertain. He must hold his viewers. His task is to present 15 or 20 items that will claim attention from beginning to end. If your custom is to watch the whole show, you must accept the CBS choice willy-nilly—or try another network where the same personal prejudices work in about the same way.

Suppose, to be supposing, that Bill Buckley and I were invited to replace Messrs. Huntley and Brinkley for a week or two. Suppose that we were instructed, just as they are, to be as fair, as objective, as impartial as we could be; and suppose that we tried our best. Our nightly choice of 15 or 20 stories seldom would vary much from the Huntley-Brinkley choice, but inevitably there would be nuances, changes of emphasis, a different ordering of priorities.

Before long, the liberal establishment would be howling to high heaven against a tiny and closed fraternity of privileged men, elected by no one, enjoying a monopoly sanctioned and licensed by government. You would not have heard Spiro T. Agnew on Thursday; but you might have heard the same speech from, say, Hubert Humphrey.

The problem is quite serious, for Agnew is right in his assessment of TV's impact. The medium itself, as Marshall McLuhan has said, is the message; and every man who deals in ideas would like a crack at composing a network's evening message. I'll come back to this theme again. Meanwhile, good night, Bill.

MARIHUANA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of attention and sharp differences of opinion over the effect of marihuana and its growing use in the United States. A very sound and penetrating editorial on the subject appeared in the November 8 Polish American of Chicago, Ill.:

MARIHUANA

The discovery, by medical researchers, that marijuana is not physically addictive has apparently had a lot to do with the recently relaxed views of many people on the use of that drug. The new view has pushed forth possible legislation which would make marijuana usage a misdemeanor instead of a felony, as it is now.

We cannot agree with this new tendency of public opinion. The public would gladly "rid" itself of the dilemma closing its eyes to the problem pot has become—by making it a misdemeanor to smoke pot. But this, in no way, will decrease the use of the drug, it will in no way decrease the dangers of its use—dangers which extend beyond habit-formation.

That a drug is non-habit forming does not make it safe to use. There are many drugs of non-habit forming which are, nonetheless, lethal under some circumstances. Thus, non-addictive aspirin, in a dose of at least 125 regular-sized tablets can cause death. There are numerous other examples. Before marijuana is considered not as bad as other "trip" drugs, it should be investigated from other angles than just that of habit-formation. Young people are both gullible and extremely vulnerable. A lowering of the penalty for the use of pot will mean to many kids that it is safe to use, that it will give them all the (very dubious) benefits of a trip without the legal, psychological and biochemical side-effects of other drugs. This is clearly the way many youngsters would interpret the legal change, and this is clearly not the way such a fact should be interpreted.

Moreover, an affinity of marijuana with other trip drugs will, without a doubt, mean more relaxed unofficial positions of lawmakers, courts and law-enforcers with regard to the other drugs. This side effect will be of no service to the nation.

The suggested legislation with regard to marijuana is an indication that the public wants to remedy the damaging effect of the use of drugs has had on our society in the past twenty years. But the change which must occur is not one of legislation, but of social conditions, of outlook on life. These two factors in their present state are the main cause for the prevalent use of drugs. "Taking a trip" is another way of saying escaping from the surrounding conditions of life and from one's view of life. But escapism, we all know, is not a solution. It is at best a procrastination, but most often a worsening of the situation at hand.

The problem of chemically-induced escapism is not a new thing. The middle-ages in Europe saw the beginning of modern urban society. That was the period when people began clustering in large communities. The problems of adjustment to close-quarter living arose, as did many other dilemmas which we face today more intensely because of our more intense urban conditions. It was during the middle-ages in Europe that the problem of witchcraft became disturbingly intense. Modern historical investigation has shown that a witch, as described by medieval courts, was nothing more than a man or woman on a trip. Today we also know that the trips were induced by concoctions of herbs which cause strong hallucinations. Such hallucinations were often accompanied by vigorous and mentally uncoordinated movement and contortion of the limbs and face, often with such symptoms as foaming at the mouth, groaning and wailing. People accused of being witches would often testify to having had the illusion of rapid flight, immortality, etc.

It is obvious that the problems then and now are very similar. We now have the advantage of scientific insight, which will eventually help us rid ourselves of the problem taking trips has become. The middle ages had the powerful weapon of religious prejudice, which served to cruelly temper their dilemma.

One thing must remain clear, however—that we cannot solve the matter of marijuana usage, or the use of other hallucinatory drug by condoning it. We have to remove the reasons, the forces which cause members of our society to use them.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Greensboro Daily News, and the Fayetteville Observer, in the State of North Carolina. The editorials follow:

[From the Greensboro (N.C.) Daily News, Sept. 7, 1969]

MONSTER-TRAILERS—AGAIN

One of the many legislative struggles now going in Washington has a particularly familiar and dreary ring to Tar Heel ears. The trucking industry, having failed here and in several other states to win approval of its deplorable monster-trailer proposal, has taken the fight to the congressional level. Astonishingly, it has received the tacit approval of the Nixon administration.

The bill, which is being considered by a House Public Works subcommittee, would sharply increase the size and load limits for trucks and buses on interstate highways. Maximum width would be raised from eight to eight and one-half feet. The weight limit would be increased almost 50 percent, from 73,280 pounds to 108,500 pounds. The maximum length would be 70 feet.

According to F. C. Turner, the federal highway administrator, his agency does not have "sufficiently reliable evidence" that larger trucks and buses would create added safety hazards for automobiles and smaller commercial carriers. But instead of citing this supposed lack of evidence as reason for putting off congressional action on the bill, he merely left it up to Congress to decide whether safety would be "measurably" affected; in the event that Congress in its wisdom approves the bill, he asked that its implementation be delayed until 1972 so his agency will have time to set performance standards for the behemoths.

Like Rep. Fred Schwengel of Iowa, we find it "incredible" that the administration should stand by while a bill of utterly unknown impact on auto safety rides through Congress on the wings of the mighty trucking lobby. Even if it does not have all the specific facts and figures it wants, the administration should somehow be able to see that wider, heavier, longer trucks will by virtue of their very size pose highway problems; and it should be able to see that the vastly increased loads will put more stress on the highways, requiring increased repair outlays.

Our dismay over the bill's evidently bright prospects is hardly diminished by a report by "Nader's raiders" on safety practices in the trucking industry. The target of the report is not the drivers but the industry, which the authors say often forces drivers to work under "barbaric" conditions.

The report charges that many truckers "actually require . . . as a condition of employment"—the "systematic violation" by drivers of federal safety regulations. It cites the case of a driver fired by his employer "for refusing to drive without brakes." Another was suspended after he pulled off the road because of fog. Federal regulations limit driving time to ten hours and require a minimum of eight hours' sleep after a drive of that duration; but the report tells of two drivers who, ordered into exceeding the driving limit, were killed in fatal accidents caused by exhaustion.

The Department of Transportation, the "raiders" charge, works "hand-in-hand" with the truckers, winking at violations and ignoring drivers who seek to have regulations enforced. The department is equally lenient, the report claims, on truckers operating defective tractor-trailers.

Undoubtedly the industry will rush to charge everything from distortion to exaggeration, though we must note that Mr. Nader has not been inclined to shoot unless he is sure of his ammunition. Whatever the case, we take little comfort in the picture of an exhausted, overworked driver barreling down the highway with 70 feet and 108,500 pounds roaring along behind him. Neither, we imagine, do any motorists. Passage of this bill would be a travesty—and the probable cause of tragedy.

[From the Fayetteville (N.C.) Observer, July 20, 1969]

Opponents of Heavier Trucks Now Outweigh Advocates

Washington.—Testimony for and against bigger trucks on federal interstate highways piled up before a House subcommittee last week with opponents outnumbering advocates in contrast to the preceding week.

Those stating their opposition to the proposal or portions of it included the American Automobile Association, the American Association of State Highway Officials, the General Federation of Womens Clubs and the Iowa director of highways.

Coming out in favor of it were Rep. Al Ullman, D-Ore., and William W. Owen, president of the Dayton, Ohio, City Transit Company.

"SAFETY" CLAIMS

It is the industry position that wider, heavier and in some cases longer buses and trucks would be safer and more comfortable and actually easier on the nation's highways than those presently in use. Critics dissent vigorously.

The bill would increase weight limits on a single axle from 18,000 to 20,000 pounds, on tandem axles from 32,000 to 34,000 pounds and raise the present gross weight limit of 73,280 pounds to as much as 108,000 pounds on a nine-axle truck.

It would permit widening of trucks and buses from eight to eight and one-half feet and impose a 70-foot length limit. There is presently no federal limit, but all but three states have limits of 65 feet or less.

The measure also contains a grandfather clause allowing states that now permit vastly larger trucks to continue to do so indefinitely.

ESCALATION OF WEIGHT

The highway officials' association said this provision would "provide the opening for the encouragement of further escalation and liberalization of weight regulations."

But Ullman told the subcommittee on roads of the House Public Works Committee that the clause is essential, at least for Oregon which permits operation of mammoth triple-unit trailer combinations as much as 105 feet long.

George F. Kachlein Jr., executive vice president of Triple A, called the measure "an antisafety bill almost identical with the big truck bill which failed of passage last year."

Kachlein declared "we cannot ask 100 million drivers to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

Owen testified in behalf of the entire bill but said the width increase is essential to the bus industry. Presently, he said, many large cities already have the eight-and-one-half-foot-wide buses but they cannot leave city limits.

John Gunther, executive director of the United States Conference of Mayors, said the conference does not object to the wider buses but is against other provisions in the bill.

Douglas B. Fugate, vice president of the highway officials association testified a study by the association shows that "an increase from the 18,000-pound to the 20,000-pound load can result in an average loss of the remaining life of (highways and bridges) between 25 to 40 per cent. To increase it to 22,000 pounds can result in the loss of pavement life of close to 60 per cent . . ."

Mrs. Walter Varney MaGee, president of the General Federation of Women's Clubs, said she spoke for 11 million American women and that "statistics cannot reflect our fears when our cars are rocked while passing or being passed by a huge vehicle . . . We fear for our safety when huge vehicles barrel downhill behind us in their effort to gain momentum for an approaching hill—to say nothing of these times when they ride our bumpers, literally forcing us to increase our speed beyond the posted limits in order to stay out of their path."

U.S. MEMBERSHIP IN THE LEAGUE OF NATIONS

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, November 19, 1969

Mr. JORDAN of Idaho. Mr. President, I would invite the attention of Senators to remarks made on this floor 50 years ago today, on November 19, 1919. The occasion was the Senate debate on U.S. membership in the League of Nations. The speaker was William E. Borah, who served as U.S. Senator from Idaho from 1907 until his death on January 19, 1940.

Senator Borah's eloquence of expression that day has been regarded by some as unsurpassed in the history of this body. Certainly the timelessness of many of Senator Borah's observations can be clearly discerned today. It is highly appropriate, I believe, that we and the many readers of the Congressional Record reflect for a moment on the significance of the following excerpts from Senator Borah's famous speech of another time this is, in many instances, of our time as well:

> But take another view of it. We are sending to the council one man. That one man represents 110,000,000 people. Here sitting in the Senate, we have two from every State in the Union, and over in the other House we have Representatives in accordance with population, and the responsibility is spread out in accordance with our obligations to our constituency. But now we are transferring to one man the stupendous power of representing the sentiment and convictions of 110,000,000 people in tremendous questions which may involve the peace or may involve the war of the world. However you view the question of unanimous consent, it does not protect us. . . .
>
> Next to the tie which binds a man to his God is the tie which binds a man to his country, and all schemes, all plans, however ambitious and fascinating they seem in their proposal, but which would embarrass or entangle and impede or shackle her sovereign will, which would compromise her freedom of action, I unhesitatingly put behind me. . . .
>
> You cannot yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. . . .
>
> We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. And what shall it profit us as a Nation if we shall go forth to the dominion of the earth and share with others the glory of world control and lose that fine sense of confidence in the people, the soul of democracy?

Mr. President, I ask unanimous consent that the entire text of Senator Borah's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Mr. Borah. Mr. President, I am not misled by the debate across the aisle into the view that this treaty will not be ratified. I entertain little doubt that sooner or later—and entirely too soon—the treaty will be ratified with the league of nations in it, and I am of the opinion with the reservations in it as they are now written. There may possibly be some change in verbiage in order that there may be a common sharing of parentage, but our friends across the aisle will likely accept the league of nations with the reservations in substance as now written. I think, therefore, this moment is just as appropriate as any other for me to express my final views with reference to the treaty and the league of nations. It is perhaps the last opportunity I shall have to state, as briefly as I may, my reasons for opposing the treaty and the league.

Mr. President, after Mr. Lincoln had been elected President, before he assumed the duties of the office and at a time when all indications were to the effect that we would soon be in the midst of civil strife, a friend from the city of Washington wrote him for instructions. Mr. Lincoln wrote back in a single line, "Entertain no compromise; have none of it." That states the position I occupy at this time and which I have, in a humble way, occupied from the first contention in regard to this proposal.

My objections to the league have not been met by the reservations. I desire to state wherein my objections have not been met. Let us see what our attitude will be toward Europe and what our position will be with reference to the other nations of the world after we shall have entered the league with the present reservations written therein. With all due respect to those who think that they have accomplished a different thing and challenging no man's intellectual integrity or patriotism, I do not believe the reservations have met the fundamental propositions which are involved in this contest.

When the league shall have been formed, we shall be a member of what is known as the council of the league. Our accredited representative will sit in judgment with the accredited representatives of the other members of the league to pass upon the concerns not only of our country but of all Europe and all Asia and the entire world. Our accredited representatives will be members of the assembly. They will sit there to represent the judgment of these 110,000,000 people—more then—just as we are accredited here to represent our constituencies. We can not send our representatives to sit in council with the representatives of the other great nations of the world with mental reservations as to what we shall do in case their judgment shall not be satisfactory to us. If we go to the council or to the assembly with any other purpose than that of complying in good faith and in absolute integrity with all upon which the council or the assembly may pass, we shall soon return to our country with our self-respect forfeited and the public opinion of the world condemnatory.

Why need you gentlemen across the asile worry about a reservation here or there when we are sitting in the council and in the assembly and bound by every obligation in morals, which the President said was supreme above that of law, to comply with the judgment which our representative and the other representatives finally form? Shall we go there, Mr. President, to sit in judgment, and in case that judgment works for peace join with our allies, but in case it works for war withdraw our cooperation? How long would we stand as we now stand, a great Republic commanding the respect and holding the leadership of the world, if we should adopt any such course?

So, sir, we not only sit in the council and in the assembly with our accredited representatives, but bear in mind that article 11 is untouched by any reservation which has been offered here; and with article 11 untouched and its integrity complete, article 10 is perfectly superflous. If any war or threat of war shall be a matter of consideration for the league, and the league shall take such action as it deems wise to deal with it, what is the necessity of article 10? Will not external aggression be regarded as a war or threat of war? If the political independence of some nation in Europe is assailed will it be regarded as a war or threat of war? Is there anything in article 10 that is not completely covered by article 11?

It remains complete, and with our representatives sitting in the council and the assembly, and with article 11 complete, and with the assembly and the council having jurisdiction of all matters touching the peace of the world, what more do you need to bind the United States if you assume that the United States is a Nation of honor?

We have said, Mr. President, that we would not send our troops abroad without the consent of Congress. Pass by now for a moment the legal proposition. If we create executive functions, the Executive will perform those functions without the authority of Congress. Pass that question by and go to the other question. Our members of the council are there. Our members of the assembly are there. Article 11 is complete, and it authorizes the league, a member of which is our representative, to deal with matters of peace and war, and the league through its council and its assembly deals with the matter, and our accredited representative joins with the others in deciding upon a certain course, which involves a question of sending troops. What will the Congress of the United States do? What right will it have left, except the bare technical right to refuse, which as a moral proposition it will not dare to exercise? Have we not been told day by day for the last nine months that the Senate of the United States, a coordinate part of the treaty-making power, should accept this league as it was written because the wise men sitting at Versailles had so written it, and has not every possible influence and every source of power in public opinion been organized and directed against the Senate to compel it to do that thing? How much stronger will be the moral compulsion upon the Congress of the United States when we ourselves have indorsed the proposition of sending our accredited representatives there to vote for us?

Ah, but you say that there must be unanimous consent, and that there is vast protection in unanimous consent.

I do not wish to speak disparingly; but has not very division and dismemberment of every nation which has suffered dismemberment taken place by unanimous consent for the last 300 years? Did not Prussia and Austria and Russia by unanimous consent divide Poland? Did not the United States and Great Britain and Japan and Italy and France divide China and give Shantung to Japan? Was that not a unanimous decision? Close the doors upon the diplomats of Europe, let them sit in secret, give them the material to trade on, and there always will be unanimous consent.

How did Japan get unanimous consent? I want to say here, in my parting words upon this proposition, that I have no doubt the outrage upon China was quite as distasteful to the President of the United States as it is to me. But Japan said: "I will not sign your treaty unless you turn over to me Shantung, to be turned back at my discretion," and you know now Japan's discretion operates with reference to such things. And so, when we are in the league, and our accredited representatives are sitting at Geneva, and a question of great moment arises, Japan, or Russia, or Germany, or Great Britain will say, "Unless this matter is adjusted in this way I will depart from your league." It is the same thing, operating in the same way, only under a different date and under a little different circumstances.

Mr. President, if you have enough territory, if you have enough material, if you have enough subject peoples to trade upon and divide, there will be no difficulty about unanimous consent.

Do our Democratic friends ever expect any man to sit as a member of the council or as a member of the assembly equal in intellectual power and in standing before the world with that of our representative at Versailles? Do you expect a man to sit in the council who will have made more pledges, and I shall assume made them in sincerity, for self-determination and for the rights of small peoples, than had been made by our accredited representative? And yet, what became of it? The unanimous consent was obtained nevertheless.

But take another view of it. We are sending to the council one man. That one man represents 110,000,000 people.

Here, sitting in the Senate, we have two from every State in the Union, and over in the other House we have Representatives in accordance with population, and the responsibility is spread out in accordance with our obligations to our constituency. But now we are transferring to one man the stupendous power of representing the sentiment and convictions of 110,000,000 people in tremendous questions which may involve the peace or may involve the war of the world.

However you view the question of unanimous consent, it does not protect us.

What is the result of all this? We are in the midst of all of the affairs of Europe. We have entangled ourselves with all European concerns. We have joined in alliance with all the European nations which have thus far joined the league, and all nations which may be admitted to the league. We are sitting there dabbling in their affairs and intermeddling in their concerns. In other words, Mr. President—and this comes to the question which is fundamental with me—we have forfeited and surrendered, once and for all, the great policy of "no entangling alliances" upon which the strength of this Republic has been founded for 150 years.

My friends of reservations, tell me where is the reservation in these articles which protects us against entangling alliances with Europe?

Those who are differing over reservations, tell me what one of them protects the doctrine laid down by the Father of his Country. That fundamental proposition is surrendered, and we are a part of the European turmoils and conflicts from the time we enter this league.

Let us not underestimate that. There has never been an hour since the Venezuelan difficulty that there has not been operating in this country, fed by domestic and foreign sources, a powerful propaganda for the destruction of the doctrine of no entangling alliances.

Lloyd-George is reported to have said just a few days before the conference met at Versailles that Great Britain could give up much, and would be willing to sacrifice much, to have America withdraw from that policy. That was one of the great objects of the entire conference at Versailles, so far as the foreign representatives were concerned. Clemenceau and Lloyd-George and others like them were willing to make any reasonable sacrifice which would draw America away from her isolation and into the internal affairs and concerns of Europe. This league of nations, with or without reservations, whatever else it does or does not do, does surrender and sacrifice that policy; and once having surrendered and become a part of the European concerns, where, my friends, are you going to stop?

You have put in here a reservation upon the Monroe doctrine. I think that, in so far as language could protect the Monroe doctrine, it has been protected. But as a practical proposition, as a working proposition, tell me candidly, as men familiar with the history of your country and of other countries, do you think that you can intermeddle in European affairs; and, secondly, never to permit Europe to . . .

When Mr. Monroe wrote to Jefferson, he asked him his view upon the Monroe doctrine, and Mr. Jefferson said, in substance, our first and primary obligation should be never to interfere in European affairs; and, secondly, never to permit Europe to interfere in our affairs.

He understood, as every wise and practical man understands, that if we intermeddle in her affairs, if we help to adjust her conditions, inevitably and remorselessly Europe then will be carried into our affairs, in spite of anything you can write upon paper.

We can not protect the Monroe doctrine unless we protect the basic principle upon which it rests, and that is the Washington policy. I do not care how earnestly you may endeavor to do so, as a practical working proposition your league will come to the United States. Will you permit me to digress long enough to read a paragraph from a great

French editor upon this particular phase of the matter, Mr. Stephen Lausanne, editor of Le Matin, of Paris?

"When the executive council of the league of nations fixes "the reasonable limits of the armament of Peru"; when it shall demand information concerning the naval program of Brazil; when it shall tell Argentina what shall be the measure of the "contribution to the armed forces to protect the signatures of the social covenant"; when it shall demand the immediate registration of the treaty between the United States and Canada at the seat of the league, it will control, whether it wills or no, the destinies of America. And when the American States shall be obliged to take a hand in every war or menace of war in Europe (art. 11), they will necessarily fall afoul of the fundamental principle laid down by Monroe, which was that Americans should never take part in a European war.

"If the league takes in the world, then Europe must mix in the affairs of America; if only Europe is included, then America will violate of necessity her own doctrine by intermixing in the affairs of Europe."

If the league includes the affairs of the world, does it not include the affairs of all the world? Is there any limitation of the jurisdiction of the council or of the assembly upon the question of peace or war? Does it not have now, under the reservations, the same as it had before, the power to deal with all matters of peace or war throughout the entire world? How shall you keep from meddling in the affairs of Europe or keep Europe from meddling in the affairs of America?

Mr. President, there is another and even a more commanding reason why I shall record my vote against this treaty. It imperils what I conceive to be the underlying, the very first principles of this Republic. It is in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers. It challenges every tenet of my political faith. If this faith were one of my own contriving, if I stood here to assert principles of government of my own evolving, I might well be charged with intolerable presumption, for we all recognize the ability of those who urge a different course. But I offer in justification of my course nothing of my own save the deep and abiding reverence I have for those whose policies I humbly but most ardently support. I claim no merit save fidelity to American principles and devotion to American ideals as they were wrought out from time to time by those who built the Republic and as they have been extended and maintained throughout these years. In opposing the treaty I do nothing more than decline to renounce and tear out of my life the sacred traditions which throughout 50 years have been translated into my whole intellectual and moral being. I will not, I can not, give up my belief that America must, not alone for the happiness of her own people, but for the moral guidance and greater contentment of the world, be permitted to live her own life. Next to the tie which binds a man to his God is the tie which binds a man to his country, and all schemes, all plans, however ambitious and fascinating they seem in their proposal, but which would embarrass or entangle and impede or shackle her sovereign will, which would compromise her freedom of action, I unhesitatingly put behind me.

Sir, since the debate opened months ago those of us who have stood against this proposition have been taunted many times with being little Americans. Leave us the word American, keep that in your presumptuous impeachment, and no taunt can disturb us, no gibe discompose our purposes. Call us little Americans if you will, but leave us the consolation and the pride which the term American, however modified, still imparts. Take away that term and though you should coin in telling phrase your highest eulogy we could hurl it back as common slander. We have been ridiculed because, forsooth, of our limited vision. Possibly that charge may be true. Who is there here that can read the future? Time, and time alone, unerring and remorseless, will give us each our proper place in the affections of our countrymen and in the esteem and commendation of those who are to come after us. We neither fear nor court her favor. But if our vision has been circumscribed it has at all times within its compass been clear and steady. We have sought nothing save the tranquillity of our own people and the honor and independence of our own Republic. No foreign flattery, no possible world glory and power have disturbed our poise or come between us and our devotion to the traditions which have made us a people or the policies which have made us a Nation, unselfish and commanding. If we have erred we have erred out of too much love for those things which from childhood you and we together have been taught to revere—yes, to defend even at the cost of limb and life. If we have erred it is because we have placed too high an estimate upon the wisdom of Washington and Jefferson, too exalted an opinion upon the patriotism of the sainted Lincoln. And blame us not therefore if we have, in our limited vision, seemed sometimes bitter and at all times uncompromising, for the things for which we have spoken, feebly spoken, the things which we have endeavored to defend, have been the things for which your fathers and our fathers were willing to die.

Senators, even in an hour so big with expectancy we should not close our eyes to the fact that democracy is something more, vastly more, than a mere form of government by which society is restrained into free and orderly life. It is a moral entity, a spiritual force, as well. And these are things which live only and alone in the atmosphere of liberty. The foundation upon which democracy rests is faith in the moral instincts of the people. Its ballot boxes, the franchise, its laws, and constitutions are but the outward manifestations of the deeper and more essential thing—a continuing trust in the moral purposes of the average man and woman. When this is lost or forfeited your outward forms, however democratic in terms, are a mockery. Force may find expression through institutions democratic in structure equal with the simple and more direct processes of a single supreme ruler. These distinguishing virtues of a real republic you can not commingle with the discordant and destructive forces of the Old World and still preserve them. You can not yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. You may still keep for a time the outward form, you may still delude yourself, as others have done in the past, with appearances and symbols, but when you shall have committed this Republic to a scheme of world control based upon force, upon the combined military force of the four great nations of the world, you will have soon destroyed the atmosphere of freedom, of confidence in the self-governing capacity of the masses, in which alone a democracy may thrive. We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. And what shall it profit us as a Nation if we shall go forth to the dominion of the earth and share with others the glory of world control and lose that fine sense of confidence in the people, the soul of democracy?

Look upon the scene as it is now presented. Behold the task we are to assume, and then contemplate the method by which we are to deal with this task. Is the method such as to address itself to a Government "conceived in liberty and dedicated to the proposition that all men are created equal"? When this league, this combination, is formed four great powers representing the dominant people will rule one-half of the inhabitants of the globe as subject peoples—rule by force, and we shall be a party to the rule of force. There is no other way by which you can keep people in subjection. You must either give them independence, recognize their rights as nations to live their own life and to set up their own form of government, or you must deny them these things by force. That is the scheme, the method proposed by the league. It proposes no other. We will in time become inured to its inhuman precepts and its soulless methods, strange as this doctrine now seems to a free people. If we stay with our contract, we will come in time to declare with our associates that force—force, the creed of the Prussian military oligarchy—is after all the true foundation upon which must rest all stable governments. Korea, despoiled and bleeding at every pore; India, sweltering in ignorance and burdened with inhuman taxes after more than a hundred years of dominant rule; Egypt, trapped and robbed of her birthright; Ireland, with 700 years of sacrifice for independence—this is the task, this is the atmosphere, and this is the creed in and under which we are to keep alive our belief in the moral purposes and self-governing capacity of the people, a belief without which the Republic must disintegrate and die. The maxim of liberty will soon give away to the rule of blood and iron. We have been pleading here for our Constitution. Conform this league, it has been said, to the technical terms of our charter, and all will be well. But I declare to you that we must go further and conform to those sentiments and passions of justice and freedom which are essential to the existence of democracy. You must respect not territorial boundaries, not territorial integrity, but you must respect and preserve the sentiments and passions for justice and for freedom which God in His infinite wisdom has planted so deep in the human heart that no form of tyranny however brutal, no persecution however prolonged, can wholly uproot and kill. Respect nationality, respect justice, respect freedom, and you may have some hope of peace, but not so if you make your standard the standard of tyrants and despots, the protection of real estate regardless of how it is obtained.

Sir, we are told that this treaty means peace. Even so, I would not pay the price. Would you purchase peace at the cost of any part of our independence? We could have had peace in 1770—the price was high, but we could have had it. James Otis, Sam Adams, Hancock, and Warren were surrounded by those who urged peace and British rule. All through that long and trying struggle, particularly when the clouds of adversity lowered upon the cause, there was a cry of peace—let us have peace. We could have had peace in 1860; Lincoln was counseled by men of great influence and accredited wisdom to let our brothers—and, thank Heaven, they are brothers—depart in peace. But the tender, loving Lincoln, bending under the fearful weight of impending civil war, an apostle of peace, refused to pay the price, and a reunited country will praise his name forevermore—bless it because he refused peace at the price of national honor and national integrity. Peace upon any other basis than national independence, peace purchased at the cost of any part of our national integrity, is fit only for slaves, and even when purchased at such a price it is a delusion, for it can not last.

But your treaty does not mean peace—far, very far, from it. If we are to judge the future by the past it means war. Is there any guaranty of peace other than the guaranty which comes of the control of the war-making power by the people? Yet what great rule of democracy does the treaty leave unassailed? The people in whose keeping alone you can safely lodge the power of peace or war nowhere, at no time and in no place, have any voice in this scheme for world peace. Autocracy which has bathed the world in blood for centuries reigns supreme. Democracy is everywhere excluded. This, you say, means peace.

Can you hope for peace when love of country is disregarded in your scheme, when the spirit of nationality is rejected, even scoffed at? Yet what law of that moving and mysterious force does your treaty not deny? With a ruthlessness unparalleled your treaty in a dozen instances runs counter to the divine law of nationality. Peoples who speak the same language, kneel at the same ancestral tombs, moved by the same traditions, animated by a common hope, are torn asunder, broken in pieces, divided, and parceled out to antagonistic nations. And this you call justice. This, you cry, means peace. Peoples who have dreamed of independence, struggled and been patient, sacrificed and been hopeful, peoples who were told that through this peace conference they should realize the aspirations of centuries, have again had their hopes dashed to earth. One of the most striking and commanding figures in this war, soldier and statesman, turned away from the peace table at Versailles declaring to the world, "The promise of the new life, the victory of the great humane ideals for which the peoples have shed their blood and their treasure without stint, the fulfillment of their aspirations toward a new international order and a fairer and better world, are not written into the treaty." No; your treaty means injustice. It means slavery. It means war. And to all this you ask this Republic to become a party. You ask it to abandon the creed under which it has grown to power and accept the creed of autocracy, the creed of repression and force.

Mr. President, I turn from this scheme based upon force to another scheme, planned 143 years ago in old Independence Hall, in the city of Philadelphia, based upon liberty. I like it better: I have become so accustomed to believe in it that it is difficult for me to reject it out of hand. I have difficulty in subscribing to the new creed of oppression, the creed of dominant and subject peoples. I feel a reluctance to give up the belief that all men are created equal—the eternal principle in government that all governments derive their just powers from the consent of the governed. I can not get my consent to exchange the doctrine of George Washington for the doctrine of Frederick the Great translated into mendacious phrases of peace. I go back to that serene and masterful soul who pointed the way to power and glory for the new and then weak Republic, and whose teachings and admonitions even in our majesty and dominance we dare not disregard.

I know well the answer to my contention. It has been piped about of late from a thousand sources—venal sources, disloyal sources, sinister sources—that Washington's wisdom was of his day only and that his teachings are out of fashion—things long since sent to the scrap heap of history—that while he was great in character and noble in soul he was untrained in the arts of statecraft and unlearned in the science of government. The puny demagogue, the barren editor, the sterile professor now vie with each other in apologizing for the temporary and commonplace expedients which the Father of his Country felt constrained to adopt in building a republic!

What is the test of statesmanship? Is it the formation of theories, the utterance of abstract and incontrovertible truths, or is it the capacity and the power to give to a people that concrete thing called liberty, that vital and indispensable thing in human happiness called free institutions, and to establish over all and above all the blessed and eternal reign of order and law? If this be the test, where shall we find another whose name is entitled to be written beside the name of Washington? His judgment and poise in the hour of turmoil and peril, his courage and vision in times of adversity, his firm grasp of fundamental principles, his almost inspired power to penetrate the future and read there the result, the effect of policies, have never been excelled, if equaled, by any of the world's commonwealth builders. Peter the Great, William the Silent, and Cromwell the Protector, these and these alone perhaps are to be associated with his name as the builders of States and the founders of governments. But in exaltation of moral purpose, in the unselfish character of his work, in the durability of his policies, in the permanency of the institutions which he more than anyone else called into effect, his service to mankind stands out separate and apart in a class by itself. The works of these other great builders, where are they now? But the work of Washington is still the most potent influence for the advancement of civilization and the freedom of the race.

Reflect for a moment over his achievements. He led the Revolutionary Army to victory. He was the very first to suggest a union instead of a confederacy. He presided over and counseled with great wisdom the convention which framed the Constitution. He guided the Government through its first perilous years. He gave dignity and stability and honor to that which was looked upon by the world as a passing experiment, and finally, my friends, as his own peculiar and particular contribution to the happiness of his countrymen and to the cause of the Republic, he gave us his great foreign policy under which we have lived and prospered and strengthened for nearly a century and a half. This policy is the most sublime confirmation of his genius as a statesman. It was then, and it now is, an indispensable part of our whole scheme of government. It is today a vital, indispensable element in our entire plan, purpose, and mission as a nation. To abandon it is nothing less than a betrayal of the American people. I say betrayal deliberately, in view of the suffering and the sacrifice which will follow in the wake of such a course.

But under the stress and strain of these extraordinary days, when strong men are being swept down by the onrushing forces of disorder and change, when the most sacred things of life, the most cherished hopes of a Christian world seem to yield to the mad forces of discontent—just such days as Washington passed through when the mobs of Paris, wild with new liberty and drunk with power, challenged the established institutions of all the world, but his steadfast soul was unshaken—under these conditions come again we are about to abandon this policy so essential to our happiness and tranquility as a people and our stability as a Government. No leader with his commanding influence and his unquailing courage stands forth to stem the current. But what no leader can or will do experience, bitter experience, and the people of this country in whose keeping, after all, thank God, is the Republic, will ultimately do. If we abandon his leadership and teachings, we will go back. We will return to this policy. Americanism shall not, can not, die. We may go back in sackcloth and ashes, but we will return to the faith of the fathers. America will live her own life. The independence of this Republic will have its defenders. Thousands have suffered and died for it, and their sons and daughters are not of the breed who will be betrayed into the hands of foreigns. The noble face of the Father of his Country, so familiar to every boy and girl, looking out from the walls of the Capitol in stern reproach, will call those who come here for public service to a reckoning. The people of our beloved country will finally speak, and we will return to the policy which we now abandon. America disenthralled and free in spite of all these things will continue her mission in the cause of peace, of freedom, and of civilization.

NO SHORTCUTS IN DEMOCRACY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HORTON. Mr. Speaker, despite the urging of the President in his inaugural address that we all should lower our voices, there is increasing noise across the entire country.

American democracy is the finest form of self-government ever devised by man. Our system was born in the hearts and minds of the Founding Fathers almost 200 years ago. It has grown, developing the United States into the greatest nation in history.

Young people today are wondering where we are going. More and more they question tradition. They want honest answers. A close friend of mine, Rabbi Philip S. Bernstein, recently presented a sermon which is an excellent dissertation on the generation gap and the future of America.

I wholeheartedly commend its reading to you and my colleagues. The sermon was carried in the editions of the weekly Genesee Valley newspapers:

POLARIZATION WRONG, RABBI WARNS: "THERE ARE NO SHORTCUTS TO PROGRESS IN DEMOCRACY—THE LAWLESS FAST WAY PROVES TO BE THE SLOWEST WAY"

(By Rabbi Philip S. Bernstein)

"Our democracy is a chaos of class violence, cultural decadence and moral degradation. Insolence is termed breeding and anarchy, liberty and waste, magnificence and impudence courage. The father gets accustomed to descend to the level of his sons and to fear them, the son to be on a level with his father having no shame or fear of his parents. The teacher fears and flatters his scholars and the scholars despise their masters and tutors. Nor must I forget to tell of the liberty and equality of the two sexes in relation to each other. The citizens chafe impatiently at the least touch of authority and at length they cease to care even for the laws written or unwritten. And this is the beginning out of which springs dictatorship, tyranny."

These words written by Plato 2,400 years ago would be considered by some a fair description of the times in which we live.

Certainly it might be considered a fair description of the attitudes, behavior, demands of articulate and conspicuous segments of American youth.

The use of drugs, the wider latitude in sexual relations, the contempt for adult values and especially alleged adult hypocrisy, the excessive demands, the violent behavior in universities, pose for us one of the most serious problems of our times.

It should also be pointed out that these are not only problems and dangers but also challenges. Youth may not necessarily have all the right answers, but they may be asking the right questions.

Young people today are concerned with the possible use of nuclear weapons which will make everything they are doing and preparing for worthless. They are concerned with the war which many of them regard as obscene and senseless. Increasingly they are opposed to a draft which compels them to serve in that war.

They are painfully aware of the unresolved race issues. "We are nearer to two societies one black one white, separate and unequal," as the National Advisory Commission on Civil Disorders concluded recently, than we were a year ago.

The slums in which most Negroes are compelled to live are appalling. De facto segregation still prevails in most ghetto schools. Unemployment remains at dangerously high levels. Negro youth is frustrated, resentful and embittered.

Real communication between whites and Negroes is diminishing. This is the kind of society in which young people are growing up and they hate it. They want to do something about it.

Although most of the brightest and most articulate come out of the middle class, they despise middle class values. Although benefiting from it they condemn the materialism of their parents, the moral isolation and smug self-satisfaction of suburban living and the insensitiveness, the indifference, to the crying needs around them.

They seem particularly sensitive to what they regard as hypocrisy, the actual patterns of the behavior of their parents and their environment in contrast to the so-called moral guidance given to the young. They are now acting out not what their parents say but what their parents do.

Let us consider some of these matters today in the framework of the historic Yom Kippur message as is to be found in the Torah and Haftarah portions.

First, it is the consensus of those who have had most to do with these young people that this is a generation of youth, brighter, more alert, more sensitive, more socially conscious, more involved, more committed, than perhaps any this country has ever known.

The Rev. Theodore M. Hesburg, president of the University of Notre Dame, writes, "The vast majority of university students today are more informed, more widely read, better educated, more idealistic, more deeply sensitive to crucial moral issues in our times, more likely to dedicate themselves to good rather than selfish goals, than any past generations of students I have ever known."

My friend William P. Tolley, just retired as chancellor of Syracuse University, says of the current generations: "They can be described only in superlatives. They are the best equipped in science and mathematics, the most widely traveled, the most art-conscious, the most literate, the best prepared students we have ever had. Moreover they are idealists. They are sensitive to social injustice. They desire a better world and a world at peace. And they want their lives to make a difference. They are the finest youngsters I have ever known."

A Dartmouth dean who looked over the personal records of the 40 students who served jail terms last Spring afer they refused to leave the Administration Building said that they had markedly higher grade averages and College Board scores than the average student. "These are among our brightest students," he said. "We have to find a way to channel their abilities and energies into something constructive."

It isn't so many years ago that our chief concern about college students was that most of all they sought conformity and security. Even before they entered on jobs in corporations and banks, they were looking into the retirement benefits. I remember a well-known Washington clothier advertising to college graduates that the way to get on in the world was to buy and wear one of their quietly expensive Madison Avenue-type suits.

So young people have come a long way. I see it with our own. I can't begin to tell you how many of them warm my heart when they tell me of the specific things that they themselves are doing—for example, in the inner city.

This is a generation of youth worthy of our respect and also worth listening to as Father Hesburgh said, "Even the most far out students are trying to tell society something that may be worth searching for"—and he adds, as I suppose many of us would,—"if they would only lower the volume so we could hear the message."

It is good for us to be reminded of our failures and our shortcomings. They help us when they puncture our inflated smugness and self-concern. We take too much for granted . . . the evils, the dangers in the world around us, and in the communities in which we live. For the most part we are not sufficiently concerned nor involved nor committed nor helpful. We haven't begun, for example, to appreciate the magnitude and the urgency of the race problem in the urban crisis that confronts us.

If these attacks upon our smugness, our unconcern, our selfishness, our self righteousness, anger and outrage us this may be all to the good. The very tensions can present us with creative opportunities. As Will Durant writes, "It is good that the old should resist the young and the young should prod the old. Out of this tension comes a creative tensile strength, a stimulated development, a secret and basic unity and movement of the whole."

It would be wise for parents to look at these matters in the framework of historic perspective. Neither the attitudes nor the behavior patterns are altogether new. Almost an entire issue of Horizons magazine was devoted to tracing back the behavior patterns, even the costumes, the flowers of the hippies, through the generations to their early beginnings in Greek and Roman life.

It has also been pointed out that the predecessor of non-conforming American Youth today was the English Romantic rebel of the first quarter of the nineteenth century. Their ideals and ways of thought are similar. The textures of their lives tend to have much in common. Even their concepts of outward accessories and symbols have some striking resemblances.

Therefore I would counsel parents not to take minor matters too seriously. George Washington also wore his hair long. In dress the pendulum swings from year to year and will go back I am sure. Dirty feet, my wife's chief gripe, can one day be washed. Even and especially excesses of behavior require from parents patience, understanding, love and ongoing loyal devotion. Believe me, no matter what the provocation, it's the only thing that in the long run will make sense.

Now let me turn to the other side of the picture to my concerns and objections regarding developments that affect youth. The first is, shall I say, a statement of personal privilege. I realize that 68, my age, and 18 haven't a lot in common, I worked my way through college, trained for a profession, made a living. I have participated in two world wars, dealt with the most terrible depression in our country's history, fought against Nazi and American anti-Semitism, helped to save the remnants of our people after six million were destroyed, lived and labored first for the birth and then for the survival of the State of Israel, and so on.

So I have a background of experience and opinions which cannot be shared at this point by young people who have hardly begun to assume their responsibilities to life.

This neither makes me a paragon of wisdom nor the epitome of senility.

I take my stand today in opposition to polarization. To attribute polarity to a situation is to maintain that there are contrasts or opposites which are as far apart as the poles. I insist that this does not apply to the problems between the generations.

In the first place who are youth? The S.D.S. The hippies? Only the radicals? VISTA asked Dr. Gallup to make a poll of the attitudes of college students. Nine hundred and seventy-two from varying colleges and strata were interviewed. Some seventy-four percent of them said that their basic political views are similar to those of their parents. Where then is the polarization?

Youth is diversified. So is the older generation. Senator McCarthy, who speaks the language of youth, is not under 30. Another, Dr. Spock is even older than I, if that is possible. The two foremost novelists in the English language, in my opinion, Nabokov and Snow, are approaching three score and ten. Those ancient relics, Picasso, Rubenstein, Casals, continue to be creative. Even forever youthful Jack Benny has reached his 39th birthday.

I make no special plea for the old but I am saying that there is no mystique of wisdom in being young. Although the youth have contributed much to human progress, I suspect that many, if not most, of the ideas that we hold in our late teens are gladly and wisely discarded as we mature. I have read that no successful revolution was ever made by the young. The American revolutionaries were mature men, as were the French and the Russians.

Let us listen then to the young with sympathy, with an open mind, and with a maximum of understanding. But let us not abdicate our own reason, and our own responsibilities. Let us judge the views of both the young and the old on their own merits and not because of the age of those who hold them.

There are no shortcuts to progress and achievement. Even O. J. Simpson is having to learn something the hard way about professional football.

Does a young person really want to accomplish something in the inner city? Then he has to learn and study and work. Noisy demonstrations may possibly serve a purpose, but it won't be a lasting one.

Do you want to be a pioneer in the Space Age? In heaven's name look at all that was involved in study, discipline, cooperative efforts in the landing on the moon.

Do you want to remove mankind's worst scourge, cancer? Is there any way short of the most intensive medical education and research?

Let me say a word here about the role of universities. Obviously the last thing in the world a university should display toward its neighboring community is callous indifference. Such an attitude borders upon both the criminal and the suicidal.

On the other hand a university has many, many important roles other than helping with the race problem. It must conduct scientific research. It must train professionals in many fields. It must teach the lessons of history. It must evoke cultured human beings with expanding horizons. It must help to create the kind of men and women who will be concerned about the world in which they live and will try to make it better. This too is relevance.

And may I ask what gives a 19 year old boy the wisdom and experience and administrative skill to run a university?

That boy and his female counterpart have every right to express their concerns and expect to be listened to. They have every right to speak up for their personal interests and to be listened to. They have every right to seek additional responsibility for the regulations that affect their college lives and be listened to.

But ultimate responsibility for administering a university must be left to its administrators or there will be no universities. Extreme violent student action will lead to even more extreme reaction on the part of the American community, the contributors to universities, and to the state and national lawmakers, which is the last thing we want.

It is not true liberalism to be fuzzy-minded about these matters. That has been one of our problems: The well-meaning people who are guilt-ridden and who intuitively feel that whatever a racial minority wants is right whether it is right or not, that whatever extreme students demand, should be granted, right or not.

For me, true liberalism is Civil Rights. It's the Bill of Rights. It's the Declaration of Independence and the Constitution of the United States applied equally to all elements of our population and to all our institutions.

My advice then to young people, is I hope, not ambivalent but balanced. On the one hand, think for yourself. Speak out for your beliefs. Demonstrate, organize, work for causes you believe in.

But remember there is no substitute for education, no substitute for training, no substitute for self discipline, no substitute for character.

Nor in my opinion is there a substitute for law and order. I know that these words have become a shibboleth of reaction and often I ask where were the advocates of law and order when the Negroes were being denied their rights.

The other night they resurrected the film, "To Kill a Mockingbird," and just looking at that movie showed us how far we have gone in the past decade and how Negroes were denied the most elementary protection of the law.

It was less than ten years ago, according to a feature article in Life magazine this past week, that Martin Luther King was arrested and imprisoned contrary to his legal rights and in defiance of what we call law and order.

Nevertheless I say that law and order are the foundation of a democratic way of life. Without them nothing is safe. Our fathers understood that. They said that even a disliked king must be respected, for if you remove the king, society becomes a jungle and men become beasts.

The sight of fanatically idealistic and dedicated young people wanting action without having a clear idea of where they are going, insisting on confrontation even without a program, is all too reminiscent of the behavior of German youths which led to nazism and the behavior of Italian youths which led to Fascism.

There are no shortcuts to progress in a democratic system. The lawless fast way proves to be the slowest and the worst way in the long run.

Democracy can function. Young people have seen that. Look at what they did to help Senator McCarthy win in New Hampshire. And if their candidate was not nominated at the Democratic convention, that's the way of American political democracy.

And if you don't like it, work to change it. But always within the framework of the democratic system, as many people are seeking now to eliminate the anachronisms of city-county separate governments and to eliminate the stupidity and wastefulness of our present state governmental machinery.

Now a word in defense of our country. Perhaps I have stronger feeling on this subject because my parents came from Europe and I learned the difference from early moments of consciousness. They did not find gold on the trees here and they lived modest humble lives barely making a living.

But here they found freedom and opportunity not even conceivable in the old world from which they came. Here all three of their children were able to get an education and to make something of themselves and to give some contribution to the American society which afforded them these opportunities.

In all human history there has been nothing like the United States of America. It has produced the highest standard of living ever known. No longer as in all the millenia of human deprivation and starvation and suffering need man be short of anything for his basic physical needs. There may be some problems of distribution, but those can be remedied.

All we need to do is think of the hundreds of millions who go to bed hungry every night in Asia and Africa to realize how blessed this land is.

Here the most humble have had the opportunity to make something of themselves. Here, in spite of wars and depressions, basic freedoms have been retained and the democratic process has survived.

Obviously there are faults and shortcomings and weaknesses and injustices. But these are correctable within the framework of American democracy. Both the disease and the healing were provided at the same time.

So I am not suggesting that it's my country right or wrong. Of course wrongs should be righted and policies should be opposed and criticized when one's knowledge and conscience leads one to such conclusions.

But the attitude of which I have seen and heard too much should be discouraged. It's an attitude of self hate, self contempt, of self abnegation as Americans which in my judgment is not only unjustified but also dangerous.

Because, as Arnold Toynbee has pointed out, nations are not destroyed from without. They may be defeated but if like the Jews they have the will to live, if they have faith in themselves, if they have a purpose and a goal, they survive.

And that as I see it is the danger to America today. Not that we will be destroyed by the enemy but that we may lose our sense of national unity, of national purpose, of national worth.

So I am suggesting not flag-waving patriotism and not the support of every policy right or wrong, put a style of approach to our national problems which will be more in the nature of a lovers' quarrel rather than of hatred and contempt and disdain.

Many of our brightest and most sensitive young people don't yet understand this but I pray they will. For their own future is involved in such understanding.

I submit that my message to you this morning is an interpretation and extension of the teachings of the Haftarah and Torah portions of our Yom Kippur Service.

The Prophet Isaiah asks, "Is not this the fast that I have chosen? To loose the fetters of wickedness, to undo the bands of the yoke and to let the oppressed go free and that ye break every yoke? Is it not to deal thy bread to the hungry and that thou bringest the poor that are cast out to thy house? When thou seest the naked that thou cover him and that thou hide not thyself from thine own flesh?" . . .

If we then will seek to love and help our fellow man and if we will do it within the framework of Torah and Mitzvah and Hukah, of law and self discipline and the democratic process, then we too will find that the commandment which we are commanded this day is not too hard for us, neither too far off, but the word is very nigh unto thee, in thy mouth and in thy heart that thou mayest do it.

And perhaps we will find that this commandment and these ways equally binding the young and old, will be a unifying force, a bridge, between the generations.

HONORING THE SERVICEMEN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. CHAPPELL. Mr. Speaker, I want to take this opportunity to commend the people and officials of the city of Atlantic Beach in their resolution honoring those who serve this Nation. I wish to read this resolution so that it may become a part of the RECORD:

RESOLUTION 69-24

Whereas, the people and officials of the City of Atlantic Beach recognize and appreciate the service and sacrifice of our men and women who serve and have served in the Armed Forces of the United States of America, and

Whereas, we sincerely and prayerfully desire that we may attain peace with honor,

Now, therefore, be it resolved by the City Commission of the city of Atlantic Beach, Fla., that, we do honor all of those both living and dead who have so valiantly served to keep our nation under God strong and free, and we do solidly support the President of the United States in his efforts to attain an honorable peace, and

Be it further resolved that, copies of this Resolution be forwarded to the President of the United States and to our Florida members of Congress.

Introduced by William S. Howell, Mayor-Commissioner.

Passed by the City Commission on November 10, 1969.

I commend all the people and officials of the city of Atlantic Beach in their statement of loyalty and support of the United States in its efforts for peace.

THE ARCHIBALD M. AIKEN BRIDGE

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DANIEL of Virginia. Mr. Speaker, early in December the Virginia State Highway Department and the city of Danville, Va., will open a new bridge across the Dan River. The bridge will be named The Archibald M. Aiken Bridge in tribute to and in appreciation for a lifetime of service to the people of the area by Corporation Court Judge A. M. Aiken.

The Danville City Council could not have honored one more deserving. Judge Aiken is a loyal and dedicated American, an avid constitutionalist, a man of great moral principle, deep compassion, and scrupulous impartiality.

Mr. Leon Smith, vice president of radio station WBTM in Danville, has written a moving editorial which reflects the sentiment of an overwhelming majority of his radio audience. I insert Mr. Smith's editorial in the RECORD.

THE ARCHIBALD M. AIKEN BRIDGE

Danville City Council, in a resolution this week, designating the City's new Broad Street Bridge "The Archibald M. Aiken Bridge", referred to the Corporation Court Justice as "a paragon of integrity, courage, brillance and justice—a man of great but modest stature, who, during his very useful life, has rendered monumental services to both his community and nation."

The honor of a lasting monument, and the description of the person, more than most Danville citizens realize, befit the man. A relative few in the City, because of the nature of Judge Aiken's position in the community, meet him professionally, but the impact of his position as arbiter of the community's affairs in matters of law for two decades has left its beneficent mark on each and every one of us. These things are not always self-evident, and Danville City Council has chosen wisely in bringing them to our attention in dramatic fashion.

To his everlasting credit, Danville's Judge Aiken, in an age that has witnessed the very chipping away of the concept itself, has consistently been a law and order judge, his primary consideration the protection of the rights of the individual; the peace and safety of the community against forces bent on turmoil and destruction of its institutions. It hasn't always been easy.

In recent years Danville has not escaped the forces of change which have brought periods of dissension which in other communities across the nation have grown to riots and criminal disorder at the expense of law-abiding citizens. Rather than flinch in the face of intimidation, our Judge has always stepped into the breach with the powers authorized to him by the State. For his timely and courageous action at such periods of emergency, Judge Aiken has been criticized elsewhere in the nation and the world, but never at home, though his decisions are as applicable anywhere as they are in Danville, Virginia. Although he has been tried and found wanting in more liberal press and periodicals of this country, it's noteworthy that appeals from Judge Aiken's decisions have availed little, his rulings at law found forthright and true to the concepts of justice.

Judge Aiken's awesome position of trust and responsibility in the community, State and nation, is obviously, because of his years, not ours for as long in the future as in the past. It's therefore an act of just tribute that Danville City Council, in its wisdom, has paid homage to one among us whose contributions are woven into the fabric of our heritage.

WILLIAMSBURG OF THE WEST

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DELLENBACK. Mr. Speaker, the small but vibrant southern Oregon town of Jacksonville has been called the Williamsburg of the West. Designated a national historical monument, the town has a long and colorful history as a mining settlement.

An interesting article about Jacksonville which appeared in October 14 issue of the Christian Science Monitor follows:

WILLIAMSBURG OF THE WEST

(By Kathy Cosseboom)

JACKSONVILLE, OREG.—As a "Williamsburg of the West," this community re-creates the aura of a Western mining town of the late 19th century.

Jacksonville, a national historic monument, is nestled in a valley in the Cascade Mountains of southern Oregon.

The town originated when two packers found gold in Daisy Creek in 1851—the site is marked. Between 1853 and 1880 $31 million worth of gold dust passed through the town's bank. Visitors today can see that bank with its scales and safe. And visitors can pan for gold, too.

Farmers and their families tamed the town. Because these settlers wanted the society they'd known in the East, they built churches and schools. Tourists can visit three of the churches.

Many of the homes built between 1860 and 1900 are open to the public.

Visitors to the Jacksonville museum will learn about events in the often dramatic growth of the town. A woman who single-handedly held off Indians for 16 hours and a man and a boy who caught a much-sought-after bear, are two stories told in the museum.

A collection of photographs by Peter Britt records the town and people as they looked in the 1860's. The equipment early settlers used to heat their orchards and fight fires is shown. Included is a hand-pulled hook and ladder with leather buckets.

Other places of interest include: Odd Fellows Hall, built with two feet of dirt between the roof and the ceiling to protect it from flaming arrows; the hotel where President Rutherford B. Hayes once stayed; and the McCully house, an old schoolhouse that is now a museum housing more than 750 dolls.

Twenty years ago Hollywood came to Jacksonville and made the film "Last of the Wild Horses." The filming drew attention to the character of the town and caused the townsfolk to preserve many of the oldest buildings.

GIVE NIXON MORE TIME

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HUNGATE. Mr. Speaker, I believe my colleagues will be interested in the following comments on the President's Vietnam policy:

ANOTHER OPINION: GIVE NIXON MORE TIME

(NOTE.—Following are excerpts from a commentary that appeared in a current issue of the British weekly, The Economist.)

[President] Nixon's risk [with his Vietnam policy] is not an uncalculated one. The calculation lies in the extraordinary paradox that is slowly coming to light in Vietnam. The great battles of 1968, which so many Americans interpreted as the defeat of their army and which therefore led them to want to get out of the war forthwith, were in fact a defeat for the Communists on such a scale that Mr. Nixon can now afford to start the process of pulling troops out without bringing the roof down on his head. . . . Of course, the statistics churned out by the computer in Saigon have to be taken with a large pinch of salt. The Communists' big units are still in existence, though most of them have retreated over the border; and a lot of the Vietcong's local men are probably just keeping their heads down as the Government's men move into their villages. But the essential fact is that the de-Americanization of the war, which could not have been started in 1967, can be started in 1969 because of what happened last year.

This is what gives Mr. Nixon his opportunity to appeal to the silent—or bemused—center of American opinion. He is asking it to support a policy which consists of offering the National Liberation Front a choice between submitting itself to an election (an election it would itself help to supervise) and, if it ducks that, watching the Americans withdraw at a pace that gives the South Vietnamese a chance to take over the fighting from them. It would be foolish to say confidently that Mr. Nixon is going to be able to hold a substantial majority of Americans behind this program. It has to be assumed that he will probably have to go on providing the doubters with a fairly regular diet of troop withdrawals. He will want to keep the casualty lists down below the figure they were running at earlier this year; and that may mean pushing too many half-ready South Vietnamese into the fighting too soon. He also has to reckon that the antiwar minority in America, even if it stays a minority, may try to impede the normal working of American society. There are many things that could break the fragile basis of support he so badly needs to keep intact. . . .

A KEY QUESTION

But even if he pulls it off [withdrawal of most of the American army at a speed he considers safe] there is still one unanswered question. What is to prevent North Vietnam and the Vietcong from waiting until the process is complete and then roaring back in to do what they couldn't do when the Americans were there? It is the fear that just this will happen that accounts for many Americans' misgivings. And it is the hope that it will turn out this way that is sustaining the long-war advocates in Hanoi.

The answer, or what Mr. Nixon hopes is the answer, is to be found in the process that is now taking place in Vietnam. The longer the present situation continues, the safer it is to forecast that three things will happen. The first is that the price Mr. Nixon has to pay for even a remotely quiescent American public opinion will be the evacuation of a steadily increasing number of American troops. This is where the clock is working against him. But time is working on his side and against North Vietnam in two other ways. The longer the withdrawal of the American army takes, the further the rearming of the South Vietnamese army will go. Of course, this army is at best an imperfect instrument. But the period of relative rest it enjoyed when the Americans were doing most of the fighting in 1966 and 1967, and the morale it recovered in the Tet offensive last year, have restored some of its fighting quality. By 1971, with the help of American bombers and artillery, it may be capable of holding the frontiers. And, second, the longer the frontiers can be held against the Communists' big units the more of the Vietcong's local organization inside South Vietnam is going to be destroyed. This is the real dividend of the battering the Communists took last year. The reoccupation of the countryside that followed the Tet offensive exposed the local cells of the National Liberation Front. These cells constitute the water in which, in Mao's phrase, the fish of revolution swim. The Saigon Government at last has a chance, if it is ready to take it, to drain the tank.

This is why North Vietnam, like the United States, is betting against time. It is a simplification, but not an unfair one, to say that the issue depends on which of two things happens first: the destruction of the Communists' organization in the countryside, or the removal of the American forces, under the pressure of American opinion, before the South Vietnamese army is ready. . . . That is why Mr. Nixon is still asking as many Americans as will listen to him to hold on.

POVERTY LEGAL SERVICES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ANDERSON of California. Mr. Speaker, politics must be kept separate from poverty law programs if our Nation's legal service programs are to effectively function, especially in controversial cases.

Recent Senate adoption of an amendment by Senator GEORGE MURPHY to S. 3016, relative to the veto power of Governors over any legal services program assisted by the Office of Economic Opportunity, threatens to allow political intrusion into such programs.

A recent Los Angeles radio station KNXT editorial, in opposition to giving Governors final veto in the operation of these programs, I believe, merits the attention of my colleagues.

The editorial follows:

Poverty Legal Services

The United States Senate this week passed a bill which gives state governors veto powers over poverty legal services programs funded by the Federal government.

Those favoring the veto powers argued that the government should not finance legal actions against government agencies.

On the surface this sounds very convincing, except that government agencies have been suing each other for many years to settle important points of law.

But poverty law is new, and its actions against state and local agencies generally have been unpopular with local officials. An example of this was the successful action against Governor Reagan and the State Medi-Cal Program, which prevented reductions in medical benefits for 1½ million Californians.

Those opposing veto rights for governors, including the American Bar Association, fear the intrusion of politics into poverty law programs.

State governors already have powers to force reevalutaion of poverty law programs in their states. KNXT strongly opposes giving governors final veto in the operation of these programs. Poverty law should enjoy the same climate of freedom now enjoyed by corporation or criminal law, to pursue unpopular causes. That fits our legal tradition.

THE RETIREMENT OF REV. ALADAR EGYED AFTER 55 YEARS IN THE PRIESTHOOD

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FEIGHAN. Mr. Speaker, November 30 will officially begin the retirement of one of this Nation's most respected and esteemed Lutheran leaders. It would not be fitting to allow this clergyman to step down from his pastoral duties without recalling the innumerable contributions he has made to his people.

Rev. Aladar Egyed, ordained a priest in Hungary 55 years ago, was forced to escape from his native country in 1944 due to his unpopular political views toward the totalitarian government which dominated his nation.

To that time, he had enjoyed a prominent ecclesiastical post immediately beneath the Lutheran bishop of Hungary, and had spearheaded efforts toward the cause of ecumenism two decades before such a Christian unity movement was either encouraged or popular.

He carried his ecumenical beliefs to America and Cleveland, Ohio, where he served all Hungarian people with his leadership and wisdom, regardless of their religion, thus earning the admiration and respect of the entire Hungarian community.

The Reverend Egyed has been a leading member of such organizations as the Committee for Hungarian Liberation and the National Committee of Hungarians of Czechoslovakia.

As editor of the monthly Lutheran newspaper, Mighty Fortress, which is read by tens of thousands in the United States as well as Canada, he had adhered to the highest principles of journalism in his practice of fairness, accuracy, and depth of reporting.

His retirement from pastoral and civic work marks a loss not only to citizens of the Lutheran faith, but to people of all religions; to Hungarians in this country, as well as abroad; and to this Nation as a whole, which has been enriched by his selfless and devoted leadership, and the culture he brought with him and helped to promote.

SNEERS AT VICE PRESIDENT WILL NOT DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, after hearing all the commentaries and reading the columns and newsstories during the past week concerning the Vice President's speech criticizing the television network news media, I had to go back and reread the speech. I was sure they were talking about a different one than I had first read. But regardless of whether the aftermath of comments are accurate or not, the doubt about the veracity and objectivity of the national television news coverage still remains.

I recommend to my colleagues the following column which appeared in the Washington Post this morning. It is a small spark of light in the cloud of smoke rising from the ashes of an overheated television circuit:

Sneers at Vice President Won't Dispel Doubts About Media's Performance

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press," that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a $3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communications Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an overwrought CBS commentator told Newsweek, "is that the White House is out to get all of us, all the liberals in all the media . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a Journalism Review cataloging the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assaulting the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentation of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media say it is and the definition varies from day to day and place to place. It was "news" in The Washington Post and the New York Times last week when three doves in the Senate announced support for antiwar demonstrations on Nov. 15. It was not "news" at all in The Times the following day when 359 congressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention halls of the broadcasters and editors.

DR. GEORGE KOZMETSKY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PICKLE. Mr. Speaker, a number of distinguished Americans have been invited to appear in Washington in late January as guest panelists before a congressional panel discussing the management of knowledge and information.

Among them is the dean of the University of Texas College of Business Administration, Dr. George Kozmetsky.

Dr. Kozmetsky will present a paper on "Education as Information Systems."

He will appear as a guest before the 11th annual meeting, January 27–29, of the panel on science and technology of the U.S. House of Representatives Committee on Science and Astronautics.

Among others who have accepted the

invitation of the House panel are McGeorge Bundy, president of the Ford Foundation, and former U.S. Chief Justice Earl Warren.

The panel on science and technology is composed of 15 prominent scientists, professors, and engineers who meet once a year with the House Committee on Science and Astronautics to discuss a subject of crucial importance.

Some of the general topics to be explored by the panel and its guests are "Computers, Communications, and the Economy," "The Individual, the State, and the Machine," and "Education for a Changing World."

Dean Kozmetsky's professional specialties include system analysis, organization theory, quantitative methods, information handling, application of digital computing techniques, and system management.

RESOLUTION OF THE AMERICAN WAR DADS, SPRINGFIELD, MO., CHAPTER 6

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HALL. Mr. Speaker, I have received a copy of a resolution approved by Chapter No. 6 of the American War Dads of Springfield, Mo.

The resolution was presented by the Honorable O. K. Armstrong, a former Member of Congress, at the convention of the Missouri State Association, American War Dads, in Jefferson City, Mo.

The resolution follows:

RESOLUTION OF THE AMERICAN WAR DADS

(Presented by Dad O. K. Armstrong and adopted, June 2, 1969)

Whereas; the tragic war in Vietnam has gone on for more than seven years, at a cost of 35,000 Americans dead, 175,000 wounded, and the expenditure of more than $80 billion in money and resources; and

Whereas; our fighting men of all branches of the service have been forced to do combat under restrictions never before imposed upon servicemen in war, including: sanctuaries for the enemy troops in Laos, Cambodia, and North Vietnam, making impossible for our troops to counterattack; refusal of our government to permit the closing of the port of Haiphong, through which material of war has been imported, principally in ships of the Soviet Union, to kill our servicemen and to devastate the people and homes of South Vietnam; and refusal to permit our commanders in the area of combat to strike targets that would most effectively cripple the Communist aggressors; and

Whereas; the "peace talks" between the United States and South Vietnam on one hand, and the Communist regime of North Vietnam on the other hand, have been going on for a year, with no results, while the slaughter of the flower of American youth continues on the battlefield; and

Whereas, President Nixon on May 14, 1969, offered a plan to bring about an end to the war; now therefore be it

Resolved; by the Springfield Chapter No. 6 of the American War Dads that while commending President Richard Nixon for his recent statement regarding the prospects for peace in Vietnam, we American War Dads urge the President, in the event the enemy aggressors do not respond promptly and favorably to his offer to take firm and vigorous action, by every military means necessary, to gain a cease-fire and end the war.

Specifically, we urge the President to pursue this course of action:

1. Set a time limit on the so-called "Negotiations" in Paris unless a cease-fire is obtained.
2. Give notice that if the cease-fire is not agreed to within the specified time, military action will be taken to crush aggression of North Vietnam.
3. If there is not a cease-fire, close the port of Haiphong with a complete blockade on all war material for North Vietnam; resume bombing of military targets in North Vietnam without the present restrictions; permit no further sanctuaries for enemy military action.

Be is further resolved, that we urge the President and Members of Congress willing to support him in ending the war with the attaining of our objective of a free and independent South Vietnam, not to yield to theorists who advocate a coalitian government with the Communists, in the light of the proven fact that "coalition" to the Communists mean their opportunity to take over the entire government as soon as convenient; and

Resolved, that we call upon the War Dads all over this nation, and upon all veterans of military service who have fought for human liberty during our lifetime, and upon all citizens who believe the time has come to end that war with honor and justice, to join us in this program.

This resolution was presented at the Convention of the Missouri State Association, American War Dads, in Jefferson City, Missouri, and was adopted, August 23, 1969.

THE SILENT MINORITY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WALDIE. Mr. Speaker, much has been said of late about the "silent majority." We have been led to believe that 55,000 telegrams to the White House following the President's recent speech on Vietnam policy was a dramatic indication of the restiveness of that "silent majority."

The Contra Costa Times, a newspaper in my district, conducted a recent poll—a poll, Mr. Speaker, that was astonishing when the results were revealed.

Using questions I used in a questionnaire 2½ years ago on the Vietnam war, the respondents' replies to the same questions asked but 3 weeks ago indicate a positive and overwhelming abandonment of "hawkishness" to a definite "doveishness."

Thirty months ago, Mr. Speaker, 64 percent of those polled indicated their willingness to continue the war, as it was in the best interest of the Nation to do so. Today, Mr. Speaker, only 16 percent indicated that position, 84 percent said it was not in the best interest of the Nation to continue this war.

On a question regarding escalation of the war, 30 months ago, 56 percent of those polled said we should escalate the conflict. Today an overwhelming 87 percent said no escalation.

And 30 months ago when there were no Paris talks, 81 percent of the respondents said they wanted an intensification of peace efforts.

Today, with Paris peace talks underway, 77 percent indicated their desire for an intensification of peace efforts by this Nation.

Mr. Speaker, are these good people representative of the "silent majority" of which the President speaks?

If so, I would humbly suggest that the 300,000 or more citizens who marched in Washington and San Francisco last week, and the persons who replied to the Contra Costa Times are a "vocal majority." And I would further suggest that the administration consider their voices when it seeks to ascertain the will of the majority of Americans.

Mr. Speaker, I would like to place a column by Richard L. Davis, editor of the Times, describing this amazing poll in the RECORD.

The article follows:

ANSWERS REVERSED ON VIETNAM QUESTION

Just 2½ years ago, a poll conducted by Congressman Jerome Waldie among his constituents brought these results:

Do you generally concur the nation's interest demands we continue the war in Vietnam? Yes, 64 per cent; No, 26 per cent; Undecided, 10 per cent.

Do you believe we should escalate that war militarily? Yes, 56 per cent; No, 32 per cent; Undecided, 12 per cent.

Do you believe we should intensify our efforts to bring about a peace conference? Yes, 81 per cent; No, 13 per cent; Undecided, 6 per cent.

What a difference 2½ years can make! And there is no longer any indecision about the answers.

A week ago today, we asked our readers the identical questions.

To Question 1, 84 per cent said "No, the nation's does NOT demand that we continue this war." Sixteen per cent said Yes, and there was NO undecided.

NO ONE UNDECIDED ANY LONGER

To Question 2, 87 per cent said "No, we should NOT escalate the war militarily." Thirteen per cent said we should. Again, there were NO undecided votes.

To Question 3, 77 per cent said the United States should intensify its peace efforts, representing a drop of 4 per cent below the figure of 2½ years ago. Twelve per cent said we shouldn't, and 1 per cent was registered as "undecided."

All this would indicate to us that opinion in Contra Costa County, at least, has been polarized to the point that virtually no one is standing on the sidelines saying he couldn't care less about the war in Vietnam, and in a democracy this is a most healthy and hopeful sign.

During the past week since we published our own poll on this extremely controversial subject, we have been the object of considerable invective by telephone and letter.

In defense, just a word. To those who accuse us of "loading" this poll, this was certainly not our intention. We did it in good faith and it should be accepted as such. We are convinced, however, that whenever anyone dares to seek out public opinion on such an emotional issue he is certain to be accused of asking questions that at best are self-serving. Honestly, we only asked the 2½-year-old questions.

In the bottom half of the poll, we were merely attempting to feel the public pulse on support for the President at this point, and how strong the feeling might be to call the whole thing off.

To the question, Do you support President Nixon's policy of gradual de-escalation and Vietnamization of the war, 50 per cent said they do, 49 per cent say they don't, and 1 per cent are undecided.

To our second question, Do you believe we should walk out of the Paris Peace Conference, bring all our troops home and leave the fate of South Vietnam to the South Vietnamese, the vote was 51 per cent No, and 49 per cent Yes.

Obviously, as some of our readers pointed out, this second question requires three answers, if response is to be correctly gauged, but what we wanted was the "ultimate" in reaction from our readers, and believe me we got it.

There were notes, letters, explanatory notes written on copies of the column, postcards and a good number of telephone calls.

COMPLEXITIES MOST EVIDENT

What our own little survey proved to us is that there isn't, at least in Contra Costa County, the overwhelming support indicated by national surveys to the question about how Mr. Nixon is conducting policy at the present time.

Also there is substantial support for the argument that we should bring our boys home at the earliest possible time no matter what the problems this move might pose for Southeast Asia.

As we said in the original column last Wednesday; "if you find it hard to answer some of these questions, perhaps you can understand in some measure the complexity of the problems faced by our national leaders in Washington."

The answers, accompanied by explanations of varying lengths, only support my apprehensions.

Unfortunately, we live in an age of cynicism and suspicion. However, please be assured, readers of this column, that any polls or surveys conducted here are only aimed at giving all of us a better idea of just which way public opinion is shifting, not the way we would LIKE to see it shift.

THE PRESIDENT'S SPEECH ON VIETNAM

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SLACK. Mr. Speaker, the President's speech on Vietnam has brought forth public comment in every American city and every world capital. Commentaries and interpretations have dealt with every statement, implication, and suggestion contained in the President's words.

Yet, nothing I have read from any source states the proposition more clearly than an editorial by Mr. Newton Nichols, editor of the weekly Clay Messenger in my congressional district which was published on November 11. I commend it to your attention as a demonstration of the fact that the leadership of our smaller communities has the capacity to come to grips with the essentials of the situtation and to understand the real choice which faces this Nation:

The President's Speech

It is difficult to see how President Nixon could have gone much further than he has in making concessions to the Communist dictatorship in Hanoi—other than complete capitulation. This, as President Nixon pointed out, would simply escalate the killing of all freedom-loving Vietnamese by the hundreds of thousands. It would not stop the war. Further—and this was central to his thinking—an immediate withdrawal of American forces now would vastly increase the probability that the "younger brothers and sons" of the men now fighting in Vietnam will be called upon to resist Communist military aggression someplace else in the world.

At this time of history, President Nixon has been offered a choice which been offered to many Presidents before him, all the way back to Washington; peace at the price of freedom. It is clear that Mr. Nixon is determined not to be the first President to buy that "bargain."

History will furthermore record that the United States and their many allies has offered the Communist dictators in Hanoi complete withdrawal of all outside forces within one year, a ceasefire under international supervision and free elections under international supervision with the communists participating in the organization and conduct of the elections.

All of these offers, President Nixon pointed out, have been rejected by the enemy. Clearly, the question is, why? The war would end tomorrow if the Communists would accept these proposals.

If it is the will of the majority of the people of Vietnam to accept communism (a declaration that has been made by some of Mr. Nixon's critics) why does not Hanoi end the war now, hold the elections, and allow the Vietnamese people to peaceably vote for Communist candidates? Surely this is a most generous, and most unusual proposal. Until and unless the carping critics of the President's policy come up with an answer to that question, they are being less than honest with the American people—and with themselves.

FOREIGN TRADE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, there are many good reasons to support President Nixon's new initiative in foreign trade. The bill he has proposed is clearly in keeping with his often-stated concern for those particular Americans whose interests may be harmed by policies adopted for national reasons.

I am referring, of course, to long overdue reforms in provisions for assisting American firms and workers who have been damaged or threatened with damage by shifts in foreign trade. When the President says, "The price of a trade policy from which we all receive benefits must not fall unfairly on the few," he has my full support.

When the Trade Expansion Act of 1962 was passed, American industry and workers were assured that they would be helped by a program of adjustment assistance if imports created problems for them. Unfortunately, this program has not worked. The tests demanded by the act are too severe and complicated to be met by anyone experiencing or threatened by import injury.

The President has now proposed a simple test for deciding when adjustment assistance should be provided or tariffs raised to give relief from injurious imports.

His bill provides that relief will be available whenever increased imports are the primary cause of actual or threatened serious injury. The American producer, given a breathing spell, can be expected to overcome market competition, but he is likely to be out of business if he must first prove that a tariff reduction was the cause of his trouble.

I am particularly heartened by other provisions in the bill such as proposals that would enable the United States to crack down on unfair practices that other governments may use to restrict our exports to their markets or to third countries. It seems quite clear that the President has given us a realistic and workable bill that all schools of opinion on trade policy can unite behind.

DEMOCRATIC STUDY GROUP ANALYSIS OF PROPOSED REORGANIZATION BILL

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. GIBBONS. Mr. Speaker, no issue touches more directly on the ability of all of us to effectively represent our constituents and legislate appropriately on the major issues confronting our Nation today than the question of congressional procedures. Congressional reorganization and reform is a matter that affects all of our interests and concerns.

A special subcommittee of the Rules Committee has been studying this matter for several months and has released a 143-page, 28,000-word committee print of proposed legislation on which hearings are now being held. A hearing is scheduled for tomorrow, Thursday, November 20, and additional hearings are expected to be scheduled soon thereafter.

Among the items included in the proposed bill are changes in committee procedures and staffing, broadcasting of committee hearings, and floor sessions, major new fiscal controls, data processing, payroll, and so forth.

Because of the importance and complexity of this issue, the staff of the democratic study group has prepared an indepth analysis of the proposed bill. I commend this excellent DSG study to all Members, especially those who plan to testify before the subcommittee this week or next:

DSG Staff Analysis of Proposed Congressional Reorganization Bill

(Note.—Only provisions applicable to the House of Representatives are described. Page numbers refer to the Committee bill.)

TITLE I—THE COMMITTEE SYSTEM

Section 101: Rulemaking power of the Senate and House—page 2

This section acknowledges the power of the House to change its rules at any time.

Section 102: Calling of committee meetings page 2

Present House Rules (Clause 26 of Rule XI) require each committee except Appropriations to schedule regular weekly, biweekly or monthly meetings for the transaction of committee business. They provide that a committee chairman may also schedule additional meetings as he deems necessary.

Each committee is required to meet to discuss any business before it on the scheduled meeting date at the call of the chairman, or when a majority of the committee has called a meeting when the chairman has failed to do so.

In order for a majority to call a meeting, three members must first make a request. If the chairman does not call a meeting within three days of a request at a date within seven calendar days, a majority of the committee may file a notice in writing setting the time and place for the meeting.

The Committee Bill adds the Appropriations Committee to the committees covered by the provisions related to the calling of meetings. It permits the chairman to call a meeting to consider any bill or resolution before the committee or for other committee business.

The bill is more specific in that it spells out the procedures by which a majority of the committee may call a meeting. It requires that the original request be in writing, that the staff immediately notify the chairman of the request, and that the staff notify all members of the time and place of any meeting called by this method. The bill does not, however, change the number of people needed to call a meeting or alter the three day waiting period.

The Committee bill includes a new requirement that regular meeting dates be set by written rule adopted by the committee. It requires the committee to meet on the regular date to consider any bill or resolution before it or any other committee business *unless otherwise provided by written committee rule.*

The bill also provides that if the committee chairman is absent from any regular, additional or special meeting, the ranking member of the majority will preside. The present rules do not provide for this situation.

Impact.—The committee bill provides *no major change* in present practice. It does include the Appropriations Committee under the rule. It also appears to more specifically allow the chairman to call a meeting for a specific purpose rather than permit any business to be taken up at an additional meeting called by the chairman. However, the bill does not alter the number of people needed to call a special meeting, nor does it change the three day waiting period.

Section 103: Open committee business meetings—page 5

Present House Rules (Clause 26 of Rule XI) require that all meetings conducted by standing committees or their subcommittees be open to the public except executive sessions for marking up bills or for voting. A majority of the committee may also order a closed executive session.

The present rules do not distinguish between meetings and hearings.

The Committee Bill would exempt the Appropriations Committee from the provision requiring open business meetings. It requires that all meetings for the transaction of committee business will be open to the public except executive sessions. Unless the committee by written rule adopts another definition, executive sessions include markups, meetings for voting on measures or matters and meetings to discuss internal committee business.

The Committee bill differs from present rules in that it differentiates between meetings and hearings. Hearings are covered in Sec. 112. They will not be open to the public when the committee decides that testimony may relate to an internal security matter; may reflect adversely on the character or reputation of the witness or another; may tend to defame, degrade or incriminate any person; or they should not be open for any other reason.

Impact.—The bill formalizes and gives House approval to the present Appropriation Committee procedure of holding closed meetings by exempting that committee from the open meeting requirement. While the bill does eliminate the provision which allows a majority of the committee to vote to hold a closed meeting, it defines most committee meetings as executive sessions anyway.

The proposed rule would permit committees to hold open executive sessions if they adopt rules to that effect but it does not encourage such a procedure.

Comments.—The bill should encourage open sessions of *all* committees including the Appropriations Committee. It should not sanction legislating in secret. Open markup sessions and public voting are the essence of real reform in this area.

Section 104: Public announcement of committee votes—page 6

Present House Rules (Clause 27(g) of Rule XI) require each committee to keep a record of all committee action including votes on which a record vote is demanded. There is no requirement that such votes be available to the public and they generally are not.

The Committee Bill provides that the total number of votes cast for and against reporting a measure by record vote must be announced by the Committee and included in the report on the bill.

Impact.—This reform will not make much difference because there is no requirement that the vote of individual members be disclosed. Further, the change applies only to the vote on reporting the bill and not to amendments taken up by the Committee.

Comment.—The Committee proposal continues the practice of legislating in secret. Real reform in this area would provide that each Committee member's vote on every amendment and every other matter on which a record vote is taken be available to the public.

The Committee bill provides a different rule for the Senate, drawing on present Senate practice. It requires the results of a roll call on any measure or amendment to be announced in the Committee report or previously by the Committee. The announcement must include a tabulation of how each member present at the meeting voted.

Section 105: Filing of committee reports

Present House Rules (Clause 27(a)(1) of Rule XI) establish the duty of each committee chairman to report or cause to be reported promptly to the House any measure approved by his committee and to take steps or cause steps to be taken to bring the measure to a vote. The Committee on Rules must file a report within three days.

The Committee Bill requires the report to be filed within seven calendar days (excluding days the House is not in session) after there is a written request from a majority of the committee filed with the clerk of the committee. The provision does not apply to a report of the Appropriations Committee or a report of the Rules Committee with respect to rules, joint rules, or the order of business of the House.

Impact.—This procedure would have little if any effect on the reporting of bills since most committees now report bills promptly once they have been approved.

Comment.—The Appropriations Committee should not be exempted from this provision. The Appropriations Committee Chairman should be required to respond to a majority of his committee just as other chairmen would be required to respond to a majority of their committees.

Section 106: Proxy voting—page 9

Present House Rules do not make specific provision for proxy voting. They simply require that a majority of a committee be present to report a bill. Thus committees make their own rules regarding whether to permit general proxies, special proxies, or no proxies at all. For example, general proxies are authorized under the rules of four committees (Government Operations, Education and Labor, District of Columbia, and Post Office & Civil Service); special proxies which may only be used on a designated matter are authorized under the rules of six committees (Interior, Merchant Marine & Fisheries, Agriculture, Banking & Currency, Foreign Affairs, and Armed Services); rules of the Judiciary Committee are silent on the matter of proxies, and the practice in other committees is unknown.

The Committee Bill would permit only special proxies limited to "a specific measure or matter and any amendments thereto." The bill prohibits proxy voting altogether unless the committee adopts a written rule specifically authorizing proxy voting and requires that the proxy authorization be in writing, that it designate the person authorized to use it, and that it be limited to a specific issue.

Impact.—The provision would prohibit general proxies entirely and would allow voting by special proxy only under certain conditions.

Comment.—Some Members feel that prohibiting general proxies and allowing only special proxies will encourage gamesmanship in that proponents of a particular matter could organize surprise attacks on the opposition by showing up in force to vote on that matter when the unsuspecting opposition lacked proxies for their absent colleagues. They also argue that the provision would require Members to prepare numerous separate proxies if several measures were to be taken up at a single meeting of a committee.

Section 107: Supplemental, minority and additional views—page 11

Present House Rules do not require the printing of supplemental, minority or additional views. However, most committees do print such views as part of their report.

The Committee Bill provides that members be given three calendar days to file supplemental, minority or additional views if they give notice of their intention to file such views at the time the measure or matter is approved by the committee. The views must be printed as part of the report which must be in a single volume and state on its cover that the views are included as part of it. The provision would not apply to the Appropriations and Rules Committee.

Impact.—The proposal will probably have little effect on making it easier for members to have views printed since the Appropriations Committee which does not permit them is not covered by the provision. In fact, the provision may be more restrictive than present practice. It appears that a member would have to be present when the bill is ordered reported and make known his intention to file views at that time. There is also no provision for a member to be granted an opportunity to read the majority report which will be part of the legislative history, before deciding whether or not to file views.

Comment.—If reform is needed in this area, it is most urgently needed with respect to the Appropriations Committee. No supplemental, minority or additional views are printed with its report and members are denied access to the views of knowledgeable members of that committee who dissent from majority point of view.

There is a possibility also that three calendar days (*including* Saturdays, Sundays, holidays and other days when the House is not in session) is too short a time to allow for the filing of views.

In addition, real reform in this area might require that each committee member be given an opportunity to read the majority report before determining if he wants to have his own views included in the report as well.

Section 108: Availability of committee reports and printed hearings on measures and matters before floor consideration thereof—page 13

Present House Rules (Clause 6 of Rule XXI) provide that no general appropriation bill may be considered until printed committee hearings and a committee report thereon have been available to the Members of the House for at least three calendar days. There is no provision requiring that reports on other bills be available prior to floor consideration.

The Committee Bill provides that no measure or matter can be taken up in the House unless the report of the committee has been available for three calendar days excluding Saturdays, Sundays and holidays. If hearings have been held, the committee is required to make every reasonable effort to have the hearings printed and available for distribution to Members before floor consideration.

The provision does not apply to the Appropriations and Rules Committees. It also does not apply to privileged matters under Clause 22 of Rule XI, of the House. These include general Appropriation bills; reports on the right of a Member to his seat; enrolled bills; matters related to printing from the House Administration Committee; matters on expenditure of contingent funds of the House; bills on forfeiture of land grants to railroads and other corporations; bills preventing speculation in public lands; bills for the reservation of public lands for the benefit of actual and bona fide settlers; bills for the admission of new states; bills authorizing the improvement of rivers and harbors; rules, joint rules and orders of business; general pension bills from the Veterans' Affairs Committee; resolutions of the Committee on Standards of Official Conduct recommending action with respect to an individual Member; officer or employee of the House as a result of an investigation by the Committee relating to official conduct; and bills raising revenue.

The provision also does not apply to any measure for the declaration of war or national emergency, or to any executive decision, determination or action which would become effective or continue to be effective in the absence of Congressional action.

Impact.—This provision would improve present practices of the House District Committee which often does not have reports on hearings available until the day the bills are taken upon the floor. However, it would not have any effect on the late availability of revenue bills, some public works bills and a wide variety of other measures which are exempt from the provision. With respect to general appropriations bills, reports would still have to be available only three calendar days before floor consideration including weekends and holidays.

Comment.—The Committee proposal exempts too many matters from the requirement that reports be available in time for evaluation. In addition, it does nothing to improve the availability of appropriations bills which simply cannot be thoroughly evaluated by most members in the time now provided. A minimum of a week should be allowed before appropriations bills can be considered after the reports are available.

Real reform in this area would also consist of a requirement that all committee reports be automatically sent to each Member's office.

Section 109: Motions for consideration by the House of measures previously made in order by resolution—page 16

Present House Rules contain no specific provision authorizing the calling on a committee member to bring a motion for consideration.

The Committee Bill permits the Speaker to call on a member of the committee which reported a bill to make a motion for floor consideration if the bill has not been taken up within seven calendar days after a rule has been granted provided that the committee has authorized the member to make the motion.

Impact.—This provision will permit the Speaker to call on a member of a committee which has reported the bill to start floor consideration when a rule has been granted and the chairman of the committee which reported the bill has refused to move for floor consideration.

Section 110: Committee funds—page 16

Present House Rules do not require consolidation of contingency fund requests.

The Committee Bill requires the standing committees (except Appropriations) to consolidate requests for committee staffs and expenses to be paid from the contingency fund of the House (rather than from Legislative Branch Appropriation bills) into a single primary expense resolution providing for the payment of expenses of the committee and its subcommittees. The resolution could not be considered in the House until a printed report has been available for one calendar day. The report must specify (1) the total funds sought for all purposes of the committee and subcommittees under the resolution; (2) the total sought for all expenses of the subcommittees; (3) the total sought for each subcommittee and (4) the amount sought for committee expenses attributable to unforseen needs and circumstances including allocations to subcommittees.

The Committee bill also provides for additional expense resolutions which may be taken up after the committee report has been available for one calendar day. The report must give the total amount requested in the new resolution, detail the purpose for which the funds are needed and state whether they are for the committee or a designated subcommittee, and state why they were not requested in the primary expense resolution.

The Committee bill states that the expenditures by subcommittee are subject to authority and direction of the full committee and that the minority party is entitled to receive fair consideration in appointment of staff pursuant to expense resolutions.

Impact.—This provision would make it more difficult for committees to secure funds from the contingency funds of the House. It might also make it more difficult for committee chairman to reorganize subcommittees during the session since subcommittee allocations would be fixed.

Section 111: Public notice of committee hearings—page 21

Present House Rules. There appears to be no specific provision for public notification of hearings.

The Committee Bill requires each House Committee except Rules to make public announcement of the date, place and subject matter of any hearing at least one week in advance for the hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If this is the case, the committee would be required to make public announcement of the hearing at the earliest possible date.

Impact.—This provision would probably have no impact. Committees generally give notice that they will hold public hearings. If they are not inclined to do so this measure would not require them to because they could always meet the good cause exception.

Comment.—The standard provided for permitting a committee to hold a hearing without giving one week's public notice is too vague. If there are to be exceptions to this rule they should be spelled out more specifically.

Section 112: Open committee hearings—page 23

Present House Rules do not distinguish between meetings and hearings. They provide for open meetings except for marking up bills, voting or where the committee by majority vote orders an Executive session.

The Committee Bill provides separately for hearings and meetings (see also Sec. 103). This section would provide for public hearings except where testimony to be taken may relate to a matter of national security or may tend to adversely affect the character or reputation of any other individual, may tend to degrade, defame or incriminate any person, or "for any other urgent reason" should not be open to the public.

Impact.—It is unlikely that this provision would curb any tendency toward secret committee hearings since it does not require public disclosure of reason for closing a meeting or establish guidelines for use of the "other urgent reason" exception. Thus the House Appropriations Committee could continue to bar the public from its hearings.

Comment.—The second Joint Committee on the Organization of Congress recommended open hearings except where the testimony might bear on national security matters or reflect adversely on the character or reputation of the witness or others. It did not recommend so broad a loophole as "for any other reason should not be open."

Section 113: Statements of witnesses at committee hearings—page 24

Present House Rules (Clause 27(f) of Rule XI) provide that each committee shall so far as practicable require all witnesses appearing before it to file in advance written statements of their prepared testimony and to limit their oral presentation to a brief summary of their argument. Committee staff is required to prepare digests of such statements for use by committee members.

The Committee Bill merely eliminates the requirement that staff prepare digests of testimony where it has been submitted in advance.

Impact.—This provision would have little impact. Some committees now secure testimony in advance. The Committee bill doesn't strengthen the requirement to do so.

Comment.—The standard incorporated under this provision is so vague that testimony is rarely filed in advance. A stronger provision is needed if this practice is to become more widespread.

Section 114: Calling of witnesses selected by the minority at committee hearings—page 25

Present House Rules do not require that committees allot time for minority witnesses, but as a practical matter they do so.

The Committee Bill entitles the minority members of a committee to call witnesses selected by the minority during at least one day of the hearing if a majority of the minority party members so request.

Impact.—This provision would probably have little impact since committees generally appear to permit witnesses recommended by the minority.

Section 115: Points of order with respect to committee hearing procedures—page 26

Present House Procedure appears to permit a point of order with respect to committee hearing procedure only as to the question of whether a quorum is present to report the bill.

The Committee Bill permits a point of order against a measure reported by a committee on grounds that the committee procedures violated the House rules if the member of the committee making the point of order raised it in the committee when the matter was being considered.

Impact.—This provision would permit more points of order against consideration of bills on grounds that proper committee procedures were violated.

Comment.—There is some concern that this provision might be used by obstructionists to prevent floor consideration of bills on technicalities. Further, the provision invites floor controversy which reaches back into the conduct of committee hearings. However, it can also be argued that such a provision is needed, and might even be expanded, to assure that fair procedures are followed. Also, points of order under this provision could only be raised by members of the committee which reported the bill.

Section 116: Broadcasting of Committee hearings—page 27

Present House Rules are silent on the question of broadcasting hearings. Speaker Sam Rayburn banned televising and broadcasting of House hearings in 1952, holding that the rules did not permit coverage of hearings by television, radio, tape recording or newsreel. The change did not affect still photographers or press reporters. Although the ban was protested by press representatives, the House went along with the Speaker's ruling and it has stood unchanged since that time.

The Committee Bill authorizes broadcasting and televising of public hearings of House committees and public sessions of the House itself. Broadcasting and televising of committee hearings would be permitted only if the committee "by majority vote" so approves and provided that such broadcasting and televising is conducted in accordance with rules set forth in the committee bill pertaining to such coverage. The committee bill sets forth several explicit and highly restrictive rules regarding the coverage of committee hearings by radio and television. For example, live broadcasts must be uninterrupted, witnesses cannot be televised against their will, all television and radio broadcasts shall be under pool arrangements with coverage available to all stations, only two fixed cameras may be used, additional lighting to raise the lighting level to the lowest level "necessary" may be *installed* at the media's expense, but floodlights, spotlights, etc. may not be used.

Broadcasting and televising sessions of the House would be permitted "under such rules and regulations as the Speaker, after consultation and agreement with the minority leader, may promulgate." Presumably, the Speaker would have sole authority to permit or prevent such coverage since the committee bill appears to be silent on this point.

Impact.—Providing authority to broadcast and televise committee and House sessions is a step in the direction of making deliberations of public affairs in the House more visible. However, the proposed rules and conditions for such coverage are far more restrictive than those used in the Senate.

Comment.—More exposure of the conduct of public business in the House via the broadcast media would be highly beneficial and would enhance prospects for enactment of legislation more responsive to the nation's needs. Such coverage therefore should be encouraged, not discouraged by setting unreasonable rules and conditions such as those proposed in this bill. Only the most minimal restrictions are placed on coverage by the printed media, and the same principle should be followed in regard to coverage by broadcast media.

Section 117: Committee meetings during sessions of the Houses of Congress—page 39

Present House Rules (Clause 31 of Rule XI) provide that only the Committees on Government Operations, Rules, Standards of Official Conduct and Internal Security may meet while the House is in session without special leave.

The Committee Bill would permit committees to sit while the House is in session without special leave except when bills are being read for amendment under the five-minute rule. However, the prohibition against meeting, without special leave, during the amendment process does not apply to the Appropriations Committee and the four committees covered by the present exception. These committees could continue to meet at any time.

Impact.—This provision adds the Appropriations Committee to the list of select committees which may meet at any time while the House is in session and permits other committees to meet part of the time while the House is in session.

Comment.—Why not prohibit *all* committees from meeting during the amendment process except in cases of emergency?

Section 118: Legislative review by standing committees—page 40

Present House Rules (Clause 28 of Rule XI) require each standing committee to exercise watchfulness of the execution by the administrative agencies concerned of any laws the subject matter of which is under the jurisdiction of the committee. The committees are required to study all pertinent reports and data submitted to the House by the agencies in the Executive branch.

The Committee Bill requires each standing committee to review and study on a continuing basis the application, administration and execution of laws within its jurisdiction. It also requires each standing committee to submit to the House a yearly report on its review activities for the previous year. The Committees on Appropriations, House Administration, Rules and Standards of Official Conduct are exempt from the requirement.

Impact.—The Committee provision would require annual reports on committee oversight activities. It is unclear why such reports are necessary.

Comment.—Legislative oversight activity will not be increased by the requirement of a report which will drain staff time, but by the increase of staff responsible for this activity. The report requirement may take staff time away from working on new legislation.

Section 119: Conference reports—page 42

Present House Rules (Clause 2 of Rule XXVIII) require that a detailed statement sufficiently explicit to inform the House of the effect of amendments or propositions adopted by the conferees accompany conference reports. The rules do not specifically provide for the allocation of time provided for debate.

The Committee Bill requires that each conference report be printed as a report of the House. It would be required to include an explanatory statement prepared jointly by the conferees from both chambers and would have to be as detailed as that required under present House rules.

The Committee bill also provides that the time for debate must be equally divided between the majority and minority parties.

Impact.—The only significant change which would result from this provision is the requirement that time be equally divided between the organizational majority and minority. Conference reports now contain a statement of the House conferees. It is not clear why a joint statement would be an improvement.

Comment.—In order to assure that the real minority is heard, time should be divided between opponents and proponents of the report, not between the two parties in Congress. If time is not so allocated, some provision should be made to guarantee that those in opposition to the bill receive a fair share of the time.

Section 120: Clarification of certain provisions and elimination of obsolete language in certain House rules—page 44

This section provides that rules of the House apply to subcommittees; that committees may adopt additional rules not inconsistent with House rules; and, that committee rules apply to their subcommittees. It also strikes language in House rules referring to delegates from Hawaii and Alaska.

TITLE II—FISCAL CONTROLS

Section 201: Budgetary and fiscal data processing system—page 48

Present Situation.—Such a system does not exist at present.

The Committee Bill directs the Secretary of the Treasury and the Director of the Budget Bureau in cooperation with the Comptroller General to develop, establish and maintain, insofar as practicable, for use by the federal agencies, a standardized information and data processing system for budgetary and fiscal data.

Impact.—A data processing system could greatly increase the ability of Members of Congress to obtain information on the budget and the economy.

Comment.—While data processing can make more information available, it can also create problems for social programs the benefits of which are not as easily quantified as hardware programs.

Section 202: Budget standard classifitions—page 49

This section directs the Secretary of the Treasury and the Director of the Budget Bureau in cooperation with the Comptroller General to develop, establish and maintain standard classifications of programs, activities, receipts and expenditures of federal agencies to 1) meet the needs of the various branches of government, and 2) facilitate the data processing system provided under Sec. 201 through the utilization of modern automatic data processing techniques.

Section 203: Availability to Congress of Budgetary, fiscal, and related data—page 50

Present Situation.—At present Congress must obtain most of its information directly from the various departments and agencies.

The Committee Bill would require the Secretary of the Treasury and the Director of the Bureau of the Budget to provide information to Congress on the location and nature of data available in the various federal agencies. On request of any committee, the Secretary and Director would be required to furnish information to the committee on the location and nature of the date and prepare for the committee summary tables of the data to the extent feasible.

Impact.—The procedure outlined in the Committee bill could make the data available more easily if it is already centrally gathered. Otherwise, this procedure may take longer since the Treasury and Budget Bureau would have to collect the information first.

Comment.—If there is to be established an efficient system for compiling data and providing it to committees, the same information should be available to individual Congressmen. In addition, there might be made available to all Members and the public at least a list of the types of information compiled.

Section 204: Assistance to Congress by the GAO—page 50

Present Law.—While many cost benefit studies are conducted on federal programs, they are not specifically required under present laws.

The Committee Bill requires the Comptroller General to review and analyse the results of government programs and activities carried on under existing law, including the making of cost benefit studies, on his own initiative or when ordered by either House or requested by any committee having jurisdiction over the program or activity.

The bill provides that GAO shall maintain employees expert in cost benefit analysis of government programs for assignment on a temporary basis to help committees analyse cost benefit studies furnished by federal agencies and to conduct cost benefit studies.

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Impact.—This proposal would undoubtedly increase the number of cost benefit studies of government programs and proposed new programs. However, these studies may make it even more difficult to pass legislation for new programs in the areas of welfare, manpower, and other social programs because the value of such programs is not easily measured in cost benefit terms.

Comment.—In the Legislative Reorganization Act of 1946, GAO was given authority to make "expenditure analyses." Congress has never appropriated funds for this purpose. Appropriations committee has opposed such funds. They give rise to the possibility that the GAO may become involved in policy and political problems.

Section 205: Power and duties of Comptroller General in connection with budgetary, fiscal and related matters—page 51

This provision authorizes the Comptroller General to establish in the GAO any offices or divisions he considers necessary to carry out the functions and duties imposed on him by the Committee bill. It also requires him to include in his annual report to Congress information on the performance of the functions and duties.

Section 206: Preservation of existing authorities and duties under budget and accounting and other statutes—page 52

This provision preserves the authority and responsibilities of the Secretary of the Treasury, Budget Director and Comptroller General under present statutes.

Section 207: Definition—page 52

This section defines "Federal agency" as any department, agency, wholly owned government corporation, establishment or instrumentality of the government of the United States or the District of Columbia.

Section 221: Supplemental budget information—page 53

Present Law (Sec. 201(a) of the Budget and Accounting Act of 1921 as amended) requires the President to transmit to Congress during the first 15 days of each regular session the Budget, including his budget message, summary data and text and supporting detail. The present legislation gives the President authority to set forth a variety of different types of information "in such form and detail as the President may determine." It does not set any particular standards with respect to disclosure of specific information on new or extended programs.

The Committee Bill (Subsection a) requires the annual budget to include specific data with respect to each proposal for new legislation or legislation which would expand any present function. This additional data would include a tabulation showing 1) the amount proposed in the budget for appropriation and expenditure in the ensuing fiscal year as a result of the proposal, and 2) the estimated appropriation required in the four succeeding fiscal years during which the proposal would be in effect.

Subsection b of the Committee bill eliminates a series of sections in the Budget and Accounting Act dealing with accrual accounting. It also requires the Secretary of the Treasury and the Director of the Budget Bureau to jointly transmit to Congress on or before June 1, of each year beginning in 1970, a supplemental summary of the budget for the ensuing fiscal year. The supplemental summary would reflect 1) all substantial alterations in our reappraisals of estimates of expenditures and receipts and 2) all substantial obligations imposed on the budget after its transmission to Congress. It would also include other information on expenditures and receipts and the condition of the Treasury.

The Committee bill also requires an additional document from the President (by June 1 of each year beginning in 1970) which would include summaries of estimated expenditures for the first four years following the next fiscal year for authorized or mandatory programs and summaries of estimated expenditures in the fiscal years following the next year of balances carried over to those years.

Impact.—This proposal would have the effect of requiring at some point during each year a projection of the estimated expenditures for each federal program over a five year period. It is difficult to access how much of this information would be hard data and how much would be purely speculative and of little value since it would probably be changed once or twice a year over the five-year period involved.

The supplementary budget data might be particularly useful however if the provision of the bill changing the fiscal year to coincide with the calendar year is adopted since the original budget submissions would deal with programs a full year ahead.

Section 231: Assistance by General Accounting Office to congressional committees in connection with proposed legislation and committee review of Federal programs and activities—page 56

Present Law provides that the Comptroller General may be called upon to testify before congressional committees to provide information that might be of assistance and to testify on the reports which the Office has submitted to the Congress.

The Committee Bill requires the Comptroller General, upon request, to provide any committee or joint committee or their staff with any GAO report which would assist the committee in connection with the consideration of new legislation, including appropriations or its review of any program or activity of a federal agency within its jurisdiction.

Impact.—Unless the Comptroller General has been refusing to testify before congressional committees with respect to GAO reports, and no such instance has come to light, this provision will have little impact.

Section 232: Furnishing all GAO reports to appropriations and Government operations committees—page 56

Present Law provides that GAO, at the request of a committee, shall furnish reports on bills under consideration by that committee. GAO also prepares reports on its own initiative.

The Committee Bill requires that all GAO reports to Congress also be provided to the Appropriations and Government Operations Committees and any other committee which might have an interest in the subject matter. GAO would be required to prepare bill reports on request.

Impact.—The Appropriations and Government Operations Committees of the House and Senate would automatically receive all GAO reports on bills introduced in the Congress. Under present practice, these reports are already prepared at the request of the committees.

Section 233: Furnishing GAO reports to congressional committees—page 57

Present Law provides that GAO, at the request of a committee, shall furnish special reports on bills under consideration by that committee. These reports are released to other committees only with permission of the originating committee.

The Committee Bill requires the Comptroller General to provide any GAO report requested by any House or Senate committee or joint committee.

Impact.—Under this provision a report prepared for one committee would be available to any other committee, even if the originating committee opposed release of the report.

Section 234: Furnishing committees and Members of Congress with monthly and annual lists of GAO reports—page 57

Present Law does not require that such lists be furnished to Members of Congress.

The Committee Bill requires the Comptroller General to prepare monthly and cumulative annual lists of all GAO reports and provide all Congressional committees and Members of Congress with copies of such lists.

Impact.—Such lists would provide Members and committees with a useful index of GAO reports.

Section 241: Rulemaking power of the House and Senate—page 59

This section acknowledges that the House may change its rules at any time.

Section 242: Hearings on the budget by Committees on Appropriations of Senate and House—page 59

Present Law (Sec. 138 of the Legislative Reorganization Act of 1946) requires the formulation of a legislative budget at the beginning of each session of Congress by action of a joint committee composed of the members of the Ways and Means Committee, Senate Finance Committee and both appropriations Committees. The report must contain a maximum amount to be appropriated for expenditure for the fiscal year and include an amount for deficiencies. If receipts will exceed expenditures, it must contain a recommendation for reduction of the public debt. The report on the legislative budget must be accompanied by a concurrent resolution adopting the budget. If expenditures will exceed receipts, specific language is provided for a section raising the public debt.

The Committee Bill repeals the above provisions. Instead, it requires the House and Senate Appropriations Committees to hold separate or joint hearings on "the budget as as whole" within 30 days after transmittal of the budget to Congress. The hearings are to have particular reference to 1) the basic recommendations and budgetary policies of the President in the presentation of the budget and 2) the fiscal, financial and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

The Committees would be required to hear testimony from the Secretary of the Treasury, Director of the Bureau of the Budget and the Chairman of the Council of Economic Advisors. Other witnesses could be called.

The hearings would be open to the public except when the committee determines that the hearings may relate to a matter of national security. However, public notice would not have to be given. A transcript of the hearings would be available to every Member of Congress.

Impact.—This provision would eliminate the requirement of a legislative budget which critics have held is unworkable because the committee charged with its preparation is too large. The provisions do not require any action on the budget as a whole except the holdings of the hearings.

Section 243: Budget review by Committees on Appropriations of Senate and House—page 62

Present House Rules do not require the Appropriations Committee to single out for special review programs under the control of two government agencies. This has generally been considered under the jurisdiction of the Government Operations Committee.

The Committee Bill adds a new provision to the House rules directing the Appropriations Committee to review the budget transmittal each year "for the specific purpose of selective examination and review of those programs for which estimated expenditures or proposed appropriations would be made by, or be under the control of, two or more government agencies."

Impact.—This proposal would discourage executive agency efforts at joint funding of social programs by subjecting such jointly funded projects to the risk that their personnel will become tied up with time consuming work in connection with special investigations.

Comments.—This proposal was a recommendation in the 1966 report of the Joint Committee on the Organization of Congress. It noted with alarm the proliferation of multi-agency program areas that cut across jurisdictional lines of individual appropriations bills. As an example, the report states that more than 40 separate agencies and departments are conducting programs in the field of education.

Section 252: Cost estimates in reports of Senate and House committees accompanying certain legislative measures—page 66

Present House Rules do not require cost estimates as part of the report of the committee.

The Committee Bill would require the report accompanying each public bill or joint resolution to contain an estimate by the committee of the cost to be incurred in carrying out the bill or resolution in the fiscal year in which the bill is reported and in each of the five subsequent fiscal years if the authorization extends to them. In cases of bills affecting revenues, estimates would only be required for a one year period.

The report would also have to include any estimates of cost made by a government agency and submitted to the committee.

If the committee report does not contain such cost estimates, it would not be in order to consider the bill or joint resolution in the House.

These provisions do not apply to the Committees on Appropriations, Rules, House Administration, or Standards of Official Conduct. A special provision makes House Members of the Joint Committee on Atomic Energy a committee of the House for purposes of meeting the requirements of this section.

Impact.—At present, many committees include in their reports Executive Department cost estimates. These are often not available for social programs, however. The Committee bill would require each committee to provide its own cost estimates and to compare them with Executive Branch estimates where possible. Speculative five-year cost estimates of this type would provide ready-ammunition for opponents of new social programs.

Section 253: Appropriations on an annual basis—page 69

Present House Rules do not require that appropriations be placed on an annual basis.

The Committee Bill requires the committees to endeavor to insure that all continuing programs and activities of the Federal and District governments are designed and carried on so that appropriations can be made for them annually.

The bill also requires the committees to review continuing programs for which appropriations are not made annually to see if the program could be modified to be placed on an annual appropriation basis.

Impact.—This provision could have serious effects on such programs as riot and flood insurance and other programs of the Department of Housing. For example, the Government National Mortgage Association which buys below market rate mortgages relies heavily on revolving loan authority.

This proposal also could result in the setting aside of large sums of money for specific programs (such as flood insurance) where it is not possible to tell in advance if the funds will be needed. It would, therefore, make less money available to other programs. In addition, it would be disruptive of program continuity since annual program funds could not be counted on and planned for in advance.

Section 254: Review by committees of grant-in-aid programs—page 71

Present House Rules contain no specific requirement for periodic review of grant-in-aid programs.

The Committee Bill would require all standing House committees (except House Administration, Rules, and Standards of Official Conduct) periodically to conduct a complete review of grant-in-aid programs under their jurisdiction. The requirement would apply to the Appropriations Committee only with respect to the multiagency programs.

Impact.—The provision does not set any criteria for the review and does not require any specific recommendations to stem from the review. Therefore, it could have no impact. Also, it is unclear how often a "periodic" review must be undertaken. When taken with the preceding provision, however, this requirement could lead to further efforts to put programs on an annual appropriations basis.

Section 261: Change in fiscal year—page 72

At present, the fiscal year for federal programs begins on July 1 of one year and ends on June 30 of the next.

The Committee Bill would change the fiscal year for all departments, agencies and instrumentalities of the Federal and District governments to coincide with the calendar year effective with the fourth calendar year after enactment.

Impact.—This change could improve the operation of government by permitting the Congress more time to pass appropriation bills before the start of the fiscal year and thereby eliminate the need for the present reliance on continuing appropriations which are disruptive of government program expansion.

Section 262: Implementation of fiscal year change—page 72

The Committee Bill requires the Director of the Bureau of the Budget to provide by regulation, order or otherwise for the transition to the new fiscal year system. He would submit to Congress a draft or drafts of any additional legislation necessary to make the change.

TITLE III—SOURCES OF INFORMATION

Section 301: Increase in professional staffs of Senate standing committees

This section applies to the Senate only.

Section 302: Increase in professional staffs of House standing committees; House minority professional and clerical staffs; fair treatment for House minority staffs

Present House Rules (Clause 29 of Rule XI) authorize each standing committee other than Appropriations to appoint by majority vote up to four professional staff members in addition to clerical staff. Professional staff must be appointed on a permanent basis without regard to political affiliation. The staff members are assigned to the Chairman and ranking minority member as the committee deems advisable.

Services of professional staff may be terminated by majority vote of the committee. Professional staff members may not engage in any work other than committee work and no other duties may be assigned them.

Clerical staff is appointed by majority vote of the committee and may consist of up to six clerks to be attached to the office of the chairman, the ranking minority member and to the professional staff as the committee deems advisable. The clerical staff is required to handle committee correspondence and stenographic work for the committee and for the chairman and ranking minority member on matters related to committee work.

The Appropriations Committee, subject to appropriations, may appoint such staff as it determines to be necessary. It may establish the qualifications for all positions except that of clerk and minority assistants.

The Committee Bill increases to six the number of professional staff that may be hired by each committee other than Appropriations. The bill requires that two professional and one clerical staff members, *selected by majority vote of the minority*, must be appointed unless a majority of the full committee finds their character or qualifications unacceptable. If a minority candidate is so rejected, the minority may select other persons until an appointment is made.

If the request for a professional or clerical staff member is made by the minority at a time when there are no committee staff vacancies, the committee would be required to appoint the person selected by the minority anyway if that person met the tests of character and qualifications. The person so appointed would then serve as an additional member of the staff and would be paid from the contingent fund until a vacancy on the committee staff occurred. At that time, the person serving the minority would fill the vacancy—*even if the vacancy is created by the departure of the chief clerk or majority counsel.* If two persons have been appointed and are eligible to fill the vacancy, the minority members would determine which would be appointed to the position.

The Committee bill continues the present requirement that professional staff be fired by a majority of the committee. It extends this protection to clerical staff which are not so provided for under present House rules.

The Committee bill also requires that minority staff appointed either pursuant to a request by minority members or pursuant to House resolution be accorded equitable treatment as to rate of pay, assignment of work and accessibility of committee records.

The Committee bill provides that if two or more professional staff and one or more clerical staff is now assigned to assist the minority and are satisfactory to it, additional minority staff will not be provided.

Additional staff members authorized under the committee bill are in addition to any staff members otherwise authorized prior to January 1, 1971.

Impact.—The Committee bill increases the number of professional staff from four to six and requires that at least two professionals and one clerical employee be assigned to the minority. If the minority staff lacks its full entitlement, and even if no staff vacancies exist, the bill requires the appointment of up to three minority staff employees in addition to present staff. Then as vacancies occur, apparently including vacancies created by the departure of key employees such as chief clerk and majority counsel, they shall be filled, in effect, by the employees selected by the minority.

Section 303: Procurement of temporary or intermittent services of consultants for House and Senate standing committees—page 84

Present House Rules are silent as to the hiring of consultants. However, under present practice, expert witnesses and outside staff may be hired on a limited basis by committees with investigative authority if prior approval is obtained from the House Administration Committee.

The Committee Bill authorizes standing committees of the House to select consultants for intermittent or temporary services (not more than one year) to make studies and advise the committee with respect to any matter within its jurisdiction. Prior approval by the House Administration Committee would still be required.

The funds for hiring of consultants would be provided from contingent funds earmarked for consultants in resolutions passed by the House.

The Committee procuring the consultant services would be required to submit to the

Committee on House Administration information about the qualifications of each consultant, including organizations. The information will be retained by that committee and made available for public inspection on request.

Consultant services could be procured by contract as independent contractors or in the case of individuals by employment at daily rates not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular committee member. The contracts are not subject to provisions of law requiring advertising.

Impact.—Although there are procedures at present for securing the assistance of some outside assistance, there have been complaints that these procedures are time-consuming and cumbersome. This provision would probably not change the current situation.

Section 304: Specialized training for professional staffs of Senate and House standing committees

Present House Rules do not provide for specialized training of Committee staffs.

The Committee Bill authorizes standing committees to provide assistance for members of its professional staff in obtaining specialized training whenever the committee decides that such training will aid the committee in the discharge of its responsibilities.

The assistance to the staff member could be in the form of continuance of pay during training or grants of funds to pay tuition, fees or other expenses of training, or both, subject to approval of the House Administration Committee.

Committees providing assistance of this type would be required to obtain assurance from the employee with respect to continued employment to assure that the committee will receive the benefits of the training.

Funds for these purposes would be limited to available contingent funds earmarked for this purpose by resolutions of the House. House Administration Committee approval would be necessary before the assistance could be provided.

Impact.—This proposal would make it easier for professional staff people to obtain training of value to the committee.

Section 305: Compensation of professional and clerical staffs of Senate standing committees

This section applies to the Senate only.

Section 321: Congressional research service—page 89

Present Law.—The Legislative Reference Service since 1946 has been devoted exclusively to research and reference support for the Congress. Both members and committees use the service for background reports on legislative problems; analytical studies of public policy and legal issues; pro and con arguments; assistance with committee hearings and reports; comparison of bills; legislative histories; surveys of court decisions; tabulations of statistics; speech drafting; newspaper searches; translations; preparation of charts, graphs and maps; historical data; personal consultations with specialists; and assistance in answering constituent inquiries.

The Committee Bill redesignates the Legislative Reference Service as the Congressional Research Service and assigns new duties and powers to it. Among its new responsibilities are the following:

(1) Provide, on request, advice and assistance to any committee in the analysis, appraisal and evaluation of legislative proposals to help the committee determine the advisability of enactment, evaluate alternatives, and assist in providing a basis for evaluation;

(2) Maintain continuous liaison with the committees;

(3) Make available to each committee a list of programs and activities scheduled to terminate during each Congress which are in the Committee's jurisdiction;

(4) Provide committees with lists of subjects and policy areas suitable for in-depth analysis; and,

(5) Prepare, on request, legislative histories of measures on which committee hearings are to be held.

New authority provided for carrying out these responsibilities includes authorization of the hiring of specialists as well as temporary assistance from experts, consultants and research organizations. Supergrade positions would be allotted, subject to approval of the newly formed Joint Committee on the Library and Congressional Research, without regard to statutory quotas.

In addition, the Service would be authorized to require government agencies to produce data for use in oversight and program analysis.

Impact.—This provision would increase LRS staff and responsibilities, especially its obligations to Congressional committees.

Section 322: Repeal of obsolete law relating to the abolished office of Coordinator of Information—page 99

Present Situation.—The Legislative Branch Appropriation Act of 1948 authorized an Office of Coordinator of Information. The office has been discontinued.

The Committee Bill repeals the authorization.

Impact.—This merely provides Congressional approval to an earlier action discontinuing this office.

Section 331: Joint committee on the library and congressional research—page 100

Present Situation.—The Joint Committee on the Library, composed of 10 members and controlled 6–4 by the majority party, supervises the Library of Congress and the Legislative Reference Service.

The Committee Bill would reconstitute the committee as a Joint Committee on the Library and Congressional Research, and would require it to file an annual report on the activities of the Congressional Research Service and related matters. The reconstituted committee would have 12 members equally divided between the two parties—two from the House Administration Committee, two from Senate Rules, four other House members, and four other Senate members. The chairmanship would alternate between the House and Senate each Congress, and the vice chairman would have to be a member of the minority.

Impact.—The main impact of the committee proposal would appear to be to give the minority the vice chairman post and two additional seats, thereby taking control of the committee away from the majority. Giving the joint committee a new name and adding two more members would appear to have little effect on its review responsibilities.

Section 332: Related changes in existing law

This section makes conforming changes only.

Section 341: Periodic compilation of parliamentary precedents of the House of Representatives—page 106

Present Law (79 Stat. 270; P.L. 89–90) requires the Parliamentarian of the House to compile and prepare for printing an updated version of the parliamentary precedents of the House. There is no present requirement for any periodic compilation, nor any deadline for finishing the current compilation.

The Committee Bill provides that after the publication of the current compilation the Parliamentarian is required to update and publish the complete House precedents every five years. The Parliamentarian is also given authority to set the page size and format for the book and to hire personnel for assistance.

Impact.—The only previous publications of House precedents were in 1907 (Hinds) and in 1936 (Cannon). Requiring that the precedents be updated every five years is fine, but the key is to complete the current updating project which was authorized in 1965. At that time, the Parliamentarian said it would take 10 years to bring the precedents up to date from 1936, and his office currently holds little hope of beating that estimate, citing the problem of not having an extended recess in which the Parliamentarian could edit the copy prepared by his research staff. Current appropriations for this project are $13,000 per year. The reform bill still leaves the situation without a deadline, thereby allowing the complete precedents to go unpublished for at least five more years, and probably longer.

Comment.—Perhaps consideration should be given to the appointment of an assistant Parliamentarian to assume some of the burdens of the Parliamentarian, who might then have time to work on the precedents.

Section 342: Periodic preparation by the House Parliamentarian of condensed and simplified versions of House precedents—page 107

Present Law does not require publication of a condensed version of the House precedents.

The Committee Bill provides that the Parliamentarian of the House prepare a simplified and condensed version of the House precedents along with supplementary explanatory materials at the beginning of each Congress starting with the 92nd Congress. He must provide each Member of the House and the Resident Commissioner of Puerto Rico with a copy of these updated precedents.

Impact.—This provision would give each Member an easy-to-refer-to copy of the House precedents which are of "current use and application." However, it would be of limited value without updating and publication of the complete precedents.

TITLE IV—CONGRESS AS AN INSTITUTION

Section 401: Congressional findings and policy—page 108

Present House rules are silent on the need for automatic data processing and information retrieval systems.

The Committee Bill states that "it is the sense of Congress that there is an urgent, critical, and continuing need . . . for a modern, effective, and coordinated automatic data processing and information retrieval system" and that "it is therefore the policy of Congress:"

(1) that an automatic data processing and information retrieval system be established,

(2) that a method be established to provide for the continuing development and improvement of such a system, and

(3) that a Joint Committee on Legislative Data Processing be created to supervise the system.

Impact.—This provision would provide impetus for establishment of automatic data processing and information retrieval systems. However, there is some question whether it is specific enough to assure that equipment and facilities for a computerized addressing service and electronic voting system be initiated, as proposed by the Clerk of the House in his request to the Legislative Branch Appropriations Subcommittee in June (pp. 367–69 of printed hearings.)

Section 402: Establishment of Joint Committee on Legislative Data Processing—page 110

Present House rules give the House Administration Committee jurisdiction over such housekeeping matters as data processing.

The Committee Bill would create a 12-member bipartisan joint committee, with the president pro tem selecting Senate members and the Speaker selecting House members. It requires an equal number of Republicans and Democrats from each House. The chairman in even-numbered Congresses would be selected by House members of the Committee and the vice chairman by Senate members. This procedure would be reversed in odd-numbered Congresses. The provision requires that the vice chairman be a member of the minority.

Impact.—This provision would create a powerful joint committee appointed by the established leadership in both houses, with membership equally divided between the majority and minority, and with a member of the minority as vice chairman. The provision would thus remove an important jurisdictional area from control of the majority party.

Section 403: Functions and duties of the joint committee—page 112

Present House Rules leave this area to the House Administration Committee.

The Committee Bill would direct the joint committee to put the data processing and information retrieval system into operation. It would provide authority to develop plans and programs, conduct reviews and studies, and set standards and priorities for acquiring, operating and using the equipment and facilities. A notation in the bill (p. 114) says additional provisions relating to staff and to data processing relationships with the executive branch will be added by the committee later.

Impact.—The language gives the joint committee unlimited authority to run the automated systems.

Comment.—The relationships with the executive branch should be spelled out fully to assure that information provided is complete and available for unrestricted use by individual members.

Section 421: Abolishment of the Joint Committee on the Disposition of Executive Papers—page 114

Present Law (P.L. 115) provides for a Joint Committee on the Disposition of Executive Papers, composed of one member from each party from each house of Congress.

The Committee Bill abolishes this Joint Committee.

Section 422: Facilitation of disposal of nonessential Government records after abolishment of joint committee—page 115

Present Law (P.L. 115) places authority for disposal of nonessential government records in the hands of a Joint Committee of Congress, abolished by Section 421 (above) of this bill.

The Committee Bill gives the GSA Administrator permissive authority to determine that agency papers have insufficient administrative, legal, research, or other value to the Government to warrant their preservation. In such cases he may empower the agency to dispose of such records. At his discretion he may consult with the Committees on Administration of both Houses on disposal of records of particular interest to Congress or the public. He shall also make an annual report to Congress containing such information about disposed-of records as he considers appropriate.

Impact.—The bill increases the authority of the GSA Administrator over public records by permitting him to consign records to destruction at his discretion. The bill inferentially reduces the power of Congress over executive records, a power that has never been exercised. The Joint Committee has not met in 25 years, has no supervisory mechanism, and currently operates by providing what amounts to blanket authorization for the GSA Administrator to dispose of papers.

Section 431: Authority of officers of Congress over congressional employees—page 118

Present House Rules (Clause 636 of Rule II) provide for the appointment of employees by the Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, and provide that such employees are to be assigned only to duties for which they are appointed.

The Committee Bill provides such officers with authority to prescribe training programs and the authority to promulgate regulations governing performance of duties. It permits such officers to remove employees who fail to satisfactorily complete training, who fail to abide by regulations, or who otherwise fail to perform assigned duties in a satisfactory manner.

Impact.—The Committee bill would give officers of the House increased authority over their employees, including those employees appointed upon recommendation of Members of Congress. However, it would seem to be useful by permitting creation of a probationary situation in certain instances.

Section 441: Congressional adjournment—page 119

Present Law (Sec. 132 of the Legislative Reorganization Act of 1946) provides for *sine die* adjournment the last day of July unless otherwise provided by the Congress or in time of war or national emergency proclaimed by the President.

The Committee Bill adds provision for adjournment until "a day subsequent to August 31 of each year which shall be fixed by concurrent resolution adopted by each House."

Impact.—The new provision could make the summer recess, first tried in 1969, a more-or-less permanent fixture.

Section 451: Establishment and operation of the Capitol guide service—page 120

Present Law provides for the United States Capitol Guides, who operate under the direction of the Capitol Police Board, consisting of the Architect and both Sergeants-at-Arms. The guides were established as a result of sharp practices engaged in by *ad hoc* guides during the centennial in 1876. Currently guides receive no salary but divide the proceeds from tour charges (25¢ for adults, 15¢ for high school children in groups).

The Committee Bill establishes a Capitol Guide Service and abolishes the United States Capitol Guides. The Service would provide free public tours of the interior of the Capitol by salaried guides. The Service would operate under the direction of a Capitol Guide Board, consisting of the Architect, both Sergeants-at-Arms, and two employees appointed by the Senate and House minority leaders. The Board would appoint guides, prescribe duties, fix pay, and prescribe dress for guides.

Impact.—Establishment of a Capitol Guide Service would not change present guide service but would eliminate the charges. The bill provides salaries for the guides and defines them as Congressional employees. The bill also provides for minority representation in supervising operations of the service and appointment of guides.

Section 452: Civil service retirement, health benefits, and life insurance coverage for employees of the Capitol guide service—page 124

The Committee Bill defines Capitol guides as Congressional employees, thereby making them eligible for civil service retirement, health benefits, and federal life insurance coverage. Guides currently must pay both halves of Social Security to provide for retirement.

Section 453: Transitional provision relating to the Capitol Guide Service—page 125

The Committee bill guarantees employment for employees of United States Capitol Guides in the new Capitol Guide Service at no loss of pay or rank. The section also provides for the financial liquidation of United States Capitol Guides under the supervision of the GAO.

Section 461–476: Payroll administration in the House—page 128

Present Law and Practice deals with all payroll, salary and clerk-hire allowance matters in terms of basic pay rates rather than gross or actual pay.

The Committee Bill eliminates the basic pay rate system which is misleading and deals with all payroll, salary and clerk-hire allowance matters in terms of the gross or actual money involved.

Impact.—The conversion from the basic-rate system to the gross-rate system would not alter the amount of pay currently received by any member or House employee, except in one instance. The exception involves employees who are on more than one payroll. Under present law, multiple-payroll employees may not receive more than $2,000 aggregate basic pay. The gross or actual amount received by such employees depends upon the number of payrolls they are on. For example, an employee on two payrolls for $1,000 basic each would receive $8,642.88 in actual pay; an employee on four payrolls at $500 basic each would receive $11,200 in actual pay; an employee on eight payrolls at $2340 basic each would receive $15,752 in actual pay; etc. The committee bill, however, ignores this aspect of the multiple-payroll feature and simply substitutes a limit of $7,287 in aggregate gross pay for the present $2,000 limit in aggregate basic pay for multiple payroll employees. If enacted into law, the $7,287 gross pay limitation for multiple-payroll employees would deprive many members of professional staff assistance they currently receive by joining together to use the multiple-payroll concept to serve their mutual interests.

Comment.—The gross pay limitation for multiple-payroll employees should be increased to the limit permitted employees on a single payroll. This would accomplish the same purpose as the present $2,000 basic pay limitation, namely to assure that employees on more than one payroll do not receive more than employees on a single payroll.

Section 481: Provisions regarding appointment, service and pay of pages

At present, House pages are under the supervision of the Doorkeeper of the House. They are paid from the start of each session of Congress until two weeks after adjournment. The pages are high school students at least 16 years old.

The Committee Bill requires pages to agree, as a condition of employment, that they will serve for at least two months. It also requires that complete information on the nature of the work and other details including educational opportunities and housing be transmitted to the parents or legal guardian of a page before he is appointed.

The provision also provides that pages would be paid if Congress takes a summer recess of up to 45 days.

Impact.—This provision would require that pages agree to work for at least two months and would assure that their parents are apprised of the difficult conditions and educational situation that prevails. It also would not penalize them financially if the House takes a summer recess.

Section 482: Dormitory building for pages

At present, there are no dormitory facilities for pages. House pages are supposed to live in housing approved by the Doorkeeper of the House. This housing is scattered throughout the city and there is little supervision.

The Committee Bill authorizes construction of a dormitory for pages on a site approved by the Speaker and President pro tem of the Senate. The plans would be prepared under the direction of "such official under the Congress of the United States as the Speaker and President pro tempore jointly may designate." The site could be acquired by purchase, condemnation or otherwise. The proposal also provides for a Residence Superintendent of Pages and additional personnel.

Impact.—Since the provision does not authorize funds, it will probably have no immediate impact except that it will permit planning for the new facility. While the bill does not so specify, it appears clear that the project would ultimately be under the control of the Architect of the Capitol.

U.S. POLICY TOWARD RHODESIA: ITS DANGERS AND ITS SHAME

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WAGGONNER. Mr. Speaker, I am sorry the House was not in session on November 11, because it was Rhodesian National Day and I would have liked to have made these remarks on that occasion. I am happy, however, to associate myself today with my esteemed colleague, Representative ASHBROOK, in this effort to clarify some of the misinformation which has been lavishly distributed by the liberal elements of the news media and, to a large and regrettable extent, by the former administration.

Representative ASHBROOK has given us an excellent recapitulation of background events which have brought us to this point in time. In addition to his deep study of this situation, he has been to Rhodesia personally and I have every confidence in his judgment and in the accuracy of his observations.

Three and a half years ago, in May of 1966, I wrote a newsletter to my constituents which I titled "Rhodesia: Next World Crisis?" I have just reread a copy of it to see how it has stood the test of time. There is little in it I would change if I were rewriting it today. Here is the exact text of that May 1966 newsletter:

> As Great Britain and the United States tighten their stranglehold on the throat of Rhodesia; as the United Nations Security Council "authorizes" Britain to use force if necessary to prevent oil tankers from delivering their cargoes to Rhodesia; as neighboring African nations begin to view these armed sanctions with concern and alarm; as other yet uninvolved nations begin to react to this far-reaching and unprecedented policy of the United Nations; as all these factors come together, the inevitable question rises to the top: are we sowing the seeds of a new world crisis in the remote African nation of Rhodesia?
>
> If a change of direction is not made, I believe we are. I am not an alarmist and at this point in time, I cannot and do not predict the final outcome; no one yet can. But we must acknowledge that the seeds are planted and the policy of the United States, the U.N. and Great Britain will determine in coming years whether our actions will act as the fertilizer, the rain and the sun that will cause these seeds to sprout and turn Rhodesia into another Korea or Vietnam. I believe we are being drawn over deep and dangerous waters toward a precipice of violence.
>
> In recent months, the liberal-radical propaganda mills have ground out millions of words designed to convince the world that a handful of whites in Rhodesia is holding millions of blacks in slavery; denying them every vestige of freedom while exploiting their land and growing fat and rich. The truth, actually, lies at the opposite pole. Let us look at a few of the facts.
>
> Fact: No-one in Rhodesia is barred from voting because of his race. Fact: More Rhodesian natives attend schools (built and paid for by whites) than in any other African nation except South Africa. Fact: Segregation is forbidden by law. Clubs, stores and all public facilities are open to all races without restriction. Fact: Rhodesia's Constitution guarantees progressive advancement to the same total freedom and independence our Constitution does and steps toward that goal have been steady and uninterrupted.
>
> In the brief half-year since Prime Minister Ian Smith signed Rhodesia's Declaration of Independence from Britain, that small nation has managed to keep its governmental head above water despite the vindictive treatment heaped upon it, principally by Great Britain, the United States and the United Nations. These actions, in my opinion, make a mockery of freedom and democracy.
>
> When, six months ago, Rhodesia declared its independence, the United States joined Britain in imposing sanctions on the new government in an effort to force its collapse. Despite every sanction, the Smith government has lasted and grown stronger.
>
> Our support of these reprisals against Smith is based, whether we admit it or not, on a policy of racism-in-reverse and an effort to appease the extreme left-wing no matter what they want; knowing full well this is the same group responsible for the demonstrations and riots over our policy in Vietnam.
>
> Unquestionably, our policy against Rhodesia originated in London. Equally unquestionable is the fact that it has been sold to the White House and is being shaped and guided by UN Ambassador Arthur Goldberg.
>
> In the eyes of the extreme left-wing, Ian Smith's government is guilty of the unpardonable sin: it is predominantly white. Those who advocate that we tear down the Smith government give no credit to the fact that, three generations ago, a group of resourceful men cut their way through the jungle underbrush of what is now Rhodesia and carved out a civilized oasis by the sheer force of their brains and ability. But now that the white man has led the natives out of savagery, the Socialist government of Britain, with the aid of the United States and the UN is working feverishly to oust Smith and turn the finished product back to the natives. This is a short-cut of building a Socialist bridge from Democracy to Communism.
>
> Last month, the United Nations Security Council authorized Britain to use force if necessary to prevent oil shipments from reaching Rhodesia. This was the first time the UN has ever authorized such use of force. The action was taken on the ridiculous ground that the Smith government was a "threat to the peace" of the world. This is the same principle as jailing the banker because the money in his vaults might tempt a burglar!
>
> At the time this nation and the UN are going all-out to help Britain apply and enforce sanctions against Smith's government, Britain and the UN refuse to aid us in a similar way by applying sanctions against Communist Cuba or even the Vietcong. Ship after ship flying the British flag puts into Communist Vietnam ports loaded with supplies for Ho Chi Minh to use as he slaughters American servicemen.
>
> History and short memory not to the contrary, the United States had its beginning just as Rhodesia did, by declaring its independence from Britain. No closer parallel could be drawn between the birth of two nations than between the U.S. and Rhodesia. Yet, instead of helping Rhodesians obtain their freedom (as we have helped so many who were not capable of governing themselves) or at the very least leaving the country alone, we are seeking its destruction. Rhodesia is at its Valley Forge and we are playing the part of the Hessian. If the effort is successful in toppling the Smith government, there is no doubt in my mind but that Portuguese Africa and South Africa will also fall. When they, too, collapse we will have no friend on the continent. We face the very real possibility that this meddling in the internal affairs of a nation, added to the threat that Britain may use force to cut off oil shipments to Rhodesia, may light the flames of another crisis. Already, South Africa and others are stirring restlessly in protest against these intrusions. Although there is now some indication that meaningful talks between Rhodesia and Great Britain may take place, the possibility of a black-and-white war is still a very real one and cannot be dismissed lightly. I share the fear of Ian Smith when he said: "Gradually but inexorably, the shadow of the Hammer and Sickle is enveloping Africa from the North. The lights of freedom and democracy in Africa are being extinguished . . ."
>
> I hope not, but it may be that the participation of this nation with Great Britain and the UN in this attack on Rhodesia may be recorded in history as the Shame of the Sixties and the War of the Seventies.

The situation today, 3½ years later, is much the same: Mr. Ian Smith's government still stands; the U.N. and U.S. sanctions still apply; Britain is still furnishing material to the North Vietnamese which enables them to continue the war in Vietnam.

How does this Government attempt to explain these oppressive, unwarranted sanctions which we impose on Rhodesia? The answer is: through tortured logic, a convenient warping of the facts and a blind refusal to alter a policy which cannot in commonsense be justified.

The State Department says, for instance, that we support the United Nations "in their continuing efforts to restore constitutional authority in Southern Rhodesia." This might be, on the surface, a noble purpose, if you are willing to elide over the fact that there is no authority or precedent in the U.N. Charter and none ever intended which authorizes or permits coercive action to set up or restore "constitutional authority" in any nation. Such an action is clearly outside the purview of article 2 of the U.N. Charter.

When the U.N. assumes this extralegal authority, this Nation certainly has no moral obligation or right to support it. There are at least 14 African member nations in the U.N. today which came to power by military coup or other unconstitutional means. The most recent example is Libya where the "constitutional authority" was overthrown by rebellion. Yet, the rebellion government was recognized by the United States within hours.

Both the U.N. and the United States have remained painfully silent about any responsibility to "restore constitutional authority" in this instance.

The State Department also states that another basis for our support of the boycott and sanctions imposed upon Rhodesia is "our concern for the threat to the peace in Southern Africa." This is so palpably ridiculous as to require no refutation. A comparison between the "threatening" government of Rhodesia and, say, North Vietnam or Cuba, could only produce laughter from even a casual observer of the world scene. I think former Secretary of State Dean Acheson hit the nail on the head when he described this as reasoning worthy of the Red Queen in "Alice in Wonderland."

He said:

> Rhodesia, in doing what the UN has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N.:
>
> "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State" (Chapter 1, article 4).
>
> Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced.

Mr. Acheson concludes:

> If this reasoning leads the reader to ask, "Who's loony now?", don't blame Rhodesia, blame the Security Council (of the UN) and Harold Wilson (Prime Minister of Britain).

Reason must be reduced to the ridiculous for anyone to conclude that Rhodesia is a threat to the peace of any nation or area. If every nation copied Rhodesia and devoted their energies toward peace with the singleminded determination Rhodesians do, there would not only be no war on earth today but nations would be tumbling over each other in a race toward prosperity, national honor, and freedom.

As Representative ASHBROOK can clearly testify, Rhodesia is a nation of conspicuous tranquillity. There is not a hundredth part of the racial tension which has been fomented in the cities of this country, for instance. Rhodesia's police walk about unarmed, while here at home they must go in pairs for self-protection and with police dogs beside them and an arsenal in their patrol cars. Prime Minister Smith drives his own car, and has no bodyguard and has never been the target of an assassin. I wish this Nation could say the same for our Presidents and political leaders.

To charge Rhodesia with being a threat to the peace is a massive fraud.

It is unsupportable for this Nation to continue denying recognition to Rhodesia and participating in these sanctions. We recently denied Prime Minister Smith a visa to enter the United States for the purpose of speaking at the University of Virginia. We had no such reservations about allowing Eldredge Cleaver, a first-water Communist, to come here and openly preach revolution and to advocate the overthrow of our Government. This is a shocking example of the triumph of ideology over actuality.

Much has been said and much credence has been given to the lame and false reason that Rhodesia practices segregation. First of all, as I noted in the newsletter I read from a moment ago, segregation is forbidden by law in Rhodesia. There is no more segregation in public facilities in Rhodesia than there is in this Chamber of the House of Representatives. Nothing is said, however, in the liberal press or by the UN or by our State Department about the fact that in Liberia, for instance, the constitution requires that all electors be from one specific race or that one of the most repressive racist governments in Africa is Kenya, which we recognize, support with foreign aid, and clasp to our Federal bosom.

Our State Department will also tell you that it sees no Communist threat to Rhodesia, that, quite to the contrary, the presence of the peaceful, mind-our-own-business Rhodesian Government is certain to increase communism in Africa.

Again, this position is a wild, thrashing out searching for some reason—any reason—to support a policy that is unsupportable. The truth is that Rhodesia is the strongest single force in Africa standing against the Communist threat that hangs over that continent like a cloud.

We have to look elsewhere for the truth; to a report published earlier this year by the American-African Affairs Association in which military-journalist Col. Daniel T. Brigham had this to say after an intensive survey of terrorist fronts in Mozambique, Malawi, Rhodesia, and Botswana:

> Backstage in this development of a blueprint for conflict are the Soviet and Chinese Communists. However their political and ideological quarrels may affect their actions elsewhere in the world, they are pooling technical, military and economic resources to set the stage for one of the bloodiest wars in history—one which they hope and believe will open the road to Cape Town, from which they can dominate the western gateway to the Indian Ocean. Their latest target date for that war is late 1970. Strategically, Red control of Cape Town would end the threat of Free World naval interference with communist long-range planning for conquest of the Far East, the Persian Gulf, and the African east coast. The critical importance of Cape Town has been amply demonstrated during the prolonged closure of the Suez Canal in the wake of the Israeli-Egyptian Six-Day War.
>
> Military analysts are, of course, aware of the strategic importance of southern Africa. Diplomats in the field have cabled warning reports on the African situation to their home governments, urging a cautious and realistic reappraisal of policy decisions, Free World intelligence is in possession of ample information concerning communist machinations in Africa, including the existence of a joint Red high-command headquarters in Dar-es-Salaam, capital of Tanzania. Judging from actions, however, there are few indications that warning signals have been getting through to top policy-making levels; or, if they have, no one up there seems to be listening. Quite the contrary. Both London and Washington have continued policies of outright hostility to the White-ruled countries of southern Africa, and through careless and injudicious public pronouncements in the United Nations have seemed to endorse the promotion of terrorist war by the Liberation Committee of the O.A.U.

It is my singular hope that the present administration will take steps to correct the inequity of our policy toward Rhodesia. It has gone on far too long and brings neither honor nor credit to us.

I draw encouragement from this portion of President Nixon's inaugural address:

> Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no-one our enemy.

Let us now open those lines of communication with Rhodesia.

Let us begin here and now to exchange goods and people with Rhodesia.

Finally, there is no need to "make" Rhodesia our friend because, in spite of all our unfairness, Rhodesians are still our friends.

I urge President Nixon to implement the noble words of his inaugural address by calling an end to the sanctions we have imposed on Rhodesia. To perpetuate them is to continue a shame begun by his predecessors who were more interested in ideology than logic; more interested in rhetoric than deeds. The people have come to expect more of his administration and now is the time to prove that this confidence is not misplaced.

OVERTIME AND PREMIUM PAY FOR VA NURSES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UDALL. Mr. Speaker, historically, registered nurses employed by the Veterans' Administration's Department of Medicine and Surgery have been denied the fringe benefits generally provided for those in non-Federal employment. These benefits include shift differentials for the performance of evening and night work, overtime, holiday, on-call pay, and compensatory time-off provisions. In an effort to remedy this situation, I have today introduced a bill which would provide authority and instruction to the VA to make appropriate payments in these areas.

The enactment of premium-pay provisions is essential if the VA is to be able to recruit and retain the nursing personnel necessary to provide quality patient care. The VA needs premium pay in order to successfully compete for the limited supply of available nursing personnel.

In the last few years, salaries in the private sector have been increasing at a faster pace than those of the VA. Additionally, VA must maintain its competitive position with other Federal agencies. Nurses under the Classification Act who now receive these premium-pay benefits have just received higher classifications because of an upgrading by the U.S. Civil Service Commission, which has considerably narrowed the gap with the VA grade structure.

Until recently, VA paid higher-than-average salaries to compensate for the lack of other benefits. But, recently, salaries paid to nurses in the private sector have been outstripping those paid to VA nurses.

Nurses in VA hospitals work under trying conditions because of a high vacancy rate in the nurse staff as well as many other shortages, both professional and subprofessional, in medical personnel categories. This situation has been aggravated by the recent personnel freezes imposed on the Veterans' Administration by the 1968 Revenue Control Act which has greatly increased the vacancy rate for medical personnel in VA hospitals. The cutback in the nursing staff was very substantially greater than any other category. This situation has resulted in the nurses working well beyond the normal tour of duty. While compensatory time is theoretically earned for this extra work, nurses only rarely are permitted to use it. Unfortunately, this situation has been in existence for many years and since late 1968, the situation has worsened. In order to give the best possible professional care to the patients, the nurse must necessarily have a minimum amount of time to recoup her energy and strength. Morale suffers tremendously when she can never be sure of a respite.

This bill would go a long way to improving the working conditions of a very dedicated group of professionals engaged in a vital area of medical practice. VA nurses have been asking for premium pay for many years. Every year the need becomes more acute.

VICE PRESIDENT AGNEW'S REMARKS ON THE NEWS MEDIA

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HUNGATE. Mr. Speaker, the following is the text of the Vice President's remarks on the news media:

[From the Evening Star, Nov. 14, 1969]

TEXT OF AGNEW'S ADDRESS ON TV NEWS

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power.

So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is . . . are we demanding enough of our television news presentations? . . . And, are the men of this medium demanding enough of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of 70 million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed, in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek re-election have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again.

He stated his belief that the Viet Cong or North Vietnamese did not really want a military takeover of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

"GRATUITOUS ADVICE"

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr Harriman seems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time he desires.

Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the nation in the Cuban missile crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked America to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our nation.

First, let us define that power. At least 40 million Americans each night, it is estimated, watch the network news. Seven million of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

WILL ROGERS RECALLED

In Will Rogers' observation what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is this network news determined? A small group of men, numbering perhaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what 40 to 50 million Americans will learn of today's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week.

They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence . . . nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

FAR-RANGING POWER

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States."

Both communities bask in their own provincialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for "fairness."

Another anchorman on a network news show contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "his natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

A NATIONAL GULF

The views of this fraternity do not represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The question I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Leonard Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection "

Advocates for the networks have claimed a First Amendment right to the same unlimited freedom held by the great newspapers of America.

The situations are not identical. Where the New York Times reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippman spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But besides the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers, the books.

"If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph."

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

SPECTER OF MONOPOLY

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one-sided picture which in large measure exonerates the demonstrators and protesters." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protesters provoked was shown to millions.

A SCENE UNDEFINED

Another network showed virtually the same scene of violence—from three separate angles—without making clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

NEW STEREOTYPES?

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show?

We have heard demands that senators and congressmen and judges make known all their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations.

This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not my decision; it is not your decision; it is their decision.

In tomorrow's edition of the Des Moines Register you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's network?

We would never trust such power over

public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

WARNING THE WATER GRABBERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WALDIE. Mr. Speaker, the tide of public concern about the protection of their environment is reaching ever higher marks. In my own State, the citizens of southern California are reacting with justifiable concern bordering on anger at continued efforts to pipe more water, thus more people, into an area already short of precious air.

Ecologists, sociologists, and urbanologists agree that the survival of the Los Angeles Basin as a habitable area rests on immediate action to rid the air of harmful pollutants and ease the crush of humanity on an overburdened and literally exhausted land.

Yet, Mr. Speaker, the State of California and the Federal Government are rushing to complete the California water project so that millions of acre-feet of fresh northern California water is shipped to the south to enable a thin veneer of greenery to grace now barren desertlands so that developers and manipulators can sell this land to the inflow of Americans hoping for the benefits of a new gold rush—but soon to be greeted by a pall of brownish, choking air.

And, Mr. Speaker, what of the area of origin of the water sent south by the California water project? Has there been adequate study to determine what will happen to the wondrous San Francisco Bay and Delta area, with the diversion of nearly all its fresh water inflows?

There has not, Mr. Speaker. Yet the State and Federal Governments continue toward an environmental disaster in both the southern and the northern parts of the State.

A number of persons in California are most concerned about this very real threat, Mr. Speaker, and I am proud to be among them.

I was gratified recently when the San Francisco Chronicle editorialized on a recent speech I made on this subject.

I should like to insert that editorial, November 12, 1969, along with an earlier Chronicle editorial, "The Water Grabbers," which shows the massive scope of the efforts to preserve California's natural resources and protect the environment of this great State's people.

The editorials follow:

[From the San Francisco Chronicle, Nov. 12, 1969]

NEW WARNING TO WATER-GRABBERS

Congressman Jerome Waldie, a vigorous and persistent opponent of the California Water Plan, has raised a new and novel issue in his battle to prevent the planned, vastly increased shipment of Northern California water to the South

More water, he argues, may, in fact, be bad for Los Angeles.

It is his view, expressed last week end at a Peninsula conservation conference, that further growth in the Los Angeles Basin can only aggravate the air pollution, water pollution, traffic congestion and destruction of the environment that already exist there. He contends that the U.S. Bureau of Reclamation and the State Department of Water Resources should not be in partnership to provide water which can only worsen the deterioration of the Los Angeles area by making further land development and consequent population increases possible.

Waldie noted a recent warning by Secretary of Transportation John Volpe against further Los Angeles freeway construction. Automobile-produced smog, Volpe said, has already produced "the very real and very dangerous possibility that you might not have much of a city in which to do business." The United States Forest Service, Waldie says, has reported that 1.3 million trees on mountains around Los Angeles are dying of suffocation, and the Los Angeles Times has noted that 10,000 residents annually are being advised by physicians to move out of the area because of health hazards.

What Congressman Waldie wants is a detailed study of the environmental and ecological consequences of the California Water Plan for Southern California as well as for the San Francisco Bay Area. He is extremely concerned because it is his Contra Costa county Delta constituency and San Francisco Bay which he believes will be the great losers in the years to come.

Considerable alarm has been expressed over "Peripheral Canal," a proposed $220 million tube that will deliver up to 80 per cent of the flow of the Sacramento river from a point south of Sacramento and transport it by a huge concrete siphon beneath the polluted San Joaquin river to the Bureau of Reclamation pumping plant at Tracy for shipment to the south. This may result in ecological disaster for the Delta estuary, wrecking the fisheries, ruining the Suisun marshes and their wildlife and water fowl uses, and severely damaging Delta agriculture, conservationists believe. In approving the canal plan in Sacramento last week, the State Senate Water Committee also expressed some reservations about the damage which might occur to the Delta. Contra Costa Republican Senator John Nejedly was alone in his opposition on the committee, flatly opposing the canal proposal.

Congressman Waldie believes that the canal may well be the center piece setting the stage for an environmental and ecological tragedy for both Southern and Northern California. He has raised an urgent and alarming issue which should be of extreme concern to residents of both sections of the State.

THE WATER GRABBERS

The growing resentment of Californians against the continuing erosion of their State's magnificent environment has been impressively displayed in the creation of the "Committee of Two Million"—an amalgamation of angling and outdoor associations dedicated to the preservation of the Eel, Trinity and Klamath rivers for posterity as wild, free-flowing rivers.

They will proceed in accord with the State's Protected Waterways Act, adopted by the Legislature last year as a complement to the Federal Act which set up a National Wild and Scenic Rivers System, into which the Middle Fork of the Feather river has already been included.

Joseph Paul, chairman of the committee, describes its founding as "a call for a halt in further piecemeal, uneconomic and unnecessarily destructive water projects" and one that puts the Corps of Engineers, the Bureau of Reclamation and the California Water Resources Agency "on notice that the Trinity, Eel and Klamath are out of bounds forever."

It is to be hoped that the alliance does not elude the notice of the California Water Resources Association, the Glendale-based front for Southern California water-grabbers who would flood Round Valley by setting up a high dam on the Eel river at Dos Rios. Its president, Doyle Boen, has newly attacked the Sierra Club for its policies against certain water "developments"—policies which, he says would soon bring about "massive food shortages, a halt in industrial expansion, widespread water and power rationing" and "put the wants of a few persons above the needs of the general public."

But Norman B. Livermore, secretary of the State Resources Agency, recently told a Los Angeles meeting that the so-called "small group" of conservationists "cannot be measured by the 81,000 members of the Sierra Club, or the 78,000 members of the Audobon Society, or the 2.25 million members of the National Wildlife Federation, or some 2.8 million California fishermen or hunters. It is measured by millions of the voting public who may not belong to specific conservation or sportsmen groups."

And Governor Reagan stated that a prime objective of his administration is to "alert the people of California to the indisputable fact that the protection of our national environment must rank as one of the Government's major priorities."

The Committee of Two Million has been alerted.

JETPORT PLANNING MUST CONSIDER ENVIRONMENTAL FACTORS: THE PALMDALE CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BROWN of California. Mr. Speaker, included in the final version of the Department of Transportation appropriation bill approved yesterday by the House was a significant amendment offered by my colleague from Illinois (Mr. YATES) pertaining to the proposed Everglades jetport.

The Yates amendment requires study of environmental impact aspects of the Everglades airport, and while that amendment deals with some specific public land which is potentially endangered by this huge development, I believe that this same principle should be part of all future jetport plans under consideration.

As an example of environmental problems related to jetports, the proposed Palmdale facility near Los Angeles presents a wide range of these problems.

No one rationally argues against the need for expanded airport facilities for the Los Angeles basin. Los Angeles International ranks among the busiest of our current air transport facilities, and room for expansion at the present site is extremely limited.

After intensive study by State and local officials, Palmdale, in Antelope Valley to the north of Los Angeles, was chosen as the ideal location for a new southern California jetport.

But jetport planners made their initial blueprints so that the enormous new facility would be contiguous to the city of Palmdale itself.

For Palmdale residents, the jetport will bring both good and bad repercussions. Certainly, economic life for the Palmdale-Antelope Valley vicinity should improve, but the serious question arises as to whether environmental dangers resulting from the airport's present site serve to cancel out these other gains.

Many area residents fear that the airport may indeed "kill" Palmdale. They cite both safety and health hazards resulting from construction of the jetport so near Palmdale. One study of potential noise levels concludes that communication in every Palmdale school classroom would be virtually impossible during the period of aircraft flyover—and from the projected traffic volume, that means just about all day, every day.

Jet noise levels would be so high that the entire city would fall into an HEW study category in which "individuals in private residences may complain, perhaps vigorously. Concerted group action is possible. New single-dwelling construction should generally be avoided." I shall insert the entire study at the end of my statement.

Combined with the noise hazard, the Palmdale area would also suffer from massive increases in air pollution caused by jet emissions. Although studies show that pollution from aircraft does not constitute a major problem for whole urban areas, smog levels in areas directly around airports have been significantly high enough to warrant restrictive State action in California and to present the prospect of stringent national standards.

As with the Everglades jetport, I believe that the environmental dangers resulting from the Palmdale facility should send planners back to the research stage to consider relocation of this jetport.

The increase in demand for jet travel over coming years will be massive. New facilities must be built. A larger scope of planning factors must be injected into feasibility studies, and greater consideration must be given to environmental problems caused by these monster jetports.

I have a balanced transportation approach in which large airports are built many miles from existing high-density land-use areas and connected to these areas by means of modern high speed ground rapid transit.

For Palmdale, it is not too late. I believe the environmental and safety dangers of present plant warrant further location studies. Hopefully, the new jetport could be moved further out into the high desert lands of the Antelope Valley and away from existing cities.

Mr. Speaker, I now place in the RECORD a number of materials pertinent to the Palmdale jetport:

[From the Los Angeles Times, Nov. 13, 1969]

NO ACCORD ACHIEVED ON PALMDALE AIRPORT

(By Ray Hebert)

Will Los Angeles' proposed intercontinental jet airport at Palmdale become a monster or an economic asset to Antelope Valley?

Angry homeowners and civic boosters, already at odds, couldn't agree Wednesday at a daylong hearing in Palmdale on the huge facility's impact on the Valley's environment.

"We've heard reports that this is a killer airport—that it'll kill the people and the community around it," said Dr. Frank Tysen, a member of the State Environmental Quality Study Council which conducted the hearing. "We've come to see for ourselves."

What the council's noise abatement committee heard was mixed condemnation of the 17,000-acre facility as a hazard to Palmdale's well-being and praise for the boost it will give the valley's economy.

1978 OPERATIONAL DATE

The facility, a satellite for Los Angeles International Airport is expected to be operational in 1978 for up to 150 million passengers a year traveling on jumbo and supersonic jets.

Palmdale city officials and representatives of valley business organizations told the committee that Palmdale, nearby Lancaster and other area communities welcome the airport for its "tremendous economic advantages."

However, Mrs. Arba Bly, a Palmdale city councilwoman, disagreed.

Describing herself as a minority of one on the five-member council, she attacked the proposed airport as a hazard to schools and churches and as a disruptive force for the valley's population.

She said the valley is large enough for the airport to be placed at another location without destroying the quality of life Palmdale, Lancaster and other valley communities now enjoy.

The hearing was the third held this year on various facets of the airport's development.

The Los Angeles Department of Airports, which has defended the Palmdale site as the best remaining location in Southern California, intends to start acquiring property when Federal Aviation Administration approval is received.

FEDERAL AVIATION ADMINISTRATION,
Los Angeles, Calif., November 10, 1969.

Hon. GEORGE E. BROWN, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. BROWN: This will acknowledge your communication of 3 November 1969, enclosing a letter from Councilwoman Arba W. Bly, of Palmdale, California, protesting the proposed establishment of an international airport at Palmdale.

The Federal Aviation Administration (FAA) is conducting an aeronautical study of the proposed airport. As you know, the purpose of the FAA study is primarily to determine the effect of the proposal on the safe and efficient use of airspace by aircraft. The impact on the community, and land use considerations are primarily the responsibility of the developer of the airport and the local government. Resolution of such considerations at the local level is generally preferred to Federal intervention.

For your information, the Palmdale City Council has adopted a resolution urging approval of the proposed airport. The City Planning Commission is also on record as favoring the airport, as is the City of Lancaster City Council.

All the resources of the FAA will be employed in reaching our determination concerning the proposed airport. The views of Councilwoman Bly, together with all other testimony, facts and evidence available to us will be considered in our study.

Although it is certain that our decision will not be popular with every segment of the community, I can assure you that the decision will be based on a complete review of the facts presented and will be, in our judgment, in the best interest of the public.

Sincerely,

ARVIN O. BASNIGHT,
Director.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
October 2, 1969.

Mr. JOHN TANNER,
President, Palmdale Homeowners Association,
Palmdale, Calif.

DEAR MR. TANNER: As requested, the staff of the National Noise Study has attempted to evaluate possible community noise problems connected with the proposed Palmdale Airport as described in the report "A Preliminary Analysis of the Proposed Palmdale Airport" enclosed in your correspondence to Secretary Finch, Department of Health, Education, and Welfare. At the outset, I should mention that most of our noise experience concerns industrial noise problems and our expertise in dealing with community noise is not as extensive. Nevertheless, we are cognizant of technical information bearing upon aspects of community noise, specifically related to airport and roadway development. In this regard, we have performed the requested evaluation using reference sources published by the Federal Aviation Administration and the Department of Defense. These reference materials were as follows:

1. Bishop, D. E. and R. D. Horonjeff. "Procedures for Developing Noise Exposure Forecast Areas for Aircraft Flight Operations". Technical Report FAA DS-67-10, Aircraft Development Service, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20590 (August, 1967).
2. Bishop, D. E. and R. D. Horonjeff. "1965, 1970, and 1975 Noise Exposure Forecast Areas for Los Angeles International Airport". Technical Report FAA DS-67-13, Aircraft Development Service, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20590 (August, 1967).
3. Anon. "Land Use Planning With Respect to Aircraft Noise". Air Force Manual Number .86-5, Washington, D.C. (October, 1964).

These sources and the Palmdale Airport plan provided a basis for defining three noise exposure forecast (NEF) areas called, A, B, and C. These areas have been plotted on the map which you supplied of the region in question. The NEF areas represent different degrees of noise exposure which may influence the land use and reactions of individuals in communities located in these areas. As such, the NEF areas can aid in land use planning and zoning. A chart describing compatible land use for the different NEF areas is shown in Table I enclosed. The term "yes" means that there should be no adverse effects from aircraft noise and this rating is shown in most of the land use columns in the NEF area "A" which has the lowest noise exposure. NEF areas "B" and "C" have relatively greater amounts of aircraft noise exposure and ratings of "no" appear for certain land uses. "No" indicates that unless extensive noise control precautions are taken, the aircraft noise will likely cause severe interference problems. Your map shows many churches and schools located in NEF area "B" which would be subject to such aircraft noise disturbance. A housing area on the map also falls in the NEF area of "C" where aircraft noise problems may be even more formidable. Thus, certain existing facilities in areas bordering this proposed airport would be unsuited for the noise conditions anticipated. Acoustic shielding of such structures would be required to minimize aircraft noise intrusion problems and insure reasonable indoor privacy and comfort.

The computation of noise exposure forecasts for an airport must take account of many factors including runway utilization for different types of aircraft, the noise characteristics of the different types of aircraft far various flight operations, take-off and landing profiles of different types of aircraft, the number and types of aircraft operations for day and night periods, adjustments for day versus night periods of operations in view of differences in tolerance, etc. The report of the proposed Palmdale Airport together with the aforementioned references gave some but not all of the required data one needs to make these noise exposure forecasts. Thus, several assumptions had to be made which, if incorrect, could alter the findings of this evaluation. These assumptions were as follows:

1. All of the large 4-engine aircraft that would use this airport would be of a turbo-fan nature.

2. The smaller jet aircraft that would use this facility would be of the 2- and 3-engine turbo-fan type.

3. The proportion of day and night operations would be the same as projected for 1970 for Los Angeles International Airport as given in Reference 2.

4. There would be an equal distribution of landings and take-offs on each of the two sets of parallel runways.

5. The location of the flight paths for approach and take-off would be as shown by the broken lines on the enclosed map.

Unfortunately, we could not evaluate the proposed airport plan from the standpoint of air safety since we are not knowledgeable on this subject. However, the consultant's report acknowledges apparent problems in obtaining adequate navigable air space for this new airport. It also notes the possibility of climatic conditions offsetting aircraft performance capability, with associated weight penalties, for some of the aircraft expected to operate from this facility.

Sincerely yours,

ALEXANDER COHEN, Ph. D.,
Chief, National Noise Study, Bureau of Occupational Safety and Health.

TABLE I.—LAND-USE COMPATIBILITY CHART FOR AIRCRAFT NOISE

	Land-use compatibility								
Noise exposure forecast areas	Residential	Commercial	Hotel, motel	Offices, public buildings	Schools, hospitals, churches	Theaters, auditoriums	Outdoor amphitheaters, theaters	Outdoor recreational (nonspectator)	Industrial
A	Yes	Yes	Yes	Yes	(1)	(1 2)	(2)	Yes	Yes.
B	(3)	Yes	(1)	(1)	No	No	No	Yes	Yes.
C	No	(1)	No	No	No	No	No	Yes	(1).

[1] An analysis of building noise reduction requirements should be made and needed noise control features should be included in the building design.

[2] A detailed noise analysis should be undertaken by qualified personnel for all indoor or outdoor music auditoriums and all outdoor theaters.

[3] Case history experience indicates that individuals in private residences may complain, perhaps vigorously. Concerted group action is possible. New single-dwelling construction should generally be avoided. For apartment construction, footnote 1 applies

Source: Taken from references 1 and 2 noted in the letter.

IMMEDIATE SCHOOL DESEGREGATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. CLAY. Mr. Speaker, the Supreme Court is to be applauded for the momentous decision which forthrightly eliminated the "all deliberate speed" concept in school desegregation and replaced it with "immediate desegregation."

Intrinsic in the decision was the implication that 15 years has been long enough to move with "all deliberate speed" toward a unitary school system. The dual school systems of the South have lingered on and on, dying so slowly as to give the impression of immortality.

The Supreme Court has struck the "Achilles heel" of the bureaucratic, excuse-seeking, evasive, and dualistic school systems of the South. Many of these school systems were collaborating with the Federal Government under the present administration to obtain delays. The devious means employed included vague descriptions of local problems in school construction, appeals for more time, tokenism, and nebulous desegregation plans.

Many of the school districts named in the direct order to desegregate are the same school districts that have received delays from the present administration. This would seem to say that some elements of the administration were in collusion with evaders of the Federal law. At the very least, our Government has been permissive where desegregation was at issue.

It will be significant to note whether this administration will now equivocate in the light of such a direct and specific decision as that handed down by the Court. It is a true test of what "law and order" really means to administration officials.

The attitude of the separatist and prosegregationist mirrors the narrowest of views. An appalling number of whites in this Nation are woefully ignorant of what "black" is and what it means to be black. These whites have misconceptions that can only be corrected by exposure to black people on an equal basis.

A recent poll taken by Newsweek magazine indicates how few white citizens recognize the problems faced by black people in this society. Forty-four percent of the white citizens questioned feel that blacks stand a better chance to get a good-paying job than whites. Another 31 percent feel black people have the same chance as whites—and only 21 percent feel blacks have less chance for getting a good-paying job.

Newsweek also found that 41 percent of the white citizens questioned think black citizens have a better chance to get a good education for their children than whites. Another 41 percent think the chances are equal between the races—and only 16 percent feel black children have less chance to get a good education.

These answers indicate an appalling lack of knowledge about the plight of the black man in America. The facts show that black men are the last hired and the first fired; that talk of increasing unemployment to stop inflation means two to three times more black unemployment than white; that white business establishments believe they have integrated when they put a few black workers in visible positions as "window dressing", that black children who desperately need good schools and instruction attend the worst schools and suffer the worst kinds of instruction. Black and white people need to go to school together if only to learn the truth about each other.

When asked, "What should be done about Negro demands for better education," 40 percent of the whites said to improve the schools where Negro children go. Only 25 percent suggested moving toward integration; 24 percent said Negroes should be allowed to run their own schools and a mere 2 percent believed that bussing of children to effect integration would improve education for Negro children. Within the group questioned, there were 3 percent who said the black demands for better education should be ignored for they are not justified.

Many white Americans are out of touch with the life black people lead in America. If and when the Supreme Court edict is carried out, white citizens may learn more about the black citizens of the Nation—whereby an end to the delusions carried by the white society of black people may be realized. This need for understanding among the black and white people of America must be met. The school desegregation decision by the Court is at least a step, one more and hopefully an irreversible step toward increasing our chances for this understanding.

LOSS OF PRIDE IS WEIGHT WHICH SINKS US

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HAGAN. Mr. Speaker, Eddie Barker, a Southeast regionally syndicated columnist, has expressed a still further side of the current controversy over the moratorium demonstration. I feel his views as they appeared in the Savannah, Ga., Evening Press are thought provoking and certainly deserve the attention of my colleagues. His column follows:

LOSS OF PRIDE IS WEIGHT WHICH SINKS US

(By Eddie Barker)

Moratorium demonstrators, in denouncing Vietnam involvement, point up cost as too heavy a load for America to carry.

In the next breath, after an about-face, the cry is that load is light when compared to the burden of death.

They then pause on a day in October to read from lists the names of those who have died in Vietnam.

I have a list, too.

Engraved upon my heart, on my mind, and in my memories.

I remember a boy out of the hills of Arkansas, a guitar picker, who somehow felt a premonition of death and refused to play on the night before he flew out on a bombing raid, never to return,.

I recall another, his legs gone from a burst of flack, asking for a Camel cigarette with his last words.

"If they use it as a commercial," he smiled, "take the money and have the drinks on me."

And there was a pilot (from Florida) whose lungs were gone from cancer (or tuberculosis) that entered a plea with surgeons to let him go back to the Pacific and die in a plane, not in a bed. They did. And he did.

There was a young sailor, his face half gone, who survived fire on a carrier's decks but could not stand pity in the eyes of a girl and drove a car over the bluffs and out of this world.

There was the boy from Iowa who wanted only to go home to raise corn-fed hogs and children but death found him before he could raise even a little hell.

But the hardest hurt of all was when I went to the top of San Francisco's Mark Hopkins Hotel and drank alone the bottle a friend and I had stored to drink together—when he got back . . . if he got back.

These are the lists from which I read. No better men, nor worse, than those we misname boys now and ship to Vietnam.

Those I knew are a long time gone but their deaths leave a loneliness yet. They went to do what they had to do and, I believe, would do it all again even if they knew they were to die in the doing.

No, cost of the war—money cost—should not be counted man's heaviest burden. Nor death of America's young men. These loads we must carry. And will.

But loss of pride is the weight which will sink us, carrying us straight to the bottom of the twin seas of fear and faithlessness.

HAYWARD LOOKS TO FUTURE

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MILLER of California. Mr. Speaker, TV station KGO–TV is one of the most prestigious stations in the San Francisco Bay area. Its vice president and general manager, David M. Sacks, is an outstanding leader and contributor in the communications industry in this great economic area. He recently delivered an editorial entitled "Hayward Looks to the Future" which I include in these remarks.

Not all of the city of Hayward is in my district, but a good portion of it is. The city of San Leandro, referred to in this editorial, is entirely within the Eighth Congressional District.

Southern Alameda County, in which these two cities are located, is one of the most progressive sections in our rapidly growing State.

The editorial referred to, follows:

HAYWARD LOOKS TO FUTURE

The saga of once-tiny Hayward in southern Alameda County is a story from which all Bay communities could take a lesson. Little more than a village 25 years ago, Hayward now approaches 100,000 population, but more importantly, it is preparing for the future. It now boasts the tallest structure in the county, outside of Oakland, and it is laying plans for a huge industrial park and revitalized downtown business area. Hayward stands out because it is one of the few communities which recognized the great growth potential of the Bay Area. Perhaps, taking a leaf from neighboring San Leandro's successful industrial story, Hayward is even now preparing for the 1980s and 1990s. Channel 7 commends the city for its forward look. And we urge other Bay communities to look to that southern Alameda metropolis for advice and action.

MEMORIAL GARDEN DEDICATED AT TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TEAGUE of Texas. Mr. Speaker, we have all heard a great deal about "student power" in our colleges these days. Usually what we have heard has caused in us a certain degree of distaste, revulsion, anger, and even disbelief. Most of the cases of "student power" have been purely destructive in character, a violent thumbing of the nose at the authority and the standards of their elders.

However, at my own university, Texas A. & M. there has recently been an altogether different style of "student power." It has been totally constructive in nature, and it has caused in those who are aware of it feelings of pride, approbation and hope.

Since the Texas A. & M. brand of "student power" has been peaceful and constructive, it has not received much attention from the press and the other news media. Sobriety and responsibility, unfortunately, are not the materials of which headlines are made.

The program began when a group of students, led by Landis S. Cervenka, class of 1969, became aware of the fact that, although more than 300 graduates of Texas A. & M. had been killed in the service of their Nation since the end of World War II, there was no memorial to them on the campus. There are handsome and reverent memorials to those who fell in both World Wars, of course, but none to those who have fallen subsequently.

It is true that our military activities in the past 25 years have not been "popular" with an American people grown sick of war. There has been no sense of national enthusiasm behind our efforts to contain Communist aggression or maintain a meaningful and just peace in Korea, the Dominican Republic, or Vietnam.

Nonetheless, it requires just as much valor, just as much patriotism to fight in an "unpopular" war as it does in a "popular" war. And when one is killed in such a war, the tragedy is just as great and just as heart breaking and permanent. And so is the duty.

At first, Landis Cervenka's program was modest in scope. He wanted to place two 37-millimeter cannons in the Duncan Dining Hall area of the campus, and have them dedicated properly in some kind of reverent ceremony.

The idea caught on immediately with the Texas A. & M. corps of cadets and it grew considerably in scope. The president of the college, Earl Ruder, 1932, gave his complete cooperation. So did Robert H. Rucker, 1938, professor of soil and crop science, who serves as landscape architect for the campus. The association of former students and various other departments of the college also responded enthusiastically to the program.

But, most of all, the students were the moving spirit, and have been the reason for the success of the project. The classes of 1969, 1970, 1971, 1972, and 1973 raised the money and helped formulate, and approved the plans.

As a result of this determined and dedicated effort, the Memorial Meditation Garden, the gift of the corps of cadets, was dedicated in the Duncan Dining Hall area on November 8, 1969. The Memorial Meditation Garden consists of a dignified array of trees and shrubs surrounding a rectangular court. In the center of the court, which has benches arranged for meditation, there is a 10- by 5-foot memorial stone on which the names of our heroic Aggie dead have been inscribed. Names will be added whenever the tragic necessity arises.

It is a beautiful place, a quiet and inspiring place, a tribute to our dead and a living memorial to the spirit of Texas A. & M. which has made such a distinguished and continuing contribution to the safety and preservation of our Nation, and to the maintenance of the liberty of its citizens.

Among certain elements in our national and academic life Texas A. & M. has the reputation of being "square." One sees no long hair and beards on the campus. The students bathe regularly and dress neatly. There have been no troubles with SDS agitators, no problems with marihuana or LSD or the habit-forming drugs. The students are preoccupied with the task of acquiring an education and of learning to be useful and contributing citizens in the world of today and tomorrow.

As one tours the Texas A. & M. campus one is struck by the pervasive atmosphere of earnestness, responsibility, self-possession. It never occurs to anyone to throw public, screaming tantrums, to write obscenities and meaningless epithets on the walls, to burn automobiles, or to throw rocks at windows. The college officials, the professors, and even the various deans walk through the grounds without fear of being brutalized and humiliated. Indeed, there exists between the faculty and the students an adult and meaningful relationship based on mutual respect and trust. And, of course, there is on all sides a fierce pride in the college itself and in themselves.

Texas A. & M. is known as a "tough" school. It is tough academically; it has a tough disciplinary system and there is far less permissiveness than one finds on the average college campus today. Yet the impression one receives there is one of freedom. The members of the corps of cadets think for themselves; they are not slaves to mindless slogans or to the fashionable attitudes of violence and negativism. Although most students receive instruction in the disciplines and techniques of war, they know that violence does not and will never lead to truth but can lead only to repression, chaos, and tyranny.

Square? Perhaps; but, if this is true, then the Nation needs the kind of squareness which characterizes Texas A. & M. I only wish this kind of "squareness" were exportable and could be piped onto the campuses of the Nation's largest, oldest, and most affluent universities.

I do not say that all institutions should strive to be like Texas A. & M. Diversity is a necessary element in any intellectual process, and especially in the education of the young. But, the other universities in the United States would do well to study the attitudes and accomplishments of the faculty and students at Texas A. & M., and to become more acquainted with the type of young man the college is producing.

As I say, the Nation's universities could use a great deal more of the spirit and the mental discipline of the A. & M. students.

I find among the undergraduates at the less "square" universities and colleges of the Nation far less diversity in opinion and manner than I find among the undergraduates at Texas A. & M. Those unkempt young men on the more permissive campuses believe they are revolutionaries, but I find them depressingly conformist in their appearances and modes of thought. They look alike—they act alike—they dress alike—and they parrot the same kind of "in" phrases which seem so dreary after constant repetition. They have the same "heroes" and they have the same "villains"; they scoff at the same ideals; they worship at the same empty shrines. When they are asked to explain their prejudices or to defend their principles in depth, they roll out mass-produced, factory-tooled clichés which have been provided to them in wholesale lots. When you see them en masse, as we did so recently in Washington, you get the impression that some almighty Xerox machine had gone mad and had made innumerable, identical, but somewhat scruffy copies of an obscure original.

Undoubtedly they scorn an institution like Texas A. & M. because so many members of the student body wear, on proper occasions, military uniforms. They consider this the ultimate in conformity. So then they wear their own uniforms which are just as much symbols of conformity as the military uniform, and consider themselves, by contrast, "free souls." It would relieve the monotony if only they would condescend to wear different styles of glasses; but no, the "granny glasses" are "in" and must be worn if one is hopeful of being accepted by one's peers.

The campuses of the Nation could well use a strong infusion of the diversity and the mental and physical individualism that I find at Texas A. & M.

They could also well use a great deal more of the patriotism and the reverence for total sacrifice which motivated the creation of this beautiful Memorial Meditation Garden they have created at the heart of their beloved campus.

Under leave to extend my remarks in the RECORD, I wish to include the program of the dedication together with a short history of the activity behind the dedication:

THE MEMORIAL MEDITATION GARDEN

(Dedicated by the Corps of Cadets of Texas A. & M. University, November 8, 1969)

"Greater love hath no man than this, that a man lay down his life for his friends"—John 15:13.

This memorial is dedicated to those A&M men who gave their lives in defense of our country since World War II. Here is enshrined in spirit and bronze a tribute to their valor and devotion to their country. The Corps of Cadets Classes of 1969, '70, '71, '72, '73.

More than 20 years and two major conflicts have transpired since Aggies last erected a memorial in memory of comrades who made the supreme sacrifice for their country. The Memorial Meditation Garden, when dedicated on November 8, 1969, will become the third major memorial on the A&M campus. Flags in Kyle Field and markers on the main drill field commemorate those who died in World War I. The Memorial Student Center honors the memory of those who gave their lives in World War II. Now the Memorial Meditation Garden will pay due respect to the more than 300 Aggies who have fallen since World War II.

Perhaps most notable of the items concerning this monument is that it is completely a student project. While unruly mobs of unshaven, unwashed and unkempt radicals brought other major American universities to their knees, thus disrupting the educational process for hundreds of thousands of students, the leaders of the Corps of Cadets were designing a tribute to those men whose very sacrifices made possible the limits of dissent by which these radicals would destroy our society. The Memorial Meditation Garden is a gift of the Corps of Cadets, Classes of 1969, 1970, 1971, 1972 and 1973. Situated between the wings of Duncan Dining Hall, the monument is a smartly designed array of trees, shubbery, and benches arranged about a concrete rectangular prism, upon which the bronze tablet with the names of the war dead will be placed. The memorial will not only serve as a proper tribute to those who have gone before, but also as a living reminder of the distinguished and continuing contribution which the Texas A&M Corps of Cadets has made to the Armed Forces of our country.

TO RECOGNIZE THEIR SUPREME SACRIFICE

It's been nearly 20 years since a memorial has been erected to the war dead from Texas A&M.

And while it's been nearly a quarter of a century since there has been an "official" war, former students of Texas A&M have continued to die on active duty. Until now, there has been no memorial to recognize those who have died in uniform since the close of World War II.

This fall there will be such a memorial and it will culminate a couple of years of effort by a member of the Texas Aggie Band.

The project started out simply enough. Landis S. Cervenka '69 of San Antonio wanted to locate a pair of 37 mm cannons in the Duncan Dining Hall area where the Texas A&M Corps of Cadets resides.

But, as the project developed, only the area stayed the same.

The memorial will be dedicated this fall to the former students of Texas A&M who have died in defense of their country since the end of World War II. It will be located between the east and west wings of Duncan. The ten-foot by five-foot memorial stone will be centered in a meditation garden surrounded by ligustrums.

As an example of the kind of "student power" associated with Texas A&M, the entire project will have been financed by members of the Corps of Cadets.

"In talking with other students, I recognized the need for such a memorial," says Cervenka, who received his marketing degree in May. A platoon leader in the Maroon Band last year, he notes, "There has been a lot of talk about initiating a memorial to these former students, but none of the proposed ideas ever came through or proved feasible."

Cervenka got to meet a lot of people during the two years he worked to bring the project to reality. He hesitates to estimate the number of hours he put into it, not to mention the grade points.

The list includes contacts with the Association of Former Students, the College of Architecture and Environmental Design, and the Military Science Department, Cervenka spent time conferring with Dean of Students James P. Hannigan, last year's Corps Commander Hector Gutierrez '69, and President Earl Rudder '32 before the project was finalized.

Design of the memorial was coordinated with Robert H. Rucker '38, professor of Soil and Crop Science, who serves as landscape architect for the campus. The Duncan Hall area where the memorial will be located now only has a bulletin board, grass, and assorted bushes.

Construction of the memorial will take place this summer and be completed when the students return from summer vacation in September. All the preparation for the memorial has been completed except the compiling of the names to be placed on the actual memorial plaque.

Matthew R. Carroll '70, corps commander for the coming year, has been given this responsibility. The major source for Carroll's list will be the names compiled by the Association of Former Students of those men who died in Korea and Vietnam.

But Association officials are the first to point out that their lists may be lacking, particularly the names of those who lost their lives between World War II and the Korean conflict.

"We want the memorial to recognize any former student who has died while on active duty during these 'cold war' years," states Cervenka. "It is time we dedicated a memorial to those former students to recognize their sacrifice, whether it be in a declared war or undeclared war. This memorial will include those who died in Korea, the Dominican Republic, Vietnam, and any other former students who have died while in uniform since World War II."

Cervenka still has access to those 37mm cannons, but the plans no longer call for them to be included as a part of the memorial. Now it is planned to display them at the flag pole in the dorm area serviced by Duncan Dining Hall.

RHODESIA

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BRINKLEY. Mr. Speaker, I wish to join with the gentleman from Ohio and my other colleagues in recognizing the fourth anniversary of Rhodesia's independence. I wish to make a simple point about Rhodesia. Why should our country be giving full support to the tightening of economic sanctions against her?

Rhodesia has done us no harm. Russia, on the other hand, in conjunction with North Vietnam is in armed conflict against us.

Because we no longer purchase chrome from Rhodesia, U.S. imports of chrome ore from the Soviet Union have doubled to 60 percent of the U.S. market this year. And Soviet chrome ore prices have jumped about 50 percent since early 1966.

Is this not incredible? On the one hand we are trying to suffocate a friendly nation, while on the other hand we are doing business with a totalitarian Communist regime which rules its citizens with an iron fist and actively supports our enemies in Vietnam. Mr. Speaker, I firmly believe the administration should reconsider its position on Rhodesia.

TRIBUTE TO THE LATE JOSEPH PATRICK KENNEDY

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. KLUCZYNSKI. Mr. Speaker, it was with great sadness that I learned of the death Tuesday of the former U.S. Ambassador to Great Britain, the Honorable Joseph Patrick Kennedy. A man whose life was one of great financial success and much personal tragedy, Joe Kennedy became a bank president at age 25, and eventually became a multimillionaire. But his success was more than financial. Ever interested in politics and Government, and grateful to the Nation that made possible his outstanding business rewards, the Ambassador and his remarkable wife, the former Rose Fitzgerald, instilled in their nine children a love for America matched only by their determination to serve her.

His Roman Catholic religion was important to Joseph Kennedy, and it became an integral part of Kennedy family life. Their shared tragedies have been borne in the past through an abiding faith and trust in God. Richard Cardinal Cushing, who will celebrate a funeral mass for Ambassador Kennedy, said of him yesterday that he was "the Father of the Family," explaining that he so described the late Mr. Kennedy "because the central and loving authority of the father has been so diminished in what presently exists as family life in our time. He instilled a sense of purpose in the family so that all its members extended their increasing maturity into careers of unparalleled public service and achievement."

It should be a lesson to many of us in this modern age of permissiveness that Joseph Patrick Kennedy guided his children firmly and with love. Of his nine children, one is hospitalized and four are dead. One became President of the United States, two became U.S. Senators, and one was a Navy pilot who gave his life in a volunteer mission during World War II; his daughters are themselves remarkable for their contributions to mental health, retarded children, and similar important causes.

The children of Joseph Patrick Kennedy are a testament to him as a father, as an American, and as a human being. Mrs. Kluczynski and I should like to extend to Mrs. Kennedy, to Senator KENNEDY, the Ambassador's daughters, and the entire Kennedy family, our deepest sympathy at this difficult time.

DAVID AND THE NETWORK GOLIATHS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TIERNAN. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the November 1, 1969, issue of Saturday Review. The article elaborates on a suggestion made by Saul David, a film producer for Universal Pictures, concerning films shown on television which are abridged and reedited.

At a time when we are just beginning to truly recognize the importance and potential of the communications media, we must continually search for innovative ideas to deal with problems in this area.

Mr. David's suggestion of informing the public of cuts in tapes on TV is geared at protecting the public against misrepresentation and deception. Surely this is in the public interest and should be strongly considered by the Congress.

The article follows:

DAVID AND THE NETWORKS GOLIATHS

Saul David, a film producer for Universal Pictures, has raised an interesting question about the abridgment and re-editing of theatrical films to be shown on television; if carried far enough, it raises even more interesting questions about the broadcasting industry's content standards.

Mr. David, who produced *Our Man Flint*, the Twentieth Century-Fox film that had its television premiere on ABC recently, asked in a letter to California's Senator George Murphy: "Shouldn't people watching a televised film have the right to be cautioned that what they're getting is not what the theater audience got—and by how much?" The producer was moved to write to the Senator (and to send a copy of his letter to me) after he had seen his film "not so much re-edited as lobotomized into senselessness." He estimated that from ten to fifteen minutes had been cut, so that vital connective tissues were flagrantly destroyed.

David is no newcomer to the notorious world of the bowdlerizing of artistic works. Before he became a film producer, he was editorial director for Bantam Books, at a time when abridged versions of literary works were commonly offered by publishers who wanted to save money by cutting page lengths. Then the Federal Trade Commission ruled that abridgments had to be prominently and clearly labeled as such. The enforcement of this rule caused reprinters generally to stop cutting. Readers felt that they were being cheated out of juicy portions of a book when they bought an abridged reprint. This, in turn, set up a competitive market-place pressure for other publishers to offer "unexpurgated" editions. Today, a reader may choose; but that is not the case with televised films. Stations do not announce on the air or in their ads that film reprints are cut.

When queried about the matter, an ABC spokesman asked, "What difference does that make?" It is commonly known, he asserted, that films are cut for TV—to make them comply with broadcast standards, or to fit time slots (or, as he did not say, to accommodate more commercials).

One cannot be certain that all viewers know that TV films are cut. Even if they do know, should they nevertheless be warned in advance? Arguing by the logic of extension—if the FTC held that abridged books must be labeled, why shouldn't it also hold the same for abridged film reprints? The Federal Communications Commission has a ruling that when canned-laughter tracks are used in programs, an announcement must be made that "portions of this program were prerecorded." It doesn't mean much, but it's there. The incisive problem here concerns the public's right to truth in advertising, to its protection against misrepresentation and deception.

David is not arguing the private right of the artist or producer to the integrity of his work and reputation. Gene Autry, Roy Rogers, and Otto Preminger fought that battle in California courts; they either lost completely or the courts held so closely to the degree of substantiality of cutting that it was impossible to tell how materially the mood of a film had been affected by a television abridgment. The Universal producer is not engaged in a vendetta against television. He doesn't contest the networks' right or need to cut a film; he just marvels that they pay so much for it and then "chop it into idiocy."

I discussed David's point with a copyright attorney, and with a few people at the FTC and FCC; they all agreed that no one had thought about it—it was worth investigating.

The TV networks claim they often have to cut Hollywood films that are made under more permissive standards than their own. Suppose that, under a new practice requiring clear labeling of abridgment, a network cut what it deemed was excessive sex or violence in a film reprint. Then suppose that a station that does not subscribe to the industry code bought the film and advertised it as unexpurgated. And the viewers flocked to the noncode station. Could that station be stopped for unfair competition? What all-wise censor would be called upon to decide which is fit for home viewing—the original or the abridged version? The problem illustrates the arbitrary nature of television censorship. Whose interest, convenience, and necessity are being served now by TV abridgments of films: those of the artists, the broadcasters and advertisers, or the public? In my opinion, the present situation serves the broadcasters and advertisers. But I would be open to instruction, in the event that the FTC or the FCC acted on David's question, and put the subject up to debate.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Mandan Pioneer, in the State of North Dakota. The editorial follows:

[From the Mandan (N. Dak.) Pioneer, Sept. 9, 1969]

INCREASED TRUCK SIZE

The Nixon Administration gave qualified support last week to a bill that would allow larger trucks and busses on the nation's highway's in spite of the fact that it does not have adequate data about the effects of the change.

Francis C. Turner, federal highway administrator, told a House public works subcommittee that his agency did not have "sufficiently reliable evidence" to determine whether the increased sizes of trucks and busses would mean additional safety hazards for motorists.

Rep. Fred Schwengel of Iowa who opposes the bill said it was "incredible" that the Department of Transportation did not recommend delay in action on the bill until it could collect adequate safety data.

The bill is supported by the trucking industry and opposed by the American Automobile Association. It would increase the maximum allowable width of trucks and busses using the interstate highway system from eight to eight and one-half feet. The limit on weight would be raised to 108,500 pounds from 73,280 pounds. The length, which is not limited now, would be set at 70 feet. Turner recommended a maximum of 65 feet.

The trucking industry contends that bigger vehicles would permit more economical movement of freight and more comfortable bus travel. Opponents say the larger vehicles would increase the risk of traffic accidents and cost the Government millions each year in repairs caused by added wear and tear on the highways.

Meanwhile, Ralph Nader, consumer advocate who led the move for greater automobile safety, termed the Administration's decision a "flight from responsibility because Congress does not have the resources" to decide the safety issue.

North Dakota law already allows buses to go to 8½ feet in width but trucks are limited to eight feet. North Dakota allows 65 feet for length with certain requirements and exceptions. If the federal law is changed the states will have to conform.

Trucks and buses constitute a hazard to the ordinary driver in an automobile because of their size. President Richard M. Nixon declared in his election campaign last year that he would oppose any legislation that did not protect the "safety and convenience" of the traveling public. Trucks and buses constitute a safety hazard and an inconvenience to the traveling public. How much of a hazard and inconvenience the new truck size would be is not known, but it would seem that some research on the subject is needed before the larger size is approved.

A SMALL STEP TOWARD ALLEVIATING THE JET NOISE PROBLEM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OTTINGER. Mr. Speaker, the Federal Aviation Administration should be commended for promulgating last week the Nation's first Federal regulation limiting the noise of jet airliners. The FAA's action follows a congressional mandate in legislation enacted last year. That legislation was the outgrowth of bills introduced by me and a number of my colleagues in the 89th and 90th Congresses.

The new FAA regulation sets maximum noise levels for jets measured at three stages of flight—during their descent to an airport, while accelerating down a runway, and as they take off. After December 1, new airliners and other jet-powered civil aircraft must meet these limits as a condition precedent for FAA certification.

Of course, the rule applicable to new jets is only one part of a comprehensive effort to lessen the impact of jet noise. It is essential that the FAA promulgate effective rules for existing jet aircraft, and it is my understanding that such action will be taken next year.

While the FAA's action to date is praiseworthy, I am deeply disappointed in the exemption granted the Boeing 747, a 362-passenger jetliner scheduled to go into service early in 1970. I agree with the Airport Operators Council International that as "the only important new aircraft expected in the near future," the Boeing 747 should have been covered by the jet noise rule.

MUCH TO LOSE IN REBUFFING EARNEST DESIRES OF YOUTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OBEY. Mr. Speaker, a recent editorial in the Wisconsin Rapids Daily Tribune gives an excellent description of how "adult" politics can make it extremely difficult to convince young people that they should seek changes in our society—their society—within the established political structure.

The editorial presents the story of young people in Ohio who spent 3 years trying to change their State constitution to allow voting at age 18. Similar efforts were made in New Jersey, and in both States attempts to reduce the voting age were unsuccessful.

Mr. Speaker, those of us who believe we can right the wrongs of our society by making our system work may be considered way out and off limits to some young people, for we are "the establishment." But if we are to convince the youth of America that they can work within present institutions, then they must be convinced that we welcome their participation in those institutions. We must stage an adult "show" as well as "tell," which clearly indicates to our young people that they can change our system, if that is what they desire, by working within it, and by using the traditional political tools of the soap box and the ballot box.

We cannot do that if we invite our youth to participate in our system on one hand and then shut the door to their entry with the other. We cannot do it, as the editorial states, "by continuing to deny serious-minded young adults the right to participate fully in the affairs of the republic."

The editorial appears below:

MUCH TO LOSE IN REBUFFING EARNEST DESIRES OF YOUTH

If you want to change what is wrong with society, don't throw bombs at it from the outside. Work with its institutions and within its framework of rules in order to reform it.

That is what the wiser, older generation tells the impatient younger one. In all fairness, however, along with this admonition should go a warning: Faithfully though one may abide by the rules, righteous and just though one's cause may be, there is no such thing as an unconditional money-back guarantee that the system will permit itself to be reformed—either easily or immediately or at all.

A recent case in point was a proposed constitutional amendment to lower the age of voting in Ohio to 19, which was on the statewide ballot in the last elections.

The idea began as a senior class project at Tippecanoe High School in Tipp City, near Dayton, back in 1966. The class began collecting material with which to win friends and influence legislators in the Ohio General Assembly. These included statements from prominent public figures and politicans in favor of lowering the voting age, a petition bearing the names of 30,000 high school seniors throughout Ohio, and the results of a poll the students conducted in Kentucky, which had recently lowered its voting age to 18, showing that the voters were happy with the change.

The Ohio junior citizens were more modest in their goal, however. Fearing a voting age of 18 might be too much to ask of Ohioans, they compromised at age 19.

In 1967, a resolution to put the question of a constitutional amendment to that effect on the Ohio ballot was passed by the state Senate. But then the youthful reformers received a practical lesson in how the "rotten" Establishment crushes all that is fine and good. Republican leaders quietly put out the word that the issue was to be killed in the House. They wanted nothing controversial on the same ballot with certain vital bond issues.

In 1968, the next senior class at Tippecanoe took up the cause and again launched a bombardment of propaganda and persuasion against the Assembly. In 1969, they finally succeeded in convincing both chambers to put the question of "Vote 19" before the citizens of Ohio.

On Nov. 4, the citizens of Ohio rejected it, by a small but decided margin, and everyone is still trying to figure out why.

There was no logical pattern in the voting. Some rural counties that were expected to oppose votes for 19-year-olds registered majorities in favor of it; some cities which were expected to support it defeated it. One spokesman thinks that "general attitudes" toward college students had a lot to do with it. He notes that in a majority of Ohio counties containing institutions of higher learning, the issue was defeated.

In any event, all these young people had played by the Establishment's rules, had followed the book to the letter—and gotten a kick in the teeth. Time now to pry up the cobblestones and fortify the barricades?

But no:

"In spite of this decision, we have an ultimate faith in a democratic form of government and will continue to encourage youth participation through legitimate channels," said Clark W. Wideman, an Ohio State senior and head of Volunteers for Vote 19, announcing plans to secure enough petitions to put the question on the ballot again next year.

"It is not a case of will we get the right to vote, but when will we get the right to vote," he said.

If that kind of attitude is at all representative of young people, the nation has nothing to fear from the future. It may have much to lose, however, by continuing to deny serious-minded young adults the right to participate fully in the affairs of the republic.

FORGING A STRATEGY FOR PEACE AND FREEDOM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TALCOTT. Mr. Speaker, some excellent speeches were made at the Washington Monument grounds on Veterans' Day, 1969. One of the best was delivered by our colleague the gentleman from Virginia (Mr. MARSH).

He was able to capture a sense of history and mold it with the contemporary to suggest a solid strategy for our future peace and freedom.

When one of our most able colleagues and dedicated Americans speaks out on an issue which involves the American purpose, I believe we and all Americans should have the privilege to hear.

Mr. Speaker, I include a copy of the speech of the gentleman from Virginia (Mr. MARSH):

FORGING A STRATEGY FOR PEACE AND FREEDOM

On July 4, 1918, Woodrow Wilson said: "What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

The year before, he said: "The world must be made safe for democracy."

As a step toward that goal, just over a half century ago—on the 11th hour of the 11th day of the 11th month, peace came to the Western Front, and the war to end wars had ended.

Men of the A.E.F. emerged from the trenches to the strange silence of the battlefield. The air was clear and still without the sounds of war. Gone was the chatter of the machine gun and the rumbling of artillery.

Behind them was the Argonne Forest, its trees torn and twisted by gunshot as Americans clawed their way to the Armistice of November.

Behind them was Belleau Wood—and Chateau-Thierry—Behind them was pain and suffering and the horror of war—Behind them were victories and valor.

Behind them slept forever, slept tens of thousands of soldiers of the A.E.F.

For them, the Fields of Flanders would become their home—For them, in countless towns and cities, plaques and monuments would enshrine their memory—For them there would be memorials, but no homecoming—For them there would be tribute, but no ticker tape parade.

For them—for decades, school children in a moment's silence on the 11th hour of the 11th day of the 11th month remembered them and the Argonne, and Belleau Wood and Chateau-Thierry. Because they knew those who had died in France had died to make the world safe for democracy.

That was not a cynic's hope.

The architect of the allied victory was a former University President and Professor, a liberal and the first member of the Party of Jefferson to be elected President in the Twentieth Century.

As members of the Party of Lincoln urged support of Wilson in the prosecution of that war, I urge support of the President today.

World War I was a watershed in our national life. Its currents swept us onto the international scene. Yet secure behind our ocean barriers, America resisted those currents and turned inward. Consequently, another generation of Americans reaped the bitter harvest sown at Versailles—would die again in the fields of Flanders—would fight again across the No-Man's Land where their fathers had fought.

Today there are those who would again have us turn to the old paths of isolation, who believe a new road to peace and world security can be found by non-involvement. This view is surprisingly like that of a "fortress America", urged upon us in the 1930's, and availed us naught when World War II crashed upon us.

It is one of the ironies of history that the times exact from each generation a special measure. As some men pay a greater price, so some nations bear a heavier burden. The "times that try men's souls" of which Thomas Paine would write in the Revolution continue to challenge us in the evolution of the American Experiment.

America has always with reluctance resorted to force of arms. Each time, our President has had to bear the indictment that it is his conflict. Yet history tells us that no war has been a President's war. The Civil War was not Lincoln's, nor World War I Wilson's, nor the present one Nixon's. Yet, no President, including Lincoln, during their term of office have ever enjoyed the vindication of history.

Each President has had to wage his own battle for the hearts and minds of his people. That battle is now joined. The terrain of public opinion is not just the rice paddies of the delta, the coasts washed by the South China Sea or a Montagnard Village in the Ammanite Mountains. Today the major battleground for the hearts and minds of the people is the prairies of our own Mid-West. It is along our own coasts and in the rolling foothills of the Blue Ridge and the mountain towns of Appalachia.

I suggest the President forge a strategy for freedom.

1. I urge that the President and those members of his official family charged with prosecution of the war, brief the American people on the geo-political significance of Southeast Asia and the vital part that it plays not only to American interests, but the cause of a free and stable world.

2. Secondly, I urge the President to assist in providing ways and means for those interested in helping the national effort to participate in meaningful ways to show their support. I suggest some mechanism for assistance to civic action projects conducted in the private sector which would enable our people to have a greater involvement with areas in which our forces are committed.

As in crises in the past, the American people are not interested in Party, but in principle. They care little for political advantage. They want a partnership of parties for the national interest rather than the partisanship of political advantage for either of our national parties.

The silent majority must become the voice of the nation. This does not mean abandonment of dissent—nor no longer striving for national goals—or surrendering the commitment to build a better nation.

That men should have differences of opinion and speak out when they favor different courses of action is the history of our Republic and our heritage to the world. But in our pursuit of dissent, let us not neglect our duty to those who serve our country in the field, nor abandon those who have fallen into enemy hands.

Let us not blind ourselves to reason, nor close our eyes to fact. Men of differing opinion must be ever mindful there are nations who believe that might does make right; nations whose weapons include assassination, kidnapping and terror; nations that have tried to mute the voices of dissent by the gas chambers of Buchenwald, by the use of armor in Czechoslovakia or by mass graves in Hue.

I do not believe that our fellow citizens want the terrain of American public opinion surrendered to a vocal minority. Neither do I believe they want the President's hands tied on decisions of this war—decisions which affect their lives and their fortunes, and the prospects for a peace that will enable not only our own, but other peoples of this earth, to pursue happiness.

It was Wilson's dream to make the world safe for democracy. I do not believe that the dream of Wilson is an impossible dream, nor do I believe that man's search for peace need be an endless search, any more than I believe that youth's hope for a better world is an idle hope.

The dream of Wilson, and man's search for peace, and the hope of youth is the common heritage of all mankind. Let us make this heritage our common cause. Let us reconcile our differences for the common good. Let us prove as we stand near the anniversary of the 200th year of our nation's birth that this nation is truly the best hope of free men.

Let us show that the cause of human Freedom is still America's cause—and in this cause, with God's help, we shall prevail.

INAUGURAL ADDRESS BY THE VERY REVEREND KEVIN R. KEELAN, T.O.R., PRESIDENT OF THE COLLEGE OF STEUBENVILLE

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HAYS. Mr. Speaker, it was my privilege on November 1 to attend the inauguration of the Very Reverend Kevin R. Keelan, T.O.R. as president of the College of Steubenville in Steubenville, Ohio. Father Keelan's inaugural address was such an outstanding one that I wish to share it with my colleagues.

The address follows:

INAUGURAL ADDRESS BY THE VERY REVEREND KEVIN R. KEELAN, T.O.R., NOVEMBER 1, 1969

This day must be recorded in my "book of memories" as one of the happiest. How often is a man granted the opportunity to be surrounded by his entire family—His Excellency Bishop Mussio, the youthful and idealistic co-founder of the College: Mr. Freifield and the Trustees, by whose action "I am what I am" this day; the College Advisers, who, assist and inspire this institution in many ways; my colleagues in the College: the students, who attend the classes and develop the spirit; the faculty, who teach and propose the revisions, and those who administer the policies formulated by all the others.

There is the family of parents—to whom we express special greetings on their Weekend; and the family of friends and benefactors who by their presence today show their love and respect for The College of Steubenville. Present, too, are members of that distinguished family of sister colleges and universities, and learned societies, who grace this day by their presence.

In addition to all of you, a special blessing is afforded me since we are joined by my mother, my sister Eileen, my brother Tom and his family. Indeed a man is fortunate to be surrounded by those he loves.

And so my first act as I assume this office, officially, once again, and become dutifully chained to it, is to express to you a welcome as derived from the high German "willicomo" and is translated: desirable guest, and to extend to you peaceful benediction.

In gathering thoughts to share with you, it became obvious that I would be speaking only as and for myself. In so doing, my views are colored—enhanced may be more expressive—by the fact of the sacramental priestly character which I share and which surely influences my ideas, my beliefs and my convictions. Supported on this base and. in my view, consistent with the Faith to which I adhere, is a conviction that men of principle—whether I subscribe to their position or not—should be free to serve their principles uncoerced. Or, as stated by another: "You may be right, and you may keep on trying to convince me and others that you are right, but the only means you may use are those of persuasion. You may not impose your vision by force on anyone. This means

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not only that you are not to stone the heretic or the prostitute or the hippie or the college dean or the Jew or the businessman or even the policeman; it means as well, and most importantly, that you are not to get the policeman or the sheriff to do your stoning for you."

What I'm saying is that each man should be permitted "to do his thing" as long as he sincerely believes that what he is doing is right, and as long as he doesn't infringe on the rights of others and he does it peacefully. This implies, of course, that he has a clear vision of what man is, what he can be or what he should be.

Such a position does not answer all my questions or solve all my problems, but it is helpful in placing things in perspective. There is a catchy commercial which points up the great advances made by women during the past twenty-five to thirty years—now she no longer needs to smoke behind the woodshed but may smoke in the drawing room—"you've come a long way, Baby." And indeed, we have come a long way.

In our immediate area, we see highways criss-crossing; the airwaves jammed with radio signals, long- and short-wave, carrying information, entertainment, sports, police and fire calls, business transactions, and friendly greetings across the state, the nation, and the world. Television allowed us to watch an Ohioan be the first to walk on the moon. Wars among nations and battles between brothers can be enjoyed as we take our coffee along with our favorite news commentator. If modern America wants a plain, it levels a mountain; a lake, and the earth is gouged out. The affluence of America is matched by the creative genius of the American free enterprise system, and together they have made every man a king.

Today, the average American—if indeed there is one—lives in a better home, has better lighting, better heating, eats better food, drinks better water, and has a wider selection of more suitable, fashionable clothing at a price he can afford than any feudal lord or eastern potentate ever dreamed possible. We call this progress, but it is also the result of dissatisfaction with things as they are or were, and of dissension. Both lead to experimentation and the study of means whereby man's lot can be improved. Ultimately this dissension and disagreement lead to the invention of machines and improvement of processes that affect the everyday life of everyone. Life is never static.

Much the same goes on in the field of education. There is uneasiness brought about by the dissatisfaction of those most affected by the process and the programs. Charges and counter-charges have been addressed to all the interested parties: trustees, presidents, faculties, and students. The question has been asked, "Who's in charge here?"

Trustees have been accursed of representing the older generation, the white race, religious orthodoxy, the political and legislative factions, business and economic conservatism—in short, the Establishment. Other critics accuse them of not representing the Establishment enough. Yet trustees, today, possibly because of this criticism, have been undergoing a radical if subtle change. They are aware that institutions of higher learning are not only places where past achievements are preserved and transmitted, but where "conventional wisdom is constantly subjected to merciless scrutiny."

Presidents—and it is estimated that at any given moment there are 300 vacancies in these offices—have learned that the old responsibility of leading the faculty and students has expanded to include money-raising and business management. Great colleges and universities come about because of the greatness of their faculties. Since faculties do not of themselves build great faculties, administrative leadership is essential. Presidents, assisted by a loyal, hardworking, progressive corps of fellow administrators, must show the way in placing greater emphasis on cooperative administration with responsible faculty and student groups, always protecting the primary role of the teacher and the student. One danger which appears in the distribution of administrative chores on such a broad level is that all facets of the academic community become administrators, to the neglect of the learning process.

Two excerpts from documents endorsed by the American Association of University Professors merit our consideration: "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition." (Academic Tenure and Freedom) The assumption here is that truth does exist and that civilized men possess values to judge it. Again, from the Joint Statement on Rights and Freedoms of Students, we read: "The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility." Freedom worthy of the name implies responsibility which, in turn, demands self-discipline. The latter presupposes norms—spiritual and moral included—which enable men to live a wholesome life.

Presidents must always understand that "academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society."

In furthering these purposes, he is constantly reminded that there is no inexhaustible source of monies available to satisfy the desires of everyone. Indeed, basic needs must be given priority status. The president must attempt to be aware of everything going on within the institution; he must be wise enough, and hopefully understanding enough, to be appreciative of the shortcomings and failings in others—certainly to the degree that they forgive and forget his errors; he must be sufficiently provident to commit anticipated income where it will do the most and the best at the same time, always estimating precisely how much a donor may reduce his gift because of changes in tax laws, or how much benefits to students will decrease, or the difficulties encountered by parents and students as they go out to borrow money for their education.

The role and responsibility of the faculty in academic areas has long since been recognized. I fear for the administrator or Board which would infringe on the authority of the faculty in the classroom. Academic Freedom, happily, has come a long way in protecting the prerogatives and the way of life of the faculty. But there are hazards. Misinterpretation of the security of academic freedom may lead one to fall into a comfortable rut where the status quo is perpetuated, and as a result, the student, the institution, and society itself suffer. One observer has commented that, "Under the banner of academic freedom, (the individual professor's) authority for his own course has become an almost unchallenged right. He has been free not only to ignore suggestions to change, but licensed, it is assumed, to prevent any change he himself does not choose."

The distinguished jurist, Learned Hand, wisely observed another danger when he wrote: "One cannot wear a sword beneath a scholar's gown." Indeed, one cannot be an advocate and a scholar at the same time. Unwillingness to recognize this truth causes serious problems. Some of the loudest proponents of academic freedom are, in fact, among the greatest offenders of the privilege. "Academic freedom is not an irrevocable grant. If it is lost, the process of creative thinking suffers, as does the development of truly free, inner-directed students."

A modern faculty phenomenon is mobility. In days past, the faculty corporation was the institution; its members tended to become affiliated, to become a part of an institutional family. Today, opportunities for continuing study and research, environmental qualities affecting the whole family, accessibility of once remote places, availability of educational, cultural, social and recreational facilities, vitiate against permanence. Another reason is the demand to become more involved in the processes of academic governing—committee work. Many faculty perfer to teach and to extend the range of human learning.

The most recent group to become involved in "governing our institutions," the reason we all came together in the first place, are those who joined us to learn: the students.

From a lofty presidential vantage point, one muses: "What would we ever do without you?" However, since the president doesn't spend much time in isolation—he sometimes asks himself: "What, in heaven's name, shall I do with you?"

It may not be wise to pass over those incidental students who clamor over stated issues and not real issues; those for whom the real issue is not needed reform and adaptation to contemporary situations but rather the destruction of the political and social system in which we make our living and live our lives. These are few—troublesome, noisy, disruptive—but few, about 35,000 among nearly 7 million students.

I prefer to speak with the students who in ever-increasing numbers desire more student participation in decision making, changes in the teaching process and in the curriculum. Their voices have been heard and will continue to be heard by thoughtful educators.

Henry Adams once remarked: "The chief wonder of education is that it does not ruin everyone connected with it, teacher and taught." Ruination may well be the end of an educational process which does not pause to think and to listen.

The American Declaration of Independence is recognized as a tool advancing the freedom of men. While not a perfect document, the vision and the planning and the insights of the authors is attested to by the fact that only twenty-five amendments have been necessary.

There is comfort in these times of distress when one rereads the observations of heroes from the past. Thomas Jefferson, at the time of Shay's rebellion, commented: "A little rebellion now and then is a good thing . . . it is a medicine necessary for the sound health of democracy." And Edmund Burke's words before the House of Commons (1782): "The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given it, as a species, it always acts right."

Despite the labels of "revolution," "protest," and "rebellion," I prefer to think of our times as the "Age of Discovery." We are discovering—again if you wish—that an important function of education is to preserve the valuable traditions of the past and hand them on to future generations.

In recent times, the value of some of this nation's traditions, as well as the tradition of the Church, of business, of any established institution, for that matter, have all been called into question—often in a loud and boisterous manner. Last January, President Nixon asked those who dissent to lower their voices a bit, since we often cannot hear what the other is saying. The Christian tradition also prefers voices a bit lower, remembering how the roar of the crowd prevailed and sentenced Jesus Christ to death on the cross in spite of the reservations of Pontius Pilate, the Roman Governor.

Thank God, up to now the voices clamoring for change at The College of Steubenville have been thoughtfully critical, yet low enough in volume that each one is able to hear the other. Our students are to be complimented for this, and our faculty and administration are to be complimented as well. At this College, the valuable traditions of the past have been preserved and handed on, have been questioned and re-thought through the interaction of young and old who have respected each other as persons even when disagreeing with ideas.

It is one of the goals of The College of Steubenville to continue and improve this state of affairs wherein students respect the wisdom and experience and the traditions and values of the generation that time alone has made their teachers, and the teachers respect the insight and zeal and interests and values of the persons whom time alone has made their students.

Those of us who have freely chosen to become part of the faculty and student body of a church-related college should ponder well the distinctive role and service the private sector of education has rendered to our nation. Early American society readily accepted the idea that the support and management of higher education was a primary responsibility of the churches. At the time of the American Revolution, nine colleges already were formed under religious sponsorship; there was one other without direct church affiliation.

Church-related institutions are stewards of a public trust. It follows, then, that their first duty is to serve the public interest according to its needs and moral demands. Documents of the Second Vatican Council (Church in the Modern World, Religious Freedom, Apostolate of the Laity) confirm and expand the principles relating to the temporal order and obligations of the laity which are especially relevant to education as an apostolic work.

Catholic colleges and universities exist to serve the entire American community, a principle which The College of Steubenville has practiced from its foundation in 1946. At the same time, the early College family was keenly aware that they were to give witness to Christ, the inspiration and goal of Christian humanism, in the pattern of Francis of Assisi who understood the Gospel as a way of life. Such a commitment demands dedication, and those who share in the mission must be aware of the commitment. It is our institutional duty to state this commitment clearly, without hesitation, in order that all who come to share our mission understand that we do not intend to de-emphasize our peculiar religious foundation and orientation.

In proudly reaffirming that we possess a distinctive reason for our being, and that we are conscious that God's blessings have been showered on us, we wish to declare that we want no one of the College family to feel out of place and we ask that the integrity of everyone be respected.

I am not unaware of difficulties ahead. I accepted my election to the presidency with a background of having served in the past. I accept the responsibility freely and with the joy of knowing with whom I am working.

Together we shall continue to define our purposes with confidence, hopefully blending the riches of the past with the spontaneity of the present, cognizant that four years constitutes a complete college generation.

Together we shall seek to broaden the base of government, aware that each of us has a role to play. We shall attempt not to infringe upon the primary duties of those of you who are Masters and Doctors, and those of you who are apprentices.

Together we shall work to show that personalized quality education has true meaning and is within the realm of possibility for our constituents—both academically and financially.

Together we shall keep in mind that each individual is a sacred person with rights to be respected.

Together let us remember the promise that wherever two or three are gathered together in God's name, He is present among them—and we are present to each other.

ALLAN MUELLER—GREAT COMPOSER

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PHILBIN. Mr. Speaker, I revise and extend my remarks in the CONGRESSIONAL RECORD to include therein a recent article from the Worcester Telegram captioned "Concert Features Clinton Man's Composition."

The concert was by the famous Worcester Symphony Orchestra headed by the outstanding conductor, Mr. Harry Levenson. The young Clinton man referred to, Allan Mueller, I am proud to state, is from my hometown of Clinton, Mass. The concert featured the world premiere of Mr. Mueller's symphonic tone poem "The Devil's Gate."

This young man is especially gifted and I believe he is destined to be a great composer, in fact, he has ' already achieved great fame. He is already a pianist and soloist of note, and all his neighbors and friends in his hometown are greatly pleased to learn of his success and send their heartiest congratulations and best wishes for the future.

I take great pleasure and pride in joining these tributes to this very talented young man and his family, and I am confident that he will enjoy more successes in the musical world.

CONCERT FEATURES CLINTON MAN'S COMPOSITION

(By Raymond Morin)

The Worcester Orchestra's performance of the "Rienzi" Overture yesterday afternoon at the Auditorium was noteworthy playing and a high spot in the orchestra's long career under conductor Harry Levenson.

Some 1,500 persons attended the season's first Family Concert In-The-Round in which Allan Mueller of Clinton appeared as composer and piano soloist.

Levenson conducted the orchestra in the world premiere of Mueller's symphonic tone poem, "The Devil's Gate."

The young composer was soloist in the opening movement of Gershwin's Concerto in F.

Wagner's seldom-heard "Rienzi" received an excellent performance. Not only did the 57 players deliver notes accurately, but melodies had vibrancy and breadth.

ROSSINI INFLUENCE

Levenson followed a compelling climactic plan, and even brought out the subtle influence of Rossini which Wagner experienced at this early stage of his writing.

One had to admire Mueller's handwork in "Devil's Gate" despite its smattering of derivative sources. Orchestra and conductor made it well-worth the listening.

It opened with stentorian oratory mostly concentrated in brasses. Slower, quieter interludes had effective interplay between strings and woodwinds.

Mueller's writing steered clear of harmonic exaggerations, and most cliches. Its swift changes from hot to cold, alternated tempos and intermittent solos suggested a narrative.

Apparently the listener is to devise his own form the clue offered in the title.

The composer at the piano contributed to the heavy ending—a rhapsodic release of brassy content and thick melanges.

Brasses contributed little to the opening of the Gershwin concerto. The solo start was expressive with some traces of sentimentality.

FLEXIBLE CONCEPTS

Mueller's technical passages were prudently approached, not entirely accurate, but in a good Gershwin genre. He introduced a number of his own flexible concepts, to which Levenson adjusted with resource.

In general, the solo perforance lacked sparkle and momentum, a condition that the orchestra couldn't entirely remedy.

Levenson brought out the sunny disposition of Mozart's Symphony No. 29 in A major. The orchestra cooperated.

Strings were united in bowing. Volume boundaries were definitive. The slow movement was somewhat inflexible and hastened but by no means devoid of tonal warmth.

The minuet was spirited and delicate without becoming fragile. The rondo was less steady in ornamental material and not as responsive to direction.

Capricious vignettes, called "Matinees Musicales" by composer Britten were conducted with imagination and played with spirit, particularly the waltz and moto perpetuo.

The Nocturne brought out some well-turned piano phrases by Madelyn Levenson

Korngold's "Straussiana" was a lively concert windup.

INTERNATIONAL TRADE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DELLENBACK. Mr. Speaker, the President's message on international trade is a happy reminder that the United States has come a long way since what used to be called the "tariff question" was a bitterly partisan subject.

President Nixon has wisely chosen to continue the policies that have been followed by the last five Presidents of the United States and by the last 18 Congresses. But to say he is continuing a basic policy is not to say that there is nothing new in his proposals. The new bill is a modest one but it is an extremely significant one. It recognzies that great changes are taking place in world economics. It calls for an independent World Trade Commission to chart a thoroughgoing set of American initiatives to respond to these changes and help shape them. Adequate on one hand, it is ambitious on the other.

There are other features in the President's proposals that will move our trade policy forward from the last act that was passed 7 years ago. This, incidentally, is one of the longest periods in the 20th century to go by without congressional action on foreign trade, a fact that attests to the basic soundness of our trade policy but also to the importance of bringing this policy up to date by new legislation.

Rather than discuss what is new in the proposals, however, I would like to remind you how much of the doctrine contained in this bill is devoid of partisanship. Politics may not stop at the water's edge, but I believe there is sound precedent for stopping it at dockside.

At this time when so many divisions rend our Nation, I believe we should hold fast to this spirit of nonpartisanship in trade policy. And in doing so, let us hope that many of the issues so bitterly contested today will also find reconciliation in a truly national policy and in a policy marked by as much success as trade has enjoyed.

FRANK SALZARULO, AUTO EDITOR OF INDIANAPOLIS NEWS, DISCUSSES NEGLECTED ASPECT OF AUTO SAFETY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BRAY. Mr. Speaker, in late October a truly horrible traffic accident in Indianapolis resulted in immediate death of eight persons. Two cars were racing in the street and one crashed into the rear of a parked auto, which was loaded with nine persons.

Frank Salzarulo, auto editor of the Indianapolis News, wrote two perceptive and enlightening columns on the hazard presented by overloading passenger vehicles. He has thrown considerable light on what seems to be a generally neglected aspect of auto safety.

The story describing the accident follows, and Mr. Salzarulo's two columns:

[From the Indianapolis (Ind.) News, Oct. 27, 1969]

Two Mothers, Six Children Die in Fiery Rear End Crash

(By Frank Salzarulo)

A fiery crash, involving five vehicles, two of which police said were street-racing and another illegally parked and loaded with nine persons returning home from church services, killed two mothers and their six children last night on the Northwestside.

Deputy Chief Raymond Strattan, who investigated the 6:56 p.m. rear-end collision, said witnesses observed two cars street-racing for nearly eight blocks before the accident.

The crash ruptured a gasoline tank, spread-flaming fuel throughout and around the death car.

Steve Coleman, 25, 3101 N. Olney, driver of parked car, is in critical condition today at General Hospital with burns on 90 per cent of his body.

Coleman's wife, Levina, 24, and son Steven, 3, along with foster children Linda Ligon, 10, and Wayne Ligon, 8, burned to death in the family automobile.

His 5-year-old daughter, Antoinette, was thrown from the car and died instantly of a skull fracture, police said.

Also killed were passengers Ophelia Piggie, 24, 2604 Winthrop, and her sons, Charles, 5, and Kevin, 3.

The driver of a 1957 Chevrolet which rammed the Coleman car was identified as Dalton Wallace, 26, 3910 Eastern, police said.

He is in serious condition at General Hospital with a head cut, broken right leg and possible internal injuries.

WITNESSES SAW CARS RACING

No charges have been filed.

Witnesses said they saw the Wallace car and a 1963 white Chevrolet street racing on Riverside Drive for nearly eight blocks before the Wallace car plowed into the Coleman vehicle at 2207 Riverside Drive.

Wallace's vehicle jumped a curb and slammed into a tree as the Coleman car burst into flames.

Strattan said Coleman was southbound on Riverside and had pulled across the north bound lane to let three passengers out at their home.

Witnesses said the Wallace car and the white Chevrolet were racing side by side at speeds up to 60 miles an hour just seconds before the crash.

TRIES TO REMOVE VICTIMS

Kevin Shotwell, 10; Denise Shotwell, 12; and Shawn Shotwell, 8, stepchildren of George A. Brooks, 34, 2207 Riverside, had gotten out of the Coleman car and were walking toward their home when the collision occurred.

Brooks, not knowing the children had fled the scene in fright when flames leaped 20 feet into the air, tried desperately to remove the victims from the wreckage.

He suffered hand burns. The Shotwell children were not injured.

Coleman leaped from the car and ran across the street as his clothing burned, witnesses said.

The victims had attended a Jehovah's Witnesses meeting at nearby Riverside Park Auditorium.

Strattan said the force of the impact shoved Coleman's car into two other vehicles parked in front of the Brooks address.

[From the Indianapolis (Ind.) News, Nov. 3, 1969]

Overloading Is Dangerous, But What Does Law Say?

(By Frank Salzarulo)

In the interest of safety, there are local, state or national laws placing load limits on planes, commercial buses and even elevators.

These laws restrict loads mostly on the basis of total passengers or, in the case of planes, the restriction also applies to fuel and baggage weight.

Should there be a load limit by law on privately owned motor vehicles on the public highways? Should the limit be in pounds? Number of passengers? Seat room?

How many station wagons have you seen hauling an overcrowded cargo of human passengers—like Little League baseball players? A car jammed with Brownie or Cub Scouts headed for an outing? Or a vehicle packed with school children? A car sagging at the rear axle because the weight of six adult riders puts an undue stress on the car's suspension system?

Does overloading change the handling characteristics of a vehicle? Does it interfere with the driver's vision? Does it create a hazard for others?

Accidents involving mass numbers of fatalities are getting more common as more and more people take to the highways in overloaded motor vehicles, risking more and more lives.

But there is a law on overloading, you say.

FAIL TO PROTECT LIFE

Here it is:

"No person shall drive a vehicle when it is so loaded, or where there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

"No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car."

Indianapolis Police Chief Winston Churchill comments:

"It is distressing that we have to place so many laws regulating motor vehicles, trucks, buses and alike, with specific regulations pertaining to weight and loading. Yet we have failed to regulate the protection of life in the overloading of motor vehicles."

Lt. Col. James R. Peva of the Indiana State Police said:

"The overloading of a private motor vehicle with more passengers than it is designed to carry can be a safety hazard and does lie within the regulatory power of the state. In order to obtain the necessary support for the enactment of such a provision into law, however, I feel we must establish that the overloading of a particular vehicle could affect the safety of other vehicles using the highway.

"In any event, I feel the most reasonable approach would simply be the passage of a statute forbidding a motor vehicle on the public highway at any time when it is carrying more passengers than can be seated in the permanent seats of said vehicle. This leads us into another area of controversy that has been with us for many years—the overloading of school buses."

Albert E. Huber, executive director of the Indiana Traffic Safety Council, said "Certainly, overloading would hamper efficient steering, would place undue stress on steering and suspensions during turns and maneuvering and would definitely affect the driver's ability to brake or stop the vehicle."

[From the Indianapolis (Ind.) News, Nov. 5, 1969]

Overloaded Car Needs Good Tires, Driving Care

(By Frank Salzarulo)

A car loaded with too much baggage or too many people can be a dangerous vehicle unless it is driven with more care than normal.

Because of the extra weight, tires must be in good shape to withstand the punishment.

In addition, a heavy load changes the handling characteristics so you'll find increased sway on curves. Accelerating will be more sluggish and stopping distances will be greater.

A car with too many people involved in an accident sends the highway injury and fatality rate zooming because of possible multiple injuries and deaths.

There is no law placing a limit on total passengers or load limits on automobiles, except to limit the number of persons in the front seat to three.

Car manufacturers provide information on maximum load limits of their vehicles but the limits are governed only by tire sizes and pressure.

Charles T. Mulcahy, of the Ford Motor Co.'s technical information services explains a 1970 Ford standard size car with bench front seat shows 1,100 pounds full rated maximum load, to include six passengers, three in front and three in the rear, and 200 pounds of luggage.

Bucket seat models carry 150 pounds less with two passengers in front and three in the rear.

"You can't add that 150 pounds to the trunk because it would put too much weight in the rear, throw off your weight distribution and adversely affect handling characteristics," he said.

Top load for a station wagon he said, is 1,200 pounds regardless of whether it is a six or eight passenger wagon. The six passenger version allows for 300 pounds of luggage and the eight passenger for zero pounds of luggage, if eight people are in the car.

For weight purposes, adults are averaged at 150 pounds each; thus eight passengers total 1,200 pounds. If several of the passengers are children, you have flexibility in staying within load limits, he said.

At Chrysler Corp., Roy C. Haeusler, chief engineer, automotive safety, Detroit, cited "weight and weight distribution" and not total number of people as the overload problem.

DIFFICULT TO HANDLE

Improper weight distribution "could increase the difficulty in handling the vehicle. There would be a tendency toward tail wagging, especially on wagons. It may indeed make an evasive maneuver more difficult to perform.

"It may or may not, affect stopping ability, depending on the particular vehicle, in that while there's more weight to stop, there's also more friction between tires and the road. So, one may offset the other," he said.

Haeusler said cars are engineered for maximum loads, "But at the same time, I can't support the idea that the car engineered for 1,100 pounds goes to pieces if you put 1,200 or 1,300 pounds in it. This is a greater load than it is designed for but there is no abrupt changeover from a satisfactory situation to one that is unsatisfactory."

Tire pressures are selected on the basis of minimum pressure required to satisfy the vehicle load conditions and optimum pressure required to satisfy vehicle ride and handling characteristics.

The American Motors' 1970 owner manual points out that although some optional tires have increased load capacity, "They do not increase the stated full-load capacity of the car."

American Motors recommends a 150-pound limit "evenly distributed" for roof racks, and warns that the roof rack "does not increase the total cargo capacity of the car.

"Therefore, internal cargo weight must be reduced by the amount of weight on the roof rack and should be distributed as far forward as possible."

NO SURRENDER

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks, I am pleased to include the following excellent article which appeared in the Sioux City Journal recently:

No Surrender

Las Vegas, Nev.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hyprocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died."

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the Las Vegas Review-Journal the day after Moratorium Day, mirrored the other side of American's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave . . .

"It is we, the parents, who said goodbye to him when he went away to fight, not the peace agitators.

"It is we, the parents, who wrote long, anxious letters to him during his three months of almost continuous combat, not the agitators . . .

"My son was killed while fighting for his country.

"America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him."

THE GERIATRIC CENTER AT AUSTIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DINGELL. Mr. Speaker, there has been some mention in the public press of late of the proposed utilization of certain public lands in Austin, Tex., for a nonprofit model geriatric center. In general, the comments which I have heard from administration spokesmen, editorial writers, and others have been critical of the arrangements for transfer of the public land.

It was with great interest, therefore, that I read in the "Letters to the Editor" column of the November 14, 1969, issue of the Washington Post a letter from former Secretary of Health, Education, and Welare Wilbur J. Cohen in which the former Secretary gives his explanation of the matter.

I must say that I have known Wilbur for a good many years and have always found him to be a person of the highest integrity and forthrightness. Wilbur Cohen, over a period of more than 30 years, established for himself an outstanding record of public service—a record which he continues to enhance as dean of the school of education of the University of Michigan at Ann Arbor. He played a leading role in creating our social security system which has been so beneficial to retired Americans and those who have become disabled, as well as their dependents. In fact, his accomplishments on behalf of the well-being of American citizens are legend.

And, in view of his service as Under Secretary and Secretary of Health, Education, and Welfare during the period 1965–68, Wilbur Cohen is in a position to know the facts with regard to the Austin geriatric center.

So that all of my colleagues will have an opportunity to be aware of Secretary Cohen's comments on this matter, I include the text of his letter to the Washington Post at this point in the Congressional Record:

The Geriatic Center at Austin

I was shocked to read your editorial of Nov. 3, relating to Senator John Williams' charge concerning the Geriatic Center in Austin, Texas. It reflects ignorance of all the facts.

As Under-Secretary and Secretary of Health, Education, and Welfare during 1965-68, I am thoroughly familiar with President Johnson's efforts to stimulate the construction and operation of an innovative model nursing home since all of us were appalled at costs and conditions in nursing homes.

Those efforts go back at least to 1966 (if not earlier) when President Johnson began urging us in the Department of Health, Education and Welfare to develop a model Geriatic Center in this country with modern research capability which would include nursing home facilities and housing for the elderly. I brought one of the most distinguished experts in this field from England, Dr. Lionel Cosin, to meet with the President and myself in order to plan a nursing home program which among other things, would help to rehabilitate persons for self-care.

In 1968, when the tract of federal land in Austin became available, it seemed like a stroke of good fortune to try and utilize it for a nursing home experimental project. This land had originally been purchased by the City of Austin 30 years before for $11,000. At that time the then Congressman Lyndon B. Johnson prevailed upon the city to give this land to the federal government for use as a fish hatchery.

In 1968, the Department of the Interior in two separate actions, found this land to be excess to it needs. In August 1968, the first portion of this tract of federal land to be declared excess was used to construct model low-cost housing. The second portion of this land which was declared excess involved the remaining 26 acres, on which it was decided to build the modern geriatric center.

Originally the plan was for the University of Teaxs to operate the experimental nursing home. Because of legal limitations, the University of Texas was unable to finance and operate a nursing home and therefore was unable to accept the land. Therefore, a non-profit public corporation was formed for this purpose. The three directors of that corporation during its organizational phase were Frank Erwin, chairman of the board of regents of the University of Texas system; Roy Butler, president of the Austin school board; and John Burns, president of the City National Bank of Austin and a member of the Austin Public Housing Authority. (J. C. Kellam signed the original papers as director but resigned after three days and was replaced by John Burns.)

The Interior Department declared the land "excess" in late 1968. This "excess" property was declared "surplus" property shortly thereafter, a legal act solely and fully within the authority of the Administrator of the General Services Administration.

Under the law, the Administrator "in his discretion" assigned this surplus property to the Secretary of HEW for health purposes including research. This was perfectly appropriate, since the law places total discretion in the Administrator. At that time, the Administrator of GSA and his deputy indicated that there was ample precedent for such action without regard to the 30-day waiting period.

Under the law, the Secretary of HEW in fixing the value of property "shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property . . ." As is common in such cases where property is to be used for schools, hospitals, or nursing homes, I directed that the property be donated under this provision to the public non-profit corporation with every expectation that with the full cooperation of the University of Texas, the research results which would accrue to the people of the United States would be many times the value of the property.

The organization which received the land was a non-profit public corporation, to be qualified under the Internal Revenue Code and to become a tax supported institution under state law.

The salient points to remember are: (1) No one that I know of stands to make any profit out of this institution. The only beneficiaries will be the elderly poor in Austin and all those throughout the nation who will benefit from the demonstration and research work performed there; (2) this project was the culmination of many months of effort and many attempts to build an innovative geriatric nursing home center in this country; (3) Austin was selected because the surplus federal property became available, and similar property in the District of Columbia was not able to be used.

There is nothing "unlawful" about the means used. There is nothing "under cover" or "concealed" about this transaction. The deed was filed of public record in Austin. The only "irregularity" may be that the wheels of bureaucracy were pressed to move at a pace that most of us interested in promoting the economy and efficiency of medical service would hope they would move more frequently.

WILBUR J. COHEN,
Dean, School of Education, University of Michigan.
ANN ARBOR.

POW'S—WHEN U.N. DEFAULTS, WHO PROTECTS?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, as a former prisoner of war I grow increasingly distressed at the obvious abandonment by our Government of the Americans now in the hands of the enemy in North Vietnam.

In war there is no substitute for victory. There is no other means by which men held by the enemy can be recovered or even identified. To publicly announce that we do not seek victory leaves these Americans available to the enemy for trading purposes.

I have previously objected to the position in which we placed the wives and mothers of our men held captive by the enemy. It is unconscionable that we should permit them to be exposed to the heartbreak and pressures of dealing with the enemy's representatives in this country in a desperate effort to protect their men, abandoned by their Government.

I include in my remarks a recent letter from the Department of State outlining the official position of the administration on the question of Americans held captive. That position amounts to nothing more than the statement that we will keep complaining and that perhaps something will happen.

I also include as part of my remarks last week's news clippings pointing out that the Pathet Lao, guerrillas in their own country, claim to hold 158 American prisoners. Their captives are characterized as "war criminals," following the Red party line.

On the same day, responding to the pleas of an American woman in the United Nations, the official Soviet representative supported the Red position and asserted the views of his Government that American captives were indeed war criminals and not entitled to the benefits of the Geneva Convention.

Mr. Speaker, Americans are asking why we do not win the war in Vietnam, free the Americans held captive, and then bring all Americans home.

Just as there has been no end to Korea, there can be no end to Vietnam unless our people demand their leaders repeal the U.N.O. Participation Act, or we breach our allegiance to that organization.

There is no chance of getting our country out of the United Nations—unless people have knowledge of the facts. But, the controlled news media—with their much touted "people have a right to know"—are determined that the people not be fully informed.

The mentioned news articles and letter from State follow:

DEPARTMENT OF STATE,
Washington, D.C., September 2, 1969.
Dr. WILLIAM DUDSON BACON,
Seattle, Wash.

DEAR DR. BACON: President Nixon has asked me to reply to your thoughtful comments on American prisoners of war. I share the President's interest in knowing the opinions of the American people.

With regard to the men listed as missing and unaccounted for at the end of the Korean hostilities, neither the Department of Defense nor the Department of State has ever received any reliable information or intelligence to indicate that any may be alive and held prisoner by the Soviet Union, the Chinese Communists, or the North Koreans.

After the Korean hostilities ended, the communist side failed to give a satisfactory accounting for 944 United States servicemen who we believed might at one time have been alive in the hands of communist forces. The number of Americans missing and unaccounted for was later reduced to 389, largely through the efforts of our Graves Registration units working in Korea. In the absence of any evidence that any of the 389 men might be alive, the Department of Defense made a finding of presumptive death for each of them. This action was necessary in order to settle estates and to pay insurance and other benefits to survivors.

Although the Chinese Communists and the North Korean Communists are obligated, under the terms of the Military Armistice Agreement, to provide an accounting as to the fate of these men, they have failed to do so. The Department of Defense and the Department of State continue to seek this accounting. The United States representatives at the Ambassadorial-level talks with the Chinese Communists, which were first held at Geneva and later at Warsaw, have pressed the Chinese for this information, and the United Nations Command representatives have pressed the question at meetings of the Military Armistice Commission in Panmunjom. We have also sought information through all other available channels, including the Central Tracing Agency of the International Committee of the Red Cross, but without result. Despite the negative response from the Communist side, we shall continue our efforts to obtain a satisfactory accounting.

The only two American military personnel we know to be held by the Chinese Communists are Philip E. Smith, a major in the Air Force, who has been held since 1965, and Robert J. Flynn, a Navy lieutenant held since 1967. The Chinese Communists also hold four American civilians. Over a period of years this Government has sought by every feasible means to obtain the release of these Americans. Our efforts have included the intercession of friendly countries having representatives in Peking, mediation by international organizations, and assistance in private appeals by influential individuals. Since 1955 we have brought the subject up directly with the Chinese Communists in the Ambassadorial-level talks. Three of the prisoners, John T. Downey, Richard G. Fecteau and Hugh F. Redmond, were already in prison at the time we and the Chinese Communists made an agreed announcement on the repatriation of nationals, and these three should have been released by the Chinese under that arrangement. We have made this point repeatedly to the Chinese over the years, but they have maintained that as "criminals," these three should not be treated the same as other U.S. nationals who were repatriated.

In the years since 1955, we have kept pressing the Chinese about the release of these men, and then later about the release of the fourth civilian, Bishop James E. Walsh, and Major Smith and Lieutenant Flynn. The Chinese have thus far failed to respond to any of the approaches made to them, but I can assure you that we are continuing and will continue to press them to release the Americans. We have also repeatedly sought information from Communist China about certain other U.S. military personnel who are listed as missing.

Our Government is fully committed at the highest levels to doing everything possible to aid our prisoners of war, to achieve their early release and, in the meanwhile, to press the enemy to provide names of prisoners, to permit them to communicate with their families, and to allow them to be visited by International Red Cross representatives. Under Secretary of State Richardson has been designated to supervise our efforts on behalf of our prisoners in Southeast Asia. Ambassador Lodge, who heads our delegation in Paris, is using every possible opportunity to press North Viet-Nam on this issue.

Secretary Rogers has spoken out repeatedly on this subject. At his June 5 press conference he called on the communist leaders to provide a list of names of our prisoners, terming this a "simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat." Before the House Foreign Affairs Committee on July 17 he called North Viet-Nam's attitude towards our prisoners "inhumane and inexcusable."

We have repeatedly tried to interest Hanoi in discussing the subject of our prisoners, both directly, in the Paris talks, and through other channels. Far from showing interest in the release or exchange of prisoners, Hanoi has refused to comply with the basic provisions of the Geneva Prisoner of War Convention of 1949 in such matters as providing names of prisoners, allowing them to correspond with their families, and allowing them to be visited by Red Cross representatives. North Viet-Nam's negotiator in Paris, Xuan Thuy, said on May 20 that his government would "never" release a list of captured pilots as long as the war continued.

In the Paris meeting of May 22 Ambassador Lodge sharply criticized Xuan Thuy's unreasonable attitude on prisoners in the following terms: "It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held. You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Viet-Nam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow."

President Nixon, in presenting his comprehensive program for peace to the nation on May 14, called for "the earliest possible release of prisoners of war on both sides."

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He is aware of the anguish that the families of our prisoners are living with and has pledged to do all he can to achieve that goal.

Please be assured that our efforts on behalf of our men will continue and that we will not rest until all the prisoners are released and the fullest possible accounting is received of the missing.

Sincerely yours,

Richard I. Phillips,
Acting Assistant Secretary for Public Affairs.

[From the Washington Post, Nov. 13, 1969]

Soviets Describe American Pilots Captured by Hanoi as "Pirates"

(By Robert H. Estabrook)

United Nations, November 12.—Soviet Union declared tonight that Americans detained by North Vietnam are "air pirates," and are not entitled to the protection of the Geneva Convention on prisoners and "should not be given any mercy."

This assertion by Soviet representative Nikolai Tarassov came at the end of a bitter debate in the General Assembly Social Committee in which Algeria and Cuba defended North Vietnam's treatment of American prisoners. The United States recalled that it had intervened on behalf of Algerian prisoners in 1959.

Algerian delegate M'hammed Yazid argued that North Vietnam had made a specific reservation about "war criminals" in its adherence to the 1949 Geneva Convention. The United States, he said, is fighting "one of the cruelest colonial wars of our times."

He disputed U.S. representative Rita Hauser, who had urged United Nations members yesterday to press Hanoi to allow representatives of the League of Red Cross Societies access to the prisoners. She alleged that many of the prisoners, estimated to number as many as 1,400, had been mistreated.

Mrs. Hauser replied tonight that the United States had "responded to a human demand and she cited evidence of torture of Algerian prisoners during the 1958–1962 war with France. The United States was largely responsible, she said, for a petition asking U.N. distribution of an International Red Cross report on conditions in French prison camps in Algeria.

But Yazid rejected the comparison. Earlier he had cited a report by the North Vietnamese Red Cross stating that the government had followed an "exemplary" policy on prisoners. Cuba accused the United States of pressing "imaginary" charges.

Today's debate was on questions of human rights and included heated exchanges between Arab countries and Israel, as well as references to persecution of Soviet intellectuals.

[From the Washington Post, Nov. 12, 1969]

Reds Say They Hold 158 GI's Prisoners in Laos

A Laotian Communist official said yesterday that his forces were holding 158 American airmen as prisoners and repeated a threat that they would be tried as war criminals.

The official, South Petrasi, displayed a list of American names in Vientiane and said it included 51 men whose planes were shot down over Laos last year and 41 who were captured between January and June of this year.

Official sources in Washington, however, were skeptical that the Pathet Laos, as the Laotian Communists are called, have as many as 158 American prisoners. The sources estimate the figure at less than half of that, believing that most of the U.S. airmen who have disappeared on missions over Laos either died immediately in crashes or succumbed later of injuries.

Observers in Washington pointed out that the number of men involved offers further confirmation that U.S. air operations in Laos are much more extensive than had been officially acknowledged.

The United States has said officially only that American planes, at the request of the Laotian government, make "reconnaissance" flights over that country. For several years, however, American aircraft have been making bombing raids against Vietnamese Communist supply lines through eastern Laos and providing tactical air support for government troops in battles with the Pathet Laos.

In his meeting with newsmen, Soth Petrasi said, "The United States and Laos have never formally declared war and therefore there will be no prisoners. They will be tried by a Laotian people's court as criminals."

This threat has been made before, but there is no evidence it has ever been carried out.

For the first time, Soth said he would make efforts to forward letters and telegrams sent him by the relatives of American prisoners.

OKINAWA TRADE AND MORALITY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. VANIK. Mr. Speaker, today, Prime Minister Sato of Japan is conferring with President Nixon and American officials on the transfer of Okinawa to Japan. His political future is reported to be related to the degree of success which he achieves on this mission.

Among the issues to be resolved are the reservation of rights to American military bases and the deployment of American nuclear weapons on the island chain.

High on the agenda are American-Japanese trade discussions relating to efforts to limit Japanese exports of textiles, steel products, and automobiles. Also involved are efforts to compel the Japanese to agree to American capital investment in Japan, particularly in the automobile, textile, and steelmaking industry.

On October 15, 1969, the Washington Post reported that American negotiators had pressured the Japanese to lower its barriers against investment by American automakers as part of an agreement for the return of Okinawa.

There is no doubt that the Japanese have outmaneuvered America in developing a favorable trade balance based on the invasion of American markets while skillfully restricting the importation of competitive American products. These issues of fair trade should be bargained out at an appropriate forum.

But the Ryukyu Islands and all of their people should not be the pawns of trade and investment negotiations. If there is one lesson we have learned from our misadventure in Vietnam, it is the need for morality in our foreign policy.

I fought the Japanese in Okinawa. I saw my friends killed in that dreadful conflict. I was part of a force of liberators—who sought to free the Okinawans from the Japanese, their previous liberators.

I have no quarrel with turning Okinawa over to the Japanese if that is what the people of Okinawa want. Their wishes are far more significant than those of either Premier Sato or our own Government. But in no event should we bargain off Okinawa and all of its people for a special trade or investment deal. The American blood which was spilled on Okinawa was not given to provide an investment opportunity for either General Motors, Ford, or Chrysler.

FORGING A STRATEGY FOR PEACE AND FREEDOM

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RIVERS. Mr. Speaker, one of the moving forces to organize the ceremonies on Veterans Day at the Washington Monument, November 11, 1969, was the distinguished gentleman from Virginia, the Honorable John O. Marsh, Jr. A vast throng, exceeding 15,000, came out to pay homage to our veterans—living and dead—who fought to keep America free. Moreover, these ceremonies were also conceived for demonstrating to the President of the United States the backing of the American people for his leadership during these trying hours we face at home and in Vietnam and other parts of the world. Mr. Speaker, it is imperative that America stand united against the common enemy, lest we lose the freedoms we possess. Mr. Speaker, we cannot stand divided before the world.

In his magnificent address to America—over TV and radio and to the assembled throng—Mr. Marsh delivered an oration titled "Forging a Strategy for Peace and Freedom." I include this address as part of my remarks to be included in the Extensions of Remarks of the Record for present and future generations to read and to admire:

Forging a Strategy for Peace and Freedom

(By Representative John O. Marsh, Jr.)

On July 4, 1918, Woodrow Wilson said:

"What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

The year before, he said:

"The world must be made safe for democracy."

As a step toward that goal, just over a half century ago—on the 11th hour of the 11th day of the 11th month, peace came to the Western Front, and the war to end wars had ended.

Men of the A.E.F. emerged from the trenches to the strange silence of the battlefield. The air was clear and still without the sounds of war. Gone was the chatter of the machine gun and the rumbling of artillery.

Behind them was the Argonne Forest, its trees torn and twisted by gunshot as Americans clawed their way to the Armistice of November.

Behind them was Belleau Wood—and Chateau-Thierry—Behind them was pain and suffering and the horror of war—Behind them were victories and valor.

Behind them slept forever, slept tens of thousands of soldiers of the A.E.F.

For them, the Fields of Flanders would become their home—For them, in countless towns and cities, plaques and monuments would enshrine their memory—For them there would be memorials, but no homecoming—For them there would be tribute, but no ticker tape parade.

For them—for decades, school children in a moment's silence on the 11th hour of the 11th day of the 11th month remembered them and the Argonne, and Belleau Wood and Chateau-Thierry. Because they knew those who had died in France had died to make the world safe for democracy.

That was not a cynic's hope.

The architect of the allied victory was a former University President and Professor, a liberal and the first member of the Party of Jefferson to be elected President in the Twentieth Century.

As members of the Party of Lincoln urged support of Wilson in the prosecution of that war, I urge support of the President today.

World War I was a watershed in our national life. Its currents swept us onto the international scene. Yet secure behind our ocean barriers, America resisted those currents and turned inward. Consequently, another generation of Americans reaped the bitter harvest sown at Versailles—would die again in the Fields of Flanders—would fight again across the No-Man's Land where their fathers had fought.

Today there are those who would again have us turn to the old paths of isolation, who believe a new road to peace and world security can be found by non-involvement. This view is surprisingly like that of a "fortress America," urged upon us in the 1930's, and availed us naught when World War II crashed upon us.

It is one of the ironies of history that the times exact from each generation a special measure. As some men pay a greater price, so some nations bear a heavier burden. The "times that try men's souls" of which Thomas Paine would write in the Revolution continue to challenge us in the evolution of the American Experiment.

America has always with reluctance resorted to force of arms. Each time, our President has had to bear the indictment that it is his conflict. Yet history tells us that no war has been a President's war. The Civil War was not Lincoln's, nor World War I Wilson's, nor the present one Nixon's. Yet, no President, including Lincoln, during their term of office have ever enjoyed the vindication of history.

Each President has had to wage his own battle for the hearts and minds of his people. That battle is now joined. The terrain of public opinion is not just the rice paddies of the delta, the coasts washed by the South China Sea or Montagnard Village in the Ammanite Mountains. Today the major battleground for the hearts and minds of the people is the prairies of our own Mid-West. It is along our own coasts and in the rolling foothills of the Blue Ridge and the mountain towns of Appalachia.

I suggest the President forge a strategy for freedom.

1. I urge that the President and those members of his official family charged with prosecution of the war, brief the American people on the geo-political significance of Southeast Asia and the vital part that it plays not only to American interests, but the cause of a free and stable world.

2. Secondly, I urge the President to assist in providing ways and means for those interested in helping the national effort to participate in meaningful ways to show their support. I suggest some mechanism for assistance to civic action projects conducted in the private sector which would enable our people to have a greater involvement with areas in which our forces are committed.

As in crises in the past, the American people are not interested in Party, but in principle. They care little for political advantage. They want a partnership of parties for the national interest rather than the partisanship of political advantage for either of our national parties.

The silent majority must become the voice of the nation. This does not mean abandonment of dissent—nor no longer striving for national goals—or surrendering the commitment to build a better nation.

That men should have differences of opinion and speak out when they favor different courses of action is the history of our Republic and our heritage to the world. But in our pursuit of dissent, let us not neglect our duty to those who serve our country in the field, nor abandon those who have fallen into enemy hands.

Let us not blind ourselves to reason, nor close our eyes to fact. Men of differing opinion must be ever mindful there are nations who believe that might does make right; nations whose weapons include assassination, kidnapping and terror; nations that have tried to mute the voices of dissent by the gas chambers of Buchenwald, by the use of armor in Czechoslovakia or by mass graves in Hue.

I do not believe that our fellow citizens want the terrain of American public opinion surrendered to a vocal minority. Neither do I believe they want the President's hands tied on decisions of this war—decisions which affect their lives and their fortunes, and the prospects for a peace that will enable not only our own, but other peoples of this earth, to pursue happiness.

It was Wilson's dream to make the world safe for democracy. I do not believe that the dream of Wilson is an impossible dream, nor do I believe that man's search for peace need be an endless search, any more than I believe that youths hope for a better world is an idle hope.

The dream of Wilson, and man's search for peace, and the hope of youth is the common heritage of all mankind. Let us make this heritage our common cause. Let us reconcile our differences for the common good. Let us prove as we stand near the anniversary of the 200th year of our nation's birth that this nation is truly the best hope of free men.

Let us show that the cause of human Freedom is still America's cause—and in this cause, with God's help, we shall prevail.

REGISTRATION NO LONGER NEEDED TO BUY RIFLE AND SHOTGUN AMMUNITION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FISH. Mr. Speaker, today the House has taken the last step necessary to eliminate the most odious and distastful portion of the Gun Control Act of 1968. The House today took final action on the bill to be provided on extension of the interest equalization tax which included the elimination of the registration requirements for those who buy rifle and shotgun ammunition.

For those of us who have sought to amend the Gun Control Act of 1968 to eliminate the requirement for recordkeeping with regard to sales of rifle and shotgun ammunition. Victory is now here. This will relieve shopkeepers and firearms dealers of a large administrative burden, and remove from hunters and sportsmen the feeling that, by having to register, they are criminals.

There is no evidence that this bookkeeping has contributed to public safety. The ammunition is used in sporting firearms.

The lawful use of firearms for hunting and recreation is a way of life for many. The provision in the present law for keeping records of the purchase of shotgun and rifle ammunition is an irritating nuisance for the purchaser.

Months ago I introduced an amendment to remove these provisions from the Gun Control Act and I am delighted that the House has taken final action on a measure to accomplish the purpose of my bill.

I have supported action in this direction for a long time. Yesterday I voted for a conference with the Senate on this bill with the understanding that the conference would agree to this ammunition provision.

I am most happy that the conferees did keep this provision intact.

ENCROACHMENT OF EXECUTIVE THREATENS LAW-MAKING ROLE OF CONGRESS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ASHBROOK. Mr. Speaker, many commentators are expressing alarm over the dangerous misuse of the power of the executive branch to bypass the legislative process—and at times to expressly contravene the clear intent of Congress through the use of Executive orders. I share their concern.

One of the premises upon which the Civil Rights Act of 1964 was adopted was that Federal administrators would not try to impose quotas for racial employment. In fact, the original House bill contained language expressly sanctioning the Executive's use of the contract power to achieve equal employment opportunity, but this section was eliminated by an amendment on the House floor. This action and the plain words of title VII make it clear that the Congress intended only to impose the obligation not to discriminate. We expressly rejected language which would have imposed an obligation to take affirmative action to correct "racial imbalance" in schools and employment.

The Civil Rights Act of 1964 was the result of vigorous debate and legislative compromise. By comparison, Executive Order 11246, issued by President Johnson in 1965 and cited as the authority for the Philadelphia plan, is the product of unilateral Executive judgment. The plan's requirement that certain Government contractors meet prescribed racial employment quotas—and no one is fooled by the administration's persistent refusal to use the word—is yet another example of the overreaching use of Executive power. The administration is attempting to achieve objectives beyond those contemplated by the statute by means expressly prohibited by the statute.

As columnist Richard Wilson recently put it:

> It is quite surprising that this would happen in the Nixon administration which is so concerned with the rule of law and the judicious exercise of executive power. Such arbitrary actions were in the past more typical of "strong" Democratic presidencies bent on overriding Congress or any other opposition to their style of reform.
>
> It was supposed that this kind of government had been so thoroughly discredited during the New Deal that it would not be seen again. But there is no restraining the bureaucratic zeal of administrators with their own concepts of reform, and they are now doing exactly what the leading proponents of the Civil Rights Act, including then Sen. Hubert Humphrey, so fervently pledged Congress that they would not do.

I am inserting at this point in the Record a pertinent article from the November 1969 issue of the American Bar Association Journal which examines the use of the contract power by the Executive, as exemplified by Executive Order 11246. The article wisely points out that the Congress should not "stand on the sidelines" and allow this proliferating Executive encroachment. I commend it to the attention of my colleagues:

Executive Order 11246: Executive Encroachment

(By James E. Remmert)

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program"[2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged",[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".[6] This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds[9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court[11] and two United States courts of appeals[12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct, and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing ad deposits as a factor the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity,

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Footnotes at end of article.

and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress"[13] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

> The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States.

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed."[14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

> The language of the Constitution is not ambiguous or qualified. It places not *some* legislative power in the Congress; Article 1, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
>
> Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.[15]

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

> The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic.[16]

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

> Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.
>
> With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.[17]

FOOTNOTES

[1] 42 U.S.C., § 2000c.

[2] 41 C.F.R. § 60–1.40.

[3] Comptroller General's Letter B–163026.

[4] 41 C.F.R. § 60–1.26(b) (2) (iii).

[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.

[6] *Perkins* v. *Lukens Steel*, 310 U.S. 113, at 127 (1940).

[7] *Kern-Limerick* v. *Scurlock*, 347 U.S. 110 (1954).

[8] TIME, June 28, 1968, at 72.

[9] See Pasley, *The Nondiscrimination Clause in Government Contracts*, 43 VA. L. REV. 837 (1957).

[10] 42 U.S.C. § 200e–2 (j).

[11] *United States* v. *Local 189, United Papermakers & Paperworkers*, 282 F. Supp. 39, 43 (E.D. La. 1968).

[12] *Farkas* v. *Texas Instrument*, 375 F. 2d 629. 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company*, 329 F. 2d 3, 8 (3d Cir. 1964).

[13] *Farkas* v. *Texas Instrument*, 375 F. 2d at 632.

[14] 110 CONG. REC. 2575 (February 8, 1964).

[15] *Youngstown Sheet & Tube Company's* v. *Sawyer*, 343 U.S. 579, at 630, 633–634 (1952).

[16] 343 U.S. at 634.

[17] 343 U.S. at 653, 655.

DEFERMENTS AND EXEMPTIONS FOR VIETNAM DUTY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ASHBROOK. Mr. Speaker, in the 17th District of Ohio, we have a family who had four sons. The oldest of these sons, a marine, was killed in Vietnam in 1965. Two years later the second son, a corporal in the Army, lost his life there. Now their third son is being drafted. Should these parents again have to face the threat of losing one more of their sons in Vietnam?

Of course not, but until today this very well could have happened since the Defense Department deferred servicemen from combat duty only for 12 months after another member of their family had died in combat.

Today, however, the Department of Defense announced that any serviceman who had lost one of more members of his family in Vietnam or in the hostile fire zone of Korea would, upon request, be exempted from service in either of these combat zones.

I commend the Defense Department for this long overdue change in policy, which I know will do much to ease the burden on families who have already suffered more than enough.

Along with this change of policy, the Defense Department also clarified their policy on "sole surviving sons." I am sure that most of us have received letters from families asking, "My son is the only one left to carry on the family name and now he has gotten orders for Vietnam. I have heard that he won't have to go to a combat zone. What can be done to keep him in the States?"

Unfortunately, in most cases the answer is "nothing." Rumors and misunderstandings of the sole surviving son policy continue to abound, however, and I hope the inclusion of this policy in the RECORD will be helpful to the many Americans who raise this question.

We are all hoping and praying for a swift and honorable conclusion to the hostilities in Vietnam but I hope that, until such time as a just peace can be effected, this memorandum from the Department of Defense will help answer the many questions asked by the families of our servicemen who have been called to defend this country in Vietnam. The memorandum follows:

Exemption and Deferment From Assignment to Combat and Certain Hostile Fire Areas

Sole Surviving Sons: A qualified sole surviving son, as defined below, upon his own application or that of a parent will not be assigned to duties involving actual combat with the enemy. Where the parent applies for his special assignment consideration, it may be waived by the serviceman concerned. The sole surviving son may be assigned to other overseas areas where combat conditions are non-existent.

The sole surviving son of a family is defined as being the only remaining son of a family of which, because of hazards incident to service in the Armed Forces of the United States, the father, or one or more sons or daughters (1) have been killed; (2) have died as a result of wounds, accident or disease; (3) are in a captured or missing-in-action status; (4) are permanently 100% physically disabled (to include 100% mental disability) as determined by the Veterans Administration or one of the military services, and by virtue of such disability are hospitalized on a continuing basis, and not gainfully employed by virtue of such disability.

Examples:

a. A family consists of father, mother and two sons—both in the military service. One son is killed in line of duty—the remaining son then qualifies as a sole surviving son.

b. A family consists of father, mother and one son who is in the military service. The father (not a serviceman) dies. The son does not qualify as a sole surviving son.

Deaths and other casualties which form the basis for eligibility for consideration must be, in all cases, directly attributable to military service in the United States Armed Forces.

An only son (or only child) of a family or the last male heir to a family name is not eligible for consideration on that basis alone unless the member is also a qualified sole surviving son as outlined above.

Enlisted members who become qualified sole surviving sons after induction or enlistment into the Armed Forces may apply for an administrative discharge. Favorable consideration will be given. This provision is not applicable during the period of a war or national emergency hereafter declared by the Congress nor does it apply where a family member is captured or missing-in-action.

Other Exemptions from Combat Assignment: Where, as a result of serving on or after January 1, 1961 in Vietnam or that portion of Korea designated as a hostile fire zone, a member of a family is killed or dies or is in a captured or missing status or is determined by the Veterans Administration or one of the military services to be 100% physically or mentally disabled, and by virtue of such disability is hospitalized on a continuing basis and not gainfully employed, other members of the same family, upon request, will be exempt from combat assignment or if serving in a combat zone will be reassigned therefrom. Surviving members need not qualify as sole surviving sons.

Deferment of Duty in Vietnam: Where one member of a family is serving in Vietnam, another member of the same family, upon his request, will be deferred from reporting to that country until completion of the first member's tour. Where two or more members of the same family are serving in Vietnam, all but one, upon request, will be reassigned from Vietnam.

General: A serviceman is considered to be "serving in Vietnam" when (1) assigned to a military or non-rotating naval unit which is located or based within the geographic boundaries of South Vietnam or (2) serving as an aircrew member assigned either to the 7th Fleet or to an Air Force unit in Thailand and regularly engaged in flying combat missions over Vietnam.

Family units used as a basis for the above policies consist of husband and wife, or father, mother, sons and daughters as defined in Title 37, United States Code. No other relationships such as nephews, cousins, uncles, etc., are considered in the general policies. However, consideration is given on an individual case basis where certain relatives had stood in "loco parentis."

SPIRO SPELLS IT OUT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MICHEL. Mr. Speaker, the national weekly magazines as well as the large metropolitan press have been filled with stories regarding recent speeches by Vice President Agnew on a variety of issues. An editorial appearing in the November 15, 1969, edition of the Peoria Journal Star presents still another viewpoint and I include it in the Record:

Spiro Spells It Out

Spiro who?

The wise guys of the flicker-box found out "who" Thursday night.

The man stood up in Des Moines, Iowa, and spelled it out, chapter and verse, that "network news" is onesided, locked into a New York-Washington syndrome that is unnatural and different from the rest of the country. He backed it up with vivid examples and quotations ranging from Walter Lippman to Judge Learned Hand on the subject of the tiny cell of people handling the magic eye.

Agnew hit them so hard that for once they felt they had to put one of Mr. Agnew's speeches on the air and let us all see him in action—instead of just listening to them ridicule him second-hand.

The result was pretty impressive. He was no joke, after all. And no newsman was smiling when reciting the sober statments of self-defense issued with mysterious instantaneousness by all three network presidents.

After one solid year of slander, ridicule, and defamation intended, clearly, to grind Spiro Agnew into nothingness, the networks have found they have a tiger by the tail.

And they seem horrified and stunned that somebody actually talked back to them!

Their efforts to muddy him up totally have turned him into the most sought-after speaker in the United States. They've probably given him a fund-raising capability for the 1970 congressional elections greater than the combined efforts of the opposition party's entire national committee.

And who doesn't like to see the Number One "underdog" of the year finally snap back—with telling effect!

Now, instead of some saloon comic's jokes or Walter Cronkite's unconcealed contempt, it is such as Dr. Frank Stanton, president of CBS, soberly announcing that Agnew's criticism was improper. Stanton's position is that since Agnew holds the over-powering and frightening position of vice president, he shouldn't even open his mouth because his very frightfulness makes it coercive and destroys freedom!

Dr. Stanton must have been rattled by Agnew's item by item criticism, or he rushed his answer too fast in the standard network effort to stamp on speeches instantly before anyone has time to think.

It is very clear that if the networks have figured all along that as vice president Spiro Agnew could not open his mouth in criticism of them and had to stand silent and defenseless, wow! If that's what they figured during these eight months of heaping unparalleled abuse upon Mr. Agnew, wow! If they figured he couldn't answer and were taking advantage of it to pound him unmercifully with insults, abuse and ridicule, then that is even more shameful than anything he accused them of.

But we don't believe the networks really believed that.

The truth is that they have blatantly advertised for months just how little his position worried them.

It's a little late to start pretending that his position automatically scares the TV industry, now!

If anything has now shaken them it's the facts he recited.

He scored! That's the stinger. And they deserved it.

Their constant unanimity of attitude, the harmonious chorus from bass to tenor all singing the same tune, has given away the game and he called them on it.

They, themselves, have been proving their own small "Inner Circle" approach. They must now take a look at themselves and face the fact that their brain-children all have had the same deformity and are plainly the offspring of intellectual incest.

That is the practice which should be criticized, that needed to be brought to light, and could be done by no man better than their chief "victim."

A "victim" who has lately been standing up and saying a number of things that millions have felt needed to be said. The whole dialogue has been too one-sided, too long.

One man has changed that drastically.

And the "nobody" butt for jokes is rapidly becoming a national hero.

FIRED FOR DOING HIS JOB

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OBEY. Mr. Speaker, a man who exposes unwarranted Federal spending should be acclaimed, not kicked out, yet that is what the Air Force has done to A. Ernest Fitzgerald, the efficiency expert who last year unveiled the massive overruns on the C–5A cargo plane.

In a recent editorial, the Milwaukee Journal noted that Fitzgerald's firing raises some basic questions—questions that Senator Proxmire's Subcommittee on Economy in Government of the Joint Economic Committee is now trying to answer.

I believe this editorial points out well how ludicrous it is to fire one of the leading waste finders in Federal Government, and I should like to call it to the attention of my colleagues.

The Milwaukee Journal editorial follows:

Fired for Doing His Job

The circumstances surrounding the firing of air force efficiency expert A. Ernest Fitzgerald, the man who blew the whistle on the tremendous added costs of the giant C–5A cargo plane, raise some basic questions.

Fitzgerald was told that his $31,000 job as deputy for management systems had been eliminated as part of Pentagon efforts to cut costs. The trouble is that Fitzgerald's firing fits to a tee one of the suggestions made to the secretary of the air force last January in a secret memo on how to get rid of Fitzgerald. When the memo was revealed by Sen. Proxmire, to whose committee Fitzgerald made the C-5A revelations, the air force denied it planned any retaliation against the man—even though without explanation his duties shifted from reviewing weapons to checking on bowling alley and mess hall costs.

Proxmire has been consistently outraged over the Fitzgerald case. Now he promises a thorough investigation of the whole situation. It is needed. It is a black day when an official genuinely concerned about the taxpayers' money is pushed into the backwaters of government and finally fired because he earnestly did his job.

STOP POLLUTION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the Congressional Record an excellent and timely guest editorial from the October issue of American County Government magazine. The editorial, entitled "Stop Pollution: Banish Delay and Fund Programs," was written by the Honorable Philip J. Philbin, a fine dedicated and competent public official.

The editorial follows:

Stop Pollution: Banish Delay and Fund Programs

(By Hon. Philip J. Philbin)

(Note.—Congressman Philip J. Philbin is serving his 13th term as U.S. Representative from the third Congressional district of Massachusetts. He is vice chairman of the House Committee on Armed Services, and has been in the forefront in introducing and steering much flood control legislation to successful enactment.)

This Nation is currently visited with pollution of all kinds that is causing the people great concern and making life intolerable and unbearable for many.

Conditions in our rivers, lakes, ponds, and waterways are incredibly filthy. Our streets and public places are littered with refuse, garbage, waste, and filth in many areas. The polluted air of many places in a country where clear water and clean air were once almost universal is now posing one of the most difficult problems we have; namely, keeping our surroundings, our environments, our homes, and public places and areas clean, wholesome, healthful, and free of noisome stench and foul litter.

MORE, NOT LESS MONEY

We need large sums of money to carry on the fight against pollution of all kinds, yet on the basis of the reduced budget request of the Administration to implement the Clean Water Restoration Act of 1966, the amount requested was only $214 million [at this writing raised to $600 million by the House of Representatives but still short of the $1 billion originally authorized for fiscal 1970] and only 1,185 communities in the Nation could be assisted. This would leave 3,889 communities without assistance, representing $2.55 billion of required projects unfunded.

This situation is to be greatly deplored, because it means that we are losing the battle against air pollution, which will increase and spread pollution conditions in the country.

The film, "Who Killed Lake Erie," has been received with acclaim and enthusiasm by the people, because it emphasizes what the true situation is in some areas and points up the great need we have for appropriate action in Congress, and the urgency of united action on a crash basis by local, state, and federal governments.

There are few things more important that this Congress can do today than to provide the authority and the money to fight against the great evils of polluted air, water, and environment, and I hope and urge prompt action to the crying need for a determined, united massive program to rid the nation and many of its afflicted communities of the evils and baneful effects of pollution in all its obnoxious, injurious manifestations.

THE GUEST OF PLAGUE

The fact is, that if we do not respond to pollution eradication appeals and needs very promptly, this country could be visited by deadly plagues, diseases, and human misery such as it has never known or even conceived possible.

Let us have no further delay at local, state, and federal levels; replace inertia with positive action; cut dilatory redtape which is bogging down progress with irrelevant talk and cumbersome planning. In that way, we should be able to banish avoidable delay and get some action in moving and funding necessary anti-pollution programs. This question deserves very high priority and I urge it be so considered.

VIETNAM IN PERSPECTIVE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OTTINGER. Mr. Speaker, the dispute over the very troublesome issue of the war in Vietnam has caused far too much acrimony in our political and social structure and it is vital that we Americans regain the ability to discuss it unemotionally and with respect for differing points of view in the best democratic tradition.

Let me make it clear at the outset that I do not question that the President was completely honest and sincere in setting forth his Vietnam policy in his speech of November 3. I am sure that he is as dedicated to the cause of peace as any American, perhaps more than many since the war is his terrible responsibility. I feel sure that he is convinced that if he had a little more time and a little more national unity, he could resolve the dilemma.

I am sure that the same was true of former President Johnson, with whom I took frequent issue on Vietnam matters.

The difficulty is that I believe that both positions are based upon assumptions which are not borne out either by past history or present events. The cornerstone of the policy of both Presidents is reliance on the present government of South Vietnam and its ability to develop the broad support that will enable it to become self-sufficient both economically and militarily.

Time and time again both Presidents and the American people have been treated to rosy views of this picture only to have them shattered by new evidence of corruption, disorganization, and weakness.

Today, after 5 years of American effort, the Thieu-Ky regime continues to hold power only by the strongest measures of repression, by jailing even the most responsible members of its political opposition, censoring the press, denying religious freedom, and suspending due process. As a result, there are today more than 20,000 non-Communist South Vietnamese in jail as political prisoners. I believe that it is senseless to continue to throw away American lives in the defense of this kind of government.

Furthermore, no end of the war seems feasible so long as we let Generals Thieu and Ky determine our policies. They are primarily interested in preserving their own power, not in reaching a settlement that would allow true self-determination in South Vietnam.

As an American I do not much like having American foreign policy dictated by a foreign government, especially such a disreputable lot as the generals in Saigon and particularly when it involves the continued loss of American lives.

I do not advocate precipitate unilateral withdrawal of American troops, which President Nixon unfortunately posed as the only alternative to his proposals. Nor do I support the proposal of Senator Goodell for a fixed timetable of withdrawal. Both of these proposals play into the hands of the most militant Communist elements, risk a bloodbath in Saigon, and would probably upset the balance of power in Southeast Asia.

I do think we can end the war now, however, either by settlement or, as most experts seem to think, by allowing the war to fade away.

Settlement requires compromise, recognizing the actual division of power and interests that presently exist in South Vietnam. This means alternatives of partition or of some coalition arrangement either to govern or to control elections. No settlement is possible that leaves the Thieu-Key government in control—there is simply no reason for Hanoi to settle on such a basis.

Allowing the war to fade away requires us to be willing to match Hanoi troop withdrawals proportionately with our own. Hanoi recently has withdrawn a very substantial proportion of its troops and has reduced fighting levels to the lowest in the war. As has been our habit, however, instead of responding to these actions affirmatively as a sign of peace, we have interpreted them negatively as a sign of weakness. Our reports from South Vietnam repeat the old song that we are scoring tremendous successes in our pacification program and that Hanoi's efforts are collapsing—though at the same time, there are predictions of a new Hanoi offensive. This repeats the pattern that has proved so consistently wrong all throughout the war. If Hanoi attacks, we will undoubtedly use that as an excuse for our having to remain militarily even longer. It's a vicious cycle that keeps us militarily committed no matter what Hanoi does and prohibits a fading away of the war.

Hanoi certainly bears a tremendous responsibility for ending the war. It has been hardly helpful in the Paris negotiations. But Hanoi has real reason to distrust our intentions and those of Generals Thieu and Ky. We have yet to put Hanoi to any real test of its willingness either to settle on a realistic basis or to mutually deescalate. Until we do—until we stop marching to the Thieu-Ky tune—we are not likely to see an end to the war in sight.

No amount of time or unity behind the President will change these basic facts. The large majority of those who disagree with the President definitely do not wish to accept a conclusion to the Vietnam war that results in our defeat or humiliation. They feel that our taking over the war was a tragic error and that by continuing to hold out for the Thieu-Ky regime we perpetuate that error. They feel no amount of additional time or unity will produce an end to the war which will satisfy the Saigon generals. They favor an honorable settlement along realistic lines of division of power in South Vietnam or a mutual deescalation. Either way, the South Vietnamese should be permitted to determine their own future, free of military pressure from both ourselves and Hanoi.

THE NIXON ADDRESS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SKUBITZ. Mr. Speaker, in our Fifth Congressional District of Kansas we are blessed with an abundance of hard-hitting editors who speak out on the major issues as they see them. I believe that the enclosed three editorials from the Parsons Sun, Baxter Springs Citizen, and El Dorado Times are an excellent cross-section of the thinking of our people in the Fifth Congressional District of Kansas:

[From the Parsons (Kans.) Sun, Nov. 5, 1969]

THE NIXON ADDRESS

President Nixon's address to the nation Monday night was a dispassionate review of the terribly complex and thorny issues revolving about Vietnam.

The President was able to report progress in disengagement from the war. He outlined the history of American participation in a factual manner. He explained why immediate, total withdrawal is both impossible and unrealistic. He cited the difficulties encountered in negotiations with Hanoi, and reminded that it still takes two to negotiate. He talked of a secret plan for further limiting American activity, and on that asked for confidence and patience.

Most of all, Mr. Nixon made a plea for public understanding and support. It is likely, and the evidence already points in that direction, that he will get what he seeks.

Signs point to public recognition—even gratification in the minds of many—for positive steps achieved in the past 11 months in trying to undo what took 15 years to do.

At the same time the Nixon report will not quiet his critics or disarm them.

It is highly ironic that he pledged for support and understanding—national unity, in other words—at a time when Vice President Spiro Agnew has been permitted to smear all of those active in peace movements with a brush of blatant innuendo.

Discount the hard core of radicals, who know not where they're going or even expect to get there. They have the numbers to be heard, but not to count in the national reckoning of difficult, responsible decisions.

Unity cannot be accomplished, however, when angry and ugly words roll from the loose lips of Agnew in blunderbuss style, perhaps directed at the extreme fringe but falling alike on honest, sincere citizens exercising their rights of visible but peaceful dissent on overriding national policies.

The President's appeal will gain more credibility if he quiets Agnew, and consigns him for the duration to the limbo of obscurity reserved for vice presidents. Mr. Nixon needs the nation behind him in an hour of severe trial, the greatest any President has faced in more than 100 years, and the nation needs him. His own actions and efforts have been directed responsibly toward the goal Americans fervently cherish.

Moreover, he is the only President we have and the only man who can conduct the delicate maneuvers of policy which can extricate the nation from the morass of an Asian land war. He did not put the country there. He is the only one who can get it out in the foreseeable future.

But the way to gain national unity is not to invite division and confrontation, a la Agnew. The President will serve his own cause and that of the nation best if he sees that those in his administration practice what he preaches.

[From the El Dorado (Kans.) Times, Nov. 11, 1969]

"SILENT AMERICAN" SPEAKS

The "silent American" is beginning to become a bit vocal.

Heretofore, the anti-Vietnam war demonstrators have fairly well occupied the field with little opposition. But this week promises to be different.

All over the United States, people with a burning belief in the fundamental integrity of the nation are starting to assert themselves. Many evidences of their belief that the spirit of "my country, right or wrong," should prevail, and the confidence that the Nixon administration is doing everything possible to end this nation's participation in the war have appeared. Today it was largely in the flying of flags for Veterans Day. Next Saturday, the nation will blossom not only with flags flying everywhere, but with parades, observances and loyal demonstrations all over the country.

All patriotic organizations, headed by the American Legion, the Veterans of Foreign Wars and Disabled American Veterans, will make their influence felt. Evidence prevails that the nation has not lost its tremendous love for country, but has only been calmly reviewing the present situation while the antis raged.

The great majority of American citizens would like to see the war stopped instantly. But this majority is not willing to have the end of the war come with loss of dignity and humiliation to the United States. The antis may protest, but the great mass of American people want the present difficulty solved in an orderly way. That's why they are standing so solidly behind Richard Nixon and his planning at the moment.

If you, Mr. Good Man and Mrs. Good Woman can do nothing more than fly your flag to show your loyalty to the American government at a most difficult time, by all means fly it.

[From the Baxter Springs (Kans.) Citizen, Nov. 6, 1969]

ONLY AMERICANS CAN DEFEAT US

Our President made a most significant statement in his speech Monday night, and we quote, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

And we see signs that some so-called Americans are trying to do just that. The situation in Viet Nam is touchy. For many years we have been building up a gigantic war machine in Southeast Asia and there are those that would move in the other direction almost overnight. We do not see how any thinking person could believe that it could be done. A half-million men together with their arsenal of weapons, ships, planes and ground movers is a terrific big "thing." To pull them out in a short time would be to lose all that has been gained and jeopardize the lives of those Vietnamese and Americans who are caught in the pull-out.

President Nixon is changing the course of the war. He is bringing home troops, he is putting the job of fighting on the backs of the South Vietnamese. Reports of the fighting the last few days are proof of that. What more can we ask?

President Nixon did not reveal his timetable for withdrawal. He stated that he had one and only the North Vietnamese could change it. Obviously if the enemy knew of our every move they would be able to defeat and humiliate us. We do not see how anyone could argue that point. Even in a Democracy there are some things that our leaders must keep from those that would bury us and of course, that means that we, the people, cannot be informed of all the plans.

We deeply believe that our negotiations and our ability to cope with the situation would be greatly enhanced if those who would like to make personal and political hay out of the dangerous trap into which we have fallen would shut up and try to help the United States maintain its place in the world and in history.

It is also a sad commentary on our generation that we have allowed our nation to be infiltrated with communistic propaganda to the extent that thousands of malcontents take up the communistic line and do their dirty work for them. We would have to agree with Vice-President Agnew in his description of them. As we see some of the dissenters on TV our stomach turns over.

We are proud to be among that "silent" majority to whom the President appealed to back his efforts for a just peace. Today we heard that a poll had indicated a 77 per cent backing of the President's policy. The dissidents are noisy but we fervently believe that our nation is very strongly behind our President in the belief that he is doing all that can be done with strength and dignity. History will record our actions in this crisis.

America must not defeat itself with hysterical actions. To remain great we must be united and our leader has given us the torch.

[From the Parsons (Kans.) Sun, Nov. 13, 1969]

BITTER DAYS

These are strange, bitter days. No one can tell what kind of fruit they will produce.

Discontent, even hatred, are building to new peaks. Far from lowering its voices as President Nixon once suggested, the nation is raising them. Oddly enough, too, at the administration's prodding.

Vietnam is the focal point, of course, the cloud which overshadows all. But there are other factors. The gains which equal rights have made on the law books are in danger of being overwhelmed by rising bias in human hearts and minds. There is an edginess abroad in the land which few have experienced before in their lifetimes.

The feelings exceed anything witnessed at the depth of the depression in the 1930s. Then the discontent centered on economic issues. The system had broken down. It was necessary only to get the country moving again, to put people back to work.

This time it's different. The basis of the ferment is emotional, not economic. Emotions are a volatile and highly unpredictable commodity. Once unloosed, there is no charting of their course. They feed upon themselves and can spread an uncontrollable virus through the whole society.

The ironies so prominent in the existing circumstances contribute to the exposed national nerves, that are growing rawer by the day.

Mr. Nixon has taken positive steps to lessen the American role in Vietnam. For the critics, they are not enough. But it is significant to note that he has silenced those in the United States Senate who once were so vocal in their condemnation of Lyndon B. Johnson.

Perhaps, although it's beyond proof now, the President's pace and his spoken hopes might have been sufficient to cool all but the most radical elements in the ranks of those demanding more sweeping and immediate measures.

Instead of lowered voices, however, the administration has permitted strident cries to come from within its own house. They have inflamed and embittered the opposition. In a narrow, political sense it has been a successful job. The idea that all of the critics are the bearded, reckless, unbathed types has taken hold.

Instead of the unity which the President has professed to seek, the result may be disunity that will rise to plague him in the future and perhaps the not too distant future at that. The Vietnam war, as one of his close advisers once observed, has succeeded in corroding everyone it touches. Mr. Nixon is not home free yet.

The heavy-handed negotiations conducted by the administration over a route for demonstrators in Washington added more bitterness to the equation.

In the end and without credit, the administration did what it could have done at the start with credit and that is to permit the marchers to use Pennsylvania Avenue, Washington's main stem. The subject was blown needlessly beyond all reasonable dimensions into a major and symbolic issue.

The President asks for patience and faith in his policies, and his is a wholly reasonable request. But it is one which also calls for balance within his administration, and for inexplicable reasons, that has not been forthcoming—everything but, as a matter of fact.

Tensions building from the zigs and zags of policies and pronouncements inevitably spill into other areas of national activity. The dangers are compounded. Far from easing the internal problems, applying balm where it is needed so urgently, the calm essential for rational solutions will be sidetracked by explosive elements and irrational actions which can but divide the country further.

The President has a terribly, lonely job. He has reason to ask for understanding and support. But that is not a one-way street. He and his administration must separate overriding national objectives from the short-range goals of partisanship. They need to be understanding, too, and not short with honest, sincere dissent.

Unity achieved through pressures from the top could prove to be highly illusory. It can and probably will collapse with the speed of a house of cards.

The best politics for the President is to pursue the gnawing problems of war with candor and vigor, and button the lips of his resident satraps. If he succeeds, he need not worry about the ensuing election results.

But the seeds of division unfathomably sown in the name of unity can yield a harvest disastrous not only for Mr. Nixon, but the nation as well.

THE FEDERAL SALARY COMPARABILITY ACT OF 1969

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, we are now awaiting Senate action on Federal pay legislation and we are awaiting it under the threat of a Presidential veto.

I think that anyone who becomes familiar with the provisions of the bill will question, as I do, the wisdom of the Nixon administration's threatened veto. A short summary of what we did in the House bill follows:

H.R. 13000 provides for a permanent pay system with initial recommendations from a Federal Salary Commission which will be subject to Congressional review.

Provides for a Board of Arbitration which will decide whether or not the directions of a Salary Commission are in agreement with the directives in the law for true comparability with private industry.

Provides for *acceleration of step increases for postal workers*. And as we said in our report which accompanies H.R. 13000:

"One of the myriad problems facing the Post Office Department is the high turn-over rate of its employees. In 1967–68 the separation rate was approximately 45 percent. In a comparable period for all of Government, the separation rate was 23 percent.

"The reasons for this turnover are many and varied. Some of the more important include the level of pay and the iniquitous system of advancement which requires a postal employee to remain in the service for over 20 years before he reaches the top for his position.

"The pay of the postal employee, while it has increased substantially in the past few years, is still below the national standard.

"At the present time, according to the statistics published by the Bureau of Labor Statistics, the best the postal employee can hope for, after 21 years of service, is $1,864 less than the minimum standard for a moderate standard of living. By moderate, the BLS means that the family may own a 2-year-old car and the father in the family may buy a new suit every 4 years. No allowance is made for savings nor for credit charges, even though most families in this category buy on credit.

"Even worse, the present midrange of the postal employee schedule at PFS 5, step 4, is but $111 more than the standard set by the Bureau of Labor Statistics for a low standard of living. It is the strong feeling of this committee that these problems need to be overcome and overcome fast.

"Therefore, in order to create new incentives in the postal recruitment and retention program; in order to allow the full-fledged postal employee to enjoy the fruits of this labor within a reasonable time period; and to increase the ability of the postal employee to maintain his family at a reasonable standard of living, the committee has recommended the following:

" '1. The present system of instep promotion that requires 21 years (minimum) for a postal employee to reach the top step in his grade will be reduced to 8 years.

" '2. As the first step in this process of reducing the amount of time required to become a full-fledged postal employee, all lower grade employees (PFS 1–11) are given a two-step advancement effective October 1, 1969. Higher level employees (PFS–12 and above) will be given earned step advancement on July 1, 1970, as their first step in the acceleration program.'

"It is important to remember that the problems facing the postal employee in terms of career advancement are limited and unique. In contrast to all other Federal agencies, over 71 percent of the postal employees are locked into one grade level. The distribution clerks and the letter carriers, the backbone of the Post Office Department, must spend their entire careers in PFS–5. Thus, the only meaningful career advancement open to them is through the within-grade step increase program. Thus, it is vital that the postal employee know that he will be able to move up the ladder rapidly and be able to earn enough money to care for his family responsibilities. It is patently unfair to have a man work more than 10 years in one level, with no hope of advancement, and not be making the maximum amount for the same amount of work.

"This incentive program is designed to help the postal employee because of his unique situation. It is not a program which creates an unfair advantage over other Federal employees. Most other employees are offered ample opportunity to move into other, more skilled occupations within the Federal service as their skills increase. The recent report by the Civil Service Commission, Grade Trend of Federal Civilian Employment (June 1969), pointed out that the definite trend among Federal employees is on the upgrade. In fact, the report clearly stated that the 'principal reductions in new hiring [among General Schedule employees] occurred at the basic entry grades of GS–1, 2, 3, and 5.' These are precisely the areas, especially GS–5, where the postal employees are situated. Thus, where the problem is greatest among postal employees, it is decreasing among all others.

"It is the intent of this committee that the Federal Employee Salary Commission review this entire area and maintain patterns that are consistent with the policy of comparability between private industry and within the Federal Government for like work."

TWO PLYMOUTHS MEET

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ESCH. Mr. Speaker, a wonderful exchange is taking place between the cities of Plymouth, England, and Plymouth, Mich., United States of America. On this night, November 19, 1969, His Honor, the Lord Mayor of Plymouth, England, is the guest at a special dinner in his honor at Plymouth, Mich.

His mission is once more to extend the handclasp of friendship across the sea between these two communities, as his predecessor did in a visit to my district 2 years ago, when he accepted an invitation to participate in the 150th birthday observance of Plymouth, Mich.

I am exceedingly proud that our Plymouth, Mich., initiated this relationship and I am just as proud that the city of Plymouth, England, responded so readily and has been interested in maintaining this unofficial tie as a continuing bond between two great countries.

Tonight, the Lord Mayor will be informed that the people of Plymouth, Mich., have accepted the invitation extended 2 years ago to attend the 350th anniversary of the sailing of the historic ship *Mayflower*. Several score people have chartered a jet and will attend this observance next July. The Lord Mayor has invited Chairman W. W. Edgar and the mayor's committee from our Plymouth to produce a special Michigan Week program as a feature of their visit.

May we all hope that someday nations throughout the world can achieve the same easy, friendly relationships that exist from man to man and city to city.

SENATOR HOLLAND AND MRS. HOLLAND WILL BE MISSED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BENNETT. Mr. Speaker, the recent announcement by Senator SPESSARD L. HOLLAND that he will not seek reelection came as a great surprise and disappointment to me; and to millions of Floridians and others throughout our Nation. He has done a wonderful job for America through many years. A World War I hero, he came back to Florida for a life of public service which is written in the superlatives of excellence. In paying tribute to him we also pay tribute to his lovely wife, Mary Holland, who like her husband has thought of others first. She has endured much in the support of her statesman husband and his work.

Mr. Speaker, I include two editorials about the Senator that I think are well deserved tributes to him. His shoes will indeed be hard to fill. As a Member of the House of Representatives—where I hope to serve for years to come—I will miss his leadership and advice tremendously.

The editorials follow:

[From the Florida Times Union (Jacksonville, Fla.), Nov. 13, 1969]

A BIG PAIR OF SHOES TO FILL

While Florida's political complexion has changed with bewildering rapidity during the past decade, the thread of continuity—exemplifying the best of the past—has been maintained by U.S. Sen. Spessard Lindsey Holland.

Yesterday, Holland announced the end of an era. He said he will not seek reelection in 1970 although he will serve out his present term.

The wisdom of his decision cannot be disputed. Troubled with angina for the past eight years, the 77-year-old senator said he had been advised by his doctors that it would not be wise for him to seek a fifth term.

The State of Florida will be the loser. In seniority alone, the loss is acute.

Holland is the second-ranking Democrat on the Agriculture and Forestry Committee, fifth on the Appropriations Committee, and a member of the Aeronautical and Space Sciences Committee.

But even more important is the respect and trust his colleagues in the Senate have for Holland. He is known as a man whose word is good and whose motives are good. When Holland tells his colleagues what a bill he introduced is designed to do, they believe him.

[From the Jacksonville (Fla.) Journal, Nov. 13, 1969]

HOLLAND WILL BE MISSED

Sen. Spessard Holland's decision not to seek reelection to the U.S. Senate seat he has held since 1946 is understandable considering his admitted state of health, but a regrettable loss for the people of Florida and the Congress itself.

Men of Senator Holland's stature do not come along often. If they did, the voters of today would not be faced with the agonizing chore of choosing "between the lesser of two evils."

This respect cuts across party lines and philosophical differences. Senate liberals do not agree with his conservative views but they recognize his integrity.

Holland's ability to rally his Senate colleagues round him was demonstrated in a confrontation during the early 1960's with Rep. Clarence Cannon, the late autocratic head of the House Appropriations Committee.

Cannon was bitterly opposed to putting the final planning funds for the Cross Florida Barge Canal in the budget and Holland insisted they be included. The appropriations bill went to a conference committee of House and Senate.

Up to that time, Cannon was reputed never to have lost a major battle but he lost this one. Holland held his ground and the Senate conferees supported him. So sure were many of the House members that no change would be made in the House version of the bill that they went home to their constituencies.

However, with the Senate conferees refusing to budge, the House had to be called back into session to vote the barge canal planning funds.

Holland has not been a flashy figure on the national scene. He has been a senator whose accomplishments for his state and nation have spoken more loudly than his words.

Born in 1892 in Bartow, Holland won Florida's governorship in 1940. Although Florida governors have traditionally done very poorly when seeking another office after their terms expired, Holland reversed the trend. He was appointed to the U.S. Senate seat in 1946 and won election to a six-year term that same year. He has won reelection handily ever since—the last time over Claude Kirk who went on to win the governorship.

Now the speculation will be rife over possible successors to Holland, a question that will be decided in next year's elections. We leave that speculation to others.

The one thing that is clear at the present time is the fact that Florida's voters are being left with a big pair of shoes to fill.

Spessard Holland's career has been clouded only by his reluctance to share the limelight he so richly deserved with his more uninhibited colleagues in politics. While other more flamboyant lawmakers drew the headlines and pictures, Holland remained in the background content to fulfill his obligations to his constituents as a producer of results. He has had a genuine rapport with his fellow senators, who recognize him as one of the respected few who "can get things done."

His lack of color as an elected official belies his early background as an outstanding athlete, who was once offered a professional baseball contract by the immortal Connie Mack, and as a World War I flying ace who shot down one of Von Richthofen's deadly "Flying Circus."

After being mustered out as a captain with a Distinguished Flying Cross, young Holland returned to his native Florida, where he had been born in Bartow, July 10, 1892, got married and settled down to law practice.

From then on his career seemed preordained. He served as a county prosecutor in his county of Polk, county judge, state senator and finally governor in 1940.

It was from that position that he was appointed in 1946 to fill the seat of the deceased Charles O. Andrews and was elected to a six-year term shortly after.

Senator Holland has served Florida well. During his 23-year Senatorial career he has been a valuable member of several committees, including the powerful Appropriations Committee. It was here that his efforts were largely responsible for the start of the Cross-Florida barge canal.

Though his friends and political adversaries recognize him as a "moderate conservative Democrat," he is accorded the honor of respect in all camps and is one of the few Southerners given that distinction by Northern liberals and the opposing Republicans.

Political expediency has not been a creed of Senator Holland's. As his late friend, J. Turner Butler of Jacksonville, once said: "All hell couldn't get him to do something he didn't believe in."

Spessard Holland will leave a deep void in the Senate and in the programs of Florida when he steps down a year from next January. His successor will not have an easy job replacing him.

VICE PRESIDENT AGNEW STRIKES PAY DIRT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WYMAN. Mr. Speaker, charges that Vice President AGNEW in suggesting that some TV news programs are purposely slanted to convey the viewpoint of a small group of network owners, was seeking to muzzle the press or erode freedom of speech, are ridiculous. The fact of the matter is that what the Vice President said was true and it has been troubling a lot of TV viewers for a long time. Huntley-Brinkley is a case in point.

If the furore the Vice President has stirred up leads to a more objective selection and presentation of the news and events of the day it will be a salutary accomplishment. Meantime there is no denying the existence of a certain amount of curious news media prejudice against President Nixon. It shows. Because of this prejudice there is an increasing obligation on reporters, columnists and editorialists to refrain from slanting their interpretations of the news as it relates to the Nixon administration, which, on balance, is conscientious, capable and responsible.

The extremes to which the sensitivity of the big shots of TV to such a recitation of fact carries them in retaliation, is illustrated by their claims that Vice President AGNEW seeks to deny them freedom of speech and is trying to muzzle TV. Such statements do more to suggest that Mr. AGNEW has struck pay dirt than anything that has been said thus far in this controversy.

The Vice President wants only a fair shake from those reporting the news of the day—and so does the public.

In this connection the following comments of James J. Kilpatrick in the Washington Star of Tuesday, November 18, are significant, as are those of Richard Harwood and Laurence Stern in today's Washington Post:

AGNEW RIGHT IN ASSESSING LIBERAL BIAS OF TV

(By James J. Kilpatrick)

The unfortunate thing is that Agnew is right. The still more unfortunate thing is that nothing much can be done about it.

The vice president charged, in brief, that

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television network news is shaped and controlled by a small group of men whose liberal bias dominates their presentation. Who can deny it? The charge is true. It has been true for 20 years.

It is the same charge, in essence, that has been leveled against the Warren Court. Members of the high tribunal are supposed to put their prejudices behind them when they sit down at the bench. They don't. Everyone knows where Thurgood Marshall will stand on a civil rights case. He will stand where TV's famous anchormen stand. Perhaps an answer to our problems lies in asking the Senate to advise and consent to the nominations of Messrs. Huntley, Brinkley, Cronkite and Reynolds, whose decrees come down every night.

The Constitution is filled with safeguards against the bias of judges. None of the safeguards has worked. The only effective restraint upon a Supreme Court judge is his own sense of self-restraint. The same thing is true of the network people. Much of the time, in my observation, the anchormen strive for an impeccable neutrality; but Huntley's eyebrows have an independent mind all their own. And Mr. Brinkley, for his part, could not read two columns of a telephone book, deadpan, without hinting at the character of Kunkle, Kunze, Kunzig and Kupetz.

This is an inescapable aspect of the nature of strong men. Of course their biases creep in. Their whole lives play a part in forming their judgment on what constitutes news tonight. And in the particular case of network television, the ordinary problems of editorial judgment are compounded by the nature of the medium.

For TV is not like newspapers. The newspaper you are now reading has been assembled by editors whose lives are ruled by the printed word. If my column bores you at this point, you can switch in a twinkling to someone else's column. You can go to sports, to women's news, to business news, to foreign news, to the comics; you can put the paper aside and read it later. You can read as much or as little as you please, making your own choices. And if you find this newspaper unpalatable, you can—with a little effort—find some other printed medium.

The evening network shows are something else entirely. Cronkite cannot "raise his paper" by a couple of pages to accommodate a big day in the news. He is bound to the inexorable half-hour or to what remains of a half-hour after the commercials.

In this time span, a Cronkite must not only inform; he must also entertain. He must hold his viewers. His task is to present 15 or 20 items that will claim attention from beginning to end. If your custom is to watch the whole show, you must accept the CBS choice willy-nilly—or try another network where the same personal prejudices work in about the same way.

Suppose, to be supposing, that Bill Buckley and I were invited to replace Messrs. Huntley and Brinkley for a week or two. Suppose that we were instructed, just as they are, to be as fair, as objective, as impartial as we could be; and suppose that we tried our best. Our nightly choice of 15 or 20 stories seldom would vary much from the Huntley-Brinkley choice, but inevitably there would be nuances, changes of emphasis, a different ordering of priorities.

Before long, the liberal establishment would be howling to high heaven against a tiny and closed fraternity of privileged men, elected by no one, enjoying a monopoly sanctioned and licensed by government. You would not have heard Spiro T. Agnew on Thursday; but you might have heard the same speech from, say, Hubert Humphrey.

The problem is quite serious, for Agnew is right in his assessment of TV's impact. The medium itself, as Marshall McLuhan has said, is the message; and every man who deals in ideas would like a crack at composing a network's evening message. I'll come back to this theme again. Meanwhile, good night, Bill.

[From the Washington Post, Nov. 19, 1969]

SNEERS AT VICE PRESIDENT WON'T DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press," that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a $3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communications Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an over-wrought CBS commentator told Newsweek, "is that the White House is out to get all of us, all the liberals in all the media . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a Journalism Review cataloguing the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assaulting the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentation of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media say it is and the definition varies from day to day and place to place. It was "news" in The Washington Post and The New York Times last week when three doves in the Senate announced support for the antiwar demonstrations on Nov. 15. It was not "news" at all in The Times the following day when 359 congressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention halls of the broadcasters and editors.

AMBASSADOR JOSEPH P. KENNEDY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I join my colleagues in expressing great sorrow at the death of Ambassador Joseph P. Kennedy.

If the worth of a man's life is what he has contributed to his fellow man, Ambassador Kennedy's life was among the most generous and philanthropic of men. If the value of a man's work is gaged by how he has improved the lot of society, Ambassador Kennedy's work contributed to the growth, security, and development of this Nation and all its people. His life was one of action and hard work. He was devoted to this Nation, his family, and his church, and his entire life was spent helping and building each of these.

All of us know the great success story of Joseph P. Kennedy. Those of us from the Boston area perhaps understand a little more the great obstacles he overcame. The richness of personality and the strength of character necessary to achieve the successes he did cannot be exaggerated.

As Chairman of the Securities Exchange Commission, he brought order, reason, and fairness to a market that almost destroyed the economy of America. As Chairman of the Federal Maritime Commission, he built a fleet that was unsurpassed in the world, when everyone said we had not the time, money, and technology to do so.

But there is another great contribution that Joseph Kennedy made to the Nation and to the peoples of the world. He and his courageous wife, Rose, gave a family to this Nation—a family that would provide leadership, inspiration, and courage in times of trouble. In his sons and daughters, he and Mrs. Kennedy instilled a tradition of public service, of devotion to duty, a yearning for truth and a willingness to act to better the lot of all mankind. Ambassador Kennedy never forgot why the Kennedys came to this country—the land of promise and opportunity—and he was determined that all the resources of his talented and dedicated family would be used to make this Nation the land of promise and opportunity for all Americans.

He had courage; he had conviction; and in his lifetime he helped make

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America a better land. A man's measure is the sum of what he has done and what he has left behind. Ambassador Kennedy gave his energies, fortune, ideas, and devotion to this Nation—and tragically, four children whose contributions were great even at the early ages at which they died. He leaves behind many good works, many accomplishments, a saintly and strong woman, a son who is a dedicated and dutiful public servant, and three daughters who are devoted to duty and charity.

No man is gone who is not gone in the minds of others; no man dies who lives on in his children and in good works. My deepest sympathy goes to Mrs. Rose Kennedy, Senator Edward Kennedy, Jean Kennedy Smith, Eunice Kennedy Shriver, Patricia Kennedy Lawford, on their great loss, but they can be comforted in knowing that Ambassador Kennedy's great gifts to the Nation will live forever.

CAN ANYONE RUN A CITY?

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PODELL. Mr. Speaker, America has become an urbanized Nation; the days of bucolic bliss are gone forever. But as the scope of urban life has grown, the problems associated with high density living have mushroomed.

Mr. Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, is a man intensely concerned with the quality of urban life. By asking, "Can Anyone Run a City?" he has touched on a most basic consideration: Has man created only to become an unwilling victim rather than a master of his efforts?

I feel that everyone concerned with urban life should read Mr. Tyler's provocative discussion of the demands made on cities and the resources at their disposal. If there were more people like Mr. Tyler, the problems of our cities would be closer to some effective solution. An article by Mr. Tyler published in the November 8, 1969, Saturday Review follows:

CAN ANYONE RUN A CITY?

(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schrunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country—Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any mayor who's not frustrated is not thinking." Thomas G. Currigan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmentation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignfte urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethically homogeneous. Tokyo is in hara-kiri, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is failing badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, accordng to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950s, half of the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic: urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the centray city; but jobs, too, thereby creating a whole new set of economic and logistic problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolis, the city *lost* 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white-collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

This disallocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem, as central cities have become stricken with auto-immobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters, 6 percent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmosphere filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

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The auto is even failing in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became citified. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes another two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. *Public* action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs $38 a square foot—a little *more* than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the free-lance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down: density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend $14.60 per person on police; those of 300,000 to 490,000 spend $18.33; and those of 500,000 to one million spend $21.88. New York City spends $39.83. On hospitalization, the first two categories spend $5 to $8 per person; those over 500,000 spend $12.54; New York spends $55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this pieces of empiric pessimism: if the gross income of a city goes up 100 per cent, revenue rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and $5-billion by 1975, while urban experts see a need for $20- to $50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, redirect highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor brings to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic—solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political retribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan area as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious, geographic—that have in numerous cases turned a city into a no man's land.

Is there then no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban renewal but in urban "newal," to use planner Charles Abrams' felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported *Time* amidst the 1967 riot months, "that one of the most important ways of saving cities is simply to have more cities." The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000, and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish, Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school bussing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private developments that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with each additional story. On the other hand, as city planners have been pointing out for a couple of decades, "it has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization, and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission" to isolate its highly secret operations."

What then is the obstacle to this new-cities ideas? It runs contrary to the traditional wisdom that (a) where cities are located, they should be located, and (b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with laissez faire, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of waters; still later at railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the opportunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin; it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonweal in the location and design of new cities: a kind of inner space program.

MANY POLLUTION PROBLEMS ASSOCIATED WITH ENERGY USE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DINGELL. Mr. Speaker, the Joint Committee on Atomic Energy is conducting hearings on the environmental effects of producing power, and House and Senate conferees are meeting to resolve differences in the two bodies' versions of the related Water Quality Act of 1969 and the National Policy on Environmental Quality Act.

In connection with these on-going activities, I would like to bring to my colleagues' attention a timely report on the general subject of environmental pollution associated with energy use, prepared by Rupert Cutler of East Lansing, Mich., for use in fulfillment of a resource development policy class assignment at Michigan State University. Mr. Cutler, a graduate of the University of Michigan's School of Natural Resources, is pursuing graduate studies at MSU following 14 years' experience on the staffs of the Virginia Commission of Game and Inland Fisheries, the National Wildlife Federation, and the Wilderness Society.

The text of the report follows:

MANY POLLUTION PROBLEMS ASSOCIATED WITH ENERGY USE

(By M. Rupert Cutler)

Anyone who tries to inform himself in some depth with regard to the pollution problems which may be created by the continued use of our present means of producing electricity and powering our surface and air transportation machines will end up wanting to recommend that immediate changes of emphasis be made in Federal and State regulatory, research, and development policies in these fields.

If we continue to build larger and larger conventional steam-electric stations and if we permit millions of new vehicles powered with internal combustion engines to roll off our assembly lines every year for many more years, we could make our environment unlivable.

Consumption of energy in all forms is growing at an annual rate of three to four percent. The electric power demand in the United States—and in Michigan—has doubled about every 10 years, and this growth rate is expected to continue. Yet the present "state of the art," in the power and energy fields, is very inefficient. This in itself is unfortunate when the limited "fund" or nonrenewable resource characteristics of our coal, oil, gas and uranium supplies are considered. More challenging are the adverse health, safety, and environmental impact aspects of our conventional power systems, particularly when they are simply enlarged, and enlarged again, to provide the energy needs of an affluent and expanding population.

ALTERNATIVE POWER SOURCES NEEDED

However, those who would urge our governments to turn their research and development attention and their financial backing to new power and energy approaches, such as electrogasdynamics, magnetohydrodynamics, thermionics, solar energy, tidal power, hydro power from glacier-melting, heat from the earth's core (geothermal steam) and garbage incineration for electrical generation; low-friction, refrigerated underground power lines to permit power plant construction farther from cities; and practical steam and electric cars and more attractive forms of mass transportation, find themselves in somewhat the same difficult posture as that of someone pleading for more money for development or discovery of biological pest controls, to take the place of nonselective and persistent chemical biocides such as DDT.

Just as chemical manufacturers have opposed limitations on the use of their products and resist the appropriation of public funds to discover alternatives to them, so may we expect coal, oil, nuclear power and internal combustion engine-manufacturing interests to attempt to hold us on our present power-and-energy course, short-sighted though it may be. As the radioactivity, heat, oil spills and oxides of carbon, nitrogen, and sulphur in the air increase, interest will have to increase in the development of less dangerous means of producing power and energy.

Nuclear power appears to represent the gravest threat yet to our environment. While, at present, nuclear power plants provide only about one percent of the nation's 260 million kilowatts of generating capacity, some 120 nuclear-powered steam-electric-stations are expected to be in operation in the U.S. by the mid-1970's, generating a total of some 95 million kilowatts. By 1980, the nuclear share will be 30 percent of an estimated total U.S. generating capacity of 530 million kilowatts. (Canada is in this ballgame, too; one-third of Ontario's power is expected to come from nuclear reactors by 1980, and nuclear plants also are being built in Quebec and Manitoba.)

"NUKES" MAY BE DANGEROUS

The "nukes," as they're called, will be built near large cities. Most will be of a size never before attempted by scientists and engineers. (Only 13 nuclear plants with a total capacity of less than three million kilowatts are operable today, but the Pacific Gas and Electric Company is about to construct an eight million kilowatt power plant on the California coast north of Santa Barbara.) These plants could be termed gigantic nuclear experiments. Although every safety precaution is taken, still they are capable of exploding as a result of human error in construction or operation, releasing clouds of radioactive particles, killing thousands of people, injuring many thousands more, doing billions of dollars of property damage, and making agricultural restrictions mandatory for hundreds of thousands of square miles.

(Even the "planned releases" of radioactive pollution, from such sources as commercial and test reactors, nuclear ships, uranium mills, plutonium factories, and fuel reprocessing plants, totaled about 13 million curies per year between 1955 and 1965. And fallout due to bomb testing, reactor and nuclear transportation accidents, and possible escape of stored high-level radioactive wastes—10,000 million curies of radioactive wastes are in storage—was not included in this total. Concentrations of Iodine—131 in cattle thyroids in wide areas of the western United States have been tracted to exhaust gases from nuclear reactors and associated fuel processing plants . . . and the age of the atom has just begun.)

By 1995, according to a U.S. Public Health Service estimate, we will have two billion gallons of self-boiling, "hot" radioactive wastes on hand in large steel tanks shielded by earth and concrete. This material stays radioactive for hundreds of years. Hopefully, these tanks will never rupture or be mishandled.

RADIOACTIVITY CONCENTRATED BY PLANTS

Even in the normal, day-to-day operation of civilian nuclear-powered steam-electric stations, a small amount of radioactivity usually is lost into the surrounding air and water . . . and it may reach man, eventually, through the condenser-cooling water he drinks at some downstream point and through the food he eats: crops irrigated with slightly radioactive water; fish from streams and lakes where radioactivity has been concentrated in algae at the base of the food chain; and meat from livestock which has grazed on plants which have absorbed radioactivity from the air.

Radiation has been positively linked to cancer, leukemia, brain damage, cataracts, sterility, genetic defects and mutations, and shortening of life. Those who find themselves subject to these afflictions may ask with justification that we turn away from atomic energy as a source of electricity production as soon as it becomes practical to do so.

Not only must we worry about our utility company technicians' ability to handle safely the 200 radioactive isotopes produced as byproducts of reactor operation, but we must brace ourselves to cope with the fantastic demands of nuclear power plants for cooling water, soon to be the greatest single withdrawal use of water.

THERMAL POLLUTION

Heated waste water discharges are termed "thermal pollution" when they deny a beneficial and desired use, such as when they de-plete a desired game fish population and destroy a river, lake or coastal area's recreation values.

Fortunately, the national thermal pollution load potentially about to boil all our surface waters has a chance of being dissipated without great harm to the environment, through the use of water-cooling systems at each power plant—if they are installed at every plant requiring them from an ecological standpoint.

Proponents of nuclear fuel are fond of pointing out that it does not require vast transportation and storage facilities to supply the power plant (one pound of uranium, completely consumed, provides the heat equivalent to 2.7 million tons of coal) and that it does not require oxygen to "burn", thus causing no direct air pollution from combustion.

However, one must also note that current nuclear technology involves use of only about one percent of the potential energy of uranium, savings on nuclear production of electricity can only be gained by construction of huge plants, and our known uranium reserves may run out before the end of the century if used at the contemplated rate. Disposal of nuclear waste leaves much to be desired, and there is always the possibility of a nuclear explosion.

WASTE HEAT KILLS FISH

But of most relevance here is the fact that current nuclear electrical techniques produce 50 to 60 percent more waste heat per kilowatt than combustion-steam methods of electrical production. The result is forecasts like this:

By the year 2000, one-sixth of the normal daily watershed runoff in the U.S. will pass through the cooling system of an electrical plant. On the Atlantic seaboard, stream and river flow during most of the year will be used 150 percent for cooling purposes through re-use. (Already, one river in the East has reached a temperature of 143° F. downstream from a nuclear plant, although generally the "once-through cooling process raises water temperatures "only" from 10 to 30 degrees.)

Heated water is more likely to be cloudy and "salty," and it will hold less dissolved oxygen. The value of water for drinking, recreation and industrial use normally decreases as the water temperature increases. Higher-temperature waters which contain organic nutrients (this could include sewage) provide ideal conditions for the development of slime or nuisance aquatic weeds. When these plants die, taste and odor problems in drinking water result. Changes in environmental temperature completely disrupt aquatic ecosystems; eleven fish kills attributable to thermal pollution already have been reported to the Federal Water Pollution Control Administration.

LOCAL EXAMPLES

Challenging local situations include these in Lake Michigan and in Washington State:

In Lake Michigan, all existing fossil-fueled power plants operating at full capacity now discharge 300 trillion British Thermal Units per year in cooling water. Within five years, seven nuclear power plants are going to be built on the shores of Lake Michigan which by themselves will add an additional 388 trillion BTU's per year to Lake Michigan. Within 15 years, steam power plants on Lake Michigan will require more water per year for cooling than flows into the lake annually from all of its major tributaries. The rise of the temperature in Lake Michigan may not rise one-tenth of a degree annually, but the temperature of the water at power plant outfalls may rise substantially, damaging aquatic ecology in that vicinity. (And if evaporative cooling towers are used by these plants, by the year 2000 they may consume half as much water as is used by the City of Chicago.) Goodbye, coho salmon?

On the Columbia River in Washington State, with the development of electric power at the Atomic Energy Commission plant at Hanford, the river's temperature has risen 7° F., to a level critical to the survival of salmon fingerlings and conducive to the spread of a deadly bacterial fish disease, columnaris. Goodbye, chinook salmon?

COOLING SYSTEMS MUST BE USED

Because only part of the heat input (coal, oil, gas or fissionable material) is converted directly into electric energy in any thermal plant, the remainder of the heat from the fuel must be safely rejected to the environment. This is usually done with cooling systems using large quantities of water. The water is used to condense the steam after it has passed through a turbine.

The three types of thermal plant cooling systems in normal use are (1) the "one-through" system (most common) where the cooling water is taken from a suitable source, pumped through a condenser, and the treated water returned to the original body of water; (2) two types of cooling towers, the "wet" tower, in which the water is cooled by direct contact with the air (vapor plumes from these huge towers may result in fog, mist and ice) and the "dry" tower (considered an excellent system by conservationists) in which water is cooled inside a coil around which air flows similar to an automobile radiator; and (3) the cooling pond—actually a good-sized reservoir—which requires at least one and one-half acres of cooling pond water surface per megawatt of installed capacity. This reservoir can have recreational benefits as well.

Large evaporative-type cooling towers, as broad as a football field is long and one and a half times greater in height, are in use in England. Water discharged in a thin film is cooled by the draft created by the tower through evaporation, then recirculated to the condensers. Large amounts of water are lost in this process—up to 25,000 gallons of evaporated water per minute.

The "dry" automobile-type system is more expensive, but it is the best solution. Heat transfer takes place through an exchanger directly into the air without evaporation. (The Alabama and Georgia Power Companies plan to use this closed system cycle approach at their new Chattahoochee River and Altamaha River nuclear plants.)

Some plants now under construction will utilize a variation of the once-through system involving diffuser pipes to create turbulence and produce a rapid and complete mixing with the river water of the warm-water discharge. Large underwater pipes will extend across the bottom of the river, with thousands of small holes perforating the face of each pipe through which the warm water will be discharged and rapidly cooled by thorough mixing, to keep river temperatures within prescribed limits.

EVAPORATION LOSS GREAT

About 20 acre-feet of water are lost to evaporation for every 1,000 kilowatts of electricity generated in conventional steam-electric stations. Thus, the 1.5 million kilowatt Mohave steam plant under construction on the lower Colorado River in southern Nevada will consume about 30,000 acre-feet of water a year, and the huge coal-fired steam generating plants now under construction in the Four Corners area of Arizona, Colorado, New Mexico and Utah, with a total capacity of 15 million kilowatts will consume 300,000 acre-feet of water a year at a cost to other beneficial ones of $30 billion—a sizeable loss.

One-third of the yearly freshwater runoff in the U.S. is expected to be required to cool steam-electric station condensers within 30 years, when some two billion kilowatts of electricity may be generated. Conditions may well prevail for substantial fish kills. And, according to the Sport Fishing Institute, no one can say at this time that this waste heat has beneficial value, because there has not been one practical demonstration of utilizing the waste heat from steam electric stations other than under local and restricted domestic management of oyster production.

What should be done? The President's Office of Science and Technology, in a report contributed to by the Atomic Energy Commission, the Federal Power Commission, the Departments of the Interior and Health, Education, and Welfare, the Rural Electrification Administration, and the Tennessee Valley Authority, has optimistically predicted that, with coordinated planning, these new power plants can be fitted into the landscape and designed so as to have a minimal impact on the surrounding environment, while providing the low-cost, reliable, safe power we will need. And the Vice-President's National Council on Marine Resources and Engineering Development is thinking in terms of thermal "enrichment" for the Great Lakes. Now, let's go beyond that rosy view.

OUR LIFE SUPPORT SYSTEM ENDANGERED

Traditionally, power companies have only needed to meet local zoning requirements to build thermal plants. There has been no requirements that power companies secure any approval for the construction of a thermal steamplant from any Government agency, except for nuclear plants which have to get an AEC license, although Michigan now requires Water Resources Commission approval of thermal and other discharges. We find ourselves, however, at a stage of development where the non-expandable, ecological portion of our life support system may be endangered by the expanding industrial portion, and additional restrictions on thermal inputs to the water environment are necessary.

One problem with the Atomic Energy Act of 1954 is that it does not authorize the Atomic Energy Commission to attach conditions to its construction permits to control thermal and other non-radiological sources of pollution. The Commission's regulatory authority is restricted to consideration of radiological health and safety and the common defense and security.

Senator Muskie, who found the Corps of Engineers and the Atomic Energy Commission arguing in hearing after hearing that their primary authorizations take precedence over water quality requirements, contends that the AEC should be conditioning its construction permits on inclusion of water-cooling plans now. A 1966 Presidential order require Federal contractors to comply with Federal water quality standards, and the licenses granted by the AEC constitute contracts, he maintains. But the AEC has been reluctant to saddle the infant nuclear power industry with water-cooling restrictions while coal, oil and gas-fuel power plants escape regulation.

(Conventionally fueled powerplants only need Federal permission for construction from the Corps of Engineers when their construction plans include structures on navigable waters. The coal industry lobby kept coal-fired plants from being included under the permit requirements of the Water Quality Act of 1969. TVA does not have to obtain a permit from anyone to build its huge steam-electric stations.)

TEMPERATURE STANDARDS BEING ADOPTED

Under the Water Quality Act of 1965, the Secretary of the Interior could require the setting of standards by the states to deal with thermal pollution from all sources. This process appears to be under way now; all of the states either have adopted or are in the process of adopting temperature provisions in their water quality standards for interstate waters.

Because the Atomic Energy Commission has had no jurisdiction to consider the environmental effects of its licensing function, the potential hazards of thermal discharges have not received adequate pre-installation consideration. Some federal agencies have tried to come up with thermal pollution preventive programs, including the Department of the Interior, the Federal Power Commission, the Atomic Energy Commission, and the Corps of Engineers. The AEC can control construction and radioactivity levels of nuclear plants, and has asked the Department of the Interior to review nuclear power plant proposals before the AEC approves them. These Interior Department reviews have been made primarily by the Bureau of Sport Fisheries and Wildlife and the Federal Water Pollution Control Administration.

While the FWPCA has called attention to potential thermal pollution problems and has recommended necessary control measures, it has no direct authority to require inclusion of facilities such as cooling towers or other devices as a condition for the licensing of nuclear power plants, even though the current Federal Water Pollution Control Advisory Board to the President went on record in December, 1968, as recommending "that no new thermal power generating facility be built without full and comprehensive consideration by state agencies and by the FWPCA of water pollution problems caused by the discharge of heat and a full study of solutions to these problems."

The Federal Water Pollution Control Administration is being advised by the Subcommittee for Fish, Other Aquatic Life and Wildlife of the National Technical Advisory Committee to the Secretary of the Interior on Water Quality Criteria, as to temperature limits for various species of fish for various latitudes of the U.S., and is conducting its own National Thermal Pollution Research Program at its Pacific Northwest Water Laboratory at Corvallis, Oregon. The National Water Quality Lab at Duluth also is studying the problem.

THE WATER QUALITY ACT OF 1969

Under the Water Quality Act of 1969, if it passes Congress this year, agencies such as the AEC, which now contend they have no legislative authority to consider environmental values, will be given the authority, the responsibility, and a directive to do so . . . either this or the States will be charged with certifying that any thermal discharge is in substantial compliance with appropriate water quality standards. This certification would be required before any utility could obtain any Federal license or permit required by law for construction which would result in any discharges into the navigable waters of the United States. Without the required State certification, no Federal agency could issue a construction license or permit. Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

Unfortunately, not all non-nuclear powerplants will be subject to these new controls. Coverage of coal, oil, and gas-fired powerplants was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

In Michigan, power companies and the State are attempting to work out sound procedures and regulations to protect the environment. Using information gained from present research projects, the State hopes to be able to predict—and require, where necessary—appropriate restrictions on waste heat inputs to the water environment prior to the operation of new generating facilities that are now in the planning stages. In Michigan, new uses of water for waste disposal—including heat discharges—require a permit issued by the State Water Resources Commission which contains detailed instructions necessary to protect the receiving waters from impairment, tailored to protect the unique aquatic resources and legitimate uses of the receiving waters.

PUBLIC MUST SUPPORT CONTROL

Michigan's Governor William Milliken put the burden on conservationists when he recently stated, "I am confident that a successful program for the control of thermal pollution is a realistic goal, but only so long as the public continues their aggressive active support."

Thermal pollution control standards were established in August of 1969 by New York's Water Resources Commission, and Governor Rockefeller formally announced his was the first State government to do so.

Senator Gaylord Nelson recently suggested that the President's Environmental Quality Council organize federal-state-local task forces to make thorough analyses of proposed nuclear power plant projects and develop recommendations for action for the consideration of all levels of government. These would be undertaken in full cooperation with the power company involved, not to frustrate plans to meet escalating power needs, but to assure that the facility will be managed on standards which will preserve other important values and benefits to society.

Carlos Fetterolf of the Michigan Water Resources Commission put the problem in this light:

"Biologists have seen the aquatic environment degraded by one source after another. Each one started out as "just a little bit which won't hurt anything" and then grew to unmanageable proportions. The control of thermal discharges is not an intolerable economic hardship, especially when viewed in conjunction with overall pollution control. The attitude of doing as little as possible to protect our waters must give way to a philosophy that it is essential for man today to assume the responsibility of insuring future generations their rightful legacy of clean water."

DAMS DESTROY SCENIC RIVERS

As compared with steam-electric stations which pose a difficult thermal pollution challenge, water power, or hydro power, offers few pollution problems. Twenty percent of the electric power generated in the U.S. today is hydroelectric, the non-Federal half of which is regulated by the Federal Power Commission. Under the Federal Water Power Act of 1920, the FPC is not supposed to issue a license for a hydroelectric project unless it can find that the project will be "best adapted to a comprehensive plan of development of the water resources for power and all other beneficial uses, including fish and wildlife resources, involved."

The FPC may require special facilities in the interest of fish and wildlife at the licensee's expense, but it can't replace the natural river and associated fish and wildlife habitat—not to mention rich agricultural lands—lost under the power reservoir; in this context, some might call a power dam and its fluctuating reservoir "esthetic pollution." Western big game winter range is particularly susceptible to irreplaceable losses resulting from dam construction.

When water passes through a hydroelectric plant, there is substantially no change in its temperature—no thermal pollution effect—but oxygen-depleted waters from deep in the reservoir can be released to the detriment of downstream aquatic life, and downstream areas can be de-watered when water is held back in reservoirs. The reservoirs themselves can become unsightly mud flats when drawn down for power production. Dams cut off salmon, shad and other migratory fish runs.

Further study of many small, isolated, high-cost hydroelectric generating plants now is being abandoned by the Interior Department in favor of a transmission grid system for larger generation plants, but Interior still talks about building a huge dam on the Yukon River in Alaska to provide some four million kilowatts to power North Slope oil and mining developments.

Another controversial project is the proposed Dickey-Lincoln School hydro dam the Corps of Engineers would like to build on the St. Johns River in Maine. It's 830 megawatts of nonpolluting power versus wild river canoeing opportunities, north woods wildlife, and productive spruce forests, in this instance.

OIL POLLUTION OPPORTUNITIES NUMEROUS

Electricity generation presently accounts for only about 20 percent of total U.S. fuel consumption. All of this fuel poses pollution problems in its extraction, transportation, and combustion. Oil and gasoline usually have to be brought to their place of use from a long way off. This fuel has to be transported, refined, and transported again before it's burned. This involves tanker ships or pipelines, refineries, tanker train cars or trucks, and stack or exhaust emissions.

Let's talk about tankers first.

Our coasts are regularly hit with destructive oil spills, usually caused by thoughtless tanker captains who, as soon as they reach open water, eliminate residue oil from their ballast tanks and bilges. This oil covers our outer beaches like asphalt. Then there is a tremendous potential for tanker accidents. Of the ships involved in trade along the Atlantic Coast, for example, one vessel in every five carries oil as its principal cargo. Rigid certification of these tanker crews might help assure a more responsible attitude, more technical skill, and fewer accidents.

During the *Torrey Canyon, Ocean Eagle,* Santa Barbara and other serious spills, it was found that the injudicious application of chemicals designed to clean up oil spills may bring as much damage to the fish, birds and other natural resources as the oil itself. Safe guidelines and standards are needed for these chemicals.

SUPERTANKERS CAN HAVE ACCIDENTS

The seven major American oil companies who own almost half of the total tanker tonnage operating under the American flag have realized immense savings with the introduction of the giant 200,000- to 500,000-deadweight-ton tankers. A 200,000-ton tanker can carry 55 million gallons of crude oil, and future tankers may carry up to 84 million gallons of oil each.

Compare this with the reported 231,000 gallons spilled from Unon Oil's rig off the Santa Barbara coast. If such a tanker broke up on the rocks off Machiasport, Maine, for example, where New England forces are proposing construction of an oil refinery, the Northeast Coast would have a disaster which would dwarf both the Santa Barbara episode and the *Torrey Canyon* wreck.

From a cost standpoint, if a 200,000-gross-ton tanker were to break up off the coast of the United States and if the cost of the cleanup were only $118 per ton, the total cost would be $23.6 million. Even under the proposed Water Quality Act of 1969—a bill which would prohibit the discharge of oil into the navigable waters of the U.S. from tankers or on-or-off-shore facilities—the limitation of liability is established at only $125 per gross ton or $14 million, whichever is the lesser, for any spill not the result of negligence or a willful act. Thus, the U.S. could be stuck with a $10 million cleanup bill for such an accident even if this legislation—a great improvement over present ambiguity—passes Congress.

The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will spur construction of a fleet of immense supertankers, to transport oil from Alaska's North Slope to the United States East Coast. Already, one oil company has ordered two supertankers to move oil from the North Slope of Alaska to California.

Other oil-transportation pollution threats include (1) oil slicks associated with the pumping out of oily ballast water by tankers adjacent to terminals (this will become a major headache in the Valdez, Alaska estuary at the terminus of the Trans-Alaska Pipeline from the North Slope); (2) the 800-mile, 48-inch Trans-Alaska Pipeline itself, which could leak under the Yukon River or at some other ecologically sensitive point: (3) spills in the oil fields; and (4) accidents involving tanker trucks, railroad tank cars, oil and gasoline river barges, and oil storage tanks at "tank farms" and refineries.

TONS OF AIR POLLUTION PRODUCED DAILY

Air may be one of those "best things in life" that is free, but the United States is busily contributing 180 million tons of air pollution into the world's atmosphere annually.

In Los Angeles, oxides of nitrogen emitted by various air pollution sources are used to track down causes of smog and related phenomena. There, automobiles produce 68 percent of these oxides daily, electric power generating plants come in second with 14 percent, oil refineries contribute 4 percent, and the heating of homes and offices on cold days results in 6½ percent of the nitric oxide production. As a stopgap, automotive engineers have proposed simply retarding the spark on car engines to reduce cylinder temperatures and cut nitric oxide emissions. This should reduce smog, which is formed when nitric oxide picks up another atom of oxygen to form nitrogen dioxide.

But we have far to go: In January, 1967 in Los Angeles County, gasoline-powered motor vehicles accounted for 12,465 tons out of a total of 14,610 tons, or 85.3 percent, of contaminents emitted into the ambient air daily. The new air pollution control devices on cars are reducing the hydrocarbon and carbon monoxide emissions, but are not catching the nitric oxide . . . or the toxic lead, which refineries can eliminate if they have to.

CARS THE MAJOR CAUSE

Nationally, the "infernal" combustion machine is blamed for 60 percent of all air pollution—84 million tons annually—and for causing pulmonary emphysema, chronic bronchitis, lung cancer, genetic mutations, degeneration of pulmonary functions, increased sensitivity of various allergic conditions, acceleration of pre-existing heart disease, numerous other kinds of respiratory and circulatory diseases, and even the common cold.

Another result of all this "hard" matter in the air is the screening off of heat from the sun. In the last 20 years, according to Reid Bryson of Wisconsin University, the world's temperature has dropped one-third of a degree because of this effect. A drop of only four degrees, Bryson says, would bring on another ice age.

Air pollution first loomed as a major U.S. problem in 1963, when 809 people died in one air pollution catastrophe in New York City. Now—finally—the federal government is spending $2½ million for development of a non-polluting engine, while one Bill Lear is spending $10 million of his own money toward the same end.

Says conservationist Arthur Godfrey: "One billion for supersonic aircraft versus a paltry 2½ million for non-polluting engine development—which one has the priority? Let's get real brave, and stop this stupid private automobile jam that goes on for 20 hours out of every 24 here and in all big cities! Let's provide fast, electric or steam buses on all avenues and all streets and ban all private cars and taxi-cabs, and tell the trucks to get rid of their stinking diesels and gas engines and switch to electric or steam or get out."

COMBUSTORS FOR JETS NEEDED

Let's look at airplanes. Here's one example of the problem:

The Federal Aviation Agency estimates that, on a typical day, some 35 tons of pollutant's are spewed over our Nation's Capitol from planes landing and taking off from Washington's National Airport.

Answer: Pratt and Whitney has just developed a combustor which will render all future jets smokeless, and they have a process whereby their existing engines can be retrofitted with the same result—no smoke and no pollution. A $15 million appropriation will buy pollution-free conversions for the 3,000 jet engines already in the U.S. commercial fleet; let's take that step quickly.

Even outboard motors are guilty; they dump overboard, unburned, 10 to 33 percent of the gasoline-oil mixture that is required to run them . . . and seven million of these motors are in daily use in the United States. Technology to the rescue, please!

LOW-SULFUR HEATING FUELS SHOULD BE USED

As far as industrial and heating fuels are concerned, sulfur is the culprit. Smoke, soot, fly ash and dust, mixed with sulfurous gases, hurt vegetation and mar stone and metal.

Three approaches are being used in this field: changing fuels (from high-sulfur-content coal or oil to low-sulfur coal or oil or to natural gas); taking the sulfur out of the smoke at the smokestack; and taking the sulfur out of the fuel. The federal Clean Air Act, which authorizes appropriations specifically for research into air pollution problems involving fuels and motor vehicles, is likely to be extended by Congress this year to offer some hope in this area.

At least three other pollution areas also are linked to power and energy production: sulfuric acid pollution of surface waters from coal mine drainage (which would cost $6.6 billion to clear up, according to the Federal Water Pollution Control Administration), solid wastes (to be studied by a new National Commission on Materials Policy under a proposed amendment to the Solid Waste Disposal Act of 1965), and noise pollution, including sonic boom. Unfortunately, there are no criteria which indicate the various levels of noise which affect the health and welfare of the people. Nor, for that matter, are there criteria on which local or even national esthetic judgments can be based—a whole separate pollution area.

LET'S HAVE PROGRESS WITHOUT ENVIRONMENTAL CHAOS

Our problem was described by Jean Mayer, a population expert and Special Consultant to the President, writing recently in Columbia Forum: "Rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal, and radioactive pollution than poor people. The population of the U.S. is headed toward 300 million in the next quarter of a century; our Gross National Product will reach a trillion dollars in the next two years. This explosive combination of people and money will produce even greater demands for more cars, dams, lumber, fuel, food, roads, land. These demands will lead, unless checked, to more pollution, garbage, trash, noise, desecration—and leave much less beauty to evoke our capacity for wonder."

It also was eloquently summed up by Dr. Rene Dubos of Rockefeller University, in paper prepared for a UNESCO biosphere conference in 1968:

"Everywhere, societies seem willing to accept ugliness for the sake of increase in economic wealth. Whether natural or humanized, the landscape retains its beauty only in areas that do not prove valuable for industrial and economic exploitation. The change from wilderness to dump heap symbolizes at present the course of technological civilization. Yet the national wealth we are creating will not be worth having if its creation entails the raping of nature and the destruction of environmental charm."

While some of our leaders take a "survival of the fittest" attitude toward our environmental crisis, others, including Congressman Richard L. Ottinger, believe Americans should move to protect themselves by adding a "Conservation Bill of Rights" to the U.S. Constitution declaring the right of the people to an unpolluted environment.

And conservation leaders in the United States Senate expressed these convictions in October of this year on the Senate floor:

Senate Interior Committee Chairman Henry M. Jackson: "An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny. The National Policy on Environmental Quality Act will provide the American people with a policy that is in the interest of present and future generations."

Senate Water Pollution Subcommittee Chairman Edmund Muskie: "We cannot afford to fight our environmental battles on a crisis-by-crisis basis, nor can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos."

Our task as citizens: simply to see that we do have progress without environmental chaos. As voters and constituents, we can make it happen.

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FREEDOM OF THE PRESS—IN DANGER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. O'HARA. Mr. Speaker, as a private citizen named Richard Nixon said in his book, "Six Crises":

> I am sure that no candidate is ever completely satisfied with the press coverage given his activities.

The dissatisfaction that former private citizen may be feeling these days has been the subject of considerable concern lately—concern provoked by the speeches of his close associates, the Vice President, the Director of Communications, and the Chairman of the FCC.

In a column appearing today in the New York Post, Clayton Fritchey points to the emerging pattern of an administrationwide challenge to all the news media:

[From the New York Post, Nov. 19, 1969]

PRESS AND PRESSURE

(By Clayton Fritchey)

WASHINGTON.—The reason Vice President Agnew's attack on television is being taken so seriously is the growing realization that it is not just a flash-in-the-pan blast at TV, but the opening gun in a deliberate Administration challenge of all the news media.

Since the Vice President has little power in his own right, his now famous speech could be dismissed as of small consequence if he were merely speaking for himself. But the evidence is mounting that he was speaking for the Administration.

Even before Presidential Assistant Clark Mollenhoff acknowledged that Agnew's attack "was developed by various White House aides" it was no secret to the Washington press that Nixon and his inner circle were fuming over the somewhat negative reaction of some television commentators to the President's Nov. 3 speech on Vietnam.

Hence, it was no great surprise to learn officially that the Agnew television indictment was actually instigated by the President's staff. Now, however, comes the more significant admission that it is really aimed at *all* the media, including the printed press.

Mollenhoff freely admits the Agnew statement represents the Administration's concern "that it is not being fairly treated by the news media." This has since been confirmed by Herbert Klein, director of communications for the Nixon Administration, who says the meaning of the Agnew speech is that "all media needs to reexamine itself."

This should not come as a shock to those who have known Nixon over the years, for the President has an old score to settle with the press (especially the written press).

Nixon has not tried to disguise his feelings. After his 1962 gubernatorial defeat in California he held a press conference and angrily said: "Now that all the members of the press are so delighted I lost, I'd like to make a statement . . . you won't have Nixon to kick around any more."

He felt so bitterly toward the daily press, that he even praised television. "I think," he said, "that it's time that our great newspapers have at least the same objectivity, same fullness of coverage that television has, and I can only say, 'Thank God for television and radio for keeping the newspapers a little more honest.' "

Television, licensed by the government, Is obviously susceptible to Administration pressure; and, despite the Constitutional protection of free speech, the daily press is also vulnerable. After all, many of the nation's most valuable television properties are owned by newspapers.

Finally, the government can, if it sees fit, systematically undermine public confidence in all media. This is a greater concern to some of the television industry than potential monetary loss. The temptation will be to lean over backwards to prove its fairness to the Administration. All the major networks, for instance, went to the unprecedented length of telecasting Agnew's speech on prime evening time.

During his campaign last year, Nixon sought to smooth over his old feud with the media. "The press," he said, "is very helpful to me now . . . After 1962, the press could have said, 'Let's give it to the S.O.B.' but they didn't do it." In his book,"Six Crises," Nixon put it more frankly when he wrote, "I am sure that no candidate is ever completely satisfied with the press coverage given his activities." What is true of candidates is even more true of Presidents—all Presidents. Most chief executives, however, are treated rather indulgently by the press, in their first year in office (as Nixon has been) so they seldom denounce the media until after they have been in the White House longer than Nixon has been.

PRESIDENT NIXON'S STAND ON VIETNAM

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ROTH. Mr. Speaker, I have received a communication from the distinguished Council of Polish Societies and Clubs in the State of Delaware advising that the delegate body voted unanimously for the following resolution in support of President Nixon's stand on the Vietnam policy. I would like to insert the text of the resolution at this point in the RECORD:

As loyal and patriotic American citizens we go on record supporting President Nixon's stand on the Vietnam policy.

We are denouncing the members of Congress who supported the moratorium on October 15th, as their action literally demands that the United States yield to the enemy.

DISTRICT OF COLUMBIA ABORTIONIST SENTENCED IN MARYLAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, yesterday I called to the attention of our colleagues the action of U.S. District Judge Gerhard A. Gesell in holding unconstitutional a significant portion of the District of Columbia law prohibiting criminal abortion. The likelihood of creating an abortion mecca in the Nation's Capital as a result of that decision is a matter with which we should be very much concerned in the exercise of our plenary legislative power for the government of the District of Columbia.

The conviction and sentencing in Maryland of the same abortionist who benefited from Judge Gesell's ruling in Washington, underscores the necessity for prompt action by the Congress, or the Government, or both to foreclose the possibility of a thriving abortion industry in the Nation's Capital.

I include as part of my remarks a news article from the Washington Post of November 19, 1969:

DR. VUITCH GETS YEAR FOR ABORTION IN COUNTY

(By Richard M. Cohen)

Dr. Milan M. Vuitch, the physician who successfully challenged the constitutionality of Washington's abortion law, was sentenced yesterday to a year in jail and fined $5,000 for performing an illegal abortion in Montgomery County.

In rejecting the argument of Vuitch's lawyer, former state's attorney Leonard T. Kardy Jr., that "jail is not the answer for him," Circuit Court Judge Ralph J. Shure leaned over the bench at the physician and declared: "I have little sympathy for you." Vuitch, Shure said, showed a "sense of pride" rather than remorse.

"Your attitude in respect to abortion in general is not, I repeat, not acceptable in this state," Shure said.

Vuitch, 54, appeared unmoved by the sentence. He immediately posted $10,000 bond and was freed pending an appeal. Under Maryland law, the 54-year-old Yugoslav immigrant could have received three years in jail and a $5,000 fine. Yesterday, Shure suspended two years of the sentence.

The Silver Spring surgeon, who told county officials his 1967 income was between $150,000 and $160,000, was convicted July 7 of performing an illegal abortion in his office on a 19-year-old government secretary on Nov. 23, 1968. Maryland's 1968 law permits abortions—under certain circumstances—in accredited hospitals but under no circumstances in a doctor's office.

Kardy, as state's attorney until 1966, earned the enmity of civil libertarians for his zealous prosecution in the controversial Giles-Johnson rape case and for a drive against "dirty books." Yesterday, he quoted proponents of abortion reform in an attempt to have Vuitch's entire sentence suspended.

"This is a nationwide trend," Kardy said in paraphrasing an expert he had heard on local television. "This is not the taking of human life.

"It's just a piece of tissue," he continued. "You're taking a piece of tissue from a woman and you're not taking a human life . . .

"Jail," he went on, "is not the answer for him. He's not a housebreaker. He's not a forger. His crime is that he terminated a pregnancy . . . in his office, not in a hospital. She was not injured and society was not damaged."

Before passing sentence, Shure asked Vuitch if he would like to make a statement.

"I feel that the law is an unworkable law . . . limiting the activities of a physician," Vuitch responded in a heavy accent. "No other surgery in the State of Maryland has to be done in a health institution."

In rejecting Kardy's pleas that Vuitch, as a medical man with a family and real estate in the county, should be given special consideration, Shure leaned heavily on FBI files that indicated Vuitch had been arrested "12 to 14 times" for alleged abortions. Citing newspaper interviews with the candid physician who described himself as a crusader, Shure said Vuitch showed "a total lack of repentance."

"The presentence investigation indicates that you are not new in the business . . ." Shure said at one point.

Vuitch has been arrested a total of four times in Montgomery County, once in Fairfax and once in the District. One Montgomery charge was dropped when a witness refused to testify but two others are still pending. The Fairfax arrest resulted in a hung jury and the District lost its case when Judge Gerhard A. Gesell ruled Nov. 10 that the law was too vague to be constitutional.

"I think he proceeded according to his best judgment," Vuitch said after Shure sentenced him. "We are going to appeal the decision."

Should Vuitch lose his appeal, he probably would lose his license to practice medicine, a county official said.

In October, Vuitch announced that he had purchased the 14-bed Laurel General Hospital in Laurel. He said he intended to add 100 beds to the hospital. Ownership of the hospital, he acknowledged, would allow him to operate within the law.

TRIBUTE TO RAY BORST

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. McCARTHY. Mr. Speaker, on November 1 of this year, Ray Borst, one of the great news correspondents of this era, passed way. Mr. Borst was for many years the Capital correspondent for the Buffalo Evening News. It was my good fortune to get to know Ray when I was a cub reporter on the News in the early 1950's. He had few peers among political reporters anywhere. His reporting was praised by everyone for its straightforwardness. He saw his job simply as finding the facts and writing the story. I am including in the RECORD the following article which first appeared in the Albany-Times Union and later in the Buffalo Evening News. It was written by another former newsman, our former distinguished colleague, Leo O'Brien, a native of Buffalo, who expresses better than I can the loss that all those who knew Ray must feel:

AN EX-CONGRESSMAN'S TRIBUTE TO BORST: ONE OF THE DOZEN GREATEST REPORTERS

(By Leo O'Brien)

(NOTE.—The following column by Leo O'Brien, retired congressman and newspaper correspondent, appeared in the Albany Times-Union following the death Nov. 1 of Raymond I. Borst, veteran Albany bureau chief of The Buffalo Evening News.)

One of the dozen great reporters of the last 50 years died the other day and, perhaps fittingly, was buried on Election Day. Fittingly, because most of his half century of reporting revolved around national and state politics.

I refer to Raymond I. Borst who wrote his name high on the list of top journalists.

And yet, strangely, he was not well known to the general public in Albany, where he won his spurs. His byline appeared mainly in other places, first as bureau chief for the International News Service and later as Capitol correspondent for The Buffalo Evening News.

He and I sat side by side at desks in the Capitol press room for 25 years. We shared hotel rooms in Wyoming, California and Montana. We traveled together on Presidential campaign trains from coast to coast and we shared cars in many gubernatorial campaign caravans.

In all that time I don't think I ever said "you're a great guy," but I thought it a thousand times. Men cover up such things with wisecracks and pretended insults.

ONE OF THE LAST

Ray's death cut one more link between these days, when everyone seems to be an interpreter of the news, and the old days when the story itself was the main target. It reduced, too, the dwindling ranks of those who reported the happenings of Al Smith's and Franklin Roosevelt's days as well as the more current times of Rockefeller and Harriman.

Ray came from the Schoharie Valley. He never wanted to go to Washington. It was too far from the Adirondacks for him.

During decades of political writing, he faced all kinds of competition and, with only a high school education, he stood head and shoulders over the best colleges of journalism could send into the lists.

On presidential campaign trains, jousting with famous writers from Washington, he was always the best reporter aboard.

ABOARD TRAIN WRECK

I well remember a cold day in the fall of 1944 when the campaign train on which we were riding with Thomas E. Dewey was wrecked near a small town called Castle Rock, in the State of Washington.

Most of us were writing our leads on the speech Dewey was to deliver that night in Portland at the time of the collision. Only a few left the train to interview the engineer. Ray was one. When he returned to the press car, filled with top reporters, Ray remarked:

"They don't know what to write. Today they're stuck with the facts."

One of the most quoted campaign train stories of all time revolved around Ray and his great friend, the late Bert Andrews of the late New York Herald-Tribune.

A SUITABLE TIP

During the long trip from Albany to California and back, Ray and Bert shared a compartment and traveled about together in the many cities visited.

Bert had a running gag, sticking Ray for taxi fares, dinners and so forth, and boasting in the press car of each triumph.

As we approached Albany on the return trip, Ray started toward the compartment to pack. With a broad grin at the rest of us, Bert made his final gesture.

"Ray," he said, "will you tip the porter for me? I'll pay you back."

Ray quietly left and Andrews roared with laughter. A little later, he hurried to the compartment to pack.

"Did you tip the porter?" he asked.

"Yeah," replied Ray.

Suddenly, Bert exclaimed:

"What happened to that gray suit I bought in Los Angeles?"

"Oh," said Ray, "I gave it to the porter as your tip."

Ray loved that story and I suspect I have used it here to cover up a very deep grief with laughter. Men do those things.

PROBLEMS OF POSTAL EMPLOYEES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UDALL. Mr. Speaker, there have been a number of commentaries concerning the recent House-passed pay bill, H.R. 13000, which is presently before the other body. One of the better statements on this bill is one that was recently published in the Washington newspapers by the United Federation of Postal Clerks. It is a fair explanation of the problems that are facing a great many of our Federal employees. So that the other Members of the House may have an opportunity to see this message, I am inserting it at this point in the RECORD:

AN OPEN LETTER

To the Congress of the United States and the 200 million citizens they represent:

President Nixon has invented a new political weapon: the veto-in-advance.

He used it this month for the first time by injecting it into House debate on H.R. 13000—the pay raise bill for Federal employes, sponsored by Rep. Udall (D-Ariz.).

It arrived on Capitol Hill in the form of a "Dear Jerry" letter to House Minority Leader Gerald Ford but the House recognized it anyhow. So it mustered a two-thirds majority to over-ride the pre-veto. The vote was 310 to 52 in favor of the pay bill.

Now we urge the Senate to pass H R. 13000, We hope the Senate can marshal a big majority. Strict constructionists may argue that a two-thirds vote is not needed to over-ride a pre-veto. But clearly, it will be needed. Sooner or later.

Meanwhile, back at the "Dear Jerry" letter, we find ourselves in total disagreement with Mr. Nixon's view that the Udall bill is inflationary or gives disproportionate benefits to postal employes.

We sympathize with the President's concern over inflation. Better than most we know how much it hurts.

But we are also fed up to here with being chosen again as the sacrificial goats.

It is immoral for the Government of the United States to imprison us in a wage structure that has been so substandard for so long that some postal clerks are being forced onto public welfare to make ends meet!

Postal clerk are the victims of inflation, not the cause of inflation.

"Dear Jerry" letters trying to deny us catch-up pay come with poor grace from a President whose salary is double that of his predecessor.

It will hopefully not be given credence by a Congress which boosted its own wages 41% in a single leap.

Only a year ago, as the Republican candidate for President, Mr. Nixon told our postal clerk union in a personal message that he "wholeheartedly supports" the Republican platform provision for insuring comparability of Federal salaries with private enterprise pay.

Mr. Nixon thus joined a distinguished list of Presidents from Mr. Eisenhower, to Mr. Kennedy, to Mr. Johnson, who had made similar pledges before him. In more than 10 years none of these pledges has been fulfilled.

The Udall pay bill, H.R. 13000, brings us close to comparability at long last. But now Mr. Nixon opposes it.

WHAT A DIFFERENCE A YEAR MAKES

Most people really don't know—and may find it hard to believe—just how bad wages and working conditions are in the postal service today.

The situation smacks of medieval times. We cannot strike. We have no binding arbitration. It takes up to 25 years to reach the top pay step. And 97% of all postal clerks finish their careers right where they started—in the same grade!

Our bargaining rights are a joke.

For decades we have urged Congress to give us at least some of the labor-management structure which employes in private industry have had as a matter of right for half a century.

A year ago the Republican candidate for President promised to sponsor legislation which would establish a statutory basis for collective bargaining and union organization in Government.

Where is it?

We can't even get a promised revision of the Kennedy presidential executive order which has long since outlived its usefulness as a temporary expedient for union recognition.

Postal management, meanwhile, has been cheating us out of millions of dollars in overtime!

After two years in the Federal courts of Washington, D.C., at our members' expense, we finally won a declaratory judgment from the U.S. Court of Appeals last February.

It put a stop to violations by the Post Office Department of Public Law 89-301 which was supposed to eliminate compensatory time off in favor of overtime pay.

Despite a unanimous decision by three judges that the Department's acts under the Democratic Administration were illegal the Republican Administration has now appealed to the Supreme Court. Obviously these ingenious but illegal procedures have a nonpartisan fascination for management.

As for wages: postal clerks' annual earnings are $824 smaller today, on the average, than were the wages 17 months ago of employes in private industry holding jobs of equivalent skill.

The Government's method of calculating comparability guarantees that postal clerk salaries at any given time will always be at least a year and a half behind the private sector.

Yet President Nixon says the Udall bill, H.R. 13,000, gives disproportionate benefits to postal employes.

There are also people who choose to remind us that Congress has already enacted six Federal pay raises since 1960—so how long does it take to catch up?

They have short memories. They forget to count the five presidential pay vetoes by Mr. Eisenhower between 1952 and 1960 which put us so far behind the rest of the nation that we haven't caught up yet!

Disproportionate?

Joseph Young who writes the syndicated Federal Spotlight column in The Washington Star pointed out recently that most federal classified employes during their careers get a chance to advance to higher grades through promotion—but not postal employes. "Giving (postal employes) extra 'bonuses' on rare occasions such as that represented by the pending pay legislation," he added, "would not mean the end of the Republic nor the destruction of the merit system."

But it might—it just might—have a stabilizing effect on the postal service.

For some postal employes stability can only be found on the relief rolls. Public welfare, that is.

It may come as a shock but thousands of urban postal clerks and their families are literally eligible for supplemental welfare.

Most Federal employes are too proud to apply but in our larger cities there are postal clerks who have had no choice in order to feed their families.

Thousands of others moonlight—by working at a second job.

Why, then, do they stay? They don't. The latest official figures available to us show that the annual turn-over among more than 300,000 U.S. postal clerks exceeds 45%!

That's at least seven times the total considered tolerable by private industry.

These are the simple bread-and-butter facts—the hard core economics—that have created the most militant employe unrest in the long history of the Post Office Department.

This wave of discontent, with all its ominous implications, doesn't come from the hippies, the bippies or the dippies. It doesn't come from the Far Left, the Far Right or the Far Anything.

It comes from citizens—your neighbors—the men and women who have tried to fulfill their lives in honorable careers with the postal service.

They feel bewildered by the imbalance of their economic condition. They feel betrayed by the broken promises of politicans. They feel degraded by vicious and continuing attacks from the rich and powerful—who know little about the Post Office—and most of what they know is wrong.

Help us restore the morale of the postal service.

Help us restore dignity to the postal service.

Help us restore faith in the postal service.

Enact H.R. 13,000 over the pre-veto—over any real veto—and in fulfillment of pledges long past due.

Speaking on behalf of the Nation's 304,000 postal clerks as their exclusive representative in collective bargaining and labor-management relations with the Post Office Department.

FRANCIS S. FILBEY,
President, United Federation of Postal Clerks, AFL–CIO.

SAVING THE TULE ELK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BROWN of California. Mr. Speaker, soon the tule elk may exist only in memory or by means of verbal description, photographs and drawings. As have the bison, the California grizzly, the eastern sea mink, the Florida and Newfoundland wolf and the Badlands bighorn, these dwarf elk are in danger of permanent extinction.

Now, Congress has the opportunity to

save this rare animal, and I urge my colleagues to join with me in this endeavor.

For hundreds of years, vast herds of elk, deer, and antelope roamed California's San Joaquin and Sacramento valleys. But as the frontier pushed westward, the animals became compressed into smaller and smaller living areas, and needless mass slaughters followed.

By the early 1870's, the massacre was so devastating that only a few tule elk survived; an 1885 count found only 28 animals still alive.

Through persistent efforts of many conservationists, the herd of tule elk remained relatively protected since those slaughters. At present, around 400 elk are scattered throughout California. But, according to Federal officials, any species numbering under 2,000 animals can be termed "endangered" and the threat of extinction for the tule elk continues today.

The largest current tule elk herd resides in California's Owens Valley, where a major battle rages between commercial interests and those persons who believe that the herd should be permitted to expand.

Owens Valley is owned, and leased out, by the Los Angeles City Water and Power Department. The grazing land is grudgingly shared by the elk and by commercial cattle herds. As a compromise with cattlemen, by arrangement with the State department of fish and game, the tule elk herd size strays controlled at around 250 animals. When the herd exceeds that limit, authorized elk hunts are permitted, and these killings push the herd back to the compromise level.

I find such a policy in regards to an endangered species to be senseless.

True, unlike cattle, tule elk provide no short-term monetary payoff. Yet, is that to be our guideline in deciding which animal species shall continue to live? Perhaps these dwarf elk are not profitmakers, but they do have many other qualities which makes them valuable in our society. According to the Tule Elk Habitat Management Plan by Inyo National Forest administrators:

> High aesthetic appeal is attached to this animal by nature lovers and outdoorsmen. Naturalists and conservationists place great significance on this animal because of its uniqueness.

I think the limits on the Owens Valley herd are extremely unrealistic. A quick epidemic, or any other natural disaster, could easily wipe out the entire small herd.

Fortunately, legislative action can be taken which will benefit both the cattle interests and the elk. Obviously, more grazing land is needed and, as an initial step, I have introduced H.R. 14603, which authorizes the Interior Department to study feasibility of establishing a national wildlife refuge for tule elk preservation.

Already, too many animals native to this continent have vanished because they could not adapt to the presence of man and his civilization. Most of the time, such extinction has been completely unnecessary. The tule elk are in danger, and we have a chance to reverse this process, to protect and save them at very little real cost to ourselves.

PERHAPS HARVARD SHOULD REOPEN UNDER NEW MANAGEMENT?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WYMAN. Mr. Speaker, as an alumnus of Harvard University—LL.B. 1941—it troubles me that fair Harvard should allow students like Richard Hyland to remain in good standing at the university after making such statements in writing as, "If I were not afraid of being caught, I would blow up the Center for International Affairs."

It seems to me that it is only fitting and proper that any student who makes such a statement should be called before a university hearing board and asked if he did say this, and if he stands on it? If so, he should be expelled, just as any student who "occupies" the president's office without permission, or who vandalizes university property, or who physically assaults a faculty member or dean, should be expelled.

Such a university policy would be understandable and just. There really is no other responsible course of action unless universities themselves are to exist at the pleasure of anarchists.

If students do not wish to attend a university that insists on rules of order let them quit. There are thousands upon thousands who would eagerly take their place.

Perhaps even fair Harvard would be better off if it were to open its next semester with a new administration and a set of rules to which all who wish to attend are required to agree to abide by or stand forfeit of their tuition as well as their scholarship if that be their case. One cannot avoid the feeling that both the universities and the country as well as the great majority of students across the Nation would be the gainer from such a change.

In this connection today's comments by the distinguished columnist Joseph Alsop in the Washington Post are of interest:

New Left's Assault Presents Lurid Picture at Cambridge

(By Joseph Alsop)

Cambridge, Mass.—If you come to this ancient university city nowadays, what you find is downright lurid. The assault upon academic freedom by the New Left is far more ugly, and the response of the academic community is far more flabby, than any outsider has as yet suggested.

It began this fall with a physical attack on Harvard's virtuous, medium-woolly Center for International Affairs by members of the Weatherman faction of the SDS. Scholars were beaten up. The center was thoroughly vandalized. As raids go, in fact, this one was a marked success.

Various members of the Harvard faculty sent tut-tutting letters to the Crimson. But no one seems to have been very much surprised or shocked when a member of the editorial board, Richard Hyland, also wrote in the Crimson:

"If I were not afraid of being caught, I would blow up the Center for International Affairs."

Furthermore, it was the state of Massachusetts, rather than Harvard University, that started prosecution of those raiders who could be identified. One of those being prosecuted is Eric Mann, a Weatherman leader who has apparently severed his university connections to become a full time New Left stormtrooper.

In the MIT newspaper, Tech, this same Eric Mann was more recently quoted as advocating beating up such "criminals" as Professors Lucian Pye and Ithiel de Sola Pool, of MIT's Center for International Studies.

Mann made these interesting proposals at a meeting of the November Action Committee. This was a loose confederation of many New Left groups; and it was then organizing an attack on MIT's great Instrumentation Laboratory, as well as on the Center for International Studies.

MIT's President Howard Johnson, instead of resisting the proposed attack on the Center for International Studies, chose to close the center down on the day the attack was planned. The precedent thus set seems odd, to put it mildly. But police were used the next day, to repel the November Action Committee's attack on the Instrumentation Laboratory.

The background of these attacks was interestingly provided in Tech on Nov. 12, by that publication's columnist, Bruce Schwartz. One thing, wrote Schwartz, needed to be "made clear" as part of his generally sympathetic postmortem.

"This was not a week of antiwar protests . . . it would not be justice to (the November Action Committee) or to (the Rosa Luxemburg Chapter of the SDS) to call it anything but a week of revolutionary actions . . . at least 200 of the people who . . . participated in the planning sessions made their positions very clear:

"They are indeed revolutionaries, Socialist-Communist revolutionaries dedicated to the overthrow of the government and political social system of the U.S. This is the key to the NAC position, 'Support the NLF.' They consider themselves the ALF."

Or consider the case of George Katsiaficas. He is described in another student paper as "informing the (MIT) corporation of (a night march) on President Johnson's residence by 300 SDS and Black Panther members" and repeating "the demand (the marchers) had made that MIT immediately give $150,000 to the Black Panther Party."

Yet this same Katsiaficas was one of the three students named by the MIT administration to sit in judgment on the great laboratory on the so-called Pounds panel. Another of the first-chosen students was Jonathan Kabat, a leader of the Science Action Coordinating Committee, which is a small group of MIT students dedicated to halting all defense research at MIT. And the third was the like-minded Marvin Sirbu.

Even so, Kabat was not satisfied. He demanded appointment to the Pounds panel of a student-ally, Jonathan Lerman, and a faculty-ally, Professor Noam Chomsky. This demand was meekly yielded to. And as the stenographic record of the Pounds panel proceedings quite clearly shows, Kabat was further permitted to veto representation on the panel of the dedicated scholars doing defense-research at the I-Lab.

This reporter has previously called the Pounds panel a "stacked jury." If you read that stenographic record, however, you find it was more like a star chamber proceeding. And here is the real point. All the persons have a perfect right to any political views they choose to adopt. But star chamber proceedings—and even worse—must automatically result when academic communities meekly yield to the menaces of New Left storm-troopers.

THE FOURTH ESTATE UNDER FIRE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MIKVA. Mr. Speaker, a long-simmering debate about news coverage on network television has exploded in the wake of Vice President Agnew's address on November 13, 1969. That his remarks have fostered open debate about the issue is fortunate. What is unfortunate is that a high administration spokesman, the Vice President himself, has taken the unprecedented step of publicly threatening network television in the process of raising a legitimate issue.

As Lester Bernstein of Newsweek magazine observed:

> Buried in Agnew's simplistic distortions and self-serving rhetoric is a nugget of truth: a relative handful of TV network newsmen wield vast influence as the stewards of the most vivid and powerful medium in the land.

This is an issue well worth examining. Many critics of news coverage, whether on the media or in papers, seem to imply, however, that news-gathering institutions engage in no self analysis. I do not believe that this is so.

For example, an NBC news special report, "The Fourth Estate Under Fire," was recently presented by broadcast station WMAQ of Chicago. The program offered a wide range of viewpoints commenting on the quality of the "establishment" news media. Centering on newspaper reporting, interviews were made with representatives of the "underground press," the major newspapers of Chicago, and pioneers of successful news reporting.

The presentation deserves attention, in the aftermath of sudden controversy, for both its balanced format and its constructive tone. As the program sought to present all viewpoints, so it strove to improve the role of news reporting in society. If the growing debate about the news media is to be fruitful, I believe that it must divest itself of acrimony and "self-serving rhetoric." In my opinion, WMAQ's "The Fourth Estate Under Fire" illustrates the kind of debate that is fruitful.

I commend a transcript of the program to the attention of my colleagues:

THE FOURTH ESTATE UNDER FIRE

Ron Dorfman. By Thursday or Friday of Convention week, the top editors and publishers had begun to take a look at what was coming out in the papers and saying, wait a minute we can't do this to our city.

James Ridgeway. I worked on some of these papers and I know pretty much what they do. If you're a working journalist, you know what you can get away with, what you can print and what you can't. I don't really care too much what they do, put it like that. To me a lot of it is irrelevant.

Curtis MacDougall. I do a lot of speaking on this subject of freedom of the press and there are so many deep rooted prejudices against newspapers particularly for inaccuracies and invasions of privacy and sensationalism, etc. A great deal of it is just a normal revolt against the bearer of bad tidings.

Buddy McHugh. One of the most interesting murder stories I worked on was the St. Valentine Massacre. I got a very lucky break that day and was one of the first reporters up there—and the Moran gang—the seven gangsters were laying up against the wall shot . . .

John Dienhart. We had a great city editor by the name of Frank Busty Carson and Carson wanted the diary and the police refused to release it and said they were holding it for the inquest the following day. So Carson went out—it was during prohibition—and Carson went out to the Chicago Avenue station about midnight with a pint of whisky, dropped in on the sergeant, introduced himself and said I just happened to be in the neighborhood, and being a chilly day, I thought maybe you'd like to have a drink.

McCuen. The war in Vietnam, racial troubles at home, and other bad news that Americans read, hear and watch have created what appears to be a fearful, public mood for Newspapers and Television and Radio. Many blame the bloody events of the Democratic National Convention in Chicago last year for the public's attack on the news media. Further—campus kids have launched their own offensive at the established news media, the corporate press, and radio and TV. More than 300 underground newspapers and magazines have sprung up in the United States, conceived to protest the established codes of social behavior. Many also wonder what ever happened to what they thought was the sacred cow of the Fourth Estate—objective reporting. This special report examines the Fourth Estate Under Fire.

Anncr. WMAQ presents The Fourth Estate Under Fire—Your reporter, Charles McCuen.

McCuen. Part one, the Upstart Press.

One of the better, upstart magazines, the Chicago Journalism Review, was founded last October by young professional newsmen, volunteering their talents and time after the bloody convention. They wished to cool their deep frustration against the established press and quickly won support for the Review from sympathetic readers. Circulation of the Review rose quickly as did the magazine's business loans. No pictures or art could be afforded in the first 6 page issue of the monthly review which sold for fifty cents a copy. However, caustic headlines for the convention items ran like this: "One Step Forward, Two Steps Back" and "Some News That Didn't Fit In Print." But, there were many photographs and art in the 16 pages of the year old Review along with a regular, front page cartoon by the Pulitzer Prize winner Bill Mauldin. Today, CJR's Managing Editor, Ronald Dorfman, has quit Chicago Today, a Tribune owned afternoon newspaper, to run the Review at a salary of $12,500.

McCuen. One of the aims of Dorfman and his fellow editors is to improve the quality of journalism by protecting the individuality of reporters and giving them a direct readership. The reporter, says Dorfman, is closer to the shadow of reality than the publisher. Although, the Chicago Journalism Review offers reporters a platform to prevent their egoes from being gobbled up entirely by the corporate press, they do their thing using the unvarnished truth and unvarnished opinion.

Dorfman. I think our basic conception of what's news and what's not news is in need of some overhauling. I think that the notion of objectivity, which we made into a little stone idol, is in need of a major overhauling. And I think generally that newsmen have to take a much broader conception of their role in the society. The true role of the newsman is that of an educator. The news media is what passes for continuing education in our society; that's how we find out about each other and about the world. And I think that all too often that not only the publishers but the editors and reporters themselves have much too limited an understanding of society and too limited a notion of what their function is. You're not going to tell anybody anything new or anything they should know by simply screaming about the latest crime on the subway or the newest big fire.

McCuen. The Chicago Journalism Review is moving boldly on a course of interpretative reporting, presenting frequent, critical essays rather than hard news facts. But that is the purpose of the Review, its staff says. Despite its possible intellectual flaws, the Review has many avid readers from the ranks of professional, seasoned journalists. Among them is Curtis McDougall, a sort of rebel himself and nationally distinguished professor of journalism at Northwestern University.

MacDougall. Today, they're recommending interpretative journalism which I have advocated for 25 years, but today it is not enough to just investigate the background of this little group of black students on this particular campus; or, the grievances of this group, black or white, against the administration because the interpretation has to be nationwide today. It has to be worldwide. And what's happening on the campuses is not different than what's happened to our entire economy, what has happened to educational institutions is something that's happened to newspapers and all other institutions in our economy. They've become narrower and narrower in their control. They've gone—passed into the hands of administrators and investors and have lost sight of the social world.

McCuen. Professor MacDougall's robust career spans more than a half a century as a working reporter, editor, teacher and author. He has written numerous books on journalism, among them a classic textbook, Interpretative Reporting, published 30 years ago, revised four times since and still current for all students of the news media. Dr. MacDougall earned his doctor's degree 36 years ago. For the past 27 years, he's been a journalism professor at Northwestern, but admits he's still a frustrated reporter and still anti-establishment. The Professor says he is frightened by the growing tendency of governmental censorship.

McDougall. It's very hard to point out that progressively since 1951 when Harry Truman instituted the classification of news, there has been a progressive censorship of government at all levels, particularly in Washington—but permeating the states and communities, too. But, it has meant that there has been no public discussion based on information of any important event in relation to our foreign policy beginning with the U-2 incident, Bay of Pigs, missile crisis, Dominican Republic and down to Viet Nam—there has been a continuous fight on the part of the news gatherers to overcome the censorship. You can't tell the truth if you can't get it. The frustrated journalists six months or a year later can resign and write a book, and many of them have; and, they've heard of the historians in straightening out the record, and by that time there was a new crisis; and, I've tried to alert League of Women Voters and church groups and political groups and civic groups of all kinds to a greater consideration of this matter of news management. Now, while Lyndon Johnson was president, a fellow on the Washington Post invented the phrase credibility gap and that caught on. There was nothing different under the heading that we've been talking about under the heading of news management for 15 years before that. But, then it became translated politically to mean—Lyndon Johnson was a liar. Well, yes, L.J. was and is a liar. But, believe me, he has no monopoly on it. His predecessors were liars and everybody around him in Washington are still liars. Just yesterday I had a long time, experienced Washington correspondent say to me—it is terribly frustrating to work in the nation's capital when you realize from morning to night almost everybody you meet from the President of the United States down is probably lying to you.

McCuen. At 32, James Ridgeway has worked for Newsweek, the Wall Street Journal, free lanced for three London Newspapers, worked as associate editor for the New Republic, and wrote a book expose on the modern university; a year ago in Washington, Ridgeway co-founded a small, weekly investigative newspaper, Hard Times, of which he is editor. Ralph Nader, the consumer advocate, is a publishing consultant for the four page weekly. Ridgeway says it was established with the idea of giving the editors a direct crack at an audience. He admits Hard Times is a muck-raker.

Ridgeway. We do a good deal of just sharp muck-raking in Washington, government policies, etc. To give you an example, we were discussing the J. Edgar Hoover Foundation, which was the subject of a big article in Life, I think, a month ago. We were discussing it last fall. We'd been digging around the FBI, dug up a lot of stuff about them. We did a lot of work on the campaign contributions to the Republican party in the fall. We did a long expose and analysis of Arnold, Fortes and Porter, the law firm which former Justice Fortes came from—showed how it was influential in running the cigaret lobby, operating general politics in Washington.

Howard. There are definitely two sides to the story in Viet Nam. Well, not even now are we getting both sides of the story. We don't have the side of the story that the National Liberation Front has been—we don't have their side of the story—what they've been fighting for. There is nothing sympathetic toward their side of the struggle that has ever been written in the establishment press in this country. And their struggle is a legitimate struggle. It's a struggle for the freedom of their people. So I say No—the U.S. Press does not show both sides of the story.

McCuen. At 28, Allan Howard is an editor of the Liberation News Service in New York, a weekly purveyor of printed news to underground newspapers in the United States. The average fee for the service ranges from $15 a month to $500 a year. As Allan, a Fulbright scholar, would tell you, Liberation News was formed two years ago at the time of the Pentagon demonstration by editors associated with the College Press service. The college editors, he says, had observed distorted reporting by the established press of the anti-war demonstrations and felt there was a need for an independent news service. Allan Howard says in his own words, he sees great world-wide corporations controlled by a few thousand . . . hundreds of millions of poor people living and working as virtual slaves of these corporations . . . that, there will never be peace in the world until the slaves gain control of the institutions that now control them . . . that, people must choose sides in this war . . . that, there is no middle ground . . . that, the man who does not join this revolt stands in its way . . . and, that, the purpose of the Liberation News Service is to aid this global revolution in every way it can. Allan Howard explains how the editorial staff operates at Liberation News Service, which serves 300 underground newspapers:

Howard. What we're trying to do is—we want to build a new society. We know we can't build it—but we're going to play a small part in it, and part of that vision of the new society is like people relating to each other in a different way. Like there's no boss at L and S. Decisions are not voted on. People sort of reason things out and we come to some sort of consensus.

McCuen. One of Liberation News's subscribers is a classy, two-section bi-weekly newspaper, Kaleidoscope, sold in Milwaukee but printed 20 miles to the North in Port Washington by the Ozaukee Press, which publishes newspapers of its own. Although, William Schanan Junior, prize winning founder of the Ozaukee Press, only prints Kaleidoscope, angry citizens of the Port Washington Area have boycotted his own three newspapers since last June. His son, Bill, explains:

Schanan. A very rich man in Grafton which is a community within ten miles of here saw a copy of Kaleidoscope and was apparently incensed by what he saw. He met with other people in Grafton around here and they drafted a letter that went to 500 merchants and business men in this county; and with it was an excerpt of a rather outrageous tract of Kaleidoscope. The letter suggested that we were responsible for this piece of writing and that the committee should then withdraw its advertising. We heard from our biggest advertisers in about two days. They came over—one came over and announced he was withdrawing his advertising. The rest just removed their advertising. It all happened within a week. Within a week we had lost eighty percent of our advertising volume.

McCuen. For the Schanans this meant possible disaster for Ozaukee Press, a leading newspaper for 30 years in that part of Wisconsin. The Schanans did attempt to pacify the 40 advertisers who joined the boycott:

Schanan. We've met with them, but the merchants are fearful. They've been told by a number of people that if they advertise, they'll lose their business. People threaten to stop shopping if they advertise. It hasn't been a great many people, but it's been enough to get them excited.

McCuen. Part Two of the Fourth Estate Under Fire examines the other side and other opinions. The Fourth Estate Under Fire . . . A probing look at journalism today continues after this message.

Not all journalists are unhappy with the corporate press. A seasoned journalist, Frank McNaughton, at 60, heads a public relations firm in Chicago, after working 21 years with United Press and Time-Life in Washington. At Time-Life McNaughton was chief congressional correspondent during the administrations of President Roosevelt and President Truman. McNaughton would like to see more investigative reporting and more in-depth reporting. And, in some ways he thinks the newspapers are not sufficiently critical of the social and economic political establishment. But, despite its shortcomings, McNaughton is optimistic about the quality of today's journalism:

McNaughton. First, I believe that the American public is better informed today in depth on all issues than it has ever been before. The second point that I would like to make is that I think the newspapers, radio, TV have a higher quality, a better educated type of reporter, more college graduates, more in depth students of economics and social trends, political issues than was the case when I first started in as a reporter. You've got more college graduates on the newspaper reporting staffs and on the editorial staffs than ever before. And I believe that anyone can find fault—certainly no human institution reaches the ideal.

McCuen. The recruitment of college students to newspaper work today is reported rather difficult. One therefore wonders what ever happened to the glamour of the Front Page that drew thousands attempting to follow in the footsteps of Ben Hecht and Charles Mac Arthur. But, that milestone drama of sensational journalism was first produced on Broadway 41 years ago. Today a great many students of journalism are drawn to the electronic news media: Radio and TV. The Chicago Tribune's 36 year old Day City Editor, David Halvorsen, says that talent is available—but not always in the form that you want it.

Halvorsen. One of the most difficult problems, and it seems to be a process of our education now, is that younger people coming up want to present their opinions to the readers and they want the Tribune and other papers to be a forum for them. Well, we understand this but they have to present the facts, the news of the situation, and they have to be able to 1, report, 2, research and 3, write. And you don't always find these three elements in one man. So the talent pool is not quite as big as one may think. This takes a process of good selection. It means you're going to lose some young people who become disenchanted.

Kirkpatrick. But we have found that some of the very best talent that comes into the Tribune comes in with people who are deeply interested in investigative reporting. There is a strong social conscience among a great many of these young people. And they want to set the world straight. And they want to correct injustice and they want to do some crusading and for these reasons they are highly motivated.

McCuen. To set the world straight . . . to correct injustice . . . so speaks Clayton Kirkpatrick, editor of the Chicago Tribune where he's worked for 30 years. Kirk says investigative reporting is a relatively new term in journalism though it's been going on for many years. Kirk says there's a new emphasis, however, on auditing public affairs and government officials because the government is so big. The average citizen can't be expected to know what goes on in the sanitary district, criminal courts, or the United States post office, he says. Kirkpatrick believes a newspaper is the public conscience and should campaign for a good cause just the same as would a private citizen. The Tribune was the only Chicago newspaper to campaign daily for many months in a gallant, but possibly futile, effort to save Lake Michigan from pollution. Kirkpatrick says today's greatest challenge in journalism is to get all the truth about this complex world reported, faithfully, accurately and honestly. Meanwhile, he points out, the American newspapers are struggling with a cost price squeeze and circulation declines—caused in part by radio and television. But, to those who think that newspapers may be dying or that the printed page ultimately will wind up on a home viewer's TV screen, Kirkpatrick comments:

Kirkpatrick. During the Apollo Eleven Flight, TV covered this thoroughly to the saturation point. I think at the time of the moon walk on July 20 and 21st, there were about 30 hours of television coverage, a very short period of time, everybody saw television and yet at the same itme, they wanted to see the same thing; they wanted to see it on paper; they wanted to see it in print; they wanted to see it in pictures; they wanted something they could hold in their hand; and for this reason I think the printed word has a fascination. There is a satisfaction in it, which is encouraging to me. Our sales during that time were very good. Our circulation went up 110 thousand. We sold out. We had no more papers to sell.

McCuen. The conservative Tribune company, 122 years old, owns the Tribune and Chicago Today, competing with the moderately liberal Chicago Sun Times and Chicago Daily News, the ownership of which traces back to 1941. That year Marshall Field the Third plunged into the newspaper field at the encouragement of President Roosevelt. Today, at 28, Marshall Field the Fifth is the youngest publisher of a major newspaper—and the accent on youth continues, for the editor of the Sun Times, James Hoge, is 33.

Hoge's appearance and clothes are mod, as are young Field's. Hoge's challenge is to make the Sun Times appealing to a readership that is quite young also. The population, as Hoge says, is young and getting younger. Among his beliefs are: The World News is local news today. Editorial policies of the paper should not get to the point of where they're predictable. And Henry Luce was right when he said, "It's not important what we print—it's important what they read."

Hoge. We can leave newspapers or television aside for a moment and just look at the question of communicating. Obviously, people don't talk unless they want someone to listen to them. Writers don't write unless they want someone to read them. Now that doesn't mean that a writer writes only what he thinks a reader is willing to accept. He obviously wants to lead as well as to follow. It's an art. It's a judgmental question. I suppose it's why we have editors to make such judgments rightly or wrongly sometimes. I think a newspaper would be derelict in its job if it was not terribly concerned over the question of just how do we appeal to readers. Now that doesn't mean that you necessarily placate them—that you play to them. It does mean that you respect their right to have information presented in such a way that they will first of all read it, retain it and then possibly act upon it.

McCuen. It doesn't take much reasoning to know that if a newspaper wants to stay in business, it either has to show a profit or it has to have a rich uncle with strong principles. Unfortunately, PM's noble attempt to run a major daily in the post war Truman era without advertising was a complete failure, a bitter lesson for journalists to learn. But, there's more to it than that, and all of us know about it, that if you bite the hand that feeds you, you'll probably have to go hungry. While the advertisers themselves don't control directly the news you read, hear on radio, or watch on television, they can exert their influence. A good example of that is the Port Washington boycott against Ozaukee Press. And if you're going to throw some muck at politicians, senators or judges it's best you have some hard facts. Thorough investigative reporting is not the same as interpretative reporting and neither is completely objective—The news event, or the details behind the news event, are not as easily examined by the naked eye, trained as it might be, as for example probing moon rock under the objectives of a microscope. Objective reporting, therefore, is a misnomer. Instead, people should know that a good reporter responsible for his facts tries for objectivity but must be content to settle for fairness.

McCuen. The vice president and editorial director of the Chicago Sun Times and Daily News is Emmet Dedmond. A skilled news and feature writer, and author, Emmet Dedmond comments about objectivity in news writing:

Dedmond. Objectivity is a different, difficult word because today we tell our reporters that a news story is incomplete unless it has interpretation in it. In other words, the sheer facts the reader presumably already has, what he wants to know is what the event means, how it's put into perspective. There are two ways of interpreting the story—one is to get the facts into the story, to organize them in such a way that it illuminates the story for the reader—that it makes the meaning clear. We approve of that way and we encourage our writers to do it. The other way is when the writer tends to load his story with colored words or adjectives and say this was horrible or this fellow was a goon, and this was a bad guy, which is not only sloppy writing, it's bad reporting. That kind of personal coloring we do not like, but we do feel that the writer who has been present, the reporter and writer who has been on the scene, has an obligation to tell it to the reader the way it is, the way he saw it, and give it personal perspective. Now that's what we mean by objective reporting today, as well, as long as he is giving them the total picture of the facts and not merely giving them one side which happens to coincide with his personal, political leanings.

McCuen. The Fourth Estate Under Fire—a probing look at journalism today continues after this message:

Marshall Field the Fifth was born at the time his grandfather began competing with the Tribune company. Young Field has worked on other newspapers in Boston and New York, so he is no newcomer to a newspaper and to its executive decisions. The 28 year old Field relates the maxims of his father and grandfather when he says, "The audience in Chicago gets quite a choice of representation in the news if they want two sides to a story. All they have to do is buy a Tribune and a Sun Times the same day on the same story."

Field. I feel for instance that newspapers have a problem in the suburbs. We've grown in the suburbs. The Tribune, Chicago Today, Daily News, Sun Times—we've all grown in the suburbs. But we haven't grown at a pace that equals the growth of the suburbs itself. And, to me that says we're doing something wrong. They're getting information that they need somewhere else—the suburban individual. Now, it may come from somewhere else. It may come from television. It may come from suburban papers. It may come from magazines. But we haven't done the job we could do.

My goal is going to be that the Field papers should beat the Tribune company papers. It may be necessary for us to have suburban papers that are totally separate from the Sun Times and Daily News.

McCuen. The world famous political cartoonist, Bill Mauldin, at 48, is well remembered for his Willie and Joe satires of World War Two. Today, Bill Mauldin is twice recipient of the Pulitzer Prize and a prolific author and illustrator. A Mauldin cartoon amuses and fires up both the gut and the cerebral. Mauldin works for Marshall Field the Fifth's Chicago Sun Times and say that while he's in favor of private ownership of newspapers and broadcast stations, the only thing worse would be the bureauocracy and confusion of public ownership:

Mauldin. The overwhelming majority, I think, of publishers and private owners of news media are concerned with profit primarily, and I think that's wrong. I think if people are concerned with profit primarily they should get into the mining business or some other form of commerce. If their first concern is making money, I think they ought to get out of newspapers and they ought to get out of anything else that has to do with public trust—because I think dissemination of news is primarily a public trust. I have nothing against publishers getting rich or making all the money they possibly can, if they first look after their responsibilities to the public. I think you can generally say that the press throughout the United States is primarily profit motivated, and I think that's wrong.

McCuen. Bill Mauldin says he has "nothing against a newspaper having a commercial side to it—We all have to make a living." But, he understands the enigma of a dedicated publisher whose double task is to print truth at a profit. While he cartoons for the Sun Times, Mauldin supports the case of the Chicago Journalism Review. It carries his cartoons on the front page. Telling it like it was, was the dictum and hope of the Review, for it was born during the aftermath of the convention.

Mauldin. A lot of us felt—I know I felt that way in the beginning during these convention troubles—the Field papers did very well. In the vernacular of the day, they told it like it was. The papers on the other side of the street, the Tribune and the American, tended with the sole exception of Jack Mabley, who was critical of the police in the beginning, they tended to be completely in Daley's pocket—in the pocket of the establishment, you might say. I think that the Field papers after telling it like it was for a few days, tended to retreat. Now, there are a lot of arguments about how far they retreated, but I think that generally could be said. I don't think that the Field papers were ever guilty of distortion, but I think we did sort of back off editorially and begin to equivocate.

Mauldin. The first president that really sort of swam into my thinking processes was FDR, of course, so I've been thinking about politics and fooling around with them through FDR, through Truman, Kennedy, Eisenhower, Johnson and now Nixon. And, without exception, everyone of these people regarded the news media as something to be manipulated, not something to be served, and regarded news itself as something to be manipulated for their own interests of what they considered the best interests of the country.

McCuen. 31 years ago, Fred W. Friendly began his career in radio. And since that time he has become one of the most authoritative voices in the field of broadcast journalism. His distinguished career as producer of Hear It Now and See It Now for CBS, and his intimate working relationship with the late Edward R. Murrow—that with having served as president of CBS News, must give some credence to what he is about to say. Fred Friendly today is professor of journalism at Columbia University and an advisor on TV to the Ford Foundation. In his wisdom, Friendly takes broadcast journalism to task for not allowing enough time for reporting in depth:

Friendly. Television and radio don't allot enough time to anything. Because the news of radio and television are a minority part of programming, even on the all-news stations which are an important step forward which are all news all day. But, if you ride in an automobile and listen after about 30 or 40 minutes you begin hearing the same stories over and over again. I think that radio and television don't do enough interpretative reporting, and you know the reasons for that. You don't want me to sound like a common scold and play an ancient record all over again, but it's very difficult. Eric Severeid is one of the best interpretative reporters there is. So is David Brinkley, Chet Huntley, Elie Abel, but if you ask someone to do an interpretative piece on disarmament or whether we should go to the moon, or on the ghettos, and have to do it in two minutes, or two minutes and twenty seconds. That's very difficult to do. That's like the sin of the newspaper that says write it and do it in 600 words. A lot of stories you can't do in 600 words. A lot of stories you can't do in two minutes. And, the threshold of tolerance in radio and television seems to be don't talk to anybody for more than two or three minutes unless you do a big one hour documentary. And, if you do a one hour documentary, make sure it's on a subject of such combustible interest that everybody will sit on the edge of their chairs. Some stories are very dull but very important.

McPhaul. You know we always carried stars posing as policemen, coroner's office, and not long ago the newspaper guild filed a protest with the FBI—the FBI had been using men going around posing as reporters.

McCuen. Part Three of the Fourth Estate Under Fire concerns those colorful days and newspapermen of the Front Page era. Those were the men and women who lived and breathed the literary motto of the great editor Arthur Brisbane. His advice was simple enough: Be Brilliant. In those days, as told by veteran reporter and author Jack McPhaul, there was a lot of muscle reporting and impersonation. The heartbeat of the

Front Page in that period was without question local news.

The Fourth Estate Under Fire . . . A probing look at journalism today continues after this message:

In the Ben Hecht, Charlie MacArthur, or James Cagney days of reporting, the legmen learned how to run around obstacles or crash through to beat the rival newspapers. If they failed, they'd look for another job. Those were days of eight or ten newspapers competing in Chicago. Newsmen had to be sharp, aggressive and brilliant. Today, the muscle school has closed its doors with the retirement of another great Hearst Editor Harry Romanoff. Harry had been in the news business more than half a century.

Romanoff. Somebody said that I constantly posed for somebody else. It wasn't my fault that they misunderstood. And, it's really true. They said I've been the mayor, the governor, at one time the president. Not right if some people took that attitude, or else they mistook everything. I never will at any time misuse anything that I've done. I've enjoyed every minute of it. It's been fifty and some odd years. No matter what I did, I wanted to do it. I enjoyed it.

McCuen. Harry Romanoff, at 70, will tell you that the war and other social struggles both here in the U.S. and throughout the world are more important than a Lake Shore Drive love-nest-story. So, today's reporter no longer steals diaries. So, rather, he must be a headman. The last night Harry Romanoff worked at Chicago Today, he gave advice to his young reporters.

Romanoff. Today, you need journalism. You need a good education because the day has arrived by which civic culture, outstanding things in medical and electronic fields, are bringing a new world to us. And the newspaper man has got to come along with that new world just as well as the radio and TV must move into the new world. You've got great coverage in the news field as well. You've got great chances to do well. So, it's made the newspaper man think behind the news—what lies behind that—and they are doing that. Crime that's prevalent now gets only the back pages in very small amounts. The reason for it—because the world's moving on.

Dienhart. We were a group of young newspaper people. We had brilliant editors, among them Walter Howie, who is famous in the movie and stage play. The Front Page, written by Charlie MacArthur who worked on the paper. And we had several other great managing editors. And Radio and TV had not yet come on the market in the time that the Herald and Examiner came in to existence. And, the papers at that time sold and attracted buyers by their headlines. Every paper sought to have snappy headlines. Headlines that would attract the readers as they passed by a newsstand or approached a newsstand and saw four papers from which to choose.

McCuen. Still going strong at 76, veteran Chicago newsman John Dienhart (Deenhart) is now the executive editor of the Economist newspapers. Trained under the Hearst banners, John Dienhart believes in a brief, concise, brilliant style with emphasis entirely on the news. He grimaces at long winded stories, excessive pictures and features, opinions and interpretative reporting. His dish of news is—simply tell the facts, an old Hearst expression. Back in those days, Hollywood film producers had a heyday with the Front Page style of reporting. The authors of that great play, Ben Hecht and Charles MacArthur, had enough initiative, imagination and brilliance for a hundred newsmen:

Dienhart. Ben was a Bohemian with a small letter B. He had a mustache that was untrimmed and he wore slouch hats. He was about five feet six. He worked on the Chicago Daily News. The Daily News at that time was on Wells Street, just North of Madison. Victor Lawson owned the paper at that time. And, Ben had a flair for good writing. So his editor assigned him to write a column. One Thousand And One Nights in Chicago. And, every day Ben told anecdotes about different people, etc. Now, Charlie MacArthur was a natural partner for Ben Hecht. Where Ben was more or less quiet and full of fun, not withstanding, Charlie MacArthur was a lively exuberant young fellow. So, with a great sense of humor, both of them covered the Criminal court building at various times. They concocted a fabulous scheme and they went to Coroner Hoffman with a mention in their play Front Page and asked him to turn over to them the body of a man as soon as he was hanged. Well, the coroner ruled that inasmuch as the fellow was dead, his body was available to whomever claimed it. Naturally, it should go to a relative or one of the family, but in this instance there were no relatives. So, the fellow was hanged and Charlie and Ben had a couple of doctors and they rushed into the old criminal building ward and the doctors worked on the fellow to try to revive him. And the stunt that Charlie MacArthur and Ben Hecht had was that if they could revive the guy, he would have paid the penalty by sacrificing his life and they would have restored it. But the thing as fantastic as it sounds nevertheless was tried, but the fellow didn't respond. He didn't cooperate. So that's something that isn't done any more today. Don't you know.

McCuen. Ben Hecht's widow, Rose, a playwrite herself and former actress, lives in New York, mostly alone, but with those great moments of their lives that she vividly recalls. She remembers the giant Hearst editor of all, Walter Howie, along with an incident that occurred after Ben Hecht, her husband, became rich in Hollywood:

Hecht. Behind Walter Howie, let me say this, because I knew him, was a great guy called William Randolph Hearst. Now, Hearst—we used to go to his ranch at times—our friend, Charles Leaderer was the nephew of Marion Davies. Hearst used to come and jazz up all his papers and you know make his managing editors wild to get scoops. And, when we were at the Hearst ranch eating in this grand dining room that used to be in a monastery—you know, Ben said to him: "I've never liked you because you faked the story of Ruth Randall and you wrote her diary, and I know you did. And, he said, "Yes, I did," and he was proud of it. He'd come into town and write the diary of some woman murderer and it would be running. And, then in the Carl Wanderer case they made up all sorts of things that he invented . . . and Hearst was a great newspaper man. He was. They blame him for the Spanish American war, and he was capable of that. He was capable of anything. One of our great friends who was Gene Fowler, who was his managing editor on the New York American—he can tell you the terrible things that happened. He could have told you. He's gone now. Guess I'm talking about the past.

McCuen. Hecht and MacArthur had a great flair for the dramatic in their stories. For example, there was the celebrated case of murder involving Carl Wanderer. A ragged stranger killed Wanderer's wife. Wanderer killed the ragged stranger. But, a long investigation proved that Wanderer hired the ragged stranger. On the day of Wanderer's trip to the gallows, to his execution, Mrs. Rose Hecht recalls the unhappy mood of MacArthur:

Hecht. MacArthur was mad at Walter Howie at the time. So, he said, "Let's give him a speech which we'll write, saying that the newspapers have driven him to his death". So, Ben and Charlie wrote a speech for Carl Wanderer and they forgot that they tie a man's hands down when they put the hood over him. And he was near sighted and he couldn't read it. So, instead of reading the speech that Ben and Charlie wrote, accusing Walter Howie of hounding him to death, I don't know what he did—he sang Dear Old Pal of Mine. They said have you any last words—and he looked. He couldn't read it. So, he sang Dear Old Pal of Mine, and they dropped him.

McCuen. In the cast of The Front Page, you may recall, was McCue, the young, overworked, underpaid City Press reporter. The character was fashioned from real life, from LeRoy Buddy McHugh. Buddy, now retired after 54 years of active reporting, is one of the last survivors of that Front Page heyday. Meek appearing of short stature, Buddy was easily mistaken for a drug store clerk or accountant, rather than a low-key tiger. Buddy McHugh had a unique style that was simple and classic—he was never perturbed.

McHugh. I had talked to Bugs Moran previously and I knew some of his men and I recognized the two Dusenberg brothers laying against the wall that I had talked to before. And, there was a big police dog chained to a truck, barking every time the police would get near the bodies. And, we were in danger that this chain might break and if it did, we were all in trouble.

McHugh. And, I thought that was one of the most interesting murders because in interviewing some of the people outside they said a man was seen going into the garage, dressed in a policeman's uniform—very tall, heavy set man. And, from the description, the police and myself were satisfied that this was Killer Burke, one of the Capone gang, and we believe he was able to get in there, and the Moran gang thought he was a policeman, that's why they let him in. The St. Valentine Day murder case was always very interesting.

McCuen. The Fourth Estate . . . A Probing Look at Journalism Today . . . continues after this message.

It would be over simplification to say that the trouble with the fourth estate is the increasing amount of horrendous news. That may be more of a problem for the public to learn to digest. Then, there's the question: What is the purpose of a newspaper or the function of a television or a radio news program? More than a century ago, Long John Wentworth hitchhiked to Chicago from Michigan City and quickly established his own newspaper and entered politics. This was a practice of the politicians of his time. A Newspaper or Radio-TV transmitter has a unique, powerful voice—it can inform, campaign, crusade, persuade, entertain, distort or even lie. It may reflect vested interests as well as the barren truth of scandal and corruption. Public service may be the intention but not always the result. Recently, a Channel Five news report of mistreatment of dogs at the city pound brought an avalanche of response—far greater, ironically, than any other news report involving the mistreatment of humans.

The programs on radio and television today—the stories published by the papers—surely are what has appealed to the public; in fact, most John Q. Americans prefer to watch the mirror of reality, disturbing as it may be. Today's Journalist must ask himself why is he in this profession? There are some who wish only to report the stories and enjoy writing up a good yarn. Others may want to investigate and search out the important truth that may be concealed to the public. But, in all, it would be nice to know and believe that all newsmen, all journalists, will do more than to inform the truth—but that together with the public they may leave this world a better place than they found it.

CLOSING CREDITS

This has been an NBC News Special Report: The Fourth Estate Under Fire. Reported by

Charles McCuen. Directed by Dale Blanchette. Technical Supervisors, Harry Dinaso, John Hoffman, David Wolfe. Production Assistant, Gwen Griffen. Written and Produced by Harry Mantel.

THEY CAST HIM—STEPHEN—OUT OF THE CITY AND STONED HIM (ACTS 7:58)

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UTT. Mr. Speaker, Vice President Spiro Agnew "told it like it is" when he criticized the news media for their slanted, one-sided reporting. From personal experience, I am well aware of how the left-wing networks can use half truths, statements out of context, and emotionally charged statements of dissenters to attack and even to destroy any public figure with whom they disagree.

Prime time is reserved for national speeches by the President and other leaders, and the immediately following time is also reserved for the commentators—not to objectively summarize the meat of the speech for late viewers, but to rebut where they disagree, to shred where they can not effectively rebut, and to twist and mislead as to the meaning of what was said. Being the "last word" as it were, these slanted comments become the impression retained by the average American, whose work and family responsibilities prevent him from studying the issues as completely as necessary to form his own opinions of what was said.

The most recent hatchet job on Vice President Agnew by CBS and other news media was purely political. This was so evident by the fact that comedian Bob Hope, one of the most loved performers and actors in America, in a nationwide TV news conference, made as many and as far-reaching accusations as did Mr. Agnew, on the subject of news media abuse in reporting. Even though this attack was made within 48 hours of Mr. Agnew's speech, Bob Hope, not being a politician, was not abusively attacked for making such statements. This one thing alone should prove the nonobjectivity of CBS and other news media.

The Vice President deserves great credit for being so forthright, and special commendation for being so right. No one needs to go beyond the reporting of the outside activities at the Democratic National Convention last year in Chicago to realize just how right Mr. Agnew is. A congressional investigation by House Interstate and Foreign Commerce Special Investigations Subcommittee staff members, Daniel Manelli and James Kelly, charged that the networks deliberately withheld film and videotape which would be derogatory to the demonstrators, including shots of material raining down from the Hilton Hotel onto the heads of the police.

Phillip Abbott Luce, writing in Human Events, said that he realizes more and more that "managed news" is apparently the only "news fit to print." Judge Haynsworth was a victim of a hatchet job by CBS and the leftwing press, as well as by the multimillion-copy press publications of the international labor unions, all of which repeatedly published every innuendo, rumor, charge, and unfounded criticism without one word of objective reporting of his background.

The huge crowds participating in the recent "new mobilization" were glaring evidence of the correctness of Mr. Agnew's statements. Almost everybody saw news reports and TV coverage of Dave Delinger during the propaganda buildup for the demonstration, but did anyone hear an explanation of his background? Was anybody told that in a 1963 speech he said "I am a Communist, but I am not the Soviet-type Communist"?

Did anyone see TV coverage of statements by my colleague, House Internal Security Committee Chairman Richard Ichord, in which he characterized the moratorium committee's program as "an integral part of the fall offensive," and called it "a propaganda maneuver designed and organized by Communists and other revolutionaries?"

Representative Ichord's staff made quite a study, and their report includes an account of the encouragement given to demonstrators by the official Communist newspaper, the Daily World. They cited the endorsement given by the Student Mobilization Committee To End the War in Vietnam, which, according to FBI Director J. Edgar Hoover, "is controlled by members of the Young Socialist Alliance, the youth group of the Socialist Workers Party." The latter is the largest Trotskyist Communist Party in the United States, and has been declared subversive by the House Committee on Un-American Actvities and by two Attorneys General.

When TV and press coverage of statements and news releases of demonstration leaders led to the buildup of participation, were there ever additional comments made as to the involvements in subversive activities of those quoted? Everyone knows, of course, that anytime a rightwing personality is quoted, his link with or support by the Birch Society or Liberty Lobby is always mentioned in a derogatory tone.

Representative Ichord's committee staff listed those invited to the August 5 meeting of the mobilization San Francisco action project. Sidney Peck, an east coast cochairman of New Mobe and former State committeeman in the Wisconsin Communist Party, USA, sent a memorandum listing such radicals as Art Goldberg, west coast bureau of the revolutionary Communist newsweekly Guardian; Curtis McClain of Communist Harry Bridges' Longshoremen's Union; Karen Talbot, of the west coast edition of the People's World; Donald Kalish, by his own admission, "somewhat to the left of the CPUSA"; Terry Hallinan, long associated with Communist causes; Irving Sarnoff, an identified Communist; Harold Supriano, one of the founders of the W. E. B. Du Bois Clubs of America, a Communist group; and a number of others with longtime associations with the Communists and their sympathizers.

There is no doubt that the vast majority of those participating in the demonstrations are sincerely interested in world peace on an honorable basis. For whatever reasoning or rationalization they might have, they felt that this was the proper way to assist in reaching that goal. But how many of them really knew the background of the leaders? How many of them would have participated had they known in advance that they were following those whose activities in the past clearly brand them as traitors and enemies of our Nation?

The press and TV have had an overabundance of writers and commentators who have gained national prominence through the many years they were growing up under the left-wing socialistic philosophies of the New Deal, Fair Deal, and the other emotionally attractive titles of the administrative leaders of 28 of the past 36 years. They get wide coverage and attention, and their left-wing bias makes it easy for them to overlook backgrounds and motives when publication of such will be derogatory to their views.

But they should stop and do a soul-searching analysis of the Vice President's statements, with the degree of objectivity which the press so jealously ascribes to its news columns. Editorial opinion, as Mr. Agnew realizes, is proper on the editorial pages, and TV reporting should also be so separated. But more important than that is the overriding importance of refraining from giving aid or comfort to our Nation's enemies, whether they be the Vietcong, or the Communist conspiracy which has repeatedly told us of their plans to conquer us. When such statements are backed by examples of their methods in Czechoslovakia, Hungary, and Red China, it seems intelligent men should start to believe them and quit assisting them to their goals.

It is most distressing to find so many self-appointed official spokesmen in the U.S. Senate for the Hanoi government, especially the chairman of the Senate Foreign Relations Committee, who constantly undermines the President.

GROWING TIDE OF PUBLIC OPINION FAVORS REPEAL OF EMERGENCY DETENTION ACT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MATSUNAGA. Mr. Speaker, it is gratifying for me to see the public officials of my State speaking out, through duly adopted resolutions, in support of legislation to repeal the Emergency Detention Act, a law which hangs like the sword of Damocles over the heads of the people of this great Nation. The council of the county of Maui and the city council of the city and county of Honolulu, have both adopted such a resolution.

The Emergency Detention Act was aptly described by the Honolulu Star-Bulletin in its excellent editorial of October 27, 1969, which stated:

> For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin thread of circumstances.
>
> That ax is Title II, the Emergency Detention provision of the Internal Security Act of 1950. Any person detained under this act would be assumed guilty and have the onus of proving innocence. The sooner Title II is repealed the better.

Mr. Speaker, I believe that this editorial speaks for a vast majority of concerned Americans with respect to the compelling need to repeal a law which could deprive our neighbors of the traditional safeguards of due process which are sacred under our Constitution.

I am privileged to submit for inclusion in the CONGRESSIONAL RECORD for the attention of my colleagues the editorial, "Watch Your Lip," as well as the resolutions adopted by the city council of the city and county of Honolulu and the council of the county of Maui:

WATCH YOUR LIP!

For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin thread of circumstances.

That ax is Title II, the emergency detention provision of the Internal Security Act of 1950, the so-called McCarran Act.

The thread of questionable strength that keeps the blade from falling is the weak refrain of those who defend the McCarran Act that "This couldn't happen in America."

The McCarran Act gives the President the power to proclaim an "internal security emergency" in event of 1) invasion of the United States or its possessions; 2) declaration of war by Congress; and 3) insurrection within the United States in aid of a foreign enemy.

Should the "internal security emergency" be declared, the President may detain persons "if there is reasonable ground to believe that such a person will engage in acts of espionage or sabotage."

Hawaii's Sens. Daniel K. Inouye and Hiram L. Fong and Reps. Spark M. Matsunaga and Patsy T. Mink are sponsoring bills in Congress for repeal of Title II.

They point out that Title II has never been tested in the courts.

Before the Senate, Inouye noted that Title II became law over the veto of President Truman, who said the great majority of the law's provisions "would strike blows at our liberties."

Additionally, Sen. Inouye said, "widespread rumors have circulated throughout our Nation that the Federal Government is readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated and believed in our urban ghettos."

Congressman Matsunaga noted, in his call for repeal, "As a lawyer, I find that Title II is repugnant to the accepted traditions and precedents of our legal system."

The McCarran Act is reminiscent of 1942 when 110,000 Americans of Japanese ancestry were arrested, their property confiscated and they were detained in "relocation camps" for most of World War II.

Any person or group detained under this act would be assumed guilty and have the onus of proving innocence.

When it was conceived, Title II was sharpened especially for the Communists. But, as it is written, the President conceivably could apply its provisions to any group—Black Panthers, Mormons, Yippies or another.

What Title II says, in essence, is that everyone should "watch your lip," or else.

Title II is ridiculously horrifying in our "due process" society.

Its implications are readily apparent. Of course it has never been used—but it is there; it has remained a threat over the last 19 years to any group whose views run counter to those of the man in the White House.

Sens. Inouye and Fong have the backing of 24 other U.S. senators for their repeal proposal; Reps. Matsunaga and Mink are joined by 125 co-sponsors.

The sooner Title II is repealed the better. There is always a chance that the ax will be allowed to fall.

RESOLUTION No. 249

(Introduced by Goro Hokama, councilman)

Whereas, the Internal Security Act of 1950 passed by the Congress of the United States provides, among other things, for the detention of any person on the mere probability that he will engage in or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, said act violates the civil rights of all Americans; now, therefore,

Be it resolved by the Council of the County of Maui that it does hereby respectfully request the Congress of the United States to forthwith take whatever action is necessary to repeal the Internal Security Act of 1950; and

Be it further resolved that certified copies of this resolution be transmitted to Senator Hiram L. Fong, to Senator Daniel K. Inouye, to Congressman Spark M. Matsunaga, and to Congresswoman Patsy T. Mink.

It is hereby certified that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of November, 1969.

JAMES S. URBIJINA,
County Clerk, County of Maui.

RESOLUTION

Whereas, the Congress of the United States has heretofore adopted subtitle II of the Internal Security Act of 1950, commonly known as the Emergency Detention Act; and

Whereas, the said Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Where, the said Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearing before a departmental preliminary hearing officer and a detention review board; and

Whereas, the said detention procedures set forth in the said Emergency Detention Act, pose a serious threat to the Civil Rights of all Americans; now, therefore,

Be it resolved that the Council of the City and County of Honolulu strongly urge all members of the Congress of the United States to use their best efforts to have the said Emergency Detention Act repealed; and

Be it finally resolved that the Clerk be, and she is hereby directed to transmit copies of this resolution to: Governor John A. Burns; U.S. Senator Daniel K. Inouye; U.S. Senator Hiram L. Fong; U.S. Congressman Spark M. Matsunaga; U.S. Congressman Patsy T. Mink; Senator David McClung, President, State Senate; Representative Tadao Beppu, Speaker, State House of Representatives; Mr. Ray Okamara, JACL National Co-Chairman; Mr. Mike Massoka, JACL Washington Representative; Dr. Robert Susuki, JACL Executive Liaison; Mr. A. A. Smyser, Editor, Honolulu Star Bulletin; Mr. George Chaplin, Editor, Honolulu Advertiser; Mr. Takeshi Fujikawa, Editor, Hawaii Hochi; Mr. Ryokin Toyohira, Editor, Hawaii Times; and Mayor Frank F. Fasi, City and County of Honolulu.

Introduced by: Ben F. Kaito, Clesson Y. Chikasuye, Walter M. Heen, Brian Casey, Torahi Matsumoto, Herman J. Wedemeyer, and Charles M. Campbell.

Date of introduction: November 4, 1969, Honolulu, Hawaii.

The foregoing is a copy of a resolution adopted by the city council of the city and county of Honolulu on November 4, 1969.

WALTER M. HEEN,
Chairman and Presiding Officer.
EILEEN K. LOTA,
City Clerk.

DRAFT REFORM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENGEL. Mr. Speaker, the subject of draft reform is on the mind of every Member of this body. This is true even though we have already passed the legislation dealing with the lottery provisions requested by President Nixon. We all realize that in the forthcoming session, we must review the entire body of our draft laws.

Earlier, there was some question as to what action could be anticipated in the other body on the lottery provisions. While that problem now seems to have been resolved, it seems appropriate to insert in the RECORD, an editorial from the Davenport Times-Democrat on this subject. Needless to say, I concur wholeheartedly in the view expressed in the editorial:

[From the Davenport-Bettendorf (Iowa) Times-Democrat, Nov. 7, 1969]

LET'S BEGIN DRAFT REFORM

Congress seems to have a deplorable addiction for all-or-nothing in legislative action.

A few months back, it surfaced in deliberations over extension of the 10 percent income surtax. There would be none, some influential members insisted, unless it was accompanied by sweeping tax reforms.

Now it seems to have put the draft lottery bill in cold storage until some time in 1970. Nothing like that will be done to make selective service more fair, say some powerful senators, unless there is an overhaul of the entire Selective Service Act.

The House overwhelmingly approved President Nixon's proposal for revision of the draft, which includes a lottery provision. It has run into major trouble, though, in the upper house.

Accordingly, Sen. Mike Mansfield, majority leader who controls legislative traffic, has announced:

"It is my belief that the President's proposal will not be taken up in the Senate this year because it was impossible to achieve a consensus to handle only the President's suggestion by itself, and because some members of the Senate want to go far beyond the President's proposal in the consideration of the draft law."

As a consequence, President Nixon probably will be forced to fall back upon an executive order by which instead of a lottery, 19-year-olds would be called first, rather than 26-year-olds as at present.

Responsibility thus would be placed on the President for a system admittedly less desirable than the one proposed by the White House for the reduction of inequities in the draft.

If a legislative logjam prevents overhaul of a system which has been widely denounced, does not practicality dictate that Congress make the most of the means at hand? Today's unfairness of the draft demands the best possible beginning toward a better way. Complete revision can come at the earliest date circumstances permit.

TO DRINK AN OCEAN, TO IRRIGATE A WORLD

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following article from the American County Government magazine:

To Drink an Ocean, To Irrigate a World

(By Robert Dyment)

The year 1967 was a "year of upsurge for seawater desalting, into new and vastly higher levels of size and capacity of installations," according to John C. Cleaver, chairman of the board and president of Aqua-Chem, Inc., Milwaukee, Wis., a world-wide leader in seawater desalting.

"Moreover," he added, "the whole science of desalting is now being applied to inland waterways—the lakes, rivers, and wells of any nation—where the pollution due to industrial and population wastes are becoming as high as the pollution due to salt and other contaminants in seawater.

"As a result," he predicted, "it now appears that some 1,000 inland communities in the U.S. alone may have to shift to some new, more effective and complete form of de-pollution, such as distillation, within the next ten years."

Looking at a recent United Nations report on desalting on a worldwide scale, shows that, whereas it took 25 years to build the world's desalting plant capacity to 86,000,000 gallons per day by the end of 1965, the year 1966 saw another 11,000,000 gallons per day added just in that one year alone, and the total capacity approved or under construction during 1967, reached the record level of 203,000,000 gallons per day—if one includes the 150,000,000 gallons per day nuclear-powered plant approved for construction by the Metropolitan Water District of Southern California.

This is a thirsty world we live in.

The average person consumes the equivalent of about 18 glasses of water a day.

It takes 110,000 gallons of water to make a ton of steel.

A ton of paper requires 184,000 gallons, a ton of synthetic rubber 660,000.

A jetliner needs 1,000 gallons to take off. An intercontinental missile uses 550,000 for launching.

Happily, this is also a watery world we live in.

Over 70 per cent of the earth's surface is covered with water.

But there are shortages in various parts of the world. The problem is not the amount of water, but having it in the place we need it at the time we need it and—perhaps most important—in the quality we need it.

In 1900, Americans used about 40 billion gallons of fresh water a day. By 1940, they were using 135 billion gallons. Today, the figure is about 350 billion gallons, and the maximum daily available supply is estimated at 515 billion gallons.

Before 1980, according to U.S. Department of the Interior projections, we will need about 600 billion gallons, 85 billion more than is available.

Fortunately, man's ability to maintain a supply of fresh water is keeping pace with his thirst for its use. He manages to make the available supply stretch by restricting the use of water, building reservoirs, and studying ways to retard the spring thaw to make water from melting snow last longer.

He also drills deeper wells, and builds pipelines, aqueducts, and pumping stations to bring waters to areas of scarcity.

All these steps help to get pure water to the right place at the right time, but it also adds to the cost of water. Today, the cost of obtaining a new source of pure water by conventional means is estimated at 13 to 70 cents per 1000 gallons, depending on the area.

The cost is expected to rise to the 20–90-cent range by 1980.

While the cost of obtaining water conventionally creeps upward, the cost of tapping the ocean is steadily decreasing.

Improvements in the technology of desalination have made this process increasingly attractive.

In 1953, it cost about $5 to convert 1,000 gallons of seawater. Today the cost range is 75 cents to $1.50, and prospects are that the cost will fall to about 20 cents for large plants.

Costs are approaching levels at which industrial and municipal water users are willing and able to pay for desalting rather than tapping new water supplies.

Specialists with Westinghouse Electric Corporation, which makes both electric power generating equipment and water desalination equipment, believe there is a great potential for large plants that produce both electricity and pure water. To desalt water, you need heat. A power plant rejects more than half of its heat input. But from every evidence of experience, technology and economics, these two kinds of plants complement each other and belong together.

It makes sense to take the flow of turbine steam in its lower stages and divert all or part of it to the production of fresh water.

The largest water desalting plant in the world today is the one built for the Florida Keys Aqueduct Commission. Under a $3,369,400 "turnkey" contract, Westinghouse was responsible for the design, engineering, construction, and initial operation of the plant.

This was the first commercial application in the United States of a seawater desalting plant to provide a community's water needs. Other desalting plants in this country are experimental units built under a federal demonstration program conducted by the Office of Saline Water, U.S. Department of the Interior or are plants producing fresh water for industrial use.

In 1948, Westinghouse began to research, develop, and build the first large-scale plant for distilling ocean salt water. It was the Sheikdom of Kuwait on the Persian Gulf.

Today, the company has built or has orders for a total of more than 70 water conversion units from Kentucky to Pakistan, from Libya to Indonesia.

One of the plants is at Guantanamo Bay, Cuba, providing 2,250,000 gallons of pure water daily to the U.S. Naval Base there. Part of the plant originally operated at Point Loma, Calif., supplying San Diego with part of its water.

When Fidel Castro ordered water to the Naval Base cut off in 1964, the Point Loma plant was dismantled, shipped to Guantanamo, reassembled, and expanded.

Although Westinghouse has done, and is continuing, research in several kinds of desalting processes, it has concluded the multistage flash (MSF) distillation process is the one showing the most promise. This process is used both for such seawater conversion plants as the ones in the Virgin Islands and Key West and for brackish water treatment plants for industry.

This process purifies water by forcing heated water under pressure into a chamber with lower pressure. The pressure affects the amount of heat the water can retain. When the pressure suddenly drops, part of the water vaporizes, or "flashes" into steam, and then is condensed into pure water. This process is repeated several times during the treatment.

The flash-evaporator technique has a number of advantages over other possible water conversion processes:

1. It can produce extremely pure water of .25 parts per million total dissolved solids—more than adequate to meet even the most stringent specifications for high-pressure boiler feed or makeup, or for process water.

2. The quality of the converted water will not change appreciably no matter what the mineral content or purity of the raw water. Flash evaporators can be used equally well on seawater, brackish water, commercial water, contaminated river water, swamp water, stagnant water, or water with mine acid wastes.

3. Flash evaporators are reliable and require little maintenance, and maintenance is easy to accomplish. The original systems installed in the first Kuwait plant are still in operation at full capacity 94 per cent of the time and need maintenance only every 8,000 hours. Most of the maintenance can be done from outside the unit, which saves time, effort, and cost.

4. Flash evaporators are easily adapted to automation.

5. They can use heat from any of several inexpensive sources such as waste heat from a process of exhaust heat from a non-condensing gas turbine.

6. Flash evaporators are extremely versatile, and can be designed for a wide range of output (50,000—150 million gallons per day, or more) and a wide range of operating temperatures.

While Southern California and the Key West area already are turning to seawater conversion, the eastern tip of Long Island, among other areas, soon may find desalting the answer to an increasingly vexing water-supply problem.

International areas which already have installed or plan to install desalting plants include the Canary Islands, Cyprus, Hong Kong, Israel, Kuwait, Malta, Mexico, Sicily, Spain, South-West Africa, Tunisia, and most of the Caribbean.

In April, 1967, the residents of Key West, Fla., were already getting a taste of what the summer held in store—water shortage.

People who lived in the lower Keys couldn't wash their cars. They couldn't water their lawns. And, there were hints that—as a last resort—water might be turned off completely at certain times of the day.

It was truly ironic. All around, billions of gallons of water flashed blue and white, but it was salt water and totally unusable.

The water that Key Westers did have for drinking and for utilitarian purposes came to them from the Florida mainland, 130 miles away. An 18-inch pipeline, owned by the U.S. Navy, brought 6 million gallons of fresh water daily from Florida City to serve the Navy and Key Westers. But it wasn't enough water.

The Florida Keys Aqueduct Commission (FKAC), which buys the fresh water from the Navy and operates the distribution system on the islands, had developed a water storage capacity of 17.5 million gallons. But the prolonged drought had dropped the amount of water in the storage tanks to about two million.

Some residents were talking about cleaning out Key West's cisterns which had been used to collect rainwater for drinking and washing purposes before the Navy built the pipeline from the mainland in 1942.

Then, late in May, 1967, the water problem vanished in a flash on Stock Island.

There, just offshore from Key West, the world's largest single-unit water desalting plant went into operation, converting salt water to fresh water.

Built for FKAC by Westinghouse, the plant achieved its guaranteed capacity of 2.62 million gallons early in June, 1967. By that time, however, it had already produced more than 20 million gallons of fresh water, enabling FKAC to refill its storage tanks.

It ended the water shortage.

Now the area has two sources of water—the desalting plant and the pipeline. FKAC is considering construction of a second desalting plant of similar capacity, providing a total capacity of more than five million gallons.

It marks the first time a community has met the bulk of its fresh water needs from the ocean through operation of a commercial desalting plant.

It is the most efficient desalting plant ever built in terms of the amount of steam needed to produce a gallon of fresh water.

It cost FKAC $3,369,400 to have Westinghouse design, engineer, construct the plant, and put it into operation. This is more than $600,000 less than the engineer's estimate of what it would have cost to construct the plant on a component basis.

The Key West plant produces one gallon of fresh water for every three gallons of salt water that are drawn in, or more than 1,800 gallons of fresh water per minute. The rest of the water is returned to the ocean as brine.

Impurities in the water produced by the Key West plant average ten parts per million parts (ppm) of water, an exceedingly low level.

The U.S. Public Health Service recommends drinking water have no more than 500 ppm of impurities. It will allow up to 1,000 ppm in a community's drinking water before making strong recommendations that corrective action be taken.

The desalted water from the Key West plant is stored in three five-million-gallon tanks until it is needed by water consumers in the lower Keys.

Fuel oil to fire the desalting plant's boilers is shipped to Stock Island by barge from Fort Lauderdale. The boilers use approximately a barrel of oil every six minutes.

Instrumentation and control equipment for the plant are designed to permit continuous operation with a minimum of personnel. All flows to and from the flash evaporator, except for the intake of raw seawater, are automatically controlled.

The plant produces fresh water at a cost of less than 85 cents per thousand gallons—a considerable improvement over the cost of $4 to $5 per thousand gallons for experimental desalting plants put into operation little more than a decade ago.

What of the future?

"The rapid rate of growth of Key West and the lower Keys area makes it essential that we accommodate this growth with a more than adequate supply of fresh water," said John M. Koenig, chairman of the FKAC.

"Surrounded as we are by the Atlantic Ocean on one side and the Gulf of Mexico on the other, our source of fresh water is boundless now that desalting has become an economically feasible technology."

The Key West desalting plant truly represents a major achievement in man's age-old quest for drinking water from the ocean. The importance of constantly improving the technology of making fresh water from seawater was pointed out by former President Lyndon B. Johnson, who has said of the water problem:

"A shortage of fresh water is one of the most critical problems facing the nations of the world. Developing nations which face rapid population growth must establish adequate fresh water supplies if they are to achieve their potential. The world's seas and oceans offer an inexhaustible supply of fresh water—if economically feasible methods of desalting can be developed."

MATTER OF TIME

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, a recent editorial in the Milwaukee Sentinel deserves comment, and I would like to include it in the RECORD so that all thinking men may benefit from it.

The editorial, Mr. Speaker, discusses the recent Supreme Court decision on school desegregation, and sets forth the position of the Department of Justice. The editorial predated the fifth circuit's order, but contained the position ultimately adopted by the Fifth Circuit Court of Appeals.

The Supreme Court decided that the "all deliberate speed" formula established in the first Brown decision could no longer be accepted because it had for too long been used as a successful tool in delaying the establishment of unitary school systems in the South. While I hail the Court's determination to put an end to it after 15 years, I am also thankful that the fifth circuit applied the order in a way as judicious as it did.

The fifth circuit ordered immediate implementation of the desegregation plans, with some modification, and recognizing that implementation might not be accomplished overnight, it gave the districts until December 31, 1969, to complete the process. Thus, Mr. Speaker, the Court did precisely what HEW had requested for precisely the same reasons, only it gave the districts an additional 31 days.

The fifth circuit court recognized the very real human and administrative problems that surround desegregation of a school system, and made clear its intent to desegregate in as orderly a manner as possible.

I call this to your attention, Mr. Speaker, because I believe that when the heat and emotion of headlines are taken away and when the determination of the press to assault every attempt of this administration to make positive, rational action appear to be retreat in the enforcement of our civil rights laws continues, then I think it is high time for someone to speak out and give the facts as they are, not as they are perceived by individuals who have prejudged this administration and Assistant Attorney General Jerris Leonard from the very beginning.

The editorial referred to follows:

MATTER OF TIME

The supreme court's order calling for the instantaneous desegregation of southern school districts hardly seems to be the big deal the integrationists are making of it. Certainly it is not, unless one is more concerned about civil rights legalisms than he is about the education of children.

It should first be pointed out that the justice department was not opposed to the immediate disestablishment of dual school systems in Mississippi or anywhere else.

Where the difference between the justice department and the Burger court came was over the meaning of immediate.

Jerris Leonard, assistant attorney general, agreed that "since we agree that the school boards' obligation to desegregate their school systems is immediate and unqualified, we believe that the courts below may properly be authorized to require the implementation of the plans commencing at the most practical imminent juncture in the school year, as, for example, at Christmas recess or mid-semester."

Never mind what is practical, the supreme court ruled in effect, integrate this instant.

This may have been a great victory for the principle of de jure school integration, but it is hard to see what is so great about it for the children involved. To comply with the supreme court's order, some children would have to be yanked (or should we say Yankeed?) out of the middle of class, as it were, and plunked into a class of strangers. It would make much more sense to do this during the holiday recess or the semester break.

The Burger court, however, appeared more interested in closing off the "deliberate speed" formula, which the south has used to gain interminable postponements, than it was in the immediate welfare of school children.

This suggests that the supreme court is not interested in the substance of education, but only in the form of the law. Southern states might take a cue from this, passing state laws outlawing dual school systems, then converting their school systems from de jure segregation to de facto segregation, similar to that in Washington, D.C., and elsewhere throughout the north.

THE LAST SUPER BOWL GAME

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MIKVA. Mr. Speaker, people often tire of sermons narrating some impending last judgment. It is true that prophets of doom can sometimes innervate the public instead of spurring it on to action.

Nevertheless, some men have the gift of warning their fellow men without wearing them. Frequently, such gifted individuals are poets or journalists. Many have contributed to my own reflection on the pressing problems of the day. Among them is Mike Royko, of the Chicago Daily News.

In a recent column, Mr. Royko skillfully created a ominous dialog between two of the last survivors of the human race. I commend his prophethic dialog to the attention of my colleagues.

The article, "There's a Reply to this Knock," from the November 13, 1969, Chicago Daily News follows:

THERE'S A REPLY TO THIS KNOCK

(By Mike Royko)

The thin young man coughed as he limped down the highway, past the rusting hulks of cars, toward the distant town.

Above him, the sky was a dark brown, from horizon to horizon. Brown dust covered the road, puffing with the man's steps.

On the edge of the town, he began looking in the houses. He would open a door, wait for a moment, then move on as if he knew what he would find. He found nothing.

Once he stopped and cupped his hand over his ear. He walked toward a faint sound, eagerness on his face. The sound became louder and he ran around the back of a house. A gate swung in the wind, the hinge squeaking. He sank to the ground and sat a while, shaking his head and coughing. Finally he stood and went in the house.

In a pantry was a can of chili, which he pried open and ate. He held a pan under a faucet. A yellow fluid spurted out. It got darker, turning brown. He built a fire, and when the fluid boiled, and cooled, he sipped it, gagging, but forcing it down. Then he found a bed and slept.

Hours later, he awoke and went outside, looked at the brown sky, and limped down the road.

He was near the other side of the town when it happened. For a moment, he didn't believe it. He stood in the doorway just staring at the man sitting alone in a chair. The other man stared back.

"Can I come in?" the young man finally asked.

The other man grunted and shrugged.

"This is hard to believe," the young man said.

"What?" the other man asked.

"Another person, I kept looking, but I had given up hope that I'd find somebody else. I was sure everybody was gone but me."

The other man shrugged.

"Is there anyone else left around here?" the young man asked.

"I haven't seen anyone."

"Do you have any clean water? asked the young man.

"No. But there's beer. I drink that. Help yourself."

They sat a while, drinking beer from the cans, coughing, and watching the dust blow past the picture window.

"I walked all the way from the East Coast," the young man said. "It took me months. You're the first person I found."

The other man grunted.

"I don't think I'll go any further," the young man said. "It looks hopeless. And my chest is hurting more and more. It hurts all the time now."

The other man opened another can of beer.

"You should see it," the young man said. "The Atlantic is covered with a thick crust. I walked across the Great Lakes to avoid the dust. They were muddy in spots, but most of it has congealed.

"And in Wisconsin, I saw a sparrow. I stayed there for two days to be near it. Then it died.

"The big cities are gone. You know, I don't understand why everybody started dropping bombs when there was so little left anyway."

The other man grunted.

The young man started to weep. "I can't believe all this could have happened. How could the people have allowed it? What kind of insane men were running things? Why didn't the people make it stop?"

The other man stared at him for a moment. Then his eyes became slits and he spoke in a hoarse voice. "Shut up!"

The young man said, "What?"

"I said, shut up."

"But don't you care?"

"Listen, I don't like hearing people knocking the leaders. So why don't you shut up."

"But look what's happened to the country."

"I'm warning you. I don't like people criticizing this country."

"But don't you understand, there's nothing left?"

"Then why don't you leave it? Get out. Go somewhere else, and see if you like it better."

The young man shook his head. "But it has happened to the whole world, not just here. Everywhere. There's no place to go."

The other man leaned back in his chair. "Then if you aren't going to leave it, you better love it. And you'd better shut up."

Both men sat quietly, coughing and watching the brown dust swirl outside the picture window.

Then the young man softly said: "Is there anything you would want to talk about?"

The other man thought about it. Finally, he said: "You didn't happen to see the last Super Bowl game, did you?"

POLITICAL PERSPECTIVE: WHY DON'T PEOPLE VOTE?

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENGEL. Mr. Speaker, other democratic countries are said to have better voting records than the United States. A President's Commission on Registration and Voting Participation found that there were both psychological and legal and administrative obstacles to voting. The League of Women Voters, an outgrowth of the woman suffrage movement in this country, has always had an interest in citizen participation through the exercise of the vote. In "Political Perspective: Why Don't People Vote?" Richard Scammon, a former Chairman of the President's Commission on Registration and Voting Participation; Wiley Branton, former director of the Southern Regional Conference; and Mrs. Fay Williams, board member of the League of Women Voters Education Fund give some of the reasons why people do not vote and what we can do to counter psychological blocks to voting and remove the legal and administrative obstacles.

A transcription of the League of Women Voters program on this subject follows:

POLITICAL PERSPECTIVE: WHY DON'T PEOPLE VOTE?

Participants in the order they are heard:

Torrey Baker, former broadcaster, Voice of America.

Richard Scammon, former Director of the Census, former Chairman of the President's Committee on Registration and Voting Participation; Vice President, Governmental Affairs Institute.

Wiley Branton, former Director of the Voting Registration Project, Southern Regional Conference; former Executive Director, United Planning Organization.

Mrs. Fay Williams, Board member, League of Women Voters Education Fund; Director, Martindale Project, Indianapolis.

(Music up and under.)

BAKER. The League of Women Voters brings you "Political Perspective: Why Don't People Vote?"

(Music out.)

BAKER. More people vote in *Presidential* elections than in any other kind. And yet about a third of those who are of voting age in the United States *fail* to vote for President. Why is this so? Who are the people who don't vote? What are their reasons?

This is Torrey Baker speaking to you on behalf of the League of Women Voters. I am about to question Richard Scammon, former Director of the Census and the man who served as Chairman of the President's Commission on Registration and Voting Participation; Wiley Branton, former Director of the Voting Registration Project of the Southern Regional Conference; and Mrs. Fay Williams of Indianapolis, a member of the Board of the League of Women Voters Education Fund.

Mr. Scammon, why don't more people vote in this country?

SCAMMON. Partly this is due to the fact that we have a measure of apathy in this country, but a lot of it is due to the mechanical and legal difficulties that are placed in the way of registering and voting in America.

BAKER. Mr. Branton?

BRANTON. I think that people who are less advantaged probably vote less than other people because of the fact they have not been in the habit of voting. Now these included poor people, they include minority groups. Frequently, these people have been a migrant force; they have moved from place to place; they've not remained in any one place long enough to become associated with voting patterns, frequently nobody has bothered to get them to register, in the first place.

BAKER. Mrs. Williams?

WILLIAMS. The disadvantaged of this country do not vote in large numbers for several reasons. I think one is the fact that we have not really interpreted government to them as it relates to their problem.

BAKER. In most places, in order to vote you have to register. Mr. Scammon, why registration, and why are the requirements sometimes an obstacle to voting?

SCAMMON. Originally registration was required to prevent fraud, in other words, you said in effect, a person must be identified and pre-identified before he can vote. As it is now the potential elector, cannot vote unless some time prior to the election and this is often a number of weeks or months before the election, during working hours he goes to some place downtown, and puts his name on the list. Now a lot of jurisdictions use local registration or they use mobile registration—they register in the supermarkets, you know, and the drug stores and so on, and this is helpful.

WILLIAMS. In Indianapolis changing the location of registration from the public school to the supermarket tripled the number of persons registering. And it was very simple. It was a move of a block and since public schools are not set up to register people anyway it was just as easy to put that—that desk in the supermarket as it was in the school, but these are the kinds of little things which make a big difference in people's access to government.

BAKER. In the south there have been other complications. Mr. Branton, how has federal legislation helped registration in the South?

BRANTON. Well, the passage of the law which called upon the Department of Justice to bring legal action seeking to enjoin the requirement of the payment of a poll tax in order to vote in election. The law also eliminated the requirement of a literacy test for a voter. It provided for the appointment of federal examiners to list people for registration in those counties where local officials refused to comply with the law or refused to register people freely without discrimination, and I think that requirement, the one which says that if you impose these restrictions on people, then the Attorney General may designate those counties for federal examiners. That provision alone has perhaps done more to remove barriers than anything else.

BAKER. Residence requirements are another impediment to voting. It is estimated that more than ten million Americans move every year and in some cases a citizen has to live in a state for one year before being allowed to register. What about this, Mr. Scammon?

SCAMMON. Originally the requirements were designed, of course, to insure that the people who were voting had at least some knowledge of the candidates and situations in the communities in which they exercised their franchise. That seems reasonable.

As a matter of fact, these have been modified in many states to allow people to vote for President even when they have only been in the state a relatively short period of time on the theory that the people have no greater or less knowledge of the presidential campaign because they have moved from Connecticut say to Colorado, or vice versa, than they might have had if they had stayed where they were, but they might have a great deal less knowledge about Colorado if they just moved there from Connecticut, than they would have of the Presidential situation. So I think that a reasonable residential requirement for local elections and state elections is certainly useful.

BAKER. But just as important as the legal barriers to voting are the psychological barriers—the people who for one reason or another won't care to vote—or don't want to make the effort. Mrs. Williams, what is being done to reach these people?

WILLIAMS. I think the most important thing that I see taking place, is that persons are making an effort to define issues which relate to the persons who have been left out. The whole debate about crisis in the cities, how you go about doing this, the Model Cities program, the poverty program, and its "maximum feasible participation" clause—all are factors which have made it easier for persons interested in translating how government affects you.

This effort requires a very personalized approach. You cannot do it in terms of things like "better government" or "better schools" or very broad issues. You must make a personal appeal to an individual and give reasons why his particular situation can be improved by participating in government, by registering, by voting. The ADC mother might be told, for example, that it is the state legislature and the—and Congress which determines how much money you get in your check. The person who lives in an urban renewal—in a deteriorated house might be told that it is the city council person who declares which areas are going to have housing improvement programs, or rat eradication efforts.

BAKER. Mr. Branton, how are former nonvoters being reached in the South?

BRANTON. There are various groups working now to get people to register to go to the polls, and in the Negro community we find a number of the old-time organizations like the NAACP, the Urban League and local voter groups active in voter registration. We also find that there is increased activity on the part of League of Women Voters groups in many of our cities in the country.

There's been a growing awareness of the need to support these efforts on the part of Chambers of Commerce, and of course, for a long time, you had the labor groups which have been extremely active in trying to help get people registered to vote.

BAKER. And as a result?

BRANTON. I think that the low turnout record of voters in southern states has shown a substantial improvement since 1960. I think you will find that where Negroes are turning out to vote in large numbers this brings a correspondingly big increase in white voters, people no longer take the election for granted, nomination in the Democratic primary is no longer tantamount to election.

BAKER. Mr. Branton, just how many Negro voters do you think have been added to the rolls?

BRANTON. In the past five years there has been a tremendous increase in Negro voter registration in the eleven states of the Old Confederacy, climbing from about one million three hundred thousand, five or six years ago, to around two million by the time of the 1964 Presidential election, and today more than three million.

BAKER. What effect is this having, Mr. Branton?

BRANTON. I think that the rise in voter registration has produced some significant changes in this country, particularly in the South, particularly as it affects Negro citizens. If you go back—say to 1962—there was not a single Negro serving in the legislature of any of the states in the Old Confederacy, and indeed none had served since Reconstruction days, and yet we look now, just six years later, and we find that there are about 22 Negroes serving in the legislatures of several southern states. You find that as these Negroes take office they are able to advance other Negroes, and you take Negro members of legislative bodies who serve on committees, especially the small committees, their votes are eagerly sought on issues that have nothing to do with race. This has been a very healthy sign and points to the great progress which we have made just in the past six years.

BAKER. I understand that another reason for not voting is that people are timid; they are afraid of the voting machine and don't understand how the system works. What about voter education, Mr. Branton?

BRANTON. I am familiar with some training sessions in voting procedures which have been conducted for newly-registered Negroes and newly-registered whites, for that matter. Many of these training sessions have been conducted without any segregation or discrimination. They have been sponsored in many instances jointly by the AFL–CIO and some local Negro voters group.

BAKER. You mentioned earlier, Mrs. Williams, that one way to motivate people to vote, was to make the connection between issues which interest them and using the ballot to elect officials who will support those issues. This seems like a special kind of voter education. Who can carry it out? What kind of volunteers are needed?

WILLIAMS. I think that they must have a lot of factual knowledge about government and how it works, along with sensitivity to people. These volunteers can be found in numerous places, and particularly organizations like the League of Women Voters. These volunteers know a lot about government, but most of them have to be trained to interpret this message in more concrete and immediate terms, rather than the long-range goals of better government, better housing, schools, and economy in government, which are nice slogans to middle class people but don't really get the message across to the man or the woman who is caught up in trying to eke out a day-to-day existence, that they want to know what it means today and now, in my life. These volunteers have to be trained but the one important thing that I think they must be able to do, is accept the priorities and the interests of the people that they are working to reach rather than trying to transfer their own priorities and values.

BAKER. So voter education is still needed, and in some parts of the country improvements in election machinery are needed as well. Mr. Scammon, what's left to be done about mechanical difficulties?

SCAMMON. I would say that there is one area still in which a good deal of improvement could be made, or perhaps two. The first would be extending closer to the election day, the date at which there is a close-off of registrations. There are still many areas where you must register a number of days, or even weeks, or even months ahead of the election. I think this is simply unnecessary, given the electronic equipment that is available to us. And secondly, I would like to see more states adopt systems of automatic registration. By automatic registration, I mean either the European system in which the voters list is made up automatically by the city officials. In the Canadian system you send enumerators around door-to-door, to make up the list. You have a procedure for revising and amending and you post up the lists and people examine and see that they are on and so on. You send out cards to the people who are on the list to make sure that they know they are there. But what this does, it really puts the onus, the work of preparing the first list on the government rather than on the individual citizen and since we are interested in getting a total registration of our electorate, and since we are interested in people voting, I think this would be a useful thing to try.

BAKER. Thank you, Mr. Scammon, and our thanks as well to Mrs. Fay Williams and Mr. Wiley Branton for giving us "Political Perspective—Why Don't People Vote?"

This is Torrey Baker speaking to you for the League of Women Voters and reminding you that in a self governing country the vote is the key instrument of political power. Use it.

(Music, up and out.)

FREEDOM OF CHOICE IS THE LAW OF THE LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, on several occasions since the Supreme Court placed itself above the Constitution in deciding the Mississippi school cases earlier this month, I have had occasion to comment on the enforcement as law of the illegal, bureaucratic guidelines laid down by the Department of Health, Education, and Welfare.

The Supreme Court decision in the Mississippi cases placed the judges of the Fifth Circuit Court of Appeals in the position of directly supplanting the school boards of six States, and administering the public schools of those States themselves. The decision of the Supreme Court even removed the U.S. district judges in these States, who had heard the evidence in cases tried before them, from any participation in the school administration. The judges of the court of appeals, who have not heard the evidence and are, therefore, unhampered by any knowledge of the facts have been given a green light to implement their own policies in our schools.

The entirely predictable result of this travesty on justice and usurpation of power is reported in a special story from Houston, Tex., published in this morning's left-leaning Washington Post which I include in my remarks for the information of Members and other Americans who will not have the opportunity to see a story not carried by the wire services:

[From the Washington Post, Nov. 19, 1969]

DESEGREGATION CASE APPEARS DIM TO COUNSEL

(By Peter Milius)

HOUSTON, November 18—John P. Ward, attorney for East Feliciana Parish and seven other Louisiana school districts still trying to stave off desegregation, stood outside the big courtroom here today and confided, "I'm going to get clobbed."

He had just finished telling the Fifth U.S. Circuit Court of Appeals that it was "overreacting" to the Supreme Court's desegregation-at-once decision three weeks ago, and could still allow the South more time.

The argument had been meant as much for home consumption as for the 14 judges, and it got a frosty response from the bench, as Ward had known it would.

"Do you want to get in contempt of the Supreme Court, or do you want us to?" Judge Griffin B. Bell had asked him.

The only real issue, Ward conceded in the corridor afterwards, was whether the judges would make East Feliciana finally desegregate this winter or next September, and he thought this winter was likelier.

Ward was not the only person in the courtroom today who thought he knew which way the judges will rule in the East Feliciana case, a fact that tells a good deal about the unusual proceedings here this week.

There was small suspense or even doubt about the issues or outcome in most of the 13 desegregation cases that the Fifth Circuit heard. The question was how specific and impatient the judges' language would be—and how many loopholes it might contain.

The Fifth Circuit has been telling the South to desegregate for years, with increasing force but uneven effect. It was searching this week for some further formulation that might put the issue to rest.

All the judges are Southerners, and not all are in agreement with the Supreme Court decision. Even among those who do agree, there are conflicting loyalties to Southern tradition. When one civil rights attorney argued that the segregation by sex was a racial affront, Judge Bell commented: "You're trying to get the last ounce of flesh out of these people, aren't you?"

But Bell and a majority of the judges are trying hard to spell out what is permissible and what is not and thus head off new dodges and delays.

"How's the best way to get out of the school business?" said Judges Charles Clark, a Mississippian and Nixon appointee. "That's what we're looking for."

The Justice Department said in its brief for the 13 cases that the court would have trouble setting forth any such "universal criteria" that could apply all across the South. That was typical of the department's position during the hearings; it never asked for outright delay, but neither, as one private civil rights attorney observed, was "inflicted with any sense of urgency."

On the question of "universal criteria," however, the hearings—and the history of East Feliciana—suggest that the department is right, the judges are in for disappointment, and the litigation will go on.

The lawyer for the black East Feliciana parents is Richard Sobol. Like many of the civil rights attorneys in these cases he is Eastern and young, a New Yorker now living in Washington, 32 years old. He was 28 when he first filed the suit in 1965, and as he noted in his argument, today was the sixth time it has come back to the Fifth Circuit.

The Parish has about 1,400 white and 3,000 Negro pupils. It had no desegregation until two years ago when it went to freedom-of-choice. It had about 2 per cent of its black children in formerly all-white schools last year, and no white children in its all-black schools.

Last school year, Sobol asked a Federal district judge to make the school board adopt a desegregation plan that would produce results. The judge refused, and the black parents appealed.

The Fifth Circuit came down on the black parents' side in the spring, ordering East Feliciana and 36 other Louisiana parishes to start genuine desegregation in September.

It suggested that the Department of Health, Education and Welfare propose complete desegregation plans for all 37 districts, which HEW did. Most of the school boards proposed lesser alternatives of their own. In most cases the state's Federal district judges accepted the alternatives.

Under the East Feliciana alternative, Sobol noted wearily today, freedom-of-choice is still the rule, and only about 3 per cent of the black children are in formerly all-white schools. The parish still has all-black schools.

Sobol asked the court to put the HEW plan into effect right away, and to take jurisdiction away from the district judge. Ward, for the school board, opposed both steps.

"We've only had two short years," Ward said of freedom-of-choice, arguing that it would work if given more time.

"Why 'two short years?' " asked Judge Walter P. Gewin. "They were in the union in 1954, weren't they?"

"The question is how long, how long," said Chief Judge John R. Brown.

SENATE—*Thursday, November 20, 1969*

The Senate met in executive session at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, as we pause in the day's occupation we beseech Thee once more to—

"Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace."

Deliver us, O Lord, from the petty irritations and harassing pressures which dim the high vision and obstruct the will to righteous action. Spare us from minimizing the important and magnifying the trivial. Give us that balanced perspective which keeps us alive to the true values which promote the fullness of Thy kingdom.

Hear us in our daily prayer, and in all those deeper prayers which never take the form of words.

Through Jesus Christ our Lord. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of November 19, 1969, the Secretary of the Senate, on November 19, 1969, received a message from the House of Representatives that the Speaker had affixed his signature to the following enrolled bills:

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and title I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended;

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

ENROLLED BILLS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of November 19, 1969, the President pro tempore, on today, November 20, 1969, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended;

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 18, 1969, the President had approved and signed the following act:

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

EXECUTIVE MESSAGES REFERRED

The President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 19, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—COAST GUARD

Mr. MANSFIELD. Mr. President, in executive session I ask unanimous consent that the Senate proceed to the consideration of nominations placed on the Secretary's desk.

The PRESIDENT pro tempore. The nominations will be stated.

The bill clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

The **PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I yield to the distinguished Senator from Utah (Mr. BENNETT) at this time.

The **PRESIDENT** pro tempore. The Senator from Utah is recognized.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969—CONFERENCE REPORT

Mr. **BENNETT**. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDENT** pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of November 18, 1969, p. 34677, CONGRESSIONAL RECORD.)

The **PRESIDENT** pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **BENNETT**. Mr. President, on November 18, the House and Senate conferees met to resolve differences between the Senate and House versions of the interest equalization tax bill, H.R. 12829. This bill basically extends the interest equalization tax through March 31, 1971.

The House accepted all the Senate amendments to this bill, with a single change—a clarifying amendment to the effective date, reflecting the fact that there was an interval after September 30, 1969, during which the interest equalization tax technically had expired. The modification of the effective date clarifies that the tax does apply in this interval.

The Senate amendments dealing with the interest equalization tax itself were mainly of a technical nature and were approved unanimously by the Senate and accepted by the House without debate.

The only substantive amendment dealt with the repeal of certain ammunition registration requirements. Under the amendment, which the House conferees accepted, registration requirements for "shotgun ammunition, ammunition suitable for use only for rifles generally available in commerce, or component parts for the aforesaid types of ammunition" would be repealed. Senators will recall that the original committee amendment was modified by the Senate so that purchases of ammunition, such as .22 caliber rimfire ammunition, which might be used interchangeably between rifles and pistols, would remain subject to the registration requirements. This modification is retained by the conference agreement.

Thus, the House accepted all the amendments which were in the Senate bill. All the conferees signed the report.

I move that the conference report be agreed to.

The **PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. **SCOTT**. Mr. President, will the Senator yield?

Mr. **BENNETT**. I am happy to yield.

Mr. **SCOTT**. Mr. President, I am very pleased that the other body has accepted the provisions proposed by the distinguished Senator from Utah, of which I have the privilege to be a cosponsor, with regard to the repeal of the ammunition amendment in a prior bill.

I suppose it is always difficult, especially in public, to admit that one has made a mistake; but, in my view, I made a mistake in supporting that particular provision of the original bill. Something has been made, I think quite rightly, of the fact that I have changed my mind. I do not regret that. I think perhaps it may be a little healthy for all of us to be free to change our minds. In this regard, it became apparent, after the act was passed, that its enforcement was rendered objectionable, that it operated purely to harass those people who could not be assumed in any way to be engaged in anything except a peaceful endeavor, the sportsmen of our country, who found that when they sought to purchase ammunition, they had to fill out some seven or nine rather searching questions.

It did not serve to reduce the activity of the criminal element. It did not serve to deny them the ability to secure shotgun ammunition, for example; and some exceptions have been made in the repeal of the amendment. But what it did do was to compel the Government agencies involved to indulge in a great amount of paperwork, which was promptly filed in forgotten cabinets; and, as a result, nothing effective was accomplished by it.

Therefore, having made a mistake, I am glad to have this opportunity to rectify it. I was glad to join as a cosponsor with the Senator from Utah.

I am still trying for a batting average which will give me more correct decisions than otherwise, but this was a wrong one, and I am glad to make this public statement and to support the conference report.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **BENNETT**. I yield.

Mr. **MANSFIELD**. Mr. President, may I say that I am delighted that this conference report is before the Senate. I believe it will be agreed to overwhelmingly.

As for the ammunition provision, I would point out that in the gun legislation of 1968, all that was called for was name, age, and address; that is all. The Internal Revenue Service, which is charged with the responsibility for enforcing that law, added a number of other specifications by regulation bringing to approximately 10, the items of information required to be obtained in an ammunition sales transaction.

I had a great deal of correspondence from sportsmen in Montana concerning this provision. I took the matter up with the Internal Revenue Service, only to find that it was very rigid in its outlook. In my opinion, its position was directly against the intent of Congress. What was being accomplished was, in effect, a form of backdoor registration, without legislative authority.

I think that when laws are passed, regardless of our particular view on the laws, the intent of Congress and the words as they are spelled out and defined, should furnish the sole basis on which the laws should be enforced.

I was very happy to be a cosponsor, with the distinguished Senator from Utah—the chief sponsor of this measure—when this matter was introduced, when it came before his committee and when it came before the Senate for consideration a few weeks ago.

I think this should be a good lesson for the Internal Revenue Service, and for that matter, for any executive agency. It must be understood that when Congress states its intent clearly and plainly and without equivocation, no department of Government, including the Internal Revenue Service has the right or authority to go beyond that. I urge that the Senate agree to this conference report.

Mr. **HRUSKA**. Mr. President, will the Senator yield?

Mr. **BENNETT**. I yield.

Mr. **HRUSKA**. Mr. President, I wish to say that the Senator from Nebraska is very gratified at the acceptance of this amendment in conference and that it will become law.

The explanations given by the Senator from Pennsylvania and the Senator from Montana are sound and accurate. There is nothing in the statute as passed in 1968 that this Senator can find which would warrant the lengths to which enforcement authorities did go. The regulations meant harassment and required the building up of huge supplies of paper that mean nothing in the law-enforcement picture. Unfortunately that viewpoint was difficult to get across to the agency and this was the recourse had.

Somehow in editorials and elsewhere there appears the thought that those who favor improving our criminal laws and procedures in this country are inconsistent if they also support this amendment and this conference report because it would allow ammunition to be sold to anyone, crooks, hoodlums, sportsmen, hunters, and law-abiding people and so forth.

Normally the editorials are full of emotional appeals. They point out that daily we see holdups, and daily shotguns and revolvers are being used to violate the law.

But since the use of those guns and the ammunition have occured under a system where there is now a requirement for registration of ammunition, and the people who make such an argument are simply disproving their own case. They substantiate the fact testified to by law-enforcement officers; namely, that registration of ammunition has no effect on the misuse of ammunition.

A law of this kind had been on the books for 30 years and any effort to try to enforce it was abandoned. The testimony before our subcommittee of the Committee on the Judiciary this year was to the same effect. It has no beneficial impact at all.

There are no identifying marks on the ammunition. The collection of paper is a futile exercise and it was recommended that this amendment be adopted.

I congratulate the Senator from Utah for conducting these negotiations in such a way that this step, although belated is now being taken.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield to my colleague from Utah.

Mr. MOSS. Mr. President, I wish to join Senators in supporting the fine work done in this matter of having this amendment made a part of the bill, and, therefore, accelerating by some time the exemption of ammunition from this onerous registration feature that had been placed upon it by the Treasury Department.

In my State, this is the time of hunting and many of our citizens do this as recreation. The inconvenience and nuisance of registering and giving data whenever hunting ammunition is purchased has been very cumbersome.

When we discussed this matter on the floor of the Senate before the matter went to conference, I pointed out that I had received over 5,000 signatures on petitions asking for removal of the registration of ammunition. Since that time, when the matter was discussed on the floor of the Senate, I have received more than 10,000 additional signatures. That indicates the extent that this gives concern to those who were sportsmen who use ammunition for hunting purposes.

I commend my senior colleague for his fine work in getting the amendment included in the bill in the Senate, taking it to conference, and doing the fine work he has done in conference so that it was acceptable to Representatives from the other body. In this way we have achieved an equity that has taken the burden off a number of our people. I had hoped it could be even broader, but the measure certainly has accomplished a great deal and I am pleased this result has come about.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. DOLE. Mr. President, I wish to say very briefly, as a cosponsor of the amendment and as one who opposed the act in 1968 because of the lack of a provision such as this, that I commend the Senator from Utah for his excellent work.

The sportsmen in Kansas have the same attitude as sportsmen in Utah, Montana, Nebraska, and Pennsylvania. They are law-abiding citizens. The provision, as it was, constituted a nuisance and it performed no useful purpose. Therefore, I am pleased to see the fruition of your efforts.

Mr. BENNETT. Mr. President, I move that the conference report be agreed to.

The report was agreed to.

(Unless otherwise indicated the following proceedings, up to the conclusion of morning business, were held as in legislative session.)

RESIGNATION OF HENRY CABOT LODGE AS CHIEF U.S. NEGOTIATOR AT PARIS PEACE TALKS, AND LAWRENCE E. WALSH, DEPUTY CHIEF U.S. NEGOTIATOR

Mr. SCOTT. Mr. President, I am advised that the White House has announced the resignation of Ambassador Henry Cabot Lodge as chief U.S. negotiator at the Paris peace talks, as well as his deputy, Mr. Lawrence E. Walsh. Both of those gentlemen have performed valiantly and ably. I shall have more to say on the matter at another time but for the RECORD I wanted to announce to the Senate that this has occurred.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON INDIAN TRIBAL CLAIMS

A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion of judicial proceedings regarding Docket No. 72, Absentee Delaware Tribe of Oklahoma, et al., and Docket No. 298, the Delaware Tribe of Indians, Plaintiffs, v. the United States of America, Defendants (with an accompanying report; to the Committee on Appropriations.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY, AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff on 30 September 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON GRANTS APPROVED

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on grants by the Department for the period July 1, 1969, to September 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT ON U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Secretary of State, transmitting, pursuant to law, the 17th report on the extent and disposition of U.S. contributions to international organizations for the fiscal year 1968 (with an accompanying report); to the Committee on Foreign Relations.

LIBBY DAM, KOOTENAI RIVER, MONT.

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to modify the project for Libby Dam, Kootenai River, Mont. (with an accompanying paper); to the Committee on Public Works.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, November 20, 1969, he signed the enrolled bill (S. 92) for the relief of Mr. and Mrs. Wong Yui, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

S. 2566. A bill for the relief of Jimmie R. Pope (Rept. No. 91–550).

By Mr. MOSS, from the Committee on Commerce, without amendment:

S. 1232. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands (Rept. No. 91–551).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE:

S. 3156. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax for certain expenses of employee training programs and for certain wages and salaries of individuals employed under work incentive programs; to the Committee on Finance.

(The remarks of Mr. TALMADGE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MANSFIELD (for himself and Mr. WILLIAMS of Delaware):

S. 3157. A bill to establish a guide service to provide free tours of the Capitol; to the Committee on Rules and Administration.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON:

S. 3158. A bill for the relief of Hans Gunther Viktora; to the Committee on the Judiciary.

By Mr. McGEE:

S. 3159. A bill to authorize certain conveyances of land; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON:

S. 3160. A bill for the relief of Clara Edith Diaz Davila; to the Committee on the Judiciary.

S. 3161. A bill for the relief of the estate of Randolph Henry Hitchcock; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3162. A bill to waive the statute of limitations with respect to a certain claim against the United States by the State of Hawaii; to the Committee on the Judiciary.

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By Mr. FANNIN (for himself, Mr. Murphy, Mr. Goldwater, Mr. Dole, Mr. Bellmon, Mr. Gurney, Mr. Allott, Mr. Schweiker, Mr. Bennett, and Mr. Stevens):

S. 3163. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. MONTOYA:

S. 3164. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Commerce.

S. 3165. A bill to create the Bureau of Consumer Protection and providing for the appointment of a Director, and other purposes; to the Committee on Government Operations.

(The remarks of Mr. Montoya when he introduced the bills, appear later in the Record under the appropriate headings.)

S. 3156—INTRODUCTION OF THE EMPLOYMENT OPPORTUNITY TAX ACT OF 1969

Mr. TALMADGE. Mr. President, in late June, I toured Georgia to gather information on vocational and technical schools and on-the-job training activities of the businesses of my State.

At that time I announced my intention to introduce legislation which would provide a tax incentive for job training. For several years, I have been interested in legislation which would encourage industry to provide more on-the-job training. I have previously cosponsored legislation to accomplish that objective. Prior to this summer, however, I had never thoroughly explored the feasibility of this approach to job training.

After my tour of industries and vocational schools in six cities, I came back more convinced than ever that the tax incentive approach to job training deserves a chance. I visited a broad cross-section of the State's industries—a telephone company in Atlanta, a soft drink manufacturer in Columbus, a tire and rubber plant in Albany, a furniture company and a shoe manufacturing plant in Dublin, a paper manufacturing plant in Savannah, and a hospital supply manufacturer in Augusta. Also, I visited the Atlanta Area Technical School which has one of the finest vocational training programs in the Nation.

During my tour, I was extremely impressed by the fine job that industry is already doing in training the unskilled and in upgrading the skills of its employees.

At every site I visited, I found a tremendous interest in job training. The businessmen I talked to felt that they could do a better job of training workers to fill their needs than could the Federal Government.

The results I saw throughout my tour lend credence to this opinion.

In Atlanta, I saw former telephone operators handling complicated electronic equipment.

In Columbus, I witnessed the Royal Crown Cola Co.'s private attack on unemployment. In this company, a live-wire director of personnel has utilized local vocational training schools and other local educational institutions to promote a work-study program which has had positive results—both for the company and for the youth of Columbus. This program has been conducted at a minimum cost, but I believe its positive achievements rival many of the expensive Federal programs such as the Job Corps.

During my tour, I talked with executives of companies which have recently located and started production. It became apparent to me that the training of a skilled work force is just as important as the acquisition of an adequate plant and equipment to any company which is beginning operations or establishing a plant in a new location.

As American industry becomes more mechanized, and the old skills become obsolete, job training will assume an even more important role.

In my mind, there is more justification for a tax incentive to promote the development of the Nation's human resources than there is for a tax incentive to promote the expenditure of more money on plants and equipment.

When I returned from my tour of Georgia industry, I felt more strongly than ever that Congress should give further consideration to providing tax incentives for job training. However, at that time, the tax-writing committees of the Congress were thoroughly involved in the question of whether the 7-percent investment tax credit for depreciable property should be repealed. Also, the most complicated and comprehensive tax reform legislation in the history of the Republic was being written.

Since that time, considerable progress has been made. The House of Representatives has voted for the repeal of the investment credit and the Senate Finance Committee has gone on record for repeal on three separate occasions. And, it appears that we are well on the way to meaningful tax reform.

I am introducing my bill in the hopes that it can receive full and thorough consideration by the Senate Finance Committee early next year. By that time, the issue of the repeal of the investment credit and tax reform should have been finally resolved.

During the 1968 presidential campaign, Candidate Nixon emphasized tax incentives as an important approach to the problem of job training. The Republican Platform of 1968 contained the principles of Senator Prouty's bill to provide a tax credit for job training. However, it appears that President Nixon has retreated from his previous position on the desirability of such an approach.

On August 12, the President delivered an eloquent statement on the need to reform our manpower training system and he presented his bill to the Congress—the Manpower Training Act of 1969. Nowhere in the President's statement or in his legislative proposal is there any reference to the need to provide tax incentives for job training.

It is vital that we make a thorough examination of our tax incentive approach in conjunction with Congress' consideration of any manpower training reform. Since the President seems unwilling to take the initiative on this issue, I believe that Congress must act in a positive manner.

Although several bills have been introduced to provide a tax incentive for job training, neither the Senate Finance Committee nor the House Ways and Means Committee has ever held hearings on this subject.

Mr. President, in our current inflationary economy, unemployment has been held to manageable levels. In 1968 the unemployment rate was 3.6 percent, the lowest in years. However, there is evidence that restrictive monetary policies and other anti-inflationary measures will result in greatly increased rates in unemployment. Unemployment has risen from 3.3 percent of the civilian labor force in the first quarter of this year to 3.7 percent in the third quarter. It jumped to 4 percent in September and remained high at 3.9 percent in October.

The disturbing aspect of this increase in total unemployment is the fact that it falls unevenly on our working population. As we all know, the unskilled worker is the first to be affected by a substantial increase in unemployment. The undereducated and disadvantaged worker—of which there are a large number in the Negro and other minority groups— will be most severely affected by a measurable increase in unemployment.

Among the first to be fired during any slowdown of economic activity is the most recent entrant into the work force—the younger worker. Increased joblessness in this explosive segment of our population could have a very disruptive effect on already troubled social conditions.

America is confronted today with a striking paradox. On the one hand, there are about 3 million Americans who are unable to obtain jobs despite the fact that we are in our eighth consecutive year of sustained economic growth.

On the other hand, there are many unfilled jobs. A glance at the help wanted section of the newspaper quickly confirms this. Many employers are crying for adequate help. Recently, one of the oldest textile manufacturers in my State was forced to close its doors because it was unable to get adequate labor.

In recent years, the term "hard core unemployed" has assumed great importance in our national dialog. It is used to refer to a group composed mainly of racial minority groups, older people, women and teenagers, who seem unable to hold gainful employment even in areas with an extremely tight labor market.

Already there are numerous Federal programs designed to reach this segment of our population. Some Government programs have enjoyed a degree of success, while others have been miserable failures. In all too many cases, the Government has been responsible for providing poor training for nonexistent jobs.

The record of the Job Corps program is clearly a record of failure. Although the Office of Economic Opportunity was spending about $8,000 per trainee, 40 percent of the Job Corps enrollees left before the end of 90 days. Of the enrollees who completed the training course, 30 percent did not obtain constructive employment.

The Government has been far more successful when it enlisted the talents of American businessmen in finding jobs for the hard-core unemployed. The Jobs program is a program established by President Johnson in which he gave the National Alliance of Businessmen the task of encouraging private companies to put 100,000 men and women on the job by June of 1969 and 500,000 by June of 1971.

This program has worked even better than expected and the 1971 goal of 500,000 permanently employed trainees has increased to 614,000. For the first year of its existence, $106 million was appropriated for the Jobs program. During this time 177,868 people were enrolled in job training programs. Of this number, 102,000 people remained employed. The results thus far have been that it cost an average of just over $1,000 to train one hard-core unemployed person. When we compare this with the $8,000 figure of the Job Corps program, we can see that private industry has the capability of providing job training at a much lower cost than does the Government.

The involvement of private industry in the job training process has the advantage of providing efficient practical training for jobs while already exist. Because industry itself does the training, there is a much greater assurance that the skills learned by those retrained will be economically useful and that the trainees will find permanent employment.

During my tour of businesses in Georgia, one hard-nosed executive told me:

> I had rather pay the trainee's salary than have the government do it. If the government pays a worker's salary, he feels as though he is on welfare. If I pay his salary, he feels that he is earning his pay and he is loyal to me—not the government.

Another advantage of on-the-job training is flexibility. Unlike institutional classes, which require minimum numbers, on-the-job training can be adapted to a single worker or to a corps of workers. Thus, the tax incentive of my bill will be of special benefit to the small employer.

I do not advocate my tax incentive approach as a substitute for all Government manpower training programs. I believe that the Department of Labor should continue to make grants to businesses to underwrite the cost of training the hard-core unemployed. However, I feel that the time has come for us to utilize the tax-incentive approach in conjunction with other Government programs. As this approach is tried and proven successful, we should be able to phase out some of our less productive Government training programs.

In drawing up my bill, the Employment Opportunity Tax Act of 1969, I have kept certain basic considerations in mind. First, any tax incentive program must be easy to administer. In the Treasury Department, there is a built-in resistance to the ultilization of the revenue collection process as an instrument of social policy. I have endeavored to meet this resistance by making my bill as simple and as easy to administer as possible. In my view, there will not be much more difficulty involved in administering my program of tax incentives for job training than in administering the 7-percent investment tax credit.

Second, any tax credit must be modest in scope and noninflationary. I have been told that my bill would reduce the Federal revenues by approximately $200 million annually, based on the current levels of economic activity.

This is a small price to pay for the long-term employment of individuals in the lower income groups and the employee training which the bill would provide. Moreover, the revenue loss of my bill is a mere pittance when compared with the annual cost of about $2½ billion which was attributable to the 7-percent investment credit.

I have taken great pains to make my proposal noninflationary for I feel that the problem of inflation is the gravest one facing our economy. Perhaps at a later date my proposal can be amended to provide a larger tax credit and thus a greater incentive for training.

The bill I am introducing today is more than a job training bill. It has a two-fold purpose. One is to encourage the training of individuals under various employee training programs which are already established.

The second is to encourage the hiring of individuals through the work incentive program of the Social Security Act.

My bill provides for an income tax credit equal to 10 percent of certain costs incurred in designated employee training programs and 10 percent of wages and salaries paid to individuals hired through the work incentive program.

I believe that the second objective of my bill is equally as important as the first. It is beyond question that our present system of welfare has failed. It has failed because it has encouraged people not to work, thus creating an unfortunate situation where several generations stay on the welfare rolls.

The President is to be commended for his proposal for welfare reform. Certainly, we must take action to correct the deplorable system which we now have.

Already, we have a work incentive program which was written by the Senate Finance Committee as a part of the aid for dependent children program. This program is now being implemented in several States, including my own State of Georgia.

In order to make this program work, we must give employers every encouragement to hire welfare recipients. It is understandable that individuals who have been on the welfare rolls for years would not be fully productive during their first year of employment. Therefore, I feel that my proposal to grant a tax credit to employers who would hire the welfare recipient will be a powerful incentive for increased employment of the hard-core unemployed.

Six out of seven jobs in the United States exist in private industry.

If we are to get any real progress in training the hard-core unemployed or in upgrading the skills of those presently employed, we must do more to promote the cooperation of private industry.

The best available knowledge and ability to train people for jobs exist in the private sector. My bill to provide a tax incentive will insure that this knowledge and ability is utilized to the maximum.

Mr. President, I ask unanimous consent to have a short summary of the bill printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3156) to amend the Internal Revenue Code of 1954 to allow a credit against income tax for certain expenses of employee training programs and for certain wages and salaries of individuals employed under work incentive programs, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. TALMADGE is as follows:

SHORT SUMMARY OF THE EMPLOYMENT OPPORTUNITY TAX ACT OF 1969

This bill has a two-fold purpose. One is to encourage the training of individuals under various employee training programs, which are already established, and the second is to encourage the hiring of individuals through the Work Incentive Program of the Social Security Act. I am calling my bill the "Employment Opportunity Tax Act of 1969." It provides for an income tax credit equal to 10 per cent of wages and salaries paid to individuals hired through the Work Incentive Program.

Employee training programs.—The tax credit under my bill would be given for payments of wages to employees who are registered in State or Federal apprenticeship training programs, employees who are enrolled in on-the-job training programs (which have been approved by the Secretary of Labor) under the Manpower Development and Training Act of 1962, or employees who participate in certain specified programs which involve alternating periods of study at a school, college, or trade school and periods of employment. My bill also provides a tax credit equal to 10 per cent of tuition and course fees (including home study course fees) paid to a school, college, or trade school for instruction of an employee in obtaining job skills directly related to employment by the taxpayer.

The tax credit under this section of the bill, relating to employee training programs, could only be taken for a period of time which aggregates 24 months. This limit of 24 months would apply whether the individual is employed or is receiving instruction prior to employment. Any tax credit allowed with respect to an individual would have to be paid back to the Government, that is, recaptured, if the taxpayer let the employee go at any time before the end of 12 calendar months after the completion of the training by the employee. However, the tax credit would not be recaptured in those cases where the individual became disabled or if the employee voluntarily left the employment of the taxpayer. If the individual was only in a training program and was not an employee at the time of his training, all prior tax credits would be recaptured if the taxpayer did not offer employment to the individual upon the completion of the training. Again, to be consistent, my bill provides that prior tax credits would not be recaptured if the individual became disabled or if the individual voluntarily rejected the offer of employment after his training.

My bill also provides that no tax credit would be allowed for any employee training expenses which were reimbursed to the taxpayer. Further, no tax credit could be taken

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for employee training expenses which were paid for a relative of the taxpayer, such as a son, daughter, nephew or niece.

Work incentive program.—The second part of my bill provides for a tax credit equal to 10 per cent of wages and salaries paid to individuals who are placed in their employment through the Work Incentive Program of the Social Security Act. The credit would apply to wages paid to these employees during their first 12 months of employment. The first 12 months of employment do not have to be consecutive calendar months; however, the first 12 months must be within a two-year period from the initial date of employment. This part of my bill also contains a provision which provides that all prior tax credits with respect to the wages of an individual would be recaptured if the taxpayer terminated the employment of the individual during the first 12 months of his employment or before the expiration of 12 calendar months after the first 12 months of employment. This recapture provision would not apply if the employee became disabled or if the employee voluntarily left work.

Wages and salaries of employees which are reimbursed to the taxpayer could not be taken into account for purposes of computing the tax credit. Further, wages and salaries paid to a relative of the taxpayer, such as a son or nephew, would not be eligible for the credit

Taxation of employees.—My bill also provides that tuition and correspondence fees paid for an employee under one of the programs authorized in the bill would not be taxable to the employee. Similarly, employees hired through the Work Incentive Program could also receive free training as well as subsidized day-care for their children. These benefits would also be tax-free. However, any wages or salaries received by the employee would be taxable to him.

Other provisions.—I have included a provision for carrying back and carrying forward unused tax credits. If a tax credit is not completely used in a taxable year for which it is allowed, then the unused credit may be carried back to each of the three preceding taxable years and may be carried forth to each of the 7 following taxable years. However, since the effective date of my bill would be December 31, 1969, an unused credit could not be carried back to a taxable year which begins on or before that date. I have also placed a limit on the maximum tax credit which can be taken in any one year. The tax credit could not exceed $25,000 plus 50 per cent of the taxpayer's tax liability in excess of $25,000.

My bill also contains several other technical provisions which relate to how the tax credit would be treated by affiliated corporations, small business corporations, estates, trusts, and other special types of association and entities. These rules basically deal with how the tax credit should be divided up among related taxpayers. These rules are the same as those rules that are presently in effect for the 7 per cent investment tax credit.

Cost of the bill.—I have been told that the bill would reduce the Federal revenues by approximately $200 million annually based on the current levels of economic activity. This is a small price to pay for the long-term employment of individuals in the lower income groups and the employee training which the bill would provide.

S. 3157—INTRODUCTION OF CAPITOL GUIDES ACT

Mr. MANSFIELD. Mr. President, on behalf of myself and the distinguished senior Senator from Delaware (Mr. WILLIAMS), I introduce a bill to establish a Capitol guide service that would offer the public guided tours of the Capitol building without charge.

The guides will be under the jurisdiction of the Capitol Police Board and will be given the same status in all respects as the present "trained" Capitol Police force. For example, salaries will be equivalent to trained police salaries, selection will be made—one-half from the Senate, one-half from the House—by the respective Sergeants at Arms as they now are for the police force, and the guides are brought under the legislative retirement, health, and insurance programs.

It will be recalled that on March 7, 1967, the Senate adopted an amendment to the legislative reorganization measure that established a free Capitol guide service. With minor changes, that proposal approved by a Senate vote of 74 to 8, is identical to the provisions of this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3157) to establish a guide service to provide free tours of the Capitol, introduced by Mr. MANSFIELD (for himself and Mr. WILLIAMS of Delaware), was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 3159—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN CONVEYANCES OF LAND

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill which would authorize the Secretary of the Interior to effect a transfer and exchange of certain lands owned by the city of Worland, Wyo., which were acquired from the United States under the Recreation and Public Purposes Act.

The original conveyance of this land contained the usual reversionary clause to the effect that if such lands were used for a purpose other than the designated recreational purposes title would revert to the United States. The city of Worland has been using this land for a municipal golf course.

The city of Worland now has an opportunity to trade this land for some adjacent property which is better suited for the development and maintenance of a golf course. The new land, therefore, would be of more actual value to the city, even though it is slightly smaller in area.

My bill would simply authorize this exchange of lands, notwithstanding the reversionary clause contained in the title to the land presently owned by the city of Worland. It is important to also point out that under this bill the lands received by the city of Worland under this exchange would also be encumbered by the reversionary clause so that should the city attempt to dispose of this property or use it for a purpose other than recreation it also would revert to the United States.

The mayor and the city council of Worland have thoroughly investigated this matter and, in their opinion, this proposed exchange of lands would greatly improve the recreational potential of this project to the city.

I, therefore, urge prompt and favorable consideration of this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3159) to authorize certain conveyances of land, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3164—INTRODUCTION OF A BILL TO AMEND THE FAIR PACKAGING AND LABELING ACT TO REQUIRE THE DATING OF PACKAGED FOODS

Mr. MONTOYA. Mr. President, I introduce today a measure that would require the dating of perishable foods on a grocer's shelves so that our Nation's consumers may be apprised of the final date a food can safely be consumed.

Mr. President, every housewife knows what it means to go to a supermarket to purchase perishable foods and not know whether the food is still safe to eat or not. Most perishable foods have a coded date stamped on the package. However, few consumers know about the coded date and, those that do, have a difficult or impossible time in trying to break the code. Consequently, the consumer usually buys perishable items on faith. They trust that they will still be safe for consumption but they do not know for sure.

This buying in the blind—or buying a pig in the poke, as the saying goes—has no place in today's society. Recent Congresses have enacted legislation to protect our consumers from unscrupulous practices in the marketplace but there are still many areas that remain untouched. This is such an area.

The Department of Agriculture, as well as private institutions, advise us that shelf lives for perishable products can be established. By stamping these dates on the container, the consumer can be apprised of the final date on which he or she can safely consume that particular product. There is no reason in the world why the consumer should not have this information. The consumer should not be left to the erraticism of the marketplace. The consumer must be provided with the information necessary to permit him or her to make a sound purchase. In the instance of perishable foods, the Fair Packaging and Labeling Act does not provide the necessary protection. For this reason I introduce today this amendment to the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption. A similar bill is being introduced in the House by Congressman LEONARD FARBSTEIN of New York.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

Mr. President, I also ask unanimous consent that various materials relating to the shelf life of perishable products be inserted at this point in the RECORD following the text of my bill.

The PRESIDING OFFICER. The bill will be received and appropriately re-

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ferred; and, without objection, the bill and other materials will be printed in the RECORD.

The bill (S. 3164) to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption, introduced by Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of subsection (a) of section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by inserting "(A)" immediately after "label" and by inserting before the semicolon the following: ", and (B) if the commodity is a perishable food, stating that it is not to be sold for consumption after a specified date".

(b) Section 5 of such Act (15 U.S.C. 1454) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of section 4(a)(1)(B) of this Act, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall by regulation prescribe the manner in which the last day for the sale of a perishable food shall be determined."

(c) Section 10 of such Act (15 U.S.C. 1459) is amended—

(1) by striking out "meat or meat product, poultry or poultry product, or" in subparagraph (1) of paragraph (a);

(2) by adding after subparagraph (5) of paragraph (a) the following new sentence: "Such term includes meat or meat products or poultry or poultry products only to the extent necessary to implement the requirements of section 4(a)(1)(B)."; and

(3) by adding at the end the following new paragraph:

"(g) The term 'perishable food' means meat, poultry, fish, dairy products, eggs, bread, coffee, and any other food that the Secretary of Health, Education, and Welfare designates as perishable."

SEC. 2. The amendments made by the first section of this Act shall take effect on the ninetieth day following the date of its enactment.

The material, presented by Mr. MONTOYA, is as follows:

(From ASHRAE Guide and Data Book Applications for 1968, published by the American Society of Heating Refrigerating and Air Conditioning Engineers, Inc.)

CHAPTER 37—COMMODITY STORAGE REQUIREMENTS

This chapter presents information on the essential average storage requirements of most of the important perishable foods that enter the market on a commercial scale. Also included is a short discussion on the storage of furs and fabrics. The statements made are derived from scientific experimentation and from the best commercial practice at the present time. The data given in Table 1 are based on the storage of high quality commodities shortly after harvest. When products are transported from a distance, or are deteriorated, appropriate allowances should be made.

The temperatures recommended are the optimum temperatures for long storage and are actual commodity temperatures rather than air temperatures. For short storage, higher temperatures are often satisfactory. Conversely, products subject to chilling injury can sometimes be held at a lower temperature for a short time without injury. Exceptions are bananas, cranberries, cucumbers, eggplant, melons, okra, pumpkins and squash, white and sweet potatoes, and tomatoes. Recommended temperatures for these products should be strictly adhered to.

The values given for water content and freezing points are the result of actual laboratory determinations, but it should be realized that, at best, they can be only approximate because of the great variability in plant and animal tissues and the products thereof. The optimum storage temperature for many foods has been found to be just above their freezing point. Knowledge of freezing points is useful to the cold stroage industry in determining how the various commodities should be handled in storage. The highest temperature at which freezing may occur is generally given. In previous editions the average freezing point was given, which may be somewhat lower. It is felt that the highest freezing point is a better guide for commodities that are damaged by freezing.

Values of the water content of foods are useful to the refrigerating engineer as a basis for calculating specific heats and the latent heat of freezing. Specific heat is usually calculated by Siebel's formula:

$$S = 0.008a + 0.20$$

where S signifies the specific heat of a substance containing a, the percent of water; 0.20 is the value representing the specific heat of the solid constituents of the substance.

Necessary additional information for some of the items in Table 1 is given in the text.

The values for the freezing points, water content, rate of evolution of heat (heat of respiration) above and below freezing and for latent heat as given in Table 4 of Chapter 23 in the ASHRAE Handbook of Fundamentals do not always agree exactly with the data given in Tables 1, 2, and 4 of this chapter. The composition of foods varies to some extent, depending upon water content, where grown and other factors. It is also possible that in tables compiled by different editors, slightly different formulae have been used in making calculations to determine both specific and latent heat. The values given in either of these tables can safely be used for refrigeration load calculations. When in doubt, it is suggested that the higher values be used. For more precise work, the specific heat and other values should be determined for the specific sample in question.

(The general responsibility for this chapter is assigned to TC 7.7, Cold Storage Warehouse and Locker Plants.)

It is important to remember that fresh fruits and vegetables in storage are alive and carying on, within themselves, processes characteristic of living things. In particular, the heat of respiration must always be considered a part of the refrigeration load in storage handling. The approximate rate of heat evolution for various commodities is given in Table 2.

Sealed polyethlene box liners are extensively used commercially for pears and sweet cherries. The slight accumulation of carbon dioxide and depletion of oxygen extend the storage life of pears at 31 F by one or two months and of sweet cherries by several days.

Non-sealed film liners are used extensively to maintain freshness and prevent excessive moisture loss of Golden Delicious apples, rose bushes and strawberry plants. There are indications that similar liners would be beneficial to other crops (such as parsnips) susceptible to excessive weight loss during storage or marketing. Reduction of frost accumulation on refrigerating coils is another advantage of polyethylene liners.

BEER

Beer in bottles or cans is either pasteurized or filtered so as to destroy or remove the living yeast cells and therefore does not require as low a storage temperature as keg beer. Bottled beer *may be stored at ordinary room temperature* (70 to 75 F), but for convenience is often stored with keg beer at a lower temperature of 35 to 40 F. It is essential to protect the bottled product from strong light, especially direct sunlight. The storage life will vary from 3 to 6 months, depending largely on the method of processing and packaging. Keg beer, usually stored at 35 to 40 F has a storage life of 3 to 6 weeks (Chapter 34).

BREAD

See Chapter 32.

CANDY

See Chapter 33.

DAIRY PRODUCTS

See Chapter 28.

DRIED FRUITS

See Chapter 33.

EGGS

See Chapter 35.

FISH

See Chapter 27.

FROZEN FRUITS AND VEGETABLES

See Chapter 29.

TABLE 1.—STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS

Commodity	Storage temperature, Fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, Fahrenheit	Specific heat above freezing[1] B.t.u./lb./F.	Specific heat below freezing[1] B.t.u./lb./F.	Latent heat (calculated)[2] B.t.u./lb
Apples (ch. 29)	30–32	90	See ch. 29	84.1	29.3	0.87	0.45	121
Apricots	31–32	90	1–2 weeks	85.4	30.1	.88	.46	122
Artichokes (Globe)	31–32	90–95	do	83.7	29.9	.87	.45	120
Jerusalem	31–32	90–95	2–5 months	79.5	[3]27.5	.83	.44	114
Asparagus	32	90–95	2–3 weeks	93.0	30.9	.94	.48	134
Avocados	45–55	85–90	4 weeks	65.4	31.5	.72	.40	94
Bananas (ch. 29)		85–95		74.8	30.6	.80	.42	108
Beans (green or snap)	45–50	90–95	8–10 days	88.9	30.7	.91	.47	128
Lima	32–40	90	10–15 days	66.5	31.0	.73	.40	94
Beer, barreled[4]	35–40		3–10 weeks	90.2	[3]28.0	.92		129

Footnotes at end of table.

TABLE 1.—STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS—Continued

Commodity	Storage temperature, Fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, Fahrenheit	Specific heat above freezing [1] B.t.u./lb./F.	Specific heat below Freezing [1] B.t.u./lb./F.	Latent heat (calculated) [2] B.t.u./lb.
Beets:								
Bunch	32	90-95	10-14 days		31.3			
Topped	32	95	3-5 months	87.6	30.1	0.90	0.46	126
Blackberries	31-32	90-95	3 days	84.8	30.5	.88	.46	122
Blueberries	31-32	90-95	3-6 weeks	82.3	29.7	.86	.45	118
Bread (ch. 32)	0		Several weeks	32-37		.70	.34	46-53
Broccoli, sprouting	32	90-95	7-10 days	89.9	30.9	.92	.47	130
Brussells sprouts	32	90-95	3-4 weeks	84.9	30.5	.88	.46	122
Cabbage, late	32	90-95	3-4 months	92.4	30.4	.94	.47	132
Candy (ch. 33)	0-34	40-65						
Carrots:								
Prepackaged	32	80-90	3-4 weeks	88.2	29.5	.90	.46	126
Topped	32	90-95	4-5 months	88.2	29.5	.90	.46	126
Cauliflower	32	90-95	2-4 weeks	91.7	30.6	.93	.47	132
Celeriac	32	90-95	3-4 months	88.3	30.3	.91	.46	126
Celery	32	90-95	2-4 months	93.7	31.1	.95	.48	135
Cherries	31-32	90	10-14 days	83.0	28.8	.87	.45	120
Coconuts	32-25	80-85	1-2 months	46.9	30.4	.58	.34	67
Coffee (green)	35-37	80-85	2-4 months	10-15		.30	.24	14-21
Corn, sweet	32	90-95	4-8 days	73.9	30.9	.79	.42	106
Cranberries [4]	36-40	90-95	1-4 months	87.4	30.4	.90	.46	124
Cucumbers [4]	45-50	90-95	10-14 days	96.1	31.1	.97	.49	137
Currants	31-32	90-95	do	84.7	30.2	.88	.45	120
Dairy products:								
Cheese (ch. 28)	30-45	65-70	(4)	37-38		.50	.31	54
Butter (ch. 28)	32-40	80-85	2 months	15.5-16.5		.33		23
Butter	0 to -10	80-85	1 year	15.5-16.5			.25	23
Cream (sweetened)	-15		Several months	72.5		.78	.42	104
Ice cream (ch. 28)	-15		do	62.0		.70	.39	89
Milk, fluid whole:								
Pasteurized grade A	33		7 days	87.0	[3] 31.0	.90	.46	125
Condensed, sweetened	40		Several months	28.0		.42		40
Evaporated	Room temperature		1 year, plus	74.0		.72		106
Milk, dried:								
Whole milk	45-55	Low	Few months	2-3		.22		4
Nonfat	45-55	Low	Several months	2-3		.22		4
Dates (ch. 83)	(4)	(4)	(4)	20.0	3.7	.36	.26	29
Dewberries	31-32	90-95	3 days		29.7			
Dried fruits (ch. 33)	32	50-60	9-12 months	14.0-26.0		.31-.41	.26	20-32
Eggplant	45-50	90	7 days	92.7	30.6	.94	.48	137
Eggs (ch. 35):								
Shell	29-31 [5]	80-85	6-9 months	66.0	[3] 28.0	.73	.40	96
Shell, farm cooler	50-55	70-75		66.0	[3] 28.0	.73	.40	96
Frozen, whole	0 or below		1 year, plus	74.0			.42	106
Frozen, yolk	do		do	55.0			.36	79
Frozen, white	do		do	88.0			.46	126
Whole egg solids	35-40	Low	6-12 months	2-4		.22	.21	4
Yolk solids	35-40	Low	do	3-5		.23	.21	6
Flake albumen solids	Room temperature	Low	1 year, plus	12-16		.31	.24	20
Dried spray albumen solids	do	Low	do	5.8		.26	.22	11
Endive (escarole)	32	90-95	2-3 weeks	93.3	31.9	.94	.48	132
Figs (ch. 33):								
Dried	32-40	50-60	9-12 months	24.0		.39	.27	34
Fresh	31-32	85-90	7-10 days	78.0	27.6	.82	.43	112
Fish (ch. 27):								
Fresh	33-35	90-95	5-15 days	62-85	[3] 28.0	.70-.86		89-122
Frozen	-10-0	90-95	8-10 months	62-85			.38-.45	89-122
Smoked	40-50	50-60	6-8 months			.70	.39	92
Brine salted	40-50	90-95	10-12 months			.76	.41	100
Mild cured	28-35	75-90	4-8 months			.76	.41	100
Shellfish:								
Fresh	33	90-95	3-7 days	80-87	28.0	.83-.90		113-125
Frozen	0 to -20	90-95	3-8 months				.44-.46	113-125
Frozen-pack fruits (ch. 29)	-10-0		6-12 months					
Frozen-pack vegetables (ch. 29)	-10-0		do					
Furs and fabrics [4]	34-40	45-55	Several years					
Garlic, dry	32	65-70	6-8 months	74.2	30.5	.79	.42	106
Gooseberries	31-32	90-95	3-4 weeks	88.9	30.0	.90	.46	126
Grapefruit (ch. 29)	50	85-90	4-8 weeks	88.8	30.0	.91	.46	126
Grapes (ch. 29):								
American type	31-32	85-90	3-8 weeks	81.9	29.7	.86	.44	116
European type	30-31	90-95	3-6 months	81.6	28.1	.86	.44	116
Honey	(4)	(4)	1 year, plus	18.0		.35	.26	26
Hops (ch 34)	29-32	50-60	Several months					
Horseradish	32	90-95	10-12 months	73.4	28.7	.78	.42	104
Kale	32	90-95	1-2 weeks	86.6	31.1	.89	.46	124
Kohlrabi	32	90-95	2-4 weeks	90.1	30.2	.92	.47	128
Lard (without antioxidant)	45	90-95	4-8 months	0				
Lard (without antioxidant)	0	90-95	12-14 months	0				
Leeks, green	32	90-95	1-3 months	88.2	30.7	.90	.46	126
Lemons (ch. 29)	32 or 50-58 [6]	85-90	1-4 months	89.3	29.4	.92	.46	127
Lettuce	32	95	2-3 weeks	94.8	31.7	.96	.48	136
Limes	48-50	85-90	6-8 weeks	86.0	29.1	.89	.46	122
Logan blackberries	31-32	85-90	5-7 days	82.9	29.7	.86	.45	118
Maple sirup	(4)	(4)	(4)	35.5		.48	.31	51
Meat (ch. 25):								
Bacon:								
Frozen	-10-0	90-95	4-6 months					
Cured (farm style)	-60-65	85	do	13-29		.30-.43	.24-.29	18-41
Cured (packer style)	34-40	85	2-6 weeks					
Beef:								
Fresh	32-34	88-92	1-6 weeks	62-77	[3] 28-29	.70-.84	.38-.43	89-110
Frozen	-10-0	90-95	9-12 months					
Fat backs	34-36	85-90	0-3 months	6-12		.25-.30	.22-.24	9-17
Hams and shoulders:								
Fresh	32-34	85-90	7-12 days	47-54	[3] 28-29	.58-.63	.34-.36	67-77
Frozen	-10-0	90-95	6-8 months					
Cured	60-65	50-60	0-3 years	40-45		.52-.56	.32-.33	57-64
Lamb:								
Fresh	32-34	85-90	5-12 days	60-70	[3] 28-29	.68-.76	.38-.51	86-100
Frozen	-10-0	90-95	8-10 months					
Livers: Frozen	-10-0	90-95	3-4 months	70.0			.41	10

Footnotes at end of table.

TABLE 1.—STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS—Continued

Commodity	Storage temperature, Fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, Fahrenheit	Specific heat above freezing[1] B.t.u./lb./F.	Specific heat below freezing[1] B.t.u./lb./F.	Latent heat (calculated) B.t.u./lb.[2]
Pork:								
Fresh	32-34	85-90	3-7 days	32-44	[3] 28-29	0.46-0.55		46-63
Frozen	−10-0	90-95	4-6 months				0.30-0.33	
Smoked sausage	40-45	85-90	6 months	60.0		.68	.38	86
Sausage casings	40-45	85-90						
Veal	32-34	90-95	5-10 days	64-70	[3] 28-29	.71-.76	.39-.41	92-100
Mangoes	55	85-90	2-3 weeks	81.4	30.3	.85	.44	711
Melons, cantaloupe	32-40	85-90	5-15 days	92.0	29.9	.93	.48	132
Persian	45-50	85-90	2 weeks	92.7	30.5	.94	.48	132
Honeydew and honey ball	45-50	85-90	3-4 weeks	92.6	30.3	.94	.48	132
Casaba	45-50	85-90	4-6 weeks	92.7	30.1	.94	.48	132
Watermelons	40-50	80-85	2-3 weeks	92.1	31.3	.97	.48	132
Mushrooms[4]	32	90	3-5 days	91.1	30.4	.93	.47	130
Mushroom spawn:								
Manure spawn	34	75-80	8 months					
Grain spawn	32-40	75-80	2 weeks					
Nursery stock (table 4)	32-35	85-90	3-6 months					
Nuts (ch. 33)	32-50[4]	65-75	8-12 months	3-6	([4])	.22-.25	.21-.22	4-8
Oil (vegetable salad)	35		1 year	0				
Okra	45-50	90-95	7-10 days	89.8	28.7	.92	.46	128
Oleomargarine	35	60-70	1 year	15.5		.32	.25	22
Olives, fresh	45-50	85-90	4-6 weeks	75.2	29.4	.80	.42	108
Onions and onion sets	32	65-70	6-8 months	87.5	30.6	.90	.46	124
Oranges (ch. 29)	32-34	85-90	8-12 weeks	87.2	30.6	.90	.46	124
Orange juice, chilled	30-35		3-6 weeks	89.0		.91	.47	128
Papayas	45	85-90	2-3 weeks	90.8	30.4	.82	.47	130
Parsley	32	90-95	1-2 months	85.1	30.0	.88	.45	122
Parsnips	32	90-95	2-6 months	78.6	30.4	.84	.44	112
Peaches and nectarines	31-32	90	2-4 weeks	86.9	30.3	.90	.46	124
Pears (ch. 29)	29-31	90-95	([4])	82.7	29.2	.86	.45	118
Pears, green	32	90-95	-12 weeks	74.3	30.9	.79	.42	106
Peppers, sweet[4]	45-50	90-95	2-3 weeks	92.4	30.7	.94	.47	132
Peppers, chili (dry)[4]	32-40	65-75	6-9 months	12.0		.30	.24	17
Persimmons	30	90	3-4 months	78.2	28.1	.84	.43	112
Pineapples:								
Mature green	50-55	85-90	3-4 weeks		30.2			
Ripe	45	85-90	2-4 weeks	85.3	30.0	.88	.45	122
Plums, including fresh prunes	31-32	90-95	3-4 weeks[4]	85.7	30.5	.88	.45	123
Pomegranates	34-35	90	2-4 months		26.6			
Popcorn, unpopped	32-40	85	([4])	13.5		.31	.24	19
Potatoes:								
Early crop	50-55	90	([4])	81.2	30.9	.85	.44	116
Late crop	38-50[4]	90	([4])	77.8	30.9	.82	.43	111
Poultry (ch. 26):								
Fresh	32	85-90	1 week	74.0	[3] 27.0	.79		106
Frozen, eviscerated	−20-0	90-95	9-10 months				.42	
Pumpkins[4]	50-55	70-75	2-6 months	90.5	30.5	.92	.47	130
Quinces	31-32	90	2-3 months	85.3	28.4	.88	.45	122
Radishes:								
Spring, prepackaged	32	90-95	3-4 weeks	93.6	30.7	.95	.48	134
Winter	32	90-95	2-4 months	93.6		.95	.48	134
Rabbits:								
Fresh	32-34	90-95	1-5 days	68.0		.74	.40	98
Frozen	−10-0	90-95	0-6 months					
Raspberries:								
Black	31-32	90-95	2-3 days	80.6	30.0	.84	.45	122
Red	31-32	90-95	do	84.1	30.9	.87	.44	121
Frozen (red or black)	−10-0		1 year					
Rhubarb	32	90-95	2- 3 weeks	94.9	30.3	.96	.48	134
Rutabagas	32	90-95	2- 4 months	89.1	30.1	.91	.47	127
Salsify	32	90-95	do	79.1	30.0	.83	.44	113
Spinach	32	90-95	10-14 days	92.7	31.5	.94	.48	132
Squash:[4]								
Acorn	45-50	70-75	5- 8 weeks		30.5			
Summer	32-40	85-95	4- 5 days	95.0	31.1	.96		135
Winter	50-55	70-75	4- 6 months	88.6	30.3	.91		127
Strawberries:								
Fresh	31-32	90-95	5- 7 days	89.9	30.6	.92		129
Frozen (ch. 29)	−10-0		1 year	72.0			.42	103
Sweet potatoes	55-60	85-90	4- 6 months	68.5	29.7	.75	.40	97
Tangerines	31-38	90-95	3- 4 weeks	87.3	30.1	.90	.46	125
Tomatoes:								
Mature green	57-60[4]	85-90[4]	[4] 2-3 weeks	94.7	31.0	.95	.48	134
Firm ripe	45-50[4]	85-90[4]	[4] 2-7 days	94.7	31.1	.95	.48	134
Turnips roots	32	90-95	4-5 months	90.9	30.1	.93	.47	130
Vegetable seed	32-50	50-65	([4])	7.0-15.0		.29	.23	16
Yeast, compressed baker's	31-32			70.9		.77	.41	102

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[1] Calculated by Siebel's formula. For values above freezing point $S=0.008a+0.20$. For values below freezing point $S=0.003a+0.20$. Recent work by H. E. Staph, B. E. Short and others at the University of Texas has shown that Siebel's formula is not particularly accurate in the frozen region, because foods are not simple mixtures of solids and liquids and are not completely frozen even at −20 F.

[2] Values for latent heat (latent heat of fusion) in B.t.u. per pound, calculated by multiplying the percentage of water content by the latent heat of fusion of water, 143.4 B.t.u.

[3] Average freezing point.

[4] See text in this chapter or under appropriate commodity chapter.

[5] Eggs with weak albumen freeze just below 30 F.

[6] Lemons stored in production areas for conditioning are held at 55 to 58 F.; in terminal markets they are customarily stored at 50 to 55 F. but sometimes 32 F. is used.

Acknowledgment is due the following men for assistance with certain commodities: R. L. Hiner, L. Feinstein, and A. Kotula, meat and poultry; J. W. White and C. O. Willits, honey and maple sirup; E. B. Lambert, mushrooms; H. Landani, furs and fabrics; M. K. Veldhuis, orange juice; A. L. Ryall plums and prunes; L. P. McColloch, tomatoes (all the former are U.S. Department of Agriculture staff members); and J. W. Slavin, fish, U.S. Department of Interior.

COMMODITY STORAGE REQUIREMENTS

TABLE 2.—APPROXIMATE RATES OF EVOLUTION OF HEAT BY CERTAIN FRESH FRUITS AND VEGETABLES WHEN STORED AT THE TEMPERATURES INDICATED[1]

Commodity	B.t.u. per ton per 24 hours		
	32° F.	40° F.	60° F.
Apples	300 to 1,500	600 to 2,700	2,300 to 7,900.
Asparagus	5,900 to 13,200	11,700 to 23,100	22,000 to 51,500.
Avocados			13,200 to 30,700.
Bananas [2]			
Beans, green or snap		9,200 to 11,400	32,100 to 44,100.
Beans, lima	2,300 to 3,200	4,300 to 6,100	22,000 to 27,400.
Beets, topped	2,700	4,100	7,200.
Blueberries [3]	1,300 to 2,200		
Broccoli, sprouting	7,500	11,000 to 17,600	33,800 to 50,000.
Brussels sprouts	3,300 to 8,300	6,600 to 11,000	13,200 to 27,500.
Cabbage	1,200	1,700	4,100.
Carrots, topped	2,100	3,500	8,100.
Cauliflower	3,600 to 4,200	4,200 to 4,800	9,400 to 10,800.
Celery	1,600	2,400	8,200.
Cherries	1,300 to 1,800	2,800 to 2.900	11,000 to 13,200.
Corn, sweet	7,200 to 11,300	10,600 to 13,200	38–400.
Cranberries	600 to 700	900 to 1,000	
Cucumbers			
Grapefruit	400 to 1,000	700 to 1,300	2,200 to 4,000.
Grapes, American	600	1,200	3,500.
Grapes, European	300 to 400		2,200 to 2,600.
Lemons	500 to 900	600 to 1,900	2,300 to 5,000.
Lettuce, head	2,300	2,700	7,900.
Lettuce, leaf	4,500	6,400	14,400.
Melons, cantaloupes	1,300	2,000	8,500.
Melons, honeydews		900 to 1,100	2,400 to 3,300.
Mushrooms [4]	6,200		
Okra		12,100	31,600.
Onions	700 to 1,100	800	2,400.
Onions, green	2,300 to 4,900	3,800 to 15,000	14,500 to 21,400.
Oranges	400 to 1,000	1,300 to 1,600	3,700 to 5,200.
Peaches	900 to 1,400	1,400 to 2,000	7,300 to 9,300.
Pears	700 to 900		8,800 to 13,200.
Peas, green	8,200 to 8,400	13,200 to 16,000	39,300 to 44,500.
Peppers, sweet	2,700	4,700	8,500.
Plums	400 to 700	900 to 1,500	2,400 to 2,800.
Potatoes, immature		2,600	2,900 to 6,800.
Potatoes, mature		1,300 to 1,800	1,500 to 2,600.
Raspberries	3,900 to 5,500	6,800 to 8,500	18,100 to 22,300.
Spinach	4,200 to 4,900	7,900 to 11,200	36,900 to 38,000.
Strawberries	2,700 to 3,800	3,600 to 6,800	15,600 to 20,300.
Sweet potatoes	1,200 to 2,400	1,700 to 3,400	4,300 to 6,300.
Tomatoes, mature green	600	1,100	6,200.
Tomatoes, ripe	1,000	1,300	5,600.
Turnips	1,900	2,200	5,300.

[1] Data largely from table 1 of USDA Handbook No. 66, 1954. Acknowledgement is also due to the following for other commodities: Avocados, J. B. Biale; brussels sprouts, J. M. Lyons and L. Rappaport; cucumbers, I. L. Eaks and L. L. Morris; honeydew melons, H. K. Pratt and L. L. Morris; plums, L. L. Claypool and F. W. Allen; potatoes, L. L. Morris; all from the University of California. Asparagus, W. J. Lipton, USDA; cauliflower, lettuce, okra, and onion, H. B. Johnson, USDA; sweet corn, S. Tewfik and L. E. Scott, University of Maryland.

[2] Bananas at 68 F, 8,400 to 9,200.

[3] Blueberries at 50 F, 5,100 to 7,700; at 70 F, 11,400 to 15,000.

[4] Mushrooms at 50 F, 22,000; at 70 F, 58,000.

FRUIT

See Table 1 and Chapter 29.

FRUIT JUICE CONCENTRATES

See Chapter 30.

FURS AND FABRICS

Cold storage has been used for many years as an effective means of protecting furs, floor coverings, garments, and other materials containing wool against insect damage. The commonly used cold storage temperatures do not kill the insects but inactivate them and thus prevent insect damage while the susceptible items are in storage. However, if insects are present, the article is susceptible to damage as soon as it is removed from cold storage.

It is advisable to free the articles of any possible infestation before they are placed in cold storage. Those items that can be cleaned should be so treated. Others can be either fumigated or mothproofed as described in the USDA *Home and Garden Bulletin* 24.

Recommended cold storage temperature for furs and garments is 34 to 40 F. A temperature of 40 F is most widely used commercially. This low temperature not only inactivates fabric insects but has the added advantage of preserving the vitality and luster of furs and the tensile strength of fabrics. Continuous storage below the 34 to 40 F range is a wasteful expense as far as protection from insect damage is concerned. Food should not be stored with fur garments.

As shown in Table 3, moth larvae can survive low temperatures for a fairly long time. Storage at 40 F therefore, will prevent insect feeding, but will not necessarily kill the infestation. Other reasonable, safe and dependable methods of protecting fabrics from clothes moths are discussed in USDA *Home and Garden Bulletin* 24 and in USDA *AMS Report* 57.

Some storage firms maintain constant temperatures in their fur vaults of between 14 and 32 F and claim excellent results. However, no research evidence has been presented to indicate that temperature in this range are required for storing dressed furs or fabrics. Cured raw furs (but not processed) should be stored at −10 to 10 F with 45 to 60 percent relative humidity and will keep up to 2 years.

HONEY

Both *extracted* (*liquid*) *and comb honey* can be held satisfactorily in common dry storage for about a year. The slow darkening and flavor deterioration at ordinary room temperatures becomes objectionable after this time. Although cold storage is not necessary, temperatures below 50 F will maintain original quality for several years and retard or prevent fermentation. The range between 50 F and 65 F should be avoided if possible, as it promotes granulation; this increases the probability of fermentation of raw (unheated) honey. As storage temperature increases in the 80 to 100 F range, deterioration is accelerated; temperatures constantly above about 85 F are unsuitable, and above 90 F quite damaging.

Honey for European export is best kept in cold storage, since the half-life for honey diastase at 77 F is about 17 months.

Raw honey of greater than 20 percent moisture is always in danger of fermentation; the likelihood is much less at or below 18.6 percent moisture. Below 17 percent moisture, raw honey will not ordinarily ferment. Granulation increases the possibility of fermentation of raw honey by increasing the moisture content of the liquid portion. Properly pasteurized honey will not ferment at any moisture content. Granulated honey can be reliquefied by warming to 120 to 140 F.

Comb honey should not be stored above 60 percent rh to avoid moisture absorption through the wax, leading to fermentation.

TABLE 3.—TEMPERATURE AND TIME REQUIREMENTS FOR KILLING MOTHS IN STORED CLOTHING[1]

Storage temperature, F.	All eggs dead after, days	All larvae dead after, days	All adults dead after, days
0 to 5	1	2	1
5 to 10	2	[2]21	1
10 to 15	4		1
15 to 20			1
20 to 25	21	67	4
25 to 30	21	[3] 125	7
30 to 35		[4] 283	

[1] Table taken from AMS–57, USDA.

[2] 50 to 25 percent of larvae may be killed in 2 days.

[3] A few larvae survived this period.

[4] Larvae survived this period.

Finely granulated honey (honey spread, Dyce process honey, *honey cream*) must not be stored above about 75 F. Higher temperatures will in time cause partial liquefaction and destroy the texture. Any subsequent regranulation by lower temperatures will produce an undesirable coarse texture. For holding more than 4 months, cold storage is required.

LARD

See Chapter 25.

MAPLE SIRUP

Maple sirup, packed hot (at, or within a few degrees of its boiling point) in clean containers, promptly closed airtight and the containers laid on their sides or inverted to self-sterilize the closure, and then cooled, will keep indefinitely at room temperatures without darkening or loss of flavor. Cold storage is not necessary. However, once opened, the sirup in a bottle, can or drum may become contaminated by organisms in the air. Mold or yeast spores which may be present in improperly pasteurized sirup, though unable to germinate in full-density sirup, may grow in the thin sirup on the surface caused by water of condensation. Small packages not completely sterile, containing spores, can be kept free of vegetative growth by periodically inverting the containers to redisperse any thin sirup on the surface caused by condensation of water. Maple sirup should never be packaged at temperatures below 180 F. After pasteurizing, the sirup should be cooled as quickly as possible to prevent stack burn which darkens the sirup and causes a lowering of its grade.

MEAT

See Chapter 25.

NURSERY STOCK AND CUT FLOWERS

The temperature and approximate storage life given in Table 4 for cut flowers allow for a reasonable shelf life after removal from storage; therefore, the storage period may at times be extended beyond that recommended here.

Low temperature (31–33 F) and dry packaging prevent, or at least greatly retard, flower disintegration and extend the storage life. These conditions, while not widely used commercially, are recommended. Proper dry packing requires a moisture-vapor-proof container in which flowers can be sealed. No free water is added because the package prevents almost all water loss.

Flowers which are held in water should not be crowded in the containers and should be arranged on shelves or racks to allow good air circulation. Forced air circulation should be provided but the flowers should not be in a direct draft.

The optimum temperature for storage of many cut flowers is 31–33 F. Many kinds of nursery stock can also be stored at temperatures ranging from 31 to 35 F. It is advisable to open packages and *harden* flowers before marketing if the blooms have been stored for long periods. Flowers conditioned at about 50 F following storage will regain full turgidity most rapidly. Stem ends should be cut or crushed and then be placed in water or a food solution at 80 to 100 F for 6 to 8 hr.

Many kinds of cut flowers and greens are injured if stored in the same room with certain fruits, principally apples and pears, which give off gases such as ethylene during ripening. These gases cause premature aging of blooms, and may defoliate greens. Greens should not be stored in the same room with cut flowers as the greens, acting in the same way as fruit, can hasten bloom deterioration.

TABLE 4.—STORAGE CONDITIONS FOR CUT FLOWERS AND NURSERY STOCK[1]

Commodity	Storage temperature, F.	Relative humidity, percent	Approximate storage life	Method of holding	Highest freezing point, F.
Cut flowers:					
Calla lily	40	90–95	1 week	Dry pack	
Camelia	45	90–95	3 to 6 days	do	30.6
Carnation	32–36	90–95	1 month	do	30.8
Chrysanthemum	32–35	90–95	2 to 5 weeks	do	30.5
Daffodil	31–33	90–95	1 to 3 weeks	do	
Gardenia	32–33	90–95	2 to 3 weeks	do	31.0
Gladiolus	35–40	90–95	1 week	do	31.4
Iris, tight buds	31–32	90–95	2 weeks	do	30.6
Lily, Easter	32–35	90–95	2 to 3 weeks	do	31.1
Lily-of-the valley	31–32	90–95	do	do	
Orchid	45–50	90–95	2 weeks	Water	31.4
Peony, tight buds	32–35	90–95	4 to 6 weeks	Dry pack	30.1
Rose, tight buds	32	90–95	1 to 2 weeks	do	31.2
Sweet peas	31–32	90–95	2 weeks	do	30.4
Tulips	31–32	90–95	4 to 8 weeks	do	
Greens:					
Fern, dagger and wood	32–40	90–95	4 to 5 months	do	28.9
Holly	32	90–95	1 to 4 weeks	do	27.0
Huckleberry	32	90–95	do	do	26.7
Laurel	32	90–95	do	do	27.6
Magnolia	35–40	90–95	do	do	27.0
Rhododendron	32	90–95	do	do	27.6
Salal	32	90–95	do	do	26.8
Bulbs:					
Amaryllis	38–45	70–75	5 months	Dry	30.8
Dahlia	40–45	70–75	do	do	28.7
Gladiolus	38–50	70–75	8 months	do	28.2
Iris, Dutch, Spanish	80–85	70–75	4 months	do	
Lily:					
Candidum	31–33	70–75	1 to 6 months	Poly liner and peat.	
Croft	31–33	70–75	do	do	
Longiflorum	31–33	70–75	1 to 10 months	do	28.9
Speciosum	31–33	70–75	1 to 6 months	do	
Peony	33–35	70–75	5 months	Dry	
Tuberose	40–45	70–75	4 months	do	
Tulip	31–32	70–75	5 to 6 months	do	27.6
Nursery stock:					
Trees and shrubs	32–35	80–85	4 to 5 months	(2)	
Rose bushes	32–35	85–95	do	Bare rooted with poly liner.	
Strawberry plants	30–32	80–85	4 to 10 months.	do	29.9
Rooted cuttings	33–40	85–95		Poly wrap	
Herbaceous perennials.	27–28 or [2] 33–35	80–85		(2)	

[1] Data from USDA Handbook No. 66 and bulletin by Post and Fischer.

[2] For details for various trees, shrubs, and perennials, see bulletin by Mahlstede and Fletcher.

Greens, bulbs and certain nursery stock are usually packaged or crated when stored. Some bulbs and nursery stock are packed in damp moss or similar material, and low temperatures are required to keep them dormant. Polyethylene wraps or box liners are very effective for maintaining quality of strawberry plants, bare-root rose bushes, and certain cuttings and other nursery stock in storage. Strawberry plants can be stored up to 10 months in polyethylene-lined crates at 30 to 32 F.

NUTS

See Chapter 33.

POPCORN

Popcorn should be stored at 32 to 40 F. and at a relative humidity of about 85 percent. This relative humidity yields the optimum popping condition and the desired moisture content of about 13.5 percent.

POULTRY

Frozen poultry should be stored at 0 to −20 F. with the temperature maintained as constant as possible. Ready-to-cook chickens packed in institutional packs with good quality liners should remain in satisfactory condition for 9 to 10 months, and similar birds individually wrapped in film should hold up in storage for 12 to 18 months. Improper handling during any of the processing operations could materially reduce these safe storage times.

When frozen poultry is held under severely fluctuating temperatures, evaporation of moisture from the skin may be so great that it causes light-colored pockmarks to appear. Such a condition is called freezer burn, the outstanding visual defect of frozen poultry. Although freezer burn may not affect the flavor of the meat, it reduces the sales value of the processed poultry by several cents per pound and may toughen slightly the skin and meat directly underneath. Freezer burn can be lessened by packaging the birds properly and by maintaining proper storage conditions. For detailed information consult Chapter 26.

VEGETABLES

See Chapter 29.

VEGETABLE SEED

Seeds require a relatively low temperature and humidity. Storage at 32 F. is most desirable but 50 F. is satisfactory if a 50 percent rh can be obtained. High temperature and high humidity favor loss of viability. Vegetable seeds should remain viable for 1 to 10 years, depending upon the variety. However, they are usually not stored for over one year. If it is impossible to keep humidity low enough, seeds should be stored in moisture-proof containers.

DENSITY OF COMMODITIES COMMONLY STORED

Table 5 is a compilation of data giving the type of containers used for storage, their dimensions, gross weights, net weights and density per cu. ft. Additional information on gross weights of packed containers and on dimensions and densities of pallet loads of produce is given in USDA *Marketing Research Report* No. 467.

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S. 3165—INTRODUCTION OF CONSUMER PROTECTION ACT OF 1969

Mr. MONTOYA. Mr. President, I am today introducing the Consumer Protection Act of 1969 to establish an independent agency within the Federal Government to be known as the Bureau of Consumer Protection.

It has become a well-worn and tired expression that the consumer is the forgotten man in our highly bureaucratic economic system which is so replete with the representation of special interest groups. Nevertheless, there is great truth in this statement. Every organized group in our society has established strong lobbies to represent their interests in the Federal Government. But the consumer, who is not a member of a well-organized and tightly knit group, has no one to voice his needs and desires. He has no sounding board within the Government, no agency to which he can address his complaints, and no official representative to bring his grievances before the appropriate governmental agencies.

The President's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, has done an admirable job with the resources and authority which have been made available to her. This office, however, was created by Executive order of the President, and its functions and jurisdiction, therefore, are based on the whims of whichever administration happens to be in command. Furthermore, a consumer office like the present one which is located in the White House is too closely tied with the policies of the administration in power. It is my feeling that we need an independent body which can stand some distance from the President and objectively evaluate the existing consumer policies and activities within the executive branch, offering constructive criticism where necessary. The creation of such a statutory agency is long overdue, and I believe the establishment of a Bureau of Consumer Protection, such as I propose, would fill this tremendous gap.

The primary function of the Bureau would be to represent within the Federal Government the viewpoint of the consumer. This broad authority would permit the Bureau to receive, evaluate, and negotiate voluntary adjustments of complaints and represent the consumer before any regulatory agency, district or appellate court, or department or independent agency of the Federal Government. The Bureau would be responsible for the coordination of all consumer activities in the Government, while, at the same time, aid in the elimination of overlapping consumer functions and conflicting policies relating to consumer protection.

The Bureau would also establish consumer complaint centers in major population areas; collect, coordinate, and disseminate information about the safety and quality of products and services; encourage and support consumer research; develop consumer education programs; assist State and local governments to set up their own consumer programs; and work with business representatives to provide higher quality products and better services.

The independence and objectivity of the Bureau of Consumer Protection would be insured first, by creating this body as an independent Federal agency, and second, by allowing for the appointment of the Director and Deputy Director of the Bureau for terms of 15 years with removal from office by Congress only for neglect of duty, malfeasance, inefficiency, or conviction of a felony. Such a provision would prevent the Bureau and its Director from becoming an arm of the President; the Director and Deputy Director would not be serving at the whim of the President, and new officers would not be appointed every time we have a change of administration.

Mr. President, there are numerous bills presently pending in both Houses of Congress which would create bodies in the Federal Government to represent our Nation's consumers. I believe, however, that my bill offers the most effective machinery to serve consumer interests today, and I urge my colleagues in the Senate to join with me in seeking favorable action on this measure in the immediate future.

Mr. President, this past Sunday, November 16, there appeared an excellent article in the Albuquerque Journal, Albuquerque, N. Mex., entitled "Consumers Bilked of Millions; Service Incompetence, Greed Hits Everyone." This article reports on only one of the many pitfalls that await the unsuspecting consumer. My legislation would insure that this and all other such practices which are preying on the unwary consumer are brought to an abrupt end. Mr. President, I ask unanimous consent that this article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Albuquerque (N. Mex.) Journal, Nov. 16, 1969]

CONSUMERS BILKED OF MILLIONS: SERVICE INCOMPETENCE, GREED HIT EVERYONE

(By Joan Hanauer)

Partly through its own ignorance, the American public is being bilked of hundreds of millions of dollars annually by service and repair incompetents and racketeers.

Trouble is, most of us don't know any more about the mechanics of the machines, appliances and gadgets on which we depend than we know about the circuitry of a moon rocket. Too often, neither does the repairman we call in. And even when he does, there are always crooks ready to prey on the unwary.

As a result, there is hardly a person who hasn't been "taken" at one time or another by an unethical or incompetent television repairman, garage mechanic, or appliance serviceman or dealer.

Richard Maxwell, president of the National Better Business Bureau Inc., stressed to UPI that "the vast majority of the service industry is composed of honest, reliable businessmen." But the "unethical operators," he said, plus a severe scarcity of trained repairmen, add up to making service needs "probably the No. 1 consumer problem in the nation today."

The problem is underscored in the television field, particularly in regard to color TV sets, the most complicated and most often out-of-order household device, according to Consumer Reports, a publication of Consumers Union.

An Iowa National Electronics Assn. official has estimated that 75 per cent of TV repairmen in Iowa "are bordering on the incompetent," and J. B. Myers, executive vice president of the Memphis, Tenn., Better Business Bureau, said: "Anyone can put up a sign and be a TV repairman. There are not 25 men in Memphis qualified to repair color sets."

No one knows how much money the American consumer loses each year to such ignorance, or because of his own ignorance that makes him an easy victim of overcharging and cheating. Simple arithmetic puts the total into the billion-dollar realm. In Pennsylvania alone the figure has been estimated at $500 million.

It is ignorance again that makes accurate estimates impossible. People don't know when they have been "taken." If they do, they are loath to admit it, as UPI discovered when victims asked that their names be withheld in relating their experiences. Consider:

An elderly Pittsburgh woman awoke one cold morning to find her furnace out of of order. A repairman, his name culled from the telephone directory, advised replacing the furnace. Price: $563. For a second opinion she called a gas company inspector who repaired the furnace—free—by cleaning a pilot light line.

In Modesto, Calif., a television dealer replaced seven tubes in a malfunctioning set and charged $37.87. Only one of the original tubes actually was defective. Question: How many times did he perform unnecessary repairs before he was caught?

In Forest Hills, N.Y., a television repairman called in to examine a color set charged $8.50 for a house call, then announced the set must be taken to the shop for a $40 "inspection." The owner paid the $8.50 but refused the "inspection." The owner then telephoned the manufacturer which sent a man who replaced a small part for $1.85, but charged $18.50 for the house call. Question: How many other owners in similar circumstances had paid the "inspection" charge?

There can be no dispute that in this land of plenty of automobiles, television sets and other devices, there is a tremendous scarcity of adequate repair services—and a scandalous propensity for dishonesty. Why?

According to Consumer Reports, the problems begin with poor quality control by the manufacturer, extend to warranties often written to protect the manufacturer rather than the consumer, and end in incompetence and fraud.

A spokesman for Consumer Reports, in illustrating the lack of quality control, said Consumers Union buys at random and examines 30 to 40 new cars annually. In one car alone it found 33 defects, including improperly aimed headlights, a speedometer that clocked 64 m.p.h. when the car was traveling at 70 mph, grossly inaccurate fuel gauge, engine oil seeping from the main bearing seals, and assorted improperly or incompletely installed parts.

The magazine charged this was not a "lemon" but typical of many brand new American and foreign cars.

The consumer, accordingly, stands a good chance of being stuck with a factory-new item that doesn't work properly.

Next, the consumer turns to his warranty. As was brought out in congressional hearings and elsewhere, warranties often protect the manufacturer instead of the consumer. Warranties or guarantees spell out what the manufacturer or dealer will be responsible for, and what he exempts from warranty. These are called "express" guarantees. They protect him from the "implied" guarantee that a brand new item he sells and all its parts will be in good working order and will operate properly in normal usage. In some cases, also, the warranty is good for parts only, not labor.

Not untypical is the story of a Bay Shore, N.Y., housewife whose refrigerator went out of whack 30 days before the manufacturer's "three-year guarantee" expired. She telephoned the dealer, who sent a repairman. He "fixed" the refrigerator without charge for an allegedly new part, but "labor" came to $57. The owner was given a new "warranty" for one year on the repair work. Two months later the refrigerator again malfunctioned. Back came the repairman. He said the cause of malfunction this time was covered under the guarantee—but the guarantee had expired a month earlier. What about his own one-year warranty? Oh, that still held but it didn't cover the part of the refrigerator that now needed fixing. The woman paid another repair charge, this time $26.

Automobile warranties have been such a cause of complaint that the Federal Trade Commission (FTC) issued a staff report on them, based on the 1967 industry practices, when cars were guaranteed for 24 months or 24,000 miles. The report's conclusions included charges of "slack quality control" by manufacturers and substandard performance of warranty repairs.

UPI asked the Big Three American auto makers about the charge that car warranties benefited the manufacturer rather than the consumer. General Motors and Chrysler refused to comment. A Ford spokesman said: "Automotive warranty is much more generous than consumers find on most other products they buy."

Beyond warranties, new and old car repair complaints range from inadequate service to outright swindles.

A Santa Clara, Calif., car repair operation, for instance, would show car owners "metal filings" in the transmission pan. Actually, the "filings" were harmless grease-sweep, a kind of sawdust used to clean floors, that had been planted by the "repairer." The operators made over $1 million before they were closed down by the district attorney.

Some Phoenix, Ariz., service stations were caught equipping their men with hypodermic syringes filled with titanium tetrachloride, a colorless liquid often used by magicians which turns into dense white smoke when exposed to air. A few drops under the hood and the resulting smoke often produced a remarkable sales record in generators, voltage regulators, batteries, distributors and sometimes whole new transmissions.

Many complaints involve outfits offering to overhaul auto transmissions for a set price, then presenting the owners with extensive repairs and expensive bills.

Among the transmission transgressors, New York State Atty. Gen. Louis Lefkowitz in 1967 cited one nationally known franchise firm for "repairing" non-existent damage and replacing parts when no replacements were needed. He said one customer was charged $160 for a 22-cent repair. The same firm also was cited in Austin, Tex., where mechanics told motorists their cars were "in horrible shape" and collected $300 after changing only a few bolts. A court injunction was issued after an unmarked police car was sent through the "repair" process.

Of all household devices, the color television draws the most repairs—and repair complaints. Black and white set owners also register dissatisfaction. Not all of it can be laid to incompetence or the complex nature of the set.

In New York City, CBS-TV and Consumers Union conducted a test in 1966, deliberately placing a single blown tube in each of 20 sets in otherwise perfect working order. The sets were placed in 20 homes and 20 repairmen were summoned.

Only three repairmen limited themselves to the required repairs, charging an average of $8. The others charged varying prices, up to $37. In some cases unnecessary work was performed. In others no unneeded work was done—only charged for. CBS editorialized for licensing of repairmen.

In California, where the State Bureau of Electronic Repair Dealer Registration licenses service repair dealers, although not individual repairmen, similar investigative techniques have been used.

Jack Hayes, assistant bureau chief, estimates that since his agency was created in 1964, it has saved California set owners between $15 and $20 million a year in unnecessary repairs.

Hayes' group goes into action after receiving complaints, as about one San Jose dealer. The bureau placed three sets in the man's shop, each with a minor malfunction. The dealer sent bills totaling $38, $32 and $37. The invoices falsely claimed the dealer had performed all sorts of complicated work. He was sentenced to 90 days in jail for petty theft, violating the state invoice disclosure law and failing to return replaced parts to the customer, a California requirement.

There is practically nothing in or about the house that is immune from breakdowns and subsequent repair racketeers.

In Missouri, Jefferson City Assistant Atty. Gen. Christopher (Kit) Bond cited home improvement and pest control swindles as among the most prevalent, with victims most often older persons. He cited as example pest controllers who use soap or a terrible smelling mixture of kerosene and condensed milk.

"The soap foams around the house and looks like a pesticide," Bond said, "but I asked a building inspector what it would do and he said, 'It'll give you the cleanest termites in town.' "

Another problem in the home improvement field comes from what in most states is the perfectly legal principle of "holder in due course." A contractor signs up a home-owner for repairs, then sells the contract to a third party. If the contractor's work is unsatisfactory, or even if he goes bankrupt without ever completing the job and fulfilling the contract, in most states the homeowner must continue to pay installments to the company that holds his note.

Virginia H. Knauer, special assistant to the President for consumer affairs, recently told the U.S. Chamber of Commerce:

"The principles of honesty, of quality and satisfactory service are the principles upon which American industry began its growth to greatness: These are the principles to which it must return if it is to remain great."

The American consumer, raising an eyebrow at business, seems to be asking, "What's past is all very well, but what have you done for me lately?"

President Nixon in a message to Congress Oct. 30 stated that the old Latin slogan "caveat emptor"—let the buyer beware—has been replaced as America moves into the 1970s by "consumerism" and the "concept of 'buyer's rights.' "

Certainly the voice of the consumer is being heard by legislators. Consumer protection in one form or another is before many state legislatures, and federal legislation also is in the offing. Some of these laws are aimed, directly or indirectly, at the repair and services industry.

Mr. MONTOYA. Mr. President, I also ask unanimous consent to have the text of my bill printed at this point in the Record, following the article.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3165) to create the Bureau of Consumer Protection and providing for the appointment of a Director, and other purposes, introduced by Mr. Montoya, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1969".

BUREAU OF CONSUMER PROTECTION

There is hereby established an independent agency in the Federal Government to be known as the Bureau of Consumer Protection, hereinafter referred to as the "Bureau." The Bureau shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall also be in the Bureau a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director, he shall act as Director.

(b) The compensation of the Director of the Bureau shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director of the Bureau of the Budget.

(c) The compensation of the Deputy Director of the Bureau shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(d) There shall be in the Bureau a General Counsel (referred to herein as the "Consumer Counsel") who shall be appointed by the President by and with the advice and consent of the Senate. The Consumer Counsel shall perform such duties as the Director may direct. The Consumer Counsel shall also act as Director during the absence or incapacity of the Director and the Deputy Director and may be designated by the Director to act as Deputy Director during the absence or incapacity of the Deputy Director.

Except as hereinafter provided in this section, the Director and the Deputy Director shall hold office for fifteen years. The Director shall not be eligible for reappointment. The Director or the Deputy Director may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Director or Deputy Director has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Director or Deputy Director removed in the manner provided in this section shall be ineligible for reappointment to that office.

(e) The Director, under such rules and regulations as the President may prescribe, shall appoint attorneys and other employees and shall make whatever expenditures may be necessary to administer the Bureau and to carry out its mission within the appropriations made therefor.

FUNCTIONS

In order to protect the interests of consumers in the United States the Bureau is authorized to perform the following functions:

(1) to coordinate the activities of all Federal departments concerned with matters affecting the interests of consumers and, where necessary, to submit such reports and make such proposals to the President to eliminate overlap, conflict or other problems tending to interfere with the Government's overall program on behalf of or in the interest of consumers;

(2) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers:

(3) to establish and staff consumer centers in major population centers to facilitate the presentation of grievances by consumers, to advise consumers of methods available to them to resolve said grievances and to identify and recommend legislative or executive solutions to problems affecting substantial numbers of consumers; except that nothing contained herein shall be construed as a requirement that such a consumer center be established in any case where the State or local government has established a similar instrumentality to perform the functions enumerated in this section, but in any case where the Director determines, notwithstanding the establishment of such a local or State instrumentality to perform functions enumerated in this section, to establish a consumer center, the duties and functions of said consumer center shall be limited in order to avoid conflict and duplication with those being performed by the State or local instrumentality;

(4) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of consumers with Government agencies of the United States and of the States;

(5) to collect, coordinate, and disseminate in appropriate form information compiled by other Federal agencies or departments relating to the safety, performance, and quality of consumer goods and services;

(6) to encourage, support, and coordinate research leading to improved products, services, and consumer information;

(7) to initiate programs and encourage the expansion of existing consumer education programs at all school levels and through adult continuing education programs and to encourage, assist, and coordinate neighborhood consumer counseling services, except that the execution and administration of such programs shall be conducted through the facilities of State and local governments where, in the discretion of the Director, the State or local programs are determined to adequately meet the needs of the consumer for such programs;

(8) to provide technical assistance to State and local government agencies engaged in consumer programs;

(9) to assist State and local governments in the enactment of laws designed to provide greater protection to all consumers where such assistance is requested by the State or local government; and

(10) to encourage and assist representatives of commerce and industry in their efforts to undertake programs designed to provide higher quality products and better service for consumers generally.

CONSUMER PROTECTION

SEC. 4. (a) Whenever there is pending before any regulatory agency of the United States (as defined by subsection (f) of this section) any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Director shall be enitled as a matter of right to intervene in such matter or proceeding as a party to represent the interest of consumers by filing with such agency a duly certified copy of the finding so made by the Director. Upon any such intervention, the Director, through the Consumer Counsel or any other employee of the Bureau designated by the Director for that purpose, shall present to such regulatory agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as it shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any regulatory agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, or

(2) there is pending before any district court of the United States any matter or proceeding involving the trade of commerce of the United States to which the United States or any regulatory agency of the United States is a party,

the Director upon his own motion may, and upon written request made by the officer or employee of the United States or such regulatory agency who is charged with the duty of presenting the case for the Government in that matter or proceeding shall, certify to such officer or employee all evidence and information in the possession of the Bureau relevant to that matter or proceeding.

(c) Whenever there is pending before any appellate court of the United States any matter or proceeding involving the review of—

(1) an order or determination made by any regulatory agency of the United States relating to the trade or commerce of the United States, or

(2) any judgment, decree, or order entered by a district court of the United States in any civil action involving the trade or commerce of the United States.

and the Director finds that the action taken by the appellate court upon such review may affect substantially the interests of consumers within the United States, the Director, subject to the rules of practice and procedure of such appellate court, may make application to the court for leave to file in such matter or proceeding a brief as amicus curiae, or to present to the court oral argument therein, or both, except that no such application may be filed by the Director without the consent of the Attorney General in any matter or proceeding (A) to which the United States or any regulatory agency of the United States is a party, or (B) in which the Attorney General has been granted leave to intervene on behalf of the United States or any regulatory agency of the United States. Upon the filing by the Director of such application, supported by a duly certified copy of the finding so made by the Director and such other showing as the court may require to demonstrate that the action taken upon such review may substantially affect the interests of consumers within the United States, the appellate court in its discretion may grant such application.

(d) Whenever there is pending before any department or independent agency of the United States any matter or proceeding relating to the trade or commerce of the United States which does not involve the adjudication of the alleged violation, by an individual or corporation named as a defendant or respondent therein, of any statute of the United States, or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene in such matter or proceeding as a party to represent the interest of consumers by filing with such agency a duly certified copy of the finding so made by the Director. Upon any such intervention, the Director shall present to such agency in conformity with the rules of practice and procedures thereof, all evidence and information in the possession of the Bureau relevant to that matter or proceeding.

(e) The Consumer Counsel, or any other attorney of the Bureau specially designated by the Director for that purpose, shall be entitled to enter an appearance on behalf of the Director before any court (except the United States Supreme Court) or regulatory agency of the United States, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of making any application or taking any action which is authorized by subsection (a), (b), (c), or (d) of this section.

(f) For the purposes of this Act the term "regulatory agency" includes any agency, board, commission, or other institution within the Federal Government which is charged with administrative or regulatory duties with respect to trade or commerce of the United States.

STUDIES AND CONSUMER COMPLAINTS

SEC. 14. (a) It shall be the duty of the Bureau and its consumer centers to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States and of the States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Bureau does not violate any law of the United States or any State, the Bureau or a consumer center may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration. If in the opinion of the Bureau such practice is in violation of any law of the United States or any State, the Bureau shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Bureau finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action, that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Bureau, subject to applicable statutes and rules of practices and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

SEC. 5 (a) Under such regulations as the President may prescribe, the Director may request and shall receive from any Federal department or agency such information as he may from time to time require.

(b) The Director, or any employee of the Office acting for and on behalf of the Director, shall receive from consumers and evaluate complaints concerning trade or commercial practices or other matters which may adversely affect consumers and shall take whatever action may be appropriate to resolve the complaint or other matter, including, but not limited to, referral to an appropriate Federal, State, or local agency. If no agency exists to which the particular matter can be referred or the agency to which a matter is referred fails or refuses to take action in connection with said matter, or any part thereof, the Director may provide conciliation or mediation services or, if the parties agree, final and binding arbitration.

(c) The Director shall have for any of the purposes described in section 3, the authority to gather and compile information from governmental and nongovernmental sources and, where appropriate, shall analyze and make such information available in appropriate form to the public or other governmental agencies.

(d) For the purpose of conducting surveys and investigations under this Act, the Director shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commisison Act with respect to the conduct of investigations made by that Commission under that Act, except that the Director may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of that section without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Director to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission.

SEC. 7. The Director shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the Bureau's activities, including a summary of the major problems, confronting the Bureau, methods utilized in dealing with such problems, recommendations for additional legislation necessary or deisrable to protect consumer interests, recommendations for organizational changes within the executive branch to provide more efficient service to the consumer, and such other information as the Director may deem pertinent to the mission of the Bureau, or as Congress may require.

APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated to the Bureau such sums as may be required to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2994

Mr. BAYH. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 2994, to amend section 455 of title 28, United States Code.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3102

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3102, to amend section 4 of the Fish and Wildlife Act of 1956, as amended to extend the term during which the Secretary of the Interior can make fisheries loans under the act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3147

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 3147, to amend the act relating to indemnity payments to dairy farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3153

Mr. DOLE. Mr. President, on behalf of the Senator from Hawaii (Mr. FONG), I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. ALLOTT) be added as a cosponsor of S. 3153, to authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 289—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 3161 TO THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. CRANSTON submitted the following resolution (S. Res. 289); which was referred to the Committee on the Judiciary:

S. RES. 289

Resolved, That the bill (S. 3161) entitled "A bill for the relief of the estate of Randolph Henry Hitchcock", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 20, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 92. An act for the relief of Mr. and Mrs. Wong Yui;

S. 499. An act for the relief of Ludger J. Cossette;

S. 632. An act for the relief of Raymond C. Melvin;

S. 757. An act for the relief of Yvonne Davis;

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended;

S. 2000. An act to establish the Lyndon B. Johnson National Historic Site; and

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes.

ABA JOURNAL ARTICLE CONDEMNS EXECUTIVE ORDER 11246—THE EXECUTIVE ORDER APPLICABLE TO GOVERNMENT CONTRACTORS

Mr. ERVIN. Mr. President, in this month's issue of the American Bar Association Journal, Mr. James E. Remmert, of Dallas, Tex., has written an article in which he condemns Executive Order 11246 as an usurpation of congressional authority.

As the Senate no doubt recalls, the Subcommittee on Separation of Powers held hearings last month on the Department of Labor's revised Philadelphia plan, a controversial minority group hiring program which was promulgated under that Executive order.

During those hearings, I criticized the Philadelphia plan as an open violation of title VII of the 1964 Civil Rights Act and as a breach of the doctrine of separation of powers. I also contended, and I still contend, that the Philadelphia plan is in clear conflict with the language of Executive Order 11246 itself. My distinguished colleague from Arkansas, Senator McCLELLAN, and the Honorable Elmer B. Staats, Comptroller General of the United States, joined me in my opposition.

Mr. President, the conflict over the Philadelphia plan is far from resolved. Last week, the Comptroller General informed the executive departments and interested Members of Congress that he will disallow payments on the first contract issued under the plan. To my knowledge, his statement has not caused the Department of Labor to relent in its pursuit of the plan's full implementation.

Like the Comptroller General, I view the Philadelphia plan as a real threat to the maintenance of legislative control over executive branch spending. The Department of Labor's decision to disregard the Comptroller General's ruling is without precedent since the enactment of the Budget and Accounting Act of 1921. I urge the Senate to reaffirm in the strongest terms its support of the Comptroller General's authority.

As Mr. Remmert so clearly stated in his article, the executive branch simply undertook to "enact" legislation in promulgating Executive Order 11246. It moved far beyond what the Congress intended when it enacted title VII of the 1964 Civil Rights Act. Mr. President, I ask unanimous consent that the ABA Journal article, "Executive Order 11246: Executive Encroachment" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise. Executive Order 11246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unilateral Executive judgment and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin."

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, i.e., discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program"[2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged",[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases."[6] This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds[9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court[11] and two United States courts of appeals[12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Footnotes at end of article.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective, "the force and effect given to a statute enacted by Congress" [12] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

"The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States."

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D., N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D., Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed." [14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

> ". . . The language of the Constitution is not ambiguous or qualified. It places not *some* legislative power in the Congress; Article 1, Section 1 says 'All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'
>
> * * * * *
>
> ". . . Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure." [15]

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

> ". . . The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic." [16]

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11.246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

> ". . . Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.
>
> * * * * *
>
> ". . . With all its defects, delays and inconveniences, men have discovered no technique for long preserving free goverment except that the Executive be under the law, and that the law be made by parliamentary deliberations.[17]

FOOTNOTES

[1] 42 U.S.C. § 2000e.

[2] 41 C.F.R. § 60–1.40.

[3] Comptroller General's Letter B–163026.

[4] 41 C.F.R. § 60–1.26(b) (2) (iii).

[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.

[6] *Perkins v. Lukens Steel,* 310 U.S. 113, at 127 (1940).

[7] *Kern-Limerick* v. *Scurlock,* 347 U.S. 110 (1954).

[8] TIME, June 28, 1968, at 72.

[9] See Pasley, *The Nondiscrimination Clause in Government Contracts,* 43 VA. L. REV. 837 (1957).

[10] 42 U.S.C. § 200e-2(j).

[11] *United States* v. *Local 189, United Papermakers & Paperworkers,* 282 F. Supp. 39, 43 (E.D. La. 1968).

[12] *Farkas* v. *Texas Instrument*, 375 F. 2d 629, 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company,* 329 F. 2d 3, 8 (3d Cir. 1964).

[13] *Farkas* v. *Texas Instrument,* 375 F. 2d at 632.

[14] 110 CONG. REC. 2575 (February 8, 1964).

[15] *Youngstown Sheet & Tube Company* v. *Sawyer,* 343 U.S. 579, at 630, 633–634 (1952).

[16] 343 U.S. at 634.

[17] 343 U.S. at 653, 655.

PREVENTIVE DETENTION AND POLITICAL REPRESSION

Mr. ERVIN. Mr. President, I have had many occasions to express my strong conviction that the preventive detention proposed by S. 2600 and other bills is both unconstitutional and impractical.

I have stated that preventive detention legislation smacks of a police state rather than a democracy under law because it deprives a man of his liberty on accusation alone or mere assumption that he has committed a crime or is likely to do so. It convicts individuals of "probable guilt" and "dangerousness" and sentences them to 30 or 60 days in prison without trial and conviction of any crime. It is reminiscent of similar devices in other countries which have proved too useful as tools of political repression.

Among the many letters I have received on preventive detention proposals are two which provide an especially incisive commentary on the potential political dangers of preventive detention. One was written by a former German national who escaped the Hitler regime and remembers its "protective detention" under which the early morning knocks by the Gestapo began. The other letter was written by a patriot who says:

> My brothers and I didn't spend a total of 11 years in the Navy during World War II to fight this sort of thing only to have our country lift pages from the Gestapo manual and implement them right on our very doorstep.

Mr. President, I ask unanimous consent to have these two important letters printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 24, 1969.

Hon. SAM J. ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: My wife and I want to thank and encourage you in your efforts against certain provisions of the administrations anticrime bill.

The "preventive detention" provision is something borrowed from Hitler's Gestapo agents during the time they ran rampant and jailed just about anyone purely on the basis of suspicion. Are we going to emulate the Gestapo?

The fact that this is being proposed by the present administration is something that's just simply beyond our comprehension. Is this an example of "law 'n order" that the administration is putting into effect now that the last presidential election is over and won?

This "preventive detention" provision is an obvious threat to our civil liberties, and threatens to undermine the Constitutional guarantees of every citizen of our nation, including those citizens who are proposing this legislation!

When we found out that the administration was seriously bent upon this proposed course of action, we immediately dropped everything we were doing in order to effectively oppose any form of "preventive detention" in our country.

My brothers and I didn't spend a total of eleven years in the Navy during World War II to fight this sort of thing only to have our country lift pages from the Gestapo Manual and implement them right on our very door step.

We'll fight here, if necessary, to oppose this evil now cloaked in the guise of "law 'n order". We never even suspected that such a thing could possibly come to pass in our so called "cradle of democracy". And this sort of thing is being proposed by people who obviously should know better.

Senator Ervin, please continue with your opposition to every provision that smacks of totalitarian practices. In the meantime we will do what we can to shine a light into all of the dark corners of the present administration.

With many thanks, we remain,
Sincerely yours,
JOSEPH A. PRACHAR.

ROCHESTER, N.Y.,
July 14, 1969.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I am proud of you on your stand regarding the "Preventive Detention" bill which the Attorney General of the United States has submitted to Congress.

I came here from Germany, escaping the Hitler regime. It all started with a law which enabled Courts to order people into "Schutzhaft", called "Protective Detention". It was under this statute that the six o'clock in the morning knocks by the Gestapo began.

It would be a very sorry day, in my opinion, if any legislation of this type would pass in the United States. I should think that speedy trials would be a better answer, but whatever the answer might be, the legislation now before the House would be the beginning of a very bad trend.

Sincerely,
HELMUT HERTZ.

ANNUAL REPORT OF SUBCOMMITTEE ON SEPARATION OF POWERS (S. REPT. NO. 91-549)

Mr. ERVIN. Mr. President, as in legislative session, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 245, 90th Congress, second session, together with individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 121.

The PRESIDING OFFICER (Mr. SPONG in the chair) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity, which was to strike out all after the resolving clause, and insert:

> That there is hereby authorized to be appropriated not to exceed $300,000 annually for the expenses of the National Council on Indian Opportunity, established by Executive Order Numbered 11399 of March 6, 1968.
>
> SEC. 2. The National Council on Indian Opportunity shall terminate five years from the date of this Act unless it is extended by an Act of Congress.

Mr. MANSFIELD. Mr. President, the Senate passed Senate Joint Resolution 121 on September 3. The House has amended the joint resolution and returned it to us. The effect of the House amendment is to limit the life of the Council to a 5-year term, unless extended by act of Congress. I am advised by the Vice President that this amendment is satisfactory to him, and it is acceptable to the leadership and the minority.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House to Senate Joint Resolution 121.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stands in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGISLATIVE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that as in legislative session, the Senate turn to the consideration of the calendar, beginning with Calendar No. 528, and that the rest of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The bill (H.R. 3666) to amend section 336(c) of the Immigration and Nationality Act was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 534), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to repeal that part of section 336(c) of the Immigration and Nationality Act which provides that U.S. citizenship cannot be acquired through naturalization during a period of 60 days preceding a general election.

STATEMENT

Under the Immigration and Nationality Act, aliens lawfully admitted as immigrants for permanent residence who petition for naturalization must satisfy specific requirements as to residence and physical presence in the United States good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States. These requirements and the pracedures for naturalization are set forth in sections 310 through 348 of the act.

The provisions of section 316(a) and (e) are quoted as particularly relevant.

"SEC. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

* * * * *

"(e) In determining whether the petitioner has sustained the burden of establishing good moral character and the other qualifications for citizenship specified in subsection (a) of this section the court shall not be limited to the petitioner's conduct during the five years preceding the filing of the petition, but may take into consideration as a basis for such determination the petitioner's conduct and acts at any time prior to that period."

The spouse of a U.S. citizen may be eligible for naturalization after 3 years' residence. The Congess has also provided for expeditious naturalization for those who serve in the Armed Forces during periods of combat activity.

Prior to the holding of a final hearing upon a petition for naturalization a personal investigation of the petitioner is conducted. Every final hearing upon a petition for naturalization is held in open court before a judge, and the petitioner and witnesses are examined under oath.

Before being admitted to citizenship, the petitioner must take an oath in open court (1) to support the Constitution of the United States; (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen; (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic; (4) to bear true faith and allegiance to the same; and (5)(A) to bear arms on behalf of the United States when required by the law, or (B) to perform noncombatant service in the Armed Forces of the United States when required by the law, or (C) to perform work of national importance under civilian direction when required by the law.

The provisions of section 336(c) historically have barred the taking of the final oath and acquisition of citizenship within the 60-day period prior to general elections. While the statute permitted the scheduling of final naturalization hearings during this period, the petitioner was prohibited from taking the oath until 10 days had elapsed following the election.

This prohibition was added to the naturalization laws many years ago at a time when election frauds were being committed by persons who were alleged to seek out aliens for the purpose of procuring their votes. Allegedly the aliens were rushed through the naturalization process on election day in order to vote as directed by political bosses. The 5-year residence requirement and other safeguards since written into the Immigration Act plus the stricter election laws enacted by States and local jurisdictions now effectively prevent such abuses. It is the conclusion of the committee that the bar no longer serves any useful purpose and should be removed from the law.

As amended, section 336(c) will provide, as does present law, that no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor any certificate of naturalization be issued by any court within a period of 30 days after the filing of the petition for naturalization. The discretionary authority of the Attorney General to waive such 30-day period in individual cases if he finds the waiver will be in the public interest is continued, but the amended language omits the requirement that the Attorney General must make an affirmative finding that the waiver will promote the security of the United States. Experience in the administration of this provision as presently written has shown that an affirmative finding that the waiver would promote the security of the United States can be made in behalf of relatively few petitioners for naturalization. The committee is aware of situations where it would be in the public interest to grant the waiver, but the Attorney General is precluded by the affirmative security requirement. Since a waiver would not under any circumstances be granted unless the petitioner's qualifications to be naturalized had been fully established, it is believed that the Attorney General should be permitted to exercise this discretionary authority whenever such case would be in the public interest in meritorious cases, even though the action would not involve promotion of the security of the United States. It is assumed, of course, that any waiver granted would not be contrary to the national security.

AUTHORIZATION OF APPROPRIATION FOR STANDARD REFERENCE DATA ACT

The bill (H.R. 4284) to authorize appropriations to carry out the Standard Reference Data Act was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–536), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

H.R. 4248 would authorize the appropriation to the Department of Commerce of such sums as may be necessary to carry out the Standard Reference Data Act during fiscal years 1970 and 1971, but not to exceed a total of $6 million.

BACKGROUND AND NEED

The Standard Reference Data Act, Public Law 90–396, enacted July 11, 1968, declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. It directed the Secretary of Commerce to carry out this policy by providing for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data.

Reference data are the results of quantitative measurements of the physical and chemical properties of substances. These numbers represent the properties of materials such as their melting points, strength, density, electrical resistance, etc. which are needed by engineers and scientists in their daily work. The scientist conducting environmental pollution research in a university laboratory and the engineer designing a new product or process in industry are equally dependent upon the ready availability of reliable reference data concerning the materials with which they work.

These data are determined through experimental measurements performed in thousands of research laboratories throughout the world. The results of this research normally are reported in various scientific and technical publications. However, because of the enormous increase in the volume of such literature in recent years, it is often exceedingly difficult for the individual scientist or engineer to locate a particular value that he needs among the millions of published reports. In addition, unless he is an expert in the particular field involved, he may not be able to determine whether the reported value is reliable even if he finds one. As a consequence, scientists and engineers have become increasingly dependent upon compilations of frequently used reference data in the form of tables and handbooks.

In recognition of the importance of reliable standardized scientific and technical reference data to the progress of the Nation's science and technology, the 90th Congress approved Public Law 90–396 to facilitate the operation of the National Standard Reference Data System by the Department of Commerce. Under this system, a small program management office in the National Bureau of Standards provides leadership, coordination, and financial support for numerous data centers located throughout the country in laboratories where special competence exists for the evaluation of various types of data. These centers undertake a continuing survey of the technical literature in their field, select important values, and subject them to a critical evaluation by experts to determine how reliable they are. These critically evaluated data are then arranged in convenient orderly collections for publication as standard reference data which can be used with confidence by all members of the scientific and technical community.

The ready availability of reliable reference data contributes to important savings of technical manpower that might otherwise be devoted to extensive literature searches, or to research which merely duplicates earlier efforts. It further reduces the chance of costly errors in designs based on unreliable data, and generally expedites the progress of research and development efforts that are of vital importance to Government, industry, and the general public.

The authorized level of operation of the standard reference data program during fiscal year 1969 was $1.86 million. H.R. 4284 would authorize a total of $6 million to operate the program during fiscal years 1970 and 1971. This would permit continued support of ongoing efforts and orderly expansion of the program to more adequately meet national needs as was contemplated at the time of enactment of the Standard Reference Data Act. The level of effort on several existing data collection projects will be increased to produce critical reviews and data compilations at a faster rate. In addition, services of qualified scientists in academic institutions and other national laboratories will be obtained under contract or other suitable arrangement to initiate certain new projects aimed at filling important gaps in existing data collections.

In particular, a new data center is planned to focus on data pertaining to chemical reactions in solutions since such data are vital in the development of water pollution control procedures. Evaluated data also are needed on pressure-volume-temperature relationships in gases. These properties are important in studies of the atmosphere as well as in the development of combustion and refrigeration systems and of various new materials. During fiscal years 1970 and 1971, efforts will be initiated toward the development of computerized standard reference data files, including experiments in remote access to data files, as a part of continuing efforts to make the information services of the National Standard Reference Data System more responsive and efficient in meeting national needs.

PROVISIONS

The bill contains a single provision which would authorize the appropriation to the Department of Commerce of "such sums as may be necessary for fiscal years 1970 and 1971, but not to exceed a total of $6 million, to carry out the purposes of the Standard Reference Data Act (Public Law 90–396; 82 Stat. 339)."

COST

The bill would authorize the appropriation of such sums as may be necessary to operate the standard reference data program for 2 years beginning with fiscal year 1970, but not to exceed a total of $6 million.

The budget request of the current administration includes approximately $2.4 million for the program in fiscal year 1970.

AUTHORIZATION FOR THE DEPARTMENT OF COMMERCE TO MAKE SPECIAL STUDIES, TO PROVIDE SERVICES, AND TO ENGAGE IN JOINT PROJECTS, AND FOR OTHER PURPOSES

The bill (S. 1170) to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, upon the request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department of Commerce; to prepare from its records special compilations, lists, bulletins, or reports; to perform the functions authorized by section 2 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1152); and to furnish transcripts or copies of its studies, compilations, and other records; upon the payment of the actual or estimated cost of such special work.

In the case of nonprofit organizations, research organizations, or public organizations or agencies, the Secretary may engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary, who may, however, waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Bureau of the Budget.

SEC. 2. All payments for work or services performed or to be performed under this Act shall be deposited in a separate account or accounts which may be used to pay directly the costs of such work or services, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary: *Provided,* That said receipts may be credited to a working capital fund otherwise established by law, and used under the law governing said funds, if the fund is available for use by the agency of the Department of Commerce which is responsible for performing the work or services for which payment is received. Acts appropriating funds to the Department of Commerce may include provisions limiting annual expenditure from said account or accounts.

SEC. 3. The following laws, or parts of laws, are hereby repealed:

(a) That proviso in the Act of March 1, 1919 (ch. 86, sec. 1, at 40 Stat. 1256), which reads as follows: "*Provided further*, That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt."

(b) The Act of May 27, 1935 (ch. 148, 49 Stat. 292; 15 U.S.C. 189a, 192, 192a).

(c) The proviso in the Act of May 15, 1936 (ch. 405, sec. 1, at 49 Stat. 1335 (15 U.S.C. 189)), which reads as follows: "*Provided,* That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as miscellaneous receipts."

(d) The Act of December 19, 1942 (ch. 780, 56 Stat. 1067; 15 U.S.C. 1520).

(e) The proviso in section 3 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1153), which reads as follows: "*Provided,* That all moneys hereafter received by the Secretary in payment for publications under this Act shall be deposited in a special account in the Treasury, such account to be available, subject to authorization in any appropriation Act, for reimbursing any appropriation then current and chargeable for the cost of furnishing copies or reproductions as herein authorized, and for making refunds to organizations and individuals when entitled thereto: *And provided further,* That an appropriation reimbursed by this special account shall, notwithstanding any other provision of law, be available for the purposes of the original appropriation."

(f) The proviso in title III of the Act of October 22, 1951 (ch. 533, title III, section 301 at 65 Stat. 586, 15 U.S.C. 1153a), which reads as follows: "*Provided,* That moneys hereafter received by the Secretary pursuant to section 3 of said Act of September 9, 1950, for publications provided thereunder, shall be available for reimbursing any appropriation as provided by said section."

SEC. 4. Except as to those laws expressly repealed herein, nothing in this Act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publication furnished by the Department of Commerce, or any of its several bureaus or offices.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–537), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 1170 would provide more uniform authority for the Secretary of Commerce to undertake upon request special studies on matters within the province of the Department of Commerce, to prepare from records of the Department special tabulations and reports, and to furnish transcripts or copies of Department records upon payment of the cost of such work; and in the case of nonprofit and research organizations, or Government agencies, to engage in joint projects or perform services on matters of mutual interests with an equitable sharing of costs. S. 1170 would also repeal several statutes which are no longer used, or which are inconsistent with its provisions.

BACKGROUND AND NEED

The Department of Commerce collects a wide range of economic and scientific data. Within limits of available funds, it makes available to the general public the most essential and widely useful data through news media, or printed reports and charts. A great deal more information than is generally published is available in the Department of Commerce files for special tabulations, studies, and research. It is the policy of the Department to make information which is not confidential or tabulations thereof available to the public upon request and upon payment of the full cost of the special service involved. Where there is a public interest in the results, supplementary data is collected and published at cost, or where authorized, on a sharing of cost.

The Department of Commerce now has authority under a number of different statutes to perform services for other Government agencies and the public on a cost basis. These statutes are conflicting or overlapping and vary as to the extent to which payment may be required for the services and the use of the funds received in payment for such services. S. 1170 would repeal a number of these statutes and substitute for them general uniform authority.

Establishment of uniform authority and practice with respect to the charging for special studies and services will facilitate administration of the Department of Commerce and make it possible to widen its range of services and information available to the public at no additional expense to the taxpayer. Similarly the authority to conduct joint projects on a cost-sharing basis with nonprofit or research organizations, and public bodies, would enable the Department to expand basic knowledge in important fields with less appropriations than would otherwise be required.

Examples of types of services which will be facilitated by S. 1170 follow:

1. U.S. Travel Service

Joint advertising ventures.—The U.S. Travel Service is planning a travel to U.S. promotion at the Osaka Fair scheduled for next year. They are trying to obtain contributions from various segments of the travel industry to invest part of the $200,000 which the promotion will approximately cost. In addition, USTS has engaged in joint promotions with various elements of the travel industry, such as VISIT USA advertising with SAS Airlines in Scandinavian countries.

2. Patent Office

Joint project.—At the present, the Patent Office is exchanging with Sweden and Germany information on patent searches which is limited to identifying patent numbers. A similar arrangement is being negotiated with Japan. But Patent Office cannot supply copies of patent search materials which were developed in the patent examination process because of the cost involved and no provision in the appropriation for this purpose. If costs would be recovered from foreign countries, this material could be supplied.

3. Environmental Science Services Administration

Services to States.—From time to time, States request ESSA to supply aerial photographs of their shore, coast, and terrain features. This may involve 3,000 to 4,000 photographs per request at a substantial cost to ESSA. If reimbursement to the appropriation were authorized, ESSA could supply all State requests for such photographs.

4. National Bureau of Standards

Special services.—Because of lack of authority which the proposed legislation would grant, the National Bureau of Standards has not been able to perform specialized services for which it would be paid by private foreign organizations.

BILL PASSED OVER

The bill (S. 2869) to revise the criminal law procedure of the District of Columbia, and for other purposes was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

SUBCOMMITTEE ON INTERNAL SECURITY

The resolution (S. Res. 272) authorizing additional expenditures by the Committee on the Judiciary, Subcommittee on Internal Security was considered and agreed to, as follows:

S. RES. 272

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate $2,100, in addition to the amount, and for the same purposes and during the same period specified in Senate Resolution 33, Ninetieth Congress, agreed to February 17, 1967.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-540), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 272 would authorize the Committee on the Judiciary to expend from the contingent fund of the Senate $2,100 in addition to the amount and for the same purposes and during the same period specified in Senate Resolution 33, 90th Congress, agreed to February 17, 1967. The authorization is required to enable the Subcommittee on Internal Security to pay certain obligations it incurred late in the 90th Congress.

COMMITTEE REPORT ON THE TAX REFORM ACT OF 1969

The resolution (S. Res. 281) authorizing the printing of additional copies of the Senate report on H.R. 13270, the Tax Reform Act of 1969 was considered and agreed to, as follows:

S. RES. 281

Resolved, That there be printed for the use of the Committee on Finance one thousand five hundred additional copies of its report on H.R. 13270, the Tax Reform Act of 1969.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-541), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 281 would authorize the printing for the use of the Committee on Finance of 1,500 additional copies of its report on H.R. 13270, the Tax Reform Act of 1969.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

1,500 additional copies, at $800 per thousand	$1,200

EXPENDITURES BY THE COMMITTEE ON COMMERCE

The resolution (S. Res. 284) authorizing additional expenditures by the Committee on Commerce was considered and agreed to, as follows:

S. RES. 284

Resolved, That the Committee on Commerce is hereby authorized to expend, from the contingent fund of the Senate, $75,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 79, Ninety-first Congress, agreed to February 17, 1969.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-542), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 79, as agreed to by the Senate on February 17, 1969, authorized the expenditure of not to exceed $550,000 by the Committee on Commerce, or any duly authorized subcommittee thereof, from February 1, 1969, through January 31, 1970, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) Interstate commerce generally, including consumer protection;

(2) Foreign commerce generally;

(3) Transportation generally;

(4) Maritime matters;

(5) Interoceanic canals;

(6) Domestic surface transportation, including pipelines and highway safety;

(7) Communications, including a complete review of national and international telecommunications and the use of communications satellites;

(8) Federal power matters;

(9) Civil aeronautics;

(10) Fisheries and wildlife;

(11) Marine sciences; and

(12) Weather services and modification, including the use of weather satellites.

SEPARATION OF POWERS AND THE INDEPENDENT AGENCIES: CASES AND SELECTED READINGS

The concurrent resolution (S. Con. Res. 44) to authorize printing of manuscripts entitled "Separation of Powers and Independent Agencies: Cases and Selected Readings," as a Senate document was considered and agreed to, as follows:

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That the manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by the Legislative Reference Service of the Library of Congress, be printed as a Senate document.

SEC. 2. There shall be printed for the use of the Senate Committee on the Judiciary one thousand additional copies of the document authorized by Section 1 of this concurrent resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-543), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 44 would provide (1) that the manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings", prepared for the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary by the Legislative Reference Service of the Library of Congress, be printed as a Senate document; and (2) that there be printed for the use of the Senate Committee on the Judiciary 1,000 additional copies of such document.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$27,605.42
1,000 additional copies	2,270.25
Total estimated cost, Senate Concurrent Resolution 44	29,875.67

HANDBOOK FOR SMALL BUSINESS

The concurrent resolution (S. Con. Res. 46) authorizing the printing of a report entitled "Handbook for Small Business" as a Senate document was considered and agreed to, as follows:

S. CON. RES. 46

Resolved by the Senate (the House of Representatives concurring), That a publication of the Senate Select Committee on Small Business entitled "Handbook for Small Business, 3rd Edition, 1969," explaining programs of Federal departments, agencies, offices, and commissions of benefit to Small business and operating pursuant to various statutes enacted by the Congress, be printed with illustrations as a Senate document; and that there be printed twenty-eight thousand two hundred additional copies of such document, of which twenty-three thousand two hundred copies shall be for the use of the Senate Select Committee on Small Business and five thousand copies shall be for the use of the House Select Committee on Small Business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-544), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 46 would provide (1) that a publication of the Senate Select Committee on Small Business entitled "Handbook for Small Business, 3rd Edition, 1969," explaining programs of Federal departments, agencies, offices, and commissions of benefit to small business and operating pursuant to various statutes enacted by Congress, be printed with illustrations, as a Senate document; and (2) that there be printed 28,200 additional copies of such document of which 23,200 would be for the use of the Senate Select Committee on Small Business, and 5,000 would be for the use of the House Select Committee on Small Business.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$10,624.55
28,200 additional copies, at $258.27 per thousand	8,044.61
Total estimated cost, S. Con. Res. 46	18,699.16

PROVIDING EQUIPMENT FOR USE IN OFFICES OF MEMBERS, OFFICERS, AND COMMITTEES OF THE HOUSE OF REPRESENTATIVES

The bill (H.R. 13949) to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-545), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 13949 would revise the existing office-equipment program for Members, officers, and committees of the House of Representatives by (1) consolidating all equipment under one monetary allowance, (2) improving physical control over the equipment, (3) permitting more flexibility of choice to Members, and (4) granting the Committee on House Administration authority to adjust the program to conform to changing needs.

A detailed explanation of the background and purposes of H.R. 13949 is contained in the report by the Committee on House Administration thereon (H. Rept. 91–582), the pertinent excerpt from which is as follows:

[Excerpt from House Report 91–582 to accompany H.R. 13949]

“BACKGROUND

“The office equipment program in its present general form began in 1951 and has undergone adjustments designed to meet the ever-increasing needs and workload of a congressional office. The adjustments, however, have not kept pace with a Member's workload, changing times, and improvements in the equipment field.

“In 1951 the equipment allowance was established at $1,500 per Member. This initial allowance was soon recognized as inadequate and in 1953 the allowance was increased to $2,500 per Member. In addition at that time a limitation on type and amount of equipment was established at not more than two each of the following five general types: addressing machines, automatic typewriters, electric typewriters, dictating and transcribing machines, and duplicating machines.

“In 1956 Congress authorized a depreciation schedule which enabled a Member to regain part of the original cost of the equipment. The depreciation was set at 10 percent per annum of the book value. Further, at this time the Clerk of the House was authorized to furnish two electric typewriters without charge against a Member's equipment allowance.

“In 1961, Public Law 87–107 amended the law to provide that Members having constituencies under 500,000 may have up to three electric typewriters without charge against the electrical and mechanical equipment allowance. The allowance for Members having constituencies above 500,000 was increased to $3,000, and the number of electric typewriters to be furnished without charge against the Member's equipment allowance was increased to four.

“In 1965 the general types of equipment was amended to include automatic letter openers and automatic letter sealers.

“Later in 1965 the number of electric typewriters to be furnished without charge was increased by one, thus allowing up to four machines for Members representing constituencies under 500,000 in population, and five machines for those representing districts over 500,000. This law provided that one of these electric typewriters may be an automatic typewriter.

“The last adjustment was in 1967 when the number of electric typewriters to be furnished without charge against a Member's equipment allowance was increased from four to five for districts under 500,000 population, and from five to six for districts over 500,000 population.

“This committee has continuously received complaints relating to the equipment program which emphasize the need for a full revamping of the entire program. The revisions provided in H.R. 13949 are designed to bring about the improvements needed to place our office equipment program on a modern and efficient basis which will operate satisfactorily for all Members in providing the tools needed to take care of congressional requirements and obligations.

“PURPOSE

“The purpose of H.R. 13949 is to revise the office equipment program for Members and committees in order to consolidate all equipment under one monetary allowance, to improve physical control over the equipment, and to permit more flexibility to Members in obtaining the equipment necessary to meet their varying operating needs as follows:

“1. It permits adjustment of the monetary allowance to Members by the Committee on House Administration, without further legislation, as the need of Members or the cost of equipment changes.

“2. It provides for improvement in the accountability of equipment furnished under the program by requiring regular inventories and a procedure for handling lost, stolen, or damaged items.

“3. It facilitates the disposal of equipment in a Member's office which is mechanically unsatisfactory or obsolete due to changes in design.

“4. It affords new Members more flexibility in setting up their offices by allowing them to dispose of unwanted equipment and acquire equipment that will meet their operating needs.

“5. It will allow Members a wider selection of types of equipment which are now limited by law.

“Under the existing program a Member who represents a district under 500,000 in population has an allowance of $2,500 (a figure set in 1953) plus five electric typewriters furnished without charge against the allowance. A Member who represents a district over 500,000 in population has an allowance of $3,000 plus six electric typewriters furnished without charge against the allowance. One of the electric typewriters may be automatic.

“Under the provisions of H.R. 13949 all Members are treated equally on the premise that districts will be of a more uniform size under the redistricting plan now underway. Instead of one portion of the cost of equipment being charged to a Member's equipment allowance and another portion to the Clerk's equipment procurement fund, all equipment costs would be consolidated into a single allowance for the Member, except that one automatic typewriter would continue to be furnished without charge against a Member's equipment allowance. All equipment now charged to a Member, including electric typewriters, would be entered against the allowance. The present 10-percent depreciation schedule would be continued.

“The bill allow the Committee on House Administration flexibility in its administration of the electrical and mechanical office equipment program similar to that which it has in its administration of the House personnel program and other committee functions, and similar to the authority that the House Building Commission has had over furnishings for Members' offices. The committee feels that the authority to adjust the office equipment program to conform to the changing needs of the Members, without the necessity of specific legislation for each relatively minor change will result in a fully effective and satisfactory program for Members with sufficient safeguards to maintain economy and full utilization of modern office equipment.

“H.R. 13949 provides that regulations of the Committee on House Administration shall limit the total value of office equipment which may be in use at one time in the office of a Member. In the regulations drafted under this bill the Committee on House Administration has approved a maximum of $5,500 in depreciated value for office equipment in each Member's office. This allowance was determined on the basis of the present allowance ($2,500 or $3,000) plus the current cost of the five or six electric typewriters authorized under the separate section of the present law. These typewriters range in cost from $432 to $635 each. It does not represent an increase in the present overall equipment allowance but consolidates the allowance in one monetary figure. Thus, a Member may use the entire allowance for equipment best suited to his needs.”

FEDERAL CONTESTED ELECTION ACT

The bill (H.R. 14195) to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–546), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

H.R. 14195 would completely revise that existing law and provide a more efficient and expeditious means by which the House of Representatives could resolve any election contests before it. The established procedure for Senate election contests would not be altered or changed in any respect by H.R. 14195.

A detailed explanation of the background and purposes of H.R. 14195 is contained in the report by the Committee on House Administration thereon (H. Rept. 91–569), the pertinent portion of which is as follows:

BACKGROUND

The House of Representatives is vested with authority to judge challenges to elections of its Members by Article I, section 5, of the United States Constitution, which provides that “each House shall be the judge of the elections, returns, and qualifications of its own Members.” Under prevailing statutes, rules, and precedents, the House may adjudicate the question of the right to a seat in any of the following cases:

(1) A contest instituted in accordance with the contested election law which is sought to be repealed and superseded by H.R. 14195.

(2) A protest or memorial filed in the House by an elector of the district involved.

(3) A protest or memorial filed by any other person.

(4) A motion made by a Member of the House.

This bill does not alter above methods 2, 3, or 4.

With respect to the substantive grounds of election contests, the House has held that it is not confined to the conclusions of election returns made by official canvassers notwithstanding such returns are in strict conformity to State law, but may examine the votes and correct the returns. I Hinds' 637, 774. Although most laws governing the elections of Representatives in Congress are State laws, the courts of a State have no direct power to judge the elections, returns and qualifications of Members. II Hinds' 959. However, where the highest court of a State has interpreted the State law, the House has concluded that it should generally be governed by this interpretation (I Hinds' 645, 731; II Hinds' 1041, 1048), but does not consider itself bound by such interpretation. VI Hinds' 58. The Committee on Elections, established by the First Congress in 1789, was made a standing committee in 1794. Recognizing the need for prescribed procedures for the House's adjudication of election contests, the Fifth Congress in 1798 passed an act to prescribe the mode of taking evidence in cases of contested elections for Members of the House of Representatives of the United States and to compel the attendance of witnesses,[1] which, by its own terms, expired at the end of the Sixth Congress, first session. It was not until 1851 that the House next enacted a law governing procedures for election contests. Substantially the same as the 1798 act, the act of 1851, as amended, is the existing law.[2] An attempt to make major improvements in contested election procedures failed in the 67th Congress when the bill passed the House in 1921, but died in the Senate.[3]

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[1] Act of Jan. 23, 1798, Fifth Congress, 2d sess., vol. 1, Stat. at L. p. 537; debate is reported in the Annals of Congress, vol. 9, pp. 3704–3707.

[2] R.S. 105–129 (2 U.S.C. 201–225); act of Mar. 2, 1875; c. 119, sec. 2, 18 Stat. 338 (2

Under rule XI, 9(k), of the Rules of the House of Representatives (made effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946, 60 Stat. 812), the Committee on House Administration has jurisdiction over contested election cases. This committee includes as one of its subcomittees the former Committee on Elections. Hearings in contested election cases are held by the Subcommittee on Elections which reports its determinations to the full committee, which, in turn, reports to the House where final action on the case is taken.

The subcommittee held hearings in July 1968 on a predecessor bill (H.R. 18104), virtually identical with this bill. Testimony was taken from the Clerk of the House, his legal advisor and two Members who had been involved in contested election cases. As a result of the hearings, certain perfecting amendments were made and a new bill (H.R. 18797) incorporating such changes was introduced and later reported favorably by the full committee without amendment. However, the bill did not reach the floor for action during the 90th Congress. The pending bill (H.R. 14195) contains two substantive changes in the bill reported in the 90th Congress, to wit (1) to permit contestee to move for a more definite statement of the grounds of the contest if the notice of contest is so vague or ambiguous that contestee cannot frame his answer (sec. 4(c)) and (2) to exclude Saturdays, as well as Sundays and legal holidays from the time periods specified in the bill (sec. 15(a)). The purpose of these changes is to bring the procedure into closer conformity with the Federal Rules of Civil Procedure upon which the contested election procedures prescribed in H.R. 14195 are based.

PURPOSE

Election contests affect both the integrity of the elected process and of the legislative process. Election challenges may interfere with the discharge of public duties by elected representatives and disrupt the normal operation of the Congress. It is essential, therefore, that such contests be determined by the House under modern procedures which provide efficient, expeditious processing of the cases and a full opportunity for both parties to be heard. Historical experience with the existing law has demonstrated its inadequacies, among which are the following:

(1) The question of who has standing to initiate a contest has been made unclear by the House's conflicting interpretation of the law over the past century.

(2) There being no requirement for filing contest papers with the Clerk until testimony has been taken, the House is usually not officially cognizant of the case until several months after its inception.

(3) Given the speed of modern communication and transportation, the 90 days allowed for taking testimony by deposition is too long.

(4) There is no clear authority for contestant to take testimony if contestee fails to answer the notice of contest.

(5) There is no procedure for challenging the legal sufficiency of the notice of contest by a motion in the nature of a demurrer.

(6) Existing law does not provide contestee with any means of compelling contestant to furnish a more definite statement of the grounds of the contest in the event the notice of contest is vague or ambiguous.

(7) The Clerk is required to decide which portions of testimony are to be printed if the parties fail to agree.

(8) Witnesses who testify on deposition must sign the transcript of deposition. There is no provision for waiver of signature.

(9) The 75-cent-per-day witness fee is insufficient by contemporary standards.

(10) The penalty for failure of a witness to appear and testify at a deposition is outdated ($20 forfeiture plus suit costs to be recovered by party, at whose instance witness was called, in an action for debt in Federal court; also liable to indictment for misdemeanor and punishment by fine and imprisonment of unspecified amount and duration.)

H.R. 14195 would completely overhaul and modernize election contest procedures in the House. No substantive grounds for upsetting an election are set forth in the bill which is strictly limited to setting up a procedural framework for the prosecution, defense and disposition of an election challenge patterned upon the Federal Rules of Civil Procedure used for more than 20 years in the Federal courts. Conflict of precedents over the required standing of a contestant to bring a contest would be resolved by the bill's provision that only a candidate claiming a right to the seat may use the statutory procedures to challenge an election. A candidate is defined as one whose name was on the official ballot or who was a bona fide "write-in" candidate. Beginning with the notice of contest, all pleadings must be filed with the Clerk, thus making the House cognizant of the contest from its inception. Other provisions are designed to permit a more expeditious, orderly and efficient means of adjudicating the controversy. The interests of both parties and the public are better served than under existing law.

TOPICAL DIGEST

Only official general and special elections to the House of Representatives are covered. Primary elections cannot be challenged under this act (sec. 2(a)).

Contestant must be a candidate whose name was on the official ballot for election to the House or who was a bona fide "write-in" candidate and who claims a right to the seat (sec. 2(b), 3(a)).

"Write-in vote" is defined broadly enough to embrace all methods by which State laws permit the casting of votes for candidates whose names are not printed on the ballot (sec. 2(i)).

The contest is initiated by notice of contest filed with the Clerk and served upon the returned Member within 30 days after the official declaration of the election results. The notice must be under oath and state with particularity the grounds of the contest (sec. 3 (a), (b)).

Mode of service of notice of contest and subsequent papers generally follow those in Federal Rules of Civil Procedures (secs. 3(c), 5(a), (c)).

Answer shall be served upon contestant within 30 days after service of notice of contest and shall be filed with the Clerk (secs. 4(a), 5(b)).

Challenge to the legal sufficiency of the notice or service thereof may be made by contestee prior to answer by a motion in the nature of a demurrer (sec. 4 (b), (c)).

Contestee may move for a more detailed statement of the grounds of contest if the notice of contest is so vague or ambiguous that contestee cannot be reasonably required to frame his answer; if the committee orders contestant to furnish a more definite statement and he fails to do so, the case may be dismissed.

Contestant cannot take seat from returned Member by default. Recognizing the public interest in the contest, it is provided that the burden of proof remains with contestant despite failure of contestee to defend (sec. 6).

Modern procedures for taking testimony of witnesses by deposition are prescribed; the total time available to both parties to take testimony is 70 days, reduced from 90 days under existing law (secs. 7, 8, 12). Attendance of witnesses and production of documents may be compelled by subpenas issued by judges or clerks of Federal, State and local courts of record (sec. 9).

Witness fees and travel allowances are same as those paid to witnesses before House committees (sec. 10(b)).

Penalty for witness who willfully fails to appear or testify under subpena is identical to penalty for contumacious witnesses before Congress. (Fine of $100 to $1,000 or imprisonment for 1 to 12 months, or both; sec. 11).

Each party prints his brief and appendix at his own expense, subject to reimbursement of reasonable expenses from contingent fund of House upon allowance by Committee on House Administration (secs. 13, 17). Clerk is relieved of responsibility under existing law of determining portions of testimony to be printed in event parties cannot agree. Each party prints portions he deems necessary.

Formulas for computing time are specified; the committee has power to enlarge time or excuse failure to act when such failure is due to excusable neglect (sec. 15).

Death of contestant terminates contest (sec. 16).

Reasonable expenses of parties incurred in election contest case may be reimbursed from contingent fund of House upon approval of committee (sec. 17).

Existing law is completely repealed (sec. 18).

ROSETTA JONES

The resolution (S. Res. 286) to pay a gratuity to Rosetta Jones was considered and agreed to, as follows:

S. RES. 286

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rosetta Jones, widow of Levi Jones, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BLANNIE E. McATEE

The resolution (S. Res. 287) to pay a gratuity to Blannie E. McAtee was considered and agreed to, as follows:

S. RES. 287

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Blannie E. McAtee, widow of James McAtee, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

VALERIA E. RAINES

The resolution (S. Res. 288) to pay a gratuity to Valeria E. Raines was considered and agreed to, as follows:

S. RES. 288

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to

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U.S.C. 203); act of Mar. 3, 1879, c. 182, sec. 1, 20 Stat. 400 (2 U.S.C. 226).

[3] H.R. 7761, 67th Congress, first sess., passed by House Oct. 17, 1921; see 61 Congressional Record 5997–5998, 6387–6403 for House debate; reported by Senate Committee on Elections and Privileges but no floor action taken. 61 Congressional Record 6439.

Valeria E. Raines, widow of William F. Raines, Senior, an employee of the Architect of the Capitol assigned to duty in the Senate office buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar at this time.

YEA, GRIZZLIES! A PERFECT SEASON

Mr. MANSFIELD. Mr. President, I am happy to inform the Senate that the University of Montana on Saturday last won its 10th game in a row and has finished the season with a 10–0 record. This is the first time in the history of the university that it has been able to achieve a perfect, undefeated, and untied season. The only other times they came close was in 1914 when the Grizzlies, as the university football team is called, won six and tied one and in 1909 when they had an identical mark.

Montana has also won its first Big Sky Conference championship and the first league title of any kind in the history of the school. The record of the Grizzlies is as follows:

Montana:

24	North Dakota University	10
31	University of South Dakota	20
52	Northern Arizona	6
20	Weber	17
34	University of Idaho	9
46	Idaho State	36
49	Portland University	14
7	Montana State	6
14	California Polytechnic	0
58	South Dakota State	0

Mr. President, despite the joyfulness of the 10th victory and the enthusiasm of the team, there was a time for silence and thanks. Linebacker Marty Frustaci led the entire squad and others in the locker room in a postgame prayer in thanks for "outside help" received throughout the season.

Montana ranks second in the national ranking among the smaller colleges, being nosed out by North Dakota State by 21 points in the Associated Press polls and 29 points in the UPI polls.

I have just been informed that the University of Montana has been selected to participate in the Camellia Bowl at Sacramento, and will play North Dakota State on that occasion.

To Jack Swarthout, head coach, and his capable assistants and on behalf of the entire Montana congressional delegation, I extend my congratulations and to the Grizzlies, I commend them for a fine season and a job well done. Go get 'em, Grizzlies.

Mr. President, I ask unanimous consent to have printed in the Record various news articles pertaining to the Grizzlies.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Great Falls (Mont.) Tribune, Nov. 16, 1969]

Yea, Grizzlies! A Perfect Season

(By Mayo Ashley)

Missoula.—The University of Montana presented some strong arguments here Saturday to back their contention that they're the nation's No. 1 small college team.

The Grizzlies completely humiliated a good South Dakota State club 58–0 for one of the biggest victories in Montana history. The win gives the Silvertips the first unbeaten record in the history of the school. The 1969 record of 10–0 also could give the Grizzlies the top spot in the national small college poll and is likely to produce a trip to the Camellia Bowl.

The South Dakota State Jackrabbits came into the game as a slight underdog. They lost by a slim 20–13 score last weekend to the nation's No. 1 team, North Dakota State, and were figured to be a strong test for coach Jack Swarthout's Grizzlies.

Such was not the case.

Montana started a bit slowly but assumed command of the game early in the first period and from there on South Dakota State fell steadily behind.

After receiving the opening kickoff Montana needed three plays to get a first down. Then Les Kent was held for no gain before the floodgates opened. With a second and 10 on the Montana 34, quarterback Ray Brum rolled out to his right and galloped 24 yards before being hit, as the SDS defender made contact he flipped a short lateral to Arnie Blancas. The fleet junior broke two tackles and rolled the remaining 42 yards to the double stripe. With 12:34 still left in the period Dan Worrell kicked the extra point and Montana had all the points it needed.

The two teams traded the ball back and forth on an interception by the Grizzlies and a fumble recovery by SDS and then, late in the second period, came the turning point of the game. On a third and 7, the Jackrabbits' Tim Elliot broke loose up the middle and went 92 yards for an apparent touchdown, but a clipping penalty (ironically enough an unnecessary one) and then an unsportsmanlike-conduct infraction gave the SDS team the ball on their own 43.

Montana held, forced the visitors to punt and then, on the second play from scrimmage, Brum hit Doug Bain with a pass play that covered 78 yards to the pay window. Worrell's kick made it 14–0 and South Dakota State was a beaten team.

The rest of the day they made a valiant attempt to stay with the fired-up Grizzlies, but penalties, some bad breaks and some great defensive plays by Montana kept them from ever threatening. The Grizzlies, who have had several days full of bad breaks this year, got most of the other kind Saturday. This, plus an outstanding performance on offense and defense, was all they needed for the stunning victory.

Montana got a 17–0 lead with 12:09 left in the second period on a 39-yard field goal by Worrell; added 7 on an 11-yard run by Casey Reilly and an extra point by Worrell at 10:12; picked up 7 more on a 12-yard burst up the middle by Jeff Hoffman and another kick by Worrell and then topped off the first half with a 50-yard field goal at 2:30 by Worrell. Worrell also attempted a 55-yard field goal on Montana's final series of the half, but this was short.

With a 34–0 halftime lead and the momentum going their way the only question in the minds of the large partisan crowd was the final margin of victory.

In that first half of play, the Grizzlies had the ball 10 different times and scored on six of them. This points up their domination of the contest. Things evened out a bit in the second half, but not much. In the first 30 minutes of play the Grizzlies counted 313 yards total offense to 141 for the visitors.

In the third period, after Montana had punted once and SDS twice, the Grizzlies got on the board again with a beautiful 8-yard run to the corner of the end zone by Reilly with the automatic toe of Worrell adding the extra point. The very next time they had the ball the Grizzlies punched over yet another touchdown on a 7-yard burst by Hoffman after sophomore quarterback Steve Caputo had carried 32 yards. Worrell's kick made it 48–0 with 5:40 left in the third period. Worrell kicked his third field goal of the day on the next Montana series from the 47 and the Tips had a 51–0 lead entering the final period.

Here Swarthout opened the gates of mercy.

The Missoula club emptied the bench in the final quarter as everyone got a chance at some action and this led to the most even 15 minutes of the game. The only Montana score in the fourth period came with 6:18 remaining when Les Kent slammed over left tackle and 5 yards to the double stripe. Worrell's kick provided the final margin.

Offensively, Hoffman led the Grizzly club with 105 yards in 12 carries, while Kent added 72 on 10 and Ochoa, normally a punter, picked up 65 on 9. Blancas too turned in a brilliant performance, one of his best of the year before being injured late in the second period. Brum was his usual self, leading the Grizzly attack with poise and polish. In the offensive line, Tuufuli Uperesa was particularly noteworthy, although the entire club was blowing Jackrabbit defenders out of the hole all day. Bain, in addition to his touchdown pass, turned in some nice blocking.

For the visitors, the top rusher was Elliott with 78 yards on 7 carries. The Jackrabbits, normally a running team, went to the air against the Grizzlies and had the ball in the zone 40 times during the afternoon. They completed 15. On the defensive unit, which got plenty of work, Jim Langer, Jim Heinitz, Rick Heard and Chuck Kavanagh did most of the work. Lack of help for these four plus a tough Montana offense and defense brought the Silvertips their first perfect season. A fitting return from last year's 2–7 record.

Grizzlies: 58 to 0 Gets No. 10

(By Bill Schwanke)

The Montana Grizzlies pulled their offense out of a two-week case of the blahs Saturday, score less than three minutes into the first quarter, and roared to their 10th win of the season without a loss by blasting South Dakota State 58–0 before 8,500 wild fans at Dornblaser Stadium.

The Grizzlies made mincemeat out of a highly touted South Dakota State defense, rampaging for 611 total yards with substitutes playing more than half the game.

Montana made a strong pitch for a number-one ranking and a Camellia Bowl bid with its impressive showing against the Jackrabbits, who one week ago nearly upset top-ranked North Dakota State before bowing 20–13.

It was the first time in history a Montana team gained a perfect undefeated, untied season record. The last time Montana was undefeated was in 1914 under Coach A. G. Heilman, when the Grizzlies won 6 and tied once.

The Grizzlies of 1909 under Coach Roy White had an identical 6–0–1 mark.

It was three weeks ago that Montana nipped aroused Montana State 7–6 for its first Big Sky Conference championship and the first league title of any kind for the Montana school.

Montana was coming back from a disastrous 2–7 season in 1968, and went through a tough schedule, beating North Dakota, South Dakota, Northern Arizona, Weber State, Idaho, Idaho State. Portland State, Montana State, Cal Poly-San Luis Obispo and finally the Jackrabbits for the tremendous record.

The Grizzlies received the opening kickoff, and four plays and one first down later, quarterback Ray Brum found a big hole on the Texas-Y, triple option to the right and broke from the Montana 34 to the Jackrabbit 42.

While being dragged down, Brum lateralled the ball to trailing halfback Arnie Blancas, who broke two tackles and dashed the remaining 42 yards for the first score with 12:34 left in the first quarter.

Dan Worrell, junior kicker from Great Falls who had the best day of his two-year career, booted the first of seven extra points for him Saturday and Montana led 7–0.

Worrell set a school record by hitting three field goals; set a mark for the longest field goal in UM history with a 50-yarder (he also had one for 47 which broke the old record of 41 he set in 1968); and he tallied 16 total points, giving him the school mark for single season and career scoring. He has one more year left.

His three field goals gave him a record nine for the season.

The Jackrabbits got their first bad break when fullback Tim Elliot broke loose and went 92 yards for a touchdown only to have the play called back for SDSU clipping. An unsportsmanlike conduct penalty on the same play put the ball clear back to the Jackrabbit 43.

Dave Kragthorpe's offense never really threatened again.

The Grizzlies went to the air for their second score. After a SDSU punt, Casey Reilly picked up two to the UM 25. On the next play, Brum hit Doug Bain in full stride with a 75-yard bomb.

It was Bain's fifth TD reception of the year, tying a school mark set in 1967 by Ron Baines.

Leading 14–0 early in the second quarter, the Grizzlies struck with Worrell hitting a 26-yard field goal with 12:13 left in the half, and Montana led 17–0.

On the second play after the field goal, Jackrabbit Elliot fumbled, and safety John Waxham recovered for Montana at the SDSU 20. There plays later, Reilly swept left end for 11 yards and the first of two touchdowns for the Anaconda sophomore. That was with 10:12 left in the first half.

On its first play after the next kickoff, South Dakota State watched Grizzly defensive halfback Pat Schruth pick off a John Moller to Frank Nelson pass at the Jackrabbit 45.

Montana couldn't move, and the teams traded punts.

Montana started another scoring drive at its own 34. Six plays, all on the ground, was all it took for the Grizzlies to move to the Jackrabbit 12, with sophomore fullback Jeff Hoffman's 32-yard gallop the big play.

It was Hoffmann, who led all rushers with 105 yards on 12 carries, who bulled up the middle to score from there with 4:16 in the second period.

Montana wasn't finished. Elliot fumbled again for South Dakota State on its first play following the Grizzly kickoff, and linebacker Tim Gallagher was on the ball for the Grizzlies at the Jackrabbit 23.

After three unsuccessful tries, Worrell hit his 50-yarder, and Montana led 34–0 at the half.

Following three punts to open the third quarter, Montana mounted another drive, this one from its own 39. A 54-yard pass from Brum to Bain put the ball on the Jackrabbit 8, and Reilly skirted left end for six points with 8:15 left in the third stanza.

Less than two minutes later, Montana got a Jackrabbit punt at the SDSU 41. Reserve quarterback Steve Caputo kept up the middle and broke for 32 yards to the Rabbit 9. Another sophomore, halfback Jim Schillinger, picked up two yards before Hoffmann went in from the 7 with 5:40 left in the third.

Worrell got his 47-yard field goal on Montana's next drive. The Grizzlies were in command 51–0 at the end of the third quarter.

Montana had one more TD in its bag of tricks. Midway through the final quarter, the Grizzles, with Bob Fisher quarterbacking, started from their own 12.

Punter John Ochoa, playing halfback, bolted 31 yards to the Montana 43. Les Kent went for 11 yards. Fisher hit McMahon with an 11-yard pass, and Schillinger picked up a first down at the Jackrabbit 35 with a one-yard plunge.

Then Kent broke the middle for a 35-yard touchdown gallop, breaking four tackles on his way to the end zone. Worrell's final PAT try made it 58–0, and that tied the UM single game scoring mark.

Montana used much of the remaining time with a 11-play, 43-yard non-scoring drive ended by Jim Kempainen's interception of a Fisher to McMahon pass at the Jackrabbit 35.

Montana got its final interception of four when defensive end Jim Nordstrom picked off a Moller pass at the Montana 42 while standing no more than five yards from the passer.

Other individual statistics showed Kent getting 72 yards on 10 carries and Ochoa 65 on 9 tries.

Brum hit 3 of 9 passes for 130 yards while Fisher connected on 4 of 10 for 21 yards. Bain caught 2 passes for 130 yards and McMahon 2 for 7 yards.

The leading Jackrabbit rusher was Elliot with 78 yards on 7 carries.

Moller hit 15 of 36 passes for 134 yards. Top receiver was Nelson with 5 grabs for 61 yards.

FANS PROCLAIM BRUINS NO. 1

(By Dennis Curran)

Hundreds of screaming, horn-honking Montana Grizzly fans followed their football team downtown Saturday in a wild victory parade to proclaim to the world that "We're Number One."

The team, still suited up from the 58–0 victory over South Dakota State, crowded onto a flatbed truck for a police-escorted trip from Dornblaser Field to downtown Missoula and back.

Rain and a cold wind penetrated their jerseys but not their spirits as the players joined the fans in the "We're Number One" and "Bring on North Dakota State" chants.

The fans had started yelling about being number one shortly after the opening kickoff, and they got louder with each successive Grizzly score.

If there were any doubts at the start of the game, there were none at the end as wild-eyed fans crowded onto the field before the game even ended.

They began by crowding over the sidelines, and there was a full-scale rush toward the 11 Grizzlies on the field as Montana executed its final play of the regular season with two seconds left.

The fans hit harder than South Dakota State as they mobbed the players, kissed and hugged them and carried them on their shoulders. "I almost suffocated out there," one Grizzly said.

The victory bell rang incessantly for the 10th time this season, and the crowd oozed toward the north end of the field for what was announced as a victory march.

With two siren-blaring police cars in the lead the two flat-bed trucks—one overflowing with fans, the other overflowing with footballers—started the march with hundreds of fans in pursuit.

But the pace was fast, and all but a hardy few had dropped out by the time the parade reached the Higgins Avenue Bridge. By the time it turned onto East Broadway the parade consisted of the two police cars, the two trucks and more than 50 cars.

The University of Montana Marching Band was supposed to be included in the procession but didn't quite make it. It didn't really matter, however, because the fans generated enough noise on their own.

MAYHEIM REIGNS IN LOCKER ROOM

(By Bill Schwanke)

Mayhem was an understatement Saturday in the Grizzly locker room following the Silvertips' 58–0 shellacking of South Dakota State which gave Montana its first undefeated, untied record in history at 10–0.

Jack Swarthout and his assistants were happy enough not to let the cold showers they got bother them. Grizzly players ran wild through the corridors of the Field House, hunting down possible victims.

Swarthout, soaking wet and wringing out hopefully his drip-dry shirt, was more at a loss for words than usual.

"When it really counted, they really came through," Swarthout shouted. "The whole team came through."

Swarthout was referring to the fact that his whole squad saw action, with liberal substitution starting midway through the second period, when the Grizzlies already held a commanding lead.

Despite all the joy in the locker room, there was time for silence. Linebacker Marty Frustaci led the entire squad and others in the locker room in a post-game prayer in thanks for "outside help" received throughout the season.

Equipment manager Rupert Holland carried out a promise he made earler by giving game balls to his selections as the players who most deserved them.

The players he singled out were safety Karl Stein, who set a new Big Sky Conference mark for season interceptions with his 11th Saturday, place kicker Dan Worrell, who set several field goal and scoring marks with his 16-point effort by seven PAT kicks and three field goals; quarterback Ray Brum, who engineered Montana's potent offense all season and played nearly two quarters Saturday; and defensive end Jim Nordstrom, who knocked down one South Dakota State pass and intercepted another as part of Montana's ever-present pass rush.

Swarthout couldn't give a definite answer on the Grizzlies' chances of receiving a bid to the Camellia Bowl to play North Dakota State.

"I'll say one thing—we should get the bid," he added.

Montana's national ranking was also a thing of interest to Grizzly fans. Just a narrow gap of 21 points separated the Grizzlies from North Dakota State last week on the Associated Press poll, while the Bisons led Montana by a scant 29 on the United Press International list.

"I don't know if we'll get number one or not," Swarthout said. "But we played like a top-ranked team today."

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield.

Mr. SCOTT. I congratulate the Senator from Montana on the great showing by the University of Montana football team.

Let me add that Penn State has a good team, too, and we are counting on a postseason victory at the end of the year as well.

Mr. MANSFIELD. Well, it might not be too far in the distant future when the University of Montana and Penn State will play for some sort of championship.

Mr. SCOTT. At that time, I will undertake a small off-the-record wager. We will offer some cream cheese if we lose. I suggest that the Senator come up with a Montana product of an equivalent nature.

Mr. MANSFIELD. I would like to hang a hide to the wall, perhaps. [Laughter.]

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from New Mexico (Mr. ANDERSON) and the Senator from

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Maine (Mrs. SMITH) to the 12th session of the United Nations Committee on Peaceful Uses of Outer Space to be held in New York City.

PRESIDENT NIXON MISSED PROBABLE OPPORTUNITY FOR PEACE

Mr. YOUNG of Ohio. Mr. President, in his address to the Nation on Monday, November 3, President Nixon made public a letter that he had sent on July 15, 1969 to the late President Ho Chi Minh.

In his letter President Nixon stated among other things—

> There is nothing to be gained by waiting. Delay can only increase the dangers and multiply the suffering. The time has come to move forward at the conference table toward an early resolution of this tragic war.

His final sentence reads:

> Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war.

While the President read his complete letter in his speech, he failed to read the reply that he received from Ho Chi Minh, dated August 25, 1969. This letter was made public the day following the President's address.

In his reply Ho Chi Minh made many statements that apparently were ignored by our President. There were various openings in his letter which should have led to a prompt and reasonable reply from President Nixon. Unfortunately, President Nixon did not see fit to make further approaches direct to the North Vietnamese Chief of State which might have been effective toward bringing about a cease-fire, had our President himself responded to the openings offered him.

President Nixon stated in his speech that—

> The obstacle is the other side's refusal to show the least willingness to join us in seeking a just peace.

Ho's letter, dated 7 days before his death on September 2, 1969, contained nothing to justify the President's staggering denunciation. The tone of his letter was conciliatory. Ho referred to the fact that "with goodwill on both sides we might arrive at common efforts in view of finding a correct solution to the Vietnamese problem." It is a fact that he called for withdrawal of American troops from South Vietnam, but he did not demand, as he had theretofore, that this withdrawal must be immediate or unconditional. He mentioned the 10 points of the National Liberation Front of South Vietnam as a logical and reasonable basis for the settlement of the Vietnam war, but did not insist that they were the only basis for settlement, as demanded by North Vietnamese officials in the past.

Many Americans knowledgeable of past and present efforts to negotiate an end to the war, including Ambassador Averell Harriman who was our chief negotiator in the Paris peace talks during the Johnson administration, believed Ho's letter was a flexible document with important openings that could form the basis for future negotiations. Former French High Commissioner in Vietnam, Jean Sainteny, has spoken out that Ho's letter was conciliatory. He expressed surprise that it was not answered to Ho or to his successors in an equally conciliatory manner.

President Nixon did not state why he did not reply to Ho Chi Minh's letter. It went unanswered. Ho Chi Minh was a dying man at the time he wrote the letter. It would seem that, immediately following the funeral ceremonies, President Nixon missed a second opportunity to seek to achieve peace at the summit.

Instead, the President chose to predicate our withdrawal from Vietnam on the ability of the armed forces of South Vietnam to continue the war to ultimate victory without our aid. It is extremely doubtful whether that time will ever arrive. The President's policy holds forth the prospect of young Americans fighting and dying in Vietnam ad infinitum. He has in effect given a blank check to the corrupt Saigon militarist regime for the lives of our men and our resources.

The President also expressed the fear that with the sudden collapse of our support a massacre would ensue that would affect the million and a half Catholic refugees who fled to South Vietnam when the Communists took power in the north in 1964. This, despite the fact that the Catholic bishops of Vietnam have asked for an end to the war. This, despite the fact that leading Catholic churchmen and laymen in the United States and throughout the world have expressed their opposition to continuation of our involvement in that immoral, unpopular, undeclared war.

Recently, 93 Vietnamese Catholics living in Europe signed a declaration favoring the October 15 moratorium and said in part:

> War has not ceased to devastate our country for nearly 38 years and its cruelty has attained a degree without any precedent in history. . . . In South Vietnam, terror reigns always and everywhere, night and day, and thousands of American bombs are showered on the heads of 14 million innocent people. The presence of half a million American troops is a most frightful force.

Mr. President, the fear of a possible massacre is not an insurmountable obstacle to peace. Through negotiation it is possible to avoid, by an international guarantee of personal safety, the bloodbath so widely feared if the Communists should gain control of South Vietnam. A postwar massacre is hypothetical at best. Through negotiations, that possibility can be avoided. On the other hand, there is nothing hypothetical about past, present, and future casualties. In the last year more than a million Americans and Vietnamese—soldiers and civilians—have been killed, wounded, or maimed for life.

President Nixon is simply confusing the issue with his talk of "vocal minorities" and "silent majorities." The majority, in his view, does not want to face up to the fact that we made a mistake of historic proportions in trying to create a pro-American, anti-Communist buffer state in South Vietnam after the French were forced to give up their lush Indochinese empire. No one likes to lose, but there is a difference between losing and admitting a mistake. The fact is that we are fighting in Vietnam today because of our proud refusal to admit making a mistake. In short, we have been fighting to save face. Misplaced pride, the sort of pride that compounds an error because somehow one would "lose face" by owning up to it, is childish and stupid. Maturity, on the other hand, consists of taking a deep breath, swallowing hard, and admitting that a mistake has been made and taking steps to cut our losses and to correct the harm done.

Let us hope and pray that it will not take the loss of the priceless lives of 50,000 additional Americans for the administration to accept that fact. We should not persist in compounding this fantastic error. The killing must stop.

That Hanoi and leaders of the National Liberation Front were not inflexible on negotiations was also disclosed by Joseph R. Starobin, former foreign editor of the Communist Daily Worker, who is presently on the faculty of York University, Toronto, Canada. As an intermediary from Henry A. Kissinger, adviser to President Nixon, he conferred with Xuan Thuy, North Vietnam's chief negotiator in Paris. He states he informed White House adviser Kissinger and other White House officials "the North Vietnamese were ready to bargain in private for something between their conceptions and American conceptions." Starobin stated publicly that Hanoi's chief negotiator expressed the hope of a settlement and an end to the bloodletting in 4 or 5 months. Here is further evidence that President Nixon has not gone all out to achieve peace in Vietnam but appears to have surrendered to the warhawks and to the generals. This testimony of intermediary Starobin refutes, as being false, the statement emanating from the White House on November 3 that "there was an absolute refusal by the VC and Hanoi to join us in seeking a just peace." It is saddening to disclose these failures of President Nixon and his advisers to grasp these real opportunities for peace.

USE OF PENSION FUNDS BY PERSONS ASSOCIATED WITH ORGANIZED CRIME

Mr. HRUSKA. Mr. President, a series of articles recently appeared in the Oakland Tribune, Oakland, Calif., concerning the use of funds in the Teamster's Central States, Southeast, and Southwest areas pension fund by persons associated with organized crime. These articles were written by Jeff Morgan and Gene Ayres. I ask unanimous consent that they be reprinted in the CONGRESSIONAL RECORD following my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the articles detail the use of the $628 million pension fund for the personal gain of a few intimates of Jimmy Hoffa to finance deals involving Mafia and Mafia associates. If true, this is a very serious matter and one which deserves the attention of all of us. Pension funds concentrate a vast amount of economic power in the hands of a few persons. These persons

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must be responsible and exercise their power judiciously so as to protect the rights of the pension recipients.

Usually the managers and trustees of the Nation's 160,000 private pension funds recognize this duty and exercise their power accordingly. In a few cases this, unfortunately, is not true. The Tribune exposé has possibly brought to light one of these occasions and should be of great interest to the Criminal Division of the Department of Justice and the Intelligence Division of the Internal Revenue Service.

Our distinguished colleague from Arkansas, Senator McCLELLAN, has announced publicly that the Organized Crime Control Act of 1969 is ready for the Judiciary Committee's Criminal Laws and Procedures Subcommittee markup. This act represents a major effort to eliminate the evidentiary, procedural, and administrative problems now perplexing the Department of Justice's antiorganized crime effort. Many long hours of hard work have already gone into this legislation and many more are to follow.

I urge prompt and early consideration of this act and call upon our colleagues in the House to act swiftly in enacting these proposals.

EXHIBIT 1

[From the Oakland Tribune, Sept. 21, 1969]

BANKROLL FOR THE BIG MOBS

(By Jeff Morgan and Gene Ayres)

The $628 million Teamsters Central States, Southeast and Southwest Areas Pension Fund headquartered in Chicago has become a bankroll for some of America's most sinister underworld figures.

In a six months-long nationwide investigation The Tribune has found instances of cronyism, kickbacks, payoffs and questionable pension fund loans from California to the East Coast.

A careful examination of financial records shows that if the present trend in the management of the fund continued without gigantic employer contributions, which totaled $118.3 million last year, the fund would face insolvency in less than 10 years.

The close links between some characters in organized crime and the Chicago-based pension fund have led to a series of hitherto unrevealed local, state and federal investigations of the fund and the shadowy manipulators behind it.

One object of official scrutiny has been the apparent working relationship between the fund and one of the nation's largest life insurance companies, American National Insurance Co. The $1.3 billion Texas firm reportedly has invested more than $30 million in Nevada casino-resorts, with some loans secured by second and third mortgages.

Another is a pair of California real estate ventures put together with more than $32 million from the fund.

In one of the developments—now in foreclosure—the government is investigating possible fraud of the pension fund and allegations of payoffs to public officials.

In the other, a country club built by some of the same gamblers and former bootleggers who sold Las Vegas' Desert Inn to Howard Hughes in 1967, the government suspects the possible return to the United States of Nevada "skim"—casino profits raked off to avoid payment of taxes—and other "black money" that made its way to Switzerland and the Bahamas in the 1950's and early 1960's.

Under particularly close investigation are reports that pension fund loan "finder's fees" are being used to help pay as much as $250,000 of the legal defense costs for imprisoned union boss James R. Hoffa. Those payments ostensibly were cut off by the International Brotherhood of Teamsters after it was disclosed the union paid $542,000 between 1962 and 1964 to try and keep him out of jail.

A keystone of the broad-based attack is an unpublicized full-scale audit by the Internal Revenue Service to determine whether the huge fund should lose its tax-exempt status.

If such action were taken, it would mean a loss to the fund's 359,685 union member-beneficiaries in 20 states of millions of dollars a year.

The IRS in Chicago also is conducting an intense investigation into the complicated financial affairs of Allen Dorfman, the insurance broker accused but acquitted of complicity in the 1964 jury tampering case that finally resulted in Hoffa's federal imprisonment. The results of the probe are being given to the Criminal Division of the U.S. Justice Department.

Dorfman, a close Hoffa associate not connected with the union and neither a trustee nor officer of the pension fund, has nonetheless become one of its most influential figures since his 1965 designation as the fund's exclusive insurance agent.

"Without Dorfman's approval, you may as well forget about getting a loan," a source close to the fund told The Tribune.

A score of union leaders, Cosa Nostra members and businessmen—including a speculator who came to Oakland and tried unsuccessfully to put together a $5 million deal to buy the then financially troubled Edgewater Inn—have been charged in a half-dozen indictments by the U.S. Grand Jury in New York with conspiring to collect or pay "at least" $360,000 in illegal kickbacks for Teamster pension fund loans totaling more than $7.5 million.

Four other people were convicted earlier this year in New York of splitting about $150,000 for helping get $1.3 million in loans to a near-defunct sweater company the pension fund finally had to take over in foreclosure.

"My observation is that the Teamster fund is a sort of open bank to people well-connected in Las Vegas and well-connected in organized crime," a high-ranking federal official said.

Another man in the same agency added, "The government is alarmed at the potential evil in organized crime having access to a bankroll of more than a half-billion dollars."

The Tribune has learned the fund and its operations will be high on the list of investigative priorities if the Justice Department obtains the appropriations necessary to expand the number of organized crime "strike forces," now all east of the Mississippi, from nine to 20.

Nowhere does the relationship between the fund and the underworld surface more dramatically than in Las Vegas, where the trustees have approved loans with an estimated total between $50 million and $70 million, some secured by second mortgages or subordinated notes.

In that respect it is rare among the largest of the nation's 160,000 private pension plans. While virtually all other big funds invest a majority of their assets in growth stocks and securities and a minimum in mortgages, the Central States trustees this year reported $461,264,348—73.3 per cent of the assets—in real estate loans.

In the same report to the Labor Department the fund listed only 3.9 per cent of its assets in common and preferred stock, 1.5 per cent in bank accounts and less than 3-10 of 1 per cent in government bonds. In fact, since 1965, the fund has been divesting itself of government bonds, from more than $7.5 million four years ago to less than $2 million today.

The Landmark Hotel in Las Vegas, recently purchased in bankruptcy by Hughes for $17.3 million from a "developer" with close mob connections, was built with financing that included at least $8.8 million from the Chicago-based pension fund.

The government has collected evidence indicating the loan was granted only after the leaders of the Kansas City underworld interceded on behalf of the borrower.

Not far from the Landmark is Caesar's Palace, a gaudy pleasure dome managed by former mob figures. It still owes the Central States fund most of a loan of $16.7 million.

The pension fund trustees allowed their mortgage to be subordinated behind a $2 million loan by the Nevada Bank of Commerce, and then gave the bank the right to foreclose by itself after next July 1.

The Central States fund has made loans to the operators of many other Nevada casinos, resorts, golf courses, a couple of hospitals, a Las Vegas newspaper and a taxi company—which has been fighting a local Teamsters Union strike for longer than a year.

A pattern develops when cases are checked across the country. If a loan begins to turn sour, the trustees may pour in more money to keep the borrower afloat until alternative financing can be found, thus relieving themselves of the necessity to show a bad loan on the books.

Sometimes the practice is successful. Often, however, as in Reno's Riverside Hotel and Beverly Ridge Estates in Los Angeles, the fund has had to institute foreclosure proceedings.

In some cases, for example the sweater firm, the fund has ended up owning insolvent companies of "white elephant" real estate—although they remain on the books as assets at their foreclosure value.

In an exclusive interview in Chicago, Frank L. Griffin Jr., recognized as one of the world's leading pension actuaries, told The Tribune that any large fund with a normal stock portfolio should have grown in assets in recent years at a rate of about 6.5 per cent, in addition to employer contributions.

Leaving out the $118.3 million in employer contributions last year, the Teamsters Central States fund, on the other hand, actually would have dropped $36.8 million from the $548.3 million in assets reported the year before.

For the year ending last Jan. 31, the fund reported total receipts of more than $200 million, including the employer contributions. Although it paid out only $65.1 million in retirement benefits, salaries and administrative costs—leaving receipts of $135 million—the assets grew by a relatively meager $79.7 million to the present total of $628 million.

Under Griffin's formula the pension fund, including the employer contributions and 6.5 per cent normal growth, should have increased more than $150 million.

Griffin said responsible pension plans don't invest heavily in real estate loans because they find themselves locked in to lower interest rates for the life of the mortgages.

"And I don't care for anything but first mortgages in pension plans," he added. "It's like Caesar's wife—you have to exercise some caution and prudence."

The virtually autonomous 400,000-member Western Conference, to which California Teamsters belong, has its $400 million pension plan administered by the Prudential Life Insurance Co.

Conference director Einar Mohn, an international vice president of the union and a former Regent of the University of California, was reluctant to discuss the management of the Central States pension fund in Chicago.

But he observed at his headquarters in Burlingame, "I wouldn't invest any of my own funds in second or third deeds of trust."

Up to now the government has been stymied for the most part by a lack of manpower and regulatory legislation in its efforts to stem the growing influence of organized crime in labor unions and big business.

"We know the money changes hands," one

federal attorney said, "but we have a hard time making cases.

"The name of the game is informants, and in labor you just don't have them."

Some officials are pinning their hopes on a bill offered by U.S. Sen. Jacobs Javits, R-N.Y., which would set down the fiduciary responsibility of pension fund trustees, as well as establish other controls. However, the measure contains no criminal penalties, and the government must rely on present laws against embezzlement, mail and wire fraud and kickbacks to trustees and officers.

Federal agents now have uncovered some new sources of information, and they are trying to close in on two or three key men in the country whose testimony could unravel the complex tapestry of the fund.

SIX MONTHS TO GET STORY

For six months two Tribune reporters have been amassing data on the intricate operations of the huge Teamsters Central States, Southwest, Southeast Areas Pension Fund.

While the fund does not contain the money of West Coast teamsters, some of its largest and most unusual investments are in California and Nevada.

To put together this overview of the pension fund, reporters Jeff Morgan and Gene Ayres traveled more than 10,000 miles each, interviewed scores of persons and scanned hundreds of documents.

Their investigation led them to Los Angeles, Las Vegas, Carson City, Reno, Tucson, Sacramento, Seattle, Burlingame, Washington, New York, Chicago, St. Louis and Kansas City.

[From the Oakland Tribune, Sept. 22, 1969]

STATE ASKS PROBE INTO LOAN FIASCO

(By Jeff Morgan and Gene Ayres)

State Atty. Gen. Tom Lynch has asked U.S. Atty. Gen. John Mitchell to authorize a full-scale federal investigation into a huge fiasco involving loans from the Teamsters Central States, Southeast and Southwest Areas Pension Fund.

If Mitchell authorizes the task-force approach, it would bring probers from the Justice Department, the Federal Bureau of Investigation, Internal Revenue Service and the Labor Department into the case of the Beverly Ridge Estates development, a proposed 340-acre golf course-estates layout in the Santa Monica Mountains just north of Beverly Hills.

Already state and local authorities are prying into details of Beverly Ridge, which thus far is backed by about $13.5 million in Central States Teamster Pension Fund financing. But these agencies cannot follow leads reaching far beyond the state's boundaries.

Potentially, Beverly Ridge Estates is one of the largest and most questionable of a whole succession of incredibly generous loans selected by the Central States fund.

Attorney General Lynch already has his investigators busily seeking evidence to back allegations including bribery, malfeasance in office and conflict of interest on the part of some public officials.

The Chicago-based Teamster Fund loans were made to a series of Jimmy Hoffa cronies and members of the fund's palace guard, who are frequent borrowers from the huge reservoir of cash. The Beverly Ridge deal is turning sour with a vengeance.

Earlier this year, the Central States fund began foreclosure proceedings to recoup its investment in Beverly Ridge.

Some of the Teamster fund loans there are made on project land which was acquired by Jules Covey, a Los Angeles lawyer, and James Millard, a New York lawyer, who were trustees for Hyman Green, also of New York, and I. Irving Davidson, a confidant of Hoffa.

Officials describe at least some of Green's activity as that of a "money mover," a man who makes commissions by finding high-interest-paying institutions or investments for other people's money.

Davidson is a Washington "public relations" man, whose clients are mostly unidentified.

The Teamsters Central State Fund loans, made with the various parcels of land in Beverly Ridge as collateral, are secured by a clutch of first, second and even third mortgages.

Investigators found that the Chicago-based fund apparently had loaned money to buy some of the parcels, then loaned more money with those parcels put up as security for the new loans.

On May 7, 1969, a parcel of land in the Beverly Ridge project was signed over to another Central States fund courtier, Allen Dorfman, of Chicago.

Dorfman, an insurance agent doing a huge business with the Chicago-based fund, last week described himself to The Tribune as a "salaried consultant on general administration" for the fund.

Dorfman, indicted for extortion and jury tampering, but found innocent in each case, admits that Jimmy Hoffa made him wealthy.

Los Angeles County public records do not reveal whether there was anything paid when the parcel was transferred to Dorfman's name. However Dorfman said the land was transferred to him by Hyman Green, who, he said, is still connected with the Beverly Ridge project.

Dorfman said Green was transferring title to the parcel to the Central States Pension Fund to satisfy "certain obligations" to the fund. Dorfman said he didn't know what those obligations were.

When the ownership of the parcel was transferred to his name, Dorfman said, he was merely holding it in his name for the fund.

Apparently Dorfman had second thoughts on the transaction. Since the Central States Fund filed foreclosure on its Beverly Ridge loans, Dorfman re-transferred the title to the parcel to the fund itself.

Recorded documents show the parcels totaled 5.7 acres. Dorfman says they consist of only two lots totaling "maybe half an acre" which were never intended to be a part of Beverly Ridge anyway.

Beverly Ridge developers are now trying to stave off foreclosure on the loans by attempting to reorganize under the U.S. Bankruptcy Act. The Central States Pension Fund is fighting that move.

In Chicago last week, Nathan Wolfberg, an attorney for the fund, said his client and Beverly Ridge developers "have a real adversary proceeding going."

"I'm beginning to think the only solution may be to fight it out in court," Wolfberg said. He added that he has seen the property and thinks "the value is there" to secure the loans.

State investigators, before they formally requested federal help on the interstate tentacles of the project, isolated more than $600,000 in loans, contributions and payments to public officials.

Attorney General Lynch's letter to Mitchell said the state also believes it has evidence that interstate fraud has been committed against the Central States Pension Fund in the Beverly Ridge loans.

The U.S. Labor Department's Division of Welfare Pension Reports is interested in the Beverly Ridge loans, failing to see how the confidence of Central States Pension Fund trustees could have been inspired by a Beverly Ridge "team" which included:

—Leonard Bursten, who faces a retrial on his 1957 Miami Federal Court conviction for income tax evasion involving the collection of fees on loans from the Teamster Central States Fund.

On the recent application to reorganize under the Bankruptcy Act, Bursten signed his name as vice president of Beverly Ridge Estates corporation. Bursten was an assistant U.S. attorney in Milwaukee from 1946–48.

—Nathan Stein, also known as Nathan Stone, convicted in 1963 in Los Angeles Federal Court for criminal income tax evasion and obstructing justice in a Teamster Union case.

Stein-Stone is a sort of expediter around the project. Earlier, however, as "national sales manager," he asked—and was refused—permission of his federal parole officer to travel to Las Vegas, Chicago, Detroit, Cleveland, New York City and Miami, for Beverly Ridge.

—Calvin Kovens, Miami Beach construction firm head, currently appealing his 1964 convictions, along with Jimmy Hoffa and five other persons, for wire and mail frauds in connection with Teamster Central States Pension fund-financed projects.

Kovens had not been identified formally in the convoluted records of Beverly. But he is known to have attended a Dec. 5, 1967, meeting in Los Angeles between other Beverly Ridge developers and a Central States Pension Fund trustee, William Matheson of Detroit.

Kovens also succeeded a man named Roy Gene Lewis in the ownership of a one-time gambling operation at Incline Village near Lake Tahoe. The operation was called Sierra-Tahoe and was backed by a Central States Pension Fund loan.

Although state probers have subpoenaed some records in connection with its Beverly Ridge investigation, other pertinent files are expected to be unavailable.

The state has Beverly Ridge project correspondence indicating that Interstate Excavating Company, a subsidiary firm set up by the project's developers to handle grading and earth moving, may have been "sold" to Finco, S.A., a Panama firm.

State officials fear Interstate's records may have been moved to Panama and will be unavailable. They point out that in another unrelated case a firm under investigation by the Internal Revenue Service is arguing that Panamanian law forbids the removal of records from that country.

The conduct of several public officials is under scrutiny.

Among these are Los Angeles County Assessor Philip Watson and Los Angeles City Councilman James B. Potter Jr., who received loans from Interstate.

Also being investigated is the conduct of Roy Gene Lewis, who after disposing of his Nevada casino, moved to Los Angeles, became a car dealer, and was a member of the Los Angeles Building and Safety Commission until his "resignation" was announced in March 1968.

In documents filed April 16, 1967, with the State Corporations Commission, Lewis was named as a director in a corporation set up by Beverly Ridge to do some of the preliminary work on the project.

During the same approximate time, as a member of and often serving as chairman of the Building and Safety Commission, Lewis voted to reduce the Beverly Ridge Estates grading bond from $460,000 to $50,000 and later, when the acceptance of a less costly $50,000 treasury bond was reviewed, voted that it was adequate.

The earth moving done at the site was phenomenal. To hack out a golf course, roads and homesites from Beverly Ridge's hilltops, at least 6 million cubic yards of earth have been moved.

By comparison, Oakland's Hiller Highlands project several years ago absolutely boggled the minds of concerned hill dwellers when it obtained a permit to move 700,000 cubic yards of earth.

Lewis also voted to waive city regulations and accept a cheaper drainage system for the Beverly Ridge project.

It also was during this period when Lewis did something which investigators feel provides an explicit, irrefutable prima facie case of conflict of interest against himself.

While making those decisions on the project as a city official, Lewis in his own handwriting, identified himself as a Beverly Ridge developer.

He did this in a note to the Home Insurance Company of Los Angeles, holder of a blanket policy on the project, not long after he was involved in an auto crash on Dec. 1, 1966. Both Lewis and Beverly Ridge Estates were named as defendants—and owners of an involved 1966 Cadillac—in a lawsuit filed as a result of the crash.

The suit was dropped when Home Insurance settled the plaintiff's claim after being notified by Beverly Ridge that Lewis was covered by its policy.

In his account of the accident to the insurance company, Lewis identified himself as a Beverly Ridge developer and said he had been coming from a meeting with Leonard Bursten and another project official when the crash occurred.

Upon viewing the note, state agents notified the Los Angeles District Attorney's office of the Lewis relationship with Beverly Ridge. No action was taken at that time however, and Lewis since has left the commission.

Councilman Potter also appeared to have more than a passing interest in Beverly Ridge.

Potter was a salesman of electronics equipment when he was elected to the council six years ago at the age of 31.

Last year he hired a new field deputy, Paul Mackey, who previously had worked for Beverly Ridge.

Potter's sister, Mrs. Mary Madeline Hackney, had been on the payroll of So-Cal Engineers, a corporation connected with the project, and she also was listed as corporate secretary of a firm set up to operate a golf and country club there.

Mrs. Hackney received a $7,000 loan from Interstate, the Beverly Ridge subsidiary, and $2,700 of that money came to rest in Potter's bank account.

The state has subpoenaed Potter's bank records and Potter told The Tribune that because the matter is under investigation he cannot discuss it.

His interest went further, in December, 1967, a homeowner near the project, alleging that Beverly Ridge Estate's grading was improper, filed a lawsuit which threatened to delay the work. Potter sent a volunteer letter to the superior court judge involved, giving his opinion that the homeowner was wrong and public safety would be involved, due to the coming rainy season, if the work were impeded.

The councilman's interest in the project was so high that he maintained an informant in the city's planning department who told him when somebody checked out the Beverly Ridge file.

Early in 1968, with no payments made on the loans to Beverly Ridge Estates, rumors became widespread that chary Teamster Central Fund trustees wanted to "unload" Beverly Ridge Estates land as soon as possible.

About this time also, word was going around that the developers were trying to get the city to build an access road to the project. Otherwise the developers themselves would have to build the vital roadway at an estimated cost of almost $4 million.

One investigator drily noted that the guarantee of a 66-foot-wide, tax-financed roadway to the project would, in the opinion of many, make the sale of the property much easier.

Meanwhile, at City Hall, pressure had been growing on Mayor Sam Yorty to dump Lewis from the commission and it became apparent that Lewis was finally going. The mayor had appointed Lewis in 1962 to fill an unexpired term on the commission. When Yorty tried to appoint him to a full four-year term the following year, the city council rejected the appointment.

But Lewis remained in office when Yorty did not name a successor.

It is reported in Los Angeles that Frank Matula, a $57,000-a-year officer of Teamsters Local 396, and an International Brotherhood of Teamsters trustee, asked several well-known persons to call the mayor's office on behalf of Lewis. More than a decade earlier, Matula was convicted of perjury in connection with a grand jury investigation of Teamster contracts. Matula could not be reached by telephone by The Tribune last week for comment on the calls.

As Yorty's decision on Lewis grew nigh, Councilman Potter, out of town at the time, made several long-distance calls to the mayor's office during the week of March 18.

Officials say Potter at first asked that Lewis be retained, then asked that Lewis be allowed to remain on the commission for 90 days, a period of time, co-incidentally or not, crucial in the acceptance of Beverly Ridge's grading on the site.

Unsuccessful in these requests, Potter, officials say, then asked that Lewis be allowed to serve for 60 days more, then 30 days, and then, for just seven more days.

All of Potter's efforts were in vain. On March 21, Lewis's "resignation" was announced.

Potter said his interest in Beverly Ridge was high because the project was in his district and the proposed improvement of Beverly Drive would serve not only the developer of Beverly Ridge, but his constituents in the San Fernando Valley.

He knows the developers, as he knows those of other projects, through four years of normal bureaucratic attention to the project's details, he said.

Potter revealed that he did make enquiring phone calls to the mayor's office from Palm Springs where he was vacationing, about the Lewis resignation. He said, however, that he only made two such calls, asking that the requested resignation be put off "a couple of days," until he could return to Los Angeles.

Informed by a Yorty aide that the resignation was still wanted, Potter said he picked it up from Lewis's Sunset Boulevard office and delivered it himself to the mayor's office. Potter said further that the proposed relocation of Beverly Drive has been a part of the Los Angeles master plan since 1941 and he sees no reason for the recent furor about it. "Everybody's for it except the City of Beverly Hills and some homeowners up there," he said.

Records show that on May 15, on Potter's motion, the Los Angeles City council voted 13–1 to include the access road to the project in the city's master plan, thus relieving the Beverly Ridge developers of any costs for acquisition and work.

The access road, to cost $3.7 million, would be part of an overall $9.7 million Beverly Drive "realignment" from the City of Beverly Hills to the San Fernando Valley.

At that time, Los Angeles continued to push ahead on the new road planning even after the Beverly Ridge Estates development fell into money troubles and the City of Beverly Hills went to court to prevent widening of the road within its boundaries.

Not until just a few weeks ago did Los Angeles City fathers agree to hold up further action on the road until the Beverly Ridge legal mess has been cleared up.

Mayor Yorty, through an aide, last week said he had received no telephone calls about the Lewis resignation. The aide pointed out however, that a staff worker could have received them without passing them on to the mayor.

Yorty also repeated his recent statement that, acting on Los Angeles police department intelligence, he asked the district attorney's office to investigate Beverly Ridge four years ago.

Yorty said when the district attorney dropped the probe claiming there was insufficient evidence to proceed, he then asked the attorney general's office to investigate the project.

The mayor's statement did not indicate why Yorty was not satisfied with the district attorney's analysis of the case.

Actions of Los Angeles County Assessor Watson also have come under investigation.

Over the past several years, Beverly Ridge developers have sought assessment adjournments on the properties and the matter has been before Watson's office.

Watson borrowed $5,000 on a 90-day, no interest, unsecured loan from Interstate Excavating, the Beverly Ridge subsidiary.

Watson said he borrowed the $5,000 from Roy Gene Lewis, who, although a city commissioner, was an official of Interstate Excavating.

Watson said he needed the money to close the escrow on a $100,000 Hollywood home he had recently purchased. He went to Lewis as a possible lender at the suggestion of his real estate agent, Russ Vincent, the assessor said.

Watson says on June 19, 1968, he repaid half the loan. He has shown investigators a canceled check for $2,500 made out to Roy Gene Lewis.

Officials say however, that Interstate's president, a man named Howard Neidiech, maintains that Interstate did not get the repayment.

Officials say Watson contends he does not want to repay the second half of the loan until he gets a receipt for the first payment.

Investigators also are interested in the April, 1964, sale by the city of a key 17½-acre parcel in the middle of the project. The city had acquired it 17 years before in a tax sale.

Despite some neighborhood opinion that the land should be used as a park, the City Council sold it to Louis C. Blau—described by state agents as a "front." He was the only bidder at a city auction.

The purchase price was $147,000, or about $8,400 an acre, despite testimony before the council that nearby, less attractive, land had recently been sold for $15,000 an acre.

Within a year Blau had transferred the land to the Beverly Ridge Estates corporation. Earlier, he and a man named Al Hart had "fronted" for the transfer of another 100 acres to the developers, holding $300,000 in notes for a time during the early corporate juggling on the project.

Besides their other problems, developers of the envisioned luxury haven have lacerated community feelings. Simply put, they have been characterized by involved persons as "lousy neighbors."

Outraged citizens protested the construction of the Beverly Ridge access roads as an improper use of tax money. Lawsuits alleged that the developers carelessly sliced one man's lot in half by bulldozing, buried another man's access road under 27 feet of earth and ripped out his home's water lines by grading.

The fate of Beverly Ridge and the Teamster Central States Pension Fund loans rests with the courts. One could not blame weary fund trustees for preferring to turn their gaze southward where another project, also financed with huge Central States Fund loans, lies blooming in the San Diego County sun.

[From the Oakland Tribune, Sept. 23, 1969]

Pension Fund Loans Buy Luxury

(By Gene Ayres and Jeff Morgan)

Seemingly remote from the death throes of the Beverly Ridge Estates project, with its huge Teamster Central States Pension Fund loan, the World of La Costa lies in splendor 90 miles southward, on the rolling terrain of San Diego County, two miles from the blue Pacific.

With its whirlpool baths, golf, riding, tennis, homesites, restaurant and meeting facilities, La Costa apparently moves toward its destiny as a haven of serenity for international wheeler-dealers and other friends of the Central States Pension Fund.

The show-biz crowd also loves and frequents it. The villas of famous sports figures line its golf course fairways.

The atmosphere is lush, heady with celebrities. One's companion in the sauna might be an international tycoon or one of the several governors who have stayed at La Costa.

Or it could be a big-name professional golfer, attracted by the course that hosted the Tournament of Champions last April—the first time in 17 years the star-studded spectacle was held outside Las Vegas.

This 3,000-acre, modern-day Xanadu, a scant 30 miles from President Nixon's Summer White House at San Clemente, gets fascinated scrutiny by law enforcement officials.

Investigators cannot conceal their interest in La Costa, which, with more development to come, is financed thus far with $18.8 million in loans from the same Chicago-based Teamster Pension Fund where Beverly Ridge got its money.

La Costa's original developers include Allard Roen, who was convicted in 1962 on stock fraud charges, and Morris Barney "Moe" Dalitz, who, with Roen, was part of the old-time Cleveland gambling crowd. Later they were owners of the Desert Inn hotel and casino in Las Vegas.

Before coming to California, they sold the Desert Inn to Howard Hughes. Other developers in the early stages of La Costa were Mervyn Adelson and Irwin Molasky, associated with Roen and Dalitz in the Las Vegas Sunrise Hospital enterprises which also were backed by loans from the Chicago-based pension fund.

One high-ranking state agent flatly says La Costa attracts organized crime figures from the western half of the United States. He paints a verbal picture of the weary mobster, like any legitimate businessman, stepping off a jetliner at nearby San Diego, briefcase in hand, all set to talk a little business amid La Costa's sun and fun.

The writer of La Costa's promotional literature (which is distributed so widely that several upper level state and federal investigators are on the mailing list) seemingly is awe-stricken with his task.

"It is evident . . . that La Costa's time has come," promises the promoter. He says that the "mighty metropolis" of Los Angeles and the "awakening giant" of San Diego accommodate the "relentless stream" of westward-moving Americans.

Whether or not the mighty paths of progress are converging on La Costa, it is evident that long-time Central States Teamster Fund cronies and gamblers are.

Among La Costa's visitors have been Chicago "politicians" Marshall Korshak and Jake Arvey; St. Louis attorney Morris Shenker, a legal defender of James Hoffa in his fraud cases and recipient of fees for "finding" loans for the Teamster Central States Pension Fund, and Mrs. James Riddle Hoffa, wife of the imprisoned union chieftain.

One man who reportedly spends more time at La Costa than he does anywhere else is Allen Dorfman, the Chicago insurance magnate who wields tremendous influence over the Teamsters Central States Pension Fund.

The San Diego County Recorder's Office shows a quitclaim deed executed and recorded Sept. 18, 1968, by Allen M. Dorfman, on Lot 166, La Costa Valley Unit No. 4. Recorded at the same time was a $58,500 mortgage from Dorfman to Home Federal Savings and Loan in San Diego.

Investigators say they have heard reports Dorfman is planning to move his entire operation from Chicago to La Costa.

Other visitors there have been Wallace Groves and Louis Aaron Chesler, both with many connections in the Bahama Islands.

Groves was convicted in 1941 of mail fraud in the United States. Later his Port Authority Company was granted a fiefdom of 211 square miles on Grand Bahama Island through a government contract. His company there has spawned the posh Lucayan Beach hotel and casino operation at Freeport.

Chesler, a native-born Canadian entrepreneur who once controlled the Seven Arts film company, was heavily involved in Grove's Bahamas development and connected with the introduction of gambling there. They had a falling out and Chesler was bought out by Groves and other interests. Chesler's La Costa visit was within the month.

As early as 1965, American officials were publicly voicing their belief that Bahamas interests were serving as a conduit out of this country for as much as $100,000 monthly in underworld money.

Officials believed this flow of booty included "skim" money (cut out of gambling winnings before government inspection to avoid taxes) from Las Vegas casinos.

The government frankly fears that some of the money they believe exited through the Bahamas will enter California.

In government parlance "skim" and other illicit cash called "black money" becomes "washed money" after it passes through anonymous foreign bank accounts, loses the identity of its depositors and returns to the United States in the form of apparently legitimate loans or investments.

Agents also operate on the rule-of-thumb assumption that where Groves appears, Meyer Lansky, whose gambling locales over the past 30 years include Miami and Batista's Havana, will not be far behind. Lansky is a top ranking fiscal expert for the national network of organized crime.

Informants say Groves is under obligation to cut Lansky in on deals. And it does appear that Groves is involved in La Costa.

Guests—prospective investors—at a recent promotion dinner for La Costa were informed that a change of ownership had occurred within the past year, with the new owner-developer identified as the General Development Corporation, with major offices in the Bahamas, Frankfurt and London.

General Development, the guests were told, had developed several Florida resorts and the Lucayan Beach hotel-casino project on Grand Bahama.

It was a firm called General Investment Company which was controlled by Groves in the late 1930s and early 1940s. He was convicted of defrauding the firm's stockholders through the mails.

On March 27, 1968, La Costa was reorganized as an Illinois corporation with a Chicago man named Richard K. Janger listed as its incorporator and Burton Kanter listed as its agent.

The new LaCosta Land Company listed on its incorporation papers the value of all its property—none of it in Illinois—at an estimated value of $12 million. Teamster Fund loans on La Costa's San Diego County project already exceed $18.8 million.

The new corporation was empowered to issue 15,000 shares of preferred stock at a par value of $1,000 each, and 100 shares of common stock at a par value of $100 each.

Prospective investors are told that development on Phase I the opulent recreational core of La Costa, is ending. That represents a $20 million investment, its promotors say.

Phase II, to include a shopping center and full-scale residential development, is near. Minimum prices for lots will be $9,500 and the developer can make 90 per cent financing available to buyers, guests have been told.

The gently rolling empire is described by a neutral observer—a non-brochure writer as a "very valuable piece of land."

While La Costa is thrown open to the affluent of the world, federal agents doubt that the "straight" types whose kids join the two saddle clubs or plunge in the four pools, or even the portly elders who attend sales conferences there, will be invited to take part in some of the more cloistered activities.

There are recurring reports of private high stake card and dice games and other forms of big-time gambling on the secluded premises, a federal agent said.

The mere presence of operators Allard Roen, Moe Dalitz and their old-time buddy in Las Vagas, "Icepick Willie" Alderman is enough to pique federal interest, he said.

Another interested official pointed out in Washington recently that the reason the Las Vegas boys can operate in Southern California is because organized crime has staked out no formal boundaries there.

"A guy like Moe Dalitz can move around there," he said. "In New England he'd get killed if he tried to move in."

It may not be, as the promotor sings, that the "resort-residential attractions of La Costa are the most monumental ever beheld by the eyes of man."

But it does seem that the developers of this paradise-on-earth, like many another wise and lucky recipient of a Teamster Fund loan, may as La Costa's promoter puts it, "taste the sweet rewards of their early foresight."

WEST HAS OWN FUND

The Teamster Central States, Southeast and Southwest Areas Pension Fund is based in Chicago and draws its participants from the Midwest and Eastern parts of the United States. Its investments, however, are from coast to coast.

California Teamsters belong to the Western Conference which has its own pension fund. Teamsters from the 11 western states in the continental United States, Alaska and Hawaii and the three western provinces of Canada, participate in the Western Conference Pension Fund.

The Western Conference of Teamsters has headquarters in Burlingame.

[From the Oakland Tribune, Sept. 24, 1969]

Mob Cronies Get Pension Fund Loans

(By Jeff Morgan and Gene Ayres)

Since Teamsters boss James R. Hoffa went to prison in March of 1967, the giant Chicago-based pension fund he ruled as a personal fief has been run in the same self-serving way by his hand-picked successors.

The only difference is that now the Teamsters Central States, Southeast and Southwest Areas Pension Fund, fed by $10 a week in employer contributions for each of its 333,000 non-retired members in 20 states, has grown to $628 million.

It is now among the largest of the country's 160,000 private pension plans, which have combined assets totaling $107 billion. The funds are growing at a total rate of nearly $1 billion a month and rival banks and insurance companies as sources of investment capital.

But unlike the others the Central States Teamsters fund keeps more than 70 per cent of its money tied up in real estate loans—many to mob cronies of Hoffa and other Teamsters leaders.

And also unlike most other plans, many of the investments have gone bad, resulting in substantial losses.

In his final argument in a case leading to the government's first conviction for illegal kickbacks on Teamster loans, Asst. U.S. Atty. Paul Rooney of New York revealed that between 8 and 10 per cent of the fund's loans are defaulted.

The machinations of the fund have prompted the Internal Revenue Service to launch a sweeping investigation, disclosed by the Tribune three days ago, to determine whether the Central States fund should be stripped of its tax-exempt status.

The unprecedented action, if taken, would sharply affect the financial position of the fund. Although it has increased in size every year, from $391.2 million in 1966 to $468.5

million in 1967 to $548.3 million last year to the current $628 million, it has consistently lost money, at least in part because of sour loans.

During the same period employer contributions per member rose sharply along with the number of covered union members, from 273,986 at the end of 1966 to 359,685 last January, 26,684 of whom were retired.

Last year the fund's income of more than $200 million included $59.1 million identified simply as "Amort., etc. r-e loans and mtges."

Of the reported disbursement of $199.8 million, $134.1 million went toward "purchase of assets" including mortgages—and yet the reported total assets of the fund rose only $79.7 million.

Government and private experts have said flatly the only reasons a pension fund should show consistent losses are prolonged market plunges, in the cases of plans with high stock holdings, or drains of benefits from "mature" funds with high percentages of retired members.

The fund, contrary to the prevailing practice among nearly all other large pension plans, has only a negligible stock portfolio. About 7.3 per cent of its members are retired—20 percent is "not uncommon" for a healthy fund.

An investigation of several months by The Tribune has led to the conclusion that if a person wants to borrow money from the fund, it helps if he is or knows an underworld figure close to the Teamsters, and is willing to pay up to 10 per cent in fees or kickbacks to get the loan.

A businessman whose identity must be withheld once sought a $20 million loan to finance an apartment complex on Fire Island in New York. Despite the documented stability of the developer and even though the amount of collateral fit within the fund's stated but often-ignored policy of lending no more than two-thirds of a project's value, the application was held up.

The man said he was told he would have to borrow $22 million and kick back $2 million to those who arranged the loan. A substantial portion of the payoff was to be funneled through a Bahamas insurance firm owned by Allen Dorfman, the fund's insurance agent, who has emerged as one of the powers behind the throne since Hoffa's departure.

The Fire Island developers, unwilling to pay the 10 per cent, borrowed the money elsewhere.

In the case Rooney successfully prosecuted in New York, the fund made a $1.5 million loan to the Cashmere Corp. of Cleveland after the plant and inventory were appraised at only $480,000. The company made only four interest payments, got a loan extension to stay in business and then finally died in bankruptcy.

Convicted of conspiring to collect at least $150,000 in illegal payoffs were:

—Sam Berger, a theatrical agent, head of the Master Trucking trade association and friend of Dorfman and Johnny Dio, New York hoodlum-labor leader:

—Mrs. Yvette Feinstein, widow of the former president of New York Teamsters Local 237 and friend of Hoffa;

—Travis Levy, attorney for Cashmere president Shiah Arshan.

Also indicted were Chicago mortgage broker Robert Graff, who pleaded guilty to receiving $19,000 for helping to arrange the loan, and two men still awaiting trial, James (Jimmy Doyle) Plumeri, identified as a "captain" in a Cosa Nostra "family," and Frank Zulferino, president of Local 10 of the International Brotherhood of Production, Maintenance and Operating Employes, a union which gave Arshan's nearly bankrupt company a $1.2 million loan commitment to use as leverage in seeking loans from banks. Bankers were unimpressed and Arshan had to turn to the Chicago-based pension fund.

Herbert Itkin, a lawyer-turned-government-witness not charged in the indictments, said he received $7,000 for his efforts to assure the loan. The government proved that a $20,000 payoff went to Floyd (Spider) Webb, southern Missouri Teamster leader, now deceased, who was a trustee of the fund at the time the loan was approved.

"These guys took a page from the robber barons," a man privy to the management of the fund told The Tribune. "They never tell their members about a loss, and there have been colossal losses. But they've always been refinanced, or else the properties have been taken over.

"Huge amounts of money go through there in the most perfunctory fashion," he added, referring to what he described as the trustees' lax review of loan applications proposed by Teamsters insiders. Some loans have been approved by telephone conference call.

The casual way in which some loans are handled was demonstrated by a conversation between New York restaurateur Toots Shor and Harold Gibbons, Teamster chief in St. Louis. Gibbons resigned as Hoffa's $35,000-a-year executive assistant when Hoffa made the oft-quoted statement "That makes him (Robert Kennedy) just another lawyer" after the assassination of President John F. Kennedy.

Shor complained he was pressed financially, and that he needed $4.5 million to stay in business. Gibbons suggested he apply for a pension fund loan, which eventually was granted to Shor's Gotham Inc. company.

"That was a damn good price for a pleasant dinner," The Tribune's informant observed.

The fund is one of the joint retirement plans established under provisions of the Taft-Hartley Act, collecting pension contributions from sever-,* * * by a board composed of eight union and eight management trustees, the latter appointed by the employers associations which bargain with the union.

The union delegation, headed by Hoffa until his incarceration, now includes his hand-picked caretaker, International General Vice President Frank Fitzsimmons, who splits his $100,000 annual salary as head of the union with Hoffa's wife. The executive secretary of the fund is Francis Murtha, described by sources close to the fund as "powerless."

"And now," a source said, "Frank (Fitzsimmons) hardly makes a move related to financial matters without consulting Dorfman."

The employer trustees have been reluctant to question the actions of Hoffa's successors. In the past some have owed money or favors to him, his lieutenants or the fund, and all are in Teamster-related industries, vulnerable to union pressure.

Hoffa, now 56, was sent to Lewisburg Federal Prison, Pennsylvania, after he failed in an appeal from his 1964 jury tampering conviction in Chattanooga. His attorneys now are seeking to reopen the case on the grounds the government may have used illegally obtained electronic evidence against him.

Four months after his Tennessee trial ended he was convicted in Chicago of mail and wire fraud in a plot to chisel from his own union. A federal jury decided Hoffa and six others conspired to obtain $25 million in 14 loans from the pension fund in order to return in a series of complex transactions $400,000 taken from Hoffa's Detroit home Local 299. The $400,000 had been used as a security deposit on a Florida retirement development in which he held a 45 per cent interest. Much of the $25 million was spent legitimately, but $1.7 million went to the defendants or the project, Sun Valley Inc.

In spite of his convictions, Hoffa, who will remain international president of the Teamsters at least until next year's union convention, was reelected handily last year as president of Local 299.

Convicted with Hoffa in Chicago was S. George Burris, a New York accountant, who prepared inflated financial statements for many loan applicants. Once he obtained loans finally totaling $5 million for the First Berkeley Corp., a New York firm he put together and which had as its sole true "asset" a $27 bank overdraft.

He also helped engineer through a front man a $1.8 million loan from the fund to Fred Strecher, a St. Louis trucking company owner who was then a fund trustee.

John Murphy of Wisconsin, who is still an employer trustee, applied for and was granted a loan from the fund. But, unlike Strecher, he disclosed the full details of the deal to his fellow board members and disqualified himself from voting.

Burris was among those with connections to Las Vegas gamblers who first encouraged the fund to make loans to Nevada casinos that now total more than $50 million.

The man who took over from Burris was David Wenger, an accountant named in five other New York indictments charging $361,000 in kickbacks on more than $6 million in loans from the fund.

In the year ending Jan. 31, the fund reported paying Wenger $18,375 for accounting services.

Named in two of the federal indictments is John M. Keilly, a Detroit loan broker who breezed into Oakland in May of 1967 purporting to represent a consortium of Eastern sports figures and investors. He tried to piece together a $5 million deal to acquire the then nearly bankrupt Edgewater Inn from hotelman James Stockman.

The dream collapsed after Keilly revealed he didn't have the cash, only "commitments" for about 85 per cent of it.

A year ago Keilly's investment combine, including manager Mayo Smith of the Detroit Tigers and former professional football stars Doak Walker and Tobin Cornelius Rote, filed a $52 million civil fraud suit charging that the California Financial Corp. of San Jose reneged on a $4.5 million commitment and then took over the Edgewater itself through a foreclosure by its subsidiary, Security Savings and Loan.

In one indictment Keilly, who gave 10 Hegenberger Road in Oakland as an address, is accused of conspiring with Plumeri and 10 others to offer Wenger a share of a $200,000 kickback for his help in obtaining a $1,050,000 pension fund loan for Mid-City Development, owner of an industrial complex in Warren, Mich.

Earlier Keilly, Wenger, Plumeri and mobsters Hyman (George Lewis) Levin and Salvatore Granello, who also was named in the Mid-City accusation, were indicated in New York for allegedly trying to grease a $1.35 million pension fund loan to the Big Value discount department stores of Florida. The government claims the applicant paid at least $20,000 in kickbacks, $15,000 of which assertedly went to Wenger.

Another figure looming large near the fund is Morris A. Shenker of St. Louis, a Hoffa lawyer and one of Missouri's most powerful Democrats.

Shenker was born in Russia in 1907 and went to St. Louis in 1923. He was admitted to the Missouri bar in 1932, after attending St. Louis and Washington Universities, and has become one of the best known criminal defense attorneys in America.

In 1963, Shenker headed a citizens committe to re-elect U.S. Sen. W. Stuart Symington, D-Mo., and the following year he was named Missouri coordinator of the National Democratic Party campaign.

In 1967 then U.S. Sen. Edward V. Long, D-Mo., was accused of accepting about $48,000 in referral fees from Shanker over a period of two years. Long said he sent Shenker five clients, but refused to comment on a later disclosure by the St. Louis Post-Dispatch that the fees actually totalled $140,000 dating back to 1961.

The Senate Ethics Committee said it found no evidence to support the allegation that Long had used his position as head of a Senate investigation of wiretapping to try and keep Hoffa, Shenker's client, out of prison. Long was defeated in last year's Democratic primary by former State Atty. Gen. Tom Eagleton, who won the Senate seat.

A confident informant said that at the time Hoffa entered Lewisburg, he owed Shenker nearly $250,000, his private defense expenses having been cut off by the union.

The Tribune learned that Shenker has received finder's fees for referring at least three potential borrowers to the pension fund, including the Chase Park Plaza Hotel in St. Louis, which did get a loan.

The government still traces to Hoffa the coalition between elements in the Teamsters Union and organized crime, which Senate investigators estimate makes $7 billion a year from gambling alone.

"Jimmy Hoffa was very mob oriented in Detroit," a high-ranking federal source said. Referring to the Teamsters local leaders in Detroit added, "You need a very sophisticated scoreboard to tell the difference between the Teamsters and the Mafia there. In some ways they're interchangeable."

Attorneys have predicted Hoffa's appeals in the Chicago case could take another year to 18 months to decide. He becomes eligible for parole on the Chattanooga conviction later this year.

Meanwhile, union lawyers have posted a $250,000 reward for evidence leading to his release, and a similar reward of $100,000 has been offered by William Loeb, publisher of the Manchester, N.H., Union Leader and New Hampshire Sunday News, a newspaper which got a loan from the pension fund.

Dreams of riches on the part of ambitious amateur and professional bounty hunters have made government attorneys reluctant to discuss the union or the pension fund. A Justice Department lawyer said he has even been visited by "student journalists" who say they are writing term papers, but whose questions betray the fact they are seeking some fact to reverse Hoffa's convictions.

HERE'S GOVERNING BODY OF $628 MILLION FUND

The Teamsters Central States, Southeast and Southwest Areas Pension Fund is governed by a 16-member board of trustees divided equally between Teamsters officials and representatives of the employer groups with which they negotiate contracts in 20 states.

The Chicago-based fund, with assets now totaling $628 million, is supported by employer contributions. Under the contract in effect until next March 31, those payments are $10 a week per non-retired, working member. The contributions totaled $118.3 million last year.

The following are the pension fund trustees:

Union

1. Frank E. Fitzsimmons, Teamsters general vice president and official stand-in for imprisoned Teamsters President James R. Hoffa.
2. Herman A. Lueking, Jr.
3. Frank H. Ranny.
4. Donald Peters.
5. William Presser.
6. Joseph W. Morgan.
7. Odell Smith.
8. Roy L. Williams.

Employers

9. Thomas J. Duffy.
10. Champ J. Madigan.
11. Albert D. Matheson.
12. J. A. Sheetz
13. John F. Spickerman.
14. Charles J. Morse.
15. Robert Holmes.
16. John A. Murphy.

The executive secretary for the past several years has been Francis J. Murtha. The headquarters office is at 29 East Madison, Chicago, Ill.

[From the Oakland Tribune, Sept. 25, 1969]

BEING JIMMY HOFFA'S FRIEND CAN BE QUITE PROFITABLE

(By Gene Ayres and Jeff Morgan)

Friendship can be a wonderful and profitable thing if it is with Jimmy Hoffa, the now-imprisoned chieftain of the Teamsters Union.

Allen Dorfman, businessman, banker, real estate dabbler, money finder and insurance agent extraordinaire, can testify—and has in court—that his warm relationship with the volatile and loyal Hoffa made him a wealthy man.

Dorfman, now 43, was named exclusive insurance agent in 1965 for the vast Teamsters Central States, Southeast and Southwest Areas Pension fund that Hoffa ran.

That action by the trustees of the Chicago-based fund gave Dorfman for 10 years the power to place annual premiums which government sources estimate exceeded $100 million.

Some federal estimates place Dorfman's insurance income alone at about $10 million a year.

With Hoffa in Lewisburg, Pa., federal prison since March, 1967, on a jury tampering conviction, Dorfman, according to federal investigators, is the one man who can flatly say yes or no to an application for a loan from the huge pension fund.

Dorfman firms handle insurance and claims for the Chicago-based fund. But Dorfman also says he is a salaried consultant for the fund.

Asked what he "consults" about, Dorfman last week replied, "general administration." The possibilities for a man of Dorfman's inventiveness are staggering.

Congressional committees and federal grand juries have long been interested in Dorfman's meteoric career, but he has never been convicted on criminal charges.

However, the Internal Revenue Service is now engaged in a little known, but full scale, investigation and audit of his affairs.

At the same time the IRS also is auditing fund records to determine whether it should lose its tax-exempt status. The IRS is operating under the belief that there is much profit being made out of the use of the Teamster Central States Pension Fund itself by some individuals.

With the use of subpoenas, the IRS could, for the first time, be able to assemble something more than an educated guess as to the extent of Dorfman's activities.

When his transactions occasionally surface, probers have the frustrating feeling they are looking at only the visible tip of the Dorfman financial iceberg.

What probably is his most profitable activity is very visible indeed. On March 10, 1965, two years before Hoffa entered prison, trustees of the Chicago-based fund adopted a resolution appointing Dorfman's Conference Insurance Consultants, Inc., the "sole and exclusive agent of the fund for the placement and representation of the fund for all of its insurance needs for a period of 10 years. . . ."

The trustees trustingly empowered Dorfman ". . . to place the insurance coverage with such sources as you deem, in your judgment, to be in the best interest of the fund . . ."

Experts say the arrangement gave Dorfman competition-free control of the huge insurance business until 1975 and allows the insurance carriers he selects a profit and expense margin of at least, 7½ per cent, leaving plenty of room to Dorfman's firms for brokerage and service fees.

An acknowledged insurance expert, intimate with the workings of the pension fund, recently observed that Dorfman's agency, with its volume of business, "should have a 10-story building full of clerks," but added that Dorfman had only a few dozen.

Here are a few other Dorfman enterprises, all allied with well-known teamster personalities or the use of Teamster Central States Pension Funds:

Beverly Ridge Estates in Los Angeles, where more than a year ago I. Irving Davidson, another Hoffa friend, and lawyer, transferred a 5.7-acre parcel of land in the development to Dorfman. Records do not show whether money changed hands. The Teamster Central States Fund, with about $13.5 million invested at Beverly Ridge, is now trying to foreclose on the loans. Developers, with the fund fighting them, are trying to reorganize under the U.S. Bankruptcy Act. After foreclosure began, Dorfman transferred title to the 5.7 acres to the fund itself.

A directorship of the Villa National Bank, at Denver.

An association with several persons, including James Hoffa Jr., in the Aetna Resources Association, a real estate firm, in New York.

Obviously in many of his enterprises, Dorfman may be associated with legitimate businessmen who know only about Dorfman that he is a canny operator and represents a source of capital.

The IRS is now poking among Dorfman's labyrinthian insurance dealings, some of which are the subject of continuing interest to a federal grand jury in Arizona.

These deals include the purchase by Dorfman and his mother, Rose, of the Reliable Insurance Company of Ohio, through another man, Bernie Nemerov, by an alleged option-purchase agreement.

Nemerov had purchased Reliable several years earlier, in 1963, with a Teamster fund loan of more than $4 million. The loan was obtained, Nemerov said, by his merely filling out loan applications brought to him by Allen Dorfman.

According to a letter written by the California Insurance Department in 1965, during the time Nemerov held Reliable, millions of dollars in premiums flowed to Nemrov's other company, California Life Insurance Co., from Dorfman-affiliated agencies.

Records show that during 1963 and 1964, more than $25 million in premiums of Teamster fund insurance flowed to Reliable, after first being filtered through two other firms.

Republic National of Texas wrote the group accident, health and life insurance business, then reinsured about half of that to Nemerov's California Life.

California Life kept its portion of the life insurance business and re-ceded the accident and health portion to Reliable of Ohio, a firm financed by a loan from the pension fund itself.

Allen and Rose Dorfman did not formally—and openly—assume ownership of Reliable until mid-1966, but in March of that year, the Insurance Department of Ohio called for insurance examiners from six zones in the United States to go over Reliable's books.

The examiners reported that in the last annual report, major liabilities were "understated," and assets were "overstated."

Reliable's records were so "confused" and there were such great time lags in bookkeeping, that "any accurate presentation of the actual financial condition of the company at the present time is a physical impossibility," the examiners wrote.

A conservator was appointed for Reliable and a certified accounting firm, trying to put Reliable's books in order, lopped $3.5 million from the company's statement. At the end of that year, 1966, Reliable showed a policyholders' surplus of only $23,449, compared with a similar figure of $437,934 the year before.

After the examiners' report, the California Insurance Department forced California Life to stop dealings with Reliable. Thus, the two-firm buffer, which had the effect of obscuring the fact that premium money was flowing from the Chicago-based Teamster Pension Fund to a company (Reliable) purchased by a loan from the fund itself, was destroyed.

After the trustee resolution of March, 1965, Allen Dorfman, his mother Rose, and his brother, Jay, came into the open on June 30, 1966, as the full owners of Reliable.

On that date they signed a contract stating they owned 100 per cent of Reliable and listing as its debts $150,000 to Health Plan Consultants, Inc., another Dorfman firm; $1.2 million to American National Bank, and more than $4.9 million to the Teamsters Central States Pension Fund.

In the contract, the Dorfmans were to sell 75 per cent of Reliable to a group of four companies and, as agent for the Pension Fund, turn millions of dollars in business their way.

Within a year, the Insurance Department of Michigan found one of the contracting firms on the verge of insolvency and ordered more money invested to bolster it. When this was not done, the department forced that firm's merger with a non-involved, healthy company.

Other firms in the deal, alleging they were not getting their promised volume of Teamster fund business, filed lawsuits and the arrangement broke up into a legal tangle of suits and countersuits.

Investigators are interested in how Dorfman had obtained the huge insurance business of the fund without competition.

A representative of a Michigan firm of actuaries and auditors, trying to puzzle out the Dorfman agreement, wrote that the Teamster group insurance arrangements appeared to him to be "unique."

One government worker observed that all those complex insuring agreements apparently allowed Dorfman's agency to place tens of millions of dollars in fund premiums with an insurance company—Reliable—which had something like only $20,000 in policyholders' surplus.

Some of these aspects of the Dorfman-pension fund relationship do not really "puzzle" investigators in the strict sense. The Dorfman-Hoffa friendship has been on public display for years and Hoffa has never denied being loyal to his friends.

In 1959, the U.S. Senate Rackets Committee probed the Hoffa-Dorfman relationship and issued a blast that Hoffa had paid a "long standing debt to the underworld" with the $3 million in fees and commissions paid the Dorfman family in the preceding nine years.

The committee defined the Dorfman family as Paul (Red) Dorfman, ex-boxer, Hoffa crony and bully boy, and officer of a Chicago Waste Handlers Union along with his insurance activities; Rose Dorfman, Paul's wife; and Allen, Paul's stepson.

Over that nine-year span, the Dorfmans had overcharged the Central and Michigan Teamster Conferences more than $1.6 million for their insurance, the rackets committee charged.

"The evidence is clear," the committee said, "that James R. Hoffa used these two (conference) funds to pay off a long-standing debt to the Chicago underworld and to the corrupt labor leader who introduced him to Midwest mob society—Paul Dorfman."

The committee also said that the Dorfmans had no experience in the insurance field and no office space "until a few months before Hoffa successfully maneuvered the insurance business to them" in the early 1950s. Paul Dorfman had since then, "pyramided his friendship with Hoffa into a financial empire of 11 insurance agencies and about 10 other business entities," the committee charged in 1959.

More recently, Allen Dorfman's acquisitions have exceeded Paul's substantially in volume and complexity, government investigators agree.

"Allen Dorfman has built himself an empire," one federal agent who has worked on the case said. "This guy Dorfman is massive. We could put 25 agents on him. It requires an effort on Dorfman similar to the effort on Hoffa."

In recent years, Allen has grown almost as close to Hoffa as step-father Paul.

Allen Dorfman, Hoffa and four others were codefendants in a 1964 trial in Chattanooga, Tenn., on federal charges of tampering with an earlier Hoffa jury. Hoffa and three others were convicted; Dorfman and another man were acquitted.

During that trial Dorfman testified that after his discharge from the Marine Corps, he became a physical education instructor at the University of Illinois in 1946.

After meeting Hoffa in 1948, he obtained the bulk of the Teamster Fund insurance business, whereupon his income increased five-fold, Dorfman testified. By 1964 he said he controlled eight companies.

In those days he also was a business partner with Hoffa in at least three enterprises, the Whispering Pine Ranch Camp and Jack-O-Lantern Lodge, both in Wisconsin, and the North Western Oil Co.

A few months after he was acquitted on the jury tampering charge, he and his stepfather, Paul, were indicted by a San Francisco Federal Grand Jury for alleged attempted extortion in their dealings with San Francisco insurance broker Stewart B. Hopps.

In what must have been a startling experience, the Dorfmans lost money, about $100,000, according to the indictments.

Testimony at the trial revealed that the Dorfmans' insurance group had "laid off" about $100,000 in Teamster Fund insurance funds to Intercontinental, a Hopps-controlled Panamanian insurance firm with offices in Nassau, the Bahamas.

Visiting Nassau, where they thought the insurance money was to remain without their express permission to remove it, the Dorfmans learned the money had been placed in another Hopps insurance outfit, Atlantic Brokerage.

In telephone calls to Hopps, Allen Dorfman offered to "cut a new hole" in his head, made references to a "concrete overcoat," and threatened his grandchildren, Hopps testified.

The Dorfmans claimed they actually lost a total of $275,000 in defunct Hopps ventures. They were acquitted on the extortion charges.

Hopps earlier had been convicted in Baltimore in a mail fraud trial. He later became a government "consultant," aiding insurance fraud investigations, and received a five-year probation term.

Despite Allen Dorfman's vast influence on who does and who does not get loans from the Teamster Pension Fund, he has never been charged with taking "kickbacks."

Washington spokesmen point out that the laws against taking "finders' fees" on loans are aimed at officials or legal "agents" of a fund.

Strictly speaking, up to now, Allen Dorfman has not been considered an official or "agent" of the Teamsters Pension Fund.

But some Dorfman observers are wondering whether his 10-year insurance broker's agreement and his position as consultant does not make him a fund "agent" in the legal sense, as well as merely a good, good friend.

[From the Oakland Tribune, Sept. 26, 1969]

PENSION LOAN AND VEGAS LANDMARK

(By Jeff Morgan and Gene Ayres)

The night they opened Howard Hughes' 31-story Landmark Tower hotel and Casino in Las Vegas, comedian Danny Thomas introduced all the notables in the audience except one.

"What about me?" a voice asked. "I only built the joint."

Nobody had introduced Frank Caroll who, at 9:15 a.m. the day before the July 1 opening, gave up his interest in the 364-foot space needlelike monument he had started building in the desert eight long years earlier.

According to various versions, he received something between "very little" and nearly $2.8 million after $14.5 million of the $17.3 million purchase price went to creditors, including the Teamsters Central States, Southeast and Southwest Areas pension fund in Chicago.

That mortgage had grown from $5.5 million to a reported $8.8 million including unpaid interest on a hotel that had stood empty a block off The Strip for a half-dozen years.

Information gathered during a months-long investigation by The Tribune revealed the original loan from the fund to Caroll's company was made only after underworld elements in Kansas City went to bat for him.

Many loans have been made in Nevada from the pension fund, estimated at more than $50 million. The largest single class of investment in the fund's $461.2 million nationwide mortgage portfolio consists of "amusements" such as bowling alleys and sports arenas, and Las Vegas casinos and resorts.

For instance, on Caesars Palace which has among its management convicted professional sports fixer Jerry Zarowitz and New England Cosa Nostra associate Eliott Paul Price, the pension fund loaned $16,777,000 toward the $20 million total cost of the opulent casino.

In a complicated series of agreements culminating July 15, 1968, the fund trustees subordinated their outstanding mortgage balance of $15.4 million behind a $2 million loan to the casino's 80-odd owners from the Nevada Bank of Commerce. The bank is controlled by the family which includes Nevada State Sen. Darwin Lamb, Clark County Commissioner Floyd Lamb and Clark County Sheriff Ralph Lamb.

The fund promised to buy up the Nevada Bank of Commerce loan by July 1, 1970. If it fails to do so, the bank will have the right to foreclose on its own.

Last month the Nevada State Gaming Commission approved the purchase of Caesars Palace by Lum's Inc., for $60 million.

Among other Nevada loans, the fund at one time or another has advanced millions of dollars to the Dunes, the Sands, the Riviera, the Stardust, the Fremont, the Horeshoe and the Four Queens in Las Vegas, and several enterprises at Lake Tahoe and Reno, including the Riverside Hotel, on which it had to foreclose.

Records at the Clark County Courthouse in Las Vegas show that many of these loans were made directly to men identified as members of the Cosa Nostra or to mob cronies of Hoffa.

But it's the history of the Landmark which provides one of the best examples of the close links between the underworld, some Teamsters leaders and the pension fund.

These are the principal actors in the Landmark drama:

Caroll, the developer, also known as Frank Badami and Frank Caracciolo, a Kansas City "contractor" virtually unknown to other builders there. He is the husband of Maria Assunta DiGiovanni, niece of "Scarface Joe" and "Sugarhouse Pete" DiGiovanni, old-time Midwestern Mafia chiefs. Caroll's only convictions, other than traffic offenses, were two small gambling fines paid in 1943, although in 1968 he was charged with assault and battery after he allegedly dragged an interior decorator through a casino by his hair. The charge was dropped.

Nichola "Nick" Civella, the "executive vice

XUM

president" of the Kansas City Cosa Nostra family, who was caught with mob elder statesman Joseph Filardo in a taxi just outside Apalachin, N.Y., during the infamous convention there of the organized crime syndicate in 1957. Civella's influences in political, judicial and labor affairs is pervasive, although he is neither a public office holder nor union member. His criminal record has dozens of entries dating back to 1932. He and his brother, Carl, are among nine living underworld figures banned from Nevada casinos in that state's "Black Book."

Motel Grezebrenacy, better known as Max Jaben, the third Kansas City man named in the Nevada Black Book. A powerful figure in the Civella-controlled North Side political faction, he is an admitted gambler and was a shareholder in Kansas City's former $34 million-a-year illegal gambling empire.

Morris "Snag" Klein, an oddsmaker and Civella's financial advisor, who served a year in federal prison for his part in the sensational Kansas City vote fraud scandals of the late 1940's. He was released from probation several months ago after a prison term on a federal income tax evasion conviction.

Roy Lee Williams, president of the 6,500-member Teamsters Local 41, head of Teamsters Joint, Council 56, an international union organizer, a trustee of the pension fund and a close personal and political friend of Hoffa. In 1962 he was indicted with six others on charges of embezzling union funds. Four of the seven were convicted but Williams, his legal defense paid from the union treasury, was acquitted.

In 1961 Caroll, who then owned an interest in the Golden West Shopping Center in West Las Vegas, began to build a hotel and casino he first called the Flight Deck and later the Landmark. Up to that time he had never constructed anything larger than a small medical building.

In the spring of 1962, he obtained minor financing from two Los Angeles loan firms. By June 29 of that year, according to records of the Nevada Gaming Control Board, less than $2 million had been spent on the project.

On July 1, 1962, in Kansas City Sam Ancona, an official of Joint Council 56 who was hand-picked by Civella, contacted Williams and set up a meeting at Williams' home which included Civella and Gaetano Lococo, an aging mobster whose name is attached to one of Kansas City's better restaurants and whose relatives operate restaurants in other major cities.

According to witnesses Civella asked Williams to seek a $7 million loan for the Landmark from the pension fund. Another meeting on the same subject was held Nov. 3, 1962, at the Prom Motor Hotel in Kansas City, attended by Caroll, Williams, Jaben, Klein and Civella.

In January of 1963 the fund trustees turned down the loan application.

Caroll finally obtained a $3.5 million initial loan from RCA-Whirlpool, on the recommendation of a Whirlpool client, a vending machine company in Kansas City. RCA agreed to grant the loan and another $1.5 million provided the pension fund would guarantee to buy up the total $5 million short-term note.

In September the fund trustees tentatively agreed to loan Caroll the $5 million.

Informants said that Civella was to receive a percentage of the Landmark and Williams a cash payment for their efforts to obtain the loan. Williams later boasted to associates he would get $70,000 plus a 2 per cent finder's fee if the loan went through. However, the deal was nullified during a series of events in November of 1963.

First, insurance man Allen Dorfman of Chicago, one of the controlling forces in the operation of the fund and a close friend of Hoffa, went to Kansas City to tell Williams the terms were not satisfactory.

The next day Caroll flew from Las Vegas and met Klein and Williams at Blue Springs near Kansas City. He told them the RCA loan had fallen through, and that he now needed $7 million to finish the Landmark.

In January of 1964 Caroll went to Chicago where Hoffa and Williams were attending a two-week Teamsters meeting. He telephoned both union leaders repeatedly while he was there to press for the loan. Nothing came of his attempt immediately.

More than two years of intense negotiations followed. At one point Williams told a friend he was tired of the delays, and that he was going to wash his hands of the whole affair.

Finally, in August of 1966, the fund granted a $5.5 million loan to resume construction of the hotel to Plaza Tower Inc.

The officers of the corporation were identified as Caroll, his wife, Kansas City attorney Bernard L. Balkin, Las Vegas contractor L. T. Scherer and Hugh Wallace and George Bathe, owners of the Copper Kettle restaurants in Kansas City.

The next month Caroll complained privately that it cost him $500,000 to get the loan, and that percentages of the operation had to be given to others in Kansas City, Chicago, Milwaukee and Los Angeles. Specific shares were carved up at a meeting in Milwaukee in March of 1967, at which time an organization referred to only as "the San Francisco group" also was represented.

In September of 1966 Hoffa associate Jake Gottlieb, who had purchased the adjacent $1.65 million Landmark Apartments from Plaza Tower Inc. in 1964, sold the property back to the corporation. He wrote a check for $90,000 to Jerry Katz, a known mob courier and Kansas City coin dealer who employed Jaben in his shop when the North Side gambler was released from federal prison in late 1965 after a term for income tax evasion.

Katz, now dead, cashed the check at a Kansas City bank and got 70 $1,000 bills and the rest in $100's. It was learned Civella, Jaben and Klein each received $30,000. Gottlieb deducted the $90,000 from his federal income tax as a finder's fee paid in the Landmark deal.

In June of 1967 Kansas City police received a query from authorities in Las Vegas about Klein, who had asked his federal probation officer for permission to go to Las Vegas to manage the Landmark casino at a guaranteed salary of $20,000 a year. The request was denied.

Nine months later Caroll testified before the Gaming Control Board:

"Chairman Frank Johnson: Do you know a gentleman by the name of Snag Klein?

"Mr. Caroll: Yes.

"Mr. Johnson: Would you tell us a little bit about him?

"Mr. Caroll: I went to school with his wife, and I've known him since I was probably about 20 years old, I imagine. But I have no association with Mr. Klein.

"Mr. Johnson: Did you ever attempt to borrow money or did you ever borrow money from Mr. Klein?

"Mr. Caroll: No.

"Mr. Johnson: At no time?

"Mr. Caroll: At no time."

And then Caroll changed the subject.

On March 20, 1968, the control board voted to deny Carroll a gambling license after a day-long hearing tracing the corporation's attempts to secure adequate financing. A month later he withdrew his application. On May 15 the mortgage holders began foreclosure proceedings.

The sale to Hughes was announced in October. It didn't become final until just before the July opening, first because of objections from Justice Department anti-trust attorneys that it would give Hughes six casinos, and later because of an appeal in bankruptcy court charging Caroll had reneged on deal to pay the Sun Realty Co. of North Las Vegas $500,000 to sell the Landmark.

Tom Bell, legal counsel for Hughes Tool Co. and a public relations executive of Hughes Nevada Operations, said that of the $17.3 million in cash paid for the Landmark, $9 million went to secured creditors, including the pension fund, $5.5 million went to pay unsecured creditors and $2.8 million went to Plaza Tower Inc. "with the possible exception of any other obligations he (Caroll) had that were unknown to us."

Sun Realty President Bob Campbell, who has appealed a federal judge's ruling against his claim, said Caroll made "more than $2 million" on the sale.

Caroll himself, in an interview in Kansas City, told The Tribune he realized "very little" profit from his ill-fated venture, but he refused to be more specific than to observe, "Would 50 cents an hour sound like much, or $1 an hour . . . for eight years work?"

Immediately after the transfer of ownership and the opening of the Landmark, Caroll, who now lives in Las Vegas, went to Kansas City for a "rest and vacation."

The burning question in the mind of government investigators is, if Caroll didn't get his full share from the sale, where did the money go?

Caroll said he had originally sought financial help in Kansas City for the project, but added, "This town you couldn't get 25 cents out of."

He said he couldn't recall being acquainted with anyone in the Kansas City Teamsters Union. Asked how a potential borrower applied for a loan from the pension fund in Chicago he replied vaguely:

"You just have to go to national headquarters and stand in line."

AN UNUSUAL LOAN TO TAXI COMPANY

One of the more unusual mortgages held by the Teamsters Central States, Southeast and Southwest Areas Pension Fund is on the Checker Cab Co. in Las Vegas—which has been fighting a local Teamsters Union strike for longer than a year.

The 60-cab firm, successfully operated with non-union drivers since Jan. 1, still owes the pension fund something less than $100,000, according to its attorney.

Local Teamsters have lately taken advertisements in newspapers castigating Checker Cab and pointing out the half-dozen other taxi companies in Las Vegas have signed three-year contracts.

The original $225,000 loan to buy the company was made in 1962 to Homer L. "Dutch" Woxberg, secretary of a Los Angeles Teamsters local and a close ally of now imprisoned union boss James Hoffa.

Six months before he was to start a federal prison term of his own for embezzling union funds, Woxberg sold Checker along with the 10-year, 6½ per cent pension fund mortgage to the present owner, Eugene Maday, a public relations man and hotel owner from Detroit, Hoffa's home base.

Since then the firm has been a focal point of two bitter strikes by Teamsters Local 881.

Union members in Las Vegas (the local is not a member of the Central States pension fund) were particularly unhappy during a long 1965–66 walkout when the fund trustees in Chicago forgave a $17,500 regular mortgage payment rather than threaten to foreclose on Maday, whose cabs were kept off the streets by union pickets.

The current strike began July 31, 1968, over a $2 increase in drivers' $18 daily minimum guarantee and other contract issues. The company was shut down six months before resuming business with non-union drivers.

Asked how the striking members regard the Teamsters pension fund loan, a ranking union official in Las Vegas replied, "They don't really understand it."

About the original Woxberg loan a witness who has testified often before Federal Grand

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Juries on the subject of the pension fund observed, "A bank gives a faithful employe a watch; the Teamsters under Hoffa give them a hotel or a cab company."

[From the Oakland Tribune, Sept. 27, 1969]

Insurance Firm, Pension Fund Compete for Vegas Financing

(By Jeff Morgan and Gene Ayres)

An old-time Texas life insurance company appears to be overtaking the Teamsters Central States, Southeast and Southwest Areas Pension Fund as a major source of financing for Las Vegas casinos and hotels run by men close to the underworld.

The American National Insurance Co. of Galveston, one of the 15 largest life companies in the nation with assets over $1.3 billion, has invested at least $30 million in Las Vegas—some of it secured by second mortgages—a unique venture for an otherwise conservative insurance enterprise.

The principal movers behind this relatively new infusion of capital into the gaudy money mills along the Las Vegas Strip were William L. Vogler, until his death Sept. 15 the $108,725-a-year chairman of American National's executive committee, and Rollins A. Furbush, now the board chairman of the 64-year-old firm.

Furbush, the company's $86,985-a-year president until he succeeded Vogler as board chairman last May, has announced his retirement Oct. 10, when Phil B. Noah will become both president and chairman of the board.

The advisers and associates of Vogler and Furbush in their Las Vegas ventures included Morris A. Shenker of St. Louis, a prominent Missouri political and civic leader and defense attorney for imprisoned Teamster boss James Hoffa, and E. Perry Thomas, the dapper chairman of the Bank of Las Vegas, who has helped arrange many of the Nevada loans, estimated at more than $50 million, granted by the Chicago-based Teamsters fund.

Vogler was and Furbush is a stockholder and director of Continental Connectors Corp., the oddly-named conglomerate that owns the Dunes Hotel and Country Club in Las Vegas. Thomas is chairman of the board.

The intimate business relationship between Vogler and Furbush and another Continental Connectors director, James "Jake" Gottlieb, a Chicago trucker close to Hoffa, has been the subject of federal investigation, The Tribune learned.

Government agents say privately they encounter stiff resistance when they attempt to look into the operations of American National, still largely held by one of the most powerful families in Texas, known corporately as The House of Moody.

A federal source said that when Internal Revenue agents arrived in Texas a couple of years ago to begin a discreet inquiry into the affairs of the firm, they were greeted with the horrified comment: "Why, that's Mr. Moody's company!"

The tax investigators also were surprised, at the time, when Shenker arrived in Houston where the probe was headquartered and entered an appearance as American National's attorney of record. Shenker, one of America's best-known criminal lawyers and never before openly associated with the firm, did so even though no criminal proceedings were underway.

"Mr. Moody" was W. L. Moody Jr. who, upon his death in 1954 at the age of 89, owned American National, 29 of the country's most famous hotels, the W. L. Moody & Co. bank, two Galveston newspapers and a significant portion of the Texas countryside.

Although some of Mr. Moody's descendants still are on the board of directors, Vogler and Furbush took over as chief executive and chief administrative officers of the insurance company respectively after the founder's death.

Sometime after 1957 Vogler and Furbush became 50 per cent partners in the AMCO Insurance Agency Inc. of St. Louis, which had been founded by Missouri financial manipulators Jack Molasky and Max Lubin, and their associate, Thomas R. Green.

AMCO was immediately awarded an agency contract by American National, and the records indicate it was highly successful. Although it was a Missouri corporation and Vogler and Furbush were from Galveston, payments to them from the agency were funneled through a bank in Denver.

In December of 1962 Vogler and Furbush arranged the sale of the agency to American National for $4 million (AMCO's original subscribed capital was only $2,500). The transfer was held up for a year, reportedly because of complaints from some insurance company directors over the high price. The deal finally was renegotiated for $3 million. All the money was paid to Green, Molasky and Lubin, with Vogler and Furbush apparently waiving any proceeds.

However, that loss was more than made up by Vogler and Furbush in a series of lucrative Las Vegas transactions involving the same cast of characters as AMCO and guided by AMCO's legal counsel, Morris Shenker.

A firm in which the two insurance executives shared a majority interest parlayed $2.8 million into $22.8 million in less than four years.

The government is interested in learning what personal profits Vogler and Furbush might have made as a result of investments by encouraged American National to make, and how that might affect the insurance company's stockholders.

Some time after the AMCO sale, Vogler and Furbush and their St. Louis partners, Green, Lubin and Molasky, bought 52 per cent of a Nevada partnership formed for the single purpose of buying the Dunes in Las Vegas from Hoffa associate Jake Gottlieb.

The partnership was named Leonard J. Campbell Enterprises after Gottlieb's brother-in-law, a minor shareholder.

The other owners of Campbell Enterprises were the principal shareholders of M & R Investments, who held 36 per cent, and a group of bankers headed by E. Perry Thomas, who owned 12 per cent.

M & R was the business name for a consortium of gamblers which ran the Dunes under a lease from Gottlieb. It was headed by Major Arterburn Riddle, Chicago and Indianapolis trucker close to Indiana gambling interests and a friend of Hoffa, former Teamsters boss Dave Beck and union enforcer Paul "Red" Dorfman.

In September and October of 1963 Campbell Enterprises, controlled the Vogler-Furbush group, bought the Dunes buildings but not the land through a paper corporation set up by Shenker with his own secretary as president.

The publicly announced purchase price was $11.25 million—far below the Dunes' reported actual value of $15 million.

On Sept. 6 of that year the paper corporation agreed to pay Gottlieb $2.8 million in cash, and gave him a 10-year, no interest note for $4,598,758.58.

The rest of the announced "purchase price" represented two mortgages owned by the Dunes: a balance of $1,601,241.42 on a 1961 joint loan from the Bank of Las Vegas and the Chicago Laundry and Dye Workers Union, and $2.25 million owed to the Central Teamsters pension fund.

In what appeared to be an unusual move, Gottlieb agreed to remain liable for those two loans, although the paper corporation assumed them and agreed to make the payments. The minutes of the Central States trustees show Hoffa stipulated that if the Dunes were to be granted additional loans from the fund for expansion—which later happened—Gottlieb's name would have to remain on the old notes. Government experts say the reason was Hoffa's personal confidence in Gottlieb.

On Oct. 24, 1963, Campbell Enterprises paid $2.8 million in cash and took over the deal from the paper corporation, which Shenker later said he had set up to insulate the Campbell partnership from any other liabilities related to Gottlieb.

On Jan. 1, 1967, M & R Investments bought out the other partners in Campbell Enterprises, including Vogler and Furbush, for $22.8 million, and the Campbell partnership was dissolved the same year.

Last year Riddle, as titular head of M & R announced the merger of the Dunes with Continental Connectors, originally a small New York electronics firm which also merged with Gottlieb's Western Transportation trucking firm in Chicago.

Gottlieb owns 98 per cent of the preferred voting stock of Continental Connectors. Vogler and Furbush ended up with 11,400 each of the 135,200 oustanding shares of common stock. Continental Connectors common stock closed on the American Stock Exchange this week at $48 a share.

Vogler and Furbush involved American National Insurance Co. in several deals with Gottlieb during the same years they owned a piece of the Dunes.

Not long after Gottlieb sold the buildings to Campbell Enterprises for an apparent loss to himself, he and his associates sold 86 acres of the adjacent Dunes golf course to M & R Investments for $3.3 million, about $1 million more than its estimated value.

Vogler and Furbush arranged for American National to lend $2.5 million to M & R to help buy the land.

The loan originally was secured by a first mortgage. But, by December of 1965, the insurance company's note had been subordinated into a second mortgage behind a series of Teamster pension fund loans to the whole Dunes complex totaling $12 million.

Vogler and Furbush also helped Gottlieb get $4,150,000 in loans from American National on other properties he owned, the Albany Hotel in Denver, the Tulsa Hotel in Tulsa and the Landmark Apartments in Las Vegas, which ultimately became part of the pension fund-financed Landmark Hotel now owned by Howard Hughes.

In addition to untangling the financial affairs of Vogler and Furbush, investigators would like to now more about the nature of the relationship between them and the $628 million Teamster Central States pension fund.

[From the Oakland Tribune, Sept. 28, 1969]

Javits Asks Overhaul of Pension Law

(By Jeff Morgan and Gene Ayres)

A major overhaul of laws governing private pension plans which would prevent abuses such as "conflicts of interest, kickbacks and payroll padding" was urged by U.S. Sen. Jacob Javits, R-N.Y., in a major speech to the AFL–CIO.

"My investigation of private pension programs, which has been going on for a number of years now, leads me to believe that there are a number of major changes which need to be made—either voluntarily or by law—in the structure of private pension plans in this country," Javits told the giant federation's Industrial Union Department in Atlantic City.

". . . This trust money—now over $100 billion in reserve assets (for all pension plans) is, I believe, the largest aggregate of essentially unregulated money in the nation. What is being done with it?"

The senator, author of a sure-to-be controversial pension reform bill, appealed Friday for support of the measure at the IUD's annual convention.

It is now questionable whether the full bill will be reported out of the Senate Labor Committee during the current congressional session.

However, during a six-months investigation by The Tribune into the management of the Teamsters Central States, Southeast and Southwest Areas Pension Fund headquartered in Chicago, it was learned some action could be taken this fall if the Administration makes an expected recommendation to tighten the responsibilities of trustees of retirement plans.

The Tribune's exclusive series of articles last week disclosed instances of cronyism, kickbacks, payoffs and questionable loans involving the $628 million Teamsters Central States fund and associates of imprisoned union boss James R. Hoffa. That pension plan covers 359,685 union members in 20 Midwestern and Southern states.

The Javits bill, like earlier proposals, would impose a "prudent man" requirement on fund trustees to make reasonably sound investments, and would prohibit loans, fees or kickbacks to employees or trustees of pension funds, participating unions or employers.

It also would reduce the number of years before workers get a vested interest in their retirement benefits, provide government reinsurance of funds, create a new federal policing agency called the U.S. Pension and Employee Benefit Plan Commission, and give the government power to seize and preserve funds if there is evidence of mismanagement.

One of the most important provisions of the bill is pension reinsurance, under which the government would guarantee retirement benefits for workers if a company or pension fund goes out of business.

Javits told the unions the plan would cost the government nothing, but would be financed by insurance premiums from participating pension plans.

But, he added, "No government is going to issue this sort of insurance policy without inspecting and regulating and, to some extent, controlling the funds it insures—any more than the government's Federal Deposit Insurance Corporation would insure banks without imposing strict standards of conduct . . . and without inspecting them regularly.

"In fact, without (inspection and regulation) such an insurance program would make insolvency attractive," he said.

"Why not promise the pension plan members more than can be delivered? Why not take imprudent risks? If the fund cannot deliver, the government will.

"Realistically," the senator warned, "that kind of reinsurance is not going to happen." * * * of the most fundamental forms of regulation—so familiar in the banking field . . . is the establishment of basic standards for the administration of these funds.

"Conflicts of interest, kickbacks, payroll padding, etc., have to be prohibited. We have seen example after example of abuse in a series of investigations on Capitol Hill.

"While this kind of abuse is clearly not widespread in any percentage sense, it is substantial enough to require tough standards of conduct and tough enforcement . . ."

Javits said he believes pension plans should, among other investments, try to supply capital "to help eradicate the conditions which pervade our slums," and pointed out some unions which have taken that course.

Maintaining that "it is an essential fact of modern life that more and more workers tend to change jobs, to move around the country," he spoke of the need for portability, the right of workers to transfer their pension entitlement from one fund to another.

In an interview conducted during The Tribune's investigation, Einar Mohn, chief of the Western Conference of Teamsters, said, "I wouldn't be opposed to government guidelines on portability and vesting."

However, he said, "I'd hate to see the government get involved in correcting defects we could find other ways of correcting."

The $400 million pension fund of Mohn's Western Conference, which covers Teamsters in the Western United States and Canada, is an "insured plan" administered entirely by the Prudential Life Insurance Co., and totally separate from the Chicago-based Teamsters Central States Fund.

"If we had a funded plan (similar to the one in Chicago) I would want it to be an irrevocable condition of the trust that the decisions on investments be made by a bank or some other financial institution," Mohn said, "perhaps even a blue ribbon committee of financial experts, and that the trustees only be free to direct investments into areas beneficial to our members.

"I don't think a layman has any business trying to sweat out the market," he said. "Our pension fund trustees aren't qualified to make those kinds of investment decisions, and I think they'd agree with me."

The Javits bill would give federal courts jurisdiction in lawsuits involving pension funds.

"We prefer that system—civil remedies—to criminal penalties," a spokesman for Javits told The Tribune. "In a criminal case nothing can be done to save a fund until there's a conviction, and that can take years."

The U.S. Justice Department is more worried about the links between some labor leaders and organized crime. It hopes some criminal provisions eventually will be included in the law, to dry up a prime source of working capital to some underworld figures.

More than new regulations, many federal attorneys argue, the government needs manpower to investigate the violations of existing laws against embezzlement, conflict-of-interest loans and illegal kickbacks to trustees and agents of pension plans.

"With modern computers and bookeeping methods, these people are in the jet age," one government lawyer said. "We're still driving horses and buggies."

SUPPORT OF U.S. LIVESTOCK QUARANTINE STATION

Mr. HRUSKA. Mr. President, our livestock industry is the most efficient and productive in the world. It provides our growing population with an ample supply of wholesome and inexpensive meat and dairy products, and provides numerous allied industries with the basic supplies for their ultimate products.

A challenge facing our livestock industry which could be critical to the industry's future productivity and the price of its products is that of providing a greater quantity of produce on smaller amounts of land.

Seeking to meet this challenge, the livestock industry has become vitally concerned with "hybrid vigor" which is the description used for the benefits of new germ plasm for breeding stock. Hybrid vigor can improve productivity, improve the survival rate, promote more rapid growth, and improve the feed conversion rate.

This interest in new bloodlines has directed the attention of the livestock industry to new and different breeds from foreign countries. Importing new breeds is not easy, however, due to the threat of foot-and-mouth disease. The tariff law of 1930 prohibits the importation of all livestock and meat products from countries with foot-and-mouth disease and rinderpest. These prohibitions would be retained without modification under S. 2306.

On June 5, 1969, I introduced S. 2306, a bill entitled the International Livestock Quarantine Station Act. This bill would authorize the Department of Agriculture to establish and operate an international animal quarantine station within the territory of the United States, and, in connection with the station, permit the movement of animals into the United States which would otherwise be restricted under the Tariff Act.

The prohibition of the Tariff Act would remain in effect for all importations of livestock except those that pass through the international quarantine station under the rigid standards imposed by the Department of Agriculture. I discussed this proposal in detail in the Record when I introduced S. 2306 on June 5, 1969, and also on October 11, 1968, when the proposal was first being discussed.

Many livestock producers and organizations have written to me expressing their strong support for S. 2306. The interest in this bill is growing, as both consumers and producers see the benefits that can accrue.

An outstanding article on the subject is contained in the November 1969 issue of Top Op, a new farm publication for executive farmers and ranchers. The article was written by Mr. Lane Palmer, editorial director for this exciting and valuable new journal.

Mr. President, I ask unanimous consent that the article from Top Op, entitled "Let's Get That Quarantine Station," be included in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Moreover, Mr. President, the U.S. Department of Agriculture recently recommended enactment of S. 2306 in a report to the Senate Agriculture Committee subject to amendment of clarifying nature. This report was attached to a letter sent to Senator Ellender, as chairman of that committee. The Department expresses the view that the potential benefits from new foreign bloodlines can be gained, and the attendant risks avoided, only by the establishment of an international animal quarantine station.

I ask unanimous consent that the memorandum of the Department in support of S. 2306 also be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. The letter and memorandum were transmitted without objection from the Bureau of the Budget.

It is my hope that the Committee on Agriculture and Forestry will soon schedule hearings and action on this measure. It should progress to enactment as early as possible.

Exhibit 1

Let's Get That Quarantine Station

(By Lane Palmer)

When the U.S. stamped out its last outbreak of Foot and Mouth Disease 40 years ago, it slammed the door on further imports of livestock from FMD-infected countries.

But now there's a loud and persistent pounding at that door as U.S. livestock interests maneuver to introduce new bloodlines from Europe. So many of its imported cattle

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were being resold over the border that Canada slapped a 3-year embargo on them. And Japan and Ireland, two more countries that are free of the disease, are getting set to clear new breeding stock to the U.S.

"The Department of Agriculture cannot continue to send American veterinarians to these nations to accompany foreign livestock through all the elaborate quarantine controls," declares Senator Roman Hruska (R.-Neb.). "Nor can we afford to take the risk of not sending veterinarians."

The ideal solution is a quarantine center owned and operated by the United States, Hruska told the Senate, as he and Congressman Graham Purcell (D-Tex.) introduced identical bills to establish the station. He pointed out that such a center would give importers a wider choice of cattle, would greatly reduce costs as well as increase the safety.

Judging from the support of the idea by U.S. stockmen, it's amazing that we've gone this long without one. The improvements and hybrid vigor that cattlemen have gained by crossing Charolais on their existing cattle have whetted their appetites for introducing other breeds from Europe.

"The pent-up demand for new germ plasm is terrific," says Dr. Robert Anderson, associate administrator of the USDA's Agriculture Research Service. "Some industry people are so anxious to have this station that they talk of raising the funds and building it privately, then leasing it back to the government." Otherwise, the USDA will have to spend an extra year conducting a feasibility study before Congress will appropriate funds.

Big thing behind the growing clamor for a quarantine station has been Canada's apparent success at importing breeding stock while keeping out disease. U.S. livestock interests have watched closely ever since Canada opened its station in late 1965 on the island of Grosse Ile in the St. Lawrence River.

"We have concluded that certain cattle can be imported safely from FMD-infected countries—IF we carry out all precautions in minute detail," says Anderson. But he emphasizes that this involves multiple tests and inspections of each animal cleared.

"Several other countries that are preparing to export cattle to us say they are following the same guidelines as the Canadians," Anderson adds. "But the more people that are involved, the greater the chance of disease outbreaks. We are convinced livestock can be imported safely, but we want it under our complete control."

Industry leaders agree with him. "We have had excellent cooperation from Canadian breeders who have made new genetic material available," says L. W. Keeley of the American Breeders Service, DeForest, Wis. "However, we shouldn't have to depend upon the good will of our friends across the border. The need is too great for a single Canadian station to handle."

The ABS has had a chance to sample the interest in new breeds for crossing. With only the briefest of announcements that they had Simmental semen available, they were deluged with requests. They have not settled an estimated 20,000 cows with Simmental semen, and that may be only half of the total for the U.S.

Prevented from testing the European breeds themselves, Texas A & M scientists have been cooperating with research people in Argentina, who have been crossing the European breeds on Hereford, Angus and Shorthorn cows.

"So far, they've found Simmental the most promising for crossing on the English breeds," says T. C. Cartwright. "But they are also getting good results with Red and White Friesian."

Cartwright says the Simmental has particular interest for many Texas breeders. "Its color pattern is very similar to the Hereford," he explains. "So you can get the hybrid vigor from crossing without much loss of the Hereford appearance."

But like most other geneticists, Cartwright thinks we should investigate all the variations, not only among breeds but within a single breed. "Even when we pick out and buy the best available bull, we need to remember that we're not getting a representative sample of the breed—we get a very biased sample," he says.

Dr. R. E. Hodgson, director of the animal husbandry division for ARS, makes the same point: "With our new animal research station at Clay Center, Neb., we have the capacity at last to test breeding stock in large numbers," he says. "So we need a faster way of getting them."

Hodgson lists a dozen or more European cattle breeds that his researchers are interested in testing. Among them are: Limousin, Normandy, Maine-Anjou and Garonne from France; the German Red, the German Brown and the Pinzgau from Germany; the Piedmont, Chiana and Romagnola from Italy; the Red Flemish from Belgium; the Friesian and Meuse-Rhine Ijssel from Holland; the Red Dane from Denmark; and Switzerland's own lines of Simmental and Brown Swiss. Then, of course, additional lines of the Charolais.

The tests for Foot and Mouth are not as dependable for sheep and hogs as for cattle. Also, there's the added threat of scrapie for sheep. But Hodgson would very much like to introduce additional stock of Finnish Landrace sheep, the breed that's noted for "litters of lambs." And of course, hogmen would love a chance to introduce Danish Landrace, the German and Dutch White and the Pietrain.

The USDA's recommendations to Congress on the quarantine station haven't yet been made public. But it's not hard to piece together the general outlines: The bills provide for the station to be established "within the territory of the United States" and "on an island selected by the Secretary of Agriculture." Officials are speaking in terms of an island in the Caribbean—likely one in the Virgin Islands chain.

Dr. E. E. Saulmon, who would administer the station as director of the USDA's Animal Health Division, says they are thinking of a capacity of 150 to 250 head. With the animals in quarantine for 150 days and allowing for clean-up between batches, they could probably process between 300 and 500 head per year.

Dr. Saulmon thinks the quarantine procedures would be similar to those followed by Canada. First animals would have to be selected from areas and herds thought to be free from FMD. Even then, the farm where they originate would likely be placed under quarantine for a specified period before shipment. From the farm they would go to a quarantine station in the country of origin.

During the time they'd spend at our quarantine station, they'd undergo tests for TB, brucellosis, anaplasmosis, leptospirosis, and a whole battery of tests of FMD. Besides blood tests, they'd have to pass the Probang test, in which small amounts of tissue are taken from the esophagus area of the animal in question and injected into susceptible animals.

It's a long and expensive procedure that has cost Canadian importers as much as 2,000 to 3,000 a head, but USDA officials consider it a small price to pay for protection against Foot and Mouth. "No amount of breeding stock could justify an outbreak of Foot and Mouth like that which hit Britain two years ago," says Saulmon.

Congressman Purcell thinks our Foot and Mouth defenses have now advanced to the point where we can safely take the risk. "I've seen estimates that the new blood lines we could introduce through our own station could add $600 million annually by 1980 to the incomes of our beef cattle producers alone," he says.

EXHIBIT 2

USDA POSITION IN SUPPORT OF S. 2306

The Tariff Act of 1930, as amended (19 U.S.C. 1306), contains an absolute prohibition against the importation of all ruminants and swine (except wild zoo animals) and fresh, chilled or frozen meats of such animals from countries declared by this Department to be infected with foot-and-mouth disease or rinderpest. Under very stringent restrictions, including authority for permanent post-entry quarantine, wild ruminants and swine may be permitted entry under the Act when such animals are solely for exhibition at an approved zoological park from which they cannot be moved except to another approved zoological park.

Provisions in the Act of February 2, 1903, as amended (21 U.S.C. 111) and the Act of July 2, 1962 (21 U.S.C. 134 *et seq.*) provide additional authority and responsibility for prohibiting or restricting importation of animals, meat, and other articles in order to prevent the introduction or dissemination of foot-and-mouth disease and other destructive livestock or poultry diseases and pests such as African swine fever, exotic ticks, African horse sickness, and fowl pest.

These statutes are implemented by extensive and strict regulations in the Code of Federal Regulations, Title 9, Parts 92, 94, 95, and 96. These regulations apply to the importation of animals, meats, animal by-products and materials such as hay, straw, and forage from all countries, especially those where foot-and-mouth disease exists. The regulations are based on the best scientific information available, including the research being done at our Plum Island Animal Disease Laboratory, Long Island, New York.

Our primary responsibility is and will continue to be the prevention of livestock and poultry diseases and pests gaining entry from foreign countries. At the same time we recognize that there are breeds and types of foreign livestock with the potential of bringing about specific desired improvements more rapidly in U.S. livestock production than can be accomplished with domestic breeds. Research activities have demonstrated the high potential of cross-breeding to increase reproduction, vigor, growth, and efficiency in livestock production. Cross-breeding can bring about changes in the character and composition of the product more rapidly than any other breeding procedure. It has been further shown that the wider the genetic diversity of the parent stock used in cross-breeding, the greater benefits from hybrid vigor and the greater the possibility for changing production and product characteristics. For instance, the introduction into the United States of exotic germ plasm of plants from all over the world has been a most important factor in bringing about the phenomenal new varieties of high yielding crops of numerous kinds that are in every-day use on farms and ranches.

The potential benefits in our livestock production, especially of meat-producing animals, from the importation and organized use of exotic breeds of animals are expected to be similar to those experienced in crop production. Some of the improvements in livestock production would include:

(a) *beef cattle*—an increase in weaning weight, post-weaning growth rates, and muscularity and a decrease in carcass waste fat; and improved fertility and calf survival;

(b) *dairy cattle*—an increase in milk production, fertility, and calf survival;

(c) *sheep*—an increase in lambing rate, lamb growth rate and muscularity and a decrease in carcass waste fat;

(d) *swine*—an increase in prolificacy and muscularity, and improved efficiency of gain.

In spite of the benefits to be derived, the importation of new and different animal breeds from foreign countries must not be done at the risk of introducing diseases and pests not now present in this country which would greatly reduce livestock production. We believe that both objectives can be obtained only by the establishment of an international animal quarantine station. The establishment and operation of such a station would have to be under the direct control of the Secretary of Agriculture. It would involve selection of an island site where maximum disease security measures could be utilized.

THE MEDIA

Mr. DOLE. Mr. President, Adlai Stevenson, twice candidate for President, Governor of Illinois, and Ambassador to the United Nations, made a speech in 1952 in Portland, Oreg., about the free press.

I am certain no one has ever suggested that Mr. Stevenson would dream of advocating any kind of censorship. What Adlai Stevenson had to say about the newspapers then is quite similar to recent statements by Vice President AGNEW with reference to the media generally and particularly network television.

Because many members of the Democrat Party are now wringing their hands and inferring that Vice President AGNEW is advocating Government censorship, I believe the late Ambassador's remarks might be of interest. Perhaps some of my Democrat friends hope to carry the favor of so-called analysts and commentators on network television by rushing to their defense, but it appears in 1969 as well as in 1952 the great majority of Americans, including a number of responsible leaders in both political parties, agree with the comments by Vice President AGNEW and the late Ambassador.

I trust the television and radio critics who can so freely dish it out will also accept the valid criticism of Vice President AGNEW. It should be made clear that the Vice President was not suggesting Federal intervention, censorship, or intimidation. He stated:

> Now I want to make myself *perfectly clear*. I'm not asking for Government censorship or any other kind of censorship.

He did accurately state that we have censorship now, imposed by a small group who wish to shape the policy of America by ignoring the moderate and conservative views or by criticizing those who may differ with their generally liberal philosophy.

I ask unanimous consent to insert in the RECORD at this point the speech referred to by the late Ambassador Adlai Stevenson.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[Speech given in Portland, Oreg., Sept. 8, 1952]

THE ONE PARTY PRESS

(By Adlai Stevenson)

A free society means a society based on free competition and there is no more important competition than competition in ideas, competition in opinion. This form of competition is essential to the preservation of a free press. Indeed, I think the press should set an example to the nation in increasing opposition to uniformity. *What I think I detect is a growing uniformity of outlook among publishers*—a tendency toward the trade association mentality of uniformity of attitude toward the public, the customer, if not toward one another as producers of consumer goods. . . . *I think you will argee that we cannot risk complacency. We need to be rededicated every day to the unfinished task of keeping our free press truly free. We need to work even harder for the time when all editors will honor their profession*, when all publishers will have the sense of responsibility equal to their power and thus regain their power, if I may put it that way.

It's not honest conviction honestly stated that concerns me. Rather it is the tendency of many papers, and I include columnists, commentators, analysts, feature writers, and so on, to argue editorially from the personal objective, rather than from the whole truth. As the old jury lawyer said, "And these, gentlemen, are the conclusions on which I base my facts."

This generation has been summoned to a great battle. The battle to determine whether we are equal to the task of world leadership. . . . *We must look largely to the press for enlightenment* that will arm us for this conflict. *We should be able to look to the press for much of the sober certainty that will carry us to victory and peace. Our government and our arms and our wealth will avail us little if the editors do not accept this invitation to greatness.* The agents of confusion and fear must not usurp the seats of the custodians of truth and patriotism. In saying this, I want to emphasize my belief that the leadership for this development of a free press must come entirely from the profession itself. Government has its cooperative part to play. It must do everything possible to oppose censorship and to free the channels of communication.

Beyond that point it cannot safely go. *The basic job can be done only within and by the free press itself.*

THE "OLD" NIXON RIDES AGAIN

Mr. YOUNG of Ohio. Mr. President, the Toledo Blade of my State of Ohio is nationally known as an outstanding independent newspaper. On November 14 it published a lead editorial under the caption "The 'Old' Nixon Rides Again." This, in my judgment, was a tremendous and most important editorial, and I ask unanimous consent that it may be inserted in the CONGRESSIONAL RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Toledo (Ohio) Blade, Nov. 14, 1969]

THE "OLD" NIXON RIDES AGAIN

I thought you promised me that when the mudslinging started, I could do it, the Old Nixon said.

I know I promised it, but I've got to give Spiro Agnew something to do.—ART BUCHWALD.

That talented satirist, Art Buchwald, devoted one of his delightful essays recently to complaints by the Old Nixon to the New Nixon (the President, of course) that Vice President Agnew, in his forays into political demagoguery, is getting all the best lines.

That imagined conversation was only humorous comment on the emerging role of the vice president as the master of invective and insult within the Nixon administration. And indeed, there is little doubt that a good many thinking citizens in this country have been inclined to treat Mr. Agnew's fulminations as the utterings of a bumbling clown.

It is no longer a laughing matter. The fact is that the type of performance Mr. Agnew has been presenting across the land is a coldly calculated—and successful—effort to appeal to the same base fears, suspicions, prejudices, and superpatriotism that were the object of the siren call of the late Joseph McCarthy during his Red-hunting binge. What makes it so distressing and even dangerous is that Mr. Agnew speaks not as a publicity-hunting senator but as the alter ego of the White House, the second highest elected official in the nation, and the man only a heart beat, as the saying goes, from the presidency.

There may be disagreement over whether Mr. Agnew writes his own speeches, but there can no longer be any doubt that he is spewing forth his angry rhetoric with the full consent and even commendation of Mr. Nixon. And in this, the depressing conclusion is obvious that Mr. Agnew is being used by the President to take the low road along which in years past the Old Nixon was a familiar figure. The bare-knuckle oratory, the lunge for the jugular vein, the impugning of disloyalty to anyone who disagrees are all familiar tactics of the Old Nixon.

President Nixon campaigned and took office with a commitment to bring this nation together by ending the profound divisiveness spawned by the unpopular war in Vietnam, racial conflicts, urban problems, and other crises of the times. Yet, he has unleashed the man he personally tapped to be his vice president to insult the intellectuals, to deride the young, to smear and castigate dissenters, to malign the political opposition, and to attack those forces that seek to spur a swifter end to a pointless war. It is a strange and unsettling way to bring about a healing lowering of voices so that good will and reason can be brought to bear on problems that affect all of us.

Nothing can be gained from returning to the frightened mood that prevailed in America when Joe McCarthy was riding wildly on his broom. But unless the New Nixon quickly muzzles the Old Nixon—now running rampant in the body of Spiro Agnew—there is real danger that that is precisely, where this nation is headed.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11363) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message from the House also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 499. An act for the relief of Ludger J. Cossette;

S. 632. An act for the relief of Raymond C. Melvin;

S 757. An act for the relief of Yvonne Davis;

S. 2000. An act to establish the Lyndon B. Johnson National Historic Site;

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site; and

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National

Historic Site at Gettysburg, Pennsylvania, and for other purposes.

PRESIDENT NIXON'S SPEECH: THE HOPE THAT FAILED

Mr. YOUNG of Ohio. Mr. President, the huge mobilization rally held here in Washington last Saturday strongly indicated that the majority of Americans are very quickly seeing through the rhetoric of President Nixon's November 3 nationally televised and highly publicized Vietnam speech.

Mr. President, I participated in that moratorium. I marched many blocks. I was on the platform with Coretta King, with the distinguished junior Senator from South Dakota (Mr. McGovern), and with my personal friend, Dr. Ben Spock, for whom I testified as a character witness at his trial in Boston, the verdict of which was subsequently nullified. Also on the platform with me was my personal friend Leonard Bernstein. Before me I beheld, not 250,000 men and women, but at least 400,000, gathered in Washington for a peaceful demonstration to their Government, asking for a redress of grievances.

What those who participated in this huge mobilization rally saw in the President's speech was a continuation of the same false premises and the same tragic policies which have mired us in the Vietnam quagmire for 8 years. The President brought forward no new plan for peace to the Presidency as he pledged in his campaign. Instead, he brought a new package in which to wrap the discredited and futile approach of his predecessor.

On November 5, 2 days after the President's speech, our colleague from South Dakota (Mr. McGovern), who has since 1963 warned, in speech after speech in the Senate Chamber, against our deepening involvement in Vietnam, made precisely this assessment in an outstanding speech before the student body of St. Xavier College in Chicago.

The distinguished junior Senator from South Dakota in his Chicago speech pointed out that simple hope for a miracle is more and more exposed as the sole justification for the continued slaughter.

Senator McGovern said:

> Like some preposterous nightmare that keeps repeating itself, American Presidents and American governments come to believe that they can impose their will, not only on the people of Vietnam, but also on the people of the United States. In our common search for a way out of an involvement all agree was a mistake, the leaders of our governments always fix not on reality, but on some misty vision of a world that never was and never will be.

Mr. President, I ask unanimous consent that the speech by Senator McGovern be printed at this point in the Record, as a part of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

President Nixon's Speech: The Hope That Failed

For eighteen months the American people have waited for candidate and now President Nixon's plan to end the war in Vietnam. For twenty-two days we have been treated to an unprecedented intensive preparation for the long-delayed unveiling of that plan. During this period, the Administration has tantalized us about its new departures in Vietnam. The Minority Leader suggested that a ceasefire might be forthcoming. The President alluded to beating the timetable for withdrawal proposed by former Secretary of Defense Clark Clifford. The Department of Defense leaked plans of a possible 200,000 troop cut. The senior Senator from Vermont (Mr. Aiken), the distinguished Majority Leader (Mr. Mansfield) and the chairman of the Senate Committee on Foreign Relations (Mr. Fulbright) agreed that hearings on the Vietnam issue should be postponed pending the expected announcement of major policy changes by the President yesterday. There was general assurance that the November third address would put to rest the Nation's concerns about the war.

Now the President has spoken. The waiting is over.

And we can only conclude that never in recent memory has a speech been so extravagantly advertised in advance only to be so hollow and empty upon delivery.

The President, despite his suggestion of a few more secrets for later revelation, has in fact revealed his policy in Vietnam to the American people. But what he has offered us is an echo from the past. The tired rhetoric of Dulles and Rusk. The hopeless policy on Thieu and Ky. The President has stumbled into a well-worn rut of endless war and called it the road to peace.

In the last analysis this is a speech we could have heard from Dean Rusk or Walt Rostow; indeed we did hear it from them many times. The only difference is that while their speeches, at least, gave lip-service to the need for reform and democracy in Saigon, the President has asked nothing from the military rulers of that troubled land. Yet there is no solution to the war except through a new regrouping of political forces in Saigon. All of us should understand that the true nature of that conflict is not military but political. The Vietnamese are fighting for a political purpose to determine who will control the government in Saigon. There can be no peace while we maintain the present regime, in defiance of the will and the interest of most Vietnamese. There can be no peace until we are ready to permit the political forces in Vietnam to work out their own solution to the struggle.

The President quoted from the late President Kennedy on Monday night indicating that John Kennedy had thought we should stay in Vietnam. Yet President Kennedy spoke in the context of extremely limited aid and advisors, not bombs and massive combat forces. And it was President Kennedy who in his last statement on the war reminded us that in the last analysis it is "their" struggle and "they" must win or lose it themselves.

What is the essence of the policy described last night? The President tells us that peace is dependent on progress in Paris and he also tells us that there is no progress in Paris. He tells us that peace will come anyway if we just put our faith in the generals of Saigon—the very people whose failures brought us into the war in the first place.

On Monday all the familiar arguments were trotted out—the domino theory and the vision of a world in chaos if we end the war.

If Vietnam has not taught us that our actions do not shape the destiny of other nations, when will we learn that lesson? The President has talked of "letting down" allies if we now end our involvement in Vietnam. Who are these allies, and what value do they place on the military effort in Southeast Asia? Are our historic allies standing with us—the British—the French—the Canadians—our friends in western Europe, Latin America, the Middle East, or Asia? Where is the substantial aid one expects of allies supporting our course in Southeast Asia? Where, indeed, are even the members of SEATO? Why do we almost alone continue to throw lives and treasure into this war?

One of the reasons the President gave was that, even if we were in error originally, we now have a responsibility to our friends in Vietnam. The assumption behind this concern seems to be that if we end our involvement, the present government of South Vietnam will immediately collapse and the Communists will take over. But how can the Administration hold to this view on the one hand while on the other claiming that we are on the way to "Vietnamization" based on the growing strength of South Vietnamese forces.

Mr. President, you cannot have it both ways. In any case, Vietnam after American involvement is in the category of speculation. What is certain is Vietnam with American involvement. One million dead Vietnamese; 40,000 dead Americans; 3 million homeless; 250,000 Americans wounded. That is the policy we know about. That is the policy we want changed.

Yet, what the American people were told Monday night is that the United States will no longer take new initiatives in Paris, that only Hanoi holds the key to a negotiated settlement of the war.

We were told to expect a renewed escalation of the war if our casualties or if their infiltration should increase. Indeed, the President's speech carefully set the stage for a renewed escalation of the war. Does this mean the Administration has in mind a resumption of the bombing in the north or the use of nuclear firepower?

What we are witnessing from the Nixon Administration is the exercise of the same tired cold war policy in which our actions are devoid of initiative and totally dependent upon the actions of our adversaries. Do we not surrender the control of American foreign policy and American lives to Hanoi and to General Thieu when we say that our policy is dependent upon what these foreign capitals do? Why do we surrender our policy to others instead of basing it on our national interest?

The fact is that President Nixon has no policy for Asia and no plan for ending the war. The fact is that the so-called new "Nixon Doctrine" is no different from the Dulles Doctrine or the Rusk Doctrine, predicated upon the threat of nuclear retaliation, a readiness to police the world with men and arms either directly or subversively on the assumption that the dominoes will fall if we are not ready to intervene at any time in any place to halt what is viewed as aggression by a monolithic Communist conspiracy. There can be no timetable of U.S. disengagement worthy of the name when the President conditions it upon enemy infiltration rates and the capacity of the South Vietnamese army. Dependence on changes in these areas has brought us to our present level of disaster.

The real way to peace lies in a firm and definite withdrawal schedule. We must of course insure the safety of our forces, the mutual release of prisoners, and some provision for amnesty or asylum of those Vietnamese who are threatened. These are straightforward steps, but they require turning around a massive military bureaucracy. I recognize that this is not easy for a President to face up to. But I never expected that the President or the Vice President would distort these prudent steps into reckless and precipitous behavior.

Monday night we were again stunned witnesses as our leaders blindly press on.

Like some preposterous nightmare that keeps repeating itself, American presidents and American governments come to believe that they can impose their will, not only on the people of Vietnam, but also on the people of United States. In our common search for a way out of an involvement all agree was a mistake, the leaders of our government always fix not on reality, but on some misty vision of a world that never was and never will be. Thus, a few months after taking office, President Nixon referred to a foolish and self-defeating war as "our finest hour." Thus, he came to call General Thieu one of the four or five great statesmen of our times. Thus, he has come to see the General's corrupt government, kept in power only by American arms, as the agent of freedom in Vietnam. And thus, he has shaped a policy which at heart depends for its execution on Generals Thieu and Ky, who can't afford to have us leave, on the South Vietnamese army, which a recent careful study tells us is less effective than ever, and on our enemies in Hanoi. Where is the hope for peace in this course?

How can the President claim our confidence or call for patience when he has so obviously fallen prey to the same distorted view of our interest and role in Vietnam which destroyed his predecessor's administration? How can he ask for unity in order to prosecute the war when the only thing that will unify the American people is peace. It's no good saying that silence now will lead to peace later. It's no good, because millions of Americans feel that they were silent too long.

Perhaps the President's policy is not so much misguided as it is irrelevant; for it is based not only on a misunderstanding of what has happened in Vietnam, but also on a misreading of what is happening in this country. The American people in their common sense and basic morality have seen what wise men in government had to be taught. That this war was a mistake, and is not worth the life of another American soldier.

That is a simple lesson. The President is president because millions have learned it. The time is long past for him to learn the lesson as well. When will that day come?

In the 1950's we followed a policy of trying to Vietnamize South Vietnam by propping up a regime in Saigon of our own choosing. When that effort failed, we devoted the 1960's to Americanizing South Vietnam. Now we are about to return in the 1970's to another effort to Vietnamize the Vietnamese. If this further effort fails, will we devote the 1980's to another crusade to Americanize the Vietnamese?

Mr. President, the time has come to end this insanity and to end it now. There is no longer any acceptable alternative to peace. And there is no way to peace except to bring our forces home. So let us begin now to remove these brave young men from the futile course to which they have been consigned by a mistaken policy not of their choosing.

As the wise and informed foreign affairs editor of Look magazine, Mr. Robert Moskin, puts it in the current issue of his magazine:

"We have absolutely no sane reason left for killing more than 1,000 young Americans before the end of this year. Our present course—spooning out American lives in an infinitely complex, inscrutable Asian game—is inexcusable.

"If we learn the lesson of Vietnam—that American power has its limitations—this war may at least mark the end of an era and the beginning of a new, less punitive and more imaginative role in the world for the United States."

Monday night the President talked of the higher purposes of this nation. He termed his chosen course the hard one. I cannot in conscience let that pass. For the President, in fact, like his predecessor has chosen the easy course—postponement of the inevitable. If only he is given another year or two, maybe something will turn up. He reasons, perhaps, after several years, the massive use of American technology, more and more commanded by the generals of Saigon, will have wreaked enough havoc, caused enough deaths, to permit us to learn. Then we will continue to supply the weapons of death and air power to fuel another generation of bloody civil strife among the Vietnamese.

Is this our higher purpose? Is this the call to greatness our President owes the American people?

I say that America's mission is not to destroy, not to help others to destroy. Our mission is to lead in peace, to demonstrate justice and compassion at home and in our relations with other nations as the basis for leadership.

Only when we turn from our futile course in Vietnam can we lay any claim to leadership in the world.

I pray that day comes soon.

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business?

Mr. YOUNG of Ohio. Mr. President, I ask recognition on another matter.

The PRESIDING OFFICER. The Senator from Ohio.

PRESIDENT NIXON'S PLAN TO END THE WAR WOULD PERPETUATE IT

Mr. YOUNG of Ohio. Mr. President, on moratorium day, last November 13, Ernest Gruening, former U.S. Senator from Alaska and an outstanding American statesman, scholar, and author who has held numerous important posts throughout his long lifetime, not only in his State of Alaska, but also in the service of our country, and who has behind him a lifetime of achievement in our country and Mexico—where he also served our country on important missions—made a noteworthy speech.

Mr. President, I was much impressed by the address of our former colleague on moratorium day, and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S PLAN TO END THE WAR IS A PLAN TO PERPETUATE IT

(Address by Ernest Gruening)

During his campaign for the Presidency, Candidate Nixon promised the American people that he would stop the war in Vietnam, but that he couldn't reveal his plan at that time. He had to keep it secret, he said, so as not to interfere with the Paris peace talks.

Now his highly suspense-publicized plan to end the war is just the opposite.

Far from being a program to end this unjustifiable, needless, illegal, immoral and monstrous war, it is a blue print to prolong and even to perpetuate it.

That war—and it has been stealthily spread to Laos and Thailand—will not be ended as long as President Nixon remains in office. At least it will not be ended by him. It will be ended only by an uprising of the American people, of which let us hope, the demonstrations begun on October 15 and continued today, tomorrow, the day after tomorrow, and as long as may be necessary, put an end to the obscene carnage in Southeast Asia.

For make no mistake. Under Nixon's plan our boys will continue to die, and they will die in vain, just as have the 40,000 fine Americans already killed in combat, and many more will be maimed and crippled like the quarter of a million already wounded, many of whom are blinded, armless, legless, paralyzed.

It was until now Mr. Johnson's war, a war into which the American people were lied and tricked.

It will henceforth be also Mr. Nixon's war, and indeed he repeats the same old falsehoods with which the American people have been misled for the last six years.

For it should be made unmistakably clear that the reasons for our being militarily in Southeast Asia, alleged by President Johnson six years ago and now repeated by President Nixon, are devoid of truth.

It is not true as alleged by President Johnson in his State of the Union Message in January 1965 and repeated in his Johns Hopkins speech and now re-echoed by President Nixon, that we are there because a friendly people asked us to help them repel aggression. The record is wholly bare of any such request. On the contrary, we asked ourselves in.

The truth is that President Eisenhower offered economic aid and only economic aid to our puppet Diem, but surrounded that offer with conditions which were never fulfilled. No military aid was asked for and none was given by President Eisenhower.

The truth is that we invaded Vietnam unilaterally in violation of all existing treaties—the United Nations Charter, the SEATO Treaty and the pledge to support the Geneva Accords and hold nation-wide elections—and when we started bombing North and South, it was we, the United States, who became the aggressor.

In his campaign for the Presidency in 1964, President Johnson pledged not once, but repeatedly, that he would not send American boys to fight in a ground war on the continent of Asia; pledged not once, but repeatedly, that he would not send American boys to do the fighting that Asian boys should be doing. Yet while he was making these solemn promises to the American people—pledges on the basis of which he was swept into office—plans were being matured in the Pentagon to do just what he had pledged not to do.

Now we know also that the Tonkin Gulf incident of August 1964 was spurious, and that by its misrepresentation to the Congress in the resolution drafted in the White House giving President Johnson a blank check to use American troops as he saw fit anywhere in Southeast Asia, he hornswoggled the Congress—with only two dissenting votes—into giving him that power.

These facts, first disclosed in hearings of the Senate Foreign Relations Committee last year, and now detailed in Joe Goulden's recently published book "Truth is the First Casualty" reveal that the version presented to the American people by President Johnson in a nation-wide televised address and then to the Congress, was false.

The U.S. destroyer, "Maddox", far from being on a routine patrol mission in international waters, was first, a spy ship like the "Pueblo", second, she had penetrated the coastal waters of North Vietnam, third, that at that very time, a raid by South Vietnamese vessels, supplied and directed by us, was taking place on North Vietnamese ports, and fourth, that the "Maddox" had instructions to try to draw away some of the defending North Vietnamese vessels. In other words, she was, from the North Vietnamese standpoint, engaged in hostile operations and they were justified in firing on her. Yet none of their shots hit her. The further allegation that on the next day there was another attack on the "Maddox" and on another American destroyer, the "C. Turner Joy," also proved untrue. In this deception every important U.S. official collaborated—President Johnson, Secretary of State Dean Rusk, Secretary of Defense Robert McNamara, the brothers Bundy, the Gebrüder Rostow, and the high naval command in the Pacific.

President Nixon's plan revealed on November third, if viewed in the most favorable light possible, is nullified by innumerable escape clauses:

"The rate of withdrawal" says President Nixon "will depend on developments on three fronts."

That means that there will be three alibis.

One of those three, he says, "is the progress which may be made in the Paris talks."

Well it's obvious there will be no progress in the Paris talks, and I repeat my oft uttered conviction that there will be no peace by negotiation, for our opponents feel there is nothing to negotiate. They have made that abundantly clear.

"Another factor," says President Nixon, "is the progress of the training program of the South Vietnamese forces." Well, the high rate of desertions from those forces does not augur well for speedy progress; nor is it likely that President Thieu has any eagerness to hasten the American pull-out. Nor has the Pentagon.

Then President Nixon sounds another "note of caution," namely "If the level of enemy activity significantly increases we might have to adjust our time-table accordingly" and to emphasize this hazard further, President Nixon says "If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation." In other words, send back more troops, resume bombing, or whatever.

Well, of course, enemy action is not going to subside, as Ho Chi Minh's letter to President Nixon in reply to his—both released in connection with President Nixon's speech—makes clear. Our adversaries consider that the United States is the invader, the aggressor, and they intend to fight for their nation's freedom from foreign control, for independence and for self-determination.

On top of all this hedging, are the statements of Defense Secretary Laird, that even after we pull out, we'll have to leave some troops there to keep on training the South Vietnamese. This rigmarole will go on indefinitely.

Let us now turn to another aspect of President Nixon's program. He asserts that the only thing that is not negotiable is "the right of the people of South Vietnam to determine their own future."

That's a fine sentiment, but its implementation as seen on the one hand by President Nixon and on the other hand not only by the South Vietnamese of the National Liberation Front, but by those non-communist South Vietnamese whom Thieu and Ky jailed after the last election, represent a divergence as wide as the distance between the poles. Nixon's program will fasten the corrupt and oppressive dictatorship of Thieu and Ky on the people of South Vietnam. There will be no true self-determination. Moreover, South Vietnam itself has no juridical validity. It was created by the force of American arms and money in violation of our specific pledges. Everyone of its regimes from Diem—our first puppet—on, has been kept in office by our armed might and money. Our imposition of these characters has made our allegations that we are there to free the South Vietnamese, a grotesque mockery.

Nor can we, on the basis of past performance, put any faith in the numbers game of troop withdrawals. The week after President Nixon announced the withdrawal of 25,000 men—in itself a minuscule figure—the draft call was for 29,000.

And why, if President Nixon wants to scale down our military commitment, does he not suspend the draft for the duration? Instead he and some misguided Senators and Representatives urge reforming the draft law. It can't be reformed. What difference does it make whether our young men are selected by lot or by any other method to become cannon fodder in an unjustifiable war? It is the draft itself that is the atrocity and the injustice.

Consider that under it our young men are asked to fight in a war they consider immoral, to kill people against whom they feel no grievance, maybe get killed or maimed in the process, with the alternative if they follow their conscience and refuse, to go to jail for five years at hard labor, thereby probably ruining their future career in civilian life. This is an infamous dilemma to which no American, or indeed no member of a society that calls itself free, should be subject. I have never been able to see why the Thirteenth Amendment to the Constitution does not apply to the draft. Let me quote it:

"Neither slavery, nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

What is the draft for this war to those who object to it, but involuntary servitude, and where the refusal to serve brings more involuntary servitude? Please note that the draftees are the only ones subject to it. Those who enlisted voluntarily in one of the Armed Services—Army, Air Force, Navy or Marine Corps—committed themselves when they took their oath of enlistment. Even if they now feel, as I and an ever-increasing number of Americans feel about the war, they have made their commitment voluntarily to go wherever they are sent. The draftees have no such choice. That is why I tried twice, while in the Senate, to amend the Selective Service Act to provide that service in Southeast Asia be voluntary. Of course it did not pass.

This calls attention to the responsibility of Congress in this war. For while we not unjustifiably continue to call this Johnson's war and now Nixon's war, the Congress also shares in the responsibility. They could end this war far more speedily than President Nixon will by refusing to vote for the authorizations and appropriations for this war in Southeast Asia. They would be thereby exercising their constitutional authority of control over the purse. Now would they thereby, as might be alleged, be failing to "back our boys." They would instead be helping to bring the boys *back* home. Actually, there is enough in the pipeline to carry on for a year or more if not a cent were voted.

There are now movements in both Senate and House to endorse President Nixon's plan, whatever it turns out to be. Let me say that any member of the Senate and House who so votes will have the blood of every boy who dies down there henceforth, on his head.

Let us not forget that unlike World War I and World War II when our nation was imperilled and when a vital American interest was jeopardized this is not the case in *this* war. Had our nation been attacked as it was at Pearl Harbor in 1941, and when our security was at stake, the American people would have rallied to our country's defense almost to the last man. That is why the Administrations, past and present, have had to resort to mendacious propaganda to make the American people believe otherwise.

Actually our misguided policies have defeated the very objectives they allege we seek.

If our objective had been truly to achieve self-determination for the Vietnamese we would have supported the Geneva Accords as we pledged to do, and allowed the elections for all Vietnam to take place.

If our objective, as alleged, was to halt Chinese southward expansion we would not have sought to destroy the buffer State of North Vietnam, hostile to the Chinese for over a millenium; we would instead have supported Ho Chi Minh who not only would have fought any Chinese invaders, as he did the French, the Japanese, and now the Americans, but we would have created a state like Tito's Yugoslavia which the United States supported because while communist, it was not part of what was then called the "Communist Conspiracy."

Actually our policy, instead of defeating communism has laid the groundwork for it in Vietnam where the bombing and slaughter of thousands of non-combatants, the burning of their villages, and the making of millions of refugees, will not endear us or those we have supported in power. What nation will ever again want to be saved by us?

Indeed if the rulers of Russia and China had wanted to devise a policy that would bring us down, they could not have done better than what we have done to ourselves. For while we have wrought death and destruction abroad, we have thereby fostered decay and deterioration at home. While we pour our billions into killing in Southeast Asia our long overdue domestic needs go unattended.

Now the only test of a policy proclaimed as one to end the war is whether it will prevent more casualties. It is ghastly to hear the cheerful official releases that only 69 were killed last week. Everyone of them was a mother's son. Every death is one too many.

What is the alternative?

It is to be found in one proposed by a most distinguished Republican, a great American, the senior member of his party in the Senate, George Aiken of Vermont, namely to declare that we have won the war, and get out—NOW!

That would indeed be victory, a stirring demonstration that a great nation can admit by its actions that it has erred, that it will no longer pursue a policy of unrelieved disaster, that it will no longer betray America's finest, noblest, traditions, professions and practices.

Is it not high time that we return to sanity, that we revert to an America whose historic concern, despite occasional lapses, was for the life, liberty and pursuit of happiness of our own as well as of other people, and whose military mission is one of *defense* of our country and not global policing, with offensive action anywhere at the behest of the executive?

My friends, it is heartening that Americans, young and old, are to-day again mobilizing to try to put an end to this tragic and shameful involvement. We must all continue to work to achieve that result, and to turn the course of history back to where our country's policies were those we could, as we once did, esteem, love and cherish.

VICE PRESIDENT AGNEW AND THE TELEVISION NETWORKS

Mr. DOLE. Mr. President, Vice President Agnew's criticism of the television networks has provoked a great deal of commentary by members of all the media as well as the general public.

While some members of the media immediately became defensive and termed the speech "unfair," others granted that the Vice President had a point.

Analysis of his speech and outcries of "foul play" will probably continue for some time, but the fact is—the Vice President does have a point. Two editorials published in last night's Washington Star recognize that.

The articles, written by William F. Buckley, Jr., and Richard Wilson, offer illuminating and fair studies of the reasons for Agnew's speech and the reactions to it. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, Nov. 19, 1969]

Calling TV to Account Applauded

(By William F. Buckley, Jr.)

Spiro T. Agnew's criticism of the television networks is the most serious act of lese majeste since the mayor of Chicago threatened to punch the king of England in the snout.

The responses ranged from panic through apoplexy. Dr. Frank Stanton of CBS has accused Agnew of making "an unprecedented attempt to intimidate a news medium,"—which suggests that fairness could only be effected by intimidation, which come to think of it maybe is so, over at CBS. Leonard Goldenson of ABC reports that "the performance of ABC news has always been, and will continue to be, fair and objective," in sickness and in health, till death do us part.

Thomas Hoving, in behalf of the National Citizens' Committee for Broadcasting, whatever that is, sounded like, well, Agnew on the subject of demonstrators, "Agnew's disgraceful attack against network television news officially leads us as a nation into an ugly era of the most fearsome suppression and intimidation . . . the beginning of the end for us as a nation . . . (his) terrible and fraudulent evaluation . . . (is) the most shocking use ever of political power," which suggests that Hoving's readings in history are not as extensive as his readings in art.

Now, as a matter of fact, Agnew wrote a very good speech. It was, moreover, a balanced speech. He praised much of what the networks have done as extravagantly as if he were nominating them for president. But he said that the networks are also given to much bias. Specifically, he homed in on the elaborate rebuttal—that in effect was what it was—given to Nixon's Vietnam speech of Nov. 3.

How, for instance, do you cope with the following analogy used by Agnew: "When President Kennedy rallied the nation in the Cuban missile crisis, his address to the people was not chewed over by a round table of critics who disparaged the course of action he'd asked America to follow."

That's true. In plain fact, on the night of Oct. 22, 1962, the networks didn't chew up every word of Kennedy's speech into its constituent atoms. And again "When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he didn't have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through."

So then what? It may be too late to revive Hoving, but in fact Agnew said: "I want to make myself perfectly clear. I'm not asking for government censorship or any other kind of censorship." So much for that particular smear. "I am asking," he said, "whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men" who (and they'll never get over this charge, aimed at the Medici of cosmopolitan New York) "bask in their own provincialism, their own parochialism."

Is there in fact a discernible and regular bias in network news and commentary? How do we know? How do we find out? It happens that a very little foundation in New York City, the Historical Research Foundation, has made a few grants to investigators who, after consulting with specialists in the evaluation of polls and public opinion, have been very hard at work analyzing the bias in the coverage of the presidential campaign of 1968.

I am not aware that Agnew knows of this project. But it is far and away the most thorough and the most nearly scientific of any that has ever been attempted. The results will not be released until the research is complete. But already one thing is stunningly clear. It is that the news and the commentary were overwhelmingly favorable, by any criterion, to the Democratic candidate.

What Agnew has said is: This is the factual situation. What are we going to do about it? Not eat CBS, and force its roasted flesh on Mr. Hoving for breakfast. But force CBS, by the pressure of public opinion, and NBC, and ABC, to take a look at their own situation, and ask themselves, what can the public legitimately demand from an oligopoly? A good question. A good speech.

[From the Washington Star, Nov. 19, 1969]

Move Against Mass Media Bold and Calculated

(By Richard Wilson)

The Agnew shock waves are running through the mass media. It will take a while but there will be results. Some say the results already have come with the low key television coverage of the anti-war demonstration in Washington..

This is likely, however, to be only a beginning because the mass media feels vibrations and waves. When its editorial product becomes sufficiently ineffective, objectionable or questionable, heads are likely to roll. Mass resignations attend such crises of editorial management. New editors, producers, writers, reporters, and commentators take over and another beginning is made. The format or tone of the editorial medium is often changed.

Sometimes these editorial changes come because of competitive factors and economic decline. This has been noticeable lately in the mass circulation magazines. Changes in these magazines, however, have moved toward the new thing—serious attention to bizarre permissiveness in thought, art, drama, mores, culture, fashion and a more advanced political orientation well beyond the left of center, viz. Time, Newsweek, Look and with Life striving for some new tempo and stride it cannot quite reach.

The reverse pressures have been brought to bear on radio-TV by the combined efforts of the White House establishment as expressed by Vice President Agnew, Communications Director Herbert G. Klein and other White House assistants.

This has been a bold and calculated move which can only be seen in its true perspective as a part of President Nixon's attempt to hold public opinion to his measured course of liquidating the Vietnam war at his own pace and then proceeding with broad governmental domestic reforms and his own re-election in 1972.

The move is bold and calculated beyond anything previously dared by a President. The benchmark from which this present effort rises was a mostly forgotten happening at the Republican National Convention of 1964.

Gen. Dwight D. Eisenhower, addressing the Republican delegates whom everyone knew would nominate Barry Goldwater for president, called upon Republicans to scorn those who would spread divisiveness, "including sensation-seeking columnists and commentators." The GOP convention burst into applause with some delegates booing and shaking their fists at newsmen covering the convention.

There were other incidents at the convention involving TV commentators and it cannot be denied that there was uncovered a reservoir of distrust and even hatred for familiar TV faces and voices deemed to have blackened the name of Goldwater and all conservative Republicans.

Lyndon Johnson could look upon this manifestation of distrust with confident detachment, but it was not long before he, too, was beginning to grumble, and in more secluded moments, to roar over his own treatment by knowing and lordly princes of the air waves passing final judgment on the lord and master. But President Johnson did not dare take the final step of Vice President Agnew, presumably because he did not think it was expedient and that he might better accomplish his purpose by direct and intimate contact with his harassers.

The Nixon administration has bypassed intimate contact with those who write and speak to carry its case directly to those who watch, listen to and read them.

The moment was regarded as right because there had been a gratifying response to Nixon's Vietnam speech in contrast to some unfavorable analytical comment by commentators following it. This seemed to afford a provable example that TV comment was not reflecting majority public opinion but was instead an influence for an unfavorable reaction.

The response of the heads of the TV networks was not convincing. They uniformly took the position that the government was invading the right of free speech by bringing pressure on a medium which can only operate by government license. There is no immediate or prospective threat of denial of a government license for reasons of political or cultural orientation, although there could be, it is true.

The weakness of the position of the TV network heads was that the Nixon administration had correctly sensed the right moment to bring into question the detachment and fairness of TV coverage, on grounds of both its pictorial techniques and the tone of its commentary. This distrust had been growing and expanding into new areas at least since 1964, and it presently focuses on the choice of that which is photographed, the emphasis given and the general atmosphere created. Pictures can lie when a crowd of 100 can be made to look like an uncontrollable mob of thousands.

The present generation of commentators, producers and reporters probably have more to fear from the reactions they have induced among their listeners than from government repression.

COAL MINE HEALTH AND SAFETY LEGISLATION NEARS FINAL PASSAGE

Mr. RANDOLPH. Mr. President, it was 1 year ago today that explosions in a northern West Virginia mine took 78 lives and brought to the Nation the awareness of the need for new and stronger legislation to protect the Nation's coal miners.

As the Congress nears completion of a comprehensive revision of coal mining statutes, the specter of Farmington still hovers over the coalfields of America. The bodies of only two of the 78 who died have been recovered in the agonizingly slow process of reopening the mine.

The tragedy near Mannington, while a grim reminder of the hazards of mining coal, was not the end of death under the ground. Since that day a year ago, 202 more miners have died at their work. They died not in large disasters, but individually and in small groups from roof falls, fires, asphyxiation, haulage accidents, and other causes that make coal mining our most dangerous industry.

Congress has devoted much time to improving Federal laws protecting the health and well-being of America's miners. The shock of Farmington provided the impetus for this effort in the hope that such an event should never occur again.

The Senate and House of Representatives have worked diligently, and both have passed strong, effective bills that are being reconciled in a conference that started earlier today.

The two measures contain differences, but I do not believe they are so large that there will be undue delay in resolving them. I know that the conferees are aware of the urgent need for this legislation and will resolve the coal mine health and safety act as a pressing matter of business.

Mr. President, I represent the State that is the Nation's largest producer of coal and the one with the largest number of miners. Because of this important role, the reality, and expectation of death and disability in the mines is a factor of life with which West Virginia has lived since the day the first mine was opened.

The passage of this legislation will herald a new day for coal miners in all regions of the country where this vital energy source is produced.

PRIME MINISTER GOLDA MEIR CONGRATULATES PRESIDENT NIXON

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Mrs. Meir Hails Nixon on Speech," published in the New York Times of November 17.

The article recounts the personal message of congratulations that Mrs. Meir, Prime Minister of Israel, extended to President Nixon after his November 3 address on Vietnam. Mrs. Meir's kind words on this occasion should be known to the American people.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 17, 1969]

MRS. MEIR HAILS NIXON ON SPEECH—SHE SAYS VIEWS ON VIETNAM ENCOURAGES SMALL NATIONS

(By Peter Grose)

WASHINGTON, November 16.—Premier Golda Meir of Israel has offered her personal congratulations to President Nixon on his statement of Vietnam policy Nov. 3.

Mrs. Meir's message, disclosed today by Administration sources, said the Nixon speech "contains much that encourages and strengthens freedom-loving small nations the world over."

White House officials, in emphasizing the favorable telegrams that the President has received from Americans, have said little about the reactions of foregn leaders. A White House spokesman was unable to discover today whether any other foreign heads of government had sent comments.

Mrs. Meir's message, as conveyed through the United States Ambassador to Israel, Walworth Barbour, said:

"The Prime Minister wishes to congratulate the President on his meaningful speech, and express her hope that he will speedily succeed in bringing about peace in Vietnam. The President's speech contains much that encourages and strengthens freedom-loving small nations the world over, which are striving to maintain their independent existence looking to that great democracy, the United States of America."

THEY MET IN SEPTEMBER

Mr. Nixon and Mrs. Meir became acquainted during the Israeli leader's official visit to Washington late in September. That was the first time they had met.

One of her main purposes on assurance of support from the Nixon Administration—diplomatic support in international peacemaking efforts as well as more specific military support, assurance that this country would remain a source of supply of aircraft and other military needs to maintain Israel's armed strength against the Arab states.

The Nixon Administration is honoring President Johnson's agreement to supply Israel with 50 supersonic Phantom jet fighter-bombers by the end of next year. No further arms agreements were announced after Mrs. Meir's visit, but Israeli diplomats declared themselves satisfied with the sympathetic relationship established between their Premier and President Nixon.

Mr. Nixon mentioned Middle East tensions in passing in his Nov. 3 speech as being among the justifications for his Vietnam stand, a fact that presumably comforted the Israeli leaders.

"Precipitate withdrawal" of American troops from South Vietnam, the President said, would set off violence "wherever our commitments help maintain peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere."

"A nation cannot remain great if it betrays its allies and lets down its friends," he said.

Mr. Nixon was pursuing an argument developed by former President Lyndon B. Johnson to link support of Israel and support of the war in Vietnam as similar in purpose—a connection discomforting to many critics of the war in Vietnam who nevertheless favor a strong stand behind Israel.

JOHNSON LINKED ISSUE

In a speech at a Jewish Labor Committee dinner in November, 1967, Mr. Johnson said "the same kinds of issues are at stake" in the Middle East as in Southeast Asia.

In the weeks before the Arab-Israeli war in June, 1967, Mr. Johnson complained that many of the doves on Vietnam were outspoken champions of militant support for Israel.

In private discussions many Israeli diplomats here are outspoken in criticism of antiwar protests, though Mrs. Meir herself avoided taking a formal position on the Vietnam war during her Washington visit.

She did concede her sadness at the divisions in American society during an interview with The New York Times on Sept. 27.

"I would like to see the United States united again," she said, "because the United States is a country not only for its inhabitants—it matters to the world a lot what the United States is."

For their part, Saigon's leaders have been unequivocal. "I'm for Israel," then-Premier Nguyen Cao Ky said during the six-day war of June, 1967. He concurred in the suggestion that the Arabs were backed by "international Communism."

SCIENTIFIC PROGRESS AND BUDGET CUTS

Mr. WILLIAMS of New Jersey. Mr. President, Dr. Robert A. Moss, of the School of Chemistry at Rutgers University, New Brunswick, N.J., recently gave a perceptive, indepth report on the grave situation pertaining to Government support of university research. The administration's drastic cuts in research grants allow only 10 of the 130 NIH projects up for renewal this year to be continued, with the remainder to be reduced by about 20 percent.

Inadequate levels of funding in support of university research will have extremely dire consequences for our Nation. I ask unanimous consent that the text of Dr. Moss' excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCIENTIFIC PROGRESS AND BUDGET CUTS

(By Dr. Robert Moss, associate professor of chemistry, Rutgers College)

Several weeks ago, at a meeting on Science and Society sponsored by the American Chemical Society, word leaked out that the National Institutes of Health (NIH) was going to cut back 20% on the funding of many research grants. We had expected cuts. Rumors had been buzzing like bees for months. Just a day or two before the newspapers had carried a story that 19 of 93 special clinical research centers for the testing of experimental drugs would be closed within the year. These centers, at leading medical schools, were largely supported by NIH funds. Those funds were being cut; the centers would have to close.

The day after I attended the meeting, the New York Times reported that the Institute of General Medical Sciences of the NIH would be so hard hit by budget cuts that only ten out of the 130 research grants up for renewal this year would be continued. The rest of us, the lucky ones whose grants would not yet expire for a year or two could expect cuts of 20%.

Some of my colleagues had not heeded the Times. Their mail had brought them official notification in the form of new budgets, cut 20% without prior warning. In one case a colleague had just finished negotiating a 10% cut in his NIH grant, only to find his new budget surcharged downward an additional 20%.

I wrote a letter to the Times which appeared on September 17. The letter began: "The public should clearly understand the consequences of the drastic cut in funding of the Institute of General Medical Sciences of the National Institutes of Health . . ." That letter brought me an invitation to prepare this talk; and those consequences of funding cuts are its subject. These cuts do not threaten only NIH-supported research, but all federally supported research. In discussing their meaning, I am going to omit discussion of the specific benefits which we derive from the basic research carried out at American universities, though these benefits have been enormous, and instead, concentrate only on one aspect of university research—its role in training new scientists. It is at the university that the slightest change in the funding of scientific education makes the biggest difference in the future of American Science. How does it happen that the university is so sensitive to the ebb and flow of federal funds?

In 1967, there were 172 doctoral granting university chemistry departments in the United States, employing 3,628 full time faculty members which, together, awarded 1,672 doctorates in chemistry among the 13,638 full time graduate students then enrolled. These statistics represented great increases over the corresponding figures of a decade before, 1957. We had had a 56% increase in doctoral granting departments, a 95% increase in faculty, and we were awarding 70% more Ph.D.'s.

Why is 1957 a significant date for comparison? Because it was in October of that year that the Soviet Union successfully launched the first man-made moon. We all remember the shock which spread across the United States; the paralysis of will which followed the shock, and then the reaction. New money for education, new construction funds, new fellowships. We recognized that modern science was expensive; we resolved to catch up.

Thus university centers now train large numbers of new Ph.D.'s. In chemistry, these

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graduates go into industry, where their research contributes directly to our individual needs in the form of medicinals, synthetic fabrics, plastics. Others join university or college faculties where they play a role in training their younger successors. The role of the university in providing for the scientific future of our country is enormous. It has been expanding, but so, too, have the problems which our country faces. Environmental problems such as air and water pollution, over-population, the need for more food; medical problems, such as cancer and heart-disease. These problems are world-wide. We need research to attack them, we need researchers. We need to be about the business of training those researchers.

It is expensive to train a Ph.D. chemist. Consider only the cost of one year at Rutgers University Graduate School for a student working on his Ph.D. research. Last year, full time support came to $3032 for salary (or stipend) and $493 in tuition. That's a total of $3525 per student per year, exclusive of chemicals and equipment. Remember that the average student requires such support for four years, and that's $14,000 for each new Ph.D., exclusive of the cost of his college education. Where does this money come from?

In 1967, 28% of full time chemistry graduate students had fellowships and 28% had research assistantships. The remaining 54% were mostly supported by teaching assistantships, salaries paid to them by the university for teaching duties, mostly in connection with undergraduate laboratory instruction. The first two categories, Fellowships and Research Assistantships, largely come from the federal government.

In 1967, the United States government supported 45% of all graduate chemistry students and 42% of all graduate science Ph.D. students. About half of this support came to the students as research assistantships derived from research grants held by professors. What is a research grant?

It is a sum of money obtained to work on the solution of a particular scientific problem, generally over a period of 2–5 years. Where does this money go, and why is it important that the government not cut back on such grants? Consider, as an example, last year's budget of a grant I currently hold from the National Institutes of Health. The yearly budget was about $21,000. Of this sum, $10,000 or about half, went to support three graduate students with research assistantships. $500 went to the department of chemistry to help defray secretarial expenses; and $5800 went to Rutgers University as overhead. The overhead payment is an important financial asset to the University—it helps pay for the facilities necessary to do research. Only $4250 of the original $21,000 budget actually went to buy chemicals, equipment, and so forth for three students and their research director; surely not an extravagant level of support.

From this example we learn an interesting fact. Most of the money derived from government support of university research goes into financial support of the graduate students and a sizeable portion goes to the university. Rather less goes to the research itself. Now we can see why university science is so sensitive to federal funding. That funding supports nearly half of the graduate students doing university research, and, through overhead payments, contributes substantially to the universities housing such research. A 20% cut in funding will cause a 10% cut in places for graduate students. The arithmetic is not complex.

The expansion we have had in the production of scientists over the past decade was largely a product of federal funding. But the expansion is not irreversible. Remove the funding and it will disappear. But our problems will not disappear. The problems in our complex world move only in the direction of greatest complexity—we are challenged to keep pace.

Moreover, it takes years to train competent scientists; you can't turn on a stream of scientists like you can a water tap. The damage that we do now, if we fail to train adequate numbers of young scientists will pursue us for years. In fact every year of inadequacy will be multiplied about fourfold in its effect on our scientific potential. A commitment to excellence, even to adequacy in science must be an open and growing commitment.

We have seen that federal support is essential to training adequate numbers of graduate students in the sciences. Much of that support comes from agencies like the National Science Foundation and the NIH. The National Science Foundation has a yearly budget of less than $500 million. This budget has not increased substantially over the past few years. But the cost of scientific equipment has gone up by more than 50% in that time. The cost of graduate student stipends has similarly increased. If the cost of doing research increases, while the available funds do not, we must either lower the quality or the quantity of our research. It is a choice which is bitter, but clear. We will do less research. We will accept fewer graduate students, and train fewer new scientists. If budgets actually are decreased, as they threaten now to do, the collapse of university science could be accelerated to an alarming degree. The NIH has followed the announcement of 20% research grant cuts with some second-thinking. Now we are told that the cuts will be less, perhaps only 5–10%. But that's only this year's cut. There was also a 10% cut last year. What we are in fact worrying about is not a given cut, but a trend toward cuts as an annual certainty.

Why is all this happening? After all, a country spending nearly $100 billion a year for defense should be able to spend $500 million a year for its National Science Foundation. It should not have to close 19 experimental medical centers, nor cut off hundreds of scientists without warning. The problem is that our lawmakers choose the path of least resistance. This senseless war in which we are engaged is draining $30 billion yearly from the United States. Someone has to pay for this. Economy is in the air. Cuts must be made in other areas. Basic research, as carried out at universities does not have a lobby or a union. Its practitioners are spread out and isolated. With a single push of the cork, legislators, in the relative anonymity of drowsy committee rooms can plug up many leaks in the federal reservoir.

We must tell the lawmakers that scientific progress is not bought with budget cuts, that scientists are not turned off an assembly line, and cannot be produced in cheaper models. That the problems this country, and this planet will face in the next quarter-century cannot be solved by a new manned bomber, costing $12 billion, by an ABM system costing $10 billion, by a war costing $30 billion a year. We can hope to face those problems only if we invest in the future—in the future of science and the future of man. Right now, relative to our military expenditures, the price of this investment is insignificant. But it is going up every day. We need to put our priorities in order and train the people we will need, in science and in all areas of human endeavor.

DOUBTS GROWING ABOUT MEDIA'S OBJECTIVITY

Mr. MUNDT. Mr. President, the speech by Vice President Agnew last week calling for greater objectivity on the part of the news media has resulted in a reaction by some elements of the press and television alleging that they cherish suspicions that the Nixon administration is behind some sinister plot to curb freedom of speech. Nothing, of course, could be further from the truth. Such comments completely miss the point of the Vice President's remarks and the objectives he had in commenting on this subject.

Richard Harwood and Laurence Stern dealt with this subject in a column entitled "Sneers at Vice President Won't Dispel Doubts About Media's Performance" and published in the Washington Post of November 19. The column puts the Agnew speech in proper perspective. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 19, 1969]

SNEERS AT VICE PRESIDENT WON'T DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press," that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a $3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communication Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an overwrought CBS commentator told Newsweek, "is that the White House is out to get all of us, all the liberals in all the media . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a Journalism Review cataloguing the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assaulting the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentations of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media say it is and the definition varies from day to day and place to place. It was "news" in The Washington Post and The New York Times last week when three doves in the Senate announced support for the antiwar demonstrations on Nov. 15. It was not "news" at all in The Times the following day when 359 congressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention hails of the broadcasters and editors.

SESQUICENTENNIAL OF THE ARKANSAS GAZETTE

Mr. FULBRIGHT. Mr. President, today marks the 150th anniversary of the Arkansas Gazette, the oldest newspaper west of the Mississippi.

Volume 1, No. 1 was printed 150 years ago today by William Woodruff in the village of Arkansas Post on the Arkansas River. In 1821, Woodruff moved the newspaper to Little Rock, where it has been published since.

Arkansas is blessed with a number of outstanding newspapers. Little Rock is one of the few cities its size which supports two independent newspapers, the Gazette and the Arkansas Democrat.

The Gazette is not only the oldest, but also the largest paper in the State. As Bill Lewis, a current member of the Gazette staff, writes:

> If any institution is inextricably bound up in the history and development of Arkansas, it must be the Arkansas Gazette, not merely from the standpoint that at 150 years, it is the oldest business firm of any kind in the state but also because, by its nature, it has always been, and continues to be, directly involved in that development.

The Gazette is known as "The Old Lady," a sobriquet first applied in scorn, but, as pointed out by Lewis, now assumed by the Gazette in pride. The nickname indeed personifies the chastizing, scolding dowager seeking to guide and prod a recalcitrant following to do right, an image that the appearance of the paper itself, perhaps by association, seems to reflect.

The Gazette has earned a national reputation, both for its quality and its determined editorial stands.

The newspaper and its officials have been honored with numerous important journalistic and public service awards. In 1958, the Gazette won the Pulitzer Prize for public service, and its editor, Harry Ashmore, won the Pulitzer for editorial writing. Among the many awards won by John Netherland Heiskell, who has been the newspaper's editor for 67 years, and who was a Member of this body for 23 days in 1913, are the Columbia Journalism Award, the distinguished service award of the Syracuse University School of Journalism, the Elijah Lovejoy Award from Colby College, and the John Peter Zenger Award of the University of Arizona. He was also named a fellow of Sigma Delta Chi, the national journalism society, which has also designated the Gazette as an historic site in journalism.

Mr. Heiskell set forth the Gazette's ideals in accepting the Columbia Award in 1958:

> The supreme goal of the responsible head of a newspaper should be to fulfill the obligations of the trust that has been committed to his hands . . . so let me still borrow words from Saint Paul and say for my associates in the Arkansas Gazette and for myself: We will strive to fight a good fight as long as it is granted us to follow our course. And that we may be saved from accusation by conscience and show ourselves worthy of the respect of our fellow men, we will keep the faith.

The Gazette has a great tradition of service. In Arkansas it is a part of the way of life. I am certainly pleased to be able to extend my congratulations on this 150th anniversary to everyone associated with this great newspaper.

Mr. President, I ask unanimous consent that the article written by Bill Lewis, entitled "Arkansas—History of a State, and Its Newspaper," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Arkansas—History of a State, and Its Newspaper

(By Bill Lewis)

If any institution is inextricably bound up in the history and development of Arkansas, it must be the Arkansas Gazette, not merely from the standpoint that at 150 years, it is the oldest business firm of any kind in the state but also because, by its nature, it has always been, and continues to be, directly involved in that development.

Most school boys are familiar with how it all began.

William E. Woodruff, born in 1795 on a small farm in Suffolk County, Long Island, N.Y. was bound at his father's early death as an apprentice to a Sag Harbor printer who published the Suffolk Gazette. Six years later, his apprenticeship completed and his indenture endorsed to prove to the world his status as a full-fledged journeyman printer, the ambitious young man, then in his early 20s, decided to seek his fortune in the rapidly opening West.

He set out, with the savings of his last two years of his apprenticeship job in his pocket, for Wheeling, W. Va., where he transferred to a skiff on the Ohio River and floated downstream to Louisville, Ky. He worked there for a while, and was offered a newspaper partnership which he declined.

Woodruff pushed on, walking across Kentucky to Nashville, Tenn., where he again stopped to work as a printer until the Congress approved the act creating the Arkansas Territory.

Woodruff recognized the opportunity inherent in having the first newspaper in the new Territory of Arkansas, and he lost no time in buying a Ramage printing press and other supplies and setting out for the new Territorial capital at Arkansas Post. Leaving Nashville in September 1819 aboard a keelboat—steamboat navigation had barely begun—Woodruff began the rough trip with a trunk filled with clothing and personal belongings, his press, type cases with type, four bundles of paper, a supply of printers' ink, a stack of newspapers that would provide him with the "news" for his first editions, and other printing incidentals.

The first leg of the trip, to the mouth of the Cumberland at Smithland, took 14 days. From there, Woodruff's keelboat came down the Ohio to the present site of Cairo, Ill., where it moved into the Mississippi, following it to the White. Woodruff and his belongings were deposited on the bank and the keelboat, loaded with flour, continued on to New Orleans.

The last leg of his trip was in a hollowed-out cottonwood log called a pirogue, with a crew of two. Woodruff snaked up the White River, through the cutoff into the Arkansas River and from there to the village of Arkansas Poet, a town of some 30-odd houses on a high plateau in a broad curve of the Arkansas. Woodruff arrived in October, set up shop in a makeshift building and, on November 20, 1819, issued No. 1 of Vol. 1 of the Arkansas Gazette.

An assessment of that event, written in 1883, recounted it colorfully: "In his own person, for its preparation, the publisher boxed the compass of newspaper requirements—for he filled every station in the office—he was editor, publisher, foreman, compositor, press-man, ball-boy and mail clerk. Carrier he did not need for he started without a subscriber! The few copies of the first number which have been preserved, now nearly two-thirds of a century old, show that he was a master of his business, and an accomplished printer. No typographical error mars its fair pages, and as a specimen of letter-press, difference in paper considered, it compares favorably with the best printed newspaper of the present day."

The Gazette began life politically as Democratic Republican, a party that was to evolve later as the Democratic Party. The Gazette's political persuasion was to change over the years to Whig, Know-Nothing and nonpartisan before returning to the Democratic fold.

Woodruff continued publishing at Arkansas Post until November 24, 1821, when one of the rare breaks in the continuity of publication of the Gazette occurred, as he moved to the newly designated Territorial capital at Little Rock. The next issue came out December 19, 1821, and for about five years, Woodruff avoided politics. The first expansion came in 1825 when Woodruff added a fifth column to the original four. When Woodruff did become interested in Territorial politics, he did so with a vigor that was prophetic.

The Gazette opposed statehood when agitation for it arose, and the move failed. The agitation was renewed the following year, the Gazette had a change of heart and the proposition carried. The newspaper helped to usher in statehood July 13, 1836. The same year, it supported the presidential bid of Van Buren, and its candidates for governor and Congress, James S. Conway and Archibald Yell, were overwhelmingly elected.

Woodruff, ostensibly to devote more time to his land agent's and various other business interests, sold the Gazette December 19, 1838, to Edward Cole, who operated it with ability until October 7, 1840. The Gazette in this period continued its political successes.

Cole was succeeded by George H. Burnett, and when Burnett died in 1841, the paper again reverted to Woodruff, who took charge only "until some permanent disposition could be made of it." Cyrus W. Weller became editor under Woodruff in 1842 and the following year, the owner again sold the paper, this time to Benjamin J. Borden, who turned it into a politically-losing Whig instrument. Borden, who survived a politics-inspired duel with a rival editor, Solon Borland, in 1845, named his brother, John B. Borden, a junior editor the same year. John's newspaper career was cut short, however, by his volunteering as a private in Yell's Arkansas Cavalry Regiment, which was then about to march to Mexico.

The Gazette supported Taylor for president in 1848 and the same year, Bordon sold the paper to George B. Hayden, who continued it as a Whig instrument until January 1850.

Woodruff, who had retired to private life and was wholly disconnected from politics, was forced back into the newspaper business in 1846 by his involvement in a dispute between Congressman Yell and Senator Chester Ashley. Woodruff favored Ashley, and consequently became a target of Yell as well. The dispute became so bitter that Woodruff resolved to establish a paper that could serve in his own defense. The first issue of his Arkansas Democrat appeared May 12, 1846. It was so successful that Ashley was reelected by the legislature in November of that year. The combination of Woodruff's newspaper experience and acumen and its being on the right side politically were too much for the rival Gazette, which Hayden had sold in January 1850 to Dr. A. W. Webb. The Gazette was on the verge of folding, so Woodruff—for motives readily understandable—bought it and combined it with his own paper as The Arkansas State Gazette and Democrat.

John E. Knight, who had entered the Democrat (no relation to the present Little Rock afternoon paper) venture with Woodruff, withdrew in 1850 and Alden M. Woodruff, a son of the founder, replaced Knight, as associate editor. Woodruff Sr., retired from newspapering permanently in March 1853, selling the Gazette and Democrat to Capt. C. C. Danley, who became its sole editor and publisher.

A fire in February 1854 destroyed everything but the Gazette's files, but four months later the newspaper again made its appearance. Solon Borland became a joint editor in June 1855, but remained only until March 1856. The following September, William F. Holtzman became a partner and in July 1859 "Democrat" was dropped from the newspaper's title.

Until the fall of Fort Sumter, the Gazette had espoused the Union cause. Lincoln's call for 75,000 men prompted it, however, to cast its fortunes with the South. The federal army occupied Little Rock September 10, 1863; the Gazette had been forced to suspend publication five days earlier, and it did not resume until May 10, 1865, when Captain Danley and Holtzman began publication of the Daily Gazette, and, three days later, the Weekly.

Holtzman became sole owner on Captain Danley's death October 3, 1865, and the following July he sold the Gazette to William E. Woodruff Jr., the founder's son. Holtzman himself died a month later.

There then followed a succession of partners, associates and assistants to Woodruff—Capt. John W. Wright, W. D. Blocher, William J. Buchanan, Col. John M. Harrell and J. N. Smithee. Woodruff sold his interest in the paper in the fall of 1870 to Maj. John D. Adams who, with Blocher as a partner, continued. Maj. T. C. Peek and Phillip H. Thomas served brief tours as editor and local editor, and in May 1872, Woodruff Jr. again repurchased an interest and assumed charge. Blocher sold out to his partners, and in 1873, Woodruff bought them all out, continuing the newspaper alone until November 20, 1876. Adams and Blocher became publishers of the Gazette in November 1876; Adams sold his interest to A. H. Sevier, and there were again a number of editors, chief editors, associates and local editors, one of them the famed Opie P. Read, who went on to become one of the nation's best-known humorists, lecturers and authors.

From then until June 1902 was marked by various other changes, and the paper was owned for brief periods by D. A. Brower, J. N. Smithee, George William Caruth and W. B. Worthen. The Gazette in 1888 was acquired by a group of Democrats who formed a stock company to buy the Gazette and thus insure its continuance as a Democratic voice.

That was the situation in June 1902, when controlling interest was acquired by John Netherland Heiskell, his brother, Fred Heiskell, and their father, Carrick W. Heiskell, and Fred W. Allsopp. The group later acquired all of the stock to become sole owners. The Heiskell family still owns the Gazette outright, a remarkable record in that ownership has remained stable for well over a third of the Gazette's century-and-a-half existence.

Although it has been at its present location at West Third and Louisiana Streets since 1906, the Gazette's earlier years were far more nomadic. It occupied, or reoccupied, about 18 different buildings—two, and a possible third, at Arkansas Post, and 16 at Little Rock, all within an area bounded by the alley between Markham Street and the Arkansas River and Cumberland, Center and Third Streets.

The first domicile was a two-room log cabin rented from Richmond Peeler at Arkansas Post. While there, Woodruff jointly owned another lot with Robert Briggs, who was associated with him in the Gazette for about a year. Although no proof has been found, the Gazette may have occupied a building on that lot sometime after April 1820. A few weeks before his move to Little Rock, Woodruff moved his newspaper into a frame house at Arkansas Post that was, according to a contemporary account, "nearly opposite Colonel Brearley's new store."

The first Little Rock office of the Gazette was another log cabin, built by a British immigrant builder, Joseph Thornhill. It was not much to look at but it was sturdy enough to last 66 years. The Gazette left it in January 1824 for a two-story brick building at the southwest corner of Cherry (now Second) and Cumberland Streets. The building, like all of the other Gazette homes but the present one, no longer stands.

Newspapering in those earliest days was primitive in a great many respects, but the patterns established then have been remarkably enduring.

Founder Woodruff, for example, decreed from the very beginning that the newspaper would be delivered to subscribers' homes in the city of publication, and he made good his word. For those living outside the hand delivery area, circulation had to rely on the then-incomplete and irregular mail system, by private conveyance or the help of friendly travelers. Postoffices at first voluntarily delivered the papers free when this involved no actual transporting of it; in those cases where the paper had to be sent to another postoffice for delivery to the subscriber, postage was collected from the addressee on delivery. (At least one postmaster, it is reported, came up short in his quarterly accounts because he had permitted Gazette subscribers to put their postage on a tab, and they hadn't paid up in time. The practice was summarily halted.)

During the period of Borden's ownership, he claimed a circulation that reached into every state—a not-unlikely claim, since the Gazette was then an only source for news about a prospective new home for Americans in other areas who were on the move. It also was a favorite source of political information for Washington residents; there exist copies of the Gazette's nameplate imprinted with the name and address of such political figures of the era as John Quincy Adams.

The staffs of the early papers were trained more in the mechanical aspects of printing than in the journalistic aspects of writing, and the reporter as an employee who gathered and wrote the news did not evolve until the Civil War and later. The claim of Woodruff Sr. that he was "editor, publisher, foreman, compositor, press-man, ball-boy (a name ascribed to the person who applied ink to printing plates with a stuffed sheepskin ball, the inking rollers not having been invented yet) and mail-clerk" was not an idle one. For many years, increases in the staff of the newspaper were largely in the composing area, not the editorial.

Advertising, following the English custom of long standing, was carried on the front page, along with legal printing and dated news gleaned from weeks- or months-old exchange newspapers. The local and current news was inside, protected from the elements by the non-critical cover page. These outside pages were printed first then allowed to dry. For reasons not now clear the paper apparently had to be dampened before being used, and the printing inks of that era no doubt dried more slowly than modern inks. Thus the inside pages were the last to be made up, and therefore the most nearly current in news value.

Rarely were advertisements published only once. Those that were dealt with timely events, like announcements of meetings or entertainments. Merchants got a better rate by contracting for long-term advertisements, of three, six or 12 months. The wording of these ads could not be changed, and accordingly they rarely ever mentioned prices or specific merchandise, emphasizing instead the name and type of store, product or service. The reason for this was simple: The availability of goods for sale depended almost wholly on the navigability of the rivers over which the goods were shipped, and transportation was unreliable at best. Summer brought low water levels and winter, ice. And not infrequently the Gazette's shipment of paper was delayed by ice on the Ohio River, out of Cincinnati.

Advertisements carried inconspicuous keys showing when they were to expire. One often used listed the issue number of the current volume first, followed by a dash and the initials, "tf." They stood for "till forbid"—or, the ad was to be run continuously until ordered stopped by the advertiser.

To historians, early ads have become the only source for names of some of the individuals who lived then. Without the Gazette ads, their names would have been lost forever.

The news columns were filled with accounts of national and international events taken from exchange newspapers that reached the Gazette weeks or months after their publication, which itself often was long after the news they printed had actually occurred. Travelers provided accounts, and the paper also printed news from letters mailed to townspeople, and from its early years the Gazette encouraged, as it does to this day, a lively column of letters to the editor, which were sometimes used as devices of political intrigue.

The Gazette in time came to rely on friends in county seats for election returns. Sent by mail, these were unofficial but a month to six weeks faster than the official returns.

Illustrations of any kind in these early papers were rare, and consisted of line drawings only until the use of half-tone engravings began on October 11, 1908.

The paper stock on which the Gazette was printed from the outset until well after the Civil War, except for periods during the war itself when the preferred stock was unobtainable, was of 100 per cent rag content. Because of that, the original early issues that survive are in better physical condition than are issues printed as recently as a decade ago. (Permanence is achieved now through microfilming.)

Woodruff Sr., and some of his successors, had great difficulty in making financial ends meet. They had to pay cash for their paper and other supplies, yet they found it almost impossible to collect from subscribers. Woodruff printed polite requests, appeals to the subscribers' sense of justice and honesty, explanations of his need for money and suggestions that prompt payment would make improvements in the paper possible. All were ignored.

Woodruff and later owners managed to survive these vicissitudes and to continue to expand the physical plant of the Gazette as it moved from owner to owner and from place to place. The Ramage was succeeded by a Franklin Press, and it in turn by a Hoe. The Gazette, in fact, was equipped with a press capable of steam-powered operation as early as 1854, but Danley, who was then its owner, could ill afford the power plant, and it continued to be operated by hand.

Even so, the capabilities of that frontier press were considerable. Woodruff Jr., by the time his tenure as owner ended, had built one of the most complete job-printing offices in the Southwest, and the Gazette was able to print job (but not newspaper) work in color by 1868. Woodruff also could print music and he had the symbols necessary for printing the Indian languages of Cherokee and Choctaw.

Steam finally arrived at the Gazette, a good 15 years after its competition had acquired it, in 1870. The six-horsepower system engine not only was put to use driving three job presses but also heating the Gazette building.

The beginning of the Heiskell era marked the beginning of the Gazette's development from a financially shaky, provincial publication into what is now authentically claimed for it, one of the nation's most honored newspapers.

Heiskell added a Monday issue November 20, 1906, making the Gazette a 365-days-a-year publication. The first half-tone engraving appeared October 11, 1908, the first sports page October 24, 1908, the first society page two months later. Departmentalization of the news, a concept only vaguely followed in the early years, became the rule.

The first cartoons appeared as early as 1900, but the first regular Sunday comics section was an addition of 1906. The following summer, the Gazette became the first Arkansas newspaper to offer Sunday comics in color, and two years after that, in 1909, Bud Fisher's "Mutt and Jeff" made its Gazette debut as the first daily comic strip.

Advertisements had continued to appear on the front page until 1924; thereafter, they were moved inside, and the front page achieved the prominence it now holds as the preeminent place for top news. The development of business news as a new news category preceded World War I, and by 1925 had established itself as a separate page.

The Sunday Magazine came in 1930; commemorative editions were issued marking the 80th anniversary of the newspaper December 12, 1899; the 100th anniversary November 20, 1919, and the State Centennial June 15, 1936. All three were issued as bound magazines.

Hugh B. Patterson, Jr., the first and, so far, only person to hold the title of publisher, joined the staff after his World War II service, to be followed soon by Harry S. Ashmore as executive editor. Their philosophies of newspapering and of editorial stance coincided, and during intensive planning sessions that correlated major changes in format and editorial handling with innovations in the business area, the modern Gazette emerged.

One of Patterson's first moves was to bring in persons who could strengthen key positions in the paper's management—Frank Duff in personnel, J. R. Williamson in business management, Leon S. Reed in circulation, Bill Moffitt as national advertising manager, and others. (All but Duff remain on the staff.) Ernest D. Dodd resumed his duties as composing room foreman after the war, and is now the senior man in mechanical management. Claude M. Collie progressed from accountant to controller and assistant treasurer, and Louis S. Munos joined the staff as advertising director.

In the news department A. R. Nelson returned from the Navy at war's end to resume his duties as telegraph editor, and successively became news editor, then managing editor, and is now Executive Editor. William T. Shelton joined the news staff in 1950, and moved up to his present position of day managing editor and city editor. Robert R. Douglas, the night managing editor and news editor, came to the paper in 1948 after graduation from the University of Arkansas. James O. Powell became the Gazette's editorial page editor following Ashmore's departure, and is assisted by Jerry Neil and Jerry Dhonau in writing the paper's editorial opinion.

Parade, the syndicated Sunday color supplement, was a 1950 addition, making its debut on the same day that the Gazette's modern—and still-used—divisions were unveiled.

The Gazette's subscription to wire service news dates to post-Civil War days, when transmissions were by Morse code and required a Morse operator to send or receive them. Wire services were added as the paper grew—the Associated Press, United Press (now United Press International), the New York Times News Service, and, within the month, Reuters, a British-based service with worldwide resources, like AP and UPI.

From the Morse Code days, the wire services have progressed technologically to the point now where high-speed printers that are a part of the national network of wires serving newspapers now simultaneously produce perforated tape as their "copy" is printed out. The tape then may be fed into attachments on the Linotype machines, automatically reproducing in column width the copy as it was sent out from Washington, New York or wherever.

The use of the tape doubles the production of a Linotype machine, of which the Gazette has 22, and has the further advantage of requiring only one-fourth the manpower to operate that a hand-operated Linotype must have. Thus, one person can keep four Linotypes fed with tape, and they can produce type at twice the hand-operated rate, for a net efficiency gain of eight-fold.

Except for classified and display advertisements, mats, engravings and the like, almost all of the written content of the newspaper is now first "punched" into tapes, on a battery of eight tape-punching machines.

The tapes then are fed through a computer which justifies the lines, so that the copy is produced in the proper column width. (If a line is made too long by a word, the offending word is flashed rapidly on a dial of the computer, beneath which are buttons. An operator presses the appropriate button, telling the computer where the grammatically correct syllable break should be.)

The tapes then are fed into the Linotype machines, and the resulting columns of type formed by the machine of molten lead, are "made up" into pages by printers following directions provided by the news editors. Each page already will have its advertisements in place. A proof of each column of type is "pulled" and sent to the proof reader, who corrects any errors and returns it, with the type, to a hand-operated Linotype, where lines containing errors are reset.

The next step is the pressing of a full-page mat from the page form. A damp, porous papier mache sheet is placed over the mirror-image page and is pressed, under tremendous pressure, down onto the page form, creating a positive image on the now-hard mat. The mat then is subjected to a "mat roller" that dries, shrinks and curves it. From there it goes into a casting box, where molten lead is poured onto its surface to create a second mirror image. This half-round of lead is dressed and trimmed if necessary, then sent by conveyor to the pressroom, where it is placed on the press as one page of the next day's paper.

The daily volume of local and state news, features, society, sports and business issue from the news staff which daily must gather, write, edit and assemble the equivalent of an average novel. "Stringers"—correspondents who acquired their nomenclature from the custom of being paid by the amount of printed news they provide, as evidenced by their "string" of clippings, pasted end to end and measured by the inch—are located in every county of the state. They telephone, mail or telegraph their news articles to the state desk, which has jurisdiction for the coverage of all of Arkansas outside of Pulaski County.

Within the county, a staff of "beat" reporters—those covering on a regular basis the City Hall, Courthouse, Capitol, Federal Building, police and North Little Rock—produce articles from their beats. General assignment reporters cover the rest—civic clubs, political and other conventions, interviews, features and so on. Sports, the Sunday Magazine, the Business and Farm Review, Society, Home and Food, Editorial Page, Church and School, Radio and Television, and photography, all have their own staffs. Most have their own space allotments, and like Sports, Sunday, Society or the Editorial Page, their own editors. The beat and general assignments newsmen work directly under the city editor, who funnels their copy to a news desk for editing, the addition of headlines and subheads, placement on a page "dummy," and, finally, transmission to the composing room where it begins the mechanical process described earlier.

Additions to the Gazette presses in 1964 enabled the paper to print 64 pages of black and white plus four pages of full color at a speed of 45,000 papers an hour, an increase before the additions of 16 pages. The entire press complex now consists of eight units, three half-decks, a double color cylinder and two folders. A "pasterpilot" added at the same time enabled pressmen to change rolls of paper without stopping the press, as was previously required.

The Gazette has contracted to buy from the Atlanta Journal and Constitution another press line consisting of 16 units of Goss Mark I Headliner units with six half-decks and three double folders, all equipped with full-speed pasters. These will double the press capacity. It is scheduled for installation in 1971.

The Gazette maintains storage outside the immediate plant for about 12 carloads, or 1,000 tons, of newsprint, of which it uses more than 13,000 tons a year, together with a thousand gallons of ink every week.

Among recent plant additions are the most modern engraving system available, which produces most—and in time will produce all—of the halftone engravings used by the Gazette; and the installation of a Photon 560 system with an 1130 IBM computer for the electronic setting of display advertisements.

The present Gazette Building, designed by George R. Mann, father-in-law of J. N. Heiskell, has been described by Little Rock architects as transitional in style, reflecting both Federalist influence and what they called the Chicago School, which evolved from Louis Sullivan, the teacher of Frank Lloyd Wright. It was built by Peter Hotze and was occupied in 1908.

The three-story building, at the northeast corner of West Third and Louisiana Streets, includes rental space as well as the entire Gazette operation, except for outside storage. The Gazette alone has 342 full-time and 82 part-time employees, who earn $50,000 a week. With circulation having increased from about 20,000 at the time of the building's construction to some 110,000 to 130,000 at present, the space occupied by the newspaper no longer is adequate. Accordingly, the Gazette has bought almost four blocks of land immediately east of the Freeway between Second and Fourth Streets, with the Rock Island Lines tracks as the east boundary, and plans for a new plant are well along, with the announcement of construction of the new building expected soon.

Fewer than 10 per cent of the 115,400 daily and 132,400 Sunday copies of the Gazette that roll off the presses wind up as single copy sales. One of the newspaper's circulation strengths is the high proportion of home-delivered subscriptions. The Gazette is one of only three major American newspapers that provide home delivery state-wide. (The other two are the Denver Post and the Des Moines Register and Tribune.)

To achieve this enormous daily feat, the Gazette contracts with the operators a fleet of 47 trucks which cover the entire state between 10:30 p.m. and 5 a.m. 365 days a year. They deliver Gazettes to some 300 dealers and some 250 carrier boys outside Pulaski County, who in turn deliver papers to individual subscribers. The in-county delivery is handled by about 400 carriers. Thus there are more than a thousand Arkansans who earn part or all of their income from the sale of the Gazette.

The whole delivery network is based on the independent contract system under which the newspapers in essence are wholesaled to dealers and carriers, who in turn retail them to their customers.

The circulation department, which has some 50 internal employes and representatives in nine of the state's major cities, not only must maintain and collect for distribution but also is responsible for the paper's efforts to increase sales, and thus circulation. The paper has scored some notable firsts in this regard, among them the use of two-way radio in serving subscribers. (A subscriber who doesn't get his paper may call the Gazette before 10 a.m. and have one delivered to his home—no extra cost.)

As this complex delivery system has grown, the number of Gazettes that must depend on the mail for delivery has declined to half its level of 20 years ago. Fewer than 6,000 copies are mailed, but they go throughout the world—there is a subscriber, even, in Afghanistan. (The cost of that subscription is astronomical.)

A woman scorned cannot compare in fury, nor can hell itself, with a Gazette subscriber whose paper doesn't arrive well before sun-up. A delivery boy's failure becomes a personal affront of the subscriber by the Gazette. One lady was infuriated on an icy morn that her paper was not there. Had it happened before? "No," she replied, thoroughly disgusted, "but wouldn't you know it would be on the day my husband can't get to work!"

Gazette subscribers, indeed, seem to take an almost proprietary interest in the morning newspaper; they may praise or curse it, but they find it almost as necessary to their life style as breath itself. Few readers are indifferent to it. There is, of course, ample reason. No one need ever be ignorant of where the Gazette stands editorially. Its editorial page, the "soul of the newspaper," in the phrase of Mark F. Ethridge, one of the nation's most distinguished journalists, has never equivocated on an issue. In modern times, it has served as a kind of collective conscience, always reflecting the liberal and progressive approach that conflicts—violently, at times—with public sentiment.

So consistently has the Gazette editorialized on all issues that some of its critics have chosen to condemn it for presuming to be authoritative on everything. Never has the editorial page, in modern times, been accused of straddling the fence. That being the case, a remark not infrequently heard about the Gazette, and one usually uttered with resignation, is that "You can't live with it, and you can't live without it."

Of course, the other side of the coin is an almost passionate partisanship for the Gazette. Newcomers often express surprise at discovering its quality, and when they move on, not infrequently they have the Gazette sent to them. They share their devotion with thousands of old-times, who must have learned from their parents the expression, often heard and usually prefacing a request, that "I've been a subscriber to the Gazette for 40 years, and * * *" Sometimes, the "and" is replaced by "except" and they add, with equal pride in their independence, some period when they quit their subscriptions temporarily in outrage at some editorial position with which they disagreed.

The Gazette countenances dissent, even in its own ranks. When the newspaper was at its bitterest odds with former Governor Orval E. Faubus, a Gazette printer, identifying himself as such, made a television commercial in Faubus' behalf. Faubus is out of politics now, but the printer remains a member of the Gazette backshop staff.

"The Old Lady," a sobriquet first applied in scorn but assumed by the Gazette in pride, personifies the chastizing, scolding dowager seeking to guide and prod a recalcitrant following to do right, an image that the appearance of the paper itself, perhaps by association, seems to reflect. Physically, changes in the Gazette make-up come as slowly as they do inexorably, and a splashy dress is not to be found in The Old Lady's wardrobe.

In an age of emphasis on brevity and telegraphic style, when space is money and reading time a premium, the Gazette remains one of the few newspapers of the nation that does not stint on depth reporting, granting however many column inches are necessary to tell the full story. The advertising slogan, "You get more out of the Gazette because more goes into it," in terms of cold, hard lineage statistics alone, is not an idle boast.

John Netherland Heiskell, whose 76 years in journalism, 67 of them at the helm of the Arkansas Gazette, is a record unique in American newspapering, remains at age 97 the bedrock of the institution. Born at Rogersville, Tenn., November 2, 1872, he was one of the first of a new breed of journalists who were college trained for the career. Taking his degree from the University of Tennessee in 1893, he began it the day following his graduation by joining the staff of the Knoxville, Tenn., Tribune as a reporter. He served successsively as city editor of the Knoxville Sentinel, reporter and city editor of the Commercial Appeal of Memphis and as a newsman for the Associated Press at Chicago, filing news reports for the Southern wire. From Chicago he became what would now be designated chief of bureau for the AP at Louisville, Ky., and in June 1902, joined with his father, brother and Allsopp in the purchase of the Gazette, of which he has been editor and president ever since.

Heiskell, whose years may have slowed his gait but have served only to quicken his wit and heighten his perception, not only brought innovation and technical advances to the Gazette, but long ago established its credo—a guideline he articulated in a superbly, and economically, worded statement on receiving an award from Freedom House in 1958, the year of the newspaper's greatest crisis.

The credo, since often quoted, and simply, "Every newspaper must come to judgment and accounting for the course that forms its image and its character. If it is to be more than a mechanical recorder of news; if it is to be a moral and intellectual institution rather than an industry or a property, it must fulfill the measure of its obligation, even though, in the words of St. Paul, it has to endure affliction. It must have a creed and a mission. It must have dedication. It must fight the good fight. Above all else it must keep the faith."

No member of the staff is more faithful than he. Heiskell, who had earned the right to a retirement of ease 30 years ago, comes to his office at the Gazette daily—when he is not traveling about the world, attending international conferences or other professional meetings. He presides over the daily editorial page staff conference, where he sets policy. He is a voracious reader of other newspapers, a keen collector of Arkansas material, an almost daily provider of news tips and suggestions. His sense of humor is an institution itself to Gazette staffers, and "JNH" stories are legion; several people collect them.

A widely-circulated but typical one concerned one of Heiskell's periodic medical checkups a few years back. His physician, after the usual examination, pronounced him in general good health, with all organs functioning properly. "In fact," said the doctor, "Your liver ought to be good for another 20 years."

"What," the 87-year-old editor replied, "am I going to do then?"

Adherence to "fighting the good fight" has brought Heiskell and the Gazette almost every journalism award available. For the newspaper's unwavering advocacy of compliance to school desegregation laws and edicts in 1957–58 against violent popular opposition, it, and Ashmore, the editor of its editorial page of the time, both received Pulitzer Prizes, an unprecedented recognition. Then followed for Heiskell the John Peter Zenger Award of the University of Arizona, the Lovejoy Fellowship of Colby College, the annual Freedom Award of Freedom House, a National School Bell Award and citations and medals from Syracuse University, Columbia University and the University of Missouri.

The Gazette itself was designated an historic site in journalism September 15, 1966, by Sigma Delta Chi, the national journalism society, which previously had made the Heiskell an honorary fellow.

THE YEAR THE GAZETTE WAS ESTABLISHED

Two things crossed my mind nearly simultaneously the other day during a vacant moment as I was gazing at nothing in particular out on Third Street. Two momentous events occurred during the 150-year life of the Gazette, whose birthday we are observing:

(1) The first steam-powered vessel to cross the Atlantic did so in 1819, the year of our founding; (2) One team of men has already landed on the moon in 1969, our 150th year, and the second team of moon explorers is at this moment on their way.

The two points in time connected by the Arkansas Gazette must surely contain the largest collection of marvels in man's history and pre-history.

Both the years 1819 and 1969 are parts of ages of expansion when ideas become too big for the frames containing them. An outward and upward thrust characterizes the years.

We have 1969 reported and brought up to date constantly—and instantly. While musing on the two years, I began to wonder what was going on in the world in 1819, when William E. Woodruff was installing his first printing press at Arkansas Post, and beginning to make up Volume I, Number 1, of one of America's longest-lived institutions.

In 1819, Europe was being shaken by war; despotism was being undermined in influential countries by the tide of liberty. A many sided revolution was under way, not to be stopped.

King George the Third still occupied the throne of England in 1819. Queen Victoria was born that year. It was the year in which industrialism and colonialism were expanding like steam into a new cylinder. There was a demand for parliamentary reform, and in an effort to slow the progress of popular government, 1819 saw passage of the "six acts" which forbade Englishmen from assembly in groups larger than 50.

In France, Louis the Eighteenth occupied the throne, from which Napoleon had just recently been toppled, and the new monarch attempted to set up a parliamentary system based on that of the British. The dream of self-government was spreading.

In Prussia, Frederick William the Third fretted over an apparent "hatred of kings" and the "phantom called liberty." At the same time the Arkansas Gazette was being founded, Frederick William was passing police restrictions on students and the press.

Emperor Francis the First of Austria, under the influence of Metternich, suppressed freedom of thought and speech. Italy was longing for unity and representative government, and Greece was plotting the revolt which took place against Turkey in 1821. Alexander the First was on the throne of Russia, a country of enslaved serfs.

In 1819, the Republic of Columbia was formed with Simon Bolivar as president.

Ferdinand the Seventh was king of Spain, and during 1819 he agreed to the treaty by which Florida and West Florida became a possession of the United States.

James Monroe was president of the United States in 1819. It was a period of the formulation of the Monroe Doctrine, and a year later the Missouri Compromise was promulgated.

The steamship Savannah became the first such vessel to cross the Atlantic Ocean in 1819, although it must be admitted that she was also fully rigged with sail, and that the low-pressure steam engine supplied only about 90 horsepower. It was a ship of 250 tons, and made the journey to Liverpool in 30 days.

Alabama became a state in 1819. The Sandwich Islands, now Hawaii welcomed its first band of American Christian missionaries.

Robert Crittendon came to the Arkansas Territory as secretary the same year under appointment of President Monroe.

The population of the Arkansas territory was recorded as 14,273, living mostly along the streams and rivers of the seven existing counties, Lawrence, Phillips, Arkansas, Pulaski, Clark, Hempstead and Miller.

One hundred and fifty years is really a short time in history, but for us—a span of incredible progress.

KANSAS FARM BUREAU CITIZENSHIP SEMINAR

Mr. DOLE. Mr. President, the Kansas Farm Bureau Federation sponsored a citizenship seminar last summer for high school students. A highlight was a speech given at this seminar by Mrs. Francine Neubauer entitled "Once Across the Stage," which summarizes in a most effective way the travail endured by mankind in striving for and maintaining freedom from oppression. Mrs. Neubauer reminds her listeners that liberty does not come easily and that to maintain it requires constant vigilance by all who enjoy it.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ONCE ACROSS THE STAGE

(By Francine Neubauer)

Say it in French! Say it in English! Two words have the same meaning "Freedom" and "citizenship". Yet, these two words have been used, misused, tossed about and abused so much that we cannot help but wonder what their true meaning really is.

History tells us its real meaning—

When Christopher Columbus discovered America, little did he know that a land which appeared wild, dangerous and certainly uncivilized, would some day reach, and even surpass in reputation, wealth, and power a continent which at that time had everything in its grip, royalty, fame and power.

As the years and the centuries went by, two kinds of people, with a same background, but with an entirely different ideal confronted each other. On one hand, there were those satisfied with the Old World, its traditions, its selfishness, and cruelty, its total lack of concern for those held in misery and slavery without the hope of ever knowing a better tomorrow, and on the other, the people who found themselves unable to remain and accept a life where only the rich could survive, and who rebelled and came to this country, willing to accept any sacrifice and hard work to gain the freedom they were searching for rather than to die in servitude We call them the pioneers!

Truly, Europe cannot be blamed for everything. According to history, each nation in Europe was, according to its size and its fate, either a master or a slave for not everyone can conquer and rule. Among the small countries of Europe stood a gentle land, small and overrun by foreign powers, chained for centuries to other nations, and exposed to the most violent warfare ever known.

From Caesar to Hitler, the long suffering country of Belgium has had to submit to intermittent foreign occupation. They can never forget the battles that ravaged Flanders fields and raged through the hills and forests of the Ardennes. Curiously enough, among themselves, the Belgians differ widely—the Flemish fisherman is as different from the Walloon coal miner as the Brussels banker from a stevedore at Antwerp—yet, in a national crisis they act as one. For 19 centuries Belgium had to struggle with outside forces who tried to split up or control the country and finally gained her independence from the Dutch only in 1830.

That independence is as dear to them as the freedom we Americans know, and this is the reason why there is no doubt in the people's mind that to protect or regain this freedom they must fight at all cost. Should you ever see a foreign flag covering the Stars and Stripes in your homeland, you would know then a feeling which can be only described as the bitter taste of defeat.

May I turn back the pages of history and share with you this heart-breaking experience—the stage is all set, and you and I are the stars. A small country, Belgium, the date May 10, 1940—a beautiful spring morning . . .

It's a peaceful spring morning, the sun is shining, the birds are singing and your heart is young.

You look at the blue sky, and suddenly disbelief grips at your soul. This is not a cloud, and those are not birds. The horizon is filled with roaring planes and these puffs of smoke are shells and bombs . . . and you stand there motionless, a little girl yet, watching your father, tears running down his cheeks, repeating over and over again, "C'est la guerre," "We're at war." The shrill noise of the sirens tears the air. People begin to run and scream as you watch, paralyzed, the houses around you turn to ruins and then you, too, begin to run anywhere, anyplace, to hide until the awful threat is over . . . The days go by, the soldiers are fighting valiantly; a small army in a small country, against a well prepared aggressor; they suffer and they die, there is no escape, and ten days later over the radio the voice of the king, shaking and filled with sorrow tells you: "I have surrendered our country to the enemy to avoid unnecessary massacre of our troops; may God give us the strength."

That evening, huddled with your family behind the heavy draperies, you watch Hitler's army march down in triumph through the streets of *your city* and once again your father cries . . . "What did he fight for just 20 years ago." The streets are deserted for a conquered people are weeping behind closed doors and each enemy step is a step crushing your heart.

And a new feeling, a bitter feeling seeps into your heart—hate for the invaders—for one's love for one's country is not measured by its size but by the pride of its people—the *bitter taste of defeat is yours for a long time*.

Days, weeks go by, you adjust for there is no other choice, to the dictatorship, but you never accept it.

Hunger, misery, threats, torture are part of your people's life now, but because their soul is invincible as long as they believe, you and thousands of others begin to fight back, to avenge your country in many small ways. The principle is to get at the nerve center of the enemy, to destroy his confidence, to keep him worried and harassed. You are no longer a child, war made you grow up in a hurry.

Strangely enough, as you find yourself and your country robbed of its freedom, you become better acquainted with a feeling you often ignored because it was easier. The realization that you care a great deal for your people and what happens to them. Gone are the small, petty internal attitudes or ideas, now there is only one nation united because it is fighting the same enemy. The quiet, dull life some of the Belgians led before the invasion no longer exists. Now the meek find the courage to speak up, the old the desire to fight regardless of the danger, the rich share his wealth with the poor—the miracle of unity among a people in chains has begun. A wonderful organization "the underground comes to life, made of people in love with their country. There is no glamour, no recognition and they die silently *but not in vain*.

The rulers react to all your efforts by more threats, more punishment; one morning you go to school and your teacher is absent. What has she done: Deported to the slave camp for conspiracy against the III Reich. You pass by the rectory and a note on the door, signed by a German official, informs you that the priest is no longer there; his crime? Conspiracy against the enemy.

Persecution spreads out. One morning a German truck stops in front of your neighbor's house. They are taken away at gunpoint, despite their protests and their tears. You never see them again. Their crime? The worst of all: they are Hebrews. And suddenly, all over the city, thousands of yellow stars begin to bloom, the Star of David worn on a coat sleeve or a dress, and which brand the wearer as someone not entitled to any consideration or decent treatment and later on to be herded just like cattle in concentration camps. They walk around, silent but proud; martyrs, refusing to give up their citizenship and fighting back in a most powerful manner through their example.

At first you are horrified, then you begin to learn not to show your emotions for it does not help. Families are torn apart, all young men are to report for "volunteer work" and your mother says goodbye to her son and you to your brother. You again taste the bitter pain and the hate and you change, you become more independent, more defiant, and you cannot stand idle and let the oppressor destroy your soul. There are hundreds of young people who give more, they give their life and it is an endless, silent struggle between the oppressed and oppressor.

With the loss of your freedom come a thousand humiliations and frustrations. You watch the little children and the old people fight for the garbage some others luckier have discarded. You see them struggle over a piece of cloth, coal or wood, over a moldy crust of bread. You know a hundred times the angry disappointment of reaching the end of the long waiting line in the grocery store and be told "Sorry, there is no more."

You wonder how people can exist on one egg, one pint of milk, and one loaf of bread a week, but they live on more than that—they live on hope.

After four long years, one summer day it is over, you are free. You forget your hate and your sorrow, but you never forget the value and the price of freedom.

The curtain falls on the spectacle of a nation screaming with joy, overwhelmed by the breathtaking awareness of regained freedom.

Act II. It's Christmas 1946. A ship sails away from the French shore carrying aboard a young woman filled with hope and good will to a new country and a new home. A panic seizes her because she suddenly realizes that this may be more of a challenge than she expected and while her heart is torn between two loves, the one she leaves behind and the one awaiting her, she tells herself that America is really what she believes it is, beautiful, rewarding to those who try hard, and above all, free.

Truly there have been many rewards for her. A new home, new friends, and above all the time when she, too, after four years, places her hand over her heart and says "I pledge allegiance to the flag of the United States of America." Believe me, she fully understood that this was a privilege, something to be earned and to be proud of. Truly, she just did not take, she gave in return the first 20 years of her life to become someone new. She also learned one thing—there is only one way to salute that flag, by standing right behind it, *united!* This is for her the happy ending of the second act.

Act III. I present to you now the American of today, with his heritage and a privilege acquired just by being born. After 20 years in this country, I marvel at its richness, its people and the life that is theirs. Most of all, I have become more aware of the important role America plays in the world. Twenty-five years ago, Europe looked at the United States in a protective, big-sister like manner. The American was then a symbol of excentricity, exuberance, youth and above all *wealth*. This picture was created by the papers, films and books presented to the European public. As a young nation the United States' views and ideas were different and more daring than those of the Old World. Do we not marvel now at the audacity of today's youth? It is part of his life for only years of experience bring on wisdom, patience and serenity.

Today, America is the leader in the world and to carry on this role implies heavy responsibilities because other nations are watching us, prompt to give advice or to criticize but seldom to take action.

As human beings we criticize, worship, build up or destroy something or someone every day. We complain forgetting the richness and greatness of this country, its prosperity and its role in the world. We have lost sight of its true gift, the freedom that is ours—yet the best things in life are not free, they must be guarded, not only through good will and appreciation, but through sacrifice if necessary.

There has been more wars, the Korean War, the war in Viet Nam, and we should worry because it seems it is always somebody else's war. Oh, I know, it is not easy to ask a mother to give her son, or a father to leave his family, but how would we feel if they were taken away at gunpoint and put to work against their country? It is only when we have lost a good thing that we realize its value. And to the people who protest, who defy the authorities, I would like to say "Don't you know that by your actions you are destroying the symbol for which America stands? The freedom everyone dreams of, needs and wants? For if we someday can find one good excuse why we should not fight for our freedom or our country, I hope we are ashamed of it." To avoid one's duty in any way is to make oneself available to the worst thing of all, "failure." Fifty years ago Congress voted to declare war on one country and the lives of Americans were abruptly changed. We are no longer on the sidelines and the words of a president are still ringing in our ears. "The world must be made safe for democracy."

Today we are still fighting and are trying to make a reality of these words. There is a terrible price to pay for peace, and as we watch with anguish and sorrow the American flag being burned by a foolish nation and our government harassed and humiliated wherever it is represented, we cannot help but wonder how short men's gratitude is and how much more we have to give.

The answer is there, simple, real and cold. As much as we are willing to give for we owe something to those who gave everything 50 years ago, 25 years ago, and this very day. We cannot avoid it unless we are failing and to avoid this failure and to keep our role requires the united effort of a whole nation. Each of us must contribute in small ways perhaps, to the completion and perfection of the picture. A citizen is a vital part of a nation if he or she does a good job. Granted! It is a rather obscure role. We do not receive daily thanks for being honest, for observing the law, welcoming a neighbor or forgiving one who hurts us, yet all these actions contribute to the betterment of our country.

Because for some of us the task is partly done, we must turn to the young people hoping that they, in time, will preserve, protect and very likely improve our policies and our life, for any human machinery can always stand some improvement. Yet, how can we be sure the new generation is prepared if we fail to teach them.

Education begins at home. From the moment a child is born he bears a responsibility and those who train him will either contribute to his success or his failure. To teach a child to accept a sacrifice, to put forth an effort to reach a goal, to study to acquire knowledge, to respect others and their life or their decisions, those are the essentials of citizenship.

A real citizen is a free man who willingly accepts a certain amount of control. For without control each man becomes his own government and his own judge, and this means chaos. The right to dissent is our privilege; to abuse that right is to seek self-destruction by undermining the root of this country, unity among its people.

There is no end to the third act for we are part of it now. There is one thing to remember, "We only walk once across the stage of our life. Let us be sure we play our part well."

Perhaps you have a question, "What is expected out of me? Speeches? Fights? Blood?" The answer is simple and real.

You represent "The Best" to the rest of the world, and to us the older generation. It is true that perhaps we forget to say thank you to you for the good things you are doing and for your genuine interest in your country and your life and at times, you must feel misunderstood or overlooked, yet, you are the future of America.

I am standing here before you, not to ask you to feel sorry for what happened years ago or even yesterday somewhere else, but to remind you that the turmoil in the world today is a cry for help. That tomorrow belongs to you, our new generation, and we hope you will join the ranks of those who care, and understand as matured men and women the responsibilities awaiting you.

I could not find a better way to end tonight's story than by reading a letter written in the summer of 1966 by one of the University of Kansas all time track stars, Cliff Cushman, an Air Force Captain at the time he was reported missing in action in Viet Nam since the fall of 1966.

The 43rd annual Kansas Relays were dedicated to him in recognition of his outstanding attitude not only in sports but in life.

Perhaps you will recall that in 1964, Cushman attempted to qualify for the Olympic Games at Rome. He hit a hurdle, sprawled on the track, and missed his goal.

And so he wrote this open letter to the youth of today:

"You watched me lie on the track in a heap of skinned elbows, bruised hips, torn knees, and injured pride, unsuccessful in my attempt to make the Olympic team for the second time. In a split second all the many years of training, pain, sweat, blisters and agony of running were simply wiped out. I tried! I would much rather fail knowing I had put forth an honest effort than never to have tried at all.

"Let me tell you something about yourselves. You are taller and heavier than any past generation in this country. You are spending more money, enjoying more cars than ever before, yet many of you are very unhappy. Some of you have never known the satisfaction of doing your best in sports, in class, the wonderful feeling of completing a job, any job, and looking back on it knowing that you have done your best, so:

"I dare you to not wilt under the comments of your so-called friends. I dare you to clean up your language. I dare you to honor your mother and father. I dare you to go to church without having to be compelled to go by your parents. I dare you to read a book that is not required in school. I dare you to look up at the stars, not down at the mud. There is plenty of room at the top, but no room for anyone to sit down.

"You may be surprised at what you can achieve with sincere effort. So get up, pick the cinders out of your wounds and take one more step.

"I dare you!

"CLIFF CUSHMAN."

My name does not matter, it will be forgotten within a few hours, but *one* must remain—"My name is America and my blood is made of 10,000 drops of others' blood. And, if at times I weep at the sight of my children, their strikes, their frustrations, and their anger, I then seek comfort into those who abide by my laws, at the cost of personal sacrifice, and then I know without a doubt, that I will remain forever the United States of America, for you see, my strength stems from my people's loyalty."

THE RULE OF LAW

Mr. PROXMIRE. Mr. President, as all of us in the Chamber are aware, this Nation was founded on the rule of law. Our Constitution and Bill of Rights attest to this fact. The rule of law gives our Nation a structure, a foundation, on which to stand. Without the rule of law, individuals would be set adrift, unable to protect themselves against injustice, unable to find recourse against deprivations.

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in December of 1948, acknowledged the importance of the rule of law in its Preamble. The third paragraph of this Preamble stated:

> Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

As is quite evident, the human rights of the citizens of the United States are protected in our Bill of Rights. No other nation in the world can match ours for the rights that we guarantee to our own people. This is not to imply that we have always measured up to our lofty rule of law. The deprivations and inhumanity

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that our Negro population have endured throughout the years in this country attest to this discouraging fact. However, the insurance of our human rights are on the books. We need but to enforce them to the fullest extent to turn theory into practice.

But what about an international rule of law that would protect all mankind against injustice and the denial of the basic rights that we consider to be the birthright of all free men? Should not this Nation attempt to extend to others the same basic rights through the rule of law that we consider so integral to our understanding of human rights? I think the answer to these questions is "Yes."

Human rights should be protected by the rule of law not only on the national level, but on the international level. This is not to say that international laws should be established that would impinge on the sovereignty of the individual nations in carrying out the duties of government. But this is to say that human rights should be protected for all mankind by international law against the tyranny and oppression of totalitarian regimes. And, I might add, occasionally we may find the international rule of law on human rights applied to those nations that affirm democratic principles, but who may have "strayed from the path" in upholding these rights.

It is for these reasons that I again strongly urge the Senate to ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide. These conventions, which affirm many of the most basic human rights, would advance the day when all men could look to an international rule of law to protect themselves against injustice.

ARIZONA DAILY STAR JOINS FIGHT AGAINST SMUT

Mr. GOLDWATER. Mr. President, I am very much pleased to report that the Arizona Daily Star of Tucson has endorsed the efforts of those of us who are seeking to attack the problem of obscenity in the mails.

The Star has printed an in-depth editorial strongly supporting the enactment of new laws to control the dissemination of indecent materials in the mails and channels of interstate commerce, to which I invite the Senate's attention. I am certain that the participation of this major newspaper will enhance the movement against smut mail.

Mr. President, I ask unanimous consent that the editorial of November 18, 1969, entitled "U.S. Attack on Smut" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. ATTACK ON SMUT

Sen. Barry Goldwater deserves the strongest support he can be given in his efforts to protect children from an ever-increasing outpouring of obscenity in the mails.

One hundred million Americans can't be wrong, and they are dissatisfied with existing postal laws against obscenity.

There has been an outcry from Tucson parents whose children receive filth through the mail they did not seek, and do not want.

The mail originates with 15 or 20 large firms who now have sales running into billions of dollars annually.

A bill Goldwater has introduced into the Senate, and a similar House bill, are aimed at protecting children and not stopping the flow of filthy pictures, movies, magazines and books to adults who want them.

The Arizona senator is convinced Congress has the constitutional power to enact a strong new law to restrict the distribution of material obscene to minors.

There are 35 million children under 18 in the U.S. Goldwater believes exposure to pornographic material is harmful to them.

Goldwater would force commercial dealers to take reasonable precautions to keep their trash out of the hands of children.

"What we could do," he says, "is put the smut merchant at his own risk on the question of age whenever he fails to have professional assurance that the addressee is an adult. Under my proposal the dealer in smut would be required to show he has taken all reasonable precautions to learn the age of the addressee."

Goldwater also would expand the scope of criminal provisions. The only person covered by the House bill seems to be the one who deposits the matter in the mail. The senator feels the producer of the obscene material might evade the penalties of the law by hiring an independent distributor to mail his product. Goldwater would apply criminal sanctions to persons producing pornography, knowing it will be sent through the mails.

The bill also protects adults who have said they don't want the offerings.

One of the outcries against publishing and mailing smut has been that the law might be twisted to interfere with freedom of the press. Readers may have noted that the Bible recently was the subject of a smut attack, apparently to draw publicity to an individual who is an enemy of restrictions on pornography. In most instances relating to any law, it is not so much the law itself but its application that counts. That idea stems back to Thomas Jefferson at least.

ELECTORAL REFORM

Mr. BAYH. Mr. President, I ask unanimous consent that the very thoughtful editorial written by Rufus Gosnell, president of the National Small Business Association, and published in the October–November 1969 edition of the Small Business Bulletin, be printed in the RECORD.

Mr. Gosnell correctly points out that the time to act on direct popular election is now.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ELECTORAL REFORM

(By Rufus W. Gosnell)

"It is not only the unit vote for the Presidency we are talking about, but a whole solar system of governmental power."

So spoke Senator John F. Kennedy in a 1956 Senate debate on electoral college reform. He did not know then that four years later he would become President with 62 percent of the electoral vote but with only the slimmest popular vote margin, 50.08 percent. In 1912 Woodrow Wilson was elected President with 82 percent of the Electoral College vote but only 42 percent of the popular vote.

NSB has long supported efforts to abolish the winner-take-all system under which, as an American Bar Association report has pointed out, it is theoretically possible for a candidate with a popular majority in 11 large states and one small state to become President through the present system with only 25 percent of the national popular vote. In fact, 14 "minority" Presidents have assumed the office with less than half of the popular votes cast, and 3 of them actually received fewer votes than their major opponents.

On September 18 change came a long step closer when the House of Representatives by the overwhelming vote of 339 to 70—49 more than the two-thirds majority needed—approved what may become the 26th Amendment to the Constitution of the United States, providing for direct presidential elections.

The ball has been thrown to the Senate Judiciary Committee. After action by the whole Senate, then there must be ratification by 38 state legislatures, usually a time-consuming process, although the 21st Amendment repealing prohibition went through in 1933 in only ten months.

Stymied for years by public apathy and the inability of proponents of change to decide on what the change should be, electoral college reform was stimulated by the Supreme Court decisions of *Baker* v. *Carr* in Tennessee's districting case, and in 1963 against Georgia's county unit rule in state elections—a parallel winner-takes-all system. In 1964 the National Small Business Association's General Counsel John A. Gosnell met with a number of people, including Attorney General David P. Buckson of Delaware, who in 1966 brought a Supreme Court suit in behalf of his state against "each of the other States of the Union, and the District of Columbia" challenging constitutionality of the "state unit-vote system," although recognizing that "ultimate correction . . . may best be achieved by Constitutional Amendment."

NSB provided funds for research and printing of the brief, in whose drafting Mr. Gosnell was a major participant and officially "of counsel." Although the Supreme Court declined to hear the suit, the brief speeded the development of the new amendment in what one commentator called a "well reasoned plea (which) will stand out as a landmark in our Constitutional history."

Now there are signs that the NSB effort in the public interest has the kind of support which may carry the day. President Nixon is for the change. A Gallup poll shows that 81% of the people are in favor, with only 12% opposed. Senator Robert P. Griffin (R-Mich.) polled 4,000 state legislators from 27 mostly small states, which some have argued would oppose direct election of the President. Those replying support the popular vote constitutional amendment in 25 of the 27 states.

The next step is action by the Senate Judiciary Committee. NSB members can support our long efforts for justice to all voters by writing to their own Senators in terms of strong support of the direct election process, a change now strongly favored by President Nixon and his Administration.

URGENT NEED FOR ACTION ON MINE SAFETY

Mr. SCHWEIKER. Mr. President, coal mine health and safety legislation remains an urgent national priority. Congress has come far to meeting the national imperative given to it. But, Congress must now finish this task and send to the President a strong coal mine health and safety bill, a health and safety bill which will meet the needs of America's coal miners.

Today is a fitting day to discuss this question. For today, 1 year ago, occurred the tragedy of the Farmington, W. Va., mine disaster, where 78 men were killed. Seventy-six of those men remain entombed in the bowels of the earth under a small community in the hills of northern West Virginia.

We of the Senate can be proud of the work we have done to date. We considered and passed unanimously a strong coal mine health and safety bill. So too, did the House. Now it remains for us to reconcile the differences which exist and to bring back for final passage a strong and effective bill, which we can and must do, and send to the President for his signature.

I know that to us a day or a week, or even a month, means little. For us here in the safety and the comfort of the Chamber the urgency of the situation does not seem so pressing. Yet the urgency is in fact dictated by the chilling reality that every day that passes without an effective health and safety regulation increases the possibility of other Farmingtons and increases the potential for death, for injury, and for disease in America's coal mines. Therefore, it is imperative and it is vital for the conferees now considering the bill to reconcile the differences and bring the finished product to us so that we may pass it and send it on to the President for its ultimate enactment.

THE DEPARTMENT OF AGRICULTURE STRIKES A BLOW AT THE GRAIN SORGHUM FARMERS

Mr. YARBOROUGH. Mr. President, I was shocked to learn of the Department of Agriculture's decision to call the reseal loans on the 1967 and 1968 crops of grain sorghum presently in commercial storage. This action, which would be effective on January 15, 1970, will deal a devastating blow to grain sorghum producers throughout the country. The result of this decision will be be to depress the prices of grain sorghum and put profits into the pockets of the processors and shippers at the farmers' expense.

The reseal loan program is an excellent example of what can be done for our Nation through sound supply management of agricultural products. The reseal program is designed specifically to insure the grain sorghum producers a sound and stable market during the years when production exceeds demand. Under this program, the farmer is allowed to store his excess production and his price-support loan is extended beyond its maturity date. This assures the farmer that the price for grain sorghum will not be driven down in years in which there is a bumper crop.

Mr. President, the reseal program is a sound and sensible approach to obtaining a healthy agriculture economy. Furthermore, it is a program that is working as evidenced by the general strengthening in grain sorghum prices during the past year.

Now, the good work of reseal programs is in danger of being wiped out by the Department of Agriculture's premature and ill-advised decision to call these reseal loans. If the Department of Agriculture goes through with its plan, it will cause approximately 13.1 million hundredweight of grain sorghum to be dumped into the market. Needless to say, this will cause grain sorghum prices to drop severely.

The Department of Agriculture attempts to justify this action on the grounds that it is necessary to protect the Japanese grain sorghum market. This, however, is only a smokescreen behind which to hide the real motive, which is to suppress farm prices.

Mr. President, since the 1930's our Government has actively attempted to find ways to assure our farmers of a fair profit for their labor. Some of our approaches to this important problem have succeeded and others have failed. By calling these reseal loans, the Department of Agriculture will be undoing a successful program and taking money out of the pockets of the farmers and putting it into the hands of the big processors and shippers. As the senior Senator from the major grain sorghum-producing State in the Nation, I call on Secretary Hardin to reverse this decision. If he does not recall it, the grain sorghum farmers face disaster. The order means a loss of millions of dollars to the grain sorghum growers.

PRESIDENT'S VIETNAM POLICY PRAISED BY POPE PAUL VI

Mr. GRIFFIN. Mr. President, the New York Times of November 17, 1969, contains an article that should be of interest to all Americans concerned about the tragic war in Vietnam.

The article relates that Pope Paul VI has commended President Nixon's announced plans for ending the war.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pontiff Applauds Nixon on Vietnam—Implies Repudiation of Calls for Immediate Pullout

(By Robert C. Doty)

Rome, November 17.—Pope Paul VI applauded today President Nixon's expressed resolve to end the Vietnam was by "a well mediated and responsible procedure" safeguarding the Vietnamese people's right to self-determination.

The Pontiff made what appeared to be an endorsement of the President's policy and an implied repudiation of the demands for immediate withdrawal by American demonstrators at an audience with five American governors.

The Pope said he had followed with great interest the "widespread manifestation" of desire in the United States for a speedy end to the Vietnam war, a "fervent wish" of his own. He noted with satisfaction that this was also the resolve "of your illustrious President."

RIGHT MODE IS STRESSED

He continued: "Nonetheless, we also understand that the right mode of ending the conflict demands, in the present circumstances, a well-mediated and responsible procedure, not only to avoid neglecting international obligations which honor and the necessity of not betraying the confidence of one's allies require should be fulfilled, but also in order that the cause and the ideal proposed to your fellow citizens, for which so many have made the sacrifice of their very lives, that is: helping a people which is weak and deserving of assistance to defend its right to self-determination and to the free promotion of its peaceful development—that this cause and this ideal should not be denied."

The five governors were James A. Rhodes of Ohio, Claude R. Kirk Jr. of Florida, Calvin I. Rampton of Utah, Frank L. Farrar of South Dakota and Frank Licht of Rhode Island. They were stopping here on their way back to the United States after a study mission in Israel.

The Pope also expressed to the governors his hope that the United States would "resist the temptation to furnish" developing countries with "armaments that menace life and security."

UNITED NATIONS DELEGATES DEBATE THE PRISONER-OF-WAR ISSUE

Mr. MONTOYA. Mr. President, while the peaceful settlement of disputes and enforcement of law and order is one of the dominant features of United Nations functions, still, one of the chief hopes of the success of the organization lies in the promotion of the common political, economic, and social interests of the members, including assistance in the realization of human rights and fundamental freedoms.

It is therefore reassuring to know that there is currently being debated in committee III, which deals with social, humanitarian, and cultural affairs, a number of violations of basic humanitarian rights and principles, including the prisoner-of-war issue.

With the emphatic statement delivered on November 11 by Mrs. Rita Hauser, U.S. Representative on the United Nations Human Rights Commission, before the United Nations Committee of the General Assembly, together with the statements by delegates from other nations, I think we are beginning to make it clear to Hanoi that their continued mistreatment of prisoners of war can only result in worldwide contempt for their atrocious actions.

On September 24 I addressed a letter to Ambassador Yost—see the September 25 and October 30 issues of the Congressional Record—calling for United Nations action in securing more humane treatment for prisoners of war. Therefore, I am greatly heartened and encouraged that the United States has now taken the lead in appealing to the United Nations to bring maximum pressure to bear on the North Vietnamese.

The statement by the U.S. Representative is reportedly one of the strongest denunciations of a Communist country the United States has delivered in the United Nations since the height of the cold war. Charging that Hanoi's treatment of POW's was "indeed chilling," Mrs. Hauser called on the U.N. committee—which includes all 126 member countries—to stand up and be counted on behalf of "minimum standards of human decency." Ambassador Hauser also asked that they "take note of" and "add their moral support to" a resolution on the proper treatment of war captives passed—114 to 0—in Istanbul, during September, by the International Committee of the Red Cross, following my request to Secretary Rogers that the POW matter be included on the committee's agenda at the Istanbul Conference—see September 17 issue of the Congressional Record.

Mr. President, I ask unanimous consent that Mrs. Hauser's November 11 remarks before the United Nations Committee be printed in the Record following the conclusion of my statement. I also ask unanimous consent that additional statements made during the course of the debate in Committee III also be printed in the Record. They include: A further statement by Ambassador Hauser made on November 12 in reply to assertions by Algeria, Cuba, and the U.S.S.R. that Americans captured by North Vietnam are not prisoners of war but "war criminals" to whom the provisions of the Geneva Convention do not apply; and excerpts from statements made by Representatives of the United Kingdom, Japan, the Netherlands, and Australia on November 12 and 14.

In the days that follow, additional statements will be made within the United Nations forums by delegates from other nations on the POW issue, and hopefully the matter will go before the General Assembly for further debate and eventual adoption of a resolution. I have also asked the Department of State to furnish me with copies of those statements as they become available. In the belief that we will all benefit from having access to the text of these speeches, particularly in light of deliberations currently going on within Congress on this important issue, I shall continue to place them in the Record as I receive them.

Mr. President, I should also like to congratulate publicly Ambassador Yost and the U.S. Mission to the United Nations, particularly Mrs. Hauser, for a most commendable and accurate U.S. presentation of the facts pertaining to the issue of treatment of war captives. I am confident that these expressions of U.S. concern, and equally those of other member nations, will have a meaningful effect in securing respect for basic humanitarian principles which are guiding forces in the lives of peoples everywhere, as well as action with respect to their violation, including North Vietnamese handling of prisoners of war and the continued violation of the Geneva Convention.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Statement by Mrs. Rita E. Hauser, U.S. Representative, in Committee III, on the violation of human rights of prisoners of war, November 11, 1969]

UNITED STATES MISSION TO THE UNITED NATIONS

Madam Chairman: We now commence general debate in this Committee on three subjects of moment: Elimination of all forms of racial discrimination, measures to be taken against Nazism and racial intolerance, and violations of human rights and fundamental freedoms. Of the three, the violation of human rights and fundamental freedoms appears to my Delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My Delegation continues to deplore the inhumane practice of *apartheid* in South Africa and in Namibia and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest, by so doing, we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedoms . . . *in all countries*".

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my Delegation has noted the large number referring to violations of Articles 9–12 and Article 19 of the Universal Declaration of Human Rights. The latter provides that "Eeveryone has the right to freedom of opinion and expression," including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers." Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile." Articles 10, 11 and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 National Sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my Delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968/69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments, and, alas, many such prisoners are brutally ill-treated in violation of all standards of human decency. We note particularly the evidence compiled in the report of The Ad Hoc Working Group of Experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear, which serves to terrorize the mind and, eventually, the body of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my Delegation wishes strongly to affirm the inherent faculty of all men, if they are indeed, as Article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights . . . endowed with reason and conscience," to exercise their basic right of freedom of spirit, mind and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind, and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my Delegation was proud to witness the free exercise of free minds across our country on October 15th, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement, for we know that no country's policies are so sound or so correct that none will be found who disagree.

Madam Chairman, My Delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners, those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. United States forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned—the Convention on Protection of Prisoners of War, concluded at Geneva in 1949. This Convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Vietnam, whch acceded to it in 1953, and North Vietnam, which acceded to it in 1957.

This Convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well-treated. It requires that—and I quote—"immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family." The Convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva Convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the Detaining Power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a Protecting Power for the prisoners. It requires that the Detaining Power provide the names of the prisoners it holds to their families, as well as to the Protecting Power, or to the International Committee of the

Red Cross, to pass on to their country of origin. It requires that the Detaining Party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this Convention is not meant to create a life of privilege for captured military personnel. It is meant to insure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy, and to provide minimum solace to families who are far from the frontlines. In wartime, when passions are inflamed, this Convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common take in finding the path to peace.

My country places the highest priority upon implementation of this Convention. There are now some 30,000 North Vietnamese and Viet Cong prisoners of war in South Vietnam who have been accorded the status and the rights of prisoners of war under the Geneva Convention, even though many of them may not technically be entitled to such prisoner of war status as defined in the Convention. The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the Convention—identification of prisoners, the right to send and receive mail, and a Protecting Power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Vietnam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Vietnam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Vietnam and which, as regular international inspection has shown, conform to the requirements of the Geneva Convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the allied command has made every effort to ensure that the Convention is applied. This includes the issuance of clear and explicit orders, and, even more important, thorough investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the Convention. This is our duty—our legal duty and our moral duty. The tragic fact, however, is that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power—Vietnamese as well as American.

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the United States Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied; nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets, and that, in many instances, they have been subjected to physical and mental torture. For example, Lt. Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, and being dragged along the ground with a broken leg. . . ." Recounting the treatment of Lieutenant Commander Stratton, Lt. Frishman said:

"The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed and put in solitary, but the North Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell for 38 days to think about it."

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Vietnam as follows:

"In Vietnam it (the ICRC) has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a Delegation in Hanoi nor even to the visiting of prisoners of war.

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also receive nominal rolls of these prisoners."

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva Convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva Convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my government cannot accept these assertions. The Geneva Convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Vietnam's denial that the Convention is applicable, and its assertion that it therefore cannot be the standard to measure its conduct, has no basis in international law. Hanoi says that the Convention applies only where there has been a declaration of war. But it is clear from the language of the Convention, which I quoted earlier, that the absence of such a declaration has no relationship to the Convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Vietnam or Viet Cong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva Conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva Convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

The 21st International Conference of the Red Cross held at Istanbul in September cut through any possible quibbles that could be made by a party to the Vietnam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations. That resolution called upon all parties "to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention."

It also recognized—and again I repeat the exact words of this resolution—"that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisal."

We hope this Committee will take note this session of the resolution passed without dissent by the League of Red Cross Societies in Istanbul, and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva Convention. We especially hope that North Vietnam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, two weeks ago—on October 30th—the Secretary General made the following statement:

"It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal; its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva Convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

Resolution No. 3: Protection of Prisoners of War

(Adopted by the League of Red Cross Societies Istanbul, September 1969)

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

(NOTE.—This resolution was adopted 114–0–7.)

Statement by Mrs. Rita E. Hauser

I excuse myself for taking the right of reply at this time. We have been honored here, all of us, by the presence of the Permanent Representative of Algeria who has chosen to reply to a humanitarian point in political terms.

I should like simply to refer to him, and I will be glad to give to him a copy, a note which was addressed to the Secretary General dated February 10, 1960 and circulated by the Secretariat at the request of 20 member countries to disseminate a report of the International Red Cross Committee on the internment camps in Algeria. Madam Chairman, the investigation of the ICRC in that matter came about in large part because of the representations my Government made, and the American Red Cross Society made, to the ICRC. We did so before Algeria had gained her independence. We did not judge the rights or wrongs of the conflict. We did not pick between friend and foe. We responded to a human demand, and in direct answer to evidence of torture and maltreatment of Algerians who were interned at that time.

Madam Chairman, the Algerian representative, as well as the Cuban Representative, have chosen to speak of Article 85 of the Geneva Convention and the reservation which was made by the Democratic Republic of Vietnam. It was a reservation made by almost all of the socialist countries. It was cited here several times today and very key words in it were simply ignored. The reservation reads "the Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted—I repeat prosecuted and convicted—for war crimes or for crimes against humanity in accordance with the principles laid down by the Nuremberg Court of Justice shall not benefit from the present convention". Madam Chairman, there have been no prosecutions and no convictions of any prisoners of war held by North Vietnam.

I might state, and I have done considerable research on the matter, that the official position of the Soviet Union explained at the time it enacted this reservation was that a prisoner is not deprived of any of the protections of the convention until after prosecution and final conviction with all rights of appeal.

I should like further to state Madam Chairman in response to the comments today and yesterday by the distinguished delegate of the Soviet Union concerning my Government's indifference to the political question of Vietnam in this form. Madam Chairman, by Government in 1964, before our troops were in Vietnam, and in 1966 after our troops were in Vietnam made several attempts to bring the matter of Vietnam before the Security Council.

The last attempt made by Ambassador Goldberg in 1966 was met with the following response from the Soviet Delegation and I quote: "The Soviet Delegation deems it necessary to state that it is opposed to the convening of the Security Council to discuss the question of Vietnam and to the inclusion of this question on the Council's agenda."

Thank you Madam Chairman.

[From a November 12, 1969 speech]

The Honorable PETER K. ARCHER, M.P., Representative of the United Kingdom. We noted, too, the distinguished delegate's remarks about the application of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War in North Vietnam and elsewhere. We hope that, whatever the political merits of the tragic conflicts which are now taking place in various regions, questions which, happily, are not for this Committee to debate, Governments, including of course the authorities in North Vietnam, will regard it as their responsibility to ensure that those individuals who are caught up in these situations are not subjected to suffering which can be avoided. Political conflicts necessarily result in personal tragedies. But it does not follow that the victims should be abandoned without some attempt to spare them such additional privations as can be avoided by a little sympathy.

[From a November 14, 1969 speech]

Mrs. Ai Kume, president, Women's Bar Association, Japan. Madam Chairman: Another question was voiced concerning the violation of human rights in the course of our debate. It is the question of affording humane treatment for those whose fundamental human rights are in jeopardy as a result of armed conflict. We also believe that any single human being, even a war criminal tried and convicted is fully entitled to humane treatment and that the cruel and atrocious treatment of criminals is forbidden by the constitutions of all the civilized countries. We are fully aware that human nature is of such a character that it is most difficult to adhere to humane thoughts and conduct in the circumstances where hostile activities are conducted. We are also fully aware, however, that it is precisely in those circumstances that humane thoughts and conduct are most valuable and most keenly required.

From these humanitarian points of view, my delegation wishes to join to the voice of conscience of previous speakers who expressed great concern over the endangered fundamental rights in the Middle East, and appeals to all states, all parties and all the individuals concerned to protect, to respect and to promote, to the fullest extent possible, basic individual human rights for the benefit of all the peoples in the area.

From the same humanitarian point of view, my delegation shares the grave concern expressed by the distinguished delegate of the United States of America over the suffering of prisoners of war in Vietnam and of their families and endorses, for that matter, the views of the Secretary-General expressed on October 30th. He said "the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

[From a November 14, 1969 speech]

Mrs. J. Schim Van Der Loeff-Mackaay, Netherlands Women Association. I finally want to express at this moment the positive interest my delegation has in the question of prisoners of war as brought forward by the United States delegation. I can inform you that my delegation will revert to this question when the Committee will discuss the item of Human Rights in Armed Conflicts.

[From a November 14, 1969 speech]

Miss Ruth L. Dobson, alternate representative of Australia. My delegation would wish in the time available to make some observations concerning the matter of the prisoners of war in North Vietnam. In doing so we are not concerning ourselves on this occasion with the complexities of the Vietnam situation; we are solely concerned with an instance of the violation of the human rights of these prisoners.

Suffering is the hallmark of all wars. But considerations of humanity dictate that unnecessary suffering should be avoided. Suffering may reach an intensity beyond which no individual should be permitted to experience. This is the message of the 1949 Geneva Conventions relative to the Treatment of Prisoners of War; it places an affirmative obligation on the parties to a conflict to respect minimum humane standards concerning the treatment of prisoners of war. It applies to all prisoners of war in both North and South Vietnam irrespective of their nationality or their allegiance.

The attitude of my government, along with other governments, is a firm commitment to the observance of the Geneva Conventions. We believe that North Vietnam has nothing to lose by applying these minimum standards of humane treatment to the prisoners of war which it detains. On the other hand, North Vietnam has much to gain, in terms of the international respect to which it would be entitled, if it were to fulfill the international obligations which it accepted when it ratified the 1949 Convention. As to the precise nature of the legal obligation which North Vietnam has accepted in this matter, my delegation has nothing further to add to the statement by the distinguished representative of the United States when she exercised her right of reply in this Committee on the 12th November.

THE MEDICAL SCHOOL EMERGENCY AID BILL

Mr. CASE. Mr. President, I am glad to join in cosponsoring S. 3150, introduced by the Senator from New York (Mr. JAVITS), providing a $100 million program of emergency financial assistance for the Nation's medical and dental schools.

It has become increasingly clear that medical schools across the country face a severe fiscal crisis. Federal cutbacks in health research plus increased costs of research caused by inflation have strained the financial resources of these schools to the point where a number face the distinct possibility of having to close their doors.

The loss of faculty and trained medical researchers, and the consequent dismantling of health research teams, occurs at a time when the need for improving and upgrading health care was never greater.

Just a few months ago the President, in a special message to Congress, warned of a "massive crisis" in health care within the next 2 or 3 years. With the demand for health services far exceeding the capacity of our existing health system, I believe the crisis is already upon us.

Congress has enacted several far-reaching programs to increase the supply of doctors, nurses, and allied health workers and has committed millions of dollars to building our capability to attack fatal and debilitating diseases—heart disease, cancer, mental illness, and many others. Much of this research is done by our medical schools. For the Federal Government to cut back on the commitment we have made in these areas would be extremely shortsighted.

The situation is especially critical in New Jersey, where we have two growing medical schools—the Rutgers Medical School, in New Brunswick, and the New Jersey College of Medicine and Dentistry, in Newark. Both are new and emerging schools and are faced with the problems of building new facilities, attracting high quality faculty, and building research teams.

The Newark school is located in the heart of a ghetto area and, in addition to the traditional task of training new doctors and dentists, has deeply involved itself in the life of the community. To meet the health needs of the area's 125,000 residents, the school has assumed responsibility for the city hospital and is developing family health care clinics, preventive medicine screening programs and other projects designed to reach the whole community. Any cutback of Federal support will inevitably disrupt and delay these important programs.

The bill I am cosponsoring would authorize $100 million for grants to be made by the Secretary of Health, Education, and Welfare to medical and dental schools which are in financial distress and which have affirmatively responded to national health needs. Because it is an emergency measure, the authorization is for 1 year.

While the need to control inflation may well require the curtailment of some Federal programs, I believe the cuts that are necessary should be made in low priority programs, not in programs vitally affecting the health and welfare of our people. Certainly Federal support of our medical colleges is an investment in the health of our people. I hope the Senate will give prompt consideration to this emergency measure.

ARTICLE ON "PREVENTICARE" BY FORMER VICE PRESIDENT HUBERT HUMPHREY IN FAMILY HEALTH MAGAZINE

Mr. WILLIAMS of New Jersey. Mr. President, there is increasing ferment over the deplorable state of illness and disability among millions of our fellow citizens in this, the richest Nation in the world.

To meet this problem, former Vice President Hubert Humphrey has pointed the way toward a bold program which would achieve both humanitarian and economy goals. In an article in the October 1969 issue of a new nationwide magazine, Family Health, he urges preventing disease before it occurs, mass screening to determine if it has occurred, and prompt treatment before disease gains a serious hold.

He notes that only 8 percent of the Nation's health expenditures go into preventive medicine. This was a major finding of a report of December 30, 1966, of a Subcommittee on Health of the Elderly of the Special Committee on Aging on which I served and whose work I am privileged to continue as chairman.

"Give a solid trial," the former Vice President urges, to the "preventicare" adult health protection legislation, S. 16, 91st Congress, which I have introduced.

His sentiment is, I believe, shared by an increasing number of health leaders and laymen throughout the country.

One index of belief in the proverbial "ounce of prevention" is the increasing support given to the American Health Foundation, a nonprofit research and education group dedicated to preventive medicine.

"Too little—too late has written too many epitaphs," Vice President Humphrey notes.

His article is, I believe, a significant contribution toward progress in reducing the tragedy of avoidable disease.

Family Health will, I am sure, strike a responsive chord not only among its 1 million lay and medical readers, but in an ever-widening orbit of health influence. Its publisher is Mr. Maxwell Geffen; its editor is Mr. William H. White; the successful team which founded Medical World News and made it a great medium of professional communication.

I ask unanimous consent that the text of former Vice President Humphrey's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SIX-POINT PLAN FOR PREVENTIVE MEDICINE

(By Hubert H. Humphrey)

The United States spends $60 billion each year for health. A Senate committee hearing several years ago found that 92 percent of that vast health expenditure was directed toward the *treatment* of disease and disability. Only 8 percent found its way into *preventive* medicine.

We must give greater priority to getting a head start on disease. As it stands, the thrust of our vast medical-educational system is geared to treating disease *after* it has taken hold—sometimes, long after.

Dr. Robert H. Ebert, dean of Harvard Medical School, urges us to think ahead. "The highest priority should go to disease prevention and to early detection and treatment of disease," he asserts. I agree with him one hundred percent. It's time we got started.

The solution to the problem of providing an early warning system in the health field for all of our citizens cannot be found overnight. It must be a comprehensive effort of all sectors—government, medical, and private—striking at the economic, psychological, and professional roots of the problem.

We have the facilities, the wealth, and the know-how. At its best, our massive health enterprise includes the finest quality medicine in the world. Unfortunately at its worst, there are enormous gaps. And nowhere are the gaps more obvious than in what we know about preventing disease and what we actually do about it.

Where do we begin? The real task begins in a concentrated assault on the deteriorating environment in which illness multiplies. The air is polluted in many of our cities; the slums and ghettos are fertile fields for disease. Ten to twelve percent of America's 50 million school-age youngsters suffer from moderate to severe emotional disorders requiring treatment; very few are getting it. And there's not nearly enough prenatal and postnatal care. The list of targets for a preventive medicine program that works for everyone is almost limitless.

We *can* set up our early warning system, and much of it is up to the individual citizen. Right now professional medical organizations and voluntary health agencies are cautioning all of us. We're urged to watch our diets, to exercise more, to wear seat belts, to have chest X rays. But how often are we indifferent to these appeals? *You* must lead the way.

I would like to offer six proposals to start us on a program of preventing disease instead of just trying to cure it. The program's success depends on all the healing arts and laymen; on federal, state, and local governments; on the public information media; on private and public insurance. These six points are a start.

(1) Reallocate our federal health budget. Without scrimping on curative and restorative medicine, let's add to our investment in preventive medicine. We must zero in on protecting the most vulnerable group in American society—impoverished families in urban slums and rural poverty areas. Let's assure thorough care for the vast number of untended pregnant women most susceptible to genetic or environmental harm.

(2) Mount a coordinated public and private attack against environmental pollutants and other hazards. If we enforce the law, we can clean up the air and lower the decibels of noise. Better planning will reduce inadequate traffic systems.

(3) Expand and modernize laymen's health education on every age level. We have the latest technology to communicate the practical findings of health—from dental care to nutrition science.

(4) Carry out a bold experiment in "Preventicare." Give a solid trial to the imaginative proposal by New Jersey's Senator Harrison Williams, Jr., for regional screening centers. This proposal would utilize the latest technology for automated and semiautomated testing. It would make it easy for the patient to get reliable, economical, comprehensive tests. Test results could be fed into a computer programmed to pick out abnormal results that indicate disease. This would enable the physician to apply his most advanced knowledge in interpreting computer printouts of test results and in treating patients.

(5) Expand the nation's pool of skilled professional and auxiliary health manpower. Streamline to assure better usage of their respective skills and facilities. Provide funds for hospitals and clinics to modernize their obsolete plant and equipment. Increase the number of medical and paramedical graduates. Apply engineering systems to prevent wastage of time, talent, buildings, and equipment.

(6) Establish sounder financing of the costs of preventive (and other) medicine. Foster group prepayment plans which encourage patients to come in for regular examinations. Broaden diagnostic services under private in-

surance plans. Urge the Congress to tackle the problem of skyrocketing health costs.

Health is too precious to squander. "Too little, too late" has written too many epitaphs. We must end the national disgrace of avoidable disease and disability. To end it, we must have a beginning. I urge all of you to take that first step—and promptly.

THE PEACE MARCH

Mr. GURNEY. Mr. President, the peace march on Washington has come and gone. Comment on it seems to center around the fact that it was mainly peaceful and that its big size should make some sort of impression upon the President and his Vietnam policy.

First, it should be pointed out that its peaceful aspects were akin to an unexploded blockbuster, and that it was loaded with potential disaster. Scores of store windows were broken, some looting took place. There were two serious confrontations between the authorities and the so-called kids.

From this viewpoint, I would say that it was the extremely thorough preparation for the affair and the able and patient handling of it by the police and Army that prevented very serious outbreaks of violence in the Nation's Capitol.

The advocates of "peace at any price" never face up to the consequences of their policy. They dismiss out of hand the inevitable blood bath in Vietnam and the certain murder of all anti-Communist elements in the South Vietnamese society which would result from unilateral withdrawal.

They also ignore what would happen to the cause of freedom for small nations elsewhere in the world.

Joseph Alsop discusses this aspect of Vietnam in an excellent column published in the Washington Post of November 18.

Mr. Alsop also makes the point that the United States and especially its youth could learn much from the example of gallant little Israel.

I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Salute to Nixon by Golda Meir Makes "Kid" March Heartache

It was heartbreaking, somehow, to see "the kids" in Washington, and then to learn of the latest, least expected support for President Nixon's Vietnamese policy.

That mother in Israel, Golda Meir, seems to have walked, in sensible, arch-supporting shoes, straight out of one of the heroic epochs of the Bible story. But as Prime Minister of a small, infinitely brave and viciously beleaguered nation, Golda Meir must be alert to all that passes in the present.

She heard and studied President Nixon's remarkable Vietnam speech. Whereupon quite spontaneously, without solicitation, to the vast surprise of the White House, Mrs. Meir sat down and sent the President a message of warm congratulation and strong moral support.

Among other things, she saluted the President for "encouraging and strengthening small nations the world over, striving to maintain their independent existence, who look to that great democracy, the United States of America." The highest Israeli sources state, without hesitation, that this was an indirect but emphatic reference to an obvious danger that Mrs. Meir now fears.

The fact is that Israel's peril will be much increased by the worldwide repercussions of the kind of American defeat that "the kids" clamored for here in Washington. It is very strange indeed, therefore, that this purposely significant message to the President should have received no attention to date, despite its high origin and easy public availability.

This reporter learned of Mrs. Meir's message by sheerest accident over the weekend, days after its White House release, and just after escaping from a huge sidewalk eddy of "the kids." It was heartbreaking, simply because it so sharply pointed out the contrast between Mrs. Meir and the people she leads and the new breed of Americans those "kids" represent.

The word is put in quotations because it is time to protest the degrading sentimentality, the mush-headed permissiveness that lies behind this novel usage. In the Second World War, silly people used to call our troops "American boys" in the same manner. Yet they were not boys; they were American men, bravely fighting for their country, thank God and them, as men are sometimes called upon to do.

Today, it is far worse. A bearded, unwashed, 25-year-old Trotskyite is not a "kid." Neither is a lank-haired 24-year-old harridan of the same persuasion. Male and female storm troopers of new left, perhaps; but "kids," no! And if you collect the facts about the brutality some of these alleged kids have actually resorted to, in the current New Left assault upon academic freedom, for instance, storm trooper seems a quite justifiable appellation.

Here, to be sure, we are speaking of a small though very influential minority. Idealism, ignorance and innocence, wallowing self-pity and simple fashion no doubt animated the great majority of the young people who marched in Washington at the weekend. But even the most empty-headed 18-year-olds were not "kids," they were at least proto-adults, with a duty to begin facing the world and the facts in a fully adult manner.

It is this refusal to face the world and the facts as adult Americans that mainly characterizes "the kids." It is also this refusal, one supposes, that their admirers have in mind when they call them "kids." And it is this refusal, once again, which sets these young Americans so far apart from the most beardless boy, from the most barely nubile girl among Mrs. Meir's people.

A kindly Providence has never called upon the American people to show the heroism, the hardihood, the unfailing will and resolution of Mrs. Meir's people. The Civil War, over a hundred years ago, was the nearest we ever came to a comparable test and in the hard cold harbor-time, Abraham Lincoln and Ulysses S. Grant were among the few Americans who had not begun to lose heart.

The truth is that we Americans, because of our great good fortune, have always tended to forget the basic lesson that history is a harsh, remorseless process, in which few nations get a second chance. That is the lesson that has been cruelly rubbed in upon Mrs. Meir and her people, by over two millienia of dire experience with history's harshness.

To the convinced pacifists, fighting for your country is always wrong—even if the end result is to condemn men like Noam Chomsky to the fate of Yuri Daniel and Alexander Solzhenitsyn. And this would surely be the end result, and for independent-minded Americans of every kind.

But unless the storm-trooper doings of the New Left minority provoke even worse reactions on the right, we can still count upon escaping that fate, providing we learn just a little from Mrs. Meir and her people.

THE AUTOMOBILE AND THE NITRATE PROBLEM

Mr. NELSON. Mr. President, at a California conference on environment, Dr. Barry Commoner, noted ecologist of Washington University, St. Louis, Mo., pointed out some of the pressing problems arising from excess concentrations of nitrogen in our environment. Automobiles, he asserted, aggravate the nitrate problem.

In addition, it should be stated that methods used by the automotive industry to control other pollutants tend to increase the rate of nitrogen oxide emission. Thus the nitrate problem is even further aggravated.

I ask unanimous consent that an article on this subject be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ecologist Sees United States on Suicidal Course

(By Gladwin Hill)

Los Angeles, November 18.—A scientist warned today that the United States was "approaching the point of no return" in its disruption of nature's chemical balances and had only about one generation in which to reverse its "suicidal course."

Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University in St. Louis, cited California's destruction of the natural nitrogen cycle, bacterial problems in New York Harbor, the contaminated rivers of Illinois and conditions in Texas' cotton belt as symptoms of the potentially fatal "violence" done to the dependence of man on nature.

Dr. Commoner addressed a two-day conference on environmental problems at the Ambassador Hotel organized by Gov. Ronald Reagan.

Some prominent conservationists have complained that the roster of 1,000 invited participants, most of whom paid $65 each, was heavily weighted with representatives of industry, agriculture and other contributors to environmental deterioration.

The conservationists inferred that the assemblage was designed to give the Republican Governor "conservation credentials" for his re-election campaign next year.

MANY CHALLENGES MADE

However, 100 college students and other environmental activists punctuated the conference's open-forum sessions with many challenges and proposals. And Alfred Heller, president of the California Tomorrow conservation organization, commented:

"I think it's wonderful—the conference is full of Republicans, so we have a better chance to spread our message than at previous conferences, where it was liberal Democrats talking to liberal Democrats."

A student caucus, in a formal commentary on the conference, said the group "supports in principle the positive ecological position articulated by Governor Reagan."

"However," the statement added, "we must have a clarification on priorities before giving unqualified endorsement. These critical ecological goals cannot be accomplished in conjunction with the economic growth described in the keynote address."

Dr. Commoner said: "The agricultural wealth of California's Central Valley has been gained at a cost that does not appear on the farmers' balance sheets—the general pollution of the state's huge underground water reserves with nitrate."

This pollution comes from chemical fertilizers.

Excess nitrogen in drinking water can

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cause the serious infant disease of methemoglobinemia, Dr. Commoner said, although there were no reports of its widespread occurrence.

NITROGEN RAINFALL

Excess nitrogen is polluting San Francisco Bay, he continued, and had even shown up in the natural rainfall in the Central Valley, the Midwestern corn belt and in Texas, while in Illinois "every major river is overburdened with fertilizer drainage."

New York Harbor, he said, exemplified "another, more ominous possibility" linked with excess nitrogen.

"In New York Harbor, in the period 1948–68," he said, "there has been a 10 to 20-fold increase in the bacterial count despite a marked improvement in the sewage treatment facilities that drain into the bay.

"The possibility exists that the bacteria, entering the water from sewage or the soil, are now able to grow in the enriched waters of the bay."

Throughout the country, Dr. Commoner said, the nitrate problem is being aggravated by automobiles—one of whose major fume emissions is nitrogen compounds.

"Auto-induced nitrogen oxides amount to more than one-third of the nitrogen contained in the fertilizer currently employed on the farms of the United States," he said. "Cars are responsible for an appreciable part of the pollution of surface waters with nitrate."

TOWARD A NEW AMERICAN COALITION

Mr. BAYH. Mr. President, last night in New York City, the National Urban League held its annual Equal Opportunity Day Dinner. The recipient of the 1969 Equal Opportunity Day Award was the former Chief Justice of the United States, Hon. Earl Warren. The award was given in recognition of his leadership in guiding the court through a 16-year period of activity unprecedented in its history. Under Earl Warren the court responsibly and sensitively addressed itself to areas of deep human concern, and confronted in an unusual number of cases one overriding problem—the rights of the individual.

Urban League Director Whitney Young delivered the closing speech of the evening. His subject, "Toward a New American Coalition," was, in my opinion, both timely and well conceived. Mr. Young called for "a coalition that transcends narrow hate and exploitation, a coalition of the decent, the just, the good in our society." He called also, for a coalition of builders versus destroyers; of decency versus hate; of unity versus division; of courage versus cowardice; of hope versus despair.

This is the kind of spirit and sense of historic purpose that must be stressed continuously if we are to find effective solutions to critical problems, particularly problems of basic human relations. Our alternatives are, as Whitney Young stated, to "either work together to build an open society or go down the drain of history frozen by hate and injustice."

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TOWARD A NEW AMERICAN COALITION

(Address by Whitney M. Young, Jr.)

We are fast approaching the 200th anniversary of the founding of our nation. The great Frederick Douglass, born in slavery after white Americans got their independence, saw the American Revolution as an earth-shaking event.

It was, he wrote, "the advent of a nation based upon human brotherhood and the self-evident truths of liberty and equality." He saw the mission of America as nothing less than "the redemption of the world from the bondage of the ages."

But in the twilight of his life, in 1894, he looked back over the ashes of that promise, over the betrayals of the Post-Reconstruction period that replaced legal slavery with only the faintest shadows of freedom. He appealed to the nation to reaffirm the principles of the American Revolution.

"Put away your prejudice," he wrote. "Banish the idea that one class must rule over another. Recognize the fact that the rights of the humblest citizens are as worthy of protection as are those of the highest and your problem will be solved. . . . Based upon the eternal principles of truth, justice and humanity, with no class having cause for complaint or grievance, your republic will stand and flourish forever."

Douglass was calling for a new coalition—a coalition that would unite decent men of all races, a coalition that would move beyond racism to equality, beyond inhumanity to justice.

But Douglass' plea fell on deaf ears. The nation refused to listen to reason. Instead, it burrowed further into the evil night of repression and violence. Black citizens were still denied their rights and forced into a system of peonage and brutality.

A short two years after his call for justice, the United States Supreme Court gave legality to the doctrine of white supremacy, in the case of Plessy versus Ferguson, and legitimized the reign of terror that was to follow. It did this through the device of approving the "separate but equal" doctrine that institutionalized the informal system of segregation that oppressed black Americans.

It is testimony to the vigor and flexibility of American institutions that the same Court—58 years later—ruled that evil doctrine unconstitutional and thus provided the moral leadership for the nation in its struggle to recover its soul. And that decision was made by the Court led by our honoree tonight—Earl Warren.

In 1896 the Court had followed, by a generation, the politician's abandonment of black people. In 1954 the Court led public opinion and timid politicians to a new realization of their moral obligations.

It was their failure to implement the moral vision of the Court that has led us to a new phase in relations among the races today—what threatens to be a new Post-Reconstruction period in which political expedience and backlash replace the dreams of equality held by decent men of all races.

There are signs that the gains of recent years may be rolled back, and there are signs that the period of repression that so disfigured the closing decades of the last century will be repeated in the middle years of this one.

Then, as now, the frustration of the least successful white Americans, along with those newly arrived into the ranks of the middle classes, has been transferred to black Americans through institutional resistance, secret organizations, and more subtle expressions of racism—all that we generously term "backlash."

Then, as now, the nation has refused to make that economic revolution that would bring prosperity to all its citizens. So a land of affluence sets white and black workers competing for scarce jobs when logic shows there should be enough for all. So businesses and unions alike sometimes see black people as a threat rather than an opportunity for more and better consumers and workers.

Once again, foreign adventures and military demands lead the nation to change its priorities, and ask black citizens to wait and pray for better days in the future.

Once again, fear, guilt and ignorance lead society to injustice and panic. Rumors of rebellion take the place of reason and common sense. Otherwise normal middle class Americans arm themselves waiting for their nightmares of black revolt to come true—all the while hastening the day of that revolt by screaming for repressive measures to contain legitimate demands for justice.

Then, as now, the fevered imaginations of people suffering from the disease of racism led to generalizations about all blacks from the acts of the least representative. And the shortcomings of white men who hold racist views are accepted or dealt with sympathetically while blacks embittered by a lifetime of injustice who use similar language are condemned.

While no final conclusion can be drawn at this point, we cannot help but wonder whether the election of 1968 has its historical parallel with the election of 1876, in which the North lost interest in securing equally for blacks and pursued a "Southern strategy" of mollifying the South by abandoning the black man.

Santayana wrote: "Those who cannot remember the past are condemned to repeat it," and I fear that our young country is so busy looking ahead to the future that it will not heed the lessons of the past, and so, repeat the pain and agony of the last century.

The unfinished Reconstruction looms from our past and casts a long shadow to the present. The barbarism that followed it turned the dream of equality into a nightmare of terror.

The sophisticated, button-down, mid-twentieth century America won't return to the period of lynching bees and legally sanctioned separation. But the forces of society that wish to keep black people down, or, in the current phrase, from "moving too fast," have at their disposal the economic, political and institutional power to recreate the bitterness of the past with devastating effect.

So long as national power and the national will continue to be directed at ends other than the assurance of full equality, the ghettos will become festering, running sores of bitterness and resentment. The gap between the races will become greater. Oppression will increase. And the gathering storm of outrage and tensions will burst upon the land.

In these crucial first days of what appears to be the new Post-Reconstruction period, the Urban League has a vitally important role.

Our agency was a child of the first period of repression. The Urban League came into being in 1910 because dedicated white and black citizens were concerned with opening new opportunities for black people who pursued freedom's dream by emigrating from the terror of the rural South to the hostile cities of the North.

In a sense, the Urban League was a fulfillment of Douglass' call for a new interracial coalition. It is to the Urban League movement that America owes much of its most advanced social innovations. We conceived of an employment service before state programs; we pioneered in housing, recreation, migrant assistance, crime prevention, and a host of other welfare programs years before the development of the welfare state.

Our goal was to continue the positive process of reconstruction—to continue through a coalition of dedicated professional men and women what the nation had wrongfully abandoned. We were among the few voices crying in the wilderness of racism in those days, and now, amid the increasing evidence that the nation is turning its back on reason and self-interest once more, we remain true to our vision of a just and open society.

Last year, the Urban League launched a

new effort to realize its ideals of justice, a new effort to change the way the institutions of our society work to brutalize the poor and the black.

We called it our "New Thrust" and I am happy to report to you this evening that our "New Thrust" is successfully enabling black people and other minorities in the ghettos and poverty pockets of our nation—the real "forgotten Americans"—to develop the power to exercise the control over their lives that is the heritage of free men.

Our On-The-Job Training Programs have trained and upgraded over 45,000 disadvantaged citizens. These programs have the highest retention rate in the nation—at the lowest cost. Some $400 million was pumped into the black community through the new wages of people who were placed in jobs by the Urban League last year.

Our Street Academies have revolutionized American education by placing dropouts and push-outs into the top colleges in the country—young people whom the schools said were "uneducable." And our black student program has harnessed the energies of the brightest and most militant young people and directed them towards working for their brothers still locked into the ghettos.

Our Summer Fellowship and Black Executive Exchange Programs have brought industry and black colleges together by strengthening the resources of the nation's sorely neglected black colleges and building bridges of empathy and knowledge.

We've helped the adjustment of black veterans to civilian life through our Veterans Affairs Program. Over 18,000 veterans have been assisted to better jobs and schooling as we try to obtain for them the freedoms at home that they've been asked to shed blood for abroad.

Our Labor Education Advancement Program (LEAP) has helped change attitudes among unionists and has opened apprenticeship positions for black youth. At the same time we've helped 100 black contractors overcome barriers to secure major contracts.

Our Operation Equality has become a major factor in opening up housing opportunities for minority families. And this year we are launching an Urban League Housing Foundation that will help black communities to build and manage new housing and supply the social services needed by the community.

Our New Thrust activities in over 80 cities have resulted in a host of new programs that will unleash the neglected potential of the black ghettos.

Urban Leagues have set up Welfare Rights Centers in Newark; Leadership Training for Development Corporations in Boston; Economic Development Programs in counties in the South's Black Belt and in several Northern cities; a program to reduce police-community friction in Pittsburgh; youth programs in Rochester; black Chambers of Commerce in Anderson; and a host of other action programs designed to unify and strengthen the black community.

And dozens of other Urban League programs, programs far too numerous to mention here, are making a broad impact upon the lives of millions of black and minority citizens, and through them, upon the total society, as well.

But in spite of the enormity of our involvement, we are barely meeting the enormous needs of our people and the goals we have set for ourselves. We must continue to expand our Leagues wherever communities have need of them—and by our 60th Anniversary next year, we should number 100 Urban Leagues. We are looking very deeply at our own performance, for we realize that systems and institutional changes, to be effective, must begin at home. We intend to improve our performance in our present programs, and also to respond creatively to new needs and new challenges.

But if we are to be truly effective, we must change the climate of our times—a climate that threatens to become more oppressive, more removed from the needs and interests of all the people. The cloud of racism and backlash still hangs heavy, obscuring the moral vision of the American people and threatening the attempt to build an open society.

Unless a new grouping of concerned citizens arises in the seventies, we may approach another era of nightmare and hate. Americans again may become divided by caste and class, and bigotry may again triumph over decency.

I call tonight for a New American Coalition—a coalition that transcends narrow hate and exploitation, a coalition of the decent, the just, the good in our society.

I call for a coalition of builders versus destroyers; of decency versus hate; of unity versus division; of courage versus cowardice; of hope versus despair. I call for a coalition of active doers versus passive apathy and of dreamers versus the pinched, fear-ridden haters.

If we must have separation and division in this country, let it be on this basis—the good versus the bad.

The foundations of such a New American Coalition must be laid by black people who insist on their equal place in America and by concerned white people who will join us in working toward the goal of an open, democratic society based on equality for all.

Black people have a responsibility to persist in their demands for justice. Again, in the words of Frederick Douglass, black people "are bound by every element of manhood to keep their grievances before the people and make every organized protest against the wrongs inflicted upon them. Liberty given is never so precious as liberty sought for and fought for. Men will not care much for a people who do not care for themselves."

Douglass' counsel is well-taken, and it demands that black people continue to organize and unify the black community and make every non-violent effort to win that equality so long denied.

And our white allies must enlist in this coalition. They must remove the barriers to black achievement and educate their fellow-whites from the deadened of racism. They must demand, no less than their black brothers, the vast economic and social programs that will end poverty in America and unite all our citizens under the banner of progress and justice.

I know that many white citizens feel they are working towards such ends. But to all to many of them, I must say what an old Baptist minister used to tell people who spoke so well—"I can't hear what you say because you do speaks too loud."

Our New American Coalition can only succeed if white Americans match their good intentions and lavish rhetoric with deeds—deeds that will be loud in their impact on making this the open and just society that the revolutionists of two centuries ago believed they were founding, and the American dreams and ideals that black people have clung to and believed in through four centuries of slavery and adversity.

I believe in the need for such a coalition because we—all of us, black and white—need each other.

There is a story about a group of porcupines who came together one very cold night in an open field. The only way they could survive the terrible cold was to huddle close together and keep each other warm. But if you've ever gotten too close to a porcupine, you know that that creates some problems. And so it did. Many of them were hurt by the sharp quills of their brothers, and some left the group to avoid such injury. The next morning those that had left were found frozen to death. The others suffered, but helped each other survive.

We will either work together in a New American Coalition to build an open society—a hard, difficult task that will mean occasional pinpricks and annoyances—or we will all go down the drain of history—frozen by hate and injustice.

In the words of Gordon Parks:

"What I want.

"What I am.

"What you force me to be is what you are. For I am you, staring back from a mirror of poverty and despair, of revolt and freedom. Look at me and know that to destroy me is to destroy yourself. You are weary of long hot summers. I am tired of the long hungered winters. We are not so far apart as it might seem. There is something about both of us that goes deeper than blood or black and white. It is our common search for a better life, a better world. I march now over the same ground you once marched. I fight for the same things you fought for. My children's needs are the same as your children's. I too am America. America is me. It gave me the only life I know—so I must share in its survival. Look at me. Listen to me. Try to understand my struggle against your racism. There is yet a chance for us to live in peace beneath these restless skies."

A EULOGY OF LEWIS P. ROSEN

Mr. FONG. Mr. President, it is with a deeply saddened heart that I rise to eulogize Mr. Lewis P. Rosen, movie pioneer in Hawaii and California. "Lew" Rosen's passing in Honolulu last Saturday, at the age of 74, is mourned by the hosts of admirers and friends who knew this kind and courtly man. I count myself among those very fortunate to have been closely associated with him for many years.

"Lew" Rosen was born in Chicago on February 12, 1895. He moved to California in 1918 and 2 years later became a partner in West Coast Theaters.

He went to Hawaii in 1932. The following year he and his partner, Adolph Ramis, organized the Royal Amusement Co., which in 1954 leased its theater operations to the Royal Theater Co., Ltd.

In 1935 he built the King Theater in downtown Honolulu, and the same year brought the first series of stage shows and movies to Hawaii.

He served as executive vice president of Royal Amusements until 1958 when he became president of Royal Theaters, Ltd.

In 1956 and 1964 he built two more theaters in Honolulu.

He and his wife, Rosella, had lived in Honolulu more than half of each year since 1945. In 1966 when they celebrated their 50th wedding anniversary, they became residents of the Waialae-Kahala section of Honolulu.

During the 1940s and 1950s, Lew Rosen formed a movie production unit partnership with producer Nat Holt. Among his films was one in which Art Linkletter was given his first starring role in a movie.

In 1958 Royal Theaters formed a production partnership with Shintoho Studios of Japan to make pictures in Japan for distribution in the Far East and Hawaii.

In 1965, he and his son, Herman, became sole owners of Royal Theaters, Ltd.

Active in community affairs, he was one of the original officers and directors of the Variety Club, a national organization of persons in show business. He was one of the organizers of the Variety Club school for children with learning disabilities, and helped found one of the Variety Club's first boys clubs in Los Angeles.

Lew Rosen was one of the early supporters of Temple Emanu-El in Honolulu, and a member of the Waikiki Free Masons Lodge, Aloha Shrine, Al-Malika Shrine, and the Friars Club.

The thousands who knew Lew Rosen will long remember him for his impeccable attire, his smiling face, and his gentle and always courteous manners.

To his business friends, Lew was considerate, honest, and helpful. He was a builder of Hawaii. Despite his busy schedule as a business executive, he was unfailingly polite to all with whom he came in contact. He was always a booster, never a knocker. In my long association with him as a valued, cherished friend and business associate, I have never heard him belittle or disparage anyone. He always had a kind word for others, especially for those in need of encouragement.

His civic participation and philanthropies to youth, church, and other community groups will remain a shining testament to his generosity and concern for his fellow man.

Among the tributes paid to his memory, Eddie Sherman, entertainment columnist for the Honolulu Advertiser, wrote:

> Lew Rosen's passing has saddened the thousands who knew him. This pioneer showman was a gentleman to the core, with courtly manners of yesteryear. He always seemed to have time for everyone, from those in high places to the average workingman. I could write a book about Lew, but can explain him in one sentence: he was one of the kindest human beings I've ever met in my life. His passing is a great loss.

Ellyn and I extend our heartfelt sympathy and aloha to his beloved wife, Rosella, his sons, Herman and William Rosen, and to his three grandchildren. Hawaii is indeed poorer and sadder for having lost a person of such admirable qualities as Lew Rosen.

DRUG AND ALCOHOL USE BY TEENAGERS

Mr. SYMINGTON. Mr. President, we are all deeply concerned about the problems facing our Nation as a result of the unwise use of drugs and alcohol. All too often our young people "experiment for kicks" without realizing the possibility of later tragic personal consequence.

An editorial entitled "More Young Lives Snuffed Out," published in the St. Louis Globe Democrat of November 11, cites three deaths as examples which "underscore the dangers of teenagers using drugs and alcohol" and urges education in the schools in order to reach those who do not get training in the home.

I ask unanimous consent that this constructive editorial on a subject of concern to us all be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

More Young Lives Snuffed Out

An 18-year-old youth and a 17-year-old companion are dead, apparently from drug overdoses. A 21-year-old college student died from head injuries after he was allegedly beaten and "stomped" by an 18-year-old who had been attending a beer party.

These latest tragedies involving high school-age boys again underscore the dangers of teenagers using drugs and alcohol.

It seems apparent that many in the younger generation still are not aware of the dangers in taking drugs and drinking. And it is further obvious that too many parents of teen-agers don't have the faintest idea where their children are or what they are doing.

The primary responsibility for teaching children the reasons why drugs and alcohol shouldn't be taken belongs to parents. Too many parents have failed to do this job.

It would be helpful if all schools would intensify their anti-drug and anti-alcohol instruction in an attempt to reach students who apparently are getting little or no information about the dangers involved from using either drugs or alcohol.

The toll of young lives snuffed out from using drugs and liquor is mounting. It is time the community faced up to this serious problem and took steps to prevent more such useless deaths.

AMBASSADOR AND MRS. CHERNOFF MAKE FRIENDS IN JAPAN

Mr. MUNDT. Mr. President, having just this morning been to the White House to witness, along with two distinguished South Dakota citizens, Mr. and Mrs. Fred Christopherson, of Sioux Falls, the ceremonies in which U.S. Commissioner General Ambassador Howard Chernoff, in charge of the Osaka Exhibition at the forthcoming Japanese World Fair, unveiled for President Nixon and Prime Minister Sato of Japan, I think it appropriate that I place in the Congressional Record an interesting news item published in a recent issue of the Sioux Falls Daily Argus Leader, of which Mr. Chernoff was at one time a part owner and publisher. Basically this piece is a reprint from the Senriyama Times of Japan.

I especially call attention to the extent to which Ambassador Chernoff and his wife have tried to win friends and influence people. They began where all good and efficient foreign service officers should begin, namely—by studying to learn the language of their host country—Japan. They followed up on this important step by becoming good neighbors of the Japanese living in Toyonaka, a city of 350,000, in which they are the only Americans. Beyond this, they have made successful efforts to become the trusted friends of the officials and authorities now in charge of the destiny of this lusty and rapidly developing country.

I take this means of saluting and praising the great American service of Ambassador and Mrs. Chernoff and of expressing the hope that a large number of American citizens in 1970 will take the opportunity to visit our American exhibit in Japan. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Language Study Pleases Osaka Neighbors

Despite 10 months of Japanese language study, U.S. Ambassador and Mrs. Howard L. Chernoff find it difficult and time consuming to communicate in Japan.

"But it is rewarding and our neighbors and new friends are so complimented that we did prepare prior to coming and that we try," the ambassador wrote to F. C. Christopherson, contributing editor of the Argus-Leader.

Their efforts in personal diplomacy drew editorial comment (reprinted below) from the Senriyama Times, a newspaper published in an Osaka suburb.

Chernoff is commissioner general of the U.S. Pavilion now under construction at Expo '70, the Japanese World Exposition in Osaka.

Ambassador and Mrs. Chernoff are the only Americans living in Toyonaka, a city of 350,000 and a suburb of Osaka. Senri New Town is a new section of Toyonaka. Osaka has a population of 5.5 million persons.

The Chernoffs took 10 months of Japanese study for one hour daily with a tutor before going to Osaka. Mrs. Chernoff still has a tutor, but the ambassador has been compelled to give up the lessons because of lack of time.

Between 1955 and 1963, Chernoff was associate publisher of the Argus-Leader. He joined the U.S. Information Agency as executive assistant to the director in 1965. He was later given the assignment to direct the U.S. exhibition at Osaka and was appointed to the personal rank of ambassador last May 7th by President Richard Nixon.

Mr. Howard L. Chernoff, Ambassador of the United States to the Japan World Exposition. His "Life and Opinion."

Ambassador Chernoff arrived in Japan about five weeks ago to assume the position as the Commissioner General of the U.S. Pavilion at the Expo. Although many foreigners live in the Kobe areas, Ambassador Chernoff and Mrs. Chernoff chose to live in Toyonaka in order to get to know how the Japanese people are really living. The purpose of living in the Japanese neighborhood is to show the Japanese people how Americans live, and to tell the Americans how the Japanese live, Ambassador said.

Typical American characteristics, frankness and cheerfulness, seemed to come through his personality while he talked.

Mrs. Chernoff goes shopping to the market in front of Toyonaka station where she can manage to communicate in Japanese, Ambassador said. Ambassador Chernoff and his wife associate and communicate with their neighbors in the "little Japanese" they know, he said. It looks like that Ambassador Chernoff and his wife are getting used to their life in Japan and enjoying it.

Regarding the Senri New Town, Ambassador said that the environment seems quite nice, but he regrets the lack of communication among the people who live in the high-rise buildings. He says that the same thing can be said about the people who live in apartment building complexes in the United States.

"Those who live in the big cities are too busy doing things for themselves, playing Pachinko, watching TV and so on. They don't have time to talk to their neighbors," Ambassador said.

Ambassador Chernoff is now an official of the United States government, but he has a long career in the newspaper, radio and television business. Whether or not owing to his background, Ambassador seems especially observant. It will be very interesting to find out how Ambassador sees his life in Japan. I hope that we will have more opportunities to hear his opinions about the Japanese people's lives.

SENATOR McINTYRE SUPPORTS A STRONG SUBMARINE FLEET AND CONTINUED OPERATION OF PORTSMOUTH, N.H., NAVAL SHIPYARD

Mr. BYRD of West Virginia. Mr. President, on November 11 the distinguished junior Senator from New Hampshire (Mr. McIntyre) and his lovely lady participated in the launching ceremonies for the new U.S.S. *Sand Lance,* a nuclear-powered submarine, at the Portsmouth, N.H., Naval Shipyard.

Mrs. McIntyre was the sponsor of this magnificent ship, and her husband delivered the principal address, and it was an excellent one. I was proud to serve as Mrs. McIntyre's official escort.

In his address, Senator McIntyre paid tribute to the technological achievements of the Portsmouth Shipyard, its administration, and the craftsmen and technicians who worked on the *Sand Lance.*

But, beyond that, the Senator spelled out the crucial importance of a submarine fleet in protecting our Nation from any future enemy aggression.

Because his message was of particular significance in these times, I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Senator Thomas J. McIntyre at Launching of U.S.S. "Sand Lance," Portsmouth Naval Shipyard, November 11, 1969

This is an exciting day for the McIntyre family. Mrs. McIntyre has the honor of being sponsor of this magnificent submarine; my daughter, Martha, is serving as maid of honor; and most importantly, I have the rare opportunity of doing the talking. We are, needless to say, thrilled to be participants in this event, and we especially welcome the chance to make it a family affair.

In just a few moments Mrs. McIntyre will lay bottle to hull, and hopefully *Sand Lance* will slide gracefully down the ways into these New Hampshire waters. I say hopefully because not every launching in the 4,000 year history of such ceremonies has gone off with military precision.

In 1943, for instance, Mrs. Franklin D. Roosevelt, sponsor of the aircraft carrier, *Yorktown,* abruptly interrupted the opening remarks of the master of ceremonies to take a desperate—but accurate—swing at the ship's bow as it prematurely slid down the building-ways, earning the *Yorktown* the nickname "Eager Ship". While I commend Mrs. Roosevelt for her quick thinking and superb agility, I note with dismay that the keynote speaker on that occasion—the then Assistant Secretary of the Navy—was unable to give his speech. In the fear that such a fate may await me, I will make my remarks brief, trusting that my wife and daughter will rise to the occasion should the *Sand Lance* decide to jump its 11:42 a.m. launch time.

I'm doubly honored to be participating in this event because it is taking place here at the Portsmouth Naval Shipyard. The first and only government shipyard dedicated exclusively to submarine engineering, it has recorded an impressive list of technological achievements unsurpassed by any other Yard in the Nation.

Among them: the first submarine built in a U.S. Naval Shipyard, 1917; the greatest number of submarines ever constructed in a single year—31—in 1944; and the first government nuclear submarine ever built was a product of this yard in 1958.

These are just a few of the numerous achievements that have earned this installation a reputation for excellence. And I commend the skilled craftsmen and technicians who have toiled over the many ships built here during the past 169 years, among them the namesake of the one we are to launch today—the U.S.S. *Sand Lance* (SS–381).

Perhaps some of you gathered here today worked on the very ship. Her keel was laid in March, 1943, and she first touched water in June of the following year.

The first *Sand Lance* served with distinction during World War II. She was awarded the Presidential Unit Citation for heroism on her first war patrol, and during her service to our country won five battle stars.

In a few minutes a second and greater *Sand Lance* will ride the waves for the first time, in what I am sure will be a thrilling sight. Yet this particular launch has a certain sadness to it, for this *Sand Lance* may have the dubious distinction of being the last submarine ever built at this Yard . . . *if* a Government order to close it in 1973 is carried out.

I am hopeful that this will not happen, not only because of the obvious economic benefits this installation affords this area, but—more importantly—because of the role of submarines in our country's future.

From what I have learned, as a member of the Armed Services Committee, there is little doubt in my mind that the nuclear submarine will play a dominant—if not *the*—dominant role in protecting our Nation from enemy aggression.

I believe very strongly that our most effective, least vulnerable deterrent to enemy attack is not our land-based ICBM System, not our long-range bombers, but our nuclear submarines.

The advantages of under-water strength are many. Nuclear subs can cruise 400 miles a day, anywhere, anytime. They are faster than most surface ships. They can remain submerged for months at a time. They can be navigated so that each missile is always trained on target. And they cannot be detected except by another nuclear sub.

In addition, land-based missiles are restricted in their latitude of launch, whereas nuclear missile subs can fire from any ocean, thus requiring a potential enemy to spread its defense over 360 degrees.

Then there is the time factor. In the event of a missile attack, the proximity of our cruising subs to the attacker would give us precious minutes for the President to come to the awesome decisions he must make. Our subs would be thousands of miles nearer the enemy than our land-based missiles and much more capable of quick and effective retaliation.

This is not to imply that I advocate doing away with our land-based missile systems or with long-range bombers. What I *do* believe is that we need a deterrent mix, and no such mix can be of maximum effectiveness if it does not include a strong nuclear submarine force.

Indeed, in my opinion, we get more deterrent per dollar with submarines than we get in any other system.

The Soviet Union has been quick to grasp this realization. They are turning out submarines at such a rate they could surpass us in number of nuclear submarines by 1970. Indeed, Russian shipyard facilities are so advanced that it is estimated they can turn out one submarine a month.

Of course, quantity in itself should not be the overriding factor in determining our underwater defense system—we must also concentrate on increasing the capabilities of existing submarines while at the same time remaining within the fiscal restraints facing the Navy.

For instance, the Navy plans to convert 31 of our 41 Polaris submarines to Poseidon class subs. Indeed, such a conversion may take place in this very shipyard next month because the U.S.S. *Rayburn's* home-port does not have the facilities available for such a project.

Looking even further into the future, we are studying development of an advanced undersea strategic system, the Undersea Long-Range Missile System, which could eventually supplant our Poseidon submarines by the 1980's.

Armed with several longer-range ballistic missiles, these submarines of the future could be on-target leaving port and would be even less vulnerable to attack.

This is what lies ahead, and we are planning for it *now.* The Senate Armed Services Committee has recognized this need and recently increased the budget for nuclear attack submarine spending. As a member of the Committee, I supported this increase without reservation.

In a year of reduction in Defense spending, I believe the spending hike for submarines is most encouraging, and it makes today's occasion even more significant and personally rewarding.

And now, in closing, I want to congratulate you, Captain Kern, your very able administrative staff, and the loyal and dedicated workers of this great and venerable shipyard, and to wish the future crews of this powerful fighting ship calm seas and snug harbors.

And I want to say once again—as emphatically as I can say it—that the future security of our Nation rests in very large measure on the future of our underwater fighting ships . . . and that the Portsmouth Naval Shipyard *must* remain in operation to *insure* that future.

LADY ELLIOT OF HARWOOD SPEAKS UP FOR NATO

Mr. MUNDT. Mr. President, it is my pleasure to invite to the attention of Congress and the country an informative and interesting address delivered in the British House of Lords recently by Baroness Elliot of Harwood. I ask unanimous consent that the entire address by Lady Elliot be printed in the Record at the conclusion of my remarks. Her address was made available to me as it appeared in the October 30 issue of Hansard, the printed report of debates in the British Parliament.

I am sure that most Members of our Congress who have attended the annual meetings of the NATO Parliamentarians' Conference over the past decade or more are personally acquainted with Lady Elliot. She is an active, valued, and regular participant in these annual conferences.

For the past 5 or 6 years it has been my high honor and privilege to serve as chairman of the NATO Parliamentary Committee on Education, Information, and Cultural Affairs, and Lady Elliot has been a most active and influential member of my committee which she, herself, served as chairman before she voluntarily retired from that position and nominated me to succeed her.

I am especially pleased and impressed by the emphasis which Lady Elliot in her address in the House of Lords placed upon the Seminar at the College of Europe in Bruges, Belgium, last August, under the imprimatur and direction of our NATO committee. This was the first time in the free world that an interna-

tional training seminar has been conducted on public administration so that participants from the career services of the free world could enjoy "learning together," as Lady Elliot so appropriately put in in her address to the House of Lords, as they met for 6 weeks to to learn to do better and more efficiently the tasks of public service which they in their responsible positions as career public servants are going to do anyway.

Mr. President, the NATO free world Seminar on Public Administration in Bruges last year was a complete success. At its recent meeting in Brussels, the NATO Parliamentarians Conference voted unanimously to continue these seminars, and it is planned to hold the second one next August in Bruges, again under the direction of the College of Europe and its illustrous rector, Henry Brugmans. Last year's seminar received a most helpful grant in the amount of $15,000 from the Ford Foundation to help defray the expenses of this initial seminar, the rest of its expenses being defrayed by a NATO appropriation. It is to be hoped that both the Ford Foundation and NATO will again, in 1970, cooperate in the financing of next year's seminar, in which we hope to expand the usefulness and inspiration of these annual free world institutes to a limited number of career public servants engaged in administrative work in the developing countries of Africa and/or other areas of the non-NATO world.

There being no objection, the address was ordered to be printed in the Record, as follows:

Baroness Elliott of Harwood. My Lords, I am sure it would be your Lordships' wish that I should congratulate the noble Lord, Lord Gore-Booth, most sincerely on his quite fascinating and brilliant maiden speech. He comes to us following a most distinguished career in the Foreign Office and the Commonwealth Office, and also as the Head of the British Information Services in the United States for, I think, four years. He also has great experience of India, where he did work of the utmost importance. I am sure I am right in saying that no Head of either the Commonwealth or the Foreign Offices was more popular than he. To-day, he has completely justified the words of the noble Lord, Lord Chalfont, about the most distinguished people who are our diplomats throughout the whole Diplomatic Service. Certainly I believe that no one could have made a more fascinating and interesting speech than that which we have heard from the noble Lord, Lord Gore-Booth, this afternoon.

But he has two other qualifications for coming to this House, which I have discovered because I was kindly briefed by someone before his speech to-day. The noble Lord has been President of the Sherlock Holmes Society. This must have struck a chord of affection and interest in many of your Lordships' minds. He also enjoys that which must be quite original in this House, anyway among the many clubs to which many of your Lordships belong: he belongs to one called "The Baker Street Irregulars". Surely this must put him in a class quite apart from any of us here in this House. Let us hope that we shall hear him many times on the subjects on which he is a great expert. I should like to hear him, too, on subjects on which perhaps he may be an expert, though the fact has not appeared in his career so far, because I am sure that no one could have been more interesting than he in the speech he made to us to-day.

My Lords, this debate is of great interest, but I want to deal with just two subjects which appear in the gracious Speech. The noble Lord, Lord Chalfont, said that he supported wholeheartedly—indeed, it is remarked in the gracious Speech—the importance of the NATO Alliance and what it means for the West in the way of security. I have just returned from a conference of the North Atlantic Assembly held in Brussels two weeks ago. I should like to say a few words about this as it is most pertinent to a debate on the subject of Defence and Foreign Affairs. In Brussels we had delegates from 14 out of the 15 NATO countries, and all were members of their respective parliaments, either Upper House or Lower House. This Assembly, which in earlier years was known as the NATO Parliamentarians' Conference, is a remarkable gathering of politicians linked by their membership of NATO, determined to study defence and disarmament but able to discuss international relations on a wide front.

This is the only organisation meeting on European soil which brings to Europe representatives from the North American continent. Neither the Council of Europe, nor the W.E.U., nor the O.E.C.D. bring Senators and Congressmen from the United States and Canada to take part in discussions on European affairs. I believe this to be a matter of the greatest importance. It is no exaggeration to say that the defence of the Western Free World depends on the enormous contribution that the American forces make in the Alliance. The noble Lord, Lord Gore-Booth, has just spoken about this. If, through a change of policy, the United States Administration were to pull out of the Alliance, the Alliance would lose a great part of its value.

There would still be the co-operation of the other 14 nations. That in itself is most remarkable, when one looks back over our lifetime to the wars we have fought. The fact that one can see and take part in an Assembly in which politicians from Germany, France, Belgium, Holland, all the Scandinavian countries, Italy, Turkey, the United States and Canada and, before the breakdown of democracy there, Greece, all discussing together round a table the defence of the Free World gives one hope for the future. The defection of Greece, the country where democracy was invented, is sad, but let us hope that wise people will persuade the colonels that in the interests of their country *vis-a-vis* the other nations the restoration of democratic Government is essential. But except for Greece, the 14 nations discussed many subjects in which all our interests are involved: East/West relations; military matters, including the need to pursue disarmament as much as the need to have all our forces integrated under General Goodpastor, the American General, and the other NATO commanders.

Politically, there was a feeling that the advent of a new Chancellor and Government in Germany gave us opportunities to try to resolve some of the East-West problems, which will again appear; and we may have an opportunity of a new approach and a new policy. Although the French Government still carries on the same policy towards NATO as did de Gaulle and his Government, some of the French delegates, who are not Gaullists there, were anxious to encourage the new Government to cooperate in the Council and be fully aware of the Council's policies. I need hardly say that the fate of Czechoslovakia was ever present in everyone's mind, and the need to preserve the peace in areas under the Alliance brought all the politicians from all those countries very closely together.

In the Cultural Affairs and Education Committee, of which I was a member, we had a report of the first successful seminar at the College of Europe in Bruges for the discussion of administration between civil servants from ten Nato countries, learning together something of the importance of understanding each other's civil administration. As we all know, we have made many studies of military integration, which is very important indeed, but this is the first time that a study by civil servants of civil co-operation between the countries has taken place. Thanks to a grant from the Ford Foundation and a small grant from Nato, this first conference took place. It seemed to me to be breaking new ground; and hearing the report, which I did, of what took place there in the space of a fortnight—and it was the first experiment that had been tried in this—I felt something of importance was being started. I hope that our Government will give encouragement to this effort, because I believe that it might be of great value in the formation and working out of policies among our Nato friends.

We also took the opportunity of discussing with some young workers and students the problems of student unrest. This problem is world-wide, as we know, and interesting papers were brought before us for us to study. I felt very strongly that one of the things shown by this discussion between these very distinguished senators, congressmen and Parliamentarians from all these countries, talking to these young men of many nationalities about their problems, was that, first of all, they were of an age at which for them Nato had always existed. There was nothing new about it; it was just another alliance among many other alliances that they had always accepted. They did not realise, as we more aged Parliamentarians realise, that what the Nato Alliance really represents in the world to-day is the greatest step of any that has been taken in the last twenty years. I also felt that there was a lack of understanding in the young of the policies that we were trying to pursue. There was a failure of communication with the age group with whom we were talking, or who were talking to us—because we allowed them free range to talk to us—and the lines of communication were really not good. I will not say they were blocked; they were not; but they were not good and we were not speaking the same language as they were speaking. It seemed to me most important that we should, somehow or other, try to bring the young people of Europe to an understanding of the importance of the Nato Alliance in any way that we possibly can.

This leads me to ask the Government whether they will urge the recognition of the North Atlantic Assembly as an official body like the Council of Europe or W.E.U., able to speak to the NATO Council and give their recommendations for discussion and advice. To-day the North Atlantic Assembly is 15 years old, and it is still an unofficial body. If it became an official body it would strengthen the Alliance through the Parliamentarians as well as through the military men. I would urge the Government to examine this possibility, as I think it would not require a very great alteration in the view they take of the North Atlantic Assembly.

My other comment on the gracious Speech must be on the United Nations and our policies there. I should like to congratulate the noble Baroness, Lady Gaitskell, and to thank her very much indeed for her splendid work in New York. It is an extremely interesting assignment to be a delegate, as I myself know, having been for three years a delegate at three General Assemblies. It is also extremely frustrating and, at times, irritating to a great degree. Year after year the same resolutions appear, and one would often think, looking at the agenda papers, that nothing ever changed. Nevertheless, it does; and things are done. And although often one gets despairing about the United Nations it is the one and only place where people can talk and discuss, and where things do happen very often, and very often of great importance.

There is only one subject that I want to mention to-day, and that is the Middle East and the Israel-Arab problem. The noble Lord, Lord Gore-Booth, has just made a very wise analysis of the position of the Four Powers in the Security Council, and the question of the Israel and Arab problem. I should like just to add my own thoughts on this matter. Israel is a State recognised by the United Nations and by nearly all the nations, with, of course, the exception of the Arab States. I believe that even some of these would be prepared to accept the fact of Israel, given the help of European nations and the United States. By "help" I do not mean military help; I mean by world opinion simply stating the obvious, that Israel is there and will remain there for all time.

Israel has said that negotiations with Arab States would enable both sides to talk peace, instead of carrying on war, whether guerrilla war or otherwise. I should like to ask: Cannot our Government use all its influence direct to bring about a meeting between Israel and the Arabs? Instead, they support resolutions on this question which are sometimes tolerable and sometimes intolerable. The other day at the United Nations a resolution was put forward accusing the Israelis of responsibility for burning down the mosque of Al Aksa. There is no evidence at all that any Israeli would have been so foolish as to burn down any mosque. When I was in Israel after the Six-Day War I visited many mosques, one in Hebron, on a day reserved for Moslems, and the Israeli guard would not allow me to go and see it without the permission of the Moslem in charge on that day. One of the interesting results of the Israeli administration is the way in which all the Holy Places, whether Moslem, Christian, or Jewish, are carefully looked after and freely accessible to those who want to visit them. Surely in the interests of peace our delegate at the United Nations should have abstained in a vote which, at its simplest, is a case which we would consider *sub judice*, since the trial of a person is taking place at the moment and the question of who committed this tragic act is unknown. In my opinion, it is most unlikely that it would have had anything to do with the Israeli Government. For us to vote for so biased a resolution is, in my opinion, wrong, and I must say so here.

Foreign affairs are never static; changes come every day. I think that to-day we have the opportunity of a new Government in Germany, and a comparatively new Government in France. I have hopes that their policies may lead to a détente in East/West relations, and also to a change in the policies towards us in relation to the E.E.C. I also hope—and I am encouraged by what I have heard in this debate—that a new look may come into Europe, and that we shall not lose the opportunity of seeing that that new look leads us in further steps towards world peace.

THE DARK MILITARY SIDE OF THE ROCKEFELLER REPORT

Mr. CHURCH. Mr. President, the long-awaited Rockefeller report on Latin America generates two wholly different impressions. Its proposals for adjustments in trade and economic aid are fresh, creative, and promising. At the same time, however, the report advances a remarkably stale view of the military security needs of Latin America. Ignoring plentiful evidence that the chief political trend in Latin America is toward militaristic nationalism, the report stresses development of U.S. military aid programs to strengthen Latin American governments against Communist subversion.

In a recent Washington Post column, Stephen S. Rosenfeld commented most perceptively on the anomalies in the Rockefeller military aid recommendations. I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 14, 1969]

THE MILITARY SIDE OF ROCKY'S REPORT

(By Stephen S. Rosenfeld)

Nelson Rockefeller in effect gave the President two reports on Latin America; they were released this week. One centered on the hemisphere's economic requirements and on how the United States should cooperate in fulfilling them. The other concerned what Rockefeller believes to be ever-expanding menace of Castroism, and the measures needed to meet that. So divergent in perception and policy implications are these two elements—the one heading toward economic growth in peaceful circumstances and the other heading toward vigilance and possible military confrontation—that it is hard to see how they can coexist in a single statement. Yet there they are.

To be sure, this kind of double vision is not new. Since the World War II period, when Axis penetration of the hemisphere was feared, Washington has divided its efforts between supporting Latin military establishments and helping Latin political communities. More recently, as John Plank of Brookings has written: "One strand of policy has run from the era of the 'good neighbor' and the inter-American system . . . The other strand, which is not really compatible with the former one, derives from our conception of Latin America as an active theater in the cold war, one of the battlegrounds on which we engage those whom we have identified as our mortal enemies, the Communists."

Thus in the 1940s and later, our military policy was directed at preparing the Latin military for a mission of hemispheric defense. In this period, the United States opened up the Inter-American Defense College and Defense Board, the military assistance programs, sales of destroyers and submarines, and so on. The rationale for organizing the Latin military to repel a conventional foreign invasion has long since evaporated, but these programs limp on. Many Latinists believe the programs contribute heavily to Washington's militaristic reputation in the hemisphere.

In the 1960s, chiefly because of fear of Cuba, the rationale (though not always the substance) of American military policy was shifted from hemispheric defense to "internal security." Subversion, supported by or oriented toward Castro, was defined as the main enemy. The official view was that the Latin military constituted a "shield against insurgency"; behind that shield, the process of development—understood as a disruptive one—would go on.

This is Governor Rockefeller's view still "All the American nations are a tempting target for Communist subversion," his report says. "In fact, it is plainly evident that such subversion is a reality today with alarming potential . . . of growing intensity." Predicting more Castros, he declares: "A Castro on the mainland, supported militarily and economically by the Communist world, would present the gravest kind of threat to the security of the Western Hemisphere and pose an extremely difficult problem for the U.S."

This diagnosis led Rockefeller to recommend major increases in military programs, both on the hemispheric-defense and internal-security levels. Urban terrorism, an activity so far defying control, is his special concern. Against the claim that some Latin military men serve a conservative status quo, he argues that there is "a new type of military man . . . coming to the fore and often becoming a major force for constructive social change." Is not the military antidemocratic? Rockefeller believes that few Latin countries have the sufficiently advanced economic and social systems required to support a consistently democratic system." Anyway, "the common heritage of respect for human dignity is evidenced in different ways in different nations."

As might be expected, many academics and liberals and U.S. legislators question Rockefeller's judgments in the military sphere. Politically the most important questions, however, come from the Nixon administration.

The State Department's Latin chief, Charles A. Meyer, said last July that "Communist insurgencies are currently at a relatively low ebb." Che Guevara's Bolivian fiasco "made the Cuban regime more cautious about initiating new areas of insurgency," he said. Meanwhile, Latin counter-insurgency capabilities have improved, and the appeal of Cuban-style revolutions has declined.

William E. Lang, deputy to Assistant Secretary of Defense G. Warren Nutter, scanned the hemisphere last May, found no insurgencies of consequence anywhere, and reported that "we have not seen external evidence of Cuban support for insurgency in Latin America for some months . . . 12 to 18 months." Nutter, who cannot easily be accused of an indisposition to detect a Red peril, backed up his deputy.

President Nixon, in his Latin address Oct. 31, barely touched on the threat of communism or subversion, saying just that the export of revolution could not be condoned and "a nation like Cuba which seeks to practice it can hardly expect to share in the benefits of this inter-American community."

In sum, the Nixon administration, to judge by the public record, is taking a rather calm approach to the vital question of whether Latin America needs to be more heavily militarized for a crucial crunch ahead. The official Washington consensus, to say nothing of the liberal-academic-congressional consensus, is that Latin governments do not face a serious subversive challenge, Governor Rockefeller so far has failed to make a convincing case for strengthening military programs and catering to military regimes. President Nixon would make a gratuitous and costly error if he accepted Rockefeller's military advice.

SALT—REACHING PEACEFUL PARITY

Mr. PROXMIRE. Mr. President, millions of Americans are now vitally concerned and openly debate the relative merit of our military weapons systems. The era of unchallenged military spending is ending. This is all to the good. But military spending all over the world races ahead; and unless positive actions are taken, such as arms-control agreements and a Soviet-United States detente in the arms race, this growth will continue to burden and depress us while reducing our security.

With the hope and best wishes of peaceable men everywhere, United States and Russian negotiators this week meet in Helsinki. They are coming to the Finnish capital to start talks on the most vital and sensitive disarmament issue ever negotiated. The object of the Strategic Arms Limitation Talks—SALT—is to find a way for both sides to agree on a plan that will limit, and perhaps some day reduce their vast nuclear arsenals. Until now the two superpowers have not touched upon the most fundamental nuclear threat: their own armories. This time the common stake in getting off the nuclear escalator is vastly large. The two powers possess something close to military parity. Each, as Secretary Rogers said last week, "could effectively destroy the other regardless of which struck first." Both nations are distracted by severe foreign problems—Russia with China and Eastern Europe, the United States with Vietnam. Both may be losing their taste for continuing the arms race. We have reached the critical point where we must talk before it is too late.

In the escalation of the arms race, our general policy has been to react to our estimates of what the Soviet Union's intentions would be. If we continue in this pattern, without agreement, there is nothing we can do to contain this inevitable spiraling arms race. It is imperative that the United States take the initiative. Neither the United States nor the Soviet Union has offered to suspend the development and testing of new weapons during the talks; and the precarious technological balance that helped to make the negotiations possible in the first place cannot be expected to last indefinitely.

This country has more than 1,000 land-based intercontinental missiles. It has 650 nuclear armed strategic Air Force bombers. It has 41 Polaris submarines with 656 submarine-launched ballistic missiles. With 16 missiles each and with each missile soon to be armed with three to 10 warheads, our submarine fleet alone could destroy the world.

In addition to this, we have tactical nuclear weapons in place in various spots throughout the world.

Medium-range bombers and missile sites encircle the frontiers of our potential enemies.

From public sources it is known that the United States has more than 6,500 nuclear warheads.

We have a military budget, including related space and AEC military requirements, of almost $80 billion. There are 3.4 million men and women under arms; 1,300,000 civilians work for the Defense Department. And 100,000 companies, employing 3.8 million civilians, fill defense orders.

The military and civilian personnel not only work at home, but also, many are stationed at the 429 major and 2,972 minor bases scattered throughout 30 countries of the world.

These are the military credentials we bring to the arms talks at Helsinki.

An international research team financed by the Swedish Government published recently a bleak analysis of what was described as a runaway arms race.

It found that the world was spending more for military purposes now than its total production of goods and services at the start of the century, that arms outlays were doubling every 15 years and that efforts to control them were marginal if not illusory so far.

The study illustrates the point that since the 1963 treaty prohibiting nuclear tests in the atmosphere or under water, that nuclear testing had been stepped up. The report warns that time was short for the current talks on limiting strategic weapons because United States progress on the development of multiple warheads would reach "a point of no return" in 3 to 6 months.

Mr. President, I would like to call to the attention of my colleagues the article written by John Hess for the New York Times on this subject, entitled "World Study Finds Runaway Arms Race, With Outlays Soaring."

In conclusion, I would like to say that "imperative" is a small word to use to emphasize the importance of the SALT talks and the need for United States initiative to bring a halt to the arms race. I strongly endorse the importance of a Soviet Union-United States mutual suspension on the development and testing of new weapons during the SALT talks. Our best defense is peace. And we must make every attempt to bring peace to the world to give credence to our national dialog and to leave not only dreams for our children—but ominous as it may sound, a world of our children.

Mr. President, I ask unanimous consent that the article by John Hess be printed in the Record, and I also ask that an encouraging, optimistic column on the Helsinki talks, written by Tom Wicker, also published in this morning's Times, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 20, 1969]

World Study Finds Runaway Arms Race, With Outlays Soaring

(By John L. Hess)

Paris, November 19.—An international research team financed by the Swedish Government published today a bleak analysis of what was described as a runaway arms race.

It found that the world was spending more for military purposes now than its total production of goods and services at the start of the century, that arms outlays were doubling every 15 years and that efforts to control them were marginal if not illusory so far.

The study demonstrated, for example, that nuclear testing had been stepped up since the 1963 treaty prohibiting nuclear tests in the atmosphere or under water.

The report warned that time was short for the current talks on limiting strategic weapons because United States progress on the development of multiple warheads would reach "a point of no return" in three to six months.

The authors of the report believe that once that is achieved, the Soviet Union will be unwilling to halt development of comparable weapons and counterweapons. Such weapons they hold, cannot become reliable from a military viewpoint without testing, including the explosion of the hydrogen warheads.

BRITON HEADED TEAM

A sharp rise in military spending set in about 1965 and seems likely to continue; at present rates, arms outlays in the early years of the next century will exceed present world production of goods and services.

Not only is spending on arms rising faster than total production of goods and services, the gap is wider for the poor countries than the rich.

The study was sponsored by the Stockholm International Peace Research Institute, of which Gunnar Myrdal, the Swedish economist, is chairman, and Robert Neild, a British economist and editor, is director. Another British economist, Frank Blackaby, headed the team that assembled the 440 pages of data comprising what is to be an annual yearbook on armaments and disarmament.

The work is a scholarly compendium of the world's troubles—120 armed conflicts since World War II—an analysis of armaments and the arms trade, and a history of the effort to control them. It is not optimistic.

Allowing a wide margin of error for data concerning the Communist countries, the team found that the world spent $159.3-billion for military purposes last year, using official Communist exchange rates, or $173.4-billion at rates adjusted for real buying power.

The United States spent $79.3-billion of this, the Soviet Union $39.8-billion (at the adjusted rate) and Communist China—a hazardous estimate—$7-billion.

From 1949 through 1968, the study found, world military spending rose at an average rate of 5.9 per cent a year, after allowing for inflation. But the rate in the last three years averaged 8.9 per cent—an acceleration of 50 per cent.

SHARPEST RISE IN MIDEAST

The acceleration was far from even around the world. The sharpest rise came in the Middle East—19.9 per cent annually over the last three years. It was notable that both the victor and the vanquished in the lightning war of June, 1967, have sharply increased arms spending.

With an assist from the Vietnam war, the United States provided the largest portion of the increase. Its long-term trend was an annual rise of 7.7 per cent; the recent trend was 12 per cent. With a lag of a year or two, the Soviet Union and its allies followed this stepup—but the allies of the United States in Europe did not, except for Portugal, engaged in colonial wars, and Greece.

The increases work like compound interest, so that both the United States and the Soviet Union show cumulative gains of about 40 per cent since 1965, now accounting together for 70 per cent of the world total. The share of the poor countries is small but is rising faster than average.

The study confirmed that arms were swallowing a sharply rising share of world income. Before World War I and between the two World Wars, it estimated, the military spent 3 to 3.5 per cent of the world's resources; since then the share has risen to 7 to 8 per cent.

The change for the United States was more dramatic: from 1.5 per cent of the national product in 1913 to 2.5 per cent in the thirties and 10 per cent in the postwar period.

THE 7.5 PCT. RISE IN POORER LANDS

In the so-called developing countries arms spending has been rising at a rate of 7.5 per cent, as against a world average of 6 per cent, while output for both groups has been rising at no better than 5 per cent.

Put another way, world production is found to have multiplied about five times in the last 50 years, while arms spending has multiplied about 10 times.

On the other hand, the study reports that armed manpower has not increased significantly. The Paradox is explained by the enormous rise in the cost of weapons: the technological arms race.

Among the large Western powers, at least, it was found, the cost of military research far outshadows that of civilian research. For the United States, $62.20 of each $100 of military procurement is assigned to research and development, but they take only $7.50 of each $100 of manufacturing output.

Smaller countries can hardly compete. To the extent that they try, they find that they must market their weapons abroad to remain competitive, but the United States and the Soviet Union dominate exports.

In the face to supply the third world with weapons, the report concluded, the Soviet Union has caught up with the United States, owing largely to aid to the Arab countries. This estimate excluded shipments to North and South Vietnam.

The study represents the testimony of Robert S. McNamara, former Secretary of Defense, on how United States spending was sharply increased on an erroneous estimate of a Soviet buildup, and follows that with testimony by the present Secretary, Melvin R. Laird, on a new Soviet threat.

The authors, limiting themselves to nuclear tests reported by the Atomic Energy Commission for the United States and by a Swedish defense agency for the Soviet Union produce the following comparison of the average annual rate of testing before and after the ban:

	U.S.	U.S.S.R.	World
Before	24.4	12.8	39.6
After	32.0	9.2	46.2

The study cites evidence that many unreported tests have been conducted by the United States and the Soviet Union, and possibly by Britain and France. Most of the tests, reported or otherwise, have, of course, been underground, but the authors observe that the power and military value of underground testing have been far greater than had been expected.

[From the New York Times, Nov. 20, 1969]

IN THE NATION: A GOOD START IN HELSINKI

(By Tom Wicker)

WASHINGTON, November 19.—Since it took so long to get strategic arms limitations talks under way, it may be a hopeful sign that reports from Helsinki suggest a cordial beginning. Neither Soviets nor Americans yielded to propaganda temptations in their opening statements, both sides seemed to be addressing themselves to the same general objectives, and Mr. Nixon's message used the reassuring word "sufficiency" instead of "superiority" to describe the kind of nuclear arsenal he had in mind.

Opening-day goodwill does not, of course, guarantee long-range results, but in this case it seems particularly important. The military-minded, and hawk circles generally, in Moscow apparently fear that the talks are simply an American fishing expedition for intelligence data; while high military reluctance in Washington caused American negotiators to arrive in Helsinki without any specific proposals.

AVOIDING STALEMATE

Thus, it is extremely important just to get things going in an atmosphere of reason and goodwill. Once both sides become convinced—if they ever do—that the other genuinely wants an agreement, its scope and details should not be impossibly difficult. Taking counsel either of political fears and technical complexities, on the other hand, can produce nothing but stalemate and a continuing arms spiral.

That is why the use of the word "sufficiency" was important. "Sufficiency" is what both sides now appear to have in their nuclear strike capacities. That is to say, neither can launch a nuclear strike at the other with any hope of so completely destroying the other's retaliatory capacity that it will not be able to deliver a devastating return strike.

ELIMINATING NUMBERS GAME

If that is in fact the case, if neither side can attack the other with reasonable impunity, then each has a sufficiency of nuclear weapons to guarantee its national security, to the extent that it can be guaranteed. And this would be the case even if one or the other claimed more missiles, more warheads or more nuclear-armed submarines—as in fact the United States does claim.

If some general understanding can be established that there is nuclear sufficiency on both sides, a difficult numbers question can be eliminated from the arms limitation problem. The Soviet Union would hardly negotiate second place for itself, in numbers of weapons or total firepower, nor would the United States give up first place; but if it is established that first and second place don't really exist, that enough is enough and there is a sufficiency on both sides, then at the least a freeze on the existing nuclear balance becomes possible.

That much is crucial because the more the two sides go on with the nuclear arms race, either developing new and more awful weapons like MIRV, or tinkering with control and delivery and warning systems, the more it becomes likely that at some point one side or the other will score either an offensive or a defensive breakthrough. The danger in that is not just that a power that did so might launch a strike while it had the opportunity to do so; but also that both powers would be in constant fear of just such a breakthrough by the other, and would redouble their own spending, research and deployment—an endless cycle.

Moreover, it is hard to believe that any ultimate reduction in levels of armaments could be achieved before a period transpired in which both sides maintained, by agreement, an existing balance, during which not only the good faith of each but the best methods of policing and verifying the arrangement could be tested.

THE COST ADVANTAGE

From that kind of an achievement, it would become possible at least to have discussions, on the basis of proven intentions, about mutual nuclear arms reductions. And another advantage of an initial nuclear arms freeze is that both sides could save substantial sums each needs for domestic purposes—in the estimate of Jerome Wiesner, about $100 billion apiece in the next five years.

Of course there would be risk but if the aim is to eliminate risk, neither an arms limitation agreement nor a continuing arms race will achieve it. And as Gen. James Gavin has observed: "We're extremely venturesome in war and we ought to be as venturesome in peace. The rewards are greater."

RELIGIOUS PERSECUTION IN THE SOVIET UNION

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Israeli Knesset Appeals to World's Parliament To Help Soviet Jews Emigrate," published in the New York Times of November 20, 1969. The article details the latest manifestation of religious persecution in the Soviet Union's long and infamous history of persecution of its Jewish citizens.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 20, 1969]

ISRAELI KNESSET APPEALS TO WORLD'S PARLIAMENTS TO HELP SOVIET JEWS EMIGRATE

(By James Feeron)

JERUSALEM, November 19.—Israel's Knesset called today on parliaments around the world to "employ the full weight of their influence" in assisting Soviet Jews to emigrate to Israel.

In a move confirming a major change in Israeli policy toward the Soviet Union, the Knesset (parliament) indicated that persuasion would be replaced by pressure in seeking free emigration for Soviet Jews.

Premier Golda Meir, in a major address opening the seventh Knesset, said a 50-year campaign by the Kremlin to silence Jewish voices in the Soviet Union had failed.

Moscow should have the courage to realize this failure, Mrs. Meir said, "and allow every Jew who wants to leave the country to come here to us."

Mrs. Meir followed the disclosure earlier this month of the names of 18 Georgian Jews who wanted to leave with a new list of Soviet Jews whose requests to come to Israel also had been turned down.

The publicity surrounding the earlier announcement had indicated a dramatic break in the long years of secret negotiations with the Soviet Union to open the doors for as many of the nation's 3 million Jews who wanted to come to Israel.

In her speech to a packed Knesset chamber, Mrs. Meir indicated that the days of "quiet talks and quiet diplomacy" were over.

She said "we shall see to it that every person possessed of a conscience, Jew and non-Jew, everybody to whom freedom is dear, will surely raise his voice for the freedom of others as well."

Isser Harel, former head of Israel's Secret Service and a new member of Parliament suggested during the general debate that disquiet among Soviet Jews might eventually "become a malady that could spread to other elements in the Soviet Union."

"When that day comes," he continued, "and when the Kremlin's concern over the stability of its internal regime outweighs Russia's interests abroad, they'll want to get rid of their Jews and they'll want to get rid of them fast."

Taken with Mrs. Meir's speech, the implication was that Israel, possibly with the help of other governments, would be seeking to generate the internal pressure that might lead to a change in Soviet policy barring free emigration for all citizens.

There are Israeli officials who are aware of the risk entailed in the new Israeli policy. Some have expressed concern over possible recriminations against Soviet Jews who have given their names to the publicity coming from Jerusalem.

CENSORSHIP BARS DETAILS

Censorship in Israel has long prevented references to immigration of Soviet Jews to Israel and even today bars speculation on the hearing this may now have on Israel's decision to apply public pressure on Moscow.

Mr. Harel's comment on Soviet interests abroad was an apparent allusion to Moscow's ties with Arab governments, whose leaders oppose any form of Jewish immigration to Israel. Arab leaders are convinced that Israel is basically expansionist and that large immigration will justify greater expansion.

Israeli immigration officials expect 30,000 to 40,000 newcomers this year, most of them arriving with skills from affluent countries.

In speaking of Soviet Jews the 71-year-old Mrs. Meir, herself a Russian-born Jew, said masses of young Soviet Jews had undergone an "awakening" as a result of the 1967 Israeli victory over the Arab states.

HOLIDAY RALLIES NOTED

She said no one could explain "in terms of cold reason" how young Jews in the Soviet Union, many of whose parents had tasted prison life or experienced years in Siberian work camps, now gathered by the tens of thousands around synagogues on Simhat Torah. This is a joyous holiday that marks the completion of the annual round of reading of the Torah, the Jewish holy scriptures.

Soviet Jews have become more courageous, Mrs. Meir said, and are now declaring "that their homeland is the state of Israel."

The Premier then read off the names of those Soviet Jews who had written abroad in what she described as an attempt to publicize their inability to obtain exit visas. The hometowns of the writers included Moscow, Kiev, Riga, and Leningrad.

She read an open letter to Premier Aleksei N. Kosygin from Tina Brodetskaya, a 34-year-old Moscow woman, who was seeking to join relatives in Israel. The woman wrote that her desire to emigrate stemmed from Zionist feelings and not from hostility to the Soviet Union.

XUM

PRESIDENT NIXON'S TRADE MESSAGE TO CONGRESS

Mr. JAVITS. Mr. President, the President and the administration are to be commended for the proposed trade program forwarded to the Congress earlier this week. This program, which must be regarded as a holding action, is significant in that it again commits the United States to pursue a policy of freer world trade—despite the considerable protectionist pressures which are growing in our land.

We in the Congress should support the statesmanship of the President as shown by this message and give him the authority he requests to make modest reductions in U.S. tariffs. I would grant the President such authority, however, through June 30, 1972, rather than through June 30, 1973, since more comprehensive action in the trade field should be enacted before then. The last tariff cuts of the Kennedy round negotiations will have become effective on January 1, 1972, and the administration and the legislative branch should regard this as the target date to enact new, major legislation in the trade field.

At this time, the Joint Economic Committee of the Congress, of which I am the ranking Senate minority member, is preparing a comprehensive series of trade hearings, and these hearings should dovetail nicely with the Commission on World Trade, which the President has indicated he will appoint to examine the entire range of our trade policies. The Commission's Report should be available before the Joint Economic Committee issues its report. Because of this timetable, I would recommend that the President's authority to effect tariff reductions be extended only through fiscal 1972.

The President's proposals of aid for industries affected by imports—adjustment assistance—are indeed welcome. In my opinion, one of the major flaws in the implementation of the Trade Expansion Act of 1962 was the extremely difficult criteria which had to be met if trade adjustment assistance were to be granted. The liberalization of the criteria is welcome and needed.

Liberalization of escape-clause provisions is also to be welcomed so long as such liberalization is part of the philosophy which recognizes—as the President's does—that "any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally" and that the "need to restore our trade surplus heightens the need for further movement toward freer trade."

In my opinion, the President's request of the Congress for a clear statement "with regard to nontariff barriers to assist in our efforts to obtain reciprocal lowering of nontariff barriers," is an important call for cooperation. We should meet the President's request. In this regard, the President's proposal to eliminate the American selling price as a step toward eliminating the proliferating nontariff barriers to trade is most commendable—all of us in the Congress know of the difficulty in putting forward this very needed proposal.

Finally, it is my hope that Western Europe and Japan, too, will take such an important step down the road of freer trade—that such freer trade in agricultural and industrial products indeed will lead us "in growing and shared prosperity toward a world both open and just"—and that such an open world is unattainable if reciprocity is not forthcoming.

OIL INDUSTRY MULTIFACETED

Mr. PROXMIRE. Mr. President, we recognize that the oil industry as an industry is not composed of only major oil companies, although they are the most often heard from.

I have repeatedly spoken of the difference between the struggling independent oilman and the major oil companies which enjoy phenomenal profits. The April 1969 newsletter of the First National City Bank of New York indicated that of the largest 2,250 manufacturing concerns surveyed the 99 oil companies had 25 percent of the group's total profits. That should give you one indication of the disparity between the small oilman who has to scrape and skimp to raise the funds to drill one well and the major oil companies who can afford to put up almost $1 billion just for the right to drill for oil in Alaska.

Another group has recently taken heart and raised its voice, saying to the American public and Congress:

> Don't lump us together with the major companies. We don't benefit from all the federal subsidies enjoyed by the major oil companies, yet we are part of the "oil industry."

This group is called the Oil Marketers' Committee. These are the small businessmen who market the oil to the public. Although they exist at the will of the major oil companies, they, too, have finally had enough. They have shown the courage of their convictions and published an advertisement in the Washington Post.

I ask unanimous consent that the advertisement be printed in the RECORD.

Mr. President, it is quite clear from the advertisement that the only ones who really benefit from all these Federal subsidies to the oil industry are the major oil companies, the ones who need the gigantic subsidies the least.

The time has come. Congress and the President must take action. If subsidies are necessary to insure a healthy oil industry, let us give these subsidies honestly. Let them pass through the same budgetary process that school lunch subsidies pass through. This will enable Congress and the public to see exactly who is getting what and how much. No longer would the major oil companies be able to skim off the cream of these Federal subsidies and leave the dregs to the independent oilmen under the guise of giving incentives to the oil industry.

The oil industry is not composed only of the major oil companies. We must recognize that and take action accordingly.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

OIL MARKETERS SAY: MAYBE THE PUBLIC IS RIGHT ABOUT OIL IMPORT QUOTAS AND DEPLETION ALLOWANCES

We want to make it clear to our government leaders and the American public that no single group speaks for the entire oil industry.

For example, this committee of marketers questions seriously whether the oil producers and major oil companies have applied any of their consumer subsidized gains to consumer needs and benefits.

As oil marketers, we believe—

1. The present Oil Import Quota system has the effect of subsidizing producers and major oil companies at up to 3c per gallon.

2. The elimination of artificial quotas would (a) result in lower consumer prices; (b) enable marketers to underwrite the costs of the improvement of customers' oil consuming equipment; (c) enable marketers to afford the training of industry personnel to insure the highest standards of customer service; (d) provide the wherewithal for oil marketers to work constructively to achieve clean air for our communities.

3. Depletion allowances, foreign tax credits and tax favors for intangible drilling expenses may well be of illusory benefit to the American consumer who pays the bill.

This committee is being formed to provide a voice for the marketing segment of the oil industry, the many thousands of companies and individuals whose very existence depends on their ability to serve the public well. It seems most clear that neither oil marketers nor the consumers we serve derive any benefit from artificial import barriers or from oil-gas producer tax favors.

If you are interested in helping us examine all these factors—and in spreading the word about just what policies would be in the best public interest, we would welcome your support.

OIL MARKETERS' COMMITTEE,
JOHN FITZGERALD,
Secretary-Treasurer.

AIR POLLUTION RESEARCH IN COAL GIVEN CONGRESSIONAL APPROVAL

Mr. RANDOLPH. Mr. President, Senate and House conferees agreed today to authorize $45 million for federally sponsored research into ways of cutting down on air pollution from fuels combustion and automobile emissions.

The level of research spending for the 1970 fiscal year should be considerably above the administration request of $18.7 million.

Air pollution standards are now being established by State and local agencies under the Air Quality Act of 1967. Without the control technologies to be developed as a result of the authorized research, it will be difficult, if not impossible, to implement all of these standards.

Pollution standards for 57 metropolitan areas containing 97 million people will be completed by the summer of 1970.

The successful completion of the air pollution research is of direct interest to West Virginia because of its position as the Nation's leading coal producer. Much of our coal is of high sulfur content which cannot meet the antipollution requirements of such cities as New York and St. Louis without the technology these research funds should produce.

If we are to meet our national energy requirements, increased use of coal and oil in the years ahead will mean more sulfur dioxide in the atmosphere unless we develop this vital control technology. With this propect in view, the best that can be hoped from existing technology is to maintain the status quo. Consequently, the need for more research and the funds to carry it out are obvious and critical.

AMERICAN DESERTERS IN SWEDEN

Mr. THURMOND. Mr. President, last Sunday's Parade magazine contained an article entitled "American Deserters in Sweden." The article was nothing but blatant propaganda to encourage desertion in the U.S. Army and even mutiny within the ranks. After a few sob sister examples of the problems that faced deserters—problems no greater than those faced by many loyal Americans—the article makes a pitch at the end for the so-called American Deserters Committee. The whole thrust of the article builds up to this laudatory account of the work of this group.

The views of this group are not even hidden in the article. The article says:

> Originally its battle cry was "desert now" but with the emergence of these dissident groups, ADC now encourages its sympathizers to stay and cause mutiny from within. Among the ADC hard-core, there is constant talk of someday returning to the United States for the "Revolution." Says ADC's Rod Huth: "We see our stay in Sweden as a temporary thing. We are still very much involved in the U.S. and we are already planning for our return. When . . . I can't say; but we shall return."

Mr. President, articles such as these do a disservice to the American cause, and create further desertion, and lend respectability for those who are defying the laws of the United States.

Sweden is supposed to be a friend of the United States, but she does a bad turn to us in refusing to extradite these disloyal Americans. Sweden's policy of refusing to extradite deserters is part and parcel of her hostility toward us in our attempts to defend the West, including Sweden, against Communist aggression. Sweden has continuously aided and abetted both Hanoi and the Vietcong. We have done nothing about this policy except to recall the Ambassador last January.

If our State Department had imagination and courage, it would take steps to induce Sweden to adopt a civilized policy to support the common effort.

The Swedes say that this is a humanitarian policy; I see nothing humanitarian about it. It is not humanitarian to encourage citizens to be disloyal to their country and to break the laws of their country. Such a policy breaks down the civilized order among nations and encourages anarchy and confusion when we are faced with a common enemy.

I call upon the State Department to take stronger measures and to use every diplomatic means at our command, including the use of whatever sanctions may be necessary, to force Sweden to adopt a policy for the common good. We do not have to dictate Sweden's foreign policy, but there is no reason why Sweden cannot cooperate with our foreign policy when it is for the common good. We must not allow the nations of the world to think that they can defy the United States without any remonstrance or countermeasures on our part.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN DESERTERS IN SWEDEN

(By George Michaelson)

STOCKHOLM, SWEDEN.—Terry Whitmore, a lanky 22-year-old from Memphis, Tenn., sat in his small apartment in suburban Stockholm and slowly recalled the sad events that brought him here:

"Three years ago, shortly after my graduation from high school," he began, "I enlisted in the Marines. The training was rough but it made me into a gung-ho fighter; wasn't nothing could hold me back from Charlie—you know, the Viet Cong. Well, when I got to Vietnam, out in the bush, I saw the hatred in the people's eyes, and they were telling us 'Go Home, Yankee.'

"I thought of leaving, but how could I? Hell, I was fighting for my life. Seven months I spent like that. Then, one afternoon, my squad got ambushed. Everyone hit the ground except me and another guy: we got out. I knew I couldn't leave them there, 'cause some of them were badly wounded. I went back in and dragged them out, and when I got the last guy out, I was hit by a mortar.

"I was paralyzed with leg and chest wounds and sent to a hospital at Camranh Bay where President Johnson came visiting and decorated me with a Purple Heart. Then I was flown to an Army hospital in Japan, and they tried to teach me to walk again. I didn't want to. They told me I had to try. They said, 'Of course, you'll never have to go back to Nam.' Well, I forced myself to walk and when I was almost recuperated I got my orders to go back to Nam.

"So I split. There was no way I was going back to Nam. I hid for a couple of months with a Japanese family, and then someone from a Japanese antiwar group told me I could be free in Sweden, and they'd send me there through Russia. Hell, I was scared—I didn't want to go through any Communist country—but I was tired of hiding. I wanted only to forget it all, to start again from scratch. So I went."

Lance Corporal Whitmore, now going to language school, has been in Sweden for a year and a half—one of about 350 American deserters who, since early 1967, have come to this neutral, non-NATO country. Lured by the promise of "humanitarian asylum," they continue to trickle in every day from Vietnam, the United States, and especially Germany.

They come by air and by thumb, sometimes with forged leave papers, and often with only a few dollars or deutsche marks in their pockets. They come from all branches of the service, some fresh draftees still in boot camp, a few career officers. And they come for all sorts of reasons, most frequently because they don't want to serve in the Vietnam war.

VISIBLE AND VOCAL

Who are these men? What is life like for them in Sweden? Do they regret their choice? And why should they—a mere handful—receive attention?

The answer to this last question is that, few as they are, the deserters in Sweden are simply the most visible and vocal of those who each year desert the armed forces. According to Pentagon sources, 39,234 Army men deserted in 1968. (Desertion is generally defined as unauthorized absence of more than 30 days with intent to stay away permanently.) The current desertion rate is put at 29.1 men per 1000, compared to a 22.5 per 1000 peak year in the Korean War.

About 90 percent of the men return and face various penalties, the maximum being five years' hard labor and dishonorable discharge. Those who do not return burrow underground in Vietnam, the United States and German, or surface in the 'safe" countries—France, Canada, and, safest of all, Sweden.

CRITICIZE U.S. POLICY

Ever since the escalation of the Vietnam war in 1965, the Swedes have been outspoken critics of American policy. As early as 1966, a Swedish national poll indicated that 83 percent of the population favored American withdrawal. Moreover, the Swedes recognize North Vietnam, the Viet Cong have a delegation in Stockholm, and the new Swedish Premier, Olof Palme, has openly criticized the U.S. involvement; in fact, in February, 1968, he marched with North Vietnam's Ambassador to Moscow in an anti-war demonstration in Stockholm.

All of this has so displeased the U.S. government that, in January, 1969, we withdrew our ambassador from Sweden and as yet have not replaced him. The Swedes, wary of further alienating the U.S., have therefore not granted the deserters political asylum which, in effect, would say they are political refugees. Rather, the Swedish government has created the new category—humanitarian asylum.

In keeping with this policy, the deserters, shortly after they arrive, are given residence and work permits, and are placed on social welfare (about $125 monthly). Then they may choose between going to Swedish language school (for which they are paid an additional $35 monthly), going to a job-training center, or seeking employment on their own.

NO BED OF ROSES

But life in exile is no bed of roses for these men—far from it. There is a feeling of unreality, of not belonging; some are at loose ends, unable to decide what to do with their lives. The Swedish government is well aware of the situation and to help them make the difficult adjustments has provided a full-time social worker. She is Mrs. Kristina Nystrom, an energetic young woman who lived for three years in Princeton N.J.

Says Kristina: "I've been working at this job almost a year and have seen about 200 boys. I help them any way I can—with housing, jobs, hospital care, even psychiatric counseling if they need it. Most of them, I find, are sincere about making a new start in Sweden. Of course, there are some who get caught up with drugs, or, because they have so little money, they steal. But even they may be able to make it here, if we can somehow get them stabilized."

Working along with Kristina is Rev. Thomas Hayes, an Episcopal priest from New York. He was sent to Stockholm in March, 1969, by an American anti-war group—Clergy and Laymen Concerned about Vietnam—for the purpose of counseling deserters on their personal and political problems. Says Hayes: "They have problems because nothing in their experience prepared them for this. They're tough guys, mostly from the patriotic working-class and lower-middle-class neighborhoods, and they never thought the day would come when they would be in exile. So here they are in technocratic Sweden, most of them with only a high-school education and no knowledge of Swedish, and where do they begin? And how finally should they interpret what they have done—what does it mean?"

HAVE OWN PAPER

One group that has been particularly eager to interpret the deserter movement is the American Deserters Committee. Today's cover photo was taken at their office. The man is Robert Hand, Jr., 23, of Atlantic City, N.J., a newly arrived veterans of Vietnam combat who sought help in getting a place to live. He has a brother who has been serving in Vietnam.

ADC is the only organization composed solely of deserters, and espouses an extreme activist position. It claims some 60 members, though the active nucleus is probably no more than a dozen. Supported by Sewish and American contributions, and the sale of its near-monthly newspaper, *The Second Front Review*, it has since February, 1968, waged a private war against the military: it prepares tapes for distribution to Radio Hanoi, organizes anti-war demonstrations in Sweden, and puts out a special newspaper for distribution to American troops.

SEEK PRIVACY

ADC has links with other deserter groups in Canada and France, as well as with dissident groups within the military—such as the American Serviceman's Union. Originally its battle cry was "Desert Now," but with the emergence of these dissident groups, ADC now encourages its sympathizers to stay and cause mutiny from within. Among the ADC hard core, there is constant talk of someday returning to the United States for the "Revolution." Says ADC's Rod Huth: "We see our stay in Sweden as a temporary thing. We are still very much involved in the U.S. and we are already planning for our return. When . . . I can't say; but we shall return."

Most of the deserters, however, have no such plans. Thrust into the political limelight, they want only to escape into privacy, to forget. They know that back in the States they are commonly regarded as cowards, and back in the military they are often called traitors.

"Let them call me what they want," says ex-Army E–2, Walter Jakymiw. "Thats their business. Me, I know it's been a hell of a lot harder coming here than staying with the Army."

Jakymiw went on to explain that, all in all, he is satisfied with Sweden. He is going to language school, lives in a comfortable apartment in suburban Stockholm, and has a Swedish girl-friend. He is determined to make it—house, car, family—just as he once was determined to make it in Lansing, Mich. "Sure I miss Lansing," he says. "I had it pretty good there. And I wish the whole thing hadn't happened, but it has, and I got to get used to it. I'm just damned grateful that the Swedes have been so helpful."

Apart from governmental assistance, a number of Swedes have opened their homes, their factories and businesses, and their pocketbooks to the deserters. One wealthy Swede even went so far as to donate 45 acres of farmland, where about ten deserters and girlfriends now live communally.

But the warmest welcome for the new deserter comes from the deserter community itself. Here, in long evening bull-sessions, he unburdens himself. Of his guilts: "Sometimes I feel bad about what I've done; like how the hell are my folks going to take it?" Of his self-justifications: "Really though, I just did what so many other guys in military are thinking of doing." Of his fears: "This place is rich and all that, but it seems so foreign, and what am I going to wind up doing here?"

MISSES FAMILY

Usually by the end of a year the deserter is settled into exile. [In seven years, if he chooses, he can become a Swedish citizen.] He picks up where he left off in America—as a mechanic, a student, a computer operator. And he tries to re-establish contact with his parents. "That's the one thing a guy needs—the understanding of his family," explains Rev. Hayes.

But understanding or not, the ex-GI's can't go home again. And so they try to forget—the hamburgers, the hot-rods, the girls, and everything and anything America once meant to them. But some cannot forget and they go back (about 25 have so far), while others wait it out, hoping for an amnesty as was given to several defectors in the Korean war.

Most, however, prefer not to think about the future. They have doffed their uniforms, and with it, their thoughts of returning to America.

THE AIRLINE AND THE AGENT—ADDRESS BY NAJEEB E. HALABY

Mr. CRANSTON. Mr. President, none who travel as extensively from one side of the continent to the others, as do the west coast Members of Congress, appreciate more conclusively the continuing efforts made over the years by the distinguished senior Senator from Washington (Mr. MAGNUSON) in creating a closer and closer bond between airlines and travel agents.

It was with great pleasure and interest therefore, Mr. President, to read a speech recently delivered in Tokyo, Japan, by Mr. Najeeb E. Halaby, president of Pan American World Airways, on the occasion of the American Society of Travel Agents' international convention.

Quite properly, Mr. President, Jeeb Halaby points out that Senator MAGNUSON, in his capacity as chairman of the Committee on Commerce, has a "marvelous grasp of the whole world" in the matter of travel. "He stands four square on that point, as I'm sure all of us do, too. And he's working also to fly up the airports and the airways that tend to restrict us stateside."

Mr. President, I ask unanimous consent that Mr. Halaby's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE AIRLINE AND THE AGENT: PARTNERSHIP FOR PROGRESS AND PROFIT

(By Najeeb E. Halaby)

An airline president should talk about partnership with you. Certainly we feel a partnership in progress and profit and pride and professionalism. We find our strength in your strength.

The 747 is going to move us into the spacious age, and the fact that it's going to be a few weeks late in its first flights across the Atlantic is not really significant. In fact, it's proof of the tradition of aircraft and engine manufacturing and government certification that they must be nearly perfect before they'll be allowed to carry passengers. So the time to perfect the engine for the airplane also gives us time—additional time—to prepare the services and support that you all are so anxious about and we're so eager to do as perfectly as we can.

Senator Magnuson with his marvelous grasp of the whole world said the right words this morning when he came out for freedom of travel. He stands four square on that point, and I'm sure all of us do too. And he's also working to free up the airports and the airways that tend to restrict us stateside.

Each of us is entitled to his vision of the future of tourism. I thought this morning there was a certain massiveness or massism, you might call it; this magnetic automation of the travel agents and the assembly lines and the back-to-back charters frighten me a little bit, because my vision is that, while, we are going to move into the mass travel market, we must have something for the individual traveler and shipper as well as for the individual travel agent.

And so very briefly I want to suggest that we have a better bulk fare in prospect, and that it be an individual fare, in its application not just a mass fare.

I hear a lot about dialogue and certainly being here today is a form of dialogue. Being with you on the Great Circle Express the other day was a very intensive dialogue, I might say. In fact, the aisles were filled with dialogue on that Pan Am Flight 801 from New York to Fairbanks to Tokyo. That flight also shows what competition will do for you and to you perhaps—a shorter flight and lower fare.

Finally, I'd like to talk a little bit in my prepared remarks about our search for higher quality of personal service. I think it's something that we both share. We're not proud in Pan Am of the last six or eight months of service, beset as it has been for us by three labor disputes, and beset as the whole industry will be in the coming months by additional labor disruptions. We're also having lots of problems in costs, just as your distinguished treasurer was pointing out the ones that you have that were not predicted.

In fact, we operated the first six months in the red. I notice even TWA was in the red, but I'm sure with that vast domestic network that they share with Northwest and others they'll get back in the black, and I'm sure Charley Tillinghast will tell you how to do it. We're all searching for profits that we will share with you. Two or three years of labor peace will help a great deal, but much more important is this attitude and this desire to serve on the part of your professional colleagues and mine. And I hope that we will never lose sight of that. In fact, in the world's most experienced airline, we are going to have a much better personal attitude of service in the coming months and years.

PROMISE OF 747

We in the airlines arrive here at a time of great promise for the future of the air transportation industry. The eve of the space jet age is symbolized by the 747. We arrive here, too, at a time of great paradox for the airlines and the entire travel industry. Before I turn to the promise of the Pan Am 747 and the TWA 747 and the JAL 747, let me explain the paradox.

Consider, if you will, the fact that the travel agents and the airlines are selling their portable product to make more than a quarter billion people air travelers, a quarter billion a year the world over. And consider that this figure will probably triple by 1980 and quadruple to a billion in the late '80's. Yet, while our sales ascend into the stratosphere, earnings for most of us have been down in the depths.

That's the paradox, but the paradox is eclipsed by the promise. Growth has not really hurt us. On the contrary we built a demand for our product that portends an exciting future. The demand can go up the moment the 747 arrives, and that's only weeks away, and it will accelerate again with the inevitable introduction of the supersonic, later in the '70's, not to mention space transportation in the '90's.

But that growth depends on a periodic thrust of new energy and imagination. And that's, I think, one of the great challenges ahead. Meanwhile, as the trade papers say, a vast network of travel agencies has grown up around the world, a network that today consists of 17,000 IATA approved locations employing 115,000 men and women, a remarkable development, especially when you consider that it could have easily been otherwise.

The airline industry in the formative years after the Second World War well might have tried to set up dealerships or a network of owned or franchised outlets, like the gasoline industry or the automobile companies. Instead, IATA and we fostered a worldwide community of independent travel agencies. They are relatively unfettered and able to keep faith with each customer by calling on any principal. It is an extensive, various, and let me stress, able and increasingly stable network. In the United States and elsewhere, the rate of travel agency bankruptcies has been lower than general business failures, which you may view as one of those positive-negative statistics.

DEVELOP PLEASURE MARKET

Thank heavens, however, the airlines went the agency rather than the dealership route. International travel, as a result, has become a healthy $20 billion plus enterprise in a very short time. More importantly, it has served the peoples of all the nations well. It has become the largest single item in international trade. And what we then have, in sum, is a vibrant, living partnership that has enabled Pan Am, for example, to derive more than 70 per cent of its passenger revenues from the pleasure and personal travel market and less than 30 per cent from the comparatively static business travel field.

But what can we do to make our intertwined lives better? I'd like to get into a number of things: fares, commissions. Someone asked, what are these convention delegates interested in. I think I asked the question. And every time I asked it the commissions came first, I believe.

What can we do to make these lives better? I think our different interests become responsibilities. Some of them on our part as an agents' airline; some on your part as an airlines' agent. One chief responsibility, borne by the airline, is continued dedication to the development of the pleasure travel market. Purely reflexive maneuvering and marauding designed to pirate traffic from other carriers will not advance agency sales or the total transportation industry.

On the other hand, deeper penetration and a faster conversion of the non-flier to experienced air traveler will benefit us all. The international airlines compete and cooperate toward this goal. A few days ago in San Francisco, for example, a new IATA study group, appointed by the passenger agency committee, made up of high level marketing officials, began sifting ideas on improved airline-agent sales relationships. Their aim is to explore the cutting of red tape and simplification of procedures. They seek new approaches to develop the pleasure travel market and to define it, ways of compensating agents for development of new business, professionalism of travel agents, and adequate compensation for tour operators.

Such systems as PANAMAC have accelerated your working days and multiplied your productivity. And you may be wondering why we hoard these marvelous reservation machines. I'll tell you this: we want you to have as soon as possible the advantages and economies of electronic reservation sets in your own offices. We do feel, however, that they should be taken through a couple of further development hurdles before turning them over to you. That is, they should be able to quote fares and write tickets which is not as far off as you might think. Our airline participates in all these industry committees working on the problem. Countless man hours are being applied through long nights, and we're beginning to see light as our airline computer analyst informs us that the progamming problems have yielded to reason. By 1971 or '72, we're confident that carriers will possess the ability to quote tariffs and write tickets electronically. And you should enjoy the use of the same wizardry shortly thereafter.

NEED COLLECTIVE EFFORT

May I swing the telescope around for a look at the travel agent's responsibility to the airline. It can be said quickly in two words: greater professionalism. The bright future of the industry may never come about if we disregard the importance of being earnest about our business, the importance of being nothing less than excellent at it. There are no 90-day wonders in this struggle, as many of you have found. It takes hard work daily on-the-job study to make the grade and to make a profit to boot.

Collective efforts by agents to upgrade the field are extremely valuable. In Britain, there is the Institute of Travel Agents; in Australia, there is the Australian Institute of Travel, and in the United States, of course, there are the superb educational efforts of ASTA itself, as well as the Institute of Certified Travel Agents. Pan Am stands ready to assist agents in the formation of similar bodies in other parts of the world, to lend technical and instructional aid to such endeavors. It may be that carrier conferences should take into consideration the number of employees who are certified travel counsellors before appointing new agencies. And perhaps airlines should restrict their advertising of tours to those cleared, bonded, and actually operating to ASTA's high standards.

We would like your definitive guidance on this score. You have a set form of dialogue with the ATC carriers today. Your Air Committee Chairman regretfully reports extremely slow progress. Perhaps IATA, as an organization, should do more than it is doing in this area, and we are open to your advice.

IATA, being a world organization, has a very real problem in this regard. To be fair and just, it would have to conduct dialogue with ASTA and the other travel agency organizations in the U.S., and then with the similar organizations in South America. Britain, France, Germany, Italy, and down the line. To substitute for this impossible task the airlines felt the travel agency industry should form a worldwide representative body.

ASTA, as you will recall, had the same creative instincts, and there emerged the Universal Federation of Travel Agency Associations, the agents' United Nations headquarters, so to speak, and it's located in Brussels. We hear that all may not be in perfect order for this group to represent you in communications with the designated IATA official, the Assistant Director-General of Traffic, Don Reynolds.

If this is so, then surely this should be a matter of urgent attention on the travel agency responsibility side of our ledger. If we, as members of IATA, are not listening closely enough to what UFTAA says and acting where we can in response to it, then we must change our ways, and if necessary set up a more intensive and effective system of communications, perhaps on a more regional than global scale.

TWO PART DIALOGUE

Perhaps the most important thing I have to say on this is that IATA is only an association of members. You can't persuade the association to do what you want unless you persuade the members. Once you've proved to one member that something is essential to the success of our partnership, then it is the responsibility of that member to carry your views as persuasively as he can to the next conference or meeting. If that meeting is to deal with important matters of commissions or fares, then its membership should not be greatly increased. And some security must be thrown into its negotiations or it will never be able to continue to reach the required unanimity.

Unhesitatingly, I commit our airline actively to continue to seek your views on all subjects affecting our joint welfare and to fight for whatever you persuade us is right until it's accomplished. We hire 300 agency sales reps to maintain monthly, weekly, sometimes daily contact with travel agents. They ask some of you to serve on advisory boards, in most of our sales districts, with our sales managers. This summer they have been engaged again in a close study of our total relationship with you. Ten days ago, I sat in on one of these meetings with all of our North American agency sales reps, as they crystallized their proposals and planned their sales and service campaign for the coming winter and for 1970. I might say I leraned enough to make a number of changes in this speech, as well.

This is, I think, a truly effective person-to-person action type of dialogue, and it is certainly essential to our partnership, no matter what other form of communication we set up. If it's not working, then you must let us know; let me know, if you will, because if your persuasive powers don't work on one eager and willing member of the association, they will hardly work with the association en masse.

A sincere exchange of views should steer us toward an improved commission structure. That may sound funny coming from the representative of a company that has always paid the highest commissions permissible to the airline industry and in total the most commissions of any entity, but an upward adjustment has long been of concern to us. We favor any legitimate device that will enable and encourage you to find more new travelers of all types, recreational, religious, educational, family, personal, social and categories yet to be invented.

The international airlines, especially today, can't afford to raise commissions paid on existing business, but they can't afford also to shun the question of a greater incentive for market building. How do we distinguish between new and existing business? How do we spot the fresh, never been flown face amid all the passengers streaming through our departure gates? Well, we know that he and many like him or her have a common fancy. They buy package tours on their first or second flights.

INCENTIVE FOR AGENT

This telltale shopping habit accounts for the three percent override currently deducted by travel agencies on the sale of packaged tours. Trying to find an acceptable formula that would further reward your most creative efforts, we at Pan Am have thus far focused on the override, and we have proposed several times to IATA that it be increased.

The extra amount would go to the tour producer, but there would be nothing to keep him from passing a portion or all of it along to the retail agent. Sad to say, the idea remains just that, for a strong minority of the airlines are still in opposition. It's time for a bonus that will make you and us happy.

Pan Am has met with ASTA officials on several occasions to air this important topic. Our sales people have touched on it in a number of speeches before inviting alternate methods of attack on the commission problem. We have not had anything very helpful to date, frankly. Perhaps you here in Tokyo can tell us what would be satisfactory and gain acceptance among our colleagues.

In connection with the subject of paying the highest level of commission in the airline industry, I can tell those of you who haven't heard that you should now deduct 11 per cent commission on all tour sales between the Mainland and Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam and American Samoa.

We will welcome you and your clients on those flights through Pago. Frequently, there are seats available, and we are expanding the hotel there, doing our bit, you might say, for the Interior Department. As for the honeymoon flights, many of our Japanese friends have experienced the ecstasy of Guam and Saipan and the islands in that area, and that is going to be a program of great concentration for us in Pan Am in the coming months.

I guess that the opportunity given by this recent improvement to these points, these

11 per cent points, which by the way, are retroactive to September 1, is not yet up to what we think of as international standards in commissions. At least ATC hasn't quite followed it.

Frankly, as a newcomer to the airline industry, I was amazed to learn of the discrepancy between the domestic commissions and the international commissions. As a completely fresh mind on the subject, it seemed awfully odd, particularly for a carrier that's both domestic and international, to charge a very low commission on domestic flights and a much more adequate commission on international flights. The fact that I didn't understand it, of course, is not significant, but I can assure you that when we get domestic rights, there won't be any such discrepancy.

Our crusade for amateur air travelers leads us also to puzzle about fares all the time. But our specific perplexity relates to our promotional premises. Are we in fact winning enough new passengers with old style special tariffs? Is it possible that even the bulk fares which seemed so bold to us at the beginning of this year may not be bold enough for the audacious 747 age?

FARES TO FILL 747

We've come to believe at Pan Am that a different kind of fare will be needed before long. What we are seeking and what we think IATA should be seeking is a low rate to attract fill up traffic for the empty seats which we all anticipate in the early days of the giant airplanes. We need to boost those seat factors particularly on certain runs to a profitable level, and a sufficiently-hedged low rate it should be, or otherwise much of the present traffic would sink to the new price level, diluting our absent earnings and your commission payments.

The bulk fare which I must defend will move us toward the goal. However, we've had misgivings about the grouping requirements and the 14- to 21-day restriction. A far more potent selling tool would be an individual fare with no groupings or no time restriction, or maybe a greatly liberalized maximum stay. We might succeed in confirming such a fare to the pleasure travel market by requiring ticketing deadlines well in advance of departure, and no refunds, or very limited refunds, such as we do in our charter rates.

Why not give this first time rider we all seek a clear-cut individual fare of good value? If we can devise a proper tariff, we may begin to restore schedule service to its full role in the mass transit field. We may begin to move the charters back to the limited markets that they were meant to service. It would also enable us to advance our basic fare philosophy after looking at those Mainland-Hawaii shares of the market of our beloved friends who have become substitutional carriers rather than supplemental carriers.

Why not give the first-time rider a clear-cut individual fare of good value? We may begin to move the charters, as I said, back to the supplemental area. Now I think this kind of appeal to individuality appeals to you as well. After all, most of you are individuals, and you wouldn't be in this business if you didn't love to work with each other and with people, and I believe that we should have as a basic fare philosophy a fairness to our basic customer, the individual traveler.

In no event should we allow a pattern to develop on the major trade routes of the world similar to that which has sprung up within Europe, where, as an example, nonscheduled services between Germany and Spain are pulling five times as many passengers as scheduled flights. There is practically no scheduled service left for the nonconformist who wants to fly out on short notice, or the defiant one who aspires to pick and choose his own time of departure and return. The market has gone over to a few tour operators and charter airlines to the exclusion of the broad network of retail travel agencies. And ths sort of thing could happen across the Atlantic or the Pacific if it goes on unchecked as at present.

LOOKING AHEAD

Some say these services were supposed to supplement us. As I said before, I'm afraid they're beginning to supplant us, and in my judgment that would be a poor service, a disservice to the public if it ever came to pass; a fast flight to nowhere for you, and for us, and most importantly the general public.

Well, it's popular in our business to look ahead, and I can say that we believe by 1975 there should be at least 3.8 million Americans flying the North Atlantic, an increase of 125 percent from '68. From the U.S. to the Caribbean and South America, we estimate over six million Americans, up 100 percent. From the U.S. Mainland to Hawaii, the number of airlines alone is staggering.

We'll find out about competition and how glorious it is in the coming year there. I'm afraid we're going to find that as each of these carriers makes less money on the route, he may not serve it quite as well as when he started out. Certainly he won't be able to keep the fares as low as they have been for very long with that proliferation of airlines, even if the number should reach a million six hundred thousand in five years. That figure probably came from some optimist, but it's going to be limited in my judgment by the number of beds and number of lanes on those highways more than it is by the number of airlines serving Hawaii.

And I guess we see that the market from the U.S. to the Far East should show about a half a million increase by '75, roughly 150 percent more than last year, and we hope the most growing market of all. And by the way, I haven't cranked in the pulsating force of the ASTA convention in that figure, and certainly your being here and feeling the hospitality and productivity of our brothers and sisters in Japan will be a generative force.

We mustn't overlook two of the largest demographics, the under-30 generation, that ready-to-go-aren't-afraid-to-fly bunch and the over-21 women. All women aren't over 21, are they? My two daughters, aged 13 and 18, are already over 21, but that's only because they live in this affluent society of ours. I guess one of the exciting things I discovered, not only on Pan Am 801, where there were some very attractive ladies, but all around this convention, is that the ladies in this business are not only very active but very numerous.

In culling over the ASTA roster of travel agents, did you know that 642 ASTA agencies in the United States are headed by women? Good, good. We ran a recent mailing to several million travel prospects across the nation, pushing the travel agent as a professional. The trouble was we had an all-male cast of agents. We heard from the ladies, and boy, did we hear from the ladies! And that's when we resolved to count through the ASTA roster, or, at least, I suggested that the culprit do the counting one hundred times.

NEED FOR CHANGE

Some 47 per cent of Pan Am's passengers are women. And there is a good degree of momentum behind that figure, and we're going to rely on you expert women travel agents for suggestions on how to continue that momentum. Really, more and more, woman-to-woman discussion is going to reduce that anxiety that has always been a brake on the growth of our business.

I have to tell you a funny additional mistake on our part. The other day, when the inaugural flight came over from New York via the Great Circle, the bus had a big sign on it, and since the bus left at the last minute, it arrived when the passengers did, no one noticed until too late that it said, "Welcome Inaugural Fright." That delay in the 747 is going to give us some time to get over its inaugural fright.

In closing, I think we're all relieved to be over that grim travel tax experience of last year. I think we're all working, as the Senator and the Secretary suggested, on the Discover America, Visit U.S.A., and other kinds of efforts, and I know we're all behind Lang Washburn in the efforts that he will be describing later to you. Certainly we are all in favor of entering into this mass tourism field. But let's not forget the individual traveler and the individual agent.

I think you'll find that this great bird of the '70's, the 747, is going to be very exciting. Some of you have already seen it. There is more head room, more tail room, more elbow room, more speed, nearly an hour faster from New York to Tokyo. This is going to be a great airplane, and it's going to give you a sense of atmosphere, and ambience that will make the quality of travel better. And I guess all of us who are putting this $20-million-a-copy airplane into service this winter and next summer think we're going into a new and better quality of transportation.

This bird is big and it's beautiful, but I think she's more than that. And as one of your colleagues said: "If her introduction, possibly the most significant air travel event in 45 years, can be met half-way on all sides in an atmosphere of harmony and mutual objectiveness, then there is a good possibility for a happier future for all the people whose lives are devoted to the creation and delivery of travel pleasure."

Jack Reid of Cleveland said that, and I am sure we can all join in the sentiment.

Our partnership is long and well established. However, the contract between us is not rigid. If we need to change, we want to change with you; we want to step up to better ways of doing things. Training, professionalism, candor, security—all of these things that your president talked of a few minutes ago are very much in our minds in the airlines.

It means sustaining higher levels of traffic, protecting our investments in tomorrow, pinpointing potential markets, tapping them with the right kind of fares and promotion and service, and it means keeping ourselves fit and able to run the faster professional course. We must have the dollar strength, too. Your compensation must match your effort. Finally, we have to set aside more time to really talk over our future and to make certain that it comes up as bright as a brand new 747.

Thank you, Sayonara.

RESEAL LOANS ON GRAIN SORGHUM

Mr. HUGHES. Mr. President, the distinguished senior Senator from Texas (Mr. YARBOROUGH) has called attention to the shocking decision of the Department of Agriculture to call the reseal loans on the 1967 and 1968 crops of grain sorghum presently in commercial storage.

He has graphically pointed out the disastrous impact which this action, effective January 15, 1970, will have on grain sorghum producers throughout the country.

While grain sorghum is not a major item in Iowa's agricultural production, all of us from farm country should be concerned by this kind of ill-advised Government action which manipulates the agricultural economy at the farmers' expense.

Moreover, we from the corn-producing

States are well aware that the same kind of action can be taken with regard to reseal loans on corn, thus forcing down the price of that commodity as well. Similar action was taken by the USDA in May of this year for 1967–68 crop reseal corn in commercial storage.

Mr. President, I am deeply disturbed by the lack of concern of this administration toward the already hard-pressed American farmer. I heartily second the action of the senior Senator from Texas in calling on Secretary Hardin to reverse this unfair decision.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SUPREME COURT OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Supreme Court nomination on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the nomination.

The bill clerk read the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

The Senate, in executive session, resumed the consideration of the nomination.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I support the nomination of Clement F. Haynsworth, Jr., to be Associate Justice of the U.S. Supreme Court. He is well qualified by education, experience, and honesty to fill this high position with credit and distinction.

His colleagues on the bench have expressed their complete and unshaken confidence in both his integrity and ability. It is also significant to note that the American Bar Association committee which interviewed many lawyers and judges associated and acquainted with Judge Haynsworth reports that:

> As far as integrity is concerned, it is the unvarying, unequivocal, and emphatic view of each judge and lawyer interviewed, that Judge Haynsworth is beyond any reservation a man of impeccable integrity.

In addition to this high praise, the nominee brings with him a record of more than 12 years on the Federal bench, a record which is open for all to scrutinize. This nominee, unlike some others who have come before us, has had extensive judicial experience. He has demonstrated a balanced judicial temperament and has written or participated in hundreds of decisions that also reflect a balanced philosophy. So, we are not faced with the task of trying to fathom that philosophy from some intangible source but, rather, we have the opportunity to assess correctly the record before us.

An objective observer has characterized that record as one "of a disciplined attempt to apply the law as he understands it, rather than yield to his own policy preferences." On that premise, I think the President would be hard pressed to find a man who comes better equipped and recommended for the high post of Supreme Court Justice. And, it is sad, very sad indeed, that Judge Haynsworth has been subjected to such severe and unwarranted attack by his opposition.

Judge Haynsworth's critics have combed his personal and judicial record with a tinted magnifying glass and, it would appear, have yet to come up with anything more than the specious charge that he has displayed an "appearance of impropriety." Mr. President, that, in substance, is the only charge his accusers have been able to lodge against him. Now, let us look at the record.

Judge Haynsworth was an honor graduate of Furman University, a school founded by his great-great-grandfather. He received his LL.B. degree from Harvard Law School in 1936, and joined the firm of Haynsworth & Haynsworth which was founded by his grandfather. He served during World War II as a naval intelligence officer. Following the war, Clement Haynsworth returned to the practice of law until 1957, when he was appointed to the U.S. Court of Appeals for the Fourth Circuit. In 1964, he became chief judge of that court and a member of the Judicial Conference of the United States.

During his tenure on the bench, Judge Haynsworth's record reflects a keenly balanced judicial approach, unmarred by either liberal bursts of "activism" or by undue judicial restraint. He has applied the law fairly, equitably, and justly—qualities sorely needed on the U.S. Supreme Court.

The task of passing upon a nominee for the Supreme Court is not one to be lightly taken. Today, more than ever, it is a responsibility of the gravest magnitude. The Court's tendency in recent years to act as an innovator and usurper of legislative powers has contributed markedly to the pervading atmosphere of suspicion and distrust that is present in our country today.

Confusion and frustration prevail as a result of several recent Supreme Court decisions. Vagueness and uncertainty have replaced stability in our laws. As a consequence, confidence in the Supreme Court has been greatly impaired, and respect for that high tribunal has seriously diminished.

Yes, Mr. President, the opponents of Judge Haynsworth are correct when they say that confidence in and respect for the Court are at such a low ebb that they need to be restored. But, Mr. President, what has caused the present lack of confidence in and respect for the Court? The answer is, the Court itself—because of its disregard for and strained interpretations of the Constitution and its usurpation of the legislative functions of Congress.

Certainly, Judge Haynsworth cannot be blamed for the low state of esteem and confidence that the public has for the Supreme Court today. Those who make the charge against him with respect to his philosophy are rather insisting that someone of the philosophy that has prevailed in the Court, and of which the public apparently disapproves, should be appointed, not someone like Judge Haynsworth. In other words, you will not restore confidence in a Court in which confidence has been lost by nominating to that Court others of like philosophy of the present Court, or of some members of the present Court, whose pursuit of such philosophy has brought the Court into its present state of disapproval by the public.

Defeating the confirmation of nominees like Judge Haynsworth certainly is not calculated to restore but rather to destroy further the confidence of the people in this High Tribunal. Respect for the Court will not be enhanced by the rejection of this nomination. On the contrary, refusal to confirm Judge Haynsworth can well increase the acknowledged suspicion and distrust that now exist. I am convinced that his confirmation would help to prevent further deterioration of public esteem and confidence in the Court.

Judge Haynsworth's detractors have listed a number of "charges" which they insist should disqualify him. Boiled down to reality, these "charges" are nothing more than a desperate effort to cast the nominee in the role of one who has shown an "appearance of impropriety." The truth is that the nominee has two disqualifying attributes in the eyes of his principal opposition: One, he is from the South; and two, he is not completely subservient to modern liberalism.

That either of these should be the basis of opposition to a nominee is deplorable; that they should prompt the vilification that this man has suffered is most regrettable. Moreover, it exposes and confirms the striking weakness of the so-called case against Judge Haynsworth.

Since the day he was nominated, Clement Haynsworth has been subjected to intense criticism. No sooner was the name announced than he was being characterized as antilabor, a segregationist, and far too conservative. That, Mr. President, has been claimed by the same people who have heretofore contended that one should not consider the philosophy of a nominee, that the only thing one should consider is whether he is professionally qualified and of good character. Now the situation is reversed and they say, "We have to take into account the philosophy in this instance; it would not do to overlook it."

So we see that it depends on the nominee, and sometimes I think the section of the country from which the nominee comes, as to whether philosophy is important or whether it should be disregarded.

Mr. President, I have the greatest respect and admiration for the role that the Supreme Court, as an institution, is designed to play under our form of government. To function properly, it should have the confidence and respect of the people. Its members should not only be qualified professionally, but they should also be above reproach in personal reputation. The Senate's role to advise and consent to nominations for the Court is designed to insure, to the greatest extent possible, the integrity of the institution. Therefore, great weight should be given to the President's nominee. Unless there are compelling reasons for rejection, the President's selection should be confirmed.

Judge Haynsworth is charged by his accusers with participating in cases in which he should have disqualified himself. One of these was the *Darlington Manufacturing Co.* v. *National Labor Relations Board,* 325 F. 2d 682. Deering Milliken Corp. was a party to that action in which the court ruled, by a divided vote, against the contentions of the NLRB and the Textile Workers Union of America. At the time of that ruling, Judge Haynsworth had a one-seventh interest in Carolina Vend-A-Matic which had some vending machines placed in the Deering Milliken plant as a result of competitive bidding. This was not done by favor, not by dispensation, but by competitive enterprise; not as a favor, but after having won the competition.

Mr. President, this dead horse—the Deering Milliken case—should be buried once and for all. This whole matter—this charge—was thoroughly investigated 6 years ago, and the conclusion was reached that not only should Judge Haynsworth have participated in the case, but that it was his duty to do so. That is the position taken and testified to by one of the Nation's experts in this field.

In late 1963, the Textile Workers Union of America, on the basis of an anonymous telephone call—this is how weak it was to begin with—forwarded an allegation to Judge Sobeloff, the chief judge of the fourth circuit, charging improper inducements to Judge Haynsworth by the Deering Milliken Corp., whereupon Judge Haynsworth—himself—asked for a full-scale investigation by both the judges on the circuit court of appeals and by the Department of Justice.

Thereafter, on February 6, 1964, when the investigations had been completed, the union that had made the charge withdrew its complaint and apologized. The court of appeals judges, after their independent investigation, concluded that there was "no warrant whatever" for the charge; and Attorney General Robert F. Kennedy gave further vindication when he expressed his "complete confidence" in Judge Haynsworth.

It is too bad that that has to be resurrected.

That the opposition should now try to resurrect that ghost, Mr. President, clearly confirms the lack of substance to the so-called case against Judge Haynsworth. The attempt to resurrect this false charge in the course of this confirmation consideration smacks of double jeopardy—something that both liberals and conservatives profess to abhor and which is prohibited by the Federal Constitution.

Farrow v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967), is cited as another case in which Judge Haynsworth should not have participated. At the time this case was before the court, he owned 300 shares of stock in W. R. Grace & Co., which in turn owned 53 subsidiaries, one of which was Grace Lines, Inc., one of the litigants in the case. The court of appeals affirmed the jury's verdict in favor of the plaintiff in the amount of $50. The plaintiff had sought to recover $30,000. So minuscule was Judge Haynsworth's holdings in W. R. Grace & Co., that it has been estimated that even had the higher amount—the full $30,000—been awarded it would have reduced the value of his holdings by less than 50 cents.

Mr. President, 50 cents in relation to $30,000, or in relation to the 300 shares of stock held by Judge Haynsworth, hardly can be called substantial. It is ridiculous in the extreme to assert or contend that this amount represents a "substantial interest" by Judge Haynsworth in the litigation or that it presents even the slightest "appearance of impropriety."

Mr. President, it would be plainly disruptive of the judicial process if judges were required to disqualify themselves in instances such as these. Judges do not live in a vacuum; they do not abide apart from the rest of the world; they eat and work like the rest of us; and, if they are economically able, they make investments. Efforts to require disqualification for interest in cases where a judge holds stock, not in a party litigant itself, but in a corporation which has some sort of dealings with the party litigant, have been uniformly rebuffed by the courts. Clearly, Judge Haynsworth had a duty to participate in these cases.

A thorough review of Judge Haynsworth's record leads me to the conclusion that there was only one instance of even the suggestion of indiscretion, and I am convinced that it was not only harmless, but that it was an unwitting action. I refer to the case of *Brunswick Corp.* v. *Long*, 392 F. 2d 337.

This case involved competing claims to the repossession of used bowling alley equipment. On November 10, 1967, a panel of the fourth circuit consisting of Judges Haynsworth, Winter, and Jones heard oral argument and then voted unanimously to affirm the judgment of the lower court in favor of Brunswick, and the opinion was assigned to Judge Winter for preparation.

Forty days later, on December 20, 1967, Judge Haynsworth's stockbroker, who handled all of his finances, placed for him an order for the purchase of 1,000 shares of stock in Brunswick Corp. at $16 per share. This order was the 45th account for whom the stockbroker had purchased Brunswick stock over a period of 2 years. A week later, the order was executed, and at about the same time, Judge Winter circulated the opinion he had prepared in accordance with the unanimous decision of the panel on November 10, 1967. Judge Haynsworth concurred in the opinion on January 3, 1968, and the decision was released on February 2, 1968, without substantive change. Petitions for rehearing and a petition for certiorari to the Supreme Court of the United States were subsequently denied.

Judge Haynsworth purchased this stock not on his own initiative but at the instance and on the advice of his stockbroker who had recommended similar purchases to 44 other persons before the decision in the Brunswick case was released. The case had actually been decided on November 10, 1967, 40 days before the stock purchase was recommended and probably 47 to 50 days before the transaction was consummated. There obviously was no inside information that prompted the purchase. The Judge's holdings of 1,000 shares out of about 18½ million shares of stock outstanding by the Brunswick Corp. cannot by any legitimate standard be found to be substantial.

Moreover, had the plaintiff in the Brunswick case been awarded priority for the full amount of his claim and had the sale of the security been sufficient to liquidate the claim, he would have received $90,000. It has been estimated that the total pecuniary effect of such a decision—that is, had plaintiff recovered every dollar he had claimed—on Judge Haynsworth's interest in Brunswick would have been less than $5—an amount not substantial or sufficient to influence a most honorable and distinguished judge on the circuit court of appeals.

If a justice of the peace in most any rural section of this State were presented with such an offer or opportunity, I think it would constitute an insult. In fact, this amount is so infinitesimal that it is inadequate to sustain a charge of undue influence, conflict of interest, or impropriety against any magistrate in the land who bears a reputation of honor and integrity compared to that of Judge Haynsworth. And, it seems to me, that only a prejudiced accuser would make such a charge.

I do not believe there is a man in this body, however he may vote when the roll is called, who thinks Judge Haynsworth was influenced in that case by his possible profit of less than $5 or in any other of these instances.

I questioned Judge Haynsworth closely about this matter during the hearings. It was brought out that he relies on the advice and counsel of his longtime friend and stockbroker about investments of this nature. It was also brought out that he had funds to invest only because he had recently sold some stock that were not proving profitable just before the Brunswick stock was recommended to him.

Obviously, Judge Haynsworth did not have the Brunswick stock in mind when the case was decided 40 days before the stock purchase was recommended to him. Not even his opposition makes that claim. The stock was owned by him when the motion for rehearing came up, and I questioned him about this. He testified that certiorari had already been denied by the Supreme Court and that there was no question in the minds of the other judges as to whether rehearing should be granted. Moreover, Judge Haynsworth stated that if there had been any question he "would have granted a new hearing and brought in three new judges if anyone had the slightest doubt about it." Mr. President, I believe that statement, and I am satisfied that Judge Haynsworth's actions in this matter were both inadvertent and harmless. They cast no reflection whatsoever on his character and integrity.

This is the man, bear in mind, who made the statement that if there had been any question about it, he would have granted a new hearing and brought in three new judges if anyone had the slightest doubt about it.

This is the man the American Bar Association says, after having interviewed many lawyers and justices acquainted with Judge Haynsworth, they found "So far as his integrity is concerned, it is the unvarying, unequivocal, and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is beyond any reservation a man of impeccable integrity."

If they found that to be true among the people who know him, the judges he worked with and the lawyers who practiced before him, why cannot the Senate believe it, too? Why not?

While on the matter of Judge Haynsworth's stock transactions, I think it appropriate to note that following the union charge that he should not have sat on the Darlington case, Judge Haynsworth immediately sold his stock in Carolina Vend-A-Matic so that the same unfounded suspicions would not again arise.

Incidentally, this stock was exchanged for stock in another corporation, and then the latter was sold for $437,000. During the hearings, it was noted that had Judge Haynsworth held that stock, it would now be worth more than $1½ million.

Mr. President, I think it is noteworthy that, notwithstanding the relentless and desperate effort that has been made, only one instance worthy of even a hint of mild criticism has been found in the record of this nominee, and plain candor and simple justice compel the finding that it was inadvertent and harmless. The accusers have tried in vain to find something—anything—to despoil this man's character and reputation. His record has withstood intensive examination and prejudicial scrutiny. His name is now before this body unblemished.

And, finally, Mr. President, some who unsuccessfully supported the confirmation of Abe Fortas are now contending that the Haynsworth controversy closely parallels the case that was made against Fortas. Nothing could be further from fact.

Only in two instances here has it been shown that Judge Haynsworth could possibly have profited. One was for less than 50 cents and the other for less than $5. It is ridiculous to compare the Fortas and Haynsworth cases. Even if we could find there was anything wrong in Judge Haynsworth's actions that brought about such a result, it bears no comparison with the Fortas case.

Fortas, while on the Court, enriched himself as a part-time lecturer at a fee of $15,000 to conduct a seminar of 2 hours a day, 1 day each week for a period of 9 weeks. He also accepted a very substantial lifetime annual retainer of $20,000 from a charitable foundation controlled by the family of an individual who was later convicted of a felony.

Mr. President, I think it is significant to note that not only was it $20,000 for life but the contract also provided for $20,000 a year to his widow during her lifetime.

How can we compare anything in the record of Judge Haynsworth, whatever he may be accused of on the basis of the record? There can be no comparison. I think the American public should know that this is a smear, when we undertake to make such a comparison of a man already sitting on the Supreme Court making a contract with a foundation which is under questionable management, whose principal manager was thereafter convicted of a felony. Taking $20,000 a year as a fee in cash as a retainer and a contract to provide for his lifetime the same amount each year, and then $20,000 to go to his widow in the event of his death, and making a comparison like that is a smear. It is a smear. It cannot be anything less.

Although Abe Fortas finally returned the initial fee of $20,000—but he made the contract after he was on the Supreme Court—after holding it for some 11 months, he did not do so until public exposure had occurred, or was imminent, and until a time subsequent to the individual's conviction.

That is the man who was the trustee of a foundation, whose principal manager was convicted of a felony and after whose conviction Abe Fortas decided, when exposure was imminent, that maybe he had better try to wash his skirts clean, and he returned the money. There is not one opponent of the nomination of Judge Haynsworth in this body who can make any comparison out of that against a man such as Judge Haynsworth, when those who know him—everyone who was interrogated regarding him by the American Bar Association—have said he is of impeccable character.

Are we going to make a comparison here and vote against the nomination merely by trying to relate it to a man who was on the Supreme Court and engaged in the actions I have just related, which have been taken from the record of the hearings in that confirmation proceeding?

Mr. President, there are quite a few supporters of Fortas who are now opposing Judge Haynsworth. All one has to do is take the CONGRESSIONAL RECORD and look at the vote on cloture. A number of those who were defending Fortas, with a record like that, come here and say, "Well, we are going to compare these records. We are going to vote against this man," when there is actually nothing against him.

That the Fortas supporters who are now opposing Judge Haynsworth would undertake to make such a comparison, again clearly demonstrates their desperation and difficulty in finding any sound basis for their charges against Judge Haynsworth.

If they have something against him, talk about it, get the record. Let us see it. But do not snare him by comparing him to Fortas.

Mr. President, those who are seeking to defeat this appointment have had much to say about "appearances." But, any implication, real or imaginary, of impropriety on the part of Judge Haynsworth that can possibly be deduced from "appearance" is completely and irrevocably refuted by the truth and facts recorded in the Senate Judiciary Committee hearings.

Mr. President, this nominee is of the highest integrity and, by every legitimate standard, possesses all the requisite qualifications to serve on the highest Court in our land. He is worthy of confirmation.

Mr. President, I want to reinforce what the American Bar Association report said as to his honor and integrity, and what I said about the lawyers who were interrogated by them, by making note here of the 16 past presidents of the American Bar Association who have endorsed the nomination of this man.

Let me read the names of those 16 past president: Harold J. Gallagher, Cody Fowler, Robert G. Storey, Loyd Wright, E. Smythe Gambrell, David F. Maxwell, Charles S. Rhyne, Ross L. Malone, John D. Randall, Whitney North Seymour, John C. Satterfield, Sylvester C. Smith, Jr., Lewis F. Powell, Jr., Edward W. Kuhn, Orison S. Marden, and Earl F. Morris.

Mr. President, they know what this record contains. Do you think, Mr. President, they would stultify themselves? Do you think, Mr. President, they would cast an aspersion upon a court that they love and to which they are dedicated by recommending that this body confirm the nomination of Judge Haynsworth if they did not believe in his integrity and his capacity to serve honorably? I do not believe they would—not 16 of them.

Mr. President, we could talk about this much longer; but if we are not going to decide it upon the record, upon the facts, upon a correct analysis, upon a weighing of the facts and the truth as the record reflects them, then further discussion would be of no avail.

Mr. President, I ask unanimous consent to insert in the RECORD as a part of my remarks an article that appeared in the Washington Evening Star of October 17, 1969. The title of it is "The Haynsworth Case." It takes up the charges made against Judge Haynsworth and then the replies thereto. I think the writers undertook to do an objective analysis. They undertook to be fair both as to the accuracy of the charge and as to what the facts were. I think one could read the article, if he did not want to review the whole record of the hearings, and a reading of it would be sufficient to convince any fairminded man that the case against Judge Haynsworth is no case at all.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Oct. 17, 1969]

THE HAYNSWORTH CASE

U.S. Circuit Judge Clement F. Haynsworth Jr., President Nixon's nominee to be an associate justice of the Supreme Court, came under attack even before his nomination was officially announced more than eight weeks ago.

Charges against him—by some senators, labor and civil rights groups, and some investigative news reporters—have drawn replies from the judge, the White House, the Justice Department, senators who support him, the American Bar Association, or private citizens favoring his nomination.

Here, in comparative form, are the charges that have been made and the replies which have been given—in approximate chronological order of development.

Charge 1: Haynsworth voted with a 3–2 majority of the 4th U.S. Court of Appeals on Nov. 13, 1963, to permit the Deering-Milliken textile chain to close one of its plants to avoid unionization there. At the time, the judge had a one-seventh ownership interest in Carolina Vend-A-Matic Co., which was then doing $100,000 worth of business a year on vending contracts with Deering-Milliken. The judge should have disqualified himself because of this tie.

Reply 1: The judge had no duty—legally or ethically—to disqualify himself from the labor case because (a) Vend-A-Matic was not itself involved in the case, (b) he had a personal interest in only $390 in profits from the firm's Deering-Milliken business, (c) he took no active part in vending contracting, (d) his role in the case had been cleared by his Circuit Court colleagues and by the Justice Department at the time. He had a legal duty to participate in that case.

Charge 2: The judge should have disqualified himself from the case also because he continued, after becoming a federal judge in 1957, to take an active part in Vend-A-Matic affairs—at least nominally holding office as vice president and director until 1963, attending regular weekly board meetings, receiving director fees of as high as $2,600, and having his wife Dorothy serve as secretary for two years.

Reply 2: He resigned orally from the vice presidency in 1957, and by letter as a director in 1963—before the court ruling. He did not participate in any Vend-A-Matic business except arranging financing. His wife was not secretary when the court ruling came down. Her role was limited to "helping out" at the office.

Charge 3: The judge should have disqualified himself from the case because he had committed his personal credit on Vend-A-Matic borrowings in amounts as high as $501,987. Some of this occurred after he became a judge in 1957.

Reply 3: The most indebtedness outstanding at any one time endorsed by him was $55,550, on Feb. 19, 1957—before he went on the bench.

Charge 4: The judge should have disqualified himself from the case because it was crucial to the economic health of the entire Southern textile industry, which he had helped develop and which was the source—in 1963—of three-fourths of Vend-A-Matic's business.

Reply 4: The court ruling was only one of three decisons involving the Deering-Milliken plant's labor situation, and the judge ruled against the company in the last of these. His role in helping develop the textile industry was confined to normal legal advice given as a private attorney. Vend-A-Matic's business had outlets other than textiles, and its overall business reflected a cross-section of area companies.

Charge 5: In the years the judge has been on the bench, Vend-A-Matic's gross sales have risen from $296,413 in 1956 to $3,160,665 in 1963, lending "suspicion" to the charge that his name and judicial position were used to promote business.

Reply 5: Vend-A-Matic's growth pattern was typical for the vending industry in general, and the industry in South Carolina. The firm's leading competitor says he knows that Haynsworth's name was never used to promote Vend-A-Matic.

Charge 6: The judge had a conflict of interest when he participated in a 1959 ruling in a case favorable to Homelite Co., which bought $15,957.22 worth of goods from Vend-A-Matic that year.

Reply 6: Vend-A-Matic was not involved in the court case. The judge voted in favor of Homelite only because the other litigant had committed fraud.

Charge 7: The judge had a conflict of interest when he participated in 1959 and 1961 cases involving Cone Mills Corp. Vend-A-Matic sales to Cone and related firms totaled $97,367 in 1959 and $174,314 in 1961.

Reply 7: Vend-A-Matic was not involved in either court case. The judge voted against Cone in both cases.

Charge 8: The judge had a conflict of interest when he participated in 1962 and 1963 cases involving Deering-Milliken Research Corp. (The 1963 case was different from the labor ruling cited in charge 1 above.) Vend-A-Matic sales to Deering-Milliken totaled $50,000 in 1962 and $100,000 in 1963.

Reply 8: Vend-A-Matic was not involved in either court case. Each case involved only procedural questions, not necessarily favorable or unfavorable to Deering-Milliken Research.

Charge 9: The judge had a conflict of interest when he participated in a 1961 case involving Kent Manufacturing Co. In that year, Vend-A-Matic had sales of $21,323 to a Kent subsidiary named Runnymeade.

Reply 9: The Kent Manufacturing Co. involved in the case is a Maryland fireworks firm. The Kent Manufacturing Co. which has a Runnymeade subsidiary which did business with Vend-A-Matic is a Pennsylvania woolen firm not involved in the case. (This charge was retracted after the reply pointed out the error.)

Charge 10: The judge had a conflict of interest when he bought $16,000 worth of stock in Brunswick Corp. on Dec. 26, 1967, while a lawsuit filed by Brunswick was still pending in his court, more than a month before the decision in the case was made public and many months before the case was finally settled.

Reply 10: The judge admits this was an error, and says that he will take steps to avoid such situations in the future. The White House calls it a "technical mistake" on the ground that the decision had already been made in the case on Nov. 10, 1967, before the stock was bought, even though the opinion was not then written or published.

Charge 11: The judge had a conflict of interest when he participated in two court rulings in 1966 involving Maryland Casualty Co. when he owned stock in American General Insurance, a parent corporation of Maryland Casualty.

Reply 11: The parent company was not directly involved in the lawsuit, and, besides, Haynsworth's financial stake in the outcome of either case was very small.

Charge 12: The judge had a conflict of interest when he participated in a 1967 court ruling involving Grace Lines Inc. at a time when he owned stock in W. R. Grace & Co., parent corporation of Grace Lines.

Reply 12: The parent company was not directly involved in the lawsuit, and, besides, the dollar value of the issue at stake in the case was "insignificant."

Charge 13: The judge may have had a conflict of interest in 1962, when he participated in a court case involving Greenville Community Hotel Corp. Some records supplied to the Senate Judiciary Committee were interpreted to mean that the judge owned stock in the corporation at the time of the decision.

Reply 13: The judge had owned one share of stock in the corporation from April 26, 1956, until sometime in 1958 or 1959, at least three years before the court case. The one share had a value of only $21 in 1959. (The charge was retracted after the reply pointed out the error.)

Charge 14: The judge had a conflict of interest in 1958 when he participated in a court case involving Olin Mathieson Chemical Corp., at a time when he owned stock in Monsanto Chemical Co., which was understood by those making the charge to be the parent company of Olin Mathieson.

Reply 14: The company in which the judge owned stock—Monsanto—was totally unrelated to the company in the case—Olin. (The charge was retracted after the reply pointed out the error.)

Charge 15: The judge had testified in a Senate hearing earlier this year that he had retained only one trusteeship position after becoming a judge in 1957, and that was in a small foundation. He had in fact remained a trustee, and serves in that capacity now, of the Furman Charitable Trust.

Reply 15: The initial reply was that "there is no Furman Charitable Trust." That reply was retracted when it was discovered that Haynsworth had served on such a trust beginning in 1947. He remembers orally resigning in 1957.

Charge 16: The judge had testified in the earlier Senate hearing that he had resigned all directorships in businesses when he became a judge in 1957. He had in fact retained a position as director and officer of Main Oak Corp. until 1963, and a director of Vend-A-Matic until 1963.

Reply 16: Since the earlier hearing came well before his nomination and Senate hearings on his business ties, his earlier testimony involving "a confusion of dates" was "certainly understandable."

Charge 17: The judge had written a letter to the Senate Judiciary Committee, after his nomination, saying he had never been involved in securing vending machine locations for Vend-A-Matic. The minutes of the firm's board meeting soon after he became a judge include a resolution saying that the "main sales and promotional work" of the firm had been done by its directors.

Reply 17: The minutes do not contradict the judge's "express and detailed statement" that he played no part in such decisions.

Charge 18: The judge, as a trustee of a Vend-A-Matic employe profit-sharing and retirement plan, qualified as an administrator of that plan. Federal law provides that administrators of pension funds must file reports to the Labor Department. No such reports have been filed.

Reply 18: Federal law provides penalties only for "willful violation," and "inadvertent failure" to file reports is not such a violation. Filing would normally have been done by clerical staff. There is no evidence that the judge violated the law.

Charge 19: The judge was involved, along with others, in a South Carolina cemetery venture (known as Greenville Memorial Gardens) with Robert G. "Bobby" Baker, the former Senate Democratic secretary who resigned under criticism for his business dealings.

Reply 19: There were 25 individuals and business firms involved in the venture, which Haynsworth entered purely on the advice of others. He did not see or communicate with Baker in connection with the investment. He has had only three conversations with Baker, and the last one was in 1958, years before Baker got into trouble with the Senate. None involved business.

Charge 20: The judge has frequently voted, in civil rights cases, against the interests of

Negroes and other minority groups. Such votes have come most frequently in school desegregation cases.

Reply 20: He is not a segregationist, and his record in civil rights cases shows that he has followed directives issued by the Supreme Court. He has shown a capacity for growth and a responsiveness to need.

Charge 21: The judge has an "anti-labor" record in his judicial performance. He has sat on 10 cases which were reviewed by the Supreme Court, and in all 10 his position was reversed by the Supreme Court.

Reply 21: None of the Supreme Court reversals suggested that the decisions being overturned were "anti-labor." Two of the 10 cases were "anti-labor." Haynsworth has written 8 pro-labor opinions and joined in 37 other pro-labor rulings.

Mr. ERVIN. Mr. President, today I rise to urge the Senate not to repeat the tragedy it enacted when the nomination of Judge John J. Parker to be a Justice of the Supreme Court was rejected by this body in 1930. Unfortunately, however, the recent nomination of Judge Clement Haynsworth has become a sad reminder of the events which surrounded the nomination of Judge Parker. Like Haynsworth, Judge Parker was a fine legal scholar from the South who was for many years chief judge of the Fourth Circuit Court of Appeals. Also like Haynsworth, Judge Parker was subjected to vicious attacks by organized labor and civil rights groups after his nomination was announced. Judge Parker's nomination was rejected by two votes, and I think most scholars agree that it was not a very proud day in the history of the Senate. As Judge Harold Medina said about his rejection by the Senate:

> The change of a single vote would have brought about a different result. The heartbreaking part of it was that the opposition was based upon a complete misunderstanding of the facts. One of the two men in the United States best qualified in every way for membership on the Court had been rejected. The other, Learned Hand, never received the appointment.

It was a great tragedy for our country to be deprived of the services of John J. Parker on the Supreme Court of the United States. It will be likewise deplorable if Judge Haynsworth's nomination is rejected.

I do not intend to debate the vague and false charges that Judge Haynsworth is insensitive to judicial ethics. Every charge against Judge Haynsworth was investigated at length by the Judiciary Committee and I fully subscribe to the conclusions the committee issued in its report on the nomination. I think that it is sufficient for me to say that I was present at virtually all of the hearings on the Haynsworth nomination and I assiduously studied the hearing record. After considering all of the insinuations which have been leveled against him, I find no evidence at all to indicate any improper conduct. On the contrary, I find Judge Haynsworth to be an honest and sensitive man of high character and integrity—an opinion shared by the President of the United States, the Attorney General, Judge Simon E. Sobeloff and all of the judges sitting on the Fourth Circuit Court of Appeals, and the American Bar Association.

Why then is there such a furor over this nomination? Candor compels me to state that charges against Judge Haynsworth are based either upon misinformation or little knowledge of the facts by those willing to distort his record because they disagree with his judicial philosophy.

In order to examine further the real reasons Judge Haynsworth is being opposed, the charges of antilabor and anticivil rights have to be considered because the organizations which represent these interest groups have created the false issues which peril this nomination. Witnesses for organized labor at the hearing cited 10 cases dealing with labor problems in which Judge Haynsworth participated which were reversed by the Supreme Court; however, none of the Supreme Court reversals indicated the lower decisions showed an antilabor bias. As a matter of fact, a close reading of the decisions shows that only two of the 10 decisions can be counted as deciding a substantive point against labor. On the other hand, Judge Haynsworth has written eight prolabor opinions and joined in 37 other prolabor rulings. In the area of civil rights, while he may have been understandably reluctant, as are most judges, to establish new precedents before they have been pronounced by the Supreme Court, he faithfully followed every directive issued by the Supreme Court in this field. Yet, the leading witness for civil rights groups called Judge Haynsworth a "hard-core segregationist." In sharp contrast to the views of these organizations, Judge Harrison Winter summed up Judge Haynsworth's legal approach to all areas of the law like this:

> I have never felt or thought that his (Judge Haynsworth's) position on a particular matter has exceeded the area of legitimate and informed debate.

During the debate on this nomination, a great deal has been said about former Justice Abe Fortas. I opposed the elevation of Justice Fortas to the office of Chief Justice of the United States because of his constitutional philosophy. He made a public speech at American University in which he declared that the Constitution of the United States has no fixed and unchanging meaning. On another occasion before the Trial Lawyers' Association of the State of Virginia, he declared that the genius of the Constitution lay in the Supreme Court, because the Supreme Court had the power to change the meaning of the Constitution.

My study of his speeches and my study of his opinions convinced me that he was not qualified to be Chief Justice of the United States, because a man who does not believe the Constitution has any fixed meaning cannot possibly keep an oath to support the Constitution; and a man who thinks that the Constitution permits the Supreme Court to amend the Constitution is not fit to be Chief Justice of the United States.

It was for those reasons that I opposed the elevation of Justice Abe Fortas to the office of Chief Justice of the United States.

Concerning Judge Haynsworth's judicial philosophy, I happen to reside in the Fourth Judicial Circuit. Prior to coming to the Senate, I read all of the decisions handed down by the U.S. Court of Appeals for the Fourth Circuit; and after I came to the Senate, I kept up that practice as far as was humanly possible. Therefore, even though I did not personally know Judge Haynsworth until he appeared before the Senate Committee on the Judiciary, I was well acquainted with the work which he had done as a member of the Fourth Circuit Court of Appeals. I knew that he was one of the finest legal craftsmen in this country. I also knew that, unlike Justice Fortas, he was more devoted to the Constitution of the United States and what it did say than he was to his own opinions of what it should have said. I knew that he would, as a Justice of the Supreme Court, be more interested in interpreting the Constitution and interpreting the laws than he would be in amending them by judicial usurpation.

We certainly need, in this hour, as the distinguished Senator from Arkansas has just stated, a Supreme Court in which the people of this land will have confidence; and the only way we can secure a Supreme Court in which the people of the United States are going to have confidence is to place upon that tribunal men who recognize that it is the function of judges to interpret the Constitution and the laws, and not to make them.

Judge Haynsworth is such a man, and he is attacked here by certain special interests because they recognize that he will be a judge who will be faithful to his oath to interpret the Constitution according to its true meaning, and will not be a judicial handmaiden for those groups who oppose him.

My study of Judge Haynsworth's opinions reveals not only that he is a good legal craftsman, but also that he has the capacity to judge the cases which come before him with what Edmund Burke called "the cold neutrality of the impartial judge." I know of no higher qualification which any man can take to the Supreme Court than that capacity—the capacity to judge his cases with the cold neutrality of an impartial judge, rather than with the capacity of a judicial activist, who wishes to rewrite the Constitution of the United States to suit his own image or the wishes of any special groups of our citizens.

Judge Haynsworth would be a most valuable addition to the Supreme Court, and I feel it would be one of the greatest tragedies of our generation if the American people were to suffer again, as they did in the case of Judge John J. Parker, the denial of a seat upon the Supreme Court to a man of his judicial learning and experience, and his intellectual and personal integrity.

This has been a peculiar fight on the nomination of Judge Haynsworth. We have had National Education Association officials come out and publicly oppose his confirmation. They have done so, I charge, without authority from the members of that organization. I have had numerous communications from people of North Carolina who are members of the NEA, and who have informed me that they were given no voice in the matter, and that the position of the organization did not represent their position, but was exactly opposite from their position.

The same thing can be said of the American Trial Lawyers Association. I charge that the officers of that organization, without any authority from its members, took a public position on this matter not in harmony with the thinking of many of its members, and not authorized by its members.

I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, telegrams and letters which I have received from members of the National Education Association and the American Trial Lawyers Association, which sustain my charge that officials of those organizations who undertook to speak for the organizations were speaking without authority from their members.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

Raleigh, N.C.

Senator SAM ERVIN,
Senate Administration Building,
Washington, D.C.:

At the regular meeting of the board of directors and presidents of the North Carolina Division of Superintendents on November 11, the following motion was passed unanimously: "That a telegram be sent to the president of the National Education Association, to the North Carolina Senators, and to Sam M. Lambert, executive secretary, National Education Association, objecting to the recent action taken by the NEA president and executive committee in regard to the Haynsworth appointment, this objection being based on the following premises: (1) That the NEA was not authorized to speak for the NEA administrator members in North Carolina on this matter; and (2) that such unwise action during the height of our NEA membership drive is having an adverse effect."

CHARLES H. CHEWNING,
President, North Carolina Division of Superintendents.

THE NORTH CAROLINA ACADEMY
OF TRIAL LAWYERS,
Raleigh, N.C., October 14, 1969

LEON L. WOLFSTONE, ESQUIRE,
President, American Trial Lawyers Association, Seattle, Wash.

DEAR LEE: I was most interested in reading the telegram which you made public at a news conference in Seattle yesterday in connection with Judge Haynsworth and the fact that you would like to poll "about 1,000" of the members of our Association for their feelings. This conference was reported today in our local newspaper.

I am sure that you will poll carefully and give great consideration to the opinions of the members of the American Trial Lawyers Association here in the Fourth Circuit, many of whom have argued cases before him and know him best. While he would not have been my first choice, nevertheless, I feel that he is highly qualified and get the distinct impression that pure sectional politics is now playing an unfortunate role with many of the Senate members in this matter.

I send my highest regards.

Sincerely,

CHARLES F. BLANCHARD.

RALEIGH, N.C.,
November 11, 1969.

NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES,
Washington, D.C.

GENTLEMEN: This fall I, as a veteran teacher of sixteen years service, advised several younger teachers to join NEA because I felt that it was the one national organization which spoke professionally for all the teachers. Now after reading the attached editorial by David Lawrence, I am having second thoughts on what I thought was NEA's policy of speaking *professionally for all teachers*.

A national organization by necessity must represent *all* spectrums of opinion on complex social and political issues; it cannot, in my opinion, hold the loyality of the diverse membership if it takes blatantly partisan positions. Therefore, I now must confess that I would give serious consideration to supporting an alternative organization to NEA.

I am also obliged, by copy of this letter, to notify the Senators from North Carolina that NEA does not necessarily speak for all educators on this issue. Hopefully they will, in turn, so inform their colleagues.

Yours truly,

(Mrs. G. F.) VALERIE S. COOPER.

ROCKY MOUNT, N.C.,
October 27, 1969.

Hon. LEON L. WOLFSTONE,
President, American Trial Lawyers' Association, Cambridge, Mass.

DEAR MR. WOLFSTONE: I have been a member of ATLA for many years; and have noted with regret the manner in which you and the other officers of our fine organization have entered the dispute over confirmation of Judge Haynsworth.

In the first place, the procedure of having a poll taken of 1,000 members of ATLA is more in the nature of a popularity contest. These lawyers polled have access to no more facts than I have; and all I have is what I have read in the newspapers. Of all groups concerned, ATLA should be most suspicious of trial by news media.

J. P. Morgan is reported to have said that there are always two reasons for a course of action taken, the "good reason" given, and the real reason. I am inclined to suspect that the real reason for your objection to Judge Haynsworth is that he is admittedly a strict constructionist on Constitutional questions, and, therefore, might be expected to give some weight to the doctrine of *stare decisis*. While this doctrine was undoubtedly given undue weight in times past, the pendulum seems to have swung too far in the other direction in the Federal Courts. I think President Nixon is correct that we need to restore some balance to the Supreme Court.

It would appear that the liberals and other opponents of Judge Haynsworth may be operating on the assumption that, if this man's nomination is defeated, President Nixon will then appoint a more liberal man to fill the vacancy. It is entirely possible that, if the President is defeated on this appointment, he may well appoint a man who is much more conservative.

If the ATLA is going to get into the field of passing on judicial appointments as the ABA has done, I have no objection, provided they are given access to the same facts as the ABA committee had. However, I do disapprove of your present procedures. In the action which you have taken, you certainly do not speak for me as a member of ATLA.

Sincerely yours,

DON EVANS.

WILMINGTON, N.C.,
November 11, 1969.

Mr. GEORGE D. FISCHER,
President, National Education Association,
Washington, D.C.

DEAR MR. FISCHER: The statement issued by you criticizing President Nixon for proposing the name of Judge Clement Haynsworth to the Supreme Court and requesting him to withdraw the nomination was totally uncalled for. I am a member of the N.E.A. and you certainly do not speak for me and I am sure you do not speak for thousands of other N.E.A. members.

Judge Haynsworth is a very honorable man and would be a most welcomed improvement to the Supreme Court. He certainly has my support as a citizen and as a member of the N.E.A. This announcement was most uncalled for and I believe that the N.E.A. should not approve or disapprove this appointment, but work with whomever is approved.

Again, you did not speak for me in your disapproval of Judge Haynsworth. I am 100% for him.

Sincerely,

WALLACE I. WEST.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., November 14, 1969.

The Honorable SAM J. ERVIN, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Recently you received a communication from Mr. George D. Fischer, President of the National Education Association, opposing the appointment of Judge Clement F. Haynsworth to the United States Supreme Court. As director of the National Education Association from North Carolina, I write to inform you that neither President Fischer nor members of the Executive Committee of NEA conferred with North Carolina teachers before reaching their decision concerning Judge Haynsworth. Following announcement of their position, I have received much adverse criticism from our members. It is my opinion that the majority of our membership would like for you and Senator Jordan to exercise your own wisdom and good judgment in this matter and not be influenced by the NEA leadership. Generally, our teachers seem to deplore the action of our leaders in taking sides on this controversial matter.

Sincerely yours,

BERT ISHEE, *NEA Director.*

RICHMOND, VA.

Senator SAM J. ERVIN, JR.,
Old Senate Office Building,
Washington, D.C.:

The following telegram was sent November 14 to the President, Senator Eastland, Senator Spong, and Senator Byrd: We the undersigned members and former members of the board of governors of the American Trial Lawyers Association for the Fourth Circuit presided over by Judge Haynsworth have had the privilege of arguing cases in his court. We know that he is honest, that his integrity is above reproach, and that he possesses all the qualification necessary for a Supreme Court justice. We urge you to stand firm in support of the nomination. Signed by Max R. Israelson, Baltimore member; Ross G. Anderson, Jr., Anderson, S.C., member; George E. Allen, Jr., Richmond, Va., member; George E. Allen, Sr., Richmond, ex-member; Emanuel Emroch, Richmond, ex-member; Charles F. Blanchard, Raleigh, N.C., ex-member; Eugene H. Phillips, Winston-Salem, N.C., ex-member; Louis B. Fine, Norfolk, Va., ex-member; Warren Stack, Charlotte, N.C., ex-member, secretary to George E. Allen.

Mr. ERVIN. Let us not repeat the tragedy which was enacted in the Senate when Judge John J. Parker was defeated for membership upon the Supreme Court of the United States. Let us give the American people an opportunity to have the services of a sound judge, a great legal craftsman, and a devoted supporter of the Constitution, Judge Clement F. Haynsworth, Jr.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I quote from the hearing record:

> I am a practicing attorney confining my practice to representing poor people, laboring class of people. I have never represented a corporation.
>
> I am a union lawyer in the true sense of the word.
>
> I have over the years done a great deal of work for the Textile Workers Union.
>
> I was tainted as a CIO lawyer which to me is an honor.
>
> I am a Democrat.
>
> I was State President of the Young Democrats.
>
> Hubert Humphrey was my candidate for President.
>
> I would not have recommended that they give the job to Judge Haynsworth. I would have recommended that they put Arthur Goldberg back on.

In contrast to the content of a file of letters which I have from executive offices of labor unions, it was somewhat surprising to read the conclusion of this labor attorney I just quoted as to the appointment of Clement F. Haynsworth to be an Associate Justice of the U.S. Supreme Court. He told the Judiciary Committee that it was his belief that President Nixon had a mandate from the American people and that if President Nixon "searched the whole Nation over he could not find a man more suitably qualified for the job than Judge Haynsworth." The witness was John B. Culbertson from Greenville, S.C., within the jurisdiction of the court of which Judge Haynsworth is a member, and who is also president of the county bar association there. The testimony from which I have quoted begins on page 211 of the hearing record and I should also mention that Mr. Culbertson conveyed to the committee a message from the attorney for the National Association for the Advancement of Colored People in Greenville indicating his support for Judge Haynsworth.

I have cited this testimony—although it has been, in part at least, previously referred to here—for the reason that I believe this man touched upon, or, more accurately, demonstrated, an underlying truth involved as the Senate considers the pending nomination. The competent chairman of the Judiciary Committee (Mr. EASTLAND) identified this truth in his statement on November 13. He spoke of that great vast majority of our citizens which, in his words, are "angry and concerned about Supreme Court decisions that have unleashed a wave of rioting and crime in our streets" and "about Supreme Court decisions that mistake license for liberty and tie the hands of local prosecutors in their efforts to stop the flood of obscenity that has inundated our country" and who are "tired of demonstrators waving Vietcong flags, and agitators calling for the overthrow of the Government."

Mr. President, I submit that when President Nixon nominated Judge Haynsworth to a place on the Supreme Court, he did respond to a mandate from this great majority of our citizenry to which Mr. Culbertson gives witness, including the substance of the labor unions of this country; the working rank and file dues paying membership, not the highly paid executive officers of these unions who, from their lofty skyscraper suites, have inundated us with mail and testimony and who have generally, in almost every available way, opposed the nomination of Judge Haynsworth, under the guise that Judge Haynsworth is unethical and anti-civil rights and, finally, anti-labor.

To those of my colleagues who might be influenced by the massive assault which organized labor has unleashed, to those who reason that behind all this smoke there must be a fire of substance justifying it, I suggest that to respond to it will neither be in the best interest of the cause of labor nor desired by the rank and file labor union members.

On November 12, I stated my position that it is not the function of the Senate to consider an interpretation of the nominee's philosophy.

I believe this to be true, but others insist on the opposite view and maintain that an interpretation of the nominee's philosophy constitutes grounds for rejection or approval. Others have seized upon charges of actions contrary to the Canons of Judicial Ethics in opposing the nomination. But when the facts are examined, no violations are found, so we have seen them fall back on claims of "insensitivity" and "appearances of impropriety." As I, and many others, have said, these attempts to rely on unfounded ethics charges must ultimately find their origin in an opposition to the nominee's interpreted philosophy, or the manner in which it is anticipated he "might" rule on a certain kind of case. This is what we have experienced. Thus, I have deemed it of possible value to here direct myself to this matter of the philosophy of the nominee and its acceptability as a criteria. Let me quote, if we are to deal in interpretations of philosophy, from a statement by Judge Walsh, chairman of the American Bar Association committee, Standing Committee on the Judiciary:

> Now, I do not mean in any way to suggest that I thought Judge Haynsworth was running against the stream of the law. I think he was punctilious in following that stream as the Supreme Court laid it out and in some fields he has run ahead and broken new grounds. For example, in the expansion of the doctrine of the utility of habeas corpus, he broke away from an old restraint in earlier Supreme Court opinions and was complimented by the present Supreme Court for doing so. He has moved over into, as I recall it, more modern tests on insanity, things like that. So, he is in no sense running against the stream of the law. If I were going to characterize it, I would say where new ground is being broken by the Supreme Court, he believes in moving deliberately rather than rapidly, and particularly where an interpretation of the Constitution which has stood for many years is reversed or turned around he would perhaps give more time than other judges to adjust to the new state of affairs.

It is this interpretation of the nominee's philosophy that I believe is consistent with the philosophy of the Senator from Mississippi (Mr. EASTLAND) described as the majority view of Americans, including then the majority of labor union membership. In fact, if anything, it has been those who are likely to be members of the labor unions who have been quick to speak out against the pace and philosophy of the so-called "Warren court." The executives of these labor unions do not seem to be able to hear their memberships, but it is not their role to confirm, or reject, Judge Haynsworth; and perhaps it is only logical that we, not they, should hear from their members and recognize the signs. For example, the following is a letter recently received by me:

> OCTOBER 14, 1969.
>
> Hon. Senator GORDON ALLOTT:
>
> I am writing you in behalf of President Nixon's nominee Clement F. Haynsworth for the Supreme Court of America. I know by the papers you have said you would vote for him. I have lived and voted in (the) county for 48 years and pray to God that you let nothing change your belief in him not even the CIO or any other union. I personally have carried a paid up union card for 55 years. Both vote for him and do all you can in his behalf for the good of Colorado and all of America. . . . (My) county is predominantly democratic but talking to many of my friends I was amazed that most all of them were for Haynsworth as supreme court Judge (sic).

I have examined the cases cited by the labor unions as evidencing an anti-labor philosophy on the part of Judge Haynsworth. The common ingredient is that they are decisions by the Fourth Circuit Court of Appeals where the labor union, or the labor interest, did not win all aspects of the case. I personally am convinced that the members of these labor unions do not want a Justice appointed to the Supreme Court who will always rule in favor of a labor union in all of the cases that come before the Court, regardless of what the case is about and who is right.

George Meany, the president of the AFL–CIO, stated in the hearings—page 168—that he would not approve of any decision that was against labor, but I do not believe the membership believes this. Nor do I believe we should adopt this view by voting against the nomination. Any union member knows that a fair and impartial judge who makes his decision on the basis of the facts and the law is a far better judge than one who is so prejudiced and biased that he can be expected to take a "side" in a case.

Every other American knows this, too; and I think that, if we were to question every American in the United States, 98 percent of them would say that all they wanted was an intelligent and fair and unbiased judge, not a judge who is on their side. If he has that kind of judicial philosophy—that is, that he would take a "side" in a case—he may give a union an undeserved break somewhere along the line at someone else's expense. At the same time, he also may let bias and favoritism sway his decision in a case with an unfavorable result to an individual union member. What is more important it would be contrary to the decision which a fair and unbiased judge would have rendered. For a litigant to win 10 or 20 cases undeservedly will never offset the hurt of losing one case which would have been decided favorably to a person before the courts but for the lack of a fair judge.

Several of my colleagues have mentioned the duty of Congress to protect the image of the Supreme Court by rejecting this nomination in favor of one about which no one raises questions. I most earnestly assert that to deny Judge Haynsworth this place on the Court will deny the people of this country a judge on the Supreme Court of the judicial temperament they most decidedly believe is needed. I also assert that it would be an injury to the Supreme Court to deny confirmation to a nominee simply because of "appearances" and philosophy. In my opinion, it would also tarnish the reputation of the Senate itself.

Mr. President (Mr. GOLDWATER in the chair), we cannot succumb to this admitted demonstration of what a group claiming to represent one segment of the citizens of this country believes it has the power to cause. Not only would such action result in a weakening of the role of the Senate; it would also demonstrate to the Executive and the judiciary, up and down the line, that here is a power group that can inflict its will upon them through those who make the laws, appropriate the moneys, and confirm nominations. The labor unions will not need to repeat the same activity in regard to the next nominee, if they are successful. In fact, I am sure they would not, for their point will have been made, just as the attorney for the AFL–CIO bragged to the Judiciary Committee what the labor unions had done in 1930 by blocking the nomination of Judge John J. Parker. He said:

> I agree . . . that the attack on Judge Parker on that ground was unjustified. But the federation succeeded in blocking his confirmation to the Supreme Court and, as you say, he served for many years thereafter as a prolabor judge and if we can get both the same two results here we will be happy. Page 173.

It is also interesting to me to observe that Judge Parker was admittedly opposed by the union because—according to them—he allegedly did adhere to an earlier Supreme Court decision. Now they oppose Judge Haynsworth because he allegedly did not adhere to an alleged earlier Supreme Court decision—page 173.

After having read the testimony of the witnesses in the hearings, I am constrained to say there is no doubt in my mind that the charges of improper philosophy against Judge Haynsworth stem from the opposition of the labor union hierarchy. This includes the allegations of improper civil rights philosophy. No real case was attempted by those representing civil rights groups. Hence, it is apparent to me that they were, instead, made the pawns of labor. Labor had the civil rights groups join them in the Judge Parker case, and the same pattern, for the same reason, is apparent here. I am sure that if the labor hierarchy had not decided to oppose Judge Haynsworth, the civil rights groups would not have been heard from; and I was impressed from the hearing record by the minimal degree of importance the civil rights advocates placed in taking part in the hearings. For instance, Roy Wilkins of the Leadership Conference on Civil Rights was supposed to attend but he did not. Instead, Mr. Mitchell appeared in his place—page 288. He had an airplane to catch, so he said he would probably have to leave Mr. Rauh behind to present legal arguments. They did have a statement from Mr. Wilkins but it took less than a page of the hearing record—pages 423 and 424. The worst Mr. Wilkins statement contains is a conclusion that Judge Haynsworth was not "with it" and that a study of Judge Haynsworth's opinions revealed that he has not been for "pressing forward" enough in the civil rights area and is only for "inching along." The appearance of Mr. Mitchell and Mr. Rauh was the extent of appearances before the committee by members of civil rights groups, with the exception of a representative from the Black Americans Law Students Association, an attorney from the Virginia NAACP, and an attorney for the ADA. In addition, however, two or three written statements were filed with the committee. Compared to the prestigious personal appearance of George Meany and all the other labor people that were present, the civil rights groups made only a token appearance which coincides with the conclusion of the Washington Post on Sunday that the philosophical allegations against Judge Haynsworth are that he is anti-labor and only "luke warm on civil rights." I also was interested in reading in the hearing record that while the labor union executives were generally careful to see to it that they also charged Judge Haynsworth as being against the recognition of the civil rights of Negroes, there was no instance where the representatives for civil rights groups said anything about his labor decisions that I saw.

These facts together with the very clear commitment made by the union officials in 1963 in connection with the Darlington case to charge Judge Haynsworth with improper and illegal conduct convince me that, as I said, the labor unions have been the prime movers in carrying out the attack against him.

Mr. President, in rereading portions of the record a few moments ago I think it is significant, when we consider the pattern of what has been accomplished by these groups to blacken and smear the name and professional career of Judge Haynsworth, to note that the nomination of Judge Haynsworth was sent to the Senate on August 18. The hearings in this case opened on September 16, and after less than two pages, the first item in the record is a memorandum of the Senator from Mississippi (Mr. EASTLAND) and the Senator from Nebraska (Mr. HRUSKA), relating to the Department of Justice file on Judge Clement F. Haynsworth, Jr., in response to public charges which had been made. So that between the dates of August 18 and September 16, before this man had ever had an opportunity to appear before the committee, at a time when he could not be making public statements on his own, he was already in the eyes of this country, through the news media—printed, visual and auditory—a defendant, to the extent that literally the first thing concerning his nomination was a long statement explaining matters which had been placed before the people of this country in a false and, in fact, in an untruthful light.

Before leaving the civil rights aspect of Judge Haynsworth's philosophy, however, I do want to mention the statement of the senior Senator from New York (Mr. JAVITS) on Friday in which he announced his opposition to this nomination solely because of the judicial philosophy of Judge Haynsworth in the civil rights field. I noticed an apparent irreconcilable difference between his ideas on the proper method for evaluating the judge's philosophy and those of the AFL–CIO which, as I said, also opposes his philosophy. I refer to the statements of the Senator from New York on page 34275 of the RECORD wherein it is said that a judge's philosophy cannot be gleaned from cases in which he merely votes for a particular result which is then expressed in an opinion written by another judge, but that the opinions he actually writes are the only reliable criteria.

The AFL–CIO attorney, Mr. Harris, whom Mr. Meany brought with him to the hearings, on the other hand, took the position that the cases where Judge Haynsworth actually wrote opinions were of less importance in gaining an insight into his philosophy than are the cases of the court where a subsequent Supreme Court review is had and the cases of the court where there is a division of opinion among the circuit court judges—page 174. On page 181, Mr. Harris stated "we think it does not matter whether he wrote the opinion or not."

So, we have the proponents of the anti-labor-philosophy argument making their judgment by looking at a different type of case than the type of case that the major spokesman, so far, of the anti-civil-rights-philosophy argument examined. Also, the Senator from Montana (Mr. METCALF), in speaking against the nomination, adopted the AFL–CIO method of analysis in his statement on Monday.

On the face of it, I think we might have to conclude that either the anti-labor-philosophy proponents or the anti-civil-rights-philosophy opponents are applying the wrong test and we should disregard the conclusions of one. However, I have reexamined the hearing record and the truth of the matter is that both are wrong.

When Mr. Harris made his statements, he was defending the fact that he had not taken into consideration all of the cases in which Judge Haynsworth participated. On behalf of the AFL–CIO he had only read 10 of about 50 labor cases in which the judge participated. Thus, Mr. Harris did not know in how many labor cases the judge had participated—page 175. Nor did he know with certainty in how many labor cases the judge had actually written the opinion—page 169. Furthermore, he categorically refused to give the committee a list of all of the labor cases in which he believed Judge Haynsworth had participated—page 172.

The statement of my good friend from New York, by the same token, states that not all civil rights cases in which Judge Haynsworth participated had been investigated on page 34275 of the RECORD.

In both instances, I must agree with my colleagues on the Judiciary Committee in that I do not see how we can put much faith in a purported review of the judge's philosophy as reflected by his judicial activities without taking stock of all the pertinent cases in which he served as a judge. Therefore, I agree with the senior Senator from New York the cases in which the judge wrote the opinion should not be overlooked. I also agree with the AFL–CIO attorneys that the cases in which there was a divided court and the cases which went to the Supreme Court are also important in reaching any kind of a comprehensive indication of either the judge's labor philosophy or his civil rights philosophy. No case should be overlooked.

Mr. President, I reiterate my belief that we should not delve into the philosophy of Judge Haynsworth in agreeing to the appointment, but I also point out to those who would take his philosophy into consideration that no comprehensive and complete review of that philosophy has been made by those who have already decided they oppose that philosophy in the two areas of supposed objectionable philosophy mentioned. The statement by Senator KENNEDY when the confirmation of Justice Marshall was before us is appropriate:

> I believe it is recognized by most Senators that we are not charged with the responsibility of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance. We are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

If most of those opposed to the nomination of Judge Haynsworth were to apply the criteria which Senator KENNEDY laid down in the Thurgood Marshall confirmation case, there would be overwhelming support in the Senate for Judge Haynsworth.

Mr. President, I believe that we will be doing more than just voting to confirm or deny confirmation of a Supreme Court nominee. In a sense we will be deciding the personal fate of an honorable man who, if he is rejected by the Senate, must live with that reality for the rest of his life. More than even that, however, we will be testing the strength of the "iconoclasts" who are able, by making unfounded charges, to create doubt about a man in the minds of nearly everyone.

Judge Haynsworth is the third nominee of President Nixon who has suffered from the "iconoclast" syndrome. The first was Interior Secretary Hickel. The second was Subversive Activities Control Board member, Otto Otepka. And, of course, now Judge Haynsworth.

Regardless of the outcome of the Haynsworth vote, the pattern will be repeated in the future, and I think that thoughtful Americans ought to be aware of the pattern. It goes like this:

Leading newspapers, particularly some on the east coast, start "floating" around questions of a serious nature about the nominee, as I pointed out, even before he had an opportunity to come before the committee. These questions are, in turn, picked up by others then who add a few charges to the questions. The charges, which usually catch the supporters of the nominee by surprise, are serious and almost always involve allegations of "deals" and "conflict of interest" and "unusual or questionable activities."

In this case, there is hardly a man in this Chamber who will vote against the judge who has not declared already that he believes him to be an honorable man, that his integrity is unquestioned, as well as his legal ability.

The charges which are made in the situation I described are baseless, ridiculous, and many times even completely false. Any answers to the charges are then obscured. They can be put in the right place in the newscast or in an obscure place. They can be slanted. They can be put on the back pages of the newspapers. By the time the charges are answered, so much smoke has been created that the nominee is then labeled "controversial" and some legislators, particularly those who have not had time to study the record, come out against the nominee on the grounds that, if he is that controversial, there must be something wrong with him.

I think the "silent majority," however, is beginning to recognize the pattern. I hope so, because we can count on another "spectacular production" against a nominee of the President sometime in the future.

Mr. President, I have discussed the fact today, and on November 12, that, while the matter of ethics, or "appearances" and "sensitivity" in regard to ethics, has been made the fulcrum of the reason for the opposition of many to the appointment by President Nixon of Judge Haynsworth to the Supreme Court, there is nothing to these charges and the only real reason for the opposition can be traced to an "alleged" antilabor philosophy.

I throw back to these people the words of Senator KENNEDY in the Thurgood Marshall nomination.

But, as I have demonstrated, I firmly believe that when I cast my vote for the confirmation of this appointment of Clement F. Haynsworth as an Associate Justice of the Supreme Court, I will be representing the majority of Americans and, therefore, the majority of the rank and file membership of the labor unions whether their leaders know it or not.

Now, Mr. President, one further matter requires our attention.

Each time I turned to the hearing record in this matter, invariably I seemed to find page 1 before me. On that page appears the date of September 16, 1969. Below it stand the words of the senior Senator from Mississippi (Mr. EASTLAND), the chairman of the Judiciary Committee, giving recognition to our great loss on the first convening of the committee, to which the deceased minority leader, Senator Everett Dirksen, had given so much time before his death on September 7, 1969.

I commend the dedication of the senior Senator from Nebraska (Mr. HRUSKA) in presenting to the Senate the matter of the appointment of Judge Haynsworth in the capable, responsible, and knowledgeable manner that Everett Dirksen would have wanted, had he been here. I know of Senator HRUSKA's extreme desire properly to perform this task. He has met the challenge. I pay my respects to him for the capable way in which he has done it.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, first, I wish to commend the senior Senator from Colorado, the ranking member on the Interior Committee, who has just finished his comments, which I have had occasion to read before he presented them to the Senate.

I think his statement is one of the important and serious statements which have been made in this Chamber, and one which analyzes the problem very deeply.

The problem of dealing with the confirmation of the nomination of Judge Haynsworth is not an easy one for any Senator.

I do not know of any matter, other than of the Alaskan native claims problems, which has occupied so much of my time, which has generated so much mail, with so many questions and communications from my State, as has the nomination of Judge Haynsworth to be a Justice of the Supreme Court.

Being involved in controversy over a nominee of the President is not a new thing for those of us from Alaska. As the senior Senator from Colorado has pointed out, the first nominee that received great, nation-wide attention was that of our Governor, Walter J. Hickel, when he was nominated to be Secretary of the Interior.

I think that we have seen some similarities between these nominations, as has been pointed out by the Senator from Colorado.

I remember at one time during the period when we thought Wally Hickel's confirmation was in a little bit of trouble, the senior Senator from South Carolina, Senator STROM THURMOND, asked me pointedly whether I thought Wally Hickel would be a good Secretary of the Interior. Of course, I told him I thought he would be. I believed that very sincerely.

Later, the junior Senator from South Carolina, whom I did not know very well, spent some time with me and talked with me about our then Governor Hickel's qualifications to be Secretary of the Interior. When we concluded the conversation, he ended up with a comment that was very relevant as far as I was concerned. He said, "In a matter of this type, we have to rely upon somebody, and I am going to rely upon you. If you think your Governor would make a good Secretary of the Interior, I am going to vote for him"; and he did.

I have been worried about this nomination because of some of the very pointed comments that have been made by those opposed. I decided to go into the matter, and to go into the matter very deeply. I want to start off by saying that I think the junior Senator from Kentucky (Mr. COOK), as one of the new

Members of the Senate, has done an outstanding job in studying the record, in showing his dedication to the committee he serves on, the Committee on the Judiciary; and I have been particularly persuaded by the matters he has put before the Senate.

I went one step further than he did. I want to insert in the RECORD the record vote upon four of the nominees to the Supreme Court—that of John Marshall Harlan, Potter Stewart, Thurgood Marshall, and Warren Earl Burger.

I ask unanimous consent that that tabulation be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

[Vol. 101, pp. 30–36, March 1955]

John Marshall Harlan:	
For	71
Against	11

[CONGRESSIONAL RECORD, vol. 105, pt. 6, p. 7472]

Potter Stewart:	
For	70
Against	17

[CONGRESSIONAL RECORD, vol. 113, pt. 18, p. 24656]

Thurgood Marshall:	
For	69
Against	11

[CONGRESSIONAL RECORD, p.15195–15196]

Warren Earl Burger:	
For	74
Against	3

Mr. STEVENS. Mr. President, I think these record votes demonstrate what the Senator from Kentucky (Mr. COOK) was trying to say. It is, that, in the past, nominees have been viewed by this body on the basis of their integrity, their ability, and their personal fitness to serve as judicial officers on the Supreme Court. And, as Senator COOK has pointed out, the criticism that has been levied against Judge Haynsworth on the basis of ethical standards has been proved to be completely baseless; and I share his conclusion in that regard, as apparently does the Washington Post and the New York Times, who agree that these ethical questions have not been supported, or that the issues that have been raised have not been supported.

Incidentally, that conclusion is concurred in by Alaskan editorial comment, although a couple of newspapers disagree.

We are then left with the question of whether Judge Haynsworth's philosophy, in and of itself, should disqualify him from serving in this position—if, Mr. President—and I emphasize this, if—his philosophy is, in fact, what his opponents believe it to be.

As I pointed out at the time we were involved in the confirmation of the nomination of Secretary Hickel, many people said at the outset that our Governor did not possess the "right" conservation philosophy. Those of us who knew Wally Hickel and knew what he had done as Governor knew we had a man who had a philosophy, as far as conservation was concerned, that was balanced and one that we could live with; one that could see the Interior Department perform its functions and provide us with the guidance that we should have from the Department of the Interior.

I think anyone who has witnessed what Secretary Hickel has done since his nomination was confirmed by this body, even his opponents, know that those who opposed him were wrong and that, in fact, he has become one of the great Secretaries of the Interior of this country.

I say that if the philosophy of Judge Haynsworth is what those who oppose him say it is, I still do not believe that that is a condition that should be reviewed by any Member of this body as being one that prevents Judge Haynsworth from becoming a Justice of the Supreme Court.

Again, I refer back to the votes I placed in the RECORD. I am certain that the 11 Senators who voted against Thurgood Marshall did so for good reason; but had philosophy, in and of itself, been a part of the qualifications to be a Supreme Court Justice, there probably would have been more votes against Thurgood Marshall on the basis of his philosophy.

I do not happen to concur in some of the things which people say are the philosophy of Judge Haynsworth. I have not had the opportunity to read all of the cases which have been brought before the committee to set forth the conclusions that people reach as to what his philosophy is. But I believe that Judge Haynsworth has demonstrated that he has a balanced judicial mind; that he approaches each case on the basis of that case; and that anyone who attempts to draw a personal philosophy from a judge's judicial opinions is off on a rabbit chase.

It is my opinion that Judge Haynsworth is qualified to be a member of the Supreme Court, and I want to say that in reaching this conclusion I have examined a great many things.

As a matter of fact, since I do not know Judge Haynsworth personally, and since I was not a member of the committee, and have only the testimony and the written report to rely upon, I think it is necessary to go beyond that and to answer the question for myself. Upon whom am I going to rely in making a decision in this matter?

Parenthetically, I might say that, along with the junior Senator from Kentucky, I too thought some of the procedures we use in this body to review nominees should be changed.

Coming back to Secretary Hickel's nomination problems, when someone voiced a question about him, we saw to it that our Governor had an appointment with that Member who had a question, and visited with him personally. I think that many of the questions that were originally raised were dispelled by the fact that Secretary Hickel visited, even with those who spoke against him, and discussed it man to man.

The real problem in this matter is that Judge Haynsworth, following a line of tradition, apparently, that a sitting judge is not subject to meet with Members of the Senate on a personal basis in order to support his own nomination to a higher bench, has not sought out those who oppose him.

I personally believe that no nominee for a high position in our Government, such as the Supreme Court of the United States, should have his nomination voted upon until he has been personally presented to each Member of the Senate. I think that might take some time, but it would be little enough time to give each Member an opportunity to make up his own mind about a man who was about ready to take a lifetime position on the highest court of the land.

I might say that I passed on this comment to those who have the duty of passing on future nominees. I hope the bar itself will examine the concept that a sitting judge should not personally lobby for his own consideration. I do not, personally, think it is personal lobbying to meet with a Senator on a personal basis and answer personal questions concerning his fitness or qualifications to sit as a judge.

But in determining whether to support this nomination—and I have determined to support it, as I announced yesterday—I want the RECORD to show that, beyond my own review, I am relying upon the recommendation of the ranking member on the Republican side of the Judiciary Committee, whom I respect very greatly, my good friend the senior Senator from Nebraska (Mr. HRUSKA).

I think he has demonstrated that he has examined into Judge Haynsworth's qualifications, and he has found the judge to be eminently qualified to be a member of the Supreme Court.

Second, as I have already stated, I have relied on the advice and guidance of the junior Senator from Kentucky, whose ability and dedication to his task as the newest member of the Judiciary Committee have amply been demonstrated by his noteworthy support of this nomination.

Third, I rely especially upon statements made to me personally by the Senators from South Carolina, who relied upon me when they voted for my good friend and Alaska's former Governor, Mr. Hickel, to be Secretary of the Interior.

Fourth, I have relied upon the fact that I know that Assistant Attorney General William F. Rehnquist of the Office of Legal Counsel of the Department of Justice thoroughly reviewed this nomination and the qualifications of Judge Haynsworth. It may seem strange to announce this, and it may be immaterial to some people, but it is important to me because back in the days when we were both fresh out of law school Bill Rehnquist was the law clerk to Justice Jackson of the U.S Supreme Court, and I know of no member of the bar who values the traditions of our Supreme Court more than Assistant Attorney General Rehnquist. He is a man of extreme brilliance, and knows the values of a Supreme Court Justice and what it takes to make one. The fact that Bill Rehnquist personally reviewed this nomination before it was sent to us means a great deal to me, as does the fact that his superior, the Deputy Attorney General, Richard G. Kleindienst, who was my classmate in law school, has also personally endorsed this man.

Moreover, I would be remiss if I did not point out that it means a great deal to me to know that Dwight David Eisenhower also endorsed Judge Haynsworth, when he nominated him to be a member of the circuit court of appeals. He felt Judge Haynsworth had the qualifications to serve upon the second highest level of the courts of this land, and this body gave its advice and consent to that nomination.

But, lastly, and most importantly, I rely upon the judgment of President Richard M. Nixon. I have personally discussed this matter with the President, and I was present when the President outlined the extent to which he had personally reviewed the confirmation hearings record. As a matter of fact, I was astounded that the President, with the amount of work he has to do and the problems that he faces, had the time to become so intimately aware of the allegations made and had taken the time personally to satisfy himself that the allegations were without merit.

I may not agree with Judge Haynsworth's judicial decisions—I already know that I do not agree with some of the decisions he has rendered in the past—but I am assured in my own mind that he has the qualifications to be a good Supreme Court Justice. I doubt seriously that he will agree with everything that President Nixon or his administration will do—in fact, it is very clear from the recent decisions of the Supreme Court that the present Court, including its recently confirmed Chief Justice, maintains vigorously its right to be free of any influence, including past political allegiance or gratitude.

For these reasons I join with what I hope will be the majority of this body, in its vote on Friday at 1 p.m., in supporting the nomination of Clement F. Haynsworth, and I say to my colleagues from South Carolina that I hope his performance as a Supreme Court Justice will do as much credit to their State and our Nation as I believe the performance of our Secretary of the Interior has done and will do for my State and our Nation.

ORDER FOR ADJOURNMENT FROM FRIDAY, NOVEMBER 21, TO 11 A.M. MONDAY, NOVEMBER 24, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON ON MONDAY NEXT

Mr. MANSFIELD. I ask unanimous consent that at the conclusion of morning business on Monday, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. CASE. Mr. President, I join my colleagues who have expressed appreciation particularly to the members of the Committee on the Judiciary for the hard work that they have done, both those who happen to take the same position that I expect to take on this matter and those who take the opposite view. The Senate has benefited greatly from their labors, and the decision that is rendered will be much better because of it. As a matter of fact, in a matter of this kind, particularly, without the earnest, hard work of members of the Committee on the Judiciary, the Senate could not begin to do its job properly.

Mr. President, a long time ago the late Senator George Norris said, when the question of confirming an associate justice was before the Senate, "We ought to know how he approaches these great questions of human liberty."

Valid then, his statement applies with even greater force today. Our society is struggling to realize equal justice under law for all our citizens at a time when it is beset by internal strains and tensions and when millions are looking to the courts for vindication of rights long denied.

The administration has increased the need for confidence in the Supreme Court by its announced policy of putting greater reliance on enforcement through the courts of such statutory protections as title VI of the 1964 Civil Rights Act. This is the title which forbids discrimination in federally assisted programs of all kinds, including education.

It has been argued that philosophic considerations are beyond the responsibility of the Senate: that the Senate should confine itself to examination of the character, technical qualifications, and standards of conduct of the nominees selected by the President for our highest court. But the words of the Constitution provide no support for this view. And history is against it.

And I suggest, Mr. President, that a very wholesome trend in the attitude of the Senate of the United States in regard to its responsibilities vis-a-vis the Executive is against it also.

The first rejection of a nominee for the Supreme Court, in this case for Chief Justice, occurred in 1795. In the 19th century, 72 men were nominated to the Supreme Court bench and 18, a full quarter of them, were not confirmed.

However narrowly, the Senate should regard its role in regard to appointments within the executive branch, I suggest that the situation with regard to the judiciary presents very different considerations. Unlike Cabinet appointments, for example, involving service at the pleasure of the President and removal at his pleasure, Federal judicial appointees, once appointed and confirmed, cannot be removed except by the long, cumbersome, and in most cases inappropriate process of trial in this body upon impeachment by the House of Representatives. In other words, they hold their appointments, in effect, for life. And a Supreme Court Justice serves on the highest level of the third independent branch of our Government.

So it seems to me very clear that in exercising our responsibility of advising and consenting, to use the words of the Constitution, to nominations for the Supreme Court of the United States, we have a role of equal responsibility, though somewhat different in character, to that of the President himself; and I do not in any fashion regard our consideration—practically de novo—of these appointments as being a usurpation of any function that is not rightfully ours, and our duty to perform.

"How he approaches these great questions of human liberty"—this, for me, is the essence of the issue in the pending nomination of Judge Haynsworth.

The word "insensitivity" has been applied by many to Judge Haynsworth's financial transactions while sitting as a Federal judge. Others have rejected it. But to me, the insensitivity he has shown in his holdings and opinions on matters involving equal protection under the 14th amendment is undeniable and incontrovertible.

The senior Senator from New York has already put in the RECORD an analysis of all cases involving segregation in which Judge Haynsworth wrote an opinion. It should be emphasized that all these opinions were written 8 or more years after the landmark case of Brown against Board of Education in 1954. That is from 1962 on, these opinions, all that Judge Haynsworth has said in his own words on segregation cases, were written. I have also reviewed the analyses prepared by other Members and discussed at some length in the RECORD.

The conclusion is inescapable, I believe, that Judge Haynsworth has shown a persistent reluctance to accept, and considerable legal ingenuity to avoid, the Supreme Court's unanimous holdings in the Brown case and in subsequent decisions barring discrimination in areas other than the field of education. Moreover, in those few cases where Judge Haynsworth has ruled against a discriminatory practice, no other choice was possible. I suggest that no other choice was possible for him or any other judge, that the precedents were controlling and the facts and circumstances in cases obviously required the decision in which he joined. As late as 1968, Judge Haynsworth was continuing to voice his preference for "freedom of choice" plans in the desegregation of schools, even while he reluctantly implemented prior decisions by the Supreme Court. Only last year he was still insisting that the burden of expensive litigation to secure constitutional rights be borne by those seeking relief, even when those people had been upheld in their contentions by his own court.

The debate on this floor is replete with discussion of the dozen or so cases involving segregation in which Judge Haynworth wrote an opinion. But one in particular deserves special mention because it is so revealing of Judge Haynsworth's approach and philosophy. This is the case involving the closing of public schools in Prince Edward County in Virginia.

This case began in 1951 and was one of four resulting in the historic Brown decision of 1954. Prince Edward County was, however, determined to resist. In 1959, with the abandonment of "massive resistance" by the State of Virginia, Prince Edward County refused to levy any school taxes and the public schools did not reopen that fall. Private schooling for white children was arranged, but schooling for Negro children ceased.

In 1961, 10 years after the original complaint was filed and 7 years after the Supreme Court had spoken in the Brown case, the district court forbade the county to pay tuition grants and allow tax credits which in fact went wholly for the education of white children in the private schools. Shortly thereafter the district court ruled that Prince Edward schools could not be closed while public schools were open in all other counties. Local officials challenged the rulings of the district court and the schools remained closed, pending a decision by the fourth circuit court.

The circuit court decision written by Judge Haynsworth did not come until 1963, 9 years after the Brown case and 11 years since the Prince Edward case was filed. The court overruled the district court action in forbidding grants and tax credits. On the question of closing the schools, the court abstained from deciding and ordered the district court to abstain until the Virginia State courts had acted on what the U.S. Supreme Court later termed "issues that imperatively call for decision now." The Supreme Court felt so strongly that it expedited its review in this case.

Reversing the circuit court decision in 1964, the Supreme Court noted "this is not a case for abstention" and went on to point out:

> The record in the present case could not be clearer that Prince Edward's public schools and private schools operated in their place with state and county assistance, have one reason and one reason only: to ensure through measures taken by the county and the state that white and colored children in Prince Edward County would not, under any circumstances, go to the same school. (337 US 229 (1964).)

Thirteen years after the case arose, 9 years after Brown and after 5 years of no public schooling, Negro children of Prince Edward County finally were assured of public education by the Supreme Court.

Contrast the Supreme Court's sense of urgency with the attitude expressed by Judge Haynsworth in his opinion for the court of appeals:

> The impact of abandonment of a system of public schools falls more heavily upon the poor than upon the rich. Even with the assistance of tuition grants, private education of children requires expenditures of some money and effort by their parents. One may suggest repetition of the often repeated statement of Anatole France, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

We come back now to Judge Haynsworth's ruling:

> That the poor are more likely to steal bread than the rich or the banker more likely to embezzle than the poor man, who is not entrusted with the safekeeping of the moneys of others, does not mean that the laws proscribing thefts and embezzlements are in conflict with the equal protection provision of the Fourteenth Amendment. Similarly, when there is a total cessation of operation of an independent school system, there is no denial of equal protection of the laws, though the resort of the poor man to an adequate substitute may be more difficult and though the result may be the absence of integrated classrooms in the locality. (322 F. 2d 336.)

At best his statement indicates a degree of insensitivity to human rights unfitting the tribunal to which the American people look as the ultimate protector of constitutional guarantees.

Sensitivity and dedication to the solution of the very real problems that confront the Nation today are the critical need. What might have been reasonable or tolerable at an earlier time is no longer so.

I believe there can be no doubt that Judge Haynsworth's confirmation by the Senate would be taken by great numbers of our people as the elevation of a symbol of resistance to the historic movement toward equal justice for every American citizen. This appointment, at this time, would drive more deeply the wedge between the black community and the other minorities on the one hand and, on the other, the rest of American society.

I shall vote against confirmation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. BAYH. Mr. President, from the beginning, my distinguished friend, the Senator from New Jersey, has been one of the loud voices in the Senate speaking out in support of the efforts made by the judicial, the executive, and the legislative branches of our Government to remove the vestiges of second-class citizenship from the shoulders of minority groups.

I feel that his analysis of the judicial record of the nominee bears more weight, perhaps, than the analysis of the average Senator.

There have been a great many questions and discussions by Senators relative to the Presidential prerogative. I notice with some interest that the Senator from New Jersey discussed the distinction between nominations to the Supreme Court and nominations to the executive branch. Is it fair to suggest that one could honestly and sincerely believe that the President of the United States—whether he be Lyndon Johnson, John Kennedy, Richard Nixon, or some future President—should be given maximum leeway in choosing his own teammates, so to speak, to help run his administration, but that he should not be given this leeway in choosing a judge who, once appointed, is indeed a part of no administration but rather is a man appointed for life?

Mr. CASE. I think the Senator has emphasized a point which I believe is important here, and which I attempted to make in my own remarks. I do not know how far a Senator ought to go in dealing with appointments that are, in effect, appointments of the President's own right-hand men in the executive branch. Surely, much more leeway should be allowed the President to make his own mistakes, in a sense, especially when, as in the case of appointments which are at his pleasure, he can eliminate these men at will.

There is a great difference between that situation, as I attempted to point out and as the Senator has suggested, and that of appointments which are for life and which are to the third and independent branch of the Government of the United States—the judiciary.

Mr. BAYH. Will the Senator yield? I would like to expand one other thought that I think he made in his statement.

Mr. CASE. I am happy to yield.

Mr. BAYH. I sense that it is possible for a person to distinguish between degrees of judicial philosophy. As I recall—and I hope I quote him accurately—the Senator from New York discussed a type of philosophical bent that ran through the cases that might indeed turn the clock of history back.

Is it fair to suggest that in some philosophical matters, one might waive his objections, but if the philosophical difference is so great, and the nominee's philosophy runs counter to the needs of the country, then one should say, "Wait, I am not going to go that far?"

Mr. CASE. The Senator is quite correct. These are questions which cannot be answered absolutely and as to which no absolute rule can be set as to what the Senate's duty is, the degree to which it should or should not take into account considerations of the sort with which the Senator has been dealing.

As the Senator knows—and as I said explicitly in my remarks—whatever might be tolerable at another time in regard to a person of the bent of mind of Judge Haynsworth, to me it is so unfortunate at the present time and in the present circumstances that I am impelled to vote against confirmation.

Mr. BAYH. I appreciate very much having the Senator's thoughts.

Mr. CASE. I should like to say this to those who make a plea to us, "Do not destroy this man." This is not destroying a man, so far as I am concerned. I base my judgment and decision entirely upon an attitude which for people in his area and his territory, his time of life, is an honorable position. It would not be for me. It is for him; and in the circles in which he has moved all his life, there is nothing wrong with this. This involves no blight upon him. Nevertheless, it is to me disabling so far as appointment at this time to the Supreme Court of the United States is concerned.

Mr. BAYH. I appreciate very much that the Senator is taking the time and trouble to let us have the benefit of his study. It was prepared with a great deal of expertise. I said earlier, on the floor of the Senate, that I have struggled with the matter of how great a weight—if indeed any—philosophy should bear in our determination. I think the Senator makes a distinction between different weights, different burdens of responsibility, as the Senator from New York did.

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The Senator from Indiana has been more concerned about another aspect, as the Senator from New Jersey knows. I suppose because of this I might be subject to a greater degree to the criticism of destroying an individual.

Mr. CASE. I appreciate that.

Mr. BAYH. I certainly did not intimate that the Senator suggests this. But I think there are others in this august body who have, and I am not unmindful of the personal impact that my opinions and my statements and my feelings have had or may have on the nominee. For this reason, only with the greatest reluctance have I become involved in this particular type of examination.

I hope and pray that regardless of the outcome of this vote, it will not destroy this man personally. I do not believe in destroying any man personally. But if we feel there is substance to the constitutional authority to advise and consent, we have to do what we think is right. As the young people say today, over and over again, we have to tell it as it is. When one gets involved in this type of controversy, he, himself, by bringing accusations toward others, is the brunt of accusations from others. This is not pleasant. But, in the final analysis, I think the issue to be determined here is not the personal future of the nominee, not the personal future of the junior Senator from Indiana, nor, indeed, the personal future or prestige of the President of the United States. We have the sober responsibility of seeing that whoever is nominated and confirmed as an Associate Justice of the Supreme Court meets the standards which the people of this country have every right to demand.

I certainly appreciate the Senator from New Jersey taking the time to let us have his thoughts on this matter.

Mr. CASE. The Senator has been most generous. No one, it seems to me, could have stated with greater sensitivity the feelings we all have when we come to deal with a matter of this kind.

Perhaps the fault is in the machinery set up by the Constitution, by which the President sends to the Senate a nomination and asks our advice and consent. In effect, we are then passing judgment on the President, as well as upon the nominee, and that is a troublesome factor. But, as I emphasized in my remarks in chief, I regard this responsibility, in effect, as de novo when it comes to appointments at least to the Supreme Court of the United States.

I hope that in this case and in all cases I exercise this responsibility with due appreciation of all the factors that ought to be considered, including human factors. Nevertheless, it is a responsibility that I cannot duck, and I think the Senator from Indiana has stated with sensitivity and delicacy and propriety exactly the same position that I feel I am in.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. COOK. I am interested in some of the questions that the Senator from Indiana asked the Senator from New Jersey, under the theory that a President is entitled to his team, as he put it—those people he wants. I was pleased that the Senator from New Jersey, in a way, corrected this theory; because, in essence, the Senator from New Jersey would not agree that, under the treatise he just read, Judge Haynsworth would be acceptable to him if it were just a 4-year appointment would he?

Mr. CASE. I do not think I have to pass—and I do not think it is fair to the judge to ask me to pass—on him for some hypothetical appointment. I do not believe I will do that. The Senator understands fully how I feel about the judge in regard to the nomination that has been presented to the Senate. I am sorry.

Mr. COOK. That is perfectly all right.

The point I am trying to make, both in the question that was asked by the Senator from Indiana and the answer that was given by the distinguished Senator from New Jersey, is that, somehow, or other, those who are wanted by the President as a part of his team are acceptable, without analogy or without indepth research, and yet, let us take, for instance, a position as sensitive as the Secretary of State. Would the Senator say this would be subject to a great deal of analogy by the Senate, who was approved without a record vote, to approve the Secretary of State who, conceivably, could foul up the foreign policy of this Nation?

Mr. CASE. I think the Senator knows how I feel about that. As a member of the Committee on Foreign Relations I think we have a very high responsibility to examine qualifications in depth in matters of appointment of that sort.

Mr. COOK. Does the Senator feel this should be as deep an analysis of all Members who have a responsible position in Government, regardless of whether it is for the Supreme Court, or any particular department of Government?

Mr. CASE. Maybe I can bridge whatever difference there may seem to be among the three of us by saying the whole thing depends on many factors: The general importance and nature of the job—those factors relating to the job applying at all times, in all places. But even more important, and this is the point I wish to emphasize, are the time and circumstances in which we are asked to consider the appointment for that particular job, specifically the Department of State. If it were at a time when the world was peaceful and we, for instance, were secure behind our oceans, particularly protected by the British Navy, and it did not matter very much what our relations were with the rest of the world, then, it would be not as important as now when we have a position of world leadership thrust upon us.

I think it is much more important now that we have a first-class man as Postmaster General, than when the Department was running smoothly, in order to get mail to my State rapidly instead of taking 3 or 4 days.

It depends on the nature of the circumstances obtaining at the time, the importance at the time, and the significance at the time of the appointment.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. BAYH. I wish to say to my distinguished friend from Kentucky that if, indeed, the message he is conveying, and I think he is—I do not want to put words in his mouth—is that there should not be unlimited carte blanche power for the President to nominate whoever he wants to his administrative team, I concur. In fact, I think it is most significant. I undertook a most distasteful matter that I was involved in before this body prior to this matter. There was one case when I undertook to try to suggest to the former President that a man he was appointing to our foreign aid program, because of the misadministration of the program under his leadership in Southeast Asia, did not recommend the man for appointment.

I do not believe that even in an administrative capacity the President has unlimited authority, but I think what the Senator from New Jersey has rather specifically dealt with, and accurately dealt with, is that you have a whole new ball game when they talk about putting a person on that Court for life without being subject to removal except for impeachment, and particularly in these times.

I do not want to put words in my friend's mouth. If that is what he is driving at, I concur.

Mr. COOK. I have no objection to the Senator putting words in my mouth so long as they are carried in the RECORD as his words. However, I suggest to the Senator that the President has an entire Cabinet. They are extremely powerful positions in this country. No one asked for a rollcall vote in relation to those gentlemen. As a matter of fact, we saw to it by voice vote at the time the President was sworn in, so all of them could be in office.

I am not saying Senators should act here without speed. I think we should get ourselves down to the point. This represents an occasion, as there have been occasions in the past history, where the distinction of ideological and philosophical wrath, so to speak, has been rained down on the nominee for the Supreme Court, much more than has been true with offices such as the Secretary of State.

I wish to read something to the Senator from New Jersey and ask him to comment on it in regard to his speech.

The author of the original HEW school desegregation guidelines, Prof. G. W. Foster, Jr., of the University of Wisconsin Law School, a man who has long been active in solving the problems of school desegregation, a man who has followed closely the work of the Federal courts in the South, has said this about Judge Haynsworth:

> It is both wrong and unfair to charge that he [Judge Haynsworth] is a racial segregationist or that his judicial record shows him to be out of step with the Warren Court on racial matters. . . . His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. . . . In my

> judgment he ranks along with the best of the open-minded, pragmatic judges in the federal system, neither dogmatic nor doctrinaire.

Does the Senator agree with that?

Mr. CASE. Of course, no. I do not. My disagreement with his characterization is quite complete.

I want to say again that, listening to that quotation in its entirety, I get the impression that what the scholar was talking about was a whole range of cases in which the judge took part, segregation cases. I have dealt only, and my review dealt only, with the cases in which the judge expressed himself in written opinions. As to that, it seems to me there is no disagreement possible with the conclusion of the senior Senator from New York that the judge has a philosophy which is inappropriate to an appointee to the Supreme Court at this time.

Mr. COOK. I have one more question if the Senator does not mind. Under that theory, and only on this point, I would like to ask the Senator if in his mind this would also rule out, on that ideological basis, his consideration of those judges on the circuit court who concurred with Judge Haynsworth or with whom Judge Haynsworth concurred in that series of cases that the Senator from New Jersey quoted in regard to the philosophical and ideological approach of Judge Haynsworth in regard to Brown against Board of Education.

Mr. CASE. I do not think I would draw this matter too finely, but I do want to point out that one cannot put too much stock in the fact that a member of the court concurred in the decision of the court in which he did not write the opinion. He may have done this for many reasons. I am talking about, considering, and basing my chief reliance on the judge's own words in cases where he wrote the opinion in most cases for the court, and, in some cases, as dissenting opinions. I do not think I can go along, therefore, with the Senator in his suggestion that my view of Judge Haynsworth necessarily would be the same for all people who may have arrived at the same conclusion; that is to say, who may have voted the same way Judge Haynsworth voted without expressing their own views in cases.

Mr. COOK. I am delighted to hear the Senator say that. I got the feeling in his last few remarks that he was kind of excluding it. As I read an editorial from the Louisville Courier Journal the other day, it said that Judge Haynsworth was the right man but in the wrong century. The indication in the editorial was that, really and truly, no one from the parochial, sedate South was entitled in this modern age to be considered for appointment on the Court.

I am glad that the Senator from New Jersey gave the explanation he did.

Mr. CASE. The Senator is most generous in allowing me to have the right attitude. I do have it. I am glad that he gave me the opportunity to make the distinction.

Mr. ALLOTT. Mr. President, will the Senator from New Jersey yield to me for one or two questions?

Mr. CASE. I yield.

Mr. ALLOTT. Several things have just occurred in the previous colloquy that have bothered me. One of them is the apparent approval of the complete position taken by the Senator from New York (Mr. JAVITS) in his remarks last week, who pointed out that he thought the only reliable criteria of the judge's record in any given area—and I do not concede, in asking this question, that the philosophical point of view has anything to do with this whole question—were the opinions of the judge significant, and not the whole range of cases upon which he is acting?

The Senator from New Jersey, I am sure, does not believe that, does he?

Mr. CASE. I do not mean that anything is exclusively important and that the way a judge has decided cases has no importance; but I think, as the Senator from New York has pointed out, and as I just did earlier in my discussion with the Senator from Kentucky (Mr. COOK), that there are many reasons why a judge may vote mostly with the majority and sometimes with the minority on the court, and when he does not write an opinion, we cannot say why he necessarily voted in conformity with the majority or the minority, as the case may be.

Mr. ALLOTT. The Senator would have to admit, whether he wrote the opinion or not, whether he voted with the majority or whether with the minority, that in voting, the judge does reflect the position of the majority opinion or against it—one of the two; is that not correct?

Mr. CASE. It is difficult to generalize about that. It seems to me, therefore, that——

Mr. ALLOTT. I do not really know what other conclusion we can come to——

Mr. CASE. There are many reasons why a judge will vote a certain way in a case. He may feel, regardless of how his own views may be on it, that he is bound by the decisions in his circuit, in the case of the court of appeals, or the decisions of the Supreme Court. He may have other grounds for voting as he does in a particular case, and if he does not express them, then we are entitled, indeed to draw what conclusions we wish, or feel that we can, or should, from the facts of his vote. But, to me, it is not nearly so persuasive as the judge's own words and opinions as expressed in the opinions which he himself wrote. That is the whole point of it.

Mr. ALLOTT. I would say the Senator probably has a deeper reaction to his philosophy, but, on the other hand, I am sure the Senator is not so naive as to believe that, when a circuit court of appeals, for example, meets, the opinion which the judge to whom that case was assigned writes it, it is not modified, and sometimes in material respects, by one or more of the judges sitting on that court of appeals.

Mr. CASE. In different circuits, I think different practices apply; but, generally, certainly there is discussion of the decision, and probably of the general nature of the opinion, although I think the chief judge is the only one who really looks over the opinion before it goes out.

Mr. ALLOTT. One other thing, if the Senator from Arizona will allow, because this is a very important point. In a colloquy with the Senator from Indiana, he indicated he thought the Supreme Court was in a different category. The Senator and I both have been here awhile, and I am sure he remembers a particular time when a man was nominated for a certain very high and technical office, for which it was obvious he was completely unqualified from both a technical and a professional standpoint. I am sure the Senator remembers about whom I am talking.

Mr. CASE. Will the Senator whisper the name to me?

Mr. ALLOTT. I call the Senator's attention to the fact that the Constitution, in article II, makes absolutely no distinction in the advise and consent of the Senate as between ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. I have read from article II of the Constitution. Therefore, I think we have a very dangerous situation here.

I agree that this is certainly one of the most important votes. From the protocol standpoint, this body is probably the most important one in the United States. But I think we are going down the wrong road if we try to apply one standard of advise and consent for a Cabinet member, another one for an ambassador, another one for a Supreme Court Justice, another one for a circuit court judge, and another one for a district court judge. True, we all agree it is important. The fact is that the differentiation which I understood the Senator to make does not apply, depending on the importance of the position. There is no justification for it in the Constitution and, thus, no authority for it.

Mr. CASE. I am very happy to have the Senator's views. Many things have happened in the long years since he and I came to this body on the same day.

Now that the Senator has whispered to me, I understand the particular case he was talking about. We just disagree about this.

Mr. ALLOTT. I was hoping my friend would see the light, that is all.

Mr. CASE. The Senator is so generous. He is always willing to instruct me and is generous in sharing with me his insight in these matters. I sit at his feet most of the time, except when he is wrong. He is wrong this time. What can one say? I respect him in his right to be wrong. I will defend him as long as I have breath to do it.

Mr. ALLOTT. I hope to spend many years with the Senator in the Senate, and I know I will hear him say some day that a man's philosophy should not be taken into consideration in considering his nomination.

Mr. CASE. I do not think that day will ever come.

Mr. JAVITS. Mr. President, I am very gratified that the Senator from New Jersey (Mr. CASE) saw fit to take his position on the nomination of Judge Haynsworth upon the issue of what the judge would bring to the Court. I think this is a key question. I deeply believe that it has been rather under- than over-discussed in the course of the debate.

I have caused the cases to be analyzed again in the light of the position taken by the Senator from Tennessee (Mr. BAKER), and he and I have introduced into the RECORD our concepts of these cases. But I believe that a very important consideration which Senators must evaluate in these last hours before the vote is taken is whether they have a right to determine their votes on the basis of what Judge Haynsworth would represent to this Court. I think they do. I think that that is the long and constant history in respect of the Court and the way in which the Senate has passed on it. Often, that has been unexpressed, but often, that has been expressed as well.

I should like to point out that, interestingly, those who have expressed it—that is, as a proper guideline for the Senate—are today generally found in the ranks of those who support Judge Haynsworth.

Mr. President, we have been asked, in fixing and zeroing in on the whole question of breaches of ethics or other standards of propriety by Judge Haynsworth, to take the ground which I think is very difficult for Senators, and where the questions of fact become very sharply in issue. But that assumes—and I think there has been an unwitting but nonetheless a very real effort to channel us into that course—that we only have the right to ask of the President what is equivalent in military parlance to name, rank, and serial number. I do not believe that this is the criterion of judgment to which the Senate of the United States is limited. I believe that if I am asked to vote to confirm the nomination of a Justice, I have a right to determine in my own conscience what that Judge is going to represent to the Supreme Court of the United States. I have a right to cast my vote that way.

I wish to draw very sharply again the distinction between a Cabinet officer, who goes in and out with the President, who is subject to the legislative oversight of Congress, and over whom we have all kinds of controls, including appropriations and authorizing legislation, and a Justice appointed to the Court for life, where his philosophy can influence the world in which my children and their children after them can live, and I can do nothing about it except this one time. In my judgment, that demands that I appraise not only that Judge's honesty and ethics and the fact that he holds a lawyer's certificate but also what he will do when he gets on the Court.

It is my deep conviction—and this is a tribute to, not a denigration of, Judge Haynsworth's sincerity—that he deeply and sincerely feels, especially in the key and extremely sensitive issue of civil rights, that we were right before 1954 and that we are wrong now.

I do not agree with that. I think we were wrong before 1954 and that we are right now.

I do not believe that I have any right to vote to put a man on the bench who will seek to bring the Court back—that will be his duty, and he will work there to persuade others—to a time which I think has been completely passed by in history and to a social order which is archaic and cannot persist—the so-called separate but equal social order which for so long, in my judgment, held back a critically important area of our country.

This, Mr. President, is an issue which has not been discussed too much here, but I feel very strongly about it. I think it is borne out as we look at the opinions of Judge Haynsworth—and that is the only basis on which we can judge him—what he said in explaining his own concept of the law and his own philosophy. As we look at these opinions of Judge Haynsworth, we see how he lagged behind the times by years—not months, not days, but years.

He was dissenting in cases in 1962 like the *Dillard* case, 308 F. 2d 920 (4th Cir. 1962), cert. denied, 374 U.S. 827 (1963), for example, which I analyzed before, many arguments in dissent which the Supreme Court has heard, rejected, and already passed by in terms of history in 1954. But there was Judge Haynsworth, still clinging to these archaic and completely outworn concepts.

He dissented in the *Bell* case in 1963, 321 F. 2d 494 (4th Cir. 1963), 9 years after the Supreme Court had already outlawed segregation.

He dissented in the *Cone Hospital* case in 1963, 323 F. 2d 959 (4th Cir. 1963), cert. denied, 376 U.S. 938 (1964), which was at the very minimum 2 years after the Supreme Court had gone the other way in *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961).

He decided the *Griffin* case in 1963, 322 F. 2d 332 (4th Cir. 1963), fully 9 years after segregation had already been outlawed in respect of public schools by the Supreme Court, and the Supreme Court in Griffin reversed him unanimously, 377 U.S. 218 (1964). He decided the *Pettaway* case, 332 F. 2d 457 (4th Cir. 1964) in 1964, 10 years after the original Brown decision.

He decided a whole series of cases—*Bradley, Gilliam, Nesbit* and *Bowditch*, 345 F. 2d 310, 325, 329, 333 (4th Cir. 1965) in 1965—11 years after the 1954 decisions—and was again reversed by the Supreme Court, 377 U.S. 218 (1964).

Even in 1968, 14 years after the Supreme Court decision, he dissented again from a desegregation order in the *Brewer* case, 397 F. 2d 37 (4th Cir. 1968).

Mr. President, I beg Senators to think of this very seriously. I think this has been a very much underestimated argument in respect of this whole situation. I am the first to agree that I should not vote against a judge merely because he is conservative in his views on social questions or on the timing with respect to which people should be required to conform to the constitutional law as found by the Supreme court. We may differ. I differed, for example, with Judge Burger in many decisions in respect of civil liberties and other propositions which he decided as a circuit court judge.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. JAVITS. I should like to complete my remarks.

That did not mean that I voted against the judge. I voted for him. But I do distinguish the "conservative" or "liberal" cast of a judge, on the one hand, from a judge who persists in error—persists, after years and years and years, in the view that the old was right and the new is wrong, particularly on this critical civil rights question. I do not feel that within my conscience I can, by my vote, send to the Court that judge, with that kind of philosophy. He is sincere—I do not denigrate or in any way deprecate the judge—but precisely because his philosophy is sincere, and I believe it is, I have to vote "no" on his confirmation.

I yield to the Senator from Wyoming.

Mr. McGEE. I thank my colleague the Senator from New York for yielding me just a brief moment.

I have listened to a portion of his very thoughtful revelations of his own philosophy and his own reasoning processes in regard to arriving at his own conclusion in the case of this particular nomination.

I could not pretend to match the knowledge of the law and some of the other delicate principles involved that my colleagues in this body have generously shared with the rest of us who are not lawyers. There are not many of us who are not of the legal profession, one way or another. However, that does not release us from responsibility of trying to arrive at the best and balanced judgment we can by all our lights, whatever those may be.

I have read with deep interest the committee report and the individual views with respect to the judge. Allowing for all, as I understand it, I would be moved to say, as others have already noted, that at almost any other time Judge Haynsworth would be approved almost routinely; that what really catches us in our present mind is this particular time, right now.

And I have been deeply concerned about the argument of those who ask what will happen to Judge Haynsworth if there is an adverse vote by this body. I think we have to go very slow in making a judgment that might have a serious and adverse effect on a man's integrity or personality, on his professional career, or the bench on which he now sits.

Yet, as this Senator sees his responsibility in connection with the vote on the confirmation of Judge Clement Haynsworth, he must decide more than just the fitness of the man for the job. If that were the only question involved, the decision would be easier, for Judge Haynsworth has acquitted himself well before the Judiciary Committee and the record supports the conclusion that he is what we call an honorable man. If it were not for the times, Judge Haynsworth's name probably would not have become controversial. Through most of our history, a Judge Haynsworth likely would have been approved without incident.

But what about the times in which we live, these times—in fact, this moment in time. Are we to verify only the fitness of the man, or is our responsibility also to assess the consequences of an appointment—any appointment—on the future of the Supreme Court and to measure our judgment in the context of our times? The responsibility of a Senator in resolving that issue becomes the heart of my conclusions in regard to the judge.

We cannot shrug off the times, nor the events which have preceded this day. Judge Haynsworth, as I see it, has already become their victim. Had there been no Fortas affair, with all its attendant publicity and even breast beating, a man of Judge Haynsworth's attainments, with experience as an appeals judge, undoubtedly would have been confirmed. But, Mr. President, there was a Fortas affair. There has been much breast beating. There has been a demand that our Presidents abandon all former criteria for the selection of judges—especially members of the Supreme Court—and submit to the Senate as nominees only those found to have the highest level of personal and professional integrity.

The issue, therefore, becomes so much bigger than the man being considered for the post or the consequences of adverse Senate action in regard to an honorable judge. The issue becomes, rather, that of restoring the prestige of the Supreme Court of the United States to its constitutional position of balance in our separation of powers system.

It is understandable to most of us that a President of the United States has to weigh whatever decision he makes in terms of political realities, in terms of loyalties, and in terms of the personal integrity of the nominee. But even more than these criteria, there ought to be the President's concern about our constitutional functions and—in this instance—the role of the Supreme Court. The shadows already cast over the Court by recent events have caused it to slip in public esteem, and thus its function is threatened with erosion.

It is imperative, in my judgment, that one consideration emerge above all others in the decision that we reach here today; and that is that the President and this body do everything in their power to measure the future role of the Court ahead of the immediate exigencies of a Court appointment. In my view the primary responsibility in meeting this one issue is the President's. The prestigious role of the Supreme Court itself should take precedence over the more personal or political factors. I respect, however, the decision of a President who arrives at an opposite position.

It had been my hope all along, therefore, that the President of the United States would arrange for the withdrawal of the name of his nominee and then submit a new name—a new candidate. Since through his best judgments he could not do this, it becomes the responsibility of the Senate of the United States to take the appropriate action.

It is for this reason only—namely, restoring the Court to its proper place among our historic institutions—that I intend to vote "no" on the question of confirmation of Judge Haynsworth.

I thank the Senator from New York for yielding.

Mr. JAVITS. Mr. President, I thank the Senator for his helpful intercession. I shall conclude momentarily.

Mr. President, as bearing upon the point which has decided me in this matter, I wish to call attention to a very interesting bit of testimony which appeared in the hearings on the nomination. I juxtapose the testimony of assistant professor of politics and public affairs at Princeton University, Gary Orfield, with the testimony referred to in a very eloquent speech by the Senator from South Carolina (Mr. HOLLINGS), given by Professor Foster of the University of Wisconsin Law School.

Professor Orfield concludes his analysis of Judge Haynsworth's decisions in the cases in the following way, which I find to be very supportive of my position:

> A variety of new and difficult civil rights issues will continue to come before the Supreme Court. The Court's essential role is to decide new issues not yet clear in the law and to resolve disputes that have divided the lower courts. As new devices to subvert school desegregation and prevent implementation of other civil rights laws are invented, the Supreme Court will be called on for critically important decisions.
>
> There is exceedingly little in Judge Haynsworth's record to produce confidence in the minds of civil rights litigants. At a time when issues basic to the future of American society will come before the Court, I believe the Senate will fail in its duty if it confirms a judge who has been so tardy in protecting children asking for an elemental constitutional right.

Mr. President, I think that word "tardy" is the key word in the conclusion of the professor, who analyzed the cases.

I ask unanimous consent to have printed in the RECORD the testimony of Professor Orfield.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GARY ORFIELD, ASSISTANT PROFESSOR OF POLITICS AND PUBLIC AFFAIRS, PRINCETON UNIVERSITY

Mr. ORFIELD. My name is Gary Orfield, I am assistant professor of politics and public affairs at Princeton University.

Senator ERVIN. You may proceed in your own way, either by reading your statement or orally.

Mr. ORFIELD. Senator Ervin and members of this committee, I asked the opportunity to testify before the committee because my own research over the past several years in southern school segregation policy has made me feel deeply concerned about the impact of the appointment of Judge Haynsworth to the Supreme Court.

Because of my concern, I went back and read his decisions over the last 6 or 7 years, and tried to determine what his outlook was on the critical problems of school desegregation in the South during this decisive period. I was very deeply concerned and disturbed by what I saw.

One of the most remarkable things about this year, to a student of school desegregation, is the ease with which actions unthinkable a year ago become commonplace. Each week seems to bring a further retreat by the executive branch in civil rights enforcement.

The Justice Department, so long in the forefront of the battle to enforce constitutional guarantees, has succeeded in postponing desegregation in Mississippi schools. The House has passed, with administration support, an amendment that would destroy what remains of HEW's school desegregation program. Now the newspapers report that few Senators are worried about putting on the Supreme Court a backward-looking judge from a circuit court with a very poor record in protecting civil rights.

After 15 years of effort, we are very near a decision about the future of southern race relations. Some obvious forms of discrimination have been very largely eliminated from southern life. A great deal can be done to remedy others, such as school and voting discrimination, through firm executive and judicial action.

Obviously, the courts and especially the Supreme Court will have a great deal of influence in determining the national choice between equal rights and an increasingly segregated society. The role of the courts is made all the more central by the decision of the Nixon administration to rely primarily on litigation rather than administrative action in enforcing civil rights laws.

At this decisive juncture, the appointment of Judge Haynsworth would symbolize a willingness to see our highest court turn away from the cause of equal rights. The appointment would deepen the worries of an already demoralized black community and rather embolden the forces of reaction, which once again sense the possibility that desegregation may be delayed or defeated. Approval of the Haynsworth nomination would be one more sign that Congress lacks the will to face the Kerner Commission's grim warning that we may soon be "two societies, black and white, separate and unequal."

Commentary in the press has given the impression that Judge Haynsworth is a moderate on civil rights, tinged with a touch of conservation. When I read his school desegregation decisions and evaluated them in terms of what I learned during my study of the southern school issue, I found that his position was actually that of a very conservative member of a very conservative court.

He has been willing to permit interminable delays by local segregationists, he has shown little understanding of the nature of discrimination, and he has demonstrated neither skill nor a sense of urgency necessary in forging remedies for proven local abuses.

This record, demonstrating a basic lack of sympathy for some of the basic developments in American constitutional law of the past 15 years, should disqualify Judge Haynsworth for appointment to the Supreme Court. Indeed, it is my belief that if it were not for this very conservative record on civil rights matters, it is very unlikely that senior members of this committee would still continue to support this nomination after the serious ethical problems that have been raised in earlier testimony.

This statement has two basic purposes. First, I will examine a number of school desegregation cases decided by Judge Haynsworth compared his conclusions with those of his own court and with the opinions of the Supreme Court.

Second, I will discuss the Senate's responsibility for reviewing Supreme Court nominations and the very ample historical precedents for rejecting Presidential choices on grounds far less serious than those present in this case.

Judge Haynsworth's school desegregation record is particularly important and revealing because of the great importance the Supreme Court gave to the circuit courts of appeal in supervising implementation of its 1954 decision.

Since the Supreme Court seldom intervened in school matters, the circuit courts, particularly the fifth circuit for the Deep South and the Fourth Circuit for Virginia and the Carolinas, played absolutely central roles in the development of the legal principles necessary to carry out the 1954 decision.

Unlike the fifth circuit, which often broke new legal ground in coping with the more difficult problems of Alabama, Mississippi, and Louisiana, the fourth circuit interpreted the Supreme Court mandate narrowly, even in situations where the local resistance was far less serious. The court allowed stalling and token compliance. Several times Haynsworth cast the deciding vote against prompt desegregation.

In three very important cases the Supreme Court found it necessary to reverse school rulings authored by Judge Haynsworth. In a number of less famous cases he ruled in favor of local resisters. If allowed to stand, Judge Haynsworth's rulings would have threatened the entire desegregation process. None of the cases I will present came early in Judge Haynsworth's career on the fourth circuit bench. The earliest is in 1962 and most came after passage of the 1964 Civil Rights Act. Indeed the one most important case came after the Supreme Court decision in the *Green* case in 1968.

As desegregation finally began to gain momentum in Virginia in the early 1960's, school questions were heavily litigated in the State. I will use two school districts within 3 hours drive of this hearing room, Charlottesville and Powhatan County, to illustrate Judge Haynsworth's approval of procedural delays and local tactics of evasion.

When his court refused to approve a Charlottesville plan that would perpetuate segregation by letting the white minority but not the black majority transfer out of the school in the city's ghetto, Haynsworth dissented. He claimed that the plan local authorities put forward was nondiscriminatory and he added gratuitously in his opinion the common segregationist argument that many black students would "likely have senses of inferiority greatly intensified" by integration.

Even in this case involving a moderate university town with relatively simple problems, Haynsworth took an extremely narrow view of the local school board's responsibilities. He argued that the Constitution required nothing more than token desegregation of one of the city's six schools. *Dillard v. School Board of City of Charlottesville, Va.*, 308 F. 2d 920 (4th Cir. 1962), cert. denied, 374 U.S. 827 (1963).

I might point out, having recently lived in Charlottesville, the city now has totally desegregated schools, but it has followed for the last couple of years voluntary busing plans to maintain racial balance in its schools and it has dealt with its problems without incident.

Similar attitudes were evident in his 1963 ruling on the *Powhatan County* case. He cast the decisive vote postponing admission of the first three black students to the county's schools. Judge Bell of his court dissented, saying that both the facts and the law of the case were clear and there was no excuse for further delay on this first step, the first step coming some 9 years after the 1954 decision.

Later in the same case, Haynsworth dissented from his court's decision to force the local authorities to pay the legal fees of black children. The court's intention was to discourage school systems from engaging in years of unjustified courtroom maneuvers which put an overwhelming burden on those claiming their rights. "To put it plainly," the majority said of the county's dilatory tactics, "such tactics would in any other context be instantly recognized as discreditable." Judge Haynsworth failed to see what was plain to the other judges, 8 Race Rel. L. Rep. 1037 (1963).

I think that this is an important theme that I get from reading Judge Haynsworth's opinions, that it is exceedingly difficult for him to see the problem of discrimination from any perspective other than that of local white leadership, and I think not even local white Southern leadership, the local white leadership over the Southern black in the Deep South.

The following year, 1964, Judge Haynsworth was reversed by the Supreme Court in the extremely important case of Prince Edward County, Va. The county, one of the original four school systems involved in the Supreme Court's 1954 decision, had become the symbol of white resistance across the South when it shut down its public schools to avoid token desegregation. After 11 years of litigation, blacks in the county appealed to the Federal courts to force reopening of the schools. A Virginia Federal district judge responded by ruling that the county could not close its schools simply to avoid compliance with the Supreme Court decision while local taxpayers continued to pay State taxes used for public schools in the rest of the State.

Judge Haynsworth, however, cast the deciding vote on the appeals court reversing the district court judgment and returning the case for yet another round of litigation in the Virginia State courts.

In his opinion, Judge Haynsworth reached the incredible conclusion that Prince Edward County "abandoned discriminatory admission practices when they closed all schools as fully as if they had continued to operate schools, but without discrimination.

Such a doctrine would have confronted black citizens in many Southern towns with the horrible choice between "voluntarily" remaining in inferior segregated schools and having no schools at all.

I talked with the superintendent in the county adjoining Prince Edward. He told me that there was a period of several years when these matters were being litigated in the Federal courts when there was a strong movement in his county to close public schools as well, and the people who favored continuing public education had to meet secretly with drawn shades to speak to each other, in the hope that they could get enough local support to retain public schools.

Judge Haynsworth saw no greater legal barrier to closing down the schools, a public service essential to individual opportunity, than to local action giving up a rather minor Federal-aid program.

He refused to strike down a local ordinance subsidizing the private segregationists schools by allowing people to subtract from the tax bills substantial contributions to the white schools. *Griffin v. Board of Supervisors*, 322 F. 2d 332 (4th Cir. 1963).

Judge Haynsworth has recently said that it is unfair to judge him by his past decisions. "They are condemning opinions written when none of us was writing as we are now," he commented in response to civil rights groups' criticism. The *Prince Edward County* case, however, demonstrates the inadequacy of his explanation

This case, like a number of others found other members of the Fourth Circuit bench far in front of Judge Haynsworth but unable to persuade him to join in their efforts to protect constitutional rights. Judge Bell, for example described his *Prince Edward* opinion as "a humble acquiescence in outrageously dilatory tactics." Local officials, Judge Bell wrote, had openly announced that they "closed the schools solely in order to frustrate the orders of the Federal courts that the schools be desegregated."

I had a graduate student at the University of Virginia 2 years ago who went down to Prince Edward County to talk to the local white leadership there and there had been no change whatever in their interpretation of why the schools had closed. There had never been anything that had been exceedingly hard to understand. It has been openly proclaimed very shortly after the 1954 decision.

Bell saw the Haynsworth decision as an "abnegation of our plain duty." Bell wrote:

"It is tragic that since 1959 the children of Prince Edward County have gone without formal education. Here is a truly shocking example of the law's delay."

While hundreds of children were being educationally crippled by a fourth year without schools, Judge Haynsworth deferred to the local request for still another delay.

The Supreme Court rejected Judge Haynsworth's reasoning. Writing for the Court, Mr. Justice Black described what was then a 13-year delay since the filing of the initial suit. The record clearly showed, Justice Black wrote, that "Prince Edward's public schools were closed and private schools operated in their place with State and county assistance, for one reason only: to insure, through measures taken by the county and the State, that white and colored children in Prince Edward County would not, under any circumstances, go to the same school."

The aged Alabama Justice seemed able to easily grasp facts that eluded a circuit judge far less aware of the nature of discrimination and far more sympathetic to the sensibilities of local white leadership. *Griffin v. County School Board of Prince Edward County*, 84 S. Ct. 1226 (1964).

Two years later, in a less important case, Judge Haynsworth again ruled in favor of Prince Edward County. While the constitutionality of tuition grant payments was being litigated before the Fourth Circuit, the county board ignored an assurance that no action would be taken and suddenly distributed and cashed $180,000 in aid for children attending the segregated white private schools.

The clear intent was to get the money spent before the Federal courts could issue a final order against it.

The majority on the Fourth Circuit saw this as "willful removal beyond reach of the court of the subject matter of the litigation." Haynsworth dissented, relying on a technical issue and downplaying the significance of the local defiance *Griffin v. County School Board of Prince Edward County*, 363 F. 2d 206 (1966).

Two more Haynsworth decisions, involving the important question of faculty desegregation, were reversed by the Supreme Court in a 1965 case. In ruling on the desegregation plans of Richmond and Hopewell, Va., Judge Haynsworth refused to require faculty desegregation, in spite of growing recognition in Southern Federal courts that this was an essential part of the desegregation process. He cast the deciding vote in the Richmond case, where the dissenters argued that "as long as there is a strict separation of the races in faculties, schools will remain 'white' and 'Negro,' making student desegregation more difficult . . ." *Bradley v. School Board*, 345 F. 2d 312 (4th Cir. 1965), and *Gilliam v. School Board*, 345 F. 2d 325 (4th Cir. 1965).

The Supreme Court rejected this reasoning, indicating its judgment that faculty integration was related to student integration. Had Judge Haynsworth's position prevailed, the difficulties in implementing successful desegregation would have increased and it would have been easier for school boards to fire black teachers as schools were desegregated.

Once again in 1968, the Supreme Court found it necessary to reverse an important Haynsworth school decision. When the Supreme Court handed down its historic *Green* decision against "freedom of choice," it rejected a leading device for delay repeatedly defended by Judge Haynsworth. "Freedom of choice" is the phrase used by the South to describe an approach to desegregation based on the assumption that local officials have no legal responsibility to end racially separate schools. All they have to do is offer each student a choice of which school he wants to attend once each year.

In practice, because of local pressures, the system generally permits localities to maintain separate schools indefinitely. The constitutional right to an equal education is available only to those families willing to take the risks involved in openly challenging local racial practices. In a study conducted shortly before Haynsworth's free choice decisions, the U.S. Civil Rights Commission found widespread evidence of economic, social, and even physical intimidation of black families exercising their "freedom of choice."

I should say that earlier this month the Civil Rights Commission reaffirmed that finding and stated that the free choice system has encouraged "intimidation and economic retaliation" against families who allow their children to transfer to the white schools.

Although freedom of choice had left the pervasive segregation of the two Virginia counties concerned virtually untouched, Haynsworth clung to a distinction between "desegregation" and "integration" that had been abandoned in the other circuit court.

The level of difficulty in implementing freedom of choice plans is extreme in many areas of the South. Perhaps the great bulk of those that remain still retain segregated schools. There was a hearing held just over a year ago in a Virginia county not far from where Judge Haynsworth's fourth circuit sits. The parents came up and testified that their houses had been shot into, that crosses had been burned in front of their homes, that they had been fired from jobs, denied credit, and so forth.

In casting the decisive vote on two Virginia free choice cases, one of which became the basis for the subsequent Supreme Court decision, Judge Haynsworth spurned the proposal of two members of the five-judge panel that the court find out whether free choice plans actually worked and set firm deadlines for faculty desegregation.

Thus, as recently as two years ago, Haynsworth identified himself as hostile to the claims of black students on the two most important issues then under examination in the development of school desegregation law.

The facts in these two counties were particularly outrageous. Neither county had much residential segregation, but each maintained costly duplicate sets of schools and buses which traveled the same roads to separately pick up white and black students. Neither county had the minimum number of students in either the black or the white high school needed to permit efficient operation and an adequate curriculum. Only a handful of black children had "chosen" to enroll in the white schools.

"The situation presented in the records before us," wrote two of the court's judges, "is so patently wrong that it cries for immediate remedial action, not an inquest to discover what is obvious and undisputed." Judge Haynsworth favored procedural delays. *Bowman* v. *County School Board*, 382 F. 2d 326 (4th Cir. 1967), and *Green* v. *County School Board of New Kent County, Va.*, 382 F. 2d 338 (4th Cir. 1967).

The Supreme Court again found fault with Haynsworth's conclusions. The Court held that State and local governments, responsible for creating and perpetuating separate school systems, were now responsible for dismantling them. "In the context of the State-imposed segregated pattern of long standing, the fact that . . . the Board opened the doors of the former 'white' school to Negro children . . . merely begins, not ends, our inquiry whether the Board has taken steps adequate to abolish its dual, segregated system . . ." Local authorities were ordered by the Supreme Court to take the fastest available route to a unitary system "in which racial discrimination would be eliminated root and branch." 391 U.S. 430 (1968).

Four days after the *Green* decision Judge Haynsworth ruled in the case of *Brewer* v. *The School Board of the City of Norfolk*, even after the Supreme Court had ruled against freedom of choice except in exceptional circumstances, Judge Haynsworth stated his approval of the free choice plan.

"I think freedom of choice," he said, "is highly desirable."

It would be unfair to argue that Judge Haynsworth has been uniformly hostile to the legal rights of black children. He has participated in a number of opinions, mostly unsigned, in which his court upheld settled desegregation law or granted some of the claims of the litigants. In each of the cases that I have criticized there are procedural and technical issues that can be argued. What is striking, however, is the fact that in his few signed opinions and dissents he speaks for those who wish wide latitude for local evasion and narrow construction of the rights of black children.

The technical issues are decided in a way that limits civil rights enforcement. Thus, while he generally favored broad discretion for district judges allowing procedural delays, he overruled a district judge forging new remedies to deal with the extreme local resistance in Prince Edward County. It is remarkable that among his few opinions in this area, three were reversed by the Supreme Court.

Judge Haynsworth's 12 years of service on the fourth circuit have produced a weak civil rights record. This record cannot be explained by local political necessity, like that which generated black criticism of the nominations of Justice Black and Judge Parker. Judge Haynsworth was not running for office, but was expressing his beliefs as a secure and independent judge with lifetime tenure on a high Federal court.

I believe, therefore, that the argument that is often made that because Justice Black's record was different from that which some predicted, because Justice Parker was not as ineffective in implementing the rights of black litigants as most expected, that therefore you can make a generalization from those cases as to Haynsworth's circumstances. I think that there was a very critical difference in the circumstances in which the statements that lead to grave doubts about their ability on a Federal judgeship were made.

A variety of new and difficult civil rights issues will continue to come before the Supreme Court. The Court's essential role is to decide new issues not yet clear in the law and to resolve disputes that have divided the lower courts. As new devices to subvert school desegregation and prevent implementation of other civil rights laws are invented, the Supreme Court will be called on for critically important decisions.

There is exceedingly little in Judge Haynsworth's record to produce confidence in the minds of civil rights litigants. At a time when issues basic to the future of American society will come before the Court, I believe the Senate will fail in its duty if it confirms a judge who has been so tardy in protecting children asking for an elemental constitutional right.

Mr. MURPHY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MURPHY. Do I correctly understand that Professor Orfield is a professor of politics at Princeton University?

Mr. JAVITS. Yes. That is correct.

Mr. MURPHY. I thank the Senator very much.

Mr. METCALF. Mr. President, again I wish to compliment the Senator from New York (Mr. JAVITS) for his analysis of the civil rights cases and for his repetition of some of the statements which he has made. I have read his speech on the civil rights cases and I listened to a part of it. I do not pretend to be an expert in that area. I have served on labor committees in both the Senate and House. I have represented labor unions in the courts. I have also opposed labor unions in the courts. I know a little bit about labor law, and thus, tried to read the cases Judge Haynsworth decided insofar as labor was concerned.

I came to the conclusion that he was behind the times in his decisions regarding various labor questions. I feel that he is even further behind the times—and the Senator from New York has suggested it also—in civil rights cases.

Some of his decisions were made before the Norris-LaGuardia Act. I feel that he has failed to leave behind his representation of textile employers and other employers and has decided cases not in the main line of decisions in labor law.

I tried to outline that proposition. But, that is not the only reason I am against him.

I concur with the Senator from New York and other Senators about his decisions in civil rights cases, although I defer to their judgment on that.

I wish to comment on the ethical situation because it was a matter in controversy today.

One of the canons of judicial ethics provide that a judge's official conduct should be free from impropriety and the appearance of impropriety, that he should avoid infractions of the law in his personal behavior not only upon the bench and in his performance of judicial duties but also in his everyday life he should be beyond reproach.

Now the Senator from Kentucky read the statute and the statute provides that he shall do certain things, and that is in the canon of judicial ethics, that he should avoid infractions of law. But the canons also provide additional things, that he should avoid impropriety. I feel that Judge Haynsworth has failed to avoid impropriety.

I can understand that. I can remember when cases were assigned, such as the Brunswick case, which I have read, and I would have decided it the same way as did Judge Haynsworth, that when it was handed down and decided, perhaps he did not even know that his broker had purchased Brunswick stock for him. But after a lot of labor cases where someone says, "Well, look, I lost that case up there and Judge Haynsworth wrote the opinion and he has stock in the company," that is the kind of avoidance of impropriety that we want to obtain.

Mr. President, I was at the luncheon today for Prime Minister Sato of Japan. In speaking to us, he used an example from the sports world. He said that Japan was like a marathon runner. He had finally pulled into second place, but he was still way behind, back in the pack, and the United States was in first place.

If Senators will pardon me, I should like to use an example from the sports world, too. We all know about Joe Namath, that he had an interest in a nightclub called Bachelors III, and Pete Rozelle, Commissioner of Football, said to him, "Look, Joe, you have got to get rid of that club. We do not think that you have committed any crime or that you have committed any violations of ethics, but you must avoid even the appearance of a violation of ethics."

We all know how easy it is to assume that if one of Joe's passes were intercepted, and later that night Joe were seen talking to one of the Mafia, rumors would be circulated about that football game.

We all remember Paul Hornung when he was suspended for a year——

Mr. MURPHY. Mr. President, will the Senator from Montana yield right there?

Mr. METCALF. May I finish what I was going to say about Paul Hornung first, and then I shall be delighted to yield to the Senator from California.

Mr. MURPHY. I wanted to get one point straight. Did not Joe just open up a new place?

Mr. METCALF. About what?

Mr. MURPHY. Joe Namath—did he not just open up a new place?

Mr. METCALF. Did what?

Mr. MURPHY. I am not trying to give Joe a commercial. I am just asking for information as to whether Joe did not just open up a new place in Boston.

Mr. METCALF. Pete Rozelle said to Joe, "Look, Joe, you have got to get out of that business." Joe did.

What I am trying to develop—and I am not criticizing Joe because I do not think he ever "threw" a pass for anyone. I do not believe that he went into any game except with the complete will to win it.

The same thing with Paul Hornung, if the Senator will allow me another sport analogy. He bet on his own team, but they suspended him for a year.

Professional football could go the way of professional wrestling, and it would not make much difference as far as the people of America are concerned, except for those of us who love the game. But if there is doubt about the integrity of a Supreme Court Justice, it strikes at the very heart of America. That is the ethical question that has come up and has been discussed by the Senator from Maryland and other Senators.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. MURPHY. I did not know that there was any allegation that Judge Haynsworth had been guilty of anything such as the things that Pete Rozelle talked about in these matters. If the Senator will forgive me, I think he is stretching the point a little. I think there has been great confusion in this.

I had something to do with the inception of the Fortas matter a year ago. I had a great deal to do with it. If the Senator will recall, it started with a group of 17 Senators who decided they were not going to vote for the confirmation of the nomination; that the people had had a chance to elect a new executive officer—and they had. We thought at that point it was proper and right that the new Executive should have the right to appoint some judges, because, over the years, the confidence of some people in the court had slipped somewhat.

Many of my constituents thought the Supreme Court had gotten into the area of writing law rather than interpreting law. This feeling was quite widespread.

That was the whole basis of the Fortas matter at that time. Later on, all sorts of things developed.

But I have not heard anything developed in the Haynsworth case that even begins to bear the slightest possibility of comparison. I just wondered if perhaps making a comparison of that case with Pete Rozelle is a little different. I am a lover of football, just as my distinguished colleague is.

Mr. METCALF. I know the Senator is.

Mr. MURPHY. I think I was there when it started. I sat in Walter Camp's lap a few times, and my father was the first professional coach and trainer in America, so I know something about this. I wondered if, in our enthusiasm, one side or the other, pro and against, we were getting a little afield in likening these cases.

It was not anything Joe Namath did; it was because of some of the people who were known to be habitues of that place that might cause some people to wonder about it. It is not the first time it has happened in professional sports.

I have not read all the record. There are 700 pages of it. That is a little too much for me at the end of a day. But I have not found anything in the Haynsworth case that would lead me to believe that there was a parallel to be drawn here.

My distinguished colleague who a few minutes ago quoted a series of cases has, unfortunately, left the Chamber. I am not a lawyer. I have not read all those cases. I do not know all the details of those cases. I doubt if anyone in this Chamber or in the membership of this body has read all those cases.

Mr. METCALF. No; but if the Senator from California will let me have the floor back for a minute——

Mr. MURPHY. I am delighted.

Mr. METCALF. I will tell him that I have read over 100 of Judge Haynsworth's cases.

Mr. MURPHY. I congratulate the Senator.

Mr. METCALF. I did not read the civil rights cases, but I sent over to the Library of Congress, and the Library sent me a list of the citations of labor cases, and I read every one. My office is full of volumes of the Federal Reporter.

Mr. MURPHY. Did the Senator read the full record of the case?

Mr. METCALF. I read the cases, and that is what we decide on, just as Judge Haynsworth decides in labor cases.

Mr. MURPHY. I have had some experience in labor law, too, and I have read some cases. I find that sometimes one has to take the trouble to read all of the details in order to get a full understanding. I know many citations go a certain way. I know the presentations of the lawyers may incline a person one way. But without a full understanding and the effort to digest the entire record, one is apt to make a mistake.

As I read the record, Judge Haynsworth has not been too consistent one way or the other. I had the impression that he found in favor of labor in some cases and opposed to labor in other cases. I may be wrong. I am not a lawyer. That has been the result of my reading.

I have taken too much time of the Senator. I thank him for yielding.

Mr. METCALF. I am delighted. I examined the hearings, and I read a lot of cases. I do not pretend that I read all the cases that the 4th Circuit decided during the 12 years Judge Haynsworth was on the court. I have already acknowledged that I am not an expert in civil rights matters. I read some of the cases on taxation. I do not agree with Judge Haynsworth on them.

I learned, when I was on a court, that two honorable men of integrity and honesty can take a whole list of cases, the same cases and the same precedents, and arrive at different decisions.

Mr. MURPHY. Mr. President, if the Senator will permit me another observation, many years ago I had a dual job. I was concerned with community relations and with public relations. I have had some experience in that field with the Metro-Goldwyn-Mayer studios in Hollywood. I went one day, at the invitation of my friend, former Associate Justice Frank Murphy——

Mr. METCALF. A great judge.

Mr. MURPHY. And I listened to the pleadings before the court. At the end of 2 hours I called a page. Being a kind of movie actor at that time, the page did not know what to do. He did not know whether to come to me or not. But because moving picture actors are kinds of freaks, he did come, and I asked him for a pad of paper. I wrote on one of the sheets, "After listening to all this, I am convinced that 90 percent of the problems of this world are caused by lawyers and public relations men."

We sit here and try to write the law as exactly as we can. We hear Members of the Senate say, "Let us make the language exact. Let us make certain that two honest men will not read the same law, or the same sentence, and completely disagree."

That is one of the problems. It is one of the problems that face us in the particular case that comes before us at this time. We find one colleague saying he wishes the President had withdrawn the nomination. That would have been simple. It would have been easy. It would have been convenient. It would have been comfortable. But it might also have been dishonest. I think the President did the proper thing in not withdrawing the nomination. The President of the United States went over this matter very cautiously and carefully.

I am pleased that the latest polls taken show that the President in office at the present time enjoys possibly the highest popularity and confidence of the people than any President I can recall in late years from either party.

I think the President went over the question carefully and made the selection with all sincerity and honestly thought the nominee was a fair man, a capable man, and a distinguished man. We never heard anything against him until he was nominated, and suddenly all sorts of things come up which seem to hinge more on appearance than substance.

I do not think it is right for us to sit in judgment of the President as to whether he did the right thing or not. Here we have a case which is certainly open to view. Here is the volume. Much has been said on the floor of the Chamber.

The distinguished Senator from New York (Mr. JAVITS) said that he certainly has a right to make up his own mind. So do I. So does the distinguished Senator from Montana. I think we will. But there is so much that must be exposed in order that we may make a just judgment. Certainly bias, one way or the other, should not be the turning point of the decision. I would hope that we will find a Justice to sit on the Court who is as able as is humanly possible to interpret the law as written, and to do so fairly and considerately for all concerned, and to the highest degree possible, without bias.

I thank the distinguished Senator from Montana.

Mr. METCALF. I thank the distinguished Senator from California. I may say to him that I have voted against the confirmation of nominations of persons of my own party. It is not a challenge of the integrity or the popularity of the President. I vote the conscience of the junior Senator from Montana. I am merely trying to explain to the Senator from California why I shall do so.

Initially, I would have voted to confirm the nomination of Judge Haynsworth, until I read the hearings and read the cases. We do not have a Pete Rozelle on the Supreme Court. We do not have someone to judge the ethics of judges. I really do not wish to impugn the integrity of Judge Haynsworth as a circuit court judge. I have tried repeatedly to say that I understand, or I think I understand, some of the things that motivated his conduct. He has let a broker handle some of his affairs. One having this kind of careless disregard or appearance of impropriety should not be elevated to the Supreme Court of the United States. That is all I am trying to say.

I do not agree with my good friend from Colorado that we are destroying the life of this man. I would not want to do that. But he is nominated for the highest Court—a job that requires excellence above and beyond that of the ordinary circuit judge and the ordinary lawyer; and that is the standard that we must require that he meet. That is the standard I am trying to ask him to meet.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. METCALF. I yield to one of the most able and respected lawyers who has ever served in this body, the Senator from Nebraska.

Mr. HRUSKA. I return the compliment. I suggest that the Senator from Montana is an authority in many fields, but there is one in which he is reputed to be particularly well qualified—the field of labor law. He come by that reputation honestly.

It was with some interest that I heard he had sent to the Library of Congress for 100 cases, or thereabouts, and read most of them.

Mr. METCALF. That is correct.

Mr. HRUSKA. I wonder if the Senator recollects, having considered this record well, that when Mr. George Meany was on the stand, he took great exception to the 10 cases which Judge Haynsworth had decided adversely to labor, and he seemed to become obsessed with the idea that Judge Haynsworth was antilabor.

Mr. METCALF. I believe I remember the incident of which the Senator is speaking.

Mr. HRUSKA. I wonder if, in the hundred cases or so the Senator has read in the field of labor decisions, the Senator from Montana was not impressed with the fact and does not consider it noteworthy that, as against the 10 cases referred to by George Meany as having been rendered by Judge Haynsworth against the position of labor unions, there were at least 37 cases in which he sustained the position of the unions.

Mr. METCALF. I read those.

Mr. HRUSKA. As a matter of fact, it would not have been necessary to send over to the Library of Congress for that list of cases; it is on pages 195 and 196 of the hearings record. During a colloquy that was conducted by the Senator from Kentucky (Mr. COOK) there were listed the names and citations of those 37 cases—3.7 times more than the decisions against the unions—decided by Judge Haynsworth in favor of the unions.

Mr. METCALF. Mr. President, let me say to the Senator from Nebraska that most of those cases are cases that every lawyer in this body would have agreed with Judge Haynsworth on. They are the sort that are appealed perfunctorily. The critical cases are the cases where the Supreme Court grants certiorari, and they are argued in the circuit court and taken up to the higher court on appeal.

I am sure the Senator will agree that many of the cases that all of us argue, many of the cases decided in the circuit courts, are cases you do not take any farther, that every one agrees on. I submit these 37 cases were of that type. But I did not rely on Mr. Meany's list of cases, nor did I rely on the Cook-Hruska letter. I asked for all the cases.

Mr. HRUSKA. This list of 37 cases was not given us by Mr. Meany in the testimony. In fact, he denied any knowledge of them, and also said, "They are of no consequence, they were decided in our favor," and in fact he took it for granted they were of no importance as an argument in this case.

Mr. METCALF. And they were not appealed further.

Mr. HRUSKA. They were in a list furnished by the Senator from North Carolina (Mr. ERVIN). He read the list of cases, and in response to a question as to whether or not a case that is not appealed is therefore not important, Mr. Meany said, "Oh, no, that is not right. Even those cases are important."

So I say it is noteworthy——

Mr. METCALF. I do not have to agree with George Meany.

Mr. HRUSKA. It is important to me that there were almost four times as many cases decided in favor of the unions by Judge Haynsworth as were decided against them.

Mr. METCALF. I thank the Senator from Nebraska. As I say, he is one of the ablest lawyers with whom I have been associated in this body, and I regret that I have to disagree with him on this very vital, sensitive, and important matter.

Mr. President, I yield the floor.

SENATOR RANDOLPH SUPPORTS JUDGE HAYNSWORTH NOMINATION

Mr. RANDOLPH. Mr. President, I support the nomination of Judge Clement F. Haynsworth, Jr.

The Judiciary Committee testimony has been given my careful review. And I have studied the debate in the Senate. After doing this over a period of several days, it is my judgment that Judge Haynsworth should be confirmed for Associate Justice of the Supreme Court. My decision results from an earnest consideration of the issues brought into focus during the hearings and further discussed in this Chamber.

Mr. President, I have also weighed the varying opinions of friends and associates who have given me their counsel. The constituents I directly represent as a Senator from West Virginia have provided their points of view. And in a matter of this magnitude I must also rely in great degree on my personal assessment of the pending problem. The decision has been a difficult one and I have tried not to polarize my thinking.

Mr. President, I have asked myself three questions as to the career, the qualifications, and the conscience of Judge Haynsworth. In aswering, I have concluded that the nominee has integrity, he has competence, and he has the objectivity to decide each case on its merits.

It has not been easy for me fully to understand the financial transactions of Judge Haynsworth. I have determined, however, that the material produced against him is not persuasive proof of dishonesty.

There has been understandable concern as to the judicial philosophy of the nominee and of his approach to the vital legal cases which have been brought before him in the fourth judicial circuit, which includes West Virginia. I am very candid in stating that I have not agreed in some of Judge Haynsworth's findings in labor and human rights cases. Nevertheless, I believe that he will, if confirmed by the Senate, be a member of the Supreme Court who will contribute well-reasoned evaluation to all cases coming before him.

Mr. President, in my 11 years in the Senate, I have participated with my voice and my vote in advising and consenting to the nomination of six men who were confirmed for membership on the Supreme Court. In each case I have voted to confirm the nominee. These men are Potter Stewart, Byron White, Arthur Goldberg, Abe Fortas, Thurgood Marshall, and Warren Burger. Each man represented a different personal and judicial philosophy—at times more conservative than mine—at times more liberal than mine.

It is my belief that diversity of opinion and differing viewpoints are wholesome and vital to the life of the Court, as they are to the life of our country.

Mr. President, I am convinced that Judge Haynsworth, if he is confirmed by a majority of Senators on Friday afternoon, will serve as a Supreme Court Justice with fidelity, high purpose, and compassion.

I believe, in approving the choice of the President of the United States, that I am pursuing a course which is right.

Mr. FANNIN. Mr. President, while speaking on the Senate floor last Tuesday, in support of Justice Haynsworth, I did not get a chance to complete the comparison I had begun because of the lateness of the hour and the fact that several other Senators wished to make short insertions in the Record.

I had concluded a recitation of the actions of Judge Haynsworth in relation to his investments in the J. P. Stevens Co., Inc. Judge Haynsworth, while in the private practice of law, had represented the Stevens Co. He also had concluded that he would never be able to properly sit on a case involving Stevens and so had not divested himself of holdings in that company and had excused himself in any cases involving Stevens coming before his court.

That is certainly a proper action to take. I think it indicates the meticulous attention to fairness which he has given to these matters over the years. It should be pointed out that Judge Haynsworth has gone far beyond the standards which Supreme Court Justices have set for themselves in these cases. I refer specifically to former Justice Arthur Goldberg. First I would like to note there is "as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." In reference to Union Corp., 292 F. 2d 381, 391 (1st cir. 1961), certiorari denied, 368 U.S. 927 (1961).

Justice Goldberg's record in the Supreme Court itself illustrates that judges have an obligation to decide cases, even though those cases sometimes involve interests with which the judge has been associated.

Justice Goldberg, who took his seat on October 1, 1962, and resigned on July 26, 1965, came to the Supreme Court as a partisan of labor. He had served as legal counsel to various unions, particularly the AFL–CIO. Immediately prior to his appointment to the Supreme Court he had been Secretary of Labor.

During his tenure on the Court Justice Goldberg sat in 29 of the 44 labor cases decided. This does not include those labor cases where petitions for certiorari were denied by the court. He sat in seven cases in which AFL–CIO unions were parties. He also sat in nine cases in which the AFL–CIO had an indirect, but significant, interest in the outcome.

He sat on four cases where the AFL–CIO had filed an amicus curiae brief.

Justice Goldberg wrote the opinion in the landmark case of *NLRB* v. *Metropolitan Life Ins. Co.* (1965) 380 US 438. This case involved the Insurance Workers International Union, an AFL–CIO affiliate union. This decision was adverse to Metropolitan Life Insurance Co.

This is not to suggest impropriety on the part of Justice Goldberg. It merely illustrates that judges do not live in a vacuum, and cannot disqualify themselves every time a case comes before them which involves, however, indirectly, an interest with which they may be identified.

Mr. President, I ask unanimous consent to insert in the Record information pertaining to Mr. Goldberg and his association with organized labor cases.

I also ask unanimous consent to have printed in the Record a statement entitled "Participation of Justice Marshall in Racial Discrimination Cases."

There being no objection, the statements were ordered to be printed in the Record, as follows:

Arthur Goldberg

General Counsel, CIO 1948–1955. United Steelworkers of America, 1948–1961. General Counsel, Industrial Unions Department, AFL–CIO 1955–1961.

PARTICIPATION IN LABOR CASES WHILE ASSOCIATE JUSTICE, U.S. SUPREME COURT

Justice Goldberg sat in 29 labor cases in which opinions were handed down.

Justice Goldberg sat in 7 labor cases in which AFL–CIO union was a party.

Local Union No. 189, Amalgamated Meat Cutters, AFL–CIO v. Jewel Tea Company, 381 U.S. 676.

Local Union No. 721, United Packinghouse Food & Allied Workers, AFL–CIO v. Needham 376 U.S. 247.

Radio & Television Broadcast Technicians Union 1264, International Brotherhood of Electrical Workers, AFL–CIO V. Broadcast Service of Mobile, Inc. 380 U.S. 253.

Calhoun, President or Peters, Secretary-Treasurer of District No. 1, National Marine Engineers' Beneficial Association, AFL–CIO v. Harvey 379 U.S. 134.

Local No. 438, Construction & General Laborers' Union, AFL–CIO v. Curry & Co. 371 U.S. 542.

International Association of Machinists, AFL–CIO v. Central Airlines 372 U.S. 682.

NLRB v. Eire Resistor Corp, and international Union of Electrical, Radio, & Machine Workers, Local 613, AFL–CIO 373 U.S. 221.

Justice Goldberg sat in 5 labor cases in which an AFL–CIO union was an interested party, although not a party to the action.

NLRB v. Metropolitan Insurance Co. [Insurance Workers International Union, AFL–CIO] 380 U.S. 438 (Mr. Justice Goldberg wrote the opinion).

Boire v. Greyhound Corp. [Street, Electric Railway and Motor Coach Employees, AFL–CIO] 376 U.S. 473.

Liner v. Jafco Co. Inc. [Chattanooga Building Trades Council, AFL (two member unions are parties] 375 U.S. 301.

NLRB v. Exchange Parts [International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, AFL–CIO] 375 U.S. 405.

NLRB v. Reliance Fuel Oil Corp. [Local 355, Retail, Wholesale and Department store unions, AFL–CIO] 371 U.S. 224.

Justice Goldberg sat in 4 cases in which the AFL–CIO filed briefs as amicus curiae.

American Ship Building v. NLRB 380 U.S. 300.

Republic Steel v. Maddox 379 U.S. 650.

NLRB v. Fruit Packers 377 U.S. 58.

Division 1287, Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America v. Missouri 374 U.S. 74.

Justice Goldberg sat in 13 other labor law cases.

Ex Parte George 371 U.S. 72.

Los Angeles Meat & Provision Drivers Union v. United States 371 U.S. 94.

Burlington Truck Lines, Inc. v. United States 371 U.S. 156.

Smith v. Evening News Association 371 U.S. 195.

General Drivers, Warehousemen & Helpers, Local No. 89. v. Riss & Co., Inc. 372 U.S. 517.

Brotherhood of Locomotive Engineers v. Louisville & Nashville Railroad Co. 373 U.S. 33.

NLRB v. Servette 377 U.S. 46.

Hattiesburg Building and Trade Council v. Broome 377 U.S. 126.

Local 20, Teamsters, Chauffeurs and Helpers Union v. Morton 377 U.S. 252.

NLRB v. Burnup & Sims 379 U.S. 21.

NLRB v. Brown 380 U.S. 278.

Minnesota Mining v. New Jersey Wood Finishing Co. 381 U.S. 311.

United Mine Workers v. Pennington 381 U.S. 657.

Following is an expansion of the issues involved and notation of the opinion writers in some of the previously listed cases:

NLRB v. Brown, 380 US 278—affirmed 319 F. 2d 7; Brennan wrote opinion; Goldberg & Warren concur; White dissent. Lockout of employees did not violate 8(a)(3) since no hostile motive.

American Ship Building v. NLRB, 380 US 300—reversed 331 F. 2d 839: Stewart wrote opinion; White concur; Goldberg (Warren joins) concur. After impasse in negotiations, employer may shut down his plant for purpose of applying economic pressure.

Radio & Television Broadcast Local Union, International Brotherhood of Electrical Workers v. Broadcast Service of Mobile, Inc., 380 US 255—reversed 159 So. 2d 452. Per curiam.

Russ v. Southern Railway Co., 380 US 938—(cert. denied): Goldberg of opinion that cert. should have been granted.

Republic Steel v. Maddox, 379 US 650—reversed 158 So. 2d 492: Harlan wrote opinion; Black dissented. Required exhaustion of administrative remedies.

Calhoun v Harvey, National Marine Engineers' Beneficial Assn., AFL–CIO v. Harvey, 379 US 134—reversed 324 F. 2d 486: Black wrote opinion; Stewart & Harlan concur. Requirements for nomination for union office governed by 401(e) of Act.

Amer. Federation of Musicians v. Wittstein, 379 US 171—reversed 326 F. 2d 26: White wrote opinion; Goldberg & Warren took no part. Weighted voting system permitted by 101(a)(3)(B) of Act.

Liner v. Jafco, Inc., 375 US 301: Brennan wrote opinion; Chattanooga Building Trades Council (AFL). State had no jurisdiction to enjoin labor dispute.

Humphrey v. Moore, 375 US 335—reversed 356 SW 2d 241: White wrote opinion; Goldberg (joined by Douglas and Brennan) concur; Harlan concurs and dissents in part. General Drivers, Warehousemen, & Helpers Union. Decision of Committee under collective bargaining agreement determining employers' seniority right is binding on the parties.

Carey, International Union of Electrical, Radio & Machine Workers, AFL–CIO, v. Westinghouse, 375 US 267—reversed 184 NE 2d 298: Douglas wrote opinion; Harlan concurs; Black and Clark dissent; Goldberg took no part in decision. Where labor dispute which involved work assignments is not considered exclusively within the jurisdiction of the Board, and arbitrational procedure set forth in the colective bargaining agreement in not barred.

Retail Clerks, AFL–CIO v. Schermerhorn, 375 US 96—aff 141 So. 2d: Douglas wrote opinion; Goldberg took no part in decision. A state court has jurisdiction to enforce the state's prohibition of an "agency shop" clause in an executed collective bargaining agreement.

NLRB v. Exchange Parts, 375 U.S. 405—reversed 304 F. 2d 368: Harlan wrote opinion. Employer's conferral of economic benefits on employees to induce vote against union violated NLRA.

Participation of Justice Goldberg in Labor Cases

United Mine Workers v. Pennington, 381 US 657-reversed 325 F. 2d 804: White wrote opinion; Douglas, Black, Clark concur; Goldberg dissent (see Meat Cutters).

An agreement between union and large operators to secure uniform labor standards throughout the industry would not be exempt from the antitrust laws.

Local Union. No. 189, Amalgamated Meat Cutters (AFL–CIO) v. Jewel Tea Co., 381 US 676-reversed 331 F. 2d 547: White (Warren & Brennan join) wrote opinion; Goldberg (joined by Harlan & Stewart) dissenting from opinion but concurs in result. Whether a proposed bargaining subject is a term or condition of employment is not within the exclusive primary jurisdiction of NLRB.

Minnesota Mining v. New Jersey Wood Finishing Co., 381 US 311- aff. 332 F. 2d 346: Clark wrote opinion; Black dissent; Goldberg dissent; Harlan & Stewart did not participate. Section 5 (a) & (b) of Clayton Act.

NLRB v. Metropolitan Ins. Co. (Insurance International Union), 380 US 438—vacated 327 F. 2d 906: Goldberg wrote opinion; Douglas dissent. Extent of union organization is not controlling factor in determining the appropriate bargaining unit.

Textile Workers v. Darlington, 380 US 263: Goldberg & Stewart took no part in decision.

NLRB v. Fruit Packers, 377 US 58—vacated 308 F. 2d 311: Brennan wrote opinion; Black concur; Harlan (joined by Stewart) dissenting; Douglas took no part in decision. Peaceful secondary boycott not barred.

NLRB v. Servette, 377 US 46—reversed 310 F. 2d 659: Brennan wrote opinion. Wholesale Delivery and Salesman Union involved. Union's distribution of handbills to advise the public that an employer is handling products of a struck distributor is not prohibited by the Act.

Boire v. Greyhound Corp., 376 US 473—reversed 309 F. 2d 397: Stewart wrote opinion; Douglas dissenting. Street, Electric Railway and Motor Coach Employees (AFL–CIO) involved Order of Board in certification proceedings under § 9(c) for election by employees of joint employers is not a final order and thus not reviewable.

John Wiley & Sons v. Livingston, 376 US 543—aff 313 F. 2d 52: Harlan wrote opinion; Goldberg took no part in decision. Wholesale and Department Store Union (AFL–CIO). Merger does not automatically destroy rights of employee under collective bargaining agreement.

Packinghouse Workers v. Needham, 376 US 247—reversed 119 NW 2d 141: Harlan wrote. Food and Allied Workers (AFL–CIO). Union's breach of no-strike clause in agreement did not relieve employer of duty to arbitrate.

Steelworkers v. NLRB, 376 US 492—reversed 311 F. 2d 135: White wrote opinion; Douglas concur; Goldberg took no part in decision. Primary picketing includes right to picket entrance gate.

Fibreboard Paper Products v. NLRB, 379 US 203 -aff 322 F. 2d 411: Warren wrote opinion; Stewart (joined by Douglas & Harlan); Goldberg took no part. Union involved was United Steel Workers. Contracting out to an independent contractor of maintenance work which replace employees in bargaining unit is a statutory subject of collective bargaining under 8(d) of Act.

NLRB v. Burnup & Sims, 379 US 21—reversed 322 F. 2d 57: Douglas wrote opinion; Harlan concurs & dissents in part. Discharge of employees in good faith for alleged misconduct while soliciting for union is unfair labor practice.

Railway Labor Executives' Assn. v. U.S., 379 US 199: Per curiam.

Arrow Co. v. Cincinnati Railway et al, 379 US 642: Per curiam.

Parden v. Terminal R. Co., 377 US 184—reversed 311 F. 2d 727; Brennan wrote opinion; White Joined by Douglas, Harlan, Stewart). Operation of state-owned railroad in interstate commerce constituted a waiver of state's sovereign immunity and consent to suit under FELA.

Hattiesburg Trades v. Broome, 377 US 26: Per curiam.

Teamsters Union v. Morton, 377 US 252—vacated 320 F. 2d 505: Stewart wrote opinion; Goldberg concurred. Secondary boycott unlawful.

Participation of Justice Goldberg in Labor Cases

Ex parte George 371 U.S. 72: Per Curiam; Unions involved: National Maritime Union; Oil, Chemical and Atomic Workers International Union. Decision favored NMU. NMU official's picketing was arguable protected by § 7 of NLRA and state court was without jurisdiction to enjoin.

Los Angeles Meat & Provision Drivers Union v. United States 371 U.S. 9: Opinion by Stewart; *Goldberg* with Brennan concurring; Douglas dissent Decision against LAMPDU. Union ordered to stop violations of § 1 of Sherman act and to expel from membership all self-employed contractors who had joined union with purpose to eliminate competition. (Goldberg: agree because no countervailing union interest in retaining self-employed in union.)

Burlington Truck Lines, Inc. v. United States 371 U.S. 156: Opinion by White; Black concurring and dissenting in part; Clark concurring; *Goldberg* with Warren, Douglas, Brennan, concurring. ICC erred in granting interstate license to local truckers where needs of commerce were not being met solely because of temporary interruptions caused by labor dispute. (Goldberg: Cease-and-desist order would be appropriate remedy to avoid encroaching NLRB jurisdiction or rights and duties of parties). Union: Teamsters

Smith v. Evening News Association 371 U.S. 195: Opinion by White; Black dissenting. State court has jurisdiction of action by employee against employer seeking damages for breach of collective bargaining agreement between employer and employee's union, even though the employer's conduct was also unfair labor practice. Union involved: Newspaper guild of Detroit.

NLRB v. Reliance Fuel Oil Corp. 371 U.S. 224: Per Curiam; Black concurs in result. Reliance a local distributor of fuel oil purchased a substantial amount of fuel oil and related products from a supplier who had imported them from outside the state and who was concededly engaged in interstate commerce. Therefore Reliance's activities "affected commerce" and it was within the jurisdiction of the NLRB which had found various unfair labor practices.

Local No. 438, Construction & General Laborers' Union, AFL–CIO v. Curr 371 U.S. 54: Opinion by White; Harlan concurring in result. State Court was without jurisdiction to issue temporary injunction against picketing of unions where facts show that there was at least an arguable violation of § 8(a) of NLRA so as to vest exclusive jurisdiction in NLRB.

Incres Steamship Co. Ltd. v. International Maritime Workers Union 372 U.S. 24: Justice Goldberg did not participate.

Gallick v. Baltimore & Ohio R.R. Co. 372 U.S. 108: Opinion by White; Harlan dissents; Stewart and Goldberg dissent. FELA case. Held: State appellate court invaded province of jury, judgment for employee should be affirmed. (Goldberg: Because of inconsistencies in the verdict, a new trial should be given).

Harrison v. Missouri Pacific Railroad Co. 372 U.S. 248: Per Curiam: There was evidence to support the jury's verdict for the employee in the FELA case and judge's entering of judgment notwithstanding the verdict was improper.

Brotherhood of Locomotive Engineers v. Baltimore & Ohio Railroad Co. 372 U.S. 284: Justice Goldberg did not participate. Unions involved were Bro. of Locomotive engineers, Bro. of Locomotive Firemen and engineers, Order of Railway Conductors and Brakemen, Bro. of Railroad trainmen, and Switchmen's Union of North America.

General Drivers, Warehousemen & Helpers, Local No. 89 v. Riss & Co., Inc. 372 U.S. 517: Per Curiam. A decision as to whether a ruling made by the Joint Area Cartage Committee was "final and binding" under the collective bargaining agreement so as to vest jurisdiction in the Federal District Court under § 301 of the LMRA should not have been made on the pleadings alone. Therefore trial court erred in dismissing for lack of jurisdiction.

International Association of Machinists, AFL–CIO v. Central Airlines 372 U.S. 682: Opinion by White. A suit to enforce an award of an airline system board of adjustment (in favor of the union) is a suit arising under the laws of the United States under 28 U.S.C. § 1331 or a suit arising under a law regulating commerce under 28 U.S.C. § 1337.

Basham v. Pennsylvania Railroad Co. 372 U.S. 699: Per Curiam. There was evidence to support the jury's verdict for the employee in this case under FELA. (Harlan dissenting).

Brotherhood of Locomotive Engineers v. *Louisville & Nashville RR Co.* 373 U.S. 33: Opinion by Stewart, Black Dissented, *Goldberg*, with Douglas dissenting. Held: Under the Railway Labor Act, the union could not legally strike for the purpose of enforcing its interpetation of the National Railroad Adjustment Board's money award; the union must utilize the judicial enforcement procedure provided by the act; and therefore the District Court properly enjoined the threatened strike. (Goldberg: I cannot believe that Congress intended that the statute operate in a way which creates such an unfair imbalance, if not outright clear advantage in favor of the carrier and against the employee and his union. The Court's result here means that on all coney claims, the award of the Board is final and binding and not subject to further review or challenge if the claimant loses, but it is subject to de novo review and trial at the sole behest of the employer, if the employer loses.)

NLRB v. Eire Resistor Corp. 373 U.S. 221: Opinion by White, Harlan concurring. Even in absence of a finding of specific illegal intent and notwithstanding the employers' claim that his action was necessary to continue his operations during a strike, the NRLB was justified in finding that it was a violation of § 8(a) of the NLRA for the employer to discriminate between employees who struck and employees who worked during a strike by awarding an additional seniority credit to replacement of strikers and to those who returned to work before end of strike.

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees v. Allen 373 U.S. 113: Justice Goldberg did not participate. AFL–CIO as amicus curiae.

Reed v. The Yaka 373 U.S. 410: Opinion by Black; Harlan, with Stewart Dissenting. Employee was not barred by the Harbor Workers' Compensation Act from relying on the corporation's liability as a shipowner pro hac vice for the ship's unseaworthiness in order to support his libel in rem against the ship.

Local 100, United Association of Journeymen & Apprentices v. Borden 373 U.S. 690: Justice Goldberg did not participate. AFL–CIO as amicus curiae.

Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, v. Perko 373 U.S. 701: Justice Goldberg did not participate. AFL–CIO as amicus curiae.

NLRB v. General Motors Corp. 373 U.S. 734; Justice Goldberg did not participate. AFL–CIO as amicus curiae.

Retail Clerks International Association, Local 1625, AFL–CIO v. Shermerhorn 373 U.S. 746; Justice Goldberg did not participate. AFL–CIO as amicus curiae.

Division 1287, Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America v. Missouri 374 U.S. 74: Opinion by Stewart. AFL–CIO as amicus curiae. Proceeding under a Missouri statute, the Governor of Missouri proclaimed that the public interest, health, and welfare were jeopardized by a threatened strike against a public transit company and issued executive orders taking possession of the company and directing that it continue operations. The state court enjoined the strike. Held; the state's involvement in the company fell far short of creating a state owned and operated utility whose labor relations are excluded from the coverage of the NLRA. The state statute is in conflict with the NLRA and cannot stand under the Supremacy clause.

Participation of Justice Marshall in Racial Discrimination Cases

Coleman v. Alabama [exclusion of Negroes from jury] 389 U.S. 22.

Jones v. Georgia [exclusion of Negroes from jury] 389 U.S. 24.

Sims v. Georgia [exclusion of Negroes from jury] 389 U.S. 404.

Lee v. Washington [racial discrimination in prisons] 390 U.S. 333.

Green v. County School Board of New Kent County [school desegregation] 391 U.S. 430.

Raney v. Board of Education of the Gould School District [school desegregation] 391 U.S. 443.

Monroe v. Board of Commissioners of the City of Jackson [school desegregation] 391 U.S. 450.

Jones v. Mayer Co. [racial discrimination in housing] 392 U.S. 409.

Hunter v. Erickson [fair housing ordinance] 393 U.S. 385.

Gregory v. Chicago [civil rights demonstration] 394 U.S. 111.

Daniel v. Paul [racial discrimination in private clubs] 395 U.S. 298.

Mr. FANNIN. Mr. President, today the Indianapolis Star printed a most cogent editorial which pertains to the matter before the Senate.

This editorial analyzes the problem and gives recognition to the contribution many of my colleagues have made to this debate.

The writer of this editorial makes the same point, in regard to the testimony of Union Attorney John Bolt Culbertson, which I made on Tuesday. His integrity is above the question of an admitted adversary.

I ask unanimous consent that the editorial to which I have referred from this great Indiana newspaper be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Absolutely Honest

Earlier this week, Senator William B. Spong, Jr. (D-Va.), announced his intention to vote for confirmation of President Nixon's nomination of Judge Clement F. Haynsworth, Jr. to the Supreme Court.

Senator Spong, previously undecided on the issue, told the Senate questions concerning Haynsworth's ethics because of his sitting on cases involving companies in which he had a financial interest had not been substantiated.

At the same time, Representative David W. Dennis (R-Ind.) released a statement citing testimony before the Senate Judiciary Committee by John Bolt Culbertson, a South Carolina lawyer and long-time member of Americans for Democratic Action who has been acquainted with Haynsworth for 30 years. According to Dennis' statement, Culbertson testified concerning Haynsworth: "He is absolutely honest. He has impeccable integrity. He is a man whose word I would believe about anything."

In his statement, Representative Dennis says: "In contrast to such positive endorsements, Judge Haynsworth's detractors never venture to say that he is dishonest. They speak vaguely and slurringly about 'suspicion' or 'appearance' of impropriety. This is a typical tactic of those who have no convincing facts."

During the current Senate debate on Haynsworth's nomination, another previously undecided senator, Senator Winston L. Prouty (R-Vt.) said: "The blizzard of accusations against Judge Haynsworth melts quickly under close scrutiny." He termed the opposition to Haynsworth, "more on political grounds than ethical grounds and more emotional than reasoned."

True. It should be understood, however, that those pitted against Haynsworth's confirmation, motivated by dogmatic persuasions and ideologies of the most compelling kind, have been engaged in a tireless propaganda campaign that they are determined to put across by any means whatever.

By constant repetition of sly aspersions and innuendo, they have successfully contrived a thesis, imaginary as it is, that "public confidence in the Supreme Court would be adversely affected" by seating Haynsworth. And, though totally lacking in substance, this fabrication has so insinuated itself into the minds of a member of senators and has made such inroads on the public thought that the nation stands a fair chance of being denied the services of a thoroughly reputable, eminently qualified jurist simply because he is a good man.

That is exactly Haynsworth's trouble. He is a good man. He is a hard worker. He has paid attention to business and become an expert in his field. He has been thrifty and invested his savings wisely. His judicial decisions reflect a devotion to the law, never to preconceived notions. His avocations are simple and harmless. He is a thoroughly decent, respectable person. He represents those virtues that are properly thought to be typically American.

But that is precisely the kind of person his detractors shudder to think of on the high court where his voice may be counted on to be heard on the side of justice, fair dealing, common sense and a treatment of issues based on a well-defined system of ethics.

Over the last 30 years, various liberal and leftwing groups markedly a minority of the American people but closely united and able to lobby in commanding, articulate terms, have been outstandingly successful in securing a majority of justices on the Supreme Court on which they could depend to dispense justice to a very large extent as they thought right and proper. To these groups Haynsworth represents a threat of the first water, one to be eliminated by any means at their disposal.

Mr. FANNIN. Mr. President, I again express my support of Judge Haynsworth's nomination.

HAYNSWORTH'S CRIMINAL DECISIONS

Mr. DOLE. Mr. President, I have previously announced my position with reference to Judge Haynsworth, and that I intend to vote for his confirmation. I have felt for some time that perhaps those of us who support Judge Haynsworth have perhaps been too long on the defensive and not enough on the offensive; and I wish to point out very briefly some of the areas where I believe Judge Haynsworth has been a trailblazer and a pacesetter.

First of all, I think one illustration of Judge Haynsworth's evenhanded, constructive and unbiased approach to the law is his treatment of the law of criminal procedure. I point out, for anyone who may be interested, that most of this material is set forth with great detail in the statement by Prof. Charles Wright, who for 20 years has been a scholar with reference to Federal cases, who has followed the career of Judge Haynsworth very carefully—he is now a law professor at the University of Texas—and whose testimony is set forth in great detail starting on page 591 of the record of the hearings. That is where most of my material was garnered.

He states:

> Judge Haynsworth has been in the vanguard, often ahead of the Supreme Court, in protecting persons accused of a crime against any tilting of the scales of justice that might lead to the conviction of an innocent man. At the same time he has been reluctant to set free a person who is undoubtedly guilty because of some minor imperfection. . . .

Let me give illustrations of several cases that support this conclusion.

Judge Haynsworth has done much to make the writ of habeas corpus freely available to those who claim they have been denied their constitutional rights. Professor Wright cites specifically the case of *Rowe* v. *Peyton*, 383 F. 2d 709 (4th Cir. 1967), aff'd 391 U.S. 54 (1968) the fourth circuit was asked to consider the vitality of the 1934 Supreme Court decision, McNally against Hill, which precluded a habeas corpus action against a consecutive sentence to be served in the future.

In other words, under that decision, a prisoner had to wait until he had served one sentence, and then served another sentence and perhaps a third, before they would hear a petition for a writ of habeas corpus. In a scholarly opinion, Judge Haynsworth correctly anticipated that the Supreme Court would no longer follow its earlier precedent. In addition to displaying the judge's scholarship, the opinion exemplifies Judge Haynsworth's ability to predict changes in doctrine and to create just solutions to problems in an area of traditional judicial cognizance. Judge Haynsworth emphasized that it was to the advantage of both the defendant and the State to have a present remedy to test the validity of future sentences.

I read the following quotation from the opinion written by Judge Haynsworth to illustrate that he is a forward-looking man, that he is admirably fitted for the job, and that he is a scholar.

He stated:

> The problem we face simply did not exist in the Seventeenth Century. Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a Seventeenth Century technical conception which had no relation to the context in which today's problem arises. (at 713)

He also states, in the same opinion:

> It is to the great interest of the Commonwealth and to the prisoner to have these matters determined as soon as possible when there is the greatest liklihood the truth of the matter may be established. Justice delayed for want of a procedural, remedial device over a period of years is, indeed, justice denied to the prisoner and, in an even larger degree, to Virginia. (at 715)
>
> The law today abhors a right without a remedy just as the common law did. The genius of the common law was the improvisation of remedies to obtain adjudication of substantive rights. * * * Our recitation of its history discloses that the writ of habeas corpus has not been a static thing. There is nothing in that history to suggest that it should be restricted to the need of a much earlier time. (at 716–17)

In *United States* v. *Chandler*, 393 F. 2d 920 (1968), the fourth circuit sat en banc to consider the appropriate test to govern the defense of insanity, and thus to determine criminal responsibility. After surveying the growth of the insanity doctrine in England and the United States, Judge Haynsworth concluded that the recent standards formulated by the American Law Institute constituted the best expression of such a test, stating:

> Endorsement of the American Law Institute formula solves some problems. It is an advance toward the avoidance of retributive incarceration of those not morally responsible for their conduct and toward assuring for them institutional care with psychiatric and related services. (at 928)
>
> With appropriate balance between cognition and volition, it demands an unrestricted inquiry into the whole personality of a defendant who surmounts the threshold question of his responsibility. (at 926)

The opinion written by Judge Haynsworth declined, however, to "fall into the egregious error of the last century" by mandating that a trial judge instruct the jury on the issue of mental responsibility in any set or specific terms. The opinion expressly permits judges to depart from the ALI formula in particular cases deemed appropriate and thus leaves room for constructive innovation and improvement, stating:

> For the present, however, we move within the existing framework of the law with awareness that no judicial response to the problem today is perfect and need not endure beyond the availability of more acceptable solutions. (at 928)
>
> We should not prescribe for invariable use a form of words which may be less appropriate than another in the light of the testimony in a particular case and which might tend to live on long after more rational solutions have been uncovered. (at 927)

Observing that Federal statutes provide for civil commitment in the case of a defendant acquitted because of insanity only in the District of Columbia, Judge Haynsworth urged Congress to enact legislation providing for a similar system for the Federal courts generally. Judge Haynsworth's opinion clearly represents a valuable contribution to the law in this field, and puts to rest any doubts as to the judge's capacity for creative legal thinking, combined with a high degree of scholarship.

In *Hayden* v. *Warden*, 363 F. 2d 647, 657 (4th Cir. 1966), reversed, 387 U.S. 294 (1967), the majority held that the defendant's State court conviction for robbery with a deadly weapon had to be reversed because the prosecution had introduced into evidence articles of clothing worn by the defendant during the crime. The court relied upon early Supreme Court decisions holding that items of evidential value only, as opposed to the instrumentalities of a crime, could not be the subject of a valid search and seizure under the fourth amendment.

On petition for rehearing en banc Judge Haynsworth, who did not sit on the original panel which decided this case, wrote a separate opinion joining the other members of the court in denying the petition. There Judge Haynsworth indicated his disagreement with the majority of the court in its adherence to the old rule that "mere evidence" may not be the object of a lawful search, and the Supreme Court, in reversing the decision, agreed with him.

Judge Haynsworth reasoned that practical considerations of law enforcement dictated a "stretching" of the term "instrumentalities" to include articles of clothing seized in the course of a reasonable search. As a practical matter, the "mere evidence" rule was a needless hobble on the police while at the same time it gave no substantial protection to the right of the people to be secure from unreasonable searches. Judge Haynsworth stated:

> With the amendment's proscription of unreasonable searches and unreasonable seizures in mind, I can find nothing in what the Supreme Court has done and said that requires the rejection from evidence of these articles of clothing reasonably seized in the course of a search, which, concededly, was reasonable and lawful. We are not instructed to apply the underlying rule of reasonableness in an unreasonable manner. (658)

Again, in my opinion, and in the opinion, I might add, of Professor Wright, this case illustrates Judge Haynsworth's ability to recognize, based upon the application of reason and society's experience, rules of law which no longer serve a justifiable function today. Judge Haynsworth's practical approach also reveals his recognition of the importance of law enforcement to all parts of society. As Professor Wright stated:

> It is not a game in which the police are to be called "out" for failure to touch every base.

This aspect of Judge Haynsworth's judicial philosophy is illustrated by his deference to the factual conclusions of a jury or trial judge, who have heard the actual testimony and weighted the credibility of witnesses. While demonstrating a sensitivity to the need for fundamental fairness in criminal procedure, Judge Haynsworth is not one who favors release of the guilty on technical and insubstantial grounds. In *Outing* v. *North Carolina*, 383 F. 2d 892 (4th Cir. 1967) Judge Haynsworth stated:

> The ultimate inference was initially for the District Judge to draw. His ultimate finding is not clearly erroneous as an inference of fact, and it was uninfluenced by any erroneous view of the law. It, as well as the subsidiary findings of fact, was made by the District Judge after observing the witnesses. Since that ultimate inference of voluntariness was a permissible inference, we accept it. (at 896).

Then there is another field I think holds some promise and some hope, and should demonstrate to those who have not made up their minds that we have here a forward-looking nominee for this office. These two final opinions of Judge Haynsworth are noteworthy principally because of the insight which they give into the Judge's substantive views. The Supreme Court has been criticized for failure to state and apply a definition of obscenity which would, in practice, give society some measure of protection against patently offensive publications. Judge Haynsworth has not felt himself so hobbled. In *United States* v. *392 Copies of Magazine Entitled "Exclusive,"* 373 F. 2d 633 (4th Cir. 1967) Judge Haynsworth wrote the opinion holding a variety of magazines to be obscene and thus properly seized by customs officials, stating:

> *Exclusive* is a collection of photographs of young women. In most of them, long stockings and garter belts are employed to frame the pubic area and to focus attention upon it. A suggestion of masochism is sought by the use in many of the pictures of chains binding the model's wrists and ankles. Some of the seated models, squarely facing the camera, have their knees and legs widespread in order to reveal the genital area in its entirety. * * * We agree with the District Court that these apparently unretouched pictures of young women, posed as they are, are patently offensive and that the Magazine *Exclusive* is obscene. (at 634)

Similarly in *United States* v. *56 Cartons Containing 19,500 Copies of "Hellenic Sun"*, 373 F. 2d 635 (4th Cir. 1967) Judge Haynsworth's opinion found that the procedures set forth in the Federal customs laws for reviewing potentially obscene materials were not constitutionally deficient as a prior restraint on expression, since the statutory scheme called for a prompt administrative resolution of the obscenity question. Dealing with the specific material at hand, the opinion found that the magazines were devoted to pictures of male nudes, with the camera's interest languished on the genitals, and had a prurient appeal to male homosexuals. Judge Haynsworth deemed the magazines obscene under the Supreme Court's prevailing standards, notwithstanding the presence of innocuous articles in the magazines concerning various aspects of nudism, which articles the judge termed merely "fillers." The opinion stated:

> In the composition of the photographs, the genitals of the models are the focal points of the pictures. * * * Raw in the extreme, and with no redeeming attribute, the normal male, if Dr. Kinsey will permit us to retain a belief there is such a thing, can view them only with revulsion. * * * Other evidence was introduced which indicated that the importer intended to distribute the magazine among male homosexuals. * * * On this showing and for the reasons carefully discussed by the District Court, we hesitatingly affirm its conclusion that these magazines are obscene. (at 640)

The Supreme Court reversed Judge Haynsworth's decisions in both "Exclusive" and "Hellenic Sun", 389 U.S. 47, 389 U.S. 50, in *per curiam* decisions citing *Redrup* v. *State of New York*, 386 U.S. 767 (1967). In Redrup the Supreme Court, with Justices Harlan and Clark dissenting, the majority acknowledged that the Supreme Court was completely fragmented and divided on the issue of obscenity, stating:

> Two members of the Court have consistently adhered to the view that a State is utterly without power to suppress, control, or punish the distribution of any writings or pictures upon the ground of their "obscenity." A third has held to the opinion that a State's power in this area is narrowly limited to a distinct and clearly identifiable class of material. Others have subscribed to a not dissimilar standard, holding that a State may not constitutionally inhibit the distribution of literary material as obscene unless "(a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters;

> and (c) the material is utterly without redeeming social value." * * * Another Justice has not viewed the "social value" element as an independent factor in the judgment of obscenity. (386 U.S. at 770–71)

I am certain that there are many who feel, as I do, that Judge Haynsworth's scholarly, perceptive decisions, attuned as they are to the present needs of society, clearly indicate the valuable contribution which Judge Haynsworth would make as a Justice of the Supreme Court.

Mr. MATHIAS. Mr. President, one can envy Saul as he traveled the road to Damascus for many reasons, but at this moment I am particularly jealous of the way in which his "decision" was made—in a single, brilliant flash of light. Ever since the President sent to the Senate the nomination of Clement F. Haynsworth, Jr., to be a Justice of the Supreme Court, I have been hoping to find the road to Damascus. Since the way is not in sight, all of us have had to rely instead on a grinding, detailed, intensive personal study of the extensive background and the unfolding developments. It has been one of the most difficult decisions I have been called upon to make during 9 years of service in the Congress.

It is of some value to examine the history of the Senate with regard to such nominations. There has been a suggestion from time to time that active debate over a Supreme Court nomination in some way violates the unwritten law and is unpatriotic if not downright disloyal. History rebuts this charge.

There have been some 133 nominations to the Supreme Court since the adoption of the Constitution. Of these, about 31 have been rejected, withdrawn, or expired. Many of the others were confirmed by rollcall votes in which the Senate divided after discussion and controversy on and off the record. Only a minority of nominations have received unanimous consent without the formality of a rollcall. It is interesting and significant that the latter category includes Justice Abe Fortas whose confirmation was not debated and was agreed to without dissent. Had this not been so, much grief and damage might have been avoided.

The lesson of history is clear. The Senate may and ought to examine every facet of this nomination. We should exhibit great respect for the nominating authority and due regard for the solemnity of the decision. But we should have no hesitation or inhibition in grappling with the facts and in developing conclusions. To avoid this duty on the basis of partisan loyalty or professional etiquette would be to leave a blank page in the history of our time.

There is a further general consideration that applies to most of the incidents that comprise the Haynsworth record. That is the determination of the kind of standard to be applied. Was judicial conduct regulated by one set of principles in 1957 and by another in 1969? This question must be settled to refute the charge that the issues of judicial ethics raised in this instance are an attempt to enforce a rule ex post facto.

In view of the facts, however, it is surprising that this argument has been so seriously considered. The key enactment in Judge Haynsworth's case—the Federal disqualification statute—has been on the books since 1911 and was last amended in 1948. The canons of ethics were first promulgated in 1908. Any Federal judge in doubt on such an ethical question, moreover, could have had recourse to the even earlier examples set by Charles Evans Hughes and Oliver Wendell Holmes, Jr. Both were acutely aware of the necessity to avoid any appearance of impropriety, and although each solved the problem in his own manner, the attitudes of both pointed the way for the modern bench. Chief Justice Hughes conveyed his property to a blind trust and Justice Holmes resorted to disclosure whenever appropriate.

The force of these examples, when fresh and strong, undoubtedly helped to protect the image of the Federal bench. As the years have passed, the need to strengthen existing rules has become more compelling, but the Judicial Conference has backed and filled with a disappointing lack of dedication. Although the principles I am applying in Judge Haynsworth's case have been elaborately established in both canon and statute, I personally favor even more stringent requirements in this area. I have for some time supported legislation requiring disclosure of all outside financial interests by all governmental officials. But until such measure is enacted by the Congress or until the Judicial Conference sets its own house in order, the decision of the Senate in this matter will be influential.

Nonetheless, on the fourth circuit today, it appears that the basic principles are already understood. Judge Harrison L. Winter, of Baltimore, is a colleague of Judge Haynsworth on that court. He appeared before the Senate Judiciary Committee as a proponent of the nomination. His testimony was expert, comprehensive, and obviously intended to be helpful to Judge Haynsworth. The real crunch came when he was asked whether, notwithstanding his admiration and respect for Judge Haynsworth, he would have done those things that Judge Haynsworth had done. He answered:

> I would have avoided buying the stock until after the opinion had been filed and the matter had been disposed of. (Hearing Tr. at 241).

In defense of Judge Haynsworth, Judge Winter went on to say that he did not think he would have been legally required to avoid purchase, "since a decision had been reached in the case in my mind." Hearing transcript at 241.

But Judge Winter's personal standard speaks louder than his words in behalf of a colleague. In fact, asked about the problem in abstract terms, he affirmed "the rule of thumb" that a judge "ought not to sit in the case unless there is some exceptional circumstance, and the parties or the counsel for the parties agree that he should sit." Hearing transcript at 260.

It is apparent that the current standard of judicial conduct is appreciated and applies by other Federal judges, including the Fourth Circuit.

II. BRUNSWICK CORP. V. LONG (AND SIMILAR CASES)

Considerable attention was devoted in committee hearings to the case of *Brunswick Corp.* v. *Long,* 392 F. 2d 337 (1967). There are three other instances which are basically similar. For these reasons, I have considered the Brunswick situation very carefully and feel compelled to discuss it in some detail.

A. BRUNSWICK CORP. V. LONG

1. THE SEQUENCE OF EVENTS

Brunswick was docketed in the Fourth Circuit Court of Appeals in May 1967. In October of that year, the case was assigned to a three-judge panel—Circuit Judges Haynsworth and Winter; District Judge Jones, W.D.N.C.

The panel heard oral argument on November 10, 1967, and immediately went into conference to decide the case. The case was not regarded as difficult by the judges, who voted unanimously to affirm the judgment in favor of Brunswick below. Preparation of the opinion was assigned to Judge Winter.

On or at least by Friday, December 15, 1967, Judge Haynsworth had approved a suggestion of his broker to purchase 1,000 shares of Brunswick stock. An appropriate order was entered by the broker on Monday, December 18, 1967, and executed—at $16 per share—December 26, 1967. Parenthetically, the broker had recommended Brunswick purchases to numerous other customers because he felt it was a good investment.

On December 27, 1967, 12 days after Judge Haynsworth approved the purchase of Brunswick stock, Judge Winter circulated the opinion he had prepared. Judge Jones concurred in the draft opinion by letter of December 29, 1967. On or about January 9, 1968, Judge Haynsworth concurred in the circulated draft and submitted a technical memorandum prepared by one of his law clerks. The memorandum dealt with the South Carolina action of "claim and delivery." Judge Winter made minor changes in two pages of the original opinion based on the memorandum; Judge Jones agreed to the revisions by letter of January 26. By letter of January 24, Judge Haynsworth expressed his thanks to Judge Winter for making the revisions.

The clerk of the court of appeals released the written opinion on February 2, 1968.

On March 12, 1968, a petition to extend the time to file a petition for rehearing was filed. The petition was based on the alleged fact that counsel did not receive a copy of the opinion until February 27. Judge Haynsworth forwarded an order of denial of the extension to the clerk on March 26, 1968.

A petition and supplemental petition to reconsider the petition for an extension of time were filed on April 3 and 4, 1968. These papers apparently were misplaced until August 1968, and an order denying them was signed by all three judges and released August 26.

2. THE FEDERAL DISQUALIFICATION STATUTE

The Federal disqualification statute, last amended in 1948, provides as follows:

XUM

> Any justice or judge of the United States *shall disqualify himself in any case in which he has a substantial interest,* has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, *or other proceeding therein.* (28 U.S.C. Sec. 455 (1964); emphasis added)

There are, in my view, two major issues involved in evaluating Judge Haynsworth's participation in Brunswick in light of the statute: First, did his 1,000 shares, purchased for $16,000, constitute a statutory "substantial interest?" And second, if so, did the November 10 conference decision to affirm the district court—before the purchase—make the statute inapplicable?

First. Did the 1,000 shares constitute a statutory "substantial interest?"

There can be little doubt that Judge Haynsworth's holdings in Brunswick constituted a "substantial interest." It is necessary only to consider the views of Assistant Attorney General William H. Rehnquist and legal ethics expert John P. Frank, proponents of the nomination, as well as those of the nominee himself, to reach this conclusion.

In a September 5, 1969, letter to Senator Hruska, defending Judge Haynsworth's participation in *Darlington Manufacturing Co.* v. *NLRB,* 325 F. 2d 682 (1963), Mr. Rehnquist made this statement:

> The "substantial interest" referred to in the statute . . . is a pecuniary material interest in the outcome of the litigation. The clearest case is one in which the judge is a party to the lawsuit; obviously he may not sit in such a case. *Little different is the case in which the judge owns a significant amount of stock in a corporation which is a party* to a lawsuit before him; he, too, must recuse himself. Parties to lawsuits either win or lose them, in whole or in part, and *it is difficult to conceive of a lawsuit in which* a party, or the *stockholder of a corporate party, does not have a material, pecuniary interest* in the way in which the lawsuit is decided. (Hearing Tr. at 22; emphasis added)

John P. Frank, a prominent attorney acknowledged by proponents and opponents of the nomination as a preeminent expert in legal ethics, testified that "the heavy weight of opinion in America is that if the judge has 'any' interest in a corporation which is a party, he may not sit."—Hearing transcript at 113; single quotation added.

His written statement to the Judiciary Committee noted:

> If a judge holds shares in a corporation which is in fact a party before him, *he should disqualify as much as if he himself were a party."* (Hearing Tr. at 119; emphasis added)

The full context of these quotations is set out in appendix A to my comments.

At this time I ask unanimous consent that appendix A be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. In questioning by Senator Bayh, Mr. Frank reiterated his position. Further, in response to a hypothetical question regarding Brunswick, Mr. Frank stated that the stock involved constituted a holding of a magnitude requiring disqualification. This testimony is set out in full in appendix B.

I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MATHIAS. I have examined the one case cited by Mr. Frank which differs from the prevailing precedent on disqualification for stock ownership, *Lampert* v. *Hollis Music, Inc.*, 105 F. Supp. 3 (E.D.N.Y. 1952). In that copyright infringement case, plaintiff filed a motion for appointment of a receiver pendente lite. District Judge Byers in his opinion explains the sequence of events:

> After the motion papers and briefs were filed, I discovered for the first time that the Radio Corporation of America is one of the defendants. For some years I have owned twenty shares of the common stock of that corporation, which posed the question of my possible duty to impose disqualification to deal with this motion, in view of Title 28 U.S.C.A. § 455 . . . (105 F. Supp. at 5)

Although Judge Byers then ascertained that he held but 20 of 13,881,016 shares, a quantitatively small proportion of those outstanding, "to guard against error in holding this view"—

> *I notified both attorneys in writing of the stockholding in question,* and have been assured by a letter from the plaintiff's attorney that he and his adversary have agreed to request that I decide the motion, and this has been construed as a waiver of any possible statutory objection (105 F Supp. at 5–6; emphasis added).

Although Hollis is cited as the main support for a position stated by Mr. Frank to be in contravention of "the heavy weight of opinion in America," it seems to be of extremely dubious relevance to the Brunswick case. For at no time during the litigation did Judge Haynsworth disclose his much larger holding of 1,000 shares in Brunswick. Had such disclosure been made, we would not have had to engage in such careful scrutiny of Judge Haynsworth's decision to continue in that case.

I have also read Mr. Frank's classic article, "Disqualification of Judges," at 56 Yale L.J. 605, 1947. I find it highly instructive that he states, writing 10 years before Judge Haynsworth's accession to the bench and 20 years before Brunswick, that—

> It is now almost universal practice for judges not to sit in cases involving corporations in which they own stock. (56 Yale L.J. at 613).

In addition to the authority of the Assistant Attorney General, Office of Legal Counsel, and Mr. Frank, termed by the President as "the leading authority on conflict-of-interest," the hearing record includes the following colloquy:

> Senator Mathias. It is a hypothetical question, to which of course there can only be a hypothetical answer, but had you been a stockholder of Brunswick at the beginning of that hearing——
>
> Judge Haynsworth. I would not have sat on it.
>
> Senator Mathias. You would not have sat on it at all?
>
> Judge Haynsworth. I would not have sat on it.
>
> Senator Mathias. *You consider that your interest was substantial, then?*
>
> Judge Haynsworth. *Yes, I do,* without question, though it was not in the outcome in terms of that, but much more substantial than I think a judge should run the risk of being criticized. (Hearing Tr. at 305; emphasis added)

It thus appears clear that the 1,000 shares of Brunswick constituted a statutory "substantial interest."

We then come to the second part of the question: "If Judge Haynsworth held a statutory 'substantial interest,' did the November 10 conference decision to affirm the district court make the statute inapplicable?"

There is a very ancient law which helps to clarify this case, as ancient as Dr. Bonham's case decided in 1608, in which Lord Coke held that "no man shall be a judge in his own case." This principle has been respected in Anglo-American jurisprudence ever since. See, for example, in re Murchison, 349 U.S. 133, 136 (1955). Disqualification for "interest," defined by Mr. Frank as "a personal involvement in the result, as if the judge had an interest in a property being foreclosed—hearing transcript at 118; written statement—is the basis of 28 U.S.C. 455 (1964). The statute is designed to preserve the integrity of the judicial decisionmaking process.

It has accordingly been suggested that the November 10 conference decision to affirm the district court marked the end of the decisional process, thereby making the statute inapplicable to Judge Haynsworth's December 15 decision to purchase Brunswick stock.

I cannot agree with this viewpoint.

Judge Harrison L. Winter, author of the Brunswick opinion, testified in behalf of Judge Haynsworth. His account of the chronology of the case is included as appendix C.

I ask unanimous consent to have it printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MATHIAS. Commonsense dictates that the judicial decisionmaking process continues for disqualification purposes at least until a decision is written and made public. It is undisputed that the Brunswick decision was not in any sense public before February 2, 1968, over 1 month after Judge Haynsworth's purchase:

> Senator Burdick. Mr. Chairman, Judge Winter, you gave us a chronology of what happened in this case from November 10, when they had the oral argument until February 2 when the clerk announced the decision to the public. During this period of time no one but the judges knew what the decision was, what the outcome of the case would be?
>
> Judge Winter. That is correct, sir. The judges and I presume some of the members of their staffs who had been working on this and could not help but know.
>
> Senator Burdick. But it is a matter of policy that it is not revealed to the public until the decision is announced?
>
> Judge Winter. It is not revealed to the public until the clerk announces the judgment and the opinion, and this was done on February 2, sir. (Hearing Tr. at 250)

I have no doubt that the time-honored principle that no man shall be a judge in his own case requires that a judge not make a case "his own" at least until a decision has been made and its rationale written and published. The reasoned exposition of a decision is the very essence of the judicial process in this country.

The lack of finality of a decision until it is written and announced is underscored by three possibilities, one of which actually occurred in Brunswick. The record discloses that certain technical changes in the opinion suggested by one of Judge Haynsworth's law clerks were in fact made after Judge Haynsworth's purchase—hearing transcript at 238.

It is also clear that important substantive changes in language could have been made after the purchase. And finally, the possibility of the panel's completely reversing its earlier decision was pointed up by Judge Winter in an exchange with Senator TYDINGS:

> How often since you have been on the fourth circuit has a panel to your knowledge changed its mind after an original opinion was agreed upon?
>
> Judge WINTER. Senator Tydings, it would be hard for me to put an exact figure on it. At the moment I think I could recall about a half-dozen instances in all of the 3 years that I have been there. There may have been more. A half-dozen may be a little too generous. There are enough that I am aware that this is a possibility, and freely admit and recognize that it is a possibility, but it does not happen too often. (Hearing Tr. at 250)

The possibility that the panel would subsequently decide completely to reverse its earlier decision was indeed slight. But the argument that Judge Haynsworth was therefore free to purchase the stock at that juncture is no more persuasive to me than an argument that a judge can hold stock in a litigant even during oral argument so long as the likelihood it is very slight that the litigant will win. In both situations, the judicial process is still pending, whatever the probabilities may be.

Judge Haynsworth also participated, after the stock purchase, in formulating and signing an order denying a petition to extend the time for filing a request for rehearing. The denial was mailed to the clerk on March 26, 1968.

On April 3 and 4, 1968, a petition and supplemental petition to reconsider the March 26 action were filed. After apparently being misplaced, those petitions were denied under signature of all three members of the panel in August 1968.

Remarking that the possibilities in Brunswick were "more theoretical than real," Judge Winter nevertheless testified:

> It may be fairly stated that a case is never decided finally or never put to rest *until an opinion has been filed, all postopinion motions denied, and the Supreme Court* of the United States *has denied certiorari* . . . (Hearing Tr. at 243; emphasis added).

Whether the Federal statute ceases to apply at publication of the opinion or at the later date of denial of certiorari, it is clear that the prepurchase conference decision of November 10 did not interdict its application to Judge Haynsworth in Brunswick.

In view of this evident inference, Judge Winter, appearing in support of the nominee, had no choice but to concede that the November 10 decision was not final:

> Senator BAYH. I do not want to put words in your mouth, but as I recall, you said you thought the court could write a decision which better defined the judicial principles involved than that which had been handed down by the lower court?
>
> Judge WINTER. We were of that view.
>
> Senator BAYH. I think you clarified this by suggesting that there had been a sequence of events in which the various judges had a chance to review the opinion, and *thus it was not finalized on that November 10 date?*
>
> Judge WINTER. *No, it was not, sir.* (Hearing Tr. at 242; emphasis added).

3. CANON 29

In addition to the question of a statutory violation in the Brunswick case, there is also the probability that Judge Haynsworth violated at least one of the canons of judicial ethics. Canon 29 provides in relevant part that a judge "should abstain from performing or taking part in any judicial act in which his personal interests are involved." The American Bar Association Committee on Professional Ethics has ruled under canon 29 that a "judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder." In spite of these official promulgations by his professional colleagues, Judge Haynsworth elected to participate in the Brunswick decision in the manner I have described.

B. OTHER CASES

1. MARYLAND CASUALTY CO. CASES

On June 3, 1964, Judge Haynsworth purchased 200 shares of Maryland Casualty Co. stock at $63 per share. On August 17 of that year, the shares were exchanged for 200 shares of convertible preferred and 66⅔ shares of common stock of American General Insurance Co., which had acquired control of Maryland Casualty. Notwithstanding his holdings, Judge Haynsworth sat in *Maryland Casualty Co.* v. *Baldwin*, 357 F. 2d 338 (1966), and *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966).

2. THE GRACE CASE

Similarly, Judge Haynsworth acquired stock in W. R. Grace & Co., in two blocs in 1961 and 1964. While holding this stock, he sat in the case of *Farrow* v. *Grace Lines, Inc.*, 381 F. 2d 380 (1967).

In view of these facts, I am at a loss to understand why Judge Haynsworth wrote the following to Chairman Eastland of the Judiciary Committee:

> I have disqualified myself in all cases . . . in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation. (Even here, we, on the Fourth Circuit, regard a proportionately insignificant stock interest in a party as not disqualifying if, after being informed of it, the lawyers do not request the substitution of another judge . . .) (Letter to Senator Eastland, September 6, 1969; Hearing Tr. at 28).

III. CANON 26

Canon 26 provides as follows:

> *A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court;* and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relationship may warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin. (Emphasis added.)

Although the canon mandates avoidance of investment in enterprises "apt to be involved in litigation," the mere fact that a judge buys stock in a corporation which later is a litigant in his court does not mean that he has committed a breach of ethics. He is required to refrain from purchase only where the corporation is "apt"—where the probability is relatively great—to be a litigant.

Even recognizing this reasonable limitation on canon 26, it is difficult to understand Judge Haynsworth's purchase and retention of stock in a casualty company—Maryland Casualty Co.—after his accession to the bench. I think it may be fairly stated that litigation is inherent in the casualty business and that a judge would and should be aware of that fact. Indeed, Judge Winter sold his stock in casualty insurers on his appointment as a district judge:

> Judge WINTER. I mean a typical example of this, at least in my estimation, is if you are a district judge, you do what I did, and that is sell stock in casualty insurers, because you cannot tell who is defending, who is the insurer behind the defender or who is not, and you refrain from going out and buying any other stock in casualty insurers.
>
> Senator ERVIN. Now, I would say not only a judge should abstain from buying interest in a business that is likely to be involved in litigation, but I would say just as a layman he would be a plumb fool if he would buy stock in an organization that is going to be involved in litigation.
>
> Judge WINTER. Except with casualty companies, litigation is a part of their business. (Hearing Tr. at 255.)

By contrast, it is apparent that Mr. Arthur C. McCall, Judge Haynsworth's intimate friend and stockbroker, did not even consider the judge's delicate position as a member of the bench in making stock purchase recommendations:

> Senator MATHIAS. Had you ever, as his financial adviser—and let me say, sir, you seem to have been very successful—in the course of this relationship had you ever become aware in any way of the somewhat delicate situation in which a member of the Federal bench is poised, and did this fact enter into your calculations when you made a recommendation to Judge Haynsworth?
>
> Mr. MCCALL. No, sir; I do not think it entered my consideration at all. (Hearing Tr at 269).

IV. TESTIMONY BEFORE THE SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

On June 2, 1969, Judge Haynsworth appeared before the Subcommittee on Improvements in Judicial Machinery in the course of hearings on S. 1506, the

Judicial Reform Act. He made this statement to the subcommittee:

> Of course, when I went on the bench, I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is to stop doing even that much. (Quoted in Hearing Tr. at 66).

Judge Haynsworth was appointed to the court of appeals in 1957. Yet the minutes of Carolina Vend-A-Matic for its 1963 organizational meeting indicates that Judge Haynsworth was present, that a unanimous ballot was cast for a slate of officers including Judge Haynsworth as vice president, and that Mrs. Haynsworth was elected secretary. As secretary, of course, Mrs. Haynsworth signed the minutes. There is no dispute that Judge Haynsworth was at least a director of Vend-A-Matic for some 6 years after his accession to the bench.

Faced with this apparent contradiction at the Judiciary hearings and asked whether the June 2, 1969, testimony was a mistake, Judge Haynsworth responded thusly:

> Judge HAYNSWORTH. Well, yes; to the extent that I said that I resigned from them all when I first went on the bench it was. It was correct at the time I appeared. At the time I appeared I had no directorships whatever. (Hearing Tr. at 94).

V. THE "APPEARANCE OF IMPROPRIETY"

Much has been said in the course of this controversy about the "appearance of impropriety." One presumes that this phrase comes from canon 4 of judicial ethics, the so-called Caesar's wife doctrine:

> *A judge's official conduct should be free from* impropriety and *the appearance of impropriety;* he should avoid infractions of law; and *his personal behavior,* not only upon the bench and in his performance of judicial duties, but also in his everyday life, *should be beyond reproach* (emphasis added).

As former Solicitor General Simon E. Sobeloff, now a distinguished fourth circuit colleague of Judge Haynsworth, has observed:

> It is a familiar axiom, but worth repeating, that it is not enough for a judge to be impartial; he must also avoid the appearance of partiality. (*Striving for Impartiality in the Federal Courts*, 24 Fed. Bar J. 286 (1964)).

The judiciary, unlike the legislative and executive branches of Government, commands neither money nor manpower. It is, therefore, crucial that it maintain public respect for its integrity. Absent such respect, the judiciary amounts to nothing. Further, judges are the only Federal officers who serve for life and are protected from pay reduction by constitutional command. The special character and role of the judiciary are major reasons for the extraordinary requirement of the appearance of impartiality as well as impartiality in fact.

Equally compelling, of course, is the proposition that our article II responsibility requires us to demand more of opponents of a Supreme Court candidate than innuendo, inaccuracy, and partisan disagreement. "The appearance of impropriety" cannot come to mean the mere presence of derogatory allegations. Nonetheless, a judge undoubtedly can violate this proscription without actually succumbing to the influence of his holdings in a litigant. I assume, in fact, that Judge Haynsworth was not so influenced. Nor is there any persuasive evidence that he was.

Our article II responsibility of advise and consent, however, requires the Senate, like the statute and canons, to demand more of a Supreme Court candidate than mere impartiality in fact. As my distinguished colleague from Delaware (Mr. WILLIAMS) stated yesterday:

> The restoraton of the confidence of the American people in the integrity and fairness of our courts is of paramount importance. This objective can be achieved only by promoting to the high court men whose past records demonstrate that they recognize the importance of avoiding the appearance of improprieties as well as refraining from the improprieties themselves.
>
> * * * * *
>
> Perhaps no single decision or action of Judge Haynsworth to which the committee report alludes is of such a grave nature as to require a vote against his confirmation, but when all the pertinent matters are viewed collectively, one can discern a pattern which indicates that Judge Haynsworth is insensitive to the expected requirements of judicial ethics, especially the rule that requires Judges to separate from active business connections and to avoid even the appearance of impropriety.

VI. RESOLUTION OF DOUBT

During the committee hearings on the nomination, Judge Haynsworth made the following declaration, which is illuminative both of his character as a respected fifth-generation lawyer and of the obligation upon this body:

> While I am concerned about myself and my reputation, I much more am concerned about my country and the Supreme Court as an institution, and if there is substantial doubt about the propriety of what I did and my fitness to sit on the Supreme Court, then I hope the Senate will resolve the doubt against me. (Hearing Tr. at 105).

As a member of the bar of the venerable court and of the Senate, I have tried to answer the question, "Is approval of this nomination in the best interest of the Supreme Court and the citizens of this Nation?" After a painstaking review of the entire official and extraofficial record, I have concluded that there is doubt about the propriety of certain of the nominee's actions and that the doubt is substantial.

Up to this point I have not mentioned the question of the nominee's philosophy as reflected in his judicial acts. I do not intend to do so, because it no longer seems necessary. In any event, I would be most reluctant to base a decision on that subject for two reasons. In the first place, the independence of the judiciary is a hard won principle that could be jeopardized if judges are made to feel accountable for their decisions to either the executive or legislative branches of Government. Thus, it would seem undesirable to bring philosophy into a confirmation proceeding, unless it is patently necessary to the determination of the issues raised. Second, as a pragmatic matter, the philosophy of a nominee to the Supreme Court has proved to be a very volatile thing. The men of Cambridge, Sacramento, and Birmingham are not the same after their translation to Washington, and there is no reason to believe that this historical experience would be different in the case of a man from Greenville. And so, Judge Haynsworth's philosophy has played no part in my decision.

A final question that I have considered, however, is the practical effect upon all other Federal judges of a decision by the Senate to condone Judge Haynsworth's failure to abide by even his own stated concept of judicial conduct. Whether or not Judge Haynsworth's lapses were deliberate or inadvertent, and clearly stating that in no case was it necessary to prove a corrupt or dishonest motive, I think the question of the probable impact of his confirmation on judicial standards answers itself: judges across the country will be well aware if the Senate ignores the fact that Judge Haynsworth has done those things he ought not to have done. The only conclusion to which I can bring myself is that his confirmation would lower all judicial standards at a time when the public is anxious to see them raised.

And so I have come to a final and reluctant decision that the integrity of the judicial system at large and the Supreme Court in particular requires that this nominee should not be confirmed. Accordingly, I shall vote "no."

EXHIBIT 1

APPENDIX A—JOHN P. FRANK: EXCERPTS FROM ORAL TESTIMONY AND WRITTEN STATEMENT

In the first place, as I have tried to develop in this memorandum, it is immaterial that Judge Haynsworth was a shareholder in the vending company rather than that he owned it. That doesn't make any difference. The better view is that a shareholder stands in the same position as his corporation. And the rule is in the majority of cases, there are a few exceptions, apparently the Fourth Circuit makes some small exception, but the heavy weight of opinion in America is that if the judge has any interest in a corporation which is a party he may not sit.

In the poll which I conducted of all of the State Supreme Court Justices and the senior Circuit Judges of the United States in 1947, all but two of them adopted that view and while there are cases where judges have not sat where they had—for example, there is a case I have cited to you here, a fellow had 20 shares on 13 million and he felt free to sit but the heavy majority view is if he has any stock in a party he does not sit. (Hearing Tr. at 113–14; oral testimony)

* * * * *

For our purposes, it is immaterial that Judge Haynsworth was a shareholder in the vending company rather than owner of the company in a personal proprietary capacity. The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party.[10] As my study shows, every state and federal court reporting agrees that if the judge has a pecuniary interest in the party, he may not sit.

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[10] This is the heavy majority rule; see cases collected at Note, 48 A.L.R. 617, updated in a comprehensive collection at 25 A.L.R. 3d 1331. There is some refinements (sic) where the holding is very small; see *e.g., Lampert* v. *Hollis Music, Inc.*, 105 F. Supp. 3 (E.D.N.Y. 1952) (20 shares on 13,881,016). See also my

EXHIBIT 2

APPENDIX B—JOHN P. FRANK: EXCERPTS FROM ORAL TESTIMONY

Senator **BAYH**. How large is a substantial interest?

Mr. **FRANK**. I think that generally the better view, Senator, but not the only view, is that if there is any interest it ought to be regarded as a disqualifier. But the word "substantial" is used here to cover the marginal situation of the small stockholdings, let us say, in a corporation, somebody has a few shares of GM, that sort of thing. I have given an illustration in one footnote of a case of a district judge in the second circuit who had, as I said, 20 shares on 13 million and felt, thought it wasn't enough.

In my report in 1947, 33 State and Federal courts felt if there was any holding of stock they thought it should disqualify. Two courts thought if the holding was very small they felt it should not disqualify, and you heard Judge Haynsworth state that was the view of the fourth circuit.

Senator **BAYH**. Then general nationwide authority on substantial interest would be that if you hold stock of any appreciable value in any corporation that is before you, you should automatically disqualify yourself?

Mr. **FRANK**. Yes, that is certainly my view of it. (Hearing Tr. at 127)

* * * * *

Senator **BAYH**. Let me ask you about another specific case. *Brunswick Corp. v. Long*, 392 Fed. 2d 348, which was tried last year before Judge Haynsworth in which he sat on that decision and cast a vote for the majority which ruled in favor of Brunswick Corp. In looking at his portfolio of stock I see that he today has 1,000 shares of Brunswick Corp. worth, well, depending upon whose figures you use, I see on a list that was submitted to us $17,500 as of Tuesday, and as of right now it is worth $18.25 a share, so obviously it is worth a little more.

I have not yet checked out whether he did in fact own it last year when this came before him, but if he did is that a sufficient interest that he should have disqualified himself instead of sitting in that case?

Mr. **FRANK**. It certainly is my view that a judge should not sit in a case in which he owns stock in a party to the case.

Now, as to this particular case, I haven't the faintest idea at all because I never heard of it before.

Senator **BAYH**. Well, in fairness, I think, we should hear the judge as to whether he owned the stock.

Mr. **FRANK**. Well——

Senator **BAYH**. We can check that out, but since you are here now, I wanted to get your opinion of that particular case. (Hearing Tr. at 128)

EXHIBIT 3

APPENDIX C—THE HON. HARRISON L. WINTER: EXCERPTS FROM TESTIMONY RELATING TO CHRONOLOGY IN BRUNSWICK

November 10—February 2

(Hearing transcript at 238–40)

Judge **WINTER**. As I say, the case was the third case argued and the last case on November 10, and in accordance with our practice, the panel immediately went into conference to decide on the case.

I made a memorandum subsequently of our conference notes, and from it and my own recollection I well remember that this was not a case in which there was any dispute whatsoever among the members of the panel as to its outcome. We were unanimously of the opinion that the district judge should be affirmed.

We gave some serious consideration to affirming, by handing down an order to that effect that date, affirming on the basis of his opinion, but perhaps unfortunately, in the light of hindsight, we thought we could express the legal principle in the case a little better so we concluded to write our own opinion rather than to use his.

In due course, I would say about a week later, the assignment of opinions was made, and the opinion in this case was assigned to me for preparation. I undertook to write the opinion, and according to my file on the 27th of December 1967, I circulated an opinion to Judge Haynsworth and to Judge Jones, and of course in accordance with our practice to all of the other nonsitting judges on our court, since we consider that they have a right to offer comments on a proposed opinion as well as those who participated in the case.

Judge Jones responded by letter dated December 29, and concurred in the opinion as it was submitted. He went back to Richmond for a term of court the first full week of January 1968, and the early part of that week, I cannot fix the precise date, Judge Haynsworth told me that he had examined the opinion. He had one of his law clerks examine it also. And his law clerk thought that there was some inaccuracies in the language which I had used in the opinion, in describing the South Carolina action of claim and delivery.

I might say, sir, that in Maryland there is no similar action of which I am aware, and I had never run across this before, and on a matter of purely local law, it would certainly not be beyond the realm of possibility that I would have characterized it in a manner in which inadvertently might have upset local lawyers and local judges.

In any event, Judge Haynsworth—I expressed interest in examining the memorandum and he gave it to me. Then later that week, and I do have a letter from him to this effect, which he wrote in Richmond, on January 9, 1968. He also handed me back the opinion endorsed with his concurrence, in the form in which it had been originally issued, so that I understood that his concurrence was not in any sense conditioned upon my making the opinion.

In any event, after further study of the memorandum, after I returned to my home office in Baltimore following the conclusion of the term of court, I concluded to make some minor language changes in two pages of the opinion. These I mailed out under date of January 19.

I received acknowledgments from all of the judges on the courts, specifically on January—by letter dated January 24, Judge Haynsworth thanked me for revising these two pages, and said the revisions seemed to him to be entirely accurate and appropriate.

By letter dated January 26, Judge Jones agreed to the revised pages, and authorized their substitution in the copy of the opinion on which he had endorsed his concurrence. By the time I heard from Judge Jones, I had also received acknowledgments (sic) from other judges on the court, and so on the same date, January 26, I mailed the opinion and the copies, and returned the record and the tape of arguments to the clerk * * *.

The clerk would not ordinarily announce the opinion until the judgment in the case was signed, and in those days the judges themselves signed the judgment, so a judgment was prepared and sent to me as the author of the opinion.

I signed the judgment and mailed it to the clerk in Richmond on February 1, according to the acknowledgment from the chief deputy clerk, she announced the opinion and advised counsel the next day.

That, sir, briefly is the chronology of the actual decision and the filing of the opinion in the case. There were, of course, some post-argument motions.

March 12—August

(Hearing transcript of 243–45)

On March 12, 1968—please bear in mind, sir, that after a judgment has been filed in a case of this nature, parties under the rules have a period of 30 days in which to ask the court to reconsider its opinion or its decision. On March 12, 1968, there was filed a petition to extend the time for filing a petition for rehearing.

To summarize its allegations, it was, in effect, that counsel felt that the 30-day period in which to petition for a reexamination of what was decided ought not to be considered as having run against them until they had a copy of the opinion furnished them by the clerk, and they said that one had not been furnished them until February 27, 1968.

A copy of this petition was circulated to the judges who sat on the panel; that is to say, Judge Haynsworth, to me, and to Judge Jones. I received it on the 20th, and under our practice I as the author of the opinion would ordinarily be the moving party in recommending what sort of action ought to be taken on the petition.

I read it and I communicated with Judge Haynsworth and told him that I thought the petition should be denied. He confirmed this to me, and said he agreed. He said he had also talked to the clerk's office, and he had found that although copies of the opinion could be ordered from the clerk's office, that is a Xeroxed copy if somebody wanted it in a hurry, and of course the opinion was on file and was open to inspection by anybody who wanted to walk into the office and look at it, that no effort had been made here to extend, I mean to get a copy or to examine it, in addition to which the counsel had advised the clerk that even if we extended the time in which to file this petition, he was not really sure that he wanted to file a petition for reconsideration, and so he said that he would accept my recommendation that this petition be denied.

I tried to get in touch with Judge Jones, but Judge Jones sits in a district in which he must hold court in several places, and my recollection is that at that time, Asheville is his home station, that he was holding court, I think it is Asheville, in any event he was holding court in Charlotte.

He did not have his papers there. He was on the bench. So after trying to reach him, I prepared an order denying the petition for an extension of time in which to file a petition for rehearing.

At this time we were in the transitional stage of another change in practice. Ordinarily orders of this type would be signed by judges who sat in the particular matter but we wasted so much time circulating orders that we finally concluded if we were in agreement why one judge could sign on behalf of the whole panel.

The practice, however, was new and I was a little bit reluctant to sign myself particularly when I had been sitting with the chief judge as to whether I was robbing him of one of his prerogatives, so I transmitted the order and a covering letter to Judge Haynsworth, and Judge Haynsworth signed the order and forwarded it to the clerk. Of course, copies of this order were sent to everybody, and in the meantime Judge Jones had expressed himself as being in accord with the order.

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own article at 46 *Yale L. J.* 605, 537 (1947), reporting that in 33 state and federal courts there is disqualification in such circumstances, but that 2 state and 2 federal courts reported that disqualification might be waived where the holding was very slight, and 1 federal court reported that a judge had sat where the holding was very slight. Nonetheless, the view is overwhelming. There are also refinements not necessary to be considered here when the stock is held by a member of the judge's family; see Note, 4 *Minn. L. Rev.* 301 (1920). And see illustratively, *Goodman v. Wisconsin Elec. Power Co.*, 248 Wis. 52, 20 N. W. 2d 553 (1945). (Hearing Tr. at 119; written statement)

Senator Bayh. What was the date of that final disposition then, Judge Winter?

Judge Winter. Just a minute. I have a copy of Judge Haynsworth's transmittal letter to the clerk. It was mailed to the clerk on March 26, 1968. I assume it would be received and entered the next day.

Senator Tydings. That is a denial of the order for a rehearing?

Judge Winter. It was a denial of a petition for an extension of time in which to file a petition for a rehearing, Senator Tydings.

Senator Tydings. But in effect it was a denial of a rehearing?

Judge Winter. Well, no; because there was nothing before us on what the merits of the rehearing was, except to say we do not like what you have decided. I mean you could infer that.

Senator Tydings. Is there any other way that the matter could have been brought up before the court of appeals again after that order was denied?

Judge Winter. Well, this petition could have spelled out the reasons why they thought the decision was wrong, if there were any factual errors in it for false premises, but it did not undertake to do so. However, there was another one which came along some time in April, April 3 and April 4, a petition and a supplemental petition to reconsider the petition to extend the time for filing a petition for rehearing, a very complicated title. In any event, this did suggest, it not only asked us to reconsider our prior refusal to permit such a document to be filed, but it also suggested some reasons as to why the opinion was thought to be wrong.

This apparently got misplaced. The clerk sent the only copy to Judge Haynsworth and I did not know anything about it until I heard from Judge Haynsworth in August of 1968, in which he told me the matter had been misplaced. He commented on what he thought was the lack of meritorious basis for a rehearing, and he had prepared and enclosed an order which he had signed, but which provided for the signature by me and Judge Jones denying the petition not only on procedural grounds, but also on the merits.

Mr. DOLE. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. Cook in the chair). Does the Senator from Maryland yield to the Senator from Kansas?

Mr. MATHIAS. I yield.

Mr. DOLE. I have read the Senator's statement with much interest. He has presented it in a forthright way. I recognize this is a difficult decision to make. I am disappointed—but not particularly surprised with the conclusion the Senator from Maryland has reached.

The Senator is apparently troubled with the same case that troubled me and others, and that is the Brunswick case. At least, I concluded, based on the number of pages devoted to the Brunswick case compared to the others, that it was of paramount importance in the Senator reaching his decision.

On Monday, I was impressed by the statement of the Senator from Virginia (Mr. Spong), who was also troubled by the Brunswick case. He had written a letter in an effort to clarify the Brunswick case to John Frank, who has been quoted by the Senator from Maryland, and also by many of us, in this Chamber.

As I understand it, the response received by the Senator from Virginia from Mr. Frank indicated that there was no law, pertaining to inadvertent acquisition after a decision has been rendered. There was a mistake, and in fact, Judge Haynsworth said as much. Mr. Frank stated he did not believe the action by Judge Haynsworth rose to the level of ethics. That was the conclusion of Mr. Frank, and as I understand, he is regarded as an expert on the question of ethics.

I am wondering whether the Senator from Maryland had an opportunity to review the Record on Monday and to read the letter from Mr. Frank to the Senator from Virginia.

Mr. MATHIAS. I was not only aware of it, I also discussed the question and the existence of the letter with the distinguished Senator from Virginia (Mr. Spong).

I have devoted a considerable amount of time and effort to this somewhat novel question of acquisition in the middle of a case, which, as the letter points out, apparently is a case of first impression. That is why I have devoted so much time to the analysis of it and how it impinges on the law in this case.

Let me say, that, although I have devoted a considerable amount of time to the Brunswick case, I have done so because I think it establishes the principles that apply to the Maryland Casualty cases and the W. R. Grace case.

I think it would be redundant to repeat the detailed application of the same principles to those cases, although I am willing to do it if the Senator from Kansas is willing to stay and go over it with me.

I would further say this: More than what Mr. Frank has said, more than the expert opinion, authorities such as Mr. Frank, I am influenced by what Judge Haynsworth himself has said. He knew what the rules were, as clearly indicated by his letter to Senator Eastland. He stated the rule. He simply did not abide by it. And I think that is the ultimate difficulty of this case.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. MATHIAS. I am happy to.

Mr. DOLE. I am not privileged to be a member of the Judiciary Committee. I understand however that during the course of the hearings it was revealed that Judge Haynsworth had sat on probably 3,000 cases since his appointment by President Eisenhower in 1957. I assume it is possible for a judge, without any effort or intent to profit, to make one mistake in 3,000 cases. He may make as many as three mistakes. He did indicate, and the record is clear, that when the decision was written on November 10, he did not own any Brunswick stock. I think the record is clear on this. So at the time the decision was made, he was not the owner of stock.

So as stated in my statement previously, I give the judge credit for admitting he made a mistake. I assume others have made mistakes that may not be public knowledge yet. Perhaps we have all made mistakes. So I felt that in my heart I should not vote against confirmation of the nomination of Judge Haynsworth because he made one mistake, because after he rendered the decision, not by himself, but with other judges, his broker recommended the stock, 6 weeks later, a motion was filed, and he did not disqualify himself.

I have reviewed the other cases. I understand in some of the cases the court has said that the court has a duty to sit, on the basis that if a judge wanted to excuse himself from sitting on a case, he could always find reasons.

There was a random selection system in the fourth circuit. It was apparently initiated by Judge Haynsworth. It has worked very well. They have avoided at least the temptation to be excused from sitting on cases.

So I say to my friend from Maryland that, of course, we can reach different conclusions, but I trust we are not saying to Judge Haynsworth, "We are going to punish Judge Haynsworth. We are going to make him an example so that other Federal judges in America will never make a mistake."

Perhaps that is what might be concluded from the paragraph at the bottom of page 11, because the Senator from Maryland asked what practical effect this will have on other Federal judges. Apparently the intention is that for this reason we should not confirm the nomination of Judge Haynsworth. If his nomination is not confirmed, it will be an example and a symbol for every other Federal judge in America.

I do not share that view, believing he can make one mistake and still be a great Associate Justice of the Supreme Court.

Mr. MATHIAS. I thank the distinguished Senator from Kansas for his observation. Let me say, of course, it is ridiculous to assume that anybody who is a human being is totally infallible and will not make a mistake. In fact, the existence of the very court Judge Haynsworth now sits on is predicated on the possibility that the judges of the district courts may make mistakes. The existence of the Supreme Court is predicated on the possibility that judges in the fourth circuit may be fallible.

I am indebted to whoever earlier dropped the pencil which I now hold in my hand. Let me say that for the mistakes that he made in the Brunswick case, there was a readily available eraser. If all of those things happened, if the broker called him up, and he forgot he was in the Brunswick case, and he went ahead and bought the stock anyway, he certainly knew, by the time he got around to revising the opinion, that he was deeply in it. It was a simple matter to call the other judges and say, "Look, boys, I have made a mistake. Let us unravel it." It would have taken two calls, one to Judge Jones and one to Judge Winters.

The Senator from Kansas has also raised the point that Judge Haynsworth participated in a large number of cases. It is a large number of cases. He has been an active jurist. But I would refer again to the practice followed by Justice Holmes over an even longer judicial career, which I am sure involved a great many more cases, in which Justice Holmes, to make sure he did not make such a mistake, kept a list of the securities he owned. A former distinguished dean of the Harvard Law School told me the other day he thought some of those lists still existed, which were kept as mementos by law clerks of Justice Holmes.

So those mistakes, human as they are, are in the first place avoidable; and in the second place, are not irretrievable.

Mr. DOLE. Mr. President, if the Senator will yield further, I feel the Senator from Maryland will agree that Judge Haynsworth is a man of honesty and a man of integrity. The Senator from Maryland did not question his philosophy. I assume, then, the Senator from Maryland says that his nomination should not be confirmed because of what he says is, and what is referred to by others as, his "insensitivity"? Would that be a correct statement?

Mr. MATHIAS. I would go back to the statement with which the distinguished Senator from Kansas took some issue a moment ago, and say it again: that to confirm this nomination would, in my judgment, lower judicial standards at a time when I think we ought to be raising them.

I thank the Senator for his participation.

Mr. EASTLAND. Mr. President, because of the lateness of the hour when the nomination of Judge Haynsworth was called up this past Thursday, I interrupted my remarks on the nomination in order that other Senators be given an opportunity for opening remarks. At this time I would like to resume my remarks on the Haynsworth nomination and ask unanimous consent that the following letters be printed in the RECORD at this point. First, a letter from Mr. Coming B. Gibbs, Jr., a witness who came to Washington in order to testify on Judge Haynsworth's behalf, but who was precluded by the length of the hearings from doing so. Second, a letter from all of the Federal district judges of Maryland expressing complete confidence in Judge Haynsworth, and third, a letter from Congressman JAMES R. MANN, Democrat, Fourth District of South Carolina.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GIBSON, GIBBS & KRAWCHECK,
Charleston, S.C., September 5, 1969.
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: So that the Committee may know something of the person making this statement, I have included the following introductory comments.

My name is Coming B. Gibbs, Jr. I am a former law clerk to Judge Clement F. Haynsworth, and I am currently practicing law in Charleston, South Carolina as a member of the three man firm of Gibson, Gibbs & Krawcheck. I graduated from St. Marks School in 1954, from Princeton University in 1958 and the University of South Carolina Law School in 1961. From September, 1961 until September, 1962, I was law clerk to Judge Haynsworth. After active duty in the United States Army, I returned to Charleston and practiced law with my father, and, sometime after his death, formed a partnership with Charles M. Gibson and Leonard Krawcheck.

My law practice has been general in character. Together with a fairly active civil and criminal trial practice, I have among my clients the International Longshoremen's Association which I have been representing in litigation concerning attempted organization of warehouse workers of the South Carolina State Ports Authority. With one of my partners, I represented two Catholic Priests charged with contempt of Court because of picketing during the recent hospital strike in Charleston. I, with several other lawyers, organized an O.E.O. funded Legal Services for the Poor corporation, which has been operating successfully for several years, and which, despite initial opposition from a segment of the Charleston Bar, has now been generally accepted as a permanent and valuable addition to the local legal profession. I currently am chairman of its Board of Directors.

I was active in the organization of the Charleston Young Democrats and during the 1964 Presidential campaign I was co-chairman of the Charleston County Johnson-Humphrey effort. I have been active in the Democratic party and in bi-racial matters, among other things participating with a group of lawyers in preserving Negro participation in the Y.W.C.A. I am currently the Secretary-Treasurer of the Charleston County Bar Association and a member of its executive committee.

The foregoing is included here to give this Committee an understanding of a little of my background, and to show something of the great effect a close relationship with Judge Haynsworth had upon a young man with a traditional and conservative background in Charleston, South Carolina.

Judge Haynsworth's qualifications as a Justice of the United States Supreme Court are to me clear and free from doubt. His academic background and history show him to have been a brilliant and conscientious student. As a lawyer, he became senior partner in the largest and most prestigious firm in our state. His decisions as a Court of Appeals Judge are public record and will be discussed by lawyers far more eminent than me.

My thought is that I could be of assistance to the United States Senate in enabling them to understand a little of the personality and character of Judge Haynsworth, without specifically discussing his thoughts and conversations as they related to specific cases pending before the Court of Appeals.

Perhaps his most impressive quality to one who knows him is his compassion. His regard for the individual, in cases involving human rights, civil or criminal, is deep.

On the bench, in a Circuit noted for close scrutiny, sometimes acerbic, of counsel's argument, he has universally been kind and gentle. This winter I was in his Court and young counsel violated almost every rule of proper appellate argument, including not addressing himself to the Court's questions and ignoring the time limit. After a time, Judge Haynsworth with a smile sat back and let the young man finish reading his set speech.

Combined with his kindly and compassionate nature is a considerable sense of humor, mostly dry, but occasionally quite robust. To work with him, he was thoughtful, kindly and considerate. Good work and good ideas were praised and the bad were gently corrected.

For one who has worked with him daily for a year to read, as I have in the press, that he is a racist, is ludicrous. He epitomizes our common law heritage that each man is equal before the law. Without going into specifics, in all the school cases which came before him when I was his clerk, he conscientiously endeavored to apply to complex records the rules laid down by the United States Supreme Court as he understood them.

The similar charges that he has an anti-union bias is also, to me, equally false. During the period I worked for him he had before him many cases involving labor organizations and in all our vigorous give and take, no such thing was manifested.

The one year that I spent as his clerk was the most important educational experience of my life. I learned from him the true meaning of intellectual and legal integrity. He equipped me with, I hope, the ability and certainly the self-confidence, to take part in South Carolina in sometimes unpopular and controversial causes. From him, I was equipped to attempt to cut new ground in our law and to join with a few older lawyers in similar efforts. I believe these other lawyers felt I had been equipped by Judge Haynsworth to work with them.

Speaking for myself, and I think for my colleagues at the bar in South Carolina whose practice has gravitated as has mine, there would be no hesitancy in bringing any matter before Judge Haynsworth. His decisions have and will reflect the thoughtful consideration of a good human being and good lawyer, applying justice with a compassionate heart and an even hand.

I recommend him to you as a man, as a lawyer and as a future great Justice of our Supreme Court.

With best wishes, I am,
COMING B. GIBBS, Jr.

UNITED STATES DISTRICT COURT,
FOR THE DISTRICT OF MARYLAND,
Baltimore, Md., October 20, 1969.
Hon. CLEMENT F. HAYNSWORTH, Jr.,
Mayflower Hotel,
Washington, D.C.

DEAR JUDGE HAYNSWORTH: All of us have been reading about the recent developments in connection with your nomination, and we want you to know that all of the Judges of our Court have complete confidence in your integrity and ability, and in your fitness to be a Justice of the Supreme Court.

You are free to make such use of this letter as you may desire.

ROSZEL C. THOMSEN,
Chief Judge.
R. DORSEY WATKINS,
U.S. District Judge.
EDWARD S. NORTHROP,
U.S. District Judge.
FRANK A. KAUFMAN,
U.S. District Judge.
ALEXANDER HARVEY, II
U.S. District Judge.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 10, 1969.
Hon. JAMES O. EASTLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EASTLAND: As the time for full Senate consideration of the confirmation of Judge Haynsworth approaches, I wanted to pass on to you a few words of support from this member of the Democratic Party.

Shakespeare could well have been describing Clement Haynsworth when in Scene I, Act 3, of Timon of Athens he wrote, "Every man has his fault, and honesty is his." You and I know that the shrewd, the clever, the unscrupulous, the dishonest, in the judiciary or in politics, have no trouble covering their tracks. On the other hand, he who is inherently honest goes about his duties with no thought in mind but to do fairly and justly, with no search for, or even awareness of, reasons why he should be other than fair and just.

I mentioned my Democratic affiliation to emphasize my feeling that this matter is above party and to form a basis to join mentally with you in agreeing that this is not a decision based upon being "pro" this or "anti" that. I know that you do not regard your decision as one of either politics or advocacy. There are segments of the press, of special interest groups, and of the public which would not recognize that this is one of those rare instances when responsible objectivity and deep conscience are your foundation stones, and the clamor, from whatever source, will be resisted and ignored.

Your position on the confirmation of Judge Haynsworth demonstrates your objectivity and your fearless resistance to those forces that would distort and blacken without conscience in order to promote their special interests. I sincerely believe that your courage in this instance will further enhance the stature and reputation which you already enjoy.

Respectfully,

JAMES R. MANN,
Member of Congress.

Mr. EASTLAND. Mr. President, the same columnist for the Washington Evening Star who scornfully noted that the President has given "the forgotten American a truly forgettable American" raised another issue that lies shallow beneath the surface of the debates and has been obvious by repeated references and innuendos throughout. On September 17 of this year this columnist's article appeared entitled, "Does Supreme Court Need a Southern Accent?" The article begins with this judgment:

> It is quite obvious that Richard Nixon chose Clement Furman Haynsworth Jr. of South Carolina to please the enemies of the Supreme Court rather than its friends.
>
> Its enemies think the court needs a Southerner, and Haynsworth is certainly that, having spent his entire life in Greenville, S.C.

I do not know whether this columnist has more courage or less sense than her associates, but at least this writer was perceptive enough to recognize this underlying motive behind the Haynsworth opposition and to lay it squarely on the line. At least this writer has said what others are embarrassingly reluctant to admit, but extremely anxious to exploit. Witness after witness has pointed up the nominee's Southern background. They have repeatedly, with bitter tone and inflection of voice, referred to the Judge as a "fifth generation South Carolinian." They have emphasized his Southern background in order to exploit the prejudices and resentments that still linger in the minds of some Americans toward the people of that region.

At a press conference a Senator is reported to ask "whether the moral standards of Greenville, S.C., are acceptable to the Nation? Mr. Schlossberg of the UAW said:

> His decisions, his investments, his judicial conduct, and his lifetime close association with socially backward, irresponsible, and reactionary economic interests in the South raise very serious doubts concerning his ability to administer justice objectively and impartially.

Even Mr. Rauh became concerned as the undertones of sectional hatred became more and more pronounced by opposition witnesses. Mr. Rauh hastened to say:

> The suggestion is sometimes kind of intimated that somebody is against southern judges.

Mr. Rauh hastened to point out that he had no objections to liberal Southern judges such as Judge Brown of the fifth circuit. The junior Senator from Maryland also hastened to add:

> I would agree and I think the South, as every part of the country, has the right to be represented on the Supreme Court.

It is not surprising that every citizen of a Southern State is offended and embittered by the privately spoken and publicly insinuated charge that they are precluded by birth from high national office. They recall when Senator John F. Kennedy, while a candidate for our Nation's highest office, pleaded eloquently for fair treatment. He asked that he not be judged as a Catholic candidate, but rather as an American who deserved to be tested on his qualifications. He said:

> If I should lose on the real issues, I shall return to my seat in the Senate, satisfied that I have tried my best and was fairly judged. But if this election is decided on the basis that 40 million Americans lost their chance of being President on the day they were baptized, then it is the whole Nation that will be the loser.

Now comes Clement Haynsworth, a candidate for a seat on our Nation's highest court. I submit that he can paraphrase President Kennedy's plea as follows:

"If I should lose on the real issues, I shall return to my seat as chief judge of the Fourth Circuit Court of Appeals, satisfied that I have tried my best and was fairly judged. But if this nomination is decided on the basis that every American from the South has lost his chance to serve on the Supreme Court, then it is the whole Nation that will be the loser."

It is, of course, outrageous that the people of the South should have to plead for fair treatment.

Mr. President, another key to the sectional antagonism aroused by the nomination of Judge Haynsworth appeared in an article by Mr. B. J. Phillips in the September 7 issue of the Washington Post. The article stated that after World War II Judge Haynsworth was engaged "in a lot of legal work behind the scenes which brought the large textile firms in from the North." Questioned about the statement by a Senator opposing the nomination, Judge Haynsworth replied:

> Well, beginning shortly after the second world war there began a general industrial expansion in the South. New plants were being built, and not just textiles, all kinds of industry. And many of the concerns interested in locating plants in the State came to me for legal advice. And being in the practice of law, I was not displeased to see them. And I did what I could to help them resolve legal questions which they had. Of course, they had a great many. But I served only as a legal adviser to them with respect to legal questions they would run into in connection with the location or construction of a new plant in my State.
>
> If the implication is that I went out to such people and enticed them into the State, I didn't do that. I was a lawyer, not a salesman.

The repeated references to the loss of Northern industry to the South ran like a broken record throughout the hearings. Typical of these remarks, Mr. Pollock noted:

> I might say that listed here are a number of mills that were formerly located in the North, which were under contract with our union and our relationship was excellent.

The sectional animosity ignited by this nomination is deeply rooted in economics, upon the loss of payrolls and union dues. Like all hate, it is rooted in fear—fear of the industrial development in the South to date and its projected development in the future at the expense of northern prosperity.

This resentment exists partially because my section of the Nation has refused to content itself to the role of economic colony of the North, a pastoral state to provide cheap raw materials for Northern industry and a market for Northern products. It has only been with great sacrifice and effort that we have established an industrial base and every effort has been made to stop us, from discriminatory freight rates of yesterday to abolition of tax-exempt industrial bonds today. But we have come a long way from the days of which John F. Kennedy would write:

> Vachel Lindsay's poem expressed clearly the helplessness and bitterness with which the South . . . watched the steadily increasing financial domination of the East:
>
> "And all these in their helpless days
> By the dour East oppressed,
> Mean paternalism,
> Making their mistakes for them,
> Crucifying half the West,
> Till the whole Atlantic coast
> Seemed a giant spiders' nest.' "

Mr. President, I am reminded of the story of how Cato, shocked by the rapid recovery of Carthage from the effects of the Hannibalic war and fearful of her economic rivalry with Rome, thereafter concluded every speech with the words:

> Ceterum censeo delendam esse Carthaginem—Besides, I think that Carthage must be destroyed.

Mr. President, today the South is no longer ensnared in the economic "spiders nest" of which John Kennedy wrote. Nor will we be destroyed. Nor will our economic progress be thwarted or delayed. If Judge Haynsworth played a substantial role in bringing industry to South Carolina, it was to give his people a better life with more promise and opportunity. It is to his credit and those who resent him for it have not benefited their own people by making Judge Haynsworth the object of their vengeance. But since this has already been done, it is to Judge Haynsworth's favor that he has borne this abuse without complaint, without apparent bitterness and without striking back at his tormentors. As Prometheus withstood his unjust ordeal by vultures on the rocks of the Caucasus, Judge Haynsworth has endured his trial in a manner which proves conclusively the high character and nature of the man.

Some may protest that it is not the origin of Judge Haynsworth's birth that gives rise to their enmity but rather a desire to apply the same test as was applied in the Fortas case. They say their concern springs from a lack of confidence in the court which the Fortas hearing created and compels the extensive investigation, the grueling interrogation, and the demand for public disclosure in this case. Unfortunately for those who advance this justification for their conduct, the Burger hearing stands as an embarrassing contradiction. If their representations are true, why was the interrogation of Justice Burger routine and perfunctory? Why was Justice Burger not requested, required, or compelled to furnish any information or make any disclosure whatsoever? It is true that Justice Burger brought to the committee a reputation as a conservative, but he did not bring with him a Southern heritage and therein lies the heart of the matter.

Mr. President, it is difficult to review in a comprehensive manner the testimony offered against Judge Haynsworth. I might say that it ran the full spectrum from the absurdly ridiculous to the embarrassing and distasteful. On the same day whites and Negroes were battling in the streets of Pittsburgh over union exclusion of Negro apprentices in the construction trades, Mr. Meany was telling the committee he opposed Judge Haynsworth because:

> He has demonstrated indifference to the legitimate aspirations of Negroes.

On another occasion we heard Mr. Randolph Phillips attack the President of the United States, a U.S. Senator, and the nominee in a base and distasteful manner. According to Mr. Phillips:

> What we thus have is not a single payoff not a double payoff, not a triple payoff, but a quadruple payoff. Roger Milliken, Strom Thurmond, Clement Haynsworth, Jr., and Richard M. Nixon all win. They win in one of the dirtiest and most sordid political games that has ever been played with judgeships as pawns and poker chips in the history of the Republic.
>
> * * * * *
>
> There is not a single judicial nomination to the Supreme Court of the United States, insofar as I can see by reading the history of the Supreme Court, Senators Hruska, Cook, and Mathias, that has ever been determined by such low principles as the present nomination seems to be.

We heard Mr. Stephen I. Schlossberg of the UAW demonstrate the technique of slander by insinuation and innuendo. We saw Mr. Schlossberg reveal himself as a man without the courage, the honor or simple decency to charge the nominee with improper conduct, but clearly intent upon leaving that impression. Consider, for instance, Mr. Schlossberg's following colloquy with Senator HRUSKA:

> Mr. SCHLOSSBERG. I have been told by friends of mine who have studied these cases, the Fortas case and the Haynsworth case, that Haynsworth's conduct makes Fortas look like an altar boy. Since I am obviously not qualified to describe altar boys I cannot judge whether that is an accurate description or not. * * *
>
> Are we to believe that the salesmen who sent to these various textile industries and tried to place these vending machines in their places did not say to these textile industries, "This is Judge Haynsworth's company"?
>
> I can hear it right now just like the cowboy on television says when he rides over the horizon, "This is Marlboro country."
>
> Senator HRUSKA. If he had that much influence and prestige, and if he was possessed of the near omnipotence that you assign to him, why didn't they get more business with the plants of the Deering-Milliken Co.?
>
> Mr. SCHLOSSBERG. I do not know.
>
> Senator HRUSKA. They had them in only three plants out of——
>
> Mr. SCHLOSSBERG. Maybe those were the only connections that Dennis and Haynsworth had, you know. I just do not know.
>
> Senator HRUSKA. They served only three plants in the mills of the Deering, Milliken——
>
> Mr. SCHLOSSBERG. Three or four.
>
> Senator HRUSKA. There were three companies in one of those mills, but it was one building as I understand it.
>
> Mr. SCHLOSSBERG. Right.
>
> Senator HRUSKA. And then there were two others. Now, if he had the position of dominance that you describe, why didn't he get more than $100,000 worth of gross sales in those companies?
>
> Mr. SCHLOSSBERG. Senator, it is hard for me to speculate, and this is a terrible thing to say and I do not make it as a charge, but if I have to speculate I am going to speculate. Maybe Deering, Milliken decided that there comes a point when you draw the line, and that $100,000 is all we can afford to give this guy while he is a sitting judge hearing our cases. Now, I am speculating, Senator.
>
> Senator HRUSKA. You take it that Deering, Milliken gave him $100,000?
>
> Mr. SCHLOSSBERG. I did not say that.
>
> Senator HRUSKA. You just said so.
>
> Mr. SCHLOSSBERG. No, I did not, Senator.
>
> Senator HRUSKA. Do you change that language?
>
> Mr. SCHLOSSBERG. I said maybe they said, "This is all the business we can give this guy's company while he is a sitting Judge." I did not want to speculate, but you forced me into it.
>
> Senator HRUSKA. I did not force you into it, and if you were here sitting at these hearings and considered the record, which is sworn testimony——
>
> Mr. SCHLOSSBERG. Right.
>
> Senator HRUSKA. And if you had had any desire to inform yourself you would not have to speculate, and when facts are available under sworn testimony, speculation is out of order in my judgment. The record will show that whatever contracts they got were acquired by reason of competition bids; and in three instances, the last three times, they were not the prevailing party. I just cannot quite square that result with an officer who has such an omnipotence that he can say anything and he gets paid off. Isn't that what you are saying?
>
> Mr. SCHLOSSBERG. You do not understand. I am going to try once more to make myself clear and then I am really at a loss about how to do it. No. 1, I do not make the charge that Deering-Milliken paid off Judge Haynsworth.
>
> Senator HRUSKA. That is good.
>
> Mr. SCHLOSSBERG. I do not make that charge.
>
> Senator HRUSKA. That is good.
>
> Mr. SCHLOSSBERG. I do not make the charge that Judge Haynsworth consciously attempted to influence Deering-Milliken with his decision in the *Darlington* case.
>
> Senator HRUSKA. That is good.
>
> Mr. SCHLOSSBERG. I do not make that charge. The charge I make, Senator, and I make it again for about the fifth time, is that he was guilty of serious impropriety; that he misstated, perhaps inadvertently, to this committee, the secrecy of the vending machine business; it was not such a big secret when Wade Dennis was telling people, bragging, that Judge Haynsworth was the first vice president, that Deering-Milliken could have known of it, and that it was improper for him to sit because there was an appearance under canon 4 of impropriety.
>
> Now, I do not say there was any payoff and I want to make that absolutely clear.

I am sure Mr. Schlossberg considered his testimony to be quite clever. However, there is nothing amusing or clever in a disgusting, underhanded effort to smear and discredit and degrade an honorable man with rumor, insinuation, lies, and half-truths. As we read the testimony of Mr. Schlossberg, as we hear Mr. Harris' bragging about destroying the reputation of Judge Parker as an example to others and how he will be glad to reach the same result in this case, as we listen to Mr. Randolph Phillips, we might recall Louis Nizer's summation to the jury in the libel case of Quentin Reynolds against Westbrook Pegler:

> What does a defense lawyer do in a case of this kind? He does what Mr. Henry so skillfully did—he attempts from the very first moment to becloud the issue, not to discuss the merits, not to discuss the facts, not to discuss the truth, but to raise every conceivable prejudicial issue he can. I would like to tell you something about an octopus.
>
> When an octopus is attacked by an enemy, it emits a black inky fluid, and the water around it gets very black, and in the confusion the octopus escapes.
>
> In this case from the very first moment . . . until this skillful summation, the defendants emitted black fluid to becloud the issues in this case.

And as we hear the relentless and repetitious campaign of character assassination that went on day after day, we hear another voice from the past, a voice from another day at another Senate hearing. It is the voice of a previously unknown lawyer from Massachusetts whose simple words were the turning point in the career of a U.S. Senator who, even though his cause was right and his motives just, had exceeded the bounds of what the average American considers to be fair play and a fair fight. His words were not spoken in anger or passion but in a manner calm and studied and sincere. The words were these:

> Little did I dream you could be so reckless and so cruel as to do an injury to that lad. It is true he is still with Hale & Dorr. It is true that he will continue to be with Hale & Dorr. It is, I regret to say, equally true that I fear he shall always bear a scar needlessly inflicted by you. If it were in my power to forgive you for your reckless cruelty, I will do so. I like to think I am a gentleman, but your forgiveness will have to come from someone other than me. * * *
>
> You have done enough. Have you no sense of decency, sir, at long last? Have you left no sense of decency?

As we read the press clippings and editorials that have appeared in certain quarters throughout these hearings, as we saw the testimony of Judge Harrison Winter headlined and portrayed as an attack upon the judge's character and reputation, as we saw the rumors which were daily attributed to "aides and sources on Capitol Hill," as we saw the headlines announcing discovery of links between Bobby Baker and the nominee, and as we saw and heard the countless other distortions and misrepresentations in our Nation's press, we cannot help but hear the summation of Louis Nizer before the U.S. court of appeals in the case of Quentin Reynolds against Westbrook Pegler as Mr. Nizer told the court:

> Reckless attacks equivalent to character assassination have become too frequent an occurrence in personal column editorializing. Newspapers are like cannon. They must not be shot carelessly and with abandon.
>
> This case afforded an opportunity to protect the individual from malicious libel; to inculcate a revived sense of responsibility in newspapers; to encourage the old tradition of checking facts, and to control reckless writers who build circulation by extremism and sensationalism.

It is the misfortune and the tragedy in a case such as this that, as Mr. Nizer says:

> Libel seldom causes as much public indignation as it does private anguish.

Now, Mr. President, I do not want to belabor a comparison between the Haynsworth hearing and the Fortas hearing, but there are those who justify their conduct in this matter by saying, We are only giving Haynsworth the same treatment that Fortas got. Thus Mr. Schlossberg, whose testimony certainly needed some moral justification, posed the question as follows:

> The people of this country, the young people, the students, the disillusioned people, the disinherited people, the intellectuals, people in all walks of life, want to know—is a northern liberal judge, a sitting Supreme Court Justice, to be judged by the same standards as a southern conservative or reactionary judge? * * *
>
> People want to know, Is the test the same? Will the standards be the same? Will the same Senators and commentators who demand the purity of one judge demand it also of another?

While it is true that there are striking parallels between the Haynsworth nomination and the nomination of John J. Parker and Louis D. Brandeis, the only parallel with the Fortas case is the proximity of chronology. But for the record, I would like to make the following observations between the Fortas hearings and the Haynsworth hearings.

As I have detailed at length, Judge Haynsworth voluntarily made full disclosure of all his private financial transactions including the income tax returns of both himself and his wife. Justice Fortas made no such disclosure at all, nor was it suggested, requested, required, or compelled by the committee.

A comparison of testimony in these two cases reveals that Judge Haynsworth was open, frank, candid, and forthright in his testimony while Justice Fortas was clever, vague, and evasive.

Judge Haynsworth not only appeared before the committee and answered every single question put to him, but openly and publicly announced his availability to return at the request of any single Senator for further interrogation and on any and all matters concerning his nomination. It will be recalled that one of the most serious questions concerning Justice Fortas was an arrangement with American University, funded by former clients of his firm, where Justice Fortas received substantial fees for a short seminar. This information was not volunteered by Mr. Fortas, but came from independent sources and was substantiated by voluntary testimony by the dean of the law school at American University. The question was raised as to whether this arrangement was a setup designed as a conduit through which funds could be legitimized before being passed to the Justice. Justice Fortas was requested to return to the committee and set the record straight. For reasons best known to himself, reasons which future events would place in clearer perspective, Justice Fortas declined to return for further testimony.

Judge Haynsworth, in addition to filing with the committee all of his financial records and transactions and those of Carolina Vend-A-Matic Co., requested that the complete Justice Department files on the Darlington investigation be submitted to the committee and made available to the public. Despite charges to the contrary, the Justice Department has complied with every reasonable request made of them throughout these hearings. They have been completely open and have attempted to conceal nothing. It will be remembered that in the Fortas case requests were made or subpenas issued for a number of administration employees who declined to appear, nor did the committee see fit upon their refusal to force their exercise of Executive privilege.

As the Haynsworth nomination comes before the Senate for a final vote, there is no one who has or can deny that every fact that could possibly bear upon our consideration of this nominee has been revealed. As we approached a vote on the Fortas case, there was no doubt but that a great deal had been concealed and a general feeling that the damaging evidence against him had only scratched the surface. In any event, we approached the final vote on the Fortas case with a great deal unknown as to the true facts, whereas in this case we know what the facts are and have simply to draw our conclusions from them.

In this case no one has charged or inferred that Judge Haynsworth has, at any time, in any case, profited or hoped to profit personally from anything that he has done. In the Fortas case it was charged that Justice Fortas had courted the favor of the President with the hope of being rewarded with the office of Chief Justice and charged that, in fact, he had been. There was the further charge that Justice Fortas had in fact received what amounted to fees through the arrangement at American University and it was widely believed that Justice Fortas had received either directly or by the diversion of fees to his wife. At any rate, Justice Fortas for reasons best known to himself, but for reasons later understood more easily, declined to make any disclosure in order to set the record straight.

And might I add, Mr. President, another striking dissimilarity in these two hearings. Judge Haynsworth has from the very beginning faced an openly hostile press before these hearings even began. It was common knowledge that many representatives of the news media were out to get the nominee. Many were heard in the open hearing room refer to the judge and the President in disparaging terms before one word of testimony was even heard. In the Fortas case it was quite another thing. In the Fortas case it was not the nominee but members of the committee who were the focus of vilification and attack by the news media. This continued until it was no longer possible, in light of facts revealed, for them to maintain that posture. It was only then, at the 11th hour, that the liberal press began to hedge its bet and question the merits of the nomination.

Mr. President, the Haynsworth nomination has clearly revealed the paranoid psychology that compels the liberal establishment to try to silence every voice that is raised against them and to destroy every man who cannot be counted on 100 percent. I said a paranoid psychology. Why else would labor fear Judge Haynsworth with such intensity on the one hand while on the other hand saying that his position has been reversed in every single case that has gone to the Supreme Court by a unanimous court in nine decisions and with only one dissenting view in the other. Consider the following colloquy between Mr. Harris and Senator McCLELLAN:

> Mr. HARRIS. He voted against the union, in every case he was reversed by the Supreme Court. In every case——
>
> Senator McCLELLAN. He was not reversed alone. There were several other judges reversed, were there not?
>
> Mr. HARRIS. He got the vote of one Supreme Court Justice, once, Justice Whittaker.
>
> Senator McCLELLAN. Are you talking about these 10 cases?
>
> Mr. HARRIS. These 10 cases which are all the labor cases he sat on which were reviewed by the Supreme Court.
>
> Senator McCLELLAN. According to your judgment, he was not even entitled to that, was he?
>
> Mr. HARRIS. No. [Laughter.]
>
> Senator McCLELLAN. He just cannot do right. Very well.
>
> Mr. HARRIS. But he never got the vote of a single judge, conservative or moderate. Judge Harlan, Judge Clark, Judge White. None of them ever cast a vote with him in a single labor case.
>
> Senator McCLELLAN. Which clearly indicates to me he is neutral, he has a mind of his own.
>
> Mr. HARRIS. I suggest it indicates two things, that he always holds against union if it is possible to do so and that judged by the standards of the Supreme Court, he was not a very good judge in labor cases because he was reversed all the time, time after time. And not on any five to four basis, either. Unanimously.

Senator HART observed during the hearings that out of 10 labor cases appealed to the Supreme Court, Judge Haynsworth "did manage to pick up one Justice's vote out of I guess 80 or 90 Warren court votes."

Mr. President, do the opponents of Judge Haynsworth have so little faith in the righteousness of the causes they espouse and the logic and reason of their position that they cannot tolerate one dissenting vote?

These hearings call to mind a quote of that great jurist, Judge Learned Hand. Judge Hand warned our people against the same kind of paranoid psychology that seeks to extinguish all dissent. Judge Hand cautioned:

> That community is already in the process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose.

Mr. President, I have asked why the leaders of organized labor, for instance, have decided to mount such a vicious attack to silence one voice and to bar one vote from a nine-man court. There is another reason, and these labor leaders have openly acknowledged what it is. They brazenly admit in open hearings that win or lose they intend to make an example of Judge Parker as a means of intimidating other judges who might aspire to serve on a higher court. They made no effort to conceal it. Consider, for example, the exchange between Senator ERVIN, Mr. Meany, and Mr. Harris concerning the nomination of Judge Parker, of whom even Chief Justice Earl Warren said in 1958:

> No judge in the land was more truly distinguished or more sincerely loved. His contemporaries appreciated and honored this man's qualities, and in the judicial history of the nation his great reputation will endure.

The colloquy I refer to is as follows:

> Senator ERVIN. Mr. Meany, you say this is the second time in history that the organizations which you represent have opposed the confirmation of a nominee for Supreme Court Justice?
>
> Mr. MEANY. That is my opinion. As far as I can remember.
>
> Senator ERVIN. And the other time, the same organizations opposed the nomination of Judge John J. Parker.
>
> Mr. MEANY. That is right, 1930.
>
> Senator ERVIN. And he was defeated by two votes in the Senate and then continued on the Fourth Circuit Court of Appeals and became one of the most distinguished jurists that North America ever has known, did he not?
>
> Mr. MEANY. As far as I know, your statement is true. He had a change of heart. [Laughter.]
>
> * * * * *
>
> Senator ERVIN. That is all?
>
> Mr. MEANY. Well, that was one of the cases.
>
> Senator ERVIN. If he had not followed the decision of the Supreme Court, he would have been guilty of judicial insubordination, would he not?
>
> Mr. MEANY. I am not a lawyer. I cannot say.
>
> Senator ERVIN. Mr. Harris just explained you are supposed to follow the decisions of the Supreme Court and I think we know that.
>
> Mr. HARRIS. I agree with you that the attack on Judge Parker on that ground was unjustified. But the federation succeeded in blocking his confirmation to the Supreme Court and, as you say, he served for many years thereafter as a prolabor judge and if we can get both of the same two results here we will be happy. [Laughter.]

It takes a peculiar kind of man, inhibited by a special kind of baseness and meanness, to brag about and see humor in the destruction of an acknowledged man of worth. I do not believe the average American citizen would laugh at this sordid testimony. It recalls a passage from Louis Nizer's book "My Life in Court" wherein he discussed the efforts of defense attorneys to laugh down a slander suit in their closing arguments to the jury. As Mr. Nizer points out:

> Such an approach, however, is subject to heavy counterfire. If it is possible to demonstrate that the facts have been ignored by the defendants and that they have toyed with the truth, their frivolous approach becomes calloused and offensive. That is why witty summations, which skirt the evidence, have short lives. As soon as they are subjected to analytical sunshine, they dry up. A jury will resent levity when the truth points to tragedy.

And so, Mr. President, I believe the average American, or the forgotten American of whom we have heard so much about of late, will find Mr. Harris' "frivolous approach calloused and offensive" and will resent his sick humor "when the truth points to tragedy." They will resent and feel outraged at Mr. Harris' view of the Parker nomination as they will at his tactics and motives in the Haynsworth nomination. The American people are not amused when an honorable and decent man is subjected to a campaign of slander and abuse as an example to other inferior judges and as a warning to anyone who stands in their way. I believe this is important because if there is any moral issue involved in the Haynsworth nomination, then this is surely it.

I could not state the moral issue which is involved here any more eloquently than was done in the Parker debates by Senator Frederick Huntington Gillett, of Massachusetts, former Speaker of the House of Representatives and noted statesman:

> The Senator obviously was not here when I said, some time ago, that the fact that Judge Parker, as a judge of the inferior court, had submitted to the opinion of the Supreme Court, did not at all indicate that that was his opinion, and when he is on the Supreme Bench he might take an entirely different attitude. Now, as a member of the inferior court, he is bound by the decisions of his superiors. Then he will be one of the superiors himself and independently will help make the law.
>
> Why, judges on the Supreme Court develop and change their opinions. I have in mind two very striking illustrations, which I do not think it would be proper for me to name, of judges who, in their course of service, showed a constant trend from their attitudes when they went on the bench, one gradually seeming to become much more conservative and the other appearing to become much more radical.
>
> Such changes we ought to anticipate, and, indeed, we ought to hope of a judge that with his impressive associations and high responsibilities he will grow and develop.
>
> It seems to me, from all I can learn of Judge Parker, that he exceptionally meets those requirements. I appreciate that a great practical argument is used against him. How much it will influence Senators I do not know. From all over the country there have been showering in upon us letters and telegrams from organizations asking us to vote against him. That they will have weight, inasmuch as we are human and many of us candidates for reelection, is inevitable. But I should deeply regret that great organized bodies of voters should be encouraged to think that their selfish, interested wishes should decide who will go upon the Supreme Court rather than the qualifications of the candidate; that no man can be confirmed whose previous acts give them fear that he will decide cases according to his opinion of the law rather than according to popularity with them. That is a blow at the independence of the judiciary and it is a blow at the independence of the Senate.
>
> Every lawyer or judge of an inferior court in the back of whose head lurks the not ignoble ambition that some day he may attain an eminence which will entitle him to be considered for that highest honor to a lawyer, a seat on the Supreme Court, ought not to have impressed upon his mind the suspicion, the degrading suspicion, that not talent and wisdom and courage will win the prize, but deference to the interested wishes of great organizations of voters; that the principles and conduct of the demagogue will unlock the door to the bench; and that the judicial ermine, as too often the political toga, is the reward of obedience to public clamor.

History continues to repeat itself and there are striking similarities between this controversy and the fight to stop the nomination of Judge Parker and Judge Brandeis. There is perhaps another moral issue to be drawn from these controversies. It is whether every young man who aspires to high office, whether in the world of the law or the world of politics, will necessarily conclude that the best avenue to advancement is to avoid controversy of every kind and nature, avoid every cause regardless of its merit, to drift with the tide as it ebbs and flows—in the words of Teddy Roosevelt "to take rank with those poor spirits who neither enjoy much nor suffer much because they live in the grey twilight that knows not victory nor defeat." If we are to open an era in which the politics of vendetta and reprisal are the order of the day, in which every man who has ever committed himself to any cause or idea can expect himself and his family to suffer slander and abuse of petty men, then our country will be the poorer for it and the quality of our public officials and our judges will be lower as the result of it.

This is the fear expressed by that great historian of the Senate, George H. Haynes, in his history of the U.S. Senate, wherein he commented on the significance of the Parker nomination as follows:

> But the chief significance of the recent contests in the filling of vacancies upon the Supreme Bench lies not in the struggle between conservatism and liberalism, but in the group pressure which under the Senate's new procedure is likely to determine the fate of nominations. The nominee's entire record gets little chance for fair appraisal. It may prove a more difficult task in the future for the President to find strong men and able jurists, of the caliber of those who have built up the Supreme Court's prestige, who will allow their names to be placed in nomination, if they must first be subjected to an inquisition in committee hearings as to their past records, pertinent or not pertinent to Supreme Court service, as to their personal investments, and as to the opinions which they hold upon complicated and controverted economic and social questions likely to be involved in litigation before the Court, and then must have their nominations made the subject of bitter debate on the floor of the Senate, where racial, sectional, and political considerations may bulk so big that questions of the nominee's character and fitness are half forgotten. Yet it is upon the Senate's verdict as to the nominee's character and fitness that the nation's ultimate reliance must be placed.

Now, Mr. President, Judge Haynsworth's adversaries have sent investigators into South Carolina for weeks poring over this man's life and have investigated his every act with a vengeance. They have interrogated everyone in sight about his life as a man, his career as a lawyer and his tenure as a judge. They have relentlessly sought some incident in his personal or private life or some flaw in his character upon which to destroy him. They have pored over his tax returns, his financial records, the 300 or so cases in which he participated, and have interrogated him at length in search of something with which to discredit him.

And what have they found? Presenting the case against Judge Haynsworth at its worst the Washington Post of October 9 said:

> And so fairly or not, his has become the center of yet another nasty public row, which can do nothing good for the already tarnished reputation of the Supreme Court, however it may be resolved.

Based upon this specious argument the Post suggested that the nominee withdraw for the good of the Court and the country.

The junior Senator from Michigan was quoted in the Evening Star of October 8 as having concluded:

> However unfair and however unjust, Judge Haynsworth is not free from suspicion.

The New York Times says:

> None of his alleged misdeeds has turned out to be more than an unperceptive man's neglect in which there was neither profit nor, it would seem, the expectation of profit . . .

Another Senator, announcing his vote against confirmation, is quoted as saying:

> I believe Judge Haynsworth is an honest man.

Another Senator is quoted as saying he will vote against Judge Haynsworth "in the firm belief that he is an honest judge who has not benefited personally or financially from any of his decisions."

Says another Senator:

> However unfair and however unwarranted, Judge Haynsworth is not free from suspicion.

Many Senators announcing their intention to vote against the nominee have cited as their reason his insensitivity to appearances. No one thus far has suggested than any single act in this man's life has been improper, or has been done with the hope or expectation of personal profit or gain whatsoever. The individual views of several Senators acknowledge "that standard is a most exacting one and it is not necessarily a personal reflection on a nominee's accomplishments or integrity if the Senate should find that he fails to meet it." The individual views of another Senator acknowledge that "these views do not suggest that Judge Haynsworth decided cases in a manner designed to enhance his financial interest. Such a charge would be untrue."

And might I add, Mr. President, in my opinion had such a charge been at all reasonable, that charge would have been made.

And so, in a nutshell, the case against Judge Haynsworth, put in the very worst light, boils down to the charge that he has been insensitive to appearances.

Mr. President, I have been in the Senate for many years. I have listened to the arguments furnished on many matters of the most serious nature. But I have never heard the opponents of any nomination rest their case upon such a specious foundation. Had I not heard it, I would not have previously thought that any Senator would consider an argument worthy of the Senate's attention that says, in essence: "Fair or unfair, true or false, when a man is relentlessly attacked by selfish interest groups his nomination should be withdrawn or rejected for the sake of national unity."

The last time anyone had the nerve to present such an argument to the Senate was in the case of Louis D. Brandeis. And once again we seem to hear voices from the past. Listen to the words of Senator John D. Works stating his reasons for opposing the Brandeis nomination:

> He had resorted to concealments and deception when a frank and open course would have been much better and have saved him and his profession from suspicion and criticism. He has defied the plain ethics of the profession and in some instances has violated the rights of his clients and abused their confidence. There is nothing in the evidence that leads me to think he has done these things corruptly or with the hope of reward. His course may have been the result of a desire to make large fees, but even this is not clear. He seems to like to do startling things and to work under cover. He has disregarded or defied the proprieties. It has been such courses as he has pursued that have given him the reputation that has been testified to, and it is not undeserved. It is just such a reputation as his course of dealing and conduct would establish in the minds of men. This reputation must stand as a strong barrier against his confirmation.
>
> If it were Mr. Brandeis alone that is to be concerned, and it should be believed that this reputation is undeserved and unjust, it should have no weight; but the effect of such an appointment on the court is of much greater importance. To place a man on the Supreme Court Bench who rests under a cloud would be a grievous mistake. As I said in the beginning, a man to be appointed to the exalted and responsible position of justice of the Supreme Court should be free from suspicion and above reproach. Whether suspicion rests upon him unjustly or not his confirmation would be a mistake. It is argued against him that he is not possessed of the judicial temperament. There is just ground for this objection. As some of his friends said he is a radical, and for that reason he has offended the conservatives. That may be no cause of reproach but the temperament that has made him many enemies and brought him under condemnation in the minds of so many people would detract from his usefulness as a judge. . .

And consider the views of Senator W. E. Chilton, concurred in by Senator Duncan W. Fletcher:

> It is suggested in the brief of counsel of the protestants that if a doubt shall be raised concerning the ethical conduct of the nominee, he should not be placed upon the Supreme Court. If that theory shall obtain, then it is possible, by a campaign of slander, to bar the best men and the best lawyers in the country from judicial office. I am not willing to indorse a campaign of slander, whether it was intended to be slander or not, when promulgated.
>
> If after full investigation I find, as I do, that Mr. Brandeis is not guilty of the things charged against him by his enemies, then it is my duty to say so and to give him the benefit of a pure life and his upright conduct, regardless of the slander.

Also consider the views of Senator Thomas J. Walsh:

> The testimony taken by the committee is voluminous. In the infinite multiplicity of the duties devolving upon Senators it is quite vain to hope that any considerable number, except those upon whom the burden of investigation has been directly imposed, will read it, all or read any of it.
>
> Outside of the Senate opinion will be based in very small part upon anything more trustworthy than a resume of the evidence collected by the committee. . . .
>
> It is not charged that he is corrupt, at least by any one not moved by reckless malevolence. The accusations, if they may be so called, relate entirely to alleged disregard of ethical standards in his professional relations. Singularly enough, there is very little opportunity for dispute in respect to the facts constituting the incidents which the committee deemed worthy of its notice.
>
> There is wide divergence of view touching the significance of the facts disclosed. Interpreted by those bent on finding something to criticize or ready by prepossession to attribute discreditable motives to Mr. Brandeis, they assume a sinister aspect. Men of the highest character, frank admirers of that gentleman, who participated in the transactions in respect to which he is denounced, insist that his conduct was either irreproachable or altogether honorable. It is particularly important in this quite curious situation, in order to form a just estimate of the conduct and character of the nominee, to guard against the insidious influence of detraction and calumny.
>
> It is said that it is to be regretted that any such controversy as this in which we are involved should arise over a nomination of a justice of the Supreme Court. So it is. But when it is said further that one might better be chosen over which no such bitter contention would arise, I decline to follow. It is easy for a brilliant lawyer so to conduct himself as to escape calumny and villification. All he needs to do is to drift with the tide . . .

As we saw in the Brandeis nomination, the exact argument was made by those seeking to bar him from the Court. And the same devastating rebuttal was offered in reply to them as I offer now in reply to those who fight this nomination.

In conclusion let us analyze the coalition of interests that have made common cause against this nomination. The labor bosses and their allies are against him because they say he is not prolabor. The Negro leaders and their allies say they are against him not because he is anti-Negro but because he has been reluctant to break new constitutional ground in their behalf as a circuit judge. Some are against him because of a sectional hatred that has divided our Nation and poisoned our national life throughout its history. A few—yet powerful and influential men—are against the nominee because they consider this seat as having been established by historical precedent as belonging to one religious faith and, thus regard the nominee as a trespasser and interloper. Still others oppose Judge Haynsworth to avenge Justice Fortas and settle a score, not realizing that vengeance breeds vengeance and the settling of one score opens new scores to be settled. Still others feel they must appear consistent with their opposition to Justice Fortas and find it easier to oppose Judge Haynsworth than to explain the differences in these two cases, even though by doing so they leave a stigma upon the reputation of a decent, honest man.

Now, Mr. President, as the vote on this nomination draws near I would like to recall a story recounted by a young Senator from Massachusetts in a book entitled "Profiles in Courage." This young Senator recounted how Lucius Q. C. Lamar, of Mississippi, was called upon to choose between political expediency and political popularity on a crucial Senate vote. Senator Lamar had even been directed by strongly worded resolutions of the State legislature to work for the

Bland Silver Act and the people of my State had flooded him with letters supporting that position. As the Senator from Massachusetts recounted in the book:

> He felt that on this issue it was of particular importance that the South should not follow a narrow sectional course of action.

This young Senator then recounted the speech which Lamar made on the floor of the Senate in defense of his position. It was certainly one of the most powerful and courageous speeches this Chamber ever heard, but more than that, it sets the standard that every Senator should strive for. Senator Lamar said:

> Mr. President, between these resolutions and my convictions there is a great gulf. I cannot pass it. . . Upon the youth of my state whom it has been my privilege to assist in education I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. Today my lessons confront me. Today I must be true or false, honest or cunning, faithful or unfaithful to my people. Even in this hour of their legislative displeasure and disapprobation, I cannot vote as these resolutions direct.
>
> My reasons for my vote shall be given to my people. Then it will be for them to determine if adherence to my honest convictions has disqualified me from representing them; whether a difference of opinion upon a difficult and complicated subject to which I have given patient, long-continued, conscientious study, to which I have brought entire honesty and singleness of purpose, and upon which I have spent whatever ability God has given me, is now to separate us; . . . but be their present decision what it may, I know that the time is not far distant when they will recognize my action today as wise and just; and, armed with honest convictions of my duty, I shall calmly await the results, believing in the utterance of a great American that "truth is omnipotent, and public justice certain".

In conclusion, Mr. President, I ask that each Senator set a standard for himself which is no less than that which Senator Lamar set for himself. I therefore urge confirmation of this nomination.

Mr. BENNETT. Mr. President, when the clerk comes to my name on the question of approving the nominaton of Judge Clement F. Haynsworth to the Supreme Court, I will vote with a loud and clear "yea."

I cannot escape the feeling that there is a good deal of political maneuvering beyond the charges and countercharges made against the judge.

I think it is unfortunate that many of those leading the fight against Judge Haynsworth have not come forward to announce they are doing so because he is a southern conservative who just might help change the hitherto liberal-leaning makeup of the Supreme Court.

Another argument used against Mr. Haynsworth's confirmation has been the claim that he has voted against organized labor on several occasions, and therefore, should be disqualified from the Supreme Court. This is a disturbing argument. Are those who oppose him on these grounds saying indirectly that to qualify as a justice of the Supreme Court, a man must always have ruled a certain way? In this case it must be favorable to labor. Whatever happened to the time-honored doctrine of judicial balance and independence?

Equally disturbing is the fact that the antilabor bias charged to Judge Haynsworth has not been clearly established. It is bad enough to charge he is antilabor and thus give a special interest group a veto over a Supreme Court nomination, but to make the charge falsely is highly unfortunate. I strongly urge my colleagues in the Senate to reexamine the excellent and well-documented rebuttal of the AFL–CIO appraisal of Judge Haynsworth by Senators HRUSKA and COOK.

I take the liberty of citing again their very helpful and informative summary:

SUMMARY: JUDGE HAYNSWORTH'S LABOR RECORD—A REBUTTAL TO THE AFL–CIO APPRAISAL

> I. *The Ten Supreme Court Reversals:* No objective evaluation can conclude that Judge Haynsworth is "anti-labor" as compared with the Supreme Court. Three of the cases involved changes of Congressional and/or Supreme Court policy *subsequent* to the Fourth Circuit's opinion. Two further cases were not "labor-management" cases. In one of the cases, the Supreme Court explicitly stated that its disagreement with the Fourth Circuit was "not large as a practical matter." In *none* of the reversals did the Supreme Court purport to reverse an "anti-labor" decision.
>
> II. *The Divided Fourth Circuit Cases:* The AFL–CIO fails to mention one decision in which Judge Haynsworth dissented *in favor of the union*. The AFL–CIO *falsely labels* as "anti-labor" three cases in which the Fourth Circuit substantially *enforced* NLRB orders in favor of the Union, and four additional cases which are neutral decisions of procedure and evidence issues.
>
> III & IV. *Judge Haynsworth's Undisclosed Pro-Labor Record:* The AFL–CIO completely fails to examine a large body of pro-labor cases in which Judge Haynsworth participated. These include at least *eight* pro-labor opinions *written* by Judge Haynsworth, and an *additional thirty-seven* pro-labor opinions in which Judge Haynsworth *concurred* but did not write an opinion.
>
> The failure of the AFL–CIO to examine this aspect of Judge Haynsworth's labor record is inconsistent with their stated goal of obtaining an "objective" appraisal of Judge Haynsworth's labor views.
>
> V. *The Fourth Circuit's Labor Record:* The suggestion that the Fourth Circuit, and Judge Haynsworth in particular, has consistently opposed the NLRB's efforts to secure worker's rights is demonstrably false.
>
> The Fourth Circuit completely or substantially *enforced* 93 per cent of the NLRB petitions before it in 1968–69, as compared with only 81 per cent for all circuit courts during 1963–68.

I now turn to a few of the specific charges made against Judge Haynsworth by his opponents. To me, these show that opposition to the judge is a smokescreen. It has been argued that on November 13, 1963, the fourth circuit court voted 3 to 2, Haynsworth voting with the majority, to allow the Deering-Milliken Textile Corp. to close one of its plants to avoid unionization there. Because the judge had a one-seventh ownership interest in Carolina Vend-A-Matic Co., then doing $100,000 worth of business with Deering-Milliken, opponents claim he should have disqualified himself from the case. The answer to that charge is plain. Mr. Haynsworth had no duty to disqualify himself, and his role was cleared by his colleagues on the fourth circuit court and by the Justice Department. Even more amazing about the charge is that it fails to take into consideration the fact that Mr. Haynsworth, by voting with the majority, was actually voting against the economic interests of Carolina Vend-A-Matic. To close down the plant would have reduced the vending business available to the Carolina Vend-A-Matic Co.

Another charge was that Judge Haynsworth had committed his personal credit on behalf of Vend-A-Matic in amounts up to $501,987. It was alleged that some of this was done after he became a judge in 1957. The truth of the matter seems to be that Judge Haynsworth never endorsed more than $55,550 for Vend-A-Matic. This is quite a bit less than $501,987. Further, the credit endorsement occurred on February 19, 1957, before Mr. Haynsworth went on the bench, and not after.

Opponents have claimed that the judge had a conflict of interest in 1959 and again in 1961 in cases involving Cone Mills, which also did vending business with Vend-A-Matic.

This trade amounted to $97,367 in 1959, and $174,314 in 1961. Aside from the fact that Judge Haynsworth was not required by law or judical ethics to disqualify himself, it must have been a surprise to those making the charge to learn that in both cases Mr. Haynsworth voted against Cone.

Other charges against Judge Haynsworth included his decisions involving Kent Manufacturing Co. and the Monsanto Chemical Corp. In both cases, it was charged the judge had heard cases while having a related financial interest in the companies involved. Both charges were dropped and the smokescreen cleared a bit when opponents had to admit that the Kent Manufacturing Co. involved in the case was a Maryland fireworks firm and not the Kent Manufacturing Co. of Pennsylvania, which had a subsidiary doing business with Venda-A-Matic. Opponents were so careless in their charges about Monsanto, a company in which Mr. Haynsworth held stock, in that they claimed Monsanto was subsidiary of Olin Mathieson Co. The fact is that Monsanto and Olin are totally unrelated, as pointed out again by the distinguished Senator from Kentucky. Again, the smokescreen was diluted.

I now turn briefly to the question of integrity and judicial ethics. After all of the evidence was in and the hearings were completed, the American Bar Association Committee on the Federal Judiciary met again on October 12, 1969, and reaffirmed its confidence in the nominee. As also pointed out by Senators HRUSKA and COOK, all the other judges of the fourth circuit court of appeals have affirmed their complete faith and confidence in Judge Haynsworth's ability and integrity.

I accept the assessment of Judge Walsh of the ABA, who directly confronted the issue of whether or not Mr. Haynsworth should have participated in the Darlington case in 1963. Judge Walsh said:

> We believe that there was no conflict of interest in the *Darlington* case which would have barred Judge Haynsworth from sitting, and we also concluded that it was his duty to sit.

Similar questions have been raised by opponents concerning the judge's participation in cases involving subsidiary companies in which he owned an interest. Why, they have asked, did he not avoid any kind of suspicion? Again the facts, as supplied by Senators HRUSKA and COOK, show that the "law requires that when a judge is not legally disqualified he must sit." As I understand the facts, Mr. Haynsworth was not legally disqualified in cases involving subsidiaries.

Mr. President, for myself, I am satisfied that Judge Haynsworth's record, actions, integrity, and honor are quite different than alleged by his opponents.

I call upon my Senate colleagues to reevaluate the available information.

Mr. METCALF. Mr. President——

The PRESIDING OFFICER (Mr. DOLE in the chair). The Senator from Montana.

Mr. METCALF. Will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator from Montana.

Mr. METCALF. In my discussion of Judge Haynsworth, I did not go into the question of ethics and disqualification very much. But I have sat on an appellate court, and I feel, and I ask the Senator from Utah whether he does not agree with me, that the canons of the bar association, which say that a judge should not only consider whether or not he is legally disqualified, but whether he has the appearance of disqualification, is the so-called sensitive area we are entering into.

We are not indicting Judge Haynsworth; we are not impeaching Judge Haynsworth; we are not prosecuting Judge Haynsworth. We are just asking, should this man, who has failed to react with sensitivity to the appearance of an interest, be elevated to the Supreme Court of the United States?

Mr. BENNETT. The Senator from Utah is not an attorney; therefore, he is not an authority on the canons of ethics of the bar. The Senator from Montana states he is not indicting the judge, and he is not doing a lot of other things to the judge. What is going on here reminds me of the old story of the fisherman who, having caught a fish, and the fish was squirming in his hands, said to him, "Don't worry, little fish. All I am going to do is gut you."

It seems to me that this proceeding is destroying Judge Haynsworth.

Mr. METCALF. We are not gutting Judge Haynsworth. We are not destroying him. I think that Judge Haynsworth can go back home and grow his camellias and, as chief judge of the fourth circuit, hand down his opinions for or against civil rights or for or against labor, as his conscience dictates. Nobody is criticizing that. We simply do not want to elevate him to the Supreme Court of the United States.

Mr. BENNETT. Does the Senator say he is not sufficiently sensitive, but he is perfectly willing to let him be insensitive on the fourth circuit court; that it requires a special kind of sensitivity for the Supreme Court?

Mr. METCALF. There is an appeal from the fourth circuit to the Supreme Court of the United States; but if we confirm his nomination we elevate him to a court from which there is no appeal.

Mr. BENNETT. This will not be the first time that a man has sat on the Supreme Court whose sensitivity has been questioned in this body.

Mr. METCALF. There is no question about that. I am grateful to the Senator for yielding.

Mr. BENNETT. I am happy to yield. But the Senator from Utah, for one, does not feel that this judge is so insensitive that this opportunity should be denied him.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. COOK. Mr. President, I was very interested in the question just asked, because, as Members of the Senate, we create the laws by which these judges must sit.

Mr. BENNETT. The Senator is correct.

Mr. COOK. And we sit here and talk about insensitivity and talk about the understanding that determines what we must do. Does not the Senator feel that we as Senators have an obligation to put into operation the theories or suggestions that we might have?

Mr. BENNETT. That is our obligation and duty.

Mr. COOK. Mr. President, I should like to read to the Senate what the law is, because I was interested in the question just asked.

The law states:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest.

There are those that say that this insensitivity should go to any interest at all. Yet, that is not the law. Does the Senator agree?

Mr. BENNETT. Mr. President, as I have indicated, I am not a member of the bar. So my impression is that of a layman.

Mr. COOK. Mr. President, I was interested in the question asked by the Senator from Montana because somehow or other the code of judicial ethics applies to Judge Haynsworth, but the law established by the Congress of the United States does not when it seems to fit their convenience.

I raise that point with the distinguished Senator because we talk about insensitivity and when we discuss the impartiality that is supposed to be exhibited by a judge. I listened intently to the remarks of the distinguished Senator from Montana the other day, and he discussed this very thing, the fact that there must be this impartiality, that he must sit and not show any partiality whatsoever. However, the only thing that was wrong in the judgment of the Senator from Montana was that in the eyes of the Senator from Montana, Judge Haynsworth was an antilabor judge and reflected it in decisions.

The only thing I reiterate to the Senator from Utah is that we seem to be getting into the situation in the minds of some Senators of the old preacher who had two wives. He lost one and then married another one. He wrote in his will, "Bury me between them, but if you don't mind, tip me a little toward one of them."

When we discuss the question of sensitivity, I wonder if we are willing to make a judgment based on the law or on some other means.

Mr. BENNETT. Mr. President, the Senator from Utah feels a little like a tennis ball in a match.

Mr. METCALF. Mr. President, will the Senator lean this way a moment?

Mr. BENNETT. Mr. President, I will yield a minute and then will finish my statement.

Mr. METCALF. Mr. President, the only point is that if the question involved the impeachment of the judge, the reading of the law would be the only thing I would be concerned with. I would certainly concur with the distinguished Senator from Kentucky. However, we have canons of judicial ethics, and we have other criteria that are above and beyond and over the law. And those canons of judicial ethics are the criteria for the determination of whether a judge has the excellence and the superiority that should elevate him to be one of the nine members of the Supreme Court. One of the canons involves the avoidance of impropriety. And this is the canon that Judge Haynsworth has failed to observe. And this is the canon concerning which, when I outlined my discussion of labor law, I said that a labor man would look at the 10 rulings against labor and none on the other side and say, "Well, here is a man who has not avoided impropriety."

This is the distinction I am trying to make.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BENNETT. Mr. President, this is the last shot and then the game is over.

Mr. COOK. Mr. President, if the Senator from Montana is saying that the judge lacked propriety in the minds of a labor man because 10 decisions went to the Supreme Court of the United States from his court and were reversed, then I must confess that I am rather surprised.

Mr. METCALF. Ten decisions of Judge Haynsworth.

Mr. COOK. Mr. President, I think when we do this, we must evaluate not only his record in the Supreme Court, but also his record at the fourth district level. And if we do not take both of them and look at the overall record, we would be doing any man a tremendous injustice, whether this judge or any other judge.

That is the problem involved in the whole matter.

Mr. METCALF. Mr. President, I thank the Senator from Utah for yielding.

Mr. BENNETT. Mr. President, I realize that other Senators have not spoken and would like to have their turn. I would like to finish my speech and get out of their way as quickly as possible.

Mr. President, to return to my speech, I call upon my colleagues to reevaluate the available information. Let us not make the mistake of judging his nomination on the basis of the initial charges, several of which were admitted to be in error. Let us refrain from calling Judge Haynsworth "antilabor" when the facts show this to be a false accusation. Let us refuse to grant a veto over Supreme Court nominations to the AFL–CIO and other special interest groups. Let us refuse to sacrifice the time-honored principle of judicial independence upon the narrow philosophical ground that says to be appointed to the Supreme Court one must have voted a particular way. Let us refuse to entertain the hollow argument that because the Supreme Court overruled certain opinions by the fourth circuit court in which Judge Haynsworth participated, he is unfit to serve.

At this point, I am led to observe that propriety, like beauty, lies in the eyes of the beholder.

Following this unreasonable logic—and that does not refer to the statement I just made—certain Supreme Court Justices who are often overruled by the majority are also not fit to serve simply because they thought differently on a particular legal issue.

I suppose we should impeach the four Associate Justices of the Court who have frequently dissented in several recent criminal law cases decided by 5 to 4 majority votes. By this same reasoning, I suppose those Senators who are often found voting in the minority are also not fit to serve in this body.

This line of reasoning could go on indefinitely, but it shows, I think, the absurdity of the argument that because some Haynsworth opinions were reversed by the Supreme Court, he is unqualified to sit on that Court.

I am sure many are tempted to draw a comparison between Mr. Haynsworth and the Justice Fortas situation. Since Mr. Fortas is not really an issue here, I will not go into the details of that matter. I would, however, like to draw a brief comparison. When certain actions of Mr. Fortas were questioned, he chose to resign from the Supreme Court rather than explain them. In contrast, Judge Haynsworth has carefully and painstakingly opened his public and private record for the unprecedented scrutiny to which it has been subjected. Seldom has a public servant gone so far in defending his good name and his honor. As far as I am concerned, Mr. President, the Haynsworth record is a good one and certainly justifies Senate approval as an Associate Justice of the Supreme Court. In fact, I feel his qualifications are even better than I had earlier supposed, due to the information which has been presented to refute the unfair and inaccurate attacks, accusations, and smokescreen directed at him.

One final comment, Mr. President. I remain convinced that the Senate should vote for this nomination on its merits. I could follow the mail which I have received from Utah which is running heavily in favor of Judge Haynsworth. However, I came to my present position long before the people of Utah began to react to this matter.

On the other side of the coin, I do not consider a recent mail inquiry to five trial lawyers in the State of Utah a valid measure of the legal opinion in my State or a fair sampling of public opinion generally.

Mr. President, I shall vote to confirm the nomination of Clement F. Haynsworth to be an Associate Justice of the Supreme Court of the United States, and hope that enough of my colleagues in the Senate will join me so that the career that he has had and served with distinction in the fourth circuit may continue in the Highest Court of the land.

Mr. SPONG. Mr. President, earlier in the debate I outlined my views of the role of advise and consent with regard to nominations to the Supreme Court. I stated that I do not believe we should base confirmation or rejection upon how a judge may have ruled in certain cases in which he participated. Also, that preconceived ideas of a man's philosophical, social, and political views are an uncertain basis upon which to predict how one will perform as a Supreme Court Justice. History has demonstrated this.

I believe our examination of a nominee should be limited to his qualifications, background, experience, integrity, and temperament. Demonstrated bias toward anyone in the course of judicial performance, however, goes directly to a nominee's fitness. Lack of prejudice is essential to our very concept of justice.

Earlier this week, the statement of G. W. Foster, Jr., professor of law at the University of Wisconsin, beginning at page 602 of the hearings on the nomination of Clement F. Haynsworth, Jr., was made a part of the record of these debates. Professor Foster has had intimate connection with the formulation of HEW standards, as well as long experience in interpreting judicial decisions involving desegregation of schools. It is appropriate that his views should have been made a part of this debate. His statement to the committee ended as follows:

> To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running federal judges who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire. His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time. And it simply cannot be said that his record in the racial field marks him as out of step with the directions of the Warren Court.
>
> Thus the question for me is not whether I would have made another nomination for the Supreme Court. It is rather the question whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My view is that he will make a first-rate Associate Justice.
>
> I hope this Committee—and later, the Senate itself—will support the nomination of Judge Clement Haynsworth to the Supreme Court of the United States.

A statement was also submitted to the Judiciary Committee by Charles Alan Wright, professor of law at the University of Texas. This statement, in my judgment, is a brilliant and detailed analysis of much of Judge Haynsworth's judicial career.

I ask unanimous consent that the statements of Charles Alan Wright, beginning on page 591 and ending at page 602 of the hearings before the Judiciary Committee on Judge Haynsworth's nomination, be printed in the RECORD and made a part of this debate.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF CHARLES ALAN WRIGHT

My name is Charles Alan Wright. I am Charles T. McCormick Professor of Law at The University of Texas. I come to support the nomination of Judge Haynsworth to the Supreme Court.

For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

My writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure. That set of books is now being supplanted by a new treatise on the same subject. Publication of the new treatise began in February of this year with my three volumes on criminal practice and procedure, and the first of the volumes on civil litigation, which I am writing in collaboration with Professor Arthur R. Miller, was published in April. In addition I am the author of a one-volume hornbook, *Wright on Federal Courts*, a second edition of which is now at the publisher's, and, in collaboration with two others, am the author of the Fourth Edition of *Cases on Federal Courts*.

With this professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in *Federal Reporter*.

Some of the criticisms of Judge Haynsworth that I have read in the press seem to me to fail to take into account the difference between the role of a Justice of the Supreme Court and that of a judge of an inferior court. In the first place, the nature of the work is different. The Supreme Court today is necessarily a public law Court, with almost all of its time devoted to momentous cases involving the interpretation and application of the Constitution and the statutes of the United States. In a court of appeals, such as the Fourth Circuit, there is much more private litigation, of interest only to the parties in the case, and many more cases of a kind that the Supreme Court rarely reviews, such as the construction of a particular patent, award of compensation in an eminent domain proceeding, the niceties of the Bankruptcy Act, sufficiency of the evidence in a personal injury case, and the meaning of state law in a diversity case. To form a judgment about Judge Haynsworth based only on his opinions in the comparatively few cases in which he has participated that are of the sort he is likely to hear on the Supreme Court is to ignore the vast body of his work and thus to risk forming a mistaken impression of his judicial qualities and of his conception of the role of a judge. To avoid falling into that same error myself, I have gone back in the last several weeks and looked at every opinion in which he has participated, opinions covering a span of 12 years and 167 volumes of *Federal Reporter*.

Second, it must be remembered that the function of a lower court judge is to apply the law as the Supreme Court has announced it, except for those rare instances in which there is solid reason to believe that the Supreme Court itself would no longer adhere to an old decision. He cannot disregard an authoritative Supreme Court precedent no matter how deeply he may feel that the highest tribunal has erred. At the same time, as Learned Hand once observed, he must be slow to embrace "the exhilarating opportunity of anticipating a doctrine which may be in the womb of time, but whose birth is distant * * *." [*Spector Motor Service* v. *Walsh,* 139 F. 2d 809, 823 (2d Cir. 1944) (dissenting opinion).] The example of John J. Parker shows what a tragic mistake it can be to suppose that the opinions of a conscientious and law-abiding lower court judge necessarily reflect his own understanding of the Constitution and the laws. Even those who think, as I emphatically do not, that it is proper to assess a judge on the basis of whether the results he has reached are in accord with one's own preferences should be careful, in reviewing the record of a lower court judge, to consider particular results in the context of what the law, as the Supreme Court had announced it, was at the time the case came down.

Let me give one example of the point I have just made. In 1960 Judge Haynsworth joined with Judges Sobeloff and Boreman in a short per curiam opinion. A plaintiff was arguing that state law denying an illegitimate child the right to inherit from his father was a denial of the equal protection of the laws to illegitimate persons. The court said that this argument was "so manifestly without merit" that it did not present a substantial federal question and the federal courts had no jurisdiction. [*Walker* v. *Walker,* 274 F. 2d 425 (4th Cir. 1960).] The decision seems strange, and probably wrong, when read today. In the light of the Supreme Court's decision that it is a denial of equal protection to refuse to allow an illegitimate child to recover for the wrongful death of its mother, the argument made to the Fourth Circuit in 1960 today certainly presents at the least a substantial federal question. But the Supreme Court decision did not come down until 1968 [*Levy* v. *Louisiana,* 391 U.S. 68 (1968)], and it is difficult to criticize lower court judges for failing to anticipate, eight years in advance, a Supreme Court decision that, when it finally came down, was criticized by three members of the Supreme Court as a "constitutional curiosit[y]" achieved only by "brute force." [*Id*. at 76.] I suggest the same point is equally applicable in other areas of the law.

There are judges who have been great essayists. We remember persons such as Justice Cardozo and Judge Learned Hand as much for their contributions to literature as for their contributions to law. Judge Haynsworth is not of this number. Very rarely does he indulge himself in a well-turned epigram or in quotable rhetoric. Instead his opinions are direct and lucid explanations of the process by which he has reached a conclusion. He faces squarely the difficulties a case presents but he resists the temptation to speculate about related matters not necessary to decision. There is one case in which, though affirming a decision, he wrote for more than a page about the "slovenly practices in offices of District Attorneys which come to our attention much too frequently" in connection with the drafting of indictments [*United States* v. *Roberts,* 296 F. 2d 198, 201–202 (4th Cir. 1961)], but in this instance he was expressly authorized to speak for all of the judges of the Fourth Circuit, and not merely those on the panel, and the warning he uttered was a useful one in reducing the opportunity for attack in future criminal cases. On reading Judge Haynsworth's opinions I am reminded as Justice Jackson's classic advice to district judges about Judge Learned Hand and his cousin, Judge Augustus Hand. Justice Jackson said; "Always quote Learned and follow Gus." [Quoted in Clark, *Augustus Noble Hand,* 68 HARV.L.REV. 1113, 1114 (1955)]. If Judge Haynsworth's opinions are not quotable, they are easy to follow.

It would be very hard to characterize Judge Haynsworth as a "conservative" or a "liberal" —whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his own policy preferences. Thus in one case he felt compelled to hold that sovereign immunity barred any relief for a wrong committed by the National Park Service. In doing so, he wrote: "If some of us, appraising the policy considerations, were inclined to assign a more restricted role to the doctrine of sovereign immunity in this area, we could not follow our inclinination when the Supreme Court, clearly and currently, is leading us in the other direction." [*Switzerland Co.* v. *Udall,* 337 F. 2d 56, 61 (4th Cir. 1964).] When the Board of Supervisors of Prince Edward County made midnight disbursements of tuition grants so that the money would be gone before the Fourth Circuit had an opportunity to rule on the legality of this action, Judge Haynsworth thought that their conduct was "unconscionable" and "contemptible," but, unlike the majority of his court, he could not find it "contemptous and punishable as such" since they had violated no court order in distributing the funds. [*Griffith* v. *County School Board of Prince Edward County,* 363 F. 2d 206, 213, 215 (4th Cir. 1966) (dissenting opinion).] Many lawyers would agree.

Judge Haynsworth shows a considerable respect for precedent, and has felt bound by decisions that he thought incorrect [*Eaton* v. *Grubbs,* 329 F. 2d 710, 715 (4th Cir. 1964)], but he insists that precedents be used with discrimination. In his first dissenting opinion he objected that the majority had applied language of other cases out of context and said "at least, if disembodied language is to be applied to a dissimilar question, it should not be regarded as controlling." [*Cooner* v. *United States,* 276 F. 2d 220, 238 (4th Cir. 1960) (dissenting opinion). See also *United States* v. *Bond,* 279 F. 2d 837, 848 (4th Cir. 1960) (dissenting opinion).] In a well-known later case he objected to the majority's reliance on the old and discredited rule that law officers may seize contraband or the instrumentalities of a crime but may not seize evidence of the crime, saying that "the language the Supreme Court has employed must be read in the light of what it has held." [*Hayden* v. *Warden, Maryland Penitentiary,* 363 F. 2d 647, 657 (4th Cir. 1966) (separate opinion).] He went on to make the argument that since the standards for use of confessions are being stiffened, the police must rely increasing on scientific investigation of crime, and that they cannot do this if they are denied access to evidence that may be subjected to scientific analysis. The view he took there was vindicated when the case reached the Supreme Court, and that Court discarded the "mere evidence" rule. [*Warden, Maryland Penitentiary* v. *Hayden,* 387 U.S. 294 (1967).]

In another case he held, contrary to an old Supreme Court decision, that habeas corpus would lie to attack a sentence that the prisoner was to serve in the future. He said: "This Court, of course, must follow the Supreme Court, but there are occasional situations in which subsequent Supreme Court opinions have so eroded an older case, without explicitly overruling it, as to warrant a subordinate court in pursuing what it conceives to be a clearly defined new lead from the Supreme Court to a conclusion inconsistent with an older Supreme Court case." [*Rowe* v. *Peyton,* 383 F. 2d. 709, 714 (4th Cir. 1967).] His prediction that the old case was so eroded that it would no longer be followed was proved accurate when the Supreme Court unanimously affirmed his decision. [*Peyton* v. *Rowe,* 391 U.S. 54 (1968).]

In that same habeas corpus case he showed, as he has throughout his judicial career, an awareness that law is not static and that changing times may require different solutions for problems. He pointed out how the nature of habeas corpus has changed since the Great Writ was first developed and said: "The problem we face simply did not exist in the Seventeenth Century. Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a Seventeenth Century technical conception which had no relation to the context in which today's problem arises." [383 F. 2d at 713–714.] This has been a consistent theme in Judge Haynsworth's opinions. In his first year on the bench, in a case holding that a medical examiner's certificate showing the percentage of alcohol in a defendant's blood was admissible, he wrote that the Confrontation Clause of the Sixth Amendment was not intended "to serve as a rigid and inflexible barrier against the orderly development of reasonable and necessary exceptions to the hearsay rule." [*Kay* v. *United States,* 255 F. 2d 476, 480 (4th Cir. 1958). Only last year, in an important opinion for his court adopting a new test of insanity, he emphasized the need for "judicial reassessment of notions too long held uncritically and of a verbal formalism too long parroted." [*United States* v. *Chandler,* 393 F. 2d 920, 925 (4th Cir. 1968).

The same respectful but discriminating approach Judge Haynsworth shows in the use of precedents is evident when the problem is one of construing a statute. He does not make a fortress of the dictionary. He insists, instead, on construing statutes in a fashion that will "effectuate the apparent purpose and intention of the Congress" [*Crosse & Blackwell Co.* v. *F.T.C.,* 262 F. 2d 600, 605 (4th Cir. 1959), and has refused "to adopt a literal interpretation of this statute without regard to its purpose or the extraordinary result to which it would lead." [*Alvord* v. *C.I.R.,* 277 F. 2d 713, 719 (4th Cir. 1960). See also *Baines* v. *City of Danville,* 377 F. 2d 579, 593 (4th Cir. 1965), *affirmed,* 384 U.S. 590 (1966).]

Another consistent theme in Judge Haynsworth's writings is his belief that it is not the function of an appellate court to make findings of fact. Both in civil and in criminal cases he shows great faith in the jury system. In an extremely important decision earlier this year he said that "faith in the ability of a jury, selected from a cross-section of the community, to choose wisely among competing rational inferences in the resolution of factual questions lies at the heart of the federal judicial system." [*Wratchford* v. *S. J. Groves & Sons Co.,* 405 F.2d 1061, 1065 (4th Cir. 1969).] This is merely the latest expression of an attitude he has had as long as he has been on the bench. [See, *e.g., Dixon* v. *Virginia Ry. Co.,* 250 F.2d 460, 462, (4th Cir. 1957).] He has been quick to hold that there must be a new trial if there was any possibility that an improper influence might have been brought to bear on the jury. [*Holmes* v. *United States,* 284 F.2d 716 (4th Cir. 1960); *Thomas* v. *Peerless Mattress Co.,* 284 F.2d 721 (4th Cir. 1960); *United States* v. *Rogers,* 289 F.2d 433 (4th Cir. 1961); *United States* v. *Virginia Erection Corp.,* 335 F.2d 868 (4th Cir. 1964).] Long before the Supreme Court came to a similar conclusion [*Burton* v. *United States,* 391 U.S. 123 (1968), he showed a proper skepticism about the efficacy of instructions cautioning a jury that a confession is admissible against one defendant but not against another and called for the routine adoption of practices that would give greater protection to the codefendant. [*Ward* v. *United States,* 288 F.2d 820 (4th cir. 1960).] He has recognized, too, that jurors can be swayed by prejudice, and has held that when Negro defendants were on trial counsel must be given an opportunity to explore whether any members of the jury panel belonged to organizations that might suggest prejudices against Negroes. [*Smith* v. *United States,* 262 F.2d 51 (4th Cir. 1958).]

The jury occupies a significant constitutional role in our system, but even when it is a judge rather than a jury who has found the facts, Judge Haynsworth has thought that great weight should be given to the findings and that the appellate court should not substitute its own view of the facts for that taken by the district judge. [*Hall* v. *Warden, Maryland Penitentiary,* 313 F.2d 483, 497 (4th Cir. 1963) (dissenting opinion); *United States* v. *Ellicott,* 336 F.2d 868, 872–874 (4th Cir. 1964) (dissenting opinion).]

Finally, Judge Haynsworth respects the place of the states, and of the state judiciaries, in our form of government. Indeed he has been reversed by the Supreme Court for deferring too much to the state courts. [*Griffin* v. *Board of Supervisors of Prince Edward County,* 322 F.2d 332 (4th Cir. 1964), *reversed,* 377 U.S. 218 (1964).] At the same time he has insisted on the independence of the federal courts. In an important decision he wrote that a state may not "deny the judicial power the states conferred upon the United States when they ratified the Constitution or thwart its exercise within the limits of congressional authorization." [*Markham* v. *City of Newport News,* 292 F.2d 711, 713 (4th Cir. 1964).] This was in keeping with his voiced "concern for the perpetuation of an independent federal judicial system * * *." [*Wratchford* v. *S. J. Groves & Sons Co.,* 405 F.2d 1061, 1966 (4th Cir. 1969).]

History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court. The awesome and lonely responsibility that the Justices have in considering the great issues that come before them has made them, in many instances, different men than they were before. All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in twelve years on the circuit court bench that he possesses all of these qualities in great measure. I hope that he will be quickly confirmed.

Thank you.

Supplemental Statement of Charles Alan Wright

On September 3d I sent to the Judiciary Committee copies of the prepared text of the testimony I expected to give in the hearing then scheduled for September 9th. The postponement of the hearing because of the regrettable death of Senator Dirksen and the delay in my own appearance before the Committee has made it possible for me to give further study to the cases in which Judge Haynsworth has participated and analyze in closer detail his philosophy in particular areas of the law to the extent that this is disclosed by his votes and his opinions. My attention has centered on the areas of criminal procedure and freedom of expression.

I continue to believe, as my original statement indicates, that it is impossible to know in advance what the voting record will be of any appointee to the Supreme Court and that it is especially treacherous to attempt to make such an advance assessment on the basis of what a man has done as a judge of a lower court prior to appointment to the Supreme Court. On many issues the record will be silent simply because the lower court judge has never been confronted with those issues. For one example, the meaning of the Establishment and Free Exercise Clauses of the First Amendment has never, so far as I can find, come up in any case in which Judge Haynsworth has participated. There are other important areas of the law of which this is equally true. Even where a lower court judge has been confronted with a particular issue he has done so as a judge writing within the framework of relevant Supreme Court decisions and not as a free agent.

For these reasons the remarks that follow are a description of the record of Judge Haynsworth. They are not an attempt to predict the record of Justice Haynsworth.

Few, if any, areas of the law are the subject of more controversy today than that of criminal procedure. It is an area of special interest to me because, as I noted in my original statement, earlier this year I published a three-volume treatise on federal criminal procedure. In the Preface to that treatise I said: "I freely confess to one bias. I admire and respect the Supreme Court of the United States." [1 Wright, *Federal Practice and Procedure: Criminal* viii (1968).] It is with that bias that I reviewed the criminal cases in which Judge Haynsworth has participated.

The overall impression that I get from these cases is that of an intensely practical approach to criminal procedure. This approach is hardly surprising in a judge who has expressed in many ways and in many contexts the thought that "Theoretical abstractions are of no help. Our conclusion must be founded upon practical considerations." [*United States* v. *Southern Ry. Co.,* 341 F. 2d 669, 671 (4th Cir. 1956).] Judge Haynsworth has been in the vanguard, often ahead of the Supreme Court, in protecting persons accused of a crime against any tilting of the scales of justice that might lead to the conviction of an innocent man. At the same time he has been reluctant to set free a person who is undoubtedly guilty because of some minor imperfection, saying that this is "too high a price to pay for indulgence of a sentimentalism." [*United States* v. *Slaughter,* 366 F. 2d 833, 847 (4th Cir. 1966) (dissenting opinion).] Let me give illustrations of the cases that have led me to these conclusions.

One area of potential abuse in criminal procedure, in which there is a very real danger of convicting the innocent, is where several defendants are tried at the same time. There is substantial risk that the guilt of one defendant will rub off on another and that the jury will not make an independent evaluation of the evidence against each defendant.

In 1968 the Supreme Court reduced a part of this risk when it ruled that two defendants cannot be tried together if one has made a confession implicating the other unless precautions have been taken to protect the right of confrontation of the defendant who has not confessed. [*Bruton* v. *United States,* 391 U.S. 123 (1968).] Eight years before that decision Judge Haynsworth had written of the need for precautions of this kind and had said that "in the normal case, such a precaution should be taken routinely." [*Ward* v. *United States,* 288 F. 2d 820, 823 (4th Cir. 1960).] Even prior to that case Judge Haynsworth had concurred in one of the leading opinions on joinder of defendants, *Ingram* v. *United States* [272 F. 2d 567 (4th Cir. 1959).] The holding in *Ingram* is that joinder of defendant is not permissible unless the requirements of the Rules of Criminal Procedure on joinder are satisfied, and that "it is not 'harmless error' to violate a fundamental procedural rule designed to prevent 'mass trials.'" [*Id.* at 570–571.] The *Ingram* decision seems to me demonstrably sound and I regret that the Second Circuit, in an opinion by Judge Friendly, has reached a contrary result [*United States* v. *Granello,* 365 F. 2d 990 (2d Cir. 1966). See 1 Wright, Federal Practice and Procedure: Criminal 327–329 (1969).]

The right to a speedy trial is one of the important protections in criminal procedure, secured by the Sixth Amendment. For many years this right had been effectively denied to many defendants because the cases held that a state was under no obligation to try a defendant who was in a federal prison or the prison of another state on some other charge. The Supreme Court announced a different rule earlier this year, in a case in which I had the honor to be appointed by the Court as counsel for the indigent prisoner. [*Smith* v. *Hooey,* 393 U.S. 374 (1969).] It ruled that a state must make a good faith effort to have a defendant confined elsewhere returned for trial on the charges pending in the state. Judge Haynsworth had joined in an opinion a year earlier anticipating the result the Supreme Court was later to reach [*Pitts* v. *North Carolina,* 395 F. 2d 182 (4th Cir. 1968)], and only a few days before the Supreme Court decision he wrote the opinion for an en banc court liberalizing the use of habeas corpus, despite some serious technical difficulties, in order to provide a remedy for state prisoners who wish to enforce their right to be tried by another state. [*Word* v. *North Carolina,* 406 F. 2d 352 (4th Cir. 1969).]

This term the Supreme Court also put teeth in the requirements of Criminal Rule 11 with regard to guilty pleas, by holding that the judge must personally address the defendant and determine that the plea is being made voluntarily and with an understanding of the nature of the charge. [*McCarthy* v. *United States,* 394 U.S. 459 (1969).] This came as no new doctrine in the Fourth Circuit, where the court, speaking through Judge Haynsworth, has long recognized a similar doctrine and held that Rule 11 "requires something more than conclusionary questions phrased in the language of the rule. It contemplates such an inquiry as will develop the underlying facts from which the court will draw its own conclusion." [*United States* v. *Kincaid,* 362 F. 2d 939, 941 (4th Cir. 1966).]

One of the major decisions of the final decision day of the Warren Court was *North Carolina* v. *Pearce* [395 U.S. 711 (1969)], severely restricting the power of a judge to give a defendant who has had a first conviction set aside a more severe sentence after a second conviction on the same charge. The decision there affirmed by the Supreme Court was one in which Judge Haynsworth had joined [*Pearce* v. *North Carolina,* 397 F. 2d 253 (4th Cir. 1968)], and indeed another decision in which he concurred, holding that the same rule applies even when the second sentence is imposed by a jury rather than by a judge [*May* v. *Peyton,* 398 F. 2d 476 (4th Cir. 1968)], speaks to a question on which the Supreme Court is still silent and may well go beyond what the Supreme Court will require.

Judge Haynsworth's concern for the sentencing process is evident in still another case. The usual rule is that an appellate court may not consider the length of a sentence provided that it is within statutory limits. The Senate has passed a bill that would change this rule but to date it remains the rule. It would seem to follow that the length of a sentence within statutory limits may not be challenged collaterally by a motion under 28 U.S.C. § 2255. But the Fourth Circuit, in an opinion in which Judge Haynsworth joined, held that this rule must yield where there are exceptional circumstances, and that there were such circumstances, and § 2255 relief was available, where the judge had given the maximum sentence authorized by statute under the mistaken impression that he had no discretion to give a lesser sentence. [*United States* v. *Lewis,* 392 F. 2d 440 (4th Cir. 1968).]

In 1966 the Fourth Circuit, sitting en banc, held unanimously that the method by which the police had had the victim of a crime identify the voice of a suspect was so suggestive that to allow evidence of the identification into evidence was a denial of due process. [*Palmer* v. *Peyton*, 359 F.2d 199 (4th Cir. 1966).] That decision was cited approvingly by the Supreme Court a year later [*Stovall* v. *Denno*, 388 U.S. 293, 302 (1967)], and the Court has subsequently set aside a conviction on this ground. [*Foster* v. *California*, 394 U.S. 440 (1969).]

Judge Haynsworth has taken a generous view of the right to bail. Years ago he joined in an opinion holding that "normally bail should be allowed pending appeal, and it is only in an unusual case that denial is justified." [*Rhodes* v. *United States*, 275 F.2d 78, 82 (4th Cir. 1960).] More recently he wrote an opinion holding, over vigorous dissent, that a federal court had properly released Rap Brown on his own recognizance from state custody on an extradition warrant. [*Brown* v. *Fogel*, 387 F.2d 692 (4th Cir. 1967).]

Judge Haynsworth has detected violations of due process both where counsel was not provided an indigent for more than three months after his arrest [*Timmons* v. *Peyton*, 360 F.2d 327 (4th Cir. 1966)], and where defendant was brought to trial three and a half hours after indictment and there was insufficient time for appointed counsel to investigate the case. [*Martin* v. *Commonwealth*, 365 F.2d 549 (4th Cir. 1966).] He also voted to grant habeas corpus on the ground that the prosecuting attorney in a state case had had a conflict of interest since at the same time he was prosecuting the defendant he represented the defendant's wife in a divorce proceeding. [*Ganger* v. *Peyton*, 379 F.2d 709 (4th Cir. 1967).]

One of Judge Haynsworth's opinions reverses a criminal conviction because the judge had given an unbalanced version of the "Allen charge"—or "dynamite charge" as it is known in my part of the country. [*United States* v. *Smith*, 353 F.2d 166 (4th Cir. 1965). See also *United States* v. *Rogers*, 289 F.2d 433 (4th Cir. 1961).] The case is particularly interesting because there had been no objection to the charge in the district court, as is normally required for the appellate court to consider the point, but the danger that even the pure "Allen charge" will coerce a divided jury into convicting a person is so great [2 Wright, *Federal Practice and Procedure: Criminal* § 902 (1969)] that Judge Haynsworth concluded that a one-sided version of that charge was "plain error" that the appellate court might notice on its own motion.

Senator Tydings has called attention earlier in these hearings to Judge Haynsworth's splendid opinion in *United States* v. *Chandler* [393 F. 2d 920 (4th Cir. (1968))], in which he rejected an antiquated test of mental responsibility and adopted for his circuit a new test more consonant with modern psychiatric knowledge.

There is an interesting passage in one of Judge Haynsworth's earliest opinions in which he wrote: "However compelling our conviction that Call has been guilty of wrongdoing, we may not affirm his conviction as a co-conspirator unless the evidence is reasonably susceptible of the inference that he knew of the conspiracy." [*Call* v. *United States*, 265 F. 2d 167, 172 (4th Cir. 1959).] The principle that a defendant may not be convicted because he is a bad man, but only if he committed the crime for which he is indicted, is one of great importance.

Judge Haynsworth has done much to remove shackles on the writ of habeas corpus and to make it freely available to those who claim that they have been denied their constitutional rights. At page 6 of my original statement I have discussed his best known case in this area, *Rowe* v. *Peyton* [383 F.2d 709 (4th Cir. 1967), affirmed 391 U.S. 54 (1968)], in which he correctly anticipated that the Supreme Court would no longer follow its earlier precedent holding that a prisoner in custody under one sentence could not challenge another sentence he was to serve in the future. In his opinion in that case he combines great scholarship with the practical approach that is a major theme in all of his opinions. A formalistic approach to statutory requirement that a prisoner be "in custody" would harm both the prisoner and the state. "It is to the great interest of the Commonwealth and to the prisoner to have these matters determined as soon as possible when there is the greatest likelihood the truth of the matter may be established. Justice delayed for want of a procedural, remedial device over a period of many years is, indeed, justice denied to the prisoner and, in an even larger degree, to Virginia." [383 F.2d at 715.]

But *Rowe* stands far from alone. Judge Haynsworth has written that the statutory requirement that state remedies be exhausted does not bar relief when the state court has decided the identical substantive point in a case involving another prisoner and pursuit of the state remedies, therefore, would be futile. [*Evans* v. *Cunningham*, 335 F.2d 491 (4th Cir. 1964).] He had held that petitions by prisoners are not to be read with a hostile eye and that "claims of legal substance should not be forfeited because of a failure to state them with technical precision." [*Coleman* v. *Peyton*, 340 F.2d 603, 604 (4th Cir. 1965).] The district court, on habeas corpus, is not bound by a wholly conclusionary finding by the state court [*Outing* v. *North Carolina*, 344 F.2d 105 (4th Cir. 1965)] nor may it accept the historical facts as found by the state court if the state court had no adequate basis for its findings. [*McCloskey* v. *Barlow*, 349 F.2d 119 (4th Cir. 1965).] In many ways the most interesting of the Haynsworth opinions on habeas corpus, other than the *Rowe* case, *is White* v. *Pepersack* [352 F.2d 470 (4th Cir. 1965).] A state court defendant, charged with first degree murder, had taken the stand and admitted the killing but testified to facts that would, if believed, show that it was not premeditated and that he could be convicted only of some lesser offense. The district court held that defendant's admission was tantamount to a plea of guilty and barred him from seeking habeas corpus on the grounds of an illegal search, and involuntary confession, and use of perjured testimony. The Fourth Circuit held to the contrary. In his opinion for the court, Judge Haynsworth wrote that defendant's testimony was surely not a plea of guilty to first degree murder and pointed out that if the state court had found the defendant guilty of second degree murder and imposed an appropriate sentence defendant himself might well have accepted his punishment as proper. Judge Haynsworth then said:

> Extended judicial inquiry, with all of its expense and delay, is the natural product of overconstruction of a defendant's admissions and the imposition of an inappropriate sentence. The flood of postconviction cases in state and federal courts will be stemmed only if justice is made to shine more brightly in the trial courts.

[*Id*. at 473] The decision is reminiscent of an earlier one in which he had criticized slovenly practices in drawing indictments on the part of some United States attorneys and pointed out that the consequence of such practice is "the needless expenditure of much time and effort by [the United States Attorney], by defendants and their counsel and by the courts. Here, as in most situations, much waste could be avoided by an initial exercise of reasonable care." [*United States* v. *Roberts*, 296 F.2d 198, 202 (4th Cir. 1961).]

It seems to me clear that Judge Haynsworth has clearly shown his unwillingness to tolerate procedures in criminal cases that taint the factfinding process or that cast doubt on the fairness of the proceeding or that unreasonably clog claims of constitutional right. In one case he wrote:

> Current astuteness in the protection of individual rights is not at odds with the interests of a society which places high values upon liberty and justice and freedom and fairness. It is the cornerstone of such a society.

[*Smallwood* v. *Warden, Maryland Penitentiary*, 367 F. 2d 945, 952 (4th Cir. 1966) (dissenting opinion).] Judge Haynsworth's whole record on the bench of the court of appeals demonstrates that that remark is not empty rhetoric but a statement of deeply felt conviction.

Some of the rules that the Supreme Court has laid down in criminal cases are not concerned with assuring a correct result or with preserving fairness in the proceeding but are intended to deter practices by those responsible for law enforcement that have been found to be inconsistent with the values of our free society. Judge Haynsworth has not been unmindful of this function of the courts. He had been on the bench barely a year when he joined in an opinion in which the court gave a broad reading to the then-recent decision in *Mallory* v. *United States* [354 U.S. 449 (1957)], and said:

> The teaching of the Mallory case is that insistence on strict compliance with Rule 5(a) is necessary to discourage police from the use of third degree methods, and that only in that way will the opportunity and the temptation be denied them. Unnecessarily prolonged detention before bringing the accused to a Commissioner or other judicial officer, to give police opportunity to extract a confession, is odious to our federal criminal jurisprudence * * *. [*Armpriester* v. *United States*, 256 F. 2d 294, 296 (4th Cir. 1958).]

He wrote for his court in holding that the *Miranda* rules apply to custodial questioning even though the defendant was not formally under arrest. A dissenter argued that the majority was giving an overdrawn reading to *Miranda* and that the decision was "indeed a blow to law enforcement," but Judge Haynsworth said: "If the arresting officer's failure to make a formal declaration of arrest were held conclusive to the contrary, the rights afforded by Miranda would be fragile things indeed." [*United States* v. *Pierce*, 297 F. 2d 128, 130 (4th Cir. 1968).]

One other case about which Senator Tydings has already commented shows Judge Haynsworth's sensitivity to the role of the courts in deterring improper law enforcement practices. The case is *Lankford* v. *Gelston* [364 F. 2d 197 (4th Cir. 1966)]. The court en banc held unanimously, in a fine opinion by Judge Sobeloff, that an injunction should issue to prevent the Baltimore police from making blanket searches on uncorroborated anonymous tips. Most of the homes searched were occupied by Negroes. The court took note of the deteriorating relations between the Negro community and the police in Baltimore and said that "it is of the highest importance to community morale that the courts shall give firm and effective reassurance, especially to those who feel that they have been harassed by reason of their color or their poverty." The court took note of the serious problems of law enforcement, but it said:

> Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied. [*Id*. at 204.]

I spoke at the outset of the very practical approach Judge Haynsworth takes to problems of criminal procedure. Law enforcement is a deadly serious matter and of great importance to all parts of society. It is not a game in which the police are to be called "out" for failure to touch every base.

The *Hayden* case, discussed at page 6 of my original statement, illustrates this. There Judge Haynsworth indicated his disagreement with the majority of the court in its adherence to the old rule that "mere evidence" may not be the object of a lawful search, and the Supreme Court, in reversing the decision, agreed with him. [*Hayden* v. *Warden, Maryland Penitentiary,* 363 F. 2d 647, 657–658 (4th Cir. 1966) (separate opinion), reversed 387 U.S. 294 (1967).] The "mere evidence" rule was an outdated relic of a former era. It stemmed from property law conceptions about search and seizure while today the Fourth Amendment is recognized as protecting an interest in privacy rather than interests in property. As a practical matter, the rule was a needless hobble on the police while at the same time it gave no substantial protection to the right of the people to be secure from unreasonable searches. Police could, and did, seize much evidence on the ground that it was a fruit of the crime, or contraband, or an instrumentality of crime, and thus properly the subject of a search. Only occasionally did a criminal defendant receive an unexpected windfall when a court was unable to bring particular evidence into one of these categories and was forced to exclude it. [See 3 Wright, *Federal Practice and Procedure: Criminal* § 664 (1969).] The rule had no reason for existence today and Judge Haynsworth was right, as the Supreme Court held, in believing that the time had come to discard it.

The practicality of his approach is evident also in a dissent he wrote in a case in which the majority held that a confession was involuntary. [*Smallwood* v. *Warden, Maryland Penitentiary,* 367 F.2d 945 (4th Cir. 1966).] Judge Haynsworth thought that the circumstances in the case were far milder than in any case in which the Supreme Court had found a confession involuntary, but his principal argument was that it was pointless to test a 1953 confession by 1966 standards. The practices the police followed were practices that the Supreme Court in 1953, and for some years thereafter, approved. The police at that time could not have anticipated the change in standards that was later to evolve. Nor would setting the prisoner free in 1966 assist the police today in understanding their duty. The later Supreme Court decisions, and *Miranda* in particular, inform the police more authoritatively than would a decision of the Fourth Circuit. All of these considerations led Judge Haynsworth to say:

> It is not fair to the states or to the public to vacate judgments as old as this one on the basis of evolving constitutional standards which could not have been reasonably anticipated by the police at the time they acted.

[*Id.* at 952.] His view did not prevail in that case, but even those of us who welcome most enthusiastically the developments of the last decade in the law of confessions must concede that there is much more to Judge Haynsworth's position.

In appraising his decisions in confession cases, it is necessary to keep in mind the point that I developed at pages 7–9 of my original statement about Judge Haynsworth's reluctance to substitute his view of the facts for those of a jury or a district judge. This is a consistent thread in his confession opinions. It appears perhaps most clearly in a decision he wrote in 1967 upholding a determination that a confession was voluntary. [*Outing* v. *North Carolina,* 383 F.2d 892 (4th Cir. 1967).] The case was obviously a close one. Judge Kaufman wrote a 26 page dissent, but the Supreme Court, unanimously so far as it appears, refused to review the case. [390 U.S. 997 (1968).] Judge Haynsworth said that if the district judge had drawn an ultimate inference that the confession was coerced the court might well have sustained him. But the district judge found that the confession was not coerced and this finding was neither clearly erroneous as an inference of fact not influenced by an erroneous view of law. Since this ultimate inference was a permissible one, the majority of the court felt that it should accept. I think that here, as in other areas of the law, Judge Haynsworth shares an attitude expressed by Judge Chase, of the Second Circuit, some years ago when he said: "Though trial judges may at times be mistaken as to facts, appellate judges are not always omniscient." [*Orvis* v. *Higgins,* 180 F.2d 537, 542 (2d Cir. 1950) (dissenting opinion).] Since this has been for many years my own view [see Wright, *The Doubtful Omniscience of Appellate Courts,* 41 Minn. L. Rev. 751 (1957)], I cannot find in it any ground for criticism of Judge Haynsworth or for believing that he is tolerant of coercive police practices.

In conclusion, I would like to turn away from criminal law and address myself briefly to the vitally important freedoms of expression protected by the First Amendment. I am one of those who believe that these have a "preferred position" in our constitutional scheme and that they are of special significance at a time when many groups in our country are unhappy with the established order and wish to air their grievances. Judge Haynsworth has had very little occasion to address himself to the issues these freedoms pose and the decisions are too few to form any solid judgments.

I can find only eight cases involving any significant question of freedom of expression in which Judge Haynsworth has participated. Four of these are obscenity cases, a class of litigation that is perhaps sui generis, and that is not only immensely difficult in itself but is even more difficult for a lower court judge to try to understand the rules, such as they are, that the Supreme Court has laid down. In two cases he wrote for a unanimous court holding particular magazines obscene and was reversed by the Supreme Court. [*United States* v. *392 Copies of Magazine Entitled "Exclusive,"* 373 F. 2d 633 (4th Cir. 1967), reversed 389 U.S. 50 (1967); *United States* v. *Potomac News Co.,* 373 F. 2d 635 (4th Cir. 1967), reversed 389 U.S. 47 (1967).] The reversals in each instance were per curiam decisions in which the Supreme Court relied on its Delphic opinion in *Redrup* v. *New York* [386 U.S. 767 (1967)], which came down after Judge Haynsworth's decisions. In a third case he was part of a 5–2 majority of the Fourth Circuit holding that obscenity cannot be determined on a per se basis that any collection of photographs of nudes is obscene if, in some of the pictures, the pubic area is exposed. [*United States* v. *Central Magazine Sales, Ltd.,* 381 F. 2d 821 (4th Cir. 1967).] Finally he joined in a 2-1 decision that if material has been found by the district court not to be obscene, it should be admitted through customs and its release should not be held up pending appeal. [*United States* v. *Reliable Sales Co.,* 376 F. 2d 803 (4th Cir. 1967).]

The other four cases are of more general importance. Judge Haynsworth was a member of a three-judge district court that held unconstitutional on grounds of vagueness a North Carolina statute limiting the kinds of persons who may speak on state university campuses. [*Dickson* v. *Sitterson,* 280 F. Supp. 486 (M.D.N.C. 1968).] Professor Van Alystne, who is to testify in support of Judge Haynsworth, appeared in the case as amicus curiae and is the leading expert in the country on that particular field of the law. He is better qualified than I am to tell you of the significance of the decision. Judge Haynsworth was a member of a panel of his court upholding suspension of students at Bluefield State College for taking part in a disruptive demonstration. [*Barker v. Hardway,* 399 F. 2d 638 (4th Cir. 1969).] The Supreme Court refused to review the decision. Justice Fortas, who had been spokesman for the Court one week before in the *Tinker* case [*Tinker* v. *Des Moines Independent Community School District,* 393 U.S. 503 (1969)], in which it was held that school students cannot be disciplined for wearing black arm bands to express their disapproval of the Vietnam war, wrote an opinion concurring in denial of certiorari in the Bluefield State case. He said that "the petitioners here engaged in an aggressive and violent demonstration, and not in peaceful, nondisruptive expression, such as was involved in *Tinker*." [*Barker* v. *Hardway,* 394 U.S. 905 (1969) (concurring opinion).]

In *United Steelworkers of America* v. *Bagwell* [383 F. 2d 492 (4th Cir. 1967)], Judge Haynsworth wrote the opinion holding unconstitutional a city ordinance prohibiting distribution of circulars about union membership without a prior permit from the chief of police. The decision on the merits is unexceptionable. The path was clearly marked by Supreme Court precedents. What is more interesting is the enthusiastic acceptance the court gave to the principle of *Dombrowski* v. *Pfister* [380 U.S. 479 (1965)] that in some cases in which First Amendment rights are involved the usual rules barring a federal court from interfering with a state's enforcement of its criminal laws no longer apply. One like myself who has doubts about whether the protection *Dombrowski* gives to cherished First Amendment rights is not outweighed by its cost in Federal-state relations must note with interest Judge Haynsworth's willingness to apply, if not indeed to extend, *Dombrowski*.

Indeed Judge Haynsworth may have partially anticipated *Dombrowski* in a well-known case arising out of demonstrations by Negroes in Danville, Va. The case is a complicated one, involving a number of different issues, and several different appeals disposed of under a single title. Many demonstrators were arrested in Danville for violation of a state court injunction and local ordinances. Some of these persons attempted to remove their cases to federal court. Others went directly to federal court and sought to enjoin the pending state court prosecutions as well as future arrests. The case, which produced one per curiam opinion and two opinions by Judge Haynsworth for the majority of the Fourth Circuit, established four things. First, the court held that the Anti-Injunction Act of 1793, 28 U.S.C. § 2283, did not bar it from issuing a temporary injunction restraining state court prosecutions in order to preserve the status quo while it determined whether grant of a permanent injunction would fall under any of the exceptions to the Act. [*Baines* v. *City of Danville,* 321 F. 2d 643 (4th Cir. 1963); *Baines* v. *City of Danville,* 337 F. 2d 579, 593–594 (4th Cir. 1964).]

This was a creative interpretation of the Anti-Injunction Act and is surely sound. [See American Law Institute, *Study of the Division of Jurisdiction between State and Federal Courts* 307 (Official Draft 1969).] Second, the court held that the circumstances did not permit removal of a criminal prosecution from state to federal court under 28 U.S.C. § 1443, which allows removal of certain civil rights cases. [*Baines* v. *City of Danville,* 357 F. 2d 756 (4th Cir. 1966).] This holding was affirmed by the Supreme Court. [*Baines* v. *City of Danville,* 384 U.S. 590 (1966).] Third, the court held that the Civil Rights Act, 42 U.S.C. § 1983, does not expressly authorize a stay of state proceedings and that the Anti-Injunction Act therefore barred an injunction against prosecutions already pending in the state court. [*Baines* v. *City of Danville,* 337 F. 2d 579, 586–594 (4th Cir. 1964).] The Supreme Court denied certiorari on this aspect of the case [*Chase* v. *McCain,* 381 U.S. 939 (1965)], and the question remains an open one in the Supreme Court. [See *Cameron* v. *Johnson,* 390 U.S. 611, 613 n. 3 (1968).] Finally, and most importantly for present purposes, Judge Haynsworth held that the rule of comity by which federal courts do not ordinarily interfere with the states in the enforcement of their criminal laws is not absolute, and that the district judge should enjoin further arrests under the ordinances and the injunction "if he finds that in combination they have been applied so sweepingly as to leave no reasonable room for reasonable protest, speech and assemblies, and thus, in application, are plainly unconstitutional." [*Baines* v. *City of Danville*, 337 F. 2d 579, 594–596 (4th Cir. 1964).] *Dombrowski* demonstrates that Judge Haynsworth was right in going that far in allowing the federal court to give relief, although under *Dombrowski* a federal injunction against future prosecutions is also permitted if the challenged laws are unconstitutional on their face.

There is a passage in one of these opinions in which Judge Haynsworth speaks to the meaning of the First Amendment.

"Whatever constitutional basis there may be for the substantive demands of the demonstrators, they have, unquestionably, rights of free speech and assembly guaranteed by the First Amendment, and recognition of those First Amendment rights is required of Danville by the Fourteenth Amendment. Those First Amendment rights incorporated into the Fourteenth Amendment, however, are not a license to trample upon the rights of others. They must be exercised responsibly and without depriving others of their rights, the enjoyment of which is equally as precious. It is thus plain, for instance, that while Negroes, excluded because of their race from a privately operated theater, have a right to protest their exclusion and to inform the public and public officials of their grievance, they do not have the right, by massive occupancy of approaches to the theater, to exclude everyone else from it, or to coerce acceptance of their demands through violence or threats of violence.

"It is well established that public officials, charged with the duty of maintaining law and order, may enforce laws and injunctions reasonably necessary for that purpose, but injunctions and statutes which exceed the necessities of the situation cannot be lawfully enforced if they infringe upon constitutional rights. What is required is mutual accommodation of the rights of the public and those rights of protestants which are guaranteed by the First Amendment. [*Id.* at 586–587.] Later Supreme Court decisions, notably Justice Goldberg's opinion for the Court in *Cox* v. *Louisiana* [379 U.S. 536, 554–555 (1965)], demonstrate that the quoted passage from Judge Haynsworth's opinion represents sound First Amendment philosophy.

The record of the nominee on freedom of expression is scantier than his record on criminal procedure but from his decisions in that area of the law there is no reason to doubt his devotion to the great protections of the First Amendment.

I end as I began. I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

Thank you.

Mr. HOLLINGS. Mr. President, at this point in the debate, I think it would be appropriate also to include in the RECORD the statements of William Van Alstyne and Coming B. Gibbs, Jr. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT IN COMMENT ON APPOINTMENT OF JUDGE CLEMENT HAYNSWORTH TO THE SUPREME COURT OF THE UNITED STATES

It is not surprising that a Supreme Court appointment from the South, by a President who campaigned with some degree of criticism of the Warren Court, should attract a measured amount of liberal skepticism. The degree of reaction to Judge Clement Haynsworth's nomination, however, may be quite unworthy of some of the truly fine people who have too quickly given it currency. In those areas of statutory interpretation and constitutional adjudication where the issue is so unsettled that judicial discretion must necessarily play a major role, Judge Haynsworth's record cannot be seen as illiberal.

In Hawkins v. North Carolina Dental Society, Judge Haynsworth authored the court of appeals opinion which desegregated the North Carolina Dental Association, rejecting its claim that it was not subject to the equal protection clause of the 14th Amendment. He joined as well in North Carolina Teachers Association v. Asheboro City Board of Education, reversing a lower federal court which had upheld the displacement of Negro teachers who had lost their jobs to whites when schools were integrated. He also shared the court's decision in Newman v. Piggy Park Enterprises, applying the Civil Rights Act against a claim that insufficient food was sold for consumption on the premises to bring the business within the statute.

In the field of criminal justice, he authored an extraordinarily careful opinion in Rowe v. Peyton, extending the right of prisoners to have their convictions reviewed on habeas corpus—a new development later affirmed by the Supreme Court. He joined in Crawford v. Bounds to protect defendants in capital cases from being sentenced by death-prone juries from which all expressing any reservation to capital punishment had been excluded—a new development also subsequently affirmed by the Supreme Court in a related case. In Pearce v. North Carolina, he applied a constitutional principle newly developed at the federal level in his own circuit to protect defendants from harsher sentences following retrial—again in advance of the Supreme Court which affirmed the decision several months later.

In respect to First Amendment rights, he joined in the first federal decision which struck down a state law restricting the right of university students to hear guest speakers on campus—a principle later expanded by a half-dozen other federal courts and indirectly approved by the Supreme Court in a related case just this year.

On occasion when his opinion has differed conservatively from that of more liberal jurists, it has not been without care or reason. Thus, his conclusion in Baines v. City of Danville that only an extraordinary kind of civil rights case could be removed from a state court to a federal court was accompanied by a painstaking analysis with which a majority of the Supreme Court subsequently agreed in Peacock v. City of Greenville. Similarly, his conclusion in Warden v. Hayden that an otherwise constitutional search is not unreasonable because its object is only to secure evidence of a crime was also subsequently shared by a majority of the Supreme Court.

I do not submit that these decisions warrant that Judge Haynsworth will be a "liberal" justice. His record on the court of appeals does not—and in the nature of things could not—enable us to predict his votes in the substantially different role of associate supreme court justice. They do indicate, however, that he is an able and conscientious man who will approach his duties on the Supreme Court with a spirit of open-mindedness as well as an appreciation of the difficulties of the judicial process.

WILLIAM VAN ALSTYNE.

GIBSON, GIBBS AND KRAWCHECK,
Charleston, S.C., September 5, 1969.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: So that the Committee may know something of the person making this statement, I have included the following introductory comments.

My name is Coming B. Gibbs, Jr. I am a former law clerk to Judge Clement F. Haynsworth, and I am currently practicing law in Charleston, South Carolina as a member of the three man firm of Gibson, Gibbs & Krawcheck. I graduated from St. Marks School in 1954, from Princeton University in 1958 and the University of South Carolina Law School in 1961. From September, 1961 until September, 1962, I was law clerk to Judge Haynsworth. After active duty in the United States Army, I returned to Charleston and practiced law with my father, and, sometime after his death, formed a partnership with Charles M. Gibson and Leonard Krawcheck.

My law practice has been general in character. Together with a fairly active civil and criminal trial practice. I have among my clients the International Longshoremen's Association which I have been representing in litigation concerning attempted organization of warehouse workers of the South Carolina State Ports Authority. With one of my partners, I represented two Catholic Priests charged with contempt of court because of picketing during the recent hospital strike in Charleston. I, with several other lawyers, organized an O. E. O. funded Legal Services for the Poor corporation, which has been operating successfully for several years, and which, despite initial opposition from a segment of the Charleston Bar, has now been generally accepted as a permanent and valuable addition to the local legal profession. I currently am chairman of its Board of Directors.

I was active in the organization of the Charleston Young Democrats, and during the 1964 Presidential campaign I was co-chairman of the Charleston County Johnson-Humphrey effort. I have been active in the Democratic party and in bi-racial matters, among other things participating with a group of lawyers in preserving Negro participation in the Y.W.C.A. I am currently the Secretary-Treasurer of the Charleston County Bar Association and a member of its executive committee.

The foregoing is included here to give this Committee an understanding of a little of my background, and to show something of the great effect a close relationship with Judge Haynsworth had upon a young man with a traditional and conservative background in Charleston, South Carolina.

Judge Haynsworth's qualifications as a Justice of the United States Supreme Court are to me clear and free from doubt. His academic background and history show him to have been a brilliant and conscientious student. As a lawyer, he became senior partner in the largest and most prestigious firm in our state. His decisions as a Court of Appeals Judge are public record and will be discussed by lawyers far more eminent than me.

My thought is that I could be of assistance to the United States Senate in enabling them to understand a little of the personality and character of Judge Haynsworth, without specifically discussing his thoughts and conversations as they related to specific cases pending before the Court of Appeals.

Perhaps his most impressive quality to one who knows him is his compassion. His regard for the individual, in cases involving human rights, civil or criminal, is deep.

On the bench, in a Circuit noted for close scrutiny, sometimes acerbic, of counsel's argument, he has universally been kind and gentle. This winter I was in his Court and young counsel violated almost every rule of proper appellate argument, including not addressing himself to the Court's questions and ignoring the time limit. After a time, Judge Haynsworth with a smile sat back and let the young man finish reading his set speech.

Combined with his kindly and compassionate nature is a considerable sense of humor, mostly dry, but occasionally quite robust. To work with him, he was thoughtful, kindly and considerate. Good work and good ideas were praised and the bad were gently corrected.

For one who has worked with him daily for a year to read, as I have in the press, that he is a racist, is ludicrous. He epitomizes our common law heritage that each man is equal before the law. Without going into specifics, in all the school cases which came before him when I was his clerk, he conscientiously endeavored to apply to complex records the rules laid down by the United States Supreme Court as he understood them.

The similar charge that he has an anti-union bias is also, to me, equally false. During the period I worked for him he had before him many cases involving labor organizations and in all our vigorous give and take, no such thing was manifested.

The one year that I spent as his clerk was the most important educational experience of my life. I learned from him the true meaning of intellectual and legal integrity. He equipped me with, I hope, the ability and certainly the self-confidence, to take part in South Carolina in sometimes unpopular and controversial causes. From him, I was equipped to attempt to cut new ground in our law and to join with a few older lawyers in similar efforts. I believe these other lawyers felt I had been equipped by Judge Haynsworth to work with them.

Speaking for myself, and I think for my colleagues at the bar in South Carolina whose practice has gravitated as has mine, there would be no hesitancy in bringing any matter before Judge Haynsworth. His decisions have and will reflect the thoughtful consideration of a good human being and good lawyer, applying justice with a compassionate heart and an even hand.

I recommend him to you as a man, as a lawyer and as a future great Justice of our Supreme Court.

With best wishes, I am,
Your very truly,
C. B. GIBBS. Jr.

DESIGNATION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW—ORDER FOR DIVISION AND CONTROL OF REMAINING TIME

Mr. BYRD of West Virginia. I ask unanimous consent that, when the Senate convenes tomorrow, there be a period, not to exceed 30 minutes, for the transaction of routine morning business as in legislative session, and that all time thereafter until 1 o'clock, the time set for the vote on the nomination, be equally divided and controlled by the majority and minority leaders, or Senators designated by them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That on Friday, November 21, after the Senate convenes that there be a period of 30 minutes for the transaction of routine morning business as in legislative session, and that the time thereafter until 1 o'clock be equally divided and controlled by the majority and minority leaders or persons designated by them.

Mr. HRUSKA. Mr. President, in its issue of today, November 20, 1969, the Wyoming State Tribune, of Cheyenne, Wyo., printed an editorial the text of which I ask unanimous consent to have printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, it is a very splendid editorial. One can gather that it subscribes to the views of the senior Senator from Nebraska that Judge Haynsworth ought to be confirmed. However, here is a part of the editorial which I think is very significant:

> So now we get down to the real issue in the Haynsworth case which really does not have anything to do with his identity with litigants and possible conflicts of interest which have been raised by people who have their own and not inconsiderable conflicts of interest themselves; the real issue is that Haynsworth is not a judicial activist of the stripe of former Chief Justice Earl Warren or Justice William O. Douglas or the other majority members of the Supreme Court.
>
> If Haynsworth is confirmed, they fear there may be an entirely new political cast to the Supreme Court, a potentially conservative one that will not seek to make law or to usurp the functions of Congress as the Warren majority has consistently done, but which may render decisions in accordance with a stricter interpretation of the Constitution and legal precedent.
>
> It is altogether a conflict between liberal and conservative judicial philosophy and it may as well be branded as such.

EXHIBIT 1

EDITORIAL FROM THE CHEYENNE, WYO., STATE TRIBUNE, NOVEMBER 20, 1969

The Senate votes at 1 P.M. eastern standard time tomorrow on confirmation of Judge Clement Haynsworth, Jr., as President Nixon's appointee to the Supreme Court. It is our hope that Judge Haynsworth will be confirmed, first because he has been made a target of forces which oppose his views on the basis that he is a conservative, whereas they are liberals, and secondly, because insufficient reasons have been raised against the appointment. It also is our hope that both of Wyoming's Senators will vote for Judge Haynsworth's nomination. Senator Clifford P. Hansen already has indicated he will support, and vote for, the nomination. Senator Gale McGee has not yet given any definite indication how he will answer the roll call.

Although Haynsworth is a nominee of a Republican President, he is a member of the Democratic Party himself, and he receives substantial support from many Democrats and considerable opposition from many Republicans in the Senate, including the Assistant Leader, Senator Robert Griffin of Michigan.

Thus this is not a matter of partisan politics, but a philosophy; and since Griffin is a co-author of the Landrum-Griffin labor law of some years ago, it seemingly does not stand as a matter of broad labor concern despite the announced opposition to Haynsworth by a substantial segment of the organized labor movement in this country—not the rank and file, but the leaders.

The issue of racism also has been raised against Judge Haynsworth by the NAACP and other organizations, but during Senate debate on the issue on November 14, Senator Marlow Cook of Kentucky noted that a Greenville, South Carolina lawyer who has specialized in representing both organized labor and the NAACP told the Senate Judiciary Committee in testimony on the nomination: "Judge Haynsworth, in my opinion, has one of the best legal minds, the most incisive legal minds that I have run into."

Despite efforts to convey the impression that Judge Haynsworth has violated the code of judicial ethics, for which there is no definite evidence whatsoever, the plain fact is that the opposition to his confirmation is based in what his opponents have actually charged against him—political bias. Here, for example, is the indictment lodged by Senator Jacob Javits, a Republican, of New York: "It is my intention to vote against the confirmation. I will do so because I have found, on reviewing the written opinions of Judge Haynsworth, particularly in racial segregation cases, that, without any derogation of him personally, his views on the application of the Constitution to this most critical Constitutional question of our time are so consistently out of date, so consistently insensitive to the centuries-old injustice which we as a nation have caused our black citizens to bear, that I could not support the introduction of Judge Haynsworth's judicial philosophy into the nation's highest court."

That, summed up, is the real reason why the bitter fight is being made against Haynsworth: His judicial philosophy does not accord with the activist concept that has been enunciated on the Supreme Court of the United States during the past one and one-half decades under the stewardship of another Republican like-minded to that of Senator Javits of New York, namely now-retired Chief Justice Earl Warren of California.

So now we get down to the real issue in the Haynsworth case which really does not have anything to do with his identity with litigants and possible conflicts of interest which have been raised by people who have their own and not inconsiderable conflicts of interest themselves; the real issue is that Haynsworth is not a judicial activist of the stripe of former Chief Justice Earl Warren or Justice William O. Douglas or the other majority members of the Supreme Court.

If Haynsworth is confirmed, they fear, there may be an entirely new political cast to the Supreme Court, a potentially conservative one that will not seek to make law or to usurp the functions of Congress as the Warren majority has consistently done, but which may render decisions in accordance with a stricter interpretation of the Constitution and legal precedent.

It is altogether a conflict between liberal and conservative judicial philosophy and it may as well be branded as such.

As for Senator McGee, he has assiduously sought to project a conservative political image in recent months; in keeping with this image, if it is a real one, we do not think it would be inconsistent for him to join Cliff Hansen in voting for Haynsworth's nomination.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. COOPER. Mr. President, the decision I have made to vote against the nomination of Judge Clement F. Haynsworth to be an Associate Justice of the Supreme Court is a difficult one.

I recognize the constitutional authority and the responsibility of the President to select and nominate an appointee of his choice. I have wanted very much to support President Nixon. I have not wanted to be unfair to Judge Haynsworth. I have thought some of the accusations and attacks were unfair. They have caused me to search the record and to examine closely the validity of my own reasoning.

Many other considerations have run through my mind; that the Senate seeks to apply to the Court, standards that it does not apply to itself; that I might be arbitrary in placing my judgment above that of able and conscientious Members of the Senate.

I have received many communications from Kentucky and other States. I have been glad to have their expressions of interest and opinion, for they are an important part of the governmental process.

Many who are friends of Judge Haynsworth spoke in the warmest terms of his ability and integrity. Other letters were directed to his views—philosophical, economic, and social.

I have not made my decision on this factor, for I have found no bias or extremism expressed in his judicial record.

I would like to see the court more balanced.

I have come to my decision upon other factors. My decision is based on the cases reviewed in great detail in the hearings of the Committee on the Judiciary and in the debate—upon the issue as to whether Judge Haynsworth should have disqualified himself under the statute and the applicable canons of judicial ethics.

At this point, I include them in the RECORD:

> 28 U.S.C. 455 provides as follows:
>
> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.
>
> *Canon 4—Avoidance of Impropriety.*—A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.
>
> *Canon 26—Personal Investments and Relations.*—A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relationship warp or bias his judgment, or prevent his impartial attitude of mind in the administration of judicial duties.
>
> He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.
>
> *V. Canon 29—Self-Interest.*—A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation on the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

I hold that under the Federal statute, the language of the canons, and the purposes and principles upon which the statute and the canons are based, Judge Haynsworth was required to disqualify himself in the cases which I will discuss briefly.

In making this statement, I do not impugn the honesty of Judge Haynsworth, for no evidence can be found of dishonesty or of any motive on his part toward enrichment.

I do not rely on a judgment of insensitivity. The basic principle and purpose of the law and canons, which have been placed in the RECORD, coupled with the circumstances of his financial interest, required, in my judgment, his disqualification; and his judgment, experience, and knowledge of the law, as a capable judge, should have directed him to do so.

I refer first to the Brunswick case. It has been discussed in a great deal. I will not again relate to the Senate all the facts of the case.

Judge Haynsworth purchased 1,000 shares of stock, valued at approximately $16,000, after the three-judge panel, of which he was a member, had agreed unanimously upon an opinion. It is fair to say that the members found no difficulty in arriving at their opinion, because the facts and the law, in their judgment, were clear.

However, after this opinion had been reached by the three-judge panel, and before it was made public to the litigants, and before the possibility of petitions for rehearings and actual rehearings had been exhausted, Judge Haynsworth purchased the stock to which I have referred. In fact, a petition for a rehearing was filed after Judge Haynsworth had purchased the stock, and he denied the petition. I do not challenge the substance of his denial.

The applicable Federal statute in this case is this:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

Judge Haynsworth testified in the course of the hearings that his interest in Brunswick was substantial, and that if he had owned the stock prior to assuming jurisdiction of the case, he would have disqualified himself.

Judge Winter, one of the judges on the panel, when questioned on this subject before the Committee on Judiciary, testified as follows in answer to a question directed to him by Senator Hart: I refer to page 241 of the hearings:

> Senator HART. Now, would you regard it as proper on your part to have purchased the Brunswick Corp. stock before the release of the opinion?
>
> Judge WINTER. Before the release of the opinion? I think, sir, if I had been in that situation, I would have avoided buying the stock until after the opinion had been filed and the matter had been disposed of. I do not think, however, that I would have been legally disqualified, since a decision had been reached in the case in my mind, since the nature of the decision was not one which could have affected the value of the stock one way or the other.
>
> I do not think I would have been legally disqualified from doing it. But I think that had I been fully conscious of this case, I certainly would have avoided buying the stock.

That is the opinion of a member of the panel upon which Judge Haynsworth sat, and it speaks for itself.

Judge Haynsworth testified that his stock interest in Brunswick was substantial. He stated that at the time he purchased the stock he did not recall or think of his participation in the Brunswick case, but at the time the formal opinion was forwarded to him for his concurrence, he recalled his purchase. In that connection, he said, as quoted on page 271 of the hearings:

> The next time, of course, that the case entered my mind was when I received the proposed opinion from Judge Winter. At that stage, I realized it had not been completely disposed of, and at that time I thought what I should do. I had now become a stockholder.
>
> My conclusion was that I should endorse it since Judge Winter had written an opinion precisely as we had agreed, since Judge Jones concurred, since no one had any doubt about it, and nothing else occurred to return the case to the discussion stage. Now, it does occur sometimes, as was brought out from Judge Winter, that when an opinion is assigned to a judge for a number of reasons he may change his view.
>
> This may be the result of something he found in the record of which we were not aware. It may be the result of some research he did in his library to bring out some point that we were not aware of, were not fully appreciative of, and the case then reverts to the conference stage. It goes back for a brand new, fresh viewpoint. That happens now and then, not with great frequency but it does occur.
>
> Nothing of the sort occurred in this instance. If it had occurred, I would have gotten myself out. Indeed I would not only have gotten myself out, I would have gotten Judge Winter out and Judge Jones, because if I was not qualified to sit in this case, I had conferred with them and if it was wrong for me to be in, it was wrong for them to be in it, so I would have gotten all three out and the case would have been set to be reheard before three new judges.

The point has been made in this debate, and correctly, that the case had not been concluded. As Judge Haynsworth said, while it was unlikely, there was a possibility of petitions for rehearings being filed and actual rehearings, and in the course of further proceedings it might occur that new material had been found which would change the decision of the judges.

So I say flatly that Judge Haynsworth was under a duty to disqualify himself, under the Federal statute. A purpose of the statute is to protect individual judges, and to protect other members of a panel such as the one on which Judge Haynsworth sat in the Brunswick case.

Judge Haynsworth said if he had thought it was improper for him to sit, he would have notified the other members of the panel, Judge Winter and Judge James, so they could have "gotten out." But he did not do so. He did not give them the chance to advise him and to determine whether they should sit further in the case.

A just purpose of the statute is to protect litigants. Much has been said about the standards that judges should establish for themselves and their subjective judgments about them. I submit that little has been said in the debate about litigants before the courts and their protection. The law and the canons are intended to assure justice to litigants in their causes. No substantial interest of a judge shall stand in the way of justice or cause any substantial doubt of bias in the minds of litigants. A substantial interest of a judge does stand in the way of justice and causes litigants to doubt that justice has been rendered in their causes.

It is upon these tenets, and they are quite simple, that observance by the courts is demanded if justice is to be done, that the people may believe justice is done, and upon which the confidence of the people in the courts resides.

The Carolina Vend-A-Matic case presents a technically different case, but substantially the same issues as in the Brunswick case. It is differentiated from the Brunswick case because Carolina Vend-A-Matic was not a party litigant in the case of Darlington Manufacturing Co., against NLRB, et al., in which Judge Haynsworth participated. But Judge Haynsworth had a very substantial interest in Carolina Vend-A-Matic, which was a customer of Deering Milliken, which owned the controlling interest in Darlington.

Again, I do not impugn the honesty or motives of Judge Haynsworth. I argue that the principles of the Federal statute, even though not technically applicable in this case, and of the canons and their purpose, should have required Judge Haynsworth, with a substantial interest in Carolina Vend-A-Matic, to have disposed of his stock under the precept of canon 26 or to have disqualified himself in the Darlington case.

It seemed reasonable to believe Judge Haynsworth should have considered that the textile companies, which are important business interests in his circuit, would be apt to be involved in litigation, and he should have followed the injunction of canon 26 and disposed of his interest in Carolina Vend-A-Matic.

There is no express statement in the canons, and it is argued that as the Federal statute of disqualification did not apply, no responsibility attached to Judge Haynsworth. I believe the principle implicit in both the Federal statute and the canons required Judge Haynsworth to sell his stock or to disqualify himself in the Darlington case.

Objectivity and commonsense, especially to a judge, would have pointed the way to disqualification, to assure the litigants that the court was without bias and that equal justice under the law was being rendered.

I do not think it important that the question of his interest was not raised. The point is that the litigants did not know about his interest. It was never disclosed. In such cases, justice might not be rendered, and of great importance, litigant could believe that justice had not been rendered to them.

It may be said that the standards on which I base my decision should not apply to this nominee as they are standards which did not prevail at the time the cases to which I have referred were before him. I answer by saying that the standards were applicable at the time.

What is at issue is whether judges will observe them, and I am confident that the overwhelming majority do; and what is at issue is whether the Senate will apply strictly the standards of the statute and the canons.

Mr. President, I make another point. The cases have been argued as if they were the only cases of interest to the courts, the litigants, and the people. I make the point that if the practice of failure to disqualify became a common practice in the Federal courts, if Judge Haynsworth or other judges should pursue this practice, without disclosing to litigants their interests, or without disclosing to fellow judges an interest, we would come to a situation where the courts would lose confidence and respect, and where litigants would despair of receiving equal justice under the law.

Mr. President, last year the nomination of Justice Fortas to be Chief Justice of the United States was sent by President Johnson to the Senate.

The cases of Justice Fortas and Judge Haynsworth are in no way similar. There is no question in my mind about the motives of Judge Haynsworth, and about his honesty. But we are not dealing with subjective intent; we are dealing with the objective conduct of judges and courts, because only the objective action can be known by litigants and by the people of the United States.

As a result of the interest in and demand for stricter standards for members of the Court, it has been urged in Congress and throughout the country that higher standards, or at least clearer standards, should be established. Some have urged, including Members of Congress, that Congress should enact a code of standards or ethics. I believe it would be better if the courts would develop and prescribe their standards. The courts are experienced and better qualified from practice to comprehend the more difficult situations which must be dealt with. I also believe it would be better for the courts to prescribe their standards because of the constitutional separation of the legislative and judicial branches. But the Senate has a responsibility to apply strictly the existing standards in its process of considering the confirmation of judicial appointees. This will help achieve the purpose which I believe the Senate desires and the people desire. This process is of particular importance with respect to nominees to the Supreme Court—a coequal brand of the Government, a court with constitutional authority to reverse the enactments of the Congress and the decisions of the President, and to pass final judgment upon the rights of all citizens.

We can help protect the members of the judiciary, assure, so far as is humanly possible, litigants from bias, faith and confidence in our courts, and maintain the ancient principle upon which the continuance of our system of government at last must rest: that citizens, great or small, can believe that equal justice under law is rendered to them.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, for the many years that I have served in the Senate, and the many that I sat next to the Senator from Kentucky, he has been regarded almost as a model of probity and of understanding, as well as of parliamentary ability, in this Chamber. I believe that history will record that his words spoken tonight will substantiate that concept in which his colleagues have found such gratification in respect to the Senator from Kentucky in all the years that I have served here.

There are many things I would say of personal gratification for the position, and the arguments to sustain it, which the distinguished Senator from Kentucky has taken. But that would only derogate from what I hope history will record as the imperishable reputation for the highest kind of decency of which a Senator is capable, as shown by JOHN SHERMAN COOPER of Kentucky.

Mr. BAYH. Mr. President, in my own feeble way, I should like to echo the comments of our articulate colleague from New York.

The Senator from Kentucky has been one Member of this body to whom I have always looked for advice and counsel. If the Senator from Kentucky had looked at the facts of this case and had decided contrary to the position he has taken, it would in no way have lessened my admiration for him.

As the Senator from Kentucky spoke, I thought, of the standard of conduct which he himself followed when he was a judge and which he has, indeed, stamped indelibly upon this body as a standard of conduct toward which all of us should strive. I must say that he moved me greatly.

Mr. President, I concur not just in what the Senator from Kentucky said about the difficult decision that each of us is asked to make, but I also believe that this body should take heed from what the Senator from Kentucky said about this case and about the very unfortunate set of circumstances that, indeed, led to the vacancy which we now seek to fill. I hope we will look in that mirror of self-conscience and conclude that it is not enough to require a high standard of conduct for a nominee to the Highest Court of the land. Before this Congress is finished I hope we also seek to set the same standard for ourselves.

The Senator from Kentucky has been one of the leading advocates of disclosure of financial relationships of Members of Congress. I salute him for it.

Out of this whole cauldron of discussion, disagreement, and debate in the finest sense, we can, at long last, set the record straight. In addition to exercising its right to advise and consent, the Senate must do more; it must set a higher standard of conduct for itself.

If the Senate will do that, then I think it will have the distinguished Senator from Kentucky (Mr. COOPER) to thank for moving us in that direction.

Mr. SPONG. Mr. President, I concur in the last thought given to the Senate by the distinguished Senator from Indiana (Mr. BAYH).

I would hope that there will not be many more instances of deliberation by this body when it will be called upon to sit in judgment upon others, when we have failed in our own standards to adopt the principle of full financial disclosure.

I would hope that, regardless of how the vote turns out tomorrow, the Senate, before the end of this term of Congress, will turn its attention to the problem and will adopt for itself a higher standard insofar as financial disclosure is concerned.

I thank the Senator from Indiana for making this suggestion, and I agree with it.

Mr. HRUSKA. Mr. President, some very kind and generous compliments have been paid to the distinguished senior Senator from Kentucky (Mr. COOPER) and I want to associate myself with all of them.

However, Mr. President, I believe, to leave the RECORD concerning the nomination as it is, on the basis of the comments made by our esteemed colleague, would not be doing a favor to the Senate or to the public.

The record in this case will show that great consideration and study of the Brunswick case have been given in great detail. This includes study of the statute which the Senator quoted and also canons 26 and 29.

I should like to refer to the record in that connection.

Judge Winter, who is a judge on the Fourth Circuit Court of Appeals, was one of our witnesses, and at page 252 of the testimony, after all of the circumstances of the purchase of stock by Judge Haynsworth, after the decision had been made in the Brunswick case, he was asked by the Senator from Indiana (Mr. BAYH):

> Judge Winter, if you had been made aware that Judge Haynsworth had purchased the stock as he did in the latter part of December, what action, if any, would you and Judge Jones have taken?

Judge Jones was a district judge sitting as the third of the circuit judges participating in the decision on the Brunswick case.

The answer by Judge Winter reads:

> I think that I would have called the matter to Judge Haynsworth's attention, that this was a case in which the opinion had not been announced, but I think that I would have left the decision of what part he should play in it entirely up to him, because I think matters of personal disqualification are peculiarly a matter for personal decision.

Then the question was asked, with reference to the Brunswick case:

> Senator HART. You think that it was not apt to be a litigant since it already had been a litigant?
>
> Judge WINTER. What I am saying was that——
>
> Senator HART. That made it less likely?
>
> Judge WINTER. Its days of a litigant in the eyes of the decisional process were at an end because its rights had been adjudicated.

Senator ERVIN then asked a question:

> Senator ERVIN. Now certainly this 0.0005 proportionate ownership of the Brunswick Corp. by Judge Haynsworth could not have given him any very substantial interest in the outcome of that case, could it?
>
> Judge WINTER. Sir, I think the arithmetic of it would show that it was not certainly a big interest in the absolute sense, and I would not quarrel. I do not know whether Judge Haynsworth was aware that he had this or whether he had not.
>
> Senator ERVIN. Yes.
>
> Judge WINTER. I have not attempted to talk to him or to find out about it. But let me put it this way. If he concluded that that was not a substantial interest I would not have questioned his judgment for a moment, or if he had concluded that it was a substantial interest, but nevertheless it was not improper for him to sit, I would not have quarreled with him for a moment.

Mr. President, that is very important, because the language of the statute puts the burden on the judge as to whether or not he should disqualify himself in a case. I read the text of title 28, United States Code, 455:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion—

The judge's opinion—

> for him to sit on the trial, appeal, or other proceeding therein.

Mr. BAYH. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. I am happy to yield.

Mr. BAYH. Does the Senator feel that Judge Winter's determination, or indeed Judge Haynsworth's determination is really the important question? The question is whether we, as individual Members of the Senate, believe that the judge's judgment, in not disqualifying himself when he had a substantial interest, as he admitted to the committee, was good or bad.

Mr. HRUSKA. But the judge did not say he had any interest at all at the time of the decision. The Senator from Indiana jumps over that part. Judge Haynsworth did say that when he realized that the case was still pending, he wished he had never heard of the Brunswick case. Nevertheless, the letter to the Senator from Virginia, from Mr. Frank, said he supposed different people could conclude differently as to what could have been done. It was necessary to balance the cost of the argument on a perfunctory case with the other cases involved. "While I think this is a matter of practical judgment, I do not believe that it rises to the level of ethics."

We can put all kinds of construction on this case, but here is perhaps the outstanding authority on the subject of qualification and disqualification of justices, John Frank. And we have the judgment of fellow judges of the Fourth Circuit Court of Appeals on this subject. I say that is as good an interpretation of the application of the statute as anything.

If we want to change the scope of the title 28, section 455, that is something else again. If we want to say that, regardless of the size of the interest the judge is disqualified, that is something else again. But let us not make a bill of attainder out of this principle, without a rule or canon or statute.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. COOPER. I appreciate the questions the distinguished Senator is raising. I considered them, and I came to the conclusion that the Federal statute required his disqualification in the Brunswick case. He did have a substantial interest which he admits. He did not disqualify himself. He did not disclose his interest. When he realized that he had purchased the stock, he did not dispose of the stock. He did not consult with his fellow judges to determine the effect upon them and the case.

As the Senator has said, Judge Winter stated that if he had known Judge Haynsworth had the stock, he would have gone to him and talked to him about it.

Why would he have done so? Because he was troubled, just as I am troubled, just as we are troubled. There is no question here of a bill of attainder. The law was the law at the time. He should have disqualified himself. It is not a bill of attainder. We are not setting new standards. I hope we are requiring that standards be observed by judges.

I make one further point. I did not make it very clear in my written statement. We speak of the cases as if they were the only cases which the Senate might be considering. The point is, Shall we say that this kind of reasoning about disqualification, the practice of not disqualifying one's self when there is a substantial interest, shall be the practice of other judges in other cases? Or if it is the practice, shall we approve that practice?

The Senator from Nebraska is a great lawyer. He is experienced. He has kept at his studies and is one of the most able members of the Committee on the Judiciary and in the Senate. I have not kept up my studies as I did when I was a lawyer and judge, but I have studied the issue before us.

I may have simplified the question, but I think the question is simple. It is not a question from the way the judge looks at it subjectively, and whether he thinks he should do this or not. The statute says he must do it—he must disqualify when his substantive interest is involved.

Also, as I have tried to bring out, from the standpoint of the litigant. In the Vend-A-Matic case, the question of the interest of the judge was not raised by the litigants in time and was not prosecuted——

Mr. HRUSKA. In what way? Every bit of detail on the Vend-A-Matic affairs was disclosed in the record and was discussed at length.

Mr. COOPER. I agree. I am talking about the practice of the case itself.

Mr. HRUSKA. Vend-A-Matic was never in litigation. There was no case that involved Vend-A-Matic.

Mr. COOPER. I know that. I said that in my speech.

Mr. HRUSKA. If the Senator will pardon the interruption, the statute says if he has any interest in any case. As far as Vend-A-Matic is concerned, and the entire history of the Vend-A-Matic Co., or any part ownership thereof, there was no case in which Vend-A-Matic was involved.

If we want to stretch the statute to say in any case in which a company is involved or in any case where a company, or its customer, is also involved—that is something else again.

But Vend-A-Matic was not a party. It was not in the case by court rule, by canon, or by statute; and if we are going to try to bring it into the case, we will be, in fact, getting into the area of ex post facto application of rules. I do not see any other course.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, I must finish. I know that Vend-A-Matic was not a party litigant, and I said so. I have read the record. And technically, the Federal statute does not apply. But the principle of the Federal statute applies, considering the circumstances of the case.

I believe that, although not required by statute, as the judge held a considerable, a very large interest in a customer of companies involved, the interest should have been disclosed to the litigants under the canons.

Mr. HRUSKA. If the Senator is going to stretch a statute of as great importance as this to a principle which is involved, I am glad that is made clear, but I suggest that it is a statute that has great importance, and one should be entitled to depend upon the language of that statute, and also the interpretation and application thereof according to the judicial opinion from which I read, as a part of the record.

But I turn now to the matter of the canons, specifically canon 29.

Senator Tydings asked Judge Winter:

> I am going to refer to canon 29:
>
> "A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved."
>
> Do you feel that Judge Haynsworth was in violation of canon 29 when he purchased the Brunswick stock?
>
> Judge Winter. The way I would construe canon 29; no.

Then we get to canon 26. Senator Tydings asked the judge:

> Let me divert your attention to canon 26:
>
> "A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court, and after his ascension to the Bench he should not retain such investment previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should so far as reasonably possible refrain from all relations which would normally tend to arouse the suspicion that such relations would bias his judgment to prevent his impartial attitude of mind in the administration of his judicial duties."
>
> I will ask you the same question. Do you think he was in violation of canon 26 when he made that purchase?
>
> Justice Winter. I do not.

Mr. President, here is a Federal judge, and he is a man who is familiar with all this. He has studied the record. This he gives as his opinion. Each one of us can have his own opinion, if he wants to, but here is a judge who gives this as his judgment, and he knows what he is talking about.

Now, if we are going to say, "Oh, but we must not have any appearance of evil, or any sort of reproach visited on someone," then indeed we will find it difficult to find any nominee for a judgeship able to comply with that kind of a test. It is a test that would elicit 100 different results within this body. That is certainly not contemplated in the statute, nor is it contemplated in any of the canons.

On the issue of substantiality, Judge Winter did take issue with the idea that there was a substantial interest, as I have already illustrated by reading the question by Senator Ervin:

> Senator Ervin. Now certainly this 0.0005 proportionate ownership of the Brunswick Corp. by Judge Haynsworth could not have given him any very substantial interest in the outcome of that case, could it?
>
> Judge Winter. Sir, I think the arithmetic of it would show that it was not certainly a big interest in the absolute sense.

And he says that if the judge decided that it was not substantial in his opinion, and that there was no conflict of interest, he would respect that determination.

That is what Congress put in the law. That is what is in the law, and I think we ought to go by that law.

Mr. BAYH. Mr. President——

Mr. HRUSKA. Again, if we should decide to change the rules, that is something we can do, but prospectively, and let us change the law. But let us not impose our subjective ideas of what the principle of the law is and try to apply them to this man.

Mr. BAYH. Mr. President, will the Senator yield a moment? Or may I have the floor?

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, it seems to me there are two words which are the cause of our disagreement and differing interpretations. They are the two words "substantial interest," as used in section 455.

As one Member of this body, I can see how another Member of the body could look at those two words and come to a different conclusion as to their meaning from that of the Senator from Indiana.

But I must say I concur with the Senator from Kentucky in his determination as to what is a substantial interest. I share the concern of our good friend and colleague from Nebraska that we not, indeed, get involved in an ex post facto situation. But, in my judgment, we have ample evidence now to say that the business relationship that Judge Haynsworth had was sufficient to come under the coverage of the statute as it is now.

Let me, if I may, quote some of those who have previously been quoted. In fact, we have talked about what Judge Winter said, and we have talked about what Mr. Frank said. Before proceeding further, I think it might be helpful if we place in the Record at this time a letter from the dean of the Yale University Law School concerning this matter of conflict of interest. I ask unanimous consent that a letter addressed to the two Senators from Connecticut by the dean of the Yale University Law School, dated November 19, 1969, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Yale University Law School,
New Haven, Conn., November 19, 1969.

Hon. Thomas J. Dodd,
Hon. Abraham A. Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Senators Dodd and Ribicoff: Much has been said—much has been written—on the vexing question whether the Senate should vote its constitutional "consent" to the nomination of Judge Clement Haynsworth, Jr., as an Associate Justice of the United States Supreme Court.

I do not propose to burden you with an extensive review of all the issues. But permit me to add a few words on one aspect of the nomination—the question whether Judge Haynsworth has fully insulated himself from "the appearance of impropriety" (Canon 4 of the Canons of Judicial Ethics)—which seems to me in danger of being blurred out of focus for the regrettable reason that partisans on both sides have been making extreme claims which cloud the real issue.

Some of these extreme claims suggest—wholly falsely, I submit—that the question at issue is whether Judge Haynsworth is an honest and upright man.

By way of example of one such extreme claim, there was testimony before the Senate Judiciary Committee from a highly-placed labor leader which included the assertion that Judge Haynsworth "operates within that (Southern textile) conspiracy"—a shockingly scurrilous assault on Judge Haynsworth's integrity, for which, I venture, there is not an iota of evidentiary support in the record made before the Committee.

But it is the profoundly unfortunate fact that partisans on the other side have contributed to this false view of the issue. I am thinking, for example, of suggestions emanating from certain members of the House of Representatives that non-confirmation of Judge Haynsworth should trigger impeachment proceedings against Mr. Justice Douglas. Quite apart from the fact that those who have floated their suggestions have not vouchsafed any remotely plausible grounds for impeachment (and have thus gratuitously slandered a defenseless sitting Justice), it is evident that the intended import of these suggestions is to persuade the Senate that non-confirmation of Judge Haynsworth would be tantamount to an accusation that the Judge has been guilty of actual misfeasance in the performance of his judicial duties on the Court of Appeals for the Fourth Circuit.

That, however, is not the issue before the Senate. No responsible opponent of the nomination argues—or has, I believe, any basis for arguing—that Judge Haynsworth has been guilty of any actual impropriety. The single question before the Senate is, as Senator Griffin rightly phrased it, "whether he should be promoted to a place on the Nation's highest court."

Measured by that standard, the nomination should not, in my judgment, be approved, for I am not satisfied that Judge Haynsworth has demonstrated substantial sensitivity to the punctilious norms of judicial behavior we would want a Justice of the Supreme Court to adhere to.

I offer this judgment with some diffidence, for I appreciate the contrariety of perspectives from which reasonable and honorable men, including the members of the Judiciary Committee, have viewed the several questioned episodes in Judge Haynworth's judicial career which were canvassed by the Committee. Of these episodes, I wish to comment upon only one—the much-mooted *Brunswick* case. There are two aspects of this which trouble me. One is the way in which Judge Haynsworth dealt with what was, concededly, an "inadvertent error" (the purchase of stock in the Brunswick Corporation while the case was pending before him)—namely, by taking no steps to undo the error. The second aspect which troubles me (and I say this with all deference) is the fact that the majority of the Judiciary Committee in effect placed its stamp of approval on Judge Haynsworth's decision not to undo the error: a dictum of the Committee which, I am afraid, can only serve to undercut the Committee's own authority and prestige insofar as the Committee has appeared to acquiesce in a standard of judicial behavior less rigorous than that which ought to apply in the courts of the United States.

With respect to the first aspect, let me say at once that manifestly Judge Haynsworth did not, by reason of purchasing stock in the Brunswick Corporation, acquire any measurable financial stake in the outcome of the pending litigation. That is not the point. The point is that Judge Haynsworth, upon realizing (on receipt of Judge Winter's draft opinion) that he had inadvertently purchased stock in a corporation which was a party to a law suit pending before him, and in order meticulously to avoid "the appearance of impropriety," ought to have taken at least one of three courses of action: (1) divest himself of the shares forthwith; (2) bring his shareholder status to the attention of the litigants' counsel and his fellow members of the panel; (3) withdraw from the panel. He took none of these courses of action. Instead he chose to stay on the panel and participate in the final disposition of the case. This choice does not, in my view, reflect that instinct for judicial decorum which I would hope to find in a man nominated to be an Associate Justice of the Supreme Court.

On the second aspect of the matter, I am distressed by the readiness of the majority of the Judiciary Committee to approve Judge Haynsworth's decision to remain on the panel:

The committee is of the opinion that because the purchase was inadvertent and because the issues in the case had been decided prior to the purchase, neither the statute nor the canons were violated. Judge Haynsworth stood to make no financial gain by reason of the stock purchase and could not have been influenced in his judicial actions. While a change in the court's opinion was technically possible prior to the issuance of the written opinion, as a practical matter the chances for such a reconsideration were nil.

Under these circumstances and in view of the nature of the case Judge Haynsworth reasonably concluded he should not disqualify himself from the case. This would have required assigning a new panel to hear the case, rescheduling oral argument, deciding the case anew and rewriting the draft opinion. As chief judge, charged with the administration of the court, Judge Haynsworth recognized this procedure would have been unduly burdensome in this case where the merits were not in doubt.

I find it difficult to concur in the proposition that, where a case is a routine one in which "the merits were not in doubt," a federal judge faced with Judge Haynsworth's problem should have "reasonably concluded" that he need not undertake either to divest, or to disclose, or to disqualify himself. As to the standard of judicial punctilio to be observed, I would have thought it common ground that no case is routine. And I am particularly surprised at the suggestion that because Judge Haynsworth was "chief judge, charged with the administration of the court," it was particularly appropriate for Judge Haynsworth to conclude that disqualification "would have been unduly burdensome." I would have hoped the Judiciary Committee would have expected a chief judge to be at particular pains to see to it that the members of his court, himself included, would avoid "the appearance of impropriety." I especially would have hoped this when the issue on which the Judiciary Committee was to counsel the Senate was whether the chief judge "should be promoted to a place on the Nation's highest court."

Sincerely,

——— ———.

Mr. BAYH. In the letter, he indicates that he feels very definitely the Judge should have disqualified himself from the Brunswick case.

I also ask unanimous consent to have printed in the RECORD once again, if I may do so without belaboring the printer, a letter from David Mellinkoff, professor of law, University of California at Los Angeles, dated October 20, 1969, addressed to the Honorable James O. Eastland, with copies to myself and other Senators, in which he shares the same concern about the Judge's having a substantial interest.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
Los Angeles, Calif., October 20, 1969.

Hon. JAMES O. EASTLAND,
U.S. Senate, Chairman, Senate Judiciary Committee, Washington, D.C.

MY DEAR SENATOR EASTLAND: As a professor of law teaching legal ethics to future lawyers, I write to invite your further attention to what I believe to be the central issue in the consideration of the fitness of Mr. Justice Haynsworth for appointment to the Supreme Court of the United States.

Three instances of apparent conflict of interest have been given prominence in the press: the Justice's purchase of Brunswick Corporation stock before announcement of his Court's decision in favor of Brunswick; his substantial ownership of Carolina Vend-O-Matic, a company having a valuable business relationship with a successful litigant before the Court; and his small stock holdings in the W. R. Grace Co. at the time of a decision favorable to its subsidiary Grace Lines. According to report, Justice Haynsworth has explained that the Brunswick case had been decided and forgotten before he bought any Brunswick stock, and that financial interest did not influence his vote in any of these cases. As a member of the bar for 30 years I accept Justice Haynsworth's explanation.

At the same time I cannot but observe that to the unsuccessful litigant in Justice Haynsworth's Court the explanation would ring hollow. At best losing a lawsuit is a disheartening, at worst a crushing experience to anyone convinced rightly or wrongly of the justice of his cause. The disappointment is endurable only under a system of justice in which the loser knows that the process by which he lost was a fair one.

In a grosser age, when the brilliant Francis Bacon was forced from office and forced to acknowledge that as Lord Chancellor of England he had been taking gifts from litigants, he was still able to assert, ". . . I am as innocent as any born upon St. Innocent's day: I never had a bribe or reward in my eye or thought when pronouncing sentence or order." It may have been true, but it was hardly satisfying, least of all to the man who lost his case in the Lord Chancellor's court.

In a United States district court a jury awards an injured seaman $50.00 on a claim against Grace Lines he thought worth $30,000.00. Saddened, he takes his case to the United States Circuit Court of Appeals. It is not difficult to imagine the bitterness in the heart of the injured seaman when he learns that one of the judges to whom he appealed in vain to right the supposed wrong of the Grace Lines was even a small owner of the company that owns Grace Lines. By the standard of the marketplace Justice Haynsworth's stockholding was trifling. It looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only do justice but that they shall seem to do justice. This ancient wisdom finds expression in the Canons of Judicial Ethics of the American Bar Association providing that a judge's conduct should not only be "free from impropriety" but from "the appearance of impropriety." (Canon 4). The importance of the appearance of things is stressed again and again (Canons 13, 24, 26, 33), culminating in the injunction that "In every particular his conduct should be above reproach." (Canon 34).

These Canons apply to judges at every level. They apply most stringently to the men who are to grace the court which sets an example of right to the rest of the nation. I hope, Senator, that you will consider the nomination of Mr. Justice Haynsworth in this light. If you do, I believe you will come to share my conclusion that his confirmation would not promote that necessary public respect for our system of justice which each of us in his own way seeks to preserve.

DAVID MELLINKOFF,
Professor of Law.

Mr. BAYH. Inasmuch as Mr. Frank has been quoted as saying that the judge did not have a substantial interest in Carolina Vend-A-Matic, I should like to call the attention of the Senate to what Mr. Frank——

Mr. HRUSKA. Mr. President, will the Senator yield? Is it suggested that I said the judge did not have a substantial share in Vend-A-Matic?

Mr. BAYH. No. Heavens, no; the Senator has been very meticulous about this, and if I inadvertently inferred that, I apologize.

Mr. HRUSKA. I did not know to whom reference was made.

Mr. BAYH. I was not quoting the Senator from Nebraska. I was quoting Mr. Frank, when he said—I tried to get him to say something else, but he refused, and I disagreed——

Mr. HRUSKA. I did not realize the Senator was quoting.

Mr. BAYH. I was quoting Mr. Frank.

Mr. HRUSKA. Very well.

Mr. BAYH. Mr. Frank said consistently that in his judgment, Judge Haynsworth did not have a substantial interest in the Darlington case; but the Senator from Kentucky brought up the question of Brunswick, which is relevant to the Grace Lines case and the Maryland Casualty cases.

Mr. Frank said, when I asked him, as shown on page 127:

How large is a substantial interest?

I think that generally the better view, Senator, but not the only view, is that if there is any interest it ought to be regarded as a disqualifier. But the word "substantial" is used here to cover the marginal situation of the small stockholders, let us say, in a corporation, somebody has a few shares of GM, that sort of thing. I have given an illustration in one footnote of a case of a district judge in the second circuit who had, as I said, 20 shares on 13 million and felt, thought it wasn't enough.

In my report in 1947, 33 State and Federal courts felt if there was any holding of stock they thought it should disqualify. Two courts thought if the holding was very small they felt it should not disqualify, and you heard

> Judge Haynsworth state that was the view of the fourth circuit.

Again, later on, as I tried to develop this more fully, Mr. Frank said:

> Senator, in the overwhelming majority view, and there is a citation here of the most recent ALR note, shareholding would be enough. Any. But it is not quite unanimous.

In going now to what Judge Winter had to say about this matter, I point out that on page 260 of the hearings, the Judge said:

> Well, I think the rule of thumb is that if he has knowledge, he ought not to sit in the case unless there is some exceptional circumstance, and the parties or the counsel for the parties agree that he should sit. I have reference to this fact, Senator. We, of course, live in a metropolitan State, and the Court of Appeals of the Fourth Circuit is a metropolitan court. I mean it is a multijudge court.

In other words, even in the fourth circuit, which holds the minority view that if one has some stock, he may sit, that judge should disclose his holdings. And Judge Haynsworth did not disclose.

Mr. HRUSKA. Mr. President, on the contrary, that is not what Judge Winter testified. He was asked this question by the Senator from Indiana himself:

> If you had been made aware that Judge Haynsworth had purchased the stock, what action, if any, would you and Judge Jones have taken?

The answer implied that Judge Winter would have left the decision to him because the statute requires that those matters of personal disqualification are purely a matter for a person's judgment. And that is why we have in the statute not only the words "substantial interest," but also the words, "in his opinion."

Judge Winter's testimony is clearly relevant together with the testimony of Judge Haynsworth when he said:

> The (first) time, of course, that the case entered my mind was when I received the proposed opinion from Judge Winter. At that stage, I realized that it had not been completely disposed of, and at that time I thought what I should do. I had now become a stockholder. My conclusion was that I should endorse it since Judge Winter had written an opinion precisely as we had agreed, since Judge Jones concurred, since no one had any doubt about it, and nothing else occurred to return the case to the discussion stage . . .

It does occur, as brought out by Judge Winter, when an opinion is assigned to a judge, that for a number of reasons he may change his opinion. But no such thing happened here. When the decision was finally made, he was not a stockholder.

Mr. BAYH. Mr. President, I suggest to the Senator that either he and I respectfully disagree with one another or Judge Winter is saying one thing in response to my question and another thing on page 260 in response to my question and another thing on page 260 in response to a question from the Senator from Maryland (Mr. MATHIAS).

When it states that the judge should disclose his holdings and get approval from counsel, it seems to me the very least Judge Haynsworth should have done was to disclose his interest in Brunswick.

Let me deal with one or two other aspects of the matter and then I will let the Senator pursue this in any direction he wishes.

Looking at the words "substantial interest," I think that we in Congress have been negligent. And I hope that after this is over, we will clarify this statute so there will be a uniform interpretation throughout the country.

I call attention to page 37 of the report from the Senate Judiciary Committee, to an article written by Judge Simon Sobeloff in the Federal Bar Journal in which he talked about conflict problems. Inasmuch as Judge Sobeloff's name has been drawn into this matter and inasmuch as he was chief judge of the fourth circuit. I think what he has to say has some relevance. Judge Sobeloff said:

> One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him.

It seems to me this condemns Judge Haynsworth's unfortunate relationship with Carolina Vend-A-Matic.

I also would like to make one concluding observation to reinforce the position of the Senator from Kentucky (Mr. COOPER) as to his definition of substantial interest.

I think most of us who have had some experience in the legal profession realize that the cold words of the code mean nothing until they are put into practice.

I think the best way to interpret what substantial interest means is to look at what the courts have said about the interpretation of substantial interest. And the court has spoken last year in the case of Commonwealth Coatings Co. against Continental Casualty Co. about this very thing. In that particular instance, there was an arbitration in which an arbitrator had a 1-percent interest with one of the litigants, whereas in the Darlington case, there was a 3-percent involvement. In the Commonwealth Coating case, the relationship had not existed for at least a year, whereas in the Carolina Vend-A-Matic-Darlington situation the relationship was an ongoing thing.

I would like, if the Senator from Nebraska will bear with me, to read into the RECORD at this time what really convinced me that the judge had a substantial interest.

This is a direct quote from the opinion in the Commonwealth Coating Company v. Continental Casualty Company case. It says:

> It is true that petitioner does not charge before us that the third arbitrator was actually guilty of fraud or bias in deciding this case, and we have no reason, apart from the undisclosed business relationships, to suspect him of any improper motives.

This points out that it makes no difference that Judge Haynsworth was not trying to feather his own financial nest or improve his stock benefits. I do not think that at all. The case continues:

> But neither this arbitrator nor the prime contractor gave to petitioner even an intimation of the close financial relation that had existed between them for a period of years.

Then, in what I feel is very significant language, the Court stated:

> We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge.

Further—and I feel that this is what the Senator from Kentucky (Mr. COOPER) was striving for—in concluding that case, after talking about the arbitration ruling, after bringing the canons of ethics into a case before the Supreme Court, and quoting from canon 33 extensively, the Court said:

> This rule of arbitration and this canon of judicial ethics rest on the premise that any tribunal permitted by law to try cases and controversies must not only be unbiased, but must avoid even the appearance of bias.

Although I am sure all Senators do not concur in the view of this relative neophyte member of the bar, the Carolina Vend-A-Matic relationship concerns me.

Mr. HRUSKA. The Senator from Indiana was quoting from the Supreme Court decision in the Coating case. Professor Frank clearly distinguished that case. That case involved an arbitrator who was a part owner of a business that had provided consultation to one of the parties on a matter that was at issue in the proceedings. That was not the case with Judge Haynsworth.

Mr. BAYH. With all due respect, if the Senator from Nebraska will read my colloquy with Mr. Frank, he will see that Mr. Frank was basing his interpretation on the fact that he thought the Court's decision rested on arbitration rule 18.

Mr. HRUSKA. That is correct.

Mr. BAYH. If the Senator from Nebraska will read further, he will find that the Court said that the final determination did not depend on arbitration rule 18; it also quoted from canon 33, and stated, as I said earlier, that it was deciding the case on a broader principle, deciding it on something more than arbitration rule 18.

Mr. HRUSKA. I agree that the Senator is trying to do that.

Mr. BAYH. I am not, but the Court did.

Mr. HRUSKA. The fact remains that rule 18 of the American Arbitration Association is highly significant but not controlling. But, regardless, it is still a case in which arbitration is involved and not a judicial matter.

Let us get back to the matter of Judge Sobeloff.

Mr. BAYH. May I repeat that the Court goes so far as to say:

> We have no doubt that if a litigant should show—

Not that an arbitrator but—

> that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would have been subject to challenge.

It seems to me that the Court is saying that if this case had involved a judge, the judge would have had to disqualify himself.

Mr. HRUSKA. In the first place it

is dictum. In the second place, to be applicable, the facts would have to be the same as in this case, and the facts in the Vend-A-Matic case are not the same as in this case.

Let us get back to the quotation from Judge Sobeloff. This is what I mean by bill of attainder, Mr. President. Here is a quotation from a law journal, written for the Federal Bar Journal, in 1964, in which Judge Sobeloff makes a comment on canon 24. The application of that law article is now sought to be imposed upon Judge Haynsworth.

Mr. BAYH. Will the Senator tell me when canon 24 was first adopted as part of the canons of ethics? Is that ex post facto? It was adopted in 1924.

Mr. HRUSKA. The article is certainly ex post facto, and the Senator is relying on the article which goes beyond the canon and beyond the statute.

On page 3 of the committee report we have a telegram signed by Judge Sobeloff, as the first of six judges of the Fourth Circuit Court. That telegram is specific, and he knew all the facts involved. The telegram reads:

> Despite certain objections that have been voiced to your confirmation, we express to you our complete and unshaken confidence in your integrity and ability.

If Judge Sobeloff felt that Judge Haynsworth was guilty of violating all these canons and showing insensitivity, he would not have given him this clear expression of confidence in his integrity and ability.

Mr. BAYH. Will the Senator yield? I want to make the RECORD clear.

I think the Senator has raised a good point relative to the ex post facto matter. But I am looking at those canons of ethics which were on the books before I was born.

Mr. HRUSKA. I would not be prepared to say. I do not think the canons of ethics were in existence.

Mr. BAYH. I think they were adopted in 1924. I stand corrected, if someone can say differently. I merely mentioned Judge Sobeloff's interpretation because it seems to me——

Mr. HRUSKA. And then sought to apply it.

Mr. BAYH. It seems a reasonable interpretation. If Judge Sobeloff was a reasonable man in 1964, he probably was a reasonable man when he was sitting as chief judge of his court.

Mr. HRUSKA. Yet, the application of general language in a law article to a situation as serious as this seems to me to be a little out of order.

Mr. President, let me point out that there is some law on this subject in the Fifth Circuit Court, and the Senator from Kentucky (Mr. COOK), cited it in his brief, on November 14, in the RECORD, at page 34270. There we have the case of Austral Oil Co., Inc., against Federal Power Commission. The Fifth Circuit, in a ruling issued in October, although transferring the case to another panel for rehearing, unequivocally held that Chief Judge Brown and Judge Jones were not disqualified for any reason to sit on the case, despite the fact that both judges had considerable stock interests in several of the parties. Judge Brown individually owned stock valued at $36,400 in three of the litigants as of the date of the hearing and was a trustee of several trusts holding oil company stocks worth approximately $500,000. It goes more into that situation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HRUSKA. I quote now from the ruling of the Fifth Circuit:

> The judges of the panel to which this case was assigned are not disqualified by prejudice, neither are they disqualified by interest, whether individual, fiduciary, or otherwise.

There is another case, Kinnear-Weed Corp. against Humble Oil. That was a patent infringement case that commenced in 1953, and it involved a claim for $285 million in damages, plus interest, against Humble. The trial judge owned not only 100 shares of Humble stock worth approximately $10,000 but also 25 percent of the stock of a company—and was an officer and director in a company—which, during the time the judge sat on this case, averaged almost 16 percent of its business with Humble. Second, he was a plaintiff in a contested lawsuit against Humble in which he received $409.24 out of the final settlement. Third, he executed certain oil leases with Humble.

As for the stockownership in Humble, the Fifth Circuit Court, in an en banc ruling written by Chief Judge Brown, held:

> This tiny fractional interest in the equity ownership of this huge industrial enterprise does not amount, either as a matter of fact, or law, or both, to a substantial interest by the trial judge in the case or a prohibited connection with a litigant.

Other cases were cited in the very well-prepared and documented remarks of the Senator from Kentucky (Mr. COOK).

This is the law. This is not a quotation from a law school article or a bar journal. There is the law as announced by the Fifth Circuit Court of Appeals.

Mr. BAYH. Will the Senator from Nebraska point out one Supreme Court case to me in the Senator from Kentucky's brief or, indeed, in the brief that was prepared by the Assistant Attorney General, Mr. Rehnquist. The Senator from Nebraska is doing an excellent job of citing law in the Fifth Circuit, but I want to know what the law in the United States is. The Senator talks about this Fifth Circuit case.

Mr. HRUSKA. Two cases.

Mr. BAYH. He omits to say that after the Fifth Circuit held this way, two of the judges involved decided they would remove themselves voluntarily.

Mr. HRUSKA. But the decision and the ruling was that there was no disqualification.

Mr. BAYH. That is the Fifth Circuit.

Mr. HRUSKA. If the Supreme Court authority is a case of arbitration which refers only in a very tangential way to this situation, I do not think it would make sense. It is only dictum. The situation is not parallel, and there is no similarity in the facts.

Mr. BAYH. I have before me approximately five pages, a relatively short decision, made in the October term of last year—it is about a year old—written by Justice Black.

It is very easy for the Senator from Nebraska to suggest that part of the case which proves my point is dictum. The Senator from Indiana takes the opposition. I think I should ask unanimous consent that Commonwealth Coatings against Continental Casualty be printed in the RECORD in toto so that everyone can make this determination for himself.

Mr. HRUSKA. I think that would be splendid. I join in the request.

The PRESIDING OFFICER (Mr. SPONG in the chair). Is there objection?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES

No. 14.—October Term, 1968

COMMONWEALTH COATINGS CORP., PETITIONER, v. CONTINENTAL CASUALTY CO. ET AL.

(On Writ of Certiorari to the United States Court of Appeals for the First Circuit)

[November 18, 1968]

Mr. Justice Black delivered the opinion of the Court.

At issue in this case is the question whether elementary requirements of impartiality taken for granted in every judicial proceeding are suspended when the parties agree to resolve a dispute through arbitration.

The petitioner, Commonwealth Coatings Corporation, a subcontractor, sued the sureties on the prime contractor's bond to recover money alleged to be due for a painting job. The contract for painting contained an agreement to arbitrate such controversies. Pursuant to this agreement petitioner appointed one arbitrator, the prime contractor appointed a second, and these two together selected the third arbitrator. This arbitrator, the supposedly neutral member of the panel, conducted a large business in Puerto Rico, in which he served as an engineering consultant for various people in connection with building construction projects. One of his regular customers in this business was the prime contractor that petitioner sued in this case. This relationship with the prime contractor was in a sense sporadic in that the arbitrator's services were used only from time to time at irregular intervals, and there had been no dealings between them for about a year immediately preceding the arbitration. Nevertheless, the prime contractor's patronage was repeated and significant, involving fees of about $12,000 over a period of four or five years, and the relationship even went so far as to include the rendering of services on the very projects involved in this lawsuit. An arbitration was held, but the facts concerning the close business connections between the third arbitrator and the prime contractor were unknown to petitioner and were never revealed to it by this arbitrator, or by the prime contractor, or by anyone else until after an award had been made. Petitioner challenged the award on this ground, among others, but the District Court refused to set aside the award. The Court of Appeals affirmed, 382 F. 2d 1010 (C. A. 1st Cir. 1967), and we granted certiorari, 390 U.S. 979 (1968).

In 1925 Congress enacted the United States Arbitration Act, 9 U.S.C. §§ 1–15, which sets out a comprehensive plan for arbitration of controversies coming under its terms, and both sides here assume that this Federal Act governs this case. Section 10, quoted below, sets out the conditions upon which awards can be vacated.[1] The two courts below held, however, that § 10 could not be construed in such a way as to justify vacating the award in this case. We disagree and reverse. Section 10 does authorize vacation of an award where it was "procured by corruption, fraud, or undue means" or "where there was evident partiality . . . in the arbitrators." These provisions show a desire of Congress to provide not merely for any arbitration but for an impartial one.

It is true that petitioner does not charge before us that the third arbitrator was actually guilty of fraud or bias in deciding this case, and we have no reason, apart from the undisclosed business relationship, to suspect him of any improper motives. But neither this arbitrator nor the prime contractor gave to petitioner even an intimation of the close financial relations that had existed between them for a period of years.

We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge. This is shown beyond doubt by *Tumey* v. *Ohio*, 273 U.S. 510 (1927), where this Court held that a conviction could not stand because a small part of the judge's income consisted of court fees collected from convicted defendants. Although in *Tumey* it appeared the amount of the judge's compensation actually depended on whether he decided for one side or the other, that is too small a distinction to allow this manifest violation of the strict morality and fairness Congress would have expected on the part of the arbitrator and the other party in this case. Nor should it be at all relevant, as the Court of Appeals apparently thought it was here, that "[t]he payments received were a very small part of [the arbitrator's] income . . ."[2] For in *Tumey* the Court held that a decision should be set aside where there is "the slightest pecuniary interest," on the part of the judge, and specifically rejected the State's contention that the compensation involved there was "so small that it is not to be regarded as likely to influence improperly a judicial officer in the discharge of his duty . . ."[3]

Since in the case of courts this is a *constitutional* principle, we can see no basis for refusing to find the same concept in the broad statutory language that governs arbitration proceedings and provides that an award can be set aside on the basis of "evident partiality" or the use of "undue means." See also *Rogers* v. *Schering Corp.*, 165 F. Supp. 295, 301 (D.C.D.N.J. 1958). It is true that arbitrators cannot sever all their ties with the business world, since they are not expected to get all their income from their work deciding cases, but we should, if anything, be even more scrupulous to safeguard the impartiality of arbitrators than judges, since the former have completely free rein to decide the law as well as the facts and are not subject to appellate review. We can perceive no way in which the effectiveness of the arbitration process will be hampered by the simple requirement that arbitrators disclose to the parties any dealings that might create an impression of possible bias.

While not controlling in this case, Rule 18 of the American Arbitration Association is highly significant. It provides as follows:

"Section 18. Disclosure by Arbitrator of Disqualification—At the time of receiving his notice of appointment, the prospective Arbitrator is requested to disclose any circumstances likely to create a presumption of bias or which he believes might disqualify him as an impartial Arbitrator. Upon receipt of such information, the Tribunal Clerk shall immediately disclose it to the parties, who if willing to proceed under the circumstances disclosed, shall, in writing, so advise the Tribunal Clerk. If either party declines to waive the presumptive disqualification, the vacancy thus created shall be filled in accordance with the applicable provisions of this Rule."

And based on the same principle as this Arbitration Association rule is that part of the 33d Canon of Judicial Ethics which provides:

"33 Social Relations.

". . . [A judge] should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct."

This rule of arbitration and this canon of judicial ethics rest on the premise that any tribunal permitted by law to try cases and controversies must not only be unbiased but must avoid even the appearance of bias. We cannot believe that it was the purpose of Congress to authorize litigants to submit their cases and controversies to arbitration boards that might reasonably be thought biased against one litigant and favorable to another.

Reversed.

Mr. BAYH. Mr. President, I would like to make one last point. I hope my friend from Nebraska will consider it further because I have great confidence in his legal judgment. However, I do not see a great distinction between the facts of Carolina Vend-A-Matic and Commonwealth Coatings. I have never been able to persuade the Members of this body of the real concern I have for the relationship of the judge to Carolina Vend-A-Matic. It goes right to the similarity, not the disparity but the similarity, between Commonwealth Coatings and the Darlington Mills case.

Mr. HRUSKA. Mr. President, will the Senator yield for a little interpolation?

Mr. BAYH. I yield.

Mr. HRUSKA. Is the Coatings case not a good example of the ex post facto situation? Here are events 6 and 7 years ago; and here is a case being quoted from the Supreme Court which was decided last year. What power of clairvoyance are we going to ask a nominee to have? Will he have to be able to predict what the Supreme Court will be saying 5 years from now, and will he have to comply with that ruling?

Here is a case decided in 1968 and an effort is being made to make it apply to a decision and conduct that happened 6 years ago. I would say it would be highly unfair to expect Judge Haynsworth to know what the Supreme Court would do 5 years hence. And in my judgment that is what he is asked to do.

Mr. BAYH. I would not expect a judge in 1953 to be able to determine what the Supreme Court is going to do in 1968. I do not think the Senator and I can tell what they are going to do today or tomorrow.

Mr. HRUSKA. The Senator is correct.

Mr. BAYH. I think that a judge, with his standing on the circuit court, should be able to know what the Supreme Court said in the case of Tumey against Ohio in 1927. That was a landmark case on which Commonwealth Coatings was based, and that case provided the precedent for the Court to say in 1968:

> We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had unknown to the litigant any such relationship the judgment would be subject to challenge.

That is from the Tumey case in 1927.

Mr. HRUSKA. What kind of case was it? What were the facts? Did that not have to do with stock ownership in one of the parties litigant?

Mr. BAYH. In Tumey?

Mr. HRUSKA. Yes.

Mr. BAYH. No.

Mr. HRUSKA. What was the situation?

Mr. BAYH. It had to do with a justice-of-the-peace situation as to which the court said, "The payments received were very small"——

Mr. HRUSKA. That is right.

Mr. BAYH. And the Tumey case and the Commonwealth Coatings case are the law of the land, not just the law of the Fifth Circuit Court of Appeals. They say if you have the slightest interest——

Mr. HRUSKA. In the case.

Mr. BAYH. In the case.

Mr. HRUSKA. Exactly. As to Vend-A-Matic, its customer was the litigant. Vend-A-Matic was not a party in the case.

Mr. BAYH. The Senator looks at this matter one way, and I look at it another way. The Commonwealth Coatings case is exactly the same.

Mr. HRUSKA. I refuse to subscribe to a case which has to do with an arbitration situation and apply it to a case having to do with stockholders.

Mr. BAYH. Is it the only ground for the Senator's opinion that this ruling was in an arbitration case? I am willing to concede the Tumey case was a justice-of-the-peace case, and Commonwealth Coatings was an arbitration case. It is difficult, if not impossible, to find a case that is on all fours with every situation.

However, in Commonwealth Coatings, the Court said:

> We have no doubt that if a litigant could show that a foreman of a jury or the judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge.

The Court speaks unequivocally on this, and not just about arbitration.

Mr. HRUSKA. What is the date of that decision? Can the Senator inform me of the date of the decision?

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[1] "In either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

"(a) Where the award was procured by corruption, fraud, or undue means.

"(b) Where there was *evident partially* or corruption in the arbitrators, or either of them.

"(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of *any other misbehavior by which the rights of any party have been prejudiced.*

"(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

"(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators."

[2] 382 F. 2d, at 1011.

[3] 273 U.S., at 524.

Mr. BAYH. What decision is the Senator referring to?

Mr. HRUSKA. The decision in the case of Commonwealth Coatings against Continental Casualty Co.

Mr. BAYH. It is a 1968 decision.

Mr. HRUSKA. October 1968.

Mr. BAYH. Yes.

Mr. HRUSKA. Mr. President, I suggest again this is an odd procedure. It is not called an ex post facto rule but it has every badge of it. Here there is the attempt to apply a Supreme Court decision which was rendered in 1968. The decision cannot be over 1 year old and there is an attempt to apply this ruling to events that happened 6 years ago. That does not seem very fair under this system of jurisprudence that we have developed in this country in the last 200 years.

Mr. BAYH. May I suggest the Senator has the right to interpret in this way but the Senator has no desire to pose this retrospectively. I think that if, indeed, the Commonwealth Coatings case was the law of the land in 1968 then Tumey against Ohio was the law of the land in 1963 and 1964.

Another matter that concerns me is that we are asking the Senate to confirm the nomination to the Supreme Court of a judge who, with eight other judges, will determine what the law is going to be tomorrow or the next day.

Mr. HRUSKA. The Senator is correct.

Mr. BAYH. As I mentioned to the Senator from Nebraska earlier, the second day of the hearings, after we had had a lengthy session—and the Senator is always very helpful in sitting through all these sessions—I had a speaking engagement in Chicago.

I got the last seat in the plane; it was near those facilities located in the back of planes. I sat next to a young lawyer from Chicago who had been before the Court that day. He had led a petition for certiorari in a case involving two supreme court judges of Illinois who were directors in banks and had significant stockholdings in banks. These judges had held that in drafting a will a bank has no fiduciary relationship to a senile, elderly lady. The question is whether the Court will grant certiorari and hear that case. The Court is going to determine what is ethical conduct.

At page 99 of the hearings, after expressing my concern about Judge Haynsworth's past relationship with Carolina Vend-A-Matic, I asked him:

> Senator BAYH. Now, you have been quoted, and I wonder if it is accurate, that if you had the *Darlington-Deering Milliken* case to do over again, that you would still feel that you did not have a sufficient conflict of interest.
>
> Judge HAYNSWORTH. Even if I knew at the time all that I know about it now, I would feel compelled to sit. (Hearings, p. 99.)

In other words, he said, "I would do the same thing today and tomorrow."

Mr. HRUSKA. What thing?

Mr. BAYH. Maintain a relationship——

Mr. HRUSKA. What did he do?

Mr. BAYH. He felt the relationship not only was proper and I feel he was sincere in this, but he felt in light of all the discussion it still was proper.

Mr. HRUSKA. That latter part is a little gratuitous supposition on the part of the Senator from Indiana. The testimony, as I remember it, had to do with reaffirmation by the judge, that if he had to decide whether to sit again while he owned Vend-A-Matic stock, he would do the same thing, and he did. Why not? There is no rule of court. There is no statute. There is no canon. There is no decision that says he could not do it and do it legally and without fear of being criticized for doing anything improper. Why should he not say that?

Mr. BAYH. Of course, this has been a difficult situation.

Mr. HRUSKA. It surely is difficult. Let us have some authority for these conclusions, instead of having the "appearances" or statements such as we do not want to trust him with this responsibility. Why not? What law, what decision, what canon, what court case? That is what we want to know.

Mr. BAYH. I have gone through this and, in my judgment, the judge was in violation on the Tumey case, reiterated and reinforced by Commonwealth Coatings. The law of the land now is Commonwealth Coatings. Is there any question in the mind——.

Mr. HRUSKA. Insofar as it goes, but it does not decide all questions.

Mr. BAYH. The law of the land is Commonwealth Coatings——

Mr. HRUSKA. In arbitration cases.

Mr. BAYH. Well, that is the Senator's interpretation.

Mr. HRUSKA. On the contrary.

Mr. BAYH. My attention goes to the fact that the Court talked about the foreman of the jury and judge in a court. Now I am concerned about tomorrow and what happens. We cannot relive the Darlington case, but I am concerned about what is going to happen to the Illinois case, and I am concerned that we not put a judge on the bench, whoever he is, who will reverse the decision of Commonwealth Coatings, or who will weaken the standard established—a rather high standard which I admire.

Yet, as I look at page 99, it seems to me that Judge Haynsworth, by saying that if he had this to do all over again he would still feel compelled to sit, indicates that the judge in Illinois faced with the bank stock situation would also be compelled to sit. He would not establish the standard that I think should be established for the judiciary throughout this country.

Mr. HRUSKA. I would respectfully disagree with the Senator from Indiana when he goes so far as to say that Judge Haynsworth would reverse this situation in Illinois. There is no foundation for that. That is pure conjecture. The decision cannot rest upon the Commonwealth Coatings case, on an arbitration case. When we look back at our law school notes we will find that reference to this sort are dictum. Then look at the Tunney case. It deals with a justice of the peace who has a direct stake in the fine he will levy. That is not the situation in the Vend-A-Matic case. The Coatings case was rendered 5 years after the acts of which the Senator is complaining.

Mr. BAYH. Another difficulty that concerns me, and I am sure that the Senator from Nebraska is deeply troubled about my convictions on this matter.

Mr. HRUSKA. The Darlington case was in the same connection, a part of the study of the American Bar Association Committee on Judicial Selection, and after the record was in, and all the testimony was in, they reconsidered and reaffirmed their proposition that Judge Haynsworth was not only not disqualified to sit but that he had a duty to sit.

It can be argued that we, as Senators, should come to a different conclusion, that we should decide that it is enough that he has been charged with something.

But here is a very splendid committee, almost two decades old, which is always kept up to date by eminent and distinguished lawyers. That was their decision.

If we use Tumey or a lot of other stuff, there will be no nominee who we can be assured will ever be satisfactory. He cannot meet the requirements that he be immune from charges or that he be immune from attack on any question.

Mr. BAYH. Mr. President, I must say that the fact the American Bar Association endorsed Judge Haynsworth, in my judgment, is a significant factor on his behalf.

I was disturbed, however, when about one-third concluded they would not recommend Judge Haynsworth. I think, according to Judge Walsh, there has been only one other occasion like this in 18 years where there has not been a unanimous endorsement. So I think, perhaps, this is evidence that reasonable men, educated in the law, can look at the facts that we have been discussing here somewhat heatedly and come to different conclusions.

Mr. HRUSKA. Now we will require unanimous decisions, and, I presume, from the Supreme Court, too. Two-to-one decisions in a committee of 12.

Horrendous thought, that it is not unanimous.

So, we want not only perfection on the part of a nominee and an immunity from being even charged with something, but now we want people who will be approved unanimously.

I suppose the next demand will be that this body of 100 Senators will have to be unanimous concerning a candidate to the Court, before he will be allowed to reach this pinnacle of perfection.

I believe, really, that that is asking just a little too much.

Mr. HOLLINGS. Mr. President, I have listened for the past hour with interest to this debate. I know that the Presiding Officer looks weary, as do the clerks at the desk. We have heard enough. I wish, at this particular time, for the Senator from South Carolina, who has been critical of the leadership on the opposite side of the aisle, affirmatively to recognize the erudition, the tremendous detail and attention, done with brilliance, which has been given to the Haynsworth matter which the distinguished Senator from Nebraska (Mr. HRUSKA) has more than ably led.

Unfortunately, as I mentioned 2 days ago, there is no debate. The RECORD will show that the distinguished Senator from Nebraska is in the Chamber, the distinguished Senator from Indiana, the distinguished Senator from West Virginia, and the undistinguished Senator from South Carolina.

With two people in the press gallery, with everybody waiting around for the last 2 hours to go home, with every Senator for the last 2 weeks having made up his mind, suffice it to say that we could continue to try to make it look like we are making a record.

I have outlined the matter as clearly as I am able. When it comes to the matter of stocks and the law, let us not confuse it. There is no question what the law is on Carolina Vend-A-Matic. If we go to Brunswick and listen to the difference of opinion, there is a difference. One is an arbitration case. Tumey is a completely different case. In light of the Tumey case came the Carolina Vend-A-Matic case. Unanimously, said the American Bar Association, under the law and under the canons that we promulgated, we give Judge Haynsworth the highest recommendation.

That was Judge Walsh's testimony in the record, as sustained by Judge Winter when he was asked about the case, as sustained by Dean Foster in his particular opinion, and also by Mr. Frank, a leading authority on disqualification.

So the four Senators on the floor can argue until the day is long and the night is past, but the best authorities have all outlined the law of the case.

When it comes to the facts and doing what he did before, the judge said that under the law, faced with the same circumstances, he would do the same thing. This was an allusion to the questioning of him that "I hate to embarrass you." "Embarrass?" said Judge Haynsworth? "Not at all. Under the same circumstances, under the same law, I would do the same thing." That is absolutely clear.

What about the stockholding evidence? He showed what he thought was the proper practice when we look at the best holding in his portfolio. It so happens that the distinguished Senator from Delaware (Mr. WILLIAMS) does not think a judge should have money, but he looks at this as gainful employment, whether he is going to get enough pension, whether he is going to get annual leave, whether he is going to have enough time to spend with his family. That has nothing to do with the Supreme Court. It so happens that Judge Haynsworth, when first appointed, was a successful businessman and attorney and had practically, for all intents and purposes, a portfolio of half a million dollars, which has now grown to $1 million, but he lost another half million by doing what he thought he should do.

Mr. HRUSKA. Mr. President, if the Senator will yield, when he assumed the judgeship in the fourth circuit, he got the magnificent salary of $22,500.

Mr. HOLLINGS. Twenty-two thousand five hundred dollars; and yet in 1953, when they finally decided that a judge should not be an officer or director, the distinguished chairman of the House Judiciary Committee, EMANUEL CELLER, proposed a bill 2 years ago, and it failed in the House. This is beyond the statutes and the law of the land. It says, "You should not be an officer or director." So said the Judicial Conference. Judge Haynsworth sold his stock, at a loss of half a million dollars. They said, "You should not own that is to be involved." Everybody knows that when he heard the Brunswick case, he did not own any Brunswick stock. Thereafter, he did buy stock.

Carolina Vend-A-Matic never had a vending machine at Darlington Manufacturing Co., in Darlington, S.C.

I will state that again for the RECORD. In Grace Lines, he owned no stock in a party litigant. To have the portfolio he had, and have no one of them as a party litigant before him showed what Judge Haynsworth thought and what he did. He led the way.

So when my distinguished friend comes now and says, "I am afraid if we get this man on the Supreme Court he will pass laws so that everybody can own all kinds of stocks and wheel and deal and feather his own nest."

The Senator from Indiana, to my shock and surprise, said he did not think he was trying to feather his own nest. He entered the bill of particulars over a month ago. He could not wait for the Judiciary Committee to file its report. He said this debate is an important thing and we ought to carry it on on the floor and we ought not to carry it on in the committee. He did not wait for his own committee's report, the majority report, and he could not wait to get in his own minority views; but in the news, in the headlines, on the TV screen, we saw the bill of particulars charging crimes, 37 violations of the canons, and at least four violations of the statute.

I heard my friend mention a while ago that the Congress was negligent. Why did he not put that in the bill of particulars?

I introduced a bill on that subject. There are cosponsors of it. The RECORD shows the Senator from Indiana did not join in it. I put that bill in to try to clarify the matter. I thought the better view was that one should not hold any stock and that that should be the law, and that we should not leave it in the judge's discretion, in this nebulous way. But they have not joined in that proposal.

So now, as we go into the last hours, we are going to have it brought up that a great debate ensued, by which minds were made up. It is not that at all.

After he makes all the charges and says that he solicited business and charges him with soliciting business and charges him with giving out favorable opinions and judgments and decisions to his customers and to his own stockholders, now maybe it is that we were just a little negligent and men who are honest and candid are bound to differ in that contest.

Let me simply say that this has not been a credit to the Senate, for the main and simple reason that this man was tried before he came. He was indicted and tried before he even came to Washington. When he answered, he was blamed for the appearances of answering charges. The conclusion of the opposition was that it was bad for the U.S. Supreme Court to have a judge appointed to the highest Court of the land, who has sought to defend himself and who is being charged with things that, right or wrong, have the appearance of being bad, "and, therefore, I am going to vote against him."

That is what we are talking about. The more we talk, the more we prove that the appearance is bad.

Mr. BAYH. Mr. President, I have not had nearly the experience of my distinguished colleague from South Carolina, who was a very successful member of the bar of his State as well as Governor of his State. As a distinguished Member of this body, I am proud to serve with him. In fact, I did not go back to law school until 1957, and did not graduate until 1960. So I am really wet behind the ears as far as the legal practice is concerned. But I remember very well a professor we had talking about trial tactics and debating tactics. He said, "If you approach a case and you have the law on your side, you pound the law; and if you approach a case and you have the facts on your side, you pound the facts. But if you don't have either the facts or the law, you pound the table."

The Senator from South Carolina, I think, has done an excellent job of following that rule. I know he is doing what he thinks is right, and I would not for a moment suggest otherwise, because he is a man of the highest character. But it appears to me that when we have a nominee who has faults, or when we have a nominee whose ideas or actions have been examined, those favoring the nominee decide to vilify the press or attack the Senator from Indiana. I accept this as part of the strategy.

I have not said we should, and I think it would be rather ludicrous, but I suppose we could, if we were not careful, get ourselves in a position where, as the Senator from Nebraska and the Senator from South Carolina suggested, set a standard that was so high that no one could meet it.

Here is one member of the bar, and one Member of this body, who would never want that to happen. I want to have a successful lawyer as a judge. I would like to have a man who had a good judicial record.

I am concerned, not about Judge Haynsworth's being a wealthy man or accruing a great deal of material wealth as a member of the bar, but the fact that once he was put on that high court, he did not sever his business relationships.

Nobody forced the man to serve on the court. That is one of the highest honors. I do not think it is asking too much to suggest, that if you are going to be a Federal judge with a lifetime appointment and all of the emoluments that the Senator from Delaware pointed out with some degree of particularity, yesterday, that you go just a little bit farther than the average person would go, so that you will give the appearance of justice as well as provide justice yourself.

I admit that the bill of particulars did have some errors in it, for which I have publicly apologized. In fact, I even sent a letter to the Senator from South Carolina as soon as two errors became evident to me, openly admitting them. I sent that same letter to every Member of this body, and I apologized publicly; but I do not recall ever suggesting that Judge Haynsworth involved himself in decisions with the intention and purpose of increasing or improving his stock portfolio or feathering his own nest, to use a cliche that I mentioned a moment ago. I have never said that. I have done quite the opposite.

Each of us is going to make his own determination on this matter. The Senator from Nebraska and the Senator from South Carolina are going to make a different determination from the Senator from Indiana. Each of us is going to decide whether or not Judge Haynsworth has maintained that standard of conduct, that standard of ethical propriety, and, indeed, to quote a half dozen canons of legal ethics, that appearance of propriety that we feel is important for one of the nine members of the Supreme Court of the United States.

I, for one, do not believe that Judge Haynsworth has met that necessary standard. I am fully convinced that the Senator from South Carolina and the Senator from Nebraska deeply believe that he has.

Mr. HRUSKA. Mr. President, I wonder where the end is, if we are going to ask judges to not possess anything that will be a basis for conflict of interest charges or the appearance of conflict. Where are we going with it? Are we going to ask them to be men of no property, and to dispose of all of their assets? Are we going to ask them to sell their stocks and their bonds and buy Government bonds?

Had a Senator done that 12 years ago, and all his money was converted from personal holdings to U.S. Government bonds, one of the major decisions that such a Senator would have to make is whether or not the interest limitation of 4.25 percent on long-term Government bonds would be increased or not; and by his vote, he would place his whole standing in jeopardy because of conflict of interest.

Are we going to ask judges not to own anything? If so, when will we start applying this rule? Are we going to ask them to be devoid of any basis for concern? Shall we turn our attention to the other members of the circuit courts of appeals in America? Shall we turn our gaze over to the white marble palace right across the parkway here which houses those nine justices and ask them, "Have you any holdings? If so, tell us what they are, and how long you have owned them. Did you ever sit in cases having to do with those corporations, or the people with whom they deal?"

Talk about ex post facto and bills of attainder, Mr. President. We had better think prospectively and not retrospectively, and decide in our own minds whether, when something like this arises, we have to be, all of a sudden, insistent upon a pattern of conduct that has never been applied before.

I hope we get our thinking straight on this thing, and not end up with judgments which are not founded on relevant propositions.

Mr. HOLLINGS. Mr. President, the issue between the Senator from Indiana and the Senator from South Carolina at the moment is feathering the nest. The Senator from Indiana says he does not recall ever charging the judge with trying to feather his nest. He says he has made no personal attack. If there is no personal attack, I am attacking the facts, and I will stand here until we never get to a vote, and just hold the floor, if I have to, to clarify these facts, because we will not yield on these. They are either true or false.

Here are the facts as of October 8, over a month ago, as stated by the Senator from Indiana. This is too important a matter, you know, to wait until you get on the Senate floor; so we got it off the Senate floor. This was delivered to every Member of the Senate, all the reasons, all in heavy type headlines, and the substance in the headlines came from this language:

> Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic, with an original investment of so and so. He was vice president and a director. His wife was in it, and everything else, and though he claimed he was an inactive officer, here is the testimony which leads me to believe he was an active officer——

Mr. BAYH. Mr. President, will the Senator yield? If the Senator is going to quote, I suggest he quote it all, and not just a part of it.

Mr. HOLLINGS. The Senator from Indiana can get the floor later and quote it all. I do not want to quote it all; it bores me to death. We have heard it over and over again. But I will refer to it again specifically, and he can quote it all. This is on page 1 of a statement by Senator BIRCH BAYH, Democrat, of Indiana, on October 8, 1969, where, on that occasion, at the beginning of the charge, he charged as I have just related, and thereafter, on the second page, page 2:

> In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously. Gross sales increased only slowly from $169,000 and some odd in 1951 to $296,000 some odd in 1956. But in 1957—

Says the Senator from Indiana, who has made the attack on Judge Haynsworth, and now, when we answer it, says it is personal on him—it is on these facts that I am attacking him.

> The year Judge Haynsworth assumed the Federal bench, sales jumped to $435,000-some-odd and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company.

Then, if one did not understand it, the Senator from Indiana drew a picture for him. He showed the chart and the record which shows that it went up gradually in 1951, 1952, and 1953, almost horizontally across until Clement F. Haynsworth assumed the judgeship in 1957. And the line goes off the page in the diagram.

Then, referring still to Senator BAYH's charge, exactly what he says, word for word, under IV on page 7, Canon 25 is cited, and reading after citing the canon:

> Judge Haynsworth's financial interest and active participation in the affairs of CVAM constituted a clear breach of this standard. The remarkable rise in gross sales of CVAM after he assumed the Federal bench justified the suspicion that the prestige of his office was used to promote his own interests—

I am still quoting from Senator BAYH:

> as well as those of his fellow stockholders. In addition, his practice of taking part in cases involving customers of CVAM furnishes further grounds for the belief that his office was used to promote patronization of a business in which he had a substantial interest.

That is my answer to the charge of feathering his own nest which the Senator from Indiana said he never had in the back part of his mind.

I saw it in every headline. I saw it on every television broadcast. I had to listen to it for the last 6 weeks. It is now too late.

The distinguished Senator from Virginia (Mr. SPONG) is presiding, and the Senator from Indiana and the Senator from West Virginia (Mr. BYRD) and the Senator from Nebraska (Mr. HRUSKA) are present. Here we are. And we are not going to change each other's minds. I do not want the record to say—I do not know how many weeks from now—that we engaged in a heated debate and went right down to the wire and no one is about to make a vote count. I do not want to do it. I do not want to reveal confidences. It has long since been decided. I think it comes with ill grace. I do not know about the politics. However, there is the record on feathering his nest.

It would be unheard of for me to stand by mute and not contest it. It would be unconscionable. I had to rise and correct the record.

That is what the Senator from Indiana charges the judge with.

Mr. BAYH. Mr. President, the hour is late. Any Senator who has heard or read the very articulate 2-hour statement given yesterday or the day before by the Senator from South Carolina can determine whether it was a personal attack. I take him at his word that it was not. Others interpret it differently.

As far as the vote count is concerned, I do not know what the Senator from South Carolina has determined the vote will be. I do not know. I think it is very much up in the air.

The Senator from Kentucky (Mr. COOPER) came over here, and I had not the slightest idea which way he was going. The Senator did not tell me. And frankly the tallies that I had seen had him listed the other way.

I think it is interesting for the Senator from South Carolina to suggest now that we are debating this after every Senator has made up his mind. That statement will come as news to half a dozen Senators that I do not think have made up their minds as yet. This has not been an easy decision for the Senate.

I think there are at least half a dozen Senators that have not made up their minds.

The Senator from South Carolina gives me a great deal of credit with relation to the news media. I would like to show the Senator some of the clippings from South Carolina and Indiana and other places and the scurrilous things that have been printed about me. The word has been heard.

I do not think that Members of the Senate make their determinations on the basis of one sheet of paper or on the allegations of one Senator. I would be mighty proud if I thought I could send one sheet of paper to the other 99 Members of the Senate and have them fall into line without listening to the opposition.

They have listened to the Senator from South Carolina, and they have listened to the President of the United States when he branded me, other Senators, and everyone who opposed him as character assassins. Presidential assistant, Clark Mollenhoff, expanded the President's attack on me in a very distasteful manner.

The fact of the matter is that the relationships described are accurate. The Senator from South Carolina cannot deny the facts of the judge's relationship with Carolina Vend-A-Matic.

It seems to me to be a little unfair——

Mr. HOLLINGS. Will the Senator yield at that point?

Mr. BAYH. Let me finish and then I will be glad to yield.

Mr. HOLLINGS. I was going to ask a question.

Mr. BAYH. I yield for a question.

Mr. HOLLINGS. Does the Senator from Indiana think that Judge Haynsworth solicited business for Carolina Vend-A-Matic?

Mr. BAYH. No; I do not. The Senator is reading from material. Frankly, I do not have a copy of it. It is easy to read part of it without reading all of it.

As I said yesterday or the day before—we have had so much debate that I find it difficult to put one day in its proper perspective—I think it is patently unfair to read one part of a document and not read it all.

I know every document I sent out stated something similar to this sentence. I quote from a document in which I said:

> The question is not whether Judge Haynsworth is dishonest, but whether he has shown the temperament necessary to sit on the highest judicial council.

I am talking about what the average man on the street can have in his mind. I do not think the judge has ever used his position. I do not think for a moment that he got out his stock portfolio and decided how he was going to decide the Darlington Mills or the Brunswick case. However, I think that his activities flew in the face of the case law and a half a dozen of the canons of ethics that are concerned with the appearance of impropriety. It concerns me when a judge does anything, even inadvertently, that gives the appearance of impropriety.

If the Senator from South Carolina is not concerned about that, he is totally within his right.

Mr. HOLLINGS. Mr. President, I will be glad if the others make their statement and we can then hear the Senator from Indiana comment.

We now hear in the 11th hour that Congress has been negligent—that the Senator from Nebraska and I have been negligent.

We now hear from the Senator from Indiana, "I really do not think he was trying to feather his own nest." I have just cited the record on that.

We now hear from the Senator from Indiana that he did not believe the judge solicited business for Carolina Vend-A-Matic. I asked him, "Senator, do you think the judge was soliciting business for Carolina Vend-A-Matic?"

He said, "No."

On page No. 4 of Senator BAYH's bill of particulars—I cited it in toto, absolutely all of it, and put it in the RECORD. If one of the pages would be kind enough, he could get the Senator a copy of the CONGRESSIONAL RECORD for the day before yesterday. The Senator will find it quoted there.

I am reading from it, under the heading "Demonstrated Lack of Candor; Denial of Active Participation in the Business of CVAM."

> In a letter to the chairman of the Judiciary Committee dated September 6, Judge Haynsworth said:
>
> (Paragraph 12) "The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations."
>
> In testimony before the Judiciary Committee on September 16, 1969, the following exchange occurred.

Then Senator BAYH quotes from the RECORD:

> CHAIRMAN.—

I do not know whether it was Senator EASTLAND or one of the other members of the Judiciary Committee.

> CHAIRMAN. Did you have anything to do with the preparing of bids or soliciting business for Carolina Vend-A-Matic?
>
> Judge HAYNSWORTH. Nothing whatsoever.

Mr. President, that is under the heading, in Senator BAYH's bill of particulars, of "Demonstrated Lack of Candor."

I read further from the bill of particulars:

> Senator TYDINGS. As a part of your work, or as a part of your association with Carolina Vend-A-Matic, did you formally or informally seek to obtain business for Carolina Vend-A-Matic?
>
> Judge HAYNSWORTH. Never. I did not.

That is under Senator BAYH's "lack of candor," the two answers of the judge, because Senator BAYH says "fact." What is the other, if this is fact? He has it under the heading "Demonstrated Lack of Candor." You do not use falsehoods or words of harshness, but the picture is here. He got what he thinks is fact, and I quote from Senator BAYH's bill of particulars:

> Judge Haynsworth was consistently and intimately involved with the operation of Carolina Vend-A-Matic from June 1957 until October 1963 and regularly accepted funds from CVAM during that period subsequent to a resolution by the board of directors which appears in the minute books of the corporation and states that:

Then he quoted from the minute books, which was just a couple of months after Judge Haynsworth took the bench. I will read what he says:

> It was pointed out that the main sales and promotional work of CVAM had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers of one or more of the directors or officers over an extended period of time, A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the Board of Directors.

Now, Mr. President, we hear for the first time that Senator BAYH does not think that Judge Haynsworth had anything to do with soliciting business. So we know now that section 28–455 of the disqualification section of the code was a negligent passage of Congress that should have been beefed up and cleaned up; and I rather agree, and that is why I introduced a bill. We know now that the Senator from Indiana does not think that Judge Haynsworth was feathering his own nest.

Get that headline tomorrow. Can you see that in the Washington Post? "Senator Bayh Says Do Not Believe Judge Haynsworth Was Feathering Own Nest." Would that not be grand. You could really sell some copies of that paper down in South Carolina. And then we can see another headline: "Senator Bayh Says He Does Not Think the Judge Was Soliciting Business on the Bench."

Where do you think Herblock got the Vend-A-Matic and the "Vend-A-Justice," when everybody in America has seen justice is being sold? It is a serious matter, and this is a chief judge, and you do not charge him lightly. That is an ethic, too.

So all you have seen for weeks on end is "selling justice." Here is Haynsworth and "selling justice." Vending justice means selling justice. That is what you have going on. No wonder I feel strongly about this. It is over with, because that has been done—the headlines and the pictures.

The Senator from Indiana wants to know where the headlines are. He has not seen any in Indiana. But I know what has been said about Judge Haynsworth as a chief judge: He has been selling justice. It is in the bill of particulars, and it is unfortunate that now we have corrected at least three sections of it in the last half hour on this floor.

Mr. BAYH. Mr. President, the Senator from South Carolina is to be commended for the introduction of the measure to clarify the standard of 455. Can he advise the Senate when he introduced that measure?

Mr. HOLLINGS. On October 19, if the Senator please. It is Senate bill 2994, referred to the Senator's Judiciary Committee.

Mr. BAYH. Senator EASTLAND will be surprised to hear it referred to that way, but I appreciate the compliment.

In other words, although the Senator's interest in this matter is real, he, too, is an after-the-fact scrivener of the statute. I want to join him, if he will let me, after this colloquy, either in that bill or in a joint effort. I have been giving a great deal of thought to what we could do in order to do a better job. Frankly, the judge failed to meet the present standard required by the statute.

I want to say to the Senator from South Carolina that he did read the so-called bill of particulars correctly, and I am certain that anyone who cares to read the rather tedious and lengthy hearing record will be of the opinion that the quotations are taken accurately from the hearings. They are indeed fact.

Apparently, I have not been able to get the message across, and this is not a message that is being conveyed here at the so-called 11th hour. This is a message I have tried to convey every time I have discussed this matter, publicly or privately. I am concerned about the ethical appearance of this whole business and that all the accusations that the Senator quoted were stated and specified and enumerated in that context and only in that context.

I must say that we can either say we are concerned about appearances or we can say we are not. We can say that the Statue of Justice with her eyes blindfolded is giving us a message or it is not. But I am concerned about appearances.

I wonder, too, if anyone else who is concerned about justice had sat in that committee room and had listened to that testimony and had heard the judge talk about his relationships, and then if that person had the opportunity to look at those record books and see that the judge was present at all but one meeting that the corporation had held—only one absence in the whole period of time that the corporation existed—I wonder if that person would not be convinced. If he had looked at the record and had seen that the judge had participated in making motions; if he had heard the judge tell the Senate Judiciary Committee that, "I orally resigned as a vice president when I went on the bench in 1957 and did not realize until 1963 that that resignation had not been recorded"; and if he had then looked at the record books of the corporation and had seen that in each one of those years—1957, 1958, 1959, 1960, 1961, 1962, and 1963; at the annual meeting of the board of directors the judge was listed as present and that a unanimous ballot was cast for Clement Haynsworth, Jr., as vice president, I wonder if the average man on the street who never read a law book would not be a little concerned about the appearance of candor.

Mr. HOLLINGS. Mr. President, a member of my staff has gotten me a copy of S. 2994. I introduced the bill on October 7, 1969, and it was referred to the Committee on the Judiciary. It reads as follows:

> S. 2994
>
> A bill to amend section 455 of title 28, United States Code
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 455 of title 28, United States Code, is amended by adding at the end of such section the following: "Ownership by a judge of stock in a corporation which is a party litigant or which owns any interest in a party litigant shall be deemed substantial for the purposes of this section; and a judge shall abstain from participation in any case involving a party litigant in which he has any investment whatever."

That would allude to realty holdings as well as stock and corporation holdings.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BAYH. Mr. President, could I ask unanimous consent to be listed as a cosponsor of this measure?

Mr. HOLLINGS. We are making headway. I would ask the Chair rule "without objection" now. We might get this fellow's vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, will the Senator yield further?

Mr. HOLLINGS. I yield.

Mr. BAYH. I do not wish to interrupt the Senator's train of thought, but I say this in all seriousness. I compliment the Senator on this matter. My staff and I have been considering the adequacy of this particular measure. I think it is a step in the right direction. Maybe that is as far as we can go. But in the event that we come to the conclusion there are other things that can be done to set a higher standard I certainly will submit that study to the Senator from South Carolina and would be honored if he would join me in introducing such legislation.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. HRUSKA. Mr. President, regarding this bill which is before the Judiciary Committee of which I am a member, I wish that the introducer of the bill, as well as his most recently acquired cosponsor, would take note of the fact that if any amendment is proposed to that bill which would make it retroactive to include the case of Judge Haynsworth, I will oppose it.

Mr. HOLLINGS. Mr. President, I think the distinguished Senator from Nebraska makes a very cogent point and that is that now, as Senators, we find an inadequacy in the law and we are introducing a measure to correct that inadequacy, but at the very same time there are those hoping to convict on the inadequacy that has just been dealt with.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BAYH. Mr. President, to make absolutely certain there is no misunderstanding of my position, I wish to repeat once again that certainly it is possible for 99 other Members of the Senate to disgree with the Senator in good conscience. But it is my conviction, respectfully differing with my distinguished colleague from South Carolina, that the statute as is, using the words "substantial interest" as interpreted by the fourth circuit, and as interpreted by Tumey against Ohio which was decided in 1927, and which has more recently been put in focus by the Commonwealth Coatings case, sets a standard of conduct, a standard of ethical propriety which is higher than that which has been met by the judge. I say that as clarification, because I think the Senator from South Carolina raises a legitimate point raised earlier by the Senator from Nebraska (Mr. HRUSKA). We have to be careful we do not get involved in an "after the fact" situation, and I would not want to do that.

Mr. HOLLINGS. It is not just the degree to obey the statute, and that the statute does not stand alone. The practice is well settled for random selection of judges, and this woman in the dress of judges, just referred to, is very much respected in the fourth circuit, much more so, perhaps, than in the District of Columbia Circuit Court.

I would not delay the Senate at this late hour if it were not a matter of "either/or" in going higher or having a substantial or no interest, but it was in the law and stated specifically in this fashion, and that is why with all the American Bar Association and all of the Supreme Court and all of the Congresses section 455 of title 28 is still the law of the land. Because there is to be considered the random selection of panels where judges can stand by and say, "My wife has an interest," or "I have a cousin," or "My daughter's boyfriend is driving a truck," or anything to jockey around and say, "Fellows, I better not sit on this."

In the appellate court this is something not understood by the Senate, and it is not understood by too many lawyers. Unless one has handled appellate work he would not understand what I am referring to. The trial lawyer has no concern—everyone is using the word "concern"—if an appellate judge has a share of stock.

If in the case of XYZ Corporation against Jones I am taking the case on appeal and I find a stockholder of the XYZ Corporation, I await my chances; and if I get a judge who is persuaded toward my client, the injured, the working man, I keep my loud mouth shut and let the judge sit. If I get the wrong judge I raise the question.

But it is when the judge himself, with his persuasion, starts jockeying around and says he has an interest in these things and gets in on your case every time and you cannot have a high verdict affirmed in the appellate court. That is what concerns the trial attorney. This is where Judge Haynsworth was the leader—in being sensitive to this matter in the administration of justice, and as the Senator from Maryland (Mr. TYDINGS) said, "Dynamic."

That is exactly the point. It is not just the law. I admit there is concern on the House side. Representative CELLER, who is the chairman of the Judiciary Committee in the other body, has been trying in a single attempt in this direction by saying that you could not be the officer.

However, be that as it may, that is where it is said Judge Haynsworth stepped into trouble. Characterizing it in the closing hours, we have something here beyond the law; we have the ethics and every authority who testified before the Committee on the Judiciary said that he thought the law encompassed ethics.

But we have these higher standards and we are working for higher standards when we want an Associate Justice. I agree we want higher standards. I believe we have the highest standards in Judge Haynsworth and I am firmly convinced of that. That is why I want detail by detail placed in the record and every question answered in the record. That is the point on which I would like to close because I cannot stand by and have a nebulous record blamed, or have it said that there is some other standard, for Judge Haynsworth has been "dynamic" as the Senator from Maryland said in the hearings.

AUTHORITY FOR COMMITTEES TO FILE REPORTS FOLLOWING THE ADJOURNMENT OF THE SENATE TODAY

Mr. **BYRD** of West Virginia. As in legislative session, I ask unanimous consent that all committees be authorized to file reports, including minority, supplemental, and individual views, following the adjournment of the Senate today until midnight tonight.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. **BYRD** of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 21, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 20, 1969:

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be first lieutenant

Divers, Walter A., Jr., 429-80-2963.

To be second lieutenant

O'Hara, Kerry L., 123-36-6442.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Busdiecker, Carl C., 565-32-0242.
Campbell, Bruce B., 491-32-1346.
Casey, Leonard R., 403-40-4054.
De Moss, James R., 314-30-6771.
Deprospero, Albert A., 191-22-6643.
Jay, James W., 431-50-8492.
Stice, John E., 432-52-8483.

To be captain

Bell, Major H., 265-44-4563.
Birt, Charles J., 261-48-3225.
Capps, Eugene S, 246-46-1464.
Elliott, McPherson G., 428-66-6314.
Gritz, James G., 444-34-1634.
Hankins, James E., Jr., 401-40-2048.
Harrison, Cecil L., 532-32-7097.
Helela, David H., 576-28-2870.
Hoover, James R., 407-34-5832.
Jenkins, Lester F., Jr., 290-28-4543.
Johnson, Rudd H., 358-28-2038.
Ledford, Jerry G., 359-28-0864.
McCall, James F., 189-28-0974.
McVey, Peter M., 153-24-0133.
Mullen, Charles F., 429-62-3301.
Norte, Raul A., 463-48-8022.
Opstad, Edwin A., 533-30-1519.
Pace, Johnny L., 421-42-5589.
Pinckney, Marion, 251-54-1875.
Reese, George W., III, 267-58-8075.
Rodriquez, Joe A., 459-44-8003.
Scooler, Albert G., 527-44-0829.
Thompson, Charles A., 425-72-1714.
Waits, John P., 426-80-1068.
Warnshuis, Roger E., 079-32-7330.
White, John W., Jr., 232-50-7058.
Wilson, Glenn H., 241-46-6578.

To be first lieutenant

Avriett, Robert J., Jr., 247-68-3524.
Battaglioli, Victor J., 020-30-0417.
Bickel, Charles W., 308-38-0862.
Braud, Lawrence L., 438-56-9128.
Cadigan, Peter Y., 007-36-5051.
Cancellare, Joseph A., 567-80-5815.
Carpenter, George A., 121-32-8699.
Clark, Charles T., 371-34-3435.
Clark, Douglas M., 034-30-6890.
Collopy, Eugene A., 096-32-3874.
Comiso, Richard, 158-28-9979.
Crum, John W., 526-52-4945.
Dean, Wallace R., 006-38-0869.
Doyle, James B., 267-70-5685.
Ellis, Benjamin F., Jr., 266-60-5743.
Fesler, Lorenzo E., 165-34-1673.
Fite, Don G., 224-44-5312.
Foley, William J., 137-32-4254.
French, John R., Jr., 045-34-5021.
Garbarino, Lloyd N., 433-56-3088.
Gonzales, Joe C., 525-92-5305.
Graves, Harold G., 467-68-7668.
Hiller, Fredric I., 314-42-9993.
Horner, Ronald G., 345-30-9285.
John, Gerald W., 424-52-2450.
Johnson, Richard A., 389-36-9944.
Kernea, Edward A., 411-68-1137.
Kinzer, Joseph W., 214-36-9403.
Kirkby, Norman O., 344-36-6870.
Krohn, Charles A., 385-40-1697.
Longley, David H., 012-34-9772.
Lyons, Matthew J., Jr., 121-34-3520.
McElwain, Thomas, 232-58-4363.
McGuffie, James T., 206-34-4412.
McLaughlin, Noel R., 467-52-2848.
McSwain, Gregory R., 560-58-2303.
Miller, Charles S., 266-58-4858.
Minetree, James L., Jr., 219-32-7698.
Nataluk, Francis M., 339-32-0548.
Orlofsky, Stephen M., 111-34-6932.
Paine, Charles D., 441-40-0295.
Parish, James H., 431-72-2853.
Pelfrey, Kenneth R., 274-32-0552.
Phelps, Robert H., 549-46-0568.
Plaster, Curtis A., 258-24-0185.
Raduege, Floyd A., 285-36-5443.
Richards, Wynn G., 524-46-7531.
Rickman, Travis R., 440-44-7613.
Robertson, Robin M., 264-72-3191.
Robison, Cecil M., Jr., 230-44-6776.
Salazar, Andres M., 581-90-1206.
Sanford, Dan M., 534-36-7936.
Saunders, John F., 540-44-6678.
Searls, Daniel W., 527-60-5936.
Shaw, Delbert W., III, 460-48-2302.
Sherrer, Carl W., 260-62-4980.
Simmons, Earnest L., 239-60-2706.
Simpson, Edwin W., 456-64-1602.
Sutherland, Garrell E., 517-34-7554.
Thomas, Charles L., 424-54-4168.
Tonsetic, Robert L., 185-34-5426.
Torres, Charles B., 258-62-9921.
Vaughn, David E., 256-62-6682.
Viduya, Robert C., 575-38-1051.
Wade, Patrick C., 384-44-2194.
Waits, Charles M., 425-82-7486.
Waldrop, Richard S., 423-46-3096.
Wells, John T., 079-34-5630.
Welsh, James J., Jr., 214-40-6285.
Williams, James L., 565-60-8803.
Wilson, Harvey L., 272-38-2109.
Wissinger, Dennis O., 220-40-3939.
Wright, James E., Jr., 412-68-5144.
Wright, Paul A., 500-40-4121.
Young, Thurlow D., 519-50-1222.

To be second lieutenant

Britton, Randall T., 260-72-5915.
Burns, Francis P., 298-38-1122.
Fiser, James R., 268-38-8318.
Funkhouser, Preston L., 504-44-9043.
Harbour, David F., 223-56-9674.
Hubbard, James L., 547-58-5357.
Kernan, William F., 458-74-5841.
Latta, Byron F., 512-40-9403.
Patterson, Thomas L., 447-40-2222.
Pilvinsky, Michael J., 210-38-8040.
Poulton, Charles R., II, 444-42-4549.
Tyrone, David E., 430-84-8048.
Withrow, Gene, 411-68-2548.
Zimmerman, Charles W., 487-42-3155.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 1969:

IN THE COAST GUARD

The nominations beginning Walter E. Mason, Jr., to be commander, and ending Jack K. Stice, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 17, 1969.

HOUSE OF REPRESENTATIVES—*Thursday, November 20, 1969*

The House met at 12 o'clock noon.

Rev. Bob Harrington, the chaplain of Bourbon Street, New Orleans, La., offered the following prayer:

Let us pray.

My dear Lord, thank You for loving us so much in spite of our actions in many cases. Help us, O Lord, to learn to love You more and serve You better in these troubled times. May I thank You personally, Lord Jesus, for allowing me to be born the first time in this great Nation under God in order that I might be born again, saved, set free through Your precious salvation for lost sinners. Help each of us this date to be most conscious of our relationship to You and our fellowship through Your love. Lord, as each of us strives to serve mankind, may we do so as You challenge us with your desire that none should perish but all should have everlasting life through faith in You.

May each of us as we raise our heads from this prayer be more like You would have us to be and less like we have been.

In Christ's name I pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11612) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 12 to the foregoing bill.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 499. An act for the relief of Ludger J. Cossette;

S. 632. An act for the relief of Raymond C. Melvin; and

S. 757. An act for the relief of Yvonne Davis.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 849. An act to strengthen the penalty provisions of the Gun Control Act of 1968; and

S. 2734. An act granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication, which was read:

Office of the Clerk,
U.S. House of Representatives,
Washington, D.C., November 20, 1969.

The Honorable the Speaker,
House of Representatives.

Dear Sir: A certificate of election in due form of law showing the election of Robert A. Roe as a Representative-elect to the 91st Congress from the Eighth Congressional District of the State of New Jersey, to fill the vacancy caused by the resignation of the Honorable Charles S. Joelson, is on file in this office.

Respectfully yours,
Pat Jennings,
Clerk.
By W. Raymond Colley.

The SPEAKER. The Representative-elect will present himself at the bar of the House for the purpose of having the oath of office administered to him.

Mr. ROE presented himself at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for fiscal year 1970.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, November 21, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT NIXON'S "TIGHT MONEY" POLICY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, President Nixon's "tight money" policy, designed to curb inflation, is showing results in the wrong direction for those in need of housing.

The annual rate of new housing starts fell to the lowest level of the year during October. If interest rates continue at the present level, housing construction will probably fall off even more.

The policy of the President not to act in rolling back interest rates is sabotaging the national goal of producing 26 million housing units within the next 10 years.

How can we avoid a housing crisis in the seventies? To start with, the President should review his economic policy with an eye toward lowering interest rates. It appears the President should also consider placing a higher priority on solving the housing problems of the Nation in place of defending and explaining the actions of his loquacious Vice President.

MASSACRE OF VIETNAMESE CIVILIANS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today the Cleveland Plain Dealer published authentic photographs indicating the likelihood of a massacre of Vietnamese civilians by military personnel in a place known as Somny Village.

These photographs add to the reports of American military personnel and make it incumbent upon the Army to provide a full disclosure of the facts which are clearly in its possession. This is no time for a whitewash.

The Cleveland Plain Dealer is to be commended for its public service in connection with this publication in response to the public right to know.

TIME TO PRAY FOR END OF ARMS RACE

(Mr. PELLY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, now is the time for men of all faiths to join in prayer for success in the strategic arms limitation talks being conducted in Helsinki, Finland.

The reports regarding our runaway arms race are bleak indeed.

Mr. Speaker, the world today is spending more for military purposes than its total production of goods and services at the start of the century. Arms outlays are doubling every 15 years and efforts to control them so far have been marginal if not illusory.

Furthermore, not only is spending on arms rising faster than total production of goods and services, the gap is wider for the poor countries than for the rich.

In our own country, the expenditures for military equipment are hampering our ability to provide the services so dramatically needed in our cities and States for programs for the poor, for education, for mass transit systems, and for the multitude of other services now lacking adequate financing.

This is not to say we should leave our country in a weakened defensive posture, but there are devices today to provide protection, and Mr. Speaker, my prayers go with our negotiators in Helsinki in the desire for successful agreement on ending this suicidal arms race. I also hope that our Chaplain can add to one of his prayers which open each session of this House the wish for successful agreement at Helsinki.

INTIMIDATION OF THE CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I am shocked and distressed if what I have read in yesterday's morning newspaper is true—that some of my colleagues have attempted to intimidate the Chairman of the Federal Communications Commission.

It is inconceivable to me that they have launched a political attack on the FCC Chairman before he barely has time to get his feet wet.

And they have warned him against acting expeditiously or cutting redtape.

Mr. Speaker, the gentlemen from California (Mr. Van Deerlin) should reassess his attack on Commission Chairman Burch.

Let me read from yesterday morning's Washington Post, which is not exactly my Bible, and see if the gentlemen from California, even more than the Commissioner, has not given us cause for concern:

> Van Deerlin said he was troubled that Burch on his third day in office chose to contact the networks personally for the transcripts, when the usual procedure is to obtain them through a request from the Commission's Secretary. Network executives told Van Deerlin they couldn't remember a similar request coming directly from the Chief of the regulatory agency.
>
> "I just want to advise you in the friendliest manner possible," said Van Deerlin, "I hope your request did not represent a new trend at the Commission. . . . Our views are so strong on this that we might be found climbing up your back if there are more incidents such as this."

Mr. Speaker, this is a clear threat. The FCC Chairman, whose job it is to regulate the airways, has been told he will be climbed all over if he dares to deal directly with network officials.

If there is intimidation, it is clear it is not coming from Commissioner Burch.

THE ALLEGED KILLING OF SOUTH VIETNAMESE CIVILIANS

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, this morning in the Cleveland Plain Dealer there appeared a very shocking story, with two full pages of graphic pictures, detailing what is reputed to be an eyewitness account of the incident in Mylai on March 16, 1968, where it is reported that some American GI's reportedly killed over 1,000 South Vietnamese civilians. If the facts are true, this is an appalling and most disturbing situation, one that has been kept from the public for nearly 20 months, just short of 2 years, all under the guise that "If the facts were known, they would have prejudiced the rights of certain individuals." I am amazed at such concealment, "the sweeping under the rug," of such a sordid tale. It smacks of the same kind of secrecy that shrouded the "Green Beret" case.

Accordingly, as a member of the House Appropriations Committee, the Subcommittee on Defense, I have requested my chairman, Congressman GEORGE MAHON, of Texas, to call a meeting of this committee as soon as possible and to have such person or persons in DOD and the Department of the Army to give us a complete delineation of the facts. The American people are certainly entitled to know the entire truth of something that happened nearly 2 years ago and, to date, has been kept from them.

PERSONAL ANNOUNCEMENT

Mr. FISH. Mr. Speaker, yesterday, Wednesday, November 19, I was absent from the floor for rollcall No. 282, on official business in connection with the immigrant status of a resident of my district—a sorely needed doctor in our community. Had I been present for the vote on the conference report on the interest equalization tax bill, which included the repeal of the requirements for recordkeeping of the sales of shotgun and rifle ammunition, I would have voted in the affirmative.

CALL OF THE HOUSE

Mr. ADAIR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 283]

Abbitt
Abernethy
Anderson, Ill.
Andrews, N. Dak.
Ayres
Barrett
Belcher
Blatnik
Boland
Brown, Calif.
Cabell
Camp
Carey
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Corman
Dawson
de la Garza
Denney
Diggs
Edmondson
Eilberg
Evins, Tenn.
Flynt
Ford, William D.
Fraser
Fulton, Tenn.
Gibbons
Goldwater
Gray
Griffin
Gubser
Hanna
Hansen, Wash.
Hébert
Heckler, Mass.
Holifield
Jones, Tenn.
Kirwan
Kuykendall
Kyl
Langen
Leggett
Lipscomb
McCarthy
McCulloch
McEwen
McMillan
MacGregor
Mathias
May
Mills
Montgomery
Morton
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Pirnie
Pollock
Powell
Pryor, Ark.
Pucinski
Rees
Reifel
Rosenthal
Rostenkowski
Sandman
Scherle
Scheuer
Shipley
Stephens
Symington
Talcott
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watson
Whalley
Wold
Wolff
Yates

The SPEAKER. On this rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 613, PEACE WITH JUSTICE IN VIETNAM

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 722, Rept. No. 661) which was referred to the House Calendar and ordered to be printed:

H. RES. 722

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 613) toward peace with justice in Vietnam. After general debate, which shall be confined to the resolution and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be considered as having been read for amendment. No amendment shall be in order to said resolution except amendments offered by direction of the Committee on Foreign Affairs, and such amendments shall not be subject to amendment. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

PROVIDING FOR CONSIDERATION OF H.R. 14741, COST ESTIMATE FOR INTERSTATE HIGHWAY SYSTEM AND HIGHWAY SAFETY

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 721, Rept. No. 660) which was referred to the House Calendar and ordered to be printed:

H. RES. 721

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14741) to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes, and all points of order against section 6 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Public Works now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

TO PREVENT IMPORTATION OF ENDANGERED SPECIES OF FISH OR WILDLIFE INTO THE UNITED STATES

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11363) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 2, strike out "part or products or egg" and insert "part, products, egg, or offspring thereof, or the dead body or parts".

Page 2, lines 10 and 11, strike out "imports, in violation of sections 2 through 5 of this Act," and insert "imports".

Page 2, lines 13 and 14, strike out "such sections," and insert "section 3 of this Act,".

Page 3, line 6, after "mercial" insert: or sporting

Page 3, line 7, strike out "manmade" and insert "man-made".

Page 4, line 24, after "(a)" insert "(1)".

Page 4, line 24, strike out "the provisions" and insert "any provision".

Page 4, line 25, strike out "sections 2 and 3" and insert "section 2 or 3".

Page 5, line 1, after "thereunder" insert ", or any regulation issued under subsection (d) of this section, other than a violation the penalty for which is prescribed by subsection (b) of this section,".

Page 5, line 3, strike out "shall be" where it appears the second time and insert "is".

Page 5, line 4, strike out "on such charge" and insert "with respect to such violation".

Page 5, line 7, strike out "section" and insert "paragraph".

Page 5, line 12, after "action." insert "In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo."

Page 5, after line 12, insert:

"(2) Any employee authorized pursuant to subsection (c) of this section to enforce the provisions of sections 2 and 3 of this Act, and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section, shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any fish or wildlife or property or items taken, used, or possessed in connection with any violation of any such section, regulation, or permit with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such fish, wildlife, property, or item so seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of any such section, regulation, or permit, such fish, wildlife, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such fish, wildlife, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any fish or wildlife or property or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such fish, wildlife, property, or item so seized no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such fish, wildlife, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such fish, wildlife, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary."

Page 5, line 13, strike out "the provisions" and insert "any provision".

Page 5, line 14, strike out "sections 2 and 3" and insert "section 2 or 3".

Page 5, line 15, after "thereunder" insert "or any regulation issued under subsection (d) of this section".

Page 5, after line 17, insert:

"(c) The provisions of sections 2 and 3 of this Act and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section shall be enforced by either the Secretary or the Secretary of the Treasury, or both such Secretaries. Either Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency or any State agency. Any employee of the Department of the Interior or the Department of the Treasury authorized by the Secretary or the Secretary of the Treasury may, without a warrant, arrest any person who such employee has probable cause to believe is willfully violating, in his presence or view, any such section, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section, and may execute a warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of such sections, regulations or permits. An employee who has made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any fish or wildlife or property or items taken, used, or possessed in connection with any such violation, or any such employee shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any such fish, wildlife, property, or item so taken, used, or possessed. Any fish or wildlife or property or item seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury or by a United States marshal pending disposition of the case by the court, commissioner, or magistrate, except that the Secretary may, in lieu thereof, permit such person to post a bond or other surety satisfactory to him. Upon conviction, any (1) fish or wildlife seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property or items seized may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such fish, wildlife, property, or item so seized, shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such fish, wildlife, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section."

Page 5, line 18, strike out "(c)" and insert "(d)".

Page 6, line 3, after "designations" insert "; except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports for movement to designated ports of entry".

Page 6, line 4, after "provide" insert "other".

Page 6, strike out all after line 6 over to and including line 8 on page 7.

Page 7, line 12, after "5." insert "(a)".

Page 7, line 13, strike out "through 4" and insert "and 3".

Page 7, line 16, strike out "such" and insert "any".

Page 8, after line 9, insert:

"(b) To assure the worldwide conservation of endangered species and to prevent competitive harm to affected United States industries, the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to June 30, 1971, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species."

Page 8, after line 9, insert:

"(c) There are authorized to be appropriated such sums, not to exceed $200,000, as may be necessary to carry out the provisions of subsection (b) of this section, such sums to remain available until expended."

Page 8, after line 25, insert:

"(c) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of said Act (19 U.S.C. 1527) relating to the importation of wildlife taken, killed, possessed or exported to the United States in violation of the laws or regulations of a foreign country."

Page 9, line 1, after "7." insert "(a)".

Page 9, line 7, strike out "or" where it appears the first time.

Page 9, line 7, after "transports" insert ", or ships, by any means whatever,".

Page 9, line 10, strike out "taken" and insert "taken, transported, or sold".

Page 9, line 12, strike out "or" where it appears the first time.

Page 9, line 12, after "transports" insert ", or ships, by any means whatever,".

Page 9, line 16, strike out "taken" and insert "taken, transported, or sold".

Page 9, line 17, strike out "and" and insert "or".

Page 9, line 20, strike out "taken" and insert "taken, transported, or sold".

Page 10, line 1, strike out "taken" and insert "taken, transported, or sold".

Page 10, line 11, strike out "taken" and insert "taken, transported, or sold".

Page 10, line 15, strike out "taken" and insert "taken, transported, or sold".

Page 10, line 22, strike out "Bird" and insert "Birds and Game Mammals".

Page 11, strike out lines 3 and 4 and insert:

"'(c)(1) Any person who knowingly violates, or who, in the exercise of due care, should know that he is violating, any provision of subsection (a) or (b) of".

Page 11, line 8, strike out "shall be" and insert "is".

Page 11, line 9, strike out "on such charge." and insert "with respect to such violation."

Page 11, line 11, strike out "section" and insert "paragraph".

Page 11, line 16, after "action." insert "In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.".

Page 11, after line 16, insert:

"'(2) Any employee authorized by the Secretary to enforce the provisions of this section, or any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in violation of this section with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such wildlife, product, property, or item so seized shall be held by such employee pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such wildlife, product, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of this section, such wildlife, product, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any wildlife, product, property, or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such wildlife, product, property, or item so seized, no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such wildlife, product, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such wildlife, product, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary."

Page 11, line 18, strike out "the provisions" and insert "any provision".

Page 11, strike out lines 21 to 24, inclusive, and insert:

"'(e) Any wildlife or products thereof seized in conection with any knowing and willful violation of this section with respect to which a penalty may be imposed pursuant to subsection (d) shall, upon conviction of such violation, be forfeited to the Secretary to be disposed of by him in such manner as he deems appropriate. Any other property or item so seized may upon conviction, in the discretion of the court, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such wildlife, product, property, or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (c) of this section.".

Page 12, lines 6 and 7, strike out "part or egg" and insert "part, egg, or offspring thereof, or the dead body or parts".

Page 12, after line 14, insert:

"(b) Section 3054 of title 18 of the United States Code is amended to read as follows:

"'§ 3054. Officers' powers involving animals and birds

"'Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probably cause to believe is knowingly, and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.'.

"(c) Section 3112 of title 18 of the United States Code is amended to read as follows:

"'§ 3112. Search warrants for seizure of animals, birds, or eggs

"'Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in connection with a violation of section 42 or 44, or in connection with a knowing and willful violation of section 43, and any such wildlife, product, property, or item so seized shall be held by him or by the United States marshal pending disposition thereof by the court.'."

Page 12, strike out lines 15 to 20, inclusive.

Page 12, line 21, strike out "10." and insert "8. (a)".

Page 13, line 6, strike out "lead to the" and insert "create a significant".

Page 13, lines 7 and 8, strike out "and affect the ability to insure the package and its contents,".

Page 13, line 12, strike out "11." and insert "9."

Page 13, strike out all after line 14 over to and including line 13 on page 14 and insert:

"'Sec. 2. It shall be unlawful for any person—

"'(1) to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any black bass and other fish if such person knows or in the exercise of due care should know and (A) such delivery or transportation is contrary to the law of the State or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (B) such black bass or other fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law;

"'(2) to purchase or receive any such black bass or other fish, if such person knows, or in the exercise of due care should know, that such bass or fish has been transported in violation of the provisions of this Act;

"'(3) receiving any shipment of black bass or other fish transported in interstate or foreign commerce to make any false record or render a false account of the contents of such shipment, if such person knows, or in the exercise of due care should know, that such record or account is false. For the purposes of this section, the provisions of section 10 of title 18, United States Code, shall apply to the term "interstate or foreign commerce".'"

Page 14, after line 25, insert:

"(d) The first section of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 851), is amended by inserting immediately before the period at the end thereof a comma and the following: 'and the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam'."

Page 15, line 1, strike out "12." and insert "10."

Page 15, line 4, strike out "13." and insert "11."

Page 15, line 4, strike out "12." and insert "10."

Page 15, line 7, strike out "14." and insert 12."

Page 16, line 9, strike out "1969.'" and insert "1969'."

Page 16, after line 13, insert:

"(f) The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd–668ee), as amended, shall hereinafter be cited as the 'National Wildlife Refuge System Administration Act of 1966'."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman would briefly explain the nature of the Senate amendments and any additional funding that may have been included.

Mr. DINGELL. I will be most happy to.

Mr. Speaker, the significant changes in the bill, and I will insert them in the Record following my statement, briefly explained are as follows:

First. The forfeiture provisions would be handled a little differently than they would under the House version with respect to civil and criminal procedure and in my opinion a little more fairly.

Second. The second major change would authorize an appropriation of $200,000 for the purpose of convening an international conference on the prevention of these endangering species of which there are now, as I am sure my good friend knows, a great number.

The last change is a fairly minor one, which deals with the points at which endangered species and other species of wildlife could be imported into the United States at nondesignated ports of entry.

There are no other major changes. I will tell my good friend from Iowa that it is the pledge of both the Senate and also the Member who now speaks, that it will probably not be necessary for there to be an actual expenditure of $200,000, because it is anticipated that the matter can be handled on the ambassadorial level in Geneva, and that the convening of a ministerial-level conference will probably not be necessary. If this should occur the expenditure of funds authorized probably will not be called for.

Mr. GROSS. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

(Mr. DINGELL asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. DINGELL. Mr. Speaker, following is a brief explanation of the major Senate amendments to H.R. 11363:

BRIEF EXPLANATION OF MAJOR SENATE AMENDMENTS TO H.R. 11363, ENDANGERED SPECIES LEGISLATION

SECTION 4, PAGES 4 TO 11

The House version authorized employees of the Interior and Treasury, under certain conditions, to arrest, search, and seize property. A civil penalty was authorized to be imposed against violators in addition to a criminal penalty.

The Senate argued that the seizure provision, when coupled with a civil penalty, made little sense and could conceivably create Constitutional difficulties. Accordingly, the enforcement section was redrafted in order to treat a seizure which accompanies a civil penalty proceeding differently from a seizure which arises in conjunction with a criminal violation of the statute. At the same time, various safeguards were added to increase the protection which a person would be afforded when involved in an enforcement proceeding. Following are the major substantive changes made:

(a) In a suit to collect a civil penalty which the Secretary has assessed a court would have the authority to review the violation and assessment *de novo*. This would serve as a check on arbitrary action by the Secretary.

(b) When seizure accompanies a civil penalty proceeding, the Secretary would not be allowed to order forfeiture. He would be required to seek forfeiture in court action.

(c) Whenever seizure takes place, regardless of whether connected with a civil or criminal violation, the Secretary would be required to notify the owner or consignee of such seizure as soon as practicable.

(d) Since forfeiture in connection with a civil proceeding can be sought by the Secretary only after assessment of the penalty, the Secretary would be required to conclude the proceeding as expeditiously as possible. Should the Secretary not seek forfeiture within 30 days after conclusion of civil proceeding, the seized merchandise would be required to be returned to the owner. Similarly, if the Secretary does not commence civil penalty proceedings within 30 days after an acquittal in a criminal prosecution, any seized merchandise would be required to be immediately returned to the owner.

2. Under Section 4(d) of the House bill the Secretary is authorized to designate ports of entry for the importation of fish and wildlife in order to facilitate enforcement. In order to relieve an importer of substantial expense created by a lengthy routing, the Senate added a provision to allow the Secretary to permit importation at non-designated ports for movement to designated ports.

SECTION 5, PAGES 11 TO 12

The House bill directed the Secretary of State, in consultation with the Secretary of the Interior, to take appropriate steps to encourage other countries to take measures to prevent species from becoming endangered. The House report emphasized that it expected the Secretaries to follow through on a convention now underway that would accomplish this purpose. If this effort should fail the Committee instructed the Secretaries to seek an international convention which would have as its goal the signing of this convention.

The Senate amended the bill to include language to carry out the intent of the House report. In addition, it authorized to be appropriated $200,000 in order to implement the provision. Language in the Senate report indicates that the IUCN has circulated a draft proposal among more than 60 nations and that Switzerland has agreed to act as depository for the convention. A request has been made to have the Ambassadors of all member nations sign the convention. Should this occur, then none of the $200,000 authorized to be appropriated would need to be funded. This is the only increase in the cost of the legislation to the Federal Government and if the ambassadorial level convention is successful, then there would be no increase in cost.

SECTION 6, PAGES 12 TO 13

A new Subsection 6(c) was added by the Senate to make it clear nothing in the bill supersedes the provisions of Section 527 of the Tariff Act of 1930. That Section requires importers of wild mammals or birds protected in foreign countries or whose exportation to the United States is restricted to obtain a certificate from the United States Consul in that country prior to importation.

SECTION 7 (A) AND (B), PAGES 11 AND 15

The words "or ships by any means whatever" are contained in present law but were inadvertently omitted when the House rewrote certain provisions of the Lacey Act (18 U.S.C. 43). Similarly, wherever the provision referred to wildlife "taken" in violation of an Act of Congress or State or foreign law, the words "transported or sold", which are contained in present law, were inadvertently omitted. The Senate has restored these words in the appropriate places.

SECTION 7 (C), (D), AND (E), PAGES 16 TO 19

These Subsections relate to the transportation of fish and wildlife taken in violation of a State, Federal or foreign law. It is particularly designed to eliminate illegal traffic in alligator hides. The Subsections authorize civil penalties, as well as criminal penalties and, under certain conditions, authorize arrest, search and seizure of property. Reference is made to Section I 1. of this explanation for more information on the amendments.

PAGE 20—18 USC 3054 AND 3112

Section 42 of Title 18, USC, governs the importation of injurious mammals, birds, etc. into the United States. However, it contains no provision for arrest and execution of warrants to enforce its provisions. This authority exists in connection with Sections 43 and 44 which is provided under Sections 3054 and 3112 of Title 18. The House bill would extend these provisions to Section 42.

The Senate amended the House bill to make conforming changes with respect to civil and criminal penalties and search and seizure similar to those made under Sections 4 and 7 of this bill.

SECTION 9, PAGES 22 AND 24

Section 9 amends the Black Bass Act to prohibit interstate sale or transportation of any black bass or other fish which was taken illegally in a foreign country and imported to the United States.

The Senate amended the Section to clarify the nature of the various violations. Also it made amendments that would impose penalties upon a person who knows, or in the exercise of due care should know, that he is committing one of the enumerated violations. This change has the effect of bringing the Black Bass Act into conformity with the legal standard which will be used for violations of Section 43 of Title 18 under the amendments incorporated in the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOREIGN ASSISTANCE ACT OF 1969

Mr. ZABLOCKI. Mr. Speaker, we are all delighted to know that our chairman, Dr. MORGAN has left his bed and is with us today. He will assist in the further consideration of the Foreign Assistance Act of 1969.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

The **SPEAKER.** The question is on the motion offered by the gentleman from Wisconsin.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14580, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN.** When the Committee rose on yesterday, it had agreed that section 1, ending on page 62, line 23, of the bill would be considered as read and open to amendment at any point. Are there any amendments to that section?

Mr. **GERALD R. FORD.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I am correct, this is the 23d year of the so-called foreign aid program. For the first 2 years of its life I was not privileged to be a Member of this body, but for the last 21 years I have served here and have faithfully supported this legislation. I have voted for every authorization, every appropriation. I have supported former Presidents Truman, Eisenhower, Kennedy, and Johnson, and now I support President Nixon in his request for an authorization for the so-called mutual security program for the current fiscal year.

I can vividly recall the foreign aid programs we had 20 or 21 years ago. If I am correct, in those days the authorization was somewhere in the magnitude of $6 billion to $7 billion a year in a total Federal budget of about $70 billion to $80 billion a year—a far greater percentage of our annual Federal expenditures than we have at the present time.

In the early days foreign aid was a program aimed at rehabilitating primarily Western Europe devastated by World War II. Gradually, for reasons we all know, the program was shifted from Western Europe to a worldwide program. It was a program change from one aimed at rehabilitating countries that had been former industrial giants to one aimed at helping the underdeveloped countries on the one part and helping Western Europe countries militarily on the other.

Mr. Chairman, we have seen a gradual reduction in dollar amounts from $6 billion to $7 billion a year to a program today which is in the magnitude roughly of about $2 billion annually. It is not only a lesser amount in dollars, but it is a far smaller percentage of our total Federal Government expenditures.

I supported the program 21 years ago, because I thought it was in the national interest. I supported the program 21 years ago and each year since, because I think we have an obligation as a rich and powerful nation to help other people and other nations for humanitarian reasons.

I must confess at times I have been disappointed with the results. I think there have been deficiencies in the administration, whether it was a Republican administration or a Democratic administration. I have been sorely disappointed by the response of some nations that have been extremely generous beneficiaries of our aid and assistance, both economic and military, but as I look at the record of this program for the last 23 years, 21 of which I have had an opportunity to participate in, I believe there have been far more pluses than minuses.

So without any hesitation or qualification today, I intend to support the bill from the Committee on Foreign Affairs.

Mr. Chairman, I am supporting a program recommended by a Republican President. I intend to support a bill reported out by a committee dominated in the majority by the Democrats. But this program almost from its inception has been supported on a bipartisan basis, and I am glad to see here today that same kind of bipartisanship.

If Members will go back to the CONGRESSIONAL RECORDS of the last 21 years, to my personal knowledge, the Members will find dramatic speeches made in support of this program by former Speakers Sam Rayburn and Joe Martin. Of course, our present Speaker, the Honorable JOHN MCCORMACK over the years has stood in the well of this House and supported not only a Republican Presidential request, but also a Democratic Presidential request.

The **CHAIRMAN.** The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. **GERALD R. FORD.** Mr. Chairman, my predecessor in the job of Republican leader, the Honorable Charles Halleck, on many occasions took the well of this House and spoke for the program, supporting either a Democratic or a Republican President in either a Democratic or a Republican Congress. So it seems to me that on this occasion today we as Members of this body, Democrats and Republicans, ought to support the committee recommendations under the leadership of the distinguished gentleman from Pennsylvania, (Mr. MORGAN) and the Democratic and Republican members of this committee.

I know any President, in the past or present, would greatly prefer, if it were in the national interest, to divert the $2 billion or $3 billion we have annually spent in recent years to domestic programs. We have great domestic needs in this country. Our metropolitan cities need help and assistance. Our educational programs need help. We must affirmatively attack the problems of water pollution, of air pollution, of mass transit, et cetera.

I know the Presidents in the past as well as the present would like to take this money that we have been spending annually on the foreign aid program and use it as a tax benefit, to provide some tax relief to the overburdened American taxpayer at the Federal level.

But every President since the inception of this program, when he looked at the priorities, has come to the conclusion that it was in our national interest to have a program such as this.

This President and his predecessors for the past 23 years have recommended a program in this area.

Therefore, I intend to support the committee recommendations. I intend to support the dollar amounts.

I may support an amendment today that may be offered, particularly on military assistance, because I believe military assistance has been helpful and beneficial in our national interest.

One final word: It would be tragic for this Congress to be the first Congress in 11 to end a program that has had far more pluses than minuses. It would be sad indeed if this Congress by action today or tomorrow were to "gut" this bill by substantial reductions. In my humble judgment, this is the minimum amount that this program needs at this crucial hour in our Nation's history.

Yes, Mr. Chairman, I intend to support the committee. This is the most effective way that I can support the President who needs this help at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In view of the debt and deficit situation of this Nation, how can the gentleman say that we are rolling in wealth to the extent that we can pour out another $2 billion plus the billions that are in the pipeline and available for spending? How can the gentleman say that this kind of program is justified under the circumstances?

Mr. GERALD R. FORD. My answer to my distinguished friend from Iowa is that if we do not have this program the net result will be far more serious than continuing it. I believe that this program over the years has had far more pluses than minuses. I look at what the prospects are if we do not have the program, and such circumstances look very dim and dark to me.

I admit that we have financial problems in the U.S. Government. As the gentleman knows, I have done my utmost to try to hold down Federal spending in many, many areas.

On the other hand, this program does have a high priority. Therefore, when I look at the prospects—if there were no program—compared to a continuation of this program at this level, I support the President and the committee's recommendations.

AMENDMENTS OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer a series of corrective amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ZABLOCKI: Page 20, lines 10 and 11, strike out "population control" and insert in lieu thereof "family planning".

Page 20, line 14, strike out "population control" and insert in lieu thereof "family planning".

Page 44, line 19, strike out "section 204 (d) (4) (B)" and insert in lieu thereof "sections 204(d) (4) (B) and 306".

Page 44, line 24, after "of" insert "the".

Page 55, line 16, after "Inter-American" insert "Social".

Mr. ZABLOCKI. Mr. Chairman, as I indicated in yesterday's debate, there are clerical and typographical errors in the bill, and mistakes made in the printing. The amendment proposes to correct them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Yes. I am glad to yield.

Mr. GROSS. These amendments do not go to any of the money figures in the bill?

Mr. ZABLOCKI. No, sir.

Mr. GROSS. Nor to any substantive language?

Mr. ZABLOCKI. No, sir.

Mr. GROSS. They are purely correcting typographical errors?

Mr. ZABLOCKI. That is correct.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am glad to yield.

Mr. FULTON of Pennsylvania. With the striking out of the "population control" words and inserting "family planning" it is the intent that it should be family planning rather than any policy of the U.S. Government in U.S. foreign aid to control populations of foreign countries by this program. Is that correct?

Mr. ZABLOCKI. That is correct. That is the language that was used in the act.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer a series of amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ZABLOCKI: Page 4, line 2, strike out "and".

Page 4, line 9, strike out the period and insert in lieu thereof "; and".

Page 4, after line 9, insert the following new subsection:

"(1) encourage the development and strengthening of free and democratic trade unions as part of United States technical assistance objectives."

Mr. ZABLOCKI. Mr. Chairman, this is reinserting language that was inadvertently omitted from the new bill. It has been cleared with the committee.

Mr. ADAIR. Mr. Chairman, the minority has no objection.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am glad to yield to the gentleman.

Mr. DERWINSKI. I am sure there is no objection to correcting all of these inadvertent errors, but I think the Record should show there are also more serious errors in which cooperation in correcting them would be appreciated.

Mr. ZABLOCKI. That is a matter of opinion, and I sincerely respect the gentleman's opinion.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI: Page 10, line 18, immediately before the period insert the following: "and which are consistent with the appropriate recommendations of the periodic Inter-American Conference of Labor Ministers".

Mr. ZABLOCKI. This language was inadvertently omitted from the bill. This language was cleared with the minority and it was agreed that it should have been put into the bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Iowa.

Mr. GROSS. Who is the minority that the gentleman talks about?

Mr. ZABLOCKI. It is my understanding that the gentleman from Indiana, the ranking minority member of the committee is speaking for the minority.

Mr. GROSS. There is also the minority of the minority, I will advise the gentleman.

Mr. ZABLOCKI. I am sure that the gentleman does not have any objection to this amendment.

Mr. ADAIR. No objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAIR: Page 8, beginning in line 20, strike out "$475,500,000 for the fiscal year 1970, and $475,500,000 for the fiscal year 1971" and insert in lieu thereof the following "$425,500,000 for the fiscal year 1970, and $425,500,000 for the fiscal year 1971".

Mr. ADAIR. Mr. Chairman, simply stated, the effect of this amendment would be to reduce further the amount of the development loan fund by $50 million from the sum recommended by the committee.

As the executive proposal came to the committee there was a request for $675,500,000. The committee reduced that by $200 million, to the figure of $475,500,000. Thus, if this amendment is adopted, the total reduction in development loans from the executive request would be $250 million.

Mr. Chairman, members of the committee will have noted that the number of countries which may receive development loans under the proposed bill is limited to 20. Most of the funds as programed for the new money in the bill would go to the following countries: India, Pakistan, Indonesia, Turkey, and

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Korea, and small amounts for several countries in Africa.

I think it can be safely said, Mr. Chairman, that a program of this magnitude almost at midpoint in the fiscal year can be reduced by the amount that I have proposed without doing any injury to the valid parts of the program.

Last year the authorized amount as the bill left the House was $350 million. We are told by the executive witnesses that the needs this year, especially in the countries that I have mentioned, are somewhat greater and, hence, the proposed reduction is somewhat less.

I say again, Mr. Chairman, that I think the reduction can be made to effect a savings of considerable magnitude and yet not endanger in any way our American security.

Mr. Chairman, I urge the adoption of the amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. In order to get the figures right, is this for each of the 2 years or over the 2-year period?

Mr. ADAIR. I am glad that the gentleman raised that question. It is for each of the 2 years.

Mr. FULTON of Pennsylvania. So that the total reduction in this figure for the 2-year period is $100 million?

Mr. ADAIR. The gentleman is correct.

Mr. GALLAGHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this additional cut was considered in the committee. I might add that the present amount in the bill for development loans is $475.5 million. This figure that the committee has reported out is $200 million below the executive request. It is, however, the same figure that was authorized last year.

We did give a great deal of consideration to this particular question.

It was the strong feeling of the committee that this figure that is in the bill is supportable, and should be supported by the committee. I know that the gentleman who introduced the amendment had some reservations on it, and there are quite a few people who had reservations, but it was the consensus of the committee that this figure was the fair figure, and the desirable figure, and it would meet the needs of the executive branch this year.

I might say that since 1948 the United States has made development loans in excess of $7 billion. Similarly, the United States has collected over $1.1 billion in principal and interest. So that while it is a slow return, nevertheless the development loan program has been a good investment, has been extremely helpful, and the United States is getting money back on it.

The principal loans go to India, Pakistan, Indonesia, Turkey, and Korea. I might say that after considerable debate and discussion in the committee that the figure that is in the bill is the figure that we felt was most desirable and necessary. For that reason, Mr. Chairman, I oppose the amendment, and hope the committee would vote the amendment down.

Mr. MORGAN. Mr. Chairman, if the gentleman would yield, one thing that worries me about a deeper cut than made by the Committee on Foreign Affairs—and as the Members know, the committee made a cut of $200 million—I wonder whether the author of the amendment took into consideration whether or not a cut of $50 million will injure some of the small countries in Africa? Most of the money was programed for big countries but if we cut too deep there will not be enough for the smaller ones.

I am afraid that a further cut of $50 million in this program would interfere with some of the real vital projects in the continent of Africa and in other parts of the world.

Large countries like India, which has received a large part of the development loan money, might be able to stand a substantial cut, but I fear that some of the small, very essential loans that do so much good in Africa, might be reduced as a result of this cut of $50 million.

Mr. ADAIR. Mr. Chairman, would the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I thank the gentleman for yielding.

I will say to the distinguished chairman of the committee, in response to the question he has just put, that that factor certainly was taken into account in arriving at the proposed reduction.

As illustrative of this, the proposed programs for the several countries of Africa involved, total about $92 million for the fiscal years about which we are speaking. I felt that there was a sufficient amount of money allocated to other countries so that those desirable programs such as the malaria control and others about which the gentleman speaks might not be seriously harmed.

In short, the answer to the question of the chairman of the committee is that those factors were taken into account.

Mr. GALLAGHER. Mr. Chairman, I thank the gentleman for his comments, but I would say that this is the first test on the money cuts, and I hope that the committee will be supported, and that the words of the minority leader, the gentleman from Michigan (Mr. Ford) will be recalled when we vote on this.

This is an essential part. I believe it is important that we vote this amendment down, and I would hope that the committee will vote the amendment down.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, during general debate yesterday I pointed out that the development loan program is where cuts—deep cuts—have already been made. Thirty percent has been cut from the amount requested.

If we should accept a further cut, we would be making available for all development loans somewhat more—$425 million—than the administration considers desirable to spend in one country, in India. They are seeking to make available $385 million for India alone.

The gentleman from Indiana suggested that there are some countries where development loans would be desirable and emphasis should be made on those. If we should assume, for example, that countries in Africa have desirable programs, we would have to assume that other countries have less desirable ones.

I would like to point out that over 90 percent of development loans go to five countries—India, Pakistan, Turkey, Indonesia, and Korea.

Frankly, I can see no place where we could take substantial cuts without having very undesirable consequences as to what is being attempted.

I mentioned yesterday that almost half of the aid to be made available through development loans is for agricultural purposes. Are we trying to prevent further progress in countries like Pakistan and India in the problem of feeding their own people? I would assume that we would consider this a desirable program. Or, are we going to turn on our friend, Korea? And are we not going to help on a multilateral basis a country like Indonesia?

In other words, I would suggest that the cuts already made in the committee are already to deep, since the needs in all these countries are very real.

Let me conclude by pointing out that development loans in almost every case are on a multilateral basis. In India, Pakistan, and Turkey there are consortiums with other countries involved. If we should be obliged to reduce the amount that we can contribute to a consortium, it inevitably will have a boomerang effect. Other donor countries will provide less if we cut back our aid, and the effect on the recipient country will be very adverse.

Mr. Chairman, for all these reasons I think it would be most unwise for us to go below the committee's recommendation. A further cut may not affect our own national security, but it could greatly reduce the effectiveness both of what we have done in the past and what we could legitimately do, in concert with others, in this current fiscal year.

Mr. Chairman, I do hope that the amendment is defeated.

SUBSTITUTE AMENDMENT OFFERED BY MR. DERWINSKI FOR THE AMENDMENT OFFERED BY MR. ADAIR

Mr. DERWINSKI. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Indiana (Mr. Adair).

The Clerk read as follows:

Amendment offered by Mr. Derwinski as a substitute for the amendment offered by Mr. Adair: Page 8, line 20, strike out "$475,500,000" and all that follows down through "amounts" in line 22 and insert in lieu thereof "$300,000,00 for the fiscal year 1970, which amount".

Mr. DERWINSKI. Mr. Chairman, this is a self-explanatory amendment.

I would like to set the stage for a brief discussion by pointing out that I fully concur with the gentleman from New Jersey (Mr. Gallagher) when he points out that in this first money amendment, we may well set the stage for what we do this afternoon and the vote will demonstrate the mood and temper of the House.

Mr. Chairman, I would like to point out to the Members, though, that it is an absolute open secret that every year the bureaucrats from AID march up to the Hill with an exaggerated request for funds—and do not think for a moment that the cuts made by the committee very drastically affect the program—what really happens is that the committee goes through the exercise of trimming the original request—and that makes the committee look good—and then Members stand on the floor and offer other amendments which trim the bill, and that makes the entire House look good.

The Agency still gets far more for its program than logic dictates.

My amendment provides for two things—$300 million for the fiscal year 1970, which is the exact amount that we appropriated for the fiscal year 1969. I am not aware of any statement by anyone in the Agency or in the State Department or on the floor that has charged that action of the Committee on Appropriations last year ruined the program. They have lived with $300 million and I think they can live with the $300 million again.

My amendment also limits this amount to fiscal year 1970. If you will please note, this program as now in the bill will authorize funds for fiscal year 1971. We are surrendering control here in the House of Representatives over this program.

May I also emphasize that any charge made that this program has to be sustained in its present form to serve the needs of the country is on the face of it ludicrous.

There are so many additional programs which are really foreign aid carried on under all the international programs that have been brought out of the Banking and Currency Committee that we could well do without this program for an entire fiscal year. Other programs of direct benefit to foreign countries may exceed $10 billion.

The issue before us is clear: Do we want a very effective, practical figure? I submit that the figure approved in last year's appropriation is practical and effective.

Earlier I listened, as did all Members, to the eloquent plea of the minority leader for support of this program. We must remember that minority leaders are required to say certain things. I yield to no one, not even my minority leader, in loyalty to this administration. But I do not think loyalty to the administration presumes loyalty to the foreign aid program. A blow for economy in support of last year's appropriation figure would be in order.

My amendment makes sense. I hope my amendment could be defended by anybody who supports the program, and I emphasize that it does give us a chance, to draw the lines here this afternoon: Will we restore funds that the agency does not need, or will we give them the funds they received a year ago and lived with?

Mr. Chairman, I submit that my amendment to the amendment of the gentleman from Indiana is in order and is a far more effective figure. I emphasize that in my opinion it will not harm the AID program. They can or will live with it, and I appeal to the House to support this progressive amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. The difference between the gentleman's substitute and the original amendment offered by the gentleman from Indiana is that the amendment of the gentleman from Indiana would cut this particular money figure by $100 million and the amendment offered by the gentleman from Illinois would cut it by $175 million over a 2-year period; is that correct?

Mr. DERWINSKI. For the first year, and my amendment would eliminate the authorization for fiscal 1971 so that we could continue to have some semblance of control over this program. It is a double blow for economy.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. The gentleman is suggesting that his amendment would not gut or even harm the program. I am sure the gentleman remembers the spokesman for AID, Hon. Maurice V. Williams, testifying before our committee both on the reasons why substantially more development loans have been requested and what the effect would be if there was a major cut. Let me remind the gentleman that even without his amendment there would be a major cut.

Mr. DERWINSKI. May I point out to the gentleman that we should make the decisions and not blindly accept the figures from the AID agency.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. PRICE of Texas. Mr. Chairman, I rise today to voice my opposition to the Foreign Assistance Act of 1969. Since coming to Congress, I have voiced consistent opposition to efforts on the part of certain individuals and groups to expand U.S. foreign aid commitments. I have done so because, in my opinion, this country cannot maintain its strength and well-being if it continues to give its national treasure away to countries around the world.

When discussing foreign aid, certain facts must be kept in mind. Without reference to them, it is indeed difficult to maintain a clear perspective on the issue.

First. The cost of the Foreign Assistance Act of 1969 is almost $2 billion.

Second. At present, roughly $19 billion exists unspent in the foreign aid pipeline.

Third. If the Foreign Aid Assistance Act of 1969 is approved unchanged by the Congress, total foreign aid funds will total approximately $21 billion.

Fourth. Net cost of the foreign aid program since its inception in 1946, including the interest on what we have borrowed to finance the program totals almost $183 billion.

Fifth. During the years that the U.S. foreign aid program has been in operation, our gold holdings have been reduced by $12½ billion.

Sixth. Since the United States started the foreign aid program which involved our borrowing money in order to finance giveaways, short-term loans which the United States has outstanding increased from $8,645 million to $35,665 million. This is an increase of over $27 billion.

Seventh. U.S. current indebtedness on short-term loans is so great that we could not even meet our financial obligations if demands for repayment were made.

Eighth. During the period that the foreign aid program has been in operation, our balance-of-payments situation has drastically deteriorated. To date we have sent to foreign countries around the world $36,896 million more than has been returned to us.

Ninth. As a nation we have become so dedicated in recent years to pursuing a vigorous foreign aid program that we are now borrowing money from more than thirty foreign nations of the world in order to finance our giveaways.

Tenth. To date our national treasure has been distributed among the entire 3½ billion people of the world, with the exception of a mere 36 million people.

Eleventh. We presently have well over 4,000 foreign aid projects located in countries around the world. While we closed down many domestic projects last year for lack of funds, not a single foreign aid project suffered as much as a $1 reduction from the much talked about limitations imposed by the Revenue and Expenditure Control Act of 1969.

Twelfth. It is estimated that during fiscal year 1970 the U.S. foreign aid program will function in 99 nations and five territories of the world.

Thirteenth. During fiscal year 1970, it is estimated that the foreign aid program will number more than 51,000 individuals on its payroll. This includes U.S. and foreign personnel and participants.

Mr. Chairman, we are borrowing money from the American people to pay for commodities and services which are given free to foreign nations. At the same time we are borrowing money from foreign nations in order to improve temporarily our balance-of-payments situation. One example is as follows: Thailand is the recipient of over $1 billion of our aid, both in commodities and in services. The United States borrowed the money to pay for these commodities and services we have given to Thailand. During the same period, however, Thailand, out of its own resources, created a surplus in its foreign exchange and gold reserves of over $1 billion. This is the shocking part. After long diplomatic wrangling, Thailand reluctantly but finally agreed to make the United States a loan of $100 million. Terms: 4½ years at 6 percent interest. This is just one of many examples of the mess we are getting into with our free-wheeling, worldwide spending program. This does not include the billions of counterpart funds which have built up over the years in various countries and can only be spent in that country. These are American taxpayers' dollars also.

The figures I have cited are accurate ones. They come from recent compilations published by the House Foreign Operations Subcommittee on Appropriations. In my mind, these figures are shocking. They tell the story of a great nation that has seriously dislocated itself by pursuing a well-intentioned but ill-practiced foreign aid program.

I believe that our national interest is advanced by some forms of foreign aid. For example, through technical and military assistance, we have created important allies in our global fight against communism. Through initiating economic development programs we have visibly demonstrated the strength and values of democracy to millions around the world, and justly earned their lasting friendships.

In my view, perhaps the main problem with our foreign aid program as presently conceived and operated is that we are using a shotgun instead of a rifle approach. We should trade our costly, expansive, and wide-based foreign aid program for a limited and narrow-gaged program strictly designed to promote our national interest. We should give foreign aid only to promote the economic health and well-being of nations that are either firm allies or potential allies of the United States, and that are willing to help themselves.

In addition to making basic changes in our philosophy and practice of foreign aid, we need to flush the currently unspent funds out of the foreign aid pipeline. The $19 billion that presently is lying uselessly in limbo can be put to productive use, thereby easing the strain that foreign aid places on the national budget.

Mr. Chairman, until the changes I have outlined, or similar ones, become established policy, I shall continue to oppose the foreign aid program. To do otherwise, would be to ignore both the dictates of my conscience and the express wishes of the overwhelming majority of voters in the 18th Congressional District of Texas.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Chairman, it will no doubt surprise some of our colleagues who have known me in the House for the past 17 years and who know how I have always felt about the foreign aid program, to hear me say that I commend this bill and the Foreign Affairs Committee for its diligent work in preparing it.

But before anyone thinks that I have been converted from my opposition to the foreign aid program, I must hasten to say that my commendation of the bill and the distinguished committee that prepared it, is somewhat limited. I look upon the bill with favor only to the extent that it pares $441 million from the $2.63 billion requested by the administration for foreign aid program authorizations, and is $430 million less than the amount we appropriated—unjustifiably in my opinion—for the program in the last fiscal year.

I must, however, make one thing quite clear. I oppose this bill, as I have opposed other foreign aid authorizations during my tenure in this body, for several reasons. I oppose it because—even with the cuts ordered by the committee—it provides for too great a drain on the resources of the harassed taxpayers of this Nation and because it does not provide proper safeguards to prevent repetition of the stupid and wasteful—and in some instances corrupt—practices which have marked the management of the foreign aid boondoggle since its inception.

It would be my hope that this body will make substantial cuts in the authorizations the committee has recommended for this program. I approved of the cuts the committee has made and I realize that with present commitments we cannot deal the foreign aid program the death blow it deserves, but I feel that we must go beyond the committee's cuts. I am of the opinion that additional reductions ranging from $350 to $500 million could be made and I will support amendments to that end.

I am convinced that this bill contains a glaring fault in its failure to deny aid funds to nations trading with North Vietnam. I cannot believe that the distinguished members of the committee intended to leave the door open to aid to nations which are aiding our mortal enemy—I think this must have been an oversight. But in any event, I think the bill should be amended in such manner that American taxpayers will not be required to provide aid to nations which in turn provide aid to a nation in killing the sons and husbands of American taxpayers.

Mr. ZABLOCKI. Mr. Chairman, after careful consideration, the Committee on Foreign Affairs has indeed cut the Executive request by 30 percent. We cut it $200 million. The gentleman from Illinois desires to cut the request by over 50 percent. He knows that 41 percent of development loan funds are for agricultural programs in underdeveloped countries with the purpose of bringing about a better economy in those countries. I believe it would be irresponsible to cut so deeply into the program, in fact, gutting the program. Regardless of what the opinion may be of the gentleman from Illinois, it would be a deep and harmful cut. I know that he would prefer, and we in the Foreign Affairs Committee have indicated our preference by following the policy of encouraging loans rather than grants. Many of the countries with whom we have these loan programs are on a self-help basis.

We would be undermining their own efforts and setting them back many years. I hope committee members will overwhelmingly defeat this proposal, because this will, indeed, hamper the programs and in some areas where substantial success has been in evidence.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding.

I would like to quote the statement by Maurice J. Williams, of AID, who testified as follows before our committee:

> India and Pakistan could get along with less aid, say with last year's level, only at considerable cost to their development program and to the development process.

At this point, let me say that $271 million for development loans was made available to India and Pakistan last year even at the reduced level appropriation that was available. The cut proposed would reduce loans by at least that much.

Mr. Williams' testimony continued:

> Both these countries, with less aid, will manage their financial affairs conservatively. But they will manage at the expense of development, at the expense of the economic growth which would otherwise be possible—a slower rate of investment, fewer new jobs, there will be idle industry, farmers will be underproducing.
>
> For example, it is possible to realize an annual rate of growth of about 6 percent in India in the next few years. This depends on the critical margin of foreign exchange provided by aid from the United States and other donors.

This statement, Mr. Chairman, demonstrates very clearly the nature of the problem. If we are less generous in helping meet the needs of the countries concerned, it surely will slow down the process of growth, which is the whole point of our giving aid in the first place.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. Chairman, I must underline the position our chairman has stated, that even the $50 million cut would not hurt so much the richer countries receiving development loan funds as it would hurt the smaller countries such as Turkey, Indonesia, Korea, and the countries of Africa.

Mr. Chairman, I am sure this committee does not want to hamper these countries or in any way cause problems in these small countries which are really trying to improve their economic situation.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

Mr. Chairman, it is with great reluctance that I join the gentleman in opposition to the amendment offered by the gentleman from Illinois, who described his amendment as "progressive, thoughtful, and scholarly." However, the gentleman talked about trimming, but the committee did trim this request. I see no reason why we should at this point devastate this program. This would not only trim it, but would swing a meat ax that in the end will really determine that this program cannot continue. If we oppose the amendment offered by the gentleman from Indiana (Mr. ADAIR) on the ground that it would be harmful, then I think we must consider that this substitute amendment would be devastating and would cut $175 million out of this program.

This is not only a program that the

AID requested, but it is also a program requested by the President of the United States, and by the Secretary of State, and it was supported by Dr. Hannah, who is doing an outstanding job in administering the program.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the session opened this afternoon, we were treated to a discourse by the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT) on the lack of housing in this country, and the growing unemployment. Mr. Chairman, here today, is a chance for the gentleman from Oklahoma (Mr. ALBERT) and the Members on both sides of the aisle to join in husbanding the resources of this country and dedicating those resources to the purposes for which they were taken from the taxpayers of this country—that is to take care of our problems here at home, and they are monumental.

It is about time we give attention to them instead of testing once every year how much can be gouged out of the taxpayers for unappreciative foreigners around the world.

We hear the same pious statements every time the AID bill comes up. It is a sacred cow. It is untouchable, and we are beginning to hear that here this afternoon. We are told that we must take what the committee hands out. I sometimes wonder if the Foreign Affairs Committee is not an appendage of the State Department and the AID Agency rather than a constituent body of the House of Representatives. It invariably carries the torch for the executive branch.

Speaking of India, how appreciative is that country into which we have unloaded $9 billion by way of foreign aid? There are several hundred million people in India. It is one of the heaviest populated countries in the world. India had 7 million men under arms in World War II, but what contribution have they made to the containment of communism? Do Members know of a single combat soldier India sent to either Korea or Vietnam in behalf of the containment of communism? They stand on the threshold of communism in Asia but they refuse to help us in the fighting and dying.

I understand there will be an amendment offered to this bill to provide more military planes for Taiwan before we get through. We have borrowed $20 million at 6 percent interest from Taiwan. Why should we now give Taiwan $50 million worth of planes?

Getting back to India, Calcutta has 7 million population. How much do they raise in taxes from the people of that city? About $7 million a year from 7 million people. India is one of the worst corruption-ridden governments in the world yet we have poured $9 billion into that country.

I again remind the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), who spoke a while ago in all-out support of this year's luscious giveaway, we have already spent $182 billion, including interest on the money borrowed to finance it, and President Nixon is calling for a 75-percent cut in public works in this country.

Yesterday I gave some figures on that. I do not have them here now, but I will get them and insert them later, as to how many projects have been denied the various areas of this country for flood control, water resources, pollution—you name it—schools, education, hospitals. Yet the President's spokesmen stand here today and say this $2 billion bill is sacred; it must not be cut. Instead of hard-nosed diplomacy there must be a continuation of checkbook diplomacy—trying to buy our way.

I am for the gentleman's amendment to hold it to 1 year, go back and take a look at it next year, and cut it by $175 million down to $300 million. The Lord knows that is too much.

If this succeeds, I will offer amendments to cut 75 percent out of other money figures in this bill, because that is the kind of a cut President Nixon says the people of this country must take.

I just am not going to be a second-class citizen for India or any other foreign country, nor do I intend that the citizens of the Third District of Iowa be made to pay the bills while foreigners ride the gravy train.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

I heard with great interest the opposition of my friend from Iowa against some of these countries that are being benefited by this foreign aid bill. I do not have very much use for these governments, either, but when one thinks and when one considers the fact that in Calcutta, the very place in India which the gentleman mentioned, there are people lying starving in the streets, this is something we must not forget.

It is not the governments that we are aiding. We are trying to help these poor starving people in underdeveloped countries throughout the world.

I do not believe I must become emotional in this situation. Everyone here is aware of the situation as it exists. We are not trying to help out those nations that can take care of themselves. These are all underdeveloped countries. These are people we are trying to help, in order that revolution will not take place within those nations.

This is the reason why we have a foreign aid bill. I say to the Members, depending upon the result of this amendment will depend the fate of this bill. I urge the Members to vote against it.

Mr. Chairman, here we are again engaging in the financial emasculation of an already skeletonized authorization. I believe that an adequate foreign assistance program is in the national interest and I do not believe that the trend to reduce the amounts made available for economic development in the lesser developed countries is wise.

In fiscal 1949 the United States made total economic aid commitments of $7.2 billion. This was 18.3 percent of the Federal budget and 2.78 percent of a gross national product of $260 billion.

In fiscal 1968 U.S. official commitments totaled an estimated $4 billion, $3.2 billion less than in 1949 even though the Federal budget was three times larger than that of 1949. And where foreign aid in 1949 was 2.78 percent of the gross national product, U.S. official aid flows in 1968 were only 0.41 percent of a gross national product that had more than tripled during the same period.

If you look at this reduction in foreign aid flows in relation to what other countries are providing, it means that the United States now ranks eighth behind Portugal, France, Australia, the Netherlands, Germany, Belgium, and the United Kingdom, in the amount of aid given. Of course, we provide more economic assistance than any other country in dollar amounts. But we do not provide as much as we can or as much as we should when you consider the great wealth of this country in comparison with that of those countries who devote a greater percentage of their gross national product to the lesser developed countries.

I submit that this policy is shortsighted. It is to our own self-interest and in our own defense and for our own security to keep our foreign aid program at the highest level that we can afford. A world at peace, getting on with the job of economic development in an environment free of conflict and chaos is to our long term interests. But this kind of a world cannot be achieved without substantial economic and technical assistance from the rich countries. As long as there is poverty and hunger, illiteracy and deprivation in almost two-thirds of the world, the potential for violence and revolution exists. When this violence erupts or revolution takes place, none of us are safe. It, therefore, behooves the United States to do what it can to help create the condition of stability and progress in which peaceful development can take place. We can make a meaningful contribution to the creation of a peaceful world order by passing this bill. As President Nixon said in his foreign aid message to the Congress:

> The support by the Congress for these programs will help enable us to press forward in new ways toward building of respect for the United States, security for our people and dignity for human beings in every corner of the globe.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. GALLAGHER. I think it should be pointed out, in response to the gentleman from Iowa's remarks, about what India does—and admittedly Indians at certain times as well as their leaders are difficult to get along with, as we all know who have had contact with them—it is a fact that perhaps they cannot do much about communism with China on their borders. However, the great investment in the free world has been to see whether a great country of 524 million people can stay out of the Communist orbit. That is the great investment that we have made there. It is to see whether or not free governmens can survive. It is a part of that investment that the free world made in India. They have a population which is nearly four times as great as the total population in Latin America put together.

The gentleman also said something about the people here who are not our friends. Well, Korea is in here, and they are certainly our friends. They are dying with us in Vietnam, and they were the first to rally to our cause there. Indonesia rose up and threw out the Communists there. There are 100 million people in that country. So these countries are trying. India is certainly trying under very difficult conditions. If we say now that we are going to turn our backs on them by gutting this bill and denying them help, it seems to me that we would be committing a great error, and creating intolerable conditions for people who are our friends and allies.

I hope the amendment will be defeated.

Mr. FARBSTEIN. Mr. Chairman, I yield back the balance of my time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise to cosponsor the amendment offered by the gentleman from Indiana (Mr. ADAIR) for $50 million annual reduction in development loan program authorization, reducing the figure in the bill from $475 million to $425 million for fiscal year 1970, and $425 million for fiscal year 1971.

I think this is a moderate cut, but necessary to make for economy and efficiency. The sum of $300 million was appropriated during fiscal year 1969 for the development loan program under U.S. foreign aid.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to my friend, the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Can the gentleman give this House the assurance that if we authorize $425 million on the Development Loan Fund in the Adair amendment that the great subcommittee headed by the gentleman from Louisiana (Mr. PASSMAN) is going to give that much money to the Development Loan Fund?

Mr. FULTON of Pennsylvania. I do not think that either of us has very much influence, I would say to my good friend from Pennsylvania, on the gentleman from Louisiana in respect to his future actions with respect to this bill. I do not think that the point the House of Representatives starts from on U.S. foreign aid authorization legislation should be anything but what we decide is practical. The reason why I cosponsor the Adair amendment, is that I believe the gentleman from Indiana's amendment is practical, sensible, and will cause developing countries to review and refinance external obligations, and development loans previously contracted for at high interest rates and short maturities with parties and agencies other than the U.S. Government.

I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, in view of the chairman's reference to the Committee on Appropriations, I would like to ask if this is some kind of a shell game we are engaged in here today? Do we lift the shell and see what another committee may do? Are we to be guided by that sort of a procedure?

Mr. FULTON of Pennsylvania. I believe that we should be practical and economical in our approach to the U.S. foreign aid program. Therefore, I am in favor of and cosponsor the amendment of the gentleman from Indiana (Mr. ADAIR) to reduce the current funding of the Development Loan Fund provision to $425 million authorization for this year and the same authorization figure for the next fiscal year, 1971, coming up. One reason why this figure should be cut, I believe, is to require some of these developing countries to put their fiscal houses in order. On page 13 of the report you will read:

> The burden of debt of the less developed countries, caused in part by past loans with relatively high interest rates and short maturities, has grown rapidly over the past several years—

Listen to this:

> Debt service, including service on export credits amounted to $4.1 billion in 1967—

And, watch this closely—

> nearly half of the total new aid they received that year from all donors.

That means that one-half of the aid from all donors and lenders currently going into these developing countries is now going into payments to other than aid loans at high interest rates and large loans and large repayments with short maturity. The U.S. aid program on development loans only charges 2 percent during the grace period on these development loans and 3 percent thereafter, much less than the interest rates in our country.

We are also taking substantial cuts in our own districts on development programs, flood control, highway, school and housing construction. Therefore, when we recommend a decrease in the Development Loan Fund, as the gentleman from Indiana (Mr. ADAIR) does, we are really going ahead rather than destroying the aid program.

Mr. Chairman, I do feel that the $300 million level recommended by the gentleman from Illinois is an appreciable level of funding. Nevertheless, if we start at that figure now, I agree with the gentleman from Pennsylvania (Mr. MORGAN) that the cut could well develop into too drastic a cut.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would appreciate it if the gentleman would explain to me and to the entire House what is inconsistent with asking Members to vote for a figure of $300 million which they voted to appropriate a year ago? They have already voted for that figure. It, obviously, has their blessing. That precedent is the reason to simplify the debate and arrive at a figure.

Mr. FULTON of Pennsylvania. You are very logical but not conclusive.

Mr. Chairman, I would like to point out very carefully the difference between the two increases. I believe the authorization for the development loan programs should be for a 2-year period. I think that is why the gentleman from Indiana (Mr. ADAIR) is right in his amendment covering a 2-year period, $425 million for each fiscal year, 1970 and 1971, while the gentleman from Illinois by his amendment, provides for an authorization for a 1-year period at $300 million level.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the committee this question: Under the amounts of money that you have in the bill at the present time, are we moving ahead any in terms of improving our commitment to the world struggle for improving the condition of people from where we were last year? As I recall, we were at about 0.37 percent of our gross national product.

With everything that we are doing have we increased our stance anywhere measurably by anything you have recommended this year?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, no, we have not. As a matter of fact, we are trailing behind many other countries in providing assistance to the developing countries.

Mr. HANNA. Is it not true, Mr. Chairman, that this House has available to it information from places like the Pearson report that was done for the United Nations, and the work that we hope will soon be forthcoming from the Peterson report? With all of that information available to this House which I hope we can use as a point of reference, do they not indicate that if we are going to do anything really effective or what we have set out to do, we will have to increase the amount we are making available?

Mr. ZABLOCKI. Very definitely. The Pearson report points in that direction. It is expected that the Peterson report will likewise clearly spell out the fact that it is necessary for all developed countries to set aside a somewhat larger portion of their resources, of their gross national product, for that purpose. The gentleman from California is correct.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Florida.

Mr. FASCELL. The gentleman is absolutely correct in asking this kind of question of the committee.

It is very clear in view of the state of the world, the situation that exists from north to south, from east to west, in the less developed and developing countries, that unless we change our plans and devote more of our talent and initiative to helping them solve their problems, we are asking for more trouble than we can possibly deal with. I am not talking only about national security but in terms of world problems of the masses of people who are in deep, desperate trouble. We just cannot ignore it.

It is ridiculous to think that we can go back to the 1961 budget or to the budget of last year. The world does not stand still.

The world does not stand still. Population does not stand still. Our problems do not stand still. It is just a question of how reasonable and sensible we can be. Obviously if you can do it with $1 million you can make some contribution. You can live with it, you know. But then in terms of the problems of the world that would be completely unrealistic.

Mr. HANNA. I would like to make this point, that, if we address ourselves to that group in this House, that besides that we are in the very unfortunate, calamitable, if you would like, situation in which we have to live as a country within our borders, and still exist in a world which is around us. We are not living as a nation in a vacuum; we are living in a troubled, dynamic, and demanding world.

As far as I have been able to ascertain, anybody who has studied the circumstances have indicated that those people who are on, as the gentleman from Florida has said, the north side of the world, who have most of the wealth and resources, if they do not make some commitment to those people who are on the south side of the world, who have the numbers of people. Two-thirds of the world are have-nots, and one-third of the world are haves. If we do not make some kind of adjustment, we will end up with a world that is not livable for any one of us.

It has been said in the last 6 years that we ought to commit 1 percent of our gross national product. We are not doing that. The minimum that the Pearson report says is 0.75 percent. We are not doing that. The average that we were doing up until recently was 0.37, and the chairman tells me we are not doing that.

So I would say to those of you who believe that the United States cannot indulge in the luxury of reducing itself within its own borders and living with its own problems—and they are large enough, as the gentleman from Iowa has pointed out, and he is right—that may be one thing—but the true and hard fact is that we cannot live alone. We cannot live within our own borders. We have 4 percent of our gross national product that we export. Our gross national product is expanding. Therefore exports must expand. This means new markets must be created. These new markets largely must come from bringing the underdeveloped countries into the mainstream of world trade. We tie most of our aid to American goods, if we reduce our efforts we reduce our present exports as well as fail to provide for future expansion. In fact, Mr. Chairman, we cannot afford this cut.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Hanna was allowed to proceed for one additional minute.)

Mr. GROSS. Mr. Chairman, if the gentleman will yield, the gentleman has cited the so-called Pearson report as calling upon the United States by 1975 to hand over 1 percent of its gross national product for foreign aid, and that would amount to at least $11 billion. The Pearson referred to, I assume, is the former Prime Minister of Canada.

Mr. HANNA. I referred to the Pearson report, yes. I think he called upon all of the northern countries to give 1 percent.

Mr. GROSS. He was very free when he said he wanted to put the 1 percent levy on the people of the United States, but I read the report and did not find a single reference to how much Canada would put into the foreign giveaway kitty.

Mr. HANNA. I think, to set the gentleman straight, that he said that the have nations ought to commit 1 percent of their gross national product.

Mr. GROSS. He certainly applied that to the United States.

Mr. GALLAGHER. If the gentleman will yield, the United States today is now spending one-quarter of 1 percent of its gross national product for foreign aid. There are seven other countries that are spending more.

Mr. HANNA. I do not think that we are in the lead insofar as percentage of gross national product is concerned. We are in the lead in terms of dollars, but we are not in the lead in percentage of what we have to work with.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment proposed by the gentleman from Illinois, as I understand it, would fix this figure at the level of what the House passed last year. Looking at the figures before me here, I judge that we have quite a ways to go in cutting funds out of this bill if we are to bring it down to last year's level, inasmuch as we have heard that only about $1.7 billion was actually appropriated last year, and we have over $2 billion in this measure here.

Therefore if we are going to put ourselves in the position where we can say we actually made a reduction over last year, we have a ways to go.

It seems to me a logical place to start off is by putting this figure where we were last year, as the gentleman from Illinois suggests.

I assume that the gentlemen who are for this bill want to see it passed—and as a matter of fact I want to see a bill passed, because there are things in this bill that I favor—but in my judgment there are a lot of votes in this House that probably will be lacking for the bill if it gets too far above last year's appropriation.

It seems to me that is a practical thing to think about here.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. DERWINSKI. Mr. Chairman, I believe the gentleman from Indiana has put his finger on a very valuable point.

In keeping with the spirit that the gentleman from New Jersey (Mr. Gallagher) is trying to establish, I hope that this first series of amendments will set the stage for a pattern.

I would like to emphasize though, and the gentleman from New Jersey might agree with me, it is a little misleading to tell the House that some countries give a greater share of their GNP to aid, because in that category you will find Great Britain and France, and they give "aid"—quote, unquote—to their former colonies for the purpose of maintaining economic control a far less visionary and spirited type of aid than we engage in. So their aid programs are intended to maintain economic supremacy. Our aid program has been an example of national generosity from the start.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I am happy to yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. MORGAN. Mr. Chairman, I just want to tell the gentleman that the figure of $300 million that he quoted from the amendment offered by the gentleman from Illinois (Mr. Derwinski) was last year's appropriation figure. This is an authorization bill. If you want to compare it to what was authorized last year, the figure is $350 million because that was last year's authorization figure. The gentleman from Illinois (Mr. Derwinski) has related his amendment to the appropriation figure—and not the authorization.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am delighted that the gentleman from Pennsylvania, the chairman of the Committee on Foreign Affairs, has pointed out something that sometimes we forget in these various debates—and that is that we cannot compare validly an authorization figure and an appropriation figure. This is a two-step legislative process. We are now dealing with an authorization, and to relate the appropriation figure of last year to the prospective authorization figure today is an instance of comparing apples with oranges.

I think we ought to relate authorization to authorization and one fiscal year to the next.

Now let us take a look, if we might, at the figure recommended by the President, and the figure, the lowest figure before us, the figure represented by the gentleman from Illinois (Mr. Derwinski).

I understand that in the budget request, in the authorization category, the President asked in this area for $675 million. The committee made a reduction of $200 million, recommending to this body a total figure for development loans of $475 million.

The gentleman from Indiana has offered an amendment to reduce that figure by $50 million. I believe the gentleman's amendment is moderate. I do feel, however, that the amendment offered by my dear and distinguished friend, the gentleman from Illinois, is far, far too deep.

I would like to add, however, that I intend to support the committee, and to bolster my views, may I read excerpts from a letter just delivered to me which I think might be persuasive, and I hope very persuasive, with a number of Members of this body at this time.

Mr. Chairman, I quote in part from a letter from the President:

The White House,
Washington, D.C.

Hon. Gerald R. Ford, Jr.,
Minority Leader,
House of Representatives,
Washington, D.C.

Dear Jerry: I want you to know of my personal conviction that the United States must, in our own long-term interest, continue to provide an adequate level of economic and military assistance to those less developed countries willing to help themselves.

I appreciate that foreign assistance is difficult and vulnerable legislation in a period of severe demands on the Federal budget. However, my request of $2.2 billion for economic assistance was the lowest such request in the last ten years. It represented roughly one percent of the Federal budget, compared with much higher proportions in the earlier years of this decade. My request for $425 million of grant military assistance was about the minimum needed to support mutual security arrangements, primarily in Asia.

However, the Foreign Affairs Committee has already reduced my requested authorization by $416 million in economic assistance and $25 million in military assistance and has added new programs which compound the extent of the reductions.

Sincerely,

RICHARD NIXON.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am happy to yield to the gentleman from Illinois.

Mr. DERWINSKI. I am sure my dear minority leader——

Mr. GERALD R. FORD. Our affection is getting out of hand here in the floor.

Mr. DERWINSKI. I am sure the gentleman is not implying that my amendment is intended to embarrass the President. It is merely offered to help the President continue to trim the budget, and I have a sneaking suspicion that even though that is an eloquent letter——

Mr. GERALD R. FORD. And eloquently read.

Mr. DERWINSKI. Yes, eloquently read—since the President is greatly engrossed in the Supreme Court controversy in the other body and he has his heart and soul in that issue, there will be a letter to the minority leader there. I do not recognize the same spirit in the letter that the gentleman from Michigan just read. I think at least those on this side of the aisle know that if my amendment is supported, the President will still sleep well tonight.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Let me conclude, if I have time left, Mr. Chairman. As I said a few moments ago, I personally believe very strongly in the basic principles and objectives of this program, and on the basis of the pluses and minuses over 23 years, I know there are far more pluses than minuses. The committee has carefully, I believe constructively, made adjustments in the amounts recommended by the President. I personally hope and trust that the maximum amount that can be obtained here in economic and military aid will be approved, and I support the committee as strongly as I possibly can.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. When this discourse began this afternoon, the gentleman from Michigan went to the well of the House and called for support of the committee bill. Now I notice he is supporting a small-size cut in this particular item.

Mr. GERALD R. FORD. No. Will the gentleman be corrected? I reiterated, I thought, my support for the committee bill. I said the amendment offered by the gentleman from Indiana was a modest one. I believe those were my words. On the other hand, I indicated my allegiance to the committee recommendations.

Mr. GROSS. Where does the gentleman stand? Is he for the amendment of the gentleman from Indiana?

Mr. GERALD R. FORD. How many times do I have to tell my good and dear friend that I am for the committee recommendation?

Mr. GROSS. But the gentleman said that the amendment offered by the gentleman from Indiana was a moderate amendment; did he not?

Mr. GERALD R. FORD. In relation to the amendment offered by the gentleman from Illinois it is a modest attempt to make a reduction—a very logical comment even though I prefer the committee's figure.

Mr. GROSS. So the gentleman is not for any cuts in this bill at all?

Mr. GERALD R. FORD. I am for the committee recommendation.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. DERWINSKI) for the amendment offered by the gentleman from Indiana (Mr. ADAIR).

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 36, noes 53.

Mr. DERWINSKI. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ADAIR).

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 51, noes 54.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PELLY: Page 58, line 19, after the period insert the following: "The President shall suspend the contributions to the United Nations Development Program authorized by this subsection if the United Nations adopts any resolution or takes any other action which directly or indirectly jeopardizes the sovereignty granted to coastal states under the Convention on the Continental Shelf, April 29, 1958 (15 U.S.T. 472; T.I.A.S. No. 5578); that is the submerged Continental land mass of coastal nations. Such suspension of contributions shall continue until the President determines that the resolution or other action which caused the suspension has been rescinded."

Mr. PELLY. Mr. Chairman, in 1967, Ambassador Pardo of Malta presented a resolution in the United Nations calling for the establishment of an international regime which would be charged with the responsibility of exploring and exploiting the resources of the oceans for the benefit of mankind with particular emphasis upon the needs of the so-called developing nations.

Following this proposal, the United Nations at the 22d session on December 28, 1967, adopted a resolution establishing an ad hoc committee to study the peaceful uses of the seabed and the ocean floor beyond the limits of national jurisdiction. It was directed to prepare a study which included recommendations concerning practical means to promote international cooperation in the exploration, conservation, and use of the seabed and ocean floor within the framework of the Malta resolution.

At the 23d session of the U.N. General Assembly, a resolution was adopted establishing a committee composed of 42 member States on the peaceful uses of the seabed. This committee was instructed, among other things, to study legal principles which would promote international cooperation in the exploration and use of the seabed and ocean floor and insure that the exploitation of ocean resources would be for the benefit of mankind.

Mr. Chairman, I understand that in the United Nations this week the United States is prepared to back a revised resolution on this matter. The United States has worked to remove some unacceptable, to me, provisions. However, this still is the first foot in the door by which we can lose the seabed over which the United States presently has sovereignty. Our own State Department, Mr. Chairman, apparently is turning its back on the apprehension and concern that is being expressed by many of us here in the Congress.

It is for this reason I am introducing this amendment today to the foreign aid bill that would suspend the contributions to the United Nations development program if the United Nations adopts any resolution or takes any other action which directly or indirectly jeopardizes the sovereignty granted to coastal States under the Convention on the Continental Shelf of 1958; that is, to the submerged Continental land mass of coastal nations.

The question of what is the land over which a coastal nation has sovereignty is clearly indicated in my amendment. This is important, Mr. Chairman, as the Geneva Convention on the Territorial Sea and the Contiguous Zone, which became effective in 1964, recognizes the existence of an exclusive territorial sea, but it does not specify its breadth.

The Geneva Convention on the Continental Shelf was promulgated in 1958, becoming effective in 1964, and this document for the first time attempted to formulate the seaward limit of national jurisdiction. It defines the Continental Shelf in the following manner:

> For the purpose of these articles, the term "Continental Shelf" is used as referring to the sea-bed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, but to a depth of 200 meters or, beyond that limit, to where the depth of the super-adjacent waters admits of the exploitation of the natural resources of the said areas.

The definition of the Continental Shelf, as set forth in article I of the convention, contains two specific and alternative measurements. On the one hand, the definition purports to limit the jurisdiction of the coastal state to the point where the superadjacent water reaches a depth of 200 meters or about 650 feet. On the other hand, the definition goes on to extend this jurisdiction potentially "beyond that limit, to exploitation." It is my understanding that at the time this convention was drafted 200 meters was the effective limit of economical undersea oil and gas extraction. However, the state of the art now has progressed dramatically beyond that point.

The point is, Mr. Chairman, that while firm jurisdiction is necessary, the action of the United Nations now is to open the way for developing countries, whether coastal or not, to get a share of coastal jurisdiction of nations, such as the United States. This to me is ceding our already granted jurisdiction, and I am opposed as I think all Americans should be opposed.

As indicated previously, the resolution of Ambassador Pardo of Malta envisioned the vesting in the United Nations of jurisdiction over the seabed and subsoil of the oceans beyond national jurisdiction. This concept entails establishment of an organization which would license member states or nationals of member states to explore and exploit specific areas of the ocean floor. I am opposed.

My amendment to this bill would clearly demonstrate the concern of the Congress toward any giveaway of our sovereignty as established by international law. This amendment would serve notice on the General Assembly of the United Nations, and to our own State Department, I might add, that the Congress of the United States will not stand idly by while they liquidate the rich resources of the submerged continental land mass adjacent to and seaward of our coastal shores.

I urge adoption of this amendment to suspend contributions to the United Nations development program if the United Nations passes a resolution which would jeopardize the sovereignty granted to coastal States.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. Pelly was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, as the former chairman of the Subcommittee on International Organizations and Movements, I certainly share the gentleman's concern. The distinguished present chairman of that subcommittee, the gentleman from New Jersey (Mr. Gallagher), is also present.

As the gentleman knows, our subcommittee and the Committee on Merchant Marine and Fisheries have held hearings and watched this matter very carefully. The State Department, as far as I know, has opposed any action which would jeopardize the interests of the United States under the convention. I am convinced that no action of the United Nations General Assembly will change that or have any effect on it.

I can assure the gentleman that all of the committees that have jurisdiction over, and are interested in, this matter are watching it very carefully.

As the gentleman has correctly said, at the present time in the United Nations there have been efforts made to deal with the Malta resolution. The resolution is under consideration now. What we are asking for is to be sure that the interests of the United States and other coastal States are adequately protected on the question of fisheries, territorial waters, the seabed, and the Continental Shelf. Therefore, I hope while the matter is a pending matter in the United Nations that we can suspend the amendment offered by the gentleman, because it could have a direct effect on the attitudes and votes of the countries involved in that issue.

We will watch it very carefully and be sure that the gentleman's interests are fully protected, and we assure him that we have a continuing and deep interest in this matter, as he has also manifested.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Pelly, at the request of Mr. Gallagher, was allowed to proceed for 1 additional minute.)

Mr. PELLY. The gentleman from Florida, Mr. Chairman, in 1967, held hearings on this, and I know of his concern in it. Many Members of Congress introduced legislation expressing their opposition to any transfer of our sovereignty. I certainly do not want to embarrass our representatives in the United Nations, but I want to serve notice on the United Nations that this Congress will not stand idly by and see any of our rights given away without the consent of the Congress of the United States.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I would like to compliment the gentleman for raising a tremendously important issue which we all tend to overlook. I would like to assure him that the Subcommittee on International Movements and Organizations, which I presently chair, does intend to hold hearings on this matter before we proceed any further. I would like to give the gentleman that assurance in the event he would withdraw his amendment.

Mr. PELLY. Mr. Chairman, I thank the gentleman for his assurance.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I would like to add my words to what others have said. We do appreciate the gentleman bringing this matter to our attention. This subject has been one in which the Committee on Foreign Affairs has been interested. As a result of the gentleman's action here today, he may be assured that the committee will continue to give close attention to the situation and will recommend any corrective legislation that may be necessary.

Mr. PELLY. Mr. Chairman, I thank the gentleman for his kind remarks.

Mr. Chairman, on the basis of the assurances that I am given, I would like to ask unanimous consent to withdraw this amendment and at some later time perhaps I can present my arguments.

The CHAIRMAN. Is there objections to the request of the gentleman from Washington?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just received a letter from President Nixon. I understand the minority leader also received a letter. I received it a few minutes ago. It relates to the bill pending before the House. I would like to have the contents of the letter read to the House so that the Members will have in mind the views expressed by the President in his letter to me.

Mr. Chairman, I ask unanimous consent that the Clerk be authorized to read the letter of the President of the United States.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the letter as follows:

The White House,
Washington.

Hon. John W. McCormack,
Speaker of the House of Representatives
Washington, D.C.

Dear Mr. Speaker: I want you to know of my personal conviction that the United States must, in our own long-term interest, continue to provide an adequate level of economic and military assistance to those less developed countries willing to help themselves.

I appreciate that foreign assistance is difficult and vulnerable legislation in a period of severe demands on the Federal budget. However, my request of $2.2 billion for economic assistance was the lowest such request in the last ten years. It represented roughly one percent of the Federal budget, compared with much higher proportions in the earlier years of this decade. My request for $425 million of grant military assistance was about the minimum needed to support mutual security arrangements, primarily in Asia.

However, the Foreign Affairs Committee has already reduced my requested authorization by $416 million in economic assistance and $25 million in military assistance and has added new programs which compound the extent of the reductions. More particularly:

—The reduction of $100 million in supporting assistance will severely limit our ability to help finance the cost of "Vietnamization" of the war effort, which is so critical to the success of our overall strategy in that area. Any additional reductions, coming just after the Vietnamese Government has undertaken a draconian set of tax increases which required tremendous political courage, would run a serious risk of our being charged with bad faith. The tightly budgeted supporting assistance request is also required for essential security programs in Laos and Thailand, and for relief in Nigeria.

—The $116 million cut in authorization of AID programs in Latin America will raise questions about our willingness to continue and improve our support for social progress in this hemisphere. The decisions of the Congress will be made during the course of an inter-American meeting taking place in Washington designed to lay the basis for closer economic cooperation.

I understand your concern over the need to bring a new approach into our foreign assistance efforts, and I share that concern. As you know, I have appointed a Task Force, under the chairmanship of Rudolph Peterson, to develop just such an approach. I am confident that it will do so and I look forward to proposing a new program to you next year.

In the meanwhile, however, I hope that Congressional leaders will approach this year's decisions on foreign assistance with a full appreciation of the serious consequences of both the reductions so far and any deeper cuts that may be advocated. Such reductions will have virtually no effect on our actual expenditures in FY 1970 because of the lag in actually disbursing the funds, but would have an extremely serious impact on our leadership responsibilities in this important field. I therefore urge you to avoid or minimize further cuts in the bill now before the House.

Sincerely,

RICHARD NIXON.

Mr. McCORMACK. Mr. Chairman, the views of the President of the United States, without regard to political party or the political party of the President, are always worthy of consideration by the Members of this body.

President Nixon has expressed his views in the letter which has just been read to the House. I concur with his views.

Mr. Chairman, I can remember when foreign aid first started there were those who said that it might go for 1 or 2 years. But I further remember taking the floor and saying that I wanted the RECORD to show that at least one Member realized that this type of activity on the part of our Government will have to continue for many years to come. To me it is the affirmative side of our Government in meeting the challenges that exist in the world today.

Mr. Chairman, whenever I vote for defense legislation or whatever it might be—appropriations for the Department of the Navy, the Department of the Army, and the Department of the Air Force as well as the other elements of our national security, I basically have in mind that that is in connection with the preservation of my country in case of necessity and in case of any attack.

I remember Pearl Harbor. I offered a resolution declaring war the day after Pearl Harbor in this very Chamber. Fortunately, as I said before, several weeks ago, we had time to recover then. We will never have another opportunity to recover again after another attack. So, we have got to be prepared before the fact. Therefore, when it comes to national defense that is vitally important in my mind.

While it is not entirely negative, because our national defense to a great extent helps carry out our policies in the diplomatic field, nevertheless it is related to preservation and it is negative in a sense. But foreign aid has been affirmative. It is the affirmative side of our Government in the challenge that confronts us in the world of today, the affirmative side in connection with our national interests.

I realize the difficulties, I realize the sensitiveness, and I realize the disappointments in the minds of many of my colleagues, and also in the minds of many of our people throughout the United States, but nevertheless it is the affirmative side in this challenge that exists in the world today—and necessity for it exists just as strong today as it did 10 or 15 or 20 years ago. It is for this basic reason that I have always supported legislation of this type.

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI: Page 61, line 18, strike out everything following "1970," down through "which amounts" in line 19 and insert in lieu thereof "which amount".

Mr. ZABLOCKI. Mr. Chairman, when the committee considered the legislation before us, the authorization for supporting assistance was intended to be for 1 year. In error, the bill came out of the committee providing for a 2-year authorization.

This amendment is a corrective amendment to reflect exactly what the committee had done. Therefore, I am presenting it to the Committee of the Whole House on the State of the Union. I am hopeful, however, that my amendment will not prevail. We are now in the fifth month of the fiscal year and the 11th month of the calendar year. It makes little sense to authorize supporting assistance funds for the remainder of fiscal 1970 and to have to consider another authorization in a few months, particularly since the bill carries 2-year authorizations for the other parts of the program. It is the consensus of the majority of the members of the committee that a 2-year authorization should be provided for supporting assistance.

Mr. Chairman, I am merely presenting this amendment because it is proper to do so. I hope it will not prevail.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will be glad to yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, I thank the gentleman for yielding.

In light of the situation the gentleman has outlined, and the confusion between the 1- and 2-year provisions in this bill, together with the fact that, as has been pointed out, we are so far advanced into this fiscal year, I would join the gentleman in hoping that his amendment would be defeated. I believe that in the long run this move will effect economies in this program.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS FOR THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. GROSS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS as a substitute for the amendment offered by Mr. ZABLOCKI: Page 61, beginning in line 17, strike out "$416,600,000" and all that follows down to, but not including, "shall remain" in line 19, and insert in lieu thereof "$104,150,000 for the fiscal year 1970, which amount".

Mr. GROSS. Mr. Chairman, I have no illusion as to what will happen to this amendment.

This is the first of a series of amendments I had intended to offer and may yet offer—I do not know. But the defeat of these first amendments pretty well seals the fate of other amendments to put some financial sanity in this legislation.

Mr. Chairman, this is an amendment to cut this item by 75 percent in conformity with President Nixon's demand for a 75-percent cut in construction here at home in needed projects—veterans' hospitals, flood control projects, water resource projects—you name it.

If it is good for the people of this country to cut their projects 75 percent, it ought to follow that it is good for foreigners to cut the giveaway program by 75 percent in all its ramifications.

You can stand here today and shed crocodile tears for people around the world, but the truth of the matter is, and you know it, that this Government is in deep financial trouble. Moreover, we have dished out $182 billion-plus, including interest on the money, around this world, and we have fewer friends than we had before.

So, Mr. Chairman, I offer this amendment to make the record. Let us see whether it is proposed to make fish of the American people and fowl of foreigners. I simply give you the opportunity to take the President up on his proposition of denying the American people worthwhile projects while he, at the same time, demands additional millions for foreigners.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. Chairman, there may be a little confusion here about this whole thing since the gentleman from Wisconsin offered an amendment which he hopes will be defeated. I find myself in an anomalous situation, wanting the same thing, for perhaps different reasons.

I join in everything the gentleman said about the lateness of the hour, so far as the calendar year and the fiscal year is concerned. It has been very difficult if not impossible for any of the subcommittees of the Committee on Foreign Affairs to function because we are always tied up in the full committee with the foreign aid bill for the biggest part of the year.

I have never been an advocate of a 2-year authorization for this bill. But by the time this gets through both bodies, it is only going to be a 16- or 17-month authorization, I think. I would like to have some time next year to explore in some depth with my subcommittee, and I know other subcommittees would like to, some of the administration of this act.

Before any of you Republicans get a bit worried about that, let me say that most of the exploration will be done mostly about Democrats because they are the holdovers down there and they are the ones who are running the pro-

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gram—presumably they were Democrats when they were appointed—heaven only knows what they might be now.

But I am really concerned that the program is being administered in some countries at least mainly for the benefit of the bureaucracy which runs the show rather than to get the job done. At the risk of being a bore, I will again remind you, and some of you may not even know this, one time a few years ago I made an unannounced trip to Colombia. Nobody knew that I was in the country until I called at the Ambassador's office with a list which had been given to me by the Washington office of 62 people, if my memory is correct, 62 employees of the AID mission and I said I wanted to see all of them. I found out to my amazement, because nobody tipped me off to this—I wanted to see them and find out what they were doing—30 of them were not in the country and some of them had not been there for more than a year. Yet, they were carried on the rolls and carried on the payroll as being employees of the AID agency in Colombia.

Now I get criticized a little bit for traveling. I told a reporter this morning that, as chairman of this subcommittee, if I did the job the way it ought to be done, I would not be here at all. You cannot call them in. My friend from Iowa has said, "Why don't you call them in front of the committee here?"

We had done that, as far as Colombia is concerned, and they said, "These people are there. This is their title. This is what they are doing."

The minority leader may be interested to know that one of them had been at the University of Michigan for 1 year and was separated from the program, but he was still on the rolls and running one of the departments down there.

So I support a 2-year, or 15-month, or 17-month authorization, whatever it is.

I would like to speak for a minute or two further on the bill, since I have not yet spoken on the bill. I find myself pulled in two directions by the amendment offered by the gentleman from Iowa (Mr. Gross). I had prepared an amendment and had offered an amendment which I had hoped would give the President "more flexibility," which tied foreign aid expenditures directly to whatever he should determine he could afford to spend in this country.

My amendment stated that foreign aid shall be cut by whatever percentage the President cuts domestic construction, which meant that, if he suddenly decided he could go 50 percent for that, he could go 50 percent for foreign aid. If we got in such good shape that he could go 75 percent, foreign aid would come up accordingly.

I submitted the amendment to the Parliamentarian and he said that it is not germane. I said to him—and I am going to say it here—we have got ourselves tied up with so many rules and precedents that we cannot legislate. Why should that not be germane? Why should not what is good enough for Americans be good enough for the foreign aid program? Why should not we tie it directly to what the President thinks he can spend? But I am precluded from offering that amendment, and I have mixed emotions about a total 75-percent cut. I probably will not vote for the bill because of the fact that there is no flexibility and because I do not want any part of this grandiose steal that is written in the bill, which has the misleading title of "OPIC." I do not know what that "OPIC" means, but if it means "OPIC a flaw," I can pick a thousand of them.

Some of you were around here when the RFC was in the law. I say to you that OPIC will make the RFC look like a Sunday school convention, because it would open the gates wide and long and would say, "Come, boys, and help yourselves." So I probably will wind up, for the second time in my life, voting against foreign aid. I probably could support it if we got rid of OPIC. I understand an amendment will be offered to do that.

Depending upon the fate of that amendment, I have an amendment to to knock out the supergrades they want for OPIC to the number of 20 or so. I feel positive it will prevail, because I think we have agreement on both sides.

But what I got up here to say in the first place was that I agree with the gentleman from Wisconsin that his amendment should be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Hays was allowed to proceed for 2 additional minutes.)

Mr. GROSS. In further support of my amendment, I merely wish to read a couple of short paragraphs from my remarks of yesterday:

> The Corps of Engineers, for instance, was given by the House only enough money to begin construction of 25 out of a total of 161 needed flood control, water supply, and pollution control projects.
>
> In fiscal 1969, the Corps of Engineers and the Bureau of Reclamation delayed or stretched out 139 projects already underway throughout the United States and the corps had to issue 101 notices to contractors that its funds were exhausted.

Mr. HAYS. Let me say I am sympathetic with the gentleman, and what he has read is true. I am very candid, as most of you know by this time. I hoped to get my amendment in to use a little leverage on the President and get him to raise domestic construction. I had a double motive there—in fact, I had more like a single motive, which was to get a little more money into some of these needed projects at home, because I know and you know—and I speak as one with deep knowledge of the subject and for 19 or 20 years a supporter and a loud and strong supporter—that foreign aid is the pet of every President we have had.

If I could have gotten my amendment in, it would have been interesting to see if the President would have been so interested in his foreign aid that he would have relaxed somewhat on his curtailment of the domestic expenditures. So I must say I stand before this Committee very sad indeed that my amendment was not considered germane.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, yesterday in general debate, I pointed out not only the purpose of my amendment, but expressed also the hope that it would not prevail. I also pointed out the need and the purpose and the use of the supporting assistance.

Supporting assistance, I stated, was economic aid, but it is related primarily to the advantage of the United States. The United States gets as much, if not more, benefit from it than the recipient country.

If the gentleman's cut of 75 percent will prevail, it will certainly jeopardize the programs of support in Vietnam, and in Laos, and in Thailand.

As the committee knows, $414,600,000 is authorized in the bill for supporting assistance. This item has been carefully considered in the committee. We have cut it $100 million below the executive request, but I submit that if we would even for a moment entertain the thought of cutting it to $104 million, we would be doing great damage to very important programs, particularly in Southeast Asia, where we would be undercutting the efforts of our allies in that area.

Therefore, Mr. Chairman, I hope the gentleman's substitute amendment will not prevail.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield very briefly.

Mr. GALLAGHER. Mr. Chairman, I asked the gentleman to yield for a point of clarification. There are two votes involved. One is to vote on the substitute offered by Mr. Gross, cutting the assistance program by three-quarters, since it takes out $300 million of the $414 million. That is the first vote. Then the second vote comes on the amendment which the gentleman from Wisconsin urged should be defeated, so that the program can have a 2-year authorization in line with the rest of the program.

Mr. ZABLOCKI. To further clarify it, I respectfully hope that the committee will vote no in both instances.

Mr. GALLAGHER. That is correct.

Mr. ZABLOCKI. Mr. Chairman, I hope the committee will vote no on the substitute offered by the gentleman from Iowa, and no on the committee amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman from Wisconsin mentioned Thailand. Does the gentleman know the Government of that country loaned the U.S. Government $100 million last year at 6 percent interest? What would be their need?

Mr. ZABLOCKI. Mr. Chairman, I am glad the gentleman from Iowa asked that question. As the gentleman knows, every country has to maintain a foreign currency reserve. They keep it in the form of gold or of major foreign currencies. In the case of Thailand and Korea and Taiwan, instead of holding their reserves in gold, they buy U.S. Government securities. I think they are doing us a favor as far as our balance of payments and gold flow are concerned. I would suggest to the gentleman from Iowa that I would like to see every country purchase U.S. Goverment securities as a reserve against their foreign currency requirements.

Furthermore, I might say it does indicate the confidence they have in the United States. If we follow the suggestion of the gentleman from Iowa, that confidence will soon be lost.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Chairman, the gentleman has raised a point. I must advise that 93 percent of the money in supporting assistance programs goes to Laos, Vietnam, and Thailand.

Mr. CARTER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, it is my feeling that today we should evaluate the effects of the present foreign aid program. What has been done?

Of course, we realize that the Marshall plan was effective. That was many years ago, and the countries so helped are able now to stand on their feet.

Now, what good is it doing in this hemisphere and throughout the world? What are the results? I have heard very little said about what has been accomplished.

What has been done in El Salvador, for instance, or in Nicaragua? If I remember correctly, we gave El Salvador $5.8 million in military aid. We also gave the little country of Nicaragua $6.9 million of military aid. What happened? They engaged in what is called the soccer war, financed by the people of the United States, by the taxpayers here in our country.

I say it is time now for us to bring this senseless way of doing to a halt, to a conclusion.

What happened to India and Pakistan? We had given them hundreds of millions of dollars of military aid. They had a war financed with American taxpayers' money.

Of course, I realize that certain aid to India is necessary. In all fairness, I should like to help the teeming millions. On the other hand, why should we give them military aid? Why should we give that aid to Pakistan, to have another war, when we have seen one? We promoted one or financed one in their countries.

In all the talk I hear of affirmative stances and affirmative positions, I do not hear what conclusions have been reached, what things have been done, or of economic levels which have been raised. I hear nothing, really, of the method by which we have helped these underprivileged countries; and that is through family planning and birth control. We know that in South America today the population is increasing by leaps and bounds. The simple way of accomplishing foreign aid is by promoting family planning in that area. If we do not do something there are going to be more wars and there is going to be more unrest.

Today the money which we are so wildly spending in these foreign areas could be well used here at home. The taxpayers of America are tired of financing worthless projects in other countries.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Missouri.

Mr. ICHORD. I agree with the gentleman from Kentucky.

Mr. Chairman, although I have constantly voted against the Foreign Assistance Act each year it comes before the House, I do firmly believe that foreign aid is a valuable tool of foreign policy. If I had been in Congress when the Marshall plan was considered, I would have been a vigorous champion of the program. Such a program was necessary to rebuild the war-torn nations of Europe. But since the Marshall plan was terminated some 18 years ago, foreign aid has been extended to 121 nations and seven territories of the world. During 1970, the foreign aid program will be operating in 99 nations and five territories of the world. The arguments for foreign aid have become so numerous, and in some cases, so complicated, that they have permanently escaped the gravity of realism. For example, it is often argued that foreign aid helps the U.S. economy because the funds given or lent in many cases are spent in the United States.

Today, we consider a bill authorizing $2.1 billion, however, it must be borne in mind that this is only a small part of the total foreign aid cost. Foreign aid has been fragmented among several programs and this is only a part of the total foreign aid programs which will cost approximately $10 billion during the next fiscal year. Since 1946, we have spent $122 billion in foreign aid. To this sum, there must be added the interest cost of $60 billion, making a grand total of $182 billion. Although I consider some of the programs worth while I cannot vote for a program of such magnitude.

There has been so much waste in the program, so many mistakes made that it can be seriously questioned whether the program does more good than harm. I firmly believe that the program has too often involved us too closely in the internal affairs of other nations. It has over the long run weakened many of our allies and friends by doing something for them which they should have been doing themselves.

Here we are asked to authorize an additional $2.1 billion when we have $19 billion in the pipeline at the present time. Can the Nation afford an additional $2.1 billion when we see our own domestic programs curtailed in the interest of economy? Can the Nation with a national debt of more than $360 billion now paying 7-percent interest for the money it borrows afford to authorize foreign loan programs calling for 2- and 3-percent interest? Should we as Members of Congress authorize another $2.1 billion in foreign aid and continue to cut back on programs designed to solve the many serious domestic problems we have? Because of the severe demands placed upon available funds we are in fact faced with a choice between the funding of foreign aid programs and the funding of needed domestic programs. In view of the present financial situation, I hope the House will drastically reduce the funds sought to authorize in H.R. 14580 and the Gross amendments now being considered is a good place to start.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Ohio.

Mr. TAFT. I thank the gentleman for yielding.

I should like to point out, by way of clarification, that I believe the gentleman is talking about military assistance. Of course, that is not the section of the bill on which the amendment before the Committee is based. This is supporting assistance.

To go on for just a moment, to raise other questions, I made some inquiry yesterday, after noting some of the statements made on the floor with respect to the amounts expended over a period of 23 years on foreign aid and the interest said to have been paid on that. Some of the figures I thought were a little conjured up and do not relate to foreign aid. However, even taking the figure on foreign aid of $182 billion——

Mr. CARTER. Mr. Chairman, I should like to answer that now.

I want to assure the distinguished gentleman every figure I quoted yesterday came from our Library of Congress.

Mr. TAFT. I should like to give the gentleman one more figure to consider.

Mr. CARTER. Yes.

Mr. TAFT. That is, in this 23-year period——

Mr. CARTER. I have never referred to a 15-year period, but to a 23-year period.

Mr. TAFT. The gentleman is correct, of course. The period involves 1946 up to the present.

Mr. CARTER. That is exactly right.

Mr. TAFT. In that period over $1 trillion has been spent on the defense budget. Does not the gentleman believe it might be worth while to try to stabilize things in the world a little with a little supporting assistance as proposed in this section of the bill?

Mr. CARTER. I cannot agree with the distinguished gentleman from Ohio.

I feel it is time to cut back and if we cannot show good effects from our spending, then we should bring this to a halt. It certainly should be reorganized or reworked so that it can be helpful to those for whom it is intended. Our taxpayers' money should not be used so as to support wars between AID recipients; rather our efforts should be directed in the paths of peace. Neither should the taxpayers' money be used to prop up the regimes of dictators such as Francois Duvalier who do not know the meaning of democracy.

The CHAIRMAN. The question is on

the substitute amendment offered by the gentleman from Iowa for the amendment offered by the gentleman from Wisconsin (Mr. Zablocki).

The question was taken; and on a division (demanded by Mr. Gross) there were—yeas 26, nays 54.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Zablocki).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolff: Page 42, after line 2, insert the following: "Not more than 10 per centum of the total capital authorized to be paid into the corporation under section 322 shall be loaned under this subsection to a single firm."

Mr. WOLFF. Mr. Chairman, this is a simple amendment and I shall be brief. What I propose here is that not more than 10 percent of the capitalization of the Overseas Private Investment Corporation—OPIC—can be loaned to a single firm. I consider this important so that we can be assured that the resources of OPIC will not go to one or two firms and thereby undermine the entire program that OPIC not be used, with all of its management, personnel, and expenses of operation to serve one or two U.S. firms.

When President Nixon first proposed creation of OPIC and when administration spokesmen appeared before the Foreign Affairs Committee in support of this idea, we were assured that it would add a new dimension to our foreign assistance program through increased private participation.

I welcome this. As a consistent supporter of foreign aid I have regularly urged increased participation of the private sector in international development. In fact, with the gentleman from Massachusetts (Mr. Morse) I coauthored the amendment in 1966 which created the International Private Investment Advisory Council—the forerunner of OPIC.

Now, if OPIC is indeed considered part of this bill and if it does pass and if it is to achieve its goal of broadening the scope of private sector involvement in overseas development which is a highly worthy goal it is essential that its available resources not be given and limited to one or two projects, no matter how desirable they may appear.

Thus the committee adopted amendments I offered to limit to 10 percent the total amount of investment guaranties and investment insurance available to a single firm.

The amendment I am now offering would have the same effect on loan funds.

Unless this amendment is adopted there is the very real danger that one or two massive projects would absorb all available loan funds and preclude OPIC from achieving its goal of expanding private involvement in foreign aid.

Certainly, if the purpose of OPIC is to be realized, it must share its resources among a number of investors. If it uses all its funds on one or two projects, it will prove an exercise in futility.

This amendment, then, may be looked upon as insurance against disruption of OPIC aims through loans that would be unreasonably large and a distribution of the risk taken. I consider this an essential step if OPIC is to be successful and urge its adoption by the House.

OPIC offers us a new opportunity for international development; we must not permit it to flounder or be used before it begins.

I urge you to limit the loans extended so that no one firm or group will be the recipient of the entire amount available.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Illinois.

Mr. FINDLEY. For the purposes of clarification, would it be fair to say that the effect of the gentleman's amendment would be to limit to about $2 million the size of any single contract?

Mr. WOLFF. That is correct.

Mr. FINDLEY. As a supporter of limitations, I really do not see any objection to this amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS FOR THE AMENDMENT OFFERED BY MR. WOLFF

Mr. GROSS. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from New York (Mr. Wolff).

The Clerk read as follows:

Amendment offered by Mr. Gross as a substitute for the amendment offered by Mr. Wolff: Page 32, strike out line 22 and all that follows down through page 53, line 25, and insert in lieu thereof the following:

"TITLE II—INVESTMENT GUARANTIES

"Sec. 321. General Authority.—(a) In order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, the President is authorized to issue guaranties as provided in subsection (b) of this section of investments in connection with projects, including expansion, modernization, or development of existing enterprises, in any friendly country or area with the government of which the President has agreed to institute the guaranty program. The guaranty program authorized by this title shall be administered under broad criteria, and each project shall be approved by the President.

"(b) The President may issue guaranties to eligible investors—

"(1) assuring protection in whole or in part against any or all of the following risks:

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof,

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government, and

"(C) loss due to war, revolution, or insurrection:

Provided, That the total face amount of guaranties issued under this paragraph (1) outstanding at any one time shall not exceed $8,500,000,000, and

"(2) where the President determines such action to be important in the furtherance of the purposes of this title, assuring against loss, due to such risks and upon such terms and conditions as the President may determine, of—

"(A) any loan investment for credit unions where the loan investment is made by a credit union, or an association of credit unions, which is an eligible United States investor, or

"(B) not to exceed 75 per centum of any other investment:

Provided, That guaranties issued under this paragraph (2) shall emphasize economic development projects furthering social progress and the development of small independent business enterprises: *Provided further*, That no payment may be made under this paragraph (2) for any loss of equity investment arising out of fraud or misconduct for which the investor is responsible, or for any loss of loan investment arising out of fraud or misrepresentation, for which the investor is responsible: *Provided further*, That the total face amount of the guaranties issued under this paragraph (2) outstanding at any one time shall not exceed $550,000,000, and guaranties issued under this paragraph (2) for credit unions shall not exceed $1,250,000: *Provided further*, That this authority shall continue until June 30, 1972.

"(c) No guaranty shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the President plus earnings or profits actually accrued on said investment to the extent provided by such guaranty, nor shall any guaranty of an equity investment extend beyond twenty years from the date of issuance.

"(d) The President shall make suitable arrangements for protecting the interests of the United States Government in connection with any guaranty issued under section 321(b), including arrangements with respect to the ownership, use, and disposition of the currency, credits, assets, or investment on account of which payment under such guaranty is to be made, and any right, title, claim, or cause of action existing in connection therewith.

"(e)(1) No guaranty of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution (hereinafter the 'original investment') shall cover any loss of a loan or equity investment of such bank, finance company, or credit institution; and in no event shall payment be made under any such guaranty except for loss of the original investment, and, where provided for by such guaranty, earnings or profits actually accrued thereon.

"(2) In the administration of this subsection, the eligible investor may be deemed to have sustained a loss of the original investment only if the foreign bank, finance company, or credit institution in which the original investment was made becomes or is likely to become insolvent due to the occurrence of an event against which protection is provided by the guaranty.

"Sec. 322. General Provisions.—(a) A fee shall be charged for each guaranty in an amount to be determined by the President. In the event the fee to be charged for a type of guaranty authorized under section 321 is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

"(b) Except as provided by section 204(d)(4)(B), all fees collected in connection with guaranties issued under section 321(b) or prior investment guaranty authority repealed by the Foreign Assistance Act of 1969, under sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and under section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1509(b)(3)) (exclusive of fees for informational media guaranties heretofore or hereafter issued pursuant to section 1011 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442), and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended), shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of sections 321 and 324 (including, but not limited to, expenses pertaining to personnel, supplies, and printing) subject to such limitations as may be imposed in annual appropriation Acts, for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 321(b) of this part, sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of informational media guaranties) and to pay the costs of investigating and adjusting (including costs of arbitration) claims under such guaranties, and shall be available for expenditure in discharge of liabilities under guaranties made pursuant to such sections, until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have ben expended in accordance with the provisions of this section.

"(c) In computing the total face amount of guaranties outstanding at any one time for purposes of paragraph (1) of section 321(b), the President shall include the face amount of outstanding guaranties theretofore issued pursuant to such paragraph, sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended, but shall exclude informational media guaranties.

"(d) Any payments made to discharge liabilities under guaranties issued under section 321(b) of this part or prior investment guaranty authority repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of informational media guaranties), shall be paid first out of fees referred to in section 322(b) (excluding fees required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payments made to discharge liabilities under such guaranties as long as such funds are available, and thereafter shall be paid out of funds heretofore appropriated for the purpose of discharging liabilities under the aforementioned guaranties, and thereafter out of funds realized from the sale of notes issued under section 413(b)(4)(F) of the Mutual Security Act of 1954, as amended, and section 111(c)(2) of the Economic Cooperation Act of 1948, as amended, and finally out of funds hereafter made available pursuant to section 322(f).

"(e) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and all guaranties heretofore or hereafter issued pursuant to this title or similar guaranty authority repealed by the Foreign Assistance Act of 1969 shall be considered contingent obligations backed by the full faith and credit of the Government of the United States of America. Funds heretofore obligated under the aforementioned guaranties (exclusive of informational media guaranties) together with other funds made available for the purposes of this title shall constitute a single reserve for the payment of claims in accordance with section 322(d) of this part.

"(f) There is hereby authorized to be appropriated to the President such amount, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

"(g) In making a determination to issue a guaranty under section 321(b), the President shall consider the possible adverse effect of the dollar investment under such guaranty upon the balance of payments of the United States.

"(h) Guaranties committed, authorized, or outstanding under prior investment guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in section 322(b).

"Sec. 323. Definitions.—As used in this title—"(a) the term 'investment' includes any contribution of capital commodities, services, patents, processes, or techniques in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of capital commodities and related services pursuant to a lease or contract providing for payment in whole or in part after the end of the fiscal year in which the guaranty of such investment is made;

"(b) the term 'expropriation' includes but is not limited to any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project; and

"(c) the term 'eligible investors' means United States citizens, corporations, partnerships, or other associations created under the laws of the United States or any State or territory and substantially beneficially owned by United States citizens, as well as foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided*, That the eligibility of a foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the guaranty is issued; in all other cases, the investors must be eligible at the time a claim arises as well as at the time the guaranty is issued.

"TITLE III—SURVEY OF INVESTMENT OPPORTUNITIES

"Sec. 324. General Authority.—(a) In order to encourage and promote the undertaking by private enterprise of surveys of investment opportunities, other than surveys of extraction opportunities, in less developed friendly countries and areas, the President is authorized to participate in the financing of such surveys undertaken by any person on such terms and conditions as he may determine: *Provided*, That his participation shall not exceed 50 per centum of the total cost of any such survey. The making of each such survey shall be approved by the President.

"(b) In the event that a person who has undertaken a survey in accordance with this title determines, within a period of time to be determined by the President, not to undertake, directly or indirectly, the investment opportunity surveyed, such person shall turn over to the President a professionally acceptable technical report with respect to all matters explored. Such report shall become the property of the United States Government, and the United States Government shall be entitled to have access to, and obtain copies of, all underlying correspondence, memorandums, working papers, documents, and other materials in connection with the survey.

"Sec. 325. Authorization.—There is hereby authorized to be appropriated to the President for use beginning in the fiscal year to carry out the purposes of this title not to exceed $2,100,000 which shall remain available until expended.

"Sec. 326. Definitions.—As used in this title—

"(a) the term 'person' means a citizen of the United States or any corporation, partnership, or other association substantially beneficially owned by United States citizens; and

"(b) the term 'survey of extraction opportunities' means any survey directed (1) to ascertaining the existence, location, extent, or quality of any deposit of ore, oil, gas or other mineral, or (2) to determining the feasibility of undertaking operations for the mining or other extraction of any such mineral or for the processing of any such mineral to the stage of commercial marketability."

Page 9, lines 5 and 6, strike out ", section 204(b), and section 322" and insert in lieu thereof the following: "and section 204(b)."

Page 11, line 7, strike out "328(c)" and insert in lieu thereof "323(c)".

Page 26, line 11, strike out "The" and all that follows down through the period in line 22.

Page 32, line 6, strike out "328(c)" and insert in lieu thereof "323(c)".

Page 54, immediately before line 1, insert the following:

"TITLE IV—AGRICULTURAL CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROJECTS

Page 54, line 24, strike out "Corporation" and insert in lieu thereof "President".

Page 55, lines 19 and 20, strike out "The guaranty reserve established under section 325(c) shall be available to make such payments" and insert in lieu thereof the following: "There is authorized to be appropriated to the President such sums".

Page 56, line 8, strike out "Corporation" and insert in lieu thereof "President".

Page 56, strike out line 14 down through line 21.

Mr. GROSS (during the reading). Mr. Chairman, this is a 15-page amendment. If the language in the law should be repealed, if the amendment is adopted, and the language in the bill which creates the Overseas Investment Corporation should be deleted, it is necessary to reinstitute the language now to be found in the Foreign Assistance Act, as amended. This is verbatim to the present provisions of the law as it now exists. Therefore, I ask unanimous consent that further reading of the substitute amendment be dispensed with, since it is verbatim to the law as it now exists.

Mr. ZABLOCKI. Mr. Chairman, reserving the right to object, it is my understanding that the gentleman from Iowa is asking unanimous consent to have the substitute considered as read and printed in the Record?

Mr. GROSS. That is right.

Mr. ZABLOCKI. Mr. Chairman, I might say that we have had an extensive study of this amendment and we have no objection to the unanimous-consent request.

Mr. GROSS. The gentleman from Wisconsin is acquainted with the text of the amendment which I offer and knows it to be the law as it presently exists?

Mr. ZABLOCKI. That is true.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. FULTON of Pennsylvania. Mr. Chairman, reserving the right to object, the question is this: Is this amendment to go into effect only if OPIC provisions are deleted from the bill as it now stands?

Mr. GROSS. Mr. Chairman, if the gentleman will yield; yes. This strikes out the language in the bill creating the Overseas Investment Corporation but would substitute for that language the present law.

Mr. FULTON of Pennsylvania. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. McCORMACK. Mr. Chairman, further reserving the right to object, I would like to ask the gentleman from Wisconsin this question: The gentleman from Wisconsin is not objecting to the unanimous-consent request that the amendment be considered as read?

Mr. ZABLOCKI. That is correct.

Mr. McCORMACK. Does the gentleman agree to the amendment?

Mr. ZABLOCKI. No, no.

Mr. McCORMACK. That is all right.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, we have had a tremendous lot of lobbying and propaganda out of Foggy Bottom in behalf of this Overseas Investment Corporation.

I would like to restate what I had to say about this gimmick yesterday.

The AID propagandists, of course, loudly sing the praises of this so-called Corporation and claim that it is the way to take the Government out of the foreign assistance business. Private industry, they say, will run it with private industry's money.

Nothing in this world, Mr. Chairman, could be further from the truth. What these AID people are attempting is to create yet another layer of bureaucratic blubber.

First of all, the foreign aiders have been in the business of guaranteeing the overseas investments of U.S. corporations for 20 years. They have been running an insurance company, in effect, and they have made a profit doing it.

Several years ago they came to the House, bleeding at every pore, insisting that the minimum appropriation they had to have to back this insurance program was $180 million.

They did not get it, and the American people owe a debt of gratitude to the gentleman from Louisiana (Mr. PASSMAN) and his Appropriations Subcommittee for cutting them down to $30 million.

I am sure that my friend from Louisiana will agree with me that even the $30 million was unnecessary.

By charging a premium for their insurance on foreign investments on the part of U.S. firms, the AID boys have actually accumulated a kitty of $68 million. They have had to pay out approximately $12 million for losses suffered by the insured American businesses in these years, and since those same firms paid in approximately $80 million in insurance premiums, you wind up with a $68 million fund. But, as you might expect, these bureaucrats are not satisfied. They did not turn over this $68 million to the Treasury, where it might have been used to reduce the public debt.

There it sits—$68 million. It is a bewitching sight to a bureaucrat. It is tantalizing. Hypnotic. The urge to spend it is overwhelming, but under the existing rules, the AID boys cannot touch it. What a shame. So what to do?

Why, create a corporation. You take most of the AID employees, who, right now—today—are running this foreign investment guarantee program, and put them on the so-called corporation's payroll. Then you ask for additional employees, create a high-powered and expensive board of directors, and you are almost ready to do the identical business that was being done by AID. Almost, but not quite.

There is the matter of the $57.4 million of appropriated reserves held by AID. Transfer that to the so-called corporation and you begin operations with more than $130 million.

But, just in case Members of Congress are suckers enough to fall for it, they, the foreign aiders, are asking for an additional appropriation of $40 million for a program that, under a different name and with an inflated staff, would have more than a $130 million surplus the day it is created.

If these people have been able to amass a fund in excess of $130 million over the years and have sustained only $12 million in losses, why should we give them another $40 million?

More than that, why should we permit these empire builders to split off this one, self-sustaining segment of the AID Agency and allow them to add still another costly layer of Federal bureaucratic fat?

Mr. Chairman, I urge the adoption of my substitute amendment to dispense with this latest gimmick and boondoggle in the foreign handout program.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would say to the gentleman from Iowa that yesterday we completed action on a conference report providing for a foreign investment tax, a tax on foreign investments, then today we are asked to set up this arrangement to encourage foreign investment.

Does the gentleman from Iowa think this is an inconsistent position for us to take?

Mr. GROSS. Why, of course. It is one more of the many inconsistencies and contradictions that are the trademark of this whole nefarious program of trying to finance the world and be all things to all people.

I thank my friend from Michigan for his observation.

Mr. FARBSTEIN. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Iowa.

Mr. Chairman, I think this is as good a time as any to go into the whole question of the Overseas Private Investment Corporation. It appears as though the gentleman from Iowa seeks by his substitute amendment to remove the entire provision for the creation of this corporation.

Let us get this into context. What is this corporation? What is this ogre that has been presented to us this afternoon?

It was determined when the Agency for International Development was first created that there was a desire by various organizations, various businesses, to invest in the underdeveloped countries. Was this bad? No.

As a matter of fact, we sought to encourage private business to go into the underdeveloped countries because the more money that is invested in other countries, the less money the U.S. Government will have to give them or lend them.

So they came to the Agency for International Development and said—"Now, look, we are satisfied to invest in underdeveloped countries, but we want to be secured against confiscation and against appropriation by the various countries. We want to be insured against currency devaluation. We want to be guaranteed against any loss that we may have."

Now we are going to pay a premium for this. So it was determined by the committee that this was a wise thing and so there was sold insurance.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. Not now, please.

Mr. HAYS. I might make a point of order that a quorum is not present.

Mr. FARBSTEIN. I will try to get more time and I will try to answer your question. But please let me finish.

So there was sold insurance to those people who sought to invest in the underdeveloped countries and also guarantees.

It so happens this turned out to be a good business deal. As time went on there was so much business on the part of private industry to invest in the underdeveloped countries that it was felt by the Agency for International Development that there should be a separate division created within that Agency. So the Office of Private Services was created, and the entire consideration and supervision of any loans made or any investment made in underdeveloped countries was handled through this Office of Private Services.

As time went on, it so happened that this Government agency was unable to make decisions fast enough. As a matter of fact, India needed fertilizer plants. But until a decision could be made by the Office of Private Services to lend sufficient money for the building of fertilizer plants by these private companies that wanted to invest there and save this Government money, 18 months elapsed.

This situation has existed throughout the entire administration of the AID. They try their best but they cannot make decisions fast enough. When it was learned that business was becoming reluctant to invest because of their inability to get decisions from the AID the Agency then determined that perhaps there ought to be created a separate corporation and this is what the Office of Private Investment Corporation is. It was created primarily for the purpose of having a business organization that would be able to make a decision quickly so that private industry could get into the underdeveloped countries and invest their money.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. HAYS. Now you know and I know that was not the reason it was set up at all—to get a decision quickly.

You said yourself that it was set up to guarantee that these people would not lose a dime. Now you know, and I have a question——

Mr. FARBSTEIN. Just a moment. Do not tell me that I said—you know. Let me give you an answer to your question.

In the first place, there is no more than 75 percent, and not the entire amount that is guaranteed, and this is by extending the guarantee for which greater premiums are paid. The Government cannot guarantee the entire investment.

Also, there is insurance sold by the Government under the Office of Private Services today which will be transferred to the Office of Private Investment Corporation who would do the very same thing.

This Office of Private Investment Corporation can take over the Office of Private Services practically lock, stock, and barrel.

Mr. HAYS. Who is paying for it?

Mr. FARBSTEIN. Nobody is paying for it.

The CHAIRMAN. The time of the gentleman from New York (Mr. FARBSTEIN) has expired.

Mr. FARBSTEIN. Mr. Chairman, I ask unanimous consent to continue for 5 additional minutes.

Mr. HAYS. Mr. Chairman, reserving the right to object.

Mr. FARBSTEIN. Go ahead.

Mr. HAYS. I have reserved the right to object.

Mr. FARBSTEIN. May I continue?

Mr. HAYS. No, you may not continue. I have the time now.

The CHAIRMAN. The gentleman from Ohio reserves the right to object.

Mr. HAYS. I may or may not object, I do not know yet.

But I want to make a couple of points here myself. Do you know—and this is a question I want to ask you—do you know of any place that a private corporation that may be in business or may be set up as a risk business, a capital risk corporation, that wants to operate in this country can go to get their investment insured—and whether they pay a premium or not? You know there is no such place.

Mr. FARBSTEIN. Will the gentleman permit me to answer?

Mr. HAYS. Yes, I will be happy to have you answer.

Mr. FARBSTEIN. In the first place, if there is any private organization that is willing to risk its money in the underdeveloped countries, and we seek by this entire foreign aid bill to prevent revolution and prevent communism and to try to help these underdeveloped countries—we say, "Go ahead—you invest. We have tried to do all we could to sell guarantees or insurance to protect private investment." What is wrong with that?

Mr. HAYS. Are you telling me that these corporations that want to be guaranteed are going into these countries because they really want to get in there and make foreign aid work, or are they going in to make a profit?

Mr. FARBSTEIN. No, they are going in there to make money, and it is in the interest of the U.S. Government and in the interest of the taxpayers to get these private corporations to invest their money in the underdeveloped countries and thereby save them taxes.

Mr. HAYS. At no risk to themselves.

Mr. FARBSTEIN. They are paying for the guarantees.

Mr. HAYS. They are paying a premium. If I could get the Government to guarantee me a profit for my farming operation, believe me, I would be delighted to pay a premium.

Mr. FARBSTEIN. Well, except that profit for your farm is not in the interest of the U.S. Government. Also remember that they still have to retain a 25-percent equity in their investment.

Mr. HAYS. I am still reserving the right to object, and, if the regular order is asked for, I will object. Let me say I think it is more in the interest of the U.S. Government to see that I make a profit than to see that some company makes a profit in Bulgaria or in some other country.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 additional minutes.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to my colleague from New York.

Mr. WOLFF. Twenty-five percent of the risk is taken by the private investor.

Mr. MORGAN. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Chair has already recognized the gentleman from New York for 5 additional minutes.

Mr. MORGAN. Mr. Chairman, I merely wish to serve notice that I believe 5 minutes is sufficient for any Member to defend his amendment on the floor, and I am going to object to any further requests for additional time.

Mr. FARBSTEIN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 4 minutes remaining.

Mr. FARBSTEIN. Anyhow, what happened was that this corporation was created for the purpose of taking over the burden of the Office of Private Services; and, to make sure that there are safeguards, there is created a board of directors that may make a decision when the time arises for a proposal to be made by a private corporation. That is basically the reason for the private corporation.

On the board of directors you would have a representative of labor, a representative of small business, and a representative of cooperatives. The policy of the corporation will be laid down by the Secretary of State. They are to follow the policies of the U.S. Government. What is wrong in allowing these corporations to go into the underdeveloped countries for the purpose of making a profit? It is true that at the same time the U.S. Government has made profits as a result of the premiums they have received for selling insurance and selling guarantees.

The Office of Private Investment is taking over the Office of Private Services so that it can be run practically so that a decision will not have to wait 18 months before a private business will invest.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am wondering whether this section does not really mean we are saying to business firms, "Heads you win, tails the U.S. Government loses?"

Mr. FARBSTEIN. If that is so, then the Office of Private Services exists for the same purpose. The Office of Private Services sells guarantees and has the very same service, but when it is given the name "Office of Private Investment Services," everybody suddenly seems to become disturbed.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Connecticut.

Mr. MONAGAN. It has been said or implied that this guarantee would guarantee a profit. That is not the case, is it?

Mr. FARBSTEIN. That is true.

Mr. MONAGAN. This is a guarantee against certain specific risks—inability to convert, losses through expropriation or confiscation due to war, and so forth.

Mr. FARBSTEIN. That is correct, except that extended guarantees, when they are paid for, will guarantee them against loss.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, is it not true that the decision of the committee to recommend establishment of the Overseas Private Investment Corporation was considered in great detail by the committee, that hearings were held both in the full committee and in the subcommittee on this point, and a decision was made that there should be a change in the present structure so as to improve the opportunities for business to participate and help those countries?

Mr. FARBSTEIN. That is exactly correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, if this Overseas Private Investment Corporation empire is built, will it also have to have—as the International Monetary Fund had to have—a golf course and lush country club out in Maryland to take care of its well-paid employees?

So I say, Mr. Chairman, we are building up an ogre that simply does not exist. This is simply an extension of the present Office of Private Services. It is just that we are trying, by this function, to take care of investments by private corporations which will have the assistance of the Federal Government in order that our foreign policy may be continued.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

ARAB REFUGEE CAMPS

Mr. CELLER. Mr. Chairman, I refer to chapter 4, section 401, page 59, lines 17 to 25 inclusive, which reads as follows:

> "(g) No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

This is a restatement of the present law. This prohibition has been rendered a nullity by the United Nations Relief and Works Agency. It has been honored in the breach rather than in the observance. It is a dead letter. The officials of this organization and those others in the U.N. and our State Department who may be held responsible or partly responsible, should be condemned for their flouting the law.

We are now told that some 14 out of 15 of the Palestine refugee camps in Lebanon are in the control of guerrillas and members of the Palestine Liberation Army. Thus our money is being used to maintain these refugee camps which, in turn, are used for recruiting soldiers to attack Israeli settlements. Our moneys are used to lend encouragement to El Fatah and Arab marauders who bomb marketplaces, buses, and homes that take the lives of the innocent.

These camps have cost us since 1948 to date $471,618,000. The authorization for the current fiscal year will be $23 million, that is about 53 percent of the total cost of maintenance of these camps. Heretofore our contribution has been 70 percent. Surely we must direct our attention to this vast outlay which has accomplished little or nothing, but on the contrary has brought about genuine evil.

The number of refugees has not diminished.

The number has yearly been augmented. Many are in these camps who are not really refugees. Ration cards are often bought and sold. Many are self-supporting. They should be weeded out. No accurate assessment has been made by the United Nations Relief and Work Agency. The latter has a ridiculous working rule: "once a refugee always a refugee." Refugee status is handed down from the original refugees to their children and their children's children and all subsequent generations. This definition is absurd.

The United States helps pay for the education of children of refugees in the schools inside these camps. In these schools are taught hatred and animosity of the Israelis. The children are saturated with anti-Israel propaganda—and we in part pay for such so-called education.

Reassessments indeed are in order.

More light must be shed upon this situation.

Warning is hereby given to this extent: That if conditions in these camps do not materially change for the better, most drastic legislative measures will be taken. Presently no amendments to the present language of the bill as far as these camps are concerned. But our patience is not inexhaustable.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, the private investment provisions of the foreign aid bill have been around for a good many years. Really the Committee on Foreign Affairs at the very beginning of foreign aid wrote in the section on investment guarantees. Private enterprise has been part and parcel of the foreign aid program since it began in 1948 and has made a great contribution.

Many people in this House hope the day will arrive when we can get foreign aid off the taxpayers' back and move in other directions. Private enterprise can contribute to this effort, one of the major new elements in this program this year is the Overseas Private Investment Corporation. This was sent up by President Nixon, in the hope that there would be some new directions to the foreign aid program.

The Overseas Private Investment Corporation is one of the important elements in this new direction in foreign aid, and the other aspect of the new direction is the new emphasis on technical assistance.

This is not something just dreamed up in order that private enterprise can cash in on and make a lot of new money out of the foreign aid program. This is a new effort by the present President, in the hope that it will be possible to move private enterprise further in the direction of investing in the underdeveloped countries. This ought to cut down the foreign aid burden.

I hate to see this effort get sidetracked in arguments about building a new agency or building a new bureaucracy. This is something that is an experiment. This new Government corporation will help us to move private enterprise further and further into the area which is now being financed with foreign aid funds, so that we can relieve the American taxpayer.

I hope before we vote we take this fact into consideration.

This is nothing new. This is not a boondoggle. It is an effort to move private capital in this country deeper and deeper into foreign aid so we can give some relief to the American taxpayer.

Mr. MORSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. This year, for the first time, the President of the United States, in his message to the Congress on foreign assistance, made clear the commitment of our people and our Government to the development process.

There just is not enough money from public sources in this country or any of the developing nations to do the job, so in order to inspire and stimulate the transfer of capital, the Overseas Private Investment Corporation has been proposed in order to stimulate foreign investment in developing nations.

The President this year placed three new emphases on the foreign aid bill.

The first placed greater emphasis on multilateral channels.

The second called for intensification of our efforts in technical assistance.

The third was the proposal of this device to stimulate and to encourage private investment to contribute to development of the LDC's.

This legislative proposal which is before us now is a direct result of action taken by this House not long ago when it created the International Private Investment Advisory Council. That group recommended the Overseas Private Investment Corporation. The Pearson Commission conceptually endorsed the idea. The recent Rockefeller report also noted the importance of private investment.

A number of other countries—Great Britain, France, Germany—already have similar government corporations.

I believe we would err if we do not give the President of the United States the opportunity to marshal private resources for development through the creation of the OPIC.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Florida.

Mr. FASCELL. If the transfer of the development functions goes over to this private organization, is it not true that the administrative costs will not be charged to the Agency of International Development for the carrying on of that part of the program?

Mr. MORSE. Of course.

Mr. FASCELL. And that all administrative costs would then be borne within the framework of the premiums and other charges made for the issuance of investment guarantees within the corporation? One of the primary benefits, in addition to getting business management input into the program, is the fact that administrative costs would be lifted from the AID agency.

Mr. MORSE. The gentleman is correct.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Indiana.

Mr. ADAIR. As has been suggested earlier, the House—and indeed the Congress—for years have been attempting to involve private enterprise more and more in the matter of assisting the developing nations. In the past I believe we have done well in this respect.

It seems to me that OPIC is another logical step forward. I would therefore urge the defeat of the amendment proposed to strike it out.

Mr. MORSE. I thank the gentleman.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am seeking guidance on this. We would all like to see more private initiative in this whole field of foreign aid. What disturbs many of us is whether it is genuinely private enterprise and initiative when the Government is guaranteeing losses. I should like to get some feeling as to what the limit of these losses could be. If the Government is simply going to put billions and billions of dollars into guaranteeing losses, it cannot be called private initiative, because private initiative means not only the opportunity to make money but also the risk of losing money. I cannot see how we can get one without the other.

Mr. MORSE. If I may respond, the Overseas Private Investment Corporation would administer two programs. One is an insurance program which would insure the investor against three specific kinds of risks; expropriation, loss of convertibility, and the losses due to war.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MORSE was allowed to proceed for 1 additional minute.)

Mr. MORSE. Second is the extended guarantee program. By the time this activity gets underway there will be investments of about $200 million for which, under the act, there will be a requirement of a 25-percent reserve. That is one of the principal reasons for the requirement for funds.

These are extended guarantees. It is not carte blanche by any stretch of the imagination. It does not guarantee profits. It merely guarantees against losses including commercial risks.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to point out that the present U.S. guarantee program already has shown a profit of some $36 million on the payments made over the losses. That is why I support OPIC.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, I support the Government guarantee program for private investment and still will. But what this OPIC is doing is adding another layer with another set of bureaucrats on top of what is already there. I must say, if any of you read the morning paper about a certain delightful gambler who was losing his money in Reno and said it was a Member of Congress who very dextrously picked his pocket to prevent him from losing more money, I must say that I have no idea who it was, but the gentleman from Florida verbally was very dextrous in picking the Government's pocket and saying that this was not going to cost anything to the taxpayers because it is simply transferring it from one pocket to another. It is going to cost the taxpayers, and let nobody be fooled about that.

Now, if we are going to have this great OPIC thing—and I have a real strong feeling that this is a great exercise in futility, because I have a deep feeling that the House Subcommittee on Appropriations is not going to fund this thing, anyway, so we might as well save our breath about it. I get that feeling from more than just reaching up and getting it out of the air. If they are not going to fund it, forget about it. And I do not think they will. If they do fund it, there is provision in there to pay for another layer of bureaucrats except this time they are going to have a Government corporation set of bureaucrats.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield to me on that?

Mr. HAYS. I am glad to yield to you. I would like you to yield to me, though. You did not yield to me. I reserved the right to object and yield to you.

Mr. FARBSTEIN. In connection with your statement that this will be another layer of gook. I thought I had said that this corporation is going to take over the Office of Private Investment Service and do all the work that they are doing now. They are going to try to make it so that it will run in a businesslike fashion and will do the job better.

Mr. HAYS. Is the gentleman aware of the fact that there has never been a bureaucracy set up in this city in the history of this country which has ever been taken over by another one? They all go on together. I can cite you chapter and verse on that. You know the War Claims Commission set up to settle claims in World War I is still in business at the same old stand, with the same number of bureaucrats, doing the same old thing. Only God knows what claims they are settling now. The last I heard of was they were settling Bulgarian claims. If they run out of them, we will find that they are settling something else. I am not picking on the War Claims Commission, but I just happen to know about that.

Mr. FARBSTEIN. With you there I am sure they will watch their step.

Mr. HAYS. I do not think that my being there will have a thing to do with it, because I have had very little influence over them so far. I have very little influence over the way the AID agency spends money. If I had my way, there would be a lot of programs that they would not have funded. If I had my way, there would not be a lot of people on the payroll that are there.

Since you brought that up, let me tell you another little experience I had down in Bogotá. Of the people who were there I interviewed some of them and one of them was a policeman from, of all places, Albuquerque, N. Mex. I think he was from down in the Southwest somewhere, anyway. I said to him, "What are you doing down here?" He said, "I am training the police here on how to be good policemen." I said, "What salary are you getting?" He said, "$16,000 a year and housing allowances." I said, "What did you get back in Albuquerque?" He said, "$7,200." I said, "Well, this is a much better job, is it not?" And he said, "It beats the hell out of Albuquerque."

And you can bet that this new crop of bureaucrats that OPIC is going to spawn, if it ever passes, is going to beat what they have now, whatever they are and whoever they are and wherever they come from.

Mr. Chairman, I hope the amendment by the gentleman from Iowa (Mr. GROSS) passes.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 24, noes 48.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

PARLIAMENTARY INQUIRY

Mr. WOLFF. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WOLFF. What we are voting on now is to limit the amount of investment?

The CHAIRMAN. The Chair will state to the gentleman that the vote will be on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: Page 38, line 6, strike out "thirty-five" and insert in lieu thereof "twenty".

Page 38, lines 8–12, strike out all that follows the word "regulations" down through "thereof:" on line 12, page 38.

Mr. HAYS. Mr. Chairman, I hope this amendment will not take very long. I think there is general agreement about it.

Since OPIC has passed, all this does is take some of the icing off the cake. The icing was about an inch thick and I am paring it down to about a half-inch thick. They had in there, despite all you heard about bureaucracy, 35 supergrades which we were authorizing for them and God only knows how many below the supergrades.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman. Does the gentleman want to accept the amendment?

Mr. MORGAN. I want to say that during the markup of this bill the committee was very careful in trying to cooperate as much as possible with the Subcommittee on Post Office and Civil Service headed by the gentleman from North Carolina (Mr. HENDERSON).

Mr. HAYS. If you use all my time, will you help me obtain additional time?

Mr. MORGAN. I want to say that as far as the committee is concerned, we will accept the gentleman's amendment.

Mr. HAYS. I am not one to overplead my case.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. FARBSTEIN. I just want to keep this automobile on the right road and the train on the right track.

Mr. HAYS. Is the gentleman going to accept the amendment?

Mr. FARBSTEIN. Mr. Chairman, if the gentleman will bear with me, I am satisfied that this amendment should be accepted, but there is only one point that I want to make. If you are going to run a business you want people who know how to run a business. In this instance you want people who are able to run a business of $60 million or $80 million or $100 million.

Mr. HAYS. I do not yield any further to the gentleman. The gentleman is making a speech on my time. The gentleman did not say that this was a $60 million or $80 million or $100 million corporation. The gentleman said it was a $20 million corporation. I happen to know that if you have enough chiefs around here you have got to have enough Indians to support them. So, what I am trying to do with this little $20 million corporation is to cut the supergrades down to about 15 and that is about one for every $1 million and that ought to be enough.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana.

Mr. ADAIR. I would like to say on behalf of the minority that I have been consulted about this matter and agree to it.

Mr. HAYS. I thank the gentleman. I was beginning to think I was the minority.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is most interesting. This bill is supposed to be sacrosanct, perfect, and not be altered in any way. Where is my friend, the gentleman from Michigan (Mr. GERALD R. FORD), the distinguished minority leader, who said the committee bill is a good bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield? Maybe I can set something straight on this.

Mr. GROSS. I yield to the gentleman if he can.

Mr. HAYS. I am a very pragmatic fellow. I know when I am licked. And this was part of a little deal that I made with some of the leadership around here to get a little something into this bill that would help the poor old taxpayer. I made a little deal that, since the year is almost gone anyway that I would support the 2-year extension for getting rid of some of these supergrades. That is the answer.

Mr. GROSS. I appreciate the gentleman's answer.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. I know the gentleman from Iowa is the ranking member on the Post Office and Civil Service Subcommittee on Manpower. I know how strongly the gentleman feels about the increase in supergrades in Government employment. The gentleman from Iowa knows that I myself offered the amendments during the markup to eliminate most of the supergrades in the bill, in consultation with the gentleman from Iowa, and in consultation with the gentleman from North Carolina (Mr. HENDERSON).

I took it upon myself when the bill was introduced personally to write a letter to the gentleman from North Carolina (Mr. HENDERSON) and send him a copy of the bill, and told the gentleman that I was going to cooperate with him, and I intend to.

So I do not believe this is any deal. I believe this is just following the regular procedure of cleaning the bill up as far as supergrades are concerned, and I am relying on the good judgment of the gentleman from Iowa and the gentleman from North Carolina (Mr. HENDERSON) to supply the proper supergrades to operate the Agency after it comes into effect.

Mr. GROSS. Mr. Chairman, I commend the gentleman from Ohio for offering the amendment. The gentleman knows I would have offered it if he had not done so, and the gentleman from North Carolina (Mr. HENDERSON) was also prepared to offer an amendment.

But the thing that amazes me is the fact that this is a perfect bill. It is not to be altered yet here are amendments to give it 2 years of life instead of 1.

Mr. HAYS. Mr. Chairman, if the gentleman will yield further, some imperfections stand out, and this was one we came upon, and we were able to convince a lot of people.

Mr. GROSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MONAGAN

Mr. MONAGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: Page 32, beginning in line 7, strike out "as well as" and all that follows down through the word "mortgages" in line 12.

Mr. MONAGAN. Mr. Chairman, this amendment is simple but important.

When the amendment to this section was proposed in committee I opposed it because I thought the language indefinite. I now have moved to take from the bill a portion of the language which was added in committee for this same reason. This language begins on line 7 of page 32 and proceeds to the end of the sentence on line 12.

Guarantees in the amount of $130 million are authorized under this section and it certainly is important that the language authorizing the guarantees be clear. I submit that such is not the case with the language which I propose to remove. What are "investments made to strengthen the programs"? What is the "mobilization of local savings"? How does an institution engage "directly or indirectly" in this occupation?

As a trustee of the taxpayers of this country can the Overseas Private Investment Corporation determine what the Congress had in mind from this language? I cannot do so and I am sure that no administrator would be able to do so.

The insurance against loss is controversial in itself, even where its limits are fully understood, but it is doubly and trebly controversial in a case like this where the limits are vague and indefinite.

In the interest of the soundness of the investment guarantee program, which I believe to be a progressive innovation, I submit that the language in question should be removed from the bill.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, we are willing to accept the amendment. We have no objection to this amendment.

Mr. ADAIR. Mr. Chairman, we have no objection to the amendment, either.

Mr. MONAGAN. Mr. Chairman, I thank the gentlemen.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: Page 4, after line 18, insert the following:

"SEC. 104. It is the sense of the Congress that it is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of raw materials for developing countries and for free world use, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. It is further the sense of the Congress that agencies of government in the United States should work with other countries in developing plans for basing development programs on the use of the large and stable supply of raw materials available in the free world. It is further the sense of the Congress that, after the date of enactment of the Foreign Assistance Act of 1969, no prohibition should be imposed or continued against any nation in the supplying of raw materials, without the express approval of the Congress."

Mr. FULTON of Pennsylvania. Mr. Chairman, this is an amendment to insure for the developing countries and the free world an adequate supply of raw materials.

If you will look at page 160 of the Foreign Affairs Committee report, there is set out section 647, which speaks of a dependable fuel supply. My amendment takes the same language that is at present in the provision of the Foreign Aid Act on fuels and applies it over to raw materials. It also adds on, what you might say this is the Rhodesia sanction part of the amendment.

It says further:

> It is further the sense of the Congress that, after the date of enactment of the Foreign Assistance Act of 1969, no prohibition should be imposed or continued against any nation in the supplying of raw materials, without the express approval of the Congress.

This portion says that there should be no sanctions imposed by act of the Executive alone without the approval of the Congress. This portion also provides that the present Executive order which imposed sanctions on Rhodesia by the previous administration can be continued after the date of this act with the express consent of the Congress.

The Congress should assert our right to approve or disapprove the waging of economic warfare against any country or people, the purpose of which is to condemn any people to poverty, privation, and want, with the purpose of starving civilian populations into submission. Under the present Executive order, there can be violations punished with 10 years in prison and $10,000 fine, simply through an Executive order without any approval of the criminal provisions by the Congress nor any statute authorizing such severity.

The U.S. policy backing a British policy where by order in council in 1966 that has wiped out the structure of the government in Rhodesia and assign absolute control of the government in London and reduced Rhodesia to a Crown Colony status. They never were a crown colony.

I am pleased to say that the National Republican Congressional Committee has made this question the "issue of the day" in their release of November 19, 1969. This issue of economic warfare against the people of Rhodesia has been made the Republican congressional prime issue for November 19, 1969.

Barron's National Business and Financial Weekly points out that U.S. sanctions have imperiled our U.S. vital supply of defense oriented materials, metals, based on alloys with chromite.

As a result of the U.S. policy of economic sanctions against the people of Rhodesia, our industries are having to buy chromite at 50 percent more cost than our previous cost of supply of chromite from Rhodesia. Our Russian contract runs out in 1970 and the United States now has less than a year's stockpile of chromite in this country for our necessary steel making. Chromite ore is necessary in manufacture of stainless steel and alloys. U.S. industry badly needs chromite for use in steel for our jet planes and aerospace engines and our atomic reactors. Not only U.S. defense industries, but fabricating and manufacturing industries of all kinds are being seriously affected by this U.S. policy. Fifty percent higher prices for chromite means inflation and more inflation in the United States.

U.S. companies own mines and refineries in Rhodesia. Right now there are 207,000 tons of U.S.-owned chrome ore on U.S. company property in Rhodesia that cannot be brought into this country to meet the acute U.S. shortage and keep chrome prices from going even higher. Amazingly, there comes into this country from any country other than Rhodesia at $15 to $35 a ton higher prices than delivery can be made by U.S. suppliers with U.S.-owned chrome already mined and now on U.S.-company-owned property in Rhodesia.

Other countries must chuckle, but rake in the profits.

I certainly think this is a crazy policy, and I want it changed. My amendment expresses the sense of Congress that we not think the present Executive order imposing economic sanctions on the peoples of Rhodesia should be continued beyond the signing of this act for U.S. foreign aid without approval of the Congress, and likewise my amendment expresses the sense of Congress that no further prohibition in the form of economic sanctions by the United States should be imposed or maintained without the express authorization of the Congress.

Are we in the U.S. Congress, as well as the U.S. Senate, going to be left out of such basic foreign policy decisions completely? My answer to that question is, No. We need chrome to protect our U.S. defense, and to supply our U.S. basic industries, as well as to prevent inflation. At least, let us bring the chrome in that is mined by U.S. companies in Rhodesia. U.S. sanctions against our own U.S. industries which benefit foreign industries, and raise U.S. prices by 50 percent, causing further inflation through higher prices, is completely absurd.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. FOREMAN. Mr. Chairman, never before in the history of mankind has there been demonstrated such shortsighted generosity as our expensive, badly executed, unrealistic, uncontrolled, and uncontrollable foreign aid giveaway program. This is the only Federal aid program I know of that does not exert Federal control along with the granting of Federal funds.

Since its inception, we have dished out $182 billion, counting the interest we have paid on the money we have borrowed to give away, to over 100 of the 120 nations on the face of the earth, and we have less international respect and fewer friends than we did when we started this runaway boondoggle.

IMPORTANT TRUTHS

The public debt of the United States stands at more than $360 billion. The annual interest alone on that debt is more than $18 billion.

Interest on Federal borrowing is now more than 7 percent. Compare this with the rate at which loans are now made under foreign assistance—2 percent for the first 10 years and 3 percent for the next 30 years.

Federal taxes are at their highest level to say nothing of State and local taxes. We hear with increasing frequency of a taxpayers' revolt. If the taxpayers knew the full story of the extravagance and waste in this program, the threat would be even more real.

With the increased unsettled conditions abroad, how much longer can defenders of this program argue that it is in our national interest; that it will promote security and development? Many of the recipients of our largesse are destroying their resources and themselves at a rate faster than we can try to save them.

Three countries that have been receiving, and will continue to receive, funds under this bill—Thailand, Korea, and Taiwan—are now lending money to the United States at 6-percent interest.

Let us tell these hard truths to our constituents and see what kind of a response we get on how to vote on this grab bag.

FRIEND OR FOE?

What has this program done for the United States? Take a look at the $9 billion given India since 1952.

The masses of India are poorer than ever. India's turn to the left has been even more dramatic. India is talking about raising its relations with North Vietnam to the ambassador level. India consistently opposes the United States in the United Nations, and not the least concern of Congress should be the matter that India has used the U.S. funds to finance two-thirds of its own foreign assistance program.

This year's foreign aid assistance bill contains funds for such projects as a $40 million water desalting plant in Israel. One Member said, "Israel needs the water and this plant should do a lot for Israel."

I say the U.S. taxpayers need the $40 million and it would do a lot for U.S. communities. For that matter, I can think of several New Mexico communities that also need water and would not be opposed to the installation of such a facility right here on U.S. soil.

CONCERN FOR THE HUNGRY?

To those who ask me, "Do you not care about the poor or the hungry people of Africa or India?" I reply, of course, I am concerned about them, but I am more concerned about the poor overburdened taxpayers of America who are stuck with the bill for the irresponsible waste involved in these aid programs. At a time when we have millions of hungry and uneducated Americans in our own country, why do we not give them some aid? How about feeding them and educating them first? Why do we not look after our own family before we start trying to raise the living standards of the world?

PROPOSED SOLUTION

We must initiate drastic reductions in foreign aid in all instances, except where technological and military assistance is necessary to the defense of the free world and is economically advantageous to the United States. We must initiate some tough-fisted management over it. We must use commonsense in our administration of it and curb its waste and mismanagement.

We can do this by restricting grants to the careful distribution of surplus farm products to friendly underdeveloped countries to fill hungry bellies, by providing needed medicines to the sick, and by providing technological assistance and instruction to those who show a willingness and desire to help themselves. Our money and equipment sent to countries needing help should be only to non-Communist countries, and this should not be grants; rather it should be in the form of sound, hard, reasonable interest-bearing loans, backed up with collateral, and to be repaid according to a specified, sensible, businesslike schedule.

Mr. Chairman, it is an unforgivable disgrace, indeed, for a country with a national debt greater than all the countries of the world combined, to continue to tax our people to give away our goods to try to buy friends among people who readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful throwaway program, who has one hungry child or one depressed business in his district, should hang his head in shame if he continues to vote funds that are to be so irresponsibly spent. How absurd, how ignorant can we get when we throw our money away so foolishly?

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Pennsylvania seeks to deal with a particular problem related to one of our raw materials supplied to us, but his amendment is so broad, it would be disastrous and crippling to the President in carrying out his responsibility in the conduct of our foreign policy. One of the reasons the League of Nations failed was that we tried to apply sanctions against Italy after its invasion of Ethiopia, and such pressures as are reflected in the gentleman's concern began to crumble the sanctions. Ultimately we ended up doing nothing, and we moved into World War II.

Under the language proposed, the President would be barred from imposing restrictions on the imports from Communist countries and it would bar the President from dealing with a whole variety of foreign policy situations. I do not think it is in the interest of our foreign policy that the President should have this broad-scale attack on his authority or power merely in the interest of one particular raw material problem.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I agree with the gentleman from Minnesota. This would seem to be in direct conflict with the authority already provided the President in such legislation as the Import Control Act, the Munitions Control Act, the U.N. Participation Act, and the Trading With the Enemy Act.

True, this language does say it is the sense of Congress that boycotts should not be imposed or continued without express approval. So apparently the President could thumb his nose at the Congress in spite of this language, if it were enacted. But it would be a most unfortunate development if we should even seem to be changing or limiting authority which we have taken deliberately in certain areas, specifically with respect to the United Nations and the situation in Rhodesia.

The gentleman from Pennsylvania has been quite frank that he wants the boycott against Rhodesia lifted, but I think it would be most inadvisable for us to use that method to try to achieve that objective.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from New York.

Mr. BINGHAM. Is it not also true that in a matter of this consequence, which would change the whole basic approach to our policy toward Africa, any measure of this magnitude ought to be considered most carefully in hearings and debated on its merits rather than accepting it as an amendment to the foreign aid bill dealing with one commodity?

Mr. FRASER. Yes, I do. And as I said before I think the effort is to solve one particular problem, and it threatens to adversely affect the whole foreign policy power of the President.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the majority leader.

Mr. ALBERT. The trouble is the real thrust of what happens here is something entirely extraneous to the issue.

Mr. FRASER. I agree with the gentleman.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. FRASER. I yield to the gentleman from New York.

Mr. BINGHAM. It would seem to me that adoption of the amendment would be construed as hostile action directed at the entire United Nations structure, the United States participation in the United Nations and, further than that, it would be construed by the black community in the United States as a hostile action toward it, for this community has great interest in the problem of Rhodesia.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. As has been pointed out by Dean Acheson, the former Secretary of State, the first effect of these sanctions is on the black community in Rhodesia.

These sanctions cause hardship and distress, unemployment and suffering on the families of the black population, and the poor whites in the lowest economic group of Rhodesia. The time has come for United States foreign policy to stop being based on the starvation and repression of poor people, and forced economic depression and reduced standards of living, through economic warfare. This exercise of economic warfare abroad is just like the starvation imposed on a striker's families, which is no longer tolerated in the United States.

Rhodesia has increased its gross national product in the past year by 10 percent. So the policy of sanctions is not a success but a ghastly error against our best humanitarian instincts.

As for me, when the United States is fighting economic warfare abroad, I want the U.S. Congress to have something to say about committing the American people to such an expensive, cruel, and unnecessary course of action, which has proved so unsuccessful even in wartime.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment. Like the gentleman from Pennsylvania, I represent a district that needs chrome to make stainless steel, but I feel very strongly this is the wrong way to help my district obtain the chrome to maintain the steel output.

This amendment would conflict with the President's authority under section 5 of the United Nations Participation Act to take action in the U.N. Security Council decisions. The result could effectively prohibit the United States from fulfilling its obligations under the United Nations Charter. It would potentially apply to all countries, not just Rhodesia.

Furthermore, Mr. Chairman, this amendment is not related at all to the Foreign Assistance Act. It is very unwise to include it in the Foreign Assistance Act, such provisions which deal with such unrelated problems.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I am not innocent enough to think the Senate is going to buy this amendment, but I certainly think this House should, as the sense of Congress, urge that it be considered, so before any further economic sanctions are put on, we will get some more attention. That is why I am bringing it up now, so we can discuss it. I hope we will have a division so we can show some support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The question was taken; and on a division (demanded by Mr. FULTON of Pennsylvania) there were—ayes 25, noes 45.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HAYS: On page 20, line 4, strike "$100,000,000" and insert in lieu thereof the following: "$75,000,000 and for the fiscal year 1971, $100,000,000."

Mr. HAYS. Mr. Chairman, this is a part of the bill that the 2-year authorization was not offered on or it did not pass—I do not recall which—in the committee. This particular section very briefly deals with the population control legislation amendment. I propose to cut it from $100 million for this fiscal year and to authorize the $100 million that they asked for for next fiscal year.

The reason I propose to cut it in this fiscal year is because they have said they cannot usefully spend that much money. There is no point in authorizing it if they cannot usefully spend it. They have said that $75 million is the maximum they can usefully use, and I suspect that will be cut somewhat by the appropriating committee. So this just makes it a 2-year authorization with a $25 million cut.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the committee will be willing to accept that amendment.

Mr. TAFT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to give strong support to the amendment of the gentleman from Ohio (Mr. Hays). I proposed to offer such an amendment myself, in view of the 2-year provisions and in view of the fact that some of the year has already passed.

I should like to point out once again, as I did yesterday, that this has been an increasing earmarking proposition, and I believe there is no part of the foreign aid bill as to which it is more necessary to have some such earmarking. Under the stimulus of earmarking we authorized $35 million 2 years ago, $50 million last year, and now we hope $75 million this year, and then $100 million in fiscal 1971. I believe we will see a redirection of some of the efforts of the AID organization in this direction as a result.

It is a program that is absolutely essential to many other programs in the developing countries which are affected. Otherwise, the population will increase more than any possible benefits which might come from those other programs.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from Pennsylvania.

Mr. MORGAN. I want to say that the gentleman did most of the work on this amendment in the committee. It was his original amendment that was adopted. Previously during the debate he came over to me and said he had an amendment similar to the amendment offered by the gentleman from Ohio (Mr. Hays).

Again I congratulate the gentleman from Ohio (Mr. Taft), for going along with the intent of the amendment.

Mr. TAFT. I thank the chairman.

Mr. BUSH. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from Texas.

Mr. BUSH. I should like to ask a question. First I should like to commend the gentleman for his leadership in the committee on this vital area.

Is the gentleman satisfied in accepting or endorsing this amendment that the program would not spend the full funding at this time?

Mr. TAFT. Yes. I am convinced of that as to the first year. Of course, we have only the period between now and June 30, 1970, to which to apply the $75 million figure. As a matter of fact, there was some testimony very much along that line, and on that I base my judgment.

Mr. BUSH. Mr. Chairman—

> Technically and socially, the world is now better equipped to deal with population problems than in the past. Recent research has produced new and better methods of contraception; an increasing number of nations has initiated and expanded family planning programs. Improvement in the world food supply has brought some additional time in which answers can be found to high fertility and the economic and social problems it endangers.

This paragraph comes from the 1969 AID report of population program assistance.

However, we have really only scratched the surface. The Republican task force on earth resources and population has heard from numerous experts in this area of population program assistance to developing countries. The need for a research breakthrough in contraceptive methods is urgent. The need for better delivery services of present contraceptive devices is urgent. More trained people, more facilities, more materials all are needed. We cannot afford to ignore the population problems of the developing countries. They simply do not have the capabilities to do this job themselves. They definitely have the desire to achieve stable population levels. The United Nations has appointed a Commissioner for Population within the United Nations development program. Secretary General U Thant said in January of this year:

> There is ever-increasing realization that too rapid population growth constitutes a major obstacle to education and the promotion of the welfare of the young in general, the attainment of adequate standards of health, the chance of earning a decent living, and in many cases even the availability of food at subsistence level.

AID Administrator Dr. John Hannah said:

> Overpopulation and underdevelopment go hand in hand. World Bank President, Robert McNamara said: "No achievable rate of economic growth can be sufficient to cope with an unlimited proliferation of people on our planet."

Let us think seriously about the children of the world. No other aspect of explosive population growth such as the world now has is more frightening than the number of dependent children. As the growth rate continues more and more humans are dependent on fewer and fewer providers. How can we seriously believe that we will have stronger and healthier generations if we continually have more mouths to feed and nourish than there are people to provide the food and nourishment. The large number of dependent children relative to the number of members of the labor force increases the burden of dependency, tends to promote spending for immediate consumption, to restrict both private and public saving and hence to inhibit productive investment. Also, the cohort of young men and women entering the years of fertility each year is significantly larger in the less developed countries, perhaps three times as great than the number of older people growing out of the age of fertility during that year. This then further drives the population growth rate up more dramatically.

In his population message last July, President Nixon said:

> When future generations evaluate the record of our time, one of the most important factors in their judgment will be the way in which we responded to population growth. Let us act in such a way that those who come after us—even as they lift their eyes beyond earth's bounds—can do so with pride in the planet on which they live, with gratitude to those who lived on it in the past, and with continuing confidence in its future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Hays).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I have three amendments which are similar. One is for $15 million, one is for $7 million, and one is for $12.9 million to do this same thing. I will explain the amendments. One of them relates to American schools abroad, one to the Indus Basin, and the other to the President's contingency fund.

All they would do is to provide the same amount for next year as we are authorizing for this year.

To save the time of the Members and to permit other Members to get the floor, I ask unanimous consent that I may offer the amendments en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Chairman, reserving the right to object, could the gentleman not put a cut in each one of those items?

Mr. HAYS. I would like to. If some Member wanted to offer an amendment to cut them I would not object. They are small amounts.

Let me say that the President's contingency fund, $15 million, is the lowest it has been in my memory. If I offered an amendment to cut it I probably would be accused of being political, and I am not. I really think it is about as low as it ought to go.

Mr. GROSS. Of course, there is more than $18 billion in the pipeline.

Mr. HAYS. I am aware of that. This is a very small amount.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendments be considered en bloc?

There was no objection.

The Clerk read as follows:

> Amendments offered by Mr. Hays: Page 29, line 19, immediately after "President" insert "(1)".
>
> Page 29, line 22, immediately before the period insert the following: ", and (2) for the fiscal year 1971, $12,900,000, to remain available until expended".
>
> Page 58, line 23, immediately after "$7,530,000," insert the following: "and for use in the fiscal year 1971, $7,530,000,".
>
> Page 62, line 16, immediately after "$15,000,000" insert the following: ", and for the fiscal year 1971 not to exceed $15,000,000,".

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his amendments.

Mr. HAYS. Mr. Chairman, I will not take the 5 minutes.

The same arguments apply to these amendments that applied to the others I have offered, to make it a 2-year authorization. In fact, over half of this fiscal year will be gone by the time this bill and is appropriation clear both Houses. The fact is that the committee would hate to have to start in right away to go through another 6 months of hearings that it just finished. Third, this would permit the subcommittees to do a little legislative oversight on the whole program. That is the reason for offering the amendments.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the committee has no objection and is happy to accept the amendments.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I am glad to yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, we were consulted about this matter. In view of the time situation here I find myself in agreement and accept the amendments on behalf of our side.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio (Mr. HAYS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: Page 4, strike out lines 10 through 18 and insert in lieu thereof the following:

"SEC. 103. MIDDLE EAST POLICY.—It is the sense of the Congress that the President, in his efforts to obtain a just peace in the Middle East, should maintain his alertness to the continued military support which the Union of Soviet Socialist Republics is providing to the radical Arab States and that any settlement should take into account the historic duplicity of the Union of Soviet Socialist Republics, the desire of that country since Peter the Great to control the Mediterranean, and the continuing anti-Semitism of the Soviet Government."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. DERWINSKI. Mr. Chairman, I am aware of the fact, after years of service here in the House and now 7 years on the great Committee on Foreign Affairs, the Congress of the United States often finds itself in the position of offering gratuitous advice to Presidents. However, we are going through a typical period in the thinking of our State Department where this type of an amendment is necessary. However, with the opening of the talks in Helsinki and with the few very carefully calculated gestures of good will by the Soviet Union, we again will hear the line that the Soviet Union is mellowing and that we can coexist with them. I would recognize, even with our natural preoccupation with Vietnam, that anyone would be blind if he did not realize the tremendous complications inherent in the Middle East problem and would be blind also if he did not recognize the direct participation of the Soviet Union in the radical statements and policies of certain nations versus Israel. Also anyone making a study of history, would appreciate that since the days of Peter the Great the Russians have dreamed of controlling the Mediterranean and are obviously using the Middle East dispute to seize control of the Mediterranean.

My amendment merely advises or alerts the President to these historic facts of life. It states things that I trust are recognized by all Members. What it really does is indicate that the Congress is aware of the Soviet involvement in the Middle East, and I think in this case, with a sense of timing, it alerts the President.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. I want to say to the gentleman his amendment is very cleverly drawn. It makes it completely impossible for a staunch friend of Israel to be against it. It might not be quite as evenhanded as the President said he would like to be, but it is a tough one to vote against. So I just point that out to the gentleman.

Mr. DERWINSKI. Mr. Chairman, I want the gentleman to know that that is as fine a remark as has been directed at me all day long. I appreciate it and the spirit in which it was intended.

Mr. HAYS. I meant it to be complimentary.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. After reading the amendment and hearing the gentleman's reasons for proposing it I would suggest that the gentleman give thought to the possibility that the President is sensitive to the facts of history and aware of the situation which exists in the Middle East. I would expect that the President is fully aware of that situation. Therefore, the gentleman's amendment would appear unnecessary and untimely.

Mr. DERWINSKI. The gentleman from Wisconsin well knows that at various times the House for other Presidents has adopted sense-of-Congress resolutions which I am sure were relevant facts that the President already knew. But I do want to reemphasize the fact that many have a feeling that the Soviet Union can be trusted. I believe with the adoption of this amendment we will also be speaking to the State Department advisers who may have undue influence over foreign policy.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. WOLFF. Is it the gentleman's intent to echo the Arab and the Soviet line, that he wants to eliminate from this paragraph the idea of direct talks among the parties concerned?

Mr. DERWINSKI. No.

Mr. WOLFF. This has been the Soviet line and this has been the Arab line.

Mr. DERWINSKI. No, no; not at all. I do not see how that can be read into the language at all.

Mr. WOLFF. Mr. Chairman, if the gentleman will yield further, in other words you are requesting to limit your amendment to that area of the bill that does not interfere with direct talks.

Mr. DERWINSKI. I am merely pointing out, as I read this language to the President, that we have to be awfully careful and not to trust the Soviet Union.

May I say to the gentleman that I surely do not believe the so-called Four Power talks are going to be the answer to the problem in the Middle East, because I do not think the Soviet Union has the intent to be helpful.

Mr. WOLFF. You do not seek to eliminate lines 12 to 18?

Mr. DERWINSKI. Again I will say that what I hope to do is to stand on my language and I refer to the language before us, I merely emphasize the necessary caution, the extraordinary caution, that we must use in dealing with the Soviet Union.

Mr. WOLFF. But this amendment as it stands eliminates lines 12 to 18 and plays into the Arab and Communist hands.

Mr. DERWINSKI. Under this bill I think my language is clear enough.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the necessary number of words.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment. I would suggest that the committee language, language contained in the bill that was given thorough consideration after a special subcommittee had carefully considered it and obtained the points of view of many Members interested in this important and sensitive area, has unanimous support in the committee. I submit to the gentleman from Illinois that he is doing an injustice to the cause that he is trying to promote.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. BINGHAM. It is not true also that the language in the bill is substantially the same as the language in the present law, and that any retreat from that would be construed as very unfriendly to the Israel position for direct talks?

Mr. ZABLOCKI. That is absolutely true.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I think the gentleman should be complimented for alerting the President and the Congress to the menace of communism and the Soviet threat. But I would agree with my colleagues that this language in the bill has been carefully worked out with both sides represented in the discussion.

I agree with the gentleman from New York that this would be a retreat on a fixed position. While the gentleman is certainly interested in alerting us all to the problem of communism, I think it would be untimely for us to change the language in floor debate on such an intricate and complex subject.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Mr. Chairman, before I yield, may I say very sincerely in an effort to be helpful to the gentleman from Illinois (Mr. DERWINSKI) that I would urge him to withdraw his amendment.

Mr. DERWINSKI. I am considering it. May I preface that comment that I hope to have emphasized to those in attendance that we should not be misled by Soviet acting, but the reason I ask that my amendment be withdrawn is that we were obviously in agreement in the desire to see peace develop in the Middle East. I will withdraw the amendment.

Mr. Chairman, I ask unanimous consent that I may withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MORGAN. Mr. Chairman, I wonder if at this time we could determine how many amendments are on the desk to title I?

The CHAIRMAN. The Chair will state that there are five amendments at the desk?

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that all debate on part I and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SAYLOR. Mr. Chairman, reserving the right to object, we have been here since 12 o'clock on a perfect bill reported by the committee that took 3 months to write it up. With the exception of one amendment offered by the gentleman from Washington (Mr. PELLY), who withdrew the amendment, we have listened to nothing but committee members arguing about things that should have been threshed out in committee.

It is about time that other Members of the Congress are entitled to have something to say about this bill.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 20, strike out line 17 and all that follows down through page 22, line 18.

And renumber the following sections accordingly.

Mr. GROSS. Mr. Chairman, the Committee on Foreign Affairs has added a new dimension to giving. It established what may become known as the Committee on Foreign Affairs Favorite Country Award. The award consists of authorizations beyond those dreamed up by the Executive. The winners this year were Korea and Israel. Applications for next year will be in order as soon as this bill passes. They may be submitted to almost any member of the committee. To assure favorable consideration foreign diplomats and lobbyists are advised to spend less time cultivating the executive branch and to work harder on the Congress. No purchases in the United States are necessary, but any faint suggestion that some of the prize money will be spent here will undoubtedly carry weight.

To counterbalance the award the committee has also provided for a Committee on Foreign Affairs Condemnation Citation. This will be limited to those countries whose governments oppose free and peaceful development of democratic institutions or which deny fundamental freedoms to its people. Military aid would be cut off to any government that comes into power through other than its constitutional processes. Competition is expected to be heavy for the citation. No applications are necessary. The committee will make its decisions based upon the latest version of each country's constitution provided it can be found before the next mark-up of the foreign aid bill, apparently 2 years hence.

Mr. Chairman, what this amendment does is to strike out the $40 million for a desalting or desalination plant for Israel.

In the first place, we should save the $40 million. In the second place, if you want to create trouble around the world, one of the best ways to do it is to pick out a country and give $40 million for this purpose.

I do not know how this committee—if this provision is approved—can possibly avoid approving $40 million desalting plants for every country around the world that has salt water in enough quantity to operate such plant. Mind you, this is not for the purpose of furnishing water for human consumption. This desalinization plant is for the purpose of providing water for irrigation. There is no way in the world so far as I know that salt water can be converted to fresh water at a cost that will permit use for irrigation. There are gentlemen on the floor, the gentleman from Pennsylvania (Mr. SAYLOR), and the gentleman from Colorado (Mr. ASPINALL), who are far more competent on this subject because the House Committee on Interior and Insular Affairs handles the legislation on this subject. This Government is already spending millions for experimentation in desalting and I am confident they would agree that desalting water for irrigation purposes is not feasible.

Mr. Chairman, this amendment ought to be adopted. This Government ought not to incur the wrath of other nations around the world who are certainly going to demand similar plants and will have to be refused.

Mr. Chairman, I yield back the balance of my time.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is not as simple as the gentleman makes it appear, that we are really encouraging people to line up to get large sums of money.

This proposal provides an opportunity for the United States to participate in one of the most advanced technological advances in water desalting programs in the world. It is of great benefit to us and allows us to have free access to the total involvement of desalinization development of the Israeli Government. All of our scientists and all of our water experts will be participating in a joint venture to the point where we will have coming from this great benefit to certain dry areas of our country where people have been embarked on this kind of a program now for many years.

Participation in this specific project provides an excellent opportunity to study a system of water use for agriculture that is vital to the United States. The Israelis are in a peculiarly unique situation in having a fully integrated water system serving the bulk of the nation's irrigation for agriculture and other uses and provides perhaps one of the only total water management projects in the world.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. LONG of Maryland I am wondering if this would also have some side effects and some additional values contributing toward peace in the Middle East. Because, as I understand it, and I do not claim to know a great deal, one of the principal causes of friction in the Middle East is the battle between the Israelis and the Jordanians and others for water. By increasing the supply of water out there, it might very well make some small contribution toward peace in the Middle East. Is that right?

Mr. GALLAGHER. The gentleman has made a very significant point. This may be a large contribution toward peace because I venture to say that is one of the real problems of the continual battles that swing back and forth in that area.

I might say further that this plant will be purchased here in the United States.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to say that I do hope the amendment is defeated because the proposal for a desalting plant would seem to have much merit.

As the gentleman pointed out, there will be available from a plant of this kind assets for the United States. The information is to be made available to us. Also, I do think there is a real potential for a contribution toward peace.

At the moment, unfortunately, the product of a desalting plant presumably will not be available to our country. As long ago as 15 years, President Eisenhower and others did suggest that a desalting plant in this locality could be a contribution to peace.

At the moment there is no immediate prospect of peace between Israel and her Arab neighbors. But the construction of a plant, I do think would be a way in which a substantial contribution could be made to all of the peoples of that area once a settlement has been reached.

I do not think we need to belabor the point. The committee discussed this thoroughly, and it was the majority opinion that we should advocate this project, even though we recognize it is an add-on. It was not requested by the administration.

Mr. GALLAGHER. I thank the gentleman for his contribution. Obviously, our investment in this development will certainly lead to a low-cost desalination process, which will be extremely useful to the United States. The plant itself, I believe, will materially aid the cause of peace.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. Is it not also true that if this pilot plant works out, as it is expected it will, it will be of enormous benefit to some of the other countries which the gentleman from Iowa mentioned that would be interested in the same problem? The problem of lack of water is a worldwide problem, or a very widespread problem, and this project would be of enormous benefit to other countries, as well as the United States.

Mr. GALLAGHER. The gentleman has made a valid point.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Iowa.

Mr. GROSS. Are you prepared to locate a $40 million desalting plant in Jordan, another in Saudi Arabia, and so on, all around the Middle East?

Mr. GALLAGHER. I believe the skills that will be acquired from the building of this plant would be beneficial not alone to Israel. One of the things that would add materially to peace in the Middle East would be if Jordan could benefit from this same kind of information, skills, and technical know-how. So I think in the long-range view we may be taking toward the day when we will be aiding Jordan in this way. It is a lot better than giving them arms. If it helps bring peace to the Mideast then this small investment in desalinization could be the best investment we are making in this bill. We are helping Israel, and we should, but in a broader sense we are acquiring knowledge and skills by this help for the United States. Yet above all of this is the simple argument that what we are really making is a small investment in peace on the Mideast.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Some of the arguments for this project fall far short of the merits of the case. I suppose I ought to keep my mouth shut and not be so candid, but I just cannot do it, I am afraid. I suppose there will be some benefits to the United States from this, but there would be a lot more benefits if it were built in this country. I am going to support it because, like the rest of you who have given some other reasons, I have some Jewish constituents who want it, too.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

I am going to be brief. I think it is obvious the gentleman from Iowa will not prevail in his amendment. But I think he has performed a very valuable service to the House because we have spelled out in the commentary and discussion points that were not adequately covered in the committee report or, for that matter, in discussion in the committee, of which there is not enough record. As I understand, emphasis is now being placed on the fact that this desalting plant, when functioning, and given peaceful conditions in the Middle East, is intended by this committee to serve the entire Middle East as a vehicle to demonstrate that with cooperation and obviously under peaceful conditions, progress could come to the Middle East. I hope anyone who reads interprets the Record, today will put that emphasis upon it.

I believe one item should be clarified for the record. It is true this was not requested by the administration. It is also true, that this plant was not requested by the Government of Israel. So this action was one that emanated from the leadership of the committee, and I trust that the Foreign Affairs Committee intends that this be a vehicle to bring nations together, and that peace will be the end result.

Mr. McCLURE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I merely wish to go on record in favor of the amendment offered by the gentleman from Iowa, and again make the record clear that this simply cannot be of any benefit to the United States of America and to its taxpayers. We have an ongoing program of our own which has not yielded the results which would justify this kind of investment in a foreign country, and the technology that we will get access to is simply not in addition to our own, but a duplication of our own program.

The gentleman from Ohio (Mr. Hays) has put his finger on the reason for the presence of this particular item in this particular measure, and I think the taxpayers of this country should recognize absolutely and clearly the reason for this amount of money being in the bill.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, certainly I am in agreement with this proposition of construction of desalting plants in this area. This is a part of the foreign aid program with which I can agree. If we do this, and if we are able to supply water to the arid areas of the Middle East, then we can do much to accomplish something toward peace in that area. This is a forward-looking part of our program. I regret that many other parts of the program have not been so forward looking. The program has not had helpful innovations such as this. Aid has been used to sustain dictatorships rather than to aid the economic development of the poor areas of the world.

Mr. RYAN. Mr. Chairman, I oppose the amendment offered by the gentleman from Iowa (Mr. Gross) which would strike out section 209 which authorizes $40 million for U.S. participation in a prototype desalination plant in Israel.

By passing section 209, the House will be doing its part in upholding the commitment which President Johnson made last January to Premier Eshkol of Israel.

At that time he informed Premier Eshkol that the United States would participate in the construction of this vitally needed project, and $40 million was included in the fiscal year 1970 budget for this purpose.

I have introduced legislation in both the 90th and 91st Congresses for such a desalination project. In this Congress it is H.R. 587—H.R. 4307 with cosponsors—and I am pleased that it is now in the bill before us.

This legislative proposal is the culmination of a long period of study and research into the feasibility and utility of constructing a desalination plant in Israel. On February 6, 1964, President Johnson, in a speech delivered to the Weizmann Institute of Science, announced that the United States had "begun discussions with the representatives of Israel on cooperative research in using nuclear energy to turn salt water into fresh water." These discussions led to the formation of a United States-Israel team which conducted feasibility studies.

The research benefits of this project having been well established by these studies, the United States should proceed to participate in the construction.

This project offers many potential benefits in terms of research on desalination processes to the United States as well as to Israel.

In addition to the research to be gained by the United States, the resulting economic benefits would accrue to the entire area. It would also reduce international tensions which have long been aggravated by a lack of water. A desalination project would make possible the cultivation of large portions of arid desert land which have hitherto been unusable. The land and jobs which such a plant would create would make a sizable contribution to stability in the Middle East.

This project is an important aspect of continuing American support for Israel. I urge President Nixon to act promptly to implement section 209 and to reaffirm Executive support for U.S. participation in the construction of this facility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspinall: Page 22, after line 18, insert a new subsection (g) as follows:

"(g) No funds appropriated for the Office of Saline Water pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91–43), or prior authorization Acts, shall be used to carry out the purposes of this section."

Mr. ASPINALL. Mr. Chairman, I am deeply concerned with respect to one provision in this bill. This is section 209 which authorizes the United States to contribute $40 million toward the construction of a large desalting plant in Israel. In addition, the President is authorized to utilize the personnel, services, and facilities of any Federal agency in this joint venture.

I have indicated my position on this matter to Chairman MORGAN of the Foreign Affairs Committee on several occasions and I appreciate the fact that he has kept me fully advised of his committee's consideration of this proposed provision. My position has been that construction of a plant such as proposed here will be of no value to the saline water research program in the United States and that we would actually be doing an injustice to Israel by leading the people of that country to believe that desalting water for agricultural purposes is feasible when it is not; $40 million is almost twice as much as the Office of Saline Water spent on its entire research program in the last fiscal year. If Congress wants to give to Israel $40 million as a part of the foreign aid program, that is one thing, but to authorize this expenditure on the pretense that we are to have a feasible desalting operation which will contribute to desalting technology in this country is just not consistent with the facts.

So far as I know, there were only two witnesses who appeared before the Foreign Affairs Committee in support of this provision. They were Dr. Abel Wolman and Mr. Phillip Sporn, both highly respected in their fields, and I have no disagreement with what they said. They made a good case for the need for additional water in Israel. But neither made a case for the merits of the proposal or the feasibility of the plant. As a matter of fact, Dr. Wolman stated:

> The cost will be high. It obviously will be too high for any country, including Israel, to use for agricultural purposes unless it is in fact subsidized, as in the suggestion in the bill before you today.

Mr. Chairman, no one questions the critical need in Israel for additional water but nothing was said with respect to that need that could not also be said about many areas in the Southwest part of the United States. If the United States has this kind of money to spend on research in this field, I believe it can be put to better use in connection with our own research program here in the United States.

Mr. Chairman, so far as I can find out, the Committee on Foreign Affairs received no testimony from the Office of Saline Water or the Department of the Interior or any other agency in connection with this provision. Also, so far as I can find out—and if I am wrong I want someone to correct me—the administration has indicated no support for this provision.

Mr. Chairman, I urge the approval of the amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, it was not the intention of the committee that funds appropriated for the Office of Saline Water be made available for the desalination plant in Israel. The committee is happy to accept the clarifying amendment offered by the gentleman from Colorado (Mr. ASPINALL).

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Chairman, speaking for the minority we share that view.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the Foreign Assistance Act of 1969. I do so, not only because I generally oppose the foreign aid program in principle, but also, because section 209 of this legislation subverts the clear and present intent of Congress to specifically prohibit the Office of Saline Water of the Department of the Interior from contributing funds, participating as an agent for, or in the supervision of, the construction or operation of a foreign desalting plant or its components.

In view of this, I support the amendment to H.R. 14580 offered by the distinguished chairman of the House Interior and Insular Affairs Committee. I ask that the Committee of the Whole House and particularly members of the Foreign Affairs Committee reflect carefully on the nature of the amendment as it represents the combined wisdom and experience of the 17 years in which our committee has involved itself with the predictions, promises, and problems connected with desalinization. I can proudly say that no other body of men in the Congress can boast of comparable expertise with regard to efforts to desalinize saline and brackish waters and on the basis of that, members of the Interior Committee are painfully aware of the limitations of the state of the desalting art.

Section 209 of the foreign aid assistance bill says that the people of Israel can have in 5 years and for $40 million what the United States itself has been unable to obtain in 17 years at a cost of $157 million. Mr. Chairman, proposals such as section 209 may appear to make for good international politics but the facts of the matter are that the raising of hope in Israel, or anywhere else for that matter, when there is no hope will ultimately prove disastrous to our foreign policy.

A brief look at the legislative history of the U.S. desalinization program should convince any Member that we are nowhere near to creating the technological breakthrough on this problem that is implied by the language of section 209. In 1952, the House Interior Committee started a modest, $2 million, 5-year program on desalinization. We were told by all the experts that a breakthrough was "just around the corner," and that only a little money and a little time was needed to prove the efficacy and desirability of a national commitment to desalinization efforts. In the intervening time, the yearly appropriations to the Office of Saline Water have climbed higher and higher, the reports get thicker and thicker, the OSW personnel rises in accordance with "Parkinson's Law," and we are no closer to a breakthrough than we were then.

The final truth about our efforts in this field were admitted by former Secretary of the Interior Udall when he stated in the 1968 OSW report his "disappointment" over the progress of the prototype facility planned for southern California. Congress in 1967 passed Public Law 90–18 which authorized the appropriation of $57,200,000 for the participation in developing technology on a large-scale prototype dual-purpose power and desalting project. This 150 million gallon per day proposal was to be on a cost-share basis with private utilities. Before acting on a $40,000,000 proposal today, it is wise to ask where we stand on that $57,000,000 project of 2 years ago.

The answer: All agreements have been terminated and all matters relating to the project are being closed out. In other words, the project was not and is not yet feasible. Again, I find myself in the position where I must say to my colleagues, "I told you so." I stated at the time of the funding of the Southern California project that it was not feasible based on the then-existing state of the desalting art. I remind my colleagues of my statement that such a project was raising a false hope for the people of California and those private utilities engaged in the venture. Section 209 of the present bill is the same kind of situation only adding that we are dealing with a foreign nation.

Only as recently as May 14 of this year, this Congress passed Public Law 91–43, authorizing appropriations for the saline water conversion program for fiscal year 1970, in the sum of $26,000,000. The Committee on Interior and Insular Affairs in reporting the legislation to the House stated in its report:

> The Office of Saline Water, under this program, should limit its participation in foreign activities to the interchange of data with foreign entities and should refrain from entering into business relationships with nondomestic entities, or otherwise engaging in activities having foreign policy or foreign aid connotations. Any assistance by the United States in the development of foreign desalting projects should be accomplished under the foreign aid program, rather than under this program.

The language of section 209 would circumvent this clear expression of congressional intent.

In 1952, when the saline water conversion program was initiated, it was conceived as a Federal program of national interest and scope to assist in meeting the water problems throughout this country. The program has been expanded and extended, and despite increased levels of funding, there have been no significant breakthroughs in any desalting process or technology. These expenditures have far exceeded the bene-

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fits—real or promised—received by the American taxpayer in meeting this Nation's water problems. We cannot hold out a false hope to a foreign nation on the basis of that experience. My suggestion is for the Office of Saline Water to concentrate on achieving the technological breakthrough in desalinization we have been promised all these years. Once that is accomplished, I will be the first to help spread that technology throughout the world.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

(By unanimous consent, Mr. Miller of California was allowed to speak out of order.)

APOLLO VOYAGE

Mr. MILLER of California. Mr. Chairman, I just want to say that the Apollo capsule has been going around the moon. They have united the several parts of it, and tomorrow they will be, we hope, successfully on their way back to earth.

Mr. ASPINALL. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. Zablocki), who is handling the bill on the floor, and the gentleman from Indiana (Mr. Adair) for accepting this amendment which would make certain that we will carry on our saline water research program in the United States in conformity with its authorization and appropriation without any embarrassment and diminution with the home program when related to the activities in Israel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. Aspinall).

The amendment was agreed to.

Mr. MORGAN. Mr. Chairman, again I renew the unanimous-consent request that all debate on part I extending from the bottom of page 1 to the bottom of page 62 close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STRATTON. Mr. Chairman, reserving the right to object, I have been very patient. I was here on the floor from the beginning. The gentleman from Colorado and I were here offering amendments at the very start. We have been going for three and a half hours, with amendments just from members of the committee. It seems to me perhaps the Chairman might at least give me the opportunity and the privilege of being able to offer one amendment from a Member who is not on the committee. Unless the gentleman is prepared to do that, I will object.

Mr. MORGAN. Mr. Chairman, the chairman of the committee understands there are only two amendments pending, and that is why he requested the limitation of the time.

Mr. STRATTON. Mr. Chairman, we already have 10 or 15 Members standing, and that means I would have 1 minute to explain this amendment.

Mr. MORGAN. Mr. Chairman, the chairman of the committee will be glad to extend the request to 5 o'clock.

I have no intention of cutting anybody off.

Mr. STRATTON. Mr. Chairman, do I understand the chairman of the committee is suggesting debate wind up at 5 o'clock?

Mr. MORGAN. At 5 o'clock, on part I.

Mr. WOLFF. Mr. Chairman, reserving the right to object, how many amendments are pending?

Mr. MORGAN. Mr. Chairman, as far as I know, only two are pending at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McCLURE. Mr. Chairman, reserving the right to object, as I understand it, there were two amendments at the desk, and it is the intention of the chairman of the committee to ask that debate close at 5 o'clock and that the time be allocated between now and then between those two amendments.

Mr. MORGAN. That is on part I only.

Mr. McCLURE. And the time will be allocated between now and then on the two amendments which are now at the desk?

Mr. MORGAN. On those and on all amendments thereto.

Mr. McCLURE. And all amendments thereto?

Mr. MORGAN. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

The CHAIRMAN. The Chair will attempt to divide the time equally among the Members standing.

The Chair recognizes the gentleman from New York (Mr. Stratton).

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Stratton: Page 4, after line 18, insert the following new section:
>
> "Sec. 104. It is the sense of the Congress that in order to promote the objectives of peace and security in the Far East, the President, prior to entering into any agreement or commitment to return Okinawa to Japan under any restrictions or limitations that would impair present United States capability to protect the peace and security of Korea, the Republic of China, the Philippines, or any other Asian nation for whom assistance is authorized by this Act, should (1) consult on these matters with the appropriate committee of both Houses of the Congress, and (2) obtain from Japan an agreement that, in consideration for such return, Japan will increase its own level of self defense activity and its contribution to the defense of peace and security in the Far East, including the assumption of a greater measure of the costs of economic assistance to other free countries in the Far East, to such a degree as will offset the reduction and impairment in the peace and security of the Far East caused by the return of Okinawa to Japan."

Mr. STRATTON. Mr. Chairman, this is the Okinawa amendment.

The Prime Minister of Japan is in town today. There will be a communique issued tomorrow, presumably, if the press are to be believed, announcing the decision of the President to return Okinawa to Japan, although the actual conditions may be left a little fuzzy.

Neither the Foreign Affairs Committee nor the Committee on Armed Services has had any detailed information about the details of this agreement which is to be announced tomorrow, with rather sweeping implications for our own security in Asia.

I made a rather detailed statement on the House floor on Tuesday, which is printed in the Record, expressing my feeling that if we are going to return Okinawa to Japan and undergo the impairment which it will involve in our ability to provide help and security protection to Korea, to the Philippines, to the Republic of China—countries mentioned in this bill—as well as to Japan itself, then at the very least we ought to go on Record as urging the Japanese, in return for our agreeing to the reversion of Okinawa, to make a commitment on their part to increase their own efforts not only for their own defense but also for the common defense of the whole area of the Far East, in partnership with ourselves.

Mr. Speaker, I am a friend of Japan, I want to urge them to work more closely with us in taking over the heavy burden of maintaining peace and stability in Asia, just as we work closely in Europe with West Germany in NATO. After all, Japan is the third largest industrial nation in the world today, and yet she is spending only eight-tenths of 1 percent on its national security. She has been getting a free ride in the area of defense. I think we have a right now, as we meet her wishes on Okinawa, to ask her to move for her own and for the common defense.

If we are going to pull back from our commitments around the world, as President Nixon suggested last summer in the Guam doctrine that we should do, then we have got to get other countries to bear a greater part of that load which we have been carrying almost alone. No country is better capable of doing that than Japan. If we do not nail down some such commitment as a part of this agreement on Okinawa, I am deeply worried that we may have lost an opportunity that will never come again.

This amendment would simply express the sense of Congress to this effect, but also includes language to urge the President to consult with us on what he has in mind in connection with Okinawa before the whole agreement is signed, sealed, and delivered in final form. I urge that it be adopted to match a similar expression of concern already adopted in the other body.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Zablocki)

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

I might point out to the members of this committee that the subcommittee of which I was chairman for many years, the Subcommittee on the Far East, and the subcommittee of which I am now proud to be the chairman, the Subcommittee on National Security Policy and Scientific Developments, have gone into this very delicate and controversial subject.

I submit to my colleagues that, as

the gentleman from New York has stated in his opening remarks, Prime Minister Sato of Japan is in Washington at this very moment involved in discussions which are expected to lead to negotiations and agreement on the return of Okinawa. Therefore, it would be most untimely for the Congress to make an expression willy-nilly, so to speak, at this particular time on this subject.

Although I agree with the gentleman that there may be some merit in his intentions—and I know he is sincere in them—I believe that it would be wrong to say, as the amendment does, that there must be an agreement before there is any announcement of the result of the meeting between President Nixon and Premier Sato. I believe it would be wrong to demand that Japan agree to increase its own level of military activity before the results of the White House discussions are released. Therefore I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and on a division (demanded by Mr. STRATTON) there were—ayes 24, noes 51.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, when I spoke on this bill yesterday in the debate I said that we ought to be selective and it should not be a global welfare commitment but rather an instrument of American policy. I would like to reiterate that today, particularly on this matter where assistance of various kinds is directed to Laos, Vietnam, and Thailand. Helping them to survive is currently a very basic issue of American policy. I would oppose amendments which tended to cut assistance to these countries because that really is something, under the present circumstances, with the war on, which is for America. Other things, to my mind, come in a different type of category. That is why I am sorry we have not had some reductions in more general categories here. The failure to make such reductions makes it very difficult for me to support the bill. I may add that I hope that on our motion to recommit we may yet be given some opportunity to make substantial cuts.

If any further amendment is offered to cut assistance to these particular countries I have mentioned, such as the Republic of Vietnam, then I will consider that I have opposed these amendments ahead of time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, the situation in the Arab refugee camps in Lebanon, where terrorists are reportedly in control, is a matter of the utmost concern. The Israel delegation at the U.N. has properly protested that the UNRWA should not allow misuse of its relief grants and facilities by terrorist groups, and the U.S. delegation should also support that position.

For too long the United States has been carrying a disproportionate share of the burden of financing the operations of UNRWA. The camps have been breeding grounds for hatred and have been used more recently as training areas for terrorists. The Arab States have steadfastly refused to allow the refugees to be resettled in accordance with the original UNRWA concept, preferring instead to keep the camps going as a source of political infection. In my view the United States should long since have indicated its determination to cut down its contributions to UNRWA on a phased basis, and it should begin to do so now.

In view of the recent reports of Palestinian terrorists being in actual control of most of the camps in Lebanon, I had seriously considered proposing an amendment to the pending bill which would cut off further U.S. contributions to UNRWA unless and until effective steps were taken to remove the camps from terrorist control. However, after consulting with a number of colleagues and other knowledgeable persons interested in the Middle East both in and out of Government, I have come to the conclusion that adoption of such an amendment at this time might have unforeseen and undesirable political consequences which would not contribute to peace in the area. Accordingly, bearing in mind the delicate situation which prevails, especially with respect to the Government of Lebanon, I have decided not to offer the amendment.

I trust that the administration will do all in its power to the end that the intolerable situation in the UNRWA refugee camps may be corrected as swiftly as possible.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, included in section 304 of the Foreign Assistance Act of 1969—Support of Voluntary Assistance—is a $5 million authorization for the expansion and improvement of the medical facilities of Hadassah in Israel. The primary target of this aid is the Hadassah medical complex at Ein Karem and the buildings located on Mount Scopus, on the outskirts of Jerusalem.

I am pleased to have had a role in seeing this specific authorization through the committee stage of this bill. For several reasons, this contribution is the sort of foreign aid project we should encourage.

The $5 million will assist a substantial institution located in a democratic nation. The Hadassah complex has benefited over the years from a great infusion of private American aid.

The Hadassah Medical Organization has been active in the Middle East for almost 60 years. Hadassah's 318,000 women in 1,320 chapters throughout the United States take great pride, and rightly so, in the medical complex whose growth their organization has nourished for so long.

The medical complex which is the fruit of these generous and longterm efforts is now known throughout the world. It makes a special contribution in the worldwide treatment of ills endemic to the developing peoples of Africa and Asia.

It is able to make this special contribution because it trains in its medical, dental, and nursing schools physicians, dentists, pharmacists, and nurses for medical institutions in Asia, Africa, and Central America. Its doctors have established clinics in many developing nations. And, it is physically located at the crossroads of Africa-Asia-Europe, serving a heterogeneous population. This affords the Hadassah Medical Center the opportunity to perform unique studies and comparative tests, yielding results applicable throughout the world.

Work done in the Hadassah complex and by Hadassah fieldworkers has had a great impact on trachoma, for instance, a scourge of poorer, less developed countries.

A very significant result of the Hadassah effort is the transmission of high American standards of medical care and equipment to developing countries. Hadassah has helped to make these standards the norm in Israel and through the training of medical personnel from other lands, these high standards are being disseminated to a wider and appreciative audience.

It is my belief that medical technicians and professionals trained in Israel are much more likely to return to the countries of their birth than those trained in the United States. Israel is not devoid of the attractions of an affluent Western society, but nevertheless it does have the atmosphere of a developing and self-sacrificing society and this is, I believe, transmitted to many of its temporary residents.

For all of these reasons I commend to my colleagues in the House this bargain in foreign assistance.

Mr. Chairman, a new provision, subsection (c), has been added to section 452, supporting assistance.

Supporting assistance is given to nations in which the United States believes it has immediate foreign policy interests in order to help maintain political and economic stability. The President is authorized to furnish assistance under this section "on such terms and conditions as he may determine, to or for friendly countries and areas, and to organizations and bodies eligible to receive assistance" under part I of the act authorizing economic assistance. United Nations peacekeeping operations are included.

The new subsection (c) authorizes specific Middle East aid expenditures once the President has determined that a peaceful settlement has been achieved in that explosive area. There is nothing in this new provision which would circumscribe existing authority to authorize supporting assistance for any eligible country. This new standby authorization is in addition to the existing authority for the Middle East aid under part I.

Section (c) authorizes:

First, peacekeeping activities;

Second, resettlement and vocational training of refugees;

Third, rehabilitation and restoration of public service facilities damaged by war; and

Fourth, programs of health, education, agriculture, and community development.

The objectives of the section are to speed settlement in the Mideast and to help make the settlement a durable one. The assistance would be extended to all nations and peoples of the geographic area: Arab and Israeli, Christian, Moslem, and Jew. This standby authority, the committee believes, may increase the President's ability to positively influence the tragic course of events in the Middle East by:

First, increasing his capacity to contribute toward efforts to achieve peace in the area;

Second, enabling him to act quickly, once peace is established, to ameliorate the war-caused social and economic disruptions; and

Third, enabling the President to commence development aid rapidly.

If the world community knows that the United States is ready to join other industrial nations in aiding rehabilitation of the Middle East, there may be less antagonism and fear surrounding efforts to achieve the peace. The aid envisioned by subsection 452(c) is contingent upon a peaceful settlement being achieved in the Middle East. Whether or not the peace we all hope for is achieved, aid to the Middle East under other provisions of part I including sections 452 (a) and (b), continues to be authorized.

(Mr. MOSS (at the request of Mr. FASCELL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MOSS. Mr. Chairman, I rise in support of the foreign aid bill and especially an amendment which was cosponsored by myself and 16 other Members of the House of Representatives from both political parties. The bipartisan amendment provides a partial U.S. guaranty on the repayment of loans by banks and other private financial institutions to groups of campesinos in Latin America for self-help community development projects. It is now a part of the foreign aid bill pending before you. And it was also recommended by the Rockefeller report.

The House Foreign Affairs Committee held public hearings on the amendment and agreed that it should be tried on a pilot basis in five Latin American countries. Responsibility for its administration would be placed under the newly proposed Overseas Private Investment Corporation. I want to thank the chairman of the committee, Dr. Morgan, and also the gentlemen from Connecticut and Pennsylvania (Mr. MONAGAN and Mr. FULTON), for offering the amendment in committee and gaining its adoption. This amendment, frankly, is an experiment. I like to think of it as a bold and needed experiment. It would authorize a partial U.S. Government guaranty on the repayment of loans made by private banks, cooperatives, credit unions and other financial institutions in Latin America. The loans would go to deserving farmers and workers for rural and urban self-help community development projects.

The guaranties will be confined to 25 percent of an institution's portfolio of loans made for self-help community development projects, subject to an additional restriction that the liability of the United States cannot exceed 75 percent of any one loan in such a portfolio.

The concept—in more than one sense—is revolutionary. We have never done this before in the U.S. foreign aid program. The revolution I am talking about enlists the private sector of Latin America in a peaceful but effective program of economic and social reform. There will be no violence. But there will be change—and all will benefit if the program is successful. This will be the beginning of a quiet but meaningful revolution.

The loans would finance such worthwhile improvements as water pumps, wells, farm machinery, small schoolhouses, short access roads—agrarian reform projects, including improved seed, fertilizer, and pesticides for groups of farmers—small vocational training centers in slum areas—improved breeding stock for farm animals, grain warehouses, sanitation facilities, small health centers, irrigation systems, looms and other handicraft-making aids for groups of artisans, and many other types of projects. Some would cost only a few hundred dollars. As you can see, many of them would be income-producing and help to pay for themselves. In short, they would be improvements which a community or group itself feels are important to its development. The labor for most of these self-help community development projects would come from the group itself. This, of course, constitutes a substantial equity alone. The primary security for the loan would be the honor of the community to repay.

The loans would be handled by private banks, national development foundations, credit unions, cooperatives and savings and loan associations. Guidelines in agreements with these institutons will insure that such loans are made only to groups of people who cannot obtain credit for worthwhile development projects. However, the emphasis should be on a minimum of redtape. No guarantee would apply to any loan already in effect or be available to persons who already qualify for bank credit.

A similar program carried on by the Pan American Development Foundation during the past 2 years shows that the campesinos have a repayment record of 95 percent, involving more than 400 different community developing projects costing a total of $700,000.

The House Foreign Operations and Government Information Subcommittee, of which I am chairman, was greatly impressed with the high repayment record by ordinary people benefiting from credit programs sponsored through the U.S. aid program in Latin America. Our review of U.S. aid operations last year included some agricultural credit and low-cost housing projects where the repayment rate was 97 and 98 percent. Conversations with Latin American bankers and businessmen also confirmed the low default rate. They stated that when such loans were made, the default rate was actually below 5 percent, especially in the rural areas. In Mexico, the default rate on personal loans was recently reported at 1 percent.

The type of guarantee program we propose would have many advantages. Chief among them are:

First. The loans would go directly to the people and quickly provide communities with visible and practical improvements to assist development. There would be no protracted delays waiting for aid to "filter down" through government-sponsored programs.

Second. Inasmuch as the campesino pays for the improvement, he retains his dignity by being able to pull himself up by his own bootstraps. The loan program is not a charitable operation. It is a business proposition. Loans would be at legal commercial interest rates but far below rates charged by moneylenders.

Third. It provides a system whereby the rich can make a contribution to helping the poor. It thus encourages a greater social consciousness on the part of the privileged. Equally important, it permits the wealthy to invest their money at home under a guaranty. Hopefully, this would provide an effective weapon against capital flight. The economic power structure would support the program.

Fourth. In large part, it bypasses unpopular and repressive governments that the United States might not want to help perpetuate in office through government-to-government aid. It puts funds to use directly without being diluted through bureaucratic mazes, diversion, corruption and unfriendly and callous officials.

Fifth. Because it emphasizes chiefly a group or community responsibility, it encourages the growth of democratic institutions envisioned in title IX of the Foreign Assistance Act. It also helps to establish a future tax base and attitudes conducive to sharing the costs of community improvements and services.

Sixth. If the program is successful in Latin America and the default rate remains low, the plan can be expanded to include other types of projects now being financed by U.S. Government loans and grants and to other areas of the world. A high rate of success would result in substantial savings. Many countries currently being aided by the United States through government-to-government loans are finding it difficult to make repayments. The proposed program would put more of the burden on the private sector and utilize more money now held by the affluent.

Seventh. It would cut the dollar drain by utilizing local currencies owned by the private sector in Latin America instead of appropriated U.S. dollars. It would further add to a more favorable U.S. balance of payments by increasing American export sales to Latin America for machinery and other items needed in community development.

Eighth. The cost to the U.S. taxpayer would be much less than traditional loan programs designed to achieve the same local development objectives. When the aid program began, it emphasized grants. We then moved to loans. If the proposed program described here proves workable, we can now move more in the direction of guaranties for certain types of programs and actual foreign aid dollar spending can gradually be reduced.

The 25-percent guarantee applies to the portfolio of such self-help community development loans held by each participating bank or other financial institution. In my view, and the opinion of experts in our Government intimately familiar with Latin America, this will provide the incentive needed to encourage a sufficient number of banks to take part in the program.

However, I believe the repayment rate by the campesinos would still be 95 percent or better, regardless of the amount or form of the U.S. guaranty. I know from my own experience as a former credit manager that a poor man is often a better credit risk than some professional people. In short, we must have confidence in the "little man" to advocate a program of this type. Otherwise, it does not make sense.

Originally, it was our intention not to require any security other than the honor of the community to repay. However, further study shows that it is illegal to make an unsecured loan in some countries. Many banks in Latin America also feel strongly that any machinery or similar items to be purchased under the loan should be considered as collateral. This is the practice we follow in the United States and does not appear unreasonable. However, I think it would be most unwise if the banks went beyond that point for collateral. It is certainly not our intention to place anyone's home or land in jeopardy.

The new guaranty program would provide a total of $15 million in guaranties over a 3-year period. Because we are guaranteeing 25 percent, this would generate $60 million in private Latin American loan money. The actual cost to the United States, with an expected default rate at 5 percent, would be $3 million. This is equivalent to less than 1 hour's cost of the Vietnam war. The number of self-help community development projects for campesinos would be 45,000 projects. If each project involved an average of 10 persons, almost half a million human beings would be helped.

It is exceedingly difficult to estimate the turnover in loans because the term of commercial bank loans varies in each of the 21 countries. It ranges from as low as 6 months to as high as 8 years. Most would be closer to the lower figure. Therefore, if we assume that only half the loans would roll over in the 3-year period, this would permit another $7.5 million in U.S. guaranties to be made available, or an overall total of $22.5 million during the 3-year authorization. This would finance a total of 67,500 projects, involving 675,000 people. Thus, I think you will agree this program would have great impact. It has the potential of touching many lives—and in a lasting way.

The language of the amendment is broad enough to permit also a guaranty on loans made by banks to other financial institutions to provide capital for self-help community development loans. This will be most helpful in making more capital available.

I want to emphasize it was our intention that the loans would be available mainly to groups of people. Each group must have a common problem, a common commitment, and a common obligation.

The Peace Corps and U.S. voluntary agencies operating overseas can help to identify deserving groups and encourage them to qualify for self-help loans. These organizations often recognize what a community needs but are unable to provide the necessary funds. In addition, the communities often resent charity and would prefer to pay the cost themselves if they could only obtain the credit. As of now, they cannot—so nothing is done.

There is a tremendous need for the U.S. foreign aid program to identify itself directly with the basic aspirations of the people of Latin America. We have an opportunity here to help our friends in Latin America lift themselves by their own bootstraps. We can speed the development of a middle class. More important, we can provide a catalyst for the faster attainment of the goals of the Alliance for Progress, which, of course, is our key objective.

In summary, this new guaranty program will permit the people of the United States to help many people in Latin America right at the grassroots level. For every dollar we actually spend, it will generate $20 worth of Latin American money for vitally needed community development. I know of no other aid program which gives a rate of return of 20 to 1.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. McClure).

AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClure: On page 4, line 19, insert the following:

"Sec. 104. It is the sense of Congress that the President take immediate steps to rescind sanctions against the Republic of Rhodesia and effect immediate recognition of the sovereignty and independence of that nation."

Mr. MORGAN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order against the amendment.

(By unanimous consent, Mr. Collier yielded his time to Mr. McClure.)

The CHAIRMAN. The gentleman from Idaho is recognized.

Mr. McCLURE. Mr. Chairman, earlier the gentleman from Pennsylvania (Mr. Fulton) offered an amendment which went to the same subject matter in regard to Rhodesia. At that time there was some extensive discussion about the problem of the sanctions, economic sanctions, against that country and the reasons for them and the reasons why they ought to be lifted.

The major objection raised at that time to the amendment offered by the gentleman from Pennsylvania (Mr. Fulton) was that his amendment went too far, that it went further than the single subject of Rhodesia and, therefore, his amendment should not be agreed to.

At that time there was not one word—not one word—of objection to the question of removing the sanctions which we have applied against Rhodesia. For that reason I prepared and submitted this amendment which applies only to Rhodesia and to that single question and to that single problem.

Mr. Chairman, I would hope that the Members who objected to the amendment which was offered by the gentleman from Pennsylvania (Mr. Fulton) will not object to this amendment which addresses itself very carefully to the single subject matter of the sanctions against Rhodesia.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I object most strenuously to an amendment of this kind. It seems to me that the effect of the Fulton amendment would be to lift the sanctions against Rhodesia and that has been disposed of. I think that the imposition of sanctions was the right action for this country to have taken. I only wish that we had had more opportunity to discuss this question at greater length.

Mr. McCLURE. Certainly, I agree with the gentleman that we are in disagreement on this point. It is too bad that he was not a little more candid in objecting to the Fulton amendment. Now we find the gentleman was in opposition to the subject matter of Rhodesia.

I think the House full well knows what the conditions are, and I would hope they would take a favorable stand on this amendment.

Mr. ZABLOCKI. If the gentleman will yield, I am sure that the gentleman is aware that the Subcommittee on Africa has held extensive hearings, and continues to hold hearings this very week, so the entire matter of Rhodesia is under consideration. I would submit to the gentleman from Idaho that it would be untimely for us to take action on such a sense-of-Congress resolution at this point, and I would hope that the gentleman would withdraw his amendment.

We know about the situation. I appreciate the sincerity of the gentleman in presenting his amendment, but again I say it is untimely.

Mr. McCLURE. Mr. Chairman, I would say to the gentleman that we have been temporizing with the problem for far too long already, and I think it is high time we had the sentiment of the Congress as to the action taken by the Executive by which American officials can be fined for actions regarding their own properties, let alone what it does to the people in Rhodesia. This is unwise, and should now be rescinded, and I would hope that the amendment is agreed to.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Pennsylvania wish to renew his point of order?

Mr. MORGAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his point of order.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I just want to say that the Subcommittee on Africa is holding hearings on this very question. On Wednesday of this week we had the distinguished former Secretary of State Dean Atcheson testify before the subcommittee.

I just want to inform the gentleman from Idaho, the author of the amendment, that his President can do this any time he wants to, and he does not need any sense-of-Congress resolution to do it. The President has the right to do it. So it does not need a sense-of-Congress resolution, and it does not need to be written into this foreign aid bill. I do not like the foreign aid bill to become the catchall of all kinds of unrelated matters. All the gentleman has to do is to call down to 1600 Pennsylvania Avenue, and inform the President, and he has authority to do as the gentleman wants him to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. MCCLURE).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

I shall be brief.

Mr. Chairman, I merely rise to protest the process by which the amendment offered by the gentleman from Connecticut (Mr. MONAGAN) was agreed to, although I have the highest regard for the gentleman from Connecticut and for the committee. But when a reading of the amendment does not reveal what the contents are, and there is no explanation given, and a copy of the amendment is not available to members of the Committee of the Whole House on the State of the Union, this process is really lamentable.

Mr. Chairman, I understand what the amendment means now because the gentleman from Connecticut (Mr. MONAGAN) has very carefully explained it to me. The gentleman pointed out that it was merely to exclude extremely indefinite authority in addition to the quite definite authority described. I am not against it. I simply feel we should have some process in this House by which Members can readily be informed of the content of an amendment before they vote.

I say again that I do not in any way reflect on the able gentleman from Connecticut (Mr. MONAGAN) or upon his presentation of his amendment.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I thank the gentleman for yielding, and I would only wish to state that since both sides agreed, I understood it was not incumbent upon me to explain the amendment, although I was prepared to do so. I would further like to say that the amendment was available at the desk, however, from the beginning.

Mr. ECKHARDT. That is correct. The gentleman was ready to explain his amendment but I think the House was a bit too restless to listen to the explanation.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I have in my hand wire service stories that appeared yesterday and the day before. The first reports that "black marketeers have made more than $1 billion by illegal manipulation" of dollars and piasters in Vietnam. The second reports that the currency black markets and "flight of millions of dollars out of the war zone creates economic chaos and hampers even limited U.S. war objectives."

Then I show you this headline of November 2: "Inflation Perils Thieu on Anniversary of Diem Overthrow."

And there is this headline of November 1: "Prices of Staples Soar, Under Thieu Luxury Tax."

It is quite obvious that the commercial import program that is supposed to be the device to control inflation in Vietnam is an expensive and dismal failure.

And then there is the captured Vietcong major who said:

> Without American money, guns, food, medicine and supplies, we of the NLF would have a hard time surviving.

There has been a billion dollars spent to control inflation; by this CIP program. What it has done, is to feed the black market and supply our adversary—the Vietcong. We are subsidizing luxuries.

I have been told in committee and in other discussions that the CIP is working.

The facts belie this, because no amount of imported merchandise can overcome the rampant corruption and diversion of our aid in Vietnam.

I have here a report of the Committee on Government Operations in which it is recommended that the Secretary of State and our Ambassador take a firmer stand with the Government of Vietnam—GVN. Quoting:

> It is the Committee's view that U.S. officials have too often attempted to avoid "rocking the boat" rather than pressing for necessary reforms. This attitude, if continued, will lead to neither reform, nor progress nor broad popular support for the GVN.

This report is 2 years old and nothing, absolutely nothing, has been done in that time to improve the situation.

In fact, the gentleman from California (Mr. MOSS), chairman of the Subcommittee on Foreign Operations and Government Information, is even today awaiting confirmation of an unnecessary, excess purchase of $100 million of rice while the United States and GVN knew rice was stockpiled.

How can we be so gullible to believe that this bandaid approach to a cancerous growth can solve the problem of money manipulation and corruption in Vietnam.

If I had my way we would do away with the unsuccessful, wasteful CIP. Is it too much to ask that we limit this authorization to the amount authorized last year?

The fact we juggled our accounts in fiscal 1969 to get more money for this commercial import program, this endless pit of waste, is no reason to perpetuate our past errors. If we force the Vietnamese to live within reasonable bounds, by limiting the authorization to last year's authorization, maybe someone will have the good sense to force the GVN to fulfill its responsibility and put a lid on inflation.

The entire mockery is compounded by the fact that we are made to believe that the CIP is our only contribution to price stabilization. The facts are different.

American goods and purchases are designed to supply a full 90 percent of the $800 million in this program. We are not spending $240 million for the fight against Viet inflation; we are spending $720 million—$720 million so that the South Vietnamese can indulge themselves in luxuries, fat bank accounts in Paris, "Hondas," and the like, when they are supposed to be fighting a war; $720 million in support of corruption, diversion, and money manipulation.

I recall quite vividly the price controls we imposed on ourselves during World War II. If their administration was sometimes less than perfect, they certainly served a purpose. But there are no controls in Vietnam today and the Vietnamese do not know what a wartime economy should be.

Why should we permit a wheeling-dealing government to go uncontrolled while Uncle Sam writes a blank check? I ask that we reduce the CIP request by $110 million to make it equal to last year's appropriation.

Let us Vietnamize the economic aspects of this war, as we are attempting to do with the military. Let us let the fat pockets in Saigon know there is a war going on.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WOLFF: Page 61, lines 17 and 18, strike out "$414,600,000 for the fiscal year 1970" and insert in lieu thereof the following: "$304,600,000 for the fiscal year 1970".
>
> Page 62, immediately after line 13, insert the following: "(d) Of the amounts authorized to be appropriated for the fiscal year 1970 under subsection (b), not more than $130,000,000 may be used for the commercial import program in South Vietnam."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DOWDY: Page 2, at the end of line 15, insert the following:

"The Congress further declares it is the national policy of the United States to balance her international accounts and bring inflation under control, in order to insure dignity, freedom, and a decent standard of living for American citizens. The Congress further declares that this policy serves our national purpose to maintain a free and peaceful United States of America. To this end, the United States should conserve its resources for use in building her own necessary human and material resources, and economic and social institutions which serve the aspirations of her own people, to the end that the United States may continue to be the backbone of the free world. To insure the effectiveness of this national policy, no appropriation of money hereunder shall be expended in any year in which the national debt is not reduced by at least $5 billion."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to part I? If not, the Clerk will read.

Mr. SCOTT. Mr. Chairman, I have 2 minutes of time for debate.

The CHAIRMAN. Under the unanimous-consent agreement, the limitation of time for debate was by the clock. The time expired at 5 o'clock.

The Clerk will read.

The Clerk read as follows:

PART II—MILITARY ASSISTANCE

Sec. 2. Part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Section 503(a), which relates to general authority, is amended by inserting ", barter" between the words "loan" and "or grant";

(b) Section 504, which relates to authorization, is amended as follows:

(1) in the first sentence of subsection (a), delete "$375,000,000" and "1969" and substitute therefor "$350,000,000" and "1970" respectively;

(2) in the second proviso of subsection (a) insert after the word "country" the words "other than Greece, Turkey, the Republic of China, the Philippines and Korea";

(3) add new subsection (c) as follows:

"(c) The military assistance program for any country in any fiscal year shall not be increased beyond 20 percent of the amount justified to the Congress or $1,000,000, whichever is greater, unless the President determines that such an increase in such program is essential to the national interest of the United States and reports such determination to the Congress within thirty days after each such determination."; and

(4) add new subsection (d) as follows:

"(d) There is authorized to be appropriated to the President to carry out the purposes of this part in Korea, in addition to funds otherwise available for such purpose, not to exceed $50,000,000 for the fiscal year 1970 and not to exceed $50,000,000 for the fiscal year 1971. Amounts appropriated under this subsection are authorized to remain available until expended.".

(c) Section 506(a), which relates to special authority, is amended by deleting "1969" each place it appears and substituting "1970".

(d) Section 507, which relates to restrictions on military aid to Latin America, is amended by deleting subsection (d).

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sikes: On page 64, line 3, after the letter "(d)", add "and (e)", and after line 10 add a new subsection (e) as follows:

"(e) There is authorized to be appropriated to the President to carry out the purposes of this part in the Republic of China, in addition to funds otherwise available for such purpose, not to exceed $54,500,000 for the fiscal year 1970. Amounts appropriated under this subsection are authorized to remain available until expended."

Mr. SIKES. Mr. Chairman, I believe the importance of this amendment is recognized in the language of the report on page 51. I understand the problems of the committee. It has many demands, dollars are scarce. I am confident the committee is sympathetic to the purpose of the amendment.

First, let me make certain that the amendment is understood. It would increase the authorization in foreign military assistance by the amount of $54.5 million for the purpose of providing a squadron of F–4D aircraft to the Republic of China in Taiwan. It has been stated repeatedly that the most economical form of mutual security is obtained through friendly foreign military forces which are equipped with U.S. weapons systems. The F–4D is not our most modern aircraft, but it is one which has been used most successfully in South Vietnam where it has proven a match for the most modern Mig's, and it is the same model which is being provided for the Republic of Korea. It is also the model which the Taiwan Government has requested.

There are a number of reasons why this amendment should be approved. This administration has made it clear that it seeks to encourage our friends abroad to rely more on their own military resources. By providing more adequate weapons for Taiwan, we help to make this possible. The Taiwanese forces now are equipped with F–86 and F–100 aircraft. These are not a match in any sense for the modern Mig fighters with which the Red Chinese forces are equipped and which they also are manufacturing. They are out of date. Please bear in mind that the Red Chinese forces are overwhelmingly larger than the Taiwan forces. If the latter are to have a chance to survive in the event of war, it is essential that they be better equipped.

The people of the Republic of China are among our very best friends. Already they are paying heavily from their own funds for their defense needs. They help to keep a brake on Red China by their firm stand for the Western alliance. Their effectiveness as a deterrent to Red Chinese aggression certainly is dependent upon the effectiveness of their fighting forces.

Every U.S. observer will state their fighting forces are outstanding but they will also tell you the Taiwanese equipment is getting old, it is getting obsolescent, and it is no match for the equipment of the Red Chinese forces. Taiwan is one of the very few nations which has volunteered fighting forces—combat units—to assist the allied cause in South Vietnam. Their offer was not accepted, principally because the U.S. State Department did not want to aggravate Red China, but the offer still stands. These are stanch friends. We do not have many in the world who are willing to fight by our side. If we have help to give, let us give it to those we know are with us.

Let us look at our situation in the Pacific. The Philippines are withdrawing their forces from South Vietnam. It was only a token force of support troops. There were no combat units. But even this they are unwilling to provide for the common security. Japan, which contributes nothing to the common defense, apparently is to get Okinawa back lock, stock, and barrel on their own terms, this despite the fact that Okinawa is the most important forward bastion that we have and our forces will be severely handicapped if our use of Okinawa is limited in the manner in which the Japanese propose. All of this encourages aggression.

The world is watching the United States. If we show no signs of standing by those few who are our proven friends, our entire Pacific structure may collapse like a house of cards. The Russians are very busy in that area. They are making deals in whatever way they can, with everyone they can. Taiwan is one of the few nations left which refuses to consider the Communist blandishments and Red China is threatening on every side.

This is a very small amount of money but it carries a lot of significance. It will hearten our friends in the Republic of China and those in other nations who want to continue to stand by us. I consider it to be one of the best investments we can make.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to the distinguished gentleman from South Carolina, the chairman of the Armed Services Committee.

Mr. RIVERS. I thank the chairman.

Mr. Chairman, I wish to associate myself with the amendment and the statement of the distinguished author of the amendment. This is military assistance and not foreign aid. The Republic of China is one of our few allies that can support an F–4 aircraft, can maintain it, operate it, and fulfill their mission in the Far East. They have 20 divisions ready to help us, but they do not have adequate air cover. At least we owe them the opportunity to have air cover in their commitment to carry out the fight for freedom.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. Mr. Chairman, I yield to the gentleman from Louisiana, the chairman of the House Subcommittee on Foreign Aid of the House Committee on Appropriations.

Mr. PASSMAN. Mr. Chairman, my enthusiasm for foreign aid is not any higher this year than it has been in previous years—and I have never yet voted for a foreign aid authorization bill.

But, Mr. Chairman, based on principle, and having in my possession certain information, I think I would be remiss in my duty if I did not say to the Members of the House that this is a very meritorious proposal; and for the first time in my 23 years in the House, I am going to vote for an amendment to increase the amount in the authorization bill by $54,500,000.

In my opinion, Nationalist China is one of our best friends—if not our best friend—in that part of the world, even though we may have cut them off from the economic aid program much earlier than some of the other countries that need to be cut off. They accepted that decision without complaint and have adjusted their national budget to compensate for it, even though there are other countries in the world still receiving economic aid who, in my opinion, should be cut out of the program.

Several Members have mentioned today the talks that are taking place between the President and Prime Minister Sato of Japan regarding the return of Okinawa to Japan. To me, that would make the friendship and cooperation of Nationalist China even more important, if we are to maintain a realistic posture of defense capability in that part of the world. Therefore, I repeat, I intend to vote for this amendment, even though I will vote against final passage of the bill, and will do whatever I can in my own committee to see that the objective of the amendment is fully funded.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Florida yield?

Mr. SIKES. I yield to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding to me.

Mr. Chairman, I should like to commend the gentleman from Florida on his forceful and compelling statement and assure him that I shall vote for his pending amendment. The argument that the gentleman makes in favor of the expenditure of these funds for these aircraft is verified at page 51 of the written report of the House Committee on Foreign Affairs, where they say:

> There is danger that the number and quality of aircraft in the Nationalist China inventory may not be adequate to cope with the new and sophisticated aircraft now appearing, in increasing numbers, in the armed forces of Communist China.

Mr. Chairman, I urge full support of the gentleman's pending amendment.

Mr. SIKES. Mr. Chairman, I appreciate that very much.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES). I think this is a meritorious amendment. I think it may get us more for the money than any other part of the bill we have had yet.

I think we ought to pass the amendment.

I intend to support it.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sikes amendment. It seems to me in this day and at this time, when we consider the number of really dependable friends the United States has around this world, we must consider Taiwan as one that is among the most prominent and dependable. That is the Republic of China. They have been our friends from the beginning. They have a tremendous military force of great potential. They wield a stabilizing effect throughout Southeast Asia.

If the time arrives—which God forbid—when there should be a major conflict developing in that area of the world, the presence of this country with its military capability can be of tremendous value to the whole free world. Now, of all times, we need to enhance the capability that does exist there. Those people need these airplanes if we are to make the maximum and best use of the potential they have to give to us and to the free world.

We know Red China has repeatedly threatened to invade Formosa. We know our friends in Taiwan are under the Communist gun. We know it is in our national interest to keep Formosa free, strong, and prepared. Above everything it is imperative that this little country have a modern air force. I earnestly hope this amendment will be overwhelmingly approved.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I associate myself with the amendment offered by the gentleman from Florida (Mr. SIKES). I think it is a very good amendment. I am happy to support it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FISHER I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would like to associate myself with the gentleman from Texas and all the other gentlemen who have stated their support for this amendment. It is surely an effort to stand with our friends and is worthy of our support.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I support the amendment offered by the gentleman from Florida.

Mr. MORGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this opportunity to ask the author of the amendment, the gentleman from Florida, a few questions. I also want to say, as one who has been around here a great many years and who has seen the contribution that Taiwan has made to the defense strategy of the United States, that I support the objective of the amendment to assist the Government of China in its effort to keep that part of the world free.

But as one who has chaired this committee for a great many years, and who always has opposed earmarking military funds for specific countries, because I felt we were likely to find ourselves with unnecessary problems which are created by earmarking, I wonder if the gentleman from Florida, the author of the amendment, could assure this House that the money will be spent by the Department of Defense for the purpose he advocates.

Mr. SIKES. Of course I am not authorized to speak for the Department of Defense, but I am authorized to state that the planes are available. It has been recommended by our own military forces that the planes be made available out of any funds that can be allocated or appropriated for that purpose.

I am not authorized to speak for the Department of Defense or the administration, but in my opinion they will be delighted to have an opportunity to make these aircraft available.

Mr. MORGAN. This bill already carries an earmarking of $50 million for military assistance for South Korea, put in by a distinguished member of the committee, the gentleman from Michigan (Mr. BROOMFIELD), during the markup of the bill. At that time many of us knew the great need for rehabilitating the military equipment necessary for the defense of South Korea.

I know it has been a long time since we have supplied the Republic of Taiwan with an adequate amount of up-to-date equipment. I recognize that their military equipment is getting pretty shopworn, so I can see that, considering their strategic location, so close to Red China, they are going to need modern aircraft equipment.

Mr. SIKES. Mr. Chairman, will the distinguished gentleman yield?

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. SIKES. I should like to state that I commend the gentleman's committee on the fact that additional funds are provided for the Republic of South Korea as well. I know something about the inadequacy of the equipment of our friends all over the world.

That is one of our principal problems. We are asking our friends to take on a bigger part of the burden or responsibility for their own defense but we are not making additional equipment available to them that is modern enough for them to withstand Communist aggression on their own borders. It is very important that we help our friends to modernize all over the world.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Speaking for myself, Mr. Chairman, I wholeheartedly endorse this amendment. I might add that there are high ranking responsible people in the administration who believe that this amendment is a very worthwhile one. The aircraft are available. There is a need.

It seems to me, in the light of all the problems we have in Southeast Asia and particularly if we believe in the President's new Southeast Asian policy, this amendment ought to be approved.

Mr. MORGAN. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the chairman for yielding. I was going to get my own time.

I can say I am not going to support this amendment. I should like to ask the distinguished author of the amendment why it is that these kinds of planes are coming under an aid amendment instead of a military amendment? I thought we had been through this a little earlier. I am at a loss to appreciate how this kind of materiel is coming under the foreign aid program.

Mr. SIKES. May I state to the distinguished gentleman that this type of equipment, these weapons systems, always comes under military assistance in the Foreign Assistance Act. That is a part of the regular procedure of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. MORGAN was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I believe the RECORD ought to at least show that there were no hearings, no justification whatever before the Foreign Affairs Committee, for the amendment that is now proposed. This is too much money to add to this bill without the slightest justification except the statements of the sponsors.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I take this time to speak in opposition to the amendment for several reasons. I hope that the author of the amendment might be helpful in responding to some questions.

Is it your intention to give this aircraft to the Nationalist Government?

Mr. SIKES. Will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. SIKES. The purpose of the amendment is to provide funds to make the aircraft available. Of course, we would be purchasing them with U.S. funds to make them available to the Government of Taiwan. Keep in mind that the Republic of Taiwan is spending very considerable sums of their own money in their defense program. This is just a drop in the bucket compared to the amounts of money that they require for even a minimum of defense for the Republic of China. It is essential, and I am sure they will make good use of it.

Mr. FRASER. I wanted to know if we are going to give it to them. I understand under your amendment we will give these airplanes to the Government of Taiwan.

Mr. SIKES. That is correct.

Mr. FRASER. Does the gentleman understand that when we provide military assistance such as airplanes to the country of Israel, that she has to pay for them?

Mr. SIKES. I am not an expert on that, and I would have to refer the question to an expert on the matter on the committee.

Mr. FRASER. Will the gentleman tell me where these airplanes are manufactured that we will be turning over to the Government of Taiwan?

Mr. SIKES. In the United States. I cannot tell you exactly. It is not in my district. I can tell you that.

Mr. FRASER. You do not know the manufacturer of the aircraft?

Mr. SIKES. St. Louis, Mo., McDonnell-Douglas.

Mr. FRASER. Can the gentleman tell us this: Do the Chinese, the Communist Chinese, have a seaborne capability which would allow them to mount an invasion of Taiwan from the sea?

Mr. SIKES. Yes, they do have a seaborne capability.

Mr. FRASER. Will the gentleman tell us just what seaborne capability they have?

Mr. SIKES. I do not have that spelled out in front of me, and I am sure the gentleman realized it when he asked his question.

Mr. FRASER. Let me say I understand they do not have a seaborne capability and if the gentleman from Florida knows they do, I wish he would tell us just what the facts are.

Mr. SIKES. I think my information on the situation is as sound as that of the distinguished gentleman in the well. It is my information that they do have the capability.

Mr. FRASER. Will the gentleman tell us what that capability is? What ships do they have?

Mr. SIKES. I do not carry around lists, as I spelled out, of the waterborne capability of any nation, including our own.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Does the gentleman want to help me on the answers to some of these questions?

Mr. LONG of Maryland. I am just seeking light. I do believe that the Chinese Communists, although they do not have a seaborne capability of great importance, do have an airborne capability.

Mr. FRASER. Does the gentleman understand that they will invade Taiwan from the air and move enough troops over by air so that they will pose a direct security threat to Taiwan?

Mr. LONG of Maryland. I do not suppose that, but they do represent a military threat.

Let me say that I have been consistently opposing much of our military aid. We are throwing it around the world everywhere, in a lot of places where we are not justified in doing so. But I have always felt that military aid for big countries on the threshold of Communist aggression is worthwhile. That is why I am supporting the amendment offered by the gentleman from Florida.

Mr. FRASER. Is the gentleman making the statement that without this aid Taiwan is in danger of being successfully invaded?

Mr. LONG of Maryland. I do not think that I can ever take a position on that, because no one knows what any country will do at a given time. We hope that we are not that close and we hope that we have a margin of safety. If I thought it was just a squadron of planes that was going to make the difference between war and peace, that would be something else.

Mr. FRASER. I want to say, Mr. Chairman, that I find it ridiculous to come in and ask this House to give $54 million, or whatever figure is asked for, for planes to go to the Government of Taiwan when we make other countries such as Israel, which is directly faced with attack day in and day out, pay for their airplanes. There is no credible evidence that the Communist Chinese have a capability of invading Taiwan. This free use of the taxpayers' money is the reason why our program gets into trouble. To bring this amendment to the floor of the House without hearings and with no substantial justification or facts means that this kind of an amendment should be rejected out of hand. I hope that the House committee will take that view on this amendment.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes, but I do want to make it very clear insofar as my own feelings are concerned that I support the amendment which has been offered by the gentleman from Florida (Mr. SIKES) to add $54 million for Taiwan.

I believe it is in the best interests of the United States. This is an area which is extremely vital to us. I certainly hope that the Committee of the Whole House on the State of the Union approves this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SIKES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: Page 63, strike out lines 10 through 12 and insert in lieu thereof the following:

"(1) in the first sentence of subsection (a), strike out '$375,000,000 for the fiscal year 1969' and substitute '$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971';".

Mr. HAYS. Mr. Chairman, this is the next to the last amendment which will make the bill come in all areas to the authorization for fiscal year 1971, as well as for the rest of fiscal year 1970.

The committee for the first time since I can remember reduced military assistance from $375 million to $350 million for 1 year. My amendment carries out the intent of the committee to put it at the $350 million mark which the committee decided upon and which represents a cut of $25 million, and the same amount for fiscal year 1971.

I do not think there is much confusion about the amendment. However, if there are any questions, I shall be glad to try to answer them.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. The committee is happy to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: On page 63, line 20, strike out "or."

On line 21, strike out "$1,000,000, whichever is greater."

Mr. LONG of Maryland. Mr. Chairman, I offer this amendment in order to tighten up congressional control over the allocation of military assistance to the various countries of the world, especially the underdeveloped countries.

Before the original language of this bill was written, the military assistance program was entirely on an illustrative basis. The purpose of putting in the original language limiting it was to make sure that if the State Department, or AID, or the military proposed to allocate funds in any different manner than what they justified to the Congress, they would have to come back to Congress.

Mr. Chairman, the administration feels it needs some more flexibility in this matter and they have offered a 20-percent leeway, or $1 million. I feel that $1 million gives them too much leeway. I made some calculations and in some cases this would result not in a 20-percent leeway but in several hundred percent.

Actually there is plenty of flexibility because there is a further clause in the bill which says, "Unless the President determines that such an increase in such program is essential to the national interest of the United States"—Thus the administration has means of flexibility here, first is 20 percent and the second the Presidential escape clause.

Mr. Chairman, I hope very much that this amendment will be accepted.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. We certainly understand the sincerity with which the gentleman proposes this amendment. But there is some concern about how it would affect situations where there are small military training programs involving several hundred thousand dollars.

Would the gentleman's proposal bring about a hardship on such situations, particularly when there are increased costs for training, for instance? Would the gentleman explain how his amendment would affect such types of military training programs?

Mr. LONG of Maryland. Of course, it would allow them to add on another 20 percent above what they justified. Remember, they come here each year for justification. But if that were not enough and they had a real meritorious situation then they would go to the President and make use of the Presidential escape clause. And that is the reason why they have $1 million in here, because they do not want to go to the President, and they do not want to go to the Congress; they want to be allowed to do so on their own.

I do feel we need more restriction on this. I do not feel it works a hardship.

Mr. ZABLOCKI. Personally, I do not have very strong feelings about this, but I do hope the amendment will not hurt some of the small programs.

Mr. LONG of Maryland. My understanding is that you accept my amendment.

Mr. HAYS. If the gentleman will yield, I think the gentleman has made the point, and they always seem to be talking about flexibility. The only people this gives flexibility to are the military. As the gentleman says, there is one overriding reason, the President can issue an order and give them any amount they want.

Mr. LONG of Maryland. The committee then accepts the amendment.

Mr. Chairman, there is an old saying—if you have made a sale, close the order book and go home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to part II, the Clerk will read.

The Clerk read as follows:

PART III—GENERAL ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

CHAPTER 1—GENERAL PROVISIONS

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) Section 601, which relates to private enterprise, is deleted and the following section is substituted therefor:

"SEC. 601. STATE AND LOCAL ORGANIZATIONS.—In furtherance of the purposes of part I the President is encouraged to utilize, whenever he deems appropriate, the services of State and local organizations on contract or other basis to provide technical assistance authorized under part I. The President shall encourage and coordinate technical assistance activities of such state and local organizations, both those financed under part I and those otherwise financed, in order to promote their maximum development effect."

(b) Section 602, which relates to small business, is deleted.

(c) Section 608(a), which relates to advance acquisition of property, is amended by deleting in the second sentence "section 212" and substituting therefor "section 202".

(d) Section 609(a), which relates to the special account, is amended by deleting the words "chapter 4 of part I" and substituting therefor "section 452".

(e) Section 610, which relates to transfers between accounts, is amended as follows:

(1) In paragraph (a) insert after the words funds made available for any provision of this Act" the first time they appear the words (except funds made available pursuant to title II of chapter 3 of part I)".

(2) In paragraph (b), delete the words "sections 451" and substitute the words "sections 453" therefor and delete the words "section 402" and substitute the words "section 452" therefor.

(f) Section 611, which relates to plans and cost estimates, is amended by deleting the words "under titles I, II, and VI of chapter 2 and chapter 4 of part I" in paragraphs (a) and (e) and substituting therefor the words "under chapter 2 of part I and section 452".

(g) Section 614(b), which relates to special authorities, is amended by deleting the words "chapter 4 of part I" and substituting therefor the words "section 452".

(h) Section 620, which relates to prohibitions against furnishing assistance, is amended as follows:

(1) Subsection (m) is amended by deleting the period at the end thereof, substituting a comma and adding the words "unless the President determines that the furnishing of such assistance is important to the national security of the United States and promptly reports such determination to the Congress, together with his reasons therefor."

(2) Subsection (s) is amended to read as follows:

"(s)(1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

"(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

"(B) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

(3) Subsection (v) is amended to read as follows:

"(v) United States military assistance should not be provided to any government which opposes the free and peaceful development of democratic institutions or which denies fundamental freedoms to the people of that country. In furnishing military assistance under this part, the President shall take into consideration the external threat to the recipient country, its political traditions, and the political, economic, and social conditions existent therein, and the impact of United States military assistance thereon. The shipment of defense articles and the providing of defense services, other than the training of military personnel, should be terminated to any government which has come into power through means other than through the constitutional processes of that country."

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 4. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Section 624(d), which relates to the duties and responsibilities of the Inspector General, Foreign Assistance, is amended as follows:

(1) In subparagraph (2)(A) insert after the words "under part I of this Act" the following: "(including the Overseas Private Investment Corporation), and under part IV of the Foreign Assistance Act of 1969 (the Inter-American Social Development Institute)".

(2) In paragraph (5), before the period at the end of the first sentence insert the following: "and part IV of the Foreign Assistance Act of 1969".

(3) In paragraph (7), in the first sentence immediately after "programs under part I or II of this Act," add the following: "and part IV of the Foreign Assistance Act of 1969,".

(b) Section 626(a), which relates to experts, consultants, and retired officers, is amended by deleting the words "rates not in excess of $100 per diem" and substituting therefor the words "rates not to exceed the per diem equivalent of the rate for grade 18 of the general schedule established by section 5332 of title 5 of the United States Code".

(c) Section 632(a), which relates to allocation or transfer of funds, is amended by inserting after the words "any funds available for carrying out the purposes of this Act" the following: "(other than funds available under title II, chapter 3 of part I)".

(d) Section 634, which relates to reports and information, is amended as follows:

(1) In paragraph (a) after the words "concerning operations" insert "(other than those reported pursuant to section 332)", and delete the last sentence.

(2) In paragraph (b), delete from the second sentence the words "from the Development Loan Fund established pursuant to section 201(a)" and substitute "pursuant to section 203" therefor.

(3) In paragraph (d), delete in the first sentence "1969" and substitute "1971" therefor and delete in the last sentence "303" and substitute "401(b)" therefor.

(e) Section 635(a), which relates to general authorities, is amended as follows:

(1) Insert between the words "of" and "commodities" the words "defense articles and".

(2) Add the following new sentence at the end thereof: "Defense articles and commodities transferred to the United States Government in exchange for assistance provided under this Act may be used to carry out this Act, or may be transferred without reimbursement to any agency of the United States Government for stockpiling or other purposes."

(f) Section 635(h), which relates to general authorities, is amended by deleting "titles II, V, and VI (except development loans) of chapter 2 of part I" and substituting "sections 202 and 205" therefor.

(g) Section 636, which relates to uses of funds, is amended as follows:

(1) In paragraph (c), (d) and (e), delete wherever it appears the following "title I of chapter 2 of part I" and substitute "section 203" therefor.

(2) In paragraph (f), delete "212" and substitute "202" therefor, delete "title I of chapter 2 of part I" and substitute "section 203" therefor, and immediately before the period at the end thereof insert: "or by the Corporation established under chapter 3 of part I with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended".

(h) In section 637(a), which authorizes appropriations for administrative expenses, delete "1969, $53,000,000" and substitute "1970, $52,250,000" therefor.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 5. Section 643 of chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to saving provisions, is amended by inserting after the words "section 642(a)" and "section 642(a)(2)" each time they appear the words "and the Foreign Assistance Act of 1969".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that part III of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS: Page 71, strike out line 3 and insert in lieu thereof the following; "substitute '1970, $52,250,000, and for the fiscal year 1971, $52,250,000'."

Mr. HAYS. Mr. Chairman, this is the last of the conforming amendments to make it an authorization for 1971 as well.

This is $52,250,000 for administrative expenses. The AID asked for $54,250,000. I believe we had an amendment by the chairman himself to cut it $2 million. I am not sure we cut it enough, but at least it is a cut which they can live with, they do not argue that. And we are authorizing the same amount for next year since the program we have authorized will be exactly identical for the next fiscal year, and they ought to be able to administer it with the same amount of money.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. We will accept the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 66, after line 12, insert: the following new paragraph:

"(1) Subsection (f) is amended to read as follows:

"'(f) No assistance shall be furnished under this Act to any Communist country or to any international, regional, or other organization which gives any form of foreign assistance to a Communist country. For the purposes of this subsection, the term—

"'(1) "foreign assistance" means any type of government-sponsored grant, loan, guarantee, insurance, or other assistance of a type similar to the assistance furnished under this Act; and

"'(2) "Communist country" shall include specifically, but not be limited to, the following countries:

"'Peoples Republic of Albania,
"'Peoples Republic of Bulgaria,
"'Peoples Republic of China,
"'Czechoslovak Socialist Republic,
"'German Democratic Republic (East Germany),
"'Estonia,
"'Hungarian Peoples Republic,
"'Latvia,
"'Lithuania,
"'North Korean Peoples Republic,
"'North Vietnam,
"'Outer Mongolia-Mongolian Peoples Republic,
"'Polish Peoples Republic,
"'Rumanian Peoples Republic,
"'Tibet,
"'Federal Peoples Republic of Yugoslavia,
"'Cuba, and
"'Union of Soviet Socialist Republics (including its captive constituent republics).'"

And renumber the following paragraphs accordingly.

Mr. HALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. ECKHARDT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized in support of his amendment.

Mr. HALL. Mr. Chairman, this is an amendment that I believe speaks for itself. I shall not take the entire time. It is well known to the committee and to the Members of the House that it is identical to the amendment, in the Ex-Im Bank law, title 12, United States Code, section 32, chapter 6A, 635b(3), and that is the reason I presumed to ask unanimous consent that it be considered as read.

The Export-Import Bank spells out the identical words of the amendment except, of course, that this one has to do with furnishing military or economic assistance whereas the other one has to do with extending credit. Outside of that it is the same and I would hope that it will be accepted.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I am unable to locate this language in the act.

Mr. HALL. I have the act here, Mr. Chairman, it is the title 12, United States Code, section 635, chapter 6A, section 635b(2)(3).

Mr. ZABLOCKI. I might submit to the gentleman, we do not have the Code here and the Code references by sections would be different from the act we have.

Mr. HALL. Let me supply it to the gentleman.

Mr. ZABLOCKI. The list of countries that the gentleman has in the amendment is not listed.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, I regret to say we do not have a copy at all on this side.

Mr. HALL. Yes, there is a copy of the amendment at the minority desk.

Mr. FRELINGHUYSEN. We cannot seem to find it.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. HALL. I am very glad to yield to the gentleman.

Mr. ZABLOCKI. We have found the reference the gentleman has made to the Export-Import Bank. In order to further understand the gentleman's amendment, would he answer this question: if the amendment were adopted, would any of the U.S. contributions to the United Nations such as, for example, the voluntary contributions to the special fund be affected if in any way special fund assistance would be made available to a Communist nation or to a nation which would be trading with a Communist nation?

Mr. HALL. No, in my opinion they would not. It says very plainly subsection (f) would be amended to read as follows:

No assistance shall be furnished under this Act to any Communist country.

And the way it is placed in the proposed bill, it certainly is not the intent of the gentleman from Missouri in offering this amendment, to influence any funding of the United Nations, the special fund, the general fund, or the WHO or other funds therein; although I do not believe we should support them to the extent and percentage that we do. I do not think this is applicable. This applies only to this act.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, I respect the gentleman's intention, but I would respectfully submit that the way the language is written it would do exactly that.

In other words, the language of the amendment says that subsection (f) is amended to read as follows:

> No assistance shall be furnished under this Act to any Communist country or to any international, regional, or other organization which gives any form of foreign assistance to a Communist country.

In the bill before us there is $100 million for the United Nations development program and other contributions of a voluntary nature to the United Nations specialized agencies. I am afraid that this amendment would directly restrict those fundings under this act. That is the way I read it and I do not see any other way you can read it.

Mr. HALL. Again I assert to the gentleman and the members of the committee that, as written, this amendment to H.R. 14580, on page 66, following line 12, as it is inserted in the text is not intended to have such an intent. I hope that the amendment will be accepted.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment. The amendment states clearly:

> No assistance shall be furnished under this Act to any Communist country or to any international, regional, or other organization which gives any form of foreign assistance to a Communist country.

It would seem to me that that language would preclude our participation in any of the voluntary agencies within the U.N. in which Communist countries do participate. In most of the U.N. voluntary agencies and movements Communist countries are involved and are contributing. From the complex language presented, it seems to me that this would cut off our participation in any further funding in the U.N. voluntary movements and many of the U.N. development programs. I think because we do have a disagreement as to interpretation, that this is far too broad to be adopted at this point in the debate.

Therefore, in the interest of interpretative clarification as what agencies can participate in the United Nations funding programs, I would hope that the amendment would be voted down.

Though I do understand the gentleman's words, it seems to me that even a liberal interpretation of paragraph (f) of his amendment would preclude further funding in the voluntary agencies of the United Nations. The amendment should be defeated.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Florida.

Mr. FASCELL. I agree with the gentleman from New Jersey in his interpretation. I also wish to point out that the way the amendment offered by the gentleman from Missouri is now written, it would eliminate the presidential waiver provision of the existing law. That is the only other change it would make in the present law, because the present law already covers all the countries mentioned in the amendment.

So the two changes proposed by the amendment are, first, it eliminates the presidential waiver; second, it eliminates for all practical purposes any contribution under this act to any international organization. I just do not see how it could be read in any other way.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. No matter what the intent of the author of the amendment, the plain language of the amendment would prohibit assistance provided under this act to a great many international organizations. Let me read a few of them: the U.N. Development Program, the U.N. Children's Fund, the F.A.O. Program, the World Food Program, the World Population Program, the U.N. Institute for Training and Research, and a number of others. A great many international programs would be involved. The prohibition is quite specific. There is no escape clause. I do hope that the amendment is defeated.

Mr. GALLAGHER. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot think of anything better that could happen around here today than to accept one amendment that would prevent the President, any President, from interfering with what ought to be done, in other words, take away his discretionary authority to set aside the intent of Congress. And I cannot think of an amendment that I would more gladly support than to shortchange those who consort with the Communists in that Tower of Babel, otherwise known as the United Nations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WOLFF: Page 68, after line 5, add the following:
>
> "(4) Add the following new subsection:
>
> "'(w) The President shall suspend assistance to any country receiving assistance under this Act when the government of such country—
>
> "'(1) violates the principle of freedom of navigation in international waters by seizing any United States vessel traveling in international waters; or
>
> "'(2) fails to make such arrangements as the President deems adequate for (A) the return of passengers, crews and planes which have been forcibly diverted during flight and taken to such country, and (B) the extradition of the persons responsible for such forcible diversion.
>
> Such suspension of assistance shall continue for such period as the President deems necessary. The provisions of this subsection do not apply to any case governed by an international agreement to which the United States is a party.'"

Mr. WOLFF. Mr. Chairman, the purpose of this amendment is to deter hijacking of aircraft and insure adherence by recipient nations to the basic principles of free passage on the high seas and in international air space. President Nixon in his speech September 18 to the U.N. General Assembly stressed that—

> By any standards, aircraft hijackings are morally, politically and legally indefensible.

Certainly we have every right to expect those countries receiving assistance under the foreign aid program to rigidly adhere to these basic principles.

As I said yesterday during general debate I believe we have responsibility to affix certain strings to our aid program. Respect for international law is not only a valid condition for aid, it is necessary.

The problem of airplane hijacking, as the Members well realize, is a growing menace. The grave threat posed by hijacking to the safety of airplane crews and passengers cannot be overemphasized. And there is also the problem of property losses that could result when the aircraft themselves are not returned.

This amendment would provide that if and when a plane were hijacked to a recipient nation that the passengers, crew and aircraft would have to be returned safely. Also and most important extradition of the hijacker would be required of recipient nations.

This latter point is quite important because the threat or prosecution is an important deterrent to hijacking.

Earlier this year, in testimony before the Senate Foreign Relations Committee, Charles H. Ruby, president of the Air Lines Pilots Association, reported that his group, along with the International Federation of Air Line Pilots Associations, favors "compulsory extradition" as the best deterrent to hijacking.

While we do not have the means to assure compulsory extradition on the part of all countries, we can certainly take this important first step with those nations that receive our foreign assistance.

Mr. Ruby went on to explain that prosecution of hijackers "is the final answer to this problem." We must therefore take this step to bring about prosecution whenever possible.

Now I have heard the arguments that this amendment is not necessary because recipient nations are friendly nations willing to cooperate with the United States. But I ask the Members, What about Italy? Certainly Italy is our respected friend. Yet Italy has refused to return the hijacker in their custody. This amendment is necessary to insure extradition whenever applicable as a deterrent to hijacking.

At the same time, this amendment will provide that in those instances over which we have control the safety of the crew and passengers will be protected. The gravity of this problem was pointed to in an IFALPA resolution that referred to hijacking as "a great hazard faced by both passengers and crew in air transportation."

Frankly, Mr. Chairman, I believe we have here a simple but important amendment that will deter hijacking without impairing, in any sense, our aid program.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. Mr. Chairman, the gentleman points out the case of Italy. Only three countries have been involved in hijacking: Syria, Cuba, and Italy. None of those countries are included in this particular bill. Only one country has refused to return a plane, and that is Syria. So the amendment, while it has a very worthy purpose with which I agree, nevertheless does not apply to these countries. The fact of the matter is that none of the three countries involved would be affected, they are not included in the bill.

Mr. WOLFF. Mr. Chairman, if the gentleman from New Jersey could guarantee me that further hijackings would not go into any of those areas that would be affected by this amendment, then I would agree with the gentleman.

Mr. GALLAGHER. Well, we could make an attempt to limit the hijackings to non-aid recipient countries.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, if the gentleman from New York could guarantee me that the sanctions imposed by his amendment could deter hijackings, I would support the amendment. Believe me, I am very sensitive to this problem of hijacking. More of the hijackings have occurred in and out of my area than probably any other area of the world, so I am very sensitive to the question and what the gentleman is trying to do.

However, when we examine what is involved, it seems to me we will already be on the way to getting the job done. First of all, with respect to international waters, we already have the Pelly amendment and the protection of it as it applies to international waters. It seems to me we ought to stay with that provisions and keep the handling of this problem within the framework of the Fishermen's Protective Act, when it is right now.

If we write a subsequent and complementary section under this act, we will have some confusion as to which act should be applied, if any. It would be far better to leave it applicable under the Fishermen's Protective Act, in my judgment.

With respect to highjackings, the United States has moved very fast in the area of bilateral agreements. We now have over 80. We have also adhered to the Tokyo Convention. Recently, in Montreal, at the meeting of the International Civil Aviation Organization, the U.S. delegation has worked very hard with the object of getting a new convention or a protocol to the Tokyo Convention to help take care of the problem about which the gentleman is talking.

And in the United Nations, where I am serving at present as U.S. delegate, our delegation has been doing all in our power to bring the weight of world public opinion to bear on a resolution of this problem.

As the gentleman can see, therefore, we are moving on all available fronts.

Mr. WOLFF. Yes, but unfortunately on a government basis today, we have been unable to do anything to deter this. This is an added insurance policy.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. MAYNE, and by unanimous consent, Mr. WOLFF was allowed to proceed for 1 additional minute.)

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Iowa.

Mr. MAYNE. While we do not have a copy of the amendment here, it would seem to me that the language of the gentleman's amendment is so broad, referring to interference with navigation in international waters, as to include attacks on ships in international waters.

Mr. WOLFF. That is correct.

Mr. MAYNE. Is it not entirely possible that this amendment would require the President to preclude any aid to the nation which attacked one of our ships during the lightning war of 1967?

Mr. WOLFF. That is correct.

Mr. MAYNE. It seems to me that goes a good deal further.

Mr. WOLFF. It does not take the authority away from the President, but allows the President to act in what he believes is the best interest of this Nation.

Mr. MAYNE. I thought, as the gentleman read it, it said, "the President shall suspend" and it did not leave discretion to the President.

Mr. WOLFF. The gentleman listened to the latter part of the amendment, which said that such suspension of assistance shall continue for such period as the President deems necessary.

Mr. MAYNE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: Page 68, after line 5, insert the following new paragraph:

"(4) Add the following new subsection:

"'(w) No assistance shall be furnished under this Act to any country which——

"'(1) engages in armed conflict, declared or otherwise, with armed forces of the United States; or

"'(2) furnishes by direct governmental action (not including chartering, licensing, or sales by non-wholly-owned business enterprises) goods, supplies, military assistance, or advisers to a nation described in paragraph (1).'"

Mr. HALL. Mr. Chairman, again this is one of the exclusion amendments. This one, I believe, could certainly be agreed to. We have accepted it in our Ex-Im Bank, in our Development Bank, in our overseas food program, Public Law 480, FAO, and many others.

This simply precludes assistance to any country that does engage in armed conflict, declared or otherwise, with armed forces of our own sovereign Nation, the United States, or furnishes direct governmental action, with certain areas excluded, including chartering to avoid chartered ships, and so forth; but furnishing by direct governmental action goods, supplies, military assistance, or advisers to a nation described in paragraph (1).

I believe anyone could accept this. It does not have the danger of the other one, insofar as the international or regional organizations are concerned.

I believe it is the obvious intent just to strengthen the bill. Again this is taken from the title 12, United States Code, section 635, chapter 6A, subparagraph (3), which states in particular that:

The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation—

(A) which engages in armed conflict, declared or otherwise, with armed forces of the United States; or

(B) which furnishes by direct governmental action (not including chartering, licensing or sales by non-wholly-owned business enterprises) goods, supplies, military assistance, or advisers to a nation described in subparagraph (A);

nor shall the Bank guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in a nation described in subparagraph (A) or (B).

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Merely to clarify the intent of the amendment and make legislative history, I would like to ask this question: Would the amendment apply if there was no armed conflict but, rather, an inadvertent attack on a U.S. vessel such as the one that occurred when a U.S. vessel off the coast of Israel was strafed and damaged with the loss of a number of lives. Would this amendment affect any aid given to a country that may by error attack a vessel of the United States?

Mr. HALL. I certainly think that would be within the discretion of the executive branch. There is nothing retroactive in this whatsoever. Where an error was made and the intention was stated and reparations were made, it would certainly be up to the President or the Commander in Chief.

Mr. ZABLOCKI. And the decision would be made by the President of the United States as to whether the provisions of the amendment should be put into effect?

Mr. HALL. There is no question of that, in my opinion, by virtue of your own language in the bill which this succeeds on page 68.

Mr. MORGAN. Will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished chairman.

Mr. MORGAN. Because of the fact that this is in the Export-Import Bank law, the chairman of the committee would be glad to take it to conference and see what we can do with it. We accept the amendment.

Mr. HALL. I appreciate the gentleman's statement, and thank him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to part III? If not, the Clerk will read.

The Clerk read as follows:

PART IV—INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Sec. 6. Inter-American Social Development Institute.—(a) There is created as an agency of the United States of America a body corporate to be known as the "Inter-American Social Development Institute" (hereafter in this section referred to as the "Institute").

(b) The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Institute, primarily in cooperation with private, regional, and international organizations, to—

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Institute shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal, and child care, family planning, housing, and other social and economic needs of the people.

(c) The Institute shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) In carrying out its functions under this section, the Institute shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) The Institute, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(5) may, as necessary for the transaction of the business of the Institute, employ, and fix the compensation of not to exceed one hundred persons at any one time;

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Institute in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Upon termination of the corporate life of the Institute all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) The management of the Institute shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Four members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses not in excess of $50 per day, and for transportation expenses, while engaged in their duties on behalf of the corporation.

(i) The Board shall direct the exercise of all the powers of the Institute.

(j) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Institute may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) In furtherance and not in limitation of the powers confererred upon it, the Board may appoint such committees for the carrying out of the work of the Institute as the Board finds to be for the best interests of the Institute, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Institute.

(l) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board of Directors on such terms as the Board may determine. The Executive Director shall receive compensation at the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315).

(m) In order to further the purposes of the Institute there shall be established an Advisory Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with such Advisory Council concerning the objectives of the Institute. Members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) The Institute shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(o) When approved by the Institute, in furtherance of its purpose, the officers and employees of the Institute may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Institute under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) The Institute shall establish a principal office. The Institute is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Institute may carry on all or any of its operations and business.

(r) The Institute, including its franchise and income, shall be exempt from taxation nor or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s) Notwithstanding any other provision of law, not to exceed $50,000,000 of the funds made available for the fiscal year 1970 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended. For subsequent fiscal years there are authorized to be appropriated such sums, to remain available until expended, as may be necessary from time to time to carry out the purposes of this section.

(t) The Institute shall be subject to the provisions of the Government Corporation Control Act.

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that part IV be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any amendments to part IV?

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fascell: Page 72, line 20, immediately after "housing," insert the following: "free trade union development,".

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in suppport of his amendment.

Mr. FASCELL. Mr. Chairman, this amendment simply makes it clear and consistent with other language throughout the bill that one of the techniques and instruments of social development is the promotion of free trade union development. The language of the amendment would make that clear with respect to the purposes which are set forth on page 72 of the bill.

Although no further amendment is necessary, this same broad definition would also apply with regard to subsection (d) on page 73, when we talk about different entities which may be engaged in social development.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the committee will accept the amendment.

Mr. FASCELL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida, Mr. Fascell.

The amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The remainder of the bill is as follows:

PART V—AMENDMENTS TO OTHER ACTS

Sec. 7. Chapter 33, subchapter III, and chapter 35, subchapter IV of title 5, United States Code, are amended as follows:

(a) Section 3343(b), which relates to details of personnel to international organizations, is amended by deleting "3" and substituting therefor "5" and is further amended by deleting the period at the end thereof, substituting a comma and adding the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period up to an additional 3 years."

(b) Section 3581(5), which relates to rights of personnel who transfer to international organizations, is amended by deleting the words "the first 3 consecutive years after entering the employ of the international organization" and substituting therefor the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(b)(1) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extention thereof,".

(d) Section 3582(b), which relates to reemployment rights for personnel who transfer to international organizations, is amended—

(1) by striking out ", except a congressional employee," in the first sentence; and

(2) by inserting at the end thereof the following new sentences; "On reemployment, he is entitled to be paid, under such regulations as the President may prescribe and from appropriations or funds of the agency from which transferred, an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organization and the pay, allowances, post differential, and other monetary benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of this title. Such a payment shall be made to an employee who is unable to exercise his reemployment right because of disability incurred while on transfer to an international organization under this subchapter and, in the case of any employee who dies while on such a transfer or during the period after separation from the international organization in which he is properly exercising or could exercise his reemployment right, in accordance with subchapter VIII of chapter 55 of this title. This subsection does not apply to a congressional employee nor may any payment provided for in the preceding two sentences of this subsection be based on a period of employment with an international organization occurring before the first day of the first pay period which begins on or after the date of enactment of the Foreign Assistance Act of 1969."

(e) Section 3582(c) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extension thereof,".

(f) Section 3582(a)(1), which relates to rights of personnel who transfer to international organizations, is amended by deleting the semi-colon at the end thereof, substituting a comma, and adding the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization."

(g) Section 3582(a)(2), which relates to rights of personnel who transfer to international organizations, is amended to read as follows:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title;"

(h) Section 3582(d), which relates to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows:

"(d) During the employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee."

Sec. 8. Section 101 of the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 846), is amended by deleting "Development Loan Fund;" and substituting therefor "Overseas Private Investment Corporation;".

Sec. 9. Chapter 53, subchapter II of title 5 of the United States Code is amended as follows:

(a) Section 5314, which relates to level III of the Executive Schedule, is amended by adding thereto the following: "(54) President, Overseas Private Investment Corporation."

(b) Section 5315, which relates to level IV of the Executive Schedule, is amended by adding thereto the following; "(92) Executive Vice President, Overseas Private Investment Corporation."

(c) Section 5316, which relates to level V of the Executive Schedule, is amended by adding thereto the following: "(128) Auditor—General of the Agency for International Development; (129) Vice Presidents, Overseas Private Investment Corporation (3)."

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to announce to the members of the committee that the motion to recommit will be the amendment proposed earlier today with respect to the Development Loan Fund which would reduce that fund by $50 million for the current fiscal year and $50 million for the next fiscal year.

Mr. SCHWENGEL. Mr. Chairman, now, as never before, there is a need for the United States to meet the great challenge posed by Vietnam, Asia, and the rest of the underdeveloped world and the changing situation in Europe. To meet this challenge, however, we must first recognize the inadequacies of our organization for planning and conducting of foreign relations as a whole. In addition, and more importantly, we must recognize and admit the inadequacies of our knowledge and understanding we, as a people, bring to our foreign relations position and program.

Because we have moved so rapidly from a position of relative isolation and a very minor role in world affairs, to a deep involvement in and heavy responsibilities as the strongest and most prosperous nation in what is now a much more interdependent and interrelated world, we must give attention to our capabilities and our obligations to lead.

The United States of America should, indeed, be more intelligently involved, not only because we can, but because we owe so much to a world that has given so much to us. "The more we have, the more we owe to those who do not have," is an accepted principle and teaching of many Americans and some important institutions and organizations in our country. This is an admonition that we should note more than we do.

American history also teaches us that whenever we extend freedom and opportunity to people who have less then we have, all the people benefit. There are so many experiences in American history that confirm this, but none better than the freedom and opportunity we have given to the Negroes.

On the matter of foreign policy and our present inadequacies, it would be unfortunate if we did not note that we have not completely failed.

In fact, considering our lack of experience, we have done extremely well and if there is a blame to be assessed, it should not be placed so much on the State Department and its personnel as it should on the American people for failing to give enough attention to foreign policy and develop adequate programs for its prosecution.

The challenge, then, of this administration is to evolve a program, objectives, and policy that is consistant with the very best of our ideals and that has been tested by experience within our boundaries and one that would be acceptable and defensible outside of the United States of America.

Others have said, and I believe, that the trouble with our foreign policy is that we have no foreign policy. If we had a foreign policy and the capabilities to plan ahead, then the men at the top in our State Department would not have to, as they often have to do now, jump from crisis to crisis, thus staying behind of problems as they develop, rather than ahead of them.

Before we can adopt and enunciate a foreign policy, it may be well for us to reflect on the forces, the developments, and the influences that came together to make us what we are. I have said many times, and I believe, that we in America are the benefactors of the grandest, the broadest, and the greatest foreign aid programs ever conceived or received by any nation. Foreign aid is not a new thing in the world in which we live and its importance is not limited to today's underdeveloped countries. A great part, indeed, is an important part of American history, is the history of aid. Aid from every part of the world, mostly from Europe. The most magnificent and important part of our aid were the 45 million people who came to this country from every part of the world. They brought ideas, ideals, and cultures. They brought the desire to be free and the ambition to grow in stature. They brought technology, know-how, and because somebody had outlined a system, a way of life, a plan for government, they could come here and grow with each other, even though they were from many different tongues and many cultures and from all over the world.

Our aid was not just this kind of aid, however, it was technical, military, and economic, and it came over a period of two centuries. It came in the form of skills, customs, primitive equipment and livestock brought over by the early settlers and copied or reproduced here as the country moved West. It came in the form of machinery and materials that Americans imported, and though most of this was paid for by the products of the American soil, a portion—possibly a decisive portion—was financed in the early decades of the 19th Century with private loans from foreign governments—the enemies and rivals of England—to support the American Revolution. The United States is in a real sense the creation of European foreign aid, received in relatively small amounts at crucial points in our history applied with energy and ingenuity by Americans to American resources.

When the Colonies declared their independence in 1776, foreign military aid had already begun. Secret negotiations with France, and later Spain, led to early military and financial assistance. On May 2, 1776, Louis XVI of France decided to ship munitions, money, and supplies to the rebellious American Colonies. The first formal diplomatic note in our history was addressed by Benjamin Franklin on December 23, 1776, to the Foreign Minister of France, leading to requests for financial aid and political support. Aid arrived to the new United States in the form of loans, grants, and military assistance. When the Peace Treaty of 1783 formally acknowledged America's independence, the Nation had received loans from France, Holland, and Spain, totaling nearly $9 million, a lot of money to an unstable country. Grants, in the form of outright gifts, from France equaled more than $2 million, and an additional $6 million was provided, without charge, by France's use of her Army and Navy in our cause. In addition, France had given the U.S. direct military assistance in the form of military clothing, gunpowder, cannons, morters and muskets. Historians generally agree that without French foreign aid and French influence in enlisting the aid of other European nations, our national independence "could not have been won." Ninety percent of the gunpowder the colonists used to fight the mother country was provided by the military assistance programs of the European powers.

From 1783 to 1814, foreign aid rescued the credit of the American Government on several occasions. In the early years, loans from Holland made it possible for the Nation to pay the principal and interest on the mounting national debt.

Military aid from Europe was not restricted to wartime alliances nor was it always confined to the recognized, constitutional government of the United States.

During the Napoleonic wars in Europe, the struggle among the interests of France, Spain, and England was transferred to the American back country. West Point and the early work of the Corps of Engineers on American defense installations owe much to French example and to French military technicians, and the English furnished arms and powder to the Indians to attack the pioneer settlements. The South received significant support from British landed aristocrats and cotton manufacturers at the time of our Civil War. The National Government survived through the strength of its own efforts, but that strength was formed and that nationhood established in the crucial years of the American Revolution with significant direct military assistance from abroad. There are few instances in history of so small an investment producing so enormous a result. Add to all of this the talent, sacrifices and dedication of such foreign greats as Baron von Steuben, Kostosky, Pulaski, and La Fayette, and one must admit that military aid was tremendous.

Many development loans from European investors in the next four decades went to State governments to develop basic economic functions at the local level. Loans to transportation projects, agriculture, public utilities, and new industries began to process.

Jefferson voiced "the growing desire of Americans for internal progress" in 1805 by calling for peacetime development of "rivers, canals, roads, arts, manufactures, education, and other great objects within each State."

Between 1800 and 1843, our foreign obligations had risen from $75 million to $225 million, by 1869 to $1½ billion, and at the end of the century, our foreign debts reached $3.3 billion. Throughout the 19th century, foreign capital, both public and private, helped us achieve rapid economic development. Great Britain played the major foreign role in the economic development of the United States during the 19th century, although many other countries shared in American investment. British capital supplemented congressional land grants in financing the railroads and shared in mining and other basic industries. Almost no aspect of American society failed to benefit from foreign investments. Agriculture, railroads, land holdings, mines, petroleum, banking, fisheries, breweries, commerce, public utilities, securities, insurance companies, manufacturers, as well as the military materially benefited from foreign capital. Such significant waterways as the Erie and Ohio Canals were financed largely by European capital. Cotton and sugar plantations depended for working capital on foreign funds, loaned to the growers through local and State banks. As our industry grew and more economic functions were performed by the private sector of our economy, larger amounts of foreign capital were invested in corporations, and smaller amounts were loaned or granted to State and local governments. By 1919 more than 90 percent of the foreign capital was invested in private industry. Throughout our entire westward expansion, foreign loans aided, inspired, and supported the economic development of the Nation. Nineteenth century America tells a convincing story about the positive relationship between foreign aid and rapid economic development.

By 1870, Americans had developed their economy far enough to begin to buy back large quantities of securities held by foreign sources. In fact, at the end of the century, America itself began to become a foreign lender, principally by helping to develop other regions in North America, Canada, Mexico, and Cuba. Still as late as 1914, the United States was a net debtor nation, that is, the Government and its people owed far more to Europe than was owed to us. Foreign investments in the United States totaled about $6 million, although by this date, America had invested almost $2½ billion in foreign markets. This left the United States in 1914, a net debtor nation of more than $3½ billion.

The First World War changed all this. By 1919, the United States had turned from a net debtor to the world's leading creditor nation. This was accomplished in three ways, all of which were based on the strong foundation of 150 years of economic development as a recipient of foreign capital. Large amounts of foreign owned securities were sold in this country in order to obtain American dollars to finance the World War in Europe. American exports to Europe were stimulated due to the war, adding significantly to our capital strength. American loans to the Governments of the United Kingdom, France, Italy, Russia, Belgium, Serbia, and others, accelerated total capital accumulation.

Consequently, by the end of the First World War, the United States instead of being a debtor to other countries, was a net creditor to the extent of over $10 billion. For the first time in our history, the economic development of the United States was a worldwide, visible accomplishment.

The early experience of the United States demonstrates the value of foreign aid for the military security and the economic development of a young, threatened, and relatively poor nation. With the help of foreign experience, foreign understanding, foreign grants, military assistance, loans, and other capital investments, the national independence of the United States was secured, our essential economic foundations established, and our economic development begun. For us, foreign aid was a support to our own efforts to create national strength and wealth. Having created that wealth and strength, we were ready by 1919 to begin to extend the basic freedoms, to export capital and technology to Europe, and to new nations which stood where we had stood at the outset of our national history.

Mr. Chairman, a nation which has benefited so much from the foreign aid it received can afford to give foreign aid. It is admitted, of course, that there are right and wrong ways to give foreign aid. It must be understood, also, that money is not the only kind of foreign aid we can give nor is it the only kind of foreign aid that a nation will receive. The lesson of America for the world, it seems to me, is that there are all kinds of foreign aid that any national can receive just as we have from the experience of others. This is the kind of foreign aid we cannot give. Only history and experience can give it and it is there for the asking. We can and we should share our good will, our talent, and our example. We can and we should be good neighbors in every way that we can and one way is to show our appreciation to the countries, to the peoples and to the nations that have been so good to us. Reflecting on this should make us lose whatever arrogance we have and take on a spirit of humility. We can and we should intelligently give foreign aid in the form of money, but we ought to have sound rules. We ought to have simple procedures. We ought to have fair and equitable application and it ought to be designed to aid and abet the basic freedoms in a way it does not insult, belittle, or underrate any of the ancient systems and cultures.

Further, our policy ought to be one that is positive, not negative. In this age the idea of stopping communism, especially with a gun, is wrong and futile. The best recent example of this is Vietnam.

Mr. Chairman, realizing that this bill is not a perfect bill, yet, it is the result of the best judgments of the committee, I shall vote for the bill, hoping that this administration will make some reappraisals of our foreign aid programs, that they will raise their sights by setting out obtainable goals that are entirely consistent with the basic freedoms and there are five of them with which we can build a safer, more prosperous and adequate world.

Mr. CLARK. Mr. Chairman, the United States played a key role in bringing Greece into NATO in 1952. Since then, and through several changes of government, Greece has remained a loyal member of the alliance and an important factor in NATO strategy. The American military assistance program for Greece is devoted to supplying the equipment and training necessary for Greece to play a meaningful part in NATO strategy. You have only to look at a map of the eastern Mediterranean to realize how important that part is. Look at Greece's Balkan neighbors. Look at how naval units exiting the Dardanelles from the Black Sea must pass through clusters of the Greek Islands in the Aegean Sea before they reach the Mediterranean.

Logistically and tactically, Greece provides unique geography for the defense of the southern flank of NATO. The military assistance program for Greece is designed to make it possible for Greek soldiers to take an important part in that defense. The military aid program for Greece is already a minimum effort, to reduce it further or eliminate it entirely would certainly weaken the capability of the Greek Armed Forces to meet a NATO emergency, would inevitably weaken the ties of Greece to NATO and further weaken NATO itself. It should be clear to anyone whose mind is open on this subject, that the fact that we provide Greek military forces with material which is to be used by those military forces as part of the NATO alliance in the defense of the Western World has no relationship to our attitude toward the kind of government which rules in Greece. How we make our attitude toward that Government known to it is a diplomatic problem. The question of supplying military aid to a NATO ally should be treated simply in the context of where the best interests of the United States lie.

Mr. LUJAN. Mr. Chairman, America's annual giveaway program for friend and foe alike is before the House of Representatives for funding—and I hereby register the loudest possible protest from the poverty-stricken people of America as I vote "no."

I vote "no" to giving $4.5 billion to other countries while we have a single family struggling to make ends meet on less-than-adequate income.

I vote "no" to sending billions abroad while we have a single American youth barred from a college education for lack of a few hundred dollars.

I vote "no" to a senseless and irrational program that calls for us to give money to Thailand, Korea, and Taiwan on the one hand and then borrow hundreds of millions of dollars from them at 6-percent interest on the other.

I vote "no" to pouring American dollars into Bolivia while that country seizes all of the American-owned property it can find within its borders.

I vote "no" to favoring Ecuador and Peru with gifts of American tax dollars while those nations repay our generosity by seizing our fishing vessels, fining their owners, and expropriating the property of our citizens.

I vote "no" to giving away a single tax dollar at a time when our people are laboring under the heaviest tax burden in our history, struggling to meet our overwhelming domestic needs, straining to whittle away at our $360 billion public debt, paying a self-imposed surtax, and witnessing a 75 percent cutback in Federal construction projects in our fight against internal inflation.

Mr. Chairman, the generosity of Americans is legendary throughout the world. As the wealthiest nation on earth, we have been unstinting in our assistance to the weak, the faltering, the underprivileged, and less-fortunate peoples of the world.

But America herself is now in grave financial trouble. Our gold supply has been drained to a point below that necessary to meet our outstanding commitments; we are caught in a deadly spiral of inflation that threatens to destroy our economy; our balance of payments with other countries has shifted to our disadvantage; our interest rates are at an all-time high, thus curtailing home building and other vital internal projects.

This is no time for America to throw her largesse to the rest of the world.

Rather, it is time for all those countries who have been on the receiving end of our patronage to realize that the goose that lays the golden eggs is in process of being cooked. It is time for them to say, "Save yourself, America, for without your strength we are lost."

Mr. SCHADEBERG. Mr. Chairman, I oppose H.R. 15480. I have at no time in my 7 years as a Member of this House, voted to tax the American citizen to support any foreign government and frankly I do not intend to begin now. If ever this House ought to take a long hard look into this program, it is now when we are faced with an economic crisis, and tremendous unmet needs in the area of housing, welfare, and pollution. While I respect the integrity of those who differ with me and feel it is in the interest of this Nation, I submit I cannot in conscience force by my vote the people of my district to dig deeper into their dwindling resources to support others who are not our responsibility. The world is not going to come to an end because we refuse to tax our people to support others.

While I have never opposed the granting of loans to other governments listed among our friends at reasonable rates of interest payable over a reasonable length of time, I feel that as long as one American cannot secure money on a basis equal to the loans we make to foreign governments; as long as one American farmer is forced off of his land because of increasing taxes; as long as one American property owner cannot secure aid from his Government to fund programs designed to prevent the loss of shoreline property; as long as one community cannot receive aid under the Hill-Burton Act to build a hospital because of lack of funds; as long as one American worker is denied job training because of the economic bind in which we find ourselves; as long as one American community cannot secure aid from its Government to help it construct a sewage treatment or a water plant in order to meet water qualities standards set by the Federal Government, I cannot feel justified in voting away American tax dollars to assist foreign governments.

In a year in which the administration insists on a 75-percent cut in domestic public works and significant cuts in education, housing, and so forth, we cannot justify a 63-percent increase in foreign public works and an increase in the total outlay of foreign aid funds.

I take issue with two statements that have been made in the committee report, justifying the funds that have been proposed. The first statement is that the present foreign aid should be continued at the proposed level because of the successes of the Marshall plan.

Our Marshall plan went to a society that had an ideology and a form of institutions that needed only refinancing. Our aid under the Marshall plan was given to countries where human resources had been developed to such a degree of refinement that the aid would be properly husbanded. These conditions are not present in the many areas which the present assistance is intended to assist. The governments which we have been supporting under foreign aid do not have a history of institutional development, nor do they have an economic climate that need only be primed. In many of these countries there is no faith on the part of the people in the integrity and the stability of our own governments, and in the institutions that are unresponsive to the needs of the people. Too often the American taxpayers' money is funneled into countries where the ruling elite merely invests the money into easily liquidated assets.

The second statement with which I take issue is that the funds proposed constitute only one-half of 1 percent of our gross national product—GNP. The committee states that in 1949, during the Marshall plan, economic aid was close to 3 percent of our GNP. Yet the committee fails to state the fact the GNP of our Nation 20 years later is due, in large part, to inflation. In terms of true standards of production; the funds we are asked to spend are much higher than one-half of 1 percent.

As in all areas of Federal funding, the charge is leveled against opponents of bills that to oppose a program is to care little about the peoples designed to be benefited. How wrong this type of thinking is. I stand for the economic and political development of all individuals as a basic ingredient in developing human institutions. The way to accomplish this is to afford assistance in order that the individual may maximize the capabilities he has, and thus the capabilities of the nation in which he lives. This does not mean, however, that I must accept any proposal that is offered as a tired animal, one that has been promising to run, and which has never succeeded in solving the problems it was intended to solve. Especially when the cost is exorbitant.

A vote against this program will not bring assistance to a grinding halt. Everyone knows this. The simple truth is that if this multibillion-dollar program is defeated, the committee can, and no doubt would, come before this body with a more realistic program based upon a more conservative allocation of funds.

The program under consideration is not all bad. There is much good in it and there exist many possibilities for new and better programs. Yet, in my estimation, it is too big in scope to expect our taxpayers to dig into their empty pockets for an increase in taxes in the face of inflation that has already wiped out many of the possibilities of solving our own problems of hunger, pollution, and education.

Mr. DOWNING. Mr. Chairman, for nearly a dozen years I have supported foreign aid legislation. For the most part I did so with great reluctance but with the sincere belief that despite glaring reports of misuse and squandor, it probably was accomplishing some some good. I also had another reason which, to my thinking at least, was tremendously cogent. If I had voted "no" and a "no" vote prevailed then we would have cut our strings with over 100 countries in the world which now accepts our largess. This would mean, of course, that Russia or any other potential enemy of this country could pick and choose whatever and whichever strategic country might best serve her purposes. In due time this country would become her ally. Cuba is a good example. Within a matter of days after the Congress declined to extend the sugar quota, Cuba became a Russian satellite 90 miles from our shores.

These reasons for supporting foreign aid are still valid but they are not strong enough for me to vote for this legislation again this year.

The President has declared that this Nation must tighten its economic belt. With this, I agree, but the degree of "tightness" is a matter of great concern to me. If the belt is too tight it could kill or damage the body it binds.

In implementing this financial crunch we have seen prime interest rates rise to the point where there is practically no homebuilding in our country; we have seen defense cutbacks in personnel and facilities which seriously jeopardize the fiber of our national security; we have seen important public works projects deferred or canceled; we have seen an increase in joblessness—and we still have inflation.

Now we are asked to support a foreign aid authorization of something over $2.1 billion.

We have had a foreign aid program for the past 23 years. During the course of the annual appropriations tremendous sums of money have been backlogged, some obligated, some not. This is what we call money in the pipeline—appropriated but not spent. Some estimate this to be as much as $18 billion.

So, while I am voting "no" for the first time on this foreign aid bill, my hope is that the experts will deobligate these huge sums in the pipeline for purposes and programs which will prove most effective and will be in the best interests of our country.

As a nation, we cannot live in isolation from our neighbors. Our neighbors, however, cannot expect the same generosity from us at a time when we are on short rations.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to this bill. And I find it ironic that those Members of the House who have spoken out for the need of aid on the domestic front now speak for this bill which would send more than $2 billion abroad.

And I am equally surprised that the administration has asked for almost $1 billion more than the Congress appropriated last year. I am pleased to see that the committee has at least cut that amount, but it still represents an increase of $400,000.

Last year I proposed a moratorium on foreign aid for 1 year while the Government gave our entire foreign policy a thorough examination to see where, if indeed we should, help nations and eliminate the millions of dollars which are going to countries which daily make headlines for deriding the United States.

As was pointed out in the committee report, there is presently more than $19 billion in the pipeline.

Because of our commitment in Vietnam, I think it would be well for this Nation to reexamine our goals and commitments around the world based in part on our foreign commitments and determine the true value of foreign aid.

Our entire foreign aid program has been run in a slipshod fashion. There are no signs that annual evaluation has taught us anything. We still give millions to the same nations that we have in the past without regard to existing situations.

Indeed, the program is run in such an un-businesslike manner that if we were conducting this program on a domestic basis it would be immediately investigated. Interest rates are given which are denied to U.S. citizens. And in the end, it is the American citizen who pays for this through his tax dollar.

In a time when taxes are so high here, money is so tight and the cost of living is increasing so rapidly, I think we should practice some economy and cut foreign aid spending drastically.

Mr. HICKS. Mr. Chairman, I support H.R. 14540, the Foreign Assistance Act of 1969. I do so with the knowledge that there are a great many forces competing for appropriations this year, more perhaps than any other year in recent memory. Funds are short, demands are great, and the specter of inflation hangs over every dollar of Government spending. In light of our continuing expenditures in Vietnam and the need to meet our problems here at home, the voters in each of our districts will be watching our vote on this measure with an extremely wary eye to see how it is that we assess our national priorities. They will be asking us: Is a vote for the Foreign Assistance Act a vote in their best interest? And, can we afford to give this assistance?

Many find themselves in opposition to the foreign aid program because they are under the impression that aid is a one-way street, just a big giveaway program pouring American dollars down a foreign rathole. Even those who support the objectives of the AID program do not realize what direct benefits AID spending can mean to their districts back home. I would like to take this opportunity to attempt to dispel some of the popularly held misconceptions, at least in my district, about our foreign assistance program, and to show that a vote for this bill is definitely a vote in the direct interest of our constituencies, and to show that the United States can afford the program.

Few of my constituents seem to realize that over 90 percent of all foreign assistance funds are spent in the United States for goods procured from over 4,000 companies and for services obtained from some 1,000 private institutions, firms and individuals all over the country. In the State of Washington alone, during this last fiscal year from July 1968 to June 1969, over $27 million were spent on goods purchased for AID programs. In Pierce County in my district, $1,390,584 was expended in this past fiscal year. The following companies have benefited directly from the program up for consideration today:

In Tacoma: American Plumbing & Steam Supply, American Smelting & Refining Co., Central National Corp., Globe Machine Manufacturing Co., Hooker Chemical Corp., Kaiser Aluminum & Chemical Corp., Pennsalt Chemical Corp., St. Regis Paper Co., and Wilkins & Associates, Inc.

Such expenditures at the local level create jobs at a time when local employment is again becoming worrisome. Further, almost 70 percent of American goods shipped abroad in this program are transported in American bottoms, and its continuance is of major assistance to our faltering merchant marine. However, there are further considerations which indicate that the foreign assistance program deserves our support.

Over one-half of the AID program is in dollar repayable loans. The bulk of the remainder is for technical assistance and for security-oriented aid to Vietnam, Laos, and Thailand.

How does aid affect our balance of payments?

Because purchases under AID programs are "tied" and require that all commodity purchases be made from U.S. sources, the AID program does not have any net adverse effect on the American balance of payments. In fact, more dollars come back to the United States in interest payments and capital repayments on previous loans under AID and food-for-peace programs than leave the country. In fiscal year 1970, the net inflow of dollars under these programs is estimated at $197 million.

In addition to the American goods which are purchased and sent abroad under the foreign aid programs, a great part of aid is spent on American technical assistance.

AID funds go to pay the salaries of American experts, both those who work directly for the government and employees of American labor unions, business firms, cooperatives, and universities that carry out technical assistance programs abroad on contract with the Agency.

To cast further light on the question of whether we can afford the AID appropriation recommended by the House Foreign Affairs Committee, I cite the following: The authorization request for fiscal year 1970 now stands at $2,189,000,000.

This figure is—

Less than 1 percent of the Federal budget;

Only about one-fourth of 1 percent of our gross national product—GNP;

Over $100 million below the request for fiscal year 1970 by the previous administration;

The lowest such request in 10 years.

How does this compare with other developed countries in regard to their programs?

Seven other countries, Portugal, France, Australia, the Netherlands, West Germany, Belgium, and the United Kingdom in 1968 provided a greater percentage of their GNP than we did for official economic aid programs.

As Dr. John A. Hannah, AID Administrator, has pointed out:

> Even if all forms of private investment are counted, the United States now is devoting *less than two-thirds of one percent of our gross national product* to economic aid, while other countries are moving toward or have already reached, the one percent of GNP which the United Nations has established as a desirable goal.

In his presentation of this bill, the gentleman from Wisconsin (Mr. ZABLOCKI) explained how the committee reached the figure it has recommended. Cuts of nearly $441 million were made. Not because the administration request was excessive, but because the committee felt it necessary to balance the need of this vital program against the funds required to meet the demands of the far reaching social changes taking place at home.

In assessment of our national priorities we cannot afford to ignore what is happening beyond our shores. To cut this program further or to suspend it entirely, as has been suggested, could lead to consequences which we would all regret and which could be very expensive to remedy.

Unpalatable as this program may seem to many people, the pressures throughout much of the world of hunger, overpopulation and of burgeoning communism pose a need on the one hand and a threat on the other which we cannot afford to ignore. In the last analysis, the question of the amount of aid which we authorize today comes down to the question of whether we can afford to do less than the bill proposes.

Mr. HANLEY. Mr. Chairman, during the last few years, one of the most exciting and productive features of the foreign assistance program has been the establishment of cooperatives throughout the world through contractual agreements.

We all know that cooperatives have played an important developmental role in the history of the United States. Through the foreign aid program, the American "co-op" is now being introduced to millions of people in other countries still struggling for economic fulfillment. There are presently 45 American inspired co-ops operating in 30 different countries.

In Brazil, co-ops are helping subdue the jungle. In the Dominican Republic, co-ops are building union housing. In Peru, co-ops are marketing the handicrafts of primitive Indian societies.

India is building a cooperative plant to produce fertilizer for its agricultural revolution and is supplying electricity to its rural areas through a national cooperative to help speed agricultural modernization.

Vietnam is using co-ops to distribute new breeds of pigs to its farmers. Uganda is expanding an education program to improve the performance of its farmer cooperatives. Korea has organized a cooperative marketing center to market its fish.

While other kinds of economic assistance may trickle very slowly to the people at the bottom levels of society, cooperatives reach the low-income levels without delay. Of equal importance is the fact that co-ops directly involve the peoples of the less developed countries in the democratic procedures that best secure their future in a free world.

With these objectives in mind, the Agency for International Development has lent nearly $50 million to more than 50 countries to help develop cooperative enterprises. More than 250 cooperative experts from the United States are now at work on cooperative enterprises overseas.

Joining in the cooperative development program are the peoples and governments of the nations being assisted. In almost every case, there is local capital and local initiative sharing the task of development.

Mr. Chairman, I can think of no other form of economic assistance that so accurately reflects the democratic way of life. For that reason alone—for the best interests of free world development—I urge this Congress to continue generous U.S. support for cooperatives abroad.

Mr. RANDALL. Mr. Chairman, I can never be sure whether the figures furnished me on foreign aid are accurate or inaccurate. From the best information I can secure, we have given away about $120 billion of the money of our hard-pressed taxpayers since 1946 when the great foreign aid giveaway began.

If that were the only cost of the foreign aid program it would be bad enough. The facts are it has been money we did not have but had to borrow in order to give away. We have spent billions and billions on interest alone on the borrowed $120 billion we have given away. One estimate is the total interest payment runs as high as $50 billion.

Our money has been given to all but 14 countries on this earth. We have even included in our bounty some countries that were not in existence at the time we opened the gates of our Treasury in the effort which some critics have described as the great foreign aid frolic.

A good question to ask ourselves as we consider this authorization is what good has foreign aid brought us. We seem to be experts at scattering to the four winds of the world our substance, but in terms of real, meaningful accomplishment, just what lasting benefits have come from this spending? One result has been to build up competition in the world which is now challenging the United States in the world market. We have equipped so many countries so well and given them the know-how so expertly, they are now actually our economic enemies.

One example comes to mind. All the countries we have helped with machinery to go into the footwear business are now producing thousands upon thousands of footwear which are exported to this country for sale. Many of these firms were put into business with U.S. dollars. Today these foreign competitors put in peril the jobs of my constituents in the five shoe manufacturing plants estimated in the Fourth Congressional District of Missouri, and the workers in the districts of many other Members.

This bill authorizes another great giveaway of the wealth of our Nation. With such a broad statement as that, I think I should best say that while I have been critical of foreign aid, my opposition is not based on foreign aid as a concept. The Marshall plan was an inspiring act of constructive statesmanship. However, in recent years, foreign aid seems to be living on its past laurels. There has been little sense of purpose and far too much drift.

I have also wondered whether our help to the new emerging nations has really helped them to stand on their own two feet. Who can forget all the scandals in these new nations that have been publicized about what happens to our foreign aid money?

Mismanagement and maladministration seems to be more common, even if unintended, than good management in the foreign aid program. I was interested in the last listed pages of the minority views attached to the report. It was pointed out we had provided funds for some countries which then lend the money by some procedure to the United States at 6-percent interest. We should take a closer look at this kind of thing. In order to have any foreign aid money our country had to borrow from our own people and, assuming we pay 5 percent on U.S. savings bonds, if we borrow some of this money back through some kind of foreign aid operation from recipient nations and pay them 6-percent interest, who can deny the Government is paying 11-percent interest on these particular funds? And who can say any kind of good is accomplished by funds which are provided another country when we immediately borrow back the money?

In my opposition to the foreign-aid program I have argued that economic aid and military assistance should be separated and put into two bills. If that were accomplished there could be some areas in which military assistance would be of benefit to our country. It would mean we could send equipment rather than send our men. It could well mean the avoidance of another quagmire like Vietnam. But that separation has never been accomplished and on balance the economic assistance is so maladministered that it so frequently outweighs or undoes the good that we have tried to accomplish by military assistance.

There are many things wrong with the foreign-aid program that should be cataloged. We have either loaned or given $77 million to Ceylon. To show their appreciation they expropriated the oil properties owned by the U.S. taxpayers who had provided these millions to them. In the case of Guatemala we have given or loaned over $240 million. Has any of us forgotten that Guatemala seized 240,000 acres of lands owned and used by our fruit growers? The reason for seizure is said to be to provide employment for Guatemalans. If this is true, Guatemala should certainly not have as much future need for American generosity.

Turning to the case of Peru which uses vessels loaned by the United States under the military foreign assistance program, it is a fact that country is actually using these ships to chase down our American fishing boats far outside her continental waters. Besides the loan of these vessels we have given Peru about $270 million. But Mr. Chairman, some of us who serve on the House Armed Services Committee only this week have considered doing something about these vessels that are in the hands of Peru. As to some of these, the loan agreement has expired and has not been extended and it may very well be we will have to send down and actually take these vessels out of their hands. Certainly, it must be done if they continue to use these ships to harass our American fishermen.

Brazil has received $3 billion, Bolivia $300 million and Argentina hundreds of millions. Yet each of these countries has taken U.S.-owned property without compensation. If we send emissaries down to inquire, our people have overripe fruit and other missiles thrown at them. Such treatment has been experienced by some friendly Americans whose purpose had nothing to do at all with the seizures of our property.

During my first year in Congress I was told it was our Nation's responsibility to eliminate poverty and hunger all over the world. I do not disdain the moral qualities of our people to think they are helping other human beings all over the world. But herein lies the great fault with the economic aid portion of the foreign aid program. In our zeal to be helpful we go into remote corners of the world to construct homes with fixtures unfamiliar to the occupants. We put in plumbing, wiring and fixtures where there is no water or sewer system and no service of electricity.

Our country does not have unlimited resources. At a time of fiscal stress when we are having to retrench in our own domestic program I cannot support a foreign aid program. I know where $39 million is badly needed for VA hospital facilities. This is at the very moment we are being called upon to turn over $200 million to such recipients as corruption-ridden India.

If foreign aid is such a success why is it these recipients of our bounty have not appreciated the help from the United States? Why is it they act like they really dislike us?

All of our billions for foreign aid programs all over the world has not bought us one single friend. Morever, I am not sure one hungry person has been fed who would not have been better satisfied if his own government had not become so dependent upon the United States.

Finally, one question: When we have spent ourselves to the point of insolvency by such extravagance as foreign aid, which of the hundreds of countries which have benefited by our giveaways will move in to help us defend ourselves against the rest of the world and to put us back on the road to economic good health?

Mr. VANIK. Mr. Chairman, I have always tried to support foreign aid proposals before this Congress and make them as wise and prudent as possible.

I believe we have to be a good neighbor and express our Nation's concern over the problems of hunger and distress which afflicts so much of our world. I believe we must help developing nations. Conflicts within nations and between nations stem in great measure from these afflictions.

However, I cannot support additional military assistance in the sum of $54½ million for Chiang Kai-shek as proposed in the amendment offered by my distinguished colleague from Florida, the Honorable ROBERT SIKES.

Nor can I support legislation which refuses to provide the developing nations with the kind of help which allows them to develop and retain their self-respect. If the amendment offered by the gentleman from Indiana (Mr. ADAIR), to strike development loans funds is adopted, I feel the legislation has been fatally damaged and represents a wrong turn in American foreign policy.

Today, I was shocked to hear the President's Latin American envoy, Gov. Nelson Rockefeller, state his support for Latin American military dictatorship before the Senate Foreign Relations Committee. This represents a further bad turn in foreign policy.

These new directions in foreign policy do violence to our moral responsibilities in the world. They ignore the lessons of Vietnam and promise little hope for new and positive directions in our foreign policy.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes, pursuant to House Resolution 707, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. BINGHAM. Mr. Speaker, I demand a separate vote on the so-called Sikes amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 64, line 3, after the letter "(d)", add "and (e)" and after line 10 add a new subsection (e) as follows:

"There is authorized to be appropriated to the President to carry out the purposes of this part in the Republic of China, in addition to funds otherwise available for such purpose, not to exceed $54,500,000 for the fiscal year 1970. Amounts appropriated under this subsection are authorized to remain available until expended."

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BINGHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 175, nays 170, not voting 87, as follows:

[Roll No. 284]

YEAS—175

Adair
Anderson, Calif.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Baring
Beall, Md.
Bennett
Berry
Betts
Blackburn
Boggs
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Bush
Caffery
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Collier
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Derwinski
Donohue
Dorn
Dowdy
Downing
Duncan
Eshleman
Fallon
Fascell
Feighan
Fisher
Flood
Flowers
Ford, Gerald R.
Foreman
Frey
Friedel
Fulton, Pa.
Fuqua
Gallagher
Giaimo
Goldwater
Gonzalez
Gray
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hastings
Hays
Hébert
Henderson
Hicks
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kee
Keith
King
Kleppe
Kluczynski
Landgrebe
Landrum
Latta
Lennon
Long, La.
Long, Md.
Lujan
Lukens
McClory
McClure
McKneally
Mahon
Mailliard
Mann
Marsh
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mize
Mizell
Mollohan
Morgan
Morton
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patten
Pelly
Pettis
Philbin
Pickle
Pirnie
Poff
Price, Ill.
Price, Tex.
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scott
Sebelius
Shriver
Sisk
Slack
Snyder
Springer
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Winn
Wolff
Wydler
Wyman
Young
Zablocki
Zion

NAYS—170

Adams
Addabbo
Anderson, Tenn.
Ashley
Aspinall
Barrett
Biaggi
Biester
Bingham
Blanton
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Mich.
Broyhill, N.C.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Carter
Celler
Chisholm
Clay
Cleveland
Cohelan
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Culver
Daddario
Delaney
Dennis
Dent
Diggs
Dingell
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Farbstein
Findley
Fish
Foley
Ford, William D.
Fraser
Frelinghuysen
Galifianakis
Gaydos
Gilbert
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Gross
Halpern
Hamilton
Hanley
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holifield
Horton
Howard
Hungate
Hutchinson
Jacobs
Jones, Ala.
Karth
Kastenmeier
Kazen
Koch
Kyros
Lloyd
Lowenstein
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Madden
Martin
Matsunaga
Mayne
Meeds
Melcher
Meskill
Mikva
Minish
Mink
Monagan
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Perkins
Pike
Podell
Preyer, N.C.
Pryor, Ark.
Purcell
Quie
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schneebeli
Schwengel
Shipley
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Stokes
Taft
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
Wiggins
Williams
Wilson, Charles H.
Wright
Wyatt
Yates
Yatron

NOT VOTING—87

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Ayres
Belcher
Bell, Calif.
Bevill
Blatnik
Brown, Calif.
Brown, Ohio
Buchanan
Burton, Utah
Byrnes, Wis.
Cabell
Camp
Clawson, Del
Colmer
Corman
Daniels, N.J.
Dawson
de la Garza
Dellenback
Denney
Devine
Dickinson
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fountain
Fulton, Tenn.
Garmatz
Gettys
Gibbons
Griffin
Grover
Hanna
Hansen, Wash.
Jones, Tenn.
Kirwan
Kuykendall
Kyl
Langen
Leggett
Lipscomb
McCarthy
McCulloch
McMillan
MacGregor
Mathias
May
Mills
Montgomery
Moorhead
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Poage
Pollock
Powell
Pucinski
Railsback
Reifel
Roberts
Rostenkowski
Roudebush
Scherle
Sikes
Stephens
Talcott
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watkins
Watson
Whalley
Widnall
Wold
Wylie
Zwach

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Dellenback.

Mr. Teague of Texas with Mr. Watkins.

Mr. Albert with Mr. Lipscomb.

Mr. Colmer with Mr. Del Clawson.

Mr. Mills with Mr. Byrnes of Wisconsin.

Mr. Montgomery with Mr. Buchanan.

Mr. Daniels of New Jersey with Mr. Grover.

Mr. Edmondson with Mr. Belcher.

Mr. Eilberg with Mr. MacGregor.

Mr. Evins of Tennessee with Mr. Devine.

Mr. Pepper with Mr. Bell of California.

Mr. O'Neal of Georgia with Mr. Edwards of Alabama.

Mr. Garmatz with Mr. Reifel.

Mr. Gettys with Mr. Langen.

Mr. Griffin with Mr. Zwach.

Mr. Roberts with Mr. Roudebush.

Mr. Rostenkowski with Mr. Railsback.

Mr. Sikes with Mr. Andrews of North Dakota.

Mr. Jones of Tennessee with Mr. Whalley.

Mr. Blatnik with Mr. Kyl.

Mr. Bevill with Mr. Utt.

Mr. Abernethy with Mr. Scherle.

Mr. Leggett with Mr. Pollock.

Mr. Cabell with Mr. Camp.

Mr. Pucinski with Mr. Ayres.

Mr. Fulton of Tennessee with Mr. Kuykendall.

Mrs. Hansen of Washington with Mrs. May.

Mr. Fountain with Mr. Denney.

Mr. Murphy of New York with Mr. Widnall.

Mr. Moorhead with Mr. McCulloch.

Mr. McCarthy with Mr. Wylie.

Mr. Alexander with Mr. Dickinson.

Mr. Abbitt with Mr. Brown of Ohio.

Mr. Tunney with Mr. Mathias.

Mr. Stephens with Mr. Burton of Utah.

Mr. Gibbons with Mr. Wold.

Mr. McMillan with Mr. Watson.

Mr. Patman with Mr. Talcott.

Mr. Brown of California with Mr. Powell.

Mr. Hanna with Mr. Kirwan.

Mr. Corman with Mr. de la Garza.

Mr. Edwards of Louisiana with Mr. Flynt.

Messrs. O'KONSKI, RHODES, QUILLEN, PETTIS, FREY, COWGER, MICHEL, and BROCK changed their votes from "nay" to "yea."

Messrs. PURCELL and O'NEILL of Massachusetts changed their votes from "yea" to "nay."

Mr. HOGAN changed his vote from "present" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ADAIR

Mr. ADAIR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ADAIR. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ADAIR moves to recommit the bill (H.R. 14580) to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendment: Page 8, beginning in line 20, strike out "$475,500,000 for the fiscal year 1970, and $475,500,000 for the fiscal year 1971" and insert in lieu thereof the following: "$425,500,000 for the fiscal year 1970, and $425,500,000 for the fiscal year 1971".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. ADAIR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 157, answered "present" 1, not voting 89, as follows:

[Roll No. 285]

YEAS—185

Adair
Addabbo
Anderson, Tenn.
Andrews, Ala.
Arends
Ashbrook
Baring
Barrett
Beall, Md.
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Bow
Bray
Brinkley
Brock
Brotzman
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Caffery
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dennis
Derwinski
Dorn
Dowdy
Downing
Dulski
Duncan
Erlenborn
Eshleman
Fallon
Fish
Fisher
Flowers
Foreman
Frey
Fulton, Pa.
Galifianakis
Gaydos
Goldwater
Goodling
Gray
Gross
Hagan
Haley
Hall
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
King
Kleppe
Landgrebe
Landrum
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClure
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
Mahon
Mann
Marsh
Martin
Mayne
Melcher
Meskill
Michel
Miller, Ohio
Minshall
Mize
Mizell
Myers
Natcher
Nichols
O'Konski
Passman
Pelly
Pettis
Pickle
Pirnie
Poff
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Riegle
Rogers, Colo.
Rogers, Fla.
Roth
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Sebelius
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
Watts
White
Whitehurst
Whitten
Wiggins
Williams
Winn
Wyatt
Wydler
Wyman
Zion

NAYS—157

Adams
Anderson, Calif.
Annunzio
Ashley
Aspinall
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Broyhill, N.C.
Burke, Mass.
Burton, Calif.
Cahill
Carey
Celler
Chisholm
Clark
Clay
Cohelan
Conte
Conyers
Culver
Daddario
Dent
Diggs
Dingell
Donohue
Dwyer
Eckhardt
Edwards, Calif.
Esch
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Lowenstein
McClory
McCloskey
McFall
Madden
Mailliard
Matsunaga
Meeds
Mikva
Miller, Calif.
Minish
Mink
Mollohan
Monagan
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Perkins
Philbin
Pike
Podell
Preyer, N.C.
Price, Ill.
Quie
Rees
Reid, N.Y.
Reuss
Rivers
Robison
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schwengel.
Sisk
Smith, Iowa
Stafford
Staggers
Stokes
Stratton
Sullivan
Symington
Taft
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Weicker
Whalen
Wilson, Bob
Wilson, Charles H.
Wolff
Yates
Yatron
Young
Zablocki

ANSWERED "PRESENT"—1

Steed

NOT VOTING—89

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Ayres
Belcher
Bell, Calif.
Bevill
Blatnik
Brown, Calif.
Brown, Ohio
Buchanan
Burton, Utah
Byrnes, Wis.
Cabell
Camp
Clawson, Del
Colmer
Corman
Daniels, N.J.
Dawson
de la Garza
Dellenback
Denney
Devine
Dickinson
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fountain
Fulton, Tenn.
Fuqua
Gettys
Gibbons
Griffin
Griffiths
Grover
Hanna
Hansen, Wash.
Jones, Tenn.
Kirwan
Kuykendall
Kyl
Langen
Leggett
Lipscomb
McCarthy
McCulloch
McMillan
MacGregor
Mathias
May
Mills
Montgomery
Moorhead
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Poage
Pollock
Powell
Pucinski
Railsback
Reifel
Roberts
Rostenkowski
Roudebush
Scherle
Sikes
Stephens
Talcott
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watkins
Watson
Whalley
Widnall
Wold
Wright
Wylie
Zwach

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Steed for, with Mr. Albert against.

Mr. Montgomery for, with Mr. Teague of Texas against.

Mr. Cabell for, with Mr. Thompson of New Jersey against.

Mr. Griffin for, with Mr. Daniels of New Jersey against.

Mr. Abernethy for, with Mr. Eilberg against.

Mr. Colmer for, with Mr. Edmondson against.

Mr. O'Neal of Georgia for, with Mrs. Hansen of Washington against.

Mr. Edwards of Louisiana for, with Mr. Rostenkowski against.

Mr. Gettys for, with Mr. Pucinski against.

Mr. Bevill for, with Mr. McCarthy against.

Mr. Alexander for, with Mr. Kirwan against.

Mr. Roberts for, with Mrs. Griffiths against.

Mr. Fuqua for, with Mr. Tunney against.

Mr. Abbitt for, with Mr. Wright against.

Mr. Brown of California for, with Mr. Moorhead against.

Mr. Stephens for, with Mr. Murphy of New York against.

Mr. Jones of Tennessee for, with Mr. Patman against.

Mr. McMillan for, with Mr. Pepper against.

Mr. Flynt for, with Mr. Hanna against.

Mr. Kuykendall for, with Mr. Corman against.

Mr. Pollock for, with Mr. Widnall against.

Mr. Lipscomb for, with Mr. Blatnik against.

Mr. Zwach for, with Mr. Leggett against.

Mr. Del Clawson for, with Mr. Anderson of Illinois against.

Mr. Edwards of Alabama for, with Mr. Buchanan against.

Mr. Grover for, with Mr. Dawson against.

Mr. Reifel for, with Mr. Powell against.

Mr. Roudebush for, with Mr. Gibbons against.

Mr. Watson for, with Mr. Railsback against.

Mr. Kyl for, with Mr. Ayres against.

Until further notice:

Mr. Evins of Tennessee with Mr. Byrnes of Wisconsin.

Mr. Fulton of Tennessee with Mr. Watson.

Mr. Mills with Mr. Devine.

Mr. Sikes with Mr. Utt.

Mr. Belcher with Mr. Dellenback.

Mr. Denney with Mr. McCulloch.

Mr. Langen with Mr. Bell of California.

Mr. Scherle with Mr. MacGregor.

Mr. Talcott with Mr. Wylie.

Mr. Mathias with Mr. Brown of Ohio.

Mr. Camp with Mr. Dickinson.

Mr. Wold with Mr. Whalley.

Messrs. SHIPLEY, FISHER, and HANLEY changed their votes from "nay" to "yea".

Mr. STEED. Mr. Speaker, I have a live pair with the gentleman from Oklahoma (Mr. ALBERT). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Mr. MORGAN. Mr. Speaker, pursuant to instructions of the House in the motion to recommit, I report back the bill H.R. 14580 with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Page 8, beginning in line 20, strike out "$475,000,000 for the fiscal year 1970, and $475,500 for the fiscal year 1971" and insert in lieu thereof the following: "$425,500,000 for the fiscal year 1970, and $425,500,000 for the fiscal year 1971".

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. ROSENTHAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 163, answered "present" 4, not voting 89, as follows:

[Roll No. 286]

YEAS—176

Anderson, Calif.
Anderson, Tenn.
Annunzio
Arends
Aspinall
Barrett
Beall, Md.
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Burke, Mass.
Bush
Button
Byrne, Pa.
Cahill
Carey
Cederberg
Celler
Clark
Conable
Conte
Corbett
Coughlin
Culver
Cunningham
Daddario
Davis, Wis.
Dennis
Dent
Diggs
Donohue
Dulski
Dwyer
Erlenborn
Esch
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Gray
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway

Hays
Hébert
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kyros
Lloyd
McClory
McCloskey
McDade
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Matsunaga
Mayne
Melcher
Miller, Calif.
Minish
Monagan
Morgan
Morse
Morton
Murphy, Ill.
Nelsen
Nix
O'Hara
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Reid, N.Y.
Rhodes
Riegle
Rivers
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schneebeli
Schwengel
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Stratton
Sullivan
Symington
Taft
Teague, Calif.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vigorito
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yatron
Young
Zablocki

NAYS—163

Adair
Adams
Andrews, Ala.
Ashbrook
Ashley
Baring
Bennett
Berry
Betts
Blackburn
Blanton
Bow
Brademas
Bray
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Caffery
Carter
Casey
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins
Conyers
Cowger
Cramer
Daniel, Va.
Davis, Ga.
Delaney
Derwinski
Dingell
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edwards, Calif.
Eshleman
Fisher
Flowers
Foley
Foreman
Frey
Galifianakis
Gaydos
Goldwater
Green, Oreg.
Gross
Hagan
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
King
Kleppe
Koch
Landgrebe
Landrum
Latta
Lennon
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClure
McDonald, Mich.
Marsh
Martin
Meeds
Meskill
Michel
Mikva
Miller, Ohio
Mink
Minshall
Mize
Mizell
Mollohan
Mosher
Moss
Myers
Natcher
Nedzi
Nichols
Obey
O'Konski
Olsen
Passman
Pettis
Poff
Price, Tex.
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reuss
Roe
Rogers, Fla.
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scott
Sebelius
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stokes
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Ullman
Van Deerlin
Vanik
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Williams
Winn
Wyman
Yates
Zion

ANSWERED "PRESENT"—4

Chamberlain
Evans, Colo.
Goodling
Steed

NOT VOTING—89

Abbitt
Abernethy
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Ayres
Belcher
Bell, Calif.
Bevill
Blatnik
Brown, Calif.
Brown, Ohio
Buchanan
Burton, Utah
Byrnes, Wis.
Cabell
Camp
Clawson, Del
Colmer
Corman
Daniels, N.J.
Dawson
de la Garza
Dellenback
Denney
Devine
Dickinson
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Evins, Tenn.
Flynt
Fountain
Fulton, Tenn.
Fuqua
Gettys
Gibbons
Griffin
Griffiths
Grover
Hansen, Wash.
Jones, Tenn.
Kirwan
Kluczynski
Kuykendall
Kyl
Langen
Leggett
Lipscomb
McCarthy
McCulloch
McMillan
MacGregor
Mathias
May
Mills
Montgomery
Moorhead
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Poage
Pollock
Powell
Pucinski
Railsback
Reifel
Roberts
Rostenkowski
Roudebush
Scherle
Sikes
Stephens
Talcott
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Watkins
Watson
Whalley
Widnall
Wold
Wylie
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Albert for, with Mr. Steed against.

Mr. Buchanan for, with Mr. Goodling against.

Mr. Widnall for, with Mr. Chamberlain against.

Mr. Teague of Texas for, with Mr. Montgomery against.

Mr. Thompson of New Jersey for, with Mr. Cabell against.

Mr. Daniels of New Jersey for, with Mr. Griffin against.

Mr. Eilberg for, with Mr. Abernethy against.

Mr. Edmondson for, with Mr. Colmer against.

Mrs. Hansen of Washington for, with Mr. O'Neal of Georgia against.

Mr. Rostenkowski for, with Mr. Edwards of Louisiana against.

Mr. Pucinski for, with Mr. Gettys against.

Mr. McCarthy for, with Mr. Watkins against.

Mr. Kirwan for, with Mr. Bevill against.

Mrs. Griffiths for, with Mr. Alexander against.

Mr. Tunney for, with Mr. Roberts against.

Mr. Moorhead for, with Mr. Fuqua against.

Mr. Murphy of New York for, with Mr. Abbitt against.

Mr. Patman for, with Mr. Stephens against.

Mr. Pepper for, with Mr. Jones of Tennessee against.

Mr. Corman for, with Mr. McMillan against.

Mr. Blatnik for, with Mr. Flynt against.

Mr. Leggett for, with Mr. Fountain against.

Mr. Dawson for, with Mr. Andrews of North Dakota against.

Mr. Powell for, with Mr. Brown of California against.

Mr. Gibbons for, with Mr. Devine against.

Mr. Kluczynski for, with Mr. Pollock against.

Mr. Anderson of Illinois for, with Mr. Camp against.

Mr. Ayres for, with Mr. Lipscomb against.

Mr. Dellenback for, with Mr. Belcher against.

Mr. Railsback for, with Mr. Roudebush against.

Mrs. May for, with Mr. Langen against.

Until further notice:

Mr. Addabbo with Mr. Kuykendall.

Mr. de la Garza with Mr. Whalley.

Mr. Evins of Tennessee with Mr. Kyl.

Mr. Fulton of Tennessee with Mr. Grover.

Mr. Mills with Mr. Reifel.

Mr. Sisk with Mr. Talcott.

Mr. Bell of California with Mr. Del Clawson.

Mr. Byrnes of Wisconsin with Mr. Edwards of Alabama.

Mr. McCulloch with Mr. Wold.

Mr. Brown of Ohio with Mr. Burton of Utah.

Mr. MacGregor with Mr. Utt.

Mr. Dickinson with Mr. Watson.

Mr. Wylie with Mr. Zwach.

Mr. Denney with Mr. Mathias.

Messrs. BROWN of Michigan and OTTINGER changed their votes from "nay" to "yea."

Mr. STEED. Mr. Speaker, I have a live pair with the gentleman from Oklahoma (Mr. ALBERT). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. GOODLING. Mr. Speaker, I have a live pair with the gentleman from Alabama (Mr. BUCHANAN). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. CHAMBERLAIN. Mr. Speaker, I have a live pair with the gentleman from New Jersey (Mr. WIDNALL). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3666. An act to amend section 366(c) of the Immigration and Nationality Act;

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; and

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 121. Joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) entitled "An act to provide an extension of the interest equalization tax, and for other purposes."

APPOINTMENT OF CONFEREES ON H.R. 12964, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12964) making appropriations for the Department of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with

Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. ROONEY of New York, SIKES, SLACK, SMITH of Iowa, FLYNT, MAHON, BOW, LIPSCOMB, CEDERBERG, and ANDREWS of North Dakota.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 14580.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON ECONOMIC OPPORTUNITY AMENDMENTS OF 1969 UNTIL MIDNIGHT SATURDAY

Mr. MORGAN. Mr. Speaker, on behalf of the chairman of the Committee on Education and Labor, I ask unanimous consent that the committee may have until midnight Saturday night to file a report on H.R. 12321, the Economic Opportunity Amendments of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 944, PER DIEM ALLOWANCE FOR MILITARY PERSONNEL, UNTIL MIDNIGHT TOMORROW

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tomorrow night, November 21, to file a report on the bill (H.R. 944) to increase rates of per diem allowance and reimbursement authorized military personnel.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 13018, MILITARY CONSTRUCTION AUTHORIZATION, 1970

Mr. RIVERS submitted the following conference report and statement on the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-679)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, hospital facilities, and utilities, $4,316,000.

Carlisle Barracks, Pennsylvania: Community facilities, $145,000.

Fort Dix, New Jersey: Community facilities and utilities, $1,539,000.

Fort Eustis, Virginia: Training facilities, $1,825,000.

Fort Hancock, New Jersey; Utilities, $625,000.

A.P. Hill Military Reservation, Virginia: Maintenance facilities, $364,000.

Fort Holabird, Maryland: Administrative facilities, $489,000.

Fort Knox, Kentucky: Training facilities, troop housing and utilities, $4,006,000.

Fort George G. Meade, Maryland: Administrative facilities, community facilities, and utilities, $4,845,000.

Fort Monroe, Virginia: Utilities, $534,000.

Fort Story, Virginia: Training facilities, $430,000.

Fort Wadsworth, New York: Utilities, $545,000.

(Third Army)

Fort Benning, Georgia: Utilities, $2,391,000.

Fort Bragg, North Carolina: Training facilities, and maintenance facilities, $3,760,000.

Fort Campbell, Kentucky: Maintenance facilities, and community facilities, $1,176,000.

Fort Gordon, Georgia: Training facilities, maintenance facilities, and troop housing, $10,286,000.

Fort Jackson, South Carolina: Troop housing, and utiiities, $12,372,000.

Fort Rucker, Alabama: Training facilities, supply facilities, and troop housing, $8,316,-000.

(Fourth Army)

Fort Bliss, Texas: Training facilities maintenance facilities, community facilities, and utilities, $4,309,000.

Fort Hood, Texas: Maintenance facilities, troop housing, and community facilities, $21,050,000.

Fort Sam Houston, Texas: Utilities, $378,000.

Fort Polk, Louisiana: Training facilities, medical facilities, troop housing, and community facilities, $3,067,000.

Fort Sill, Oklahoma: Maintenance facilities, and utilities, $738,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, $6,865,000.

Fort Benjamin Harrison, Indiana: Administrative facilities, and utilities, $4,120,000.

Fort Leavenworth, Kansas: Medical facilities and troop housing, $502,000.

Fort Riley, Kansas: Utilities, $1,957,000.

Fort Sheridan, Illinois: Administrative facilities, $2,210,000.

(Sixth Army)

Presidio of Monterey, California: Troop housing, $2,125,000.

Presidio of San Francisco, California: Community facilities, and utilities, $745,000.

(Military District of Washington)

Fort McNair, District of Columbia: Training facilities, $929,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland: Training facilities and utilities, $2,312,000.

Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,178,000.

Anniston Army Depot, Alabama: Maintenance facilities, $1,053,000.

Atlanta Army Depot, Georgia: Supply facilities, $572,000.

Badger Army Ammunition Plant, Wisconsin: Utilities, $203,000.

Charleston Army Depot, South Carolina: Utilities, $143,000.

Detroit Arsenal, Michigan: Operational facilities, and research, development, and test facilities, $4,070,000.

Dugway Proving Ground, Utah: Operational facilities, and research, development and test facilities, $420,000.

Granite City Army Depot, Illinois: Utilities, $237,000.

Holston Army Ammunition Plant, Tennessee: Utilities, $344,000.

Iowa Army Ammunition Plant, Iowa: Utilities, $503,000.

Joliet Army Ammunition Plant, Illinois: Utilities, $4,643,000.

Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, $2,457,-000.

Michigan Army Missile Plant, Michigan: Utilities, $354,000.

Fort Monmouth, New Jersey: Research, development and test facilities, and community facilities, $1,778,000.

New Cumberland Army Depot, Pennsylvania: Supply facilities, $560,000.

Picatinny Arsenal, New Jersey: Utilities, $989,000.

Pueblo Army Depot, Colorado: Maintenance facilities, $1,026,000.

Radford Arsenal, Virginia: Administrative facilities, $1,641,000.

Red River Army Depot, Texas: Operational facilities, and utilities, $1,396,000.

Rock Island Arsenal, Illinois: Operational facilities, $425,000.

Savanna Army Depot, Illinois: Utilities $274,000.

Sunflower Army Ammunition Plant, Kansas: Utilities, $251,000.

White Sands Missile Range, New Mexico Research, development, and test facilities, $3,218,000.

Fort Wingate Army Depot, New Mexico Utilities, $217,000.

Yuma Proving Ground, Arizona: Research development, and test facilities, and utilities, $734,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

United States Various Locations: Operational facilities, $27,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hills Farms, Virginia: Utilities, $136,-000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Troop housing and community facilities, $3,740,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Training facilities, and community facilities, $17,421,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas: Training facilities, $9,891,000.

Fitzsimons Army Hospital, Colorado: Production facilities, $776,000.

CORPS OF ENGINEERS

Army Map Service, Maryland: Operational facilities, $134,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey: Utilities, $1,134,000.

Military Ocean Terminal, Kings Bay, Georgia: Utilities, $177,000.

Sunny Point Army Terminal, North Carolina: Operational facilities and utilities, $1,871,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska: Utilities, $743,000.

Fort J. M. Wainwright, Alaska: Training facilities, $322,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii: Community facilities, $1,524,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities, $23,678,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various: Medical facilities, troop housing, and utilities, $1,756,000.

UNITED STATES SAFEGUARD COMMAND

Kwajalein Missile Range: Operational facilities, maintenance facilities, supply facilities, and troop housing, $3,273,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations: Operational facilities, $2,951,000.

UNITED STATES ARMY, EUROPE

Germany, Various: Maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, community facilities, and utilities, $22,323,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $50,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Taiwan, Formosa: Operational facilities, $154,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89–188, as amended, is amended, under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fourth Army)" with respect to "Fort Sam Houston, Texas", strike out "$1,300,000" and insert in place thereof "$1,510,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$260,925,000" and "$317,786,000" and inserting "$261,135,000" and "$317,996,000", respectively.

SEC. 104. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES" section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Dix, New Jersey", strike out "$2,585,000" and insert in place thereof "$3,471,000".

(2) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Lee, Virginia", strike out "$1,646,000" and insert in place thereof "$1,727,000".

(3) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort George G. Meade" Maryland", strike out $$4,510,000" and insert in place thereof "$5,198,000".

(4) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "$1,680,000" and insert in place thereof "$1,935,000".

(5) Under the subheading "UNITED STATES ARMY MATERIAL COMMAND" with respect to "Rock Island Arsenal, Illinois", strike out "$320,000" and insert in place thereof "$492,000".

(6) Under the subheading "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "Detroit Defense Area, Michigan" strike out "$130,000" and insert in place thereof "$201,000".

(7) Under the subheading "CORPS OF ENGINNERS" with respect to "Army Map Service, Maryland", strike out "$156,000" and insert in place thereof "$201,000".

(8) Under the subheading "MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE" with respect to "Sunny Point Army Terminal, North Carolina", strike out "$70,000" and insert in place thereof "$138,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$282,359,000" and "$385,752,000" and inserting in place thereof "$284,625,000" and "$388,018,000", respectively.

SEC. 105. (a) Public Law 90–408 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES (First Army)" with respect to "Fort Knox, Kentucky" strike out "$727,000" and insert in place thereof "$888,000".

(2) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "New Cumberland Army Depot, Pennsylvania", strike out "$638,000" and insert in place thereof "$811,000".

(b) Public Law 90–408 is amended in section 101 under the heading "OUTSIDE THE UNITED STATES" and subheading "UNITED STATES ARMY SECURITY AGENCY" with respect to "Various Locations", by striking out "$5,386,000" and inserting in place thereof "$6,928,000".

(c) Public Law 90–408 is amended by striking out in clause (1) of section 802 "$363,471,000", "$85,610,000" and "$449,081,000" and inserting in place thereof "$363,805,000", "$87,152,000" and "$450,957,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Boston, Massachusetts: Utilities, $7,905,000.

Naval Station, Newport, Rhode Island: Troop housing, $685,000.

Naval War College, Newport, Rhode Island: Training facilities, $2,113,000.

Naval Underwater Weapons Research and Engineering Station, Newport, Rhode Island: Research, development and test facilities, $754,000.

Naval Air Rework Facility, Quonset Point, Rhode Island: Maintenance facilities, $1,063,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Utilities, $303,000.

Naval Hospital, Saint Albans, New York: Utilities, $214,000.

FOURTH NAVAL DISTRICT

Navy Ships Parts Control, Mechanicsburg, Pennsylvania: Administrative facilities, $215,000.

Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, $10,828,000.

Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, $222,000.

Navy Aviation Supply Office, Philadelphia, Pennsylvania: Administrative facilities, $834,000.

Naval Damage Control Training Center, Philadelphia, Pennsylvania: Utilities, $1,210,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, $47,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Academy, Annapolis, Maryland: Training facilities, and utilities, $13,209,000.

National Naval Medical Center, Bethesda, Maryland: Hospital and medical facilities, $3,591,000.

Naval Ship Research and Development Center, Carderock, Maryland: Utilities at Annapolis Division, $186,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Operational facilities, $493,000.

Naval Air Rework Facility, Cherry Point, North Carolina: Maintenance facilities, $2,308,000.

Naval Shipyard, Norfolk, Virginia: Utilities, $2,319,000.

Naval Station, Norfolk, Virginia: Troop housing and community facilities, $4,848,000.

Naval Air Rework Facility, Norfolk, Virginia: Maintenance facilities, $9,303,000.

Naval Supply Center, Norfolk, Virginia: Utilities, $111,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, $1,400,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, $1,686,000.

SIXTH NAVAL DISTRICT

Naval Air Station Cecil Field, Florida: Operational facilities, and troop housing, $1,135,000.

Naval Air Station, Jacksonville Florida: Utilities, $2,060,000.

Naval Station, Mayport, Florida: Operational and training facilities, $251,000.

Naval Station, Key West Florida: Troop housing, $2,130,000.

Naval Training Center, Orlando, Florida: Training facilities troop housing, and utilities, $12,909,000.

Naval Ship Research and Development Laboratory, Panama City, Florida: Operational facilities, and community facilities, $857,000.

Naval Air Station, Pensacola, Florida: Operational facilities, $1,321,000.

Navy Public Works Center, Pensacola, Florida: Utilities, $923,000.

Naval Air Station, Saufley Field, Florida: Operational facilities and real estate, $349,000.

Naval Air Station, Whiting Field, Florida: Training facilities, $808,000.

Naval Supply Corps School, Athens, Georgia: Training facilities, $2,920,000.

Naval Air Station, Glynco, Georgia: Utilities, $252,000.

Naval Construction Battalion Center, Gulfport, Mississippi: Operational facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, $11,988,000.

Naval Air Station, Meridian, Mississippi: Supply facilities, $277,000.

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, supply facilities, community facilities, and utilities, $5,932,000.

Naval Supply Center, Charleston, South Carolina: Supply facilities, $1,271,000.

Naval Weapons Station, Charleston, South Carolina: Supply facilities, $510,000.

Naval Air Station, Memphis, Tennessee: Troop housing, $5,233,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana: Operational facilities, $544,000.

Naval Air Station, Chase Field, Texas: Operational and training facilities, and real estate, $2,769,000.

Naval Air Station, Corpus Christi, Texas: Utilities, $496,000.

Naval Air Station, Kingsville, Texas: Maintenance facilities, and troop housing, $3,876,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Utilities, $1,060,000.

Naval Avionics Facility, Indianapolis, Indiana: Research, development and test facilities, $157,000.

OMEGA Navigation Station, La Moure, North Dakota: Operational facilities, and real estate, $5,690,000.

ELEVENTH NAVAL DISTRICT

Naval Shipyard, Long Beach, California: Utilities, $1,793,000.

Naval Station, Long Beach, California: Utilities, $511,000.

Navy Fuel Depot, San Pedro, California: Utilities, $90,000.

Pacific Missile Range, Point Mugu, California: Maintenance facilities, and troop housing, $554,000.

Naval Construction Battalion Center, Fort Hueneme, California: Troop housing and utilities, $2,254,000.

Naval Hospital, Camp Pendleton, California: Hospital and medical facilities, $19,805,000.

Naval Air Station, North Island, California: Maintenance facilities, troop housing, and utilities, $9,390,000.

Fleet Training Center, San Diego, California: Utilities, $1,335,000.

Naval Training Center, San Diego, California: Troop housing, $3,335,000.

Naval Undersea Warfare Center, San Diego, California: Research, development and test facilities, $6,400,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California: Operational and training facilities, and troop housing, $6,007,000.

Naval Air Station, Alameda, California: Maintenance facilities, and utilities and ground improvements, $6,094,000.

Naval Hospital, Oakland, California: Utilities, $74,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Site and at Mare Island Site, $12,494,000.

Naval Auxiliary Air Station, Fallon, Nevada: Troop housing, $3,463,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Bremerton, Washington: Operational facilities, maintenance facilities, and utilities, $7,467,000.

Naval Air Station, Whidbey Island, Washington: Operational and training facilities, troop housing, and utilities $5,101,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, $3,557,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, $6,519,000.

Naval Facility, Barbers Point, Oahu, Hawaii: Operational facilities, $2,467,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska: Troop housing, $4,087,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, $766,000.

Various Naval Communication Stations: Utilities, $2,030,000.

MARINE CORPS FACILITIES

Marine Corps Development and Education Command, Quantico, Virginia: Troop housing, and utilities, $1,711,000.

Marine Corps Auxiliary Landing Field, Bogue, North Carolina: Maintenance facilities, supply facilities, and utilities, $620,000.

Marine Corps Base, Camp Lejeune, North Carolina: Maintenance facilities, administrative facilities, community facilities, and utilities, $4,415,000.

Marine Corps Air Station, Cherry Point, North Carolina: Training facilities, and troop housing, $1,983,000.

Marine Corps Air Station, New River, North Carolina: Operational facilities, $256,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, $5,943,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, troop housing, and utilities, $6,418,000.

Marine Corps Air Station, El Toro, California: Maintenance facilities, and troop housing, $4,150,000.

Marine Corps Base, Camp Pendleton, California: Community facilities, $2,536,000.

Marine Corps Recruit Depot, San Diego, California: Troop housing, $5,601,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Utilities, $460,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Navy Public Works Center, Guantanamo Bay, Cuba: Utilities, $2,898,000.

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, $65,000.

Naval Station, Roosevelt Roads, Puerto Rico: Troop housing, $3,995,000.

Naval Communication Station, San Juan, Puerto Rico: Operational facilities, $87,000.

ATLANTIC OCEAN AREA

Naval Facility, Eleuthera, Bahama Islands: Community facilities, and utilities, $283,000.

Naval Station, Keflavik, Iceland: Community facilities, $2,834,000.

EUROPEAN AREA

OMEGA Navigation Station, Bratland, Norway: Operational facilities, $2,954,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands: Troop housing, $1,422,000.

Naval Facility, Guam, Mariana Islands: Operational facilities, $4,419,000.

Naval Hospital, Guam, Mariana Islands: Hospital and medical facilities, $1,354,000.

Naval Hospital, Yokosuka, Japan: Hospital and medical facilities, $746,000.

Naval Air Station, Cubi Point, Republic of the Philippines: Operational facilities, maintenance facilities, and supply facilities, $1,062,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $1,770,000.

Naval Station, Sangley Point, Republic of the Philippines: Supply facilities, $120,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, $235,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,810,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89–568, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to the Naval Air Station, Oceana, Virginia, by striking out "$1,466,000" and inserting in place thereof "$1,861,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$118,769,000" and "$142,932,000" and inserting respectively in place thereof "$119,164,000" and "$143,327,000."

SEC. 205. (a) Public Law 90–110, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to the Naval Amphib-

ious Base, Little Creek, Virginia, and the Fleet Training Center, Norfolk, Virginia, strike out "$6,220,000" and "$65,000", respectively, and insert in place thereof "$6,456,000" and "$97,000", respectively.

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Station, Charleston, South Carolina, strike out "$4,048,000" and insert in place thereof "$6,058,000".

(3) Under the subheading "NINTH NAVAL DISTRICT" with respect to the Naval Training Center, Great Lakes, Illinois, strike out "$6,869,000" and insert in place thereof "$8,760,000".

(4) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Marine Corps Air Stations, Yuma, Arizona, and El Toro, California, strike out "$2,133,000" and "$4,918,000", respectively, and insert in place thereof "$2,179,000", and "$5,410,000", respectively.

(5) Under the subheading "THIRTEENTH NAVAL DISTRICT" with respect to the Navy Supply Depot, Seattle, Washington, and the Naval Air Station, Whidbey Island, Washington, strike out "$252,000" and "$2,626,000", respectively, and insert in place thereof "$645,000" and "$3,122,000".

(6) Under the subheading "FOURTEENTH NAVAL DISTRICT" with respect to the Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, and the Naval Ammunition Depot, Oahu, Hawaii, strike out "$7,636,000", "$2,554,000", and "$1,170,000", respectively, and insert in place thereof "$8,121,000", "$3,268,000", and "$1,619,000", respectively.

(7) Under the subheading "MARINE CORPS GROUND FORCES FACILITIES" with respect to the Marine Corps Base, Camp Lejeune, North Carolina, strike out "$12,507,000" and insert in place thereof "$12,754,000".

(b) Public Law 90–110, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "TENTH NAVAL DISTRICT" with respect to the Naval Hospital, Roosevelt Roads, Puerto Rico, by striking out "$6,283,000" and inserting in place thereof "$8,181,000".

(c) Public Law 90–110, as amended, is amended in clause (2) of section 802 by striking out "$415,108,000", "$39,515,000", and "$461,407,000" and inserting respectively in place thereof, "$422,599,000", "$41,413,000", and "$470,796,000".

SEC. 206. (a) Public Law 90–408 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Hospital, Charleston, South Carolina, strike out "$13,356,000" and insert in place thereof "$15,687,000."

(2) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Naval Air Station, Imperial Beach, California, strike out "$5,674,000," and insert in place thereof "$8,517,000."

(b) Public Law 90–408 is amended in clause (2) of section 802 by striking out "$229,726,000" and "$236,591,000" and inserting respectively in place thereof "$234,900,000" and "$241,765,000."

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Utilities, $357,000.

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, and community facilities, $225,000.

Hamilton Air Force Base, San Rafael, California: Hospital facilities, troop housing, and real estate, $4,647,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, $303,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, $20,800,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, $157,000.

Peterson Field, Colorado Springs, Colorado: Administrative facilities and troop housing, $1,992,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $1,540,000.

Volk Field, Camp Douglas, Wisconsin: Operational facilities. $208,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research, development, and test facilities, $315,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities and administrative facilities, $525,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, $5,347,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, troop housing, and utilities, $7,385,000.

Newark Air Force Station, Newark, Ohio: Administrative facilities, $835,000.

Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, $2,086,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, administrative facilities, and utilities, $2,575,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and utilities, $4,825,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $1,440,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, $736,000.

Edwards Air Force Base, Muroc, California: Operational and training facilities, $394,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, troop housing, and utilities, $5,897,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and community facilities, $2,741,000.

Kirtland Air Force Base, Albuquerque, New Mexco: Research, development, and test facilities, community facilities, and utilities, $1,903,000.

Los Angeles Air Force Station, Los Angeles, California: Research, development, and test facilities, and administrative facilities, $781,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, community facilities, and utilities, $1,108,000.

Eastern Test Range, Cocoa, Florida: Operational facilities, $43,000.

Satellite Tracking Facilities: Operational facilities and utilities, $1,021,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities and maintenance facilities, $635,000.

Craig Air Force Base, Selma, Alabama: Training facilities, administrative facilities, and troop housing, $1,139,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, administrative facilities, and troop housing and community facilities, $3,118,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, administrative facilities, troop housing, and utilities, $13,107,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, and administrative facilities, $496,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, administrative facilities and troop housing, $1,771,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, maintenance facilities, supply facilities, and troop housing, $8,241,000.

Mather Air Force Base, Sacramento, California: Operational facilities, and troop housing, $2,223,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, administrative facilities, and community facilities, $816,000.

Randolph Air Force Base, San Antonio, Texas: Troop housing, $1,151,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, administrative facilities, maintenance facilities, and community facilities, $954,000.

Sheppard Air Force Base, Wichita Falls, Texas: Maintenance facilities, administrative facilities, and troop housing and community facilities, $4,167,000.

Vance Air Force Base, Enid, Oklahoma: Administrative facilities, $152,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, $435,000.

Williams Air Force Base, Chandler, Arizona: Administrative facilities, hospital facilities, troop housing, and real estate, $4,462,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Utilities, $578,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities, troop housing and community facilities, and utilities, $3,528,000.

Various Locations: Operational facilities, maintenance facilities, supply facilities, community facilities, and utilities, $6,370,000.

HEADQUARTERS AIR FORCE RESERVE

Ellington Air Force Base, Houston, Texas: Operational facilities and real estate, $957,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, $813,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, maintenance facilities, and troop housing, $5,358,000.

Charleston Air Force Base, Charleston, South Carolina: Operational facilities, troop housing, and utilities, $3,192,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, supply facilities, utilities and real estate, $7,519,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, and troop housing, $1,699,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, supply facilities, community facilities, and utilities, $1,664,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities supply facilities, troop housing, and utilities, $3,134,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, $329,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, hospital facilities, administrative facilities, and utilities, $11,865,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Maintenance facilities, $209,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Administrative facilities, operational facilities, $549,000.

Beale Air Force Base, Marysville, California: Maintenance facilities, $126,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities and maintenance facilities, $236,000.

Castle Air Force Base, Merced, California: Troop housing, $597,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, maintenance facilities, troop housing, and utilities, $2,459,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Community facilities and utilities, $1,028,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, $587,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $5,236,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, $178,000.

Grissom Air Force Base, Peru, Indiana: Maintenance facilities and utilities, $231,000.

Little Rock Air Force Base, Little Rock, Arkansas: Maintenance facilities, $186,000.

Loring Air Force Base, Limestone, Maine: Maintenance facilities, troop housing, and utilities, $800,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational facilities and utilities, $284,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, $265,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, community facilities, and utilities, $2,532,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities and maintenance facilities, $263,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities, $174,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, $394,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Utilities, $488,000.

Whiteman Air Force Base, Knob Noster, Missouri: Administrative facilities, $157,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, $415,000.

Blytheville Air Force Base, Blytheville, Arkansas: Hospital facilities, and troop housing, $1,847,000.

Cannon Air Force Base, Clovis, New Mexico: Maintenance facilities and community facility, $939,000.

England Air Force Base, Alexandria, Louisiana: Operational and training facilities, supply facilities, and troop housing, $1,372,000.

Forbes Air Force Base, Topeka, Kansas: Maintenance facilities, administrative facilities, troop housing, and utilities, $1,608,000.

George Air Force Base, Victorville, California: Operational facilities, supply facilities, administrative facilities, troop housing, community facilities, and utilities, $3,234,000.

Homestead Air Force Base, Homestead, Florida; Troop housing, $198,000.

Langley Air Force Base, Hampton, Virginia: Operational facilities and administrative facilities, $560,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, and troop housing, $5,636,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, and utilities, $642,000.

McConnell Air Force Base, Wichita, Kansas: Troop housing, $231,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, $1,476,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, maintenance facilities, troop housing, and utilities, $6,514,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $2,097,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Maintenance facilities, $137,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, administrative facilities, and troop housing, $1,835,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, administrative facilities, and utilities, $551,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations: Maintenance facilities, troop housing and community facilities, and utilities, $1,324,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas: Troop housing, $957,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations: Maintenance facilities, $407,000.

AIR FORCE SYSTEMS COMMAND

Western Test Range: Research, development, and test facilities, $2,292,000.

Satellite Tracking Facilities: Utilities, $287,000.

PACIFIC AIR FORCES

Various Locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $7,904,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational facilities, maintenance facilities, supply facilities, and community facilities, $1,265,000.

UNITED STATES AIR FORCES IN EUROPE

Germany: Operational facilities, maintenance facilities, and supply facilities, $5,730,000.

United Kingdom: Operational and training facilities, maintenance facilities, supply facilities, and troop housing, $9,040,000.

Various Locations: Operational facilities, maintenance facilities, and utilities, $678,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, and troop housing, $3,246,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations: Operational facilities, and utilities. $300,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisitions, site preparation, appurtenances, utilities, and equipment in the total amount of $29,234,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Chanute Air Force Base, Rantoul, Illinois, strike out "$2,523,000" and insert in place thereof "$3,507,000".

(2) Under the subheading "PACIFIC AIR FORCE" with respect to Hickam Air Force Base, Honolulu, Hawaii, strike out "$2,566,000" and insert in place thereof "$3,034,000".

(3) Under the subheading "STRATEGIC AIR COMMAND" with respect to Wurtsmith Air Force Base, Oscoda, Michigan, strike out "$1,053,000" and insert in place thereof "$1,628,000".

(4) Under the subheading "TACTICAL AIR COMMAND" with respect to Langley Air Force Base, Hampton, Virginia, strike out "$2,243,000" and insert in place thereof "$2,744,000".

(b) Public Law 90–110, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Goose Air Base, Canada, strike out "$90,000" and insert in place thereof "$136,000".

(c) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$312,050,000", "$26,904,000", and "$398,376,000" and inserting in place thereof "$314,578,000", "$26,950,000", and "$400,950,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Supply facilities, and utilities, $495,000.

Manzano Base, New Mexico: Utilities, $36,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio: Supply facilities, $300,000.

Defense Depot, Mechanicsburg, Pennsylvania: Supply facilities, $318,000.

Defense Depot, Memphis, Tennessee: Supply facilities, $827,000.

Defense Depot, Ogden, Utah: Supply facilities and utilities, $1,052,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities and utilities, $468,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas: Utilities, $39,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania: Supply facilities, $603,000.

Defense Depot, Tracy, California: Utilities, $882,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Troop housing facilities and utilities, $4,678,000.

Vint Hill Farms Station, Virginia: Supply facilities, $1,000,000.

Classified Location: Operational facilities, $3,564,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, $1,903,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $25,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

SEC. 403. (a) Public Law 90–408 is amended in section 401 under the heading "INSIDE THE UNITED STATES" and subheading "NATIONAL SECURITY AGENCY" with respect to Fort Meade, Maryland, by striking out "$2,121,000" and inserting in place thereof "$2,609,000."

(b) Public Law 90–408 is amended in clause (4) of section 802 by striking out "$81,696,000" and inserting in place thereof "82,184,000."

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family Housing units—

(a) The Department of the Army, twelve hundred units, $25,060,000:

Fort Huachuca, Arizona, one hundred units.

Fort Carson, Colorado, one hundred and fifty units.

Fort Benning, Georgia, three hundred and forty units.

Fort Polk, Louisiana, two hundred and sixty units.

Fort Meade, Maryland, two hundred and fifty units.

Vint Hill Farms Station, Virginia, one hundred units.

(b) The Department of the Navy, one thousand nine hundred and fifty units, $47,517,000:

Naval Station, Adak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Marine Corps Base, Camp Pendleton, California, one hundred and two units.

Naval Air Station, Lemoore, California, one hundred and ninety units.

Naval Station, Key West, Florida, two hundred units.

Naval Air Test Center, Patuxent River, Maryland, two hundred units.

Naval Air Station, Quonset Point, Rhode Island, one hundred units.

Armed Forces Staff College, Norfolk, Virginia, forty-eight units.

Naval Complex, Bremerton, Washington, two hundred units.

Naval Facility, Pacific Beach, Washington, ten units.

Naval Station, Guam, two hundred units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Station, Subic Bay, Republic of the Philippines, three hundred units.

Naval Communication Station, San Miguel, Republic of the Philippines, one hundred units.

(c) The Department of the Air Force, one thousand six hundred and fifty units, $33,855,000:

Davis-Monthan Air Force Base, Arizona, three hundred units.

Luke Air Force Base, Arizona, one hundred and fifty units.

Blytheville Air Force Base, Arkansas, two hundred units.

Eglin Air Force Base, Florida, three hundred units.

McConnell Air Force Base, Kansas, one hundred units.

Nellis Air Force Base, Nevada, three hundred units.

Bergstrom Air Force Base, Texas, one hundred units.

Clark Air Base, Republic of the Philippines, two hundred units.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $21,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Except as provided in section 504 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 504. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–408 (82 Stat. 367, 388) shall be deemed to affect the cost limitations provided in subsection 602(d) of Public Law 90–408 (82 Stat. 367, 388) with respect to construction of family housing units at George Air Force Base, California.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $2,101,000.

(b) for the Department of the Navy, $4,500,000.

(c) for the Department of the Air Force, $4,500,000.

(d) for the Defense Agencies, $439,000.

SEC. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, thirty family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: Provided, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $60,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1969 and 1970" in the first sentence and inserting in lieu thereof "1970 and 1971", (2) inserting "and the Naval Supply Corps School, Athens, Georgia," immediately after "Kansas," in the last sentence, and (3) adding at the end of such section a new sentence as follows: "In no case may any housing unit be leased under authority of this section at a monthly rental in excess of $250, including the cost of utilities and maintenance, and operation."

SEC. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by striking out "1969 and 1970" and inserting in lieu thereof "1970 and 1971".

SEC. 509. The Secretary of Defense, or his designee, is authorized to relocate four hundred and forty-four family housing units to military installations where there are housing shortages, from installations as follows: two hundred relocatable units from Kincheloe Air Force Base, Michigan; eighteen reloctable units from Sundance Air Force Station, Wyoming; and two hundred and twenty-six United States manufactured units from a classified overseas location: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

SEC. 510. (a) Section 7574 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The maximum limitations prescribed by subsections (a), (d), and (e) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

(b) Sections 4774 and 9774 of title 10, United States Code, are amended by adding the following new subsection at the end of each:

"(h) The maximum limitations prescribed by subsections (a), (f), and (g) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

Sec. 511. The third clause of section 501(b) of Public Law 87–554 (76 Stat. 223, 237) as added by section 606 of Public Law 90–110 (81 Stat. 279, 304), is amended to read as follows: "and (3) notwithstanding any other provision of law, for the purpose of debt service, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements, whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), to remain available until expended."

Sec. 512. Notwithstanding any other provision of law limiting the term of a contract, the Secretary of Defense, or his designee, may enter into contracts for periods of not more than ~~4 years for~~ supplies and services required for the maintenance and operation of family housing for which funds would otherwise be available only within the fiscal year for which appropriated.

Sec. 513. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 as amended (81 Stat. 279, 305), as follows:

Redstone Arsenal, Alabama, one unit, $11,000.

United States Military Academy, West Point, New York, thirty-nine units, $513,200.

Naval Station, Adak, Alaska, twenty units, $232,000.

Marine Corps Barracks, Washington, District of Columbia, four units, $108,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, one unit, $14,100.

Sec. 514. Subsection 601(b) of Public Law 90–408 (82 Stat. 367, 387) is amended by striking out "$15,725,000" and inserting in lieu thereof "$17,000,000."

Sec. 515. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $125,833,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $563,685,000.

TITLE VI

HOMEOWNERS ASSISTANCE

Sec. 601. Section 701 of Public Law 90–110 (81 Stat. 279, 306) is amended by changing the semicolon to a period after "$27,000,000" and deleting all language thereafter.

Sec. 602. Section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) is amended as follows:

(a) In the third sentence of subsection 1013(c) after the word "installation" delete the phrase "and prior to the one hundred and twentieth day after the enactment of this Act,".

(b) At the end of subsection 1013(d) delete the period, substitute a colon therefor, and add the following: "Provided further, That no properties in foreign countries shall be acquired under this section."

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended 31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $175,853,000; outside the United States, $104,135,000; or a total of $279,988,000.

(2) for title II: Inside the United States, $271,251,000; outside the United States, $24,244,000; section 202, $10,810,000; or a total of $306,305,000.

(3) for title III: Inside the United States, $208,611,000; outside the United States, $31,149,000; section 302, $29,234,000; or a total of $268,994,000.

(4) for title IV: A total of $41,165,000.

(5) for title V: Military family housing, $689,518,000.

Sec. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Alaska), and by 10 per centum when outside the United States or in Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives a breakdown of the dollar value of construction contracts awarded by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 705. (a) As of October 1, 1970, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90–408 (82 Stat. 367), and all such authorizations contained in Acts approved before July 22, 1968, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in these Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1970, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 805(a) of the Act of July 21, 1968 (82 Stat. 367, 390), authorizations for the following items which shall remain in effect until October 1, 1971:

(a) utilities in the amount of $1,800,000 at Fort Richardson, Alaska, that is contained in title I section 101 of the Act of October 21. 1967 (81 Stat. 281).

(b) operational facilities and utilities in the amount of $846,000 for the United States Army Air Defense Command in CONUS Various Locations that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(c) maintenance facilities in the amount of $528,000 for Naval Shipyard, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 285).

(d) supply facilities in the amount of $110,000 for Naval Supply Center, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 286).

(e) maintenance facilities in the amounts of $260,000 and $585,000 for Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, and Naval Ammunition Depot, Oahu, Hawaii, respectively, that are contained in title II, section 201, under the heading "FOURTEENTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 287).

(f) utilities in the amount of $612,000 for Fort Lee, Virginia, that is contained in title I, section 101, under the heading "UNITED STATES CONTINENTAL ARMY COMMAND" of the Act of October 12, 1967 (81 Stat. 279).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) notwithstanding the repeal provision of section 805(b) of the Act of July 21, 1968 (82 Stat. 367, 391), authorizations for two hundred family housing units at George Air Force Base, California, and for two hundred and fifty family housing units at Mountain Home Air Force Base, Idaho, that are contained in the Act of July 21, 1968 (82 Stat. 367, 387); and

(3) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

Sec. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $36 per square foot for cold storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,750 per man for permanent barracks;

(4) $10,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Sec. 707. Section 607(b) of Public Law 89–188, as amended, is amended by deleting the words "December 31, 1970" wherever they appear and inserting in lieu thereof "January 1, 1975".

Sec. 708. Notwithstanding the restriction imposed by section 809 of the Act of October 21, 1967, Public Law 90–110 (81 Stat. 309), the Secretary of the Army is authorized to make available to the Post Office Department for postal services only a site on Fort DeRussy, Hawaii, located northeast of Kalia Road and not to exceed one acre, for the construction of a post office, subject to such terms and conditions as the Secretary of the Army deems necessary.

Sec. 709. The President is authorized to establish and conduct an International Aeronautical Exposition (hereafter in this Act referred to as the "exposition"), with appropriate emphasis on military aviation, at a location of his choice within the United States. The exposition shall be held at such time, but not later than 1971, as the President may deem appropriate.

For the purpose of conducting the exposition, the President is authorized—

(1) to appoint and fix the compensation of such officers and employees as he may deem appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

(2) to obtain temporary or intermittent services as authorized by section 3109(b) of title 5, United States Code, at rates not to exceed $100 per diem in the case of any individual;

(3) to charge and collect admission, exhibition, and other fees;

(4) to accept donations of money, property, or personal services;

(5) to request the head of any department or agency to detail personnel to assist in the conduct of the exposition, and the head of each such department or agency is authorized to detail personnel for such purpose, with or without reimbursement;

(6) to acquire (by purchase, lease, or otherwise), construct, maintain, and improve real and personal property and interests therein;

(7) to enter and perform, with any person or body politic, contracts, leases, cooperative agreements, or other transactions on such terms as he may deem appropriate, without regard to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(8) to establish and prescribe the functions of such advisory committees as he may deem appropriate; and

(9) subject to such supervision and review as he may prescribe, to delegate to the Secretary of Defense, the Secretary of Commerce, or to such other person he may select any of his authority under this Act.

No officer or employee appointed to a position under this Act shall receive compensation at a rate in excess of the maximum rate payable under the General Schedule of chapter 53, of title 5, United States Code, as amended, nor shall any such officer or employee receive compensation at a rate in excess of the rate payable under the General Schedule to an officer or employee in a position of the same level of difficulty and responsibility.

Individuals appointed under this Act to positions in recognized trades or crafts, or in unskilled, semiskilled, or skilled manual labor occupations, shall receive compensation in accordance with prevailing wage board rates at the location selected by the President.

Any property acquired under this Act and remaining upon the termination of the exposition shall become the property of the Department of Defense or such other Federal department or agency as the President may direct.

The net revenues derived from the exposition, after payment of the expenses of the exposition, shall be deposited in the Treasury of the United States as miscellaneous receipts.

To the extent that appropriations made to any Government department or agency are available for such purpose, such department or agency is authorized to participate in the exposition, as an exhibitor or otherwise.

There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this Act. Sums appropriated under this section shall remain available until expended.

Sec. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1970."

TITLE VIII

RESERVE FORCES FACILITIES

Sec. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Army:

(a) Army National Guard of the United States, $10, 950,000.

(b) Army Reserve, $6,000,000.

(2) For Department of the Navy: Naval and Marine Corps Reserves: $8,500,000.

(3) For Department of the Air Force:

(a) Air National Guard of the United States, $11,500,000;

(b) Air Force Reserve, $4,000,000.

Sec. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by a gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 803. The Secretary of Defense, or his designee, is authorized to convey to the city of Grand Prairie, Texas, under such terms as he deems appropriate, the one hundred and ten acres, more or less, together with the improvements thereon, in the city of Grand Prairie, Texas, which is presently licensed to the State of Texas, for the use of the Army National Guard, subject to the condition that said city provide alternate facilities for the Army National Guard in accordance with Department of Defense criteria, title to which alternate facilities shall vest in the State of Texas: *Provided*, That such alternate facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of the said one hundred and ten acres be in excess of the actual cost of design and construction of such alternate facilities to said city, exclusive of any contribution made by the State of Texas, the city shall pay to the Federal Government an amount equal to such excess.

Sec. 804. The Secretary of Defense, or his designee, is authorized to convey to the Commonwealth of Puerto Rico under such terms as he deems appropriate the forty-three acres, more or less, together with any improvemnts thereon, formerly known as the Air Force San Patricio Fuel Storage site, subject to the conditions that the Commonwealth provide new facilities for the Army National Guard in accordance with the Department of Defense criteria, title to the facilities which vest in the Commonwealth Government: Provided, That such facilities be constructed without additional cost to the Federal Government: And provided further, That should the fair market value of said forty-three acres be in excess of the total cost of design and construction of such facilities to the Commonwealth, exclusive of any contribution which would normally be required to be made by the Commonwealth, the Commonwealth shall pay to the Federal Government an amount equal to such excess.

Sec. 805. (a) The Secretary of the Army is authorized to convey by quitclaim deed to the State of Washington all right, title, and interest of the United States, except as retained in this section, in and to a certain parcel of land located in the city of Seattle, King County, Washington, containing fifteen acres, or less, together with all buildings and improvements thereon, being part of property known as the National Guard facility, pier 91, Seattle, Washington, as shown more particularly on a map or file in the office of the district engineer, United States Army Engineer District, Seattle, Washington.

(b) The conveyance authorized by this section shall be in consideration of and subject to the following terms and conditions:

(1) The property to be conveyed shall be used primarily as a site for the construction of a nine-unit or larger National Guard Armory and related facilities for National Guard training and other military purposes, and in the event construction of the armory is not completed within five years from the date of the conveyance, or if, thereafter, the property conveyed hereby ceases to be used for National Guard purposes during the period of twenty-five years from the date of the acceptance of the completed armory, title thereto shall immediately revert to the United States and all improvements made by the State of Washington during its occupancy shall vest in the United States without payment of compensation therefor.

(2) All mineral rights, including gas and oil, in the lands authorized to be conveyed by this section shall be reserved to the United States.

(3) The Secretary of the Army shall reserve from the conveyance such easements and rights-of-way for roads and utilities as he considers necessary for the operations of the military facilities in the vicinity.

(4) In time of war or national emergency declared by the Congress, or national emergency declared by the President, and upon a determination by the Secretary of Defense that the property, or any part thereof, is useful or necessary for national defense and security, the Secretary of the Army on behalf of the United States shall have the right to enter upon and use the property or part thereof, including any and all improvements made thereon by the State, for a period not to exceed the duration of such war or emergency and six months. Upon termination of such use, the property shall revert to the State, in equally good condition less wear and tear, together with all improvements placed thereon by the United States and subject to the terms, conditions, and limitations on use and disposition previously imposed. Such use by the United States under this provision shall be without obligation or payment on the part of the United States.

(5) The Secretary of the Army is also authorized to include in the conveyance such other terms and conditions as he may deem necessary to protect the interests of the United States.

(c) Notwithstanding the provisions of section 2233 of title 10, United States Code, the State of Washington shall construct an armory on the property to be conveyed under this section without contribution of Federal funds therefor, in lieu of paying monetary consideration for said conveyance.

(d) The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the grantee.

(e) The Secretary of the Army is authorized to determine and enforce compliance with the conditions, reservations, and restrictions contained in this section and any related documents.

Sec. 806. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1970."

And the Senate agree to the same.

L. Mendel Rivers,
O. C. Fisher,
Alton Lennon,
Speedy O. Long,
Richard C. White,
L. C. Arends,
Durward G. Hall,
Carleton J. King,
Ed Foreman,
Managers on the Part of the House.

John C. Stennis,
Henry M. Jackson,
Sam J. Ervin, Jr.,
Howard W. Cannon,
Harry F. Byrd, Jr.,
Strom Thurmond,
John G. Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

LEGISLATION IN CONFERENCE

On July 23, 1969, the House of Representatives passed H.R. 13018, which is the Fiscal Year 1970 military construction authorization for the Department of Defense and Reserve Components.

On November 10, 1969, the Senate considered the legislation, amended it by striking out all language after the enacting clause and wrote a new bill.

COMPARISON OF HOUSE AND SENATE BILLS

H.R. 13018, as passed by the House of Representatives, provided construction authorization to the military departments and the Department of Defense for Fiscal Year 1970 in the total amount of $1,547,215,000.

The bill as passed by the Senate provided authorizations in the amount of $1,642,051,000. (including deficiency authorizations)

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of a conference between the House and Senate on the differences in H.R. 13018, the conferees agreed to a new adjusted authorization for military construction for Fiscal Year 1970 in the amount of $1,626,920,000.

The Department of Defense and the respective military departments had requested a total of $1,893,300,000 for new construction authorization for Fiscal Year 1970. The action of the conferees, therefore, reduces this departmental request by $277,400,000.

The total construction authorization recommended by the conferees of $1,626,920,000 is $156,000,000 less than the amount authorized last year and $277,400,000 below the amount requested by the Department of Defense.

DEFERRALS AND BASE CLOSURES

In initially approving the bill, the House Committee deferred many items it indicated were necessary but which it felt could be safely deferred at this time because of inflationary pressures.

Subsequent to passage of the bill by the House, the Administration announced that approximately 75% of the construction program would be deferred for an indefinite period. Therefore, the conferees were agreeable to restoration of many of the originally deferred items in the bill which will eventually be required. It is considered desirable to have the authorizations available now since the delay proposed by the Administration would negate what would otherwise have been an adverse budgetary situation and having the authorization will provide the flexibility to proceed in the most economical manner.

On October 29, 1969, the Department of Defense announced a series of consolidations, reductions, and closings at various installations throughout the United States. As a result of these actions, many of the items included in the House version of the bill were determined to be no longer necessary and could, therefore, be safely eliminated.

This announcement was made prior to the Senate action and these previously-mentioned projects were, therefore, eliminated from the Senate version of the bill.

This situation accounts for the elimination of more than 20 projects.

TOTAL AUTHORIZATION GRANTED, FISCAL YEAR 1970

Brief of authorizations

Title I (Army):	
Inside the United States	$175,853,000
Outside the United States	104,135,000
Total	279,988,000
Title II (Navy):	
Inside the United States	271,251,000
Outside the United States	24,244,000
Sec. 202	10,810,000
Total	306,305,000
Title III (Air Force):	
Inside the United States	278,611,000
Outside the United States	31,149,000
Sec. 302	29,234,000
Total	268,994,000
Title IV (defense agencies)	41,165,000
Title V (housing)	689,518,000
Title VIII (Reserve components):	
Army National Guard	10,950,000
Army Reserve	6,000,000
Naval and Marine Corps Reserve	8,500,000
Air National Guard	11,500,000
Air Force Reserve	4,000,000
Total	40,950,000
Grand total of authorities granted by titles I, II, III, IV, V and VIII	1,626,920,000

TITLE I—ARMY

The House had approved construction in the amount of $246,358,000 for the Department of the Army. The Senate increased this amount by $28,253,000, which resulted in a new total of $274,611,000.

The conferees agreed to a new total for Title I in the amount of $279,988,000.

The following items, originally deleted by the House, were restored by the conferees:

U.S. Military Academy, West Point, New York—Cadet Activities Building—$16,814,000.

The House action deleted the $16,814,000. A Cadet Activities Building has been needed at the Military Academy for many years to provide adequate facilities for lectures, assemblies of cadets, ceremonies, and social events. The House had deferred the item for one year for reasons of fiscal restraint.

The conferees, after thorough discussion, agreed to inclusion of the building.

The conferees were unanimous in wishing to bring to the attention of the Department of the Army their very earnest recommendation that this building could most appropriately honor the memory of the late President, General Dwight D. Eisenhower, one of the Academy's most distinguished graduates. Therefore, the conferees strongly recommend and expect that the building will be named "Eisenhower Hall."

Brooke Army Medical Center, Texas—Administration and Classroom Building—$9,891,000.

The House Committee had deleted the Administration and Classroom Building at Brooke Army Medical Center with the understanding that the project could be deferred for an additional year.

The conferees agreed that the project was needed for the Medical Center and that authorization is desirable at this time.

Fort Hood, Texas—Tactical Equipment Shops—$5,680,000.

Fiscal considerations were stressed in the House's initial deletion of the Tactical Equipment Shops at Fort Hood, although the Committee recognized these as important requirements for their contribution to the efficiency and readiness of troop units at Fort Hood. After full discussion, the conferees agreed to restoration of the authorization.

Fort Rucker, Alabama—Aviation Maintenance Instruction Facility—$3,636,000.

Deferral of this project by the House was related to fiscal considerations rather than desirability of the project and the conferees agreed to its restoration.

Fort Knox, Kentucky—Armor and Reconnaissance Instruction Facility—$2,830,000.

The conferees agreed that the construction of this facility will reduce appreciably the need for tanks and other tracked vehicles, thus releasing this critical equipment for other use.

Major projects initially included in the House version of the bill and deleted by Senate actions, but on which the Senate conferees receded, were as follows:

Fort Bragg, North Carolina—Academic Building Addition—$2,845,000.

Fort Rucker, Alabama—Warrant Officer Career and Advanced Courses Facilities—$1,293,000.

Fort Polk, Louisiana—Vehicle Driving Range—$216,000.

SAFEGUARD

The conferees deleted $12.7 million for construction of R&D facilities on Kwajalein for the Safeguard system. These funds, which were originally included in the House version of the bill, were placed by the Senate in the Military Procurement Authorization Bill and were retained in the conference report on that legislation. Therefore, authorization was no longer required in the present legislation.

TITLE II—NAVY

The House approved $264,574,000 in new construction authorization for the Department of the Navy.

The Senate approved $266,619,000.

The conferees agreed to a new total in the amount of $306,305,000.

Resolution of major differences is discussed below:

Gulfport, Mississippi—Naval Construction Battalion Center—$11,988,000.

After completion of the House action on the bill, one of the most devastating storms ever to strike the Western Hemisphere came ashore at Gulfport, Mississippi. Because of the presence in that port city of the Naval Construction Battalion Center, several small towns were saved from complete destruction. The Battalion had on hand necessary equipment to begin clearing away the debris, rescuing stranded victims and start rehabilitation work in the stricken area. Many of the facilities of this Battalion were completely destroyed by the storm. The Senate considered some of the items which must eventually be restored at this installation and approved an authorization for restoration of an enlisted men's barracks, supply and warehousing facilities, a fire station, and utilities. The House conferees concur in the Senate action.

U.S. Naval Academy—Library and Education Facility—$9,741,000.

The House version of the bill had provided this much needed library and educational facility. The item was deleted in the Senate version of the bill. The House conferees were able to convince the Senate conferees of the importance of this item to continue the quality of excellence of the academic program at the Naval Academy.

Camp Pendleton—Hospital—$19,805,000.

The House had approved a new hospital at the Marine Corps facility at Camp Pendleton. The item was deleted by the Senate.

After full discussion, the conferees agreed that the hospital was essential since present facilities are inadequate, extremely expensive to maintain, and hazardous due to the age and deteriorated condition of the wooden buildings. The conferees unanimously agreed that we could not refuse to provide the best hospital possible at this facility which accommodates a large number of Vietnam returnees.

Naval Underseas Warfare Center, San Diego—Underseas Technical Facility—$6,400,000.

The House had approved an Underseas Technical Facility at the Naval Underseas Warfare Center at Point Loma, where much important R&D work is being undertaken. The Senate had eliminated the project. The Senate conferees recede.

Sewell's Point, Norfolk, Virginia—$20,000,000.

The conferees gave especially serious attention to the Navy's proposal to acquire the approximately 510 acres of land in the Sewell's Point area of the Norfolk Base from the Norfolk and Western Railroad Company. The original submission requested $20,000,000 in authorization for the purchase of this tract of land. The House denied this authorization.

During the Senate hearings, based on an opinion from the Department of Justice, the Navy reduced the request from the original $20,000,000 to $12.7 million. The conferees, after considering all factors, including a substitute railroad classification yard, have serious doubts that the land can be acquired for the amount requested. Therefore, the Senate receded and the Conferees strongly urge continued negotiations between the Navy officials and railroad officials to arrive at a firm figure for this property which the conferees agree is needed by the Navy.

Marine Barracks, District of Columbia—Land Acquisition—$651,000.

The request of the Marine Corps for authority to acquire certain real estate on Eye Street, between 8th and 10th Streets, S.E., in the District of Columbia, for the purpose of permitting expansion of the Marine Barracks, has been deferred for the present. The acquisition of this small piece of real estate will result in displacing several families now residing there and thus creates a serious problem. A letter is being directed to the Secretary of Defense requesting that he instruct the appropriate Naval authorities to work with the community and the District of Columbia housing authorities to see that those persons forced to vacate the housing now located on such real estate are promptly found living quarters comparable to, or better than, those which they will be forced to vacate. This action must be taken promptly since the House conferees agreed to the temporary deferral of this acquisition with the understanding that it will be included in the House bill for FY 1971.

The conferees approved the following items, previously in dispute, for the welfare and morale needs of Naval and Marine Corps personnel:

Naval Training Center, Orlando, Recruit barracks, $8,285,000 and Mess Hall, $2,023,000.

Naval Mine Defense Laboratory, Panama City, Enlisted Men's Club. $402,000.

Naval Training Center, San Diego, Barracks, $3,481,000.

Marine Corps Air Station, Cherry Point, N.C., Barracks, $359,000.

Marine Corps Recruit Depot, San Diego, Calif., Barracks, $5,601,000.

TITLE III—AIR FORCE

The House authorized new construction for the Department of the Air Force in the total amount of $261,445,000.

The Senate increased this authorization to $277,657,000.

The conferees agreed to a total of $268,994,000.

Many of the Air Force items originally approved by the House were subsequently withdrawn following Department of Defense actions on base consolidations, reductions, and closures.

The following major items initially disapproved by the House but added by the Senate were agreed to by the conferees:

Lackland Air Force Base, Texas—Composite Recruit Training Facility—$7,789,000.

The Senate conferees were adamant in their position in regard to the Lackland Air Force Base projects and pointed out to the conferees that the projected number of inductees in the Air Force, even after Vietnam, would require this recruit training facility. Lackland is the only induction station of the Air Force. The House conferees also recede on the authorization of $693,000 for a data processing plant at Lackland. These facilities are necessary to house equipment that has already been approved for procurement.

Lowry Air Force Base, Colorado—Technical Training Facility—$2,377,000.

The conferees agreed this facility was necessary to expand the Air Force Technical Application Center at Lowry.

George Air Force Base, California—Dormitory—$1,950,000.

The initial request was for $2,046,000. The House conferees recede and agree to the authorization, but with an amendment reducing the total to $1,950,000. The final figure agreed on was a result of a reduction from the Department request of $2,900 per man down to $2,750 per man.

The conferees agreed on other major items as follows:

Rhein Main Air Force Base, Germany—Passenger Terminal—$2,110,000.

This item, approved by the House, was deleted in the Senate version of the bill. The House conferees were able to convince the Senate conferees of the importance of this facility to the Air Force in Europe. The project would provide a badly needed facility for processing passengers using large capacity aircraft and, by making possible the use of large jets, considerable cost savings could result. Passenger fares can be reduced to the extent that the project will eventually pay for itself.

Wright-Patterson Air Force Base, Ohio.—Materials Laboratory—$9,555,000.

This facility was added to the bill by the Senate after having been disapproved by the House. After considerable discussion, the Senate conferees agreed that the project could be safely deferred at this time.

TITLE IV—DEFENSE AGENCIES

The Administration requested $72,500,000, of which $47,500,000 was to provide for the construction of new facilities and rehabilitation of existing facilities for the Defense Agencies. $25,000,000 is for emergency construction authorization for the Secretary of Defense.

The House approved $15,220,000 in new construction authorization for the Defense Agencies and $25,000,000 for emergency construction authorization for the Secretary of Defense.

The Senate approved $44,897,000 in new construction authorization for the Defense Agencies.

The conferees agreed on a total of $41,165,000.

The Defense Intelligence Agency had again requested authorization for a new headquarters building at Arlington Hall Station in the amount of $28,236,000. The House deleted this request and it was restored in the Senate. In conference the House conferees pointed out that the House Armed Services Committee is undertaking a complete review of our intelligence community and, pending a complete review of our intelligence requirements, this item should be deferred.

The Senate recedes.

TITLE V—FAMILY HOUSING

The Administration had requested authorization for 4,800 units of new family housing at a cost of $108,332,000. The balance of the request for new authorization in Title V, $586,086,000, was for improvement to adequate quarters, minor construction, rental guarantee payments, debt payments, and mortgage insurance premiums. Further, the Administration requested that the cost limitation of $19,500 per unit be increased to $21,500 per unit. The House had approved the $21,500 figure. The Senate approved a new average cost limitation of $21,000. The House recedes.

The House had approved a new maximum limitation on an individual unit of $40,000, as requested by the Department of Defense. The Senate bill had retained the present $35,000 maximum. The Senate recedes.

Section 509 of the House-passed bill was deleted in its entirety. It would have provided certain housing for Japan and the Philippine Islands on a pay-as-you-go basis over a 15-year period. The approval of such a procedure would have created a contingent liability of considerable magnitude in areas where troop strength and the tenure of the military is in doubt.

After thoroughly discussing the matter the conferees agreed that some approach to overseas housing must be found that will avoid the creation of such contingencies. The liability of considerable magnitude in areas is recognized. The Department of Defense will be expected to continue to study this and other alternatives until a satisfactory solution is found.

The House bill had granted authority for contracts for maintenance and operation of family housing for up to 5 years, as requested by the Department of Defense. The Senate had set a limit of 3 years. The conferees agreed on the four year limitation.

The Senate bill had denied authority for the repair of permanent quarters at certain locations in amounts in excess of $10,000 per unit. The House bill had contained no such restriction. The Senate recedes.

The House had originally approved 150 units of housing for the Army at Fort Leavenworth. Subsequent to House approval of the bill but not prior to consideration by the Senate, the Army requested that the 150 units of housing be deleted from Fort Leavenworth and that in lieu thereof 150 units be included for Fort Carson, Colorado. The Senate approved the Army request. The House recedes and concurs in the provision of 150 units for Fort Carson, Colorado.

The Defense Department requested extension of the domestic leasing program through Fiscal Year 1971 and requested exception to the provisions of PL 90–110 to permit continued leasing in two localities. The conferees felt that there was no housing shortage in the area of Colorado Springs and, therefore, did not approve the requested exception for ARADCOM in that area. The House recedes.

In addition to the present average cost per unit limitation of $175 under the domestic leasing program, the Senate placed an overall ceiling of $250 per month as the maximum that could be paid for any one unit. The House recedes.

TITLE VII—GENERAL PROVISIONS

SECTION 703

Section 703 is a revision of language traditionally contained in construction authorization legislation to allow the Secretary concerned to increase the amount of authorization by 5% for bases inside the United States, other than in Alaska, and by 10% for bases outside the United States and Alaska when he determines that such increases are required because of unusual variations in cost which could not have been anticipated at the time such project was submitted to Congress. These percentage limitations have been applied to base totals rather than individual projects. The Senate rewrote this provision in an attempt to bring about more accurate cost estimates and to improve Congressional control over cost overruns. As rewritten, the provision would do the following:

It will preclude the Department of Defense from placing under contract any individual project costing $250,000 or more, if the current working estimate exceeds the amount authorized by 25% or more, prior to giving 30 days' notice to the Committees on Armed Services of the House and Senate.

It will require an annual report on all projects under contract where the current working estimates exceed the amount authorized by 25% or more.

It will require a report on all projects where the scope and cost have been reduced to permit a contract award within the authorized amount.

It will permit the Secretary concerned to exceed the amount authorized, if need be, by 25% in those cases where only one line item is authorized at a given base.

The House recedes.

SECTION 704

Section 704, as approved by the House, was identical to the provision carried annually in the construction authorization legislation providing that contracts for construction were to be executed by the Army Engineers or Naval Facility Engineering Command, unless the Secretary of Defense, or his designee, determines that such procedure is wholly impracticable.

The Senate revised this provision to permit the Secretary of Defense to assign such construction to any Department or Government Agency to assure the most efficient, expeditious and cost-effective accomplishment of the construction authorized. The purpose is reduced cost through reduction of overhead and design expenses. The Senate conferees stated their belief that this provision will lead to a reduction of overhead, inspection, and design costs.

The House recedes.

SECTION 707—BOLLING/ANACOSTIA

The House added this provision to the bill to extend to December 31, 1975 the prohibition against disposing of any part of the Bolling/Anacostia military complex. The Senate amended the provision to extend the prohibition for only three years, or until December 31, 1973.

The conferees agreed to an amended version extending the prohibition to January 1, 1975.

SECTION 708

Section 708 of the House bill would have amended Title 18, Section 1507, United States Code, to make it unlawful for anyone to picket or parade in the Pentagon Building or on Federally owned property appurtenant thereto, if by his actions that person intends to interfere with, obstruct or impede the administration of defense affairs. A full discussion among the conferees resulted in the House conferees agreeing to recede.

In agreeing to the deletion of Section 708, the conferees agree there is an urgent requirement for a full report to be made to the Congress with respect to the adequacy of laws that seek to prevent the unlawful interruption of the decision-making process in national security affairs and in other vital areas of our national defense.

While there may appear to be a distinction between the inviolacy of the judicial process and the security of the United States, nevertheless, it is obvious that the administration of justice, so far as the survival of the nation is concerned, is not paramount to, but dependent upon, the existence of the nation. Thus, the conferees, in agreeing to the deletion of the House provision dealing with this matter, request all agencies and departments of government who deal with vital security matters to report forthwith to the Congress on the adequacy of existing laws and regulations to protect their ability to perform these functions.

In other words, at the earliest possible date, the Secretary of Defense and the Attorney General shall submit to the Congress a complete appraisal of all existing laws and regulations, state and federal, which seek to preclude the disruption of the functions of the agencies and departments of government charged with the responsibility of assuring the security of the nation.

SECTION 709

Section 709 of the House bill, authorization for the President to establish and conduct an international aeronautical exposition, was deleted by the Senate. The House conferees prevailed in the discussion and the Senate receded.

The Senate added a section to their bill (Section 708) which would authorize the Secretary of the Army to make available to the Post Office Department two acres on Fort DeRussy, Hawaii, for the construction of a Post Office. The House conferees were opposed to this section but agreed with the Senate on compromise language which would authorize the Secretary of the Army to make available one acre on Fort DeRussy for "postal purposes only."

TITLE VIII—RESERVE FORCES FACILITIES

The House added $2,250,000 to the bill for the Army National Guard to provide for exchange of lands with the Commonwealth of Puerto Rico for new facilities for the National Guard. The Senate deleted the funds but added necessary language to accomplish the transaction in section 804 of the bill. This language authorizing the exchange of lands will accomplish the purpose intended and additionally it has been determined that the actual funds are not required. Therefore, the House recedes.

The Senate added a new section 804 to this title of the bill authorizing the Secretary of the Army to convey certain real property to the State of Washington in lieu of a monetary contribution for the construction of a National Guard Armory. The House recedes.

L. Mendell Rivers,
O. C. Fisher,
Alton Lennon,
Speedy O. Long,
Richard C. White,
L. C. Arends,
Durwood G. Hall,
Carleton J. King,
Ed Foreman,
Managers on the Part of the House.

Mr. RIVERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the distinguished chairman would explain the conference report, inasmuch as it has just been ordered to be printed, and give the Members a few words as to the conclusions arrived at during the conference between the two bodies.

Mr. RIVERS. Mr. Speaker, will the gentleman yield,

Mr. HALL. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, we have concluded the conference on the military construction bill and if the gentleman will bear with me, I would like to inform the House as to just what the bill contains.

The conference report before you today authorizes a total of $1,626,920,000 for military construction.

In January, when the Johnson administration forwarded to the Congress their request for military construction, it totaled $2.5 billion. The present administration, after studying the earlier submission, sent a revised request to the Congress in April of this year. This revised request totaled $1.9 billion.

A subcommittee of your Armed Services Committee, held hearings on the request of the Nixon administration and completed its hearings in early July. The action of the House resulted in a further reduction in the administration's request of $346 million. The action of your conferees, which report is before you today, resulted in a final figure which is $277 million $400 thousand below the revised administration request and $156 million below the amount authorized last year.

After the House acted on this bill, the Department of Defense announced that approximately 75 percent of the military construction program would be temporarily deferred for an indefinite period. Later, on October 29, the Department of Defense announced a series of consolidations, reductions, and closings at various installations throughout the United States. As a result of these actions, many of the items included in the House version of the bill were determined to be no longer necessary and could, therefore, be safely eliminated from the bill.

Therefore, this military construction authorization bill has been in a state of turmoil for 11 months.

Many projects—worthy projects—were omitted from the report before you. However, I earnestly believe that we have done the best we know how and in our judgment present to you a bill today which we hope will satisfy some of the more critical facilities problems now existing in the military departments.

You are probably wondering why we bring a bill before you in the face of the administration's announcement of the 75-percent deferral policy. The Secretary of Defense has indicated that this deferral is temporary in nature and it is hoped that the large majority of the projects authorized in this bill will be placed under contract prior to the end of the fiscal year. I believe this to be true and urge you to favorably consider your conferees' report.

Mr. HALL. I thank the distinguished gentleman.

Is it not true that this bill is less than was authorized 1 year ago and is less than was appropriated 1 year ago?

Mr. RIVERS. Mr. Speaker, if the gentleman will yield further, it is $150 million below the authorization and $50 million, in round figures, below what was funded last year.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For the conference report and statement, see proceedings of the House of today.)

Mr. RIVERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF SPECIAL ORDERS

Mr. RIVERS. Mr. Speaker, I would like to announce to the House that on Monday, in the special orders to be taken by the gentleman from Illinois (Mr. Findley) and myself, the subject will be the elevation of our distinguished colleague, the gentleman from Ohio (Mr. Hays), who has been elected President of the North Atlantic Assembly.

Mr. Speaker, this is the first time that any American has ever held this position, and it is going to be our purpose to give the proper recognition to a great American, our colleague, the new Chairman. We would like everyone who can possibly attend to be present.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, it is my intention to ask that we go over until Monday next upon the completion of our business for this week, and we have completed our business for this week.

Mr. Speaker, the program for next week is as follows:

Monday is District Day, and there are three bills:

H.R. 11193, National Capital Transportation Act of 1969;

S. 2056, to amend survivor annuity provisions of District of Columbia Judges Retirement Act; and

H.R. 9528, to require protective devices for eyes in certain activities in schools.

After the completion of these bills we plan to call up H.R. 14916, the District of Columbia appropriation bill for fiscal year 1970.

For Tuesday and Wednesday:

H.R. 14741, Federal-Aid Highway Act of 1969, with an open rule and 2 hours of debate;

H.R. 14227, to provide an improved formula for future adjustments in military retired pay, subject to a rule being granted; and

H.R. 944, also subject to a rule being granted, to increase rates of per diem allowance and reimbursement authorized military personnel.

Mr. Speaker, at the close of business on Wednesday next, November 26, it will be our intention to go over until Monday noon, December 1.

Conference reports, of course, may be brought up at any time, and any further program will be announced later.

ADJOURNMENT TO MONDAY, NOVEMBER 24, 1969

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 4293, EXPORT CONTROL

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight, Friday, November 21, to file a report on the bill, H.R. 4293, the export control bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DECLINE IN HOUSING STARTS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, Tuesday, the Commerce Department announced that housing starts in October had declined to a seasonally adjusted annual rate of 1,342,000. This represents a 12-percent decline from September. We have witnessed a precipitous drop in housing starts since last January when they stood at a 1.9 million level. The future appears to be even bleaker. Building permits, the most reliable projection of future housing activity, are off drastically from a year ago. Statistics also released Tuesday show that building permits issued by the 13,000 localities requiring them fell to a 1.1 million annual rate in October, sharply down from a level of 1.4 million a year ago.

Mr. Speaker, I repeat what I have said on several previous occasions. The economic policies of the administration, reflected in housing construction statistics, are placing this country in dire peril of a recession. Current tight money policies are a carbon copy of those pursued in 1957 under Secretary of the Treasury George Humphrey. Then, as now, we experienced a sharp decline in housing construction. The economic ill health foisted on the housing industry by the Republican administration then fed back into the general economy and resulted in the 1958 recession, our sharpest post-World War II economic setback.

Unemployment, I will remind you, reached a rate of 7.6 percent in the summer of 1958. Given the size of our present labor force, today the same percentage would mean well over 6 million people unemployed. It is obvious that the current Republican policies are taking us down this same dismal road once again.

I would also remind my Republican colleagues that the 1958 recession was the major factor in the loss of 49 House seats sustained by their party in November of that year. I would strongly urge my friends on the other side of the aisle, therefore, in the interest of their political self-preservation if nothing else, to join me in urging an immediate reversal of current economic policies being pursued by the White House.

ARTHUR BRITTON EDWARDS

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, one of the greatest success stories I have ever known is the life story of Arthur Britton Edwards, who was one of the founding fathers of my hometown of Sarasota, Fla. Mr. A. B. Edwards was affectionately known as "Mr. Sarasota." He served as our first mayor and he contributed more to the sound growth and development of Sarasota County than any other man.

A. B. Edwards passed away on November 14 at the age of 95. Born on the shores of Sarasota Bay when Ulysses S. Grant was President and at the time when Florida was in the Reconstruction Era, still occupied by Federal troops, he lived to see men rocket from Florida soil to walk upon the moon.

Orphaned at age 14, he assumed the responsibilities of his younger three brothers, and through hard work and diligent effort he became a man of substance. His qualities of leadership were great and his influence upon all who knew him was profound and wholesome. Throughout his lifetime he remained a modest and unselfish man. His life was an inspiration to all who knew him. He was active long past the time when lesser men would have retired. His great role in the development of Sarasota and Florida and his contributions to the stability of their economic life were well recognized by his fellow citizens who honored him in every way. His life was the life of Sarasota.

I am including in the CONGRESSIONAL RECORD one of the last tributes he received, an editorial eulogy which appeared in the Sarasota Herald-Tribune on November 17, 1969:

A. B. EDWARDS

Sarasota says "Goodbye" today to A. B. Edwards, who died Friday at the age of 95.

It's a time of sadness for his family and friends, but it should also be a time of proud memories, for it is given to few men to have such a profound influence on the destiny of their community as did Arthur Britton Edwards.

He has been called "Mr. Sarasota" for more years than most of us have lived here. A. B. Edwards was here even before this was a city or before Sarasota County was Sarasota County.

He was born here, on the mainland shore of Sarasota Bay near the area that is now New College. Ulysses S. Grant was President. General George Custer was still chasing Indians out in the West.

Orphaned before he was 15, Edwards cared for his three younger brothers in a land that was not much more than frontier. There was very little luxury living in Florida then.

He was the first mayor of Sarasota when the city was incorporated in 1914. He was a moving force in many of the events which are landmarks in Sarasota history. He helped persuade Mrs. Potter Palmer to buy thousands of acres of land and build a home here. He helped locate winter quarters in Sarasota for the Ringling Bros., Barnum & Bailey Circus. He helped bring Myakka State Park to reality.

To say that barely scratches the surface. He was a leader in the first bank, the first insurance firm, the first real estate office, the first abstract company, the first fire department, the first theater. The story of his life is the story of Sarasota. Within the last decade, he helped to establish New College, being one of the signers of the original college charter.

He was active long past what we usually call the retirement age. The last years of his life brought a succession of honors and awards. If he ever made enemies, if he made mistakes, they have long been forgotten. What is remembered is his record of accomplishment, his public service, his matching of vision with action.

When he was born, Florida was in the Reconstruction era, still occupied by Union troops. He lived to see men rocket from Florida soil to walk on the Moon. The years of his life were years of great change in the world, in the nation, the state and in Sarasota.

For Sarasota, A. B. Edwards was one of the moving forces in change and growth. Few men did as much and none has done more to shape this city and county.

So, if there is grief, as there is, there is also remembrance. And it is the memories which will endure.

COAL MINE HEALTH, SAFETY AND COMPENSATION

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, coal mine health and safety remains the No. 1 national priority. The impetus which propelled coal mine health and safety into the public mind occurred 1 year ago today at Farmington, W. Va., where 78 men died in Consol No. 9 mine.

Today we observe the first anniversary of that tragedy. We do so in grief and sorrow. We grieve for the men who were taken prematurely to their deaths. We grieve for their widows and orphans, 76 of whom still wait for their men to be brought for the last time from the mine in which they have given their lives. We grieve for the more than 200 men who have died in mining accidents since Farmington. We grieve for the thousands of others who have been injured in work-related accidents in the past year.

Mr. Speaker, the time has now arrived when the Congress must pass needed reforms in the Coal Mine Safety Act of 1952. Both Houses have passed separate bills dealing not only with the problem of safety—but also have established for the first time legislative language covering the problem of health in the coal mining industry. These bills are good bills. They are responsive to the needs as has been so tragically illustrated at Farmington and at the other places where men have died. They will, if enacted, and more importantly—if enforced—reduce the terrible toll in human life which is now a part of the price of producing coal.

Today the conferees are meeting to determine the final language in the conference report. I know of the intense interest and concern that the conferees have for the lives and safety of coal miners. I know, too, of the work that many of these conferees have done on these bills from the earliest days of hearings right through their passage by the House and by the Senate. Therefore, I would urge that now is the time for haste. The relevant problems have been thoroughly discussed in committee hearings. Now is the time for speed. Delays can only add to the grim toll of men who have given their lives in coal mines. Delay can only mean further anguish, further grief, further heartbreak for the widows and orphans of men who will die because of the weak laws covering health and safety in the mines. I most sincerely urge that the differences which exist between the bill be ironed out, the disputes settled, and a strong coal mine health and safety bill be brought to the floor of the House and to the floor of the Senate, where it may be finally enacted and sent to the President for his signature. This, Mr. Speaker, will represent a permanent memorial to the victims of Farmington and to the men who through the years have given their lives in our coal mines.

Mr. Speaker, let us fulfill our sacred obligation to these brave men who labor in the coal mines of America and their families—let us fulfill our sacred obligation to those who have given their lives in the production of coal for the advancement of America.

PHILADELPHIA AND ERIE, PA., AGAINST POSTAL CZAR

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, I would like to submit at this time for the Record two resolutions by city councils in the State of Pennsylvania against the Postal Corporation legislation and in support of H.R. 4, the Dulski bill, which preserves for the American people their right to have a public postal service.

I commend these gentlemen for expressing the will of the people of Philadelphia and the city of Erie, Pa. We have been bombarded with advertisements by the Corporation advocates of a Postal Corporation in the name of those who believe that the Congress should get Government out of Government.

The only way I know of for the American people to improve the postal service to all Americans, in the rural areas, in the ghettos of our cities, and our new suburbs, is by being able to demand such service, rather than pleading with a postal czar who is responsible to no one. I would also point out to the big mailer corporations that if they are successful in creating a Postal Corporation run by a postal czar, that they may not be satisfied with the result and in that event there would be nowhere to take their complaints.

Mr. Speaker, I am proud to present the two resolutions at this time:

October 20, 1969.

Hon. Richard B. Russell,
President pro tempore,
U.S. Senate,
Washington, D.C.

Dear Senator Russell: I am enclosing herewith a certified copy of Resolution No. 170, entitled: "Resolution memorializing the Congress of the United States to adopt H.R. 4, in its entirety which provides for the modernization of the Postal Service and continuing it as a regular governmental agency."

This Resolution was adopted unanimously by the Council of the City of Philadelphia at a meeting held October 16, 1969.

Very truly yours,
Paul D'Ortona,
President, City Council.

Same letter and enclosure sent to Hon. John W. McCormack, Speaker, House of Representatives, Senator Hugh D. Scott, Senator Richard S. Schweiker.

All congressional delegation from Commonwealth of Pennsylvania.; i.e., Messrs. William A. Barrett, Robert N. C. Nix, James A. Byrne, Joshua A. Eilberg, William J. Green, Gus Yatron, Lawrence G. Williams, Edward G. Biester, Jr., J. Robert Watkins, Joseph M. McDade.

Daniel J. Flood, J. Irving Whalley, R. Lawrence Coughlin, William S. Moorhead, Fred B. Rooney, Edwin D. Eshleman, Herman T. Schneebeli, Robert J. Corbett, George A. Goodling, Joseph M. Gaydos, John H. Dent, John P. Saylor, Albert W. Johnson, Joseph Vigorito, James G. Fulton, Thomas E. Morgan, Frank M. Clark.

Resolution 170

(Council of the city of Philadelphia, office of the chief clerk, Room 402, City Hall, Philadelphia)

Memorializing the Congress of the United States to adopt H.R. 4 in its entirety, which provides for the modernization of the Postal Service and continuing it as a regular governmental agency

Whereas, The postal corporation idea contained in H.R. 11750 considers the Postal Service a business and not a service to the American people; and

Whereas, H.R. 4, introduced by Congressman Dulski, Chairman of the House Post Office and Civil Service Committee, will by law provide for modernization of the Postal Service, thereby improving postal service to the public by continuing the department as a regular governmental agency with the Post Master General a Cabinet Member; and

Whereas, Adoption of H.R. 4 would establish a better transportation system for handling mail; establish a building program; establish a Commission on Postal Finance and set up employee labor-management procedures; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to adopt H.R. 4 in its entirety which provides for the modernization of the Postal Service, continuing the department as a regular governmental agency; and

Further Resolved, That we declare our opposition to passage of H.R. 11750 which would create a Postal Service Corporation.

Resolved, That certified copies of this Resolution be forwarded to the President Pro-Tem of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania, and the entire Congressional Delegation from the Commonwealth.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the sixteenth day of October, 1969.

Paul D'Ortona,
President of City Council.

Attest:

Charles H. Sawyer, Jr.,
Chief Clerk of the Council.

The City of Erie,
Erie, Pa., October 16, 1969.

Mr. Frank Pruveadenti,
President, United Federation of Postal Clerks, Local 269, Erie, Pennsylvania.

Dear Sir: We herewith forward for your information two (2) certified copies of a resolution enacted by the Council of the City of Erie, Pennsylvania, endorsing the provisions of H.R. Bill No. 4.

We trust that this action will prove helpful.

Very truly yours,
Eugene Graney,
City Clerk,
(On behalf of the City Council, City of Erie, Pa.).

Resolution, City Council, Erie, Pa.

(By Mr. Walczak, seconded by Messrs. Brabender, Cappabianca, Glowacki, Harkins, Orlando, and Scheffner)

Resolved, by the Council of the City of Erie, That

Whereas, the Council of the City of Erie, Pennsylvania does herewith officially endorse H.R. Bill No. 4, introduced into the House of Representatives of the United States under the sponsorship of Thaddeus J. Dulski, because they are of the firm opinion that the necessary adjustments and modernizations of the Postal Services can best be effectuated by the provisions of the said act, and

Whereas, the Council of the City of Erie, Pennsylvania does further note that workers of the government in such borderline areas, postal retainers require and are entitled to direct contacts and negotiations with their employers to arrive at fair working standards with proper and adequate recompense, so

Therefore, be it resolved, that certified copies of this resolution be forwarded to Mr. Frank Pruveadenti, President United Federation of Postal Clerks, Local 269, Erie, Pennsylvania; Mr. Joseph Travers, President National Association of Letter Carriers, Branch 284, Erie, Pennsylvania; Mr. Edward Cassano, President National Association of Mailhandlers, Local 239, Erie, Pennsylvania; and the Honorable Thaddeus J. Dulski, Member of Congress.

Joseph A. Walczak, Jr.,
President, City Council of Erie, Pa.

Attest:

Eugene Graney,
City Clerk, City of Erie, Pa.

COAL MINE HEALTH AND SAFETY

(Mr. SLACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLACK. Mr. Speaker, 1 year ago 78 men died in the northern West Virginia coalfields. Consol No. 9 became a household word and marked yet another tragedy in a long series of tragedies in the coal mining industry. In response to the horror of No. 9, Congress has considered and both Houses have passed strong coal mine health and safety bills. The House bill contains needed revisions in the Federal Coal Mine Safety Act of 1952. In it also are health standards which are designed to reduce the terrible ravages of coal workers' pneumoconiosis. The bill also contains a provision for compensation for the victims of black lung who would not otherwise be covered by applicable State compensation statutes. The Senate has passed a similar bill.

The two bills now rest in a conference committee where the differences between them must be accommodated and a final bill sent back to both Houses for passage.

Mr. Speaker, American coal miners have suffered for years because of the inadequacies of the applicable Federal and State health and safety statutes. They have paid a tragic price; a price measured in human health; a price measured in grief; a price measured in blood. They have died by the tens and the hundreds. They have been maimed by the thousands and the millions. They have seen disease disable men long before their time. American coal miners are impatient as Congress temporizes on the final stages leading to the passage of a coal mine health and safety bill. I know, Mr. Speaker, that both committees and the Members of this body have devoted a great deal of time and effort on this bill. I know that the conferees themselves and the staffs which support them have given innumerable hours to the task at hand. But, Mr. Speaker, even as we are talking, men are risking their lives in coal mines. In the year since Farmington more than 200 men have died in coal mine accidents. Their passings were little noted except among their friends, families, and loved ones.

So, it is that we must understand the growing clamor in the coal fields for this legislation. We must understand that speed is needed, promptness is dictated by the chilling reality that every day these inadequate laws cover health and safety conditions in mines, men run a greater risk of dying or being injured or contracting coal workers' pneumoconiosis.

So it is, Mr. Speaker, that I urge the Congress on this day to expedite the legislative process, to cut through the remaining redtape and to bring to the floor of this body, as well as to the floor of the Senate, a strong and effective and far-reaching coal mine health and safety bill. We can do no less and we must and we will carry forth the mandate of the men who have died and the men who will die unless this legislation is made effective immediately.

LEADERSHIP OF HAROLD BERTSCH

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDRUM. Mr. Speaker, in the winter of 1961 Howard Bertsch came home determined to open new frontiers for rural America. He had spent the 8 years of the Eisenhower administration with the Ford Foundation in Iran and, because of his tremendous efforts, had been awarded that Nation's highest honor by the Shah: the Order of the Crown.

Mr. Bertsch was hardly in this country, however, before he suffered a massive coronary attack—his second. But he fought his way to recovery because there was a job he wanted to do: he wanted to make rural America a genuine alternative to urban America—an attractive, healthy, and prosperous part of this Nation.

Howard Bertsch knew that the depression-born Farm Security Organization, renamed the Farmers Home Administration, for which he had given the early years of his career, had atrophied during the 1950's. He believed that it was now time that Farmers Home be infused with fresh vision and vigor.

Appointed National Administrator by the late President John Kennedy, Howard Bertsch spent the next 8 years working long hours to enable Farmers Home to fulfill this role.

Authority was gained for a series of valuable new programs—including loans to rural communities for water and sewage systems and to families living in communities of under 5,500 for the construction of modest homes. Older programs were expanded enormously.

In total, the volume of dollars loaned under his direction increased over the 8 years from $307 million to $1,400 million—or 342 percent. Further, defying Parkinson's law, the number of Farmers Home employees increased by only 37 percent.

This growth was largely a result of the leadership of Howard Bertsch, one of the most conscientious, able, and understanding public servants I have ever known. Howard Bertsch passed away a few days ago. We will miss him greatly, but we must carry on what he began. There is much yet to be done in rural America. The challenge remains and must not be dropped.

POLICY ON AMERICAN FLAG DISPLAY AT THE WASHINGTON MONUMENT

Mr. MARSH. Mr. Speaker, the reason I take this time today is to raise certain questions as to what is the national policy in reference to flying of the U.S. flag in the Nation's Capital. I refer specifically to the display of the flag at the Washington Monument which is considered by Americans to be one of our country's most symbolic shrines.

Around the base of the monument are 50 standards from which it is customary to fly, as I understand, during the normal hours for display, 50 U.S. flags. I further understand that when certain national flag courtesies are observed, such as flying at half-mast, these flags are similarly flown.

It is significant also to note that on Veterans Day, November 11, when ceremonies were held on the monument grounds, these flags were clearly displayed.

However, the thing that concerns me is that for some reason, these flags were not displayed this past Saturday—the date that marked the moratorium observances on the Washington Monument grounds. The fact that they were not displayed was mentioned in the press and it was also noted by various people who were present at the monument grounds, and their absence can be noted in photographs taken on that day.

I further understand that the flags had at first been raised on the customary standards, but at the direction of certain officials, I assume of the National Park Service, on Saturday the flags were lowered by monument personnel and removed from the masts.

I believe that this was done for fear by some that the presence of the flags might either precipitate an incident or possibly lead to some desecration or disrespect of the flag.

It is hard to understand this logic, and this is the reason for my bringing the matter to the attention of the House now, because I believe in the future that we should take those steps necessary at public shrines where there is displayed the national colors to insure their protection.

It seems to me that in the present instance, the National Park Service or others in the Federal Government, had some concern about a capability to protect our flag. The fact there is concern that its display might precipitate some disorder indicates, however, that steps be taken to provide adequate protection rather than, in effect, striking the colors.

It is further regrettable that as an aftermath to this decision—which I think was unwise—according to the account of eyewitnesses, on some of these empty flag standards were raised banners or other flags.

As we were aware, many of the leaders of the moratorium effort had denounced and disclaimed violence which would be precipitated by some of those who came to Washington to protest.

Certainly, no one wants to see violence arise from any protest or assembly, and I am pleased that the assembly at the Washington Monument was a peaceful one.

I believe it would have been peaceful had the American flags remained on their standards, but if there is any question in the future on this issue, I hope the Park Service will resolve it on the side of what I believe is the overwhelming opinion of the American people, and that is to provide sufficient protection to keep the American flag displayed according to its normal custom.

I am sending a copy of this statement to the Secretary of the Interior and to the Director of the National Park Service, asking them for an explanation of this matter, as well as for their policy in the future when the Monument or other Federal grounds under their jurisdiction are used by large groups for public assembly.

RAILROAD STRIKE PENDING

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, a little more than 2 weeks from now, this Nation may once again face a crippling railroad transportation strike between the Shopcraft unions and some six railroad companies. On December 3 or 4, the time for negotiations expires under the

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Railroad Labor Act and there is no indication that a settlement is near. The clock keeps ticking away and it is questionable if anyone is taking positive steps to stop a national transportation paralysis from setting in.

The administration earlier steadfastly refused to come down from Olympus and get involved in this or other disputes. They have said they did not want to jawbone on labor disputes. Lately, however, we are seeing some cautious approaches from the White House that border on temerity. This distant jawboning from one side to the other will not get the job done.

The point is—we are working on a difficult problem with antiquated tools and a leadership vacuum, and that involves Congress.

Two years ago, I introduced a bill designed to improve our methods of settling transportation strikes. Earlier, this February, I introduced similar legislation in the hopes it might provide the basis for consideration of legislation that would prevent this Nation from being tied up in a series of devastating transportation strikes.

I realize that on a controversial matter of this nature, the people who voice a suggestion may well be the ones to bear the brunt of criticism from both labor and management. But leaders are not afforded the luxury of avoiding the issue. Therefore, I urge the administration to get involved. I urge labor and management to show some initiative in finding some answer to this question which is so basic to the survival of our free enterprise system.

I would caution all my colleagues not to get too full of turkey and dressing over the Thanksgiving holidays—I imagine we will have another transportating problem—a tough past turkey trot when we return.

OBSERVANCE OF A TRAGIC ANNIVERSARY

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, today we observe a tragic anniversary. One year ago on November 20, 1968, a devastating explosion and fire killed 78 coal miners at the Consol No. 9 mine at Farmington, W. Va.

This disaster reawakened the American public to the horror and the tragedy of death in coal mines. It brought forcefully to the attention of every concerned citizen the stark reality of death and injury which is the daily lot of the men who toil underground. It brought into sharp focus the inadequacy of the Federal laws governing health and safety regulations.

No. 9 brought public pressure upon Congress to update the woefully inadequate Coal Mine Safety Act of 1952. In addition, the scourge of black lung, or coal workers' pneumoconiosis, became evident and visible to a public appalled by its ravages.

Happily, Congress reacted to the public demand and insistence that coal mine health and safety become a No. 1 national priority. Through the long months between the opening of the congressional session in January and October 29, 1969, when the House passed a strong coal mine health and safety bill, congressional activity was feverish. Extensive hearings were held. Language was drafted and redrafted to translate into a statutory framework effective coal mine health and safety regulations.

Today that bill rests in a conference committee. Before it is enacted into law the differences between H.R. 13950 and the Senate bill S. 2917 must be worked out. These differences are not insurmountable. The disagreements are not wide. Instead, what is needed is a continuation of the zeal and the dedication which both Houses have shown as they went through the long and tortuous process of drafting their respective versions of the Federal Coal Mine Health and Safety Act of 1969.

This is a fitting day to renew that dedication and to provide the needed push to bring out a bill from the conference committee that is strong and will be effective. Hopefully, Mr. Speaker, this will be done and the coal miners of the future can work with the assurance that their lives and their health will be more adequately protected than has been the case to date.

REGRETS HE CANNOT CAST A VOTE FOR HAYNSWORTH

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, if ever there were a time that I wished I was a Member of the other body rather than the House, this is one of those occasions. I wish it were possible to cast a vote in favor of Judge Haynsworth's nomination to the Supreme Court.

The nit-picking, biased examination of his record has been nothing short of disgraceful. The bulk of his opposition comes from unjustifiable prejudice against his southern birth and his pro-Constitution views. The flimsy charges against him have proved to be the products of innuendo, unsupported suspicion, and a distortion of the facts. If every member of that Court were as honorable as Judge Haynsworth, this Nation would not now be at the mercy of criminals, subversives, and ivory-headed social planners.

Three items which have appeared in Louisiana newspapers recently have caught my attention and I would like to include them in today's RECORD in the hopes that they might have some influence on those in the other body prior to tomorrow's vote.

The first two are from the Shreveport Times and the third from the New Orleans Times-Picayune, and they follow:

MOST REPULSIVE SMEAR CAMPAIGN IN THE SENATE'S HISTORY

President Nixon's nomination of federal Fourth Circuit Court Judge Clement F. Haynsworth of South Carolina to the U.S. Supreme Court should come to a vote in the Senate in a few days. Right now confirmation or rejection by the Senate is believed to hang by a thread so slender that no one can judge which way it may swing.

Regardless of how the decision goes, the campaign to prevent confirmation, instigated in large part by the AFL–CIO and Democratic Senator Birch Bayh of Indiana, certainly should go down in the records as—politically speaking—the "bloodiest" and most repulsive organized campaign of character assassination involving the Senate or the federal Judiciary in many decades.

If Judge Haynsworth is not confirmed, then the American people may well turn to a statement a few days ago by retired Supreme Court Justice Charles E. Whittaker of Missouri that Senate rejection "would be a travesty on the Supreme Court, the Senate and the federal Judiciary."

Senator Bayh reportedly was selected by the AFL–CIO to be its guillotine operator because of his "labor record." He is known as "George Meany's man" (Meany is president of the AFL).

Official House of Representatives federal campaign contribution records (required by federal law) show that organized labor gave Bayh $68,000 last summer for his campaign for re-election to a second term in the Senate, with no records required for reportedly heavy expenditures in his behalf by Indiana union locals.

Senate records show that 97 per cent of Bayh's votes on labor and other legislation during his first term as a Senator were cast as organized labor wanted them cast.

"TEDDY" KENNEDY ALSO

Among those backing up Senator Bayh in his reckless and ruthless attacks on Judge Haynsworth is Senator Edward M. "Teddy" Kennedy of Massachusetts. In 1961, Senator Kennedy, according to published statements sought to get his brother, President John F. Kennedy, to nominate one Frank Morrisey of Boston, a sort of hip pocket political hanger-on of the Kennedys generally in the 1960 presidential campaign, to be a federal District Judge.

President Kennedy refused. But, after he was assassinated, President Johnson, in 1965, nominated Morrisey for a Boston federal judgship to please "Teddy." However, the late Senator Everett Dirksen produced an avalanche of evidence against Morrisey and an official representative of the American Bar Association (Bernard G. Segal, Chairman of the ABA Judiciary Committee) told a Senate committee under oath that "from the standpoint of legal training and legal experience and legal ability we have not had any case where those factors were so lacking" (as in Morrisey).

In 1934, Morrisey got a law degree from a Georgia "diploma mill" which had a two-member faculty and gave degrees in a few months at a cost of $250. He later flunked twice at a small law school in Boston, finally getting a degree and becoming a city judge. "Teddy" Kennedy praised his abilities, his character, his qualifications for the Supreme Court to the skies in Senate speeches, but finally was forced by Dirksen to recommit the nomination to committee—which meant to kill it.

Our point is that certainly a man—Kennedy—holding such a person as Morrisey in such idolatry as the Massachusetts Senator expressed for Morrisey on the Senate floor in 1965, and with other questions of personal credibility in which he has been involved more recently, hardly is one to judge the integrity and judicial qualifications of such a man as Clement F. Haynsworth.

Most of the AFL–CIO-Bayh allegations about Haynsworth have been proven false, or inferentially misleading, or to be only part of the easily obtained truth. But no one was prepared for the quick wholesale hatchet swinging against Haynsworth that came and it took weeks of professional study of his lifetime record by his friends to bring forth the whole truth. In the meantime there seemed to be no defense being made for him until very recently.

It was true, for example, as the AFL–CIO-Bayh charges said, that Judge Haynsworth "had owned stock" and "had drawn dividends" (note the word "had" as applying to an unstated past time) from a company on whose case he sat as a federal Circuit Judge. But the facts—brought out later—were that he once bought one share of stock for $21 in a local Greenville, S.C., company formed to give the city a good hotel so that he would be eligible for its board of directors, as his friends wanted. But that was BEFORE he became a federal judge. The "dividends" were one dividend of 15 cents, which he returned. That was BEFORE he went on the bench. When he went on the bench, he withdrew from the company entirely. He got $21 for his share of stock. Three years later a minor case involving the company came before the Fourth Circuit Court. That is what the AFL–CIO-Bayh charges call an instance of lack of ethics and conflict of interest. All of it was in 1950s.

Then there's the charge that there were 10 Fourth Circuit Court opinions in which he concurred, and which were said by the AFL–CIO-Bayh propaganda to be "antilabor" actons by Judge Haynsworth, which "were reversed by the Supreme Court." If true, that would not necessarily make him or the Fourth Court wrong, or make him antilabor. And none were actual "reversals." Two were not even labor management cases. His attackers forgot to say that he was on the labor side in 45 Fourth Circuit Court decisions, writing eight of them personally.

HIGHLY RESPECTED FAMILY

Judge Haynsworth's family law firm is five generations old, highly respected wherever known. His case has been given independent professional study and investigation with a resulting 54-page single-spaced report made public by Senators Cook of Kentucky and Hruska of Nebraska. It riddles to pieces every AFL–CIO-Bayh charge.

Sixteen past presidents of the American Bar Association (ABA), endorsed him for the Supreme Court after the charges came out. So did all his Fourth Circuit co-judges. He was cleared by the Department of Justice and the FBI.

The ABA Judiciary Committee endorsed him unanimously and then endorsed him again after all the charges had been aired and investigated. The Senate Judiciary Committee endorsed him after hearing all the charges with witnesses under oath.

The Washington Star made an independent investigation of every charge against him and cleared him of wrong. Howard Mollenkopf, Pulitzer prize winning investigative reporter for the Cowles newspapers in the past and recently made Deputy Counsel to President Nixon, made a similar inquiry and proved the major charges against him false. So did the Scripps-Howard coast-to-coast newspapers, with the same result. Each inquiry was fully documented. The Times has studied them carefully.

But, he is Southern; he is conservative in a middle-of-the-road way; the liberals are still choking on the Abe Fortas case and want "revenge." He doesn't take orders on court cases from labor leaders or Negro leaders. He is not only Southern, but "Southern-Nixon." Those are the real and chief reasons for the attack on him.

Bobby Kennedy Okayed Haynsworth Action in Chief "Smear" Case

The opponents of Senate confirmation of President Nixon's nomination of federal Fourth Circuit Court of Appeals Judge Clement F. Haynsworth of South Carolina to the U.S. Supreme Court pretend in most instances that they are acting because of his "lack of ethics" or "conflict of interest" in some cases on which he sat as an appeals court federal judge.

There is nothing in the well publicized records of the investigations of Judge Haynsworth to substantiate such charges.

Further, the U.S. Attorney General at the time was Robert F. Kennedy, brother of the then President. Chief Judge Sobeloff of the Fourth Circuit at that time personally investigated the case and held that not only was Judge Haynsworth not disqualified to sit on it, but that he had a duty to sit on it. The Sobeloff opinion was sent to Attorney General Kennedy and he reviewed it and approved it, according to Judge Sobeloff.

The character assassination drive against Judge Haynsworth was instigated by the AFL–CIO, which claimed that the judge held financial interest in cases in which he ruled.

Negro leaders claim he has been an anti-civil rights Appellate Court judge. They overlook the fact that half a dozen professional and impartial analyses of every civil rights case in which he has participated show no pattern pro or con on issues involving race; that his most noted case in this field—a decision he personally wrote—forced the Virginia Dental Association to admit to membership a Negro dentist it had barred.

These investigations show that he never has sat on any Appeals Court case involving a company in which he held financial interest at the time.

THE SUPPOSED REVERSALS

The AFL–CIO allegations that Judge Haynsworth is "antilabor" name a fireworks manufacturing company as part of their supposed documentation of the charges when that company never was before any court of which Judge Haynsworth was a member in any kind of case. The AFL–CIO later admitted this and apologized.

The AFL–CIO charges there were 10 cases of "Supreme Court reversals" of Fourth Circuit Court labor rulings but does not say that two of the cited cases were not labor-management cases in any way; nor did the Supreme Court state that it was "reversing" in any of the 10. In one it said it was acting on laws created after the Circuit Court ruling had been made and was not criticizing the Fourth Circuit ruling. Most of the remainder were purely procedural matters involving the National Labor Relations Board.

Dan Thomasson, Washington reporter who made an investigation of all the charges against Haynsworth for the Scripps-Howard national newspaper chain, found them false, or incorrect factually, or creating wrong inferences, or unsubstantiated. He stated that Senator Birch Bayh of Indiana, the spearhead for the AFL–CIO and others against Haynsworth, told him privately that the labor case against the judge had turned out to be "very weak." But he still uses this "very weak" case for his own smearing of the judge and to influence other superliberal senators (Labor gave Bayh $68,000 for his reelection campaign last summer.)

Behind this type of leadership are various leftist liberal senators of both parties who might be described, politically speaking, as curtseying whenever organized labor or Negro power asserts itself in the U.S. Senate.

Senator Bayh, using AFL–CIO documents as his "proof," centers on six Fourth Circuit decisions in which Judge Haynsworth took part as indicating antilabor bias, overlooking 45 pro-labor rulings in which he took part, writing eight of them himself. The "big" case in the AFL–CIO-Bayh anti-Haynsworth printed or mimeographed documents distributed around the nation is known as the Deering Milliken case, in which Judge Haynsworth was one of a 3 to 2 majority permitting the company to close its Darlington plant. Let's look at it and the others:

NEVER OWNED STOCK

Judge Haynsworth never owned a share of stock in Deering. All Fourth Circuit judges joined Chief Judge Sobeloff's opinion, as approved by Attorney General Kennedy, that Judge Haynsworth should sit in this case. So did former federal Judge Lawrence Walsh, chairman of the ABA Judicial Selection Committee. The present ABA judiciary committee had all the facts on this case when it gave a second endorsement to nomination of Judge Haynsworth. So did the Washington Star, Human Events (a Washington weekly magazine), the Senate Judiciary Committee, which approved the Haynsworth nomination, as did retired Supreme Court Justice Whittaker and others who spoke up. All said he had no alternative but to sit on the case—it was his duty as a judge.

Judge Haynsworth did hold some stock in Carolina Vend-A-Matic, which did vending machine business with two or three of Deering's subsidiaries and with other industrial companies by supplying vending machines. Alex Kiriakides, operating head of a vending machine company in hot competition with Vend-A-Matic, voluntarily sent the Senate Judiciary Committee a letter denouncing the allegations against Judge Haynsworth in this case as "absolutely false" and stating that the judge had never done anything unethical or had any conflict of interest in any vending machine case. There never was a bigger "bust" than the AFL–CIO-Bayh allegations about Judge Haynsworth on this case.

Another of the "six big cases" used to try to assassinate Judge Haynsworth's character is known as Kent Mfg. Co. vs. Commissioner of Revenue. The AFL–CIO–Bayh forces distributed documents saying that this company did $21,323.63 worth of vending machine business with Vend-A-Matic and that Judge Haynsworth sat on this case in the Fourth Circuit Court. This company never had any case before Judge Haynsworth. A company named "Kent" did; it's rather sloppy investigating, and disgusting action by Senators and a great labor organization, to assassinate a man's character through such carelessness of inquiry.

There are three Deering Milliken cases in the "Big Six" cases. Judge Haynsworth wrote the decision against Deering Milliken in one case, concurred with the majority in the other two.

Two other "Big Six" cases cited against Haynsworth actually involve him in no ethics and in no conflict of interest. One of these two cases dealt with whether sewer connections should be provided in a building. The other was simply procedural—a decision to withhold Fourth Circuit ruling until a similar case in Massachusetts had been decided.

Senator Stennis Mentioned as High Court Timber

(By Edgar Poe)

WASHINGTON.—How would some of those northern senators, who have been so vehemently opposed to Judge Clement F. Haynsworth, Jr., of Greenville, S.C., for associate justice of the U.S. Supreme Court, vote if President Nixon nominated one of their own southern colleagues for the nation's highest tribunal?

It would depend on the nominee, of course, Then how would they (those opposed to Haynsworth) vote on confirmation if the President nominated Sen. John C. Stennis of Mississippi?

Sen. Stennis is one of the most highly respected men, among both Democrats and Republicans, to sit in the senate. This is indisputable.

HIGH COURT TIMBER

Senator Stennis, a circuit judge of Mississippi for 10 years, is a conservative and would add conservatism to the Supreme Court. It is obvious that a mighty cry would go up from certain areas of the country against his being confirmed. The White House probably would be bombarded with opposition telegrams.

Meantime, the United States Senate would be almost certain to confirm him by a near unanimous vote, despite the fact he is a Southerner. The senator is known to be a stickler for the Constitution of the United States.

The late President Eisenhower regarded Sen. Stennis as Supreme Court timber. One day former Louisiana Gov. Robert F. Kennon had a conference with President Eisenhower at the White House. Later the governor told some friends privately that the President told him he had a man from his neighboring state who could make a good jurist for the Supreme Court. His name was John Cornelius Stennis.

CUM LAUDE GRADUATE

Knowledgeable people on Capitol Hill, including some members of the Senate, stoutly maintain that the real reason Judge Haynsworth is being opposed is because he is a Southerner. However, none of the opponents of Judge Haynsworth are likely ever to admit that bias against the South was the paramount reason for their opposition against confirmation.

Sen. Stennis, now 65 years, who graduated cum laude from the University of Virginia Law School after first obtaining his academic degree at Mississippi State University, might not accept a place on the high court bench if a place were offered. Of course, the odds are heavily against him being tapped, but some of the senator's colleagues say the President would make no mistake looking in Stennis' direction, should the occasion arise.

The only Supreme Court judgeship nominee in history who was turned down by the Senate was a Southerner. He was Judge John J. Parker of North Carolina, a member of the Fourth Circuit Court of Appeals, the same circuit of which Judge Haynsworth is now the chief judge. Like Judge Haynsworth, Judge Parker was nominated by a Republican chief executive, President Hoover.

SUSPEND DRAFT CALLS UNTIL NEW LOTTERY SYSTEM IS MADE EFFECTIVE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, as a result of the Senate's action yesterday in passing the lottery bill already approved by this House there is on the desk of the President the very bill which he requested authorizing him to initiate the lottery with a random system of selection of draft-eligible young men. At the same time, there are an estimated 9,000 men who will be drafted in December and another 20,000 who will be drafted in January under the present system already described by the President as unjust.

Today, 37 Members of this House and I have joined in sending a letter to the President urging him to suspend draft calls until the lottery system is made effective. Secretary of Defense Melvin Laird has already publicly stated that the lottery system could be introduced by January.

I hope that other Members will consider making the same request of the President. A copy of our letter with the names of the signators follow:

House of Representatives,
Washington, D.C., November 20, 1969.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: On October 30, 1969, the House passed H.R. 14001 authorizing the establishment of a random system of selection of inductees, and yesterday the Senate gave its approval to this bill.

We therefore urge you to request the Selective Service System to suspend its draft calls immediately (including those already issued for December) under the present system and delay and future calls until they can be made under the new "lottery." Secretary Laird has estimated tht the new system can be put into operation sometime in January 1970.

For too long men have been asked to risk and lose their lives under a system riddled with inequities. With both the House and Senate having acted, it would be a tragedy to subject one more man to an inequitable draft under the old system.

In this Thanksgiving season and in the forthcoming Christmas and Chanukah holidays, there is no greater gift the President could give to a family having a father, son, or husband subject to the draft than having the more equitable system apply to him instead of one which you yourself have described as unjust.

Sincerely,

Joseph P. Addabbo of New York, Mario Biaggi of New York, Jonathan Bingham of New York, Garry Brown of Michigan, Phillip Burton of California, Daniel E. Button of New York, Shirley Chisholm of New York, William Clay of Missouri, John Conyers, Jr. of Michigan, Emilio Q. Daddario of Connecticut, John H. Dent of Pennsylvania, Charles C. Diggs, Jr. of Michigan, Thaddeus J. Dulski of New York.

Florence P. Dwyer of New Jersey, William D. Ford of Michigan, Thomas S. Foley of Washington, Peter H. B. Frelinghuysen of New Jersey, James G. Fulton of Pennsylvania, Michael J. Harrington of Massachusetts, Margaret M. Heckler of Massachusetts, Henry Helstoski of New Jersey, William L. Hungate of Missouri, Robert W. Kastenmeier of Wisconsin, Edward I. Koch of New York, Richard D. McCarthy of New York.

Abner Mikva of Illinois, Patsy Mink of Hawaii, William S. Moorhead of Pennsylvania, Lucien Nedzi of Michigan, Richard L. Ottinger of New York, Edward J. Patten to New Jersey, Bertram L. Podell of New York, Adam Clayton Powell of New York, Ogden R. Reid of New York, Benjamin S. Rosenthal of New York, Frank Thompson, Jr. of New Jersey, John V. Tunney of California, James H. Scheuer of New York.

POSTAL STANDARDIZATION IS NEEDED MORE THAN CORPORATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, with all the furor and publicity, pro and con, on the conversion of the Post Office to a corporate concept, I believe some of the most urgent needs of the Department are being overlooked or entirely forgotten.

One of the most imperative needs of the Post Office is that of standardization of the mail—and a penalty in postage for pieces that are mailed that do not conform to standard sizes.

As I review the history of our country, Mr. Speaker, I can think of no private industry anywhere, at any time, the size of the Post Office that has been successful until it standardized its product. When such standardization was accomplished, the business could plan effectively, bring about changes gradually, and engineer and tool to mass produce or speed up material handling. And, after all, the business of the Post Office, with its growing annual volume, is to speed up the handling of letters and packages to the place where greater volume will mean greater profit—in the American tradition of mass production—rather than a deficit that mounts in proportion to the volume.

Henry Ford pioneered and proved the value of mass production. American Can, generally, manufactures only a few sizes of cans. Of the 24 Bell telephone companies and the 1,972 independent telephone companies operating in America, practically every one of them purchases its equipment from one source and brings standardization to this entire, complicated communications web that, only through standardization, manages to link together practically every household and business in this country, and, indeed, in many parts of the world.

In drastic and unfortunate contrast the postal system absorbs almost any item from keys to ski poles, chicks to soap samples, mini greeting cards to huge mail order catalogs. And, that system handles more than 80 billion pieces a year.

I think it is a tribute to the dedicated postal workers of our country that they receive and send out each and every day more than 375 million pieces of mail, especially when we understand that it is done with little or no standardization and only a minimal amount of processing by machinery.

Mr. Speaker, I submit, that be it Government bureau or Government Corporation, no organization will handle the varied and staggering volume of mail in years to come without standardization, sophisticated mechanization, and extra charges on nonstandard, nonmachinable pieces.

OUR FOREIGN TRADE POLICY

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr CONABLE. Mr. Speaker, in his recent trade message, the President put his administration on the side of a freer trade. I am proud of this decision. We should not turn our backs, particularly in inflationary times, on an historic policy which has worked so well for both America's producers and America's consumers.

A fundamental precept of our foreign trade policy virtually from its beginning has been that the benefits that liberal trading provides for the entire nation should not also mean hardships for the few. We have long provided relief for those for whom import competition rose too quickly to permit adjustment, for those whose jobs might be lost, and for entire industries which might be adversely affected.

In 1962, the Congress added necessary underpinning to the philosophy of free trade. The Trade Expansion Act of 1962 broke into new ground by providing a system of assistance to individual firms and groups of workers affected by imports. In so doing, Congress intended both to increase our competitive ability as well as to mitigate hardship for workers through better training for greater skills and higher paying jobs. The act sought to encourage affected firms to improve their productivity, acquire new equipment, and, if necessary, shift to more promising activities.

Regrettably, these provisions have not worked. The proof required was too stringent. Since 1962 no industry has qualified for relief, no firm has received the assistance intended, and only within the past month has any group of workers been helped.

This situation must and can be corrected. In the Trade Act of 1969, which he has now submitted to the Congress, the President makes long overdue and highly commendable recommendations for change in our basic statutes. He would provide relief and assistance on a fair and reasonable basis—to industries, to firms, and to groups of workers. These recommendations merit the careful and considerate attention of the Congress. I am sure they will be so treated.

MR. GROSS, A REPRESENTATIVE FROM IOWA—HIS LACK OF LOGIC

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, it seems that my distinguished colleague, the gentleman from Iowa (Mr. Gross), has seen fit once again to attack the bipartisan Citizens Committee for Postal Reform—and also to take a snide poke at me in the process.

It seems that I had asked Mr. Gross to display some of his crusading zeal in looking into the finances of the postal unions. Sleuthing seems to be an avocation of my distinguished colleague (Mr. Gross). I merely request that he apply the same yardstick to reporting about the postal unions as he has to the citizens committee.

In response, Mr. Gross questions my "logic." The fact is that logic is the science of correct reasoning. I doubt, therefore, that my colleague knows too much about logic since it involves "correct reasoning"—a thought process somewhat unfamiliar to my distinguished colleague.

Nevertheless, since Mr. Gross finds himself in the position of fronting for the postal unions he is close enough to the union leadership to ask them exactly how they spend the $15 million received in dues checkoffs every year.

In particular, I would suggest that Mr. Gross delve into the finances of the National Association of Letter Carriers and the United Federation of Postal Clerks, the two largest postal unions.

In last year's lobbying reports, the the Letter Carriers reported receipts of $2,152,570 and the Clerks an even larger amount—$2,488,547. Nearly $5 million taken in by just two of the several postal unions.

I again urge Mr. Gross, because of his closeness to the union leadership, to put the heat on. Where is that money? How has it been used? How much money do they really spend for food, lodging, traveling, and entertainment—and for whom do they spend these sums? And precisely how many dollars have they been spending on receptions and dinners? Why do the unions not report this money in their lobbying reports?

Surely Congress, self-appointed watchdog of fiscal integrity, is up to the task. All of us—the public and the postal workers—are concerned about where this kind of money actually goes and for what purposes it is used.

Sleuthing is the game of Mr. Gross. Certainly, he must be up to this job. Or could it be that he is beginning to slip a little. For shame. Ten years ago he would have tackled such a job with vigor.

COMMUNICATIONS AND THE POWER OF THE NETWORKS

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, last Thursday night, Vice President Agnew brought the attention of our Nation to the question of communications and the power of the networks. Today I would like to try to put his comments into perspective.

If we listen to the network presidents, the National Association of Broadcasters, or Broadcasting magazine, we would surely feel that we have reached the culmination of broadcasting in America. If we listen to Vice President Spiro Agnew, one would feel we are now at the bottom of the well in this field. Mr. Speaker, I feel that neither of these arguments is accurate. The Vice President and the network chiefs are forcing the Nation and the Congress to polarize themselves on the issue of communications. According to their arguments, you are either with the Vice President and the administration, or with the networks.

This is grossly incorrect and we cannot afford to allow the people of the United States to be forced into these two corners. The reality of the situation is that the Vice President was correct in saying the networks news teams do have an enormous amount of power to affect what 40 million Americans learn from television each day. He was incorrect in accusing the majority of these people of releasing their hostilities toward the administration through the improper use of the media.

The fault lies not so much with those licensees, but with those of us here in Congress and with the Federal Communications Commission, which was set up specifically to regulate against any undue media concentration or breaches of the public trust. Unfortunately, they have not been very successful. It is up to us, as duly elected Representatives of the people, to reverse this trend. We must begin to re-evaluate communications in America and to insure that the airwaves are used in the public interest.

Communications has come a long way since the Radio Act of 1927. Each year we reach into new areas of this fascinating field of endeavor. But in many areas of broadcasting, we have been negligent. Since 1934, we have operated solely on the basis of the Communications Act. Today and in the next session of Congress, we must bring this act up to date and match it to the realities we have before us.

Our colleagues in the 73d Congress formulated a bill—the Communications Act of 1934—based on the general idea that broadcasting should be licensed and regulated with the public "interest, convenience and necessity" as the overriding factors. They established the Federal Communications Commission to insure that the public was served, by providing that the airwaves would be utilized not for profits or power, but for service to the public. The 73d Congress designed a far-sighted bill at a time when there was no television, no FM radio, and only a handful of radio stations. In 1969, this 35-year-old law is increasingly showing the strains of age, for it must now deal with a multibillion-dollar industry and thousands of licensed outlets. Today we have 856 television stations and 6,679 radio stations. It is of the utmost necessity that we update this 1934 law and cope with the problems that it could not foresee or failed to deal with.

I am here today to introduce the first of a series of bills aimed at restructuring and revitalizing the Communications Act so that it will efficiently meet the needs of today's public. If we diligently work on these bills and adequately restructure communications in America, then we will take the inordinate concentration of power away from certain broadcasters and give it back to the people, where it belongs. Each of my bills is designed to put the public back into the priority position in the eyes of Congress, the Federal Communications Commission, and most of all, the licensees of broadcast stations. I am not waging a vendetta against the networks or the top 10 or 20 markets, but I am seeking to reverse the unfortunate trend that has taken place since 1934, of overconcentration of the media in the hands of a few.

We must heed the words of the U.S. Supreme Court in the Red Lion Case if we hope to act on behalf of the people. The Court forthrightly pointed out:

> It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, by the Government itself or a private licensee.

I am introducing legislation today that will give the Federal Communications

Commission the power to charge broadcasters license fees that are commensurate with the profits they reap from this valuable franchise. At present, broadcasters pay only $150 for a television license and $75 for a radio license, while some of them are earning upwards of $3 million a year for their holders.

Under my bill, the FCC would continue to offer the license to new stations, and stations operating at a loss, for the nominal fee. The bill would then graduate the price upwards on the basis of 1½ percent of income before taxes per station. By basing the license price on the percentage of income before taxes, we would not be penalizing a station which is getting started. We may even encourage some stations to plow money back into operations or programing rather than claim it as profits. The nonprofit educational broadcasting outlets would not be affected.

It should be noted that the FCC has the power to make this change in fees now, but has not acted in this area. This bill would eliminate their discretion in this matter by making it law.

My bill would insure that the public is receiving an adequate franchise fee from these broadcasters. It seems foolish to me that we should allow broadcasters to get this license at such a nominal fee at a time when the budget is tight and the Federal Communications Commission is in dire need of increased funding and staffing. In addition, hundreds of groups would like to have the opportunity to have one of these licenses. Let me quote to you the views of two Indians in the Midwest:

> Broadcasters do not care—they dare not care—that others won't have the chance they had—to go through that same hard work, to achieve those same ends. They do not want to move over and share their slice of a limited crowded world. The spectrum is full—just as the frontier is gone; the land is occupied wherever there is water. But those who were born too late seem to feel that, because they came to birth in the same manner as others, they have some kind of "divine right" to a piece of earth on which to stand, air to breathe, a chance to earn bread and even, a means to communicate their own thoughts—a piece of the limited spectrum to reflect their viewpoint, their values. The black haired peoples of this Nation want a chance to speak their ideas, revel in their culture and even, perhaps, a chance at that most lucrative of investments—a television license.

Is it just that a station earning over a million dollars a year in one of the top markets should be paying the same sum as a licensee who is struggling to break even in market 98 or further down? We should graduate the license fees so that those who can afford to pay more for their piece of the broadcast spectrum, do so.

My bill is in no way meant as a penalty to broadcasters, but an attempt to insure that they will pay their fair share for getting to use this lucrative franchise. It is a chance for Congress to reevaluate the entire license-rate structure so that we will not continue to give the public airwaves away for relatively nothing. Lord Thompson of Fleet is often quoted as saying that "a television license is a license to print money." Unfortunately, he was not far off the mark for many stations in the top markets.

The truth of the matter begins to come to light in works like "Television Today," put out by the Institute for Policy Study. In this publication, Ralph L. Stavins, contends:

> The TV industry, compared to all other American markets, experiences the highest rate of return on its capital investment per annum. Over the last ten years, TV has regenerated itself 100% on its depreciated property investment per year.

Federal Communications Commission figures show that the broadcast industry income in 1967–68 was over $608 million before taxes. Is it asking too much for this very lucrative industry to pay a meager 1½ percent, a fair share for this franchise? The average TV station profit in a market like Los Angeles is $3.36 million. Presently the owners of those stations pay only $150 and yet reap these million dollar profits.

The idea of charging percentage of profits for licensees is by no means unique. Commissioners at the FCC have spoken of it and advocated it. Members of Congress have suggested it. Studies have recommended it. Now we have talked enough; it is time to act.

I am sure that some will raise the criticism that this bill would overburden the FCC with figures and computations that would hinder their other activities. I have checked with officials at FCC and they inform me that these figures are already sent to them with license applications and would not require that much extra manpower.

I feel constrained at this time to add one further note. Many of my friends who are involved with broadcasting have warned me ahead of time that this bill will guarantee for me and anyone who signs it, the wrath and displeasure of the broadcasting industry of America. This thought does not rest lightly on my mind, for I fully realize just how powerful the broadcasters are in the determination of public policy and certain electoral votes. Many have told me that a bill concerning broadcasters will never pass this or any future Congress if the broadcasters are against it.

Earl K. Moore, a lawyer who has been active in aiding citizen groups in contesting license renewals, has said:

> I do believe that 7,200 station staffs and numerous affiliated newspapers, located in every Congressional district, have the capacity to organize overwhelming support for an unsound bill. There is no comparable group to argue for the public interest.

I feel this may be an overstatement, for I know that Congress will act in the public interest on this and any other matter, regardless of the power of the broadcasters—real or imagined. I am sure that we will not cast our votes against the public interest merely because of fear of reprisals from the broadcasters.

I urge each of my colleagues to place these bills into the perspective of the last 30 years of the 20th century and realize that what we do today will have its effects into the dawn of the 21st century. We are just beginning to learn how potent the broadcast media is and will become.

As the President's Task Force on Communications Policy makes eminently clear:

> Modern methods of communications can be instruments of enlightenment, or tools of tyranny. They can make the best and the worst in man instantly available to everyone.

The choice is ours.

MONTANA GRIZZLIES—UNQUESTIONABLY NO. 1

(Mr. OLSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, lately I have been subjected to a lot of nonsense about how great the Ohio State football team is or how the University of Texas eleven is the top college team in the country. All of this is mere idle chatter. As any denizen of Missoula, Mont., will tell, and correctly so, the Grizzlies of Montana University are the very best team in the land.

Now all of these other schools have excellent football teams. I mean to take nothing away from them. However, when you look at Montana's record of 10 wins and no losses and their invitation to meet the second-best small college NCAA team, North Dakota State, in the Camellia Bowl in Sacramento on December 13, there can be no question in any body's mind as to which team ranks No. 1.

Actually Head Coach Jack Swarthout, who has done such a marvelous job in molding this great Grizzlies team, would rather have played Ohio State but the Buckeyes were restricted by Big Ten rules from taking part in any postseason game this year. That confrontation, fortunately for Ohio State, will have to take place at some later date.

Of course there are some folks who are not sports fans and, incredible as it may seem, they are unaware of Montana's accomplishments. For those among us who have not been properly informed I would like to highlight the Grizzlies' season. Besides going unbeaten and untied in 10 games they also set 39 school records and tied another 13; this is also the first time the Grizzlies have gone unbeaten or received a bowl bid. And, of course, they will win their 11th game of the year on December 13.

Enough cannot be said about Coach Jack Swarthout and his assistants. They have taken the Grizzlies to the pinnacle of success, to heights heretofore undreamed of. Certainly Jack deserves to be selected as the "Coach of the Year" among small colleges.

Finally I want to offer my heartfelt condolences to my dear friend and colleague, Mark Andrews, in whose district the North Dakota State Bisons reside. I certainly hope that the mauling the Grizzlies administer to the Bisons will not alter the relationship that the distinguished gentleman and I now enjoy.

I include here the 1969 record of the University of Montana Grizzlies:

Montana 24–North Dakota 10.
Montana 31–South Dakota 20.
Montana 52–Northern Arizona 7.
Montana 20–Weber State 17.
Montana 34–Idaho 9.
Montana 46–Idaho State 36.
Montana 49–Portland State 14.
Montana 7–Montana State 6.
Montana 14–California Poly 0.
Montana 58–South Dakota State 0.

TIME TO CALL A HALT

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, what we are considering today as the 1969 Foreign Aid Appropriations Act is a tiresome and repetitious example of the same old reckless grab-bag, giveaway program. This method of purchasing the friendship of other nations has often proved tragically ineffective in the past, yet the Foreign Affairs Committee would have us dole out even more money next year for foreign assistance.

Such an incongruous proposal as this is singularly ill-timed and inappropriate not only as an unproductive means of foreign aid but also as an unjustifiable burden on an already overworked budget and taxpayers.

Here we are trying to curb inflation; cutting back on much-needed domestic programs such as water and air pollution control and aid to education; delaying social security increases and other things vitally needed here at home, and the committee is asking the American taxpayer to shoulder an even higher foreign aid program than last year. Last year's foreign aid bill was fixed at $1.7 billion, the lowest in the 20-year history of the program. To now ask for $2.1 billion when the taxpayer is paying the highest Federal, State, and local taxes in history is what I call being out of touch with the electorate. The inflationary situation and economic situation today is worse than when Congress enacted last year's bill.

Mr. Speaker, the American people are not stingy. Since 1949, they have sent abroad roughly $122 billion through the foreign aid program. Further, we have even gone into debt to give away, and the taxpayers have paid more than $60 billion in interest costs on these vast amounts. Unfortunately, with the exception of the Marshall plan, the program's failures far outweigh its successes, and its sum total is a dismal flop. Countries which have received the largest amounts include France, Brazil, Pakistan, India, and Communist Yugoslavia, none being a striking example of a close friend or a bulwark of freedom. Also questionable is the apparent lack of discrimination for distribution of funds. The oppressive dictatorship of Duvalier in Haiti is slated for still more funds, as are the belligerent U.S. property-seizing governments of Peru and Ecuador.

Furthermore, I find it both ironic and shocking that three countries which have received substantial U.S. aid, Korea, Thailand, and Taiwan, are now loaning money back to us at a 6-percent interest. It seems rather ridiculous to debilitate our own economy in such a manner and then pay these countries more money to keep our own economy solvent.

In summation, I find that the foreign aid program administered by the Agency for International Development is bankrupt of ideas and persists in following the same sterile policies of useless giveaway. I urge the Congress to abandon the expensive boondoggle of misspent, misplaced, and mismanaged dollar throwaway which goes by the euphemism of foreign aid.

COAL MINERS' MEMORIAL DAY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am today introducing a resolution to designate November 20 as Coal Miners' Memorial Day.

Mr. Speaker, 1 year ago today 78 men lost their lives in the explosion and fire in the Mountaineer No. 9 coal mine at Farmington, W. Va. This was a tragedy which shocked the Nation. November 20 has a special meaning for the 78 widows and the 142 children left fatherless by this terrible event. It is tragic but true that out of the pain and sorrow of many disasters has come the stimulus for social progress.

OUT OF TRAGEDY COMES PROGRESS

As in the case of the Triangle Waist Co. fire in New York on March 25, 1911, which took the lives of 146 women, yet resulted in an end to the sweatshop conditions, so did the Farmington disaster produce a national demand for protection of the health and safety of coal miners.

I believe that November 20 marks the dawn of a new era in the man-killing and man-crippling coal mining industry. I hope that November 20 will be observed to honor those brave men who died at Farmington, and we can honor them best by resolving that the living deserve to live, breathe and work as human beings. At 10 a.m. today the conference committee on the coal mine health and safety bill met. I am confident that a strong bill will result from their deliberations.

For the first time, we are acting to limit the level of coal dust in mines, and protect the health as well as the safety of those who dig out the coal in the bowels of the earth. One year ago, when President Johnson sent up his recommendations on coal mine safety, only three Members of Congress introduced legislation to implement the President's recommendations. They included the gentleman from Pennsylvania (Mr. DENT), the gentleman from Pennsylvania (Mr. FLOOD), and myself. Now the legislation has almost unanimous and enthusiastic support in Congress, and the legislation goes far beyond what was recommended prior to the Farmington disaster.

ADMINISTRATION OF THE LAW

Our work is not finished just by the passage of this legislation. I am not one who feels that legislation is the complete answer to any problem. I am concerned about how well this legislation will be administered. Will the Bureau of Mines in the Department of the Interior aggressively enforce the law? I felt that the authority for enforcement should have been lodged in the Department of Labor, which is employee-oriented, rather than in the production-oriented Department of the Interior. I hope that events prove I was wrong, and that we do obtain aggressive enforcement of the law by the Department of the Interior.

ATTITUDE OF UNITED MINE WORKERS

A second and equally important question involves the top leadership of the United Mine Workers of America. Up to the time the competition of the December 9 election began to stimulate the UMWA to take a more active role on behalf of the rank and file of the miners, we saw a long period of somnolence and torpor in the UMWA. If this legislation is to be effective, it will need a far more active attitude on the part of the UMWA leadership, and less of the "footsie" relationship which has all too often grown up between the UMWA leadership and the company hierarchies. I would hope that those administering the law, and the coal operators themselves, are confronted by a more critical attitude on the part of those who speak for the miners, to insure that the health and safety of the miners is protected to the maximum extent.

COAL OPERATORS AND MINERS

Third, there must be a genuine change of heart on the part of many coal operators and miners themselves if there is to be marked and permanent improvement in the conditions in the mines. The coal operators have frequently professed deep interest and intent to work for greater health and safety protection, yet when the chips are down they have usually fought every step of the way against meaningful health and safety provisions. The coal miners themselves have all too often in the past accepted substandard conditions with a kind of fatalism which has snuffed out opposition to these conditions. Now that the miners have discovered that an outspoken attitude produces improvements, we should hope that they have abandoned fatalism once and for all.

Finally, I trust that the general public will continue to focus attention on the plight of the coal miner and the necessity for constant vigilance to insure that the coal miner be reated and protected like all human beings.

COURAGE OF THE COAL MINERS

Each miner in his own way, fighting the hostile environment underground, is every bit as courageous as those astronauts who go into space and today walk on the surface of the moon. Last year in West Virginia, one out of every 10 men who went down into the mines was injured seriously enough to lose working time, and one out of every 300 men who went down into the mines was killed.

By honoring these men on November 20 each year, the Nation is expressing its determination that this slaughter in the coal mines must stop.

ANNIVERSARY OF BIRTH OF TWO GREAT AMERICANS

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I rise simply to note that today is the anniversary of the birth of two of America's greatest sons, Norman Thomas and Robert F. Kennedy.

Their presence made their country and this planet a warmer, more hopeful place. They are sorely missed by all who love justice and mercy, and who yearn for a world where men can live at last in freedom and at peace.

THE HOLDING COMPANY BILL

The SPEAKER pro tempore (Mr. Price of Illinois). Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, on November 5, the House of Representatives passed a series of amendments which greatly strengthened the 1956 Bank Holding Company Act and brought one-bank holding companies under regulation for the first time.

The action of the House clearly separated the business of banking from nonbanking and assured thousands of small businessmen protection from unfair competition. The House passed a very good bill and I am hopeful that we will have early enactment of this much-needed law.

Mr. Speaker, since passage of the bill on November 5, there have been questions about the legislation and the amendments adopted on the floor. On Tuesday of this week—November 18—I spoke to the National Association of Independent Insurers and discussed the holding company legislation at length. Mr. Speaker, I place a copy of this speech in the Record:

Remarks of the Honorable Wright Patman, Chairman, House Banking and Currency Committee, to the National Association of Independent Insurers

Thank you very much for inviting me. This is, indeed, an impressive gathering. Insurance is one of the most important segments of our business community and as leaders in this great industry, you have much influence on the progress of the nation. I'm happy to have this opportunity to visit with you.

The title of my speech, "Law and Order for the Big Bankers, Too" sounds pretty imposing. I'm sure it mystifies the banking community which simply doesn't believe that the ordinary rules—law and order—apply to its activity.

Many of the banks—and this really applies primarily to the large money-center institutions—take the attitude that the public—society as a whole—has one set of rules and the banking community another.

This attitude has been demonstrated repeatedly through the years. Many of you probably remember the great bank merger battle of 1965. That was a classic example of the banks' moral position. They came running to Congress crying that the nation's antitrust laws shouldn't apply to the banking industry. These laws—the very backbone of our free enterprise system—were inhibiting the growth of the big banks and they simply wanted the Congress to give them an exemption from the law. It was all right, they told us, for these laws to apply to other businesses . . . they just didn't want them enforced against banks. Law and order for others, but not for the big banks.

In fact, some of the banks had already been held in violation of the antitrust statutes and were actually asking Congress to over-rule the court decisions and grant them retroactive exemptions from the law. One of these was the giant Manufacturers Hanover Trust Company of New York, a ten billion dollar bank and the nation't fourth largest financial instiution. They had been held in violation of antitrust laws in District Court in New York and faced a court-ordered divestiture. But they lobbied through a Congressional pardon.

I cite this case simply as one example of the banks' double standard on the law.

The examples of this type of "double think" are numerous. Last summer, the District of Columbia banks came to Congress with the suggestion that it legalize 16 per cent interest rates. The banks' reasoning was very simple—they had been charging 16 per cent interest all along despite a D.C. law which prohibited any charges above 8 per cent. The banks had been charging an effective rate of 16 per cent through various shell games known as "add-ons" and "discounts" which kept the true interest charges hidden from the unsuspecting consumer.

Now that the truth-in-lending laws were requiring them to tell the consumers the truth, the banks wanted Congressional sanction for the 16 per cent. And they wanted this sanction to go back far enough to block any lawsuits by consumers who had been charged illegal interest rates.

This was a pretty blatant bit of nonsense and the Congress—thoroughly fed up with high interest rates—rejected the 16 percent interest rate on a 356 to 19 vote. And they rejected the idea of giving the banks special protection from lawsuits. In other words, they'll have to face the consequences of law violations just like any one else and this fact is a shocker for the banks.

The banks invariably come to Congress with the attitude that they have some divine right to special treatment . . . that somehow they are above and beyond all other businesses.

This attitude probably reached its peak this year in the long and bitter fight over the bank holding company legislation. What began as a simple effort to bring all bank holding companies under the same standard of regulation turned into a legislative donnybrook with the banks once again muddying the waters with their blatant demands for special treatment and special exemptions. For a while it appeared that the special interest forces—the big bank lobby—were going to win this fight hands down. The banks succeeded in ramming through the House Banking and Currency Committee a weak watered-down holding company bill which really regulated no one. That bill, had it been passed by the House, would have been one of the most damaging blows ever suffered by the American free enterprise system.

It would have concentrated thousands of businesses in holding companies dominated by large banking institutions. It would have been highly destructive to the future of the Nation's economy.

Despite the defeat in the Committee, we kept on fighting in the Congress and on November 5, the full House of Representatives accepted a series of amendments which greatly strengthened the bill. In the end, the House passed a very good bill that brings all bank holding companies under regulation and prevents their run-away raids on other business enterprises throughout the economy.

This fight on the House floor was won against great odds—some of the longest odds that I have ever seen in my 41 years in Congress. This bill will prevent the banks from grabbing off insurance companies, insurance agencies, travel agencies, data processing firms, equipment leasing enterprises and other non-banking businesses. In short, it will assure that banks remain in the banking business and that they are not given any Congressional license to swallow up other businesses.

But, my friends, we did not fight for these strengthening amendments for the benefit of the insurance business, the travel agencies, or any other special segment. I am glad that the House-passed holding company bill affords the insurance business protection against take-overs, but the legislation is much broader than that. The legislation, as passed by the House, is in the broadest public interest. It assures a competitive enterprise system.

The fight over the holding company bill is now nearly a year old, but few members of the national press have grasped the basic economic issues involved. Without regulation of holding company activities, the banks would be able to completely turn around the American economy and place most of the economic power in the hands of a few financial giants.

As many of you remember, the Congress adopted a law to regulate multi-bank holding companies back in 1956, but left the holding companies with only one bank untouched. At that time, these one-bank holding companies were very small outfits and posed no real threat to the economic structure of the nation. Since that time, however, the big banks have spotted the loophole and moved rapidly, and are today engaged in hundreds of non-banking activities ranging from pizza parlors to manufacturing corporations to insurance empires. There are few business activities that have not felt the predatory embrace of these holding companies. Hardly a day goes by when there is not an announcement of the formation of a new holding company or the acquisition of additional non-banking enterprises.

Today, more than 40% of all the commercial bank deposits in the entire United States are held by one-bank holding companies. Nine of the twelve largest commercial banks in the United States have converted to one-bank holding company status.

Why is the holding company such a danger to the American economy?

As the prime source of credit, commercial banks are in a unique position. No other business activity can exert the type of pressure available to a bank through its loan-making powers. Clearly the banks are in a position to engage in unfair competition when they move into non-banking businesses.

Obviously, there is the real danger of loan discrimination by banks in favor of enterprises which are part of their own holding company. Businesses attempting to compete with these holding company enterprises are out of luck when they seek credit. There is also the very real danger of banks forcing borrowers to buy services and goods from subsidiaries of the one-bank holding company. In other words, the bank that is part of a holding company operation is in a position to demand "tie-ins" as part of every banking service.

Also, it is a fact of life that the banks obtain a great deal of confidential information in the normal course of doing business. Obviously this information is a great competitive advantage to the bank holding company's subsidiaries. These are not theoretical problems. The Banking and Currency Committee has received information of specific examples of the use of pressure and the misuse of confidential information to gain an unfair competitive advatnage.

In addition, there is always a possibility of unsound lending decisions by banks attempting to save a failing subsidiary of a holding company.

The weight of evidence is heavily in favor of keeping banks in the banking business and out of these non-banking enterprises. There is no way for banks to get into the non-banking areas without creating an unfair competitive situation and a dangerous concentration of economic power.

Since the passage of the Legislation in the House on November 5, many news reporters and columnists have been trying to figure out what happened. Many of them have been expressing great disbelief that the House could have passed such a good bill under the circumstances. The banking lobby has been described as shocked", outraged", and groggy" as a result of the action by the House.

Frankly, I am surprised that so many people are surprised. I don't think that these news men and financial columnists have been watching the mood of the House of Representatives very closely.

The votes in the House this year—and the speeches on the Floor—indicate that the Members are losing some of their awe about the banks. The House is beginning to realize that the banks may not be the final and best arbiters of the shape of the American economy. The House no longer is so tolerant of the shenanigans of the big banks and this includes everything from the predatory operations of the holding companies to the jacking up of interest rates to unconscionable levels.

In fact, I think it would have been surprising—as well as tragic—if the House had played dead on the holding company issue and allowed the banks a free run to absorb all of the non-banking enterprises in sight. I never did think that the House of Representatives was prepared to change the American economy and allow it to be centered around a handful of big banks. The Congress is not about to allow a fascist-style of economy to be established in this nation voluntarily.

It is probably true that the banking lobby is "groggy" and "shocked" by what happened. They had spent a lot of money, time, and work in a massive lobbying campaign to push through a "no regulation" holding company bill. The lobbyists filled row after row in the House galleries, and they watched while the overwhelming majority of the House stood up for the public interest. November 5 was a great day for the House of Representatives. It is a day in which the public interest overcame the special interest.

While the bank lobby may be "groggy", it is far from dead. It is moving rapidly in an attempt to discredit the House-passed bill. In fact, the Members had not left the House Chamber on November 5 before the bank lobbyists were spreading the word that the amendments had been "excessive" and that the House had gone too far. This line is slipping into various publications in an attempt to scare the Senate and the Congress into watering down the final version of the holding company bill.

All this talk about the House-passed bill being a radical measure is just so much hogwash. The bank lobbyists know that but they will keep on trying to sell this distortion. The House-passed measure is a reasonable bill and it is the minimum needed to provide effective regulation in this area.

It is "startling" only when it is compared to the "nothing" bill which was reported out of the Banking and Currency Committee last July. A soaking wet dishrag would have been stronger than that bill.

Any objective analysis must compare the House-passed bill with the measures which were introduced by myself on February 17 and by the Administration on March 24. The amendments offered and accepted on the Floor brought the bill back in line with these February and March proposals. It put back in the bill the things that had been so strongly supported in week after week of hearings last spring. Looking back on these hearings and the bills that were before the Committee at that time, the House bill must be regarded as a "moderate" measure.

There has been a lot of talk about the effective date of the legislation—the so-called "grandfather clause." The banking industry has been incensed by the fact that the House moved that date back to May of 1956—the date of the enactment of the original holding company bill. Personally, I would have preferred no grandfather clause, but I am willing to accept that 1956 date. The banks wanted the outrageous date of February 17, 1969. And there were rumors that they had planned to push for a date of enactment clause. In other words, the banks wanted to be allowed to hold on to everything they had acquired so that they could keep right on operating hundreds of non-banking enterprises.

A grandfather clause is difficult to justify under any circumstances and the February 17, 1969 date would have given the House of Representatives a tremendous black eye.

The banks are claiming that the divestiture of these non-banking enterprises will create chaos and cause great hardships in the economy. This is just a great big propaganda smokescreen. The banks will be given ample time to divest themselves of these non-related businesses and no one will suffer any loss whatsoever.

We had the identical arguments in 1956 when we passed the holding company bill for the multi-bank companies, then we were told that the banks would have tremendous difficulty unscrambling their holding company subsidiaries. At that time, the Congress rejected this "hardship" argument and ordered divestiture—there was no grandfather clause. I had my staff look back over this situation and we discovered that no one suffered from these divestitures. In fact, most of the companies and banks involved have prospered greatly since the divestitures.

An example that may be of particular interest to you was the split-off of the insurance company activities—Occidental Insurance Company—from the Trans-America Bank holding company following the passage of the 1956 Act. The banks and the insurance company are now separate operations and, as you know, all these corporations are doing very well. The divestiture did not create any economic injury.

The grandfather clause is just one part of the issue. The bill, as amended in the House, also spells out the areas which are off-limits for bank holding companies. This list is extremely important and it specifically prohibits the banks from engaging in either insurance agency or insurance company activities. The list also prohibits or limits bank holding company operations in the underwriting, sale, or distribution of securities, including mutual funds or participation shares; travel agency activities; professional accounting and auditing activities; data processing activities; and equipment leasing activities.

The bill also does away with the absurd fiction of what constitutes actual control of a bank in a holding company. Under present law, "control" is not recognized until the holding company has at least 25 per cent of the bank's stock. This loophole has enabled some holding companies to acquire 24.9 per cent of the stock of several banks and still escape regulation. Under the House-passed bill, the Federal Reserve may determine that "actual" control exists even if the stockownership is less than 25 per cent.

The bill also clarifies and strengthens the application of antitrust laws to the holding company operations and it brings banks controlled through partnerships under regulation for the first time. It also wipes out the exemption for holding companies in the labor and agricultural fields. They will face the same regulation as any other holding company.

Overall, the legislation requires that the activities of a bank holding company be "functionally related to banking" and spells out guidelines for the Federal Reserve in determining what is "functionally related."

In short, the bill—with a minimum of ifs, ands, and buts—clearly separates the business of banking from other businesses.

My friends, I do not think that any objective person could argue that any of these provisions are "excessive" or "radical." This is a simple bill to do simple justice.

The bill of course does provide your industry protection from take-overs by the banks. It also provides great protection for the insurance agents who have been plagued by the one-bank holding companies. But I hope you will look beyond your own industry at the broader implications for the entire economy. It is here where the bill has its greatest impact, not only for the insurance industry, but for the future of the entire nation.

The bill is now in the hands of the United States Senate. It would be improper and nonproductive for me to speculate on what the Senate Banking and Currency Committee might do, but I am very hopeful that we will have an early resolution of this most pressing economic question. Delay in enactment of a strong and effective holding company bill will create lasting damage to the economy and will make more difficult the establishment of effective regulation. The House has spoken in overwhelming and very plain terms in favor of strong regulation.

This is one of the biggest challenges we face and I hope that on final enactment this legislation will go down as one of the great milestones of the 91st Congress . . . one of the great victories for the people.

The victory in the House was aided by many groups and people who saw the holding company dangers clearly. I want to thank everyone in the insurance industry who participated in this fight.

And I want to thank you very much for inviting me here today.

INTEGRATION OF PRINCE GEORGES COUNTY SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, as a result of the decision of the Prince Georges County School Board to accept HEW's school desegregation proposal, many citizens have asked me what can be done to prevent this ill-conceived proposal from being implemented.

I have repeatedly made clear my opposition to this plan but, at this time, my hands are tied. By accepting the HEW proposal for the Prince Georges County school system, the school board has capitulated to HEW's demands and has eradicated any possibility of further Federal-county negotiation.

Since 1968, when HEW officials in Charlottesville first released a plan to county officials, I have been embroiled in this dispute and have made every effort to exert influence to break the deadlock in favor of a reasonable and acceptable solution. We were instrumental in getting the original proposal withdrawn because it was based on inadequate data. I have met with the parties involved, individually and collectively. I, or my staff assistants, have attended numerous meetings with county and Federal officials in an effort to resolve this dispute. I have sent letters to various authorities challenging various points. I have made speeches soliciting the involvement of school groups and civic organizations in this problem. I have met with parents, teachers, and other concerned individuals.

Mr. Speaker, on September 17, I called to the attention of my colleagues, Vice President AGNEW's speech before the Conference of Governors in Williamsburg when he enunciated administration opposition to the use of busing to artificially achieve racial balance in our schools.

In light of this statement, I called upon the White House to communicate this policy to those in HEW who are responsible for devising school plans. The White House confirmed that AGNEW's statement reflected the administration's policy. HEW is still violating this guideline.

In April of this year, the Health, Education, and Welfare Regional Office in Charlottesville, Va., issued an ultimatum to the Prince Georges County School Board to integrate all schools in the county or lose all Federal aid. At that time, I opposed the proposal because I failed to see how the proposal could be implemented without busing.

In spite of the official position of the Nixon administration, faceless bureaucrats are able to flout the President's wishes and the wishes of the American people. The American voters elected Richard M. Nixon because they supported his policies as he enunciated them during the campaign. They did not elect these faceless bureaucrats.

I will continue to do everything in my power to see that the plan accepted by the board is never implemented but my options have been closed by the board's decision. Nevertheless, I do intend to speak again with Health, Education, and Welfare Secretary Robert Finch about this reprehensible plan which will seriously disrupt the education of our children.

My most fundamental and often-stated objection to the HEW plan is that it responds only to a short-term problem while it does not even take into consideration the resolution of the long-term problem of education in our county. I have stated time and time again that, while I am vigorously opposed to school segregation, I am also equally opposed to interfering with the education of children to artificially achieve integration through busing.

The long-term problem is the underlying social malignancy of racial prejudice. It makes absolutely no sense to mix education with racial prejudice. It is grossly unfair to the children to bus them from an all-black neighborhood to an all-white school for the purpose of bringing the races together, when, at the end of the school day, the Negro children are bused back into the all-black neighborhood.

We must solve the overriding societal problem of eradicating the all-black neighborhoods and the flight of the whites deeper into suburbia, rather than gloss over this problem with a short-term school desegregation proposal. We must solve the problems of the communities, of housing, of job opportunities, as well as the problem of integrating our educational system.

School Superintendent William Schmidt, in comments before a recent meeting of Prince Georges County elected officials, cited research which alleges that once the racial balance in a school community is above 50 to 60 percent it will rapidly become 100 percent Negro. This is the racial makeup of the Prince George's system and we simply must tackle this factor before we radically change the educational system. Through this current school plan, we are, in other words, treating the symptoms of the problem rather than the cause.

Although HEW officials stated that they would only provide technical assistance to the Prince George's School Board, it is clear that they foisted their integration proposal on the board. The Department of Health, Education, and Welfare is, of course, obliged to carry out the Supreme Court decisions on school integration. I question, however, their interpretation of these decisions and their methods of complying with them.

Fairmount Heights Senior High School was originally established as a Negro institution under a Maryland State law which required a separate school system for the two races. As such, the 1954 Supreme Court decision in the case of Brown against the Board of Education, et. al., issued the mandate that all such de jure segregated schools must be integrated. At Fairmount Heights, the de jure situation is an abandoned concept but the segregated pupil attendance at present results exclusively from the living patterns in the Fairmount Heights attendance zone, thereby making Fairmount Heights, in effect, de facto segregated school. HEW officials, however, will not accept this distinction and continue to argue that the abandoned de jure concept still falls within the purview of the civil rights law which must be implemented. I do not agree.

Ironically, Mary McLeod Bethune Junior High School has been lumped into the same category with Fairmount Heights because of its uniracial student body. Bethune, however, was not a part of the separate school system and therefore does not, per se, fall under the Supreme Court integration edict by any stretch of the imagination. Bethune, like Fairmount Heights, is therefore de facto segregated, but again HEW officials assert that the education of those students must be disrupted by busing in order to artificially achieve integration.

Mr. Speaker, this is a never-ending numbers game, with the children being the unfortunate pawns. Drawing up a busing plan on the basis of black-white ratios today does not solve the problem for next year, when the rapidly changing housing patterns will re-create racially unbalanced schools. To conform to the HEW Alice-in-Wonderland logic will require an entirely new busing schedule next year. The parents have every right to be vehemently upset about this nonsensical scheme which interferes with the education of their children.

These facts, combined with the actions of HEW and the school board, make it evident that there is very little possibility for reversing this idiotic plan. Now that the Prince Georges County School Board has accepted the HEW ultimatum, past endeavors have been made futile, and avenues of rebuttal have been closed.

Mr. Speaker, I think it is reprehensible for these callous, faceless bureaucrats to be so insensitive to the chaotic results of their ivory-tower bungling with the education of children.

LET US ACKNOWLEDGE THE TIES OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON), is recognized for 30 minutes.

Mr. ROBISON. Mr. Speaker, I would respectfully suggest to this House—in the wake of last weekend's massive "peace march" and rally—that the greatest hope now for a rational assessment of our national policy in and for Vietnam lies in acknowledging the ties of peace that unite all Americans, rather than in igniting further the fires of hysteria and disunity.

It is not my purpose, through these remarks, to discourage constructive criticism or peaceful expressions of public dissent within the law—nor the President's understandable urge, indeed his need, to go on defining and defending his plan for ending our participation in the tragic war in Vietnam.

However, in this welter of marching and countermarching—in this developing mood of shouting at one another "You are wrong, and we are right!"—there is, as I see it, a grave danger that the obvious divisions in this Nation over how best to wind up this war can only continue to widen into bitter extremism.

There may be some who will say the Nation has already become polarized over this issue.

Personally, I do not believe that to be the case—but there are signs that the poles, on either extreme, are being radicalized, and this is not as it should be. It surely is not as President Nixon intended it to be.

Reviewing the events of the past 2 weeks—including therein as the two major incidents both the President's address on Vietnam and last weekend's antiwar demonstrations here in Washington—I suspect it can rightfully be said that both sides to the ongoing national debate over Vietnam have picked up strength.

The quarter-million Americans who

braved Friday's wind and rain and then Saturday's biting cold in their "march against death," gained further respectability for the antiwar movement despite the violent side events precipitated by a militant minority of window-smashing "crazies," Vietcong flag-carrying "yippies," and revolutionary-minded SDS types who came seeking a public confrontation—and violence—and found both.

It is one thing to publicly question the patriotism of this element within the present antiwar coalition—for such citizens have no patriotism and are appropriate targets of placards reading: "Our Country—Love It Or Leave It!"

But it is quite another thing—and, I submit, would be a tragic mistake—for those of us who believe President Nixon is on the right track in his plan for bringing this war to an orderly end, to succumb to the temptation to label all those other young people who, last weekend, sang: "All We Are Saying Is, Give Peace a Chance," or those thousands of their older brothers and sisters, or fathers and mothers, who soberly and sincerely joined them in public witness of their yearning for peace as, somehow, equally unpatriotic.

Senator McCarthy, who stood in the midst of these thousands of Americans on Saturday, reportedly told them they were "better witness than the 52,000 telegrams," the White House supposedly got expressing support of President Nixon's policies after his November 3 speech.

That claim, I suppose—in the context of what has been going on around us—is, at best, arguable. For, as all of us here well know from our own experience, it is always far easier to get people to write, to protest, and even to march "against" something, than it is to encourage evidences—let alone public demonstrations—of support—"for" something.

The President—properly intent not only on gaining time within which to hopefully work out his plan for ending the war but also, and most importantly, anxious to preserve both his authority and prestige without which that plan cannot be made to work—has sought to stir up the so-called "silent majority." Based on my own constituent mail which, since November 3, is running steadily at a better than 2 to 1 support level for Mr. Nixon, and based, too, on such as the Gallup and recently released Sindlinger public-opinion polls, I am happy to be able to report that the President evidently has a substantial majority of Americans behind his efforts to resist any speeding-up of our disengagement from Vietnam beyond the point of "orderliness," on which more in a moment.

Thus, there clearly appears to be a no-longer-so-silent majority of Americans willing to give Mr. Nixon the further time he says he needs to wind up this war after his own fashion—and I say that even in the face of such evidence to the contrary as the petitions addressed and delivered to me last weekend as a part of the moratorium exercise, which petitions carry the signatures of some 6,000 persons in the Ithaca, N.Y., area of my district, all in support of the Goodell resolution in the other body which calls for the withdrawal of all U.S. troops from Vietnam before December 1, 1970.

This is impressive evidence of the same kind of support the Gallup poll found for Senator Goodell's idea—even though I have since had a few letters from Ithacans who signed the petition saying, now, they are being used in a manner they had not contemplated, and asking to have their names removed therefrom. In any event, I am impressed, though I must still ask to what extent—appreciable, I suspect, if undeterminable—these petitions merely bear evidence of the fact that most Americans are fed up with this war and simply want disengagement as soon as possible.

Even so, such petitions—like Saturday's demonstration—serve as a chastening reminder to the President, and to his supporters, of how limited the time he may have gained really is. Mr. Nixon would appear, therefore, to still be engaged in a race against the clock of public opinion—a race I think he deserves to win, but one which, to my mind, he can only win by keeping the American people fully informed about his efforts, and their effects, and by so modulating his voice, and the voices of those around him, as to do nothing to further deepen the divisions in our midst.

This, then, would be at least one measure of the President's continuing responsibility. But what, now, of the antiwar movement, itself—or, at least, the more responsible elements therein?

Moratoriums, marches, and public demonstrations, we all agree, add up to an appropriate and, if nonviolent, lawful method for shaping public opinion and the governmental policies that eventually reflect the same. However, there is one salient trouble with such a method—at least in the present situation—and and that is, it has nowhere, evidently, to go but up. Each month from now on—that loose coalition that presently directs the antiwar movement holds to its developing pattern—the latest protest will have to be aimed at somehow outdoing its predecessor, both in numbers of people involved and in drama, or else the appearance of a weakening and waning effort. As the New York Times recently noted editorially, in connection with this, "ever larger demonstrations against ever stiffening official resistance will eventually lead to violence—and—the cause of peace will not be served if disagreement over how to end the war in Vietnam is allowed to degenerate into conflict in the streets of the United States."

Mr. Speaker, I believe there to be an increasing danger, stemming from the planned, built-in escalation of the protest movement as it as so far developed, that ought to be so evident to the responsible leaders thereof as to cause them, at once, to begin to focus their energies on some more manageable forms of protest, of which numerous possibilities would seem to be at hand.

And this, then, would seem to be, at least, one measure of such leaders' continuing responsibility.

To which measure I would like to add a need for them to consider ways to disassociate themselves from—if they can no longer control—that radical, violence-prone minority of dissidents they find, uncomfortably, in their midst. I recognize the fact that the loose antiwar coalition that has been formed has grown rather "like Topsy," but I do not accept that form of apology for its undesirable elements which merely argues that the way to end this war is to so act as to bring together all who wish it to end, whatever the ulterior motives of a few.

Tom Wicker, writing in the Times this week, Tuesday, argued that the protest movement is "not a fringe group of violent extremists—not a small and unreasonable minority—but a serious, sizable, sustained element of American politics that while it may not be a majority, is active, growing, determined and here to stay."

That may be true, Mr. Speaker, but I would suggest one of the best ways for establishing it as such would be for the leaders of that vocal minority to end, now, their association with Vietcong flag-carrying extremists who can offer no better argument against the Nixon disengagement policy than endless chants of "Ho, ho, Ho Chi Minh."

In any event, Mr. Speaker, as this developing drama continues to unfold around us here in the Congress, where the dominant note of the moment seems to be one of increasing support for the President—as may soon be evidenced by House passage of a brief resolution to such effect—let us see, if we can, whether or not the issues that separate the President and his supporters from the antiwar protestors are not fewer in number than they seem and, thus, the gap dividing so many of our citizens with different points of view over how best to end this war less wide than it seems.

I believe this to be the case, even despite the surface signs of polarization—a mood based on mutual misunderstanding compounded by emotions—and it is this theme I would like to try to develop during the balance of these remarks.

There are two major complaints about the President's policy that are common in what I am hearing from my constituent protesters.

The first is that, despite what President Nixon has said and done about Vietnam, nothing has really been changed; that, in other words, he has merely adopted the Johnson policy, thus making this now "Nixon's war," and that we are nowhere nearer the end of it than we ever were.

The second relates to the troubling questions we all have about the Thieu-Ky regime—questions that, I am sure, are shared by the President, and which the antiwar movement would resolve by simply having us withdraw our support from that government, arguing that this is required if the war is ever to end.

Let us examine each of these questions further.

Vermont Royster, writing in a recent edition of the Wall Street Journal, has said with relation to that first question:

> One of the interesting things about great tidal events is that the sweep of them often

> changes long before those caught up in their midst are aware of it. This is particularly true of wars, where only retrospect shows that the tide turned at Gettysburg or Midway. But it is also true in political tides, where the turmoil of the day obscures the deep movements that have already altered the flow of events.
>
> Thus it is possible, and I think it quite likely, that the turn in American policy toward Vietnam has already come. That is to say, we are *now in the process of liquidating that war. More, that the end is going to come faster than the hawks fear or the doves hope.*

Mr. Speaker, as I have been saying for months, Mr. Nixon has one goal in mind—and could have no other—and that is, to bring this war to an end as soon as possible, but also under the best possible circumstances, keeping in mind—as he should—the posture and commitments of the United States not only in Vietnam but elsewhere in the world.

To those who were disappointed in what the President said—or did not say—about all this on November 3, let me suggest their consideration of the fact that the President's actions are more important in this respect than his words.

And those actions include, among other things, the first withdrawal of American forces from Vietnam since our involvement in the conflict began.

Those troops withdrawals have been substantial—from a top of about 550,000 men in Vietnam as of several months ago to 489,200 U.S. forces on duty in Vietnam, according to the Department of Defense, as of this November 13, with another 5,200 men to be redeployed from Vietnam by December 15 to meet Mr. Nixon's goal of 484,000 troops left on duty there by that date.

Mr. Speaker, let me say in this connection that I am amazed at how many persons, confused by the ongoing rotation policy of Vietnam forces, somehow think Mr. Nixon is putting troops back in Vietnam faster than he is taking them out, for that simply is not true as our forces in the war zone are now at their lowest level since the end of 1967. Perhaps it would help if the Pentagon would keep the public better advised than it has been about what is being accomplished in this respect.

In any event, by adopting a policy of "protective reaction," the President—as Commander in Chief of our Armed Forces in Vietnam—has created a situation amounting to an informal cease-fire in Vietnam, something clearly reflected in the declining numbers of U.S. casualties.

And let us not forget, in urging as some now do a more formal cease-fire upon the President, that the United States and the South Vietnamese Government accepted more than a year ago the cease-fire proposals as made by the United Nations' U Thant, and have advanced such proposals regularly since then, in the Paris talks and elsewhere, only to have them regularly and cateogrically rejected by Hanoi.

Beyond these actions, Mr. Nixon has wisely been pressing the rapid "Vietnamization" of the war—expediting the equipping and training of South Vietnam's own forces so as to enable them, as they have been doing, to take over an increasing share of the burden of combat in a war which is still "their war"—and thus reversing the terrible blunder we made in early 1965 in assuming we, somehow, could "win" that war for them.

Now, of course, the antiwar protesters say this cannot work—that a South Vietnamese Army that has not fought well before cannot be expected to do so on its own now. But, in so arguing, they ignore the fact that, once we mistakenly took over this tragic war, for months and months we never even gave the South Vietnamese Army a chance to see what it could do—and precious little training and equipment—a situation that takes time to reverse.

I do not know, Mr. Speaker—the President does not know—if "Vietnamization" of the war now will work.

Surely, it cannot be made to work by a specific deadline—whether the same is merely carried in the President's head or is imposed upon him by an impatient Congress that has been lead to believe by the antiwar movement that, if we will but just quit the war, our agonies will cease.

As to that thought, Mr. Speaker, let me return for a moment to Vermont Royster's words from that same column I referred to earlier:

> What we have to face now as a country is what men sometimes have to face in their private lives, an agony for which there is no balm. We are going to withdraw from the war in Vietnam not because it is a good solution but because we cannot do otherwise.
>
> So be it. But those who tell us there is no better or worse way out, that we should just quit without trying to make the best of the worst, those people, it seems to me, do us no service. *Surely it would be better to leave behind a South Vietnam with a chance of surviving on its own than to leave only chaos.*
>
> That might not be "victory," since it would still leave much in the balance. It would not remove others' doubts of our resolution; it would not end the divisiveness within. But it would not be total "defeat" either; none at all if a viable South Vietnam survived, since our original objective was simply to prevent the take-over of South Vietnam by force. *Anyway, it is worth a try.* The measurement of us as a nation, as of a man, is not that we avoid all blunders but how we meet adversity.

Mr. Speaker, I believe Mr. Royster has summed up for me why I find myself in President Nixon's corner. Not out of simple patriotism. Not to "save face"—because we have very little of that left to save, now, in Southeast Asia. And surely not for political reasons.

But, purely and simply because I believe what Mr. Nixon is trying to do is the right thing for this Nation to try to do in the terrible dilemma in which it finds itself.

Now, then, if we hold to this course—which means if American public opinion will permit the President to do so—what are the chances for negotiating a political settlement of the war that would cut short the time we need to "Vietnamize" it?

Frankly, Mr. Speaker, it is very difficult to say.

Hanoi's intransigence has become a familiar part of the record—and it is Hanoi with whom we really must deal rather than the Vietcong or its political arm, the NLF.

It is increasingly clear—at least to me—what Hanoi really wants.

And that, I think, is not simply the "unconditional American withdrawal" from Vietnam that it demands at Paris—a demand seconded by most of the antiwar protesters—but an American withdrawal accompanied by the imposition of a "coalition government" on the people of South Vietnam; something that clearly ties in with our antiwar protesters' argument that this misbegotten war cannot end so long as we continue to support the Thieu-Ky regime.

I think it is beginning to be obvious that the Vietcong-Hanoi axis is not interested in "free elections" of the sort we have repeatedly offered them—even as arranged through a "coalition electoral commission" of the type we and President Thieu have repeatedly offered them under which they would have a say about who would vote and how the votes would be counted, which is an all-important factor in Asian attempts at the democratic process. And I think it is equally obvious that they lack confidence in their popular support and their political organizations in South Vietnam under the conditions now pertaining there; so much so, that they want the United States to do the ultimate job for them.

Now, Mr. Speaker, let me say again—if I need to—that neither South Vietnam's President Thieu, or its Vice President Ky, fit my ideal of what popular, democratic leaders ought to be. As we know, their sharper critics here at home have far unkinder words for them than that—"corrupt" and "unrepresentative" being among the least of them—and indirectely advance the thought that, somehow, just as Hanoi has always claimed, the NLF is "the sole, legitimate representative of the South Vietnamese people."

I find this latter thought, Mr. Speaker, very difficult to accept—whatever deficiencies there may be in the Thieu-Ky regime's claim to political legitimacy, there are far more in the NLF's competing claim; all of which leaves me convinced that the antiwar movement must offer us some more useful suggestion for our getting around the reality of Thieu and Ky than simply abandoning them, and the South Vietnamese people, to their fate.

On last October 6, Tran Buu Kiem, chairman of the Hanoi-controlled South Vietnam Liberation Student's Union, wrote an open letter to the organizers of the October 15 "moratorium" here, stating among other things that the only way to end this war was through responding "to the 10-point solution of the Republic of South Vietnam's provisional government—the NLF—by quickly withdrawing all U.S. and satellite troops from South Vietnam, without imposing any conditions, and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs."

If we did not decide to do just that, Tran Buu Kiem then said we would be "entering a new seething and violent struggle phase."

It would be my judgment, Mr. Speaker, if we were to do what Tran Buu Kiem thus suggested, that we might well be "out" of this war, but the people of South Vietnam would thereupon automatically enter upon "a new seething and violent struggle phase"; and that hardly seems in line with the responsibility we have accepted, no matter how unwisely. In saying this, let it be understood that I am not equating "responsibilities" with "commitments" in this connection, tending to agree with George F. Kennan's recent suggestion that we surely are not committed "to holding the South Vietnamese regime up by the scruff of the neck like a limp puppet forever."

Mr. Kennan—first director of the State Department's policy-planning staff and a long-time critic of our involvement in Vietnam—was reported as having "attacked" the Nixon Vietnamese policy in these comments of his from which the above quotation was taken. But a fuller reading of what he said on this occasion makes him out as advocating, only, a speedier withdrawal from Vietnam, during the course of which he says:

> Let us do all we can to *prepare the South Vietnamese regime for its additional burdens*, giving it whatever it needs in the way of military equipment and training to meet the political competition it has to face. But then let us *really* withdraw. What remains is their task, not ours.

I certainly do not disagree with this analysis of what we should do—nor, I suspect, would President Nixon for it seems to me that this is precisely what Mr. Nixon has in mind, and that this is what "orderly withdrawal" means.

Besides which, please note—and it is a warning I would wish to echo—Mr. Kennan said:

> But withdrawal from Vietnam is at best a delicate operation. The only person who can arrange and direct it *is the President*.

Now, does this emphasis on "orderliness" means—as one of South Dakota's Senators in the other body recently charged—that we are saying we are willing to turn "the war over to the South Vietnamese only if we are certain that they are able to carry the load—which is the same as proposing that we stay in Vietnam indefinitely?"

Not at all, in my judgment, Mr. Speaker—although I must admit the President's speech on November 3 might be read in different ways in this connection, giving evidence, I suppose, of his understanding of the fact that he knew he was speaking to Hanoi as well as to the American people on that occasion. Now, surely, some fuzzing of this question was appropriate, for Mr. Nixon must want Hanoi to be uncertain of America's ultimate intentions in South Vietnam since Hanoi, evidently, has long felt that American public opinion would eventually force their President, whoever he was, to end the war on Hanoi's terms, and Hanoi's terms only. And Hanoi's willingness to negotiate anything in earnest with us depends, for the future, on a substantial majority of the American people being willing—as I believe is now the case—to give the President time within which to work out his "Vietnamization" policy, and our withdrawal from combat, to whatever ending that policy may, for better or worse, produce.

Whether that end result will be "better" or "worse" is something no one now can predict. It depends on many, many factors—not the least of which, I think, from the standpoint of making the best we can out of a bad situation, is an American President with all his options open, and with the widest possible public support he can muster behind him.

And it is more important to watch what Mr. Nixon does from now on than to listen to what he may say—or feels he has to say—and thus what the antiwar protesters might now try to understand is that he has put us on an irreversible course leading to the end of this war; that the first withdrawal of our troops, as ordered by Mr. Nixon, if not the end of this war for us, was far more than an end to the beginning, but the beginning of the end, and that we can come out of this agonizing period we are going through a wiser Nation, even a stronger Nation, if we now meet it well.

Thus, to sum up, Mr. Speaker, both sides to the currently intensified public debate over how best to end this war are, to a certain extent, right; both carry heavy public responsibilities; each owes the other a larger measure of respect than has so far been granted, and their two major points of difference—when considered objectively—are far less substantial than they have been made to seem.

ENVIRONMENTAL PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, a controversy has raged in Minnesota over the authority of the pollution control agency of the State of Minnesota to set stricter standards regarding radioactive pollution than that set by the AEC. Technical advice was provided to the pollution control agency by Dr. E. C. Tsivoglou. An interesting exchange of correspondence has occurred between Mr. H. J. Dunster of the United Kingdom Atomic Energy Authority. In order that my colleagues might have the benefit of this exchange I now provide these letters:

A MODERN POLICY FOR ENVIRONMENTAL QUALITY PROTECTION

(By E. C. Tsivoglou, professor civil engineering, Georgia Institute of Technology)

Until a year or so ago I could appear before a group of people secure in the knowledge that some were friends and some were strangers, but that *strong* emotions regarding my work were quite scarce if not completely absent. This seems not to be the case any longer.

About a year ago I undertook an assignment for the Pollution Control Agency of the State of Minnesota, namely, to advise the Agency regarding the control of radioactive pollution from the first major nuclear power plant in the State, at Monticello, Minnesota. Last February I delivered my report on this matter to the State. Since that time I find an increasing number of individuals, within the State and without, who seem to feel very strongly about my work and about me as an individual—even though most of them are not really familiar with the work in Minnesota and are not acquainted with me. As reported recently in Life Magazine, on the one hand I seem to be regarded as a conservationist who is trying to impede the development of the nuclear power industry, while on the other hand there are those who seem to regard me as some sort of industry representative who is trying to whitewash the nuclear power industry, and permit it to ruin our environment. I like to think that this contrast of extreme views may be the best evidence that we are succeeding in Minnesota in developing a rational and modern policy for the control of radioactive wastes from nuclear power plants.

I mention this situation because in its way it illustrates the nub of one of the real problems facing us in any attempt to establish a rational policy for the control of any kind of pollution, radioactive or other. In essence, we tend to be extremists of one kind or another—we seem to have to choose sides—the good guys and the bad guys—instead of seeking the truly moderate, rational solution that can provide positive protection for both the environment and industry.

To define these extreme views a little better, on the one hand we have the traditional industrial representative who takes the position that industry must not be required to waste its wealth on pollution control unless we can prove beyond all shadow of a doubt that the pollution has damaged someone or something. A friend of mine used to call this "the dead body in the morgue approach." On the other hand there is the extreme conservationist who refuses to be satisfied with anything less than pristine purity of the environment—for him, absolute zero is the only acceptable goal of pollution control. Of course, a large number of people are not extreme in either sense—but they also are less vociferous.

We have found both extremes in Minnesota, to say the least. I suggest that both provide a service to society, in that together they tend to force the choice of reason and moderation. But the extremists, in their zeal, also tend at times to becloud the issues, to perpetuate doubt beyond the limit of reason, and thereby to delay real progress.

Simple observation tells us that the general quality of our environment has been in a phase of gradual deterioration for some years now. It requires no elegant or sophisticated scientific analysis to demonstrate this—only the simple reactions of our senses of sight, smell and taste are needed. The facts tell us that our recently expanded federal and state pollution control programs have as yet failed to reverse this trend of deterioration—we seem unable even to keep pace with the ever-widening problem of environmental contamination. Even a cursory examination of the recent history of environmental pollution shows that a more positive and better coordinated approach to the whole problem of air and water pollution control is a necessity if we hope to adequately protect the public and to preserve the environment in a desirable condition.

I would like now briefly to review the approach to pollution control that has been traditional in this country for many years, and to analyze it in terms of its consequences, as a means of understanding how the current situation has come about and as a means of seeking a more effective solution.

THE TRADITIONAL APPROACH TO POLLUTION CONTROL

The traditional approach to pollution control in this country has been defensive and negative. This approach has developed over a period of 60 years or more from an initial, basic, philosophy of *using* the environment to its maximum capacity to carry away wastes. The environment has been thought of as having a "self-purification capacity" that can and should be legitimately used for waste disposal. In this way, of course, the costs of waste control and disposal could be minimized, and it has been an accepted idea that to require additional waste treatment would be to place an unreasonable economic burden upon industry and to prevent the legitimate development of industry. "Dilution is the solution to pollution" was therefore the watchword not too many years ago. So long as no obvious damage could be shown, wastes from communities and from industry could be released to the environment without further justification.

It thus became the practice to establish environmental and human protection criteria that were based upon a concept of obvious or provable harm. For instance, limits on the concentrations of toxic metals in streams are established on the basis of preventing fish kills. Once such limits are established, of course, they become "dumping limits" in the traditional sense that the costs of pollution control are customarily minimized by releasing the maximum amount of waste that can be released without exceeding the established limit in the stream. This procedure takes maximum advantage of the capacity of the environment to dilute and disperse wastes. Quite obviously, it also results in the maximum tolerable pollution of the environment.

In the earlier part of the century, this developing approach to pollution control did not cause too much concern. Industrial plants were fewer then, and smaller, and if the stream flowing through a factory town was too polluted, trout could be found in another stream just a few miles away. The kinds of waste were simpler, and the quantities smaller. The occasional fish kill was isolated, relatively small, and not very widely publicized. If the local factory occasionally released a noxious waste from a low stack, people could get used to the smell and could escape to the nearby cleaner countryside without much difficulty. In brief, the situation was generally tolerable, and for a time, no doubt, dilution did seem to provide an adequate solution to pollution.

This situation has changed radically in the past 20 to 30 years, and in attempting to predict the future I find it helpful to identify the reasons for this change. Three factors in particular seem to have combined to create the current problem—they are, first, the great technological advances that have been made since World War II, secondly, the concurrent major population expansion, and, thirdly, the fact that this has in truth been an affluent period. American industry is now capable of developing new useful products for society at an ever-increasing rate, and little time is now lost between discovery and production in very large quantities. Highly effective sales campaigns can now be waged through the communications media, and "instant demand" can be developed. At the same time, an increasingly affluent public has quickly accepted and purchased products such as pesticides, sugar substitutes, weed killers, detergents and automobiles in tremendous quantities, and the population "explosion" has added to the demand.

This combination of circumstances has introduced two additional factors that must be considered in any attempt to develop a more rational and effective pollution control program. First, the time gap between initial development and subsequent widespread use of such new products has virtually disappeared, in the sense especially that the new product now becomes available in great quantity long before any associated harmful human or environmental effects can be fully evaluated for proper control. The development of the pesticide industry, the quick growth of the diet soft drink industry, and the more recent development of the new enzymatic washing compounds provide excellent examples of the speed with which new products can come into wide use.

Secondly, the wastes produced by modern industry are more varied and complex, and we have seen the emergence of a new class of environmental contaminant that is the least obvious and yet potentially the most harmful. This class includes contaminants such as radioactivity, chemical carcinogens, pesticides, and cumulative poisons, for example. Chronic human exposure to apparently quite low concentrations of such contaminants, over long periods of time, may cause harmful effects that are subtle and difficult to perceive, yet real. Such effects may include the causation of specific diseases such as leukemia and various other cancers, lung and respiratory disorders, and mutagenic changes, as well as heightened susceptibility to a variety of human diseases and shortening of the potential life span. That such harmful effects may be difficult to identify and demonstrate does not prove that they are insignificant. On the contrary, the very fact that they are not obvious or readily demonstrated makes the potential hazard from these contaminants all the more insidious.

It seems eminently clear that the traditional defensive approach to human and environmental protection is a dismal failure in these modern times. This is amply demonstrated by an increasing series of unfortunate examples such as the gradual ruin of one of our five Great Lakes, the great fish kill a few years ago below a pesticide production facility on the Lower Mississippi River, the smog-related ailments that have been associated in good part with the exhaust fumes from automobiles, the patches of denuded countryside, and the air and water that just smell and taste bad. We should not ignore, either, the mounting evidence that some persons are more susceptible to harm than other, as shown by the recent history of problems associated with drugs like thalidomide and food additives like the cyclamates, and even vitamin pills.

Such examples from the past clearly foretell the future. Dilution is *not* the solution to pollution, and pollution control after the fact doesn't work. To perpetuate the old concepts of maximum use of the environment for waste disposal and of environmental limits that become "dumping limits" is to guarantee the further steady deterioration of the environment. This old approach leads inevitably to what I call "the barely tolerable environment." We may learn to tolerate it, and most of us will undoubtedly survive it, but very few of us will enjoy it.

A MODERN POLICY FOR HUMAN AND ENVIRONMENTAL PROTECTION

Any modern policy for the protection of the public and the quality of its environment must satisfy certain requirements if it is to be a successful and effective policy. In the first place, it clearly must be a policy of preventing excessive pollution, rather than trying to clean it up after the fact. We have learned, for example, that an aquatic environment, once destroyed, takes many years to fully recover. The same is true of a denuded countryside. Clearly also, to be effective, a modern policy must be capable of reversing the current trend of steady deterioration. Its principal goal must be an enjoyable, desirable environment. With all due respect and admiration for our capitalistic society, the main goal is not how much can I save for the stockholder—let us remember that these days the public *is* the stockholder.

In particular, a fully modern policy for protection of the public and the environment must protect the weak as well as the strong. These who are, by circumstances of fate, more susceptible to harm are not expendable, and no policy that fails to protect them can be successful in any long term sense. Thus, the concept that is prevalent in the nuclear industry of protecting "statistical man", or the *average* man, is not acceptable over the long haul. I think that we must do better than just protecting the average man!

Furthermore, any modern policy for effective pollution control must solve the problem of multiple sources of pollution in a river or air drainage basin. It is not enough to control environmental contamination from one source at a time—the whole effect of a group of varied sources must be controlled, otherwise life in our urban environments will fast become untenable, and our rivers will simply accumulate wastes as they proceed to the sea. Nor can an effective pollution control policy continue to ignore the synergistic effects of different pollutants.

A really effective environmental pollution control policy must also recognize that the environment has no "self-purification capacity" for many of the wastes that we release to it today. The 'hard' detergents of a very few years ago provide an excellent example. Some of our wastes, once released, will simply circulate indefinitely throughout the air, water and terrestrial worlds, without being appreciably diminished in quantity. They will thus accumulate indefinitely.

Finally, if we are to have truly effective protection of the public and its environment, we must be willing to admit that our real level of knowledge regarding the collective and cumulative effects of many of the wastes we produce today is pitifully weak. I do not seek here to minimize or to deprecate the knowledge that has been earned by the many researchers in this field. On the other hand, I think we must face the fact that there still are a great many.

What have I described by way of a modern policy for human and environmental protection? In its very essence, I have described a policy of minimizing rather than maximizing pollution of any sort. This is a policy, then, of how much can I hold back, rather than how much can I dump, of how clean and desirable can I keep this world, rather than how much contamination can I endure. Platitudes such as the benefit vs. risk philosophy so widely quoted in the nuclear industry have no place in such a policy—not only do we have no way of evaluating either benefit or risk with any meaningful degree of accuracy or precision, but the very philosophy implies a willingness to tolerate any level of risk if there seems to be an associated substantial economic benefit.

I trust that I have now left you with the feeling that I, too, have presented you with a platitude, namely, to minimize rather than maximize pollution. Simply said, but how to accomplish such a goal? Although the following procedure is not regarded as perfect or complete, it does seem to satisfy most of the requirements of a modern pollution control policy.

Rejection of the old concept of environmental dumping limits implies control of pollution at the source as the only practical logical alternative. There must always be general limits that cannot be exceeded in any event, and these will depend, ultimately, upon the effects of pollution in the environment. However, such limits are not easy to establish, and it must be recognized that they are usually quite imperfect especially because of our lack of knowledge of the ultimate effect of long term chronic exposure. Hence, such general limits can only be maxima, and it must be understood that it is highly undesirable for pollution to reach such levels. Control at the source, then, means minimizing the amount and concentration of pollution in plant effluents in every practical way, so as to keep environmental pollution as far below those ultimate limits as possible.

This means also that each source of pollution must be regarded as individual, as one plant will be able, in a practical way, to do a better job of minimizing pollution than another of similar type. It means also, then, that there can be no single or general affluent standard for all sources of pollution or even for all plants of similar type, say, paper mills. Instead, it means that we need to determine the practical minimum release on a source by source basis. It should be noted here that recycle of waste waters and complete containment of plant wastes is not always a practical impossibility, as an increasing number of industrial plants accomplish this now.

In determining the practical minimum release at any plant, it appears that only two questions need be answered. The first, "Is it technologically feasible to reduce effluent waste content?", will usually have an affirmative response. The second question then must be "Is it economically reasonable to do so?" This is the question that has always been difficult, and I can offer no easy solution. However, it seems obvious that this question of cost must be answered if there is to be any hope at all of establishing a modern and effective pollution control policy. This question cannot be and should not be evaded. The oft-heard responses "It would put us out of business", or "We will have to move our plant to another state", cannot be accepted. In the final analysis, the responsibility for a decision on the question of cost must rest with the public agency, usually at the state level, that is responsible for the regulation of pollution. It is vital that this pollution control agency be both firm and moderate in meeting this responsibility. Hopefully, in doing so the agency will have the real cooperation of industry, but the responsibility must be met with or without such cooperation if the pollution control policy is to be truly effective.

Clearly, if the answers to both of the foregoing questions as to technological feasibility and reasonableness of cost are affirmative, the problem is solved. In accordance with the policy of minimizing pollution, the waste treatment and control procedure in question should be required.

As I indicated earlier, the foregoing procedure for pollution control is not regarded as perfect or complete. However, I believe it offers a practical beginning, and a very necessary one, if we are to reverse the trend of the times and establish a modern policy for the protection of the public and its environment.

APPLICATION TO THE NUCLEAR INDUSTRY

In point of fact, the policy for pollution control that I have just outlined has been developed in part from the approach recommended for the nuclear industry by the ICRP and other responsible sources. The two approaches are not identical, although they contain many common features. I should emphasize, however, that they are in complete agreement on the point of minimizing human radiation exposure and radioactive contamination of the environment, as there seems to be some confusion on this matter. There are those who prefer to work only with numbers, i.e., the MPC's, recommended by the ICRP, and to completely ignore the ICRP admonition that the numbers must be treated as maximum rather than dumping limits. This can only be regarded as a plea to retain and perpetuate the old approach to pollution control—the approach that leads to the barely tolerable environment.

It should be emphasized that there is nothing magic in numbers like the MPC's. They have been lowered in the past, and some of them will undoubtedly be lowered again in the future. So there is no real comfort in knowing that a particular MPC has not quite been exceeded. The only real security lies in knowing that such a number has not even been approached.

The ICRP does not advocate the use of effluent limits, at least directly, whereas the policy that I have proposed does include this primary means of positive control at the source. The only alternative, control based upon environmental monitoring, is not only more costly, but is also decidedly less certain. It leads too strongly toward the old idea of environmental dumping limits. Finally, any improvement that may prove necessary must be effected within the plant process, and must be based upon accurate knowledge of effluent quality. Hence, for a variety of reasons it appears to me that control and regulation must be based upon effluent quality, before dilution and dispersal in the environment, if such regulation is to be effective.

There is some tendency in our nuclear industry to look upon the numerical limits contained in the AEC Regulations on Licenses (10 CFR 20) as dumping limits. Indeed, a careful reading of the language contained in 10 CFR 20 does indicate clearly that the individual numerical limits will be treated as environmental dumping limits. Even though I accept the public assurances of the AEC that its real policy is one of minimizing radioactive pollution, I regard it as extremely unfortunate that the legally binding 10 CFR 20 contains the opposite, old policy. Among other things, that old policy neglects and avoids the direct guidance of the Federal Radiation Council, which has stated in quite emphatic language that the policy of all federal agencies shall be one of minimizing radiation exposure.

Let us now consider the Monticello, Minnesota, nuclear power reactor as a case in point. This is a 550 megawatt-electric boiling water reactor, the first large reactor to be operated in the state. It is scheduled for full power operation next spring. It is located some 30 miles or so northwest of the Minneapolis-St. Paul metropolitan area, on the Upper Mississippi River. The river downstream provides the water supply for the Twin Cities. Other nuclear generating plants planned for this area include plants at Prairie Island, south of the Twin Cities, and an additional tentative site under consideration by the power company would locate a plant more or less west of the metropolitan area. The total electric generating capacity of this group of plants surrounding the metropolitan area would be 3,000 megawatts or more.

A permit for its Monticello plant has been issued to the power company by the Minnesota Pollution Control Agency. The permit contains numerical limits on radioactive releases to the environment. These limits are considerably more stringent than might otherwise be allowed under the current AEC regulations. Certain of these limits, particularly those pertaining to liquid effluents, are based in good part on statements that have been made by the power company in its Final Safety Analysis Report and elsewhere. In those cases, the concentrations and quantities expected by the power company were sufficiently low as to be entirely safe, and were presumably practically achievable limits by the company's own statements. In addition, the permit requires certain further waste control procedures, and specifies relatively extensive effluent and environmental monitoring programs. In brief, the permit that has been issued represents a sincere effort on the part of the Minnesota Pollution Control Agency to minimize radioactive pollution of the environment while not working an unreasonable hardship upon the industry.

From the plans for a group of nuclear generating plants around the Twin Cities, it seems clear that adequate pollution control measures cannot be designed by blindly considering one reactor at a time as though the others had nothing to do with the problem. The power company has requested an AEC operating license that, were it granted, would permit the Monticello plant alone an average stack release of more than 40,000 curies per day, every day. Taken alone, this seems to me to be a lot of radioactivity, even if much of it is relatively short-lived. Considering the potential group of reactors, the discharge from the Monticello plant could represent as little as a tenth of the combined release from all plants.

The Minnesota Pollution Control Agency has decided, via its permit, that an average daily release of 40,000 curies is not necessary and should not be allowed. It has allowed a fraction of this amount, and has steadfastly resisted the very strong public efforts of some individuals to force a zero release permit.

Various public comments have been made by a number of individuals about the action of the State of Minnesota in this case. Some of the comment has been acknowledgeable and some has not. Some has been favorable and some has not. The power company has filed suit in federal court to show that the state has no legal authority to regulate waste discharges from the plant, and that suit is still pending.

The Pollution Control Agency has requested several times now that the power company provide the Agency with any factual information that the company cares to submit to show that any part of the permit is unreasonable or impractical. As of this date, the power company has submitted no such evidence whatsoever for the Agency's consideration.

SUMMARY

The great technological area of the twentieth century has been accompanied by a traditional policy of maximum use of the environment for dilution and dispersal of the wastes that have been produced by industry and man. This old approach of trying to clean up after the fact of pollution has proved to be incapable of keeping up with our ability to produce wastes of an increasingly complex character and in rapidly increasing amounts. This traditional approach to pollution control leads inevitably to a "barely tolerable environment."

It is proposed, therefore, that a modern policy for environmental protection is now a pressing social need. In its very essence, such a policy must be one of prevention rather than cure, of minimization rather than maximization of environmental contamination. This more modern approach can be quite practical, as evidenced by application to the nuclear industry. It can signal, hopefully, a transition from the current era of technology to a new and greater era of man.

RADIOLOGICAL PROTECTION DIVISION,
HARWELL, DIDCOT, BERKS, ENGLAND,
August 20, 1969.

Dr. E. C. TSIVOGLOU,
Atlanta, Ga.

DEAR DR. TSIVOGLOU: Dr. Sowby has sent me a copy of your final report on "Radioactive Pollution Control in Minnesota" because I was chairman of the ICRP Task Group that prepared ICRP Publication 7. I regret the delay in writing to you, but I had some difficulty in finding time to study the report in adequate detail.

Prompted by *Science*, 7th March 1969, and reading between the lines of your report, I came to the conclusion that there are some special political difficulties associated with pollution control or the introduction of nuclear power into Minnesota, which would make a logical programme limited to genuine needs unlikely to be acceptable to the legislators. I thus read your report in the context of an attempt to get as close to a logical solution in the face of difficulties of this character. Even so, your proposals seem somewhat extreme and could certainly not be related to the recommendations of ICRP.

The following comments are of a more detailed nature and the references are to your page numbers.

16. The central paragraph on this page struck me as being an excellent statement of policy, as did the remark about question and answer on page 20. It did not seem to me, however, that the recommendations of the report were based on these excellent principles.

27. I do not think I agree with the last three lines of this page, in particular with the reference to effluent concentration. I do not think standards for human radiation protection can in principle be related to effluent concentration in any but the most unusual circumstances, when members of the public are directly exposed to undiluted effluent. In all other situations, it seems to me it is the rate of discharge in units of activity per unit time that is related to human protection. A concentration in waste can be halved by doubling the flow of diluent but the dose to people in the environment will usually not be significantly affected by this change.

31 and 34. Both of these pages contain references to the complexity of controlling environmental situations, but I am satisfied that a programme of environmental measurements based on the recommendations of ICRP Publication 7 would require less routine effort and expense than the programme you have suggested and would give a genuine assurance of safety. It would, however, require more effort at the design stage. Nevertheless, I do not necessarily disagree with your argument that the primary standards should be those of effluent discharge. If these are properly assessed and based on discharge rate rather than concentration, they can, and in your circumstances would, give complete control of safety. The monitoring could then be confined to the effluent discharges, apart from some confirmatory checks on possible critical pathways during the first year or so.

42. The ICRP quotations on this and subsequent pages are seriously out of date. In my view, they were never particularly sound and the replacement material in ICRP Publication 9 (paragraphs 44 and 74) and ICRP Publication 7 (paragraphs 14–17) express the policy much more clearly. The earlier approach and your material fail to take into account the effect of critical pathways other than those through air and water. Further, the individual limit of 1/10 was always, in practice, the limiting case. If individuals, including children, are limited to 1/10, then the average population dose is always much less than 1/30 of the relevant dose limits. I think from your text that you are suggesting applying the 1/30 figure to the concentration in the air and water, expressed as an average over a local population, and not over a national population. You are then apparently hoping that this will protect the individual within the distribution of exposures in the local population. This has never been the way ICRP intended these numbers to be used. They were intended as separate limits, both of which had to be considered, and, at the time, the Commission believed that there might be circumstances in which the average population does was the limiting one rather than the dose to individuals. The situation has been further confused by the use of the same factor of ⅓ for providing protection to individuals when monitoring was done by sampling over broad averages, e.g. over whole milk sheds. It is now clear that the figures of 1/10 and 1/30 used for individual and population limits are not both necessary. In any event, they can only be applied to genuinely critical pathways, and if applied to air when inhalation is not the critical pathway, as with iodine, they are demonstrably dangerous.

57. I like the second and third lines of this page and can only regret that you have not achieved your intentions. I can say categorically that the radioactivity standards you have recommended are not based on ICRP recommendations.

59. I must take exception on behalf of ICRP to the first sentence of your item (5). ICRP limits for continuous occupational exposure are expressed in terms of concentrations in air which is breathed or water which is to be consumed or, more fundamentally, in dose to individual organs of the body.

It is a travesty to use these as a basis for limiting the concentration in an effluent, unless the effluent is directly consumed or directly breathed and these are genuinely the critical pathways concerned.

This is not to say that discharge limits cannot be derived from ICRP recommendations. They can and should, but the methods involve assessing a relationship between the discharge or discharges and the doses to critical and other groups. The dose level selected as a basis for control can then be the ICRP dose limit or a lower figure chosen as a compromise based on keeping doses "as low as is readily available, economic and social conditions being taken into account" (ICRP Publication 9, paragraph 52). The needs of the operator and his economic pressures can be considered also at this stage. The final doses to people and the concentrations in air, water, foods, etc. in the environment will not then be directly related to any numerical recommendations of ICRP, but the control structure will be in accord with the general policy expressed in the Commission's recommendations. These methods have the additional advantage of flexibility, in that the numerical limits applied to one operator can logically be made different from those applying to another whose discharges behave differently in the environment. The basic standards are the same, the practical standards can take into account the different environmental situations, and the different compositions of the wastes. Indeed, this flexibility can even be carried to the lengths of expressing the discharge limits in terms of concentration in circumstances where the total volumes discharged are known to be limited and where the quantity to be discharged is very small. A typical example might be a concentration limit applying to hospitals other than those using radioisotopes for therapy. The appropriate limit would be derived on the principles outlined above and would not necessarily bear any relationship to the MPCs for drinking water recommended by the Commission.

61. In your item (c) there seems no justification for discussing concentrations. If an individual assessment is being made in a claim for variance, there is surely no reason why the basis of the claim should not be expressed in terms of dose to individual members of the public rather than in terms of concentration. In any event, you should surely specify concentration in what.

89. I find it difficult to agree with the last few lines of this page because it seems extremely unlikely that an offsite monitoring programme of the type you recommend will contribute anything to elucidating the remaining areas of uncertainty.

112. The first sentence of the paragraph starting in the middle of this page is not convincing to me in regard to the proposed reactor and is demonstrably false in respect of the final few words. There are gaseous wastes from hospitals and other licensed users of small amounts of radioactivity but it is certainly unnecessary to conduct environmental monitoring programmes in relation to these wastes. They are too small for this to be required. Even for the liquid wastes from these users environmental monitoring is usually unnecessary, though many be adopted in areas of high concentrations of licensees. ICRP Publication 7, paragraph 1 makes it clear that the Commission does not expect environmental monitoring programmes round the majority of installations.

135. The recommended programme in this summary table is not consistent with ICRP recommendations. If it is adopted, it will involve the citizens of Minnesota in higher taxes and higher charges for nuclear electricity than necessary. They may wish to incur this additional expense and this is of course their inalienable right. However, I am convinced that they will be getting value for money and am certain that the expense cannot be laid at the door of ICRP.

I am sorry to have expressed these criticisms at such length, but a considerable amount of effort and discussion went into the formulating of Publication 7. It has subsequently been criticised as doing little more than state the obvious, but I am now convinced even more of its importance. I am sorry to see that it has not had the expected impact in Minnesota.

Yours sincerely,

H. J. DUNSTER,
Deputy Division Head.

ATLANTA, GA.,
September 22, 1969.

Mr. H. J. DUNSTER,
United Kingdom Atomic Energy Authority,
Authority Health and Safety Branch,
Radiological Protection Division,
Harwell, Didcot, Berks, England.

DEAR MR. DUNSTER: This is in response to your letter of August 20, 1969, regarding your review of my report on "Radioactive Pollution Control in Minnesota". I supplied that report as a courtesy to Dr. F. D. Sowby earlier, after receiving a request for it from him, and he then informed me that he had sent it to you.

Before responding in detail to your letter, I should first inform you that at a public meeting in Burlington, Vermont, on September 11th, Commissioner Theos Thompson of our Atomic Energy Commission announced his possession of a copy of your letter to me, and had public comment to make regarding its contents. As you are aware, your letter to me is strongly opinionated. As of September 11th I had not had time to respond. Nor did your letter note that a copy had been sent to our Atomic Energy Commission. At this point, then, I can only wonder whether in fact a multitude of copies of your letter have not been quite widely distributed by you.

Taking these circumstances together, I can only regard your actions as a discourteous and highly unprofessional abuse of a courtesy that I extended to Dr. Sowby. I had thought that such sophomoric methods of personal attack were a thing of the past in our field. Under these circumstances, I have no choice except to send copies of this response to persons whom I know or suspect to have received a copy of your letter. I shall do you the courtesy of listing their names at the bottom of this letter.

I do hope that the recipients of this letter and yours to me will in the future demonstrate more respect for the privacy of such correspondence, and not further publish or distribute or publicize such material without the permission of the writer.

It is eminently clear from your letter that we disagree strongly regarding the desirable basic approach to radioactive pollution control. It is evident from your remarks (page 3 of your letter) that you feel that industry should be permitted to make radioactive releases to the environment with complete freedom so long as it cannot be proved that the ICRP dose limits have not been exceeded. Of course, as we both know, in most cases involving ingestion or inhalation and real members of the public, the actual dose can only be calculated, not measured. This approach that you advocate leads directly to the old "numbers game" that has been played for too many years now, to the use of environmental limits as "dumping limits", and to a policy of maximum use of the environment for waste disposal. Your approach would perpetuate the complex play with numbers that involves a mystique that only the "experts" can follow. That approach has led to a great deal of confusion and justifiable mistrust on the part of our public, who, quite understandably, desires a pollution control policy that is both readily understood and effective.

My own approach is quite different from yours, and is, I believe, quite clearly stated in the report that you have read. I prefer to pay more attention to the admonitions of both the ICRP and American authorities such as the Public Health Service and the Federal Radiation Council, all of which have urged that all radiation exposure should be minimized. This leads to a straightforward and readily understood pollution control policy and to a program that minimizes the use of the environment for waste disposal. The basis for my approach has been admirably stated, for example, by the ICRP as follows (see page 44 of my report, and page xxi of the ICRP Report of Committee II on Permissible Dose for Internal Radiation, 1959):

"It is emphasized that the maximum permissible doses recommended in this section are *maximum* values; the Commission recommends that all doses be kept as low as practicable, and that any unnecessary exposure be avoided."

If we are to heed this admonition, it follows quite obviously that any radioactive pollution abatement procedure for nuclear power reactors that is both technologically feasible and reasonable in cost should be *required*. Otherwise, we would be in the position of advocating radiation exposure that is unnecessary. That is the position in which you appear to have left yourself.

In your letter you refer to the above ICRP quotation (and others) as "seriously out of date," and indicate also that in your view it was "never particularly sound". I must respect your right to an independent personal opinion, even though you apparently attempt to discredit the ICRP also. This example alone adequately demonstrates that your comments represent your personal opinions, rather than an accurate interpretation of the ICRP reports. I disagree with you strongly. In my view, the above quotation from the ICRP is extremely clear, is *very* sound, and will never be out of date.

I will now turn to your more specific comments. On page 1 of your letter, referring to page 16 of my report, I have noted that you did find something in the report with which you could agree, namely the statement of policy regarding surveillance. Apparently we disagree, however, on the procedures by which that policy is to be made practical. I will comment further below on the monitoring programs.

Referring to page 27 of my report, you state that you "do not think" you agree with the reference to effluent concentrations. Aside from that apparent uncertainty, you further state: "I do not think standards for human radiation protection can in principle be related to effluent concentration in any but the most unusual circumstances, when members of the public are directly exposed to undiluted effluent." You imply here, of course, that without further justification or discussion people can properly be exposed at the ICRP limits, and the environment can properly be used to its full capacity for waste disposal within that dose limitation. As I have indicated above, I disagree strongly with this approach, and note also that it clearly violates the above principle of minimizing exposure that has been called for by the ICRP.

In your last sentence on page 1, and in your comment on page 2, top, you appear either to ignore or to have missed the several statements in my report that *quantities* discharged, as well as concentrations, must be specified and limited. See, for example, lines 4 through 6 on page 101 of my report, and item (d) on page 103.

In your reference (page 2 of your letter) to pages 31 and 34 of my report, you state: "The monitoring could then be confined to the effluent discharges, apart from some confirmatory checks on possible critical pathways during the first year or so". This implies that environmental monitoring can largely be dispensed with as unnecessary and wasteful. I disagree. In the first place, I am not at all satisfied that the so-called "critical pathways" can be adequately defined before plant operation begins. Nor do I expect them to be necessarily the same at different locations, or to be unchanging over the years. After an initial year or so of extensive monitoring at a specific location and the development of specific relationships between effluent and environmental radioactivity for that plant in that location, then it should be possible to monitor with increasing selectivity and thereby minimize the whole monitoring effort. That is the intent of the monitoring program outlined in my report, namely to develop the most efficient monitoring effort on the basis of real experience rather than so-called educated guesses. You may be interested to know that one quite independent estimate of the first year cost of the monitoring program that I have outlined is $100,000. In view of the capital cost of the installation ($100 million), I regard the estimate of $100,000 as a very small cost of doing business during the first year, a cost that is quite insignificant in terms of the consumer cost of electric power. It should also be noted that our public increasingly requires a *demonstration* of safety and is not now in the habit of blindly accepting the assurances of a handful of wise men.

Your reference to my page 42, on page 2 of your letter, has already been answered in good part. In the first place, you seem to freely disparage and discredit those statements by the ICRP with which you happen to disagree, hence I cannot regard the statements in your letter as anything more than a biased interpretation of the ICRP documents. Secondly, as I have pointed out clearly in the report, I regard the distinction that you wish to make between local and national populations as a rather devious way of saying that people who live near a facility should be looked upon as a little more expendable than people who live elsewhere. I do not like dual standards for the same public, even though I am well aware of the statistical theories involved. My position on this point is clearly stated on pages 57 and 58 of my report.

Your reference to my page 57 (page 2 of your letter) is noted. You may say "categorically" whatever you like—so far as I am concerned, the recommendations referred to are in fact *based* upon the ICRP recommendations, as I interpret the collection of all ICRP recommendations. Let it be understood clearly that I have not said that my recommendations are necessarily identical with those of the ICRP—in point of fact, I suppose they may be regarded as somewhat more restrictive, especially if one chooses only to look at the numbers in the ICRP reports and to ignore the admonition to minimize exposure. I prefer to emphasize that principle of minimization of dose. In brief, my recommendations are designed to provide for the maximum practical degree of protection, rather than the minimum.

Your comment regarding my page 59 (pages 2 and 3 of your letter) is the clearest evidence of your approach, namely to maximize offsite dose and to maximize the quantities of radioactivity that may be disposed of to the environment. Your comment is obviously based upon the premise that the public can be dosed up to the ICRP-recommended limit with impunity, and that curtailment of waste releases need be practiced only if people would be exposed beyond those limits. I do not agree, as I have indicated earlier both here and elsewhere. Nor do I think that the ICRP would buy that premise.

You remark on page 3 of your letter that in order to derive discharge limits from the ICRP recommendations "the methods involve assessing a relationship between the discharge or discharges and the doses to critical and other groups". Have you ever calculated the cost of accomplishing such an analysis *with accuracy*? I do not refer here to educated estimates, but rather to accurate measurements—we can all make estimates at the drop of a hat, but then who will accept them? If you will refer to my earlier work on radioactive pollution of the Animas River you will find that a very limited series of accurate environmental measurements cost about $50,000. I shudder to think of the real cost of a serious attempt to make *accurate* assays of the radiation dose to the population of the Minneapolis-St. Paul area as well as to those living in the near vicinity of the Monticello reactor. My recommendations for minimization of radioactive releases from the power plant are designed to eliminate the need for such extensive survey work by demonstrating the absence of significant or measurable exposure even near the plant. I assure you it will be less expensive.

Your comment regarding my page 61 (your page 3) goes back again to your desire to base control on dose, when we both know that dose can largely only be calculated, not measured. My specification of concentration rather than dose represents the difference between something that can be measured and something that must be guessed at—I prefer my procedure.

Your reference to my page 89 clearly requires no response on my part except to note that we disagree again.

As for your comment regarding page 112 of my report, I have taken it to be obvious that the necessary extent of monitoring in any case depends largely on the nature and magnitude of the source. Hospitals normally represent a very small source compared to a 550 megawatt electric power plant. On the other hand, it does not always follow that examples involving considerable carelessness with small sources. Your comment that "the

Commission does not expect environmental monitoring programs round the majority of installations" seems to have very little relevance to the problem at hand—we are discussing large nuclear power facilities, not hospitals and not sundry trivial sources.

With reference to my summary table, page 135, I think it more accurate to state that the recommended program may be somewhat more extensive than the specific ICRP recommendations on monitoring around reactors. It is not correct to state that the recommended program "is not consistent" with the ICRP recommendations. In any event, far be it from my mind to "lay the additional cost of monitoring at the door of ICRP", as I gladly accept this responsibility myself.

I am pleased to note from the very end of your letter that you do understand that the citizens of Minnesota may have something to say about what they want, and that they do have the right to decide. It is unfortunate that you have not had the opportunity to hear them at public meetings on this matter—you would find some very strong disagreement with many of the opinions that you have expressed in your letter. In America decisions such as those we have been discussing are ultimately made by the public, even though this process may in some cases take years.

There is no reason for you to be "sorry to have expressed these criticisms at such length". I have never expected unanimous agreement with my approach. As you obviously feel so strongly, I can only point out that in this country our public is now widely insisting on a higher degree of protection of its environment. We want to minimize pollution, not maximize it. It seems that we are more and more willing to pay the cost for this. If England or other countries wish to travel a different route, that is, of course, their privilege.

Your sincerely,

Ernest C. Tsivoglou.

Atlanta, Ga.,
November 8, 1969.

Mr. H. J. Dunster,
United Kingdom Atomic Energy Authority, Authority Health and Safety Branch, Radiological Protection Division, Harwell, Didcot, Berks, England.

Dear Mr. Dunster: This is in response to your letter of October 10, 1969, in which you respond to my letter to you of September 22.

Your apology regarding the subsequent hidden distribution of your initial letter to me (dated August 20, 1969) has been noted. To be certain that we understand each other, I agree that my earlier report to the State of Minnesota has indeed become rather public, but this has nothing to do with the public distribution of your private letter to me without my being informed. It is the latter action to which I have taken strong objection in the interests of professional courtesy and propriety.

You indicate in your last letter: "There has been no other unstated distribution of my letter beyond our local files here." Perhaps you are unaware of the subsequent use of your letter for propaganda purposes by your "colleague" in our AEC. Permit me to put you in the picture. As of this date, your initial letter to me has been used publicly by our AEC Commissioner Theos Thompson and by Representative Craig Hosmer (Calif.) of our Joint Congressional Committee on Atomic Energy; it has been published in the Newsletter Environmental Clearing House (October 13th issue); it has been made a part of the permanent record of current hearings before our Joint Congressional Committee on Atomic Energy; it has been sent to a number of influential members of our Health Physics Society. I have no doubt that it has been surreptitiously distributed elsewhere by your highly active "colleague" in our AEC.

I must say that I do not envy your having such "colleagues". I feel quite fortunate that I have none who would embarrass me in such fashion. Mine are the kind who let me know where your letter is currently making its appearance, as they cannot stomach such behind-the-scenes activities.

I trust that the foregoing brief outline adequately informs you of the activities of your American friend in our AEC. I accept your implied statement that you have had no knowledge of these matters before now. However, there is no room for doubt any longer regarding either his hidden activities or his motives. Therefore, I believe that decent professional procedures now requires that you reveal his name so that we can all know who he is. If you refuse to do so, I can only assume that you concur in his surreptitious actions.

I have also noted your statement in your most recent letter that "It appears that you and I differ not in policy but only in the techniques giving the best balance between costs and benefits." I am glad to learn that you do not really favor maximum use of the environment for radioactive waste disposal. As for techniques, it is my view that the only practical means of assuring control is to regulate it at the source itself, by the application of effluent limits. I do not expect universal agreement with this view, and never have. However, it seems clear from your most recent letter that, despite all of your protestations regarding the primary importance of limiting the radiation dose, you too, conclude that in practice the effluent radioactivity release is what must be regulated. Hence, in point of real fact you do not appear to differ much even with the techniques applied in the Minnesota situation. I take it, then, that you must actually agree with my observation that the radiation dose cannot serve as an adequate basis of regulation for the simple reason that the dose is not measurable. As regards the actual numerical effluent limits that you and I might select, I should also note that in America our concept of the "*best* balance between costs and benefits" is apparently not the same as yours in England.

As for ICRP Publication 9, let me assure you again that I read it long ago. Just as the idea of limiting the radiation dose is fine in theory but not very practical as a regulatory technique, so also the concept of the critical group has serious practical limitations as a regulatory device. This should be especially obvious when one attempts to apply the critical group concept to a nuclear plant that has not yet even begun to operate! Even after plant operation begins, the actual selection of a critical group is no simple matter, as there is little room in America for personal or subjective judgments in choosing a group that is "small enough to be homogeneous with respect to age, diet, and those aspects of behavior that affect the doses received."

Therefore, it has not been my feeling that ICRP Publication 9 has really added substantially to or greatly modified earlier basic approaches, especially in that it has reemphasized the principle that all unnecessary exposure should be avoided (paragraph 52). I note again that our concept of what is "necessary" seems to differ significantly with yours, and this is really the crux of the matter.

As regards your repeated insistence that the 10-year old Report of Committee II is outmoded, perhaps the rest of the world should also be thus informed. The MPC's, etc., from that report are still used everywhere, by our own AEC among others. If the ICRP actually wishes to repudiate that 1959 report, then it should do so clearly and publicly, without equivocation. It will also need then to replace that report with something more modern that can be understood and put to practical use by everyone, as ICRP Publication 9 does not adequately qualify. Until this happens, it appears safe to assume that the 1959 report will continue to be regarded by most of us as a basic guide. Frankly, it would be quite interesting to observe the procedure by which the ICRP repudiates its own earlier work.

I feel certain that you must recognize that our basic problem in America is not a technical one. The real problem lies in the dual role that is played by our AEC of both promoter and regulator of our nuclear industry. The conflict of interests involved is painfully obvious even to the most uninitiated, and this conflict of responsibilities has led to what many of us refer to as AEC's "split personality." It has been my view for many years that the AEC should be relieved of any such regulatory function or authority, in keeping with our American tradition of checks and balances, and that the responsibility for protection of the public health and the environment can properly rest only with our appropriate state and federal health and conservation agencies. Until the authority for regulation of wastes from our nuclear industry is thus properly delegated, such conflicts as the present one between Minnesota and the AEC are inevitable, and will undoubtedly continue to occur throughout our country.

I should inform you that in view of the widespread distribution of your initial letter to me I have no choice except to now release my responses to you. No doubt they, too, will become part of some public record here. I do hope that this can bring an end to this distasteful publicity, but so long as you continue to send copies of your letters to your "colleague" in our AEC, and refuse to reveal his identity, it appears clear that we will be unable to continue our correspondence, if any, in decent privacy.

Sincerely yours,

Ernest C. Tsivoglou.

TECHNICAL ASSISTANCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. **GONZALEZ**. Mr. Speaker, when President Truman initiated the Point Four effort in 1950, he pictured a "bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas."

Since then, four Presidents, including President Nixon, have put their efforts into achieving those goals.

Today—nearly 20 years later—I can tell this Congress that those goals for U.S. technical assistance are being accomplished.

India is now meeting most of its basic food requirements for the first time with the help of American technology; Iran is reaching thousands of illiterate nomads with U.S. educational know-how; Nigeria has freed its citizens from the scourge of malaria with U.S. medical equipment, and Pakistan is gradually putting the brakes on the disastrously high growth of population with the help of family planning experts from the United States.

What does technical assistance mean to the Indians, to the Iranians, the Nigerians, and the Pakistanis?

In India and Pakistan, the high-yield wheat and rice seeds mean salvation from hunger for millions caught in the centuries-old grip of malnutrition. In Iran, the U.S. "tent schools" have meant new job opportunities in the cities for rural illiterates.

In Nigeria, health programs have freed the diseased and unemployed for important jobs in national development.

Mr. Speaker, this is a picture of American cooperation of the grassroots level. A growing share of U.S. technical assistance today is carried out by private organizations and individuals working under contract to the U.S. aid program.

One out of every three technicians now at work overseas under that program is from the private sector. Private groups hold more than twice as many contracts today as they did at the beginning of this decade.

The technical experts behind our foreign aid effort come from our universities, our labor unions, our thrift associations, our business firms. They are teachers and doctors, engineers and agronomists, tax consultants and legal advisors—experts from every field of economic and social endeavor.

This kind of assistance has proven its value, and the President has directed that its emphasis within the foreign aid program be increased. AID has been reorganized to reflect the increase in emphasis on technical assistance. It is the right direction in which to move, and I ask—I urge—this Congress to concur in that judgment by its support of the foreign aid program.

MEN KILLED IN THE FARMINGTON COAL MINE DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK), is recognized for 10 minutes.

Mr. CLARK. Mr. Speaker, following is a list of names of the men killed in coal mines since the Farmington disaster, November 20, 1968. This list is not complete. Twenty-one of the names were not reported to the Federal Bureau of Mines at the time the list was compiled.

This list has been provided to me by the United Mine Workers of America, who are carrying on the fight for coal mine health and safety legislation in the best tradition of that great union.

I do not introduce this list to create maudlin sentimentality among the Members of this body. Rather, I introduce it to show that even now as we consider coal mine health and safety legislation men are dying in the Nation's coal mines. It is true that we have not had a major disaster since Farmington. But, as this list tragically points out, men have been dying in ones and twos in the coal mines. More importantly, until we pass strong and effective coal mine health and safety legislation men will continue to die.

It has been the United Mine Workers of America which has lead in the fight for this legislation. It has been W. A. "Tony" Boyle, the president of the United Mine Workers of America, and his able safety director, Lewis Evans, as well as the director of the Department of Occupational Health, Dr. Lorin E. Kerr, who have provided the drive, the innovation and the initiative to keep constantly before Congress the need for proper coal mine health and safety legislation. This action on the part of the United Mine Workers and its president is in keeping with the long tradition of the coal miners' union. For, it has been the coal miners' union through the years which has continually petitioned the Congress and continually lead the fight to insure that the lives, the limbs and the health of the coal miners were better protected. Most of us here remember the epic struggles to enact a proper coal mine health and safety bill in 1941 and again in 1952. That struggle was carried on by the late and brilliant president, John L. Lewis. The present union administration under the able leadership of W. A. "Tony" Boyle has carried on these efforts to enact meaningful health and safety legislation which began with the foundation of the union in 1890.

We of the Congress saw representatives of the United Mine Workers of America almost daily during the debate and the drafting of the legislation. We also saw the membership of the United Mine Workers of America who came to Washington to tell us in person of the need for a stringent and effective coal mine health and safety bill.

Mr. Speaker, the union of the coal miners has asked that this Congress pass a strong health and safety bill. I feel it is essential that we honor this request and that we give to the membership of the United Mine Workers of America, as well as to coal miners everywhere, the strongest possible product that we can. I also suggest that this Nation and its coal miners owe a debt of thanks to W. A. "Tony" Boyle and to the able staff of the United Mine Workers of America for bringing to the attention of the Congress and for helping the Congress to write a meaningful coal mine health and safety bill in 1969.

Thank you.

MEN KILLED IN COAL MINES SINCE FARMINGTON DISASTER, NOVEMBER 20, 1968

N. G. Horsley, Ala.
Mike Baker, Va.
Onorio Filangi, Colo.
Paul Hunley, Ky.
Garrett Sergent, Ky.
Gary A. Greer, Ohio.
Kenneth Wadding, Pa.
Louis Gocek, Pa.
Ronald J. Clark, W. Va.
Elmo Dunbar, W. Va.
Frank Collins, W. Va.
Jackie Cook, W. Va.
John Knaus, Pa.
Henry A. Heiser, Pa.
Peter Lohenitz, Pa.
John Lovich, Pa.
Andrew Csarak, Pa.
Ronald S. Kunsman, Pa.
Edward Manchas, Jr., Pa.
Nick Brosick, Pa.
George A. Carter, Pa.
Denver H. Butcher, W. Va.
Forrest Vernon Martin, W. Va.
John Thomas Hall, W. Va.
William A. Pellen, W. Va.
James Paisley, Ill.
Jake Burnett, Ill.
Glen Greenwood, Ill.
Ralph Taylor, Ill.
William A. McNeill Ill.
Charles Hubbard, W. Va.
Alva S. Fillinger, W. Va.
Aubrey R. Sands, W. Va.
George E. Sutherland, W. Va.
Thomas Craig, W. Va.
Edward L. Smith, W. Va.
Argus Ferrell, W. Va.
David R. Snodgrass, W. Va.
Eugene Griffith, Ky.
Wiley H. Parsons, Ala.
Lemuel A. South, Ala.
Nick Ciran, Okla.
Jesus Flores Lopez, Utah.
Paul Eugene Burnette, Ky.
J. L. Osborne, Ky.
James C. Hylton, Va.
Eli Sutherland. Va.
Thomas Scarberry, Va.
Clyde Fuller, Va.
Charles E. Smith, W. Va.
John A. Gretchen, Ohio.
Edward Burton Tingle, Ala.
Lonnie Mullins, Ky.
Carl Sizemore, Ky.
Harry G. Mortimer, Ohio.
Arden E. Mills, Ohio.
Vincent Natale, Pa.
Elmer R. Jones, Tenn.
Earl Akers, W. Va.
James Lynn, W. Va.
Archie Adams, W. Va.
Nicholas D. Teodorowicz, Pa.
Walter Balsavage, Pa.
Louis Gonzalez, Pa.
John Smith, Pa.
Clarence W. Watson, Pa.
Steve Kovach. Pa.
Joseph Martina, Pa.
John P. Gamon, Jr. Pa.
Thomas P. Shaynak, Pa.
Adam F. Petrisek, Pa.
John Fodor, Jr., W. Va.
Wilbur J. Wiggins, Sr., Ohio.
John P. Cuskey, Ohio.
Joseph Dziatkowicz, W. Va.
Harvey E. Courtney, Jr., Ill.
Gerald W. Patterson, Ill.
John C. Rodden, Ill.
William Kirby, Sr., Ill.
Eloy Hurtado, Colo.
Bobby D. Powell, W. Va.
Doff Nathan Brown, W. Va.
Lewis F. Shockey, W. Va.
Clarence E. Allen, W. Va.
William Bachtel, W. Va.
Joseph H. Menaghini, Jr., W. Va.
Ira Kirk, W. Va.
Ernest L. Browning, W Va.
Quillie Smithson, Ky.
Fred Higginbotham, Jr., Ala.
John Henry Bell, Okla.
Bill G. Puckett, Okla.
Lorenzo Varela, Wyo.
Jimmy G. Cartwright, Ky.
Irvin Napier, Va.
Franklin L. Ring, Va.
Larry Douglas Collins, Va.
Ed Ashworth, Va.
Shirley G. Mills, W. Va.
Willis Tipton, W. Va.
J. C. Angel, W. Va.
Jack Lindy Moye, W. Va.
Estel Ray Mullins, W. Va.
Ildon McMillion, W. Va.
Arthur J. Turner, W. Va.
Robert Bowles, W. Va.
Earnest Hunt, Ky.
Delmar Hall, Ky.
John R. Toborkey, W. Va.
Steve Bobish, W. Va.
Robert L. Bates, W. Va.
Steve Ceplocha, W. Va.
John Morton, Jr., W. Va.
Leon Jarvis, W. Va.
Mark Shade, Pa.
Willie Ray Thacker, Ky.
Oscar Ricketts, Jr., Pa.
John H. Kitchens, Colo.
Melvin Absher, Va.
Ralph Braden, Ky.
Albert Bush, Pa.

Clyde Millsap, Tenn.
Robert O. Carlson, Jr., Pa.
Charles Arbus McClung, W. Va.
Mack Bennett, Tenn.
David C. Bower, Pa.
Clarence M. Martin, Pa.
Raymond O. Emler, Ohio.
Kenneth Begley, Ky.
Claude Weese, W. Va.
Frankie D. Rose, Va.
Douglas Bennett, Ohio.
George Potter, Ky.
Ronald Phillips, Ky.
Earl Smith, Ky.
Estil Harvey Sullivan, Ky.
Andrew Claud Harvey, W. Va.
Donald Gay, Pa.
Kenneth Klinger, Pa.
Andres Kosinko, Pa.
Franklin Ladd, Ky.
Grat C. Fox, W. Va.
Charles W. Harris, W. Va.
Charles H. Bays, W. Va.
Oscar Hamlin, Sr., W. Va.
Cloyd W. Combs, W. Va.
Leo Williams, W. Va.
Darb Stephens, Ky.
Paul Frame, W. Va.
Walter Amos Moore, W. Va.
Halbert L. North, W. Va.
Jesse W. Baldwin, W. Va.
Daniel M. Cooper, W. Va.
Paul Thobosis, W. Va.
George Burton Harris, Colo.
Jennings Hamrick, W. Va.
Robert L. Rothey, W. Va.
Albert Lyons, W. Va.
Elvin Johnson, Tenn.
Ronald Adkins, Va.
George H. Ball, Ohio.
Robert Kerry, Pa.
Marvin Shadle, Pa.
Kenneth B. Wallace, Va.
Vetile Bailey, Ky.
Louis Thomas, W. Va.
Cecil Wilson, W. Va.
Vernon Rummel, Pa.
Adrain Metcalf, Ky.
James Keen, Va.
Theodore A. Miller, Pa.
Fred Starnes, Ky.
Ross Hogue, Ohio.
J. B. Nash, Ky.
Virgil Townsend, W. Va.
Anthony V. J. Wanat, Ohio.
Rickey Lee Dalton, W. Va.
James W. Siegel, Pa.
William Kapes, Pa.
W. M. Baker, Ky.
Edward Franklin Bennett, Ky.

WADE O. MARTIN, JR.—25 YEARS OF DISTINGUISHED PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, it is with considerable pleasure that I rise to commend one of my distinguished constituents, Louisiana's secretary of State, the Honorable Wade O. Martin, Jr., on the occasion of the 25th anniversary of his service in that office to the people of my State.

This Saturday, Mr. Martin will be honored at an appreciation banquet in Baton Rouge not only for his outstanding accomplishments as a public official over the last quarter of a century, but for his exemplary leadership in community affairs in his role as a citizen.

I include in my remarks at this point a brief summary of the achievements for which Mr. Martin is recognized:

Wade O. Martin, Jr.: Dean of Louisiana Elected State Officials

THE RECORD 1944–69

First elected secretary of state—1944. Reelected: 1948; 1952 (unopposed); 1956; 1960; 1964 (unopposed); 1968 (unopposed).

EX-OFFICIO STATE BOARD AND COMMISSION OFFICES

Louisiana Commissioner of Insurance—1944–1956.

Chairman, Louisiana Insurance Rating Commission—1944–1956.

Louisiana custodian of voting machines—1944–1956.

Chairman, State Archives and Records Commission—1956 to date.

State Bond and Tax Board—1944 to date.

Louisiana Tourist Development Commission—1964 to date (chairman, 1964–1967).

Liquefied Petroleum Gas Commission, 1944 to date.

State Advisory Board—1944 to date.

Louisiana Office Building Corporation—(president 1965–1967).

Louisiana Teachers' Retirement System—1944 to date.

Louisiana School Employees' Retirement System—1947 to date (chairman, 1947–1967).

Administrator, Division of Recorder of Documents, 1948 to date.

Member, Council for the Development of French in Louisiana, 1968 to date.

MAJOR LEGISLATION

As chairman of special committee, National Association of Secretaries of State, drew up uniform State legislation reducing residence requirements and providing special ballots for voting for U.S. President and Vice President. Drafted and sponsored the Louisiana constitutional amendment on this subject which was approved by legislature in 1968, and by our voters the same year.

Directed research, drafting and sponsored enactment of:

The Louisiana Insurance Code, 1948.

Law numbering candidates in primary elections, 1952.

Law creating Louisiana's modern archives and records commission and service—1954–1956; enacted, 1958.

Law creating a separate tourist development agency for Louisiana, enacted 1964.

Sponsored enactment of law providing indemnity payments by State to widows and children of peace officers killed in performance of their duties, 1964.

Co-sponsor with Louisiana Association of Legislation creating a recorder of documents, enacted 1948.

General Chairman of Louisiana Bar Association's Special Committee, and co-sponsor with bar association of Louisiana's modern corporation law, enacted, 1968: effective, 1969.

Cooperated with National Association of Secretaries of State, Department of National Defense and other Federal agencies in drafting and enacting Louisiana's laws for special treatment of election ballots for military personnel, 1958.

Cooperated in project now pending for drafting of a Louisiana election code, 1966.

Sponsored numerous other election laws.

VOLUNTARY ACTIVITIES

Chairman, Louisiana Cancer Crusade, 1953; reappointed, 1954.

State chairman, Louisiana Highway Safety Commission, 1954; reappointed, 1955, State government chairman, United Givers' Fund, 1957.

Chairman, Charles Hurt fund (to provide indemnity payments by State to widows and children of peace officers killed in performance of their duties), 1964.

Cited for distinguished service to Civil Defense, in construction and maintenance of emergency operating centers.

Continued to follow his father's pioneer work in Louisiana Flood Control and Water Navigation.

Named Member Advisory Board, American Automobile Association, 1965.

Recognized for leadership in the preservation of Louisiana historic monuments, with special reference to old mint building.

Director, Louisiana Council for Music and Performing Arts, Inc.

Co-founder and Charter Member, Lovely Louisiana Tourist Association, 1963. (Now Louisiana Travel Council).

State Chairman, Radio Free Europe Fund, 1969.

Chairman, Louisiana Hurricane Task Force, 1969.

Entrusted with annual legislature appropriations for use of Louisiana Historical Association.

Provides information to elected officials at all levels, and to the public, on request, for both specific and general information.

HONORS AND AWARDS

Only Louisianian elected President, National Association of Secretaries of State, 1948.

First Louisianian elected President, National Association Insurance Commissioners, 1952.

Honorary member of Baton Rouge Association of Life Underwriters, 1952.

Named member of Federation of Insurance Counsel, 1953.

Received Axton-Choppin award "For distinguished service in the cause of public health" from Louisiana Public Health Association, 1955.

Cited for "Outstanding Service" by American Red Cross for production of TV film used to coordinate relief activities and obtain contributions for victims of Hurricane Audrey, 1957.

Recipient, American Heritage Foundation Award for "Outstanding Citizenship", 1957.

As Secretary of State, Recipient Special Citation by U.S. Secretary of Defense for "Long and effective support" given the Armed Forces absentee voting program, 1958.

Given award for service against aggressive communism from Crusade for Freedom, 1958.

Recipient 6th Annual Civil Service Personnel Management Conference Award for superior personnel program, 1958.

Recognized for continuous 15-year membership in Young Men's Business Club, 1960.

Received Boswell Institute's degree of doctor of wordly wisdom awarded in recognition of "significant contributions as a public servant of Louisiana", 1961.

Awarded certificate of merit by Lovely Louisiana Tourist Association, 1963.

Recipient, appreciation award as member of Board of directors, Greater Baton Rouge Cancer Society, 1965.

Recipient, Monte M. Lemann award for "unselfish devotion to good government," 1966.

Awarded certificate of appreciation by Louisiana Civil Defense Agency for "providing leadership and guidance in civil defense emergency operations center construction program," 1966.

Made associate member, International Institute of Municipal Clerks, 1967.

Awarded certificate of merit, Louisiana Tourist Development Commission, 1967.

Awarded outstanding membership certificate, National Association of Secretaries of State, for leadership as chairman in consideration of proposed amendments to electoral college system, 1969.

The long list of distinguished Louisiana citizens who have joined together to arrange the appreciation banquet speaks eloquently for the high esteem in which Mr. Martin is held in our State.

An exceptionally capable individual,

Secretary of State Martin has been untiring and unflinching in his dedicated leadership in grappling with vital issues as evidenced by the following letter to the President:

STATE OF LOUISIANA,
SECRETARY OF STATE,
Baton Rouge, September 6, 1969.

Hon. RICHARD M. NIXON.
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is an urgent message, and in the hope that it will reach your personal attention without delay, I am sending it by Certified Airmail.

It has been my pleasure to have met you in person, and I am sure you know who I am. Nevertheless, because of the importance of this communication concerning the school situation in Louisiana, and other communications which I expect to send to you in the coming weeks on other subjects of state and national interest, I feel it is in our best interest to refer briefly to a few salient facts concerning my background in government.

While you know me as Secretary of State of Louisiana, you probably are not aware of the fact that I have held this distinguished elective position many years longer than any previous Secretary of State of Louisiana, and that this year I became the dean of the elected officials of Louisiana in my 25th year of service. In national government circles, I am past president of both the National Association of Secretaries of State and the National Association of Insurance Commissioners.

In all humility, I believe it can be said that the people of this state have confidence in me by virtue of my election and re-election every four years, several times without opposition from Democrats, Republicans or Independents.

My father before me served with distinction as an elected official for some 40 years. Both of us are well known for our interest and participation in all matters of public concern for our state, in major flood control, disasters, education, aid to the poor, the sick and the indigent. As an attorney and former Assistant Attorney General of the state, I participated in the drafting, advocating and enactment of many laws in conjunction with others interested in the welfare of our state, many of which laws originated in Louisiana and are now a part of the federal governmental system.

My wife and I are the proud parents of six children, ranging in age from 28 to 8 years. So, we have with us a wonderful span to help us "bridge the gaps" that are so frequently referred to today.

Politically, I am a registered Democrat and like most Louisianians I participate as a member of that party in purely Louisiana elections. From the standpoint of national politics, I have consistently voted for and sometimes publicly supported and campaigned for the candidates for President and Vice President of these United States whom I felt were best qualified to serve the interests of the nation and the free world. My interest and participation were evaluated in each election, and in recent years, I have voted for and actively supported three Democrats and three Republicans. My most active participation in my career for President and Vice President was in 1964 when I was state campaign manager for the Republican candidates.

With this brief background, which will suffice for this and future communications, I will proceed to do that which we in Louisiana urge all citizens to do, namely to communicate with our officials and give them our ideas on matters which concern them, their state and their nation.

I feel particularly encouraged and confident that you are indeed interested in Louisiana and its people. Among other manifestations, we were extremely gratified at your thoughtfulness in sending Vice President Spiro Agnew and Secretary George Romney to inspect and report first-hand to you on our sad calamity in the aftermath of Hurricane Camille.

If you are not persuaded by my statements in this communication, I hope that you will come to view our present dilemma in person, or that you will send some one else to report on the situation, which eventually could be more serious than the worst hurricane to hit the western hemisphere in the history of mankind.

We in Louisiana have difficulty, Mr. President, in understanding the acts of your administration in this present school crisis. Our Governor and Lieutenant Governor have in the last few hours issued a joint statement declaring their helplessness and the helplessness of the state in this crisis. Their reference, of course, was in relation to the state government of Louisiana. I feel that we are not helpless because this matter can be resolved by you and your administration, if you understood it as we do and were disposed to assist before the "hurricane" hits, instead of endeavoring to patch things up after the damage is done.

Of prime consideration, Mr. President, is the fact that the people in Louisiana have made more progress in the integration of public schools than most other areas of the nation. In the September 8, 1969, issue of U.S. News & World Report, at page 36, it is reported from governmental officials that in the 11 states of the old South, which includes Louisiana, more than ⅓ (maybe as many as 40%) of all negro pupils will be attending classes with white pupils this year. The report states that last year 20% were in mixed classes—only half as many as are expected this year—and only five years ago it was just 1.2%.

This may not be a good record in the eyes of some, but if these figures in this article are correct, we in Louisiana and in other states of the South, the North, the East and the West, both black and white, have in our opinion reasonably agreed and accepted the fact that in our country and others of the world, no one should be barred from going to the school of his choice because of his race. We feel that great progress has been made in Louisiana and in the South. This has been predicated, at least in part, on the acceptance of reasonable integration and opposition to unreasonable discrimination.

But while our people object to discrimination as to race, we must likewise object to discrimination based upon geographical location in this country. We must ask, Mr. President, why the Department of Health, Education and Welfare is given such tremendous power and authority, and I must add to you, Mr. President, let there be no mistake, in the eyes of the people of our state "H–E–W" is "Y–O–U".

So, the question we need to put to you is first, do you understand that people can and do accept the abolition of discrimination which creates a burden on a race of people—white, black or yellow—and are willing to accept the right of any one to a reasonable freedom of choice? Do you understand, also, that whatever expense is necessary to accomplish this is felt by many of us to be justified? But if you do not understand the two following points, it is my purpose to make them very clear.

Louisiana, like many other states, is in dire need of money for education and all other state services and programs. We can barely pay now the tremendous cost of transporting children to the schools closest to their homes. Why then should it become necessary for the state and local governments in this financially plagued state to add to their financial burden the tremendous extra costs involved in moving pupils away from their neighborhood schools into far distant communities? Could it be simply that HEW or someone else may say that in this nation although you have complete freedom of choice in attending any school you desire, we want it said that in no school district will we permit predominantly "white" or predominantly "black" schools?

Projecting this to a nationwide operation, this so-called "goal" could never be achieved without the establishment of a busing system from one state to another. Some states have practically no negroes. There are very few states which have almost as many negroes as whites. Why this must be done and is being done in Louisiana is not at all clear. If you and the Department of Health, Education and Welfare claim that you are doing this in Louisiana because it is in the interest of the nation, then why is it being done in the small State of Louisiana and not in any of the larger states of the nation?

There is not too much difference in your age and mine, nor do I believe there was too much difference in our teaching while we were in law school. I am sure we both learned that any laws of the United States should be uniform in application to all the people of the nation who are citizens of this great country. Could it be that HEW and you believe that what you are doing is good for the nation while meticulously enforcing the busing procedure in the little State of Louisiana while leaving so-called "racially unbalanced schools" running peacefully and tranquilly in the great states of Illinois, Michigan, New York, Virginia, California and in the District of Columbia?

Yes, Mr. President, if we are with you in endeavoring to reasonably prohibit racial discrimination, why cannot you be with us in trying to prevent geographical discrimination? I mentioned frustrations brought about by this situation. One of the objects which people strive for is culture. Negroes, whites, Orientals all strive, not only for material but cultural benefits for themselves and their children. They move to neighborhoods with people of like cultural background. While there is a gradual change going on, even with all the millions being spent in the ghetto areas to improve them for both white and black, it would be a frustrating experience for you, HEW or any authority to require them to move into the ghetto with its different culture, and different level of personal and property safety.

In the event you are not aware of it, buses and bus drivers have been threatened and are in extreme danger when these buses transport children either from negro districts to white districts or from white districts to negro districts. Parents are concerned for the very lives of their children when they are bused from one area to the other.

In the event you are not informed on the subject (partly because the news media has not fully publicized the fact), there are negro boycotts and demonstrations against the actions of HEW just as there are white boycotts, demonstrations, etc.

Insofar as the law is concerned, we must wonder again why this is happening in Louisiana while, as reported in the same article in U.S. News & World Report, "eight out of 10 negro public school children in Michigan attend predominantly black schools. More than one-half—56.3%—of the white pupils attend all white schools. Detroit has 19 all black schools and 17 all white * * *. Chicago has 98 schools with no white pupils; 41 with no negroes."

If this is good for Louisiana, and you and HEW cannot immediately remove this threat of violence and property damage along with the destruction of our school system and the deprivation of an education for our children, then why is this not discrimination geographically against the State of Louisiana?

One thing more, Mr. President, as a matter of law, if Congress enacted as a part of the civil rights act a requirement for "busing" of children of different races to obtain equal numbers of children of both races in all schools, why would this law not specifically say it was to be accomplished in the states of Louisiana and Mississippi, and if it was intended on the other hand for nation-wide application, why is this not being done?

You see, we in Louisiana know and approve of your practice and that of other Presidents of sending messages and recommendations to Congress. I admire greatly your recommendation to Congress that all states be required to come under the regulation that illiterates be allowed to vote, instead of the requirement that only Louisiana illiterates and those in a handful of other states be marched to the polls and voted by representatives of the federal government. This certainly demonstrates your attitude that what is good for some states should be good for all, and what is bad for some should be bad for all.

We would like, therefore, if you would to send a message to Congress pointing out this geographical discrimination in the language or interpretation of an Act of Congress, in order that they might on your recommendation suspend the operation of such an inequitable law and avoid loss of education, personal and property damage and other loss in our state. Or, even simpler, if you and your administration feel that this is the wrong application of a law, then we would request that you communicate with the officials of HEW and call this matter off, as we understand that the courts are acting at the request of HEW.

Another inconsistency, Mr. President, is very evident to us and it is our hope that you will give consideration to it as well. It was my pleasure to have been in the Louisiana Governor's official party to meet our distinguished Vice President and Secretary of Housing and Urban Development on their recent trip to Louisiana following Hurricane Camille.

In a press conference at New Orleans, a reporter asked the Vice President for comment on a published report that HEW had announced that no school in the hurricane ravaged area of Mississippi would receive any federal aid whatsoever unless HEW was satisfied in its discretion that that school had fully complied with desegregation policies or instructions proclaimed by HEW. We were most gratified when the Vice President replied in effect that he certainly hoped the pain, suffering and mental anguish of hurricane victims and their children would not be utilized by HEW as an instrument to either penalize or as a wedge to force integration.

To our regret, so far as we know, the Vice President's humanitarian and compassionate attitude is not being shared by agencies of your administration and we understand that the "penalty" or "wedge" is indeed being applied and now on an extended basis to apply to businesses and other institutions. It would seem to us that the federal government has enough facilities at its command to enforce integration without compounding the misery, desolation and suffering of parents, school children, teachers and business people who contribute so much to the economy of this nation by subjecting them to cross-examination on their integration policies before allowing them the help which Congress and the people of this nation intended them to have following such a disaster.

It is our hope that Vice President Agnew reported his attitude to you and that you and HEW may agree with him and so many of your fellow citizens in Louisiana who share his attitude on this subject.

Some of our schools opened a few days early, and if the troubles and difficulties in the great majorities of our schools which will open next week are in any wise comparable, your immediate consideration of this situation is urgent, and if you decide to take any action we hope that it will be taken without delay in order that all of us may have time to give more consideration to the laws and equities involved.

If this emergency relief is not forthcoming, it is our sincere hope that we can have an immediate explanation of why these drastic steps are being taken in Louisiana and Mississippi and not in Secretary Romney's state of Michigan, Vice President Agnew's state of Maryland, or your own state of California.

We believe in you and your administration, and so I have no hesitation in asking you to consider this matter as extremely serious and that you take such action as you may deem appropriate.

Without extensive elaboration on the seriousness of the situation, I enclose copy of the front page of the Baton Rouge State Times newspaper of September 5, 1969, with news article and accompanying pictures.

I am sure that we would be happy to assist you in any way possible in solving this, as well as other problems confronting our state and our great nation.

Sincerely yours,

WADE O. MARTIN, Jr.,
Secretary of State.

HON. EMILE SIMARD: A VETERANS DAY ADDRESS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, my friend, the Honorable Emile Simard of Manchester, delivered a fine address at Veterans Day ceremonies in Nashua in my district. He urged citizens to give their solid backing to President Nixon in his efforts to win peace with justice in Vietnam.

Mr. Simard is the Veterans' Employment Representative for New Hampshire with the U.S. Department of Labor and is a former member of the Governors Council. He was an alderman in the city of Manchester for 14 years and also served two terms in the New Hampshire House.

I am pleased to place his remarks in the RECORD and commend this forthright statement by a patriotic public servant:

VETERANS DAY 1969

Veterans Day is a day for all Americans.

It is a day to pause in observance. It is a day to start again—fresh with dedication. It is a day to sharpen memories of past glories. It is a day to dream dreams of future triumphs.

Veterans Day is a day to honor those veterans sacrificed in struggle. It is a day to respect those who survive.

It is a day to mark the silence that came over the Western Front on that November 11 of fifty-one years ago. It is a day to celebrate the bright victories that grew from dark battle in that and other wars.

Veterans Day—as we observe it—often has the face of strife, of suffering and bloodshed, of horror, of destruction and mutilation—of death.

But—and we must never forget this—Veterans Day is really a day of peace.

And it is a day of peace that we should celebrate—a day that in its initial observance was marked as a day that would end all wars. Although the promise was faulty and the prophecy unfulfilled, the idealism that proposed man's rising above his primitive and cruel proclivity to armed combat must not be forsaken.

The main conflict of the Vietnam war has shifted from the hills of Vietnam and the halls of Paris to the streets and campuses of America.

How our domestic struggle between anti-war youth and the President comes out will affect the fate of 17 million South Vietnamese and the position of the United States in Asia.

American student radicals who met with North Vietnamese military officials in Havana this summer, without doubt, are well aware Hanoi and their Soviet backers are counting on an anti-war victory in the U.S.

Five years of war have taken their toll of North Vietnamese, Viet Cong and the revolutionary infrastructures in South Vietnam. Equipping, supplying and training of South Vietnamese (ARVIN) forces also is starting to show results. Thanat Khoman, Foreign Minister of Thailand, said on Oct. 1 that the military forces of South Vietnam and some other Asian countries can now take over the active defense of South Vietnam's independence.

The proviso is that Asians themselves can take up the slack if withdrawal of American forces is not too rapid. That's why Hanoi and Moscow favor an effort to stampede our government into immediate and complete withdrawal of forces.

The spearheads of the "Bring the Boys Home" movement are student radicals. We've already had the Oct. 15 Vietnam moratorium. The second round escalation will come with mass demonstrations and marches in a number of major cities of the United States.

The primary demonstration slated for Washington, D.C., is planned to include "tens of thousands" of clergymen, pacifists, anti-war demonstrators and student radicals who want not only to end the war in Vietnam but to close down the institutions of our free society.

Agitate the discontented, merge the destructive emotions of the mob with the calculating destructiveness of the intelligent vanguard. That was Lenin's formula for insurrection and revolution. Will it work in America? Will it overheat and stampede public opinion? Will people then demand an act that will both destroy our credibility and our power in the world and bring closer a direct conflict between the major powers?

Your greatest weapon is to create first, a groundswell of public opinion supporting America's ideals and our commitments to defend independence of peoples. Their continued independence is a guarantee of our security.

Second is to have a groundswell of opinion condemning the "radical disruptors," the "Typhoid Marys" who want to infect the entire nation with their sickness by "the use of mass intimidation in the name of legitimate dissent and protest."

What better time to start making these points than Veterans Day, November 11?

We have over 27 million living American veterans. Living veterans and their families plus living dependents of deceased veterans represent half of the population of the United States.

As veterans let us pledge today—on Veterans Day, November 11—we call on millions of Americans to join us, letting the world know that we stand squarely beside our elected President in his efforts to secure a just and lasting peace in Vietnam.

The Vietnam dissenters have already broken one President's heart. May God give President Nixon strength and courage to achieve his goal—peace throughout the world, especially in Vietnam.

Today let us show our true patriotism to our country. Let us write today to our President, Congressmen and Senators that we support President Nixon and his efforts to achieve a lasting peace in Vietnam and throughout the world.

We have heard from the loud minority—now let's hear from the silent majority.

AGRIBUSINESS: PROSPECTS FOR KANSAS

(Mr. MIZE asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIZE. Mr. Speaker, recently I was fortunate to receive a new publication from the Agricultural Experiment Station at Kansas State University in Manhattan, Kans. Entitled "Kansas' Investment Opportunities or Where the Economic Action Is," this important work was authored by Dr. Lowell Brandner, redactor of agricultural sciences at KSU. Dr. Brandner has spent most of his life in Kansas, including more than 20 years at the university. His message is important to the future prosperity of Kansas and of equal importance to other agricultural regions. I believe it should be shared with the Congress and the Nation.

TELL IT LIKE IT IS

One significant thing about Dr. Brandner's report is that it does not "whitewash" the difficulties Kansas must endure, nor does it seek to minimize the challenges ahead if the State is to prosper with the Nation as a whole.

Kansas has been known since it was settled as the "Wheat State." Wheat is still of commanding importance, but Dr. Brandner suggests that Kansas is perilously close to losing a competitive position in wheat production. The world yield record is 216 bushels per acre, achieved in the State of Washington by a new variety called Gaines. Indiana's best farmers expect to get 90 bushels per acre from Arthur, while Blueboy has yielded over 100 bushels per acre in North Carolina and is being distributed throughout the Southern States. Michigan crosses have yielded 90 bushels per acre.

Much of the research that has resulted in these new varieties and bumper crops has been the work of Kansas scientists—yet there has been no satisfactory variety that will produce comparable yields in Kansas itself. As Dr. Brandner puts it, "Kansas has bred the dwarfing trait into hundreds of wheats but has not yet found one that outyields the wheats she has."

"Miracle wheats" have proved to be a blessing for India and Pakistan; both reasonably expect to become self-sufficient in wheat within a decade or less. Other countries, such as Mexico, have become exporting nations, while Turkey, Israel, and other semitropical areas have had spectacular results from the new crosses.

While these dramatic developments have been recorded worldwide, Kansas yields have remained relatively static. Increases in per acre production in the past 2 years have been largely the result of favorable weather conditions. If Kansas does not produce a "miracle wheat" suitable for local growing, she will surely be unable to compete as new varieties become widespread in use elsewhere.

The prosperity of the wheat industry in Kansas, therefore, does not depend upon the Congress in the immediate future. Nor does it depend upon the farmer himself. It depends upon the dedicated scientist working in his laboratory and on his test plot. We must provide him with whatever support he needs in this important undertaking.

MILO AND BEEF

Much of the Report is devoted to the dramatic advances made in Kansas through acceptance of hybrid milo. The "milo belt" is fast overtaking the "corn belt" as the primary center of the fed-cattle industry. Milo and beef now represent the number one economic activity in Kansas, surpassing wheat, oil and gas, aerospace, and all the rest. Without the development of hybrid milo in the 1950's, most of this success would have been impossible. Cattle sales now represent a $600 million per year business in Kansas, while meat packing and processing represents another $600 million in economic activity. By comparison, crude oil and natural gas mining provides less than half a billion in annual economic activity.

Just as the scientists have developed an alternative to corn that will grow without irrigation throughout Kansas, they will develop a wheat that should permit Kansas to reassume her historic role in this vital commodity. I am confident of that. With additional research, a highlysine, high-tryptophan milo and a high protein wheat can be developed that will permit Kansas to retain the advantage over the corn belt that milo has provided for the moment.

Kansas has an almost untapped potential to produce finished pork—the milo that has proved so profitable for beef production has a similar potential to produce pork competitively.

The demand for red meat, both in the United States and elsewhere, increases faster than the population. As people become more affluent, their demand for meat increases rapidly.

The Soviet Union has bred, and successfully marketed, a very high quality sunflower oil. Our own State flower, growing wild everywhere in Kansas, has become a multimillion-dollar industry for the Russians. It is taking a significant portion of our soybean market from us at the moment. Potentially, Kansas could counter this Soviet commercial venture with sunflower oil of its own.

Soil and plant scientists, working principally at Kansas State University, have been responsible for much of the development that Kansas has enjoyed in past years. Now, perhaps more than ever, we depend upon them to provide our farmers and businessmen with the competitive advantage that only their technology can bring in this most competitive business.

SAFETY FIGURES ARE GRIM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. CLEVELAND. Mr. Speaker, I received a letter today from President Howard Pyle of the National Safety Council. With it, he included a compilation of accident statistics for the 10 years of the 1960's to date.

It is staggering.

Accidents on our highways, in our homes, working places and in public places took more than 1 million lives during the sixties.

Motor vehicle accidents head the list. Some 475,000 persons were killed in motor vehicle accidents and the rate increases.

Mr. Pyle makes an excellent point when he states:

> It's a strange paradox that we can be so properly concerned about Vietnam, and violence in the streets, and so unmoved when accidents in the decade of the sixties killed more than a million men, women and children—injured 103,000,000—and accounted for $180 billion in economic waste.

I urge my colleagues to study this letter and the accompanying table. We must act so that Mr. Pyle forecast that the seventies may be even worse, does not come to pass.

National Safety Council,
Chicago, November 19, 1969.

Hon. James C. Cleveland,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman Cleveland: Public and official preoccupation with other crises continues to obscure the bitter tragedy and awful cost of accidents on our highways, in our homes, in public places and at work.

Herewith is the National Safety Council's *Report to the Nation 1969.* It is not encouraging because there is so little about which to be encouraged.

Particularly depressing is the fact that so many of government's promises of assistance have fallen so far short of fulfillment.

It's a strange paradox that we can be so properly concerned about Vietnam, and violence in the streets, and so unmoved when accidents in the decade of the sixties killed more than a million men, women and children—injured 103,000,000—and accounted for $180 billion in economic waste.

The seventies will be even more disastrous if we don't decide to do something about it and act accordingly.

Your help would be appreciated.

Sincerely,

Howard Pyle.

Motor vehicle accident toll in the 1960's

Dead	475,000
Permanently disabled	1,500,000
Temporarily disabled	16,000,000
Partially disabled	15,000,000
Vehicles in accidents	250,000,000
Cost	$90,000,000,000

Source: National Safety Council estimate based on reports from state motor vehicle departments. National Health Survey.

COMPREHENSIVE SOCIAL SECURITY REFORM BILL

(Mr. RIEGLE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, I am introducing today a comprehensive social security reform bill which is designed to meet head on the tragic problem of economic privation which is hurting so many of our senior Americans.

Today, over 92 percent of those reaching age 65 are eligible for social security benefits. Yet, despite this broad coverage on paper, this major program falls far short of meeting the minimal needs of our senior Americans.

The facts are that today over one-half the recipients of social security are totally dependent on these payments. With a single person receiving approximately $100 a month, and a married couple receiving about $150 a month, it is clear that this amount is not adequate to meet minimum human needs. Statistics indicate that nearly one-third of all Americans above age 65 are living in poverty. We must face the terrible fact that older Americans constitute the largest group on the poverty rolls today, making up about 20 percent of our Nation's poor. It is even more distressing to learn that this percentage of senior citizens who are poor is on the increase.

And it should be made crystal clear that much of the poverty that afflicts senior Americans today is due to a history of inept fiscal management by the Federal Government. Inflationary policies, pursued and encouraged for years by the Federal Government, have served to rob senior Americans of the buying power of their personal savings by constantly driving up the cost of living. If the Government had worked harder to maintain the value of the dollar, most of today's senior Americans would be able to live adequately on their savings, pensions, and social security payments.

Thus we see that events and circumstances, too long ignored, are today shunting many of our elderly out of the vital mainstream of American life onto the dead end sideroads of poverty, isolation, and despair. The "war on poverty" answer for these people is not better education programs or more training programs and jobs. The answer must be more adequate dollar benefits.

We in the Congress, and all Americans, have a responsibility to see that our senior citizens are not left alone to lead lives of deprivation and desolation. I believe that my bill is a minimum first step toward bringing these people back into the mainstream of America's promise.

TWENTY-PERCENT BENEFIT INCREASE

First, I wish to commend President Nixon for his initiative in asking for a 10-percent social security benefit increase and other needed changes. However, it has been some time since the President has called for this percentage increase, and since the last social security increase in February 1968 the cost of living has gone up almost 10 percent. Therefore, I feel a larger increase is needed at this time in order to substantially improve the lot of our elderly. I am recommending a 20-percent increase to be effective at the end of 1969. Further, I strongly feel the present minimum monthly benefit of $55 for a single person is totally inadequate, and I am urging its increase to $80. Under my bill, then, the new minimum for a single retired person would be $80 and the new maximum would be $198. For a married couple the new minimum would be $120 and the maximum $297.

COST-OF-LIVING INCREASE

Second, we can no longer let inflation outdistance our efforts or wait for a bi- or tri-annual social security review by the Congress. Therefore, I am recommending, as I did in 1967, that future increases should automatically be tied to the cost of living. We provide this type of certainty for our Federal and military employees, and I certainly think it is about time we applied the same principle for the security of those receiving social security. This would not, of course, preclude us from increasing benefits even more should our economy or a different social security financing system permit.

INCREASE THE CONTRIBUTION BASE

In order to cover the cost of these increases, I recommend that we raise the contribution base from $7,800 to $12,000. I feel we must do this to strengthen the system and to keep future benefits related to increases in wages. Just as we raise benefits to realistically meet rises in the cost of living, so should we raise the taxable base as wages increase.

LIBERALIZE THE RETIREMENT TEST

One premise of my bill is that senior Americans need not be wards of the Government. These people prize their independence, yet we have acted arbitrarily to restrict their initiative and erode their self-sufficiency by placing a very low income limitation ceiling on their earnings. Our benefits are too low and we should make it possible for a senior citizen to be able to earn more and augment his income without a loss in social security benefits. Hence, I am recommending that the income limitation ceiling be raised from $1,680 to $3,000.

SPECIAL TAX EXEMPTION

Related to my above proposals to substantially improve a senior citizen's financial situation, I am also proposing that we make tax-exempt the first $5,000 in income of a person 65 and over. I cannot believe the Federal Government needs this money more than our senior citizens do or could spend it more wisely in our national interest.

PROTECTION OF VETERANS' PENSIONS

My bill would protect veterans' and widows' benefits from deductions related to these increases in social security. As one constituent wrote to me in 1967, "I receive $133.80 social security and the 12½% (social security) increase, if passed, would amount to approximately $16 per month and my personal income would exceed the $3,000 (Veteran's) limitation, thus depriving me of the $48 per month (Veteran's) pension. In other words, my income would be $32 per month less than it is at present," I know that this situation happened to many people in my district and I would urge that the Congress take immediate action to safeguard them from such adverse affects.

IMPROVE WIDOWS' BENEFITS

I am also making several recommendations which would assist widows. Today, six out of 10 widows living alone have incomes below the poverty line. This is deplorable. Widows have the same expenses as their husbands—food, shelter, clothing, child care—yet, unlike their husbands, they have greater difficulty in going out to earn supplemental income. So I am recommending that rather than provide a widow with only 82½ percent of her husband's benefits, she should receive the full 100 percent.

Further, I believe widows should receive these benefits at age 62 instead of age 65. I am also asking that women who have qualified for social security benefits on their own earnings also be allowed to receive full benefits at age 62.

The 1967 social security amendments contained a major benefits breakthrough—for the first time it provided benefits to totally disabled widows and widowers. But these benefits only begin at age 50 and they are substantially reduced. It's clear to me that the needs of a disabled widow under 50 years of age are as great as the needs of a disabled widow over 50. Also, total disability incurs great medical expenses and precludes additional earned income. Therefore, I am recommending that we eliminate the age limitation on these payments and provide 100-percent benefits of spouse's entitlement.

BENEFITS FOR THE DISABLED

I think there are several ways in which we can improve our disability insurance program. First, I urge that we make medicare benefits available to all those receiving disability benefits. There is no doubt that disabled persons have at least as great a need for medical care as do our senior citizens. Medical costs are high and if a disabled person is dependent on social security for income, then his income is surely too low to cover adequate medical care. And the Social Security Administration estimates that at least 50 percent of the disabled receiving benefits are without some kind of health insurance.

In addition, we should reduce the waiting period for receiving disability insurance from 6 to 3 months and eliminate the 12-month durational test.

People who are disabled need benefits immediately. Thus, all we are required to do is establish the character and assurance of this disability. A delay in benefits can add unnecessary hardship to the individual and his family, and further complicate his disability and rehabilitation.

AGE 62 COMPUTATION POINT FOR MEN

This section of my bill, as urged by the President, would set up a more equitable system of determining benefits payable on a man's earnings record. Under present law, if a man retires at 62, he must include in his computation for earnings the 3 years between ages 62 and 65 when he did not work. This greatly reduces his retirement benefits. Under my proposal, only the years up to age 62 would be counted, and 3 higher earning years could be substituted for low-earning years.

LUMP-SUM DEATH PAYMENT

We also need to increase the lump-sum death payment. The present maximum of $225 was set in 1952 and since that time funeral and other related expenses have substantially increased. We must realistically revise this payment and I am proposing an increase to $500.

BENEFITS TO CHILDREN AND PARENTS

Because of certain oversights in our past laws, certain people who I feel are in need of social security benefits are not now receiving them. Today, we provide disability insurance to dependent children under 18. I propose that we revise this age limitation to cover a disabled dependent child who is still in school until he reaches age 22.

Also, we provide benefits for aged parents of a deceased worker. I propose that we extend these same benefits to aged parents of retired or disabled workers.

These, then, are my proposals. I recognize that they are ambitious and costly—but I feel they are a minimum requirement. Our senior Americans and our totally disabled citizens are understandably frustrated, and we must act positively so that they can maintain their dignity, independence, and participation in our society. We must make this a bipartisan effort for there is no alternative. This fight can—and must—be won.

COLLEGE TUITION RELIEF

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am introducing legislation to provide tax relief for parent taxpayers who send their children to institutions of higher learning. My bill, fashioned after the Self-Employed Individuals Tax Retirement Act, allows parents to set up a special college education fund. Contributions made to the fund, within specified limits, would be deductible from the year in which the contribution was made. The bill contemplates that parent taxpayers will anticipate future college costs and set up the funds when their children are very young. Under the bill, contributions can be made to the fund anytime from the birth of the child up to his or her 19th birthday.

A qualified education plan, funded by insurance or other funding media, under the provisions of the bill, is one created solely for the purpose of defraying the costs of room, board, and tuition at an institution of higher learning, of one or more beneficiaries. The bill allows annual contributions to be made to the fund of $500 for each beneficiary, aggregating no more than 10 percent of the parents' gross income per year, and in no event to exceed $2,500 per year. The deduction will be available to persons in all tax brackets.

The need for some relief in this area is obvious. Current and projected college costs are exceeding income growth. The U.S. Office of Education estimates that tuition at private and public schools has increased 20 percent in the last 2 years. The average tuition in a public school is $414 per year and $1,691 per year at private colleges. The Office of Education projects an increase for public and private school costs through the 1976–77 academic year of 37.4 percent for nonpublic schools, and 23.9 percent for public institutions. Even those large increases are conservative estimates. If the present inflationary trend of 3 percent a year continues, the increases for 1976 would be 67.4 percent and 54 percent respectively. Certainly these staggering increases point up the need for some consideration for parents who will be attempting to meet the increased costs.

Families in lower income brackets have little or no alternative in meeting college costs. Most of their income is quickly exhausted in meeting the day to day expenses of raising a family. Children of parents who are in low income brackets unfortunately must either forego a college education due to a lack of finances, or rely upon scholarships or some type of guaranteed loan.

To increase the educational opportunities for persons in low income brackets, the Federal Government in cooperation with State and private financial institutions has responded with a variety of work study or guaranteed student loan programs.

I do not dispute the presumption of the Federal loan programs that middle and upper income taxpayers are more financially able to meet college costs than parents in low-income brackets, but I would like to call attention to the fact that the middle-income taxpayer is bearing the greatest burden of financing the costs of the Federal Government while disqualified from receiving financial aid to help meet college expenses. Where more than one child is in school and no funds are available due to the parents' income bracket, the presumption that funds will be available to defray college costs is unrealistic.

My bill does not cut into the financial aid programs tailored to meet the requirements of low-income taxpayers. Those programs are beneficial, they are needed, and they should be retained.

What my bill does do, is to bring assistance to the great silent majority of middle-income taxpayers who, at considerable sacrifice, pay the staggering college costs while also bearing the brunt of financing the Federal Government.

I think this is a most equitable and long awaited measure.

AN ACT TO AMEND THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT OF 1954

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, today I am introducing an act to amend the Watershed Protection and Flood Prevention Act of 1954. All Americans are becoming increasingly concerned, and justifiably so, over the protection of our natural resources of land and water.

It is ironic, but true, that one of the major sources of destruction of some of our most beautiful and natural forest areas is being done under the misnomer "conservation." The Watershed Protection and Flood Prevention Act of 1954 has noble purposes, and without question, large areas of our country have benefited from projects carried out under the provisions of this bill.

Unfortunately, while this act has resulted in much good, it has simultaneously resulted in considerable harm. The harm has resulted not because of any insensibilities or bad motives on the part of those administering the act but because those administering the act have not always had available the opinions of our fish and wildlife experts throughout the country.

I think the worthwhile purposes of flood prevention and water storage for agricultural, recreational, and municipal uses can be carried out as intended without the necessity of "channelization" of many miles of natural stream beds.

What my legislation seeks to accomplish is to bring in at the planning stage the advice of those persons charged primarily with the duty of preserving our natural streams and forest areas. A brief summary of the provisions of my bill follows:

First. The first provision of this bill prevents the exploitation of the soil bank program by local sponsors. Specifically, the bill requires that if 25 percent or more of the land along the works of improvement is under the Federal soil bank program, the project cannot be considered for Federal funding. The reason for this provision is to make sure that private landowners will not encourage the Government to make this expenditure in order for them to receive more soil bank subsidies from the Agriculture Department.

Second. The second provision requires that for any watershed project, copies of the plans must be submitted to the Secretary of the Interior and the Secretary of the Army for their approval. If either Secretary objects, an agreement must be then worked out between the Secretaries. In the event of the failure to resolve the differences of opinion, the objections shall be transmitted to the Congress to be resolved.

Third. The present Executive order governing this program requires that a public hearing be held. However, these hearings have been onesided and dominated by the project sponsors. Under my bill hearings shall be conducted under the auspices of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of the Army. Their representatives shall make sure that all interested parties are allowed sufficient time to present their views and submit statements.

Fourth. No project shall use the techniques of channelization until a thorough study of the damage to the ecology and the environment of the project area has been completed, and it is found that there are no other economically justifiable or technically feasible alternatives.

Fifth. This section creates a State watershed control board. This board is established to give fish and game commissions as well as individual conservationists some control over watershed projects. Specifically, this board shall review and recommend for approval all projects affecting the State. The board shall be composed of two members appointed by the State soil conservation committee, two members appointed by the State fish and game department, and three persons from the general public who are to be appointed by the other four members and who are knowledgeable in the areas of agriculture, fish, and wildlife conservation and environmental protection. The board shall serve at the pleasure of the Governor of the State.

I suspect that in addition to consultations by game and fish conservationists, changes are desperately needed in the method of computing the cost-benefit formula which can spell the birth or death of a project proposed under the Watershed Protection and Flood Prevention Act of 1954. It is my understanding that the Water Resources Council has conducted hearings on the problem of changing this formula under which such projects are computed. This is certainly a salutary move on the part of the Council.

It is my thought that if the Council does make meaningful changes in the formula, then a figure can be agreed upon whereby acreage left in its natural state can be considered as a "benefit." Thus, in seeking to justify a project under the act it would not be necessary to destroy natural stream beds in order to justify a project on the rather questionable theory that acreage has been improved by channelization.

Mr. Speaker, I ask my colleagues to review this legislation and the Field and Stream article to become more familiar with the reason for its need.

HON. JOSEPH P. KENNEDY—A GREAT NATIONAL LOSS

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I was deeply saddened by the news of the passing just a short while ago of our outstanding Massachusetts native son, leader, and friend, the Honorable Joseph P. Kennedy, one of the great national and world leaders of our time.

He was a man of superlative gifts, talents, and abilities, endowed with immeasurable enthusiasm, energy, and drive, a great achiever in many fields, a man of superb benevolence and charity, and a philanthropist of unbounded generosity. His extraordinary career was one of massive accomplishment and the fulfillment of almost all his cherished goals and ambitions. As an individual, he had few, if any, equals in the world of American business and finance.

No task, even the most difficult, seemed beyond his power to perform. No concept, however impossible at first blush, too difficult for him to perfect and implement.

His striking successes in the business world were innumerable and brought him greatest renown, respect, admiration, and wealth impossible to calculate, which he utilized in large increments for many commendable human and public purposes.

Everything this great man did seemed to be crowned with success. At his magic touch, prosaic ventures turned into a stream of gold, and with seemingly little effort on his part, although there must have been much.

Over a relatively short period of time, this great American business genius was able to amass one of the largest, individual, personal fortunes of our times, or indeed of any time, and he achieved this end largely through his own ideas and efforts, even as he surrounded himself at times with able men to counsel and assist him.

He came from a famous Boston family that had a flair for business success in their blood, and early in life, Joseph joined the ranks of bankers and financial wizards who, in a real sense in their day, made some modern financial projects seem picayune.

No doubt, Joseph inherited his talents in business, his zest for politics, his passion for big deeds and big deals and his determined purpose to serve, and have his family serve, the Nation.

He was exceptionally well trained and attended the best schools. He was graduated from Harvard, where he was a high-ranking student and made his mark on the baseball team as a fine athlete.

Early in his career, he developed his own ideas on how to handle intricate business affairs. He was a bold innovator, a skilled planner, and he formed his own judgments, carrying out his plans with truly fabulous energy, precision, and speed of execution.

When a young man, he involved himself in finance, in the stock market, in big business, and in a host of activities, most of which gained him fortune. But politics was in his blood too, because he inherited that from his father, and absorbed a great deal of it from his brilliant, lovely wife, Rose Fitzgerald, whose able, distinguished, colorful father was a very prominent Mayor of Boston, and one of the outstanding political figures of his time.

I saw this young, vigorous Joseph Kennedy plunge into the famous, first campaign of President Franklin D. Roosevelt, for which he raised a great deal of money. He devoted himself feverishly and energetically, as was his custom, to the successful Roosevelt campaign.

I met him early in this campaign in the company of my dear friend and political mentor, the late statesman-patriot, Hon. David I. Walsh, member of the Massachusetts General Court, Lieutenant Governor, Governor, and U.S. Senator from Massachusetts for almost 30 years. Joseph deeply impressed me as an eager, aggressive, very capable leader, sure of himself, and intent upon reaching his goals.

In his talk with the then senior Senator, he expressed his determination to put all of his energies into the campaign, and it was obvious that he would exert every effort and devote his time and resources to help make Roosevelt President. What followed was history. His candidate was elected.

In rapid succession, Joseph became head of the Maritime Commission, head of the Security and Exchange Commission, and Ambassador Plenipotentiary and Envoy Extraordinary to the English Court of St. James, so well known but not always particularly appreciated by his Irish forebears.

A predecessor in another position at the English Court was another Boston Irishman, the great Patrick A. Collins, famous lawyer, orator, man of letters, and former mayor of Boston, appointed years before by President Cleveland as Consul-General of the United States to the Court of St. James.

By this time Joseph's family, that was to play such a great, historic, but tragic role in American political life, was growing and required his attention. While this great man was always busy, he always found time somehow for his loving, devoted wife and his lovely children, who were so bright, charming, and promising. While his affections were centered on his daughters, he loved his fine sons just as much, and his ambitions and his conceptual gifts were directed toward shaping his sons for public service.

The first and eldest named Joseph P., like himself, received his primary, special attention. He was carefully groomed, educated at Harvard, and singled out by his distinguished dad to enter the political arena. This plan was known to many Kennedy friends and political figures around Boston.

However, this fine young man, who seemed destined for a great career in the public service, tragically lost his life during World War II while in the flying, combat service of his country.

Grief stricken, but undaunted, the Ambassador then turned his expert attention to the next of the Kennedy sons, John F., who was selected by his famous dad, not always with the candidate's complete enthusiasm, to aspire for public office and embrace a political career .

After being graduated from Harvard and some newspaper and free-lance writing, and a great deal of training from his dad, mother, and grandfather, the famous John F. Fitzgerald, John was ready to enter the lists. He was to rise to the top in American government and to take his place among the greatest in American history and world history.

I recall something once said to me by the former Mayor Fitzgerald some years ago when I was visiting with him in his apartment in the Bellevue Hotel, Boston.

John Kennedy, then a young Harvard lad, who looked even younger than he was, had come to visit, as I had seen him do before, and the former mayor commented to me:

> I want you to note this very carefully. You have had a chance to see and size up this young man, and you know he is a fine student and a wonderful boy in every way. Remember this: One day this boy, John Kennedy, will be President of the United States, and you can take that from me.

The mayor repeated that remark to me on several occasions and I have always remembered his prophetic words, and believed somehow that they would come true.

Mayor Fitzgerald's words came true. Young John Kennedy became one of the youngest Presidents our country has ever had, as well as one of the greatest during the all-too-limited time allotted him before his unspeakably tragic passing at the hands of an assassin.

In John's campaign for the Presidency, the Ambassador possibly reached his greatest heights of political achievement. In fact, he was his great son's campaign manager, counselor, inspiration and general handler. He was involved in every phase of the campaign, the keyman in his great victory.

Morning, noon, and night he worked

tirelessly, never overlooking a single detail of the thousands of things that had to be done to put this historic campaign on the road, so to speak, and set up the smooth, efficiently functioning organization throughout the country that was to take charge of this winning campaign for the Presidency.

I saw and talked with Joseph Kennedy at that time too, in the presence of John and Bobby, and it was evident that the Ambassador took charge of some of the most difficult work of this famous national campaign, not only financial details, but mobilizing friends and workers, contacting the battery of writers, press, radio and television talent that was necessary. On his own he called literally hundreds and hundreds of friends, and other influential people that might even have been total strangers to him, soliciting votes and support for his son for President. This well could be, in his own estimation, as well as ours, his finest hour of all the great ones he had known.

To me, this is one of the great political stories in American history, and I know that many chapters will be written about it.

There was another story that was almost realized during the life of this great leader. That was the election of his third son, Bobby, who, many think, could have been elected President, had the Good Lord spared him.

There is much more to be told of this thrilling story of the life of a great man and the family he founded, and that is not yet ended, since there is still another son to come forward and very conceivably reach the political pinnacle of the American Presidency.

Thus, through the shifting shadows of triumph and tragedy, a great life has ended. But a powerful momentum has gathered, and it will go on through the proud, able, courageous Kennedy-Fitzgerald bloodlines that remain behind, and will carry on in the same invincible, irrepressible spirit to reach the highest goals that Joe Kennedy set for himself and his family and may well be realized again in future years.

The hearts of myself and family go out to this bereaved, great Kennedy family of America with prayers, deepest sympathy, and condolence.

May this brave, beloved widow, who has played such a gallant, memorable part in the life of her husband and her family, her son, our great, beloved Senator Ted, and her lovely daughters and dear ones, be strengthened, encouraged, and sustained by the good Lord to bear their heavy burdens of sorrow with true spiritual resignation and firm resolve to carry on in the rich traditions of their proud heritage that will lead them to even greater achievement in the years to come.

A great man has gone to his eternal reward, yet the influence and inspiration of his fine, successful life, so meaningful in terms of achievement, leadership and unmeasured contributions to the cause of God and country and the American people, will be felt in this country for many years to come, to enrich American life and history, and serve the cause of freedom and for peace.

May the good Lord bless and keep him in his eternal home.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Fountain (at the request of Mr. Gray), for an indefinite period, on account of business in North Carolina beginning departure today at 4 p.m.

Mr. McCulloch (at the request of Mr. Gerald R. Ford), for an indefinite period, on account of attending a meeting of the National Advisory Commission on the Causes and Prevention of Violence.

Mr. Corman, for November 20, on account of official business.

Mr. Moss, from 4 p.m., November 21, through December 1, 1969, on account of official business in district.

Mr. Jacobs, for November 20 through November 28, on account of congressional district business.

Mr. Gettys (at the request of Mr. Gray), for November 20 and 21, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Rivers, for 60 minutes, on Monday, November 24.

Mr. Findley (at the request of Mr. Rivers), for 60 minutes, on Monday, November 24.

(The following Members (at the request of Mr. Mayne) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hogan, for 30 minutes, today.

Mr. Collier, for 30 minutes, on November 24.

Mr. Duncan, for 30 minutes, on November 25.

Mr. Duncan, for 30 minutes, on November 26.

Mr. Duncan, for 30 minutes, on November 27.

Mr. Robison, for 30 minutes, today.

Mr. Quie, for 30 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Clark, for 10 minutes, today.

Mr. Rarick, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Passman in two instances.

Mr. Ryan to revise and extend his remarks prior to the vote on the amendment to strike section 209 of the foreign aid bill offered by Mr. Gross.

(The following Members (at the request of Mr. Mayne) and to include extraneous matter:)

Mr. Roudebush in two instances.
Mr. Pirnie.
Mr. Halpern in two instances.
Mr. Schwengel in two instances.
Mr. Wyman in two instances.
Mr. Wyatt.
Mr. Steiger of Wisconsin.
Mr. Price of Texas in two instances.
Mr. Brown of Ohio.
Mr. Dickinson.
Mr. Cunningham in five instances.
Mr. Foreman.
Mr. Whitehurst.
Mr. Ruth in five instances.
Mr. Wampler.
Mr. Broyhill of Virginia.
Mr. Byrnes of Wisconsin.
Mr. Pollock.
Mr. Ashbrook.
Mr. Hogan.
Mr. Bob Wilson.
Mr. Lujan.
Mrs. Heckler of Massachusetts in two instances.
Mr. Dellenback.
Mr. Lipscomb.
Mr. Gude.
Mr. Buchanan.
Mr. Harvey in two instances.
Mr. Button.
Mr. Duncan in two instances.
Mr. Hansen of Idaho.
Mr. Hosmer.
Mr. Scott.
Mr. Michel.
Mr. Bray in two instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Friedel in two instances.
Mr. Rodino.
Mr. Addabbo.
Mr. Hébert.
Mr. Pickle.
Mr. Eilberg.
Mr. Albert.
Mr. Gonzalez.
Mr. Hungate in three instances.
Mr. Jacobs in two instances.
Mr. Rarick in three instances.
Mr. Burke of Massachusetts.
Mr. Corman.
Mr. Cohelan in two instances.
Mr. Carey in two instances.
Mr. Dingell.
Mr. Sikes in six instances.
Mr. Karth in two instances.
Mr. Kyros in two instances.
Mr. Anderson of California.
Mr. Bingham in four instances.
Mr. Garmatz.
Mr. Waldie.
Mr. O'Hara in two instances.
Mr. Helstoski in three instances.
Mr. Conyers in five instances.
Mr. Fascell.
Mr. Ryan in five instances.
Mr. Charles H. Wilson.
Mr. Feighan.
Mr. Hays in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule, referred as follows:

S. 849. An act to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site;

H.R. 11612. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 12829. An act to provide an extension of the interest equalization tax, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 499. An act for the relief of Ludger J. Cossette;

S. 632. An act for the relief of Raymond C. Melvin;

S. 757. An act for the relief of Yvonne Davis;

S. 2000. An act to establish the Lyndon B. Johnson National Historic Site; and

S.J. Res. 26. Joint resolution to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site;

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

ADJOURNMENT

Mr. DOWNING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until Monday, November 24, 1969, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948; Robert A. Roe, Eighth District, New Jersey.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1350. A letter from the Secretary of State, transmitting the 17th report on the extent and disposition of U.S. contributions to international organizations, for fiscal year 1968, pursuant to the provisions of section 2 of Public Law 806 (81st Congress) (H. Doc. No. 91–297); to the Committee on Foreign Affairs, and ordered to be printed.

1351. A communication from the President of the United States, transmitting amendments to the requests for appropriations transmitted for the District of Columbia for fiscal year 1970 (H. Doc. No. 91–196); to the Committee on Appropriations, and ordered to be printed.

1352. A communication from the President of the United States, transmitting a report on the progress of the District of Columbia highway projects listed in section 23(b) of the Federal-Aid Highway Act of 1968, pursuant to the provisions of section 803 of the District of Columbia Revenue Act of 1969 (H. Doc. No. 91–198); to the Committee on Appropriations, and ordered to be printed.

1353. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan Police force and the Fire Department, to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, to provide revenue sources for these increases, and for other purposes; to the Committee on the District of Columbia.

1354. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 72, *Absentee Delaware Tribe of Oklahoma, et al.*, and docket No. 298, *The Delaware Tribe of Indians, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to the provisions of the Indian Claims Commission Act of August 13, 1946, as amended April 10, 1967, 60 Stat. 1055, 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1355. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1356. A letter from the Acting Assistant Attorney General for Administration, transmitting a report of claims paid by the Department of Justice during fiscal year 1969 under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended; to the Committee on the Judiciary.

1357. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 721. Resolution for consideration of H.R. 14741, a bill to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes (Rept. No. 91–660). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 722. Resolution for consideration of House Resolution 613, Resolution toward peace with justice in Vietnam (Rept. No. 91–661). Referred to the House Calendar.

Mr. BENNETT: Committee on Armed Services. H.R. 110. A bill to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control (Rept. No. 91–662). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOB WILSON: Committee on Armed Services. H.R. 386. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters provided he is otherwise entitled to such separation allowance (Rept. No. 91–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'KONSKI: Committee on Armed Services. H.R. 3813. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis (Rept. No. 91–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 6006. A bill to permit National Guard officers to act as inspecting officers under section 710(f) of title 32, United States Code; with an amendment (Rept. No. 91–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 6265. A bill to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient (Rept. No. 91–666). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8019. A bill to amend title 37, United States Code, to provide for the payment of uniform allowances to certain persons originally appointed, temporarily or permanently, as commissioned or warrant officer in a Regular component of the Armed Forces (Rept. No. 91–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8021. A bill to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes; without amendment (Rept. No. 91–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. HICKS: Committee on Armed Services. H.R. 9052. A bill to amend section 716 of title 10. United States Code, to authorize the interservice transfers of officers of the Coast Guard; without amendment (Rept. No. 91–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOB WILSON: Committee on Armed Services. H.R. 9485. A bill to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; with an amendment (Rept. No. 91–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOB WILSON: Committee on Armed Services. H.R. 9486. A bill to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; with an amendment (Rept. No. 91–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 11265. A bill to provide for crediting service as an aviation midshipman for purposes of retirement for nonregular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code; without amendment (Rept. No. 91–672). Referred to the Committee of the Whole House on the State of the Union.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 14118. A bill to amend section 213 of the Immigration and Nationality Act, and for other purposes; with an amendment (Rept. No. 91–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 4574. A bill to provide for the admission to the United States of certain inhabitants of the Bonin Islands; without amendment (Rept. No. 91–674). Referred to the House Calendar.

Mr. FISHER: Committee on Armed Services. House Resolution 661. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; without amendment (Rept. No. 91–675). Referred to the House Calendar.

Mr. PHILBIN: Committee on Armed Services. H.R. 12941. A bill to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile; without amendment (Rept. No. 91–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on District of Columbia. H.R. 11193. A bill to authorize a Federal contribution for the effectiveness of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324); with an amendment (Rept. No. 91–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 13756. A bill to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; without amendment (Rept. No. 91–678). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee of Conference. Conference report on H.R. 13018 (Rept. No. 91–679). Ordered to be printed.

Mr. NATCHER: Committee on Appropriations. H.R. 14916. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes; without amendment (Rept. No. 91–680). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR (for himself, Mr. Ashbrook, Mr. Bray, Mr. Burke of Florida, Mr. Button, Mr. Cederberg, Mr. Collier, Mr. Cramer, Mr. Derwinski, Mr. Erlenborn, Mr. Fountain, Mr. Flynt, Mr. Haley, Mr. Hébert, Mr. Hogan, Mr. Hunt, Mr. Lloyd, Mr. McCulloch, Mr. McKneally, Mr. Meskill, Mr. Myers, Mr. O'Neal of Georgia, Mrs. Reid of Illinois, Mr. Rhodes, and Mr. Roudebush):

H.R. 14893. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. ADAIR (for himself, Mr. Berry, Mr. Scott, Mr. Thompson of Georgia, Mr. Thomson of Wisconsin, Mr. Watson, Mr. Whitehurst, and Mr. Williams):

H.R. 14894. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. ANDREWS of Alabama:

H.R. 14895. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 14896. A bill to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CUNNINGHAM:

H.R. 14897. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. FALLON (for himself, Mr. Blatnik, Mr. Kluczynski, Mr. Wright, Mr. Gray, Mr. Clark, Mr. Edmondson, Mr. Johnson of California. Mr. Dorn, Mr. Henderson, Mr. Olsen, Mr. Roberts, Mr. McCarthy, Mr. Kee, Mr. Howard, Mr. Anderson of California, Mr. Caffery, Mr. Cramer, Mr. Harsha, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. McEwen, Mr. Duncan, and Mr. Schwengel):

H.R. 14898. A bill to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs; to the Committee on Public Works.

By Mr. FALLON (for himself, Mr. Schadeberg, Mr. Snyder, Mr. Denney, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, Mr. Robison, and Mr. Koch):

H.R. 14899. A bill to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs; to the Committee on Public Works.

By Mr. GOLDWATER:

H.R. 14900. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 14901. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. HENDERSON (for himself and Mr. Lennon):

H.R. 14902. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. HOWARD:

H.R. 14903. A bill to amend title 23 of the United States Code to authorize the United States to cooperate in the construction of the Darien Gap Highway to connect the Inter-American Highway with the Pan American Highway System of South America; to the Committee on Public Works.

By Mr. KUYKENDALL:

H.R. 14904. A bill to enable the citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. MINISH:

H.R. 14905. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 14906. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. NICHOLS:

H.R. 14907. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 14908. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 14909. A bill to improve rice inspection; to the Committee on Agriculture.

By Mr. PUCINSKI (for himself, Mr. Dent, Mr. Hawkins, Mr. Hathaway, Mr. Powell, Mr. Murphy of Illinois, Mr. Anderson of California, Mr. Conyers, Mr. Derwinski, Mr. Farbstein, Mrs. Heckler of Massachusetts, Mr. Matsunga, Mr. Price of Illinois, and Mr. Roybal):

H.R. 14910. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. RIEGLE:

H.R. 14911. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board benefit increase with subsequent cost-of-living increases, to raise the earnings base, to liberalize the retirement test, to increase widows' and widowers' benefits, to improve benefit computation, to increase the lump-sum death payment, to provide benefits for additional disabled children and dependent parents of insured individuals, and to liberalize qualification for disability benefits; to provide medicare benefits for all individuals receiving cash benefits based on disability; to permit increases in social security benefits to be disregarded in computing income for the purpose of determining eligibility for a veteran's or widow's pension; and to provide a $5,000 income tax exemption for individuals 65 years of age or over; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. Brown of California) (by request):

H.R. 14912. A bill to amend section 1777 of title 38, United States Code, to liberalize on-the-job training procedures; to the Committee on Veterans' Affairs.

By Mr. VANIK (for himself, Mr. Annunzio, Mr. Blatnik, Mr. Button, Mr. Clark, Mr. Dulski, Mr. Eilberg, Mr. Feighan, Mr. Gallagher, Mr. Gaydos, Mr. Gray, Mr. Halpern, Mr. Hanley, Mr. Helstoski, Mr. Madden, Mr. McCarthy, Mr. Minish, Mr. Moorhead, Mr. Murphy of Illinois, Mr. Patten, Mr. Price of Illinois, Mr. Pucinski, Mr. Rodino, Mr. Rooney of Pennsylvania, and Mr. Shipley):

H.R. 14913. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Tunney, Mr. Vigorito, Mr. Yatron, and Mr. Howard):

H.R. 14914. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 14915. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. NATCHER:

H.R. 14916. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. BENNETT:

H.R. 14917. A bill to designate the authorized Cross-Florida Barge Canal as the Gulf Atlantic Canal; to the Committee on Public Works.

By Mr. BLACKBURN:

H.R. 14918. A bill to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Committee on Agriculture.

By Mr. COLLINS:

H.R. 14919. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 14920. A bill to amend chapter 29 of title 18, United States Code, to prohibit the misuse of political campaign contributions received by a Senator or Representative in, or Resident Commissioner to, the U.S. Congress; to the Committee on the Judiciary.

H.R. 14921. A bill to amend title 42, United States Code, to provide penalties for the willful giving of false information in registering, voting absentee or voting; for conspiring with another individual for the purpose of encouraging his false registration; and for paying or offering to pay or accepting payment for false registration; and for other purposes; to the Committee on the Judiciary.

H.R. 14922. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

H.R. 14923. A bill to amend title XVIII of the Social Security Act to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 14924. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself, Mr. Price of Illinois, and Mr. Hosmer):

H.R. 14925. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. OLSEN:

H.R. 14926. A bill to amend title XVIII of the Social Security Act so as to include chiropractors' services among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. Mahon):

H.R. 14927. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. RARICK (for himself, Mr. Edwards of Louisiana, Mr. Long of Louisiana, Mr. Hébert, Mr. Waggonner, Mr. Caffery, and Mr. Passman):

H.R. 14928. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 14929. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Iowa:

H.R. 14930. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 14931. A bill to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUBBLEFIELD:

H.R. 14932. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 14933. A bill to amend the Communications Act of 1934 to prescribe fees for applications for new commercial television television broadcasting station licenses and for renewal of such licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 14934. A bill to amend title 5, section 8340, United States Code; to the Committee on Post Office and Civil Service.

By Mr. FLOWERS (for himself and Mr. Nichols):

H.R. 14935. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committeee on the Judiciary.

By Mr. SANDMAN:

H.R. 14936. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HAYS:

H.J. Res. 994. Joint resolution to provide collective bargaining rights for employees of food service facilities at the Capitol; to the Committee on House Administration.

By Mr. HECHLER of West Virginia:

H.J. Res. 995. Joint resolution designating November 20 of each year as Coal Miners' Memorial Day; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.J. Res. 996. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

By Mr. ROONEY of Pennsylvania:

H. Res. 723. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. STRATTON:

H. Res. 724. Resolution to promote peace and security in the Far East by establishing certain conditions precedent to any transfer of Okinawa to Japan; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WALDIE:

H.R. 14937. A bill for the relief of Miss Carolina Rigor; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 14938. A bill for the relief of Jerry L. Weaver; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

336. The SPEAKER presented a petition of Concerned Students for Peace of Caldwell College, Caldwell, N.J., relative to a cease-fire and withdrawal of all American troops from Vietnam, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

PRAISE FOR THE PEACE CORPS

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Thursday, November 20, 1969

Mr. BROOKE. Mr. President, I recently came across a moving and perceptive article about the Peace Corps. Written by a doctor in New Haven, Conn., it describes one couple's encounters with Peace Corps volunteers in a number of African countries.

Prior to his mission for Crossroads Africa, Dr. Hans H. Neumann, like many other Americans, had entertained doubts about the character of the volunteers and the effectiveness of their work. His direct contact with these young people in the field dispelled all doubts and questions. The Corps is doing an exceptional job. Volunteers are well respected by the people among whom they live and work. And they are acquiring skills and a sense of purpose and responsibility which will always be of benefit to them and to this Nation.

I ask unanimous consent that the article, entitled "Are You For or Against the Peace Corps?" by Dr. Neumann, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE YOU FOR OR AGAINST THE PEACE CORPS?

(By Hans H. Neumann, M.D.)

What would you say to a son or daughter or young patient thinking of volunteering for the Peace Corps? Do you suspect that most corps members are misfits, more intent on escaping reality than on ministering to needy foreigners? Is it a haven for draft-dodgers? Is it doing an effective, lasting job of improving the lives of people in its host countries, or just some Boy Scout good deeds?

I found answers to such questions recently when my wife and I combined a vacation with a mission for Operation Crossroads Africa. In the bush country of inland Africa we were frequently told about Peace Corps volunteers working in the villages, and we made a point of seeking them out. During our journey, we talked at some length with 36 of these volunteers. Sometimes we'd just spend an hour or so with them, perhaps meeting village chieftains and midwives, or visiting the local school and clinic. Occasionally, we met a volunteer who had a free afternoon or evening and was pleased to spend it with us.

Once we took a 10-hour train ride from southern Dahomey to the town of Parakou, near the border of Niger, and had as traveling companions—in addition to two dozen live guinea hens and a goat—six Peace Corps volunteers heading upcountry for new assignments. So by the time we left Africa we'd spent more than 100 hours with volunteers and had come to some definite conclusions about them and their work.

I'll take my last question first: What kind of job is the Peace Corps doing? The answer is indicated by certain facts. More and more nations are asking for Peace Corps volunteers. Many governments are asking for larger numbers of volunteers. And most of the handful of countries that had asked Peace Corps youths to leave have recently asked them to return.

Furthermore, praise for the performance of these young American men and women was uniformly high among the Africans with whom we talked. Such support in the host countries isn't surprising when one actually sees these volunteers living and working under the worst possible conditions to bring knowledge and personal aid to victims of ignorance and hardship, including an overwhelming incidence of illness and injury.

For example, in most West African countries there's a 50 per cent mortality rate among children under the age of 5. Death among these children is the result of a variety of diseases and of malnutrition—which isn't due so much to a lack of food as to protein deficiency and to lack of knowledge about what foods a child should have. Consider also the high rate of deaths caused by malaria (still the leading cause in Ghana, where statistics are available). Consider that Africans don't become immune to amebic dysentery and other forms of entero-colitis; that many suffer from typhoid, hepatitis, and numerous parasitic infestations. Unaided, African villagers have no access to the modern methods of treating drinking water and creating sanitation facilities to reduce such diseases.

Imagine, then, the feelings of a 30-year-old African mother of eight (only four of whom have survived infancy), who knows that young Americans have come to teach her how to cook foods for her children that will help them live longer and be sick less often, and to teach her husband and brothers how to plant and cultivate a vegetable garden. Imagine what the northern Dahomeyan natives must think of the well-diggers of Natatingou. Americans laboring to bring good water to strangers.

What kind of people are the volunteers? I would say only that they're well-educated, articulate, sensitive, and dedicated boys and girls who, in doing so much for others, are also doing much to win friends for America. As to what the volunteers are getting out of their experience, I'll let some of the young Americans we talked with in West Africa speak for themselves.

One 22-year-old said to us: "For the first time in my life, I feel that I've made a difference in somebody else's life."

A young girl mused: "Every day I face challenges I never dreamed of before and I'm amazed at the abilities I find I have in overcoming them. I used to think if something wasn't solvable right away, it was the end of the world. Now, no matter how great the frustration, I know that tomorrow's another day."

Said a recent college graduate: "A lot of ego is involved in your first job. You feel you have to make your first mark. It may be a very tiny mark, but I'm leaving mine here."

One young man put it this way: "Teamwork? I used to think a word like that was garbage! That's what I thought until I taught 46 children to work together in a school garden. To them teamwork was a new concept, and teaching it to them made me see it in a new way."

And they said things like this:

"The Peace Corps helps you find yourself. You learn what you're capable of doing. Like I never knew what I wanted to do. Now I know. I'm going into urban redevelopment."

"Responsibility used to be something my father said I should have. Now I know what it *really* is."

"If you want to develop decisive-making power, the Peace Corps certainly gives it to you. You get into a village without a phone or any quick means of communicating with headquarters, and if there's a decision to be made, *you* make it—or else!"

"Everyone on campus said we have enough problems to solve at home and going someplace else was the coward's choice. Well, I just didn't see what I could do at home. I didn't know anything about my abilities, and I wouldn't have known where to start. Now I think I can bring something back, both a knowledge of myself and some experience in problem-solving."

"I learned that there are other ways of doing things, that the American way isn't the only way. I've learned to make allowances for people who are different from us."

"I've learned that you must treat people with justice and sensitivity. If you have those two things, it doesn't matter how poorly you speak the dialect. People will understand you."

"You change your perspective. Looking at the U.S. from the outside makes you see it in a different way."

"It's a nice institutional way to have an adventure. You learn to live with hardship. And the way the world is going, that's not a bad thing to learn."

"It's a good way to step out of the middle class for a while. There are a lot of guys who are bored with their parents' house in the suburbs. They ought to try one of these for two years!"

Though the volunteers were willing to talk about their work and what it meant to them, there was one thing they wouldn't talk about: the physical discomfort. That seems to be part of their unwritten code. They wouldn't gripe about inconvenience, self-sacrifice, of deprivation—whether the deprivation was in terms of physical needs or Western companionship.

The general attitude was perhaps best summed up by a volunteer who said: "This has been the most frustrating, heartbreaking, teeth-gritting, eye-opening experience a person could have. I've suffered every minute of it, and I wouldn't have missed it for the world."

Until our trip, my wife and I had been somewhat skeptical about Peace Corps motives and effectiveness. Now I'm convinced that mature Americans who are fed to the teeth with hippies, addicts, cop-outs, dropouts, and college rioters would stand a little straighter and speak a little more proudly of American youth if they could see and talk with some of these young volunteers as we did.

NO

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OBEY. Mr. Speaker, last Sunday Attorney General John Mitchell made a statement in which he seemed to indicate that the antiwar march in Washington this past weekend had the city in a state of near chaos and widespread violence.

In spite of the fact that only a few hundred undisciplined hotheads were involved in disruptions, out of the 250,000 "modestly" estimated to have been here, the Attorney General said he felt, overall, that the gathering in Washington could not be characterized as peaceful.

In this morning's Washington Post there is a story which reveals an incredible story of attempted extortion by the Weathermen of $20,000 from the Vietnam Moratorium Committee.

Mr. Speaker, if this extortion story is true, Attorney General Mitchell should be praising these groups for not caving in to the extremists of the left and not chastising them as he did on Sunday.

As the editorial in the Washington Post said Tuesday morning:

> What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

At this point I insert the complete editorial:

No

The effort by this administration to characterize the weekend demonstration as (a) small, (b) violent, and (c) treacherous will not succeed because it is demonstrably untrue. If citizens had had the opportunity to witness the weekend on television, they would know it to be untrue; as it is, they will have to ask those who were there—either kids or cops, no matter. For sheer balderdash it would be difficult to exceed Herbert G. Klein's estimate: "Had it not been for the highly effective work of the Washington police, of the National Guard . . . for the reserve forces of the Defense Department and the complete cooperation of all elements of the government . . . and the work of the Justice Department . . . the damage to Washington (Saturday night and the night before) would have been far greater than . . . the . . . riots after the death of Martin Luther King."

That statement is inaccurate on every count save the first—the enormously effective and professional performance of the Washington police department. Not necessarily in order of importance, thanks should be tendered to (a) the marchers, (b) the volunteer marshals, (c) the police and Chief Wilson, (d) the Mobe leaders, (e) Mayor Washington, and (f) the scores of organizations, churches and others, and individuals who went out of their way to exhibit what the mayor called "neighborliness."

What this administration, and the Attorney General in particular, does not seem capable of grasping is the simple truth that if the demonstrators had wanted serious violence they had the numbers to create it. Does anyone seriously believe that Washington's undermanned police force could contain 5,000 or 50,000 or 150,000 demonstrators bent on violence? The answer is No, and the demonstrators didn't want trouble. The fringe groups—Weatherman, crazies—did want trouble, and got it. To the Attorney General, this is evidence that the Mobe lost control and broke its nonviolent pledges. Is it reasonable to hold the Mobe leaders (and, by implication, all those thousands who marched) responsible for the actions of 50 or 200 or 500 people? No, it is not. The Mobe does not control Weatherman—and that is not an apology, it is a fact. There is evidence now that Weatherman demanded $20,000 from the Mobe as the price for peace; the Mobe refused, and the wild ones marched on the Saigon embassy. What there is now is a split between the antiwar moderates and the extremists; it is a serious split, but if John Mitchell tries hard enough he can probably heal it. He is one of the few men in the country who can.

"I do not believe that—over-all—the gathering here can be characterized as peaceful," was the way the Attorney General put it. He places in evidence the fact that at the "major confrontation" at Dupont Circle "20 persons were arrested." If the arrest of 20 people then, less than 300 people overall out of a crowd of a quarter of a million, constitutes a "major confrontation" engineered by the leaders of that crowd—then, what we may have here is a failure of communication.

These men—Mitchell, Klein and others who have had a hand in making policy in this matter—are not dumb or weak but small, men who somehow naturally see themselves as beleaguered adversaries. It seems clear from their statements, and from the accounts of participants at the command post in the Municipal Center over the weekend, that the Nixon administration was less interested in trying to keep the march peaceful than in trying to make it seem less large and more violent than it really was, and in trying to scare the daylights out of that putative Silent Majority at the same time.

So yesterday, as is the fashion with this administration, we had the qualifying statement from the White House press secretary, Ron Ziegler. Yes, it was a pretty large crowd; yes, it was, when you think about it, fairly peaceful. More moderate, more generous, more truthful than the other statements—but there is no reason to think that what Ziegler says is what the President thinks. On Saturday and Sunday, the President by his own account was preoccupied with the football games. It was a fine afternoon for watching football, he is quoted as saying on Saturday, and for sheer piquancy, we have not heard the likes of that since Marie Antoinette.

AD HOC COMMITTEE ON PUBLIC SAFETY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HUNGATE. Mr. Speaker, I call my colleagues' attention to the position of the Policemen's Association of the District of Columbia on the report of the Mayor's Ad Hoc Committee on Public Safety. Their communication to me follows:

POLICEMEN'S ASSOCIATION OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., November 14, 1969.
Hon. WILLIAM L. HUNGATE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HUNGATE: The Mayor's Ad Hoc Committee on Public Safety has published its report which has now become available to the Policemen's Association. We oppose this report and the proposals contained therein for the following reasons.

First, the Committee proposes to act in an investigative capacity, a judicial capacity and a prosecutive capacity. As stated in the report there will be appointed an Investigations Committee which shall (1) gather the facts; (2) determine if and when an officer is restored to duty; (3) have the option of sponsoring, presenting and prosecuting a complaint if the Metropolitan Police Department does not bring a Departmental complaint. It is a violation of the most basic constitutional rights to have a single body act in all of these capacities.

Second, there is great questionable legality of the committee deriving its authority from the Mayor. We seriously question this delegation of power and contend that these functions may not be delegated.

Third, the committee seeks to make judgments in purely internal affairs of the Metropolitan Police Department. To permit an outside group to decide recruitment, assignment, promotion and disciplinary matters is to invite chaos, inspire anarchy and effectively destroy the professionalism of the Department. As an adjunct to these aims, the Committee would vest itself with the power to invade files of the Metropolitan Police Department thereby obtaining information not necessarily available to it.

Fourth, the Committee would intervene in grievance procedures. This is an unwarranted interference in purely internal matters for which adequate procedures exist. Indeed, this Committee's function in this area may run counter to the functions of other groups.

In summary, we submit that this Committee does not purport, by its own report, to be advisory. It talks of "dealing" with certain problems; of being an "open advocate" for the complainant; of "initiating" action. These words mean what they say; we urge that this Committee be abolished or restrained within legal or common-sense bounds. At the very least, we urge that the Committee, its report and aims be carefully scrutinized by the Congress.

Respectfully,

CARL W. BEATTY,
President.

RUBBER FOOTWEAR PRODUCTION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to submit for the RECORD part of a recent statement issued by B. F. Goodrich Co. outlining the problems facing rubber footwear production in the United States. As I have stated repeatedly, the impact of foreign rubber imports on our domestic industry is a devastating one.

The B. F. Goodrich statement in part follows:

> The situation surrounding imports that started in 1956, and the impact of growing imports on a product with a very high employment factor. Over 60% of our sales dollar goes to labor, and with our high labor rates at Goodrich—or even the lowest wages paid rubber workers in the United States—it is difficult if not impossible to compete with merchandise made in the low cost labor areas of the world. Much of the waterproof footwear today is being imported from Taiwan and Korea, where wages for an 8 hour day, 6 days a week average approximately $25 (American dollars) *per month* including benefits which are negligible. An American worker in our Industry earns this in less than a day.
>
> The flood of imported rubber footwear, which amounted to less than 400,000 pairs in 1956, has reached almost 13,000,000 pair in 1968. This is more than one out of every three pairs sold in the U.S., or 36% of total shipments, leaving approximately 64% to the American manufacturer . . . and selling at prices that are severely depressed because of the import competition.
>
> The tide of imports has not stopped. In 1968 in spite of substantial tariff protection the imports were larger than any other year in the history of our country. So clearly the end is not in sight. I might also point out that Goodrich is not the first casualty, but the 4th in our Industry.
>
> We have had an area of our activity devoted to development of all types of footwear for the Armed Services. We are at the present time working on two contracts for sealed insulation boots, the type that was developed by this Company for the Korean War to prevent frostbite and other foot injuries. We were the sole bidder on the last two contracts. We will no longer be able to furnish the Government with this kind of footwear or development service. We will close out this part of our operation on October 15, 1969.
>
> Our experience must be considered as a harbinger of things to come in all American labor intensive industries where the impact of imports is not fully understood by those in power to effectively control these low labor cost imports.

The following charts illustrate the tremendous increase in rubber footwear imports into the United States. In 10 years, from 1958 to 1968 rubber-soled canvas-upper footwear imports into the United States rose from 3,248,000 pairs to 49,200,000 pairs, representing an increase from 4.4 to 24.5 percent of imports to consumption.

The situation facing waterproof footwear is likewise critical. Over a period of 10 years, from 1958 to 1968, imports rose from 2,365,000 pairs to 12,946,000 pairs, representing an increase from 7.4 to 36.3 percent of imports to consumption.

The charts follow:

RUBBER-SOLED CANVAS—UPPER FOOTWEAR

SHIPMENTS, IMPORTS, EXPORTS, APPARENT CONSUMPTION AND RATIOS, 1958-68

[In thousands pairs]

Year	Shipments	Imports	Exports	Apparent consumption	Percent imports to consumption
1958	70,000	3,248	122	73,126	4.4
1959	75,000	12,614	98	87,516	14.4
1960	84,000	30,435	69	114,366	26.6
1961	103,000	28,476	84	131,392	21.7
1962	136,000	29,225	82	165,143	17.7
1963	147,813	28,676	130	176,359	16.3
1964	162,151	29,063	225	190,989	15.2
1965	165,741	33,363	195	198,909	16.8
1966	157,491	35,060	167	192,384	18.2
1967	153,656	44,659	211	198,104	22.5
1968	152,257	49,200	239	201,218	24.5

WATERPROOF FOOTWEAR

SHIPMENTS, IMPORTS, EXPORTS, APPARENT CONSUMPTION AND RATIOS, 1958-68

[In thousands pairs]

Year	Shipments	Imports	Exports	Apparent consumption	Percent imports to consumption
1958	29,492	2,365	50	31,807	7.4
1959	30,036	7,875	53	37,858	20.8
1960	27,511	12,015	33	39,493	30.4
1961	28,597	8,352	32	36,917	22.6
1962	27,463	12,510	35	39,938	31.3
1963	23,200	12,819	32	35,987	35.6
1964	23,282	11,326	34	34,574	32.8
1965	23,393	12,448	25	35,816	34.8
1966	22,522	8,582	36	31,068	27.6
1967	22,093	10,541	32	32,602	32.3
1968	22,730	12,946	23	35,653	36.3

Finally, Mr. Speaker, I respectfully submit for the Record a recent letter from Mr. J. Anastasio of Uniroyal to Mr. Mitchell J. Cooper, again pointing out the worsening plight of the rubber footwear industry.

The letter follows:

Uniroyal Consumer Products,
New York, N.Y., September 4, 1969.

Mr. Mitchell J. Cooper,
1001 Connecticut Avenue, NW.,
Washington, D.C.

Dear Mitch: I am sure you have read about our tentative decision to close the Woonsocket Plant. This comes as a particularly devastating blow to us since we have been operating that plant as far back as 1897. Not only that, we have 800 employees involved which I understand comprises about 10% of the Woonsocket labor force. As you know, we do not take these things lightly but unfortunately, our business has dwindled to the point where we have a great deal of excess capacity. We simply can find no way to keep Woonsocket in business. As you know, the labor content of our canvas footwear products amounts to about 50% of the total cost. Since our wages including supplementary benefits in the Wonsocket plant amount to about $4.50 an hour while our foreign competition ranges from $.30 to $1.00 a day (I am thinking mainly of Far East competition which is where most of our imports come from), you do not have to be a financial genius to learn what has been and is happening to the domestic canvas footwear business. With a product as heavily oriented toward labor as our canvas footwear product, we find it more and more difficult to compete and it is this kind of a situation that has led us to the disastrous Woonsocket decision. It is interesting to note that we are forced to shut down plants while imports continue to grow.

We, of course, will absorb as much as the Wonsocket business in our existing domestic facilities as we can, but because of the decline in business, I am sure much of the Woonsocket production will disappear. We are strongly considering offshore production in an attempt to hold on to our domestic business. I am afraid this is just the start of things as far as domestic production is concerned, but as the situation continues to develop, I will keep you informed. In the meantime, if you have any questions please feel free to write or phone me.

J. Anastasio.

REMARKS OF FORMER GOVERNOR OF FLORIDA, MILLARD S. CALDWELL

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Address by Former Governor of Florida, Millard S. Caldwell, to Louisiana Judiciary, Monday, October 6, 1969, New Orleans, La.

I had some difficulty in deciding the subject of this discussion. Judges can look you straight in the eye, appear to be sympathetic to your views, and, at the same time, be sound asleep. As a practicing lawyer I learned I could not tell the judge one thing he didn't already know. As a Justice of the Supreme Court of Florida I found my brethren of the Bench better informed than I, so full of knowledge, most of which wasn't so, that I gave up trying to enlighten them. I resolved my dilemma for this evening by selecting as the subject matter of this address a problem about which you as the audience and I as your speaker are completely ignorant. For a brief period of time, therefore, we'll both be lost in abstraction, a rare experience for the Judiciary.

There is a definite relationship between public confidence in the courts and the stability of national government. In the so-called democracies the degree of public respect for law has infallibly measured the Nation's life span.

The historians think the demise of governments is, more often than not, linked to paternalism or, as we call it, welfare statism. It is strange but apparently true that paternalism and a sound jurisprudence are incompatible.

The Bar Associations, conscious of these cold facts, observing a growing disrespect for law, are endeavoring to stem the tide by the use of such devices as subtle advertising, free clinics, Law Day, et cetera.

I discussed this general problem recently with an able observer whose view was the trouble was deep-seated—that a substantial minority of Bench and Bar has been indoctrinated with alien philosophies and, being active in the professional organizations, will continue to militate against public confidence.

This man tells me the Soviet Union, with great foresight and greater patience, started the infiltration of the American Schools of Law, journalism, the ministry and education a half century ago, putting their people of learning and influence on the faculty, enrolling likely young converts in the student bodies and that communism is just now reaping the harvest. Whether his assignment of cause and effect is valid I can't say but, it must be admitted, those schools have graduated an inordinate number of queer people who have, in the courts, the press, the pulpit and the school rooms, expounded a queer philosophy. Some of them sit in the Congress, on the courts, and in the American Bar Association. Others make the headlines as ministers and priests and teachers and still others are established in the field of news dissemination. They have created distrust in the law, dissension in the churches, unrest in the cities. But, and this is significant, their philosophy is not yet that of the great majority of the American people who still believe in the Constitution, in legal precedent and in decent observance of the law.

Americans have been taken to the mountaintop too many times and they have become skeptical, they're prone to ask questions. For instance, when the American Bar asks the people to observe Law Day, when it seeks to foster respect for the law, when it seeks to persuade the public the law and the courts are worthy of respect, the response is not warm. The people ask, what kind of law are they called upon to respect? Are the lawyers talking about the law as represented by the Federal and State Constitutions and the Statutes enacted by the Legislative bodies of the Nation or are they talking about something else? Are the people called upon to respect judicial legislation enacted by the courts without reference to or regard for the Constitution and legal precedent? Are they called upon to respect such judicial revelations as the Schware, Konigsberg and the more recent Keyishian decisions which admit Communists to the legal and teaching professions and authorize them to advocate the overthrow of the government by force? Is the public expected to exhibit confidence in the decisions which turned Mallory and his criminal ilk loose to prey on other victims?

We must remember the American public is fairly well informed and is inclined to understand and accept the necessity for otherwise unpopular decisions so long as they believe the Court is earnestly striving to construe the Constitution as it was written and intended. But one gets an altogether different reaction when the Courts abandon judicial restraint, attempt to rewrite the Constitution and impose personal, social predilections on the law. The people simply cannot understand how it is five members of the Supreme Court, elected by no one, responsible to no one and there for life, can usurp the prerogatives of the Congress and establish the policies which govern two hundred million otherwise free people. And that is so notwithstanding the assumed divine endowment of omnipotence which graces that Court.

In my view, a vital question for the Nation is whether we can re-establish in the public mind a belief in the judicial integrity of the Federal court system—not an easy task because virtue once lost seems to have a way of remaining questionable. Assuming even the most favorable of developments such as several more retirements and the best of appointments to fill the vacancies, it will take long years to undo the damage wrought in the fields of education and criminal justice. Millions of parents are seething in anger over the disruption of orderly education, amounting, in some instances, to worse than no education. In other millions there is a revulsion against a judicial preference for the criminal as against the public. Don't expect the people, in the light of the chaos in the schools and on the streets, to shrug it all away along with Shakespeare's Puck and his observation of "Lord, what fools these mortals be" because those people know the Lord did not intend us to be fools nor did He intend that we content ourselves with fatalism or resignation.

I point my finger at the Federal side of the court system for two reasons: First, because the Federal courts have been the greater offenders and, second, because my hosts are Judges and Justices of the State court system and I would not like to be so ungracious as unnecessarily to offend them. But, in all candor, it is fair to say the public generally respects the State courts and at the same time, recognizes the need for improvement at all levels.

As we contemplate the future of mankind and appraise the astounding progress made in recent years in material endeavors, it is disconcerting to have to acknowledge the human mind is basically unchanged from the days of Plato and Aristotle. We all know war is destructive, unnecessary and futile, but none can say why the human race refuses to live in peace; we all know there is no such phenomenon as "something for nothing" but we tolerate and often accept the giveaway nostrums of the demagogue; transportation has moved from the sled to the jet, warfare from the club to nuclear fission, communications from the smoke signal to the airways, but our minds continue to walk on foot.

Our friends on the Bench in Washington have never in all their circumlocutions approached the wisdom of Hammurabi's "Judgments of Righteousness," promulgated four thousand years ago; the preachings of today's ministry are no improvement upon the sermons of John and Paul; the politicians of today show no more originality of thought, no more nor less integrity, than did the demagogues of ancient Rome. Does all this mean that we can go just so far toward the goal of true civilization and no further? Do you suppose it's humanly impossible to solve the problems of peace, racial and religious tranquility and the common cold?

It must intrigue you as it does me that Nations, like humans, have a way of dying; in youth or old age, but dying. Countless hundreds of governments, monarchies, kingdoms, tyrannies, dictatorships and republics have come and gone—none have been nor, in the light of history, is any likely to be everlasting. Do you suppose mankind is not given the capacity to ascertain the cause of the high death rate of Nations and at the same time the ability to devise a government which will avoid those dangers which will avoid those dangers which have proven so destructive?

The scholars tell us that since the dawn of time there have been twenty civilizations on earth, twenty periods of time when populations enjoyed peaceful progress in the arts and letters and science. Nineteen of those twenty civilizations have bloomed and faded and this Twentieth Civilization, roughly dating from the Eighteenth Century, is now on trial.

Those same scholars have reveled in a morass of speculation as to why the human race, having nineteen times striven with a measure of success to attain a civilized state, has faltered and fallen back and why more than a thousand national governments have prospered and, after a short or long period, died on the vine. Is it possible the Architect of the Universe planned it that way?

It does seem true that mankind and human governmental structures have built-in urges for self-destruction. The point was proven over and over again by the Chinese, the Persians, the Egyptians, the Greeks, the Romans and nations of more recent times. The historians tell us there are many reasons for the national suicides; some because of internal dissension, inflation, famines, plagues, and overwhelming outside forces. But, apparently, a vast majority of the governmental fatalities may be attributed to ambitious leaderships motivated by greed and lust for power.

Natural and logical questions for us are whether this government of ours and this Twentieth Civilization must also pass? Can we assume there is any valid reason this Republic will endure indefinitely or, in fact, any longer than have hundreds of other governments? Can we assume there is a valid reason this Twentieth Civilization will last any longer than did its nineteen predecessors? Surely we cannot take it for granted Divine Providence is, for our benefit, making an exception for the United States and for mankind in general. I suspect that about all we can do is use our best efforts and our best judgment to improve upon what we have and hope for a better world.

Perhaps the most notable feature of this Twentieth Civilization has been the frequent substitution of popular governments for the monarchies. The most important of those substitutions is the popular government of the United States. But, you will remember, de Tocqueville told us a hundred years ago that we nurtured our own seeds of destruction. He said a government such as ours, composed of a multitude of men, all equal and alike, each existing for himself, must end in the loss of equality and individual independence.

About the same time Lord Macaulay prophesied that an ambitious leadership would seize the reins of our government and lay waste to our freedoms and liberties; that such lustful ambitions will have been engendered within our own country by our own institutions.

I find it interesting that de Tocqueville foresaw that, above the multitude of men in America, ultimately would stand an all powerful, paternalistic government which would pander to our desires. He said that paternalism would be absolute in its power, regular, provident and mild; that the State would be like a parent who seeks to keep his children in perpetual childhood; that the central government, once having circumscribed man's free agency, would cover society with a network of small complicated rules, minute and uniform. He said the will of man would not be shattered, but it will be softened, bent, and guided; that men will not be forced to act but constantly will be restrained from acting.

De Tocqueville, along with other examples, must have been thinking of the Israelites, some 1100 years before the birth of Christ, and their desire for less work and less civic responsibility and more free food, free circuses, and free pleasures. They were tired of responsible citizenship and wanted a more paternalistic king. Samuel, later to be known as the Prophet, aware of the frailties of human nature and remembering the fate of other nations, told the Israelites if they swapped their freedom for handouts the paternalistic king would make them slaves. And, of course, being human, the Israelites made the swap and they did become slaves.

And of course de Tocqueville was thinking about the Romans, a thousand years later, the classic example of a free people grown weary of work and the burdens of citizenship who sought the benevolent care of paternalism. The Romans, ignoring wise counsel, evincing the attitude of some of our modern-day teachers and students, told Cicero, the hell with all that patriotism; the flag and civic responsibilities are square, we want the government to keep us in fun and idleness.

Cicero thought the great middle class, the doctors, the lawyers, the bankers, the merchants and the farmers could save the nation but Sulla, practical and ruthless, said, "no, those people would make no sacrifices for freedom."

When Cicero counseled with his supposedly substantial people they confirmed Sulla's judgment. They thought, as we in America think of our future, that Rome was immortal, there was no limit to what the government could spend—they told Cicero, "We do not meddle in politics. Rome is prosperous and at peace. We have our villas in Caprae, our racing vessels, our houses, our servants, our pretty mistresses, and our comfort and treasures. We implore you, Cicero, do not disturb us with your lamentations of disaster. Rome is on the march to the mighty society, for all Romans."

Sir Samuel Dill, the British scholar and historian, said the Roman system of bureaucratic despotism produced a tragedy in which the claims of fanciful omnipotence ended in a humiliating paralysis of administration; that the government's effort to remedy social evils only aggravated them.

A contemporary of de Tocqueville's, John Stuart Mill, said it was his conclusion the tyranny of an unthinking majority is an evil to be feared because it will execute its mandates in things over which government ought not to meddle. He pinpointed a weakness in popular government which has, in recent years, been demonstrated in this country: The inescapable and human selfishness of the individual which predisposes men to array themselves on one side or the other of public questions according to the degree of their personal interests, rather than on principle to which they should adhere.

The point is illustrated by the New Deal of the 1930s under which, by popular demand, the Federal government initiated the program of distributing alms to the poor and subsidizing industry for the rich. The recipients of the dole were happy because they gained governmental favors and the politicians were happy because they gained the votes of the people.

Another example is the great battle for the Negro vote which was started by Mr. Roosevelt and accomplished the enthusiastic political manipulation of a dissatisfied race. When the politicians of the large cities in the North began to plead for the downtrodden blacks of the Southland, ignoring their own back yards, they divided the people within their cities, colliding head-on with the time-honored maxim: "The way to the destruction of the Nation lies in the division of its people."

The sad part of it all is this collision came about, not because of any humanitarian motive but because callous political ambitions preyed upon the credulity of ignorance.

The founding fathers thought they were in the Constitution safeguarding the country against inordinate ambitions by the imposition of what they called checks and balances. They thought the Congress would curb a grasping White House, the President would veto the efforts of the Congress to centralize powers and, in any event, the Supreme Court could be depended upon to hold both the Congress and the President within the boundaries of the Constitution. But the authors misjudged human nature and, as it happens, the Supreme Court some thirty years ago embarked on its policy of ignoring Constitutional restraint and usurping powers it was never intended to possess.

It must be said many of our people have approved those judicial usurpations. The criminals are happy with their immunity from convictions; the Communists are happy because as teachers and lawyers they can now legally advocate the overthrow of our government by force; the mothers of millions of illegitimate children appreciate the generous contributions by the Congress and are delighted with the pleasure and profit of repeat performances; many students on publicly paid scholarships and many teachers on the public payroll are pleased with the prospect of being rewarded and trained by the Federal government to riot and demonstrate.

Our people have noted the cynical judicial disregard of constitutional restraint and some have remembered Lord Acton's words, that "power tends to corrupt and absolute power corrupts absolutely." It is just as well that we remember, as the historians have pointed out, time after time, that popular government, as it approaches its end, has something to offer to each of us in appeal to our inborn desires. It should have scared the daylights out of every thoughtful citizen when the New Dealers said, in effect, "if the voters wish paternalism they can have it, in fair exchange for individual freedom." We must have known that, once the Federal government started paying individuals not to work, farmers not to grow, the old people to sit and the young people to fiddle, the habit of receiving probably could never be broken.

But notwithstanding all historical precedent, notwithstanding logic to the contrary, I have an abiding faith in the quality of the American people. They have the power, leavened by good common sense and a desire for survival, to recapture the qualities of constitutional government. Let's hope and pray we do not procrastinate.

GOVERNOR PRAISES GARY JOB CORPS CENTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PICKLE. Mr. Speaker, an endorsement of considerable merit has been issued for the Gary Job Corps Center in San Marcos, Tex. The Honorable Preston Smith, Governor of Texas, made an inspection of the facilities recently. And Governor Smith makes pointed observations regarding the success of this, the largest Job Corp center in the Nation.

At this point, I insert an Associated Press story from October 30, 1969:

SMITH LAUDS TRAINING AT JOB CORPS FACILITY

SAN MARCOS.—Gov. Preston Smith took a look Wednesday at the nation's largest Job Corps Training Center and called it "one of the most rewarding experiences of my life."

"I sincerely believe," Smith said, "that it is the responsibility of government to provide each and every citizen with the training to earn a decent living."

The governor's remarks were in a news release, following his visit to Camp Gary, a federal facility which has grown from an enrollment of 200 in March, 1965, to 3,000.

More than 20,700 trainees have been processed at the center, and Smith said job opportunities far exceed Gary's ability to provide trained workers.

Smith said, "The Gary Job Corps Center's success amply demonstrates what we could be doing and what we must do in the area of vocational-technical education. In the minds of too many people vocational training has a stigma that we must begin removing.

"Less than 20 per cent of the school children of Texas will go on to college, but 80 per cent of the curriculum and a comparable percentage of educational appropriations have in the past, been directed towards educating and preparing that 20 per cent. Although we cannot afford to curtail our support of our college-bound youth, neither can we afford to continue ignoring the 80 per cent who will never make it beyond high school.

"Unemployment is a ridiculous and senseless waste when there are skilled and semi-skilled jobs, crying to be filled. The Gary Center, like our own state programs of vocational-technical training, is attempting to insure that no one who is physically or mentally capable of any kind of work ever again be considered 'unemployable.'"

URGES CONFEREES TO ACT ON MINE HEALTH AND SAFETY BILL

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WAMPLER. Mr. Speaker, today the Congress is faced with a sense of urgency in the field of coal mine health and safety.

We all remember the tragedy at Farmington, W. Va. We all remember the grief and the horror of that accident. We all remember the way Americans, both in the coalfields and in areas where coal is not mined or used, witnessed the death and disaster which came to coal miners and their families in a little West Virginia town 1 year ago today.

Recovery operations are now underway at Consol No. 9. Two men have already been recovered. Seventy-six more bodies still lie entombed in the mine. When they will be recovered is uncertain at this time, but the rescue crews continue to carry out the long, laborious, and dangerous task of bringing them to the surface.

Just as the recovery operations remain unfinished, so, too, does the task of the Congress. Health and safety legislation still remains a matter of pressing priority. Both the House and the Senate have enacted separate but strong statutes. Both bills represent decided progress in the mine health and safety fields. Both bills provide regulations for the health hazards endured by miners, especially in dust levels. Both bills provide some form of compensation for the victims of coal workers' pneumoconiosis.

There are differences to be sure. But these differences are neither insurmountable nor irreconcilable. They represent basically a question of semantic differences which honorable men can and must resolve, and resolve quickly.

Delay means injury. Delay means disease. Delay could mean death. The price of delay is unacceptable to the American people. The price of delay is unacceptable to this Congress.

I know of the dedication and the zeal of the conferees to the cause of coal mine health and safety. I urge them to bring us a bill as soon as possible. Then we as the legislative branch of Government can discharge our solemn duty to the coal miners of this Nation, and to the widows and orphans who have suffered the loss of a loved one because of the inadequacies of coal mine health and safety regulations.

PROBLEM OF A DIVIDED GERMANY

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PIRNIE. Mr. Speaker, the 57th Conference of the Interparliamentary Union was recently held in New Delhi, India. Delegates from 65 countries were in attendance. During general debate the problems of individual nations and the common concerns of mankind were reviewed. There were moments of passion, and undeniable tensions existed. However, strong voices were raised in behalf of international understanding and true freedom. One of the most impressive was that of the chief of the delegation from the Federal Republic of Germany, the Honorable Peter Petersen. In a subdued but clear tone, he addressed the problem of a divided Germany in objective terms. His sincere and conciliatory approach deeply impressed his listeners and I share his eloquence with my colleagues:

PROBLEM OF A DIVIDED GERMANY

(By Peter Petersen, M.P.)

The President of India when he gave us the honour of opening this conference may have given us the key to our problems when he said that Chandiji had had a dream that kindled this nation—a dream of peace and freedom and brotherhood of men. Mahatma Gandhi belongs to all of us, the whole world. What would his life mean for us today in this strife-torn world? I would like to say a word to my Polish colleagues: Your Speaker, the Honorable Mr. Wende, said yesterday that the people of Poland will never forget the sufferings and sacrifices of the war. As a German, I understand that: Hitler and Stalin divided your country. The German army marched in and millions of your people suffered and died. We know that we cannot expect you to forget—I would like to ask you to forgive.

And then in the terrible Winter 1944/1945 millions of Germans were driven from their homes, hundreds of thousands died—my people suffered deeply—most of them, especially the women and children, had committed only one crime—to be born German. Much bitterness was in my country too. And bitterness, unless healed, can cause new hatred and conflict.

The Russian and the Indian delegates complained that the Communist German Parliament has not yet been accepted in these halls. I beg you to understand that we Germans want to live like everybody else. We don't want to live behind a wall and be shot and killed when we want to go from one part of our country to another. We want to read any paper we are interested in reading, whether the government likes the article or not. Our journalists want to write what they like to without state censorship. We want to be able to travel anywhere in the world without having to ask the government for permission. We Germans—all of us—don't want to belong to the government. Our government should belong to us.

That is why I don't want to sit at a table with delegates of a regime that owns 18 millions of my countrymen.

We Germans know—we learned that from history too—how power corrupts. That is why we want a government dedicated to freedom and peace; a government that gets power only for a limited time, that is controlled while it is in power by a freely elected Parliament and an independent Court of Law.

We don't want to impose this on anybody else—but we Germans—all of us, long for that. If in that way we can determine our own fate and control those in power, we don't mind whether we live in one state or two or five or six. The German problem is not one of organization but of freedom. Lasting peace can only live where there is freedom and justice—that too, Mahatma Ghandi has taught mankind.

Mr. Wende, the Polish delegate, talked about the Oder-Neisse-Line. Let me suggest, Sir, that borders are not the problem or solution. Nowhere in Europe you can draw a line that clearly divides two peoples from one another—because for hundreds of years we have been living together.

Let me give you one example: my grandparents were Danish. As long as I can remember my father had bitter disputes with his Danish cousins about the border line between Denmark and Germany. The Danish people also have suffered greatly in the last war. But my Danish colleagues will bear me out what I say that since Danish children can go to Danish schools in Germany and vice versa—I can go to a German church in Denmark; we trade, we travel, we marry, we can settle here or there; nobody is interested anymore in the border line.

Is that not the way peoples are meant to live together?

The best security of a country lies in the confidence of her neighbors. To win the confidence of our neighbors in the East as we have won it in the West is the most important task of our government, my Parliament and my people.

Let us—my fellow delegates—dedicate our lives to create a world free of hate and fear and greed; a world free of suspicion and of walls between men and nations. India has much to give to the world; all of us would be richer if we would interpret the life of Gandhi for our deeply troubled times.

FORMATION OF STUDENTS FOR AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PRICE of Texas. Mr. Speaker, I have been very gratified by the mail I have been receiving in the wake of President Nixon's November 3 address to the Nation and the recent moratoriums. I am pleased to report that the great majority of the residents of the 18th District of Texas support the President and disapprove of the "surrender now" moratorium groups.

Most gratifying to me has been the tremendous response from the young people of my district. One of the smaller towns in the 18th District is McLean, Tex., but the students are long on their interest in our great Nation. I insert at this point in the Record a letter from one of their teachers who assisted in the formation of Students for America:

Students for America,
McLean, Tex., November 12, 1969.

Hon. Bob Price,
House of Representatives,
Washington, D.C.

Dear Mr. Price: Attached are 4223 signatures secured throughout the Panhandle area to let you know that we support the stand for a patriotic America as voiced so often by you and our President.

After the October 15 Moratorium, my students and I decided that before the next one could be held we would let you *know* that the "silent majority" can indeed speak.

So many times in my history classes, our discussions have revolved around Americanism and the seeming twist of events in our country. My students always asked, "But what can we do?" A puzzled look is not an adequate answer when young people fired with idealism are looking for something on which to hold. I did not (and do not) have sufficient knowledge of the *best* way they could "do something," but we decided on a petition campaign stating our views. They chose STUDENTS FOR AMERICA as their name and contributed enough money to get us started in paper, stamps, envelopes, and posters.

Petitions and letters were sent to 46 schools in 42 towns. Of these, we received 19 back—some indicating a concentrated door-to-door effort.

My students have learned a great deal from this type of action. I am very proud of them and I know it makes you feel the same to know that the young people from your area of representation are deeply interested in your stand in American politics.

We would appreciate it if you would convey to President Nixon the support manifested through these petitions.

May I personally say "thank you" for your contributions to the Panhandle by your service in Washington?

Very truly yours,
Miss Barbara Lawton,
Social Studies Department,
McLean High School.

JOSEPH P. KENNEDY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ADDABBO. Mr. Speaker, the Nation has lost another member of the Kennedy family, the Honorable Joseph P. Kennedy. The former Ambassador to Great Britain passed away at the age of 81, leaving behind him a legacy which all Americans will cherish.

Ambassador Kennedy served his country beyond the call of duty, first through his own service and then through the Kennedy sons whom he encouraged to dedicate all for their Nation. He lived through tragedy after tragedy but never wavered in his devotion to public service.

Many men have given their time and energy to Government service but few have ever dedicated their family to public service in the manner of Joseph Kennedy. I extend my sympathies to the family and join with all Americans in taking comfort in the great record which he left behind.

FAVORABLE RESPONSE TO REMARKS OF VICE PRESIDENT AGNEW

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. ROUDEBUSH. Mr. Speaker, Vice President Agnew drilled into a sensitive nerve with his speech on television news coverage.

Agnew hit the bullseye. Response to his remarks by the American people has been overwhelmingly favorable.

It was disappointing that the networks did not take the criticism on face value, and examine their performance in the light of Agnew's pinpoint examples.

The Congress itself, through the Senate Commerce Committee, documented the networks' slanted coverage of the 1968 Democratic National Convention in Chicago.

And, I believe that if the networks will take a hard, cold look at themselves in the mirror, they will have to admit that their proliberal, anticonservative bias has been on display regularly.

Instead of accepting this criticism, which they so frequently dish out, and seeking ways to improve news objectivity, the networks are distorting Agnew's remarks and seeking to make the Vice President the issue, rather than their own poor performance.

The Vice President took careful pains in his remarks to voice his opposition to censorship in any form whatsoever, but insisted that the American people have the right to receive their news in a separate package apart from biased and prejudiced editorial comment.

But, the networks and their liberal supporters, have turned on the Vice President and the "censorship" bogeyman, instead of balancing the ultraliberal news diet fed daily to the American people.

Reaction to Vice President's remarks from Indiana has been highly favorable, and the newspaper editorial comment also sustains the Vice President.

I believe the network television executives should carefully read and digest the following editorials from the Marion, Ind., Chronicle, November 15; Frankfort, Ind., Morning Times, November 16; the Indianapolis News, November 17; Wabash, Ind., Plain Dealer, November 17, and the Peru, Ind., Tribune, November 18.

The editorials follow:

[From the Chronicle Tribune, Nov. 15, 1969]

On Target

When Vice President Spiro T. Agnew charged the three major television networks with broadcasting selective and sometimes biased news reports, he was pretty close to the truth. He most certainly was reflecting the opinion of a great many Americans, who long have felt they were not getting the full story in network news telecasts.

Network officials quickly and hotly denied the charge, and accused Agnew of suggesting censorship of their broadcasts, which he didn't. He did suggest that people make their feelings on the matter known to the networks, which they have since done, supporting Agnew by about a three-to-one margin.

While we also feel that television newscasts frequently present only one facet of a specific situation and that the commentators' personal views—generally ultraliberal—are expressed, we also defend the right of the networks to present their newscasts in what ever manner they choose. If Agnew was feeling out the public on censorship of the news, he was completely out of line. The entire nation must be on guard to make certain that this never happens.

Agnew was right when he said that simply the raising of an eyebrow by a commentator can indicate to millions that he doubts the truth of what he is saying, quite possibly when he is quoting someone.

The present national government undoubtedly is keenly aware of the personal bias of commentators, a majority of whom are of a liberal stripe, and therefore critical of the Nixon Administration.

One of the principal errors is that the opinions of the commentators are included in what is purported to be a straight news report. So long as it is made clear that the program is a comment and opinion telecast, there can be no complaint.

There is no doubt that selection of what will be shown in the few minutes available can play a big part in molding public opinion. Thousands of feet of film may be shot on a demonstration or riot. Only a small part can be used. Those few scenes can be made terribly one-sided, and often have been.

Agnew took the networks to task for comments made immediately after President Nixon's Nov. 3 Vietnam speech and pointed to the coverage of the Democrat national convention in Chicago in 1968 as a prize example of slanted and one-sided reporting.

Television viewers were shown lengthy and continuing films of police cracking hippies' heads and herding demonstrators into paddy wagons. Newspapers initially were guilty of stressing these points, although they did eventually discover that the demonstrators were starting the brawls by taunting, disobeying and rushing police. Few scenes of this ever were shown on television.

The networks accused the vice president of using his government position to try to cow them into presenting only news favorable to the administration. Possibly. But on the other hand, Agnew has a right to criticize the networks, just as they and anyone else can criticize the government. And there are plenty of valid criticisms of the government.

A tipoff on what is wrong with network news coverage could be the telephone calls to the stations. Across the country, the calls were heavily in favor of Agnew. But at NBC in New York the network received slightly more calls endorsing the network than praising Agnew.

The major networks have their headquarters in New York. Their national news broadcasts originate there and in Washington. The East Coast population leans heavily to the liberal side, and it is in this area that the newsmen live and work.

The networks should clearly label their telecasts as news reports or opinion programs, and they should present both sides of every question.

This is not the procedure at present, and the networks will have to admit that the vice president was on target with his charges.

[From the Frankfort Morning Times, Nov. 16, 1969]

Agnew Hassle Shows, Again, Advantage of Printed Word

The hassle involving Vice-president Spiro T. Agnew and the television networks shows, again, a basic advantage of the printed word.

Agnew fired a well-expressed blast of criticism at the commentators who followed Nixon's Nov. 3 speech on Vietnam.

"When the President completed his address—an address that he spent weeks in preparing," Agnew said, "his words and policies were subjected to instant analysis and querulous criticism."

"The audience of 70 million Americans—gathered to hear the President of the United State—was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed, in one way or another, their hostility to what he had to say.

"It was obvious that their minds were made up in advance."

The remarks by the commentators were just that—comments, and some of the comments clearly showed the personal bias of the speakers.

They were not labeled as "editorial comment," however, and many of the listeners did not know they were personal opinions. The listeners are accumstomed to hearing factual news reports from these same men and many of them may have accepted the opinionated comments as objective facts.

In a newspaper or magazine, editorial opinion appears on the editorial pages. Readers know the editorials are the opinions of the newspaper or the by-lined writers.

Agnew obviously has made a telling point.

Opinion polls show that about 70 per cent of all Americans approved Nixon's speech and his policies on Vietnam.

Why should a mere handful of men, with spur-of-the-moment remarks, and with no time for perceptive analysis, be allowed to tear the President apart without telling their listeners they are, generally speaking, expressing merely their own opinions?

[From the Indianapolis News, Nov. 17, 1969]

Agnew on TV

Vice-President Spiro Agnew called down the furies on himself last week with his criticism of news coverage on network TV, but in our opinion he was right as rain.

The political one-sidedness of network television, blanketing the whole nation and with no available options, has been glaringly apparent for years. It has cropped up not only in many phases of news-casting but in talk shows and even some entertainment programing.

Cries of "censorship" by the TV chieftains won't wash, although we can no doubt look forward to a lot of them in the days ahead. The facts of the case are that a kind of "censorship" already exists in the national TV field, as liberal opinion is purveyed to the nation nightly as "news" or "news analysis" or supposedly interesting conversation and other forms of opinion are studiously ignored.

Indeed, in a recent interview with Edith Efron of TV Guide, some network spokesmen admitted more or less what Agnew was saying: That the overwhelming majority of TV-casters and reporters are liberal in outlook, and that this fact shows up in their presentations of issues and events. Various leftist spokesmen and demonstrators can command TV coverage seemingly at will; conservative opinion, with rare exceptions, is not presented.

Cases in point are easily cited: Network coverage of the 1964 Republican and 1968 Democratic conventions; the continual browbeating of Sen. Goldwater in the '64 campaign; news "specials" on controversial issues like the Newburgh, N.Y., welfare program; the talk-shows whose idea of rewarding discussion is three liberals in a row, with no countervailing opinion offered.

Most of all, as Agnew noted, the networks have built up and glorified militants and demonstrators into an importance they cannot legitimately command on their own account. Such people become major figures simply because they are continually presented to the public and their opinions perpetually solicited. Relatively conservative views, if they appear at all, appear as odd-ball exceptions to the rule.

Agnew did not, as his TV critics allege, call for governmental action against the networks. What he did do—and what they don't like—was to expose their long-playing malperformance in a fashion that could not be ignored. In so doing, he has performed an important service to the public. Perhaps his critique of one-sided TV coverage will cause those responsible for it to mend their ways a bit.

[From the Wabash (Ind.) Plain Dealer, Nov. 17, 1969]

Responsible News Presentation

Spiro Agnew had every right to express his complaint against television networks. Incidentally, he expresses himself very well.

American democracy has—and has had for almost 200 years—effective machinery for dissent. It is the world's most responsive government to the opinion of its electorate. The machinery has maintained itself admirably; still responds with alacrity when there is bona fide stimuli.

The President said he would pay little heed to moratorium participants back before the Oct. 15 demonstration.

It's a cinch he didn't ignore it.

The men in charge of television networks did not ignore Mr. Agnew's remarks.

They responded quickly and properly, stating their positions.

Television is focusing on the nation's shortcomings. The public is learning more about these shortcomings and is responding. The nation is benefiting.

The ultimate decision rests with the people. This decision should rest with the people. This is freedom of speech and freedom of the press.

Mr. Agnew cited the commentary after President Nixon's talk on Vietnam.

Some people want this. These commentators are experienced and seasoned Washington observers. They are not interested in a party's welfare. They have steady highly-paid positions whether the Republicans or Democrats are in power. They are knowledgeable about national and international problems.

Many people watch professional sports—because the men are proficient. The commentators are welcomed—because they are proficient.

However, for those who don't want to listen it's simple—just leave the room or turn off the set. There are other stations available for entertainment. The choice (censorship) lies in the hands of each viewer.

There is hardly a better solution than this.

It's true that television can raise someone quickly from obscurity—like Mr. Agnew. But this is an important contribution to public information.

There is no narrow distorted view emerging from television. There are three networks in addition to other stations without network affiliations. If censorship existed the public would soon tire of it and turn elsewhere.

Good people are thinking and debating the Vietnam situation more seriously because of remarks made by Mr. Agnew.

It was impossible to sweep the Chicago situation under the rug last year by Mayor Daley and the Chicago Tribune because too many people saw on television what happened. The big thing going for television: you see it yourself.

Any suggestion of censorship would be reverting to the Russian system: suppression of freedom.

Mr. Agnew didn't propose any answers "Let them find their own," he said, alluding to the television networks.

No matter how good you are doing you can always do better.

Mr. Agnew, no doubt, challenged the networks to do better. They probably will do better, just as Mr. Agnew is doing himself.

Mr. Agnew has decided to be a principal spokesman for the administration. So he has become the target of criticism. Now he is trying to do better. At the same time he is stirring up Americans against Americans and he is getting criticism for this.

Dr. Frank Stanton, CBS president said, "Networks shouldn't be immune to public criticism."

Neither should Mr. Agnew.

Networks trying to put across a single point of view might be more palatable to critics. The public should reject any network that would be required to be subservient to any one point of view or any group in authority.

[From the Peru (Ind.) Tribune, Nov. 18, 1969]

Let's Talk Politics: What Did Agnew Say?

(By Al Spiers)

When Spiro Agnew upbraided television's news managers, the knee-jerk reaction of at least two major networks was round-aboutly revealing. Their lame, irrelevant response indirectly confirmed the Vice President's charge.

The NBC and CBS answers were a subtle variation of an old trick of politics. Nailed to a cross of truth and bereft of adequate reply, canny old pols didn't cringe or confess. Instead, they built phoney bogeymen by putting words in the foe's mouth, then belabored these straw men with distracting vigor.

Essentially that's how Presidents Frank Stanton (CBS) and Julian Goodman (NBC) replied to Agnew's blast. Consider:

Stanton—"We do not believe that this unprecedented attempt . . . to intimidate a news medium which depends for existence upon government licenses represents legitimate criticism . . . there are bound to be some deficiencies (but) they are minor compared to those of a press which would be subservient to the executive power of government."

Goodman—"Mr. Agnew uses the influence of his high office to criticize the way a government-licensed news medium covers the activities of government itself . . . Evidently he would prefer a different kind of television reporting—one that would be subservient to whatever political group was in authority. It is regrettable that the Vice President would deny to television freedom of the press."

(ABC's President, Leonard Goldenson's comment boiled to bland faith "in the ultimate judgment of the American people.")

There are intriguing similiarities in these replies of ostensible competitors, but forget that! Don't be picky. Stick to gut issues and pertinent core questions, such as these:

Did Agnew really try to intimidate TV's newsmen? Did he threaten—or even remotely suggest—using government's licensing powers to subvert, cow, harness, censor or discipline the electronic press? Would he really "deny to television freedom of the press"?

Did the Vice President say (or imply) that great presidential problems, or the national welfare, or even the people's wishes may at times transcend press freedom?

In short, did he propose what TV's moguls rebutted?

In one word—no! Read the entire text of Agnew's speech at Des Moines. Then search it for veiled between-lines threats or implications. Nowhere can be found what Stanton and Goodman counterattacked.

In fact, incredible as it may seem, Agnew took careful pains to make it very clear that the power of government must not be used to remedy TV's news ills—or any other media's. Here's exactly what he said:

"Tonight I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

"And the people of America are challenged too—challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations.

"This is one case where the people must defend themselves—where the citizen, not the Government, must be the reformer, where the consumer can be the most effective crusader."

An intelligent viewer needs only clear eyes and good ears to judge the merit of Agnew's charge that TV's newscasts cry for disciplining by a badly served public.

And, praise be, we appear to have far more such can't-be-fooled viewers than network moguls evidently expected, considering their lame, diversionary response. Polls and surveys have favored Agnew over networks by a landslide.

That's all to the good—and also the best hope for cure. As the Vice President so clearly stated, this is a problem that must be solved by the people, not their government.

Moreover, it is a problem too perilous to neglect much longer. Agnew said it well in conclusion:

"We would never trust such power over public opinion in the hands of an elected government. It is time we questioned it in the hands of a small but unelected elite.

"The great networks have dominated America's airwaves for decades. The people are entitled to a full accounting of their stewardship."

LYNDON B. JOHNSON NATIONAL HISTORIC SITE

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. WHITE. Mr. Speaker, Lyndon B. Johnson grew from the soil of Texas. His parents and grandparents helped to tame the land and conserve its soil and its waters. The story of how one man grew from this land, and rose to the highest position of leadership our Nation can bestow, is a part of the American dream; and it is of the highest importance that we should preserve the physical evidence of that dream for the inspiration of future generations.

To this House of Representatives has come the opportunity of designating the humble home where Lyndon B. Johnson was born, and another home where he grew toward distinguished manhood, as a national historic site. We can say to future generations that, here in the Texas hill country, dreams grow large and sturdy—that this land developed a giant among men.

Under the direction of the National Park Service, the story will be well told. Generations to come will learn of the boyhood influences that built courage, and determination, and the ability to conquer obstacles into the character of this man. They will learn how a love of his fellowmen and a desire to serve them became a part of his way of life.

They will learn anew the essence of the American dream: that greatness among men can grow from small beginnings such as this, just as mighty oaks grow from the tiny acorns along the banks of the Pedernales. One of the greatest legislative leaders ever to grace these halls of Congress—a President who led this Nation through some of its most perilous and progressive years—was born, and tutored by loving parents, in the birthplace and the boyhood home we are to preserve by this legislation.

Mount Vernon and Monticello tell the story of Virginia leadership and statesmanship. A different story is told in the humble cabin that was the birthplace of Abraham Lincoln. And, still another will be told by these homes where Lyndon B. Johnson's character was shaped toward a destiny that served this Nation and all mankind in the building of a better world.

Thank you.

THE STALLED OIL IMPORT STUDY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. KYROS. Mr. Speaker, New Englanders have been patiently waiting for 9 long months for the Presidential Task Force's report on the oil import quota program.

We are hopeful that this report will clear the way for a foreign trade zone at Machiasport, Maine, which would allow construction of an oil refinery that would bring cheaper fuel oil to us.

President Nixon assured us that the task force decision would be reached "before the snow flies in New England." That deadline has passed, and New England's patience is wearing thin.

Our feelings are clearly spelled out in an editorial which appeared in the Boston Globe on November 17. I include this editorial in the Record at this point:

The Stalled Oil Study

A presidential task force appointed to study the U.S. oil import quota system has been working for nearly nine months, and still it has not reported its finding to the administration. The word now is that the President will not receive the report until shortly before Christmas.

The report has important implications to the entire nation, but particularly to the New England area, which pays the highest fuel rates of any section of the country.

Hinging on the recommendations of the task force is a proposed free trade zone for Machiasport, Me., which would allow the construction of a $145 million refinery and result in cheaper oil for New England.

U.S. Sen. Thomas McIntyre (D-N.H.), writing in the Globe Sunday magazine, noted that President Nixon had assured five of his Republican colleagues from New England that under the law Maine was entitled to the necessary free trade zone, and that a decision would be reached by the task force "before the snow flies in New England."

There are indications that the task force will suggest major changes in the oil quota program. In fact, an editorial in a recent issue of a petroleum trade journal told its readers that "all signs in Washington indicate that import controls on foreign crude are in deep trouble."

The 10-year-old oil quota system has benefitted only the domestic oil industry, which already is overprotected by the 27.5 percent percent depletion allowances and additional financial advantages not enjoyed by other businesses.

President Nixon should urge the task force to submit its report as soon as possible, and end at least one aspect of the oil industry's unfair competitive position, a force so powerful that Sen. McIntyre describes it as "The Secret Government of Oil."

AGGRESSION AND DECEIT STILL COMMUNIST POLICY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WHITEHURST. Mr. Speaker, on October 24, the Honorable R. Hunt Parker, chief justice of the Supreme Court of the State of North Carolina, addressed the North Carolina State Bar. His address, a copy of which has been sent to me by Mr. Edward J. Brickhouse of Norfolk, Va., is so striking in its exposure of our Communist enemies that I believe my colleagues in the House should have the benefit of it. Mr. Speaker, I take pride in inserting Justice Parker's speech in the RECORD. I regret to say that Justice Parker passed away within a few weeks of making this address. It seems appropriate that the address by Hon. R. Hunt Parker and an editorial from the Norfolk Virginian-Pilot be printed in the RECORD, as follows:

PART-VIRGINIAN

Chief Justice R. Hunt Parker of the North Carolina Supreme Court, who died last week at 77, was a Tidewater neighbor and part-Virginian. He was born in Enfield and began a law practice in Roanoke Rapids. His law degree was from the University of Virginia.

In North Carolina, Supreme Court justices come out of the political thicket. Chief Justice Parker was no exception. He reached the high bench by defeating at the polls a gubernatorial appointee. Once in their robes, however, North Carolina justices usually fade into the cloisture. There Chief Justice Parker was an exception. He frequently was a public speaker, and his pronouncements on subjects like morality, race, and strong drink were sternly uncompromising. His own manner and standards supported such pronouncements; he was a man of much dignity, learning, and valor.

Chief Justice Parker's successor oddly enough, once was defeated by him in an election. He is William H. Bobbitt of Charlotte, who was appointed an associate justice in 1954 and now is the court's senior member. His mild and folksy look belies a tough and able mind.

Who will fill the vacancy on the court is a topic of much political speculation in North Carolina. Whoever he—or she: North Carolina has a woman justice—may be, the appointee will have to run to hold the seat in the next general election. North Carolina insists on keeping its judges subject to the people's will.

ADDRESS BY HON. R. HUNT PARKER TO THE NORTH CAROLINA STATE BAR, INC., AT THE ANNUAL MEETING IN THE BALLROOM OF THE SIR WALTER HOTEL, OCTOBER 24, 1969

My brethern of the Bench and Bar: Many of our college professors and instructors, many paid professional agitators, many of our newspaper editors and correspondents, and many of the liberalized press shout from the house tops that they are Communists. They believe the Communists are another political party. They ignore the fact that Communist Russia is a mortal enemy of the United States pledged to world conquest or dominion and pledged to the destruction of the United States of America and its form of government. Many of these self-proclaimed Communists in the event of a Communist take-over, in my opinion, will face firing squads.

Action—naked aggressive action—replaced talk on August 20, when troops from five Warsaw Treaty countries, headed by the Soviet Union, invaded Czechoslovakia. The process of democratization which the Soviet leaders had accepted with understanding—or so Dubcek thought—came to a screeching halt. Among other things, Dubcek was ousted as First Secretary in April, and very recently he was kicked out of the Presidium. The Soviet masters, calling the tune for the Czech Communists in the week-end purge, did let him remain as a member of the Party's Central Committee. Within the last few days Dubcek has been removed from the Party's Central Committee. Knowing Dubcek's popularity with the Czech people, the Reds may have tried to avoid going so far as to arouse the Czechs to retaliatory action. Once again the face of Communism is exposed to the world, and it is monstrously ugly.

Dubcek's heretical views included the intolerable concept that people should be permitted to vote as they wish. "Let the struggle of ideas commence," he said—an astounding doctrine in the Communist camp where the free expression of ideas is abhorrent. They were incendiary words to the men in the Kremlin. They summonded Dubcek and other Czech leaders to the Soviet Union for conferences in early May last.

Last month, shortly before the purge—of Dubcek and his allies—Czechoslovakia "temporarily" closed the country's borders. Several days ago the restriction on travel became permanent, for all practical purposes.

Even under the regime of Antonin Novotny, the Communists of Czechoslovakia had been relatively free to travel abroad, but in the months since Soviet tanks and troops invaded the country to halt Dubcek's experiment with liberalized Communism, some 50,000 Czechs have fled their native land for freedom in the West. Very recently the regime announced that henceforth, with few exceptions, the people of Czechoslovakia will not be permitted to leave the country for any purpose. Prague officials explained that the ban on private travel was essential because of "the danger to stabilization of the economy." That was the same excuse made by the East Germans eight years ago when they built the ugly Berlin Wall. Before the erection of that ugly Wall—which is actually 27 miles long, 300 feet wide, with death traps of bricks, barbed wire, watch towers, searchlights, police dogs, and men armed with machine guns—the East Germans had left Germany by the tens of thousands. Before the Wall was built, in fact, the East German "Utopia" was one of the few countries on the face of the earth where the population steadily declined. In the past eight years the exodus has slowed to a trickle, though some manage to escape at great risk, but many have failed and met death.

The East Germans have generously permitted more than 11,000 transferees to leave the country—but almost all of them are the very old or the very sick who are of no further use in the sweatshops of the worker's paradise, and now represent a burden, rather than an asset, in the stabilization of the economy.

However ugly and obscene the eight-year-old Wall around Berlin and the new ring around Czechoslovakia, they are in one sense, at least, very useful. For nothing else so starkly reveals the cruelty, the inhumanity of Communism, and nothing else so dramatically demolishes the myth that the Soviets and their puppets are mellowing. Prison is a prison.

I wonder if patriotism among many of our people is dying or dead in this country. So far as I am concerned, I agree with the immortal words of Stephen Decatur, a hero of the War of 1812: "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong."

By a decision of the majority of the members of the Supreme Court of the United States in the Escobedo and Miranda decisions, they have made it almost impossible for the States to enforce their own laws to preserve peace and order. In their zealous endeavor to protect the rights of criminals, they have rendered overbalanced decisions in their favor against the rights of the vast number of law-abiding Americans. In recent times we have seen ugly rioting in New York, Chicago, Los Angeles, Newark, and Washington City. I have been told by one of the leading biographers now living in the State that the only five-star General alive, who lives with his wife in a fashionable apartment in a high-priced section of Washington City, told him that he and his wife dared not walk around their apartment building at night for fear of being robbed, mugged, or murdered.

We have seen ugly demonstrations on college and university campuses throughout the Nation where a minority of bearded beatniks and hippies and women dressed in pants are seeking to take over and run the colleges and universities according to their whims, or to break up the colleges and universities, when the vast majority of students are zealous to maintain order on the campuses and acquire an education. Such conditions are intolerable. We have seen college administrators, professors, and teachers supinely give in to their demands instead of throwing them off the college and university campuses. Cannot these same people recognize that if they cannot preserve peace and order in our colleges and universities and afford our children who want an education to get it, the people of this Nation will quit voting for the support of our colleges and universities, and they will wither on the vine?

In the face of the rioting in the big cities of this country where bearded beatniks and hippies are fighting the police and calling them "pigs," and in the face of all the rioting that is going on, I seriously doubt if our big cities—sodden with poverty, crime, Communism, and lack of patriotism—can survive. Make no mistake about it, these people are dedicated to overthrowing our republican form of government in the name of Communism. I believe Russian Communists are behind it all. They have proclaimed from the house tops for nearly half a century that they will destroy the United States by revolt and rebellion within, by arraying race against race, class against class, and religion against religion.

The Supreme Court of the United States has made it almost impossible to enforce the State laws against obscenity and the publication and distribution of obscene and filthy matter in the press. We have seen the day of girls dancing bare-breasted, and now we are seeing the day of bottomless dancing and nude dancing in theaters and night clubs throughout the Nation. No decent man is willing to marry such "go-go" girls, to let them bear his name and to be the mother of his children. The press does not seem to be exercised over this filth and obscenity with which the Nation is being deluged, because they think to stop it will be an abridgment of freedom of the press which is guaranteed by the United States Constitution and the North Carolina Constitution. God save us from such a deluge of filth and obscenity.

I am reminded of the following lines written by Alfred, Lord Tennyson in Locksley Hall Sixty Years After:

"Bring the old dark ages back without the faith, without the hope,
Break the State, the Church, the Throne, and roll their ruins down the slope.

"Authors—essayist, atheist, novelist, realist, rhymester, play your part,
Paint the mortal shame of nature with the living hues of Art.

"Rip your brothers' vices open, strip your own foul passions bare;
Down with Reticence, down with Reverence—forward—naked—let them stare.

"Feed the budding rose of boyhood with the drainage of your sewer;
Send the drain into the fountain, lest the stream should issue pure.

"Set the maiden fancies wallowing in the troughs of Zolaism—
Forward, forward, ay, and backward, downward too into the abysm.

"Do your best to charm the worst, to lower the rising race of men;
Have we risen from out the beast, then back into the beast again?

* * * * *

"Is it well that while we range with Science, glorying in the Time,
City children soak and blacken soul and sense in city slime?"

I do not at all subscribe to that gloomy view of Alfred, Lord Tennyson. I believe in his statement later on in the same poem:

"Follow you the Star that lights a desert pathway, yours or mine.
Forward, till you see the Highest Human Nature is divine.

"Follow Light, and do the Right—for man can half-control his doom—
Till you find the deathless Angel seated in the vacant tomb."

We hear people expressing the view that they espouse the cause of democracy. The founding fathers were learned and distinguished men, most of whom had held or were holding high public office in their respective states with vast experience in administering public affairs; they were good Christians who believed in the existence of the Deity, but who were also characterized with a large measure of religious toleration, and some of them were desirous of establishing a monarchy. When the learned and illustrious Dr. Benjamin Franklin, chairman of the Pennsylvania delegation, who was eighty-one years old, was leaving the Convention Hall in Philadelphia after the Constitution had been written, a lady asked him, "Dr. Franklin, have you given us a republic or a monarchy?" He replied, "Madam, we have given you a republic, if you can keep it." The Supreme Court of the United States by its decisions has sought to establish a democratic form of government in this country. Its decision of one man-one vote goes down into even town and village elections. No one will claim that they are equal in stature to the founding fathers, who have been proclaimed for nearly two centuries as the most distinguished legislative assembly that ever gathered in this country.

If you think I have been too severe on the Supreme Court of the United States, I quote from the dissenting opinion of Mr. Justice Harlan in the case of Utah Public Service Commission v. El Paso Natural Gas Company, decided 16 June 1969. Mr. Justice White and Mr. Justice Marshall took no part in that decision. Justice Harlan wrote: "All semblance of judicial procedure has been discarded in the headstrong effort to reach a result that four members of this Court believe desirable. In violation of the Court's rules, the majority asserts the power to dispose of this case according to its own notions, despite the fact that all the parties participating in the lower court proceedings are satisfied that the District Court's decree is in the public interest . . . I cannot possibly subscribe to such an abuse of the judicial process."

Sir Walter Scott was perhaps our greatest novelist and, in addition, a man who could talk to everybody, poor and rich, as if he were a blood brother, and was perhaps the best beloved figure in British literature. As he lay dying within the sound of the murmur of the Tweed River, he said to his son-in-law, who was kneeling by his side, "Be a good man, Lockhart, for nothing else can bring you any consolation at such a time as mine."

We have seen the Supreme Court of the United States drive out of the public schools of this Nation everybody who wanted to pray to the Supreme Being though anyone who disagreed was at perfect liberty to walk out or not participate, and even though there was no taint of a religious denomination in such a prayer, thus misjudging entirely, in my opinion, the constitutional provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In my opinion, that provision was written into the Constitution to prevent the establishment of Presbyterianism which at that time was dominant in Scotland, and to prevent the Establishment of Episcopalianism which in England was established by law and supported by taxation. In England at that time there were savage laws against Roman Catholics, although it is said that a majority of the people in England were Roman Catholics, including the wealthy Duke of Norfolk, the premier Duke of England, who, because of his religion, could not sit in the House of Lords. The provision was also intended to prevent the establishment of Congregationalists and Presbyterians, who were dominant in New England; Episcopalians, who were dominant in the South; backsliding Quakers and Roman Catholics, who were dominant in the Middle Atlantic States. In the days when there were legal giants upon the Supreme Court of the United States, they have said in opinion after opinion that this is a Christian country. When they took their offices, every member of the Federal Supreme Court who outlawed a prayer to the Deity in the public schools of this Nation by their fiat, every member of the Federal judiciary, and the President of the United States swore to and subscribed oaths that they would support the Constitution of the United States and faithfully perform the duties of their offices so help them, God, thus recognizing the existence of the Deity. I cannot see how an innocuous prayer to God, perfectly nonsectarian in character, in the public schools of the Nation, is any violation of the Constitutional provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." I wonder how the gentlemen on the Supreme Court of the United States, when they lie on their death beds, will feel about driving God out of the public schools.

Recently, some freethinkers have shouted from the house tops the strange doctrine that "God is dead." I do not believe such arrant nonsense. When one stands on the shores of the ocean and sees the waves roll in as at creation's dawn, and stands and sees the majestic grandeur of our mountains, I do not see how one cannot believe that the Supreme Being is alive and still rules the destinies of men and of nations.

GOVERNMENT OF RHODESIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, I join a number of my colleagues this week in requesting the administration to revoke the economic sanctions being applied against the government of Rhodesia. The time has come for the United States to recognize the government of Mr. Ian Smith and abandon these self-defeating sanctions.

Since November 11, 1965, the Smith government has maintained continuous and effective control over its territory and population. In fact, the country has achieved stable economic progress and there is no longer any doubt that the sanctions have utterly failed. Yet, the United States is almost alone in its stubborn enforcement of the United Nations' sanctions resolution. And to what advantage, Mr. Speaker? The Record clearly indicates that the United States is seriously endangering its own national security as well as aiding in the destruction of several American industries by continuous enforcement of the sanctions.

Testimony recently given before the Subcommittee on Africa of the House Foreign Affairs Committee by government and industry officials indicates that the United States has become almost solely dependent on the Soviet Union for its supply of high-grade metallurgical chromite ore. This high-grade ore, which is necessary to production of vital military and industrial materials, can only be obtained in sufficient quantity from Rhodesian and Russian sources. We have opted to rely on the Soviet Union even though the price charged for its chromite is at least 50 percent higher than that at which Rhodesian ore can be purchased. Testimony from industry officials also reveals that in addition to having to pay these extortive prices, the Soviet Union now requires that for each ton of high-grade ore supplied, a purchaser must accept a ton of worthless low-grade ore. To continue allowing ourselves to be blackmailed and abused by our enemy when we have other options available is ridiculous.

Actually, Mr. Speaker, we have no other choice but to begin buying Rhodesian chromite again. Recent testimony by the Office of Emergency Preparedness revealed that in order to meet current needs and maintain the necessary stockpile we must buy Rhodesian ore. Otherwise, we face a certain and dangerous shortage of this strategic material.

I am submitting for publication, following my remarks, testimony given before the Subcommittee on Africa by the Office of Emergency Preparedness. In addition, I am also submitting for publication a column written by Willard Edwards which appeared in the November 8, 1969, issue of the Chicago Tribune.

Mr. Speaker, the time has come for the United States to reevaluate its policy toward Rhodesia. I urge the administration to give this matter immediate attention in view of the critical shortage of chromite ore and its potential effect on the defense of our Nation.

The testimony follows:

STATEMENT OF FRED J. RUSSELL, DEPUTY DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS, BEFORE THE SUBCOMMITTEE ON AFRICA, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, OCTOBER 31, 1969

Mr. Chairman and members of the committee: The Office of Emergency Preparedness is charged with the primary responsibility of determining which items are to be included in the stockpile of materials which are gritcal to national security and for determining the stockpile inventory objectives and levels of such items. Other qualified Federal agencies assist us in these determinations.

Present stockpile items, of which there is production in Rhodesia are: Chrysotile asbestos, and chromium ore.

The chrysotile asbestos is in substantial supply and is available to us from a number of countries. No near future shortage threatens.

The situation on chromium ore is a different matter. The stockpile inventory condition of ore and ferrochrome is set forth in detail on the attached exhibit A. Referring to this exhibit A, I call your attention to the subspecification or impractical location ore in the amount of 1,095,564 SDT which is excess but which is virtually useless. Although it has been authorized for disposal, there are no takers. You will see that we have a stockpile deficit of 708,664 tons of chromium ore. By this same exhibit A, you will notice that there are surpluses of the various ferrochromes. The figures here shown for these ferrochromes are the chromium ore content thereof. Whereas these ferrochromes persently are usable, they do not in all instances conform in alloy to exactly what the steelmaking industry presently uses, and it is conceivable that a future year will find these ferrochromes not suitable for use by steelmakers under the practices that they then will be employing.

At the bottom of this exhibit A, you will see a note which points out that, were we to combine all of usable ore and the ferrochromes (except ferro, silicon), we would have a net stockpile excess of 590,205 short tons, none of which has been authorized by Congress for disposal.

The attached exhibit B shows the sales of chromium ore from the stockpile and the quantities of these sales which have been shipped thus far. You will notice that 982,450 short tons have been sold and that 425,659 short tons of the material sold has not yet been delivered from the stockpile.

A part of the problem on chromium ore is revealed by the accompanying exhibit C. It shows that each year's consumption, both past and future, exceeds the total amount of chromium ore which has been imported into the U.S. It is substantially below the consumption rate, and it shows that shipments from stockpile have served as the means by which each year's ore deficit has been met. Since the stockpile excess is limited and one which might further be reduced by the need to increase the stockpile objective in order to accommodate the future increased consumption level, further sales from the stockpile would only serve the need for the relatively short time it would take to exhaust the stockpile excess.

By referring to exhibit C, you will notice that shipments of chromium ore from Rhodesia were reduced in 1967 and were terminated thereafter. This was the direct result of the sanctions against Rhodesia. You will also notice that shipments from the Soviet Union have increased from 27% of United States' supply in 1965 to 45% in 1969, placing us in heavy dependency upon the Soviet Union. If the U.S.S.R. were to decide to discontinue sales of chromium ore to the United States for one year, we would use up the entire uncommitted stockpile excess in that year, if Congress would authorize it.

It is our understanding that there are no prospects of significant increase in output of ore from Turkey, South Africa, or any other country which presently exports chromium ore to the United States and that all of their mines gradually are becoming exhausted.

We have no reason to believe that the Soviet Union would increase its future chromium ore shipments to the U.S.

Assuming that the U.S.S.R. would continue to ship chromium ore to the United States at the present level indefinitely, realizing that the other known amounts of chrome ore elsewhere in the world gradually are becoming exhausted, and knowing that U.S. needs are increasing each year, there is no way to see the chromium ore needs of the United States being met without chromium ore from Rhodesia.

EXHIBIT A.—METALLURGICAL CHROMITE INVENTORY

Form	Inventory unit	Stockpile inventory	Stockpile objective	Stockpile excess	Stockpile deficit	Authorize to dispose
Ore:						
Specification	SDT	2,408,746	3,117,400	0	708,664	0
Subspecification or, impractical location	SDT	1,095,564	0	1,095,564	0	987,132
Ferro, high carbon:						
Specification	ST–E	1,004,942	317,500	687,442	0	0
Subspecification	ST–E	1,760	0	1,760	0	0
Ferro, low carbon:						
Specification	ST–E	746,427	135,000	611,427	0	0
Subspecification	ST–E	50,810	0	50,810	0	0
Ferro, silicon:						
Specification	ST–E	83,413	58,500	[1] 24,912	0	0
Subspecification	ST–E	4,121	0	4,121	0	0
Chrome metal, electrolytic: specification.	ST–E	12,565	21,560	0	8,995	0

[1] Specialty item, not feasible to consider its comparable chrome ore content as a substitute for the chrome ore objective.

NOTE: If chrome ore and ferrochromes (chrome ore equivalent) were added together and compared with the combined ore-ferrochrome stockpile objectives, the ore equivalent net stockpile specification quality excess would be 590,205 short tons.

Code:
SDT—Short dry tons.
ST–E—Short tons of ore equivalent.

EXHIBIT B.—SALES OF CHROME, METALLURGICAL GRADE

[In short tons]

Contract No.	Contracting company	Contract date	Sold	Removal period: Number of years	Removal period: Final date	Quantity shipped: Prior to 1967	Quantity shipped: Calendar year 1967	Quantity shipped: Calendar year 1968	Quantity shipped: Calendar year 1969	Balance
29330	Vanadium Corp. of America	Sept. 7, 1966	33,308	2 years	June 28, 1968	10,604	13,640	7,457		(1)
72003	Interlake Steel Corp	July 25, 1966	22,040		May 31, 1967	9,774	10,536			(1)
72008	Ohio Ferro-Alloys	July 27, 1966	6,272		Oct. 27, 1966	6,219				(1)
72053	Union Carbide—Canada	Oct. 11, 1966	2,800	2 months	Dec. 10, 1966	2,792				(1)
		Feb. 17, 1967	8,400	3 months	May 31, 1967		8,442			(1)
7,270	Phio Ferro-Alloys	Dec. 5, 1966	11,128	10 months	Oct. 31, 1967		3,449	4,414		(1)
70053	do	Apr. 14, 1967	24,450	2 years	Apr. 19, 1969		4,433	1,936	17,267	(1)
70052	Philipp Brothers	May 11, 1967	7,455	do	May 11, 1969				7,386	(1)
70054	Corhart Refractories	Apr. 7, 1967	3	At once	Apr. 12, 1967		3			(1)
70067	Union Carbide Corp	May 11, 1967	30,852	1 year	May 11, 1968			30,576		(1)
70078	do	June 20, 1967	44,337	4 months	Oct. 2, 1967		7,014	22,876	13,376	(1)
70079	Metallurg, Inc	July 10, 1967	2,522	18 months	Dec. 10, 1968		2,079			450
70027	Pittsburgh Met. Co	Mar. 3, 1967	118,421	3 to 4 years	Mar. 3, 1971		12,968	13,987	19,509	69,571
70041	do	June 2, 1967	222,327	6 years	June 2, 1973			16,293	26,098	178,537
70048	Vanadium Corp. of America	May 1, 1967	46,669	3 years	May 1, 1970		8,613	12,972	16,819	8,417
70055	Interlake Steel Corp	May 1, 1967	76,349	4 years	May 1, 1971			15,879	13,656	46,710
70055	do	July 10, 1967	1,352	do	July 10, 1971					1,352
70060	Vanadium Corp. of America	June 2, 1967	7,297	3 years	June 2, 1970			6,973		(1)
83082	Foote Mineral Co	Apr. 29, 1968	10,336	2 years	Apr. 29, 1970			1,211	1,410	7,687
83106	do	Jul. 2, 1968	2,547	do	Jul. 2, 1970				3,314	(1)
92103	Airco Alloys	Jan. 1969	43,793	5 years	Jan. 1974				7,478	36,315
92104	Foote Mineral Co	Jan. 15, 1969	44,419	3 years	Jan. 15, 1972				12,273	32,146
92105	Union Carbide Corp	Jan. 13, 1969	53,775	do	Jan. 13, 1972				29,254	24,520
92137	do	Mar. 5, 1969	20,746	1 year	June 30, 1969				12,817	7,928
01051	Foote Mineral Co	Sept. 18, 1969	2,297	do	Sept. 18, 1970					2,297
01055	do	Sept. 25, 1969	9,729	3 years	Sept. 25, 1972					9,729
	Subtotal		853,624							
	Sales prior to fiscal year 1967		128,826			128,826				
	Total		982,450			158,215	71,177	134,574	[2] 180,657	425,659

[1] No balances are shown since all of the ore contained in the piles contracted for have been shipped.

[2] First 9 months.

EXHIBIT C.—METALLURGICAL GRADE CHROMITE DATA

1. COUNTRIES SUPPLYING CHROMIUM ORE TONNAGE AND PERCENTAGES OF TOTAL

[1,000 short tons, gross weight]

	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent
Rhodesia	329	37	219	22	147	20	1	----------	0	----------
U.S.S.R	242	27	302	29	299	40	335	47	440	45
Turkey	164	19	186	18	108	15	151	22	225	23
South Africa	115	13	184	18	95	13	74	11	69	7
Other	34	4	22	2	11	2	6	1	50	5
Subtotal	884	100	913	89	660	90	567	81	784	80
Shipments from stockpile			115	11	71	10	135	19	200	20
Total	884	100	1,028	100	731	100	702	100	984	100

2. CONSUMPTION OF CHROMIUM ORE

[1,000 short tons, gross weight]

	Estimated actual				Projected future			
	1965 [2]	1966 [2]	1967 [2]	1968 [1]	1969 [3]	1970 [3]	1971 [3]	1972 [3]
Weight	981	1,034	905	905	923	950	978	1,010

[1] Estimated.

[2] BuMines data, increased 7 percent to compensate for survey omissions.

[3] Projected forward from 1968 at annual increase of 3 percent.

[From the Chicago Tribune, Nov. 8, 1969]

CAPITOL VIEWS: SECURITY PERILED BY U.N. RULING

(By Willard Edwards)

WASHINGTON, November 7.—A blanket of silence has been gently drawn over the warnings of two high government officials that the United States is at the mercy of Russia for supplies of an ore vital to national security.

Most members of Congress have averted their eyes from the alarming implications of this testimony before a House subcommittee. The news media virtually ignored it.

A simple reason underlies this reluctance to face up to a disturbing development. Its public discussion involves recognition of the farcical nature of the United Nations sanctions against Rhodesia, where a white minority rules a black majority.

Rhodesia celebrates the fourth anniversary of its independence from Britain next Tuesday. A few daring members of the House and Senate are preparing speeches to note the event. The great majority will be too timid, knowing that they will be damned as racial bigots if they venture into the mildest of observations on the total failure of U.N. sanctions to crush the Ian Smith regime and force black majority rule.

Rhodesia's economy, by every account, is expanding. The government is more firmly entrenched than ever. Fear of terrorist raids from neighboring Zambia has faded.

American participation in sanctions [trade boycotts and embargoes] was dictated by former President Johnson. Because they are now hurting the United States and having no effect on Rhodesia, the time has obviously come for a reappraisal of American policy.

But political courage is not high on Capitol hill, and the questioning of sanctions, still strongly supported by the state department, carries the risk of being branded as an advocate of white supremacy. Not even an official government warning about the danger of continuing sanctions stirred acceptance of the challenge.

Appearing before a House foreign affairs subcommittee inquiring into United States-Rhodesia relations, Kenneth N. Davis, Jr., assistant secretary of commerce, and Fred J. Russell, deputy director of the office of emergency preparedness, expressed their deep concern.

Rhodesia is the major free-world source of chrome ore, they said. There is none in the United States. Russia is the other major source. The cutoff in supplies of this ore from Rhodesia has placed this country "in heavy dependency upon the Soviet Union."

If Russia, now supplying the United States with chrome ore under a contract expiring in 1970 [at prices 50 per cent above the former level], decided to end its sales, the stockpile excess in the United States would be used up in one year.

Even if the Soviet Union, because of the rich profits involved, continues to sell chrome ore to the United States, other world sources are becoming exhausted and American needs cannot be met without resumption of supplies from Rhodesia.

How essential is chrome ore? Without it, the United States cannot produce stainless steel and alloy steels for jet and aerospace engines and for atomic energy development. The national defense could be crippled and national security endangered.

The irony of this situation was enhanced by testimony from the management of the Union Carbide corporation and Foote Mineral company, two American companies which owned mines in Rhodesia. They can't even get the state department's permission to obtain 207,000 tons of the ore, already mined and paid for. Rhodesia would not have benefited.

The U.N. embargo was supposed to strangle Rhodesia. But that country is booming. Instead, Russia has the United States by the throat. Thru the ore monopoly created by sanctions it can continue to extort high prices from American business men or it can cut off the supply creating a genuine peril. This was the message sent to Congress by the two government officials which has thus far been studiously ignored.

"JAPANESE AMERICAN RELATIONS, II," REPORT OF THE SECOND JAPANESE-AMERICAN ASSEMBLY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BRADEMAS. Mr. Speaker, as the Prime Minister of Japan, Eisaku Sato, has arrived in our country to meet with President Nixon and other American officials to discuss the question of Okinawa and other matters that touch upon the relations between the United States and Japan, I take this opportunity to insert in the CONGRESSIONAL RECORD the text of the report entitled, "Japanese American Relations, II" of the Second Japanese-American Assembly which was held in Shimoda, Japan, from September 4–7, 1969.

A number of Members of the House of Representatives, of whom I was one, and of the Senate, of both our political parties, as well as scholars, businessmen, and communication specialists from both the United States and Japan met in Shimoda this year, as we had in 1967, for the purpose of discussing the entire spectrum of relationships between our two countries.

At this point in the RECORD, I insert the preface and final report of the Second Japanese-American Assembly:

JAPANESE AMERICAN RELATIONS, II—REPORT OF THE SECOND JAPANESE-AMERICAN ASSEMBLY, SHIMODA, JAPAN, SEPTEMBER 4–7, 1969

PREFACE

The Second Japanese-American Assembly, sponsored by the Japan Council for International Understanding and The American Assembly, met in Shimoda, Japan, September 4–7, 1969. As in the first Assembly, also held in Shimoda, in 1967, the participants (70 in all) included scholars, government officials, businessmen and communication specialists from both nations.

For three days in small groups they discussed the outlook for the bi-national relationship in the 1970s in the light of present political, economic and social postures in each nation as well as in other countries of Asia. Their talks were based on issues raised in papers prepared as advance background reading by James W. Morley, Saburo Okita, Gerald Curtis, Muniyoshi Hirano, Jiro Sakamoto, George McT. Kahin, Fuji Kamiya, Mineo Nakajima, and Marius B. Jansen.

The participants also heard formal addresses by Shojiro Kawashima, vice chairman of Japan's Liberal Democratic Party and Kogoro Uemura, president of the Federation of Economic Organizations; and by United States Senator Charles Percy of Illinois and Edwin O. Reischauer, former United States Ambassador to Japan.

In plenary session on the final day the participants reviewed the following report which had been drafted by the co-editors of the background papers—Messrs. Curtis and Kamiya—and by the discussion leaders and rapporteurs:

Jun Eto; Hans Baerwald; Herbert Passin; Masataka Kohsaka; Marius Jansen; and Michio Rohyama

The views contained in this report are those of the participants in their private capacities and not of the Japan Council for International Understanding or of The American Assembly, a non-partisan educational organization which takes no views on issues it presents for public discussion. Nor is The Ford Foundation, who generously underwrote the costs of the Assembly on the American side—gratefully acknowledged herewith—to be associated with the opinions herein.

CLIFFORD C. NELSON,
President, The American Assembly.

FINAL REPORT OF THE SECOND JAPANESE-AMERICAN ASSEMBLY

(At the close of their discussions the participants in the Second Japanese-American Assembly reviewed the following report in plenary session. The report represents general agreement. However, no one was asked to sign it, and in view of the often differing opinions expressed during the course of the discussions, it must be clearly understood that not every participant agrees with every statement.)

The relationship between the United States and Japan and their role in Asia have become the subject of serious public debate in both countries. While Japan and the United States share many common interests, there are significant differences in their views of the world and their respective roles in it. Furthermore, these views have not remained constant within each country but have been undergoing change.

There is today in the United States a great concern to solve pressing domestic problems such as poverty, race relations and a variety of urban ills. The American experience in Vietnam has generated a general questioning of America's foreign policy posture. American public opinion clearly desires a reduction in the overseas commitments of the United States, particularly in its military aspects. The timing and extent of this reduction are at issue but not the principle itself.

Japan's rapid industrial growth has created urgent pressures for attention to educational, urban, and environmental problems. At the same time its enormous economic power has contributed to an increase in national confidence. In this setting, America's desire to limit its commitments coincides with a changing political environment in Asia to create new choices and constraints for Japan. There is also a questioning of past policies and a public desire for a different, though still unspecified, role in international affairs.

Asia in the seventies will see a greater complexity in international relations than has heretofore existed in the postwar period. The Sino-Soviet split, the ongoing withdrawal of American troops from Vietnam, and internal developments in Asian countries are combining to create new challenges and new opportunities for the United States and Japan. Both countries must work out policies for the changing political environment in Asia appropriate to their respective capabilities and the desires of their publics.

Political instability will continue to characterize much of Asia in the 1970's, often as a result of the social and political strains of nation building. This will sometimes be constructive and not necessarily dangerous to world peace or subject to outside influence.

Japan will play a more influential role in Southeast Asia in the coming decade. This is partly the inevitable consequence of its position as the only highly advanced industrial nation in Asia. Japan thus has a unique opportunity further to participate and assist in the economic development of other Asian nations. This role, if fully accepted, would be extremely complex and challenging, given the great differences in stages of economic growth, political stability and other conditions among the states in the area. It will require greater involvement but should exclude any military role. By the same token, the United States too should seek new opportunities to increase its role in economic development programs. Both countries should place emphasis on multilateral means in this field.

It is highly desirable that both the United States and Japan try to normalize their relations with mainland China and to have it participate in a variety of international conferences and organizations. The continued isolation of China and the misunderstanding of intentions between China, Japan, and the United States pose obstacles to the reduction of tensions in Asia.

The existing tensions between China and the Soviet Union are not expected to decrease in the near future. On the contrary, an increase in the conflict is a possibility in the coming decade. Military conflict between China and the Soviet Union is not in the interests of either the United States or Japan.

The problem of Taiwan is a major concern of both the United States and Japan. Eventually it must be solved by the people of Taiwan and China themselves. There was vigorous discussion concerning this formulation, but differences of opinion could not be resolved.

The Vietnam War must be brought to a quick settlement. All efforts should be made to insure that the Vietnamese themselves be free to decide what type of regime they desire. Both the United States and Japan should aid the reconstruction and economic development of North and South Vietnam in the postwar period.

The form of reversion of Okinawa to Japan is the most urgent issue confronting the United States and Japan. The Okinawan problem is not only one of national sovereignty but also of the basic rights of the Okinawan people. It is imperative that a timetable for reversion be set within this year and that immediate steps be taken to provide for Okinawan participation in Japanese life during the process of transition. It was the general view that the return of the islands in such a manner as would place American bases there on the same terms as apply to bases in other parts of Japan is most desirable. However views favoring the immediate, unconditional return of Okinawa were also expressed. Okinawan reversion to Japan will remove a major irritant in United States-Japanese relations and will contribute to the development of great mutuality of interest between the two countries.

The problem of Korea is of direct concern to the United States and cannot be disregarded by Japan. We were in general agreed that forcible change of existing borders in the Korean peninsula would present serious problems to the United States and Japan, although we did not arrive at conclusions on the extent of this danger or counter measures to be taken.

Mutual security arrangements between the two countries must be considered in terms of the long range friendship between the United States and Japan. There was a wide variety of opinion ranging from abrogation to the indefinite continuation of the present Treaty without change. The prevailing view was that, in the immediate future, there was no alternative to automatic extension. However, dissatisfactions in both the United States and Japan clearly require that the Treaty be constantly examined and adjustments made as expeditiously as possible. Even under the present Treaty, the further reduction of American bases in Japan is desirable. It was generally agreed that both countries should work toward creating conditions under which the security of Japan and its neighbors could be insured without the presence of American bases.

Close relations between the United States and Japan are in part the result of their extensive economic ties. As great trading nations, both share a common interest in maximizing the opportunities for the freest possible world wide economic interaction, in this context it is imperative that both nations eliminate as quickly as possible barriers to trade and take necessary steps to insure the free movement of capital between the two countries. It was generally recognized that at this stage Japan should take the initiative in this regard in order to avert a vicious circle of retaliatory protectionist measures. The economics of both countries are sufficiently strong to make protectionist measures unnecessary.

There is unanimous agreement among Americans and Japanese that a friendly and equal relationship is of fundamental importance. As advanced industrial societies both countries share many common problems despite differences in language, culture and historical experience. We both must improve our mass education systems, deal with the dissatisfactions of youth, make our cities more liveable, and make government and large organizations more responsive to the needs of society.

* * * * *

It was resolved in plenary session that the funds specified for cultural purposes in the repayment of Japan's debt to the United States be used for the creation of a foundation devoted to the fuller development of dialogue and the study of our common problems.

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THE AMERICAN ASSEMBLY

The American Assembly was established by Dwight D. Eisenhower at Columbia University in 1950. It holds nonpartisan meetings and publishes authoritative books to illuminate issues of United States policy.

An affiliate of Columbia, with offices in the Graduate School of Business, the Assembly is a national, educational institution incorporated in the State of New York.

The Assembly seeks to provide information, stimulate discussion, and evoke independent conclusions in matters of vital public interest.

AMERICAN ASSEMBLY SESSIONS

At least two national programs are initiated each year. Authorities are retained to write background papers presenting essential data and defining the main issues in each subject.

About 60 men and women representing a broad range of experience, competence, and American leadership meet for several days to discuss the Assembly topic and consider alternatives for national policy.

All Assemblies follow the same procedure. The background papers are sent to participants in advance of the Assembly. The Assembly meets in small groups for four or five lengthy periods. All groups use the same agenda. At the close of these informal sessions participants adopt in plenary session a final report of findings and recommendations.

Regional, state, and local Assemblies are held following the national session at Arden House. Assemblies have also been held in England, Switzerland, Malaysia, Canada, the Caribbean, South America, Central America, Japan and the Philippines. Over one hundred institutions have co-sponsored one or more Assemblies.

AMERICAN ASSEMBLY BOOKS

The background papers for each Assembly program are published in cloth and paperbound editions for use by individuals, libraries, businesses, public agencies, nongovernmental organizations, educational institutions, discussion and service groups. In this way the deliberations of Assembly sessions are continued and extended.

ARDEN HOUSE

Home of The American Assembly and scene of the national sessions is Arden House, which was given to Columbia University in 1950 by W. Averell Harriman. E Roland Harriman joined his brother in contributing toward adaptation of the property for conference purposes. The buildings and surrounding land, known as the Harriman Campus of Columbia University, are 50 miles north of New York City.

Arden House is a distinguished conference center. It is self-supporting and operates throughout the year for use by organizations with educational objectives. The American Assembly is a tenant of this Columbia University facility only during Assembly sessions.

THE JAPAN COUNCIL FOR INTERNATIONAL UNDERSTANDING

(*Ginza Tokyu Hotel, Tokyo*)

The Japan Council for International Understanding was founded in 1962 by Japanese business and civic leaders. Its purpose is to stimulate research and discussion on international issues.

The Japan Council endeavors through regular contacts with foreign organizations of a similar nature to maintain a flow of information between Japan and other free nations on an unofficial basis.

Through the efforts of the Japan Council, Japanese leaders from many fields of specialization are afforded an opportunity to candidly exchange views with leaders of other countries in informal settings.

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W. Averell Harriman, New York; Hubert H. Humphrey, Minnesota; George F. James, *ex officio,* New York; J. Erik Jonsson, Texas; Sol M. Linowitz, New York; Don G. Mitchell, New Jersey; and Clifford C. Nelson, *ex officio,* New Jersey.

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Henry M. Wriston, New York.

VETERANS OF FOREIGN WARS MAKES OUTSTANDING CONTRIBUTION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. EDMONDSON. Mr. Speaker, I wish to commend the Veterans of Foreign Wars for its outstanding contribution to the Nation's activities on Veterans' Day this year in the organization and promotion of "Operation Speak Out."

In organizing Operation Speak Out, VFW Commander in Chief Ray Gallagher has demonstrated the kind of enlightened and vigorous national leadership which has long characterized the VFW's service to America.

I was heartened by the strong support the other great veterans' organization gave to Operation Speak Out. This occasion afforded an opportunity to encourage members of the VFW and all veterans to continue their interest in national affairs and actively to support the principles and ideals they fought to defend It served as a forum for a strong expression of national unity—an expression which will not go unnoticed in Paris or Hanoi.

As a longtime member of the Veterans of Foreign Wars, I have been pleased many times to see the quickness with which this organization responds where the public interest is concerned.

This organization's leadership in Operation Speak Out is consistent with VFW history and noble in concept. I hope Speak Out can be developed as a continuing program. I hope we can continue to offer an opportunity to the people of America to express opinions of strong support for this Nation and its principles. Freedom is the greatest privilege, and the veterans who belong to VFW have helped to win and protect this privilege. Speaking out for freedom is one of the surest ways to insure that freedom remains ours. I commend the members of this outstanding organization.

FAT CATS—FAT PROFITS—INFLATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. CLAY. Mr. Speaker, I think it is time that the facts about inflation be revealed for public consumption. In view of the great interest this body has on this subject, I commend to the attention of my colleagues the following statement by George Meany, president of the AFL-CIO. Mr. Meany's reply was prompted by a statement on inflation issued by the board of directors of the Chamber of Commerce of the United States. The statement follows:

STATEMENT BY MR. MEANY

The blatant hypocrisy of the Chamber propaganda campaign, designed to fool the public into believing workers are responsible for inflation, was exposed by the Wall Street Journal on the very day (November 14) that the statement was issued.

The Chamber advised its members to resist union demands for wage increases, as the patriotic way to halt inflation. Of course, the Chamber made no mention of holding down profits, which the Wall Street Journal had already shown to be the cause of the current inflation, nor did the Chamber advise its members to hold down wage increases for top executives.

The reason is obvious. The Wall Street Journal reported that "the average chief executive's compensation jumped 9.8% in 1968"—the highest gain in 15 years.

The reason, the Journal said, was that "1968 was a year of fat profits."

It is those "fat profits"—not wage increases—that have caused inflation.

Organized labor is seriously concerned about inflation. It is workers who are hit hardest by the rise of consumer prices that washes out part of the buying power of their wages. It is workers, too, who are hit hardest by the government's severely restrictive economic policies, including the highest interest rates in 100 years, that are increasing unemployment and boosting prices still further.

Secretary of Labor George Shultz reported last month that the median wage increase in new collective bargaining agreements negotiated this year is "a little under 2 percent for 1969," after accounting for the rise of consumer prices.

Moreover, the buying power of the average non-supervisory worker's weekly take-home pay, in recent months, has not been much greater than a year ago—or than in 1965. Large groups of non-supervisory workers have had little, if any, increase, in the buying power of their take-home pay in four years.

In the meantime, profits have skyrocketed in the 1960s. The increase in the compensation of an individual big business executive in 1968, alone, is more than the average worker earned in the entire year.

Under these conditions, workers and their unions are seeking to offset the effects of previous price increases on wages. They are seeking some advance in buying standards.

American workers and their unions are exercising their rights, through collective bargaining, to achieve a fair share of the gains of economic progress. That is their only recourse.

Before the Chamber issues any more free advice on how to halt inflation, it ought to examine its own closet of skeletons.

A BILL TO INCREASE THE NUMBER OF DROPOUT YEARS AVAILABLE IN DETERMINING SOCIAL SECURITY BENEFITS

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to join in the cosponsorship of legislation correcting a major defect in the computation of social security benefits. Presently, workers' benefits are determined on the basis of their average social security taxable income between 1951 and the year they are eligible for benefits—age 65 for full benefits and age 62 for reduced benefits. Each worker, under the present system, is permitted to delete his 5 lowest income years before computing his average—the average which determines the size of his retirement benefits. Most workers delete the years between 1951 and 1956 because then the social security tax base was only $3,600 and their wages were much lower than present.

Unfortunately, this dropout provision of the "low five" is restrictive and works an unnecessary hardship for the many workers who may be laid off before the age they are eligible for social security. If a man is laid off because of plant closure or merger at the age of 60, for example, it is extremely difficult for him to locate new employment at his previous, often highly skilled, rate of pay.

Additionally, the present arrangement conflicts with an increasing number of private pension plans. For example, if a worker is able to receive the benefits of his company pension plan after 30 years of service, and decides to retire at age 55, by the time he is eligible to receive the social security benefits he has earned in 30 years of covered work and 30 paying into the fund, he will have to average in 10 years of zero income—thus substantially reducing his monthly social security benefits. This conflict between the provisions of the Social Security Act and private pension plans is placing beneficiaries in a difficult dilemma, reducing mobility in the working force, and causing workers to sacrifice benefit payments they have earned.

The bill I am cosponsoring provides 1 additional dropout year for every 10 years that a person has worked in an occupation covered by social security. Thus a person who has worked 30 years could drop 3 years in addition to the 5 now allowed him. In addition, the amendment changes the basis upon which benefits are computed from age 65 to 62. In effect, this will give an additional 3 dropout years to male employees, allowing them to compute their retirement benefits on the same basis that women do.

The amendment will remove the penalties from which a worker suffers when he is laid off before age 65 and cannot get commensurate employment because of his age, or because he elects to participate in his company pension plan.

It is my hope, Mr. Speaker, that this bill will receive consideration during the House Ways and Means Committee's current review of the Social Security Act.

THE WAR AGAINST WATER POLLUTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RODINO. Mr. Speaker, I have long been concerned about the urgent need to act to solve the critical water pollution problem in this country, and I joined in the effort to obtain approval of $1 billion for projects to be carried out under the Water Quality Act of 1965. Unfortunately, we were not able to win approval of the full amount in the House, which approved only $600 million. However, the Senate has now moved with wisdom and urgency and has approved the full amount of $1 million. I hope that in conference the Senate figure—or one nearer it—will prevail. In this connection, I would like to include in the RECORD an excellent editorial from the November 14 issue of the Evening News of Newark, N.J., which strongly presents the case for assigning a higher priority on the war against pollution:

PRIORITY FOR POLLUTION

In authorizing $1 billion for clean-water projects in the next fiscal year, the U.S. Senate demonstrated its awareness of the immensity of the pollution problem confronting the nation. Unfortunately, its realism has not been matched by the House, and even less by the executive branch.

The House measure would provide $600 million to be matched in whole or part by the states for building sewage treatment plants. Responding to Congress' mandate to keep within a budget of $192.9 billion, the Nixon administration has scaled down its antipollution requests to $214 million, a totally unrealistic amount.

The inadequacy is emphasized by the fact that New Jersey alone has been authorized by its voters to float $242 million in bonds for anti-pollution projects. Under the federal Water Quality Act of 1965, the ratio of matching funds is: States 25 percent, federal 50 per cent and municipalities 25 per cent. Under the administration plan, Washington couldn't even keep up with New Jersey in combating pollution of its water.

Obviously the war against pollution ought to be assigned a higher priority than it has been given by the administration. If need be, pork-barrel projects could be delayed in order to free funds for needs that bear directly on the health and welfare of the nation. Neither should pollution control suffer while the fat in military spending goes untrimmed.

A paucity of matching funds at the federal level is bound to discourage initiative by municipalities, where the regional arrangements needed to combat pollution must begin. That's why an upward revision toward the Senate's more realistic figure should take place in conference committee.

GUIDANCE SERVICES FOR YOUNG PEOPLE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DADDARIO. Mr. Speaker, Ralph P. Romano, who is chairman of the Bulkeley High School guidance department, and who lives in West Hartford, recently summarized the values of guidance services to our young people in an article he wrote for the Hartford Times Sunday magazine.

He noted the ways in which counselors can be of assistance, and he points out that opportunities for schooling, work and self-fulfillment are improving and have been better. I believe the points he makes deserve the notice of all our Members and I offer them for the Extensions of Remarks:

[From the Hartford Times, Sept. 21, 1969]

Student Worried About Job, Courses Should See Counselor

(By Ralph P. Romano)

(Ralph P. Romano, who lives in West Hartford with his wife and five children, is chairman of Bulkeley High School guidance department. He is a member of the Urban Coalition of Greater Hartford.)

"Doctor, lawyer, Indian Chief!" So concludes the old, familiar nursery rhyme. According to the workings of that time-honored, childhood ritual, one's ultimate lot in life is strictly a matter of pure chance. Even in a supposedly advanced time, the ways which some educational and vocational choices are made are disconcertingly hit or miss. Some students and parents don't sufficiently use organized, professional services. Many don't invest enough time and effort in making school and career plans.

High school days particularly are days of important decisions. Which curriculum will be taken? Which subjects and divisions? Work at a part-time job? How many hours a week? Want to be a skilled tradesman? Service worker? A professional? Participate in extracurricular activities? How much time for homework? Enroll in tutorial, compensatory or enrichment programs? How to avoid the "hang-ups" of alcohol, drugs and sex? Stay in school or drop out?

These are just a sampling of the dozens of questions and dilemmas that confront the student and his family. How they are met and answered will have effects not only during the individual's school year, but also during the rest of his life. (Fortunately, the mistakes of youth are no longer so irreversible as they once were.)

Young people give the puffed-up impression that they already know all the answers and are, in fact, prepared to take over. This is far from a true expression of their real feelings. Down deep, many teenagers are self-doubting, perturbed and apprehensive about their places in a complex society. All youth need information, encouragement and advice from many sources.

In pondering the selection of a school subject, for example, these are a few key questions: What is it about? Is it suited to aptitude and interest? Is it required or recommended? What purpose will be served by taking it? (In some schools prescribed and arbitrary arrangements of subject matter by "tracks" are being replaced by more open and liberal patterns.)

Teachers are more than willing to help. They know their students. They can point out the vocational implications of their subjects. Even teachers "over 30" are capable of drawing from their own experience in aiding others. More than ever students feel free to talk over their career goals, their achievements and their worries with their favorite teachers. Different opinions reflect different points of view.

Parents have an all-important stake in the business of choosing, too. Their knowledge of their children and of the total family situation is invaluable. In trying to assert their independence, teen-agers tend to keep from confiding in their parents. This is a costly and unfortunate error.

It can be difficult but parents must find ways to keep lines of communication open, even though at times sons and daughters make them feel like "the enemy." The unfulfilled career wishes and dreams of Mom and Dad should be kept out of the picture.

School friends and older brothers and sisters are not to be overlooked as prospective "advisers" because they have the advantage of thinking, speaking and aspiring in teen terms. The influence of others in the same age group is pervading and powerful. It can be seriously misleading though when a teenager settles on a course of action merely because "all of my friends are doing it."

In selecting a job, school, branch of the military service, or college, visits are a must. It is necessary to study the possibilities firsthand. Representatives are glad to arrange interviews. The Hartford business, industrial, labor and educational communities are most eager to cooperate. Municipal, state and federal agencies are devoted to the service of youth. And so are civic, fraternal, social, religious, racial and ethnic societies and groups.

Other means of gaining valuable exploratory experiences may be found in part-time work or in such programs as work study, work training, apprenticeships, vocational and distributive education, volunteer service, summer projects and club membership.

Every bit of background a student acquires is useful during counseling sessions. Counselees frequently yearn to be taken "off the hook" by letting someone else decide for them. But a skilled and effective counselor does not tell anyone what to do or what to be.

Counselors do have special knowledge of the world of work and education. They accumulate a surprising degree of insight into the life styles of their charges. They try to help a counselee to relate all of the facts regarding his interests, abilities, strengths, weaknesses and opportunities.

Prejudice, discrimination, politics, "contacts" and nepotism still impose barriers for those who are not "in the know." Most people of reason, justice and good will have not yet completely committed themselves to the battle for equal opportunity.

Nevertheless, opportunities for schooling, for work and for total self-fulfillment are improving—and they have never been better. The limits are few: ability, initiative and willingness to work. The status of one's color, race, creed and nationality is rapidly becoming less and less significant.

Our way of life is founded on unique and remarkable ideals—that the dignity, worth and potential of an individual is of primary concern . . . that the right to decide for one's self is inviolable . . . that all are entitled to still another chance, and still another.

In a free and open society, freedom to choose is both a benefit and a responsibility.

JOSEPH P. KENNEDY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CONTE. Mr. Speaker, this body has often paused in its deliberations to pay tribute to the passing of great men. Now, sadly, we must do so again. One of the most illustrious sons of Massachusetts, Joseph P. Kennedy, is dead.

"The end of an era" is an overworked term, and yet the death of Joseph P. Kennedy truly fits that description. Never again will we see one who so avidly and so successfully moved in the arenas of America's economic and political worlds. Growing up in the Boston of the late 19th century and early 20th century, he knew what it was to be discriminated against. He railed against the prevailing prejudice of the time which was symbolized by the legend "No Irish need apply." He vowed to overcome that bias and, as was typical of the man, he overcame it in grand style. He did it by amassing both fortune and power.

But history will remember Joseph P. Kennedy more for the children he gave to this country and the world than for his own unique achievements. Besides intelligence, ambition, courage, and style, his children benefited from their father's vast experience, beginning in Boston ward politics and culminating in international diplomacy at the Court of St. James. It was a unique legacy, and one valued and well used by his sons.

I extend my deepest sympathy to his beloved widow and to all the members of that remarkable family.

H.R. 4599—BILL TO EXTEND CERTAIN PAYMENTS IN LIEU OF TAXES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PHILBIN. Mr. Speaker, under unanimous consent to extend and revise my remarks in the Congressional Record, I include therein some extended view which I presented to the Subcommittee on Executive and Legislative Reorganization, of which our very able and distinguished colleague and friend, the Honorable John A. Blatnik, is chairman, on H.R. 4599, to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments. This is a very vital, necessary bill and I urge its early enactment by the committee and the House.

The statement follows:

Statement of Honorable Philip J. Philbin in Support of H.R. 4599 Before the Subcommittee on Executive and Legislative Reorganization, House Committee on Government Operations. October 29, 1969

Mr. Chairman and members of this distinguished subcommittee, I am very thankful to you for this opportunity to testify in favor of H.R. 4599, sponsored by our good friend and valued colleague, the gentleman from New York, Mr. Robison.

This subcommittee is well aware of the very serious problem presented by the expiration of previous legislation which permitted Federal payments in lieu of taxes on government plants transferred from the old Reconstruction Finance Corporation and the

Defense Plants Administration to other Federal agencies.

I am here primarily this morning to join Congressman Donohue in whose District such a plant is located because many constituents of mine are employed by this facility. In addition, serious revenue problems have arisen for the community involved, the town of Grafton, Massachusetts, so ably represented in the Congress by my very distinguished friend from Worcester, Congressman Donohue.

Briefly, the situation is this:

During World War II the Defense Plant Corporation, now out of existence, erected a large factory in Grafton, Massachusetts, for the account of the Air Force. The buildings cost about 5 or 6 million dollars of Government funds, but the Air Force subsequently installed very complex, expensive machinery and equipment which cost in the neighborhood of 77 to 80 million dollars. In this latter equipment are two large heavy presses which fabricate, among other things, entire wings for aircraft under various pressures. One of these machines has a pressure capacity of 35,000 tons and the other 50,000 tons. They are considered to be of great value and very high importance to the Air Force activities.

When Congress terminated the Defense Plant Corporation the RFC took over these properties as liquidating agent and entered into an arrangement with the Air Force, to occupy and use the property in question. The Air Force, in turn, made an agreement with a very substantial concern of Worcester, Mass., Wyman-Gordon Company, to operate the plant for its account and this the company has been doing for a number of years.

Under the arrangement permitted by previous legislation, which expired on December 31, 1968, the Air Force made very substantal payments to the town of Grafton in lieu of taxes, in return for which the town furnished valuable and necessary educational and other services to the plant and its employees. These services include extensive water, sewer, streets, fire and police service, and school facilities.

The Air Force is no longer permitted to make such payments and consequently while the town is living up to its part of the bargain by continuing to provide essential services, the loss of this Federal money in lieu of taxes, if no solution is found, will have to be borne by the small homeowners and businesses of the town, already beset by high real estate taxes.

Of course everyone will agree, I think, that this would be a great injustice. The industry has brought many new people into the town. They have bought homes and have settled there. They require expensive services from the town and the same is true of the industry itself. Certainly the town should get some revenue from this valuable property and it not only would be a great inequity but a hardship on its citizens if the town were to lose this revenue.

I feel this is a situation Congress should clarify because there are numerous instances where towns have become dependent upon the revenue from plants similarly set up, and it is very unfair, in my opinion, to deprive these various communities of revenues which they need to discharge their proper functions.

The interests involved here are not only substantial but really concern millions of dollars and it is only fair the town should receive some tax revenue from these properties.

I know that the committee will be glad to give Congressman Robison's bill most careful consideration and I hope very earnestly that you may in your wisdom, decide to report it favorably at an early date so that the situation it is intended to correct can be adjusted.

I should like to say to my very distinguished and able friend, the Chairman of this splendid committee, and to all the members, that I have the greatest confidence in all of you, and am sure that you will do everything you possibly can to achieve the remedial objectives of this very worthy measure.

Thank you all very much for your generous attention.

COMMEMORATIVE POSTAGE STAMP IN 1972 URGED BY MARYLAND GROUPS

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. FRIEDEL. Mr. Speaker, the Metropolitan Civic Association and the Ensign C. Markland Kelly, Jr. Memorial Post No. 174 of the American Legion, two prominent groups in Baltimore, Md., are conducting a drive for the issuance of a Constellation stamp in 1972. This drive is explained in a joint statement issued by the executive boards of both organizations. The text follows:

The Metropolitan Civic Association and the Ensign C. Markland Kelly, Jr. Memorial Post No. 174 of the American Legion, both of Baltimore City, are now in the midst of a campaign for the issuance of a U.C. Commemorative Postage Stamp in 1972, in tribute to the 175th anniversary of the U.S. Frigate Constellation.

As noted by the Constellation Restoration Committee, the Constellation, launched on September 7, 1797, was the first warship built for the U.S. Navy. It has the longest record of total service of any U.S. warship, and it is the oldest ship in the world continuously afloat.

Since a U.S. Frigate Constitution commemorative stamp was issued in 1947 to commemorate the 150th anniversary of the launching of Old Ironsides—it is eminently fitting that such honor also be accorded and the accolades she has received since 1797.

Founded in 1960, the Metropolitan Civic Association is dedicated to metropolitan issues affecting transportation, rehabilitation, beautification, taxation, governmental administration and sponsorship of Citizens' Clinics for the interpretation of urban and suburban issues.

Basically, the Metropolitan Civic Association aims at a "Dynamic Baltimore" and equally dynamic metropolitan community. Such aims can be achieved by individuals and organizations who believe in becoming involved in the problems and welfare affecting their community.

The Metropolitan Civic Association will hold its Ninth Anniversary Achievement Award Banquet on Wednesday evening, December 10, 1969, at Martin's West. Achievement Awards will be presented to Dr. Harry Bard, President, Community College of Baltimore; Byron Millenson, Vice President and General Manager, Radio Station WCAO; Gilbert Rosenthal, Assistant Attorney General of Maryland; Richard A. Lidinsky, Deputy Comptroller, City of Baltimore; and Charles G. Tildon, Associate Administrator, Provident Hospital. Judge Solomon Lis, Assoicate Judge of the Supreme Bench of Baltimore City, will serve as Toastmaster.

The Ensign C. Markland Kelly, Jr. Memorial Post No. 174 of the American Legion, was formed to perpetuate the name of Ensign C. Markland Kelly, Jr. (September 22, 1916–June 4, 1942), who gave his life for his country in the Battle of Midway, World War II. The Kelly Post aims to perpetuate his name and keep alive the American ideals for which he gave his life.

The 1969–70 officers of the Ensign C. Markland Kelly, Jr. Memorial Post No. 174, are Earl G. Davis, Commander; Thaddeus J. Hense, First Vice Commander; Roland Louis Sydnor, Second Vice President; G. LeRoy Haslup, Chaplain; Russell W. Gettier, Sergeant-at-Arms; James E. Ways, Service Officer; Warren A. Burdette, Historian and Forrest R. Gabler, Judge Advocate. The Executive Committeemen are William Adams, John Bianca, Joseph Brooks, Hubert E. Buchar, Michael Coyne, Lt. Colonel Philip Levoff, Henry Miller, Philip Schnering and Charles Tiedbohl. Donald W. Smith is Treasurer and Joseph K. Walker is the Adjutant.

Metro and the Kelly Post were pleased to note that an article published in the Baltimore Sun on November 13, 1969, carried under the headline, "Mandel Firing Gun for Frigate." The article follows:

"Governor Mandel said today that he will ask the General Assembly to appropriate $100,000 to match a possible federal grant of the same amount for the full restoration of masts, rigging and armament of the U.S. Frigate Constellation.

"The Constellation, oldest ship in the United States Navy, is permanently docked at Pier 1, Pratt Street in Baltimore's Inner Harbor redevelopment project. It is owned by the Star Spangled Banner Flag House Association, a non-profit private organization.

"Governor Mandel said the $200,000 in grants would permit the Constellation to be restored to its orignial appearance. The application for federal funds is being made by the Baltimore Department of Housing and Community Development.

"Marylanders and other patriotic Americans are aiding in restoring the Constellation with her full complement of rigging and sails, so as to remind us, upon restoration of her majestic image, of her cherished place in our hearts—and in the heritage and history of our country. A Constellation stamp in 1972 would be a fitting tribute to the 175th anniversary of this historic and honor-laden vessel—the Navy's oldest ship afloat."

In conjunction with the campaign for the issuance of a Constellation commemorative postage stamp, Metro and Kelly Post sponsored a statewide Constellation poetry contest. Mrs. Anne Albaugh of 3101 Ferndale Avenue, Baltimore, Md., a charter member of the Maryland State Poetry Society, won first prize, a $50 U.S. savings bond. Mrs. Albaugh also received two awards when the State of Maryland celebrated Poetry Day: a prize of $25 for the best Mason Sonnet and a citation from the poet laureate of the State for her contribution in promoting poetry and poets in Maryland.

Her prize-winning Constellation poem follows:

THE CONSTELLATION

(By Anne Albaugh)

Noble stars give her lustre! Golden stars light her crown!
The frigate no vessel can pass in renown!
First ship in our navy to sail the blue seas—
With the flag of brave seamen, unfurled in the breeze!
She was built in our city—she bolsters our pride—
To save a young country, the French she defied!
In beauty and glory, she fought for the free—
On the pages of honor, she carved history!
Reminder of duty and service so clear,
Her image has lasted through many a year!
A symbol of what true America needs—
An emblem of many beloved Maryland deeds!
She shines for the Free State—a bright diadem—
A brilliant, victorious, unsullied gem!

And so I'm saluting this brave pioneer—
I give her a hearty and hale birthday cheer!
May she reign in the firmament, spread high above!
Reminder of all that we cherish and love!
A brave, lustrous Flagship, in war's galaxy . . .
An eminent guerdon for all who are free!
Let's preserve her, protect her—she merits our care—
In a space-minded world, make us newly aware!
Constellation—her name! Constellation—her fame!
May she ever remind us that peace is our aim!

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Tiffin, Ohio, Advertiser-Tribune; the Columbus Citizen-Journal; the Defiance, Ohio, Crescent-News; the Youngstown Vindicator; and the Cleveland Press, in the State of Ohio. The editorials follows:

[From the Tiffin (Ohio) Advertiser-Tribune, July 30, 1969]

And What About the Roads?

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasonings that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Columbus (Ohio) Citizen-Journal, July 19, 1969]

The Truck Bill Again

Congress, which last year shelved a bill to permit longer, wider and heavier trucks on the interstate highway system, is engaged now in studying a somewhat modified version.

The new bill would lift the present 73,280-pound weight limit, extend the width limit from eight to eight-and-a-half feet and impose a length limit of 70 feet. This last provision was absent from last year's bill.

The trucking industry argues an axle-spacing formula set out in the new bill would permit more even weight distribution, thus easing the strain on bridges and highways despite heavier loads and greater length.

These factors, the truckers contend, also would promote safety by permitting improved braking ability for big rigs and better road visibility for their drivers.

The industry's primary interest in the bill, of course, is the greater "economic return" larger vehicles would provide for truckers and lower per unit hauling costs for customers—a legitimate interest, certainly.

But that interest must be weighted against the public's interest in the use of the interstate system—a $60 billion, taxpayer-financed project—and the other highway arteries onto which it empties.

Executive Vice President George Kachlein of the American Automobile Ass'n, which opposes the bill, charges the extra truck weights permitted (up to 108,500 pounds for a nine-axle truck) would cost $1.8 billion for road repairs in 10 years.

And even if the bigger rigs could operate safely on the interstate, millions of miles of feeder roads on which some of them would have to travel are far below the interstate's design and safety standards. Congress has been warned by the National Ass'n of County Engineers, the National Ass'n of Counties and other opponents.

Further, the improved safety factors of the bigger rigs are projected rather than proved. And the sight of a passing truck 15 feet longer and tens of thousands of pounds heavier than the 55-foot vehicles now permitted throughout most of the east seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interests are outweighed by the public interest in safe and economic use of the highways. The new bill should join the old one on the congressional shelf.

[From the Defiance (Ohio) Crescent-News, Aug. 9, 1969]

Anti-Safety Bill

Motorists who shudder when they see a big tractor-trailer truck pounding down a hill from behind or approaching on a narrow road ahead probably will join the American Automobile Association in denouncing proposed legislation before Congress as an "anti-safety bill."

The bill to permit even bigger trucks on the highways is back again after nearly slipping through Congress last year before public outcry killed it.

The measure is called a permissive bill as it would merely permit the states to authorize larger truck sizes on interstate highways within their borders. But in the past, states have been quick to go along with the trucking interests.

The bill would allow an increase in maximum width from eight to eight and a half feet (plus side mirrors and other outcroppings) and contains a formula that would increase maximum load weight from 73,280 pounds to 108,500 pounds.

A "grandfather clause" in the bill makes the length limit meaningless and would permit use of triple-trailer trucks 105 feet long in some states.

Opponents, including Rep. Richard D. McCarthy (D-NY), estimate that the bigger trucks would add billions of dollars in repair and construction costs as well as result in more fatalities and injuries in traffic.

Area motorists are urged to convey their views to Congressman Delbert L. Latta and other area legislators.

[From the Youngstown (Ohio) Vindicator, Sept. 15, 1969]

More Highway Hazards?

Virtually on the heels of charges that the trucking industry has been violating federal highway safety regulations with consistent callousness, the Nixon Administration has come out in support of permission for widder, longer and heavier trucks on interstate highways.

That the endorsement for mammoth trucks was somewhat grudgingly given only adds to the amazement that it was offered at all. While repeating industry propaganda that the benefits would outweigh costs involved (and they are considerable) Federal Highway Administrator Francis Turner admitted federal officials really haven't determined the extent of the hazards involved.

By suggesting that Congress might be justified in delaying the effective date of the bill for three years, Mr. Turner made an indirect confession that approval was being extended with little thought to the primary objections to the proposed authority.

Larger loads and profitability are not the chief considerations. The safety of the general motoring public is the major issue.

Larger tires and greater braking power do not justify the industry's grab for a still greater share of the public roadway. The length limit of 70 feet, which the bill would authorize, will not minimize the danger of jackknifing accidents. Further, the loose language of the bill opens the way for further telescoping of truck length and the possible use of "triple trailers" that could run as long as 105 feet in some states.

Such leviathans are not appropriate even on some of the most modern portions of the interstate system, let alone that substantial part of the network that is barely adequate for the present mix of auto and truck traffic.

The basic objections to big trucks on little highways are sizable indeed. They are as valid today as they were a year ago when Congress buried the proposal with solid public support.

[From the Cleveland (Ohio) Press, Sept. 4, 1969]

Critics Form Ranks To Fight Nixon-Backed Truck Bill

Washington.—It didn't plan it this way, but the Nixon Administration found itself today accused of siding "with the giant trailer truck barreling down the thruway and against the terrorized motorist nearly blown off the road by the resulting blast of air."

A Republican congressman, a Democratic congressman and consumer champion Ralph Nader mounted the opposition to the Administration stand.

The Administration unveiled its long-awaited position yesterday on legislation that would permit heavier, wider and longer trucks and buses on the nation's interstate highway system.

The administration stand was outlined in a day of testimony before a House Public Works Subcommittee by Federal Highway Administrator Francis C. Turner. He said the bill would benefit the economy and that the Government didn't have "sufficiently reliable data" to say whether the bigger trucks would pose additional safety hazards.

The three disagreed.

"Mr. Nixon's Transportation Department does and the Federal Highway Administration should immediately disclose all the secret studies it has conducted regarding the hazards of giant trucks," Nader said in alleging Turner was suppressing the studies

"We're not safety experts," was the response of Cong. Richard D. McCarthy (D-N.Y.) to Turner's proposal that Congress decide the safety question. "You have them. But you take a Pontius Pilate attitude of washing your hands of the whole affair."

"I am convinced as I can be," said Cong. Fred Schwengel (R-Ia.) "that people are going to end up in hospitals and the graveyard unless we have more controls (over truck traffic)."

Schwengel, who led the battle last year to kill a similar bill, said he had a feeling Nixon had not gotten the full story and that he intended to see that he did.

The bill, supported by the trucking industry and opposed by the American Automobile Assn., would increase from 8 to 8½ feet the maximum allowable width of trucks and buses using the interstate highway system.

The limit on weight would be raised from 73,280 pounds to 108,500 pounds. The length, which is not limited now, would be set at 70 feet. Turner recommended a maximum length of 65 feet.

The trucking industry says bigger vehicles would permit more economical movement of freight and more comfortable bus travel. The bill's opponents say the larger vehicles would increase the risk of traffic accidents and cost the Government millions of dollars each year in repairs caused by added wear and tear on the highways.

AN AMERICAN TRAGEDY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to draw the attention of the House to a National Observer article describing a tragedy caused by the abuse of drugs. It speaks directly to the need for prompt action on H.R. 14252, the Drug Abuse Education Act of 1969:

AN AMERICAN TRAGEDY

At Amherst College in western Massachusetts a student died by falling 70 feet off the roof of a dormitory; he had earlier taken a trip on LSD. George Mountcastle was a Harvard University sophomore from Baltimore who was visiting an Amherst friend Oct. 11. State police have arrested another Amherst student on charges of selling the LSD to the visitor. But to Amherst's dean of students, Robert A. Ward, there was a particular agony about the tragedy that was personal. In a letter to his students written Oct. 16, Dean Ward tried to express it. His letter follows:

Gentlemen of the College: He was not an Amherst man; he was a visitor. But his death occurred in our community, and we shared in the loss. We were shocked by the tragedy and stunned by the senselessness of it. He was young and bright—too bright to surrender his life in the foolish madness blighting a generation. In a week in which we paused to reflect on the waste of life half a world away, it may have been a strange irony that we were starkly faced with meaningless death on our own campus. But that week is nearly gone—and memory fades.

I will not rehearse the statements made in the past about drugs. Many of us for some time have been apprehensive that a tragedy would come—and last Saturday night it did. Repeated warnings had gone unheeded; it couldn't happen here. I only wish those who ignored those warnings could have spent part of that horrible night waiting in Cooley Dickinson Hospital while the student's life ebbed or part of Sunday afternoon in my office while his parents struggled to comprehend the reality of that day.

I did not become a dean to watch a generation of students pollute their sanity or distort their lives, and I confess to a numbing and depressing sense of helplessness. Words are inadequate and deeds seem fruitless. More than ever students have taken on themselves the individual responsibility which shapes their lives in all areas. It should be so, but the judicious exercise of such responsibility demands wisdom. I see no wisdom at all in the growing and indiscriminate use of drugs. I also see a danger that one major tragedy may obscure other tragedies, smaller perhaps but no less frightening. On a beautiful Saturday afternoon which was in itself a natural somnolent, why the need for some artificial or uncertain drug? And where were we all on that night or on any night and when will we awake to the need to replace a disinterested privatism with a sustained concern for troubled people in our community? And why do we tolerate in our midst the profiteers of poison? And by what moral right do we pass into the hands of others substances which can threaten their well-being and even their lives? What in God's name is happening to us?

Last Sunday in a scriptural lesson the timeless chastisement of Thomas was repeated: "Because you did not see, you would not believe." Last Sunday we did see. Now I plead as never before—please believe.

VETERANS DAY 1969 AND THE SILENT AMERICANS

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RUTH. Mr. Speaker, Veterans Day 1969 was more than a day to remember those Americans who fought to maintain freedom in the world in many wars. This year "silent Americans" chose this day to assemble and state that they support the President in his effort to end the Vietnam war and they support the American Government in its struggle against communism.

Among these nonpartisan Americans who wish to be counted were nearly 400 "silent Salisburians" from Salisbury, N.C., who rode all night in buses 350 miles to be in Washington on November 11 to show they care. They returned home that night to resume their daily responsibilities the next day.

An editorial in the November 11, 1969, issue of the Salisbury Evening Post states the case for the hearty group of patriots. And an editorial in the November 14, 1969, issue of the Stanly News & Press of Albermarle, N.C., states the case for all of those who are "silent Americans."

The editorials referred to follow:

[From the Salisbury (N.C.) Evening Post, Nov. 11, 1969]

AMERICAN VETERANS DAY

Fifty-one years ago today, envoys of the Imperial German Government sued for peace in the railway carriage of General Ferdinand Foch, the supreme commander of American, British and French armies.

The event occurred in the Forest of Compiegne, a place name that is about forgotten by today's generation. The armistice that was signed ended more than four years of warfare which had cost more than eight million lives and more than 20 million wounded.

This was the beginning of Armistice Day, a name that was to be erased by World War II, a bloody calamity that required us to change this solemn memorial to Veterans Day in order that we honor all men who have fought and died in America's wars.

Our roles in World Wars I and II were completely justified under the strictest code of morals. In neither holocaust was America motivated by a desire to seize territory from our enemies. There in the Forest of Compiegne we and our allies had gained an empty victory. All these millions of the wounded and dead had resulted from a flimsy incident in which a so-called Austrian archduke and his wife were assassinated in June, 1914.

The madness eventually enveloped Russia, France, the British Empire, Italy, the U.S., Japan, Rumania, Serbia, Belgium, Greece, Portugal, Montenegro, and Germany, Austria-Hungary, Turkey, and Bulgaria.

America entered in 1917 when Germany began unrestricted submarine warfare. Our costs in lives lost was 126,000. No one who knew President Woodrow Wilson, a true idealist, did not believe that his aim was to win a war that would end all wars.

Yet that victory 51 years ago planted the seeds for World War II and for communism which was fired by the massive losses that were inflicted on Russia by the German armies. The Germans revolted, too.

The Versailles treaty, largely fashioned by France, the United States, Great Britain and Italy was a harsh instrument inflicted on the German people. The U.S. Senate flouted Wilson by refusing to accept it.

France, in particular, exploited Germany's Saar region. Germany became unable to meet the reparations imposed on her. Meanwhile a feverished-eyed man called Hitler began visiting beer gardens to spread his preachments about the superiority of the German people and the alleged greed of the Jewish population. He became chancellor in 1933 and the 12 years following his inauguration, a period that covers World War II, is a chapter that is well known to even the young generation.

The League of Nations proved completely ineffective. In short, Woodrow Wilson dreamed the wrong dream.

Currently we are bogged down in Vietnam in a no-win-no-lose war which has cost about as many American casualties as did World War I. The frustration over the Vietnam struggle is similar, but of an apparent deeper magnitude, to that which occured during the Korean War.

We commend the many local people that are in Washington today to express their support of President Nixon's prosecution of the Vietnam War. Like the majority of our citizens, we shall back the President of the United States in foreign policy. But if the Vietnam mess stays on dead center, we shall reserve the right to dissent. We admit to some dark thoughts about the South Vietnamese government which seems to want neither peace nor Democracy.

Our "Silent Salisburians" in Washington today are making a nonpartisan gesture in support of the President's handling of the Vietnam War. We believe President Nixon would do well to follow the nonpartisan example set by our local delegation which resulted from the combined ideas of two leading local citizens, Dr. Ed McKenzie, Republican, and Rex Wood, Democrat.

Meanwhile, we salute those where the action is—the service men and women of the armed forces who are on duty in Vietnam. And we hope that everyone will pause today for a moment, at least, in silent tribute to our fighting men whose gallantry has written illustrious history from Valley Forge to the rice paddies of Southeast Asia.

[From the Albermarle (N.C.) Stanly News & Press, Nov. 14, 1969]

TIME TO SPEAK OUT

We are convinced, as is President Richard Nixon, that the vast majority of Americans support, at least in a general way, the government's policies, especially as regards to Vietnam.

This vast, "silent majority" of Americans, instead of getting out into the streets and demonstrating, or picketing draft boards, or occupying college buildings, has been going about its business of earning a living and carrying on activity as usual. In so doing, it has earned few headlines.

But it is time for these "silent Americans" to take enough time away from routine affairs to let the world know just where they stand.

Dissenters from the adopted policies of the government have a right, under our Bill of Rights, to express themselves and to make known their complaints.

They do not, however, have the right to conduct themselves in an unlawful manner.

to consider themselves above and beyond the law, and to seek to foment revolution within the United States. And that is the stated purpose of some of the militant leaders.

And it should be further stated that they do not have the right to so conduct themselves that they give aid and comfort to our enemies. In times of declared warfare that has been characterized as treason. With a state of undeclared war in existence, the facts should be the same. No individual should be permitted to brazenly fly the Viet Cong Flag, to speak and work for the defeat of the Americans. Certainly, such actions give Hanoi, Peking and Moscow the idea that the war is most unpopular in the United States and that our government will soon be forced to surrender.

Americans do not like the war in Vietnam. In fact, they do not like WAR. They are a peace-loving people. They do want to extricate this nation from the mess in Asia.

But they want to get out with honor. They do not want any settlement which might be construed as surrender.

This, then, is the message "silent Americans" need to tell the world: that the United States does not like war, and especially the war in Vietnam; that it hopes for peace with honor; but that surrender is unthinkable.

Far too many Americans have already died in Asia in the cause of anti-communism for us to let their deaths be in vain.

Speak out, fellow Americans! Let it be known where you stand.

Your country needs your voice to drown out the radicals of the left and the peaceniks who speak out of fear or a lack of what is really at stake.

This could be a very important time in our nation's history. The heretofore "silent majority" can set the goal and the direction toward which the nation will move. In fact, the path must be charted by this group.

MOB RULE IN AMERICA?

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. LIPSCOMB. Mr. Speaker, on November 15 the Post-Advocate of Alhambra, Calif., which has a large readership in the district I represent, published an editorial calling attention to the fact that the American people are deeply concerned about the methods being used by the participants in such events which occurred in the Nation's Capital last weekend.

The editorial emphasizes that the American public does indeed have reason to be fearful for the future of our representative democracy in that the tactics of threats and mob rule are in direct opposition to our constitutional form of government as it has been so successfully practiced for these many years.

The thoughts expressed so cogently in this editorial ring a note of concern in the minds of its readers and call upon those who are dedicated to reason and the rule of law to examine intelligently the goals of those who are resorting to violence in the name of dissent. It is for this reason that I consider this editorial to be worthy of the attention of my colleagues and under leave to extend my remarks, I insert it in the RECORD:

MOB RULE IN AMERICA?

Again deep anxieties are disturbing the majority of the people in the United States of America as those who take to the streets to communicate their dissatisfaction about our activities in Vietnam resume their activities.

There is reason to be apprehensive. The appalling anti-American overtones and tactics used by the demonstration organizers even have frightened off nearly all of the major doves in the nation.

The arrogance of the organizers of the marches to protest our involvement in Vietnam has been dramatically displayed in Washington, D.C., during the last few days.

Sponsors of the so-called "March Against Death" today in the Capital have blamed the government in advance for any violence or illegal acts that may take place.

They are saying that if the government tries to stop a mob from breaking a law, then it automatically assumes the blame for any violence that may occur. This is a pure strain of the old totalitarian trick—accuse your enemy of the crime you are about to commit.

In another tactic that would make the Mafia proud, the Vietnam Moratorium Committee already has issued the threat that it will boycott stores across the nation during the Christmas shopping season unless merchants "express their sympathy with the moratorium."

In other words, any merchant can buy protection from the mob against loss of business or possible violence if he comes to heel.

No angle is overlooked by the revolutionaries. In hundreds of schools across the nation children are being urged to wear black armbands—ostensibly to mourn for the casualties in Vietnam—unaware that this also is a protest against our assistance to that unfortunate land.

And not the least of the ironies that we will see is the proposed student strike in high schools and colleges. Great emphasis will be placed during the "strike" on the casualties in Vietnam.

The concern of many of the same students and professors for our servicemen was not encouraged on Veterans Day, national occasion set aside to honor the men who served in military uniform.

What we are seeing on the streets today is the fruit of nearly a decade of lawbreaking in the name of dissent. The taste is bitter. Taking to the streets in the name of dissent and debate has led to rioting, looting, burning and killing in cities and on campuses across the nation.

The willful bombing of three major buildings in downtown New York City this week is a symptom of the same philosophy which equates lawbreaking with dissent.

As we look at those in the streets today, we must think of the organizations behind the events, of their enormously un-American tactics and what those tactics are doing to our nation.

And the best way to show our aversion is to support the President and our government.

TIME TO RECONSIDER THE REST OF THE GUN CONTROL ACT OF 1968

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. POLLOCK. Mr. Speaker, the House of Representatives took a great step forward yesterday when it voted by an overwhelming margin to exempt rifle and shotgun ammunition sales from the ammunition recordkeeping requirements of the Gun Control Act of 1968. Under the act, a person selling ammunition was required to obtain the purchaser's name, address, date of birth, and some form of identification, and to note certain additional information in his records. I heartily endorse yesterday's decision by the House, and I am hopeful that it is but the first step in a process leading to the complete repeal of the Gun Control Act. From its inception, it has been clear that the act would fail to accomplish any worthwhile purpose.

In fact, this attempt at Federal gun control has failed miserably. Sportsmen have encountered severe difficulties in obtaining guns and ammunition; homeowners often are left defenseless. Yet, the incidence of crimes of violence is continually rising. Would-be criminals can acquire firearms and ammunition with ease by illegal means, but law-abiding citizens find it difficult and burdensome.

While some restrictions may be necessary in certain circumstances, regulatory legislation should emanate from State and local governments, which are capable of responding to local needs. Gun control problems in any given State tend to differ in substance and scope from those encountered in other States. Hence, a uniform Federal law can serve no useful purpose.

The ammunition recordkeeping provisions which were repealed yesterday constituted an especially great and unwarranted infringement on the right of law-abiding citizens to buy and own guns and ammunition. In every section of the Nation, these provisions often imposed heavy burdens on hunters and other outdoorsmen. However, in my State, the great State of Alaska, the recordkeeping requirements caused especially severe hardships. Many of Alaska's citizens live in remote areas, hundreds of miles from the nearest ammunition outlet. Before the enactment of the Gun Control Act of 1968, these people were able to buy ammunition from bush pilots who delivered guns and ammunition when they brought in other supplies. However, because the recordkeeping provisions of the act draw no distinction between urban and rural areas, Alaska's rural people were compelled to travel many miles over hazardous and often snowy trails in order to obtain the ammunition, which is so vital to their survival. Thanks to yesterday's enlightened decision by the House, much of the severe burden imposed by the 1968 act will be alleviated.

Mr. Speaker, I am hopeful that yesterday's vote to exempt rifle and shotgun ammunition from the Gun Control Act is the harbinger of the complete repeal of this legislation. Federally imposed firearms restrictions have no place in our Republic, which was founded on the principle that governmental power should be wisely and equitably allocated between the Federal Government, on the one hand, and State, and local governments, on the other. It now remains for us to consider the rest of the Gun Control Act of 1968 in light of this guiding principle.

U.S. POLARIZATION GROWING, GINSBURG SAYS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. COHELAN. Mr. Speaker, an article by William Raspberry in yesterday's

Washington Post articulates a problem that is becoming more painfully apparent—the increasing polarization of our society. The lack of constructive leadership in binding this Nation together has been a serious flaw of this administration. All partisan arguments aside, the responsibility of national leadership requires this administration, using the President's own words, "to bring us together." As this article points out, the current administration has fallen very short of this announced goal. I submit this article for the readers of this Record:

U.S. Polarization Growing, Ginsburg Says

(By William Raspberry)

The Kerner Commission warned last year of a trend toward "polarization" in the country, a headlong if inadvertent rush toward two societies, black and white, separate and unequal.

The man who was executive secretary of that commission now believes that this polarization is increasing because some of our top leaders want it to increase.

This is a serious charge, but David Ginsburg makes a good case for it.

"For some time now I've thought we may be heading again toward new violence and perhaps repression," he told a conference of the Pittsburgh Communications Foundation last weekend.

"The main reason is that there seem to be some in both parties prepared to play the new and dangerous political game of polarization."

Ginsburg, a Washington lawyer, sees two basic strategies at work.

First was the "series of signals" to the South that it shouldn't worry too much about integration. The signals included a relaxation of the enforcement of the 1954 school desegregation decision, a slowdown on voting rights and the placement of fewer blacks in high government office.

"This was a program for liquidating old political debts and coining new political currency," Ginsburg said. "It had potentially explosive and disastrous results. It could only say to the blacks that 'they'—the whites—really hate 'us'—the blacks. And it took place without any audible outcry in the ranks of the business and professional elite of the nation."

The second strategy, he said, is the Forgotten American/Silent Majority theme—"the explicit appeal to all the resentments of race and class that infuse the culture of the white working man."

"Law and order" is the recurring refrain of that theme, Ginsburg said, but there are others that speak of blacks wrecking neighborhoods, ruining schools and threatening the safety of family and property. For example: "Why should *you* pay higher taxes so that *they* can get federal handouts? Why should you open up your union so that they can take your job or your seniority?"

The major thrust of Ginsburg's charge was echoed Monday by former Vice President Hubert H. Humphrey, who recalled President Nixon's bring-us-together inaugural theme.

The Nixon administration, said Humphrey, is not trying to "bring us together" but is waging a deliberate campaign of "polarization."

"I personally doubt that our country has seen in 20 years such a calculated appeal to our baser interest. I disagree with those who would create a atmosphere of suppression and call it patriotism," Humphrey said.

Ginsburg's emphasis was on racial injustice, Humphrey's attacks on the peace Moratorium and network television news reporting.

But both seem to see a deliberate Nixon administration attempt to forge a new majority among white Americans who feel themselves threatened by young people and blacks.

As Ginsburg put it, "We are making the Forgotten American feel sorry for himself without offering him a helping hand."

This is not only irresponsible and dangerous, he said, but it is also unnecessary and bad politics.

"What we must understand," Ginsburg said later, "is that these things aren't isolated tactics. They're part of an overall strategy.

"The President's Southern strategy, the vice president's attack on the media, the attorney general's characterization of the antiwar demonstrators—they're all a part of the same thing.

"We don't recognize it for what it is because we've never seen anything quite like it before."

TRIBUTE FOR JUDGE PEREZ

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HÉBERT. Mr. Speaker, on November 5 the friends of the late Judge Leander H. Perez, and I am privileged to count myself among them, dedicated a lake in Plaquemines Parish in his honor.

I want to insert in the Record at this point the speech which Judge Walter Hamlin delivered at the ceremonies dedicating Lake Judge Leander H. Perez:

Remarks of Judge Walter Hamlin

Mr. Chairman, Members of the Perez Family, Honored Guests, Ladies and Gentlemen:

It is with a feeling of extreme pleasure and of having been highly honored that I appear here today to join with you in honoring the memory of my dear old friend and benefactor, the Honorable Leander H. Perez, in the re-naming of ancient Lake Hermitage "Lake Judge Leander H. Perez."

It was my good fortune to have known Judge Perez for many years. I met him in November, 1916, in the old courtroom of Judge E. K. Skinner, who then presided over Division "C" of the Civil District Court. He was then a lawyer for a little more than two years, having been admitted to the Louisiana Bar in June, 1914, as a graduate of Tulane University. I was a freshman law student at Loyola and was 18 years old.

He was a spectator at a jury trial in which an attorney by whom I was employed was participating. I introduced myself to him that afternoon and there commenced a deep friendship and regard for him which has continued without interruption for over fifty long years.

On March 19, 1969, death came, as it must to all men, to the Honorable Leander Henry Perez. His death was a great loss to the Bar of Louisiana, the community in which he was born and reared, the Parish of Plaquemines, the State of Louisiana, and the entire nation.

Born on July 16, 1891, at Jesuit Bend, Plaquemines Parish, Louisiana, in which Parish he resided all of his life, he could be found in the forefront of almost all movements for the betterment of his Parish, his State, and our Nation.

He was the seventh son of thirteen children born to Roselius E. Perez and Gertrude Solis. He was married to the late Agnes Chalin, who preceded him in departing this life on February 11, 1967, and was the father of the Honorables Chalin O. Perez and Leander H. Perez, Jr., Mrs. Joyce A. Eustis and Mrs. Betty Ann Carrere. At the time of his death he was also survived by 19 grandchildren and two great-grandchildren.

He was admitted to the Bar of Louisiana on June 4, 1914, after having received the degree of Batchelor of Laws from Tulane University, New Orleans.

Judge Perez had his first taste of public and political life at the age of 28 when he won a legal battle for appointment as a district judge of Plaquemines and St. Bernard Parishes in 1919, and was in the political arena and a close associate of Louisiana Governors, ever since.

After serving about five years as district judge, he served for about thirty-six years as District Attorney of Plaquemines and St. Bernard Parishes. He also served as President of the Commission Council of Plaquemines Parish for about six years, retiring about two years before his death.

He was a lover and student of the law. It is not feasible to enumerate his many triumphs before the Bar of the Federal and State Courts, and other public forums. His ability and his reputation as a lawyer were second to none appearing before the courts of Louisiana and the United States, from the Supreme Court of the United States down. Suffice it to say that he was clear and distinct in his approach to all legal problems. His command of the English language was letter perfect, poetic and enthralling.

His erudition and enormous capacity for research and preparation, his sound advice to the Police Juries and various boards of St. Bernard and Plaquemines Parishes had much to do with the prosperity and phenomenal growth of these two communities and contributed more to their governmental, economic and educational facilities than it is within our limited power to describe. He possessed a vast knowledge of constitutional law, as well as the history of the laws and treaties of this nation, thus enabling him to be at a perfect forefront of all legal matters pertaining to oil-rich Plaquemines, and to endeavoring to obtain Louisiana's offshore oil wealth.

Beside trying to prevent what he considered the Federal Government's illegal efforts to take over the State's submerged tidelands he spent years in advocating the rights of the states as guaranteed by the Tenth Amendment to the United States Constitution. He was a man of boundless energy until his death, and established a fine reputation for getting things done in an exacting, thorough fashion. He had a zest for life, loved the great outdoors, loved all things good, and dedicated himself wholeheartedly to the service of his native land. Many times he went fishing in this area.

Judge Leander Henry Perez is sadly missed. His role in this nation has been unique. The place that he occupied in public affairs will be very hard to fill; and the memories of the thousands who benefitted by the putting into operation of his ideas will be green for many years to come. Plaquemines Parish and the State of Louisiana can well be proud of a son who will go down in the history of this State as ranking with such famous names as John Slidell, Judah P. Benjamin, Francis T. Nicholls, Edward Douglas White and Murphy J. Foster, to name but a few.

We wish him eternal rest.

I am of the firm belief that we who have gathered here today to participate in the naming of Lake Judge Leander H. Perez have carved for ourselves a niche in the History of Louisiana, which for ages to come will redound to our credit.

I now proclaim the continued existence of this Lake as "Lake Judge Leander H. Perez."

HEED THIS CRAFTSMAN

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HARVEY. Mr. Speaker, the furor and static continue over the controversy stirred up by Vice President Spiro T. Agnew because he had the courage to challenge some present-day objectivity in presentation of television news and special reports.

The bitterness and yes, the rancor, showered on our Vice President convinced me last Monday that there was a "false ring" to the statements issued by a great many in opposition to Mr. AGNEW's views.

I am pleased, however, to bring to the attention of all Members the words of one of Michigan's finest newspapermen—still a working reporter—a man who is a legend in his field in his lifetime, Will Muller of the Detroit News, Detroit, Mich.

I have never had the pleasure of meeting Mr. Muller personally. It has been to my benefit to be a reader of his exceptional column for a great many years. He has, as I should have expected, written a very keen and perceptive column on the television uproar. He has, as I should have expected, chided his own newspaper profession as well.

I urge all Members to read this column. Granted, it favors the Vice President. And, granted it favors my earlier views. However, it also sheds a fuller and brighter light on all the controversy. It reads so well because it, as do most of Mr. Muller's columns, makes sense. The column follows:

ALL REPORTERS "DILUTE NEWS WITH OPINION"

(By Will Muller)

So the humble shepherd boy of American politics, Vice-President Spiro T. Agnew, fitted a stone into his simple slingshot and sank it into the forehead of that Goliath, the TV industry.

The industry is still staggering from Agnew's calm-voiced dissection before a Des Moines party gathering of how TV commentators adulterate the news with personal opinion.

TV tycoons are blustering about "intimidation of the press," "appeals to prejudice," "a bid for government censorship of the news." Malarkey. They are just frightened by a bit of truth coming from a man for whom the people voted but TV newscasters have been trying to make out a zero.

Small credit to the three TV networks for suddenly deciding to carry Agnew's speech alive. They could hardly afford to keep it off the air and prove his case.

For the TV networks to protest against government supervision is silly. They took the king's shilling when they bargained for the use of public property—the limited facilities of the airways. They subjected themselves to licensing in order to profit, just like airlines in the air and steamships on the rivers.

An inarticulate public long has smouldered over the personality call in network newscasting. The impact of the news is slight compared to the drama of its presentation. A sneer, a shrug, a gesture can color a whole account.

If TV is truthful in its claim of presenting the untouched picture of the day's news, then why makeup on the broadcaster's face, why the credit lines after each performance for the program manager, the stage director, the art director?

Every listener to an instant analysis of the world's daily problems and the world's great brains by a TV pundit must sometimes ask himself the question Shakespeare's Prince Henry propounded:

"Upon what meat doth this, our Caesar, feed that he hath grown so great?"

Agnew was unduly kind to the newspapers. True, they are subject to no licensing since they are not built through exploitation of a public property. Yet they would do well to look at themselves in the light of Agnew's speech.

Agnew told his audience it could read what he said and the paper's comments on it in the Des Moines Register the next day. But the news would be in the news columns and the comment on the editorial page. He suggested a similar division of news and opinion on TV.

Maybe Agnew is right. Maybe the Register distills its grist to keep fact from opinion and both pure. If so, it's a delightful departure from what's happening elsewhere.

"A good reporter," one of the finest men ever in this business said back in the misty days of beginning, "writes what he sees and hears and keeps himslf out of it."

Today the reporter often leaps into his story with both feet. He does it under the term "interpretation." Which means he dilutes the news with opinion any way you look at it.

Suddenly the reporter is interviewing himself. He comes to believe the world is interested more in what he thinks than in what is actually happening.

"Send a reporter to Washington today," observed a colleague recently, "and tomorrow you have a pundit on the payroll."

Quite possibly Agnew has soberly identified the problem. TV is interjecting itself between the news and the public. Newspapers hardly can cheer that criticism without looking to their own performance.

The polls have been showing an erosion of public confidence in newspaper leadership. Their salvation may be a return to the best kind of reporter, the one who tells what he sees and hears and leaves the decision making to his readers.

And from now on, that should be the safest way to cover Agnew.

IMPROVING THE ENVIRONMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DELLENBACK. Mr. Speaker, all of us are becoming increasingly aware of the need to protect the environment. Edwin A. Locke, Jr., president of the American Paper Institute, recently spoke of the concern of the forest industries for an improved environment for all Americans.

In his speech to the American Forest Institute here in Washington Mr. Locke calls for "bold and vigorous action" to protect our cherished resources.

I think my colleagues will be interested in Mr. Locke's remarks. The speech follows:

WANTED: A UNIFIED STRATEGY FOR ENVIRONMENTAL PROTECTION

(By Edwin A. Locke, Jr.)

When I tell you that it's a pleasure to be with you today I mean it, but in all honesty I was not sure for a while that I was going to be able to say that. The fact is that when your president asked me some two weeks ago to talk about the environmental problem I was rather at a loss. Certainly I have long been interested in what some people call the problem of "the affluent society," but it seemed to me at first that the subject had been so thoroughly analyzed forwards and backwards by so many writers and speakers that there was really nothing fresh or worthwhile left to say. I had a mental picture of myself standing up here and repeating things you have all heard before, to our common misery.

But now I am grateful to Buzz Hodges for stimulating me to come to grips with this problem. I felt impelled to try to see the environmental dangers confronting the nation as a whole, as well as those aspects of it that relate to the forest-based industries. As a result my outlook has gradually changed. I have come to some tentative conclusions about the nature of the effort needed to improve environmental quality and I would like to share those conclusions with you today.

Let me say at once that there has not been time to discuss the purport of these remarks in any formal way with others in the industry. But on the basis of recent talks about the environmental problem with many paper company executives, I think there would be considerable support for my views among them. And let me say further that there is every reason for people in our industries to speak out on the broad national aspects of the environmental effort, when we see some step that might soundly be taken. We have I think proved our earnest intention to promote the environmental cause. We have long since realized that aside from the dictates of social responsibility, our long-range economic interests are inextricably linked to the quality of the environment.

I believe that anyone who objectively examines our efforts to cope with the environmental threats that have gathered so much momentum in recent years must realize that we are taking determined strides to conserve the nation's resources and protect its air and water. It is worthwhile reminding ourselves how much has already been done. Let me take a minute or two for that.

Critics who have not yet caught up with the facts sometimes assume that we are lukewarm about conservation, but what *are* the facts? Since 1950 the pulp and paper companies alone have put at least a billion dollars into reforestation, fire prevention and forest research. This effort is now showing substantial results. Take research alone. Recent advances in tree genetics and techniques of fertilization have opened up the prospect of producing and speeding the growth of superior trees that in the next generation will greatly enlarge our forest resources.

Meanwhile we are by no means standing still. Important developments in forest management, the improvement of harvesting methods, successful research in tree chemistry and improved techniques of pulping are already enabling the industry to make use of increasing amounts of wood substances previously regarded as waste. Equally important, the industry in recent years has found ways to produce light-weight papers for purposes that formerly required heavier stock, thus saving large amounts of wood fiber. We are also beginning to move vigorously in the collection of waste paper which is recycled and used aagin. Putting all these factors together, one of the leading scientific authorities of the industry recently told me that within the lifetime of most of us an acre of typical timberland will go a great deal farther to satisfy consumer demand than at present. He actually said six or seven times farther, but I think we would all gladly settle for half of that.

The industry's progress in fighting pollution of water and air has been equally impressive. Our liquid waste discharge per ton of production has been cut to considerably less than half as compared with 10 years ago, and great quantities of water are being conserved as our mills progressively install recently developed processes that permit the recycling of industrial water. As for air improvement, at the present time virtually all the kraft paper mills of the country have now installed major devices to control particulate emissions. More than 90% of all such emissions have been eliminated, and industry research is concentrating hard on ways of coping with other aspects of the air pollution problem. In some of our research projects, the government has given us valuable cooperation.

We have, I believe, earned our credentials as convinced supporters of the national effort to protect the environment. For that matter, I think the public would be surprised to learn how far industry as a whole has come in its determination to improve the environmental picture. Recently I have been working with more than a score of major industry associations assisted by the staff of a major institution in the field of economic research and analysis. By the end of this year, we hope to have completed the outline of a program to which all industries could subscribe, as a basis for even greater efforts to assure future environmental quality.

Now in saying what I have said about the positive gains already made, I am not for a moment losing sight of the magnitude of the nation's environmental problem as a whole. It is perfectly clear that however much industry has accomplished, and however much government has achieved, it is still not enough—not by a long sight—certainly not enough to permit complacency.

I try to be conservative in my use of language, and I draw back from using words like "emergency", but I think we must seriously listen to ecologists who tell us that if we do not promptly, as a nation, take adequate preventive measures, we will have an environmental emergency in the next decade. The essence of their warning is simple and blunt. Increasing amounts of deleterious substances entering the air threaten to impair the nation's health and productivity, perhaps on an epidemic scale. A water emergency may be even more imminent. It is now familiar that a number of our rivers and lakes are so badly polluted that they will no longer support much aquatic life and are a biological threat to human populations on their shores; but what may not be so well known is that by the middle 1970's, if the current trend of demand continues, the need for water in our expanding population may well exceed the total potential supply from present sources. Whether by that time desalinization of ocean water will be far enough advanced to make up the shortage is still uncertain.

I think we must all ask ourselves why is it, since industry is doing so much, and government is striving so hard to prevent further deterioration of the environment—why is it that there has not been more progress overall?

A good part of the answer is that the effort to protect the environment is badly fragmented on both the local and national levels. Let me take the local situation first. The tendency has been to attack the problem piece-meal, as situations become critical in one respect or another. There has been comparatively little overall environmental planning in local communities. Few have been able to figure out how to deal with the complexities of pollution from sewage and garbage, from automobile exhausts, from domestic heating, and from industrial smoke and effluents, together with the problems of waste disposal; and few could find the money to do the job even if they knew how. As a result there is often a good deal of procrastinating and an inclination to blame the other fellow for worsening conditions, but too little constructive action.

People need to realize that pollution is not an evil visited upon their communities by this or that segment of society. It is the common problem of all, the inevitable accompaniment of the process of social growth and development. Wherever people produce and consume there are bound to be residues that are extremely difficult to dispose of, and which if they accumulate too rapidly can poison the air, water and soil on which man depends for life. These are simply products of the social metabolism. The problem is to keep the residues at tolerable levels—a difficult but by no means impossible task. But unless and until the environment is dealt with as a whole, there will not be enough forward momentum, in my opinion, to reverse present negative trends.

Now I am a great believer in local initiative. I know that the well-springs of our success as a nation lie in the spontaneous response of many thousands of separate communities to local conditions and challenges. But it is all too easy for the energies of a community to be frustrated and dissipated unless they are synchronized with the primary goals of the nation as a whole. If we are going to be effective in checking environmental deterioration at the local level—if we are going to pass on to our children an environment that offers promise for a good life, I believe we will have to make a much more unified effort than we have seen to date—an effort that will combine all the now scattered energies devoted to this problem into a single force to the benefit of the entire country.

I imagine that all of us here know that President Nixon and the Congress have recently begun to move toward a national approach to environmental protection. The President has already established an Environmental Quality Council with himself as Chairman, and with a membership made up of appropriate Cabinet members and White House advisers, with the aim of arriving at sound national policies. Bills with much the same purpose are currently being considered by the Congress. One of them, sponsored by Senator Jackson, proposes to set up a council consisting of full time professionals in this field to advise the President. Another bill, introduced by Senator Muskie, aims to establish an Office of Environmental Quality in the Executive Office of the President, as an intelligence center and advisory body.

These are useful steps as far as they go, but in my opinion they do not go nearly far enough to meet the requirements of our national situation. If we are going to deal successfully with the mounting dangers to the environment, the government needs not only sound information, advice and policies, but an operating organization that can move fast to do what needs to be done. At present executive authority in this field is divided among so many government departments and agencies that the complete list runs to several typed pages.

We have in the not far distant past seen *ad hoc* agencies of this kind called into being by the President and the Congress to meet emergency situations, and with good results. One of them was the War Production Board of the early 1940's, where I was able to see close up how much could be accomplished by an agency with broad powers to tap the energies of the nation's complicated economy, and direct them to a specific end. The other was the Reconstruction Finance Corporation of the 1930's, which had the task of helping to revive a declining economy, together with the power to raise the needed capital. Both of these organizations were staffed primarily by businessmen. While I would not presume to try to define the right kind of government agency for the present need, it strikes me that the nature and accomplishments of the WPB and RFC might be profitably studied and the lessons applied in the current environmental situation.

My feeling is that the sooner the President and the Congress create an "Environmental Protection Board" with strong executive, rather than merely advisory powers, the better off the country will be a few years from now. I can see no more hopeful way to carry out the necessary work. A top level agency reporting to the President and acting under his authority would be in a position to analyze the environmental needs of every part of the country, and set up regional models and priorities to enable local authorities to see what has to be done, in what sequence, how soon, and at what cost. Such an agency could coordinate scientific research on the environment throughout the country, with a view to arriving at sound criteria and standards, and the use of the most efficient equipment and processes. The Board could assist states, cities and towns in systematically initiating essential projects in the most economical way. Of great importance also would be the intensive education of the public in their responsibilities to the environment—not only adults, but especially the young who will have to carry on the effort to protect the environment in the years ahead.

My remarks here have concentrated on the aspects of environmental deterioration that demand prior attention from the forest-based industries, notably air and water pollution and conservation, but in all probability a Federal program of action to be fully effective might finally have to deal with other major aspects of the ecological balance, as they derive from such major conditions as urban blight and soil pollution.

Plainly, the cost of environmental protection is going to run to many billions of dollars over the next decade—and this is a time when the government is already faced with many urgent and competing demands on the budget. The new agency, however, by centralizing operations which are now appallingly fragmented, could undoubtedly achieve important economies. Certainly, it would offer for the first time a fully coordinated attack on the problem—and one that is essential if we are going to overcome the threats of a water famine, epidemics of respiratory diseases and shortages of raw materials. I think the American public has the good sense to recognize the imperative need and would support the government in a unification of executive powers over the environment.

Bold and vigorous action by the Federal government along these lines is also likely to have a tonic effect on the nation's morale. The depressing psychological climate created by a deteriorating environment cannot be easily measured, but I suspect that it is an insidious negative force now working below the level of consciousness to weaken the spirit of the people. The reassurance that would be given by an all-out drive to improve the environment might do more to unify, encourage and energize our nation than any other development that I can foresee.

In fact, if the government should move soon to create and implement a unified environmental strategy, the benefits might be felt internationally, as well as within our borders. The United Nations has called a conference to formulate world policy on the environmental problem in 1972. If by that time we in the United States are moving strongly to protect our own environment, many another nation may find our example worth following. This is one of the few issues on which international solidarity might be achieved in our time. By displaying vision, by leading the way, this country may open up new vistas of hope to all men threatened by environmental deterioration, and may enrich the lives of future generations, not only on this continent, but throughout the world.

THE LATE JOSEPH P. KENNEDY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. CAREY. Mr. Speaker, it was with great sadness that I learned of the passing of Joseph P. Kennedy of Massachusetts, an outstanding American, renowned business leader, diplomat, and father of great men. There have been very few like him in our history, and he shall be long remembered by everyone with knowledge of his genius.

Joe Kennedy was a man of remarkable ambition, ability, and purpose, in the great American tradition, accomplishing everything by improvisation, and improving his own style, step-by-step, as he went along. Advised by his university professors to keep away from high finance, he entered at once into the banking business and was immediately a great success, becoming one of the youngest bank presidents in the country. Shortly afterwards, he was hired by the president of Bethlehem Steel to assist in the management of the giant Fore River shipyard at Quincy, Mass. In this capacity, Joe Kennedy directed the activities of 22,000 employees, and made the acquaintance of Franklin D. Roosevelt, Assistant Secretary of the Navy under Woodrow Wilson. Successful at banking and manufacturing, he next turned to Wall Street, and promptly made a name for himself as one of the leading investment figures in the world.

Renowned as a business leader, he entered the political field under the regime of Franklin D. Roosevelt, whom he supported for President in 1932. Following passage of the Securities Exchange Act of 1934, he was appointed Chairman of the Securities Exchange Commission, serving as a watchdog over the activities of Wall Street. As a further reward for services rendered in the 1932 political campaign, he was appointed by Roosevelt as Ambassador to Great Britain in 1937, and served almost until the outbreak of World War II.

In the meantime, he was raising a large, magnificient, and talented family, three of whose members were elected to the U.S. Senate, and one to the Presidency. The power and talent of the man, Joe Kennedy, was a dramatic part of the American story, during his days on earth, and his presence on the economic scene seemed to bear out the age-old contention that energy and genius combined can sweep the field in any form of competition.

I am saddened by his passing, as are all who knew of his remarkable career and warm, exciting personality. I extend to Mrs. Rose Kennedy, Senator EDWARD M. KENNEDY, and the other members of his family my deepest condolences and express, once again, my profound admiration for this man of brilliance, the late Joseph P. Kennedy.

OFFICE OF ECONOMIC OPPORTUNITY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WYATT. Mr. Speaker, much debate has centered on the merits of the Murphy amendment passed by the Senate during its action on the extension of the Office of Economic Opportunity.

I have expressed opposition to this amendment on the basis that it had the potential of destroying the legal services program. In coming to this conclusion, I have had great confidence in the ability and dedication of the new Director of the OEO, our former colleague, Donald Rumsfeld.

If there is an area throughout this country where the disadvantaged are truly disadvantaged it is in the legal services. Continuation of the OEO legal services program is essential. I feel confident that there will be a reduction of the radical activity which has brought the program so near disaster in the past.

Mr. Speaker, I am immensely pleased that the very able Governor of Oregon, Tom McCall, agrees with my position. The legal services program is of such importance that Governor McCall is willing to forgo the veto provided in the Murphy amendment in order to make certain that there is a continuation of the program on a nationwide, continuing basis.

Here is the text of Governor McCall's letter on the Murphy amendment:

OFFICE OF THE GOVERNOR,
Salem, November 12, 1969.

Hon. WENDELL WYATT,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR WENDELL: Within a short time, the House of Representatives will consider S. 3016, relating to the Federal Economic Opportunity Program. When this measure was before the Senate, the "Murphy" amendment was adopted to provide that the Governors of the various states in effect posses power of veto over the activities of legal services programs funded by the office of Economic Opportunity.

I am aware that the proponents of this amendment argue that its purpose was to "channel legal services programs into productive areas, rather than, as in the past, into areas that have created great dissatisfaction and confusion." At the same time, I am cognizant of the action of the American Bar Association's Board of Governors on October 18, 1969, calling for the deletion of this provision from S. 3016.

It may seem paradoxical that I, a Governor oppose enactment of a provision that would vest greater power in my hands. My position also should not be construed as approval of all activities that have been carried out by attorneys retained by OEO; indeed, our own Welfare Division recently was subjected to a vexing lawsuit in which such attorneys represented welfare recipients.

At the same time, letters come to my desk every day from persons who are aggrieved by actions of public officials and private individuals, but who cannot afford the services of an attorney. Many of the legal actions that might be brought by them could create "great dissatisfaction and confusion." However, if we are to make our judicial system available for all, including the poor, we must prepare ourselves, as government officials, to be discomfited upon occasion. It is a healthy thing for public officials to be required to face these tests, and it is an unhealthy attitude on their part to seek to prevent impecunious litigants from having their day in court.

In conclusion, I endorse the resolution passed by the Board of Governors of the American Bar Association, which asserts that the legal services programs should operate with full assurance of independence of lawyers within the program not only to render services to individual clients, but even in cases which might involve action against government agencies seeking significant institutional change.

Sincerely,

TOM MCCALL,
Governor.

JOE McCAFFREY COMMENTS ON THE VICE PRESIDENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. JACOBS. Mr. Speaker, I place in the RECORD two commentaries of Joseph McCaffrey, as broadcast over WMAL-TV, channel 7, Washington, D.C., concerning Vice President AGNEW's November 13 address:

COMMENTARY OF JOSEPH MCCAFFREY, NOVEMBER 15, 1969

It was a nice touch that Vice President Agnew should devote a major speech to an attack on freedom of television news during the week which was labeled national unity week. If there was any unity during the past week, it was mighty hard to discern.

It could appear that President Nixon has discarded his "bring us together theme."

The effect of Mr. Agnew's remarks is a kind of censorship by intimidation. The worry is—is there still another step.

Harry Truman, one of the most interesting men ever to serve in the White House, took more criticism in one day than this Administration has taken since January. Old Harry had a very simple motto, it was "If you can't stand the heat, get out of the kitchen." But Harry Truman had what it took, not just courage, but a deep, passionate devotion to the freedom which this country has nurtured since it won its independence from England.

A man has to be born to this, he has to understand it, otherwise he can never aspire to be a leader of men.

A free country has to allow its leaders to be criticized, leaving the value of that criticism up to its citizens.

The people make up their own minds. Mr. Agnew seemed to survive the criticism on election day in 1968. Now that he is in office he shoudn't panic and try to stifle free expression.

He could read a book on Harry Truman. There are plenty of them around. They tell the story of a man who knew what this country was all about. The story of a man of courage.

Harry Truman, as President, was a big man.

COMMENTARY OF JOSEPH MCCAFFREY, NOVEMBER 16, 1969

By their nature Americans, older Americans, have thought of their country as being just about perfect.

It is hard, thus, for them to rationalize the present upheaval in American society. The peace marchers, the black militants, the welfare protestors—the incessant screaming of one minority group after another.

Could this all be because . . . because . . . of television?

Yes, that must be the answer.

Television has promoted and fomented all of these disturbances. If there wasn't television to play back a small disturbance, then it would not become a large disturbance.

The blacks would be placid and accept their fate, as they had accepted it for generations. The youth would be content to fight the wars, never asking the why of the wars; ignoring the history of and the lessons of the Nuremberg Trials.

It is television. It is television which has ruined our perfect world.

To this myth the Vice President of the United States pandered in his amazing speech at Des Moines.

The Democrats love the myth because it explains away, completely, Chicago and the 1968 convention. The Republicans love it because as the Administration in power it absolves them of any blame for conditions today.

The average guy loves it because it gives him an easy explanation for everything, much like blaming all trouble in the world on Communism.

The greatest danger in any country, and especially in a Democracy, is to translate everything simplistically.

If the war in Vietnam means that the rights of free expression, free speech and free criticism are to be curtailed in this country, then more than forty thousand young, brave Americans have given their lives in vain.

WHY LAST THINGS FIRST?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. CONYERS. Mr. Speaker, the Nixon administration and the leadership in Congress have yet to understand or appreciate the necessity of reordering the grossly misplaced national priorities. An excellent case in point is the funding of the supersonic transport plane in the appropriations for the Department of Transportation. These appropriations clearly illustrate again the intransigence of this body in refusing to recognize where the real emphasis should be—with the human needs of the people. When will the leaders of this country realize that prosperity does not depend as much on the material objects we can parade before the rest of the world as it depends on the well-being of our citizenry?

It is hypocritical to cut desperately needed social programs in the name of economy and then begin spending hundreds of millions of dollars on unwarranted and overblown projects such as the SST. At this very moment, an extremely important function of the Department of Transportation itself is being handicapped by the underfunding for personnel within the Office of the Assistant Secretary for Environment and Urban Systems. Our inability to establish realistic priorities is being increasingly recognized across the Nation. And it is not only young people who are dissatisfied. Citizens of all ages, all races, and all occupations are increasingly disturbed by the myopic vision with which the Government tries to discern the needs of this country.

A letter which appeared in the Washington Post yesterday, written by a woman from Silver Spring, Md., is—in my judgment—an excellent example of this citizen awareness. In the event some of my colleagues did not have the opportunity to read this statement, I include it in the RECORD at this point:

SST VERSUS HEALTH RESEARCH

On Nov. 14 The Washington Post reported: "By a 2-to-1 margin, the House Appropriations Committee voted yesterday to continue the subsidy to eventually total $1.3 billion for development of a supersonic transport."

On July 29 the House Appropriations Committee voted stringent cuts in the budget for HEW, which in turn has adversely affected medical research programs throughout this country funded by NIH grants. The administration states that these cuts will not really damage research in this country. The administration is wrong.

I have a child in the research program on Down's Syndrome, which is currently under study by Dr. Mary Coleman at Children's Hospital, Washington. While this program will be assured *part* of its funds from NIH through April 1971, the blunt fact remains that another $50,000 is needed to assure that 20 children will not have to be dropped from the program for lack of funds to cover them.

Now many people today shake their heads and wonder why the student youth have become radicals. Well, I want to make it perfectly clear, I am not a student and I am not very young, but I am definitely on my way to becoming a radical—if radical means shame and disappointment in a government with such misplaced priorities.

To my radicalized mind there is something very wrong with a government that will spend over a billion dollars to build a huge, noise-problem aircraft so that a relatively few important people can get somewhere in three hours rather than four, while refusing to spare $50,000 to help give hope and promise to thousands of babies yet unborn. Some government.

MRS. ALLEN C. TRAINER.

SILVER SPRING.

A POSTAL CLERK SPEAKS OUT IN FAVOR OF H.R. 11750

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. CUNNINGHAM. Mr. Speaker, I would like to insert in the RECORD a letter which has been received by the Citizens Committee for Postal Reform from a postal clerk in Louisville, Ky.

His letter reflects the sentiments of a majority of postal workers of this country. It is unfortunate that the postal union leadership is working against true postal reform and H.R. 11750. For, in so doing, that leadership is working against the best interests of its constituents, the postal workers themselves, as Mr. Hall's letter makes clear. It is certainly a strange turn of events when the union leadership oppose legislation that is designed to improve the lot of the postal worker. The union hierarchy prefers to come to Congress hat-in-hand instead of instituting the collective bargaining process.

We need people like Mr. Hall in the postal service, but we are going to lose them for the reasons stated by Mr. Hall in his letter. Let us hope that more members of the "silent majority" raise their voices in protest against the position that has been dictated by the postal union hierarchy; and let us hope that more of the rank-and-file workers will express themselves as Mr. Hall has done in this letter here inserted:

NOVEMBER 12, 1969.

To Citizens Committee For Postal Reform,
Washington, D.C.

From Harry P. Hall, Louisville, Ky.

SIRS: I am a postal clerk, living and working in Louisville, Kentucky. I have been a postal clerk for the past 9 years. During this time I have witnessed the inadequacies, the politics, and the just plain undesirable working conditions existing within the Postal Service. I soon realized that as a clerk, my opinions or my ideals of how things should be was like unto one crying in the wilderness.

At present I am a senior at the University of Louisville and plan to obtain my Masters Degree in the field of Administration in the Fall of 1971. I entered the Postal Service with the intention of making it my life's career. After about five (5) years of wishful thinking, I finally realized that I might become or in fact *was* a part of that large majority who end their postal career in the same grade in which they start.

When HR 1750 appeared on the horizon of congressional enactment, I felt that "A better day was on the way." Don't be misled into believing that I am the only Clerk who felt that way. There are literally thousands of Postal Clerks across the Nation who favor HR 11750. They are simply led by a biased Union leadership whose main concern is in maintaining their power status at all costs. If you could check the records you would find that not 20% of the Union membership ever actively attend Union meetings. There are many reasons for this and the majority of them are valid. I, myself am a member of the U.F.P.C. and have served as Union Steward of my Tour of duty however being a member does not condone the policy that Mr. Filbey continues to pursue.

I am writing just to let you know that the great silent majority of all Postal employees favor the enactment of HR 11750. We are sick and tired of our larger mail volumes and slimmer chance of promotion. We, unlike our Union bigots, are not afraid of change; we welcome it! The Post Office would still be delivering mail via horseback instead of air if it were not for change. Please continue to do all you can to enact HR 11750 for the silent majority who so desperately need it.

Thanks a Million.

SECRETARY STANS SPEAKS AT FOREIGN TRADE CONVENTION

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BYRNES of Wisconsin. Mr. Speaker, I am pleased to include, as part of my remarks, the text of a significant address given by Secretary of Commerce Maurice H. Stans before the 56th National Foreign Trade Convention in New York on November 17, 1969:

ADDRESS BY THE HONORABLE MAURICE H. STANS

It is an honor and a pleasure to join in opening this Fifty-sixth National Foreign Trade Convention.

This provides me a very welcome opportunity to discuss some of the challenges in the international economy that are the concern of both business and government.

Over the years, these annual gatherings of the National Foreign Trade Council have considered many such challenges to Free World progress and prosperity.

And your distinguished organization has made major contributions toward meeting them. It has been a wise counselor to government in the shaping of public policy and programs. And it has been an eloquent advocate of cooperation among nations in the development of the international economy.

But never, I think, has your leadership been needed more than today, both collectively as members of the Council and individually in your corporate capacities. Because never have government and business faced more formidable challenges to progress in this area.

Fortunately, we've had the experience that enables us to meet these challenges. We remember where the regressive policies of a bygone era took us; to a world-wide depression that left the international economy in a shambles. We know where the more progressive trade policies of the past third of a century have led us: to the greatest era of prosperity the world has ever known. And we can be sure where even more open trade policies in the rest of this century can take us: to the fulfillment of comfort and well-being for the people of the United States and of the world.

ADMINISTRATION'S COMMITMENT

Let me assure this notable council that President Nixon and his entire Administration are firmly committed to a continuation of policies aimed at expanding world trade through more open markets. I have given this assurance to our trading partners on trips to both Europe and the Far East, and also to many audiences in our own country.

I would like to repeat here what I have said in a dozen foreign countries: This Administration pledges its full support for Four International Economic Freedoms which can be the guiding principles for progress in the Free World: Freedom to travel; Freedom to trade; Freedom to invest; and Freedom to exchange technology.

No one knows better than yourselves that these are ideals, a guiding star, and not goals fully achieved by any nation. Nor will they be soon, nor without determination.

Every nation has special problems which arise from time to time, and for which adjustments must be made. We all recognize these, and as trading partners are prepared to cooperate in resolving them.

CHALLENGES

But beyond these, a variety of factors today is threatening to slow the benefits that flow from each of these four great economic freedoms.

And it is on some of these challenges that I would like to focus your attention for a few minutes.

All are the concern of the entire Free World. Some require action by our trading partners; others are peculiarly our own responsibility. In these, I want to discuss what your government is doing to help meet them. More importantly, I want to appeal for your assistance in areas where the dynamic qualities of American business hold the key to success.

In connection with the imbalance in our international accounts, let me say that this Administration views the Free World economy as all of one piece. The interrelated nature of travel, trade, investment and technology exchange makes the problems of one nation the problems of all. We can solve them only through the one essential for all human progress: cooperation and reciprocity.

In this respect, the balance of payments difficulties of one nation are the concern of all others. This is especially true in the case of the United States. Our dollar is the world's principal reserve currency. It is backed by the greatest productive capacity that ever existed. But we must continue to strengthen it by bringing our international accounts into better balance.

TRAVEL

Closing the gap in our travel account is one very important way.

I won't dwell at length on the problems in this area, because I want to concentrate on some other things. But you and other businessmen can make a major contribution here, and I want to call your attention to the need.

The problem centers on our enormous $2 billion travel deficit, and its direct adverse effects on the U.S. balance of payments.

Today, our people are going abroad in record numbers—but this is only the beginning. Soon traffic will be opened across a flying bridge of jumbo jets. Next, some airline will be establishing a shuttle run to Paris.

BUSINESS VISITORS

Now this Administration is not going to follow the example of its predecessor and try to interfere with the right of Americans to travel abroad.

But we are stepping up our program to get more foreign visitors here, to do business and continue on to see the wonders of this great country.

And that's where you businessmen come in. We need your help in getting more business visitors here. As one step in our program, we've just appointed an International Director of Convention and Business Travel Development, with headquarters in Paris. He is working to increase the number of international meetings held in the U.S.

These conventions constitute a billion dollar market. Europe gets 67 percent of this; the U.S. and Canada combined get only 10 percent.

You businessmen are members of many of the organizations that hold these meetings. We need your help in convincing them to hold their conventions here, the greatest country in the world. We want a lot more of that billion—and we're out to get it.

TRADE

Second, there are growing challenges today to freer trade.

These consist primarily of a rising wall of nontariff barriers, which are causing serious distortions in international trade. Many of them are covert forms of protectionism which discriminate against American exports.

In Europe, American businessmen face such problems as:

Over-adjusted border taxes on incoming goods, while exporters receive advantageous tax rebates.

Restrictions on participation in procurement by government entities.

Protectionist aspects of the Common Market agricultural policy.

Artificial technical restrictions placed on imports, which mainly affect high technology goods from the United States.

European subsidies which unfairly injure American markets in third countries.

The Nixon Administration is mounting a full scale attack, the first in history, on these restrictive practices.

OPEN TABLE

One of the main purposes of my recent trips to Europe and the Far East was to lay the foundation for progress in this area. I proposed to our trading partners the adoption of an Open Table policy under which all such barriers would be brought into the open, probed, diagnosed and dealt with on a reciprocal basis. And by "all" I meant not only those visible in law and regulations, but also the invisible, those effected by administrative action and inaction.

This met with a favorable response everywhere, and I am glad to be able to report that concrete steps are being taken toward a reduction of these obstacles.

In the case of Japan, we have exchanged lists of nontariff barriers, and three weeks ago our representatives met in Geneva to begin an exchange of views on a wide range of restrictive systems and practices.

In addition, the member nations of the General Agreement on Tariffs and Trade have just agreed to move out of the fact-finding stage on nontariff barriers, and get down to brass tacks, the business of how to eliminate them. Guidelines have been established for five working groups, and progress reports are scheduled for next May.

I can assure you that the United States will press very hard to move these discussions forward. We in the United States have some nontariff barriers against certain imports, but we are convinced that we are more the victim than the culprit. And we want them eliminated, or at least dealt with on a fully reciprocal basis.

TRADE BALANCE

They've got to come down as part of our campaign for an improvement in our merchandise trade balance. the mainstay in our balance of payments.

Last year we just barely missed recording our first trade deficit in 75 years. Imports soared 24 percent, while exports rose only about 10 percent. This year imports are up about 6.7 percent and exports about 7 percent. We may end up with a 1969 trade surplus barely better than last year's.

But if we are going to keep our aid and defense commitments abroad, and continue to finance overseas investments and travel, we must boost our trade surplus back to levels of the early 1960's, around $5 billion.

The Cabinet Committee on Export Expansion, of which I am chairman, has set an export target of $50 billion by 1973. This compares with $34 billion last year. It is an ambitious goal, but also one well within our capabilities to achieve.

Today we export about 4 percent of our Gross National Product. Some countries export 35 percent of theirs. If we could raise ours to only 4.3 percent by 1973, we would reach our goal.

I am confident we can do it. In a free enterprise economy like ours, it is always business that must actually carry the ball. But this is not going to be one of those exercises where government just sits on the sidelines and cheers. We're going to be right down there on the playing field doing our best to run interference for you.

ASSISTANCE PROGRAM

With the elimination of nontariff barriers on the list for long-term market improvement, the government's immediate assistance program includes:

2. Adequate credit for exports to assure competitive financing. Through the Export-Import Bank, we are going to try to insure that our exporters can meet credit competition anywhere.

3. A more reasonable taxation of export earnings, in order to make exports more profitable. This is under intensive study at the present time, and I am hopeful that concrete proposals can be formulated real soon.

4. Strengthened commercial representation abroad, to upgrade performance. In this, we need guidance from exporters on how our commercial representatives can be most helpful. And I would welcome your suggestions.

5. Expansion of export promotion activities. We are stepping up the number of our commercial exhibitions abroad; working with the National Export Expansion Council in targeting industries which offer the greatest export potential; sponsoring a new program of industry-government trade missions abroad; and increasing our efforts at home and abroad to help develop foreign sales for groups of small and medium-sized firms.

6. Streamlined export documentation procedures. We have cut export paperwork to the bone, saving tens of millions of dollars for business and government, and eliminating costly delays in export shipments.

7. Rebuilding the American merchant marine. The President's program to modernize our merchant fleet is now before Congress, and I am confident that its adoption will mean better service to shippers.

8. Finally, and very importantly, the Administration's attack on inflation, which makes our goods less competitive in the world market, and foreign goods more easily salable in ours. The President's courageous action in combining prudent fiscal policies with the tight monetary policies of the Federal Reserve has brought pressure on the inflationary conditions that had been building since 1965. These conditions are now easing. As a result, we expect a moderation in the growth of the economy next year, and we

are calling on business and labor to take that fact into consideration in their wage and price decisions, so that inflation will be brought under control.

INVESTMENT AND TECHNOLOGY

After travel and trade, there are the worldwide challenges to freedom of investment and exchange of technology. I want to consider these together because they often go hand in hand in their benefits to a nation and its people. This is especially true in the developing countries of the world, whose hopes for economic improvement rest largely on increased capital for building sound industries. It is their only hope for growing away from subsistence, agricultural economies.

The whole world knows of the long-standing U.S. commitment to progress for the developing nations.

The reason is obvious: it is in our own self-interest. For the United States to prosper, we must have a world of peace and stability. Economic progress for the developing nations will help achieve it. This is the way to a better life for people everywhere. This is the best hope for lifting the burdens of poverty, hunger, disease and ignorance from the shoulders of mankind forever.

Moreover, our own continued prosperity is tied to the growth of markets for our exports with a high technology content. The economic modernization of the developing nations opens up such markets.

These are some of the underlying reasons why this government has spent billions of dollars in assistance programs in the developing nations in the past quarter of a century. And this is why we have encouraged private investors to undertake vast development projects of all kinds in these countries.

BENEFITS

Accompanying these great infusions of capital have been the benefits of advanced technology.

Most important of all has been the fact that millions of people have learned new skills. They have received training in production, distribution, marketing, and promotion, and many other functions of a modern economy. In a very real sense, American and other private investment has built the "Schoolhouse of the World" in the developing nations. Here the old order of ignorance, despair and hopelessness has been overturned as people have learned new skills and acquired new hopes and new expectations.

This infusion of technology also has set in motion the whole development process in those countries. The costs of products have been lowered, personal income has gone up, markets have been developed, and the standard of living has been raised.

In addition, American private investment has often boosted exports of the developing nations, providing foreign exchange for them to increase imports.

OUR EXPERIENCE

We in the United States know first hand what foreign capital can mean to a country's development. In the 19th Century, *we* were the great underdeveloped nation of the world. Foreign capital came in and built much of our original transportation network—roads, bridges, canals and railroads. It was attracted here because we offered investors the advantages of political stability, full legal protection of property, and the unlimited right to take out earnings or withdraw capital.

Later, foreign businessmen started making direct investments in manufacturing in our country, a happy development which still continues to grow year after year. And it is one that we continue to encourage because it increases competition and brings us the benefits of foreign technology and managerial techniques. It is a working, successful example of the value of the international principle of "Freedom of Investment."

EXPROPRIATION

I touch on these benefits of foreign direct investment as background for a few comments I want to make on the insecurity of the investments of American firms in some of the developing nations.

We know that if we are to advance the well-being of the world community, each member of the family of nations must accept certain obligations. Surely one of these is to respect the property rights of others.

If he isn't, how can we carry on the great work of helping the developing nations to modernize through the investment of private capital and the transfer of technology?

PRESIDENT'S VIEWS

President Nixon, referring to the problem in a recent speech, pointed out that a developing country must "expect a serious impairment of its ability to attract investment funds when it acts against existing investments in a way which runs counter to commonly accepted norms of international law and behavior."

And he added: "We will not encourage United States private investment where it is not wanted, or where the local political conditions face it with unwarranted risks."

As we all know, investment capital enjoys a free marketplace in the world. It is attracted by the legitimate profit incentive. It will go where there are prospects for a fair return without undue risk. It will flee from conditions which threaten its freedom and security.

These are inexorable facts. If a nation is to attract private capital and enjoy the benefits that it offers, conditions must be favorable for its long term investment.

It is to every nation's benefit to create these conditions.

Many nations which recognize the value of private investment have entered into the "Convention on Settlement of Investment Disputes," an effort led by the World Bank. Under the terms of this convention, which the U.S. entered into in 1966, machinery is available at the headquarters of the World Bank for both conciliation and arbitration.

We all hope that this and similar efforts will lead to a growing body of international law which will assist international investors in learning and enforcing the rules of the game.

FAVORABLE CLIMATE NEEDED

Even more basic than the assurance of security for existing investments is the need for a climate receptive to new investments on a large scale. For one thing, it would be helpful for leaders in both the public and private sectors in the developing nations to emphasize the value of foreign direct investment to the general populace. They could and should point out the benefits in terms of jobs, personal income, standard of living. They could cite the example of how other nations, including the United States, were largely built by foreign capital in their formative years, and still benefit from such investments today. And among the developing nations today are outstanding examples of such growing countries as Korea and the Republic of China.

I believe the leaders of all countries have a responsibility to create a favorable climate for the reasonable entry and repatriation of capital and earnings. Investors need assurance of a welcoming attitude on the part of every segment of society—working people, farmers, professional people, businessmen, as well as government leaders. They should undertand, of course, that their country is competing against every country for scarce resources—capital and know-how—and that foreign investment will go to the country that offers the most hospitable climate.

Reassurance is sorely needed today to restore the confidence of U.S. firms, and those of other industrialized countries, in the policies of all Free World nations toward private investment.

SUMMARY

So let me summarize the position of this Administration as we move to meet the new challenges in the international economy today.

First, we will not impose financial restraints on the American people traveling abroad, and will increase our efforts to bring more foreign travelers here.

Second, we are committed to the principle of freer trade among nations, and we are moving in that direction.

Third, we seek to reduce nontariff barriers to international commerce through "Open Table" discussions.

Fourth, we are undertaking a broad program of active assistance for exporters in order to help restore a healthy trade surplus.

Fifth, we deplore the restrictive attitude toward American investment abroad. We urge a receptive climate in all countries under a public policy of encouragement that should provide assurance for the security of all foreign investment.

These are the principles that we believe are our best guides in meeting the challenges that loom on the economic horizon of the international community today. They embody the Four Freedoms I mentioned earlier as the paths to economic progress across the borders of nations—Freedom to travel; Freedom to trade; Freedom to invest; Freedom to exchange technology.

CONCLUSION

We know that all men seek a better world. In his Latin American policy speech, President Nixon said "there is no task more urgent than lifting up the hungry and the helpless, and putting flesh on the dreams of those who yearn for a better life."

One way to help build this better life is to continue to free up the elements that promote international development—travel, trade, investment and technology.

This Administration is fully committed to work at this task with energy and determination, and I am confident that we can count on the full support of the members of the world's business community.

HOW BALL BOUNCES—WORTH A TV LOOK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BINGHAM. Mr. Speaker, the attacks by the Vice President on the media and on one of the greatest Americans of our time, Averell Harriman, are no laughing matter. Especially to the extent that the Vice President appears to be speaking for the President, the implication of these attacks is very grave indeed. The battle lines are being drawn for another long struggle on behalf of our basic freedoms, including freedom from fear.

However, even in the most serious battles affecting our democratic system, humor can be a valuable weapon.

With that thought in mind, I insert herewith the following column by Art Buchwald which appeared today in the Washington Post:

HOW BALL BOUNCES—WORTH A TV LOOK

(By Art Buchwald)

Today I would like to discuss with you the dangers of television sportscasting and how a small group of men decide what 20 million people will see during a football game.

Last Saturday, Ohio State played Purdue in one of the most important football games of the year. While viewers had tuned in to see this great contest pitting two of the finest teams in the country, two or three commentators who had made up their minds in advance on the outcome, had subjected the game to instant analysis and querulous criticism.

It was obvious to those of us watching that these self-appointed analysts expressed their hostility toward one team or the other before the television audience had a chance to digest what had happened.

Two of the commentators, Chris Schenkel and Bud Wilkinson, by the tone of their voices and the expressions on their faces, indicated sharp disapproval of Purdue's defense and couldn't hide their admiration for the way Ohio State had managed to score at will.

They offered gratuitous advice, challenging the policies of the Purdue quarterback and coach, and the networks seemed happy to offer the commentators all the time they wanted.

Now everyone has a right to say what he wants about the Ohio State-Purdue football game, but the American people also have a right to make up their own minds as to what they have seen.

How was this football game telecast? A small elite group of men, no more than a dozen, decided what you would or would not see Saturday. They chose the plays and the players that you would follow. You had no choice in this matter.

They also, at their own discretion, decided what instant replay would be shown and when. This great power in the hands of a few men is too frightening to imagine. Who is to say how much Chris Schenkel's inflections or Bud Wilkinson's raised eyebrows contributed to Purdue's defeat?

We know that Mr. Schenkel lives in New York and Mr. Wilkinson lives in Washington, the most unrepresentative communities in the United States.

Both men read the same newspapers and draw their views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcements of their shared viewpoints.

Is it not fair and relevant to question the concentration of power when it comes to college football games in the hands of a tiny enclosed fraternity of privileged men, elected by no one and enjoying a monopoly sanctioned and licensed by the government?

We should ask ourselves: What is the end profit of watching such a game? Why, for example, did the network in question choose to show the violence of the Purdue-Ohio State football game, rather than the peaceful scenes on the sidelines? Why were their cameras constantly aimed at confrontation between the two teams instead of showing us what was going on outside the stadium in the parking lot, where all was calm and serene?

At halftime, we saw demonstrations on the field, cheerleaders screaming and urging their respective teams to violence. In the search for excitement and controversy we were treated to a small minority of people numbering no more than 85,000, shouting and yelling their heads off. Was this representative of all the people in the United States? I do not have the solutions to the questions I have raised today. I believe it is up to the sportscasters themselves to reexamine and improve the objectivity of their football reporting. I don't say the government should get into it at this time, but if we can't have a football game without violence on the field and prejudice on the part of the commentators, then I can't see any other alternative than for the FCC to step in.

BEARDEN HIGH MEMORIAL IS DEDICATED

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DUNCAN. Mr. Speaker, the belligerent youth who march and make loud protests receive much public attention. And we often speak of the "silent majority." However, there is another group that is active, yet gets little attention or recognition for its efforts.

Today I would like to recognize the young people of America who are doing something positive for their Nation. Throughout this country thoughtful young men and women are banding together to express deep-felt patriotism.

I specifically want to recognize groups of students in Knoxville, Tenn., who designed and carried out their own programs.

On this Veterans' Day, 1969, Bearden High School dedicated a memorial stone at their school in honor of four of their graduates who gave their lives in Vietnam. The Bearden choir sang moving tributes as faculty, students, and members of the deceased graduates' families listened thoughtfully.

Following is a news account of the special ceremony from the November 11 Knoxville, Tenn., News-Sentinel:

BEARDEN HIGH MEMORIAL IS DEDICATED

(By Charles Armstrong)

There was a dedication ceremony and a tribute to American veterans today at Bearden High School. And although it was not planned, there was also a demonstration —of a deep mixture of sadness and pride.

There were few words spoken, and no signs were held in the hands of the students and families. Instead they held in their hearts the loss of four classmates fallen in Vietnam.

The students' tribute was a monument with the four names inscribed, which is under the flagpole at the entrance of the school. It was unveiled during the ceremony today.

ROLL OF HONOR

It read: "A Tribute to Our Vietnam Dead." And it listed the names only of:

Sp 4 George E. Clark Jr., class of 1961, husband of Mrs. Martha Lembert Clark and son of Mr. and Mrs. Clark Sr., Woodbrier Rd.; Lance Cpl. James D. Travis, class of 1965, husband of the former Sherry Sharpe, and son of Mr. and Mrs. Willian B. Travis, Westland Drive; Lt. Charles H. Pilkington Jr., class of 1964, husband of Mrs. Jane Moon Pilkington and son of Mr. and Mrs. C. H. Pilkington, 809 Northshore Drive, and Sgt. William B. Bishop, class of 1965, son of Mr. and Mrs. William B. Bishop, 1104 Burton Rd.

The feeling of the student body was perhaps summed up in the simple service by Rev. William J. Carter, pastor of Bearden United Methodist Church, who gave the invocation.

REMEMBERED AS FRIENDS

He said, "We will remember these who died as warriors and patriots, but most of all as friends." He concluded, "This is the final moment of honor for all men who have died that we might live."

Families of the dead were seated in front of the monument as the ceremony began; members of the student council and executive council stood soberly as their leaders began the program.

Mike Delorenzo, student leader, asked each of the families of the fallen to stand. Dean Kleto, president of the student council, introduced Kathy Townes and Susan Mooney, students who organized the memorial at the end of last school year. Every student in the high school made a contribution to the memorial fund.

BATTLES CITED

In a short address, Dean named major battles throughout U.S. history, including recent ones at Danang, Hue, Que Son. He said the four Bearden graduates had been added to the list of those "who have made the supreme sacrifice to make democracy endure."

As the choir sang "Let Us Now Praise Famous Men," the faces, young and old, became more sober. Several cheeks were wet as the anthem ended with "their name liveth forever more."

The memorial ended with the playing of "Taps." The students and citizens and military representatives left quietly, leaving the monument behind to speak for them.

Other young people have come up with constructive projects, including adding to the packages the soldiers in Vietnam will open this Christmas. The Central High School Senior Y-Teens collected money in shopping centers and in downtown Knoxville to send packets to men in Vietnam. Headed by President Susie Kemppainnen, the Y-Teens collected their funds with patriotism and great enthusiasm.

There is a certain exuberance common in youth. When they decide to lend support, they do not fall short. These young citizens are to be commended and today I salute them. I thank them for their outstanding efforts.

REPRESENTATIVE HAYS' FIRM NATO POLICY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. FEIGHAN. Mr. Speaker, an editorial appearing in the Cleveland Plain Dealer of November 18, 1969, praises the sound judgment of our very able and distinguished colleague the gentleman from Ohio (Mr. HAYS).

The North Atlantic Assembly is fortunate to have as its President our colleague, Mr. HAYS, whose knowledge and keen understanding of foreign affairs has been and will continue to be of inestimable value in its deliberations and determination of policy and recommendations.

With leave granted, I insert the editorial as follows:

REPRESENTATIVE HAYS' FIRM NATO POLICY

U.S. Rep. Wayne L. Hays, new president of the North Atlantic Assembly, talks sense when he says America should not pull out any of its 300,000 troops from Western Europe.

Too much erosion has weakened the North Atlantic Treaty Organization military force already. And if NATO's conventional war strength gets too thin, then the West would have to shoot tactical nuclear weapons all the earlier, in a crisis. That would inevitably trigger a nuclear holocaust.

Airlift plans, as the congressman from Belmont County says, do not substitute for troops ready in the field in case of a Soviet strike of any dimensions.

NATO manpower is rated at two-thirds of Warsaw Pact troops, and NATO tanks at only one-half the Warsaw Pact's, in the September report by the Institute for Strategic Studies in London.

"If a European crisis developed gradually enough to permit full reimbursement," says the ISS report, "the West would be in a position much more resembling equality."

How gradual was the slick, quick occupation of Czechoslovakia by the Warsaw Pact war machine?

NATO military men gasped in awe at the way the Soviet bloc could pounce on a neighbor country and render it helpless.

But the shock value of that illustration did not last. France's defection from NATO and Canada's intent to reduce its NATO commitment leave unplugged gaps. Other European members of NATO have not been hastening to plug them.

Nor has there been any cutback of Warsaw Pact strength. Military observers in fact are marveling at the Soviet Union's huge and growing navy and its passing the parity mark in deploying intercontinental ballistic missiles.

It is unlikely that the United States would use any nuclear weapon in any European squabble. The more reluctant Americans are to use such weapons, the more they should favor an adequate conventional force to guard the safety of a free Europe.

SAN DIEGO STATE COLLEGE GIRL HONORED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BOB WILSON. Mr. Speaker, in these days when student unrest and campus turmoil receive front-page news coverage each morning, we sometimes lose sight of the fact that this is only a small minority. We in San Diego are proud of Denise Evers, a sophomore from San Diego State College, who exemplifies the vast majority of "not so silent" young people working for the betterment of our community and our Nation. I am pleased to share the following article from the San Diego Union, outlining Denise's activities, with my House colleagues:

"SUPER PATRIOT" NAMED LA MESA'S "YOUTH OF YEAR"

(By Betty Lubrano)

LA MESA.—Denise Evers, a 19-year-old San Diego State sophomore, is what some call a "super patriot." And she's proud of it.

Denise, daughter of Mr. and Mrs. Ellis Evers, 8443 Lemon Ave., yesterday was named outstanding youth of the year by the La Mesa Optimist Club.

Police Sgt. Bill Cook, the man who made the award at an Optimist Club youth appreciation breakfast, knows first hand just why Denise was named for the honor.

The Helix High School graduate, one of six Evers children, is chairman of the Heartland Youth for Decency. Members of the club—there are about 75 of them—thrive on activities that reflect love for God and country and support of the armed forces and law enforcement officials.

CLUB SPONSORS

Cook, who is area lieutenant governor for the Optimist Club, sponsors the club along with Mr. and Mrs. Evers and police officer Bill Daw.

Denise admits that when some high school and college students hear the group's name, they say "Wow, what a bunch of square kids."

"But when they see what we're like—what we're really like—they like it," she says.

Representatives of the club are 16 youngsters who call themselves Freedom Sounds. The boys and girls dress in red, white and blue. When they sing, they let themselves go to the rhythm of the music, whether its the stirring "This Land Is My Land" or the moving Civil War ballad, "This Cruel War."

Heartland Youth for Decency was formed when Cook, Denise and her parents put their heads together to come up with "something" to get kids involved in positive community action to counteract adverse publicity on riots and other activities.

"It's to get kids to realize they have a fantastic heritage in their country," Denise said.

During the Freedom Sounds performance at the breakfast. Denise sensed that some of the teenagers were somewhat embarrassed by the "superpatriotic" atmosphere generated by the group.

She didn't mince words. "When you see what they've got in other countries, you guys will realize that you've got the greatest thing in the world," she said. "I'm proud to be an American."

Since the movement began last May, the Evers house has been one of the gathering place for members. The singing group practices at least once a week. Denise's 18-year-old sister, Dianne, is leader of the group.

Freedom Sounds has participated in about 50 performances since its formation three months ago. And although the musicians are an important element of the club, members also have been busy with other activities.

They've sent gift packages to servicemen in Vietnam and Korea and are planning a memorial for the war dead. The club also has "adopted an orphanage in Korea."

CHRISTMAS PLANS

For Christmas, the Heartland group is hoping to supply the 40 boys and 40 girls with warm clothing. "They need clothes and socks really bad because it gets so cold there," Denise said.

The orphanage receives $300 a month from a Marine battalion, but the donation is not enough for everything the children need, Denise said. Donations may be left at the American Legion hall in La Mesa.

Tomorrow she will be honored along with other outstanding youth from San Diego and Imperial counties at an Optimists Club banquet at the Hanalei Hotel.

THE VFW'S "OPERATION SPEAK OUT" AND AMERICAN POW'S

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. MARSH. Mr. Speaker, the Veterans of Foreign Wars are to be commended on their national program encouraging not only their own organization, but other organizations, and especially each American citizen, to speak out in support of our country and its institutions. This great veteran's group has always devoted tremendous time and effort to programs that relate to patriotism and to building national will. In support of this effort, I would like to join with many of my other colleagues and countless Americans in continuing to bring to the public attention the plight of American prisoners of war.

Portions of what I have to say appeared in another form in a statement I made last week before a subcommittee of the House Committee on Foreign Affairs in reference to these prisoners.

It is important that we emphasize the brutal contrast between promise and performance in the matter of prisoner of war treatment by the Hanoi regime and their Vietcong allies. Hanoi has professed adherence to the Geneva convention, but it has ignored repeated pleas for free flow of prisoner mail and has refused to permit inspection of detention facilities by the International Red Cross or any other unbiased international agency.

Even more serious is the record of calculated mistreatment being written by the few American servicemen who have escaped or been released after protracted confinement. While all do not tell of overt cruelty, there is a substantial body of testimony establishing the failure of the North Vietnamese to take ordinary humantarian measures in sanitation and medical care.

Our consciences will not permit us to ignore this contempt for minimal standards which have had long acceptance among civilized nations, to which company the Hanoi regime pretends. The world conscience needs to be aroused in the matter, particularly those segments of its which have viewed the North Vietnamese as innocent victims of American military might.

The treatment of prisoners of war is a matter of concern to all who value human dignity. It transcends the issues of any particular conflict. It is a matter apart from national or individual views as to where right lies between contesting causes.

Our duty to those imprisoned in an alien land, therefore, is clear. It is to press continually for their humane treatment, for an accounting by the adversary as to the numbers and identities of those held, for prompt prisoner exchange, and for international participation in the effort to achieve these goals of common decency.

SINO-SOVIET TENSIONS AND AMERICAN FOREIGN POLICY

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BUTTON. Mr. Speaker, I wish to bring to the attention of my colleagues an insightful article written recently by one of my distinguished constituents, Mr Daniel F. Halloran.

His article, entitled, "Sino-Soviet Tensions and American Foreign Policy," was published by the Catholic World magazine.

Mr. Halloran, a resident of Albany, N.Y. is a former fellow of the National Institute of Public Affairs and is a candidate for the doctor of philosophy degree in political science from the State University of New York. His article follows:

SINO-SOVIET TENSIONS AND AMERICAN FOREIGN POLICY

(By Daniel F. Halloran)

The recent flare-up of hostilities on the Asian border between China and Russia has had effects other than the provocation of mass demonstrations in Moscow and Peking. It has also revived American interest in the Sino-Soviet rift. Shortly after news of the outbreak reached the United States, American political analysts were discussing the situation, not in terms of a power struggle over national boundaries, but as a new manifestation of an ideological dispute over Communist doctrine between the two socialist superpowers.

The current focus of interest on the Sino-Soviet dispute can be seized as an opportunity to examine our foreign policy in the light of the interpretation it tends to place on the tensions between China and Russia. It may well be that this interpretation is more a reflection of our own view of international society than a thoughtful consideration of all the factors which could have contributed to the present situation.

Under the pressure of conditions partly the result of, and partly the cause of, the Vietnam war, American foreign policy has become more and more oriented toward the idea that the whole world revoles around the "international Communist conspiracy." With prospects improving for a solution to the Vietnam situation, the resolution of this conflict will be meaningless if we are just going to stumble into another Vietnam in some other place in the simplistic belief that we are again fighting the good fight to save the world from Communist enslavement.

This is not to deny that there is such a phenomenon as an "international Communist conspiracy." Nor is it to deny that many of its members wish that it were even half as cohesive and effective a movement as its most dedicated enemies believe it to be. However, the fact remains that the strongest force today in international relations is not economic or political ideology, but plain, old-fashioned nationalism.

President Nixon has stated his intention to avoid "any more Vietnams," and there is no reason to believe he does not mean it. His ability to achieve this objective, however, without resorting to an undesirable policy of isolationism, will be largely dependent upon his adoption of a more enlightened foreign policy than that which has prevailed for the past five years. And the development of such a foreign policy presupposes a rejection of the tendency to view the entire world through Red-tinted glasses and a new willingness to take a real look at the world around us and at the forces which created it and the tensions under which it exists.

Our Communist-dominated view of the world is well suited to interpret and explain subversive "wars of national liberation" and other internal conflicts in the developing nations. One would expect it to falter in the face of tensions arising within the Communist world itself, such as the lengthy rift between China and Russia. We have risen to the occasion, however, with heroic attempts to explain it in terms of strictly ideological differences while we completely ignore the historic roots of Sino-Russian conflict.

The present Communist governments in Russia and China both came into being through the forcible overthrow of pre-existing political structures. Both based their ideological pretensions on a disavowal of the illegitimate activities of their predecessor governments. Yet after a period of initial reaction, each country has shown a disconcerting tendency to assume a certain rightness of past territorial claims without regard for the "illegitimacy" of the governments which asserted those claims.

The Soviet government was not created in a vacuum. Like any other dynamic, living political organism, it had to take root within the context of an existing society and could not escape the influence of the policy which preceded it in that society. Just as the present Communist governments of Russian and China are inevitably based to some extent on the past governments of those countries, the present Sino-Soviet rift was not created in a vacuum but must be considered as largely a continuation of Russian-Chinese relations dating back several centuries.

The first treaty China ever made with a foreign power was the 1689 Treaty of Nerchinsk with Russia. This in itself—recognition of another nation as equal enough to negotiate a treaty with the Celestial Empire—was a concession on the part of China. From about the middle of the nineteenth century on, Russia applied colonial pressure against the Chinese "border," largely in the areas of Sinkiang, Manchuria and Outer Mongolia.

Russia acted as a mediator to negotiate the end of the Chinese-Japanese War of 1895 largely to establish preferential treatment for itself in the Liaotung Peninsula. On the strength of its support for China against Japanese claims, Russia negotiated with China for rights to build the trans-Siberian railroad across Manchuria. Russian insistence on special rights to the ports of Darien and Port Arthur led to the Russian-Japanese War of 1904–05. Following the War, in 1907, Russia and Japan agreed to share certain interests in Manchuria at the expense of Chinese sovereignty. This began a ten-year period of cooperation between Russia and Japan in the application of imperialistic pressure on China.

Following the establishment of the U.S.S.R. in 1917, internal Russian strife which spilled over into Chinese territory was used as an excuse to continue Russian imperialistic advances. In 1921, Russian troops followed retreating White Russians into Sinkiang and Outer Mongolia. Sino-Russian negotiations eventually wound up in agreement on the independence from China of Outer Mongolia and mutual recognition of Sinkiang as an "autonomous" part of Chinese territory.

In 1935, Russia sold its Chinese Eastern Railroad to Japan over heavy Chinese objections. Possibly as a holdover from the days of mutual imperialistic interests, in 1941 Russia and Japan signed a neutrality pact. During the early years of the long Sino-Japanese War, Russian material assistance was given to the Kuomintang, and the Chinese Communists were left largely on their own. It was Moscow's hope—and this wish was realized—that Japan, Russia's colonial competitor in greater Asia, and the Kuomintang government of China would neutralize each other, eventually leaving the field to Russia and the Chinese Communists.

In 1945, Churchill, Stalin and Roosevelt met at Yalta and contracted mutual agreements on the disposition of a number of matters affecting China in the absence of any Chinese representation. Stalin insisted on the restoration of certain Russian rights which went clearly back to Czarist imperial Russia despite an official Communist line which disavowed Russian imperialistic pretensions. He demanded restoration of Russian rights in the Liaotung Peninsula which predated 1904. Stalin thus completely ignored a 1918 statement by Chicherin, the Soviet Foreign Commissar, which specifically renounced imperialist Russia's claims in China.

For several hundred years before World War II, China suffered the advances of Western colonialism. During this same period Czarist Russia was in itself an imperialist power. Also, Russia had long been recognized as a distinct national power by the Western community of nations. China, on the other hand, had been considered by the West as a continent or an ancient civilization rather than as a nation in the same sense that the West recognized its own national sovereignties. Partly as a result of these historical differences, the Russians and the Chinese have adopted different views of the nature of Communism.

The Chinese, still smarting under the prolonged humiliation of Western economic exploitation during the nineteenth and early twentieth centuries, tend to stress Communism as salvation from imperialism. The Russian view of Communism is much more strongly directed toward the class struggle between the workers and the propertied class. China refuses to make any concession in its determined stand against Western imperialism to the possibility of a modification of Western interests. The Chinese view is that—if the Western nations appear to have retracted from their imperialistic posture of fifty years ago—that is only a temporary pose and their ultimate objectives remain unchanged.

Russia, perhaps due to both a greater sophistication in world politics and her role in the United Nations, cannot help but be aware of the retrenchment of Western colonialism. China, on the other hand, tends to view the West of today as the same imperialistic aggressor of a century ago. Also, the Communist regime of Russia predates that of China by thirty-two years, giving it perhaps a greater maturity and a stronger sense of security among the community of nations.

Under the long, autocratic reign of the Czars, substantive participation in the process of government in Russia was effectively denied the masses and reserved to the nobility and large landowners. The late awakening of the Russian people was initially answered by the autocracy with greater and more tyrannical oppression. What concessions were made to popular demands were almost immediately retracted or nullified. Thus, the Bolshevist movement which eventually emerged victorious found its natural enemy in the Czarist autocracy and the landed nobility within Russian society.

The Chinese and Russian concepts of the "enemy" differ: Russian Communists see the enemy rather clearly in terms of the class society—capitalistic exploitation of the workers. In other words, the Russian "enemy" has no ethnic or national identity and could and did exist inside Russia just as easily as outside.

Although the Chinese have made valiant attempts to see the struggle in this idealistic light—witness the sporadic campaigns to eliminate the landlord class—they have never been able to overcome the tendency to view the true enemy as outsiders, as "non-China."

The Russian Communist, sophisticated in the ideological intricacies of dialectical materialism, generally has a deep commitment to the theories of Communism: the classless society, overthrow of capitalistic oppression, and the eventual universal achievement of the Communist millennium—the self-ordering society devoid of any need for a managerial or authoritarian class. The Chinese Communist, on the other hand, does not see Communism as an end in itself but only as a means to the end of a stronger China. The Chinese will not easily abandon the concept of China as the "center of the world."

The first eight years of Communist domination in China represented a general economic improvement over the preceding decades of intermittent war, famine, and natural and unnatural catastrophe. From 1958 on, however, government repression has been added to economic reverses and not a month has gone by since 1958 without the occurrence of some type of local uprising. It would be an unwarranted optimism, however, on the part of the West to assume the probability of a successful internal revolt in view of the unquestioned loyalty and support of the army. Mao's dynamic personality—not generally appreciated in the West—is also a prime factor in the probably continued successful existence of the regime, and his eventual death is a subject of strong speculation for the impact it will have on the Chinese policy.

In the view of the more knowledgeable China watchers, there is no simple solution to the problem which China poses to the Western world regardless of the direction taken by Sino-Soviet relations. Given the present situation, it is easy to lose sight of the fact that much of the problem is inherent in "China" rather than "Communist China." It would be folly to assume that the fall of the Communist regime would automatically solve all of the complex problems involved in China's relations with the world in general and with the West in particular—or would even greatly change them! Most Americans viewed with horror the brutal takeover of Tibet by the Chinese Communists. What they were not aware of was that Chiang Kai-Shek had every intention of invading and conquering Tibet—he was deterred only by his inability to unify China.

In Chinese anti-imperialism there is a strong element of racism which is incompatible with the continuance of a close fraternal relationship with Caucasian Russia. As one writer put it:

"For obvious reasons the rise of a Communist regime in China affected the colonial and ex-colonial countries of the Orient much more directly than did the rise of the U.S.S.R. The Russia in which Lenin seized power appeared to the Eastern observers as a European country—and one that until recently had exercised imperialist control over vast expanses of Asia. The China in which Mao's party seized power was still an Oriental country and one that had suffered seriously from Western and Japanese imperialism." (Wittfogel, Karl A., *Oriental Despotism*, Yale Press, New Haven, 1957, p. 433).

A younger and possibly more open-minded Walt Rostow, writing in 1954 before the Sino-Soviet rift, speculated on the possibility of just such an occurrence. He pointed out the danger of over-simplification of the relationship in attempting to gain perspective and defined six major areas distinguishable in Sino-Soviet relations. These were: (1) military balance, (2) the problems of the border areas of Manchuria, Outer Mongolia and Sinkiang, (3) world power politics, (4) regional Asian power politics, (5) ideological differences in emphasis and objectives, and (6) economic relations. He mentioned that Russian economic aid to China after 1949 was probably less substantial than generally believed, and pointed out that some aspects of it were designed to establish Chinese technical dependence on Russia. There was also a heavy emphasis on technical advisors who played an intelligence role in addition to their overt functions.

In June, 1960, meeting, in Peking, of the World Federation of Trade Unions was chosen by the Chinese for an attack on Khrushchev's 21st Congress statement on peaceful coexistence. Liu Chang-sheng, Chinese Vice-President of the W.F.T.U., attacked Khrushchev for thinking that peace could ever be legitimately achieved while imperialism still existed. Liu stated that local wars were "unavoidable" as long as any people were enslaved under the yoke of colonialism. He also attacked Khrushchev's disarmament proposals as a "downright whitewash and embellishment of imperialism."

In the competition for influence on the newly independent Afro-Asian countries, China has a double advantage over Russia, with its stronger anti-imperialist line as well as its nonwhite ethnic composition, and it has not been backward in the employment of these advantages.

Communist expansionist activities of Russia and China are interpreted differently by Asians for two reasons. First, because Russia has historically been involved in imperialistic adventures in Asia and Eurasia, there is a tendency to see current Russian interest in Asian affairs as an extension Czarist imperialism (or at least there is an underlying suspicion of this nature.) Secondly, Asian resentment is directed specifically at *Western* colonialism rather than at the very concept of imperialism. This makes it possible for the Asian to view the Chinese takeover in Tibet, for example, as an extension of national interests with some degree of legitimacy rather than as the ruthless act of aggression which it appears in Western eyes.

The Chinese perist in referring to "imperialism"—rather than capitalism—as the adversary. For example, in 1958, *Jen-min Jih-pao* wrote:

"Some people who observe things superficially, and do not see the essence of a question, do not believe that socialism is really superior in strength to imperialism."

One of the chief areas of contention between Russian and Chinese ideology is the struggle for the uncommitted Afro-Asian nations, many newly independent and politically immature. Peking has devoted much attention to this matter stressing both its brand of anti-imperialist Communism and the desirability of establishing solidarity among the colored peoples of the world. The Bandung Conference of Afro-Asian nations held in 1955 was attended by Russian delegates on the strength of Russia's territorial extension into Asia. Since then, the Chinese have had some success in isolating Russia from the Third World, although they have been somewhat less than successful in establishing themselves as the champion of the nonwhite people of the world.

The strength of Chinese resentment of imperialism was captured clearly in the following statement made by Miss Chen Yu-wua, principal of a primary school in Peking, during an interview by a Western reporter. When questioned as to why school children were being taught to hate, Miss Chen replied:

"There is a clear demarcation line between enemy and friend. We hate the imperialists, who are the common enemy of oppressed people of the whole world. We teach a class point of view with regard to China—hatred of those who exploited us in the bitter times."

In summary, our distorted view of current Sino-Soviet tensions is simply another example of the tunnel vision with which we now see the world. We have fallen into the trap of accepting the Russian claim to a disavowal of its imperialistic history because it fits in with our own narrow world outlook. We want to interpret all events in terms of the Communist-"free world" dichotomy, and, when events don't quite fit this pattern, we distort them until they do. And yet, Communistic internationalism to the contrary notwithstanding, the plain fact is that nationalism, with its emphasis on he maintenance of national borders, is still the predominant moving force in the world today. This fact applies no less within the Communist camp than it does either outside it or in relations between Communist and non-Communist nations. The sooner the makers of our foreign policy recognize this fact and incorporate it into their thinking, the sooner they will achieve a more realistic understanding of world society upon which to base a workable foreign policy.

ARE COMMUNIST TEACHERS ON THEIR WAY OUT OF OUR CLASSROOMS?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HOSMER. Mr. Speaker, the public's lengthy battle to keep avowed Communist teachers out of our schools and universities has hit the front pages again in the case of a Miss Angela Davis of the University of California at Los Angeles.

Miss Davis is a professor in the philosophy department at UCLA and an admitted member of the Communist Party of the United States. She also claims the right to advance the cause of communism in the classroom.

The regents of the university, including Gov. Ronald Reagan, promptly voted to recommend to the chancellor of the university that Miss Davis be dismissed. The chancellor decided, however, to retain Miss Davis as an instructor but ordered that no credit would be given for any of her classes.

The case was taken to court in Los Angeles in line with the most recent decision of the U.S. Supreme Court in matters such as this, *Keyishian* v. *Board of Regents*, 385 U.S. 589, 1967, the California court ruled that to deny Miss Davis the opportunity to teach was in violation of the Constitution. As a result, she was reinstated.

There is little doubt that this case will eventually end up in the U.S. Supreme Court again. And when that happens, it will present an opportunity to reverse or restrict application of the Keyishian decision.

That 1967 decision was a 5-to-4 decision with Justices Warren and Fortas, both now departed from the Court, voting with the majority.

It overturned the 1952 decision in *Adler* v. *Board of Education*, 342 U.S. 485, which had held that barring Communists from teaching in public educational institutions is within the power of the State.

The Keyishian decision was a foreboding one. If carried to its logical conclusion—that members of the Communist Party are not *per se* conspirators against the American form of government—then it seems logical that the Army and the Navy might someday have to accept avowed Communists as commissioned officers.

With the complexion of the Supreme Court now significantly changed since the 1967 decision, it is possible that the "new" could use the Davis case to constrict the possibilities for mischief inherent in the Keyishian decision.

Columnist Willard Edwards of the Chicago Tribune recently explored the possibility that the Court might again reverse itself and again give Americans their basic right of self-preservation.

Mr. Edward's column follows:

COURT FACES RED TEACHER CASE

(By Willard Edwards)

WASHINGTON, November 17.—Angela Davis, a member of the faculty at the University of California, Los Angeles, is 25 years old, black, the possessor of impressive academic qualifications, and proud of her membership in the Communist party.

The university's board of regents fired her under a rule banning Communists as teachers. Seeking reinstatement, she won her first court appeal and the case seems destined to wind up eventually in the Supreme Court.

There, it may furnish the first test, in the field of internal security, of the high court's attitude, under Chief Justice Warren Burger, toward some of the controversial 5 to 4 decisions of the court when it was headed by Chief Justice Earl Warren.

Miss Davis, whose discharge kicked up a storm on the U.C.L.A. campus, would unquestionably win the right to influence young minds, despite her avowed Communist party membership, if the Warren court were still functioning.

On Jan. 23, 1967, a bare majority of five justices [Warren, Brennan, Black, Douglas, and Fortas] declared unconstitutional a New York state law banning Communists from teaching. Mere proof of membership in the Communist party was insufficient evidence of subversive tendencies, they declared.

In a memorable dissent, a minority of four justices [Clark, Harlan, Stewart, and White] assailed this edict as an astonishing reversal of a long list of decisions stretching back to 1952. The dissenters virtually declared their colleagues guilty of legal fraud in reaching a conclusion based on "strained and unbelievable suppositions."

"No court has ever reached out so far to destroy so much with so little," the minority asserted. Its stinging conclusion:

"The majority has by its broadside swept away one of our most precious rights, namely the right of self-preservation."

What interests lawyers is that only six of the participants in the 1967 ruling now remain on the high court. The departure of Warren, Abe Fortas, and Tom Clark has removed two of the majority and one of the dissenters. Assuming a continuity of position, which seems justified in view of the great vigor of the opinions expressed, there would be a 3 to 6 division of the issues presented in the Angela Davis case.

Two of the three vacancies have been filled by Burger and Thurgood Marshall. The third replacement will be Judge Clement F. Haynsworth Jr. or, if he is rejected, another Nixon appointee.

Conjecture on Supreme court lineups is always hazardous, but court watchers believe the odds are at least even that the 5 to 4 majority of 1967, sanctioning communist teachers, could become a 5 to 4 majority upholding the constitutionality of expelling them from the schoolroom.

The interest in this issue, for obvious reasons, has always been intense and nationwide. One of the best selling congressional documents over the years has been a brilliant study entitled "Permit Communist Conspirators To Be Teachers?" by Hamilton A. Long, New York lawyer and a constitutional expert. Available for 25 cents a copy from the Superintendent of Documents, Government Printing Office, Washington, D.C., the supply has been repeatedly exhausted and a new printing has just been ordered.

Miss Davis has made the issue crystal clear. She claims not only the right of a teacher to be a Communist but to advance the cause of communism in the classroom. She asked one embarrassing question which remains unanswered.

"Why pick on a Negro Communist?" she inquired. "There are plenty of white Communists on the faculty who have not been dismissed."

THE WORK OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. EILBERG. Mr. Speaker, on the eve of the 31st meeting of the Council of the Intergovernmental Committee for European Migration, which I will attend, I think it is important that as many Americans as possible know of the outstanding work of this international organization.

The director of ICEM, Mr. John F. Thomas, at the invitation of Bishop Edward E. Swanstrom, president of the National Conference on World Refugee Problems delivered the following statement to the conference here in Washington, Tuesday.

Mr. Thomas' statement clearly sets forth the impressive efforts of ICEM in easing the world refugee problem and, with the unanimous consent of my colleagues, I enter it here in the Record:

STATEMENT BY MR. JOHN F. THOMAS

I am greatly honoured at the opportunity of joining such a distinguished array of speakers to address some remarks to an audience of people experienced and knowledgeable in the field of migration and refugees. Seldom has such an august group of people versed in both international and national aspects of the problems, representing both the governmental and the non-governmental sectors of endeavours been assembled under one roof. I wish to pay tribute to Bishop Swanstrom and the organizing committee under the joint directorship of John Schauer and Norrie Wilson for the splendid and effective job done.

The Intergovernmental Committee for European Migration is a non-UN body governed by 31 member countries with headquarters in Geneva, Switzerland. It came into being following a meeting of concerned countries in Brussels in December 1951. I say "concerned" because the founding governments were concerned lest the job left by the demise of the International Refugee Organization go unfinished. Camps in many European countries were overcrowded with displaced persons from World War II activities and most of these countries were suffering from depressed economic conditions and, what was then called "surplus population". In the course of its seventeen year existence, ICEM succeeded in moving 1,680,700 migrants of which 804,897 were refugees to new lives mainly in overseas countries. These past two decades have been complicated with human errors causing untold suffering but in one facet of life, governments, private agencies—all the people who were involved in making the movement of some 805,000 human bodies possible can be very, very proud of their accomplishments.

When I assumed the Directorship of ICEM in late February 1969, I had just completed giving guidance and leadership to two difficult refugee programmes—Cuban refugees in the United States and the refugees in South Vietnam. I found myself in the midst of another serious refugee problem, the numbers streaming into Austria, Italy and Germany from the East. Now, after ten months have elapsed I am happy to report that the major part of this crisis has been met. The operations were difficult, ICEM staff, and the voluntary agency staff, worked long long hours in meeting the needs of the people. Governments responded with remarkable demonstrations of understanding and compassion in stepping up the rate of intake of refugees. I must point out, in particular, the fine co-operation received from the United States Refugee Programme without whose support voluntary agencies would have found themselves in difficult positions to carry out their responsibilities. In mid-1969 refugee camps were overflowing to the point where many envisaged that a return to the days of the 50's was with us. Only the rapid action of agencies such as ICEM, in full co-operation with others who deal with refugees and the willingness of many governments to respond to our pleas of anguish prevented such a disaster from happening. To those in ICEM it has been a hard but interesting experience. Many were assuming that there no longer were refugees in Europe. Interest had transferred to South Vietnam and to Africa. There is no doubt but that these situations too were serious and needed support from all concerned. But the painful vision of overcrowded camps loomed before us in Europe and only the continuous action on the part of the resettlement agencies will keep the unfortunate people from accumulating again. It is interesting to note that ICEM in 1968 moved 50,987 refugees and in 1969 will move 58,000. In analyzing the figures for 1969 we find that only 18% of those moved are of Czechoslovakian origin. Taking the total refugee movement accomplished by ICEM one will find that over 30 countries (by former nationality or place of birth) are represented. No, the refugee problem is long from being over in Europe.

One cannot categorically confine the refugee problem to one or two continents. If facts and realities are faced squarely it will be seen that this is a world-wide phenomena. It is necessary to recognize that refugees are the products of hostilities, political tensions both national and international and as long as these tensions exist, and they are certainly not confined to one continent, refugees will appear and will require assistance. This assistance must come from the international community which, by its basic beliefs, guarantees such assistance.

It is the international community which sustains ICEM as a common migration machinery. I am pleased to report that the machinery is functioning effectively. As I speak today movements effected under ICEM auspices this year have passed the 75,000 mark and somewhat more than 50,000 of these have been refugees or displaced persons. By the end of the year the total will have reached some 85,000 and it will include more than 58,000 refugees. What is required for a movement of this scope? It will have been necessary to make bookings from 66 different embarkation points on some 275 sailings and 1,700 scheduled air services, and to charter 210 aircraft. I can assure you, ladies and gentlemen, this also means that ICEM field missions are fully engaged in this task and ably supported at both the sending and receiving end by the activities of many voluntary agencies.

How was it possible to arrange the resettlement of 53,000 refugees and displaced persons, thereby relieving the congestion of refugee centres in the major asylum countries. First, because these asylum countries maintained liberal admission policies. Second, because the receiving countries increased their intake of refugees substantially and speeded up processing procedures. Third, because the Member Governments of ICEM generously increased their contributions towards ICEM's budget for refugees. Last—but not least—because the Voluntary Agencies and other organizations on whom we rely as copartners—showed once again that they were able to meet a difficult challenge successfully.

In taking stock with satisfaction of the results achieved in 1969, I can not look forward with complacency towards 1970. In fact complacency in many quarters seems to exist, largely because the refugee resettlement machinery functions effectively and efficiently without leaving a dramatically visible residue of stranded human beings. As we approach 1970 ICEM foresees a total movement of 51,000 refugees and displaced persons. This may seem strange to persons not working in the field, particularly when the borders of Czechoslovakia have recently been closed. However, large numbers entered the resettlement processing pipe-line only in recent months and will be ready to depart early in 1970. Other applications can be anticipated from a trickle of new arrivals and from the 55,000 Czechoslovaks in Western European countries when the border was closed. So we estimate 9,000 Czechoslovaks within the total of 51,000 refugees of many nationalities. I am concerned that at this time it can not be known whether adequate resources will be available to ICEM during

1970 which will permit the same record of achievement as performed in 1969.

When I referred before to the early beginnings of ICEM, I emphasized what was then the population problem. Thus the "e" became an integral part of ICEM's name and Constitution. But it must be pointed out that the founding fathers, in their wisdom, did not confine ICEM's capability of assisting refugees to Europe. Council discussions since the beginning have served to support ICEM's "constitutional ability" to render assistance to refugees outside of Europe. The main problem as I see it, is one of financing. The Council has given permission for us to work with refugees outside of Europe for whom resettlement appears to be the solution to their problem. Presently, because of financial implications, I must seek the approval of the nine-member Executive Committee before the Administration can go ahead with such a movement but the Constitutional question is clear.

Because many of you in this room have questioned me about ICEM's ability to act in refugee situations outside of Europe I will dwell a few moments on my rationale of this matter. The ICEM Constitution was adopted in Venice, Italy on 19 October 1953, just over two months subsequent to the enactment by the United States of the Refugee Relief Act of 1953. Section 8 of that law placed upon ICEM extensive financial and operational responsibility for carrying out the movements of three groups of non-European refugees destined to the United States, i.e., "refugees indigenous to the Far East", "refugees of Chinese ethnic origin" and "Palestine Arab refugees in the Near East". My point is that the same United States parliamentarians who bore the responsibility for the enactment of the Refugee Relief Act of 1953 with the wording just quoted were responsible for framing the ICEM Constitution. By the time the Constitution came into force, following the ratification by 15 member governments, ICEM was actively engaged in moving non-European refugees. I hope this brief review of the historical factors will be of some help to those of you who have pondered this question.

I suggest, Mr. Chairman, that while analyzing varying mandates of international organizations whose task it is to assist refugees, as well as by studying proposals aimed at a definition of the term "refugee", great caution must be exercised. It appears to be of utmost importance to keep the legal texts flexible as far as possible and thus applicable to the fast-changing world conditions. The disadvantage of even the most carefully elaborated text is that once it is put into print, approved or enacted, it stays frozen. Interpretations may not find ready acceptance for political reasons and since there is no equivalent of the U.S. Supreme Court whose interpretation *of* the law becomes *the* law, rigidity of texts may serve—and does, in fact, serve—to exclude from the benefits of international assistance precisely those persons who at various times may need it most.

The 1951 Geneva Convention is a milestone in the body of international law which has been created to find a legal basis for the recognition of refugees by ordinary national police or judicial authorities. It further extended the very specific provisions of the Convention of 10 February 1938, which was the source of action for the Intergovernmental Committee for Refugees (IGCR) and which was related to the major problem at that time of "refugees coming from Germany" who were defined as "Persons possessing or having possessed German nationality and not possessing any other nationality who are proved not to enjoy, in law or in fact, the protection of the German Government".

It is of interest to note that even when the Geneva Convention was going beyond this outdated narrow definition of 1938, there was a certain compartmentalization of refugee problems in that persons were excluded from the Convention who were receiving protection or assistance from UNRWA (the United Nations Relief and Works Agency for Palestine Refugees) and UNKRA (the United Nations Korean Reconstruction Agency).

I believe that this distinguished gathering may find it proper to study the new Convention on Refugees in Africa adopted in September of this year, in Addis Ababa, by the Assembly of Heads of State and Government of the Organization of African Unity (OAU).

Article I of that new Convention restates the key definition of the 1951 Geneva Convention. However, the importance of the new text lies in the addition of a series of new eligibility provisions and, with your permission, Mr. Chairman, I shall briefly quote the text:

"The term 'refugee' shall also apply to every person who, owning to external aggression, occupation, foreign domination or internal disorder affecting either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence to seek refuge in another place outside his country of origin or nationality."

I submit that it may be fitting for this assembly to congratulate the authors of the Addis Ababa Convention and I wish to submit that the words I just quoted from it should be worked into an international, universal, document equally applicable to Europe and to other continents where refugees experience difficulties in obtaining assistance now restricted or circumscribed by antiquated texts.

The only point which is narrowing in this definition is the question of whether or not a person has to be outside his country of origin or nationality before he can receive assistance. Though recognizing the legal and political complications and the need for legal limitations, I do not personally conclude that victims of disaster displaced from their normal abode—such as refugees in Vietnam or the population of Biafra—are undeserving of international assistance.

The able authors of the Addis Ababa Convention and the African statesmen who in their wisdom adopted it, also deserve congratulations for another precious part of the new document. They have made a part of this document a brief but most meaningful simple statement of fact. That statement should be adopted, I believe, by the entire international community and be recognized as valid worldwide. Its meaning is clear: *assistance to refugees is not a political but a humanitarian act.*

Article II of the Addis Ababa Convention, entitled "Asylum" says the following:

"The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State."

This statement is just as brief as it is important. It would be a pity if it would remain in print only. It truly deserves to be engraved on every stone marking the borders which the refugees have to cross before they reach a country of asylum.

This fine text is preceded by an expression of a voluntarily accepted obligation:

"Member States of the OAU shall use their best endeavours consistent with their laws and constitutions to receive all refugees and to secure the settlement of those refugees who, for well-founded reasons, do not want to return to their country of origin or nationality."

Turning to the question of an ICEM definition of a refugee, this does not formally exist in its Constitution and I take it this was a deliberate omission to permit the flexibility which I mentioned earlier is essential so that individuals are not precluded from international assistance because of changing circumstances whose characteristics may differ somewhat from a traditional legal interpretation. In fact therefore ICEM's definition is more directed towards the type of persons who can benefit from its refugee assistance programmes, than an actual determination of who is a refugee. Therefore in practice the ICEM Council has accepted that a refugee or displaced person who can benefit from its assistance is any preson who is considered as having this status by the authorities of the country in which he is resident prior to his resettlement, or who is accepted under criteria specified in special refugee schemes or legislation instituted by countries of immigration. Within this framework an individual may be regarded as a refugee or displaced person deserving of ICEM assistance if meeting any one of the following criteria:

(a) He is stateless and without any country of nationality.

(b) He has been or will be denied the right of return to his country of nationality or former residence.

(c) He has been forced to leave his normal country of residence due to racial, political, or religious discrimination.

(d) He has been the victim of a war or a disaster which has seriously disadvantaged his condition of living.

(e) He is unable or unwilling to accept the protection of the government of his country of origin as a result of fundamental political changes and cannot avail himself of the protection of another government except as a "right of asylum".

(f) He can be regarded as "prima facie" within the mandate of such organizations as the United Nations Relief and Rehabilitation Administration, the International Refugee Organization, or the United Nations High Commissioner for Refugees providing he did not receive resettlement assistance from these organizations, or if he did receive such assistance that his integration in a country of resettlement has not been feasible for reasons beyond his control or due to compassionate circumstances.

As you will note the criteria followed by ICEM conforms more to the generic term of a refugee rather than to his legal status. In this sense there are refugees from fire, from floods, hurricanes, earthquakes, invasions, hostilities, persecution, oppression, denial of human rights and so forth. By his own decision and by the act of moving away from what he fears or considers to be an area of danger, a person becomes a refugee or perhaps a displaced person.

Many authorities have grappled with the problem of terminology, with the multitude of circumstances in which a person becomes a refugee. Recently I have been most impressed by the work of those scholars and scientists who have participated in studies published by the Association for World Refugee Problems. Their publication in 1968 of "Das Weltflüchtlingsproblem" attempts to give methodical and comprehensive definitions of the varied factors which cause individuals to become refugees—population transfers, forced migration, flight for political reasons, expulsion, displacement, evacuation, etc. In one reference it is striking to note that it is considered the same individual may belong to more than one category: that is, he may be first transferred, then displaced, then expelled, and finally emigrate—thereby never losing the characteristic of being a refugee. It is then admitted by these scholars that "it will therefore often be necessary to revert to the common, even if imprecise, use of the term which is already the case with the term "refugee."

Mr. Chairman, my study of the Addis

Ababa Convention has brought another thought to my mind which I wish to share with this Conference.

Although fires of hostility are still burning in several parts of this globe, although shots are being exchanged, bombs dropped and although people are dying in combat, there appear to be signs on the horizon that efforts at obtaining a lasting peace in even the most vulnerable areas of several continents are making progress.

It just could be that, faced with the undreamt-of horror of modern weapons and the futility of attempting to resolve a conflict through the recourse of arms, countries with even deeply conflicting ideologies and political and humane concepts may arrive at a general agreement to resolve their differences peacefully.

There certainly is no community anywhere in the world which would welcome and bless such resolve more than one community, a community of people and agencies who since three or four decades have dedicated themselves to the alleviation of the plight of refugees, to the *alleviation of human misery created by brutal force and armed conflicts.*

We are the true pacifists. We have for many years seen at close range, in camps and elsewhere, the refugees, the concentration camps' inmates, the prisoners of war. We have learned *there* how to hate war more than any pacifist demonstrating on the street.

Thus it is that from the bottom of our hearts we wish every success, and speedy success, to all of those who strive to establish political, economic and cultural relations between nations of widely conflicting ideologies for one simple, overwhelming reason—*eliminate war*.

Having said that, I wish we could find a way to remind all governments working on peaceful arrangements that bridges built between nations, that the most cordial diplomatic or cultural or trade relations will not change *internal* regimes, *internal* policies and *internal* repressive actions. Therefore, the minorities compelled to leave whether for national, religious, racial or political reasons will remain so compelled. And, coming from the ranks of those minorities, refugees will continue to cross borders, to seek asylum and to seek new homes in countries which offer them freedom and opportunities.

I am sorry, Mr. Chairman, for taking up so much of the time but I felt that these comments would be pertinent to the discussion of today and tomorrow. ICEM plays a dominant role in the solving of refugee problems through resettlement and I wanted to make our position very clear. I am a firm believer in the need for communication among ourselves and to our constituents. Every opportunity should be taken to describe the problems of human misery as they appear among the refugees of today's world and to make certain that support among our government officials is gained by sharing this knowledge. I have visited 16 countries during the past 10 months talking with government officials at all levels and I can assure you that there is not a very clear picture as to all the facts surrounding refugee matters. One hears all sorts of misleading phrases and loosely coined definitions but one misses on most occasions the simple thought "there goes a man and his family who are in need".

Therefore I must revert to my original plea to avoid narrowing confines in defining who merits assistance. Let us face the fact that only God could read a man's mind to determine whether he is a refugee or not. No individual takes up his suitcase and turns his back on all that he has worked and lived for—his relatives, his friends, his possessions—and crosses a border just for undetermined reasons. Let us believe his decision was taken genuinely, and let the international community accept his appeal for help.

SNEERS AT VICE PRESIDENT WILL NOT DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HUNGATE. Mr. Speaker, in further regard to the Vice President's remarks on television news coverage, I believe my colleagues will find interesting the following article by Richard Harwood and Laurence Stern:

[From the Washington (D.C.) Post, Nov. 19, 1969]

SNEERS AT VICE PRESIDENT WON'T DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press" that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a $3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communications Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an overwrought CBS commentator told Newsweek, "is that the White House is out to get all of us, all the liberals in all the media . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a Journalism Review cataloguing the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assaulting the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentation of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media says it is and the definition varies from day to day and place to place. It was "news" in The Washington Post and The New York Times last week when three doves in the Senate announced support for the antiwar demonstrations on Nov. 15. It was not "news" at all in The Times the following day when 359 congressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention halls of the broadcasters and editors.

POLICE CHIEFS FOR MECHANIC LICENSING

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HALPERN. Mr. Speaker, I have been receiving numerous communications indicating support for my proposed legislation, H.R. 14064, to provide for training and licensing of auto mechanics. It is clear that industry, labor, and the public and many organizations interested in highway safety and consumer protection recognize the concept embodied in my bill as an "idea whose time has come."

In particular I wish to highlight the support of one organization which is vitally involved in highway safety and emphasizes the importance of competent mechanics to this end. On October 2, 1969, the International Association of Chiefs of Police at their 76th annual conference adopted the following resolution:

TRAINING AND LICENSING AUTOMOBILE MECHANICS, 1969

Whereas, the police profession supports the need for approved training of personnel in all segments of traffic accident prevention in the interest of safety and mobility on the nation's streets and highways; and

Whereas, systems of certifying qualified persons in numerous technical job areas in highway transportation and in other fields have been accepted for many years; and

Whereas, today's demand for automobile service has created a problem of the emergence of unauthorized auto service and repair shops which are, in many instances, employing incompetent personnel; and

Whereas, we recognize the need for thorough analysis of the requirements for certification and licensing of auto mechanics; now, therefore be it

Resolved, that the International Association of Chiefs of Police recommends to the United States of America Standards Institute that they pursue their proposed project on training and licensing of auto mechanics.

JAPANESE-AMERICAN RELATIONS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WYMAN. Mr. Speaker, in recent days the flag of the rising sun has flown alongside the American flag on Washington streets around the White House. This is a far cry from the days when "Made in Japan" on American products was a dirty word.

Undoubtedly, Japanese-American relations have vastly improved since the harsh days of World War II, but there are many Americans who can never forget—nor should they—Japan's unprovoked attack on Pearl Harbor, nor the aggressive designs of the Japanese military leadership at that time. Likewise, the Japanese people will never forget Hiroshima and Nagasaki.

In an interesting column, the distinguished philosopher and statesman, David Lawrence, writes of the importance of the Japanese-American cooperation in maintaining the peace of the world through the decade of the 1970's. Interestingly enough, he suggests the possibility of some formal expression of apology on the part of both countries in respect to the events which caused continuing resentments. While the word "apology" may be inappropriate, there is, nevertheless, valid basis for favoring whatever course of action that will strengthen and improve Japanese-American relations at this time.

Hiroshima and Nagasaki cost many thousands of Japanese lives but saved many hundreds of thousands of American lives that would have been necessary to accomplish the same military victory. In this instance, history proves that victory by the Allied forces and the United States in particular was not sought to establish imperialism or for American conquest but rather to assure world peace and to secure a Japanese Government that was not bent on world conquest. American treatment of Japan after World War II is an impressive record of helpful cooperation in rebuilding a country that has now become the strongest economy in the Far East.

It is tragic that so many young people in Japan are not more aware of America's proud record of helpfulness to Japan, or that American nuclear power as a Japanese ally is a powerful protection to that country against the huge aggressive Communist nation of Red China that is separated from Japan by only a few miles of ocean.

I commend Mr. Lawrence's remarks to the thoughtful consideration of citizens of both countries, young and old, as follows:

UNITED STATES-JAPANESE ANTAGONISM RUED

(By David Lawrence)

The conscience of the American people and the conscience of the Japanese people might well be invoked to examine the deep-seated feeling that still continues in both countries. It is due, in the first instance, to the wanton attack on our naval vessels at Pearl Harbor, Hawaii, by the Japanese Navy, and, in the second instance, to the dropping of an atom bomb on Hiroshima and on Nagasaki by our air force four years later, with the loss of tens of thousands of civilian lives.

Outwardly, Prime Minister Eisaku Sato of Japan, who is conferring here this week with President Nixon, is concerned about the return of Okinawa, one of the islands which his country for many decades has considered to be its territory. But the demand that the United States give up this island—which is used as an important military base and also as a place to store nuclear weapons in order to respond to a possible attack by Red China—has raised a controversy which is a mere symbol of the underlying antagonism toward this country now prevalent in Japan. Demonstration after demonstration against the United States has occurred in Japan.

With the all-important meeting this week in Helsinki, Finland, between the United States and the Soviet Union in an effort to limit the manufacture of nuclear weapons—if not to destroy existing stockpiles altogether—this is an appropriate time for peoples to register their feelings on the subject.

When the two bombs were dropped on Japan in August 1945, this writer one week later in a magazine editorial deplored the use of atomic weapons, particularly on unarmed civilians—against whom attacks had for generations been prohibited by international law.

The American people were shocked when many American sailors and soldiers were killed at Pearl Harbor on Dec. 7, 1941. As the war progressed, there seemed to be less and less concern about how it was fought, just so long as America showed its might. A high-ranking officer of the United States Army, when asked by this correspondent after the war why a second atom bomb had been dropped, declared that this was due to a fear that the Japanese would not surrender unless they were sure more bombs would be used.

Twenty-four years ago it was impossible to foresee the ill effects of the use of atomic weapons. The subsequent manufacture by other nations came much quicker than expected. Only four years later the Soviet Union exploded its first atomic bomb.

But hasn't the world advanced in the last quarter century? Aren't people more aware than ever that nuclear weapons can mean mutual suicide? This correspondent wrote in August 1961:

"The memory of Pearl Harbor and of Hiroshima and Nagasaki remains today a festering sore in the relations of the Japanese and American peoples. It would be a wonderful thing if somehow we could proclaim a mutual apology, a mutual regret, and a mutual pledge of a new era in our relations.

"For on January 9, 1942, a month after the attack on Pearl Harbor—which was made without warning and before any notification was received of even a break in diplomatic relations—this writer said:

" 'It would be a grave mistake to assume that all the Japanese people are guilty of the treachery which gave us our Pearl Harbor tragedy . . . Defeat in the long-range sense is inevitable. Out of the debris must come a new Japan, a Japan ready to take her place with a responsible government in the family of nations. Our strategy in fighting Japanese militarism must not condemn all the Japanese people. We must constantly hold out hope for a new Japan after the militarists are rendered powerless to disturb again the peace of the world.'

"The militarists are gone today in the new Japan, but another sinister force is working now toward the breakdown of Japan's new democracy. It is the crafty hand of the Communists as they seek to push Japan into unfriendly relations with the United States through student riots and other demonstrations that play on emotions inflamed by the dropping of the atom bombs. They are more skillful than the militarists of yesterday in concealing their identity, but their objectives are no less dangerous.

"A mutual apology as between the peoples of America and of Japan is important in rebuilding Japanese-American relations."

A new Japan has truly emerged and is bound to be helpful to us in deterring a big war in the Far East.

FORMER GOV. FOSTER FURCOLO'S PLAN TO CURB NARCOTICS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HOGAN. Mr. Speaker, the question of narcotics control is being studied from every possible angle to find a solution which will prove effective. Control from the Federal and local level is essential to stop the narcotics traffic, however, I believe that it cannot succeed completely until we enlist the active assistance of every citizen. Of prime importance is that we concentrate these efforts toward our youth to make them aware of what it means to become an addict.

To understand this, education in the nature of what these drugs will do to the body and mind is essential. Also, that our youth be informed about those who sell narcotics. This is a criminal element difficult to describe. I would say that there is not a word strong enough in the lexicon to describe those who induce for profit and who destroy without pity. This criminal element is busily recruiting its clientele from our youth of today. Somehow or other they seem to have little trouble communicating across the generation gap. How tragic.

In fact, I dread to think what it forebodes for the future of this country if the criminal mind is capable of rapport and communication with our young and responsible segments of our society are not. At the same time, while this crisis worsens we hear all sorts of excuses for inaction and complaints of the difficulty we have in bridging the gap between generations. Turned away from parental communication and authority the young seek elsewhere and the stage is set for their eventual degradation due to drugs.

How does it all start? It usually begins as an adventure for a kick and it usually ends in tragedy. They are induced to purchase marihuana which is easily obtainable and inexpensive. This is the first step.

After using the weed with no apparent harmful effects and now feeling that it has become an old thrill and passé, they embark on further adventure. This takes them usually into the hallucinogens or LSD and the like. I would like to point out that, unlike most of the narcotics, barbiturates, and amphetamines which have a place in legitimate medical treatment, the hallucinogens do not have any medical value whatever.

The real danger has now begun to take over the individual, the psychological and physical dependence which develops. This dependence is based on a psychological or emotional need to continue taking the drug which in turn is a result from using certain drugs regularly, often in increasing amounts. For drugs which depress the central nervous system, the dependence is based on physical need.

The abuse of narcotics does not, in each case, result in dependence. However, when it does, it is because the deep-rooted causes for dependence lie within the psychological makeup of the individual rather than in the drug. But, in turn, the drug serves to feed the deep-seated cause.

There are many drugs which, through abuse, may lead to dependence. There are four categories. One, narcotics—pain killers—such as heroin, codeine, and morphine. Two, the sedatives, such as barbiturates, tranquilizers, and alcohol. Three, the stimulants, such as amphetamines. Four, the hallucinogens, such as marihuana and LSD.

Heroin is one of the most addictive of drugs both physically and psychologically. For a hooked person, it becomes a way of life. Heroin addicts live only to take the drug. The longer they take it, the more they require. For this habit, a great deal of money is needed. A study of crime in New York City revealed that a large part of the crime was traced to addicts. Their offenses consist mainly of shoplifting, burglary, and prostitution. The same is true in other areas.

The barbiturates are used to ease tensions and anxieties. Some users carry their abuse to such a degree that they remain in a semistupor or bedridden. Overdosage can be fatal. A long-term use causes strong physical dependence. Withdrawal, if abrupt and sudden, can cause death.

The amphetamines are used to combat fatigue or overcome depression. They are dangerous to the heart and the circulatory system. Also, they induce a specific mental illness. Abrupt withdrawal can cause serious depression which might prompt suicide.

The hallucinogens produce, as the name implies, hallucinations but, more accurately, a distortion of reality. One toxic effect observed from the use of LSD is an attack on the retina of the eye. There is also the possibility that LSD can cause permanent brain damage.

All these drugs, no matter what category, lead to not only permanent physical damage, but to psychological damage as well. In other words, what is obvious is the fact that a user ceases to be a productive member of society as he withdraws into this nether world to be a slave to an addiction, a human vegetable in a sense. The life which could have been well spent in a conscious appreciation of reality, is wasted. The talents remain unused. The mind is reduced to impotence. Is this what people want? Is this the bright prospect of the future for those young people who have taken that first step, a puff of the weed?

Mr. Speaker, enlightened educational efforts aimed at all strata of society are needed at once. We must prevent a further rise in drug use and pave the way for a society free of this plague. The youth themselves can play the key role in this war on narcotics.

I have a film available on the dangers of drugs to be shown to schools and various organizations. It corroborates many of the points in the Massachusetts plan which I am inserting in the RECORD. The plan is for a volunteer army to fight narcotics traffic and use as outlined in this article which appeared in the Boston Sunday Advertiser of June 1, 1969. It was proposed by a distinguished public servant, the former Governor of Massachusetts, Foster Furcolo. Having been the chief executive of a sovereign State, he is well aware of this problem from the administrative side.

As a Member of Congress, concerned and deeply disturbed about crime in general and narcotics in particular, I urge my colleagues to read this plan, and see that authorities in their States and districts know of it. At the same time, however, I urge that we take prompt action to prevent us from becoming a Nation of "hopheads."

The future can be a nightmare or the fulfillment of a wonderful dream. I think that it is largely in our hands to make the choice.

The article follows:

MOBILIZE VOLUNTEER ARMY NOW TO FIGHT DOPE AMONG OUR YOUTH

(By Bill Duncliffe)

Massachusetts, with a lot of effort and little expense, can mobilize a million-member army of volunteers to join the fight against the scourge of dope among its youth.

The man who says so is former Gov. Foster Furcolo, who has wrestled with the problem of narcotics for the past 18 months as an Assistant District Attorney in Middlesex County—and who, in the process, has struck upon a way to help many victims before exposure to drugs kills them or wrecks their lives.

Furcolo is an unabashed backer of the battle plan unveiled by Atty. Gen. Robert H. Quinn to combat the growing traffic in drugs in the Commonwealth. It is from within the framework of that plan, he maintained, that the army—trained to know the nature of the enemy and educated on how it can be fought—can be drawn. Its members would include:

Young people: "We've got to make them fully aware of just how great a peril dope is," Furcolo declared. "We've got to make them realize the physical, mental, moral, and legal havoc it can wreak on them.

"But we can't lecture or talk down to them. We've got to speak their language, so they'll know what we're trying to say. The best program in the world is no good at all unless the kids themselves understand what it's all about."

Teachers: "We need teachers and administrators who are fully alert to the problem and who are geared to spot small things that may indicate a boy or girl is using 'pot' or some other narcotic.

"Yet, when Dist. Atty. John J. Droney obtained a movie that was aimed at educating young people to the dangers of dope, we sent letters to 50 schools in Middlesex County asking whether they'd be interested in showing it.

"Only one bothered to reply—and yet we know teachers must be interested in helping the young or they wouldn't be teachers in the first place. So we've got to get them steamed up about this, and keep them steamed up—and give them something to do that will keep their interest at a high pitch."

Parents: "There isn't one parent in 100 who knows what marijuana looks like or who can detect its aroma," Furcolo continued, "and there aren't many more who are able to recognize the symptoms that may indicate their son or daughter is on marijuana or something else even more dangerous.

"We've got to educate parents so that they can help their children before it's too late.

"If a boy or girl develops a sharp change in habits—if, for instance, an outgoing, normally noisy kid becomes withdrawn, the parents should try to find out why.

"If he takes up with new companions, his mother and father should know who they are, where they come from, and what they're like.

"And if they learn that he's hocked or sold his watch, or radio, or something of that sort to get extra money, they'd better be alarmed enough to find out why he needs it.

"The plain fact is that if a boy or girl is smoking pot, it may not be because their parents have been too permissive. It may be because they've been too ignorant."

Police: "When teenagers or their parents need help, there should be someone, easily available, who is able to give it," Furcolo declared.

"We need, in every city, town, and county in the Commonwealth, police who are trained to give direction and advice to those who seek it. More manpower, by itself, isn't enough to combat narcotics. What is required is more educated manpower—because not all police are as familiar with the problem, with those who cause it and those who are victimized by it, as they should be.

"The more knowledge they have about dope, the better they'll be able to fight it."

The spreading of that knowledge is, in Furcolo's view, one of the most important and compelling features of the Quinn battle plan.

"Up to now," he said, "the fight against narcotics has varied; strong in one city or town and terribly weak in another Quinn's program recognizes narcotics as a statewide evil that must be attacked on a statewide basis—and that alone marks a great stride forward.

"Just the pooling and sharing of information will add greatly to the effectiveness of police in making life miserable for professional dope peddlers.

"Ordinarily, if a pusher is spotted in one area, he merely moves to another where police may not know him and sets up shop again.

"The State Police, who do a good job in their narcotics bureau with only a handful of men, distribute as much information as they have, but it may not always be available at the moment it's most needed.

"When this new setup goes into operation, a police officer in the smallest town in the Commonwealth will, at any hour of the day, be able to get what information he needs on all known or suspected pushers and users.

"And when a pusher moves from one area to another, police will have his name, record, and even the license number of his car before he arrives.

"They'll be waiting for him—and they'll be able to move in on him before he can get established."

Some parts of Quinn's program will, Furcolo agreed, cost money—for there is no cheap way to treat or rehabilitate a user, or to recruit and train police for undercover work.

But mobilizing public support—getting young and old alike interested enough to care—should not, he said. And winning that active support is vital, especially in the light of surveys such as that at Malden High School which indicated that one out of every four of the 1,672 teenagers who took part had tried drugs at one time or another.

Even before Droney gave him the responsibility of handling most of the narcotics cases in the county, Furcolo became convinced that, to win the war on drugs "you've got to bring in the kids."

"Several times," he said, "Droney has brought young people in here to hash things out with this staff, to talk them over. They're not users themselves, but they know why other kids use drugs, and they have opinions on various things.

"But they've given us an idea of what kids are thinking these days—and even though we don't always agree with them, we always listen to what they have to say.

"And they listen to us, too, because now and then they discover they may not be opposed to certain policies and practices of law enforcement—once they know the reason of them."

Furcolo, before showing the movie which Droney had obtained to educate the young on the danger of drugs, "previewed" it for his own teenagers, Richard and Hope—and their friends—in his Newton Center home.

"We talked about it," he said, "and I asked them whether it rang true, or whether it made them laugh in the wrong places. I asked them whether they were able to identify with the people in it, whether they got the message, and whether they were impressed by it.

"Well, they were impressed—because the movie laid the facts right on the line and they understood what we were trying to tell them."

Some people, particularly those who live in the suburbs, would like to believe that the narcotics problem doesn't exist, Furcolo said.

"They can't get rid of it simply by trying to sweep it under the rug," he said. "It's here and it's serious, and it's widespread—and it could even now be hitting their kids.

"If they don't believe that, they ought to hear—as we've heard—girls in their teens and early 20s telling us that, if they don't smoke pot at parties, they're considered squares—and they're not invited again.

"They ought to hear the kids who have become hooked—and they ought to see some of the misery that narcotics has caused.

"It's a grave problem, you bet it is—but we won't begin to solve it until we all become involved, until we all do our part to get rid of it."

WE REMEMBER OUR HONORED DEAD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DICKINSON. Mr. Speaker, there is no question in my mind that a vast majority of American citizens support the President's stand concerning our involvement in Southeast Asia. For most Americans, dissent involving our Nation's foreign policy ends at our shores, and they feel it vital that we present a united front to the rest of the world.

I know that most of our American servicemen are disheartened and disappointed over the activities of many so-called peace demonstrators, and I feel certain that many of our fighting men, facing possible death in South Vietnam, often think that their fallen comrades may have died in vain. Such is not the case, however, Mr. Speaker, and one of my constituents, Mrs. Olene F. Dykes of Troy, Ala., has written a poem which adequately expresses my thoughts regarding these servicemen who have given their lives in the cause of freedom. I would like to share Mrs. Dykes' poem, which appeared in the November 9, 1969, issue of Alabama Sunday Magazine, with my colleagues in the Congress. It follows:

We Remember
Our Honored Dead

Sleep on fair youth,
Peacefully sleep, our heroic dead.
It is better you cannot know
Violent youth march overhead
Forgetting your quest

Sleep on gentle youth,
Who died beyond the sea.
They care not you fought and died
That they might be free,
This war to protest.

Sleep on sweet youth,
Your valor will be rewarded yet.
You bought our freedom and
Some will not forget
Where freedoms laurels rest.

—Mrs. Olene F. Dykes, Troy, Ala.

BUILDING NAMED FOR YOUNG MARINE HERO

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. SIKES. Mr. Speaker, Traughber Hall was recently dedicated at the Naval Communications Training Center in Pensacola, Fla., in my district. It is named for Cpl. Steven L. Traughber, a marine who gave his life for our country. His father was one of the speakers at the dedication. His statement was one of the finest examples of courageous patriotism during a period of great emotional stress that I have seen. I include it at this point for inclusion in the RECORD:

SPEECH BY MR. CHARLES TRAUGHBER—DEDICATION OF TRAUGHBER HALL

Ladies and gentlemen and distinguished guests: It's not an easy task to stand here and pay homage to a very fine young man, as my preceding speaker just mentioned. The young fellow that you are paying tribute to today was, in a way, an outstanding young fellow, not so much that I'm speaking as a father but as a man that believed in high ideals. I'm going to quote very few statements which, in essence, our son stated at a time when he was very young.

Back during his eighth grade and the early part of his high school, he pointed out that a military man in the United States is a man for all seasons, a man of honor, integrity, truth, and courage, a man who can be counted on to do the best things in the worst times. He is a man who is among the most respected citizens of all free men and those who seek freedom throughout the world. Corporal Traughber felt that it was a privilege and an honor to serve his country. He had a high esteem for the Marine Corps. In fact, his first time he attempted to enlist, he was turned down and he went back a second time, and with some corrections, was accepted in the Marine Corps.

I recall an English paper that our son wrote when he was in the eighth grade which reflects, in part, his ideals on what freedom is and what he thinks should be the ideals of men. And I quote: "What Constitutes Success? Success equals happiness; and a man can be poor or rich, black or white, and still have success. I must have success upon my own standards and judge it not by what I would expect of myself.

"I must have a sound moral foundation upon which to build. As a first step, I have a basic belief in God but I also believe in the worth of the freedom of the individual. Being loved and relied upon by others is important, and this would give me responsibility; and as I fulfill this responsibility, I would be at ease with myself. I must feel I am accomplishing something of good to my country and, for these efforts, see my children step into their lives and become more successful than I."

Our son and many other dedicated men before him have paid the supreme sacrifice. It is our hope that naming this facility in his honor and of this sacrifice, future sailors and Marines will draw pride and humility from that memory.

On behalf of his mother, his sister, Pamela, and his brother, Lance Corporal Michael Traughber, we wish to express our sincere appreciation to all those that had a part in naming these facilities in memory of our son.

AMEND THE TRADE EXPANSION ACT TO PROTECT AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WYMAN. Mr. Speaker, President Nixon, in his message to Congress Tuesday, made special mention of the fact that although freer trade policies may benefit the aggregate, there are certain parts of the community which can be and have been adversely affected by foreign imports.

It is obvious to all concerned that high among those domestic industries presently adversely affected and deserving of immediate and special attention and aid is the American footwear industry. Even a casual questioning of over 300 Members of this body, as illustrated by the petition recently sent to the President, will produce a firsthand account of the injury which is in fact being inflicted by the flood of foreign imports. In New Hampshire's First Congressional District alone, four shoe plants have been closed with unfair competition from imports listed as a primary factor. As a result, a total of 1,170 employees have been put out of work: Foot Flair's division of U.S. Shoe Co., 370 employees; Pittsfield Shoe Co., Newmarket division, 350 employees; Fronia Shoe Co., Dover, 100 employees; Jody Shoe Co., Derry, 350 employees. This is a tragic situation, and as cochairman of the House Footwear Steering Committee with my friend and colleague, Congressman JIM BURKE, as chairman, I believe action must be taken now to protect this industry.

As the President pointed out in his message, the escape clause provision of the 1962 Trade Expansion Act has proven so stringent and technical that the Tariff Commission has not been able to provide the relief necessary to the survival of the affected industries. This language must be broadened to provide avenues for prompt assistance to an industry in crisis. This relief must be made available, as the President said, "whenever increased imports are the primary cause of actual or potential serious injury."

Relief of a temporary nature, providing to a given industry an ample opportunity to improve its competitive position, must be made available, and it must be done on a basis that will be prompt enough and effective enough to be certain that jobs are not lost and machinery is not left idle.

This is an urgent matter. As I have repeatedly pointed out, the floodwaters are rising and the pressure behind the dam is building. The leaks have begun, the cracks have been started. Our economy, our working people have already begun to suffer the consequences. Congress must be prompt. It must react to the dangers so inherent in the existing law.

I have introduced, alone, and with other Members of this body, several pieces of legislation which would alleviate this situation: H.R. 733, to arrange for the orderly marketing of certain imported articles; H.R. 7696, to provide for orderly trade in footwear; and, with Congressman BURKE, H.R. 14178, to establish an orderly trade in textiles and in leather footwear, a bill previously introduced in the Senate by Senators COTTON and HOLLINGS.

With imports continuing to rise and with the word from key people in the industry that more shutdowns can be expected, these bills must be considered and action for reform must be taken.

The amendments to the Trade Expansion Act, necessary to provide adequate protection for industries adversely affected by import are so broad that in the opinion of Congressman BURKE and myself, and other members of the Footwear Steering Committee, it is necessary to substantially revise title III of the Trade Expansion Act of 1962. The revised statute should provide the following changes:

First. Authority to the Tariff Commission to provide for tariff adjustment whenever increased imports are the primary cause of actual or potential serious injury to a petitioner.

Second. In making its determination the Tariff Commission should not be required to relate such injury to a prior tariff reduction.

Third. Time limitations should authorize the Commission to issue temporary orders whenever the petition alleges continuing irreparable damage from imports and the Commission is unable to hear the petition within 30 days from the date of the filing. Such authority in the Commission should be plenary and not require approval of any other governmental agency.

Fourth. Reports to the President and to departments and agencies of the Government by the Tariff Commission concerning the results of its investigations shall be for information purposes only.

Fifth. Provisions for Presidential action should be repealed insofar as they relate to tariff adjustment as distinct from adjustment assistance as defined in the act.

Mr. Speaker, once again we find an entire American industry embroiled in the redtape of statutory bureaucracy. Even a casual examination of the provisions of the Trade Expansion Act discloses roadblocks and delays rendering virtually meaningless the filing of any petition requiring summary relief. Under the act as presently written, the Tariff Commission can take 6 months to complete its hearings and then all it does is report to the President. Obviously, when this is done the Department of State will be called in with the probability that it will oppose relief on the grounds that it might make some foreign country upset.

This is a poor way to protect vitally challenged American industry and the jobs of American workers. Our working men and women and our domestic industries are entitled to more meaningful protection than this gibberish of apparent relief.

Free trade is a splendid concept until it comes to the point where it is putting American workers out of work. More and more it is said by some of our internationalist-minded free-trade advocates that if a product can be made cheaper, yet of equal quality abroad, that we should either meet the competition in America or yield to the foreign source of products. If such a policy is to prevail in a world in which almost no other country pays anywhere near the hourly labor rate that prevails in the United States the result will be the loss of hundreds of thousands of American jobs in the manufacture of those products in which labor costs are a substantial factor.

Somewhere along the road there must be a balance point. This used to be termed a peril point. In the case of the shoe industry—as well as the textile industry to which the President has made specific reference in his message—the peril point is upon us.

It is up to Congress to provide this legislation to protect this industry and these jobs on a crash basis without further delay. They can talk all they want to about voluntary agreements restricting imports. In my opinion, voluntary agreements will not work because money is not patriotic and it is unrealistic to expect one foreign supplier to agree voluntarily to limit his participation in the rich American market without the prior assurance that a similar limitation will be agreed to by his competitors.

In this regard, it appears that orderly marketing legislation is a must.

Mr. Speaker, we urge those in this Congress responsible for continuing to bottle up this legislation to report it favorably without further delay. If this is not done, we predict that a discharge petition will be resorted to and that it will be signed by a sufficient number of Members of the House to force this legislation to the floor.

This is an urgent matter. Tens of thousands of jobs are at stake. An industry's livelihood, its very future, depends upon the response of this Congress. We urge affirmative action on this legislation without further delay.

THE BIRTHDAY OF SENATOR ROBERT F. KENNEDY, NOVEMBER 20, 1925

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Today marks the 44th anniversary of the birth of Senator Robert F. Kennedy, the late and beloved junior Senator from the State of New York and former Attorney General of the United States.

The memory of the courage and concern of Robert Kennedy for his fellow men does not diminish with time. The restless new generation of young Americans who seek peace and the call to conscience are his elegy.

His unfinished odyssey grows as though he were still marching at its head. His inspiration is very much alive in the spirits and minds of men of good will around the world.

To the hungry and malnourished his outstretched hands gave them their first bread of kindness—in the underdeveloped countries, among the agricultural workers of our country, and on the Indian reservations and in Appalachia—may they remember him.

To the victims of war—the burned, the bombed, the young who questioned war and its spread—and all who suffer—his was the pledge of peace—may they remember him.

To all who are beginning to wonder whether one man can make a difference, or whether a million on the march for peace can make a difference, may they remember him.

He was born into a world of turmoil and he gave his entire life to building a better world for his children and ours.

With all the Kennedys who at this time are gathered to mark the return to life eternal of Ambassador Joseph P. Kennedy, let us pray that on this anniversary of the birth of his son, Robert F. Kennedy, that there is joy in heaven, as the father and his children share in the end of suffering and the beginning of peace.

FOOTNOTES TO A LETTER

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RYAN. Mr. Speaker, during his November 3 speech on American policy in Vietnam, President Nixon stated that the letter, which he had received from Ho Chi Minh before his death, "flatly rejected my initiative."

Since the night of his speech, the President's interpretation of that letter has been challenged by many Americans, who viewed the letter as an invitation to pursue negotiations. Ambassador Averell Harriman suggested it was "a wide open invitation."

The New York Post on November 13 had an editorial entitled "Footnotes to a Letter," which dealt with the Ho Chi Minh letter and the President's interpretation. I urge my colleagues to consider the question it poses:

[From the New York Post, Nov. 13, 1969]

FOOTNOTES TO A LETTER

I received Ho Chi Minh's reply on Aug. 30, three days before his death. It simply reiterated the public position North Vietnam had taken at Paris and flatly rejected my initiative. The full text of both letters is being released to the press.—President Nixon, Nov. 3.

Since the President did not at any time

during his televised address quote directly from the Ho Chi Minh letter to support his contention that Hanoi had spurned "a major move to break the deadlock in the Paris talks," millions of Americans were initially obliged to take his word for it.

But they are under no continuing obligation to take his or Ho's word for it; there is a growing view among those who reexamine the texts that the President may have rejected a significant overture from North Vietnam.

Sen. Muskie (D-Me.) contends that the concluding paragraph of the Ho letter constituted "an invitation" to pursue negotiations. To Ambassador Averell Harriman—formerly the chief American negotiator in Paris and a diplomat with large experience in hard confrontations with Communists—the section was "a wide open invitation." As we noted at the time, it included this sentence: "With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem."

That is not characteristic Communist language. There is also an implicit invitation in other aspects of the message, as both Muskie—in a Senate speech—and Harriman—in an interview with this newspaper yesterday—have recognized. In extraordinary contrast to Hanoi's insistent public position that the 10-point program of the National Liberation Front was the "only" basis for a settlement, Ho suggested that the "over-all solution" in the 10 points was "a logical and reasonable" basis.

There are some other equally intriguing nuances, such as Ho's reference to the right of the Vietnamese "to dispose of themselves, without foreign influence"—which can be read as wholly consistent with the sole "non-negotiable" element in the American policy: the right to self-determination by the South Vietnamese. The totality, in Harriman's judgment, reflects a tone "much milder than anything they [Hanoi] normally say."

Muskie, for his part, wonders not only why the White House interpreted the letter as a flat rejection but why the President did not seize the opportunity to explore the matter further with the new leaders in Hanoi. "Such an initiative," the Senator feels, "would have done no harm whatsoever, and it might have opened up a diplomatic initiative of great value."

It was through such a positive reading of a message from Khrushchev that John F. Kennedy opened the way to resolution of the Cuban missile crisis. Perhaps the opportunity is not irretrievably lost even now, despite Ho's death. It is surely essential, when the President's negative interpretation of the Ho letter is being exposed to such serious questioning, that he account publicly for it and explain how he justifies it. In his nationwide address on Vietnam, announced weeks in advance, which he was said to have personally drafted with scrupulous care, he conspicuously avoided such questions. But they will recur as the war drags on.

VIOLENT CRIME ENCOURAGED BY COURTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RARICK. Mr. Speaker, crime in the District of Columbia is not news.

Ending that crime is very largely a responsibility of this House.

Despite the anguished wails of those sentimentalists who are willing to attribute every criminal act to deprived childhood, poverty, discrimination, or other alleged faults of society, civilization has dealt successfully with crime for centuries, and the formula for deterrence is well known. When punishment is swift and certain, crime declines. When the likelihood of punishment is remote and distant in time criminals are encouraged to take chances.

It is common talk in the District of Columbia that after two robberies, the rest are "free." This is because individuals charged with violent felonies, including homicide, rape, and armed robbery are released on insignificant bonds, or on no bond at all, while the date of trial is indefinitely postponed. It is also because of the understandable but not commendable policy of prosecuting for only a few of a large chain of crimes. Thus, an accused charged with two armed robberies, released on an insignificant bond for trial at an indefinite time, perhaps several years in the future, feels free to commit additional robberies. He has nothing to lose.

It is our responsibility to enact appropriate legislation to remedy this situation. Individuals charged with crime, and particularly with crimes of violence, should be brought to trial as rapidly as possible while the evidence is fresh and available. Individuals convicted should be punished swiftly and certainly. Severity is secondary.

Clippings in yesterday's newspaper relating to a violent crime just committed, the long delayed disposition of a murder occurring in the summer of 1968, and the recommendation and presentment of the outgoing grand jury for the District of Columbia show the relationship between the breakdown of criminal justice and ever-rising crime. I include them in my remarks:

[From the Washington Star, Nov. 19, 1969]

Killer of Two Marines Gets 20 Years to Life

A California youth was sentenced to 20 years to life in prison today for the killing of two Marines in a Georgetown restaurant in 1968.

Benjamin Murdock, 20, of Los Angeles, received the sentence from Judge Gerhard A. Gessell in U.S. District Court here.

In addition, he received 3 to 10 years on each of four counts of assault with a dangerous weapon and one year for carrying a dangerous weapon. These sentences are to run concurrently with one another and to the 20-year-to-life sentence for the double slayings.

A jury found Murdock guilty of two counts of second-degree murder last Feb. 26.

Murdock returned to court Monday for a hearing on the sanity issue. The same jury that heard the original case was reconvened for the sanity hearing.

The defense attempted to show through psychiatric testimony that Murdock was not mentally responsible at the time of the shootings.

The psychiatrists stressed that Murdock was not mentally ill, but did suffer from an emotional problem which was manifested in snap actions when faced with what he considered a difficult situation.

William H. Collins Jr., an assistant U.S. attorney, argued that many persons suffer from some form of emotional instability, but do not kill.

At the trial earlier, Murdock was found guilty of killing Marine 2nd Lts. William G. King, Jr., 21 of Orlando, Fla., and Thaddeus Lesnick, 23, of Fishtail, Mont.

A co-defendant, Gordon Alexander, 27, of San Jose, Calif., earlier this year was sentenced to a total of 5 to 24 years for multiple counts of assault with a dangerous weapon and for carrying a dangerous weapon.

Testimony at the trial showed that the defendants and a third man, also from California, were in the Little Tavern restaurant at 3331 M St. NW. at approximately 3 a.m. June 5, 1968, when five Marines and a girl came in.

The defendants claim one of the Marines made a racial remark and that Alexander drew a revolver. Murdock, who had gone outside, returned to assist his friend and opened fire. His shots killed the two Marines and wounded a third Marine and a girl.

There was no testimony indicating that Alexander fired his weapon and as a result the jury found him not guilty of second degree murder but guilty of the lesser charges. Charges against the third man were dropped before trial because he had been outside at the time of the shooting.

Woman Reports Rape, Robbery

A 21-year-old Alexandria woman told police she was abducted from a parking lot near her apartment about 9:30 p.m. yesterday and taken to another area where she was raped by two men and robbed.

She told police she was parking in the lot near the Kline's Store on Little River Turnpike when a man with a gun got into the car and drove her to the vicinity of the Hermitage Home off Seminary Road, where the second man appeared.

Both men raped her there, she said, took her jewelry and purse containing an unknown amount of money and tied her up before escaping.

Jury Deplores Bond Practice

An outgoing grand jury has expressed "great dismay" to Chief Judge Edward M. Curran of U.S. District Court at finding during its service that suspects in such crimes as robbery, rape and murder remained free on personal bond.

"Further, we have learned that many of these crimes were in fact committed while the individual defendant was on bail for a previous offense," said a letter signed by foreman Albert Barkin.

"As members of the community, in addition to our grand jury function, we view this situation with great dismay and therefore feel obligated to advise you of our thoughts," Barkin wrote.

Copies of the letter went to Atty. Gen. Mitchell, the Chairman of the House Judiciary Committee, the Chairman of the Senate Judiciary Committee, and U.S. Atty. Thomas A. Flannery.

VINCENT THOMAS, DEAN OF THE CALIFORNIA STATE ASSEMBLY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. ANDERSON of California. Mr. Speaker, today I wish to recognize and pay tribute to a man in my congressional district, who has for many years rendered outstanding public service. He is well known to most of my California colleagues, and many of them, like myself, served with him in the California State Legislature.

Vincent Thomas, dean of the California State Assembly, was reelected in 1968 for the 15th straight term, having been elected by the people of his assembly district for the first time in 1940.

Mr. Thomas's home town, San Pedro, is the home port of one of the largest commercial fishing fleets on the West Coast. His assembly district also has many heavy industrial areas. Catalina Island, with its town of Avalon at the eastern end of the island—26 miles southwest of Los Angeles Harbor—is a famed resort area, offering swimming, fishing, and other amusements.

Thomas graduated from San Pedro High School in 1928, where he received the Ephebian Ring of Philosophy and Character. He then went to Santa Clara University, from which he received a bachelor of philosophy degree in 1932. He attended the law school at Santa Clara University from 1932 to 1934, and Loyola Law School from 1934 to 1936. Vince played on the Santa Clara football squad, and then coached minor sports at that institution from 1930 to 1935. He also was physical education instructor there in 1933–34.

He married Mary De Carlo in 1947, and they have a daughter, Mary Virginia, and a son, Vincent, Jr. Thomas is a member of the Elks and the Sequoia Tribe 140, Redmen.

Vince has long been active in the California Democratic Party. He was a presidential elector in 1940 and 1944, and a delegate to the National Democratic Convention in 1948 and 1960.

He has served as the Democratic floor leader in the lower house and has been an active voice in the Democratic caucus in the assembly. Often, he has held a strong position as the center between opposing factions.

During his service in the assembly, Vince Thomas has been a spokesman—and often the only one—for the commercial fishing interests of his hometown and other coast communities. He has served on the assembly fish and game committee and was vice chairman for many years.

In addition to being a member of several important assembly committees, Vince is a member of the Pacific Marine Fisheries Commission and is chairman of the Joint Legislative Audit Committee.

The veteran assemblyman was honored by the State when they built the huge bridge across the bay from San Pedro to Terminal Island and named it the Vincent Thomas Bridge.

On October 25, 1969, Mr. Thomas was honored as the first recipient of the Annual Man of the Year Award—for the Los Angeles Harbor area—by the San Pedro B'nai B'rith Lodge No. 1106. Mr. Thomas will again be honored at a testimonial dinner on December 8, 1969, on the occasion of the City of Hope's eighth annual salute to the maritime industry. The proceeds of the dinner, sponsored by local 13 of the I.L.W.U., will go toward the establishment of a special heart research fellowship in honor of Vincent Thomas.

Mr. Speaker, it is an honor for me to salute Vince Thomas, of San Pedro, a great Californian.

ADDRESS BY THE VICE PRESIDENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. MICHEL. Mr. Speaker, in a speech to be delivered this evening in Montgomery, Ala., before the Montgomery Chamber of Commerce, Vice President AGNEW returns again to his theme of constructive criticism of particular components of the national news media. The Vice President effectively deflates the rather specious charges thrown at him during the past week that he is threatening the freedom of the press and also that he has hinted darkly that censorship may be imposed by the Federal Government if current practices continue. Nothing could be more absurd, of course, and those who have taken the time to read the Vice President's words carefully will find that he is calling upon the leaders and directors of the news media, in all phases, to engage in some strong self-examination of their operations so that these abuses which are so apparent to the public at large can be corrected and adjusted so that we can get a better balance of reporting and editorial policy than we now have.

I include the text of the Vice President's remarks in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT, MONTGOMERY CHAMBER OF COMMERCE, MONTGOMERY, ALA., NOVEMBER 20, 1969

One week ago tonight I flew out to Des Moines, Iowa, and exercised my right to dissent.

There has been some criticism of what I had to say out there.

Let me give you a sampling.

One Congressman charged me with, and I quote, "A creeping socialistic scheme against the free enterprise broadcast industry." That is the first time in my memory anybody ever accused Ted Agnew of entertaining socialist ideas.

On Monday, largely because of this address, Mr. Humphrey charged the Nixon Administration with a "calculated attack" on the right of dissent and on the media today. Yet, it is widely known that Mr. Humphrey himself believes deeply that unfair coverage of the Democratic Convention in Chicago, by the same media, contributed to his defeat in November. Now, his wounds are apparently healed, and he casts his lot with those who were questioning his own political courage a year ago. But let us leave Mr. Humphrey to his own conscience. America already has too many politicians who would rather switch than fight.

Others charged that my purpose was to stifle dissent in this country. Nonsense. The expression of my views has produced enough rugged dissent in the last week to wear out a whole covey of commentators and columnists.

One critic charged that the speech was "disgraceful, ignorant and base," that it "leads us as a nation into an ugly era of the most fearsome suppression and intimidation." One national commentator, whose name is known to everyone in this room, said "I hesitate to get into the gutter with this guy." Another commentator charges that it was "one of the most sinister speeches I have ever heard made by a pulbic official." The President of one network said it was an "unprecedented attempt to intimidate a news medium which depends for its existence upon government licenses." The President of another charged me with "an appeal to prejudice," and said it was evident that I would prefer the kind of television "that would be subservient to whatever political group happened to be in authority at the time."

And they say I have a thin skin.

Here are classic examples of overreaction. These attacks do not address themselves to the questions I have raised. In fairness, others—the majority of critics and commentators—did take up the main thrust of my address. And if the debate they have engaged in continues, our goal will surely be reached—a thorough self-examination by the networks of their own policies—and perhaps prejudicies. That was my objective then; it is my objective now.

Now, let me repeat to you the thrust of my remarks the other night, and make some new points and raise some new issues.

I am opposed to censorship of television or the press in any form. I don't care whether censorship is imposed by government or whether it results from management in the choice and the presentation of the news by a little fraternity having similar social and political views. I am against censorship in all forms.

But a broader spectrum of national opinion *should* be represented among the commentators of the network news. Men who can articulate other points of view *should* be brought forward.

And a highwall of separation *should* be raised between what is news and what is commentary.

And the American people *should* be made aware of the trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands.

Should a conglomerate be formed that tied together a shoe company with a shirt company, some voice will rise up righteously to say that this is a great danger to the economy; and that the conglomerate ought to be broken up.

But a single company, in the Nation's Capital, holds control of the largest newspaper in Washington, D.C., *and* one of the four major television stations, *and* an all-news radio station, *and* one of the three major national news magazines—all grinding out the same editorial line—and this is not a subject you have seen debated on the editorial pages of the *Washington Post* or the *New York Times*.

For the purpose of clarity, before my thoughts are obliterated in the smoking typewriters of my friends in Washington and New York, let me emphasize I am not recommending the dismemberment of the Washington Post Company. I am merely pointing out that the public should be aware that these four powerful voices harken to the same master.

I am merely raising these questions so that the American people will become aware of—and think of the implications of—the growing monopolization of the voices of public opinion on which we all depend—for our knowledge and for the basis of our views.

When the *Washington Times-Herald* died in the Nation's Capital, that was a political tragedy; and when the *New York Journal-American*, the *New York World-Telegram and Sun*, the *New York Mirror* and the *New York Herald-Tribune* all collapsed within this decade, that was a great, great political tragedy for the people of New York. The *New York Times* was a better newspaper when they were alive than it is now that they are gone.

What has happened in the city of New York has happened in other great cities in America.

Many, many strong independent voices have been stilled in this country in recent years. Lacking the vigor of competition, some of those that have survived have, let us face it, grown fat and irresponsible.

I offer an example. When 300 Congressmen and 59 Senators signed a letter endorsing the President's policy in Vietnam it was news—big news. Even the *Washintgon Post* and the *Baltimore Sun*—scarcely house organs of the Nixon Administration—placed it prominently on the front page.

Yet the next morning the *New York Times*, which considers itself America's paper of record did not carry a word. Why?

If a theology student in Iowa should get up at a PTA luncheon in Sioux City and attack the President's Vietnam policy, my guess is that you would probably find it reported somewhere the next morning in the *New York Times*. But when 300 Congressmen endorse the President's Vietnam policy, the next morning it is apparently not considered news fit to print.

Just this Tuesday, when the Pope, the Spiritual Leader of half a billion Roman Catholics applauded the President's efforts to end the war in Vietnam, and endorsed the way he was proceeding—that news was on Page 11 of the *New York Times*. But the same day, a report about some burglars who broke into a souvenir shop at St. Peters and stole $9,000 worth of stamps and currency—that story made Page 3. How's that for news judgment?

A few weeks ago here in the South, I expressed my views about street and campus demonstrations. Here is how the *New York Times* responded:

"He," (that's me) "lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's (generation)."

That seems a peculiar slur on a generation that brought America out of the Great Depression without resorting to the extremes of either fascism or Communism. That seems a strange thing to say about an entire generation that helped to provide greater material blessings and personal freedom—out of that Depression—for more people than any other nation in history. We have not finished the task by any means—but we are still on the job.

Just as millions of young Americans in this generation have shown valor and courage and heroism in fighting the longest and least popular war in our history—so it was the young men of my generation who went ashore at Normandy under Eisenhower and with MacArthur into the Philippines.

Yes, my generation, like the current generation, made its own share of great mistakes and blunders. Among other things, we put too much confidence in Stalin and not enough in Winston Churchill.

But whatever freedom exists today in Western Europe and Japan exists because hundreds of thousands of young men in my generation are lying in graves in North Africa and France and Korea and a score of islands in the Western Pacific.

This might not be considered enough of a "sense of service" or a "deep humanitarianism" for the *"perspective critics"* who write editorials for the *New York Times*, but it's good enough for me; and I am content to let history be the judge.

Now, let me talk briefly about this younger generation. I have not and do not condemn this generation of young Americans. Like Edmund Burke, I would not know how to "draw up an indictment against a whole people." They are our sons and daughters. They contain in their numbers many gifted, idealistic and courageous young men and women.

But they also list in their numbers an arrogant few who march under the flags and portraits of dictators, who intimidate and harass university professors, who use gutter obscenities to shout down speakers with whom they disagree, who openly profess their belief in the efficacy of violence in a democratic society.

The preceding generation had its own breed of losers—and our generation dealt with them through our courts, our laws and our system. The challenge now is for the new generation to put their own house in order.

Today, Dr. Sydney Hook writes of "Storm Troopers" on the campus: that "fanaticism seems to be in the saddle." Arnold Beichman writes of "young Jacobins" in our schools who "have cut down university administrators, forced curriculum changes, halted classes, closed campuses and set a nationwide chill of fear through the university establishment." Walter Laqueur writes in commentary that "the cultural and political idiocies perpetrated with impunity in this permissive age have gone clearly beyond the borders of what is acceptable for any society, however liberally it might be constructed."

George Kennan has devoted a brief, cogent and alarming book to the inherent dangers of what is taking place in our society and in our universities. Irving Kristol writes that our "radical students . . . find it possible to be genuinely heartsick at the injustice and brutalities of American society, while blandly approving of injustice and brutality committed in the name of 'the revolution'."

These are not names drawn at random from the letterhead of an Agnew-for-Vice-President Committee.

These are men more eloquent and erudite than I. They raise questions that I have tried to raise.

For among this generation of Americans there are hundreds who have burned their draft cards and scores who have deserted to Canada and Sweden to sit out the war. To some Americans, a small minority, these are the true young men of conscience in the coming generation. Voices are and will be raised in the Congress and beyond asking that amnesty should be provided for "these young and misguided American boys." And they will be coming home one day from Sweden and Canada, and from a small minority they will get a heroes' welcome.

They are not our heroes. Many of our heroes will not be coming home; some are coming back in hospital ships, without limbs or eyes, with scars they shall carry the rest of their lives.

Having witnessed firsthand the quiet courage of wives and parents receiving posthumously for their heroes Congressional Medals of Honor, how am I to react when people say. "Stop speaking out, Mr. Agnew, stop raising your voice."

Should I remain silent while what these heroes have done is vilified by some as "a dirty and immoral war" and criticized by others as no more than a war brought on by the chauvinistic, anti-communism of Presidents Kennedy, Johnson and Nixon?

These young men made heavy sacrifices so that a developing people on the rim of Asia might have a chance for freedom that they will not have if the ruthless men who rule in Hanoi should ever rule over Saigon. What is dirty or immoral about that?

One magazine this week said that I will go down as the "great polarizer" in American politics. Yet, when that large group of young Americans marched up Pennsylvania and Constitution Avenues last week—they sought to polarize the American people against the President's policy in Vietnam. And that was their right.

And so it is my right, and my duty, to stand up and speak out for the values in which I believe. How can you ask the man in the street in this country to stand up for what he believes if his own elected leaders weasel and cringe.

It is not an easy thing to wake up each morning to learn that some prominent man or institution has implied that you are a bigot, a racist or a fool.

I am not asking any immunity from criticism. That is the lot of the man in politics; we would have it no other way in this Democratic Society.

But my political and journalistic adversaries sometimes seem to be asking something more—that I circumscribe my rhetorical freedom, while they place no restrictions on theirs.

As President Kennedy once observed in a far more serious matter, that is like offering an apple for an orchard.

We do not accept those terms for continuing the national dialogue. The day when the network commentators and even gentlemen of the *New York Times* enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over.

Just as a politician's words—wise and foolish—are dutifully recorded by the press and television to be thrown up to him at the appropriate time, so their words should likewise be recorded and likewise recalled.

When they go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of the public debate.

I do not seek to intimidate the press, the networks or anyone else from speaking out. But the time for blind acceptance of their opinions is past. And the time for naive belief in their neutrality is gone.

But, as to the future, all of us could do worse than take as our own the motto of William Lloyd Garrison who said: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch. And I will be heard."

THE SILENCED

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RYAN. Mr. Speaker, Mr. James Weschler in his November 15 column in the New York Post described the reaction of two South Vietnamese young people as they listened to President Nixon's November 3 address on Vietnam policy. He was with David and Monique Troung—children of Troung Dinh Dzu, the runnerup candidate in the 1967 election in South Vietnam, who not too much later was jailed by Thieu as a political prisoner.

These two young people share the anguish of those Americans who feel that American policy must change now. And their anguish is acute because it is their country which has been ravished and it is their father who is a victim of a repressive regime which the United States continues to support without any effort to broaden it.

I urge my colleagues to read about the feelings of these two young Vietnamese on the war that plagues their country:

[From the New York Post, Nov. 15, 1969]

THEY SPEAK FOR THE SILENCED

(By James A. Wechsler)

There was a moment during President Nixon's redeclaration of war Monday night when I looked at the somber, appealing faces of 24-year-old David Truong and his younger sister Monique and felt an embarrassment at having invited them to listen to the speech in my home.

It is, after all, their father, Truong Dinh Dzu, who remains a prisoner of Thieu—after finishing second in South Vietnam's 1967 election, and gaining more votes than any non-military candidate. It is their country that continues to be devastated, and whose oppressive regime keeps them in exile. And in their eyes it is my government that sustains this corrupt cabal and, by doing so, dooms their father to imprisonment and their countrymen to another indeterminate sentence of suffering.

So in a sense Nancy and I were intrusive bystanders in this living room where our disappointment and dismay over Nixon's rerun of an old Johnson production could hardly match the heartbreak of these two South Vietnamese. For they are neither Viet Cong nor Hanoi flag-wavers but they believe they speak for "the silent (or silenced) majority" of their countrymen who are weary of war and Thieu and Ellsworth Bunker and the U.S.-Saigon axis and dream of a day when this regime will be replaced by a coalition that can make peace. It was for the crime of advocating coalition (and negotiation) that their father was summarily tried, convicted and given a five-year term.

At times during the Nixon speech they were mournfully quiet, as if listening to a funeral oration, and on occasion they laughed bitterly, as when Mr. Nixon said, "We are Vietnamizing the search for peace."

To many Americans the slogan of "Vietnamization" has a comfortable sound. It signfies that we will somehow rid ourselves of the burdens of war and simultaneously justify all the lives we have invested in it. But for Stanford-educated David Truong and his sister (UCLA-summa cum laude), who have never known a day of real peace on earth for their homeland, "Vietnamization" is both a synthetic slogan and a new mockery of hope. They do not believe it will bring any decisive change because they cannot visualize Thieu stirring any genuine popular allegiance; all that they foresee is that more young Vietnamese will be granted the luxury of killing each other.

Perhaps I saw in their response more clearly than ever before the degress to which we have lost sight of the human, individual identities of the people for whom we have ostensibly been fighting.

When Mr. Nixon spoke of "the silent majority" of Americans whose support he claims, Monique said in muted anger: "Yes, one day there will be a silent majority . . . of the dead."

And as the President ended David shook his head grimly and said: "It was very sad, it was so depressing . . . the tone was much less than anyone expected." Then this spirited youth, who has spent so many long months striving to rally American support for his father's release (and has won expressions of sympathy from a remarkably diverse body of Senators, including Southern conservatives as well as Northern liberals) exclaimed:

"I must keep my promise not to become violent until I'm 40 . . ."

It was said with a certain mischievous mirth; David has retained the grace of laughter throughout this interminable nightmare. Yet what he was saying must have expressed the instinctive fury of so many of his generation who had once again been told that their cries for peace are unheard.

But most of all we talked about the impact of the Nixon address on not only Dzu but others—Gen. "Big" Minh, Sen. Tran Van Don—and other non-Communist dissidents whose emergence in a coalition structure might break the stalemate. For such men, and many others inside and outside of Saigon's jails, the Nixon speech will be as destructive as it was exhilarating for Thieu.

It occurred to me as David and his sister left that most of us have failed to say often enough what should be said about the mission of the U.S. peace movement. We have permitted Agnew— and now Nixon—to promote the view that "disunity" at home is ammunition for Hanoi, and thereby prolongs the war.

But the truth is that peace actions here may embody the last best hope of those in South Vietnam who believe peace can come only if Thieu is compelled to abdicate. They see the President's pronouncement not as a warning to Hanoi but as a surrender to Saigon and a victory for those—there and here—who would extend the war that has ravaged their nation. They do not fear a "massacre of the innocents" if a real coalition is created; what they dread is the continuance (and "Vietnamization") of a slaughter that has shadowed their lifetimes.

But they were non-persons in the Nixon speech. Once again the war was portrayed as a conflict between Thieu's "good guys" and Hanoi's "bad guys." That David and Monique Truong stand for thousands of Vietnamese caught in the cross-fire is the story too long suppressed or obscured. It is they who have been the casualties of the domino game; all the calculations and projections of the Rostows and the Kissingers assumed a dimension of dehumanized unreality in that room Monday night.

NO NEW PARKS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD the excellent October 1969 Conservation Foundation report discussing frankly and honestly the failure of this administration to come forward with enough funds to meet the conservation, park, and recreation needs of a rapidly growing nation. This may well be the last decade in which Americans may set aside the desperately needed parks, open spaces, and recreation areas for generations yet to come.

Hopefully, the insertion of this fine document into the RECORD will move Congress, the people, and perhaps but not so hopefully, the administration in a wiser and better direction in this urgent national problem. The item follows:

ADMINISTRATION SPAWNS "NO NEW PARKS" POLICY AS BUDGET KNIFE HITS LAND AND WATER CONSERVATION FUND

A "no new parks" policy is emerging from the Nixon Administration. The Administration is putting the brakes on new park and recreation investments by short-changing the vital Land and Water Conservation Fund program.

As a result, all plans for new national park and recreation areas are being stifled, perhaps for as long as four years. It's doubtful that there will be enough money to complete purchase of areas already authorized by Congress. And many state and local park and outdoor recreation programs are also in danger.

The record under President Nixon stands in stark contrast to the promises of Candidate Nixon, who said on May 16, 1968:

"In cutting the budget, the President must set his own priorities. While some sectors are certain to be pared, others must be preserved. Among those that should escape the budget knife are appropriations for conservation and for the preservation of natural resources."

These, along with education, Candidate Nixon added, are the "growth stocks of America, which will net us the greatest long-term capital gains. Investments here are investments in our children, in the kind of country they will live in and in the quality of life they will lead. This is the last place for Americans to be miserly."

Another contrast is offered by these words from the 1968 Republican Party platform: "We will work in cooperation with cities and states in acquiring and developing green space—convenient outdoor recreation and conservation areas. We support the creation of additional national parks, wilderness areas, monuments and outdoor recreation areas."

THE RECORD SPEAKS

Despite this rosy rhetoric, here's the record:

Last year Congress amended the Land and Water Conservation Fund act, guaranteeing the Fund $200 million a year in earmarked income for five years, beginning July 1, 1968. In its final budget, the outgoing Johnson Administration asked Congress to appropriate only $154 million of the $200 million pledged to the Fund for fiscal 1970.

When the Nixon Administration took over, it cut this budget request to $124 million. And that's what Congress has now appropriated. (Explained Congresswoman Julia Butler Hansen of Washington, chairman of the House Appropriations subcommittee: "We followed the Administration's guidelines as contained in the revised budget estimate. I am going to be very frank and say that we would be happy to appropriate the full $200 million if we receive proper guidelines on how and where it is to be expended in a practical manner.")

The $124 million represents only 62% of the $200 million accruing to the Fund during the year. Another $88.5 million remained in the Fund from the prior year's $111.5 million appropriation, making a total of $288.5 million which could have been appropriated. (For fiscal 1969, the first year of the beefed-up Fund, the Johnson Administration sought appropriations of $130 million rather than $200 million. Then Congress cut that down to $111.5 million.)

The "no new parks" policy was revealed September 10 by Robert P. Mayo, the President's Budget Bureau director. In a letter to Congressman Wayne Aspinall, chairman of the House Interior Committee, Mayo, speaking of the National Park Service's land acquisition program, said: "We see little likelihood of the fiscal year 1971 program being larger than the fiscal year 1970 program." The Mayo letter continued:

"If budget constraints approximately equal to the present ones continue in 1971, 1972 and 1973, and *at current prices,* the Department of the Interior will not be able to complete its program for land acquisition in existing areas by the end of fiscal year 1973, when the current augmented fund authority expires. Thus, even without authorization of new areas and under optimistic assumptions about the stability of land prices, deferrals in the Park Service land acquisition program in recently authorized areas or a reduction in the amounts proposed for acquisition of inholdings in older areas, or both, will probably be necessary. The allocation of funds for acquisition of areas yet to be authorized would require still greater reductions in funds for acquisition of existing areas or inholdings."

In short, don't bother authorizing any new national parks or recreation areas; in the four years ahead we may not even pay for those already authorized.

FEELINGS OF OUTRAGE

Reactions came swiftly. The House Interior Committee called a meeting on September 24 and invited the press "to let the public know what is really involved here" and to give the committee a chance to show its "feeling of outrage at what is taking place," as Aspinall put it.

At the committee meeting, Aspinall said that the Administration "is not keeping faith with Congress, which intended that this $200 million a year be available despite any other budget restrictions . . . If Congress is to be thwarted in its work in this respect, and if the Executive, having once given its approval, is to be allowed to change its mind, then the work that we do here is useless."

Said Congressman John Saylor of Pennsylvania, ranking Republican on the committee: "I am gravely concerned with the approach taken by the Budget Bureau. (It) is not keeping faith with this committee and with prior Congresses."

While Aspinall indicated little enthusiasm for holding hearings and passing bills authorizing new park and recreation areas when he knows there's to be no money available to buy them, Congressman Morris Udall of Arizona, a committee member, urged the committee to "plunge" ahead and consider worthwhile park bills. "The only way this national policy set by the Budget Bureau instead of the Congress is going to be changed is by public outrage and public pressure," he said. "We increase the public pressure if we hold hearings."

(Aspinall also took considerable umbrage at the Mayo letter's implication that the Budget Bureau would determine priorities as far as national parks are concerned. "If I know my Constitution correctly," said Aspinall, "it says that the purse strings are in the hands of Congress. When Congress has once made its decision and the Executive has approved the legislation, we have a right to expect that what is provided in the legislation is followed.")

There were other congressional reactions. Said Senator Gaylord Nelson of Wisconsin: "It is abundantly clear that it was the intent of Congress to assure this $200 million spending level. If land costs and development continue to escalate, and adequate funds are not appropriated to meet these commitments, the precedent-setting effort in recent years to expand our national park system will face total collapse."

Said Senator Mark Hatfield of Oregon: "The latest move by the Budget Bureau is but another glaring example of the inverse priorities that exist in this country today."

And the conservation movement has also spoken out. In a letter to President Nixon October 17, officials of 13 conservation organizations wrote they were "deeply concerned that during its first nine months your Administration's performance to meet our growing country's growing outdoor recreation needs is disappointingly inadequate."

They cited the Administration's cut in the Fund's budget, the "extraordinary" Mayo letter, and "a general lack of initiatives and performance evidencing concern and commitment to meet public needs in this field." They also wrote that "delay in acquiring needed park and recreation lands contributes more to inflation and burden on taxpayers than timely capital investments to acquire these lands" and warned that the net effects of delay "are either land speculation and greatly increased costs to the public, or loss of many of the finest remaining opportunities."

They urged the President not to permit the Budget Bureau letter to prevail as Administration policy, to use the full level of revenues available in the Land and Water Conservation Fund, to use advance contracts and options to buy authorized areas, and to develop a "comprehensive nationwide action program" to meet the nation's present and future outdoor recreation needs.

MORE RHETORIC ONLY?

Meanwhile, at the same time that the Land and Water Conservation Fund has failed to "escape the budget knife," Secretary of the Interior Walter Hickel has been espousing new parks to alleviate the urban recreation bind—though he doesn't say where the money will come from.

Said Hickel on May 13: "I have pledged to move ahead with the acquisition and development of parks and recreation areas, and particularly . . . (those) close to where most of our population lives." He then offered the Nixon Administration's first specific new park suggestion—a Gateway National Recreation Area at New York City's harbor. The 15,600-acre area would consist of lands and shallow waters—most already publicly owned—including Breezy Point and Jamaica Bay in New York City and Sandy Hook in New Jersey.

(The Administration has not yet requested legislation to authorize the Gateway area.)

Speaking of the Gateway proposal later, Congressman Hugh L. Carey of New York, a member of the House Interior Committee, suggested that it would be better for the Interior Department "not to go on any hallucinogenic trips and go out and tell the population that we are undertaking new park planning and acquisitions that are not even in the realm of possibility. I do not think we can tell the people stories like this. I would like the Secretary to speak to this budgetary limitation."

On June 21, Hickel announced a study of the possibilities of an "expanded program of federal acquisition and federally assisted acquisition of park and recreation areas in the large urban centers of our nation," including ways to finance such a program. "Time is of the essence," he said. "Opportunities are being lost daily to acquire such lands."

Then on September 17 in Chicago, in a speech to the National Recreation and Park Association, Hickel partially unveiled a grand design for urban parks which "we are considering." The price tag: $6.3 billion, to be spent over the next five years. At the end of his speech, Hickel conceded that he recognizes that the proposed solutions will be costly and that it may not be possible to carry them out under present fiscal restraints."

THE PRESSING NEEDS

The widespread opposition to the Nixon Administration's posture on the Land and Water Conservation Fund stems from these basic facts: Park and recreation needs are mushrooming, even faster than population. Meanwhile, much of the land most needed for public recreation is threatened with incompatible development. Land prices often escalate so fast that it is prudent to buy as soon as possible after authorization. Recognizing this, Congress placed a top priority on the Fund when it provided $200 million a year in earmarked money which it meant to be spent.

Harrison Loesch, Assistant Secretary of Interior for Public Land Management, put it this way to a Senate Interior Subcommittee on July 17: "I think we could profitably spend for recreation uses many times the $200 million a year."

At the federal level, the Bureau of Outdoor Recreation estimates that $275 million—above and beyond the amount just appropriated for fiscal 1970—is needed just to acquire areas already authorized by Congress. (This is for areas eligible for Land and Water Conservation Fund purchase, including Point Reyes and Cape Cod National Seashores as well as older areas of private inholdings within already acquired parks. In addition to National Park Service needs, the total also includes areas authorized for acquisition by the Forest Service and the Bureau of Sport Fisheries and Wildlife.)

At the current rate of appropriations ($124 million a year), and assuming a 50–50 split of fund appropriations between federal and state needs, this leaves $62 million a year for the federal portion.

This is to say nothing of the money it would take to begin acquisition of *new* park areas. A number of these have been proposed, some of them years ago. A partial list of those for which bills have been introduced in Congress: Sawtooth National Recreation Area (Idaho), Connecticut River National Recreation Area (New England), Big Thicket National Park (Texas), Voyageurs National Park (Minnesota), Potomac National River (Maryland, Virginia, West Virginia), Buffalo National River (Arkansas), Apostle Islands National Lakeshore (Wisconsin), Sleeping Bear Dunes National Lakeshore (Michigan), and Gulf Islands National Seashore (Alabama, Florida, Louisiana and Mississippi).

What about the need for matching grants which go to the *states* from the Land and Water Conservation Fund—monies which are used to support both acquisition and development of state and local park and recreation areas?

This is difficult to assess, but in a statement presented to the House Appropriations subcommittee, the Bureau of Outdoor Recreation had this to say: "Participation of the states indicates their desire to overcome the recreation deficit. All states have submitted or are working on improved and updated statewide outdoor recreation plans." The Bureau said that as of last December 31, states had obligated $197 million and that $73 million in projects had been approved for future funding. During the past year, the Bureau added, the states submitted some 1,300 project applications, seeking some $91 million. (This compares with $62 million just appropriated from the Fund for state grants.)

"The need for recreation opportunities at the state and local levels is increasing at a much higher rate than the increase in newly developed facilities," the Bureau said. "Most states and political subdivisions lack adequate financial resources to make up the difference."

"Some of the bigger states could spend three to four times as much," one Bureau spokesman said. Lawrence N. Stevens, then acting director of the Bureau, told the Senate Appropriations subcommittee on March 11 that "the states are definitely in high gear, and they are raring to go to get every cent they can get their hands on."

The interest of states and local governments in parks and recreation is further substantiated by the dozens of state and local bond issues which have been approved for these purposes since 1960.

TOWARD A SOLUTION

Three important steps which the Administration could take to ease the plight of the Land and Water Conservation Fund:

Reshape priorities by directing the Budget Bureau to fallow a policy of making available all revenues accruing in the Fund each year. Among other things, this would resolve the current difficult impasse between the Budget Bureau and Congress.

Alleviate the problem of inadequate funds in the current fiscal year 1970 by including in the Administration's forthcoming *supplemental* appropriations bill for the year the full amount of money still available for appropriation—about $164.5 million over and above the $124 million already appropriated.

In the new budget now being prepared for fiscal 1971, include the full amount to be available for appropriation from the Fund. This is estimated at $365 million—less whatever amount might be included in the supplemental appropriations bill for 1970.

The Administration could also take full advantage of several money-saving approaches authorized by Congress last year, which are designed to minimize cost escalation by shortening the time gap between authorization of recreation areas and their acquisition. For example, $500,000 a year was authorized to secure options to buy. (The Administration did not seek these funds and

Congress did not vote them.) Also, $30 million a year was authorized for entering into advance contracts to purchase land. (The Administration sought the full $30 million but Congress appropriated nothing and asked that this matter be reexamined and resubmitted to Congress.)

Other remedies are hard to come by. Congressman John D. Dingell of Michigan and eight colleagues introduced a bill (H.R. 11127) to increase the amount of money going into the Fund from $200 million to $400 million a year, perhaps on the theory that if more is available in the Fund, more will be freed for use. Another suggestion: pass a law exempting the Fund from expenditure ceilings imposed by Congress or the Administration.

Congressman Saylor introduced a bill (H.R. 13945) to halt collection of various user fees and taxes which are earmarked for the Fund, as long as there is a limitation put on Fund expenditures.

Seeking another type of remedy to the park and recreation problem, Senator Henry M. Jackson of Washington introduced—and the Senate passed on June 26—a bill (S. 1708) to make surplus federal property, including military installations, available at low cost or no cost, to state and local governments for park and recreation purposes, if they are suitable. A similar bill (H.R. 12651) was introduced by Congressman Thomas M. Pelly of Washington and is pending in the House.

It has also been suggested that the Fund be devoted entirely to *state* matching grants, and that each *national* park or recreation area be subject to separate appropriations by Congress. This would presumably have the advantage of focusing public attention on trouble spots.

Indeed, it may be that only through congressional and public pressure on behalf of the Fund, can its long-term prospects be brightened. Results to date of this year's fight for the full $1 billion in funds authorized for grants help local communities build needed waste treatment facilities demonstrate that public and congressional pressure can reshape priorities—if enough people care enough. A similar effort on behalf of full funding of the Land and Water Conservation Fund would not surprise many observers.

THE CALL FOR HELP IN THE CITIES

It has been a truism that the nation's crowded cities are in dire need of more park and recreation space. Numberless politicians, panels and task forces have been saying this for years. But there has been no all-out effort to solve the problem, although Congress created the Open Space Program in the Department of Housing and Urban Development. This program provides 50% matching grants to help states and communities acquire and develop park and open space areas in urban areas. Like the Land and Water Conservation Fund, however, it has also been strapped for funds.

Although Congress authorized $150 million for fiscal 1970, for example, the Johnson Administration requested an appropriation of only $95 million. This was cut by the Nixon Administration to $85 million, and then by the House to $75 million, the figure expected to come out of Congress. Again, the unmet needs are great. A HUD official said that in fiscal 1969, in the undeveloped land portion of the program alone, there was $102 million in applications. So far, $52 million worth has been approved—using up all the money available—and some $39 million rejected. Of those rejected, he said, almost all would have been approved had there been enough money.

Speaking of urban recreation needs, the August report of the President's Citizens Advisory Committee on Environmental Quality said that the Open Space Program "has channeled all of its grants to metropolitan areas, but for a number of reasons, relatively little money has been available for central city areas." Similarly, it said that the bulk of the Land and Water Conservation Fund money allocated to the states has gone to suburban rather than central city areas. "The emphasis has been understandable," it added. "The LWCF funds are generally channeled through state recreation agencies, and their historic bias has been towards projects in fringe and rural areas where land costs are lower."

A major program to solve some of these problems is at least on the horizon: In 1963, Congress directed the new Bureau of Outdoor Recreation to make a five-year study and come up with a Nationwide Outdoor Recreation Plan. This wasn't finished before the Johnson Administration left office. Now it has been completed and is expected to be released shortly. The plan calls for a strong urban thrust. It has the endorsement of Interior Secretary Hickel, who has spoken a number of times in favor of more urban park and recreation facilities, and President Nixon is reported to favor the general idea.

In his September 17 speech in Chicago, Hickel gave a brief preview of the new nationwide plan; other details have also been made public. The principal element in the plan is a shift in emphasis from great western parks to smaller urban projects, which would be accessible to more people, particularly the disadvantaged. The urban program, said Hickel, would be funded at $6.3 billion over a five-year period—from an expanded Land and Water Conservation Fund. (Thus, the program would not detract from current park and recreation progams not urban oriented.)

"The major thrust of this expansion will be aimed at urban grant assistance to help cities and states finance large, comprehensive projects," Hickel said. This would involve $5.3 billion of the total.

The other $1 billion would go for a "National Parks Urban Program," under which the National Park Service would directly acquire and develop urban recreation areas of "outstanding quality."

A third important component of the nationwide plan is its emphasis on the use of military lands for park and recreation purposes. This would involve public use of areas which remain part of military installations. It would also involve inexpensive acquisition by local governments of some of the great reservoir of military lands—many of them in or near big cities where their high market value makes acquisition otherwise prohibitive. Thus, some urban recreation needs could be met at little cost.

Funds from the urban grant program would be for use in cities having a population of more than 250,000. The federal government would pay up to 90% of a project's cost, depending on its nature and the financial status of the recipient government.

Hickel said that "in urban America, where 75% of our population is now concentrated—and that percentage will grow—only 25% of available recreation facilities and only 3% of public recreation lands are reasonably accessible." (They are considered "reasonably accessible" if they are within 50 miles of a city with population over 250,000 and 120 miles of a city with population over one million.)

"The urban grant program, to be effective, must shed past restraints and lack of imagination," said Hickel. "Most grant money so far has gone to conventional park projects. We must innovate. This is especially true in the cities where space is at a premium. We must use rooftops, vacant lots, school grounds, streets—anything. We must use night lighting to extend hours and create year-round facilities to get greater public use for our investment . . . (and) have facilities for the handicapped and elderly."

Some of the possibilities were also suggested in a December 1968 report which the National League of Cities prepared for the Bureau of Outdoor Recreation. The report noted that the New York City Recreation Department has "constructed playgrounds on sites acquired from other city departments. In many cases, this land was vacant and unsuitable for other uses. Other devices used to acquire land for parks and recreation include acquisition by tax liens; condemnation; joint development of land with schools and with public and private housing agencies; development in connection with parkways, expressways and civic centers; and by reclamation of waterfront and other neglected or submarginal areas."

Said Hickel: "Public outdoor recreation policies and programs have not changed with the speed of social change and are not meeting the challenge."

Similarly, the President's Citizens Advisory Committee has recommended that the Land and Water Conservation Fund law be amended so the Secretary of Interior can require states to channel a larger share of their grant money to urban areas and to give the Secretary discretionary authority to make grants directly to large cities when the circumstances warrant.

POINT REYES, A CASE HISTORY IN DELAY

In 1962 Congress authorized establishment of Point Reyes National Seashore on northern California's coast. The ceiling for appropriations for land acquisition was set at $14 million.

The House Interior Committee emphasized at the time that $14 million would be adequate only if land acquisition could be completed promptly, if land prices would remain "approximately constant for a few years at least," and if some $9 million worth of the land could be acquired by exchange for unneeded federal lands elsewhere.

Instead, speculators and subdividers moved in and land costs skyrocketed at a rate of 10 to 20% a year, the government's acquisition program got off to a slow start, and only $4 million worth of land has been acquired by exchange. In 1966 Congress raised the ceiling to $19.1 million, but the acquisition program never caught up with cost escalation spiral.

Result: Today the entire $19.1 million has been appropriated—and less than half the seashore has been acquired. Only 22,816 of the 54,136 acres within the boundaries and less than half the shoreline has been acquired, in an "unadministrable" patchwork pattern.

Bills now pending in Congress would authorize $38.4 million more to secure the rest of the Seashore—based on estimates of land values made by the National Park Service last fall. The Nixon Administration supports the purpose of the bills, but says only $28.4 million more is needed, based on new appraisals. Thus, the total price tag for Point Reyes will be $57.5 or $47.5 million, or somewhere in between, depending upon which amount, if any, Congress authorizes. Point Reyes also was the immediate subject of Budget Director Robert Mayo's September 10 letter to Congress. He stated that even if the appropriations ceiling is raised it appears unlikely that the funds would become available.

Meanwhile, some of the most scenic and strategically located land for public use within the boundaries is headed for private subdivision as owners tire of waiting for government action. The Administration itself, in an unprecedented and controversial action, has announced its intention to sell off development rights on 9,000 acres within the National Seashore as a private enclave for residential subdivision and associated commercial developments. Why? To raise revenues for the Land and Water Conservation Fund, which already contains $164.5 million more than the Administration is willing to spend!

A magnificent seashore protected in perpetuity, close to more than 5 million people, just might not be realized.

As syndicated columnist Marquis Childs said of Point Reyes recently: "The subdividers are on the doorstep and pressing hard . . . Congress can propose but the Bureau of the Budget disposes by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land."

Gladwin Hill of the New York Times reported: "This dramatic promontory just north of San Francisco is at once a monument to natural beauty, to man's aspirations and to government confusion. Its future as one of the nation's choicest preserves hangs in the balance at this moment, clouded by the financial and administrative problems that beset . . . many other segments of the national recreation system."

And Scripps-Howard writer William Steif, commenting on Interior Secretary Hickel's dream of putting "parks where people are," noted acidly that the government can't even get enough money together to finish acquiring Point Reyes, which is only an hour's drive from San Francisco. "What is happening to Point Reyes," said Steif, "is symptomatic of the backward steps the Administration is taking near big cities."

NEED FOR NEW COMMUNICATIONS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WALDIE. Mr. Speaker, we have had the incredible opportunity in recent days to see color television pictures transmitted from the moon to our homes. To the layman, this feat almost equals the engineering and scientific technology that went into putting our astronauts on the moon itself.

Remarking on this tremendous accomplishment then, it is worthy to note that despite the successful transmission of television pictures from the moon to earth, there are many places in this Nation, including the cities, that do not receive normal television transmissions—or if they do—the transmissions are of no relevance to their needs, tastes, or desires.

In order to expand on the above themes, the relationship of which are somewhat obscure, I would like to enter two speeches on the subject of CATV in the RECORD.

One speech, by John B. Williams, executive director of the redevelopment agency of the city of Oakland, concerns the usefulness of CATV in the urban core areas.

The other, delivered by me, dwells with the need of CATV in the suburbs.

The two do show the relationship of the above themes and point out the dangerous gap in our communications system.

The speeches follow:

REMARKS OF JOHN B. WILLIAMS

(Executive director of the redevelopment agency of the city of Oakland before the fall convention of the California Community Television Association, Nov. 11, 1969)

I have been here at the Del Coronado since last Saturday evening. I have had an opportunity to meet and talk with many of you. I have toured your exhibit area and attended a number of your sessions. I am impressed with your air of confidence, your prosperity, energy and enthusiasm for the future. It is the kind of energies and abilities we need to deal with problems of our inner cities.

But this has not been my first exposure to CATV, or to its problems. For some years now I have followed, as a layman, the progress of your developing industry and have even paid some attention to your regulatory problems. As some of you may recall, I prepared some testimony in opposition to the action taken last December by the Federal Communications Commission. And though I was not able to attend the hearings in Washington held last February, my remarks were read to the Commission by one of your spokesmen, and I hope were considered by that Body.

My interest in your industry has not been mere idle curiosity. It stems from my conviction that, insofar as the major urban areas are concerned, we must develop some better systems of communication and my conviction that your industry may be the key to providing those systems.

Today, a fact of life is that every segment of our society is constantly required to make decisions based upon inadequate information. Such decisions too often turn out to be bad decisions. If we hope to keep this complex society working together, we are going to have to provide the means for making available more reliable and more adequate information.

There may have been a time during the history of our country when the major portion of our citizenry lived in rural areas and got its news and information in a leisurely fashion by word of mouth, by personal correspondence, by a few sporadic community gatherings, and sometimes even by virtue of a weekly newspaper. There may then have been plenty of opportunity to read the paper leisurely, and to properly think about and discuss such information before making the decisions that affected the economic, cultural, social and political decisions of the time.

But that time, if ever there really was such a time in this country, is long gone.

In today's urban society, we manufacture person to person transactions, person to group transactions, person to government and to institution transactions, and group to group and to government and institution transactions at fantastic rates. One hell of a lot is going on all the time. We buy—we sell—we build—we tear down—we change—we educate—we cultivate—we invent—we destroy—we play—we sue—we demonstrate—we riot—we try and we punish. We do all these things, and more, at a rate that no one living fifty or a hundred years ago—when the form and character of our cities were being molded—could have comprehended.

And as all this activity swirls about within our cities, every child, every adult, every family, business, industry, bureaucrat and elected official has a *need to know* what is happening in order to cope—to perform—yes, even to survive. When he cannot know, when he cannot cope, he drops out. And when this happens, he becomes unhappy and useless to himself and a further burden on that part of society that is still functioning.

Now you take all this bubbling caldron of activities—this mixture of needs and desires of our city residents and add a few extra ingredients such as a disparity of family and cultural background, a disparity of race, of creed and of color, an existing and growing disparity of income, of education, of economic opportunity, of cultural enrichment. And then, just to make sure the pot boils well, add some extremes of political commitment; add predjudice, fear, insecurity, and a long period of governmental and institutional inattention to the disenfranchised, and you will have a witches brew that approximates life in most of our urban areas.

And, as you think about that for a moment—let me add that the urban areas I am describing are the same things your industry calls the Top One Hundred Markets.

You all know what slums are. You are every day reminded of the unemployment problem in the ghetto—the problem of the Blacks and of the Mexican Americans and of the other minorities. But so far in the history of your industry you have only been required to read and hear about the problem, and perhaps to see it from a distance.

What is important now is that as you approach these inner cities you are going to have to deal with and take a part in, the solutions to these problems.

You must understand that in these inner cities a far larger proportion of Blacks and other minorities are the victims of poor housing, unemployment, *under*-employment and poverty. For example, the City of Oakland, with a population of almost 400,000 contains about 35 per cent Blacks, 5 per cent Chinese and smaller but significant numbers of other minorities.

The school population is in excess of 50 per cent Black, and less than 40 per cent Caucasian, with the other minorities making up the balance. The report of the National Commission on Urban Problems to the Congress and to the President of the United States projects that by 1985 over 30 per cent of *all* urban areas will consist of non-whites.

Our society is designed to assure most of us available alternatives as to where we live, how we live, and what we do. Big city slum dwellers do not have this freedom of choice. They are denied a full range of opportunities in education, jobs, housing and economic development. Mainstream Americans take those opportunities for granted and slum dwellers know this. They know how the more prosperous half lives and they aspire to the same way of life. The fact that they cannot achieve that way of life is a source of much of their anguish and bitterness.

We at the Redevelopment Agency are conscious of this, as is Congress. Though not enough is yet even in the planning stage, we do have 477 acres of inner city land under urban renewal activity, including planning, relocation, the development of lower and moderate income housing, and the renewal of our civic and downtown business area. And we are only part of many forces working on the problems. Others include government at all levels, the endowed foundations and a substantial number of concerned citizens.

As all the various forces, including governmental, foundational and private, have been brought to bear on the multiple problems of the core city, it has become quite apparent that the Redevelopment Agency, which deals with the social and economic as well as the physical aspects of these problems, is the agency which most often becomes the direct point of contact with the citizenry. Especially is this so in the areas which are the points of stress. I mean by this racial unrest and the increasing desire on the part of the minority groups as a whole to become a major part of the economic growth of our city. Indications are clear that this tendency is on the increase.

One of the major problems of renewal and redevelopment is its inability to adequately communicate, to educate, to inform, and advise the people most directly affected by the redevelopment process. The failure to solve these communication needs in other cities has been demonstrated with disastrous results.

Our society cannot long tolerate such disastrous results, and we don't want them in Oakland.

When Oakland has a city-wide CATV system, it is anticipated that the Redevelopment Agency will have the use of a channel on that system with which to provide an inter- and intra-group medium of communication. That is to say that we expect CATV to satisfy at least one of our basic needs in a city with a population makeup like that of Oakland. We need to not only communicate to the disenfranchised what is happening in the rest of the city—we need to and must communicate to our *well-enfranchised* citizens the conditions, the needs and the desires of the *disenfranchised* in some atmosphere other than one of direct confrontation on the streets.

Let me give you one example. Just recently our agency, in cooperation with the City staff, has put together a concept, and a concrete proposal to clear several square blocks of dilapidated and outworn commercial structures, and create in the very heart of downtown Oakland a 93 million dollar project which will include a hotel, shopping center, office buildings, convention facilities and a major housing complex.

The prospects for this project coming to fruition are excellent. We know that this project upon completion will create some 13,400 jobs, with a 95 million dollar payroll. This means opportunities not only for wage earners, but for retailers large and small, contractors and builders and subcontractors.

As the project develops there is no adequate means available to us to advise the whole of the community of the opportunities here. There is no adequate medium of communication to advise and train the minorities so that they can take a positive part in this huge community project.

And we are not the only ones with a need to communicate. The schools, the adult education centers, the job placement and job training institutions all have this same need. Further, there is a need for the so-called Establishment and institutions involved to communicate with the citizenry and each other.

The Rand Corporation in its part of the report of the President's Task Force on Communication Policy, of which your industry has heard so much, came to the following conclusion regarding communications in the core city:

"It is clear that communication of community information is sorely lacking within the ghetto areas of U.S. cities, and communication between these areas and neighboring communities is equally inadequate. There is considerable evidence that the problem of communications is, to some degree, responsible for the isolation of ghetto residents and for their inability to enter into the economic mainstream of their cities.

"Even a cursory examination of the channels of communication for information concerning the availability of jobs, housing, welfare and health services, educational and training opportunities, and current affairs in city government shows that these channels are inefficient and generally ineffectual. Even when information does get conveyed, those receiving it frequently do not feel that it is credible, and therefore it is of little value."

The Rand Report proposed a pilot program involving a 4-channel wired system with primary emphasis on education, job and training programs and community service programs. And it ably documented the need for this project. It is clear from a reading of that report that the Rand Corporation assumed the necessity of funding such a proposal with foundation or government funds. The report furnished what, I am told, were reasonably realistic cost figures.

With this background in mind, let us now turn and examine your industry and its possible role in these problems.

I am very familiar with your history of providing simple TV reception in the shadow areas of the hills, and I am familiar with your march down out of the hills through the suburbs to the edge of the big cities.

You are now where it's at. Our paths now merge. Your industry is about to get to where it should have been 25 years ago—for any logical man equipped with 20-20 hind sight can now clearly see that both VHF and UHF perform only one function well—that of disseminating mass entertainment and regional and national news.

That may be good enough for the hills and the suburbs, but it just can't do the job in the inner city.

The concept of a wired city with a communications system making positive contributions to the quality of life in the city is not just a wild academician's dream. It is becoming, and in due course, will be an indispensable part of city life.

But as our paths cross I have two things to say, and these two things really make up my message today.

First to you as an industry, let me say that you will not be able to do the job as you are now constituted. Oakland is 35 per cent Black. In the inner cities of the other 99 of the top 100 markets the figures may vary to some extent, but not enough to change my point.

Unless you are prepared to not only serve and deal with these minorities, but are prepared to incorporate them into the whole warp and woof of your industry, you don't belong in our cities.

If you look upon our density of population as just another place to pick up $5.00 per tap at the rate of hundreds, or even thousands, of taps per mile of cable in exchange for clear color pictures of "I Love Lucy"—then you may need us—but we don't need you. We will have to wait for the Rand Corporation and the Ford Foundation and perhaps AT&T to do the job.

But from what I have seen and heard of your industry, I don't think this is a fair description of your industry. I think that you, in the throes of your own adversities with those who regulate you, have searched for and found a policy of true service to the whole community. I believe, and I hope, that you are prepared to not only come in to the cities and give those services, but you are prepared to involve the total community in your industry. This means the origination of programming directed at the minorities, such as the Black Journal by NET. This means equity ownership in your industry. This means not only programming about job opportunities and job training, but on-the-job training of minorities in your own operations. If you fail to do this, you will not succeed in the inner cities.

To conclude this point, I say to you that $5.00 per customer will be a fair price to charge if CATV, or Cable, or whatever name you want to give it, can aid our education, can aid our job training programs, can not only produce its own jobs, but can point the way to opportunity in other fields to those seeking it.

In truth, $5.00 per customer will be a gilt-edged bargain if CATV can help to pull the community together—if it can raise the quality of life for all in the city—and I suspect that it can.

And when I say a bargain, I mean not only a bargain to the individual subscriber, I mean bargain to the society as a whole.

The second thing I have to say is not to you as an industry, but to your Regulators. Here I include the cities, the states, the Federal Communications Commission and the Congress.

In the past, when society has demonstrated a need for a product, or for a service, and there has been a shortage of that product or service, we as a society acting through our elected and appointed officials have found a way to foster the production and distribution of those products and services.

This has been true of food and agricultural production, shelter and the housing industry, travel and the transportation industry. We have spent huge portions of our government's budget to educate, to train, to promote efficiency, indeed to subsidize all those who would help in producing those scarce goods and services.

If you doubt this, just examine the budget over the last few decades of the Commerce Department, the Department of Agriculture, of the Department of Housing and Urban Development, and of its predecessors such as the Federal Housing Administration and Public Housing.

I believe that all those who have seriously examined the question can agree that we have a demonstrated need in our cities for what Irving Kahn, and the Electronic Industries Association, call Broad Band Communications in our cities. Bearing that need in mind, let us now consider the Rand Report project in reference to your industry, and in reference to the regulation of your industry.

While the pattern may not be uniform, my own investigation tells me that there is an extraordinary anomaly present when those who are familiar with the problems in the cities find that we need the very thing that you as an industry are anxious and technically able to produce. That anomaly can only be explained in terms of your regulation. I am familiar with the Second Report and Order of 1966. The basic thrust of that document was to limit the movement by CATV of television signals beyond their B contour. To the extent that this order deprived CATV of a salable diversity of signals, it constricted its economic base.

I have read the FCC Notice of Proposed Rule Making of December, 1968, in Docket 18397. The thrust of that document insofar as I am here concerned, was to limit the signals to be carried in one market to those within that market place. As an exercise in logic, I have some problem reconciling this with the theory of the FCC Table of Allocations and its stated policy of encouraging the most use of wire and radio for the benefit of the citizens of the country.

I have a real problem reconciling this with the needs of our urban areas.

If I understand properly the regulatory philosophy, the FCC, with respect to television, first decided that it was in the public interest to provide the most television to the most people possible while avoiding electrical interference. This policy brought forth the development of a sound and flourishing VHF television industry. The FCC then found that there were glaring deficiencies in television service to the American public and decided that it was in the public interest that all TV sets be manufactured with a UHF tuner; made allocations for UHF frequencies; and has done all in its power to promote that industry. That venture has been less than successful.

While these things were going on, the CATV industry was itself developing, first without regulation then with regulation which has slowed its progress.

I have been advised of the FCC's most recent Order requiring origination capability—and I applaud it. But the important factor to me is that the necessary economic base for the provision of all these services I have been discussing has been, so far, ignored.

I understand from your experts that a CATV system in most urban areas will be economically viable if it is allowed to carry all the grade B or better signals placed in the air over the area. Without those signals, no matter how much dedication and willingness to be involved is demonstrated by the Cable Company, there will be a serious risk involved. For after all is said and done, some method must be available to pay for the eight million dollars worth of equipment required to wire our city.

My point, then, to be more specific to you Regulators is this. If what it takes in order to make the CATV industry viable in the City of Oakland, the City of Sacramento, the City of Los Angeles, in Watts if you will, or in Oklahoma City or Dallas or Pittsburgh, Detroit, or Chicago, is the carriage of signals from television stations located outside of those cities—then I say *allow the carriage of those signals*. If the lack of the carriage of those signals is prohibiting the development of the kind of wired services that we need and envision, and which are now available, then it must be in the public interest to so regulate the industry so that those signals are available.

It just *must* be in the public interest to foster, and if necessary, to subsidize the kind of communication system that can best serve the people of our cities, and provide a major contribution toward an improved social and economic base in the urban core areas.

Thank you.

PARTS III AND IV OF THE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF INQUIRY IN DOCKET 18397, FEBRUARY 3, 1969

(Statement of the Honorable JEROME R. WALDIE, Member of Congress, 14th Congressional District of California, before the Federal Communications Commission)

Chairman Hyde, and Commissioners of the Federal Communications Commission: I am Jerome R. Waldie. I am a member of the House of Representatives of the Congress of the United States, representing the 14th California Congressional District.

So as to place my remarks in context from a geographical point of view, my district includes the whole of the County of Contra Costa located in the Bay Area of Northern California.

Immediately to the west of Contra Costa lie Alameda and San Francisco counties containing the major market cities, as defined by you, of San Francisco and Oakland. Immediately to the east lie San Joaquin and Sacramento counties containing the major market cities of Sacramento and Stockton.

To further pinpoint my district, the whole of Contra Costa County lies within the Grade A contours of Channels 3, 6, 10, 13, and 40, all operating stations assigned to the Sacramento-Stockton market, Channel 36 from the San Jose market, and Channels 7, 20, 38 and 44, all assigned to the San Francisco-Oakland market. In addition, Channels 2, 4, 5 and 32, from San Francisco-Oakland, Channel 11 from San Jose, Channel 8 from Salinas, and Channel 19 from Modesto place a Grade A or B contour over some or all of the county.

Contra Costa County has on occasion been described as a bedroom community for the cities of Oakland and San Francisco. To an extent this is, of course, true. Many of our residents commute to jobs in those cities. Yet this is only part of the truth. The facts are that many also commute to jobs in the Vallejo-Benicia heavy industrial complex in Solano County to the north, and to Santa Clara and San Mateo counties to the south and west, and to Sacramento and San Joaquin counties to the east.

And many who live in the surrounding counties commute to work in Contra Costa County where we have a very substantial and rapidly expanding industrial and commercial economy.

The fact is that we, in Contra Costa County, are really a part of the metropolitan complex called the Bay Area, which is bounded by the Sierra foothills in the east, the Napa-Sonoma vineyards to the north, the prune orchards of Hollister to the south, and the Pacific Ocean in the west.

This is an area roughly comparable to the Los Angeles Basin. Yet, within the area, indeed within the county, there are many separate communities—some incorporated, some not—but each having its own identity, its own local problems and its own local needs.

Had we in this area the geography of the Los Angeles Basin, and were we blessed with a prominence as Mount Wilson to serve the off-the-air broadcast industry, our citizens, like those of the Los Angeles Basin, could hope to enjoy the benefits of the Commission's Allocation Plan, which was presumably devised so as to place the maximum number of television signals in the air for all to enjoy—without suffering the frustration of signal interference.

But we do not have the geography of the Los Angeles Basin. The folding of the earth's crust which created our great rivers, our bays and even our climate, has also arranged it so that some, but not all, of our residents can receive the San Francisco-Oakland stations; some, but not all, of our residents can receive the Sacramento-Stockton stations; and some, but not all, can receive the Chico and San Jose stations. Some receive no stations off the air.

Because of this, portions of Contra Costa County were among the earliest recipients of the services of CATV.

I personally have had occasion to watch this industry grow from what has been called primitive television—the handling of a limited number of channels on a pure reception basis—to what it is today. The people of Contra Costa County anticipate and eagerly await the further development of this significant industry, and the services it can and will provide.

I should note that in the past this growth has been steady, consistent and orderly. It has been a growth not only of the amount of area served, but has also included increased channel capacity, increased diversity of program content, and increased quantity and dependability of service. This growth has been marked by lower rates, by lower installation charges and by greater community participation and greater community awareness. It has been aided by firm, yet restrained, regulation on the part of the State, the county and the municipalities, and it has demonstrated no significant adverse economic impact upon the off-the-air broadcast industry of the area.[1] This growth has occurred concurrently with, and I believe has aided the activation of new UHF stations, such as Channels 19, 20, 32, 36, 38, 40 and 44, all of which have come on the air since 1966.

This growth of CATV and UHF has even managed to survive your Second Report and Order, though the rate of growth for CATV has, of course, been measurably slowed.

So far as I am able to determine, this slow down was brought about, in substantial part, by the fact that some of the rules adopted by this Commission in its Second Report were such as to lend themselves to gross abuse.

Northern California demonstrates clear examples of such abuse. A station may, by the use of your automatic stay rules, effectively block any significant development of CATV throughout huge areas—literally hundreds of square miles.

In Northern California, there are franchises which have been granted by cities which have lain fallow for years as the result of the filing, by one station, of unsupported pleadings alleging adverse economic impact, often to stations other than itself. In at least one instance that I know of, the franchising city is at least one hundred miles from the assigned city of the protesting station. The franchises of such cities as Woodland, Manteca, Riverbank, Stockton, Oakdale and Ceres, are all held up by such objections.

Yet, these same objecting stations can, and often have, insisted on carriage of their own signals of CATV systems located in the heart of adjoining markets. For example, I am advised that the various Sacramento stations are carried on over 90,000 separate CATV taps (that represents about 300,000 viewers) within the Grade A contours of the stations assigned to the San Francisco-Oakland market. The converse is, of course, not true with respect to the carriage of the San Francisco-Oakland stations into the Central Valley.

Yet, in spite of the inequities above described, and others of which I may not be so familiar, progress was still being made under the restrictive effects of your Second Report and Order. Local governmental agencies were spending many weeks and months exploring the whole field of CATV; adopting standards; asking for and accepting proposals; and granting franchises for CATV on terms that were in the real public interest, i.e., in the interest of our citizens, the ultimate consumers.

I note that many of the questions raised by your notice of inquiry in this matter have been explored and decided upon by the city councils, the boards of supervisors and by the State Legislature.

In this same Bay Area, franchises have been awarded, construction has been commenced, and large investments have been made within the last year, in reliance, on the part of the cities, and on the part of the CATV operators, on those provisions of your rules providing that CATV systems would, at least, be allowed to carry what you have defined as local signals, i.e., those placing a Grade A or B contour over the community. I cite you here as examples the cities of Richmond, Vallejo and Berkeley, located respectively in Contra Costa, Solano and Alameda counties; Oakdale in Stanislaus County; and, most recently, Brentwood, again in Contra Costa County.

This is, of course, a brief but I believe accurate summary of the posture of CATV in this area prior to and up until your decision of December 13, 1968.

I am not now prepared to take, and I take no position on the issue of whether such action, taken without prior notice to the industries affected, or to the public, was a valid exercise of the authority granted this Commission by Congress.

I do say, however, that such proceedings seem exceedingly unfair, unwise, and a rather inappropriate method of exercising the legislative or administrative process.

Putting aside, however, the question of the methods by which these interim rules were adopted, I look next to the rules themselves.

Insofar as they have an interim effect, two things become immediately clear.

First, it appears that the interim rules represent this Commission's copyright act. As such, these rules seem out of order insofar as timing is concerned, and out of place insofar as jurisdiction is involved. This Commission cannot have been unmindful of the fact that Congress, and both Houses thereof, are and have been giving serious and continued attention to the matter of copyright as it affects CATV; nor can this Commission have been unmindful of the recent decision of the Supreme Court dealing with this very issue, and indicating that under the existing laws of Congress CATV has no copyright liability.

It seems to me that this Commission's assumption of legislative power in this instance can be explained in no way other than as an attempt by the Commission to pre-judge, and to prejudicially affect the negotiations going on between the respective industries involved, and to interfere with the work of Congress itself. Nor can I see how this unwarranted intervention can be made any less reprehensible by repeated statements on the part of the Commission that it is "anxious to secure congressional guidelines."

The second thing that appears from these interim rules, especially as "clarified" by your order of January 17, 1969, is that the rules amount to a freeze.

I am advised, and I believe, that under these interim rules the systems ready to be and now being constructed in the communities I have mentioned cannot survive economically carrying only the local signals as those local signals are *now* defined by you.

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[1] F.C.C. Public Notice No. 21547, issued 9-10-68, shows that five stations in the San Francisco-Oakland market had gross revenues down four-tenths of one percent, as opposed to the year 1966.

It also seems that such systems cannot hope to obtain the retransmission consents, as those kinds of retransmission consents are now defined and required by you. Further, in the unlikely event that such consents were to be had, the systems would still be subject to the restrictive automatic stay rules and be faced wih the necessity of requiring waivers from you. And, as I understand your statements, you indicate an intention to grant few, if any, of those waivers.

Let me say at this point that I do not mean to display a mere conditioned reflex against the simple idea of a freeze as such. I can accept the principle that sound public policy could possibly justify a governmental freeze of some sector of the economic life of our country, *assuming* no other reasonable alternative was available.

But let's examine this particular freeze.

This Commission's basic guidelines are set forth in Section 151 of the Act and which states in pertinent part as follows:

"For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, . . . there is created a commission to be known as the 'Federal Communications Commission', which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter."

In other words, contrary to the indications contained in your order of December 13, your function is to promote not only the use of radio but the use of wire *and* radio for the betterment of the communications of the whole nation.

Now, any freeze that runs contrary to the encouragement of the development of a potential ten thousand separate media outlets, which I understand is the potential number of CATV systems, for the stated purpose of promoting the so-called economic protection of a mere six hundred or so such media outlets, would appear to be bad public policy almost by definition.

It just cannot be that you, as a body, have been constituted for the purpose of limiting the communications available to the public.

It just cannot be that you have been granted the power to make the decision that a choice between three networks, one independent and one educational television station is enough for any citizen.

Your notice of inquiry of December 13 mentions the so-called element of "unfair competition" between CATV operators and existing licensees of the Commission. I have difficulty accepting your initial premise. I think it is self-evident from the history of the broadcast industry, and from the history of the Act that the existing restrictions on the number of broadcast licensees is not the result of ruinous competition resulting from a multiplicity of separate producers, such as developed in the milk industry. The existing restrictions on the number of broadcast licenses results simply, and only from the problem of signal interference.

In Contra Costa County, CATV solves the problem of topography, and thereby allows us the benefits of the Commission's Allocation Plan. If this were all that it did, CATV should have your encouragement. It does more. It should have your active support.

I do not believe it was the function of this Commission when set up, nor do I believe it is the function of this Commission at this date, to regulate competition between those who have been granted broadcast licenses; nor do I believe it to be the function of this Commission to regulate competition between such licensees and other media of public expression.

Further, this Commission's indication of the existence of an adverse economic impact upon broadcast licensees as a result of CATV operations is at least open to question. I understand that the economic history of broadcast licensees in the Bay Area does not substantiate the Commission's position. I note that in the San Francisco-Oakland market where there is significant CATV development, six UHF stations have come on the air within the last two years, and that even in the Sacramento-Stockton area, where abuse of your rules has retarded CATV development, two UHF markets have managed to come on the air. It is also my understanding that the hearing officer in the Midwest television case, cited in your order, came to exactly the contrary conclusion as you did with respect to that case.

However, assuming arguendo that there is in fact some demonstrable adverse economic impact upon broadcast licensees by CATV that requires economic regulation, it is my firm belief that Congress, and only Congress, must be the source of the direction to be taken by any such regulation.

I reiterate that I do not believe that the cries of the status quo should set the guidelines for this Commission. I do not accept, or even regard as possible the theory that the development of CATV will cause the death of UHF as we know it, or VHF as we know it, or will bring about the demise of any local station—whether that station be independent, or network affiliated.

And even were that so, then I suggest to you that no broadcaster will leave the air without being replaced by *something*—CATV though it may be—and I further suggest that any such replacement might just be a better one.

Again, I urge you to recall your constituency. The public whose interest you are charged to protect, is first of all, the public which buys and wants maximum use of television sets—the citizen consumer. You cannot protect that public interest by shunting it aside in favor of the economic interest of the set manufacturers, or of the networks, or of the network-affiliated stations, or of the independent stations—whether they be UHF or VHF.

The residents of my district want access to CATV. They want access to the local programming, and the diversity of programming CATV can and will bring to them. Their elected officials have indicated their desire for the same thing. Private risk capital has indicated its ability and willingness to offer this.

I cannot accept the idea that a policy which appears to be designed solely for the economic protection of the existing program marketing structure, and the existing station licensees, is *public* policy, sound or otherwise.

One further point. In your order of December 13, 1968, you indicate the desirability of preventing large and concentrated media holdings.

I agree with this principle. There is no need, or place for an A.T.T. in that portion of the communications industry which has the power to censor.

Yet your interim rules, your freeze, will tend towards the creation of the very evil you say you want to avoid.

Not many small CATV operations will be able to withstand your adverse rulings. Only the large ones will be ready to expand when your freeze is ended.

Should the necessity of securing copyright clearance program by program continue to be imposed on CATV, only the large chain CATV operators, and only those operating in the largest of CATV markets will be able to afford the staff to secure those clearances.

So I point out that your freeze and your retransmission requirements will produce the very set of evils you say you wish to avoid. This, again, does not sound like sound public policy.

Now, as I close, I urge upon you these specific suggestions.

You have indicated that the 35-mile rule referred to in your order is merely a reflection of your existing practices. To the extent that what you are saying is that no station should be able to protect the development of a CATV beyond that limit, I heartily agree. However, I further add that no station should be allowed to cause an automatic stay of the development of a CATV *inside* that 35-mile boundary without being required to demonstrate, in the initial instance, an adverse impact on the public interest, not just the private economic interest of that particular objecting licensee. I urge that your rules be expeditiously amended to so provide.

Further, I urgently suggest the immediate suspension by you of any attempt to impose any retransmission requirements whether they be from stations, or copy-right holders, or whether they be for signals only, or for program content, until such time as full hearings are had before this Commission, and *before Congress*.

Thank you, gentlemen, for hearing me.

MODERN MANAGEMENT IN POLITICAL CAMPAIGNS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. ADDABBO. Mr. Speaker, in recent years increased public attention has been focused on the problems of lengthy and costly political campaigns. The high cost of television has added urgency to this problem.

Last month, the Research Committee, New York Metropolitan Chapter of the American Society for Public Administration published a monograph written by Mr. George M. Paduano, entitled "Modern Management Thinking in Political Campaigns." The article is most interesting and certainly contains an up-to-date approach to the problems which we all face every 2 years.

Mr. Paduano is regional director, Public Buildings Service, General Services Administration for GSA region No. 2. He is a professional engineer and holds a bachelor of science degree in engineering and master of civil engineering from New York University. He was also a participant in the advanced management program of the Graduate School of Business, Harvard University. A colonel in the U.S. Air Force Reserve, Mr. Paduano is the brother of the Honorable Dominick F. Paduano, member of the New York State Workmen's Compensation Board.

Mr. Speaker, I place in the RECORD at this point an excerpt from Mr. Paduano's monograph which discusses the issues of length of political campaigns and the skyrocketing costs of running for public office:

MODERN MANAGEMENT THINKING IN POLITICAL CAMPAIGNS

Two chronic complaints about political campaigns are that they are too long and too expensive. The length of campaigns imposes heavy burdens on candidates, especially incumbents who must neglect their public duties to run, and on the public which must endure a drawn-out, repetitious process, lasting many months. This problem has been a source of concern both to politicians and observers, and has stimulated several legislative proposals to impose time limits on campaigns.

The skyrocketing costs of campaigning has been an even deeper cause for alarm. Unless a solution is found, many observers fear that only wealthy persons or candidates who are willing to take on heavy political debts in return for generous financial support, can afford to stand for major public office.

But reform of the political campaign is not easy. Shortening the campaign raises fears that the candidate may suffer loss of exposure, unless he has nearly unlimited funds at his disposal to guarantee saturation campaigning. Even then the fear may remain. Limiting campaign expenses, while universally endorsed as a goal, raises thorny practical questions such as "will the limited funds be sufficient to tell the story in the right places?" and "how can limited funds best be distributed, for example, between relatively inexpensive time on local TV stations and high priced TV time on regional or national networks?"

The techniques of public administration are not usually applied to the electoral process. In the case of campaigns, is the basic problem not one of good public management? As in the utilization of resources in government programs, is not the prime aim in campaigns to utilize time and money most effectively so as to get "the biggest bang for the buck?"

The author believes that by applying the same administrative techniques (Decision Trees, CPM, PERT and PPBS) utilized currently in management of government programs, the fears and doubts that tend to block changes in campaign practices may be alleviated.

WHAT BETTER MANAGEMENT CAN ACCOMPLISH

When the administrative approach is applied, the conduct of a campaign becomes a problem in management. Therefore, the campaign should be seen from a management point of view. Thus, it is necessary first to examine the essential ingredients in the time variable for running a political campaign, and to identify and evaluate alternates to achieve optimum cost in communicating with the electorate.

Basically this is the planning process, or deciding in advance what is to be accomplished. As applied to a political campaign, the purpose of planning is obvious: to provide exposure of the candidate and to bring the issues before the people.

But an understanding of the elements and objectives tells us little about how to achieve the end result—namely victory.

In the case of the political campaign, victory is achieved only if a majority of voters has been influenced to cast ballots for "your" candidate. Tying the planning process and objectives together results in the realization that the aim of campaign management is to provide maximum exposure for the candidate and issues to those voters who would be amenable to be influenced to vote for your candidate. How can the fleeting days of the campaign and the limited funds available best be used to reach the groups in the electorate which would be so amenable?

As can be seen readily, this is a complex question, and the apparently facile relationship between the basic planning process and the goal of electoral victory is a multi-faceted and involved problem.

For this reason, it is not enough to devise a general or overall plan. In order to achieve the goal of providing the proper exposure for the candidate, in conjunction with presenting the issues to the appropriate parts of the public, subsidiary planning is needed. Subsidiary plans provide objectives toward which detailed plans are directed. This process results in the establishment of a hierarchy of goals, all of which are related and contribute to the major goal. Without this relationship, integrated planning which is essential to running a political campaign is not possible.

POLITICAL PERSPECTIVE: IS ALL FAIR?

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. SCHWENGEL. Mr. Speaker, the League of Women Voters does not regard politics as a "dirty business" or one where the only ones who survive live by the fang and the claw. On the other hand, the league is well aware that there are techniques in every trade and that it is well to be aware of them. The taped program produced by the league and entitled "Political Perspective: Is All Fair?" features Brooks Hays, former Congressman from Arkansas and currently director of the Ecumenical Institute of Wake Forest University and chairman of the Southern Committee on Political Ethics in a discussion on what constitutes fairplay in politics.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: IS ALL FAIR?

Participants in the order they are heard:

Torrey Baker, former broadcaster, Voice of America;

The Honorable Brooks Hays, former Congressman from Arkansas, currently Director of the Ecumenical Institute of Wake Forest University, and Chairman of the Southern Committee on Political Ethics

BAKER. All's fair in love and war but what's fair in politics? This is Torrey Baker speaking to you on behalf of the League of Women Voters and bringing you "Political Perspective: Is All Fair . . .?"

Our guest is the Honorable Brooks Hays, former Congressman from Arkansas. Mr. Hays, a prominent Baptist layman, is currently Director of the Ecumenical Institute of Wake Forest University. He serves as well as Chairman of the Southern Committee on Political Ethics.

Mr. Hays, is name calling a new development in politics?

HAYS. No indeed, it isn't. I think it is as old as elections. Some of the things I have seen attributed to candidates in the early days of the Republic sounded as vicious and provocative as the things we hear today. Not at every level. I think there has been an improvement at the national level, largely because the reaction of the public has been unfavorable to name-calling, but still in some furious campaign struggles in township and county, and even state situations, you'll find that name calling is still a practice that places a shadow over the whole profession of politics.

BAKER. It appears that politicians sometimes say things they shouldn't, but on the whole do you find that politicians are worse than other people?

HAYS. Well, let me put it like this. Politicians are people. As a group I should think that they're no better and no worse. They are a leadership group generally and for that reason I have sometimes told church groups that if they had 435 deacons together, they would find about the same character index as the 435 members of Congress.

But let me add that we tend to create a great problem in this business of raising the tone of politics by giving encouragement unconsciously in most cases, to the idea that politics is a "dirty business" as a whole, and I think that is what inspired the little lady in Britain . . . when she was asked for whom she voted. She said, "Vote? I never vote. It only encourages them."

BAKER. You have been an observer of the political scene for a long time, Mr. Brooks Hays. When did you first get a look at the tricky side of politics?

HAYS. Well, in the early twenties I would say. This happened, this incident happened on election night in one of the races that I was interested in. I was a part of the management of a candidate for state office, and in one county where I had considerable influence, my home county, while I was receiving returns there, I had a phone call from a friend . . . of the second candidate. My candidate was running third, and the second candidate made this shocking proposal. He said "Turn some votes to us. Take them off of your candidate and throw them to my—to our candidate because I know you would prefer our candidate to the one who is leading, and by pooling our votes we can run ahead of him." Well, this is unthinkable, of course, pure larceny and this was the first intimation I had, as I recall my early experience, that men would stoop to that level.

I was a very young man when I was elected the secretary of our State Democratic Convention in Arkansas, and in the early twenties I was grieved to find religious feelings exploited . . . in 1920 the Ku Klux Klan proscribed the racial minority, the chief racial minority—our Negro people—their participation in politics. And then there was of course antagonism to the other groups—the religious groups—that made politics in that day a very unhappy pursuit.

BAKER. Mr. Hays, how should a candidate prepare himself for a campaign—both from his opposition and among his own workers?

HAYS. Well, the first thing to do, of course, is to let your staff know that you expect them to maintain the same high standards that you have, and that it leads to great embarrassment if someone not authorized by the candidate himself does something that is obviously unethical. This would be, I should think, a basic thing.

BAKER. Everyone who has attended a meeting where there was a wide split over policy or candidates has witnessed parliamentary maneuvers. Mr. Hays, what do you think of such tricks as forcing a vote when your side is in the majority, or when your side is in the minority, delaying the vote until reenforcements arrive?

HAYS. I think it is thoroughly bad for a group even with the best of motives and serving the best of causes to resort to questionable practices from the standpoint of democratic procedure. Now all sides should be heard, and no cause justifies the short-circuiting of this democratic process. We need to drill that into the minds of people, and when justification is offered for shoddy practices on the basis of "well," you can state it like this, they do, "well, we just had to defeat that other crowd. They are a bad outfit." Now that isn't good reasoning, and it is certainly not good political ethics.

You see democracy can never be stated actually in terms of goals or of policies. It has to be defined in the final analysis in terms of procedures and methods. So democracy has to be thought of in these terms, and ethical people—and that includes most of us—I insist, must take a keen interest in these matters.

BAKER. The Southern Committee on Political Ethics is a body of private individuals who do not hold elective office and who are trying to raise the level of political life.

Brooks Hays, what advice does the Committee have for the voter?

HAYS. First, let me say that the Southern Committee on Political Ethics in spite of its name is not thinking in terms of separatism. We are a regional group only because we find in the South a uniformity of problems, and we would hope ultimately to share with the rest of the nation the things that we accomplish and the lessons we learn from this very penetrating study of corruption in politics. But since racism is a factor in politics all through American society you might say we are making this one of our principal activities—that is the elimination of race prejudice in political campaigns.

We think that by counseling with young people who aspire to political careers or to activity of an influential kind in political life, counseling with them to recognize that the Negro has a right to full participation in our political society and by pointing out the un-American character of efforts to hold him in a secondary position, or to deprive him of the franchise, or the privilege of holding office—that these things are undemocratic, and they do violence to our American avowals, great principles and ideals. This is one of the things that we undertake.

Then, I think that you would agree that the inordinate use of money in campaigning is a problem because it distorts the electoral process. Some express the fear that we may come to the place where only men of great wealth can campaign, or where only men who are capable of acquiring great wealth through pooling resources that are not necessarily consistent with the public interest, that we feel in other words with this questionable practice, the what I call "the inordinate use of money."

Now, I can illustrate again. I remember running into an old friend down in one of the rural communities in Arkansas when I was promoting the candidacy of a friend of mine for governor, and I said, "Mr. Gilchrist, I hope you can help me out there in Mountain Township, help elect my friend governor."

"Well," he says, "Brooks, I wish I'd a known you was interested in him. But," he said, "the other side has done sent me a check for $25 and I have cashed it, and," he said, "for me to switch on'em," he said, "that wouldn't be ethical."

Well, of course, the old gentleman was right about that but it wasn't ethical in the first place for him to take the $25 because he was not being paid for driving a car, to nail up posters, or to do something to earn $25. He was being paid for his limited influence in that little township. So this is what I am talking about. We have to quote our little purple passage in our literature of the Southern Committee on Political Ethics. We have said that "our purpose is to make politics in the South and in the boarder states more ethical, more dynamic and more just," and that means we have to start with the idea that every person—even one's opponent whom a candidate regards generally as an "evil" figure—is entitled to justice and fair treatment and there's a sportsmanship basically in the average American, I think, that we can count on and once he finds that . . . shoddy practices are resorted to by a candidate he's going to rebuke that practice.

So it comes down, don't you think, to a matter of education, of spreading information about the issues, and about even the men themselves, their background, and finding ways to acquaint the public with the candidates.

BAKER. Brooks Hays, have you ever had experience with those who seem to be afraid of the democratic process, and/or with extremist groups?

HAYS. Yes, I have. I remember once when I was interested in getting the merits of the United Nations presented, and there was an extremist group trying to thwart it. They didn't want a vote to be taken by that group, or even the merits to be heard. So when one of our outstanding speakers was scheduled to be there, the opponents came early, they filled up the front seats, they had been told to shuffle their feet and make loud noises, use every kind of obstructive tactic to keep him from getting over his points. Now this, to me, is reprehensible.

Now you go to some meetings, political meetings . . . you find listeners shouting and screaming to drown out the speaker. You find that often these plans have been made before the assembly, before the candidate came, and even in the early stages of a campaign before these poor performances and shocking things take place, even—in these early stages you find that what you would hope would be a quiet deliberate meeting, you find that a small minority has planned to disrupt it. . . .

Well, I have only contempt for this kind of thing, and it's a real problem for us in America.

BAKER. What can you do in cases of this kind?

HAYS. Oh, I think generally you can annihilate tactics of that type by giving full publicity, seeing to it that the story circulates about shameful performances. . . .

There is a deep repository of sportsmanship in the people, and when they see somebody doing something that prevents their getting the truth and hearing the views of others, or when the voter for example, the individual voter feels that his rights as a listener are being kicked around, he rebels.

I have seen men switch sides because they were shocked by the strategy—the strategy used by unethical people—and in this effort to gain advantages. Ethics then becomes a very powerful force in politics and I think we should find in political history many illustrations of how things have backfired because people have resorted to these questionable procedures.

BAKER. With issues as divisive as they are these days, is it possible to have a discussion of issues without calling names, and using extremist tactics?

HAYS. Of course it is and we just must improve our standards in this regard in this beloved country of ours. We are all grieved by what we are seeing and hearing take place. The news media—all of them—give us a picture of dissension that has gone beyond the bounds of an appropriate and respectful statement of dissent. And there's a place in America for dissent, af course, but courtesy and a sportsmanlike attitude—these are indisepnsible elements in a political society such as we have tried to develop in America and I—I can sense already a reaction in America that gives us hope that in the next campaign this will be thoroughly eliminated.

BAKER. What you are saying then is that we must have continuing conflict and a consensus about the ground rules for that conflict.

Our thanks to Congressman Brooks Hays for illuminating the essentials of the democratic process.

This is Torrey Baker, speaking to you for the League of Women Voters and bringing you Political Perspective: Is All Fair . . .?

PARTIAL REPEAL OF THE GUN CONTROL ACT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PRICE of Texas. Mr. Speaker, I add my endorsement to the proposal to repeal and eliminate the burdensome and ill-conceived registration provisions for shotgun and rifle ammunition in the Gun Control Act of 1968.

Since coming to Congress, I have vigorously opposed gun registration in principle and in fact. For this reason, early in this Congress I introduced H.R. 9766, a bill to repeal the Gun Control Act in its entirety. I also approached the act from another direction by introducing H.R. 8628, a bill to eliminate the recordkeeping requirements for shotgun and rifle ammunition.

The proposal before the House has been essentially that called for by my bill H.R. 8628. It has been considered because the Senate, acting with foresight and wisdom, added it to the interest equalization tax bill recently passed by the House.

I have called repeatedly upon my colleagues in the House to agree to support the enlarged Senate version of the interest equalization tax bill. Consequently, I am both pleased and gratified that the House, in its wisdom, has voted to adopt the Senate measure. By so doing, the House has repealed the requirement that a dealer keep records on the name, address, and age of persons purchasing ammunition for shotguns and rifles. The House has recognized that this requirement was impractical, unworkable, and placed burdensome inconveniences upon millions of law abiding Americans who enjoy hunting, trapshooting, and other sporting activities involving long guns.

Mr. Speaker, in my view, this repeal does not go far enough, but it is a beginning. I hope, however, that it marks the commencement of serious congressional examination of the purpose and the operation of the Gun Control Act. If the Congress conducts such an inquiry, I am confident it will conclude that the act was passed in the heat of national passion and remorse over a rash of tragedies involving guns, and that insufficient attention was paid to the implications and operations of the act. Once this conclusion is reached, it will hopefully be only a matter of time before the Gun Control Act is repealed in its entirety. I look forward to that day with great anticipation, and I shall continue to do my utmost to see that the act is taken off the books as soon as possible.

NUCLEAR WEAPONS AS A POWER IN DEFENSE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HELSTOSKI. Mr. Speaker, the scene, forever beyond forgetting, is that of a devastated land which has been struck by a series of nuclear warheads.

I am not talking in exaggerated or sensational terms, but stating what we may see if we accede to the political and economic pressure that has been placed upon all NATO powers to cut back upon conventional weapons and depend upon nuclear power to defend against possible Soviet aggression.

If we are to hope that our world will change and with it our own way of life, it is for us not only to seek a better climate for our children, but for all mankind. We should envision that better tomorrow.

There can be little doubt about the necessity of discouraging nations from using nuclear warheads in the defense of their country. Such a defense would surely bring about a retaliation in kind which would put the lives of many innocent people to a purposeless end.

At one time nuclear power was something that we read about in scientific magazines and in science-fiction stories. Today, we are cognizant of the power that threatens the survival of all mankind. When compared to the age of the earth, man's occupation of our planet has been very short, indeed. And today, we are developing such destructive potentials that all of mankind could be eradicated from this planet in a comparatively short period of time. Man's ability to alter his surroundings to a point of complete destruction has developed in the last several decades.

War is always a potential danger, but war with its most sophisticated weapons is doubly so.

Mr. Speaker, the preliminary Strategic Arms Limitation Talks should concern themselves with these matters of nuclear weapons. If we are to continue to use our technology to keep producing these weapons, we could lead the entire world into a more unstable situation rather than offering a reasonably peaceful outlet to some of these extremely advanced, potentially dangerous technologies.

As part of my remarks, Mr. Speaker, I would like to include an editorial taken from the November 17, 1969, issue of the Record, a newspaper which is widely read in the Ninth Congressional District of New Jersey, the area which I have the honor to represent in Congress.

The editorial follows:

Danger: Basketfull of Eggs

The North Atlantic Treaty Organization is moving toward greater reliance on nuclear weapons as the deterrent against Soviet aggression. It is to be hoped the foreign ministers of the alliance will reflect carefully before approving total commitment.

The political and economic pressure has been on all the NATO powers to cut back nonnuclear defense forces, and that pressure has led the nuclear planning group, which has been meeting outside Washington, D.C., to plan reliance on nuclear weapons in the event of war in Europe.

The danger is clear. If the Soviet Union should invade an allied nation, say Greece, with conventional armament and the only response of NATO were resort to the use of atom bombs, then the President of the United States would be in an awkward fix.

The use of nuclear bombs, even the ones that are genially described as tactical, would create a grave danger of a Soviet answer in kind, and we'd be off on a war that could depopulate developed sections of the world, to phrase the horror as fastidiously as possible.

The question faced by the President, who must make the decision since the United States would supply the nuclear arms, would be whether the invaded nation, Greece in our example, was worth the risk of general nuclear war.

It is, of course, an indication of the backwardness of all nations, including our own, that such a dilemma is imaginable. There has to be a better technique of international relations than this; but the fact is we haven't found one that can be relied on.

And there also has to be a better response to invasion by conventional means than nuclear bombs. Reliance on the total weapon, to be sure, poses an awful threat against an aggressor. But the aggressor just might calculate that in view of the risks the total weapon would not be used.

Costly as conventional arms may be and much as the peoples of the world are weary of paying for them when there is so much more useful work that ought to be done, they should be maintained until the world finds more civilized ways of resolving disputes. Nuclear bombs or nothing is altogether too risky a gamble to get into.

CRISIS IN AMERICA

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

[From the West Carroll (La.) Gazette, Nov. 6, 1969]

Crisis in America

Our hearts bleed to see this great nation, this land of ours, locked in the throes of civil disorder and racial strife, plagued by a war nobody wants, and weakened by moral vissicitudes.

Sad days fall upon America, the Beautiful. Long shadows lie across the land, tarnishing, nay, obliterating the brilliance of her hope, her opportunity, her freedom and liberty. She battles for her life, locked in mortal combat, not with foreign enemies, but with her own self—her people. This proud, wonderful, bountiful land writhes in torture like a human whose own body vainly fights for its life against the onslaught of cells gone wild. We suffer a "cancer" of the body politic just as surely as some people now suffer that dread malady cancer.

This cancer eats at the heart and soul of America. And, more and more, this land of ours reveals the ravages of this affliction.

Where are her sons of courage and destiny who stood her in such good stead in years past? Where are her daughters who strode across this land side by side with their frontier mates to wrest from the wilderness a living (and a dying) and gave birth to stalwart new generations, (and a new, brighter land, in the process)?

Far too many latter day Americans occupy themselves in a chase after the dollar and a frantic quest after transient pleasure. They let slide civic duty; they seek a vapid popularity with their equals and their peers. Too many of us quail before the prospect of expressing righteous indignation. Affluence makes us squirm with guilt that we "have" and "they" don't. No one ever "gave" a person anything that counts except love and a sense of pride, plus the realization that you must work for what you get. Why then have we a guilt complex over our bounty when some n'er-do-well whines about what we, the majority, "owe" them?

America suffers from a body politic emasculated by guilt and mesmerized by an insane desire to flee from reality into the morass of pleasure seeking.

This country doesn't need a "good 5c cigar." It needs a new generation of people with guts to stand up and fight for principles; to transfix with steely eye the carping, whining, threatening dissidents and spineless apologists; to rise up in righteous indignation and preserve this land of ours, this America, this wonderful God-blessed bastion of liberty.

SENATE—*Friday, November 21, 1969*

The Senate met in executive session at 11 o'clock a.m. and was called to order by Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, our fathers trusted in Thee and were not confounded. Be to us in our day the guide and strength of old. Grant us the power to discern right from wrong, to separate the important from the unimportant, to distinguish between emotion and sound judgment, and in all things to show charity. Lead all who serve their country in this Chamber in the ways of truth and righteousness that all our doings, being ordered by Thy wisdom, may be righteous in Thy sight and set forward Thy kingdom.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 21, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harry F. Byrd, Jr., a Senator from the State of Virginia to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12964) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rooney of New York, Mr. Sikes, Mr. Slack, Mr. Smith of Iowa, Mr. Flynt, Mr. Mahon, Mr. Bow, Mr. Lipscomb, Mr. Cederberg, and Mr. Andrews of North Dakota were appointed managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 11612. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 12829. An act to provide an extension of the interest equalization tax, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 20, 1969, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. The understanding is that the morning business will be concluded not later than 11:30 a.m.

(Unless otherwise indicated the following proceedings, up to the conclusion of morning business, were held as in legislative session.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 543 and 544.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE DISTRICT OF COLUMBIA LEGAL AID ACT

The bill (S. 1421) to amend the District of Columbia Legal Aid Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the District of Columbia Legal Aid Act (D.C. Code, sec. 2-2205) is amended by deleting the following: "shall receive compensation of $16,000 per annum, and".

Sec. 2. Section 7 of the District of Columbia Legal Aid Act (D.C. Code, Sec. 2-2206) is amended by deleting the following: ", except the Director,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-547), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 1421 is 'to amend the District of Columbia Legal Aid Act to delete the ceiling of $16,000 annual salary on the position of Director of the Legal Aid Agency.

The District of Columbia Legal Aid Agency was created in 1960 by the 86th Congress to provide legal representation of indigents in judicial proceedings in the District of Columbia. The act provided that the Trustees of the Agency should appoint a Director of the Agency who would receive an annual compensation of $16,000. The act further authorized the Director to employ professional and office staff at salaries following the scale for employees of similar qualifications and seniority in the Office of the U.S. attorney for the District of Columbia.

The ceiling of $16,000 on the Director's salary, as established by Congress, may have been realistic in 1960 but your committee feels that it is no longer a realistic figure. This salary restriction prevents the trustees from paying the Agency Director little more than the going rate for new law school graduates. The Director supervises a large, full-time staff of attorneys, investigators, and clerical help. He also handles a large share of the Agency's trial work, including important felony cases.

Under the statute the trustees are authorized to pay Agency employees, other than the Director, salaries comparable to those paid to employees of similar qualifications and seniority in the office of the U.S. attorney. A senior trial attorney in the Agency might well qualify for a salary of $20,000 and under the statute the trustees might well authorize such a salary. Morale and management difficulties, however, are invited if any employee is paid more than the Director.

The deletion of the ceiling on the Director's salary, however, does not affect the valuable proviso in the statute that salaries be comparable to those paid in the office of the U.S. attorney.

THE DISTRICT OF COLUMBIA PUBLIC DEFENDER ACT OF 1969

The Senate proceeded to consider the bill (S. 2602), the District of Columbia Public Defender Act of 1969, which had been reported from the Committee on the District of Columbia with amendments, on page 2, at the beginning of line 16, strike out "Representation may be furnished at any stage of a proceeding, including appellate, ancillary and collateral proceedings.", and, in lieu thereof, insert "Such representation shall be furnished at every stage of a proceeding—including ancillary, trial, appellate, and collateral proceedings—where the person to be represented has a right to counsel under the then prevailing law of the District of Columbia, and where representation for such person is not otherwise provided.".

On page 3, after line 22, strike out:

(b) Each trustee shall serve a three-year term of office. Upon the resignation or death of a trustee or the expiration of a term of office, the remaining trustees shall recommend to the Commissioner of the District of Columbia the names of persons qualified to fill the vacancy. Taking into consideration the recommendations of the trustees, the Commissioner shall appoint persons to fill vacancies on the Board. Any person appointed to fill an unexpired term shall serve for the balance of that term. The judges of the Federal courts in the District of Columbia and of the District of Columbia courts shall be ineligible to serve as trustees.

And, in lieu thereof, insert:

(b) Each trustee shall be appointed for a full term of three years or for the balance of an unexpired term, by a panel consisting of the chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, and the Superior Court of the District of Columbia, and of the Commissioner of the District of Columbia. Said panel shall be presided over by the Commissioner of the District of Columbia.

On page 4, line 19, after the word "trustee.", insert "Each appointee shall hold office, however, until his successor is appointed and qualifies."; and on page 7, line 2, after the word "chapter.", insert "Upon the approval of its Board of Trustees, moreover, the District of Columbia Public Defender Service is authorized to accept public grants and private contributions in the furtherance of its lawful objectives and purposes."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The District of Columbia Public Defender Act of 1969."

Sec. 2. The Legal Aid Agency for the District of Columbia is redesignated the District of Columbia Public Defender Service (hereinafter called the Service).

Sec. 3. (a) The Service is authorized to represent persons in the District of Columbia who are financially unable to obtain adequate representation in each of the following categories:

(1) persons charged with an offense punishable by imprisonment for a term of six months, or more;

(2) persons charged with violating a condition of probation or parole;

(3) persons subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (Hospitalization of the Mentally Ill);

(4) persons for whom civil commitment is sought pursuant to title III of the Narcotic Addict Rehabilitation Act of 1966, 80 Stat. 1444 (42 U.S.C. sec. 3411, et seq.) or the provisions of the Hospital Treatment for Drug Addicts Act for the District of Columbia (67 Stat. 77), as amended (D.C. Code, sec. 24-601, et seq.);

(5) juveniles alleged to be delinquent or in need of supervision.

Such representation shall be furnished at every stage of a proceeding—including ancillary, trial, appellate, and collateral proceedings—where the person to be represented has a right to counsel under the then prevailing law of the District of Columbia, and where representation for such person is not otherwise provided. Not more than sixty percent of the persons annually determined to be financially unable to obtain adequate representation in the above categories may be represented by the Service, but the Service may furnish technical and other assistance to private attorneys appointed to represent persons described in the above-enumerated categories. The Service shall determine the best practicable allocation of its staff personnel to the courts where it furnishes representation.

(b) The Service is authorized to cooperate with the courts in establishing an effective and adequate system for appointment of private attorneys to represent persons specified in subsection (a), but the courts shall have final responsibility for the appointment system. The Service shall report to the courts at least quarterly on matters relating to the operation of the appointment system and shall consult with the courts on the need for modifications and improvements.

(c) Upon approval of its Board of Trustees, the Service may perform such other functions as are necessary and appropriate to the duties described above.

Sec. 4. (a) The Service shall be governed by a Board of Trustees composed of seven members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b) Each trustee shall be appointed for a full term of three years or for the balance of an unexpired term, by a panel consisting of the chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, and the Superior Court of the District of Columbia, and of the Commissioner of the District of Columbia. Said panel shall be presided over by the Commissioner of the District of Columbia.

No person shall serve more than two consecutive full three-year terms as a trustee. Each appointee shall hold office, however, until his successor is appointed and qualifies.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the effective date of this Act shall serve the unexpired portions of their terms as trustees of the District of Columbia Public Defender Service.

(d) For the purposes of any action brought against the trustees of the Service, the trustees are employees of the District of Columbia.

Sec. 5. The Board of Trustees shall appoint a Director and Deputy Director of the Service, each of whom shall serve at the pleasure of the Board. The Director shall be responsible for the supervision of the work of the Service and shall perform such other duties as the Board of Trustees may prescribe. The Deputy Director shall assist the Director and shall perform such duties as he may prescribe. The Director and Deputy Director shall be members of the bar of the District of Columbia. The Board of Trustees shall fix the compensation to be paid to the Director and the Deputy Director, without regard to chapter 51 and subchapter 53 of chapter 53 of title 5, United States Code, but compensation for the Director shall not exceed the maximum rate provided for GS-18 and for the Deputy Director the maximum rate provided for GS-17, in section 5332 of title 5, United States Code.

Sec. 6. The Director shall employ a staff of attorneys, clerical, and other personnel necessary to provide adequate and effective defense services. The Director shall make assignments of the personnel of the Service. The salaries of all employees of the Service, other than the Director and the Deputy Director, shall be fixed by the Director, without regard to chapter 51 and subchapter 3 of chapter 53 of title 5 of the United States Code, but shall not exceed the salaries which may be paid to persons of similar qualifications and experience in the Office of the United States Attorney for the District of Columbia. All attorneys employed by the Service to represent persons shall be members of the bar of the District of Columbia.

Sec. 7. No attorney employed by the Service shall engage in the private practice of law or receive a fee for representing any person.

Sec. 8. (a) The Board of Trustees of the Service shall submit a fiscal year report of the Service's operations to the Congress of the United States, to the chief judges of the Federal courts in the District of Columbia and of the District of Columbia courts, and to the Commissioner of the District of Columbia. The report shall include a statement of the financial condition of the Service and a summary of services performed during the year.

(b) The Board of Trustees shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the Administrative Office of the United States Courts.

Sec. 9. For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated to the District of Columbia for each fiscal year, out of any moneys in the Treasury to the credit of the District of Columbia, such sums as may be necessary to implement the purposes of this chapter. Upon the approval of its Board of Trustees, moreover, the District of Columbia Public Defender Service is authorized to accept public grants and private contributions in the furtherance of its lawful objectives and purposes.

Sec. 10. All employees of the Legal Aid Agency for the District of Columbia on the effective date of this Act shall be deemed to be employees of the District of Columbia Public Defender Service and shall be entitled to the same compensation and benefits as they are entitled to as employees of the Legal Aid Agency for the District of Columbia.

Sec. 11. The Act of June 27, 1960 (74 Stat. 229) (D.C. Code, sec. 2-2201 to 2-2210) is hereby repealed.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-548), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of this legislation is to convert the existing pilot project Legal Aid Agency in the District of Columbia into a full-fledged public defender program.

The Public Defender Service established by this bill would help provide legal representation to defendants, in criminal cases who are financially unable to obtain adequate counsel; would expedite criminal trials by providing experienced counsel in such cases; and would assist the private bar and aid the courts in establishing an adequate system for the appointment of private counsel in appropriate cases.

NEED FOR THE LEGISLATION

This bill is part of the President's program to reduce crime in the National Capital. In recommending this legislation on January 31 in his message on crime in the District of Columbia the President said:

"The recent bail reform hearings before the Senate Judiciary Subcommittee on Constitutional Rights have emphasized the important contributions skilled defense counsel can make toward expediting criminal trials. Too often, inexperienced lawyers who are appointed to represent indigent defendants complicate and delay the trial process by their unfamiliarity with the law and criminal practice. Experience has shown that professional public defenders, on the other hand, not only better safeguard the rights of defendants, but also speed the process of justice."

The U.S. Constitution guarantees representation by competent counsel to all defendants in serious criminal cases. Where a defendant cannot afford such counsel, it must be supplied, at Government expense, from a public agency or the private bar. Experience in the District of Columbia indicates that the private bar alone cannot meet this need, and that the existing public agency, the District of Columbia Legal Aid Agency, must also be expanded to meet the growing criminal caseload.

The Legal Aid Agency was created by Congress in 1960. It was a small organization with capacity to represent only a limited number of defendants. Essentially, it was an experiment—the only Federal public defender office in the Nation.

In 1960, the organization had four lawyers, two investigators, and an appropriation of $100,000. Now it has 22 lawyers, six investigators and appropriations of about $250,000.

This increase in size, however, has been inadequate to meet the National Capital crime crisis. The Agency still represents only about 10 percent of the indicted defendants. Like so many other units of the criminal justice system, it must both expand its capacity and undertake new roles.

The nearly total reliance on private practitioners to represent indigent defendants must be reduced. Developments in the criminal law have made it increasingly difficult for the private practitioner to effectively and adequately handle criminal cases on an ad hoc basis. The growing complexity of the criminal law requires specialists who are regularly engaged in this field of law. Further, the dramatic rise in the number of criminal cases has placed an intolerable burden on the private bar which has over the years given great service to indigent defendants.

The District of Columbia Crime Commission took cognizance of this situation in 1966 and commented:

"In view of the increasing case volume and new requirements for legal assistance, the Commission recommends that services of private counsel be supplemented by an expanded public defender system in the District of Columbia. Public defenders can render better and more economical legal assistance in several respects. Dependence on counsel appointed from the private bar is unrealistic and impractical in certain stages of a criminal proceeding. The District has already experienced difficulty in utilizing private counsel at stationhouse interrogations. Similarly, in the court of general sessions an attorney must be physically present to receive an assignment, a requirement difficult for many members of the bar to meet. A recent American Bar Foundation survey concluded that the costs of financing a defender system in large cities were generally less than the costs of an assigned counsel system."

As the criminal process grows more complex and criminal cases grow more protracted, consuming more and more time of the criminal justice system, it becomes urgently necessary that the available time be spent as efficiently as possible. A competent public defender's office is imperative to the expeditious administration of criminal justice.

S. 2602 converts the existing District of Columbia Legal Aid Agency into a full-fledged Public Defender Service with (1) authority to represent up to 60 percent of all eligible adult and juvenile defendants, and (2) a role in developing a system of adequate representation for the remaining 40 percent.

PRINCIPAL FEATURES OF THE BILL

Provisions for representation

The proposed legislation authorizes the Public Defender Service to represent up to

60 percent of all persons who are unable to obtain adequate representation. Such persons must be involved, however, in one of the following five classes of cases:

1. *Criminal cases where the offense is punishable by at least 6 months imprisonment.*—Presently, Legal Aid represents only if the maximum penalty is a year. Changing to a 6-month-penalty criterion adds relatively few cases but would put public defender services on the same basis as those under the Criminal Justice Act.
2. *Cases in which a violation of probation or parole is charged.*—This is an expansion of service made necessary by the Supreme Court decision in *Mempa* v. *Rhay*, which extended the right to counsel to probation revocation proceedings.
3. *Cases in which civil commitment is sought pursuant to title 21 of the District of Columbia Code.*—This allows the Service to represent persons being committed on mental health grounds as well as those seeking release. The Agency has been supplying services in this area.
4. *Cases in which civil commitment of a narcotic addict is sought.*—Under title III of the Narcotics Addict Rehabilitation Act suspected addicts are entitled to the assistance of counsel when civil commitment is sought. The Service should assume part of this representation as well as representation of suspected addicts facing civil commitment under the analogous provisions of the District of Columbia Code.
5. *Cases in which juvenile delinquency or "being a juvenile in need of supervision" is alleged.*—This allows the Service to represent juveniles charged with law violations as well as those who, though not charged with a criminal act, face the possibility of a penal-type disposition.

Cooperation with private bar

The Public Defender Act specifically authorizes the Service to assist the private bar in representing the remaining 40 percent of the criminal cases where the defendant is unable to obtain adequate representation. As in the past, this means supplying the private bar with research memoranda, information on recent developments, assistance in investigations, and so forth.

Further, the Service is directed to cooperate with the court in establishing an adequate system for appointment of private counsel. This provision will permit the Service to respond to the findings of the 1969 District of Columbia Judicial Conference. That Conference fully developed the inadequacies of a present private appointment system and considered new methods of appointment which would include coordination by a unit like the Defender Service.

This section is specific in its provision that the courts shall have final responsibility for the appointment of counsel.

Administration and staff

The Public Defender Service Act places general policy supervision of the Service in a board of trustees. This is similar to the existing method of supervising the Legal Aid Agency.

Daily supervision of the Service and all matters relating to the handling of specific cases lies with the Director of the Service. The proposed legislation increases salary for the Director to a GS-18 level (eliminating the present ceiling of $16,000) and makes staff salaries comparable to salaries of assistant U.S. attorneys.

Combined with appropriation bills now pending before Congress, these provisions should permit the Service to attract and retain competent attorneys. It is anticipated that the Service will grow to an organization of 50 attorneys plus additional supporting personnel.

Costs

In its fiscal year 1970 budget, the Legal Aid Agency is requesting an appropriation of $770,000. The Department of Justice estimates that, once in full operation, the Public Defender Service authorized by this bill will require appropriations annually at $1,250,000.

SIXTH ANNIVERSARY OF THE DEATH OF PRESIDENT JOHN F. KENNEDY

Mr. MANSFIELD. Mr. President, 6 years ago tomorrow, a President of the United States was assassinated. I refer to the late John F. Kennedy—a colleague of ours in this body and also a colleague of some of us in the House of Representatives.

I did not want this occasion to pass without expressing my continuing sorrow that this tragedy struck this young man at a time when he was on the verge of greatness. His loss has been most seriously felt and not only by his family and by Congress. It has been felt and felt deeply by the Nation as a whole.

So I rise at this time to pay tribute to the accomplishments that marked his all too brief term in office. I rise as well to renew my personal dedication; a dedication to the ideals for which John Kennedy stood and to the goals that he sought.

We still miss John F. Kennedy. We shall go on missing him because what he did and the way he did it, what he sought for this Nation and the way he sought it—all will remain as giant monuments to his tenure in office as the 35th President of the United States and as inspiration to the generations to come.

Mr. SCOTT. Mr. President, when one is struck down in virtual youth, as was our late colleague John F. Kennedy, the tragedy implicit in that circumstance was a shock felt not only by the American people but by the people of all the world as well.

In my travels in Europe, Asia, and Africa, I found that the man in the street felt that sadness of loss and deprivation fully as much as the American people did. The line which formed in Wellington, New Zealand, to sign the book of condolences at the American Embassy was the greatest crowd which ever had appeared on any similar public occasion. People whom one met in Yugoslavia or England or Ireland or Germany expressed the same feelings.

All of us who travel know that the finest evidence of friendship we could tender to the people of other nations was the Kennedy half dollar, and to pass that facsimile of the portrait of the late President to someone was to establish an instant bond of fellowship and of compassion and of recognition that this man personified many of the dreams and aspirations of the world. The loss is still felt by all of us, as are all the tragedies that have beset this star-crossed family.

So I join in noting the sad anniversary of this dreadful incident, and I join with the distinguished majority leader in again expressing the common sadness of mankind that such an occurrence would deprive us of the talents and of the hope which rested in him when this happened.

MILITARY CONSTRUCTION AUTHORIZATION BILL, 1970—CONFERENCE REPORT

Mr. JACKSON. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of November 20, 1969, pp. 35232–35240, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report.

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, I move the adoption of the conference report on the military construction authorization bill for fiscal year 1970 and in connection therewith I have a brief statement I should like to make.

The report was signed by all the conferees on the part of the House of Representatives and the Senate, and has now been agreed to by the House. I believe the end result is an improvement on the original product of either House. The bill, as agreed to in conference, provides a total new authority of $1,626,920,000 and an increase in prior years authority of $23,677,000, or a total authority of $1,650,597,000, which is $266,419,000 below the departmental request. This is a percentage decrease of about 14 percent which I consider to be a very substantial reduction in a rather austere bill.

As an indication that the Senate position prevailed in most instances, there were some 200 items in dispute and the Senate position prevailed in about 80 percent of them.

Now, Mr. President, there are a few items I would like to mention. It is to be recalled that the Marine Corps had requested authority to acquire a small amount of real estate in the southeast section of the city adjacent to the Marine barracks to permit them to expand the barracks. Although the Senate committee is well aware of the need to expand the barracks, the request was deferred, primarily because if approved, it would result in the displacing of several families now residing in homes on the property. I am pleased to state that the Senate position prevailed and the House conferees agreed to the deferral of this proposal until the fiscal year 1971 authorization bill to afford the proper officials of the Department of Defense to work with the local authorities and the community in finding housing for those persons who will be displaced. I might add that I have already called this matter to the attention of the Secretary of Defense.

Another matter of considerable interest in which the Senate position prevailed was the deletion of section 708 of the House-passed bill which sought to prohibit interfering with, obstructing, or impeding military and Defense affairs by picketing or parading in the vicinity of the Pentagon. The Senate conferees had considerable doubt as to the constitutionality and the desirability of the proposed provision. The conferees did agree, however, that there is a requirement for a full report to be made to the Congress with respect to the adequacy of laws which seek to prevent the unlawful interruption of the decisionmaking process in national security affairs and in other vital areas of our national defense. The Secretary of Defense and the Attorney General are being called upon to report to the Congress in this regard.

Finally, I should like to mention another matter I consider to be of considerable importance which was the Senate committee's efforts to perfect legislation designed to reduce overruns in the field of military construction and induce the Departments through better management to provide better cost estimates and reduce the cost of design, inspection and overhead. I think I can state that the House conferees fully share our views in this regard and readily accepted sections 703 and 704 of the bill as it passed the Senate which were designed to produce the results indicated.

Mr. THURMOND. Mr. President, as the ranking Senate Republican on the fiscal year 1970 military construction bill, I am pleased to report that the decisions of the Senate-House conference should serve well the Nation's defense structure.

The conference met and elected the distinguished Senator from Washington (Mr. Jackson) as chairman. He provided able leadership in presenting the Senate position before the conference.

In my opinion the conference reached sound conclusions which will result in wise growth and maintenance of our military capability. Fortunately, it was possible to accomplish this goal and at the same time make some reductions in expenditures.

Mr. President, all of the conferees exhibited a spirit of cooperation and willingness to meet each other halfway in settling the differences between the two bills and I am pleased to give my support to the conference report.

Mr. JACKSON. Mr. President, I move that the conference report be agreed to.

The motion was agreed to.

VICE PRESIDENT AGNEW AND THE NEWS MEDIA

Mr. DOLE. Mr. President, I listened with great interest last evening to the thoughtful address of Vice President Spiro Agnew in Montgomery, Ala.

He repeated his opposition to censorship in any form and indicated we have censorship now, imposed by a little fraternity of news commentators and analysts having similar social and political views.

As I read and later listened to his speech, I concluded the Vice President was again alerting the American people to weigh carefully the words of those who for too long have attempted to mold public opinion their way.

Strong, independent voices have been stilled in this country and, therefore, it is refreshing to have the Vice President speaking out. It seems strange that those who so sharply criticize his right to dissent are generally those who publicly espouse and, in some cases, promote it.

The majority of Americans will be forever grateful to the Vice President because he is in earnest; he will not equivocate, he will not excuse, he will not retreat, and above all, he will be heard.

I ask unanimous consent to insert the Vice President's speech in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by the Vice President

One week ago tonight I flew out to Des Moines, Iowa, and exercised my right to dissent.

There has been some criticism of what I had to say out there.

Let me give you a sampling.

One Congressman charged me with, and I quote, "A creeping socialistic scheme against the free enterprise broadcast industry." That is the first time in my memory anybody ever accused Ted Agnew of entertaining socialist ideas.

On Monday, largely because of this address, Mr. Humphrey charged the Nixon Administration with a "calculated attack" on the right of dissent and on the media today. Yet, it is widely known that Mr. Humphrey himself believes deeply that unfair coverage of the Democratic Convention in Chicago, by the same media, contributed to his defeat in November. Now, his wounds are apparently healed, and he casts his lot with those who were questioning his own political courage a year ago. But let us leave Mr. Humphrey to his own conscience. America already has too many politicians who would rather switch than fight.

Others charged that my purpose was to stifle dissent in this country. Nonsense. The expression of my views has produced enough rugged dissent in the last week to wear out a whole covey of commentators and columnists.

One critic charged that the speech was "disgraceful, ignorant and base," that it "leads us as a nation into an ugly era of the most fearsome suppression and intimidation." One national commentator, whose name is known to everyone in this room, said "I hesitate to get into the gutter with this guy." Another commentator charges that it was "one of the most sinister speeches I have ever heard made by a public official." The President of one network said it was an "unprecedented attempt to intimidate a news medium which depends for its existence upon government licenses." The President of another charged me with "an appeal to prejudice," and said it was evident that I would prefer the kind of television "that would be subservient to whatever political group happened to be in authority at the time."

And they say *I* have a thin skin.

Here are classic examples of overreaction. These attacks do not address themselves to the questions I have raised. In fairness, others—the majority of critics and commentators—did take up the main thrust of my address. And if the debate they have engaged in continues, our goal will surely be reached—a thorough self-examination by the networks of their own policies—and perhaps prejudices. That was my objective then; it is my objective now.

Now, let me repeat to you the thrust of my remarks the other night, and make some new points and raise some new issues.

I am opposed to censorship of television or the press in any form. I don't care whether censorship is imposed by government or whether it results from management in the choice and the presentation of the news by a little fraternity having similar social and political views. I am against censorship in all forms.

But a broader spectrum of national opinion *should* be represented among the commentators of the network news. Men who can articulate other points of view *should* be brought forward.

And a high wall of separation *should* be raised between what is news and what is commentary.

And the American people *should* be made aware of the trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands.

Should a conglomerate be formed that tied together a shoe company with a shirt company, some voice will rise up righteously to say that this is a great danger to the economy; and that the conglomerate ought to be broken up.

But a single company, in the Nation's Capital, holds control of the largest newspaper in Washington, D.C., *and* one of the four major television stations, *and* an all-news radio station, *and* one of the three major national news magazines—all grinding out the same editorial line—and this is not a subject you have seen debated on the editorial pages of the *Washington Post* or the *New York Times.*

For the purpose of clarity, before my thoughts are obliterated in the smoking typewriters of my friends in Washington and New York, let me emphasize I am not recommending the dismemberment of the Washington Post Company. I am merely pointing out that the public should be aware that these four powerful voices hearken to the same master.

I am merely raising these questions so that the American people will become aware of—and think of the implications of—the growing monopolization of the voices of public opinion on which we all depend—for our knowledge and for the basis of our views.

When the *Washington Times-Herald* died in the Nation's Capital, that was a political tragedy; and when the *New York Journal-American,* the *New York World-Telegram and Sun,* the *New York Mirror* and the *New York Herald-Tribune* all collapsed within this decade, that was a great, great political tragedy for the people of New York. The *New York Times* was a better newspaper when they were alive than it is now that they are gone.

What has happened in the city of New York has happened in other great cities in America.

Many, many strong independent voices have been stilled in this country in recent years. Lacking the vigor of competition, some of those that have survived have, let us face it, grown fat and irresponsible.

I offer an example. When 300 Congressmen and 59 Senators signed a letter endorsing the President's policy in Vietnam it was news—big news. Even the *Washington Post* and the *Baltimore Sun*—scarcely house organs of the Nixon Administration—placed it prominently on the front page.

Yet the next morning the *New York Times,* which considers itself America's paper of record, did not carry a word. Why?

If a theology student in Iowa should get up at a PTA luncheon in Sioux City and attack the President's Vietnam policy, my guess is that you would probably find it reported somewhere the next morning in the *New York Times.* But when Congressmen endorse the President's Vietnam policy, the next morning it is apparently not considered news fit to print.

Just this Tuesday, when the Pope, the Spiritual Leader of half a billion Roman Catholics applauded the President's efforts to end the war in Vietnam, and endorsed the way he was proceeding—that news was on Page 11 of the *New York Times*. But the same day, a report about some burglars who broke into a souvenir shop at St. Peters and stole $9,000 worth of stamps and currency—that story made Page 3. How's that for news judgment?

A few weeks ago here in the South, I expressed my views about street and campus demonstrations. Here is how the New York Times responded:

"He," (that's me) "lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's (generation)."

That seems a peculiar slur on a generation that brought America out of the Great Depression without resorting to the extremes of either fascism or Communism. That seems a strange thing to say about an entire generation that helped to provide greater material blessings and personal freedom—out of that Depression—for more people than any other nation in history. We have not finished the task by any means—but we are still on the job.

Just as millions of young Americans in this generation have shown valor and courage and heroism in fighting the longest and least popular war in our history—so it was the young men of my generation who went ashore at Normandy under Eisenhower and with McArthur into the Philippines.

Yes, my generation, like the current generation, made its own share of great mistakes and blunders. Among other things, we put too much confidence in Stalin and not enough in Winston Churchill.

But whatever freedom exists today in Western Europe and Japan exists because hundreds of thousands of young men in my generation are lying in graves in North Africa and France and Korea and a score of islands in the Western Pacific.

This might not be considered enough of a "sense of service" or a "deep humanitarianism" for the *"perceptive critics"* who write editorials for the New York Times, but its good enough for me; and I am content to let history be the judge.

Now, let me talk briefly about this younger generation. I have not and do not condemn this generation of young Americans. Like Edmund Burke, I would not know how to "draw up an indictment against a whole people." They are our sons and daughters. They contain in their numbers many gifted, idealistic and courageous young men and women.

But they also list in their numbers an arrogant few who march under the flags and portraits of dictators, who intimidate and harass university professors, who use gutter obscenities to shout down speakers with whom they disagree, who openly profess their belief in the efficacy of violence in a democratic society.

The proceeding generation had its own breed of losers—and our generation dealt with them through our courts, our laws and our system. The challenge now is for the new generation to put their own house in order.

Today, Dr. Sydney Hook writes of "Storm Troopers" on the campus; that "fanaticism seems to be in the saddle." Arnold Beichman writes of "young Jacobins" in our schools who "have cut down university administrators, forced curriculum changes, halted classes, closed campuses and set a nationwide chill of fear through the university establishment." Walter Laqueur writes in *commentary* that "the cultural and political idiocies perpetrated with impunity in this permissive age have gone clearly beyond the borders of what is acceptable for any society, however liberally it may be constructed."

George Kennan has devoted a brief, cogent and alarming book to the inherent dangers of what is taking place in our society and in our universities. Irving Kristol writes that our "radical students . . . find it possible to be genuinely heartsick at the injustice and brutalities of American society, while blandly approving of injustice and brutality committed in the name of 'the revolution'."

These are not names drawn at random from the letterhead of an Agnew-for-Vice-President Committee.

These are men more eloquent and erudite than I. They raise questions that I have tried to raise.

For among this generation of Americans there are hundreds who have burned their draft cards and scores who have deserted to Canada and Sweden to sit out the war. To some Americans, a small minority, these are the true young men of conscience in the coming generation. Voices are and will be raised in the Congress and beyond asking that amnesty should be provided for "these young and misguided American boys." And they will be coming home one day from Sweden and Canada, and from a small minority they will get a heroe's welcome.

They are not our heroes. Many of our heroes will not be coming home; some are coming back in hospital ships, without limbs or eyes, with scars they shall carry the rest of their lives.

Having witnessed firsthand the quiet courage of wives and parents receiving posthumously for their heroes Congressional Medals of Honor, how am I to react when people say, "Stop speaking out, Mr. Agnew, stop raising your voice."

Should I remain silent while what these heroes have done is vilified by some as "a dirty and immoral war" and criticized by others as no more than a war brought on by the chauvinistic, anti-communism of Presidents Kennedy, Johnson and Nixon?

These young men made heavy sacrifices so that a developing people on the rim of Asia might have a chance for freedom that they will not have if the ruthless men who rule in Hanoi should ever rule over Saigon. What is dirty or immoral about that?

One magazine this week said that I will go down as the "great polarizer" in American politics. Yet. when that large group of young Americans marched up Pennsylvania and Constitution Avenues last week—they sought to polarize the American people against the President's policy in Vietnam. And that was their right.

And so it is my right, and my duty, to stand up and speak out for the values in which I believe. How can you ask the man in the street in this country to stand up for what he believes if his own elected leaders weasel and cringe.

It is not an easy thing to wake up each morning to learn that some prominent man or institution has implied that you are a bigot, a racist or a fool.

I am not asking any immunity from criticism. That is the lot of the man in politics; we would have it no other way in this Democratic Society.

But my political and journalistic adversaries sometimes seem to be asking something more—that I circumscribe my rhetorical freedom, while they place no restrictions on theirs.

As president Kennedy once observed in a far more serious matter, that is like offering an apple for an orchard.

We do not accept those terms for continuing the national dialogue. The day when the network commentators and even gentlemen of the *New York Times* enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over.

Just as a politician's words—wise and foolish—are dutifully recorded by the press and television to be thrown up to him at the appropriate time, so their words should likewise be recorded and likewise recalled.

When they go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of the public debate.

I do not seek to intimidate the press, the networks or anyone else from speaking out. But the time for blind acceptance of their opinions is past. And the time for naive belief in their neutrality is gone.

But, as to the future, all of us could do worse than take as our own the motto of William Lloyd Garrison who said: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch. And I will be heard."

VICE PRESIDENT AGNEW'S SPEECH ON THE NEWS MEDIA

Mr. DODD. Mr. President, once again the Nation is indebted to Vice President Agnew for having the courage to challenge the bosses of our communications media.

Once again there is sure to be an outcry that the Vice President is attempting to curb the freedom of the press, to intimidate the press.

But what the Vice President is really attempting to do is to curb the excesses and abuses that have been perpetrated in the name of freedom of the press.

The Vice President is dead right when he says that it makes no difference "whether censorship is imposed by Government or whether it results from management in the choice and presentation of the news by a little fraternity having simliar social and political views."

The power of the press in a free society is awesome.

A byline in the New York Times, for example, can be infinitely more important in terms of swaying public opinion and influencing Government policy than a dozen speeches on the floor of the U.S. Senate.

In more than one situation this power has been used by the New York Times, in particular, to help overthrow friendly governments or to help promote the emergence of governments unfriendly to American interests.

I intend to speak at greater length on this subject in the Senate next week.

But, meanwhile, I hope that the Vice President's speech will be widely read and that it will promote the long overdue discussion on the power of the press and the abuses made possible by this vast concentration of power.

Mr. President, in the case of television and radio we at least can have some recourse to the Federal Communications Commission.

In the case of the press we have no way of dealing with abuses. Maybe it is time for a real first-class inquiry into the press situation.

Distortions of the news, suppressions

of the news, and coloration of the news is widespread in some of the very newspapers and magazines that piously preach about the ethics of others. I think that it is high time we look at the ethics of the press.

Mr. President, I ask unanimous consent to have printed in the Record the speech which the Vice President gave last night in Montgomery, Ala.

There being no objection, the speech was ordered to be printed in the Record, as follows:

ADDRESS BY THE VICE PRESIDENT

One week ago tonight I flew out to Des Moines, Iowa, and exercised my right to dissent.

There has been some criticism of what I had to say out there.

Let me give you a sampling.

One Congressman charged me with, and I quote, "A creeping socialistic scheme against the free enterprise broadcast industry." That is the first time in my memory anybody ever accused Ted Agnew of entertaining socialist ideas.

On Monday, largely because of this address, Mr. Humphrey charged the Nixon Administration with a "calculated attack" on the right of dissent and on the media today. Yet, it is widely known that Mr. Humphrey himself believes deeply that unfair coverage of the Democratic Convention in Chicago, by the same media, contributed to his defeat in November. Now, his wounds are apparently healed, and he casts his lot with those who were questioning his own political courage a year ago. But let us leave Mr. Humphrey to his own conscience. America already has too many politicians who would rather switch than fight.

Others charged that my purpose was to stifle dissent in this country. Nonsense. The expression of my views has produced enough rugged dissent in the last week to wear out a whole covey of commentators and columnists.

One critic charged that the speech was "disgraceful, ignorant and base," that it "leads us as a nation into an ugly era of the most fearsome suppression and intimidation." One national commentator, whose name is known to everyone in this room, said "I hesitate to get into the gutter with this guy." Another commentator charges that it was "One of the most sinister speeches I have ever heard made by a public official." The President of one network said it was an "unprecedented attempt to intimidate a news medium which depends for its existence upon government licenses." The President of another charged me with "an appeal to prejudice," and said it was evident that I would prefer the kind of television "that would be subservient to whatever political group happened to be in authority at the time."

And they say *I* have a thin skin.

Here are classic examples of overreaction. These attacks do not address themselves to the questions I have raised. In fairness, others—the majority of critics and commentators—did take up the main thrust of my address. And if the debate they have engaged in continues, our goal will surely be reached—a thorough self-examination by the networks of their own policies—and perhaps prejudices. That was my objective then; it is my objective now.

Now, let me repeat to you the thrust of my remarks the other night, and make some new points and raise some new issues.

I am opposed to censorship of television or the press in any form. I don't care whether censorship is imposed by government or whether it results from management in the choice and the presentation of the news by a little fraternity having similar social and political views. I am against censorship in all forms.

But a broader spectrum of national opinion *should* be represented among the commentators of the network news. Men who can articulate other points of view *should* be brought forward.

And a high wall of separation *should* be raised between what is news and what is commentary.

And the American people *should* be made aware of the trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands.

Should a conglomerate be formed that tied together a shoe company with a shirt company, some voice will rise up righteously to say that this is a great danger to the economy; and that the conglomerate ought to be broken up.

But a single company, in the Nation's Capital, holds control of the largest newspaper in Washington D.C., *and* one of the four major television stations, *and* an all-news radio station, *and* one of the three major national news magazines—all grinding out the same editorial line—and this is not a subject you have seen debated on the editorial pages of the *Washington Post* or the *New York Times.*

For the purpose of clarity, before my thoughts are obliterated in the smoking typewriters of my friends in Washington and New York, let me emphasize I am not recommending the dismemberment of the Washington Post Company. I am merely pointing out that the public should be aware that these four powerful voices hearken to the same master.

I am merely raising these questions so that the American people will become aware of—and think of the implications of—the growing monopolization of the voices of public opinion on which we all depend—for our knowledge and for the basis of our views.

When the *Washington Times-Herald* died in the Nation's Capital, that was a political tragedy; and when the *New York Journal-American*, the *New York World-Telegram and Sun*, the *New York Mirror* and the *New York Herald-Tribune* all collapsed within this decade, that was a great, great political tragedy for the people of New York. The *New York Times* was a better newspaper when they were alive than it is now that they are gone.

What has happened in the city of New York has happened in other great cities in America.

Many, many strong independent voices have been stilled in this country in recent years. Lacking the vigor of competition, some of those that have survived have, let us face it, grown fat and irresponsible.

I offer an example. When 300 Congressmen and 59 Senators signed a letter endorsing the President's policy in Vietnam it was news—big news. Even the *Washington Post* and the *Baltimore Sun*—scarcely house organs of the Nixon Administration—placed it prominently on the front page.

Yet the next morning the *New York Times*, which considers itself America's paper of record, did not carry a word. Why?

If a theology student in Iowa should get up at a PTA luncheon in Sioux City and attack the President's Vietnam policy my guess is that you would probably find it reported somewhere the next morning in the *New York Times*. But when 300 Congressmen endorse the President's Vietnam policy, the next morning it is apparently not considered news fit to print.

Just this Tuesday, when the Pope, the Spiritual Leader of half a billion Roman Catholics applauded the President's efforts to end the war in Vietnam, and endorsed the way he was proceeding—that news was on Page 11 of the *New York Times*, But the same day, a report about some burglars who broke into a souvenir shop at St. Peters and stole $9,000 worth of stamps and currency—that story made Page 3. How's that for news judgment?

A few weeks ago here in the South, I expressed my views about street and campus demonstrations. Here is how the *New York Times* responded:

"He," (that's me) "lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's (generation)."

That seems a peculiar slur on a generation that brought America out of the Great Depression without resorting to the extremes of either fascism or Communism. That seems a strange thing to say about an entire generation that helped to provide greater material blessings and personal freedom—out of that Depression—for more people than any other nation in history. We are not finished the task by any means—but we are still on the job.

Just as millions of young Americans in this generation have shown valor and courage and heroism in fighting the longest and least popular war in our history—so it was the young men of my generation who went ashore at Normandy under Eisenhower and with MacArthur into the Philippines.

Yes, my generation, like the current generation, made its own share of great mistakes and blunders. Among other things, we put too much confidence in Stalin and not enough in Winston Churchill.

But whatever freedom exists today in Western Europe and Japan exists because hundreds of thousands of young men in my generation are lying in graves in North Africa and France and Korea and a score of islands in the Western Pacific.

This might not be considered enough of a "sense of service" or a "deep humanitarianism" for the "*perceptive critics*" who write editorials for the *New York Times*, but it's good enough for me; and I am content to let history be the judge.

Now, let me talk briefly about this younger generation. I have not and do not condemn this generation of young Americans. Like Edmund Burke, I would not know how to "draw up an indictment against a whole people." They are our sons and daughters. They contain in their numbers many gifted, idealistic and courageous young men and women.

But they also list in their numbers an arrogant few who march under the flags and portraits of dictators, who intimidate and harass university professors, who use gutter obscenities to shout down speakers with whom they disagree, who openly profess their belief in the efficacy of violence in a democratic society.

The preceding generation had its own breed of losers—and our generation dealt with them through our courts, our laws and our system. The challenge now is for the new generation to put their own house in order.

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But, as to the future, all of us could do worse than take as our own the motto of William Lloyd Garrison who said: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch. And I will be heard."

APPROVAL OF CHANGES IN THE SELECTIVE SERVICE SYSTEM

Mr. BYRD of Virginia. Mr. President, I am glad the Senate acted quickly to approve the changes in the Selective Service System recommended by President Nixon.

I think it is very important that the long period of uncertainty to which all young men have been subjected be removed. There is no reason why the young men of today should be subjected to 7 years of uncertainty.

When the bill becomes operative, it will mean that each young man, as he becomes 19 years of age, will be exposed to the possibility of being drafted to serve his Nation during that 1 year, and if during that year he has not been selected, then he will not then be called—except in an emergency.

Mr. President, I think it is appropriate and I think it would be a very much better system than we have been operating under in recent years. I think, too, it is desirable to try the random selection system which is provided for by the legislation enacted this week.

The Senate acted very quickly once this matter was brought from the House of Representatives to this body, and I think it will be in the national interest.

Mr. President, I have some figures I should like to have printed in the RECORD, but first let me say that during each of the past 4 years, 1 million young men of this Nation have been inducted into the armed services. Some have been voluntary enlistments and some have been inductees but, in any case, the total has been large.

For example, during the past 4 years, in 1966, there were 1,200,000 men inducted into the military services; in 1967, 1 million men; in 1968, 1 million men; and in 1969, 1 million men.

I ask unanimous consent to have printed in the RECORD the figures going back to 1960 on total military strength, and the initial entries into military service as inductees or enlistees.

There being no objection, the figures were ordered to be printed in the RECORD, as follows.

Total military strength

1960	2,500,000
1961	2,500,000
1962	2,800,000
1963	2,700,000
1964	2,700,000
1965	2,700,000
1966	3,100,000
1967	3,400,000
1968	3,500,000
1969	3,500,000

Initial entries into military service either as inductees or enlistees

1960	600,000
1961	600,000
1962	700,000
1963	600,000
1964	700,000
1965	600,000
1966	1,200,000
1967	1,000,000
1968	1,000,000
1969	1,000,000

VICE PRESIDENT AGNEW AND THE NEWS MEDIA

Mr. MANSFIELD. Mr. President, the distinguished Vice President of the United States, SPIRO AGNEW, delivered a speech in Des Moines, Iowa, a week ago, and in Montgomery, Ala., last evening.

On the first occasion, he lashed out against an individual, Mr. Averell Harriman, and a portion of the fourth estate; namely, the TV segment.

Last evening it was the turn of the press, with specific newspapers designated, a news magazine designated, and a radio and TV station designated.

The Vice President has the right to express his views just as we have the right to express our views in and out of this body.

I do not feel as keenly as the Vice President does about the various elements which comprise the fourth estate because I believe that they, as much as he, have a right to express their opinion on the editorial page and the right to report the news in the news section of the publications concerned.

I would hope that none of us would become so concerned that we felt we could not stand the heat once we reached the kitchen.

In politics, we have to anticipate a certain amount of heat. We have to expect a certain amount of criticism. It is my belief that there are newspapers and magazines, TV and radio programs, which could be found on the opposite side of those already mentioned.

Mr. President, newspapers, news magazines, radio and television stations have, on the whole, I believe, done a very competent and fair job in informing the American people of the issues of the day.

Insofar as the editorial pages are concerned, it is my understanding that that is where editors and others of like caliber are supposed to set forth their own personal opinions, and that is so recognized.

I like to recall, also, that there is in the Bill of Rights the first amendment to the Constitution, to the effect that not only shall there be freedom of religion and freedom to assemble peaceably, but also that there shall be free speech and a free press.

I can say that in all my years of public office I have never been quoted incorrectly. I have been misinterpreted, according to my lights, at times; and I think perhaps the reason for that is I did not speak or write as plainly as I should have.

But I do want to say that I hope we do not make a mountain out of this molehill which seems to be developing, and that we recognize that the Vice President has the right to make the statements he does, I hope we recognize as well that the press, the TV, the radio, and the magazines do operate under the protection of the first amendment, as does every individual Senator and every individual citizen, and, of course, I would include the Vice President within the confines of the first amendment as well.

Thus, rather than create a situation which would tend to divide us more, I wish that the voices would be lowered, that we would seek to bring all our people together, and that we would face up to our common problems not on the basis of political feelings, not on the basis of personal dislike for what has been done, but on the basis of understanding that a democracy is a risky business which could well be one of its strengths. Indeed, a democracy comprises all kinds of opinions and if we are going to survive with the type of institutions with which we have been accustomed, we should recognize that the times are here to bring us all together, and to remember that above our personal feelings, or feelings of any party, it is the welfare and the security of the Republic which must at all times come first and foremost.

Accordingly, I would conclude, Mr. President, by expressing the hope again that we would all follow the advice of the President in his inaugural address, to lower our voices, get together, and try to work for the common good of this great Republic. The first amendment to the Constitution must not be suspended, the rights under it must not be diminished or those exercising these rights must not be intimidated. As I said, democracy is a risky business—and the first amendment illustrates that risk as well as its truest meaning and strength.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The Acting President pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Certain Purchases and Contracts Made by the U.S. Coast Guard

A letter from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report on purchases and contracts made by the U.S. Coast Guard under clause 11 of section 2304(a) of title 10 since April 30, 1969 (with an accompanying report); to the Committee on Commerce.

Consumer Protection Act of 1969

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes (with accompanying papers); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, St. Louis, Mo., Department of Labor, dated November 20, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition, signed by Clifford Luckey, and sundry other citizens of the State of California, praying for the enactment of tax reform legislation; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 13270. An act to reform the income tax laws (Rept. No. 91–552).

(The remarks of Mr. Long when he submitted the report appear later in the Record under the appropriate heading.)

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 3166. A bill for the relief of Giuseppe Zito; and

S. 3167. A bill for the relief of Kimoko Ann Duke; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the above bills appear later in the Record under the appropriate heading.)

By Mr. BROOKE:

S. 3168. A bill for the relief of Daniel H. Robbins; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 3169. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. TYDINGS:

S. 3170. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HARTKE (for himself, Mr. Bayh, Mr. Bible, Mr. Cannon, Mr. Eagleton, Mr. Harris, Mr. McCarthy, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Yarborough):

S. 3171. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

(The remarks of Mr. Hartke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McGOVERN:

S. 3172. A bill for the relief of Paul Salerno; to the Committee on the Judiciary.

S. 3173. A bill to extend the time within which claims may be filed for credit with respect to gasoline used on farms; to the Committee on Finance.

(The remarks of Mr. McGovern when he introduced the last above-mentioned bill appear later in the Record under the appropriate heading.)

By Mr. McGOVERN (by request):

S. 3174. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGovern when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3166 AND S. 3167—INTRODUCTION OF BILLS FOR THE RELIEF OF GIUSEPPE ZITO AND KIMOKO ANN DUKE

Mr. SCOTT. Mr. President, I introduce two private bills. This is not ordinarily the subject of a statement, as under our present rules these are to be introduced only by Members of the Senate. But I introduce two private bills, one for the relief of Giuseppe Zito and another for the relief of Kimoko Ann Duke.

I introduce them publicly because I have had my staff make a careful examination of the merits of this matter, and I am satisfied that they are meritorious, and I introduce them for appropriate reference.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills (S. 3166) for the relief of Giuseppe Zito and (S. 3167) for the relief of Kimoko Ann Duke, introduced by Mr. Scott, were received, read twice by their titles, and referred to the Committee on the Judiciary.

S. 3170—INTRODUCTION OF A BILL TO AMEND SECTION 8340 OF TITLE 5, UNITED STATES CODE, RELATING TO CERTAIN ANNUITIES

Mr. TYDINGS. Mr. President, it is obvious that the Department of Defense will be announcing numerous reduction in force statements for the balance of this fiscal year, it is imperative that we take every possible step to cushion the actions and reduce the hardships caused by such reductions. It is to that end that I introduce legislation to amend section 8340(b), of title 5 to extend the 5 percent cost-of-living adjustment which was available for a 2-day period and expired October 31, for a period of 60 days after the enactment of legislation I have proposed. I understand the proposal is consistent with recommendations by the Department of Defense and the Bureau of the Budget. Two days is certainly not an adequate period of time to make a decision involving a retirement after a lifetime of service. This was the situation facing prospective retirees on October 29, 1969. It would seem that if we wish career service employees to take an opportunity of early retirement and thus ease the stress of hardship by defense annuitants we should afford these prospective retirees a minimum of 60 days to make the decision.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3170) to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3171—INTRODUCTION OF A BILL TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. HARTKE. Mr. President, I am today introducing for myself and Senators BAYH, BIBLE, CANNON, EAGLETON, MCCARTHY, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

On September 23 of this year, the Federal Bureau of Investigation issued its latest crime statistics for the period January to June 1969. These statistics carry the same frightening message carried by other FBI reports in recent years, which is that violent crime and offenses against property continue to increase at an unprecedented rate in the cities, in the suburbs, and in the rural areas of our country. As a group, violent crimes increased 13 percent during this 6-month period when compared to the same period in 1968. Robbery was up 17 percent, forcible rape 15 percent, aggravated assault 10 percent, and murder 8 percent. Crimes against property rose 8 percent as a group. Taken individually, larceny involving amounts of $50 or more increased 17 percent, auto theft was up 9 percent, and burglary 3 percent.

This country is, in fact, fighting two wars today, the one in Southeast Asia and the other right here in this country. This latter conflict is the much talked about, but little acted upon, war on crime. Last year more than 12,000 persons lost their lives as a direct result of this domestic war—victims of a struggle which is in many ways more brutal and more bloody than the one in Vietnam. In 1968 this war, which day by day increases in its intensity, hospitalized 200,000 and produced property losses in excess of $1 billion.

Unlike Vietnam, where there is some hope that an honorable peace may be forthcoming, the situation here at home appears increasingly desperate. The forces of crime appear to be alarmingly close to victory over the forces of peace. If positive action is not taken—and taken soon—a crime crisis of unprecedented proportions will soon surely envelop this Nation.

Happily, we have the tools already at hand to meet effectively the forces of crime and eventually to defeat them. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 declared that the policy of the Congress is "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance." Such assistance is in the form of planning and action grants to be distributed to the States by the Law Enforcement Assistance Administration, within the Department of Justice. If intelligently utilized, these grants can serve as an invaluable instrument in the fight against crime.

As originally conceived, these grants were to be distributed directly to those localities where the incidence of crime was highest. The local nature of the law enforcement effort was highlighted by President Johnson's Commission on Law Enforcement and Administration of Justice, in one of the most ambitious investigations of the crime problem ever undertaken. In their report of February 1967, entitled "The Challenge of Crime in a Free Society," the Commission stressed the importance of local participation and authority in the fight against crime.

The House, however, fearful that this direct grant approach would eventually lead to a federally controlled police force, voted for an amendment to title I, which created a block, rather than categorical approach, to grant distribution. By virtue of the House amendment, 85 percent of all available Federal funds would be distributed first to the States and then to the localities.

Here in the Senate, the Judiciary Committee, despite the House amendment, maintained the categorical approach to grant distribution. On the floor this approach was again challenged and ultimately defeated. By a vote of 48 to 29—CONGRESSIONAL RECORD, volume 114, part 11, page 14771—this body adopted an amendment which paralleled the House amendment by its impact, with the exception of a provision in the Senate version which required that a certain percentage of the funds be channeled automatically by State governunents to local governments. This change was viewed as necessary at the time in order to gain the support of those Senators who favored the original categorical approach and who feared that the cities would be slighted if an automatic pass-through provision were not provided. This formula, as developed in the Senate and later accepted by the House, provides that 40 percent of the funds allotted to the States for planning grants and 75 percent of the funds for action grants be funneled directly to units of local government, or combinations of local units, with the remainder going to the State government.

The Law Enforcement Assistant Administration—LEAA—in the Department of Justice has the responsibility of distributing the grant money authorized by Congress. Under the act each State, in order to be eligible for Federal funds, had to establish a State planning agency under the authority of the Governor. A provision for direct grants to localities was put in the act in case any State failed to set up a State planning agency. All States, however, made applications for funds and established planning agencies, thereby preventing local governments from invoking that option. As provided for in the act, 85 percent of the available Federal funds were allocated directly to the States according to their population, with the remaining 15 percent allocated by the LEAA, at its discretion.

To insure that this money would be made available to local governments without long and harmful delays, title I provides that States must apply for planning grants within 6 months after enactment of the statute and that States must then file a comprehensive law enforcement improvement plan within 6 months after approval of their planning grant. Every State jurisdiction was able to meet these deadlines, but not, as we shall see, without some serious damage to the caliber of the plans which were generally devised. The first phase of the program, the planning phase, received $19 million during fiscal year 1969. Another $29 million was appropriated for action grants for activities called for in the initial planning stage.

Several provisions in the act were designed to insure that local governments would not be overlooked in critical matters of planning and funding. In this regard, title I requires that State planning agencies "shall be representative of law enforcement agencies of the State and of the units of general local government within the State." It has been widely assumed that this provision would result in the appointment of public officials who would review the actions of the State's planning staff. The statute also specifically directs the States to take into account "the needs and requests of the units of general local government" and to "encourage local initiative." As shall be pointed out later, the majority of State planning agencies have not done this.

Also, the unfortunate slowness of some States in developing plans for distribution of funds to local governments presents a serious problem to these governments. For it is quite possible that if local governments do not receive planning funds in sufficient time to develop local plans or elements of the State plan, their needs may not be recognized in future action grants, since only the needs covered in the comprehensive State plan will be eligible for action grant assistance.

Moreover, the requirement that the States submit their individual plans within 6 months of their applications for funds has resulted in the formulation of plans which, in many instances, constitute little more than "shopping lists," rather than cohesive, long-range plans. For this reason, it is impossible to tell from many of the plans submitted whether the action programs which will proceed from these plans will further the purposes of the Safe Streets Act.

CRITICISM OF THE SAFE STREETS ACT

What I have said already indicates my belief that all is not well with title I of the Safe Streets Act. Defects in the planning process would appear to threaten seriously the future administration of the action grant program which was formally initiated with the start of this fiscal year. Certainly the ultimate success of title I is dependent upon the effectiveness of the action grants.

These doubts that I voice about the future of the program are shared by a number of organizations which have an immediate interest in the legislation. They are: The National League of Cities—NLC—the U.S. Conference of Mayors—USM—the Urban Coalition and Urban America Inc.; the National Association of Counties—NACO—and the National Governors Conference—GC.

In March of 1969, the National League of Cities published a very well-researched critique of the block grant features of the LEAA program. The study included: First, a comprehensive analysis of 31 State planning grant applications selected at random; second, extensive comments from State municipal leagues and individual cities; and third, several direct contacts with State planning agency directors. This study concluded that:

> The Safe Streets Act, as currently administered by LEAA and most of the states, will fail to achieve Congress' primary goal of controlling crime in the streets of urban high crime areas. Instead of focusing dollars on the critical problems of crime in the streets, local planning funds are being dissipated broadly without regard to need and are being used to finance third levels of bureaucracy as a matter of state administrative convenience. Though the original intent of Congress in accepting the approach of block grants to the states was to prevent federal bureaucratic control of local law enforcement activities and to encourage local planing and innovation, state administrative practices would appear to thwart this objective.

The NLC study also noted that the formula for the distribution of planning funds provided that each State, the District of Columbia, and for territories were to receive $100,000 for planning with additional planning funds to be distributed on the basis of population. As a result, planning funds for American Samoa amounted to $3.45 per capita, as compared to only $0.07 each for citizens of California and New York. While allowing that such allocations for planning can perhaps be justified on the theory that there is a certain level of support below which a successful planning operation cannot be maintained, the NLC survey went on to note the disparity between funds made available for planning and action grants:

> Although Alaska and Vermont, for example, will receive $118,000 and $128,000 respectively for planning, they will receive only $33,278 and $51,272 respectively for action programs. Such limited funding for post-planning action may retard implementation of an active state program. This may be a particular problem for urban areas in smaller states; these areas have higher crime rates than the state as a whole, but their problems may not receive state level priority either because of limited action resources or the fact that crime is not a pressing statewide issue.

Of the 31 States surveyed by NLC, 28 were developing regional systems to distribute all, or a substantial portion of the planning and action grant funds which the law requires be funneled to localities. It notes that 24 of the 31 States had officially designated a total of 211 regions, each of which will require staffing and separate policy review structures.

Much more importantly, the regional system for allocation of funds is resulting in a fund distribution which favors rural areas over urban, this despite the LEAA guideline which states:

> Priorities in funding local planning should be given to the State's major urban and metropolitan areas, to other areas of high crime incidence and potential, and to efforts involving combinations of local units.—LEAA Guide for State Planning Agency Grants, November 1968.

The NLC study then goes on to zero in on what might well be the most serious—and most disturbing—defect in title I, and that is its seeming inability to insure that planning and action grant funds will be concentrated in those areas with the highest incidence of crime:

> Favoritism of rural areas is most pronounced in those states which repeat the national dollar distribution pattern by allocating a minimum amount to each region. Thus in California a rural region of 19,000 population is allocated $11,000 or 58 cents per capita, for planning while the region containing Los Angeles and a population of 9,981,000 is allocated $235,000, or 2.3 cents per capita. In Georgia a rural region of 75,400 population is allocated $10,500 or 14 cents per capita while the metropolitan Atlanta region with 1,307,700 population is allocated $33,750 or 2.5 cents per capita. Furthermore, although the FBI Uniform Crime Reports for 1967 indicate that 60 per cent of Georgia's index crimes were committed in the metropolitan Atlanta area, which contains 30 per cent of the state's population, only about 15 per cent of local planning funds were allocated to this region. A preliminary LEAA survey of all applications indicated that besides California and Georgia, eight other states planned to distribute funds to regions with base grant and population as the determining factor, while 21 states planned to distribute funds strictly according to population. These population formulas take no account of relative need in distributing funds. Only eight states indicated any attempt to recognize incidence of crime as a factor in planning fund distribution by using crime index in combination with population to determine allocations.

It would appear that those elements of law enforcement which best lend themselves to a regional planning approach are in the areas of police training, communications, laboratory systems, and so forth, which are supportive of enforcement activities rather than directly involved in the effort to control crime in the cities. Unfortunately the research of the NLC indicates that regional plans tend to emphasize such supportive programs to the detriment of action-oriented planning presented by the cities.

The NLC also criticized the proportionally small representation of cities on State planning agencies and the failure of the LEAA to require, in accordance with its own guidelines and the clear intent of the act, adequate minority representation.

Criticism of the LEAA grant program were also leveled by the Urban Coalition and Urban America, Inc. in their June 1968 report. After examining the planning process in 12 major urban States they reached the following conclusions:

> 1. Planning under the Safe Streets Act has for the most part been the work of small numbers of professionals. Only limited representation, at best, has been given residents of poor and minority neighborhoods, where the problem of crime is most intense. Other private citizens—from industry or non-profit organizations concerned with the underlying causes of crime—have not usually been involved. Agencies dealing with problems related to crime, such as health, poverty, or employment, in many cases have played minor roles or have not participated at all.
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> 2. Many state planning agencies are planning separately for each segment of the criminal justice system. Few are making a conscious effort to mold plans for the various elements into a coherent whole.
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> 3. Competence in law-enforcement planning is spread thinly among the states—especially competence in the kind of planning that relates crime to other social problems, and treats the criminal justice systems as an integrated whole. So far, the Justice Department has been able to offer little guidance, either in the planning process or the problem area which the plans are intended to confront. In this void, many states are turning to outside consultants, some of whom are relatively new to the field.

In conclusion, the Urban Coalition and Urban America, Inc., report urged the LEAA to require "the States in their plans to go into considerable detail in describing proposed action projects." It said:

> This is one of the few ways of determining whether the deficiencies in planning which this report has noted are being overcome.

Additional doubts about the implementation of title I have been expressed by the National Association of Counties. Based on a questionnaire sent to the chief elected official of every county with a population of 50,000 or more, the NACO study criticizes the LEAA program for not involving more policymaking officials at the State level and suggests that membership of State bodies be expanded to include such officials.

Interestingly enough, criticism of the program has also been issued from the National Governors Conference. Although one of the foremost advocates of the block grant approach to Federal assistance, the NGC has been quick to criticize what it considers defects in the program. In its December 17, 1968, letter to NGC, it noted:

> Generally, states with heavy urban populations have fewer representatives of city governments than do states with more rural populations.

The letter went on to state:

> It is essential for the success of the intergovernmental aspects of this new program, that local elected officials play a significant role in setting the policies of the state law enforcement planning agency. The views of the elected official, the one concerned with the total role of government, with the budgetary requirements, and with long-range legislative goals are an important ingredient in any statewide law enforcement plan.

This very incisive criticism of the planning process is instructive in view of the great stake that the NGC has in the success of title I. If it fails, the whole concept of block grants to the States as a preferable method of Federal aid to the States will have been dealt a very serious blow.

Undoubtedly, the most complete and contemporary study of title I has been done by Dr. B. Douglas Harman, assistant professor, Urban Affairs Program, School of Government and Public Administration, the American University. Published in the September 1969 issue of Urban Data Service, Professor Harman's article is titled "The Safe Streets Act: The Cities Evaluation." His article states the basic dilemma posed by title I, which is that while city officials must fight crime, the grant-in-aid power lies exclusively with the State governments.

Based on two questionnaires distributed by the International City Management Association during June 1969, Harman focuses directly on the effectiveness of the block grant approach found in the act. One questionnaire was sent to the directors of all law enforcement planning agencies and the other to the chief administrative officials of those 859 cities with a population of 25,000 or more. All 50 State agencies replied and 637 of the cities—72 percent—returned their questionnaires. In addition to analyzing these data, Professor Harman studied the administrative elements of the 50 State law enforcement plans.

What were his conclusions?

Although allowing that it is still too early to reach hard and fast conclusions regarding the implementation of the grant program, Dr. Harman did state:

> The administrative characteristics of this block grant program deserve continued analysis. Although it has been heralded as a reform measure designed to correct the problems found in categorical grant programs, the political and administrative complexities of the block grant as seen in the LEAA program were not fully anticipated by block grant proponents. The administrative goals of this form of grant-in-aid included comprehensive planning, uncomplicated intergovernmental relationships, elimination of federal controls, and state allocation of funds. While some of these goals have been partially achieved, the block grant has caused considerable intergovernmental competition and has generated significant political cross-pressures from important groups.

Harman goes on to comment that "despite the transfers of powers from the National Government to the States, the block grant has not brought about 'uncomplicated intergovernmental relations' or eliminated 'Federal controls.' The network of intergovernmental relations in the LEAA program is complex because all of the governmental units involved in it want to maximize their powers."

In support of his findings, Dr. Harman draws upon the wealth of statistical information provided by his questionnaires. Harman notes that the traditional conflict between State and local governments is borne out by statistics which show that 60 percent of the officials from cities with populations of 100,000 or more hold a negative opinion of State government's activities in urban problems. Specifically, such officials feel that State governments are seldom, or only occasionally, sympathetic or helpful in coping with urban problems. It is not surprising, then, that the block grant system of title I has apparently done nothing to lessen this feeling on the part of larger cities. The comment of the former mayor of Minneapolis, Arthur Naftalin, is typical of sentiments expressed by most big city mayors. Naftalin claimed that State control of the program would "inevitably dilute" authority which should be given to the cities. He also commented that "States are simply not equipped to respond to the needs of the cities." The mayor of a large eastern city asserted that the program had meant "nothing but a dismal trickling down of funds for big cities."

Reinforcing the criticism of the Urban Coalition and Urban America, Inc., are figures in the Harman study which indicate that although citizens make up 22 percent of the total State planning agency membership, "few of these individuals have central city backgrounds or come from minority groups." Moreover, Harman states that the assertion that professional law enforcement officials dominate the plannng process has "some validity." In support of this claim, he notes that on five State planning boards the percentage of public safety representation is between 47 and 34 percent, and that in most States it is similarly large. Some ranking LEAA officials, Harman notes, take the position that "professional competence" is the principal goal and that every citizen participation in law enforcement planning is largely unnecessary.

Harman concludes his balanced study by remarking:

> If all state governments were progressive and had innovative leadership, there might not be so much concern. The viability of the block grant approach will be seriously tested in this program, and strong sensitive state leadership, as well as competent technical support, will be required in order for states to assume their full responsibilities.

This statement, Mr. President, very succinctly summarizes the doubts I have about this program's future success and the doubts which have been expressed by the organizations I have mentioned. Simply stated, it appears that title I of the Safe Streets Act, as it is presently structured, has not had, and will not have, the effect of reducing the high incidence of crime currently plaguing this country.

Interestingly, similar doubts about title I's future have been expressed by officials in the Justice Department itself. In an address before the Federal Bar Association on March 10, 1969, Attorney General Mitchell urged the States to "marshal their resources to concentrate on their urban centers." He continued:

> Today, "70 percent of our nation's population lives in metropolitan areas. This high concentration of money and people has led to a concentration of social and economic problems.

The Attorney General then said:

> There are, according to the Bureau of the Census, 228 standard metropolitan areas. Almost all of them are starved for money and other aids, some of which could be supplied by the state governments.
>
> All too often, needed cooperation and help has stumbled on political rivalries and bureaucratic parochialism which divide the urban centers and the state governments. While I understand the basis for much city-state government rivalry, political parochialism must be put aside in the name of our citizens who live in our cities.

In a speech delivered on October 20, 1969, to the Western Attorney Generals Conference, the director of the Law Enforcement Programs in the LEAA, Mr. Daniel L. Skoler, admitted that although the new program under title I "promises to absorb billions in tax money in the coming decade," it has yet to "produce anything in either improved law enforcement or crime control beyond paper plans and fund transfers."

While praising the accomplishments of the States during the program's first year of existence, such as the creation of 50-State planning agencies and the submission of 50 "comprehensive" plans under which Federal funding will be granted, Skoler also admitted the program has a number of problems. These problems as enumerated by Mr. Skoler are as follows:

> 1. Staff turnover and quality preeents a constant threat to the quality of the Crime Control Act program as administered through the States.
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> 2. Although there are 50 State plans, these are rudimentary, (there are) exhibit gaps in coverage, (they) are often vague and imprecise about implementation, and have yet to incorporate serious, long-term or multi-year components.
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> 3. The States have shown a weak initial commitment for the fields of court, prosecution and corrections.
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> 4. The States remain to demonstrate a clear commitment to the problems of the large cities which account for the bulk of crime incidence.
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> 5. In many States, it is not clear that local government needs and priorities will be fully reflected in the planning process or fully represented in the State planning agency supervisory boards.
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> 6. (There is an) uncertain commitment of States to matching requirement of Act. In this regard, Skoler questioned the ability—he might also have questioned their willingness—to provide matching funds required under the Act.
>
> 7. (There is an) uncertain responsiveness of States to citizen and community needs and values.
>
> 8. The danger (exists) of inadequate quality in the planning, financing and implementation of improvement goals.

A quick reading of this list, Mr. President, discloses that these are not minor defects which Mr. Skoler has disclosed. Rather, they are deficiencies which go to the very heart of title I. Weakness in staff, weakness in the State planning, weakness in priorities, and most importantly weaknesses in the degree of commitment imperil the principal objective of title I: a dramatic decrease in the rate of crime in this country.

Deputy Attorney General Kleindienst has also expressed his apprehension over the future of the program. On February 12, 1969, he urged the States to include minority representatives in the planning process. He said at that time that the Safe Streets Act must be carefully administered to allay fears that its intent is repressive, rather than protective, Mr. Kleindienst said:

> Law enforcement is impossible without a high level of community cooperation. If we forfeit the cooperation of citizens in the high crime areas, we will have lost more ground than we gained. On the other hand, if we utilize the Act to foster that cooperation, we multiply its value . . . If your state Law Enforcement Planning Committee does not now include black people—and in some states, Spanish-speaking citizens—qualified persons from these groups should be sought out and induced to participate wherever possible . . . It is important, also, that spokesmen so selected have the confidence of the rank and file of the population groups for which they speak.

Despite Mr. Kleindienst's pleadings, however, the studies by the Urban Coalition and Dr. Harman indicate representatives of the poor or minority groups and officials of agencies in such fields as welfare, health and manpower are conspicuous by their absence on State planning agencies.

On April 5, 1969, a Justice Department memorandum to State planning agency officials stated that "regional combinations must be more than State-imposed geographic units." The LEAA acknowledged that "SPA—State planning agency—programs for local planning awards have assumed a greater regional emphasis than was expected. There has been considerably less direct pass through to major local units or major metropolitan areas than had been anticipated." In effect, this memorandum made official the doubts Attorney General Mitchell and Deputy Attorney General Kliendienst had expressed about the program.

PROPOSED AMENDMENTS

This necessarily lengthy narrative of title I's history and its implementation by LEAA and the States since the passage of the Safe Streets Act has been offered by way of introduction to proposals which I believe will cure the chief deficiencies in the legislation as it is now written. The board-based criticism which has been leveled against title I by responsible critics in and out of the Justice Department are, I believe, worthy of our most serious consideration. If nothing else, it should be clear that all is not well with the administration of this program. Contrary to the intent of the Congress funds are not being channeled to the localities which have the highest incidence of crime. Rather, funds are generally being diluted by dispersion across the States to regional planning boards which have shown very limited sensitivity to the problems of local governments. Although it is admitted by virtually everyone interested in this problem that crime is essentially, and most seriously, a disease of the cities, there is no indication that LEAA funds are being concentrated in urban areas. I must emphasize that although rural crime is on the increase, and must not be ignored, it still represents only one-twelfth of the overall incidence of crime in this country. In this time of severe strain on the Federal budget, it is essential that every dollar spent for crime prevention be spent wisely. Currently, this is not being done.

I propose, therefore, that section 306 of title I be amended to read that 50 percent of the funds appropriated by the Congress, rather than the 85 percent currently provided, will be allocated as block grants to the States. This amendment has attached to it the proviso that a State's block grant allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where the LEAA finds that the comprehensive State plan required under the act adequately deals with the special problems and particular needs of the major urban areas and other areas of high crime incidence within the State. Presently, such a finding is not required of the LEAA.

My bill further provides that a State's block grant shall be increased by an additional 20 percent from funds allocated at the discretion of the LEAA where the State contributes at least 50 percent of the non-Federal share of costs for programs of local governments funded in accordance with the comprehensive State plan. It is the purpose of this proviso to better insure that the States will bear their fair share of the non-Federal costs of this program. Both the NLC and Harman studies have indicated an unwillingness on the part of the States to accept readily their responsibilities in this area, with the result that the cities have been forced to finance a larger share of the non-Federal cost than warranted by the benefits which they have received. I strongly believe that if the block grant approach to Federal assistance is to work, there must be a more equitable sharing of costs. I believe adoption of this proviso would go far towards achieving such equity.

This bill would also amend section 301 (b) by inserting a new paragraph authorizing the LEAA to make grants to States for the purpose of crime prevention. It is suggested in this new paragraph that increased funds should be allocated for improvement of lighting in high crime areas and the development of laws and ordinances and building design techniques which would lower the opportunities for crime.

The final amendment contained in this bill would set a 3-year authorization for this all-important program. If the defects in title I, which I have spoken about at some length are to be eliminated I think it is essential that the States be assured of the Federal Government's long-term commitment. In my opinion, this assurance is not provided by a 1- or even a 2-year authorization. Rather, at least a 3-year authorization is required if the program is to be assured a sense of continuity.

As well, this amendment makes substantial quantum increases in the authorization rate. Currently, a $300 million authorization is proposed for fiscal year 1970. This amendment would increase that authorization to $800 million in fiscal year 1971; $1 billion in fiscal 1972 and $1.2 billion in fiscal 1973; an authorization of $3 billion for the period from June 30, 1970, to June 30, 1973.

I firmly believe that if the war against crime is to be fought successfully, Congress cannot afford to authorize less. In large measure the size of our commitment to defeat the forces of crime is measured by the amount of funds which we set aside for that objective. To date the funds allocated for the battle have been patently inadequate to the task at hand.

In summary, Mr. President, let me emphasize that in no way should these amendments which I offer here be construed as an attempt to do away with, or dilute the effectiveness of, the block grant approach to grant assistance. I think that it is much too early to be doctrinaire in one's judgments respecting the block grant approach. In fact, as I have already pointed out, my approach to the allocation of grants may very well result in some States receiving larger block grant amounts than they would receive under the law as it is presently written. What these amendments will do, however, is reemphasize the importance of directing Federal funds to those areas which experience the highest incidence of crime. This, I believe, was the intent of Congress when it formulated this legislation. And this, I believe, should remain its intent.

Mr. President, I ask unanimous consent that the text of this bill be reprinted immediately following my remarks.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3171) to amend the Omnibus Crime Control and Safe Streets Act of 1968, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (——) Section 301(b) is amended:

(1) By redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), and

(2) By inserting a new paragraph (5) to read: "Crime prevention, including improved lighting of high crime areas and development of laws and ordinances and building design techniques to lower opportunities for crime."

(b) Section 301(c) is amended to read as follows: "The portion of any Federal grant used for the purpose of paragraph (6) or (7) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any grant used for the purpose of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any grant to be used for any other purpose set forth in this section may be up to 60 per centum of the cost of the program or project specified in the application for such grant; *Provide*d that no funds granted under this section shall be used for land acquisition."

SEC. 2. Section 306 is amended to read as follows: "50 per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States according to their respective populations for grants to the State planning agencies of such States. The remaining 50 per centum of such funds, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State, shall, in the discretion of the Administration, be allocated among the States for grants to State planning agencies or used by the Administration for grants for the purposes of this title to State agencies, units of general local government, public agencies, or combinations of the foregoing, according to the criteria and on such terms and conditions as the Administration shall determine consistent with this title. Grants made under the preceding sentence shall not be subject to the limitations set forth in subsections (c) and (d) of section 301: *Provided,* That a State's allocation shall be increased by 20 per centum from funds allocated at the discretion of the Administration where the Administration finds that the comprehensive State plan required under section 303 adequately deals with the special problems and particular needs of the major urban areas of the State and other areas of high crime incidence within the State: *Provided further,* That a State's allocation shall be increased by an additional 20 per centum from funds allocated at the discretion of the Administration where the State contributes at least 50 per centum of the non-Federal share of costs for programs of units of general local government funded in accordance with the comprehensive State plan required under section 303."

SEC. 3. (a) Section 520 is amended by inserting immediately after "June 30, 1970," the following: "$800,000,000 for the fiscal year ending June 30, 1971, $1,000,000,000 for the fiscal year ending June 30, 1972, and $1,200,000,000 for the fiscal year ending June 30, 1973."

S. 3173—INTRODUCTION OF A BILL TO EXTEND THE TIME WITHIN WHICH CLAIMS MAY BE FILED FOR CREDIT WITH RESPECT TO GASOLINE USED ON FARMS

Mr. McGOVERN. Mr. President, I introduce today a bill to extend the time within which claims may be filed for credit with respect to gasoline used on farms.

Present law provides that farmers may receive a tax credit for taxes which they have paid on gasoline which is used in farm machinery. This is, of course, quite equitable since the gasoline tax is essentially a road tax and farm machinery operates primarily off of Federal highways.

As the Internal Revenue Code now reads, the farmer must claim this credit at the time of filing his income tax that year. The bill I am proposing will permit the farmer to file for this credit any time within the period normally allowed for filing a claim for a credit or refund of an overpayment of income tax, presently 3 years.

This bill brings the gasoline tax credit provision into line with income tax refund provisions and permits farmers to file for their credit later if they are unable to meet the existing deadline.

Mr. President, I believe that this adjustment of the Internal Revenue Code will grant the same privileges to farmers which other taxpayers enjoy. It is simply giving them an adequate chance to claim what is rightfully theirs. Surely there can be no objection to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3173) to extend the time within which claims may be filed for credit with respect to gasoline used on farms, introduced by Mr. McGovern, was received, read twice by its title, and referred to the Committee on Finance.

S. 3174—INTRODUCTION OF A BILL RELATING TO DISPOSITION OF FUNDS TO PAY JUDGMENTS IN FAVOR OF CERTAIN INDIANS

Mr. McGOVERN. Mr. President, I introduce for appropriate reference, a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes.

The Mississippi Sioux Indians have received a very substantial award from the Indian Claims Commission. This bill would provide the necessary authority for the distribution and use of the funds already appropriated to satisfy the judgment. I wish to make it clear that I reserve judgment on the provisions of the bill and that I am introducing it at the request of the Sisseton-Wahpeton Sioux Tribe in South Dakota in order that hearings may be held and all the facts brought to light concerning the manner in which the funds should be divided and utilized.

Mr. President, I ask that a letter from Mr. Chris R. Johnson, Secretary of the Sisseton-Wahpeton Sioux Tribe, requesting introduction of this legislation be printed in the Record, together with the language of the proposed bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 3174) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commisson dockets numbered 142, 359–363, and for other purposes; introduced by Mr. McGovern, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians, and the Medawakanton and Wahpakoota Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

Sec. 2. The direct descendants of Medawakanton and Wahpakoota Tribes now residing in organized groups at Flandreau, South Dakota, known as Flandreau Santee Sioux Tribe, Niobrara, Nebraska, known as the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, Morton, Minnesota, known as Lower Sioux Community, Welch, Minnesota, known as Prairie Island Indian Community. The above named Tribes and Communities shall prepare rolls of their members with available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

Sec. 3. The Secretary of the Interior shall prepare (a) a roll of persons of Sisseton and Wahpeton Mississippi Sioux Indian blood born on or prior to and living on the date of this Act whose name or the name of a lineal ancestor appears on the official approved current rolls of the Devils Lake Sioux Tribe, of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Upper Sioux Indian Community of Minnesota, of the Sisseton and Wahpeton Band of Sioux Indians, and (b) a roll of persons of Sisseton and Wahpeton Mississippi Sioux Indian blood born on or prior to and living on the date of this Act whose name or the name of a lineal ancestor appears on the 1909 Annuity Payroll of members of the Assiniboine and Sioux Tribes of Fort Peck, Montana. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final. No person shall be eligible to be enrolled under this section who is not a citizen of the United States.

Sec. 4. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

Sec. 5. After deducting the amounts authorized in Section 1 of this Act, from funds derived from the judgment awarded in Indian Claims Commission dockets numbered 360, 631, 362, 363, and one-half of the amount remaining from docket numbered 359, the balance, plus accrued interest, shall be apportioned on the basis of the roll prepared pursuant to Section 2 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community in Minnesota, and the Prairie Island Indian Community in Minnesota, shall be placed on deposit in the United States Treasury to the credit of the respective tribes and 60 percent of such funds shall be distributed per capita to those tribal members listed on the rolls prepared pursuant to Section 2 of this Act, the remainder may be advanced, deposited, expended, invested, or reinvested for any purposes designated by the respective tribal governing bodies and approved by the Secretary of the Interior; *provided, however*, That none of the funds may be paid per capita to any person other than persons whose names appear on the roll prepared pursuant to Section 2 of this Act. The shares of enrollees who are not members of the tribal groups named in this Section shall be paid to them in accordance with the terms of this Act, provided they are not on rolls of other tribes not directly concerned.

Sec. 6. After deducting the amounts authorized in Section 1 of this Act, from funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and one-half of the amount remaining from docket numbered 359, the balance, plus accrued interest, shall be apportioned on the basis of the roll prepared to Section 3 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, and the Upper Sioux Indian Community in Minnesota, shall be placed on deposit in the United States Treasury to the credit of the respective tribes and 70 percent of such funds shall be distributed per capita to those tribal members listed on the rolls prepared pursuant to Section 3 of this Act. The remainder may be advanced, deposited, expended, invested, or reinvested for any purposes designated by the respective tribal governing bodies and approved by the Secretary of the Interior; Provided, however, that none of these funds may be paid per capita to any person other than persons whose names appear on the roll prepared pursuant to Section 3 of this Act. In the case of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes.

Sec. 7. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons, upon the recommendation of the governing bodies of the tribes named in Sec. 5 and 6 of this Act.

Sec. 8. Any part of such funds that may be distributed under the provisions of this Act shall not be subject to Federal or State income tax and shall not be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribes to the United States or owed by individual Indians to the tribes, or the United States.

SEC. 9. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

The letter, presented by Mr. McGOVERN, is as follows:

SISSETON-WAHPETON SIOUX TRIBE OF THE LAKE TRAVERSE RESERVATION,
Sisseton, S. Dak., November 7, 1969.

Senator GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C

DEAR HONORABLE GEORGE MCGOVERN: We wish to submit on behalf of the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation this proposed disposition Act that would provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indian in Indian Claims Commission dockets numbered 142, 359–363.

This proposed Act is a result of many meetings and discussions held by the individual bands concerned and finally by the different bands in two separate combined meetings.

We would certainly appreciate having this bill introduced and passed as this claim has been pending for approximately twenty years.

Any assistance your good office can provide in this matter will be greatly appreciated.

With every good wish,
Sincerely,
CHRIS R. JOHNSON,
Secretary.

ADDITIONAL COSPONSOR OF A BILL

S. 2847

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2847, to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. RES. 285

Mr. PROXMIRE. Mr. President, I ask unanimous consent, at the next printing, the name of the Senator from Hawaii (Mr. INOUYE) be added as a cosponsor of Senate Resolution 285, authorizing the Foreign Relations Committee to study international cooperation in space.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENTS NOS. 288 AND 289

Mr. McGOVERN. Mr. President, I am submitting for appropriate reference two amendments to the Labor and Health, Education, and Welfare and related agencies appropriations bill—H.R. 13111. They provide for increased appropriations for elementary and secondary education programs and for higher education.

The amounts requested are minimal. We have been asked to spend many times this amount on less important projects—unneeded aircraft, useless missiles, and dangerously provocative weapons systems. I simply ask that we make a small investment in the future of our children and the future of our Nation.

THE ELEMENTARY AND SECONDARY AMENDMENT

The first amendment—No. 288—has two major features. It asks a total funding increase of $304,761,300 for fiscal 1970 over H.R. 13111 as it presently stands, and also provides for year-ahead funding of a number of programs. The amounts to be appropriated for fiscal 1971 represent a 19-percent increase over the fiscal 1970 amounts which I am proposing for the affected programs. This advanced funding is needed if schools are to have their funds available at the beginning of the school year.

I will not at this time attempt to give an extensive analysis of the amendment, but I will briefly mention the functions of the programs and the increases over H.R. 13111 for fiscal 1970 along with the total amount for 1971.

Title I of the Elementary and Secondary Education Act which provides funds to assist in the education of children from deprived backgrounds: an increase of $103,839,300 and an appropriation of $175,000,000 for 1971.

Title II of the same act which provides supplementary grants to the States for the purchase of textbooks and other instructional materials: an increase of $50 million, and appropriation of $125,000,000 for 1971.

Title III which creates grants that establish and carry on supplementary education centers and services which provide educational experiences that are needed by students, but which are frequently not available in the existing public schools: an increase of $8,124,000, and an appropriation of $233 million in 1971.

Title V–A of the National Defense Education Act which grants funds to schools systems to strengthen their guidance and counseling services: an increase of $5 million, and an appropriation of $26 million in 1971.

Title V of the Elementary and Secondary Education Act which recognizes the need for strong State departments of education and provides grants to improve their operation: an increase of $10,250,000 and an appropriation of $45 million for 1971.

Title VII and section 807 of the same act which provide respectively for programs which attempt to prevent dropouts and which give special instruction to children whose mother tongue is not English: an increase of $5 million and $20 million in 1970 and an appropriation of $25 million and $30 million in 1971.

The Education Professions Development Act which provides special programs such as training institutes, fellowships for teachers, training of special teachers, teacher recruitment, and the Teacher Corps: an increase of $56,963,000 and an appropriation of $195,300,000 in 1971.

There are a number of acts covering education of handicapped children and this amendment increases the total sum available for their education by $21 million and an appropriation of $160 million for 1971.

Four programs contained in this amendment deal with the continuing education of the community as a whole.

Titles I and II of the Library Services and Construction Act which provide respectively for the construction of public libraries and the establishment and maintenance of cooperative library networks: Title I to be advance funded at $40 million and title II increased by $8,815,000.

Title I of the Higher Education Act which establishes grant programs for community service and continuing education programs by colleges and universities, an increase of $5,500,000.

Finally, title II of the Communications Act of 1934 which provides funds for assisting in the purchase of educational broadcast facilities, an increase of $5,500,000.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 288) was referred to the Committee on Appropriations.

HIGHER EDUCATION AMENDMENT

Mr. McGOVERN. Mr. President, the second amendment—No. 289—to H.R. 13111 deals primarily with the funding of higher education. It increases appropriations for 10 programs by $386,337,000.

These include four programs for construction of academic facilities: one provides grants for community colleges, increased $25,400,000; another, grants to other institutions of higher learning, increased $172,200,000; a third, grants for the construction of graduate facilities, an appropriation of $25 million where H.R. 13111 contains none; and, finally, loans for all sorts of academic facilities, appropriation increased from zero in H.R. 13111 to $100,000,000 and repayment moneys unfrozen. These programs were created by the Higher Education Facilities Act.

Title VI of the Higher Education Act provides grants for the purchase of undergraduate instructional equipment, an increase from zero to $25 million.

Title IV of the National Defense Education Act which is one of the primary sources for graduate fellowships to potential college teachers, an increase of $18,837,000.

The amendment also provides additional funds to strengthen college libraries by funding otherwise inoperative features that make per student grants to the college and develop regional specialty libraries for an increase of $12,500,000.

Finally, the amendment appropriates funds for three programs which have never before been funded: clinical training for law students, $3 million; assistance to public service education, $3 million; and the International Education Act, $3 million.

The PRESIDING OFFICER. The

amendment will be received, printed, and appropriately referred.

The amendment (No. 289) was referred to the Committee on Appropriations.

JOB OPPORTUNITY

Mr. SCOTT. Mr. President, one of the greatest tasks which face our Nation today is that of assuring that every American can work and can advance to the limits of his or her ability. The Equal Employment Opportunity Commission, which was created by Congress under title VII of the Civil Rights Act of 1964, is charged with the responsibility of eliminating discrimination in employment. William H. Brown III, Chairman of the EEOC, last night opened a 3-day conference on equal job opportunities, which is being attended by almost 50 representatives of the Nation's major trade and civic associations. The Chairman read a letter from President Nixon to the conference enlisting the cooperation of America's businesses in attacking the problem of job discrimination. Chairman Brown's speech before the conference described the problems which we face, and urged the business community to take steps of its own to solve the problem, rather than waiting for the Government to force it to act.

The conference is being sponsored by the Johnson Foundation and the Cambridge Center for Social Studies and is being conducted at "Wingspread," the Johnson Foundation's headquarters near Racine, Wis. In addition to Chairman Brown and the other Commissioners of the Equal Employment Opportunity Commission, the conference will hear representatives of the Office of Federal Contract Compliance of the Department of Labor, the Contract Compliance Office of the Defense Department, the U.S. Civil Rights Commission, and the Council on Indian Opportunity. It will also hear a panel on "Affirmative Action and the Private Sector," consisting of representatives of the Equitable Life Assurance Society, Michigan Consolidated Gas Co., Hoffmann-LaRoche Inc., and the National Advisory Council for Black Business and Economic Development.

I ask unanimous consent that the text of Chairman Brown's speech, President Nixon's letter, and a list of the national trade associations attending the conference be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Remarks by William H. Brown III, Chairman, Equal Employment Opportunity Commission

Good evening. I want to thank each and every one of you, who represent America's leading trade associations, for taking time from your busy schedules to participate in this conference on equal employment. I also want to thank the Johnson Foundation which is sponsoring this conference and is making these remarkable facilities of "Wingspread" available to us.

I would like to broadly define what problems we face as a Nation with respect to job discrimination, and to suggest some general approaches which trade associations and our Nation's businesses can take to help alleviate those problems.

As you know, the Equal Employment Opportunity Commission was established by Congress under Title VII of the Civil Rights Act of 1964, to end job discrimination by private industry and labor unions in our Country.

Since 1964, the Commission has heard over 40,000 cases and has found discrimination in 60 percent of those cases. That is a staggering figure which can only lead to one conclusion—that job discrimination is widespread and deeply entrenched in our society. These figures do not represent a few malcontents and troublemakers who file charges on the basis of imagined wrongs.

They represent the frustrations and despair of members of minority groups, and women, who are capable and willing workers but who see their best efforts constantly shortchanged.

Discrimination in employment is perhaps more often an unconscious and unintentional pattern than it is a deliberate scheme. Regardless of the cause, the effect is the same—the exclusion of capable and qualified workers for reasons other than those related to their ability to do the job.

The chains of discrimination in employment are just as real a form of slavery and tyranny as the chains that once bound men as slaves. The chains of discrimination deny a man's humanity, they deny him a chance in the arena of life to earn a decent livelihood and to make something of himself. They turn the American dream into an American nightmare. And just as the chains of slavery had to be broken to set men free, so the shackles of employment discrimination must be loosened today.

The Equal Employment Opportunity Commission was given a mandate by Congress to break down and eliminate job discrimination wherever it is found.

In the past five years, since the Commission started holding hearings and investigating cases, and collecting figures, we have confirmed what many had suspected. Job discrimination knows no boundaries of geographical region, class, or profession. While it is widespread and open in the South, it is well-honed and subtle in other areas. You will find it in the board room as well as in the boiler room. It exists in industry, labor, education, journalism, and medicine. There is no immunity to it, because little attention has been given until now to its debilitating effects. It was the kind of illness which most people thought did not constitute immediate emergency. There were no running sores, and usually it was accompanied by a low-grade fever. Too often, even the people afflicted did not know that they were in poor condition. Even today, too many of them do not know that remedies are available.

Congress distilled the remedies in the 1964 Civil Rights Act, when it created the EEOC, and it left out one of the vital ingredients at the time, enforcement powers. One of the remedies is the compliance process. This involves the receipt and investigation of job discrimination charges filed by blacks, Spanish Americans, Indians, women, Jews—anyone who feels the effects of discrimination in hiring, promotions, on-the-job conditions, pay, and any other area where factors other than ability and performance come into play.

During fiscal year 1968, the Commission took on a total of 10,095 complaints of job discrimination; this figure rose to 11,720 during the past year. When we find that a complaint is valid, we go to the parties involved and try to eliminate the unlawful practice through a process of negotiation which we call conciliation. The goal of the Commission in conciliation is to obtain specific relief for the injured party. In the process we are often able to convince the employer to make a general reform of his employment practices when we find that the individual case in question is merely one instance of a wider problem within the firm. Thus, one successful conciliation will sometimes have an impact beyond the single individual who initiated the case. That is when we are successful.

If conciliation fails, the only recourse for the charging party at the present time is to initiate a private suit against the employer. If the Commission finds that a pattern or practice of discrimination exists, it will refer the case to the Attorney General of the United States for prosecution.

The missing ingredient which is needed to make this remedy more potent is enforcement power for the Commission. Now we must depend upon reason and goodwill to bring about conciliation. In cases where an employer has been deliberately practicing discrimination, goodwill does not exist in large doses.

The current Administration is solidly committed to providing EEOC with enforcement powers, and legislation is now moving through Congress. I believe that this Congress will give EEOC the power it must have to deal effectively with illegal job discrimination. I believe that when the Commission does have the power to compel compliance with the law, we will find a great reservoir of goodwill welling to the surface by employees who previously found little time for concern with problems of discrimination. With effective enforcement powers, our powers of persuasion will pack a great deal more punch.

Frankly, I hope we can keep our enforcement powers in reserve and not have to make extensive use of them. I would rather see cases settled through voluntary compliance. Better yet, I would like to see fewer and fewer cases come before the Commission as a result of positive action by American business and industry to define and eliminate discriminatory practices withins its own house.

Do not leave it up to the Government to solve your problems for you. Wake up to the fact that it is in your own self-interest to eliminate job discrimination. The idea that business and society cannot operate exclusively of one another is not a new concept, but I think it is more often heard in speeches and discussed philosophically in conferences, and too seldom made part of business mode of operation.

Wouldn't you *rather* do it yourself? Or do you want to be dragged by the heels screaming into the arena? Give equal employment opportunity a try on a full-scale basis, and you will probably find that it does not hurt at all. That is what we are trying to put across during this conference.

The automobile industry and the tire industry are good examples where lack of response to public needs resulted in having safety regulations shoved down the industries' throats. Now, after discovering that safety sells, they are starting to offer safety innovations on their own.

Several years ago the television manufacturing industry fought tooth and nail to avoid equipping television sets with all 82 channels. Finally the government had to force them to do it. The industry predicted collapse and bankruptcy, but it did not happen. Today, the price of television sets is cheaper than ever before.

Here in this room sit the representatives of our Nation's top businesses. You are the leaders and the pace setters in your fields. But you have not, so far, set any records in the area of equal employment.

Often the blacks and other minority group members, who do get hired or promoted have to be exceptional in ability or attractiveness to get where they are. This is especially true in professional and managerial positions. Many employers boast of the Negroes in their firms. They usually have good reason to do so, because the Negro probably had to be first in his class to get the job; whereas his white colleague, doing the same job, is usually able to qualify with much less impressive credentials.

Take another example. If you walked through some of your firms and saw the Negro employees, you might really become convinced that black is beautiful. The Negro who applies for a "visible" position usually need not bother unless he or she looks like a fashion model and speaks "standardized English". However, you might note that his white supervisor has skin blemishes and stutters.

You may say that I am exaggerating. But give yourself a test. The next time you fill an opening, consider a minority group member whose test scores or scholastic achievements are no greater than those of a qualified white applicant, or consider hiring an ugly Negro, and see if they can do the job.

As the leaders of American business, why not take the lead in equal employment opportunity. Greater credit will be yours if you do set the pace, than if you wait for the United States Government to stand behind you and push.

If you need advice on how to proceed, come to us at the Commission, rather than waiting for us to come to you, with a case file in hand.

We know that American business is growing increasingly concerned about the threat to our society which continued inaction in this area could produce. We are also aware that many companies want to improve their records in this area, but like a government bureaucracy they are stuck in their ways or do not have the expertise needed to make fundamental changes in employment practices. They need to take a new look at their policies of recruitment, hiring, upgrading, testing and other procedures.

The EEOC is willing and anxious to help. Our Office of Technical Assistance is available to aid any firm which requests help in setting up fair employment practices, effective minority recruiting and training programs, and other programs designed to correct present abuses and prevent future problems.

I would much rather that the firms which you represent talk to us over a blueprint for action than over an investigator's case file. That is the preferred procedure because it involves prevention rather than cure.

Let me outline some of the affirmative action programs which business can adopt, which would be recommended in greater detail by EEOC's Technical Assistance Office.

First, review existing personnel placement of minorities. See how many minority group persons you employ and how that mirrors the racial balance of individual communities. See if in fact your minority persons are underutilized. Have the ladders to higher jobs been blocked by unwritten rule or custom? If so, remove those blocks and move presently employed minority persons up the ladder of advancement.

Second, review your recruitment, selection and testing procedures. Do you recruit only in the white press and in predominantly white campuses? Are you actively recruiting in the minority press and on minority campuses? Do your tests tend to screen people out rather than in? Do your tests require overqualification for the job to be done?

Third, check out your personnel office. This is central to any effective affirmative action program in employment. Do you have ample minority recruiters who can serve as living evidence of your good intentions and sincerity?

Fourth, what about your community relations? Do you really relate in a meaningful way to minorities in your communities? Have you really taken off your coat, rolled up your sleeves and gotten involved in the problem solving of the urban ills threatening our society today?

Fifth, what about your trade association? Have you thought of hiring a fulltime expert to work on affirmative action programs with your member companies for the '70's? Clearly the affirmative action programs for the '60's have been inadequate. New initiatives, new ideas, new creativity must break forth. Do you exchange information of successful programs at national association meetings and through your publications?

Sixth, have you given the priority to equal employment opportunity that it deserves when viewed in the terms of the future destiny of our society and in terms of the human lives wasted and lost because of discrimination.

Seventh, have you made the deep decision as to how high are you prepared to allow minorities to rise? To the fullest of their ability?

Eighth, are you aware of the need and are you practicing some kind of compensatory system of recruitment and placement to begin to even the ledger of racial imbalance in your employment patterns. It is a ledger way out of whack by any criteria in most American industry today.

It will require determination and positive action to set things straight. We must establish the bonds of trust between the haves and the have-nots in our society.

After decades of segregation, after generations of unequal opportunity, after a lifetime of inadequate education, the blacks and the Spanish-Americans and other minority groups will not believe that you are serious just because you print at the bottom of your ads that you are an equal opportunity employer. It will require more than words on your part.

I propose to you tonight an opportunity to form a cooperative partnership between business and government to deal with this major problem of discrimination in employment. I hope you will seize it. For if this approach fails, it means the Commission will be forced into an adversary position with American business. That would not be healthy, either for the minority community or for the business community.

The problems are too immense for us not to work together and use every means at our disposal to solve them. They cannot be solved by business alone. Nor can they be solved by government alone. They may not be solvable at all. But if they are, it will require the best efforts of us all.

At EEOC we plan to expand the technical assistance program because we expect, and hope, that cooperation with people like yourselves will replace confrontation. We would like eventually to be able to put all of our resources into technical assistance, and reserve the conciliation and enforcement functions for a few rare occasions. That will depend partly on your response.

Let us tonight welcome the challenge of the '70's, and attempt to provide the kind of leadership that is required of us. Let us resolve to open up the system so that everyone can participate freely and fairly to the fullest of his and her potential. Let us raise together a new standard of justice which will make equality of opportunity a reality rather than a platitude.

Our Nation will achieve its goal of equal Employment opportunity for all its citizens. The only question is how. We can do it through the long and tortuous route of investigation, conciliation, and court proceedings based on the law which says that discrimination in employment is illegal. Or, with your help, we can do it in a spirit of cooperation and good will, based on the realization that discrimination in employment is unjust, indefensible, and unproductive.

I would like to close with the words of Thomas Wolff:

"To every man, regardless of birth, his shining golden opportunity, to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make—this, seeker, is the promise of America."

THE WHITE HOUSE,
Washington, November 19, 1969.

Hon. WILLIAM H. BROWN III,
Chairman, Equal Employment Opportunity Commission, Conference on Equal Employment Opportunity, Racine, Wis.

DEAR BILL: It is a pleasure to greet the representatives of America's leading trade associations and civic organizations who attend this Conference on Equal Employment Opportunity.

As the first large-scale gathering of business and government representatives for the purpose of exploring the problem of job discrimination in America, this meeting does indeed promote cooperation—not confrontation. You have recognized that all of us must work together to assure that all Americans have equal job opportunities based on their abilities, and that these abilities are fully and profitably used.

The President's Council of Economic Advisers has estimated that discrimination in employment costs the economy at least $30 billion annually. The further costs in human dignity and damage to the social fabric of our national life cannot be calculated. It is the goal of this Administration to insure equal employment opportunity to every citizen. To this end, I have urged the Congress to provide enforcement power to the Equal Employment Opportunity Commission. I hope that it will not be necessary to exercise that power often.

And this is where the businesses and industries you represent can play a vital part. By taking the lead in promoting equal employment opportunity and making it a matter of course and not an issue for courts, you can deal affirmatively and constructively with the problems we face. And you can brighten the futures of countless fellow Americans—while teaching others that discrimination is not only a violation of the law, but a violation of the spirit and tenets on which this nation was founded.

May your deliberations be rewarding for your participants, and for the nation you serve with such distinction.

Sincerely,

RICHARD NIXON.

CONFERENCE PARTICIPANTS

Aerospace Industries Association of America, Inc.
American Bakers Association
American Gas Association
American Meat Institute
American Road Builders' Association
Association of American Railroads
Edison Electric Institute
Institute of Temporary Services, Inc.
International Sanitary Supply Association
National Association of Broadcasters
National Association of Manufacturers
The National Federation of Business and Professional Women's Clubs, Inc.
National Machine Tool Builders' Association.
National Roofing Contractors Association
National School Boards Association
Pharmaceutical Manufacturers Association Foundation, Inc.
American Nursing Home Association
U.S. Jaycees.
American Newspaper Publishers Association
National Tool, Die and Precision Machining Association
Manufacturing Chemists Association
National Asphalt Pavement Association
American Life Convention
Associated Equipment Distributers
National Canners Association
U.S. Chamber of Commerce
American Paper Institute
American Iron and Steel Institute
American Petroleum Institute
American Medical Association

American Insurance Association
American Metal Stamping Association
American Foundrymen's Society
National Tire Dealers and Retreaders Association, Inc.
American Trucking Association
Urban Coalition of Minneapolis
American Association of Advertising Agencies, Inc.

DEATH OF JOHN E. DURISOE, SENATE DOORKEEPER

Mr. BYRD of Virginia. Mr. President, on November 15, John E. Durisoe, of Falls Church, Va., died at the Fairfax Hospital. Mr. Durisoe had served the Senate with courtesy, efficiency, and good humor as a Doorkeeper for nearly 10 years at the time of his death.

I take this occasion to express my sympathy for Mr. Durisoe's family and to say that he will be missed in the Senate.

I ask unanimous consent that the notice of death be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

JOHN E. DURISOE

Suddenly on Saturday, November 15, 1969 at the Fairfax Hospital, Fairfax, Va. John E. Durisoe of 2863 Rosemary Lane, Falls Church, Va., beloved husband of Mrs. Mary K. Durisoe, and father of Susan Durisoe. He is also survived by his mother, Mrs. Doris L. Durisoe of Falls Church, Va., a sister, Mrs. Hugh Darling of Los Angeles, Calif., and two aunts, Mary F., and Lela R. Durisoe of Washington, D.C. Friends may call at Hysongs Funeral Home, 1300 N St. NW., on Monday, November 17 between 12 noon and 9 p.m. Service and Interment will be held in Grayson, Ky.

PORNOGRAPHY CONTROL LAWS

Mr. GOLDWATER. Mr. President, it is very encouraging to me to see that legislation against pornography has been put high on the list of measures which the distinguished majority leader and minority leader have announced must be considered by the Senate prior to adjournment in December.

The movement to obtain serious Senate consideration of bills pending in this field is one in which I have joined since early in the spring. I regret to say that it was an embarrassing discovery for me to find out that the only thing a Senator could do if he wished to testify about pornography was to cross the Hill and speak before members of a House committee.

Two different committees of the House have been holding open hearings on the obscenity problem all year long, but there has not been 1 day of hearings on the Senate side. I think that the whole Nation is hoping the decision by the leadership will put a spur under the Senate so that we can get rolling on this.

There is no question that most Americans are deeply irritated by the outpouring of filth which bombards their homes.

Who among us has not received numerous letters from residents of his State pleading that we take new initiatives to control the dissemination of indecent materials? My mail has reached as high as six letters in a single morning from citizens who criticize the ineffectiveness of existing pornography laws.

No one has compiled a total of just how much mail is sent to Members of Congress by persons who demand the enactment of new laws against smut, but it must be gigantic.

Another indication of the enormity of the problem is reflected in the fact that well over one-half million persons have filed complaints with the Post Office Department in the last 3 fiscal years specifically objecting to obscene mailings.

These protests have recently jumped to a projected rate of nearly a quarter million complaints annually. This is the highest number ever received by the postal service since it began keeping data bearing on such complaints. The fact that hundreds of thousands of citizens are sufficiently aroused to register their outrage against smut mail in this way is clearly deserving of our special attention.

The actual number of Americans who want protection against the unsought and unwelcome intrusions caused by the smut peddlers can only be estimated. But, the results of a recent Gallup poll give us a pretty good clue. This poll revealed that 85 out of every 100 adults interviewed said that they favor stricter laws dealing with obscenity in the mails. Translated into population statistics, this means that 100 million persons are dissatisfied with the existing postal obscenity laws.

Why is this so?Why is it that the present laws have failed to prove equal to the task? What solutions exist by which we can put a halt to the menace which is threatening the sanctity of American homes?

Mr. President, these are the kinds of questions which I have been examining for the past several months. I have reached certain conclusions about the problem and I would like to share them with you now.

First. The major source of outrage among our citizens is the unsolicited, sexually oriented literature that is being delivered to the doorstep and mailbox of millions of American households.

It is not so much the new wave of movies and avant guard plays that are presented in the downtown theater that people object to. It is not so much the pulp magazines and paperback books that are sold at the corner newsstand that create the public's alarm.

These things are offensive to many people. But, the primary target of anger and concern is not anything that is happening in public places. The threat which provokes citizens from coast to coast is one that strikes at the very heart of each individual's last fortress of personal liberty—his ability to bar the entry into his own home of intrusions that shock or offend his personal sensibilities.

It is here where the American people want and demand Federal action. It is here where the problem is so massive and so dangerous that individual citizens must seek assistance at the national level.

The average citizen—who might be referred to as the "forgotten American"—expects to be able to choose what it is he sees and reads in the privacy of his home. Further, he expects to be able to have some reasonable control over what kind of material his children will be exposed to in the confines of his own home.

Mr. President, the second conclusion which I reached is that the American public is entirely warranted in calling upon the Congress for help in controlling the distribution of indecent materials. For the problem is certainly one of national scale. It is also one which involves a sizable traffic in the channels of interstate commerce.

Smut, I regret to say, is a major industry. The distribution of pornographic books, magazines, films, and novelties has grown to a billion dollar business. By comparison the total sales of the U.S. Government Printing Office are only $17 million annually.

According to Assistant Attorney General Wilson, who is in charge of the Criminal Division of the Department of Justice, this business is dominated by approximately 15 to 20 large dealers.

The chief postal inspector has put it in different terms. He estimates that 95 percent of the complaints about obscenity in the mails results from the indiscriminate mass mailings of 15 distributors.

These operators usually send out computerized first-class mailings to pander their filth. They are well-heeled firms making as much as $10 million in 1 year.

The market for obscenity has grown so lucrative that it now yields an enticing plum to be grasped by organized crime. A newly formed joint strike force that was set up last July among Federal, State, and local law enforcement officials in New York City has uncovered convincing evidence showing the infiltration of organized crime into the field of hard-core obscenity.

In fact, Daniel Holman, who is in charge of the strike force, tells me that the Justice Department has won an indictment in New York against two members of the mob family accused of shipping locker boxes full of hard-core pornography to scattered points all over the country.

Mr. President, it is clear that a problem of major proportions exists. And, it is equally clear that the American public needs our help. But in order to know what changes are called for, we must first take a look at what is wrong with the present laws.

Everyone knows that there is a whole battery of Federal antiobscenity laws already on the books. On occasion these have proven useful in putting a finger in the dike against obscenity.

Even the Roth case, which is so often criticized, actually involved the successful application of the basic Federal statute banning the mailing of obscene matter (354 U.S. 476). Likewise, the first Ginsburg case in 1966 saw the Court upholding a conviction under the same law (383 U.S. 631).

In Roth the illicit merchandise consisted of obscene circulars and advertisements and an obscene book. In Ginsberg, the objectionable matter included three publications and related advertising.

The question might then fairly be asked, "Why, if there are Federal laws directed against obscenity, which have been used as weapons against some sexually offensive advertisements and publications, is there a need for additional laws?"

The paradox will appear even more confusing when I mention that there has been a vigorous prosecution of obscenity cases by the Justice Department in the last few months which have resulted in Federal indictments being returned against 17 of the approximately 20 major pornography dealers. In addition, the Chief Postal Inspector has prepared evidence relating to the mailing activities of at least 14 smaller distributors that should mature into prosecutions shortly.

And, to take developments a step further, I am delighted to report that the Nixon administration has made a visible demonstration of its intent to give top priority status to the prosecution of obscenity cases by concentrating all the responsibilities for handling this job into one section at the Justice Department. This step is one which I and several other Senators urged upon the White House early this year and I am greatly pleased that the President and the Attorney General have put the idea into being.

While there has been real progress in the record of indictments in the last few months, however, it is also the unfortunate truth that the same people who are under indictment continue to grind out their unwholesome product while the number of citizen complaints soars up and up.

Part of the difficulty in shutting these businesses down can be traced to the fact that the whole gamut of procedural safeguards is available to the large dealers who possess ample resources to fight the Government tooth and nail. They are able to win prolonged trials followed by 2 or 3 years of further delays caused by appellate proceedings. All the while they can carry on with business as usual.

It is my hope that a string of four or five convictions in these cases would throw a sufficient scare into the pornography crowd to frighten many of them out of the business.

But even so, there would still be major gaps in the current barriers against obscenity. These must be closed to prevent the dealers in smut from shifting their activities to unregulated territory.

There are two primary areas where I believe additional Federal laws would assist in curbing the problem. One stems from the fact that the pandering law set forth in title 39 of the United States Code does not apply to unsolicited first mailings. Consequently, a strengthened version of this law should be passed to reach the millions of original mailings of crude advertisements that openly appeal to the erotic interests of viewers. I have discussed this aspect of the problem in depth when I testified before the Subcommittee on Postal Operations relative to H.R. 10867.

Today, I would like to focus my attention on the second area where the criminal laws might be strengthened—the protection of children from exposure to material which is obscene as to them. For strangely enough there is no national law which is now aimed squarely at protecting minors from obscenity.

The legislatures of 39 States have adopted some type of special prohibition against the exposure of minors to obscene materials and it is high time that Congress does the same.

Mr. President, there is no question in my mind that the Government has an interest and an obligation to restrict the distribution in commerce of sexually oriented material which is directed to minors or is delivered with a reckless disregard to whether or not it will reach minors.

That society has a legitimate interest in regulating the dissemination to children of material which is objectionable as to them, but which could not be regulated as to adults, has been settled by the second Ginsberg case in 1968 (390 U.S. 631). In this case, the Supreme Court specifically decided that society has a strong and abiding interest in protecting the welfare of young people which includes the power to regulate or control pictures and printed material that are obscene to minors.

That a legislature may properly determine that children should be protected from obscene matter has also been settled by the Ginsberg decision. There the Court looked squarely at the question whether a State can reasonably find that obscene matter will undermine the moral, ethical, and mental development of children and concluded:

> The possibility of harmful effects to youth cannot be dismissed as frivolous.

Commonsense will tell most people that the exposure of young children to material that portrays sexual promiscuity or abnormal behavior in a crude manner might have a destructive influence on such children. The trouble is, of course, that this kind of event can initiate an unhealthy direction or attitude in a person at a crucial stage in his life's development when patterns of behavior and ways of thinking are being formed.

The record contains persuasive statements by responsible medical experts that confirm this danger. For example, in 1963 the New York Academy of Medicine published a report on the medical aspect of indecent publications sold at newsstands and circulated by mail.

In this report the academy said:

> Although some adolescents may not be affected by the reading of salacious literature, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion.

The academy further stated:

> The perusal of erotic literature has the potentiality of inciting some young persons to enter into illicit sex relations and thus of leading them into promiscuity, illegitimacy and venereal disease.

The 122-year-old academy restated these positions in November of 1964, in a letter sent to former President Johnson. At that time the academy added:

> The problem of salacious literature has deep-going sociomedical implications for the entire Nation and requires action on the Federal level.

Mr. President, I am aware that the medical profession does not adhere to these views universally. I have also noted the claims made in certain law review articles and medical journals that not much research exists to show what effect pornography has on the social actions of individuals.

These articles refer, of course, to the absence of controlled experimental investgations. They fail to consider the wealth of expert testimony which is available from psychiatrists, law enforcement officers, and other professionals who have had contacts with consumers of obscenity.

The prevalent view held by these persons has been succinctly expressed by Dr. Donald Hammersley, chief of the professional services wing of the American Psychiatric Association, who kindly prepared a bibliography at my request covering some studies in the obscenity field.

Dr. Hammersley commented on this research material as follows:

> I don't believe any of these references offer positive proof that pornography has a bad effect on children. I believe psychiatrists would agree that, in general, glorification of perverse, sadistic, and anti-social activity in material available to children could adversely affect a child's psychosocial development.

This pretty well sums up the generally accepted view that the potential for corruption is certainly present in obscene materials. Clearly, none of the skeptics can point to any empirical evidence that would prove the opposite.

Mr. President, I wish to emphasize one point about my suggestion. I do not feel that Congress is limited to one ground alone in order to act on legislation to protect children.

Whether or not we decide that pornography is inimical to children, there is a second concept which I believe offers a strong basis for enacting a special law with respect to minors. I am speaking, of course, about the power of Congress to protect the constitutional guarantee of freedom of privacy.

To me privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life. In short, it stands as the bulwark of a man's right "to be let alone."

The right of privacy has been distinguished as a distinct and separate right in American law for the past 80 years and is regularly winning expanded interpretations.

The reason for this is easy to see. As rapid improvements in the means of communications and transportation have continued to bring people closer and closer together, these same developments have made it increasingly simple for each person's life to be intruded upon by others who seek to exploit by unfair means.

Thus it is that the courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria*, 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going upon private residences, without prior invitation to solicit orders for the sale of magazines. The Court upheld the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

A major principle announced by the Court is that when the substantive right of free speech collides with the personal right of privacy, there has to be an adjustment of both rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

The most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider section 4009 of title 39, the pandering advertisement law. In upholding the power of Congress to secure the right of privacy by restricting mailings of objectionable pandering advertisements, the court said:

> To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to "turn off" pandering advertisements which may be erotically arousing or sexually provactive to him and his family.

In my opinion, these decisions—backed up by related cases such as *Griswold* v. *Connecticut*, 381 U.S. 479 (1965)—make it crystal clear that the right of privacy is included among the fundamental personal rights reserved to the people by the Constitution.

In applying this doctrine to the proposal for adopting stringent new regulations over the delivery of smut materials to young persons, I am convinced that the right of privacy will be held to encompass the right of parents to raise their children in their own way.

The indiscriminate distribution of smut to minors is undermining the ability of parents to educate their children in a decent way as to the purpose and meaning of sex. For this reason, the vast majority of parents seek our assistance in shielding their families against the massive promotion techniques used by multimillion-dollar operators. The intervention of organized crime into the arena makes it doubly our duty to provide Federal help in preserving the sanctuary of the American home.

Mr. President, my studies in this field have turned up some data which increases my belief that Congress may enact much stricter controls over the dissemination of obscene materials to children. I will start with the fact that there is a child under 18 living in six out of every 10 American homes. I say 18 because this is the age limit proposed in most of the pending bills to define when a person is a child and when he is not.

Next, we can note that there are 35 million children in the age group under 18. Clearly, this is a sufficient number to deserve protection at the national level.

Finally, the official Labor Department statistics disclose that at least one-third of American wives in families with children under 18 are employed outside the home. The highest working force rate among women of all ages is that of married women with children ages 6 to 17. These ladies represent 45 percent of the entire women's work force and total over 6 million persons.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working parents return home.

Based on the above facts, it can be concluded that the access of children to direct advertising mail is so great that additional requirements should be imposed to decrease the chances they will be exposed to matter which is harmful to them.

With this said, I shall turn to an examination of the specific provisions which it would be appropriate to include in a child-oriented statute. I have sponsored S. 1706, together with the Senator from Alabama (Mr. ALLEN), on behalf of 21 Senators, and I have no doubt that the enactment of this measure would make a significant dent in the illicit traffic generated by the smut peddlers.

But rather than describing the features of our proposal, I believe the best way to approach this aspect of the subject would be to discuss the provisions of the administration bill, S. 2073, which has been endorsed by 46 Senators.

The bill has by far the greatest number of sponsors of any pornography measure in the Senate, and it holds the added distinction of having been ordered favorably reported by the Subcommittee on Juvenile Delinquency for action by the full Judiciary Committee. This action was taken, I must note, without the benefit of any hearings.

Obviously, S. 2073 has the inside track on the Senate's legislative program. Therefore, I will direct my comments to the ways in which I believe that proposal can be shaped into a workable and effective statute.

Mr. President, the first suggestion I shall make is that the definition section should be tightened up so that it follows the standards applied by the New York State statute that was upheld in the second Ginsberg case.

Unfortunately, the provision set out in clause (iii) of subsection (a) omits certain essential elements that have been traditionally required by the courts as a test of obscenity.

For example, the statute would allow the material under question to be considered standing alone, although the usual court standard is to view the objectionable matter "taken as a whole" in the setting in which it appears. Obviously, the omission of this element can cause a significant difference in the decision of whether or not an item is obscene. Looked at by itself, one picture in a magazine or one line in a book may appear indecent. But when taken in the context of the article or story to which it belongs, it may seem proper.

For this reason, I am afraid that unless the bill is changed it will be applicable on its face to many legitimate magazines, newspapers, and books that no one wanted to cover.

An even greater oversight than this has been made, for whoever put the definition language together has left out what has to be the truly basic standard applied in each court decision on obscenity. I refer to the absence of any requirement that objectionable material must appeal to the prurient interest of the consumer.

Consequently, I suggest that the Senate adopt an amendment that will make the bill conform to the standards set forth in the New York statute.

In my view this one change is absolutely crucial to the validity of the entire law. I urge my colleagues to read the case of *Interstate Circuit* v. *Dallas*, 390 U.S. 768 (1968) if there are any lingering doubts about tampering with the constitutional definition of obscene matter.

In this case the Court held that an ordinance of the city of Dallas was invalid because the standards used to define impermissible matter were not definitely and narrowly drawn. The Court decided that this was so even though the law had been adopted for the purpose of protecting children.

The Court drew a comparison between the New York statute and the Dallas one, noting that the New York statute had been drawn "in accordance with tests this Court has set forth for judging obscenity."

That this approach will be effective is proven by the fact that the conviction upheld in Ginsberg involved the sale of four "girlie" magazines. If the Court is willing to find that pictorial magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

In view of this signal by the Court, it is essential that the New York type of definition is the one we should use.

Mr. President, the second amendment I suggest for consideration is designed to keep the impact of the bill on target. Remember that the source of national outrage about smut is caused by a few major dealers engaged in commercial exploitation.

But the way subsection (b) is now worded, it would bring within its reach the case of relatives or friends who use the mails and interstate carriers without any purpose of material gain.

To close this loose provision, I recommend the proposed law be amended to hit at persons who distribute illicit products for compensation or other commercial ends. This would be similar to a requirement in the New York statute and would meet the suggested form included in the model penal statute drafted by the American Law Institute.

The third change which I hope the Senate will consider is whether the criminal sanctions of the bill should be expanded to reach the manufacturer and producer of pornographic materials.

The only person who is covered by subsection (b) is the one who deposits matter in the mail or transports merchandise in commerce.

Thus it appears that any maker of obscene films or publisher of smut books who wants to evade the penalties of the law can do so by contracting with an independent distributor to handle the actual printing, mailing, or shipping of his product.

There is a major smut mill in Phoenix that performs just this kind of service on behalf of publishers in many different States, and I think the law should be stretched far enough to reach its kind of operations. I am referring to the Valley Paperback Manufacturers, Inc., which is engaged in a $4 million business printing wildly indecent books by the ton for 14 U.S. publishers.

According to the Phoenix Police Department's special investigation bureau, Valley Paperback takes completed printing plates from the publisher, runs off an estimated 35,000 sex books each day, and ships them back to the publisher by truck, mail, and REA for eventual distribution to the public.

Saul Simkin, president of the company, bragged to an Arizona Republic reporter:

> I have the most beautiful operation of its type in America today . . . Sex is here to stay and nobody is ever going to tell me what to print, ever.

In order to shake up the brazen activities of operators of this kind, I feel the Senate should examine whether it is feasible to expand the scope of subsection (b) to make it a crime to print or manufacture lewd material if the accused knows or intends that such material will be deposited in the mail or transported in commerce in violation of the statute.

The next amendment I wish to bring before the Senate also involves the inherent constitutional validity of the proposed statute.

In my opinion subsection (c) of the bill is incapable of passing muster in the courts.

This provision says that indecent matter which is sent to a household where a child resides shall be considered as having been intended for delivery to a minor. An exception is granted only when the material is sent in an envelope or wrapper that "completely conceals the contents" and is "clearly, specifically, and personally addressed to an adult."

Frankly, I cannot see how the courts will allow the lawmakers to pull themselves up by the bootstraps in this manner, and I must caution the Senate against adopting the provision.

It must be remembered that we are not talking about situations where the dealer can actually see the customer. Here where the business is conducted through the mails or in interstate commerce, the distributor does not see who his customer is.

Therefore, he cannot be charged with knowing the age of the person who opens the mail unless there is additional, reasonable proof of this presumed fact.

Mr. President, I must inquire, how is the sender supposed to keep up the running account of each birth and change in age of family members that he must be aware of in order to know at which homes children are residing? And, if a minor does live at a residence where a dealer sends his product, can it fairly be said that the item is designed for delivery to him if he is only 10 months old?

There is only one conceivable way in which subsection (c) might make sense and that depends on whether it will meet the criteria laid down by the Supreme Court for statutory presumptions. On the basis of the High Court decision in the case of Leary against United States, May 19, 1969, I fear that subsection (c) will not make it.

The Court announced in Leary that it will not uphold a statutory presumption unless the presumed fact is more likely than not to result from the proved fact.

Applying this test to the subsection (c) presumption, the proved fact would be that lewd material was sent to a home where a child resides. The presumed fact would be that the product was meant to be delivered to the child.

In order for this to be a rational inference, it would have to be shown that most mailings and interstate shipments of smut are in fact received by persons who are younger than 18.

Next, it must be shown that most dealers in smut are aware of this fact and have deduced that unless their product is mailed in the exact form described in subsection (c) it will be delivered to a child.

Mr. President, after a long study of existing materials, I am persuaded that there simply is not any direct or circumstantial data available from which these conclusions may follow.

In the course of my search for evidence, I have been in touch with the Bureau of the Census, the Post Office Department, the Justice Department, the Commission on Obscenity and Pornography, and the Library of Congress to learn if they have any information bearing on whether most smut mail and deliveries are intended for or opened by children. In each instance the reply was negative.

The result is the same if we turn to private sources. I have discussed this question at length with officers of two national associations representing firms active in the mail advertising industry to see what surveys or statistics they might possess.

But again, the response was negative. Neither the Mail Advertising Service Association nor the Direct Mail Advertising Association knew of any evidence from which it may be concluded that most mail of a commercial advertising nature is opened by minors.

In fact, the only information that came to light points the opposite way. According to a National Consumer Survey made for the Direct Mail Advertising Association in 1964, mail advertisements are opened by the head of the family in 75 percent of American homes. This certainly refutes the idea that children open most of such mail.

Mr. President, I wish to underline for the record that the member firms of these two associations are reputable companies, all of whom refuse to have anything to do with the smut trade.

They do possess a world of expertise about the direct advertising field and have been very generous in helping me pursue this investigation.

Even if the evidence had been different, there are other problems which might crop up. For example, I suspect that the U.S. attorneys would be hard put to explain to a court the differences between the requirements that an envelope or wrapper be "clearly, specifically, and personally" addressed. I assume that for an envelope to be "personally" addressed, it must show the name of the person to whom it is directed. But what reasonable distinctions in construction can the court give to the other terms?

Webster's defines "specific" to mean "precise" or "accurate." Applying this usage to the bill would mean that a person can be liable for conviction because of a misspelled name or an erroneous initial.

What then of "clearly?" I wonder what could be more clear than the personal name of the addressee. In his search for a distinct interpretation, perhaps the judge looking over this word will decide that the only meaning left open is for all envelopes or wrappers to be free of smudges and marks.

In any event, I feel it is apparent that the use of this triumvirate of requirements is open to challenge on the ground of vagueness.

The fifth amendment I propose is that subsection (d) be stricken from the bill. To me this provision will create a giant loophole which the purveyors of filth will leap through with impunity.

My concern lies in the fact that this subsection would create a complete defense to a charge of violating the law for any defendant who has received a declaration from the addressee stating that he is an adult.

To me this means that every smut dealer will be given a ready-made defense whenever a minor fills out a coupon on which he lies about his age.

It is a routine practice for these operators to put an item relative to age on their order forms right now so that such a defense may negate the whole purpose of the statute.

To the contrary, I believe we should shift part of the burden of keeping this unsought material out of homes where it is not wanted to the smut peddlers themselves.

For example, the Senate might consider imposing a requirement on the dealer to compile and use a professionally designed mailing list that gives a high degree of certainty that it contains the names of adults only.

Practically every one of the dealers causing the present trouble already possess automated equipment which they use in making their deliveries. Therefore, a requirement of this kind would be entirely reasonable.

Mr. President, the state of art in the list preparation field is at a point of extraordinary sophistication. The accomplishments of reputable firms in the direct advertising trade prove that the technology is at hand to put together lists that will meet my proposal.

For example, R. L. Polk & Co., of Detroit, has compiled a list which contains precise information on more than 60 percent of all families in the United States. Labeled the "Household Census List," this amazing creation tells a subscriber the names of the heads of households in 30 million American families, the names of their wives, the number of children in each family, the age range of children, and many other precision factors on a household-by-household basis.

Polk certainly is not inclined to deal with anyone in the pornography business. As a matter of fact, Polk carefully investigates the integrity of each of its customers before renting one of its lists.

But the fact that human ingenuity can develop such a remarkable list as the one Polk has produced should be reason enough for the Congress to investigate fully the question whether it would be reasonable to require pornographers to create adult-only address lists.

There are known ways by which these lists can be kept fresh so that they maintain an accuracy factor of better than 90 percent. While this might not be foolproof, it would provide a much greater assurance than present practices do, that smut garbage will not be addressed to a child.

The final amendment that I wish to propose is the inclusion of a provision which preserves concurrent jurisdiction for the States in the antiobscenity field.

The question of whether Congress intends to occupy the field to the exclusion of State and local laws should not be left for the courts to interpret. Congress has chosen to add a nonpreemption feature in 15 of the Federal criminal statutes it has enacted during the past 5 years, and I propose that similar language be put in the pending legislation.

Mr. President, I ask unanimous consent that a list identifying these 15 criminal statutes be printed at the end of my statement.

Mr. President, in closing I want to express the hope that all Members will be sufficiently interested in finding an effective way to control this menace that they will look at the problems closely. In the words of an Arizona physician who has expressed to me his grave concern about obscenity in the mails, let us see that the law which we pass "will be written responsibly and intelligently so that it will even pass the scrutiny of a permissive Supreme Court Justice." Let us give our pledge to the millions of concerned parents and decent citizens who are looking to us for help that we will pass a law that is effective, workable, and successful in stamping out this danger to America's youth.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FEDERAL CRIMINAL STATUTES WHICH PRESERVE CONCURRENT JURISDICTION FOR THE STATES: 1964–69

1964

Bribery in sporting events

1. Public Law 88–316 §1(a), 78 Stat. 203

Civil Rights Act of 1964

2. Public Law 88–352 §708, 78 Stat. 262
3. Public Law 88–352 §1104, 78 Stat. 268

Lake Meade National Recreation Area

4. Public Law 88–639, §7, 78 Stat. 1041

1965

Drug Abuse Control Amendments of 1965

5. Public Law 89–74 § 10(b), 79 Stat. 235

1966

Federal Metal and Nonmetallic Mine Safety Act

6. Public Law 89–577 §19, 80 Stat. 784

Embezzlement and theft from pipeline facilities

7. Public Law 89–654 §1(c), 80 Stat. 904

Breaking and entering carrier facilities

8. Public Law 89–654 §2(b), 80 Stat. 904

Fish and wildlife conservation and protection

9. Public Law 89–669 §4(c), 80 Stat. 928

1967

Partnership for Health Amendments—Licensing Laboratories

10. Public Law 90–174 §353(k), 81 Stat. 539.

1968

Civil disorders and riots

11. Public Law 90–284 Title X §1002(a), 82 Stat. 91
12. Public Law 90–284 Title I §104(a), 82 Stat. 75

Extortionate credit transactions

13. Public Law 90–321 § 202a, 82 Stat. 162

Firearms regulations

14. Public Law 90–351 Title IV §902, 82 Stat. 234
15. Public Law 90–618 Title I §102, 82 Stat. 1226

1969

None (Through Public Law 91–81).

DETERIORATION OF THE ENVIRONMENT

Mr. McGOVERN. Mr. President, it is increasingly difficult, if not impossible, to discuss the accelerating deterioration of our environment in calm and moderate terms. The outlook is too alarming.

Some lakes are dead long before their time; others are dying at a vastly accelerated rate. Rivers and streams, because they are treated like sewers, are beginning to act like sewers. More and more our air is befouled by our annual offering up of 133 million tons of refuse. We are less and less able to find space to put the 1,800 pounds of solid garbage that each American discards each year.

We are learning very late in the game that our natural surroundings do not have an endless capacity to absorb our abuse; that this generation or the next can distort the balance and use up the room. Yet we continue, as the terms "conservation" and "preservation" become inadequate descriptions of the necessary response, to be replaced by "reclamation" and "salvage—if possible."

Folksinger Pete Seeger, now engaged in an important effort to clean up the Hudson River, has spoken of the paradox of "standing in garbage up to our knees, firing rockets to the moon." Someone else has suggested to me that if by some illogical happenstance the Southeast Asia domino theory were to prove true in its furthest extreme it would make no difference anyway—the North Vietnamese would sail their junks and sampans into San Francisco Bay, determine that the United States was uninhabitable, and return home as quickly as possible.

The causes are several. A growing population creates more waste and takes up more space. Our garbage has been made increasingly indestructible, as iron products have been replaced with anticorrosive plastic and aluminum containers.

But much of the problem is economic. Economic considerations pervade decisions to pollute and despoil, and economic considerations also play a central role in our decisions whether or not to protect, preserve, or enhance our natural resources.

In this connection, I invite the attention of Congress to a thoughtful and worthwhile paper presented to the National Water Commission here in Washington earlier this month. I am proud to say that it was prepared by a constituent of mine, Mr. Kenneth Holum, whose intimate understanding of water resources issues has most recently benefited the country through his service as Assistant Secretary of Interior for Water and Power throughout the Kennedy and Johnson administrations.

Speaking on behalf of Mid-West Electric Consumers Association, Mr. Holum declared:

> An individual, a community, or a nation that makes an investment in its resources or environment only if, by doing so, it will be economically profitable, has adopted a policy of exploitation. . . . Economic analysis can be a useful tool to assist decision makers in the resources field. It must never become the only or even the principal basis for decision making. We must never accept the idea that we will not plant a tree, create a park, or clean a stream unless we can first prove that it is economically advantageous to do so.

He suggested broader bases for our resources decisions, and also called for their application to determine where we should carry out the enhancement of resources:

> Although we agree that water supply, recreational and environmental needs of the country's most congested areas must be supplied, we contend that aggressive, soundly conceived, Federally assisted programs that provide and will promote development and economic opportunity in other areas of the country, and hence diminish future population pressures on the valleys of the Hudson and the Delaware, the shores of the Great Lakes and Southern California, are urgently needed, even if we lack the techniques for calculating the political, social and economic benefits, say, to Philadelphia, of programs that keep people in the Dakotas.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MID-WEST ELECTRIC CONSUMERS ASSOCIATION FOR THE NATIONAL WATER COMMISSION, WASHINGTON, D.C., NOVEMBER 6–7, 1969

While the Congress was considering the legislation that authorized the creation of this Commission, I had several opportunities to express my support for the authorizing legislation to members of Congress and the Congressional Committee. I supported the legislation because I was convinced that a review of major problem areas in the water resources field, together with a careful reexamination of established policies and procedures relating to Federal activity in water resources by a top-flight citizen's group was urgently needed and certain to be productive.

Now that the legislation has been enacted, the members of the Commission selected, the staff organized, and the work begun, I am even more optimistic that your effort will identify policy changes and solutions to water management problems that will contribute to wiser use and better management of a most important natural resource.

I appear before you today representing the Mid-West Electric Consumers Association. Mid-West's members are the consumer-owned electric utilities of the Missouri Basin. The Association exists because these utilities believe that joint action enhances their ability to provide reliable electric service at low cost. They are anxious to be good citizens in their states and their region of the country. As good citizens they support and promote wise resources management.

The ideas that we submit today for your consideration represent essentially the point of view that I have developed as a citizen who still insists that home is a farm in northern South Dakota. My farm experience has been supplemented by membership in the Missouri Basin Survey Commission, service in the South Dakota legislature, affiliation with a variety of cooperatives and conservation organizations, and service as a public official. Mid-West has reviewed this paper and supports the ideas presented.

Because your time is limited and because you have so much expertise available, we propose to limit our presentation to a few concepts that we consider of great importance nationwide, and of particular importance to the upper Midwest. Specifically, we will give you our views on (1) the financial analysis of water resource projects, (2) the urgent need for the nation's decision makers to recognize that the completely different circumstances in the various regions require a variety of approaches and policies to fit these needs, (3) the almost limitless opportunities that exist for reducing the pressures on the resources of the congested areas of the country by developing the under utilized Missouri Basin.

On August 14 we appeared before the Water Resources Council in Omaha, Nebraska, to present our comments on the Council's decision to raise discount rates used in evaluating water resources development projects. To save you time I will not repeat those comments, but I have attached copies of that statement to the submission made available to you today.

When you review that paper you will find us much more disturbed by the implication that this generation should not do anything to improve or protect the nation's resources unless you can first prove to the economists that benefits discounted to present net worth exceed costs then we are by changes in the discount rate itself. Our filthy rivers, eroded hill sides, and gullied fields demonstrate that we have plenty of exploiters and despoilers without making exploitation a national policy.

An individual, a community, or a nation that makes an investment in its resources or environment only if, by so doing, it will be economically profitable, has adopted a policy of exploitation.

We feel confident that your Commission will recognize our generation's obligation to so invest some of our earnings in the land that has treated us so generously, and will not yourselves, put on blinders that greatly limit your vision, as so many articulate and influential economists of our time have done.

Let's not be fooled by fancy terms and phrases.

Economic analysis can be a useful tool to assist decision makers in the resources field. It must never become the only or even the principal basis for decision making. We must never accept the idea that we will not *plant a tree, create a park,* or *clean a stream* unless we can first prove that it is economically advantageous to do so.

If we are unwilling to invest in our environment and our resources without first establishing that it will be profitable, then I suggest that we double and redouble our rate of investment in the space program. With our growing population and all of our *increasingly* wonderful machines, a generation of exploitation will make the Moon and Mars appear attractive and pleasant sanctuaries for our children. American will have become a wasteland.

Our concern for the proper understanding of benefit-cost and its application in planning is directly related to our second concern—that Federal policy-makers understand that Federal policy must be broad enough and sufficiently flexible to accommodate the differing problems and opportunities of our country's different regions.

We all understand that the economies of scale almost inevitably reduce the unit cost of the product as we are able to increase the size of the facility. Because this is true, facilities designed to serve the congested areas of the country are almost certain to produce the lowest unit costs and show the best in benefit-cost analysis unless we add completely new dimensions to our economic analysis.

Although we agree that water supply, recreational and environmental needs of the country's most congested areas must be supplied, we contend that aggressive, soundly conceived, Federally assisted programs that provide and will promote development and economic opportunity in other areas of the country and hence diminish future population pressures on the valleys of the Hudson and the Delaware, the shores of the Great Lakes and Southern California are urgently needed, even if we lack the techniques for calculating the political, social and economic benefits, say, to Philadelphia of programs that keep people in the Dakotas.

Before discussing this matter directly however, I should like to discuss further water resource development more generally.

The reclamation program was initiated in 1902 because President Roosevelt and the Congress recognized that the 17 Western States could not develop and prosper without large-scale water resources development. Federally-assisted water resource development has stimulated agricultural production and economic growth in much of the West.

As a matter of fact, some of the nation's largest and fastest growing cities recognize that their growth could not have occurred without the availability of Federal reclamation water. Many of the country's most productive agricultural counties would still be desert sand if there had not been a Federal reclamation program.

Inevitably, as the program has developed and Congress has provided the funds, decisions have had to be made as to the order in which projects were constructed. As a result many communities are now looking for second or third round projects to supply supplemental irrigation water or additional municipal and industrial supplies, while whole states are still awaiting their first significant reclamation projects.

Almost inevitably the economies of scale will produce higher benefit-cost ratios for those second round projects. Supplementing the economies of scale factor, the economic growth stimulated by earlier development will increase the area and regional demands for water-associated recreation and more joint costs will justifiably be assigned to recreation and fish and wildlife enhancement. As a result, the second round project has an excellent benefit-cost ratio.

That is excellent. No doubt building the facility will serve the national interest. However, it should not receive Federal assistance at the expense of a region where economic development has not occurred because the region is waiting for its "first round" Federally-assisted water projects. This is exactly what will occur if we overemphasize customary economic factors and benefit-cost ratios in allocating the dollars that are available.

By any standard of comparison you will find that the Federal Government has invested very little in facilities that will put Upper Missouri River Basin water to beneficial use in the States where that water is produced. Coincidentally, the region has low levels of economic activity and several of the States are actually losing population.

Existing schools, roads, libraries, electric, water and sewer facilities and other public facilities—as well as private commercial, industrial facilities, and housing—are being vacated or used to less than capacity.

Much of the rest of the country, on the other hand is struggling with problems of congestion, including but not limited to poor housing, overcrowded schools, mushrooming industrial development—air and water pollution and inadequate opportunities for wholesome outdoor recreation.

Many of these areas have grown to a size, and developed problems so that many of their residents would prefer that they grow no longer.

The water in the Missouri River system, much of it already stored in the great dams in the rivers in Montana, North and South Dakota providing flood control and navigation benefits to the down-stream states, and low cost electric power more generally in the region, could alter economic conditions if used to stabilize the agricultural economy in the prairie States too, and provide adequate supplies of good quality water for municipal and industrial use in the cities and towns, and enhance the water related recreation within the region.

We believe that dollars invested in water and related land development in the Upper Missouri Basin will serve two urgently needed purposes simultaneously. First, by increasing the profitability of its agriculture through the availability of irrigation water in drought years, and better controlled use of water in all years, which will induce industry to locate where adequate quality water is always available and enhance the region eminently.

Those dollars will reverse the population trends that are producing dying towns, empty farmsteads, and inefficient public services of all types in those high plains States.

Simultaneously, and perhaps even more important from the National point of view, stabilizing the agricultural economy of this region and providing opportunities for industrial development in these underdeveloped States can contribute substantially to reducing the population pressures on the overcongested areas of the country.

Although I have been unable to uncover any authoritative analysis, even a superficial look makes it obvious that both the initial investment in public services and the continuing cost of operating and maintaining these facilities is substantially greater per family in our crowded metropolitan areas than it is in rural America.

We have dedicated much time and effort to the development of economic analysis and cost-benefit ratios for water resource development projects that provide new economic opportunity in the country's underutilized areas. Certainly it must be just as important that we know before making the decision that permits the underutilization of resources in the upper Midwest to continue, what it is going to cost both the public and private sectors of the economy to provide economic opportunity and public services for the same number of people in the congested areas.

The "tentative program of studies of the National Water Commission", dated July 24, 1964, is an imposing document. It represents an excellent outline of the major problems in the water resources field. Several of the "studies" you have identified tend to underscore the complexity and high cost of public services and pollution abatement in highly congested areas. Study 24 is directed to analysis of the methods used for the economic evaluation of water resource development projects and looks to their improvement. This is an appropriate study.

We should like to urge one addition to your study program. We agree that decision makers should know the cost of water resource development. We feel strongly that they should know the cost and benefits of water resource development but ALL benefits tangible and intangible!

We feel strongly that they should know the cost of failing to develop those resources.

If we do not develop the water and related resources of the Upper Missouri Basin we will have to provide homes, economic opportunity, and public services for its families some place else. Substantial public and private investments will be required.

Would it not be cheaper in strict dollar and cent terms to provide the basis for fruitful lives for them—where they are?

How should this factor be taken into consideration in benefit cost analysis in related water and related land resources in the Upper Missouri Basin and elsewhere?

We urge you to study or to sponsor the study of this matter and then develop recommendations in this regard for the Commission's Report.

We are confident that more and complete economic analysis will demonstrate that developing the resources of the Missouri Basin is not just a matter of equity and fairness, but that it makes good economic sense as well.

Mr. John Fischer, in the "Easy Chair" column in the November 1969 issue of *Harper's Magazine* describes accurately, I believe, what will result if we do not reverse present trends and policies. He comments:

"All I can attempt in this space is to indicate the main thrust of their argument. Each of the commissions concluded independently that it would be a hideous—and expensive—mistake to force the next 100 million Americans to live in our present cities. Yet that is precisely where they will end up, if present trends are permitted to continue. Already two-thirds of our population is living in some 230-odd metropolitan areas: cities of 50,000 and more, together with their suburbs. According to the Census Bureau projections mentioned earlier, virtually all of the anticipated increase will crowd into those same cities unless we do something to divert it elsewhere. Not because everybody wants to live up that way. People are being pushed in that direction by government policies of long standing—the farm program, the welfare system, the location of science centers, the obsolete rules for building public housing and insuring home mortgages, the way government contracts are let. None of these policies was meant to shove people into the already clotted-up metropolitan centers. Each of them was originally devised for an entirely different, and well-intended, purpose. Only belatedly did it become apparent that they are, as an unexpected by-product, influencing the direction of future growth—and that the cumulative result may well be a national disaster."

In this connection we would like to respond directly and specifically to one question you have raised. We favor the retention of the 160 acre limitation but look with favor on the so-called 160 acre equivalency concept. We urge development of the water resources of the Upper Missouri Basin to provide additional economic opportunities. Certainly we would defeat our whole case if we did not support controls to make certain that those benefits are shared widely.

AN ECO-SYSTEM APPROACH TO MAN'S SURVIVAL

Mr. PERCY. Mr. President, at the same time that we are exploring the regions of outer space, our own planet is in jeopardy of becoming uninhabitable.

In recent years, concerned citizens have expressed dismay over various aspects of environmental pollution: air, noise, water, or visual. Too often, however, a piecemeal approach has existed. Thus, while attacking one aspect of water pollution, for example, many others have gone unattended. Or, while attempting to deal with the specific, technical aspects, the general impact of our everyday life has been ignored.

Environmental pollution is not merely the pumping of industrial wastes into our waters or the emission of noxious gases into our atmosphere. It may also include the paving over of meadows and fields, the pasturing of cattle in confined lowland lots, the underfunding of mass transit systems while enhancing auto vehicular traffic, or the supplanting of returnable glass containers by "disposable" nonreturnable ones.

The Leo Burnett Co., of Chicago, inserted in Time magazine of November 14 a moving public interest message on the need "for all good men to come to the aid of their planet." This statement clearly warns us:

> Together, and left alone, land, air, and water work well as an "eco-system" to maintain the great chain of life, and the delicate balance of nature, from ocean depth to mountain top.
>
> But man, since he first rose up on two legs, has been tampering with this system. He cannot help it. Everything we do alters our environment: the ways we grow food and build shelter and create what we call "culture" and "civilization."
>
> Now, entering the last three decades of the 20th Century, we face the shocking realization that we have gone too far too fast and too heedlessly—and now we are forced to cope with some of the consequences of our "progress" as a species.

Mr. President, this warning must be heeded. My valued colleague and friend Representative McClory has been raising the cry of caution and concern for many years, now, as have so many other Members of Congress. But there is still so much for us to do. Especially, there is the need to alert the public of these dangers. The action of Leo Burnett in making this excellent statement and warning available to the public certainly deserves our commendation. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

Now Is the Time for All Good Men To Come to the Aid of Their Planet

WHAT WE DON'T KNOW ABOUT THIS EARTH WE LIVE ON NOT ONLY CAN HURT US—IT CAN KILL US

What we don't know—or refuse to recognize—is that modern man has been altering his total environment so swiftly and suddenly that the whole "great chain of life" on this planet is endangered.

All of us live on a tiny space-ship which is hurtling through the universe at a speed 600 times faster than the fastest jet plane—carrying with it its own limited resource for sustaining life.

What we have now is all we will ever have to keep us alive. Having already set foot on the lifeless moon, we shall presumably find that we are the only creatures on our solar system. As lonely astronauts on our own ceaseless journey through space, what do we have as our basic equipment for survival?

Above us, a narrow band of usable atmosphere, no more than seven miles high, with no "new" air available to us.

Beneath us, a thin crust of land, with only one-eighth of the surface fit for human life. And around us, a finite supply of "usable" water that we must eternally cleanse and reuse.

These are the elements of man's physical environment. This is the "envelope" in which our planet is perpetually sealed.

Together, and left alone, land, air, and water work well as an "eco-system" to maintain the great chain of life, and the delicate balance of nature, from ocean depth to mountain top.

But man, since he first rose up on two legs, has been tampering with this system. He cannot help it. Everything we do alters our environment; the ways we grow food and build shelter and create what we call "culture" and "civilization."

Now, entering the last three decades of the 20th Century, we face the shocking realization that we have gone too far too fast and too heedlessly—and now we are forced to cope with some of the consequences of our "progress" as a species.

For, increasingly, all over the world scientists and statesmen and specialists in every field are coming to agree on the pressing paradoxes of our modern age:

That, as societies grow richer, their environments grow poorer.

That, as the array of objects expands, the vigor of life declines.

That, as we acquire more leisure to enjoy our surroundings, we find less around us to enjoy.

It is nobody's fault, and it is everybody's fault.

The real culprits are the three main currents of the 20th Century—Population, Industrialization, and Urbanization.

Together, these three swift and mighty currents of history have acted to foul the air, contaminate the land, pollute the waters—and to accelerate our mounting loss of beauty and privacy, quiet and recreation.

World population is growing at a rate that will double by the year 2000—only a brief three decades away—when nearly seven billion people will inhabit the earth.

Already, the poverty-stricken countries of Asia, the Near East, Africa, and Latin America contain 70 percent of the world's adults and 80 percent of its children. The most people are concentrated where the least food and goods are available.

Industrialization has added its own burden to the population pressure. The more we produce and consume, the more waste products we discharge into the air and water and land around us, where they do not "disappear," but last forever in one form or another.

Our natural resources—both renewable and non-renewable—are taxed to the utmost by industrialization. The U.S. water supply, for instance, remains at the same fixed level, but we are using four times as much per person as in 1900.

Yet, at the same time, the volume of waste waters discharged into our lakes, rivers, and streams has risen 600 percent so far in this century. Less than one-tenth of one percent of contaminating materials can kill fish life by consuming oxygen in the waters. (The de-salting of sea water for household and agricultural use on a large scale is a long way off.)

We now spew 150 million tons of pollutants into the atmosphere annually, and 90 percent of this consists of largely invisible but potentially lethal gases. This may reduce solar radiation, and raise the temperature at the earth's surface. Some predict that this could conceivably melt the polar ice cap, thus flooding the coastal cities of the world.

Moreover, these contaminants are global in their effects; as the Bible tersely reminds us, "The wind bloweth where it listeth."

From the plains in Russia to the mountains of Switzerland, from the blue waters of the Pacific to the smokestacks of Chicago, the air is hazier, the smog is thicker, the sun dimmer. Throughout the world, the statistics are uniformly appalling—but the figures speak less vividly than the sad bewilderment of California school children who are now excused from outdoor games on those days when the atmosphere chokes their lungs.

Industrialization plagues the land as well as the air and waters. Our rise in synthetic technology has given us innumerable conveniences—but the roadsides are strewn with cans, bottles, and cartons, the dumps overflow, and in some cities it costs three times more to get rid of a ton of junk than to ship in a ton of coal.

Urbanization is perhaps the most menacing of the three converging trends that threaten our planet today.

In the U.S., land is being urbanized at the rate of 3,000 acres a day. One million Americans a year leave the rural areas for cities. Seventy percent of all Americans now live on 10 percent of the land; by the year 2000, some 85 percent will live in urban areas. And the same is happening all over the world. By the end of this century, most human beings—for the first time in history—will be born, live, reproduce, and die within the confines of an urban setting.

Each time we build a new highway, bulldoze a woods into a shopping center, or turn farmland into housing developments, we decrease the acreage that will grow food. Great progress is being made in the productivity of our soil, yet agriculture is now taking three to four million tons more nutrients from it than are being replaced each year.

The word "ecology" was devised exactly a hundred years ago—in 1869—to signify the study of the relationship between life systems and their environment.

"Ecology" is what everybody on this planet must start thinking about—and quickly—if we are to avoid irreversible changes within the closed system of our space-ship.

For everything around us is tied together in a system of mutual inter-dependence. The plants help renew our air; the air helps purify our water; the water irrigates the plants. Man, as a part of nature, cannot "master" it; he must learn to work with it—and with his fellows everywhere—to ensure that we do not alter the environment so drastically that we perish before we can adjust to it.

Mankind as a species needs esthetic as well as physical values—sweet rivers to walk by in solitude and serenity, and pleasant prospects even in the midst of industrial affluence. The constant din of urban life assails the ears relentlessly, and noise contributes its own ugly obligato to the disharmony of our surroundings.

"The world is too much with us, late and soon," as Wordsworth prophetically put it more than a century ago, "Getting and spending, we lay waste our powers."

We have laid waste our powers for too long, not merely by ignoring the warnings of dead lakes and noxious air and ravaged countrysides, but also by periodically killing off our bravest and our best in senseless warfare.

Now is the time for all good men to come to the aid of their planet.

We have the technical skill and resources. We have a common cause worth fighting for: a new kind of war to make the world safe for humanity against its own worst instincts.

Perhaps this mighty global struggle to restore the quality of our human environment may provide an effective and inspired substitute for national conflict and bloodshed.

Perhaps only a planetary view of man can guarantee our survival.

We have the weapons that enable us all to die together; can we not forge the tools that enable us all to live together?

TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, the report "Title I—ESEA—Is it Helping Poor Children?" has recently been issued by the Washington Research Project of the Southern Center for Studies in Public Policy in conjunction with the NAACP Legal Defense and Educational Fund, Inc.

The report in essence discusses the utilization of title I ESEA in a manner which does not attain the goal envisioned by Congress upon original passage of ESEA—improvement of the quality of education received by the disadvantaged children of our Nation. An excerpt from the introduction of the report best discusses the reasons for the report itself and synopsizes the findings. I ask unanimous consent that that portion be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT OF REPORT

INTRODUCTION

In 1965 Congress passed the Elementary and Secondary Education Act (ESEA), the most far reaching and significant education legislation in the history of this country. For the first time the national government recognized the necessity of providing Federal aid to elementary and secondary schools. For the first time, the special needs of poor children were recognized and effective ameliorative action promised through special assistance to school systems with high concentration of low-income children.

Our hopes that the Nation would finally begin to rectify the injustices and inequities which poor children suffer from being deprived of an equal educational opportunity have been sorely disappointed. Millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities. The kinds of programs carried out with Federal funds appropriated to raise the educational levels of these children are such that many parents of poor children feel that Title I is only another promise unfulfilled, another law which is being violated daily in the most flagrant manner without fear of reprisal.

We have found that in school systems across the country Title I—

Has not reached eligible children in many instances;

Has not been concentrated on those most in need so that there is reasonable promise of success;

Has purchased hardware at the expense of instructional programs;

Has not been used to meet the most serious educational needs of school children; and

Has not been used in a manner that involves parents and communities in carrying out Title I projects.

This study examines what has happened to Title I in the four school years since ESEA was passed. This is not an evaluation of compensatory programs, but a report on how Title I money has been spent and how Title I has been administered at the local, State, and Federal levels.

Since passage of ESEA, Congress has appropriated $4.3 billion for the benefit of educationally deprived poor children—black, brown, white, and Indian children. Because most of these children attend inadequately financed and staffed schools, the windfall of Federal appropriations no doubt brings many improvements to these schools that these children never had. To hear the educational profession and school administrators talk (or write), Title I is the best thing that ever happened to American school systems. Educational opportunities, services, and facilities for poor children are provided. Some poor children are now well fed, taught by more teachers, in new buildings with all the latest equipment, materials, and supplies. Early evaluations of academic gain have not been so optimistic. Some school systems report that despite the "massive" infusion of Federal dollars, poor children are not making academic gains beyond what is normally expected. Some report moderate academic gain in programs and some report real academic improvement.

Despite these reports, the almost universal assumption about Title I is that it is providing great benefits to educationally disadvantaged children from low-income families.

We find this optimistic assumption largely unwarranted. Instead we find that:

1. The intended beneficiaries of Title I, poor children, are being denied the benefits of the Act because of improper and illegal use of Title I funds.

2. Many Title I programs are poorly planned and executed so that the needs of educationally deprived children are not met. In some instances there are no Title I programs to meet the needs of these children.

3. State departments of education, which have major responsibility for operating the program and approving Title I projects applications, have not lived up to their legal responsibility to administer the program in conformity with the law and the intent of Congress.

4. The United States Office of Education, which has overall responsibility for administering the Act, is reluctant and timid in its administration of Title I and abdicates to the States its responsibility for enforcing the law.

5. Poor people and representatives of community organizations are excluded from the planning and design of Title I programs. In many poor communities, the parents of Title I eligible children know nothing about Title I. In some communities, school officials refuse to provide information about the Title I program to local residents.

These practices should be corrected immediately. We recommend that:

1. The Department of Health, Education and Welfare (HEW) and the Department of Justice take immediate action against school systems where HEW audits have identified illegal uses of Title I funds, and where indicated, restitution of misused funds demanded.

2. HEW enforce the requirement for equalization of State and local resources between Title I and non-Title I in schools in districts throughout the country; in Mississippi such equalization be required by the 1970–71 school year as recommended by the Commissioner.

3. HEW immediately institute an effective monitoring and evaluation system to insure proper use of Title I funds; the Title I office be given additional staff and status within the Office of Education; and a capable director be appointed forthwith and made directly responsible to the Commissioner of Education.

4. An appropriate Committee of Congress immediately conduct an oversight hearing and examine on a systematic basis the manner in which Federal, State and local school officials are using Title I funds.

5. The provision requiring community participation under Title I be maintained and strengthened.

6. Alternative vehicles for operation of

Title I programs be provided where State and local officials are unable or unwilling to operate effective Title I programs. For example, private non-profit organizations are permitted to operate Title I programs for migrant children.

7. HEW enforce the law; States be required to approve only those projects which conform with the Title I Regulations and the Program Criteria.

8. Congress provide full funding under the Act in order to ensure sufficient resources to help poor children.

9. All efforts to make Title I a "bloc grant" be rejected.

10. Further study be undertaken on issues raised in this report including:

a. use of Title I to supplant other Federal funds;

b. equitable distribution of funds to predominantly Mexican-American districts;

c. Title I programs for migratory and Indian children; and

d. relation between Title I and all other food service assistance programs.

11. Local school systems make greater effort to involve the community, including disclosure of information regarding Title I programs and expenditures.

12. Private citizens demand information and greater community participation on local advisory committees; denial of information and illegal use of funds be challenged by community groups and, where appropriate, complaints made to local, State and Federal officials; law suits filed and other appropriate community action be undertaken to ensure compliance with the law.

13. States assure that Title I programs actually meet the educational needs of all poor children and recognize the cultural heritage of racial and ethnic groups.

The goal of Title I is simple. It is to help children of poor families get a better education. Accomplishing that goal, however, is not simple. Existing educational structures at the State and local levels are the institutions responsible for the administration of Title I, but often they are the institutions least able to respond to a new challenge or to respond to the needs of poor minorities. In order to accomplish the goal of Title I, many changes will be needed. But before we can understand the nature of the changes, we need to understand what the law provides and how in fact it is operating in school districts across the country. That is the substance of this report.

Why this review of title I

Reviews and evaluations of Federal grant-in-aid programs are usually made by "experts". This review was not prepared by educational "experts", but by organizations interested in the rights of the poor. We make this review because we feel that the accepted experts have failed to inform honestly the public about the faulty and sometimes fraudulent way in which Title I of the Elementary and Secondary Education Act of 1965 is operating in many sections of the country.

Mr. PELL. Mr. President, these findings are most upsetting for it indicates that our Nation's children are suffering due to bureaucratic ineptitude and disinterestedness. However, it is enlightening when we remember that in the past year we have seen these same types of agencies attacking the title I concept; saying that compensatory education does not work. Perhaps this report picks up the thrown gauntlet. It says quite bluntly that title I has not worked because the Federal, State, and local agencies responsible for implementing it have not carried out the task as they should have.

In our hearings on the extension of the ESEA some of the findings in the report were initially alleged. After investigation of these charges and study of the Office of Education audit reports it was found that these allegations generally had a basis in fact. The bill ordered reported to the full Committee on Labor and Public Welfare by the Subcommittee on Education contains language which attempts to deal with this misuse of title I funds.

With the foregoing in mind, it was reported in the press that James E. Allen, Commissioner of Education, expressed dismay about the report and said that his agency is studying the problem, will appoint a task force, and within 8 months will take some action. I would have hoped for a more affirmative reaction—one which said, "Yes, there is a problem, one with which we shall deal."

I believe that the Office of Education already has the authority to safeguard against the misuse of Government funds. I understand that neither the Office of Education nor the States have ever exercised their full administrative responsibility under title I. I urge the Office of Education to take action. I also trust the Office of Education would endorse the procedures in the Senate elementary and secondary education bill which would further guard against the reoccurrence of this happening. Another study is not what we need. We need leadership and action.

PRAISE FOR THE CAPITOL POLICE

Mr. GOLDWATER. Mr. President, it is my purpose to say a few words in tribute to the outstanding display of professionalism demonstrated by the Capitol Police Force during the events of the last weekend. Chief James Powell and all the officers on the Capitol Police Force deserve a well earned pat on the back for the fine job they did in dealing with the large crowds that came to the Capitol Grounds during the recent massive demonstration.

Sometimes it is possible to overlook a truly good service performed by public servants when they have handled a difficult job so smoothly and calmly as these men did, and I want to make certain that the officers on the force know that they have won the gratitude of all Members for the excellent way they performed their duties on the occasion of the recent demonstrations.

In my opinion, the Capitol Police Force does its work in a polite, competent way all year long. This was a particularly challenging time, however, and I believe the men came through with flying colors without one incident of trouble. Congratulations, Chief Powell!

ALLEGED WHOLESALE SLAUGHTERS OF VIETNAMESE VILLAGERS

Mr. McGOVERN. Mr. President, for the past several days the press has been carrying incredible reports about alleged wholesale slaughters of Vietnamese villagers by U.S. forces in Vietnam.

Yesterday's Washington Post quotes two Vietnam veterans, Sgt. Michael Bernhardt and Michael Terry, now a college student in Utah, to the effect that most of the 60 to 70 men in the combat unit in which they served participated in shooting down peasants in a Vietnamese village on March 16, 1968. Estimates of the number killed range from 91 to 567.

The report speaks of 20 to 30 villagers, mostly women and children, being machinegunned in a ditch.

It tells of huts being set on fire and the people being shot as they came out.

There is a description of people being gathered in groups and shot, and of a grenade launcher being fired into such group.

Only three weapons were found in the entire area; there was no resistance.

One member of the U.S. forces shot himself in the foot so that he would not have to participate.

On the day before, the report says, a popular member of the company was blown apart by a booby-trapped shell.

The incident is under investigation.

Mr. President, no one wants to believe this report. But what if it is true?

Surely it weakens the arguments of those who fear a bloodbath in the event of our withdrawal from Vietnam. No bloodbath among the Vietnamese themselves could possibly compare with the death and suffering which has already occurred and which continues because the war continues.

The most shocking incidents gain our attention. Earlier it was the destruction of a city of 35,000 people "in order to save it." Now it is innocent Vietnamese being gunned down.

But thousands more have been killed and maimed a few at a time, many by accident, caught by our bombs or between contesting forces. The civilian death rate was estimated at between 150,000 and 200,000 annually, even before the 1968 Tet offensive. And there are steps short of death. Four million South Vietnamese—or one third of the rural population of this rural country—have had to flee their homes and become refugees. Those who have returned to their villages after incarceration in tent cities have probably found their animals dead, their fields mined, and their dwellings destroyed.

Is this how the "hearts and minds" of the Vietnamese are won? Our share of this is what we contribute on behalf of a government whose anticommunism is its sole claim to our allegiance and which has no claim to the allegiance of its own people. This is the fate of the unwitting pawns in our messianic crusade against communism. We can only wonder how far down on their scale of priorities, if it can be found there at all, is their interest in being governed by our preferences in despots instead of those of someone else.

Yet many still wonder why we have not succeeded. Many still puzzle over the failure of these embattled people to rally to our cause. Many still wait for the miracle which will transform South Vietnam into a unified and dedicated bastion of freedom in Asia.

That miracle will never come.

If the report is true we should wonder as well what causes several score of American men to go berserk almost as a unit. If it had been only one a number of explanations could be found. All wars have such effects on a few. But not on 60 or 70 having varying backgrounds and beliefs. Surely even the death of a comrade does not transform so many carefully trained soldiers into maddened, indiscriminate killers.

I suggest that the cause is the futility and the uselessness of this war. I suggest that we can expect outrageous actions from young men who are asked to kill and be killed, and to see close friendships born of adversity destroyed by slaughter and mutilation, for no convincing reason and with no discernible end in sight.

Mr. President, I pray that the Nixon administration will stop our participation in the horrible destruction of this tiny country and its people. I pray, too, that it will halt the tragic waste of the lives, of the bodies, and—as the incident of last March illustrates all too well—of the minds of young Americans.

ECONOMIC VIABILITY OF HIGH-SPEED TRAINS

Mr. PELL. Mr. President, a report published recently in the Providence Sunday Journal Business Weekly supports a proposition that I have been putting forth for many years; that is, high-speed trains are economically viable. The experience which the Japanese have had with their high-speed trains is very much parallel to the experience that Penn Central has had with its Metroliner. While overall passenger service has been losing money, high-speed passenger service has been making money.

I believe that the Japanese experience provides an even greater justification for the United States to move ahead more forcefully with a greater allocation of Government resources to its own high-speed ground transportation program. I ask unanimous consent that the article published in the Providence Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN'S SUPER-FAST TRAINS PAY OFF; REST OF SYSTEM IN RED

TOKYO.—Japan's super-express bullet trains are making money in a hurry, but their owners are spending it faster.

In the five years since the 125-mile-per-hour electric trains made their debut in time for the 1964 Tokyo Olympics, the line has grossed nearly $1.39 billion on an initial investment of $1.06 billion.

Net profit for the period was $305.6 million, a remarkable feat considering that the bullet trains operated at a loss of $57 million for the first two years—and that the rest of Japan's nationally-owned railways are still losing money.

Terminals of the 320-mile bullet line are in Tokyo and Osaka, host city for the 1970 World Exposition.

Since the first trainload of passengers sped from Tokyo to Osaka in three hours and 20 minutes, nearly 250 million persons have taken the ride across a countryside dotted with rice paddies, tea farms and lakes.

During its first year of operation the line carried 60,000 passengers daily. In the first half of 1969, with round-trip runs tripled from the initial 30, the air-conditioned coaches carried 200,000 persons daily.

The line—Japanese call it Shinkansen—literally "new trunk line"—is operated by the Japan National Railways, a public utility branch of the national government. JNR operates 244 other lines throughout the country, 234 of which are losing money.

Officials said JNR's overall operation was $372.2 million in the red on March 31, which ended the 1968 fiscal year, and was incurring a daily deficit of $1.9 million. A government subsidy of $141.1 million in fiscal 1969 is expected to ease the burden.

The bullets currently carry 12 coaches in one run, but officials are planning a 16-car service in 1970 when the World Exposition, EXPO 70, opens March 15 for six months.

The lead and rear coaches house the engineer's compartment. They are shaped like airplane fuselages to reduce air resistance. Controls at both ends eliminate the necessity of a turn-around at terminal points. After reaching Osaka, the engineer walks to the rear car, the movable seats are switched to face the opposite direction and the train is ready for the return trip.

CONTROVERSIAL MOVIES

Mr. McCLELLAN. Mr. President, on September 22, I addressed the Senate concerning current trends in the motion picture industry and the possibility that films which have been classified as not suitable for viewing by a general audience may be performed on television. Reports of my speech appeared in a number of newspapers throughout the country and as a result, I have received several hundred communications from the public. All but two of those who wrote me endorsed the objectives of my remarks. Many strongly urged me to pursue this subject. Some also requested my advice as to what they could do in their own communities to be of assistance in the battle against moral pollution. When we are told that much of the entertainment media is saturated with depravity because that is what the public desires, it is encouraging, but not surprising, to receive this tangible indication that there continues to be substantial support for our traditional moral standards and values.

I do not wish to burden the RECORD with too many insertions, but I do desire to share with Senators some excerpts from a representative sampling of the mail which I have received.

A woman in Texas who said she is in her late 20's "and would definitely be considered a swinger" wrote:

This is the first time I have ever written a letter on anything other than personal business. However, it was so gratifying to find someone in Congress who recognizes the danger to our country that movies and television now pose. The movies which worry me the most are those that are insidious. It is the anti-hero ones that present alcoholics, thieves, killers and dishonorable people as the hero that is so likable that it is hard to dislike them for the wrong things they do. If a person deliberately set out to weaken our country, the best place to start would be movies and t.v. They are the means of education that reaches every person in the U.S.

From a mother in California:

I want to thank you for being farsighted enough to begin now to take the necessary steps to protect American homes from the rash of indecent films currently polluting our movie screens and the minds of many who go there.

A woman in Uniontown, Pa.:

As the mother of seven children, I heartily agree with your feelings on this subject. There are some movies on t.v. that don't belong there now!

A mother in Tulsa, Okla.:

I want to express my sincere thanks to you for your stand on the moral issues and things such as sex and violence on the screen and television; also, the showing of casual infidelity, couples living together, outside of marriage, as if it were the accepted thing to do. Senator McClellan, please do all you can toward ridding our theaters and homes of filth.

A mother in Decatur, Ga., with three children:

Thank goodness for a few leaders in our country who will speak out and fight against moral decay that seems to be overtaking our country!

A mother in Louisville, Ky.:

Thanks, thanks, thanks from a grateful public for being brave enough to speak up so forcibly for all of us long-suffering people. We heartily agree with your sentiments regarding the *filthy disgusting* movies being *pushed* down our throats wherever we turn.

A woman in Springfield, Mass.:

Wholeheartedly, I agree with your statement that the insidious influences are even more damaging to our young peoples' sense of morality than is blatant sex or violence.

Please count me among your backers, and allow me to express my thanks to you for your efforts on behalf of decency. Let's give our young people something more idealistic to reach for than that which is to be found only in the gutter!

A woman in upstate New York:

It is good to know there are those men like yourself in our government, who are fighting the deluge of filth guised as entertainment which has engulfed our country in the past few years.

A young man from Arkansas now attending college in Oklahoma:

Knowing that we have a great man representing the state in the Senate, I have decided to contact you concerning a matter that bothers me. I am familiar with your moral beliefs, and I certainly appreciate your stands on such action in the past. I only ask that you serve the future of this country by proposing strong legislation against the movie industry in order that the decency of the people of the United States might be preserved. I know legislation such as this would take much courage on your part, but I ask that you initiate such action to preserve our nation.

A gentleman in Ann Arbor, Mich., sent me a well-reasoned letter in which he observed:

It is not too often I can find something to agree with you on, but your statement resonates very strongly with my observations of the campus scene in the past few years. I have been a long-standing opponent of censorship. For many years I was a member of the New Jersey Council for the Right to Read which fought censorship efforts in that state. I am concerned about the influence on young people of the continual barrage of anti-establishment films, however, and I welcome any efforts you make to look into this problem. Whatever happened to the benevolent Irish cop or the wise and compassionate parent we used to catch a glimpse of occasionally?

A California businessman:

Although I am not your constituent, I am particularly pleased to see that Congress is finally asking questions about the quality of movies being shown on television. Investigation of the contracts associated with all movie films, regardless of how salacious their

> content, will reveal that in each case, revenue is anticipated from television release. Having spent seventeen years in the picture business, I certainly do not consider myself a prude in any sense of the word, but I do sincerely feel that films of the type presently being made have no place in the home. Young children and teenagers, in my opinion, are not capable of coping with the explicit sexual portrayals that are presently exhibited in our theaters.
>
> I am sure that most parents in the United States feel as I do, but the so-called sophisticated and sometimes moronic "intellectual new left" seem to make themselves heard much more effectively than we can. Thanks to you and John O. Pastore, perhaps these matters will get their proper attention in due time.

A mother of four in New Jersey:

> I read your recent article in our Asbury Park Press about pollution on t.v. and movies. We are concerned parents here in Lakewood, New Jersey. Despite our objections about the movies being shown in our home town, they are allowed to run. We have started "The Association for Decency in Motion Pictures", an interfaith organization founded by the Altar-Rosary Society of St. Mary of the Lake Roman Catholic Church in Lakewood, New Jersey.

A businessman in South Bend, Ind., expressed a note of pessimism:

> Your speech was well organized and the facts impressive. But, the suggestion in the next to last paragraph that we ". . . protest against the possibility of the airwaves being polluted" raises two points—(1) As the father of eleven children, I find a stench already present in those airwaves. (2) As one who has spoken to a number of local social, civic, and fraternal groups about the trends in the communication media, it's apparent to me that 90-plus percent of the people do not *want* this rot, but are completely overwhelmed by the freedom-of-expression, liberal-intellectual group that unintentionally fronts for the money-hungry exploiters of sex and violence. As a result, no effective protests are ever mounted. From this vantage point, your concern is well taken, but I fear, friend, that it has come too late.

Finally, Mr. President, I have received several letters from citizens of Canada. For example, a mother in Ottawa:

> I read in the Toronto Globe and Mail (Canada) today about your proposed intention to do your best to stem the tide of corruption via television to the minds of children and young adults. In the article you were quoted as asking the parents to get behind this movement and support your efforts.
>
> We parents in Canada may not have any influence in your country to voice opposition to the present lack of anything ennobling in current movies, magazines, etc. but nonetheless we across the border are just as concerned as our American counterparts.
>
> Your fight to inculcate better spiritual and moral values in young Americans (and young Canadians) will be a lengthy and hazardous one because you will be opposing, not only a globally sick society, but all the vested interests who feel that you will be attacking their most sacred "cow", dollars and profits. But don't be discouraged and I know you won't be intimidated. There are thousands, no millions of concerned parents and educators and social workers all over this continent and no doubt other parts of the world who are prepared to work right along with you in any way they can to resist the spread of this malaise.

I have been informed that various religious and parent-teacher organizations have adopted resolutions pledging their support to my efforts. For example, I have received a communication from the Parent Teacher Guild of St. Joseph's Grammar School in Alameda, Calif., declaring:

> We, as a group, wholeheartedly support your position. We would like very much to have a copy of your speech to the Senate in regard to this situation so it could be read to our members. Also, is there anything that we can do as a group, to help support you and your position?

I have sent a questionnaire to the networks and every commercial television station inquiring as to their policy with respect to the showing on television of movies which have been classified by the Motion Picture Association of America as not appropriate for general audiences. A number of broadcasters have assured me that they share my concern and that they will act to prevent the performance of objectionable movies on television. It is highly desirable that the broadcasting industry regulate itself rather than allow inaction to culminate in a growing public demand for more government regulation. Mr. Lawrence H. Rogers II, the president of the Taft Broadcasting Co., effectively summarized the preferred course of action when he said in a letter to me:

> For many years I have espoused the cause of a much stronger application of self-regulation on the part of the Television Code. I believe many of the real or imagined woes of the nation's television licensees can be attributed to our own unwillingness to apply stringent enough standards to program acceptability and commercial content. To turn over the machinery of self-regulation to some government body which will forever be our arbiters of national taste and conscience would, in my mind, be a calamity. When you consider the power of television, it could sound the death knell of a free society.

Representative of the responses I have received from broadcasters is this observation from Mr. William J. Edwards, president of the Lake Huron Broadcasting Corp., Saginaw, Mich.:

> As my answers to your questionnaire indicate, I flatly oppose the introduction of such programming to television and I regret very much to see the moral levels of the theatre reduced to such an extent. I commend you for your interest and the manner in which you have spoken out on this subject. Let me hasten to add that I trust your efforts will awaken the public to the growing exploitation of such entertainment and the resultant disintegration of moral values and spiritual traditions.

Mr. F. S. Houwink, vice president-general manager, the Evening Star Broadcasting Co., Washington, D.C.:

> From what we have seen of the movies now being released, we feel that many are completely unacceptable for television viewing at any time.

Mr. David W. Wagenvoord, president, WWOM–TV, New Orleans, La.:

> This is a very difficult problem. I am glad to see that you and your committee have embarked upon it. It must be solved, since these films are coming to the forefront, and obviously the motion picture business will be interested in selling them to television. If the National Association of Broadcasters will take the leadership in this, then they could pass the necessary rule-making to "control" and keep the films which are unfit for young people off of television without additional legislation. At least I would hope it could be done this way, since I feel there is more adequate legislation now concerning television programming. Unless someone can come up with a method of keeping the youngsters from viewing these, I don't see how they can ever be shown on the television medium. I think you are headed in the right direction.

Mr. R. D. Williams, vice president-general manager, KGGM television, Albuquerque, N. Mex.:

> It is totally inconsistent with this station's policy to run anything on the air that is not in the public interest for all walks of life and all types of families. In our estimation, many of the movies running in the theatres today are so far from the public interest that it is totally unbelievable to us that anybody could be party to sending this type product into people's homes.

Mr. Aben E. Johnson, general manager, WXON–TV, Detroit, Mich.:

> It is the writer's belief that should it be possible to preclude degrading films from use by the television industry that this potentially lost revenue would have a reverse effect and would encourage movie producers to make films that would qualify under a proposed code.

While these statements by broadcasting executives have been encouraging, there have been other developments which raise certain questions. On the very day of my Senate speech, the Los Angeles Times carried an account of a speech by Michael H. Dann, CBS–TV senior vice president for programs. He said television is going to focus "on delivering entertainment for a more sophisticated audience." Mr. Dann was quoted as having said:

> Television is becoming more permissive all the time.

The front page of the October 29 issue of Variety reported that the CBS television network had recently made an offer to secure television rights to the controversial 1956 film, "Baby Doll" but that the efforts of the network to purchase this film were not successful because of disagreement over the right of the network to makes cuts in the film. At the time of the release of this film, the Legion of Decency, the leading independent evaluator of movies, said:

> The subject matter of this film is morally repellent both in theme and treatment. It dwells almost without variation or relief upon carnal suggestiveness in action, dialog and costuming. Its unmitigated emphasis on lust and the various scenes of cruelty are degrading and corruptive. As such, it is grievously offensive to Christian and traditional standards of morality and decency.

In evaluating the possibility of objectionable movies being performed on television, it is useful to quote another paragraph from the Variety article:

> Eye-popping aspect of the news, of course, is the apparent willingness of the nets to gamble on the televisibility of such fare three or four years hence—a risk taken during an era when the webs have been defending themselves against Washington politicians in the area of alleged "dirty" movies on video. This would confirm recent gossip that web nabobs think the "sex — & — violence thing" a passing phenom and that the heat will be off in a few years.

The Reverend Patrick J. Sullivan, S.J., director of the National Catholic Office for Motion Pictures, has written me:

> Quite obviously your comments on this subject have shaken the television industry. They should also lead film producers to examine their future but I candidly wonder whether most of them will be concerned to do so. It is my experience that film producers are fully confident that they will eventually obtain a television sale of their films (however "adult" they may be) either because they expect the movie industry's current permissiveness to spread to television or because they will agree to allow television people to cut their films in order to make the films acceptable for telecasting.
>
> Your speech stands in the way of any change to permissiveness in television practices. I trust that it may also influence film producers to realize that many of today's films can hardly be made acceptable for telecasting by even radical reediting. In expressing this hope, however, I must also recognize that the future effect of pay television on the moral and social quality of film production is yet to be evaluated.

I have also noted that Dr. Max Rafferty, the California superintendent of public education, has commented in a recent article on trends in the movie industry. He wrote:

> Then there are the movie-makers. There are some healthy exceptions to the rule. The Disney people, for example. Yet the premise is universal enough to stand:
>
> "The movie-makers are systematically seducing your children to make a fast buck."
>
> Want to watch sodomy glamorized? You can see it in the movies.
>
> Like to have adultery portrayed as normal and desirable? You can see it in the movies.
>
> Think lesbianism should be shown sympathetically? You can see it in the movies.
>
> So can your children. And you'd better believe it. I accuse the movie moguls of soullessly and cynically pandering to the basest instincts of the human race.
>
> And I accuse the movie actors and actresses who starred in these ill-started putrescenes of debauching the great and ancient art of acting.

While the considered opinions of theologians and educators deserve our careful attention, perhaps of even greater value are the candid observations of artists who have expressed their revulsion at conditions in much of the film industry. The November 18 issue of Look magazine contains a feature article about the actress, Debbie Reynolds. She is quoted as stating:

> Most of the motion-picture scripts I've read have been either so sick it was difficult for me to comprehend them, or just plain trash. I had worked many years to be good at my craft, and I didn't want to be in pictures I'd be ashamed to see myself in. I was raised in the motion-picture business, and I love it.

The November 11 column of Sheilah Graham contains an interview of producer Irving Allen in which it is reported that Mr. Allen will be making a western movie in Arkansas next year. Mr. Allen discussed current conditions in the film industry. He said:

> It is a terrible thing and is compounded by the distributors.
>
> They say we shouldn't show this kind of pornographic film, but they fight to show them.
>
> I was against censorship, now I want the government to step in.
>
> Recently, I saw "Women in Love." I was shocked. Two men wrestling naked on the screen.
>
> I remember when I was a film cutter and a kiss couldn't run for more than a few seconds. And cleavage had to be cut. That's a laugh today.

The film industry defends the current orgy of permissiveness on the grounds that because of the film classification system, objectionable films will be available only to restricted audiences. I have, therefore, sent a questionnaire to the leading film producers, requesting a statement of their policy as to whether or not they would offer for sale to television a film which by a voluntary classification of the Motion Picture Association has been rated as not suitable for a general audience. I have yet to receive assurance from any major film company that it will not seek to sell "R" or "X" films to television.

It is contended by the Motion Picture Association that the classification system is effective and is functioning properly. Yet the Washington Daily News on October 28 contained a front-page special report which carried the caption, "Teens ticketed for X-movies." The article reported the successful efforts of a 14-year-old girl to purchase tickets to several downtown Washington theaters performing an "X" movie. The author of this special report, Ann McFeatters, concluded:

> Young people obviously can get into X movies, supposedly banned to them.

The Associated Press on November 10 carried a dispatch which began:

> The film industry's self-imposed rating system has resulted in a rash of pornographic movies, says the president of the 75-theater Walter Reade Organization.

The article describes the views of motion picture exhibitor Walter Reade, Jr., who is an opponent of the classification system. He is quoted as saying:

> We all know how few youngsters get turned away from X. pictures. We all know how many times the X has been used to add to, rather than to restrict the potential audience.

I have received many letters from parents who have voiced concern at their inability to find movies which could be patronized by the entire family. The Washington Star of November 10 contained a column on this subject by Philip H. Love. I will not insert the entire article in the RECORD because the message is effectively summed up in the caption, "Have You Tried To Find a Decent Movie Lately?"

Gilbert Youth Research's National Gilbert Youth Poll recently questioned high school, college, and out-of-school youth concerning the film classification system. Eighty percent of those questioned expressed the view that the film classification system increased curiosity to see a restricted movie. An article accompanying the results of the poll quotes this observation of the classification system by a college junior from Boston:

> It's just a cover-up to allow filthy movies in first-run theaters. The movie industry, rather than censoring itself, which is the reason the code was set up, is really saying that anything goes as long as it carries a rating.

One issue that is discussed in a number of the letters which I have received from broadcasters is the possibility of making cuts in objectionable movies to make them appropriate for a general audience. I shall await the statements of the film producers before commenting in detail on this matter, but I do wish to make a few observations today. It is clear that when the subject matter of the film is the basis for a restricted classification, cuts—no matter how extensive—would not alter the status of the film. The more difficult question is when the restricted classification is based on a few incidents in the film, which may occupy only a very short percentage of the total time of the film. It is contended by some that these objectionable sequences could be eliminated and that the film could then be sold to television and viewed by the general public. This raises the question as to why these objectional sequences were included initially in the film. If their elimination does not destroy the artistic value of the film, why were they originally included? We are told by the film producers that these objectionable sequences are necessary in the context of the entire film. If that is so, then it would seem that to show a film on television stripped of an essential element would be a fraud on the public. It appears the inclusion or excision of these sequences is motivated principally by commercial considerations, with artistic values quickly abandoned, when expedient. Certain film producers include provocative sequences in movies to promote controversy and not infrequently to conceal a poverty of artistic ability. Then hoping to further add to their profits, they are prepared to delete such sequences in order to secure additional revenues from the lucrative television market.

Much has been written by individuals who are generally described as "liberal" and advocates of free speech as to the pernicious impact of television violence on our public life and youth. But many of these same people maintain that there is no need to be concerned about the debilitating effect of the movies which I have been discussing because there is no scientific evidence that such viewing influences those who are exposed to them. I find it very difficult to follow this sophisticated reasoning.

I shall speak again on this subject next month. I trust that I shall by then have received the responses from the major film producers as to whether they intend to offer restricted movies for sale to television.

SHE GRADUATES AT 109

Mr. DOLE. Mr. President, I wish to take this moment to commend a remarkable Kansas senior citizen, Mrs. Kittie Mary Harvey—"Aunt Kittie"—of Minneapolis, Kans. On Friday, November 21, Aunt Kittie graduated from Western College for Women at the age of 109.

Aunt Kittie's life is admirable and is well told in Forrest Hintz article which was published in the Wichita Eagle and Beacon of November 16. The article records Aunt Kittie's own account of life as a frontier woman. Her memoirs beautifully reveal the pleasures and struggles women confronted during the building of our Nation. Though Aunt Kittie thought her life "ordinary," it is now unique. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

College Honors Aunt Kitty, 109

Aunt Kitty will graduate Friday—91 years after she left Western Female Seminary in Oxford, Ohio.

"I never expected a thing like this to happen," said Aunt Kitty, now nearing her 110th birthday. "It's the greatest honor I could ever have."

On Sept. 14, The Wichita Eagle carried a story on this remarkable woman. A copy was sent to Dr. William Spencer, president of the school that now is called Western College for Women.

As a result, Dr. Spencer began a search of the old school records. He discovered that in the spring of 1878, her junior year, Kitty Mary Bonham had left the school because of ill health.

"We were dumbfounded," Dr. Spencer said. "I have never heard of a thing like this happening anywhere, but Aunt Kitty is proof that it can.

"The story—especially her memories of the school—was read to all the students (approximately 500 girls) and the board of trustees authorized the issuance of a diploma.

"It is little enough to do for a former student who has played an active part in the building of this nation, and we like to think at least some measure of it is due to our school.

"Naturally, Aunt Kitty won't have to come back here to complete her studies. I rather think there are things she could teach us."

The President and Trustees of Western College for Women request the honor of your presence at a ceremony to confer the degree of Bachelor of Arts, *honoris causa* upon Kittie Bonham Harvey, Class of 1879, Friday, November twenty-first, nineteen hundred and sixty-nine, at eleven o'clock at the residence of Mr. and Mrs. Bernard Clanton, 520 East Second Street, Minneapolis, Kansas.

Frontier Drama Molds Heroine in Aunt Kitty

(By Forrest Hintz)

MINNEAPOLIS, KANSAS.—It was a time of upheaval, of unprecedented change, and nothing ever again would be the same.

Men had taken a raw wilderness, heated it in the crucible of war and begun the task of hammering it into a nation.

Historians call it a time of "Empire Building" and extol the "virtues of the men who tamed the "Great American Desert," but they say little about the women who accompanied those men.

Mrs. Kitty Mary Harvey—"Aunt Kitty"—is one of those women. She has been a participant rather than a spectator during 109 of the most turbulent years of American history.

Thirteen years ago, when she was a mere 96, Aunt Kitty wrote her memoirs in a clear, flowing longhand. Although she doubted that anyone would be interested in what she had to say, she wrote a fascinating account of life as it was—from the time man drove an ox-cart until he set his sights on the moon.

Written in simple, straightforward language, the narrative is devoid of heroics because Aunt Kitty has never believed her life was anything out of the ordinary. But the elements of high drama—action, comedy and tragedy—all are there, bound together with a strong thread of humor.

"I was born Jan. 12, 1860, in Elizabethtown, Ohio, a very small village," she wrote. "I remember a few incidents of the Civil War.

"A regiment of Union soldiers passing through the town was given a big dinner by the townspeople. As my Grandmother Bonham, who lived just across the street from my home, had a large kitchen and dining room, the dinner was given there. Of course, I was hovering around in everyone's way, I suppose.

"I remember how afraid I was of the men as I thought they killed folks. As I stood in the doorway, peering into the dining room, a tall man with a cap on and a knapsack on his shoulders saw me. He picked me up in his arms and wanted me to give him a kiss for his little girl. He said he had a little girl at home just as big as I.

"I don't think I shall ever forget my feeling of fear, feeling I might be killed the next minute, but I gave him the kiss. I have often wondered if he got home to his little girl."

Aunt Kitty's father died when she was about 1. Five years later, her mother married Rev. Horace Bushnell, always referred to with great affection as "father."

In 1867, the family moved to Southport, Ind., six miles south of Indianapolis. There, Aunt Kitty became fast friends with Lida Howland—a friendship that lasted nearly 90 years.

"We young folks went to the Howland home more often than anywhere else," she wrote. "Their parents never seemed to mind how much noise we made, and some of the most happy days of my life were spent there.

"We had to make our own amusements—no movies or shows—but we had lots of fun; it seems to me more than the young folks of today.

"In the winter, the boys would put a big wagon bed on runners with straw and blankets on the floor. We would all pile in and away we would go, often ending the evening at the Howland's.

"It was there I learned to dance, but only the schottisch, waltz and polka. One of us played the piano while the others danced. We, of course, belonging to the preacher's family, were not supposed to dance, but we did no harm."

Work and the simple pleasures were the hallmark of that bygone day. This is how Aunt Kitty wrote it:

"My dresses were all made over. (My first new dress) was a plaid in reds, trimmed with a frill around the neck and sleeves of red satin ribbon gathered in the middle. I first wore it to a festival. We would now call it a 'social.' I felt there wasn't a dress equal to it at that gathering.

"After a time, the church built a manse on a large lot with no improvements. Father soon had a beautiful place; red and black raspberries, a large grape arbor, quince, apple, peach and plum trees and many flowers.

"We had a large asparagus bed, early onions, rhubarb, etc. Father told me if I would take rhubarb and onions to the store I could have the money. I made enough to buy a croquet set, a white dress and blue sash.

"We had no lawnmower, but the boys, with sickles and even scissors, kept the large grounds looking like moss.

"When I was about 4, someone gave me a gold dollar. I suppose I said 'thank you' properly, but thought it was so much smaller than a penny it would not even buy a stick of candy.

"Candy was not as plentiful in those days. A stick of candy was a great treat. We made molasses taffy and had maple sugar. We used to have taffy pulls and had lots of fun. You could buy little cakes of maple sugar.

"Once, when father was planting a maple tree, my sister, Carrie, asked 'And will it have little maple sugars on it.' "

Medicine was different then, and doctors still made house calls.

"Much of a doctor's traveling in those days was by horseback." Aunt Kitty wrote, "He would come in, lay his saddlebags over his lap and mix huge black pills and powders. No sugar-coated tablets then. He would say 'That won't taste bad. I put cinnamon in it.' It was years before I could eat anything with cinnamon in it.

"Nothing about his office was sanitary. My boyfriend hurt his finger and the tip had to be cut off. He said the doctor picked up a shingle in the yard, had the boy lay his finger on it, took a penknife out of his pocket and cut off the end of his finger. Can you imagine a doctor of today doing such a thing? And he was considered a good doctor."

In 1876, Aunt Kitty enrolled in "Western Female Seminary," now Western College for Women, at Oxford, Ohio, to study music. She remembers the fun there, for she wrote:

"One of my teachers, a Miss Jessup, was crippled and went in a wheel chair and two of the girls had to take her meals to her.

"Miss Peabody, the president, always asked a blessing at the table and always ended it with 'and may we all meet on Mount Zion.'

"One day, the door between the kitchen and dining room was not quite closed as the two girls were getting Miss Jessup's tray ready. Just as Miss Peabody said, 'May we all meet on Mount Zion,' one of the girls, not noticing the open door, called to the other, 'You go right on and I'll bring the teapot.' There was a roar from the 200 girls.

"There was a boys' university between our school and Oxford. The university boys were a big trial to Miss Peabody.

"There was a hedge across the front of our grounds and the boys would come and visit or pass notes across it, so the rule was changed and the girls could only go as far as a certain row of trees quite a way back from the hedge.

"The boys used to come over at night and the girls would let down strings to which the boys would tie boxes of candy. Once, they sent up a can of brandied peaches and one girl got hilariously drunk."

Even then, college girls were political activists, although women would not be allowed to vote for another 44 years.

"In 1876 or thereabouts there was a presidential election," the narrative continues. "It was very close. The Republican candidate was Hayes, but I have forgotten the name of the Democrat running. (He was Samuel J. Tilden.) It so happened that there were very few Democrats among the girls.

"The first report in the morning was that Hayes was defeated, so we draped the front of the building, three stories, in black. We stuck broomsticks, yardsticks, etc., out of the windows and twisted anything black—scarves and even clothes from one window to another. People rode out in wagonloads and rigs from Oxford to see it and it caused much amusement.

"But before night the report was changed and we drew in the black and went down to supper all decked out with rosettes and streamers of gay tissue paper.

In failing health, Aunt Kitty left the school in the spring of 1878 and came to Minneapolis, where her family had moved.

"At that time there was no railroad to Minneapolis," she wrote. "Father met me at Solomon and we drove from there.

"Early in July, the railroad from Solomon reached Minneapolis. There was a big celebration and a picnic held in Markley's grove, with trains from Salina. That branch of the Union Pacific was then built on to Beloit."

Aunt Kitty met Will Harvey in Minneapolis. A promising young attorney, he was only 12 years her senior, yet he had served as a surgeons' aide in the Civil war. They were married May 6, 1879.

It was about that time that Aunt Kitty went to visit an aunt by marriage, Mrs. Lucy Bonham, who had just settled on a homestead near Miltonvale with her young son, Arthur.

This is how the memoirs describe what happened next:

"She brought with her three good horses, 100 sheep and afterward bought a cow, calf, pigs and chickens.

"One day, we saw smoke from a prairie fire. They had a wide space plowed around the house and barn. The fire was creeping along slowly, no wind. I was scared and, much to Arthur's disgust, insisted on his burning some grass between the plowed ground and the house—and that was all that saved the house.

"Very suddenly, like a flash, the wind turned and the fire came on in great rolls. Aunt Lucy and Arthur ran to get the animals out of the barn. They got the two horses out, and I held them up by the house, but the other refused to come out.

"Aunt Lucy had finally to climb out over the backs of the sheep when the barn roof caught fire. All they saved were the two horses.

"It was all done in a minute, and for that minute there was a wall of fire higher than the house on every side of us. In the morning, all we could see in any direction was black."

The Harveys had two children. Fred, born in 1881, became a doctor and died in 1961. A daughter, born in 1883, died in infancy. Several years later, the Harveys moved to Oklahoma Territory.

"Will's brother, Dave, had homesteaded a farm adjoining Oklahoma City," Aunt Kitty wrote. "He was elected senator and had to go to Washington and did not want to leave his home empty, so we decided to make the move and live in his house.

"It was all very new and wild at that time. Our horse got stalled on the main street in the mud.

"There was much contention over the farm next to the one we were on. I think there were 10 contestants killed before it was settled, so things were not dull.

"It was rumored that the farm next to ours belonged to Oklahoma City and we got up one morning and found the place covered with tents and little board shacks; anything to hold down a lot. One old woman had a big wooden box laid on its side and she sat in it, rocking serenely in a rocking chair. But they all had to get off as it did not belong to the city."

Frontier women accepted hard work and natural disaster with equanimity, as this entry shows:

"We had a wonderful garden that first year. Every kind of vegetables, three kinds of cucumbers, three kinds of tomatoes so large they would hardly go into a can. I canned and made preserves and all kinds of pickles of the green ones.

"One afternoon we had a wind and hail storm—huge, jagged hail stones, windows broken and no garden left. Melons and all the rest were pounded into the ground.

"Fred shoveled up a tubful of hail stones and we made ice cream.

"I was glad I had done all my canning early. Just before leaving Minneapolis I had canned 75 quarts of cherries. I picked some, pitted them all by hand, and so had quite a start over the 300 or more quarts I always canned."

Some Indian lands were opened at Chandler, about 50 miles east of Okalhoma City, and Will went there to build a house. Aunt Kitty's health failed again and she went to Concordia, where her parents were living. She was unable to return to Oklahoma for 10 months.

"Everything there was very new and rough," she wrote. "They persuaded Will to take the post office for a time, although he was an attorney. I don't remember just how long he kept it. While the place was small, the mail was handled for a large territory. After a time, I helped some in the office, but there were always two clerks.

"When the Cherokee Strip was opened, practically all the men in Chandler went to it. We did quite a big money order business and at the end of the first day I had quite a sum of money on hand which could not be sent to Guthrie until the next day.

"The office just had a big safe. Bandits, of course, knew all the men were gone, so I felt the safe would not be very safe. I took the money home with me and sat up all night. The office was robbed soon after Will gave it up." Will gave up the office to become probate judge, a position he held until his death in 1900.

Law and order was slow in coming to the territory, and Aunt Kitty had an encounter with frontier badmen.

"One morning, Will went to his office and said if certain mail came he would have to go to another town and would not be back until the next day," the narrative continues.

"About 10 in the morning, Fred, who was playing in the yard, came running to the door and said the Dalton gang was coming through our alley. I thought it was just some deputy marshals, but stood in the door and watched as they came by, close to the walk.

"They were going slowly. I noticed that four had blue bands around their arms and one a red band. They were heavily armed.

"They turned at our corner and went south. The bank they were going to rob was just a block from our house, courthouse and jail between.

"Fred, like any boy, rushed down to see what was going on. The sheriff's house was catty-cornered from our home.

"When the firing began, I saw the sheriff's wife come to the door with two guns in her hands, and like a dumbbell, I started across the street to see what it was all about.

"Just then they came tearing back. One of their horses had been killed and two men were on one of the horses. They were all firing their guns in every direction. I was backed up against the house—a good target.

"The sheriff rushed across from the courthouse, grabbed a gun from his wife and a horse that was hitched by the courtyard and was after them. Others followed as soon as they could get horses and guns.

"Down at the bank, one robber went in front and the others to the back and began firing up and down the street. A barber who came to his shop door with a gun in his hand was shot and killed. That shop was next door to Will's office at that time, so I was worried enough until I found that he had left town earlier. I rounded up Fred.

"The sheriff got one of the men. When he got back with him there were at least 100 men in the courtyard with a rope ready to hang the man then and there. The sheriff fired over their heads before he could get his prisoner in jail. The mob said they would get him that night.

"My friends did not think it safe for me to stay there alone. Fred was just a young boy. But I was afraid of their starting a fire or something and would not leave. The sheriff's wife, a dear friend, said she would not sleep any, so I took Fred and went to be with her. Her husband stayed in the jail.

"The mob was gathering downtown. About 12, we heard two shots and we supposed it was a signal, but a deputy sheriff had a fracas with a man and shot and killed him. He was brought up and put in jail.

"The sheriff told the mob they had better stay away. He said 'There are two widows in town tonight and there will be more if you come. I have never given up a prisoner and don't intend to,' so they gave it up. About 2 o'clock he came over and told us the trouble was over, but he still stayed at the jail.

"It was the Cook gang, and I think they were all caught eventually.

"It was an exciting time."

More excitement was in store. A few weeks later, a tornado nearly destroyed the town.

"It came about 5 in the afternoon," Aunt Kitty wrote. "Court was in session and Will came home about 4 and said he had one of his sick headaches coming on and would lie down and have a cup of tea before going down to his office to make out some papers before the night session.

"First came the hail, then wind and then torrents of rain. Everything was black and terrible. Will and Fred tried to keep the door shut and I tried to rescue some things from the storeroom before they were soaked. I was thrown against something and had a big lump and bruise on my forehead, but did not realize it until later.

"Our house was moved about 15 feet into a neighbor's yard. Three rooms were unroofed—kitchen, bedroom and storeroom—leaving us with the living room and one bedroom. Our barn was blown away, but the ponies came home in about an hour, unhurt, with just a few inches of rope left on their halters. The woodhouse was blown away, but the wood was left stacked up just as it had been."

No one thought of giving up. Perhaps the following passage, more than any other, explains why the frontier was tamed:

"We had a lamp in a kind of frame and I could heat a little water for coffee and cook one egg at a time. That was the only stove we had for some time. As the grocery store was wrecked, we did not have much to eat until they brought things from Guthrie and Oklahoma City.

"A friend from the country came that first morning and brought some biscuits and hard-boiled eggs and another brought a small, boiled ham.

"We got along."

"At the time of the storm, they saw our walls were standing and began bringing in hurt people. An old man with a broken leg was on the couch. He died later. Among the ones laid on the floor was a little 9-year-old girl who kept crying for her mother. We found her father and mother were both killed. She died, leaving one little 5-year-old boy out of the family.

The townspeople buried their dead and rebuilt their homes, and once more, Aunt Kitty's magnificent humor bubbled.

"The colored folks had an Emancipation Day celebration one year," she wrote. "A man named Crenshaw was to be master of ceremonies, so Will and some of the others dressed him up for the occasion.

"Will had a blue coat he was discarding and I found some big, brass buttons for it. Somewhere, they found a plug hat. One young man let him wear his gold watch and chain, then a foot-wide red scarf over one shoulder and down almost to the ground. No king was ever any happier than he.

"I went downtown in the afternoon and was crossing the courtyard where a crowd had gathered. Crenshaw saw me coming and went before me, waving his arms and making way for me as if I were a queen. I had hard work to keep my face straight.

"The colored folks thought a lot of Will and would do anything for him."

But disaster had not yet finished with this indomitable woman. The blow fell in 1900.

"In June, Fred came home from college at Norman," she wrote. "In a few days, he came down with typhoid fever. He was very low for eight weeks—just as low as anyone could be and live. Nurses were impossible to get, so I had all the care of him.

"The last of August, when Fred was just able to stagger around, Will became sick with malaria fever. He did not want to get anyone to work in the office as it was almost time for court and he was afraid they would get things mixed up, so I also had the office on my hands.

"Will lived only two weeks and died Sept. 5, 1900. I felt very much alone."

Leaving her property in the hands of a real estate man named Hoover, Aunt Kitty and

Fred returned to Concordia, and it was then that Hoover made the biggest mistake of his life.

"I wanted to sell my home," her narrative says. "I told him to sell it for $1,200 and that I would not let it go for less than $1,000.

"He and his partner sent me a deed to sign for $1000, which he said was all they could get. But in the paper I read the Harvey house was sold to a man named Sennett. That was not the name on the deed I had signed. I went down there.

"I went to Sennett and asked if he had a deed. I held it up to the light and found they had scratched out the other man's name, written in 'Sennett' and added $200. Then I was ready for my real estate man.

"I brought suit and won, the people were so enraged that Hoover and his partner had to leave town."

Aunt Kitty was not the type to be pushed around.

Fred went on to medical school, and in 1905, began his practice in Minneapolis. Aunt Kitty made her home with his family until his death at 80.

Now, still alert and active after 109 years, she makes her home with Mrs. Bernard Clanton, a distantly related niece.

The broad, storm-lashed prairies Aunt Kitty knew so well have been carved into farms and ranches and cattle have replaced the buffalo. Broad, paved highways have replaced the rutted trails and fine homes have been built where rough shacks once stood.

Women like Aunt Kitty made it possible.

OUR INTERNATIONAL RESPONSIBILITY

Mr. PROXMIRE. Mr. President, for the past few days I have been drawing excerpts from the Universal Declaration of Human Rights preamble, adopted by the United Nations General Assembly on December 10, 1948, to show the implications of this most important document in relation to the status of human rights in this country. Specifically, I have attempted to relate the status of human rights in this Nation to the need for this Chamber to ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide.

Our international responsibility in this matter cannot be denied. It is for the purpose of clarifying our international responsibility that the preamble of the Universal Declaration is stated in its entirety below:

> Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
>
> Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
>
> Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,
>
> Whereas it is essential to promote the development of friendly relations between nations,
>
> Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,
>
> Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
>
> Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,
>
> Now, Therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

As the preamble states, each member state of the United Nations has affirmed its faith in fundamental human rights. This affirmation included "the equal rights of men and women." Why, then, if we have attested to the equality of men and women in this agreement can we not do so by ratifying the Human Rights Convention on Political Rights for Women? I suggest that we are not meeting our international responsibilities.

The preamble also stated that each membr state had pledged itself to "the promotion of universal respect for and observance of human rights and fundamental freedoms." What would be a better means of promoting respect for these most basic rights than by ratifying the human rights conventions that I have mentioned?

In the last paragraph of the preamble a means by which to promote international respect for these rights is mentioned. The preamble suggested that by "progressive measures," national and international, the recognition, and observance of these rights could be attained. The three human rights conventions that I have urged this body to ratify are examples of the progressive measures to which the preamble refers. Only through the ratification of these conventions will this Chamber and the Nation fulfill our international responsibility to mankind.

CONCRETE SHOES ON SEAWAY

Mr. MONDALE. Mr. President, the Duluth News-Tribune last week published an editorial on the St. Lawrence Seaway under the interesting title "Concrete Shoes on Seaway." Describing the proposed "St. Lawrence Seaway Amendments of 1969," S. 3137 as a "sound and fair proposal," the editorial contrasted the "Scrooge-like arrangement" made for the seaway with the "easy" financial arrangements made for other major waterways.

I think the time has come for Congress to remove those "concrete shoes" from the seaway by lifting the debt and making it possible for tolls to be lowered. Only then, as the News-Tribune says:

> The full trade potential of the seaway might be realized.

I ask unanimous consent that this challenging editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Duluth (Minn.) News-Tribune, Nov. 14, 1969]

CONCRETE SHOES ON SEAWAY

The St. Lawrence Seaway clearly has been discriminated against by the United States government.

Compare the easy financial arrangements made by the government for other major waterways with the Scrooge-like arrangement made for the St. Lawrence Seaway.

—The government has spent more than $56 million to develop the Gulf Intercoastal Waterway and an additional $50 million for maintenance and operation.

—The government has spent $62 million to develop the 76-mile Mississippi River-Gulf Outlet and almost $11 million for maintenance and operation.

—The government has spent $33 million to develop the 50-mile Houston Ship Channel and another $37 million for maintenance and operation.

All of this has been done out of the graciousness of the government. None of these waterways has been required to repay the federal investment.

The St. Lawrence Seaway Corp., however, has been required to repay the government the $120 million capital cost of developing the 2,342-mile Seaway, plus interest, by the year 2009. Also, the Seaway has been required to pay its own maintenance and operation costs out of toll fees.

Given these concrete shoes, the Seaway hasn't been able to keep its head above water. The Seaway Corp. has returned $33 million to the government in the form of interest, but even with this payment, the corporation has fallen in arrears $12½ million in interest charges.

To improve the Seaway's financial position, Congress has considered raising Seaway tolls. These are high now, however, owing to the pressures on Congress from Eastern railroad interests and shipping interests along the Atlantic Coast. To bring the Seaway into the black, tolls would have to be raised 30 to 60 per cent, which would result in diverting Seaway commerce to the railroads and other ports.

Sen. Mondale has compiled this information in the interests of promoting federal legislation to write off the cost of the Seaway, leaving the Seaway Corp. responsible for its own maintenance and operation costs, to be paid out of toll revenues. Any surplus revenues would be paid to the government.

This is a sound and fair proposal. The alternatives are to leave the Seaway responsible for the debt which would increase to $821 million by the year 2009, when it is supposed to be paid off. Or tolls may be raised 30 to 60 per cent. Either alternative could result in a closing down of the Seaway.

The government must decide, then, if it wants the Seaway. If it does, then it must lift the debt. The year before the Seaway opened, less than 12 million tons of cargo moved on the St. Lawrence. Last year, the volume was 48 million tons. These figures alone indicate a commercial advantage in the Seaway. If the debt was lifted and tolls could be lowered, the full trade potential of the Seaway might be realized.

THE NEWSPAPER PRESERVATION ACT

Mr. BAYH. Mr. President, I endorse and support the Newspaper Preservation Act. As one of the original sponsors who joined with Senator Carl Hayden in the last Congress in introducing S. 1312, the predecessor of S. 1520, I believed then as now that the bill will preserve independent news voices at a time when such independent media are at a premium.

We are all aware of the demise of many of our great metropolitan newspapers over the past several years. The unfortunate facts of newspaper economics are that no new papers have taken their places in these cities. Nor, to my knowledge, has there been a successful new newspaper in any major city in some 40 years.

We have seen chains of newspapers proliferate. It seems that whenever a newspaper is offered for sale, it is purchased by a chain. Even more often, cities which only recently boasted of two, three or more separate newspapers, frequently are reduced to only one paper, or to two papers with but one owner.

In short, there has been a continuing reduction in news and editorial competition, as well as a decline in the number of production employment opportunities in the industry. Newspapers no longer are immune to competition for advertising revenue or for the time of the reader/consumer. Magazines, television, radio, billboards and specialty advertisers have all cut into newspaper revenues. The crunch of economic losses, together with increasing costs of production, has resulted in many newspaper closings.

In my home State of Indiana, in both Evansville and Fort Wayne, there are joint operating arrangements which amount to commercial mergers of the two papers in each city, while each journal maintains a separate and independent news and editorial voice. I have been advised that without the relief provided by the Newspaper Preservation Act, only one newspaper would survive in each city. This would not be in the public interest.

In the experience of the Indiana examples I have cited, the joint operating agreements have provided those cities with strong, independent operations and have not adversely affected skilled printing trade employment. By continuing the two entities and requiring production of two papers each day, the combined employment opportunities are maintained.

Mr. President, it has often been said that this great country was nurtured on the competition of thoughts and ideas as well as the economic competition of capitalism. It should be obvious that when, because of economic conditions in the industry, commercial competition between two newspapers in the same city can no longer be sustained, we should take steps to insure continued news and editorial competition. That is what the Newspaper Preservation Act is designed to accomplish.

This bill recognizes a joint newspaper operating arrangement as a commercial merger, thus placing it in the same legal status as one owner of morning and afternoon papers. The bill also provides a practical and realistic definition of a "failing newspaper"—a definition that is in accord with the economics of newspaper publication. This definition is essential to overcome the definition employed by the Supreme Court in Citizen Publishing Company against United States.

Mr. President, the two newspapers in Evansville entered into their joint operating arrangement in 1938, over 30 years ago, and a like arrangement was entered into in Fort Wayne in 1950, almost 20 years ago. These newspapers were certainly not aware at that time of the definition enunciated in the Citizen Publishing case. For that matter, none of the publishers in the 22 cities with joint operating arrangements knew of the limitations which were so recently stated. All of these publishers assumed that they were acting lawfully, and for over 30 years these arrangements—though known to Congress and the Justice Department—were never questioned.

I believe it would be unfair now to punish these publishers. Even more important, it would be ridiculous to punish the public by putting newspapers out of business. Congress should enact S. 1520 to do just what the title states—preserve newspapers.

CONFERENCE REPORT ON INTEREST EQUALIZATION TAX ACT WITH AMMUNITION AMENDMENT

Mr. DODD. Mr. President, I regret that I was unable to be in the Chamber yesterday when, by a voice vote, the Senate agreed to the conference report on the Interest Equalization Tax Extension Act containing an amendment deleting ammunition recordkeeping requirements on rifle bullets and on shotgun shells from the Gun Control Act of 1968.

Let there be no mistake that this represents the first effort of the gun lobby to completely dismantle the Gun Control Act.

This has been made clear by the gun lobby and their spokesmen in Congress.

On Wednesday of this week, during the consideration of that report in the other body, two Members of the House said that this was the first step toward repeal of he 1968 Gun Control Act.

On the floor of the House a leading opponent of firearms controls and former member of the board of directors of the National Rifle Association said:

> By today's action we are taking only one step. We should not lessen our efforts until last year's bill is repealed or rewritten in more reasonable form.

The significance of our action is that the pace has been set to attempt to erase from the Federal statute books the first effective Federal gun control that this country has known.

It represents an initial weakening of a law that was some 8 years in the making.

The Gun Control Act of 1968 was endorsed by virtually every respected and responsible law enforcement official in the land.

It was endorsed by the American Bar Association.

It was enacted with bipartisan support in this body and in the other body.

However, it no sooner became law in December of 1968 than the empassioned pleadings of the gun lobby began to be heard.

And today the results of their pressure tactics are apparent in the softening of the provisions of the Gun Control Act.

It was only 4 days ago that I made known to the Senate the results of the Juvenile Delinquency Subcommittee's investigation inquiring into the backgrounds of ammunition purchasers.

I cited the results of our effort to substantiate my view that recordkeeping does serve as an aid to law enforcement and shall repeat them again at this juncture.

Of the 177 persons whose names, addresses, and dates of birth were submitted to the Federal Bureau of Investigation, 66, or 37 percent, had criminal arrest records.

Included in these records were 203 misdemeanor convictions. This is a minimal figure as some cases are current and still before the courts, and in other cases, no disposition was recorded.

Seventeen arrests involved firearms.

Our study revealed that ammunition was sold to persons convicted for murder, armed robbery, assault, assault with dangerous weapons, rape, grand larceny, and a variety of firearms charges.

A summary of the major charges against these ammunition buyers includes: two murders; one attempted murder; 38 assaults, including 14 assaults with dangerous weapons involving at least five guns; 11 grand larcenies; five rapes; eight "carrying dangerous weapons"; seven robberies, including two armed robberies; one sale of marihuana; seven housbreakings; two "fugitive from justice" charges; 136 drunk charges and related offenses; one possession of a gun after conviction of a crime of violence in the District of Columbia; one interstate transportation of firearms; eight auto thefts; and eight carrying dangerous weapon charges, including at least two guns.

A closer look at the records of some of these "hunters" and "sportsmen" reveals a pattern that should shock those who advocate free access to ammunition. I will briefly describe the more flagrant cases of the sales of bullets and shells to some of the unsavory characters who patronized Maryland gun dealers.

A fugitive from justice, fleeing his parole in April of this year, bought ammunition in May. His record includes convictions for crimes of violence and for possession of a gun after being convicted of violent crimes in the District of Columbia. Since his purchase in May, this ex-con was arrested in August for breaking and entering and in October, just last month, he was arrested for armed robbery.

An ex-convict with arrests for assault with intent to rape, a 12-year conviction for murder, and other assault charges, bought ammunition in February 1969, and was arrested for armed robbery in August.

Arrested previously for assault with a deadly weapon and for enticing young children, another individual bought ammunition in January 1969 and was arrested in August for assault with a gun.

On June 10, 1969, one man purchased ammunition and 10 days later was arrested for the sale of marihuana.

Another man bought ammunition in March of 1969 and was arrested in August for assault with a gun.

A man with arrests for assault with a gun in 1964 and for second degree murder in 1967 bought supplies to make his own handgun cartridges on three visits to the Suitland Trading Post in April and May of 1969.

Still on probation for a conviction of assault with a gun, one man bought ammunition on July 15, 1969. He had two other charges for assault with guns in 1946 and 1949, the latter a conviction on a reduced charge of assault.

Out of prison exactly 5 months, a man convicted of interstate transportation of firearms and gambling paraphernalia purchased ammunition on February 22, 1969. His record also includes a conviction for robbery in 1950 and an arrest in 1956 for breaking and entering.

Known to be violent, with a record of assault with a razor, this individual bought ammunition in March 1969 and was picked up in April for carrying a deadly weapon, a gun.

The information I have just recited took a subcommittee investigator a matter of hours to obtain.

Congress has now given the green light to the marauders and robbers who roam our streets with high-powered rifles and with shotguns by insuring that they will have a ready supply of ammunition to ply their trade.

Surely a rifle bullet or a shotgun shell is just as deadly as is a pistol or revolver bullet.

However, Congress apparently does not believe so.

Perhaps the 23 members of the Weatherman faction of the SDS, who were arrested just this week in Cambridge, Mass., in the sniping attack of a police station will revel at the action taken by the Congress.

The weapons confiscated from this grouy of radicals included four rifles and a shotgun.

Apparently, the Weathermen accede to the credo of the gun lobby which urges an armed citizenry.

In addition to the weapons confiscated, police seized .22-caliber and .30-caliber ammunition and shotgun shells. Thanks to the gun lobby and a confused Congress, future SDS'ers will not have to worry about buying high-powered bullets and shotgun shells to use in their sniping activities.

And if the plans of the gun lobby go according to schedule, it will not be long before the .22-caliber rimfire ammunition is once again available with no questions asked.

The congressional spokesman for the ammunition dealers deplored and "regretted" the fact that the Senate had not removed controls over this deadly little item. The SDS'ers can delight in the fact that Members of Congress resolved that their next task would be to repeal the act's controls over 3½ billion more bullets as quickly as possible.

The debate on the conference report on H.R. 12829 in the House contains an excerpt of a letter by Dr. Charles E. Walker, Under Secretary of the Treasury, to the effect that the Treasury Department favors the ammunition amendment to H.R. 12829.

As it appears in the CONGRESSIONAL RECORD of November 19, a part of that letter reads:

> The Department favors the Senate amendment to H.R. 12829 dealing with ammunition recordkeeping requirements. The Department has found that the records required of transactions in sporting type ammunition, primarily shotgun and rifle ammunition, are not effective as a law enforcement tool. The recordkeeping requirements, however, because of the volume of transactions in sporting ammunition, tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws. The amendment does not affect the recordkeeping requirements concerning pistol and revolver ammunition, nor .22 caliber rimfire ammunition, nor does it affect the existing controls of interstate shipment and sales by licensees to prohibited persons. We believe, therefore, that the amendment is desirable.

Mr. President, I question whether the Treasury Department has devoted any effort to enforcing the ammunition recordkeeping provisions of the Gun Control Act, in view of the findings of our inquiry into the sale of ammunition by Maryland dealers to residents of the District of Columbia who are known criminals.

This judgment is supported by the testimony of the Commissioner of the Internal Revenue Service before the Juvenile Delinquency Subcommittee just 3 months ago. At that time he said:

> It is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way . . .

He attributed this lack of enforcement of the ammunition provisions to a shortage of personnel. However, I am convinced that these provisions of the act could be enforced by a minimal number of agents at least in the major cities in the United States where crime is running rampant.

It is for these reasons I have forwarded to Secretary of the Treasury Kennedy the results of our inquiry, which I believe show violations of the Gun Control Act prohibitions against the purchase of ammunition by convicted felons.

I have asked of Secretary Kennedy that he keep Congress informed on these cases.

Mr. President, gun crimes in the United States continue to mount and it is only through effective enforcement of existing Federal controls and with enactment of additional controls at the State and local levels of government that this trend will be reversed.

One would think that the Treasury Department, the enforcing agency of our Federal gun laws, would be urging retention of provisions of the Gun Control Act of 1968, rather than urging their repeal, especially when the law has been on the books too short a time to measure its effect.

Congress has not heard the last from the gun lobby. I only hope that we will not again flaccidly yield to their pressures.

Mr. President, knocking these ammunition controls out of the law is an invitation to every criminal and punk in the country to go out and buy ammunition legally for the gun he now owns illegally.

It is an invitation to more crime.

Let us not fool ourselves: The free and easy sale of ammunition to all comers, as our subcommittee investigations have irrefutably shown, results in more criminals buying more ammunition to commit more crimes.

The Senate should have it recorded that in removing ammunition from control, it implemented the master plan to dismantle the 1968 Firearms Control Act that was set in motion by the Gun lobby a matter of weeks after the act became law.

Mr. President, I ask unanimous consent that the articles from the American Rifleman, the voice of the National Rifle-Association, and Shooting Industry magazine be printed at this point in the RECORD.

The articles clearly state the intent of the lobby in extracting ammunition from the law.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the American Rifleman, February 1969]

THE AMMUNITION FARCE

If a Federal law required every motorist who bought gas to give his name, address, age, and driver's license identification because a few hoodlums use gasoline for Molotov cocktails, the public protest would rock the Nation.

Something similar has been imposed on firearms owners under the 1968 Gun Control Law, and an outcry against it as being outrageous and ridiculous is shaping up. Without guessing at the decibel count, it can be predicted that it will be highly audible.

An estimated 40 to 50 million Americans buy ammunition at some time or another for some legal purpose. They have as much right to do so, unharassed by red tape and legalistic nonsense, as the purchasers of gasoline, liquor, cigarettes, television sets, or anything else.

The Gun Control Law passed by Congress last October virtually says as much. Its preamble asserts that it is intended to control crime and is *not* intended "to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms. . . ."

Obviously, firearms cannot be used without ammunition. So the Congress apparently intended the law-abiding citizens should have unhampered access to ammunition.

Yet, somewhat in contradiction to this ringing resolve, the law as passed required under Sec. 922b(5) that dealers keep in their records "the name, age and place of residence" of individuals and the identity of corporations buying ammunition.

While the Federal administrators of the law have sought to apply this requirement as reasonably as possible, it affects an estimated 100,000 firearms dealers and perhaps 2 to 5 times that many assorted businesses which sell ammunition but not guns. In rural and isolated areas, groceries, drugstores, filling stations and the like stock smallarms cartridges and shells. Thus hundreds of thousands of dealers are being obligated, if they choose to stay in business, to keep detailed records of every sale and every buyer. The mass of paperwork threatens to be as monumental as it is useless.

Very little if any of all this can serve the least purpose in reducing crime, the avowed aim of the Gun Control Law. Ammunition carries no serial numbers, many cartridge cases are reloaded and lose some of their already limited identity, and, as leading U.S. experts pointed out in this magazine (Oct. 1968, pages 37–47), it can be exceedingly difficult to trace ammunition that has been used illegally even when there are apparent connections between specific rounds and a definite crime.

Actually, ammunition is as numerous and anonymous as the sands of the sea—or matches in the hands of millions of smokers. (Arson is a major crime. Who proposes curbing arson by registering match buyers?)

The requirement that every honest person who buys so much as a 75¢ box of .22 rimfire cartridges give personal data and identification and be registered on a dealer record goes counter to the declared purpose of the Gun Control Law and constitutes an unwarranted and unnecessary burden on both buyer and seller.

From time to time, lawmakers with the best of intentions have banned liquor, contraceptives, and supposedly naughty books. Without entering into the pros and cons, it can be said that the usual result of such bans is to boost the black market sales of the prohibited items.

Without question, the ammunition restrictions can readily be changed and there is reason to hope that they will be.

Soon after Congress convened, Rep. Al Ullman (2d Dist., Oreg.) introduced a bill, H.R. 913, to exempt smallarms ammunition from provisions of the 1968 Gun Control Act. It was referred to the House Judiciary Committee. Other such measures may be expected in both Senate and House.

The Congress could render a distinct service to many millions of good Americans by amending the Gun Control Law to confine it to its expressed purpose of repressing crime without harassing law-abiding citizens with silly, pointless regulations.

[From the American Rifleman, March 1969]

ACTION ON AMMUNITION

As we forecast editorially last month, a determined effort is underway in Congress to uproot the farcical red-tape regulation of ammunition sales under the 1968 Gun Control Law.

A quarter of the entire Senate is behind the move there from the start, as sponsors of S. 845. Bills to exempt ammunition from the law have been coming into the House at the brisk rate of one a week.

As Senate spokesmen for S. 845 pointed out, the Treasury Department regulations handed down under the outgoing Johnson Administration (approved by the then IRS Commissioner, Sheldon Cohen) appear to have overstepped and gone far beyond the will and intent of Congress in passing the Gun Control Law.

The most that Congress intended was that the name, age, and address of ammunition and gun buyers be listed. The IRS added requirements for dealers to record the make of ammunition or gun, caliber or gauge, and other details not specified by Congress.

The result: What we referred to editorially as being "registered on a dealer record" (AMERICAN RIFLEMAN, Feb. 1969, p. 14, col. 2) and what Sen. Bennett of Utah aptly termed "backdoor registration" of gun owner, gun and ammunition at one fell swoop.

While any modification of this unnecessary regulation is far better in the eyes of most U.S. gun owners than none, one difference between the Senate and House measures in their early stages deserves mention.

S. 845, while proposing to exempt rifle, shotgun and all .22 rimfire ammunition from the law, apparently would leave handgun ammunition subject to the requirement that the buyer list at least his name, age and address. Most of the House bills thus far introduced would exempt all small-arms ammunition, handgun as well as long arms.

The handgun is used legitimately by millions of target shooters and hunters as well as for home protection. True, it is short and concealable, more so than rifles or shotguns, which seldom figure in crime. In itself, however, it is no more inherently criminal than a pair of scissors, a piece of rope or a brick.

Therefore, millions of Americans can see no reason to discriminate against ammunition for handguns.

Except for those who fervently believe in "pass-a-law" as a cure-all for every conceivable social problem, however, nearly all will welcome any reduction in ammunition redtape.

[From the Shooting Industry, October 1969]

WASHINGTON HOT-LINE

There is a bill pending before the Senate Committee on Finance seeking to modify ammunition record keeping requirements for dealers and others setting to the public. The measure (S. 2718) was introduced by Senator Wallace Bennett (R.—Utah), a high-ranking member of the minority side of the committee. The bill also has the backing of the Nixon Administration and of 40 leading democrat and republican senators. Chances are it will pass the Senate without too much opposition.

The meaty part of the bill reads as follows: ". . . no person holding a Federal license under chapter 44 of title 18, United States Code shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammuntion, or component parts for the aforesaid types of ammunition."

Does this amendment mean that any one can buy rifle, shotgun and .22 caliber rimfire ammunition? What about component parts that are designed for use in rifles and shotguns, but can be used in the reloading of handgun ammunition?

We must remember that the Alcohol, Tobacco Tax and Firearms division of IRS now have new bosses. What interpretation will be made should this bill pass, is interesting to contemplate.

It is safe to project that we will see some flip flop in viewpoints and regulations should there be a party change in the Administration. Why then was the proposed law written in this manner?

This is not the first bill to amend the law covering ammunition introduced by Sen. Bennett. The first one, S. 845, spelled it out clearly. "The term ammunition shall include only ammunition for a destructive device and pistol or revolver ammunition, it shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or .22 caliber rimfire ammunition."

The trouble was that the bill was a straightforward amendment to the 1968 Gun Control Act. As such, it had to be referred to the Judiciary Committee. It had several cosigners and stood a good chance of passing.

Once passed the Senate, however, it would be passed to the House and automatically to the Judiciary Committee. Chairman of the Committee, Emanuel Celler of Brooklyn, N.Y., announced his intentions to kill the bill by holding it in committee. And, he could do it, too. He has the backing of his ranking republican on the minority side, Congressman William McCulloch of Ohio.

It was these two, working together, along with the minority and majority staff members, who put the ammunition section in the 1968 Act. Just why McCulloch, a congressman from Piqua, Ohio, went for the anti-gun legislation last Congress is one of the mysteries surrounding passage of the law. It is this observer's opinion that he traded favor for favor.

Obviously, Sen. Bennett, in trying to amend the 1968 Act, had to route the measure through Congress in such a manner as to avoid the House Judiciary Committee. The plan was, and still is at this writing, to attach the amendment onto legislation that has already passed the house.

But, the measure had to be written in such a way as to have it referred to his Senate Finance Committee. S. 2718 is written in such a manner.

Now, the right bill is needed on which this amendment can be attached. Sen. Bennett is waiting on a bill that has passed the House, and one that will pass the Senate with little difficulty. He will offer his ammunition amendment on the floor of the Senate and then move that the Senate request a conference with the House.

In this manner the measure will not only avoid the House Judiciary committee, but will be presented to the House for a "yes" or "no" vote. The bill chosen must not be a measure originally considered by the House Judiciary Committee. If so, Celler and McCulloch will be members of the House-Senate conference.

If this happens, the best the shooting fraternity can hope for is a recommendation by the House side of the conferees that the measure be reconsidered by the original House committee before a vote. The only difference would be that we have a man in the White House who is not committed to an anti-gun policy. The White House could, perhaps, bring pressure on Congressman McCulloch to differ with Celler.

In any event, if all goes well, by this hunting season, S. 2718, by Sen. Bennett, will be part of the law of the land. The strategy being used by Bennett is a good example of how difficult it is to correct bad legislation once it is enacted.

Mr. DODD. Mr. President, I should like the RECORD to contain the following comments representative of the larger public view on firearms, such as those made by George Tilford in the Indianapolis, Ind., News on October 16, 1969. He said:

> Gun control doesn't hurt the hunter.

An editorial from the Erie, Pa., Times of October 17, 1969, concludes:

> The nation may pay a continued fearful price for the power in Congress of the Gun Lobby.

An editorial from the Bay City, Mich., Times of October 16, 1969, telling of "700,000 cheap handguns" being manufactured in America this year for local consumption.

Finally, an editorial published in the Riverside, Calif., Press, reminds Members of Congress of the kind of thing that happens when the average, untrained head of a household keeps a gun around the home for self-protection. The editorial is entitled "Do Guns Make The Home Safer?"

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) News,
Oct. 16, 1969]

GUN CONTROL LAW DOESN'T HURT HUNTER

(By George Tilford)

Let it be reiterated: The Gun Control Act of 1968 was in no way intended to hinder the activities of hunters and sportsmen.

James Scanlan, chief special investigator for the Internal Revenue Service's alcohol, tobacco and firearms department in Indiana points this out as the Indiana hunting season nears.

"The act was passed by Congress to help federal, state and local law enforcement officials in their fight against crime and violence," Scanlan pointed out. "It was not intended to hinder hunters.

"For example, hunters and sportsmen can purchase ammunition in any state and, likewise, can carry their own firearms across a state line as long as they are not convicted felons, or under indictment for a felony, fugitives from justice, unlawful users of drugs or mental incompetents.

"Hunters, sportsmen, competitive shooters or anyone legally using a gun in a state other than his home state can acquire another firearm if his rifle or shotgun is lost, stolen or becomes inoperative."

The law requires only that the buyer in these circumstances make out an affadavit for the dealer's records and provide the dealer with the title of the chief law enforcement officer in his home area.

[From the Erie (Pa.) Times, Oct. 17, 1969]

THE GUN LOBBY

In this volatile period in America's history, with the assassination of President John Kennedy, Senator Robert Kennedy and Martin Luther King still fresh in our memory, with guns a source of major concern to law enforcement officers everywhere, you'd think the pressure in Congress would be for more, not less, gun controls.

FBI Director J. Edgar Hoover, for instance, has stated: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

Congress, however, prodded by the gun lobby, is seemingly bent on ignoring FBI Director Hoover. Despite a plea from Sen. Edward Kennedy, a bill introduced by Sen. Wallace F. Bennett, Utah Republican, continues to move toward final passage.

The bill provides that no gun dealer "shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

Sen. Bennett and the 46—yes, 46—cosponsors of this bill do not mention it would remove even the present limited controls on the types of ammunition which were used to kill President Kennedy, Sen. Kennedy and Rev. King.

The nation may pay a continued fearful price for the power in Congress of the gun lobby.

[From the Bay City (Mich.) Times, Oct. 16, 1969]

GUN CONTROLS

Just about a year ago—it was Oct 10, 1968—Congress completed action on a gun control bill which, among other things, required the seller of ammunition to record the purchaser's name, age and address. Congress is now in the midst of exempting most ammunition from the requirement—including .22 caliber rimfire bullets.

This type of ammunition is used frequently in pistols that police describe as "Saturday night specials." They are cheap and thus easily obtained handguns. Until the 1968 law plugged the import market, those found in the United States were likely to be foreign-made. But American gun manufacturers have taken up the slack. Donald E. Santarelli, the Associate Deputy Attorney General, told a Senate Judiciary subcommittee last July 24 that American production of cheap handguns might reach 700,000 this year, compared to 60,000 in 1968.

The Senate Finance committee voted the exemption Sept. 19 and, to speed congressional passage in time for the fall hunting season, attached it to an unrelated House-passed bill (H.R. 12829). Sen. Wallace F. Bennett (R Utah), one of 46 senate sponsors of the amendment, explained that the present record-keeping provision is a burden on sportsmen. Spokesmen for the Nixon administration have said that it will not push for a national gun-registration and licensing law because the record-keeping would be a burden to law enforcement agencies.

Meanwhile, the FBI disclosed in its latest semi-annual report armed robberies increased 17 per cent during the first half of 1969 compared with the same period of 1968. In Washington, D.C., the increase was 46 per cent.

[From the Riverside (Calif.) Press, Oct. 26, 1969]

DO GUNS MAKE THE HOME SAFER?

Of all the arguments against gun control, the most appealing is the one advanced by Gerald Martin in today's Readers' Open Forum below:

The claim to an individual's right to keep and bear arms misreads the Constitution. The clamor about needing an armed citizenry to resist a "Communist takeover" is strictly from hysteria. But the need of a man to feel secure from intruders in his own home is both genuine and deep-rooted. This is the need that concerns Mr. Martin.

Still, the question might be: Does the presence of a hand gun in the home really add to security? For every home robbery foiled by an amateur pitted against a professional, how many homeowners lose a shootout? How many more kill or maim themselves or loved ones when there is no external danger?

Charles A. O'Brien, chief deputy in the office of the California Attorney General, says: "Perhaps the public is beginning to realize, and especially families with children, that having hand guns in the house may be more destructive than protective." It is unlikely that adequate statistics have been kept, but there are various kinds of supporting evidence.

For example, here are some items culled from published news stories of the last three months. All are verbatim excerpts from local news reports or major wire service dispatches.

Item (Los Angeles): Two young men who said they were shooting at a case of dynamite to see if something would happen were critically injured last night when the dynamite exploded in a West Los Angeles duplex.

Item (Northridge): Mrs. Fleming told police she was talking to Mrs. McGinty Sunday about a burglar who entered the house a year ago and said, "I'll show you how I would have handled that burglar." She got a gun, which she said she thought was unloaded and pulled the trigger. The bullet hit Mrs. McGinty in the head.

Item (San Bernardino): Daniel L. Odle, 18, who accidentally shot himself while playing with an "unloaded" revolver Aug. 7 died in St. Bernardine's Hospital.

Item (Detroit): Police reported that John Boggan, 69, who is totally blind, apparently mistook his wife for a burglar early yesterday and shot her to death in their home.

Item (Quincy, Ill.): An 8-year old boy was shot between the eyes Monday as he and his father were practicing fast draw techniques in the kitchen of their home, police said.

Item (Fontana): A 17-year-old Fontana youth was killed playing Russian roulette with a .38 caliber revolver.

Item (Rubidoux): A local businessman accidentally shot and killed himself here yesterday morning while investigating sounds coming from the rear of his home trailer firm.

BLUE-RIBBON COMMISSION TO EXAMINE OPERATIONS OF DEPARTMENT OF STATE AND RELATED AGENCIES

Mr. FULBRIGHT. Mr. President, on October 7, 1969, I introduced Senate Joint Resolution 157 calling for the appointment of a blue-ribbon Presidential Commission to examine the operations, in the United States and abroad, of the Foreign Service, the Department of State, the Agency for International Development, and the U.S. Information Agency.

I have received several letters regarding this proposal which I think might interest Senators. They are from the Honorable James W. Riddleberger, a retired career Ambassador, who, in the course of 39 years in the Foreign Service, served as Ambassador to Yugoslavia, Greece, and Austria, as Director of the International Cooperation Administration, and as Chairman of the Development Assistance Committee of the OECD; Frank Stanton, president of the Columbia Broadcasting System; and Sigurd Larmon, former president of Young & Rubicam.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

POPULATION CRISIS COMMITTEE,
Washington, D.C., October 16, 1969.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you may observe from the letterhead, my return to country life in Virginia (following my retirement from the Foreign Service) did not last very long. General Draper has a very persuasive personality and thus I am back at work in Washington trying to help find solutions to population problems, which I know are of interest to you as well. But the purpose of this letter is not to discuss this important issue, but rather to offer some comment upon your recent initiative as embodied in Senate Joint Resolution 157.

I was in Europe last year when you made your statement in the Senate on May 22, 1968, which naturally was widely discussed in the Embassies I visited, and upon my return immediately read it and the exhibits with the most attentive interest. Last week, I read in the *Congressional Record* of October 7, 1969, your statement which accompanied the introduction of the Senate Joint Resolution 157 with equal attention. The purpose of this letter is to endorse your proposal for an objective examination, here and abroad, of the Foreign Service, the Department of State, AID, and USIA, by an outstanding Presidential Commission. I thought you were right last year and am equally convinced now that the time has come to embark upon this kind of review of our governmental structure in the execution of our foreign policy.

In submitting this expression of approval, I venture to recall that I was in the government service from 1924 until my retirement in 1968. Of this time, I spent approximately 39 years in the Foreign Service of the U.S. and retired with the rank of Career Ambassador. I hasten to add that in supporting your resolution, there is no feeling of frustration or disappointment on my part. No Foreign Service Officer could have had a more satisfying career or been more amply rewarded for his efforts than I have been. From 1952 until 1968, I was successively Director of the German Bureau with the rank of Assistant Secretary, Ambassador to Yugoslavia, Ambassador to Greece, Director of the International Cooperation Administration, Chairman of the Development Assistance Committee of the O.E.C.D., and Ambassador to Austria. Earlier, I had been Political Advisor both to General Lucius D. Clay and High Commissioner John J. McCloy in Germany. I served in both Berlin and London during the war, and was also on duty in Berlin throughout the blockade. I was on loan to the Marshall Plan organization in Paris from 1950 to 1952. I recite these assignments merely to underline that obviously I could have no personal complaint, and to illustrate the wide variety of assignments which I have enjoyed.

I am completely persuaded that an examination of our whole foreign service establishment is urgently required and should be undertaken by an impartial commission, such as you propose. I say this not only from the experience of a Foreign Service officer in the normal activities of diplomacy, but speaking as one who has participated intimately in economic warfare, military government, Marshall Plan efforts and aid to underdeveloped countries. I shall not attempt to set forth here all the reasons why I believe this commission should be established. You indicated in your two statements introducing the resolutions a number of valid reasons why such a study should be authorized. The formula you have proposed for the Commission strikes me as most sensible in that it will provide for representation from the Congress and enable the President to appoint other members of high qualification in foreign affairs. If the President so desired, he could appoint members who have previously served in either Congress or the Executive Branch. This formula should make possible the establishment of a truly first-class board, whose membership could represent a wide variety of experience in the conduct of our foreign affairs and whose eventual recommendations would carry great weight.

Although at the moment I am deeply engaged in population problems, if there is any way in which I could contribute to the success of your initiative, I stand ready to do whatever I can.

With warmest regards,
Sincerely yours,
JAMES W. RIDDLEBERGER,
National Chairman.

NEW YORK, *October 16, 1969.*

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR BILL: I am delighted by the news that S.J. Res. 173 has been reinstated on the agenda of the Senate as S.J. Res. 157. By whatever number, it is an imperative legislative step toward a goal of the greatest importance to the future conduct of our nation's foreign affairs.

If there is anything that the Advisory Commission or I, personally, can do to further advance its priority or passage, I hope you will let me know.

With all good wishes,
Sincerely,
FRANK STANTON.

NEW YORK, *October 23, 1969.*

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: It was my privilege to meet with you on a number of occasions during my fifteen years service on the U.S. Advisory Commission on Information.

This is to express the hope that you get early and positive action on Senate Joint Resolution 157.

Times and changing world conditions call for reassessment of our overseas policy, purpose and performance. The need is urgent.

May I comment especially on two facets of your proposal.

First—it is an over-all study of the agencies involved in our foreign service.

In the foreign services, Agencies are interdependent as you so well know. To study one agency alone as has been suggested for USIA would be to tackle one part of the problem without relating it to the whole.

We have one policy—to preserve world peace and build respect, good will and understanding for the United States. There should be an across the board evaluation of organization, manpower and morale. This should include a study of the entire outgo in resources together with any waste or duplication that presently exists.

Second—your proposal calls for the inclusion in the Commission of four members from the Congress.

Having Congress represented on the Commission should insure that there will be action on the recommendations in the report.

The history of other Commissions—Sprague, Herter, Wriston and Jackson (on which I served) was that the reports were well received but there was lack of follow through, and the long range results were disappointing.

The proposed over all study could not be more timely. There is need that the resources available to our Government in Washington and overseas be restructured to meet the challenges of today and the years ahead.

With all good wishes,
Sincerely,
SIGURD S. LARMON.

MORATORIUM DAY ADDRESS BY SENATOR MONDALE

Mr. MONDALE. Mr. President, the past weekend again brought to mind the great burden which the war in Vietnam is placing on our young. We saw both the depth of their concern and their willingness to continue to work within the confines of law, order, and established political processes.

Our young people are not all of a single mind on every issue and detail of the war. But they are all immensely troubled by it, and I think that we should not forget what we ask of the young men who must serve in this tragic war.

I spoke on this topic last month at Macalester College during the moratorium day rally. I ask unanimous consent that these words be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS GIVEN BY SENATOR WALTER F. MONDALE TO THE MINNESOTA MORATORIUM DAY RALLY, MACALESTER COLLEGE, OCTOBER 15, 1969

As a former student of this college, I must say that I never thought I would see this many people at a Macalester event.

Now I know why Washington government has worked harder this past week than at any time in American history. Miracles are happening. After 28 years Hershey has four stars and is on his way. And unless I miss my guess, we are going to see more and greater miracles this year.

Just a few months ago everyone would have said that the Mets would never win the pennant and would never have a chance for the World Series. Tonight we know that they have won the pennant and have a good chance of winning the Series.

A few months ago most people would have predicted that there is no way to bring the Vietnam War to a head or to mount a demonstration which would show that the American people are tired of this war and want it ended. But that miracle is happening today in this country. Not only are the millions of people who turned out today in the cause of peace in Vietnam unique in the history of this country, but I suspect never in the history of all nations have more people turned out voluntarily to express their disgust with war. Surely, this is a message our President cannot ignore.

It is quite clear that a majority of American people now oppose this war. A poll last week showed that 57% of all Americans want to end the war within 14 months. And a poll showed that 58% of the Americans believe that this war was a mistake from the beginning.

Each day brings more support to the cause of peace and to the disavowal of those policies which perpetuate this horrible adventure. Peaceful dissent is evidently the pastime of no single profession, age group, or political party.

Perhaps today is, in part, a test of the democratic ideal—to see whether our government can respond to this great demonstration of national will.

We are still, in fact, wallowing around in a swamp of non-policy, hoping to back into peace just as we backed into war.

We have all disavowed this war, all right. Everyone—the President, the Pentagon, the hawks, the "great middle"—all have disavowed it. We don't like the killing; we don't like the disruption; we all prefer peace.

But too many of our leaders are disavowing the *predicament* and not disavowing the *policy,* which has brought us ten years of war on the Asian mainland and cost this country over 44,000 American dead, a quarter of a million wounded, and cost this state over 800 of her own boys.

Surely tonight it is clear that it is not enough to hope for peace . . . We must relentlessly pursue peace.

It is not enough to say that we have failed in our objective . . . We must openly and frankly admit that our very objectives were in error.

We cannot cling to honor and pride and only hope to bring an end to the war. We must seek peace and only then bring an end to the dishonor and the lost pride which we have already experienced.

Unfortunately, however, we are seeing an old, old movie in this country, sponsored first by a Democratic President and now being re-run by a Republican President.

We have all heard it before: "Things are getting better; infiltration is down; the enemy is demoralized and weakened; Saigon, Thieu, and Ky want only to represent the people of South Vietnam (including, we suppose, the 21,000 political prisoners resting tonight in Vietnamese prisons); U.S. casualties are down; enemy casualties are up; the peace talks could progress if only we had a united front; the South Vietnamese Army—yes, the South Vietnamese Army—is nearly ready to take over."

It is an old movie, but an even earlier version was sponsored by the French. Their famous last words are best represented by the unfortunate prognostication of General Navarre in January of 1954 when he stated clearly: "I fully expect only six months more of hard fighting."

Today we are told the President has a secret plan. And I believe some of us have heard that before. The predicament we are in reminds us of Frost's couplet: "We dance around a ring and suppose. But the secret sits in the middle and knows."

We would like a secret or two from the middle tonight—What is American policy? I don't believe there is anyone in Washington, with the possible exception of the President, who can answer that question. Those who criticize our dissent often appeal to us on the need to present a united front and support our Administration in the difficult pursuit of peace. But I have yet to see a single document or hear a single statement that tells us what that plan or what that course is.

Is it designed to save lives or to save face? Is it designed to end the war or to relieve political pressure at home? Is it a policy which recognizes our errors or one which simply seeks to obscure them? Is it a policy which is to be determined by America or is it one which continues to lock us in the desires of Hanoi and Saigon? In short, is it a policy to get us out or keep us in Vietnam?

I acknowledge the President's sincere desire for peace. But, we still, after withdrawal of 60,000 troops, will have 484,000 American troops in South Vietnam—only 6,000 less than a year ago.

We are still in full support of a government which has imprisoned 21,000 men and women, political and religious leaders, largely for their political beliefs. I think it is fair to say that those 21,000 Vietnamese in the main did nothing other than what we are doing here tonight.

We still espouse the cause of self-determination in Vietnam, although we know that Thieu and Ky have categorically stated their refusal to acknowledge any free election which gives any recognition to the National Liberation Front. As President Thieu put it, he "would not concede a single hamlet to the other side."

We are told in Washington that our troops have shifted to a defensive strategy, but from Vietnam we hear that we are waging war as usual.

In short, by not setting forth a clear policy which disavows the past and sets a new course for peace, we are clinging to old policies and old myths. It is this admission which we seek from our Administration. It is not their mistake they need admit, it is our mistake and it is my mistake. What we are paying for today is simply a price for pride, and the price is too high for any civilized society to continue to pay.

I have a pride problem of my own. I once supported this war. I thought it was right. I thought many things would happen in Vietnam; a popular non-corrupt government, land reform, a South Vietnamese Army that would fight, and many other things. I found out I was wrong; I admit it; and I think it is time for the U.S. Government to do the same.

I believe our President said this in May, in so many words, when he said there was no longer any hope for military victory in Vietnam. I think that President Johnson also admitted the wrongness of this war—in so many words—when he stopped the bombing of the North and placed a ceiling on our troop commitments.

But "so many words" are not good enough. "No more Vietnam" is not good enough. If we shouldn't have any more Vietnams, let's not have the one on our hands today. I think the time has come to substitute humility and candor—the pride of the strong—for arrogance and self-deceit, which is the pride of the weak.

You don't have to, and none of us need dwell on, the cost of this war: the 44,000 dead; the 250,000 wounded; the 100 billion dollars gone forever at a rate, now, of 30 billion dollars annually; the unprecedented inflation; the highest interest rates in the history of our society; and all the rest. The dollars seem no longer to astound us. The staggering cost is what we have given up elsewhere, and it is exceedingly difficult to try to make specific the cost of the war and the cost of that defense budget.

We spend $21,000 in ammunition alone for each enemy soldier believed to be in Vietnam while the Federal Government spends $44.00 for every child in this country believed to be in our education institutions.

For 1 billion dollars—enough to run the Vietnam war for 10 days—we could provide headstart opportunities for 625,000 children. We could provide job training and supporting services for 500,000 welfare parents. We could expand cancer research five-fold.

For a single billion dollars—10 days of war, we could run MacAlester College, tuition and donation free for 125 years.

But the best is yet to come. If we were bankers and understood the occult art of investing, and were able to find 5% money (which would be hard to find these days because it is 7% and 8%)—but if we could find 5% money, and invested that billion dollars, we could run Hamline, MacAlester, Augsburg, St. Olaf, and Gustavus tuition free forever, and that's a pretty good deal.

Yesterday afternoon, for five hours, Senator Nelson and I led the fight to try to expand the poverty program. We asked for $250 million to keep Headstart with the same number of children that they have today. We asked for a modest amount of increased funds to expand the Legal Services and to keep them independent from those who would like to keep them under control. We proposed expanding money for emergency food and emergency medical care. We proposed a slight expansion of programs designed to help the migrants and farmworkers of this country.

In 20 minutes the opposition mounted and successfully adopted amendments that cut $250 million out of that poverty program in the name of inflation. That was more than we were able to cut out of the $20 billion military authorization budget in 2½ months of fighting on the Senate floor.

What I am saying is this: We have gotten to the point where this war and the cost of the defense budget is taking its greatest toll upon the value system of our country. Where we can justify and support $600,000 to the University of Mississippi to determine how birds can be used in the next war, and cutback on cancer projects throughout this land. Billions more for an indefensible war in Vietnam, while we say we cannot afford the funds to feed the hungry in our own country. Isn't it remarkable that two of our scientists recently received the Nobel Prize for research in biomedicine and shortly thereafter had their Federal research grants reduced because of the war in Vietnam. This system—this system of ignoring the needs of our people—may be one of the great casualties caused by the war in Vietnam.

But there are other costs as well, and perhaps there's one apart from the loss of life which is the greatest cost of all. This is the cynicism, the bitterness and the alienation of the young of this country.

I am deeply disturbed by the thought of a generation which may lose all confidence in the ability of a democracy to respond with justice, reason and humanity. But what can we expect of a generation which is asked to kill and be killed in a war which cannot be explained. Can a fractured, disheartened and demoralized American possibly be a price worth paying for a few more years of an Americanized government in Saigon?

Recently, the Presidents of 76 colleges wrote President Nixon. They said this: "There are times to be silent and there are times to speak. This is the time to speak. The accumulated costs of the Vietnam war are not in men and material alone. There are costs, too, in the effects on the young people's hopes and beliefs. Like ourselves, the vast majority of the students with whom we work still want to believe in a just and honest and sensitive America. But our military engagement in Vietnam now stands as a denial of so much that is best in our society."

The desire to love and respect one's country is one of man's deepest instincts. Yet, equally deep are the beliefs and values about justice, morality, and humanity. And perhaps the greatest crime of this war is that we have forced our young men and women to choose between these two instincts. The great majority of the young will never feel a bullet. Many, in fact, will not have to go even into the Services. But nearly all will be called upon to disavow either their minds, their conscience, or their country. And no civilized, free society should put anybody to that test.

We can feel pride and love for those who must serve. Yet we cannot feel pride for the war itself. We cannot feel that a great purpose will be won. We can only shut our eyes and choose—and we lose either way.

And something must be blamed for this awful choice. It may be the government, the President, the "establishment," the middle class or some other symbol. But something must lose the respect, the love, and the allegiance of those who must choose. And in the end, it is America that loses.

Above all else, a free society must grant its young the might to act in accordance with rational conscience. Above all else, we must end this war and restore this right.

Six years ago, in words that were tragically ignored, President Kennedy told this country of Vietnam; "in the final analysis it is their war; they are the ones who have to win it or to lose it."

I believe the final analysis has come.

DISCRIMINATION AGAINST SOVIET JEWRY

Mr. RIBICOFF. Mr. President, discrimination against Soviet Jewry is an unconscionable act which can no longer be tolerated.

In a stirring appeal to the United Nations Commission on Human Rights on November 10, 18 Jewish families in Soviet Georgia asked this Commission and the world at large to help them in their efforts to emigrate to Israel.

We should applaud the courage and determination of these families. They have bravely brought this issue personally to the world at great risk to themselves. They symbolize the 3½ million Jews living in difficult conditions in the Soviet Union.

For years, the Soviet Government has denied Jewish families their right to join their loved ones in Israel. Then, in January 1969, the Soviet Union signed the Convention for the Liquidation of All Forms of Racial Discrimination. This charter assures every person the right to leave any country, including his own.

Yet the Soviet Union has continued to turn a deaf ear to the pleas of the 18 Jewish Georgians who want to leave for Israel.

It is sad to see the difference between the words and actions of the Soviet Government.

These actions should be condemned. They mock the cherished rights of free emigration and self-determination.

The families involved and the Israeli Government have patiently negotiated this question for months within the Soviet Union.

Persuasion has not worked. The only recourse now is pressure from the world community.

It is my hope that the United States will support the letter sent to the United Nations, and encourage that body through its Commission on Human Rights, to bring the necessary pressure to bear on the Soviet Union to secure the open emigration of Jews to Israel.

For as the appeal has said:

> There are 18 of us who signed this letter. But he errs who thinks there are only 18 of us.

I ask unanimous consent to have printed in the RECORD letters to the Human Rights Commission and to the Chairman of the Supreme Soviet of the U.S.S.R. N. V. Podgorny.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

August 6, 1969.

The Human Rights Commission,
United Nations,
New York, U.S.A.:

We, 18 religious Jewish families of Georgia, request you to help us leave for Israel. Each one of us, upon receiving an invitation from a relative in Israel, obtained the necessary questionnaires from the authorized U.S.S.R. agencies, and filled them out. Each was assured orally that no obstacles would be put in the way of his departure. Expecting to receive permission any day, each sold his property and gave up his job. But long months have gone by—years, for many—and permission for departure has not yet been given. We have sent hundreds of letters and telegrams; they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate.

But we are waiting, for we believe in God.

We 18 religious Jewish families of Georgia consider it necessary to explain why we want to go to Israel.

Everybody knows how justly national policy, the theoretical principles of which were formulated long ago by the founder of the state, V. I. Lenin, is in fact being carried out in the U.S.S.R. There have not been Jewish pogroms, pales or quotas in the country for a long, long time. Jews can walk the streets without fear for their lives; they can live where they wish, hold any position, even as high as the post of minister, as is evident from the example of V. Dymshits, deputy chairman of the U.S.S.R. Council of Ministers. There is even a Jewish deputy in the Supreme Soviet—A. Chakovsky, editor-in-Chief of *Literaturnaya Gazeta.*

Therefore, it is not racial discrimination that compels us to leave the country. Then perhaps it is religious discrimination? But synagogues are permitted in the country, and we are not prohibited from praying at home. However, our prayers are with Israel, for it is written: "If I forget thee, O Jerusalem, may my right hand forget its cunning." For we religious Jews feel that there is no Jew without faith, just as there is no faith without traditions. What, then, is our faith and what are our traditions?

For a long time the Roman legions besieged Jerusalem. But despite the well known horrors of the siege—hunger, lack of water, disease, and much more—the Jews did not renounce their faith and did not surrender. However, man's strength has its limits, too, and in the end barbarians broke into the Holy City. Thus, a thousand years ago, the Holy Temple was destroyed, and with it—the Jewish State. The nation, however, remained. Although the Jews who could bear arms did not surrender to the enemy and killed one another, there remained the wounded, who were bleeding to death; there remained the old people, women and children.

And whoever could not get away was killed on the spot.

But whoever could, went away into the desert; and whoever survived, reached other countries, to believe, and pray, and wait.

Henceforth they had to find a way to live in alien lands among people who hated them. Showered with insults, covered with the mud of slander, despised and persecuted, they earned their daily bread with blood and sweat, and reared their children.

Their hands were calloused, their souls were drenched in blood. But the important thing is that the nation was not destroyed—and what a nation.

The Jews gave the world religion and revolutionaries, philosophers and scholars, wealthy men and wise men, geniuses with the hearts of children, and children with the eyes of old people. There is no field of knowledge, no branch of literature and art, to which Jews have not contributed their share. There is no country which gave Jews shelter which has not been repaid by their labor. And what did the Jews get in return?

When life was bearable for all, the Jews waited fearfully for other times. And when life became bad for all, the Jews knew that their last hour had come, and then they hid or ran away from the country.

And whoever got away, began from the beginning again.

And whoever could not run away, was destroyed.

And whoever hid well, waited until other times came.

Who didn't persecute the Jews! Everybody joined in baiting them.

When untalented generals lost a war, those to blame for the defeat were found at once—Jews. When a political adventurer did not keep the mountain of promises he had given, a reason was found at once—the Jews. Jews died in the torture chambers of the Inquisition in Spain, and in fascist concentration camps in Germany. Anti-Semites raised a scare—in enlightened France it was the Dreyfus case; in illiterate Russia, the Beilis case.

And the Jews had to endure everything.

But there was a way that they could have lived tranquilly, like other peoples; all they had to do was convert to another faith. Some did this—there are cowards everywhere. But millions upon millions preferred a life of suffering and often death to apostasy.

And even if they did wander the earth without shelter—God found a place for all.

And if their ashes are scattered through the world, the memory of them is alive.

Their blood is in our veins, and our tears are their tears.

The prophecy has come true: Israel has risen from the ashes; we have not forgotten Jerusalem, and it needs our hands.

There are 18 of us who signed this letter. But he errs who thinks there are only 18 of us. There could have been many more signatures.

They say there is a total of 12 million Jews in the world. But he errs who believes there are only 12 million of us. For with those who pray for Israel are hundreds of millions who did not live to this day, who were tortured to death, who are no longer here. They march shoulder to shoulder with us, unconquered and immortal, those who handed down to us the traditions of struggle and faith.

That is why we want to go to Israel.

History has entrusted the United Nations with a great mission—to think about people and help them. Therefore, we demand that the U.N. Human Rights Commission do everything it can to obtain from the Soviet Government in the shortest possible time permission for us to leave. It is incomprehensible that in the 20th century people can be prohibited from living where they wish to live. It is strange that it is possible to forget the widely publicized appeals about the right of nations to self-determination—and, of course, the right of the people who comprise the nation. We will wait months and years, we will wait all our lives, if necessary, but we will not renounce our faith or our hopes.

We believe: Our prayers have reached God.

We know: Our appeals will reach people.

For we are asking little—let us go to the land of our forefathers.

SIGNATURES

Elashvili, Shabata Mikhailovich, Kutaisi, 53 Dzhaparidze St.

Elashvili, Mikhail Shabatovich, Kutaisi, 33 Dzhaparidze St.

Elashvili, Izrail Mikhailovich, Kutaisi, 31 Kirov St.

Eluashvili, Yakov Aronovich, Kutaisi, 5 Mayakovsky St.

Khikhinashvili, Mordekh Isakovich, Kutaisi, 19 Makharadze St.

Chikvashvili, Mikhail Samuilovich, Kutaisi, 38 Khakhanashvili St.

Chikvashvili, Moshe Samuilovich, Kutaisi, 32 Tsereteli St.

Beberashvili, Mikhail Rubenovich, Kutaisi, 9 Klara-Tsetkin St.

Elashvili, Yakov Izrailovich, Kutaisi, 54 Tsereteli St.

Mikhelashvili, Khaim Aronovich, Poti, 57 Tskhokaya St.

Mikhailashvili, Albert Khaimovich, Poti, 57 Tskhakaya St.

Mikhelashvili, Aron Khaimovich, Poti, 18 Dzhaparidze St.

Tetruashvili, Khaim Davidovich, Kutaisi, 5 Shaumyan 1st Lane.

Tsitsuashvili, Isro Zakharovich, Kutaisi, 5 Shaumyan 1st Lane.

Tsitsuashvili, Yefrem Isrovich, Kutaisi, 6 Shaumyan 1st Lane.

Yakobishvili, Bension Shalomovich, Tbilisi, 4 General Delivery (formerly lived at 91 Barnov St.).

Batoniashvili, Mikhail Rafaelovich, Kutaisi, 53 Dzhaparidze St.

Tetruashvili, Mikhail Shalomovich, Kulashi, 114 Stalin St.

Leningrad.

To the Chairman of the Supreme Soviet of the U.S.S.R., com. Podgorny, N.V.

Dear Nikolay Viktorovich: I hereby apply to you with the request to permit my family to emigrate for permanent residence to Israel, where our relatives reside.

For over two years, in accordance with the established order, we have been requesting the Ministry of Interior of the USSR to give us such a permit, but each time we receive an unmotivated refusal. And this, in spite of the fact that there exists an order of the Praesidium of the Supreme Soviet of the USSR concerning the ratification of the International Convention on the liquidation of all forms of Racial Discrimination, which confirms the right of every person to leave any country, including his own. And this also, in spite of a number of other documents that confirm this right and that have been signed by the Soviet Government.

All my numerous complaints to the abovementioned organs about the contrary to law, negative decision of the Ministry of Interior in connection with my family, do not, as a rule, go further than the reception rooms or the offices of these establishments and—evidently out of a desire to avoid giving an answer to an unpleasant question—are transmitted to the Ministry of Interior of the USSR even when the matter in question has nothing to do with the Ministry of Interior. You can see this from the attached list of our applications to various administrative organs.

My family consists of 4 persons: my wife and I are 40 years old, our daughters are 16 and 10. I am an engineer-metallurgist, my wife is a philologist. We have never been engaged in any confidential work.

L. S. Kaminsky.

JOSEPH P. KENNEDY

Mr. McGEE. Mr. President, this week we have seen the passing of a truly remarkable American—Joseph P. Kennedy. We in this body, of course, are touched by the death of this man because, though he did not serve in the Senate himself, he has sent three sons to the Senate. All of us, I know, share a bit in the loss felt by Senator Kennedy, of Massachusetts; the widow, Mrs. Rose Kennedy; and other members of this distinguished family.

If Joe Kennedy's life were to be measured only by the success he achieved in the rearing of his children, in a tradition of public service, this alone would entitled him to great regard. But he did more—much more. In his day, he was a diplomat, an uncommonly successful

businessman, and a Government administrator.

We who have watched Mr. Kennedy through years of triumph, through years of unparalleled tragedy, and through years of ill health have learned to respect him highly for his great example. That respect, that example, will carry on.

OIL IMPORT COST REVEALED

Mr. PROXMIRE. Mr. President, the Office of Emergency Preparedness, the Office charged with overseeing the mandatory oil import program, has finally revealed the true cost of the oil import program.

In my own State of Wisconsin, the oil import quota program costs each man, woman, and child $29.08. This means that the average family of four must pay $116.32 more for driving their car or heating their home than they would if the Federal Government did not intervene in the free market to protect the major oil companies by limiting imports of inexpensive foreign oil. This $116.32 is coming right from the pocket of the average family in Wisconsin and going into the bulging vaults of the major oil companies.

The time has come for Congress and the President to introduce some equity into the system. We can no longer force the average consumers to subsidize the gigantic oil companies with their gigantic profits by paying higher prices and taxes than they should.

In order that every Senator can see how much his constituents are forced to pay in higher oil prices because of the oil import quota program, I ask unanimous consent that the OEP letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF EMERGENCY PREPAREDNESS, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., November 20, 1969.

Mr. PHILLIP AREEDA,
Executive Director, Cabinet Task Force on Oil Import Control, Washington, D.C.

DEAR MR. AREEDA: At your request, the OEP staff has estimated the 1969 total and per capita consumer cost of oil import control on a State basis. The overall 1969 estimated consumer cost in the OEP staff submission #169 which is in the public record, is distributed on the basis of the combined consumption of motor gasoline and distillate in each State. These State quantities are related to the total consumption of motor gasoline and distillates in District I, II–IV, and District V. The estimated cost of the program in each of these three areas is attributed to each State in proportion to its consumption of gasoline and distillate oil relative to the total gasoline and distillate oil consumption in its area.

Please note that this is an OEP staff item. It was prepared by the staff of the Office of Emergency Preparedness to assist the work of the Task Force. It does not necessarily reflect the views of the Director of that office nor of the office itself.

Sincerely,
EDWARD R. SAUNDERS, Jr.,
Deputy Director,
National Resource Analysis Center.

P.S.—Mr. Homet asked if we had any objection to making the enclosed available for the public record. Although the data developed was primarily for the use of the Task Force, we have no objection to making it available to the public.

TOTAL CONSUMER AND PER CAPITA COSTS IN 1969 OF OIL IMPORT CONTROLS BY STATES AND PAD DISTRICTS [1]

	Demand (thousand barrels)			Costs	
	Gasoline [2]	Distillates [3]	Gasoline and distillates	Total [4] (thousands)	Dollars per capita [5]
District I:					
Connecticut	24,587	21,748	46,335	$95,323	31.79
Delaware	5,660	3,918	9,578	20,426	37,97
District of Columbia	5,367	3,525	8,892	18,157	22.28
Florida	65,442	14,794	80,236	165,680	26.66
Georgia	47,514	12,013	59,527	122,558	26.61
Maine	10,143	10,647	20,790	43,122	44.23
Maryland	32,568	18,754	51,327	104,401	27.54
Massachusetts	44,573	56,315	100,888	206,533	37.50
New Hampshire	7,160	7,106	14,266	29,505	42.09
New Jersey	61,815	60,056	121,871	249,656	35.13
New York	119,693	106,843	226,536	465,267	25.58
North Carolina	50,524	19,944	70,468	145,254	28.40
Pennsylvania	96,044	59,721	155,765	320,013	27.41
Rhode Island	7,398	7,746	15,144	31,774	25.00
South Carolina	25,351	7,788	33,139	68,088	25.79
Vermont	4,529	5,058	9,587	20,426	48.98
Virginia	40,330	22,286	62,616	129,367	27.83
West Virginia	14,991	3,743	18,734	38,583	21.54
District total	663,689	442,010	1,105,699	2,270,000	29.91
District II:					
Illinois	101,227	42,795	144,022	265,271	24.03
Indiana	55,173	27,355	82,528	150,888	29.68
Iowa	34,717	14,172	48,889	90,046	32.81
Kansas	28,198	6,660	34,858	63,276	27.24
Kentucky	30,683	7,304	37,987	70,577	22.02
Michigan	86,861	36,601	123,462	226,332	25.74
Minnesota	40,655	22,233	62,888	114,383	31.49
Missouri	51,206	17,067	68,273	126,551	27.13
Nebraska	18,166	6,487	24,653	46,240	31.30
North Dakota	8,513	6,156	14,669	26,771	42.29
Ohio	99,247	34,025	133,272	245,801	23.16
Oklahoma	29,370	5,173	34,543	63,276	24.92
South Dakota	9,674	3,830	13,504	24,337	36.32
Tennessee	38,315	10,278	48,593	90,046	22.90
Wisconsin	41,770	26,341	68,111	124,117	29.08
District total	673,775	266,477	940,252	1,727,912	26.33
District III:					
Alabama	33,778	6,556	40,334	$73,010	20.41
Arkansas	20,721	4,079	24,800	46,240	23.33
Louisiana	32,398	9,858	42,256	77,878	20.83
Mississippi	22,168	5,097	27,265	51,107	21.60
New Mexico	11,849	4,183	16,032	29,204	28.97
Texas	126,866	24,457	151,323	277,439	25.08
District total	247,780	54,230	302,010	554,878	23.77
District IV:					
Colorado	22,787	5,574	28,361	51,107	25.24
Idaho	8,428	7,748	16,176	29,204	41.60
Montana	8,596	4,119	12,715	24,337	34.76
Utah	10,737	4,750	15,487	29,204	27.86
Wyoming	5,278	5,153	10,431	19,469	62.00
District total	55,826	27,344	83,170	153,322	32.01
Districts II–IV total	977,381	348,051	1,325,432	2,434,000	25.88
District V:					
Alaska	1,855	4,757	6,612	9,985	35.54
Arizona	17,932	4,599	22,531	34,391	20.13
California	196,349	38,519	234,868	355,560	18.01
Hawaii	4,812	1,381	6,193	9,430	12.16
Nevada	6,422	2,693	9,115	13,867	29.82
Oregon	22,471	13,298	35,769	54,360	26.61
Washington	33,445	17,792	51,237	77,657	24.35
District total	283,286	83,039	366,325	555,000	19.69
Total United States	1,926,188	873,100	2,799,288	5,258,000	26.16

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[1] Petroleum Administration for Defense Districts.

[2] Motor gasoline consumption from API Weekly Statistical Bulletin Apr. 11, 1969, p. 7.

[3] Bureau of Mines, Mineral Industry Surveys. "Fuel Oil Shipments, Annual."

[4] Consumer costs for district I, districts II–IV and V from OEP staff submission to Cabinet Task Force on Oil Import Control Costs in each State assumed to be indicated by the sum of gasoline and distillates "consumed" in each State in 1968 in relation to the consumption of these products within its group by districts.

[5] Department of Commerce estimated 1969 population used to derive a per capita cost.

RETIREES DEVELOP A PROGRAM TO PROVIDE A NEEDED SERVICE FOR THE ELDERLY

Mr. WILLIAMS of New Jersey. Mr. President, many elderly individuals want and need to continue working after retirement. For a large number, this is not necessarily a financial need, but an emotional one. Such persons are happy to volunteer their services to aid others. When these services are utilized, the accumulated wisdom and experience of the elderly volunteers prove more than beneficial to all concerned. In fact, there is recent evidence which supports my conviction that certain services can best be provided by the elderly.

I am especially proud to share this evidence with my colleagues today, because an excellent example of volunteer services was developed by an elderly part-time employee of the Committee on Aging. Mr. Ira C. Funston was formerly an attorney with the Department of Labor and his knowledge and experience is now proving to be an asset to the committee, where he works 2 days a week.

Last year, Mr. Funston developed a program which not only utilized his skills—and those of a number of other retirees—but brought needed help to other elderly persons. The program, developed with the Internal Revenue Service, has proved so successful that it will be put into effect on a national basis in January 1970.

In a recent Associated Press column, "Security for You," Martin Segal explained the program in some detail. I ask unanimous consent that Mr. Segal's column, entitled "Tax Help Due for Elderly," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECURITY FOR YOU—TAX HELP DUE FOR ELDERLY

(By Martin E. Segal)

Because of the number of special provisions affecting them, older taxpayers sometimes are confused when it comes to filing their tax returns. Often they pay more taxes than they should, and for those who have low incomes, this is a weighty burden.

Help is on the way for the older taxpayer. A plan on the drawing boards would make it possible for elderly persons with low incomes to obtain assistance in preparing their returns at places and under circumstances which would enable them to take advantage of the service offered.

The program stems from a 1969 experiment in which more than 70 people got help in preparing their income tax returns from four volunteers ranging in age from 65 to 85. These volunteers were trained by Internal Revenue Personnel.

C. Ira Funston, formerly an attorney with the Department of Labor and now in private practice, came up with the idea for the program. Funston, who is now working part-time on the staff of the Senate Special Committee on Aging, was encouraged to follow up the concept with the Washington, D.C. Interdepartmental Committee on Aging.

MOST HAD PAID TOO MUCH

Funston was joined by Floyd McNaughton, formerly with the Census Bureau and a professor of economics at the University of Maryland; Chester Leich, formerly with the Coast and Geodetic Survey; and Kingston Bowman, formerly employed an an engineer with the Navy Bureau of Yards and Docks. The Internal Revenue Service agreed to train them.

The 73 persons who were helped were badly in need of such assistance. It was interesting to note that most of them had been paying more taxes than had been required.

For example, a widow over 65 with a civil service annuity of $2,500 had been paying a tax of $128 as indicated by the tax tables—without realizing that she was entitled to a retirement income credit against the tax which completely eliminated it. She not only had no tax to pay for the year but was entitled to a refund for the two prior years. The application for such refund was prepared for her and the money had been received.

TO START IN 1970

Many similar examples could be cited. There were even persons who did not realize that they were entitled to an additional exemption when they became 65 years of age.

Interest has since been expressed by many other persons who wish to enlist in this worthwhile activity during the next tax season. It should be the fore-runner of other programs in which elderly people may enjoy activities designed to help other elderly people who need assistance.

The program was sponsored by the Senate Special Committee on Aging. The plan is to put the program into effect on a national basis in January 1970. The Internal Revenue Service has expressed its willingness to train the volunteers and continue its cooperation.

Further information is available from C. Ira Funston, Room 233G, Senate Office Building, Washington, D.C. 20001.

THE KATHERINE HAMILTON VOLUNTEER OF THE YEAR AWARD

Mr. BAYH. Mr. President, this week a unique individual is being honored by the National Association for Mental Health which is currently holding its annual meeting in Washington.

Mrs. Mack Bright, of Blackfoot, Idaho, will be the recipient of the Katherine Hamilton Volunteer of the Year Award—the highest honor bestowed upon a volunteer for efforts on behalf of the mentally ill.

This award, which has been presented annually since 1964 by the Indiana Mental Health Memorial Foundation, is named in honor of one of my former constituents from Terre Haute, Ind.

Katy Hamilton dedicated 33 years of her life to the mentally ill. She helped to organize and promote the growth of the Vigo County chapter, served the mental health association in Indiana for 10 years as a board member, was secretary and delegate to the National Association for Mental Health, contributed to eliminating the practice of patient jailings in her home county, and helped to establish psychiatric clinics and the "adopt-a-patient program" in which other persons assume the role of relative to a patient. She also assisted in the development of hospital volunteers in Indiana, lobbied for increased appropriations for the department for mental health, and helped expand the National Association for Mental Health.

The award was made possible through the generosity of Miss Hamilton bequeathing the bulk of her estate to the Indiana Mental Health Association and to the Vigo County chapter. This enabled the association to form the Indiana Mental Health Memorial Foundation, which is dedicated to undertake, promote, and develop research, education, and other services related to the field of mental health.

The Vigo County chapter used its share of the Hamilton estate to help to provide local funds for the Community Comprehensive Mental Health Center which will be named in her honor. The Katherine Hamilton Comprehensive Mental Center will be the first free-standing center constructed in Indiana.

The future of the Katherine Hamilton center and other such institutions, as well as all the patients they will serve, will in part depend on both the State and National Governments assuming some of the financial burden incurred for operating and maintenance costs. I trust that in the next few months Congress will give serious attention to bills now pending that would expand the matching grant system to include substantial funding for this and other similar new local mental centers.

ENVIRONMENTAL QUALITY: PESTICIDES AND THE RESTRICTION OF DDT

Mr. TYDINGS. Mr. President, the Senate today takes one of its most important and controversial steps in deciding whether to confirm a nominee to the highest court in the land. Yet I hope this momentous vote will not overshadow a far-reaching decision announced yesterday by the Secretary of Agriculture.

Secretary Hardin declared that nearly all uses of DDT are to be prohibited by December 31, 1970. Uses deemed essential by the Secretary will be permitted to continue. The ban will affect some 14 million pounds of the pesticide or 35 percent of the total domestic use of DDT.

The Secretary's action follows the recommendation by HEW Secretary Robert Finch that the pesticides use be restricted within 2 years. Both Secretaries are to be commended for their action, and I wish to acknowledge and thank Dr. Emil Mrak, former chancellor of the University of California at Davis, for the leadership he provided the Health, Education, and Welfare Commission on Pesticides.

As a Senator who has introduced wide-ranging legislation on pesticides, I believe Secretary Hardin's decision to be an important one. The quality of our environment has declined significantly, and the indiscriminate use of persistent pesticides has contributed substantially to the deterioration. The restriction on DDT is a step, and an important one, to restore this quality.

It is equally important for it demonstrates that our institutions of government can be responsive to a concerned and active citizenry. The campaign to ban DDT has gone on for some time now. Secretary Hardin's action is a direct result of this effort. The symbolic nature of the Secretary's decision should thus not be forgotten.

I call the attention of my colleagues to this restriction on the use of DDT. I urge the Departments of Agriculture, the Interior, and HEW to increase its scope quickly by using immediately nonpersistent alternates now available and accelerating the research for additional substitutes. Finally, I call for appropriate action to limit the use of other hard pesticides such as dieldrin and endrin so that these poisons no longer endanger our environment.

Mr. President, I now ask unanimous consent that two articles from today's Washington Post and Baltimore Sun announcing the restrictions on DDT be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 21, 1969]

UNITED STATES PROHIBITS ONE-THIRD OF ALL DDT USE

The Nixon administration yesterday took its first major step to bar the use of the pesticide DDT on farms and gardens and said an almost complete ban would be in effect by the end of next year.

Following a meeting of the President's Environmental Quality Council at the White House, with Mr. Nixon presiding, it was announced that Secretary of Agriculture Clifford M. Hardin had ordered cancellation within 30 days of the use of DDT on shade tree pests, pests in water areas, house and garden pests and tobacco pests.

Some 14 million pounds, or 35 per cent of the total amount of DDT annually used in this country, is manufactured for these purposes.

In addition, Hardin announced his intention to cancel "all other DDT uses" and asked for comment from the industry within 90 days.

Exceptions will be made where DDT is needed for prevention or control of human disease or other essential uses for which no alternative is available," he said.

Action on this order will be completed by the end of next year, Hardin said.

Beginning in March, action regarding other persistent pesticides will be taken, using the same criteria and procedures being applied to DDT," Hardin announced.

Last week, the administration announced that it intended to phase out most domestic uses of DDT over the next two years.

Hardin also turned over to the Department of Health, Education and Welfare responsibility for determining "public health aspects of all pesticide registrations."

The Environmental Quality Council said it would establish a committee on pesticides under Harden's chairmanship to coordinate programs and develop policy.

[From the Baltimore Sun, Nov. 21, 1969]

United States Orders DDT Curbs—Prohibition of Most Uses Planned by December 31, 1970

Washington, November 20.—Clifford M. Hardin, Secretary of Agriculture, announced today his intention to outlaw nearly all uses of DDT by December 31, 1970, and to prohibit within 30 days use of the controversial pesticide to kill insects infesting homes, shade trees, aquatic areas, gardens and tobacco fields.

Mr. Hardin's action cuts in half the proposal of Robert H. Finch, Secretary of Health, Education and Welfare, that DDT be outlawed for interstate sale or shipment in two years. Mr. Finch called for a two-year phase-out about two weeks ago.

The ban, based on the possible harmful effects of use of this pesticide, involves some 14 million pounds or about 35 per cent of the total DDT used in this country.

After meeting with President Nixon, the Environmental Quality Council also announced its intention to cancel all other use of DDT, except for emergency control of diseases and massive crop-pest infestations, by December 31, 1970.

It called for comment within 90 days on this intention.

Exceptions would be made in the area of public health and for other essential uses for which no alternative is available.

Beginning in March, similar action will be taken in a review of other persistent pesticides.

Dr. Lee DuBridge, executive secretary of the council and Mr. Nixon's science adviser, along with Mr. Hardin and Mr. Finch, joined in the announcement today at the White House.

Mr. Finch said: "We have no proof that DDT is in fact carcinogenic," or cancer-causing in humans. He said a report of the commission on pesticides recognized the fact that there was some evidence of its being carcinogenic in animals.

United States To Review Pesticide Aid

Washington, November 20.—The United States will make a prompt review of foreign-aid programs involving the use of pesticides following the recent decision to phase out the use of DDT, the White House announced today.

The review will be made by the United States Agency for International Development in collaboration with the aid-receiving countries.

MR. AGNEW: NO LONGER A LAUGHING MATTER

Mr. GURNEY. Mr. President, in recent weeks, the Washington Post, in its usual self-righteous fashion, has been lecturing the public on the right of dissent. Everyone in the eyes of the Washington Post has a natural and innate right to dissent from establishment notions, everyone Mr. President, with the exception of the Vice President of the United States, the Honorable Spiro T. Agnew.

In its editorials, news columns and in its editorial page comments beginning on Friday, November 19, 1969, the Post has let it be known that it is distressed concerning the Vice President's remarks in Des Moines. It sees in the Vice President's remarks, Mr. President, the ominous threat of television censorship. It would appear that as a multiple owner of television and radio licenses, the Washington Post-Newsweek Corp., has a particular concern in this area.

I must point out, however, that the Washington Post is apparently not opposed to censorship and the suppression of ideas as a matter of principle. There are times, Mr. President, when the Post feels that certain ideas should be suppressed and certain spokesmen should be "silenced." In this context, I refer to an editorial which appeared in the Washington Post on October 21, 1969, again concerning Vice President Agnew.

I ask unanimous consent that this document be inserted in the Record. The article indicates, I think, the abiding interest of the Washington Post in the free and unfettered expression of opinions on controversial issues, providing, of course, the Post approves the views expressed and person expressing them.

The last sentence of the editorial reads:

> If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his Vice President or silence him or—ideally—do both.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Agnew: No Longer a Laughing Matter

By writ and by tradition the vice-presidency is an office in which there is practically nothing to do. The trick of course lies in doing it well—in standing back and learning, in readying oneself for any emergency, in supporting the President backstairs where one can and in doing nothing that goes against his interest. Clearly, then, in the case of Vice President Agnew we are faced with one or two possibilities. One is that Mr. Agnew with his ten-month roadshow of gaffes, goofs, and raw demagoguery hasn't caught on to his job. The other is that he has—that Mr. Nixon is authorizing and/or approving the Vice President's public dicta as part of some elaborate (and foredoomed) political game. Neither is particularly reassuring, but if the latter is the case, we should be told.

In New Orleans on Sunday the Vice President made this necessary with his comments on the war and on the motivations of those involved in last week's Vietnam moratorium:

"If the moratorium had any use whatever, it served as an emotional purgative for those who feel the need to cleanse themselves of their lack of ability to offer a constructive solution to the problem."

And again:

"A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion."

And again:

"Great patriots of past generations would find it difficult to believe that Americans would ever doubt the validity of America's resolve to protect free men from totalitarian attack. Yet today we see those among us who prefer to side with an enemy aggressor rather than stand by this free nation."

Mr. Agnew also let it be known that those who participated in the moratorium were guilty of the crime of supporting "a massive public outpouring of sentiment against the foreign policy of the President of the United States" and of not caring to "disassociate themselves from the objective enunciated by the enemy in Hanoi."

Now what is interesting in all this is certainly not the Vice President's line of thought or his ham-handed effort to discredit the motivation and question the loyalty of a large and respectable part of the political community: we have seen and heard all that before. It is not even to the main point to observe that Mr. Agnew has outdone himself in assuring the hostility of a part of the electorate Mr. Nixon has some interest in calming down. Nor does the subject upon which Mr. Agnew chose to discourse with such vehemence permit his remarks to be received with the national giggle they so frequently inspire. This time around the only question worth asking is what the President thought of what Mr. Agnew said.

Mr. Nixon is engaged in a highly chancy and complicated maneuver to end the war in Vietnam in a way which will not do utter violence to this country's interests abroad and which will not result in a terrible rending of the social fabric at home—in a right-to-middle uprising based on charges of betrayal and sell-out. At least that is what you can hear any day of the week from those behind the scenes in his administration who argue the case for his method of disengagement and who beg understanding of it. Simultaneously we witness Vice President Agnew out fomenting precisely the kinds of emotions others in the White House profess to fear and claim their strategy is designed in large measure to avoid. It really will not do for Mr. Ziegler, the White House spokesman, merely to indicate that vice presidential speeches for party gatherings are not cleared in advance by the White House. If Mr. Nixon wishes to be in any way convincing in this matter or to preserve the notion that he is acting in good faith, then he must repudiate the excesses of his Vice President or silence him or—ideally—do both.

ARMED SERVICES COMMITTEE SHOULD INVESTIGATE ALLEGED U.S. INVOLVEMENT IN DEATHS OF VIETNAMESE CIVILIANS

Mr. GOODELL. Mr. President, in recent days the American and foreign news media have carried numerous reports concerning the alleged massacre of a large number of Vietnamese civilians by American military personnel in Vietnam.

The New York Times this morning quoted British Prime Minister Harold Wilson as saying that if the reports proved "one-quarter true, they would be regarded as very grave atrocities."

Yesterday, in a letter to the distinguished chairman of the Senate Armed Services Committee (Mr. Stennis), I requested that the committee initiate a full-scale investigation concerning these alleged killings and the operation of the Phoenix program—an alleged United States-Saigon program for assassinating supposed NLF village officials.

Mr. President, these charges raise grave moral questions concerning the conduct of our troops and the integrity of our country. They must be thoroughly and impartially investigated at the earliest opportunity.

I ask the support of every Member of Congress in seeking early resolution of these charges.

Mr. President, I ask unanimous consent that the text of my letter of yesterday to the Senate Armed Services Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, 1969.

Hon. JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: On August 13 of this year, Senator Cranston and I spoke out against the mistreatment of American prisoners of war by North Vietnam and the NLF. In a statement in which we were joined by 39 other Senators, we called upon our adversaries in Vietnam to observe certain minimum standards of humanity in the treatment of our prisoners.

If we, as members of Congress, are concerned with the treatment of our fighting men by the enemy, we should be equally concerned that our military forces in Vietnam maintain the standards of a civilized nation at war.

Last week, eye witnesses quoted in the news media reported the alleged massacre of a large number of Vietnamese civilians by American military personnel in an offensive in the Quangnai City area of Vietnam last year.

These eyewitnesses describe instances of premeditated killings of unarmed Vietnamese villagers, mostly women and children, by American soldiers. The estimates of the number killed range from 90 to over 500, the latter figure being cited by Vietnamese survivors.

Even more shocking, these witnesses report that a large part of a company of American troops participated in the shootings; that the killings were committed at the instruction of certain officers and non-commissioned officers; and that at least one of the witnesses was warned by his military superiors not to report the occurrence.

I understand that the Army is currently investigating the incident.

I am equally concerned with the report concerning the operation of the joint U.S.-Saigon "Phoenix" program for assassinating supposed NLF village officials. Saigon radio allegedly reported that by December 31, 1968—one year after its inception—this program had caused the death of 18,393 persons.

In his November 3rd speech, the President expressed his deep concern that a collapse of the South Vietnamese government might result in a "bloodbath"—in slaughter of innocent Vietnamese civilians by Communist forces. He indicated that his apprehension over such a possibility has to a considerable degree influenced his Vietnam policy.

If American policy in Vietnam is so deeply concerned with the possibility of a "bloodbath" perpetrated by Communist forces, it should be equally concerned with preventing the deliberate killing of civilians by our own or South Vietnamese forces.

Such barbarous treatment of Vietnamese civilians can totally destroy any credibility the United States can claim to have for its presence in Vietnam.

I therefore respectfully request that the Senate Armed Services Committee initiate a full-scale investigation concerning alleged killings of South Vietnamese civilians by American troops; and concerning the operation of the "Phoenix" program. I request that your investigation include a review of what steps, if any, have been undertaken by the Department of Defense and the American military command in Vietnam to prevent killings of this nature in the future.

Sincerely,

CHARLES E. GOODELL.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

Under the previous order, the Senate is in executive session, with the time equally divided.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, on this side, under the unanimous-consent agreement, I yield all the time except one-half minute to the distinguished Senator from Indiana (Mr. BAYH), and that one-half minute I will yield to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, in the interest of decorum, I ask that the Chair instruct the Sergeant at Arms that the floor be cleared of all staff personnel and the lobbies be cleared of all staff personnel until the vote on the Haynsworth nomination has been completed, with the exception of those staff personnel who are immediately needed by their respective Senators in connection with the Haynsworth nomination.

The PRESIDING OFFICER. The Sergeant-at-Arms is so instructed.

Mr. BAYH. Mr. President, I yield to the distinguished Senator from Maine (Mr. MUSKIE) such time as he feels he requires to cover the subject he addresses himself to.

Mr. MUSKIE. I thank the Senator from Indiana.

Mr. President, any Presidential nomination subject to the advice and consent of the Senate is a serious matter.

Any President, in the discharge of his constitutional responsibility to make such nominations, is entitled to the consideration of his selections on their merits.

His nominees, whose qualifications are in issue, are entitled to the fair and balanced judgment of the Senate.

The integrity of the political institutions involved—and the confidence of our citizens in their effectiveness and evenhandedness—must also be considered.

In appointments such as those to his Cabinet, the President is rarely denied confirmation of his choices. He is given wide latitude to implement his mandate at the polls by subordinates of his choosing, and his and their performance is subject to the approval or disapproval of the voters at the polls. Moreover, their tenure is limited, and their decisions and official actions are subject to legislative oversight.

Appointments to the Supreme Court of the United States, on the other hand, have been traditionally regarded as imposing a different and more independent kind of responsibility upon the Senate. The Senate, for example, has failed to confirm one-sixth of all nominations to the Court.

Supreme Court Justices are appointed for life. Their tenure may extend over decades, and their decisions and opinions can have a profound impact upon public policy and the direction of our national life for years to come. Their performance is not subject to the approval or disapproval of the electorate. Their decisions and official actions are not subject to legislative oversight.

In the light of these considerations, no Senator, I am sure, has taken lightly the responsibility of casting his vote on the appointment pending before us.

Clearly, men of good will, and integrity, and judgment, in and outside the Senate, have endorsed this appointment. Others, of equal good will, and integrity, and judgment have expressed opposition to it.

They have divided upon three questions:

First. Has the nominee, in the conduct of his personal business and financial affairs, been sufficiently sensitive to their implications relative to his responsibilities as a judge of the U.S. circuit court of appeals?

Second. Has the nominee, in the cases which have come before his court, been sufficiently sensitive to the need for meaningful implementation of the civil rights of all citizens?

Third. Has the nominee, in the cases which have come before his court, been evenhanded in his labor-management decisions?

I am most troubled by the first question. I am not persuaded that Judge Haynsworth is a dishonest man. His actions, however, raise serious questions about his sense of priorities and his sensitivity to judicial ethics which require a judge to avoid even the appearance of private gain through a public action.

From 1950 until March 1964, Judge Haynsworth was a one-seventh owner and a director of Carolina Vend-A-Matic, a lessor of vending machines. He had founded the corporation along with six other individuals, three of whom were his law partners and one of whom was a business associate. He served as its first vice president, and his wife was the corporation's secretary. As late as 1963, Judge Haynsworth remained as a trustee of the company's profit-sharing and retirement plan and attended weekly directors' meetings, for which his annual fee was as high as $2,600.

Since 1958 the company had done a substantial amount of business with mills controlled by the Deering-Milliken Co. Gross annual earnings from Vend-A-Matic's contracts with those mills totaled nearly $50,000 as of June 1963. In August of 1963, new contracts with other such mills increased those gross earnings to $100,000 per year.

Despite those connections, Judge Haynsworth sat, heard, and wrote the opinion in the preliminary phase of major labor litigation involving Deering-

Milliken in 1961. In June of 1963, heard the case on the merits as a member of the court of appeals and joined the 3 to 2 majority ruling in favor of Deering-Milliken. Moreover, the lawyers who argued the case for Deering-Milliken in 1963 were directors in the North Carolina subsidiary of Vend-A-Matic until they resigned on June 12, 1963—the day before the oral argument before Judge Haynsworth's court on June 13, 1963.

Judge Haynsworth not only failed to disqualify himself in the case, he also failed to disclose that one of the litigants was a major customer of a closely held corporation of which he was a founder, director, and officer—a corporation in which he sold his interest in April 1964 for almost $450,000.

In 1968 Judge Haynsworth purchased 1,000 shares of Brunswick Corp. while it was a litigant in a case before him. The Department of Justice has raised only the most questionable defense for this stock purchase: that the case had been decided even though the opinion had yet to be issued. This action raises serious questions about Judge Haynsworth's sense of priorities and his sensitivity to judicial ethics which require a judge to avoid even the appearance of private gain through a public action.

What emerges from the evidence is the picture, not of a dishonest judge, but of a man who has exhibited a marked insensitivity to situations involving conflict of interest risks. Today, public confidence in our institutions requires more than this.

As the Supreme Court said in the Murchison case in 1955:

> A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the *probability* of unfairness.

The Court added:

> To perform its high function in the best way, justice must satisfy the *appearance* of justice.

On this first question, therefore, I regretfully conclude that I cannot vote to confirm the nomination of Judge Haynsworth.

In addition, however, I wish to record my concern over the implications of his opinions in the field of civil rights if his nomination is confirmed.

It has taken us over 100 years to shape public policy so that it moves in the direction of equal rights for all our citizens. In recent years Congress has enacted legislation to halt discrimination in education, public facilities, employment, housing, and voting. The Supreme Court has played an indispensable role in interpreting these acts, in insisting on an end to segregated schooling, and in insuring equal representation of voters. At long last, we stand on the brink of meaningful implementation of these rights.

It is the prerogative of the President, of course, to try to shift the direction and the thrust of the Court's opinions in this field by his appointments to the Court. It is my prerogative and my responsibility to disagree with him when I believe, as I do, that such a change would not be in our country's best interests.

Today, in my judgment, a Supreme Court Justice must be fully sensitive to the efforts of all Americans to participate fully in our society. He must consider, with understanding and compassion, cases which are enmeshed in the most perplexing social problems besetting our Nation.

Judge Haynsworth's record does not evidence the sensitivity and understanding that this task demands.

In 1962 Judge Haynsworth supported—in a dissenting opinion—a plan which avoided all but token changes in the segregated school system. This was a full 8 years after the Brown decision.

In 1963 Judge Haynsworth condoned further procedural delays for the black citizens of Prince Edward County, Va., who had been litigating, since 1951, to obtain education on a nonracial basis. These were the very same citizens whose rights were decided in the Brown case. Yet 9 years later, they found themselves in appellate courts still seeking to enforce that decision.

In 1956 they had defeated the Virginia Legislature's attempt to deny State funds to nonsegregated schools. In 1959 they had found the doors again slammed shut when the county closed all public schools and soon afterward initiated tuition subsidies and tax deductions to support segregated private schools. Finally, they won an injunction against the scheme from the Federal district court.

But on appeal in 1963, Judge Haynsworth reversed this injunction. While black children remained without formal education for their fifth year. Judge Haynsworth ruled that the constitutionality of the whole system depended upon how the State courts would decide subsidiary issues. The plaintiffs, in effect, were told to litigate again in the State courts, a right the Supreme Court had recognized 9 years previously. Fortunately, the Supreme Court overruled Judge Haynsworth and unanimously held the scheme a patently unconstitutional attempt to perpetuate segregated education.

Even in 1967 Judge Haynsworth was allowing perpetuation of segregated school systems by condoning further procedural delays. Again the Supreme Court overruled Judge Haynsworth.

In the complex area of school desegregation, opponents of equal rights have used procedural devices to achieve further delay. Judge Haynsworth, even though bound to follow the Constitution as interpreted by the Supreme Court, has too often sought out such grounds. His addition to the Court would not only have an impact on the Court's future decisions in this area, but would, I am afraid, further encourage those resisting meaningful desegregation.

On the third question which has been raised, there are environments which remain hostile to the rights of workers to organize; there remain significant issues which involve efforts to improve the conditions of the working man or his progress to find a better life.

These questions demand a careful understanding of the problems of labor and management alike. Judge Haynsworth's treatment of these issues does not appear to be consistent with that requirement.

In my consideration of an appointment to the Supreme Court, I do not expect the nominee's philosophical and political views to be carbon copies of my own. I recognize that, in the course of events, in a pluralistic society, the philosophical and political complexion of the Court will and should be responsive to the society which it serves.

And so I have voted to confirm judges, most recently the present Chief Justice of the Supreme Court, whose views appeared to differ from my own.

I am most concerned in the present case with the question of sensitivity to ethical questions and the need to strengthen public confidence in the Court.

Therefore, Mr. President, I shall vote against confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, on behalf of the minority leader, I announce that the time allocated to him is yielded to the ranking minority member of the Committee on the Judiciary, the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. I thank the Senator from Michigan. I yield such time as he may require to the junior Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, the Washington Post, in an editorial published this morning, November 21, 1969, concluded that the nomination of Judge Clement Haynsworth should be confirmed. Even though this newspaper has been unenthusiastic about the appointment it decided, as many of us have, that the only relevant inquiry by the Senate was the question of qualifications.

The Post concluded of the ethical questions which have been raised that:

> We do not find them of so serious a nature as to require the rejection of his nomination by the Senate.

Mr. President, this is a reasonable editorial by an organization which would have preferred another nominee, it has nevertheless reached the proper conclusion in regard to what the decision of the Senate should be on this nomination. That decision should be confirmation. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 21, 1969]

THE VOTE ON JUDGE HAYNSWORTH

The long debate that has swirled around the nomination of Clement F. Haynsworth Jr. to the Supreme Court has taken a heavy toll in terms of the judge's reputation, the President's relations with the Senate, the Attorney General's acumen, and, indeed, the Senate's ability to give a controversial nomination the thoughtful, nonpolitical consideration it deserves. It has also taken a toll in terms of the Supreme Court itself since once the rhetoric is stripped away the fight comes to a political struggle in which the President and his men have trotted out all their weapons on one side and the labor and civil rights groups have trotted out all theirs on the other.

It is too bad that the nomination has been put through so rough a wringer. We said, when it was made, that it was not one of the President's most brilliant acts. In making it, Mr. Nixon did not meet the standards he had set for himself nor the standards we would like to see Presidents use in selecting men to sit on the Supreme Court. Nor did he choose, as we once suggested, to withdraw the nomination when it became clear that almost half, if not more than half, of the Senate would vote to reject it. Such a withdrawal would have been the best course for Mr. Nixon and for the court. It would have saved the President from having to spend so much of his meager political capital—badly needed for better causes—on a mediocre nominee. It would have saved the court the possible embarrassment of receiving a member repudiated by almost a majority of the Senate.

Setting what might have been aside, however, the issue before the Senate today is whether to confirm or reject the nomination. For conscientious members of the Senate, this would be a difficult question even without the political stakes riding on this one vote. There are three substantive questions, one of ethics, one of political views, and one of general qualifications.

The ethical questions raised about Judge Haynsworth's actions are, as some of his critics have said, matters more of sensitivity than of honesty. We do not find them of so serious a nature as to require the rejection of his nomination by the Senate. If it had not been for the Fortas case, we suspect these questions would not have been raised at all. There is a clear inconsistency in the action of senators who defended their opposition to Mr. Fortas on ethical grounds and who now support Judge Haynsworth. There is also an inconsistency in the actions of those who discounted ethical questions in the Fortas case and now weigh them heavily.

As far as the judge's qualifications and points of view go, honest men can differ. As we have said before, his name is not on our list of the most distinguished and able judges and lawyers in the country. In a perfect world, no doubt, the President would pick and the Senate would confirm for the Supreme Court only men who had demonstrated that they stood at the very peak of their profession. But no President has ever followed such a standard and the Senate has never required that. On the views a nominee holds on controversial issues, we think the standard the Senate should apply is whether his position is so unreasonable as to be doctrinaire. While we do not agree with all the views Judge Haynsworth has expressed from the bench, particularly in the area of civil rights, we do not think his position is that unreasonable, although we recognize that there are many senators and others who honestly do.

There is one last argument to be disposed of. It is whether the failure of Judge Haynsworth to request that his name be withdrawn, or the failure of Mr. Nixon to withdraw it, demonstrates a lack of respect for the court as an institution that is, in itself, disqualifying. We feared that by pressing this nomination to a vote, the President would help make the court even more of a political football in the minds of the public than it was. That damage has already occurred, whether or not Judge Haynsworth is confirmed. The politics that has been played and the intensive lobbying that has taken place on both sides has made the political nature of this vote perfectly clear.

And so, it is not a happy choice. Still, reluctantly, we think the Senate should confirm the nomination. There are many other men whose names we would prefer to see go before the Senate today, conservatives as well as liberals. But the right to put a name in nomination is given by the Constitution to the President. The Senate should not be in the position of asking whether the President could have chosen more wisely than he did but whether the man he picked is qualified to serve. Nothing in the record, despite the long weeks of investigation and debate, has convinced us that Haynsworth is not qualified by the standards that have been applied to these nominations in the past. And we can not find justification in the Haynsworth case for an arbitrary change in these standards by the Senate. The change, the upgrading of standards, can more effectively be made where the nominating process begins—with the President.

Mr. COOK. Mr. President, there was some discussion late yesterday that during the debates on this nomination there had been no discussion, or at least very little discussion, in regard to litigants. I question that statement, purely and simply because there has been what I consider a great deal of discussion in that regard.

First of all, there has been much discussion in regard to Judge Haynsworth's position on expanding and modernizing many of the theories with reference to habeas corpus. I suggest that the record shows a very interesting letter written by a professor at Notre Dame University Law School to the Senator from Indiana (Mr. HARTKE), in which the professor—Bernard Ward—said that one of the things that was, to his mind, an outstanding trait of Judge Haynsworth was that he probably spent more time on prisoner petition cases in his court than any other judge in the United States, and that there were more prisoner petition requests filed in the fourth circuit than in any other circuit in the country.

So when we discuss the matter of Judge Haynsworth's attitude toward litigants, I think the record is clear that at least, as Professor Ward put it, one group of people knew they could rely on Judge Haynsworth, and knew they could rely on him as a man who would spend more time in their behalf, apparently, than any other judge in the country. The petitioning prisoners, who had already been convicted and had already served time in prison, and felt that, for some reason or by some stretch of the imagination, through their own efforts their cases should be considered on appeal from their convictions were always heard by Clement Haynsworth.

I make this statement of the record merely because I think it may, in a way, help to clarify the discussions yesterday, wherein it was stated that there had been very little discussion relative to Judge Haynsworth's attitude toward litigants.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair inquires of the Senator whether he intends that the time for the quorum call be taken out of the proponents' time.

Mr. HRUSKA. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, in these closing hours of the debate on the confirmation of the nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court of the United States, there is no Senator who is not fully cognizant of the responsibilities that rest on us.

I have searched and studied the record. I have paid assiduous attention to the debate on the floor. There are two or three things in these final moments upon which I would like to comment.

In looking at all of the supposed charges that were given such wide distribution through the country even before Judge Haynsworth had an opportunity to appear before the committee, I can find only one very slight area in which he might possibly be criticized. And that area, if we are going to put even the slightest tinge of question relating to his great career, comes in the Brunswick case.

So I think I have to put before the Senate what the actual facts are and put them finally, clearly, and simply so that everyone understands why there not only was no wrong committed, there could not have been anything wrong in that situation.

I suppose that one would have to be a lawyer and conversant with the courts to understand that to a conscientious man who hears two or three and sometimes four appeals a day, the names of the participants become a completely minor and unimportant matter as far as the decision is concerned.

On the day in question, three judges heard three cases. And immediately after hearing the Brunswick case, they made up their minds and decided that the Federal district court judge who heard the case, at the trial level, was correct.

It was a quarrel simply between people who held a conditional sales contract or mortgage upon some equipment and the local man who owned the building in which the equipment was located. It had nothing to do with the broad overall integrity of the Brunswick Co., as such.

From the standpoint of the Brunswick Co., it was a minuscule thing, one which would not have caused the board of directors to have spent any time upon the case or the decision that was rendered.

Some 6 weeks after that time, the stock broker for Judge Haynsworth recommended the Brunswick stock to him and the judge told him to go ahead and buy some of the stock. The significant thing is that all that remained to be done at that time was for the judge who had been assigned the opinion to render the opinion to the chief judge of the court and for the other judges in turn to approve of it, as containing what had previously been agreed upon.

So, what do we have? We have a situation in which a decision was rendered by the court immediately after the case was heard. Six weeks after that time, we find that Judge Haynsworth did buy some stock in a corporation that had an interest in that case. The decision was made. It was never changed. From 5 or 10 minutes after the court adjourned following its decision until the present day, the opinion was never changed. And what remained after that was strictly an administrative act.

So, technically, perhaps, and only technically, did he participate in or do something which might be construed as being not exactly within the range of propriety, on first flush.

I point out to my friends in the Senate who are going to vote or who declare that they are going to vote against Judge Haynsworth on this basis that they are putting a standard on this man which they have refused to put on themselves and which they have not put on any man who has ever come before the Senate of the United States for confirmation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 additional minutes.

Mr. ALLOTT. Mr. President, I will point out one other thing which has been mentioned with reference to the philosophy involved. And then I will be through.

There has been mentioned in the Senate Chamber that some did not approve of his philosophy based upon his attitude toward labor. Others have said they did not approve of his philosophy based upon his attitude toward civil rights. One Senator claims that we should read only the opinions written by Judge Haynsworth. Others claim that we should look at all of them.

When we do look at them all, we do not find any abandonment of a social conscience on the part of Judge Haynsworth.

There is no other U.S. Senator—and I do not care who he is or from what State he comes—who has supported the cause of civil rights more ardently, more fervently, and who has put in more hours and more midnight hours during the debate on the Civil Rights Act of 1957 and on the Civil Rights Act of 1964 than the Senator from Colorado.

No one supports the principles of civil rights more than I do, because I feel it is more than just a matter of appealing to the voters. To me it is a matter of conscience. It is a matter of my religion.

If GORDON ALLOTT can vote for Judge Haynsworth on this basis, there is not any other Senator who cannot also vote for him on the same basis. We have to do justice to this man. And, the Lord willing, we cannot turn down a man against whom no case has been made. The only way we can make a case against him is to strain at a gnat.

No case has been made. And we might tear down his reputation and send him home with his reputation and his life ruined by the decision that will be made here.

So I shall support him wholeheartedly. I sincerely hope that all other Senators will do the same.

Mr. HRUSKA. Mr. President, I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. MUNDT. Mr. President, I have followed with great interest in the press and throughout the pages of hearings and the debate on the floor the arguments relating to the nomination of Judge Clement Haynsworth to be an Associate Justice of the Supreme Court of the United States.

Being neither an attorney nor a member of the Judiciary Committee, I have naturally felt inclined to defer on any technical legal points to the judgment of the members of the committee charged with that responsibility.

There is one point, however, that I have not considered impelling in the past when it comes to voting for the confirmation of a Supreme Court nominee and that is also relevant today. I allude to the so-called political philosophy of the nominee. I usually know what it is. I may agree or disagree with him. However, I have not cast my votes on confirmation decisions on that basis. I sincerely hope that by its decision here today, the U.S. Senate is not going to establish a new precedent of an altogether different approach toward confirmation—and that is to base our decisions on whether one might individually agree to the potential decisions to be made by the Associate Justice involved.

Let me add that Judge Haynsworth has been characterized in the press as a conservative. If that means that he could be expected to apply strict construction to the Constitution, I happen to agree with that philosophy.

Furthermore, I believe that men of this caliber are long, long overdue on the Court, to restore some semblance of balance between the loose constructionists and the strict constructionists. But while this may give me a sense of satisfaction as I vote for confirmation of the nomination—and I shall so vote—I would vote for him, nevertheless, if his philosophy were otherwise. I have done so in the past.

On September 25. 1962, I voted for the confirmation of the nomination of Arthur Goldberg. On August 11, 1965, I voted to confirm the nomination of Abe Fortas. On October 30, 1967, I voted to confirm the nomination of Thurgood Marshall. In all three instances, I think it would be fair to say that, on general philosophical terms, I disagreed with the well-known attitudes of these nominees. Surely, their stands on great issues of our time were well known—much more so, in fact, than we know about the potential stand of Judge Haynsworth. As opposed to the present nominees, they were prominent advocates of the so-called liberal viewpoints, who had spent their lives in public or political affairs and not on the bench, picking up valuable judicial experience, which has been the background of Judge Haynsworth. Their philosophy was sired and shaped long before they went to the Supreme Court.

I voted for the confirmation of their nominations even though I disagreed with them, because I can find nothing in the Constitution that indicates the Senate should vote against a nominee for the Supreme Court on philosophical grounds. I voted for confirmation of the three nominations I mentioned, even though I was concerned about the philosophical point of view of each of these nominees.

The President who made those nominations was not a President of my political party, but he was my President. He had won the election, and with it he had won the right to name the nominee of his choice to the Supreme Court of the United States. The Senate confirms or does not confirm on reasons other than political philosophy, because that issue was determined by the election of the President. It was determined by the voice of the people when they voted for that high Office.

Mr. President, there has been some talk in another context, one which I shall discuss shortly, about the use of a double standard on this confirmation. I think there would be such a double standard, if Members of this body vote against Judge Haynsworth on philosophical grounds—and I believe this is the crux of the issue—because in the past many of us have bit the bullet and confirmed the nomination of presidential choices not to our own liking.

For many years, the senior Senator from South Dakota has been among those Senators and other public officials who have been greatly concerned about the tendency and the trend of the Supreme Court to conduct itself as a third house of the legislative branch, to make decisions which are not an adjudication of constitutional principles but are an expression of a social or a political or an economic point of view. I have resented this trend. I have deplored it publicly many times. I joined with the distinguished Senator from Colorado one time when the Senate even denied an increase in pay to the Justices of the Supreme Court as an expression on the part of the Senate of our resentment of their intrusion into the legislative arena.

I should now like to emphasize a point I have not heard discussed very much on the floor of the Senate. To be consistent, however, it seems to me that every Senator who shares this point of view, who feels that it is not the proper province of the Supreme Court to inject itself into the legislative determinations of the land—I feel that if we share that point of view, we should be bound by a rule that works both ways. If—as I intend to do, and as I have done in the past—I express myself in opposition to that tendency and that trend on the part of the Supreme Court Justices, it seems to me that I and other Senators who hold this conviction should then refrain from any efforts on the part of our legislative branch, to bend the judiciary to its point of view. It seems to me that we should maintain and practice this precious constitutional separation of powers. It seems to me that if it is sauce for the goose, it is sauce for the gander.

I see no logic or consistency in taking the position—which I take—that the

Supreme Court should not try to enter our arena and determine our attitudes and bend our legislative decisions to its will, and then for Senators of the United States to use the power of confirmation to try to coerce the Supreme Court to try to make it bend its decisions toward our position. I do not think we can have the best of both worlds. If we are going to be consistent, the same rule should apply to both branches of Government, and I expect to be consistent. I shall vote for the confirmation of Judge Haynsworth.

I want to say, also, that I do not think the power of confirmation of the Senate should be changed, from what is included in the Constitution, to a whole new concept which I hear argued on the floor of the Senate all the time, that many Senators are now going to vote only for those judges who they think are going to make verdicts with which they will agree. They hope to make the Haynsworth case a precedent by defeating his confirmation. This is as reprehensible—in my opinion—as having the Supreme Court entering the legislative arena to try to coerce us into making legislative decisions in conformity with what the Court desires and demands. To beat back such a revolutionary change in concept, I for one hope, should Judge Haynsworth fail in the ensuing vote that President Nixon will soon send to the Senate the name of a nominee fully or even more conservative than Haynsworth. For that way the basic issue here involved will be clearly drawn and definitely decided by this same Senate membership.

The Constitution is involved in this matter, and I think Senators should reflect very carefully before they help to write a new formula of desideratum to be considered in terms of confirmation of nominees for the Supreme Court. I do not think they should have in this kind of decision the attitude that we are going to vote only for the confirmation of nominees for the Supreme Court that they expect are going to agree with them. Had that been my conviction, I am free to say that I would have voted against Fortas, I would have voted against Marshall, and I would have voted against Goldberg and a great number of other judges whose nominations I have voted to confirm. However, I do not think it is my province as a legislator to try to build a court and coerce a decision with which I am going to be in agreement.

As to the other factors in this discussion, they have been debated ad infinitum, ad nauseam. I should like to address myself briefly to three which I believe still need some discussion. They are the so-called ethics issue, the impact of the controversy on Judge Haynsworth's effectiveness should he be confirmed, and, finally, the differences between the cases of Justice Fortas and the situation that we now confront from the standpoint of Judge Haynsworth.

I have already indicated the attitude of a nonlawyer, nonmember of the Judiciary Committee when it comes to examining technical legal points. It was interesting, therefore, to read the report of the committee on the question of one of the most subjective of these technical points—had Judge Haynsworth behaved ethically according to the stringent rules members of the bar apply to themselves?

There were a total of 17 members on this committee who submitted their various views to this body. Nine Senators approved the majority report, exonerating Judge Haynsworth from any ethical impropriety or violation of the Federal statute pertaining to disqualifications of judges such as would cast any doubt on his fitness to sit as an Associate Justice of the Supreme Court. Three Senators—the junior Senator from Indiana, the junior Senator from Michigan, and the senior Senator from Maryland—filed individual views indicating sufficient reservation about the so-called ethical charges against Judge Haynsworth as to lead them to vote against confirmation. Other Senators on the committee opposed the confirmation on quite different grounds.

Since I wished to place some weight on the committee findings in making my own determination, I found this division of opinion instructive. Although the newspaper accounts indicated, quite correctly, that the committee at the time it voted to send the nomination to the floor with a favorable recommendation did so by a vote of 10 to 7, examination of the actual views filed shows that only 12 of the 17 members addressed themselves to the so-called ethics question, and of those 12, nine found in favor of Judge Haynsworth and three found against him. On this ethics question, then, the committee's views indicate that the division was not at all a close one, and that by a margin of 3 to 1 the committee exonerated Judge Haynsworth of any ethical improprieties.

I have also been impressed by the reputation of Judge Haynsworth in that part of the country in which he once practiced as a lawyer, and has for the past 13 years sat as the chief judge of the highest Federal court of the region. His six fellow circuit judges sent him a telegram, at a time when all of the charges against him and whatever evidence there may have been that was thought to support them had been made public, voicing their "complete and unshaken" confidence in his "integrity and ability." Abraham Lincoln made a famous statement at one time about fooling people:

> You can fool all of the people some of the time and you can fool some of the people all of the time, but you can't fool all of the people all of the time.

Along this same line, it seems to me that it would be very difficult for an appellate judge to "fool or deceive" his six fellow judges, with whom he worked in conference and in hearing cases, and over whom he has presided as chief judge of an appellate court since 1964. If there were something wrong with a man's ethics, or with his standards of propriety, certainly these six fellow jurists would have good reason to know about it. Yet they, in the face of an organized drive to discredit Judge Haynsworth, chose to volunteer their complete and unshaken confidence in his integrity and ability.

Not merely his fellow circuit judges, but all of the district judges in the entire area served by the Court of Appeals for the Fourth Circuit—all of the Federal district judges in Maryland, Virginia, West Virginia, North Carolina, and South Carolina—publicly signified their confidence in Judge Haynsworth, and their support of his confirmation.

I am advised that both as a result of annual judicial conferences, and frequent occasions on which the various district judges are called to sit as members of the Court of Appeals and hearing a case on appeal, there is opportunity for constant contact between the district judges in a circuit and the circuit judges. I have not the slightest doubt that if there was something wrong with Judge Haynsworth's integrity or his ethics, these district judges would have long since known of it. Yet they, too, when all the information dug up by Judge Haynsworth's opponents had been made public, themselves publicly indicated their support of Judge Haynsworth and their confidence in his integrity.

The American Bar Association conducted an elaborate and detailed interviewing program embracing both lawyers and judges who had been associated with Judge Haynsworth. Judge Lawrence Walsh, the chairman of the ABA's Committee on Judicial Selection, said that it was the "unvarying, unequivocal, and emphatic" view of "each judge and lawyer interviewed" that Judge Haynsworth is beyond any reservation a man of impeccable integrity.

There are those who say, in connection with this nomination, that even though the ethical accusations be without substance or merit, nonetheless they cast a "cloud" over the nominee, and that cloud is in itself a ground for rejecting him. But let us think for a moment what sort of a standard we would be setting for future debates over confirmation of judicial nominees if we accept this point of view. In these days of extensive media coverage of any controversial situation, it does not take much in the way of substance to an accusation to make it headline news.

As we all know, the answers and the factual support to show that a charge may be without foundation never quite catches up with the charge, even though the charge be wholly without substance. To adopt this sort of a policy on which to base one's vote on this nomination would be to say to every special interest group in our country that they have it within their power to defeat any future nominee to the Supreme Court, however upstanding he may be and however impeccable his record may be, if they can only dredge up something upon which to base an accusation. The gross unfairness of this course of procedure should be apparent to all.

History tells us, Mr. President, that the Supreme Court has not been without controversial members in the past—members who were vigorously attacked at the time they were nominated, who survived the attack to be confirmed, and who served ably and well in the high office to which the Senate confirmed them.

Roger B. Taney served for 28 years as Chief Justice of the Supreme Court of the United States. Only John Marshall, who served in that high office for 34 years exceeded Taney's tenure in the highest judicial office in our Nation. Taney was nominated as an Associate Justice of the Supreme Court in 1835 by President Andrew Jackson. President Jackson had named him in 1831 as Attorney General, and in 1833 he had been appointed as Secretary of the Treasury for the purpose of withdrawing the deposits of the U.S. Government from the Bank of the United States, which the previous Secretary had refused to do even at President Jackson's insistence. Taney complied with the President's directive on the deposits, and as a result of this fact he was violently opposed by all of the Bank's supporters in the Senate when his nomination as Associate Justice came before that body. This opposition was sufficient to defeat the nomination through a parliamentary maneuver in the last days of that session of the Senate.

If ever a man was under a "cloud" it was Taney at this point, who had been accused by his opponents of being nothing but a spineless creature of the President in the previous office which he had held. Nonetheless, President Jackson, upon the death of Chief Justice Marshall in 1835, again sent his name to the Senate, this time to be Chief Justice of the United States. And this time, although opposition still continued, Roger Taney was confirmed in that office. His subsequent 28 years of service on the bench are regarded by historians of the Court as having brought distinction and credit to the high office which he held.

When President Wilson nominated Louis D. Brandeis to the Supreme Court in 1916, that nominee also faced a storm of criticism. Historians have concluded that much of the opposition to Brandeis, although couched in terms of ethical insensitivity, was in fact based on opposition to the nominee's philosophical views. I wonder if there may not be some parallel to the Brandeis situation in the case of the nominee now before us. But then, too, the position was taken by some of the opponents that it was sufficient that charges had been made against the nominee, even though they might not have merit. The minority report of the Subcommittee of the Judiciary Committee to which the Brandeis nomination was referred contained this language:

> A man to be appointed to the exalted and responsible position of Justice of the Supreme Court should be free from suspicion and above reproach. Whether suspicion rests upon him unjustly or not, his confirmation would be a mistake.

This position was rejected by the majority of the Senate Judiciary Committee, and by the Senate as a whole, at the time that Justice Brandeis was confirmed. It should be rejected by the Senate now. To suggest that the mere making of charges against a nominee, even though they prove unsubstantiated, is itself ground for refusing to confirm him, gives an open invitation in the case of future nominees to special interest groups who may well act from unworthy as well as from worthy motives. They will be told, in effect, that if they can muddy the waters enough, they can assure the defeat of even the most highly qualified nominee. They did not succeed in the case of Roger Taney, they did not succeed in the case of Louis Brandeis, and they should not succeed in the case of Clement Haynsworth.

They did not succeed, either, in the case of Charles Evans Hughes. Hughes was nominated to be Chief Justice of the Supreme Court by President Hoover in 1930. Hughes was attacked by Senator George W. Norris because, in the words of Hughes' biographer, Merlo Pusey:

> For two single "fundamental reasons" he thought the nomination was unwise. After Hughes had resigned from the Supreme Court to run for the Presidency and after he had amassed a fortune in practice by reason of his former high position, Norris said, the President had returned him to the judicial tribunal which he voluntarily left to engage in politics and the amassing of a fortune. The Senator feared that such a precedent would encourage political activity on the part of Supreme Court judges. In the second place, he said Hughes had represented "untold wealth"; he had associated with Wall Street and lived in luxury. ". . . it is reasonable to expect." Norris concluded, in a sweeping generalization untainted by any relationship to fact, "that these influences have become a part of the man. His viewpoint is clouded. He looks through glasses contaminated by the influence of monopoly as it seeks to get favors by means which are denied to the common, ordinary citizen."

Hughes' biographer goes on to describe the position in which he found himself as the charges were made on the Senate floor:

> While the debate waxed hotter with each passing hour in the Senate, Hughes was in New York in a state of mental agony. Always thin-skinned to criticism in spite of his extraordinary poise in public, he felt that his toil and faithfulness of a lifetime were being smeared over by a sickly smudge that might leave his name tarnished as long as it would be remembered. If he could have foreseen this tirade of abuse, which apparently no one foresaw, he never would have permitted his name to be submitted. Now that the fight was on, however, he would not turn back. Nothing that was said in the Senate gave him the slightest twinge of conscience. His anguish was that of the builder who sees the temple he has erected defiled and hacked by wild, unthinking men in pursuit of what they suppose to be a noble cause.

Mr. **BYRD** of West Virginia. Mr. President, may we have order?

The **PRESIDING OFFICER**. The Senate will be in order. Those who are in the gallery are guests of the Senate, and they must cease all conversation.

The Senator may proceed.

Mr. **MUNDT**. Mr. President, there is nothing that we in the Senate can do to prevent those who wish to oppose the confirmation of a nominee, whether it be from the noblest or from the basest of motives, from having their day before the Judiciary Committee, on the floor of the Senate, and in the public print with whatever charges they seek to make. Indeed, in a free country no one would desire to prevent them from doing this if they so desire. But it is quite another thing to suggest to the Senate, as some Senators imply because these charges have been made, that it ought to abandon its role of sitting in judgment on the charges, and in effect "wash its hands" of the matter without a decision on the merits.

Charles Evans Hughes was ultimately confirmed by the Senate after a bitter debate on the floor. He joined Louis Brandeis and Roger Taney in the history of the Supreme Court as an outstanding member of that institution. I do not believe it can be said, in the light of these examples from history, that an able man is any the less useful when he reaches the High Court because he has been subjected to violent but unmerited abuse during the confirmation process. And certainly from a point of view of public morality, the nominee is entitled to be vindicated by the Senate if the charges made against him are unsupported, just as surely as he ought to be rejected by the Senate if the charges are true.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **HRUSKA**. Mr. President, I yield the Senator 2 additional minutes.

The **PRESIDING OFFICER**. The Senator is recognized for 2 additional minutes.

Mr. **MUNDT**. Mr. President, finally I would like to discuss what some have charged as a double standard of the Senate in regard to this nomination and that of Associate Justice Fortas to be Chief Justice of the Court.

The Fortas "affair" and the current controversy over the nomination of Clement Haynsworth to the Supreme Court are being unfairly and improperly compared. The conduct of these two men is as dissimilar as night is to day.

Some have publicly suggested that the same rules must be applied to Haynsworth that were applied to Fortas and to do otherwise would be a perversion of one's moral standards. As I have previously indicated, I must agree completely. A double standard must not exist. The members of our Nation's judiciary must all meet the same high test and the Members of this body must cast aside any political prejudices and vote on the basis of these tests and these tests only.

This should apply to sitting judges as well as judges who are about to be confirmed. We should not have two classes, first-class and second-class Justices on the Supreme Court, some bounded by one standard of ethics, and some by quite different standards.

When many speak of the Fortas "affair" they forget that in fact Fortas and his outside activities while on the Supreme Court drew public attention on more than one occasion and for more than one reason, including accepting money from a convicted criminal. The first was when President Johnson nominated him for the position to be vacated by Chief Justice Warren. This was just a year ago this fall. Of course, Fortas was then an Associate Justice on the Court and it is to this point that I call the attention of my colleagues and suggest there is no similarity in the debate today and the debate last year.

The concern of the Senate at that time with Mr. Fortas and his elevation on the Bench centered around the charges of cronyism and that he was too deeply involved as a member of the Supreme Court in executive policymaking; thus, transcending the traditional constitutional barrier between the executive and judicial branches of government.

Earlier I mentioned that I had voted to confirm Mr. Fortas as a member of the Supreme Court, even though I believed his philosophy to be alien to mine, and even though it was clear his qualifications for the position lay more in the political field than in the judicial field. I did this because I believed President Johnson had the right, other things being equal, to select his own man with the knowledge that past experience had shown members of the Court once confirmed observed the separation of powers edict so essential to our form of government. Indeed, as prior examples have indicated, they have gone on to be outstanding members of the Court. They did this by forsaking the more heady challenge of executive decisionmaking, while members of the judiciary, for the deliberate recluse of a judge. The same cannot be said for Justice Fortas.

The Judiciary Committee hearing record reflects allegations that while on the Supreme Court, Fortas, first, reviewed legislation for the Johnson administration and put his stamp of approval on it, recorded at page 1349; participated in conferences and White House discussions on the Detroit riots and the Vietnam war, recorded at pages 105–106; promoted candidates for a judgeship and a State Department position, recorded at pages 47 and 48; and, at the request of the President, put pressure on a business associate and friend to quiet criticism of the high cost of the Vietnam war, recorded at page 167.

Fortas was queried about these matters when he appeared before the Judiciary Committee. He categorically denied supporting any candidate for the district court or the Department of State, recorded at page 103.

When confronted with the charges concerning discussions at the White House and reviewing and drafting legislation, Fortas said:

> The President of the United States, since I have been an Associate Justice, has done me the honor, on some occasions, of indicating that he thought that I could be of help to him and to the Nation in a few critical matters, and I have, on occasion, been asked to come to the White House to participate in conferences on critical matters . . . (Recorded at p. 104.)

When confronted with specific charges, Fortas answered:

> Again, Mr. Chairman, I do not want to—I do not think it would be proper to go into specifics . . . (Recorded at p. 104).

After persistent interrogation by members of the committee, he reluctantly conceded that he had participated in the Detroit and Vietnam discussions, recorded at page 106. Several probing questions were answered by raising an intangible claim of confidentiality surrounding conversations with the President, thus frustrating the effort to develop facts relating to the charges.

The entire interrogation was marked by Fortas' reluctance to volunteer information and only when confronted with facts would he address himself to the issue.

For some Senators, these facts and disclosures alone were enough to reject Fortas as Chief Justice. When discussing Fortas' extrajudicial activity, Senator ERVIN stated:

> Justice Fortas has denied some of these charges, and downgraded the importance of others he has admitted. To some he has declined to respond (S. Ex. Rep. No. 8, 90th Cong. 2nd Sess. p. 34)

Senator ERVIN opposed the elevation of Fortas to the Chief Justiceship.

When discussing the legislation which Fortas allegedly drafted for the administration, Senator McCLELLAN stated at page 29 of the report:

> It caused me, therefore, to speculate during the hearings that if Mr. Justice Fortas was being consulted and advising the White House on such simple legislative issues, then it is quite reasonable and proper to assume that it has been a practice for the White House to consult with him and to seek his advice with respect to legislation that may become quite controversial and the subject of litigation involving vital constitutional questions. This certainly transgresses the correct concept of separation of powers.

Senator McCLELLAN opposed his elevation to the Chief Justiceship.

All this is a part of the Fortas "affair" and conduct which some would ask you to believe Judge Haynsworth guilty of. Yet, has there been any allegation or evidence that Judge Haynsworth participated in White House conferences and discussions? Has there been any allegation or evidence that Judge Haynsworth has drafted legislation for the administration? Has there been any allegation or evidence that Judge Haynsworth interceded with associates to "take pressure off" the administration? The answer to these questions is obviously "No." There is no evidence and there have been no allegations for the simple reason that Judge Haynsworth did not do any of these things. Thus, the proposed analogy between the two cases is discredited and I need discuss it no further except to add this.

I would apply the same test on separation of powers to Clement Haynsworth if that were the question before us but it is not. The two cases are entirely different.

Mr. President, I have stated in the earlier part of my remarks my reasons for concluding that the charges with respect to Judge Haynsworth's conduct as a judge of the court of appeals are without substance. Having so determined, I shall cast my vote for confirmation, confident that the teachings of history do not suggest that I do otherwise, and that the teachings of morality would not allow me to do otherwise.

The PRESIDING OFFICER. The additional time of the Senator has expired.

Who yields time?

The Chair inquires as to who yields time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, there is objection. I suggested the absence of a quorum awhile ago and charged the time to my side. I suppose the Senator from Indiana is about ready to proceed.

Mr. BAYH. Mr. President, the Senator from Indiana is not ready to proceed. I understand that the Senator from New York is.

The PRESIDING OFFICER. The Chair reports that if no one yields time, then the time now used will be charged to both sides equally.

Mr. MANSFIELD. Mr. President, I think the Senator from Nebraska made a valid point. He said he had put in a quorum call with the time taken from his side.

Mr. BAYH. Mr. President, I suggest the absence of a quorum, the time to be taken out of my side, with the understanding that the time for this quorum call shall not exceed that utilized by the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I yield to the Senator from New York for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, as we come to the last part of this debate on the Haynsworth nomination, I think a summing up is important.

The three grounds for opposing Judge Haynsworth's confirmation which have been referred to in the debate have been one, improper conduct; two, the implication of his civil rights decisions; and, three, his decisions in labor cases.

Mr. President, I have chosen to take my stand on the second ground, that is, the decisions of Judge Haynsworth in the civil rights cases. I must say that it is important to qualify that by saying that although I have decided it on that ground, I think it is not necessary for me to decide the merits of the other objections.

This does not mean that I find the ethical question without merit. The Senator from Kentucky (Mr. COOPER) examined that question last night in a most eloquent way, as did the Senator from Indiana (Mr. BAYH) and the Senator from Michigan (Mr. GRIFFIN) who sat through the hearings. They have made telling arguments. My reason for stating that personally I did not need to reach that conclusion is simply that I have other grounds for my own decision rather than any derogation of the findings which these eminent men have made on this subject.

I would like to say to those of my colleagues who may yet be listening to this debate, and who are also committed to the historic 1954 decision of the Supreme Court in Brown against Board of Education on the desegregation of schools, that if you have any doubt at all about the conflict of interest issue, you need not decide that matter finally against Judge Haynsworth, for you can rest your vote on the basis of Judge Haynsworth's civil rights decisions alone. This nomination, on that ground alone, in my judgment, should not be confirmed.

Now, Mr. President, I have analyzed the opinions on previous occasions.

It is not an analysis, in this instance, requiring endless research, because Judge Haynsworth has written in his own words civil rights opinions in only 17 civil rights cases. These are:

Dillard v. *School Board of Charlottesville*, 308 F. 2d 920 (4th Cir. 1962), *cert. denied*, 374 U.S. 827 (1963); *Bell* v. *School Board of Powhatan County*, 321 F. 2d 494 (4th Cir. 1963); *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (4th Cir. 1963), *cert. denied*, 376 U.S. 938 (1964); *Griffin* v. *Board of Supervisors of Prince Edward County*, 322 F. 2d 332 (4th Cir. 1963), *reversed*, 377 U.S. 218 (1964); *Pettaway* v. *County School Board*, 332 F. 2d 457 (4th Cir. 1964); *Eaton* v. *Grubbs*, 329 F. 2d 710 (4th Cir. 1964); *Bradley* v. *School Board of Richmond, Va.*, 345 F. 2d 310 and *Gilliam* v. *School Board of Hopewell, Va.*, 345 F. 2d 325 (4th Cir. 1965), *both vacated sub nom. Bradley* v. *School Board*, 382 U.S. 103 (1965); *Nesbit* v. *Statesville City Board of Education*, 345 F. 2d 333 (4th Cir. 1965); *Bowditch* v. *Buncombe County Board of Education*, 345 F. 2d 329 (4th Cir. 1965); *Brown* v. *County School Board*, 346 F. 2d 22 (4th Cir. 1965); *Hawkings* v. *North Carolina Dental Society*, 355 F. 2d 718 (4th Cir. 1966); *Bowman* v. *County School Board of Charles County, Va.*, 382 F. 2d 326 (4th Cir. 1967); *Green* v. *County School Board of New Kent County*, 382 F. 2d 338 (4th Cir. 1967), *reversed*, 391 U.S. 430 (1967); *Brewer* v. *School Board of the City of Norfolk*, 397 F. 2d 37 (4th Cir. 1968); *Coppedge* v. *Franklin County Board of Education*, 394 F. 2d 410 (4th Cir. 1968); *Coppedge* v. *Franklin County Board of Education*, 404 F. 2d 1177 (4th Cir. 1968).

I summarize them as follows:

Of the 17 cases in which Judge Haynsworth wrote opinions in his own words, he wrote in opposition to desegregation 13 times, and went with the prevailing constitutional view in the remaining four cases only when there was really no way to decide on any other basis.

Indeed, it is significant to me that in 1964, 10 years after the decision on school desegregation by the Supreme Court, in an open-and-shut case, the so-called Eaton case, 1964, where Judge Haynsworth ruled against the segregated hospital, he ruled and said that he was only doing this, not because he agreed—he disagreed—but, he said he was doing it because this was so clear-cut a case following Supreme Court precedent that he simply could not shut his eyes to it.

That shows sincerity and bears out what the Senator from New Jersey (Mr. CASE) argued—that within the philosophic framework from which Judge Haynsworth came, this was logical and sincere. But that does not mean we have to vote to put him on the Supreme Court.

I find, running through all of the decisions, a record of consistent, unsympathetic response on this issue.

The real, fundamental question is: Is this a proper ground for decision?

I respectfully submit that it is.

I do not believe that all we are entitled to know is name, rank, and serial number when one is being nominated for the Supreme Court, or only that he is a judge, with nothing against his character, giving him the benefit of the doubt on the conflict-of-interest issue, and that being a judge for some time, therefore, he can go on being a judge.

I do not believe that needs to be or should be the basis of our opinion. I point out that Senators like the Senator from South Carolina (Mr. THURMOND) and the Senator from North Carolina (Mr. ERVIN), who support Judge Haynsworth, have said in respect of the hearings on Justice Fortas just that, that they are not obliged to be confined solely to the fact that he is a judge and there is nothing against him in terms of his personal character, assuming that.

The Senator from Mississippi (Mr. STENNIS) also said that on the Senate floor, unequivocally, in 1955.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield me 1 more minute?

Mr. BAYH. I yield 5 additional minutes to the Senator from New York.

Mr. CASE. He must be one of the big guns.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. I thank the Senator from Indiana.

Mr. President, Senators throughout our history, going back to the time of Lincoln and before, have set this as the basis for their decisions.

Now, Mr. President, again, we are not dealing with an official who will go out with the administration, who comes up to testify on a needed appropriation for a department. We are dealing with a judge who will be on the Supreme Court for life, who will materially influence the world in which we and our children live.

Of course, the fundamental issue is the opinions of a nominee on basic constitutional law, where we judge those opinions to be of such a nature as to make Judge Haynsworth, were he to become Justice of the Supreme Court, a constant influence to take the Court back to the separate-but-equal doctrine of the days before 1954. So I feel there is compelling basis to vote against this confirmation.

Mr. President, I have analyzed the cases where he spoke, which is the only way in which we can analyze cases. I realize that the argument is made there are many per curiam opinions which, for one reason or another, a judge might decide he will go along with the majority, or, indeed, generally speaking, to make them unanimous where there is no dissent. But where he spoke, where the case was not open and shut, in 13 out of 17 cases he made it crystal clear that the basic view he held of the Constitution, insofar as it relates to the cases decided in the civil rights field, would be, in my judgment, an influence on the Court which will carry great authority—one out of nine. And each individual Justice has on that Court had such great authority, in so many proceedings, for interim relief.

I feel that the duty to confirm, our right and responsibility in respect of confirmation, requires us to know what the Supreme Court will look like after we put a judge on it.

It is because I deeply feel that the Supreme Court, if Judge Haynsworth is on it, will have introduced into it an element which runs counter to the current of history—not on the issue of liberal or conservative—I supported Judge Burger, and I would have supported a conservative, who would not have to decide my way. But to run against the current of history, 10 or 15 years after that current of history has been determined, decides definitely, for me, that I cannot vote to confirm such a judge for the highest Court in the land for a life term.

Thus, I hope very much that Senators will seriously ponder that proposition, those who may be in some doubt as to the conflict of interest, or on other questions.

I thank the Senator from Indiana very much for yielding to me.

Mr. BAYH. Mr. President, I suggest the absence of a quorum, with the same understanding that I suggested to the distinguished Senator from Nebraska a moment or two ago.

The PRESIDING OFFICER. What is that condition set by the Senator from Nebraska?

Mr. BAYH. That the time be taken out of the time of the Senator from Indiana, to the extent that the time earlier was taken out of the time of the Senator from Nebraska; the time thereafter to be equally divided between the two of us.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. HRUSKA. How much time is left to each side?

The PRESIDING OFFICER. The Senator from Nebraska has 9 minutes remaining; and the Senator from Indiana has 22 minutes remaining.

Is there objection to the request of the Senator from Indiana? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, we live in difficult times, and we face great challenges as a people: to cast out ignorance and poverty from our midst; to restore law and order with justice to our society; to provide equality of education for our young and the health and welfare of all our people; to protect the rights of our workers and find jobs for all who are willing and able to work; to fashion a strong and stable economy, to combat the tide of environmental pollution, and to live in a just and peaceful world.

These challenges can be met. But we will need strong institutions to face the task—institutions led by men and women who are responsive to the needs of the people.

The Supreme Court of the United States is such an institution and its leaders must be such men. They must be above reproach, they must be experienced, and they must be able. But, even more importantly, they must possess the insight, perspective, and sensitivity to deal with the great issues presently before us and the even greater challenges that lie ahead.

It is my constitutional duty to consent to the nomination of a Supreme Court Justice. It is my moral duty to keep these beliefs in mind in casting my vote. Above all, I must vote in accordance with the dictates of my conscience.

I have reviewed the record. I have consulted with my constituents. I have studied the many communications that have reached me regarding the issue before us—communications that have argued the case for or against confirmation, often with great eloquence, passion, and precision. And I have decided—as I alone must do—that I cannot support the nomination of Clement Haynsworth, Jr., of South Carolina, to serve as an Associate Justice of the Supreme Court.

One cannot make such a decision in a vacuum. In our times, we have witnessed a broad attack on the Supreme Court and, indeed, an undermining of confidence in our key political institutions. In such a climate, the question of who shall serve on the Nation's highest tribunal assumes even greater significance. For the one quality in our democracy that must remain inviolate is confidence in our institutions.

I, for one, do not question Judge Haynsworth's ability or his honesty. I recognize that these qualities are necessary to meet the demands of his high office. But I feel that honesty and ability are not enough. The times demand something more.

I fully recognize that a man is being judged to be fit or unfit against a more exacting standard than has previously existed. And yet, with an erosion of confidence spreading before us, can we afford to employ any less of a standard than the most exacting one? Can we any longer afford to cast aside the gravity and intensity of the challenge—and to dismiss the catastrophe that would befall us were these institutions to be further weakened?

In my judgment, in view of all the evidence, Judge Haynsworth does not meet the challenge of our times—a challenge that has placed our system on trial. The question is not whether Judge Haynsworth is qualified to serve in his present position on the Fourth Circuit Court of Appeals. That is not the issue before the Senate. The question is, rather, whether he is the man at this moment in history who should be promoted to serve on the Highest Court in the land—the Supreme Court of the United States.

The question is whether Judge Haynsworth, on the basis of the record, is sufficiently sensitive to the needs of the men with whose fate he would deal.

I do not believe that the record, as I have reviewed it in the school desegregation cases and in labor-relations matters, justified such a conviction on my part.

In every labor-management case and in virtually every important civil rights case in which Judge Haynsworth participated and which was later appealed, the Supreme Court ruled against the position taken by Judge Haynsworth.

Unfortunately, the matter does not rest with that. For we must also weigh an accompanying insensitivity and a seeming indifference to the appearance of impropriety on Judge Haynsworth's part—a record that throws a dark cloud over his qualifications to serve on the Supreme Court.

Judge Haynsworth took evidence and ruled on the Darlington case while at the same time holding a major stock interest in a company doing substantial business with Darlington's sister companies. At issue in the Darlington case was one of the most bitter labor disputes in the modern history of the South, an issue that affected, for better or worse, the fortunes of thousands of workers and the company. It is unreasonable to interpret the Judge's failure to disqualify himself from the case, divest himself of the stock, or, at the very least, to disclose the apparent conflict-of-interest, as in keeping with the spirit of the Canons of Ethics of the American Bar Association.

Unhappily, the Darlington case does not stand alone. A similar failure occurred again in the Brunswick case, an occasion when the Judge held stock in a company that was also a litigant before his court. Judge Haynsworth, it seems to me, had a clear responsibility, at a minimum, to declare his personal interest to the litigating parties and to his fellow jurists.

It is not insignificant that Judge Haynsworth informed the Senate Judiciary Committee in writing after the nomination came before the Senate that he had previously disqualified himself from all cases where he had a personal financial interest or in which he would be directly affected by the outcome of the litigation.

This is not an easy task for me. The events that have reached a climax in this vote have taken their toll. Not the least of those who has suffered is the man whose confirmation has been before us today. Judge Haynsworth has my sympathy. But I cannot, in good conscience, support his nomination.

Mr. CHURCH. Mr. President, on November 14, my distinguished colleague from Idaho (Mr. JORDAN) delivered a speech dealing with the nomination of Judge Clement F. Haynsworth, Jr., to the U.S. Supreme Court.

To my mind, the comments of my colleague represent some of the clearest thinking expressed with regard to this nomination. His sincerity and the depth of his concern for our country and its institutions are quite beyond question. Furthermore, his argument was, to my mind, irrefutable.

I concur with the decision of my colleague. I shall cast my vote against the confirmation of Judge Haynsworth.

Mr. MANSFIELD. Mr. President, the committee's hearings and report on the nomination of Judge Haynsworth have been before the Senate for many days. There has been ample time to study the results of this thorough examination. In majority and individual views, the learned members of the committee have provided highly competent guidance for the rest of the Senate.

On the basis of the committee's work, I am persuaded that the question of confirmation does not involve Judge Haynsworth's views on labor or civil rights. It is by no means conclusive that he is predisposed to other than a judicial approach to any litigation which may come before the Supreme Court in these subjects. Moreover, I do not see that it is a necessary qualification for a judge to make obeissance before any group whatsoever in our society in order to qualify for the Court.

What troubles me has to do with the personal business pursuits which Judge Haynsworth has followed during the period that he has served on the bench. I find it somewhat startling, for example, to note that he felt it necessary to sell Vend-A-Matic stock in 1963 out of a concern lest his participation in its activities become public knowledge. His sitting in the Brunswick Corp. case while a "substantial stockholder" in that corporation reveals a certain casualness in matters involving a question of judicial ethics, which the Senate made clear last year that it wished to prevail in the seating of Justices of the Supreme Court.

The instances of this kind, which are outlined by the Senator from Michigan (Mr. GRIFFIN) and other members of the committee, seem to me to demonstrate a pattern which says that this nominee has not been as concerned as a Judge of the Supereme Court should be lest his private business interests come in conflict with his public repsonsibilities.

Political considerations have not been involved in reaching my conclusion in this matter. I would note, for the record, that I joined with the vast majority of the Senate in supporting the confirmation of the nomination of Chief Justice Burger, President Nixon's first nominee to the Court. In this instance, I will join with two leaders of the Republican Party in the Senate, the Senator from Michigan (Mr. GRIFFIN) and the Senator from Maine (Mrs. SMITH) who have already announced their intention of voting against the confirmation.

I make this statment with deep regret.

Mr. HARRIS. Mr. President, I have previously stated that I did not feel the Senate should advise and consent to the appointment of Judge Clement F. Haynsworth, Jr., to the Supreme Court of the United States.

A great many Members of the Senate have now spoken out against this nomination, either indicating their serious concern about certain canons of ethics matters, or have called into question his sensitivity to the rights of individuals recognized to be within the reach of the law, or both.

It is now clear that a large and impressive number of Senators as well as a large segment of the American people are disturbed about this nomination, and a very important consideration now before the Senate is one of determining what effect confirmation of Judge Haynsworth would have upon confidence in our judicial system.

Diogenes, over 2,000 years ago, is supposed to have spent a lifetime searching for an honest man. His unsuccessful search must have resulted from his own too-rigorous definition of honesty, for surely there were many men in his time who would have have satisfied the usual requirements of that term.

No one suggests that we should measure the nomination of Judge Haynsworth by the strict test of Diogenes, but I believe that all of us would agree that membership on the U.S. Supreme Court, a position of the highest honor and trust in our Republic, should be conditioned upon standards which are higher than those usually expected in ordinary business and professional life.

I have heard it said that in other years a nomination such as that now before us would not have been so carefully considered and examined by the Senate. If that were ever true, it should not be true now. The responsibility of the Senate to advise and consent is a heavy burden, today more than ever, and each of us individually and as a body must fulfill that responsibility with an exercise of due care.

In our time, we have witnessed the development of new dimensions in the definition of human rights and individual liberties, largely as the result of decisions by the Supreme Court. To some degree, this development is called into question by the pending nomination.

All of us would agree that judicial experience and intellectual excellence are important qualifications for an appointment to the Supreme Court. We may disagree, however, on the extent to which the philosophy of a nominee to the Supreme Court is open to consideration. But in the history of confirmation of Supreme Court Justices, which is traced in the book, "The Advice and Consent of the Senate," by Joseph P. Harris, it is clearly established that in almost all instances of opposition to a Supreme Court nominee since 1900, such opposition was "due to the philosophy and supposed stand of the nominee on social and economic issues rather than to partisan considerations."

As have other Senators, I have studied many of the legal opinions of Judge Haynsworth and I have concluded, as did the distinguished senior Senator from Michigan (Mr. HART), that there is reason to believe that this nominee is "insensitive to the rights of individuals recognized to be within the reach of the law." There is surely a broad area for philosophical divergences that would be acceptable to most fairminded citizens of this country. Just as surely there is a point where a judicial philosophy is not compatible with modern and progressive legal thought.

I fully recognize that there are those who feel the Supreme Court has gone too far in certain decisions. It is important that they, as well as all others, have confidence in our judicial system. But I believe that the President can accomplish this objective by another appointee whose views are within the broad stream of accepted opinion on human rights.

In addition to intellectual and philosophical qualifications, a nominee for the Supreme Court must be above ethical question or reproach, because he is appointed for life to hear final appeals for human justice. This may be a harsh rule to apply to Judge Haynsworth. But the Supreme Court should set a pattern of such honesty and personal integrity that it will serve as an example for every court in this Nation and deserve the faith and confidence of every man in the justness of its decisions.

On this question I am impressed by the statement of the distinguished Senator from Delaware (Mr. WILLIAMS):

> Perhaps no single decision or action of Judge Haynsworth to which the committee report alludes is of such a grave nature as to require a vote against his confirmation, but when all the pertinent matters are viewed collectively one can discern a pattern which indicates that Judge Haynsworth is insensitive to the expected requirements of judicial ethics, especially the rule that requires judges to separate from active business connections and to avoid even the appearance of impropriety.

I must vote against confirming this nomination. I do this not from any personal feeling against Judge Haynsworth, nor believing him other than an honest man, but from a sense of personal responsibility concerning the reputation and future of the Supreme Court.

Mr. WILLIAMS of New Jersey. Mr. President, in October, 1967, the case of Brunswick Corp against Long was assigned to a three-judge panel of the fourth circuit court of appeals. Clement Haynsworth was a member of that panel. The case involved the issue of whether or not a chattel mortgage held by Brunswick on bowling lanes and pinsetters which it had sold to the operator of a bowling alley took precedence over a landlords lien for accrued rent.

The three-judge panel heard oral arguments from the parties on November 10, 1967. Immediately, thereafter they met in conference and orally voted to affirm the judgment of the district court in favor of Brunswick. The actual decision, however, was not made public until February 2, 1968. Between November 10 and February 2 the only individuals having knowledge of the courts pending decision were Judge Haynsworth and the two other members of the panel. Yet, on December 20, 1967 Judge Haynsworth placed an order through his stockbroker to purchase 1,000 shares of Brunswick Corp. stock at $16 per share.

To me, the ethical impropriety of such a transaction is obvious. However, as chairman of the Securities Subcommittee I find that the Brunswick transaction also raises serious questions as to Judge Haynsworth's conduct in view of the provisions of section 10b of the Securities Exchange Act.

One of the primary objectives of the Securities Exchange Act of 1934 was to restore investor confidence in our Nation's securities markets. The loss of such confidence which had been caused by the trading on information available to only a privileged few was recognized by Congress as early as 1934.

The Senate committee report on the Securities Exchange Act, Senate Report No. 1455, 73d Congress, second session 68, clearly and concisely stated:

> The concept of a free and open market for securities necessarily implies that the buyer and seller are acting in the exercise of enlightened judgment as to what constitutes a fair price. Insofar as the judgment is warped by false, inaccurate, or incomplete information regarding the corporation the market price fails to reflect the normal operation of supply and demand.

To achieve these purposes Congress enacted section 10b of the Securities Exchange Act of 1934, 15 U.S.C. section 78j(b).

Over the last 35 years it has been abundantly clear that a free and open market for securities cannot be achieved when one of the parties to a transaction has material information which is unavailable to the other. The most recent expression of this premise was in *SEC v. Texas Gulf Sulphur Corp.*, 401 F. 2d 833 (2d Cir. 1968). The court, relying on the SEC's prior decision in *Cady, Roberts & Co.*, 40 SEC 907 (1961) summarized the bans imposed upon the use of "insider" information:

> Thus, anyone in possession of material inside information must either disclose it to the investing public, or, if he is disabled from disclosing it in order to protect a corporate confidence, or he chooses not to do so, must abstain from trading in or recommending the securities concerned while such inside information remains undisclosed.

The law in this area is clear. In 1961 the Securities and Exchange Commission in the matter of Cady, Roberts & Co. found that the obligation to disclose inside information or to refrain from trading on it extended to any person who knowingly possessed such information. There is no exemption from this Statute for Federal judges.

In its 1961 opinion, 40 SEC at 912, the Commission stated:

> Analytically, the obligation rests on two principal elements; first, the existence of a relationship giving access, directly or indirectly, to information intended to be available only for a corporate purpose and not for the personal benefit of anyone, and second, the inherent unfairness involved where a party takes advantage of such information knowing it is unavailable to those with whom he is dealing.

Obviously, Judge Haynsworth, on December 20, 1967, when he purchased 1,000 shares of Brunswick Corp. stock, knew that he had in his possession information which was unavailable to those with whom he was dealing. On December 20, 1967, the only people who knew of the fourth circuit's decision were the three members of the judicial panel.

The only other factor involved in determining whether Judge Haynsworth violated section 10(b) of the Securities Exchange Act is whether the information in his possession concerning Brunswick was material and should therefore be publicly disclosed.

In both the Texas Gulf Sulphur and Cady, Roberts cases, material information was defined as those facts which may affect the desire of reasonable investors to buy, sell, or hold the company's securities. The courts have stated:

> The basic test is whether a reasonable man would attach importance . . . in determining his choice of action in the transaction in question.

This test includes any fact "which in reasonable and objective contemplation might affect the value of the corporation's stock or securities."

Such facts must be disclosed to the investing public prior to the commencement of trading in a corporation's securities. They included not only information disclosing the earnings of a company, but also those facts which affect its probable future. Disclosure must also be made of facts which could affect the desire of investors to buy, sell, or hold the company's stock. In enacting section 10b, congressional intent was to give all investors equal access to corporate information and to subject all members of the investing public to identical market risks.

As the SEC stated in its recent brief in the matter of Investors Management Co., Inc., et al., Administrative Proceeding File No. 3–1680 (1969):

> One of the major factors, indeed perhaps the most determinative in deciding whether a particular fact constitutes material information is the importance attached to the information by those who knew of it. Nothing demonstrates the clearly material nature of the information than the fact that the respondents, after receiving it, sold and sold short.

And what did Judge Haynsworth do, he bought 1,000 shares of Brunswick stock at $16 per share on December 20, 1967, when the court's opinion was not made public until February 2, 1968.

The Justice Department claims that in this case, chattel mortgages on only 10 bowling lanes and pinsetters were involved. And that the question of whether the landlord's lien took precedence over the Brunswick chattel mortgage affected only one bowling establishment in the State of South Carolina. On these facts, it is claimed that the court's ultimate decision was not material and had little if any effect on the price of Brunswick's stock.

However, how many similar cases would have brought if the landlord had prevailed?

How did a fourth circuit opinion affect potential litigation throughout our other judicial districts? We will never know.

Was Judge Haynsworth's knowledge of a pending judicial decision material insider information required to be disclosed under the Securities Exchange Act? That is a question for the SEC or a Federal court to decide.

It is a matter which should not be brushed under the rug or ignored. No matter what we have been told by Judge Haynsworth's supporters, judges are not exempt from the provisions of our Nation's securities acts.

The lament that at the time of his purchase Judge Haynsworth inadvertently forgot that a formal opinion had not been filed hardly seems worthy of discussion. To coin an old axiom: Ignorance of the law is no excuse. But Judge Haynsworth's conduct is even less excusable if we look at the judicial temperament of the time.

During 1966, in the Federal District Court for the Southern District of New York, the Securities and Exchange Commission successfully prosecuted the *Texas Gulf Sulphur Case*, 258 F. Supp. 262 (1966). This case was the most widely publicized and discussed SEC case of our times. It is the landmark judicial decision on the use of inside information.

In September 1966, immediately after the district court's decision, an appeal was filed before the U.S. Court of Appeals for the Second Circuit. Oral argument was held on March 26, 1967. Although a decision upholding the SEC was not published until August 13, 1968, it is inconceivable that the chief judge of the fourth circuit court of appeals was unaware as to the facts of a case which was pending in a neighboring circuit, especially one of such far-reaching importance. In December of 1967, he should have at the very least been fully aware of the pitfalls involved in purchasing Brunswick stock under these most unusual circumstances.

The very fact that Judge Haynsworth purchased Brunswick stock shows a clear lack of judicial temperament and sensitivity. It shows that he is unaware as to the need for propriety in judicial conduct.

As I have previously stated, Judge Haynsworth has also demonstrated some of the most regressive judicial thinking in at least two areas vital to the majority of America—the areas of labor and race relations. However, in these areas, if this is the kind of judge President Nixon wants on the Supreme Court, that is his prerogative as President of the United States.

But, Judge Haynsworth's financial dealings are another matter. His purchase of Brunswick stock in the light of all available facts demonstrates a complete lack of sensitivity, both to the law and to his own sense of ethical propriety. He has, in my opinion, failed to meet the test both in substance and appearance of unimpeachable propriety that the American people have a right to expect in all Judges; certainly in the members of the Supreme Court of the United States.

I shall, therefore, vote against the confirmation of Judge Haynsworth's nomination.

Mr. THURMOND. Mr. President, the U.S. Senate, as we know, in theory and practice constitutes the greatest deliberative body in the history of man. And yet I have often been reminded in the debates here of my practice as an attorney and my service as a circuit judge, for the Senate at such times closely resembles a court of law. The President of the Senate occupies a position comparable to that of a judge, for it is the primary responsibility of both to maintain order and compliance with the rules of procedure. Appearing before him are those who advocate various positions both for and against the issues at hand and then there are those members of this distinguished body who remain uncommitted to either side until the vote is cast, and therefore constitute a group much like the jury.

Today the analogy is particularly appropriate for the President now presides, the proponents and opponents are here and the uncommitted sit, listening and watching as the record is compiled and arguments are made. What makes this analogy particularly apt is that a man stands before us accused.

Mr. President, at the fountainhead of the American system of justice there are certain precepts. One of these rules is that no ex post facto law shall be passed. That is to say that no one will be tried for a crime which did not exist at the time the act took place which forms the basis of the prosecution for such crime. Such a thing is expressly prohibited. It would seem that the tenets of basic fair play would dictate that no man should ever be accused and convicted of crimes that were created for the purpose of finding him guilty of them.

Another canon of our system of jurisprudence is that one is innocent until proven guilty, and that guilt must be based on a foundation of proof, not suspicion or even evidence, but proof.

Mr. President, those who have raised their voices against the nomination of Judge Clement F. Haynsworth, Jr., have disregarded these elementary rules of justice as practiced by free men, and have adopted procedures altogether foreign to those systems of justice, equity, morality, and fair play generally recognized as natural and right.

So the parallel between this body and the court ends. The rules which are urged upon us and the logic which is followed by the opponents of this man are strange and foreign to us, and they change their complexion with each shift in the direction of the winds of opinion. However, those of us who are the proponents of the confirmation of this nomination accept the challenge of those who are on the negative side, and we shall go forward with the burden of proof.

Let us examine the charges that have been so easily leveled by those whose greatest concern may not in fact be with ethics and philosophy, but with the fact that a balance may be achieved on the High Court and that men with analytical minds instead of advocates of emotional "causes" may find their way to the bench. He has been accused of the high crimes of "insensitivity," and "lack of appearance of propriety." Indeed, he has been libeled as a man whose ethical and philosophical predispositions preclude any consideration of his nomination. However, all these charges are systematically and succinctly squelched in the majority opinion reported by the Judiciary Committee, and I shall not reiterate in detail each of these charges and countercharges.

I am surprised that these experts on ethics have not examined, for the sake of comparison if nothing else, the "ethics" and "sensitivity" and "appearance of propriety" of those who now occupy that bench located in that cold stone edifice across the way behind the marble image of blind justice.

The opponents have chosen not to compare the conduct of this man with the conduct of his peers or with the conduct which is prevalent in the judicial community, but have preferred to make unsupported charges and headlines. The theory of the attack apparently being that it is not necessary to pay attention to the rules of justice or evidence or proof or even to give lipservice to concepts such as the ones that support the ex post facto prohibition because all that one has to do to make a statement true is to say it, and to say it long and to say it loud. Yes, apparently that is all that is necessary—to say it long enough and loud enough—

and someone will believe it. How many times have we seen that technique used to blind and poison the minds of men to the truth? How many times must we repeat the mistakes of history?

This allegation of "insensitivity" is a vague notion at best. One of his accusers says "his decisions indicate a consistent insensitivity to the rights of individuals recognized to be within the realm of the law." Another has said "men sensitive to the many ethical problems which often arise" are needed on the Court and it is further alleged that the Court should be provided with "insights and sensitivities that will make the whole Court even greater than its parts." One, in language befitting a bureaucrat, states that the judge's record has been "blemished by a pattern of insensitivity to the appearance of impropriety" and then one other critic, perhaps accidentally, gives us a glimpse of what may be the true basis for the opposition when he states:

> The requirement that a Supreme Court nominee possesses character beyond reproach contemplates not only an absence of actual wrongdoing but also an image of impeccable rectitude and a reputation which is not subject to reasonable doubt.

Politicians and those motivated by political considerations are often concerned with the matter of "image."

Sensitive—yes, sensitive, Mr. President. Webster's Dictionary defines the word sensitive as "receptive to sense impressions; subject to excitation by external agents; exhibiting irritability; highly responsive and susceptible."

Sensitive—do these people want a man or a nerve ending? I would like to point out that it is not a crime to lack any of these so-called "qualities," and nowhere has the prosecution produced one shred of evidence that this man is "insensitive." They just said he is. They have yet to show that he is. Of course, never has any nominee to the Supreme Court of the United States been required to fit within the definition of sensitivity. And so this charge constitutes nothing more than smoke—smoke designed for camouflage and deception.

Mr. President, I might point out at this time that amoebas and parameciums are "sensitive." If you prod them with an electrical current or pin they will respond, and perhaps this is the ideal of those who oppose Judge Haynsworth. Perhaps they just want someone on the Bench who will jump everytime some pressure group turns on the current.

These are the charges, none of which are punishable under the laws of God or man or which constitute an offense against any code of ethics, conduct, or morals by which the nominee is to be judged, and are as meaningless as the insensitivity allegations.

They say that this man lacks "the appearance of propriety." What a fine cloud of smoke and meaningless double-talk that is. This charge should be given as much credence as the charge that he parts his hair on the wrong side of his head.

Propriety, Mr. President, is defined as "the quality or state of being proper," and proper means being marked by suitability, likeness, or appropriateness. Judge Haynsworth certainly is a man suitable for the position for which he has been nominated. His record as an attorney and as a judge bear this out and directly challenges and refutes the allegation that he is not qualified and suitable for this high office.

Judge Haynsworth was born in Greenville, S.C., in 1912. He attended the schools there. He graduated from Furman University in 1933 summa cum laude, with highest honors. He graduated from Harvard Law School in 1936. From 1936 to 1953, he practiced with the firm of Haynsworth & Haynsworth; a firm established by his forefathers and he is of the fifth generation of distinguished and illustrious lawyers who bear that name. Two years of that time he served in the U.S. Navy during World War II. For 2 additional years he served with the Regional Wage Stabilization Board. From 1953 to 1957 he practiced with the firm of Haynsworth, Perry, Bryant, Marion & Johnstone.

Judge Haynsworth's firm expanded and became the largest law firm in South Carolina. It was known over the Nation as one of the most reliable, one of the most capable, and one of the best.

In 1957, Judge Haynsworth was appointed to the circuit court of appeals. He is now its chief judge. His record speaks for itself. He has made an able and a scholarly judge. He has handed down decisions which no fair and just and honorable man should oppose. The decisions of Judge Haynsworth during his term on the court demonstrate that he is a jurist whose judicial mind does not reside at either extreme of the spectrum but his treatment of various issues of law presented before him have been balanced. Let us be reminded at this point that the scales of justice are balanced and are not artificially weighed in favor of either the right or the left but are even and balanced. So we find Judge Haynsworth's decisions and his judicial philosophy to be balanced and even.

Upon the basis of my personal knowledge of this gentleman—and I know personally firsthand of his great ability as a lawyer and as a judge for when I was a circuit judge he tried cases before me—I can say that he is one of the finest lawyers in the country. He is a gentleman. He is a scholar. He has been a distinguished chief judge and a member of the fourth circuit court of appeals. His has certainly been a distinguished career and at no time has anyone cast aspersions upon his character, reputation, and ability until the attack against him was launched last September.

Why are these charges made? Ostensibly, they are made because this man committed certain unethical acts—acts which, until this man was nominated, were not unethical and which have risen to the ranks of major felonies, if one is to believe the newspapers.

A great harangue has been heard in the land that centers around several cases in which Judge Haynsworth appeared to have an interest. This matter has been disposed of in the majority report, and I call your attention to that discussion—a discussion that carefully marshals the arguments and concludes on the basis of statutory and case law, the canons of ethics, and the testimony of experts that no behavior deserving of reproach can be affixed to Judge Haynsworth's activities on the bench. In fact, the report shows clearly that he did in each case what was right and what he was required under law to do. If the law said he was to sit on a case, he followed the dictates of it, and he sat and heard the case. One of the greatest sins a man can commit, I think, in public life is to give a man a job and then accuse him of doing it.

Judge Haynsworth did his job—he sat when he should have and he decided his cases as a fair-minded man who believed in the law and the Constitution and who followed the ideal that a judge should be responsible and not radical, and that he should base his decisions on the law and not on some whim or fancy, a man who should accept his duty to adjudicate and not litigate.

The issue of Judge Haynsworth's judicial philosophy has been raised.

The controversy centered around two areas of decision: civil rights and labor.

Mr. President, this part is dealt with in the report and treatment there is more than adequate. However, I would like to point out that the essence of the allegation in the civil rights area is that Judge Haynsworth is unsympathetic to minorities and dedicated to continuous segregation of public facilities. Anybody who is familiar with Judge Haynsworth's decisions on the bench know that is not true. A handful of cases have been chosen by the proponents of this position and it is claimed that on the basis of these cases one is to conclude that the judge is a bigot. Compared with the 16 cases cited in the majority report in which Judge Haynsworth ruled for those claiming a denial of their rights, the charges pale and fade away, leaving only a specter of smoke.

During the hearings before the committee, I was struck by the fact that the proceedings seemingly were divided into two parts. The first part being the presentation of objective and well reasoned analysis of the conduct and decisions of Judge Haynsworth and the second part resembled a bargaining session. During the second phase, witness after witness came and talked and talked. They all said the same thing, I presume, on the theory that the more often they repeated the same thing and the longer they said it, the more smoke they could generate then perhaps the more people they could convince they were right just by the fact that they were saying it. During this part the AFL–CIO loudly and pompously voiced their objections to the nominee. A handful of labor cases were dragged out and dissected. They did not bother to mention the 43 or so cases in which the nominee ruled in favor of labor. These cases are listed in the report, and they offer mute but compelling witness to the lack of support in fact of the position of Mr. Meany and his entourage of associates. As a matter of fact, the AFL–CIO counsel Thomas Harris admitted that he had not even attempted to look at all of Judge Haynsworth's labor decisions, and yet they would dare to insult the integrity, intelligence, and competence of the committee to see through their arguments and discover them to be without foundation.

Perhaps these elements are to be reminded that when you appear as an advocate for a cause and you are arguing the law, it is your ethical responsibility to argue the full case, giving both sides of the law and showing wherein lies the rightness of your case. You are not to hide cases which may go against your particular opinion. This reminds me of another rule of law, Mr. President, that rule in equity which says that those who seek equity must come into the court with clean hands.

All these charges which have appeared in the testimony and the so-called bill of particulars and in the newspapers have been dissected and destroyed, so nothing is left but smoke. Of course there are those who would say, and have in effect said, that where there is smoke there is fire, and therefore we should convict on the basis of what may be, or what might have been, and not on the basis of what is.

This is indeed strange logic, when men argue that you should believe what they say and not what you see.

Mr. President, is there any man here who is so unacquainted with the law, that he would actually undertake to go into any court of law in this land with a case as flimsy as the one against Judge Haynsworth, After all, how could he? There is no cause of action.

Mr. President, let me pose another rhetorical question. Is there any man in this body who actually believes that the real issue here is one of ethics? If ethics is really the question that troubles the opponents why have they not carefully examined the ethics of every man on the Supreme Court today? Why have they not explored the records of every man on the Federal bench in this country? Why? Why have they not?

They may counter this question by saying that the Federal judiciary system is not on trial, but is it not on trial? Of course it is.

In a letter to Senator EASTLAND of September 3 of this year concerning the question of possible conflicts of interest when a judge had an interest in a third party which in turn had business relations with a party in the case, after saying that such a judge was not "disqualified" for interest Prof. John P. Frank said that any contrary result would lead to impossible consequences.

This was a prophetic remark, for impossible consequences are asked here by those who argue contrary to the law in this area. If you subscribe to the logic of those who argue contrary to Professor Frank and the law, then you must try the entire judiciary here and now. You cannot pick out one candidate and hang him—you must apply the new logic and the new rules to all, albeit, ex post facto. This has not been done, and that belies the fact that the real issue is not ethics.

The issue is clear and simple. The issue is who shall determine the policy of this Nation? Shall it be the U.S. Congress, or should it be the labor bosses? Who decides, the people, or those who lust for power? Mr. President, it was 40 years ago that the same type coalition that now fights Judge Haynsworth denied a seat on the bench to an eminently qualified man, Judge John J. Parker. That was a mistake, and labor later admitted that it was a mistake. It will be a tragic mistake if it happens again, for never again shall the President be able to exercise the freedom of choice that he has exercised throughout the Nation's history in selecting nominees for the Supreme Court.

Let it be known that the Senate decides whether consent shall be given a nominee, and not any pressure group.

Mr. President, let us not get ourselves in the situation where the President's nominees shall be sent through a clearinghouse of labor and minorities. We need no unofficial "second senate."

Regardless, Mr. President, of which way this historic vote goes, those of us in this Nation who still believe in the Constitution and in the wisdom of our forefathers and the basic natural rightness of our system of justice shall still be here. We will not be defeated. We will be disgusted, yes, but not defeated; disappointed, but not destroyed.

In this day of strife and turmoil, terror, and tension, there are still those who seek a government of law, not men, a government based on reason and rationality and not radicalism or rebellion.

Mr. President, there are millions of Americans who are watching silently while we debate—watching silently, but not deafly nor blindly. They warned us in 1968 that a vast majority of the people in this country were tired of the so-called "liberalism." They said it at the ballot box, and they said it loudly and clearly, although wordlessly. Mr. President, we must heed that message. There is a mob in the streets, a mass of mindless, screaming militants. We have a choice, and that choice is here now before us today. We can listen to the silent majority, or we can listen to those who would have us abide by the rule of force—the rule of force that dictates he who screams the loudest is right. The argument has actually been proferred that just because certain issues of ethics and philosophy and propriety and sensitivity have been raised and because these points have been loudly and forcefully made, that fact alone dictates that this man must be voted down.

When one decides in favor of those who scream the loudest, or who use the greatest force, one is subject to mob rule, which means that all reason has been tossed to the wind.

Here in this Nation we regrettably are called upon to determine the policy of this country on the basis of the screams and shouts of the mobs in the streets; on the basis of groups who threaten to blow up buildings, and in fact, do; on the basis of screams of the advocates of anarchy. They endeavor to make a mockery of our courtrooms and our system of justice. We are called upon to advocate the causes of those who throw down the flag of this country in favor of that of our enemies.

Mr. President, let us now allow this same philosophy to permeate this debate. Let us not participate in the destruction of our Constitution through our courts.

We do not have to go back far in history to recall that there were those in this country who for various reasons sought to change the structure of our Nation. They attempted to do that through the Congress but that venerable body would not yield up the truths of our founders easily and so they turned their eyes to the Court. They knew, of course, that the judicial system is the backbone of this American system of government for it is there that the citizen seeks to redress his grievances and enforce his rights. They were successful in their efforts. They put men on the bench who were more concerned with legislation than litigation and with being advocates than advisers. Thereby, the whole structure of our system was threatened. When the spine of this democratic Republic was weakened the body politic was visibly weakened and sagged sadly. The criminal was turned loose and crime ran rampant in the streets. They were more concerned for the criminal than the citizen; the internal security of this Nation was threatened when aid and comfort was given to the agents of our enemies. The foundation of the Federal Republic was eroded when the sovereignty of the States was stricken in favor of what they call "democracy."

We do not wish to put advocates of a cause on the bench. We want men who will give a balanced and even treatment to each and every case which comes before them, and this is why we favor this man.

Mr. President, I have a number of letters from various people which I wish to read at this time. These letters graphically demonstrate the essence of the feeling of the silent majority across this land who stand and watch this deliberation. They watch and wait to judge us, as we judge.

Mr. President, it is very impressive to receive letters from people from a man's hometown who have known him all of his life, who have known his reputation, his character, and his family.

I received a letter last October from a man who lives in Greenville, S.C., the hometown of Judge Haynsworth. He took it upon himself to write a number of Senators concerning this nomination and to give the Senate the benefit of his thoughts.

I realize that many Senators, Mr. President, have received a great amount of mail on this nomination along with the regular bulk of mail that they receive in their office each day and perhaps they did not get to read this communication. Since I think that it is important that we have the benefit of the ideas of people from Judge Haynsworth's hometown, I would like at this time to read parts of this letter:

> Haynsworth won't characterize his philosophy, but I will attempt it. He believes that all men are the creation of God and, therefore, special, and he believes that the United States Constitution is the closest approximation of a guaranty that all men are so treated and that the Constitution was intended to be properly amended by the people, not twisted by the Supreme Court. He listens equally to the big and the rich as he listens to the small and the poor, but only equally.
>
> Make no mistake about it, if Haynsworth is seated, you and I will both be on the small

end of some of his decisions—when our position runs counter to the Constitution.

Mr. President, I have received a letter from a gentleman in Connecticut. He bases his opinion and support of Judge Haynsworth on the fact that he feels that the judge is a man of high caliber, a loyal American, a discerning individual, and a gentleman. How true this statement is. There are so many adjectives and phrases that can be used in the praise of Judge Haynsworth and unfortunately some of them have been grounded during the great melee that has been swelled up over this nomination but the people, the people across the country, have been able to see through the smoke and the haze that has been created by the opponents of Judge Haynsworth by innunedo and inference as this letter so clearly indicates.

Mr. President, I am going to read this letter. I think it is indicative of the kind of support we can find from our friends in the great State of Connecticut:

September 9, 1969.

Hon. STROM THURMOND,
U.S. Senate.

DEAR SENATOR THURMOND: In regard to the appointment of Judge Clement F. Haynsworth, Jr., to our Supreme Court, Judge Haynsworth is a man of high caliber, a loyal American, discerning, and a gentleman.

Mrs. Seward and I would like to see Judge Haynsworth appointed to the Supreme Court. We hope you will favor and vote for his appointment.

Best regards.
Sincerely,
EDWARD SEWARD.

P.S.—I have an idea you recommended this to President Nixon. Thank you.

As we move across the country looking at these letters from virtually every State in the Union, I find a handwritten one from a gentleman who lives in Chicago.

This man is concerned with patriotism and he is concerned with the Constitution of the United States. There are many citizens, Mr. President, who are concerned with our Constitution and who stand up for it and who feel that we must preserve it in order to maintain this great Republic which is so unique in the history of mankind.

There are many people in this country who believe that Judge Haynsworth is a man of great integrity and intelligence and one who believes in the Constitution of the United States and this citizen is one of them. He urges us to support this confirmation.

Mr. President, I would like to read the letter of this citizen from Chicago:

CHICAGO, ILL.,
November 7, 1969.

DEAR SENATOR THURMOND: God Bless you for your many patriotic stands in the Senate of the United States.

I am for Haynsworth because of his intelligence and integrity and his belief in the U.S. Constitution.

God help us if the smears of Bayh and his ilk have their way.

Thank you again,
Sincerely,
PRESTON H. WALTERS.

Mr. President, not long ago I received a letter from a gentleman who is a retired naval officer who operates a company here in Washington. Along with his letter he sent a copy of an article sent out by Mr. Thurman Sensing, executive vice president, Southern States Industrial Council.

Mr. Sensing's article gives us his viewpoint of this matter and apparently the viewpoint of the members of his organization. I would like to read into the RECORD at this time for it may be beneficial for the Members of the Senate to hear Mr. Sensing's thoughts.

THE BRETWALDA CORP.,
Washington, D.C., October 9, 1969.

Hon. STROM THURMOND,
Senate of the United States,
Washington, D.C.

DEAR SENATOR THURMOND: I have the honour of attaching herewith an article "The Ordeal of a Judge" written by Thurman Sensing, Executive Vice President, Southern States Industrial Council.

It occurred to me that this excellent article would interest you and that you might be able to insert it in the CONGRESSIONAL RECORD, Senate Appendix.

The Bretwalda Corporation has the honour of being a member of The Southern States Industrial Council.

Very truly yours,
HOMER BRETT, Jr.,
Commander, USNR, Ret.

THE ORDEAL OF A JUDGE

It is the right and duty of the U.S. Senate to give careful scrutiny to nominations for the federal bench, especially in view of past disclosures concerning the activities and associations of former Supreme Court Justice Abe Fortas. But there is a difference between careful scrutiny and an unconscionable smear, and the latter is the treatment that Senate liberals reserved for Justice Clement F. Haynsworth, Jr., President Nixon's second appointee to the U.S. Supreme Court.

Judge Haynsworth, who has been on the Fourth U.S. Circuit of Appeals for 12 years, is noted for his integrity and dignity. He proved the former and displayed the latter during the long and often ugly hearings in which he was abused.

The abuse directed at Judge Haynsworth was only partly directed at the man himself. As the judge no doubt understood, his critics in and out of the Senate were really trying to hit at the region where he was raised and, beyond that, at the type of distinguished, fair-minded, successful man he is.

Judge Haynsworth is a model of the type of American who has built up and maintained the traditions of the American judiciary at its best. He is a man of manners and good breeding, calm and restrained in his judgments, an accomplished lawyer, a success in private business—in short, respectable, dignified and not given to participating in rough and tumble political crusades. This is the type of man good citizens should want on the Supreme Court of the United States. This is the type of man who hasn't been favored in recent years.

The opponents of Judge Haynsworth were enraged because they weren't getting another rigid-minded political partisan to succeed Abe Fortas.

The union leaders and militants have had their way for years. They saw the Warren Court packed with men who were personally committed to political dogmas and specific protest organizations. Big Unionism and the advocates of social revolution don't want judges on the Supreme Court; they want advocates of liberal causes. For too long they have had their way.

The unions got their man on the court when Arthur Goldberg, former special counsel of the AFL–CIO, was appointed to the Supreme Court. The NAACP got its political reward when Thurgood Marshall, its general counsel, received a place on the nation's highest judicial body.

The activist judges brought the Supreme Court into disrepute. Americans as a whole saw in the Warren Court a political arm of those forces attempting a massive political reconstruction of the United States. Thus President Nixon sought out men who would serve on the Supreme Court as judges, not partisans. The liberals weren't happy with the President's nomination of Judge Warren Burger as Chief Justice, but they didn't feel themselves strong enough to attack him.

In the case of Judge Haynsworth, the liberals decided they could hang him with his regional background—the fact that he was a Southerner. It seems that a liberal can forgive someone for almost anything except being a Southerner who hasn't turned his back on the South and on the U.S. Constitution as written.

The liberals further concluded that they could use against the judge the fact that he was a man who had shown ability in his personal business dealings, as though success were a crime and not a sign of achievement.

The people in this country who are out to destroy free enterprise and constitutional government hate the Haynsworths of the land, the men who have real achievements to their credit and who have made a mark in life.

It is not hard to imagine what kind of country we would have if all judges in future were men drawn from the ranks of political propagandists and militant agitation groups—and men of proven competence and personal substance were excluded from the judiciary. The free enterprise system would meet a sudden death in the courts. And that, of course is one of the chief goals of the New Left agitators and their liberal sympathizers in the Congress and the liberal news media.

What really lies behind the attacks on Judge Haynsworth is hatred of the capitalist system and of the constitutional system that nourishes it for the benefit of future generations. Judge Haynsworth is simply a convenient target for those who are determined to prevent the federal courts from returning to the strict impartiality that the founding fathers intended the courts would uphold and practice.

Mr. President, last Monday there appeared in the Evening Star, which is, as you know, a newspaper published here in Washington, a number of letters concerning Judge Haynsworth.

The authors of these letters reside in different States and their communications to this newspaper bears witness to the allegation that I have made that this man's nomination enjoys widespread support. It is for this reason and for the wisdom of their thoughts that I ask unanimous consent to have the letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star,
Nov. 17, 1969]

SIR: After reading all the pros and cons regarding the Haynsworth nomination, I draw the following conclusions:

(a) The liberals are out to "get" Haynsworth in retaliation for Fortas;

(b) Judge Haynsworth's biggest sin was to be successful as a first-rate capitalist. He had an excellent stock broker or his judgment in the stock market was excellent.

Since when is it a sin under the American system of so-called free enterprise, to make money in the stock market on intelligent investments. In my book, this would doubly qualify him as a man having the most discerning judgment.

The liberals want to tear down the house because they can't run it.

ALICE DEISROTH.

Sir: Every American must be clear as to what is at stake in this vote.

It is not the ethics of the justices of the Supreme Court. Everyone in Washington knows that is a smokescreen. The clearest proof lies in the fact that most of those who are leading the fight against Haynsworth were perfectly willing to accept Abe Fortas as Chief Justice only one year ago. They were willing to swallow the camel, Fortas, and they choke on the gnats that * * * labor union researchers have been able to dig out after the most thorough and painstaking search of Judge Haynsworth's financial records. They did not even ask to see the records of Justice Fortas!

The fact is that compared with Fortas and at least one of the Justices, now sitting on the High Court, Judge Haynsworth is as clean as the proverbial hound's tooth.

What is at stake is whether or not the President will be able to carry out his promises to correct the ills gnawing at America's vitals. Will he be allowed to place on the Supreme Court men who will make it possible to effectively fight crime? Will he be allowed to name as justices men who will find that the American Constitution does not require that we give unlimited license to pornography merchants? Will he be able to put on the court men who will permit the Justice Department to take effective action against the foreign-inspired and foreign-financed subversive conspiracies that are becoming a serious threat to the continued existence of a free and democratic society in this land of ours?

Wilson C. Lucom.

Sir: Our senators are a fine bunch to throw stones at Haynsworth. They are not so clean themselves. The judge is lilly white compared to some of them.

Mark J. Bennett.

Arvada, Colo.

Sir: Who is it in public service, be it mayor, governor, congressman, senator, Supreme Court justice, cabinet member, the President of the United States, that can lay claim to a spotless record when it comes to the charge of conflict of interest in their personal financial transactions?

Jesus said: "Judge not that ye be not judged—For with what judgment ye judge, ye shall be judged."

Sara S. Wolfe.

Kensington, Md.

Sir: By what authority does the National Education Association have the right to "come out" against Judge Haynsworth? I am a member of NEA. I was not polled—nor was anyone I know—concerning our opinion of Judge Haynsworth. I feel that the NEA is not speaking for the membership at large, but speaking and expressing the opinions of those in the inner sanctum of NEA. I, personally, support Judge Haynsworth's nomination.

Ruth C. West.

Sir: How many of our honorable Senators, voting yea or nay on the Supreme Court nominee would submit to an interrogation and examination of their personal and financial affairs and affiliations as the nominee has been subjected to?

Richard S. Dove.

Alexandria, Va.

Sir: I think that failure to confirm Judge Haynsworth would be the most atrocious act of men supposed to be brainy I have ever heard of.

V. M.

Sir: One can often estimate a man's character and ability by taking a good look at his opponents. Apart from their obvious attempt to embarrass the President, there are several of this coterie who aptly fit the description which that great Democrat, Jim Farley, applied to another Democrat, who at that time, strangely enough, was a Democratic presidential candidate. Farley called him an "over-educated, over-polished version of Don Quixote, Rip van Winkle, and Pagliacci." Too many of our so-called liberals viewing the world from the intellectual heights of their ivory towers, don't know what the score is.

James S. Holmes.

Sir: It is with great disgust that we the people watch the shenanigans of our Congress in the case of Judge Haynsworth's appointment to the Supreme Court. The malice aforethought shown by those working against him, is worse than anything he could have done.

Esther Poteet.

Los Angeles, Calif.

Mr. THURMOND. Mr. President, I have another letter from a lawyer who practices in New York.

He has written a well-reasoned and succinctly worded letter which points out various matters which would be well for the Members of this body to consider. He bases his opinion on a series of points, the first of which is that a most careful study of the judge's record fails to reveal any action on his part that might cast a question on his integrity. He also points out that it would be good to have diversity on the bench and thirdly that it would be beneficial for the country in general if this nomination of the President went through for it would have a cohesive effect.

This is a well-written letter certainly worth our consideration here, Mr. President, and I would like to read it in its entirety to the Senate:

New York, N.Y., *November 4, 1969.*

Senator Strom Thurmond,
Post Office Box 981,
Aiken, S.C.

Dear Senator Thurmond: I am writing to request your continued support in favor of the nomination of Judge Clement Haynsworth for the presently vacant seat on the Supreme Court.

There are three reasons why I suggest this course. First, a most careful study of the Judge's record fails to reveal any action on his part that casts serious question on his integrity. Second, the interest of the country would seem best served by having a diversity of men on the bench. This principle has already been recognized by the position of other justices who represent the major racial and religious groups who make up the whole of our country. The fact that Justice Haynsworth faces attack primarily because of his alleged political views seems no less discriminatory in nature than would be the case if it occurred for reasons of race or religion. Third, we now have a President in the country who is doing a simply herculean job of trying to heal wounds and to correct problems caused by serious errors made by his predecessors. To be effective in his major efforts of behalf of the country he needs and deserves the support of all citizens.

Sincerely hoping that your efforts on behalf of Judge Haynsworth will be rewarded and that our paths will cross often in South Carolina, I am

Yours very truly,

L. W. Snell, Jr.

There are a number of lawyers and Senators and historians who are familiar, Mr. President, with the fight just a few decades ago concerning the nomination of Judge John J. Parker to the Supreme Court. As you will recall, this nomination was defeated by one vote.

Lawyers who have practiced law at that time will particularly recall the record that Judge Parker wrote for himself both before and after his nomination and the fact that he was honored throughout the Nation as a leading legal mind.

I have a letter from a lawyer from Richmond, Va., who is apparently a student of this earlier nomination and he has taken his time to write and compare the two nominations.

He points out that in the campaign against Judge Haynsworth and in the Parker matter the opposition used misinformation and misinterpretation.

He also points out that there are many opposing Senators who regretted their action, but it was too late to do anything about it.

I would like to read this letter in order that we might call to mind that earlier mistake by the Senate and trust that we shall learn the lessons of history and not repeat that mistake here:

Richmond, Va.,
November 10, 1969.

Hon. Strom Thurmond,
Senate Office Building,
Washington, D.C.

My Dear Senator: Just a few decades ago, Judge John J. Parker's nomination to the Supreme Court was defeated by one vote.

Like the pending campaign against Judge Haynsworth, the opposition campaign was based largely upon misinformation and misinterpretation.

During the year following the adverse Senate vote rejecting Judge Parker, many of the opposing Senators ruefully regretted their action, but it was then too late.

I am a staunch Democrat, but if I were in the Senate, I would strongly support confirmation of Judge Haynsworth.

Sincerely,

John J. Wicker, Jr.

P.S.: I have been actively practicing law for more than half a century. If desired, biographical information about me can be found in "Who's Who in America"; and political information can be obtained from Senator Harry F. Byrd, Jr., and my Congressman, Dave E. Satterfield III.

Mr. President, I have read letters from many parts of the country and I have one here from the State of California.

I am delighted that this letter was written. This gentleman, in fact, wrote the President of the United States and expressed to him his opinion that it was the faith of the President to appoint men such as Clement Haynsworth to the High Bench and cause them to elect Mr. Nixon to the Presidency in 1968.

Mr. President, there is certainly wisdom expressed in this thought.

I would like to read this letter, a copy of which I received in my office which was addressed to the President for I think it is illuminating:

San Francisco, Calif.,
August 18, 1969.

Hon. Richard M. Nixon,
President of the United States,
San Clemente, Calif.

Dear Mr. President: Your choice of the Honorable Clement F. Haynsworth, Jr. as an associate justice to the Supreme Court is most commendable and does much to bring this August Body back to the reality of our times.

It was this kind of wisdom and vision that the people expected from you when you were elected to the presidency against overwhelming odds, at least in the eyes of those that had not kept abreast of the mood of the general public at large.

Hoping that you will continue to demonstrate this excellent quality of leadership in the future in these troubled times so badly in need of one with your abilities and courage, I remain

Respectfully,

GEORGE MEDINA.

Mr. President, a gentleman from Ashland, Oreg., wrote the latter part of September expressing his support for Judge Haynsworth. This man used the word "honorable" in his letter and certainly that word and its definition is befitting of this fine and able man.

That is a word often used for this man, Mr. President, and he is certainly deserving of the epitaph.

I give you, at this time, the benefit of the thoughts of this gentleman from the great State of Oregon:

Hon. STROM THURMOND,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I have been following with much interest the hearings being conducted on the confirmation of Judge Clement Haynsworth to the Supreme Court. I hope you will use every means at your command to get this Honorable South Carolinian elevated to the Highest Court in the land. After all I think that many able Jurists of the South have long failed to gain the recognition in their chosen field due perhaps to prejudice of many counterfeit politicians.

Wishing you success in your efforts and may you continue to be a credit to the Republican Party and the Nation.

Respectfully yours,

THOMAS R. LOGGANS.

A lawyer from Savannah, Ga., has written me and he indicates that he has talked with a good number of people including judges, doctors, lawyers, teachers, and other people, and the consensus of their opinions overwhelmingly favor Judge Haynsworth with no dissent.

I am very much grateful that this man took his time to write, Mr. President, and he has written this letter on behalf of citizens of Chatham County, Ga., which is a highly populous county in that State, and so this letter forms another link in the long chain of letters that have been received by my office and by many other Senators expressing the support of the great mass of people in this country for this man:

SAVANNAH, GA.,
October 3, 1969.

Hon. STROM THURMOND,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR THURMOND: This letter is merely a memorandum from an interested citizen supporting you and your colleagues in the appointment of the Honorable Clement F. Haynsworth to Associate Justice of the Supreme Court of the United States.

In the last few days, I have made an effort to talk with a number of our citizens, including judges, doctors, lawyers, teachers and other non-professionals. The consensus of their opinion is overwhelmingly in favor of Judge Haynsworth with no dissent and furthermore, it is our feeling that he is the victim of a witch hunt. A hunt which has led to nothing that would in any way mar his integrity or the professional esteem reserved for him by our community.

We in the free state of Chatham endorse you in the position you have maintained in regard to the war in Viet Nam and supported President Nixon in the last election and we sincerely hope that the South and our country will be allowed the honor of having Judge Haynsworth serve on the Supreme Court bench.

Sincerely,

JOHN WRIGHT JONES.

Mr. President, one of our friends wrote from Florida expressing the hope that we would support Judge Haynsworth and his nomination.

He was of the opinion that these charges were frivolous and unworthy of consideration in view of his many years of service as federal judge.

Certainly this letter expresses an opinion which if listened to would bring any man to the realization that this nomination is in the best interest of this country and its oppositon is clearly not based upon substantial fact or evidence:

WINTER GARDEN, FLA.
October 8, 1969.

Senator STROM THURMOND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR THURMOND: I hope that you will give your firm support and vote for the nomination of Clement F. Haynsworth to the U.S. Supreme Court. In my opinion the "charges" brought against Judge Haynsworth are frivolous and unworthy of consideration in view of his many years of service as a federal judge.

The real opposition to Judge Haynsworth's nomination probably results from the fact that he is considered a conservative, and his record shows proper judicial restraint with a high regard for the majority welfare in his court decisions. These qualities are desperately needed in our Supreme Court today.

Yours sincerely,

HARLEY TOMPKINS.

Mr. President, I have read letters from lawyers from various parts of the country and now we have another one from an attorney from the State of New York. This man bases his opinion of Judge Haynsworth on the basis of the man's legal and judicial career. As an attorney, he undoubtedly reviewed the arguments both pro and con on this matter and concluded that it would be in the best interest of this Nation and certainly in the best interests of future generations which may live in this Nation for this man to be placed on the bench. Lawyers are very much concerned about the wearing away of the Constitution and we should be for many of the decisions that have been rendered by the Supreme Court are not in keeping with the dictates of that document.

This is another example of another citizen from another State who has expressed himself to the issue and urged that this Senate confirm this nomination.

I am grateful that this lawyer from the great State of New York took his time from his busy law practice to address me and urge my support of Judge Haynsworth.

I would like to read it to you at this time:

NEW YORK, N.Y.,
November 13, 1969.

Hon. STROM THURMOND,
Senate Judiciary Committee,
Washington, D.C.

SIR: The purpose of this letter is to respectfully urge that you vote in favor of Judge Haynsworth nomination as Justice of the Supreme Court of the United States. I firmly believe that his outstanding legal and judicial career warrants this favorable action.

Thank you for your consideration in this matter.

Very truly yours,

JOHN J. WILL.

Mr. President, it is pleasing for a Senator to receive mail from his friends at home and it is good to get letters from other States. This tells you how the people are thinking and often gives you some good ideas for legislation.

Many of these people are busy and have only enough time to write a few brief lines, but they do care enough to say what is on their mind. I often receive letters from our friends in the medical profession. You know, doctors cover a wide spectrum of society for they are professional people, they are also business people with an interest in the economy and they meet and talk with a great number of average citizens each week. These men are able to give a good judgment of an issue and it is helpful for them to give their views.

Recently, I received a letter from a doctor in Texas. I would like to read it to the Senate:

> With the delay and hassle over the confirmation of Mr. Haynsworth there has never been an argument proving that he is anything but a patriotic, loyal and honest qualified American. We are fortunate to have the opportunity of the service of this rare breed!

I have a letter from a man in Staten Island, N.Y., who has expressed his opinion in favor of Judge Haynsworth.

As you will note as I read these letters, I have received a number of letters from New York as well as from other parts of the country supporting this nomination and I trust that the voice of these people will not be ignored by those who are casting their vote for this nomination.

I would like to read this letter to you, Mr. President, for I think that it clearly expresses, along with the others, the position that our friends in the Empire State have concerning this matter and I am sure that there are many many others across this land who have the same opinion:

STATEN ISLAND, N.Y.
September 13, 1969.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: President Nixon recently announced his choice of Clement Haynsworth to fill the vacancy in the Supreme Court. His decision took much consideration of the possible men available for this important position.

In this session of the Senate, it will be up to the senators to vote for Mr. Haynsworth's confirmation. It is my firm conviction that the President's appointee is the best choice for the job. His views on important issues are similar to those of Americans who feel the Court should help them, not defeat them.

In these past few years, the Supreme Court has made decisions that were not in the best interests of the country. It is time to reverse this trend. The purpose of this related letter is to let you know, personally, the feelings of many people. I sincerely hope you give this subject much consideration and thought.

With every good wish,

Yours truly,

GEORGE P. VIEGELMAN.

Mr. President, I should also like to read portions of a letter which was written to me by Francis F. Brooks of Millburn, N.J. Mr. Brooks writes:

> The American Bar Association has found the case against him flimsy and lacking in real substance; and, on the contrary, has found him highly qualified on his twelve-year record as a federal judge.

Mr. Brooks also points out:

> Certainly, to strengthen the public mandate, the political logic would favor a conservative appointment to the Court, since it has been stacked of late years on the liberal side.

Mr. President, this letter did not come from South Carolina nor from Georgia or Mississippi. This letter was from the State of New Jersey and is but another indication of the broad support Judge Haynsworth's nomination is receiving from all over our Nation.

I have also received a letter from Mrs. Oscar Grabeel of Eubank, Ky. Mrs. Grabeel writes:

> Even though I am *not* a South Carolinian I *am* an admirer of the stand you have taken on many important issues in the last few years. The latest of these and of great importance to our entire nation is the confirmation of Judge Haynsworth.
>
> Keep the banner waving high! May God bless you.
>
> Sincerely,
>
> MRS. OSCAR GRABEEL.

Mr. President, I have never been to Eubank, Ky.; and although Kentucky may be considered a Southern State by some, it is more accurately a border State and has many interests in common with the Midwest. I have received mail from all over the entire Nation on behalf of this nomination, and I believe this shows the importance of this nomination to many ordinary citizens across this great land.

Another person who has written me about this nomination is Mrs. Bryan W. Steffe of Canton, Ohio. Mrs. Steffe writes:

> For some time I have wanted to write you concerning the appointment of Judge Clement F. Haynsworth. Our President could not have made a wiser or better choice for a judge to serve on our Supreme Court. Judge Clement F. Haynsworth is a very fine gentleman.
>
> It is awfully upsetting to hear the unkind and the unfair remarks that many Senators and others are saying about Judge Haynsworth. I believe if they knew him better they would weigh more carefully their accusations.
>
> Surely President Nixon will stand firm in his appointment of Judge Haynsworth. We need a man of his caliber so badly to serve on our Supreme Court.

Mr. President, I have also been written by Mr. W. L. Robinson, who is president of the Fulton County Board of Education in Atlanta, Ga. Mr. Robinson writes:

> All phases of our life . . . will be immeasurably benefited by having capable constitutional lawyers on the Supreme Court Bench.

Mr. President, Mr. Robinson, with whom I am not personally acquainted, is obviously a leader in education and is necessarily respected in his community. The support of Judge Haynsworth shows the extent to which responsible citizens all over our Nation are heartened by this nomination by the President.

I received the following letter from Mr. William M. Hagood III, of Greenville, S.C., who is a practicing attorney and who had the good fortune to serve as a law clerk to Judge Haynsworth. This letter was written to me in May, urging that I recommend to President Nixon that Judge Haynsworth be appointed. While it is important that the Senate have the benefit of the views of those persons who are in no position to be biased in favor of the nominee, I believe it is also important that one who has had the opportunity to work closely with Judge Haynsworth thinks so highly of him that he has written me the letter that I now read to you.

> LOVE, THORNTON, ARNOLD & THOMASON,
> *Greenville, S.C., May 29, 1969.*
>
> Senator STROM THURMOND,
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR THURMOND: I would like to request that you consider recommending to President Nixon that he name Judge Clement F. Haynsworth, Jr., to the United States Supreme Court.
>
> You are probably as familiar with Judge Haynsworth's qualifications as I am, although I have had the good fortune to work as his law clerk for one year following my graduation from law school in June 1963. During that time I developed a deep respect for his ability as a judge as well as a deep respect for him as a person.
>
> I have followed with interest articles in various newspapers in which you suggest various attributes that you want to see in the Supreme Court Justice appointed by the President, and Judge Haynsworth has all of these attributes. His integrity is beyond reproach and a review of the decisions written by him, in matters where the Supreme Court had not already decided the precise issue in question, reveals that he believes in the strict construction of the Constitution. One only has to read a few of his decisions, which, incidentally, are written by him and not by his law clerks, before realizing that he is exactly the type of person needed for this high position.
>
> Very truly yours,
>
> WILLIAM M. HAGOOD III.

I should also like to read a letter which I received from the president of the chamber of commerce of the State of Louisiana. This man does not write merely as an individual but on the basis of the unanimous support of the board of directors of the Louisiana State Chamber of Commerce. Mr. Singletary's letter represents the thinking of responsible citizens and deserves our careful attention and consideration.

> LOUISIANA STATE CHAMBER
> OF COMMERCE,
> *November 12, 1969.*
>
> Hon. STROM THURMOND,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR THURMOND: At a recent meeting of our Board of Directors, the continuing debate on confirmation of Judge Clement F. Haynsworth as a member of the U.S. Supreme Court came up for discussion.
>
> Upon reviewing some factual information on Judge Haynsworth's background, it appears that much of the publicity opposing his nomination has been exaggerated.
>
> The Board unanimously authorized me to communicate with you and other members of the U.S. Senate and respectfully urge that the nomination of Judge Haynsworth be approved.
>
> Sincerely,
>
> ARCHIE F. SINGLETARY, Jr.,
> *President.*

Mr. President, I also have a number of editorials and newspaper articles which have been written concerning this nomination. I feel that it is important for us to be aware of the thoughts of those men who make their living by observing the political events that take place in this Nation for they often give us insights and viewpoints which are helpful in showing us what are the facts.

The Columbia Record, one of the leading afternoon dailies in South Carolina, has published two editorials on the subject of Judge Haynsworth and the charges against him.

The first, published on Friday, October 10, and entitled "The Liberals' Revenge," discussed the highly prejudiced treatment of the matter by Howard K. Smith, the ABC television commentator. It also points out that the attempt to draw a comparison between Judge Haynsworth and the case of Justice Fortas is totally fallacious.

I read it:

THE LIBERALS' REVENGE

While liberals conducted a campaign of what Vice President Spiro Agnew called "character assassination" against Judge Clement Haynsworth, Howard K. Smith reported in gleeful tones on his ABC television broadcast that conservatives of the country were about to get their comeuppance.

Blaming conservatives for the uproar that brought about the resignation of Justice Abe Fortas, President Johnson's choice for Chief Justice, Smith said that Fortas had done nothing wrong. He said that Fortas, by advising the President on Executive matters, had merely given the appearance of impropriety.

And now the conservatives' attack on Fortas on that basis had come back to haunt them, with liberals using the same type of ammunition to defeat the appointment of Judge Haynsworth to the vacancy on the U.S. Supreme Court.

The liberals have not uncovered any scandal on Haynsworth. They have found no conflict of interest in his decisions except in their own far-fetched interpretations of his stock portfolio. They have gone to such extremes as finding a sinister association because Bobby Baker and Haynsworth among many others, once bought shares in a large tract of land.

Smith conveniently omitted the principal charges against Fortas. He overlooked the fact that they resulted from a story in liberal *Life* magazine, not from a conservative expose. He did not say that Fortas accepted a $15,000 fee, raised under questionable circumstances, to lecture to a handful of college students. He did not say that Fortas accepted the first installment on a guarantee of $20,000 a year for life from the Wolfson Foundation while Louis E. Wolfson was facing an unsuccessful fight in the courts to avoid serving a jail term for illegal stock transactions. Fortas returned the money only after the payoff was exposed.

Smith was dealing in half-truths, which are also the deadliest and most indefensible weapons in any vicious campaign of character assassination.

On October 11, the Columbia Record again discussed Judge Haynsworth and pointed out that rejection of this nomination would be a repeat of one of history's darker moments. This editorial discusses a parallel between the situation facing the Senate today and that in which a very honorable man, Judge John Parker of North Carolina, was rejected by the Senate.

The editorial also points out that President Nixon has firmly stood with Judge

Haynsworth and has made clear to the American public and to the Senate the importance the President places on the confirmation of Judge Haynsworth. It reads as follows:

HAYNSWORTH'S FOUL CRITICS

Clement Haynsworth, South Carolinian, may never sit on the Supreme Court as President Nixon wanted him to. He may. The outcome of a senate vote is, at this moment, unknown and perilously close.

Should Haynsworth be rejected by the Senate, he will be the only nominee for Associate Justice to be turned down in this century, with one exception—Judge John Parker of North Carolina. Thus, the only rejectees would be Southerners.

If Haynsworth loses, he will be the victim of character assassination and a totally unfair, intellectually indefensible linkage with Abe Fortas. In an editorial which called upon Judge Haynsworth to withdraw to protect the good name of the Supreme Court, the liberal *Washington Post* called the shots quite honestly.

"For Judge Haynsworth," said the Post, "the situation must be distressing. As far as the general public is concerned, his integrity and honesty have been questioned and he has been labeled an all-out segregationist and foe of labor. Few of the charges made against him, in our judgment, are valid. He has become the focus of a bitter fight, involving partisan politics as well as ideology and ethics, that is not of his own making. Some of the opposition to him is based on honest philosphical differences or sincere concern over ethics. But some of it, while cloaked in these terms, is based on a rather more primitive impulse to humiliate the President.

"Too many unfair questions have been raised and too much politics has been played," the *Post* says. We quite agree, although we do not—under any circumstances—share the Post's overly-easy parallelism with the Fortas affair.

We know not what Judge Haynsworth's final fortune may be. We hope he is confirmed; we are pleased that President Nixon nominated him and has stuck by him, despite the malicious politicking. Whatever be Haynsworth's destiny, we shall not disremember those members of the U.S. Senate who crudely misused truth as a weapon to further their own selfish interests.

Honor and courage are attributes to be admired, in all Americans, including judges and Senators. Honesty and fair play are commendable, ethical guides—abandoned by some of Haynsworth's callous foes. Those members of the Senate will not be allowed to forget that the Senate, itself, has struggled with an ethical code of its own.

One of the outstanding weekly papers in South Carolina, the Chester Reporter, published an excellent editorial on October 22, concerning Judge Haynsworth, the unfounded attacks against him, and the strong stand taken by the President on behalf of Judge Haynsworth.

The editorial points out a most unfortunate aspect of this debate and that is that much of the opposition to Judge Haynsworth appears to be related to his southern origin, a sad state of affairs in this day and age.

The editorial reads as follows:

OFF THE RECORD

Judge Haynsworth: The outcome may still be in doubt but no one can charge that President Nixon has been half-hearted in support of his nomination of Judge Haynsworth to the U.S. Supreme Court. He made this perfectly clear, to borrow one of the President's favorite phrases, when he held a surprise news briefing Monday at the White House.

"I find Judge Haynsworth an honest man, a lawyer's lawyer and a judge's judge," said the President. "I think he will be a credit to the Supreme Court and I intend to stand behind him until he is confirmed."

He called the attacks against Haynsworth, who is chief judge of the Fourth U.S. Circuit of Court of Appeals, a vicious attempt at character assassination and said he would not withdraw the nomination even if requested to do so by Haynsworth himself.

The objections to Haynsworth in the U.S. Senate boil down to the fact that he is wealthy and that he is a native South Carolinian. There is a strong feeling among liberals and organized labor that no one from the conservative South should be elevated to the Supreme Court.

This feeling has found expression in the picayune conflict-of-interest charges made against him by those who professed to be horrified that Haynsworth owned shares in companies involved in litigation of one sort or another.

None of these charges had any real substance. That leaves only the objection to Haynsworth as a South Carolinian and a conservative. But it is enough to cast doubt over the action the Senate will take on his nomination.

Mr. President, the theme that Judge Haynsworth is the victim of prejudice due to his background as a South Carolinian is also discussed in an excellent editorial which appeared in the Charleston News and Courier on Friday, October 24. This editorial points out that Judge Haynsworth should be judged on his record and his ability, not upon his place of birth. I read the editorial:

REGIONAL PREJUDICE

In times past, members of minority groups have faced a wall of resistance in obtaining posts of honor and public responsibility. Louis Brandeis was opposed for the Supreme Court because of his Jewish faith. For decades, it seemed unlikely that the U.S. would have a Catholic as President. Negro citizens encountered severe obstacles.

All that has changed in recent years. Many Southern cities—Charleston is one of them—have Negro citizens as judge and alderman. A black man sits on the U.S. Supreme Court. Other minorities are well represented at all levels of government.

Members of a minority still discriminated against in government are Southerners. They often are treated as outcasts.

President Nixon brought this prejudice into the open in his news conference Tuesday dealing with the nomination of Judge Clement F. Haynsworth of Greenville for the U.S. Supreme Court. The President touched on the real bias behind the campaign to deny Judge Haynsworth a place on the court.

"It is not proper," the President said, "to turn down a man because he is a Southerner, because he is a Jew, because he is a Negro or because of his philosophy. The question is what kind of lawyer is he? What is his attitude toward the Constitution?"

Mr. Nixon thus focused attention on the fact that Judge Haynsworth is being opposed because he is a Southerner.

It is shocking and tragic that at this point in American history sectional prejudice is directed against the South, and that a man of demonstrated ability should be opposed because he hails from a Southern state. We can't imagine South Carolinians opposing a Supreme Court nomination on the ground that the nominee was born in New York, Michigan or California. That kind of biased attitude simply doesn't exist in this region.

As U.S. citizens, Southerners have a right to expect that ancient prejudice against this section will be laid aside in this supposedly enlightened era.

The Senate can prove its freedom from regional prejudice by confirming Judge Haynsworth as an Associate Justice of the Supreme Court.

I have thus far read four editorials on behalf of Judge Haynsworth—all published in my home State of South Carolina; however, editorial acclaim for Judge Haynsworth has by no means been limited to his home State. The following is an editorial from the Daily Oklahoman, which is published in Oklahoma City, Okla.

This editorial points out the importance of creating a balance in the Supreme Court and that much of the fight over this nomination must be related to the opposition of those who favor an "activist" Court. The editorial also points out that Lawrence E. Walsh, chairman of the American Bar Association's Committee on the Federal Judiciary has strongly endorsed Judge Haynsworth and refused to be swayed by the flimsy charges of insensitivity which have been made against the Judge. I read the editorial:

PREJUDGING JUDGE CLEMENT F. HAYNSWORTH

(EDITOR'S NOTE.—The following is an editorial from The Daily Oklahoman published in Oklahoma City).

Judge Clement F. Haynsworth Jr., continues to enjoy the expressed confidence of the persons best qualified to weigh the arguments against him.

The American Bar Association's Committee on the Federal Judiciary reaffirms its support of him after the Senate Judiciary Committee advances to the Senate floor his nomination to the U.S. Supreme Court.

Chairman Lawrence E. Walsh of the bar committee said matters that had come to its attention since its original endorsement of Haynsworth "did not warrant a change in that report." The Senate Judiciary Committee was similarly unimpressed with the conflict-of-interest allegations made by Sen. Birch Bayh and other Senate liberals who have been examining the judge's financial past.

The greater significance of this uproad is not what it testifies concerning the judge's qualifications but what it testifies concerning government of men that has supplanted this country's former vaunted government of laws.

For the overriding concern of the Senate liberals isn't the suggested conflict of interest they aren't able to demonstrate but their fear that Judge Haynsworth's elevation to the Supreme Court will give it a conservative majority.

In short, he is being prejudged on his supposed philosophy. His record as a member of the 4th U.S. Circuit Court of Appeals has brought him into disfavor with the labor unions and the black civil rights leaders, as well as their liberal friends in the Senate.

Oklahoma's Sen. Henry Bellmon notes this aspect, saying that "there has never been a case where the Senate has refused to confirm a man because of his philosophy, and I don't think it should be done now."

Haynsworth, like the new chief justice, Warren Earl Burger, has a reputation as a "strict constructionist" who adheres to settled law. As such, he wouldn't be expected to read more into the constitution than it contained or to bend it to conform to his own personal predilections.

Under the "activist" doctrine of the former Warren Court, the constitution was made to mean just about anything a majority of the justices chose for it to mean.

Thus it became the cited authority for turning the operation of the public schools over to the federal judiciary. It became the cited authority for giving communists the run of defense plants, for making the confessions of criminals almost impossible to use, for banning prayers, or the reading of the Bible in public classrooms, for holding that a college professor may not be dismissed for teaching or advocating the "abstract doctrine" of forcible overthrow, and for fuzzing up the definition of obscenity to the point where the nation now is being engulfed by a flood of printed and filmed filth that would have been inconceivable a few years ago.

In his often-quoted letter to Jefferson's biographer, H. S. Randall, Lord Macaulay said in 1857 that the U.S. Constitution was "all sail and no anchor." Certainly it has become that if it can be construed to mean one thing to one court and something altogether different to another court.

The present din affecting Haynsworth's appointment reflects liberal fears that a court composed largely of "strict constructionists" would set sail in a different direction.

On Friday, September 5, the Chicago Tribune published an editorial entitled "The Defamation of Judge Haynsworth." This editorial, published not in the South but in one of the Nation's leading dailies located in the State of Illinois, quotes John P. Roche of Brandeis University and former chairman of the ADA as follows:

> Haynsworth's record . . . was examined with a microscope and, as far as any critic could discover, he has never called for the restoration of slavery, for legalization of torture, or for the abolition of the Federal Government.

The editorial reads as follows:

THE DEFAMATION OF JUDGE HAYNSWORTH

Professional "civil rights" agitators, labor leaders, and "liberal" columnists have launched a massive propaganda campaign against confirmation by the Senate of President Nixon's nomination of Judge Clement F. Haynsworth Jr., of South Carolina, to be a justice of the United States Supreme court.

Judge Haynsworth is opposed mainly by the same forces that defeated Senate confirmation of President Hoover's nomination of Judge John J. Parker, of North Carolina, for the Supreme court in 1930. Judge Parker was chief judge of the United States Court of Appeals for the 4th circuit, of which Judge Haynsworth has been chief judge since 1964. The National Association for the Advancement of Colored People, the labor unions, and other "liberal" elements attacked Judge Parker as a "reactionary," but some liberal senators who voted against him, notably Borah of Idaho, Wheeler of Montana, and La Follette of Wisconsin, praised him in later years.

Judge Haynsworth has been called a "hard core segregationist" by Joseph L. Rauh Jr., vice chairman of Americans for Democratic Action and prime mover of the Leadership Conference on Civil Rights. Roy Wilkins, executive director of the N. A. A. C. P., has issued a manifesto charging that the judge "has been reversed four times by the United States Supreme court in civil rights cases" and is a "partisan of racially segregated public education."

These pillars of the liberal establishment looked pretty silly when John P. Roche of Brandeis University, former White House intellectual in residence and former national chairman of the A.D.A., came to Judge Haynsworth's defense. Roche remarked that Haynsworth "hardly looks like a red-neck segregationist from the piney woods" and added: "Haynsworth's record . . . was examined with a microscope and, as far as any critic could discover, he has never called for the restoration of slavery, for legalization of torture, or for the abolition of the federal government."

George Meany, president of the AFL–CIO, and some of the liberal columnists are attacking Judge Haynsworth solely on the basis of an alleged "conflict of interest" in a case decided by his court. The judge owned 15 per cent of the stock of the Carolina Vend-A-Matic company, of which he also was an officer and a director. While grossing about $3,000,000 a year, this company received $50,000 a year for the use of its vending machines in the plants of the Deering-Milliken company, a large textile manufacturer.

In August, 1963, on the basis of competitive bidding, Deering-Milliken awarded Vend-A-Matic a second $50,000-a-year contract but turned down two other Vend-A-Matic bids. In February, Judge Haynsworth's court began considering an unfair labor practice charge against the Darlington Manufacturing company, a Deering-Milliken subsidiary, and in November, 1963, Judge Haynsworth wrote the court's opinion in a 2 to 1 decision in favor of Darlington.

Thus the only question is whether 15 per cent ownership of a company that received less than 2 per cent of its gross income from a company which had a subsidiary involved in the litigation amounted to a conflict of interest.

In 1964, when Carolina Vend-A-Matic was purchased by ARA Services, Inc., Judge Haynsworth promptly sold the ARA stock he received for his interest in Vend-A-Matic. He said it might be all right for a judge to hold an interest in a small, local company but not in a national company doing business all over the country. Altho he received $450,000 for his ARA stock in 1964, it is worth more than $1,400,000 today.

The truth, it appears, is that the liberals are against Judge Haynsworth because he is a "strict constructionist" who applies the Constitution as it is written. The liberals believe the Constitution is made of rubber and can be stretched to accommodate their vision of a socialist welfare state.

Mr. President, the Times-Dispatch of Richmond, Va., published an excellent editorial entitled "Haynsworth Critics Err." This editorial points out how Judge Haynsworth's critics have been highly selective in attempting to create the impression that Judge Haynsworth is anti-labor and a segregationist. They have pointed to the cases which fit their criticisms but have totally ignored those cases which run counter to their theories.

I read the editorial as follows:

HAYNSWORTH CRITICS ERR

Judge Clement Haynsworth may not be a saint. But in their efforts to depict him as a sinner, his critics have been bending over backward to convict him on the flimsiest of evidence.

In their continuing campaign to show that Haynsworth has been guilty of a serious "conflict of interest," his critics recently offered a "bill of particulars"—charging that the judge had a substantial financial interest in five companies involved in litigation before his court.

The bill of particulars was completely in error on two of the five cases; Haynsworth had no financial interest whatsoever in the companies. In one of the cases he had owned a single share of stock worth $21, and on which he had received a total dividend of 15 cents—but, he sold the stock four years before the company was involved in litigation before his court.

In only two of the cases did Haynsworth own any stock in the companies at the time that they were involved in litigation before him. Actually, he bought stock in one of the companies after its case had been decided in his court, but before the decision was formally announced—an action which he admits was a mistake, though hardly a monumental one.

For that decision, if it had any effect at all on Haynsworth's financial interest in the company, would have resulted in a potential profit of no more than $4.92 for the judge. In the second of these two cases, the effect of the decision may have amounted to a potential personal loss of 48 cents.

This is hardly the stuff which makes for a serious conflict of interest. At best, the charges are petty, if not utterly absurd.

The conflict of interest attack against Haynsworth—and the rather vicious attempt to link him with Bobby Baker because the two of them, unbeknownst to each other, happened to have invested in what apparently was a perfectly legitimate business venture some years ago—appears to be pretty much of a smoke screen which his critics have been using to cover their real motives for opposing his appointment to the Supreme Court.

Their basic reason for opposing Haynsworth seems to be his relatively conservative judicial philosophy and his record as a "strict constructionist." But even here, some of his critics have badly distorted the picture.

Carefully picking and choosing, they have cited a handful of cases in which he ruled against labor unions to hang an "anti-labor" tag around his neck. But the complete record shows that in roughly three out of four labor-management cases he has sided with the unions.

Again being highly selective, some critics have attempted to depict Haynsworth as a "segregationist." But even the Washington Post has dismissed this charge as ridiculous, pointing out that while he hasn't broken any new ground in civil rights cases, he has never failed to uphold integration once Congress or the Supreme Court wrote a law or set a precedent.

"It is true that Judge Haynsworth has not been a crusader," Sen. Harry F. Byrd said last week in announcing that he will vote to confirm the nomination. "But to my way of thinking crusading is not a proper judicial function."

That is one of the main reasons why President Nixon nominated Haynsworth in the first place. And in view of the flimsy and distorted campaign which has been waged against the appointment, the President was well advised to reiterate on Monday that he has no intention of withdrawing the nomination.

Unless his critics can produce more substantial evidence than they already have to justify rejecting him, Haynsworth's appointment should be confirmed by the Senate.

A number of well-known national columnists have spoken out strongly on behalf of the confirmation of Judge Haynsworth. Their arguments reflect a great deal of careful analysis of this matter, and I believe deserve the attention of this body. One of these columnists, William F. Buckley, has discussed several aspects of this case with his customary ability to draw the distinctions which separate fact from fancy. Mr. Buckley draws his attention first to the lack of comparison of this situation with that of Justice Fortas. Second, to the ridiculous charge concerning the Greenville Hotel case; third, to the Maryland Casualty Co.; next to the Brunswick matter; and last, the alleged "association" with Bobby Baker. I believe my fellow Senators would find portions of Mr. Buckley's column interesting, and I should like to share them with you:

Haynsworth Defended

(By William F. Buckley, Jr.)

I defended Judge Fortas at the time, not knowing that his activities were—as the American Bar Association said—"clearly contrary" to the canons of judicial ethics. Fortas of course protested any investigation, but he did not invite any quasi-judicial examination of his records, so that he gave the public appearance of slinking away from scrutiny.

NOT LIKE FORTAS

Haynsworth, by contrast, dumped his meticulous files with the ABA and with the Senate committee, and the wonder of it is why he isn't confirmed immediately. An example of the kind of thing * * * against Judge Haynsworth is the so-called Greenville Hotel case. It is the * * * contention that Judge Haynsworth was clearly involved in a conflict of interest when he ruled on a case in which the Greenville Hotel was a litigant.

Investigation reveals that a) at the time Judge Haynsworth ruled on Greenville, he had no interest in the corporation whatsoever; b) six years earlier, when he was a practicing lawyer, he had consented to serve as a director of the corporation but, in order to qualify, he had to be a shareholder. Accordingly, he was sent one share of stock. Value, $21. Shortly after he became a judge, he received a dividend check for 15 cents and (would you believe?) Haynsworth even took the pains to list it on his income tax. The share of stock he gave back to the issuer years before he ruled on Greenville.

In the famous matter of the Maryland Casualty Company, it turns out that it is the subsidiary of American General Insurance, in which Judge Haynsworth had an interest. After examining the structure of the company, the nature of the case, and the interest of Judge Haynsworth, Sen. Cook, who was himself a judge, reported to his colleagues: "The Judge has only 0.0059 per cent of the 3,279,559 shares of preferred stock and an even smaller 0.0015 per cent of the 4,500,000 shares of common stock." How is that for a substantial interest?

CLOSE TO $5

On the Brunswick matter, Sen. Cook after similar investigation reported that the most that Judge Haynsworth could have benefited from the favorable ruling (made unanimously by the Circuit Court) would have been up close to, but not touching, five dollars.

So it goes, including Judge Haynsworth's "association" with Bobby Baker, whom he last set eyes on in 1958, years before it was known that Bobby Baker was a scoundrel, and with whom he was not engaged in any suspicious enterprise. Richard Nixon pointed out that he had known Baker far better than Haynsworth did, and that, in fact, Mrs. Bobby Baker had been one of his stenographers while he was in the Senate.

Holmes Alexander has also written a column on this subject. Mr. Alexander, who is known for his integrity and his honesty, points out that "every single accusation on conflict of interest has been proved a dud." I believe Mr. Alexander's thoughts on this matter are important, and I should like to read some of them to you:

[From the Greenville (S.C.) News, Oct. 18, 1969]

The Haynsworth Nomination Story an Unfunny Comedy of Contradictions

(By Holmes Alexander)

Every single accusation on conflict-of-interest has been proved a dud. The insulting charges that Haynsworth instinctively gives decisions against labor and Negroes have been overwhelmed with citations that show him ruling for civil rights and against business corporations time after time. Authorities on judicial ethics have written and testified to uphold Haynsworth's conduct and intelligence during his years on the Circuit Court. The contradiction of baseless news stories about the President's or the judge's withdrawal of the nomination is a daily occurrence.

The battle is weird because the opposition, having totally failed in damaging facts, has turned to a chemical warfare of poisoning public opinion. The inflow of hate mail attests to this, and the undecided senators are in a crisis of conscience.

They can gain radical votes in their next election by stabbing Judge Haynsworth, but they'll have the blood of an honorable reputation on their hands if they do so.

Mr. President, another columnist who has discussed Judge Haynsworth and the issues involved in this debate most admirably is David Lawrence, distinguished editor of U.S. News & World Report. Mr. Lawrence points out that much of the opposition to Judge Haynsworth must be viewed in terms of the political clout of several of the large organizations which are opposing him rather than the merit of their charges. He also points out that the Senate Judiciary Committee has made an extremely careful investigation of Judge Haynsworth, his views, and his integrity, and has urged the Senate to confirm his nomination. Mr. Lawrence's column entitled "Haynsworth Battle a Political One" appeared on October 6, and I should like to read portions of it for the consideration of the Senate:

Haynsworth Battle a Political One

(By David Lawrence)

What's really behind the opposition that has been manifested in the Senate against the confirmation of Clement H. Haysnworth, Jr., as a justice of the Supreme Court?

The answer is to be found in analyzing closely the political game. Those senators, for instance, who are fighting the man who has been serving as chief judge of the Fifth U.S. Circuit Court of Appeals take their cue for the most part from expressions that have come from the leaders of the AFL–CIO and the National Association for the Advancement of Colored People and other Negro organizations. The theory appears to be that the rank and file will be convinced that Judge Haysnworth is anti-labor and anti-Negro.

As for the labor leaders, it is well known that they maintain organizations which do a lot of electioneering in political campaigns and openly boast that they have the backing of a majority in the House of Representatives. They have substantial support in the Senate, too. The AFL–CIO does not hesitate to issue each year a list showing the percentage by which each member has supported the pro-labor side in legislative battles.

On the surface, the main weapon of opposition to Judge Haynsworth is an alleged lack of ethics in sitting on cases which supposedly could affect his financial holdings. Nobody has brought forth any proof of dishonesty or of prejudice related to his possession of securities. Judge Haynsworth did own some stocks in a company whose principal customer was a defendant in a lawsuit before the Court of Appeals on which he served, but the significance of this has been exaggerated. A smear campaign has been launched in the press in which several senators have participated.

It so happens that these charges were once investigated by the late Attorney General Robert F. Kennedy and were considered as no barrier to continuance on the lower court. The American Bar Association also has found nothing wrong in Judge Haynsworth's behavior. But how is the public to make up its mind when the anti-Haynsworth senators deliberately ignore such findings while making headlines by implying there was dishonesty?

The Senate Judiciary Committee has made a thorough inquiry, and its report will recommend confirmation of Judge Haynsworth. President Nixon has had every fact related to the record of Judge Haynsworth and his personal holdings of securities studied thoroughly and, despite the planted rumors of a withdrawal of the nomination, the White House says that nothing of the sort is contemplated. If the President backed down, he would lose the respect of a huge number of white voters as well as millions of citizens who don't like to see artificially stimulated suspicions and unproved charges of lack of integrity hurt the reputation of an honest man who has been named to be a Supreme Court justice.

It is obviously unfair for critics to base their opposition on political grounds, including attempts to curry favor with labor unions and "civil rights" organizations. Incidentally, a substantial number of senators didn't allow such bias to interfere with the confirmation of Negro lawyer, Thurgood Marshall, or of a former counsel of labor unions, Arthur Goldberg, as associate justices of the Supreme Court just a few years ago.

Mr. Lawrence wrote another column entitled "Ethics Paradox in Haynsworth Case" which appeared on November 10 of this year. A point he makes most effectively is that should Haynsworth be denied confirmation, "the Supreme Court could become a political agency subject to the will of vested interests."

[From the Washington (D.C.) Evening Star, Nov. 10, 1969]

Ethics Paradox in Haynsworth Case

(By David Lawrence)

One of the biggest paradoxes in American politics is developing. Despite holier-than-thou outcries about "ethics," nothing is being done about the involvement of some members of Congress in a "conflict of interest."

Why are so many senators—both Republicans and Democrats—readily intimidated by the pressures of large labor unions and civil rights organizations? It may well be assumed that some senators who are opposing the nomination of Judge Clement F. Haynsworth to the Supreme Court will receive the help of these organizations, which contribute considerable amounts of money to political campaigns.

No secret is made of the fact that huge sums are spent and support is given for the election of certain members of Congress, irrespective of party, if they do what the labor unions or Negro leaders tell them to do.

What other explanation could there be for the extraordinary opposition lined up against Haynsworth? It is charged that he has not been sufficiently sensitive on the ethical side, but no convincing case of "conflict of interest" has really been made against him.

Attorney General John N. Mitchell said last week on television that, prior to the nomination, Haynsworth had been thoroughly investigated, including a complete review of his tax returns, his financial statements and his stock holdings. When the attorney general was asked on "Meet the Press" why, therefore, so many senators were opposing the confirmation, he declared: "If the President of the United States had nominated one of the Twelve Apostles, he would have the same problem."

This indicates clearly that the controversy is not related primarily to ethics and that the issue is being used as a kind of cover. The smears and innuendoes that have been made have undoubtedly had their effect on some elements in the electorate. But the truth is that if Haynsworth had not written any opinions relating to civil rights or to labor union matters, he would not have had the slightest problem in getting confirmed. The "ethics" charge would have been insignificant in its impact.

Unfortunately for Haynsworth, because he comes from the South and, along with other judges, has handed down some rulings on labor matters that the union leaders don't like, an organized effort is being made to block his appointment to the Supreme Court.

American politics has reached one of its lowest points when an honest man—chosen by the President of the United States to serve on the Supreme Court because of his experience and capability as a judge—can be threatened with a denial of the seat because of the fact that, while he was a judge of the U.S. Court of Appeals of the Fourth Circuit, his decisions didn't please the labor politicians and Negro leaders.

Such views can prevent the country in the future from getting impartial and fair-minded judges. The Supreme Court could become a political agency subject to the will of vested interests which have enough money or influence to defeat senators for re-election if they don't vote on judicial confirmations in the way demanded of them by special groups.

Suggestions have been made by some of his opponents that Haynsworth ought to withdraw voluntarily. This, however, is merely a device that would help his critics. For if there were no actually recorded vote, the senators opposing the confirmation would be safe and would not feel at the polls any ill effects of their votes.

What some of the political science students of today ought to do is to make a list of all the senators who have already spoken out against Haynsworth and examine the nature of their constituencies—the number of big cities with a large Negro population or with a heavy labor union vote. In some instances these votes dominate statewide elections and overcome the support an opposing candidate may get in the rural or suburban areas.

What is most important is a record of the vote on the Haynsworth nomination, so that the American people may know which senators have voted against him. This could bring out a resentment vote in the next election, as the people do not like to see their representatives in Congress kowtow to the demands of groups which seek the appointment of judges favorable to their side and without regard to the public interest.

Mr. President, Mr. Kilpatrick wrote another column which was published on August 25 on this nomination, which appraised Judge Haynsworth as a "judge's judge" and "as an able scholar, a hard worker, and a jurist of long experience."

Mr. Kilpatrick also points out the parallel between this case and that of Judge Parker and the tragic rejection of his nomination by the Senate. I urge my colleagues' attention to Mr. Kilpatrick's important views. The article reads as follows:

[From the Columbia (S.C.) State,
Aug. 25, 1969]

HAYNSWORTH'S FOES PUTTING UP BAD SHOW—HE IS A JUDGES' JUDGE

(By James J. Kilpatrick)

WASHINGTON.—The civil libertarians of this country are putting up a poor show in the matter of the nomination of Clement Haynsworth to the U.S. Supreme Court. The South Carolinian is highly qualified; he ought to be promptly confirmed when the Senate resumes its sessions next month.

If Joe Rauh and his liberal friends have their way, a Senate clock will be turned back almost 40 years and Haynsworth will not be confirmed at all. In Rauh's view—he is vice chairman of Americans for Democratic Action—"his is the worst possible time to appoint a hard-core segregationist."

The charge is absurd. Judge Haynsworth is a hard-core segregationist in about the same fashion that Rauh is a card-carrying member of the Communist party. The one accusation is no more ridiculous than the other.

Nevertheless, Rauh is rallying the Leadership Conference on Civil Rights, which he serves as general counsel, to throw its full weight against the Haynsworth confirmation. The AFL–CIO doubtless will go along, on the equally flimsy notion that Haynsworth is somehow "anti-labor" or "pro-management."

One is reminded, sadly enough, of Herbert Hoover's nomination of John J. Parker of North Carolina back in 1930. Parker was possessed of one of the most luminous minds and finest intellects ever to adorn the federal bench. Like Haynsworth, he served for many years as chief judge of the Fourth Circuit. But when Hoover nominated Parker to succeed Edward T. Sanford on the high court, organized labor and the NAACP roared into action.

The most grievous charge against Parker was that he had decided against the United Mineworkers in the union's "yellow dog" suit against the Red Jacket Coal Company. It also was charged that Parker once had made a speech, many years earlier, containing some slurring references to Negroes.

Today it would be hard to find a responsible lawyer who would challenge the correctness of Parker's Red Jacket decision in the context of its day; Parker did what he had to do. And far from being "anti-Negro," the North Carolinian established a liberal record, both as a man and a judge, that was far ahead of his time.

Nevertheless, Senators Norris, Borah and LaFollette, the big three liberals of the 71st Congress, so inflamed their colleagues that Parker at last was denied confirmation, 41–39. It was a shameful chapter in Senate history.

It would be grossly wrong to see history repeated in the Haynsworth nomination. This time the most grievous charge is that in passing upon certain cases of school integration, Haynsworth has refused to put the lash on Southern school boards: He has not demanded that they take certain affirmative actions to achieve greater integration.

A further charge is that in the Darlington case of 1963, Haynsworth found no statutory inhibition against a company's closing a profitless mill by reason of union activity.

Doubtless both charges will be thrashed and winnowed before the Judiciary Committee in its hearings on the Haynsworth nomination. It will suffice here to say that a large body of respected constitutional theory supports Haynsworth's view of the Fourteenth Amendment. Like Parker, he concluded that the Fourteenth merely prohibits state-enforced segregation; it does not require state-encouraged integration. In the labor case, reversed by the Supreme Court in March of 1965 (380 U.S. 263), the Haynsworth view was reasoned, objective, and buttressed by an impressive record.

In any event, there is nothing to suggest that Haynsworth has been motivated on the bench by any force but his own integrity. He is not a colorful judge. He surely is no phrase-maker; his opinions often flow like library paste. But he is an able scholar, a hard worker, and a jurist of long experience. His opinions suggest a meticulous mind at work. He is a judges' judge.

When Arthur Goldberg was nominated in 1962, some of us on the conservative side felt it a big much for the general counsel of the AFL–CIO to bring a lifetime of pro-labor advocacy to the Court. When Thurgood Marshall was nominated in 1967, we made a point of his long career as chief lawyer for the NAACP. No such built-in bias can be charged against Haynsworth. His confirmation would bring balance and moderation to a Court that needs these qualities badly.

Another columnist who has written persuasively and effectively in favor of this nomination has been James J. Kilpatrick. In a column entitled "Propagandists' Work of Art" published on October 29, Mr. Kilpatrick describes the case against Haynsworth as "trumped up" and as a "triumph of the propagandist's craft." He further remarks:

> It is like John Randolph's dead mackerel in the moonlight, a work of artistry that both shines and stinks.

Mr. Kilpatrick has taken the time and effort to examine the record carefully and I urge the Senate's attention to his unusually perceptive views, as follows:

[From the Columbia (S.C.) State,
Oct. 29, 1969]

PROPAGANDISTS' WORK OF ART: CASE AGAINST JUDGE IS BRILLIANT BUT UNFAIR

(By James J. Kilpatrick)

WASHINGTON.—The question is, or will be within the next two or three weeks: Will the Senate advise and consent to the nomination of Clement F. Haynsworth to become an Associate Justice of the Supreme Court of the United States?

It is a pity that members of the Senate already have indicated their intention to vote against confirmation. Once a senator has taken a position publicly, he hates publicly to change his mind. Yet the case against Haynsworth is so flimsy, so specious, so lacking in real substance, that many of these senators might be prompted by a close study of the record to reconsider their opposition.

What we are witnessing, in the trumped-up "case against Haynsworth," is a triumph of the propagandist's craft. Into a smoking pot, the judge's opponents have flung a shrewd mixture of truth, half-truth, whole lies, base insinuations, and old-fashioned politics. By heating up this farrago, they have created great clouds of unfounded doubt; and they have succeeded in making this phony doubt the very basis of their opposition.

On one point I am absolutely satisfied: I am satisfied of Haynsworth's integrity. When the record is seen clearly, and not through a smokescreen, the record discloses not even the appearance of impropriety.

The trouble is that the smokescreen is so thick that busy men—and senators are busy men—cannot conveniently take the time to penetrate the fog. It may be instructive to see how such a smokescreen is contrived.

In his statement of October 8, Indiana's Sen. Birch Bayh charged that in at least five cases, Judge Haynsworth "held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the canons of judicial ethics." It is a serious charge; if proved, it would justify Haynsworth's rejection.

But it is not true. One of the five cases listed by the senator was Merck v. Olin Mathieson Chemical Corporation. Judge Haynsworth never held stock in either corporation. Bayh's staff was in error.

Another of the listed cases was Darter v. Greenville Community Hospital. Haynsworth's "substantial" holdings amounted to precisely one share—one pro forma share paying a 15-cent annual dividend—in his home town's hospital.

A third case was Farrow v. Grace Lines. Haynsworth held no stock in Grace Lines. He did hold 300 shares in W. R. Grace & Co., which owned Grace Lines along with 52 other subsidiaries. The Farrow case involved a $50 judgment.

Still another of Senator Bayh's charges was that Judge Haynsworth violated ethical canons by not disqualifying himself in Kent Mfg. Corp. v. Commissioner of Internal Revenue. But it turned out, after the senator's charge had been added to the stew, that Bayh had the wrong Kent Manufacturing Corporation. Sorry 'bout that.

Very well. I do not impugn Bayh's motives, only his staff work. But the damage is done. In a race of this kind, which must be quickly run, truth cannot catch up with falsehood. A senator who might be predisposed to vote against Haynsworth, if only to soothe black and labor interests, is likely to recall vaguely that Bayh listed a whole string of cases in which the judge was a big stockholder in companies before his court. The refutation of these baseless charges will go unnoticed.

Perhaps Nixon himself should not have accused Haynsworth's opposition of engaging in vicious character assassination. Presidents are expected to speak in softer accents. Yet that is exactly what the case against Haynsworth amounts to. It is like John Randolph's dead mackerel in the moonlight, a work of artistry that both shines and stinks.

I have an article that appeared in the National Review magazine on November 18, 1969. This story is concerned with the treatment of the Haynsworth matter, and I think it reveals the hollowness of the attacks in the press that have been leveled.

This article, which was written by the distinguished columnist Ralph de Toledano, is an extremely thorough account of the entire controversy surrounding Judge Haynsworth and the part played in this controversy by the press, more particularly Time magazine:

Time Marches on Haynsworth

(By Ralph De Toledano)

Once upon a Time, to put it charitably, the deception was brazen but it had style. There was, for example, the famous cover story in the Fifties which made statements running directly counter to the material in the magazine's own research files and in the memoranda of its chief Washington correspondent. But *Time* laughed arrogantly when the hoax was discovered, telling protesting readers that it was all a matter of "opinion."

Those were the good old days for *Time*. But the magazine has grown shabby with the passing of the years, and nervous as the competition begins to nip at its heels. It is no longer the dream of aspiring newspapermen and college sophomores to work in that Matterhorn of glass, steel and gimcrack in Rockefeller Center. The pay is no longer that good, and the real sharp practitioners of journalistic legerdemain have gone elsewhere. But *Time* still has its moments of greatness—and this may bring back the advertising revenue that has been slipping away to *Newsweek* and to television.

I cite as Exhibit A to prove the point *Time's* handling of the Haynsworth case. In this, of course, *Time* had the help of substantial segments of the metropolitan press corps and the electronic media. But *Time's* achievements in this case should not be minimized. The newspaper reporter works under the pressure of a daily deadline—several, for his wire service cousin. Without the procrustean limitations of a news magazine story, he occasionally slips and lets the facts speak for themselves. But *Time* has several days of each week to mull over a story, to study the file, to query its correspondents. The final story is the product of many hands, much revision and the possible *nihil obstat* of experienced editors. An event as important and significant as the public lynching of a man appointed to the Supreme Court by a controversial President gets all of this loving attention and more, since it becomes a policy matter.

Time had a choice in reporting the Haynsworth case. With its tremendous manpower resources, it could have covered the story like a blanket, digging into court records, interviewing participants, scrutinizing and analyzing Chief Judge Clement F. Haynsworth's stock portfolio, determining for his broker just what the nominee's role was in the various transactions now under debate, checking the allegations made about him against the facts, and looking into the motivations of those who have turned what was simply a confirmation routine into what they hope will become *Senate* v. *Haynsworth*.

Or, it could have joined the tar-and-feathers brigade, joyously opening its pages to the full indictment—no holds barred, no pretense at impartiality, a big brother, let us say, to the *New York Post*. But *Time* marched on Haynsworth in its classic style, always lagging slightly behind the pack—superb in its use of innuendo, corrupting the record only with care, magnanimously granting Judge Haynsworth a point here and there, but never impeaching or even questioning the motives of those who were swinging the rope over the tree limb.

Like those most active in the anti-Haynsworth posse, *Time* was aware that the real victim of the attack on a Fourth Circuit Court of Appeals chief judge was not to be Clement Haynsworth but Richard Nixon. The Haynsworth case was to be a chapter in a work in progress fittingly and sadly named by David S. Broder, an earnest reporter, "The Breaking of a President." With luck and voodoo, it could be the key chapter, eliminating moderate conservatism and contributing to the hoped-for polarity of a confrontation with the extremes of Left and Right.

For the sake of clarity, let me rehearse the chronology.

Last August, President Nixon nominated Judge Haynsworth to the seat on the Supreme Court vacated by Justice Abe Fortas—the so-called Jewish seat. This, to those who believe that the high court must be made up of racial representatives rather than sound jurists, was anathema. There were other outrages in the choice of Judge Haynsworth. He was a Southerner who had voted sometimes, though not always, for decisions which the National Association for the Advancement of Colored People found obnoxious. Of greater import was his role in the famous Darlington case in which he once held that an employer running a rapidly deteriorating business should be allowed to shut up shop. This, though Judge Haynsworth later reversed himself, won him the undying enmity of George Meany and the AFL–CIO, operating under the not too unsubstantiated belief that on labor matters the American judicial system should be run by their general counsel's office.

At a high-level meeting at the AFL–CIO's white palace near the White House, it was decided to go all-out against the Haynsworth appointment 1) to put the fear of God into any other independent judges and 2) to teach the Nixon Administration a lesson. The strategy was to mobilize labor's phalanx in the Senate—the men who owed their election to labor money and labor manpower; to put together some sort of alliance with the NAACP, bitter at President Meany for his refusal to crack down on craft unions which discriminate against Negroes; and to dig up some old charges of "conflict of interest" against Judge Haynsworth. (These charges, incidentally, had been withdrawn by the union officials who originally made them and dismissed after investigation by Attorney General Robert F. Kennedy—hardly an antagonist of the AFL–CIO.)

THE CHARGES

To raise the cry against a Supreme Court appointee also has its in-built humor. No one mentioned that most of Arthur Goldberg's legal career had been as a paid advocate of the labor movement, or that Thurgood Marshall, who must cast his vote on civil rights cases, was for years a paid official of the NAACP. Or, for that matter, that Justice William O. Douglas was until recently the president of a foundation financed by gambling money provided by a company whose current difficulties will inevitably end up before the Supreme Court.

That the American Bar Association's committee on ethics twice sustained Judge Haynsworth's integrity, hardly deterred the AFL–CIO or its legislative flunkies. Neither did logic or honesty prompt the anti-Haynsworth forces to accept the fact that the Canon of Ethics bars a judge from sitting on a case only if he has "substantial" interests in the litigations. In one of the instances of "conflict of interest" excitedly alleged against Judge Haynsworth, a multimillionaire, his entire benefit amounted to 48 cents, in another to less than $5.

It should have been of some journalistic interest to *Time* to note and evaluate the charges made by Senator Bayh. In one case, Mr. Bayh got his companies all wrong. In two cases, Judge Haynsworth voted against the companies involved and for the union. In still another case, Judge Haynsworth voted against what were purportedly his interests by allowing a textile mill related to a company which did business with another company in which he held a share to shut down, thereby reducing its business. Repeatedly, Senator Bayh got his facts and his chronology so wrong that it made no sense—except, of course, political sense.

At the start, it was clear that the only case against Judge Haynsworth was his adherence to a strict construction of the Constitution, a deadly sin to the liberal Establishment, and his lack of judicial flair. The statement by Joseph Rauh, the scatter-brained vice chairman of Americans for Democratic Action, that the nominee was a "hardnose segregationist" was even ridiculed by the *Washington Post*. After some days, the rallying cry of his "anti-labor bias" was toned down (by *Time*, incidentally) to an "anti-labor image." Eventually, the charges of conflict were thoroughly demolished by Clark Mollenhoff, a Pultizer-prize-winning investigative reporter now serving as Deputy Counsel to the President. This, to those who do not know Mr. Mollenhoff, might disqualify him as a Nixon Administration partisan. But aside from the documentation of the rebuttal, there is Mr. Mollenhoff's character and reputation. He is a stubborn man of great journalistic rectitude, and had he found anything remotely questionable in the Haynsworth record, he would have resigned rather than issue his devastating statement for the defense.

But how did *Time* tell the story? As they used to say: Read 'em and weep.

THE FACTS

First, let us read what the *Nation*, that bastion of the Old and New Left had to say about Judge Haynsworth when he was named: "No genius of the law . . . no Brandeis or Cardoza [*sic*] surely, but a hard-working lawyer, without pomposity, of consistent judicial temperament. He has biases, but he is aware of them—no small virtue in a judge . . . a genuine conservative amid the host of reactionaries masquerading as conservatives . . . [with] important appellate experience."

And now to *Time*. (All emphases added.)

September 26, 1960: "The most damaging allegations, however, concerned the Appellate Court Judge's failure to remove himself from cases in which he may have had a financial interest. Led by Indiana's Birch Bayh, liberal committee members charged Haynsworth with a conflict of interest for not disqualifying himself from a 1963 trial involving the Textile Workers Union and a firm that did business with a vending machine company in which he had a one-seventh interest."

The "may" is, of course, the giveaway. Didn't Time researchers know? And didn't they know that in two Textile Workers cases, Judge Haynsworth voted for the union? Or that the vending machine company's dealings with the unnamed firm itself (Darlington) amounted to zero, only 3 per cent of its business coming from the associate Deering Milliken Company, giving Judge Haynsworth roughly .0042 per cent, which is hardly the "substantial interest" demanded by judicial canons?

Of this case, *Time* said: "John P. Frank, liberal Democrat who serves on the Advisory Committee on Civil Procedure of the Judiciary Conference, stated flatly that 'there was no legal ground for disqualification.' " It did not add these words from Mr. Frank: "It is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case." Nor did it point out, as noted above, that in ruling on the Darlington case, the judge reduced, rather than increased, the income of the vending machine company, Carolina Vendamatic.

Same story: "The judge, who sat on a 1967 case involving the Brunswick Corporation, bought stock now valued at $18,000 between the time of the argument and the release of the decision in favor of the company." The facts: The Circuit Court unanimously agreed on a disposition of the case early in November. Judge Haynsworth bought his stock in December. Secondly, the case was a small one ($90,000) which could have virtually no effect on the value of the stock—one-half cent a share, to be exact.

October 10, 1969: "What brought about the sudden shift in Republican ranks against Haynsworth was the disclosure that he once had a tenuous business connection with Bobby Baker, the former Democratic Senate aide who was convicted of larceny and tax evasion in 1967. Both men invested in a South Carolina real estate deal several years ago although neither apparently knew each other. . . . The real estate deal was apparently innocuous and innocent." The facts: There was no business connection. Both men invested in a cemetary company. They met only on three occasions, briefly, at ceremonial occasions, when Bobby Baker was Lyndon Johnson's protege and doing much more substantial business with many members of the Senate. The real estate investment had nothing to do with Baker's later troubles—something which Time "apparently" did not care to disclose.

Same story: "According to this theory [an "explanation" of why Mr. Nixon has continued to support Judge Haynsworth] Nixon met with South Carolina's Senator Strom Thurmond and other Southern leaders in Atlanta in May of last year . . . Nixon supposedly made certain promises, one of them being a guarantee to Strom Thurmond that he could name a justice to the Supreme Court when the opportunity arose." The facts: (1) No such promise was made. (2) Senator Thurmond's candidate for the Supreme Court seat was passed over by the White House. Judge Haynsworth, though now supported by Mr. Thurmond, was never the Senator's candidate.

COUP DE TIME

October 17, 1969: "Kentucky's freshman GOP Senator Marlow Cook issued a broadside against Bayh's charges . . . Haynsworth, said Cook, was being subjected to 'character assassination.' " The facts: Senator Cook issued a long and detailed analysis of Judge Haynsworth's stock holdings, showing gross errors and falsifications in Mr. Bayh's allegations. This statement was available to *Time*, since it was in the *Congressional Record*, but by simply quoting the "character assassination" phrase, without offering any of the rest of Senator Cook's argument, *Time* reduced it to name calling.

In the same October 17 issue, *Time* devoted almost a page of its section, "The Law," to Haynsworth decisions and concurring votes. Under the subhead of "Civil Rights" it listed all those decisions which legal "activists" would consider gradualist in tendency. It failed to cite the case in which Judge Haynsworth ruled against a dentists' association which barred Negroes. *Time* reviewed all the Haynsworth cases which labor opposed, but failed to mention that on two occasions he ruled in favor of the Textile Workers Union. But *Time's* major masterpiece was its summation of the Darlington Mills case, referred to *passim* in this account.

Said *Time:* "In South Carolina, the Textile Workers Union of America had won an election at a previously non-union mill operated by Darlington Manufacturing Co. *In response,* Darlington closed the mill, laying off five hundred employees. Haynsworth concurred in a majority opinion that the company had a right to close out 'part or all' of its business, whether or not its motive was anti-union. In overturning the decision, the Supreme Court noted unanimously that a partial closing of a business is unfair if the purpose and probable effect are to 'chill unionism' in the employer's remaining plants."

This parody of the Darlington case warrants extended treatment, if only because it was the seed from which all the other charges against Judge Haynsworth grew. The facts were all on the record, in the pleadings before the Circuit Court and the Supreme Court—but *Time* preferred to tell it much in the manner of the *AFL–CIO News,* a handy shortcut.

The facts, then, are these:

Darlington was an old family-owned mill which went into bankruptcy in 1937 and was rescued by an infusion of money from Deering Milliken which took over 69 per cent of its stock. In 1956, Darlington was again in trouble. An engineering efficiency concern was called in to devise a plan to keep the company in business. That plan called for the infusion of considerable sums of money and a reorganization which would increase the productivity of its employees—if Darlington was to survive. At this time, the Textile Workers of America began an organizing drive at Darlington, until then non-union. Union organizers promised that if they won the right to bargain collectively, they would block the reorganization of Darlington. And the union did win, by a six-vote margin. Obviously, Darlington could not survive under these circumstances, and the stockholders voted overwhelmingly to shut down the plant and cut their losses. The machinery was sold forthwith. The Textile Workers Union then filed a complaint with the National Labor Relations Board charging "unfair labor practices."

In April of 1957, the NLRB trial examiner ruled that Darlington's economic plight warranted the shutdown, the unfair labor practice existed only because of the timing of the shutdown, but that Darlington would have gone out of business in short order. The examiner recommended that the NLRB refrain from granting Darlington workers "lost" wages because no manufacturing plant existed. The NLRB postponed any decision on the case but ordered the trial examiner to take evidence to the connection between Darlington and Deering Milliken. After 2,500 pages of additional testimony and four hundred pages of exhibit, the trial examiner ruled that, divested of legal language, Deering Milliken was not a party to the dispute. Two years later, the NLRB returned the case to the trial examiner for further hearings.

Faced by this harassment, Deering Milliken filed suit against the NLRB, asking the Federal District Court in North Carolina to enjoin the trial examiner from reopening the case. The NLRB appealed the Federal District Court injunction to the Fourth Circuit Court of Appeals. Judge Haynsworth, though his ruling states that the NLRB had not done its statutory duty of deciding the case, within a reasonable time, nevertheless modified the district court injunction and allowed the trial examiner to take new testimony as to whether Deering Milliken rather than Darlington was the "single employer" and therefore a party to the suit. The trial examiner's recommendations were as before, specifically that the NLRB and its general counsel had not shown that Deering Milliken was the "single employer." The NLRB thereupon reversed its own trial examiner and ruled that Deering Milliken was the "single employer" and therefore answerable for the shutting of the plant. The Fourth Circuit Court refused to sustain the NLRB in a decision written by a judge other than Haynsworth. This decision was in line with the preponderance of rulings made by other federal courts of appeal.

Enter now the Supreme Court. Having heard argument, it did not reverse the decision in which Judge Haynsworth had concurred. The high court merely said that certain essential information had not been developed so far in the litigation. By steps the case moved back to the trial examiner who said that Darlington had not been closed in order to discourage unionism in Deering Milliken plants. He also dismissed all the charges against Deering Milliken. The NLRB again overruled its own trial examiner and the case moved up to the Fourth Circuit Court which sustained the NLRB, with Judge Haynsworth concurring.

This is the case which *Time* so whimsically characterized in one brief paragraph distinguished by an error in almost every sentence.

It is out of this case that *Time* found the inspiration to march on Judge Haynsworth—a case about a plant which was already dismantled when it reached Judge Haynsworth, who presumably subverted the law to put Vendamatic machines into the ghost premises—or to pick up a couple of extra bucks from Deering Milliken. An aspiring candidate for the Ph.D could come up with some interesting notes on the nature of the news media were he to follow that story from the research files and the memoranda from *Time* correspondents, through the writer's copy, to the hapless checker who must, according to *Times*'s rules, find corroboration for every word in a *Time* story.

Was she asleep at the switch, too busy reading the underground press, or—as it happened repeatedly in Whittaker Chamber's day—was the research file simply spirited away by an eager anti-Nixonite, forcing her to rely on the *New York Times*?

It is lamentable, although not surprising, that many of the newspapers, television stations, and other news media have derided Judge Haynsworth. Unfortunately, yellow journalism is not dead and much has been done by the press to smear this man.

I have an article from the November 1 edition of Human Events which gives a breakdown of the charges and replies to those charges that have been made concerning Judge Haynsworth. I would like to read this article for it gives a point-by-point analysis of the situation:

CHARGE

Haynsworth voted with a 3-to-2 majority of the Fourth U.S. Court of Appeals on Nov. 13, 1963, to permit the Deering Milliken textile company to close an affiliated plant in Darlington to avoid unionization there. At the time the judge had a one-seventh ownership interest in Carolina Vend-A-Matic Co., which was then doing $100,000 worth of business a year with Deering Milliken interests.

The judge should have disqualified himself because of that connection.

REPLY

The judge definitely should not have disqualified himself because: (1) Vend-A-Matic was not involved in the case in any way; (2) The Darlington plant did not even use Vend-A-Matic machines; (3) Vend-A-Matic's gross receipts from Deering Milliken interests amounted to only 3 per cent of its total volume of business; (4) The judge, in fact, actually had a *duty* to sit on the case.

Former Federal Judge Lawrence E. Walsh, chairman of the American Bar Association's Committee on Judicial Selection, for instance, testified there was "no conflict of interest in the Darlington case that would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit."

John P. Frank, a leading authority on judicial disqualification, stated that "under the standard federal rule Judge Haynsworth had no alternative whatsoever [in the Darlington case]. It is a judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to. . . . I do think that it is perfectly clear under the authority that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case."

CHARGE

The judge should have disqualified himself from the Darlington case because it was crucial to the economic health of the entire Southern textile industry, which he had helped develop and which was the source—in 1963—of three-fourths of Vend-A-Matic's business.

REPLY

The court ruling was only one of three decisions involving the Deering Milliken plant's labor situation and the judge ruled *against* the company in the last of these. His role in helping develop the textile industry was confined to normal legal advice given as a private attorney. Vend-A-Matic's business had outlets other than textiles and its overall business reflected a cross-section of companies in the area.

Furthermore, there is no indication whatsoever that the vending machine business would have in any way been adversely affected, even if all the various rulings in which Haynsworth participated had gone against the textile industry.

CHARGE

Since 1957, when the judge was appointed to the bench, Vend-A-Matic's gross sales have risen dramatically from $296,413 in 1956, for instance, to $3,160,665 in 1963, the year Judge Haynsworth ruled on the Darlington case. The judge, he notes, also took an active part in Vend-A-Matic affairs—at least nominally holding office as vice president and director until 1963, attending regular board meetings, receiving director fees as high as $2,600 and having his wife Dorothy serve as secretary for two years. Bayh thus raises the prospect that Haynsworth's name and judicial position were used to promote his business in some improper way.

REPLY

Sen. Bayh makes no charge that Judge Haynsworth performed even one questionable act to solicit business for the food vending firm. He only insinuates that the increased profits of Carolina Vend-A-Matic must have been somehow related to the fact that Haynsworth was a federal judge. There is, however, absolutely no evidence that Judge Haynsworth ever did solicit business for Carolina Vend-A-Matic, a finding that has been corroborated in an impressive manner.

Wade Dennis, who became general manager of Carolina Vend-A-Matic in 1957, states that "Judge Haynsworth did not involve himself in any way in the management or direction of the company, and in no case did he participate directly or indirectly with the solicitation of any business, or intervene in our behalf with any client . . . he would have had no way of knowing what account we served or who we were in the process of trying to sell." Virtually all business was gained "by sales efforts followed by bidding among competing companies."

The Dennis statement is supported by a letter from an official of Carolina Vend-A-Matic's leading competitor. Alex Kiriakides Jr., of Atlas Vending Company, Inc., Greenville, S.C., in a letter to the Senate Judiciary Committee, stressed his concern over what he termed "the slanders which are being circulated in the press about Judge Haynsworth and Carolina Vend-A-Matic."

Kiriakides made these significant points: (1) The food vending business in South Carolina and in the United States has had a phenomenal growth, and "the experience of Carolina Vend-A-Matic was not in the least unique to it"; (2) His own business, Atlas Vending, experienced comparable growth, as did other similar businesses in the area; (3) He competed with Carolina Vend-A-Matic for locations in textile plants and other industrial plants and the practice in the area was to make the awards on the basis of open bidding; (4) Carolina Vend-A-Matic was not developed on the basis of anyone using anyone's influence on anybody.

"I know that Judge Haynsworth's name was never used in an attempt to influence anybody," Kiriakides said. "As a very active competitor, I knew what was going on in the business, and I would have heard of it if it had been." "Carolina Vend-A-Matic, under the direction of Mr. Wade Dennis," stated Kiriakides, "operated in an honest and honorable fashion."

Furthermore, Simon Sobeloff, chief judge of the Fourth Circuit Court in 1963, conducted an investigation that year to determine the validity of an illegation that Judge Haynsworth had favored Deering Milliken in the Darlington case because Deering Milliken personnel had promised to throw additional business to Carolina Vend-A-Matic.

Judge Sobeloff concluded that this was emphatically not the case, forcing an apology from the counsel of the Textile Workers Union who had originally asked Sobeloff to investigate the charge. Judge Sobeloff, moreover, stressed that he was "assured that Judge Haynsworth has had no active participation in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employes of any other company."

CHARGE

The judge had a conflict of interest when he participated in a 1959 ruling favorable to Homelite Co., which did a total volume of business of $16,000 with Vend-A-Matic that year.

REPLY

Just as in the Darlington case, Vend-A-Matic was not at issue, and the judge voted in favor of Homelite only because the other litigant had committed fraud. Judging from the testimony given by ABA official Lawrence Walsh and ethics expert John Frank, furthermore, the conclusion is inescapable that Judge Haynsworth had an equal duty to sit on this case involving customers of Vend-A-Matic as he did in the Darlington Corp. case.

CHARGE

The judge had a conflict of interest when he participated in 1959 and 1961 cases involving Cone Mills Corp. Vend-A-Matic sales to Cone Mills and its subsidiaries totalled $97,367 in 1959 and $174,314 in 1961.

REPLY

Vend-A-Matic was not involved in either court case. The judge, moreover, voted *against* Cone in both cases. Again, the Walsh and Frank testimony suggests that Haynsworth would have been required to sit on these cases.

CHARGE

The judge had a conflict of interest when he participated in 1962 and 1963 cases involving Deering Milliken Research Corp. Vend-A-Matic sales to Deering Milliken totalled $50,000 in 1962 and $100,000 in 1963.

REPLY

Vend-A-Matic was not involved in either court case. Each case involved only procedural questions, not necessarily favorable or unfavorable to Deering Milliken Research Corp. The Walsh and Frank testimony would also apply here.

CHARGE

Sen. Bayh accused Haynsworth of having a conflict of interest when he participated in a 1961 case involving Kent Manufacturing Co. In that year, Vend-A-Matic had sales of $21,322 to a Kent subsidiary named Runnymeade.

REPLY

There is no connection between Kent Manufacturing, a Maryland corporation which makes fireworks and was the litigant mentioned by Sen. Bayh, and the Kent Manufacturing Co. in Pennsylvania which operated the Runnymead plant in Pickens, S.C. Bayh even withdrew his charge after Haynsworth backers revealed the error.

CHARGE

In the last five cases Judge Haynsworth "held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the canons of judicial ethics."

REPLY

The accusation is absolutely false. One of the five cases was the Brunswick case. The Fourth Circuit Court unanimously agreed to the disposition of the case on all issues on Nov. 10, 1967, more than one month before Haynsworth purchased $16,000 worth of Brunswick stock. Judge Harrison Winter, who wrote the opinion, maintained that Haynsworth had broken no judicial code in purchasing the stock, even though Haynsworth himself acknowledges that he had been careless in purchasing the stock before the written opinion had been actually released. Whether Brunswick won or lost the case, however, could not possibly have made any material difference to its stockholders, since the amount involved was minimal. Asked bluntly by Sen. Strom Thurmond whether Haynsworth's purchase of the stock should disqualify him from the Supreme Court, Judge Winter replied: "I don't consider it the slightest disqualification."

Another of the five cases listed was *Merck vs. Olin Mathieson Chemical Corp.* Judge Haynsworth, it turns out, never owned any Merck stock and never owned any Olin Mathieson stock. Bayh now says his staff researchers misread a business transaction and that this charge "is an error."

Two more of the "big five" cases involved Grace Lines and Maryland Casualty Co. Haynsworth, it develops, also owns no stock in either of these companies, but Bayh contends he should have disqualified himself because he owns stock in the parent corporations. Yet the canons of judicial ethics do not forbid a judge to own stock in a subsidiary or parent corporation of a litigant. And court cases strongly suggest a judge is not required to disqualify himself unless he owns stock in the litigant itself. Furthermore, Judge Haynsworth's rulings involving both Grace Lines and Maryland Casualty would have had virtually no impact on the value of the stock of the mammoth parent corporations. Using Bayh's reasoning, it is contended, a judge could not rule on, let us say, General Motors, if he owned a mutual fund which, in turn, owned shares of General motors, for he might somehow "benefit" from the decision.

The last of the big five cases—*Darter vs. Greenville Community Hospital*—was decided in 1962. This case, according to President Nixon's deputy counsel, Clark Mollenhoff, "demonstrates the absurdity of Sen. Bayh's allegations that Judge Haynsworth was involved in conflicts of interest because of a substantial interest in corporations that had business before his court."

Judge Haynsworth had absolutely no interest in the Greenville Community Hotel Corp. or in any company having any interest in that corporation in 1962. On April 26, 1956, before Haynsworth was on the court, one share of Greenville Community Hotel Corp. stock worth only $21 was transferred to him so he could be a director of that corporation. He held that position until he went on the bench in 1957.

A short time later, Jan. 1, 1958, Judge Haynsworth did receive a check for 15 cents, the 1957 dividend on his one share. Judge Haynsworth, thinking he no longer owned that one share, sent the check to Alester G. Furman Jr., who had transferred the one share of stock to him two years earlier. Furman then returned the 15-cent check to Judge Haynsworth and Judge Haynsworth listed that 15-cent check as income on his tax return. The one share was later transferred to Furman, who sold it on Aug. 1, 1959, for $21.

CHARGE

The judge was involved, along with others, in a South Carolina cemetery venture with Robert G. "Bobby" Baker, the discredited former Senate Democratic secretary who resigned under criticism for his business dealings.

REPLY

There were 25 individuals and business firms involved in the venture, which Haynsworth entered purely on the advice of others. He did not see or communicate with Baker in connection with the investment. He has had only three conversations with Baker, the last in 1958, years before Baker got into trouble with the Senate. Sen. John Williams (R.-Del.), who took a leading part in exposing the questionable activities of Baker, says he has looked over his files and "can find no reference which would connect Mr. Haynsworth with Bobby Baker in an improper manner." He has also warned his colleagues to beware of discrediting Haynsworth on the basis of "guilt by association."

CHARGE

The judge has an anti-labor record in his judicial performance. He has sat on 10 cases which were reviewed by the Supreme Court, and in all 10 his posiiton was reversed by the Supreme Court.

REPLY

None of the Supreme Court reversals suggested that the decisions being overturned were "anti-labor." Two of the 10 cases were not even labor-management cases. Besides the cases that went to the Supreme Court, Haynsworth has written eight pro-labor opinions and joined in 37 other pro-labor rulings.

CHARGE

The judge is an opponent of civil rights.

REPLY

There is absolutely no pattern that would establish bias. As in his labor decisions, some decisions were in favor of the party claiming an infringement of civil rights and some decisions were not. Prof. G. W. Foster, Jr., a strong civil rights advocate, has appraised Judge Haynsworth's record in these words: "I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent and open-minded man, with a practical knack for seeking workable answers to hard questions."

CHARGE

There is no difference between the Abe Fortas case and the Haynsworth case.

REPLY

There is all the difference in the world.

Last May, the American Bar Association, in a letter to Sen. John Williams, stated: "The conduct of Mr. Fortas while a Supreme Court justice, described in his statement of the facts, was clearly contrary to the canons of judicial ethics even if he did not and never intended to intercede or take part in any legal administrative or judicial matters affecting Mr. (Louis E.) Wolfson."

Fortas resigned without ever making a public disclosure of all the facts in question.

By contrast, the ABA has supported the Haynsworth nomination. His handling of the Darlington case has also been defended by the ABA and other leading authorities on judicial conflict of interest.

Unlike Fortas, Judge Haynsworth has revealed his financial holdings in a detail that has few if any parallels in the history of judicial confirmations.

Mr. President, those best situated to judge this man both as an individual and as a member of the Federal Judiciary are those who serve with him on the circuit court bench.

On October 9 all six of the judges who have served with Judge Haynsworth on the Fourth Circuit Court of Appeals sent a telegram expressing their confidence in Judge Haynsworth.

This telegram was signed by Judge Simon E. Sobeloff of Maryland, Herbert S. Borman of West Virginia, Albert V. Bryan of Virginia, Harrison L. Winter of Maryland, J. Brackson Craven, Jr., of North Carolina, and John D. Buckzner of Virginia.

Certainly these men are better qualified perhaps than anyone else to judge this man and determine his accreditability as a judge and as a man of character and honor.

This telegram read:

> Despite certain objections that have been voiced to your confirmation, we express to you our complete and unshaken confidence in your integrity and ability.

Judge Harrison L. Winter appeared before the committee during the hearings and testified in behalf of Judge Haynsworth and it is well that we be reminded of his remarks for he certainly is in a unique position to determine whether or not Judge Haynsworth is competent and creditable.

On November 10 another eminent jurist, former Associate Justice Charles Whitaker, who served on the Supreme Court from 1957 to 1962 issued a statement setting forth his views on Judge Haynsworth's nomination.

Mr. President, as you know, 16 past members of the American Bar Association have endorsed Judge Haynsworth. These men are leaders in their profession and their endorsement is not a case of a group of men simply wishing fellow practitioner well. These individuals are fully capable of considering all the factors in a given matter and reaching a just and proper conclusion. They have endorsed Judge Haynsworth unreservedly.

This endorsement surely must be given great weight for it emanates from a very distinguished group of gentlemen.

It is interesting to note the places of residence of these men for it indicates that people throughout the United States support this very important nomination. The members are Harold J. Gallagher, New York; Cody Fowler, Florida; Robert G. Storey, Texas; Lloyd Wright, California; E. Smythe Gambrell, Georgia; David F. Maxwell, Pennsylvania; Charles S. Rhyne, Washington, D.C.; Ross L. Malone, New Mexico—General Motors, New York; John D. Randall, Iowa; Whitney North Seymour, New York; John C. Satterfield, Mississippi; Sylvester C. Smith, Jr., New Jersey; Lewis F. Powell, Jr., Virginia; Edward W. Kuhn, Tennessee; Orison S. Marden, New York, and Earl F. Morris, Ohio.

Mr. President, is not the real crime that this man has committed three-fold? First, he is a constitutionalist; second, a capitalist; third, he came from the wrong part of the country.

Mr. President, since it appears that no evidence has been presented by the prosecution and since the accused has clearly demonstrated his innocence, I ask that the verdict of the uncommitted be not guilty as charged.

I ask that those distinguished Members of this body who are now undecided, the jury if you please, base their decision as to how they shall cast their lot on the tenets of justice and equity and not on the basis of political expediency.

To deny the President his choice, to deny to the people of this Nation their choice, a choice dictated by the results of the balloting in the 1968 election, is to break faith with the precepts of this system of government.

Mr. President, I urge that the Senate consent to the nomination of Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court of tthe United States.

Judge Haynsworth's character, intelligence, legal knowledge, judicial temperament, and the exemplary manner in which he has filled the duties of the position of chief judge of the Fourth Judicial Circuit qualify him to become a Justice of the Supreme Court of the United States.

Mr. BIBLE. Mr. President, I want to make a brief statement concerning my vote on the Haynsworth nomination.

I am glad to be able to say that throughout my deliberations on this extremely difficult matter I was free of any undue pressures. There was, of course, active interest by the people of my State of Nevada. I received a good cross-section of correspondence, but neither side dominated the other. There was an unusually close division of views, and I am grateful to all who took the time to write.

The constitutional responsibility of the Senate to advise and consent to nominations to the Nation's highest court is heavy at best. It takes on an added dimension in times such as these when—for whatever reason—the Court is the object of concern or uneasiness on the part of too many of our citizens.

I think this is a time for shoring up public confidence in the Supreme Court. This is a time for emphatic reemphasis of the exacting ethical standards demanded of those who serve or aspire to serve as justices of the Nation's highest tribunal.

In the final analysis, the strength of the Supreme Court—the sanctity of the Court as an institution indispensable to our balanced system of government—depends upon the respect and confidence of the people. And this, in turn, depends on the public's respect for individual Justices.

This is no time to dilute the well recognized standards. To do so would be to further damage an already troubled court. Supreme Court nominees must be above reproach. They must be devoted to the Canons of Judicial Ethics. They must demonstrate a refined sensitivity to the ethical standards established to assure not only propriety itself but the appearance of propriety.

Canon 4 commands that—

> A judge's official conduct should be free from impropriety and the appearance of improperiety. * * *

Canon 29 provided:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. * * *

And canon 34 cautions every judge that "in every particular his conduct should be above reproach."

I have read and reread the record generated by this nomination. I cannot in good conscience conclude that Judge Haynsworth meets the high standards, which it is the Senate's solemn obligation to demand.

Last June, Judge Haynsworth testified before a committee of the Senate that when he went on the bench he "resigned from all such business associations I had, directorships and things of that sort." The record makes clear his continuous and active association with Carolina Vend-A-Matic until October, 1963. In view of the Judge's very substantial interest in that firm, I am hard-pressed to believe his words denoted a lapse of memory.

I am also disturbed by the nominee's participation in the Brunswick and other cases.

Judge Haynsworth had a concededly substantial interest in the Brunswick Corp., a litigant before his court—contrary to Federal statute, canon 29, and an explicit holding of the ABA's Committee on Professional Ethics that a judge should not act in a cause in which one of the parties is a corporation in which he is a stockholder.

In addition, the nominee participated in at least five other cases in which he had a stock interest. Between 1958 and 1963 he sat on at least six cases involving customers of the vending machine company he helped organize, which he served as an officer and director, and in which he held high financial stakes. And the hearing record contains testimony that he sat in at least 12 cases involving clients of his former law firm.

It may well be true that no one of these cases provides a sufficient basis for denial of this appointment. I feel, however, that the record as a whole raises substantial and serious questions concerning Judge Haynsworth's sensitivity to the exacting ethical standards we must expect of those who would assume lifetime tenure on the Supreme Court.

I have deemed it my duty to do what I can to preserve the integrity of the Supreme Court, and to resolve these doubts against the nominee. I have done so reluctantly and with a heavy heart, for I have no desire to cast reflections on any man. Judge Haynsworth is an able jurist. This has been for him a regrettable ordeal. For the Nation, and the Senate it has sparked deep divisions, which only time can heal. In his inaugural address the President spoke of the need to surmount what divides us and cement what unites us. I would have preferred that this nomination be withdrawn, and the Nation spared this ordeal.

Mr. GRIFFIN. Mr. President, the vote about to be taken will bring the Senate to a moment of truth to another moment of history.

As the debate on the nomination of Justice Abe Fortas was drawing to a close, I said:

> After today, the Senate will stand taller in the scheme of Government. We make it clear that we not only claim, but intend once again to exercise with care and diligence, the Constitutional power of advise and consent.

Regardless of the outcome today, it can be said that the Senate has endeavored with great care and diligence to fulfill its constitutional responsibility with respect to the pending nomination.

The past several months have been a very trying period—for Judge Haynsworth—and for every Member of the Senate.

It has been a trying period because under the circumstances many people may misconstrue or fail to understand the role of the Senate with respect to such a nomination.

Unfortunately, some may believe that the Senate will decide today whether the nominee is honest. No such decision will be made.

No one in this body, to my knowledge, has challenged the honesty of the nominee—and the record on that point should be absolutely clear.

Even with respect to the question of ethics, the Senate will not decide today whether the nominee did—or did not—observe the Code of Judicial Ethics. Our decision will not affect his eligibility to sit as a judge on the Fourth Circuit Court of Appeals.

The single and only question before the Senate is this: Does the Senate believe the nominee should be promoted to the Supreme Court of the United States?

Justice Samuel F. Miller, who was named to the Supreme Court in 1862 by President Lincoln and who was one of the Court's greatest members, once said:

> The judicial branch of the government is, of all others, the weakest branch. It has no army; it has no navy; it has no press; it has no officers except its marshals. . . . So far as the ordinary forms of power are concerned, (it is) by far the feeblest branch or department of the government. . . . *The Judiciary (must) . . . rely on the confidence and respect of the public for (its) weight and influence in the government.*

Because that is true, the Senate need not find a nominee guilty of anything. But it is important that the Senate should resolve reasonable doubts against any nominee—and in favor of preserving and promoting public confidence in the Supreme Court.

At no time in history has this principle been more important.

If the nominee should be confirmed by the vote today, he will have my sincere best wishes as he serves in a new role as Justice of the Court.

On the other hand, if the vote should go against him—it will decide nothing more than that the Senate does not wish to consent to this nomination.

Mr. GURNEY. Mr. President, I ask unanimous consent to insert into the RECORD a very penetrating editorial which appeared in the Tampa Tribune on Monday, November 17, 1969. The editorial concerns the nomination of Judge Haynsworth to the Supreme Court and is entitled, "A Victory for Pressure, Defeat for Fairness."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VICTORY FOR PRESSURE, DEFEAT FOR FAIRNESS

When the Senate votes this week on the nomination of Judge Clement F. Haynsworth to the Supreme Court, it will come face to face with this issue:

Are organized labor and civil rights groups to hold a veto over Supreme Court appointments?

No matter what may be said in debate, that is the underlying question.

Much has been made of "conflicts of interest" in Judge Haynsworth's service on the Fourth Circuit Court of Appeals.

But the "conflicts" occurring in Judge Haynsworth's various stock holdings are so technical that they constitute an excuse, not a reason, for Senators to vote against him.

Consider the two principal complaints that have been raised against Judge Haynsworth.

That he cast the deciding vote in a 1963 decision permitting a textile firm to close one of its plants, in a labor dispute, although he owned an interest in a vending machine company doing business with the textile firm. Judge Haynsworth's personal stake in the profits from the vending contracts with the textile firm was estimated at $390; his role in the case was cleared by the Justice Department.

That he bought stock in the Brunswick company while a law suit by the company was pending before his court. The facts are that the case, involving foreclosure proceedings against a bowling alley, had been unanimously decided in the company's favor before the stock was purchased, although the decision had not been published. Judge Haynsworth admits the purchase was a mistake—but inasmuch as the benefit to his stock interest from the foreclosure suit amounted to a total of $4.96, he could hardly be suspected of venal intent.

No reasonable person, examining the whole record of Judge Haynsworth's conduct, could reach any conclusion other than that he is an honorable man.

It is pure hypocrisy for Senators who never uttered a word in criticism of Justice Douglas' $12,000-a-year handout from a gambling-financed foundation to express concern about Judge Haynsworth's "conflicts."

Some are honest enough to say, as Senator Jacob Javits of New York did last week that they oppose Haynsworth because of his philosophy.

Javits joins the NAACP and other civil rights groups in interpreting Haynsworth's philosophy as being "relentlessly opposed" to the Supreme Court's integration decisions.

We do not so interpret it. We think Judge Haynsworth's opinions show that he has attempted to apply the principle laid down by the Supreme Court in a manner fair to both

> races; he has *not* adopted the extreme view that it is the duty of the court to remake the social system rather than simply forbid compulsory segregation.
>
> In the same way, we think Judge Haynsworth has attempted to render balanced judgments in labor-management disputes.
>
> But balance is not what labor bosses or civil rights zealots want in a judge. They want bias—in their favor. They want a judge who proceeds on the theory that unions and minorities enter the courtroom clothed in a presumption of right.
>
> Thus we find, one by one, Senators who are dependent on labor and Negro support lined up against Haynsworth. One of his chief critics, Senator Birch Bayh of Indiana, is said to have received $70,000 in campaign funds from labor unions in his last election.
>
> The Senate vote will be close and the present outlook is that Judge Haynsworth will lose.
>
> If so, we cannot say that the Supreme Court would be deprived of another John Marshall or Oliver Wendell Holmes. But a rejection of Judge Haynsworth would be a victory for organized pressure groups and a defeat for fairness—and the cause of justice would be the ultimate loser.

Mr. BAYH. Mr. President, I think we are on the verge of concluding what could be accurately called one of the most heated and hectic debates that I have witnessed during my 7-years in the Senate.

There have been charges and countercharges. There have been charges of pressure from this side and charges of pressure from that, and very frankly I think it would be rather naive not to recognize that some of those charges have a basis in truth, as to both sides. But I think it is also fair to say that pressure is not unfamiliar to the Members of this body. This is not the first experience of pressure on any one of us. I think most of us have conditioned ourselves to it. We have lived with it, and we expect it. This is the democratic process, and it is natural for our constituents and the various voices in the field to express themselves. In the final analysis, when this roll is called, we are going to do what we think is right, however intensely this proposition may have been argued over the past weeks.

I became involved in this controversy, of course, as a member of the Committee on the Judiciary. That committee has the obligation to screen the nominees to the judicial branch as part of the important advise-and-consent procedure.

Being only human, I suppose I shall have to confess to my colleagues in the Senate that I have not relished certain aspects of this matter. The barbs of criticism have been thrown at me; but I suppose when you get involved in something like this, you should expect to be criticized.

I have been deeply concerned by the criticism which has been leveled by some of my colleagues, who apparently have concluded that it is impossible for me to arrive at an honest and sincere conclusion on the matter. I say I am concerned about that because I value my relationship with each Member of this body. When one becomes involved in a controversy which damages the very credibility one shares with his colleagues, the damage cannot easily be repaired.

To those who might be concerned about the sincerity of the Senator from Indiana, let me suggest that some of the matters which I have felt compelled to raise have also been raised by others. Just last evening, the distinguished senior Senator from Kentucky (Mr. COOPER) came to the floor with a handwritten speech in which he said in part:

> It may be said that the standards on which I base my decision should not apply to this nominee as they are standards which did not prevail at the time the cases to which I have referred were before him. I answer by saying that the standards were applicable at the time.
>
> What is at issue is whether judges will observe them, and I am confident that the overwhelming majority do; and what is at issue is whether the Senate will apply strictly the standards of the statute and the canons.

So speaks the Senator from Kentucky.

Earlier the Senator from Delaware (Mr. WILLIAMS) had spoken with equal eloquence of his concern that this nominee had not adhered to the standards which were generally accepted throughout this country, and which he personally felt the Senate of the United States should require of a prospective Supreme Court justice.

The distinguished minority whip has been one of the more eloquent spokesmen in expressing concern. If there was ever a Member of this body who was in a difficult position, it had to be our distinguished colleague from Michigan. Yet he spoke eloquently about his desire that we reach for a higher standard than that which had been set by the nominee.

Our distinguished colleague from Idaho (Mr. JORDAN), in what I am sure was also a difficult decision, said:

> However, after carefully studying the Judiciary Committee hearings on the nomination, grave doubts arose in my mind as to the wisdom of elevating Judge Haynsworth to the Supreme Court. These doubts are based on my belief in the importance of maintaining public confidence in our judiciary, and my judgment that Judge Haynsworth has failed to appreciate how easily this confidence can be undermined by even the appearance of impropriety on the part of our judges.

Mr. President, it has been suggested by some that the Senator from Indiana has maligned the character of this jurist. Certain very illustrious citizens of this country have called me a character assassin. Certain Members of this body have suggested that I have accused the judge of trying to feather his own nest by deciding cases in a manner that would be to his own best interest.

If one examined everything I have said—not a sentence here, a part of a sentence there, or an inference here or there—I do not see how such a conclusion could be reached. I have said repeatedly that I do not believe that Judge Haynsworth is the type of man who would calculatedly make his decision in a case dependent upon whether or not the decision was in his financial interest.

What concerns me is whether or not this judge has established that degree of sensitivity that is absolutely indispensable if we want to insure the confidence of the people of this country in the courts. Has he, indeed, avoided the appearance of impropriety, as defined in the Canons of Ethics?

It has been suggested that we should not consider the Canons of Ethics. This, of course, is a determination each Senator must make for himself. But this Senator is concerned about what the Canons of Ethics say about the appearance of impropriety.

I think, to put the issue in proper perspective, I might refer briefly to the facts as I see them. It seems to me that the facts are almost indisputable, though Senators can look at them from different standpoints. The question is not what the facts are, but whether the individual Members of this body, in looking at those facts, believe that they constitute a breach of the standards that they set for themselves, and that they want to see set for the Supreme Court.

The Brunswick case has been discussed with some degree of particularity. It involves a thousand shares of Brunswick stock which were purchased before a final determination had been reached by the judge and his colleagues.

I have talked with a number of appellate court judges, and they have suggested that on numerous occasions an opinion has been changed after the informal decision had been reached in the courtroom. There seems to be unanimous feeling among them that a decision is not final until after it has been published and the motions for new trial and the various legal petitions have been denied. Those who have studied the record have to recognize the fact that Judge Haynsworth himself said that he felt he had a substantial interest in the Brunswick case, that he had made a mistake, and that if he had that to do over again, he would not do it.

The Grace Lines case involved an interest of $13,875 in the parent corporation of a subsidiary that was before the judge. The Maryland Casualty cases—there were two of them—involved a $10,700 investment in the parent of a subsidiary corporation that was before the judge.

The Carolina Vend-A-Matic case is a different type of case, in which the interest was one step removed. The judge was an original founder of a company. His holdings were worth $450,000. He was a director; he was the vice president; his wife was secretary for 2 years. This corporation was doing $100,000 of business with Deering-Milliken, at the time the Darlington case was decided. The Darington Mills case, as has been described by our distinguished colleague from North Carolina, was a landmark case in textile law.

Given this involvement with Carolina Vend-A-Matic, given the fact that the Judge had significant stockholdings in three or four textile firms, given the fact that Carolina Vend-A-Matic was doing $2 million worth of business with textile firms, it seems to me that there was a matter which breached the standard of ethics which were set for the courts long ago.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. BAYH. Mr. President, in looking at

this issue, we have studied the rather succinct statements of Professor Mellinkoff from UCLA, the statement of Dean Lewis Pollock of the Yale Law School, and the opinion of 19 law professors from five different universities. They all suggest that the judge violated the necessary standards of ethics.

I think we have determined that section 455 of title 28, United States Code, has been breached. I refer to three Supreme Court decisions which have defined substantial interest. These are: the Commonwealth Coatings decision, the Murchison decision, and the Tumey decision. I am particularly interested in one passage from the Commonwealth Coatings case. In examining a financial relationship, which amounted to 1 percent of an arbitrator's income and which was not a current relationship, the court suggested:

> We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge.

Mr. President, my time has about expired but I would like to make one final observation. Perhaps the matter of deepest concern from the opening day of the hearing until this, the final hour of debate, has been the effect that this controversy and indeed my personal participation in it would have on the future of Judge Haynsworth. Only the most naive among us would refuse to recognize that our opposition must have some impact on the nominee. This fact has made the burden of my opposition greater. I sincerely hope that the personal impact upon Judge Haynsworth will be minimal. I hope he will continue serving on the fourth circuit. In fact, I hope that he will take advantage of this opportunity to prove that those of us who have opposed him have been erroneous in our judgment.

But in this body each of us has the obligation to do what he must—to do what he thinks is right. In my judgment, the personal impact on Clement Haynsworth, the personal impact on the prestige and reputation of the President and, indeed, the personal impact on the Senator from Indiana should not be significant factors in our decisions. Our obligation is to the Senate and to this country. And I trust that each of us will cast his vote yea or nay with that sole thought in mind.

The VICE PRESIDENT. All the time allotted to the Senator from Indiana has expired.

The Senator from Nebraska has 7 minutes remaining.

Mr. HRUSKA. Mr. President, at this late hour in the debate which has consumed weeks and weeks, not much could be said which would be new. It would not be possible for any ordinary mortal to say anything that would change the minds of Members of the Senate.

A good part of the debate has been centered on the matter of disqualification of a judge—when should it occur and when should it not occur?

The record clearly shows—and we have some of the most eminent authorities testifying on this point—that there are two points of view. One is the so-called soft approach, and the other is the hard approach.

The soft approach is described by Professor Frank as follows:

> A judge, even though blessed with all of the virtues any judge ever possessed, should not be permitted to exercise judicial power to determine the fact of his own disqualification . . . and it is better that the Courts shall maintain the confidence of the people than that the rights of the judges and the litigant in a particular case be served.

This is a viewpoint that has been urged by the opponents of the confirmation. But it is not the rational policy that has been in effect since the beginning of the Federal courts. The proof of this is found in section 455 of chapter 28 of the United States Code. And Professor Frank explained the policy in this way:

> Due consideration should be given by him (the judge) to the fact that the Administration of Justice should be beyond the appearance of unfairness. But . . . there is, on the one side, an important issue at stake; that is, that causes may not be unfairly prejudiced, unduly delayed, or discontent created through unfounded charges of prejudice or unfairness made against the Judge in the trial of a cause.

Professor Frank concludes by saying:

> But these two systems exist side by side in the United States and what we need to know, because it is. . . .

Mr. BYRD of West Virginia. Mr. President, may we have order?

The VICE PRESIDENT. There will be order in the Senate.

Mr. HRUSKA. Professor Frank stated:

> But these two systems exist side by side in the United States and that we need to know, because it is rather controlling for the judgment which you Senators are now making, is that the Federal government from the beginning has taken the so-called. . .

The VICE PRESIDENT. Please, may we have order in the Senate. The galleries will be quiet.

Mr. HRUSKA. Mr. President, Professor Frank stated:

> But these two systems exist side by side in the United States and what we need to know, because it is rather controlling for the judgment which you Senators are now making, is that the Federal government from the beginning has taken the so-called hard qualification view, and has added to that point of view the position which really is the most controlling single matter in the case before you, and that is that unless the Judge is disqualified in the strict sense, he has an absolute duty to sit.

Mr. President, one of the characteristics and, in fact, the essence of law, whatever form law takes—whether it is statute or court rule or a court decision or a canon of ethics—is that it must be sufficiently definite to enable one who is governed by that law to be able to determine what conduct is required of him and what conduct is denied to him in order to comply with that law.

It was rather distressing during the course of the debate to hear the statement: "Well, it is true that there was no violation of title 28, United States Code, section 455, but the principle of the statute has been violated."

Mr. President, what is the principle of a statute to one man is not the principle to another man. And the reason we have printed words to reflect the meaning of a statute is to be able to understand and comply with that standard that we must have in all law.

The same thing is true of canons of ethics. How can it be said that no canon has been violated exactly, but that the appearance of evil has been created, and Judge Haynsworth had put himself into a position of reproach?

What appearance will mean to one man, is different than it will mean to another man. Judging by "appearance" means making the rules as we go along. It is too highly subjective.

Mr. President, very distinguished authorities, impartial observers, and liberal observers have found Judge Haynsworth to be qualified by virtue of his decisions to sit upon the highest court of the land.

There is one final proposition that I would like to suggest. Where do we go from here, if there is a rejection of the nominee? It will amount to a rejection of the President's plan to make appointments to the Supreme Court which will restore balance.

It is what the President wants. It is what the Nation wants. And it just seems to me that the rejection of this man would be a rejection of a popular approach and that another nominee will be forthcoming.

If there is a rejection of this nominee, what will the test of the next nominee be? Will there be an application once again of these indefinite and subjective rules? If these rules are applied again, there conceivably will be a total immobilization of the power and the capability of the Senate to advise and to consent.

If we consider this alternative together with the outstanding record and the constructive assessment of this nominee a man of integrity and honesty, there is every reason why we should confirm the nomination. The reasons have been more fully expressed in the majority report of the Judiciary Committee which was approved by a vote of 10 to 7.

PROGRAM

Mr. SCOTT. Mr. President, as in legislative session, I rise to ask the distinguished majority leader what the order of business is for today following the vote and for next week.

Mr. MANSFIELD. It is my understanding that conversations are now going on concerning H.R. 7491, an act to clarify the liability of national banks for certain taxes. A decision on that should be ready after the pending nomination is disposed of.

Then it is the intention to lay before the Senate the tax relief and tax reform bill, and to start debate on that Monday.

There is a very strong likelihood that on Monday, Tuesday, and Wednesday of next week there will be amendments to the tax reform-tax relief bill, and I set that out for the information of Senators, so that the Senate will be fully informed.

Mr. SCOTT. I thank the Senator.

SUPREME COURT OF THE UNITED STATES

The Senate in executive session resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. All time on the nomination has expired.

The question is, Will the Senate advise and consent to the nomination of Clement Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The VICE PRESIDENT. The Chair wishes to caution the gallery that there will be no outbursts at the announcement of this vote.

The legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[No. 154 Ex.]

YEAS—45

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Mundt
Murphy
Pearson
Prouty
Randolph
Russell
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—55

Anderson
Bayh
Bible
Brooke
Burdick
Cannon
Case
Church
Cooper
Cranston
Dodd
Eagleton
Goodell
Gore
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

So the nomination was rejected.

Mr. ALLOTT. Mr. President, we have just had a vote on a very important question, and of course there is no useful purpose in trying to reargue the questions on that matter. However, there is one discrepancy which has occurred in this whole matter to which I feel it my obligation to call very serious attention.

In Newsweek there appeared an article on the Haynsworth matter in which the junior Senator from Kentucky (Mr. COOK) was quoted, and which I am informed is not the truth. The article takes the President's counsel, Clark Mollenhoff, to task very severely.

While no man, of course, makes points by losing his temper—and I believe Mr. Mollenhoff did on that occasion—I want to call the attention of the Senate to the alleged facts which were contained in the Mankiewicz-Braden article, which were in issue in Mr. Mollenhoff's television appearance and then compare them with the facts with respect to the situation as it existed. In issue was the transfer of certain property which Judge Haynsworth bought from Furman University, from which he graduated.

The Mankiewciz-Braden article is so slanted with little words that the only conclusion anyone can draw from it is that Judge Haynsworth was indulging in a lot of hanky-panky to deprive the Internal Revenue Service of tax dollars it justly deserved. In fact, the article says that.

Mr. President, for many, many years, gifts made by people to educational institutions have been a valid legal deduction under our income tax system. This article points out that if it can be demonstrated that it was not done by prior arrangement, it was perfectly legal.

What happened was that in 1958 Senator and Mrs. Charles Daniel started the construction of a home, and then conveyed their home in 2 years, half each year, to Furman University at a price of $115,000. Some time after that, as a matter of fact, 11 days after they received the deed, or the deed had been recorded, Judge Haynsworth purchased that house from Furman University, and in return gave his own house plus $65,000 in cash to Furman University.

The Mankiewicz-Braden article is so slanted as to be classified completely irresponsible, if not a purposeful attempt to mislead the American people. At one place it reads:

> The process of transfer was arranged over a five-year period, during each of which years Haynsworth donated a one-fifth interest, stating the total value of the property still at $115,000. He claimed a charitable deduction in each of the five years.

If one takes that statement on the face of it, there still is nothing wrong with anything Judge Haynsworth did, but it does not state the truth. If I had been in the position of Mr. Mollenhoff on that newscast with those two particular columnists who had written such things, I think I would have felt the same indignation, the same righteous anger—and it was righteous anger—that he felt at that time.

The article goes on to say:

> On April 1, 1968, Haynsworth completed the transaction with a deed of the entire property, as a part of which he and Mrs. Haynsworth retained a life estate—the right to live in the residence as long as either is alive.

When you look at these two paragraphs, it is apparent that the plain and obvious attempt of this misleading article is to make people believe that Judge Haynsworth somehow trimmed the taxpayers of this country in the transaction. The truth is that Judge Haynsworth did have a house, which he traded to the university. After he bought the former Daniel house, he and his wife invested $10,000 in it, in air conditioning and other improvements, and he still, when he sold the house, valued it at $115,000. Anyone knows that Judge Haynsworth bent over backward to be more than fair in his evaluation.

The point of it is that out of these two transactions, Furman University got $115,000 twice—once from the Daniel family—the house—and once from the Haynsworth family, in cash and other tangibles. Judge Haynsworth bought the house, improved it and then turned around and gave it back to the one who had sold it to him. There is an implication here that his home might not have been worth $115,000 but the facts are that the university got $65,000 in cash, and they got $50,000 for the home which Judge Haynsworth gave them in addition to that. It is unarguable that Judge Haynsworth traded off a home which, at that time, in market value, was worth perhaps as much as $150,000. They had paid $115,000 for it in cash, and they put in $10,000 or more in improvements.

Referring back to the first paragraph I read, he said he claimed a charitable deduction, and this is wholly in the context of $115,000 over the 5 years.

This article is what Mr. Mollenhoff called a fraud. It is a fraud on the public, because actually Judge Haynsworth did not take a deduction for a charitable contribution of $115,000, but rather he only took a charitable deduction of $52,673.44, which is the $115,000 diminished by the amount that the life estate involved. So his charitable deduction was less than 50 percent of the actual amount that the university did receive by reason of the contribution. We could not fault him if he had claimed the entire $115,000 but, contrary to the Braden-Mankiewicz report to which I have referred, he actually made allowance for the life estate he and Mrs. Haynsworth retained. A life estate, of course, is a right of use during their lifetime, and Judge Haynsworth therefore discounted the $115,000 by an amount calculated on the basis of the life expectancy of he and his wife, regardless of how long they really might use it. Braden and Mankiewicz did not mention this, however in giving the public the "true facts."

I think the actual facts should be made clear at this point, Mr. President. I think a great injustice has been done to Mr. Mollenhoff, a Pulitzer Prize winner, a man who had researched this matter to be sure that Judge Haynsworth had not done anything improper, and who knew the facts, which obviously Mr. Braden and Mr. Mankiewicz did not know, even though they purported to.

Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD at this point, first, the article published in Newsweek magazine entitled "The Judge Come to Judgment," calling particular attention to the last four paragraphs of it, in which Mr. Mollenhoff is referred to. Second, to have printed, the Frank Mankiewicz-Tom Braden column of November 9, 1969, which is entitled "The Strange Case of Haynsworth's House"; and third, an absolutely factual analysis of what did actually occur. If any American can read these three items without becoming fully convinced that it was the desire and the purpose of Mankiewicz and Braden to downgrade and degrade Judge Haynsworth, and that in doing so they have distorted the facts unmercifully, then I

think I am incapable of reading the English language. In view of such an article how can the news media take exception to some of the recent remarks of Vice President Agnew? I believe the rejection of the Haynsworth nomination demonstrates the seriousness of the problem.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Judge Come to Judgment

Across Lafayette Square from the White House, in the stolidly modern headquarters of the AFL–CIO, President George Meany lit up a fat cigar, gazed contentedly at a fresh tally sheet and proclaimed: "I'm convinced now. We've got this one made." Next door to the White House, in the Executive Office Building, Richard Nixon's chief political operative, Harry Dent, confided to a friend over the telephone, "For the first time now, I feel we might pull this thing off." Thus last week, the top lobbyists both against and for the confirmation of Clement F. Haynsworth Jr. as a Justice of the Supreme Court professed optimism as they prepared to rest their case and await the verdict of the U.S. Senate.

Both sides brandished Senatorial head counts. Meany's lieutenants claimed 53 votes against confirmation, two more than necessary to defeat the mild-mannered South Carolina judge whose nomination to the High Court stirred up a bitter controversy over the judicial ethics of some of his stock transactions. Administration strategists totted up 47 senators definitely for Haynsworth and expected to be able to wrench loose at least three more from the ranks of the undecided; that would set up a tie to be broken in the Administration's favor by Vice President Spiro Agnew. Within the Senate itself, the prevalent hunch was that when the roll is called, probably this week, the noes would have it and the President would be faced with his first major rebuff from Congress. But no one was ready to predict more than the slimmest of majorities either way.

Bias: The pressure, consequently, was fierce. Labor unions, which contended that some of Haynsworth's decisions betrayed an antilabor bias, passed the word to Democratic senators and even some Republicans that the rich union campaign coffers might snap shut at the blink of an "aye." Dent, GOP National Chairman Rogers Morton and Texas Sen. John Tower, head of the Senate Republican Campaign Committee, canvassed GOP county chairmen and private contributors throughout the country, prompting them to loose a relentless barrage of pro-Haynsworth telegrams and phone calls upon Republican senators.

The Administration artillery managed to score some hits. Kansas Sen. James Pearson, who had let it be known he was inclined against Haynsworth, suddenly discovered GOP leaders back home talking up a serious primary challenge against him in 1972 if he flunked the Haynsworth "loyalty test." All the judges on the Kansas Supreme Court informed him of their support for Haynsworth. "I even got a letter from Alf Landon," Pearson told Newsweek's chief Congressional correspondent Samuel Shaffer in wonderment, and last week he announced he would vote for confirmation, albeit "with some concern," because he had found his state "overwhelmingly in favor" of the appointment.

Freshman Ralph Smith of Illinois, who faces a tough election next year, was also wobbling noticeably after having initially stood up firmly against the judge. And Connecticut's Tom Dodd, whose disposition to antagonize the Justice Department is not exactly stiffened by his past troubles over the misuse of campaign funds, somehow contrived to make solemn commitments to both sides. However, other senators angrily shook off the lobbyists' powerful grasp. "They've got the wrong sow by the ear," huffed Ohio's William Saxbe. "I don't fetch and carry when some fat cat calls up and tells me what to do."

Not all of the lobbying was so ungentle. In the midst of pondering his decision, Kentucky's John Sherman Cooper, one of the key senators still undeclared on Haynsworth, placed a filial phone call to his 91-year-old mother. "Now you be sure to vote right, John," the lively Mrs. Cooper admonished.

"What do you mean by 'right,' Mother?" he asked.

"Why, I mean you should vote against him. It's a bad nomination."

Many senators, even some on Haynsworth's side, took umbrage at what they considered maladroit handling of the case in the White House itself. Chief target of their wrath was deputy Presidential counsel Clark Mollenhoff, the intense ex-newsman who has taken on the task of rebutting the charges against Haynsworth. Along with Kentucky Sen. Marlow Cook, a strong Haynsworth supporter, Mollenhoff appeared on a Washington television interview last week and lashed out so vituperatively against some of the interviewers that the transcript of the show reads, at one point, "Mass confusion—not transcribable." Cook, upset by Mollenhoff's behavior, canceled a dinner engagement, went straight home and telephoned a White House aide. "The Administration has the power to hire," he said tartly. "I assume it also has the power to fire. I urge you to fire your deputy special counsel."

The Strange Case of Haynsworth's House

(By Frank Mankiewicz and Tom Braden)

Washington.—Among the ways in which men with large incomes avoid taxes is to buy and sell property through tax-exempt institutions, claiming charitable deductions along the way. Judge Clement Furman Haynsworth Jr. now lives in a home which has twice been donated to Furman University and the value of which has twice been claimed as a charitable deduction.

The property passed from the late Charles Daniel, a close friend and associate of Haynsworth to Furman University. The university held the property for 11 days before selling it to Haynsworth, who then gave it back to the university. Both Haynsworth and Daniel took charitable deductions from their income taxes; the university got a contribution, and everyone was better off except—to be sure—the Internal Revenue Service.

Tax lawyers say that if the Daniel-Furman-Haynsworth series of transfers was properly and carefully documented, and if it can be demonstrated that it was not done by prior arrangement, it was perfectly legal. Here is how it worked:

Daniel, who served a brief term by appointment as U.S. senator from South Carolina and who accompanied Haynsworth to Washington when the judge was up for confirmation to the Court of Appeals in 1957, owned a home in Greenville which he valued at $115,000.

The property was held in the name of Mrs. Daniel, and it was donated in her name to Furman in 1953 and 1959, the Daniels claiming one-half the value as a charitable deduction in each year.

The deed of gift to Furman was recorded on May 1, 1960, and Haynsworth bought the property 11 days later, on May 12, trading his own house—which he valued at $50,000—to the university and adding $65,000 in cash to make up the sales price of $115,000.

In 1964, the year Daniel died, Haynsworth began to donate the property back to Furman. At that time he was a member of the advisory council to the university and the director of the Furman Charitable Trust, a foundation which has donated substantially to the university.

The process of transfer was arranged over a five-year period, during each of which years Haynsworth donated a one-fifth interest, stating the total value of the property still at $115,000. He claimed a charitable deduction in each of the five years.

On April 1, 1968, Haynsworth completed the transaction with a deed of the entire property, as a part of which he and Mrs. Haynsworth retained a life estate—the right to live in the residence as long as either is alive.

So Daniel wound up paying no tax on the transfer of his property and in addition was able to take a tax deduction of $115,000; Judge Haynsworth has a house in which he and his wife may live for their lifetime—and to offset the purchase price he, too, has had a shelter for income for five years; the university has some cash and will one day have the property.

The legality of all this depends on the arms' length nature of the transactions. Haynsworth was at no time in a position to deal at arms' length with Furman, some of whose gifts he helped to manage and whose president he regularly advised.

As to Daniel, of course, the situation may well be different, although Daniel—an "Eisenhower-Democrat" like Haynsworth—was a sponsor of Haynsworth for appointment to the Circuit Court. And the 11-day gap between Daniel's gift of the house and Haynsworth's purchase does raise a question as to whether or not it was all coincidence.

All that is certain is that in this matter, as in Carolina Vend-A-Matic and the companies whose stock he held while he ruled on their cases, Haynsworth managed his affairs in such a way as to give his supporters a record about which the best they can say is that it was all legal.

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Haynsworth Home Gift

In 1958, Senator and Mrs. Charles Daniel started construction of a large new home in Greenville, South Carolina. At that time Mrs. Daniel, who held title to the home in which they were living, gave a one-half interest in that home to Furman University. In 1959, Mrs. Daniel gave Furman University the remaining one-half interest in the old Daniel home.

The deductions for these gifts were taken on the Daniel tax returns in 1958 and 1959, but the deed was not recorded until May, 1960. The delay in recording the deed was at the request of Mrs. Daniel, who did not want publicity in connection with the gift of the home to Furman University.

In May, 1960, Judge Clement F. Haynsworth, Jr., purchased the Daniel home for the appraised value of $115,000. Furman University had no need for this type of home, but did need the money and accepted Judge Haynsworth's offer. In purchasing the home, Judge Haynsworth gave the university $65,000 in cash along with his former home, which had an appraised value at that time of $50,000. (The former Haynsworth home was actually sold by the university for $50,000, so this was not an imaginary figure.)

There was no arrangement or even discussion between Senator Daniel and Mrs. Daniel and the Haynsworths in connection with the gift of the house to Furman and the subsequent purchase by Judge Haynsworth. The Daniels, looking forward to moving into a new and much more elaborate home, permitted the old home to fall into disrepair in the last two years they were living in it, while paying rent to the university.

Upon moving into the old Daniels' home in June of 1960, Judge and Mrs. Haynsworth improved it with remodeling, air conditioning, and landscaping. The total cash outlay in connection with these improvements were in excess of $10,000.

In 1963, the Haynsworth concluded that

the children were not coming home to Greenville to live, and they then decided to give the home to Furman University and retained a life estate. Under this arrangement, Judge Haynsworth and Mrs. Haynsworth retained the right to live in the house during his life and her life; during that time they were liable to pay real estate taxes, other taxes, insurance, and maintenance on the property.

In 1963, Judge and Mrs. Haynsworth held clear title to the home for which they had paid $115,000, and upon which they had expended more than $10,000 for improvements. The appraised value at that time was $153,000, and the replacement value was $184,000.

Judge and Mrs. Haynsworth could have retained the home for their estate. They could have sold it for something in the neighborhood of $153,000. They could have made a gift of the home to any university, including Furman University, and claimed something between $125,000 (which includes the more than $10,000 cash outlay) and the $153,000 (appraised market value) as a tax base for deductions on federal tax returns. Judge Haynsworth chose to give the home to Furman University, the school from which he was graduated and which was named after one of his ancestors. His close relationship with the university, and his membership at that time on the University Advisory Council, was no barrier to him making a gift of the family home to the university while retaining a life estate for himself and his wife.

Judge Haynsworth passed up the legal right to claim the "market value" of $153,000 on the home as the base for his tax deduction. Instead, he took the $115,000 figure, which represented the sum he paid for the home in 1960. He arranged to take the deduction over a five-year period as provided in the Internal Revenue Service laws and regulations.

Pursuant to a table prepared by the IRS, Judge Haynsworth took the following deductions:

1963	$9,844.46
1964	10,125.98
1965	10,414.00
1966	10,996.00
1968	11,294.00
Total	52,673.44

The variations follow the IRS tax table where a life estate is retained by persons of the ages of Judge and Mrs. Haynsworth.

Instead of being an illegal or questionable act, this was a commendable act. Judge Haynsworth had no conversations or arrangements with Senator Daniel in connection with his purchase of this house, and all of the evidence indicates that these were two separate and unrelated gifts of the same home to Furman University.

Judge Haynsworth is not now and has never been a trustee of Furman University.

Since early 1961, he has been a member of a Furman University Advisory Council. This council was established by the university in October, 1960, five months after Judge Haynsworth had purchased the old Daniel home. Judge Haynsworth was appointed to this council in early 1961 and has served on that council since that time.

This Advisory Council is a "visiting board" with no authority in the operations and administration of the university. It has only the authority to advise and recommend.

At the time he purchased the Daniel home in May, 1960, Judge Haynsworth had no official connection with Furman University other than that of a loyal alumnus and as a public spirited citizen of Greenville who consistently contributed money to support this local educational institution.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the Senator from Kansas.

Mr. DOLE. I simply wanted to say to the Senator from Colorado that I think perhaps this was a part of the effort to create the appearance of impropriety, which was successfully done. I do hope that by the Senate action today, we have not destroyed Judge Haynsworth's future.

That is the only comment I have.

Mr. HATFIELD. Mr. President, during the past 3 months I have listened to the debate regarding the nomination of Judge Haynsworth, participated in colloquy and discussion, and wrestled with the decision that confronts me.

I believe the President has responded appropriately to the challenge of creating a more vital balance in the philosophy of the Nation's Highest Court. When President Nixon nominated Warren Burger, a "strict constructionist" or judicial conservative, for Chief Justice, I endorsed him warmly and gave him my full support.

As the chief executive of the State for Oregon for 8 years, I made nearly 100 judicial appointments. In each case, I sought to weigh their legal expertise, their philosophy, and, of particular importance, their personal character as I made these decisions. I have employed these same criteria as I have given long and serious thought to the nomination of Judge Haynsworth.

I have not been overwhelmed by the consistently clear logic or irrefutable evidence on either side of this case presented to the Senate. Valid questions and objections have been raised, and a thorough-going defense of Judge Haynsworth has been offered.

As I have considered the total picture, it has now become my strong conviction that the debate within this body, the deep division throughout the country, and the doubt, discord and polarization created by this issue have destroyed the possibility of effective service by Judge Haynsworth on the Supreme Court.

In the same manner, it became apparent that Justice Fortas no longer could function constructively after serious ethical questions had been raised, focusing public concern on the integrity of the Court.

This nomination will not reestablish the trust and respect that is needed so gravely today for our Nation's Highest Court. For the sake of the Court, I opposed it.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 523, H.R. 7491. I do this so that the bill may be the pending business.

The PRESIDING OFFICER (Mr. DOLE in the chair). The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 7491) to clarify the liability of national banks for certain taxes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

TAXATION OF NATIONAL BANKS

SECTION 1. (a) Section 5219 of the Revised Statutes (12 U.S.C. 548) is amended by adding at the end thereof the following:

"5. (a) In addition to the other methods of taxation authorized by the foregoing provisions of this section and subject to the limitations and restrictions specifically set forth in such provisions, a State or political subdivision thereof may impose any tax which is imposed generally on a nondiscriminatory basis throughout the jurisdiction of such State or political subdivision (other than a tax on intangible personal property) on a national bank having its principal office within such State in the same manner and to same extent as such tax is imposed on a bank organized and existing under the laws of such State.

"(b) Except as otherwise herein provided the legislature of each State may impose, and may authorize any political subdivision thereof to impose, the following taxes on a national bank not having its principal office located within the jurisdiction of such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

"(1) Sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

"(2) Taxes on real property or on the occupancy of real property located within such jurisdiction.

"(3) Taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

"(4) Taxes on tangible personal property (not including cash or currency) located within such jurisdiction.

"(5) License, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

"(c) No sale tax or use tax complementary thereto shall be imposed pursuant to this paragraph 5 upon purchases, sales, and use within the taxing jurisdiction of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

"(d) As used in this paragraph 5, the term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam."

(b) Effective on January 1, 1972, section 5219 of the Revised Statutes, as amended by subsection (a), is amended to read as follows:

"SEC. 5219. (a) Notwithstanding any other law, a State or political subdivision thereof may impose any tax which is imposed generally on a nondiscriminatory basis throughout the jurisdiction of such State or political subdivision on a national bank having its principal office within such State in the same manner and to the same extent as such tax is imposed on a bank organized and existing under the laws of such State.

"(b) Except as otherwise herein provided, the legislature of each State may impose, and may authorize any political subdivision thereof to impose, the following taxes on a national bank not having its principal office located within the jurisdiction of such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

"(1) Sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

"(2) Taxes on real property or on the occupancy of real property located within such jurisdiction.

"(3) Taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

"(4) Taxes on tangible personal property (not including cash or currency) located within such jurisdiction.

"(5) License, registration, transfer, exercise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

"(c) No sales tax or use tax complementary thereto shall be imposed pursuant to this section upon purchases, sales, and use within the taxing jurisdiction of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969.

"(d) The legislature of each State may impose, and may authorize any political subdivision thereof to impose, taxes on the income of any individual derived from dividends paid on the shares of any national bank, if such taxes are imposed on a nondiscriminatory basis.

"(e) As used in this section, the term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam."

SAVINGS PROVISION

SEC. 2. Notwithstanding any other provision of law, no tax may be imposed on any bank by or under the authority of any State legislation in effect prior to the date of enactment of this Act if such bank is not required to pay the tax prior to such date, unless the imposition of such tax on such bank is authorized by affirmative action of the State legislature after such date.

STUDY BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

SEC. 3. (a) The Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board") shall make a study to determine the probable effects on the banking systems of the Nation if banks were subject to (1) taxes on intangible personal property imposed by any State or other jurisdiction within which their principal offices are located, and (2) taxes (other than those enumerated in paragraph 5(b) of section 5219 of the Revised Statutes, as amended by this Act) imposed on a nondiscriminatory basis by any State, or political subdivision thereof, without regard to whether the principal offices of such banks were located within the taxing jurisdiction. In conducting such study the Board shall consult with the Secretary of the Treasury and appropriate State banking and taxing authorities.

(b) The Board shall make a report of the results of its study to the Congress not later than December 31, 1970. Such report shall include the Board's recommendations with respect to the desirability of permitting banks to be subject to the taxes referred tc in subsection (a).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the bill as presently before the Senate was offered in the Senate originally by the distinguished Senator from Florida, who has had a very deep interest in this matter. Also, a somewhat similar House bill was offered.

The purpose of the bill is simple, although the implications of the bill are very complex.

The purpose of the bill is to try to give the States an opportunity to tax the banks in those States on an equitable basis.

This is hard to do because the present law, section 5219 of the Revised Statutes, currently provides a list of taxes which can be imposed on national banks by States or their political subdivisions. The list is explicit and contains a number of detailed and cumbersome exceptions. The courts have repeatedly ruled that the taxes specified in section 5219 are exclusive; that is, they are the only taxes that can be imposed by a State government on a national bank.

This method of restricting State taxation of national banks had its inception approximately 100 years ago.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Alabama, the chairman of the committee.

UNANIMOUS-CONSENT AGREEMENT

Mr. SPARKMAN. Mr. President, I make a unanimous-consent request to the effect that the time on the bill be limited to not to exceed 1 hour, to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as I was saying, the purpose of this bill is to give the States and their subdivisions the opportunity to tax banks within their jurisdiction in the same way that they tax other businesses, and eliminate a discrimination which goes back 100 years. That discrimination was designed to restrict the power of State governments from levying taxes on national banks in response to taxes levied by the Federal Government on State banks.

That was, of course, at a time when some of the States were moving into Federal areas, such as coining money, and there was a very complex situation, which resulted in this kind of protection.

The States have utilized a number of methods to deal with the problems arising from the fact that national banks are not liable for the same State taxes as State banks.

Some States have exempted State banks from liability for any States taxes which national banks are required to pay. There, the State may or may not have attempted to achieve equality between banks and other businesses by taxing banks at a higher rate on the allowable taxes than other businesses pay. This type of device is at best uncertain.

Regardless of the method employed by the particular State in an attempt to achieve equality, there is always a question of whether it has actually been achieved, be it equality between State and National banks, or equality between banks and other businesses.

There may have at one time been justification for giving national banks privileges and immunities which were denied State banks, under the theory that national banks are peculiarly an instrumentality of the Federal Government, and, as such, hold a unique and distinct position from that of other institutions. Without specifically addressing the question of whether national banks remain, in substance, such a Federal instrumentality, the committee is agreed that there is no longer any justification for Congress continuing to grant national banks immunities from State taxation which are not afforded State banks.

STATE AUTONOMY IN TAXATION

Incidentally, the committee is in full according with the principle that every State government should be allowed the greatest possible degree of autonomy with regard to the formulation of its tax structure. Accordingly, the committee agrees in principle with the objective of the bill passed by the House of Representatives.

However, certain problems were pointed out in connection with the approach taken in the bill passed by the House of Representatives. The committee believes that the existence of some of those problems justified correcting amendments.

I shall mention just briefly two particular problems.

INTANGIBLE PERSONAL PROPERTY TAXES

The committee believes that the greatest concern about possible increased intangible personal property taxation of banks stems from uncertainty about the magnitude of the impact of the sudden imposition of additional such taxes on the banking systems. Accordingly, the committee believes it wise to prohibit initially the imposition of intangible personal property taxes other than those which were authorized in section 5219 and to require the Federal Reserve Board, in cooperation with the Department of the Treasury and appropriate State banking and taxing authorities, to conduct a study of intangible personal property taxation and its impact on the banking systems. The report would be made on or before December 31, 1970, a little over a year from now, and would not be effective until 1 year later than that, that is, January 1, 1972. The prohibition against additional intangible personal property taxes would, under the provisions of the bill, be automatically repealed unless Congress acts to the contrary during the intervening time.

The committee wants it clearly understood that the prohibition against intangible personal property taxes contained in the proposed new paragraph 5(b) is not a prohibition against the continued imposition of any tax under the authority of section 5219 of the Revised Statutes as it now reads. The prohibition—which would be repealed on January 1, 1972—is against the imposition of any new intangible personal property tax which is not authorized under section 5219 as it is immediately amended by this act.

There is just one other section I wish to discuss.

THE MECHANICS OF THE CHANGE IN LAW

Strenuous objection was made to an amendment to the existing law which would immediately wipe out the language of the existing section 5219 and replace it with the broader language giving effect to the intended substantive amendment. Reference was made to those States, such as Missouri, in which the State legislation concerning taxation of banks has made specific reference to section 5219 of the Revised Statutes. The concern is that by repealing section 5219, the taxing authority under existing State legislation might in some way be impaired.

In order to alleviate this possible problem, the committee agreed to leave intact the existing language of section 5219. A new subsection is added to section 5219 which deals with the expanded taxing authority being immediately granted. This was done for the purpose of allowing the States to take immediately the necessary action to impose the additional allowed taxes if they see fit. At the same time, those States which might be adversely affected by the immediate repeal of the existing language will be given 2 years in which to effect the necessary State statutory changes.

The bill then provides that, as of January 1, 1972, section 5219 is amended to do away with the detailed and rather cumbersome language of the current section 5219 and replace it with a simple broad statement of law. The major effect of the January 1, 1972, amendment is to remove specifically the prohibition against intangible personal property taxes which might be levied by the States on national banks whose principal offices are located within that State.

Mr. President, I reserve the remainder of my time.

Mr. BENNETT. Mr. President, as a member of the committee, I supported the bill. I voted for its reference to the Senate. I certainly agree with the purpose and the reason for the pending legislation. However, I have had called to my attention since the bill was reported the fact that there is one provision of the bill which may create very serious problems.

I am sure that this contingency was not thought of by either the proponents of the bill or the members of the committee.

I realize that there is nothing like this section in the House bill, so that the matter will be in conference. I do not expect to ask the Senate to vote on the measure today for that reason. But I would like to make the record so that before the measure goes to conference the members of the committee and the Senate will realize the problem.

Beginning on line 23 of page 5 and continuing through line 4 of page 6 is what is headed the Savings Provision which reads as follows:

> Notwithstanding any other provision of law, no tax may be imposed on any bank by or under the authority of any State legislation in effect prior to the date of enactment of this Act if such bank is not required to pay the tax prior to such date, unless the imposition of such tax on such bank is authorized by affirmative action of the State legislature after such date.

To try to say that in nontechnical language, there is apparently at least one State in which the existing taxes on the State banks are considered to be onerous, and the national banks do not want to have that pattern of existing taxes automatically applied to them when the bill passes. They therefore say that even though these taxes do exist now and are applied to State banks and even though the pending bill gives the power to apply them to national banks, the national banks should not be included without a specific act by the various State legislatures. This sounds reasonable, and the committee approved it, I suppose, unanimously.

It has been pointed out, however, since that time, that this measure would automatically force every State legislature to meet to consider the general subject of the taxation of banks. And since the States are having trouble raising revenue, instead of accomplishing what we had hoped to accomplish—which was to bring national banks under existing State laws—we may open it up and force the States to open up the matter so that both the national and State banks will be called upon to face a more onerous tax burden than now exists.

I think that by calling this to the attention of the Senate in this brief discussion. I have probably laid the basis for serious consideration of the matter in conference. Therefore, I will not press for a vote on the matter.

Mr. PROXMIRE. Mr. President, I very much appreciate this. We had a chance to discuss the matter just before the bill was called up for consideration on the floor. I think that there is great merit in the objection of the Senator to that particular section. However, this was a section that was put in after considerable discussion by the committee.

I most appreciate the suggestion that we consider it seriously in conference. I believe that the Senator has raised an objection that would indicate to me that we certainly should consider whether it should remain in the law after we act on the measure.

Mr. BENNETT. Mr. President, the Senator from Wisconsin will agree with the Senator from Utah that this particular aspect of the language did not occur to any of us during the discussion in the committee. This is a new approach to the problem.

Mr. PROXMIRE. Mr. President, the Senator is absolutely correct. This is a new approach which, I think, was not considered, but which might well have persuaded us to knock it out. However, I prefer, if the Senate agrees, to take this to conference because we have not had a chance to discuss it completely.

Mr. BENNETT. The Senator is correct. I agree with him.

Mr. President, I am about ready to yield back the remainder of my time.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 10 minutes remaining.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Florida all my time if he wishes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. HOLLAND. Mr. President, first of all, I express my appreciation to the chairman of the subcommittee which handled the bill and to the distinguished ranking minority member of the full committee and to the Senator from Alabama (Mr. SPARKMAN), the chairman of the full committee, not only for prompt hearings of the measure but also for the agreement to take up the measure so that we can get it, we hope, to conference.

Mr. President, the act permitting States and local units of government to tax national banking units was passed a long time ago. I have been told that it was about 100 years ago. However, I could not support that statement of my own knowledge.

Mr. PROXMIRE. Mr. President, the Senator is almost precisely correct. It was in 1863.

Mr. HOLLAND. It was more than 100 years ago. I thank the Senator.

It is my understanding that the last revision was made in about 1926 and that there has been no serious consideration in this field until the Supreme Court passed recently upon a case in which it held—and I suspect properly held—that the only taxes which could be levied on national banks by States or local units of government were those specifically permitted by the existing Federal law.

Under that decision, certain taxes levied by the State which I represent in part, the State of Florida, were held to be illegal when levied against national banking institutions, in spite of the fact that they are levied against State banks and also against the savings and loan institutions.

Since the State of Florida has legislation which, in effect, exempts State banks from any taxes levied against national banks which national banks do not have to pay, this meant that the State banks also were exempted from these particular taxes not specifically permitted by Federal law. And since my State has a similar provision affecting savings and loan institutions, the same result obtained there.

So, the total loss of taxes in the State of Florida, as I am told by the comptroller of our State, who has charge of the collection of State taxes, is somewhere between $25 million and $27 million a year. That is a rather serious deficit in the tax potentiality.

The comptroller, as well as the banking organizations and the building and loan organizations of my State, requested that I introduce legislation on this subject. The purpose of the legislation was solely to exempt the banking laws of the States—my State and all others—from the prohibition expressed in the Supreme Court decision which I mentioned and to permit the States and local institutions to levy the taxes which now prevail under State laws, not only in my State but in other States as well.

The fact is that the Senator from Florida introduced a bill—and he has no pride of authorship in the bill—known as S. 2906. It was drafted by the attorneys for the State comptroller of Florida. That bill went to the able committee, to which the measure passed by the other body, H.R. 7491, generally referred to as the Patman bill, has been referred. Other measures were suggested, including one by the American Bankers Association. The matter came before this learned committee and after the taking of testimony which appears in the printed record, the hearing having been held on September 24 of this year, the committee found much to be desired when they considered my bill, and I believe they felt that the House bill, the so-called Patman bill, had gone too far. I certainly am of that opinion. So the committee, with the assistance of its able staff and members of the committee who themselves have experience in this field, reported what amounts to a committee substitute for the House bill.

I want to make it perfectly plain, Mr. President—I have already stated this to Senators on both sides of the aisle who are concerned with this matter—that I think this bill is going to have to be rewritten in conference. What I am anxious to do is to get the bill which bears a House number passed by the Senate and in conference. I am perfectly willing to leave it to the joint judgment of the able senior members of the Senate committee and similar members of the House committee who will in conference take up the matter in the light of all the facts now available.

I am simply hoping that the matter can be decided before we go home at Christmas, and preferably within the next few days, because my own State has to act before the calendar year is out—and I am told that some other States are in the same situation—if they hope to collect taxes for this year.

So I am going to ask for a very unusual procedure to be followed. In order that the conference may have before it the entire matter, I wonder if Senators on both sides would be agreeable to including in the RECORD the report of the committee and the individual views of the Senator from Texas (Mr. TOWER). While this is not generally permissible, this is a short report and it shows the conflicting views that were in the committee. My understanding is that at that time the Senator from Texas was the only one who objected to certain provisions in the bill.

Mr. PROXMIRE. I think that is an excellent suggestion.

At the request of the Senator from Florida I ask unanimous consent to have an excerpt from the report printed in the RECORD.

There being no objection, the excerpt from the report (91-530) was ordered to be printed in the RECORD, as follows:

STATE TAXATION OF NATIONAL BANKS

HISTORY OF THE LEGISLATION

The bill, H.R. 7491, was introduced by Mr. Patman on February 24, 1969. The bill, with an amendment, was favorably reported by the House Banking and Currency Committee on June 9, 1969. The House passed the bill on July 17, 1969. Hearings were held before the Senate Banking and Currency Committee on H.R. 7491 and other bills and proposals on September 24, 1969. On November 4, 1969, the committee ordered that the bill, with amendment, be favorably reported to the Senate.

BACKGROUND OF THE LEGISLATION

Section 5219 of the Revised Statutes (12 USC 548) currently provides a list of taxes which can be imposed on national banks by States or their political subdivisions. The list is explicit and contains a number of detailed and cumbersome exceptions. The courts have repeatedly ruled that the taxes specified in section 5219 are exclusive; they are the only taxes that can be imposed by a State government on a national bank.

This method of restricting State taxation of national banks had its inception approximately 100 years ago. It was designed to restrict the power of State governments from levying taxes on national banks in response to taxes levied by the Federal Government on State banks.

The States have utilized a number of methods to deal with the problems arising from the fact that national banks are not liable for the same State taxes as State banks.

Some States have exempted State banks from liability for any States taxes which national banks are required to pay. There, the State may or may not have attempted to achieve equality between banks and other businesses by taxing banks at a higher rate on the allowable taxes than other businesses pay. This type of device is at best uncertain.

Regardless of the method employed by the particular State in an attempt to achieve equality, there is always a question of whether it has actually been achieved, be it equality between State and National banks, or equality between banks and other businesses.

There may have at one time been justification for giving national banks privileges and immunities which were denied State banks, under the theory that national banks are peculiarly an instrumentality of the Federal Government, and, as such, hold a unique and distinct position from that of other institutions. Without specifically addressing the question of whether national banks remain, in substance, such a Federal instrumentality, the committee is agreed that there is no longer any justification for Congress continuing to grant national banks immunities from State taxation which are not afforded State banks.

STATE AUTONOMY IN TAXATION

The committee is in full accord with the principle that every State government should be allowed the greatest possible degree of autonomy with regard to the formulation of its tax structure. Accordingly, the committee agrees in principle with the objective of the bill passed by the House of Representatives.

However, certain problems were pointed out in connection with the approach taken in the bill passed by the House of Representatives. The committee believes that the existence of some of those problems justified correcting amendments. Those amendments and the problems they deal with are discussed below.

INTANGIBLE PERSONAL PROPERTY TAXES

In the statement submitted to the committee by the Hon. William McC. Martin, Chairman of the Federal Reserve Board, it is stated that there is merit in excluding taxes on intangible personal property. By way of justification, he stated that such a tax "* * * hits hardest those financial institutions whose assets consist almost wholly of intangibles; so a tax that appeared to be nondiscriminatory could operate unfairly in practice if applied to banks." The committee is aware of the argument that the same statement would be equally true if applied to tangible property taxes and their impact on financial institutions, which have little tangible property, compared to their impact on manufacturing corporations, which have almost all tangible property.

The committee also notes that some of the taxes on national banks now being allowed under the present section 5219 are considered forms of intangible personal property taxes. On the other hand, the taxes listed in the new section 5(b), relating to interstate taxation, are not considered to be taxes on intangible personal property as that term is used in the new section 5(a), and they could be imposed on national banks by the States during the period up to January 1, 1972, as well as after that date.

The committee believes that the greatest concern about possible increased intangible personal property taxation of banks stems from uncertainty about the magnitude of the impact of the sudden imposition of additional such taxes on the banking systems. Accordingly, the committee believes it wise to prohibit initially the imposition of intangible personal property taxes other than those which were authorized in section 5219 and to require the Federal Reserve Board, in cooperation with the Department of the Treasury and appropriate State banking and taxing authorities, to conduct a study of intangible personal property taxation and its impact on the banking systems. The report would be made on or before December 31, 1970. Effective 1 year later (i.e., January 1, 1972), the prohibition against additional intangible personal property taxes would, under the provisions of the bill, be automatically repealed unless Congress acts to the contrary during the intervening time.

The committee wants it clearly understood that the prohibition against intangible personal property taxes contained in the proposed new paragraph 5(b) is not a prohibition against the continued imposition of any tax under the authority of section 5219 of the Revised Statutes as it now reads. The prohibition (which would be repealed on January 1, 1972) is against the imposition of any *new* intangible personal property tax which is not authorized under section 5219 as it is immediately amended by this act.

INTERSTATE TAXATION

Very serious concern was voiced in regard to the advisability of granting State governments the authority to levy taxes on national banks whose principal offices are located outside the State. In a letter to the committee, Paul W. Eggers, General Counsel of Treasury, stated:

"The question of taxation of foreign corporations, including banks, is interwoven with other complex issues, such as venue for suit, and necessity for compliance with "doing business" statutes. We recommend, therefore, that the question of taxation of national banks by States other than the home State, be considered and treated separately."

On this problem, Chairman Martin stated that the Federal Reserve Board was inclined to agree with the Department of the Treasury. He said:

"The issue of multistate taxation of corporations is complex, and one on which we have limited knowledge. It is not involved in the two Supreme Court decisions that prompted introduction of the various bills before you. We believe equal treatment in the home State is clearly needed now; determination of whether changes should be made in other States can await further study."

These views were supported by many other concerned parties and organizations.

Under the circumstances, the committee believes it wise to specify the types of taxes which can be levied on national banks located outside the taxing State while continuing to prohibit all other forms of such taxation, at least until the Federal Reserve Board completes a study of the problem and Congress has had time to review it along with all the facts.

The committee did, however, specify certain taxes that could be levied on national banks located outside the taxing State. The named taxes are those taxes which virtually everyone concerned agreed could be properly imposed on these banks. The impact on the banking systems of the imposition of these taxes will not be great. Their imposition will not confront the banking systems with a quantitative and qualitative unknown, which may or may not be the case with respect to other forms of interstate taxation.

THE MECHANICS OF THE CHANGE IN LAW

Strenuous objection was made to an amendment to the existing law which would immediately wipe out the language of the existing section 5219 and replace it with the broader language giving effect to the intended substantive amendment. Reference was made to those States, such as Missouri, in which the State legislation concerning taxation of banks has made specific reference to section 5219 of the Revised Statutes. The concern is that by repealing section 5219, the taxing authority under existing State legislation might in some way be impaired.

In order to alleviate this possible problem, the committee agreed to leave intact the existing language of section 5219. A new subsection is added to section 5219 which deals with the expanded taxing authority immediately granted. This was done for the purpose of allowing the States to take immediately the necessary action to impose the additional allowed taxes if they saw fit. At the same time, those States which might be adversely affected by the immediate repeal of the existing language will be given 2 years in which to effect the necessary State statutory changes.

The bill then provides that, as of January 1, 1972, section 5219 is amended to do away with the detailed and rather cumbersome language of the current section 5219 and replace it with a simple broad statement of law. The major effect of the January 1, 1972, amendment is to remove specifically the prohibition against intangible personal property taxes which might be levied by the States on national banks whose principal offices are located within that State.

SECTION-BY-SECTION DISCUSSION

The proposed new paragraph 5(a) to section 5219 would provide that, in addition to the other methods of taxation authorized by the existing section 5219, and subject to the limitation and restrictions therein, a State or political subdivision may impose any tax, other than a tax on intangible personal property, on a national bank having its principal office in the State, if that tax is imposed generally on a nondiscriminatory basis, and the tax is imposed in the same manner and to the same extent on State banks. The effect of this subsection is to remove the prohibition against States freely taxing national banks located within their boundaries to the same extent and in the same manner that they now have the right to tax State banks. The only exception to this other than those specified in the existing statute is the continued prohibition against the imposition of intangible personal property taxes. At a later point, the bill provides for an amendment, effective January 1, 1972, which would remove that prohibition. In the interim period, the Federal Reserve Board will conduct a study of the problem of intangible personal property taxation and will make its findings and recommendations known to Congress.

The proposed new paragraph 5(b) deals with the imposition of taxes on national banks which are located outside the State. As noted earlier, serious objections were raised in regard to the possibility of allowing such taxation without additional study. Accordingly, the committee agreed to continue the prohibition against interstate taxation with the exception of those taxes which virtually everyone concerned agreed should be paid by national banks, even though they may be located outside the taxing State. Accordingly, section 5(b) specifies the taxes which are allowable. These taxes are sales and use taxes, real property taxes, documentary taxes, tangible personal property taxes, and the various license, registration, transfer, excise taxes, and other fees levied in connection with tangible personal property. Other forms of unspecified interstate taxation would continue to be prohibited until Congress acts further.

The proposed new paragraph 5(c) prohibits the imposition, under paragraph 5, of sales and use taxes on tangible personal property which is the subject matter of written purchase contracts entered into prior to September 1, 1969.

The proposed new paragraph 5(d) defines the term "State" to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Section 1(b) of the bill provides that as of January 1, 1972, section 5219 of the Revised Statutes, as previously amended, is amended to remove the detailed specifications of allowable taxes (contained in the law prior to the enactment of this act) which was temporarily retained for a period of 2 years (to allow States to conform their statutes to the new law), and to substitute it with a broad statement of law:

"(a) Notwithstanding any other law, a State or political subdivision thereof may impose any tax which is imposed generally on a nondiscriminatory basis throughout the jurisdiction of such State or political subdivision on a national bank having its principal office within such State in the same manner and to the same extent as such tax is imposed on a bank organized and existing under the laws of such State."

As noted earlier in this report, the major substantive change in this amendment would be to remove the prohibition against the intrastate imposition of intangble personal property taxes.

Section 2 of the bill provides that no tax money may be imposed on any bank under the authority of any State legislation in effect prior to the date of enactment of this act if such bank is not required to pay the tax prior to such date, unless the imposition of that tax is affirmatively authorized by action of the State legislature after the enactment date.

The committee realizes that for many years the tax structure within the States have been drawn in recognition of the different positions of State and National banks with respect to liability for State taxes. In effect, the States have adopted many different formulas in an attempt to equalize the total tax burden between State and National banks. If by congressional action banks were automatically subject to taxes which they had not been previously paying, in addition to the taxes which they are now paying, the effect may be to destroy the degree of equality that the State legislature, by conscious effort, attempted to achieve. Accordingly, the committee believes it wise to require positive State legislative action as a prerequisite to the imposition on banks of the additional taxes authorized by the bill.

Section 3 of the bill requires the Federal Reserve Board to study the probable effects on the banking systems of the imposition on banks of intangible personal property taxes and those taxes imposed by States on banks whose principal offices are located outside their boundaries (except such taxes as are specifically allowed by sec. 5219, as amended). The study would be conducted in consultation with the Secretary of the Treasury and appropriate State banking and taxing authorities. A report of the results of the study together with recommendations must be made to Congress not later than December 31, 1970.

CORDON RULE

In the opinion of the committee it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

INDIVIDUAL VIEWS OF MR. TOWER

While agreeing with the motives for this bill, namely, the extension of the State taxation base in the banking industry and at the same time encouraging greater equality of treatment taxwise as between national banks, State banks, and other financial institutions I must take issue with the methods by which the committee's bill proposes to accomplish these purposes.

The specific purpose of both the House bill and the Senate version here under consideration is to provide authorization for the States (and local governments) to levy modern types of taxes on national banks, which were not in common use and not allowed for when the present statute (sec. 5219) was last revised in 1926. There are three basic methods under consideration to accomplish this purpose, the first being the House bill, H.R. 7491, the second being Senator Holland's bill, S. 2906, which I support, and the third being the present committee bill.

These three approaches to the problem of changing the existing statute to allow modern taxes to be imposed are explained and compared below; my conclusion in studying the problem closely is that Senator Holland's bill is considerably simpler and less costly for the States to put into effect than either of the others and will not disrupt the existing bank taxation structure upon which States and localities currently depend heavily.

1. H.R. 7491: In one immense, immediate move this bill would treat national banks as State banks for purposes of State taxation, which would have the substantial disadvantages of—

(a) Destroying State taxation statutes which refer to the Federal statute (Sec. 5219) for authorization.

(b) In States where the taxation statutes for national banks would survive H.R. 7491, the national banks (and State banks, where the State treats them equally by its own statute) would become subject to taxation as normal corporations, in addition to the special tax which was imposed on them by authority of section 5219 and which would still be in effect. Since States and localities currently draw substantial revenue from the tax they impose on national banks by virtue of section 5219, they will be unlikely to move quickly to abolish it, and the result will likely be for some time a heavy extra layer of tax on the banks, in addition to the normal business taxes they would be likely to encounter upon the enactment of H.R. 7491 (e.g., double taxation of net worth).

(c) Require State legislatures to reconsider and entirely revamp their bank taxation structures, surely a time-consuming and expensive process.

2. S. 2906 (Senator Holland): In recognition of these principal disadvantages (and others) connected with the House bill, Senator Holland introduced a much more feasible bill which would take into account the existing complex State tax structures based on section 5219 and would allow them to continue such structures, with the specific addition of the newer taxes desired by the States, namely; (1) Sales taxes (use taxes), (2) tangible personal property taxes (not in-

cluding cash or currency), (3) document taxes, (4) motor vehicles taxes and fees.

(a) This approach prevents disruption in the State tax system, and simply allows the States to add to whatever tax they desire to impose under section 5219 (which section would remain intact and unchanged) any (or all) of the newer types of taxes listed, and thereby draw in more tax revenue at the same time they are equalizing the tax status of banks and other financial institutions.

(b) This approach prevents national banks (and in many States the State banks as well) from being subject to double taxation since these newer taxes do not duplicate the existing section 5219 taxes, with the result that the banks will become taxed effectively as normal business corporations.

(c) One addition should be made to the Holland bill, to cover the situations where States have already raised bank tax rates (imposed under sec. 5219 authority) to bring banks into effective tax parity with other businesses; this provision should specify that no new tax be imposed by a State or its localities which imposes in any other form an increased rate of tax, in lieu of such new tax. The States affected could normalize their raised section 5219 tax rates and impose the newer taxes if they so desired.

3. Senate committee amendment (in the nature of substitute) to H.R. 7491: The Senate committee, also recognizing the defects in the House bill, but rejecting Senator Holland's bill, derived a complex and lengthy substitute bill which creates other problems as serious as the ones it tried to avoid in the House version. It provides for the addition to the section 5419 taxes of "any tax (other than a tax on intangible personal property)" applicable to State banks if a State legislature affirmatively imposes such a tax after the date of enactment of such enabling legislation. This would apply to in-State national banks only; however, a list similar to Senator Holland's is set out as permitted in regard to out-of-State national banks.

(*a*) Again, without a specification of allowable taxes (for in-State banks), as in Senator Holland's bill, the national banks (and many State banks) could incur double taxation due to duplicated taxes that the new provision might engender.

But the present committee bill goes beyond even this confusing situation; it would also set up a replacement statute in 1972 which would eliminate the four categories of section 5219 permitted taxes, and allow "any tax" (including intangible personal property taxes) applicable to State banks to be imposed by affirmative action of the State. Again, this would apply only to in-State banks; out-of-State banks would be taxed under the same terms as the 1970 statute permitted.

(*b*) The 1972 version will accomplish what the present H.R. 7491 version would do now; namely, create confusion and disruption in the existing complexities of taxation in 50 States.

In comparing these three bills, note that Senator Holland's bill would make these new sources of State revenue available as soon after enactment as State legislatures may desire to utilize them, and does not disrupt existing tax schemes. It also prevents double taxation of the National and affected State banks. It serves the essential purpose of all of the bills, that is, to open up the national banks to equitable and more full taxation, and satisfies the expressed concerns of both the State taxing authorities and of the American Banking Association.

If Senator Holland's bill should be bypassed in the Senate in favor of the committee version, there should be at least these several amendments taken into consideration:

(1) Eliminate the two-step process by deleting the 1972 provision which erases the statutory structure on which bank taxation in the States has been and will continue to be based. Instead try operating on the 1970 version, which retains the existing tax structure, until such time as the Federal Reserve Board and the Treasury can complete a full study of all of the important ratifications of tax structure changes implicit in the 1972 version and advise Congress as to their desirability.

(2) Broaden the proposed Federal Reserve Board-Treasury Department study of interstate taxation and intangible personal property taxation to include all relevant matters concerning future revision of the statute concerned in these bills, so that if any further statutory action is indicated, it will be based on thorough study and consideration of the consequences to the States and the banks, rather than on rather hazardous guessing, as the committee's proposal does in its present form.

JOHN G. TOWER.

Mr. HOLLAND. I thank the Senator.

My purpose is to have the RECORD disclose just where we are, because bankers all over the country, citizens all over the country, and particularly tax officials all over the country are going to be very interested in this matter and will want to know what is before the conference. Of course, they are going to be very eager to have prompt action by the conferees and also to know what that action will be.

So far as the Senator from Florida is concerned, he is inclined to agree with certain objections made by the Senator from Texas, and while he did not know of the point raised by the distinguished Senator from Utah, it sounds like something which should be gone into in conference. The Senator from Florida wants to make it a matter of record that he will be perfectly satisfied with this matter being considered by the senior members of the two committees of the two Houses in conference and, after conference study, that they will most effectively deal with this serious problem.

Mr. PROXMIRE. May I say to the Senator from Florida that I want to thank him very much for the initiative he has taken. He is not only helping the State of Florida but all the other States as well. We all have similar problems. This will enormously help the State governments. We all have the same objectives. We would like the maximum flexibility for the States in the matter of taxes, provided it is done in a fair, equitable, and nondiscriminatory way. That is what we will seek to reach in conference.

Mr. HOLLAND. I thank the Senator. I certainly could not ask for anything different. That is what I am asking for in this bill.

I am quite content to leave the case of the States and the local communities of government in the hands of the conferees who will be appointed by the two bodies. I recognize the fact that this is a complicated matter and that it must be considered in a rather emergency fashion because of the urgency and the necessity of helping some of the States, including my own, to levy and collect some taxes this year which they cannot do under the existing decision of the Supreme Court without additional legislation.

I thank my friends for bringing up the measure. I will be quite content to have the bill passed as reported by the committee and go to conference in that shape; not that I agree to everything that is in it, but because I think the conference will bring this bill to the point that heals the difficulties that exist and will allow the States to collect their taxes.

Mr. SPARKMAN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield to the Senator from Alabama such time as he may need.

Mr. SPARKMAN. Mr. President, I wish to express gratitude to the majority leader for letting us bring up this bill at this time We did it under a time limitation agreement. We did it with some difficulty, but I believe with an understanding that was worked out. I talked with the Senator from Florida, the Senator from Wisconsin, the Senator from Utah, the Senator from Texas (Mr. TOWER), and all those who will be on the conference committee, save the Senator from Florida.

I think we have a very clear understanding. The Senator from Texas hoped that he could be here when the bill came up, because he did have a real objection.

As stated in the report, he wanted to offer an amendment, but he said, "Go ahead and bring the bill up."

The Senator from Utah had raised some question on some language in the bill, and I made the proposal that we go ahead and pass the bill as the Senate reported it, because everything will be in conference. None of the language that the Senator from Utah and the Senator from Texas find objectionable is in the House bill. Therefore, it will be in conference.

I think it only fair to put in the RECORD and to give notice that when we get to conference, we will feel quite free in working on this language as well as any other language, in trying to arrive at a satisfactory solution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I thank the Senator for his clear and generous statement.

I am quite willing to leave my case in the sense of justice and also the sense of mercy that I am sure will prevail in the conference, because the States and the local units of government are adversely affected.

I must say for the banks in my State, the national banks in particular—I have heard from many of them—want this measure to be passed and feel that, as part of the community, they should pay the same taxes as anybody else. I have found a most wholesome and generous approach to this problem on the part of the national banks, the savings and loan institutions, and the State banks. That is true for my State, and, so far as I know, because I have had some communications from other States, it is true generally.

I thank the Senator for yielding.

Mr. SPARKMAN. I would suggest to the Senator that he not rely too heavily upon mercy, but I hope he will continue his trust in our desire to do the right, equitable, and fair thing. I can assure him that he can rely on the conferees on the Senate side to do that.

I do want to say this: The Senator said something about hoping that the conference could be held within the next few days. It will not be feasible to hold it until after the first of December. However, I certainly will do my best to get it to conference as soon as we can.

Mr. HOLLAND. Mr. President, will the Senator yield briefly?

Mr. SPARKMAN. I yield.

Mr. HOLLAND. I understand that the Governor of my State has called a special session of our legislature to meet in December. I am not sure of the date but it seems to me it is December 10.

Mr. SPARKMAN. We should be finished by then.

Mr. HOLLAND. If we can get it disposed of prior to that special session it would give my State a chance to act and, as the Senator from Wisconsin said, other States may be in an equally difficult situation, but I cannot speak for them.

Mr. SPARKMAN. I think the Senator can rely on that and I am confident we will come back with a bill.

Mr. GURNEY. Mr. President, I support this bill, H.R. 7491, the purpose of which is to equalize State taxation of banking institutions, that is, to put on an equal basis within a particular State, the taxation of national banks and State banks.

An intolerable situation had arisen in the State of Florida out of the case of the First National Bank of Homestead and Okaloosa National Bank at Niceville against Dickinson. This case, decided by a three-judge U.S. District Court for the Northern District of Florida, enjoined the comptroller of the State of Florida, the Florida Revenue Commission, and the director of revenue from levying certain sales and use taxes, intangible personal property taxes and documentary stamp taxes on the said national banks. The case was affirmed by the U.S. Supreme Court in a memorandum decision on July 20, 1969.

This case meant the loss of many millions in dollars in tax revenue to the State of Florida, which was serious enough in itself. But there was an even greater injustice caused by the decision, in that it placed the two banking systems in the State of Florida, that is the State banks and the national banks in entirely different economic categories. The State banks were subject to various State taxes, while the national banks, because of this decision, escaped the same taxes scot free. Obviously, this created an intolerable situation.

This bill corrects that injustice and disparity and I fully support the bill.

The passage of this bill will be received with considerable and grateful enthusiasm by banking interests in Florida, as well as other interested citizens, who are acquainted with this problem.

While I support H.R. 7491, because the legislation is urgently needed and will accomplish the desired result of equalizing taxes as far as State and national banks are concerned, I must say that S. 2906, which was introduced by my colleague, the senior Senator from Florida, and cosponsored by me and others, would have been a much better bill, in my view. Senator HOLLAND's bill would have equalized the tax situation as far as the State and national banking institutions are concerned, but it would have also permitted the various existing complex State tax structures to have continued, whereas the bill before us, H.R. 7491, complicates and confuses the situation.

Senator HOLLAND's bill was simpler, and in my view, much more reasonable and logical.

However, as I say, I do support the present bill before us as urgently needed to cope with the situation facing the State of Florida and others, and that is to correct the inequitable State taxation of State and national banking institutions and put them on a par.

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7491) was read the third time and passed.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER conferees on the part of the Senate.

ASSISTANCE TO MEDICAL LIBRARIES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11702.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

TAX REFORM ACT OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL AND SEPARATE VIEWS (S. REPT. NO. 91–552)

Mr. LONG. Mr. President, from the Committee on Finance, I report favorably, with an amendment, the bill H.R. 13270 to reform the income tax laws, and I submit a report thereon. I ask unanimous consent that the report be printed together with individual and separate views.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

Mr. LONG. Mr. President, the legislation I am reporting is the Tax Reform Act of 1969. It is a voluminous piece of legislation—probably the most massive bill that will come before the Senate in the 91st Congress. This bill represents more than 2 months of some of the most arduous work the Finance Committee has ever undertaken. It contains $7 billion of revenue raising tax reforms and it extends more than $9 billion of tax reductions spread out over the years 1971 and 1972.

Without the tremendous dedication to their work that the members of the Finance Committee demonstrated during the many long sessions we held on the bill it would not be possible for this bill to come before the Senate at this time. The Senators of the committee gave generously of themselves. They did their homework and always prepared themselves for the intricate discussions of tax loopholes and tax avoidance devices which marked most of the work on the bill. Our staffs, too, demonstrated tremendous dedication to the work of the committee. And, Senators will learn next week when we begin the debate on the bill that this is not the kind of a bill that can be acted on without the aid of an expert staff.

Mr. President, I should particularly commend the chief of staffs of the joint committee, Mr. Larry Woodworth, Mr. Harry Littell, senior counsel of the Senate's office of legislative counsel, and Mr. Tom Vail, chief counsel of the Committee on Finance, as well as their fine assistants for the many, many hours of dedicated work they devoted to this task. These people prepared all sorts of data on pamphlets for Senators day by day to take home with them at night to study for the session the next day, preparing and summarizing statements of witnesses before they appeared so that we could move more expeditiously through the hearing, more so than has been achieved by any other committee during this Congress, the previous Congress, or Congresses before that, so far as I recall.

We tried to hear all witnesses who wanted to testify but even so it was necessary to persuade at least 500 of the nearly 800 people who wanted to testify that we would accept a statement to be printed in the record, or consolidate their statements with other statements so that we could conclude the work on this bill in the time allotted to us.

For the last 3 weeks since the committee ordered the bill reported on October 31, the drafting of the technical language carrying out our many decisions—and we made more than 400 of them—has been going on in the office of the Senate legislative counsel. The drafting group was large. It consisted of our committee staff and the joint committee staff and perhaps as many as 75 experts that the Treasury Department and the Internal Revenue Service made available to us for this work. But in the final analysis the entire product of their efforts in carrying out the committee's many decisions had to be funneled through a single man—Harry B. Littell, senior tax counsel, in that office.

The Committee on Finance is, and indeed the Senate itself should be, very proud and fortunate to have a man of Harry's unquestioned ability available to help transform our decisions into precise statutory terms. The time limitation we placed upon him to draft this unusually long and detailed bill was almost impossible to meet. But by giving us his Saturdays and Sundays and by working around the clock and into the night on weekdays he has finished the technical work. I for one applaud him as a good tax lawyer, an excellent draftsman, a dedicated Senate employee, and a fine person.

Now it is up to us in the Senate to take up the committee's bill and decide whether the many tax reforms in this bill are going to be enacted. It is up to us to decide whether the massive tax cuts this bill provides—and the tax relief it brings to poverty income groups—is truly going to be the law of the land.

In preparing for the debates on the bill next week, I urge Senators to read and study the summary of the bill I sent them on Tuesday. It is an accurate and complete description of the many features of this complex bill. I am certain that Senators will profit by reading it in advance of the formal debate. It will help them understand not only what we propose by the committee bill, but also why we propose it. If Senators will view the committee's work in this perspective it will do much to expedite floor consideration of the tax reform bill.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Senator from Louisiana who, with his committee, has done a remarkable job in reporting the bill, which will soon be the pending business before the Senate, not later than October 31, and for being able, in a circumscribed period of time, to report to the desk the bill in all its details so that we could be ready to take it up on Monday next.

I cannot speak too highly in praise of the distinguished Senator and the members of his committee on both sides of the aisle. I think they have done a magnificent job and I think what they have accomplished is something a lot of people thought they could not do in the period in which they worked.

I cannot say words high enough in praise of the Senator from Louisiana for this fine job. I am grateful that he has been able to do what he has done, and invite the attention of the Senate to the fact that it was an unusual success.

Mr. LONG. May I thank the majority leader very much for the kind remarks he has made, both about the chairman of the committee and the committee itself.

As I said in my remarks, I believe the committee put in longer hours and worked more diligently on this piece of legislation than ever before, to try to hear the points of view of all concerned about this matter—and there were many—and also to try to consolidate the statements, and get abbreviated statements, so that we could consider the points of view of all those who, for one reason or another, might feel they were adversely affected by this legislation, as well as those who felt that they were perhaps entitled to more consideration than the House or even the Senate felt it could accord them.

I regret it was not possible to hear some witnesses to the extent we would like to have done. I am particularly familiar with the effect on one witness, representing a nationwide organization, who was concerned about the fact that he was permitted only 10 minutes to testify. He certainly had a right to speak longer than that. However, there were others who shared his point of view who spoke for 2 whole days with regard to the subject that this witness was concerned about. To have done otherwise would have made it impossible to have acted on the bill this year. Therefore, we did the best we could with the time available to us.

Mr. MANSFIELD. I deeply appreciate what the Senator has done.

TAX REFORM ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 13270, the Tax Reform Act of 1969. I do this so that the bill will become the pending business on Monday next.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 13270, an act to reform the income tax laws.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, again for the information of the Senate, first, there will be no votes this afternoon; second, there will be amendments, I am sure, offered on Monday, Tuesday, and Wednesday of next week before we go out for the Thanksgiving period.

It is possible that there will be votes on some of the amendments. Thus, once again, I emphasize this very strong possibility to the Senate, so that all Senators will be prepared and will know what the prospects are for next week.

AGNEW'S ATTACK ON RESPONSIBLE PAPERS, WRONG BUT SHREWD POLITICS

Mr. PROXMIRE. Mr. President, the Vice President of the United States last night delivered an attack on two of the giants of the press—the New York Times and the Washington Post.

The speech was inaccurate, as both the New York Times and the Washington Post pointed out with documentation today. It was wrong-headed in its assumption that deliberate bias rather than the differing judgment and shortcomings of limited human beings resulted in a different placement of the news than Mr. AGNEW would have preferred. It was ridiculous in its implications that the President and his administration have not been getting a generally favorable press.

The overwhelmingly pro-Republican editorial position of newspapers throughout the country has guaranteed that. Even in Washington—which the Vice President singled out as a horrible example—two of the newspapers support the Nixon administration on most issues. The third, the Washington Post, has supported President Nixon on some and, of course, given his views on virtually every subject strong coverage.

But in spite of all this, the Vice President deserves credit for opening up an area of power and influence in America that should be debated and discussed.

And most importantly—and here is what most evaluations of the speech have missed—the Vice President has come across an ingenious and attractive target for any shrewd politician.

The fascinating truth that Mr. AGNEW has discovered, as have a few other astute politicians, is that making a punching bag out of a really good, honest, fair, and responsible paper today is smart politics.

This is something new.

One of the first principles any successful politician learns at his mother's knee or shortly after is: "Never argue with a newspaper."

The sense behind that principle is that the newspaper can in the long run win any argument with an adversary and destroy him in the process.

Now this was true of papers—almost all papers—a generation ago. It is true of many papers today. Any Senator who tangles with a paper that has little regard for fairness, objectivity, balance, accuracy—a paper that is willing to conduct a feud—any politician tangling with that kind of paper has not got a chance.

The politician can make his argument but the paper will not print it. The paper will print the arguments of his opponents. It will carry features stressing his mistakes, his weaknesses. Every time he makes a blunder—and all of us do—it will come down hard, and constantly. In the community where that paper circulates, it will kill him.

But the good paper today, papers like the Washington Post, the New York Times, the Milwaukee Journal, the Louisville Courier, the St. Louis Post-Dispatch and others, will not do that. They cannot do this consistent with the principles they believe and practice.

A public official can take those papers on directly. He can threaten, denounce. And he can win.

Why? Because the paper will not really fight back. It will not stop printing what the public official says if it is newsworthy. It will not slant its coverage of him. It will not exaggerate every statement of the official's weaknesses. It will do its best to report the news about its assailant fairly, accurately, objectively.

Oh, of course, back on inside page 22 on the editorial page it will rough him up. But a man as astute as Mr. AGNEW will know that the only people who consistently read the editorials are the editorial writers and the people they discuss, plus a very few more.

Studies repeatedly show the enormous readership divergence between a front-page story, reporting what an AGNEW says and inside the paper editorial reporting that what he says is not true.

The editorial does not have a chance. And the good newspaper does not, either.

This is particularly true because a public official attacking an established newspaper immediately becomes a hero. He is a giant killer. He is taking on the biggest, strongest, and one of the richest institutions around. In this fight he is the underdog, the New York Mets in the world series or Namath's Jets in the super bowl.

And a good newspaper does not have many friends. One time or another it has cut up a lot of people and struck out at a lot of popular prejudices. It has probably taken on veteran groups and the chamber of commerce, the labor unions, and the farmers.

And all the people whose groups have been opposed feel—rightly—that they are helpless. Unless they have $20 or $30 million or more to buy a newspaper, they just swallow their frustration and fume. They forget the times they agreed with the paper. They never forget when they disagreed.

So this man taking on the newspaper is their boy. He is fighting their fight.

Let me give a case in point. The mayor of Milwaukee is Henry Maier, I think he is a good mayor. He works hard. He is smart. He is a leader among the Nation's mayors.

Most remarkable—unlike other mayors who are falling out of their jobs right and left or squeezing through by paper-thin majorities or pluralities—Mayor Maier was reelected mayor of Milwaukee in 1968 with more than 80 percent of the vote, the biggest majority any Milwaukee mayor had ever won in the city's history.

He did this although he had to ask for tax increases, and not provide the services he wanted to provide, and although Milwaukee has been plagued with as tough and militant a minority movement led by Father Groppi as any city in the country.

What is Maier's secret? He took on one of the Nation's best newspapers, the Milwaukee Journal, and just for good measure he cuffs the city's other newspaper, the Milwaukee Sentinel, also a very good paper and one that does its best to play by the best newspaper rules of fairness, balance, objectivity, and no sustained feuds.

These papers have complete Milwaukee coverage. They go into virtually every home in the city. An outsider would say that the mayor does not have a chance, the papers will get him in the long run.

To the great credit of those Milwaukee papers, they have not gotten Mayor Maier and they will not. By their reasonably objective and comprehensive coverage of Maier's speeches and actions, while berating him editorially, he has the best of all possible worlds. The people of Milwaukee know and like the job he is doing. And he gets credit for having the courage to take on the newspaper Goliath and the savvy to chop them up in the process.

Mr. President, this is not just a Milwaukee story. What has happened in Milwaukee can happen nationally.

The Washington Post and the New York Times—and other responsible, conscientious papers the Vice President will very likely attack as he moves around the country—will not be intimidated.

But they will report the Agnew attack on them fully. They will continue to report what Mr. AGNEW and the rest of the Nixon administration does fully and with as much objectivity as they can get out of their reporters. They will measure inches on the front page in any campaign involving the administration to make sure the administration has a completely fair shake. The editorial page will continue to criticize Mr. AGNEW and Mr. Nixon when they disagree. But now even the criticism will have its benefits for Mr. AGNEW, as it did for Mayor Maier in Milwaukee.

So here we have a dimension of the Agnew attack that has not really been considered. How inviting this is to all of us in politics. The Vice President's attacks on the television networks is of precisely the same nature. His overwhelmingly favorable responses indicate this. And the Vice President cannot lose. In fact, he found a sure way to get on all TV networks simultaneously.

Does this mean that the price he will have to pay is to be roughed up by Chet Huntley and David Brinkley and Frank Reynolds? Of course not. Does it mean he will not be covered in the future on television by the networks? Quite the contrary. Their failure to respond would be validating the Agnew criticism.

Mr. AGNEW has found an ingenious formula for political success. It will be hard for the great newspapers of this country, great in their efforts to report fully, fairly, objectively, and with balance, to find a way to meet this without destroying their principles.

It will be a new test of popular understanding and intelligence to see how the American people respond to this new technique. I suspect there is nothing really the newspapers can do except be patient and count on the ultimate collective wisdom of the American people. If there is anything else the TV networks can do, this Senator would like to hear it.

AUTHORIZATION TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to file reports on bills and resolutions, together with minority and individual views, during the adjourment of the Senate until 11 a.m. on Monday, November 24, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 24, 1969, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock Monday morning next.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until Monday, November 24, 1969, at 11 o'clock a.m.

REJECTION

Executive nomination rejected by the Senate November 21, 1969:

SUPREME COURT OF THE UNITED STATES

Clement F. Haynsworth, Jr., of South Carolina to be an Associate Justice of the Supreme Court of the United States.

EXTENSIONS OF REMARKS

COINCIDENTAL RACISM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. CLAY. Mr. Speaker, many black Americans and peoples of other colors throughout the world have suspicioned that racial overtones are involved in the Vietnam war. I might add that the suspicion is based more on fact than fantasy. For Americans being racist oriented as they are—have justified the intrusion militarily into the internal affairs of Vietnam on the pretension that the spread of international communism must be resisted. Further, Americans rationalize that it is in the best interest to coexist with the chief architects of this international Communist conspiracy.

Our country has divided the Communist world into two groups—the good and the bad. And it may just be coincidental that all the bad Communists are peoples of color—Chinese, Cubans, Vietnamese, Koreans. If in truth it is coincidence, I contend it is racist coincidence.

Mr. Speaker, I charge the American Government with hypocrisy of the highest order. Our troops are dying in Asia to prevent a colored minority from determining the future of a colored majority supposedly, and at the same time this Government is supporting white minorities in African countries who are forcibly dominating black majorities.

Mr. Speaker, I call the attention of my

colleagues to the following article which appeared in the Washington Afro-American on November 18, 1969.

"QUIET WAR" GROWING

The world's biggest "quiet war" is growing more intense with every passing year.

Not much is written on a regular basis by the American press about the guerrilla war black Africans in the southern area of the continent are waging for self-determination against white oppressors.

There now are more than 26,000 guerrillas battling an estimated 250,000 government troops in Mozambique, Angola and South West Africa. The number is growing.

Most of the oppression forces are white South Africans and Portuguese. There also is growing conflict now in Rhodesia.

Unlike in South Vietnam, where the United States government has gone to the aid of Vietnamese the U.S. says must have self-determination, this country has given no assistance to the oppressed Africans.

In fact, the Africans insist their efforts to prevent the domination of millions of their people by thousands of whites, are hurt by the political and economic ties the United States has with South Africa, Portugal and Rhodesia.

If the United States government is to have a policy of upholding self-determination, it should be a uniform one.

This country should not be guilty of supporting the minorities in Southern Africa who are using force to prevent the black majorities from exercising full rights in their native lands.

Time is against the oppressors.

CHILDREN'S PRAYERS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. ROUDEBUSH. Mr. Speaker, every week we have been inserting children's prayers into the RECORD.

Purpose of this project is to provide short devotionals for the Nation's schools to open their morning sessions.

The Supreme Court has outlawed prayer and Bible reading in the public schools, thus depriving our children of the privilege of starting their day on a prayerful and religious note.

However, even the Supreme Court has dared not prohibit the Congress from daily prayers, and by inserting these children's prayers in the official RECORD of the Congress, I believe the schoolchildren can repeat them with impunity.

This week's prayers include:

I

Thou art great and Thou are good,
  And we thank Thee for this food.
By Thy hand must all be fed,
  And we thank Thee for this bread.

II

Dear God in Paradise
  Look upon our sowing:
Bless the little gardens
  And the green things growing.

III

God be in my head,
  And in my understanding:
God be in mine eyes,
  And in my looking;
God be in my mouth
  And in my speaking;
God be in my heart,
  And in my thinking;
God be at my end
And at my departing.

IV

(Sixteenth Century)
Lord help me today
To do and say,
The kindest things
In the kindest way.

V

Bless, O Lord Jesus, my parents,
  And all who love me and take care of me.
Make me loving to them,
  Polite and obedient, helpful and kind.
    Amen.

THE SCOTT REPORT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, one of my constituents, Mr. Edward J. Sloane of Springfield, Va., has sent me the following Scott Report, dated November 19, 1969, which I include at this point in the RECORD:

THE SCOTT REPORT

(By Paul Scott)

WASHINGTON, November 19.—Six years after the assassination of President Kennedy, the FBI is still seeking to unravel a number of mysteries involving the activities of Lee Harvey Oswald, the suspected assassin.

Probably the most baffling of these mysteries, still under investigation, is the last letter Lee Harvey Oswald is believed to have written before the Dallas tragedy.

Intercepted and read by the FBI before it arrived at its destination, the Oswald letter was mailed to the Soviet Embassy here on November 12, 1963—or 10 days before the assassination.

In his request for a Soviet visa, Oswald made reference to the unannounced recall of an official in the Cuban Embassy in Mexico City whom he had dealt with during his visit there two months before the assassination. The highly significant reference was as follows:

"Of course the Soviet Embassy was not at fault, they were, as I say unprepared, the Cuban consul was guilty of a gross breach of regulations, I am glad he has since been replaced."

The unanswered question still baffling the FBI is: How did Oswald learn about this official's unannounced recall?

According to the FBI's investigation, there was absolutely no way Oswald could have obtained this information during his September visit to Mexico City, since the secret recall order from Havana was not transmitted until after he had returned to Dallas.

Even then there was no publicity and only a handful of persons know about the recall, one FBI report states. This report along with several others pertaining to Oswald's trip to Mexico City have never been released. The reports are among the documents ordered sealed by the Warren Commission following its investigation of the assassinations of Kennedy and Oswald.

THE CIA FINDINGS

During its investigation, the Warren Commission spent considerable time trying to check out the letter and its content.

One inquiry directed to the CIA to determine where Oswald might have have obtained the unannounced information about the official's recall produced negative results.

The CIA's memorandum to the commission, now declassified and on file in the National Archives, states:

"We surmise that the reference in Oswald's 9 November letter to a man who has since been replaced must refer to Cuban Consul Eusebio Azque, who left Mexico for Cuba on permanent transfer on 18 November, 1963, four days before the assassination.

"Azque was scheduled to leave in October but did not leave until 18 November. We do not know who might have told Oswald that Azque was to be replaced."

In its investigation of the letter, the FBI inquiry ascertained that CIA and KGB operators in Mexico City learned of the official's recall at approximately the same time and only a week before Oswald wrote his letter.

While the FBI investigation has been unable to resolve the mystery, it has narrowed the sources of where Oswald could have obtained the information. These sources are:

(1) An informant in the Cuban Embassy in Mexico City who contacted Oswald after he returned to the U.S.; (2) the Central Intelligence Agency; or (3) the KGB, the Soviet Secret police.

OTHER DETAILS

The Warren Commission's inquiry into the Oswald letter, most details of which were buried in the 26 volumes of testimony, revealed that Mrs. Ruth Paine on whose typewriter the final draft was made, and Marina Oswald, wife of the alleged assassin, knew of the letter and its contents before it was mailed.

Significantly, Mrs. Paine testified Oswald typed the letter while spending the November 9 weekend at her residence with his wife. After observing the letter when Oswald was not around, Mrs. Paine said she copied it. The commission's record shows she turned the copy over to the FBI on November 23, the day after the assassination.

A check of declassified FBI reports on file in the National Archives shows that the agency started its investigation immediately on intercepting Oswald's letter after it was mailed in Irving, Texas, on November 12.

One report reveals that the FBI agents involved in the intercept copied the text of the letter and put it in Oswald's Washington file with a note that one paragraph verified earlier information on Oswald's Mexico City visit.

The FBI report pointed out that Oswald's mention of "Comrade Kostin" in the letter confirmed a CIA report that he had met with Valerity Vladimirovich Kostikov, a member of the consular staff of the Soviet embassy, and one of the top KGB officers in the Western Hemisphere.

But the FBI report did not answer the question of how and when Oswald learned that Cuban Consul Eusebio Azque, was recalled.

Several government investigators believe if this mystery could be solved that it would go a long way toward determining whether Oswald had any accomplices.

THE SECRET DOCUMENTS

President Nixon has the authority to make public the documents that the Warren Commission decided to keep secret after its investigation of the Kennedy assassination.

That's the private report that Attorney General John Mitchell has sent to the White House after studying the Johnson Administration's handling of the storing of the commission's files in the National Archives.

Mitchell ruled that the President has broad authority to declassify all of the commission's documents under the National Freedom of Information Act passed by Congress in 1966.

Approximately two-thirds of the commission's estimated 28,000 documents have been declassified since it published its findings on September 28, 1964.

The remaining one-third, which includes a number of CIA and FBI reports believed to have significant news value, are still barred from public scrutiny.

Many of these documents deal with Lee Harvey Oswald's trip to Mexico City.

HAPPY BIRTHDAY, MAC—A NEWSPAPERMAN'S NEWSPAPERMAN

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HARVEY. Mr. Speaker, it is a rare occasion that I take this means to focus on an individual to pridefully point out an accomplishment or a milestone. But, today, this is a rare individual whom I wish to praise. In doing so, I can assure you that I run the very serious risk of a stern admonition from Mac.

But, I did want to have a very nice column on Saginaw's "Mr. Newspaperman," Robert T. McMillen, brought to the attention of my colleagues. On Tuesday, November 18, Mac celebrated his 80th year. He has spent 61 of those years in the newspaper field, always as a worker, and all but 10 of those years on the Saginaw News, Saginaw, Mich.

The fine article by Ed Miller presents the statistical information on an outstanding gentleman. It could have added one other thought. If our city of Saginaw, now over 100,000 persons, has a claim to fame—which it has as an All America City in 1969—then the work of this man as a reporter and as the "author" of Saginaw's council-manager city government charter some 35 years ago is the principal reason for that success.

As the headline reads: "All Right, 'Mac', Take A Bow":

ALL RIGHT, "MAC," TAKE A BOW

(By Ed Miller)

We've an extremely hearty and lively legend walking around the newsroom here today, smiling pleasure at the many handshakes and congratulations.

He's Robert T. (Bob or Mac, take your choice) McMillen, who owns one of the best names ever among Michigan newspapermen, and who's 80 years old today. He looks and acts much younger.

Mac has been a newspaperman 61 years, 51 of them on this newspaper. He and his wife, the former Mary Downey, have been married 54 years.

He became librarian of The News in 1947 after mending from a severe heart attack. He planned and set up the reference and historical library here which is vital to this newspaper.

As a slayer of errors, he still is the same unerring marksman he was during his younger days as city editor here.

He also writes the Bygone Days column on this page and makes it a delightful compound of nostalgia and sprightliness.

Occasionally, on assignment or by his own inclination, he sits down and bangs out a news story or feature article in the style which won him unsuccessful imitators in his days as a reporter-writer.

Mac was born on this date in 1889 near Logansport, Ind. After graduating from high school in Bellefontaine, Ohio, he started newspapering in Ohio.

All of us here are required to fill out biographical blanks. These contain personal backgrounds, statistical information and accomplishments.

Before I wrote this, I took from the library file the biographical blank of one Robert Tilton McMillen. I read the list of newspapers for which he worked and reportorial and desk editor positions he held.

On the back page of the blank, under the heading of "additional data," this is what Mac wrote about himself as an addendum:

"And, casting modesty into the hellbox: As a reporter for the Courier-Herald, News Courier and The News, covered many of Saginaw's major news stores over a span of more than a quarter-century. Notable among these was the Kimbrough murder case in 1915, the county treasury scandal in 1916, the Academy Music fire in 1917, World War I draft, Liberty Loan and Red Cross campaigns of 1917–18; Wright Hotel fire (6 died) in January, 1918; return of "Saginaw's Own," (Company K, 125th infantry) in 1919; public discrediting of old city government (not the people in it, but the inept and extravagant methods forced on them by a carelessly written and cumbersome charter); participated as "the tenth member" in the Charter Commission's writing of the council-manager charter. Had the job of pruning excess verbiage from the charter text, contributing to "boiling it to about 2,700 words, shortest city charter in the world. Covered draft of charter commissioners as council candidates, adoption of the new charter and establishment of the new government which took over Jan. 6, 1936; City Hall fire, April, 1935; Hamilton Square Fire, March, 1929; sensational Blank murder case at Ithaca, February, 1936."

Hellbox is a newspaper expression for a receptacle in the composing room into which used type is thrown. Mac used that word "modesty" with a chuckle.

All he wrote about himself in his biographical blank is a terse matter of record. I can tell you he was modest by a couple of newspaper columns or so.

AGNEW VERSUS TV

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DUNCAN. Mr. Speaker, the speech of Vice President AGNEW in Des Moines last week has brought to the spotlight a situation that many of us have worried about a very long time. His remarks were long overdue. People throughout the Nation now realize that they must themselves "analyze" the news they receive on the national television networks because they may not always be watching impartial reports.

Mr. John Helms III, of the Gazette & Mail, Morristown, Tenn., did a great job in reviewing the remarks of the Vice President. He points to some good examples of what news media can do to and for a Nation.

He concludes:

> The Vice President's scoring of TV news is richly merited, as any analytical viewer of television can attest, but news bias is not confined to TV.

I urge my fellow Members to read the following editorial by Mr. Helms as it appeared in his newspaper of Sunday, November 16, 1969:

AGNEW VERSUS TV

(By John Helms III)

A short year ago last week the U.S. elected a new President. Richard M. Nixon's running mate was a stranger to most of the country, and he was generally considered—if considered at all—to be another Vice-Presidental non-entity, a political zero.

Yet today Spiro T. Agnew is widely known as few if any No. 2 man in the U.S. have ever been known.

Senator Barry Goldwater may have exaggerated when he said that Agnew "may find himself boomed for president before it's even his turn," but it is safe to state that the Vice-President is having an immediate impact on the country which none of his anonymous predecessors has ever had.

In some eyes Agnew's outspokenness may produce no more effect than did Don Quixote's charges against the windmills, but however his crusade turns out, the Vice President is challenging some of the sacrosanct entities of this country as they have never been challenged by a public figure of his stature.

Agnew has dared to speak out against the irresponsible elements among the intellectuals, the pacifists, the black militants, and the nation's youth—and this is simply not done.

Now he has questioned the impartiality of the news coverage of America's three major television networks.

The howls which his questions in a Des Moines speech last week have elicited indicate that Agnew is getting close to the mark.

What did the Vice-President say? He charges that a distorted and narrow picture emerges from TV news: "The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus."

NONE TRUE

As Agnew added, none of these conclusions is true.

Speaking of the TV "news" commentators such as Huntley and Brinkley, he notes that "a raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy."

And, with reference to a network's "trotting out" in rebuttal critic Averell Harriman immediately following President Nixon's address on Vietnam two weeks ago, the Vice-President observed pungently that "when Winston Churchill rallied opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through."

The Vice-President did not add, as well he might, that such challenges in Britain (or in the U.S.) during the course of World War II would have been exceedingly dangerous to the challengers' life and limb.

Agnew made plain that he was not asking for governmental censorship of TV or other news media, but he was calling for responsible news presentation. He concluded with this comment: "In tomorrow's edition of the Des Moines Register you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page. Should not the same wall of separation exist between news and comment on the nation's networks?"

The Vice-President's scoring of TV news is richly merited, as any analytical viewer of television can attest, but news bias is not confined to TV. The current issue of Newsweek magazine in its cover "news" story on Agnew describes the Vice-President as "feisty," an adjective which originally means a small dog breaking wind.

That's unsigned journalistic objectivity for you!

MAXINE BRIGHT, MENTAL HEALTH VOLUNTEER OF THE YEAR

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HANSEN of Idaho. Mr. Speaker, I want to call the attention of my col-

leagues to the remarkable story of a distinguished citizen of Idaho who is being honored this week as the Katherine Hamilton Volunteer of the Year, an award presented on behalf of the Indiana Mental Health Foundation during the annual meeting of the National Association for Mental Health.

Mrs. Mack Bright of Blackfoot, Idaho, turned a family tragedy into a career dedicated to helping others. Hers is a story of quiet courage and compassion. By her devoted and unselfish service to the mentally ill, she has earned the Nation's highest mental health award and brought great honor and distinction to the State of Idaho.

The love, patience, and concern for the welfare of her less fortunate fellow human beings that is reflected in Maxine Bright's volunteer services to the mentally ill will serve as a shining example and an inspiration for others. It is one of the "small, splendid efforts" that President Nixon called for in his inaugural address in order to build the strength and spirit of America.

President Nixon said:

> With these, we can build a great cathedral of the spirit—each of us raising it one stone at a time, as he reaches out to his neighbor, helping, caring, doing.

Mr. Speaker, we are grateful for Mrs. Bright and for the great contribution she is making to the betterment of our society. We extend to her our most sincere thanks and congratulations. We would also like to commend the Bonneville County Mental Health Association for calling attention to her outstanding work and the Indiana Mental Health Memorial Foundation for the recognition which this award represents.

Mr. Speaker, I include as a part of my remarks excerpts from the nomination submitted by the Bonneville County, Idaho, Mental Health Association and a press release issued by the Mental Health Association of Indiana:

KATHERINE HAMILTON VOLUNTEER OF THE YEAR

Excerpts from the nomination submitted by the Bonneville County (Idaho) Mental Health Association:

Volunteer work took on new meaning at State Hospital South, Blackfoot, Idaho, about January 1963—when Maxine Bright joined in with a helping hand and all her heart.

About a year later, she used organizational skill to get volunteers reorganized and going again.

In the hospital Maxine was quick to see what could be done to make life happier and open a new world to chronic patients living in a slump of despondency. She organized volunteers in Good Grooming projects for women patients and planted petunias and marigolds around all the hospital buildings, and before the days of activity therapists at our state hospital, organized outside games such as volley ball. A most worthwhile project of hers was organizing a group of patients to do volunteer work at the hospital. They wore volunteer pins and were rewarded with a trip to town for a banana split once a month by Mrs. Bright.

She personally took patients on shopping trips—first seeing that each woman was groomed and dressed so that she would feel comfortable downtown.

She helped at the patient dances, organized exercise classes, fashion shows, and a gift case where patients could sell handiwork.

The unpleasant jobs that some volunteers shunned were quietly accepted—handfeeding patients helpless to feed themselves—working with patients in the recovery room, following shock treatments. Where a helping hand was neded, there you would find Maxine.

Some of this feeling that Maxine has for patients may come from working with her own nephew, Tommy, mentally retarded and psychotic. She spent hours helping him beginning with when he was a little fellow of three. When he entered the state hospital six years ago, at fourteen, Maxine spent hundreds of hours with him expanding her services to other patients wherever she felt a need.

Working to help patients adjust to life outside the hospital has been a "natural" for this warm-hearted woman. She encouraged a project where patients made and sold caramel corn on the grounds—and used the proceeds for a real dinner out, at the Colonial Inn. For days they planned, fussed and groomed, and polished up good manners. And when the time came, Maxine and the Director of Volunteers proudly took their group for an evening out.

Maxine Bright has been one of those working each year at the state hospital exhibit of Eastern Idaho State Fair, where sales of patient-made rugs, pottery, pictures and needlework bring money for patient funds, to be used for gifts and party prizes.

Over 3,000 hours served working as a volunteer in the hospital mark only part of the volunteer work done by this amazing woman.

When troubles struck her personal life—she redoubled her efforts to help others. The death of her husband, Mack, about a year ago brought great sorrow but not self-pity. Three times a week she invited groups of patients to her home for dinner and cards . . . and concentrated on giving these institution people a taste of home life.

When she went to work on the housekeeping staff at the hospital, and then became an attendant—Maxine Bright continued to do volunteer work and invite patients into her home. She is an inspiration to every volunteer, loved and respected by every patient there.

[Press release of the Mental Health Association in Indiana]

WASHINGTON, D.C., November 21—A woman who learned tolerance, compassion and the love of handicapped through her young, retarded and psychotic nephew, and, therefore, dedicated her life to helping the mentally ill, today received the nation's highest mental health award during the meeting of the National Association for Mental Health at the Shoreham Hotel in Washington, D.C.

Mrs. Mack Bright, 788 South Broadway, Blackfoot, Idaho, received the Katherine Hamilton Volunteer of the Year Award presented by the Indiana Mental Health Memorial Foundation.

Miss Amy Vanderbilt, chairman of the Awards Committee of the National Association for Mental Health, presented a plaque and a check for $1,000 to Mrs. Bright, which she will use to help purchase a bus for the patients at State Hospital South in Blackfoot.

Nominations for the coveted award came from eighteen states. Only close relatives of patients who are or have been hospitalized with mental illness are eligible for the award which is named in honor of Miss Katherine Hamilton of Terre Haute, Indiana, a long time volunteer worker for the mentally ill and a sister of a patient who died in an Indiana state hospital.

Senator Frank Church of Idaho said, "The honor which is being bestowed on Mrs. Bright is highly deserved and is an honor for the State of Idaho. Mrs. Bright's work typifies that of countless volunteers whose endeavors are of great benefit in making our country a better place in which to live."

She was nominated for the award by the Bonneville County (Idaho) Mental Health Association for her work as a volunteer with the patients at State Hospital South. She made life happier and opened a new world to chronic patients living in a slump of despondency. Starting in 1963 she organized volunteers in good grooming projects for the women patients, planted thousands of flowers on the hospital grounds, and organized outside games and activities before the hospital had activity therapists.

She personally took patients on shopping trips, organized patient dances, exercise classes, fashion shows and opened a gift department at the hospital where patients could sell their handiwork. She extended her work by recruiting others to work with her and the patients.

Providing an evening out at a local restaurant was another activity which proved to her the value of community contact. From then on patients were constantly invited to her home for an evening or a weekend.

When Mr. Bright died over a year ago, her efforts redoubled but still she did not believe she was doing all she could. She, therefore, accepted a job at the state hospital so she could spend full time with the patients she loves. This did not stop her volunteer activity and almost every weekend her time is filled with patients from the hospital.

A member of the hospital staff said, "She is an inspiration to every volunteer and loved and respected by every patient."

Mrs. Bright was the sixth person to win the national award. It was first awarded to Mrs. Reuben Waller of Salisbury, Maryland in 1964; to Mrs. Franklin Kearney, Indianapolis in 1965; to John Edward Counts of Farmington, Missouri in 1966; to Norris Adams, Jr., of Ankeny, Iowa, in 1967 and to Mrs. Joseph DeGross of Weehawken, New Jersey, in 1968.

The award was made possible when Miss Hamilton left the bulk of her estate to the Mental Health Association in Indiana and to her Vigo County chapter. The State Association then formed the Indiana Mental Health Memorial Foundation which is dedicated to undertake, promote and develop research, education and all services related to the field of mental health through the careful use of bequests.

Miss Hamilton dedicated thirty-three years of her life to the mentally ill during which time she helped in the organization and growth of the Vigo County chapter, served the Mental Health Association in Indiana for ten years as a board member, secretary and delegate to the National Association for Mental Health, eliminated the practice of patient jailing in her county and improved the situation in Indiana, helped establish psychiatric clinics and helped develop the Adopt-A-Patient program in which the people assume the role of a relative of a patient. She assisted in the development of hospital volunteers in Indiana and lobbied for increased appropriations for the Department of Mental Health and helped expand the National Association for Mental Health.

Mrs. Wilbur F. Pell, Jr., Shelbyville, Indiana, president of the Indiana Mental Health Memorial Foundation, said, "We are honored to give the award to Mrs. Mack Bright, who is in so many ways like our beloved Katherine Hamilton."

FEDERAL CITY COLLEGE ENTERS SECOND YEAR

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. GUDE. Mr. Speaker, the Nation's Capital has for too many years trailed the other 50 States in providing its young people access to a low-tuition

public college. Today the District of Columbia is moving out of these dark ages as the Federal City College enters its second year of academic life bringing new educational opportunities to talented students who could not otherwise afford college at all.

My colleague from Iowa, Representative FRED SCHWENGEL, as everyone knows, has worked for years to improve the life of the District of Columbia. In his recent address at the dedication of the Working Library for the Federal City College, the distinguished gentleman from Iowa pointed to the critical need of developing able urban leaders by solid education and progressively responsible experience. We are proud that through the Federal City College these opportunities are being made possible today in contrast to what has been too often the suppression and the educational deprivation of the past.

Mr. Speaker, I commend to my colleagues the remarks of Mr. SCHWENGEL as he addressed the Federal City College reception on October 29, 1969:

Good friends of Federal City College. I am glad to have had a part in this coming together in this building where Federal City College was really born. I am glad to note the success already evident.

In my political life I have been on over three hundred different college campuses and always made it my business to be with, counsel with and listen to students. I believe from this experience that the students of today are as good and maybe even better in many respects than the students I knew in college and I know this to be true!—Students graduating from high school today are better prepared for college than the high school graduates of my time.

Today as never before, students are thinking about important things. They are dedicated and real serious about a lot of things. I think the students I talked to and counselled with know and believe that this age and time calls for intelligent leadership. I also believe they are aware of the gaps in many places in our society and they are determined to do something about those gaps. They are interested in setting proper priorities. This is good for it stems from a moral base—a moral base is so important where there is freedom. My counsel, to the students, based upon experience and my knowledge and feelings about history tells me that it is most important to seek to do the right thing the right way at the right time and place. I believe and history confirms, that right things can be done wrong ways and when they are, they derail and handicap progress.

It is good to be here with you and share in this display of interest, excitement and dedication. Today, however, we are paying tribute to those with an interest in libraries. And especially to honor Roy and Jeanette Nichols.

America has a great many libraries. Some of them good and a few great. For various unfortunate reasons most of them are relatively weak. It gives me pleasure to speak here this afternoon in behalf of Federal City College and its Media Service System which may represent the college library of the future and which, judging by the evidence before us, *does not intend to be weak. It is determined to be strong.*

Federal City College should have been founded a hundred years ago. Let's hope it gains strength as rapidly as Jack's beanstalk, because this college with the opportunities it gives people to learn has long been needed. Federal City College is Washington's *only low tuition public college of arts and sciences.* Eighty-five percent of its students could not otherwise afford college at all.

Why is Federal City College needed? It is because America's large cities, including Washington, are far from healthy. No one knows the costs of urban rot. Social stagnation is immeasurable. Educational deprivation, the costs of unemployment, crime, hate, fear, shame, violence and abuse of alcohol and drugs surpasses many times the cost of education. Cities, indeed whole nations, decline from internal strife, from indifference, from incapacity to respond to human suffering and from inability to learn new ways. A new quality of urban leadership is needed now.

It takes more than magic to produce able urban leaders. It takes solid education and progressively responsible experience rather than suppression. Education can and most often does deal courageously with the problems, rights, grievances and long frustrated aspirations of the ethnic "minorities" who are becoming urban "majorities." We must have education that is responsive to the universal needs of the children, of youth, and the young adults who in the last quarter of this violent century will soon comprise over half of our population. Education should not be stagnant, rigid, irrelevant or boring. It should be exciting, interesting and worthwhile.

Many universities, colleges, and even high schools have entered a period in which substantial numbers of their talented students and their average students as well, are losing confidence in them. The young people observe glaring discrepancies between what they are being taught and what is actually happening in their communities and in the world. Washington's young people, because of their unique vantage point, are particularly aware of the discrepancies between classroom and textbook rhetoric and reality.

Although the economy of the District of Columbia offers few opportunities for the uneducated, the Nation's Capital lags far behind every single one of the fifty states in the numbers of its young people who have genuine access to a low tuition public college. Today Federal City College can admit only a fraction of the men and women who seek admission; who through future taxes, are willing and will be able to repay the financial costs of their college education. These young people are willing, often at great personal hardship, to invest several irreplaceable years of their lives in order to better equip themselves to pursue peaceful programs through enlightened self-interest.

The Federal City College students, like students everywhere, are asking for less talk and more action. It was an American who reminded us that no doctrine, faith or knowledge is of value to man except as it bears fruit in action. Older, harder working, more determined, and more self reliant than typical college students elsewhere, many Federal City College students are confident that in less than a decade they will be occupying key decision-making roles in the life of the Capital City.

Notwithstanding major setbacks in its first year, Federal City College not only survived but developed increased unity, pride and practical realism. Federal City College has been free of the organized provocation and counter violence that have disrupted many colleges and universities. Divergent views have found free expression at Federal City College. This particular market place of ideas is very active. Large numbers of FCC students are of relatively moderate political persuasions. They know that moderation with intelligent action is a virtue.

To the extent that the College and the larger community meet their educational and social needs "Federal City's" students will not be tempted to resort to violence. Necessary changes to eliminate urban injustice and deterioration can come peacefully, naturally, and promptly.

Federal City College bears a unique filial relationship to the Congress of the United States. Congress, through steady support, can help the College to achieve respected stature as the Nation's first "Urban Grant" college, and distinction for its contributions to the enhancement of urban life as FCC alumni enter the professions, business, and government.

As we celebrate Federal City College's fortunate acquisition of this major collection of scholarly books and historical documents we recognize that the College's faculty, students, and their media resources and services—the contemporary college library—are already good and that they are improving. Instructors and media specialists are cooperating in order to carry forward effective teaching and research to meet the crucial needs of city people.

Among the earliest commitments the College has become especially concerned with early childhood education and with learning resources which meet the specific interests and needs of small children, particularly of inner city children. The College's work in this field may prove to be one of its most valuable contributions to the enhancement of city life. Cities which are unfit for children cannot survive!

I understand that innovative media services such as these have been attracting interested professional educators, librarians, scholars, and even a few statesmen from other countries who visit Federal City College to inquire and to observe. As the College develops, students from all fifty states and from many foreign lands may wish to enroll here.

I congratulate Dr. Harland Randolph upon his appointment as Federal City College's new president and on behalf of the Congress wish him success. The problems of governing a city or even a nation, are certainly similar to those of governing a college and a university today. Many different interest groups collide, conflict, contest, and must be harmonized. Effective government depends not only upon enlightened leaders but also upon active, well educated constructive citizens. As John Gardner, Chairman of the Urban Coalition, has said "We have plenty of debators . . . blamers . . . provocateurs . . . We *don't* have plenty of problem-solvers." And therein lies the challenge.

Developing urban problem-solvers is one of Federal City College's chief responsibilities. Any city, state, or nation may easily maintain inferiority imply by providing inferior schools and colleges. The attainment of excellence is another matter altogether. *Excellence* is not attained by merely mouthing the word as if it were magic. *Excellence* requires honest long-range commitment and sustained hard work in the face of obstacles of all kinds.

Acquisition of the Roy and Jeannette Nichols Working Library by Federal City College's Media Services System demonstrates that the new College is trying to provide roads toward excellence for the people of Washington who in this era of rapid change must increasingly rely for survival on study and self-development.

As Federal City College fulfills its growing role, may the District of Columbia come to have as enlightened, practical, and effective community leaders and citizens as any city in the world! Here you are heading the ancient admonition "to make other men wiser and better as you can find or make opportunity to do so."

APPRAISING THE TUMULT AND THE SHOUTING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. ASHBROOK. Mr. Speaker, no doubt there will be additional cries of anger and anguish over the Montgomery, Ala., speech of Vice President AGNEW before the Montgomery Chamber of Commerce. Because the Washington Post and the New York Times figure prominently in the Montgomery remarks of the Vice President, one should be able to judge the justification of the anticipated tumult and shouting by referring to his actual remarks. For this reason I insert at this point in the RECORD an advance copy of the speech delivered by Vice President AGNEW at Montgomery, Ala., on November 20, 1969.

Address by the Vice President

One week ago tonight I flew out to Des Moines, Iowa, and exercised my right to dissent.

There has been some criticism of what I had to say out there.

Let me give you a sampling.

One Congressman charged me with, and I quote, "A creeping socialistic scheme against the free enterprise broadcast industry." That is the first time in my memory anybody ever accused Ted Agnew of entertaining socialist ideas.

On Monday, largely because of this address, Mr. Humphrey charged the Nixon Administration with a "calculated attack" on the right of dissent and on the media today. Yet, it is widely known that Mr. Humphrey himself believes deeply that unfair coverage of the Democratic Convention in Chicago, by the same media, contributed to his defeat in November. Now, his wounds are apparently healed, and he casts his lot with those who were questioning his own political courage a year ago. But let us leave Mr. Humphrey to his own conscience. America already has too many politicians who would rather switch than fight.

Others charged that my purpose was to stifle dissent in this country. Nonsense. The expression of my views has produced enough rugged dissent in the last week to wear out a whole covey of commentators and columnists.

One critic charged that the speech was "disgraceful, ignorant and base," that it "leads us as a nation into an ugly era of the most fearsome suppression and intimidation." One national commentator, whose name is known to everyone in this room, said "I hesitate to get into the gutter with this guy." Another commentator charges that it was "one of the most sinister speeches I have every heard made by a public official." The president of one network said it was an "unprecedented attempt to intimidate a news medium which depends for its existence upon government licenses." The president of another charged me with "an appeal to prejudice," and said it was evident that I would prefer the kind of television "that would be subservient to whatever political group happened to be in authority at the time."

And they say *I* have a thin skin.

Here are classic examples of overreaction. These attacks do not address themselves to the questions I have raised. In fairness, others—the majority of critics and commentators—did take up the main thrust of my address. And if the debate they have engaged in continues, our goal will surely be reached—a thorough self-examination by the networks of their own policies—and perhaps prejudices. That was my objective then; it is my objective now.

Now, let me repeat to you the thrust of my remarks the other night, and make some new points and raise some new issues.

I am opposed to censorship of television or the press in any form. I don't care whether censorship is imposed by government or whether it results from management in the choice and the presentation of the news by a little fraternity having similar social and political views. I am against censorship in all forms.

But a broader spectrum of national opinion *should* be represented among the commentators of the network news. Men who can articulate other points of view *should* be brought forward.

And a high wall of separation *should* be raised between what is news and what is commentary.

And the American people *should* be made aware of the trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands.

Should a conglomerate be formed that tied together a shoe company with a shirt company, some voice will rise up righteously to say that this is a great danger to the economy; and that the conglomerate ought to be broken up.

But a single company, in the Nation's Capital, holds control of the largest newspaper in Washington, D.C., *and* one of the four major television stations, *and* an all-news radio station, *and* one of the three major national news magazines—all grinding out the same editorial line—and this is not a subject you have seen debated on the editorial pages of the *Washington Post* or the *New York Times*.

For the purpose of clarity, before my thoughts are obliterated in the smoking typewriters of my friends in Washington and New York, let me emphasize I am not recommending the dismemberment of the Washington Post Company. I am merely pointing out that the public should be aware that these four powerful voices harken to the same master.

I am merely raising these questions so that the American people will become aware of—and think of the implications of—the growing monopolization of the voices of public opinion on which we all depend—for our knowledge and for the basis of our views.

When the *Washington Times-Herald* died in the Nation's Capital, that was a political tragedy; and when the *New York Journal-American*, the *New York World-Telegram and Sun*, the *New York Mirror* and the *New York Herald-Tribune* all collapsed within this decade, that was a great, great political tragedy for the people of New York. The *New York Times* was a better newspaper when they were alive than it is now that they are gone.

What has happened in the city of New York has happened in other great cities in America.

Many, many strong independent voices have been stilled in this country in recent years. Lacking the vigor of competition, some of those that have survived have, let us face it, grown fat and irresponsible.

I offer an example. When 300 Congressmen and 59 Senators signed a letter endorsing the President's policy in Vietnam it was news—big news. Even the *Washington Post* and the *Baltimore Sun*—scarcely house organs of the Nixon Administration—placed it prominently on the front page.

Yet the next morning the *New York Times*, which considers itself America's paper of record, did not carry a word. Why?

If a theology student in Iowa should get up at a PTA luncheon in Sioux City and attack the President's Vietnam policy, my guess is that you would probably find it reported somewhere the next morning in the *New York Times*. But when 300 Congressmen endorse the President's Vietnam policy, the next morning it is apparently not considered news fit to print.

Just this Tuesday, when the Pope, the Spiritual Leader of half a billion Roman Catholics applauded the President's efforts to end the war in Vietnam, and endorsed the way he was proceeding—that news was on Page 11 of the *New York Times*. But the same day, a report about some burglars who broke into a souvenir shop at St. Peters and stole $9,000 worth of stamps and currency—that story made Page 3. How's that for news judgment?

A few weeks ago here in the South, I expressed my views about street and campus demonstrations. Here is how the *New York Times* responded:

"He," (that's me) "lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's (generation)."

That seems a peculiar slur on a generation that brought America out of the Great Depression without resorting to the extremes of either fascism or Communism. That seems a strange thing to say about an entire generation that helped to provide greater material blessings and personal freedom—out of that Depression—for more people than any other nation in history. We are not finished with the task by any means—but we are still on the job.

Just as millions of young Americans in this generation have shown valor and courage and heroism in fighting the longest and least popular war in our history—so it was the young men of my generation who went ashore at Normandy under Eisenhower and with MacArthur into the Philippines.

Yes, my generation, like the current generation, made its own share of great mistakes and blunders. Among other things, we put too much confidence in Stalin and not enough in Winston Churchill.

But whatever freedom exists today in Western Europe and Japan exists because hundreds of thousands of young men in my generation are lying in graves in North Africa and France and Korea and a score of islands in the Western Pacific.

This might not be considered enough of a "sense of service" or a "deep humanitarianism" for the *"perceptive critics"* who write editorials for the *New York Times*, but it's good enough for me; and I am content to let history be the judge.

Now, let me talk briefly about this younger generation. I have not and do not condemn this generation of young Americans. Like Edmund Burke, I would not know how to "draw up an indictment against a whole people." They are our sons and daughters. They contain in their numbers many gifted, idealistic and courageous young men and women.

But they also list in their numbers an arrogant few who march under the flags and portraits of dictators, who intimidate and harass university professors, who use gutter obscenities to shout down speakers with whom they disagree, who openly profess their belief in the efficacy of violence in a democratic society.

The preceding generation had its own breed of losers—and our generation dealt with them through our courts, our laws and our system. The challenge now is for the new generation to put their own house in order.

Today, Dr. Sydney Hook writes of "Storm Troopers" on the campus; that "fanaticism seems to be in the saddle." Arnold Beichman writes of "young Jacobins" in our schools who "have cut down university administrators, forced curriculum changes, halted classes, closed campuses and set a nationwide chill of fear through the university establishment." Walter Laqueur writes in *Commentary* that "the cultural and political idiocies perpetrated with impunity in this permissive age have gone clearly beyond the borders of what is acceptable for any society, however liberally it may be constructed."

George Kennan has devoted a brief, cogent and alarming book to the inherent dangers of what is taking place in our society and in our universities. Irving Kristol writes that our "radical students . . . find it possible to be genuinely heartsick at the injustice and brutalities of American society, while blandly approving of injustice and brutality committed in the name of 'the revolution'."

These are not names drawn at random from the letterhead of an Agnew-for-Vice-President Committee.

These are men more eloquent and erudite than I. They raise questions that I have tried to raise.

For among this generation of Americans there are hundreds who have burned their draft cards and scores who have deserted to Canada and Sweden to sit out the war. To some Americans, a small minority, these are the true young men of conscience in the coming generation. Voices are and will be raised in the Congress and beyond asking that amnesty should be provided for "these young and misguided American boys." And they will be coming home one day from Sweden and Canada, and from a small minority they will get a hero's welcome.

They are not our heroes. Many of our heroes will not be coming home; some are coming back in hospital ships, without limbs or eyes, with scars they shall carry the rest of their lives.

Having witnessed firsthand the quiet courage of wives and parents receiving posthumously for their heroes Congressional Medals of Honor, how am I to react when people say, "Stop speaking out, Mr. Agnew, stop raising your voice."

Should I remain silent while what these heroes have done is vilified by some as "a dirty and immoral war" and criticized by others as no more than a war brought on by the chauvinistic, anti-communism of Presidents Kennedy, Johnson and Nixon?

These young men made heavy sacrifices so that a developing people on the rim of Asia might have a chance for freedom that they will not have if the ruthless men who rule in Hanoi should ever rule over Saigon. What is dirty or immoral about that?

One magazine this week said that I will go down as the "great polarizer" in American politics. Yet. when that large group of young Americans marched up Pennsylvania and Constitution Avenues last week—they sought to polarize the American people against the President's policy in Vietnam. And that was their right.

And so it is my right, and my duty, to stand up and speak out for the values in which I believe. How can you ask the man in the street in this country to stand up for what he believes if his own elected leaders weasel and cringe.

It is not an easy thing to wake up each morning to learn that some prominent man or institution has implied that you are a bigot, a racist or a fool.

I am not asking any immunity from criticism. That is the lot of the man in politics; we would have it no other way in this Democratic Society.

But my political and journalistic adversaries sometimes seem to be asking something more—that I circumscribe my rhetorical freedom, while they place no restrictions on theirs.

As President Kennedy once observed in a far more serious matter, that is like offering an apple for an orchard.

We do not accept those terms for continuing the national dialogue. The day when the network commentators and even gentlemen of the *New York Times* enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over.

Just as a politician's words—wise and foolish—are dutifully recorded by the press and television to be thrown up to him at the appropriate time, so their words should likewise be recorded and likewise recalled.

When they go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of the public debate.

I do not seek to intimidate the press, the networks or anyone else from speaking out. But the time for blind acceptance of their opinions is past. And the time for naive belief in their neutrality is gone.

But, as to the future, all of us could do worse than take as our own the motto of William Lloyd Garrison who said: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch. And I will be heard."

ABORTION, EUTHANASIA—BUCHENWALD REVISITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RARICK. Mr. Speaker, earlier this week in commenting on the action of Judge Gerhard A. Gesell in striking down a portion of the criminal abortion law in the District of Columbia, I pointed out that our Nation's Capital might well become the base of operations for the abortion industry.

A review of the situation in other jurisdictions seems to indicate that a concerted attack on the abortion statutes is being made. Appealing arguments dealing with the so-called rights of women to bear or not bear a particular child can be dangerously misleading. Entirely apart from religious, moral, or ethical sanctions against such conduct, there exist a real pitfall.

This is a situation in which we are dealing with life itself. The essence of abortion is the making of a choice as to whether or not a life will be terminated. If we accept the termination of a life at the will of another we have opened a real Pandora's box. If abortion is permitted we next face squarely the question of euthanasia or other "mercy" killings—efficient disposition of the unwanted, the aged, ill, infirm, insane, or mentally deficient.

Those who urge the propriety of such action should never forget that under the euthanasia laws of the Third Reich many of the killings which appalled the civilized world were entirely lawful. For their punishment it was necessary for us to join in the creation of ex post facto laws reprehensible as they are to our civilized theory of justice.

I include in my remarks a news clipping reporting the recommended appeal together with other pertinent clippings indicating the relationship between abortion, legalized suicide, and euthanasia in Great Britain:

[From the Washington, (D.C.) Evening Star, Nov. 19, 1969]

FLANNERY ASKS APPEAL OF ABORTION LAW RULING

U.S. Atty. Thomas A. Flannery disclosed today he has asked the solicitor general to appeal a ruling by a judge which struck down key segments of the District's abortion law.

Flannery said the decision to appeal the ruling by Judge Gerhard A. Gesell will rest with the solicitor general.

The matter was turned over to that office because any appeal of Gesell's ruling goes directly to the Supreme Court since the judge held unconstitutional a section of a criminal statute.

Flannery said clarification is needed to guide police and other judges of the U.S. District Court.

Gesell's ruling is not binding on the other judges. Only the Supreme Court could make his decision law.

The judge held on Nov. 10 that the 1901 abortion law was unconstitutional in part because of vague wording.

He held that abortions can be performed by qualified physicians without the physicians being required to show the abortions were necessary to preserve the lives or health of the mothers.

His ruling threw out two charges involving Dr. Milan M. Vuitch, who had challenged the constitutionality of the old law.

However, yesterday Dr. Vuitch was sentenced to a year in prison and fined $5,000 for performing an illegal abortion in Montgomery County.

Maryland permits abortions if conducted by qualified physicians in accredited hospitals, but under no circumstances in a doctor's office.

[From the Washington, (D.C.) Post, Nov. 20, 1969]

SIXTY-TWO PERCENT IN BRITAIN FAVOR ABORTION

LONDON.—Sixty-two per cent of the British public is in favor of allowing abortions, but want Britain's abortion law changed, a recent Gallup poll indicated.

The 62 per cent favoring abortions said they should be performed or supervised by the National Health Service or officially approved consultants, the poll said.

[From the Spartanburg Journal, Apr. 28, 1969]

BRITISH LIBERALS ADVOCATE MERCY KILLINGS

(By Tom Cullen)

LONDON.—Britain's brave, new permissive society has abolished hangings as the penalty for murder. It has legalized abortion and homosexuality between consenting adults. Looking for new fields to conquer, British liberals have now turned their attention to euthanasia, or mercy killing.

The permissive-minded hold that euthanasia, which is defined as "the painless putting to death of persons suffering from incurable diseases," should be available to all who need it under Britain's socialized medicine.

A bill to this effect was recently debated in the House of Lords, where it was defeated by a 3-to-2 majority. The bill made it lawful to administer euthanasia to a patient so long as he requested it and two doctors, one of whom a consultant, had certified him to be suffering from an incurable condition.

In throwing the bill out, members of the House of Lords argued that it was immoral, impractical, and that, in effect, it provided for suicide by proxy.

However, the British Euthanasia Society is retailoring its bill to meet objections and has announced its intention to introduce it again in Parliament.

British euthanasians admit that they will have their work cut out to convince practicing Christians, to whom all life forms of life are sacred and rest in God's hands.

Voluntary euthanasia, the clergymen argue, is the slippery slope which could lead to a Nazi-style elimination of those whom future society might judge as undesirable.

Nonsense argue the proponents of mercy killing. That slope only begins when society decides to kill people against their own will.

Another argument advanced against euthanasia is that it would place doctors in an intolerable position. "Everytime the doctor entered the room, the patient would wonder, 'Is this man about to kill me?'" Lord Brock, a past president of the Royal College of Surgeons, pointed out in the House of Lords.

Legalized euthanasia would also encourage the doctor "to play at being God, a dangerous game," Lord Brock added.

But doctors already "play at being God" by prolonging life, the euthanasians claim. In the modern world the doctor is continually interfering with nature. Besides, many doctors already administer euthanasia.

In a sample poll of 1,000 British doctors taken in 1965, three-quarters agreed that it was right "to help their patients over the last hurdle, even if it involves some curtailment of life." In this same poll, 36 per cent declared that if voluntary euthanasia were made legal, they were prepared to administer it.

The British Euthanasia Society, which is over 30 years old, is headed by Lord Listowel, who is the powerful chairman of committees in the House of Lords, and its members include the Bishop of Birmingham, the Duke of Wellington and actor Jack Hawkins.

It has made two previous attempts, in 1936 and in 1950, to get euthanasia legislation on the books, but failed. However, the subject has never excited so much discussion as at present.

To many the way was paved for the present debate by the 1961 Suicide Act, which made it no longer a felony to attempt to take one's life.

Thus, the Voluntary Euthanasia Bill is merely an extension of licensed suicide.

The debate on euthanasia has widened to include other disquieting issues. Heart transplants and kidney machines have already placed life-or-death powers in the physician's hands, the advocate of mercy killings argue. In what way do the moral problems raised euthanasia differ from those the doctor already faces?

"If you do not have enough kidney machines to go around, to whom do you give priority?" Lord Ritchie-Calder asked in the recent House of Lords debate. "To a Member of Parliament, or a Nobel Prize winner, because he is old and eminent?

"Suppose there is a youngster of 15 who needs the machine. We do not know whether he is going to be a juvenile delinquent or is a potential criminal, but he might be a Nobel Prize winner."

TO TRIM A TREE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HUNGATE. Mr. Speaker, since it is becoming abundantly apparent that we will be here Christmas eve, I would like all the Members to get a head start on the Christmas season. Enclosed is the Halbach Guide To Trimming Christmas Trees:

TO TRIM A TREE

The Christmas tree must first of all be purchased—that's the way Santa wants it. However, before purchasing the tree, it is wise to refer to your almanac. If it's going to be a green Christmas, you will want a white tree. If it is going to be a white Christmas, you will want a green tree. If it is going to be a hot Christmas, you may prefer an elm—an elm will give you more shade.

You will probably find that you have purchased a tree that is six inches too tall. Your next question is whether it is too tall at the top or at the bottom. If it is a warm day—compromise and cut a hole in the ceiling.

Now you are ready to start trimming the tree. The lights go on first. Place one light at the top and then one on the tip of each branch. If you run out of lights either go buy some more or cut off some of the branches. You've got to have a light on each branch or your tree won't look as nice as the Porters'.

If some of the branches seem to sag you may need to splice the limb with a special Christmas tree limb splicer. Explicit directions are given in a manual which comes free with each box of Christmas tree limb splicers. Send for your kit today. No money down. Easy monthly payments, adjusted in accordance with your income, won't start until January first.

So much for the first week. The lights are in place and have passed inspection. You are now ready for ornaments. Well, maybe not quite. The question of two red lights being separated only by one yellow light must be settled. To avoid this situation, it is wise not to have two lights of the same color on the tree.

Now the ornaments. Unpack them very carefully from the big box in which they have been stored. Throw away those that have been damaged or have faded or any that don't look quite as good as you remembered. With luck, you should have a few good ones, but you will undoubtedly need to make a trip to town for more. Regardless of what it costs, it is important to have attractive ornaments that are just a little bit different. No cost should be spared in obtaining ornaments that will make the Christmas season a joyous occasion. If you can't find attractive ornaments in your town, take a jet to New York or Germany, if necessary. This will cause a slight delay.

Since standing on a ladder does present a hazard, before placing the ornaments on the tree, it is well first to fortify yourself with some sort of stabilizer (it has never been necessary to give directions for this). When you are on the ladder ready for action, place one hand in the handle you have nailed to the ceiling and with the other hand hold the tree limb and with the other hand place the ornament on the limb. Those who do not have three hands may find it possible to hold on to the handle with their teeth or to put one foot through the handle. There are numerous possibilities.

Be sure to put the expensive ornaments at the top out of the children's reach. If the child is smart enough to get the fancy ornaments by shaking the tree, it is only sporting that his ingenuity be rewarded.

Don't stop with just ornaments and lights. Make the tree a masterpiece that reflects your own deep personality. Look for ideas in the attic, the cupboards, your wife's purse—you'll create a tree that everyone will talk about for years!

The wondrous joy of decorating the tree does not end when the last piece of tinsel is in place; for all through the season, as lights blow out and ornaments crash to the floor, you once again will have the thrill and challenge of expressing yourself anew. The greatest moment of all may come when the whole tree falls over on Christmas Day!

Disposing of the tree is a personal matter, but it isn't just a coincidence that so many houses mysteriously burn down a day or two after New Year's.

VICE PRESIDENT AGNEW'S PUBLIC SERVICE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. WYMAN. Mr. Speaker, Vice President AGNEW's address to the Montgomery, Ala., Chamber of Commerce today is a public service of the highest order. It has often been said of those in public life that even constructive criticism of the news media is dangerous in the extreme because you get one crack and they have every day to follow. But the Vice President seeks true freedom of speech and accurate reporting of the news events of the day.

Nowhere in his remarks, either in the address that follows or in his previous public statements, is there any call to stifle the press or muzzle TV. On the contrary, all the Vice President seeks is objective reporting of the news events of the day so that the people of our land may arrive at their individual judgments well informed and accurately informed. This has not been the case in many demonstrable instances with which the general public is familiar as they watch their televisions and listen to the radio commentators in the far corners of this great country.

I urge those who have reservations or doubts concerning this great debate to read the remarks of the Vice President in their full context. Once read it will be recognized, I think, that the Vice President of the United States is performing a distinct and valuable public service. The address follows:

One week ago tonight I flew out to Des Moines, Iowa, and exercised my right to dissent.

There has been some criticism of what I had to say out there.

Let me give you a sampling.

One Congressman charged me with, and I quote, "A creeping socialistic scheme against the free enterprise broadcast industry." That is the first time in my memory anybody ever accused Ted Agnew of entertaining socialist ideas.

On Monday, largely because of this address, Mr. Humphrey charged the Nixon Administration with a "calculated attack" on the right of dissent and on the media today. Yet, it is widely known that Mr. Humphrey himself believes deeply that unfair coverage of the Democratic Convention in Chicago, by the same media, contributed to his defeat in November. Now, his wounds are apparently healed, and he casts his lot with those who were questioning his own political courage a year ago. But let us leave Mr. Humphrey to his own conscience. America already has too many politicians who would rather switch than fight.

Others charged that my purpose was to stifle dissent in this country. Nonsense. The expression of my views has produced enough rugged dissent in the last week to wear out a whole covey of commentators and columnists.

One critic charged that the speech was "disgraceful, ignorant and base," that it "leads us as a nation into an ugly era of the most fearsome suppression and intimidation." One national commentator, whose name is known to everyone in this room, said "I hesitate to get into the gutter with this guy." Another commentator charges that it was "one of the most sinister speeches I have ever heard made by a public official." The President of one network said it was an "unprecedented attempt to intimidate a news medium which depends for its existence upon government licenses." The President of another charged me with "an appeal to prejudice," and said it was evident that I would prefer the kind of television "that would be subservient to whatever political group happened to be in authority at the time."

And they say *I* have a thin skin.

Here are classic examples of overreaction.

These attacks do not address themselves to the questions I have raised. In fairness, others—the majority of critics and commentators—did take up the main thrust of my address. And if the debate they have engaged in continues, our goal will surely be reached—a thorough self-examination by the networks of their own policies—and perhaps prejudices. That was my objective then; it is my objective now.

Now, let me repeat to you the thrust of my remarks the other night, and make some new points and raise some new issues.

I am opposed to censorship of television or the press in any form. I don't care whether censorship is imposed by government or whether it results from management in the choice and the presentation of the news by a little fraternity having similar social and political views. I am against censorship in all forms.

But a broader spectrum of national opinion *should* be represented among the commentators of the network news. Men who can articulate other points of view *should* be brought forward.

And a high wall of separation *should* be raised between what is news and what is commentary.

And the American people *should* be made aware of the trend toward the monopolization of the great public information vehicles and the concentration of more and more power over public opinion in fewer and fewer hands.

Should a conglomerate be formed that tied together a shoe company with a shirt company, some voice will rise up righteously to say that this is a great danger to the economy; and that the conglomerate ought to be broken up.

But a single company, in the Nation's Capital, holds control of the largest newspaper in Washington, D.C., *and* one of the four major television stations, *and* an all-news radio station, *and* one of the three major national news magazines—all grinding out the same editorial line—and this is not a subject you have seen debated on the editorial pages of the *Washington Post* or the *New York Times*.

For the purpose of clarity, before my thoughts are obliterated in the smoking typewriters of my friends in Washington and New York, let me emphasize I am not recommending the dismemberment of the Washington Post Company. I am merely pointing out that the public should be aware that these four powerful voices hearken to the same master.

I am merely raising these questions so that the American people will become aware of—and think of the implications of—the growing monopolization of the voices of public opinion on which we all depend—for our knowledge and for the basis of our views.

When the *Washington Times-Herald* died in the Nation's Capital, that was a political tragedy; and when the *New York Journal-American*, the *New York World-Telegram and Sun*, the *New York Mirror* and the *New York Herald-Tribune* all collapsed within this decade, that was a great, great political tragedy for the people of New York. The *New York Times* was a better newspaper when they were alive than it is now that they are gone.

What has happened in the city of New York has happened in other great cities in America.

Many, many strong independent voices have been stilled in this country in recent years. Lacking the vigor of competition, some of those that have survived have, let us face it, grown fat and irresponsible.

I offer an example. When 300 Congressmen and 59 Senators signed a letter endorsing the President's policy in Vietnam it was news—big news. Even the *Washington Post* and the *Baltimore Sun*—scarcely house organs of the Nixon Administration—placed it prominently on the front page.

Yet the next morning the *New York Times*, which considers itself America's paper of record, did not carry a word. Why?

If a theology student in Iowa should get up at a PTA luncheon in Sioux City and attack the President's Vietnam policy, my guess is that you would probably find it reported somewhere the next morning in the *New York Times*. But when 300 Congressmen endorse the President's Vietnam policy, the next morning it is apparently not considered news fit to print.

Just this Tuesday, when the Pope, the Spiritual Leader of half a billion Roman Catholics applauded the President's efforts to end the war in Vietnam, and endorsed the way he was proceeding—that news was on Page 11 of the *New York Times*. But the same day, a report about some burglars who broke into a souvenir shop at St. Peters and stole $9,000 worth of stamps and currency—that story made Page 3. How's that for news judgment?

A few weeks ago here in the South, I expressed my views about street and campus demonstrations. Here is how the *New York Times* responded:

"He," (that's me) "lambasted the nation's youth in sweeping and ignorant generalizations, when it is clear to all perceptive observers that American youth today is far more imbued with idealism, a sense of service and a deep humanitarianism than any generation in recent history, including particularly Mr. Agnew's (generation)."

That seems a peculiar slur on a generation that brought America out of the Great Depression without resorting to the extremes of either fascism or Communism. That seems a strange thing to say about an entire generation that helped to provide greater material blessings and personal freedom—out of that Depression—for more people than any other nation in history. We are not finished with the task by any means—but we are still on the job.

Just as millions of young Americans in this generation have shown valor and courage and heroism in fighting the longest and least popular war in our history—so it was the young men of my generation who went ashore at Normandy under Eisenhower and with MacArthur into the Philippines.

Yes, my generation, like the current generation, made its own share of great mistakes and blunders. Among other things, we put too much confidence in Stalin and not enough in Winston Churchill.

But whatever freedom exists today in Western Europe and Japan exists because hundreds of thousands of young men in my generation are lying in graves in North Africa and France and Korea and a score of islands in the Western Pacific.

This might not be considered enough of a "sense of service" or a "deep humanitarianism" for the *"perceptive critics"* who write editorials for the *New York Times*, but it's good enough for me; and I am content to let history be the judge.

Now, let me talk briefly about this younger generation. I have not and do not condemn this generation of young Americans. Like Edmund Burke, I would not know how to "draw up an indictment against a whole people." They are our sons and daughters. They contain in their numbers many gifted, idealistic and courageous young men and women.

But they also list in their numbers an arrogant few who march under the flags and portraits of dictators, who intimidate and harass university professors, who use gutter obscenities to shout down speakers with whom they disagree, who openly profess their belief in the efficacy of violence in a democratic society.

The preceding generation had its own breed of losers—and our generation dealt with them through our courts, our laws and our system. The challenge now is for the new generation to put their own house in order.

Today, Dr. Sydney Hook writes of "Storm Troopers" on the campus; that "fanaticism seems to be in the saddle." Arnold Beichman writes of "young Jacobins" in our schools who "have cut down university administrators, forced curriculum changes, halted classes, closed campuses and set a nation-wide chill of fear through the university establishment." Walter Laqueur writes in *Commentary* that "the cultural and political idiocies perpetrated with impunity in this permissive age have gone clearly beyond the borders of what is acceptable for any society, however liberally it may be constructed."

George Kennan has devoted a brief, cogent and alarming book to the inherent dangers of what is taking place in our society and in our universities. Irving Kristol writes that our "racial students . . . find it possible to be genuinely heartsick at the injustice and brutalities of American society, while blandly approving of injustice and brutality committed in the name of 'the revolution'."

These are not names drawn at random from the letterhead of an Agnew-for-Vice-President Committee.

These are men more eloquent and erudite than I. They raise questions that I have tried to raise.

For among this generation of Americans there are hundreds who have burned their draft cards and scores who have deserted to Canada and Sweden to sit out the war. To some Americans, a small minority, these are the true young men of conscience in the coming generation. Voices are and will be raised in the Congress and beyond asking that amnesty should be provided for "these young and misguided American boys." And they will be coming home one day from Sweden and Canada, and from a small minority they will get a hero's welcome.

They are not our heroes. Many of our heroes will not be coming home; some are coming back in hospital ships, without limbs or eyes, with scars they shall carry the rest of their lives.

Having witnessed firsthand the quiet courage of wives and parents receiving posthumously for their heroes Congressional Medals of Honor, how am I to react when people say, "Stop speaking out, Mr. Agnew, stop raising your voice."

Should I remain silent while what these heroes have done is vilified by some as "a dirty and immoral war" and criticized by others as no more than war brought on by the chauvinistic, anti-communism of Presidents Kennedy, Johnson and Nixon?

These young men made heavy sacrifices so that a developing people on the rim of Asia might have a chance for freedom that they will not have if the ruthless men who rule in Hanoi should ever rule over Saigon. What is dirty or immoral about that?

One magazine this week said I will go down as the "great polarizer" in American politics. Yet, when that large group of young Americans marched up Pennsylvania and Constitution Avenues last week—they sought to polarize the American people against the President's policy in Vietnam. And that was their right.

And so it is my right, and my duty, to stand up and speak out for the values in which I believe. How can you ask the man in the street in this country to stand up for what he believes if his own elected leaders weasel and cringe.

It is not an easy thing to wake up each morning to learn that some prominent man or institution has implied that you are a bigot, a racist or a fool.

I am not asking any immunity from criticism. That is the lot of the man in politics; we would have it no other way in this democratic society.

But my political and journalistic adversaries sometimes seem to be asking something more—that I circumscribe my rhetorical freedom, while they place no restrictions on theirs.

As President Kennedy once observed in a far more serious matter, that is like offering an apple for an orchard.

We do not accept those terms for continuing the national dialogue. The day when the network commentators and even gentlemen of the *New York Times* enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over.

Just as a politician's words—wise and foolish—are dutifully recorded by the press and television to be thrown up to him at the appropriate time, so their words should likewise be recorded and likewise recalled.

When they go beyond fair comment and criticism they will be called upon to defend their statements and their positions just as we must defend ours. And when their criticism becomes excessive or unjust, we shall invite them down from their ivory towers to enjoy the rough and tumble of the public debate.

I do not seek to intimidate the press, the networks or anyone else from speaking out. But the time for blind acceptance of their opinions is past. And the time for naive belief in their neutrality is gone.

But, as to the future, all of us could do worse than take as our own the motto of William Lloyd Garrison who said: "I am in earnest. I will not equivocate. I will not excuse. I will not retreat a single inch. And I will be heard."

THIS STAR SPANGLED BANNER

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. SCOTT. Mr. Speaker, the postmaster of Fredericksburg, Va., a city within my congressional district, has written an item in the Postmaster's Gazette which I would like to share with my colleagues entitled "This Star Spangled Banner." It is a thought-provoking patriotic article by Lemual W. Houston, a vice president of the National Association of Postmasters and a friend of longstanding. Let us hope that the long silent majority will begin to speak out in force on such timely subjects. The full text of the article appears below:

THIS STAR SPANGLED BANNER . . .

Postmasters are among the few Americans who proudly fly the Flag of our country each day. This is a high privilege.

In these turbulent times, perhaps more than ever before, we may need to remind ourselves and others of the grandeur of Old Glory.

The Flag of a nation is but the symbol of that nation's institutions, epitomizing its morals, its purpose, its traditions, its spirit, its people and its government.

The Stars and Stripes represent the greatness of America, and the greatness of America is determined; not by the resources hidden in her soil, nor by its pomp, power or wealth, but by the devotion of its people to the fundamental principles of Liberty, Justice and Democracy.

No greater curse could befall us as a people nor one that would more speedily accomplish our destruction as a nation than for the Flag of our country to become the flag of a godless people.

Like you, I am disturbed and I am angered by conditions which now prevail in many parts of our country. There is a sickness in this land we love. Thank God it is presently confined to only a small segment of our society but there is real danger in the complacency and the apathy of the masses.

Too many of us wring our hands in despair and do little else.

Too many of us shrink from becoming involved.

Too many of us who are well have surrendered to those who are sick.

Too many of us hope—hope, but not pray—for a miraculous cure to the ills which beset us.

Bums who seek a dole instead of honest work brazenly burn their draft cards and the Flag of our nation while the flower of our youth is blighted in a frustrating, far-off war not of its making.

Communist-inspired splinter groups create havoc on college campuses and even now are infiltrating many of our high schools, thus impairing the educational opportunities of millions of right-thinking young Americans.

Sedition, treason and crimes of violence often go unpunished because our highest courts seem to have substituted license for justice.

Law and order have been shackled, not because our law enforcement officers are incapable or inept but because we, the people fail to demand positive action on the part of our elected representatives in government.

We must realize and never forget that we are engaged in a life or death struggle with a growing communist menace. One quarter of the land area of the world and one-third of the earth's population are now under communist domination. Communists mean it when they say they intend to bury us. They would destroy freedom everywhere and enslave all mankind. Complete world domination is their admitted goal. And make no mistake, they are working toward this end 24 hours a day, every day.

Now I may be naive but I believe a solution to our problems is within the reach of every American. We need only to grasp it.

What we need most is to rekindle in the hearts of Americans a burning, flaming, all-encompassing love of God and country. A love so strong that it will impel us to fight to restore the principles we hold dear.

Religion and patriotism! Yes, this is the double-barreled weapon to bring us victory. Religion which both preaches and practices goodwill to all men and a personal commitment to do one's best. Patriotism which reaffirms our pride and our faith in our nation, in our fellowmen and in ourselves.

We can find hope and courage, inspiration and salvation if we but turn our thoughts to God and our eyes to the flag of our country.

We must become involved to assure that our schools return to a teaching of Americanism as it was conceived by the founding fathers.

We must demand obedience to the laws of God and the laws of man.

We must actively crusade against the poisonous filth which now contaminates our mail and which we find in our book shops, at our movies and on television.

And yes, we must pray. As never before we need to share our problems with almighty God and to seek His guidance and help.

The power of God can change the hearts of men. And God knows the hearts of men everywhere need to be changed.

MORATORIUM FOR PEACE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, today the people of the United States are witnessing the most powerful, concentrated, determined attack on the basic individual freedoms that have sustained this country throughout its history. This attack, which I must assume is organized and directed by the White House and not as in the past by demogogic Congressmen or by lunatic fringe groups, has become manifested by the exertion of the great might of the Executive against the news media, against war protestors, and against Americans who feel that they must listen to the dictates of their consciences and act accordingly.

On Saturday, November 15, Washington, D.C., witnessed the greatest peaceful protest in the history of our great, free land. Estimates vary from the admitted modest minimum acknowledged by the District of Columbia Metropolitan Police of 250,000 persons to the much larger claim made by moratorium leaders of some 800,000 demonstrators. In any case, for those who marched, for those who came despite Nixon administration threats of mass violence, for those who arrived cognizant of the snide innuendos deriding their patriotism and sincerity, for all those, young and old, who came with a feeling of uneasiness and fear that Attorney General Mitchell and Assistant Attorney General Kleindienst so very efficiently aroused, Saturday was a very beautiful day.

The icy winds and freezing temperatures that chilled everyone to the bone and the long hours of waiting in line for one's turn to get into the march of Americans down Pennsylvania Avenue were minor inconveniences to be suffered by these citizens. They all seemed cognizant that their sacrifice was of little consequence when compared to the ultimate sacrifice being made by their contemporaries, their sons and brothers, their schoolmates and friends, who are dying in Vietnam. These protestors, these dissenters, were doing their part, their duty, to bring peace to America now.

Scattered throughout the multitudes that day were a few Vietcong flags and the banners of revolution and anarchy. Their presence angered many if not most of the marchers, but when they realized that this small minority, and it was a very, very small minority, of those present, had the same right to be waving those banners as they, the majority had to be marching, they did not attempt to stifle those voices or rip down their banners—for this was a peaceful march as anyone who was there that day or anyone who spoke to reliable persons who observed or participated will readily attest.

The administration appears expert in manipulating public opinion and using propaganda techniques to shape and mold public opinion for their own purposes. The mass violent confrontation that they warned of, the unnamed secret plotters and plots, the organized destruction insinuated to be about to engulf the Nation's Capital, all these did not materialize. And yet the Nixon administration would lead Americans to believe that the District of Columbia was engulfed in violence and that march leaders aided this violence through a combination of inaction and affirmative action. They continue in their charges that the march on Washington for peace in Vietnam was to have been a vehicle for violence. By doing this, they seek to gag dissent and minimize the impact of the great outpouring of citizens from all walks of life who demanded an end to killing in Vietnam.

The President refuses to listen to the voice of the people, peacefully beseeching him to bring peace to our land now, before another year goes by and another 100,000 Americans, South Vietnamese, Vietcong, and North Vietnamese die.

Sure, there was some violence. Approximately 5,000 persons in an unauthorized move, provoked a confrontation at the Justice Department. This action occurred after the mass rally had already taken place. These individuals represented between one-half of 1 percent to a maximum of 2 percent of the number of persons who participated in the peace rally. And for this action of a minute and unrepresentative bunch of far-out radicals, Attorney General Mitchell attempted to play upon the fears of the American people and place emphasis on this relatively minor incident. The same was true of an even smaller clash the evening before.

Vice President Agnew in his recent, threatening Des Moines speech asked why confrontations are built up and given wide publicity by the television media. He condemned this alleged overemphasis by the media on violence and confrontation.

Perhaps Attorney General Mitchell does not listen to the Vice President. Or perhaps political opportunism and Madison Avenue pressure and hard sell tactics are the modus operandi of the Nixon administration and speaking out of both sides of your mouth is an approved tactic if you can get away with it.

Mr. Speaker, I for one will not allow the administration to perpetrate the dissemination of half-truths and freely utter innuendos and snide comments aimed at polarizing the Nation into hostile camps and using the power of the Presidency to cloud the issue. It appears that a double standard is sought by the administration. They can play up and exaggerate violence while at the same time they decry the television networks for supposedly doing the same thing. They can acknowledge the legitimate rights of all Americans to exercise the basic freedoms of speech and assembly and yet do everything in their power to obstruct such an exercise of these rights. They continually call for law and order and yet obfuscate and undermine the law of the land and send the word forth to Government attorneys to go slow and that the "zealots" among them are not welcome.

Apparently zealots in the defense of law and order—that is, law and order for all citizens, of all races, in all geographical areas, is no virtue to the Nixon brand of government. With such thinking in the highest circles of the executive branch, the legitimate exercise of dissent must be vehemently protected or our whole democratic system can fall prey to the evils of a totalitarian form of repression.

Mr. Speaker, I call on the President to acknowledge the rights of Americans to lawfully assemble and to freely speak out on the issues that face the Nation. I am sure that this he will do. But I also call on him to halt the attacks on these freedoms guaranteed by our Bill of Rights that his spokesmen have engaged in. I call on the President to speak with one voice when discussing constitutionally provided safeguards and to not allow further polarization and divisiveness to be encouraged by his Vice President and Attorney General. I call on the President to take cognizance that the silent majority is also the vocal majority, that Americans want peace and they want it now. I call on the President to speed up his efforts to end the war in Vietnam by withdrawing our troops now. Finally, I call on the President to fulfill his campaign pledge to try to bring Americans together again and to bind the wounds that have divided us.

LEADERSHIP INTO CALAMITY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. HELSTOSKI. Mr. Speaker, after hearing all the commentaries and reading the many columnists and news stories concerning the Vice President's recent speech criticising the television networks, I cannot see how the administration can rectify the remarks made by the Vice President with the actions such as it has taken in further amplifying them.

In his most public outrage, the Vice President has taken on the television industry—more specifically the well-known commentators who did not, as the Vice President would like to have it—praise the President for his Vietnam address.

I have reread the Vice President's speech which stirred much of the controversy, and I find in it a paragraph which reads—and as stated by the Vice President:

> Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

In this most recent outburst of the Vice President attacking our basic freedom, he has publicly threatened the press and news media. This is a threat that we, as Americans, should not take lightly whether we agree or disagree with the commentators on the television programs.

Mr. Speaker, I recommend to my colleagues the following editorial which appeared in the Record, a newspaper which has a wide circulation in the Ninth New Jersey Congressional District, which I have the honor to represent in Congress. The editorial which appeared on November 18, 1969, has much substance and should be brought to the attention of as many Americans as possible. Therefore, Mr. Speaker, I include it as part of my remarks on the Vice President's recent attack on the news media:

> Leadership Into Calamity
>
> The Nixon administration seems to have taken off on a planned campaign to divide the country into sheep or goats—persons who are patriotic, sound, and members of the great silent majority versus persons who are critical, demonstrative, and members of a self-named intellectual elite unrepresentative of true national sentiment. The trend could be catastrophic.
>
> It starts with Vice-President Agnew, who himself is gathering momentum as he goes. His speeches on young dissidents had some sense in them, read in their full text; but he then went on to imply that industries like television which depend on federal licensing had better keep themselves aware of where their own and the public interest lies.
>
> The campaign moves on with Herbert G. Klein's widening the Vice-President's attack to include all news media. In an interview carried, one almost says of course, on television President Nixon's director of communications said:
>
> "I include the newspapers very thoroughly in this, as well as the networks—if you look at the problems you have today and you fail to continue to examine them, you do invite the government to come in. I would not like to see that happen."
>
> And then the drive on dissent is intensified by Atty. Gen. John N. Mitchell, commenting on a remarkably peaceful Washington demonstration by at least a quarter million persons, most of them young: "I do not believe that over all the gathering here can be characterized as peaceful." He was referring, it appears, to scattered incidents in what is called the largest peace demonstration in history.
>
> The point in all of this is not that the dissenters, including television commentators, are right. A discussion of the question whether they should be able to express themselves has nothing to do with whether they are right or wrong. The point is that the Government itself, through men as highly placed as Mr. Agnew, Mr. Klein, and Mr. Mitchell, resents their dissent so angrily that it sets out to divide the people of the country.
>
> The Administration attitude is exactly wrong. Instead of haranguing its critics in threatening language it should be expressing its delight that the people of the country are finding ways under Mr. Nixon to make their views known. It should be welcoming adverse criticism as one of the soundest ways to form and amend policy. It should be emphasizing the President's own determination to end the war in Vietnam, welcoming the public pressure that furthers his end.
>
> Instead of taking such a constructive course the Administration is raising questions concerning patriotism, sincerity, and intent. The Administration, however right it may be in its course on Vietnam, is deadly wrong to exacerbate national dissent in ways that can lead only toward disaster.

ARROGANCE HAS MANY FACES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. O'HARA. Mr. Speaker, other voices are being heard in alarm at the sudden but clearly well organized and coordinated attack upon press freedom which this administration is mounting.

On November 19, the President of the American Society of Newspaper Editors, Mr. Norman E. Isaacs, speaking at the University of Michigan in Ann Arbor, expressed his concern over the "open campaign of the administration to discredit" the news media.

Like others who have sought to defend the first amendment against this most recent assault, Mr. Isaacs does not assert that the press is perfect. He insists only that it be allowed to be as free as the authors of the Bill of Rights meant it to be.

Mr. Isaacs is franker about the faults of his profession than the vocal critics of the press have been about their own shortcomings. But that very frankness lends his words an even greater credibility.

Mr. Speaker, I am proud to stand by the side of the editor of the Louisville Courier-Journal in this effort to protect the first amendment. I insert his speech in its entirety at this point in the RECORD:

ARROGANCE HAS MANY FACES

(Address by Norman E. Isaacs at the University of Michigan)

This is a sensitive period for the communications media of the United States.

The newspaper and broadcast arms of communications are rivals. For years they have been openly contemptuous of each other. Yet whatever their differences, they are now driven together as the co-targets of what can only be described as an open campaign by the national Administration to discredit them—and, more importantly, to seek to bring them under some form of covert control.

The Vice-President of the United States was merely the spear-bearer of this attack with the speech before a party conference in Des Moines. It was cleverly timed and cleverly written and the Vice-President followed the text with unusual skill.

It has been given the imprimatur of the White House. Press Secretary Ron Ziegler has said that the President saw the telecast and twice has added: "The President has great confidence in his vice-president and he supports the vice-president in his office." More, we have the direct statement of the President's special counsel, Clark Mollenhoff, who has said Mr. Agnew's speech "reflected the views of the Administration."

We have had a seconding speech at the same party conference by George Romney, Secretary of Housing and Urban Development, denouncing the news media as "dominated by the thought centers of New York and Washington and by thought critics there who are of the new culture."

If there were any newspapermen who took gleeful satisfaction over the Agnew attack on TV, it must have been a short-spanned emotion. For the hypocrisy of the attack on TV becomes quickly evident when one even glances at the record.

The Vice-President's text at Des Moines went to rather elaborate pains to separate newspaper from television—about news in one compartment, editorial views in another. But only days earlier in an interview with *U.S. News & World Report,* Mr. Agnew wasn't concentrating on TV. His major target was newspapers.

He was saying his speeches had come about because he couldn't find a "balanced expression of opinion in the news media" and that, "I don't consider the people who write for the news media intellectually elite. Sometimes I think they're about the most superficial thinkers I've ever seen."

In his interview with *U.S. News,* the Vice-President made it clear he was talking about what he terms the "big-city, liberal media," because he commented that he felt he was doing "reasonably well" with editorial writers in what he called "the hustings."

It isn't hard to draw from this the interpretation that if you agree with the Administration you may be an intellectual; if you don't, you are superficial.

There are other members of the Administration participating in this attack. At a newspaper meeting in Bermuda Attorney General John Mitchell was asked about the Haynsworth nomination and replied bluntly to the editor's query: "You sons of bitches are responsible." Mr. Mollenhoff has taken a leading role in attributing "fraud" in the reporting about Judge Haynsworth.

Of course, neither the Attorney General nor Mr. Mollenhoff are quite so free in denouncing the 40 United States Senators who have publicly announced they are unable to support the Haynsworth nomination. Some of these Senators have made strong comment about Judge Haynsworth's judicial record and his financial affairs. Are we to assume it is one thing for a United States Senator to attack Judge Haynsworth and entirely something else for the press to report such a position?

I am not one easily upset by the attacks of political office-holders. From youth, I have known precisely what it is they want: To use us for their purposes.

This new attack, however, is deeply disturbing. It is an attack not merely on our mistakes of judgment—and which many of us admit—but on the basic principle of free speech.

Many of our political leaders—going back even to George Washington—have been angered by the press. But I cannot recall a drive mounted by a national administration containing the threat of retribution—and this one certainly is that. Mr. Agnew's text was a blunt reminder of broadcasting's dependence on government licensing—and we can only grow more frightened when we read that Dean Burch, Chairman of the Federal Communications Commission, has voiced direct support of the Vice-President's remarks. Moreover, it should be pointed out on November 5th, Mr. Burch took an unprecedented step in telephoning the networks to ask for the transcripts of the remarks of the reporters and commentators on November 3rd, following President Nixon's speech. It is the first time an FCC chairman has departed from the protocol normally followed by that regulatory agency in dealing with complaints. The usual procedure has been a written notice by the FCC secretary, with the complaint in written form, and 20 days given for reply.

I am about to make a comment with a good deal of reluctance because it is the kind of thing so often used loosely. I do so because the parallel seems obvious.

I have been back from the Soviet Union only a few weeks. I wrote at length about the trip. There were many things in the Soviet Union this time that surprised me—the striking advances in the way the average Soviet citizen is faring, the impressive gains in housing, the general air of substantial progress, the willingness of Soviet officials to talk frankly about domestic affairs and the shortcomings in the system. I wrote, too, that the one big disappointment was in the posture of our colleagues, the leading editors in Moscow. It may be unjust, but it did seem to me they were the "true believers" of the system, duty-bound to maintain undeviating loyalty to the Soviet government's policies. Government officials turned us off gently, but firmly, without a chip on their shoulders, when we tried to probe for feelings about Vietnam. Mention the same subject to editors and we got abusive explosion. Later, I speculated that this was probably a necessary stance if one wanted to hold one's post as editor or newscaster since, after all, they were obviously operating under a form of license—a license that, subtly or not, says that you support government or you go.

When the Vice-President of the United States and the Chairman of the Federal Communications Commission deem it proper to co-relate their complaints about what they term "balance in the news" with FCC licensing, I cannot help but wonder what the substantive difference is between their position and that in practice in the Soviet Union?

I know that many people in the country are upset and angry, but I wonder, too, if they know what quicksand they are stepping into when they rush to support the Government's attack on television?

Do they really want organized campaigns mounted in their cities to challenge the radio and television licensees?

Do they welcome the idea of government officers passing judgment on what they are to read and see and hear?

The Vice-President's text disclaimed any intent to legislate against the communications media. But he did appeal openly for public control—and what other interpretation can be drawn than Administration support for such challenges? And with a Chairman of the FCC who openly adopts a welcoming stance to such challenges?

You have one of two options in analysis of the motives. One is intimidation, the other is control. But is there any essential difference, so long as you succeed? The end-result is muzzling of some kind.

There are many faces to arrogance. And in the spirit of Thomas Jefferson, I much prefer the arrogance of an independent news media—however much I may deplore some of it—to the arrogance of government.

Speaking of this I submit that my credentials in this field of communications, and those of my colleagues, are somewhat better than those of Mr. Agnew and his associates in the national administration.

Herbert Klein, the President's director of communications, can give ample testimony to this. He knows how many of us have been open critics of journalistic practice over the years—and how many gains we have made in improving our various techniques and our products. We were being hairshirts for our profession long years before Spiro Agnew started courting their favor in Maryland.

Let me explain myself to this extent—and I suppose it applies to many other of my colleagues. I have consistently attacked all the forms of journalism because of what I have called a love-hate relationship. I am totally, absolutely, passionately devoted to journalism as a way of life. I sometimes hate it because it has not always lived up to its promises and ideals, and in some cases not even up to its duty. As a result, some of us who share this dedication often wind up sounding like common scolds about something very dear to us.

This past week, APME News—issued by the Associated Press Managing Eidtors, an organization I served as President 16 years ago—returned a needle. It called me the most consistent man in newspapering. "Every time he speaks," it said, "he very willingly tells us of our shortcomings."

It seems to me that the fact that a well-established critic can stand before you as President of the American Society of Newspaper Editors is evidence that the men in communications are not in panic over the problem of criticism or self-examination.

Weeks ago, before this attack on the news media surfaced, Herb Klein shared the platform with me before the Colorado Bar. He can give testimony to the fact that it was made clear that it was the press of the United States which was leading the way to peaceful, intelligent solution of the long-running conflict between Press and Bar over what is properly called "Free Press and Fair Trial."

He is also aware that the members of the Board of Directors of the American Society of Newspaper Editors held their full meeting in England in order to study first-hand the workings of the British Press Council. He knows, too, that the Society is deep into study of the problems involved in establishing a Grievance Committee to receive complaints about the performance of the daily newspapers of this country.

I should add the significant point that long before we had any intimation of the Administration's bitterness about the press, we had decided it absurd to even contemplate ever considering a complaint from a political figure.

Those of us who have spent our lifetimes in journalism know full well how ephemeral a politician's thanks for newspaper support, or his fulminations for what he considers journalistic duplicity.

It was only seven years ago that Mr. Nixon was saying, "I can only thank God for television and radio keeping the newspapers a little more honest."

Now, however, we are told of the President watching approvingly as his vice-president berates television and urges it to follow the more honest way of separating news from editorial comment. Or, at least, follows the text which urged it—because, obviously, he feels otherwise—or can we not believe Mr. David Lawrence's *U.S. News* either?

We don't have to go back seven years to trace the mercurial changes in political temperament. After all, it was in his inaugural speech that Mr. Nixon proclaimed his administration would speak with lowered voices.

Is Mr. Agnew's voice a lowered one? Or Attorney General Mitchell's? Or Secretary Romney's? Or Commissioner Burch's? Or Counsel Mollenhoff's? This is the same Clark Mollenhoff, who as newspaper reporter wrote the book, "Washington Cover-up," an attack on the government's secrecy.

For me, the only comforting note in all this turbulent scene has been Mr. Barry Goldwater's pronouncement that Mr. Agnew is expressing "the sentiment of the vast, overwhelming majority" of Americans. Mr. Goldwater's past accuracy in measuring what the "vast, overwhelming majority" wants gives me at least a small feeling of security about America.

As said earlier, arrogance has many faces. I did not come here today to attack the Administration's brand of arrogance and enter a blind defense of all that it is we do in communications.

Those of us who take pride in our critical postures—and this includes good professionals in newspapering, radio and TV and good professionals in the universities—have been warning all the media that they must lift standards and must examine public dissatisfaction with our performance—and then do something about those expressions of protest which are of a substantive nature.

There are newspaper publishers and editors and broadcast newsmen who have recognized these problems and who have been trying to meet them forthrightly and intelligently. Unhappily, this honor roll—like all honor rolls—is not large.

Below this level, I am sorry to say are fairly large pockets of resistance.

There are arrogant publishers who beam over the current affluence of their journals and who refuse to see that their newspapers are not performing an adequate public service.

There are arrogant editors who shrug away protest about errors and misstatements and who continue to put out their newspapers as if they were still fighting headline-competition on the street corners.

There are the arrogant TV executives and managers who boast of being dominant in reaching the public and who drag their feet in ordering reform in media news practices.

The most dangerous of all the arrogances at this moment are those of the new, young newsmen in all branches of communications who have not yet realized the responsibilities that go with our calling and who so often seem determined to do precisely what the national Administration charges us with doing—advancing their own ideas in print or on the TV screen.

I am among those who openly admires the new generation—for its idealism, intelligence, social courage, and determination to make something decent of the society. The young communicators can do wonders in bringing newspapers, radio and TV to new high ground. They have the talent to do it. They must also have the desire to learn and accept the necessity of using professional, skilled judgment.

Mr. Agnew's text in Des Moines put great stress on a return to objectivity. Whoever prepared the text certainly won't qualify for the "intellectual elite," for of all the "superficial" comments in that speech, this was, to me, the clearest evidence of superficiality.

We in journalism have been struggling with the complex issue of so-called objectivity from the very days we began in the profession.

The basic problem was outlined for us years ago by one of the truly great men of our calling, Elmer Davis. He had experience in all of the form of communication. A Rhodes Scholar, he was with *The New York Times* for a decade, then news analyst and commentator for *CBS*, director of the Office of War Information, and again a network commentator for *ABC*. Three times he won the Peabody Award for radio news reporting and interpretation.

Here is Elmer Davis' outline:

"The good newspaperman and the good news broadcaster must walk a tightrope between two gulfs—on one side, the false objectivity that takes everything at face value and lets the public be imposed on by the charlatan with the most brazen front; on the other, the 'interpretive' reporting which fails to draw the line between objective and subjective—between a reasonably well-established fact and what the reporter and editor wishes were the fact."

Eric Sevareid has said much the same thing more bluntly:

"Our rigid formula of so-called objectivity, beginning with the wire agency bulletins and reports . . . our flat, one-dimensional handling of the news, have given the lie the same prominence and impact that truth is given; they have elevated the influence of fools to that of wise men; the ignorant to the level of the learned; the evil to the level of the good."

In these two admirable statements you have the heart of the dispute—and the core of all of our troubles.

In a time when the public need is for full information about the significant issues of life—economics, education, the legal system, poverty and welfare, labor-management relations, the desperate problems of the cities, the strains on the Negro struggling for equality of opportunity—we require more than ever trained interpreters.

And what is this interpretation? It is simply an honest effort to reach objective appraisal. It has to be based on a newsman's training in the field, on his knowledge of the situation at hand, on his examination of the primary and related facts. It differs from editorial opinion because editorial comment is subjective judgment—the taking of sides.

We have always known that many people do not like to read material which disagrees with their prejudices. Cover a strike and you promptly find bitterness from both management and union—the management for publishing the union leader's denunciation, the union for publishing the management's assertions.

In Russia, the loudest shouting match occurred when the editor of Pravda accused us of printing lies. The lies were contained in statements of the Red Chinese government under Peking datelines. "We have the truth," he shouted. "Those are lies. Why do you print lies?"

Mr. Agnew's text added still another dimension to the issue. He complained about "the expression on their (the TV commentators') faces, the tone of their questions, and the sarcasm of their responses."

Mr. William Buckley is both a newspaper columnist and a TV commentator. His positions, I believe, often match those of the national Administration. I wonder if Mr. Agnew finds fault with Mr. Buckley's facial expressions, the tone of his questions, and the sarcasm of his responses?

My point is that for all our shortcomings—and they are many—and for all of our arrogances—we are growing in our skills as communicators—we are learning from each other. We are doing it the democratic way, in a free society, fumbling our way towards the goals. The one thing we don't need at this point is the bombast and the fumblings of a political machine, be it of Republican persuasion or Democratic. Lyndon Johnson had no love for the communications media, either. May I ask what those who now support Mr. Agnew would have said if Mr. Johnson had made the same charge and statement?

One ought always to work on a pattern of priorities. There are probably a hundred things which could be listed which the various branches of communications ought to be moving on with all deliberation and speed. Right now, I'm going to focus on only four of them.

The first is speed. If there is one thing all of us suffer from, it is the inheritance of the past—the passion of newsmen for the scoop.

Bob Farquharson of *The Toronto Globe & Mail* summed it up best years ago: "There are scoops and scoops, but the trend which has put the emphasis on being first, right or wrong, has been the most dangerous single road to irresponsible newspaper work."

James B. Reston has shaken his head over this aspect, too. I give you his wonderful quote: "The American newspaperman would rather break a story than understand it."

All of us have to hammer away at this failing. We have to educate reporters and sub-editors out of their wild drives to get stories in print. Let us miss an edition, or two editions if we must. But let us get into print stories that are correct, complete and significant.

Television has copied newspapering in this regard—this often senseless drive for speed—to be first. On top of that, it has inherited a profound weakness of its own—the inheritance of show business. It has made for a tangle which is of deep concern for its ranking executives and one they have failed to move in on with the necessary determination.

There have been too many instances where both newspapers and television undoubtedly provoked violence by this burning desire for speed—and by what both consider a necessity to focus on action—even though this action may not be representative of what is actually transpiring.

The TV networks have recognized some of these deficiencies by adopting guidelines. But guidelines in themselves, or strong statements by network executives, mean nothing unless there is intent to enforce the spirit of such guidelines, if not the letter.

My second priority would be for newspapers and television alike to be more clean-cut in separating news and interpretation. None of us have solved this one to our satisfaction. We on newspapers have gone to such devices as marking some columns as "news review" or "commentary," but even this leaves something to be desired. Newspapermen tend to read their journals as professionals. They understand what is meant. The readers don't. We simply have to work out some pattern that gives the readers clear signals as to what it is we are presenting—straight news, interpretation, or commentary.

Television is in worse shape on this than we are. One is never certain at what point the TV newsman is reporting or being commentator. On local stations, the trend is to the straight editorial designation. This is fair enough. But the network shows are fuzzy on this score and the top executives ought to be doing something about clearing it up.

My third priority has to do with opening ourselves to examination of what it is we do, and why—and the corollary of adequate correction of error. As I said earlier, the American Society of Newspaper Editors is engaged in sober assessment of a national Grievance procedure. If it comes about, as I hope it does, it won't be a Press Council. But it could well be an intelligent means of appraising substantive questions about the performance of daily newspapers. If it worked, it could lead to the broadcast media following suit.

In this connection, all of us must be more alert to the need for swift and honorable correction of misstatements—and minus the defensiveness which is so much a curse of all the news media.

And my fourth and final priority of the moment is for some emphasis on our manners. On this facet, I maintain that television is by far more errant than newspapers. Only in the field of photography are newspapers often openly guilty. Our photographers have improved markedly over the past decade, but there is still a disposition to shove and push and be arrogant. But it is when you get to reporters that all of us wince over the aggressive, bullyboy tactics of so many TV reporters.

You have on the one hand the courtliness and grace of men like Walter Cronkite, Harry Reasoner, David Brinkley, Edwin Newman, and others—and the abrasiveness of those who act as if they were portraying District Attorneys pouncing on some villian on trial for multiple rapes and murders. It ill fits our claims to being professionals. We can't have it both ways. We can't claim to be responsible, even-handed, judicious reporters and interpreters and give public display of being boors—and arrogant boors, at that.

These improvements will come because they have to come. And even when they do, and we have few apologies to make for the way we serve the American public, you can bet on it that we'll still have the politicians applying their pressures.

The Administration's attack, however, has added some new dimensions.

If I read it all correctly, it is not merely what they call "constructive" reporting which is being asked—it is tantamount to the suppression of analysis or interpretation.

Senator Griffin read a parallel between Justice Abe Fortas's situation and that of Judge Haynsworth. In the view of Attorney General Mitchell, we are "sons of bitches" for examining Judge Haynsworth's record precisely as we did Justice Fortas's.

In 1957, testifying before a Senate committee, Clark Mollenhoff took the firm stand that he wasn't going to be limited in his reporting of self-serving statements from government officials. Later, in his book, he called the Eisenhower administration "smug in its popularity." Today, as a White House counsel, he is indignant about reporters who decline to be limited in their reporting of self-serving statements.

I recall the use of the term "one-party press" by a Democratic candidate for the Presidency in describing the newspaper lineup against him. It was lop-sided. But while many of us didn't care for it, we had to concede it was the free expression of publishers and editors.

What we're facing now is a drive for a real "one-party press"—not through free expression, but through open intimidation by the top officials of our government.

A pretty pass!

And then I have to listen to Mr. Agnew calling other citizens un-American!

THE SILENT EPIDEMIC

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RYAN. Mr. Speaker, the problem of lead poisoning in children has reached epidemic proportions in the urban slums of this Nation.

Caused when young children eat lead based paint which has peeled from the interior surfaces of housing, this disease is rarely detected until it has reached its most serious stages. When lead poisoning becomes acute, it results in death, mental retardation, permanent brain damage, cerebral palsy, and epilepsy.

It is estimated that between 225,000 and 400,000 American children between the ages of 1 and 6 are afflicted with lead poisoning.

The problem is not that the causes and cures of this disease are not known, but that there are little or no screening programs to detect and treat the disease.

Because of my concern about this problem, I have introduced—with 19 cosponsors—three bills aimed at combating and alleviating this disease.

Last week, I sponsored a lead poisoning breakfast at which close to 100 Congressmen, congressional staff members, and other interested persons listened to experts discuss the lead poisoning problem.

Senator EDWARD KENNEDY, who cosponsored the breakfast, plans to introduce similar legislation in the Senate.

I include in the RECORD, an article which appeared in the November 8 New Republic. Written by Joseph Featherstone, "The Silent Epidemic" discusses this serious health hazard.

I urge my colleagues to read this article and to support this vital and needed legislation. The article follows:

THE "SILENT EPIDEMIC"

(By Joseph Featherstone)

The old, cracked paint flaking onto the floors of dilapidated houses and tenements is one visible sign of the decay of our cities. It is also the source of what, if infections are excluded, may be America's most common childhood disease. Lead poisoning is a disease of small children who eat chips of leaded paint; it is especially common among children with a tendency toward pica, a rather vague term for indiscriminate eating named for the dietary habits of the magpie, who has a reputation for not being too choosy about what he eats. Two-year olds account for half the deaths from lead poisoning; most reported cases involve children between one and three. Lead poisoning is peculiarly an affliction of the poor—middle-class children get pica, too, but usually don't have sweet-tasting chips of leaded paint to chew. Since the 1940s, paint with a titanium dioxide base has replaced leaded paint in most decent American housing. Many cities have ordinances banning leaded paint from interior surfaces. (How well the ordinances are enforced is another matter.) In most cases, though, no one has undertaken to remove the ancient layers of lead pigment from the walls and woodwork of old slum buildings.

Nobody knows the total number of victims across the country; one fairly cautious estimate suggests 225,000 children. Spot tests in New York, Chicago, Rochester, Baltimore and other cities show that five to ten percent of slum children below the age of six have dangerously high levels of lead in their blood. In New York, a group called the Scientists' Committee for Public Information says there are between 9,000 and 18,000 poisoned children; other health officials put the figure much higher.

Whatever the exact figures are for New York and other cities, a large and on the whole unacknowledged epidemic of lead poisoning is raging, yet the number of cases detected and treated is terribly small: something like 600 a year in New York, for example. This is partly because of incompetence and the general deterioration of medical services for the poor: one big New York medical center dealing with slum residents failed to report a single instance of lead poisoning in a three-year period. Knowledgeable doctors say that lead poisoning is hard to spot unless you're expecting it: you have to test, and a good rule of thumb for the ghettoes is that the more doctors test, the more cases turn up. Chicago is the only city with mass testing.

Early symptoms are vague and can be easily mistaken for the flu or any of a dozen common childhood ailments: loss of appetite, lethargy, anemia, stomach pain and cramps, constipation. By far the greatest number of cases crop up in the warm months between July and October, perhaps because lead in the intestines is more readily absorbed by the body in sunlight and higher temperatures. Like other metals, lead accumulates in the body over time: a child who eats two or three paint chips a day may go several months without showing definite symptoms. In the meantime he can be building up a severe and maybe fatal dose. In late stages of poisoning children vomit; they may have convulsions or go into a coma. Treatment consists in getting the child away from the source of lead so his system can work off the dosage. In recent years, advances in techniques of treatment have cut down the number of deaths from severe poisoning; there are chelating agents that can bind the lead ion and remove it from the body tissue. With these and other advances, the death rate from severe poisoning can be cut from 66 to five per cent. At least a quarter of the survivors, however, will suffer lasting effects such as chronic nephritis, epilepsy, cerebral palsy, mental retardation.

Doctors who deal with lead poisoning stress that while it can be treated, it is pointless to cure a child and then send him back home to be poisoned again. The leaded paint has to be gotten rid of. This is the nub of the problem. Even with mass testing and better techniques, doctors are likely to see the same children and their brothers and sisters coming back again and again for treatment; each time there will be more and more evidence of residual brain damage.

A wide assortment of publications has begun to call attention to the lead poisoning epidemic, and to the wholesale lack of concern on the part of health officials in most cities. Citizens' Committees to End Lead Poisoning are forming. In Minneapolis, the first order of battle has been revision of city ordinances. In New York, the first concern has been to pressure complacent health officials to undertake mass testing. Some fairly typical concerns of these citizens' groups are reflected in a report on New Haven's administration of its paint ordinance. The report, drawn up by a legal assistance group, attacks the city's inertia and then lists recommendations: inspection programs, clear lines of authority among city agencies empowered to order peeling paint removed, more stringent code enforcement, 48-hour notices to landlords at least to scrape and repaint, and in special cases to repanel, walls with plaster or wall board, temporary housing for families whose children are poisoned, more staff for inspection, use of courts to appoint a receiver of rents when a landlord has failed to shape up. Nationally, a great step forward would be passage of three bills first proposed by Rep. William F. Ryan (D, N.Y.) and now supported by 19 other congressmen. The bills provide federal money to treat victims of lead poisoning and to get rid of leaded paint; one would require that any locality getting federal funds for code enforcement or rehabilitation draw up and carry through a program to end lead paint poisoning. Presumably some of this money could be spent developing cheaper types of wall- and plaster board, as well as making commercially available vinyl wallpapers and varieties of adhesive paints not yet on the market.

This "silent epidemic," as it is called by Dr. Rene Dubos, offers an exceptionally clear illustration of the twisted priorities in our whole system of health care. It is representative of a growing number of public health and environmental problems that cannot be solved in the clinic alone, problems that will inevitably involve doctors' and citizens' groups in politics. Where authorities refuse to undertake universal testing programs for lead in children, and where they continue lax enforcement of codes, demonstrations and disruptions are appropriate. Depending on local circumstances, doctors should also consider giving public support to tenant unions in both legal and illegal rent strikes to force landlords to act.

ATTORNEY GENERAL MITCHELL SPEAKS ABOUT CYNICISM IN AMERICA

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. GOLDWATER. Mr. Speaker, in a recent speech in Milwaukee, Wis., Attorney General John N. Mitchell spoke about the problem of "cynicism in America" and the danger posed by it to the democratic process.

The Attorney General also spoke of the overinflated promises of the previous administration and the role played by these false hopes in undermining the American people's faith in their institutions.

I think the remarks of the Attorney General are most thoughtful and relevant, if I may use that thoroughly overworked word, and I include them in the RECORD:

ADDRESS BY HON. JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

I. INTRODUCTION

I would like, for a few moments, to address you on a general topic that is causing me increasing concern. It is the problem of cynicism in America. This is an attitude which I think encompasses many other problems—such as crime and civil disorders and Vietnam and inflation—and which is rooted in the nature of our society.

We are, as you know, a pluralistic nation and we are proud of it. Since 1820, nine foreign nations have each sent us one million or more immigrants. Our citizens belong to at least 80 separate religious groups which have memberships of 50,000 or more.

But this easily identifiable pluralism—by religion and by national origin—is cross-cut by geographical regionalism (such as the north and the south); by economic classification (such as blue collar worker and white collar worker); and by area differences (such as the city dweller, the suburbanite and the rural resident).

But perhaps most importantly, we boast the pluralism of ideas—of permitting opinion which ranges from the extreme right to the extreme left; and of assimilating these ideas on national issues into two large areas of agreement which are then reinterpreted into the two-party national political system.

The strength of our form of government was immediately recognized very early in our history. A late 18th Century French political analyst commented:

"It is in the enjoyment of a dangerous freedom—(the freedom of ideas)—that Americans have learned the art of rendering the danger of freedom less formidable."

2. DISEASE OF CYNICISM

And yet, an excess of political diversity can be as dangerous as the absence of it. In our representative system, national government cannot act decisively without a national consensus. This continued inaction by government breeds the disease of cynicism which seems to be so alarmingly prevalent in our nation today—a cynicism that duly elected government, particularly the federal government, has lost its relevance to the aspirations of our society.

There are the underprivileged minorities, especially the poor and the black, who had relied on Utopian promises and now distrust the government's ability to act on their behalf.

There are the middle-class working man and housewife who had unquestioningly accepted the government's ability to control the economy and then found themselves caught in increasing inflation.

There are the dissatisfied youth who reject the established political processes and who turn to violence and confrontation.

And then, of course, there are the rich and the poor, the black and the white, the city dweller and the suburbanite who are frustrated and terrorized by the inability of government to immediately solve the crime problem in the streets and the Vietnam War on the other side of the world.

A recent survey conducted by the National Violence Commission proves the point.

In 1952, 81 percent of the persons surveyed said they thought that voting was the most efficient way to influence governmental action. In 1968, only 55 percent felt that way.

In 1952, 35 percent said that government officials did not pay much attention to them. In 1968, 43 percent felt that way.

How have we come to this state of affairs? How has the most prosperous nation in the world come to the point where many of its citizens doubt the ability of its governmental institutions to solve pressing issues?

I believe the fault, in great part, lies with the deception which was practiced over the last few years.

The prior Administration attempted to solve problems through the illusion of words—through the projection of succeeding images of impossible dreams which were replaced by more impossible dreams when previous commitments could not be met.

This rhetorical device worked for quite awhile, mainly, I suppose, because the human mind likes to dramatize. Men are, by their very nature, intellectually attracted by the bright uniforms and loud trumpets of new ideas.

But what does one have after the parade has passed—an empty street littered with handbills and the memory of what might have been. Of course it is healthy, ever so often, to have a burst of color and imagination. But this is no replacement for well conceived and well funded programs.

It is for this reason that this Administration has been purposely low key in its public statements and in the presentation of its new programs. We do not want to offer more hope than we can realistically deliver. We do not want to create expectations based on mere words.

In evaluating the methods that this Administration should use, we came to the conclusion that we ought to emphasize some of the simple precepts of American government about which most citizens agree—fundamental concepts of governmental action which this Administration believes should be retained.

The methods that we are using to achieve social and economic progress are the methods which I think this mid-west audience understands better than most. We believe in common sense, in hard work and in quiet diligence. We believe that individuals and government should carefully plan and finance each step of the way.

We believe in consistency and in that great American genius for compromise. We believe that the extremists on both ends of the spectrum will be isolated by the great majority of Americans and that the middle course is generally the best course for this nation to pursue.

And finally, we believe that the Republican Party can prove to doubting citizens that government can be relevant to their aspirations and can produce a stable and prosperous society.

In the next few minutes, I would like to give you some examples of current problems and explain to you how we are attempting to solve them.

3. VIETNAM DEMONSTRATIONS

This week we expect upwards of 100,000 persons to appear in Washington to stage demonstrations against the war in Vietnam. The announced purpose of this group is to exert pressure on the President in order to achieve the immediate unilateral withdrawal of American troops and the abandonment of the government and peoples of South Vietnam.

This Administration clearly recognizes the right of these people under our First Amendment to peacefully congregate in Washington and to petition the government with respect to their grievances—assumed or otherwise.

But it is the responsibility of government to see that such congregations are conducted in a peaceful and orderly fashion, uninterrupted by militant factions who would use such an occasion to foment violence.

We propose to honor our obligations in both directions. We will support the peaceful assembly and we will likewise curtail the militant factions whose sole aim is the creation of a violent confrontation.

The foreign policy of this government cannot—and will not—be formulated in the streets of Washington—or in any other street of this nation.

The President in his talk to the nation of November 3rd has reviewed the Vietnam problem with the American people and has received the backing of a substantial majority. The President does have a plan to end our involvement in the Vietnam war and it will work. This twofold plan will produce more rapid results if our peace negotiations with the other side—which will continue—are fruitful. In any event, the second part of the plan—Vietnamization of the war—is already underway with the withdrawal of American troops. This process will continue, as circumstances permit, and end with the South Vietnamese handling their own security.

The negative cynicism of demonstrators cannot be allowed to replace the affirmative programs of those in government charged with conducting our foreign policy and carrying out our national security.

4. CRIME

Of course, I am a lawyer and not a political philosopher. But today, even the law is beginning to suffer from the popular cynicism about governmental institutions.

More particularly, there is the criticism that our system of law enforcement and criminal justice has failed to meet the problems of crime in our society.

The seriousness of the problem cannot be doubted.

The latest FBI Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

In recognition of this national tragedy, we launched a comprehensive anti-crime program last January as a first priority of the Administration.

It is a program which stresses the practical aspects of criminal justice—apprehension and arrest, the prosecution of suspected criminals and the rehabilitation of convicted persons.

It is a program which stresses obtaining results as soon as possible. For while crime may or may not be solved a generation from now by the implementation of enormously expensive and radically new social concepts, the nation cannot afford to wait.

We must start and start now to get down to the dry mechanics of fighting crime on a practical level. We need more and better trained police. We need more efficient court systems. We need new corrections facilities and more rehabilitation programs.

5. AID TO STATES

President Nixon has said that "The public climate with regard to law is a function of national leadership."

Basically, the federal government has very limited legal jurisdiction over street crime—the type of crime that affects most of us more directly than others. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

Our most ambitious program to combat local street crime is the Law Enforcement Assistance Administration of the Department of Justice. LEAA is the federal government's major commitment to help states and local communities to improve their police, their criminal justice systems, their juvenile programs, and their correctional institutions.

For the current fiscal year, we may receive as much as $275 million for the Law Enforcement Assistance Administration. If appropriated, $225 million of this is scheduled to go to cities and states for action programs.

The greatest single emphasis in the LEAA program has been and will continue to be the funding of police efforts to decrease street crime.

But police action alone cannot solve the total problem. We must bear in mind that about 45 percent of the persons who serve prison terms are subsequently arrested for additional offenses; and that more than half our crimes against property are now committed by youths under 21.

Accordingly, the LEAA action programs also contain substantial plans to increase the efficiency of the criminal courts, to improve rehabilitation efforts in our prisons and initiate and expand corrective programs for our youth.

I hope that Congress will pass the $275 million appropriation. Law enforcement agencies in this state and in every state must have sufficient funds. If not, the national effort against crime will merely be another rhetorical ruse.

6. NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. A reduction in addicts will result directly in the reduction of crime.

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969, which would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would expand federal authority to control not only narcotics and marihuana, but also many new drugs which come on the market. It would also substantially expand federal law enforcement power to search for illegal narcotics and to arrest suspected violators.

In addition, we have launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marijuana in this country, 20 percent of the heroin and large amounts of other dangerous drugs. So far this operation has been highly successful. We have evidence to indicate that Mexican marijuana is in very short supply in many areas of the country and that the price of Mexican marijuana, where available, has risen substantially.

We have also stepped up our narcotics enforcement program and we are in the process of training 22,000 state and local law enforcement officers to combat the local narcotics operations.

7. ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded the number of these teams and we plan to reach 20 Strike Forces by the end of fiscal 1971.

In addition, we have set up an experimental federal-state racket squad in New York City. If this joint venture proves to be successful (and current activities indicate it will be), we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

We have also asked for additional legislation to help us in the battle against the organized gangster.

Among the bills we have proposed or supported are laws designed to offer a broad immunity for many potential witnesses against organized crime; to expand our current ability to prosecute gambling; and to make it a federal crime to corrupt local police and other public officials.

In order to mount this broad attack on organized crime, the Administration has asked for a record $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request.

The result of our activities so far has been promising. A total of 71 organized crime figures were either indicted or convicted in the last fiscal year, as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

8. CONCLUSION

This is just a brief outline of three of our major proposals, three which we believe are most promising.

This Administration has presented a great many other anti-crime proposals. They range from a comprehensive program for the capital City of Washington to some highly technical but very important legislation aimed at utilizing antitrust laws against organized crime.

We have also taken a number of important executive decisions. We have authorized court approved wiretapping against organized crime. We have authorized the admission in evidence of voluntary confessions complying with the guidelines approved by Congress. We have proposed pre-trial detention for dangerous suspects.

I know, and you know, that we must solve our crime problem. Economic prosperity and political stability have little meaning if our citizens are afraid to freely move about their neighborhoods. As this Administration's anti-crime program moves forward through Congress and into operation, the mood of the nation will change from cynicism to optimism and confidence in the law will be restored.

This Administration is committed to the success of its program. We are going to restore civil tranquility to the streets of this nation. We are going to restore confidence in elected governments' ability to act—and to act now.

BRIGHT BROTHERS SUCCESS IS INSPIRATION TO AMERICANS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. RANDOLPH. Mr. President, there is a widespread feeling in this country today that the small entrepreneur with a good idea can no longer make a success of business. The prevalence of large corporations with far-flung operations seems to have squeezed the little man. In other words, there is no place in America for Horatio Alger.

This notion is simply not correct. While it is true that many enterprises require large amounts of capital and a highly trained corps of workers, there are many examples of successful businesses being built on the ingenuity, determination, and hard work of people with more limited assets.

Such a business is now thriving in West Virginia. It is the product of the dedication of two young men, John and Bill Bright, who chose to remain in their hometown rather than follow the masses to the big cities.

Mr. President, I recently was asked to write an article about the Bright brothers for Success Unlimited, a quality magazine edited and published by W. Clement Stone and circulated nationally. The values these young men possess are an inspiration. I ask unanimous consent that the article be printed in the Record, so that thousands of readers will, through this journal, realize that resourcefulness and responsibility can be coupled to produce worthwhile achievements.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bright of America

(By Senator Jennings Randolph)

Summerville, West Virginia, is proud of John and Bill Bright. It is a pride which took root ten years ago when, in an upstairs bedroom of their family home, these two young men made their decision to go into business. Since then, Summerville has observed and participated in making "The Great American Dream" a reality and Bright of America has taken its place among this country's fastest-growing greeting card companies.

At the time, John was 28 and home for a visit from New York where he worked as a photographer for another greeting card company. Bill, 21, had just graduated from West Virginia University with a degree in commerce. The elder brother had graduated from the same school and also earned a Master's Degree in Cinematography from the University of Southern California. Between them, they had $500.00 cash. More important, however, was their belief in themselves and belief in their dream.

And so the partnership began under the name of Church-Graphic Productions and the bedroom became their office. Meanwhile, their operating funds had increased to $3,000 due to the farsightedness of a local banker.

Commenting on these beginnings, Bill recently said: "Under the name of Church-Graphic Productions, we took pictures of church interiors all over the country. I guess each of us would travel 75,000 miles a year. We would take photographs at Christmas, or during the summer and we would carry on our work using artificial poinsettas and other Christmas decorations."

The miles were exhausting but they kept it up, because their marketing ideas continued to gain acceptance and use. John and Bill knew that the competition in the greeting card industry was fierce and they recognized their own physical and monetary ineptness to compete. Instead, they hit upon using Christmas cards, photograph accented, to fulfill a need; namely, that of fund raising.

They found that many, many organizations and particularly churches were constantly looking for new methods of acquiring revenue. Using greeting cards with a picture of the church promoted more local interest and thus more sales.

In 1963, the company was involved in developing a number of new product lines, the most widely accepted of which is the note paper highlighting scenery in a particular state. In many cases, reception of their note stationery has been so outstanding that they have had to prepare up to three different sets per state.

This rapid growth and diversification prompted them to bring their operations under a new corporate name: Bright of America. The bedroom headquarters were no longer practical and the rapid expansion soon made their new offices in downtown Summerville obsolete.

In 1966, they received a $360,000 loan from the Small Business Administration to build new offices and a plant on a twenty-five acre tract of land outside of Summerville's business district. Even as the construction began, the expansion plans became obsolete for John and Bill discovered that Christmas cards depicting winter scenes were becoming popular in a great many states.

The development of ideas did not stop here, however, for they soon hit upon the production of placemats laminated in plastic for each state. It was still an offshoot from photography, and even though it was something quite different, they pursued it confidently.

Bright of America is presently adding more space to its operation. The over-all plant will soon cover approximately 88,000 square feet. Manning this space and its various operations are more than 140 full-time employees and in the pre-Christmas months the number exceeds 250 people. John and Bill are devoting more time and effort to administrative problems, leaving production and traffic to a team of highly qualified and hand-picked executives. The top three in this group are former fraternity brothers of Bill.

Always looking for new horizons to conquer, John and Bill founded America's Bright Corporation less than a year ago. Its first production endeavor is to find a means of attractively packaging and profitably marketing highway safety flares. Although this undertaking is completely different from their other interests, Bill in particular believes that this move is a sound one. He envisions federal sanction of a law requiring the possession of such equipment as early as 1970. This could catapult them into the role of a leader in the field and they plan to be ready.

John and Bill Bright gave much thought to their decision of remaining in their hometown of Summerville, West Virginia, instead of migrating to a more success-oriented location; logically, New York City. They concluded that wherever they were, their dream would be the same and they have proved both that it doesn't take an eyebow-raising address to become successful, and also that it is still possible in America to achieve individual wealth even though you start with virtually nothing.

John at 38 and Bill at 31 have come to this conclusion about the business community today: "We feel that too many young people, especially college-trained ones, are too eager to accept the good $7,000–$10,000 a year jobs and not take the risk of failure or the inconveniences of a year or two at a low income to start a business venture. Realistically, this nation, in fact the whole world, is a marketplace and the opportunities are boundless."

Dig back into your subconscious mind to that idea you discarded as being useless. Dust it off and take another long, hard look at it. Perhaps all it needs is a generous amount of belief and elbow-grease. The Bright Brothers are proof that what the mind can conceive and believe the mind can achieve. Ask yourself two questions, (1) Where do I want to be ten years from today and (2) Where will I be ten years from today?

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. DULSKI. Mr. Speaker, our Committee on Post Office and Civil Service is continuing its executive sessions on markup of meaningful postal reform legislation.

In today's productive session, we completed action on a major segment of title III dealing with transportation. This is important progress. We are recodifying the present postal laws as we go along in our reform bill. Many of these reaffirmations are necessary to put them into proper context and to simplify postal law.

The need for postal reform is clear and our committee is acting responsibly to effect the changes which were pointed up as necessary during our 4 months of public hearings earlier this year.

Unfortunately, there has been a lot of misinformation put out by the administration and a well-heeled lobby implying that postal reform can be accomplished only by conversion of the Department to a public corporation.

This is ridiculous on the face of it. As time goes on, more and more people are coming to realize the shallowness of that argument.

Our committee is marking up my bill, H.R. 4, which accomplishes all of the recommendations of the Presidential—Kappel—Commission within the framework of the Department.

My attention has been called to two city councils in Pennsylvania which have adopted resolutions in support of the concept of H.R. 4. I appreciate very much the support of the legislative bodies of Philadelphia and Erie. Following is the text of their resolutions:

RESOLUTION NO. 170 OF THE COUNCIL OF THE CITY OF PHILADELPHIA

(A resolution memorializing the Congress of the United States to adopt H.R. 4 in its entirety, which provides for the modernization of the postal service and continuing it as a regular government agency)

Whereas, The Postal corporation idea contained in H.R. 11750 considers the Postal Service a business and not a service to the American people; and

Whereas, H.R. 4, introduced by Congressman Dulski, Chairman of the House Post Office and Civil Service Committee, will by law provide for modernization of the Postal Service, thereby improving postal service to the public by continuing the department as a regular governmental agency with the Post Master General a Cabinet Member; and

Whereas, Adoption of H.R. 4 would establish a better transportation system for handling mail; establish a building program; establish a Commission on Postal Finance and set up employee labor-management procedures; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the Congress of the United States to adopt H.R. 4 in its entirety which provides for the modernization of the Postal Service, continuing the department as a regular governmental agency; and

Further Resolved, That we declare our opposition to passage of H.R. 11750 which would create a Postal Service Corporation.

Resolved, That certified copies of this Resolution be forwarded to the President Pro-Tem of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania, and the entire Congressional Delegation from the Commonwealth.

CERTIFICATION: This is a true and correct copy of the original Resolution, adopted by the Council of the City of Philadelphia on the sixteenth day of October, 1969.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER Jr.,
Chief Clerk of the Council.

RESOLUTION OF THE CITY COUNCIL OF ERIE, PA.

Resolved, by the Council of the City of Erie, That

Whereas, the Council of the City of Erie, Pennsylvania does herewith officially endorse H.R. Bill No. 4, introduced into the House of Representatives of the United States under the sponsorship of Thaddeus J. Dulski, because they are of the firm opinion that the necessary adjustments and modernizations of the Postal Services can best be effectuated by the provisions of the said act, and

Whereas, the Council of the City of Erie, Pennsylvania does further note that workers of the government in such borderline areas, postal retainers require and are entitled to direct contacts and negotiations with their employers to arrive at fair working standards with proper and adequate recompense, so therefore, be it.

***Resolved,* that certified copies of this resolution be forwarded to Mr. Frank Pruveadenti, President United Federation of Postal Clerks, Local 269, Erie, Pennsylvania; Mr. Jo-**

seph Travers, President National Association of Letter Carriers, Branch 284, Erie, Pennsylvania; Mr. Edward Cassano, President National Association of Mailhandlers, Local 239, Erie, Pennsylvania; and the Honorable Thaddeus J. Dulski, Member of Congress.

JOSEPH A. WALCZAK,
President, City Council of Erie.

Attest:

EUGENE GRANEY,
City Clerk.

A CONSTITUENT WRITES

Our colleague, the gentleman from North Carolina (Mr. GALIFIANAKIS) has referred to me a copy of a letter on this matter which he received from one of his constituents, as follows:

HILLSBOROUGH, N.C.,
June 2, 1969.

Hon. NICK GALIFIANAKIS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GALIFIANAKIS: I have been interested in the discussion of what to do about the Post Office Department. I realize the great difficulty of withstanding the lobbying that it is able to do. Possibly one solution might be to repeal an old law which forbids private organizations from carrying mail which the government might carry, even when such an organization can do a job which the government is unable to do. You may not happen to know that in the 1850's a private mail company was set up in New York which carried the mail at a much lower cost than the government and which forced the government to reduce postal rates by nearly two-thirds. For example, in those days postage, even first-class mail, depended on distance. If I remember correctly—and I am pretty nearly right—the postage for a single letter between Massachusetts and North Carolina was 45¢ before and 18¢ afterward.

It has also occurred to me that the movement of mail over short distances could be greatly speeded up if each post office had a motorized tricycle—something like that used by the Chapel Hill police force—which would be used to deliver mail to each post office within a radius of 15 miles or so. The driver would not pick up any mail; he would merely deliver it, but in most cases I suspect this could be done twice a day.

Sincerely,

CHARLES H. BLAKE.

LETTER TO FOUR EDITORS

My attention also has been called to a letter to the editor which appeared recently in four newspapers in Westchester County in lower New York State. These papers are: The Standard-Star, New Rochelle; the Daily Argus, Mount Vernon; the Herald Statesman, Yonkers; and the Reporter Dispatch, White Plains. Following is the text as it appeared in the New Rochelle paper on November 1:

POSTAL REFORM CAN BE DONE WITHIN GOVERNMENT FRAMEWORK

To the STANDARD-STAR:

During recent months reams of prose have been written in newspapers and magazines throughout the country about what is wrong with the Post Office. Most of those publications, including your own, favor the postal corporation concept that has been proposed by President Nixon. This proposed postal corporation is to be operated on similar lines as is the Tennessee Valley Authority with the floating of a $10 billion bond issue to get it off the ground. This proposal has gained widespread appeal among the American public and business. Only one side of the coin has been shown by the powers who are advocating a postal corporation. Let us present a good case against this proposal.

Bonds issued by a postal corporation would have to draw the same rate of interest as Tennessee Valley Authority bonds do. The current interest rate for TVA bonds is 8.47 per cent. A postal corporation operating with a $10 billion bond issue would have to pay at least $847 million annually on those bonds. That would increase the cost of operating the proposed corporation by that amount. Who would bear this cost? The users of the United States mails would with business bearing the brunt of increased postal rates caused by this factor, as approximately 85 per cent of all mail is business mail. Under this concept it is conceivable that it would cost 10 cents to mail a first class letter with all other classes of mail being raised to double the present rates. Is this what the American public wants?

We as postal supervisors favor postal reform. We believe that reform can be effectuated from within the present framework of a full government agency.

Legislation has been introduced into the Congress of the United States by Congressman Thaddeus J. Dulski of Buffalo, N.Y., chairman of the House Post Office and Civil Service Committee in the form of H.R. 4 that would bring about postal reform while maintaining the present Post Office Department. This bill enacted into law would give us the tools with which to modernize the Post Office and give the American public the postal service it deserves with a minimum of rate increases. We have the men at all levels of the postal scene, national, regional and local who know the mails and how to move them. All we need are the tools and those can be provided by the enactment of the Dulski Bill, H.R. 4 into law.

MICHAEL J. DIGLIO,
Legislative Director, Westchester Branch 336, National Association of Postal Supervisors.

U.N. APPEAL OF 18 JEWISH FAMILIES FROM SOVIET GEORGIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BINGHAM. Mr. Speaker, a recent New York Times article carried a report of a letter from 18 religious Jewish families who wish to leave their home in the Soviet state of Georgia and to become resident citizens of Israel. So far, they have not received permission from the Soviet Government to leave, and so they appealed their case in a letter to Her Excellency, Mrs. Golda Meir, Prime Minister of Israel, with a request that she transmit their letter—with signatures—to the United Nations Commission on Human Rights.

I found the New York Times report so interesting that I requested a copy of this unique document, which has now been submitted by the Israeli permanent representative at the United Nations, Ambassador Yosef Tekoa, to the Secretary General. It is a most inspiring letter from a very brave and dedicated group of people. It reveals a great deal about the lives of Jews in the Soviet Union.

A number of Members of the House have joined me in signing a letter which we are sending to Secretary of State Rogers urging the United States to support the request of these 18 families, and of Israel on their behalf, that the U.N. Human Rights Commission take up, investigate, and debate their plight.

The letter from 18 Soviet Jewish families and the New York Times article to which I referred describing the submission of their case to the Secretary General, follow:

TO THE HUMAN RIGHTS COMMISSION, UNITED NATIONS, NEW YORK, U.S.A.

We, 18 religious Jewish families of Georgia, request you to help us leave for Israel. Each one of us, upon receiving an invitation from a relative in Israel, obtained the necessary questionnaires from the authorized U.S.S.R. agencies, and filled them out. Each was assured orally that no obstacles would be put in the way of his departure. Expecting to receive permission any day, each sold his property and gave up his job. But long months have gone by—years, for many—and permission for departure has not yet been given. We have sent hundreds of letters and telegrams; they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate.

But we are waiting, for we believe in God.

We 18 religious Jewish families of Georgia consider it necessary to explain why we want to go to Israel.

Everybody knows how justly national policy, the theoretical principles of which were formulated long ago by the founder of the state, V. I. Lenin, is in fact being carried out in the U.S.S.R. There have not been Jewish pogroms, pales or quotas in the country for a long, long time. Jews can walk the streets without fear for their lives; they can live where they wish, hold any position, even as high as the post of minister, as is evident from the example of V. Dymshits, deputy chairman of the U.S.S.R. Council of Ministers. There is even a Jewish deputy in the Supreme Soviet—A. Chakovsky, editor-in-chief of *Literaturnaya Gazeta.*

Therefore, it is not racial discrimination that compels us to leave the country. Then perhaps it is religious discrimination? But synagogues are permitted in the country, and we are not prohibited from praying at home. However, our prayers are with Israel, for it is written: "If I forget thee, O Jerusalem, may my right hand forget its cunning." For we religious Jews feel that there is no Jew without faith, just as there is no faith without traditions. What, then, is our faith and what are our traditions?

For a long time the Roman legions besieged Jerusalem. But despite the well known horrors of the siege—hunger, lack of water, disease, and much more—the Jews did not renounce their faith and did not surrender. However, man's strength has its limits, too, and in the end barbarians broke into the Holy City. Thus, a thousand years ago, the Holy Temple was destroyed, and with it—the Jewish State. The nation, however, remained: Although the Jews who could bear arms did not surrender to the enemy and killed one another, there remained the wounded, who were bleeding to death; there remained the old people, women and children.

And whoever could not get away was killed on the spot.

But whoever could, went away into the desert; and whoever survived, reached other countries, to believe, and pray, and wait.

Henceforth they had to find a way to live in alien lands among people who hated them. Showered with insults, covered with the mud of slander, despised and persecuted, they earned their daily bread with blood and sweat, and reared their children.

Their hands were calloused, their souls were drenched in blood. But the important thing is that the nation was not destroyed—and what a nation.

The Jews gave the world religion and revolutionaries, philosophers and scholars, wealthy men and wise men, geniuses with the hearts of children, and children with the eyes of old people. There is no field of knowledge, no branch of literature and art, to which Jews have not contributed their share. There is no country which gave Jews shelter which has not been repaid by their labor. And what did the Jews get in return?

When life was bearable for all, the Jews waited fearfully for other times. And when life became bad for all, the Jews knew that their last hour had come, and then they hid or ran away from the country.

And whoever got away, began from the beginning again.

And whoever could not run away, was destroyed.

And whoever hid well, waited until other times came.

Who didn't persecute the Jews! Everybody joined in baiting them.

When untalented generals lost a war, those to blame for the defeat were found at once—Jews. When a political adventurer did not keep the mountain of promises he had given, a reason was found at once—the Jews. Jews died in the torture chambers of the Inquisition in Spain, and in fascist concentration camps in Germany. Anti-Semites raised a scare—in enlightened France it was the Dreyfus case; in illiterate Russia, the Beilis case.

And the Jews had to endure everything.

But that was a way that they could have lived tranquilly, like other peoples; all they had to do was convert to another faith. Some did this—there are cowards everywhere. But millions upon millions preferred a life of suffering and often death to apostasy.

And even if they did wander the earth without shelter—God found a place for all.

And even if their ashes are scattered through the world, the memory of them is alive.

Their blood is in our veins, and our tears are their tears.

The prophecy has come true: Israel has risen from the ashes; we have not forgotten Jerusalem, and it needs our hands.

There are 18 of us who signed this letter. But he errs who thinks there are only 18 of us. There could have been many more signatures.

They say there is a total of 12 million Jews in the world. But he errs who believes there are only 12 million of us. For with those who pray for Israel are hundreds of millions who did not live to this day, who were tortured to death, who are no longer here. They march shoulder to shoulder with us, unconquered and immortal, those who handed down to us the traditions of struggle and faith.

That is why we want to go to Israel.

History has entrusted the United Nations with a great mission—to think about people and help them. Therefore, we demand that the U.N. Human Rights Commission do everything it can to obtain from the Soviet Government in the shortest possible time permission for us to leave. It is incomprehensible that in the 20th century people can be prohibited from living where they wish to live. It is strange that it is impossible to forget the widely publicized appeals about the right of nations to self-determination—and, of course, the right of the people who comprise the nation.

We will wait months and years, we will wait all our lives, if necessary, but we will not renounce our faith or our hopes.

We believe: Our prayers have reached God.

We know: Our appeals will reach people.

For we are asking little—let us go to the land of our forefathers.

SIGNERS

Elashvili, Shabata Mikhailovich, Kutaisi, 53 Dzhaparidze St.

Elashvili, Mikhail Shabatovich, Kutaisi, 33 Dzhaparidze St.

Elashvili, Izrail Mikhailovich, Kutaisi, 31 Kirvo St.

Eluashvili, Yakov Aronovich, Kutaisi, 5 Mayakovsky St.

Khikhinashivili, Mordekh Isakovich, Kutaisi, 19 Makharadze St.

Chikvashvili, Mikhail Samuilovich, Kutaisi, 38 Khakhanashvili St.

Chikvashvili, Moshe Samuilovich, Kutaisi, 32 Tsereteli St.

Beberashvili, Mikhail Rubenovich, Kutaisi, 9 Klara-Tsetkin St.

Elashvili, Yakov Izrailovich, Kutaisi, 54 Tsereteli St.

Mikhelashvili, Khaim Aronovich, Poti, 57 Tskhakaya St.

Mikhailashvili, Albert Khaimovich, Poti, 57 Tskhakaya St.

Mikhelashvili, Aron Khaimovich, Poti, 18 Dzhaparidze St.

Tetruashvili, Khaim Davidovich, Kutaisi, 5 Shaumyan 1st Lane

Tsitsuashvili, Isro Zakharovich, Kutaisi, 5 Shaumyan 1st Lane

Tsitsuashvili, Yefrem Isrovich, Kutaisi, 6 Shaumyan 1st Lane

Yakobishvili, Bension Shalomovich, Toilisi, 4 General Delivery (formerly lived at 91 Barnov St.)

Batoniashvili, Mikhail Rafaelovich, Kutaisi, 53 Dzhaparidze St.

Tetruashvili, Mikhail Shalomovich, Kulashi, 114 Stalin St.

[From the New York Times, Nov. 11, 1969]

ISRAEL SUBMITS TO U.N. AN APPEAL FROM 18 JEWISH FAMILIES WHO SEEK TO EMIGRATE FROM SOVIET GEORGIA

(By Henry Tanner)

UNITED NATIONS, N.Y., November 10.—Israel submitted to the United Nations today the question of the treatment of Jews in the Soviet Union.

Yosef Tekoah, the Israeli delegate, called on Secretary General Thant this morning and handed him a signed document that he said had been received from 18 Jews living in Soviet Georgia. The document accused Soviet authorities of preventing them from leaving the Soviet Union and settling in Israel.

Mr. Tekoah asked Mr. Thant to use his "good offices" to help the 18 petitioners and "to alleviate the situation of Soviet Jewry" in general.

The Israeli asked that the appeal and a covering letter be distributed as an official document of the General Assembly and he made it clear that this was the first time that Israel had brought the question of Soviet Jews into the United Nations.

The appeal was addressed: "To the Human Rights Commission, United Nations, New York, U.S.A." It began: "We, 18 religious Jewish families of Georgia, request you to help us leave for Israel."

It went on to say that after having received the required invitations from relatives in Israel, each of the signers had petitioned Soviet authorities for exit visas. After having been told that the petitions would be granted, each "sold his property and gave up his job."

"But long months have gone by—years for many—and permission for departure has not yet been given," the petitioners continued. "We have sent hundreds of letters and telegrams, they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate."

The document bore the names and addresses of the petitioners.

It was read in Russian and English at a news conference this afternoon by Mr. Tekoah, who served as ambassador in Moscow from 1963 to 1965.

Mr. Tekoah said the petitioners had sent their appeal to him personally, with a covering letter, for transmission to the United Nations because "I am not a stranger to them and they are not strangers to me." Mr. Tekoah refused to discuss the means the petitioners had used to get the appeal and the letter to him.

THE 1965 VISIT IS RECALLED

He recalled with emotion how he had gone into the petitioners' villages in 1965 and how at each stop in neglected synagogues and in courtyards behind them, the same scene had repeated itself.

"As I spoke, upon hearing the first words in Hebrew, the entire community raised their hands in a kiss to heaven," he said. At the end, he said, he started to wish them happiness for the next year and the crowd would chant "Next year in Jerusalem."

As he moved through the crowd, the throng would be whispering a single word, "Salvation," in Hebrew, and the whisper would turn into a cry, Mr. Tekoah said.

The appeal reached Mr. Tekoah last Thursday and was transmitted to the United Nations as rapidly as possible, informed sources said. The timing thus was not controlled by the Israeli government and had no special meaning, they said.

According to the text distributed by the Israeli mission, the covering letter asked Mr. Tekoah not only to take "immediate steps" in the United Nations, but also to have the appeal "published in the press with the complete list of signers—names and surnames and, if necessary, addresses." Thirteen of the 18 petitioners are from Kutaisi, a town in western Georgia.

In the past, informed sources said, Israel refrained from taking such public action in behalf of Soviet Jews because it never had received this kind of signed request and feared reprisals. In this case the petitioners themselves had decided to discount or ignore the possibility of reprisals, the sources added.

A few dozen Soviet Jews a month have been permitted to leave the Soviet Union to go to Israel in the last few years, specialists not connected with the Israeli mission said here today.

The limited movement stopped at the time of the six-day war in 1967, when diplomatic relations between the two countries were broken off, the specialists said. Last January, there was a spurt in exit permissions and until early April about 200 persons reached Israel each month, the specialists added. Since April the number has been back to a small handful a month.

There are some three million Jews in the Soviet Union. Curbs on unrestricted emigration, without special permission, apply to all Soviet citizens.

The principal grievances of Soviet Jews include the following, according to specialists:

There is no public instruction in Yiddish even though, according to Soviet law, such language classes have to be held wherever 10 or more parents demand it, the specialists said.

The Jewish State Theater, which performed in Yiddish, was closed in 1949, and only an amateur Yiddish theater was permitted to open a few years ago, the sources said.

Few books and only one major periodical, the monthly Sovietish Heimland, appear in the Soviet Union, according to these sources.

Religious Jews are more deeply affected, the sources said, because the religious community has no central institutions. The Orthodox Church, Moslems and Protestants all are affiliated with international religious organizations abroad, but not the Jews, the specialists added.

ADDRESS BY FORMER LT. GEN. ARTHUR TRUDEAU

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. GOLDWATER. Mr. President, one of America's greatest spokesmen and a man who has dedicated his life to the defense of this country, former Lt. Gen. Arthur Trudeau, spoke in New Orleans on October 23.

Because his speech is so cogent and to the point and contains so many things which Americans could well ponder, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY LT. GEN. ARTHUR G. TRUDEAU, USA, RETIRED, UNITED STATES DAY, NEW ORLEANS, LA., OCTOBER 23, 1969

We join today to think about our great country—past, present, and future—from a glorious past we have migrated to a hazardous present and perhaps a doubtful future.

I congratulate you on your celebration of United States Day. Americanism and patriotism are almost silent issues today. You are considered a bit queer if you want to defend and advance our country's interests along the lines our forefathers laid down. True—we still have Washington and Lincoln's birthdays, Decoration and Veterans Day—and the Fourth of July is still intact. Some figure that any other day in early July would be just as good as long as you can get away for a "long week-end." In a few places, some villages even celebrate Flag Day. Can you imagine that? God bless them. Let me say to you as one of my military associates remarked, "If any business adopted this philosophy to advertise and sell its products, like we sell ourselves short, it would be out of business."

I am most pleased to be in New Orleans again for both personal and business reasons. During World War II I had numerous occasions to come here in connection with transportation corps training for ports overseas and for the production of landing craft we assembled in Australia.

A very few years ago, my interests had turned to the oil wells, refineries and chemical plants of the Gulf Oil Corporation, when I was president of their research and development company.

Presently, I am watching with you to see what the follow-on programs in space and oceanography will bring. North American Rockwell, as you may know, has provided 170 booster engines for the Saturn 1–B rocket and about 70 to get Saturn V rockets off the ground, so the fine facilities at Michoud, where we were in support of the Boeing and Chrysler efforts, are well known to us. Of course, we are also mighty proud of our Apollo space capsules and the rockets to get the lunar landing vehicle off the Moon. The firing of Apollo XII is scheduled for November 14, 1969.

Along with others, I am concerned over any serious cutback in research and development since it serves as a major stimulant to industrial progress as well as being a keystone of national security.

As Dr. John S. Foster, Jr., director of defense research and engineering, recently said:

"We must have technological superiority in order to know more about what nature has to offer, to know about the kinds of things that another country could do and to move quickly and effectively if a new danger seems near. Note that I am talking about research and development.

"The Soviets have been expanding their research and development efforts for space, defense and atomic energy during the past few years by an average of about ten per cent a year. During the same period American defense R&D spending has gone up about four per cent a year, not quite enough to cover the inflation rate for technology: And atomic energy and space spending, together, actually have diminished. If the current critical attitude toward research and development continues, then the U.S., for the first time in its history, will lose its technological superiority."

As Aviation Week recently stated:

"There is a certain breed of cat in this country that constantly deplores the spirit of fierce competition between the U.S. and USSR that has resulted in such tremendous progress in the first decade of space exploration. If these philosophers had their way, the U.S. and the USSR would join in some vaguely cooperative effort aimed at some dimly perceived goals in the interests of saving money and improving international relations. "They fail completely to understand how space technology has become a basic sinew of national power, a dynamic spur to the economy and an important yardstick by which to measure competing systems—in short the techno-politics."

Perhaps the orbiting of the several components for a Soviet space station last week will awaken us in time.

A decade has passed and fantastic accomplishments have been witnessed since those early days when the Army led the way into space with our explorer program, but those of us then involved still feel the pride of great achievement.

While NASA was founded on the Army's breakthrough in space, many of us have deplored the national policy to deny the military importance of the exo-atmosphere. Now, after ten belated years, the urgency to establish a capability to ward off disaster is becoming all too clear. We can no longer delude ourselves as to the critical military importance of space if we are to survive. The orderly progression from our proven capabilities for manned atmospheric flight to manned space operations must be pressed until adequate international agreements have been positively achieved *and demonstrated*—words are not sufficient. I encourage all of you to urge your legislators to hold the line as powerful forces continue to work within our Government to degrade even further, the relatively declining balance of our military power.

I shudder to listen to the devious and sometimes unsupportable reasons given by the doves to prevent us from building an anti-ballistic missile system to defend our homeland. Remember, not a single proponent of the Nike system was called upon to testify before the Senate Foreign Relations Committee, yet we have proven our ability to destroy incoming missiles for at least five years.

The scientists who oppose giving us a defense have much to answer for, in my opinion. Some have seen their own brainchild fail and hence conclude that no defensive system has any value. Others have been inhaling the alluring perfume of Communist appeasement emanating from pugwash conferences. Some honestly feel that since *all* missiles may not be destroyed, the system is a failure. Unfortunately, no offensive or defensive system ever devised was, is, or will be, perfect: Hence the need for the best mix possible. They have said, "You may knock down nine, but the tenth will get through." Granted, but the added deterrent power in forcing an enemy to multiply his arsenal ten times with greatly sophisticated missiles befores he dares to attack probably exceeds our measured deterrent power today.

Even if the scientists who have blasted our defensive efforts are half right, in my opinion they have displayed so narrow a view of the non-technical factors involved as to question the validity of their general conclusions.

No matter how the system is explained, be it Sentinel or Safeguard, it still is an outgrowth of Nike-type missiles going back nearly two decades. The same arguments were given to delay Nike Ajax, an anti-aircraft missile in the early fifties.

Finally, Mr. K. T. Keller, grand old engineer and great American, summoned to the Department of Defense during the Korean war, said, "There is a time when R. & D. has to pause and production and deployment begin. We learn by doing." And we did. Ajax was a great success. By 1960, Hercules, Ajax's more powerful brother, was deployed to knock down anything that could fly. It is still on station in and around the country, ready to go, and none of the nuclear accidents the Caspar Milquetoasts envision have ever occurred.

On April 1, 1958, I assumed the Office of Chief of R. & D. for the Army. More importantly, that same day saw the birth of the Nike Zeus system to knock down incoming and orbiting missiles. Again, the opposition raved and ranted, but in less than five years, this bigger brother to Ajax and Hercules was ready and able to knock down missiles.

In 1960, against opposition, I, personally, directed the use of an Ajax missile to knock down another missile. The reaction time available, 17 seconds, was much less than Sentinel would have against an ICBM, but down it came.

By 1961, President Kennedy appeared favorably disposed to early production. Preproduction funds were appropriated by the Congress in 1962 but withheld by Secretary McNamara and his whiz kids. This sad story of procrastination and delay continued until now.

While the latest decision is limited, it is encouraging. If urban areas wish to remain exposed, let us at least protect our vital installations. Every year our technology advances, but to hold up deployment until perfection is reached is unreasonable since perfection is not for man to attain. Let's build what we need to defend America. As I have said before, "We are the world's greatest nuclear nudist colony today."

I suppose the accomplishments of the Apollo flights, too, are anathema to the yippies and hippies. The fabian socialists, nonstudents and caspar milquetoasts who decry our industrial strength and military capabilities. Yet, behind these flights lie years of work of thousands of people, or great industries with brilliant management, of tough-minded, disciplined men proud to wear their country's uniform. Is this what we need to reject? For what? Reject, no: Improve, yes. And how about an educational system that develops the engineers, astronauts, scientists, technicians and others to accomplish human flight to the moon? Shall we close our schools and campuses until the new leftists, students for democratic action, hippies and just plain bums tell us how to do it?

Oh, America, and each of you who are proud of being her sons and daughters, rise up and tell your government at all levels, and the agencies of the law, and the mass media—and each other—to stiffen our spines and cease permitting a cunningly and well-organized minority to create chaos and anarchy. Much of the history of this world revolves around the victory of violent, ruthless minorities subjugating the peaceful, more affluent majorities in blood baths. It can happen here: Toynbee has written that nineteen of the world's twenty-one great civilizations have been destroyed from within. Let us not be the twentieth.

I know you share the concern of all good Americans for the future peaceful progress of our country—and the whole world. That day is not in sight, however, and won't be as long as the men in the Kremlin persist in their frequently asserted determination to destroy the free world and impose their insidious and brutal ideology on us. Their denial of a supreme being and rejection of the dignity of man are even more critical aspects of their doctrine than their determination to change the economic structure of the world.

If the Nixon administration has one mission with two parts, it is (1) maintain the determination and the actual power to rebuff the Kremlin in every major challenge: Berlin, the Balkans, the Middle East, the Far East and Latin America. The Bamboo Curtain in Southeast Asia is second only in importance to the Iron Curtain in Europe and control of the Mediterranean. (2) The betterment of our people at home can only be accomplished in a more placid atmosphere devoid of riots, chants, burning, murders, narcotics, crime and godlessness. Order must be restored. Confidence in our courts and in the forces of law and order must be restored. Our children must be less subjected to narcotics, pornography, riots, disorders, and hoodlumism.

As our President so well said, "we must speak softly, so we can hear ourselves." Amen. And we must be able to walk our streets in a pensive mood at night, without danger of theft, rape or violence. There must be peace in our land. Patience is a virtue, but if you could have seen the motley, filthy crowd who harassed and insulted our President and all good Americans at the Inaugural Parade last January, you would agree that there must be an end to such patience and that the freedom and dignity of good men demand stringent action against these despoilers of America.

The Kremlin defines peace as a condition that can only exist in a classless world and hence approves any action, no matter how violent and brutal, particularly "wars of liberation," as a justified means to achieve their goal.

I define peace as a condition that can only exist when a people are generally free from subversion, crime and disorder from within and from the threat of violence and aggression from external sources. There is one major culprit involved here and you know who and where it is.

Unlike the America of 1945, which stood united as the bulwark of free people and free nations, today we stand confused and bewildered with questionable morale, degenerating morals, a growing crime rate, a disturbed economy, an insufferable resort by tough minorities to violence and anarchy in our cities and our campuses, while our efforts to stem the tide of communism and chaos are derided in high places, challenged by beatniks and peaceniks and hamstrung by indecision. I thought the rape of Czechoslovakia would awaken us again, but our memories are short and the time is very late. The elixir of comfort and complacency among the loyal majority of our people of all colors has permitted a small but well-organized minority, backed by powerful subversive interests, to threaten all that you and I and our forefathers have managed to create and build over more than 190 years.

It is time to rally America to her terrible danger and you dare not sit idle any longer. We need to be alert.

I suppose the word "moratorium" while it means "delaying" was a reasonably acceptable term for the obstructionist tactics of a week ago. Thanks to the brashness of the North Vietnamese Communists and the better judgment of the mass of our people, however, it was a failure, albeit a brief but noisy one. Many of its supporters are now seeking cover as the more considered statements of the President and others are clearly the indicated paths most Americans want to follow. Sound national policy cannot be evolved on the campus or city streets, and I hope we will soon end the stupidity of such disorderly efforts.

The new strategy being considered by the *anti-war leaders* are outlined in a memorandum now being circulated within the group. It states, in part:

"The resistance must grow and take tougher forms. These facts were purposely not made clear in the October 15 protest talks because we wanted to involve as many persons as possible in the initial demonstrations.

"The October 15 moratorium was designed to make people comfortable in their new roles of resistance. It made opposition to the war socially acceptable, perhaps even stylish. It was organized to help people shake the feeling that resistance to war is a form of treason.

"The point now is that if there is to be a truly revolutionary peace movement there must be a change in strategy. There must be direct confrontation with the Government and even violence."

Of all the amusing and out-of-place moratorium skits I saw in New York were about a dozen dissenters with heads shaved and the saffron robes of Buddhist monks trying to get attention while the fantastic Mets were closing their grip on a remarkable world series. As the ticker tape came down, the monks could have been panhandlers for all anyone cared.

But the Mets. Why did America go wild? After all, it was only a ball team. Isn't there a lesson for all of us here in courage, tenacity and teamwork? Isn't this how we arrived at the America we have today? Along with the accomplishments of brave men in peace and in war, in medicine and in space, in numerous other areas where courage, physical and intestinal, together with teamwork, is vital to success, the story of the Mets will have people shaking their heads for a long time to come. As someone said about our forefathers who crossed this great continent over 100 years ago, "The cowards never started and the weak never arrived." But strong men did and built a nation from "sea to shining sea."

There are still uncharted seas and strange lands to be conquered and a strong and courageous people were never more needed than now. Love of God and country and family could again make us the Mets among nations. As the oldest republic in this world we still have the obligation to stand tall as the symbol of freedom everywhere.

Twenty-five years ago today we were crossing the beaches of Leyte in the Philippines and Asian people rallied to MacArthur's challenge. How about Iwo Jima and Okinawa? Were we wrong in going back then? Perhaps we should even have let Australia and Southeast Asia go under then? Or Britain as well as France in 1940? What do we stand for and when do we stand for it? Are these decisions for the uninformed to make based on emotions or fear, or shall we trust our leaders to do so based on comprehensive knowledge and adherence to the philosophy on which this Nation and our civilization was built. I have faith in our system and the Republic which it supports. If democracy is only going to be the triumph of mediocrity, however, God help us!

The restoration of individual pride by upgrading our code of morals and ethics and by fostering greater freedom of enterprise, better and more responsible State and local governments, and more severe punishment for criminal actions within just laws is essential if public safety is going to be improved and any sense of personal responsibility for government is to persist. No man, whose words and actions beget violence and destruction, is entitled to freedom. He is a menace to any society.

Abroad, we suffer from a lack of any positive policy today (or at least observable objectives), plus a constantly shrinking image. Our strategy is obscure and ineffectual, while the military challenge to our survival grows apace. Some men in high places suggest we retreat to a position of parity with an avowed enemy who constantly vouches to bury us and has the greatest clandestine capacity to destroy us politically and militarily. Yet, we seek by appeasement or convergence" to win him over. This is like feeding meat to shark.

While Russian ascendancy in the missile field, including submarines lurking off our coasts, is admitted, we have refused for eight years to build an anti-ballistic missile system that would greatly decrease damage from attack, save tens of millions of lives, and also greatly increase our deterrent power. Nuclear parity, in truth, could only result in complete inferiority for us in meeting threats of conventional war and so-called "Wars of Liberation." Today, we have no significant combat forces in the United States really ready to go, and they will be fewer as we are forced to disband those returning from Vietnam. Our depots are depleted and no new major weapons system has been successfully deployed in years. We have suspended our latest combat aircraft from operational use and are only now about to place a new one under development. Don't just take my word. Stalwart Democrats like Senators Russell, Stennis and Jackson have gone on record to this effect and fought hard to preserve our power. So much for our military position, to say nothing of all the other factors adversely affecting our international position, and the increase subversive and treasonable activities to which we are being subjected.

Even when we have the advantage, we seem to temporize. If we hadn't stood in Korea, Japan might be gone today. If we had carried the fight to victory beyond the Yalu and not given the Chinese forces sanctuary, we might not have had to be in Southeast Asia today. Ponder a moment when things look dark and some people run for cover, over what tenacity, fortitude and courage mean. Think about the Mets.

Because of our determined stand in Vietnam, 110 million Indonesians are back on our side, as well as Singapore, and Malaysia and the Philippines, and Australia and New Zealand can breathe freely again. Thailand stands sturdy as she has since Korea. Who mentions this accomplishment? Who had told you there are more Asians fighting for freedom in Vietnam than there were in Korea? These are significant gains for the free world. The routes to India are at least open from the East, even though the Suez is closed from the West. But all this gain can be lost quickly if we turn tail and run for cover now.

As the Paris talks drag on, remember the negotiations in Korea were fruitless and frustrating for two full years. The current ones could be worse. Even in the final three weeks of negotiations, as the armistice was about to be signed in July, 1953, my own division, the 7th Infantry of 18,000 Americans, lost more in killed and more in wounded during Chinese attacks at Pork Chop Hill and throughout my sector than our total forces of 500,000 men have ever suffered in Vietnam in any similar period except during the TET offensive of the summer drive, to say nothing of heavy Turkish, Ethiopian, Colombian, and Korean losses in troops then under my command. The key to peace is in the Kremlin, not in Hanoi, but we refuse to face up to it and grow relatively weaker day by day. The American eagle is being replaced by an ostrich with its head in the sand—and some doves.

With regard to Western Europe, the threat of future conflict remains serious and unresolved. The significance of the Russian seizure of Czechoslovakia is yet to be fully realized. She has opened a new gateway through Southern Germany. The Russian outflanking of Western Europe in the Mediterranean along the North Coast, from Egypt to Algiers, now supplemented by a growing Russian fleet seeking bases in the Mediterranean and abetted by France's intransigence, has raised another threat of new and serious proportions. The total failure of Western intelligence to evaluate correctly the Soviet design on Czechoslovakia doesn't augur well for the future, either. We must maintain a balance of power in conventional forces, strategic missiles and in space so favorable to the free world that the Soviet can't afford to launch an "atomic Czechoslovakia" against either our European allies or ourselves.

As for the Middle East, the Russian thrust to take over the Arab countries remains unabated and intensifying. Israeli casualties during some periods are reported as heavier than those in the Six-Day War of 1967.

While the rearming and reorganizing of the Arabs is proceeding under the direction of more than 2,000 Soviet officers and technicians, the conquest of Yemen at the southern entrance of the Red Sea continues. Therefore, access to the Gulf of Aqaba for the Israelis may soon be meaningless if Yemen falls to Soviet control. Somalia, Aden and the Horn of Africa are likewise under increasing Soviet pressure.

With the gates to the Indian Ocean being threatened in the Red Sea to the west and Singapore to the east, access to the Persian Gulf and India is increasingly challenged. Distances between available airports and problems in flying over hostile or neutral lands even threaten to stop jet air traffic between Europe and the Pacific. The availability of essential Middle East and Libyan Oil to the free world (both Europe and the Far East), hangs in the balance.

Yet, despite all this, the indifference and even hostility of Britain and the United States toward South Africa, Rhodesia and the adjacent areas is such that our last route of access around the Cape of Good Hope to the so-called "soft," but vitally important, underbelly of Asia lies unsupported and even boycotted in part. How the Soviet must gloat over a U.S. policy that is of direct assistance to them based on our national misconceptions, meddling and misunderstanding of problems peculiar to the area! How Cecil Rhodes who attempted to find an empire in the vital area of Africa south of the tropic of capricorn, would turn over in his grave if he could view the actions and attitudes of Britain and of some Americans who have benefited by his scholarships:

You can expect to see the will of the west tested again in Berlin, the Balkans, or the Middle East. You will recall the surge of the visigoths through Western Europe in the fifth century, the Moors in the eighth, the hordes of Genghis Khan in the thirteenth, and the Ottoman Turks in the sixteenth, when they were turned back at the great naval battle of Lepanto in the Adriatic in 1513. Shall we see its counterpart off the Albanian coast in the twentieth? It could be.

Or will the mills of Megiddo, the Armageddon of the Bible, ring again to the clash of combat in the Middle East as they did in the earlier days? Whenever I think of the strategic importance of the Middle East, my mind turns back to a statement made by one of our diplomats over a hundred years ago that still may be prophetic.

In May of 1861, as our unfortunate War Between the States was breaking out, Ambassador Cassius Clay at the Court of St. Petersburg, Russia, wrote to Secretary of State Seward in Washington and I would like to quote one paragraph from his letter. He said, "Russia and the United States will each circumnavigate half the globe in opposite directions until they meet and greet each other in the regions where civilization first began."

He apparently recognized these two great focal points of coming world power. What he envisioned in the way of how we would greet each other remains for all of us to contemplate, but certainly the area he spoke of was the hills of Megiddo, the Armageddon of the Bible.

Here in the Western Hemisphere is Cuba, armed to the teeth and subverting Latin America in a constant and deliberate manner. Even mobile missiles there could reach the southern arc of our country bounded by New Orleans, Nashville, and Norfolk, at least. And your daily reading of unpleasant events in the lands of our neighbors to the south must certainly give you pause to reflect.

Let's revitalize this wonderful Nation of ours with faith, not fear; with courage, not complacency; with seflessness, not selfishness; and with patriotism, not patronage. Let the spirit of the men in Apollo XI and the Mets symbolize an awakened America.

While I regret all the unhappiness in the world, I refuse to be brainwashed by those who seek to instill in us a feeling of guilt by association for every maladjusted and unhappy person who exists or every unfortunate incident that occurs. Forget this guilt complex. Life will always be a struggle. The Man on the cross said so 2,000 years ago. Let us build up pride by association instead—pride to be countrymen of leaders like Washington and Lincoln, Tom Marshall and Oliver Wendell Holmes, Teddy Roosevelt and Douglas MacArthur, Longfellow and Will Durant, Victor Herbert and Gershwin, Edison and Henry Ford, and a host of others, big and little, who lived (and a million who died, including many of my comrades) to give us the United States of America we honor today.

A VIETNAMESE LOOKS AT THE MORATORIUM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RARICK. Mr. Speaker, so that our colleagues may know what our allies in South Vietnam think about the moratorium activities in the United States, I include a speech by Deputy Tran-Quy-Phong in the House of Representatives of the Republic of Vietnam Congress on October 23, 1969:

SAIGON,
November 10, 1969.

Honorable JOHN R. RARICK,
Member of Congress from Louisiana,
Washington, D.C.

DEAR MR. RARICK: It is a great encouragement for us when receiving your letter of 23 October 1969.

We, Vietnamese, know that we are not lonely in this fighting for our beloved Fatherland and for the Mankind's civilization against the cunning communist aggressors. We are sure that the oppressed people must recover their liberty some day, if not the collapse of the Mankind will be unavoidable.

We share with East Europeans the unhappiness under the terrorist regime of the Communist and hope for some day we may live happily and enjoy Freedom and we think that such day is a sure thing.

Please believe that in this bank of the Pacific Ocean, there are people who always think about their unlucky brothers who are fighting for Freedom of their Country and survival of the World and they are not alone.

Once more, please accept our sincere thanks and best wishes to you and your compatriots who are enduring the same suffer that we are.

Sincerely yours,

TRAN-QUY-PHONG.

Attached herewith is my Briefing at the Congress on 23 October which I send to you for documentation and dissemination, if possible. Thank you.

U.S. ANTIWAR MOVEMENTS AND THE AMERICAN MULTIFACED POLICIES

(By Deputy Tran-Quy-Phong)

Mr. Speaker, Honorable Members, first, we would like to thank all of you, our colleagues in this House, for your favorable and quick response to our proposal to put into debate the question of "US Anti-war movements and the American Multi-Faced Politics."

Your warm response to this matter speaks out by itself the indomitable will of the Vietnamese people against all conspiracies that try to force us to surrender to the Communists.

Bringing forward this matter at today's plenary session, we intend to clarify it, and make the people know about the true nature of the current developments affecting the fate of our nation.

Also, through the forum of this House we want to speak to the people of the United States and world opinion that the Vietnamese people with a quarter of century at war, are more conscious than any other people in the world of the real value of peace.

We also want to clarify that as a traditional peace loving people, we are in full respect for the principles of expression of opinion of all citizens in a democratic country which could never be permitted to exist behind the Iron curtain. We agree that the war must be ended, and as anti-war persons in US are doing, we are opposed to the war, we are opposed to killings, we love humanity, we are eager in exercising principles of freedom and democracy.

In a realistic face of the events, however, we realize that US anti-war movements are "knocking a wrong door."

The facts are that:

1. We oppose the war. But, to oppose the war, we must oppose to the ones who make up the war, not the ones who are victims of it.

The war-mongers are not other than Russia, Communist China, and North Vietnam. To put the war to an end, we must urge the war makers to stop their aggression, not their victims to lay down their weapons for a war settlement.

2. We oppose the killing because we are men. As a poet says "I am a man, if I kill men, with whom would I live." Really, we want to end slayings. But how do ostriches with their heads in the sand cease the killing? The Communists must stop causing death. Please don't ask us to stop killing, because we kill nobody. We only defend ourselves.

3. In 1944, when U.S. and allied forces landed on Normandy shore, flames and bloodshed went on in a terrible manner between allied and Nazis troops.

Suppose that if the embarkation did not take place, so many lives would not be taken, massacre in the battle field would not happen. But then what would happen? If not the entire Europe would fall to Hitler and so many lives would be pushed into slaughter-houses.

Night by night thousands of bombers bombarded Germany, so many innocent Germans were crushed under debris, but was there anyone who had ever voiced his protest against such a war?

Mankind was represented to step up the war against the Nazis and mankind itself applauded the righteous cause of this war.

Ridiculously, the Vietnamese people in resistance against aggression is being condemned. That is really an unfair thing and a contradiction. Is it right the good cause of Europe in the world war II turned to the "false" one when it is applied to this self defense war in V.N.?

If we are forced to stop our anti-aggression war for the sake of humanity, it is similar to an action of giving a hand to the Communist conquest, a form of the most inhuman domination in the history of mankind.

4. We are in an eagerness, more than anyone else of ideals of freedom and democracy. We are hungry of them as the lungs need air. And by that, we are fighting in bitterness and sorrow throughout 25 years long. If we don't love Freedom and Democracy, we should have allowed ourselves to surrender to the Communist aggressors and accept a life of slaves, prisoners; of mortal liquidation and terrorism in which the Russians, Communist Chinese, Eastern Europeans now are living. Ones who survived in such regime are dragging a life not of a man.

To escapists who are in an urgent demand for the end of the VN war by an unconditional giving up, we would like to quote a Vietnamese writer as saying:

"Vietnamese's tears are pouring, and will pour a long time.

"Vietnamese are bleeding, and bleeding unceasinglessly.

"Our people is a tiny one, but suffers great misfortune.

"Our endurance is a giant one.

"If bitterness and hardship are to be measured:

"Vietnam is invincible.

"Vietnam stands first in bodies counting and corpses gathering.

"During 25 years, V.N. condolesces—V.N. makes burials endlessly."

We are tearing and bleeding since a long time, our people are much unfortunate, excessive of sorrow. Count bodies, pick up dried skeletions: We win championship and keep on counting and burying until unspecified time.

Recently, we have just counted from the bottom of spring Suoi Da Mai in Thua-thien Province another thousands of skulls, pieces of bones of innocent people massacred by the Communists.

We are plunged in grief, in indignation. Through years of war no family has not received bad news of their sons, their brothers from every corner of the country.

So, we hate the war, and we are in hatred of it. We want peace but we still have to keep up fighting for our self-defense. If one cannot blame a man who nearly dies of thirst that "Is it not enough for you in such a thirst?

"Why don't you stay lying down like this but waste your force to crawl away for water?" so he cannot accuse us of being warlike. We know that as long as the war goes on, we still face long sufferings, but we still have hope for preserving freedom for our next generations, and also for youngsters of free nations that have not been yet under direct Communist threats, rather than a surrender to the Communist aggressors.

In conclusion, we want anti-war persons to ask war initiators for an immediate stop of their aggression, and not to ask us to surrender. Someone had complained: "Oh, Liberty! On behalf of you, they are making so many crimes!" We also want to follow in this way to say "Oh, Peace, on behalf of you, they are encouraging aggressors."

Mr. Speaker, and Honorable Members, in a one-faced judgment, we can say the anti-war movements are launched because of the presence of over a half million of U.S. soldiers in Vietnam.

Therefore, before going into full particulars of Anti-War Movements and True Picture of the Multi-Faced Politics in the U.S., we think we should have a look back to the past to see from when and how the Americans are present at this outpost of Freedom, and to know that a U.S. retreat from this common defense line is very dangerous and will never happen.

The independence of this country was recognized by the United States since 7 Feb. 1950. In a first move to support V.N. President Truman announced June 27, 1950 that the U.S. was sending a 35 man military assistance advisory to V.N. On December 23, the U.S. signed a Mutual Defense Assistance Agreement with Vietnam, and on September 7, 1951, the U.S. agreed to provide direct economic assistance to V.N.

After the Geneva Conference, President Eisenhower declared October 24, 1954 that U.S. economic aid to V.N. was being increased, and on February 12, 1955, the U.S. agreed to train Republic of V.N. Armed Forces. On February 19, 1955, SEATO, in which the U.S. is playing a vital role, extended to offer protective cover of South Vietnam.

On October 26, 1960, President Eisenhower pledged solemnly U.S. continue assistance to V.N. for its defense.

On April 3, 1961, President Kennedy's Administration signed the Treaty of Amity and Economic Relations with Vietnam, and by the end of this same year (December 14) President Kennedy declared U.S. prepared to help R.V.N. preserve its independence.

After the revolution that overthrew President Ngo-dinh-Diem, U.S. forces in V.N. numbered 15,000 in December 1963 and then were being gradually stepped up to more than a half of million by the end of 1968.

On February 7, 1966, President Johnson and Premier Nguyen-cao-Ky in their joint communique declared at the end of Honolulu meeting that the two countries would continue to resist aggression.

Another fact that is necessary to be considered is that on August 7, 1964, after North Vietnamese fleet attacked U.S. destroyers *Maddox* and *Turner Joy* in Gulf of Tonkin, all U.S. legislators, (except two) voted the "Gulf of Tonkin Resolution" empowering the President of the United States to exercise all necessary measures to repel any armed attacks against U.S. forces and to prevent any further aggression.

This fact evidences that U.S. engagement in the war against Communist aggression in V.N. was a work which has been favored by a majority of the American people, it is not a work of an individual or a party.

In reviewing all of the foresaid facts, we come to realize that U.S. engagement and pledge to safeguard S.V.N., an out post of the Free World, were unquestionable, and they were initiated by 5 successive U.S. Presidents, from Truman to Eisenhower, Kennedy, Johnson and now Nixon, of both the two big parties of the U.S. It was a commitment that was calculated and prepared carefully, not the one that was decided in a hurry, and so, it is not easy to be given up over a night with no regard to honor and existence of the United States herself.

U.S. BIPARTY POLITICS

Present anti-war movements in US are noisily launched by a number of congressional democrats criticizing the Nixon administration's VN war policy.

They are doing as though the one who caused the war and made US troops pinned down in VN is President Nixon and his Republican Party.

Everyone is well aware that pouring US troops into VN was the work of the Johnson administration of the Democratic Party. But, it is so ridiculous, the ones who seem to be strongly demanding for an end of the war and immediate withdrawal of US troops from S.V.N. are leaders of the Democratic Party.

Why? The answer is really simple. It is a dispute of power between the two parties.

Mr. Nixon's winning in the 1968 presidential election not only kicked out Hubert Humphrey but also his Democratic Party from the US administration. So, accusations against Nixon and anti-war activities are looked only as an oral battle of Democrats against Republicans for their purpose of winning more votes in coming elections opening way for Democratic Party to return to power.

The Democrats have sent troops to VN, and once held command of the VN war until 1968. If the democrats really want a disengagement of US forces from VN, why didn't they do that during the whole time they were in power!

So is the picture of US political life, and it is only a dispute between the Democratic Party and Republican Party.

Now suppose that the Democrats return to power in the coming election, the VN war policy of the US will remain unchanged, and then the Republicans will take their turn to attack the ruling party. All are for obtaining votes; US policy under either party never changes its major and common objectives.

On the other hand, stopping Red China from expansion as far from the US as possible is still an unchangeable strategy of US policy.

Pulling out a large number of US forces from VN is necessary when the US achieves its strategic goals here.

The US Democratic leaders also understand that fact and their loud for US withdrawal is considered only as a move to "push an already open door."

The Democrats were making great efforts, even sacrificing their presidential seat, to fulfill U.S. strategic objectives in VN for the sake of the U.S. interests. These objectives were accomplished and the Communists have been defeated. This is a work "well-done" mostly by hardworking Democrats. The Democrats, however, do not like to witness the Nixon Administration and the Republican Party inheriting their glorious achievements, and nor do they want to see Nixon winning hearts of the American citizens when he is calling home an increased number of U.S. soldiers from VN that the Democratic governments could not do during their tenure of power.

In doing something to recover sympathy from the Americans, the Democrats are noisily criticizing to withdraw U.S. troops from SVN even though they have known better than anyone else that their demand is not necessary because Nixon did withdraw U.S. troops, and will do that when he feels it is necessary. As I mentioned in foregoing analysis, U.S. pullout is mandatory when U.S. goals are achieved. However the Democrats want the American people to know that withdrawal of U.S. forces from South Vietnam is an accomplishment of their party, by pretending that they have forced Nixon and his Republicans to do.

Doing by such a way the Democrats hope they will obtain more votes from the American public in the coming elections as result of their present efforts.

REPUBLICANS ALSO WANT TO PUSH ANTIWAR MOVEMENTS TO CLIMAX

The Democrats are acting for votes. But the Republicans are not staying still. The fact is that the Republicans also want to push antiwar wave up to a climax. For what? To make the enemy (North Vietnam, Red China and Russia) understand that they will have no reasonable hopes that escapists and defeatists in U.S. will be capable of forcing Nixon's administration to surrender in Vietnam.

At the peak of those anti-war movements, President Nixon announced determinedly that he is not going to be the first President presiding over a US surrender. He wanted to say that the Communists had better be reasonable, enter quickly in serious negotiations. And everything has been made clear that anti-war movements cannot make President Nixon change his mind.

That is the true picture of anti-war activities in US. We also understand, however, that there have been not only those Americans who are opposed to the VN war, but a majority of the American people are giving full support to the resistance of the Vietnamese people against Communists because they are conscious that they are fighting for the US itself.

Through anti-war activities in US, we have some particular remarks: First, political opposition in a democratic system like the one in US is a very normal thing. Second, not all American citizens voted for Nixon, but nearly a half of them were voting for Humphrey. However, the most remarkable happening is that according to democratic procedures, political opposition should logically be expressed through elected representatives in the Congress forum, not by taking to streets or violence.

The Democratic Party now has a majority in both Houses, if the Democrats really want a US retreat from VN, why don't they put the VN problem to the vote by their majority to force Nixon to do way they want?

They don't do that, but they do incite students to act the way as "Do the thing I say, not the thing I do". They know better than anyone else that they have to serve interests of the USA, of their party and of their own. These interests so important that a hurry retreat from VN is somewhat impossible. It is a ridiculous thing when Vietnamese students were abused by political profiteers in 1965. Now American students are taken advantage of by a group of political opportunists.

Anti-war movements in US are reflecting a mood of living with full conditions of democracy in conformity with US democratic tradition. These movements prove that even a minority has the right to voice its impression, its attitude.

However, people like Pham van Dong and others, who are used to do the way of the Communist dictators, cannot imagine and be conscious of such an opposition and quickly sent greetings to pacifist leaders. This act gives no advantage to the Communists themselves, but it unmasked their dirty faces to world opinion.

GRASPING INITIATIVE IS NECESSARY

Now we know well about the true picture of US politics and anti-war movements, and we have no reasons to be confused about demands for US pullout and about escapist acts of a group of Americans.

The only complaint is that we don't grasp firm initiative.

We forget that anti-war movements in US are only a "magic show" of both sides in a power dispute in a democratic regime.

We sincerely think that our current problem is not the one of worry about anti-war activities in US that can push the Nixon administration's sellout of RVN, but the one of how we must show initiative in determining our own peace and war policies.

It is because we have not grasped yet our initiative, we are still under a permanent delusion by this movement to that movement from some remote country, completely far from our homeland.

We don't blame anyone, we don't blame ourselves either.

We must understand that the Americans have their own problems and we also have our own.

Therefore, although the Vietnamese and the Americans are allied peoples, each side has some problems and interests that sometimes contradict each other. The problem is we have to grasp initiative in all matters regarding peace and war which presently are our vital interests we should be fighting for at any cost.

Mr. Speaker and Honorable Members, I think we make our own voice and clarify our position today not because we are worried about anti-war movements in US which would possibly force Presdent Nixon to give up this country. On the contrary, we feel necessary to voice loudly, clearly, and frankly before both friends and foes of ours that we will never be affected by their maneuvers, that we are well aware of their international conspiracies.

We also know very well in what postion we are staying, and we have to determine that we will never accept to be played in any game of any of our friends or foes.

We wish that our drafted resolution be discussed and favorably passed in an effort to contribute some of our part to the present glorious struggle of our people. We thank you all.

AVIATION ADDRESS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. SCOTT. Mr. President, an exciting age is dawning for our commercial aviation industry. In the next few months, the introduction of the Boeing 747 into the air lanes of the world will revolutionize air travel. This second generation superjet, capable of carrying more of our citizens safer, higher, faster and more economically than any aircraft ever before built, should herald a second travel revolution in our jet age.

However, in this very rosy sky, storm clouds are gathering. Rising operational costs, greater labor costs, increased subsidized foreign competition from without, and unregulated competition from within, have placed our airline industry into a real economic plight.

Mr. Najeeb Halaby, president of Pan American Airways, and a former Administrator of the Federal Aviation Administration, is deeply concerned about what is happening to our commercial air carriers. His recent address entitled "The Great Airline Dilemma," which Mr. Halaby delivered before the International Aviation Club in Washington, is timely indeed. I sak unanimous consent that it be printed in the Record, and that the questions and answers which follow also be included.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Great Airline Dilemma

(By Najeeb E. Halaby)

Selecting a subject for so sophisticated an audience as this is not easy, and certainly civil aviation has enough things to think about these days. The aviation community has its full share of concerns: fare warfare; the introduction of the 747 and other wide-bodied jets; supersonic projects in the Soviet Union, the United Kingdom and the United States and France; inflationary wage settlements; skyjacking rampant until some of the recent vigorous efforts produces some control; skyrocketing fees for landing and handling around the world; airport, airways and ground access; foreign-flag airline demands for still greater access to the richest market of all here at home; confusion, to say the least, over the proper role of the supplementals; the sound of speed and, I have named only a few of the hottest and noisiest. It is only natural and proper that the new Administration has started a new international air policy review to update the last one published in 1963.

A number of us here participated in that review which President Kennedy directed in September 1961 and published in April 1963 after numerous inside and outside studies, extensive consultation within the aviation industry, and months and months of discussion and debate amongst the departments and agencies. Some of us have moved from academia to panacea. Some have gone from high corporate or banking life to high policy life in Washington. And, I guess if you got them all in one room this would certainly be the world's most experienced study group. What this exchange of roles dramatizes and what I'll try to emphasize is that each of us has a role to play in a comprehensive U.S.-flag international air transport *system*. As I see it, the current review should be oriented toward the analysis of this system—its performance, both qualitative and quantitative, past, present, and future.

The 1963 policy survived and served the nation rather well until it was shattered by the decisions in the Transpacific and other recent route cases. And, I guess, the lesson from this, which we should have known all along, is that national policies mean something only so long as our rulers and regulators have convictions about them and hold to them.

Now this new Presidential policy is welcomed by those who have been asking for decisions on merits, who are desirous of policies rather than pressure as determinants of the course of international aviation. Naturally all of us want "to be helpful." That is, "participate" in some way in such a study.

And as we found in 1961 and 1963, I hope the policy formulators of 1969 and 1970 will find, it is desirable to have independent, nongovernmental sources of enrichment of these studies. It would, it seems to me, be desirable to have seasoned sources of systems analysis provide inputs into this study unfettered by either commercial or bureaucratic bias. And I assume—I guess we all asume—that in addition to answering questionnaires and submitting data for the record, that the Administration will call upon private leaders of U.S. international aviation, jointly or severally, to comment upon the proposed policies in the late stages of their development before they've been presented to the President for decision.

COMPREHENSIVE SYSTEM

This kind of dialogue proved extremely valuable to President Kennedy in early 1963 and could well serve President Nixon as he pilots U.S. into the turbulent '70's.

The 1963 study sought: "A well reasoned policy for international air transport . . . (that) will carry us far toward the primary objective of U.S. international air transport policy; to develop and maintain an expanding, economically and technologically efficient international air transport system best adapted to the growing needs of the free world, and to assure air carriers of the United States a fair and equal opportunity to compete in world aviation markets so as to maintain and further develop an economically viable service network wherever a substantial need for air transportation develops."

I emphasize the word "system" and you should know what I am assuming about that word. It is really defined in Section 102 of the Federal Aviation Act of 1958—the same as the 1938 Act—and when the references are made to the domestic and foreign commerce of the United States, the postal service, the national defense—and you are, of course, familiar with the background and the interpretations of that Act.

I'd like to try a fair translation of what the system should mean today. The U.S.-flag international air transport system should, in my judgment, make it possible for the American traveler and shipper consistently to conserve ever more *time* at reasonable prices. And along with the State, Defense and Post Office departments, travelers and shippers should have access to U.S.-flag service almost anywhere in the world—service assured by professional management and regulated by our own government in terms of both safety and adequacy.

It should contribute to the gross national product of the United States; that is, create growing employment opportunities and demands for domestic goods and services.

(Incidentally, it should provide a market for American-built transport and accessories—and by operating these competitively throughout the world, create corresponding export markets abroad.)

It should improve the U.S. balance of payments by saving foreign exchange through providing U.S.-flag airline service for Americans which would otherwise have to be bought from foreign lines. And so long as the American market forms roughly two thirds of the world market, this is most important and growing in importance.

Further, it should gain foreign exchange by attracting the patronage of foreign travelers and shippers to U.S.-flag service, that is, exports of American air services, and by helping to create foreign markets for American aircraft, engines, and accessories.

And, finally, it should keep a civil air transport system in being, ready for a national emergency, supported by commercial trade in peacetime.

WELFARE OF CARRIER

I think the Act without question contemplated the continuation of American democratic capitalism and that this kind of system should be built with private capital, and therefore the system must operate profitably if it is to raise the new capital in the private market—the capital essential to continued growth in both size and quality.

Therefore, when I talk about a U.S.-flag system, I am not talking about lines on a map or even of traffic. I am talking not about the system in the narrow sense of the regulatory process, but of a subtle complex of technical skill, the marketing ability, sound earnings and strong capital positions, all moving with a constantly changing global environment.

Now if that's comprehensive enough for you, it seems to me we should study the performance of the system under the existing U.S. policy. In other words, since 1963 have we gained or lost ground in the pursuit of our objectives? And, no less important, what are our prospects for the future? Only on this basis, I believe, can we find out whether our government policies have served the system well or badly. If these policies have served the national interest and the public interest badly, then they need amending, and this should be done systematically and comprehensively, not just case by case.

I am emphasizing the performance of the *system as a whole* because of one obvious peculiarity in our regulatory system compared with those of other nations. Of course, I am not the first to observe that the statute imposes on the members of the Civil Aeronautics Board an adversary case-by-case system, shifting the greater part of the initiative to the adversary rather than to the planner or engineer of the system.

Even in a very large and complex case covering a broad area, it is hard for the Board to gain a true and timely over-view of the probable consequences of its decision. Still less—as far as I know—is there any established way of reviewing, year by year, the way in which the decisions of the Board have worked out, *cumulatively* in practice within the perspective of the total system.

Perhaps there should be assigned in the Board staff a kind of "policy keeper" whose job would be to advise in each case, and on a semi-annual basis, the extent to which the President's announced policy is being carried out.

To those who would have us steer by the stars rather than the lights of each passing ship, we pledge our full support, and, in fact, I guess most of us are praying for success of this latest in a series of searches for national air policy.

I think it is most important at this moment in aviation history, however, that the Administration explicitly state its intent to preserve a strong, regulated, U.S.-flag air transport system which enjoys the full confidence of the public and the financial community on which the industry depends.

HIGH LABOR COSTS

In this respect, the 1963 policy was both wise and practical, when it said that consideration must be given "to the welfare of the carrier," recognizing that that welfare must be thickened by the warm summer fare as well as thinned by the cold wintry diet of empty seats, strengthened by the routes they have pioneered and improved as well as weakened by the effort of developing new routes and struggling with the foreign flags and their cartels, for all the ethnic markets that exist within our country and elsewhere.

Coming back to the analysis underlying this new policy, I think the result must be clear that the system envisaged in 1963 has been thrown out of balance by costs, competition and the complexity and uncertainty of the regulatory system. We now face a situation in our great industry where:

Costs are rising steeply with no corresponding improvement in revenues.

Competition is excessive and increasing, and,

Complexity and unpredictability of the regulatory system involving both the U.S. and foreign governments is limiting and undermining management's best efforts in forward planning.

Problem number one, the rise in costs, will continue to plague the airlines. Labor costs are particularly worrisome. To give you one example, Pan Am had a net income of $49 million in 1968. That was before we signed contracts with five unions representing 25,000 employees in mid-1969. Had the 1970 to 1972 wage level, as provided in these contracts, been in effect in 1968—in other words, projecting backwards to 1968 the 1970–1972 labor cost—our costs for that year would have been $100 million greater than they actually were. In other words, our operating profit for all of 1968 would have been more than wiped out.

The increased level of wages since the new contracts will exert heavy pressure on the profitability of all the carriers in the future, even the supplementals as they become organized by the same or similar unions. The financial analysts are perhaps right when they say we in the scheduled industry are enjoying "profitless prosperity." "Enjoy," however, is not the right verb, despite our dogged optimism in the face of adversity.

The unions, as you know, have a specially tight grip on the airlines. True collective bargaining, historically and properly designed to equalize labor's role, is becoming a myth, a remnant of "the folklore of capitalism." Collective bargaining assumed that two sides would be more or less evenly matched. Today the unions have overwhelming economic strength, and are applying it with fewer scruples and more muscles while the public responsibilities of common carriers as public utilities make them particularly susceptible to union techniques.

REASONABLE COMPETITION

Rivalry among unions presents an enormous impetus to the spiraling costs, and nowhere in sight do we see a process of balancing the relative powers of labor and management to serve the general public.

This, of course, is a problem for all transportation, not just all airlines, and I am certainly not wise enough to stand and say that I have a pat solution nor that I want to propose a crackdown or rigid wage controls or other oversimplified answers. But, the process for setting labor cost has become at once the least controllable and most significant part of the management of the air transportation system we seek. It requires the urgent attention of government and airline labor and management.

Moving to the subject of competition, my view is rather simple, perhaps too much so. Competition in and of itself is neither good or bad. It is a very powerful public policy, a means to an end. It can be good for the consumer as in the soap business or very costly as in the telephone business. In the airline business—even though it is a public utility and would expect to be treated like a public utility, free from competition because of regulation—we can and should have competition. We should have that level of competition that promotes growth and assures safe, convenient, necessary service at a reasonable price. But in the international environment—where the American regulator cannot control all that happens in the market—one kind of competition that is, the addition of new U.S. carriers, must be weighed against the consequences it often brings.

First, it brings increased reciprocal services to the United States by foreign carriers—frequently higher cost, higher fare carriers.

Second, it brings limitations on the ability of the U.S. carriers to offer increased capacity.

Third, it frequently brings serious limitations on the U.S. carriers' use of the most efficient equipment at optimum frequency.

Does all this really *help* the passenger and shipper? I think not, and I think we ought to stop assuming that multiplying the number of U.S. flags will automatically mean better service for the consumer whom the carriers and the Government exist to serve. It has not been true historically that there is automatic improvement. For example, examine our experience in South America. And, certainly there is no reason to believe it will be true in the future.

I know that you know that I speak for a "have" carrier, one that has a lot of international routes. But none of them is a monopoly, and competition is already at work and there are other means to spur improvement of the U.S.-flag carriers where needed.

I hope, however, you won't disqualify me for having this conviction about the balance and multiplicity of competition. This is a conviction about an industry to which I have devoted much of my life. More importantly, I hope you will not be deterred from asking whether the point I make does not have objective merit for all of us in assessing civil air transport in the Seventies.

ROUTE SECURITY

The 1963 Air Policy Statement wisely warned that "neither the interest of the air transportation system nor the countries involved are served when a route with little traffic is burdened by a number of carriers greater than is economically justifiable."

Violation of this policy within the protected domestic market is perilous. To ignore it on the international routes is potentially catastrophic. A careful review of negotiations with foreign governments since 1963 will, I think, show that the presence of two or three U.S.-flag carriers increasingly forces many foreign governments concerned to do two things: first, to seek additional reciprocal rights in the United States for their own flag carriers; second, to try to limit the frequency of the U.S.-flag carriers. What's more, the new rights granted to the foreign-flag carrier frequently result in not only restrictions but in pressure for upward revision of fares.

Finally, the efforts of the American-flag carriers are fragmented, the dollar outflow is increased, and neither can offer the full spectrum of service required to compete fully in the market.

There has recently been a suggestion from the Department of Transportation that the route structure from the East Coast to Europe be revised to permit more U.S. airlines to offer one-plane service to the Continent from U.S. inland cities. The present assignment of routes which was designated to remain in force until 1973 has two U.S. scheduled combination airlines (and one cargo carrier) competing against 20 foreign airlines, six U.S. supplementals, and nine foreign supplementals based in Europe, a total of nearly 38 carriers, depending on the month and the mood of their promoting governments.

This suggestion to add more is not going to make things merrier, and the going greater, except possibly for the plane makers. A reasonable degree of route security has been the cornerstone of the Federal Aviation Act and the regulatory process. The scheduled airlines must plan for the use of billions of dollars worth of equipment well in advance. Pan Am's own public service improvement program alone adds up to a billion dollars.

Therefore when a major route case is opened or even when it's completed, the scheduled airlines need to receive some assurance that the flight carpet will not be pulled out from under them in mid-program. The carrier is entitled to benefit over a reasonable period of time from use of its equipment in markets it has developed. Assurance of tenure, when the competitive balance is preserved, leads ultimately to better public service.

COMPETITIVE BALANCE UPSET

We feel at Pan Am we can discuss competition with some authority and experience. I guess it's fair to say we face more competition than any other airline and perhaps more than any other private corporation in the world. Pan Am's transatlantic services are in direct competition with 37 other airlines. We compete with 49 operating to and from Latin America, and 15 to and from the Pacific area. Of course, most of it has been enthusiastically bestowed upon us by our own government, by the Board and by the State Department, and both of these agencies pay us repeatedly a high compliment of thinking that we are resourceful enough to absorb an infinite amount of punishment all at once.

These same agencies apparently have a lower opinion of some other of our friendly competitors, foreign and domestic, whose competitive opportunities seem to be widening. The Government at times seems to feel that it owes a living to the nonscheduled airlines, and almost enthusiastically gives them preferential treatment. The Government grants foreign-flag airlines access to the great American market in a manner not always commensurate with the value of U.S. rights abroad.

For example, our Government has jealously safeguarded the privilege of Irish Airlines to operate from New York, Boston, Chicago, but has confessed in the past an inability to persuade the Irish government to permit Pan Am, the selected American-flag airline a comparable opening to serve Dublin.

One must ask whether the reason is governmental indifference or governmental inability to moderate political preference with economic prudence.

And, of course, the government has authorized every domestic trunk line to compete with Pan Am outside the mainland while denying Pan Am supporting routes at home. Why, ask some of the government's top officials, doesn't Pan Am apply for domestic routes? "Well," we have patiently explained, "they had upset the balance of civil air power prescribed in the 1963 U.S. Air Policy but had not rebalanced the competitive opportunity at home for the U.S.-flag carriers designated to take on the foreign-flag carriers worldwide."

On reflection, we doubt that many were fully aware of all that had been involved in this most unmanageable case in the world's aeronautical history. Our recent, very limited application to carry fill-up traffic on our nearly empty aircraft serving only international destinations across the United States via New York, California and Hawaii, will not cure our weakness in the heartland of our own market, but it will provide us with a transfusion while a cure is found.

As far as the supplementals are concerned, the recent leadership of the CAB must now recognize that it has produced what amounts to ambivalence in regulatory policy. Accidentally or intentionally, the Board has created two transport industries: the scheduled one which it regulates, and the nonscheduled one which it can regulate in theory—but does not in practice.

The result is an industry that is half slave and half free. Why is the slave part regulated? The answer is that airlines like TWA, Northwest, Braniff and Pan Am are charged with a public interest responsibility and with a national defense obligation. And they should be.

REDEFINE NONSKEDS ROLE

However, in the course of executing these obligations, these airlines are compelled by definition to operate at relatively low load factors. And this means that the fares they charge must be sufficient to cover the costs of total public service, including the empty seats and empty cargo space represented by the relatively low load factors.

Now there is, of course, a place for the supplemental air carrier. That place is the market for charters—military and commercial—where the scheduled carriers cannot provide the capacity and that do not divert individually ticketed passengers from the scheduled carriers.

I am convinced that, as they are now preferred and policed, the supplementals do divert from the regular industry more than they generate new business. I believe that analysis will demonstrate the following four conclusions:

1. The majority of passengers traveling on charter flights from the U.S. to Europe have flown abroad before on scheduled airlines;

2. About 70 per cent of them would have gone abroad on regularly scheduled flights if there had been no charter flight;

3. At least 80 per cent of the charter passengers travel individually in Europe rather than in a group; and

4. The majority consider the charter sponsoring organizations as nothing more than an air travel booking agent who can provide them with cut rates for travel abroad.

If these conclusions are demonstrable, then the air policy makers clearly have the opportunity and the obligation to re-establish a single system of regular service and redefine an enforceable role for the nonscheduled carriers to supplement rather than supplant the public utility carriers. In other words, they should be regulated again and strictly limited to charters and military airlift. Careful thought could also be given to the public service the supplements could provide in association or consolidation with regional service carriers and air taxi operators where the extraordinary ingenuity and resources of the supplementals could prove their ability to generate new markets and fulfill public demands.

In addition to all the other problems that seem before us, the international airlines are faced with a most serious fare crisis in about six years. Now, at Lausanne, the fare men are again seeking agreement, surrounded by an unprecedented number of fare filings at below cost figures. The scheduled air carriers of IATA react to the large new capacity increases of 1970 (some 45,000 additional seats will be added in 1970 alone) and react to the frightening diversion of their traffic by the charterers in 1969, estimated between 750,000 and 850,000 passengers across the Atlantic by the supplementals alone.

SIMPLIFY FARES

In this situation, what should our fare policy be and what should be our method of setting fares around the world? First, to discuss the method of setting fares, there has been over the years a conflict between the U.S. antitrust philosophy with its emphasis on pricing in the open market in response to the interplay of supply and demand, and, on the other hand, the widespread pooling and cartel practices of the rest of the world.

The result has been the development of the International Air Transport Association as a vehicle for establishing fares in the international market. From 1961 through 1963, American policy makers labored diligently to find a superior alternative. These alternatives ranged from free market pricing without any restraints to fare fixing by governments themselves.

In the end, after the most thorough discussion, no one could come up with a better method than that which is still in effect; namely unanimous agreement among scheduled carriers servicing the region followed by government reviews and government approval, disapproval, or proposed government variation of the agreed upon fares. Despite all of its shortcomings, its frustrating slowness and the difficulty of achieving unanimity, the IATA machinery is still the best practically available to us.

What should the U.S. objective in these conferences be? It seems to me that the first objective is to serve the passenger and the shipper with lowest fares at which the carriers can recover costs and a fair return on investment. Obviously this kind of fare must create additional opportunities; that is, it must generate business. The fares must also balance out the system revenues, so that from a cold, poor season of deficits the carriers can recover to the warmer, happier season of profits.

The second objective should be to reach agreement and avoid, if you will, a devastating price warfare such as led to the near destruction of the world's maritime shipping system not too many decades ago. The third is to support and preserve the position of tour operators and travel agents who feed and stabilize the air travel business. Finally, and this is far from the least objective, we should seek early and thorough simplification of the fare structure. It is now possible for passengers traveling in the Economy section on an Atlantic flight, New York to London, to be traveling on 18 different fares. Not only does this confuse the passenger and agent, but requires the most difficult and expensive training of airline people themselves, results in numerous mistakes and opportunities for violation of the rules.

So, as we anxiously await the outcome of deliberations at Lausanne, I believe we would have to say the IATA machinery is the best currently available or in sight and that it will probably ultimately lead to agreement on Atlantic fares through 1971. And miraculously these fares will continue to be relatively lower in cost than any other comparable service you can buy anywhere in the world!

HIGH TECHNOLOGY

I have discussed the problems confronting the industry: costs, competition, complexity. My remarks thus far hardly reflect the reputation of airline executives for sparkling optimism in the face of adversity. However, there are positives as well as negatives, clear skies as well as clouds. It's ironic that the industry faces so many problems on the very eve of what promises to be a revolution in technology and public service.

Symbolic of this superjet age, of course, is the Pan Am 747, soon to be followed by the DC-10 and Lockheed 1011. Of course, this is the logical, high technology choice for airline management in its quest for an economically sound and efficient system of air transportation.

In 1966, when we and Boeing decided to go ahead with the 747 for airline use, there was a sound basis of national policy and very sound economics on which to place the $600 million order for 25—the largest single forward commitment in aviation history. And, as in the past, a U.S.-flag carrier would lead the world into this new era of mobility.

The public thinks of the 747 as the biggest, but for the industry it's the most spacious and the most highly qualitative airplane of all—a compendium of everything we've learned in over 40 years of building aircraft. And it will be without question, the best commercial aircraft ever produced, best not only in terms of passenger comfort but best in terms of operational reliability, aerodynamic efficiency, flight safety, economics, and airworthiness in general.

Despite current problems, that is our prediction, and of course new technology does indeed mean better service. It also means increased efficiency and economies of operation. These economies in turn enable us to introduce and retain fares which broaden the market and provide the earnings needed to re-invest once again in new technology. You are all familiar with the pattern. It has been the cycle of progress for the civil air transport industry.

Now the cycle has been thrown out of balance by the problems which I've discussed with you today. However, we have every confidence that the 747 will go a very long way towards solving some of these problems, improving earnings, and restoring balance to the cycle of progress.

Against the darker background which I've painted, there are other bright spots in the foreground. The world air travel market is still growing and we can remind ourselves that only about two per cent of the world's three and one half billion souls have ever flown in an airplane. And amidst all the fears and fares and frustrations that have recently beset us, we can be encouraged that the record of the scheduled U.S. carriers for safety, reliability, and quality of service continues its upward course.

NEED NEW PUBLIC POLICY

Finally, I think we can afford to enjoy a renewed sense of confidence in our governmental leadership at State, Transportation, and CAB. We are most fortunate in the midst of these stormy skies that President Nixon has put in the Washington cockpit both experienced and intellectual men of great integrity and responsibility.

In closing, I would suggest that we rededicate ourselves to the community of interest we all share in an economically sound and technologically efficient and dynamically competitive civil air transport system.

I think we can navigate between the thunderstorm of "the more the merrier" and "Mt. Monopoly" on the other side. I think we can and should abandon the recent tendency toward multiplication of carriers and the inevitable addition of deficits.

I think it's only fair to say that the world does not owe the supplemental a living, nor does it owe the scheduled carriers a sanctuary, but it does owe the traveler and the shipper a door-to-door, dock-to-dock system of safe and efficient common carriage by regulated public utilities. I think it's true, and certainly recent negotiations in Japan and Malaysia have been good examples, that the international carriers of the United States should be assured a fair, full and equal opportunity to compete with our friends abroad, whether as individual carriers or in pool.

And, I do think, despite the current squalls, that we can pull out of this current descent and ascend to higher heights of public service and economy on the wings of a strong new, public policy.

QUESTIONS AND ANSWERS

Q. *Can you please comment on mergers?*

Halaby. The subject of mergers has been covered recently in two public statements, one by the Assistant Secretary of Transportation, who stated that there was under development within the federal government a policy regarding mergers. I'm sure that all of you in this room are as curious and as anxious about this proposed policy as we are. We await that with great interest.

The other was a statement by the Chairman of Pan Am to the effect that Pan Am was considering the subject of mergers. I think it is fair to say that as a result of the very great proliferation of additional carriers, both domestic and international, this is one of the most active studies among almost all of the managements, particularly of the trunks.

There have been discussions with one or two carriers, and I'm sure there will be more. We have no merger under negotiation or in prospect. We do, however, feel that this may be one way to strengthen this international air transport system and assure a greater U.S. share of it.

Q. *I wonder if I might ask if you have any comments about recent reports of Pan Am interest in the TU-144?*

Halaby. I guess anyone who goes to Moscow these days comes back with something in addition, perhaps, a bottle of vodka and a tin of caviar. I came back with a story that's followed me all around the world, and it seems to be the only thing of sharp interest, particularly to foreign journalists. That was, why did we go to Moscow to look at the TU-144? You recall a couple of months ago, we in the Paris Air Show agreed with the Russians that they could see the 747, and we would like to see the TU-144, which had only been briefly shown to journalists in Moscow one afternoon in the Spring.

We got together a balanced team including the Chairman of the Airline Supersonic Advisory Committee, a Pan Am test pilot and engineer, and the Vice President in charge of Development at Boeing, and we went over and had several days of very interesting observations and discussions with the Russians. They didn't offer us the sale of a TU-144 and we didn't offer to buy one, but it raised speculation that we might be there as a purchasing mission rather than as a technical evaluation group.

I said then and have repeatedly said we are fortunate that there are three supersonic vehicles under development; four, if you count the Concorde twice, because of the two national industries developing it. And, out of this competition, we will get another burst of speed which is what we've been selling all these years, the conservation of time.

When I hear that we aren't conservationists, I get pretty mad. There is no more conserving group of people in the world than the airline industry, in terms of safety and research into measuring noise, in terms of compressing the world, in terms of conserving time. Now there can be visualized a situation in which Pan Am and other carriers would consider the purchase or lease of a TU-144. And those conditions are that either for political or technical reasons the Concorde or the Boeing SST does not go forward into full economic development—and Aeroflot puts the TU-144 on the world's routes.

We would certainly not sit comfortably watching even on a thin route like the Moscow-New York route Aeroflot flying the Atlantic in three an a half hours while we continued to fly it in eight hours. That's a long answer but I think it's a fair one.

Q. *Can you please comment on discount fares?*

Halaby. Well, I've been called from this podium Captain Ahab, and, as I remember it, he was out to harpoon the white whale. I certainly have no such aim, no matter how fat these fish get, I don't have any desire to harpoon them. I would like to see them swim and feed in protected water, you might say, in an area that's well defined, rather than swallow up the whole ocean. Now our primary aim is to fill the seats of a fleet of about 160 jets—25 of which will be 747s by the end of next summer—and to fill those seats we want regular fares, First Class and Economy that are largely designed for business and some pleasure travel.

Second, we want some kind of bulk fare, some kind of wholesale fare, if you will, bought in advance, that will stimulate new travel that might otherwise have gone to our own charters or the charters of others. And third, since it's always been our policy in Pan Am for 30 years now to offer the lower fare whenever we can, we want a lower individual excursion fare that will generate as much new business in the pleasure travel market as possible.

But having said that, it's much easier to say than get agreement in IATA on such a fare. I don't want to be ex parte—but I just hope that early next week while the deliberations in Lausanne are at a critical point; that is, whether to reach agreement or to go into a devastating, chaotic kind of fare warfare—I hope that it will be possible for them to hear a clear voice from Washington which says that at least for 1970, the bulk-inclusive tour is acceptable to the United States Government, knowing that we'll go forward into more simplified fares in the future.

Q. *Is Pan Am starting its own supplemental airline?*

Halaby. I think non-sked and supplemental originally had a meaning. Now they're in doubt. We have a charter service in Pan Am and have had for years. It's been severely inhibited and limited by CAB regulations and by the diversion of aircraft, as many as 17 out of our fleet, to support the government in Vietnam—the R&R and the regular MAC lift. So we've always had in that sense a supplement to our regular scheduled service, and this summer we offered more charters than last summer, and next summer I think we will offer still more charters. But the idea of buying or setting up a unique sort of supplemental airline within Pan Am is not envisaged at this time.

How much more charter capacity we offer will depend upon market conditions.

Q. *Is it your impression that the Russians have more than one prototype of the TU-144?*

Halaby. Let me tell you the real significance of that visit that we made to Moscow. I found a whole new attitude among the Russian aeronautical experts, one of confidence and candor and openness that I had never previously experienced in about eight years of dealing with them as a government official and as an airline executive.

They told us more, they gave us direct, full answers. We sat for an hour or so in the cockpit with a very competent test pilot. And there was nothing sacred or secret. On the other hand, they don't have all the data at their fingertips that the British, French and American test pilots and engineers would make available. When we asked them whether there was a second prototype flying, they said that there was not at that time.

Now whether there is or not, is another matter, but all of the other answers that they gave us were direct and plausible, and it's a rather remarkable technological tour de force to have gone supersonic at the end of 25 hours of flight time. As you know, the Concorde has, I think, reached about

1.15 or 2 after almost 200 hours. Now again this could be part of the promotion, but according to the pilot and the engineers, the airplane was taken through the transonic into the mach 1.35 supersonic range with confidence and with predicted results.

What the economics of the airplane will be, there is a shaking of the head because they don't have the kind of data required for airline economic analysis. And of course the Concorde doesn't either, and it will be very, very important to the operators of any of these airplanes to know that there are many many hours—many, many missions, you might say, and certainly tens and maybe hundreds of hours at supersonic cruise before we have to buy.

We do not want any of these overlapping programs where with a half finished flight test program, production commitments are made on an airplane as costly and important as this one. So whereas I'm still a supersonophile, I must say that I have never felt that we should rush into the production phase. We should move very rapidly through the flight test phase, and I'm glad to see we are at least taxiing away from the development ramp at this point.

Thank you very much for my opportunity to be here and for your kind attention.

ZULUS CANNOT SEE "ZULU" IN SOUTH AFRICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. FRASER. Mr. Speaker, once a society begins drawing invidious distinctions between its citizens, wonderland is entered. The following story would be humorous if it were fiction. But it is about South Africa and real people are being subjected to these remarkable movie regulations.

As usual the South African whites say:

> It is we, the people of South Africa, who understand the Bantu.

Few whites in South Africa ever think to ask the black South African what he wants.

The article from the New York Times, November 17, 1969, follows:

Zulus Can't See "Zulu" in South Africa

Johannesburg, South Africa, November 16.—Five hundred Zulus waving property-room assagais—or spears—helped make a movie called "Zulu" on location in South Africa a few years ago. It dealt with the battle of Rorkesdrift where about 80 British soldiers held out against an overwhelming force of Zulu impis, or battle divisions, on Jan. 22–23, 1879.

But not one of the 500 extras nor any of South Africa's 15 million blacks has seen the movie although it has made the circuit of local theaters twice

South Africa's Publications Control Board, an autonomous body, decided that the movie was not fit for black African consumption. Presumably the censors felt it might give the now docile Zulus the idea of taking up their assagais again.

In South Africa apartheid policies are as strict on movie-going as they are on living areas, jobs and the use of public transport.

MOVIES ARE LIMITED

Movies banned to nonwhites have included "The Incident," "Sweet Charity," "The Detective," "Prudence and the Pill," "The Boston Strangler," "Rosemary's Baby," "West Side Story," "Africa Addio," "The Mercenaries," " Valley of the Dolls," and "Che!"

Black Africans, but not coloreds or Indians, have been forbidden to see "Tom Jones," "The Dirty Dozen," "Darling," "The Magnificent Seven," "From Russia with Love," "Spartacus," "A Farewell to Arms," and "One Hundred Rifles," which starred a Negro actor, Jim Brown.

A black African recently complained in a letter to a nonwhite weekly newspaper that black Africans are allowed to see only "second rate secret-service films and rather low-type Westerns."

Recent titles at Johannesburg theaters for black Africans included "Booted Baby," "Busted Boss," "Glory Guys," " Track of Thunder," "Long Ride from Hell," "Stage Struck," "Kiss the Girls and Make Them Die," and "Tarzan and the Huntress."

Film makers here estimate that only 7 per cent of the black African population has ever seen a movie. This is due in part to a shortage of theaters. Soweto, a sprawling African township outside Johannesburg with a population of 600,000, has just opened its second movie theater. Curfews, township crime and inadequate transport limit movie-going.

There are a few multiracial movie theaters in the larger towns and cities.

DEMAND INCREASING

"Not for Bantu. No children 4–12" is the notice frequently displayed outside box offices.

As black Africans become more urbanized and better educated and as their importance as consumers grows, the demand for better movies increases.

Mrs. D. Mabiletsa, director of a welfare center in Alexandria Township—a shanty town outside Johannesburg—says: "Cinemagoing is an aspect of our new township culture. Standards and aspirations are rising. More and more Africans have radios and they are asking: 'If you can hear why not also see?' "

Johannesburg's Urban Bantu Council recently attacked the Publications Control Board's restrictions. "The judgment of a particular group is being imposed on the freedom of choice of the whole African community," it said.

Censorship has become harsher as the attitudes of international film-makers have changed. The freer use of sex, the appearance of Negroes in dignified and leading roles and the growing emphasis on civil rights makes movies increasingly unacceptable to the South African censors.

One certificate issued by the censors said: "No bantu. No persons 4–12. Excisions: eliminate shot of white man kissing colored girl. Eliminate whole of bed scene."

LOCAL MOVIES PLANNED

It is estimated that eight times as many films are banned to Africans as to whites.

South Africa's small movie industry is planning to cash in on this movie starvation. Encouraged by a recent Government decision to increase subsidies for films in Afrikaans—the language of most of South Africa's whites—two groups have announced plans to make films specifically for African consumption.

Thirty-year-old Andre Pieterse, who built up a massive chain of drive-in movies, has set up a new organization called Film Trust. "South Africa has a responsibility toward its Bantu people," he says. "My plan is to develop a Bantu film industry with an estimated annual turnover of 25 million rand (about $35-million)."

"The choice of imported films is becoming increasingly difficult since liberal and permissive thinking seems to predominate in most overseas films," he says. "I intend to make South Africa the Hollywood of Africa. It is we, the people of South Africa, who understand the Bantu. We are better able to produce films to their liking than Hollywood, Moscow or Peking."

Mr. Pieterse is starting with a James Bond-type series of films. Another local movie-maker, Anthony Handley, has already begun filming "Knockout," the first of a projected series of movies. The theme is boxing instead of espionage.

ANALYSIS OF PRESENT-DAY ISRAEL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. BYRD of Virginia. Mr. President, Robert Mason, the editor of the Norfolk Virginian-Pilot, has written an illuminating analysis of present-day Israel, based on a recent visit to that country. Mr. Mason gives clear insight into the thinking of Israel's leaders today. I ask unanimous consent that his article, entitled "War and Peace in Israel," published in the Virginian-Pilot of November 16, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

"A Patient People"—War and Peace in Israel

(By Robert Mason)

Jerusalem.—A joke here is that Israel is the most peaceful of nations—that she has a piece of Egypt, a piece of Jordan, and a piece of Syria. If the humor is grim, the spirit is lively.

For at the borders there is the appearance of what Theodore Roosevelt called his Cuban excursion: a bully little war. Israeli soldiers on leave from it or preparing to enter it wear pride as conspicuously as they wear submachine guns. Girls being trained for backup military duty clamor for paratrooper qualification. Hup! Hup! Hup! That is the motto of the Israeli youth—of the "secret weapon," in David Ben-Gurion's phrase, that won the Six-Day War of June 1967 and today is the world's most highly motivated fighting machine.

If older Israeli heads look more soberly toward Cairo, Amman, and Damascus, it is with no less confidence. There is much justification for this national attitude. The Sinai Peninsula, where President Gamal Abdel Nasser of the United Arab Republic massed more than a thousand tanks in his ill-fated attempt to destroy Israel two and a half years ago, now is an Israeli buffer zone, occupied and fortified. Having been pushed westward to the River Jordan and the Dead Sea, Jordanians have lost still more of the territorial avantage that lent credence to the Arab threat to kick Israel into the Mediterranean. And the Golan Heights, from which Syrian guns scowled as witheringly on Israeli farmland as the relentless sun, have been turned into a museum of arms wreckage under the Shield of David.

Israel therefore is geographically stronger tenfold than in 1967. The 13-power Arab Summit Conference, which Colonel Nasser has organized for next month, must face up to that hard fact. Although Nasserism has been resupplied with Russian weapons and is better prepared—by experience, if nothing else—than before, this question remains: does it dare risk a second and possibly fatal humiliation by extending its terrorist raids and other harassing tactics, including rocket fire and, just lately, naval shelling, into an all-out offensive?

The Israeli military establishment seems to think not. Both it and the diplomatic corps ask, indeed, how long the Arab states can maintain their current tactics without losing control of their armies and population. During the week that Colonel Nasser was bidding his friends to Morocco, an Israeli military official experienced in both combat and intelligence affairs said approximately this:

Israel holds the initiative especially in the air. Every Egyptian ground-to-air missile site along the Suez Canal has been silenced. There continues to be a military problem on the Suez and the northeastern borders, but it is a much simpler problem than in 1966: "We have taken a great leap forward, Israeli style." A part of the diminished problem is Russian hardware and influence; the 3,000 to 5,000 Russian advisers in Egypt and Syria engage in planning as well as training, down to the battalion level: "We fight an army of Russian brains, but fortunately of Egyptian pilots and Egyptian soldiers." The Fatah commandos are a nuisance—"a bloody nuisance"—but they have failed in limited objectives and the Arab leaders know they are incapable of destroying Israeli bases. Meanwhile, Israel is quite prepared to live with her military problem for as long as she has to—"and we are known to be, I think, a patient people."

A question that enters both military and diplomatic discussions of the border warfare is the durability of Arab patience. A high Israeli official said in the course of a morning's discussion:

King Hussein would like to settle Jordan's problems with Israel; "he doesn't dream the dreams that Nasser does." A fear of stigma among his Arab neighbors stays him. Lebanon, which did not enter the Six-Day War, remains relatively friendly. How long Nasser can feed his generals on defeats and his population on lies is anybody's guess—although in a place like Egypt it is easy to lie. Syria remains the most extreme of the Arab states; she is exporting terrorists into Lebanon, from where they hit and run and occasionally infiltrate into Israeli villages. But the Israeli Army is just 40 miles from Damascus and could march there tomorrow.

This official and a career diplomat emphasized that the basic political problem in the Middle East is to persuade the Arabs to recognize that Israel not only exists but is here to stay; all boundary issues will be meaningless until Israel's legality is acknowledged. "We want to make peace, but not by remote control," the official said. "There will have to be a direct confrontation at the peace table."

That is a sticking point, when Prime Minister Golda Meir visited President Nixon in Washington recently, she presumably was urged by him to accept some sort of mediation. But Mrs. Meir, busy these days at organizing a new Israeli Government following this month's elections that endorsed her strong middle course, in a two-hour interview a few days ago made it abundantly clear that she will yield neither to the Nasser-led demand that Israel surrender the grounds seized in the Six Day War nor to East-West pressures to bring about Big Power intervention.

Israel is ready to sit down with any of the Arab states, singly or collectively, she said. "We accepted our borders as they were in 1967," she noted, "but our neighbors made war. This only proves to us that those borders were not safe—and the Arabs taught us that lesson."

So while Israel will talk with the powers she overwhelmed and apparently will compromise, certainly as to the Sinai and the West Bank, she has no idea of weakening herself strategically. Most clearly she will not trust the United Nations to solve the Arabs' quarrel with her, the U.N.'s handling of the 1956–57 Suez shootout, and then Secretary General U Thant's accommodation of Nasser in 1967 through removal of the U.N. Emergency Force from the Gaza, has left bitter memories. "International organizations are not popular here," Mrs. Meir mused in fine understatement.

Sometimes it is suggested that Jerusalem is the key to Middle Eastern harmony—that if Israel would give up control of the Old City and its holy places, all other pieces of the territorial puzzle would fall into place. But there is no reason to believe Israel will allow her capital to become again a divided city.

"We were prepared, with broken heart, to see internationalized Jerusalem according to the U.N. decision of 1947," said Mrs. Meir. "And then we lived for 20 years in a divided Jerusalem; and all the good people in the world think it terrible that we used force in the occupation of the Old City. I always want to know by what decree of the God Almighty did [King] Abdullah [of Trans-Jordan] get to Jerusalem in the War of 1948 when he attacked us.

"The difference is that when Abdullah occupied the Old City every single Jew, even those who had lived there for generations, had to leave, and during 20 years no Jew was allowed to go to the holy places. When we occupied the Old City of Jerusalem, it was thrown open to everybody; and certainly everybody there of the Arab population—60,000 or 70,000 of them—can go to any holy place that is holy for him, whether it is Christian, Moslem, or Jewish."

If Israel determination is solid, if Israeli confidence is monumental, if Israel hopes are high, the Six-Day War and the two campaigns before it, plus the continuing aftermath, nevertheless are expensive, worrisome, and difficult. Although the border struggle is invisible in 90 per cent of the nation, it is felt everywhere. Israeli income taxes are the highest in the world, and so, at $1,400, is the per-capita national debt. Defense is costing three times what it did in 1966—about 20 per cent of the Gross National Product, as contrasted to 9 per cent in the United States. Every boy and girl is drafted into the armed forces at age 18, the boys for three years, the girls for 20 months, and every man remains in the reserves until 55 (the maximum age having been raised from 50 this month). Reserves rob the labor force of 10 per cent of its total, and the Israeli labor force in a peaceful time would be lean enough.

Moreover, the occupation of captured territory, the West Bank especially, is militarily taxing and politically embarrassing. Along the Jordan and in the Sinai "acts of resistance are multiplying" and "repression is severe," the foreign editor of The Times of London wrote recently. "As yet the stage of heavy reprisals and collective punishments has not been reached. But eventually, if things go as they are now, it will come."

One who has just traveled through the West Bank and Gaza and Sinai to the Suez Canal is entitled to believe the British journalist exaggerated. Indeed, the Israelis over the past two years have undertaken dilligently and intelligently to improve the West Bank Arabs' lot through industrial employment and modernized farming. The Israeli colonel commanding one of the West Bank's seven military districts said his relations with the 100,000 Arabs under him are excellent. A tenth of them are commuting into Israel for work that pays three times the Arab rate. "We are trying to convince Arabs that it is possible to live with Jews," he said. That is Israeli policy; Israel understands well enough that the West Bank is a show window for the Arab world beyond it.

Yet the colonel conceded that in 1969 there have been 30 terrorist incidents in his district that cost four Arab and two Jewish lives. (Most of the troublemakers come from outside, he added—a contention parodistically familiar to a Southerner's ears.) In reprisal the Israeli military has destroyed about 250 Arab houses—far fewer, its spokesmen insist, than The Times editor reported. The reprisals are a painful subject in Israel, yet the military justifies them as a discouragement to terrorism and contribution to civil stability. Jordanian law applies throughout the West Bank, under the administration of the Israeli military through Jordanian local officials. About a fourth of the punishment accorded the West Bank's 2,000 prisoners was by administrative rather than judicial process, and some of it may have been of a drumhead sort. Still, Arabs who fled after the fighting are returning to the West Bank in increasing numbers and now total upwards of 30,000.

Conditions in the Gaza Strip and the Sinai are not uniformly pleasant, if one may borrow understatement from the Prime Minister. Mrs. Meir's words on the subject are these:

"We are not taking it upon ourselves to solve the refugee problem that is 21 years old. Not only because we are not the ones who created this problem, but if this problem was not solved until now, it was because the Arab states refused to solve it. They wanted it to be as it is in order to use it as a weapon against Israel without any consideration as to the human factor. Another thing that is necessary to know is that in 1948, when the Arab refugee problem was created by the leaders of the Arab states, there was also another refugee problem. There were 250,000 Jewish refugees in Nazi camps those three years after World War II. . . . In addition, there were between 500,000 and 600,000 Jews who came to us from these very same Arab countries, from Iran and Yemen, Syria, Lebanon, Egypt, Morocco, Tunisia, and so on."

Is there revenge, then, in Israel's refugee policy? Mrs. Meir's reply is: "As long as we are responsible in the Western Bank and the Gaza for people's welfare—they have nobody else to go to, no other government will be responsible for their welfare—we will look after their health and education and their housing and development. That we are prepared to do, as it is our duty to do it—but not the solution of the refugee problem if it means resettlement within our borders."

A final question demands consideration. What is the future of a nation whose entire youth is militarily trained and alert—whose boy-girl army is gung-ho to a superlative degree? How does one distinguish between the Israeli youth grandly saluting through a tank's hatch from that goose-stepping youth of a generation ago? If the girl learning to fire a light weapon near Tel-Aviv is a national heroine, what of the girl who takes her ordnance lessons in Peking?

Avraham Harman, the former Ambassador to the United States who now is president of the Hebrew University in Jerusalem, may provide an answer. Once the Israeli soldier takes off the uniform and returns to his studies, Dr. Harman noted, he will endure no regimentation and no flag-waving. He concerns himself with a few friends and his books, rejecting the Big-Man-on-the-Campus role. "The easiest way to break up a convocation is to present a speaker who orates about youth and country and duty," said Dr. Harman.

And a handsome general who wears both an aviator's wings and a paratrooper's badge, with whom this writer sat over Turkish coffee one evening, may have provided another clue. "History will examine us," he said, "as to whether we could win the war and could not win the peace."

A nation whose generals are also philosophers will not be forever comfortable in the hobnailed boot.

PARTICIPATORY DEMOCRACY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. BOGGS. Mr. President, in these times when many youths are characterized as working outside our political system, a group in Delaware has emerged that is working actively within the system to effect change.

A political science class at Wilmington, Del., College has undertaken a project to aid in attempts to bring about electoral reform. These ambitious youths have contacted Delaware Gov. Russell W. Peterson, members of the congressional delegation and State legislators in their quest for prompt action on electoral reform. Not only do they want Congress to pass the resolution pertaining to direct popular election but they want Delaware to live up to its name, the First State, by ratifying such a constitutional amendment first.

Their actions have attracted considerable attention in Delaware. I commend them for their great exercise in participatory democracy. I ask unanimous consent that a newspaper article written by Joe Distelheim, and published in the Wilmington Morning News of October 24, describing their efforts, be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Seek End of Electoral College—Students To Test Political System

(By Joe Distelheim)

The students are doing the testing in a political science class at Wilmington College this fall.

They are testing the American—and the Delaware—political system to see if, and how, it responds to people who wish to use it.

The idea is to get the U.S. Senate to pass the proposed amendment allowing direct election of presidents, and then to see that Delaware is the first state to ratify it.

In this age of demonstrations, the 25 students in the class are willing to try working through channels.

The idea of trying to use the American political process came from the class instructor, Thomas L. Little, who, not coincidentally, is a state representative. The decision to concentrate on the proposed amendment was made by the class.

Little, R-Deerhurst, said he told the class at the begining of the term that "if they take the time to learn the system, they can change anything they want to change . . . that it's more productive than demonstrating." So far, the students seem to have learned that not only learning but work, red tape and a great deal of waiting are involved.

The proposed 26th amendment, which would do away with the Electoral College system, currently is in the U.S. Senate Judiciary Committee. The students have written to all three members of Delaware's congressional delegation, first to find out about the amending process, then to try to get the amendment to Delaware for ratification as soon as possible.

Other letters have gone to Gov. Russell W. Peterson, asking him to speed the amendment on its way to the General Assembly as soon as it arrives, and Little, chairman of the House Elections Committee.

The letter to the governor says, in part, "considering that you won your election by such a slim margin of the popular vote, you should be able to realize the significance of a one-man, one-vote system." (Peterson won by about 2,500 votes last November.)

Yesterday during their 90-minute class in a small building at the college south of Wilmington, the students discussed going to Washington to present their case for the amendment, and Little filled a blackboard with their arguments for passage.

The present system is obsolete, and offers no guarantee that the Electoral College will vote the will of the people, one list said in part.

Under the heading which asked why Delaware should be the first to ratify the amendment, it was noted that Delaware was first to ratify the Constitution which set up the original electoral system, and that ratification here would help explode the theory that small states do not want to change the election process.

And, there was a list in which the students placed their criteria for a political system.

"If the system is so inflexible that it can't be changed to meet the needs of all people, regardless of age, then we need another system," Little wrote on the blackboard.

He stepped back and asked, "Is that too radical?" No one thought so.

Members of the class have done all the work on the project, although Little admits to having chipped in to help finance the copying of the letters.

"The hardest part was finding five pieces of letterhead stationery," he said. "I wasn't going to help them—it's part of the red tape."

The fall term will be over in January, but the students apparently intend to follow through on their project.

"I think it's going to work, but it may take a little time," said David Newberry, 25, of near Wilmington, "We'll work on it in the middle of the summer if necessary."

Newberry, Rudolph and Howard Strickler have been coordinating the project. Rudolph, 20, is from North East, Md., and Strickler, 21, from Long Island, N.Y.

THE STATE OF ALABAMA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. BUCHANAN. Mr. Speaker, one of my constituents has recently sent me a list of some of the factors which make Alabama a truly valuable asset to the United States. Not listed, but most important of all are the 3½ million fine citizens who, like Mrs. N. H. Meeks of Adamsville, Ala., who sent me the following list, are working together to make our State an even fairer, better place for all its people. I am proud to serve as one of Alabama's Representatives and want to call to the attention of my colleagues a few of our beloved State's rich assets:

Statement by Mrs. Meeks

Alabama is the only place in the Nation where iron ore, coal and limestone, necessary for the manufacture of steel, are found in the same area.

Alabama is the cast iron pipe capital of the world.

Alabama is one of the world's leading producers of boilers.

The Nation's largest exclusive manufacturer, in its line, of toys is in Alabama.

Alabama farms can produce enough foods on present acreage to furnish a daily menu, to all its citizens, of fancy and staple foods, without having to repeat a menu for 30 days.

Alabama has over 500 square miles of lake water.

Alabama's mineral district can furnish enough coal to cover the whole of England three feet deep.

The world's largest steam electric generating plant is in Alabama.

Alabama is the home of the first apparatus used in the demonstration of the X-ray.

Alabama boasts 100 textile mills equipped with 1,701,000 spindles.

Alabama gave the world its first ice making machinery.

The first run of an electric street car was over Alabama streets.

Alabama has the distinction of having granted the first diploma ever issued to a woman by any chartered institution authorized to confer degrees.

Auburn University was the first southern college to establish a chair of electrical engineering.

The first railway track west of the Allegheny Mountains was laid in Alabama.

Alabama has over 1700 miles of navigable streams, making it the leading State in the Nation in miles of navigable waterways.

Alabama has more natural resources than any other area of its size on the face of the globe.

A PROGRAM TO IMPROVE THE OPPORTUNITY OF STUDENTS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. PUCINSKI. Mr. Speaker, Americans live in a dynamic, multiethnic society, surrounded by the wealth of cultural legacies brought to this Nation by our forefathers. Fortunately, they have left us many treasures from all parts of the globe—the vivid beauty of their music, drama, dance, and art; the distinctive flavor of their folklore, languages, and literature; the dignity of their values and beliefs. Today, these priceless heirlooms continue to nourish and grace the American heritage.

This Nation thrives on a deep sense of ethnic community. It flourishes on the pride of origin shared by its people, both as committed Americans and as devoted individuals with strong ties to their own indigenous neighborhoods and groups.

In the past century, however, our society has begun to deny the existence of these origins. We have been challenging the concept of ethnicity, eroding the delicate tendrils that link us with our past. Indeed, we have oversold the value of homogenization, sacrificing the diversity of our pluralistic society for the sake of uniformity.

Consequently, many of our ethnic groups have developed a profound sense of cultural inferiority—a feeling that they are second-best Americans because they have carefully preserved their original languages, their customs and traditions, and their unique styles of life. Some have even totally forsaken their ethnic bonds.

This problem pervades every city and State, every corner of our Nation. In Chicago, alone, it can affect the lives of at least 30 percent of the population, who are foreign-born or second-generation citizens.

The most serious casualties of this quasi-cultural obliteration have been the young. Today, our Nation's youth are plagued by a sense of rootlessness. Many of them are caught up in a malaise of alienation and are channeling their energies to a search for identity.

In a very real sense, these are the "Forgotten Young Americans," with no feeling of belonging in our heterogeneous society.

Society's transmitters of cultural values, its primary and secondary schools, have taught these young people nothing of their own ethnic backgrounds, and this omission has led them to conclude that their heritage has no status in the value system of the society. Therefore, it is scarcely surprising that so many young people have failed to develop a positive self-image.

Typically, their school history lessons teach about one or two countries and remain indifferent to the rest of the world. Their art, music, literature, and language classes are equally narrow and exclusive, thus reinforcing a distorted picture of their environment and ancestry.

Such a pernicious educational deficiency warrants the attention of our entire population and of Members of the Congress, as its representatives.

To remediy this situation, I have introduced H.R. 14910, "The Ethnic Heritage Studies Centers Act of 1969." This act would establish a number of Ethnic Heritage Studies Centers, each devoted to the development of curriculum materials dealing with one ethnic group of one regional group of ethnic cultures, for use in elementary and secondary schools. Such materials would pertain to a particular group's history, geography, society, literature, art, music, language, drama, economy, and general culture, and to the group's contributions to the American heritage.

Each center would also train teachers to use these materials and would make them widely available to elementary and secondary schools throughout the United States. Teachers could utilize these curriculum packages as study units in their regular classes or as the basis for creating totally new types of educational programs.

An Ethnic Heritage Studies Center would be operated by public or private nonprofit educational agencies and organizations. To design and implement its programs, each center would draw on the existing resources of colleges and universities, the expertise of elementary and secondary school teachers, and the special knowledge of ethnic groups in local communities as well as foreign students pursuing their education in this country.

The bill would authorize $10 million in fiscal 1970 and $20 million in fiscal 1971 for these purposes.

As a major consequence of this bill, our young people would be able to develop greater awareness and appreciation of the importance of all ethnic civilizations to our national heritage. Every one of the 51.5 million students in the primary grades and high school could study, in depth, about the ethnic culture of his own family and forefathers, and about their contributions to the American way of life. In addition, he could learn about many of the other readily identifiable ethnic groups in the country.

In this important effort I have been joined by my colleagues, Representatives JOHN H. DENT, AUGUSTUS F. HAWKINS, WILLIAM D. HATHAWAY, ADAM C. POWELL, WILLIAM T. MURPHY, GLENN ANDERSON, JOHN CONYERS, JR., EDWARD J. DERWINSKI, LEONARD FARBSTEIN, MARGARET M. HECKLER, SPARK M. MATSUNAGA, MELVIN PRICE, and EDWARD R. ROYBAL.

As H. G. Wells wrote in "The Outline of History," "Our true nationality is mankind." The time has come for our schools to teach about the contributions of all mankind to our nationhood, and the Ethnic Heritage Studies Centers Act of 1969 would contribute to this worthy goal.

For the information of my fellow Members, I am including the following bill in its entirety:

H.R. 14910

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Ethnic Heritage Studies Centers Act of 1969."

SEC. 2. The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE STUDIES CENTERS

"STATEMENT OF POLICY

"SEC. 901. This title is enacted in recognition of the heterogeneous composition of the Nation and of the fact that in a multi-ethnic society, a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace. It is further enacted in recognition of the principle that all students in elementary and secondary schools of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group. It is the purpose of this title to assist schools and school systems in affording each of their students an opportunity to learn about the nature of his own cultural heritage, and those in which he has an interest, and to study the contributions of these forebears to the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"SEC. 902. The Commissioner is authorized to arrange through grants to public and private nonprofit educational agencies and organizations for the establishment and operation of a number of Ethnic Heritage Studies Centers, reflecting the readily identifiable ethnic groups represented in the population of the United States. Each such Center shall carry on activities related to a single culture or regional group of cultures.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"SEC. 903. Each Center provided for under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools which deal with the history, geography, society, economy, literature, art, music, drama language, and general culture of the group with which the Center is concerned and the contributions of that ethnic group to the American heritage.

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools throughout the Nation, and

"(3) provide training for persons utilizing or preparing to utilize the curriculum materials developed under this title.

"ADMINISTRATIVE PROVISIONS

"SEC. 904. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of colleges and universities, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, and (3) the expertise of elementary and secondary school teachers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing, equipping, and operating the Centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such Centers, including allowances for dependents.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 905. There is authorized to be appropriated to carry out this title for the fiscal year ending June 30, 1970, the sum of $10,000,000, and for the fiscal year ending June 30, 1971, the sum of $20,000,000."

TERRENCE McCABE SALUTED BY WISCONSIN CHEESEMAKERS

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Friday, November 21, 1969

Mr. NELSON. Mr. President, earlier this month the Wisconsin Cheese Makers' Association honored Mr. Terrence W. McCabe, Chief of the Import Division, U.S. Department of Agriculture, at their annual convention.

Mr. McCabe, a native of Wisconsin and graduate of the Wisconsin State College at Superior, has served with distinction in a variety of important positions in both the Wisconsin State Department of Agriculture as well as the U.S. Department of Agriculture.

In his position overseeing sensitive agricultural imports, he has served with fairness and discretion. He has been responsive to the feelings of the varied concerns of American agriculture while tending his duties according to the letter of the law.

Mr. McCabe's father fulfilled an important role in the Progressive movement of Wisconsin and was a friend and adviser of Senator Robert LaFollette, Sr.

It is in the best of this tradition that Mr. McCabe has executed his duties. The tribute that the Wisconsin Cheese Makers' Association has bestowed upon him is greatly deserved by this fine public servant.

I ask unanimous consent that the citation accompanying Mr. McCabe's special honorary award be printed in the RECORD at this point.

There being no objection, the award and citation were ordered to be printed in the RECORD, as follows:

CITATION—SPECIAL HONORARY AWARD TO TERRENCE W. MCCABE

(Read by Roland C. Behle)

Terrence W. McCabe received his Bachelor's Degree from Wisconsin State College at Superior. He did advanced work at the University of Wisconsin where, as a graduate fellow, he served with the Wisconsin Department of Agriculture and Markets in the preparation of the legislation for the first fluid milk marketing law. He continued with the Wisconsin Department of Agriculture and Markets after receiving his Ph. M. degree from the University of Wisconsin. He also held the position of Statistician for the Wisconsin Agricultural Authority.

Mr. McCabe's career with the United States Department of Agriculture began in 1937 when he joined the Crop Reporting Service at Madison, Wisconsin. His tenure with the U.S.D.A. has included service as Midwest Regional Economist with the Surplus Marketing Administration at Milwaukee; Chief of the Program Development Division of the Milwaukee and Des Moines Regional Offices of the War Food Administration and Economist with the Food Distribution Division of the Agricultural Marketing Service.

In 1944–45, Mr. McCabe was Food Officer for the United Nations Relief and Rehabilitation Administration Mission to Greece. He also served as Program Liaison Officer at UNRRA headquarters. From 1947 to 1950 Mr. McCabe was an Agricultural Economist of the Economic Division of the United Nations.

Since October 1962 Mr. McCabe has been serving as Chief of the Foreign Agricultural Service's Import Staff, which is concerned with the control of imports of agricultural products. Immediately prior he was a Marketing Specialist and Economist with the Import Staff of the Livestock and Livestock Products Division of the Foreign Agricultural Service.

Mr. McCabe is married and has two daughters. He lives in Arlington, Virginia.

In the many years since Mr. McCabe joined the Import Staff of the Foreign Agricultural Service, representatives of the Wisconsin Cheese industry have found his courtesy unfailing, his integrity unquestionable, and his capability self-evident. We salute him as an outstanding public servant and as a credit to the Department of Agriculture and the career Civil Service. As a mark of our appreciation for his public service, the Board of Directors of the Wisconsin Cheese Makers' Association has directed that this special award be prepared and presented to Mr. McCabe at this convention. Inscribed in a polished brass outline map of the State of Wisconsin, mounted on polished black walnut, is this citation:

"Presented to Terrence W. McCabe, Chief Import Division, U.S.D.A.—for his many years of diligent service and constant concern for the manufacturers of domestic cheese—by the Wisconsin Cheese Makers' Association—78th Annual Convention—November 6, 1969."

Terry McCabe, on behalf of this convention, and on behalf of all of us, congratulations!

MARITIME COMMISSION CHAIRMAN CALLS FOR UNITY AND PRIDE IN THE UNITED STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. GARMATZ. Mr. Speaker, since her appointment as Chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley has been honored by a number of groups in maritime circles and in other circles. When Mrs. Bentley has had the opportunity to speak at these affairs, her subject usually has been on maritime matters, as would be expected from someone in her position.

Last night she was designated Woman of the Year by the Women's Advertising Club of Baltimore at a dinner in her honor. This is the second time this group has honored Mrs. Bentley as Woman of the Year, the last time being in 1957. This time she spoke, not on maritime matters, but on the need for unity among our people and a recognition of the many benefits and blessings we enjoy as citizens of this great country, privileges which citizens of no other country have to the same extent, if at all. She urged those responsible for publicizing the activities of our people, to stress the many wonderful things that happen daily, instead of the isolated, unpleasant occurrences which usually make the headlines.

Her remarks deserve wide publicity, especially at this time when the country has recently observed the second mobilization march by those who would govern the Nation by street action, instead of by lawful procedures, as provided by our Constitution. I encourage all of you to read these remarks. I am confident Mrs. Bentley has expressed your views, as she has mine, and I am sure, those of millions of our citizens.

The remarks follow:

REMARKS OF MRS. HELEN DELICH BENTLEY

Thank you so much for the wonderful honor you bestowed on me tonight.

I stand here before you in all humility and it is a privilege and pleasure to address the Women's Advertising Club of Baltimore. This is particularly so since I can look out and see so many friends and acquaintances from my days—not too long distant—when I was serving as the Maritime Editor of the Baltimore Sun.

In those halcyon days, I worked with many of you to advance the interests of the Port of Baltimore and the State of Maryland. Together, I feel that we were able to bring home to the People of Baltimore—and to our legislators in Annapolis—the importance of the Port to their daily lives.

And Baltimore is, of course, my home and—apart from my official regulatory responsibilities—dear and close to me. Indeed, it has been home to me for more than 24 years. It was in the Port of Baltimore that I first gained my first glimpse of the importance of the sea, not only to the City of Baltimore and the State of Maryland, but to the Nation as a whole.

It is from this recognition that I developed a growing personal awareness of the importance of the world's oceans to the Nation's trade and to its defense capability. And because I came to recognize the importance of the sea and of the ships that serve us upon the trade lanes of the world, I became a partisan of the American Merchant Marine.

In view of this and of my recent appointment to the position within the Nixon Administration of Chairman of the Federal Maritime Commission, I am sure that most of those present anticipate that I will devote the opportunity provided me tonight to the subject of American shipping.

I shall—but only to a limited extent—and that now.

In regard to the American Merchant Marine, we can at last say there *is* a program—there *is* a government policy—to reverse the downward trend of recent years and to build a merchant fleet capable of meeting the Nation's needs on the trade lanes of the world, capable of fulfilling its responsibilities in time of emergency.

Most, if not all of you, are aware of the fact that President Nixon on October 23rd in a Message to the Congress addressed himself to the importance of reviving the American merchant fleet and called on management and labor within the industry to join him in that endeavor.

And thus, I repeat, at last there *is* a program from an Administration looking toward the Nation's future on the sea. It is the job of every one of us to see that this program and the hopes it carries with it come to fruition.

Congressman Edward Garmatz, Chairman of the Merchant Marine & Fisheries Committee, has promised legislation on the program by June 1970.

And now I would turn to my major subject for tonight, for—as important as that may be—it is not only the welfare of the Nation on the sea with which we must concern ourselves today but the well being of the Nation itself.

I can think of no more suitable audience to whom I could speak of unity—none in a better position to take action to advance unity among our citizens and the overall well being of the Nation—than that represented here tonight.

And so I speak to the purpose of calling upon you, the members of the Women's Advertising Club of Baltimore, and similar organizations representing your profession throughout the Nation, to join together in initiating a program of your own designed to unite us as a people. I call on you to use your expertise, your professional abilities, your advertising "know-how" in focusing the attention of our citizens—yes, and of the world—on what is right in this land of ours.

We have our problems, we have our failings, but compared to the rest of the world, as a Nation and as a people, we have much more on the credit side of the ledger than we have debits. What I am saying is that we should concentrate some of our effort in numerating our many blessings rather than spending all of our energies in downgrading ourselves as Americans.

Let's take a look at a couple of facts and compare some of our conditions in America to conditions in other countries who, from time to time, think they have a right to point a scornful finger at America.

Let's look at our educational system. The very basis of a great Nation is an educated mind. Here, in the United States, we have undertaken the proposition not just to educate a selected few but to educate an entire population. A few short years ago, even in our country, education was believed to be for men only. Thank goodness that our educators found out that when you educate a man you educate a single individual but that when you educate a woman, you educate a family.

Fifty years ago, in our educational system, only 10 percent of our children were graduated from high school. Today that figure is not 10 percent. It is 75 percent and that means that our boys and our girls number more than double the high school graduates in France, or West Germany, or Italy, or Britain.

We hear a lot about dropouts, and cop outs, and juvenile delinquents. Let's examine a few American statistics.

Fifty years ago only about four percent of our young people went to college. Today that figure is above 40 percent. Only 10 percent of the young people of Great Britain and France ever have the opportunity to step across the threshold into an institution of higher learning.

A few days ago our newspapers, our television programs, and our radio commentators informed us ever so fully about the peace marchers who invaded the Capitol of our Nation.

Do any of you have an idea of how many young Americans have enlisted in a single week to fight for this Nation?

Well, let me tell you that our Military Forces report that in a single week some 10,000 Americans voluntarily walk into our military enlistment centers, directed by the Pentagon, and volunteer their services and their lives for America.

It is a strange and unfortunate phenomenon of our society that those 10,000 first-term enlistments can't get a minute on television, not in the early news or not in the late news but a student carrying a sign, or a protestor wearing a beard, or an attention-seeker burning a draft card is brought into our living room and thrust into our consciousness on every news program.

It certainly seems to me that perhaps we should undertake an educational program for America's protestors.

The Sermon on the Mount called on us to love our enemies. I still believe we ought to approach some of these students who spit on our flag and burn it, and say to them:

Americans are the best fed people on earth!

Americans are the best paid people on earth!

Americans are the best educated people in the world!

Americans are the healthiest people on earth!

In our country, deaths from dread causes have been cut in half in the last 50 years.

Life expectancy has doubled in the last 100 years.

Infant mortality has been halved in the last 30 years.

Measles have been retired from the pages of history.

Polio no longer plagues the mind of every mother in the land.

America has taken millions of immigrants to its bosom in the less than 200 years we have been in existence as a nation.

These people were poor, they were downtrodden, they were discriminated against and prejudice and hunger were their lot in the Old World.

Here, in the United States, we gave those people the greatest of gifts. We gave them liberty and we gave them opportunity.

Today, as part of our great country, those people are giving everything they've got to help this country.

I love my country and I love my flag.

As a Nation, we should get off the psychiatrist's couch and stop thinking of ourselves as a "sick" people.

Those of us who believe in our Nation should start standing up to be counted.

We should express our pride in accomplishment, and that ours is the highest standard of living in the world.

We should express our thanks for the very freedom as individuals that permits us the liberty of dissent.

We should compare that freedom with the lack of freedom of others.

We should compare the freedom to march and to assemble—the right to protest so long as we do not invade the rights of others—with the lack of such rights in the imperialistic Communist nations that call us "imperialists".

"Imperialists," indeed!!!

We should count the people to which we have voluntarily given their independence, the nations we have assisted—such as South Korea—and now South Vietnam—to retain their freedom from Communist aggression, and match that against the Estonians, Latvias, Polands, East Germanys, Bulgarias, Czechoslovakias, of those who cry against us.

We should ask the militants who practice anarchy and advocate the destruction of this Nation point blank:

Where else in the world could they advocate the overthrow of government and attempt to practice it? Could they in Moscow? In Warsaw? In Peking?

I know there will be some who will claim that to speak out in this manner is to be chauvinistic. I do not see it in that fashion, but rather view it solely as a matter of comparison. As for my reasons for speaking out in this fashion on a subject that could be said to have nothing whatever to do with my present position, let me say that I feel it is a subject having to do and within the province of just being an American.

And in that regard, I will admit to being partial to my Nation. I will admit to believing that to be an American is a matter of the greatest good fortune, for which I am fully thankful.

And here, I must become more personal in my remarks, perhaps to provide a better understanding of why I feel so strongly as I do. It is a simple thing, in some respects tied to the virtues of this Nation which are today being scoffed at.

Those who fought to gain independence and maintain freedom on these shores were generous indeed, for they offered to those of other lands the opportunity to migrate to this land and to become a part of the Nation that they had carved out of wilderness and prairies, that they had built and were building as the people of America themselves migrated within and across the Continent. They welcomed others to cross the Mississippi and challenged the Continental Divide with them. They welcomed more who came later. No, the streets were not paved with gold, but opportunity was here for those who sought it and cared to work for it.

I can speak for this directly and personally, for at the turn of this century the man and woman who were to become my parents were emigres. They came to this country to escape the "System", if you will, of the "old country".

I am the child of such migrants. I am the child of parents who sought a place of opportunity for themselves and for the children to come of their union. For them, the United States of America was a promised land. For them, there was no other place on the face of the world that was its equal. And they were right then, and right today in that belief.

The daughter of emigrants, born, raised in a small Nevada town, my naturalized parents imbued within me a spirit of gratitude for the mere fact that I had been born an American. Against the background of their European past, they made me fully aware of the wonderful future that could be mine, that had become my birthright by the mere fact of my birth in the land of the High Sierras. Proud of now being Americans themselves, they imbued me with a similar pride in having been born here. A laborer himself in the mines, my Yugoslavian father, and mother with him, saw the opportunities for me and urged me toward them.

Child of an emigrant, I still had full advantage of the educational system that today is being damned. By means of scholarships and working to get through, I achieved my college degree. And because no one cared that I was a first generation American, I succeeded in getting jobs in my chosen profession.

By dint of hard work, I was able to advance in it.

And today I stand before you, a woman, that same child of emigrant parents, and the one thought that comes to my mind is this:

Where else would I have had the opportunities with which this Nation has provided me?

If it sounds naive to the ultra-sophisticated, it bothers me not one bit to say both publicly and privately, and in very simple words, that I love my country. I not only love it, but I feel a deep and abiding gratitude to those men and women who created it and made it what it is today.

And I add one other thing. I owe a deep debt to those who did so, and have a high sense of responsibility within me for its well being.

As President Nixon has said, no nation can defeat us and none can humble us except ourselves. For my part, I shall do all within my power, both now and for the rest of my life, to pass on to future Americans an America with a future!

Will you join me?

VIOLENCE: THE PRICE OF EXCESSIVE LIBERALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1969

Mr. RARICK. Mr. Speaker, yesterday I brought to the attention of our colleagues the seriousness of violent crimes occurring here in the District by "repeaters" who were being encouraged by the "soft on crime" attitudes of the courts.

Today's paper carries the headline that a District of Columbia man has been charged with the third murder in 6 months. He has not been tried on either of the first two counts. In fact he was free on a $500 bond from the second murder charge when he committed the third murder.

Rehabilitation may be a pleasing expression to our liberal society, but it is certainly proving expensive to the innocent victims.

Malfeasance in office may soon find some sympathetic judges considered accessories. Certainly civilized people are not long going to suffer this type of justice.

Mr. Speaker, I insert the news report from the Daily News in the RECORD at this point:

DISTRICT OF COLUMBIA MAN CHARGED WITH THIRD MURDER IN 6 MONTHS—MAN HELD WITHOUT BOND IN THIRD HOMICIDE

An unemployed truck driver was ordered held without bond yesterday after being charged with homicide for the third time in six months. He had been free on $500 in the June slaying of a District woman.

U.S. Magistrate Arthur L. Burnett ordered Walter C. Powell, 30, of 1432 Girard-st nw, held for a preliminary hearings next Wednesday. Powell now has three homicide charges pending against him, but has not been tried for any.

Police and court records gave the following account of the past six months:

On June 28, Gloria Erwin, also known as Gloria Valentine, 28, was shot to death by three men in her apartment, 1815 18th-st nw.

On June 30, Powell was placed on three years' probation in an attempted auto theft case dating from 1968.

On Aug. 25, Leroy Gaskins, 76, was shot to death thru the window of his brother-in-law's house in the 3600 block of 10th Place NW., where he had been chased by three men trying to rob him.

On Aug. 26, Powell was arrested and charged with the slaying of Miss Erwin. He was ordered held on $10,000 bond. Unable to raise that amount, he spent a week in jail.

On Sept. 4, on a petition by his lawyer, Powell's bail was reduced to $5,000 with authorization that he be released if he could provide 10 per cent of it in cash. The $500 was posted and he was released.

On Nov. 3, a grand jury indicted Powell and two other men for the shooting of Mr. Gaskins. An arraignment was set, but Powell failed to appear. A warrant was then issued for his arrest.

On Nov. 15, while the arrest warrant was still outstanding, two men apparently attempted to rob William (Spearmint) Smith, 42, in his apartment at 1630 Corcoran St. NW. Mr. Smith exchanged shots with the intruders and one was killed.

Police identified the dead man as James Lee King, 23, and listed his address as 70 Bates St. NW. The other man, they said, was Powell.

District law holds that any person participating in a felony that results in a death may be charged with homicide. It is under this law that police placed the most recent charge against Powell.

SENATE—*Monday, November 24, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Eternal Father, bring us to the sacred shrine of Thine eternal love, that we may know the peace that passeth understanding. And being at peace with Thee may we pursue peace with our fellow man. We beseech Thee to remove from us and all men the pride, the anger, and the prejudice which breaks the family of man. By Thy reconciling grace bridge the chasm made by fear and resentment. Draw us close to Thee and keep us close to Thee hour by hour. In this time of strife let not the evil we oppose turn us from our purpose to achieve unity and concord within this Nation and among the nations of the earth, to Thy honor and glory. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 24, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harold E. Hughes, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 21, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 19, 1969, the President had approved and signed the act (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Acting President pro tempore:

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act;

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes;

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes;

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes; and

S.J. Res. 121. Joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity.

HOUSE BILL REFERRED

The bill (H.R. 14580) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JIMMIE R. POPE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 545, S. 2566.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 2566) for the relief of Jimmie R. Pope.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jimmie R. Pope, of Goldsboro, North Carolina, the sum of $1,758.14, representing reimbursement for relocation expenses incurred by him in 1967 in moving from Hixon, Tennessee, to Goldsboro, North Carolina, for the purpose of accepting civilian employment at Seymour Johnson Air Force Base, North Carolina, Air Force personnel having erroneously informed the said Jimmie R. Pope that such expenses were reimbursable: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–550), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize the Secretary of the Treasury to pay Jimmie R. Pope of Goldsboro, N.C., the sum of $1,758.14 representing reimbursement for relocation expenses incurred by him in 1967 in moving from Hixson, Tenn., to Goldsboro, N.C., in order to accept civilian employment at Seymour Johnson Air Force Base, N.C.

STATEMENT

This bill is identical to S. 3500 which was introduced in the 90th Congress but no action was taken at that time. The Department of the Air Force recommends that this committee act favorably upon this bill. In the report of the Department of the Air Force to this committee dated June 26, 1969, the Department states:

"On May 4, 1967, Mr. Pope, while working for a private concern, was contacted by a representative of the Civilian personnel office, Seymour Johnson Air Force Base, with an offer of employment as a civil engineer. The civil engineer position is in the category of manpower shortage positions under U.S. Civil Service Commission regulations. As a new appointee to Federal Government service, under those regulations, transportation of the appointee and dependents, per diem en route for the appointee, transportation and up to 60 days temporary storage of household goods not in excess of 11,000 pounds net weight may be authorized at Government expense from the appointee's place of residence to the first duty station. Mr. Pope was advised at the time of initial contact and subsequently on May 15, 1967, that he also was entitled to other relocation allowances, such as a miscellaneous expense allowance in connection with relocation of his household, temporary quarters subsistence expense allowance, and reimbursement for allowable closing costs in connection with the sale of his residence. Travel order SO A–651, May 15, 1967, was issued by the 4th Tactical Fighter Wing, Seymour Johnson Air Force Base authorizing all these allowances.

"Mr. Pope has stated in writing that he accepted the appointment in reliance upon the statements made to him by the civilian personnel office representative at Seymour Johnson Air Force Base and as authorized in the official travel order which he received. Not until after his arrival at Seymour Johnson Air Force Base and submission of a claim voucher on June 19, 1967, was he informed that he had been erroneously advised and illegally authorized relocation allowances that are applicable only in connection with an authorized permanent change of station to another in the United States. The statute and governing regulation do not allow advance house hunting trip expense, miscellaneous expense allowance, temporary quarters subsistence expense allowance, real estate transaction expense or per diem allowance for dependents en route for newly appointed employees.

"Mr. Pope's claim for reimbursement of relocation expenses was disallowed by the General Accounting Office on November 7, 1967.

"The amount of $1,743.48 indicated on line 6 of S. 3500 includes the following claimed expense items:

Miscellaneous expense allowance	$200.00
Temporary quarters expense allowance	99.84
Closing costs, sale of residence	1,443.64
Total	1,743.48

"Except for the miscellaneous expense allowance item of $200 the statutory regulations prescribe specific conditions and limitations and require supporting documentation before a determination can be made as to the extent of allowable reimbursement for temporary quarters, subsistence expenses, and closing costs incurred in connection with a sale of residence property. Accordingly, Mr. Pope was requested to provide proper documentary support for his claim for official review and determination of the reasonableness of amounts claimed, based upon the same conditions, limitations, and documentation requirements prescribed in the regulations governing entitlement to reimbursement for relocation expenses.

"Mr. Pope has submitted documentation for allowable claim amounts as follows:

Miscellaneous expense allowance (no documentation required)	$200.00
Temporary quarters expense allowable (documented in attachment 1)	114.50
Closing costs, sale of residence documented in attachment 2)	1,443.64
Total	1,758.14

"The documented format in support of Mr. Pope's claim for closing costs in connection with the sale of residence has been reviewed by a designated official to determine the reasonableness and propriety of amounts claimed. The necessary administrative approval of the allowable closing costs of $1,443.64 is attached. (Attachment 3.)

"Because Mr. Pope accepted his new position in reliance upon representations that he would be entitled to relocation allowances, the Department of the Air Force interposes no objection to the enactment of S. 3500 in an amount representing authorized reimbursable relocation expenses actually incurred by Mr. Pope in 1967 in moving from Hixson, Tenn., to Goldsboro, N.C.

"The documentation and necessary approvals in Mr. Pope's case would support a claim in the amount of $1,758.14. Accordingly, if your committee acts favorably upon this bill, it is recommended that '$1,758.14' be substituted for '$1,743.48' in line 6 of the bill.

"The committee, after reviewing the facts of this case, concurs in the conclusions of the Department of the Air Force and, accordingly, recommends that favorable consideration be given to S. 2566."

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, NOVEMBER 25 TO 10 A.M., WEDNESDAY, NOVEMBER 26, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock Wednesday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROBABLE ADJOURNMENT FROM WEDNESDAY, NOVEMBER 26, 1969, TO MONDAY, DECEMBER 1, 1969, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I wish to announce that at the conclusion of business on Wednesday, November 26, the Senate expects to stand in adjournment until Monday, December 1, 1969, at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PORNOGRAPHIC MAIL

Mr. MANSFIELD. Mr. President, I would hope that Congress this year would move to curb the dissemination of obscenity. I am cosponsor of both the Bayh and the Dirksen proposals on this matter, and it has come to my attention that the only hearings which have been held thus far on pornography have been held on the House side of the Capitol. No hearings have been held on the Senate side. In fact, two different committees of the House have heard a great deal of testimony on the obscenity problem, while the Senate has failed to consider the matter for even 1 day.

I have received a tremendous amount of mail from Montana on this subject. It is my understanding that over one-half million persons have filed complaints with the Post Office Department over the past 3 fiscal years, and just recently these protests have jumped to a projected rate of nearly a quarter of a million complaints annually. This is the highest number ever received by the Post Office Department since it began keeping track of these complaints.

The American people have a right to expect and to demand that action be taken by the Government to cope with this problem and to prevent this flow of obnoxious mail to their homes. In this respect, I, myself, am considering a proposal that would preclude these panderers of pornography from reaching into the privacy of one's home, and in the next few days will introduce a bill on the subject.

Let me just say that the smut industry is a billion-dollar business and it is growing. This industry is dominated, I am informed, by approximately 15 to 20 large dealers. This industry must be prosecuted; its distribution of obnoxious literature must be stopped, and the time for doing it is long past due. I am, therefore, appealing to the chairman of the Committee on the Judiciary, the senior Senator from Mississippi (Mr. EASTLAND), and the chairman of the appropriate subcommittee, the senior Senator from Connecticut (Mr. DODD), and to every member of that committee, to undertake hearings as expeditiously as possible, to the end that a measure can be reported, brought to the floor of the Senate, and passed at the earliest opportunity. We have dawdled too long in facing up to this issue.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I fully endorse every word said and every point made by the majority leader, the Senator from Montana. I especially appreciate the fact that he is going to give this problem his special leadership in pressing for meaningful legislation.

Mr. MANSFIELD. I appreciate the Senator's remarks.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish also to commend the distinguished majority leader for his leadership in dealing with the problem of pornography. As is well known, the administration has put forth proposals and recommendations in this area which are now pending before Congress. My mail indicates that there is great interest and great concern about the subject of pornography.

Accordingly, I am pleased and delighted that the distinguished majority leader is providing this leadership.

Mr. MANSFIELD. Mr. President, I want to extend my thanks to the distinguished Senator from Michigan, the acting Republican leader, as well as to the distinguished Senator from Mississippi.

May I say to the acting Republican leader that I am in full accord with the President's initiative in trying to get measures passed covering pornography and crime. I assure him that I am delighted to make this statement and that I appreciate the bipartisan support which has been shown on the floor this morning.

POLL REVEALS SHARP INCREASE IN SUPPORT FOR PRESIDENT NIXON

Mr. GRIFFIN. Mr. President, recently the New York Times has come under some criticism for its coverage of the news. When some 300 Members of the House of Representatives introduced a resolution backing President Nixon's stand and policies with respect to Vietnam, and when some 60 U.S. Senators introduced a similar resolution, there were some complaints that the New York Times coverage was not all that it might have been. At the same time, there was broad coverage of the recent moratorium activities, particularly the march involving a quarter of a million people in the Nation's Capital not too long ago.

When the New York Times does provide the kind of coverage that is expected of a great newspaper, however, I think we ought to take some note of it. I call attention to the fact that in its issue of this morning, the New York Times reports that President Nixon's popularity with the people has risen sharply, to the point that now 68 percent of the American people believe that President Nixon's handling of the Presidency meets with their approval.

I ask unanimous consent that an article which appeared in this morning's New York Times, entitled "Sharp Nixon Gain Found by Gallup," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHARP NIXON GAIN FOUND BY GALLUP: PERFORMANCE RATING RISES 12 POINTS IN A POLL TAKEN AT TIME OF WAR PROTEST

PRINCETON, N.J., November 22—The number of Americans who approve of President Nixon's over-all handling of the Presidency rose this month to a new high, according to the Gallup Poll made public today.

The survey was conducted Nov. 14 through Nov. 16, the weekend of massive antiwar demonstrations in Washington. It showed that Mr. Nixon's handling of his job received the approval of 68 percent of the persons polled, a 12-point rise from the previous poll.

Nineteen percent disapproved of his performance, and 13 per cent expressed no opinion.

In polls taken at the same stage of Presidencies in the recent past, the ratings were: Lyndon B. Johnson, 59 per cent; John F. Kennedy, 77 per cent; Dwight D. Eisenhower, 65 per cent, and Harry S. Truman, 75 per cent. A Gallup spokesman cautioned that many factors influenced these figures.

The 68 per cent figure was three percentage points higher than the President's previous Gallup Poll high of 65 per cent approval, which was recorded four times: in mid-March, in middle and in late May and in late July, after Apollo 11.

In the last previous survey conducted Oct. 17 to 20, Mr. Nixon received 56 per cent approval—the lowest approval percentage in the Gallup series on Mr. Nixon's performance.

The latest survey was made not only during the weekend of the nationwide antiwar protests, but also nearly two weeks after the President's Nov. 3 address to the nation, in which he called for support of his Vietnam policies.

The Gallup organization said that comments from persons interviewed indicated that many Americans were convinced by Mr. Nixon's speech that he was striving hard to end the war. The comments also indicate that he had left them with an expectation that he will remove U.S. troops from Vietnam within a reasonable time, the organization said.

It noted that in a September survey, 57 per cent of those interviewed favored a proposal by Senator Charles E. Goodell, New York Republican, that all United States troops be withdrawn from Vietnam by the end of 1970 and that the fighting be turned over to South Vietnamese forces.

1,465 INTERVIEWED

In the latest survey, 1,465 adults in 300 localities across the country were asked the following question:

Do you approve or disapprove of the way Nixon is handling his job as President?

Here is how this question has been answered in the series of Gallup Polls since Mr. Nixon took office last January:

[In percent]

Interviewing dates	Approve	Disapprove	No Opinion
Nov. 14–16	68	19	13
Oct. 17–20	56	29	15
Oct. 3–9	57	24	19
Sept. 19–22	58	23	19
Sept. 12–15	60	24	16
Aug. 15–18	62	20	18
July 26–28	65	17	18
MOON LANDING: JULY 20			
July 11–14	58	22	20
June 20–23	63	16	21
May 23–26	65	12	23
May 16–20	65	12	23
May 2–5	64	14	22
April 11–14	61	11	28
March 28–31	63	10	27
March 14–17	65	9	26
Feb. 21–24	61	6	33
Jan. 23–29	59	5	36
Average	62	16	22

The President's gains between the Oct. 17–20 survey and the latest survey were registered among all major population groups but have been sharpest among men and among residents of the East, the Gallup organization said.

It added that 'key factors' in the President's popularity gain in the latest survey were the Nov. 3 speech and "unfavorable reaction to the recent antiwar demonstrations."

The Gallup organization noted that in a nationwide survey of 500 persons conducted by telephone immediately after the Nov. 3 speech, 77 per cent of those who had heard the speech expressed support of the President's plan for ending the war.

But the Gallup organization cautioned that that survey represented first reactions and the views of only those who had heard the speech.

The Nov. 14–16 survey does not measure public response to three major subsequent events this week: the Senate's rejection of the President's nomination of Judge Clement F. Haynsworth Jr. to the Supreme Court, increasing reports of an alleged massacre of South Vietnamese civilians by American troops and the Apollo 12 moon landing.

HAIL TO THE VICTOR

Mr. GRIFFIN. Mr. President, millions of television viewers, along with a record stadium crowd of 103,588 in Ann Arbor, Saturday witnessed one of the greatest upsets in the annals of collegiate football.

I refer my colleagues, of course, to the tremendous victory of the University of Michigan Wolverines over the Buckeyes of Ohio State, by a score of 24 to 12.

The victory placed both teams atop the Western Conference as cochampions, and left no doubt in anyone's mind that the league's best team—the University of Michigan—will be its representative in the Rose Bowl on New Year's Day.

As most football observers were aware, Ohio State entered the game a two touchdown favorite. Ohio State was riding the crest of a 22-game winning streak and, in the eyes of many, the Buckeyes were unbeatable.

But when the game was over, Ohio State's Coach, Woody Hayes, made this brief but magnanimous statement:

> They outplayed us, outhustled us, and outcoached us.

Mr. President, last week the Senate was informed by the distinguished majority leader (Mr. MANSFIELD) that the University of Montana had finished its football season with a perfect 10–0 record. We heard the distinguished minority leader (Mr. SCOTT) heap praise on the highly successful Penn State football team. So, today, it should not be too surprising if the junior Senator from Michigan should say, "Hail to the victor valiant," and should declare that the No. 1 team in the country, of course, is the University of Michigan.

I am certain that this point of view is shared by millions of other football fans across the land.

Mr. President, I ask unanimous consent to have printed in the RECORD two newspaper articles relating to the game.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Nov. 23, 1969]

MICHIGAN CUTS DOWN OHIO STATE, 24–12—WOLVERINES STORM INTO ROSE BOWL—103,588 FANS SEE SIX INTERCEPTIONS DESTROY BUCKEYES

ANN ARBOR, MICH., November 22.—Michigan pulled one of college football's greatest upsets today, stunning top-ranked Ohio State by grabbing a 12-point halftime lead and making it stand up for a 24–12 victory.

The shocking result snapped Ohio State's winning streak at 22 games and sent Michigan into the Rose Bowl, where it has never lost in four appearances.

The Wolverines finished with an 8–2 record and earned a share of the Big 10 title with Ohio State. They intercepted six Ohio State passes and destroyed the image of invincibility that had surrounded the Buckeyes since their Rose Bowl victory over Southern California.

103,588 WATCH UPSET

A crowd of 103,588, largest ever to watch a football game in Michigan, saw the Wolverines take a 7–6 first-quarter lead on a three-yard touchdown run by fullback Garvie Craw and an extra-point kick by Frank Titas. It was the first time this season the Buckeyes had been behind.

Craw scored again, from the one, after Ohio State had regained the lead. An inspired Michigan defense held the Buckeyes and a 60-yard punt return by Barry Pierson set up Michigan's third touchdown, giving the Wolverines a little breathing room.

Pierson ran Mike Sensibaugh's punt to the Ohio State two and three plays later quarterback Don Moorhead went over. Tim Killian's 25-yard field goal closed out the scoring.

Ohio State, after losing the ball on downs at the Michigan 10, charged back to score first on a one-yard plunge by fullback Jim Otis at 7:22 of the opening quarter.

BUCKEYES GIVE UP POINT

The Buckeyes bounced back after Craw's first touchdown, with quarterback Rex Kern firing a 22-yard touchdown pass to Jan White on the first play of the second period. Stan White's extra-point kick was good, but the Buckeyes elected to take a Michigan penalty and try for a two-point conversion. The Michigan defense tackled Kern before he could get a pass off.

Moorhead mixed his plays well and faked brilliantly. He utilized the running of sophomore tailback Billy Taylor and the fine pass catching of tight end Jim Mandich to full advantage.

Taylor set up Michigan's second touchdown with a 28-yard burst to the Ohio State five. Two plays later Craw dove over the goal line from the one and Michigan was ahead to stay.

The Wolverines' defense dominated the second half, stopping both the off-tackle bursts of Otis and the option running of Kern.

Ohio State crossed midfield only twice in the second half and was hard-pressed to keep the score from rising. Titas missed four field-goal tries in the second half and Michigan twice lost the ball on downs deep in Buckeye territory.

Michigan's defensive heroes were Pierson, who intercepted three passes; middle guard Henry Hill, linebacker Marty Huff, tackle Pete Newell and Tom Curtis, who picked off two first-half aerials.

Kern completed only 7 of 18 passes for 86 yards and was pressured into four interceptions, two fewer than he had thrown in eight previous games. The Wolverines also pilfered two tosses by backup quarterback Ron Maciejowski and recovered an Ohio State fumble.

Moorhead completed half of his 20 passes for 106 yards and ran for 73 yards.

Glen (Bo) Schembechler, who spent six seasons with Woody Hayes at Ohio State and is in his first year as Wolverine head coach, as much as told Hayes Michigan was going to run the ball and the Wolverines did. They piled up 266 yards rushings to the Buckeyes' 222.

"I didn't want to go as runnerup," Schembechler said. "But we would have gone to the bowl anyway."

Schembechler said his Wolverine team "kept coming, getting better and believing in themselves. This has to be the high point of my coaching career."

Schembechler expressed shock at the six interceptions.

"You mean we intercepted six passes against Ohio State? I can't believe it," he said.

"We felt from the beginning of the week we were going to win. We said we were going to win and we did," said the man who became only the second coach to go to the Rose Bowl in his first season at a Big 10 school. Fielding H. Yost of Michigan was the first, back in 1901.

Moorhead said the Buckeyes might have been a little flat going into the game.

"I thought they were a little overconfident," the Wolverines' junior signal-caller said after the game. "We heard that out on the West Coast there was talk of getting a petition up to get Ohio State into the Rose Bowl. That kind of made us sick."

"All that talk about Ohio State playing the Minnesota Vikings is a can of worms," said Hill, who led the defensive charge that upset Kern so often.

Hayes, in a terse one-minute visit with, the press, offered:

"Like every good thing, it (the winning streak) had to come to an end. They outplayed us, outhustled us and outcoached us.

"They defensed us too well. And we didn't get the ball to Otis enough. Our offense was miserable the second half."

Statistics

	Ohio State	*Michigan*
First downs	20	21
Rushing yardage	222	266
Passing yardage		180
Return yardage	64	143
Passes	10–28–6	10–20–1
Punts	3–27	3–42
Fumbles lost	1	0
Yards penalized	5	36

Ohio State	6	6	0	0—12
Michigan	7	17	0	0—24

Ohio State—Otis (1, run); kick failed.

Michigan—Craw (3, run); Titas (kick).

Ohio State—White (22, pass from Kern); run failed.

Michigan—Craw (1, run); Titas (kick).

Michigan—Moorhead (2, run); Titas (kick).

Michigan—Killian (25, field goal).

Attendance—103,588.

[From the New York Times, Nov. 23, 1969]

OHIO STATE IS UPSET BY MICHIGAN, 24 TO 12—PRINCETON STOPS DARTMOUTH FOR IVY TIE—103,588 AT GAME—MICHIGAN GAINS ROSE BOWL AS OHIO STATE STRING ENDS AT 22

(By Neil AMDUR)

ANN ARBOR, MICH., November 22.—In a year of impossible dreams, from the Jets to the Mets to the moon, Michigan upset Ohio State, college football's No. 1 team, 24–12 today and ended the Buckeyes' 22-game winning streak and their chance for a second consecutive national title.

Before a roaring record crowd of 103,588 in Michigan Stadium, the inspired, twice-beaten Wolverines won a share of the Big Ten Conference championship and a postseason trip to the Rose Bowl in Pasadena, Calif.

Big Ten

(Final standing of the teams)

	W.	L.	T.
Michigan	6	1	0
Ohio State	6	1	0
Purdue	5	2	0
Minnesota	4	3	0
Indiana	3	4	0
Iowa	3	4	0
Northwestern	3	4	0
Wisconsin	3	4	0
Michigan State	2	5	0
Illinois	0	7	0

The architect of college football's upset of the year was Glenn (Bo) Schembechler, a 39-year-old coach, in his first season at Michigan. Ironically, Schembechler had spent five years as a graduate assistant and line coach under Woody Hayes, the Ohio State mentor.

After the game, excited Michigan players carried the elated Schembechler across the synthetic Tartan playing surface on their shoulders, while ecstatic students and fans rushed onto the field in scenes reminiscent of Shea Stadium. Fortunately, they had no turf to tear up for treasures.

Ohio State's defeat throws the national championship picture into turmoil, with three major teams still unbeaten, Penn State (9–0), Texas (8–0) and Arkansas (8–0). Texas and Arkansas meet Dec. 6, but a definitive national champion may not be truly determined until after the postseason bowl games are played.

All the scoring came in the first half, as the Wolverines, beaten only by Missouri and Michigan State in 10 games, wiped out deficits of 6–0 and 12–7.

So tenacious and effective was the Michigan secondary and defense in the second half that Ohio State's deepest penetration until the closing minutes was to the Wolverine 44-yeard line.

The Michigan secondary intercepted four passes thrown by Rex Kern, the Buckeyes' junior quarterback and Heisman Trophy candidate. With 6 minutes 55 seconds left in the final quarter, Hayes replaced his frustrated starter with another junior, Ron Maciejowski.

Alas, Maciejowski fared little better throwing two more interceptions, including the third of the game by Barry Pierson, a defensive back.

STRONG RUNNING GAME

Michigan's offense produced what Purdue lacked last week, a strong, controlled running game. With Wolverine interior linemen firing out quickly on the synthetic surface, the backs broke through for 266 yards rushing.

Don Moorhead, an unheralded but highly capable 6-foot-3-inch junior quarterback, carried for 68 yards in 17 keepers, including a 1-yard scoring run.

He also completed 10 of 20 passes for 108 yards. Six of the completions went to Jim Mandich, the 213-pound senior captain and the finest tight end in the country.

Besides Moorhead's touchdown, Garvie Craw scored twice and Tim Killian kicked a 25-yard field goal.

A 15-point favorite, Ohio State had averaged 46 points a game en route to eight impressive victories this year. Last season the Buckeyes beat Michigan, 50–14.

But, as Schembechler said, afterward in a joyous dressing room, "We knew we were going to win from the very beginning."

A FEW WEAKNESSES

If Ohio State had any weaknesses this year, it was with such minute, but still important details as extra-point placements, the lack of a long-ball striking power and the inability to play in a postseason bowl.

Michigan utilized each measure today, particularly in the second half as Pierson, Tom Curtis, the safetyman, and Brian Healy, another defensive back, guarded the Buckeye pass routes. Healy, a cornerback, shut off Bruce Jankowski, Kern's favorite receiver, without a pass reception.

Ohio State's futility came with 13 minutes left on a fourth down and 1-yard situation at its 42. Instead of turning to Jim Otis, the 214-pound fullback, who gained 144 yards in a dynamic performance, Kern faked to his fullback, kept the ball but was swarmed on by Pete Newell, a defensive tackle, for a 2-yard loss.

WOLVERINES ARE UNDETERRED

Michigan was defiant from the time Ohio State stepped onto the synthetic Tartan turf for pregame warmups. Wolverine students began throwing snowballs at Buckeye players, with Jack Tatum, the all-American defensive back, their prime target.

The Michigan football team, however, had other ideas in mind. Rather than test Tatum's quickness and muscle, the Wolverines ran away from the Buckeye rover and employed this strategy successfully in the first half.

Not even a 6–0 deficit midway through the opening quarter could deter Michigan spirit. The Buckeyes took the lead on Jim Otis's 1-yard scoring drive over left guard with 7:38 left in the period.

Michigan	7	17	0	0—24
Ohio State	6	6	0	0—12

O.S.U.—Otis, 1, run (kick failed).

Mich.—Craw, 3, run (Titas, kick).

O.S.U.—White, 22, pass from Kern (run failed).

Mich.—Craw, 1, run (Titas, kick).

Mich.—Moorhead, 2, run (Titas, kick).

Mich.—FG, Killian, 25.

Attendance—103,588.

Statistics of the game

	Mich.	*O.S.U.*
First downs	21	20
Rushing yardage	266	222
Passing yardage	180	155
Return yardage	143	64
Passes	10–20	10–28
Interceptions by	6	1
Punts	3–42	3–27
Fumbles lost	0	1
Yards penalized	37	5

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendments to the Budget, 1970, for Export-Import Bank (S. Doc. No. 91–43)

A communication from the President of the United States, transmitting proposed amendments to the budget for fiscal year 1970, in the amount of $890,338,000, for the Export-Import Bank of the United States (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Coordinated National Boating Safety Program

A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to provide for a coordinated boating safety program (with accompanying papers); to the Committee on Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition, signed by Eddie W. Hansen, and sundry other citizens, supporting the nomination of Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States; ordered to lie on the table.

THE 1969 ATOMIC ENERGY OMNIBUS BILL—REPORT OF JOINT COMMITTEE ON ATOMIC ENERGY (S. REPT. NO. 91–553)

Mr. ANDERSON. Mr. President, from the Joint Committee on Atomic Energy, I report favorably, without amendment, the bill (S. 3169) the 1969 atomic energy omnibus bill. The bill as reported contains the principal features of a bill which Senator Pastore introduced in the 90th Congress, and reintroduced in this Congress. Among other things, the reported measure would effect necessary amendments to the enforcement chapter of the Atomic Energy Act of 1954 to correct certain constitutional defects pointed up by the U.S. Supreme Court in a 1968 decision involving the Federal Kidnaping Act. The amendments reported by the committee would abolish capital punishment as a penalty under the Atomic Energy Act and substitute life imprisonment as the maximum punishment for violations of the sections of the act involved. The committee's reasons for making this recommendation are more fully explained beginning on page 6 of the report.

The bill as reported contains four principal features. The bill would:

First. Extend for an additional 5-year period, to September 1, 1974, the present authority of the Atomic Energy Commission to compel the licensing of patents found to be "affected with the public interest" in accordance with the Atomic Energy Act. This assures the availability of emerging technology to the nuclear industry, while providing for reasonable royalties to the patent owner.

Second. Increase, from 5 to 10 years, the maximum term of imprisonment which may be imposed for unlawful diversion of special nuclear materials and related offenses where there is no intent to injure the United States or secure an advantage to any foreign country. These fissionable materials are now valuable for industrial and commercial uses and this makes them more marketable than in the past. A stronger deterrent, together with the AEC's comprehensive safeguards and accountability protection, will help assure that these materials stay in the proper channels.

Third. Abolish the death penalty as an available criminal sanction under the Atomic Energy Act and remove the present requirement for a recommendation by the jury as a prerequisite to imposition of the maximum penalty, which penalty under the amendments would be life imprisonment. The requirement for a recommendation by the jury as a precondition to imposing a given punishment has been held unconstitutional by the Supreme Court in connection with similar statutes. A further amendment gives the courts flexibility to pattern the sentence to the particular case and authorizes imprisonment for any term of years or for life. Presently the sections of the act involved authorize, as an alternative to the more extreme penalties, imposition of a prison term of not to exceed 20 years. Thus, under the amendments, a person convicted of a crime committed with the requisite intent could be sentenced to life imprisonment or any term of years short of life imprisonment. A fine of not to exceed $20,000 could be imposed either in lieu of or in addition to a prison term for a fixed term of years.

Fourth. Add a new provision to the Atomic Energy Act authorizing the AEC to impose civil monetary penalties in conjunction with its regulatory functions. Such authority is already vested in other Federal agencies, including the FAA, the FCC, and the FTC, and has proven to be a valuable regulatory toll in protecting the public interest.

Mr. President, I hope that early consideration can be given to this measure by the Senate. I might note that an identical bill, H.R. 14925, has been reported in the other body by the Joint Committee.

The ACTING PRESIDENT pro tempore. The report will be received and printed, and the bill will be placed on the calendar.

ADJUSTMENT OF SALARIES OF JUDGES IN THE GOVERNMENT OF THE DISTRICT OF COLUMBIA—REPORT OF A COMMITTEE (S. REPT. NO. 91–554)

Mr. McGEE, from the Committee on Post Office and Civil Service, reported an original bill (S. 3180) to adjust the salaries of judges in the government of the District of Columbia, and submitted a report thereon, which report was ordered to be printed and the bill was placed on the calendar.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HART, from the Committee on the Judiciary:

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana;

Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida;

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana;

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan;

Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska;

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas;

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas;

Maurice B. Mitchell, of Colorado, to be a member of the Commission on Civil Rights;

Stephen Horn, of California, to be a member of the Commission on Civil Rights; and

Howard A. Glickstein, of New York, to be Staff Director for the Commission on Civil Rights.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. PERCY (for himself and Mr. Scott):

S. 3175. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. FONG (for himself and Mr. Inouye):

S. 3176. A bill to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean; to the Committee on Commerce.

(The remarks of Mr. Fong when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3177. A bill to amend section 1112 of the Merchant Marine Act of 1936; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. COOK:

S. 3178. A bill for the relief of Elizabeth Ingram; to the Committee on the Judiciary.

By Mr. BAKER:

S. 3179. A bill to amend the Internal Revenue Code of 1954 to allow a depreciation deduction with respect to the taxpayer's residence; to the Committee on Finance.

By Mr. McGEE:

S. 3180. A bill to adjust the salaries of judges in the Government of the District of Columbia; placed on the calendar.

(See reference to the bill when reported by Mr. McGee, which appears earlier in the Record under the appropriate heading.)

S. 3175—INTRODUCTION OF A BILL ESTABLISHING AN INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Mr. PERCY. Mr. President, recent FBI crime reports are staggering.

In 1968, there was one murder every 39 minutes; one forcible rape every 17 minutes; one robbery every 2 minutes; and one aggravated assault every 2 minutes.

Between 1960 and 1969, the number of criminal offenses in the United States rose by 122 percent. This is particularly shocking in light of the fact that our population has increased by only 11 percent.

Even more tragic are the statistics which show crime among our young people.

There was a 78-percent increase in the number of juvenile arrests from 1960 to 1968, while the number of individuals in this age group—10 to 17—increased by only 25 percent.

And 72 percent of 18,333 offenders studied under the age of 20 who were released in 1963 were rearrested within 5 years.

Something is obviously wrong when nearly three-fourths of the youth who are arrested and brought into contact with our juvenile court system are rearrested. We are certainly not solving our youth crime problem.

Juvenile delinquency, however, is not a new social problem. What is new—what is encouraging—is a heightened public interest in this problem and the strong emphasis on attempting to save many young people from a life of crime. Nearly 50 percent of those persons arrested for criminal offenses in 1968 were under the age of 18. It is saddening indeed to realize this represents only the beginning of a life at odds with society and the law for most of these individuals.

The Joint Commission on Correctional Manpower and Training pointed out two problems present in attempting to deal with any aspect of the crime problem.

> 1. Correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge podge of organizational structures which have little contact with one another . . .
>
> 2. Lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective corrective methods.

The findings of the Commission indicate that what we need if we are to achieve more timely results is a single body—an independent agency—to coordinate activities in the field of juvenile delinquency and better equip those who work with young people to deal with those who have run afoul of the laws. No matter how modest our success, with the skyrocketing crime rate, it would be well worth our cost and effort.

Today I am introducing S. 3175 along with Senator Scott. Congressmen Tom Railsback, Pete Biester, and Abner Mikva are introducing a bipartisan companion bill this afternoon in the House. I am hopeful others will also cosponsor the bill.

This legislation would amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. The main purposes of the Institute will be to serve as a coordinating center for the collection and dissemination of information in the field of juvenile delinquency and control, and as a training center for representatives of all levels of government who are connected with the treatment and control of juvenile offenders.

This Institute shall be under the supervision of a director appointed by the President by and with the advice and consent of the Senate, who will supervise the staff, faculty, and administrative personnel necessary to the Institute's functioning.

Although the Institute will work closely with such departments as the Departments of Justice and Health, Education, and Welfare, it will not be responsible to them. Thus, flexibility in philosophy and approach will preside.

I believe that the multidisciplinary approach—correctional, judicial, law enforcement, and welfare—the Institute for Continuing Studies of Juvenile Justice would provide is the most appropriate and effective means to combat an increasingly serious problem of youth crime.

We have already accumulated vast amounts of knowledge concerning juvenile offenders and the offenses they commit, but we simply have not put this information to the best use. It must be supplied to all those concerned with the problem of juvenile delinquency. Furthermore, we must assist in the training of individuals to cope with juvenile offenders.

The bill I am today introducing provides no panaceas to a most complex problem. However, the Institute established would most effectively use resources to combat and control juvenile crime and redirect delinquent elements in the younger generation into purposeful and constructive lives. This is most important for our society as a whole. As the President's Commission on Law Enforcement and the Administration of Justice stated in 1967:

> America's best hope for reducing crime is to reduce juvenile delinquency and youth crime.

Mr. President, I ask unanimous consent that the text of the bill together with a section-by-section analysis of the bill be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis of the bill will be printed in the Record.

The bill (S. 3175) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice, introduced by Mr. Percy, for himself and Mr. Scott, was received, read twice by its title, and referred to the Committee on the Judiciary, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 404.—INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"Sec. 5041. Establishment; purpose.

"There is hereby established an Institute for Continuing Studies of Juvenile Justice (hereinafter referred to as the 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection and the dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State and local law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

"Sec. 5042. Functions.

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

"(b) to publish data in forms useful to

individuals, agencies and organizations concerned with juveniles and juvenile offenders;

"(c) to disseminate pertinent data and studies to individuals, agencies and organizations concerned with juveniles and juvenile offenders;

"(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

"(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

"(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

"Sec. 5043. Director and staff

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

"Sec. 5044. Powers.

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any Executive Department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, record, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75.00 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the Congress at appropriate intervals on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

"Sec. 5045. Advisory Commission.

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of the Director of the Institute, the Attorney General (or his designee), the Secretary of Health, Education and Welfare (or his designee), the Director of the United States Judicial Center (or his designee), the Director of the National Institute of Mental Health (or his designee), and fourteen persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

"(1) Law enforcement officers (two persons),

"(2) Juvenile or family court judges (two persons),

"(3) Probation personnel (two persons),

"(4) Correctional personnel (two persons),

"(5) Representatives of private organizations concerned with juvenile delinquency (four persons), and

"(6) Representatives of State agencies established under the juvenile Delinquency Prevention and Control Act of 1968 or under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

"(c) Members of the Advisory Commission shall serve for terms or four years and shall be eligible for reappointment, except that for the first composition of the Commission, one third of the members shall be appointed to one year terms, one third to two year terms, and one third to three year terms, thereafter, each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full-time by the Federal Government shall receive in addition a per diem of $100.00 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its governing rules of procedure.

"Sec. 5046. Location; facilities.

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the selection of a location for the Institute, the Director, with the approval of the Advisory Commission, shall:

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"Sec. 5047. Curriculum.

"The Advisory Commission shall design and supervise a curriculum utilizing a multidisciplinary approach (to include law enforcement, judicial, correctional and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's enrollees.

"Sec. 5048. Enrollment.

"(a) Each candiate for admission to the Institute shall apply to the State agency established under the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462; 42 U.S.C. § 3801 et. seq.) or the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; U.S.C. § 3701 et. seq.) in the candidate's State. The State agency or agencies shall select an appropirate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

Sec. 2. The table of contents to "Part IV.—Correction of Youthful Offenders" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency--------- 5031"

the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice------ 5041".

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The material presented by Mr. Percy is as follows:

Section-by-Section Summary of Bill To Create an Institute for Continuing Studies of Juvenile Justice

Amend Part IV of title 18 U.S.C. to add a new chapter 404.

Sec. 5041. Establishment; purpose
Sec. 5042. Functions
Sec. 5043. Director and staff
Sec. 5044. Powers
Sec. 5045. Advisory Commission
Sec. 5046. Location; facilities
Sec. 5047. Curriculum
Sec. 5048. Enrollment

Sec. 5041. Creates the Institute to provide a coordinating center for collecting useful data re the treatment and control of juvenile offenders; and to provide training for individuals in such treatment and control.

Sec. 5042. Authorizes the Institute to:

(a) serve as an information bank by systematic collection of data from all sources re juvenile delinquency.

(b) publish data in useful forms.

(c) disseminate published data to interested persons.

(d) conduct seminars and workshops.

(e) provide short-term training of law enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

(f) send out training teams to work at State and local levels.

Sec. 5043. Director of the Institute shall be appointed by the President with advice and consent of the Senate.

Sec. 5044. Authorize the Institute to obtain data, personnel, facilities and other cooperation from Governmental agencies and departments (Federal, State and local) as well as from private individuals and agencies.

"403. Juvenile delinquency---------- 5031"

SEC. 5045. Provides for Advisory Commission to set policy and supervise operations of the Institute. The Commission members would consist of:

(a) Director of the Institute
(b) Attorney General (or designee)
(c) Director of U.S. Judicial Center (or designee)
(d) Secretary of Health, Education and Welfare (or designee)
(e) Director of National Institute of Mental Health (or des.)
(f) 14 persons having training and experience in the area of juvenile delinquency, to be appointed by the President from the following categories:
(1) law enforcement officers (two persons)
(2) juvenile judges (two persons)
(3) probation personnel (two persons)
(4) correctional personnel (two persons)
(5) representatives of private organizations concerned with juvenile delinquency (four persons), and
(6) representatives of State agencies established under Juvenile Delinquency Prevention and Control Act or under title I of Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

Commission members would have four year staggered terms.

SEC. 5046. Directs that a suitable location be selected.

SEC. 5047. Requires Advisory Commission to design and supervise a curriculum utilizing a multi-disciplinary approach (to include law enforcement, judicial, probation, correctional, and welfare worker disciplines) appropriate to the needs of the Institute's enrollees.

SEC. 5048. Candidates for admission and enrollment in the Institute shall be nominated by the State agencies or agency established under the Juvenile Delinquency Prevention and Control Act of 1968 or the Omnibus Crime Control and Safe Streets Act of 1968 (title 1) with final decision concerning admission being made by the Institute Director.

RECAPITULATION

Rather than simply further study juvenile delinquency, this bill seeks to establish a clearing house or data bank for all the valuable information presently existing but not in any one convenient or central location—a function which could not be easily fulfilled except at the federal level. The other main purpose is to provide expert "graduate" or "continuing" education and training for those persons who are now working to combat juvenile delinquency at the State and local level.

S. 3176—INTRODUCTION OF A BILL TO AUTHORIZE A TUNA FISHERY DEVELOPMENT PROGRAM IN THE CENTRAL AND WESTERN PACIFIC OCEAN

Mr. FONG. Mr. President, on behalf of myself and my colleague from Hawaii (Mr. INOUYE), I introduce for appropriate reference a bill to authorize a program for the development of a tuna fishery in the central and western Pacific Ocean.

An economic paradox confronts the major Pacific islands under the American flag—the State of Hawaii, the possessions, Guam and American Samoa, and the Trust Territory of the Pacific Islands.

On one hand, these island areas are surrounded by some of the richest tuna-producing seas in the world, and each group is striving actively to broaden its economic base.

Yet, none is able to take full advantage of the tremendous fishery resource, worth many millions of dollars, off their very shores.

The sad fact is that these islands lack the solid body of experience necessary for catching the plentiful but elusive skipjack tuna. New methods of harvesting skipjack must be introduced and extensive tests undertaken to prove their worth.

In Hawaii, at present, the bait fishing method is used for catching skipjack—"aku" in Hawaiian. In this method the crew of a fishing boat must first fish for and catch bait before it proceeds to the tuna fishing ground.

The fishermen spend about 30 to 40 percent of their time fishing for bait when they could be fishing for skipjack. If the necessity of bait fishing could be eliminated as a prerequisite of skipjack fishing, then all other things being equal, fishing time could be increased by 30 percent and the catches would be increased by a like amount.

In addition, studies by the Bureau of Commercial Fisheries, Department of the Interior, have shown that skipjack are caught from only 50 percent of the schools that are fished. The reason why skipjack do not "bite" in half the schools fished is not immediately clear, but if the skipjack could be captured by a method other than one which requires them to bite, then the number of schools from which skipjack are taken would double.

An even more serious handicap in developing the tuna fishery in the central and western Pacific is the outdated method of fishing skipjack by pole and line. This method is both inefficient and unprofitable.

Fishermen using solely the pole-and-line method catch a very small proportion of the fish in the schools they encounter, according to studies of the skipjack schools around Hawaiian waters—the average catch per school for a pole-and-line fishing boat being roughly 2,500 pounds.

Evidently, some other method must be devised to harvest a larger proportion of each school contacted by the fisherman. Otherwise, the steady decline in the number of fishing vessels in the Hawaiian skipjack fleet over the past decade is expected to continue.

What is the solution? In the opinion of authorities in skipjack fishing, the logical solution appears to be netting, using modern purse seiners with a fast-sinking, synthetic purse seine of the kind recently developed by the Bureau of Commerical Fisheries.

Although purse seine methods are being used effectively in the eastern Pacific off Central America, they have not yet been introduced in the central and western Pacific. Because of environmental factors which exist in the eastern Pacific but not elsewhere, the Bureau of Commercial Fisheries believes that extensive field trials are needed to develop techniques suitable for the central and western Pacific.

The bill I am introducing today would authorize the Secretary of the Interior to carry out a 3-year program for the development of the latent tuna resources of the central and western Pacific Ocean, including 2 years of active field work.

The legislation contemplates a cooperative undertaking which would include the State of Hawaii, the government of American Samoa, the office of the High Commissioner of the Trust Territory, the government of Guam, the various segments of the tuna industry, and the Bureau of Commercial Fisheries.

As noted at the outset of my remarks, Hawaii, American Samoa, the Trust Territory, and Guam are all seeking to broaden their economic bases. All have much to gain from the full harvesting of skipjack tuna.

In the case of Hawaii, Government expenditures provide the largest share of Hawaii's income. Hawaii's industrial economy rests on a narrow base—tourism, sugar, miscellaneous manufacturing, and pineapple.

Yet, the immense tuna resource, much of which lies within 1,000 or 2,000 miles of the Hawaiian Islands, lies barely tapped. If it were brought into full production, Hawaii would gain a fifth major industry.

These economic facts are heavily underscored in a report titled "Hawaii and the Sea," completed in September this year by a highly competent study group of professionals for the State of Hawaii.

On the subject of skipjack tuna, the report states:

> The basis of the major fisheries industry in Hawaii is skipjack tuna. The mainland (continental United States) demand for canned tuna from Hawaii, which is skipjack, greatly exceeds the supply.
>
> In the face of this demand, skipjack represents the last great underdeveloped tuna resource in the Pacific Ocean. The Central Pacific and Eastern Pacific probably could yield hundreds of thousands of tons of skipjack every year. Yet the total catch in these areas runs considerably less than 100,000 tons a year. Hawaiian fishermen working out of relatively small boats that seldom venture more than 75 miles from shore, catch only about 5,000 tons a year.

As to the payoff from skipjack tuna, the report adds:

> Skipjack tuna is a high-priced fish worth between $200 and $265 a ton dockside. At today's prices, a catch of only 100,000 tons of skipjack would bring fishermen almost $25 million, and processors almost $65 million. By comparison, the pineapple crop in Hawaii in 1968 was worth slightly more than $40 million, and processed value $133 million.
>
> The problem is that the pole-and-line way of catching skipjack is simply not good enough when volume production is needed.

The cost of the skipjack tuna development proposed in my bill would be $3 million for a 3-year program encompassing Hawaii, American Samoa, Guam, and the Trust Territory. The Bureau of Commercial Fisheries, calculating that each 100,000 tons of skipjack tuna is worth $100 million at the retail level, gives the following projection of the potential return:

> If (tuna) industries yielding even a modest 30,000 tons a year can be established, the payoff in 10 years of operation would be about $100 for each $1 invested in research.

Such are the promising prospects envisioned for the skipjack tuna fishery of the future if the proposed development program is started now. Considerable information is available on the potentialities of this resource, but new methods of skipjack harvesting must be introduced to replace old, inefficient ways.

My bill would enable exhaustive tests to be conducted with purse seining to demonstrate whether this method can be proven successful. It is legislation urgently needed now.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3176) to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean, introduced by Mr. Fong (for himself and Mr. Inouye), was received, read twice by its title and ordered to be printed in the Record, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central and Western Pacific Tuna Fishery Development Act".

Sec. 2. The Secretary of the Interior is authorized to carry out, directly or by contract, a three-year program for the development of the latent tuna resources of the Central and Western Pacific Ocean. The program shall include but not be limited to tuna exploration and tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for a tuna fishery in such area.

Sec. 3. In carrying out the purposes of this Act, the Secretary of the Interior shall consult and cooperate with the State of Hawaii, the Governments of American Samoa and Guam, and the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

Sec. 4. The Secretary of the Interior shall submit to the President and the Congress, not later than June 30, 1973, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

Sec. 5. There is authorized to be appropriated for the period beginning July 1, 1970, and ending June 30, 1973, the sum of $3,000,000 to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

S. 3177—INTRODUCTION OF A BILL RELATED TO THE VESSEL "KAIULANI"

Mr. MAGNUSON. Mr. President, by request of the National Maritime Historical Society, I introduce, for appropriate reference, a bill to amend section 1112 of the Merchant Marine Act of 1936. In 1967, we enacted Senate Joint Resolution 101, authorizing the Secretary of Commerce to insure any mortgage up to $500,000 made within a 3-year period, for the purpose of restoring and returning to the United States the vessel *Kaiulani*. The *Kaiulani* is the last surviving American-built, square-rigged merchant ship and was presented as a gift to the people of the United States from the people of the Philippines. Ship repair estimates are generally untrustworthy until the ship is actually put into drydock and detailed specifications are made and, since the enactment of Senate Joint Resolution 101, it has become evident that the time and money required to restore and return the *Kaiulani* will exceed what was anticipated. This bill would increase the period within which a mortgage could be guaranteed to 5 years and the amount of the maximum guarantee to $2,000,000. An analysis sponsored by the National Maritime Historical Society and conducted by a market research firm indicates that a mortgage of $2,000,000 at 8 percent interest could be repaid over a 20-year period from museum ship admissions. The Society has compiled detailed cost estimates and believes that this legislation is required if the *Kaiulani* is to be restored and returned to the United States.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3177) to amend section 1112 of the Merchant Marine Act of 1936, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

SENATE CONCURRENT RESOLUTION 48—SUBMITTED RELATING TO ADJOURNMENT FROM NOVEMBER 26 UNTIL DECEMBER 1, 1969

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res. 48) to adjourn from November 26, 1969, until December 1, 1969, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the concurrent resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 290—SUBMISSION OF A RESOLUTION RELATING TO SUPPORT OF THE SENATE FOR LAND REFORM IN SOUTH VIETNAM

Mr. MAGNUSON. Mr. President, on behalf of myself and Senators Jackson, Muskie, Packwood, Proxmire, Percy, Cook, and Cranston, I submit, for appropriate reference, a resolution expressing the sense of the Senate that the National Assembly of South Vietnam should act expeditiously to enact legislation providing for swift and immediate land reform so that the great mass of South Vietnamese tenant farmers may gain ownership of the lands they till. Such legislation has been introduced in the National Assembly and has not yet been given the force of law. It is my hope that such a land reform program, if enacted in time, will have its impact during the forthcoming grain harvest in the Mekong Delta which will begin in December and continue through February. A major land reform effort can be of substantial assistance in ending the Vietnam conflict at an early date and in saving the lives of those now subject to the perils of warfare.

If the National Assembly of South Vietnam enacts a broad-based land reform program some 7 million South Vietnamese now dependent on tenant farming under almost medieval conditions for their livelihood could receive virtually immediately the ownership of the land upon which they now toil.

It is my purpose in introducing this legislation to clearly indicate the support of the U.S. Senate for this effort. It is my conviction that the South Vietnamese Government must act without delay to implement broad-based land reform if they are to secure the support of their people and if the people are to have confidence in the Government of South Vietnam. This action I believe so necessary is action which an be effectuated only by the people of South Vietnam. The people of the United States have paid dearly in an attempt to secure a greater measure of political freedom for the people of South Vietnam. The Government of South Vietnam must be prepared to take the necessary steps to assure a degree of economic freedom for its citizens as well.

It is impossible to predict with any degree of certainty at this time the form of the land reform legislation which may ultimately be enacted by the National Assembly. What role the National Assembly may invest in such a program for its allies is not clear, but the purpose of this resolution is to indicate clearly to the members of the assembly that the Members of the Senate recommend, urge, and will support effective and meaningful land reform for South Vietnam.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 290), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 290

Whereas, most of the cropland in South Vietnam is presently vested in the hands of a privileged few; and

Whereas, the South Vietnamese tenant farmer does not enjoy the privilege of land ownership and the incentives and economic stability derived from such ownership; and,

Whereas, an effective program of land reform would enhance the economic and political security of the vast majority of South Vietnamese people; and

Whereas, the Government of South Vietnam has not succeeded in implementing an effective land reform program; and,

Whereas, implementation of meaningful land reform in South Vietnam would substantially hasten the termination of armed conflict and the tragic loss of life being suffered by all parties in the conflict: Now, therefore, be it

Resolved, That the Senate recommends, urges, and supports the immediate formulation and implementation by the Government of South Vietnam of a broad-based, effective, and equitable land reform program for South Vietnam.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 290

Mr. ELLENDER submitted an amendment, intended to be proposed by him, to the committee amendment to the bill (H.R. 13270) to reform the income tax laws, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Ellender when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 291 THROUGH 293

Mr. WILLIAMS of Delaware submitted three amendments, intended to be proposed by him, to the committee amendment to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 294

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to the committee amendment to House bill 13270, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 278

Mr. PERCY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of amendment No. 278 to H.R. 1311, the HEW appropriation bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF PUBLIC HEARINGS ON S. 3106, RIVER BASIN MONETARY AUTHORIZATION

Mr. YOUNG of Ohio. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors, of the Committee on Public Works will hold a public hearing to consider S. 3106, a bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes.

The subcommittee will meet at 10 a.m., Wednesday, December 3, 1969, in room 4200, New Senate Office Building. Any Senator or anyone wishing to testify should notify Mr. Joseph F. Van Vladricken, professional staff member, on extension 6176, in order that he might be scheduled as a witness.

NOTICE OF HEARINGS ON THE GOVERNMENT'S MINORITY ENTERPRISE PROGRAM

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will hold hearings on the Government's minority enterprise program.

These hearings will begin at 10 a.m. on December 9, 1969, in room 5302 of the New Senate Office Building. Anyone desiring information on these hearings, please contact Mr. Reginald W. Barnes, assistant counsel, Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510, telephone 225-7391.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Harry Connolly, of Oklahoma, to be U.S. marshal for the northern district of Oklahoma for the term of 4 years, vice Doyle W. Foreman.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, December 1, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE 350TH ANNIVERSARY OF THE FIRST OFFICIAL THANKSGIVING IN AMERICA

Mr. BYRD of Virginia. Mr. President, at Berkeley Plantation on the James River in Virginia, a crowd estimated at 5,000 persons yesterday, Sunday, November 23, gathered to commemorate the 350th anniversary of the first official Thanksgiving in America. Berkeley is about 25 miles from Richmond, Virginia's Capital.

The Chief Justice of the United States delivered a brief but moving address. He was introduced by Virginia's Governor Mills E. Godwin, Jr., the Honorable Lewis A. McMurran, Jr., member of the Virginia General Assembly, presided.

The first official Thanksgiving in America took place at Berkeley Plantation, Va., in December 1619. The settlers, a small group of Englishmen under the leadership of John Woodlief, came ashore and gave thanks to God. Captain Woodlief's instructions from those who sped his party from England were:

> Wee ordaine that the day of our ships arrival at the place assigned for plantacon in the land of Virginia shall be yearly and perpetually keept holy as a day of thanksgiving to Almighty God.

At the ceremony yesterday, a Thanksgiving drama depicted the difficult times which faced the early settlers of our Nation.

To me, the drama was inspiring and should cause all of us who saw it to rededicate ourselves to preserving our great Nation which was built with hardship, vision, and idealism.

The Thanksgiving drama was written by Clifford Dowdey and Dr. Welford D. Taylor. Its director was Frank Brooks with Dr. Keith Fowler acting as technical adviser.

Mr. President, I am pleased to salute in the Senate today the officers of the Virginia Thanksgiving Festival Inc. Established in 1958, it is a nonprofit organization composed of religious and civic leaders in Virginia. Its purpose is to focus attention on the first official Thanksgiving in America. This year marks the 350th anniversary of this historic truth.

The officers are as follows:

E. B. Pendleton, Jr., president.

John A. Currie, Wilbur M. Gaunt, Jr., and John T. Hanna, vice presidents.

Randolph W. Nuckols, secretary.

William T. Gordon, treasurer.

Former State Senator John J. Wicker, Jr., general counsel.

Ed P. Phillips, chairman, executive committee.

Mr. President, present yesterday were Members of the Congress from six different States. I do wish all of my colleagues could have been present. The weather was ideal and the occasion heartwarming and inspiring.

I would like to end these remarks, Mr. President, by stating the Thanksgiving prayer delivered by the Reverend Carter H. Harrison in unison with the entire audience. I ask unanimous consent that the Thanksgiving prayer be printed in the RECORD.

There being no objection, the Thanksgiving Prayer was ordered to be printed in the RECORD, as follows:

THANKSGIVING PRAYER

Almighty God, who hast given us this good land for our heritage; We humbly beseech thee that we may always prove ourselves a people mindful of thy favour and glad to do thy will. Bless our land with honourable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to thy law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in thee to fail; all which we ask through Jesus Christ our Lord. Amen.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CRISIS IN PUBLIC TRUST

Mr. PERCY. Mr. President, in recent times, we have seen increasingly vociferous criticism of nominees for high office in both the executive and judicial branches of the Federal Government.

Last Friday, by a vote of 55 to 45, the Senate rejected the nomination of Clement F. Haynsworth, Jr. to the Supreme Court. Much of the doubt on the Haynsworth nomination—doubt which finally led me to cast my vote against the nominee—rested upon his apparent insensitivity to ethical issues in financial dealings and the appearance of a conflict between the public interest and his private holdings.

It would be ironic if the ethical searchlight that has just been trained on the Haynsworth nomination were to be put out now that the case is closed. For the doubt in the minds of our citizens—doubt that I think has swelled to the level of a crisis in public trust—is by no means confined to the judicial and executve branches. Any legislator who reads his mail, knows that Congress is in trouble in the ethics department.

More and more questions are being asked about the legislative conflicts of interest. And so long as legislators continue to vote on matters in which they have a strong personal stake without disclosing that interest, concern will grow among the people and an erosion of confidence will continue in our public institutions.

In "The Republic," Plato suggested that the men who govern should own no property at all. These philosopher-kings were to be paid a fair wage for taking care of "the rest of the city and themselves."

But Plato's contention that politics is a noble profession would today elicit some cynical smiles and raised eyebrows—particularly among our idealistic young people. And not the least cause for cynicism is that in the unplatonic world of American politics, we have not even approached the rigid financial and ethical standards of "The Republic."

The problem does not rest alone with politicians who have been lax in adopting high ethical standards. It is compounded to the extent that some have come to regard politicians by a double standard: A businessman with money is respected; a politician with money is suspect. A businessman who drives a hard bargain is shrewd; a politician who drives a hard bargain is patently a schemer.

And yet as long as Congress fails to put its own house in order, we cannot fairly expect a rising tide of respect for the legislative branch of government.

It was my considered judgment that Judge Haynsworth's record disqualified him for promotion to the Supreme Court. But can we honestly contend that his alleged behavior departed radically from accepted rules of behavior and from ill-defined standards that are now employed in the very body that failed to confirm his nomination?

Should we have a totally different code for judges and administrators than we have for legislators regarding their associations, their commitments, and their obligations?

In seeking confirmation, Judge Haynsworth was obliged to disclose to the Senate Judiciary Committee and, ultimately to the public, his detailed financial history. No such obligation is required today of Senators or of candidates for the Senate. Unfortunately, the zeal of Congress to disclose private holdings and thereby prevent a conflict of interest in the executive and judicial branches does not extend to itself.

To restore confidence and to meet the crisis in public trust, I believe three basic reforms are urgently needed:

First. Legislators, candidates for Federal office and their top aides should be required to make public at appropriate times a detailed statement of their financial affairs.

I have joined Senator **Clifford Case**, of New Jersey, and 19 other Senators in sponsoring such legislation. The time has come for the Senate Committee on Rules and Administration to hold full hearings on this legislation and to send out a workable bill to the Senate hopefully providing for uniform disclosure by all candidates as well as incumbents.

Second. Pressures for financial support that arise when men seek to win or to retain public office should be relieved. Incumbents and challengers should not be put into the debt of special interests in order to pay for their political campaigns. There must be full and honest reporting of all campaign contributions. Nor should the seeking of high public office be difficult for men of modest means. In a democracy, fitness to serve and not personal wealth should be the only criteria.

A most severe drain on political budgets occurs through the high cost of purchasing time on television. I have joined Senator **James Pearson**, of Kansas, in sponsoring legislation that would help meet the problem through reduced television fees for candidates and incumbents and I will work for its passage in the current Congress.

Third. A Commission on Ethics in Public Life should be appointed by the President. The Commission should consist of members of the executive, judicial, and legislative branches of Government, as well as respected citizens from all walks of life. It should examine most closely the prevailing ethical standards of these three branches of Government and recommend more uniform principles and procedures for adoption.

It should study, for example, whether Members of Congress should be allowed to own television or radio stations, or sit on the boards of banks, mutual funds, or companies that are regulated by the Government or that receive a substantial portion of their profits from Government dealings.

It should also study the entire problem of providing for a legislator's travel and office expenses so that he may properly represent his constituency—whether large or small—without resorting to his private funds or outside contributions.

I do not contend that these steps will by themselves rid us of conflict of interest and bring wrongdoers to bay. But I do maintain that they are necessary to pave the way for the restoration of public trust and uplifting of politics in America to the ancient Greek concept of a "noble profession."

In the coming decade, it should become axiomatic that men who pass laws that govern the lives of other men must disclose their financial affairs to those who elect them. Citizens who seek and who accept the privilege of holding elective office should come to expect that their conduct as it relates to their public trust should be open to inspection by the people. For the seeking and holding of public office must once and for all come to be regarded as a privilege that is granted a candidate or an officeholder and not as right.

We make public the private interest to seek to preserve the public interest. And when these interests are in apparent conflict, the people should know about it and their legislators—as their judges—should disqualify themselves.

I do not contend that a Senator should disqualify himself from drafting a housing bill because he owns a house. But what if he sits on the board of a large construction company that would directly benefit from the passage of this bill?

Mr. President, I do not contend a Senator should disqualify himself from introducing a commodities bill because he owns a farm or a ranch. But what if his agricultural holdings are so extensive that his bill will materially and directly benefit him?

I do not contend that a Senator should disqualify himself from voting on an oil depletion allowance because he heats his house with oil or natural gas. But what if he owns a dozen oil wells?

When I entered public life, I systematically divested my investment portfolio of any securities that might create an apparent conflict of interest. Thus, since I serve on the Senate Banking and Currency Committee, which has the responsibility for approving much of the Nation's banking legislation, I divested myself of any bank stocks.

In the absence of full disclosure rules on legislation, I intend to place my financial affairs in a "blind trust" that will be irrevocable for as long as I remain in public life. This means I will have no control of or knowledge of my holdings. Passage of the disclosure legislation which I advocate would, of course, make public the contents of this "blind" portfolio. I recognize that a "blind trust" may be impractical for many in the Senate. But disclosure legislation for all candidates and incumbents is, of course, still necessary.

It would be wrong in my judgment for the Congress not to come to grips with the crisis in public trust as it applies to itself.

I, for one, am optimistic that reform, while long overdue, is not far away. American political history reveals that at critical moments in our development, we have risen to and responded to the challenge of the times.

Just as the spoils led to an honest civil service, so today's crisis of confidence may lead to a new era of honor in public life. When the Congress acts meaningfully with respect to the ethical standards of its Members and critical employees, we will have even more genuine cause to say that this is a government of laws and not of men.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of Friday, the Chair recognizes the Senator from Missouri (Mr. **Symington**) for not to exceed 1 hour.

THE PETROCHEMICAL INDUSTRY AND THE U.S. BALANCE OF TRADE

Mr. SYMINGTON. Mr. President, late in 1963, I gave a series of five talks on the Senate floor with respect to the increasingly unfavorable international balance-of-payments problem that was then facing the United States and continues to face us today.

The "basic intent" of these talks was to spotlight the various dilemmas we face in attempting to solve this problem; also to make certain suggestions for their solution.

It is, indeed, disappointing to note that in the 6 intervening years our balance-of-payments problem has worsened; and particularly frustrating that one of the major factors, the trade balance in the private sector, has seriously deteriorated.

Annual trade surpluses of $5 and $6 billion have now diminished to less than $1 billion; and if Government supported exports are subtracted, our true—competitive—surplus is actually several billion dollars in the red.

On January 1, 1968, a balance-of-payments program was announced which emphasized the need to make improvement in tourism, foreign investment, overseas bank lending, and trade balance accounts. Since that time, overall improvements in sectors other than trade have not improved enough; and I believe there should be no further delay, by either the Congress or the administration, in taking every appropriate action to improve our trade balance.

One of the most important things we can do, both for the trade account and the employment picture in this country, is to promote exports; and one way to increase exports is to tailor U.S. export expansion efforts for specific industries which have unusual export capabilities.

Today, I would point to one such specific industry—the petrochemical industry. According to a well-known independent consulting firm, Arthur D. Little, the U.S. petrochemical industry is a $21 billion industry which in 1968 provided a $1.3 billion trade balance surplus for the United States. It is also an industry of large volume products which are in turn used to make hundreds of items sold in both U.S. and foreign markets.

As example, petrochemicals are used to make plastic pharmaceutical bottles, dairy food containers, refrigerator and appliance parts, and luggage and plastic bags; and many more industries are dependent on petrochemicals to make consumer products. But they need their raw material plastics at world competitive prices.

The petrochemical industry uses the latest up-to-date technology in large and efficient chemical plants; and but for the fact that it has a new problem which increases with each passing year, it is an industry which should provide a growing surplus of exports over imports in the years to come.

The cost of raw materials it will need average about 60 percent more than those which are used in competitive foreign plants having similar large and modern facilities. This provides the foreign competitor with an increasingly—in general unbeatable—competitive edge, because the cost of raw materials represents a high proportion of the total cost of petrochemicals.

As a result, with the cost of U.S. petrochemical raw materials escalating in the years to come, U.S. producers will be less able to compete, not only in export markets, but also in domestic markets; and unless the United States takes right and proper steps to assure itself a modern, thriving, and competitive industry, there will be an even faster growth of the petrochemical industry abroad.

The present oil import program limits the importations of foreign crudes. That in turn limits the petrochemical industry to a small percentage of world-priced oil, and a greater percentage of the higher priced U.S. feedstocks.

The oil import control program was fashioned in 1959 so as to assure the United States enough oil exploration to provide reserves guaranteeing adequate internally based oil supplies in time of national emergency.

I do not question this concept but, after study, am convinced that the solutions to the petrochemical industry problem will not endanger the national interest.

It is now clear that the petrochemical industry of this country must be allowed access to raw materials which will put it on an equal footing with foreign competition; that is, access to petroleum foodstocks at world prices. Only in this way can the balance of trade of petrochemicals be maintained or improved.

In addition, this development would also permit long-range planning, and the commitment of capital for new plants to be located in the United States instead of abroad. New Jobs would be created to supply petrochemicals, not only for U.S. markets, but for foreign markets as well.

If the right to purchase world-priced feedstocks is not obtained, then it would appear obvious that the large growth in petrochemical operations will be achieved in other countries because their raw materials will be so much cheaper.

It is encouraging to note that this problem is currently under thorough study by a Cabinet-level committee, a committee chaired by Secretary of Labor Shultz; and we would hope that the report of said committee will include favorable recommendations concerning access to world feedstocks. Then the administration could issue new regulations designed to put the recommendations into effect; or if necessary request the Congress to enact legislation.

I have previously expressed my opinions about this matter in a letter to Secretary Shultz of September 11, 1969, and ask unanimous consent that the letter in question be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 1969.

Hon. GEORGE P. SCHULTZ,
Chairman, Cabinet Task Force on Oil Import Control, Washington, D.C.

DEAR MR. SECRETARY: May I express to you and the members of the Task Force my own concern, as well as that of a great many of my constituents, about the adverse effect of the Oil Import Program on the domestic petrochemical industry.

The Oil Import Program currently severely limits the ability of our domestic industry to select feedstocks suitable for its manufacturing needs; in fact, for the most part, the industry is limited to the use of natural gas liquids as feedstocks, because these materials are approximately at parity with the feedstocks used by foreign competition. But industry experts forecast a developing supply-price situation on these gas liquids which will make them uneconomic in the not too distant future.

The industry has both the ability and the desire to use heavier petroleum fractions—naptha, gas oil and crude oil—which are the same feedstocks available to its foreign competition. But the Import Program makes these heavy feedstocks produced in the United States approximately 60% more expensive to the domestic petrochemical industry than the prices being paid by foreign competition; and therefore, with feedstock costs the major element of total chemical economics, the domestic petrochemical manufacturer cannot realistically consider use of these heavier materials.

Accordingly, with future supplies of natural gas liquids doubtful, and with the use of heavier alternates economically unfeasible under present regulations, the domestic petrochemical manufacturer is presented with a truly serious dilemma as to how to plan intelligently for the enormous investment required in the construction of future petrochemical facilities; and it is now clear that the forward planning for these types of projects must commence several years in advance of the completion of the facilities.

Unless this can be worked out, it is also clear that the only realistic course of action for the industry at this point is to construct facilities abroad, as you and I know many United States companies are already doing. But that action can only have a most unfavorable long-term effect on our nation's security and well being; viz, its tax base, its balance of payments, and above all its jobs.

The relief sought by the petrochemical manufacturer is so as to be able to obtain the right to import foreign oils for feedstock use; and if such imports are limited only to use in chemical manufacture, that should have a negligible effect on any other aspects of the import program which might be retained.

Access to the same feedstocks being used by foreign competition seems most reasonable and fair. No subsidies or government assistance is requested. No unequal competitive advantages are being sought. All that is asked for is the right to compete on an equal basis with these other countries.

It is for these reasons that we sincerely urge the Task Force to consider this unique situation; and recommend that any modification made to the Oil Import Program be tailored to provide this relief—relief essential to the wellbeing of our petrochemical industry and those it serves.

May I hear from you on this matter.

With assurances of my high regard,

Sincerely yours,

STUART SYMINGTON.

Mr. PERCY. Mr. President, I share the concern of the Senator from Missouri as to the adverse effects of the oil import program on the U.S. petrochemical industry.

The present oil import program, by severely restricting the U.S. petrochemical industry's access to foreign raw materials, unfairly inhibits the industry in four critical respects:

First, it places U.S. petrochemical producers at a competitive disadvantage with foreign producers;

Second, it artificially inflates prices of domestic raw materials;

Third, it distorts and limits basic investment decisions of U.S. producers, as to plant design, plant location, manufacturing techniques, and product lines; and

Fourth, it significantly limits the industry's growth potential.

I do not believe that these adverse effects on the petrochemical industry were foreseen or intended when the oil import program was established in 1959. The concern as to a secure supply of energy products bears no reasonable relationship to the nonenergy uses of petroleum by petrochemical manufacturers.

Crude oil prices today are about $1.40 per barrel or 60 percent higher in the United States than elsewhere in the world. Industry experts see a developing and supply-price situation which, by the mid-1970's, will also drive the price of natural gas liquids up to or near the price of domestic crude oil liquids. At that time, both domestic oil and domestic gas feedstocks for U.S. petrochemical production will be uneconomic compared to low-cost foreign oil.

The impact of the foregoing distortions and restrictions are already being felt in the petrochemical industry. Foreign competitors, who enjoy access to plentiful supplies of low-cost crude oil feedstocks, have increased their capacity dramatically in the 10 years the oil import program has been in effect. Their competitive presence, once negligible, is now felt everywhere, not only in traditional U.S. export markets where the U.S. share has steadily decreased, but in the United States itself, where imports of petrochemicals more than tripled between 1964 and 1969.

Faced with this situation, U.S. petrochemical producers will have a difficult time justifying the construction of future plant capacity in this country. Raw material costs—amounting to as much as 50 percent of the production cost of many basic chemicals—are crucial to plant location decisions. It is reasonable to expect that producers will invest and locate on the basis of such costs. The industry must have a sure knowledge now of the availability of feedstocks at competitive prices at the locations being considered for facilities to supply the market of the mid-1970's.

The access to raw materials sought by the petrochemical industry seems to me to be reasonable and fair. It does not ask for any subsidy or other governmental assistance. It does not seek to improve its competitive position at the expense of other manufacturers. It does not make a judgment as to the efficacy of the oil import program as it relates to energy products. All it asks is fair access to the raw materials available to its foreign competitors so that it can manufacture products to compete on the same terms in the United States and world markets. It is hard to imagine why our Government would wish to continue policies which reach any different result.

Access to petrochemical feedstocks for the petrochemical industry will insure the continuing vitality of this important domestic industry. It will mean more capital investment, more jobs for U.S. workers, lower costs to U.S. consumers, and a continuation of a major positive contribution to our balance of payments. Without this access, the result may well be substantial job losses, the movement of facilities to other nations, and a deterioration of our trade balance.

Consequently, I believe a staged program resulting in substantially greater access by the U.S. petrochemical industry to foreign crude oil feedstocks is in the public interest. I urge the granting of such access.

Mr. President, I ask unanimous consent that the remarks of the Senator from New York (Mr. Javits) be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY SENATOR JACOB K. JAVITS

Mr. Javits. Mr. President, I fully share Senator Symington's concern over the effect of our oil import program on our petrochemical industry, particularly as it affects the export capability of this vital sector of our economy. The amounts involved are relatively not great, but the impact of the restrictions on the industry is very great.

The oil import program helps to insure that the petrochemical industry has to pay significantly more for its raw material—crude oil feedstocks—than competing industry in other countries of the world. The net effect of this program as it affects the petrochemical industry is an artificial inflation of the price of domestic raw materials, a distortion of the investment decisions of U.S. producers, limitation of industry growth potential and the placing of U.S. petrochemical producers at a competitive disadvantage with foreign producers.

It would also seem likely that, if the current artificially high prices of crude oil continue, a shift of our petrochemical facilities from the U.S. to other nations could well result in an export of jobs which would further compound the adverse effects of the current program. Indeed, the impact of these economic distortions is already being felt. Foreign competitors, enjoying plentiful supplies of low cost crude oil feedstocks reportedly have increased their capacities dramatically in the last ten years during which the oil-import program was in effect. Their competitive position, once negligible, is now felt not only abroad, but also in the U.S. itself where petrochemical imports have more than tripled since 1964.

My review of this situation as well as that governing the import of heating oil leads me to believe that there is substantial merit in in the suggestion that current restrictions be substantially liberalized.

In the case of New York State, liberalization can be easily accomplished by opening existing pipelines a while longer and allowing additional Canadian crude oil to flow across the border.

Mr. TYDINGS. Mr. President, the oil import program works a hardship on most Americans—and in many ways. All U.S. consumers pay a higher price than is necessary for oil products. Thus, there is a heavy burden on those who defend the oil import program to show that this consumer penalty is justified in terms of our national security interests.

Today, we have heard an eloquent description of the serious interference of the oil import program with our trade objectives. The petrochemical industry, one of the largest single contributors to our favorable balance of trade, now faces the loss of U.S. and third-country markets because it is unable to obtain its raw materials at competitive prices. For some unexplainable reason, we have permitted the continuation of a policy which penalizes a major domestic industry without returning any offsetting advantage to the American public. Whatever the justification may be for the continuation of the oil import program itself—and I am dubious as to that justification—there is no excuse for including within the scope of an energy program any restrictions on petroleum feedstocks used for the manufacture of petrochemicals.

It is hard to picture a more ridiculous policy in trade terms. We do not restrict the import of petrochemical products—so our domestic industry faces competition in U.S. markets from foreign producers who can manufacture petrochemicals with low-cost foreign crude oil. Yet we have not even given the U.S. industry the opportunity to compete for these markets on the same footing.

These artificial restrictions on petrochemicals also place a special burden on the people of Maryland. Despite the fine port facilities at Baltimore, no petrochemical producer is likely to locate new plants in Maryland. The reason is that such plants must be located near to the source of raw materials. Unless there is access to foreign feedstocks, this means that plants must remain in the Southwestern States and gulf coast area—close to the oil and natural gas fields which are the only present raw material sources available to the industry.

There simply is no reason for the consumer in Maryland or any other State to be burdened by these artificial barriers. The relocation of petrochemical facilities to the eastern seaboard and other areas would clearly be in the national interest. It would provide better dispersion of critical facilities in time of emergency. It would tend to reduce the price individual consumers pay for petrochemical products. It would permit this important industry to contribute to industrial development of another region of the country.

On every fair policy consideration—trade, balance of payments, consumer prices, industrial development, and national security itself—the petrochemical industry should have quota-free access to feedstocks at world prices. I join my colleagues in urging the Cabinet Task Force on Oil Import Controls to make recommendations which will permit the petrochemical industry this relief it so badly needs.

Mr. HART. Mr. President, the Nation is fortunate that the able senior Senator from Missouri (Mr. Symington) addresses himself to the problems caused our economy by the oil import quota system. Over the many years of his distinguished career, in private business and public service, Senator Symington has never hesitated speaking hard truths. And because of his experience and background, his voice commands attention. The Congress and the administration should and will give attention to his remarks today. They bear on one important aspect of the oil import quota system, a system which the Senate Antitrust and Monopoly Subcommittee has studied in depth.

On March 11, 1969, the Senate Subcommittee on Antitrust and Monopoly began hearings on governmental intervention in the market mechanism of the petroleum industry. These hearings were prompted by complaints from various industries, trades and regions that the effect of governmental intervention in the petroleum industry, particularly the oil import quota, has had the effect of impairing their ability to compete, which in turn has restricted their natural growth and expansion and resulted in artificially high prices to consumers.

Within 4 months the subcommittee heard from more than 50 informed witnesses, listened to every point of view, examined a wealth of evidence and amassed a record which thus far numbers three volumes of hearings of about 1,000 printed pages. Part 1, which is now available in printed form, consisted of testimony by economists who have specialized in the economics of the petroleum industry. I want to emphasize here that strenuous efforts were made, with limited success, to secure as witnesses economists who have been associated with the major oil companies. Part 2 of the hearings, which will be printed shortly, consisted of a defense of the import quota system by spokesmen for the oil industry. Part 3, which is also at the Government Printing Office, is made up of testimony by representatives of industries, trades and regions who feel that their economic interests have been adversely affected by the quota. The inquiry, it should be emphasized, is continuing and further hearings will be held. The next session will be concerned with the role played by Government agencies involved with the quota.

Among those most seriously threatened by the quota are the large chemical companies. Among the witnesses at the hearings was Mr. Kenneth H. Hannan, vice chairman of the board of Union Carbide. His statement was presented on behalf of nine petrochemical companies, informally referred to as the Chemco Group. They are: Celanese Corp., the Dow Chemical Co., E. I. du Pont de Nemours & Co., Eastman Kodak Co., Monsanto Co., National Distillers & Chemical Corp., Olin Mathieson Chemical Corp., Publicker Industries, Inc., and Union Carbide Corp. During the course of the hearings, Mr. Hannan was asked how many petrochemical facilities did he think would be constructed by the companies in the Chemco Group if they had unlimited access to petrochemical feedstocks. Because of its far-reaching importance I would like to quote his answer which appears at page 1752 of the transcript:

> We are growing at quite a rate. We have in being now some, let us say, 23 billion dollars of plant and equipment. If we grow at ten percent a year, we would be investing about \$2½ billion a year. Last year we invested two billion eight. If you use an average of, let us say, \$250 million, which is on the high side, for each plant, that is four plants per billion, or ten—the equivalent of ten plants a year. Ten petrochemical complexes a year could be built, or their equivalent in new facilities.

Mr. Hannan stressed that if his industry did not receive relief from the quota, the plants would be built anyway—except that they would be located abroad. This would be a loss to the future industrial capacity of the United States which should be a matter of concern to every Member of this body.

In addition to depriving the country of needed additions to our industrial plant, the import quota has worked serious hardship on important geographic areas, notably New England, the mid-Atlantic region, the South Atlantic States, the Great Lakes area and Hawaii. Since the quotas went into effect, not a single oil refinery or petrochemical plant has been built on the Atlantic seaboard. Indeed, despite the great increase in demand, there are fewer refineries today on the east coast than 10 years ago. New England consumers pay 3 cents more per gallon for home heating oil than do consumers in Montreal, even though the oil is unloaded in Portland, Maine and must be transported by pipeline, under bond, several hundred miles to Montreal. Served by both the St. Lawrence Seaway and the Mississippi River, the vast economic potential of the Great Lakes area for petrochemical and related industries has remained largely untapped. Indeed, because of the high price of feedstock, Dow Chemical has discontinued the production in Michigan of an important plastic material, polyethylene, of which it was the pioneer producer. Consumers in Hawaii pay higher prices than do consumers in west coast cities for petroleum products manufactured in a Hawaiian refinery. Ideally suited in terms of ports, labor supply, and markets, the South Atlantic States have been blocked off completely by the quota from the benefits of the great expansion in the petrochemical industry.

The quota has also worked a serious hardship on small business. At a time when new additions to oil reserves are being made throughout the world, independent enterprises in the United States have to scramble for supplies. Forced to rely for their supplies on those with whom they have to compete, numerous terminal operators, fuel oil dealers and gasoline marketers have fallen by the wayside. In New England alone there are 500 fewer fuel oil dealers today than there were just 6 years ago. In New York City the number of independent fuel oil dealers has declined from 1,179 in 1962 to 730 in 1968. In addition to its other injurious effects the oil import quota is thus strengthening the position of the major oil companies in which has been traditionally thought of as the "natural" area of small business—distribution and marketing.

Ultimately, of course, it is the consumer who must bear the cost of any restriction on competition, and in this case the excessive costs are staggering. In terms of crude oil, estimates have been placed in the RECORD indicating that the excessive charges to American buyers resulting from the import quota range from \$4 to \$7 billion a year. Allowing for the increased usage of oil during the last decade, this would be a total excessive cost during the 10 years in which the quota has been in existence of \$40 to \$50 billion. In terms which are more meaningful to the average citizen, the elimination of the quota, according to evidence presented in the hearings, should bring about price reductions of close to 5 cents a gallon for gasoline and 3 to 4 cents per gallon for home heating oil.

The American people would, I am sure, be far more willing to bear these excessive costs if the import control program were accomplishing its stated objectives. But the evidence reveals that it has been a failure. From the standpoint of national security alone, the question can fairly be raised as to whether the country can tolerate continuance of the quota. Instead of enlarging our reserves by stimulating exploration and discovery at home, the evidence reveals that almost coincidental with the imposition of the quota, such indicia of domestic activity as new oil found, number of wells started, and the number of years' supply began to turn downward. Reflecting the dismaying deterioration in our domestic supply situation, there was general agreement among the witnesses, even those from the oil industry, that we cannot meet an expected demand of 18 million barrels a day by 1980 without a substantial increase in imports. If imports are not increased, the only hope of averting a possible disaster is Alaska. But here judgment must be withheld until it can be seen whether the formidable difficulties in production and transportation can be overcome—and at what cost.

Some idea of the gravity of our future supply situation can be gathered from the testimony of Mr. M. A. Wright, chairman of the board, Humble Oil & Refining Co. and vice president of the Standard Oil Co. of New Jersey. Apart from Alaska some 85 percent of our domestic supply, according to Mr. Wright, must come by 1985 from reserves which have not yet been discovered. In the face of the declines in drilling, new oil found, and domestic reserves, I suggest that placing our trust on the possible discovery of reserves of this magnitude is a reckless gamble with our national security.

One reason for pessimism is that, contrary to widespread belief, the independent producers and wildcatters receive only a small portion of the financial benefits arising from the quota system. According to the Bureau of Labor Statistics the retail price of gasoline in major cities throughout the country rose between 1965 and the spring of 1969 by 4 to 5 cents a gallon, exclusive of taxes. During this same period the increase in the price of midcontinent crude, which reflects the price actually received by the independent domestic producer, rose by only one-half cent a gallon.

Anything approaching an adequate solution to these problems must promote competition, bring about lower prices, stimulate domestic discovery and eliminate geographic discrimination. These, it seems to me, are the essential guidelines which should govern the efforts of the Congress and the Cabinet

Task Force in seeking to develop workable solutions.

The simplest approach would be simply to abolish the quota. Unquestionably, competition would be stimulated, prices would fall, and orderly geographic development could resume. But there is at least a question in my mind as to whether this approach would, by itself, provide sufficient stimulus for domestic wildcatting and exploration, as well as the development of our shale oil resources. To provide such incentives, the ending of the quota would probably have to be accompanied by some form of direct rewards to those who actually add to our domestic reserves.

It can be argued that, at least in theory, a solution can be devised within the framework of the quota system. I am willing to be shown. At the very least, however, such a solution would maintain and perhaps reinforce the direct intervention by Government in economic matters—matters which should be the prerogative of private enterprise.

I question, however, whether what should be the objectives of reform can be achieved by simply granting an exemption or so. A cardinal principle of our society is equal treatment under the law. It is not equal treatment to discriminate in favor of this oil product and not others, in favor of this group of oil users and not others, in favor of this community, State, or region and not others similarly situated, and in favor of a particular industry and not the consuming public. Discrimination is an evil which we should seek to avoid not only in our quest for racial justice but in the conduct of our economic affairs as well.

Mr. PROUTY. Mr. President, I can endorse many of the remarks made today concerning the difficult and very real problems which have been created by the oil import program.

I was particularly pleased when President Nixon appointed the special task force for examining this Nation's policy with respect to oil imports. I am sure that each of us have many and varied reasons for the positions we take with respect to this very important matter. My motivation is a simple one. People in my State of Vermont, and for that matter most of the people in New England, find themselves spending exorbitant amounts of money in order to heat their homes. The six-State New England region is the Nation's principal oil heat region depending on that fuel for nearly 75 percent of its total heating needs. Actually, over 80 percent of the 11 million people living in New England depend upon oil burners for heating.

In the artificial economic situation created by the oil import barrier to normal world trade, all Americans pay inflated prices for petroleum products. The citizens of New England pay a special penalty, not only because 80 percent of them depend upon oil burners for heating, but also because of the severity of winter weather. From now through next spring all Vermonters will be reminded of the consequences brought about from the oil import program.

Last Friday the Office of Emergency Preparedness in the Executive Office of the President sent to the Cabinet Task Force on Oil Import Control an estimate of the 1969 total and per capita consumer cost of oil import control on a State basis. For the Nation as a whole, the annual per capita cost of the oil import program is $26.16. However, Mr. President, when we look directly at my State of Vermont, we find the per capita consumer cost is second highest in the Nation. In Vermont, where as I have mentioned most of us depend upon oil heat in order to survive the severe winters, the oil import program represents a per capita consumer cost of $48.98. Is it any wonder then that there has been a public outcry for some sort of relief?

Mr. President, not only are retail prices for home heating oil higher in New England than any other region in the country, but beginning in 1964 we have continually had a problem of tight supply conditions in No. 2 fuel oil on the east coast. In the past many of us have supported hardship claims before the Oil Import Appeals Board, but even this stopgap type of relief only assures a supply while the prices remain high.

I am hopeful that the President's Task Force on the Oil Import Program will recommend changes which will offer relief to the people of New England. There are several courses of action which can be taken to provide such relief. First, the President could amend Proclamation 3279, as amended, so as to provide for the removal effective January 1, 1970, of import restrictions on No. 2 fuel oil to be used as fuel. Precedent for such a course exists in the decontrol of residual fuel oil to be used as fuel which occurred in 1966.

A somewhat less satisfactory alternative, but one which would bring some relief to consumers of fuel oil, is that the oil import program be amended to provide a quota of No. 2 fuel oil for importation into district I, beginning January 1, 1970. At least 100,000 barrels per day should be established for this purpose. Such quota should be allocated among persons who are in the business of selling No. 2 fuel oil in district I and who have had inputs of that product into tanker or barge terminals under their control located in district I. Because primary suppliers and their affiliates have not seen their competitive positions erode by reason of oil import controls, allocations of No. 2 fuel oil should not be made to companies or affiliates of companies already eligible to receive allocations of crude oil or finished products under the mandatory oil import program.

Finally, Mr. President, while I have centered today's appeal on the tremendous hardship faced by the people of Vermont and New England as they face another severe winter, I sincerely hope that the task force will take a serious look at the overall effects of the oil import program. Oftentimes unexpected effects from such programs create unexpected and undesirable side effects. I am reminded, for example, of the situation facing the American domestic manufacturers of petrochemicals. Petroleum products constitute a necessary raw material for all sorts of petrochemical operations from the manufacturers of plastic bags to some types of furniture. Continued imposition of the import control program upon the petrochemical industry can only force prices of petrochemicals produced in this country upward, making them uncompetitive with foreign petrochemical products in the marketplace of the world—including our own domestic marketplace. The inevitable results will be decreased in the amount of petrochemicals exported from this country, an increase in imports, an obvious loss in American trade balance, and the export of American petrochemical investment, jobs, tax dollars, and nationally important productive capacity to overseas locations.

The amount of domestic petroleum production used in the manufacture of petrochemicals is only 5 percent of total petroleum demand. Obviously, a way can be found, within the framework of any oil import program designed to protect the American petroleum producing and refining industry, to allow for the needs of another industry whose needs are only 5 percent of the total domestic petroleum consumption.

Mr. President, we have now entered a phase in our national political life where pragmatism represents the word for the day. I trust that a pragmatic approach toward the solution of the problem created by the oil import program will be forthcoming by the first of the year.

Mr. THURMOND. Mr. President, the American petrochemical industry is facing unnecessary hardship under the current oil import program.

Foreign petrochemical manufacturers have free access to low-cost feedstocks on the world market. American petrochemical manufacturers do not. Meanwhile, the supply of economic domestic feedstocks derived from natural gas is decreasing. The combination of these facts is placing the American petrochemical industry at a serious competitive disadvantage.

Unless this disadvantage is remedied, it will adversely affect our favorable trade balance in petrochemicals. The industry's only realistic course will be to construct its future plants abroad. The United States cannot afford these losses in foreign exchange, investment, and employment.

Members of the petrochemical industry have suggested two modifications of the present oil import program. One would permit free access to petrochemical feedstocks solely for petrochemical use. The other would increase quota rights for companies not able to use importable feedstocks directly. I believe that both of these modifications should be adopted. I also believe that both are necessary to preserve competitive equity within the domestic petrochemical industry.

The amount of foreign petroleum required by the petrochemical industry is relatively minor. The industry itself proposes strict supervision of these import reforms to guard against any adverse effect on the petroleum industry. The impact of these reforms on the petroleum market should be negligible.

Mr. President, I support the right to obtain foreign raw materials used for petrochemical operations by liberalization of import quotas for petrochemical needs with special consideration given in cases where economically depressed areas would be aided and the balance-of-payments problem would be relieved. Further, there should be no restriction on the type of feedstock to be imported nor on the end use so long as it does not directly subvert the objective of the energy program.

OIL IMPORT CONTROL CHANGES NEEDED

Mr. PROXMIRE. Mr. President, this morning's Wall Street Journal carried a story that the President's Task Force on Oil Import Control was contemplating replacing the present outmoded oil import control program with a preferential tariff. I am delighted to see the task force is not being constrained by the same old stale concepts dredged up to maintain high domestic oil prices.

I have long maintained that the present oil import program must be drastically revised. I hope this story is an indication of the task force's willingness to face this need.

Mr. President, I have, in the past, often expressed my belief that the mandatory oil import program should be substantially changed if not abolished within 5 years.

The main reason that most of us separate ourselves from 10-year-old automobiles is that they have become too expensive to operate and too costly and inconvenient to patch up and repair. I submit that our Nation's 10-year-old mandatory oil import program has become far too costly to the average American citizen, and that the program's adverse effect upon the domestic petrochemical industry is just another symptom of a piece of machinery that has been operated too long. Instead of modifying and patching our old oil import program, should we not rather be working toward the goal of freeing all American interests from its expensive restrictions?

Certainly the homeowner in the northern parts of our country, paying ever-rising prices for the fuel oil to warm his house, would agree.

As for the American petrochemical industry, the effect of the oil import program upon it seems potentially at least as costly to the average citizen.

As the Department of Commerce has pointed out in its submission to the President's Task Force on the Oil Import Program, the existing program does not deal adequately with the presently existing disadvantage of the U.S. petrochemical industry—in regard to feedstock costs—in its competition with foreign producers. This disadvantage will become more severe with time and result in increased petrochemical imports into the United States, decreasing petrochemical exports from this country, and the outmigration of at least part of the future additions to this country's petrochemical productive capacity.

It seems especially noteworthy that the Department estimates that the U.S. balance of payments in petrochemicals would suffer by $610 million a year by 1975 if the present controls are retained. Such a shift would be significant not only for the balance of payments, but also for the general health of the industry and its ability to provide employment and income for U.S. citizens.

The hardships which the oil import program is working—or threatens to work—on American interests in general, and on the petrochemical industry in particular, argue persuasively for some very significant changes in the oil import program.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALBERT COATES: FOUNDER OF THE INSTITUTE OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Mr. ERVIN. Mr. President, W. C. Burton, one of the staff writers for the Greensboro Daily News of Greensboro, N.C., has written some excellent articles concerning my schoolmate and longtime friend, Albert Coates, professor of law and founder of the Institute of Government at the University of North Carolina, at Chapel Hill. These articles were published in the Greensboro Daily News on November 16, 1969.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. In founding the Institute of Government, Albert Coates contradicted the statement of the book of Ecclesiastes that "There is no new thing under the sun."

As one instinctively interested in government affairs, Albert Coates witnessed with consternation the fact that newly elected State, county, and municipal officers and newly appointed State, county, and municipal employees entered upon their offices and employments without any real opportunity to acquire any real knowledge of the duties which their offices and employments required them to perform.

As a consequence, he had a dream and saw a vision. He envisioned an institution which would afford State, county, and municipal officers and employees an opportunity to receive instruction in respect to their duties, and thus enable them to learn by precept, rather than by bitter experience, the responsibilities which their offices and employments imposed upon them.

With the unceasing encouragement of his wife, Gladys Coates, Albert made this dream a reality by establishing the Institute of Government at Chapel Hill, where hundreds and hundreds of State, county, and municipal officers and employees of North Carolina and its political subdivisions have received instruction concerning their duties and the wise ways in which to perform them. As a consequence, it is impossible to overmagnify the contributions which Albert Coates and his dream and vision have made to good government at all levels in North Carolina.

While his old friends love him for what he is, future generations will call him blessed for what he has done.

EXHIBIT 1

ALBERT COATES: SCHOLAR AS DYNAMO

(By W. C. Burton)

CHAPEL HILL.—Albert Coates is a man you walk up to and shake hands with. You stand shoulder to shoulder with him. You walk with him, talking with him and, better still, listening to him talk. You sit across from him, listening, learning and laughing. And you feel a lot better for it.

"Listen here," he says in a voice from which not even Harvard managed to remove the amiable traces of Johnston County. It is his frequent preamble to any remark he might wish to make. It is also a most pleasant invitation.

He is 73 now and retired, after nearly half-a-century of service given to the University of North Carolina, most of it as professor in the Law School. For 30 years he was director of that remarkable and unique teaching institution, the Institute of Government, which he fathered and nursed through early years of economic anemia. Today it is a giant arm of the Greater University of North Carolina.

There are a few changes in the man, but they are superficial. His hair is gray. Wrinkles are inconsequential. They have surrounded his eyes with the creases of merriment for years. For here is a man whose face just naturally crinkled with good nature and sly amusement whenever he looked at the world. And he was ever a sharp observer.

Albert Coates' spirit found the Fountain of Youth long ago. In many places. In his native Johnston County. At Turlington Graded School. At the University of North Carolina and at Harvard University Law School. And back at the Chapel Hill campus where he would forever be at home. The fountain flowed through the early discoveries and experiences which led to the founding of the Institute of Government and through the Institute's years of struggle and growth.

Now in the days of busy retirement that fountain bubbles still. Its waters are composed of a multitude of elements compounded into an ever-stimulating elixir. These elements, though they defy inventory, certainly include humor, concern and love for his fellow tenants on this globe, a certain greatness of heart and energy of mind, canniness, insight, understanding, a wise tolerance coupled with firm values and a blessed curiosity about everything.

In short Albert Coates is a fellow in whom the best juices of humanity course and these are the true fountain of youth. The wide, good-natured mouth still puckers with the same preface to a yarn. The eyes still light up with an inner understanding of life. And they narrow with a far-away look when an idea he's chasing hot-foots it across his mind.

Former students and a host of other friends think Albert Coates is about the best there is. Best except for one person—"Miss Gladys." Gladys Hall Coates. The pretty girl from Portsmouth, Va. whom he married back in 1928.

Her hair is white, and she's still pretty and always will be. She is dainty and feminine but she is also strong. She has not only stood beside him these 42 years, she has walked beside him, trudged beside him, worked beside him and sacrificed with him for all the things they felt were worth fighting for.

So it is right that friends who know them rank them side by side. This pleases Albert Coates—though he thinks she should be ranked a bit ahead of him.

The Heart's Home: Chapel Hill—Grass-Roots Wit and Harvard Polish

Chapel Hill.—Albert Coates was born August 25, 1896 on a farm in Pleasant Grove Township, Johnston County. The nearest town was Benson. Smithfield lay eight miles to the east. He was the fourth of nine children born to Daniel Miller Coates and Nancy Lassiter Coates.

In 1902 the family moved to a farm on Brogden Road, only two miles out of Smithfield. There Albert grew up in a house which had once been guarded by Confederate troops on order of Governor Zeb Vance. General Wade Hampton had used it for headquarters. So had the officers of General Joseph Wheeler's Cavalry, and General Schofield of Sherman's Army.

Daniel Coates, farmer, miller, sometime sawmill and cotton gin operator, had moved to place his child in a better school. Albert got his first taste of academic learning at Turington Institute at Smithfield, later Turlington Graded School. It was founded and headed by a cousin, Ira Turlington. A gifted teacher and outstanding public school educator, Turlington "taught me what he knew" says Coates and "more than that, he taught me what he was."

Then came Adolph Vermont, a cultivated, traveled Belgian, trained for the priesthood, who succeeded Turlington as superintendent of the school and "brought a new dimension" and sophistication to education and to life in that community.

THE DOORS OPEN

These and other teachers opened doors of literature and life. His parents and other worthies of Johnston County taught him also, self-reliance, rugged individualism combined with the values of teamwork, and a salty, earth-born common sense that enables him to cut through obtuseness and confusion to the core of meaning and order.

To this day he can not abide academic pomposity and double-talk. He is a down-to-brass-tacks man who drew from his upbringing a talent for illuminating a point with homely, and usually humorous anecdotes, figures of speech and yarns, many of them from the folklore of his farmboy days. It has helped him to make him a memorable, cherished and talented teacher. The University at Chapel Hill has been his podium, but Johnston County has remained his touchstone.

From an education grounded in the classics and developed in the rotund language of the law Professor Coates formed his speech style and sweetened it and spiced it with his countryboy background. In cadence and content it is a kind of folk poetry, now melodic, now percussive, now twanging a salty chord. Musically, it is a measure of Mozart, a bit of Bach and a little "Leadbelly."

CUSSING IS "SWEET"

The final flavoring is a sprinkle of pepper. Never a profane man, Albert Coates chooses and uses his expletives with the taste and zeal of a gentleman. Nothing fancy (unless acutely provoked), just a few old-fashioned, rather mild words—for rhythm and counterpoint and zip.

Associate Justice Susie Sharp, a former law student of Professor Coates, says "Albert is the only man I know who can cuss and make it sound sweet."

As he grew up Albert passed from waterboy at six to cotton chopper at 10 and plowman at 12. He walked each school day two miles to Turlington school and two miles back. And he took his first chew of tobacco, using the same method he would have used for chewy candy. "At this point," he says, "I discovered the difference between a swallow and a spit."

The work he liked best on the farm was helping with the sawmill and cotton gin. Albert was handyman or, as he said, "a monkey wrench that fitted any tap." As he tells it "I stayed out of school two years at different intervals working in these enterprises that entered into my education. Meeting all sorts of people from the surrounding territory, hearing their wisecracks, witticisms and comments on their neighbors sprinkled with good-natured profanity and observations that would not ordinarily be made around women, was a seasoning, maturing and toughening experience."

ENTERS UNIVERSITY

In 1913 Albert Coates was graduated from the 11th and final year at Turlington. After a year of banking and sawmill seasoning he entered the University of North Carolina at Chapel Hill in the fall of 1914.

It was a Chapel Hill with an uncrowded campus and quiet streets without auto fumes. Comfortable houses retreated into the cool shade of deep lawns along Franklin Street. It was also a strange and alien place to the boy from Johnston County. Albert Coates had come home and didn't know it.

At the university a new and unsuspected world began to unfold. Great teachers, such as Howard Kidder Graham, also president of the university. Horace Williams, Frank Porter Graham, Edwin Greenlaw, William Stanley (Bully) Bernard, Collier Cobb, Archibald Henderson and Henry Van Peters (Froggy) Wilson were there to turn on the lights in this new world.

Always a good talker (he had won a medal as a "declaimer" at Turlington as early as 1909), Albert dived into university debating at the outset and won honors and medals throughout his student years.

SELF-HELP STUDENT

He had earned money before entering the university at sawmill and at more genteel bank jobs. To augment this he worked in the office of the university's business manager during his freshman and sophomore years. A pressing club improved his junior year budget. In his senior year he earned all his meals as a linen steward in Swain Hall, the university dining room.

He was elected president of his junior class, president of the Philanthropic Library Society (commonly called the "Phi" society), president of the University Athletic Association and president of the North Carolina Club. He was tapped into the coveted Order of the Golden Fleece. In 1918, Albert Coates was graduated, entered the army, became briefly a lieutenant, and returned to civilian life and the university in 1919. Dr. Edwin Greenlaw, dean of the graduate school, had established the university's first teaching fellowships in English and Coates became the first English Fellow.

Sadness shrouded the campus over the recent death of President E. K. Graham. He served on the Graham Memorial Committee (as did his schoolmates Luther Hodges and Theodore Randthaler) and became executive secretary of N.C. alumni groups for the Graham Memorial Building.

HARVARD LAW SCHOOL

By the fall of 1920, his mind firmly fixed on the law, Coates left UNC and entered Harvard Law School (where the professors "write the books that other law professors teach.")

There he was to have three years of inspiring association with and instruction from such men as Dean Roscoe Pound and Felix Frankfurter. His Harvard roommate was another Tar Heel, William T. Polk, the late beloved assocate editor of the Greensboro Daily News.

No one can argue, however, against the statement that his most important Cambridge acquaintance was a young Virginian named William Calvert. Because it was while visiting Calvert in his home at Portsmouth in 1923, that Albert met Gladys Jane Hall, then a student at Randolph-Macon Woman's College at Lynchburg.

Five years later, after she had taught school in Virginia and North Carolina and he had become a full professor of law at Chapel Hill, they were married. The date was June 23, 1928 and it should be in frieze on the face of the new Institute of Government building at Chapel Hill.

In 1923 Coates bore his freshly inscribed Harvard law degree back to his home campus and took a job as an assistant professor of law. Two years later he became an associate professor. Already in process was the self-inquiry that would bring forth the Institute of Government. Yet to come were the trials, tribulations and, at long last, triumphs that attended its birth and growth.

The Institute: Servant of the People

Chapel Hill.—Popular government is in the hole today. Like the frog in the arithmetic problem (who jumped up three feet and fell back two), it starts out with officers fresh from the people, moves forward with them as they acquire knowledge and skill in the administration of the law, then on subsequent election days drops back to begin again almost at the beginning, with new and inexperienced officers. Thus with every rotation of officers in every general election, the continuity of governmental experience is broken. Accumulated government knowledge goes over the wheel to waste. Government is forever in the hands of beginners—who do not always have beginners luck.

Thus spake Albert Coates, young law professor, with the concept of the Institute of Government burgeoning in his being.

He was increasingly concerned with the idea that elective and appointive government at all levels, municipal to township to county to state to federal, was almost entirely in the hands of untutored amateurs.

He was disturbed by the lack of any systematic coordination or cooperation between these levels and, further, by the conviction that academic instruction in the law, embracing the philosophy of the law and the examples in case books, was not enough.

A fundamental knowledge of Supreme Court decisions would not fully serve his students when they faced the multiple practical everyday problems that would come when they applied their learning to the practice of law. As he said, "They know the words but they don't know the tune."

What is more, the young professor realized that he himself did not "know the tune" and he would have to learn it before he could teach it. With all the spare time he could gather, including his summer vacations, he hired himself out to the practitioners of government in the field.

He worked with police departments, sheriff's departments. He toiled in cubby holes of county offices and in town halls. He helped run down bootleggers and trace down blind tiger stills. He took the witness stand and he took the jury box.

What he learned that wasn't in the sterile text books, and what he learned was yet to be learned, staggered him. He began inviting constables, deputies, patrolmen, city clerks and clerks of court to appear before his law classes as guest teachers.

Tax collectors came to teach the brass tacks of taxes. He began to expand his law courses, criminal, municipal corporation, legislation, and domestic relations to include administration from the grass roots all the way to Washington.

HOW HE LEARNED

"Men who had never seen the inside of college walls," says Coates, "taught me more about the actual processes of public law and government than I had ever learned in college and law school classrooms."

It was clear, too, that these practicing men of government could be taught many things to their advantage and to the advantage of the public.

Albert Coates invited law enforcement officers, constables and up, from all over the state. He invited F.B.I. and National Police Academy experts in scientific crime detection. These men all got together for a three-day session at Chapel Hill. They traded problems and solutions. Everybody learned.

Other invitations went out to court clerks, firemen, city and county accountants. By 1931 judges, election officials, prosecuting attorneys, city attorneys, coroners, tax officials and other groups had organized. And on May 6, 1932, representatives from all these groups, 300 in number, gathered at Chapel Hill and organized the Institute of Government.

DREAM DRIVES HIM

With Albert Coates as director—sometimes hanging on to his dream for dear life—the Institute of Government grew. He not only had his dream; his dream had him. And it drove him and drove him hard.

Wherever it drove him Gladys Coates went with him, working, encouraging, sticking fast. She had married a man and an institution as well. She was equal to the needs of such demanding if beneficent bigamy.

As a "full-time working partner," Gladys Coates stuffed envelopes, edited manuscripts and proof-read them, devoted herself to long hours of research, put the Institute journal, Popular Government, in the mail and did anything else that came to hand.

The novelist Booth Tarkington marveled at the detachment of the historian, who "sits in his dressing gown" to write "The armies were joined in battle." Any account of the development of the Institute of Government here must seem afflicted with that same unnatural detachment and oversimplification.

PRAISE FROM GREAT

Its fame is now far flung. President Franklin D. Roosevelt gave it high praise and urged other states to follow its example (some have.) In 1937, Dean Roscoe Pound of Harvard Law School, who made a research grant available to Coates for a year of advance study as his Institute duties became more complex, wrote:

"I doubt whether anything which has taken place in connection with American Government in the present century is as significant as the movement for planned, intelligent officials and administrative cooperation which began some years ago in North Carolina and has now taken on enduring form in the Institute of Government."

Says Coates, "Dean Pound was describing the work of Henry Brandis, Dillard Gardner, Buck Grice, Malcolm Seawell, Marion Alexander. Harry McGalliard, Ed Scheidt," pioneer staff workers. And he adds the names of others who followed, men like Terry Sanford, who would become Governor of the State, and Bill Cochrane, who as senior law students worked for 50 cents an hour and, says Sanford, "resented any fellow who cared whether he got paid." And Jack Elam and Elmer Oettinger and the present Coates-trained staff headed by his successor, John L. Sanders, another Johnston County man.

The growing up of the Institute and its legal adoption by the University in 1942 has been dramatic, discouraging, inspiring, exhausting, thrilling and above all the rare and transcendent victory of a dream fulfilled.

Money, always needed and often lacking, came at first from generous business men, Ben and Caesar Cone and Spencer Love of Greensboro, William Reynolds, James G., Robert and Huber Hanes, Clay Williams, Agnew Bahnson, James A. Gray and Gordon and Bowman Gray of Winston-Salem. But Coates, too, staked his dream.

Senator Sam Ervin, in an address on the floor of the senate, said "it has been estimated that Coates by the early 1940's had contributed from his salary and other earnings over $40,000" to the Institute—a princely contribution from a professor. At one point Albert and Gladys moved out of a house into a room to ease the pinch.

Former Governor Luther Hodges studied at the Institute before taking office. Nowaday mayors matriculate, registers of deeds register for courses and town councils take Institute counsel. There are even seminars for plain citizens teaching them how to be good ones. Thousands of "guidebooks" go out to public officials from the Institute's ever-expanding, ever helpful list of publications.

GIFT FROM PUBLISHER

From a pillar to post operation, the Institute occupied its first real home in 1939. The building on Franklin Street, houses now the offices of the Consolidated University. A gift of $500,000 from the estate of Joseph Palmer Knapp, matched by the state, made possible the opulent new building "built on the high ground at the eastern gateway of the University."

The edifice bears the name of the publisher whose empire once issued Collier's Magazine and who are deeply impressed by Coates and his Institute. The Joseph Palmer Knapp Building is a far cry from the basements, attics, old church and fraternity house in which the Institute was, at one time or another, an uneasy tenant.

In 1962 Albert Coates retired as director of the Institute of Government and turned again to his law classroom. On Aug. 31 he retired officially and fully.

On Jan. 26, 1968, he suffered "a stroke with cardiac complications." Tackling convalescence with the same determination he has applied to everything, he came back handsomely—almost miraculously.

Now in their pleasant, green-sheltered house at 508 Hooper Lane, Albert Coates is, with relish and diligence, setting down the record of his life. As always with the help of his life partner. If the Institute of Government is a monument to Albert and Gladys Coates, they are living monuments to humanity.

HOW THEY SEE COATES

Terry Sanford, former governor, former member Institute of Government staff: "We on the staff called Albert Coates Cap'n. We loved and admired him. Nobody in public life or education or private life has sacrificed more of himself to create something for the public good."

U.S. Sen. Sam Ervin: "Close to 85 per cent of the public officials in the State . . . know Albert Coates as the person whose school first introduced them to their new offices, whose publications kept them informed . . ."

William C. Friday, president of the Consolidated University of N.C. and former Coates student: "I have been associated with Albert Coates for more than a quarter of a century as student and colleague. I know of no one who has rendered greater service to his university or his state. He is one of the intensely warm and cordial people who have created the tradition so characteristic of the University at Chapel Hill."

Associate Justice Susie Sharp of the N.C. Supreme Court, a former student: "Albert Coates is no man's enemy. He has never forgotten a favor nor remembered a disservice. He views the shortcomings of every individual with sympathy, understanding and great good humor."

Jack Elam, mayor of Greensboro and once of the Institute staff: "Albert Coates has a way of making you a bigger person. Everybody he touches grows."

DOES THE FAIRNESS DOCTRINE OF THE FEDERAL COMMUNICATIONS COMMISSION AUTHORIZE THE ANTISMOKING LOBBY TO LIE ON THE AIRWAYS?

Mr. ERVIN. Mr. President, some serious questions have been raised about the profound effect of the television news medium on the American people, and a great controversy has been touched off.

My purpose today is not to add to that particular controversy but to focus attention on a relatively unpublicized aspect of broadcasting and ask a fundamental question about it.

I refer to the application of the fairness doctrine to cigarette advertising and pose this question:

Does this FCC ruling give antismoking advocates the right to tamper with the truth?

The only acceptable answer is a vigorous "No." Such an answer was eloquently stated by the editors of Advertising Age. They were not attempting to defend cigarettes or cigarette advertising. They were simply affirming their belief that "the rules of fairness, accuracy, and truth in advertising should apply to all advertisers," including antismoking forces. Their commitment to truth led to the following inescapable conclusion:

> Commercials currently appearing on the air on behalf of these organizations—and they are very good commercials, as we have testified frequently—make untruthful and misleading statements which no commercial advertiser could hope to get away with.
>
> They should be stopped.

Mr. President, I ask unanimous consent that the full text of this editorial be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. The editors of this publication certainly have a point. For in the letter which constituted the ruling, the FCC stated:

> We believe that a station which presents such (cigarette) advertisements has the duty of informing its audience of the other side of this controversial issue of public importance—that however enjoyable, such smoking may be a hazard to the smoker's health.

The FCC has not opened the airwaves to "informing" people that smoking "may be a hazard." The FCC has opened the airwaves to propaganda. There is no qualification about the typical antismoking commercial. They say flatly that smoking reduces life by 8.3 years, and that a smoker loses a minute of his life for every cigarette he smokes.

These wild charges and frightening figures are not scientific fact. But they sure do fit the format of the broadcast media and the convictions of the antismoking lobby.

So far as I know, broadcasters have accepted these commercials without questioning their contents. So far as I know, the Federal Trade Commission has failed to review them for deceptive practices. Perhaps they do so because they find it hard to believe government agencies and health organizations could remodel scientific mother hubbards into mass media miniskirts.

Can you cut the cloth of science to fit a commercial?

Yes, indeed. Especially if you are working on a bolt of statistical material and are not too fussy about how you back it up.

Let me give an example of how the communications experts at the Department of Health, Education, and Welfare do it. They recently tailored some very complex and tentative statistics to fit neatly into a short and simple antismoking message.

The finished product said flatly:

> If you enjoy yourself by smoking a pack or more of cigarettes a day, you may be much *older* than you think. Medical research, conducted by the NIH National Heart Institute, has led to the finding that heavy smokers may be considered to be 15 years beyond their chronological age. This is true when it comes to developing coronary heart disease.

A news release, which was a by-product of the process, reported that "if you smoke a pack or more of cigarettes daily, or if your blood pressure or serum cholesterol levels greatly exceed normal, you may be 7, 15, or even 20 years older than your chronological age—insofar as your chances of developing coronary heart disease."

Where did this information come from? What was the fabric from which it was cut to fit neatly and dramatically into the spot of fairness doctrine air time?

From the HEW news release we learn that the raw material was a 12-page paper entitled "A Multivariate Analysis of the Risk of Coronary Heart Disease in Framingham." It was published in the Journal of Chronic Diseases, Vol. 20, 1967. "Multivariate Analysis," as the authors point out is a tool for studying the simultaneous effect of many risk factors. The paper is replete with mathematical formulas, technical terminology, and statistical tables. The conclusion, however, is fairly understandable even to a Senator. I quote:

> The most important risk factor, aside from age itself, are cholesterol, heavy smoking, ECG abnormality, and blood pressure. Weight, while also a risk factor, has a significantly smaller effect than these four.

The basic raw material—the scientific paper—did not single out cigarette smoking. Nowhere did the statement appear that heavier smokers may be considered to be 15 years beyond their chronological age when it comes to developing coronary heart disease. Indeed, for all men, the most important single risk factor in developing heart disease turned out to be age. In other words the older you grow, the more likely you will develop this illness. Obviously, the writer of antismoking propaganda could not do much with that, and so it was snipped out.

Tailoring, or tampering with the truth, is widespread. The airwaves are full of false, misleading, and deceptive antismoking commercials.

A Public Health Service commercial stated that between the 1900's and the 1960's per capita consumption of cigarettes increased from 49 to 4,200 a year. And it went on "death rates have increased accordingly."

Mr. President, that statement is not only false, it is completely false. Death rates in this country have decreased from 17.2 per thousand in 1900 to 9.4 per thousand in 1965. Thus, the antismoking commercial misleads the listener into believing that death rates have increased in proportion to the increase of cigarette smoking. Just the opposite is true.

Another Public Health Service announcement heralds a "simple solution" to the problem of emphysema—just quit smoking. "All too often," it declares, "the result of smoking is emphysema."

Mr. President, it is disturbing to compare this claim with words that come out of the other side of the Public Health Service's mouth. A PHS review called "The Health Consequences of Smoking," revised in 1968, states:

> This crucial question must be answered affirmatively before an inference can be made that smoking directly causes pulmonary emphysema: Does inhaled tobacco smoke have a direct toxic effect on the alveolar tissue in the lung parenchyma which is important in the pathogenesis of pulmonary emphysema? *At present, it cannot be answered.* (Italic supplied.)

It is misleading and deceptive to claim that emphysema is the "result" of smoking. The hard fact, sad to say, is that the cause or causes of this disease are unknown. It is false to state or imply anything else. Repetition of such a statement only serves to divert science from the search for the desperately needed solution.

Volunteer health groups which benefit from millions of dollars of free air time under the fairness doctrine too often leave fairness on the cutting room floor in their zeal to produce hard-hitting antismoking commercials.

The American Heart Association has produced a commercial that leaves the audience with a simple message—among other things, smoking has been proved to cause emphysema and heart diseases. Yet former Surgeon General William Stewart admitted to Congress in March of this year that cigarette smoking has not been proven to cause heart diseases or emphysema.

The American Cancer Society—probably the primary beneficiary of donated time under the fairness doctrine—tells listeners that:

> All people everywhere have at least one thing which unites them in a common bond. All people can die from lung cancer, which they get from smoking cigarettes.

The implication is direct: "When it comes to lung cancer," the announcement declares, "there are only two classes: smokers and nonsmokers."

The implication that lung cancer is a disease developed only by smokers is false, misleading and deceptive. The false claims give rise to the mistaken notion that lung cancer would disappear if cigarette smoking was eliminated. Such thinking paves the way for punitive action against the cigarette industry and hundreds of thousands of tobacco farmers. Nonsmokers develop lung cancer. The American Cancer Society knows this. Recent advertisement of the ACS admitted that 25 percent of lung cancers occur in nonsmokers.

What is behind this wave of unfair, false, misleading, and deceptive practices? It is a resurgence of the belief that the ends justify the means. Some people, both within and outside the Government, feel they are justified in misleading the public on the issue of smoking and health. They feel they have a right to "fool all the people all the time" in the public interest. This is a controversial philosophy. But philosophy aside, the practice is illegal. The law just does not permit anyone—regardless of motives or alleged social value—to indulge in false, deceptive and misleading advertising.

The Federal Trade Commission is empowered to issue cease and desist orders to any advertiser who violates the law. The FTC should act now against Government agencies and private health organizations who deviate from the truth whatever their cause or conviction.

Individual broadcasting stations and networks should carefully review antismoking commercials to insure that they comply with the code of good practices of the National Association of Broadcasters. They have an obligation to operate in the public interest, and that interest is not served by falsehoods.

Finally, the Federal Communications Commission should immediately revise its "fairness primer." There must be more to a fairness doctrine than providing free access to the airwaves. The very concept implies that the content be fair and factual as well.

EXHIBIT 1

[From Advertising Age, Nov. 10, 1969]

THE TRUTH SEEMS A LITTLE TWISTED

This is not an attempted defense of cigarets or cigaret advertising.

It is a simple affirmation of the belief that the rules of fairness, accuracy and truth in advertising should apply to *all* advertisers—including the American Cancer Society and the American Heart Assn.

Commercials currently appearing on the air on behalf of these organizations—and they are very good commercials, as we have testified frequently—make untruthful and misleading statements which no commercial advertiser could hope to get away with.

They should be stopped.

These commercials say, without any qualification, that cigaret smoking, on the average, reduces a smoker's life by 8.3 years, and that every cigaret you smoke takes a minute of your life. These are wild, unsupported allegations. They should not be permitted on the air.

The theory that "anything is all right if the right people do it" holds no water at all. *All* advertising should be truthful, in fact and in implication. This particular statement is neither. It should not be permitted.

VICE PRESIDENT AGNEW AND THE MEDIA

Mr. DOLE. Mr. President, an editorial published recently in the Peoria Journal Star correctly reflects the attitude of most Americans with reference to recent speeches by Vice President SPIRO T. AGNEW.

Because I believe it will be of interest to Members of Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPIRO SPELLS IT OUT

Spiro who?

The wise guys of the flicker-box found out "who" Thursday night.

The man stood up in Des Moines and spelled it out—chapter and verse—that "network news" is one-sided, locked into a New York-Washington syndrome that is unnatural and different from the rest of the country. He backed it up with vivid examples and quotations ranging from Walter Lippmann to Judge Learned Hand on the subject of the tiny cell of people handling the magic eye.

Agnew hit them so hard that for once they felt they had to put one of Mr. Agnew's speeches on the air and let us all see him in action—instead of just listening to them ridicule him secondhand.

The result was pretty impressive. He was no joke after all. And no newsman was smiling when reciting the sober statements of self-defense issued with mysterious instantaneousness by all three network presidents.

After one solid year of slander, ridicule, and defamation intended, clearly, to grind Spiro Agnew into nothingness, the networks have found they have a tiger by the tail.

And they seem horrified and stunned that *somebody* actually talked back to them!

Their efforts to muddy him up totally have turned him into the most sought-after speaker in the United States. They've probably given him a fund-raising capability for the 1970 congressional elections greater than the combined efforts of the opposition party's entire national committee.

And who doesn't like to see the No. 1 "underdog" of the year finally snap back—with telling effect?

He scored! That's the stinger.

And they deserved it.

Their constant unanimity of attitude, the harmonious chorus from bass to tenor all singing the same tune, has given away the game and he called them on it.

They, themselves, have been proving their own small "inner circle" approach. They must now take a look at themselves and face the fact that their brainchildren all have had the same deformity and are plainly the offspring of intellectual incest.

That is the practice which should be criticized, that needed to be brought to light, and could be done by no man better than their chief "victim."

A "victim" who has lately been standing up and saying a number of things that millions have felt needed to be said. The whole dialog has been too one-sided, too long.

One man has changed that drastically.

And the "nobody" butt for jokes is rapidly becoming a national hero.

ENVIRONMENTAL QUALITY: THERMAL POLLUTION AND TRITIUM

Mr. TYDINGS. Mr. President, the threat to our waters from the thermal discharges of nuclear power plants is very real. In the next few decades the demand for energy will increase enormously. Giant power facilities will be required to meet America's seemingly endless need for energy.

Yet without careful site selection, design, and operation, these power facilities can pose a significant threat to our environment. As a Senator from the State which possesses the Chesapeake Bay, a complex estuary that can easily be ecologically disturbed, I am quite concerned.

This threat does not mean, however, that we should ignore our energy requirements. Nor does it mean we should single out nuclear generating facilities as inherently undesirable. It means only that we clearly recognize the environmental impact which these facilities will have.

The planned nuclear power plant at Calvert Cliffs, Md., has generated considerable and often outspoken controversy. I have tried to facilitate communication between those scientists opposed to the plant and the AEC. While not qualified to judge the technical questions involved, I do feel we as elected officials bear the responsibility to make sure that the people's voice, particularly those in opposition, are heard by the Commission.

In this regard, I have received the AEC's response to a paper by Dr. Timothy Merz, assistant professor of radiobiology at the Johns Hopkins University. Dr. Merz is specifically concerned with the problem of tritium. The committee's reply should be a matter of public record, and I thus ask unanimous consent that Dr. Glenn T. Seaborg's letter of November 12, 1969, to me be printed in the RECORD, as well as the enclosed paper entitled "Radioactive Pollution of the Atmosphere," by Joshua Z. Holland of the Atomic Energy Commission.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., November 12, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate.

DEAR SENATOR TYDINGS: I appreciate the opportunity to respond to your request for comments on the paper which you received from Dr. Timothy Merz of Johns Hopkins University. Dr. Merz's paper contains numerous interesting questions and comments. Although some of the material which I furnished you in my August 8, 1969, letter on the Calvert Cliffs Nuclear Power Plant addresses many of Dr. Merz's questions, I will, as you requested, respond fully to Dr. Merz's points.

One of the several questions posed by Dr. Merz was that of the sufficiency of information to "impose proper restrictions." Because adverse biological effects of radiation have been recognized from the earliest days of the nuclear industry, great attention has always been given to the question of safety and considerable research has been directed toward obtaining broader and more quantitative data on the biological effects of radiation. For example, the operating budget administered by the AEC's Division of Biology and Medicine for Fiscal Year 1969 alone was about $90 million. In addition, research programs on the biological effects of radiation are supported by the Department of Health, Education and Welfare and many private organizations in the United States and by many other nations of the world. Our knowledge on this subject is extensively documented in research reports and publications and in scientific publications by such groups as the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the Federal Radiation Council, the National Academy of Sciences and the United Nations Scientific Committee on the Effects of Atomic Radiation. In addition, this has been the subject of extensive hearings by the Congressional Joint Committee on Atomic Energy. The publication of the record of the hearings held in 1960 on radiation protection criteria and standards and the hearings held in 1957 on the nature of radioactive fallout and its effects on man are highly informative compilations of information on the biological effects of irradiation. The most recent publication of the Congressional Joint Committee on Atomic Energy which appeared in August 1969 is entitled "Selected Materials on Environmental Effects of Producing Electric Power" and again makes a significant contribution by providing information which is specifically relevant to environmental effects of nuclear power plants.

Since there seems to be some confusion surrounding the basis for release limits of radioactive materials from nuclear power plants, it should be pointed out that the AEC regulations on radiation protection are based principally on the radiation protection guides recommended by the Federal Radiation Council (FRC) and approved by the President for guidance of all Federal agencies. In 1959 Congress established the FRC to:

" . . . advise the President with respect to radiation matters directly or indirectly affecting health including guidance for all Federal agencies in the formulation of radiation protection standards and in the establishment and execution of programs of cooperation with states . . ."

After the recommendations of the FRC are approved by the President, they are published in the *Federal Register* for guidance of Federal agencies. The recommendations of the FRC are developed with the assistance of appropriate Federal agencies, the National Academy of Sciences and the National Council on Radiation Protection and Measurements. In addition to their own expertise, the members of these groups seek the advice of other highly qualified scientists and researchers with specialized knowledge of the many factors that determine the effects of radioactivity on man. The results of the extensive experimental programs on the behavior and effect of radioactive materials in the environment and in living tissue are also carefully considered in developing the FRC guidelines. In addition to the biological factors, acceptable levels of risk depend equally on social, engineering and economic considerations. The standards set by the FCR are reviewed as new research information becomes available or as new problems arise to determine whether changes in these guidelines are needed. In discussing radiation effects, the National Academy of Science—National Research Council in 1960 stated,

"Despite the existing gaps in our knowledge it is abundantly clear that radiation is by far the best understood environmental hazard. The increasing contamination of the atmosphere with potential carcinogens, the widespread use of many new and powerful drugs in medicine and chemical agents in industry emphasize the need for vigilance over the entire environment. Only with regard to radiation has there been determination to minimize the risk at almost any cost."

Dr. Merz states that those who disagree about the dangers of nuclear energy are in two camps. In one camp he places the AEC and the electric power industry. The other camp he identifies as a mixture of professional biomedical experts and the well informed, interested people from a variety of responsible organizations and others who he identified as a lunatic fringe. The AEC has responsibility to protect the health and safety of the public, and the record shows that we have carried out this responsibility both in research and development and in areas of regulation. The AEC recognizes the complexity of arriving at safety judgments related to radiological health and safety; therefore, we seek advice and assistance from numerous sources with special qualifications on particular problems, both inside and outside the government. Not only do we use the advice and recommendations of the FRC, ICRP and NCRP, but radiation protection standards incorporate the extensive information available on radiobiological change and the understanding and judgment of independent national and international experts and organizations. Since Dr. Merz appears to be specifically interested in the effects of tritium, a report by L. E. Feinendegen, "Tritium Labeled Molecules in Biology and Medicine," published by Academic Press in 1967, provides a wealth of sound information and includes references to approximately 1,000 experimental studies involving tritium with more than 100 studies of its effects on the body, and nearly 400 articles on experimental techniques. We are constantly striving for new knowledge, increased understanding, and along with independent organizations and biomedical scientists, are continually reviewing the new developments on the behavior of tritium. We look to the assistance of scientists to contribute to this process by identifying specific problem areas and by suggesting how these areas might be improved.

Before discussing Dr. Merz's reference to krypton-85 and tritium specifically, I would like to mention the reconcentration of radioisotopes since considerable misunderstanding has developed in this area. Reconcentration refers to the fact that aquatic and marine forms selectively remove certain elements from the water or from their food. These elements in various chemical forms may be incorporated into the body or body fluids of the organism. Consequently, the organism may have a higher concentration of certain elements than the concentration found in water. If a radioisotope of one of these elements is biologically available, it may be taken up along with its stable form and likewise be concentrated in the organism. Reconcentration of radionuclides by aquatic and marine food organisms is taken into consideration in AEC regulations. These regulations provide that, in addition to limits on concentrations, the AEC may further limit quantities of radioactivity released from a reactor if it appears that the daily intake of radioactive materials from air, water, or food by a suitable sample of an exposed population group, from all sources including multiple reactor sites, would otherwise exceed FRC radiation protection guides. In practice releases of radioactivity from nuclear power plants have been so low that the AEC has not found it necessary to implement this provision of the regulations. Operating experience to date has shown that exposures to the population in the vicinity of nuclear power plants from radioactivity and plant effluents are only a small fraction of radiation protection guides.

Dr. Merz refers specifically to effluent discharge of krypton-85 and tritium. Based on the projected growth of the nuclear power capacity in the United States and the free world, estimates have been made of the contribution to the exposure of the world's population assuming the release and complete mixing in the atmosphere of all krypton-85 produced. These estimates show that by 1980, assuming an installed nuclear power plant capacity of 300,000 Mwe in the United States and the free world and that present practices of releasing all krypton-85 to the environment are continued, krypton-85 would contribute about 0.6 mr per year to the population exposure. By the year 2000, assuming a projected installed nuclear power capacity of roughly 1,000,000 Mwe, the exposure could increase to about 2 mr per year. Correspondingly, estimates of exposures from the release of tritium produced in nuclear power reactors have been made assuming that tritium is diluted in the volume of circulating waters of the world, including the water in oceans and seas to a depth of 40 meters and in streams and in the first 10 kilometers of the atmosphere. These estimates show that by 1980, tritium would contribute about 0.0006 mr per year and by the year 2000, about 0.002 mr per year to the population exposure. It should be noted that with respect to the fission product krypton-85, only a relatively small fraction of the total quantity produced is released during operation of power reactors. The remainder is released at a chemical reprocessing site during reprocessing of the spent fuel elements. The above estimates of exposure include krypton-85 and tritium released both from power reactors and chemical reprocessing plants.

In order to establish some perspective for you as to the meaning of the estimated exposures given above, the external radiation exposure to people from natural background exposure due to cosmic radiation and radiation from naturally-occurring radionuclides in the environment is 70 to 150 mr/yr in most sea level regions with an average of about 100 mr/yr. In other regions radiation levels are higher depending both on elevation and the naturally-occurring radionuclide content of the soil. For example, the radiation level at Denver, Colorado, is about 170 mr/yr. In some areas of India and Brazil, radiation levels from natural background range higher than 1,000 mr/yr. At any given location the natural background radiation level varies considerably from time to time, even in short time intervals, depending on weather, temperatures, seasonal and other features.

I am enclosing a paper on radioactive pollution of the atmosphere which was delivered by a former member of the AEC staff recently at a symposium at the Lawrence Radiation Laboratory in Livermore, California. In this paper, Dr. Joshua Z. Holland has pointed out what we know of the effects of krypton–85 in the atmosphere and our continuing concern for this nuclear power produced noble gas. In this presentation, Dr. Holland also addresses himself to the fact that the amount of krypton–85 released to the environment has only been a very small percentage of the amount which could become biologically significant. Recently completed studies by the AEC and the USPHS on the worldwide effects of the release of long-lived noble gases and tritium indicate that through the year 2000 radiation exposures to the general public will not exceed small fractions of the radiation protection guides recommended by the Federal Radiation Council, National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection. I am confident that the science and technology of handling noble gases will continue to keep pace with our reactor development program and that methods of controlling or containing noble gases will be developed.

Dr. Merz reports on an experiment in which he observed that if fish and snails are given food containing tritium, some of it is incorporated in the body tissues. The uptake of tritium by all living organisms from water and nutrients is a well known fact. The property of tritium, in common with many other radionuclides, of remaining within the molecular structure of many nutrient elements as they are digested and metabolized in the body has been used in hundreds of published studies in biochemistry and related fields. It is this very property which makes tritium particularly useful in biomedical research. If, in this experiment, Dr. Merz is attempting only to show that tritium is taken up by organisms living in a tritium-containing medium, then we completely agree and no one, so far as we know, would claim otherwise. Dr. Merz's qualitative observations do not provide any information on how quantities of tritium retained by acquatic life are related to concentrations in water and food nor as to how the tritium may be distributed in individual body parts. Further, he has not provided enough information on which we can assess his experiment to determine any other valid conclusions; for example, we have questions on the number of samples, amount of tritium in the water, the weight of the samples, and to what extent Dr. Merz allowed time for his experiment to come to an equilibrium. These are questions discussed in one of the papers which was included in my letter of August 8, 1969, entitled "AEC Technical Discussion on Tritium Releases from the Proposed Calvert Cliffs Nuclear Power Plant." In the paper referred to above, it was pointed out that organisms living in the Bay would ultimately have the same ratio of tritium to hydrogen in their organic molecules as the tritium to hydrogen ratio in the water in which they are grown. This equilibrium will be reached slowly. However, as we explained, the tritium released into the Chesapeake Bay from the proposed Calvert Cliffs reactor would not become more concentrated or, with respect to hydrogen, more enriched as it moves along the natural food webs to man than is present in that environment.

We are convinced that currently available information on radiobiological change provides a sound basis for the establishment or conservative standards to assure safe operation of nuclear facilities and that the performance of these facilities to date clearly demonstrates that they can be operated well within these standards.

The task of conveying our continuing concern to those who are apprehensive, or not familiar with the scientific basis of our standards, or to those whose concern is based on other factors, is a difficult task. We recognize that we in the nuclear field will need to be more effective in relaying to both the general public and the specialists a complete and unbiased picture of the basis for our decision in this regard.

I trust that this information will be helpful.

Cordially,

GLENN T. SEABORG,
Chairman.

RADIOACTIVE POLLUTION OF THE ATMOSPHERE

(By Joshua Z. Holland, Chief, Fallout Studies Branch, Division of Biology and Medicine, U.S. Atomic Energy Commission)

ABSTRACT

The presently existing nuclear technology can proceed to expand for several decades at a maximum pace determined by supply and demand, while keeping the radioactive air pollution within acceptable limits. Presently known methods for improving on existing technology can extend that period a few additional decades. But after that, if the peaceful applications of nuclear energy are to continue to expand at a rate commensurate with human needs, new methods will be required for industrial waste gas handling and for evaluating the acceptability of proposed new sources of pollution. There is no reason to doubt that the science and technology can grow at a sufficient rate to be available when needed.

Let me begin with some physical facts for orientation purposes.

The atmosphere weighs 10 tons per square meter of earth's surface. There are 500 million square kilometers of earth's surface. There are therefore 5 billion billions kilograms of air. At sea level each cubic meter weighs 1¼ kilogram so the atmosphere contains 4 billion billion sea level cubic meters.

One of the interesting potential pollutants resulting from nuclear fission is krypton–85. Being a noble gas it tends to pass through filters and iodine traps during chemical processing of reactor fuel elements, and thus to escape to the atmosphere. There it accumulates, having a half-life of 10 years. About 4/10 of a curie of krypton–85 is produced by the nuclear reactor per year for each kilowatt of electric power it produces. If the nuclear power generation rate were constant, and all the generated krypton–85 were released to the atmosphere during fuel reprocessing, the total atmospheric burden would approach an equilibrium value about 15 times the annual production rate, or about 6 curies per electrical kilowatt.

The concentration below which nuclear power reactor operators are required to hold the kryptron–85 concentration outside their controlled area is 3 x 10^{-7} curie per cubic meter. A steady production rate of 200 billion nuclear electrical kilowatts would be required to bring the average concentration of kryptron–85 up to this level. Because of the slow rate of atmospheric mixing upward into the stratosphere and horizontally from regions of heavy to light industrial concentration, the air in the more heavily populated latitude band would reach this concentration at a lower steady power level, perhaps 50 billion electrical kilowatts. For comparison, the present total electrical generating capacity in the United States is about 0.3 billion kilowatts.

However, as long as power levels are rising rapidly from year to year, the global krypton-85 accumulation will lag behind. Thus at the time a nuclear generation rate of 50 billion kilowatts is actually attained, average kryton-85 concentrations may be half the equilibrium level and thus well below the present permissible level. On the other hand, when large populations are exposed a guide level ⅓ that currently used might be applied.

Local concentrations downwind of reprocessing plants will, of course, be several-fold higher than latitude averages. Local levels depend on the rate of release rather than on the cumulative atmospheric inventory. They will therefore not lag behind the power levels.

So much for the quantitative orientation.

It has been estimated that by the turn of the century, nuclear energy will supply about half of a total United States electric power capacity exceeding a billion kilowatts. An additional nuclear power generation capacity of similar or possibly greater magnitude will exist elsewhere in the world. The nuclear power will be economically competitive with that produced by combustion of fossil fuels while continuing to keep the radiation exposures of the general public within present-day guides of the Federal Radiation Council. This can be accomplished even if only present-day practices are employed for gaseous and particulate waste disposal to the atmosphere.

The next billion world-wide nuclear kilowatts would begin to present problems, but these can be solved by using presently known methods for improving the removal and containment of radioactivity from the off-gas streams of fuel reprocessing plants. Krypton-85, iodine-131, xenon-133 and tritium will need to be controlled carefully so that:

(1) Reprocessing plants do not require such large exclusion areas to maintain the radiation exposure of nearby populations below present day guides that the number of suitable locations becomes very limited and transportation costs increasingly large.

(2) The increase in average radiation exposure for the population as a whole does not exceed a small percentage of natural background exposure.

It may turn out that when the volume of fuel reprocessing business grows large, the reduction of site size permitted by improved off-gas treatment, and consequent increase in number of usable sites, will save more money in fuel transportation costs than the improved off-gas treatment will cost. If so, the improvements in effluent control at the source can be justified on economic grounds alone. This alternative would be strongly favored from the viewpoint of social benefit, even if it were not justifiable economically, and even though it would not be required by present-day regulations. Furthermore, the nuclear electric power industry may not be the only significant source of man-made radioactivity in the atmosphere as we progress into the nuclear age.

Somewhere around the tenth billion kilowatts of world-wide nuclear electric power, it appears that source controls going beyond applications of presently known principles will become mandatory in order to stay within today's guides. This could come before the middle of the 21st century.

Let us be bullish and assume that before too many decades there will be nuclear desalting and agro-industrial complexes and nuclear earth-moving projects which will transform the arid waste lands of the earth to bountiful homelands for billions of people. Let us assume also that many large vehicles and scientific stations will be carrying out useful and entertaining missions in space with the aid of nuclear energy.

We then can leap quickly to a number of conclusions about the nature of the radioactive air pollution problems in the nuclear age.

The peaceful applications of nuclear energy will be carried out without creating an unacceptable air pollution problem by *definition*. That is, since conventional alternative means exist for doing nearly all the essential things, the extent to which nuclear means are employed will be limited by the levels of atmospheric radioactivity which the public finds acceptable.

The definition of acceptable limits will have to be reasonably consistent among all nations of the world. It is reassuring to observe that effective means of international communication already exist in this field.

The question as to how far below the acceptable limits the radioactivity concentrations can be maintained will be decided largely on economic grounds. Until well into the 21st century it appears that the levels of individual radionuclides released by power reactors and reprocessing plants can be held well below present-day guides. Eventually the waste handling technology may be fully occupied in keeping within the guides.

At first the guides will be applied to one or a few "critical" nuclides at a time, all others being clearly far less important. As controls are instituted on one nuclide after another when they are projected to be approaching the guides, the number of nuclides from the nuclear power industry whose atmospheric concentrations are close to their permissible limits will become larger and larger.

At the same time other sources of krypton-85, iodine-131 and tritium, such as peaceful nuclear explosives or nuclear rocket motors, and also other radionuclides, such as tungsten-181 and manganese-54 from peaceful nuclear explosions, and plutonium-238 from space nuclear power systems, will also be increasing. Initially, the growth of each of these nuclear technologies may be limited by other factors such as supply and demand. Ultimately, however, each may tend to be limited by the economic penalties imposed by the requirement to operate within the permissible limits of environmental pollution.

It can be assumed that the effects, whatever they may be, would be more severe if a dozen or more different radionuclides were at their maximum permissible concentrations in the atmosphere than if only one were. It will therefore be necessary to devise a way of establishing guides for limiting the atmospheric concentrations of variable mixtures of numerous radionuclides. The composition of the mixture will change with time, and each component will have some segment of the world's economy, perhaps even the total economies of some nations, sensitively dependent on its prorated share of the MPC.

The biomedical problem is to find out how the effect of a low dose, of the same order of magnitude as the natural background dose, depends upon the way it is distributed among the organs and tissues of the body. The practical problem is that, even though the effects of doses of the magnitude of the maximum permissible radiation doses may continue to be in considerable doubt, the doses adopted for design and control purposes must be well defined and reasonably stable. Let us imagine that all possible combinations of organ and tissue doses can somehow be covered by a set of "permissible limits," or perhaps several sets for individuals and populations of various sizes. Under existing concepts of radiation protection the summation of radiation exposure due to atmospheric pollution, together with all other pathways of exposure, would be judged against these limits. The atmospheric radionuclides, in turn, must be evaluated in terms of their exposure pathways such as immersion, inhalation, deposition and food-chains to arrive at a measure of their contribution to the individual or population dose. To affect the nuclear technology in a rational manner the dose attributable to each atmospheric nuclide must again be resolved into the part attributable to each source of contamination. It seems most likely that the effects of various assumed combinations will have to be explored at both the source end and the dose end of the calculation in order to arrive at a compatible set of radionuclide emission licenses.

This bookkeeping plus optimization problem does not appear to be an unreasonable job for a computer if it does not have to be done too many times at too many places. It does require complete input data on existing and proposed radioactive pollution sources, good mathematical models for predicting the doses via all possible pathways, and a comprehensive set of dose distribution limits. The type of research and development which would be required for such a system is underway, but perhaps at a somewhat leisurely pace.

After all, we don't know how long it will take to get the needed research results for the design of such a system, since some of the pathways and mechanisms probably have not yet been identified. We also don't know when the system will be needed, although it seems likely that it will be evolving during the coming decades as rapidly as the scientific base permits. Even now, with essentially the same scientific base and the same book of rules in the hands of both the official regulatory agencies and the applicants for licenses, each significant new scientific finding has an impact on the licensing process.

Quantitative models will certainly be needed for predicting atmospheric transport, dispersion and deposition on all spatial scales, as a function of the physical and chemical properties of the contaminant material, the location and height of release, nature of surrounding buildings and terrain, time of day, season and weather. Even for present-day applications the uncertainties are larger than we would like them to be. Such present applications include the determination of permissible reactor containment building leakage rates, the determination of exclusion area requirements for fuel reprocessing plants, the evaluation of the consequences of potential accidents affecting isotope power units for the space program, and the estimation of the effects of long-range dispersion or precipitation on the number of acceptable days for nuclear cratering or nuclear rocket engine tests. These programs are in their infancy and each has the potential to grow within a few decades to a size such that incremental costs of hundreds of millions to billions of dollars may well be determined by the outcome of such meteorological calculations.

My conclusion is that the problem of radioactive pollution of the atmosphere *can* be kept under control. To do so will require world-wide acceptance of common standards and effective regulatory mechanisms. These mechanisms and their scientific base must grow to keep ahead of the industry, and not be allowed to lag behind as has occurred most commonly in the past history of other technologies. The problem will become more and more complicated with the proliferation of sources, and will probably require an international accounting system as well as rapid international dissemination of the best available technological information. The problem of evaluating the biomedical implications of proposed new sources of radioactive air pollution will continue to strain our scientific capabilities, despite the best research efforts we will be able to put forth, for some time to come. Nevertheless there does not seem to be any doubt that feasible control levels, assuring an acceptable margin of safety, can be agreed upon.

The incentive for exploiting the benefits of nuclear energy will be very powerful. The incentive for keeping the atmosphere safely breathable will also be very powerful. Of course, the people who feel these two incentives most keenly may not in general be the same. As scientists we must provide both groups with a complete and objective information base, and on a timely basis. As scientists we must also keep in mind the following possibilities:

(1) That the world-wide nuclear technologies may grow more slowly or more rapidly then we are now predicting; and (2) that the biomedical research may turn up information which will result in a change upward or downward in the levels of radioactive pollution considered acceptable.

IDEALISM, IGNORANCE, AND INNOCENCE

Mr. HANSEN. Mr. President, I have read with interest an article written by the distinguished columnist Mr. Joseph Alsop, and published in the Washington Post of November 17, 1969.

I believe it is Mr. Alsop's intent to point out to those who are the followers of some of the Nation's demonstrations just who their leaders are. Many believe that most of those who participate in demonstrations against American policy, especially that policy as pursued in Vietnam, have, though well intentioned, served as pawns to the advantage of the enemy. This belief has, of course, been reinforced by the steady stream of encouragement to the demonstrators from the Communist leadership in Hanoi.

The American Security Council prepared a factual paper entitled "Mobilization for Surrender," which contains information that should provide some enlightenment to many innocent demonstrators the source from which some of their leadership has been derived or influenced. I believe it will be in the interest of many of the loyal, though perhaps misinformed Americans who have participated in demonstrations recently that I ask unanimous consent to have printed in the RECORD Mr. Alsop's column and the American Security Council report.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SALUTE TO NIXON BY GOLDA MEIR MAKES "KID" MARCH HEARTACHE

It was hearbreaking, somehow, to see "the kids" in Washington, and then to learn of the latest, least expected support for President Nixon's Vietnamese policy.

That mother in Israel, Golda Meir, seems to have walked, insensible, arch-supporting shoes, straight out of one of the heroic epochs of the Bible story. But as Prime Minister of a small, infinitely brave and viciously beleaguered nation, Golda Meir must be alert to all that passes in the present.

She heard and studied President Nixon's remarkable Vietnam speech. Whereupon quite spontaneously, without solicitation, to the vast surprise of the White House, Mrs. Meir sat down and sent the President a message of warm congratulation and strong moral support.

Among other things, she saluted the President for "encouraging and strengthening small nations the world over, striving to maintain their independent existence, who look to that great democracy, the United States of America." The highest Israeli sources state, without hesitation, that this was an indirect but emphatic reference to an obvious danger that Mrs. Meir now fears.

The fact is that Israel's peril will be much increased by the worldwide repercussions of the kind of American defeat that "the kids" clamored for here in Washington. It is very strange indeed, therefore, that this purposely significant message to the President should have received no attention to date, despite its high origin and easy public availability.

This reporter learned of Mrs. Meir's message by sheerest accident over the weekend, days after its White House release, and just after escaping from a huge sidewalk eddy of "the kids." It was heartbreaking, simply because it so sharply pointed out the contrast between Mrs. Meir and the people she leads and the new breed of Americans those "kids" represent.

The word is put in quotations because it is time to protest the degrading sentimentality, the mush-headed permissiveness that lies behind this novel usage. In the Second World War, silly people used to call our troops "American boys" in the same manner. Yet they were not boys; they were American men, bravely fighting for their country, thank God and them, as men are sometimes called upon to do.

Today, it is far worse. A bearded, unwashed, 25-year-old Trotskyite is not a "kid." Neither is a lank-haired 24-year-old harridan of the same persuasion. Male and female storm troopers of the new left, perhaps; but "kids," no! And if you collect the facts about the brutality some of these alleged kids have actually resorted to, in the current New Left assault upon academic freedom, for instance, storm trooper seems a quite justifiable appellation.

Here, to be sure, we are speaking of a small though very influential minority. Idealism, ignorance and innocence, wallowing self-pity and simple fashion no doubt animated the great majority of the young people who marched in Washington at the weekend. But even the most empty-headed 18-year-olds were not "kids," they were at least proto-adults, with a duty to begin facing the world and the facts in a fully adult manner.

It is this refusal to face the world and the facts as adult Americans that mainly characterizes "the kids." It is also this refusal, one supposes, that their admirers have in mind when they call them "kids." And it is this refusal, once again, which sets these young Americans so far apart from the most beardless boy, from the most barely nubile girl among Mrs. Meir's people.

A kindly Providence has never called upon the American people to show the heroism, the hardihood, the unfailing will and resolution of Mrs. Meir's people. The Civil War, over a hundred years ago, was the nearest we ever came to a comparable test, and in the hard cold harbor-time, Abraham Lincoln and Ulysses S. Grant were among the few Americans who had not begun to lose heart.

The truth is that we Americans, because of our great good fortune, have always tended to forget the basic lesson that history is a harsh, remorseless process, in which few nations get a second chance. That is the lesson that has been cruelly rubbed in upon Mrs. Meir and her people, by over two millenia of dire experience with history's harshness.

To the convinced pacifists, fighting for your country is always wrong—even if the end result is to condemn men like Noam Chomsky to the fate of Yuri Daniel and Alexander Solzhenitsyn. And this would surely be the end result, and for independent-minded Americans of every kind.

But unless the storm-trooper doings of the New Left minority provoke even worse reactions on the right, we can still count upon escaping that fate, providing we learn just a little from Mrs. Meir and her people.

MOBILIZATION FOR SURRENDER

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 80 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Covention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitation protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., W.E.B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the War in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Peck, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okun), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist, but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawks, Co-Coordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the Conference itself was marked by periods of dissension. At the outset of the Conference, it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall antiwar action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairman; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the Size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE re-scheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The

SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has even seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister, Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—IV

Mr. TYDINGS. Mr. President, I was pleased to learn that the postponed hearings on S. 2108 by the Subcommittee on Health, of the Committee on Labor and Public Welfare, have been rescheduled for December 8 and 9. It is my hope that these hearings, of which the Senator from Missouri (Mr. EAGLETON), will be the chairman, will constitute a major step toward the formulation and implementation of a comprehensive national family planning policy in this country.

As these hearings will undoubtedly show, it is difficult to overemphasize the intimate relation between family size and poverty. This important relationship was convincingly documented in an excellent article written by Arthur A. Campbell, Chief of the Natality Statistics Branch of the U.S. Public Health Service. I ask unanimous consent that the article, entitled "The Role of Family Planning in the Reduction of Poverty," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Role of Family Planning in the Reduction of Poverty *

(By Arthur A. Campbell **)

The prevention of unwanted births would have a substantial economic impact on families living in poverty. Using conservative assumptions, the costs of family-planning programs are estimated to average $300 to prevent every unwanted birth that would otherwise have occurred. Over the years, however, the avoidance of an unwanted child would save the family an average of $8,000 in the costs of child care. It would also enable couples to add an average of $600 to their annual incomes over a four-year period by making it possible for some of the wives to work. When all of these savings and added earnings are discounted to the year in which the unwanted births were prevented, the total economic benefits average $7,800 for every $300 spent on family-planning services. The ratio of benefits to costs is 26 to 1.

INTRODUCTION

One of the major burdens of the poor is the large number of children dependent on them. In 1966, poor adults of working age (18–64) had over twice as many children to provide for, on the average, as did adults with adequate incomes.[1]

It is clear from survey findings that many couples living in poverty do not want as many children as they have.[2] The degree to which the high fertility of the poor results from restricted access to effective and acceptable methods of contraception is not accurately known, but is undoubtedly large. This is suggested by the widespread acceptance by the poor of family-planning services offered to them through organized public and private programs. Such programs are seen, therefore, as efforts to help poor couples achieve their own family-size goals. They are not considered to be a means of reducing the rate of growth of a segment of the population or of the total population. Their main purpose is simply to offer to poor couples a greater measure of control over a vital element in their own lives.

So far, only a small proportion of poor couples who need help in controlling their fertility have been reached by programs financed by private agencies or by federal, state, and local governments. This paper presents national estimates of the magnitude of the problem of unwanted fertility among the poor and indicates the economic impact that publicly supported family-planning programs may be expected to have on the population living in poverty. Although these estimates are necessarily rough, they are probably sufficient to suggest the dimensions of the problem and of the efforts required to solve it.

The definitions of the "poor" and "near-poor" populations used in this paper are those developed by the Social Security Administration. These definitions take into account the family's total income, the number of people living in the family, whether the family is headed by a man or a woman, and whether or not the family lives on a farm. For example, a nonfarm family of four, headed by a man, is considered to be "poor" if the total family income in 1965 was below $3,200 and "near-poor" if the income was between $3,200 and $4,150.

THE DIMENSIONS OF THE PROBLEM

The statement that the poor have high fertility is, in part, redundant. Because the definition of poverty is based upon both income and number of people in the household, the families designated as "poor" or "near-poor" tend to have more children than other families. This qualification is not intended to discount the importance of high fertility as a factor in perpetuating poverty, but only to draw attention to the fact that the fertility of the poor will always be high, assuming that we continue to use the criterion of family size in defining poverty. Even if the proportion of people designated as "poor" and "near-poor" declines from its current level of 25 percent to 5 percent of the population, that 5 percent will have high fertility—possibly even higher than the fertility of today's 25 percent. Therefore, it would not be appropriate to judge the effectiveness of publicly supported family-planning programs by following trends in the fertility of the population remaining in poverty. In fact, the families remaining in poverty may tend to be those that did not participate in family-planning programs.

The approach taken here is to estimate the recent annual fertility of women of child-bearing age who were counted among the poor and near-poor in March 1966 and then to estimate the extent to which the fertility of these women might have been reduced by offering them effective methods of contraception. However, for the reason stated above, this will not indicate the extent to which the fertility of the women *remaining* in poverty in future years will be reduced. We intend only to contrast the actual recent situation with a hypothetical situation in which women have adequate control of their fertility.

According to the estimates described in Appendix A, poor and near-poor women of child-bearing age (15–44 years) had an average of 153 births per 1,000 women during the six-year period 1960–1965. This compares with a rate of 98 for women in the non-poor population. Inasmuch as the rate of 98 is consistent with an ultimate family size of about three children, on the average, and inasmuch as three is the average number of children wanted by most Americans, regardless of race or economic status,[3] we have assumed that the poor and near-poor would also have a fertility rate of 98 births per 1,000 women *if they had the same access to effective methods of contraception as the non-poor*. In other words, we do not assume that they would avoid all unwanted births, just as the non-poor have not achieved perfect control over the fertility. We are simply assuming that equal access to effective contraception would enable the poor and near-poor to be as successful as the non-poor in avoiding unwanted births. The difference between the actual fertility of the poor and near-poor (153 births per 1,000 women 15–44) and the fertility of the non-poor (98) may, then, be taken as a measure of the "excess" fertility of the poor and near-poor. This amounts to 55 births per 1,000 women 15–44 annually for the period 1960–1965.

Assuming that the rate of excess fertility continued at this level, the 8.2 million poor and near-poor women of reproductive age had approximately 451,000 unwanted births in 1966 that might otherwise have been avoided. This represents 36 percent of all births among the poor and near-poor and 12 percent of all births in the United States. Even granting some degree of inaccuracy in these estimates, it is evident that the problem of unwanted childbearing among the poor is one of major proportions.

Although this may appear to be a high estimate of unwanted childbearing, it seems to be consistent with other evidence. For example, the 1960 survey cited above showed that among white married couples, the combination of low educational attainment and low income resulted in severe excess fertility: if the wife had not gone to high school and if the husband earned less than $4,000 a year, then 39 percent did not want as many children as they already had.[4] In addition to such couples, one would have to consider the higher rates of excess fertility among poor Negro married couples[5] and the high levels of illegitimate fertility among the poor.

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* Research for this paper was carried out April-June, 1967.

** *Arthur A. Campbell, B.A., is Chief, Natality Statistics Branch, National Center for Health Statistics, U.S. Public Health Service.*

[1] These and other estimates of the fertility of the poor, near-poor, and non-poor are derived from special tabulations by the Bureau of the Census from the Current Population Survey for March, 1966. Poverty status has been defined with the use of the Social Security Administration's criteria, which are described in Mollie Orshansky, "Who's Who Among the Poor: A Demographic View of Poverty," *Social Security Bulletin*, (July, 1965).

[2] Pascal K. Whelpton, Arthur A. Campbell, and John E. Patterson, *Fertility and Family Planning in the United States*, Princeton, New Jersey: The Princeton University Press, 1966, p. 243.

[3] Among women interviewed in 1960, white wives wanted an average of 3.3 children, and nonwhite wives wanted an average of 2.9. See *ibid.*, p. 44.

[4] *Ibid.*, p. 248.

[5] *Ibid.*, p. 361–369.

PROBLEMS OF TIMING

The problem of fertility control has two major aspects: the control of child-spacing and the limitation of completed family size. Although major attention has focussed on the problem of large families and excess fertility, as discussed in the preceding section, the problem of adequate child-spacing may be of greater strategic importance for poor couples. Freedman has shown that early childbearing and close spacing of births are serious obstacles in young couples' efforts to improve their economic position.[6] The burden of too many children too soon can be so heavy that the couple never manages to provide adequately for themselves or their children.

Also, the failure to adopt effective fertility-control measures early in marriage may adversely affect the couple's ability to limit the total number of children they eventually have. A 1960 survey showed that among 18–39-year-old white wives with little education (a major component of the poverty group), 32 percent had borne more children than they or their husbands wanted, and half of these (or 15 percent of the total) had failed to use contraception *before* they had more children than they wanted.[7] It is clear from this and other research that it is important to begin efforts to control fertility early in the childbearing period.

The importance of child spacing is emphasized here, because many of the publicly supported family-planning programs now in operation first reach the mother when she is in the hospital to give birth to a child. Although there are many good reasons for taking advantage of the maternity-ward setting, there should be additional programs to reach the potential mother before she has her first child. In a very real sense, it may be more important to delay the first child than to prevent the seventh.

The timing of the first birth is of crucial strategic importance in the lives of young women, because the need to take care of a baby limits severely their ability to take advantage of opportunities that might have changed their lives for the better. In this regard, the problems posed by births to unmarried women are especially serious. The girl who has an illegitimate child at the age of 16 suddenly has 90 percent of her life's script written for her. She will probably drop out of school; even if someone else in her family helps to take care of the baby, she will probably not be able to find a steady job that pays enough to provide for herself and her child; she may feel impelled to marry someone she might not otherwise have chosen. Her life choices are few, and most of them are bad. Had she been able to delay the first child, her prospects might have been quite different, assuming that she would have had opportunities to continue her education, improve her vocational skills, find a job, marry someone she wanted to marry, and have a child when she and her husband were ready for it. Also, the child would have been born under quite different circumstances and might have grown up in a stable family environment.

Although it is not possible to estimate accurately the level of illegitimate fertility among the poor, it appears to be on the order of 16 percent of all births to poor and near-poor women, compared with about two percent for the non-poor. The method of preparing these estimates is presented in Appendix B.

The estimate that 16 percent of the births to the poor and near-poor are illegitimate seems somewhat low in view of other evidence. Data from the Census Bureau's survey of March, 1966, show that among children under 18 who are living with women of reproductive age (in most cases, their mothers) 23 percent are in female-headed households. Not all of these households are headed by unmarried women, but many of them are. (The comparable proportion for children not counted among the poor or near-poor is only three percent.) However, even if 16 percent is a low estimate of illegitimacy for poor and near-poor births, it cannot be very low if the maximum possible estimate is 21 percent, as indicated in Table B-1 at the end of this article.

The proportions illegitimate for the poor and near-poor in Table B-1 are consistent with rates of approximately 68 illegitimate births per 1,000 unmarried women 15–44 years of age annually, compared with eight per 1,000 for women who are not included in either of the poverty groups. This level of illegitimate fertility implies that, among the poor and near-poor, approximately 18 percent of the girls have had an illegitimate birth by the time they reach their twentieth birthday. It should be emphasized that such estimates are based on slim and fragmentary evidence. They are cited simply to suggest the order of magnitude of the problems of fertiltiy control among the poor and near-poor.

FERTILITY-RELATED CHARACTERISTICS OF THE POOR AND NEAR-POOR

In order to estimate the number of persons that might be served in publicly supported family-planning programs, we need some information about characteristics affecting exposure to the risk of conception—particularly, the age and marital status of the women in the childbearing years of life. In addition, it will be necessary to estimate the prevalence of reproductive impairments in the population and the number of women who do not need to use contraception because they are pregnant or trying to conceive.

TABLE 1.—NUMBER OF WOMEN 15 TO 44 YEARS OF AGE, BY AGE AND POVERTY STATUS: UNITED STATES, 1966

Age	Total resident population [1] (July 1, 1966)	Noninstitutional population (March 1966) [2]				
		Total	Poor and near-poor	Poor	Near-poor	Other
Number of women: 15 to 44	39,512,000	39,076,000	8,208,000	5,657,000	2,551,000	30,868,000
15 to 19	8,806,000	8,605,000	[3] 2,091,000	[3] 1,516,000	[3] 575,000	[3] 6,514,000
20 to 24	6,981,000	6,881,000	1,385,000	920,000	465,000	5,496,000
25 to 29	5,840,000	5,761,000	1,249,000	869,000	380,000	4,512,000
30 to 34	5,527,000	5,510,000	1,264,000	855,000	409,000	4,246,000
35 to 39	5,987,000	5,988,000	1,188,000	797,000	391,000	4,800,000
40 to 44	6,371,000	6,333,000	1,032,000	701,000	331,000	5,301,000
Percent distributions by age: 15 to 44	100.0	100.0	100.0	100.0	100.0	100.0
15 to 19	22.3	22.0	25.5	26.8	22.5	21.1
20 to 24	17.7	17.6	16.9	16.3	18.2	17.8
25 to 29	14.8	14.7	15.2	15.4	14.9	14.6
30 to 34	14.0	14.1	15.4	15.1	16.0	13.8
35 to 39	15.2	15.3	14.5	14.1	15.3	15.6
40 to 44	16.1	16.2	12.6	12.4	13.0	17.2

[1] U.S. Bureau of the Census, current population reports, series P–25, No. 352, Nov. 18, 1966, p. 15.

[2] Derived from special tabulations by Bureau of the Census from the Current Population Survey for March 1966.

[3] Estimated from tabulations showing age groups 14 to 17 and 18 to 19 for the female population. It was assumed that the proportion of 14 to 17-year-old women who were age 14 was the same in each component of the noninstitutional population as it was in the total resident population: 25.7 percent.

TABLE 2.—ESTIMATED NUMBER OF WOMEN 15–44 YEARS OF AGE, BY MARITAL STATUS AND POVERTY STATUS: UNITED STATES, NONINSTITUTIONAL POPULATION, MARCH 1966

Marital status	Number of women 15–44 [1]					Percent distribution by marital status				
	Total	Poor and near-poor	Poor	Near-poor	Other	Total	Poor and near-poor	Poor	Near-poor	Other
Total	39,076,000	8,208,000	5,657,000	2,551,000	30,868,000	100.0	100.0	100.0	100.0	100.0
Married	26,621,000	5,201,000	3,423,000	1,778,000	21,420,000	68.1	63.4	60.5	69.7	69.4
Husband present	24,735,000	4,122,000	2,528,000	1,594,000	20,613,000	63.3	50.2	44.7	62.5	66.8
Husband absent	1,886,000	1,079,000	895,000	184,000	807,000	4.8	13.1	15.8	7.2	2.6
Separated	1,031,000	601,000	507,000	94,000	430,000	2.6	7.3	9.0	3.7	1.4
Other [2]	855,000	478,000	388,000	90,000	377,000	2.2	5.8	6.9	3.5	1.2
Widowed	382,000	178,000	139,000	39,000	204,000	1.0	2.2	2.5	1.5	.7
Divorced	1,094,000	420,000	326,000	94,000	674,000	2.8	5.1	5.8	3.7	2.2
Never married	10,981,000	2,409,000	1,768,000	641,000	8,572,000	28.1	29.3	31.3	25.1	27.8

[1] Estimated from tabulations showing age groups 14 to 17 and 18 to 44 by marital status and poverty status. It was assumed that the proportion of 14 to 17-year-old women who were age 14 was the same in each component of the noninstitutional population as it was in the total resident population: 25.7 percent. It was also assumed that none of the 14-year-olds was married.

[2] In the total population. 25 percent of the women in this category report a husband who is in the Armed Forces. Comparable data are not available for the population classified by poverty status.

Source: Derived from special tabulations by Bureau of the Census from the current population survey for March 1966.

Table 1 presents estimates of the number of women 15–44 years of age in 1966 for the poor, near-poor, and non-poor. Inasmuch as these estimates relate to the noninstitutional population, comparable data are also shown for the total resident population of the United States, which is used in the computation of age-specific fertility rates for the nation as a whole. The two populations differ by only 1.1 percent.

As these data show, the poor and near-poor populations contain somewhat higher proportions of younger women (ages 15–19) than does the non-poor population of reproductive age. The excess at ages 15–19 in the poverty groups is balanced by a relative deficit at the older childbearing ages, 40–44. These findings are somewhat surprising. In view of the fact that the definitions of the poor and near-poor are selective of women with relatively many children, one might have expected a higher proportion of older women in the two poverty groups. However, this is not the case. Instead, as far as their age distributions are concerned, the poor and near-poor have a greater potential for future childbearing than the non-poor.

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[6] Ronald Freedman, "Final Project Report, Economic Status, Unemployment, and Family Growth," Social Security Administration Project No. 107–03–043 and continuation Project No. 107(Cl)–4–083 (mimeographed).

[7] Whelpton *et al.*, *op. cit.*, p. 248.

Table 2 shows the widespread extent of marital instability among the poor and near-poor. The proportion of women in the model marital status for our society (married, husband present) is only 45 percent for the poor, 62 percent for the near-poor, and 67 percent for the non-poor. The proportions of women who have been married but are no longer living with a husband are 24 percent for the poor, 12 percent for the near-poor, and only five percent for the non-poor. Thus, the disruption of marital ties, for whatever reason, is nearly five times as common among the poor as among the non-poor. Poor and near-poor women are more likely to have been widowed, divorced, separated, or simply living apart from their husbands than non-poor women.

It is difficult to judge how the greater marital instability among the poor and near-poor affects their fertility. It may reduce their exposure to sexual intercourse, relative to that among the non-poor. However, the reduced exposure due to smaller proportions married and living with a husband may be compensated for by irregular sexual unions. This conclusion is consistent with the information on illegitimacy presented earlier. On balance, we have no reason to believe that the poor and near-poor have a substantially lower exposure to the risk of conception than the non-poor. It may be somewhat lower, but the difference is probably not great.

Estimates of the proportion of women exposed to the risk of conception in any population are necessarily rough. For present purposes, it has been assumed that all married women are at risk and 50 percent of the unmarried. This yields an estimate of 82 percent of the number of the poor and near-poor women 15–44 years of age. This estimate is intended to include women who are regularly exposed to the risk of conception as well as those who are only occasionally exposed.[8]

The prevalence of sterility among the poor and near-poor is probably similar to that for the general population. This conclusion is based on a review of the evidence for socioeconomic differences in the prevalence of fecundity impairments in a 1960 study of family planning. Although it is true that for white couples the proportion of couples with fecundity impairments is greater among the less educated (who are more likely to be poor and near-poor), it is also true that this proportion is about the same for white and nonwhite couples.[9] For present purposes it was assumed that socioeconomic differences in the prevalence of sterility were too small to affect our estimates substantially. Proportions sterile, by age, were obtained from a smoothed set of percentages developed from the survey data referred to above and applied to the numbers of poor and near-poor women, by age, shown in Table 1. This yielded an estimate of 13 percent sterile.[10]

In our estimate of the need for contraception among the poor and near-poor, we must also deduct an allowance for women who are pregnant or seeking pregnancy. This allowance should be consistent with the desired fertility of the poor, rather than with recent actual fertility, if we want the estimate to reflect the number of women who need contraception. The assumed desired fertility rate of 98 births per 1,000 women 15–44 years of age means that 9.7 percent of the women have a baby during the year (a one-percent allowance has been deducted for women who have twins). Assuming a fetal death rate of 150 fetal deaths per 1,000 pregnancies (this represents, approximately, known fetal deaths, but is probably an underestimate of actual fetal deaths), 11.4 percent of the women were pregnant during the year. Assuming that each pregnancy lasted eight months, on the average (nine months for full-term babies and three months for fetal deaths), then two-thirds of these women were pregnant at any one time during the year and would not be in need of contraceptive services at that time. This gives us an estimate of 7.6 percent who do not need contraceptive services because of pregnancy.

It is difficult to estimate the proportion of women who are trying to get pregnant at any one time, because the time it takes to conceive varies considerably from couple to couple. Consequently, the distribution of conception waits is quite skewed. As a rough approximation, let us assume that it takes an average of six months to conceive (excluding two months for the puerperal period). If 11.4 percent of women become pregnant in any one year (which is consistent with the assumptions in the preceding paragraph), then half that proportion, or 5.7 percent, are trying to get pregnant at any one time and have no need for contraceptive services.

In summary, the allowance for current pregnancies is assumed to be 7.6 percent, and the allowance for women trying to conceive is 5.7 percent. Together, these proportions add to an allowance of 13 percent (rounded) who will not need contraception at any one time because of a desired conception.

The estimates presented in this section have been brought together in Table 3. They show that at any given time, there are nearly 4.6 million women among the poor and near-poor who need contraception.[11] This may be considered a high estimate of the number of women who need to have family-planning services made available to them in public clinics, because some of the couples among the poor and near-poor are able to exercise satisfactory control over their fertility. However, even these couples do not have the same access as the non-poor to the more effective and acceptable methods of contraception, particularly the pill and the loop. So, simply in order to equalize the access of the poor and near-poor to modern methods of contraception under medical supervision, it is appropriate to try to make contraceptive services available to all who may need and want them.

TABLE 3.—ESTIMATED NUMBER OF POOR AND NEAR-POOR WOMEN 15–44 YEARS OF AGE WHO NEED CONTRACEPTIVE SERVICES: UNITED STATES, MARCH 1966

Item	Number of women	Percent
Total	8,208,000	100
Deductions:		
Not exposed to risk	1,477,000	18
Sterile	1,067,000	13
Pregnant or trying to conceive	1,067,000	13
All deductions	3,611,000	44
Remainder who need contraception	4,597,000	56

THE POTENTIAL IMPACT OF FAMILY-PLANNING SERVICES

In order to help poor and near-poor couples avoid 451,000 unwanted births per year, family-planning services would have to be provided for 4,597,000 women, according to the estimates presented in the preceding sections. Thus, for every unwanted birth prevented, contraceptive services would have to be provided for an average of 10.2 women. For the purpose of making rough estimates, it will be sufficient to round this estimate to ten.

How much would this cost? The Planned Parenthood Federation has estimated the costs of subsidized family-planning services at between $20 and $25 per patient per year.[12] As a conservative estimate, we have assumed a higher cost of $30. When multiplied by ten, this gives us an annual estimate of $300 for every unwanted birth avoided.

The prevention of an unwanted birth has two major economic benefits. First, it avoids the cost of providing for an additional child in the family; second, it may enable the potential mother to earn money to supplement the family's income.

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[8] The estimate that 50 percent of the unmarried are exposed to the risk of conception is based on the assumption that the monthly risk of conception ("fecundability") for women regularly engaged in intercourse is .2. If the proportion of unmarried women having a birth in any given year is 6.8 percent (see the preceding section of this report), then approximately eight percent were pregnant during the year (allowing for 15-percent fetal wastage). Assuming eight percent pregnant and a fecundability of .2, the proportion of women exposed to the risk of conception must have been at least 8.6 percent, assuming that none of them used contraception. If 60 percent of those engaging in intercourse did use contraception, however, then 12.7 percent must have been engaged in intercourse regularly. If we further assume that sexual union was less regular among the unmarried than the married, the proportion of all unmarried women engaging in intercourse is some multiple of 12.7. If we assume that the frequency of intercourse among unmarried women is only 25 percent of that among married women, then the appropriate multiple is 4. This yields an estimate of 50.8 percent of unmarried women who have intercourse only occasionally. The purpose of elaborating this train of tenuous assumptions is simply to show that we have to make some fairly exaggerated assumptions even in order to arrive at an estimate that 50 percent of the unmarried women have intercourse occasionally. A lower estimate would probably be somewhat more defensible.

[9] Whelpton *et al.*, *op. cit.*, pp. 158 and 352.

[10] This is consistent with the proportion of couples classified as "definitely sterile" and "probably sterile" in the 1960 study cited above. It does not include an allowance for the less severe impairments found among those classified as "possibly sterile" and "possibly fecund" in this study, because the women in these two categories still need contraception, even though their risk of conception is below normal.

[11] This compares with an estimate of 5.3 million women in need of contraception, derived by Planned Parenthood-World Population (PPWP). To arrive at its estimate, PPWP uses the Dryfoos-Polgar formula for estimating community need for family-planning services (described in F. S. Jaffe, "Financing Family Planning Services," *"American Journal of Public Health,* 56:6 (June, 1966), p. 917, footnote 3), as applied to a special tabulation by the Census Bureau of the characteristics of women aged 18–44 living in poverty and near-poverty in March, 1966.

The methods of estimation embodied in the Dryfoos-Polgar formula and in this paper are basically similar, although the assumptions differ. For the purpose of planning services at the present time, when fewer than one million women are being reached by public and private programs, the difference between 4.6 and 5.3 million is not considered serious.

[12] "Family Planning and Infant Mortality: An Analysis of Priorities." A Report by the Department of Program Planning and Development and Department of Research, Planned Parenthood-World Population, New York, June 1967 (mimeographed), p. 4.

The costs of supporting a child vary with the number of children already in a family and the level of support chosen as the criterion of poverty. Using the Social Security Administration's index based on 1965 income for a family of five (husband, wife, and three children), an additional family member adds $470 to the annual income required to avoid being classified as poor, and $605 to avoid being classified as near-poor. In order to present a conservative estimate of the costs of raising a child, we have chosen the lower of these two figures.

The costs avoided by preventing an "excess" birth are avoided not only this year, but also in future years. Therefore, the costs avoided extend throughout the years the child would have been in the home. Assuming that the child would have remained in the home until his eighteenth birthday and assuming that 94.4 percent of the children would survive to that age (an estimate based on nonwhite mortality for 1964), the total amount of money saved for every unwanted birth avoided would be $7,986. In order to represent the economic impact for the year in which the birth was avoided, the annual savings have been discounted at a rate of 4 percent annually for 18 years. This yields an estimate of the $5,617 saved for every $300 spent on family-planning services in any given year. The ratio of the economic benefit to the cost is 18.7 to 1.

As noted earlier, another economic benefit of adequate fertility control is that it makes it possible for the potential mother to spend a longer time earning money to supplement her family's income. Just how many years or months the prevention of an unwanted birth adds to the working life of a woman depends, in part, on the availability of day-care services for her children. If such services are available, an unwanted pregnancy could interrupt the mother's employment for only two months. However, if they are not available, the interruption could last until the child begins school at the age of six. Since such services are not generally available, let us assume that an unwanted pregnancy would make it impossible for the potential mother to work for an average of four additional years. (This estimate is less than the maximum of six to allow for the possibility that some women may have a wanted child during the period when they might have worked.) Let us further assume that 30 percent of the women who avoid an unwanted pregnancy would work. (There is little evidence on which to base this assumption; the proportion is assumed to be lower than the 41 percent of poor female heads of households who worked in 1965.) Using these assumptions, the prevention of 451,000 births would enable 135,000 women to work for four years. If they earned an average of only $2,000 annually (assuming that some work part-time and some work full-time), their earnings would total $8,000 each, or $7,260 when discounted to the first year at a rate of four percent. Since only 30 percent of the women are assumed to work, the additional earnings would average $2,178 per unwanted birth avoided. In this case the economic benefit is 7.3 times greater than the cost of $300 per unwanted birth avoided.

In summary, the economic benefits of each unwanted birth prevented are as follows:

$5,617 avoided expenses for raising a child to age 18.

$2,178 additional earnings for women who were enabled to work.

$7,795 total.

The total economic benefit is 26 times greater than the cost of $300 per unwanted birth prevented.

The necessarily rough estimates are cited simply to show that the economic effects of improved control over fertility are far greater than the cost of providing contraceptive services to the poor. Probably no other type of program could achieve huch a high ratio of benefits to costs. However, it should be noted that these benefits would accrue to a limited number of the poor and near-poor. For example, if it had been possible to prevent the 451,000 "excess" births estimated for 1966, a total of 1,804,000 persons might have been helped, assuming an average family size of four persons (husband, wife, and two children). This is only 3.8 percent of the total number of people counted among the poor and near-poor. Of course, other families would be helped in future years, and the eventual proportion of people benefiting from family-planning services would be much larger than the 3.8 percent affected in any one year. We can estimate the larger proportion very roughly by assuming that women 15–44 years of age continue to be 17 percent of all persons in the poor and near-poor populations, that half of them (or 8.5 percent of the total) would have avoided one or more unwanted children by making use of family-planning services, and that their families eventually included an average of five persons; these assumptions imply that ultimately 42 percent of the population living in poverty would have received the economic and other benefits of family-planning services. Although, this estimate is very rough, it serves to indicate the limitations on the benefits that family-planning programs can reasonably be expected to generate. Although there is a great need for adequate control of fertility among the poor and near-poor, and although family-planning programs represent a highly efficient way of easing the economic distress of the poor, they are not a panacea for poverty.

In addition to the economic effects of adequate fertility control, there are qualitative benefits that may be considered even more important. These are summarized below:

1. If every child is a wanted child, children will be better cared for, both physically and emotionally. In fact, studies by the Department of Health, Education, and Welfare indicate that family planning is the most cost-effective measure available to reduce infant mortality.[13]

2. Mothers will be subjected to lower risks to health if births are not closely spaced.

3. The assurance that another child will not come before it is wanted will help couples plan other aspects of their lives with more confidence. It will reduce the feeling of hopelessness with which many poor people face life.

The above facts are stated with confidence. Improved control of fertility is virtually certain to bring about changes in the directions stated. In addition, there are possible benefits about which only speculative statements may be made, given the present state of knowledge. For example, it seems reasonable to suppose that a healthier emotional environment within the family will reduce problems of school discipline, truancy, and juvenile delinquency. Such benefits are not only speculative, but one step further removed from the presumed cause, improved control of fertility. The above listings, therefore, are confined to the immediate and obvious effects of adequately controlled fertility.

SUMMARY

The estimates presented in this paper indicate that the problem of unwanted childbearing is severe among women living in poverty. Assuming that the levels of fertility estimated for 1960–1965 continued to prevail, the 8.2 million poor and near-poor women of reproductive age had approximately 451,000 unwanted births in 1966 that might have been avoided. This represents 36 percent of all births to poor and near-poor women and 12 percent of all births in the United States. The prevention of unwanted births through the provision of family-planning services would achieve economic benefits that are far greater than the costs of the programs. Very conservative estimates show that the child-care costs avoided by poor families would be at least 19 times higher than the program costs. In addition, the ability to space births as desired would enable more women to work to supplement their families' incomes; the resulting additional income is estimated to be at least seven times greater than the costs of family-planning programs. Altogether, the economic benefits alone would be at least 26 times greater than the program costs. These estimates are necessarily rough, but they are sufficient to reassure us that the task of offering contraceptive services to the poor is worthwhile from a purely economic point of view.

APPENDIX A. METHOD OF ESTIMATING THE FERTILITY OF THE POOR AND NEAR-POOR IN 1960–1965

As a first step in estimating the recent annual fertility of women in poverty in 1966, we estimated the number of births in the six-year period 1960–1965 (approximately) whose survivors were children under six years of age in March, 1966. This was done for three groups of the 1966 population under six: the poor, the near-poor, and all others. Then we estimated the average number of women 15–44 years of age during the period 1960–1965 whose survivors were counted among the poor, near-poor, and all others in 1966. From the estimates of births and women, fertility rates per 1,000 women 15–44 were computed. These calculations were carried out separately for each color group. The results are shown in the top panel of Table A–1.

For our present purposes, the key figure is the estimate of 165 births per 1,000 women 15–44 for the poor and near-poor combined. This estimate of 165 is very probably inflated, because it includes some births in the numerator whose mothers are not represented in the denominator. This is because some of the children counted among the poor and near-poor in 1966 were not living with their mothers and their mothers, were not classified as poor or near-poor. This situation occurs, for example, when the mother of an illegitimate child leaves the child with the child's grandmother and finds a job in another city. The mother might be living alone and have an income high enough to keep her out of poverty, while the grandmother and child are both counted among the poor.

We do not know how common this situation is, and we have little basis for estimating its prevalence. However, we do know that in 1966, 37 percent of nonwhite children under 18 were not living with both parents. (Data for the nonwhite population are cited here because a majority of the nonwhite population lives in poverty.) Let us assume that the proportion is somewhat smaller for poor and near-poor children under six years of age: say, 25 percent. Let us further assume that the most common situation represented by this proportion is the absence of the father: say, in 70 percent of the cases. Then, 30 percent of 25 percent, or 7.5 percent of the children under six, are not living with their mothers. Therefore, the numerator of the fertility rate of 165 is inflated by 7.5 percent and should be reduced by this proportion in order to represent more adequately the fertility of women currently classified as poor and non-poor. The implications of this adjustment are shown in the second panel of Table A–1.

APPENDIX B. METHOD OF ESTIMATING THE PROPORTION OF ILLEGITIMATE BIRTHS TO POOR AND NEAR-POOR WOMEN DURING 1960–1965

Although it is not possible to estimate accurately the level of illegitimate fertility among the poor, we can set some reasonable limits with the use of national data on illegitimate births by color. As a minimum, let us assume that the proportion of white and nonwhite births in 1960–1965 that were illegitimate was the same for the poor and near-poor as for the nation as a whole: 3.0 percent for white births and 23.4 percent for nonwhite births. This assumption yields 10.1 percent illegitimate for the poor and near-poor combined. As a maximum, let us assume that all of the illegitimate births in the country occurred to poor and near-poor women; this would mean that 21.2 percent of their births were illegitimate. To obtain a medium estimate between these two extremes, we assumed that the proportion of poor and near-poor births that were illegitimate was the average of the minimum and maximum estimates for each color group. This yielded an estimate of 15.7 percent illegitimate for the poor and near-poor, or an average of 189,000 births annually for 1960–1965. Details of the estimating procedure are shown in Table B–1.

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[13] *Ibid.*, p. 9.

TABLE A-1.—ESTIMATED FERTILITY DURING 1960-65 OF WOMEN INCLUDED AMONG THE POOR AND NEAR-POOR IN MARCH 1966, BY COLOR: UNITED STATES

Poverty status	Average annual number of births, 1960–65 [1]			Average number of women 15 to 44, 1960–65 [2]			Average annual fertility rate, 1960–65		
	Total	White	Nonwhite	Total	White	Nonwhite	Total	White	Nonwhite
Preliminary estimates, consistent with observed number of children under 6 years of age in March 1966									
Total	4,097,000	3,440,000	657,000	37,394,000	32,899,000	4,495,000	109.6	104.6	146.2
Poor and near-poor	1,304,000	844,000	460,000	7,900,000	5,544,000	2,356,000	165.1	152.2	195.2
Poor	896,000	527,000	369,000	5,457,000	3,624,000	1,833,000	164.2	145.4	201.3
Near-poor	408,000	317,000	91,000	2,443,000	1,920,000	523,000	167.0	165.1	174.1
Other	2,793,000	2,596,000	197,000	29,494,000	27,355,000	2,139,000	94.7	94.9	92.1
Revised estimates, assuming that 7.5 percent of the poor and near-poor children have mothers who were not included among the poor and near-poor in March 1966									
Total	4,097,000	3,440,000	657,000	37,394,000	32,899,000	4,495,000	109.6	104.6	146.2
Poor and near-poor	1,205,000	780,000	425,000	7,900,000	5,544,000	2,356,000	152.5	140.7	180.4
Poor	828,000	487,000	341,000	5,457,000	3,624,000	1,833,000	151.7	134.4	186.0
Near-poor	377,000	293,000	84,000	2,443,000	1,920,000	523,000	154.3	152.6	160.6
Other	2,892,000	2,660,000	232,000	29,494,000	27,355,000	2,139,000	98.1	97.2	108.5

[1] Derived from the number of children under 6 years of age in March 1966, assuming that births during the preceding 6 years had been subjected to the same mortality rates, by color, as those observed for 1964. This implied that the proportion of births surviving to ages under 6 in March 1966, was 97.7 percent for white infants and 95.6 percent for nonwhite infants. The resulting preliminary estimates of birth were reduced by 1 percent to force them to agree with national totals, by color.

[2] These estimates are consistent with the average number of women 15 to 44 years of age, by color, in the total resident population of the United States during 1960–65 (computed by averaging estimates for April 1960, and July 1966, published in Current Population Reports, Series P-25, No. 352). These totals for white and nonwhite women were distributed by poverty status according to the distribution for white and nonwhite women 14 to 44 years of age in March 1966.

Source: Derived from special tabulations by Bureau of the Census from the current population survey for March 1966.

TABLE B-1.—ESTIMATES OF ILLEGITIMATE BIRTHS DURING 1960-65 FOR WOMEN INCLUDED AMONG THE POOR AND NEAR-POOR IN MARCH 1966, BY COLOR: UNITED STATES

Poverty status	Medium [1] estimate			Minimum [2] estimate			Maximum [3] estimate		
	Total	White	Nonwhite	Total	White	Nonwhite	Total		Nonwhite
Average annual number of illegitimate births									
Total	256,000	102,000	154,000	256,000	102,000	154,000	256,000	102,000	154,000
Poor and near-poor	189,000	63,000	126,000	122,000	23,000	99,000	256,000	102,000	154,000
Other	67,000	39,000	28,000	134,000	79,000	55,000			
Percent of births that are illegitimate									
Total	6.2	3.0	23.4	6.2	3.0	23.4	6.2	3.0	23.4
Poor and near-poor	15.7	8.1	29.6	10.1	3.0	23.4	21.2	13.1	36.2
Other	2.3	1.5	12.1	4.6	3.0	23.4			

[1] Average of minimum and maximum estimates.

[2] Assuming that all groups have the same proportions illegitimate, by color.

[3] Assuming that all illegitimate births occur to poor and near-poor women.

INEQUITIES AND MISMANAGEMENT OF OEO PROGRAMS

Mr. COOK. Mr. President, the Columbus, Ohio, Dispatch recently published a very interesting article, written by its Washington bureau chief, Roulhac Hamilton, concerning a recent encounter by the Governor of my State of Kentucky with the House Committee on Education and Labor.

Gov. Louie B. Nunn had come to testify about the inequities and mismanagement of the programs of the Office of Economic Opportunity as he had experienced them.

However, when he arrived he discovered that discussion of the bill had already been completed in committee. Expressing his frustration, as only he could, Governor Nunn said:

> I feel somewhat like a man who has been condemned to death and then is allowed to present evidence in his behalf only after the jury has rendered its verdict.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANTI-POVERTY FIGHT LOOMS AFTER HEARING

(By Roulhac Hamilton)

WASHINGTON.—It was one of the most unusual performances in the history of congressional committee hearings—and it may turn what already promised to be a furious floor fight in the House into perhaps the most bruising battle of this session.

"It" was the appearance before the House Education and Labor Committee last Thursday of Kentucky's Republican Gov. Louis B. Nunn with a bagful of documented charges of political and moral corruption and waste in the anti-poverty program's operations.

What made the performance one of rarity was that education chairman Carl Perkins, D-Ky., after having scheduled his home state's governor for a 1 p.m. hearing had ramrodded through the committee at a morning session the anti-poverty program Bill Nunn had come to oppose.

"I feel somewhat like a man who has been condemned to death and then is allowed to present evidence in his behalf only after the jury has rendered its verdict," was the way Nunn put it as he opened his testimony opposing the already-approved bill.

But while Nunn's charges of corruption, favoritism, waste and mismanagement in anti-poverty programs in the Blue Grass State did indeed come too late to affect the committee's action in reporting extension of the anti-poverty program, his appearance was not a wasted effort.

The poverty bill had been locked in the Perkins committee since June while the chairman, ostensibly seeking Republican support for extension of the program without change as requested by the Nixon administration, actually sought to put down a bipartisan demand within the committee for wholesale revision and reorientation of the war on poverty.

But with Nunn about to appear in opposition—armed with what Perkins knew would be plenty of ammunition in the way of provable charges—the chairman managed to rush the bill to the floor.

He did so, knowing that his committee opponents—led by influential Rep. Edith Green, D.-Ore., a skilled gut-fighter in floor battles, and Rep. William J. Scherle, R.-Iowa—would wage a real fight on the floor to amend the bill to suit themselves, and probably would succeed.

Apparently, Perkins thought he had cut the ground from beneath Nunn by ramming the long-delayed bill through so hastily after scheduling the governor's testimony. But the Perkin's tactic may well have backfired.

Nunn is nothing if not a showman, and he knows how to present his case to its best advantage. In addition, he and his staff had done their homework.

The governor presented a forceful complaint about the manner in which the poverty program had been operated in his state (and presumably in others). But he didn't rest there—there were briefcases bulging with affidavits from people "inside" the program's Kentucky machinery. They attested to misfeasance and malfeasance, and were accompanied by photographs demonstrating that bridges and access roads had been built with anti-poverty funds to the homes of oil-well and yacht owners and with other affidavits showing threats, some implemented by bombs, against those who would criticize the program.

The Governor also had some facts and figures showing that maybe 80 per cent of poverty program funds went to salaries and administration—with only about 20 per cent having any direct bearing on the poor. And in this connection, he demonstrated that Chairman Perkins' own congressional district got the lion's share of the anti-poverty funds allocated to Kentucky—although the district of Rep. Tim Lee Carter was by far the most poverty-stricken.

Nunn's testimony is the stuff of which ammunition can be made by the likes of Edith Green and Bill Scherle when they launch their efforts to transfer control of anti-poverty operations from the federal government to the states and local governments.

THE AFTERMATH OF HURRICANE CAMILLE

Mr. MUSKIE. Mr. President, last week I joined with the junior Senator from Indiana (Mr. Bayh) in a letter to the senior Senator from West Virginia (Mr. Randolph) in which we asked him, as chairman of the Committee on Public Works, to schedule hearings in Mississippi and in Washington on the inadequacy of the implementation of Federal disaster relief and the serious consequences of that inadequacy in Mississippi in the wake of Hurricane Camille. I wrote a separate letter to the distinguished chairman in which I raised serious questions concerning the administration of disaster relief in Mississippi.

The chairman responded immediately and has announced that hearings will take place in Mississippi during the first week in January. This prompt decision on his part reflects his strong commitment to effective and just relief assistance to the victims of Hurricane Camille and other natural disasters.

Today, the American Friends Service Committee and the Southern Regional Council released a report entitled "In the Wake of Hurricane Camille: An Analysis of the Federal Response." The report is a well-researched discussion of the inadequacies of the Federal Government's performance since the tragic events of August 18. The report contains serious allegations of weakness and inequities in the administration of disaster relief, and I hope that the hearings to be held in January by the Committee on Public Works will thoroughly investigate these allegations.

I ask unanimous consent that the letters and the report to which I have referred be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

November 19, 1969.

Hon. Jennings Randolph,
Chairman, Senate Committee on Public Works.

Dear Mr. Chairman: We have received your recent memorandum suggesting the formation of a Special Subcommittee on Disaster Relief in the Public Works Committee. This is an excellent proposal, and we hope that you will appoint the Subcommittee at your earliest opportunity.

We also hope that the first series of hearings held by this Subcommittee will focus on some serious inadequacies in the implementation of Federal disaster relief and the acute consequences of those inadequacies in the several months since Hurricane Camille struck the Gulf Coast.

Several aspects of the implementation of Federal disaster relief deserve the immediate attention of the Special Subcommittee:

(1) There appears to be no national minimum standard of disaster relief by which the adequacy of Federal assistance can be measured.

(2) The level of Federal assistance to individuals is often determined by pre-disaster income levels. In many instances, the practice of the Small Business Administration has been that it will grant loans for the reconstruction of private homes only to people who can demonstrate an ability to repay and will not grant a loan if the home to be built exceeds the value of the homes which were destroyed. Such a policy is inconsistent with efforts to improve the living conditions in a disaster area.

(3) Although the Federal government is prepared to meet the immediate needs of physical reconstruction after a disaster, it often delegates the care of individuals to agencies such as the Red Cross and exercises little control over their performance. The Red Cross, which handles virtually all personal disaster relief, seems to regard its responsibilities as limited to aiding each family in accordance with its earlier circumstances, regardless of the artificial differentiation which that policy implies between the basic needs of the rich and the poor.

As you stated in your memorandum, the Senate conferees believed that there was significant unfinished business remaining from the consideration of this year's legislation. We hope that the hearings which we have suggested will provide an immediate opportunity for the consideration of those issues.

We know that you are as concerned as we are that Federal disaster relief activities be committed to the improvement of the lives of all the people in a disaster area.

Therefore, we hope that the Special Subcommittee which you have proposed will be formed as soon as possible, and that hearings regarding the problems which we have outlined in this letter will be its first order of business.

Sincerely,

Birch Bayh,
Edmund S. Muskie.

November 19, 1969.

Hon. Jennings Randolph,
Chairman, Senate Committee on Public Works.

Dear Jennings: Senator Birch Bayh and I have written you today in reference to your recent memorandum to the members of the Committee on Public Works. We have strongly endorsed your proposal that a Special Subcommittee on Disaster Relief be created in the Committee, and we have requested that its first order of business be hearings on the adequacy of the implementation of Federal disaster relief in general and the consequences of that inadequacy in the wake of Hurricane Camille.

In addition to the general questions raised in our letter regarding the basic implementation policies of Federal disaster relief, I would like to call attention to some serious questions which have been raised relative to the relief activities in Mississippi in the wake of Hurricane Camille:

(1) There are serious allegations that the administrators of the relief programs in Mississippi have been oblivious to the needs of the poor in the Gulf Coast area. There are also serious allegations that relief efforts have been distorted by discriminatory practices, to the detriment of residents in the area and in violation of prohibitions against such practices in the administration of Federal and Federally aided programs.

(2) There are allegations that the Governor's Emergency Committee is Mississippi, which has been delegated the administration of $50 to $60 million in Federal funds for disaster relief grants and loans does not have any relationship to units of government in the disaster area, is not representative of the residents of the area and has made little effort to determine the views of those residents.

(3) According to reports from the area, the Department of Housing and Urban Development has based its distribution of trailers for emergency housing in Mississippi on policies which seriously limit the access of the poor to the housing on equal terms. Although HUD has the authority to make all emergency housing rent-free, it requires the poor to pay up to 25 percent of their monthly income for rent. Furthermore, HUD has stipulated that applicants must own or obtain a one-year lease for a lot for the trailer, that utilities will be provided by the tenant, and that trailers will be assigned to family units only.

The foregoing allegations raise serious questions as to the effectiveness of the Federal disaster relief program in Mississippi. I hope they can be examined in any hearings which consider the general implementation of Federal disaster relief.

Sincerely,

Edmund S. Muskie.

November 20, 1969.

Hon. Edmund S. Muskie,
Hon. Birch Bayh.

Dear Ed and Birch: Thank you for your letter of Wednesday, November 19, 1969 expressing your approval of my proposal to create a Special Subcommittee on Disaster Relief. I am fully in accord with your observations regarding the need for prompt action in connection with the unfinished disaster relief legislation pending before the Committee. It is necessary for us to fully examine the Federal effort in disaster relief work to insure that programs we have enacted in the past are bringing the proper kinds and levels of assistance to those who suffer catastrophic personal and business losses as result of natural disasters.

I believe that hearings in the field as well as in Washington will be vital to our understanding of how the Federal Agencies are responding to their responsibilities under the various statutes which have been enacted. This is so especially with respect to P.L. 91–79 which was approved in part because of the ravages of Camille.

Whether or not the Special Subcommittee is established, the Committee on Public Works will hold hearings on this subject in Mississippi probably during the week of January 5, 1970. I will ask that you, Birch, chair those hearings as you have chaired our Committee hearings on disaster relief in the past. Of course, Ed, any assistance which you can render in connection with these hearings will be appreciated.

With warmest personal regards,

Truly,

JENNINGS RANDOLPH.

NOVEMBER 20, 1969.

Hon. EDMUND S. MUSKIE,

DEAR ED: Thanks for your letter supplementing the joint communication from you and Senator Bayh. Since he will be responsible for conducting the Committee hearings on the subject of disaster relief and the Federal response to Camille, I am forwarding your letter to him so that it can be made part of his record for the forthcoming hearings, which I believe are very necessary and very important.

With warm personal regards,

Truly,

JENNINGS RANDOLPH.

IN THE WAKE OF HURRICANE CAMILLE: AN ANALYSIS OF THE FEDERAL RESPONSE

(By the American Friends Service Committee, the Southern Regional Council)

THIS SURVEY: WHY?

Americans have a reputation for a warm and ready response to the victims of floods, hurricanes, tornadoes and earthquakes. When such disasters strike, clothes, food and funds pour out to the suffering people from communities across the land.

The immediate response last August to the victims of vicious Hurricane Camille reflected those generous and humane qualities. Camille was a storm of unprecedented force, with winds that traveled 200 miles an hour and waves that reached over 30 feet. As she hit the Gulf Coast areas of Louisiana, Mississippi and Alabama, she killed at least 250 people and brought immeasurable suffering and loss to hundreds of thousands more. There was a nationwide outpouring of material aid and offers of assistance to Camille's victims. Observers present in the immediate wake of the storm witnessed countless acts of heroism and service on the part of private citizens and public officials. The magnitude of the federal effort in reaction to the devastation of Camille was probably unprecedented.

Despite all this human concern and these vast resources, our national response to the victims of Camille was, and continues to be, sadly inadequate. There were serious inequities in the immediate relief of suffering and there are now serious weaknesses in the planning for long range reconstruction of the areas affected.

Why? Why, with the immediate concern, resources and open-handed response to need, should a coalition of Mississippi anti-poverty and civic action groups have to report one month after Camille struck that "many people on the Gulf Coast are still surviving in squalid conditions, doubling up in neighbor's houses which are damaged and which lack adequate sanitation facilities" and that for lack of adequate information about their rights many people were being victimized by unscrupulous land development speculators and contractors?

And why, one month later still, should the same group of local citizens have to telegraph the Red Cross about lack of adequate relief services for poor people?

Why should a team of private agency observers report that as of late September significant numbers of people in the nine or ten county area of Mississippi affected by the storm were still suffering from inadequate access to food or facilities where food could be prepared or stored; a lack of adequate transportation and communication; a serious lack of knowledge about where to go among the maze of private and public agencies purporting to help families and individuals and an excess of rumors regarding food, housing loans, and other forms of help—rumors which tended to deter people from finding solutions to their problems?

The American Friends Service Committee and the Southern Regional Council; with important assistance from staff of the NAACP Legal Defense and Educational Fund and many individuals and organizations in Mississippi, searched for answers to these questions. The report which follows is a summary of our major findings and recommendations. It is our hope that a penetrating look at the response to Hurricane Camille may bring additional action now to meet continuing urgent needs and that it may also bring some further understanding of what lies behind the nation's inability to cope well with the consequences of such disasters.

Our release of this report is based on the expectation of enlightened responsiveness from those who control the resources needed to solve the real and painful problems found in the aftermath of a disaster such as Camille.

In the week following Hurricane Camille, we sent a lone observer, familiar with the area, on a trip across the Gulf Coast and into some of the inland towns. On the basis of his report, we queried federal officials as to the exact nature of their responsibilities and about the resources available for meeting some of the needs described. In mid-September, a team of four spent three weeks in the affected area—primarily in Mississippi, but also in neighboring states hit by the hurricane. They travelled 2500 miles, interviewed 250 people, including private citizens—rich and poor, black and white—public officials, community leaders, and organization representatives. Their work was supplemented by a special effort in Washington, manned by two professionals, one loaned by the Washington Research Project. In October, one of the original Mississippi team members returned to the Gulf Coast so that our information and observations could be kept fresh.

Our focus has been on the response of government and those private agencies with which it shares responsibilities. The federal government is the major force in the nation's response to natural disasters. It has the capacity and responsibility to mobilize massive resources quickly. We studied the policies and organization behind the federal operations in relation to Hurricane Camille and we sought to isolate the factors responsible for continued and widespread dissatisfaction on the part of the victims of that hurricane.

The documentation of specific complaints in the crisis following such events as hurricanes is extremely difficult, but given the persistence and consistency of such complaints, and taking into account the unsolved problems of racial and economic exclusion in communities to which natural disasters often come, the probability of the basic validity of the complaints is high.

It is undeniable that the way society is organized to deal with critical community problems in normal situations will influence its style and capacity in dealing with a crisis, as a result of which the usual, unsolved and already critical problems are made worse. But for precisely this reason, disaster personnel might be expected to develop unusual sensitivity and new capacities to reach out to those who—already "stricken" in their normal lives by the man-made disasters of poverty and denial of rights and opportunity—suffer terribly when natural disaster strikes them also.

The on-going work of the AFSC and the SRC concerns the man-made disasters, those which result from man's inhumanity to man. Although the AFSC does have considerable experience in relief work abroad, the Committee and the SRC issue this report against a background of work designed to achieve social and economic justice in this country. We also carried on our explorations and wrote this report against a background of considerable experience over the past decade or more in the region hit by Hurricane Camille.

Most importantly, we conducted our investigations and have written this report out of a concern for the people caught in the misery of the aftermath of disaster. Such a concern does not exclude anyone—rich or poor, black or white. In Mississippi we found a tragic number of "new poor", families who formerly had marginal or middle incomes, and who were suddenly made poor when their possessions were wiped out. Many may never recover their security.

Our concern with people does not deny the importance of rebuilding roads and bridges and businesses, for we know that people must travel to jobs, to schools, to welfare offices and hospitals, and we know there must be jobs again. But in Mississippi, we found inordinate concern with the "suffering of people, who needed and still need, sensitive help in putting the pieces of their lives together again."

And finally, our concern for people leads us vigorously to support those Mississippi leaders who are insisting that the voices of the black and the poor be heard in the planning for building anew where Camille has destroyed. Indeed, the opportunity to build freshly, abandoning the old patterns of exclusion which have so hampered the development of the area, could be the one bright side to the horror of the aftermath of Camille.

THE GOALS OF FEDERAL DISASTER PROGRAMS: PHYSICAL RECONSTRUCTION AND ECONOMIC RECOVERY

For all practical purposes, the thrust of federal disaster aid is in the direction of physical reconstruction and economic recovery—necessary, but certainly insufficient aims of public policy. Though no one would minimize the importance of this kind of dealing "with things and not with people", it clearly leaves thousands of disaster victims exposed to misery from which they should be protected.

The Office of Emergency Preparedness. Marshalling the nation's resources in response to a major natural disaster is primarily the function of a single federal agency, the Office of Emergency Preparedness (OEP), which is in the Executive Office of the President. Public Law 81–875, the Disaster Relief Act of 1966, and various executive orders assign OEP exclusive power to "plan and coordinate all Federal programs providing assistance to persons, business concerns, and entities suffering loss as the result of a major disaster" and "to direct any Federal agency to utilize its available personnel, equipment, supplies and facilities." OEP is also the agency which administers the President's disaster relief fund and the sole agency through which state governors request emergency disaster aid. As a measure of OEP's responsibility in the Camille disaster, government officials estimated in early November 1969 that Mississippi alone would receive between $50 and $60 million from all federal sources, including $6 million from the President's relief fund.[1]

Despite the magnitude of problems caused by natural disasters, and especially those with the destructive fury of Camille, natural disaster relief is only a minor part of OEP's responsibility. The agency is principally assigned to prepare the nation for the consequences of armed military attack upon the civilian population. It is concerned with strategic materials stockpiling, establishment of emergency governments ("the national defense executive reserve"), civil defense coordination, public facilities, reconstruction, economic stabilization, wartime censorship, and other programs needed for the nonmilitary preparation of a nation attacked. Though its duties in natural disasters are described in the statutes cited above, its main responsibilities are detailed in the Defense Production Act of 1950, the Civil Defense Act of 1950, and implementing executive orders. It is now headed by a retired military official, Brigadier General George A. Lincoln.

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[1] New authority was granted to federal agencies by the Disaster Relief Act of 1969, signed on October 1, after Camille struck.

OEP's responsibility for civilian defense, with its emphasis on physical and structural preparedness, significantly colors its approach to natural disasters. The agency views its prime responsibilities in natural calamities to be those providing for physical reconstruction of public facilities, debris clearance, and aid to governments. This is made explicit in OEP's "Federal Disaster Handbook for Government Officials." Here, OEP indicates that individual needs will be met primarily by the American National Red Cross, while explaining that "Federal agencies deal primarily with States and local governments. . . ." To a limited degree this approach is understandable because these obligations are most explicitly defined in the law (P.L. 81–875). Nevertheless, the general leadership responsibilities of OEP are essential to a balanced federal approach to disaster relief and recovery which takes into account both human and physical dilemmas. To date, however, the agency has severely circumscribed its own activities under its general leadership mandate: it is geared to deal with objects and not people, governments and not individuals, systems and not persons. In an interview with our staff, Mr. George Hastings, specially assigned disaster chief for the Camille area on the Gulf Coast, summarized this view when he stated, "We deal with things and not with people."

The Governor's Emergency Council

The primary state body in Mississippi concerned with recovery from Camille is the Governor's Emergency Council. It suffers from another serious shortcoming, an overriding emphasis on economic recovery. The Council was created by Governor John Bell Williams on September 6, 1969 "to make an immediate determination of all factors that relate to the long range development of the affected area," to explore all avenues of assistance, and "to recommend a comprehensive plan for the accomplishment of the maximum long range development of the area's recreational, cultural, and economic life."

The Council is supported by a $495,000 grant from the Economic Development Administration in the U.S. Department of Commerce. Local matching requirements have been waived. Its ten members were appointed by the Governor and are all white and all bankers, lawyers, or businessmen. Only three members live on the Gulf Coast. One is a banker, one a boat and barge company owner, and one a real estate man. With one major exception, the Council has not been involved in immediate, human needs on the coast and other hard-hit areas. It has instead concentrated on such development items as the creation of a uniform building code for the coast communities. (The ultimate objective appears to be the creation of a single metropolitan government along the coast and the construction of a recreational and resort area similar to Miami Beach, Florida.) Nevertheless, disregarding the all-white, non-representative, single-interest character of the Council, the President on September 16 ordered all federal agencies giving disaster aid to Mississippi to "coordinate through" this body.

NEGLECTED HUMAN ASPECTS OF RECOVERY IN FEDERAL DISASTER PROGRAMS

The failure of OEP to meet its leadership responsibilities in the area of individual human care and the preoccupation of the Emergency Council with economic recovery, has left a vacuum into which rumor, insensitivity, confusion and misdirection have rushed. There is no government-wide plan by which the dimensions of human need are measured after a natural catastrophe occurs. In addition, there are no apparent standards by which OEP can gauge the adequacy of services provided by other federal agencies.

Outreach and Communication. In the aftermath of Camille, there was systematic analysis of destruction of public facilities, but no comparable affirmative federal action to measure accurately the extent of human suffering and disruption. For example, OEP might have taken advantage of the grassroots outreach potential of the Office of Economic Opportunity (OEO) in assessing human needs. Furthermore, OEP apparently ignored OEO's recommendations concerning human need submitted less than three weeks after the hurricane.

For the most part, human beings who had been physically and mentally disoriented by the awesomeness of a violent storm were required to come to federal offices and describe the extent of their own plight. The locations of these loan and aid dispensing offices were not prominently indicated nor sufficiently advertised. Policy guidelines regarding available assistance were not laid down quickly nor made public in *clear* and *understandable* terms until, as we point out later, more than two months after the hurricane struck. And even then no *affirmative* effort was made to put the information in the hands of the people whom they might especially concern. Informational flyers were not distributed widely; sound trucks did not travel the back roads nor reach the trailer camps; outreach workers were not extensively employed to seek out those who might need assistance.

This is certainly an ineffective way for the government to comprehend the extent to which a natural disaster has caused hunger, homelessness, mental and physical illness, confusion, and unemployment in a large geographic area serviced by relatively few emergency aid offices. It is difficult to understand why an official agency is willing affirmatively to take steps to measure the extent of physical loss, yet is reluctant to do so for human loss. The remainder of this section describes specific areas in which there has been failure to concentrate on human needs.

HUD and emergency housing

Our experience during the Camille disaster has been that the Department of Housing and Urban Development (HUD) has been highly insensitive to human problems. We can only describe the involvement of this agency in disaster relief as "reluctant." When the hurricane struck, HUD was unprepared to meet its responsibility to provide emergency temporary housing for storm victims.[2] When the need for emergency housing became apparent, HUD acted quickly to arrange for private manufacture and distribution of mobile homes, but its management of the program has led to great confusion and often public unwillingness to apply for the benefits. In Mississippi alone there were about 4,000 homes destroyed and 12,000 which received major damage, yet applications have never exceeded one third of this total. A general policy outlining the terms of tenancy (whether you have to pay rent, how much you pay, who pays what for utilities and hook-up, how long you can stay, etc.) was not released until October 17, two months after the storm struck. For 60 days after Camille swept the area, those assigned trailers signed a lease which left blank the spaces dealing with amount, if any, of rent.

Rumors spread rapidly in this information void. One couple, for example, told our field staff they would not apply because they heard they would have to pay $85 per month rent plus $150 for utility hook-up. Though many such rumors were not based on fact, the confusion of local HUD representatives in the absence of clear guidance from Washington only heightened speculation. Moreover, HUD originally intended to stop receiving applications for housing by October 10—before their explanatory policy came out—and when we asked HUD officials to extend this deadline because of the local misunderstandings about the program, they responded that they were "unsympathetic" to anyone who had failed to apply. (The deadline was extended 30 days due to last-minute interventions by Senators Hugh Scott, Charles Percy, and Edward Brooke.)

In addition, the tenancy agreement finally announced by HUD allowed for only 90 days free rent instead of the one year permitted by law; no special attempts were made to secure trailers for off-shore counties hit hard by the storm (by late October, only 16 trailers had been delivered to these counties); and, in general, the delivery of trailers has been seriously behind schedule.

CONSUMER PROTECTION

The general area of consumer protection is also one where the absence of government aid has led to aggravated suffering by victims. Perhaps the most widespread and dramatic example has been in the settling of insurance claims on destroyed homes and property. Private insurance companies dispatched approximately 600 extra insurance adjusters to the hurricane area to settle claims as quickly as possible. In many cases, these claims are being settled for 10%–30% of the face value of the insurance contracts, a situation which takes advantage of the victim's desperate need for a short case. Moreover, many claims have been either denied or reduced on the contention of the insurance firms that damages have been caused by water (not covered by homeowner policies) and not by wind. For example, our team was told by one man that the roof of his house had been blown off and the interior of his house had *then* been flooded by rain; he got $1,000 for his roof.

The general insurance situation has caused great public complaint, yet there has been no evidence of government presence to protect consumers. It is especially important because the devastation of the storm has, in effect, created a class of "new poor", people in marginal or middle income circumstances before the storm who suffered so much economically that they are heavily dependent on whatever insurance coverage they had for recovery. The failure of state insurance regulatory officials to protect victims has caused a local scandal and has led to a county grand jury indictment of the state insurance commissioner. (One local employee of the state agency reported to our staff that it was their job to "pacify the people.")

What is distressing in these circumstances is that information could be developed to help hurricane victims if there was interest to do so. The Weather Bureau, for example, hired one of the world's leading atmospheric meteorologists to analyse the nature of the storm immediately after it hit. Our staff interviewed him while he was preparing his report. He was impressed with what he called "the tornado-like" ferocity of the storm, and indicated that there was clearly widespread and heavy wind damage in all areas except those immediately adjacent to the shoreline. Information like this could be extremely beneficial to storm victims were someone in the federal (or state) government watching out for their interests.[3]

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[2] (Though a 1962 Executive Order on emergency preparedness required the Housing and Home Finance Agency, HUD's housing assistance predecessor, to "develop plans for the construction and management of emergency housing. . . ." Though this was an order primarily concerned with armed attack, any plans made presumably would have been effective for natural disasters as well.)

CLASS AND CARE

An argument is made by some advocates of the present federal disaster policy that disasters usually hit middle-income people harder than the poor. This is unfounded. Undoubtedly, a family with considerable income and substantial real and personal property is more likely to suffer a greater dollar loss than a poor family in the same disaster area. But actual dollar loss tells very little about the hardship which a disaster brings to an individual family. Much more important is the human need which the losses formerly fulfilled. For example, the poor family who loses a $5,000 house is likely to suffer more than a family who loses a $30,000 house. Though neither family has a place to live, the poor family will in all likelihood be less able to recover. In most cases, the wealthier family will have supplemental assets, including insurance, to help it to full recovery. Humane systems of disaster aid would take into account actual need and not only dollar losses.

The demographic characteristics of the Mississippi coast counties, and especially those more inland, mark them unmistakenly as poor, significantly black, and undereducated. (See appendix.) Yet, the federal government and private agencies to which it has delegated disaster responsibilities have dispensed assistance as if they were dealing with wealthy suburbs.

Federal aid to individuals

OEP's Disaster Handbook indicates that individuals should get assistance from either private agencies or one of the following federal agencies which give loans: the Small Business Administration, Farmers Home Administration, Federal Housing Administration, and Veterans Administration. Federal disaster aid, therefore, with the exception of emergency housing, is basically limited to loans and rests substantially upon the ability of individuals to establish credit, or the ability to repay. For people who are poor—who are unemployed or seasonal workers, who have very low incomes when they get a chance to work, who rarely have collateral to back a loan and who cannot promise regular payments—this system is cruel.

Though loans fairly provide aid on a repayment basis to those who can meet the economic standards required, they arbitrarily discriminate against those who are not in the right economic class. Moreover, loans are not generally given to any person if, as a result, his real property will be worth more than before the disaster.[4] Clearly, such a policy inevitably works against those whose possessions before a disaster were worth very little, e.g., a person living in a wood frame, two room home with minimum furniture could not qualify. SBA does grant loans to persons to build homes of increased value if they lived in homes which failed to meet minimum housing code levels. The loans can be used to construct homes to meet these minimums. Generally, however, unincorporated areas have no such codes.

In the provision of emergency housing, the law allows free rent for a year or less (HUD, as we noted earlier, chose a limit of 90 days) and, thereafter, a rent and utilities payment not to exceed 25% of a family's income. This admirable formula, however, can have unfair effects. In Camille, for example, fees have been established for emergency trailers according to their size, up to a maximum of $55 per month for a three bedroom unit. Because there are no income restrictions, rightly, on trailer tenants, this fee may be as much as 25% for some families and considerably less percent for those with greater incomes. In fact, a family with an annual income below $3000 would quickly reach the 25% limit. In disaster situations, when necessities have been destroyed or washed away and there are unusual expenses, this government-regulated cost can become unfairly burdensome to the poor.

Finally, the principal non-monetary federal aid available to disaster victims is food, through participation in one of the Department of Agriculture's food stamp or commodities distribution programs. The limitations of these programs have been documented elsewhere and it is not our intention to do so here.[5]

During September, the Red Cross paid the entry fee for persons wishing to participate in the food stamp program in Harrison County. Though exact figures were not available at this writing, local food officials reported that when this Red Cross program stopped at the end of the month participation rates dropped markedly.

Our observation of the operation of federal aid programs in the aftermath of Camille leads us to conclude that it is difficult for poor people to obtain disaster relief from such sources.

THE AMERICAN NATIONAL RED CROSS

How, then, are individuals cared for in a natural disaster? Theoretically, state and local officials should handle a considerable portion of the assistance. Practically, however, their location within the devastated area makes them victims as well, and especially if local employees live in the disaster area. Moreover, in poor states such as Mississippi, there is little likelihood that these agencies can respond effectively to the huge demands of an emergency. Harrison County, for example, has a population of about 120,000 and has no full-time public health officer. In these situations, the federal responsibility—and especially that of OEP—necessarily increases.

OEP has in effect delegated the bulk of its responsibilities for individual care to the American National Red Cross. The Red Cross is chartered by Congress to "carry on a system of national and international relief . . . in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities. . . ." It is a quasi-public agency, supported entirely by voluntary contributions, but having close ties to the federal government in both purpose and operations. The chairman and seven other members of the 50-member Board of Governors are appointed by the President of the United States. It is housed in a federally owned building, has its books audited by the Department of Defense, and is recognized in Public Law 81–875 as a conduit for federal agencies for releasing emergency supplies in disasters. The Red Cross also maintains a Statement of Understanding with the OEP to cover disaster functions, and it is through this formal agreement, last approved in May 1969, that OEP grants a preemptive role to the Red Cross for individual care in a disaster, covering such items as food and other consumable supplies, clothing, medicine, shelter, occupational rehabilitation, household furnishings, building and repair of homes. The Statement also provides that federal funds will not be used to pay state and local governments for expenses they incur carrying out functions which the Red Cross is able to perform. Coupled with statutory language (section 4 of the 1966 Disaster Relief Act) which provides for cooperation between federal agencies and the Red Cross, but not anything which will "limit or in any way affect" its operations, the Statement of Understanding essentially gives the Red Cross a free hand in providing individual disaster care without effective public oversight.

The Red Cross operates two related, but distinct, programs of disaster assistance. In the immediate aftermath of a disaster it concentrates on providing "mass care" which is dispensed through emergency offices manned predominantly by volunteers, and where victims are given medical care, e.g. innoculations, some clothing, food, etc. As the immediate needs are met, however, this part of the program phases out. Caseworkers then arrive to develop individual recovery assistance for victims and their families. Disaster aid applicants complete detailed forms which describe their assets, liabilities, and losses. (The household furnishings loss list alone contains more than 90 items.) Caseworkers then determine how much each victim should get and the Red Cross issues a grant, or gift, to the victim.

By the beginning of November, 23,208 persons in Mississippi, Louisiana and Alabama had received grants. Though normally the average Red Cross grant is $720, local staff are empowered to give $7500 without headquarters approval, and large gifts are granted. The Red Cross Biloxi office stated that the average Camille grant for them has been about $1100.

The Red Cross grant program is unique because it does not require repayment. Because federal financial aid for disasters is limited to loans it is especially valuable. At first glance, therefore, it would appear uniquely suited to help all disaster victims, regardless of income. But theory has proved quite different from practice. Caseworkers are given a considerable amount of discretion in dispensing these grants, but generally are required to help applicants "resume their normal family life in the home and in the community." Just as for federal financial aid in disasters, there is no minimum standard of need by which the adequacy of aid can be measured, and because the organization attempts to bring victims back to their previous level of living—regardless of what it was—aid is dispensed unequally. Those who had more before the disaster will get more for recovery; those who had less will get less. And many poor will be referred to public relief agencies in lieu of getting Red Cross assistance (Mississippi does not have a general relief program; you must be either blind, disabled, aged, or a dependent child to get state welfare aid).

Guidelines contained in the Red Cross Disaster Casework Procedure Manual indicate how this general approach to disaster aid is translated into operating terms.

Clothing: The Manual says, "Used clothing should be given only when the family's standards indicate it is appropriate." The Gulfport casework supervisor confirmed that this means if you've never had new clothing, you don't get any from the Red Cross (unless that's all there is). But if you are accustomed to new clothing, that's what you'll get.

Household furnishings: The Manual says: "*Needs* will vary according to the amount and *quality* of furnishings lost, and the *economic level*, size, and composition of the family. For example, . . . the family that lost poor quality furnishings can be expected to resume its normal way of living with used or unpainted items."

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[3] Some help is coming through an OEO legal aid grant, which is being used primarily on insurance cases. But, as we discuss below, this is really a distorted use of OEO money and is severely limited in scope.

[4] The 1969 Disaster Relief Act, passed after Camille, provides for forgiveness of the first $1,800 of SBA and Farmers Home Administration loans. Theoretically, a person needing a loan of, for example, $2,300, would have to repay only $500. This could help poor people who could qualify.

[5] In Mississippi, if you have an income of $70/month or below you pay 50 cents for stamps. However, if your income is higher the fee increases rapidly, e.g. a family of four with $90–$100/month income has to pay $40/month for food stamps—almost half their income. If the income is $170/month, the family pays $56 and gets $78 worth of stamps. Anyone earning more than $180/month in Mississippi is not eligible.

Renters v. homeowners: The Manual says: "Rent. A family that has lost its shelter may be referred to a Red Cross operated shelter, or assistance may be provided by paying a maximum of one month's rent for a room, apartment, or home if the family does not have resources to pay for this expense." Payments to homeowners who have lost their shelter have no limit, are made to cover rebuilding costs, and can be for thousands of dollars worth of such costs.

The inequities which can result from this system of aid can be understood from the following examples (the first two were obtained by our field representatives from the aid applicants described):

A black man in Waveland followed a white applicant into a Red Cross center. Both men had the same size families, but the black man had a substantially lower income. The white man got $80 for food, the black $5 for the same period of time.

A young white couple on Point Cadet had their home destroyed. The husband's weekly income varied from $40 to $100. They were told they would receive an allowance to replace their furniture; they received $30 for groceries, $80 for clothes. They could not get money to rebuild their home, worth $4500, because "they would end up with more than they had before the storm." A 70 year old lady from the same area with more than $3000 in savings received $10,000 to rebuild her $11,000 destroyed home.

The chairman of a consolidated citizens organization along the coast complained (in a telegram to the Red Cross) that a family with a $39,000 income received "a full bedroom outfit" while another family with a $3,000 income got a mattress.

According to the disaster chief of the national Red Cross, Mr. Robert Pierpont, the Red Cross is fully cognizant that it does not serve all income groups equally. He summarized the organization's relationship with its clientele by saying, "We're not dealing with the poor, we're dealing with Mr. and Mrs. Average America."

The result of this Red Cross policy is that an agency acting on behalf of the federal government has decided to interpret its Congressional charter in such a way that a disproportionate amount of its fixed disaster budget ($10 million is budgeted for disasters annually, without special contributions) goes to people who are not poor. Though it is not our purpose to suggest that any disaster program ought to be a substitute for a carefully defined, humane program providing economic security for all people, it is clear that the net effect of this policy is to arbitrarily exclude a portion of the population from disaster solely because they are poor.

The disaster aid rationale

Both federal and private agencies therefore operate disaster assistance without any minimum standard of adequacy; they also disburse aid frequently according to the income or assets of the aid applicant. One can only conclude, therefore, that the general theory which guides the federal government in its disbursement of disaster aid is that no one should have, even temporarily, better living standards than they had before, even if they were poverty-stricken. In its own words, the Red Cross "considers only those needs that have been created or made worse by the disaster." Though certainly a reasonable sounding approach, the net result—coupled with no minimum standard and a graduated level of care—is inequality and inadequacy for many.

Special needs of the poor

Not only are the poor discriminated against in the general approach to the disbursement of financial aid, but their needs also go unmet in a number of special areas where they have particular concerns.

Legal aid.—Three days after Hurricane Camille hit Mississippi, negotiations began between the Mississippi Bar Association and the Office of Economic Opportunity (OEO) for an emergency grant to establish a legal aid program to help "low income people" struck by the storm. A six-month, $50,000 grant was approved even though the Mississippi Bar has long opposed strong legal aid on behalf of the poor and civil rights, and even though (in violation of 42 USC 2809) no attempt was made to coordinate the program with existing community action agencies, or make it meet the peculiar problems of the poor. Two full-time attorneys have been hired and "volunteers" work at $10 per hour. No limits of income are set for people wishing to receive legal aid services. The president of the bar told our representatives that no advocacy actions would be taken, and that to a considerable extent the program was designed to keep out civil rights lawyers who might "start trouble." The NAACP Legal Defense Fund has collected six affidavits from black people who state they were refused aid.

The program concentrates primarily on those issues which are of benefit to families with assets in the form of insurance or real property: settlement of claims cases for homes and cars, repairs or improvements on property, problems of getting into and out of contracts. While there is a clear need for such aid to people of all economic levels, OEO funds should not be used to provide such aid for the non-poor.

Planning and adequate representation.—The future of the area hit by Camille depends mainly upon the Mississippi Emergency Council. As we indicated above, this Council is totally unrepresentative of both poor and black, indeed of any segment of Mississippi society but the business and banking community. In general, the Council has operated without public sessions or hearings to gather information from the populace about what the direction of the new development ought to be.

For more than two months after the storm the Council failed to meet with representatives of the black community. Then, when the body extended an invitation to various private agencies interested in its activities, including our organizations, local representatives asked that the Council membership be made more representative. That request was denied, though a return offer was made to allow three non-member black people to sit in regular Council meetings and participate when appropriate.

Even though the federal government granted $495,000 to the Council, a grant which even waived local contributions in cash or kind, the President's representative said, "The President has no control over the make-up of the Council." This is an excessively restricted view of federal responsbility, especially when the Council had to sign an assurance of compliance with title VI of the Civil Rights Act in order to receive the money.

In the future, the issue of adequate and fair community representation will become increasingly important as HUD approves money and proposals for community planning, low income housing, etc. The Workable Program for Community Improvements Handbook, for example, states:

> A guiding principle of departmental policy is to insure that citizens have the opportunity to participate in policies and programs which affect their welfare. Therefore, the workable program requires . . . that the community provides opportunities for citizens, including those who are poor and members of minority groups, to participate in all HUD-assisted programs for which a workable program is a requirement and in the community's plan to expand the supply of low and moderate income housing.

In view of the difficulties and shortcomings of HUD's performance in relation to community representation in the recent past, its future actions in this regard should be carefully observed.

Transportation.—A crucial problem for poor people, especially those in rural areas, is transportation. Lack of transportation after the storm—even where it was *not* present before the hurricane—has seriously hampered the effectiveness of relief work simply because many poor people have been unable to reach assistance centers. The OEO staff in Mississippi, for example, requested and received approval for an emergency food proposal which was geared primarily to obtain temporary transportation for poor people to reach food distribution centers. The federal government, aside from OEO, has been oblivious to this problem. The Department of Transportation's mass transit office has never made a survey of transportation needs after the storm and its one representative was present at the coast because a local Congressman wished assistance in extending a government contract for a local firm.

RACIAL DISCRIMINATION AND FEDERAL DISASTER PROGRAMS

There is a popular myth during disasters that the exigencies of natural calamities significantly reduce or entirely eliminate the normal hostilities and differences between races. Mississippi is, unfortunately, a perfect testing ground for this thesis, and from the beginning it has proved false. On one hand, there is little doubt that some federal officials and relief agencies have at least been aware that racial discrimination is possible during emergencies, e.g. OEP was prompt to investigate a complaint of discrimination after Camille, and the Red Cross has made some efforts to bring in black workers to the disaster area. Nevertheless, through both actions and inactions the federal government has indicated there is little national sensitivity to the problems of race, even during a calamity. Indeed, in some instances federal agencies and officials appear to be supporting discrimination.

One of the first, and most important examples, which we have discussed above, was the President's decision to recognize the all-white, unrepresentative Mississippi Governor's Emergency Council as the coordinator of federal aid. This act has become particularly repulsive to local black citizens because the White House acted ten days after the membership of the Council was named.

A number of other issues, however, specifically illustrate the failure of federal agencies to take steps to assure equal opportunity.

The Small Business Administration appears to be approving loans in a discriminatory manner. In the month following the hurricane (September) SBA approved 617 disaster loans. All but 21 (3%) went to whites. In addition, the average white loan was $8,919 and the average black loan was $3,797. Finally, 99% of the total dollars in loans approved by SBA have been for whites.

In general, federal agency responsibilities under title VI of the Civil Rights Act of 1964, (which prohibits discriminatory use of Federal funds) are overseen by the Department of Justice. In this disaster situation, where at least $50 million is expected to flow to a state with a long history of racial problems, Justice has confined its actions to general conversations with OEP about title VI.

The ability of the Federal Government to disburse school aid according to the Constitutionally-approved requirements of title VI has been compromised. In late August an HEW official stated that school districts which were segregated in violation of title VI would not get aid (six districts in disaster counties are not in compliance). The Vice

President publicly condemned this statement on more than one occasion, calling it at one point a "gratuitous determination by a minor official, repugnant as an example of overbearing bureaucracy. . . ." The Vice President's position has placed great pressure on HEW's civil rights staff to accept less than adequate compliance proposals in order to make districts which now violate the law eligible for aid.

The bulk of physical clean-up work after Camille was done by private contractors working for the Corps of Engineers. No attempts were made by the Corps to assure nondiscrimination in hiring, even though they are required to do so by Executive Order 11746.

The federal fair housing statute states that "all executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes" of the law. HUD has principal responsibility for administering this act for its own activities and for other agencies. It has taken virtually no action under this language since its passage. This will directly affect the future development of the Gulf Coast.

Generally, therefore, the black citizens of Mississippi, who must suffer gross indignities every normal day, have had to withstand additional violations of law and spirit during this extreme situation. Contrary to the desires of those who felt that Camille might bring new hope through new building, there is every reason to fear that discrimination will exist as before, but cloaked in a mantle of modernity.

FINDINGS AND RECOMMENDATIONS

The response of the Federal Government and of quasi-public agencies to the disaster caused by hurricane Camille along the Gulf Coast of Mississippi was large. Private agencies also provided extensive immediate help. But to a great extent the federal influence was characterized by its size rather than by its sensitivity. The Federal Government appears to treat a natural disaster as it would a military disaster . . . large numbers of troops are rapidly assigned to remove bodies and clean up debris, and are withdrawn as soon as possible. Though individuals have acted with great understanding in countless cases, our investigations show that in response to hurricane Camille:

1. *The Federal Government devoted its primary attention to public facilities damaged or destroyed by a natural disaster and relegated the care of individuals to others.* There are ample statistics on the destruction of bridges, highways, sewers and public buildings but far less detail about the destruction of homes and personal possessions. There is insufficient information about the degree to which people are hungry, sick, homeless or in need of special care.

2. *The Federal Government has not recognized by its actions the need for imaginative outreach to people both numbed by disaster and cut off from normal channels of communication.* Clear information regarding services available, location of sources of aid and the terms of such aid was not taken to people, and as a result rumors were rife and inhibited utilization of such services.

3. *Aid was not dispensed equitably to all people.* There is no minimum standard of need by which the adequacy of disaster care is measured. Aid was frequently disbursed on a graduated scale of income; if you had more, you got more; if you had less, you got less. In the case of the American National Red Cross, this is official policy.

4. *There has been no coordinated program to protect consumers from exploitation and fraud.* Many "new poor" fortunate enough to have had insurance policies were forced to settle for a fraction of their claims. Many property owners were at the mercy of land speculators. Information about the nature of the hurricane which would have helped in these situations was not made available to victims.

5. *The special needs of the poor have not been affirmatively identified and met.* Often alienated from the community at large the poor are especially ill-prepared to cope with a disaster. Under normal circumstances the poor are least able to qualify for loans, and loans are the main category of recovery aid. Many of the poor live in isolated areas and aid was slow to reach them. The poor have not been involved in identifying needed emergency services nor in planning for the future, thus adding to frustration and alienation.

6. *The Federal Government has taken little or no action to combat racial exclusion and discrimination in this disaster situation, and in some instances is contributing to the problem.* The Department of Justice has confined its actions to conversations with OEP about title VI of the 1964 Civil Rights Act. Other departments of the Federal Government have failed to take affirmative action to ensure non-discrimination. Only a tiny percentage of SBA loans have gone to black people. Most importantly, the President has sanctioned the exclusion of the poor and the black from the long range planning process by designating the all-white Governor's Emergency Council as the official body through which all federal programs for reconstruction must be coordinated.

The above findings lead the American Friends Service Committee and the Southern Regional Council to *make the following recommendations,* some of which are designed to help meet immediate continuing needs in the wake of hurricane Camille and others of which are directed toward the nature of the federal response to possible future disasters.

1. We Recommend that the Federal Government and its agencies work only through state or local bodies which affirmatively embody non-discriminatory policies and are fully representative of all segments of the affected area. If such a state or local body cannot be found or speedily created, the Federal Government should bypass non-complying agencies and itself directly administer federally funded or assisted programs for recovery and reconstruction, *and that* inasmuch as the Governor's Emergency Council of Mississippi is highly unrepresentative of the people of that state, the President immediately revoke his recognition of that Council as the coordinating agency through which federal programs of recovery and reconstruction reach Mississippi.

2. We Recommended that the President should allocate sufficient portions of his disaster relief fund to meet the emergency food, unemployment and housing needs still existant on the Gulf Coast until such time as, at his request, Congress appropriates necessary funds for the implementation of the goals of the Disaster Act of 1969 (PL 91–79).

3. We Recommend that the Department of Housing and Urban Development should rescind its order establishing charges for emergency housing and trailers, provide for free occupancy of trailers for one year; and extend its cut-off date for applications for housing assistance for as long as the disaster period is officially recognized by the Office of Emergency Preparedness.

4. We Recommend that the Office of Economic Opportunity should establish and fund a special legal aid and ombudsman program for the Gulf Coast area, this program to be administered by a board representative of the total Gulf community including those the program will serve, and to continue until the disaster period is officially terminated by the Office of Emergency Preparedness.

5. We Recommend that the Department of Agriculture should make available commodities, free food stamps and free school lunches for needy disaster victims at least as long as the disaster period is officially recognized by the Office of Emergency Preparedness.

6. We Recommend that appropriate agencies should immediately initiate and fund adequate job training and employment programs to provide income and security for those dislocated by hurricane Camille.

7. We Recommend that Congress should convene an oversight investigation into the administration and direction of the federal response to the recent hurricane, Camille, with particular emphasis upon the Federal Government's preparation for, and ability to handle, the individual human consequences of natural disasters.

8. We Recommend that there be developed "Disaster Guidelines" which shall be binding on the Executive Office of the President and all federally supported, assisted or chartered agencies, and which should include the following among its provisions.

APPENDIX 1.—SELECTED DEMOGRAPHIC, SOCIAL, AND ECONOMIC DATA FOR UNITED STATES, MISSISSIPPI, AND FOR THE CAMILLE DISASTER COUNTIES

	Population								Family income, 1960				Education		
			Percent increase												
	Total, 1960 (1)	Estimate 1968 (2)	1950–60 (3)	1950–68 (4)	Percent urban (5)	Percent 65 years plus (6)	Percent nonwhite (7)	Percent migrants from different counties (8)	Number of families (9)	Median dollar (10)	Percent under $3,000 (11)	Percent $10,000 plus (12)	Median school years completed (13)	Percent completed less than 5 years (14)	Percent completed high school or above (15)
United States	179, 323, 175	....	18. 5	....	69. 9	9. 2	11. 4	17. 4	45, 128, 393	5, 660	21. 4	15. 1	106. 6	8. 4	41. 1
Mississippi	2, 178, 141	....	....	....	37. 7	8. 7	42. 3	16. 1	500, 921	2, 884	51. 6	5. 2	8. 9	18. 8	29. 8
County:															
Harrison	119, 489	166, 700	42. 1	98. 0	77. 4	5. 9	16. 1	34. 3	27, 092	4, 272	29. 7	7. 1	11. 5	8. 8	46. 6
Hancock	14, 039	17, 950	18. 1	51. 0	36. 1	10. 8	16. 1	19. 0	3, 308	3, 129	48. 1	5. 6	8. 9	15. 7	32. 0
Jackson	55, 522	83, 450	76. 8	163. 0	61. 3	5. 3	19. 6	26. 8	13, 327	5, 120	23. 6	8. 1	10. 3	10. 6	36. 5
Lamar	13, 675	....	3. 4	....	....	8. 8	16. 3	18. 1	3, 376	3, 167	47. 6	1. 9	9. 1	13. 0	26. 1
Pearl River	22, 411	27, 550	8. 6	....	35. 0	8. 2	23. 2	13. 5	5, 420	3, 372	44. 3	5. 0	9. 0	14. 6	28. 5
Stone	7, 013	....	12. 0	....	....	9. 4	24. 4	19. 7	1, 657	3, 058	49. 1	3. 2	9. 9	13. 3	31. 8
Marion	23, 293	....	−2. 8	....	30. 6	8. 6	33. 9	11. 0	5, 577	2, 816	53. 0	5. 8	9. 2	15. 7	27. 6
Forrest	52, 722	....	17. 0	....	74. 0	8. 2	28. 0	22. 9	12, 528	4, 004	37. 0	6. 6	11. 0	11. 1	42. 9
Walthall	13, 512	....	−13. 2	....	....	8. 6	45. 1	8. 5	3, 142	2, 282	61. 7	3. 0	8. 7	17. 3	25. 2

Sources: U.S. Census; population and economic study of Gulf Regional Planning Commission.

Uniform minimum levels for aid, equally applicable to all people regardless of their predisaster economic status, shall be established to provide such basic necessities as food, shelter and medical needs for as long as is needed;

Special needs unmet by this minimum standard shall be considered in request of individuals and families;

All federal disaster programs shall adhere to the intent and provisions of federal civil rights laws, including sending civil rights staff to the scene immediately;

The total community affected, including the poor, shall be involved as soon as possible after a disaster in the planning and implementation of short and long-range recovery and reconstruction activities;

No agency shall terminate disaster aid without the concurrence of the overall coordinating agency.

9. Finally, we recommend that the Congress take appropriate steps to ensure that the agency designated to coordinate the federal response to natural disasters reflect in its policies, personnel and program an equal concern for the human and physical dimensions of disaster reconstruction; and that Congress consider whether, in the light of the primary defense responsibilities of the Office of Emergency Preparedness, OEP is the suitable agency to carry out such coordinating functions.

Appendix 2

Population 1960: Southern Mississippi cities and towns

COUNTY AND LOCALITY	
Jackson:	
Pascagoula	17, 155
Eastside	4, 318
Ocean Springs	5, 025
Moss Point	6, 631
Escatawpa	1, 464
Kreole	1, 870
Harrison:	
Biloxi	44, 053
Gulfport	30, 204
Including:	
Handsboro	1, 577
Mississippi City	4, 169
West Gulfport	3, 323
Long Beach	4, 770
Pass Christian	3, 881
Hancock:	
Bay Saint Louis	5, 073
Waveland	1, 106
Clermont Harbor	-----
Pearlington	-----
Forrest: Hattiesburg	34, 989
Marion: Columbia	7, 117
Pearl River:	
Picayune	7, 834
Poplarville	2, 136
Lumberton	2, 108
Walthall: Tylertown	1, 532

Source.—Social and Economic Study of Gulf Regional Planning Commission.

WITHOUT DISTINCTION OF ANY KIND

Mr. PROXMIRE. Mr. President, article 2 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, states:

> Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

In its survey of human rights in the United States, the President's Commission for the Observance of Human Rights Year 1968 had the following to say about how this Nation has adhered to the above principle:

> As stated in the commentary on Article 1, in the early days of the Republic rights were fully enjoyed only by "native-born white male property owners." As the remaining commentaries will show, discrimination of all kinds has been steadily restricted by the Constitution and by Federal and State law. Today, the equality of all Americans is protected by law in matters deemed to be public. It is in the implementation of the law that the high standard set in Article 2 has not yet been attained for every citizen.

I feel that the above commentary by the President's Commission gives evidence to this Nation's hypocrisy in regard to political rights for women. The article states quite clearly that there should be equal rights and freedoms "without discrimination of any kind." And, the Commission states:

> Today, the equality of all Americans is protected by law in matters deemed to be public.

Is not the right to hold political office a "public" matter? I think it is. And, I might add, I think that this right should be guaranteed not only on the national level, but the international one.

It is for these reasons that I urge the Senate to consider and ratify the Human Rights Convention on Political Rights for Women. Certainly the Nation has a tradition not to be matched anywhere else in the world. But, as the President's Commission stated:

> It is in the implementation of the law that the high standard set in Article 2 has not yet been attained for every citizen.

It is my conviction that the ratification of the Convention for Political Rights for Women would further the cause of implementation of this most important right.

A TIME OF THANKS—OR WOE?

Mr. HANSEN. Mr. President, this is the week when we annually observe our National Thanksgiving holiday. In connection with the forthcoming day on which we reflect on the many blessings bestowed upon us, I invite attention to the commentary by the senior Senator from South Dakota (Mr. Mundt) as contained in his report to constituents.

I ask unanimous consent that the commentary, dated November 25, 1969, be printed in the Record.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Thanksgiving, 1969

As another traditional Thanksgiving holiday comes to the land, the cynical among us might ask: *"What is there to be thankful about?* We are in a war; we have poverty; we have people marching in the streets; our young seem to have gone wild; crime is rampant; dirt seems to be the order of the day in the arts and literature; people seem to snarl instead of smile at each other; happiness is no longer real, it's just a slogan." Aside from the exaggeration of group categorization, the cynic is not in error in his citation of difficulties besetting our Nation. In fact, a sizeable compilation of ills could be added to the cynic's list.

Where the cynic is wrong, however, is the perspective in which he places our problems. His is a perspective of disillusionment, a viewing of problems as virtually incapable of solution and of such massive proportion that little else exists other than deepening dilemmas afflicting both the spirit and stamina of our people.

In my view, the cynic is as short-sighted in his perception of the world about him as he is about the people of this Nation. War, citizen unrest, lawlessness—all have been a continuing part of the American scene. Adversity has been a neighbor of generation after generation. *This Nation in the past did not succumb to the despair of its problems.* As great as the difficulties were, there always was the strength and resolution of the people to attempt to surmount whatever the problems confronting a particular generation. Not all of the problems were solved. Succeeding generations, however, usually found that difficulties of such nature which were inherited had been alleviated to some extent, making easier the efforts to reach solution by that generation than it was for a preceding generation.

I think a strong case can be made for the present generation of Americans as one measuring up to the tradition of trying to leave the world a bit better than it was when they came in. When you evaluate what has happened in America in the past, what is happening now, and how we are attempting to meet our responsibilities, it seems to me when all of this is examined along with our various problems, that what emerges is not the picture of a country rushing headlong toward disaster but ample demonstration of a Nation continuing to forthrightly accept the challenges of our times, and moving forward in the search for answers to our problems and actions which enhance the well-being of all mankind.

We may stumble in our efforts to achieve progress. And sometimes we go a step backwards for every two taken forward. But in the main, this Nation, imperfect as it might be, continues to be one dedicated to peace; to achieving equal opportunity; and to strengthening the bonds of liberty. And it is this dedication to these great causes for humanity which continues to make this land the ideal for the rest of the world.

So while we can give the cynic his due, by focusing on our imperfections as well as our blessings at this Thanksgiving season, we need not succumb to his woe, remembering that it is the imperfections of our society and our world to which we have dispatched our energies, our resourcefulness and our resolution. This is the America I see, and, I believe, what the substance of our people is—and gives us abundant reason to be thankful.

SOUTH DAKOTA AND THE MOVIES

ABC–TV's Joey Bishop Show the other evening included as guests South Dakota's Rodeo Champion, Casey Tibbs, and Western Movie Star Joel McCrea, who reported on their plans to film a second movie in South Dakota. McCrea also told of the scholarship he has established at the University of South Dakota for Indian youngsters.

NIXON EFFORT TO ACHIEVE DRAFT REFORM SUCCEEDS

Approval by the Senate this past week of draft reform legislation represents an important gain for the young men directly affected by the draft. It likewise is a significant victory for President Nixon and the public, for only a short time ago the bill appeared not to have a chance to come before the Senate this year. Following House passage, the Democrat Leadership of the Senate announced that the bill would not be considered this year.

Strong protests from the public and reiteration by the Administration of the importance of the bill led to a change of minds and agreement in the Senate to consider the Nixon proposal now and to take up next year the multitude of draft reform bills introduced by a number of Senators. Thus, what was a compromise in agreeing to immediately consider the Nixon proposal—which can resolve quickly some of the inequities of the present law—and schedule early next year hearings on comprehensive bills going into the very concept of selective service can be marked a "plus" in every respect for all who have been concerned about the need for remedial steps in our draft system.

The Senate action repeals the law which prohibited the use by the President of a random system of selection for induction. With this repeal, the other recommendations of the President will now be instituted as this can be accomplished by Executive Order. The other recommendations include a "youngest-first" order of call and a "limited vulnerability" period for induction.

The random selection system, which required the change in law, will be determined by lot on the basis of the birth date. Each person in the prime age group would have the same chance of appearing at the top of the draft list, at the bottom, or somewhere in the middle. A national drawing will be held in which each of the 365 days of the year will be scrambled and receive a sequential number. For example, if No. 1 is November 25, all those born on November 25 would be in the highest priority for call. For those born on the same day, a second national drawing will be held to determine the sequence based on a scrambling of the alphabet.

The "youngest-first" will shorten the time of uncertainty for young men as this will result in designation each year of a "prime age group." This group will consist of those registrants who were 19 years old when a selective service year begins. Each 12 months a different pool draft eligibles would be designated as the "prime age group."

By establishment of the "prime age group" on the "youngest-first" basis, or at age 19, this creates the "limited vulnerability" concept. This means that a 19-year old will experience maximum vulnerability for a period of one year, being a member of the "prime age group." When that 12-month period (the selective service year) ends, the individual, who is then in his 20th year, moves progressively to less vulnerable categories. The exceptions are those who receive deferments and their periods of maximum vulnerability will come after the deferments end.

Comprehensive selective service hearings will begin not later than February 15th next year by the Senate Armed Services Committee and this committee will then also have the benefit of the results of a joint study on selective service guidelines and procedures being conducted by Selective Service and the National Security Council. However, the reforms listed above will now occur in the very near future.

THE VICE PRESIDENT AND TV

Quotes to remember from the Vice President: "If the media are going to broadcast the emotional appeals of the Stokely Carmichaels and the other agitators, it is like throwing gasoline on the flames." . . . "I do know that TV in particular has spread the message of rioting and looting, has displayed the carrying out of televisions, home appliances, groceries, etc. and has literally served as a catalyst to promote even more trouble." If you don't recall the above statements as being from the current Vice President, it is understandable. They were made by his predecessor, Hubert Humphrey (long before, of course, Humphrey's current criticism of Veep Agnew's comments on television).

THE AFTERMATH OF DISASTER IN NELSON COUNTY, VA.

Mr. SPONG. Mr. President, the people of Nelson County, Va., have been strong of character and stamina despite the adversities of Hurricane Camille. This rugged Virginia community suffered damage that must be seen to be believed. Yet, with the help of many, including a great number of Mennonites from as far away as Canada, they are rebuilding with uncomplaining perseverance.

The will of the people of Nelson County is deftly illustrated in an article written by J. Y. Smith and published in yesterday's Washington Post. The article brings out the unity that can come from disaster. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THIS IS THE END OF TIME" IN NELSON COUNTY: CAMILLE CHANGED REGION FOREVER

(By J. Y. Smith)

Nelson County, Va., used to be known—so far as it was known at all—for its beauty, for its poverty, for the independence and hardiness of its people, for its wildlife, and for the high quality of its illicit apple brandy.

It is now known as the area hardest hit by the greatest natural disaster in the recorded history of Virginia. On the night of Aug. 19, 1969, the vestiges of Hurricane Camille moved over the Blue Ridge and, in the space of about five hours, unloaded an average of 31.5 inches of rain on Nelson and surrounding counties.

In the aftermath, it was determined that 152 people in Virginia were dead or missing in the floods and avalanches that crashed out of the mountains. Of these, 126 were residents of Nelson. That is a little more than 1 per cent of the county's population.

"There are apocalyptic verses in the Bible that describe the ending of time," says the Rev. Wilfred Roach, pastor of Grace Episcopal Church in Massies Mill, as he stands amidst the hamlet's ruins. "Of course, this is the end of time here."

He adds: "This is the closest to Hell you'll ever get and the closest to Heaven. The Hell is the loss of life and the Heaven is man's ability to deal with adversity."

Nelson County covers 471 square miles. It is a land of wooded hills, of remote orchards and beef and dairy farms. Its western flank lies in the Blue Ridge, which rises with spectacular suddenness from the rolling lowlands. Charlottesville lies to the north, Lynchburg to the south and Waynesboro to the west—prosperous cities where many Nelsonites work. Others, like their grandfathers, prefer to eke out a living in the narrow mountain valleys.

If the mountains give shelter and sustenance, they also hold the threat of destruction to those who live in them. The threat, which continues today, is one of landslides and avalanches.

A cubic foot of typical Nelson County soil is capable of absorbing from 1 to 1½ inches of water, according to C. J. Koch of the State Soil Conservation Service. Many mountainous areas in Nelson have only one or two feet of dirt covering sheer granite bedrock.

"When the excess rainwater penetrated to the rock," Koch said in a statement, "it was just like putting grease on a ball bearing."

Trees, boulders, houses and people were suddenly extruded from the mountain hollows and "coves" into the valleys. For most victims, there was little or no warning and few places to go in any case.

Thus 54 persons were killed along a four-mile stretch of Davis Creek and Huffman's Hollow. The hamlets of Tyro, Massies Mill and Roseland on the Tye River were virtually wiped out. Woods Mill on the Rockfish River is gone and the villages of Rockfish and Schuyler were badly hit. Norwood, a tiny collection of houses on the James River, was heavily damaged. The streets of Lovingston, the county seat, were inundated with mud and rocks, but the village escaped serious harm.

Houston Huffman, 51, lives with his wife in a small weathered clapboard house on a little knoll where Davis Creek forks at Huffman's Hollow. By his count, 28 Huffmans died on that night last August. From the front of his house, where an old tire guards a clump of flowers from the scratching and pecking of chickens, Houston Huffman can point to the places where at least 16 members of his family were killed.

"It's a whole lot to think about," he says. "It kinda steps up on you, yes it do. What gets me is how that water got so high in such a short time. If dynamite had been going off in that creek, it wouldn't have made no more noise."

Huffman says the surviving members of his numerous clan have all found a place to live since the storm and that all that are able are working.

"We've been doing right good," he says. Then he smiles wryly and adds: "But it's been tight."

At the head of Davis Creek, the Harvey brothers, Richard, Clyde and Carlton, are trying to reclaim orchard land that was turned into a moonscape of rocks, boulders and rubble. Half of one of the five houses they lost still stands. A bed is visible on the naked second floor. Besides the houses and the orchards, the Harveys lost three tractors and two trucks. They put their total losses at $150,000 to $200,000.

"I'm 43 and sometimes I feel 100," says Richard Harvey.

He shakes his head as he looks at a bulldozer that costs him $40 an hour.

"It's the only thing that'll move that big stuff. You either got to spend it or forget about it."

The Harveys intend to spend it.

"We're in the fruit business," says Richard. "We've got a storage plant. We just can't leave it."

It is scarcely four miles from Roseland through Massies Mill to Tyro on the Tye River. To the south of the Tye at Roseland, that are open meadowlands and cornfields. The hills begin just north of the river. Yet the debris that still clings to the trees along the river road shows that the water must have been 20 feet deep as it flowed through this relatively unconfined area. The fields are strewn with rocks and other debris. In some places where there used to be rich topsoil there are only sand and boulders.

It is hard to visualize what Roseland used to look like.

At Massies Mill, John Harvey, 70, a retired merchant and warden of Grace Episcopal Church, looks around and assesses the damage. He can count 20 houses and three stores that were washed away. About 15 houses are left. Perhaps 30 persons were killed.

One of the buildings that was spared was the church. The wooden building, which dates from 1885, when logging first got under way in the area, had five or six feet of water in it. The lectern was washed away. It was recovered in a cornfield near Wingina on the James River, about 40 miles away. There remained the removal of a couple of feet of mud and rocks and a live water mocassin that was found just to the left of the pulpit.

A building next to the church has been taken over by the Mennonite Disaster Service. Mennonite women in lace caps and long dresses use it to prepare meals for as many as 75 volunteers from their church who have come from as far away as Canada to help Nelson dig its way out. The men sign up for the work in their home parishes. Some stay a week, others stay longer. At any give time, a hundred may be working in the county.

One of the direct beneficiaries of the Mennonites' kindness is Edward F. Bowling, 79, a carpenter. With the help of the Red Cross and the Mennonites, he has almost completed a snug two-room house on the site where his family has lived in Massies Mill since 1893.

No one can adequately express his admiration and gratitude for what the Mennonites have done.

"They are the 20th century angels of mercy," says Pastor Roach.

At Tyro, Capt. William E. Massie, 66, runs the post office and small store. When the water began rising in the first floor of their solid fieldstone house, Massie and his wife simply rolled up the rugs, moved upstairs and went back to bed.

"Of course, I didn't realize what was going on until daylight," he recalls. "If I'd known, I might not have gone back to sleep."

When dawn came, he found four bodies within a stone's throw of his house.

The worst physical damage and the heaviest loss of life in Nelson County was confined to small, scattered areas. But the disaster seems to be indelibly recorded in the collective subconsciousness of the 12,000 people who live there.

"Any kind of damage you can imagine, we got it in this county," says Willis A. Little, 60, a U.S. Department of Agriculture official who has worked in Nelson for 23 years. "How are you going to estimate the damage? It's going to take years and years."

Little estimates that as much as $250,000 damage was done to orchards alone. An acre of prime orchard is said to be worth $1,000. An acre can support 40 normal apple trees, but it takes seven to 10 years before a new tree begins to bear profitably. Many apple growers are switching to "dwarf" varieties. An acre can support 75 to 100 of these and they begin showing a profit in about five years.

But the orchards are not Little's prime worry. What really concerns him is the necessity of digging out the channels of the Rockfish, Piney and Tye Rivers. At present, they are clogged with silt, rocks and great piles of trees. Until they are cleared, a heavy rain will force them over their banks again, causing new damage to crop lands. Little thinks the job will cost at least $2.5 million.

Then there is the matter of restoring the land.

Nelson County has about 475 miles of roads. Donald E. Keith, the energetic resident highway engineer, says most were damaged. Ninety-two bridges were washed out, 36 of them classified as "major" structures. It has been estimated that it will take upwards of $7 million to bring the roads and bridges up to state and federal standards.

But there is no longer a single home in Nelson that does not have access to the rest of the world by road. (Right after the rains, many areas were accessible only by helicopter).

Even in the hardest-hit areas, Keith thinks, it is necessary to put the roads back if only to encourage people to return.

Can Nelson County come back? The area has received massive amounts of federal and state aid. E. Warren Roberts, the president of the county's only bank, says the institution's total assets have increased by more than $1.1 million since the disaster. The road system is bound to be better than it was because it is being brought up to standard.

This does not alter the fact that Nelson is basicaly a "bedroom" community. More than half of the income of its residents is earned outside the county and most of it is spent outside. This is because there is no trading center within its obrders. Clifford Wood, 43, a farmer in Wingina, a member of the Board of Supervisors and the man who took control of local civil defense efforts right after the flood, says he has to go to Lynchburg or Amherst to buy the size 11-B work shoes he wears.

Hughes C. Swain, the county coordinator, thinks this will be remedied and there is already talk of building a shopping center. Moreover, he sees the eventual economic salvation of the county in the fact that it is located within easy commuting distance of Charlottesville, Lynchburg and Waynesboro. He looks for the drop in population that has been evident for the past 50 years to reverse as more commuters move in.

Says Wood:

"The county was torn and split by the things around it. The flood has destroyed some of this disunity. I think it has brought the county together somewhat. If we all got pessimistic, it would be bad. Fortunately, most of us are optimistic about our individual futures and the future of this county."

At one point in the early days of the crisis, Wood and James Tribble the regional civil defense coordinator, came up with a total damage estimate for the county of $15 million. They admit that they more or less pulled it out of the air. The Office of Civil Defense in Richmond estimates statewide damage at $113 million and surveys are still being carried out.

Whatever the true figures may be, Nelson County will never be the same. But it may be that it will emerge as something better than it was.

HONORABLE ACTIONS COMMITTEE

Mr. DOLE. Mr. President, I recently learned of the formation, by a group of students attending Fort Hays State College, Hays, Kans., of an organization called the Honorable Actions Committee. Their stated purpose is: To show some positive action and support for the present administration and our country; to indicate their support of our fighting men in Vietnam; and to demonstrate their belief that the chief blame for the continued fighting in Vietnam lies with the North Vietnamese and not the United States.

These students have drafted a letter which will be mailed to the North Vietnamese leaders, and they are currently seeking signatures from a five-State area. In view of the responsibility demonstrated by these young Americans, I ask unanimous consent that the text of their letter to North Vietnam be printed in the Record.

We, the undersigned United States citizens, are disgusted with the feeble or negligible attempts of your delegates to negotiate at the Paris Peace Talks for a peaceful settlement to the armed conflict in Southeast Asia. We therefore ask you why the conflict has not ended. If you really desired peace, and were sincere in your efforts, the fighting could stop now. We favor peace as much as any nation's people, but we feel that any withdrawal of American military troops will have to be an honorable withdrawal.

NATIONAL WELFARE CONFERENCE OF THE NATIONAL ASSOCIATION OF COUNTIES

Mr. TYDINGS. Mr. President, on November 25, it will be my privilege to address the National Welfare Conference of the National Association of Counties—NACO. This conference, bringing to Washington hundreds of county leaders from across the Nation, will be an immensely crucial and timely American county forum on the social welfare issues of the day. The theme for the conference will be "Counties Care" and the county leaders, as welfare program administrators and fiscal supporters, will concern themselves with our massive problems relating to food, population, children, the aged, manpower and welfare program and administration.

Bernard F. Hillenbrand, executive director of the National Association of Counties, testifying recently before the House Ways and Means Committee on H.R. 14173—Family Assistance Act of 1969—alerted the committee to the forthcoming conference when he said:

> In fairness to these needy people, we are committed to a thorough analysis of the President's proposals and their impact on county government. It is with this intent that we are committed to bringing five hundred county officials into Washington for our second National Welfare Conference on November 23–25 at the Statler-Hilton Hotel.

Mr. Hillenbrand's statement chronicles the efforts of the counties to overhaul our welfare system so that it will truly assist needy people and, in general, it provides a very valuable background piece for the NACO National Welfare Conference. Many Members of Congress will be involved in this welfare conference. Therefore, I ask unanimous consent as an aid to both Houses, that Mr. Hillenbrand's testimony be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Bernard F. Hillenbrand, Executive Director, National Association of Counties, October 22, 1969

Mr. Chairman: My name is Bernard F. Hillenbrand. I am Executive Director of the National Association of Counties, representing the 3,049 counties in America. We commend you on taking up this most urgent and high priority matter: the study of this nation's welfare system.

Counties, as welfare program administrators and fiscal partners, have noted with grave concern the web of inflexibility which presently enmeshes both the recipients and the local administrators. Increasingly, we have found our programs entangled in a morass of red tape, stacks of rules and regulations, and bureaucracy pyramided upon bureaucracy. It is no wonder that we who have been on the firing line at the local level trying to administer the present inflexible program have appealed to the Congress and to the Executive Branch to work with us to give this nation a better welfare system.

Back in the early 1960's, we began to hear the rumblings of concern over the inadequacies of the program. The reports from the field began to spell out a crisis in welfare. Administrative problems, such as relegating social case workers to tedious hours of shuffling regulatory forms was causing the system to break down. Mounting fiscal burdens in welfare were threating to bankrupt county government. Most significant though for the future of this country, we came to realize that the cruelest blow was being dealt to those that the welfare program was purported to help.

Confronted with breakdown in helping people in need, NACO in 1966 felt compelled to call the first National Welfare Conference. We pledged to look closely at the standards, personnel requirements, and fiscal problems in welfare. We went to our work convinced that these programs were a disastrous failure. They were not meeting the needs of the people. At the 1966 National Welfare Conference, NACO adopted positive positions that we felt would strengthen the program and aid the recipient. In our attempt to be as constructive as possible we assembled seventeen conference recommendations that we presented to the Administration.

Typical of these constructive recommendations were the following:

1. The National Association of Counties urges the creation of a new federal category of public assistance based upon the single criterion of need and with a single formula for federal financial assistance. Conversion to this new category would be optional, therefore permitting those states who desire, to continue under the existing categories.

2. The Department of Health, Education and Welfare should modify the requirement that one social worker must not handle more than sixty cases. The modification should permit public agencies to employ the "averaging principle" in case handling.

3. The rigid supervisory ration requirements of five social workers to one case supervisor should be removed, and that flexibility in the standard be permitted.

In the interest of time, I would like to submit the full seventeen recommendations of the first NACO National Welfare Conference:

4. The National Association of Counties believes the responsibility of alleviating poverty is a principal function of county government, and therefore urges the respective states to provide counties with broad legal powers to accomplish such objectives. Additionally, we urge the respective states and the federal government to participate financially in these programs, however, that any accompanying state and federal regulation be such as to maintain the maximum degree of initiative and responsibility at the local level.

5. County government's participation in welfare programs varies from state to state. In some cases, counties exercise the predominant role and in others no role at all. Notwithstanding the extent of county government's involvement in public assistance programs since such programs have a vital impact upon other county programs, i.e., health, education, housing, etc.

The National Association of Counties urges county government to initiate planning programs designed to coordinate the counties' total effort to combat poverty. In those activities wherein the counties may not be directly involved, it is recommended that the suggested planning programs seek to establish appropriate cooperative agreements and arrangements so as to provide a continuing coordinated approach to the problem of poverty.

To assist counties in providing this type of planning, the National Association of Counties urges the Department of Housing and Urban Development to develop effective guidelines to allow 701 comprehensive social and physical planning. Additionally, the National Association of Counties urges Congress to raise the appropriation for the 701 to provide adequate financing for such social and physical planning.

6. The National Association of Counties urges that federal aid to needy families with an unemployed parent be made a permanent part of the aid to families with dependent children program.

7. The National Association of Counties encourages the program and policies that prepare welfare clients to be self-sufficient and therefore is in favor of the principle of the unrestricted cash payment. We do recognize however, that there are individuals who are not able to properly manage their own financial affairs, and for such clients, welfare departments should be given the authority to use either third party payments, whichever is most appropriate.

The National Association of Counties further recommends that the present 5 percent ceiling on protective payments be abolished.

8. The National Association of Counties further recommends the adoption of a policy calling for the creation of state and local advisory committees to deal with welfare matters.

9. The National Association of Counties suggests that legislation which provides federal participation in costs of community work and training programs designed to conserve and develop work skills of the unemployed parent receiving AFDC should be improved to share in all staff, training, and maintenance costs and made permanent.

10. The National Association of Counties re-emphasizes its existing policy recommendations regarding foster children and urges the enactment of legislation to provide federal assistance to foster children. Additionally, such a program should be NACO's priority welfare legislative objective for the 90th Congress.

11. Whereas the present federal and state classification and qualification staffing requirements for welfare and social workers often result in the wasteful application of professional talent to sub-professional tasks, the National Association of Counties urges recommendations that the federal government foster and encourage the states to experiment in their use of sub-professional classifications.

12. The chairman is instructed to ask the National Association of Counties to call upon the Depatrment of Health, Education and Welfare to make available at the time of publication all welfare bulletins and state letters to county elected officials and local welfare agencies so that they may be kept informed on a local level of technical and complicated welfare information.

13. The federal government should modify the requirement that all states utilizing the 1962 Services Amendments to the Social Security Act fully implement these amendments by July 1, 1967. The modification sought would require that states and counties show reasonable effort at implementing the amendments to that date.

14. Public welfare agencies should be permitted to employ the "Banking of Cases" principle for other than intensive social service aspects of case administration.

15. Federal and state audits should be clearly defined as to scope and purpose and be conducted promptly, especially in the case of new programs.

16. No report should be required by either federal or state welfare agencies unless it is essential, its purpose clearly understood, and its uses clearly defined.

17. Strong national efforts should be made to change the basic federal law and philosophy to permit local flexibility in the development of methods and approaches to money management and that federal fiscal penalties be eliminated.

Regretfully, gentlemen, in the three years since that NACO Welfare Conference, even with some administrative changes and refinements at the local level, we have found costs continuing to mount as the welfare roles soared. From 1950–1968, state and local governments' share of welfare program costs had risen from $2.5 billion to $9.4 billion. And yet with all of this public expenditure, the result across the nation was a program that was not doing what it was designed to do. We had spawned a third generation of welfare recipients.

Experiencing first-hand this disintegration of welfare programs—and again in a constructive spirit—in January of this year we wrote an open letter to the then newly appointed Secretary of the Department of Health, Education and Welfare, Robert Finch. In that letter, we noted that our county officials are at the cutting edge of social problems; that in a great percentage of places, they are the local administrative agency for the nation's welfare programs; that county government's stakes are high; our interest intense; and above all that we would like to be helpful.

We spelled out for the Secretary some problem areas demanding his and our immediate attention. We pointed out that together:

1. We must reappraise the *objectives* of welfare.

2. We must study the *structure* of welfare administration at all levels, federal, state and local and their interrelationships.

3. We must evaluate local policy and financial participation.

4. We must consider alternate approaches to the public welfare system at the federal, state and local levels.

5. We must carefully review all the community social agencies, both community by community, and their total impact statewide and nationally.

6. We must review the programs of the welfare agencies in their relationship to Office of Economic Opportunity programs and related programs in the Department of Labor, Health, Education and Welfare, and other federal agencies.

7. We must develop more basic research into the fundamental motives of the individual.

Mr. Chairman, now some ten months later, we have been pleased to see that exactly this type of massive, in-depth review has gotten underway in this country. Your Committee is participating in this historic review.

Companion bills H.R. 14173 and S. 2986 reflect the intent of the Administration to make a thorough review of the welfare system. This proposed legislation offers the most dramatic package of welfare reform proposals since the adoption of the Act in 1935.

We were heartened to note that Secretary Finch, when he appeared before your Committee last week, indicated that "the emphasis of these proposals . . . first and principally [is] on jobs." This is precisely where the 3,049 counties place their emphasis. As recently as at our annual meeting in July 1969, we adopted a National County Platform Position, calling for "an absolute requirement of work for those welfare recipients able to work and who meet other reasonably necessary requirements."

As administrators of welfare programs, we are likewise encouraged to see the Secretary's indication that the President's proposals seek to "develop a system which gives people the opportunity and incentive to become independent and self-supporting."

However, Mr. Chairman, and in all frankness, we have a lot of intense studying and digging to do to develop an understanding of the true role of county government in the Administration's proposal. At this point, the impact on counties is quite unclear.

Again, as recently as our summer Annual Conference, we reaffirmed our historic belief that county government must play a crucial leadership role in combatting poverty in the community, and we called upon every county in the nation to join in a massive drive to develop and implement bold, effective programs for the elimination of poverty.

Imagine our disappointment when in fact only weeks later the President outlined his new national domestic effort in welfare, but without articulating a role for the county. In fact, there was no recognition of the county crisis in welfare. We were, in the President's message, the Invisible County.

The word *county* does not appear in the President's news-making domestic speech in which he unfolded his welfare-manpower-revenue-sharing-OEO reform package.

The word *county* does not appear in the President's special welfare reform message.

The word *county* does not appear in the President's special manpower message.

The word *county* does not appear in the President's special OEO reform statement.

The word *county* appears once in the President's special message on revenue-sharing, but then only in the context of noting that "county officials" were consulted on the details of the new revenue-sharing plan.

Welfare, manpower training, poverty, revenue-sharing—programs right at the heart and soul of county government—and yet this entire level of government has gone without *specific notice*.

May I remind the Committee that to millions of needy recipients, county government is very visible. In fairness to these needy people, we are committed to a thorough analysis of the President's proposals and their impact on county government. *It is with this intent that we are comitted to bringing five hundred county officials into Washington for our second National Welfare Conference on November 23–25 at the Statler-Hilton Hotel.*

There are many hard questions still unanswered in the Administration proposal. Thus at our November National Welfare Conference, we must study:

1. The *fiscal impact* on counties, especially in light of the proposed case load and benefit increases.
2. The *Administrative impact* on counties.
3. The *Manpower Training* impact.
4. The *related impacts* of various programs such as food and malnutrition, and family planning.

Again, Mr. Chairman, it is for these many reasons that we appreciate your calling these hearings. The record you build here will help us in our own crucial study. Our National Welfare Conference will produce fresh material and interpretations which we will be happy to share with your Committee and staff. It has been a pleasure for me to participate here today.

THE FITZGERALD AFFAIR IS A SETBACK FOR THE PENTAGON

Mr. PROXMIRE. Mr. President, an article written by Bernard Nossiter and published in the Washington Post of Friday, November 21, 1969, contains a perceptive analysis of the entire affair involving A. Ernest Fitzgerald and the Pentagon.

Mr. Nossiter observes that by abolishing Mr. Fitzgerald's job, the Pentagon is losing far more than just one man. What has been lost, he notes, is the Pentagon's plausibility on Capitol Hill and across the country.

On Saturday, I sent a letter to Attorney General John Mitchell asking for a thorough investigation of the Fitzgerald case. The U.S. criminal code makes it a crime, subject to a maximum 5-year jail sentence or $5,000 fine, to "influence, impede, intimidate" or to "injure" a witness who appears before a congressional committee. By harassing Mr. Fitzgerald for more than a year, and by ultimately firing him, officials at the Pentagon have very likely violated this criminal statute, and I have asked the Attorney General to determine who is guilty and to what extent.

Incidentally, this case is wholly unlike the case of Otto Otepka, as Mr. Nossiter points out. Otepka was charged with slipping classified documents out of the State Department to a congressional committee. Fitzgerald was invited to appear before my committee, and responded truthfully to all questions; at no time did he give us any classified documents.

I ask unanimous consent that Mr. Nossiter's article be printed in the RECORD.

I also ask unanimous consent that a statement I made on this matter at a press conference on Saturday and my letter to Attorney General Mitchell be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 21, 1969]

FITZGERALD AFFAIR: A PENTAGON SETBACK

(By Bernard D. Nossiter)

A. Ernest Fitzgerald has probably lost forever his job as the Air Force watchdog over costs. As Voltaire remarked on the execution of Admiral Byng, "It is good, from time to time, to kill an admiral, in order to encourage the others."

But there is reason to believe that, with the liquidation of Fitzgerald, the Defense Department is losing something far more important than one man, its plausibility on Capitol Hill and across the country.

For example, Southern Congressmen in general and Republican Southerners in particular have traditionally been among the Pentagon's strongest allies. But at least two of this special breed, Reps. Joel Broyhill of Virginia and William Dickinson of Alabama, can now be counted among the disenchanted. The results could be felt when the Defense Department next seeks money for its pet schemes.

In public, the distinguished looking Air Force Secretary, Robert Seamans, testifies that Fitzgerald's job was abolished on economy grounds. In private, his unfortunate aide, Spencer Schedler, is sent to the Hill to buttonhole congressmen and tell them that Fitzgerald was really fired because he wasn't "a team player." (The fact that Schedler "could not remember" his week-old remarks when questioned by senators is not regarded as an auspicious omen for his future).

"Who are they kidding," said Broyhill the other day. "They fired the one man who was trying to hold down costs." His colleague, Dickinson, talks in the same vein.

In congressional eyes, the military's treatment of Fitzgerald is hard to square with the West Point code, "Duty, Honor, Country," particularly the second of those resonant words.

There was Seamans, who built a brilliant reputation at NASA, saying he had never met a "responsible" military man who lied, struggling to establish that the Air Force unit charged with criminal and security investigations had opened a file on Fitzgerald before Seamans became Secretary. A routine call would have told him that the file was opened after he became Secretary.

Which is likelier, the Seamans story that the file was opened because Fitzgerald made news with his C–5A revelations or the version of Rep. William Moorhead (D-Pa), that the Air Force was trying to discredit Fitzgerald in the same way that General Motors had attempted to despoil Ralph Nader?

Reminded that Fitzgerald had been removed from oversight of major weapons systems and put to work examining areas mess halls and a bowling alley, what could lead Seamans to say sternly:

"Proper cost control of recreational facilities is not a matter to be taken lightly."

Most remarkable of all was Seamans' apology for his offhand slur last May, accusing Fitzgerald of leaking classified documents to the Hill. If that charge had stood up, Fitzgerald could have been blackballed for life from any work, private or public, in the defense area. Yet Seamans ignored two earlier requests from Fitzgerald to straighten out the records and does not retract the charge until he is directly questioned by inquiring congressmen, six months later.

The inquiry, under Sen. William Proxmire's Joint Economic subcommittee, will go on. It is now receiving help from the most surprising quarters, from outraged conservatives as well as the liberals traditionally suspicious of the Pentagon's ways. None of this is likely to restore Fitzgerald's job but probably not much sympathy needs to be wasted on him. He is tough—by his own account, I'm not going to roll over and play dead"—and intends to pursue his campaign to regain control of military costs.

Several business groups interested in the same goal have already offered him a job; there is also considerable congressional interest in finding him a post to continue his work on the Hill or for one of the arms of Congress.

This is not, like the case of Otto Otepka, a simple reward for a congressional informant. Otepka was charged with slipping classified "loyalty" reports to a congressional committee and was driven from the State Department for it. Fitzgerald stands accused of having been summoned to appear before a congressional committee and responding truthfully to a question not of his own making.

Beyond Fitzgerald's fate is the more interesting question of how the Pentagon will now fare on the Hill. The House Appropriations Committee is subjecting its requests to a new, and reportedly ferocious scrutiny. Will congressmen accept on their face Seamans' arguments next year for starting production of a multi-billion-dollar manned bomber in a missile age?

It is noteworthy that the Defense Department has already abandoned its fight for 39 more C–5As, a loss in sales to its biggest contractor of $1.5 to $2 billion. Clearly, a corner has been turned and the Fitzgerald affair has been a homely incident on this new route.

Above this is a still larger question. Organized society depends in the end on trust and belief. If the government's highest servants draw raucous laughter when they testify—and such was Seaman's unhappy fate on Tuesday—serious damage has been done. The former Marine commandant, Gen. Davis Shoup, tells us that "the military is indoctrinated to be secretive, devious and misleading." This may be sound tactics for war but it is not the way a country can be run. In the end, the Seamans, the Schedlers and the disingenuous generals may be doing more to tear down the fabric of society than the wild-eyed guerrilla bands that smashed windows in Dupont Circle and the Department of Justice.

STATEMENT TO THE PRESS BY SENATOR WILLIAM PROXMIRE, NOVEMBER 22, 1969

First I want to make it clear that this press conference does not mean that the Joint Economic Committee might not want to hold further hearings on this matter. I have called this press conference because I feel strongly that as a United States Senator I must act now—not only to protect the rights of Mr. A. E. Fitzgerald but to protect the capacity of Congress to secure the information it is entitled to have from the Executive Branch.

It is for this reason that I cite Title 18, section 1505, of the U.S. Code. The language of this statute is simple and clear.

"Whoever corruptly, or by threats of force or by any threatening letter of communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of the Congress, or any joint committee of the Congress; or

"Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 770; Sept. 19, 1962, Pub. L. 87-664, § 6(a), 76 Stat. 551.)".

Now, consider what has happened to Ernest Fitzgerald before and after he appeared as a witness before the Joint Economic Committe last November.

Mr. Fitzgerald was a well trained, experienced, successful cost efficiency expert when he came to the Pentagon in 1965.

He was regarded so highly that in 1967 he was recommended by the Air Force for the Air Force Association's Citation of Honor. The Air Force justified its recommendation on the basis of Mr. Fitzgerald's exceptional contribution to the development, installation and utilization of improved management systems throughout the Department of Defense. Those are the words of the Air Force in 1967.

In 1966 he was the Air Force's candidate for the Civil Service Outstanding Performance Rating, a government-wide award.

In the course of his testimony before us on Tuesday of this week Air Force Secretary Seamans said of Fitzgerald, and I quote: "Mr. Fitzgerald's work, along with the efforts of many other civilian and military personnel, has resulted in a substantial improvement in the data gathering part of the weapons procurement financial control system." This recognition of Fitzgerald's outstanding performance as a government employee is perfectly consistent with the judgments of his superiors made before Secretary Seamans came to the Air Force.

In October of 1968 as Chairman of the Joint Economic Committee and of the Subcommittee on Economy in Government, I invited Mr. Fitzgerald to appear before our Subcommittee to testify on the sharply rising cost of Air Force procurement, with special reference to the giant cargo plane, the C-5A.

Mr. Fitzgerald discussed his appearance with his superiors in the Air Force and the Defense Department. He was warned by Robert Moot, Assistant Secretary of Defense, Comptroller, that if he appeared that would be—according to Fitzgerald's testimony—"blood on the floor." This ominous statement by itself was to use the language of the statute, an attempt to "influence, intimidate or impede" a witness.

On November 13, 1968, Mr. Fitzgerald appeared before the Subcommittee. He was authorized to be present by his Air Force superiors. But he was told not to prepare a formal statement, although I had asked him to do so. Mr. Fitzgerald followed the instructions of his superiors and did not prepare a formal statement.

Before he testified I asked if the Secretary of the Department of Defense was represented at the hearing. Commander Ed Dauchess said he was authorized to speak for the Pentagon. I asked Commander Dauchess whether Fitzgerald was free to answer questions put to him by members of the Subcommittee. Commander Dauchess said that Fitzgerald was free to do so.

I then asked Mr. Fritzgerald about the costs of the C-5A. Mr. Fitzgerald's answers were cautious and limited but he did give estimates of the Air Force at that time of the cost of the plane and the degree to which the costs exceeded the contract provisions according to Air Force estimates. My estimate based on the Fitzgerald testimony and other information was that the C-5A was suffering an overrun of nearly $2 billion.

And then the roof fell in on Mr. Fitzgerald.

If Fitzgerald had said or done anything out of line in any way after he testified before my Subcommittee last November, neither the Secretary nor anyone else has been able to think of it.

But after he testified as a witness, Mr. Fitzgerald suffered a series of clear reprisals.

Within twelve days after his testimony, the tenure he had been given in September was revoked on the grounds that it had been given as the result of a computer error. The computer had made less than one error for every five thousand actions. The error with respect to Fitzgerald had been signed by Audrey Kent, the civilian personnel chief of the Air Force. Was this a mistake or an harassment?

Two months later, my staff was able to secure a memorandum from the personnel director of the Air Force, John Lang, Administrative Assistant to the Secretary. The memo was written to Secretary of the Air Force Brown and set forth three ways to remove Mr. Fitzgerald. Nowhere in this memorandum was there any indication that the removal of Mr. Fitzgerald would contribute to economy, efficiency, or a better organization of the office. The third method suggested was called "rather underhanded."

Incidentally, when Mr. Fitzgerald was fired this month, the second method designated in this January memorandum was used. His job was abolished.

In my view the existence of this memorandum coming into being shortly after the Fitzgerald testimony and unrelated as it was to any economy action or office reorganization by the Secretary of the Air Force shows that Air Force officials were contemplating the ultimate obstruction of a Congressional inquiry by injuring a witness, which ultimate course they in fact followed this month when they fired Mr. Fitzgerald.

All of these actions took place before the new Administration took office and before Mr. Seamans became Secretary of the Air Force. After Mr. Seamans became Secretary, Mr. Fitzgerald was stripped of the responsibility for the cost of weapons systems, in spite of his demonstrated competence and the fact that he had been cited for his ability and service. Instead, he was given such assignments as analyzing the cost of a bowling alley in Thailand, and the operation of Air Force mess halls.

This is such a conspicuous harrassment and intimidation of a distinguished cost expert as to be ridiculous. Air Force Secretary Seamans had no explanation of this transfer other than that bowling alleys and mess halls are important, too. I find this explanation to be a cynical effort to cover up the truth.

In May of this year Secretary Seamans appeared before the House Armed Services Committee. In the course of that appearance he said, and I quote:

"Secretary SEAMANS. It is very interesting that in the testimony in front of a number of committees documents keep appearing, some of which are confidential, that were obtained from Mr. Fitzgerald."

This statement properly shocked the chairman of the House Armed Services Committee who responded:

"The CHAIRMAN. If I had a fellow like that in my office, he would have been long gone. You don't need to be afraid about firing him."

Mr. Fitzgerald's first knowledge of this allegation that he had breached security and disclosed classified documents was on September 25. He immediately wrote his superior, Assistant Secretary Schedler, protesting this charge and flatly denying that he had ever disclosed classified documents and asking for an opportunity to talk with Mr. Seamans about it.

Mr. Fitzgerald did not even receive the courtesy of an answer. That memorandum from Mr. Fitzgerald has not been answered to this day.

Again on October 26th Fitzgerald wrote a memorandum to Mr. Schedler asking for an opportunity to talk with Secretary Seamans about this allegation. And there has been no answer to that request.

It was not until Tuesday of this week, November 18, when I asked Secretary Seamans directly about this matter that he finally cleared Mr. Fitzgerald by saying, "I will say categorically now that Mr. Fitzgerald has not to my knowledge violated national security."

Here again Mr. Fitzgerald has suffered a clear harassment. For months, from May to November, he lived under a cloud as a violator of security. He has suffered from a charge which the Secretary of the Air Force has finally declared to be wholly false.

If this does not constitute harassment of this witness, what does?

In addition, Mr. Fitzgerald has testified—and neither Secretary Seamans nor Assistant Secretary Schedler has denied—that he has been isolated, ignored, and cut off from communications with others in his office. His conversations with the Secretary of the Air Force in whose office he had held a vital position was confined to about thirty minutes since last February.

And consider the man who was installed in July as immediate supervisor of Ernest Fitzgerald—Assistant Secretary Schedler. Who was Schedler? Who was the man who must have played a key role in the discharge of Ernest Fitzgerald? Schedler's expertise in military procurement costs was confined to employment by a small oil company in Texas and the Sinclair Oil Company. He also worked as advance man for the Spiro T. Agnew Vice Presidential campaign, helping to handle public relations while on vacation from his job at Sinclair Oil.

Even Mr. Schedler, Fitzgerald's immediate supervisor, has talked to Mr. Fitzgerald only five or six times and very briefly on each occasion in the period he has been on since July of this year.

This isolation is obvious and clear and it also constitutes a clear and conspicuous element in his injury on account of his having testified in a Congressional investigation.

Now we know a crime has been committed. The provisions of this statute have been clearly violated.

We know the victim is Ernest Fitzgerald, and we know an attempt was made to obstruct a Congressional hearing.

It is therefore the duty of the Department of Justice to identify the perpetrators of the criminal acts and to take the necessary actions against them, whoever they may be.

I have today written to the Attorney General asking for an immediate investigation into this affair. The law has been violated; its sanctions must be enforced. Someone should be fined or put in jail, or both. This is what the law calls for. The law should be enforced.

Here, in part, is what I have written to Attorney General Mitchell:

"The question that your investigation must now answer in my judgment, is whether there is law and order in the Department of Defense. Is this powerful agency somehow exempt from the Criminal Code which governs the conduct of everyone else? Is there a double standard in the law which permits persons in high places to break it when it suits their purposes?

Let me emphasize that this is in no way a partisan attack. Reprisals against Mr. Fitzgerald began during the Johnson Administration, and continued into the Nixon Administration. The ultimate reprisal, abolishing his job, occurred just a few weeks ago. However, it's likely that both Johnson appointees and Nixon appointees share responsibility for this affair.

Neither Democrat nor Republican, neither the Pentagon nor any other Executive agency, is exempt from the provisions of the Criminal Code. It is up to the Justice Department to investigate this case fully, and prosecute those who are responsible, regardless of political affiliation.

I believe the Federal government is on trial over the handling of the Fitzgerald affair.

NOVEMBER 22, 1969.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This is to request an immediate investigation of possible violations of the Criminal Code by the Secretary of the Air Force and other top government officials in connection with the firing of Mr. A. Ernest Fitzgerald, Deputy for Management Systems, Office of the Assistant Secretary of the Air Force for Financial Management.

As you may know, it is a criminal offense to threaten, influence, intimidate, or impede any witness in connection with a Congressional investigation. It is also a criminal offense to injure any witness on account of his having testified to a committee of Congress. (See Title 18, Section 1505, U.S. Code.)

The offense carries a penalty of $5,000, or five years in jail, or both.

The facts surrounding the discharge of Mr. Fitzgerald indicate to me that both aspects of this law were violated. There were definite attempts to impede his testimony and there have been reprisals taken against Mr. Fitzgerald as a result of his testimony.

In other words, as far as this law is concerned, we have a violation and a victim.

In addition, Mr. Fitzgerald has alleged that mail addressed to him has been opened by the Air Force, and opened without his consent. He states that when he first learned of this practice, he complained about it to his superior and specifically asked that future mail addressed to him not be opened by any other person. Yet the practice continued, the letters were opened, including, I am told, letters that I addressed to him.

It seems to me that the laws providing for criminal penalties against those who take and open other people's mail should apply to members of the Air Force.

I wish, however, to place special emphasis on the reprisals taken against him following his testimony before this committee in November of 1968. A few days after he testified, he was stripped of his job tenure. According to the Air Force, this action was legal because an earlier action had been the result of a "computer mistake."

A few weeks later written supplemental testimony prepared by him for transmittal to the Committee was "doctored" without his permission. That is, testimony was changed by others.

Some weeks later, the Air Force Secretary received a memorandum from his Administrative Assistant detailing the ways that Mr. Fitzgerald could be fired. One of these ways—reduction in force—was in fact the one ultimately used.

Throughout this time, Mr. Fitzgerald lost his major responsibilities one by one, as they were taken from him by his superiors. Having been previously given responsibilities for the major Air Force weapons systems including the C–5A, Minuteman, and the F-111, Mr. Fitzgerald was reduced to looking after the construction of an Air Force bowling alley in Thailand.

In May of 1969, the Secretary of the Air Force, Robert C. Seamans, Jr., accused Mr. Fitzgerald of giving out confidential documents to committees of Congress. Mr. Seamans' accusation, along with other vague and unsupported charges, was made before the House Armed Services Committee in Executive Session. However, they were published and released to the public in September.

Mr. Fitzgerald has denied ever giving any unauthorized person a confidential document and, in the recent hearings on November 18, 1969, Secretary Seamans admitted that Mr. Fitzgerald was correct. However the false accusation had been made and some damage to Mr. Fitzgerald had been done, in my opinion.

Mr. Seamans also admitted that a security investigation of Mr. Fitzgerald had been done by the Air Force, although the Secretary preferred to use the term "inquiry." According to Mr. Seamans, this "inquiry" was begun as a routine matter following Mr. Fitzgerald's testimony in November 1968, as a result of the publicity received at that time.

However, it now appears that the "inquiry" was not begun in 1968, but was begun in 1969, after Mr. Seamans became Secretary of the Air Force.

The official explanation for firing Mr. Fitzgerald seems to be that it was for reasons of economy. I believe any impartial observer would have a hard time accepting this explanation in view of the enormous contributions to economy made by Mr. Fitzgerald in the past few years and his dedicated fight to eliminate waste and inefficiency.

In fact, the Air Force itself recognized Mr. Fitzgerald's value, at least up until the time he testified before this Committee. In 1967, Mr. Fitzgerald was nominated by the Air Force as the outstanding Federal employee of the year.

Let me give you a word of warning at this point. When you inquire about these matters with Mr. Seamans, he will probably tell you that Mr. Fitzgerald was not fired. Rather, he will maintain, as he did before my Committee, that Mr. Fitzgerald was not fired, his job was abolished. I suppose Mr. Seamans can appreciate whatever subtle distinction there is between firing a man and abolishing his job. I might say that Mr. Seamans' distinction won the loudest guffaws of the day during the hearing.

On the other hand, it is no laughing matter for Mr. Fitzgerald. Underneath the cynical explanation offered to my Committee is the hard fact that a dedicated and conscientious Federal employee has lost his job because he testified to a Congressional committee.

The question that your investigation must now answer, in my judgment, is whether there is law and order in the Department of Defense. Is this powerful agency somehow exempt from the Criminal Code which governs the conduct of everyone else? Is there a double standard in the law which permits persons in high places to break it when it suits their purposes?

I eagerly await results of your investigation.

Sincerely,

William Proxmire,
U.S. Senator.

HONOR FOR TRUMAN IS OVERDUE

Mr. YOUNG of Ohio. Mr. President, the place that Harry S. Truman holds in the hearts of his countrymen is unsurpassed by that of any other American statesman of this century. It is only 17 years since he left the Presidency, but historians have already recognized the fact that he was one of our greatest Presidents. His deeds become greater in perspective with each passing day. His place in history is secure.

In foreign affairs, he assured the security of our country during the bleak years of the cold war, and he extended generous support to the peoples of the free world at a time when that help was sorely needed.

It is a great tribute to his foresight that he launched efforts to create many vitally important domestic programs which were strongly opposed during his administration but which have now become the law of the land. The extension of voting privileges of all Americans, medical care for the aged, and recognition of the necessity to support aid to education were a few of the farsighted domestic programs recommended by President Truman which were eventually enacted into law.

Students of American political history looking back on the Truman era will almost universally agree that his whistle-stop campaign for the Presidency at a time when Republican candidate Dewey was quoted at 15-to-1 odds to win election was the most tremendous and courageous campaign against great odds ever waged by any presidential candidate. Harry S. Truman won that election as I knew all along he would.

It is one of the highest privileges of my lifetime that I served in the House of Representatives at a time when Harry S. Truman was President of the United States. He was most friendly and generous to me. He manifested his friendship not only while I was Representative-at-Large from Ohio, but later, in 1958, he generously offered to come into Ohio and campaign for my election to the U.S. Senate.

His campaigning at various meetings throughout Ohio, starting with Akron and Columbus and elsewhere, before huge crowds lifted my campaign for election off the ground.

Frankly, I know I would not be here today except for the fact that former President Truman spoke to Ohio audiences in 1958 and again in 1964. I have a most affectionate regard for him. Harry S. Truman is without any doubt whatever one of our greatest Presidents. I know that all of us wish him continuing good health.

President Truman has stated he wishes no historic site dedicated to him during his lifetime. In my opinion, his views should be disregarded in that respect. I suspect this is the only time I have ever disagreed with any statement he has made. No American is more deserving of such recognition from his fellow citizens than Harry S. Truman, the most beloved American of our time.

Mr. President, the Plain Dealer, of Cleveland, Ohio, on November 14, 1969, published an excellent editorial entitled, "Honor for Truman is Overdue," urging the establishment of an historic site to honor Harry S. Truman as soon as possible. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Honor for Truman Is Overdue

It is strictly in character for former President Harry S. Truman to tell the National Park Service he wants no historic site dedicated to him during his lifetime.

We beg to differ with Mr. Truman. And we believe others, in the Congress and in the National Park Service, should do the same.

Mr. Truman is the only former president of the United States in this century not yet so honored. The fact that he lives on (at 85, good health to him!) is not sufficient reason to delay further an honor that already is long overdue.

Harry S. Truman, as President, was a fighter and a man of decision. History has showed that he was the kind of a man his country needed in the closing days of World War II and in the postwar period.

He made the hard decision to use the atomic bomb to hasten the war's end, and later he turned national and world thinking in the direction of peaceful uses for the atom.

He gave steadfast support to alliances that might help maintain peace in the world. He gave strength and backbone to the United

Nations and to the North Atlantic Treaty Organization. He implemented the Marshall Plan which spurred Europe's post-war recovery. With the Point 4 program he pioneered a movement to provide aid to underdeveloped countries.

He resisted, and effectively so, Communist aggression with the Truman Doctrine, the Marshall Plan aid program with troops in Korea and with an airlift to blockaded Berlin. Most historians say President Truman saved Europe and several other areas from communism.

At home Harry S. Truman was no less a leader. He took forceful actions to end crippling national strikes. He improved the nation's defense posture with unification of the military services under a single command. He built the people's confidence in their own and their country's future.

A historic site to honor Harry S. Truman? Certainly, and the sooner the better. Many feel his historic decisions mark him as one of the great presidents of the century.

THE AMERICA WE SEEK

Mr. HART. Mr. President, on November 15, the junior Senator from South Dakota (Mr. McGovern) spoke to the huge Vietnam mobilization rally in Washington about what was clearly the spirit of that gathering.

There have been attempts to characterize the people who took part in that demonstration, the largest in Washington history, as disloyal or un-American. Such descriptions are both untrue and unwise. As Senator McGovern pointed out, the overwhelming majority of those who took part were here because they "love America enough to call her to a higher standard, enough to call her away from the folly of war to the blessings of peace."

Mr. President, I ask unanimous consent that Senator McGovern's remarks, entitled "The America We Seek," be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The America We Seek

(By Senator George McGovern, Demcorat, of South Dakota)

My fellow citizens, we meet today at this historic place because we love America.

We love America enough to call her to a higher standard.

We love America enough to call her away from the folly of war to the blessings of peace.

We meet today because we cherish our flag.

We would raise the flag out of despair and division to the higher ground of faith and love.

We are prepared to die for the enduring ideals of our country, but we would prefer to live for those ideals. We would prefer to live and labor for a world at peace.

The barracks' ballad sings "Old soldiers never die," but the endless crosses on a thousand fields remind us that too many *young* soldiers have died.

"In peace," the ancient historian wrote, "children bury their parents; war violates the order of nature and causes parents to bury their children."

So we are here as American patriots, young and old, to build a country, to build a world, that seeks the ways to peace—that teaches war no more.

We meet today to reaffirm those ageless values that gave us birth—"life, liberty, and the pursuit of happiness."

We meet to declare peace—to put an end to war, not in some vanishing future, but to end it *now*.

We meet to say to young Americans 10,000 miles from this place and to grieving families—American and Vietnamese alike—"we are our brother's keeper."

We meet today to demonstrate that 40,000 young Americans did not die in vain. We are determined to learn and to act on the bitter lessons purchased by their blood.

We meet to affirm the claims of conscience and life over the bondage of fear and hate. There is in our hearts a special sorrow for those who die in battle, for those who are scarred and wounded, for those who are held prisoners. But, in a larger sense, we are all prisoners of war. And we long to be free.

We meet, not in impudence or violence, but in humility and grace.

We meet to seek a newer and finer America.

We seek an America that draws on the richness of the past—illuminated by our vision of the future.

What is the America we seek?

We seek an America with the sense of proportion and priority that inaugurated our Constitution—"to form a more perfect union, establish justice, insure domestic tranquility . . . and secure the blessings of liberty. . . ."

That document, with its Bill of Rights 200 years old, should be our constant inspiration—"freedom of religion," "speech," press—"the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Let no American—no teacher, no student, no preacher, no politician, no journalist, no television commentator—be frightened out of his constitutional rights by those who preach repression and intimidation.

What is the America we seek?

We seek an America that in the spirit of 1776 permits other nations to determine their own future. We reject the notion that self-determination for others is achieved by the intervention of ourselves.

What is the America we seek?

We seek an America that would make the armed forces, not our masters, but the handmaiden of a sensitive civilian authority.

We seek an end to the draft now. We would replace the draft with the time-honored American practice of voluntarism. We would replace compulsion with a new call to alternative service because we build a nation that claims our pride and devotion.

We seek an America that would replace a national budget dominated by war with a budget devoted to the quality of life. We know that the test of our will is not whether we add to the abundance of those who have too much, but whether we provide enough for those who have too little.

What is the America we seek?

We seek an America not so concerned with whether we lower our voices or raise our voices, but that is profoundly determined to voice the truth.

We seek, not to guess what the silent majority may be thinking, but to recall the words of Emerson: "If a single man plant himself on his instincts and there abide, the huge world will come round to him."

We seek an America that understands the power of gentleness—that would "tame the savageness of man and make gentle the life of the world."

We say to those who would divide Americans against Americans by appeals to ignorance, passion and fear—"you do your worst, and we will do our best."

So let me close on that timeless admonition: "Be strong and of good courage; be not afraid; neither be thou dismayed."

"To everything there is a season and a time to every purpose under the heaven: a time to keep silence, and a time to speak; a time to love, and a time to hate; a time of war, and a time of peace."

God grant that you and I will be effective instruments in making this time of war a time of peace.

ADDITIONAL NAMES OF CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, between Monday, November 17, 1969, and Friday, November 21, 1969; the Pentagon has notified 10 more California families of the death of a loved one in Vietnam.

Those killed were:

Pfc. Charles R. Alex, husband of Mrs. Joyce E. Alex, of Gardena.

Pfc. Mark W. Burchard, son of Mr. and Mrs. Earl O. Burchard, of Sacramento.

Pfc. David R. Castillo, husband of Mrs. Grace C. Castillo, of San Fernando.

Sp4c. George R. Fazzah, son of Mr. and Mrs. Richard G. Fazzah, of Fullerton.

Pfc. Thomas L. Graves, husband of Mrs. Ruby Y. Graves of Cudahy.

Pfc. Scott W. Iggulden, son of Mr. Warren D. Iggulden, of Burkbank.

Lance Cpl. James A. Jackson, ward of Mr. and Mrs. John W. Warr, of Lakewood.

Sp5c. Cleatus P. Kimble, brother of Mr. Charles Kimble, of Santa Barbara.

Sp5c. Randolph V. Rhea, son of Mr. and Mrs. Milton A. Rhea, of Fullerton.

Lance Cpl. Arthur N. Welch, husband of Mrs. Wanda G. Welch, of El Monte.

They bring to 3,884 the total number of Californians killed in the Vietnam War.

THE SACRED COWS ARE BAWLING

Mr. HANSEN. Mr. President, the distinguishd Senator from Arizona recently drew much applause from the American public when he remarked on the reaction of television network presidents to the Vice President's important speech at Des Moines.

The accomplished editor of the Wyoming State Tribune in Cheyenne keyed an editorial to Senator Fannin's comment and further elaborated on the matter.

One point of the editorial, it appears to me, is that Vice President Agnew has the same right to freedom of speech that network commentators enjoy. I ask unanimous consent that the text of Mr. Jim Flinchum's excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Sacred Cows Are Bawling

"The plain fact is the Vice President has applied a prod to a sacred cow and the bellowing is being heard across the land."—Senator Paul Fannin, Republican, of Arizona.

In August 1968, they sneered, chortled or looked questioningly when the name of the man Richard Nixon had suggested as his vice presidential running-mate on the Republican ticket was mentioned. Agnew? they all asked in mock seriousness, who is he?

Ever since, the smart-alecks, wet pants liberals in this country and the know-it-all commentators have taken a condenscending attitude toward Spiro T. Agnew, who supposedly had suffered the fate of all Vice Presidents in this country. That is, up until a few weeks ago.

But no longer is Spiro T. Agnew the unknown, assigned to a hopeless job of either presiding over a Senate that does not accept him as one of its own, or of attending presidential cabinet meetings of which he is not a member. Nobody any longer asks, "Who is Spiro T. Agnew?"

The Vice President suddenly has emerged in a role thought most unlikely for him, a popular sort of hero of Everyman, willing to joust with all sorts of lordly vested interests. The shrieks, moans and outcries that are going up are absolutely fascinating to behold.

Most of the response comes from an area that can ill afford to complain about criticism, the news media itself, and especially and primarily the TV networks who for their own part have never held back from their virtuous duty of stomping on little ducks if they felt so inclined, and who now squeal like stuck hogs when somebody dishes out the same treatment to them.

One of the first, and predictable, rebuttals was that freedom of the press or speech, the latter being more applicable to the broadcast media, is in peril by the Vice President's salty remarks at Des Moines.

Others like Sens. Edward M. (Ted) Kennedy, D., Mass., and Stephen M. Young, D., Ohio, take a different tack. Kennedy, in referring to Agnew's remarks about Honest Ave Harriman, the Johnson Administration's ambassador to the Paris peace talks, said that "to casually degrade this man's views and opinions is to dismiss some of the most significant and proud moments in our recent history." Such as what? Agnew's remarks about Harriman's attack on the Thieu government as "unrepresentative" of the South Vietnamese people? Harriman's call for the Senate Foreign Relations Committee to debate the Vietnam War issue again? Harriman's stated belief that the Viet Cong or the Hanoi government really do not want a military takeover of South Vietnam?

As for Senator Young, who retires at the end of his present term and who has been a Senate "dove" for a long while, he spoke in his customary dulcet tones: "These dim-witted, unscrupulous, reckless speechwriters in the White House presented the Vice President with a vicious, irresponsible and untruthful assault on Averell Harriman which he recited perfectly." That comment should speak for itself.

Another remark for which the source should be considered is NBC's Chet Huntley who asked if Agnew had declared "war on the press, radio and television of this country?" Huntley should be reminded that Agnew spoke about the TV networks and not about press or radio. He and the other wounded pigeons also should be reminded that Agnew said this:

"Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves.

"They are challenged to direct their energy, talent and conviction toward improving the quality of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

"In tomorrow's edition of the Des Moines Register you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's networks?

"We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and unelected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship."

The TV commentators have never been reluctant to criticize government or individuals; but when it comes their turn to get a public roasting, they cry that they are in danger of losing their fundamental constitutional rights.

Are they such sacred cows that they must be regarded as above any criticism while they themselves freely dish it out?

The networks and their defenders ought to calm down and do a little introspective analysis of themselves, for it is clear their image is a bad one in most American homes. And that bad image can't be blamed on the set in this case.

RESPONSIBLE REPORTING AND FREEDOM OF SPEECH

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record at this point a letter from the President of the National Small Business Association, addressed to the Vice President, dated November 21, 1969, and a resolution by the members of the executive committee of that association bearing the same date.

There being no objection, the items requested were ordered to be printed in the Record, as follows:

National Small Business Association,
Washington, D.C., November 21, 1969.

Hon. Spiro T. Agnew,
Vice President of the United States,
Washington, D.C.

Dear Mr. Vice President: The undersigned, members of the Executive Committee of the National Small Business Association in a Special Meeting held in Washington, D.C. this date, approved the attached Resolution supporting your position as stated in your speeches on the subject of responsible reporting and freedom of Speech.

We applaud and urge your continued expressions which you have so ably presented in your recent public statements.

Sincerely yours,

Rufus W. Gosnell, President; Carl A. Beck, King of Prussia, Pa.; Harry E. Brinkman, Cincinnati, Ohio; Frank M. Cruger, Indianapolis, Ind.; L. M. Evans, Fort Lauderdale, Fla.; Rufus W. Gosnell, Aiken, S.C.; John Lewis, Annandale, Va.; A. F. Mathews, Saginaw, Mich.; Richard H. Simpson, Peoria, Ill.; Lloyd E. Skinner, Omaha, Nebr., Members of the Committee.

Resolution of the Executive Committee of the National Small Business Association, November 21, 1969

Whereas Vice President Spiro T. Agnew has forcefully reminded the American people that Freedom of Speech is a functional bulwark of American democracy; its expression, whether "liberal", "conservative", or of whatever nature must be protected fully in accord with constitutional guarantees;

Its corollary, freedom of the press, including electronic news freedom, carries with it an obligation to report newsworthy events and statements objectively, impartially, and fully regardless of their liberal, conservative or political orientation; and

Whereas, The Executive Committee of the National Small Business Association heartily concurs in those views as expressed by the Vice President,

Therefore, Be It Resolved, That the Members of the Executive Committee of the National Small Business Association, meeting in Special Session on Friday, November 21, 1969, commend the Honorable Spiro T. Agnew, The Vice President of the United States, for his efforts to secure more truthful, complete and responsible reporting by the nation's news media.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

TAX REFORM ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Assistant Legislative Clerk. H.R. 13270, an act to reform the income tax laws.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, before commencing my presentation on the pending measure, I should like to state that, in a little while, I am going to ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and, as agreed to, be considered as original text for the purpose of amendment. The reason for that is that we will be under a very clumsy parliamentary situation during the consideration of the bill unless we are able to obtain the agreement. I am not going to ask for it at this time, because not many Senators are in the Chamber.

I have explained that in the absence of the unanimous-consent request, the House bill will be subject to amendment, and any amendment to the Senate committee substitute can be considered only after the Senate votes on amendments to the House bill. It is a better procedure to gain consent that the committee substitute be agreed to and then be subject to amendments in both the first and second degree.

Having discussed this with a number of Senators, I now ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and, as agreed to, be considered original text for the purpose of amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Any Senator who prefers the House language will find it before him on his desk, and all he need do is simply to move that whatever lines he would like to offer in the House bill be substituted at the appropriate place in the Senate bill.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ERVIN. As I understand it, the result of the action taken by the Senate, at the request of the Senator from Louisiana, is that the only matter now pending before the Senate is the committee amendment in the nature of a substitute.

Mr. LONG. Yes.

Mr. ERVIN. And we can ignore the other document, the House bill itself; and the Senate Finance Committee amendment in the nature of a substitute, and any amendments which may be proposed on the floor of the Senate to this substitute, will be the only matters pending before the Senate.

Mr. LONG. Yes. I urge that the Senator keep the House-passed bill available, because some Senators will like something in the House bill that the Senate committee saw fit to amend, and if they would prefer to substitute that language, it is there for them. There will be another document on the Senator's desk, as we consider this measure, a summary of the bill which will go section by section and show what the House did and what the Senate did. If one doubts the wisdom of the Senate committee in making the amendment, he will have the language before him and can simply offer the House language as a substitute for the Senate committee action.

Mr. ERVIN. I thank the Senator from Louisiana for the action he has taken, because it simplifies, as far as possible, the most complex problem that could possibly confront the Senate.

Mr. LONG. Mr. President, I thank the Senator for his cooperation. We are confronted with what I believe to be the most complex bill in the history of the Senate. The bill before us consists of 585 pages, plus; and without this unanimous-consent agreement, I think there would be perhaps 900 pages. I believe this is the best parliamentary way to proceed. This bill, including total amendments, has about 700 amendments.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. GRIFFIN. Mr. President, the Senator from New York (Mr. Javits) spoke to me about being sure that no unanimous-consent agreements were arrived at in connection with the length of time for debate. The Senator from New York is not here this morning. I am exercising a certain amount of discretion in connection with the unanimous-consent request. I cannot imagine he would object to having the Senate bill before us so the Senate can work its will. I think it is of advantage to have amendments in the first and second degree offered and considered.

We are checking with the office of the Senator from New York to see if he has any objection. I do not believe he would have. I have been trying to watch out for his interest.

Mr. LONG. I do not believe he would have objection. The Senator is interested in several things in the bill, and I am aware that he does intend to offer some amendments. I do not believe the amendments he has in mind would be prejudiced by this procedural motion. If by any reason he is prejudiced, I would be glad to reconsider our position.

Mr. GRIFFIN. I thank the Senator.

Mr. LONG. I understand what the Senator from New York has in mind. He does not want to be foreclosed from offering his amendments. I believe he had several amendments in mind. The Senator does represent the financial capital of the United States, and he is certainly concerned about some provisions of the bill, and he would want to amend them. I would not want to prejudice him in any fashion, just as the Senator from Michigan does not want his procedural rights prejudiced. I do not think this will do so.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I agree with the Senator from Louisiana, the chairman of the committee and I support his unanimous-consent request. This is the only orderly procedure we can follow if we are going to reach the ultimate goal of getting the bill through the Senate. Otherwise, we would have two bills before us simultaneously.

Personally, I would have preferred to have this in one bill; but the majority decided they wanted the substitute bill, and the bill has been rewritten, so I am going along with it.

I think the request should be agreed to because otherwise we would never get it passed.

Mr. LONG. I thank the Senator.

Mr. WILLIAMS of Delaware. Will the Senator yield further?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, many Senators are wondering if we are going to delay votes for 3 or 4 days.

I would like to send an amendment to the desk in order that Senators will be on notice that we will be voting today.

Mr. LONG. If we do not discuss it now the Senator can send it to the desk. I yield for that purpose.

Mr. WILLIAMS of Delaware. I shall not discuss it until after the Senator has made his remarks.

Mr. LONG. I would be happy to have the amendment printed but I do not want it called up. Is that satisfactory?

Mr. WILLIAMS of Delaware. I would like to have submitted the amendment, but I shall wait and get the floor in my own right.

Mr. LONG. I would be glad to have the Senator send the amendment to the desk and have it printed, but not called up.

The Senator does desire to call up his amendment; is that correct?

Mr. WILLIAMS of Delaware. Yes, so that the Senate will be on notice. But if the Senator wishes to make his statement first——

Mr. LONG. I suppose if the Senator wants to offer his amendment, it is all right with me to send it up.

Mr. WILLIAMS of Delaware. Mr. President, I send the amendment to the desk and ask that it be stated. Then we can withhold debate until later.

Mr. LONG. I hope the Senator will call up his amendment for consideration immediately after the statement on the bill. I will ask unanimous consent that his amendment be made the pending business at the conclusion of my remarks.

Mr. WILLIAMS of Delaware. That is all right.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. LONG. Now, if the clerk will state the amendment.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The Legislative Clerk. On page 336 of the committee amendment beginning with line 23, strike out all through line 6 on page 339.

(The language sought to be stricken is as follows:)

"(3) Special limitation for certain oil and gas wells.—In the case of a taxpayer whose aggregate gross income (for purposes of paragraph (1)) from oil and gas wells during the taxable year is less than $3,000,000, the allowance determined under paragraph (1) with respect to any property in an oil or gas well shall not exceed 65 percent, in lieu of 50 percent, of the taxpayer's taxable income from the property (computed without allowance for depletion). For purposes of this paragraph, in determining whether the taxpayer's gross income for the taxable year from oil and gas wells is less than $3,000,000—

"(A) the gross income of another person from oil and gas wells shall be considered as the gross income of the taxpayer to the same extent that stock owned by such other person would be considered as stock owned by the taxpayer under the rules of section 318(a), except that for purposes of this subparagraph—-

"(i) section 318(a)(1)(A)(ii) shall apply only if the taxpayer or the child or grandchild is a minor at the close of the taxpayer's taxable year; and

"(ii) '10 percent' shall be substituted for '50 percent' in subparagraph (C) of sections 318(a) (2) and (3); and

"(B) notwithstanding subparagraph (A), if the taxpayer is a component member of a controlled group of corporations (as defined in section 1563) the taxpayer shall be considered as having received all of the gross income from oil and gas wells received by other members of the controlled group.

The gross income of other persons taken into account under subparagraphs (A) and (B) shall be for taxable years of such other persons ending with or within the taxpayer's taxable year.

"(4) Special rule for computing taxable income.—For purposes of this subsection, the allowable deductions taken into account with respect to expenses of mining in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (A) is treated under section 1245 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and (B) is properly allocable to the property."

(b) Conforming Amendments.—

(1) Section 318(b) (relating to cross references) is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by inserting after paragraph (8) the following new paragraph:

"(9) Section 613(a)(3) (relating to special limitation on percentage depletion on oil and gas wells)."

(2) Section 614(d) (relating to definition of operating mineral interest) is amended by inserting after "50 percent limitation" the following: "(or other limitation based on a percentage of taxable income)".

The Legislative Clerk. On page 336 of the committee amendment, lines 2 and 3, strike out "paragraphs (2) and (3)" and insert "paragraph (2)".

Mr. LONG. I am not aware what the amendment provides.

Mr. WILLIAMS of Delaware. I shall explain it later.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. WILLIAMS of Delaware. Yes; consider it as only one amendment.

Mr. LONG. Mr. President, reserving the right to object. I do not know what the amendments are. I would like to see what it is before consenting to the request. It is all right with me that the Senator submitted his amendment, and after I know what it is I will see if I can agree to it.

Mr. WILLIAMS of Delaware. It merely strikes out the provision relating to special limitation for certain oil and gas wells.

The ACTING PRESIDENT pro tempore. The Chair wishes to state that the amendment would affect two different places in the bill.

Mr. LONG. Mr. President, in due course, when I look at the amendment, I may be willing to accept it. However, I would rather reserve decision on it.

Mr. BYRD of Virginia. Mr. President, did the Senator from Louisiana propound a unanimous-consent request?

Mr. LONG. The request was that the committee amendment be agreed to and that it be regarded as original text for the purpose of further amendment. As a procedural matter, that means any amendment that any Senator wants to offer would be to the committee amendment rather than to the House bill. Otherwise, amendments would have to be offered to both bills simultaneously because amendments to the House bill would take precedence.

Mr. BYRD of Virginia. If the request of the Senator from Louisiana is not agreed to, the effect would be to have two bills before us. Is that right?

Mr. LONG. Yes, and both bills would be subject to amendment in the first and second degree. The result would be a confused parliamentary situation. If a Senator wanted to amend the House bill, he would not know if he would be amending the bill that he would be voting on finally. The same thing is true with respect to the Senate bill.

The effect is that we will be proceeding on a committee substitute which amounts to a clean bill on which one can offer amendments in the first or second degree.

Mr. BYRD of Virginia. I thank the Senator. It seems to me that is the orderly procedure.

Mr. LONG. Mr. President, I believe that was the procedure in connection with the Revenue Act of 1954, which was, in effect, a rewrite of the entire income tax law. That is what we have here.

Mr. BYRD of Virginia. I thank the Senator.

Mr. LONG. Mr. President, when the Finance Committee began public hearings on the Tax Reform Act of 1969 I referred to the bill as "368 pages of bewildering complexity." It is now 585 pages and, although a host of the more complicated features of the House bill have been simplified—greatly simplified—by the Committee on Finance, it is still a very complex measure. Much of this complexity stems from the many sophisticated ways wealthy individuals—using the best advice that money can buy—have found ways to shift their income from high tax brackets to low ones, and in many instances to make themselves completely tax free. It takes complicated amendments to end complicated devices.

Fortunately, I can report to the Senate that the ordinary taxpayer will rarely be affected by the complex features of this bill. To the contrary, as I shall demonstrate later in my prepared statement, tax reporting will be made simpler for more than 16 million returns—many of them the joint returns of a husband and wife. For these Americans, this bill will bring rich dividends in addition to simplification—dividends in the form of tax reduction through general lowering of the individual income tax rate structure, and dividends in the form of greater tax equity and greater tax justice.

As the Members of the Senate well know there is a great demand for tax reform. Throughout the country, our people are paying high tax rates and bearing heavy tax burdens. They want to make sure that their taxes are fair. They are willing to pay their share of the tax burden, but they do not want to bear someone else's tax burdens. There is nothing that makes a man so angry and discouraged as the feeling that other people are not paying their taxes and are putting their tax burdens on his back.

I think there is a widespread feeling throughout the country that our tax system is now not as fair as it should be. Joe Barr, when he was Secretary of the Treasury, pointed out the nature of the problem that faces us when he cited 154 individuals with incomes of $200,000 or more in 1966 who paid no income tax. There were even 21 individuals with incomes of $1,000,000 or more in that year who paid no tax. These are only the most striking cases. There are many more cases where people with large incomes pay very little tax—much less in relation to their income than people with modest incomes are required to pay under present law. This is not good for the country and it is not good for the tax system. We rely very heavily on income taxes in this country to get the money that the Government needs to pay its expenses, and these income taxes are primarily collected under a self-assessment system. If taxpayers are generally to keep on paying their taxes voluntarily, they must feel that the taxes are fair. In addition, we must have a fair tax system because we can keep the tax burden at a level which is tolerable for all taxpayers only if the burden is shared fairly.

So the country not only needs tax reform—it needs tax reform soon. I therefore agreed with the leadership of the Senate that, as chairman of the Committee on Finance, I would do all I could to try and have the committee order a comprehensive tax reform bill reported to the Senate by October 31. I might say that I am extremely proud that the members of the committee—Republican and Democrat alike—cooperated in every conceivable manner to help me make good on the agreement I had made. We did order the bill reported on October 31; and I am the first to acknowledge that it could not have been possible without the remarkable dedication and teamwork that every member of the committee brought to bear on this bill.

I think it is hard to convey to anyone who has not been through this himself just how enormous a job it has been to produce the tax reform legislation that is now before us and how hard the individual members of the Finance Committee have worked to meet the deadline for reporting the bill. On September 4, immediately following the congressional recess, the committee began hearings on this bill. These extended over 23 days and the committee heard over 300 witnesses. The record of the hearings covers over 7,000 pages. After completing its public hearings, the committee considered the bill in 16 days of executive session in October—both morning and afternoon sessions—and let me assure you that in these executive sessions we gave all aspects of the bill a thorough examination and analysis. For example, there were 457 motions made on specific provisions. The final product—the bill itself—covers 585 pages.

Actually, the job of producing a bill of this size is so great that under ordinary circumstances it could be expected to take over a year. The fact that the Finance Committee has reported this bill with its enormous scope and necessarily complex provisions shows the extra effort in terms of both long hours and hard work that the individual committee members have been willing to apply to this important legislation. I would like at this time to thank each and every member of the committee for his contribution to the measure.

I am aware that the Members of the Senate have only recently received copies of the tax reform bill and the committee report. However, the committee has taken great pains to keep the Senate advised regarding the bill at every stage of its development. In order that the Senate might be kept informed about the issues the committee inserted into the CONGRESSIONAL RECORD daily summaries of the oral statements of the witnesses who testified at the public hearings. During the period of time that the committee was in executive session, daily press conferences were held. In addition, to alert the Senate on the specific decisions, summaries of the decisions were inserted in the CONGRESSIONAL RECORD on a daily basis.

Furthermore, all the announcements of the committee's work were compiled into a single document and I personally sent a copy of this document to every Senator on November 4. Finally, so that all Senators could be kept up to date on the most recent developments before the committee report became available, a rather exhaustive summary of the provisions of the Tax Reporm Act was published last Tuesday, November 18, and I wrote each Senator a personal letter urging that he study this summary—which was attached—and acquaint himself with the many complex and detailed amendments in the bill before formal debate on the measure actually began. Finally, the committee report contains a short summary of the principal provisions in the tax reform bill which appears near the front of the report.

Let me turn now and say a few words about the philosophy of the tax reform bill the committee has reported. This bill emphasizes equity. That is what the whole affairs is about, and, although the committee has made many amendments to the House bill, in this respect there is little difference between the committee's bill and the bill passed by the House. Actually, the bill now before us is, in a great many respects, very similar to the House bill. This reflects the fact that both bills have a common goal—a fairer and more efficient tax system. In fact, the Finance Committee regards its amendments as building on the basic foundation provided by the House bill.

I hope that in evaluating this bill my distinguished colleagues will keep in mind that it represents a consensus measure. Because of its vast scope and the need to be comprehensive, the bill includes a large number of complex and far-reaching provisions. It is not reasonable to expect any Senator to be in complete agreement with each and every provision. I myself do not agree with some of the provisions.

For example, as you well know, I did not agree with the committee's decision to reduce percentage depletion allowances for oil and gas and I voted against this decision. Nonetheless, I want to emphasize that I am wholeheartedly in favor of adoption of the bill because it represents the most fundamental and far-reaching reform measure since the adoption of the income tax.

I have previously characterized this bill as the third most significant tax measure in our history—surpassed only by the enactment of the original income tax in 1913, and the massive tax-cutting Revenue Act of 1964 which I was also privileged to manage in the Senate. On reflection, I think perhaps this bill is even more significant than the 1964 act. The combination of $7 billion of revenue-raising tax reforms in this bill and the $9 billion of tax cuts will have a vastly greater impact on business, investment and consumer decisions than the 1964 act exerted. But, in addition, this bill focuses attention on basic shortcomings in our tax law and does something about them.

I would strongly urge the distinguished Members of the Senate to view the bill as a whole.

Please weigh the bill on its overall merits rather than on the basis of some specific provision which you think might be improved. If we do this there will be little doubt as to the outcome. If, on the other hand, each of us is going to try to delete from the bill some particular provision to which he objects or seeks to add provisions reflecting his own personal philosophy of taxation, then there is serious danger we will not be able to pass any tax reform bill this year. I therefore strongly urge my distinguished colleagues to weigh whatever changes they would like to see in the bill in the scales of this consideration. This is the real test—the test as to whether the Senate really wants tax reform. If it really wants reform it will not try to nitpick this bill with a whole host of little changes.

Let me turn now to some of the specifics of the tax reform program. The main thrust of the pending bill, as under the House bill, is to reduce the scope of the tax preferences that enable some individuals and corporations to escape their fair share of the tax burden. In broad outline, the bill seeks to achieve this objective through a two-tier approach—or a sort of one, two punch—against tax preferences. The first line of attack limits the scope of particular tax preferences through specific provisions designed for this purpose. The second line of attack is to group the tax preferences which remain after application of the specific provisions to which I have just referred and to subject these tax preferences to a minimum tax.

This is the same general approach followed in the House bill. But, the bill now before us contains many amendments which change the scope and technical language of the House provisions, add new tax reform provisions, and delete some provisions of the House bill.

In a bill of this scope, it would obviously be impractical to describe every provision, but I would like to mention briefly some of the more important provisions to highlight the scope and range of the tax reform program. The bill, for example, makes substantial changes in the treatment of foundations. It prevents self-dealing between the foundations and their substantial contributors, requires the distribution of income for charitable purposes, and restricts foundation holdings of private businesses. Private foundations, under the bill, will pay a small annual audit fee tax, in addition, each private foundation will be eligible for income tax exemption for only 40 years—beginning with January 1, 1970, for existing foundations.

Tax-exempt organizations are prevented from sharing their exemption with private businesses and the unrelated business income tax is extended to all tax-exempt organizations not previously covered, including churches after 1975.

The general charitable contribution deduction limit is increased to 50 percent of adjusted gross income. The unlimited charitable deduction is phased out over a 5-year period. The extra tax benefits derived from charitable contributions of appreciated property are restricted in the case of gifts to private foundations and gifts of ordinary income property.

The bill restricts the tax advantages derived under the special farm accounting rules by those with large farm losses which are applied to reduce taxes on substantial incomes from nonfarm sources.

Beneficiaries of trusts will no longer be able to secure substantial undue tax advantage from accumulating income since the income accumulated by a trust will be taxed to the beneficiaries in the same manner as if the income had been paid out to them when it was earned.

The committee's bill eliminates the undue stimulus that present law gives to corporate mergers because it allows acquiring corporations to deduct as interest some payments on "debt" which have the basic characteristics of equity.

Financial institutions including commercial banks, savings and loan institutions and mutual savings banks will be able to derive less tax advantages from the use of special bad debt reserves which exceed the bad debt reserves allowed to taxpayers generally.

The percentage depletion rate for oil and gas is reduced from the present rate of 27½ to 23 percent for both domestically and foreign-produced oil and gas.

The treatment of capital gains and losses is changed. The alternative capital gains tax is phased out over a 3-year period for individuals with large capital gains and significant amounts of tax preferences. Other changes in this area reduce the tax advantages of long-term losses and remove capital gains treatment from certain receipts such as lump-sum distributions of pension plans which are attributable to employers' contributions. In addition, the alternative tax rate on a corporation's long-term capital gain is increased from 25 percent to 30 percent.

The tax advantages derived from real estate operations which have attracted so much notoriety will be reduced. In general, the 200-percent declining balance method—or sum-of-the-digits method—is limited to new housing. Other new real estate is limited to 150-percent declining balance depreciation. Used property acquired in the future is limited to straight-line depreciation. In addition, the present recapture rules applying to real estate are generally revised so that on the sale of property, more of the depreciation in excess of straight-line will be recaptured as ordinary income. However, to provide incentives to build more housing units, more lenient recapture rules are provided for residential property than apply for other property.

Shareholder employees of professional service corporations and subchapter S corporations—that is, corporations treated somewhat like partnerships—are to be subject to the same pension rules as self-employed people.

Residents of a foreign country will be permitted exemption of no more than $6,000 of earned income received from abroad instead of $20,000 or $25,000 as under present law.

Related corporations will no longer be able to take multiple surtax exemptions which will be phased out over a 5-year period. This will prevent large groups of commonly controlled corporations from obtaining substantial tax benefits intended primarily for small business.

Finally, to discourage arbitrating, State and local bond interest will be subject to Federal income tax where the proceeds of these bonds are invested in higher yielding Federal or corporate bonds.

As I indicated, after specific provisions of the type which I have just described are applied against particular items of tax preference so as to reduce their scope, the second line of defense—the minimum tax—comes into play. The pending bill provides for a minimum tax which in the committee's opinion is much superior to that provided in the House bill. Under the commitee's provision a selected number of tax preferences would be aggregated and the total amount in excess of a $30,000 exemption would be subjected to a 5-percent tax. Some of the major items included in the base of this minimum tax are long-term capital gains, accelerated depreciation in excess of straight line depreciation, yes, even percentage depletion and intangible drilling and exploration expenses and interest expenses incurred for investment purposes in excess of investment income. This minimum tax applies to both individuals and corporations and is in addition to the regular income taxes.

This minimum tax in the committee's opinion produces fairer results than the comparable House provisions—which were called a limit on tax preferences and an allocation of deductions, for one thing, the committee's minimum tax applies to corporations while the House provisions did not lend themselves to application to corporations. Also, the minimum tax applies more evenly to individuals than the House provisions; it imposes the same tax on taxpayers with the same amounts of tax preferences income while the House bill varied the tax on such individuals depending on the amount of their taxable income.

Finally, this 5-percent tax is a relatively simple affair to compute, while computation of the tax due under the House provision is quite complex. In fact, the House provisions frequently involved the taxpayer in higher mathematics, by requiring the use of simultaneous equations.

The 5-percent modification included in the committee's bill covers quite a few tax preference items not included under the House Limit on Tax Preferences and allocation provision. However, I would like to advise the Senate that this minimum tax does not apply to interest on State and local government bonds which were covered by the House provisions. Nor does it cover the appreciation in value of property for which deductions are taken as charitable contributions.

The committee strongly believes in the basic principle that tax preferences should be curtailed to the greatest extent possible. However, the committee also believes, and I am sure that the Members of the Senate will agree with me, at least in principle, that changes in the treatment of specific tax preferences should be made only when the overall result of the change is beneficial. The committee came to the conclusion on the basis of the testimony received during its hearings on the tax reform bill that the taxation of State and local bond interest, even if indirectly, by means of inclusion in the minimum tax provision, would constitute an inefficient tax reform. State and local governments are now encountering very considerable difficulties in marketing their bonds in view of present record interest rates in tight money conditions. The taxation of State and local bond interests would add to these difficulties and make it even more difficult for State and local governments to raise needed funds. I hope that the Senate will see fit to confirm the committee in this action. This will help maintain the confidence the committee action restored to the tax-exempt bond market and enable State and local governments to get on with the important work of improving services and facilities for their citizens.

The minimum tax in the bill also does not include the nontaxed appreciation in value of property deducted as a charitable contribution. It was included in the House provisions for a limit on tax preferences and allocation of deductions. The committee believed that it would not be wise to include gifts of appreciated property to charity under the 5-percent minimum tax particularly since it had already approved a number of other provisions specifically directed toward curtailing the tax advantages resulting from such gifts. The committee felt that the additional step of including gifts of appreciated property in the minimum tax would reduce the benefit of the contribution and unduly restrict public support of worthwhile educational and other public charitable institutions.

Other provisions of the bill, first, extend the income tax surcharge at a 5-percent rate from January 1, 1970, through June 30, 1970, second, postpone for an additional year the reductions in excise taxes on passenger automobiles and communications services scheduled under present law; third, terminate the investment credit for property where construction, reconstruction, or erection began after April 18, 1969; and fourth, provide 5-year amortization for pollution control facilities and railroad rolling stock.

I do not want to burden you with all the specifics of each of these provisions. They are described in considerable detail in the committee's report and also in the blue-covered summary I sent to each of you.

I would like to note, however, that while none of us likes to extend higher tax rates, there is an urgent need at the present time to extend the income tax surcharge and to postpone the scheduled excise tax reductions as provided in the pending bill. This action is essential as an anti-inflation measure and to keep the budgetary situation under control. The extension of the surcharge and the postponement of the excise tax deduction are relatively moderate actions. Their burden is relatively moderate—particularly when it is considered that the cost of a 1-point increase in the Consumer Price Index exceeds $5 billion and particularly in view of present soaring interest rates which these provisions will help to check.

Similarly there are strong grounds for terminating the investment credit which, if continued, would serve only to fuel capital goods spending and thus increase inflationary pressures. The Finance Committee has voted five different times and in three different bills to repeal the investment tax credit as of April 18, 1969. The Senate Democratic policy committee has also voted to repeal the credit. The committee has voted down several amendments which would have preserved the credit for several industries or several groups. We think it is important that the credit be removed from the tax law. I urge the Senate not to extend the investment tax credit for any particular industry, or groups of industries, because this would cripple the effect of its repeal, and be the incentive for numerous amendments.

The major objective of the tax reform program is, of course, to permit a fairer sharing of the tax burden. The bill now before us achieves this objective. In effect, we use the money that we get from the tax-reform provisions and from the repeal of the investment credit for a broad gage program of tax relief.

The tax relief in this bill amounts to $1.7 billion in the calendar year 1970, but builds up rapidly to $9 billion of tax reduction in 1972.

In deciding on the particular way that the tax relief was to be allocated, a number of courses were available to the committee. Since the funds available for tax relief necessarily are limited, we could not adopt all the suggestions and, as a practical matter, had to choose among competing claims. Some urged that all or a major portion of the tax reduction be given in the form of lower tax rates. Others wanted the individual income tax personal exemption levels to be raised to levels which would absorb all the available revenue for tax relief, leaving no margin available for other forms of tax reduction. The tax relief provisions selected by the committee provide a balanced program, including some rate reductions and a number of relief provisions. The committee provisions are designed to grant tax relief to the poor who need it most, to encourage people to work and to invest by cutting tax rates and to simplify the tax laws.

Accordingly, the committee's bill gives individuals tax rate reductions amounting to almost $4½ billion a year when fully effective in 1972. The 1972 tax rates will be at least 1 percentage point lower in all brackets than they are now. Tax rates will range from 13 percent in the lowest bracket to 65 percent in the top bracket compared with the present range of 14 percent to 70 percent. The net effect will be to give a tax reduction of 5 percent or more in all brackets. This is the same reduction that is provided under the House bill. However, for budgetary reasons the committee's bill provides about one-third of the rate reduction in 1971 and the remaining two-thirds in 1972. The House bill divided the rate reductions evenly between 1971 and 1972.

In establishing the new tax rates, the committee deleted from the bill a House provision limiting to 50 percent the maximum marginal rate applying to an individual's earned income. This action was taken because the committee believed that a 50-percent top marginal rate, though beneficial for work incentives, would provide unduly large tax reductions to those with substantial earned incomes.

The bill also provides a low-income allowance which is tailor made to grant relief to the poor and the near poor. This provision, whose main features are carried over from the House bill, will grant $2.65 billion of revenue a year when it is fully effective. Essentially, this low-income allowance raises the minimum standard deduction on each tax return to $1,100. This low-income allowance, together with the $600 per capita personal exemption, will relieve from all tax single persons with incomes of $1,700 or less, married couples with incomes of $2,300 or less and married couples with two children with incomes of $3,500 or less.

These amounts closely conform to the poverty levels established on the basis of figures of the Department of Health, Education, and Welfare. They also conform to HEW figures which show that families remain at the poverty level unless their incomes increase by about $600 for each additional person in the family after a poverty level base income of $1,100. For budgetary reasons in 1970 and 1971 the low-income allowance provided by the bill is "phased out" as the income of the taxpayer increases above poverty levels. However, in 1972 this phaseout will no longer apply and the full amount of the low-income allowance will be available without any reduction for the size of income. In other words, at that time every family unit filing a tax return will have a standard deduction of at least $1,100. This is in addition to their personal exemptions.

This low-income allowance is designed to work hand in hand with an increase in the regular standard deduction. At present, the standard deduction is limited to 10 percent of income with a ceiling of $1,000. The bill gradually raises these limits to a level of 15 percent of income with a ceiling of $2,000 in 1972 and later years. This provision, together with the low-income allowance which I have described, will achieve very substantial simplification for taxpayers in filing their tax returns. As a result of the changes, about 11.6 million returns which now itemize deductions will use the standard deduction. This means that the proportion of all returns using the standard deduction will be increased from its present level of 58 percent to 74 percent. About 5.6 million people will be made nontaxable as a result of these provisions.

Since increases in the per capita exemption level have also been offered as a means of aiding low-income people, I would like to indicate why the committee decided not to increase the personal exemption. This is a very important issue, since there has been a lot of talk about increasing exemptions. The issue we have to decide is—are exemption increases more efficient or less efficient in providing tax relief to low-income people? Do they provide more justice or less justice than the provisions that the bill contains to grant tax relief to the poor? Let us examine this issue.

First, the increases in the per capita exemption will be substantially more costly than the low-income allowance. An increase in the per capita exemption to $900, for example, would involve a revenue loss of $9.7 billion a year or more than the revenue cost of the entire tax relief program in the committee bill. The cost rises to astronomical figures as the per capita exemption level rises. A $1,000 per capita exemption would cost $12.7 billion a year and a $1,200 per capita exemption, which is sometimes mentioned, would cost $18 billion a year—or twice as much as the entire relief provisions under the pending bill.

I do not believe, and the Committee on Finance did not believe, that we would be acting in a fiscally responsible manner if we voted to increase the Federal deficit by the amounts that would be involved if we agreed to a personal exemption of those proportions.

The low-income allowance not only is less costly than increases in the per capita exemption; it is also more effective as a way of aiding the poor. This is because it concentrates its relief at the low-income levels where the poor are to be found. For example, although the low-income allowance will cost only about one-third as much as an increase in the per capita exemption level to $900, together with the present $600 exemption it gives more relief to a single person—exempting a single person from tax up to the $1,700 income level compared with exempting only $1,200 from tax if one has only a $900 personal exemption and the present minimum standard deduction. Similarly, a married couple with no dependents will be free of tax up to the $2,300 income level under the low-income allowance; it would be free from tax only up to $2,200 under the $900 exemption level with the present minimum standard deduction.

It is true that large families would remain free of tax at somewhat higher income levels under $900 per capita exemption than under the low-income allowance, but these differences would be relatively moderate compared with the enormous additional cost in the increases of the per capita exemption. There also is another aspect of this which should be called to the Senate's attention, HEW figures show that after a $1,100 allowance is made available to a poverty-level family, an additional $600 allowance for each dependent—such as is provided under the combination of the low-income allowance and exemptions system—will suffice to exempt the family from all taxpayments at poverty levels.

Here is another point the Senate should realize. Over 60 percent of the total benefits of the low-income allowance will go to those with incomes under $5,000 and only 4 percent of the benefits will go to those with incomes of $10,000 or more.

In contrast, if the per capita exemptions were raised to $900, only 12 percent of the benefits would go to those with incomes under $5,000—12 percent as against 60 percent for the low-income allowance. Over 50 percent of the benefits of the increased exemptions would go to people with incomes of more than $10,000 and as much as 12 percent of the benefits would be received by those with incomes of $20,000 or more. How drastically different from the low-income allowance in aiding those that one seeks most to aid, those in the poverty group.

Still another point the Senate should be aware of is that the low-income allowance, together with the increase in the maximum standard deduction provided by the bill, would make a much greater contribution to tax simplification than increasing per capita exemptions. The larger exemption, while it would take a significant number of people off the tax rolls, would not have the effect of switching to the standard deductions almost 12 million people who now itemize their deductions. This superior contribution of the bill's provisions to tax simplification should not be underestimated, it is complicated tax laws, almost as much as inequities, which are likely to cause the rank and file of taxpayers to revolt against the tax system. The simplification we have provided in this bill can make all the difference in the world in the attitude of people toward the tax system.

Finally, I would like to note that some people who are impressed with the virtues of the low-income allowance and the increased maximum standard deduction seek to combine these improvements with an increase in the per capita exemption level. It obviously would be impractical because of revenue costs just to combine all these tax relief measures into one gigantic package.

The considerations I have just outlined are the considerations which led the committee to reject proposals to increase the per capita exemption and to accept the low-income allowance as the best means of aiding low-income people. These reasons seemed more than persuasive to the committee and I hope that my colleagues will agree.

Let me turn now to one final subject, the bill before you provides very substantial tax relief for single people. This action is needed because present law imposes harsh tax burdens on single people compared to married people who receive the benefits of the so-called split-income provision. Under the bill, single people are provided with a new tax rate schedule which produces a tax burden for them approximately 17 to 20 percent above those of married couples with taxable incomes between $14,000 and $100,000. Today they can pay as much as 40 percent more tax than married couples pay on a similar amount of income.

These provisions differ from the provisions in the House bill which would permit widows and widowers, regardless of age, and single people age 35 and over to use the head-of-household rate schedule.

There is another way of looking at the bill which I think is useful: I would like to call attention to the fact that the net effect of all the provisions of the bill—the tax relief measures and the tax reform provisions taken together—is favorable to people with low and moderate incomes. The entire package provides an average tax reduction of about 10 percent for all taxpayers. However, tax reductions will average about 66 percent of the present law tax for those with incomes under $3,000. About 30 percent for those with incomes between $3,000 and $5,000, and about 17 percent for those with incomes between $5,000 and $7,000. The average tax reduction will still be 10 percent for those with incomes between $10,000 and $15,000 and will be 7 percent for those with incomes between $20,000 and $50,000. For those with incomes between $50,000 and $100,000, however, it falls to less than 5 percent. High income people—those with incomes of $100,000 and over—will, on the average pay even more as a result of the bill than they pay today. With a pattern like this, I think it is apparent that the bill helps most people of low and moderate incomes. Nevertheless, I believe by providing some rate relief across the board, it provides justice to all income groups.

The program of tax relief provided by the bill, large as it is, will undoubtedly fall short of the expectations of some. A number of my distinguished colleagues will undoubtedly favor many other worthwhile tax relief provisions that will cost additional money.

In considering such proposals, I hope that this body will keep in mind the fact that there are limits to the amount of tax relief that we can give if we want to be fiscally responsible, and we must be fiscally responsible—not only to keep our economy on a sound basis, but also to raise the money that will be needed in the future to meet the new demands that are constantly being made upon our Government. Peace in Vietnam, for which we all pray, will help provide funds for these urgent needs, but we cannot expect the end of hostilities to provide unlimited funds. Moreover, for a period after the war ends, the costs of withdrawing the troops and demobilization may well be almost as great as the costs of the war. We should have learned that lesson after the end of World War II and after the war in Korea.

We are going to have to maintain our revenues at a high level even after peace in Vietnam if we are really going to do anything about our social programs here at home. The needs of our urban areas, the needs of the poor and underprivileged are such that we dare not cause any appreciable loss in revenue at this particular time.

I am glad to report that the bill before the Senate meets rigid tests for a fiscally responsible program. As a whole, all the provisions of the bill, including the extension of the surcharge and excise tax rates, will increase tax collections by $3.4 billion in fiscal year 1970 and $3 billion in fiscal year 1971. Similarly, all the provisions of the bill will increase tax revenues by almost $6½ billion in calendar year 1970 and by over $300 million even in calendar year 1971. The fact that the bill, as a whole, brings in additional revenue rather than loses revenue in 1971 results from committee amendments deferring part of the tax relief that the House bill provided for that year. The committee made these amendments because we must be most careful to provide a proper fiscal stance in 1970 and 1971 to combat the strong inflationary pressures that are prevalent in our economy.

In the long run, the bill will reduce taxes by about $2.4 billion a year. However, this decrease in taxes is computed on the basis of present levels of income.

The fiscal dividend or the automatic increase in the revenues as the economy grows over the years will amount to many times that figure.

This bill is not the end-all of tax reform. It is not the answer to all our tax problems—there undoubtedly will be more to do as we reexamine the tax system over the years ahead. But the bill is the best approach to our tax problems that I have seen in my career as a Senator. It is not only the biggest tax reform bill in our history—it is the best tax bill since the adoption of the income tax in 1913.

Again, I want to remind my distinguished colleagues that the bill is a consensus bill. I urge that Senators not destroy it by offering too many costly additional tax relief provisions or by whittling away on the tax reform provisions now in the bill. In other words, if you are really for tax reform help us hold the line. I have said this before, but it merits saying again. The test of whether the Senate really wants tax reform is whether it is willing to take a consensus bill which can be passed by Congress and be signed by the President. I urge the support of Senators for tax reform in the consideration of this bill.

Mr. WILLIAMS of Delaware. Mr. President, I shall not delay the Senate to comment upon the bill. The chairman has done an excellent job of outlining its provisions. I proceed to discuss my pending amendment.

I ask unanimous consent that the amendments I have at the desk be considered en bloc.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. I shall explain this matter very briefly. Under existing law the depletion rate on oil and gas is 27½ percent; however, a taxpayer can only use that depletion rate to offset 50 percent of taxable income, with the result that some producers are not able to use all of the 27½ percent. Under the House bill, the House reduced that depletion rate to 20 percent, but they retained the 50 percent limitation, the same as it is in the existing law, which means that many of those who currently are paying a low rate of taxes would have to pay more taxes, and those who are not paying any taxes would have to pay some.

The Senate Finance Committee amended the existing law to the extent that for those with $3 million or less annual income from oil or gas they raised from 50 percent to 65 percent the amount of net income which can be offset by the depletion rates, and at the same time they reduced the depletion rate from 27½ percent to 23 percent. However, heretofore many were not using more than half or two-thirds of the 27½ percent, so they were not using it, anyway.

The Senate provision raises the amount of net income that can be offset with the depletion rate from 50 to 65 percent. If the bill is passed in that form it will mean that those who have not been able to use all the depletion allowance will actually have a tax reduction, even though the depletion rate is reduced. They will have a lower tax than they had before by 30 percent in many instances. The Senate bill limits this increase from 50 to 65 percent to the so-called small oil and gas producers, those with annual incomes from oil or gas wells of $3 million or less. But I call to the attention of the Senate that in this day a man with a $3 million annual income from oil wells is not altogether classified as a very small producer.

At a time when we are talking about tax reform, at a time when we are talking about plugging loopholes, why should we open wider a loophole for those who have incomes up to $3 million so that they will actually get a tax reduction—this at a time when we suggest that we are trying to promote greater equity.

My amendments would delete that section and retain the existing law, which is the 50-percent limitation.

Much of the controversy about the great need for tax reform legislation was generated a few months ago by the former Secretary of the Treasury. He pointed out at that time that under existing law approximately 200 taxpayers with incomes of close to a million dollars were paying no taxes at all. Several of those in that category would be affected by this amendment. The bill as it passed the House would put some tax on those individuals; and why not? The bill as reported by the Finance Committee, unless this section is deleted, would put them in a category even more favorable than before. I do not think this is an objective we want to achieve at a time when we are talking about tax reform. Certainly this cannot be justified at a time when we are suggesting that our taxes should be collected and assessed and paid more on an equal basis. It is in the committee bill. I objected to it. I do not recall the vote in the committee, but it was a divided vote.

I think this is a problem which the Senate should face up to. At a time when we are talking about closing loopholes, let us not open one wider for a few individuals. Unless this amendment is approved it means a large tax reduction for a special group. I shall ask for a record vote on these amendments.

WESTERN SHIPPERS FACE CRITICAL BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, Nebraska and surrounding States are faced with the most critical boxcar shortage in history. The railroads have not supplied sufficient cars to move the grain out. On my last visit to Nebraska a week ago, I personally saw several huge piles of milo right out on the ground. There are an estimated 10 million bushels of grain on the ground.

When cars are not available, the local grain elevators take such grain as they can, but when the elevator is full, they have to close it. This is happening in countless places in Nebraska. The economic loss to our State and particularly the economic loss to the producers of grain is severe. It is unfortunate and it is unfair.

Mr. President, I am not satisfied with the action taken by the Interstate Commerce Commission. Some members of that Commission understand the acuteness of the problem and want to do something about it. The Commission, as a whole, has proceeded too slowly and too ineffectively.

About 2 years ago the Congress passed, and President Johnson signed, a measure intended to give the Interstate Commerce Commission authority to remedy boxcar situation. The Commission has moved too slowly. They have been too timid in citing and cracking down on the offending railroads who refuse to turn back cars that belong to the Western railroads.

Eastern and Southern railroads take their time about returning cars to the Western railroads. The reason this happens is that the daily charge for keeping a boxcar is far too low. It is cheaper to pay this very small daily charge than it is for them to build their own cars or for a user to build his own storage. I am told that even the Defense Department of the U.S. Government is guilty of hoarding boxcars in lieu of providing other storage. This is grossly unfair to the agricultural areas of the country that need to get their grain and other products shipped out to the domestic markets and to the ports.

Some of the railroads are guilty of defrauding the Western roads and Western shippers in the use of their boxcars. The procedures of the Interstate Commerce Commission are antiquated and slow. They appear to be designed to protect the offender and to wear out the complainant.

Mr. President, the Congress should demand action from the Interstate Commerce Commission. There are no valid excuses. The Commission has been advised year after year of the coming of a crisis such as we have had year after year. Only this year it appears to be worse. Offending railroads should be cited and dealt with without mercy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may speak briefly without consideration of the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

SHAMEFUL ATROCITY

Mr. YOUNG of Ohio. Mr. President, the reported massacre of approximately 567 civilians—children, women, and old men—by Americans at Mylai in South Vietnam is so shocking as to be almost beyond belief. Nevertheless, there is convincing evidence that this deliberate, methodical atrocity by GI's under orders from their superiors did actually occur.

The Plain Dealer, of Cleveland, Ohio, on November 20, 1969, published photographs taken by Ronald Haeberle, a photographer and an eyewitness to this horrible atrocity. I wish that all Americans could see for themselves the terror and fear in the faces of women and children who sensed they were about to be murdered; and who saw the bodies of murdered women, children, and old men strewn throughout their village; and who had cowered and huddled together terrified as they saw innocent unarmed friends shot down in cold blood.

These photographs bear testimony far more impressive than any words to the brutalization of a generation of Americans by our involvement in an immoral, undeclared war in a small, far distant agrarian Asiatic country. They evoke memories of Lidice, the Czech village destroyed by the Nazis in 1942 in reprisal for the assassination of Reinhard Heydrick, the Gestapo chief in Czechoslovakia. At least at Lidice the Nazis spared the women and children, sending them into slavery in Germany. The savagely brutual acts committed by American officers and soldiers evokes memories of Nazi stormtroops leading women and children into gas chambers. It was the pictures and the eyewitness accounts of the children about to be murdered and finally murdered at Mylai that are most heart rending and that cry out for justice. More photographs of this American atrocity will be published in a forthcoming issue of Life magazine.

The Plain Dealer has performed a needful public service in further revealing this atrocity to American fathers, mothers, sons, and daughters here in the United States. I wonder whether this great newspaper will now feel the full force of the Vice President's venom for disclosing these astonishing and horrifying murders by American GI's.

All who served in World War I or World War II are aware of the suffering sometimes inflicted on innocent civilians. We know that in war and shelling by artillery and mortars and bombing from airplanes there is likely to be killing of many innocent civilians. We know that by reason of our napalm bombing and artillery fire hundreds of thousands of Vietnamese civilians, most of whom were women, children, and old men, have been killed or maimed for life. I personally witnessed children—victims of the war—without arms and legs and other horrible afflictions during my visits in all areas of South Vietnam in 1965 and 1968.

In 1965, and again last year, I was in South Vietnam for the greater part of 2 weeks. Also, I was in Thailand. Altogether, I spent approximately 1 month on each trip in Southeast Asia. During that period I visited hospitals, and the German hospital ship anchored in Danang. The leaders there and the surgeons did not ask whether a victim was a Vietcong, whether he was from North Vietnam, or whether he was an American sympathizer. Anyone who was maimed or wounded was taken in as long as there was ample room. They had fine German nurses in attendance.

In that hospital, I saw the most horrible sights I have ever seen in my life. I saw a little child burned black, as a result of napalm bombing, with one arm off. I saw a helpless mother. I saw other sights that bothered me for some nights thereafter, and, in fact, really bother me at this time. American napalm bombs, hurled from our tremendous bombing planes have killed and maimed over the years at least 500,000 old men, women, and little children in Vietnam. That is a factually correct statement with no exaggeration whatsoever.

We know that the North Vietnamese and the VC have also been guilty of terrorists acts, but that is no reason nor excuse whatsoever for the atrocity that was perpetrated at Mylai by supposedly civilized and combat-trained Americans.

It must be made crystal clear that Americans do not condone such conduct, war or no war. We must face up frankly to what has become a test of conscience. We must recognize that what happened at Mylai illustrates not only what this war is doing to the Vietnamese, but also to ourselves.

Mr. President, the photographer and a GI who witnessed this abominable incident come from my State of Ohio. One of those young men is coming into my office to talk with me tomorrow and tell me what he saw. I have already talked to him on the telephone and have had his statement taken. This savagely brutal murder of hundreds of women and children cannot be disputed by anyone because two full pages of pictures were published in the Cleveland Plain Dealer, clearly showing what took place.

I consider that I am somewhat of a student of American history. I know of nothing in the entire history of our country that has equaled this atrocious conduct on the part of our GI's, gone mad for some reason and not controlled, but, in fact, encouraged by their company commanders. This occurred in 1968, but the Army is just now getting around to having some of those who participated questioned and court-martialed.

Mr. President, last Friday I sent a letter to the distinguished chairman of the Armed Services Committee (Mr. STENNIS) urging an immediate investigation of this sordid affair by the committee or a subcommittee appointed by him. Americans must know, and the sooner the better, the long-suppressed facts about what certainly has been one of our Nation's most ignoble hours. Those responsible must be brought to justice. Let us hope that this terrible massacre and atrocity will help hasten all Americans to urge the immediate disengagement and withdrawal of our fighting men from South Vietnam.

I ask unanimous consent that my letter relating to this horrifying terrorist attack on unarmed civilians and requesting an investigation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Nov. 21, 1969.
Hon. JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Cleveland Plain Dealer, a nationally known and respected newspaper with a history and tradition for accuracy, published on November 20 two pages of horrible, shocking pictures along with a news article describing an eyewitness account of a soldier of a brutal, inexcusable, savage occurrence in Mylai, south Vietnam, on March 16, 1968. Soldiers of our country with their company commander and other officers present murdered approximately 567 south Vietnamese civilians, most of whom were women and children, with probably fewer than 100 old men. No combat troops of the National Liberation Front or north Vietnam were present or victims of this killing.

I ask that this entire matter be thoroughly investigated by the Committee on Armed Services of the Senate or a subcommittee thereof and I request that you direct some such investigation.

Obviously, Mr. Chairman, if the facts stated in the Cleveland Plain Dealer are true, and personally from some knowledge I have I consider that the pictures are accurate and the news story accompanying the pictures are also accurate, then the Congress and all Americans should know the facts and the sooner the better.

Before I saw the Plain Dealer of November 20, a friend of mine in Washington, a professional man in whom I have confidence, arranged that a former GI who was present would call at my office and talk with me either this Saturday morning or next Monday morning. I shall arrange for him to be available as a witness before the committee if that is desired.

It is disheartening and disturbing that Pentagon officials have apparently smothered and kept from the public for more than a year and a half facts about this matter. Also, it is outrageous that no action whatever has been taken against the officers and men involved. It is stated that the Department of Defense and its top officials now offer the excuse that if the facts were known to the general public, the rights of certain individuals would be prejudiced.

Is this another "Green Beret case" although involving many, many murders? I urge, Mr. Chairman, that there should be searching investigation and that officials of the Department of Defense and the Department of the Army should be subpoenaed and compelled under oath to testify before the committee of which you are Chairman or a subcommittee that you select.

American people are entitled to know the whole truth and soon.

Yours very truly,
STEPHEN M. YOUNG.

PRESIDENT NIXON'S POPULARITY ON THE INCREASE

Mr. DOLE. Mr. President, the latest Gallup poll shows that the President's popularity has increased by 12 percent in the last month and has now hit its highest peak ever—68 percent.

There is no question that the President's speech to the silent majority of November 3, outlining where we are and where we are going in Vietnam, is the major reason for this surge in his popularity.

Part must also be reaction to the various efforts to bring pressure on the President and his dignified handling of the situation.

Mr. President, it is gratifying to the President and to those of us who have supported him in his quest for a just and honorable peace to see the Nation uniting behind him.

"Bring us together" was the cry last fall. And the President is bringing us together, not by knuckling under to the demands of some, not by ignoring the attacks of those who would split and polarize our Nation, but by showing the way and leading the way.

Mr. President, those of us who have supported President Nixon, and the President himself, want peace desperately. But we want a peace in Vietnam that will maintain peace in all of Southeast Asia, a peace that will tell those who turn to us for support and aid that the United States can still be depended on.

It is clear now that most Americans want that kind of peace also. It is clear that the President's message of November 3 to the great silent majority got through to them, heartened them, and encouraged them. They knew, at last, that their views, their typical American refusal to surrender or retreat, were also the President's views. And as he spoke out to them, they now speak out for him.

Mr. President, the Gallup poll findings are not only gratifying to those of us who support the President, but they must also be most disheartening for those who seek peace at any price, those who wave the red flag of Hanoi, and for Hanoi itself.

For nearly 2 years Hanoi has sought to win the Vietnamese war in America by splitting and dividing our Nation, by forcing the President to yield to unreasonable demands.

Now they see that that has failed. Now they see their hopes for an American "bug-out" go down the drain.

Now, Mr. President, seeing that Americans are united behind their President, they may at last, just maybe, begin to negotiate in earnest.

It is evident that the President's speech has unified the American people and in doing so has brought us a step closer to a real and lasting peace.

Mr. President, I ask unanimous consent to have printed in the RECORD the latest results of the Gallup poll.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 24, 1969]

THE GALLUP POLL—NIXON SUPPORT SOARS TO 68%

(By George Gallup)

PRINCETON, N.J.—President Nixon's popularity has jumped to a new high in the latest nationwide survey conducted following his Nov. 3 Vietnam speech and during the latter stages of the Nov: 13–15 anti-war demonstrations.

Of the 1,465 adults interviewed in 300 localities across the nation, 68 per cent say they approve of the way he is handling his overall job, while 19 per cent disapprove and 13 per cent do not express an opinion.

The President's latest rating represents a dramatic 12-point gain from the previous survey conducted one month ago, Oct. 17–20, when 56 per cent of Americans voiced approval of his performance in office. That percentage was the President's lowest score to date.

The President's previous high was 65 per cent approval and was recorded on four occasions: in mid-March, mid-May and late May, and most recently, in a survey conducted following the first moon landing, July 20.

The President's gains since the previous survey in late October have been registered among all major population groups, but have been most pronounced among men and persons living in the East.

Key factors in the President's popularity gains are his speech, Nov. 3, outlining the administration's Vietnam policies and unfavorable reaction to the recent anti-war demonstrations.

In a nationwide 500-interview survey conducted by telephone immediately following the President's Nov. 3 speech, the Gallup Poll found 77 per cent of those who had heard the speech in favor of President Nixon's plan for ending the war.

It should be borne in mind that the survey taken at that time represented first reactions and the views of only those who had heard the speech.

Comments from persons interviewed indicate that the President's speech convinced many Americans that he is working hard to end the war and has left them with the expectation that he will get our troops out within a reasonable period of time.

A large number of Americans back the President himself for "doing the best he can under the circumstances" and his Vietnam policy as "the only one possible as of now." At the same time, they are impatient for an end to the war and for the return of our troops and will be keeping a close eye on the actual rate of withdrawal in the months ahead.

As a matter of fact, a September survey found 57 per cent of Americans in favor of Sen. Charles Goodell's proposal that all U.S. troops be withdrawn from Vietnam by the end of 1970 and the fighting turned over to the South Vietnamese.

The following question was asked in a survey conducted Nov. 14–16, with the bulk of the interviewing undertaken on Saturday, Nov. 15, the final day of the recent Vietnam demonstrations:

Do you approve or disapprove of the way Nixon is handling his job as President?

Here are the latest results and the trend since President Nixon took office:

NIXON POPULARITY TREND LINE

[In percent]

Interviewing dates	Approve	Disapprove	No opinion
Nov. 14–17	68	19	13
Oct. 17–20	56	29	15
Oct. 3–9	57	24	19
Sept. 19–22	58	23	19
Sept. 12–15	60	24	16
Aug. 15–18	62	20	18
July 26–28	65	17	18
(Moon landing: July 20)			
July 11–14	58	22	20
June 20–23	63	16	21
May 23–26	65	12	23
May 16–20	65	12	23
May 2–5	64	14	22
April 11–14	61	11	28
March 28–31	63	10	27
March 14–17	65	9	26
Feb. 21–24	61	6	33
Jan. 23–29	59	5	36
Average	62	16	22

Mr. HANSEN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. HANSEN. I should like to ask the distinguished Senator from Kansas if it is his opinion that there is relevance between our presence and our willingness to keep our commitments in Vietnam and the credibility of our pledges and commitments to the NATO nations of Western Europe.

Mr. DOLE. Yes, the same general principle is involved in Southeast Asia and in Western Europe. There is complete relevance. President Nixon has made it clear with regard to Southeast Asian policy that we will not "kick every sleeping dog," and that we will not desert our allies. This is true in NATO countries, it is true in Southeast Asia, and particularly in South Vietnam itself.

Mr. HANSEN. Is it the opinion of the distinguished Senator from Kansas that the way we behave and the way we react and respond to the commitments we have made in Asia will have a bearing upon how other nations will feel about assurances that this country makes in other parts of the world?

Mr. DOLE. There is no doubt in my mind—although not an expert, I feel very strongly about President Nixon's plan for peace in Southeast Asia. The Senator from Wyoming has probably touched upon the key issue here, that if we "cut and run," in Vietnam, it will be a precedent for what might be done in other areas of Western Europe, Southeast Asia, South America, or wherever it might be. The entire free world is looking to us, as a result of recent actions in Vietnam, as precedent for what we might do in the future. I certainly agree with the Senator from Wyoming that our policy there will have a direct bearing on what might happen in some other country or in some other part of the world.

Mr. HANSEN. From the mail that the Senator from Kansas is receiving, and I am certain he has been receiving a great deal of it from his constituents, would it be his opinion that the public generally is aware of the relationship between our presence in Vietnam and our willingness to keep our commitments elsewhere in the world?

Mr. DOLE. At least, it is an underlying theme in the mail I have received. In fact, many of my Kansas constituents are saying just that—that if we do retreat in Vietnam or that if we say we are going to leave there by a certain date—as suggested by some—what will happen to the next country involved? What will happen to our NATO commitments? This is a matter of concern not only to Kansans, but to all Americans.

Mr. HANSEN. Does the Senator find the same reaction in Kansas that I observed in Wyoming; that is, despite the fact that all of us hope that the war in Vietnam can be brought to a very speedy, successful conclusion, it seems to be important to most people that we disengage ourselves from that conflict in a manner so as not to sow the seeds for another conflict just a few years down the road? Does the Senator get that reaction in the State of Kansas?

Mr. DOLE. I certainly do. There is no question about it. I do not know of anyone in this Chamber who does not want peace. Some of us have differing views on how to achieve it. I have often felt that much effort is wasted in trying to demonstrate our feelings to the President, whether that President be President Nixon, President Johnson, or President Kennedy. Whoever the President was, he was doing all in his power to bring about an honorable peace. The terms "honorable settlement" and "honorable peace" are very important. Our policy now in Vietnam is, yes, to disengage, but to do it in such a way as to do so with honor, so that we leave Vietnam with an honorable and lasting peace. Such a policy would affect not only Southeast Asia, but NATO and other places in the world.

Mr. HANSEN. I join my colleague from Kansas in finding great comfort and reason for gratitude in the expressions of sentiment contained in the most recent Gallup poll. The poll makes very clear that a majority of our people—more than two-thirds—support the President's policy. I think we can take assurance from that poll that the course of action so thoughtfully being pursued by the President, based upon the best advice he can get, based upon the intelligence estimates of a number of agencies acting independently of each other, is the right course. I am encouraged and gratified.

I hope Hanoi will read very clearly that the President's action has the support of the people of this country; that they cannot expect us to "bug out"; that if Hanoi is intent on bringing that unhappy situation to a conclusion, the next move is up to them.

I think the President has demonstrated a number of new initiatives, a number of new moves, that very clearly differentiate his policy from those of his predecessors and give us reason to believe that the course of action being pursued is the best one for the termination of hostilities in Vietnam which will hopefully result in a lasting peace.

I appreciate the efforts of the Senator from Kansas in having the poll made a part of the RECORD.

Mr. DOLE. Let me add that I hope the enemy studies the results of the poll as well as it surveys the results of the demonstrations in America. If they do, they will realize this is only a forerunner of what will come. They will know that, by and large, Americans are satisfied with the efforts being made by the President. Yes, they would like peace to come today, but they recognize it takes two to make peace.

One thing we have failed to do, whether it be by a moratorium or whatever, is to tell it to Hanoi. After all, we could have peace immediately if the enemy would agree to negotiate. This has been lacking. Far too often some have criticized our leaders, whether they be Democrats or Republicans, and criticized our allies, but paid little attention to the enemy.

I have always understood the enemy to be the fellow who was shooting at you. The enemy is not South Vietnam. It is the Vietcong and the North Vietnamese troops. I would hope this indication of support of President Nixon will be an indication to the Government of Hanoi that the American people are not about to retreat or surrender in Vietnam.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a live quorum call shortly, and I hope attachés on both sides will notify Senators. It is outrageous that such a small group of Senators—there is a great deal more than a quorum around—show up to consider a bill of this magnitude.

ADJOURNMENT FROM WEDNESDAY NEXT TO MONDAY, DECEMBER 1, 1969, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I again wish to announce that, at the conclusion of business on Wednesday, November 26, the Senate expects to stand in adjournment until Monday, December 1, 1969, at 10 a.m.

Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read the concurrent resolution—Senate Concurrent Resolution 48—as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, November 26, 1969, it stand adjourned until 10 a.m. Monday, December 1, 1969.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending amendments.

The yeas and nays were ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 155 Leg.]

Aiken
Allen
Allott
Bennett
Bible
Byrd, Va.
Case
Curtis
Dole
Dominick
Fannin
Gurney
Hansen
Hart
Holland
Hollings
Jordan, Idaho
Long
Mansfield
McGovern
Metcalf
Murphy
Percy
Schweiker
Spong
Stennis
Talmadge
Thurmond
Williams, Del.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Anderson
Baker
Byrd, W. Va.
Cook
Cotton
Cranston
Dodd
Ellender
Ervin
Fong
Fulbright
Griffin
Harris
Hartke
Hughes
Inouye
Magnuson
Mathias
McCarthy
McGee
McIntyre
Miller
Muskie
Pearson
Prouty
Proxmire
Russell
Smith, Maine
Sparkman
Symington
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent because of illness in his family.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). A quorum is present.

The question is on agreeing to the amendment of the Senator from Delaware.

Mr. LONG. Mr. President, the committee, in seeking to do justice and equity as among taxpayers, has proceeded on the assumption that some taxpayers are favored and should pay more, and other taxpayers are disfavored and should pay less.

The provision that the Senator from Delaware seeks to strike out is one of those provisions which provides that some taxpayers who are disfavored under present law, should therefore, pay less taxes compared with others then they are paying now.

Let me explain how the amendment would work. Under the committee bill the percentage depletion that an oil and gas producer receives would be reduced from 27.5 to 23 percent. Unfortunately, there are a lot of producers—I might say most of them are small producers—who have wells that are not regarded as being the best producers, who are not getting 23 percent, who are not getting 20 percent, who are not even getting a 15-percent depletion allowance because there are other provisions in the law, which are little known to most Senators, called net income limitation. Existing law provides that one's percentage depletion cannot exceed 50 percent of net income from the property. It could work this way.

Let us assume a man has $1 million of income from oil. Of the $1 million he makes if he had a good well, with very little expenses compared to his income, under the new bill, he would be entitled to a depletion allowance of $230,000. But suppose that is a well with a lot of operating expenses, with the result he has $900,000 in expenses and his net profit, then, is only $100,000. He would be limited to 50 percent of the net income from the property, which means that he would then get $50,000 in oil depletion allowances; whereas, if that were a good well, a profitable well, he would be getting $230,000 in oil depletion allowances. The only thing the amendment does is to raise the allowance in this case to $65,000.

This amendment relates only to marginal producers, those producers who have wells that are not good wells. Also by definition they are small producers because the amendment only applies to producers with less than $3 million in production. Not a single major company or big independent could qualify.

Under the amendment, those who have less than $3 million gross income from all oil and gas properties—that is gross we are talking about, not net—they could have as much as 65 percent of net income as the limitaiton on the 23 percent that they would otherwise get. In either case, the reduction the producer gets is the smaller figure. Sixty-five percent of $100,000 would be $65,000 in my example which would be the percentage depletion the producer would receive. While, if they were good wells with little operating expenses on that same $1 million income, the producer would be entitled to a depletion allowance of 23 percent.

Not a single major company would benefit by the provision that the Senator would seek to strike. Not a single major producer, not even a big independent, would benefit from it. But it would help those marginal producers who have wells which are expensive to operate, a lot of which exist in States like Kentucky, Oklahoma, the northern part of Louisiana, some in Arkansas, some in Indiana, and some in Illinois.

It does not help those producers who have really good, efficient wells. It helps the marginal producer stay in business. Goodness knows, those people have enough problems, with high costs for everything they buy, including the cost of transportation, and the cost of labor. With all of that going up, and with the price for oil remaining the same, they do have a most difficult time of it. This would help the domestic producer who has the marginal well. There is justice and equity to support this proposal for about $10 million as against $155 million that we hope to raise out of the bill as a result of the reduction in the depletion allowance from 27.5 to 23 percent.

Mr. HANSEN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. HANSEN. I should like to ask the distinguished Senator from Louisiana, who is very intimately familiar with the oil business, if it is not his opinion that were the pending amendment to pass, it would result in a net waste of important natural resources. With respect to some of the stripper wells in my State of Wyoming, where we do not have the big production that characterizes the oil business in many other parts of the world, without the extra tax benefit that would be provided by the 65 percent, as compared to the 50 percent for those producers who have $3 million or less gross operating income, would it not result in some of those wells being shut down and the oil and gas that is in the ground being lost insofar as use in this country is concerned?

Mr. LONG. The Senator is correct. The bill carries a lot of increased taxes on people in the oil and gas business. One could well argue that many people in the oil and gas business can afford to pay additional taxes. But the kind of people who would be affected by the pending amendment could not afford to pay additional taxes, when taxes are already being heaped upon them the way they are now.

Mr. HANSEN. Is it not true that the new oil operator, when he gets to the point that the cost of producing oil from a well approaches the income he is receiving from that well, he also approaches the time that he will stop operating that well completely, so that any encouragement or incentive we can give to him to get the last drop of oil or the last 1,000 feet of gas out of that well, to serve the public generally, should be given.

Mr. LONG. There is no doubt in my mind that the adoption of the pending amendment would make it difficult for them, taken together with the additional taxes placed on the oil producers. Let us talk about the marginal producer, trying to produce oil in a well, trying to get the last barrel of oil out of a depleted oil well, such as in Oklahoma, Illinois, Kansas, Nebraska, West Virginia, and many other States. Those people will pay additional taxes because the bill we have before us taxes their intangible drilling costs. It taxes their depletion allowance. And in addition to raising their costs by putting heavier taxes on them, in other respects, it provides them no relief.

This type of help for these people is justified because we are talking about, in this instance, people who are not getting 23-percent depletion. We are talking about people not getting the opportunity for 20-percent depletion. We are talking about people that have wells that produce no percentage depletion. When one increases the tax on these marginal wells without giving them any consideration in return, he will cause a lot of oil to be left in the ground which would otherwise be used in this country.

Mr. HANSEN. As a member of the Interior and Insular Affairs Committee, I sat in on the hearings on the natural gas supply for the United States. I listened to the Chairman, John N. Nassikas, of the Federal Power Commission, as well as the Assistant Secretary of the Interior, Holis Dole. I gathered from the testimony those two gentlemen submitted that we cannot discuss the reserves and the adequate availability of natural gas here in this country without thinking in terms of new oil wells that are drilled because, as the Senator from Louisiana so well knows, in most instances a person cannot go out and drill just for gas; he goes out and drills for oil and usually gas is found associated with petroleum.

If that is true—and I see no reason to suspect that it is not true—we are witnessing a declining reserve in natural gas. The ratio of reserves to our gas production in this country has been declining for several years and is now down to about 14.8 to 1, which means on the basis of present production, we have reserves for only 14.8 years. The Chairman of the Federal Power Commission said that he felt if we reached a ratio of 10 to 1, that would be a very critical point, and a point which this country should not approach without reason for gravest concern.

In light of those testimonies as given by the Chairman of the Federal Commission and the Assistant Secretary of the Interior in charge of fuels and minerals, I should like to ask the Senator from Louisiana, would the amendment now proposed by the distinguished senior Senator from Delaware likely jeopardize further the adequate supply of natural gas upon which this country is so dependent?

Mr. LONG. I think it would tend in that direction because it would discourage and make less economical the effort to find more gas and more oil in this country. For the same effort often when one looks for oil, he finds gas, and vice versa. There is no doubt that this would be one more factor in accelerating the tendency that we have already seen. I am sure the Senator is familiar with it. I certainly am in Louisiana, where people in the oil and gas business are having to get out because they cannot make enough money from their wells after taxes to justify staying in that business.

Mr. HANSEN. In my State of Wyoming, one-third of all our county taxes are paid by the petroleum industry. Our schools are dependent upon it. Our county governments depend upon it. A total of 26½ percent of our State's ad valorem tax is paid by the petroleum industry in Wyoming. It represents nearly 30 percent overall of the total State evaluation. Because of that, I am very much disturbed over the impact that this amendment could have upon my State of Wyoming and I would ask my colleague from Louisiana, have I reason to be concerned, as the Senator would contemplate the impact that a reduction of this depletion allowance, based upon net income, dropping from 65 to 50 percent of net income, would have upon my State of Wyoming?

Mr. LONG. The Senator is very well advised to be concerned about it. Of course, he should keep in mind that under this bill the oil industry is taxed about four additional ways beyond the way it is presently taxed. The industry is taxed in even more ways than in the House bill. So that the industry, which is a depressed industry at present, would be even more so under the bill.

This particular provision just seeks to do simple justice and equity for the little fellow who really cannot afford to pay any increased taxes. He is not the man with the good well. He is the one with the marginal well, one that has a very small profit, comparatively speaking. By justice and fairness, he is paying too much the way it is now, and his taxes are being increased by the bill. At least, this provision would give him some modest consideration.

So I would be the first to say that if his taxes are increased as they are increased under the bill—he should at least have this consideration.

Mr. HANSEN. We have done a lot of talking about providing additional incentives for the oil industry, because our consumption of petroleum products and natural gas have been increasing very rapidly, and we have not kept pace with discovery of reserves within the United States.

It is my understanding that, excluding the Outer Continental Shelf, 80 percent of the new discoveries in the United States made in the past year have been made by independents.

Does the Senator's information square with that information?

Mr. LONG. I am not familiar with the latest figures, but that is substantially correct. The fact is that the overwhelming majority of the discovery wells have been drilled by independents. Generally speaking, I think one reason for that is that the independents are inclined to take a chance on a well that the majors might not consider was very good or a well that might be a marginal producer at best. Hence, the independents take the chance while the major companies do not.

Mr. HANSEN. My point is that the extra money which could result by the advantage which would be produced by the 65 percent rather than the 50 percent would provide funds for a capital intensive industry.

The limiting factor in our critical search for oil and gas—insofar as independents are concerned—is capital.

Raising the overall limit from 50 to 65 percent will help provide funds to drill the wells which can assure adequate supplies of oil and gas so important to our national security and the well-being of all Americans.

Mr. LONG. That is correct. The people who would be permitted to keep the $10 million would be expected to put the money into drilling more wells.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOLE. The Senator mentioned the States which might be affected by this amendment. I do not know whether he mentioned Kansas. It is my understanding the purpose of tax reform, both in the other body and the Senate, was to help some in the small taxpayer category and some of the small, depressed businessmen. The original intent of the committee amendment was to help the independent oil and gas producer.

In Kansas, that is very important, because 96 percent of the new wells drilled last year were drilled by independents. That is highlighted by Mr. Clint Engstrand, of Kansas, in his testimony before the committee. The independents produced 65 percent of all the oil produced in Kansas last year. I point this out to indicate how important this amendment is.

As the Senator from Louisiana stated earlier, this provision was designed to help the small independent producer, and the amount was raised from 50 to 65 percent for that purpose.

When it is realized that the depreciation allowance is cut from 27½ percent to 23 percent in the Senate bill, and to 20 percent by the other body, we can readily understand why there are some in the oil business who are living from hand to mouth, who may be producing only stripper wells, two or three barrels of oil a day, who will be greatly affected.

I share the sentiment expressed by the Senator from Wyoming and the Senator from Louisiana. The amendment of the Senator from Delaware would have an adverse effect on the very thing attempted in tax reform.

Coming from an oil-producing State, I would say, yes, we can accept some cut in the depletion allowance, which would affect oil producers generally, but would hurt in the small producer, one producing very little or one with a high overhead cost.

The pending amendment should be defeated for that reason, not because it affects the depletion allowance. The proposed amendment affects a specific group of oil producers in the marginal category. As I understand it, the primary reason for the committee amendment in the first instance was to give a little relief to those marginal producers.

I agree with my colleague from Louisiana.

Mr. LONG. While the Senator was addressing his remarks to me, I was asking our staff assistant to see if he could produce a memorandum submitted by the independent producers of the State of Kansas. I can recall what it was about. It showed the facts on a producer-by-producer basis. It showed that in the State of Kansas the average oil producer gets about a 14-percent oil depletion allowance. The reason for that is that not all those wells are profitable. In other words, one can say, "My goodness, he produced 3 million barrels of oil." By the time he got through, he may have only $5,000 that year to show for it. On that basis, he might not have more than a 1- or 2-percent depletion allowance, because there was very little profit involved.

When one looks at the hard work of the producer for that kind of oil depletion allowance and how little the producer has when he gets through, he will agree that it is not fair. The depletion allowance was cut from 27.5 percent; only the producer did not get 27.5 percent. He was getting only 2, 3, or 4 percent.

It makes no sense to have a law that says the man who has the good well gets the full benefit of the depletion allowance, and the fellow who has the expensive well to operate, who produces less oil, who at most will get perhaps a 5-percent profit or less on investment—even though his risk is very considerable—should get only a 5-percent, or perhaps a 10-percent, depletion allowance. As I said, at the same time, the man with the good and profitable well would enjoy the full depletion allowance of 20, 23, or 27½ percent, or whatever it is finally fixed at.

Mr. DOLE. Based on 1968 tax returns, the average independent producer in Kansas received a depletion allowance of only 20.4 percent. So it was 7.1 percent below the 27½ percent everybody talks about. Let me repeat that the average Kansas producer, based on tax returns in 1968, received a depletion allowance of 20.4 percent. We have 105 counties in the State of Kansas and 90 of them produce gas or oil. About 50 percent of the revenue raised to operate those local governments come from oil and gas producers and the independents produce about 65 percent of the oil in the State of Kansas.

Getting back to the original purpose of raising it from 50 to 65 percent was to aid those producers of oil who are not large or whose costs are reasonable. It was to aid the marginal producer of stripper wells or where production costs are high. It was a perfectly legitimate aim of the committee and I agree with it.

I feel, on that basis, there is no good reason to support the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I delay the Senate but just a moment. I have listened to all this argument about these small, depressed taxpayers who have incomes of only $3 million a year. One of the advantages of being in the Senate is the way some can throw these $3 million amounts around as though they were small items.

Let us face it: What we are talking about is a man with a $3 million a year income from oil or gas. Even under the depletion allowance provision of the committee bill he would be entitled to set aside $690,000 completely tax exempt before he computed his costs and other deductions.

Under existing law and under the bill as passed by the House only one-half of his taxable income can be offset by depletion. That means that he could use but $530,000 of his $690,000 depletion. The bill as approved by the Senate Finance Committee raises to 65 percent the amount of his taxable income that can be charged off against depletion, which means that he could get tax credit for the full $690,000.

Stated another way, this man, even though the depletion rate is reduced from 27½ to 23 percent, could still get a tax reduction of $160,000 annually as compared to existing law. Is that what the Senators who have been speaking so loudly for tax reform really want?

Unless my amendment is approved we would be giving him an extra $160,000 tax reduction that he does not get under the House bill, nor does he get it under existing law simply because, as the Senator from Louisiana and others pointed out earlier, many of these producers due to this 50-percent limitation are not able to deduct more than one-half or two-thirds of their depletion. Therefore, when we reduce the depletion rate to 23 percent as the committee bill proposes, it does not affect many of these operators one iota.

Surely the Senate does not want to reduce taxes by 40 percent for those individuals with a $3 million annual income from oil or gas.

But if we raise from 50 to 65 percent the amount of their taxable income that can be offset against depletion we are actually giving them such a tax reduction. This proposal was rejected in the House of Representatives.

The point that I make is that for nearly 2 years we have been hearing a lot of speeches about tax reform. I have never heard so many speeches about tax reform as I have during the past 2 months right here in the Senate. Everybody is for it. I said earlier I hoped the enthusiasm would continue over to the time when we start calling the roll. Today we are ready to call the roll, and we have before us a bill which is labeled as a tax reform bill, one which does correct many inequities. In this particular case it does not correct an inequity, but it creates an even greater inequity because it allows even more tax avoidance than is permitted under the existing law. It is a new loophole.

So let us start now and call the roll. Let us find out whether or not the Senate is for reform. Does the Senate want to close loopholes, or are we just going to open another one?

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Delaware.

Mr. LONG. Mr. President, the Senator, in his statement, failed to take into account the difference between gross and net.

It is true that a person with $3 million of oil production, if he had a 23-percent depletion allowance, would have a depletion allowance of $690,000. The Senator and I are not arguing about that $690,000. What we are talking about is the fellow who does not get the 23-percent depletion allowance. We are talking about the fellow who has a $3 million well, producing $3 million worth of oil, which would net him a lot less than that. Let us say his expenses are such that he is not getting any 23 percent. Because he is limited to 50 percent of net, it may well be that his net profit might only be $10,000. If that is the case, he only gets half of the $10,000 as depletion allowance, which would be less than one-half of 1 percent of his gross income.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield at that point?

Mr. LONG. Yes.

Mr. WILLIAMS of Delaware. The Senator is correct, but I point out also that if this man's net income is only $10,000 he gets half of it exempted under the depletion allowance provisions and the other half under the tax reduction provisions of this bill for those at the poverty level.

But let us face it, we are not talking about a poverty-stricken taxpayer. We are talking about the tax rate for a man with a $3 million annual income from oil wells. We are talking about those with large incomes who are paying very little, if any, taxes.

Mr. LONG. If a man is in a situation where he has got that much expense, he would have to have some income from somewhere else to stay in the oil business.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. AIKEN. If he had an income of only $10,000, under a bill the Senate passed last summer, he could qualify for food stamps as well.

Mr. LONG. I am assuming that anyone would go out of the oil business before he asks for food stamps. He is not likely to be drilling an oil well and asking for food stamps all at the same time. I have seen people try to drill oil wells on a very small amount of money, where they had to borrow heavily, but I have not seen them apply for food stamps at the same time.

Nevertheless, it is an odd thing that we have a provision in the law which says that a person who has a good oil well gets the full depletion allowance, whatever that may be, and a person who has a marginal or not very profitable oil well is limited to 50 percent of his net. That net often results in such a discouraging return on his investment that the producer is getting out of the oil business, not getting into it.

If we seek tax justice and tax equity, while we are seeking to reduce percentage depletion for the fellow who has a good oil well, it makes commonsense to give some consideration to the fellow who has a marginal oil well. This provision does not benefit the major corporations, the major producers or the big industries, but it does benefit those who have less than $3 million gross income, from marginal wells, and who are limited still further by the 50 percent of net limitation.

As an indication of the kind of people it benefits, the overall cost of this provision is about $10 million, which would be split among the small producers all over the country, many of whom are having to go out of business because not enough profits are left after the increases in costs and taxes they are experiencing.

Mr. McGEE. Mr. President, the increase in the net income limitation on the allowance for depletion in the case of companies with less than $3 million of gross income from oil and gas production is a wise and helpful aspect of the present bill. It would not benefit the giants of the oil and gas industry, but the small operators and wildcatters, whose chance-taking explorations have developed so many of the Nation's petroleum reserves.

A company with less than $3 million of gross income is not a big company—certainly not in the industry of oil and gas production. But these are, nonetheless, important companies, providing many jobs in my own State, for instance. Percentage depletion itself is an incentive to continued exploration and production, particularly in regions such as Wyoming, where wells are deep and costs are high. The bill before us proposes to reduce the depletion allowance and, thus, to reduce the incentive for continued exploration and production of petroleum in Wyoming and other areas. Indeed, to sharpshoot at the measure, as the amendments do, in an attempt to cut the ground away from relatively small operators before the Senate even faces the issue of the depletion allowance itself squarely, strikes me as less than sensible.

Mr. President, let us deal with the entire issue of the depletion allowance in one piece. Let us debate it sensibly, considering the Finance Committee's recommendations and other alternatives together. Let us not eat away at the committee's long days of work in this way. Let us lay these amendments away.

Mr. HARRIS. Mr. President, I should like to be heard in opposition to the amendments being offered by the Senator from Delaware (Mr. Williams) to eliminate the provision adopted by the Committee on Finance to increase the net income limitation on percentage depletion from 50 percent to 65 percent for taxpayers with aggregate gross income from oil and gas wells of less than $3 million.

After a careful study of the whole oil and gas tax provisions, the Committee on Finance adopted this provision to lessen tax law charges for small producers whose percentage depletion is frequently limited by the existing 50-percent taxable income limitation.

In Oklahoma, 85 percent of the drilling in the State is by independents. Independents have been responsible for the discovery of a great percentage of the oil and gas reserves of the Nation.

Recently Mr. John Nassksas, head of the Federal Power Commission, expressed his concern over the dwindling supply of natural gas in the Nation. Three years ago our natural gas supply was said to be 15 to 17 years, whereas the latest study of the FPC indicates a supply of 10 years. Maintenance of an adequate supply will, to a significant extent, depend upon the exploration activities of independents.

Since the independent, unlike many major companies, depends almost wholly on income from the oil industry, the 50-percent net limitation is an important factor. Mr. William B. Cleary, president of the Oklahoma Independent Petroleum Association, in his testimony before the Committee on Finance, referred to the effect of the 50-percent net limitation and stated:

> This restriction puts a particular penalty on the independent producer and the penalty is most burdensome in the marginal years of production when the producer has the greatest need for reinvesting his money in search for more oil and gas.

I hope the amendments will be rejected.

Mr. PEARSON. Mr. President, I oppose the amendments proposed by the senior Senator from Delaware. As I understand it, the amendments would delete that section of the Tax Reform Act reported by the Committee on Finance, which will allow oil and gas producers with less than $3 million of gross income from oil and gas production to use the figure of 65-percent net income limitation on which the depletion allowance can be taken. The Williams amendment would have this net income limitations revert to 50 percent as under present law.

My State of Kansas is one of the principal gas- and oil-producing States in the Nation. In 1968, more than 96 percent of all exploratory and development wells were drilled by independent operators in the State of Kansas. The present and future of Kansas depending increasingly upon the independent oil operator.

The world of oil has historically been pictured as a single monolithic industry. This is not true. The world of oil is composed of two segments: Independent domestic producers and the major international oil companies. The Nation must depend in the foreseeable future upon the independent operator to explore and develop the country's petroleum resources. Because of the relative profitability of foreign oil, the major international companies are spending ever-increasing percentages of their exploration dollar in foreign countries.

The amendments would greatly hamper the independent oil producers in Kansas, particularly in light of the lowering of the depletion allowance itself.

The independent oil and gas producers in my State were pleased to find that the Committee on Finance had taken their situation into account by amending the bill by raising the net income limitation to 65 percent for those producers with less than $3 million of gross income from oil and gas production. They felt that this Finance Committee amendment would help them a great deal, and it was one consideration asked by many independent oil and gas producers who testified before the Senate Finance Committee hearings.

The 50-percent net income limitation on percentage depletion severely limits depletion and should be liberalized. If this is done, not only more exploration would result, but the ends of conservation would be served, as marginal wells would enjoy a longer life.

I hope that the Senate will reject the pending amendments.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from Delaware (Mr. Williams). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE (when his name was called). On this vote, I have a pair with the senior Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. GRIFFIN (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Texas (Mr. Tower). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MUSKIE (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Texas (Mr. Yarborough). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I also announce that the Senator from Tennessee (Mr. Gore), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), and the Senator from Texas (Mr. Yarborough) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea" and the Senator from Alaska (Mr. Gravel) would vote "nay."

On this vote, the Senator from Nevada (Mr. Cannon) is paired with the Senator from Rhode Island (Mr. Pell). If present and voting, the Senator from Nevada would vote "nay" and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from West Virginia (Mr. Randolph) is paired with the Senator from Rhode Island (Mr. Pastore). If present and voting, the Senator from West Virginia would vote "nay" and the Senator from Rhode Island would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Nebraska (Mr. Hruska), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), and the Senator from

Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Hatfield) is absent because of illness in his family.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), and the Senator from Nebraska (Mr. Hruska) would each vote "nay."

The pair of the Senator from Texas (Mr. Tower) has been previously announced.

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Pennsylvania (Mr. Scott) is paired with the Senator from Alaska (Mr. Stevens). If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Alaska would vote "nay."

The result was announced—yeas 26, nays 34, as follows:

[No. 156 Leg.]

YEAS—26

Aiken
Allen
Byrd, Va.
Byrd, W. Va.
Case
Dodd
Ervin
Fong
Hart
Holland
Hughes
Magnuson
McGovern
McIntyre
Miller
Prouty
Proxmire
Russell
Schweiker
Smith, Maine
Spong
Symington
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—34

Allott
Anderson
Baker
Bennett
Bible
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Fannin
Fulbright
Gurney
Hansen
Harris
Hartke
Hollings
Jordan, Idaho
Long
Mansfield
Mathias
McCarthy
McGee
Metcalf
Murphy
Pearson
Percy
Sparkman
Stennis
Talmadge
Thurmond
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Mr. Griffin, for.
Mr. Inouye, for.
Mr. Muskie, for.

NOT VOTING—37

Bayh
Bellmon
Boggs
Brooke
Burdick
Cannon
Church
Cooper
Eagleton
Eastland
Goldwater
Goodell
Gore
Gravel
Hatfield
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy
McClellan
Mondale
Montoya
Moss
Mundt
Nelson
Packwood
Pastore
Pell
Randolph
Ribicoff
Saxbe
Scott
Smith, Ill.
Stevens
Tower
Yarborough

So the amendments of Mr. Williams of Delaware to the committee amendment were rejected.

Mr. LONG. I move to reconsider the vote by which the amendments were rejected.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 336, of the committee amendment strike out all through line 22.

(The language sought to be stricken is as follows:)

(2) Special limitation for gold, silver, and copper.—If any of the gross income from the property is attributable to gold, silver, or copper, the allowance determined under paragraph (1) shall not exceed the sum of—

(A) 70 percent, in lieu of 50 percent, of that portion of the taxable income from the property (computed without allowance for depletion) which bears the same ratio to such taxable income as the taxpayer's gross income from the property from gold, silver, and copper bears to his total gross income from the property; and

(B) 50 percent of the balance of such taxable income.

The assistant legislative clerk read as follows:

On page 336 in lines 2 and 3 strike out "paragraphs (2) and (3)" and insert in lieu thereof "paragraph (2)".

On page 336 in line 23 strike out "(3)" and insert "(2)".

Mr. WILLIAMS of Delaware. Mr. President, this amendment is comparable to the previous amendment except that it deals with gold, silver, and copper.

Under existing law the depletion rate for these three metals is 15 percent. The Senate bill does not change that rate at all. However, under existing law they are permitted to apply this depletion allowance against only 50 percent of their taxable income.

The House bill retains the same limitation, but the Finance Committee bill would raise that to 70 percent. That means that if the amendment I have just offered is not agreed to, those companies producing gold, silver, and copper can mathematically set aside as much as 70 percent of their net taxable income from minerals before they compute their taxes.

I have a staff memorandum which points where the benefits of this primarily would go:

It appears that the lion's share of the benefits of the special 70 percent taxable income limitation for gold, silver and copper miners will go to only four firms: Anaconda Copper Co., Phelps-Dodge Copper Co., the Kennecott Copper Co., and the American Smelting and Refining Co. (ASARCO). During the past year, these firms have benefitted greatly from the drastic rise in the price for domestic silver and copper. No reason has been suggested why these same firms should now receive the additional benefit of being able to shelter up to 70 percent of their handsome mineral income from tax.

Mr. President, I ask unanimous consent that the entire memorandum to which I have referred may be printed in the Record. This memorandum deals with the provisions of both the pending amendment and also the preceding amendment relating to oil and gas. The formulas are comparable.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Staff Memorandum—The Fifty Percent Taxable Income Limitation on Percentage Depletion

The 50 percent taxable income limitation was originally developed as a restriction on the amount of discovery depletion which could be claimed with respect to a mineral property. See section 204(c) of the Revenue Act of 1924, 43 Stat. 253. The provision was intended to prevent taxpayers from sheltering all of their income from tax through discovery depletion deductions. The 50 percent figure was selected because it seemed appropriate to require mineral producers to pay income tax on at least half their mineral income.

In 1926, percentage depletion was substituted for discovery depletion in the case of oil and gas wells. See section 204 of the Revenue Act of 1926. Subsequently, percentage depletion was gradually extended to a long list of additional minerals, including metal mines, coal mines, various types of clay, and sand and gravel. See, for example, section 114(b)(4) of the Revenue Act of 1932, which extended percentage depletion to coal and metal mines and sulphur. In all of these instances, Congress provided that the allowance for percentage depletion "shall not exceed 50 per centum of the net income of the taxpayer * * * from the property."

In general, the taxable income limitation has not had much effect on efficient, low cost mineral producers. If a mine or well is operating efficiently and at low cost, the taxable income from the mineral property is usually substantial in relation to gross income, and 50 percent of that taxable income is correspondingly large. In such cases, the amount of percentage depletion allowable will generally be unaffected by the 50 percent taxable income limitation. For example, if the "lifting costs" in the case of an oil or gas well are $20, and if the oil or gas is sold for $100, the taxable income from the property is $80, and the 50 percent taxable income limitation on percentage depletion is $40. Consequently, an oil or gas producer in this situation would be able to claim the full $27, 50 percentage depletion deduction (i.e., 27½ percent times $100) without being limited by the 50 percent taxable income limitation.

In contrast, if a mine or well is operating inefficiently and at high cost, the net income from the property will be small in relation to gross income, and the 30 percent taxable income limitation will come into play in determining the amount of percentage depletion allowable. For example, in the case previously outlined, if the "lifting costs" for oil or gas were $80 instead of $20—due to heavy secondary recovery expenditures or similar costs—the taxable income from the property would be only $20 and the allowable percentage depletion would be limited to 50 percent of that taxable income, or $10.

The 50 percent taxable income limitation has two main effects. First, the limitation insures that mineral producers pay tax on at least half of their net income from mineral operations. Second, the limitation insures that the principal benefits of percentage depletion go to efficient, low cost mineral properties, rather than to high cost properties whose efficiency is marginal. The taxable income limitation therefore helps to achieve both tax equity (by insuring that some tax is paid on all mineral income) and an important economic objective (by encouraging the prompt abandonment of inefficient, high cost mineral properties).

The proposed changes in the 50 percent taxable income limitation will effectively increase the percentage depletion deduction by about 30 percent in the case of inefficient oil and gas wells, and by about 40 percent in the case of inefficient gold, silver, and copper mines. It is difficult to understand why special tax advantages should be conferred on inefficient mineral producers. Percentage depletion is said to be necessary as a means of preserving our National security. But surely National security demands maximum encouragement for efficient, low-cost mineral production—not the opposite. Yet the changes made in the taxable income limitation confer their greatest benefits on the least efficient producers, and no benefit at all on those who are already producing minerals in an efficient, low cost manner.

The total revenue loss due to the two proposed changes in the taxable income limitation will be about $40 million—$20 million in the case of the oil and gas well provision, and $20 million in the case of the gold, silver, and copper miners. The revenue loss in these two cases is about the same because the special 65 percent taxable income limitation in the case of oil and gas wells is limited to persons having gross income from oil and gas of less than $3,000,000 per year (the so-called "little fellows" of the industry). However, the gold, silver, and copper proposal is not so limited. Consequently, although most large corporations will be unable to benefit from the special oil and gas well provision, it will be perfectly possible for the giant copper companies to benefit hugely from the special 70 percent taxable income limitation provided for gold, silver, and copper miners.

In fact, it appears that the lion's share of the benefits of the special 70 percent taxable income limitation for gold, silver, and copper miners will go to only four firms: Anaconda Copper Co., Phelps-Dodge Copper Co., the Kennecott Copper Co., and the American Smelting and Refining Co. (ASARCO). During the past year, these firms have benefitted greatly from the drastic rise in the price for domestic silver and copper. No reason has been suggested why these same firms should now receive the additional benefit of being able to shelter up to 70 percent of their handsome mineral income from tax.

In the case of the special 65 percent taxable income limitation for oil and gas wells, it appears that most of the benefits will go to individuals (as a result of the $3,000,000 annual gross income limitation, which effectively excludes most large corporations from making use of this provision). The persons benefitted will be the operators of oil and gas wells, rather than royalty owners (since royalty owners do not incur production costs and are therefore beyond the reach of any taxable income limitation on depletion). There appear to be less than 10,000 individuals in the category of operators who earn less than $3,000,000 per year from oil and gas wells. There does not appear to be any reason why these 10,000 individuals should be privileged to shelter almost two thirds of their mineral income from tax, especially when the oil and gas wells which they operate are likely to be among those that are least efficient and least needed for National security.

Mr. WILLIAMS of Delaware. Mr. President, the purpose of the bill as it is before us is to close loopholes in the tax law—to make sure that those who were not now paying taxes start paying their proportionate share to a greater extent than they have heretofore.

As the bill now stands, without this amendment, it means not only that have we not closed the loopholes in this area but that the committee bill would actually be giving approximately 40 percent greater tax benefits to those companies using this depletion allowance than under the existing law.

If we are going to close tax loopholes let us do so. If the Senate is going to open up Pandora's box, as we did to some extent in rejecting the preceding amendment, we should let the country know that all this talk about tax reform has been just so much poppycock.

As I pointed out earlier, the section that the preceding amendment dealt with actually reduced taxes for certain producers of oil and gas as compared to existing law. This section, which my amendment would delete, would reduce taxes again below existing law for the producers of gold, silver, and copper. Why?

The example I gave before was that a man with $3 million would get an extra $160,000 tax exemption under the committee bill; but the Senate decided to reject that amendment, and now that man will get that extra $160,000 exemption.

The pending amendment deals with gold, silver, and copper. Why should we give more tax benefits to producers in this group? Certainly the prices of these commodities are high enough. They do not need any more subsidies. Today up to 50 percent of the net income can be set aside and offset by the depletion allowance. Why raise it to 70 percent? There can be no justification for such action, and it is in direct contradiction of the purpose for which this bill was proposed. What has happened? Where are all these tax reformers?

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Will the Senator from Delaware advise the Chair whether he wants the amendments considered en bloc?

Mr. WILLIAMS of Delaware. Yes, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the only reason the amendment is in two sections is that one part of the amendment would delete that section which would increase the allowance from 50 percent to 70 percent, and the second part of the amendment would renumber the sections that follow. The substantive part of the amendment would change that part of the section dealing with the 70 percent.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am ready to vote.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, does the Senator know or can he state for the RECORD whether these three metal mining industries are prosperous and profit-making or not? The Senator from Florida has no information in that regard.

Mr. WILLIAMS of Delaware. Yes, they are making a good profit. There is no question about that.

As far as silver and copper are concerned we know where the prices are. They are at a record high. The price of gold is still $36 an ounce. The House bill did not propose to reduce the depletion allowance on these metals, nor does the Committee on Finance propose to do so. To my knowledge there was no testimony before our committee showing the need for this change.

Mr. DOMINICK. Mr. President, I wish to speak for a few minutes on this matter because I am afraid that people may misunderstand part of the amendment unless they hear the other side.

The committee amendment, as I understand it, does not give anybody in the copper business, silver business, or gold business an exemption on 70 percent of their taxable income. It only allows the depletion allowance on that portion which actually accrues to the production of silver, copper, and gold.

In the lead-zinc mine, which, in the process, is getting copper or silver, only that copper or silver which is recovered out of that property is allowed the depletion up to 70 percent of taxable income. I believe the Senator from Delaware will agree with that statement.

Mr. WILLIAMS of Delaware. Yes; I stated that it refers to income from the minerals they are producing. The Senator is correct. But it would raise this allowance to 70 percent, which is a substantial tax reduction in comparison with the existing law.

Mr. DOMINICK. The Senator is totally correct. I am delighted he has brought this matter up. The reason this was done, obviously, was to give incentives to the production of those minerals which are in most short supply in this country. Senators will remember the debate we had on the Eisenhower silver dollar. When I offered an amendment that this be put in at 40-percent silver, there was a scream from the silver users to the effect that if we did that it would dry up one of the few sources of supply they had, which was the cheap metal coming in from the U.S. Treasury. There was not enough from industrial sources to take care of industrial uses.

It was stated we are now using over twice as much silver as we produce domestically in this country. Since this is the case, unless we have incentives to increase silver production and reopen marginal mines we will continue to find that kind of imbalance, import from overseas, and, therefore, we will worsen the balance of payments we have.

The gold situation is the same. We have been talking over and over again on the floor of the Senate about what we can do to try to preserve our gold supply. One method to do it is to increase production.

When the Senator from Delaware says he has been informed four principal companies would be benefited, he is oversimplifying the situation. Every lead-zinc company in the country which also has silver affiliated with it would get a benefit. Every major silver-producing mine would get a benefit. I am talking about Hecla and many others operating in Idaho and a good many operating in the area of metal mineral development in the West. A good many of these mines are facing production in new areas where they have not been before and where there are high costs and low-grade minerals.

Many Senators will recall 2 years ago my distinguished friend, the Senator from Arizona (Mr. FANNIN), was talking about the copper supply. We had a strike in one of the copper mines. Everybody all over the country was being hit. Every Senator was being called and asked, "Can't you get me some copper?"

It seems to me that one of the best ways would be to provide incentives. Mr. President, when you have competition, you keep the price down and get more supply of the minerals that are so desperately needed in this country.

With all due respect to the distinguished Senator from Delaware, with whom I agree on almost every issue, I think he is totally wrong on this one.

Mr. FANNIN. Mr. President, we have a great problem in this country so far as the balance of trade is concerned and it is becoming more serious each day.

We have a situation where there is being imported into the United States about 39 percent of our total copper supply. The statement that we have only three or four companies that will benefit is very misleading. I do not question the facts that the distinguished Senator from Delaware has given to us, but I think he is talking about total value, whereas we have many smaller companies in my State—at least eight to 10 companies—that would fall in this category; that are producing very low-grade ore. It is essential that they have this additional allowance if they are going to continue developing resources for our Nation.

When we go from a 50-percent to a 70-percent figure, it is not that we really are permitting them to use their full 50-percent depletion allowance. This does not necessarily prove true because now it is the intent of the legislation as passed by Congress that they have the 15-percent depletion allowance. Because of the very low-grade ore we have in this country as compared to the many other countries that have high-grade ore and are shipping it into this country in competition with our mines, we find that we are not receiving a 15-percent depletion allowance but a very much lower figure. It is running, I understand—I will have the figure momentarily—either 7.5 percent or 10 percent.

But what we are talking about today is whether we are going to retain in this Nation an industry that is essential to the defense of the country, and essential to the ingenuity of our manufacturing enterprises. It is a matter of developing an industry which is necessary if we are to be safe in times of stress or at times when we cannot obtain shipments from other countries.

We have very much at stake. We are not talking about something given, because in actuality we are permitting them to do what was intended by Congress in the beginning; namely, to use up to that 15-percent depletion allowance. But that is not necessarily possible under the 50 percent or even the 70 percent. We will see developments that will be on the way out if we do not permit the 70-percent figure to stand. I know that in Arizona insofar as developments are concerned, they would be vitally hurt by this change. We have companies that are looking for very low-grade ore bodies. They have to spend millions of dollars before they ever start producing 1 ounce of copper. They are still looking for these low-grade ore bodies in several mines in the State of Arizona which they have been developing now for months and months waiting to get to that ore body so that they could start development. All of that would be vitally affected by this proposed change in the amendment.

Thus, Mr. President, I feel that this is something we should give very great consideration to, because it could have disastrous effect.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I yield.

Mr. DOMINICK. I think the point the Senator from Arizona is making is extremely useful, particularly because of the fact that there are far more than the four companies involved. The Senator would agree, would he not, that more than one State would be involved.

Mr. FANNIN. Very much so.

Mr. DOMINICK. Or would be benefited by this proposal in the committee bill.

Mr. FANNIN. They would be certainly affected disastrously, as I understand it.

Mr. DOMINICK. There are a number of new silver companies trying to mine silver. Is the Senator aware of those?

Mr. FANNIN. Yes, I am. I know that the Department of the Interior is spending considerable money trying to find additional ore bodies. I think that is very important.

Mr. DOMINICK. Is it not correct that recently we added to the mineral exploration allowances more minerals in order to try to stimulate more investigation of possible deposits of silver, gold, and copper?

Mr. FANNIN. Yes. I am very pleased that the Senator has brought that out. It is vitally important to realize that we are spending vast sums of money to try to locate additional ore bodies in this country, and that we are doing away with some incentives that should be even increased beyond the point we are talking about.

Mr. DOMINICK. It seems strange—I do not know whether the Senator would agree, but I think he would—that on the one hand we increase the allowances for exploration work to find these minerals and then on the other we say, "No, we will not increase the incentive so that you can produce at a profit after you have found it."

Mr. FANNIN. That is the irony of it. The left hand does not know what the right hand is doing.

Mr. DOMINICK. I think the Senator from Arizona has added substantially to our understanding of this question.

Mr. JORDAN of Idaho. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I yield.

Mr. JORDAN of Idaho. I should like to ask the Senator from Arizona this question: Can he recall the testimony we had before the committee, that 50 years ago the United States was the largest exporter of copper in the world and today the United States is the largest importer of copper in the world? Does not the Senator recall that testimony?

Mr. FANNIN. Yes. That is correct.

Mr. JORDAN of Idaho. And that the same condition is true with respect to silver and certainly with gold; does not the Senator recall that?

Mr. FANNIN. Yes. That is right. It is very serious.

Mr. JORDAN of Idaho. For those reasons, Mr. President, I think that the pending amendment should be defeated.

Mr. FANNIN. I thank the Senator from Idaho very much for his comments.

Mr. President, the companies in Arizona and other States receiving the benefits referred to are as follows: Duval Corp., Anaconda, Kennecott, Phelps-Dodge, American Smelting & Refining, Texas Gulf Sulfur, Copper Range, Hecla Mining Co., Homestake, Newmont, and Bagdad.

Mr. President, some of these companies are just outside Arizona, but they would be generally considered to be affected by the amendment.

We are dangerously approaching the time when our imbalance of trade will be so serious, because of loss of world trade, that this would be a very serious and disastrous blow. Thus, I feel that if Senators will take into consideration exactly what is involved, they will reject the pending amendment.

Mr. WILLIAMS of Delaware. Mr. President, briefly, there is no question that adoption of the amendment would have some effect, so far as the companies dealing with the production of copper, silver, and gold are concerned. There is no question about that. My amendment would cancel the proposed tax reduction for producers of these minerals. But if the Senate rejects the amendment it will mean that we shall be giving to the companies producing these minerals greater tax benefits than they enjoy under existing law, and this is being done at a time when we are talking about reforming the tax code by reducing the depletion allowance. We might as well ask ourselves the question: Does the Senate want to expand the tax benefits they have already under existing law?

What kind of tax reform is this?

Now, insofar as putting them out of business is concerned, there is no basis for such an argument.

Mr. FANNIN. Mr. President, if the Senator will yield, does the Senator say that it is intended to have a 15-percent depletion allowance?

Mr. WILLIAMS of Delaware. Both the law and the bill provide 15 percent.

Mr. FANNIN. Fifteen percent.

Mr. WILLIAMS of Delaware. Yes.

Mr. FANNIN. How much of the 15-percent depletion allowance will be available if we follow the amendment. We do away with a considerable amount; do we not?

Mr. WILLIAMS of Delaware. No more than existing law.

Mr. FANNIN. We would do away with a considerable amount. If we could just realize what we are up against in many countries of the world where they have high-grade ore, the 15-percent depletion allowance would not need any comparison or any relationship with the profits involved in any particular mine in this country. But in this country the question we have is of the lower grade of ore which is being mined, which gives us a serious problem in trying to compete with other countries in the world. We now are producing about 61 percent and importing about 39 percent. This is so serious that it could, as I say, be disastrous. I believe, further, that if we did enter into a period of stress as a result of the defense of our country, for some reason or other, I would think that the Senator would realize how serious that could be.

Mr. WILLIAMS of Delaware. I point out to the distinguished Senator from Arizona that the approval of my amendment would not change existing law. The conditions he describes would be under existing law. They now have this 15 percent, and this amendment does not deal with that section of the bill.

Mr. FANNIN. In actuality, in reality, the way it is intended by Congress they do not get the 15-percent allowance unless they have high grade ore.

Mr. WILLIAMS of Delaware. That is under existing law, too.

Mr. FANNIN. What we are doing under the stipulation is to make it permissible, to the extent Congress intended, to get the 15 percent. They would have that 15 percent if they had high-grade ore as in other countries.

Mr. WILLIAMS of Delaware. The intent of Congress in basing the depletion allowance on oil, gas and all minerals was that under no circumstances could they use it to offset more than 50 percent of their taxable income. That has been existing law for years. My amendment would merely keep existing law, which the House bill did. We retain it.

Mr. FANNIN. The 15 percent was the limitation, at that time when we had high-grade ore bodies still available. But now, when we are competing with these countries that have high-grade ore bodies, and when we have low-grade ore bodies that run under 1 percent of copper in them, then it is just disastrous to take this allowance away from them. I think we are going to suffer the consequences. I think, from the standpoint of economics, it could be very much more burdensome if this amendment is agreed to than if we had it at 70 percent.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator from Arizona, but I still do not see any reason why we should now reduce the tax for producers of these minerals. That is what it amounts to. The depletion allowance under the committee proposal could offset 70 percent of the tax liability of those producers. It means they will be getting a big tax reduction. I do not see why we should do that at a time when we are talking about closing loopholes.

I realize we have a balance-of-payments problem. Part of that problem was not a shortage of copper here or abroad, but a shipping strike, during which we could not get it into this country.

Just a few years ago we were operating a stockpiling program, which was in effect a subsidy program, for producers of these minerals. We were stockpiling silver and copper, and we were stockpiling them as excess to our needs. Later they were declared surplus, and we took a substantial loss.

Mr. FANNIN. That has not been in recent years.

Mr. WILLIAMS of Delaware. It was about 5 or 6 years ago. Those stocks had been accumulated all through the years. But that is a different program.

The point is that under the existing law the producers of these minerals are allowed to offset 50 percent of their income from minerals with the depletion allowance. The provision as it passed the House would retain that 50 percent on the amount they could use.

The Senate Finance Committee liberalized the amount to 65 percent for oil and gas and 70 percent for copper. This is a tax reduction for a group at a time when we are told we are going to have to close loopholes and increase taxes.

I personally cannot support that provision, and I hope this amendment can be agreed upon.

Mr. FANNIN. Does not the Senator realize that if we do not provide incentives for the producers to produce from the low ore bodies, they will not be able to compete with other parts of the world? We are up against a serious proposition. At a time when we are trying to increase our exports and decrease imports, we are doing the opposite.

Mr. WILLIAMS of Delaware. I agree that our balance of payments is adverse. Our budget is in equally bad shape. We need to balance our internal budget as well as balance our external trade. I cannot agree with the Senator on his arguments for this reduction in their tax liability.

Mr. FANNIN. If the Senator is talking about revenues to the U.S. Government, there is a great deal more revenue if the product is produced within the United States than if it is shipped into the United States. So we are really defeating our purpose, and the Senator's purpose, by adopting the amendment, which would reduce the amount of production in this country and would probably increase the amount of imports from abroad. So far as revenues are concerned, we would increase revenues to the United States by this provision.

Mr. WILLIAMS of Delaware. Following that reason to its logical conclusion, could we increase revenues by eliminating the tax obligation altogether?

Mr. FANNIN. We are trying to have a tax incentive to permit our producers to go forward.

Mr. WILLIAMS of Delaware. Some of these companies are operating in Chile and Peru, and the same companies are operating in this country.

I hope the amendment can be agreed to.

Mr. LONG. Mr. President, strategic minerals generally are accorded a depletion allowance of 23 percent. That is because this Nation hopes to be self-sufficient in those minerals which are required, particularly in times of emergency, and in those metals which are essential to our industry in good times and bad.

Gold, silver, and copper are not listed in that group. They receive only a 15-percent depletion allowance. There are many other metals that receive less than a 23-percent depletion allowance.

The committee noted that the House, while seeking to reduce the depletion allowance on a great many other minerals, did not reduce it on gold, silver, and copper. The reason is that this Nation very much needs these minerals, in large measure because of our balance of payments. In other words, the House did not believe it should make it less desirable or less profitable to produce these metals here, even though it was making cuts in other percentage depletion rates.

The Senate committee in looking at this problem felt that the 50 percent of net limitation was keeping the producers of gold, silver, and copper from getting the full 15-percent depletion allowance, and that it would help our balance of payments and our domestic need for these metals if there were more incentive for producers of gold, silver, and copper to make greater efforts to produce those metals. The committee decided that in order for these producers to receive a depletion allowance closer to the prescribed 15-percent rate the 50-percent limitation should be raised to 70 percent.

It would seem to me to make sense, especially in view of our balance-of-payments problems, for us to take action to become self-sufficient in minerals we need which are in short supply.

I believe the committee was wise in making that decision and in arriving at that conclusion, and I hope very much the Senate will reject the Williams amendment.

Mr. ALLOTT. Mr. President, I believe we must take into consideration two or three different aspects of the true impact of the amendment now pending before us.

First, as has already been discussed, there is the problem of our balance of trade, particularly as it relates to the metals now under consideration. As my friend from Idaho (Mr. JORDAN) has already pointed out, we have had testimony before our Senate Interior Committee demonstrating that despite the fact that 50 years ago the United States was the major world exporter of copper, today this country is the major importer of copper. These same conditions obtain with regard to gold and silver. It seems manifestly clear to me, therefore, Mr. President, that we cannot overlook the fact that unrealistic tax policies directly affect our balance of trade problems as they relate to metals such as copper, gold, and silver.

Second, as my distinguished colleague from Colorado has already pointed out, Federal income tax policies can provide incentives for those metals which are in short supply and which are involved in the pending amendment. Today we are required to develop many low-grade ore bodies, and even though these minerals have a 15-percent depletion rate, they cannot effectively utilize these depletion allowances in many instances because of the enormous costs of mineral extraction.

Finally, Mr. President, I do not think that raising the specter of "closing tax loopholes" adds to the debate on the merits of the amendment before us. Each of us is committed to closing inequitable tax loopholes where the benefit to be obtained clearly outweighs the original justification for including a particular provision in the present tax code. This is simply not one of those areas where inequity obtains. The greater need for mineral development incentives for these minerals which are in such short supply clearly militates against the kind of action suggested in the amendment now before us.

For these reasons, Mr. President, I shall vote against this particular amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Delaware to the committee amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Nevada (Mr. Cannon). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MATHIAS (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. Smith). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Arkansas (Mr. McClellan), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I also announce that the Senator from Tennessee (Mr. Gore), the Senator from Washington (Mr. Jackson), the Senator from Minnesota (Mr. Mondale), the Senator from Wisconsin (Mr. Nelson), and the Senator from Texas (Mr. Yarborough), are absent on official business.

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Rhode Island (Mr. Pastore). If present and voting, the Senator from Alaska would vote "nay" and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from West Virginia (Mr. Randolph) is paired with the Senator from Rhode Island (Mr. Pell). If present and voting, the Senator from West Virginia would vote "nay" and the Senator from Rhode Island would vote "yea."

On this vote, the Senator from Washington (Mr. Jackson) is paired with the Senator from New Jersey (Mr. Williams).

If present and voting, the Senator from Washington would vote "nay" and the Senator from New Jersey would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Goodell and Mr. Javits), the Senator from Nebraska (Mr. Hruska), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oregon (Mr. Hatfield), is absent because of illness in his family.

If present and voting, the Senator from Oklahoma (Mr. Bellmon), and the Senator from Oregon (Mr. Hatfield), and the Senator from Nebraska (Mr. Hruska), would each vote "nay".

The pair of the Senator from Illinois (Mr. Smith) has been previously announced.

On this vote, the Senator from Pennsylvania (Mr. Scott), is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay".

On this vote, the Senator from Massachusetts (Mr. Brooke), is paired with the Senator from Alaska (Mr. Stevens). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Alaska would vote "nay".

The result was announced—yeas 23, nays 37, as follows:

[No. 157 Leg.]

YEAS—23

Aiken
Allen
Byrd, W. Va.
Case
Cranston
Dodd
Fong
Griffin
Hart
Hartke
Hughes
McGovern
McIntyre
Muskie
Percy
Proxmire
Russell
Schweiker
Smith, Maine
Spong
Tydings
Williams, Del.
Young, Ohio

NAYS—37

Allott
Anderson
Baker
Bennett
Bible
Byrd, Va.
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Harris
Holland
Hollings
Jordan, Idaho
Long
Magnuson
Mansfield
McCarthy
McGee
Metcalf
Miller
Murphy
Pearson
Prouty
Sparkman
Stennis
Symington
Talmadge
Thurmond
Young, N. Dak.

PRESENT AND ANNOUNCING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Inouye, for.
Mr. Mathias, for.

NOT VOTING—38

Bayh
Bellmon
Boggs
Brooke
Burdick
Cannon
Church
Cooper
Eagleton
Eastland
Goldwater
Goodell
Gore
Gravel
Hatfield
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy
McClellan
Mondale
Montoya
Moss
Mundt
Nelson
Packwood
Pastore
Pell
Randolph
Ribicoff
Saxbe
Scott
Smith, Ill.
Stevens
Tower
Williams, N.J.
Yarborough

So the amendments of Mr. Williams of Delaware were rejected.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendments was rejected.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 290

Mr. ELLENDER. Mr. President, I send to the desk an amendment to reinstate the 27.5 percent oil depletion and ask that it lie on the table.

The PRESIDING OFFICER (Mr. Schweiker in the chair). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 166

Mr. ALLEN. Mr. President, I call up amendment No. 166 and ask that it be stated.

The PRESIDING OFFICER. The amendments will be stated.

The Assistant Legislative Clerk. The Senator from Alabama (Mr. Allen) proposes amendments as follows:

On page 508 of the committee amendment, after line 20, insert the following new section:

"Sec. 805. Personal Exemptions.

"(a) Increase to $1,200.—The following provisions are amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$1,200':

"(1) Section 151 (relating to allowance of deductions for personal exemptions);

"(2) Section 642(b) (relating to allowance of deductions for estates);

"(3) Section 6012(a) (relating to persons required to make returns of income); and

"(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(b) Conforming Amendments.—The following provisions are amended by striking out '$1,200' wherever appearing therein and inserting in lieu thereof '$2,400':

"(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

"(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

On a succeeding page, where it appears, strike out "805" and insert "806".

On a succeeding page, strike out "$600" and insert "$1,200".

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. Mathias in the chair). The Senate will be in order.

Mr. ALLEN. Mr. President, the pending amendment would raise the personal exemption from the present $600 to $1,200. We are all familiar with the amendment. It would give a measure of true tax reform.

It is a measure that, I believe, deserves the endorsement of the Senate. Everyone is familiar with it and knows the need for increasing the personal exemption to make it more realistic and have it reflect better the expense of rearing a child or supporting the family.

The Senate is acting upon various

amendments at this time. The pending amendment is one that is demanded by the people of our country to give them a measure of true tax reform. The amendment will accomplish that.

If we do nothing else than to raise the exemption from $600 to $1,200, we will have enacted a true tax reform bill.

Mr. WILLIAMS of Delaware. Mr. President, I point out that the pending amendment, which would raise the personal exemption from $600 to $1,200, is estimated to cost an additional $18.25 billion. And the amendment is not in lieu of the tax reductions already in the pending bill but is in addition thereto. The pending bill when operative a few years hence proposes tax reductions aggregating around $9 billion annually. That is already more than we can afford, but when added to the pending proposal it would mean a total tax reduction in excess of $27 billion. How ridiculous can we get?

It is not only a certain way to defeat the bill, but it is also a certain way to bankrupt the Federal Treasury.

I think the amendment ought to be resoundingly defeated. Otherwise, we would have to raise the national debt immediately to borrow the money with which to finance the tax reduction.

No one knows what would happen insofar as interest rates and inflation are concerned. We cannot afford a $18.25 billion tax reduction at a time when we are already operating at a deficit of around $500 million per month.

If Senators really want to reduce taxes the first step should be to stop spending so much money. This amendment should be defeated.

Mr. LONG. Mr. President, I know that the Senator from Alabama has good intentions with respect to this matter. I know the Senator desires that persons in the low- and middle-income brackets should not have to pay taxes on the first $1,200 of their income.

If the pending amendment were agreed to in addition to the tax relief already provided in the pending bill, it would add another $18 billion of tax reductions to the $9 billion of tax reductions already in the pending measure.

As the Senator from Delaware pointed out, that would mean that the pending bill would seek to reduce taxes by $27 billion. We do raise taxes in the pending bill by approximately $7 billion. But that would not begin to offset the tremendous revenue loss.

So, meritorious as the amendment is in what it seeks to do for people, when we consider that in addition to the other tax reductions in the pending bill, it would confront us with an impossible revenue loss, I know of no way in which we could reduce our spending to bring the budget anywhere within line.

Mr. President, I discussed in my opening statement amendments of this nature. Some would cause substantially less revenue loss.

When one thinks that the resources are limited and the amount of tax reductions that the Government can afford to grant are limited in some respects when seeking to try to tailor the tax reductions to give the most possible benefit to those who need it the most, we find that the procedure would result in more than 50 percent of the benefits going to people with incomes of more than $10,000. Insofar as it does that, it would put the Government very much in the red.

Mr. President, under the circumstances I am convinced that the Government at this time cannot stand this much revenue loss. Reluctantly, I feel I must oppose the amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. Mr. President, what the Senator says is correct.

I believe that the notion that a raise in the personal exemption is a poor man's tax relief is generally misunderstood. It really is not.

In this case, by doubling the exemption, or raising it to $1,200, it would result in an increase of $600 in the personal exemption. That would mean that a person 65 years of age or over would have his personal exemption raised by $1,200. A couple 65 years of age or over would receive an additional $2,400 personal exemption. If a person were a retired Senator, with some of the influence possessed by Senators, he and his wife would have an additional tax deduction of $1,200 each.

The individual in the low-income bracket, say in the 14-percent bracket, would receive $14 tax relief for each $100 by which the tax exemption is increased. Six times $14 is $84. So, under the proposal of the distinguished Senator from Alabama, we would be giving a working man $84 of tax relief. However, there would be cases in which a taxpayer in the 50-percent bracket would receive a $2,400 tax relief for his wife and himself.

That is the reason why there are a couple of sections in this bill that zero in on the low-income taxpayer—the minimum standard deduction and low-income allowance. There, for a certain number of dollars in loss of revenue, the benefits can be confined to the people who need it most. Those provisions are already in the bill. Over 5 billion people will be taken off the tax rolls.

At one time I did not favor such a procedure. I was of the opinion that everybody ought to pay some tax and we should not take anybody off the rolls. But we have to face the realities of inflation. We also have to face the fact that these people have to file a return. It is difficult for them to pay it. Many of them are casual laborers and there is no withholding tax, so they cannot raise the money afterward. The expense on the Government in collecting this money is great.

So I believe we are doing justice in this bill by removing these people in the poverty level from any burden of taxation.

Then, when we combine the two provisions I have mentioned—the raising of the minimum standard deduction and the low income allowance—we are giving the relief where it is really needed, where people actually need, for the necessities of life, the money that goes for taxes.

By raising the personal exemption, it is raised for everyone clear up the income ladder, so the most relief is given to the wealthy taxpayer.

I thank the distinguished Senator for yielding.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ELLENDER. As I understand, provision was made to give relief in lieu of these exemptions. I wonder whether the Senator could go into little detail on that and indicate how it will affect the middle and lower income groups whom we are trying to assist.

Mr. LONG. Of course, it is correct to say that more than $600—the present personal exemption per capita allowance—is required for a single person to live in any standard at all. In fact, the Department of Health, Education, and Welfare estimates that a person who is making $1,700 a year or less is in the poverty bracket.

So the committee bill provides that a person would pay no income tax up to $1,700. Beyond that point, the $600 exemption is added for the second exemption and as a result a couple would have an exempt income level of $2,300.

A married couple with two children would have a $3,500 exempt income which is almost $900 per person. That is to try to see that people who are regarded as being in poverty do not pay an income tax.

Mr. ELLENDER. How is the rate affected? I understood someone to say earlier that it would save the taxpayers $7 billion—that is, by reducing the tax in lieu of having a higher exemption.

Mr. LONG. The tax package we have here costs $9 billion. It has four parts. One of the most expensive parts is the low-income allowance. This low-income allowance—starting with $1,700 for a single person, $2,300 for a couple, up to $3,500 for a couple with two children—then seeks to assure that those who are in poverty will not be paying an income tax. What we are doing, in effect, is tailoring the law to the definition of poverty by the Department of Health, Education, and Welfare.

There is then an increase in the standard deduction. Now the standard deduction is 10 percent, not to exceed $1,000. This standard deduction is increased up to 15 percent, not to exceed $2,000.

Mr. ELLENDER. The Senator then concludes, I presume, that through this method maximum assistance is given to those who need it, as opposed to giving relief to many who do not need it.

Mr. LONG. Yes. In addition to that, we have a reduction in the rates, which benefits all taxpayers. Also there is a special rate reduction for single people.

Mr. ELLENDER. That is the other point I wanted to make. If a $1,200 exemption were given, it would apply to all taxpayers. There would be no exceptions.

Mr. LONG. Yes; it would apply to all taxpayers.

Mr. ELLENDER. And the loss to the Government would be, as the Senator stated, approximately $18.5 billion.

Mr. LONG. The bill would lose to the Government $9 billion, but we make back about $7 billion in tax increases. This amendment would be a loss of $18¼ billion, over the $9 billion the bill would lose. So it would result in a $27 billion revenue loss overall to be offset by about a $7 billion tax increase in the reform section of the bill.

Mr. ELLENDER. I understand that the committee is of the opinion that the method applied by it will assist the taxpayer who is really in need.

Mr. LONG. Yes.

Mr. ELLENDER. Is that correct?

Mr. LONG. Yes.

Furthermore, if the Senator refers to page 4 of the committee report, which is the green book before him, he will see what the tax reduction would be with respect to the income tax brackets.

Mr. President, I ask unanimous consent that that table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Percentage tax increase or decrease from committee amendments

Adjusted gross income (in thousands):	*Percent*
$0 to $3	−66.1
$3 to $5	−30.3
$5 to $7	−17.0
$7 to $10	−10.9
$10 to $15	−10.3
$15 to $20	−8.6
$20 to $50	−7.2
$50 to $100	−4.8
$100 and over	+2.6
Total	−10.1

Mr. LONG. One will see that, based in terms of adjusted gross income, taxpayers with zero to $3,000 income would have their taxes decreased by 66.1 precent. Taxpayers with an income of $3,000 to $5,000 would have their taxes reduced by 30.3 percent. Taxpayers with an income of $5,000 to $7,000 would have their taxes reduced by 17 percent. Taxpayers with an income of $7,000 to $10,000 would have their taxes reduced by 10.9 percent. Taxpayers with an income of $10,000 to $15,000 would have their taxes reduced by 10.3 percent.

It phases on down from there to where one reaches the taxpayers with incomes of $100,000 and over. They actually would pay more taxes.

Mr. ELLENDER. And that is done by reduction in rates.

Mr. LONG. And the other features I have mentioned.

While it would be desirable to have the tax reduction that the Senator from Alabama advocates, we do believe that we have a way that provides more efficiently for the needs of those who are in poverty, and we think it provides as much tax relief as we can afford in the income tax structure going up from there.

While there is a great deal to be said for the Senator's amendment, the cost of it would be overwhelming, based on our present fiscal situation. That being the case, we do not feel that we can support the amendment, although we understand the concern of the Senator for the many fine people who, very rightfully, feel that they are entitled to some tax deductions.

Mr. ELLENDER. I thank my colleague.

Mr. GRIFFIN. Mr. President, I think all of us recognize that the pending amendment has a great deal of political appeal. It would be very nice if all of us could vote for such an amendment.

But I must say with all deference to the distinguished Senator from Alabama that it would be not only unrealistic to do so but in my humble opinion it would be completely irresponsible to do so.

I think the quickest way to kill a tax bill would be to adopt an amendment such as this. With an $18 billion revenue loss I do not see how we could have any hope that President Nixon could sign a tax bill with an additional revenue loss of this magnitude.

In addition, the adoption of this amendment would be a devastating blow to his program and policy to contain inflation. This is not the time to sabotage, and I say that with deference to the distinguished sponsors of the amendment—his determined effort to try to hold down the rising costs of living. That is what the effect of this legislation would be if it were ever to become law.

Therefore, I wish to join the distinguished chairman of the committee and the ranking member of the committee on the Republican side, the Senator from Delaware (Mr. WILLIAMS) in urging Senators to vote against the amendment.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. LONG. Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. We already have them.

Mr. HARTKE. Mr. President, I would like to ask several questions about what is involved.

We all know the amount of money involved in every $100 increase in exemption is about $3.8 billion. Is that correct?

Mr. LONG. It becomes less as it goes up.

Mr. HARTKE. It is $3.3 billion, then $3.2 billion.

Mr. LONG. Every time you move up $100 in income level, you drop off a few more people who did not make that much income. As you go up the figure goes down; that is, the amount of revenue on each category over $1,200.

It starts out at $3.3 billion for the first $100 increase in exemptions. It costs about $3.3 billion in revenue. As it is raised it costs less because there are fewer people involved in each higher bracket.

Mr. HARTKE. It is also true in this bill there is a certain amount of tax relief. This is not just tax reform but there is tax relief in it. Is that right?

Mr. LONG. The Senator is correct. We have about $9 billion in tax relief.

Mr. HARTKE. Out of that $9 billion in tax relief, how much is included in the so-called amounts for people who are eliminated from paying income taxes in the low-income, poverty level?

Mr. LONG. The low-income allowance costs about $2.6 billion.

Mr. HARTKE. That applies to what group of people?

Mr. LONG. That low-income allowance applies to people we regard as being in poverty. For a single person we are talking about a person making $1,700. If you move that figure up—and that is the Department of Health, Education, and Welfare estimate on what it takes for a person to exist—and out of the poverty level would cost at least $600 a person. With a married couple it would take $2,300; with one dependent $2,900; then it goes to $3,500 with a family of four.

Mr. HARTKE. The total amount of estimated revenue lost by the Treasury is $2.2 billion.

Mr. LONG. It is $2.6 billion. If the Senator will look at the statement, it is on page 136.

Mr. HARTKE. It shows how much? Is it $2.6 billion?

Mr. LONG. The Senator is correct.

Mr. HARTKE. According to the way the Treasury bases that estimate, no matter how we make computations, the one great difficulty causing so much disparity in later years is that the actual revenue produced or lost in tax bills is due to the fact it is based on no change in the economic structure. Is that true? In other words, it is based on the present revenue figure.

Mr. LONG. It is based on current income.

Mr. HARTKE. Over the years that has created quite a disparity, especially if there is an inflationary situation. Any revenue gain will be accelerated by the amount of inflation and any deduction by the same amount.

Mr. LONG. The definition in here was accurate as written.

Mr. HARTKE. Now, taking the $2.6 billion, in the standard deduction $1,000 or 10 percent was given. That 10 percent is increased to 15 percent under the bill.

Mr. LONG. The Senator is correct.

Mr. HARTKE. The maximum is $2,000.

Mr. LONG. The Senator is correct.

Mr. HARTKE. That is also tax relief.

Mr. LONG. The Senator is correct.

Mr. HARTKE. And can be considered as tax reform.

Mr. LONG. And also tax simplification. That cost is about $1.4 billion.

Mr. HARTKE. That takes us to $4 billion tax relief. Where is the other $5 billion?

Mr. LONG. The rate reduction accounts for $4.5 billion. The maximum tax on earned incomes is about $100 million. Of course, one of the big items is tax treatment for single persons. That costs about $445 million.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, at this time, I should like to state that I have an amendment which I am prepared to offer which deals with the same issue which I was going to develop with the chairman of the committee here.

The majority leader has indicated to me that many Senators are waiting to vote. Therefore, I do not intend to offer the amendment at this time. I intend to withhold it. The Senator from Tennessee

(Mr. GORE) and I have been working on this matter. It involves the same revenue as is involved in the bill now before the Senate, whereas the amendment now pending before the Senate, offered by the Senator from Alabama (Mr. ALLEN), is in excess of the amount of revenue involved in the bill.

Mr. President, I think it is very important for us to recognize that there are some inequities in the bill at the present time, and that I did intend to develop them thoroughly to demonstrate that when we talk about equity, the bill itself does not provide equitable tax relief, especially for those who have families in the lower income groups or in the middle income groups.

Honestly, it creates disparity. We want the best approach. I think the low income allowance which is presently in the bill is a good one which does not require them to send money to Washington but is sent back in the form of welfare checks, after collecting from the people.

In view of these considerations, I do not intend to offer the amendment, although I do intend to offer it, I do not intend to offer it at this time, out of respect for my majority leader.

Mr. MANSFIELD. Mr. President, regrettably, the senior Senator from Texas (Mr. YARBOROUGH) is absent from the Senate today on official business. He has gone on record strongly in support of the proposal to increase the personal exemption to $1,200 and has prepared a statement on this matter. In it, Senator YARBOROUGH has expressed clearly the many reasons for changing this feature of the tax laws and, in his absence, I ask unanimous consent that his statement appear at this point in the RECORD.

There being no objection, the statement by Senator YARBOROUGH was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. President, I wish to take this opportunity to urge all of my colleagues in the Senate to give their support to the amendment that has been offered by the distinguished junior Senator from Alabama. No tax reform measure which has as its purpose to relieve the tax burden on the lower and middle-income taxpayers would be complete unless it included a significant increase in the personal exemption.

For over twelve years, I have worked for an increase in the personal exemption. On March 27, 1969, I introduced S. 1717 which would increase the personal exemption from $600 to $1200. Since the passage of the House Tax Bill, I have reintroduced my bill as an amendment of H.R. 13270.

The present $600 exemption has its genesis in the Revenue Act of 1948. In the 21 years since its adoption the personal exemption has not been increased despite the fact that the cost of living has increased 52.3 percent (based on the level of consumer price indexes since 1948.) Under present economic conditions, the $600 would have to be raised to $914 merely to equal the purchasing power of the $600 exemption 21 years ago.

Our standard of living has changed substantially over this period of time also. Life in the '60's is quite different from that in the '40's. The Bureau of Labor Statistics recently published a study which attempts to answer the question: How much does it cost for an urban family of four in the spring of 1967 for three standards of living? The resulting three budgets share the basic assumption that maintenance of health and social well-being, the nurture of children, and participation in community activities are desirable and necessary social goals.

For the moderate budget, the U.S. urban average cost was $9076 in spring of 1967. The cost for the lower budget was $5915, and the higher budget amounted to $13,050. The personal exemptions for a family of four today totaled $2400 which doesn't even approach the total of the lower budget. Certainly exemptions totaling $4800, which my amendment would provide, are far more equitable.

When the present personal exemption is applied to taxpayers with children in college, the need for an increase becomes even more apparent. The U.S. Office of Education estimates that the average charges for tuition, fees, and room and board for a full-time resident, undergraduate student in a public four-year university for the 1969–70 school year will total $1288. For other public four-year institutions the cost for the year is estimated to be $1043. In private institutions the average charges for the year are estimated to total $2777 for a university and $2274 for other four-year colleges. A college education in today's world is not a luxury, but a necessity. Consequently, an increase in the personal exemption would greatly assist the parents who are struggling to help their children prepare for life in the 1970's.

Of course, today's family earns more than its counterpart in 1948. However, the greater part of these increased earnings is attributable to inflation. Inflation together with relentless increases in taxes at every level have made real prosperity for the average American Family more elusive than ever.

The most frequently heard argument against increasing the personal exemption is that the government cannot afford the amount of revenue that would be lost. To obtain meaningful tax reform, however, we cannot be blinded by short term effects. Considerations of equity to individual taxpayers must be paramount. In the long run, these tax savings to individuals resulting from an increase in the personal exemption to $1200 will come back to the government in the form of higher taxes from other taxpayers. Personal expenditures represent over 60 percent of the gross national product. These additional funds in the hands of consumers will increase the incomes of grocery stores, appliance dealers, clothing manufacturers and others, which will result in a correspondingly larger tax base for the Federal government and increased revenues.

The personal exemption is intended to accomplish three basic purposes: (1) to exclude from taxation those individuals and families with the lowest income; (2) to provide all taxpayers with a deduction from otherwise taxable income for essential living expenses; and (3) to provide an additional allowance to those taxpayers with dependents and for those who are aged and blind. I submit that at the present unrealistic amount of $600, the personal exemption is not fulfilling any of these purposes.

We must remove the glaring inequity of the present personal exemption for our tax structure. The provisions of the tax reform proposal do not go far enough in enabling the low and middle-income taxpayers to achieve the standard of living to which he is entitled. An increase in the personal exemption to $1200, is, in my opinion, the best way to accomplish this objective.

I commend the Senator from Alabama for introducing this humane and essential amendment and I encourage all of my colleagues to give it their full support.

Mr. McGEE. Mr. President, the simplest, easiest and most direct method of benefiting the Amercan taxpayer is to increase the personal exemption he gets for himself and each dependent. The present $600 exemption from income is laughable, only it does not amuse most taxpayers when they sit down each year, some time between early January and the night of April 14, to compute their liability to the Government. They know the $600 exemption was established in a time long gone, when economic conditions were greatly different from what they are today. And they know the $600 exemption is no measure of what it takes to support one person.

If we want to do the American taxpayer a favor, Mr. President, we will accept this principle. We will increase the personal exemption and, while giving him a break on his taxes, also simplify the paperwork the taxpayer must do in order to find out how much he owes. This amendment, doubling the exemption, will, I know, strike some as far too costly. But it need not be. We can do it—we can make this bill a true reform measure for the average American taxpayer as well as those who are above average and below it in income—if we simply determine that this is what we want to do. There is not any question in my mind, Mr. President, that this is what the American people would most welcome. I intend to support this amendment in the full realization that it will require, if it passes, that we delve deeper into the whole question of taxes in order to balance our books. But I believe it would be fairer to the American people.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Alabama (Mr. ALLEN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Texas (Mr. YARBOROUGH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. COOK (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Nevada would vote "yea," and the Senator from Washington would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from West Virginia (Mr. RANDOLPH). If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from West Virginia would vote "nay."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Connecticut (Mr. RIBICOFF). If present and voting, the Senator from Alaska would vote "yea," and the Senator from Connecticut would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. HATFIELD), is absent because of illness in his family.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. COOPER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The pair of the Senator from Illinois (Mr. SMITH) has been previously announced.

On this vote, the Senator from Oklahoma (Mr. BELLMON) is paired with the Senator from Nebraska (Mr. HRUSKA). If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Alaska would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 13, nays 46, as follows:

[No. 158 Leg.]

YEAS—13

Aiken
Allen
Byrd, W. Va.
Dodd
Hartke
Hughes
Inouye
Mansfield
McGee
McGovern
Schweiker
Sparkman
Young, Ohio

NAYS—46

Allott
Anderson
Baker
Bennett
Bible
Byrd, Va.
Case
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hart
Holland
Hollings
Jordan, Idaho
Long
Magnuson
Mathias
McCarthy
McIntyre
Miller
Murphy
Muskie
Pearson
Prouty
Proxmire
Russell
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Cook, for.
Metcalf, against.

NOT VOTING—39

Bayh
Bellmon
Boggs
Brooke
Burdick
Cannon
Church
Cooper
Eagleton
Eastland
Goldwater
Goodell
Gore
Gravel
Hatfield
Hruska
Jackson
Javits
Jordan, N.C.
Kennedy
McClellan
Mondale
Montoya
Moss
Mundt
Nelson
Packwood
Pastore
Pell
Percy
Randolph
Ribicoff
Saxbe
Scott
Smith, Ill.
Stevens
Tower
Williams, N.J.
Yarborough

So Mr. ALLEN's amendments to the committee amendment were rejected.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I should like to inquire whether there are any other amendments which could be offered and acted on today? We have made a good start. I would like to see the momentum stepped up, and, if there are any amendments, to bring them up for a vote tonight. If not, perhaps we could get to third reading. [Laughter.]

Mr. CURTIS and Mr. WILLIAMS of Delaware addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, there are several amendments that are just being prepared. I understand Senators will be ready to offer them tomorrow and Wednesday, but they are not quite ready today. I can understand that, because the bill has not been reported very long, especially for those Senators who are not on the committee. They have simply not had a chance to get their amendments prepared.

I believe that tomorrow they will be ready to go forward with them. I understand the Senator from Virginia has an amendment that he is ready to offer tonight.

Mr. MANSFIELD. Yes, I understand the Senator from Virginia has an amendment ready tonight, having to do with the surtax and its extension; but I was hopeful that before that amendment was laid before the Senate—and I believe that was the Senator's intention also—we could get other amendments called up and consider them on the same basis we have already considered three today.

Mr. WILLIAMS of Delaware. I have an amendment, as I told the Senator earlier, to reduce the percentage on the oil depletion allowance to 20 percent; but some Senators have not been notified, and I have told them I would not offer it today. I did plan that it be laid before the Senate and made the pending business later this week.

Mr. MANSFIELD. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the distinguished Senator from Delaware has made my speech.

Mr. MANSFIELD. Would Senators consider the possibility of a time limitation on the pending measure?

Mr. AIKEN. Ten minutes. [Laughter.]

Mr. GRIFFIN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. Yes, indeed. I am just inquiring.

Mr. GRIFFIN. The distinguished Senator from New York (Mr. JAVITS) asked me, in his absence, to object to any limitation on time. I would have to respect that request on his part, at least until I have an opportunity to check with him further.

Mr. MANSFIELD. I understand and appreciate the Senator's situation.

Mr. LONG. Mr. President, may I say to the distinguished majority leader that we have had some discussions about a number of amendments on depletion, which are to be offered, and it was more or less agreed that we would try to bring those amendments to a vote on next Monday, thus giving everyone a chance to arrange to be present for those votes. Some Senators wish to vote to keep depletion as it is, and some wish to vote to reduce it beyond what the Senate committee recommends, and it was thought that, with a number of absentees who are very much interested in this matter, and some here today who will not be here tomorrow, it might be best to put everyone on notice that we expect to vote on those amendments on Monday.

Frankly, of course, if a Senator feels that his side lost on a vote because of absentees, he can keep offering more and more amendments. Therefore it would be best, I believe, for everyone to be on notice that we expect to vote on those matters on that date. Then, if an interested Senator will not be able to be there, perhaps we could arrange a pair for him. But I believe if we announce that we will vote on that issue on Monday, we will not have many absentees who are interested.

Mr. MANSFIELD. Mr. President, if there be any misunderstanding that what the distinguished chairman of the committee has stated about the oil depletion allowance amendments going over until Monday means that there will be no votes tomorrow and Wednesday, Senators had better disabuse themselves of any such understanding, because I am certain that the distinguished Senator from Virginia, who will call up his amendment tonight, does anticipate that there will be a rollcall vote upon it tomorrow; is that correct?

Mr. BYRD of Virginia. That is correct.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, there are several other amendments that I know of that I think will be ready for a vote tomorrow and the next day.

Mr. METCALF. Mr. President, I have some amendments, but because of the fact that the bill was so lengthy, and it has been so difficult to make the amendments comply with the bill, I have had some amendments drafted to comply with the House bill, and some drafted to comply with the original bill, as far as my amendments before the committee were concerned; and right now we are working on several amendments to make them comply with this bill. As soon as they are prepared, they will be submitted. If I am able, I intend to submit them tomorrow or the next day.

Mr. MANSFIELD. That is fair enough. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, will the Senator withhold that suggestion

Mr. MANSFIELD. I withdraw it.

Mr. HOLLAND. Perhaps I have missed it by reason of being busy in the committee; has the Senator made any announcement as to whether the Senate will meet on Friday and Saturday of this week?

Mr. MANSFIELD. No; we have already agreed to a joint resolution, which I anticipate will be approved by the House of Representatives, which calls for the Senate to adjourn at the close of business Wednesday and to come back at 10 o'clock on Monday morning next.

Incidentally, the Senate is coming in at 10 o'clock tomorrow and the next day as well.

Mr. HOLLAND. I thank the distinguished majority leader. Mr. President, I wonder if the Senator will withhold his request——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. I wonder if the distinguished majority leader will withhold his request for a quorum call until I can ask the manager of the bill two or three questions with reference to one provision which I think I understand and which has been, at least as far as my mail is concerned, one of the provisions of the House bill which has received the most attention.

Mr. MANSFIELD. I would be delighted to do that. Will the Senator permit me to make one further statement, though?

It is the intention of the leadership to come in at 10 o'clock every morning next week, and Saturday morning as well. That is a week from this Saturday.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator from Louisiana, who is handling the bill, if I am correct in my understanding that the committee amendments now included in the bill being considered by the Senate delete the provisions of the House bill that struck the exemption from Federal income taxation of revenue from municipal and State bonds.

Mr. LONG. Yes, the committee did that; the Senator is quite correct.

We heard from a considerable number of people interested in it. I believe the Senator is well aware, by now, of the fact that, so far as I know, every Governor in the United States is opposed to that provision, and so far as I know, every mayor and every board of county commissioners, and every commission concerned, is opposed to it as well.

It was the view of the committee that the revenue that might be expected or hoped for from taxing these State and municipal bonds was, in the last analysis, a tax upon the 230 million people of this country who would have to pay more interest on their bond issues for schools, for sanitation, for hospitals, and for other public improvements that those people might try to undertake; and it was the view of the committee that it struck at what fragment of State authority is left and, in the last analysis, achieved very little; that it would cost the taxpayers of the 50 States of this Union even more than it would raise for the Federal Government.

Mr. HOLLAND. Mr. President, I certainly congratulate the chairman of the committee and his committee for taking that position. In effect, it is a tax upon one sovereign under our Constitution—that is, the State and its parts—by the other sovereign, the Federal Government. I think it imposes a tax where it can least be sustained, because it is the States and local units of government that are having the greatest difficulty right now in raising taxes to meet their needs.

I understand, however, that there is a provision in the bill relative to the accounting of taxpayers who receive revenue from tax-exempt bonds issued by States and municipalities, school districts, and the like. If that is correct, I wish the distinguished Senator from Louisiana would state for the RECORD just what the requirement of the bill is in that regard, because I am sure there will be a great deal of interest in that provision.

Mr. LONG. Mr. President, there is no desire to place a tax upon those bonds, as the Senator so well knows, but we did feel that it would be desirable to find just how much income is being earned by those categories of taxpayers, so that we would have that knowledge; I believe that is explained on page 218 of the committee report. It says:

> The committee amendments require that every person who receives or accrues $600 or more of interest on tax-exempt State and local government bonds (or who is required to file an income tax return for the year) is to make a return setting forth these amounts and any other information with respect to these bonds which the Treasury Department prescribes by regulations. The return is to be made in the time and manner prescribed by the Treasury Department, but, insofar as practicable, the regulations are to require the return to be made in connection with the regular individual and corporate income tax returns.

The idea here is simply to find out who receives the income and for the Government to have the information available so everyone can know the facts. Some contend that this is a big tax avoidance device; the facts will prove them right or wrong. However, there was no disposition by the committee to help anyone avoid any taxes.

Mr. HOLLAND. Mr. President, I congratulate the chairman and the committee. I think it is highly desirable that the actual facts be known.

It seems to me that the requirements of the pending bill would permit actual knowledge to be gained as to what is involved in dollars and cents in this particular question.

I congratulate the chairman and the committee in striking the House provision which would have imposed a Federal tax on income received from State and municipal bonds. I think that is very fine.

The Senator speaks of all of the Governors having insisted upon that provision. I hope the Senator will include all former Governors as well. I know of none who has not taken that position.

Mr. LONG. I thank the Senator, a former Governor. So far as I know, I know of no Governor or former Governor who disagreed with the committee action. I believe they were all unanimous in agreeing with the conclusions indicated by the panel of Governors—consisting of Governor Kirk of Florida, Governor McKeithen of Louisiana, Governor Love of Colorado, Governor Evans of Washington, and Governor Tiemann of Nebraska.

I think it is a compliment to the Governor of Florida that the Governors selected him to appear as one of the panel representing the 50 States. The panel made a case that was absolutely compelling.

This was one area in which we did not have the time to hear all the Governors we would like to have heard. We had requests from 40 Governors. They were kind enough to limit their presentation and to agree that five Governors could speak for all the Governors. Governor McKeithen, of Louisiana, Governor Love, of Colorado, and the others made a case that one could not very well quarrel with. They were supported by a great many other witnesses who testified in support of their position.

While it may have been desirable to accede to the request of all 40 Governors who wanted to be heard, we believed that to have heard them further would have served no purpose because the case made by the Governors who appeared before us was most compelling.

Mr. HOLLAND. Mr. President, I thank the Senator. I hope that all other provisions of the pending bill, as long as it is—and I have not had a chance to review them all—will be as acceptable as the one we have discussed.

Mr. LONG. Mr. President, I yield the floor.

AMENDMENT NO. 287

Mr. BYRD of Virginia. Mr. President, in a few moments I plan to call up amendment No. 287. At that time I will ask that it be laid down and made the pending business for tomorrow.

Amendment No. 287 would eliminate the surcharge on income taxes as of December 31, this year.

As the Senate is aware, the surtax on income taxes was put into effect almost 2 years ago. It expired automatically on June 30, this year.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of Virginia. Mr. President, it was reinstated for the period of 6 months beginning July 1 through December 31, this year.

The proposal contained in the pending legislation would continue the surtax at a 5-percent rate until July 1, 1970.

This surtax was put on as a temporary tax. It is my feeling that the public has lost confidence in the Government because the leaders of the Government tell the public one thing and then proceed to do something else.

There is a revenue loss involved in this measure. I dislike to see that at the present time. However, the total amount involved is only $1,700,000,000.

I submit that amount can very readily be made up by a reduction of expenses.

So, what we are faced with, as I see it, is the determination of which is of the greater importance now—restoring confidence in Government by keeping faith with the people and eliminating the so-called temporary tax as of December 31 this year, or renewing the temporary tax a second time.

I do believe that if the tax is again renewed, as proposed in the pending bill, it will then become a permanent tax.

We have already heard high Government officials say that the surtax should be continued beyond the expiration date envisioned in the pending legislation of July 1.

The surtax which was put on almost 2 years ago, and which automatically expired on June 30 this year, already has been renewed once. It is scheduled to expire on December 31, this year. However, under the pending legislation reported by the Committee on Finance, the tax will be continued for an additional 6 months, or until July 1, 1970.

If that is done, I submit that it will no longer be a temporary tax but will become a permanent tax.

Mr. President, I call up amendments No. 287 and ask that it be made the pending business when the Senate convenes tomorrow.

The PRESIDING OFFICER. The clerk will state the amendment for the information of the Senate.

The assistant legislative clerk read as follows:

On page 407, beginning with line 13, of the committee amendment strike out all through line 12, page 410.

On page 410, line 13, strike out "702" and insert "701".

On page 412, line 15, strike out "703" and insert "702".

On page 432, line 4, strike out "704" and insert "703".

On page 440. line 21, strike out "705" and insert "704".

On page 453, line 6, strike out "706" and insert "705".

Mr. HARTKE. Mr. President, the Senator from Virginia expresses great concern about the surtax.

Quite honestly, when the surtax was extended recently, almost 6 months ago, at the request of the Policy Committee, it was pursuant to an agreement to bring the tax reform bill to the Senate.

I think the extension of the 10-percent surtax would have been open to very serious question.

The point is repeatedly made that the reason for the surtax is twofold. First, they say that it is needed to help fight the war in Vietnam and that it is therefore a war tax. There is no question about the fact that that is its purpose. Second, they say that it is necessary to fight inflation.

We then hear the classic 19th-century economists come up with their philosophy about overheating the economy. I have asked at the Finance Committee meetings every member of the administration, including the quadriad—the witnesses from the Federal Treasury, the Economic Advisers, the Budget Directors, and the Federal Reserve—where the economy is overheated.

They repeatedly say that the economy is overheated in all sectors. I ask them to name one part of the economy that is overheated. I ask them whether automobile production or sales is a problem.

I think that anyone who listens to the television in Washington these days can hear advertisements from the large automobile sales people in Washington, D.C. We hear them advertise a 1970 model automobile at $100 less than the dealer's cost. They will show us the dealer's invoiced price.

Refrigerators can be purchased all over the United States. There is no shortage of refrigerators or of television sets.

The television sets are available in black and white, color, 21-inch diagonal, some with good color. There is no shortage of television sets.

We do not have an overheated economy in the United States today. We have an overheated price structure. But at the present time there is not one industrial factor in the economy in which there is a shortage of supplies.

This situation goes back basically to 1965 when, either through inadvertence or intention, the country was not alerted to the fact that the war in Vietnam was costing an amount of money much higher than the estimates being provided by the administration—the Pentagon, the Treasury, and other agencies of the Government.

The fact is that when the budget figures for fiscal 1966 were presented, they were presented as costing the United States at that time $10.3 billion. Some studies made at that time, which were reported in some documentation throughout the United States, revealed that there was a gross underestimate of the cost of the war in Vietnam.

At that time I asked former Secretary Fowler whether more nearly the correct cost of the war was approximately $20 billion. He asserted at that time that it was not so. However, when the actual accounting was done 1 year later, it demonstrated that the actual cost of the war in that fiscal year was $19.8 billion, some $200 million short of $20 billion.

The whole series of events which grew out of that beginning kept on ending up in more and more austerity in the fiscal and monetary affairs of the United States. Contrary to the expectation of the individuals who were making these recommendations, contrary to their interpretation and contrary to the facts, the cost of living has sharply continued to increase since these restrictive measures in the fiscal and monetary structure have been taken.

The cost of living has increased at a faster rate every time we have gone into a stricter type of tight money policy, high tax policy, resulting in higher interest rates. At the present time there is no relief in sight.

The fact is that if we take the surtax, which the Senator from Virgina said should be ended on December 31, and look at what happened, we will find that the cost of living began to increase more sharply after the surtax was put on than it had at any time prior to that; and it has constantly accelerated, almost month by month, except for last month, ever since that time.

If we are going to take the amount of revenue, even with the surtax, it is difficult to determine whether or not there actually has been an increase or a decrease in revenue as a result of these activities, because industrial production has gone from roughly 97 percent down to its present level of 84 percent. Here, again, it demonstrates that we do not have an overheated economy.

In addition, the surtax is not in conformity with the basic idea of progressivity in our income tax structure. It is a regressive form of taxation, because it applies equally to poor and rich, and without any consideration whatever of the fact that we have a graduated income tax structure which has been the basis of our system ever since we have had this system, beginning in 1913.

What we see here, really, is an attempt to apply some rather out-of-date, outmoded economic theories to pay for a war which, frankly, at this moment would be better paid for, under these circumstances, by an expanded rather than a regressive form of tax structure and monetary policy.

There is no question whatever that the administration has indicated its intention to continue to bring about the worst of both worlds—that is, a continued increase in the cost of living, a continued decrease in the production in the United States, a continued increase in unemployment, a continued decrease in the amount of purchasing power of the average American.

I certainly think this measure is one which should be taken up and not passed over lightly, and I am looking forward to continuing tomorrow when the Senate resumes consideration of this matter.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. BYRD of Virginia. I thank the distinguished Senator from Indiana for his strong support of this amendment.

I intended to mention a few moments ago—it escaped my mind—that the Senator from Indiana made a valiant fight on behalf of such a proposal in the Finance Committee, and the vote was very close—it was 9 to 7, as I recall—by which the amendment offered by the distinguished Senator from Indiana was defeated. The closeness of that vote indicates to me that there is considerable feeling on the part of the representatives of the American people that the time has come to eliminate this so-called temporary tax. I believe very strongly that unless we do eliminate this tax as of the end of this year, it is very likely to come into the status of the excise taxes we have been renewing year after year, which likewise, when enacted, were billed as temporary taxes.

Mr. President, I ask unanimous consent that I be permitted to change the technical language of my proposal to coincide with the new bill that was laid before the Senate today. When the amendment was drawn, it applied to different page numbers.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. BYRD of Virginia. I ask unanimous consent that when the amendments are considered, they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I thank the Senator from Virginia for his fine words.

It is true that in the committee we did have a very close vote on the amendment as it was submitted at that time. As the Senator from Virginia has indicated, it was 7 to 9. I think the very importance of this circumstance should be debated at length.

I would hope that the efforts made on behalf of those people who are in favor of the surtax would present some economic justification or some evidence that what they have proposed here is something other than truth by assertion. In other words, the classic approach to the matter of the surtax is very simple. You have inflation; everyone admits you have inflation; you need to cure inflation; everyone knows you need to cure inflation; the way to cure inflation is to put on a surtax. They can make that conclusion without any facts whatever, never attempting to justify it.

If you ask them for an explanation, always there is the terminology which is so sweet and simple, and that is that you have an overheated economy. But they never talk about why the economy is overheated. Frankly, some things are in short supply. One of them is skilled labor. You do not increase skilled labor by unemployment. You do not increase skilled labor by shortening the workweek. That does not increase skilled labor.

I would hope the Labor Department would submit some evidence to some of their people who are interested in continuation of the surtax. I hope the Labor Department would demonstrate how they can cure the shortage of skilled labor by increasing unemployment or shortening the workweek.

William McChesney Martin is due to retire on December 31. It has been a longheld theory of his that you can increase the revenue when you cut back on corporate profits. The corporate profit structure is down. It is there. One of the elements in the corporate structure factor is that the 5-percent surtax has been a factor. Along with their misguided theory, they have the negative reserves in monetary policy, which began the last week of March of 1965. It was the first time, from 1961 to 1965, they placed the monetary policy of the Federal Reserve System into a negative position.

All during that time, from 1961 to 1965, we had a continued increase in productivity in America. We had a relatively stable cost of living. We had a continuation of the employment factors. Then they made the decision at that time to come up with this stricture of the economy, this austerity doctrine, and said that they had to go to a negative system. As I understand, that negative reserve last week reached in the neighborhood of $1 billion.

All this does, basically, is to provide, in a country with an increase in population, hopefully, that an increase in its overall economic structure would be provided with additional funds to meet that obligation. That is another part of it. The net result is that the interest rates started to go up immediately. I do not think they have hit their peak, in spite of what some people have said to the contrary. I think they are still going to go up.

I might point out that the increase in interest rates in the United States in the last year and a half has exceeded the increase in any South American country. The increase in the cost of living in the United States in the last year and a half has exceeded the increase in any South American country. We used to laugh at them when they had skyrocketing interest rates and a high cost of living.

It is important that we have something other than the outworn phrases relating to an overheated economy. I am looking forward to tomorrow to see if we cannot have some facts and figures, something other than the worn out expressions. If we do not do so, we will have a situation such as Socrates described about taking two statements which are untrue and drawing false conclusions from them.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 25, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 24, 1969:

U.S. MARSHAL

Emmett E. Shelby, of Florida, to be U.S. marshal for the northern district of Florida for the term of 4 years. (Reappointment.)

DIPLOMATIC AND FOREIGN SERVICE

Anthony D. Marshall, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

HOUSE OF REPRESENTATIVES—*Monday, November 24, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who would love life and see good days, let him turn away from evil and do right; let him seek peace and pursue it.—I Peter 3: 10, 11.

O God, creator and sustainer of the universe and of this planet we call the earth, we Thy children, created in Thine own image, turn to Thee seeking strength for these hours, guidance for our undertakings, and good will for our relationship with other people.

We are burdened by the distressing difficulties of our day and by the perplexing problems that permeate our persistent pursuit of peace. Particularly do we pray for those who, meeting in Finland, are seeking to halt the nuclear arms race and for those who, meeting in France, are searching for an honorable end to war. May real success crown these genuine endeavors.

Grant wisdom to us and to all who are responsible for our Nation's welfare. May peace come to our world with justice and freedom for all.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, November 20, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7491. An act to clarify the liability of national banks for certain taxes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7491) entitled "An act to clarify the liability of national banks for certain taxes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. BENNETT, and Mr. TOWER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11702) entitled "An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 1421. An act to amend the District of Columbia Legal Aid Act;

S. 2602. An act entitled "The District of Columbia Public Defender Act of 1969":

S. Con. Res. 44. Concurrent resolution to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings," as a Senate document; and

S. Con. Res. 46. Concurrent resolution authorizing the printing of a report entitled "Handbook for Small Business" as a Senate document.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 21, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

SIR: Pursuant to authority granted on November 20, 1969, the Clerk received from the Secretary of the Senate today the following message:

That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13018) entitled "An act to authorize certain construction at military installations, and for other purposes."

Respectfully yours,
W. PAT JENNINGS, *Clerk.*
By W. RAYMOND COLLEY.

TRIBUTE TO THE LATE PRESIDENT JOHN F. KENNEDY

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, the tragic death, through assassination, of our late Chief Executive, President John F. Kennedy, took place 6 years ago last Saturday. On the anniversary of this tragic event, it is well for the House to pause and pay tribute to the memory of our late beloved President.

As a Member of the House of Representatives and of the U.S. Senate, and during his all too brief period as President of the United States, President Kennedy had evidenced in an outstanding manner his dedication to public service, his extraordinary ability, his idealism and vision, and so important in public life—his courage. President Kennedy gave to our country forward-looking leadership on the domestic level, and in the foreign affairs field he gave to the world a leadership of vision and of firmness. This forward-looking leadership both on the domestic and foreign level, and his tragic death, will always be remembered by future generations of Americans, as well as by future generations in other countries throughout the world. The rich qualities possessed by John F. Kennedy will always be an inspiration for this and future generations to follow.

I am glad to yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. I appreciate the distinguished Speaker yielding to me on this occasion.

Mr. Speaker, I wish to associate myself with the remarks made by the Speaker of the House. It was my good fortune to know the late John F. Kennedy as a Member of the House, and I knew him when he was a Member of the other body and while he was President.

It was also, unfortunately, a responsibility of mine to be a member of the Commission which had to investigate the circumstances surrounding his tragic assassination.

I just wish to state for the RECORD that the public life of John F. Kennedy was a great inspiration to all Americans and to all mankind.

Mr. McCORMACK. I appreciate very much the remarks made by my distinguished friend.

I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I can remember, as though it were yesterday, the sad news which flashed across the Nation upon the assassination of President Kennedy. The world was in shock over the loss of this brilliant young Chief Executive and great American.

I came to the Congress on January 3, 1947. President Kennedy, then Congressman Kennedy, came here on the same day, as did now President Nixon.

I learned to love and respect this young man, who was the youngest Member of the House of Representatives in the 80th Congress.

Of course, the great contributions of John F. Kennedy, who later served in the Senate, were not in the Congress but in the White House. It was President Kennedy who launched the programs of the 1960's which meant so much to the development of the Nation and to the fulfillment of the American dream. It was he who first made the decision that by 1970 we would see Americans on the moon. It was he who made the decisions that we would get America moving again. Certainly he launched the programs which did these and many other things, and which were carried forward by President Johnson and the great Congresses which served with him.

I thank the Speaker for yielding to me.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of our late beloved President.

The SPEAKER pro tempore (Mr. SLACK). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRICES UP, WAGES DOWN—TRADITIONAL REPUBLICAN ECONOMIC POLICY

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, once again the American people have been subjected to, and are suffering from traditional Republican economic policy.

Just the other day the most recent Bureau of Labor Statistics cost-of-living figures were released. Prices are increasing at a 5.6-percent annual rate. Currently it takes $130 to purchase the same amount of goods and services as could be purchased for $100 in 1957.

The Republican economic policy program may be working as they view it, but in my view it is abominable policy because, as in traditional Republican terms, this policy falls exclusively on the working man, the farmer, and those less privileged members of our society, including the aged and the unemployed.

Along with these continuing rising prices, we find that the workweek for American labor has declined by 1 percent, and real buying power for workers in October has also declined by a like amount. Although there was an increase of 1 percent in real wages, it has been more than offset by a fall in the workweek.

Mr. Speaker, one would think our friends in the Republican Party have learned their lesson from the previous few times they have occupied the executive branch of our Federal Government. I believe this policy heralds the end of the current short span of the Republican Party in office.

For the workingman and the American people at large, this is certainly no time for jubilation. Rather, it is a time for sad reflecting and a prayer that the Republicans will come to their senses and not use their traditional economic policies to subject the working people of our country to an economic depression while prices continued to increase.

POPULARITY OF PRESIDENT NIXON

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have been interested in the comments of my friend from Oklahoma, the distinguished majority leader. I think that the best response, however, is to cite from the Washington Post of November 24, 1969, the headline of which says "Nixon Support Soars to 68 Percent." This indicates that between October and November of 1969 the popularity of President Nixon, according to the Gallup poll, increased from 56 to 68 percent. The record clearly shows that the President's personal popularity and the success of his programs has increased according to this poll.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 287]

Abbitt
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Belcher
Bell, Calif.
Bevill
Blanton
Blatnik
Bolling
Brademas
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Cabell
Cahill
Carey
Celler
Chappell
Chisholm
Clark
Clay
Conte
Corbett
Corman
Cowger
Cramer
Daniels, N.J.
Davis, Ga.
Dawson
Dent
Diggs
Dorn
Eckhardt
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Fish
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Gray
Green, Pa.
Griffin
Gubser
Gude
Hagan
Halpern
Hamilton
Hanna
Hansen, Wash.
Harrington
Hébert
Henderson
Howard
Hungate
Jacobs
Jones, Ala.
Jones, N.C.
King
Kirwan
Kluczynski
Kuykendall
Kyl
Landrum
Leggett
Lennon
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McCloskey
MacGregor
Mailliard
Mann
Mikva
Mills
Mizell
Morton
Moss
Murphy, N.Y.
Nix
O'Neal, Ga.
Ottinger
Patman
Pickle
Poage
Powell
Price, Tex.
Pucinski
Purcell
Randall
Reifel
Roberts
Rostenkowski
Roudebush
St Germain
St. Onge
Sandman
Scherle
Scheuer
Shipley
Sikes
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Steiger, Wis.
Stokes
Stuckey
Symington
Taft
Teague, Tex.
Thompson, N.J.
Udall
Utt
Waggonner
Watkins
Weicker
Whalley
Whitehurst
Wright
Yates
Zion
Zwach

The SPEAKER. On this rollcall 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISCHARGING COMMITTEE ON FOREIGN AFFAIRS FROM FURTHER CONSIDERATION OF CERTAIN BILLS AND COMMUNICATIONS AND REREFERRAL TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the Senate bill (S. 740) to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, and from the further consideration of the following House bills and executive communications to establish the Interagency Committee on Mexican-American Affairs, and for other purposes: H.R. 5854, H.R. 7759, H.R. 8416, H.R. 8587, H.R. 8948, H.R. 9330, H.R. 9273, H.R. 9437, H.R. 9570, H.R. 9949, H.R. 10055, H.R. 10298, H.R 11479, H.R. 12184, and Executive Communications 305 and 828, and that said bills and executive communications be re-referred to the Committee on Government Operations.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania

Mr. GROSS. Mr. Speaker, reserving the right to object, none of these bills constitutes the basis for the hearings held before the subcommittee of the House Foreign Affairs Committee dealing with inter-American relations; is this correct? None of the hearings have already been held?

Mr. MORGAN. Mr. Speaker, if the gentleman will yield, hearings were set up on these bills.

Mr. GROSS. But none were ever held?

Mr. MORGAN. That is right.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPRESENTATIVES VANIK AND MILLER OF CALIFORNIA TO COHOST POSTSPLASHDOWN PRE-THANKSGIVING TRIBUTE TO APOLLO 12 ASTRONAUTS

(**Mr. VANIK** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, it is with great pleasure that I announce to the House that my esteemed colleague from California, Congressman GEORGE P. MILLER, and I will cohost a postsplashdown pre-Thanksgiving luncheon tribute to our Apollo 12 astronauts in honor of the second successful American lunar landing. The date will be November 25, 1969, and the menu will be similar to that which awaits the Apollo 12 crew in the Lunar Receiving Laboratory of the NASA Manned Spacecraft Center near Houston, Tex. It is a matter of particular pride to me that most of the menu for the 19-day quarantine of the astronauts will be provided by the Litton Industries' Stouffer Foods Division of Cleveland and Solon, Ohio. The Stouffer Foods Division is making this special luncheon possible.

When NASA Manned Spacecraft Center was selecting the quarantine foods, Stouffer's was picked for either meeting or surpassing the rigid specifications, and the astronauts themselves participated in the taste tests—and approved.

Stouffer Foods has come a long way from its first neighborhood restaurants in Cleveland to this magnificent space venture.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina (Mr. MCMILLAN), chairman of the Committee on the District of Columbia.

AMENDING SURVIVOR ANNUITY PROVISIONS OF THE DISTRICT OF COLUMBIA JUDGES' RETIREMENT ACT OF 1964

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, reserving the right to object, and a parliamentary inquiry, is the bill being considered in the House as in the Committee of the Whole?

The SPEAKER. The Chair will state to the gentleman from Iowa that the gentleman from South Carolina has asked unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

S. 2056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of subsection (b) of section 11-1701 of title 11 of the District of Columbia Code is amended by adding at the end thereof the following: "Any judge who elected to bring himself within the purview of this subsection and who after making such election is unmarried and has no dependent child may elect—

"(A) to terminate the deductions and withholdings from his salary under paragraph (2) of this subsection and any installment payments elected to be made under paragraph (3) of this subsection, and

"(B) to have amounts credited to his individual account under this subsection, to the date of his election under this sentence, returned to him, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded annually to December 31, 1956. Any election under the preceding sentence shall be made in writing and filed with the Commissioner in such manner and at such time as he shall prescribe."

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill, S. 2056, is to relieve a hardship situation which may arise under the provisions of the District of Columbia Judges Retirement Act of 1964 which relate to the establishment of survivorship annuities. Prior to the enactment of that act, judges of the District of Columbia courts having only local jurisdiction were subject to the retirement provisions of the act of April 1, 1942—56 Stat. 197—under the terms of which no provision was made for payroll reductions or contributions to any retirement fund.

The Judges Retirement Act of 1964—89 Stat. 810; D.C. Code, title 11, sec. 1701—amended the existing retirement provisions to require that contributions be made by any judge retiring under it, and also provided for the establishing of survivorship annuities at the option of the individual judge.

Judges who were serving at the time of the enactment of the Retirement Act of 1964, could elect to continue under the old retirement system or come under the provisions of the new act. In the latter case, the election to secure coverage under the new law required the purchase of retirement credits for past service, with interest at specified rates to the date of the election and agreement to payroll deductions for contributions for the remainder of active judicial duty.

However, in the case of survivorship annuities, if a judge desired such coverage for the benefit of members of his family, he was required to elect to come under the terms of the Retirement Act of 1964, since there were no provisions regarding such annuities in the previous law.

The problem to which the language of this bill is directed arises out of the provisions of the Judges Retirement Act of 1964 relating to survivor annuities. If a judge elects a survivor annuity coverage for members of his immediate family, 3 percent is deducted from his pay checks and placed into the District of Columbia judicial retirement and survivors annuity fund. A judge must have had at least 5 years of service prior to his death before the beneficiaries become eligible for the survivor annuity payments.

Under the act, a widow or a dependent child may become the beneficiary of a survivor's annuity. A "widow" is defined as the surviving wife who was married to the judge for at least 2 years immediately preceding his death, or is the mother of issue born to the marriage and who has not remarried. A "dependent child" is defined as an unmarried child under 18 years of age or who is older but incapable of self-support because of physical or mental disability.

HARDSHIP

The hardship which may arise under the present act occurs when a judge has elected to provide a survivor's annuity for members of his family and the purpose of such an annuity fails for lack of any annuitant. If the judge's wife predeceases him and he does not remarry and any children are no longer dependent or there was no issue born to the marriage, then no annuitant exists.

When the purpose of a survivor's annuity thus fails, existing law requires that the judge continue payroll deductions for the annuity until the date of his death or retirement. Present law does not permit the termination of such coverage. When the judge is deceased, the contributions, plus interest, in the survivor annuity account are refunded to any beneficiary designated by the judge or to other survivors eligible in order of priority established in the Retirement Act.

It is our committee's judgment that the present law presents a substantial hardship in requiring continued contributions toward a survivor annuity when the purpose of such annuity fails. No justification can be found for requiring continued contributions to the annuity fund which would be paid out, with interest, to nondependents after the death of the judge.

Your committee likewise finds that there is no justification, if contributions are terminated, for the continuation of the annuity account at interest, for the benefit of nondependents following the death of the judge. Your committee believes that it is only fair and just that where the conditions described in this bill are met, the judge should have the privilege of discontinuing the contributions and of withdrawing the accumulated funds with interest as provided herein.

As reported and recommended by our committee, the bill S. 2056, amends existing law to permit a judge, who has elected to establish a survivor's annuity for his wife and family and who thereafter becomes unmarried without any dependent child, to first terminate deductions from his salary and any installment payments he may have agreed to make; and second, have refunded to him any amounts, including interest, paid either in lump sum or in installment payments for the purchase of retirement credit for service rendered prior to the date the judge elected to establish the annuity account, plus the amount of any payments credited to the account after that date to the date the account is terminated.

Our committee received no objections from District or Federal Government agencies regarding the terms of the bill.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I should like to ask the gentleman from South Carolina one or two questions concerning the bill. The first question is as follows:

Is this a special fund that the act of 1964 creates? Do all the District of Columbia judges pay into a retirement fund, their own retirement fund?

Mr. McMILLAN. That is correct.

Mr. GROSS. Then if this action is permitted today there can very well be some unfunded liability with regard to this fund. Where will the money come from to be refunded to this judge, this one judge, except out of the funds that have been contributed for the purpose of providing retirement for all the judges?

Mr. McMILLAN. If the gentleman will yield, he is not asking that his retirement fund be removed or discontinued; only his wife's. He is paying also into a separate fund for his wife.

Mr. GROSS. Yes; he is requesting that there be a drawdown on the fund to that extent. My concern is what happens to this fund if this sort of thing is indulged in by more judges? This is in the nature of an insurance fund.

Mr. McMILLAN. It is only the amount that he paid in with interest.

Mr. GROSS. That may be so, but Members of Congress and Federal employees pay into a retirement fund.

Mr. McMILLAN. That is correct.

Mr. GROSS. We have no such drawdown as this. Members of Congress and Federal employees cannot withdraw or make demands upon the funds in this fashion.

My question is what happens to this special fund for the retirement of District judges if there is to be this kind of a drawdown on it, and perhaps additional drawdowns?

Mr. McMILLAN. It is my understanding that the court of general sessions has a different survivors' benefit program. The Federal employees do not pay for their survivors' benefit program, as the judges do in this court.

Mr. GROSS. Oh, yes, the Federal employees do pay; they pay as they go. The judges of the District court are paying in at the rate of 3 percent; are they not?

Mr. McMILLAN. Yes, sir. The only time a judge, as I understand, can collect his suvivorship, is when he retires.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia if the gentleman can clarify the situation.

Mr. BROYHILL of Virginia. Mr. Speaker, I think the main difference between the judges' program and that of the Federal employees is that while the judges are on active duty they will pay 3 percent additional from their salary into a fund for their survivor. The Federal employees do not do that. They do take a reduction of the annuity after retirement in order to provide survivors' annuity.

Now this particular judge to which you are referring has been paid back 3 percent of his back pay plus interest into this fund for survivors' benefits for his wife while, actually, on active duty as a judge and this is what he is asking to be refunded.

Mr. GROSS. What do these judges pay, as a total percentage into their retirement fund?

Mr. BROYHILL of Virginia. They pay nothing into the fund for their own retirement. This was 3 percent extra for the benefit of his survivors and he has to pay it back to the beginning of the time he was surviving as a judge. It is that simple.

Mr. GROSS. This is why I did not understand the situation.

Mr. BROYHILL of Virginia. That is correct.

Mr. GROSS. Therefore, this will not then impair the fund of the District court judges?

Mr. BROYHILL of Virginia. That is correct.

Mr. GROSS. To the extent that the Federal Government might be called upon to make up any deficit in the fund?

Mr. BROYHILL of Virginia. That is correct.

Mr. GROSS. And I may have the assurance of the gentleman from Virginia that this will not result now or in the future, no matter how often it is indulged in—will not result in any demand upon the Federal Treasury for funds to make up any deficit in the District judges retirement system?

Mr. BROYHILL of Virginia. That is the understanding of the gentleman from Virginia.

Mr. GROSS. May I have the same assurance from the gentleman from South Carolina (Mr. McMILLAN)?

Mr. McMILLAN. That is my understanding; yes, sir.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTIVE EYE DEVICES

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOWDY) to call up the next bill.

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9528) to require students and teachers in the District of Columbia public schools to wear protective devices for their eyes while engaged in certain activities in those schools, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. DOWDY)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each student and teacher in the District of Columbia public schools shall wear, in accordance with such regulations as the Board of Education of the District of Columbia shall prescribe, a protective device for his eyes while participating in any of the following courses offered by such schools:

(1) Vocational or industrial shops or laboratories involving experience with—

(A) hot molten metals,

(B) milling, sawing, turning, shaping, cutting, or stamping of any solid materials,

(C) heat treatment, tempering, or kiln firing of any metal or other materials,

(D) gas or electric arc welding, or

(E) caustic or explosive materials.

(2) Chemical or combined chemical physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

The Board of Education of the District of Columbia shall furnish such a device to each student and teacher participating in any such course. Such a device may be furnished by the Board at cost to each student and teacher who participates in any such course, or the Board may furnish such device free of charge to each student and teacher but only for his use while participating in any such course.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That each student and teacher in an elementary or secondary school, institution of higher education, or other educational institution in the District of Columbia or in a work training program conducted in the District of Columbia shall wear, in accordance with regulations of the District of Columbia Council, an appropriate protective device for his eyes while participating in or observing any course of instruction which is offered in such school, institution, or program and which involves experience with—

"(1) hot molten metals or other molten materials,

"(2) grinding, polishing, milling, sawing, turning, shaping, cutting, or stamping of any solid materials,

"(3) heat treatment, tempering, or kiln firing of any metal or other material,

"(4) gas or electric arc welding or any other form of welding,

"(5) electromagnetic or particulate radiation,

"(6) any caustic or explosive material, or

"(7) any other hazard designated by the District of Columbia Council by regulation. Any protective device required to be worn by this section shall meet such design standard as may be applicable to purchases of such device by the United States.

"SEC. 2. The District of Columbia Council may make such regulations as may be necessary to carry out this Act.

"SEC. 3. This Act shall take effect on July 1, 1970, except that before such date the District of Columbia Council may make such regulations as may be necessary for the Act to take effect on such date."

The committee amendment was agreed to.

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of the bill, H.R. 9528, is to require students, teachers, and observers to wear eye protective devices while participating in or observing certain courses of study or types of training in public or private facilities in the District of Columbia.

This bill would broaden the minimal precautions now provided by regulation so as to require the wearing of protective devices wherever there is a condition which is hazardous to the eyes in connection with educational or training programs.

NEED FOR THE LEGISLATION

At the present time in the District of Columbia, there are no regulations applying generally to all public and private educational and training activities and requiring the use of protective eyewear where hazardous conditions are present. Such regulations as do exist are those adopted by the Board of Education and are applicable only in the public schools of the District of Columbia. Private schools and public and private educational institutions have no uniform policy relating to the use of protective devices to prevent injury to the eyes.

The bill, H.R. 9528, as amended and reported by your committee, is patterned after the model school eye safety law which has been adopted in more than 30 States. The bill specifically mentions the types of programs and instructional activities for which the wearing of protective devices is necessary for those who are participating or observing. This includes in general those activities involving caustic chemical or hot materials, those processes related to the forming, shaping, and surfacing of solid materials, processes involving electromagnetic and particulate radiation, and such other hazards as may be determined by the District of Columbia Council.

PROCUREMENT STANDARDS

Your committee is concerned that the procurement of the necessary protective devices under the provisions of this legislation be subject to specifications which will insure good quality, durable construction, and which will meet recognized safety standards. The bill provides that the District of Columbia shall use standards which are used by the U.S. Government in its procurement schedules for protective eyewear. Thus, whether the District government uses its authority to buy under Federal schedule or issues its own procurement advertisement, the same quality and safety standards would apply. Private facilities also would use standards equivalent to those used by the Federal Government.

Thirty-one States have enacted eye safety laws similar to the reported bill, H.R. 9528: 1963, Ohio; 1964, Maryland—amended 1965—Massachusetts; 1965, Alabama, Arkansas, California, Florida, Illinois, Iowa, New Jersey, Oklahoma, Pennsylvania, South Carolina, Texas, and Utah; 1966, Delaware, Louisiana, New York, Rhode Island, and Virginia; 1967, Connecticut, Indiana, Kansas, Minnesota—effective January 1, 1968—Tennessee, and Wyoming; 1968, Arizona, and Louisiana; 1969, Colorado, North Carolina, and Washington State.

PUBLIC HEARINGS

Public hearings were conducted by our committee. The views of the government of the District of Columbia were presented by the Office of the Corporation Counsel and testimony was received from the Office of Superintendent of Schools and from the Director of the Industrial Safety Division of the Minimum Wage and Industrial Safety Board. No objections were expressed to the purposes of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction."

A motion to reconsider was laid on the table.

NATIONAL CAPITAL TRANSPORTATION ACT OF 1969

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11193) to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324), and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Capital Transportation Act of 1969".

DEFINITIONS

SEC. 2. For the purposes of this Act

(a) "Transit Authority" means the Washington Metropolitan Area Transit Authority established by title III of the Washington metropolitan area transit regulation compact (80 Stat. 1324).

(b) "Adopted Regional System" means that system described in the Transit Authority's report entitled "Adopted Regional Rapid Rail Transit Plan and Program. March 1, 1968 (Revised February 7, 1969)", as the same may hereafter be altered, revised, or amended in accordance with Public Law 89 774 (80 Stat. 1324).

AUTHORIZATION FOR FEDERAL CONTRIBUTIONS

SEC. 3. (a) In order to provide for the Federal share of the cost of the Adopted Regional System, which System supersedes that heretofore authorized by the Congress in the

National Capital Transportation Act of 1965, as amended, the Secretary of the Department of Transportation is authorized to make annual contributions to the Transit Authority under this section in amounts sufficient to finance in part the construction of the Adopted Regional System by the Transit Authority: *Provided*, That the aggregate amount of such Federal contributions shall not exceed the lower amount of $1,047,044,000, or two-thirds of the net project cost of the Adopted Regional System less the $100,000,000 authorized to be appropriated in section 5(a)(1) of the Act of September 8, 1965 (Public Law 89–173; 79 Stat. 663).

(b) Such Federal contributions shall be subject to the following limitations and conditions:

(1) The work for which appropriations are authorized herein shall be subject to the provisions of Public Law 89–774 and shall be carried out substantially in accordance with the plans and schedules for the Adopted Regional System.

(2) The aggregate amount of such Federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such Federal contributions.

SEC. 4. There is hereby authorized to be appropriated to the Department of Transportation, without fiscal year limitation, not to exceed $1,047,044,000 to carry out the purposes of this Act: *Provided*, That the appropriations authorized herein shall be in addition to the appropriations authorized in section 5(a)(1) of the National Capital Transportation Act of 1965 (79 Stat. 665).

CONSTRUCTION APPROVALS

SEC. 5. (a) No portion of any rail rapid transit line or related facility authorized hereunder shall be constructed within the United States Capitol Grounds except upon approval of the Commission for Extension of the United States Capitol.

(b) All construction pursuant to this Act in, on, under, or over public space in the District of Columbia under the jurisdiction of the Commissioner of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Commissioner of the District of Columbia, to the end that such construction work will be coordinated with other construction work in such public space, and the Commissioner shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for the purposes of this Act.

REPAYMENT FROM EXCESS REVENUES

SEC. 6. To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the Adopted Regional System (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness; and capital contributions received by the Transit Authority), are excess to the amounts necessary to make all payments and deposits, including debt service, operating and maintenance expenses, and deposits in reserves, required or permitted by the terms of any contract of the Transit Authority with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the transit system, other than extensions thereof, two-thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the Adopted Regional System (exclusive of extensions) is first put into substantially full revenue service, be paid into the Treasury of the United States as miscellaneous receipts.

DISTRICT OF COLUMBIA AUTHORIZATIONS

SEC. 7. (a) To finance the District of Columbia share of the cost of the Adopted Regional System, the Commissioner of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions under this section aggregating not to exceed $216,500,000, and there is hereby authorized to be appropriated out of the general fund of the District of Columbia such amounts necessary to carry out the purposes of this section, and to remain available until expended.

(b) Section 9–220(b)(3) of the District of Columbia Code is amended by striking the first clause of the last sentence and inserting in lieu thereof the following: "$216,500,000 of the principal amount of the loans authorized to be made to the Commission under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1969: *Provided*, That the District of Columbia may exceed by any amount not more than $166,500,000, the limitation on the aggregate indebtedness established pursuant to this Act:".

(c) The appropriations authorized in subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia in section 5(a)(2) of the National Capital Transportation Act of 1965.

(d) The Commissioner of the District of Columbia is further authorized to contract with the Transit Authority for the service to be provided by the Adopted Regional System and to pay in accordance with the terms thereof the District of Columbia's share of any operating deficiency of the Adopted Regional System.

REPEAL AND AMENDMENT OF EXISTING LAWS

SEC. 8. (a) The following laws are repealed:

(1) The Act of December 20, 1967 (Public Law 90–220; 81 Stat. 670).

(2) Sections 3, 4, and 5(b) of the Act of September 8, 1965 (Public Law 89–173; 79 Stat. 664–666).

(3) The Act of July 14, 1960 (Public Law 86–669; 74 Stat. 537).

(b) Section 5(a) of the Act of September 8, 1965 (Public Law 89–173; 79 Stat. 665), is amended by striking the phrase "authorized in section 3 hereof" and inserting in lieu thereof the following: "of the Adopted Regional System".

With the following committee amendment:

"SHORT TITLE

"SECTION 1. That this Act may be cited as the 'National Capital Transportation Act of 1969'.

"DEFINITIONS

"SEC. 2. For the purposes of this Act—

"(1) The term 'Adopted Regional System' means that system described in the Transit Authority's report entitled 'Adopted Regional Rapid Rail Transit Plan and Program, March 1, 1968 (revised February 7, 1969)', as that system may hereafter be altered, revised, or amended in accordance with the Compact.

"(2) The term 'Compact' means the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774; 80 Stat. 1324).

"(3) The term 'Transit Authority' means the Washington Metropolitan Area Transit Authority established under article III of the Compact.

"AUTHORIZATION OF FEDERAL CONTRIBUTIONS

"SEC 3. (a) To provide the Federal share of the cost of the Adopted Regional System, which system supersedes that heretofore authorized by the Congress in the National Capital Transportation Act of 1965 (Public Law 89–173; 79 Stat. 663), the Secretary of Transportation is authorized to make annual contributions to the Transit Authority in amounts sufficient to finance in part the cost of the Adopted Regional System; except that the aggregate amount of Federal contributions for the Adopted Regional System, including the $100,000,000 authorized to be appropriated by section 5(a)(1) of the National Capital Transportation Act of 1965, shall not exceed the lower amount of $1,147,044,000 or two-thirds of the net project cost of the Adopted Regional System.

"(b) Federal contributions for the Adopted Regional System shall be subject to the following limitations and conditions:

"(1) The work for which contributions are authorized shall be subject to the provisions of the Compact and shall be carried out substantially in accordance with the plans and schedules for the Adopted Regional System.

"(2) The aggregate amount of such Federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such Federal contributions.

"(c) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, not to exceed $1,047,044,000 to carry out the purposes of this section. The appropriations authorized by this subsection shall be in addition to the appropriations authorized by section 5(a)(1) of the National Capital Transportation Act of 1965.

"AUTHORIZATION OF DISTRICT OF COLUMBIA CONTRIBUTIONS

"SEC. 4. (a) To provide the District of Columbia share of the cost of the Adopted Regional System, the Commissioner of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions aggregating not to exceed $216,500,000. To carry out the purposes of this section there is authorized to be appropriated out of the general fund of the District of Columbia, without fiscal year limitation, not to exceed $166,500,000.

"(b) The last sentence of paragraph (3) of subsection (b) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220 (b)(3), is amended by striking out '$50,000,000 of the principal amount of the loans authorized to be made to the Commissioners under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1965 (D.C. Code, secs. 1–1404, 1–1421—1–1426); and' and inserting in lieu thereof '$216,500,000 of the principal amount of the loans authorized to be made to the Commissioner under this subsection shall be utilized to make the contributions authorized by section 4 of the National Capital Transportation Act of 1969. To such extent, not exceeding $166,500,000, as may be necessary for this purpose, the District of Columbia may exceed the limitation on aggregate indebtedness established pursuant to this subsection.'

"(c) The appropriations authorized by subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia by section 5(a)(2) of the National Capital Transportation Act of 1965.

"(d) The Commissioner of the District of Columbia is further authorized to contract with the Transit Authority and to pay in accordance with the terms thereof for the service to be provided to the District of Columbia by the Adopted Regional System.

"CONSTRUCTION APPROVALS

"SEC. 5. (a) No portion of the Adopted Regional System shall be constructed within the United Sttaes Capitol Grounds except upon approval of the Commission for Extention of the United States Capitol.

"(b) Construction of the Adopted Regional System in, on, under, or over public space in the District of Columbia under the jurisdiction of the Commissioner of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Commissioner, to the end that such construction work will be coordinated with other construction work in such public space; and the Commissioner shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for construction of the Adopted Regional System.

"REPAYMENT FROM EXCESS REVENUES

"SEC. 6. To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the Adopted Regional System (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness issued by the Transit Authority, and capital contributions received by the Transit Authority) are excess to the amounts necessary to make all payments, including debt service, operating and maintenance expenses, and deposits in reserves required or permitted by the terms of any contract of the Transit Authoritiy with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the Adopted Regional System, other than extensions thereof, two-thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the Adopted Regional System (exclusive of extensions) is first put into substantially full revenue service, to be paid into the Treasury of the United States as miscellaneous receipts.

"STUDY OF DULLES AIRPORT EXTENSION

"SEC. 7. (a) The Secretary of Transportation is authorized to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a transit line in the median of the Dulles Airport Road from the vicinity of Virginia Route 7 on the I-66 Route of the Adopted Regional System to the Dulles International Airport.

"(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of $150,000; and there is authorized to be appropriated not to exceed $150,000 to carry out the purposes of this section.

"REPEAL AND AMENDMENT OF EXISTING LAWS

"SEC. 8. (a) The following provisions of law are repealed:

"(1) The National Capital Transportation Act of 1960 (Public Law 86-669; 74 Stat. 537).

"(2) Sections 3 and 4 of the National Capital Transporttaion Act of 1965 (Public Law 89-173; 79 Stat. 664-665).

"(b) Section 5(a) of the National Capital Transportation Act of 1965 is amended by striking out 'authorized in section 3 hereof' and inserting in lieu thereof the following: 'of the Adopted Regional System (as defined in section 2(1) of the National Capital Transportation Act of 1969)'."

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the further reading of the committee amendment and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. This will not preclude the offering of an amendment to the amendment, will it?

The SPEAKER. No, it will not.

Mr. FUQUA. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise today in behalf of legislation that has been introduced by a majority of the members of the Committee on the District of Columbia and was recently reported unanimously by the committee—a bill which makes it possible to realize the long-sought objective of a rapid rail transit system for the National Capital area; a bill which will provide to the Nation's Capital—the one major Capital in all the world which lacks such a system—a modern, high-speed, transit facility.

This great bipartisan objective, long sought by the Congress of the United States, has occupied its attention for the greater part of two decades. In 1952 the Congress enacted the National Capital Planning Act and directed the preparation of plans for the movement of goods and people in the region. Ever since, the Congress has repeatedly demonstrated its leadership and concern in the solution of this problem. Congressional policy was clearly enunciated at the time it enacted the National Capital Transportation Act of 1960. On that occasion it was stated that an improved transportation system was essential—

To the continued and effective functions of the Government of the United States;

For the welfare of the District of Columbia;

For the orderly growth, planning and development of the National Capital region; and

For the preservation of the beauty and dignity of the Nation's Capital.

Similarly, four Presidents have supported the rapid transit goal. Most recently, President Nixon, in his message of April 28, 1969, on the District of Columbia urged the enactment of the legislation we consider today, legislation to authorize a regional transit system for the Nation's Capital.

Subsequently, the full membership of the District Committee of the other body introduced S. 2185, a companion bill to the one I support here today. That bill received the unanimous approval of the U.S. Senate on July 8.

So it can be seen that a long bipartisan congressional-executive effort has steadily moved forward the cause of rapid transit for the National Capital region. In fact some 22 separate, significant congressional acts have furthered progress toward our goal. And where do we stand today?

I am happy to report that in response to congressional guidance when it approved the development of an Interstate Compact Agency, the Washington Metropolitan Area Transit Authority has developed a truly regional transit system and a financial plan in its support.

So, it is no longer necessary to think of rapid transit as a promise for the distant future. Because of the congressional foresight I have described, we can assure the success of this great enterprise through our action here today. We have reached the threshold of realization.

Using funds authorized by the National Capital Transportation Act of 1965, the Authority is ready to begin construction of the basic system, the central distributor in the District. Groundbreaking on this portion of the system is scheduled for December 9. This will be a great day for the National Capital region and a day of proud realization for the Congress.

And so today is the day which can assure the fruition of the visionary hopes of the Congress, four Presidents, and the citizens of the eight jurisdictions making up this great National Capital area, for the building of a rapid transit system in the Nation's Capital.

I am asking today, that this body affirm its desire once again, that the rapid rail transit program move a giant step forward. To this end, I have, together with my colleagues of the District Committee, introduced legislation essential to the funding of this program.

Every Member, I am sure, is painfully aware of the increasing problems associated with the growth of our population and resulting traffic congestion with its toll in wasted money, time, health, and tempers.

What we are proposing here today is that this body once again reaffirm its determination that this, our National Capital shall set a good example for the Nation to follow. With this legislation we begin to untangle the transportation mess that this Federal City is now suffering.

This legislation, except for several technical amendments, is identical to that of the companion measure approved by the Senate on July 8. The principal aspects of this transit bill are as follows:

Consistent with the intent of the Congress, the financial plan provides that the system be financed to the maximum feasible extent through system revenues and local financial participation. It is thus composed of three elements.

Of the $2.5 billion required for the construction of the 97-mile transit system, the first element provides that $835 million be financed through the sale of revenue supported bonds. Financial advisers and technical advisers of national prominence have assured our committee that revenues in excess of operating requirements will be available to underwrite a bond issue for this magnitude.

Second, the plan provides that $573.5 million must be provided by the eight participating local governments. Last year citizens of the region, voting in referendum, approved by margins ranging upward of 2 to 1 the issuance of bonds by their governments. They strongly demonstrated their willingness to fulfill their obligation to pay for one-third of the net project cost.

Third, the plan recommends that because of the great Federal interests in the National Capital the Federal Government provide the remaining two-thirds of the net project cost. This formula was established by the Congress for allocating Federal grants to other cities for transit improvements.

I might add for the total project cost of $2.5 billion, the amount of $1.408 billion will be local contribution, and the amount of $1.147 billion will be Federal contribution, or approximately a ratio of 55-to-45 representing the local-to-Federal support.

The purpose of this legislation is to provide for a Federal contribution toward the regional rapid transit system. It authorizes capital grants to the Authority, subject to subsequent appropriations by the Congress, over the period of construction. The total grant including the $100 million now authorized would be limited to an aggregate of not to exceed $1,147,000,000.

A second purpose of this legislation is to authorize the District of Columbia, as a compact signatory, to enter into a contract for payment of annual contributions on the same basis as is required of the other seven compact participants. This purpose, as provided in section 7, would authorize Treasury borrowing by the District of Columbia.

A third purpose, is to assure that each of the participating local governments will meet its obligations. The bill will require that the Federal contribution during any given year be matched on a two-thirds Federal, one-third local basis.

The financial plan in support of the system projects that over the 50-year life-span of the revenue bonds excess revenues of nearly $1 billion will be generated. Section 6 provides that these earnings are to be returned to the Federal Government and the local participating governments in the same proportions as the capital contributions were originally shared.

Finally, section 5 of the bill creates the requirement for approval of the Commission for Extension of the U.S. Capitol for any construction within the U.S. Capitol Grounds. That section would also require that construction work within the District of Columbia on the transit system be coordinated with other construction work in public space.

Mr. Speaker, our Nation is growing at a pace that is almost beyond understanding. Here, at the heart of our Nation, in our Capital City, the very machinery of Government is being slowed down to the crawl of overburdened traffic arteries. But, the means to keep our Capital City alive, alert, and useful is in our hands today—yours and mine—we must not fail our Federal City. We must, today, provide the transit program that will help us to grow without strangling our own growth. I urge you, right now, in the interests of preserving our Nation's Capital, to pass H.R. 11193.

Our committee contemplates that the appropriations authorized by this bill would be made over the course of a decade and, as projected, would not exceed $57 million the first year or $127 million the second year. Appropriations in no one year would exceed $188 million, as indicated in the following schedule of capital contributions:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY—SCHEDULE OF CAPITAL CONTRIBUTIONS

[In thousands]

Fiscal year	Revenue bonds	Federal grants	Local grants	Total funds
1		$56,800	$28,400	$85,200
2		126,112	63,056	189,168
3	$130,000	180,688	90,344	401,032
4	130,000	188,011	94,005	412,016
5	125,000	174,321	87,161	386,482
6	125,000	131,181	65,590	321,771
7	125,000	90,360	45,180	260,540
8	125,000	68,024	34,012	227,036
9	75,000	90,059	45,029	210,088
10		41,488	20,745	62,233
Total	835,000	1,147,044	573,522	2,555,566

The legislation would require approval of the Commission for Extension of the U.S. Capitol of any transit facilities to be constructed within the U.S. Capitol Grounds, and provides that construction work to be performed in the public space in the District of Columbia be scheduled and coordinated with other construction work in such public space in the interest of public convenience and safety.

The SPEAKER. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. FUQUA was allowed to proceed for 5 additional minutes.)

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the lucid explanation by the gentleman from Florida of this bill by title and the amounts involved. As I understand it, we in the Congress are wearing two hats when we consider this bill. First we consider the total Federal authorization for the transportation authority, and also we sit as a council, as we so often sit, for the District of Columbia in authorizing their participation, including so much out of the Federal taxpayers' moneys for that matching purpose. Is that correct?

Mr. FUQUA. The gentleman is correct.

Mr. HALL. Does the gentleman believe this total project over the long-term period of its construction and usefulness will not exceed roughly $2.5 billion?

Mr. FUQUA. I might say to the gentleman that this consideration was very much in the minds of the committee when it considered this bill. In the projections of the cost they determined by the finest engineering expertise in the country what the total cost would be to build this system today.

Then they added a 10-percent contingency fee for items they were unaware of which might develop in construction. In addition, they have added a 5 percent compounded annually increased-cost-of-construction escalation. So, with that added to it, then we arrive at the $2.5 billion total cost figure. So this has been taken into consideration.

Mr. HALL. I will say to the gentleman that specifications on that basis probably will get more contracts let and more construction started in the future. I compliment him on that. Certainly we need some enhancement of our transportation, if we continue to pile top on top of the Federal administration functions in the federal system, rather than dispersing central government as we should have learned during World War II.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Virginia is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, will the gentleman yield

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Maryland.

Mr. HOGAN. With respect to the comment by our distinguished colleague from Missouri, I should like to point out that the money we are talking about, the District of Columbia's share, does not comprise Federal dollars, but is merely an authorization for borrowing authority which will be repaid by locally raised revenues, not by Federal tax dollars.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman from Ohio.

Mr. VANIK. With respect to the bonds which are going to be issued, who is going to issue the bonds we are talking about? Will they be issued by the compact?

Mr. BROYHILL of Virginia. The Authority will issue the bonds.

Mr. VANIK. Are they contemplated to be taxable or tax-free bonds?

Mr. BROYHILL of Virginia. They will be tax-exempt bonds.

Mr. VANIK. I thank the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 11193.

First I should like to express the appreciation of all the people in the metropolitan area of Washington to the distinguished gentleman from Florida (Mr. FUQUA) for his leadership and his hard work in putting this legislation together and having it approved by the committee so that we can consider it here on the floor today.

Mr. Speaker, the legislation we have before us seeks to solve one of the most serious metropolitan area problems with which we are confronted. I am referring to the problem of the movement of people and goods, of transportation in the entire region. I am not ignoring other major urban problems with which we are confronted, such as housing, education, welfare, and recreation, but this is the only problem which must be solved from a metropolitan standpoint, an area standpoint, because we just cannot provide a transit system or highway system and stop at the boundary lines of any political subdivision. However, we can possibly solve most of these other problems within the separate political subdivision themselves.

Compounding this problem is the constant growth of population here in the metropolitan area, a population explosion, soaring from 2 million people in 1960 to an estimated 3½ million people in 1980, and to an estimated 5 million people by the year 2000. I believe the actual figure will exceed even that estimate.

There is also an increase in the number of automobiles, and in the number of automobiles per person or per family. There are more than 800,000 automobiles in the area at the present time, and that number is increasing all the time, as the people are demanding more comfort, more convenience, and more economy. If this trend continues, we will face the necessity of a roadbuilding program that will create a sea of concrete in this area, unless a better solution is found—or the movement of traffic must surely strangulate.

More and more resistance is developing to the construction of new highways and freeways. As an example, there was the recent delay in the construction of the needed District of Columbia freeway system and the Three Sisters Bridge, because the people in the area just do not want more of their property taken away. Unless we do something to solve that problem, no adequate and orderly means for the movement of traffic will be possible.

I wish to express my strongest support for the enactment of H.R. 11193, which will authorize the financing of the rapid rail transit system for the Washington metropolitan area. The construction of this system is long overdue, and I predict that the need will become critical within a very few years.

The principal provisions of H.R. 11193 are as follows:

First. To authorize the Secretary of Transportation to make annual contributions to the Washington Metropolitan Area Transit Authority to finance the Federal Government's share of the cost of the adopted regional system. These contributions shall not exceed in the aggregate $1,147,044,000 or two-thirds of the net project cost, whichever is the lower amount. These Federal contributions are to be matched by the local participating governments in total amounts not less than 50 percent of the Federal share.

Second. Authorizes the Commissioner of the District of Columbia to make annual contributions to finance the District government's share of the cost, not to exceed in the aggregate $216,500,000.

Third. Provides that two-thirds of any excess revenues accruing from the operation of the system, after such amounts as are paid for debt service and operating and maintenance costs, shall be put into the U.S. Treasury as miscellaneous receipts.

Fourth. Authorizes the Secretary of Transportation to contract with the transit authority for a comprehensive study of the feasibility of extending a rapid rail transit line to Dulles International Airport. The cost of this study is authorized to be appropriated, not to exceed $150,000, and the study is to be completed within a period of 6 months.

Efforts to provide a rapid transit system for the Washington metropolitan area go back over a period of 17 years to 1952, when the Congress enacted a National Capital Planning Act authorizing studies of transportation on a regional basis. In 1954, the States of Maryland and Virginia joined with the District of Columbia in a commission to study passenger carrier facilities in the metropolitan area. The Congress then funded a $500,000 mass transportation survey, the results of which were published in 1959 as the Mass Transportation Survey, Report, concluding that while an expanded system of freeways and expressways was needed to handle existing and future motor traffic in the region, highways alone could not solve the area's eventual traffic problems. The study concluded that a rapid transit regional system would become a necessity by the year 1980.

The National Capital Transportation Act of 1960 authorized the States of Maryland and Virginia, and the District of Columbia, to negotiate a compact which would establish an interstate agency, which would provide adequate and necessary transit facilities for the National Capital region. Also, this act created the National Capital Transportation Agency, to be responsible for the planning and development of such a regional transit system, pending the establishment of an appropriate regional agency by the interstate compact. An original budget of $250,000 for the NCTA was approved by the Congress in September of 1960.

In November of 1962, the NCTA completed plans for a transit development program comprising some 83 miles of regional rapid rail transit, including 65 stations, estimated to cost $782,800,000. This program was presented to the Congress in May of 1963, but even though the House Committee on the District of Columbia approved and reported a bill to authorize a considerably modified and less costly version of this plan, this bill was recommitted to the committee. The reason for this rejection appeared to be too high a degree of financial responsibility which that bill would have placed upon the Federal Government—a fault which we feel has been remedied in H.R. 11193.

In 1965, the National Transportation Act of 1965 authorized the NCTA to proceed with the development of a 25-mile basic rapid transit system to be located principally within the District of Columbia, at an estimated cost of $431 million. This act also authorized the appropriation of $100 million of Federal funds and $50 million of District of Columbia funds toward the cost of providing this facility. The remaining $281 million was to be raised through the sale of taxable bonds to be repaid out of the system, but underwritten as to principal and interest by the Federal and District of Columbia governments in this same two-thirds to one-third ratio.

Under the authority granted by this act, the NCTA then devoted itself to developing a plan for these 25 miles of rapid transit routes which now comprise the heart of the present adopted regional system.

Meanwhile, pursuant to the authority granted in the National Transportation Act of 1960, referred to above, the District of Columbia Board of Commissioners proceeded to enact the compact which created the Washington Metropolitan Area Transit Authority. The creation of this Authority was approved by Congress in Public Law 89–774, enacted on November 6, 1966, which transferred to the WMATA all the functions and duties of the NCTA. The actual transfer of this responsibility for transit development took place in October 1967.

Thus the NCTA passed out of existence after 7 years of invaluable pioneering service which provided the foundation upon which an adequate rapid transit system will be developed by its successor, the WMATA, for the entire National Capital region.

On December 20, 1967, legislation was enacted amending the National Capital Transportation Act of 1965 with respect to the location of certain of the subway routes authorized.

Subsequent to the enactment of the National Transportation Act of 1965, the Congress has appropriated some $67.5 million of the $150 million authorized in that act, to be used for planning and design of the system.

As a result, the WMATA, after detailed planning, engineering studies, and coordination with Federal, regional, and local agencies throughout the area, and after holding extensive public hearings, on March 1, 1968, adopted a regional rapid rail transit plan and program for the Washington metropolitan area, which includes as its heart the system authorized essentially for the District of Columbia in the National Transportation Act of 1965. Some technical revisions of this plan, involving the relocation of a few stations in the proposed system, were adopted by the Authority on February 7, 1969.

The initial responsibilities assigned by the Congress to the Washington Metropolitan Area Transit Authority have been fulfilled with the approval of this plan for the Metro system, also known as the adopted regional system, which is the subject of H.R. 11193. The system consists of 97.7 miles of rapid rail service covering the Nation's Capital and its immediate environs. The remaining funds from the $150 million authorization provided in the National Transportation Act of 1965, which will be used for initial phases of construction of the system, are pending in appropriation legislation for fiscal year 1970. It is estimated that rapid rail transit service will begin within 3 years after the beginning of construction, and that the presently authorized 25-mile heart of the system will be in full operation some 2 years thereafter. If prompt action is taken on the pending legislation authorizing the full financing plan, the entire system can be in full operation by late 1979 or early 1980.

The full adopted regional system will include 37.7 miles of service in the District of Columbia, 29.9 miles in Maryland, and 30.1 miles in Virginia. The system will have 86 stations: 44 in the District, 22 in Maryland, and 20 in Virginia. Fifty-three of these stations will be in subway, and the remaining 33 will be at surface or aerial structures.

Forty-seven miles of the system, mostly in the highly developed portion of the area, will be constructed below surface. Forty-two miles will be on the surface, utilizing wherever feasible existing rights-of-way along established rail lines or in the median strips of divided highways. The remaining 8 miles will be on aerial structures, mostly for the purpose of grade separations.

Facilities for parking 30,000 automobiles will be provided at 37 stations. This will include spaces for 5,000 vehicles in the District, 11,000 in Virginia, and 14,000 in Maryland.

Air-conditioned trains will run every 2 minutes on the main lines during peak hours, and a total of 658 vehicles will be required for full operation of the system. The cars will have a passenger capacity of 175 persons, with seats for 81 and ample room for 94 standees. Except for rush hours, of course, there will be sufficient seating for all passengers.

The adopted regional system will be coordinated with bus and automobile facilities to serve communities for some miles on both sides of the rapid rail lines. Feeder buses with frequent service and special dropoff lanes will make it convenient for a majority of the system's riders to use the combined system.

It is predicted that the population of the metropolitan area will increase from 2 million in 1960 to some 3.5 million by 1980, and to 4.2 million by 1990. Most of this growth, of course, will be in the suburbs.

Employment in the area will increase from 1 million in 1965 to 1.4 million in 1975, and to 1.9 million by 1990. Employment in the system's downtown area will increase from 273,000 in 1965 to 343,000 in 1975, and to more than 500,000 in 1990.

It is estimated further that the percentage of persons using public transportation to downtown Washington in peak hours will increase from some 40 percent in 1955 to 60 percent of a much larger population when the new transit system begins operation. This estimate is based on the experience in other cities which have constructed rapid rail transit systems.

Thus, total ridership for the adopted regional system for the year 1990 is estimated at some 292,610,000, and the total transit trips for the year 1990, including trips by bus only, are estimated at some 348,830,000.

It is planned that the fares will range from 30 cents in the District of Columbia portion of the system to a maximum of 70 cents in the outermost parts of the system. This fare schedule is comparable to the presently existing schedule of bus fares.

The WMATA anticipates that operation of the system will be conducted by private enterprise under contract. Considering all cost-of-operation factors, total operating expenses are projected at approximately $38.7 million by 1990, including depreciation.

Total box fare revenue for the year 1990 is estimated at $124.2 million. Anticipated allocation to the private bus companies for their share of bus-rail joint fares is projected at $37.9 million, leaving a net fare box revenue of $86.3 million.

In addition, it is estimated that revenue accruing from parking, concession leases, and similar sources will amount to some $3.1 million, for an adjusted gross revenue of $89.4 million.

Thus, it is estimated that operating and maintenance expenses of $32 million, plus allowance of $6.7 million for depreciation, will project a net annual revenue of $50.7 million.

The cost of the complete adopted regional system is estimated at $2,494.6 million. Net interest during the period of construction will amount to some $60.9 million, increasing the total project cost to $2,555.5 million, or in round figures $2.5 billion.

The Authority's financial program estimates that approximately one-third of the total project capital costs can be financed through system revenues. To this end, the WMATA's financial consultants anticipate that net revenues of the system will support issuance of revenue bonds during the construction period amounting to $835 million. These revenue bonds issued by the Authority will have a maturity of less than 50 years and will be secured by a pledge of the gross revenues of the system. These tax-exempt revenue bonds, which it is hoped will have an average interest rate of 5 percent, will have a coverage factor of 1.2 times net revenue before depreciation. A sinking fund will be established, in an amount sufficient to provide for the repayment of these bonds within 50 years of issue.

The remaining net project cost—that is, the amount not covered by the authority's revenue bonds—is to be shared by the Federal and local governments. This amounts to some $1,720.5 million.

Under the Federal-local matching formula authorized by the Congress for construction of the 25-mile basic system, the Federal share will be two-thirds of the net project cost. Under the terms of H.R. 11193, however, this Federal share is limited either to that part of the cost or to a total of $1,147,044,000, whichever is the lesser amount. I wish to call attention to the fact that the $100 million of Federal funds authorized for this purpose in the National Transportation Act of 1965, and which is in the process of being completely appropriated at this time, is a part of the above-mentioned amount. That is, the aggregate of future Federal Government contributions to the system is limited to $1,147,044,000. Such a financial program will follow the pattern of the Urban Mass Transportation Act.

This matching formula for Federal and local grants charges the local governments with responsibility for some $573.5 million. The Authority has adopted a cost-allocation formula for the sharing of this local net project cost among the District of Columbia and the neighboring jurisdictions of Maryland and Virginia as follows:

District of Columbia $21.5 million;

Virginia $149.9 million: Alexandria $30.6 million, Arlington County $54 million, Fairfax County $61.9 million, Fairfax City $2.6 million, and Falls Church $0.8 million;

Maryland $197 million: Montgomery County $110.4 million, Prince George's County $86.6 million; Future allocation $10.1 million;

Total required grants $573.5 million.

Because of a desire on the part of the local suburban governments to demonstrate their support of the adopted regional system before any formal requests for Federal authorization were brought before the Congress, referendums were held last year in the five suburban jurisdictions where such referendums are required, based on prelimary estimated allocations which subsequently were revised by extensive further analysis of costs. These referendums were approved by the voters in all five of these jurisdictions by nearly a 3-to-1 margin. As a result, Falls Church became the first area jurisdiction to formally approve contract agreements with the WMATA for the adopted regional system. In addition, authority for Prince Georges County and Montgomery County, in Maryland, to issue bonds for their allocated shares was granted last year by the Maryland Legislature and by the Montgomery County Council respectively. Thus, the support of the suburban jurisdictions is fully assured.

Mr. Speaker, the case for the approval of this proposed legislation is overwhelming. The Congress determined years ago that a rapid rail transit system for the National Capital region is a desirable investment, and that it would become a necessity within a period of a few years. Those few years have passed, and there is no question whatever that the necessity is now a reality, and that the need will grow critical in the very near future.

A team of highly reputable independent economic analysts have concluded that the adopted regional system is a sound financial investment, which will produce financial benefits three times greater than its net cost. The voters in the nearby suburban jurisdictions of Virginia, and the governing bodies of the adjacent counties of Maryland, have strongly attested their approval of this plan and their willingness to pay their fair share of its capital cost.

While it is true that the share which this bill will authorize for the Federal Government to assume is a large sum of money, it represents only the Federal Government's inescapable responsibility to the Nation's Capital in this highly vital area of need. I wish to point out that the Federal Government's contribution is to be made on an annual basis, and that the WMATA must seek approval of the Congress each year of the construction program for that year, so that the Congress will be apprised of every step in the process of development of the system.

If anyone could suggest a less expensive solution for the critical present and future needs for an adequate transportation system for the Washington metropolitan area, I would endorse it immediately. However, I am convinced that there is no such alternative. For this reason, I point out that the cost of the adopted regional system can only increase with any delay in its construction, and with all the eloquence at my command I urge the passage of this direly needed bill which the Senate has already approved in every substantive detail, in order that we may properly meet our responsibility to the entire metropolitan region.

Mr. Speaker, this is a sound approach and a sound proposal. We were directed by the Congress to come up with a formula, or some other provision or program, with which to solve this problem. This adopted regional system has been 17 years in the making, and Mr. Speaker, I think we have waited too long already. It will take at least 10 years to build this system. We want to break ground next month, on December 9, and hope to have the first portion of this system in operation in 1972 and the entire system completed in 1979.

So, let us get going and get the job done.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it seems to me that we are today, with this bill, embarking on another trip into wonderland. I do not care how many subways are built in the District of Columbia, with the extensions into the States of Virginia and Maryland, or how many sport centers and stadiums are built. All I want the people of this area to do is spend their own money to build them.

If this transportation system presents such a wonderful, rosy financial picture; if it will pay for itself as has been stated, why do you not just build it with your own money? Why come to the Federal taxpayers?

I wonder what will happen if any one of the three segments defaults on its obligation for this system. What happens then? Who gets the bill? That is the question I would like someone to answer. I would like some proponent to say he will put his reputation on the line to the effect that this subway—and I think it is a boondoggle—that this subway is not going to cost more than $2.5 billion.

If this is not going to cost more than $2.5 billion then I wish somebody would stake his reputation on it here and now for the record, so that he can live with it in the days to come.

I know what happened in connection with the stadium, and so does everybody else. We had assurances, time after time, that it would not cost the Federal taxpayers a dime, but it is costing the Federal taxpayers, and it has every day since it was completed and occupied.

Now I will yield to anyone who can give me the answers to a few questions.

Mr. BROYHILL of Virginia. Mr. Speaker, if the gentleman will yield, I tried to point out a moment ago that we did the best we could do to come up with an accurate figure as to what this thing would cost. We used the best information that was available from people who were familiar with this type of construction and this type of operation. We have no way of guaranteeing to the gentleman or anyone else that it will cost less or more than we anticipate. We think they are realistic estimates.

Furthermore, as the gentleman from Iowa knows, we do provide for Federal and State participation in many programs such as education and the Federal highways. We also have proposals pending in the Congress to have a large mass transportation program where the Federal Government will pay two-thirds of the cost, and the local communities will pay one-third. All we are doing here is what we have done on many occasions with other communities in the country.

Mr. GROSS. There is a vast difference in connection with the other programs that the gentleman speaks of. The States of Maryland and Virginia, and the District of Columbia get more than their share of school and highway aid that goes to the other States now, on top of that they are about to get hundreds of millions of dollars for a transportation system that will not be shared by other States. Unlike an education, it is impossible for a citizen to take his or her share of a subway running through the District and into Virginia and Maryland and carry it around the United States as needed. There is no comparison between educational grants and a huge Federal handout for this purpose.

You talk about a population explosion in the District of Columbia. I seriously question whether there will be such an explosion, I think it is going the other way.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, as the gentleman from Iowa knows, I opposed this legislation back in 1962 or 1963, I have forgotten which is the correct date, because I was concerned at that time that there was an effort to retain what I have called captive customers or clientele, because there was an effort at that time to curtail the highway program. But since that time these problems have been resolved, and I am firmly convinced that if we are going to have an integrated and effective transportation system in the District of Columbia that then we need this rapid transit system.

But let me point out that there is a Federal obligation here, because this is the Capital City, the Federal City of the Nation. The Federal Government has a great impact upon the economy of the region. The Federal Government is the greatest employer in the region. So we have a responsibility as the Federal Government to participate in this program.

Mr. GROSS. Does not the gentleman think that these taxing bodies have a responsibility to fully tax the people who are the beneficiaries of this big and constant Federal payroll? There is no payroll anywhere in the United States more constant, or a better payroll than in this area in and around the District of Columbia.

Mr. HARSHA. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from Ohio.

Mr. HARSHA. Certainly they have a responsibility, and they are taxing their citizens on the same basis that we ask any other communities that participate in a rapid transit program. But the Federal Government has the added responsibility here, because of the congestion that is involved, because there is a great loss in man hours at work because we cannot get in and out of here. Furthermore, the Federal share is not going to be spent until the local communities have come up with their share. The Committee on Appropriations is not going to put out any money until the local participation has been substantiated and documented. So that we are going along on this on a partnership basis.

Mr. GROSS. I do not agree that there is an obligation upon the Federal taxpayers to spend hundreds of millions for this purpose.

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from Iowa has expired.

Mr. HARSHA. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, in response to the gentleman, this is the Capital of the Nation. If the Government here is bogged down by inadequate transportation facilities or service, then service to the general public over the whole country suffers, and there would be less service to all concerned than if there were adequate transportation. That is part of the problem.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. GROSS. Transportation is bogged down right now in northern Virginia with a bus strike. What would happen if you had had all this traffic keyed to a subway and then a strike took place? Apparently there is little interest in the strike on the part of the State of Virginia. They have made no effort to get an injunction or taken any other action to restore service pending meaningful negotiations in the strike.

Mr. HARSHA. I am not at liberty to discuss whether or not they have made meaningful negotiations. Certainly we may be confronted with strikes, and I think the employees are entitled to try to advance their own interests by collective bargaining in any manner that is legal and appropriate.

Mr. GROSS. That is right, but if the District of Columbia is so important to northern Virginia or to the State of Virginia as a whole, as we are led to believe here today; why is not something being done about it? That is my question.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. VANIK. I certainly appreciate the great study that my colleague has made on this issue. In the past I have always supported proposals providing for better public transportation.

The thing that concerns me about this bill is that the Federal commitment is so large that I am afraid it will destroy any real hope of getting any comparable kind of support for other mass transit needs in the rest of the country. I feel that this could just become a bottomless pit which could usurp incredible Federal revenues to support the system. I must confess to the gentleman, I do not think is going to be a profitable operation. I must tell the gentleman that I cannot see where the revenues are going to carry the anticipated costs of this program. But if it would, it would be contrary to all of the experience we have had with transportation systems through the United States.

I think we have to assume this is going to be a money loser and we will be confronted with a deferral and a difficult experience in the repayment.

The thing that concerns me is that in getting into this very multibillion Federal outlay, we may be getting ourselves into a situation where we might have to continue to pour more work and more bureaucrats into the Washington area in order to support the subway system. I think we ought to try to decentralize the bureaucracy and remove from Washington the activities that can be carried on more efficiently in other areas.

Frankly, I feel that we might, because of the subway system impose upon ourselves the obligation to continue to pour far more and more Government bureaucracy into the area in order to pay off the costs of this tremendous expensive subway system.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to point out for the information of the gentleman from Ohio that fewer than 10 percent of the Federal Government employees are employed here in the Washington area. So these personnel are pretty well distributed throughout the country at this time.

Second, the local communities involved are guaranteeing that these revenue bonds will be paid.

Third, it is not costing the Federal Government $2½ billion. The cost to the Federal Government is $1.1 billion—two-thirds of the total Federal and local portion of the cost of the system. Revenue bonds will finance the balance.

This is similar to the formula used all over the country for mass transit and many other joint Federal-local programs.

Mr. HARSHA. I might say to the gentleman that the Washington Metropolitan Area Transit Authority has had the best engineers and the best accountants available, and the most experienced people in the transit business estimating the amortization of this obligation and how the revenues can be realized; and they have come up with a package that they estimate will bring back into the fare box approximately a billion dollars over the cost—that is the capital cost of construction, plus the operating costs over a period of years. This legislation provides that the Federal Government will receive two-thirds of that overage, or that approximately $609 million will go back into the Federal Treasury, so we will have an eventual net outlay of only some $400 million, rather than $1,100,000,000.

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from Ohio has expired.

Mr. VANIK. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. VANIK. Can the gentleman tell me what the current year's appropriation is for mass transit for the rest of the United States?

Mr. HARSHA. No, I cannot. I do not have that figure. All I can tell you is that the formula for Federal participation in this bill is the same as it is under the Mass Transit Act for the rest of the United States. What the total appropriation is for the rest of the country for mass transportation I do not know. I am sorry.

Mr. VANIK. Am I correct in my understanding that it is less than $175 million in fiscal 1970?

Mr. HARSHA. I could not state.

Mr. VANIK. I ventured a guess. The question I raise is that there is a disproportionate amount in the allocation of Federal mass transportation revenues to the District of Columbia as distinguished from all the rest of the United States. It looks to me as though the program for the Washington area is many times larger than the programs we have in all the rest of the United States.

Mr. HARSHA. Mr. Speaker, will the gentleman yield further?

Mr. VANIK. I yield to my colleague from Ohio.

Mr. HARSHA. We have a different situation in the District of Columbia. We are trying to operate the Federal Government, the Government of the United States. The success of the services rendered by the employees to the rest of the country depends upon their ability to get to and from their jobs. That is why we have a larger participation in terms of dollars, in this particular legislation than we do in the mass transportation program in other cities. Furthermore this is the Nation's Capital and we all have constituents who not only visit here but who are interested in seeing that we have the most effective, efficient Capital in the world. As this Nation's Capital we have other considerations to take into account such as all of the foreign embassies and foreign visitors yet we are probably the only national capital in the world without an adequate rapid or mass transit system.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What has been the fate of the subway systems in Boston, New York, and Philadelphia? Are those enterprises howling successes?

Mr. VANIK. I might point out to the gentleman from Iowa that in Cleveland we have a mass transit system. We have the first mass transit system in America connected to an airport. The revenues are increasing. Traffic volume has grown. We were able to complete this rather fine system with a relatively small amount of Federal money. In that system we received about $13 million as a Federal grant. But I am relating to what was done with this Federal grant to the tremendous commitment in this bill.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Maryland.

Mr. HOGAN. I point out to the gentleman that that money will be spread over 10 years, not 1 year.

Mr. VANIK. I understand.

Mr. HOGAN. This is the normal formula for participation of the Federal Government in rapid transit programs with jurisdictions—on a percentage basis.

Mr. VANIK. With one exception, in that the local part, the part that is due from the District of Columbia, is also coming as a loan from the Federal Treasury. That is the difference. What would normally be a local contribution is also a Federal contribution.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to the Chairman.

Mr. FUQUA. I might point out that the local contribution is being borrowed by the District of Columbia, but the District of Columbia will have the obligation to repay that amount.

I might point out again, as I did in my opening remarks, that all the jurisdictions are putting up approximately 55 percent of the money for the total project work. The Federal Government is putting up only 45 percent.

Mr. VANIK. I cannot understand any distinction between the District of Columbia borrowing from the Federal Government under circumstances of unlikely repayment or getting the money from the Federal Government. I think it is coming out of the pockets of the general taxpayers, and I think it is disproportionate.

Mr. HOGAN. It is coming out of the local District of Columbia taxpayers, the resources of the local government, rather than the Federal Government.

Mr. VANIK. And it is coming right out of the Federal Treasury.

Mr. HOGAN. It is a borrowing authority, not a commitment of Federal dollars.

Mr. VANIK. It is coming out of the Federal Treasury if the borrowing fails.

Mr. HOGAN. It will be repaid from local tax revenues.

Mr. VANIK. And if it is not, we will still have to wipe it out or absorb it through action of the Federal Government. The gentleman understands that.

Mr. HARSHA. Mr. Speaker, will the gentleman yield further?

Mr. VANIK. I yield to the gentleman from Ohio.

Mr. HARSHA. The Federal Government contributes 25 to 30 percent to the total District of Columbia budget. The rest of the money in the general funds comes from local tax resources. So what you say is true, up to 25 to 30 percent of the amount of the District budget. That is all U.S. citizens contribute their proportionate share of this 25 to 30 percent.

Mr. VANIK. Will the gentleman assure me that he will make every effort to decentralize the Federal Government, and assure me, as far as he can, that we will not have to load on more bureaucracy in the Washington metropolitan area in order to pay off this investment we are making in mass transit?

Mr. HARSHA. Mr. Speaker, I certainly agree with the gentleman that we should do everything to decentralize the Federal Government. There is no arguing with that. We think we have done everything in this legislation to assure that there will be no further requests from the Federal Government to fund this sort of program. I am personally convinced that the engineers who made this study and the Capital Transportation Agency have done an outstanding job in preparing their estimates and that every precaution has been taken to meet any unforeseen problems, yet present the Congress with as realistic a proposal under all the circumstances that could conceivably be made.

The **SPEAKER** pro tempore. The time of the gentleman from Ohio has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Vanik was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not know whether this figure is accurate or not, but I have been given the figure of $41 million as the amount already expended on the mass transportation proposed for this area. Is it possible that $41 million has already been expended in one way or another on this system?

Mr. FUQUA. Mr. Speaker, this has been the cost of the preliminary studies and the engineering work that has gone on, that Congress authorized in previous acts. There have been 22 separate acts which Congress has taken relating to mass transportation in the District of Columbia. This expenditure has come about as a result of these previous acts by the Congress.

Mr. GROSS. So $41 million has already been expended and not a wheel has moved, not a passenger has been transported anywhere, and not a shovelful of dirt has been turned toward an operating transit system or anything else. Is that correct?

Mr. FUQUA. If the gentleman will come up on December 9, we will be happy to let him participate in moving some of the first dirt, but there have been some soundings made, and there has been some dirt moved.

Mr. GROSS. I thank the gentleman and good night.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to place in the Record a statement by Congressman Gude. There has been a death in Congressman Gude's family—his mother has died—and he has submitted this statement to be included in the Record at this point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

STATEMENT OF HON. GILBERT GUDE

Mr. Speaker, House action today on two separate pieces of legislation will resolve one of our most pressing metropolitan Washington problems, the implementation of our regional balanced transportation system.

Since coming to the Congress I have worked in every conceivable aspect for the development and implementation of such a modern transportation system for this Maryland, Virginia and D.C. region.

Approval of the D.C. Appropriation Bill FY 1970 with $40,322,000 for the District's share for 1970 will provide for the immediate construction of the basic rapid rail transit system. I am pleased that by this action today the House will meet its responsibility for the Capital's modern subway.

At the same time today we have before us the National Capital Transportation Act of '69 of which I am an original sponsor. In this we are pledging our commitment to the 98 mile regional rapid rail transit system, which has been carefully developed by the jurisdictions in Maryland, Virginia and the District. The participating governments in this region have already pledged their financial support for the development of this system.

The Administration has given its considerable backing and attention to both of these transit efforts and I wish to commend their leadership in ending the subway-freeway impasse this past year. This contrasts with the performance of recent administrations, whose lack of positive action left Washington in a period of transportation stagnation and paralysis. I happily endorse the action of my colleagues on the Appropriations Subcommittee for their making these critical funds available for our transit requirements.

Mr. NELSEN. Mr. Speaker, a number of years ago, former Congressman Basil Whitener and I were two of the authors of the subway bill for the District of Columbia. I am under no illusion that this will be a system that can be cheaply constructed. On the original estimates, I think many of us were well aware of the fact that we probably missed the mark by a great deal—and we apparently did underestimate the cost at that time.

I am impressed by the statement made by my colleague that more bureaucracy will be generated, because many of us are hopeful that we can work out a transit system that ultimately will not be operated by the Government but that could be under private management. This is looking to the future.

A very important part of this debate would be missing if I did not comment about the hard work which has been done by the gentleman from Virginia (Mr. Broyhill) and the gentleman from Ohio (Mr. Harsha), the gentleman from Florida (Mr. Fuqua) and the gentleman from Maryland (Mr. Hogan) while this matter was being considered in the subcommittee. I did not serve on that subcommittee, but this will was authored by nine members of the District of Columbia Committee. We have bipartisan support. There has been obviously more enthusiastic support by the outlying districts than we had been able to muster at an early date.

My comment about the transit system is simply this: I think we must view everything we do regarding the District of Columbia in a little different light than when we deal with any other problem for any other city. This is our Federal City, our Nation's Capital, and I think when we look around, we will have to admit there are many areas we have overlooked to which somehow or other more attention should have been given. I am proud to see that in many respects some things we have done are working out. I hope this transit system works out as well as some of the other additions to the District government have worked out.

I refer particularly to our vocational school, which is doing a tremendous job. About 5,000 of the persons living in the District of Columbia in a part-time, if not full-time, way are getting service from our vocational school. Many will have gainful employment as a result of it.

Also, our Federal City College is doing well. I have taken a great deal of ribbing about some of the things that happened there earlier; but, that school is steadying down. We are finding there the school's problems are on the decline, and that its contribution to the welfare of the community may be quite extensive.

When we deal with a metropolitan transit system, when we deal with our entire budget for the District of Columbia, I believe we need to keep in mind that we are dealing with our Federal City. I, as a citizen and a taxpayer from way out Minnesota way, want to make my contribution wherever I can to sensibly look at the problems of our Nation's Capital. There is nobody more conservative, so far as being careful of personal expense or Government expense, than I am. The record will show it. But I am willing to be a little bit on the liberal side when my Federal City is involved, because it should be the model city of the United States of America, and at the present time it is not.

It is my hope that in our commitee we can ultimately bring out a whole package of legislation dealing with crime, education, transportation, and you name it. I believe much of this is on the way.

Mr. Speaker, I favor H.R. 11193, which authorizes a Federal contribution for the effectuation of a transit development program for the National Capital region and an authorization for the District to participate in this metropolitan program.

H.R. 11193 was introduced by my distinguished colleague (Mr. Fuqua) and was cosponsored by myself and eight other members of the House District Committee.

INTRODUCTION

This matter has bipartisan support of both the House and the Senate—joint hearings having been held on S. 2185 and H.R. 11193 on June 10 and 11, 1969.

The transit authority has the overwhelming support of the Federal and District governments and in fact the neighboring States of Virginia and Maryland are anxiously awaiting positive action on this bill.

It is the final bill in a series of bills proposing a transit development program for the Washington metropolitan area.

It is, in my opinion, that this bill, proposing a transit program for Metropolitan Washington, is the principal part—the subway portion—in a balanced transportation system this is badly needed, not only by the District of Columbia and the neighboring metropolitan areas, but this subway system will be of great value to people from all over this Nation who visit their Nation's Capital in the future.

CONGRESSIONAL MANDATE

Our committee considers that the Authority's adopted financial plan adheres to the congressional mandate as well as the expressed provisions of the compact that, as far as possible, the cost of the transit facilities should be borne by the persons using and benefiting from them. Your committee has carefully reviewed the Authority's estimates of construction costs, passenger traffic, revenues, and operating expenses. The proposed contribution of two-thirds, or $1.147 million by the Federal Government, and one-third, or $573.5 million by the local jurisdictions, follows the pattern for Federal assistance to urban mass transportation improvement programs established in the Urban Mass Transportation Act of 1964. Financing of the Federal share of the regional rapid rail transit plan through congressional authorization, rather than under the Urban Mass Transportation Act of 1964 (78 Stat. 302), reflects four very important basic considerations:

First. It carries forward the historical intent and precedent of the Congress established in the legislative history of this project previously mentioned in this report;

Second. It recognizes the special interest of the Congress in the unique characteristics of the Federal City and its long-range development;

Third. It accords with the desire of the President for early enactment of legislative authority for the construction of a regional transit system as an essential element of his program for the enhancement of the National Capital region; and

Fourth. It assures congressional oversight of the project by the committee of the Congress having the continuing interest, broad responsibility, and special expertise in the affairs of the Nation's Capital.

Finally, the provision in the Authority's financial plan and expressed in the legislation before the committee, for overpayment from excess revenues generated by operation of the system, is in accord with the intent expressed by this committee in its report on the National Capital Transportation Act of 1965—House Report 536, 89th Congress, first session. Under that provision, to the extent that the transit system once in substantially full operation, produces revenues in excess of amounts necessary to provide for its operating and maintenance expenses, debt service on the Authority's revenue bonds, and deposits in reserves, two-thirds of such excess revenues—as defined in section 6 of the bill—will be paid to miscellaneous receipts of the United States. The remaining one-third will be returned to the local jurisdictions in proportion to their capital contributions.

NEED FOR RAPID TRANSIT

The streets and highways of the Nation's Capital and its suburbs are beset by massive traffic congestion during the rush hours. The delays encountered in moving from home to work and back are becoming enormous and onerous. The statistics emphasize the magnitude of the problem. In 1960 this region had a population of some 2 million. By 1980 there will be 3.5 million, and by the year 2000, a population of some 5 million people is projected. There are more than 800,000 automobiles in the region today. It is estimated that by 1980, there will be an additional 1 million vehicles traversing the streets and highways of the region.

Traffic congestion is extremely serious today. It will become appalling in the years ahead, unless we move forward promptly with the development of an areawide system of exclusive right-of-way, high-speed, high-capacity, rapid rail transit, to supplement the already stupendous interstate highway systems channeling traffic to and through the area.

WIDESPREAD SUPPORT FOR THE LEGISLATION

The bill of our committee was introduced on May 13, 1969; and a companion bill, S. 2185, was introduced by several Members of the other body.

As I stated earlier, joint hearings were held on these bills by the District of Columbia Committees of both Houses on June 10 and 11, 1969. Testimony was heard from the Deputy Director of the Bureau of the Budget; the Under Secretary, Department of Transportation; the Commissioner of the District of Columbia; the Chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority; representatives of the suburban transit commissions and of the Washington business community. Supporting statements were filed by labor organizations, citizens groups, and representatives of local governments.

The entire legislative history behind this project, and the testimony before our committee for the past 10 years and in particular the transit hearings this year, demonstrate beyond doubt that the regional rapid rail transit plan and program have the overwhelming support of the Federal and District of Columbia governments.

The unique and major Federal interest in Washington and the National Capital region, as well as the Federal Government's direct responsibility for assuring efficiency in the conduct of its own business and in preserving the beauty and improving the quality of the environment of the National Capital, necessitate a Federal capital contribution toward the cost of design and construction of the regional rapid rail transit system, which together with contributions by the local jurisdictions and the issuance of revenue bonds by the Authority, will assure completion of the regional transit system.

The local jurisdiction and the public within the Washington Metropolitan Area Transit Zone have demonstrated their desire and willingness to commit themselves financially to pay their fair share of the costs of designing, engineering, construction and equipping the regional rail rapid transit system adopted by the Authority by providing funds to meet the administrative expenses of the Authority and by passing bond referenda, where required, authorizing the local jurisdictions, to contribute the necessary non-Federal grants.

The actions of the Authority and the efforts of the local jurisdictions have furthered the transit program to the point where it is essential that the Congress provide at this time the additional authorizations necessary to assure orderly progress toward completion of the long-awaited rapid rail system. I urge that this legislation receive the favorable consideration of the Congress.

CONCLUSION

As stated, I favor this bill and I recommend its enactment to those of my colleagues who wish to provide a balanced transportation system for the Nation's Capital. I believe this subway system is badly needed. I also believe that to delay on this matter further will deny to residents of the entire metropolitan area an integral part of a balanced transportation system that may well stifle the proper growth of this area if indeed it does not paralyze this area totally in time.

I recommend this legislation as one of the most important and most studied bills ever to come before this body from the District Committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Iowa.

Mr. GROSS. As long as demonstrators continue to knock out 150 plateglass windows and other costly vandalism in connection with a parade in Washington, D.C., is not going to have much of a reputation as being the model city of the United States, is it?

Mr. NELSEN. I thoroughly agree with the gentleman. I do not endorse that practice. I hope we can find the answer to problems like that.

Mr. GROSS. And the taxpayers of the Nation cannot make a model city out of it by sinking $2½ billion in a subway.

Mr. NELSEN. I understand your viewpoint. I hope that somehow we can set up a procedure for education and training and law enforcement that will move segments of this Nation's population in another direction. But, I do not see where the decent law-abiding citizens of this city, or the country as a whole, should be denied a subway system in the Nation's capital because of the conduct of some of the moratorium marchers.

Mr. HOGAN. Mr. Speaker, I move to strike the requisite number of words.

I rise in support of the bill before us, because it will authorize the financing of an integral part of a balanced transportation system for metropolitan Washington which is so sorely needed.

Anyone who commutes to the Capital knows the congestion which all Government employees have to contend with daily, and knows, also, the considerable loss of money and frayed nerves which the current situation results in.

I should like to comment on some of the remarks made by my colleagues.

The distinguished gentleman from Ohio commented that the system was not likely to ever show a profit. That may or may not be the case, but we do not require that our freeways show a profit, and the rapid rail transit system is as essential for the movement of people and goods as is our highway system. We need highways that are adequate to the population. We need rapid transit, and we need adequate bus service. No one mode of transportation can solve the problems of transportation in Metropolitan Washington.

With regard to some of the comments made by my good friend and distinguished colleague from Iowa, he indicated that the local jurisdictions perhaps were not paying their fair share. I should like to point out the facts.

The allocation of funds is based on the number of miles within the various Maryland and Virginia suburbs. Specifically, Maryland has 30.6 percent of the miles and yet is contributing 34.4 percent of the total net project cost. Virginia has 30.8 percent of the route mileage and is contributing 27.9 percent of the total net project cost. The reason for this is that much of the Virginia line will not be underground, and part of it will be on an already existing railroad right of way and on the right-of-way of the median strip of Route 66.

Maryland is paying a disproportionate share of the total system because it benefits from the total functioning system. That is the point I should like to make. One cannot separate this into Maryland segments and Virginia segments and District of Columbia segments. The system only becomes viable when all aspects of it are functioning efficiently.

Some proponents, or opponents, if you will, will say that the Federal Government ought only to become involved in financing the local share.

Mr. Speaker, this loses sight of the fact that it is in the Federal interest to see that employees from the suburbs of Maryland and Virginia have ready access to their places of employment.

I would also like to allude to a study that was made indicating that the Federal Government is the prime beneficiary of this system. Not only is the Federal Government the principal employer, but I might point out to the gentleman from Ohio that the State of California has far more Federal employees than Metropolitan Washington and that other areas have their share as well. However, a study by the Washington Metropolitan Area Transit Commission conducted in 1968, in October, indicates that the Federal Government will receive approximately 94 cents in direct benefits for every dollar it contributes toward financing of this regional system. In addition to that, there will be a number of indirect benefits to the Federal Government.

I would also like to point out some of the tangible dollar values to the gentleman from Iowa. The major direct benefits to the Federal Government will result from reductions and avoidance of costs which are the responsibility of the Federal Government as the major employer in the area. Over a 50-year period they are estimated to be as follows: parking construction cost savings, $214,801,500; conservation of land for better use, $167,407,600; interoffice shuttle savings—which is a substantial cost to the Federal Government—$82,417,600; reduction in early departures, $566,949.100. The total dollar benefits amount to $1,496,014,000. These are all direct benefits which the Federal Government will receive if this special system is adopted.

In addition to that, Mr. Speaker, it will benefit indirectly and the Federal employees themselves will benefit from having a more convenient way to commute to work.

Finally, the experts state that viable transit systems are those planned, financed, and operated on a regional basis, because the benefits to each government in the region, including the Federal Government, is not measurable on a jurisdictionally fragmented basis.

So, Mr. Speaker, I strongly urge my colleagues to do what is right not only by Metropolitan Washington, but by the Federal employees who will be so dependent on this system.

An evaluation of these benefits on a value basis indicates that the anticipated benefits represent 94 percent of the present value of the Federal portion of the costs of developing the system. The benefits to the Federal Government will be far in excess of what they would be in any other city where Federal transit assistance is given.

There are also several other areas in which the Federal Government's role as a major employer would be facilitated by the development of the Metro system. These include reduced absenteeism, less dependence on staggered hours and car pooling, and enlargement of the effective labor pool in the region.

The Federal Government would also benefit indirectly as a result of the personal savings to Federal employees in commuting to work. These benefits are expected to range between $21,987,800 and $34,889,800 annually by 1990.

There would also be substantial time savings to Federal employees, tourists, and others from the more efficient use of these facilities as a result of the Metro system and these savings would indirectly benefit the Federal Government.

The Federal Government also has as a large stake in the overall environment of the regional area. The Metro system will have a significant impact on improving this environment. Improved access to employment, recreational, social, cultural, and educational centers is a major area of regional benefit, particularly to lower income residents, the young, and the elderly.

Mr. Speaker, the plan adopted by the WMATA for financing construction of the regional rapid rail transit plan calls for capital costs to be financed, to the extent possible, through revenues from the operation of the system. The remaining costs are to be shared among the Federal Government and the local jurisdictions within the Washington Metropolitan Area Transit Zone.

The cost of the system is estimated at $2,494.6 million, exclusive of net interest during construction and a funded bond reserve. Approximately one-third of the total project cost will be financed through system revenues. The Authority anticipates that net revenues of Metro will support issuance of revenue bonds to finance such costs. Such bonds are estimated to amount to $835 million exclusive of the amount for the funded bond reserve. Revenue bonds issued by the Authority would have a maturity of not more than 50 years and will be secured by a pledge of the revenue of the system. These bonds will have a debt service coverage factor of approximately 1.2.

Long-term service contracts will be entered into with suburban transit commissions or local units of government under which each entity will contract with the Authority to pay for transit services in and for its area.

The remaining net project cost—that amount not covered by revenue bonds—is to be shared by governments. It amounts to $1,720.5 million. Under the congressionally authorized Federal-local matching formula for grants to construct the 25-mile basic system, the Federal share is two-thirds of the net project cost. Extension of this formula to the Metro system will result in a total Federal contribution of $1,147 million, or about 44 percent of the total project cost.

The matching formula for Federal and local grants charges local governments with responsibility for $573.5 million. The Authority has adopted a cost allocation formula for sharing this local net project cost among the District of Columbia, Maryland, and Virginia. Suballocation formulas were adopted by the suburban transit commissions for distributing the Maryland and Virginia shares among the local jurisdictions within each transit district. On November 5, 1968, in all area jurisdictions where referendums were required to authorize issuance of bonds to cover each jurisdiction's allocated share of metro's capital costs, the voters overwhelmingly expressed their willingness to tax themselves to bring rapid rail to the region. These referendums were approved in all five jurisdictions by nearly a 3 to 1 margin.

The Maryland Assembly has expressed its legislative policy toward the metropolitan subway system—Maryland House bill 454, article 64B, as follows:

> The development of improved and expanded transit facilities, consisting of rapid transit and bus service operating as a unified and coordinated regional transit system, is essential for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality and the development of the metropolitan area of Baltimore, comprising Baltimore City, Baltimore County and Anne Arundel County. Such a regional transit system cannot be achieved by the unilateral action of any one of Baltimore City, Baltimore County, and Anne Arundel County but requires action by the State of Maryland, through a State Authority which is politically responsive to local needs and which will assure that the development of the regional transit system fosters general development plans for the State, the region and the local development plans of the participating political subdivisions. Adequate provisions should be made for the protection of transit labor in the development and operation of the regional system. Adequate provision should be made for assuring that in the event allocation of state financial resources for the benefit of this regional system are made, it shall be accompanied by a parity allocation for the benefit of taxpayers supporting transit facilities in the political subdivisions of the Washington suburban transit district.

The Maryland Legislature has also appropriated $1.1 million in planning and administrative funds through fiscal year 1970. Both Governor Mandel and Vice President AGNEW, when Governor of Maryland, have indicated strong support for a transit system in the Washington-Baltimore area. House bill 454 passed by the Maryland Legislature, as noted above, contains language which would provide for assurance that in the event that State financial resources are used for the benefit of the Baltimore transit system, it shall be accompanied by a parity allocation for the benefit of taxpayers supporting transit facilities in the political subdivision of the Washington suburban transit district.

The bill imposes two conditions on Federal contributions for the adopted regional system. The first condition is that the work assisted by the contributions shall be subject to the provisions of the interstate compact—for example, article XIV, payment of prevailing wages, and article XV—relocation assistance—adopted by Maryland, Virginia, and the District of Columbia, and shall be carried out substantially in accordance with the plans and schedules of the adopted regional system.

The second condition relates to the payment by the local participating governments in the compact of their shares in the cost of the adopted regional system. It is required that at the end of any given fiscal year the cumulative amount of contributions made under the compact for the adopted regional system by the local participating governments in the compact shall be at least one-half of the cumulative amount of the Federal contributions made for that system by the end of such fiscal year. It is not required that in any given fiscal year the contributions of the local participating governments be at least one-half of the Federal contributions made in such fiscal year. However, the cumulative total of the contributions of those governments at the end of any fiscal year must be at least one-half of the cumulative total of the Federal contributions made to the end of that fiscal year. In some fiscal years the contributions of those governments may be more or may be less than one-half of the Federal contributions in those fiscal years. Under the capital contributions agreement entered into under the compact by the Transit Authority and those governments, the Transit Authority may, under certain circumstances, increase the contribution of any of those participating governments for a fiscal year. But if such an increase is made, a reduction must be made in the contribution of that government in a subsequent fiscal year so that the total contribution that that government has agreed to make is not exceeded.

Under the bill not to exceed $1,047,044,000 is authorized to be appropriated to the Secretary of Transportation to enable him to make the Federal contributions for the adopted regional system. The authorization is for appropriations without fiscal year limitation. The bill also makes it clear that the authorization of appropriations ($100 million) in section 5(a)(1) of the National Capital Transportation Act of 1965 is in addition to the authorization of appropriations made by this bill.

The Washington Metropolitan Area Transit Authority—representing Maryland, Virginia, and the District of Columbia—which will administer the area transmit system projects the following statistics relative to the proposed transit system:

METRO REGIONAL RAPID RAIL TRANSIT SYSTEM WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Route miles:	
District of Columbia	37.7
Maryland	29.9
Prince Georges County	13.9
Montgomery County	16.0
Virginia	30.1
Arlington County	12.2
Fairfax County	12.8
Alexandria	5.1
Total	97.7
Stations:	
District of Columbia	44
Maryland	22
Prince Georges County	11½
Montgomery County	10½
Virginia	20
Arlington County	10
Fairfax County	6½
Alexandria	3½
Total	86
Parking spaces:	
District of Columbia	4,925
Maryland	14,175
Prince Georges County	8,125
Montgomery County	6,050
Virginia	11,000
Arlington County	500
Fairfax County	9,000
Alexandria	1,500
Total	30,100
Equipment:	
Number of Cars	556
Dimensions	75x10x10'10"
Total Capacity	175
Seated	81
Standees	94
Speed:	
Average	35 mph
Maximum	75 mph

TRAVEL TIME BETWEEN SELECTED STATIONS

From	To 12th and G	Pentagon	Capitol
Rockville	26	35	33
Silver Spring	15	21	21
P.G. Plaza	17	22	21
Ardmore	23	26	17
Anacostia	10	12	9
Franconia	29	20	28
Huntington	22	13	23
Nutley Road	26	26	33

COMPLETION SCHEDULE

First Service	1972
Completion of Basic System	1974
Completion of Regional System	1980
Projected Annual Ridership by 1990	292,610,000

SERVICE

2-minute, rush-hour headways on main routes; 4 to 8 minutes on branch lines. Operation daily from 5 a.m. to 1 a.m.

BOND ISSUES AND GRANTS NEEDED TO MEET TOTAL PROJECT COST

	Dollars (millions)
Total cost of systems[1]	2,494.6
Net interest during construction	60.9
Total project cost	2,555.5
Revenue bond issue	835.0
Net project cost	1,720.5
Assumed federal share (2/3)	1,147.0
Local share (1/3)	573.5

[1] Includes escalation factor of 5 percent per annum.

ALLOCATION OF REQUIRED MEMBER GRANTS

	Dollars (millions)
Required grants	573.5
District of Columbia	208.7
Virginia	149.9
Alexandria	30.6
Arlington County	54.0
Fairfax County	61.9
Fairfax City	2.6
Falls Church	0.8
Maryland	197.0
Montgomery County	110.4
Prince Georges County	86.6
Future allocation	17.9

Note: All net project costs (federal and local) to be phased over 10-year period.

ESTIMATED INCOME STATEMENT FOR 1990

	Dollars (Millions)
Total fare box revenue	124.2
Less bus fare split	37.9
Net fare box revenue	86.3
Non fare box revenue	3.1
Adjusted gross revenue	89.4
Operating and Maintenance Expense	32.0
Net Revenue before Depreciation	57.4
Depreciation Expenses:	
Vehicles	5.4
Other	1.3
Total	6.7
Net Revenue After Depreciation	50.7

AUTHORIZATION OF DISTRICT OF COLUMBIA CONTRIBUTIONS

The bill authorizes the Commissioner of the District of Columbia to contract with the Transit Authority to make annual capital contributions for the adopted regional system. The contributions made under this subsection will provide the District of Columbia share of such system. They may not exceed in the aggregate $216,500,000.

An appropriation out of the general fund of the District of Columbia of not to exceed $166,500,000 is authorized to be made without fiscal year limitation to the Commissioner of the District of Columbia to enable him to make the contributions authorized by the bill. Under the amendment made to the reported bill, the $50 million authorized to be appropriated out of that fund to the Commissioner by section 5(a)(2) of the National Capital Transportation Act of 1965 is to be also used to make the contributions authorized by this bill.

The sums authorized to be appropriated out of the general fund are to be provided by sums borrowed by the District of Columbia from the Treasury under the District's borrowing authority. Sums so borrowed are deposited in the general fund.

The bill further amends the borrowing authority law for the District of Columbia to first increase from $50 million to $216.5 million the amount of borrowed funds that the District of Columbia is to use for making contributions for the adopted regional system; and second, permit the District of Columbia to exceed its outstanding indebtedness ceiling for the purpose of making such contributions.

It is clearly provided that the $50 million authorized to be appropriated out of the General Fund to the District of Columbia under section 5(a)(2) of the National Capital Transportation Act of 1965 is to be in addition to the funds authorized to be appropriated out of such Fund under this bill.

I urge my colleagues to support this legislation which is so sorely needed by this Nation's Capital, and by the Washington metropolitan area.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. GROSS: On page 12, strike all of lines 3 through 16.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. GROSS. Mr. Speaker, this is an attempt to salvage a little something out of this bill if it is passed, and I hope it will not be passed.

There is already authority for some 25 or 27 miles of subway in the District of Columbia, and we would be well served to let that develop and see how it operates before sinking hundreds of millions of dollars into a 97- or 98-mile subway system in the area. This amendment would simply strike out $150,000 for a study of a transit system to and from Dulles Airport to connect up somewhere—and I do not know just where—in Virginia or somewhere else.

Taxpayers have already been hit with a huge bill to provide for a four-lane highway from Dulles to the beltway. Ever since that highway was completed it has carrried almost no traffic. I do not know why the taxpayers should be called upon to spend another $150,000 to find out what use is proposed to be made of this highway.

It is already there. It is usable. What else do they want? It is a mystery to me and I will be glad to yield to anyone right now to tell me why a $150,000 study is needed when there is a superhighway already running from Dulles to at least the beltway.

Mr. BROYHILL of Virginia. Mr. Speaker, if the gentleman will yield, the purpose of the $150,000 is to study the economic feasibility of a rapid rail transit system to serve that airport. That airport cost the Federal Government in excess of $100 million. We did not build that airport for the people of Virginia and Maryland alone. We built it for the Federal Government.

Mr. GROSS. I do not know for whom Dulles Airport was built but it is still losing $7 million a year. Certainly I had nothing to do with locating it in Virginia. I opposed it. I wanted to see Friendship Airport, near Baltimore, expanded into an international airport capable of serving both Washington and Baltimore, and with some mode of rapid transportation. It could have been built for a fraction of the cost of Dulles as built in Virginia. Now you have a white elephant that is costing the taxpayers $7 million a year and no evidence that as to when it will break even, much less pay a dime on the $100 million dollar investment.

Mr. BROYHILL of Virginia. Mr. Speaker, if the gentleman will yield further, I repeat, when this airport was built a number of years ago, back in 1950, many of us in northern Virginia opposed that airport being constructed. It was the Congress that wanted the airport in order to serve the Nation's Capital. That is the reason it was constructed.

I do not deny that it is of some benefit to the people living in the area of northern Virginia, but you did build it.

Mr. GROSS. No; I did not.

Mr. BROYHILL of Virginia. This is an attempt to make it more serviceable and easier to get to and from it for the people in the District of Columbia.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. FUQUA. This increase was added in the other body to provide for this feasibility study. I do not know that it will be feasible to go into Dulles. It may not be. On the other hand, it may be feasible. But this has the support of the Transportation Bureau, the Washington Metropolitan Transit Authority, the National Capital Airport people, and the Air Transportation Association for this feasibility study.

Mr. GROSS. I do not doubt that every agency that spends money around here, and can put some more people on the payroll, are for this so-called study.

There is nothing easier than the spending of other people's money. We have found that out through the years around here. For the life of me, I do not see why we should spend $150,000 studying what use you are going to make of this super-duper highway.

Mr. DOWDY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Texas.

Mr. DOWDY. This $150,000 is not to study the use of the highway. It is to study extending this subway system out to Dulles Airport.

Mr. GROSS. It is a question of whether you want the subway system extended out to Dulles Airport? Was not that studied in conjunction with the subway system for northern Virginia, the District of Columbia and Maryland at a cost of $41 million? In other words, do we now have to spend another $150,000 to tell us what to do with a super highway?

Mr. DOWDY. Mr. Speaker, if the gentleman will yield further, it has nothing to do with the highway. I agree with the gentleman about what he thinks about this provision, but this has to do with extending this subway another 25 miles in addition to the 97 miles.

Mr. GROSS. Does the gentleman mean that the Federal taxpayers are going to be called upon to extend the subway to the Dulles Airport?

Mr. DOWDY. I cannot answer that.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HARSHA. The taxpayers are not going to be called upon to spend it unless the survey indicates it is economically feasible.

Mr. GROSS. Having already spent $41 million on subway studies and engineering surveys, it is proposed to spend another $150,000 to learn the feasibility of digging a subway out to Dulles Airport? This gets worse by the minute. Someone got away with a lot of money in that $41 million study if that is the case. I urge the adoption of the amendment.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. FUQUA. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in opposition to the amendment. I shall not take the full 5 minutes because we have already spent a great deal of time here on the consideration of this legislation.

However, I want to say that I hope the House will not agree to the amendment. The bill provides for a feasibility study to see if it is feasible. It may not be feasible, but this is for studying the feasibility of using the median strip of the road to Dulles Airport and in trying to promote more use of Dulles Airport and bring about a more efficient rapid transit system to and from Dulles Airport.

It does not say that we are going to be committed, or that we will be committed to the construction of a subway system out to the airport, but it was contemplated that it could be done above ground, using the median strip. That is the purpose of the study. I would hope that the House would reject the amendment offered by my friend, the gentleman from Iowa (Mr. GROSS), to the committee amendment.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I may say that very seldom do I agree with my colleague, the gentleman from Iowa (Mr. GROSS), but this time I think the gentleman has exactly the right idea.

This airport should never have been built to start with, and the idea of building a subway or any other rapid transit system out to that airport is absolutely preposterous. I am going to support an amendment for once offered by the gentleman from Iowa (Mr. GROSS).

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, I join with my friend, the gentleman from Florida (Mr. FUQUA), in rising in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS) to the committee amendment. I hope the amendment will be defeated.

The language providing for $150,000 is not essential to the success of this mass transit system, but it is an effort to make it more efficient and more effective insofar as serving the Dulles Airport.

The gentleman from Iowa is correct in that this airport has been somewhat of a white elephant since it was built, and it has cost a lot of money. But this is an effort to find out whether we can make this airport more successful and more convenient insofar as getting more people out to the airport, and in the long run maybe we can get back that $150,000 through making the airport a going proposition. And unless we can find more effective ways to get people into and out of that airport, it is going to be a white elephant for years to come.

Mr. FUQUA. Mr. Speaker, I thank the gentleman from Virginia for his comments. The gentleman is eminently correct in what he says, and I urge the defeat of the amendment offered by the gentleman from Iowa to the committee amendment.

Mr. SCOTT. Mr. Speaker, all of us in the Washington metropolitan area are glad that the Congress is now considering regional authorization funds for our regional rapid transit system.

The bill, H.R. 11193, culminates many years of congressional concern over frustrating traffic congestion, its injurious effects on the economic growth, the social well-being and the physical character of the Nation's Capital.

The urgency of the situation can be understood by examining projections of the future population of the Nation's Capital and its suburbs and the growth in the volume of traffic. This region had a population in 1960 of some 2 million. There will be 3.5 million by 1980 and a population of some 5 million people is projected by the year 2000. While there are more than 800,000 automobiles in the region today, it is predicted that there will be by 1980 an additional million vehicles operating on the streets and highways of the region—an appalling thought unless we take the proper steps promptly to cope with the problem.

Of course, this is only a part of the solution to our general transportation problem although a very important part. Congress has instructed the District of Columbia government to construct a system of highways within the District and its officials have agreed to do so. In fact, the Three Sisters Bridge is already under construction. However, Virginia needs to complete Interstate 66 from the beltway into Washington, complete the widening of the Shirley Highway, and to add additional lanes on the Capital Beltway between Springfield and the Cabin John Bridge. When this highway construction is completed and coordinated with the rapid transit system, included within this bill, we will have a well coordinated system of transportation for the Washington area.

One feature of the bill which I especially welcome and approve is the provision to authorize not over $150,000 for a feasibility study for a rapid rail line between Dulles Airport and the main metro system, utilizing the median of the Dulles access highway. This study has the support of the Department of Transportation, the Washington Metropolitan Area Transit Authority, the National Capital Airports Bureau, and the Air Transportation Association.

I urge that the measure be passed.

The SPEAKER pro tempore. The question is on the amendment to the committee amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 25, noes 46.

Mr. O'KONSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 52, nays 256, not voting 124, as follows:

[Roll No. 288]

YEAS—52

Adair
Andrews, Ala.
Ashbrook
Beall, Md.
Betts
Biaggi
Bow
Bray
Broyhill, N.C.
Burke, Fla.
Clancy
Collins
Colmer
Delaney
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dowdy
Eshleman
Fisher
Foreman
Goodling
Gross
Haley
Hall
Hull
Hunt
Ichord
Jarman
Jonas
Landgrebe
Langen
Latta
Long, Md.
McDade
Mizell
Montgomery
Myers
Nichols
O'Konski
Philbin
Rarick
Ruppe
Ruth
Sebelius
Skubitz
Snyder
Whitten
Wylie

NAYS—256

Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Andrews, N. Dak.
Arends
Aspinall
Ayres
Bennett
Berry
Biester
Bingham
Blackburn
Boggs
Boland
Brasco
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conyers
Coughlin
Culver
Cunningham
Daddario
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Dingell
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evans, Colo.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hakins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kyros
Lloyd
McClory
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Natcher
Nedzi
Nelsen
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ryan
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Shriver
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wyman
Yatron
Young
Zablocki

NOT VOTING—124

Abbitt
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Baring
Barrett
Belcher
Bell, Calif.
Bevill
Blanton
Blatnik
Bolling
Brademas
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Cabell
Cahill
Carey
Celler
Clark
Conte
Corbett
Corman
Cowger
Cramer
Daniels, N.J.
Davis, Ga.
Dawson
Dent
Diggs
Dorn
Eckhardt
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Griffin
Gude
Hagan
Halpern
Hamilton
Hanna
Hansen, Wash.
Hébert
Henderson
Howard
Hungate
Jacobs
Jones, Ala.
Karth
King
Kirwan
Kluczynski
Kuykendall
Kyl
Landrum
Leggett
Lennon
Lipscomb
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McCloskey
MacGregor
Mann
Mills
Mollohan
Morton
Moss
Murphy, N.Y.
Nix
O'Neal, Ga.
Patman
Pickle
Poage
Powell
Price, Tex.
Pucinski
Randall
Reifel
Roberts
Rostenkowski
Roudebush
St Germain
Scherle
Scheuer
Shipley
Sikes
Smith, Iowa
Steiger, Wis.
Stokes
Stuckey
Symington
Taft
Teague, Tex.
Thompson, N.J.
Udall
Utt
Waggonner
Watkins
Weicker
Whalley
Widnall
Wright
Yates
Zion
Zwach

So the amendment to the committee amendment was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Lipscomb.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Teague of Texas with Mr. Utt.
Mr. Annunzio with Mr. Bell of California.
Mr. Kluczynski with Mr. Broomfield.
Mr. Murphy of New York with Mr. Halpern.
Mr. Celler with Mr. Cahill.
Mr. Carey with Mr. Reifel.
Mr. Blatnik with Mr. Belcher.
Mr. Barrett with Mr. Corbett.
Mr. Howard with Mr. Gude.
Mr. Leggett with Mr. Esch.
Mr. Long of Louisiana with Mr. Lujan.
Mr. Waggonner with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Kyl.
Mr. Pucinski with Mr. Brown of Michigan.
Mr. Rostenkowski with Mr. Conte.
Mr. Shipley with Mr. Whalley.
Mr. St Germain with Mr. Zion.
Mr. Hamilton with Mr. King.
Mr. Griffin with Mr. Buchanan.
Mr. Giaimo with Mr. Taft.
Mr. Gallagher with Mr. MacGregor.
Mr. Fulton of Tennessee with Mr. Lukens.
Mr. William D. Ford with Mr. McCloskey.
Mr. Fascell with Mr. Cramer.
Mr. Eilberg with Mr. Watkins.
Mr. Dent with Mr. Steiger of Wisconsin.
Mr. Daniels of New Jersey with Mr. Cowger.
Mr. Davis of Georgia with Mr. Scherle.
Mr. Cabell with Mr. Price of Texas.
Mr. Brademas with Mr. Weicker.
Mr. Henderson with Mr. Brock.
Mr. Karth with Mr. Zwach.
Mr. Lennon with Mr. Kuykendall.
Mr. Moss with Mr. Goldwater.
Mr. Mills with Mr. Morton.
Mr. Eckhardt with Mr. Pickle.
Mr. Nix with Mr. Gaydos.
Mr. Gettys with Mr. Hagan.
Mr. Hanna with Mr. Stokes.
Mr. Sikes with Mr. Smith of Iowa.
Mr. Roberts with Mr. Randall.
Mr. Yates with Mr. Diggs.
Mr. Corman with Mr. Clark.
Mr. Mollohan with Mr. Wright.
Mr. Stuckey with Mr. Hungate.
Mr. Jacobs with Mr. Powell.
Mr. Scheuer with Mr. Dawson.
Mr. Flowers with Mr. Flynt.
Mr. Evins of Tennessee with Mr. Landrum.
Mr. McCarthy with Mr. Lowenstein.
Mr. Brown of California with Mr. Mann.
Mr. Blanton with Mr. Ashley.
Mr. Bevill with Mr. Anderson of California.
Mr. Abbitt with Mr. Alexander.
Mr. Anderson of Tennessee with Mr. Udall.
Mr. Kirwan with Mr. Symington.

Mr. Baring with Mrs. Hansen of Washington.
Mr. Dorn with Mr. Edwards of Louisiana.
Mr. Patman with Mr. Jones of Alabama.

Mr. WHITTEN changed his vote from "nay" to "yea."

Mr. HAMMERSCHMIDT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. FUQUA. Mr. Speaker, I move the previous question on the committee amendment and the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 286, nays 23, not voting 123, as follows:

[Roll No. 289]

YEAS—286

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Bennett
Betts
Biester
Bingham
Blackburn
Boggs
Boland
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conyers
Coughlin
Culver
Cunningham
Daddario
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Dickinson
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kyros
Landgrebe
Langen
Latta
Lloyd
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruth
Ryan
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vigorito
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wyatt
Wydler
Yatron
Young
Zablocki

NAYS—23

Ashbrook
Berry
Biaggi
Bow
Collins
Delaney
Derwinski
Devine
Dowdy
Foreman
Goodling
Gross
Haley
Hall
Hutchinson
Jonas
Long, Md.
O'Konski
Rarick
Vanik
Wolff
Wylie
Wyman

NOT VOTING—123

Abbitt
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Baring
Barrett
Belcher
Bell, Calif.
Bevill
Blanton
Blatnik
Bolling
Brademas
Brock
Broomfield
Brown, Calif.
Buchanan
Cabell
Cahill
Carey
Celler
Conte
Corbett
Corman
Cowger
Cramer
Daniels, N.J.
Davis, Ga.
Dawson
de la Garza
Denney
Dent
Diggs
Dorn
Eckhardt
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Goldwater
Griffin
Gude
Hagan
Halpern
Hamilton
Hanna
Hansen, Wash.
Hébert
Henderson
Howard
Hungate
Jacobs
Jones, Ala.
King
Kirwan
Kluczynski
Kuykendall
Kyl
Landrum
Leggett
Lennon
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McCloskey
MacGregor
Mann
Mills
Mollohan
Morton
Moss
Murphy, N.Y.
O'Neal, Ga.
Patman
Pickle
Poage
Powell
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Reifel
Roudebush
Roberts
Rostenkowski
Ruppe
St Germain
Scherle
Scheuer
Shipley
Sikes
Smith, Iowa
Steiger, Wis.
Stokes
Stuckey
Symington
Taft
Teague, Tex.
Thompson, N.J.
Udall
Utt
Vander Jagt
Waggonner
Watkins
Whalley
Wright
Yates
Zion
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Quillen.
Mr. Hébert with Mr. Corbett.
Mr. Waggonner with Mr. Kyl.
Mr. Teague of Texas with Mr. Belcher.
Mr. Thompson of New Jersey with Mr. MacGregor.
Mr. Mills with Mr. Morton.
Mr. Daniels of New Jersey with Mr. Goldwater.
Mr. Eilberg with Mr. McCloskey.
Mr. Giaimo with Mr. Taft.
Mr. Griffin with Mr. Scherle.
Mr. Sikes with Mr. Lipscomb.
Mr. Rostenkowski with Mr. Broomfield.
Mr. Pucinski with Mr. Esch.
Mr. Celler with Mr. Cahill.
Mr. Carey with Mr. Reifel.
Mr. Murphy of New York with Mr. Halpern.
Mr. Davis of Georgia with Mr. Utt.
Mr. Dent with Mr. Whalley.
Mr. Evins with Mr. Gude.
Mr. Fascell with Mr. Cramer.
Mr. Gallagher with Mr. Conte.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Shipley with Mr. Roudebush.
Mr. St Germain with Mr. Zion.
Mr. O'Neal of Georgia with Mr. Buchanan.
Mr. Lennon with Mr. Lukens.
Mr. Henderson with Mr. King.
Mr. Jones of Alabama with Mr. Cowger.
Mr. Kluczynski with Mr. Denney.
Mr. Long of Louisiana with Mr. Zwach.
Mr. Wright with Mr. Bell of California.
Mr. Leggett with Mr. Ruppe.
Mr. Bevill with Mr. Brock.
Mr. Barrett with Mr. Watkins.
Mr. Cabell with Mr. Price of Texas.
Mr. Edwards of Louisiana with Mr. Vander Jagt.
Mr. Brademas with Mr. Steiger of Wisconsin.
Mr. Brown of California with Mr. Powell.
Mr. Mollohan with Mr. Mann.
Mr. McCarthy with Mr. Landrum.
Mr. Yates with Mr. Symington.
Mr. Howard with Mr. Stuckey.
Mr. Anderson of Tennessee with Mr. Hungate.
Mr. Abbitt with Mr. Kirwan.
Mr. Blatnik with Mr. Alexander.
Mr. Blanton with Mr. Anderson of California.
Mr. Corman with Mr. de la Garza.
Mr. Dorn with Mr. Eckhardt.
Mr. Moss with Mr. Dawson.
Mr. Fisher with Mr. Flynt.
Mr. Patman with Mr. Flowers.
Mr. Lowenstein with Mr. Diggs.
Mr. Udall with Mr. Jacobs.
Mr. Randall with Mr. Purcell.
Mr. Roberts with Mr. Gaydos.
Mr. Gettys with Mr. William D. Ford.
Mr. Hamilton with Mr. Hagan.
Mrs. Hansen of Washington with Mr. Smith of Iowa.
Mr. Scheuer with Mr. Stokes.
Mr. Hanna with Mr. Pickle.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2185) to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89-774 (80 Stat. 1324).

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2185

An act to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Capital Transportation Act of 1969".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) "Transit Authority" means the Washington Metropolitan Area Transit Authority established by title III of the Washington Metropolitan Area Transit Regulation Compact (80 Stat. 1324).

(b) "Adopted Regional System" means that system described in the Transit Authority's report entitled "Adopted Regional Rapid Rail Transit Plan and Program, March 1, 1968 (Revised February 7, 1969)", as the same may hereafter be altered, revised, or amended in accordance with Public Law 89–774 (80 Stat. 1324).

AUTHORIZATION FOR FEDERAL CONTRIBUTIONS

SEC. 3. (a) In order to provide for the Federal share of the cost of the adopted regional system, which system supersedes that heretofore authorized by the Congress in the National Capital Transportation Act of 1965, as amended, the Secretary of the Department of Transportation is authorized to make annual contributions to the Transit Authority under this section in amounts sufficient to finance in part the construction of the adopted regional system by the Transit Authority: *Provided,* That the aggregate amount of such Federal contributions, including the $100,000,000 authorized to be appropriated in section 5(a)(1) of the Act of September 8, 1965 (Public Law 89–173; 79 Stat. 663), shall not exceed the lower amount of $1,147,044,000, or two-thirds of the net project cost of the adopted regional system.

(b) Such Federal contributions shall be subject to the following limitations and conditions:

(1) The work for which appropriations are authorized herein shall be subject to the provisions of Public Law 89–774 and shall be carried out substantially in accordance with the plans and schedules for the adopted regional system.

(2) The aggregate amount of such Federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such Federal contributions.

SEC. 4. There is hereby authorized to be appropriated to the Department of Transportation, without fiscal year limitation, not to exceed $1,047,044,000 to carry out the purposes of this Act: *Provided,* That the appropriations authorized herein shall be in addition to the appropriations authorized in section 5(a)(1) of the National Capital Transportation Act of 1965 (79 Stat. 665).

CONSTRUCTION APPROVALS

SEC. 5. (a) No portion of any rail rapid transit line or related facility authorized hereunder shall be constructed within the United States Capitol Grounds except upon approval of the Commission for Extension of the United States Capitol.

(b) All construction pursuant to this Act in, on, under, or over public space in the District of Columbia under the jurisdiction of the Commissioner of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Commissioner of the District of Columbia, to the end that such construction work will be coordinated with other construction work in such public space, and the Commissioner shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for the purposes of this Act.

REPAYMENT FROM EXCESS REVENUES

SEC. 6. To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the adopted regional system (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness; and capital contributions received by the Transit Authority), are excess to the amounts necessary to make all payments and deposits, including debt service, operating and maintenance expenses, and deposits in reserves, required or permitted by the terms of any contract of the Transit Authority with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the transit system, other than extensions thereof, two-thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the adopted regional system (exclusive of extensions) is first put into substantially full revenue service, be paid into the Treasury of the United States as miscellaneous receipts.

DISTRICT OF COLUMBIA AUTHORIZATIONS

SEC. 7. (a) To finance the District of Columbia share of the cost of the adopted regional system, the Commissioner of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions under this section aggregating not to exceed $216,500,000, and there is hereby authorized to be appropriated out of the general fund of the District of Columbia $166,500,000 to carry out the purposes of this section, and to remain available until expended.

(b) Section 9–220(b)(3) of the District of Columbia Code is amended by striking the first clause of the last sentence and inserting in lieu thereof the following: "$216,500,000 of the principal amount of the loans authorized to be made to the Commissioner under this subsection shall be utilized to carry out the purposes of the National Capital Transportation Act of 1969: *Provided,* That the District of Columbia may exceed by an amount not more than $166,500,000, the limitation on the aggregate indebtedness established pursuant to this Act;".

(c) The appropriations authorized in subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia in section 5(a)(2) of the National Capital Transportation Act of 1965.

(d) The Commissioner of the District of Columbia is further authorized to contract with the Transit Authority for the service to be provided by the adopted regional system and to pay in accordance with the terms thereof the District of Columbia's share of any operating deficiency of the adopted regional system.

REPEAL AND AMENDMENT OF EXISTING LAWS

SEC. 8. (a) The following laws are repealed:

(1) The Act of December 20, 1967 (Public Law 90–220; 81 Stat. 670).

(2) Sections 3, 4, and 5(b) of the Act of September 8, 1965 (Public Law 89–173; 79 Stat. 664–666).

(3) The Act of July 14, 1960 (Public Law 86–669; 74 Stat. 537).

(b) Section 5(a) of the Act of September 8, 1965 (Public Law 89–173; 76 Stat. 665), is amended by striking the phrase "authorized in section 3 hereof" and inserting in lieu thereof the following: "of the adopted regional system".

STUDY OF DULLES AIRPORT EXTENSION

SEC. 9. (a) The Secretary of the Department of Transportation is hereby authorized to contract with the Transit Authority for a comprehensive study of the feasibility, including preliminary engineering, of extending a transit line in the median of the Dulles Airport Road from the vicinity of Route 7 on the I–66 Route of the adopted regional system to the Dulles International Airport.

(b) The study to be undertaken pursuant to subsection (a) of this section shall be completed within six months after execution of the contract authorized therein at a cost not in excess of $150,000, and there is authorized to be appropriated not to exceed $150,000 to carry out the purposes of this section.

MOTION OFFERED BY MR. FUQUA

Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FUQUA moves to strike all after the enacting clause of S. 2185 and insert the provisions of H.R. 11193, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed; a motion to reconsider was laid on the table.

A similar House bill (H.R. 11193) was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title in which concurrence of the House is requested.

S. Con. Res. 48. Concurrent resolution to adjourn November 26, 1969, until December 1, 1969.

GENERAL LEAVE TO EXTEND

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of the National Capital Transportation Act of 1969 and the other bills from the District Committee today.

The SPEAKER. Is here objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON S. 2276, CLEAN AIR ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act:

CONFERENCE REPORT (H. REPT. No. 91–690)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2276) to extend for one year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b-1(c)) is amended by striking out 'and', and by striking out the period at the end thereof and inserting in lieu thereof ', and for the fiscal year ending June 30, 1970, $45,000,000.'."

And the House agree to the same.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Managers on the Part of the House.

Edmund S. Muskie,
Jennings Randolph,
Birch Bayh,
Joseph M. Montoya,
J. Caleb Boggs,
John Sherman Cooper,
Robert Dole,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2276) to extend for one year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conferene report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

As passed by the Senate, the bill would have authorized $90 million in appropriations for special research projects involving air pollution problems arising out of the combustion of fuels for the fiscal year 1970. The House amendment would have provided $18.7 million for this program and the conference substitute provides a total authorization of $45 million for this program.

Although the appropriation bill for the Department of Health, Education, and Welfare (H.R. 11102), which passed the House earlier this year contained no funds for this program, because of a lack of authorization therefor, the Managers on the part of the House wish to emphasize that they expect funds to be earmarked for research projects in this highly important area.

The program contained in this Act will be reviewed again in connection with the overall extension of the Clear Air Act later in this Congress.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Managers on the Part of the House.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1970

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. Davis) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14916, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Kentucky (Mr. Natcher) will be recognized for 1 hour and the gentleman from Wisconsin (Mr. Davis) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for the fiscal year 1970.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct privilege for me to serve with Mr. Davis of Wisconsin, Mr. Giaimo of Connecticut, Mr. Riegle of Michigan, Mr. Patten of New Jersey, Mr. Wyatt of Oregon, and Mr. Pryor of Arkansas. All of these gentlemen are outstanding members of the Committee on Appropriations. Earl C. Silsby is an excellent staff assistant to the subcommittee and is well qualified, from the standpoint of training, ability, and aggressiveness, to carry out the duties of his assignment.

This is the sixth consecutive year that an unbalanced budget has been submitted for the District of Columbia. The budget as submitted was out of balance $68,500,000. When expenditures exceed receipts, reductions must be made.

We started hearings on this bill on April 12 and concluded hearings on May 14. The conference report on the revenue bill from the District of Columbia Committee was approved about a week ago and, after enactment of this legislation, our committee was called back into session and we proceeded to hear testimony on a number of amendments and to receive from the city officials a list of priorities which were necessary since the budget was still out of balance $27,300,000. In addition to being out of balance, our committee was confronted with certain limitations placed in the revenue bill which we have strictly adhered to in presenting the budget for fiscal year 1970. The Revenue Act imposed a limitation of 41,500 full-time employees in permanent authorized positions. Current authorized positions total 38,328. The new budget as submitted proposed increases of 6,720. The committee recommends an increase of 3,199. The increase, together with the elimination of 27 positions from the base, then brings the total to 41,500, which is the figure set in the revenue bill.

This is the largest budget ever approved for the District of Columbia. In 1959 the total budget for the District of Columbia was $160,915,914. The Federal payment represented 13.45 percent of the total budget. The amount recommended in this bill is $683,106,300 and we recommend a Federal payment of $102 million. The Federal payment for 1970 will be 17.11 percent of the total budget amount recommended.

The revenue bill authorized an additional Federal payment of $5 million for the fiscal year 1970, which was recommended for use in increasing the effectiveness of law enforcement in the District of Columbia. Our committee recommends the appropriation of the $5 million. Only $3 million of the total Federal payment authorized is not recommended in this bill.

The budget that we present today is a balanced budget and sufficient funds will be available to meet anticipated requirements. A number of new and expanded programs had to be eliminated or cut back, simply due to the fact that we were confronted with a budget out of balance and with limitations on employees, which placed us in a position of having to choose between schoolteachers, welfare employees, employees in the Health Department, new police officers, and other essential positions requested, as against new employees requested for new programs which can be considered at a later date.

Mr. Chairman, within the overall financing that we present today there is a reserve of $10,932,000 for the cost of classified pay increases already in effect and a modest surplus of $309,000 in the general fund. No provision has been made for financing proposed salary increases for policemen, firemen, and teachers, due to the fact that such requests were not before our committee, and so far no program or plan has been approved for funding such increases.

In addition to the $683,106,300 recommended in this bill, the District of Columbia will receive Federal grants totaling $133,372,000. A breakdown by agencies appears on page 2 of the committee report. The usual payments for metered water and sewage service in Federal buildings is recommended in this bill, with the total being $3,928,000. This is in addition to the regular Federal payment and the $5 million special Federal payment. The loan appropriations recommended in the bill total $77,763,000. The reduction of $37,001,000 reflects deletions made in the capital outlay program and lesser requests during the fiscal year due to the conversion of the District's financial plan from an obligational to a cash basis. Unused funds from previous loan appropriations, along with those recommended in this bill, are estimated to be sufficient for the fiscal year 1970 capital outlay program as proposed by the committee.

Mr. Chairman as you know, the freeway system which was approved in the year 1958, is now underway.

On August 23, 1969, as chairman of the Subcommittee on the District of Columbia Budget, I released the following statement:

> Our Committee is still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital City. We believe that in order to meet the tremendous day by day growth of traffic the freeway program must be carried out along with the rapid transit system.
>
> We started appropriating funds for our freeway system following the five year study which was adopted by the District of Columbia in 1958. We now have available over $200 million which must be used for the freeway system.
>
> In 1962 we started having trouble over the freeway system and this has been the situation up to July 9, 1969 when I recommended to the House that the conference report on the Supplemental Appropriations bill deleting the $18,737,000 for the start of construction on the rapid transit system be approved. Following our refusal to again approve construction funds for rapid transit construction until the freeway system was started and underway according to the provisions of the Highway Act of 1968, we have had certain actions starting with the District of Columbia City Council vote which approved a resolution requiring the District Government to comply with the Highway Act of 1968. This was on August 9, 1969.

On August 11, 1969, the Department of Highways and Traffic received an order from the Commissioner and the Deputy Commissioner directing the Highway Department to proceed immediately to implement the provisions of section 23 of the Federal Aid Highway Act of 1968.

On August 11 the House of Representatives approved the District of Columbia Revenue Act which contained the following provision:

> SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a–47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

On August 12, 1969, I received the following letter from President Nixon:

> THE WHITE HOUSE,
> *Washington, August 12, 1969.*
>
> DEAR BILL: Your diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.
>
> The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.
>
> The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.
>
> A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.
>
> With cordial regards.
>
> Sincerely,
>
> RICHARD NIXON.

On August 13, 1969, F. C. Turner, Federal Highway Administrator, directed a letter to T. F. Airis, Director of the District of Columbia Department of Highways and Traffic, stating that certain adjustments had been made in the Interstate System for the District of Columbia and that such action had reinstated the system to its status as covered in the Interstate System cost estimate referred to in the Federal Aid Highway Act of 1968.

On September 18, 1969, I received the following letter from Mr. Airis, the Director of the Department of Highways and Traffic of the District of Columbia:

> GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF HIGHWAYS AND TRAFFIC,
> *Washington, D.C., September 18, 1969.*
>
> Hon. WILLIAM H. NATCHER,
> *Chairman, Subcommittee on Appropriations for the District of Columbia, U.S. House of Representatives, Washington, D.C.*
>
> DEAR MR. NATCHER: On September 17, 1969, the Department of Highways and Traffic, D.C. received bids for the construction of a new Potomac River crossing—Interstate Route 266—vicinity of the Three Sisters Islands—Contract No. 1—substructure river piers, Federal-Aid Project No. D.C.-Va. I–266–2(103)1.
>
> A total of six bids were received, ranging from a low of $1,152,830 to a high of $1,528,480. The low bid, submitted by the Head Construction Company, Washington, D.C. is approximately five percent above our office estimate. The low bidder is considered competent and qualified to carry out the provisions of this contract and, as a result, the contract was awarded to the Head Construction Company on this date, with the concurrence of the Bureau of Public Roads, Federal Highway Administration.
>
> We anticipate that all necessary contract documents will be completely executed sometime tomorrow, and efforts will be made to have the contractors commence operations early during the week of September 22, 1969.
>
> The above information is being furnished in order that you and your Committee may be kept abreast of the progress being made by the District Government in implementing the provisions of the Federal-Aid Highway Act of 1968.
>
> With warmest regards.
>
> Sincerely yours,
>
> T. F. AIRIS,
> *Department of Highways and Traffic, District of Columbia.*

On September 18, 1969, I received the following letter from Robert P. Mayo, Director of the Bureau of the Budget:

> EXECUTIVE OFFICE OF THE PRESIDENT,
> BUREAU OF THE BUDGET,
> *Washington, D.C., September 18, 1969.*
>
> Hon. WILLIAM H. NATCHER,
> *Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: This is to clarify the situation with respect to the District of Columbia appropriation requests for the proposed rapid rail transit system.
>
> I would like to assure you that the appropriation for fiscal year 1970 of the $18,737,000, earlier deleted from the District of Columbia supplemental appropriation for fiscal year 1969, together with the appropriation of the $21,586,000 in the 1970 fiscal year appropriation request, would be in accord with the program of the President.
>
> Sincerely,
>
> ROBERT P. MAYO,
> *Director.*

On September 22, 1969, I received an excellent statement from Mr. Airis, the Director of the Department of Highways and Traffic, covering all of the highway projects listed under the Highway Act of 1968 and the action the Department of Highways and Traffic is taking at this time to comply with the resolution of the City Council and the Highway Act of 1968. This statement clearly shows that the freeway program is underway.

All of these acts indicate clearly that we are in complete agreement that freeway construction as provided under the Highway Act of 1968 must proceed with rapid rail transit construction.

I will now recommend that the $18,737,000 deleted from the supplemental appropriations bill together with the $21,586,000 in the regular appropriations bill for the District of Columbia for fiscal year 1970 be appropriated for rapid rail transit construction. I will further recommend that the Federal share for rapid transit construction appropriated for fiscal year 1969 totaling $43,772,000 be released. The provisions concerning this amount is contained in the report accompanying the appropriations bill for fiscal year 1969 for the Department of Interior and related agencies and the following part of the report applies:

Department of Housing and Urban Development, Washington Metropolitan Area Transit Authority

FEDERAL CONTRIBUTION

Appropriation, 1968	-----------
Estimate, 1969	$55,147,000
Recommended, 1969	43,772,000
Comparison:	
Appropriation, 1968	+43,772,000
Estimate, 1969	−11,375,000

Funds available under this appropriation item are to enable the Department of Housing and Urban Development to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid-transit system, as authorized by the National Capital Transportation Act of 1965, as amended. Funds included in this bill represent two-thirds of the Federal contribution to this project, the remaining one-third to be provided by the District of Columbia.

The committee directs that this appropriation shall be available only to the extent that an amount equal to one-half the funds provided by this appropriation has been provided by the District of Columbia as required by Public Law 89–173.

The committee's recommendation is based on a total program of $68,163,000 consisting of $8,680,000 for engineering and design; $5,200,000 for rights-of-way and land acquisition; and $54,883,000 for construction. Deducting $3,105,000 representing that portion of the program which will be financed from prior year funds leaves a total of new obligational authority of $65,658,000. Of this total amount $43,772,000 is included in this bill and $21,886,000 would be for provision by the District of Columbia.

The Highway Act of 1968 must be complied with and as long as the freeway system proposed in this act continues underway we will, at the proper time, appropriate funds for continuing the construction of this rapid rail transit system. Mr. Chairman, both systems must continue underway, and if this takes place we are definitely of the opinion that this will be in the best interest of the Nation's Capital.

Funds have been included in the bill under consideration which will be used to place the basic rapid rail transit system underway and the total amount carried in this bill for this purpose is $40,322,000. The $18,736,000 requested for fiscal year 1969 is a part of this bill and this, together with the request for fiscal year 1970 of $21,586,000, makes a total of $40,322,000, which is the District's share of the construction cost for the rapid rail transit system up to this date. Just as soon as the rapid rail transit-freeway impasse was settled, we stated that the requested funds would be included in this bill. In addition, Mr. Chairman, as chairman of the subcommittee, I stated that we would also agree to a release of the funds previously appropriated totaling $37,472,000, with this amount being the Federal Government's share for rapid rail transit construction up to this date. After presentation of the budget for fiscal year 1970 to the full Committee on Appropriations, our chairman, the distinguished gentleman from Texas (Mr. MAHON) then on November 20 directed a letter to Gen. Jackson Graham, general manager of the Washington Metropolitan Transit Authority, releasing the Federal portion for rapid rail transit. The letter is as follows:

NOVEMBER 20, 1969.

MR. JACKSON GRAHAM,
General Manager, Washington Metropolitan Area Transit Authority, Washington, D.C.

DEAR MR. GRAHAM: This is to acknowledge receipt of your letter of November 7 requesting that the Committee on Appropriations authorize the use of the previously appropriated $37,472,000 for the authorized basic rapid rail transit system in advance of the actual appropriation of the balance of the District of Columbia matching share. We offer no objection to your proposal as set forth in your letter, noting the chief objective of this plan is to avoid additional cost escalation.

Sincerely,

GEORGE MAHON,
Chairman.

The District of Columbia, as you know, Mr. Chairman, is financed out of five funds: a general fund; a highway fund; a water fund; a motor vehicle parking fund; and a sanitary sewage works fund.

Our committee recommends a total of $39,209,000 for general operating expenses for the departments and agencies of the District Government. This is $3,803,500 more than fiscal year 1969 and $4,882,000 less than the budget estimates.

We recommend a total of $130,324,000 for public safety. This is $17,302,000 more than for 1969 and $3,575,000 less than the budget estimates.

For a number of years we have recommended every dollar requested and justified by the metropolitan Police Department. In this bill we recommend a total of $68,352,000. The $25,000 deleted for legal counsel is not necessary and no part of this particular amount appropriated for fiscal year 1969 was utilized.

The Fire Department in our Capital City maintains its Class I rating with the American Insurance Association and is recognized throughout this country as one of the best fire departments in the United States. We recommend an appropriation of $24,451,000 for the operation of the Fire Department. This is $1,018,000 above the 1969 allowance and $562,000 less than the amount requested.

We recommend a total of $213,000 for fiscal year 1970 for civil defense.

We recommend an appropriation of $15,762,000 for the courts of the District of Columbia. This is a decrease of $1,462,000.

For the Department of Corrections we recommend $15,870,000.

We recommend the sum of $5,414,000 for the Department of Licenses and Inspections. This is an increase of $544,700 over the amount approved for fiscal year 1969.

Mr. Chairman, our committee recommends a total of $140,077,000 for education. For public schools we recommend a total of $124,761,000, which is an increase of $9,387,000 over the 1969 appropriation and $8,748,000 less than the amount requested. We recommend $10,704,000 for the Federal City College, which is $6,371,000 more than the amount appropriated for fiscal year 1969 and $987,000 less than the budget estimates. For the Washington Technical Institute we recommend $4,612,000, which is $1,712,000 more than the 1969 appropriations and $144,000 less than the amount requested.

Mr. Chairman, in addition to the appropriations recommended for public schools, it is estimated that $20,799,000 will be available through Federal grants. A list of the Federal grants for public schools estimated for fiscal year 1970 is set forth on page 14 of the committee report.

The committee recommends a total of $18,337,000 for parks and recreation activities. This is $2,084,000 less than requested and $1,031,012 more than 1969 appropriations. We recommend $9,274,000 for the Recreation Department; $6,444,000 for the National Park Service; and $2,619,000 for the National Zoological Park.

Our committee recommends a total of $137,382,000 for health and welfare activities. This is an increase of $13,478,000 over 1969 and $6,632,000 less than the budget requests. For vocational rehabilitation we recommend $943,000. For the Department of Public Health we recommend $81,321,000. This is $5,796,509 more than for 1969 and $3,153,000 less than the amount requested. For the Department of Public Welfare we recommend $55,118,000. This is $7,668,491 more than for 1969 and $3,479,000 less than the budget estimates.

Our committee recommends a total of $18,450,000 for the Department of Highways and Traffic. This is an increase of $666,000 over the 1969 appropriations and $36,000 less than the amounts requested.

Mr. Chairman, our committee recommends $33,340,000 for the Department of Sanitary Engineering and the Washington Aqueduct. This allowance is $2,126,000 more than the appropriations approved for 1969 and $1,589,000 less than the amounts requested. For the Washington Aqueduct we recommend $3,897,000, which is $95,000 more than the amount approved for fiscal year 1969.

The committee recommends $51,000 requested for the settlement of claims. The total amounts of the claims and suits was $330,503.55.

Mr. Chairman, for capital outlay we recommend a total of $149,928,000 for the next fiscal year. This is $10,828,000 more than was appropriated for fiscal year 1969 and $39,681,000 less than requested in the budget.

For public schools we recommend a total of $43,641,400 for 28 projects, which is $11,379,000 less than was proposed in the budget. Prior to the hearings, the Board of Education and the school administration reviewed the construction program and removed those projects which could not proceed during 1970, and added others that could proceed. A total net reduction of $7,551,000 was made and it is reflected in the reduction in this bill. Since that time other adjustments have been made, further reducing the request. The committee has made all of the adjustments requested and recommends the allowance of all the projects for which it understands funds can be utilized during the fiscal year, with only one exception.

preliminary survey for an educational The request for $630,000 to conduct a park for Washington, D.C., is denied.

We recommend capital outlay items totaling $7,325,500 for new buildings and equipment for the Metropolitan Police Department.

For the Department of Public Health, the committee has deferred action on the request for the Northwest Community Health Center pending a determination of the availability of Federal funds. Action has also been deferred on the air-conditioning program at District of Columbia General Hospital.

The committee approves the entire request for capital outlay for the Department of Corrections, with the major portion relating to the President's crime program. Included is $450,000 for a preliminary survey for a correctional detention facility—a new jail.

For public welfare, with the exception of the new receiving home for children, the committee has approved the revised request for this Department. A site for the receiving home has not been determined and, therefore, funds requested could not be used during fiscal year 1970.

For the Department of Buildings and Grounds, three major building construction projects were considered by the committee: a new jail, estimated to cost $45 million; a new District Court Building, estimated to cost $50 million; and two west administration buildings, estimated to cost $36 million. We recommend the $450,000 for the preliminary survey for the new jail and further recommend that $2,600,000 be approved for a new District Court Building. This amount is to be derived from the $3,500,000 previously appropriated for a site for the courthouse. We recommend that action be deferred on the west administration building.

For higher education, we recommend capital outlay projects totaling $5,500,000 for the Federal City College and $3,654,400 for the Washington Technical Institute.

Our committee recommends a total of $40,322,000 for the District's share of the capital budget of the Washington Metropolitan Area Transit Authority's budget for fiscal year 1970 for the construction of the basic authorized rapid transit system in our Capital City. A total of $3,353,000 is recommended for the highway construction program during fiscal year 1970. All projects, with the exception of the community street program, have been approved.

For our public library, we recommend the total amount requested of $680,200. For recreation, we recommend $1,428,800. For the Fire Department, we recommend $1,014,300. For sanitary engineering, we recommend $19,064,000 for storm water sewers and sanitation facilities and $12,268,000 for sanitary sewers, together with $1,175,000 for service and trunk water main. This makes a total of $32,507,000 for the Department.

The construction of a new jail, new court complex, start of construction of freeway and rapid transit systems, new methadone system, and 28 capital outlay projects for our school system are all projects which must be considered as milestones in the development of our Nation's Capital.

Mr. Chairman, we recommend this bill to the Members of the House.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished friend, the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I thank the gentleman for yielding to me. The gentleman has done a fine job. I know of no man more knowledgeable about the affairs of the District of Columbia than the gentleman from Kentucky, the distinguished chairman of the subcommittee. He handles his bill as effectively as any subcommittee chairman on our Appropriations Committee.

I would like to ask the gentleman if he could give me some information about a problem that I constantly have questions about, and that is the breaking of windows in the school buildings in the District of Columbia. Could the gentleman tell us how much it cost the District to replace broken windowpanes in the public school buildings?

Mr. NATCHER. First, I want to thank my friend for the statement he made about me, and I want you to know that I appreciate it. In answer to the gentlemen's question, during 1968 43,414 windows were broken out of school building in our Nation's Capital.

Mr. ANDREWS of Alabama. Forty-three thousand——

Mr. NATCHER. Yes; 43,414. The gentleman will be interested to know that it cost $294,182.46 to replace those windowpanes.

Mr. ANDREWS of Alabama. I have been told that the school board has a regular team of people who spend all their time replacing school windows that have been broken out. Is that correct?

Mr. NATCHER. I will say to my distinguished friend that, in the maintenance section of the school department, we have men who are employed for this particular purpose. Private companies are employed to restore some of the windows. The 43,414 panes are out of school buildings only.

This does not include other buildings in the District of Columbia government.

Mr. ANDREWS of Alabama. One final question I want to ask, if the gentleman will yield further.

Is the team of windowpane replacers able to keep up with broken panes? Can they replace panes as rapidly as they are broken out?

Mr. NATCHER. This cannot be done.

Mr. ANDREWS of Alabama. Is there a backlog?

Mr. NATCHER. The replacement cannot take place as rapidly as the panes are broken out. In fact, at the present time replacement is several weeks behind.

Mr. ANDREWS of Alabama. Has the gentleman given any consideration to bricking up the windows or putting in steel windows?

Mr. NATCHER. In the construction of some of the new buildings consideration is being given to windows of a type that will not break as easily.

Mr. ANDREWS of Alabama. Would that not be cheaper in the long run?

Mr. NATCHER. It probably would.

Mr. ANDREWS of Alabama. I thank the gentleman from Kentucky.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I will yield to my friend, the gentleman from Minnesota (Mr. NELSEN). But before yielding I would like the members of this committee to know the city of Washington has a number of people who help fight her battles. No one does it more often than my friend, the distinguished gentleman from Minnesota. The citizens of Washington should be proud of him.

Mr. Chairman, I yield now to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. Chairman, I join in complimenting my associate and colleague, the gentleman from Kentucky, for the great job he does. A careful and thorough job is done by the committee under the leadership of the gentleman from Kentucky.

Mr. Chairman, my question is more or less designed for the purpose of making legislative history. The gentleman from Kentucky will recall the bill that was passed for the land-grant college provisions to make the District of Columbia eligible. I think our real objective was to reach the vocational side of education as liberally as possible. We found under the law there had to be a mother agency, which in this case turned out to be the liberal arts college, to advance the money to the vocational school.

Now we find HEW at the present time feels the law is not specific enough. I think the gentleman joins with me—I know he does—in wanting to see that legislative history routs this effort and also to see that the law is clarified. I wonder if the gentleman will comment at this point?

Mr. NATCHER. Mr. Chairman, I agree 100 percent with the gentleman from Minnesota. The Labor-Health, Education, and Welfare Subcommittee received testimony concerning the land-grant colleges in the District of Columbia. Down through the years the land-grant colleges in the different States have been given land. In my home State of Kentucky we received several thousand acres of land. The University of Kentucky is a land-grant college.

Here in the District of Columbia, there is no land to give. A formula was used whereby the committee took the number of people in the District of Columbia and considered the little over $6 million that was granted the State of Hawaii and came up with a little more than $7 million for the District of Columbia. We approved that amount in the bill.

It went to the other body, and they changed it. They put a little over $300,000, in the bill, the amount they said would be interest on the $7 million, we thought it was a mistake and it was dropped out. The Federal City College and the Washington Technical Institute have the right under the law and should receive the land-grant college money.

I think it should be in a grant, the way we had it in the Labor-HEW bill. I think little the over $7 million ought to go back in the proper bill, and we ought to take action on it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. McCORMACK).

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. NATCHER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. McCORMACK. Mr. Chairman, I simply wanted to observe that I have heard many presentations of bills by chairman of committees or Members in charge of a bill. I never heard any finer presentation of any bill, particularly an appropriation bill, than has just been rendered by the distinguished gentleman from Kentucky (Mr. NATCHER).

It is as fine a presentation, as clear and as distinct and comprehensible, as I have ever heard. I want to congratulate my friend.

Mr. NATCHER. I thank the Speaker for his fine statement.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my distinguished friend from South Carolina.

Mr. RIVERS. I want to associate myself with the remarks of the distinguished Speaker. I know of no chairman or subcommittee chairman who has been more objective, or who has been more unfairly attacked by irresponsible news reporting or who has been more falsely accused, than has this chairman, yet he has stayed on the course and has done what has been good for the District of Columbia and what is good for the country.

His objectivity, his calmness in the face of the most unjustified criticism, demonstrates the most lofty character of which he is possessed. He is deserving of the encomiums of all of us.

All of this is climaxed when our beloved Speaker takes note of his dedicated and motivated work for his country and for the District of Columbia.

Mr. NATCHER. I thank my friend.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished gentleman from New Jersey, a member of the subcommittee and an outstanding Member of the House.

Mr. PATTEN. Mr. Chairman, when were you through with the hearings on the original budget as submitted? What month was that?

Mr. NATCHER. I would say to my distinguished friend, we started the hearings on this bill in April and we completed our hearings on May 12. We have been waiting ever since.

Mr. PATTEN. Have we made a resolution that next year the people in the District of Columbia ought to know what their budget is before the fiscal year begins, and that we are going to do a better job next year so that they will know by June 1 how much money they have?

The only reason I ask the question is, I know the gentleman did his job but for other reasons here it is the end of November and the District of Columbia does not have its budget, which it should have had well before July 1, so that they could hire their teachers and do the other things they are authorized to do.

You have done a good job, Mr. Chairman. It is a pleasure to be associated with you.

Mr. NATCHER. I thank the gentleman. I appreciate his statement.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I certainly want to join in the fine compliments which have been paid to our subcommittee chairman not only for his presentation of this bill here today but also for the leadership which he has exhibited throughout the hearings, during the markup, and in the preparation of the report which accompanies this bill. He has always been eminently fair to the representatives of the District government who have appeared before us and certainly to all the members of the subcommittee, who have learned to appreciate him in the manner other Members of this body have expressed their appreciation, in our daily contacts with him as to the presentation of this bill to the House.

In spite of some of the things that have appeared over TV and radio and in the press about our chairman, he has maintained a calm attitude throughout. There certainly is not a vindictive hair in his head. If there were, I am sure there would be some different provisions in this bill from those which appear as it is now presented for consideration.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to our distinguished chairman of the full committee, the gentleman from Texas.

Mr. MAHON. I wish to join in applauding the distinguished gentleman from Kentucky for the statesmanlike job he does in dealing with appropriations for the District of Columbia. I know he desired to bring this bill before the House months ago, but this was impossible under the circumstances. We had to await clearance of the District of Columbia revenue bill, which took place only recently.

Not only does the distinguished gentleman from Kentucky do a good job on this bill, he is a valuable member of the committee otherwise, distinguishing himself as the ranking member on the important Agriculture Appropriations Subcommittee and the important Subcommittee on Labor and Health, Education, and Welfare.

I would also like to commend the distinguished gentleman from Wisconsin, who now has the floor, for his good work on this bill and for his devotion to duty on the other subcommittees on which he serves.

And I wish also to extend our thanks to other members of the committee for their work on this bill.

I believe we have reported a good bill—one that all Members can reasonably support. And in this connection, I applaud the subcommittee for what it has done and is trying to do to promote law and order in the District of Columbia.

I thank the gentleman for yielding.

Mr. DAVIS of Wisconsin. Mr. Chairman, I thank the chairman of the full Committee on Appropriations. I am sure that the gentleman from Kentucky exercises the same diligence in his other subcommittee assignments as he does in this one. It makes it easier, although this is not the most sought after or the easiest job on the Committee on Appropriations, to work under the kind of leadership that the gentleman from Kentucky has provided.

Mr. Chairman, just a few minutes ago this House took another step forward in implementing the President's request of a couple of months ago for a balanced transportation system here in the District of Columbia. I can assure my colleagues that no man worked more carefully or more effectively in order to assure a balanced transportation system for the District of Columbia than has the chairman of our subcommittee. Sometimes it has been necessary for him to be very firm, but anyone who is familiar with the legislative process and who is familiar with the approaches that are taken by people in and out of Government on some matters of this kind, will recognize that only through that kind of firmness, and a great deal of patience that went with it, has the goal and the expressed desire of the President for a balanced transportation system for this metropolitan area come into being. I think this is a contribution for which history will properly reward the gentleman from Kentucky for his leadership in this area.

Mr. Chairman, there can be no happiness among us, of course, over the constantly increasing budgets for the District of Columbia. Certainly in more recent years we have seen this acceleration of spending here within the District, and have seen it come to more than we would have liked as individuals. However, we have approved the funding for many of these projects even though it did involve a rapid acceleration of the spending.

I think there are two reasons for this which justify the affirmative attitude we have taken. One reason is that we wanted to give this newly created form of government here in the District every opportunity to perform its function as a problem solver for the people of this Federal District. We did not want to hamstring this government in its efforts to do whatever local government—and this is a unique kind of local government—can do to deal with the social and the economic problems of the people that live within the District.

Second, this District has become the recipient of millions of dollars of Federal grants. Sometimes I think they have been concocted and programed not necessarily because the people of the District wanted them so much as the District has been used as a sort of a guinea pig for many of the Federal programs that have been developed in the agencies of the Federal Government.

If you will look at pages 2 and 3 of the report—and, by the way, I think is an extremely well done and informative report that does accompany this bill—you will note that the total Federal grants for the current fiscal year for the District of Columbia will exceed $133 million. Even this does not include, I note, anything from the Department of Agriculture. But one of the late requests that we received this year was for $559,000 to administer the expanded food supplement program for the pregnant mothers and for the children of 1 to 5 here in the District.

It cannot help but be surprising, perhaps even shocking, to recognize that this Federal program—and, certainly, we had to provide some administration for it—contemplates that nearly one out of every two of the pregnant mothers and children from 1 to 5 in the District of Columbia, more precisely about 45 percent of them, are scheduled to receive food supplements from the Department of Agriculture in the course of this next year. And, of course, those same people, many of them, are eligible for food stamp assistance. So it becomes difficult, if not impossible, to attempt to estimate in terms of direct Federal grants in money or in kind the assistance which is being funneled into the District of Columbia. This does involve the necessity for local government to administer these programs and to spend some of their own funds on those Federal programs being implemented here.

So, those, primarily are the two reasons for the acceleration of local spending in the District of Columbia in recent years. Oh, we did not approve all of the increases that were requested. The chairman has pointed out that overall some $68 million has been reduced from the requests that were made. This year we did not lean as far over backwards as we had in the past with respect to the plans for the expansion of the local government.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself an additional 4 minutes.

The plans were to provide administrative assistants and additional secretarial help for all of the members of the Council, to create neighborhood centers where people could register their complaints with respect to the city government and, by and large, those requests of necessity were denied primarily because they did represent new programs for which funds simply were not available and, secondly, because it appeared to us, or at least it appeared to me, that with the establishment of these neighborhood centers they were creating a means for channeling complaints that would put the people who ought to be listening to those complaints, the people on the Council particularly, on the side so they would not have the necessity for the give-and-take that any representative group of people ought to share with those that they have been in this case appointed to represent.

We did everything that we could within authorizations to implement the President's crime package for the District of Columbia including the methadone treatment, the narcotic rehabilitation corps, in addition to the increase in police force.

Three years ago we had an authorized police force here in the District of Columbia of 3,100. That was increased to 4,100. It now stands at 5,100. And the only reason I believe that we did not fund the full 5,100, in order to get more policemen on the streets, as the recent President's Commission recommended again last night, was because of inability to recruit the men to fill that complement.

So instead of 1,000 new men, 525 additional policemen have been funded.

In one area we found a definite duplication of effort as between an imposed Federal program and an existing traditional activity of the local government. That was in the area of the youth program unit, funded largely by the Federal Government, and the District's Department of Recreation. Because we did find that duplication of effort, we reduced the appropriation for the Department of Recreation by the amount of $1,070,000, which represented the increase for the youth program unit.

In the Federal City College, while we were a little bit concerned by the plans for an expansion more rapidly than we felt could be assimilated, we tried to implement the effort to establish that institution here.

There are not any funds in this project for athletic facilities, but last year under a reprograming action we were able to provide a gymnasium for this new institution. We had some problems in the other body, but finally the Members over there saw the light and did provide what I consider to be a necessity, especially in a new institution, and particularly in an institution created in the environment of this one.

Annually we are requested for information relating to the stadium. I simply want to suggest that in the hearings beginning on page 1363 that information is set out in full for the first time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NATCHER. Mr. Chairman, we have no additional requests for time on this side.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan (Mr. RIEGLE), a member of the subcommittee.

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me?

Mr. RIEGLE. I wll be happy to yield to the gentleman.

Mr. NATCHER. Mr. Chairman, I would like the members of the committee to know that it is a distinct privilege and pleasure for my good friend, the gentleman from Wisconsin (Mr. DAVIS), the ranking minority member, and myself, to serve with the distinguished gentleman in the well from the State of Michigan.

You know, here in the District of Columbia, Mr. Chairman, from time to time we ask the people and the members of the school board if they would make additional use of their school buildings, open them up for the people in the community. I was having lunch down in the main dining room several months ago and one of the waiters said to me that he was the Boy Scout leader in his community, and that he was being charged from $11 to $16 to open the school building where he was trying to work with these boys, and do something for them.

The distinguished gentleman in the well, since he has been a member of the committee, has gone back to his home State—and I will let him tell you about it—where he has gotten nearly half a million dollars and brought it to the District of Columbia, Mr. Chairman, to help our Capital citizens.

Again I say it is a distinct pleasure and a privilege for me to serve on this subcommittee with the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I thank the gentleman from Kentucky (Mr. NATCHER) very much for those kind words.

I wish, if I may, to echo the sentiments earlier expressed by the gentleman from South Carolina and others. I too, think that this committee chairman is one of the best that we have in the Congress on any committee.

Also he is a man who is dedicated to meeting the needs of the District of Columbia in a fair and sensitive way.

I know at the meetings of our committee, both public and private, on every occasion I believe he worked to advance the interests of the district.

I want to speak briefly today about community schools that we now have underway here in the District of Columbia.

About 30 years ago in my hometown of Flint, Mich., the community school idea was conceived. It was an idea of opening the schools up pretty much around the clock, 12 months a year, and opening them to a whole variety of activities such as adult education, senior citizens' activities, to the scouts, to young people for recreation purposes and so forth.

In each neighborhood across this land of ours we have a public asset that we call a school. In most cases the school doors are locked at 4 o'clock, and these places are empty during the summertime, so we want to find ways to put those facilities to use in such a way that has unique meaning for the needs of that particular neighborhood.

And there is another point. If we are really going to have education we must think in terms of the entire environment in which a youngster lives and all the influences that he is facing. If a youngster needs glasses and does not have them, he is not going to learn to read. And you have to provide a certain base level of medical care; or if a youngster has a toothache, he is not going to be able to study.

So along with things like opening your school for community activities, we have to think about making sure that the youngsters in the school are healthy and have adequate food.

This concept is working wonders out in my hometown of Flint.

Now, in Flint we have many adults studying at the high school level, yet these same people have youngsters studying during the day at high school. We feel that this idea which has been battle tested and found to be successful may have some application here in the District of Columbia.

About 2½ years ago the vice superintendent, now the acting superintendent, Ben Henley, and I went to Flint and approached the Mott Foundation which had created and developed this community school concept to see if they might be willing to provide the seed money to try this idea out in the District of Columbia on a pilot basis. The Mott Foundation was very interested in helping test this out in our Nation's Capital and granted $60,000 to begin two of these community schools. Beyond the money they and the Flint school system shared their experience, technical and moral support.

These two schools are the Logan School and the Garnet-Patterson School and they are now offering many new kinds of services for youngsters, for example, typing classes, sewing classes, pioneer tent camping, girls' cooking classes, French club, Scouting, and summer tot lot.

Adults in the evening have basic education courses such as reading, English, mathematics, typing, sewing, and high school equivalency courses. They even have a course designed to help people become nurses' assistants and nurses aids classes and things of that kind.

So we are making progress.

The Garnet-Patterson School is very active and effective in the evening. That was 2½ years ago. Last year we expanded the program and where there were only two schools, now there are four.

This year in the budget the original request was for six community schools.

We asked that the school officials go back and increase the six to eight for the District this year.

On the basis of the success generated in the two pilot schools, Ben Henley and I went back to Flint, and asked the Mott Foundation for some more money and we were able to secure enough money to augment those eight schools with five more so that this year we will have 13 schools in the District of Columbia that will be operating as community schools.

I have a map here which indicates where these schools are. You will see that these 13 schools are situated strategically around the District so that each geographic area in the District will have an opportunity to see this concept at work and decide whether this is something other adjacent neighborhoods might want.

Bear in mind, these community schools can and will be tailored to the uniqueness of the particular neighborhood that they are found in. We are finding, for example, that for a 5-percent increase in the cost, we can increase the utilization of these facilities 150 percent. That is a pretty good bargain.

So we have 13 schools this year and, as I say, they have been working out well.

I do not see the gentleman from Alabama (Mr. ANDREWS) at the moment. Earlier he spoke about broken windowpanes. But I will indicate to him the fact that in the schools that have been operating the pilot project, about which I have spoken, window breakage has gone down and school attendance has gone up. Examination scores in reading and arithmetic have also gone up. The size of the PTA has increased. The number of parents who are coming into the schools to participate has also gone up. We find that vandalism on school grounds has gone way down relative to other schools in similar kinds of neighborhoods.

This community school concept is working. They have been coming along steadily. We went from two schools the first year to four schools last year, and this year to eight, and then, based on the Mott Foundation grant, up to 13. I think on this pilot basis we can continue to test this program and, to the extent that it works, continue to broaden it across the District.

Earlier there was talk about the fact that neighborhood centers, which were requested in the budget, were not approved by virtue of the fact that there just was not enough money to begin new programs. But I would suggest that in the new 13 community schools that we have, that perhaps this neighborhood center idea could be tested there, because these schools are all neighborhood centered. They are open now pretty much around the clock. I should think that if the city government would want to try this approach, they could do so through these community schools. On one or two evenings a week representatives from the city government could be available to talk with the citizens and hear their problems and suggestions. This would be an effective way to get at these citizen needs and do it in a way that would not require us to finance new buildings or acquire new rental property in order to get the job done.

I have suggested to them that they consider doing this, and I intend to pursue that idea.

Finally, I wish to thank the gentlemen on the subcommittee. I particularly wish to thank the subcommittee chairman and the ranking minority member (Mr. DAVIS) from Wisconsin, for the support they have given the pilot community school program and for the fact that they have been willing to have this idea tested on a limited basis, to be expanded only as it demonstrates its ability to work here in the District of Columbia.

I am hopeful that if we can continue to generate good results in these schools, then, perhaps someday in the future all the schools in the District of Columbia can be community schools, can be open all the time, and available to the citizens in the neighborhoods in which they are found for whatever purposes those citizens find useful.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. WYATT) who, like the gentleman who just finished speaking, is an effective new member of the subcommittee.

Mr. WYATT. Mr. Chairman, as the most junior member of the House District of Columbia Appropriations Subcommittee, I have received during the past year a real education on the problems of the District of Columbia. In hearing testimony in support of requested appropriations for all phases of activity of District of Columbia governmental agencies, I have had a rare opportunity to view the inner workings of these agencies. This view has been sharpened by the great knowledge and ability of our very able chairman, the gentleman from Kentucky (Mr. WILLIAM NATCHER), and by his counterpart on our side of the aisle, my friend, the gentleman from Wisconsin (Mr. GLENN R. DAVIS). The hours devoted by these two gentlemen and by other members of our committee on the problems of the District have been of intense interest to me. I might mention that these hours have been labors of love, politically, since there really is no mileage back home in dealing, or in failing to deal, with the affairs of the District. The effective time spent on these problems is indeed a measure of the devotion of members of this subcommittee to the public interest.

We have a very good appropriations bill today. I would only address you today with respect to the fight against crime in the District and the money in this bill dealing with this enormous challenge.

The crime battle in the District is now in desperate crisis. The rate of violent crimes continues each day to increase. Citizens today are less safe than they were 1 year ago, much less safe than 5 years ago. The statistics easily establish these conclusions.

The Washington Daily News has rendered a very great service in this battle in recent weeks by publishing on its front page what it calls "Crime Crisis Countdown." In last Saturday's paper the Daily News reported that between midnight last Thursday and midnight Friday, these crimes were committed in the District: two homicides, one rape, 46 robberies, and six attempted robberies.

The Daily News points out that President Nixon called a conference at the White House on October 9 of this year, an emergency conference, with police officials and leaders of both parties in Congress, to review what the President called the "disgraceful situation" of crime in the Nation's Capital.

Police Chief Jerry Wilson said:

> The total system of justice must be treated. My greatest fear is that Congress may go home without this being done.

This emergency meeting was called by President Nixon 46 days ago and still there is no substantial action by Congress on the President's five-bill anticrime package. The most important part of the package was a proposed court reorganization bill which would add approximately two dozen new judges to the District judicial system, take many local cases out of the Federal court system and make several changes in the criminal provisions for the District of Columbia. He also asked for a bail reform act, a bail agency act, a public defender bill, and a new juvenile code. Most of the administrative changes which he suggested have been put into effect.

In this District of Columbia appropriation bill we have almost fully funded every program useful in fighting crime which is presently authorized.

One of the most promising programs in this appropriations bill is the methadone program.

Testimony of District officials has established that nearly 50 percent of arrests involve persons who are active users of narcotics, and that nearly 90 percent of those are on hard addictive drugs. In all too many of these cases, the addict who has committed a crime of personal violence is freed under our present system with no bail requirement, and statistics show a startling rate of repeated offenses.

The methadone program may not be the ultimate, final solution to the crime problem, but it offers real promise. With this program and if Congress will ever act to approve President Nixon's anticrime bills for the District, we may once again be able to walk the streets of our Capital safely.

Methadone is a synthetic drug, and costs a few cents a day to maintain the substitute habit. Addicts who are unable to free themselves of the habits of heroin and other hard drugs, can be transferred to methadone. Methadone is also addictive, but those on it are not forced to go to the streets to rob, burglarize, and murder for the necessary money to maintain this habit. Chief Wilson has estimated that it costs a heroin addict about $80 a day to supply the necessary quantity of heroin required. To provide this amount of cash, an addict must obtain by holdup or burglary about $800 a day. So, we have the vicious circle of desperate men, often under the heroin-induced "high," being driven each and every day to obtain $800 in merchandise, and/or $80 in cash.

Methadone does not produce a "high." It is therefore much safer than heroin. It is cheap, and should take any addict who has transferred from heroin to methadone out of the crime market. It offers promise of real relief.

Under the program being launched by the District government, total withdrawal from methadone will be ultimately attempted. We have no real evidence to prove that this is possible but it will be attempted.

At the present time I am studying the constitutional and legislative problems involved in a program which I think may have considerable merit. In brief form, it would require anyone arrested who is an addict, or who has a record of addiction, to become bailable only upon his agreement to transfer his addiction and to maintain it on methadone. I believe this program could be most helpful in getting hard-core, desperate narcotic addicts out of the drug-crime cycle.

Promising as the methadone program is, it certainly cannot be considered by anyone to lessen the very great and emergency need for the passage of President Nixon's anticrime program. Congress must assume the full burden of any further delay in the enactment of the President's program. We have been offered leadership in this fight. In fairness, no legislation was received from the Justice Department until about 2 months ago. But 2 months have passed, and I strongly urge the appropriate authorizing committees to complete work on these bills. Unless we give our law enforcement officials the tools they need, their hands are quite securely tied, and the invitation to the criminal world would be loud and very clear: "We intend to let you roam the streets, to rob, murder, burglarize, rape, and plunder at will."

If the respective authorizing committees in Congress will pass the legislation requested by the President, I have confidence that the District of Columbia Appropriations Subcommittee will approve the necessary funds to implement it. Until then, our hands are tied.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I thank my friend for yielding for exciting and good news on Apollo 12.

The gentleman from California (Mr. MILLER), chairman of the House Committee on Science and Astronautics, is here with me, and we would both like to announce that Apollo 12 has splashed down, and all our astronauts, Conrad, Gordon, and Bean, are safe.

The Apollo 12 splashdown was within visual distance of the carrier, with broken cloud cover, so they were able to follow the descent of the capsule and actual splashdown by TV. So the Moon-Cape Kennedy shuttle has now returned, and we are all pleased, cheered, and relieved. That first Apollo 12 radio report after blackout, "All is OK," certainly is welcome. The U.S. carrier *Hornet* is standing by, and our astronauts will soon be picked up by helicopter, and then arrive aboard.

Hearty congratulations to our U.S. astronauts, highly competent technicians and navigators, and courageous pioneers for America, and for all mankind.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, I would like to say, in corroboration of the comments of the gentleman from Oregon, that, at the White House meeting to which the gentleman referred, Chief Wilson said if he could get 200 or 300 of the hard-core criminals, most of whom—a very high percentage of whom—are addicted to drugs, off the streets of the city of Washington, he would then be optimistic about bringing this certainly unacceptable crime level in the District of Columbia under control.

With respect to the gentleman's reference to juvenile reform legislation, I believe our hearings did develop that under the present law the only legal tool which the police have at their disposal in the case of young children being permitted to roam the streets and to get into difficulty is to charge the parent with contributing to the delinquency of a minor. This certainly demonstrates how outmoded our code is here, for in nearly every State of the Union there is the tool of finding that the child has been neglected, not that he has gotten into the criminal difficulty, but has been neglected. This provides the basis for action by the courts in dealing with problems of this kind.

Both the major points the gentleman from Oregon has made are valid and have been demonstrated to be valid by testimony in recent weeks.

Mr. WYATT. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I thank the gentleman from Kentucky for giving me this time.

I should like to address a question or two to some member of the subcommittee.

As I understand it, the gentleman responded a while ago to a question with respect to window breakage in the schools by saying that in 1968 it cost some $297 million; is that correct?

Mr. NATCHER. It cost $294,182.46.

Mr. GROSS. In round figures that is $294,000?

Mr. NATCHER. Yes.

Mr. GROSS. Is this considered to be aid to education?

Mr. NATCHER. I would say quite frankly to my friend that it certainly is not an aid to education. I am only sorry that that condition exists here in our Nation's Capital.

Mr. GROSS. Does the District of Columbia get impacted school aid?

Mr. NATCHER. The District of Columbia receives a little over $5½ million a year in impacted school funds. The gentleman would be interested to know that the schools also receive almost $16 million more in grants that are not in this bill. They receive a little over $20 million in Federal grants.

Mr. GROSS. And still it requires nearly $300,000 each year to replace the window glass in the schools in the District of Columbia alone? That is incredible.

Mr. NATCHER. That is the situation. I would say to the gentleman, that means only the windows in the school buildings and not the windows in the other District government buildings.

Mr. GROSS. And the answer to that is what? Is it bulletproof glass, or boarding up the windows, closing the schools or what? What is the answer to a situation of this kind, where they have so little concern for the education of their children that they permit this kind of vandalism?

Mr. NATCHER. I would say to the gentleman that the distinguished gentleman from Michigan (Mr. RIEGLE) made a fine statement and set forth to the committee a number of proposals which I believe will correct this situation.

In the areas in our Capital City where they have more trouble and more windows are broken they ought to interest the parents of those children a little bit more in school affairs and what is taking place in the schools. They ought to open up these school buildings. No charge should be made to the fine man in the dining room who wants to be a little helpful and have a Scout troop use the building. Why should he pay $11 or $16 when they open up a building to bring these boys in? More interest in their community and their schools and the development of a little more pride, I believe, would stop a lot of broken windows, I say to my friend frankly.

Mr. GROSS. Does the gentleman think they would be able to regulate who enters the school buildings at night if they do open them up for meetings? What kind of a situation would then exist?

Mr. NATCHER. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. NATCHER. I hope so. I would hope those who enter them would enter with good intentions and be sincere people who wanted to go in and participate in things that are constructive.

Mr. RIEGLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. RIEGLE. I would say this: In the schools that have already been opened up you have two years of experience in those schools. Now, I am not aware of any acts of vandalism or problems occurring or disruption of the area or damage done or anything of that kind where people come into the schools at night to use them. In fact, I might say that the reverse is true. We have so many youngsters and people of all ages, in fact, who come in at night so that we have a lot of potential vandals there who might be out on the street or otherwise at night who are in the school buildings using them for roller skating or other things. Our experience has been that we do not increase vandalism but, as a matter of fact, vandalism has gone down where we opened up the schools at night.

Mr. GROSS. That may be, because they boarded them up. Therefore they are not having that many broken windows there

Mr. RIEGLE. They are not boarding them up.

Mr. GROSS. Or putting in wire mesh screens and things of that kind. They will have to have pretty fine and expensive screens to stop all of the air rifles pellets and other methods of destroying or breaking glass.

Let me ask the gentleman this question: For some years, 37 percent of the teachers in the District of Columbia were equipped only with temporary certificates. Has that situation been improved?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend from Kentucky.

Mr. NATCHER. This situation is much improved. I am glad to be able to make that statement to the gentleman. I know at one time the temporary certificates were issued in the city of Washington to such an extent that it was detrimental to the best interests of our school system and our public education system. That situation has improved considerably. It is no longer in the one-third category.

Mr. GROSS. I thank the gentleman for his answer.

I have read either in a newspaper or in the gentleman's hearings that there is difficulty in one of the federally supported colleges or other institutions here with regard to the teaching of Swahili. They are demanding that this language be taught and threatening trouble if it is not. Does the gentleman know anything about that?

The CHAIRMAN. The time of the gentleman has expired.

(Mr. GROSS asked and was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. If the gentleman will yield further, the teaching of this particular subject in the school system and also in the Federal City College was under consideration. I say to the gentleman quite frankly I believe they are working this matter out satisfactorily.

Mr. GROSS. Where would they use Swahili in the District of Columbia?

Mr. NATCHER. As far as I know, it would not be used.

Mr. GROSS. Now, with regard to the $30,000 city-owned firetruck that was set afire and destroyed at Howard University when the disorders were going on out there. Has Howard University or anyone else reimbursed the city of Washington, D.C., for the truck those hoodlums destroyed by fire during the disorders?

Mr. NATCHER. Mr. Chairman, if the gentleman will yield, I would say that no part of the cost of the restoration of that particular piece of equipment was ever refunded. We received no money whatsoever from that incident.

Mr. GROSS. Has the subcommittee been able to put together any overall figures of damage and loss in the District of Columbia beginning with Insurrection City and going on through all the rest of the upheavals in the District. It would run, would the gentleman say, into many millions of dollars?

Mr. NATCHER. If the genteman will yield, I would say to the gentleman that the figures would run between $200 million and $300 million.

Mr. GROSS. $200 million and $300 million as a result of the April riots, Insurrection City, and the moratorium parade of the other day?

Mr. NATCHER. All the damage that has taken place in our Capital——

Mr. GROSS. So-called parade.

Mr. NATCHER. All of the damage would be something over $200 million during the past 3½ years.

Mr. GROSS. One final question, if I may, regarding the District of Columbia stadium which was not to cost the Federal taxpayers any money: What is the contribution on the part of the Federal Government, the percentage of the cost of meeting the interest payments? I do not suppose there has been any payment on the capital investment, what are the taxpayers of the Nation contributing to the support of the stadium?

Mr. NATCHER. If the gentleman will yield, the amount in the bill each year is $831,600 interest on the $20 million worth of bonds issued. Not one single bond has been retired. This year, through the efforts of my good friend who sits over on my right, the distinguished gentleman from Wisconsin (Mr. DAVIS), after several years of questioning the people that appeared before our subcommittee, finally last year, 1968, they produced $410,000 in revenue to apply on the $831,600 interest payment. That is over and above the cost of maintenance. This was a little unusual. By virtue of the efforts of my friend, the gentleman from Wisconsin (Mr. DAVIS), that took place.

I recall when they brought this matter to the floor and the distinguished gentleman from Iowa asked the question, how much is the stadium going to cost. The gentleman well remembers the answer, "between $6 million and $7 million." It cost $20 million and not one bond has been retired.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. NATCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 2 additional minutes.

Mr. GROSS. The gentleman is saying that it is costing the taxpayers of the entire Nation, how much—$400,000 or $800,000?

Mr. NATCHER. This particular year it is the difference between $410,000 income based on football and the use of the stadium and the $831,600. Other than that the interest on the bonds is $831,600 every year, and those $20 million in bonds must be retired.

Mr. GROSS. Well, I hope that the taxpayers from the district represented by the gentleman from Ohio (Mr. HAYS), who I note is on the floor, are getting that much benefit out of it. I know they are not in the Third District of Iowa.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, we are getting some benefit out of the fact that we found out that Mr. Lombardi is neither omnipotent nor omniscient but just a mere mortal man.

Mr. GROSS. We could have found that out on the sandlot.

Mr. HAYS. If the gentleman will yield further, you would not have found that out in the newspapers because they want to think so in Green Bay.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. If the gentleman will look at page 1363 of this year's hearings the gentleman would see a tabulation setting out the income and payments relating to this stadium. However, I should caution the gentleman that that table is not quite updated. It shows $521,000 as the amount being made up out of general funds of the District. But since that time $111,000 has been used as having been derived from income.

So that actually the proper figure is $410,000, representing the difference between income and outgo as far as the District of Columbia stadium is concerned.

Mr. GROSS. Does the gentleman think this will go on into infinity—this payment on the part of all of the taxpayers, after having donated the land, the landscaping, parking lots, and the Lord only knows what else for this stadium? Will the interest payments on this bonded debt, by all of the taxpayers of the country, go on endlessly and forever?

Mr. DAVIS of Wisconsin. I can only tell the gentleman from Iowa that the situation is much better than it was 3 years ago. If we would get a good, contending baseball team here, under the contract we have which relates the rental to the District of Columbia to the basis of gross receipts, I think there is a chance for getting out from under.

Mr. GROSS. I thank the gentleman. Mr. Chairman, I cannot support this bill for the reason that it appropriates money from all the taxpayers for the purpose of constructing a part of the subway system in the District of Columbia. I have just voted against an areawide subway system for the reason that the taxpayers of Maryland, Virginia, and the District of Columbia ought to finance it on their own.

I cannot support this bill for the further reason that altogether too much money has been taken from the taxpayers of the rest of the Nation to pay for the costs of the demonstrations that have been staged in Washington, D.C.—demonstrations by hoodlums that have resulted in vandalism and staggering damage.

If the government of the District of Columbia wants visitors of this stripe then let it pay the bills for working police and others around the clock. There should have been a real cut in the Federal handout to the District of Columbia as a warning that it must get its house in order and stop the lawlessness that makes it one of the most crime-ridden cities in the Nation.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

(Mr. GUDE (at the request of Mr. DAVIS of Wisconsin) was granted permission to extend his remarks at this point in the RECORD.)

Mr. GUDE. Mr. Chairman, I commend the committee for its work on the appropriations bill for the District of Columbia. I only wish the District of Columbia revenue bill had permitted the committee greater latitude in funding vitally needed programs in the District. I regret especially the denial of the city's request for funding for little city halls and the drastic limitation on new personnel for the public schools. Better communication between the city government and the citizenry and improvement of the schools would have had an immediate impact on District residents and boosted their confidence in their government.

I am pleased, however, to see that the committee has approved funding for substantially all of the President's crime program for the District, including an increase in the police force, and more money for the courts. Particularly promising is the expanded funding for correctional programs aimed at the rehabilitation of persons convicted of crime. Just last Friday, I toured three community correctional facilities in the District, including a work-release center, the Community Treatment Center for young offenders, and the narcotic addict treatment program just getting underway. These centers are helping to ease the transition between the confinement and routine of prison and the return to life in the community. The residents of the community correctional centers told me that the difficulty of starting over, fresh out of the prison environment, is a major cause of recidivism. The scarcity of job opportunities and job training for persons with a criminal record often make adjustment to noncriminal patterns of life close to impossible for all but the strongest candidates for rehabilitation.

There is impressive evidence that correctional facilities in the community, providing intensive personal and group counseling, accomplish the rehabilitative goals of corrections far better than more prisons with higher walls. The substantial increase in these programs approved by the Appropriations Committee will, I believe, increase our safety and decrease the cost of corrections in both the short run and the long run.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have noted in recent days in the press that the very competent Mayor of Washington has come under some attack with some suggestions being made to the press saying that he should resign. Mr. Chairman, I have great confidence in this man. I think he has done an excellent job in this city under very trying circumstances.

On the occasions when I have seen him appear before our subcommittee, he has been extremely capable, and he has exhibited thorough knowledge of the problems of the city, and his answers to questions have been to the point and informative. I think he has done an excellent job, and as a matter of fact, we would have to look hard and long to find a person better equipped and able to do the job better than he has done.

Speaking only for myself, I want to say that I have great regard for him, and I congratulate him on the work he is doing, and will, I hope, continue to do it.

Mr. GROSS. If the gentleman will yield, what is his salary a year, does the gentleman know?

Mr. RIEGLE. I cannot cite it without checking the matter.

Mr. GROSS. You are speaking of the Mayor, or the so-called Mayor of Washington?

Mr. RIEGLE. Yes.

Mr. GROSS. Well, I just wondered.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. NATCHER. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 14916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending June 30, 1970, and for other purposes, namely:

Federal Payment to the District of Columbia

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1970: $107,000,000 to the general fund; $2,504,000 to the water fund; and $1,424,000 to the sanitary sewage work fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, Sec. 47–2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, Sec. 43–1541 and 1611).

Loans to the District of Columbia for Capital Outlay

For loans to the District of Columbia as authorized by the Act of May 18, 1954 (68 Stat. 101), and the Act of June 6, 1958, as amended (D.C. Code, Sec. 9–220(b); 81 Stat. 339), $77,763,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner to the following funds; general fund, $74,735,000; highway fund, $700,000; water fund, $170,000; and sanitary works fund, $2,158,000.

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

General Operating Expenses

General operating expenses, $39,209,000, of which $551,000 shall be payable from the highway fund (including $59,000 from the motor vehicle parking account), $85,000 from the water fund, and $63,000 from the sanitary sewage works fund: *Provided,* That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further,* That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further,* That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further,* That $920,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That not to exceed $60,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each.

Public Safety

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and ninety-eight passenger motor vehicles (including one hundred and eighty-seven for police-type use and nine for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation) of which one hundred and eight are for replacement purposes; $130,324,000, of which $5,012,000 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided,* That not to exceed $50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner: *Provided further,* That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further,* That $620,000 of this appropriation shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency of the District of Columbia.

Education

Education, including purchase of seventeen passenger motor vehicles of which eleven shall be for replacement only, provision of insurance, maintenance, and acceptance of not to exceed thirty passenger motor vehicles on a loan basis for exclusive use in the driver education program, the development of national defense education programs, and matching of Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, $140,077,000, of which $125,100 shall be payable from the highway fund: *Provided*, That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, $500; President of the Federal City College, $1,000; and President of the Washington Technical Institute, $1,000.

Section 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1969, to August 31, 1969.

Parks and Recreation

Parks and recreation, including the purchase, acquisition, and transportation of specimens for the National Zoological Park, $18,337,000, of which $32,000 shall be payable from the highway fund.

Health and Welfare

Health and welfare, including reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital; purchase of eleven passenger motor vehicles, of which ten shall be for replacement only; and care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health; $137,382,000: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital shall not exceed $38 per diem and the outpatient rate shall not exceed $6 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed $40 per diem and $6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be $17.94 per diem: *Provided further*, That the hospital rates specified herein shall not apply, beginning July 1, 1969, to services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under Title XIX of the Social Security Act: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation: *Provided, further*, That this appropriation shall be available for the treatment, in any institution under the jurisdiction of the Commissioner and located either within or without the District of Columbia, of individuals found by a court to be chronic alcoholics.

Highways and Traffic

Highways and traffic, including $141,066 for traffic safety education without reference to any other law; $600 for membership in the American Association of Motor Vehicle Administrators and $1,200 for membership in the Vehicle Equipment Safety Commission; rental of three passenger-carrying vehicles for use by the Commissioner, Deputy Commissioner, and Chairman of the City Council; and purchase of sixty passenger motor vehicles, of which forty-three shall be for replacement only; $18,450,000, of which $12,446,000 shall be payable from the highway fund (including $674,000 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

Sanitary Engineering

Sanitary engineering, including the purchase of twenty-seven passenger motor vehicles for replacement only, $33,340,000, of which $9,156,000 shall be payable from the water fund, $7,097,000 from the sanitary sewage works fund, and $108,000 from the metropolitan area sanitary sewage works fund.

Personal Services, Wage-Board Employees

For pay increases and related retirement costs for wage-board employees, to be transferred by the Commissioner of the District of Columbia to the appropriations for the fiscal year 1970 from which said employees are properly payable, $5,201,300, of which $207,500 shall be payable from the highway fund (including $3,000 from the motor vehicle parking account), $288,200 from the water fund, $269,800 from the sanitary sewage works fund, and $8,000 from the metropolitan area sanitary sewage works fund.

Settlement of Claims and Suits

For payment of property damage claims in excess of $500 and of personal injury claims in excess of $1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $51,000, payable from the general fund.

Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183); and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, $10,807,000 of which $3,829,000 shall be payable from highway fund, $1,453,000 from the water fund, and $512,000 from the sanitary sewage works fund.

Capital Outlay

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $149,928,000, of which $3,136,000 shall be payable from the highway fund, $1,175,000 from the water fund, and $12,268,000 from the sanitary sewage works fund: *Provided*, That $65,170,000 of this appropriation shall not be available for expenditure until July 1, 1970: *Provided further*, That $11,593,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds".

General Provisions

Sec. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Sec. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed $35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and sixty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than $550 each per annum may be authorized or approved by the Commissioner.

Sec. 5. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioner: *Provided*, That the total expenditures for this purpose shall not exceed $122,700.

Sec. 6. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 7. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

Sec. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system or uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

Sec. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Sec. 10. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof, or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when approved by the Commissioner.

Sec. 11. Appropriations contained in this Act of highways and traffic and sanitary engineering shall be available for snow and ice control work when ordered by the Commissioner in writing.

Sec. 12. Appropriations in this Act shall be available, when authorized by the Commissioner, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945.

Sec. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

Sec. 14. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108): *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

Sec. 15. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided,* That the limitation for "Construction Services, Department of Buildings and Grounds" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further,* That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

Sec. 16. Appropriations in this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance.

Sec. 17. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90–445).

Sec. 18. No part of any appropriation contained in this Act shall remain available for obligation beyond the current year unless expressly so provided herein.

This Act may be cited as the "District of Columbia Appropriation Act, 1970".

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to the bill?

Are there any amendments to the bill?

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14916) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes, he reported the bill back to the House with the recommendation that the bill do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appear to have it.

Mr. ROUDEBUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 9, not voting 118, as follows:

[Roll No. 290]

YEAS—305

Abernethy
Adair
Adams
Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Beall, Md.
Bennett
Berry
Betts
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conyers
Coughlin
Culver
Daddario
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Kluczynski
Koch
Kyros
Landgrebe
Langen
Latta
Leggett
Lloyd
Long, Md.
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ruppe
Ruth
Ryan
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion

NAYS—9

Ashbrook
Collins
Gross
Haley
Hall
Montgomery
O'Konski
Rarick
Roudebush

NOT VOTING—118

Abbitt
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ayres
Baring
Barrett
Belcher
Bell, Calif.
Bevill
Blanton
Blatnik
Bolling
Brademas
Brock
Broomfield
Brown, Calif.
Buchanan
Cabell
Cahill
Carey
Celler
Chisholm
Conte
Corbett
Corman
Cowger
Cramer
Cunningham
Daniels, N.J.
Davis, Ga.
Dawson
Diggs
Dorn
Eckhardt
Edmondson
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gettys
Giaimo
Goldwater
Griffin
Gude
Hagan
Hamilton
Hanna
Hansen, Wash.
Hébert
Henderson
Holifield
Howard
Hungate
Jacobs
Jones, Ala.
Keith
King
Kirwan
Kuykendall
Kyl
Landrum
Lennon
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McCloskey
McFall
MacGregor
Mann
Mills
Morton
Moss
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Pickle
Poage
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Randall
Reifel
Roberts
Rostenkowski
St Germain
Scherle
Scheuer
Shipley
Sikes
Smith, Iowa
Steiger, Wis.
Stokes
Stuckey
Symington
Teague, Tex.
Thompson, N.J.
Udall
Utt
Waggonner
Watkins
Whalley
Wright
Yates
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Hébert with Mr. Corbett.

Mr. Waggonner with Mr. King.

Mr. Thompson of New Jersey with Mr. Lipscomb.

Mr. Teague of Texas with Mr. Cowger.

Mr. Daniels of New Jersey with Mr. Ayres.

Mr. Mills with Mr. Morton.

Mr. Eilberg with Mr. Lukens.

Mr. Giaimo with Mr. Broomfield.

Mr. Griffin with Mr. Utt.

Mr. Sikes with Mr. Belcher.

Mr. Rostenkowski with Mr. Conte.

Mr. Pucinski with Mr. Steiger of Wisconsin.

Mr. Celler with Mr. Cahill.

Mr. Carey with Mr. Gude.

Mr. Murphy of New York with Mr. Cunningham.

Mr. Davis of Georgia with Mr. Buchanan.

Mr. Holifield with Mr. Bell of California.

Mr. Evins of Tennessee with Mr. Goldwater.

Mr. Fascell with Mr. Cramer.

Mr. Randall with Mr. Brock.

Mr. Fulton of Tennessee with Mr. Esch.

Mr. Shipley with Mr. Kyl.

Mr. St Germain with Mr. Keith.

Mr. O'Neal of Georgia with Mr. Kuykendall.

Mr. Lennon with Mr. MacGregor.

Mr. Henderson with Mr. Reifel.

Mr. Jones of Alabama with Mr. Whalley.

Mr. Smith of Iowa with Mr. McCloskey.

Mr. Long of Louisiana with Mr. Scherle.

Mr. William D. Ford with Mr. Powell.

Mr. Bevill with Mr. Zwach.

Mr. Barrett with Mr. Watkins.

Mr. Cabell with Mr. Price.

Mr. Edwards of Louisiana with Mr. Purcell.

Mr. Brademas with Mr. Fisher.

Mr. Brown of California with Mrs. Chisholm.

Mr. McCarthy with Mr. Diggs.

Mr. Yates with Mr. Eckhardt.

Mr. Howard with Mr. Edmondson.

Mr. Anderson of Tennessee with Mr. Flowers.

Mr. Abbitt with Mr. Flynt.

Mr. Blatnik with Mr. Mann.

Mr. Blanton with Mr. McFall.

Mr. Baring with Mr. Kirwan.

Mr. Corman with Mr. Jacobs.

Mr. Dorn with Mr. Udall.

Mr. Moss with Mr. Wright.

Mr. Patman with Mr. Symington.

Mr. Roberts with Mr. Stuckey.

Mr. Gettys with Mr. Alexander.

Mr. Hamilton with Mr. Anderson of Tennessee.

Mrs. Hansen of Washington with Mr. Pickle.

Mr Hagan of Georgia with Mr. Hanna.

Mr. Pepper with Mr. Scheuer.

Mr. Pryor of Arkansas with Mr. Landrum.

Mr. Hungate with Mr. Dawson.

Mr. Lowenstein with Mr. Stokes.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. FOUNTAIN. Mr. Speaker, on last Thursday evening, November 20, at the time of rollcall No. 285 on the motion to recommit with instructions the Foreign Assistance Act of 1969, I had been excused by the House and was on official leave of absence.

Mr. Speaker, I ask that today's RECORD show that had I been present I would have voted "yea".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR ADJOURNMENT FROM WEDNESDAY, NOVEMBER 26 TO MONDAY, DECEMBER 1

Mr. ALBERT. Mr. Speaker, I call up Senate Concurrent Resolution 48 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, November 26, 1969, it stand adjourned until 10 a.m. Monday, December 1, 1969.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On page 1, line 4, strike out the period and insert the following: "; and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o'clock noon on Monday, December 1, 1969."

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

BUT WE ARE WAITING, FOR WE BELIEVE IN GOD

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues an extraordinary letter. It was written by 18 citizens of the Soviet Union now residing there who identified themselves by name and address. The letter was addressed to the Human Rights Commission of the United Nations. It sets forth the history of their requests and the requests of many others in the Soviet Union who have sought permission to leave that country. The act of these individuals in signing such a letter and asking that it be made public must be conceded by everyone to be heroic because it places them in great personal danger.

Yesterday, November 23, I marched with approximately 1,000 people in front of the Soviet mission in New York City to demonstrate in a small way our support of these brave people. For me, reading their letter was a most moving experience. The concluding paragraph must surely affect the stoniest of hearts:

> We will wait months and years, we will wait all our lives, if necessary, but we will not renounce our faith or our hopes. We believe: Our prayers have reached God. We know: Our appeals will reach people. For we are asking little—let us go to the land of our forefathers.

Many of us who participated, myself included, in the protest before the Soviet mission must have had in our minds the ringing cry of Moses made to Pharaoh so long ago, "Let my people go."

The letter follows:

AUGUST 6, 1960.

To the HUMAN RIGHTS COMMISSION, UNITED NATIONS,
New York, U.S.A.:

We, 18 religious Jewish families of Georgia, request you to help us leave for Israel. Each one of us, upon receiving an invitation from a relative in Israel, obtained the necessary questionnaires from the authorized U.S.S.R. agencies, and filled them out. Each was assured orally that no obstacles would be put in the way of his departure. Expecting to receive permission any day, each sold his property and gave up his job. But long months have gone by—years, for many—and permission for departure has not yet been given. We have sent hundreds of letters and telegraphs; they have vanished like tears in the sand of the desert. All we hear are one-syllable oral refusals. We see no written replies. No one explains anything. No one cares about our fate.

But we are waiting, for we believe in God.

We 18 religious Jewish families of Georgia consider it necessary to explain why we want to go to Israel.

Everybody knows how justly national policy, the theoretical principles of which were formulated long ago by the founder of the state, V. I. Lenin, is in fact being carried out in the U.S.S.R. There have not been Jewish pogroms, pales or quotas in the country for a long, long time. Jews can walk the streets without fear for their lives; they can live where they wish, hold any position, even as high as the post of minister, as is evident from the example of V. Dymshits, deputy chairman of the U.S.S.R. Council of Ministers. There is even a Jewish deputy in the Supreme Soviet.—A. Chakovsky, editor-in-chief of *Literaturnaya Gazeta*.

Therefore, it is not racial discrimination that compels us to leave the country. Then perhaps it is religious discrimination? But synagogues are permitted in the country, and we are not prohibited from praying at home. However, our prayers are with Israel, for it is written: "If I forget thee, O Jerusalem, may my right hand forget its cunning." For we religious Jews feel that there is no Jew without faith, just as there is no faith without traditions. What, then, is our faith and what are our traditions?

For a long time the Roman legions besieged Jerusalem. But despite the well known horrors of the siege—hunger, lack of water, disease, and much more—the Jews did not renounce their faith and did not surrender. However, man's strength has its limits, too, and in the end barbarians broke into the Holy City. Thus, a thousand years ago, the Holy Temple was destroyed, and with it—the Jewish State. The nation, however, remained: Although the Jews who could bear arms did not surrender to the enemy and killed one another, there remained the wounded, who were bleeding to death; there remained the old people, women and children.

And whoever could not get away was killed on the spot.

But whoever could, went away into the desert; and whoever survived, reached other countries, to believe, and pray, and wait.

Henceforth they had to find a way to live in alien lands among people who hated them.

Showered with insults, covered with the mud of slander, despised and persecuted, they earned their daily bread with blood and sweat, and reared their children.

Their hands were calloused, their souls were drenched in blood. But the important thing is that the nation was not destroyed—and what a nation.

The Jews gave the world religion and revolutionaries, philosophers and scholars, wealthy men and wise men, geniuses with the hearts of children, and children with the eyes of old people. There is no field of knowledge, no branch of literature and art, to which Jews have not contributed their share. There is no country which gave the Jews shelter which has not been repaid by their labor. And what did the Jews get in return?

When life was bearable for all, the Jews waited fearfully for other times. And when life became bad for all, the Jews knew that their last hour had come, and then they hid or ran away from the country.

And whoever got away, began from the beginning again.

And whoever could not run away, was destroyed.

And whoever hid well, waited until other times came.

Who didn't persecute the Jews! Everybody joined in baiting them.

When untalented generals lost a war, those to blame for defeat were found at once—Jews. When a political adventurer did not keep the mountain of promise he had given, a reason was found at once—the Jews. Jews died in the torture chambers of the Inquisition in Spain, and in fascist concentrations camps in Germany. Anti-Semites raised a scare—in enlightened France it was the Dreyfus case; in illiterate Russia, the Beilis case.

And the Jews had to endure everything.

But there was a way that they could have lived tranquilly, like other peoples; all they had to do was to convert to another faith. Some did this—there are cowards everywhere. But millions upon millions preferred a life of suffering and often death to apostasy.

And even if they did wander the earth without shelter—God found a place for all.

And even if their ashes are scattered through the world, the memory of them is alive.

Their blood is in our veins, and our tears are their tears.

The prophecy has come true: Israel has risen from the ashes; we have not forgotten Jerusalem, and it needs our hands.

There are 18 of us who signed this letter. But he errs who thinks there are only 18 of us. There could have been many more signatures.

They say there is a total of 12 million Jews in the world. But he errs who believes there are only 12 million of us. For with those who pray for Israel are hundreds of millions who did not live to this day, who were tortured to death, who are no longer here. They march shoulder to shoulder with us, unconquered and immortal, those who handed down to us the traditions of struggle and faith.

That is why we want to go to Israel.

History has entrusted the United Nations with a great mission—to think about people and help them. Therefore, we demand that the U.N. Human Rights Commission do everything it can to obtain from the Soviet Government in the shortest possible time permission for us to leave. It is incomprehensible that in the 20th century people can be prohibited from living where they wish to live. It is strange that it is possible to forget the widely publicized appeals about the right of nations to self-determination—and, of course, the right of the people who comprise the nation.

We will wait months and years, we will wait all our lives, if necessary, but we will not renounce our faith or our hopes.

We believe: Our prayers have reached God.

We know: Our appeals will reach people.

For we are asking little—let us go to the land of our forefathers.

SIGNATURES

Elashvili, Shabata Mikhailovich, Kutaisi, 53 Dzhaparidze St.

Elashvili, Mikhail Shabatovich, Kutaisi, 33 Dzhaparidze St.

Elashvili, Izrail Mikhailovich, Kutaisi, 31 Kirov St.

Eluashvili, Yakov Aronovich, Kutaisi, 5 Mayakovsky St.

Khikhinashvili, Mordekh Isakovich, Kutaisi, 19 Maharadze St.

Chikvashvili, Mikhail · Samuilovich, Kutaisi, 38 Khakhanashvili St.

Chikvashvili, Moshe Samuilovich, Kutaisi, 32 Tsereteli St.

Beberashvili, Mikhail Rubenovich, Kutaisi, 9 Klara-Tsetkin St.

Elashvili, Yakov Izrailovich, Kutaisi, 54 Tsereteli St.

Mikhelashvili, Khaim Aronovich, Poti, 57 Tskhakaya St.

Mikhailashvili, Albert Khaimovich, Poti, 57 Tskhakaya St.

Mikhelashvili, Aron Khaimovich, Poti, 18 Dzhaparidze St.

Tetruashvili, Khaim Dadidovich, Kutaisi, 5 Shaumyan 1st Lane.

Tsitsuashvili, Isro Zakharovich, Kutaisi, 5 Shaumyan 1st Lane.

Tsitsuashvili, Yefrem Isrovich, Kutaisi, 6 Shaumyan 1st Lane.

Yakobishvili, Bension Shalomovich, Tbilisi, 4 General Delivery (formerly lived at 91 Barnov St.).

Batoniashvili, Mikhail Rafaelovich. Kutaisi, 53 Dzhaparidze St.

Tetruashvili, Mikhail Shalmovich, Kulashi, 114 Stalin St.

VIETNAM DEMONSTRATORS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the march of an estimated 250,000 Vietnam demonstrators down Pennsylvania Avenue on November 15 was a peaceful protest sanctioned by the Constitution. Because it was peaceful, little attention has been paid to the destruction and violence engaged in by the relatively small radical elements among the demonstrators.

I take this opportunity to inform the House that the 3-day Vietnam moratorium cost the taxpayers over one and a half million dollars and cost private business interests an estimated $240,000 to boot.

In addition to detailing these costs, the Justice Department reports that 606 persons were injured during the moratorium and it was necessary to arrest 361 individuals.

Treatment was administered to individuals at six area hospitals and various first-aid stations for everything from trauma to the effects of teargasing. Twenty-six police officers were among those receiving treatment.

Total estimated cost of the moratorium is placed at $1,816,622 on the basis of reliable estimates made by the Federal Government, the District of Columbia Metropolitan Police Department, and knowledgeable business firms.

In the aftermath of the demonstrations, 503 area firms placed orders for replacement of broken glass. Of that number, 25 were downtown financial institutions.

In Government buildings, 111 windows were broken. There also was paint damage and damage to nine glass doors. Twenty buildings owned or leased by the Government were involved. Greatest damage was to the Justice Department and Internal Revenue Service buildings. Repairs will cost an estimated $10,000.

Damage of up to $12,000 was done to U.S. park property, and $6,000 damage to 76 law-enforcement vehicles.

Overall costs included $936,088 for standby military support of civil authority; $473,776 in overtime pay for members of the three major metropolitan area police departments during the 3-day moratorium; $91,760 in General Service Administration costs; $38,497 for support personnel of the U.S. Marshals Service and Justice Department legal divisions; and $8,500 for debris removal.

The moratorium record in terms of injuries, arrests, damage, and other costs is as follows:

Summary

Injured	606
Arrests	361
Damage to 503 private buildings	$240,000
Damage to 20 Government buildings	10,000
Damage to 76 law-enforcement vehicles	6,000
Damage to park property	12,000
Military operations costs	936,088
Law enforcement overtime pay	473,776
Department of Justice support personnel	38,497
General Services Administration	91,761
Debris removal	8,500
Total	1,816,622

SENATOR MIKE MANSFIELD ADDRESSES DINNER HONORING SENATOR ROBERT C. BYRD OF WEST VIRGINIA

(Mr. SLACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SLACK. Mr. Speaker, on Saturday evening I attended a dinner in my congressional district at which a large and enthusiastic audience was privileged to hear Senate Majority Leader Mike Mansfield summarize the career of my distinguished fellow West Virginian, Senator Robert C. Byrd. It is the story of one who started from insignificant beginnings but through diligence, determination and plain hard work has fashioned a remarkable career in the public service.

What Senator Byrd has achieved has come about because he was determined to spare no effort to improve himself in every respect, to develop a sound basis for his judgments, and to avoid the pitfalls which would limit the application of those judgments. He has won the admiration of the people of West Virginia.

The story is worth retelling, and I therefore include Senator Mansfield's fine address in the Record:

Remarks of Senator Mike Mansfield, in Honor of Senator Robert C. Byrd, at the Democratic Dinner at Poca High School, Poca, West Virginia, November 22, 1969

I am delighted to be here tonight. I am delighted that I have been invited to join this gathering to honor the Democratic Party and to pay tribute to a man whom I have the privilege of calling a friend and colleague in the United States Senate. Robert Byrd and I have worked side by side for nearly 11 years on behalf of our respective States and the United States.

This audience is acquainted with much of the distinguished record of accomplishments which have highlighted Senator Byrd's career in the United States Senate. No member of that body has pursued his state's interest and the public good with more diligence or more effectively.

Coming from Montana, I know the difference between a show horse and a work horse. I also know that in Congress being the former may get your picture and name in the papers. Being the latter will inevitably gain you the respect and admiration of your constituents and colleagues.

Senator Robert Byrd of West Virginia is not a show horse. He is a hard worker and the goals he seeks are those that perhaps drew up together early. Both of us speak for places where the land and water are a common language of economic survival; where a concern for nature and for nature's resources demands that they be used for the good of all and not for the profit of a few. Above all, we speak for people who believe in a decent peace and who want it sought by their government without "ifs," "ands," or "buts."

We speak as Democrats, but whatever their party affiliation or absence of it, we try to act on behalf of all of the people of our states.

The character of Robert Byrd is written into his outstanding record in your state and in the House and Senate. His is a fierce integrity of mind and an unbridled independence of spirit. His is a vision of a splendid tomorrow for this Nation and for its diverse peoples. And the people of West Virginia have long recognized these outstanding qualities.

It was at the early age of 28 that Bob was elected to the West Virginia State House of Delegates. Since then he has held more legislative elective offices than any other person in the history of West Virginia, moving from the State House to the United States House of Representatives and on to the Senate. He has succeeded because he has spoken out and he has spoken out forcefully and effectively on the most important issues of the times. Time and again, for instance, Senator Byrd has warned of the dangers of high interest rates, inflation and inequitable taxation. Time and again, he has stood almost alone in beating back one or more of these assaults on the well-being of people of moderate income.

His warnings have gone unheeded for too long. Now the squeeze is on. Inflation is taking its toll out of the standard of living of tens of millions of Americans. Consumer prices have gone up 6 percent this year. Inflation rides the market-basket of every shopper. Food prices are 5.7 percent above the level of a year ago. Beef is up 13 percent. Eggs are up 15 percent. The cost of mortgages, real estate, taxes, insurance, repairs and related expenses are up 11 percent over 1968.

Unemployment was 3.5 percent in August; it was 4.0 percent in September—the highest level in two years, and the highest monthly increase since 1960. It may be a matter of coincidence, but 1960 also happens to be when the last Republican Administration was in charge in Washington. I repeat, it may be a matter of coincidence; then, again, it may also be a matter of stubborn Republicanism. Note that with a 5 percent unemployment rate predicted in 1970, the Administration still declines to say whether this level would be "unacceptable."

Robert Byrd does not decline to say. I know he does not find a 5 percent rate of unemployment acceptable, just as he did not find an 8 percent prime interest rate acceptable. Bob Byrd is not the kind of Senator who will embrace a recession or depression in the guise of curbing an inflation.

Nor is Bob willing to settle for the neglect of older Americans, of those who are unable to pay today's sky-high living costs out of a meager social security pension. Bob advocates a broad overhaul of our social security program. He knows that the elderly simply cannot survive adequately on present pension benefits. He says that eligibility should begin earlier and that widows should obtain a pension when they reach 50. What Bob says is true and not only does he say it with words. He is there, pressing for it with hard work and with a deep commitment as well.

Like Bob also, I have a close affinity for mines and miners, and for the problems that have beset this age-old industry and those who have devoted a lifetime laboring beneath the ground, risking their lives so that others may enjoy the benefits yielded from the earth. Senator Byrd understands these problems. He is working to solve them. During the consideration of the Coal Mine Safety Act two months ago, Senator Byrd took the floor of the Senate to urge the approval of a provision that compensates those who have been disabled by a lifetime devoted to the mines. In pressing this special benefit Bob said—and I quote—"I feel that today we have proposed a measure which will bridge an important gap, and which will bring new hope to the mining population. I feel that it is necessary that we provide a way for old, disabled miners and their families to live without being dependent upon welfare. In so many instances, they long ago exhausted their unemployment compensation benefits, and have been forced to go to the welfare offices, or to their children and stand up with their hats in their hands and hope for assistance. Here today we not only provide for some measure of assistance to the old, disabled, retired miner, but also lend some assistance to his children, who otherwise would have to provide help for their parents."

After he sat down, the Senate approved the Miner Health disability provision by a vote of 91 to nothing. That is what I call a successful Senator.

It has been said that the measure of a man's success may be determined by comparing what he is with what he might have been, what he has done with what he might have done. In other words, a man with ten aptitudes who has developed only five of them is not as great a success as a man who strives to develop himself to the fullest.

Using that yardstick for success, Bob Byrd has achieved more than his fair share. A leading member of the all-important Senate Appropriations Committee, he has worked tirelessly to pare down Government costs where there is fat in the budget and to shore up worthwhile programs that have suffered from neglect. He has worked just as effectively on the Senate Judiciary Committee, a Committee long reserved for the Senate's most able and analytical legal minds. In that respect, let me say that it was while serving in the Congress that Bob somehow found time to obtain his law degree.

But above all, perhaps, Senator Byrd has distinguished himself most in the Senate as a member of the Leadership. It has been as the Secretary to the Senate's Majority Conference, a post he was elected to unanimously by the Senate Democrats, that he has demonstrated his outstanding capacity to bring together the varying viewpoints that represent the Democratic Party in the Senate.

His great success in this endeavor is due in large measure because he himself has shunned the tags and labels that have come to characterize most politicians. If there is a label that fits, it is that of responsibility. For Senator Byrd has exhibited the deepest concern for all of the problems we face as the Nation enters another decade; a concern for the problems at home and the problems abroad and especially for the most difficult problem of all today—the problem of Vietnam.

Insofar as Vietnam is concerned, let me say that I appreciate the President's difficulties in that situation as does Senator Byrd. To be sure, President Nixon did not make the problem of Vietnam. But, then, neither did President Johnson. Nor President Kennedy. Nor President Eisenhower. Its roots are deep and all of us, in a sense, have had a part in the planting.

Nevertheless, the war remains. The responsibility is now. It is the President's problem and, to the extent that we are Constitutionally empowered in the Senate and the Congress, it is our problem.

I am sure the President is seeking a way to peace according to his own lights. That he has a plan I do not doubt but he has yet to illuminate it. A rational peace remains to be achieved and I do not yet see how it can be achieved except by the disengagement of this Nation—not in stops and starts—but in an orderly manner from this involvement which is not now, never was and never can be our war.

This Nation must not be the dog that is wagged by the tail of the Saigon government. It must not be a rudderless ship waiting for the winds to shift in Hanoi. We must make our own decisions in the light of the Nation's highest interests. And so far as I am concerned, those interests call for the termination of our involvement in Vietnam at the soonest possible time.

The decisions must not be made for us by the Vietnamese of any faction. Vietnam is their country, not ours. After we are gone from it, whether they be Nationalists, Viet Congs, Hoa Haos, Buddhists or Cao Daists—the Vietnamese will still live in it and with one another.

On the issue of Vietnam, as on all other major issues of our times, the voice of Senator Byrd has not been silent and must not be silenced. It is a constructive voice in the Senate, for the State of West Virginia and for the Nation.

There are other voices and they are raised, now, on all sides of the question of Vietnam. As the war's frustrations persist, the divisions in the Nation are deepening. The antagonisms are spreading. The decibels of violence and hatemongering are growing.

In the circumstances, it would be well to bear in mind that the First Amendment to the Constitution protects every citizen's rights to speak his mind freely, to assemble peaceably and to petition the Government for a redress of grievances. That is the bedrock of the Nation's freedom. The safeguarding of that right by Constituted authorities is not only a responsibility, it is a sacred duty.

I stress the word "peaceable" assembly as it is involved in the exercise of these Constitutional rights because these are difficult days and threats of disruption hang heavily over the Nation. I do not believe in license or violence. Those who resort to it make a mockery of the Constitution. License and violence are contrary to law and those who violate the law must bear the consequences.

Robert Byrd, I know, holds these sentiments. He knows the profound significance of the First Amendment to the survival of the Nation as well as the necessity for maintaining public order. He has defended both throughout his years in public life. He has stood not only for the peaceful exercise of Constitutional rights by those with whom he may agree but by those with whom he may disagree. That is as it should be, that is as it can only be if the Republic is to remain free.

In concluding, let me ask all of you to join in working to hold the confidence of the people where we Democrats now possess it and to regain that confidence where it has been withdrawn. I am persuaded that the Democratic perception of the Nation's horizons is in accord with the needs of the people of the Nation. We stand for a determination to bring the war in Vietnam to a rational end as soon as possible. We stand for a redirection of the Nation's resources from wasteful excesses in the name of defense and from other spending of irrelevance to meeting the urgent inner deficits of the Nation—to strengthening education and health care, to safeguarding the air, water, land and recreational resources of the Nation, to improving the livelihood of all of the American people (whether on the farms or in the cities), to advancing the welfare of the elderly and to the reinforcement of public safety throughout the Nation.

There is a pressing need in the entire range of these basic requirements for a stable, progressive and satisfactory society. Democrats, out of power, must probe into these matters, not just with words but with hard work and deep commitment. Democrats in power must act on these matters within the limits of their capabilities.

I know Democrats. I know what they can do. Montana's delegation in Washington is 100 percent Democratic—in both the House and the Senate. The Governor of Montana is a Democrat. Democratic success in Montana was achieved through hard work and a unified effort. Bob Byrd knows the meaning of these terms. He has been practicing both for years in the Senate. With your help he will continue to do so in the years ahead.

CRIME RATE

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, in these days of debate over law and order and justice, I have become increasingly interested in any effort that might in any way decrease the crime rate in this country.

For that reason, I was more than a bit concerned when a wholesaler of guns in my district recently told me about the large number of gun thefts he was experiencing in shipping guns through the U.S. mails. He indicated there had been a disturbing increase in losses in recent months.

Upon checking into the situation, I found the Post Office Department had only begun keeping records of this type since March—but that, from March to July, reported losses of firearms being shipped by mail stood at 1,376.

This figure, perhaps, is not significant in numbers or in dollars when you realize that the Post Office Department annually mails 800,000 firearms. But it is significant when you realize it is part of a major increase in the total number of firearms stolen or missing.

The FBI National Crime Information in its report for the period January 1 through August 31, 1969, showed 58,396 firearms "stolen, missing, or recovered." The term "recovered refers to firearms taken from criminals who are arrested and represents less than 1 percent of the total.

What do the thieves do with these firearms? A statistical analysis of New York State crime data conducted in 1968 showed that firearms either stolen or obtained in violation of existing laws were, for the most part, the firearms most often used in crime. The study also showed in 1967 that the number of firearms reported stolen in New York alone was 18,965—with only 155 of them "recovered" from criminals arrested in New York.

So what I am saying is this. Crime begets crime. And stolen guns, by and large, are not recovered, simply because the nature of the larceny of firearms is an extremely difficult one for law-enforcement officers to solve—lack of witnesses, tremendous volume of thefts, the sheer lapse of time between time for shipment and determination of loss, all being major factors.

Therefore, we cannot afford to ignore any solution which will reduce the number of guns stolen and, by extension, reduce the number of guns that can be used in other crimes.

Why are guns stolen?

Obviously, some are stolen for purposes of resale, because stolen firearms reap better than 100-percent profit. Therefore, criminal fences readily invite all business they can get from gun thieves. It is big business.

Second, some guns are stolen to commit other crimes. Records show that guns are far and away the most common weapon used in murders and nonnegligent homicides. To cite the FBI Uniform Crime Reports for 1968, note that 8,900 murders, 65,000 assaults, and 99,000 robberies were committed with guns.

Since 1964, the use of firearms in murder is up 71 percent; in aggravated assault, up 117 percent; and armed robbery, up 113 percent. In addition, since 1960, 96 percent of the 475 police officers killed in line of duty were killed by the use of firearms.

Third, firearms are being used by a number of subversive and extremist groups which advocate the use of force and violence to overthrow our Government. To do so, they strive in every possible way to disrupt law and order and inculcate hatred and bigotry that breed violence.

An ex-member of the Black Panther Party told the Senate Subcommittee on Government Operations, headed by Senator JOHN MCCLELLAN, that Black Panther Party projects are financed by armed robberies, with one-third of the take from the robberies going to the Black Panther Party treasury and the other two-thirds split among the robbers.

And, in the same vein, a gun used by a member of the Black Panther Party in Los Angeles in the murder of a member of a rival extremist group was reported stolen from the mail.

It is also significant that about 400 firearms were reported stolen in Detroit in 1967 after militant nationalist leader, H. Rap Brown, made a postriot speech urging militant Negroes in Detroit to "go get a gun, arm yourself for the troubled days ahead."

Police in Detroit found 40 stolen firearms among the 263 guns taken from persons arrested during the 5 days of rioting in that city during the summer of 1967. Significantly, many of the weapons taken from or found near the 22 persons arrested for sniping were stolen guns. Other stolen guns were discovered on several of the 26 persons charged with inciting to riot.

More recently, in fact, an article on March 24, 1969, in the Chicago Tribune pointed out that more than 5,000 guns of all types were stolen in Chicago during 1967 and that the Chicago police were worried about the possibility of large-scale theft of firearms which might be used by extremist groups if racial violence broke out in Chicago.

By all this, I do not mean to imply that all or even most stolen guns are stolen from the mails or would be used in the situations I have mentioned, but what I want to do is to point out that one Post Office Department regulation is contributing, in my opinion, to the increase in the number of guns being stolen and, thus, inadvertently adding to the opportunity for violence.

The situation is this: Current postal regulations stipulate:

> Any parcel which contains one or more firearms and which is tendered for deposit in the mails must display on its exterior the word "Firearms" in at least one-inch-high, bold, block letters. Any such parcel not so displaying such words shall not be accepted for carriage in the mails.

Many firearms manufacturers are concerned about this problem. In examining this situation, I found one firearms manufacturer who was experiencing an average loss of 60 guns per month in mail shipments. Another said he shipped very few guns by mail because of the high theft rate.

They contend—and I think rightly—that the labeling requirement constitutes a "flag" to the potential thief, an open invitation to steal. The National Rifle Association, noting an increase in the number of letters from its members concerning the theft of firearms from the mail, has taken the position that these thefts were a result of the labeling regulation.

As a result of this regulation, the parcels are boldly labeled and the parcels are being boldly "stolen." The Post Office Department cannot readily say with any real certainty in what manner they are missing, for they only began keeping records in March on the theft of guns from the mail.

They cannot tell how much the loss is—since the indemnity paid by the Post Office Department to cover losses is not broken down by category, such as firearms, clothing, and so forth, but the Department can tell you rather quickly that it has experienced a substantial increase in overall indemnity claim payments from fiscal year 1967 to fiscal year 1969—an increase from $4.2 to $5.5 million.

These losses cover all losses in postal transit—including handling by railroads, truckers, and airlines as well as postal handling by regular postal employees.

These losses are in addition to the concomitant housekeeping costs which the reporting entails. All these losses I feel can be greatly reduced. The large part of the answer, in my opinion, lies in preventing the theft—not necessarily in stiffening or tempering our present penalties for gun theft.

This recognizes, of course, that we have no way to determine how many guns have been stolen while being shipped because of the label on the parcel identifying the contents as firearms. But, neither do we know how many guns would have been stolen had there been no label on the parcel.

However, it seems obvious—in view of the many crimes in which guns are involved—that guns are the first, prime target of thieves intent on bigger, more devastating crimes—whether that crime be murder, assault, robbery, riot, or other criminal acts.

It follows then that a reduction in the opportunity to commit theft is a prime factor in reducing theft. Thus, defining gun theft as a crime of opportunity, we must conclude, if there were no big, bold, one-inch-high letters on a parcel vividly portraying it as a container for firearms, there would be less recognition of the content, less temptation to steal.

While I realize the theft of firearms from the mail is a major problem, I also realize it is not an insurmountable one. But the problem will increase if an effort is not made to remove the labeling which makes it a prime target for those intent on stealing guns.

I definitely feel the elimination of the "firearms" label on guns shipped by mail will contribute substantially to a reduction in the number of guns stolen.

Today, I have written the Postmaster General urging him to take the necessary steps immediately to rescind the postal regulations requiring parcels containing firearms to be so labeled. I hope that the Postmaster General will promptly act to rescind a regulation which serves no worthwhile purpose but which apparently operates as an assist to the gun thief.

PFC. CLAUDE E. ELLARD, JR., U.S. MARINE CORPS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, as the October and November Vietnam moratorium demonstrations have come and gone, and as the December demonstration is being planned, perhaps it is a good time to pause and pay our respects to a young man and his family who have supported the President of the United States in his efforts to find an honorable solution to the war.

The young man is Marine Pfc. Claude E. Ellard, Jr., of Mobile, Ala., who was killed in action in Vietnam, October 8, 1969. On October 7, 1969, the day before he was killed, he wrote his parents that he and his buddies were well aware of "the reason we are here."

He said:

> We may not be able to see the day when good results are shown from our involvement, but it is a good cause and peace will come.

The next day his vehicle hit a land mine and ended the young life of this fine marine.

Perhaps this could be a time of bitterness for the Ellard family, for you see, Mr. Speaker, Claude Ellard, Sr., lost an arm and a leg almost 25 years ago when a land mine exploded beneath him in Europe during World War II.

Sometimes the privilege of being an American requires great sacrifice and the Ellard family understands this better than most. While their hearts are heavy, they nevertheless feel even stronger their pride in their country.

In a letter to me, Mr. and Mrs. Ellard said:

> Our son was a proud and happy Marine, who loved God and his Country, and he died for us all. This we have accepted as God's will. If we had more sons of age we would not hold them back either, for self comes last, our country comes first.

Mr. Speaker, the impact on the parents of the death of a young son can be traumatic and therefore it is important that the military services handle notification and burial details with great care. Mr. and Mrs. Ellard have stated to me that Marine Corps personnel have been most sympathetic and helpful. They pay particular tribute to Gen. Leonard F. Chapman, Jr., Commandant of the Marine Corps. Mr. and Mrs. Ellard feel that a special commendation is due Maj. C. W. Gibson, Jr., and 1st Sgt. Tom Sparks, 13th Force Reconnaissance Company, Mobile, Ala., who have been most considerate in their time of despair.

I join Mr. and Mrs. Ellard in their tribute to these fine marines.

Mr. Speaker, this is just one story, but it should be told at this time. It is a story of love of country, devotion to duty, sympathetic understanding, and pride in the Marine Corps. It should be read by all who argue that we should just pick up and leave Vietnam; it should be read by all the demonstrators. As Mr. Ellard said:

> President Nixon is doing all he can to have peace. So the demonstrations are really useless in that direction. But the demonstrations are dangrous and the demonstrators are actually causing the death of some of our boys.

Mr. Speaker, if ever there was a time to unify behind our President, that time is now.

GALLUP POLL SHOWS 68 PERCENT OF THE AMERICAN PEOPLE APPROVE OF THE WAY PRESIDENT NIXON IS DOING HIS JOB

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, the Gallup poll this morning shows that 68 percent of the American people approve of the way President Nixon is doing his job. The poll was taken during the recent surrender-now demonstrations here in Washington. It is an increase of 12 percent over the last Gallup poll.

I think the poll shows several things. First of all it shows that despite all the noise from the doves, the American people are not willing to settle for bugging out on our commitments to South Vietnam or anyone else. Second, it shows that given all the facts, as the President gave them last November 3, the American people are perfectly capable of making the right decision. Third, it shows that the American people are indeed responding to the President's leadership, that he is indeed bringing us realistically together.

Mr. Speaker, I am proud to be one of those who supports the President and I am even more proud, in this case, to be one of an overwhelming majority that also supports the President.

The results of the poll follow:

THE GALLUP POLL: NIXON SUPPORT SOARS TO 68 PERCENT

(By George Gallup)

PRINCETON, N.J.—President Nixon's popularity has jumped to a new high in the latest nationwide survey conducted following his Nov. 3 Vietnam speech and during the latter stages of the Nov. 13–15 anti-war demonstrations.

Of the 1,465 adults interviewed in 300 localities across the nation, 68 percent say they approve of the way he is handling his overall job, while 19 percent disapprove and 13 percent do not express an opinion.

The President's latest rating represents a dramatic 12-point gain from the previous survey conducted one month ago, Oct. 17–20, when 56 percent of Americans voiced approval of his performance in office. That percentage was the President's lowest score to date.

The President's previous high was 65 percent approval and was recorded on four occasions: in mid-March, mid-May and late May, and most recently, in a survey conducted following the first moon landing, July 20.

The President's gains since the previous survey in late October have been registered among all major population groups, but have been most pronounced among men and persons living in the East.

Key factors in the President's popularity gains are his speech, Nov. 3, outlining the administration's Vietnam policies and unfavorable reaction to the recent anti-war demonstrations.

In a nationwide 500-interview survey conducted by telephone immediately following the President's Nov. 3 speech, the Gallup Poll found 77 percent of those who had heard the speech in favor of President Nixon's plan for ending the war.

It should be borne in mind that the survey taken at that time represented first reactions and the views of only those who had heard the speech.

Comments from persons interviewed indicate that the President's speech convinced many Americans that he is working hard to end the war and has left them with the expectation that he will get our troops out within a reasonable period of time.

A large number of Americans back the President himself for "doing the best he can under the circumstances" and his Vietnam policy as "the only one possible as of now." At the same time, they are impatient for an end to the war and for the return of our troops and will be keeping a close eye on the actual rate of withdrawal in the months ahead.

As a matter of fact, a September survey found 57 per cent of Americans in favor of Sen. Charles Goodell's proposal that all U.S. troops be withdrawn from Vietnam by the end of 1970 and the fighting turned over to the South Vietnamese.

The following question was asked in a survey conducted Nov. 14–16, with the bulk of the interviewing undertaken on Saturday, Nov. 15, the final day of the recent Vietnam demonstrations:

Do you approve or disapprove of the way Nixon is handling his job as President?

Here are the latest results and the trend since President Nixon took office:

NIXON POPULARITY TREND LINE

[In percent]

Interviewing dates	Approve	Dis-approve	No opinion
Nov. 14–17	68	19	13
Oct. 17–20	56	29	15
Oct. 3–9	57	24	19
Sept. 19–22	58	23	19
Sept. 12–15	60	24	16
Aug. 15–18	62	20	18
July 26–28	65	17	18
Moon landing: July 20			
July 11–14	58	22	20
June 20–23	63	16	21
May 23–26	65	12	23
May 16–20	65	12	23
May 2–5	64	14	22
April 11–14	61	11	28
March 28–31	63	10	27
March 14–17	65	9	26
Feb. 21–24	61	6	33
Jan. 23–29	59	5	36
Average	62	16	22

NIXON PEACE PLAN

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the widely-read columnist, John Chamberlain, discussed recently the dangers of attempting to deal with Communist governments. I commend his column which appeared in the Columbus, Ohio, Dispatch, to the attention of my colleagues:

RAPID VIETNAM WITHDRAWAL WOULD RESULT IN BLOODBATH

(By John Chamberlain)

President Nixon, in his gallant effort to end the U.S. involvement in South Vietnam without selling out an ally, has to contend with students who have never traveled and have no firsthand memory of the crises that have created the pattern of the post-World War II world.

The students, being young, will live and learn, and one hopes it won't be on the beaches of Australia or Hawaii. But what do you do about a man like Averell Harriman, who has spent a lifetime dealing with the Communists and still seems unable to form any valid generalizations from the things he has experienced?

Just after President Nixon had warned his listeners that any sudden Viet Cong takeover in South Vietnam would surely be followed by massacres of the anti-Communist and Catholic populations, Harriman went on the air to hem and haw when asked about the probability of bloodbaths in case of a U.S. withdrawal.

It was quite impossible to know with certainty what Harriman was driving at, but he seemed to be saying that a coalition government in South Vietnam could be trusted to hold murder to a minimum, and, anyway, he didn't think the Viet Cong would want to kill large numbers of their enemies. He had told the Yale students the same thing the previous week, throwing in a gratuitous slap at columnist Joseph Alsop, who thinks Communists are murderous by conviction.

Harriman hasn't always been wrong in his predictions of Communist behavior; during World War II he warned Washington that Joseph Stalin intended to take all of Europe that the Russian marshals could get their hands on. But his flashes of good judgment have been intermittent, to say the least.

In 1945 he badgered the Romanian non-Communist leaders into entering a coalition with Communists. Naturally, the non-Communists didn't live very long to tell the tale, or, if they did, their words were wasted on the silent walls of Joe Stalin's prisons.

It may be quite true that Romania, being on the lee side of the Soviet armies when World War II was concluded, had no choice save to go Communist. However, Harriman might have warned the non-Communist Romanians to take a night train to Turkey while the going was still good.

Harriman didn't do much better when, as our Assistant Secretary of State for Far Eastern Affairs, he had to deal with the "neutralization" of Laos, where he tried to force the local anti-Communists into a coalition.

Harriman is now bemoaning the "unrepresentative" character of the Thieu-Ky government in South Vietnam. But, as one of the State Department group that advised John F. Kennedy to get rid of the Diem regime in Saigon, Harriman bears some of the blame for whatever has taken place in South Vietnam since 1963. As the late Marguerite Higgins, said, the destruction of the Diem government wiped out almost everyone in the country who had had any important experience in administration. Query: how do you advance "democracy" by killing off expertise?

If there is one generalization that can be made above all others, it is that Communists murder the opposition wherever they take power. Has Harriman forgotten the mass slaughter of the Polish army officers in the Katyn forest? Has he forgotten what happened in the Baltic provinces in 1940? A good estimate is that 70 million people have been killed by Communists since 1917.

Does anybody in his right mind belive that the successors to Ho Chi Minh would be less likely to indulge in massacre than the men who taught nice old Uncle Ho his business? I'd like to give Averell Harriman a second chance to answer that question.

GUARDING AGAINST THE EMPLOYMENT OF ILLEGAL ENTRANTS IN THE UNITED STATES

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the resolution adopted by the Western Growers Association of California and Arizona pertaining to farm labor. I particularly point out that the resolution sets forth that the Western Growers Association of California and Arizona does hereby reiterate the objective of guarding against the employment of illegal entrants in the United States in the production of fresh vegetables and melons for the public welfare.

RESOLUTION OF WESTERN GROWERS ASSOCIATION

Whereas, the vegetable and melon industry of Arizona and California contributes to the nation's food supply crops valued in excess of $900 million annually, represents 49% of the United States' total production of such foods, and

Whereas, in excess of 825 thousand acres of land are being cultivated for the production of these fresh food commodities, and

Whereas, the ratio of per-man units required for the production of vegetables and melons is foremost among the total labor needs of the various segments of agriculture, and

Whereas, this eminent ratio of farm labor requirements for the production of fresh vegetables and melons exacts need for a mammoth force of farm workers, and

Whereas, it is the unalterable aim of the vegetable and melon industry to recruit and utilize legal residents of the United States for its farm work force in its firm desire to minimize the unwarranted problems and costs accruing through the United States Immigration Service as well as to taxpayers,

Be it resolved, that the Western Growers Association, assembled at its 44th Annual Meeting at Phoenix, Arizona, October 30, 1969—in behalf of its members—does hereby reiterate the objective of guarding against the emploment of illegal entrants in the United States in the production of fresh vegetables and melons for the public welfare.

Engrossed:

WESTERN GROWERS ASSOCIATION,
FRANK W. GASTIGLIONE,
Secretary.

NEED FOR LEGISLATION TO MAKE LOUD PIPERS OF DISCORD AND PROTEST PAY FOR THEIR RAUCOUS TUNES AND REPEATED VANDALISM

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, some months ago, I discussed the need for legislation to make the loud pipers of discord and protest in this country pay for their raucous tunes and repeated vandalism.

I urge it again.

Those who offered high praise for the marchers in the recent so-called moratorium once again overlooked the fact that somebody is stuck with the bill for their visit—the good old American taxpayer.

This time in broken windows, stolen property, use of troops, cost of police overtime, and cleaning up the litter, the bill for the Government alone amounts to more than $1½ million. It will be much higher, Mr. Speaker, when all the bills are in. It always is.

And, as always, the marchers, protesters, and planners left major portions of our city in a shambles as they departed. They left more than 150 businesses with shattered windows and other damage. They left behind the uncounted expense of restaurants without diners, department stores without customers, for three normally busy weekend days.

Let us make them pay the bill, Mr. Speaker; let us make them responsible for their vandalism; let us settle this account with our taxpayers, our businessmen, Mr. Speaker, before the next invasion of vandals and disrupters arrive.

Mr. Speaker, I request permission to include a tabulation I have prepared of the costs to the Government of the November 13–15 weekend at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The material referred to follows:

Estimates of moratorium costs to Government: Nov. 13–15, 1969

Army: troop movement, billeting, buses (not including pay and allowances), round figures	$1,000,000

***Estimates of moratorium costs to Government: Nov. 13–15, 1969*—Continued**

National Guard: No appreciable costs, since they planned for moratorium by arranging their monthly weekend activation for that weekend. Transportation costs were included in Army figure	----------
GSA: damage to public buildings $7,700, shrubs $2,230. Other expenses, including overtime for protection people and maintenance personnel	$102,000
Metropolitan Police: including overtime, food, tear gas and equipment, housing, plus damage to vehicles and equipment	350,000
Interior: Park Police estimate 5,831 hours of overtime at $40,800, plus $10,000 regular pay to diverted men: cleanup of Mall $6,100; cleanup of G. W. Parkway $1,300; property damage $9,900; damage to plants and shrubs $1,100; installing and removing drinking fountains $2,600; portable comfort stations $11,150; personnel assigned to protect memorials $500	83,450
Total	1,535,450

Approximately 150 businesses in Washington received some damage. Board of Trade now attempting to obtain estimates by asking all members to report own damage plus damage to others in neighborhood. Report due on November 26.

EL PASO, THE INTERNATIONAL CITY

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, ordinarily I would not consider the floor of the House a proper place for a Member to simply extol the virtues of his hometown; but there are occasions when it becomes evident that some Members are uninformed about the changes that have come to that vast area between the east coast and our most populous State. Evidently, there are those who believe that my section of west Texas is still on some distant frontier and deprived of all the embellishments of civilized society.

At a recent hearing of the Appropriations Committee on the subject of military construction, one of my colleagues saw fit to belittle the Army's plans to move some of its language instruction facilities to El Paso. Speaking of the language instruction personnel, the gentleman remarked:

> They are professional types, rather than construction workers or combat personnel who like to live out in the desert or some place like El Paso. They were affronted to think that we would move a language teaching facility to a place like El Paso. They were concerned and shocked that the upper echelon in the military would move a university type institution to an abandoned military base just because it had a vacant hangar there.

For the record, Mr. Speaker, El Paso, the international city, has a population of more than 330,000 and together with its sister city, Ciudad Juarez, Mexico, constitutes a metropolitan area with three quarters of a million population. It is the site of the University of Texas at El Paso, with an enrollment of more than 10,000; and during the hearings about moving the Defense Language Institute to El Paso, it was established that the University of Texas system would make its extensive language instruction facilities available in cooperation with the Army.

The "abandoned" military base, which my colleague mentioned, was transferred to Fort Bliss, and all of its facilities are being utilized. Fort Bliss is the headquarters for air defense missile training for all the free world, and skilled missile men from more than 20 countries come to the base for their advanced training. This serves to make El Paso even more of a cosmopolitan city, and it has one of the finest councils for international visitors in the Nation.

El Paso has a first-class symphony orchestra. Its ballet and opera companies are presented cooperatively by the university and the community. It has an extensive program for the interchange of cultural events with its neighbor city, and a bilingual theater to present classic drama in both English and Spanish. It is the home of the Southwestern Sun Carnival and the annual Sun Bowl football game, now 35 years old.

Military men who have served all over the world choose to return to El Paso for their retirement years, and our retired military population now numbers at least 6,000. It might be pointed out that our football coach at the university was offered the position of head coach at West Point, and our basketball coach the position of head coach at the University of Detroit. Neither of them could bring themselves to leave El Paso. I believe that if my colleague were to pay our city an extensive visit, he might have similar feelings about its numerous attractions as a better place to live.

THE ISSUE OF VIETNAM

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, from time to time, it is important for all of us to reflect on the positions we have taken on public issues and to refine and restate our views in the light of changing situations. Certainly, the President's recent speech on Vietnam should be an occasion for reflection on Vietnam. So also are the marches and demonstrations occasions for listening and reflecting. Generally, I have been disappointed in the kind of response to the President's address I have seen, particularly from those who feel that the President's only concern should be the immediate withdrawal of the United States from events in South Vietnam and Southeast Asia.

For myself, I support the President's policy with regard to Vietnam, and I agree with him and that full and immediate withdrawal from the war, however desirable that may be, is not a prudent policy for the United States to adopt. Some say, as the President did, that such a policy would lead to the slaughter of thousands of South Vietnamese, not only those close to the United States but also those who have opposed the Viet Cong in the hamlets and villages.

The late Senator Robert Kennedy of New York, one of the early and articulate critics of America's involvement in Vietnam, in his book "To Seek a Newer World," addressed himself to this problem:

> Withdrawal is now impossible. . . . Moreover, tens of thousands of individual Vietnamese have staked their lives and fortunes on our presence and protection: civil guards, teachers and doctors in the villages; mountain tribesmen in the high country; many who work for the present benefit of their people, who have not acceded to the Viet Cong even though they may not support the Saigon government. Many have once already fled the dictatorship of the North.

My purpose here is not to become involved in debating the question whether or not such a course of events would actually take place upon our withdrawal. However, the question is sufficiently weighty that it must not be ignored, because it poses a moral dilemma for the United States. In other words, our policy of disengagement must take this fact into consideration.

I think it is important to understand that the President is embarked on a course of action which will substantially reduce the American presence in South Vietnam. Underlying the President's policy is a clear realization that American military might alone, is not capable of settling the Vietnam problem. There was a time when many, including myself, thought that this was possible, but the events of the last 3 years, and particularly the 1968 Tet offensive, have shown that this is not the case. The President's policy, as I understand it, accepts this fact of life.

Even during the Presidency of Lyndon Johnson, we talked about how we were helping the South Vietnamese to help themselves, and I believe that this was our goal and it was an honorable one. Somewhere along the line, we passed beyond the point of helping them fight their own war and we assumed the leadership role, and with it the tremendous increase in the American presence in Vietnam. It has developed that the sheer weight of the American presence itself is a deterrent to self-determination. It follows then that real self-determination for the people of South Vietnam cannot be accomplished until American domination of so much of the life of the South Vietnamese people is substantially reduced.

The President's policy of disengagement, of reduction in the American presence, is designed precisely to permit the South Vietnamese people to take their destiny into their own hands. It should be clear to everyone that our policy has changed and we are on the road to withdrawal. Certainly, the leaders of South Vietnam, and those who aspire to that leadership, realize that the days of dependence on and subservience to the Americans are coming to an end.

Those Americans who participated in the events of the October and November protests and marches, and many others who were unable to participate, disagree in varying measure with the present policy. In orderly and dramatic ways, that disagreement has been demonstrated. For myself, I cannot accept an immediate precipitate cessation of our presence in Vietnam, and for many of the same reasons outlined by the late Senator Kennedy and quoted above. I support the President's policy of gradual withdrawal.

Personally, I do not believe that it would be prudent to announce a timetable for the withdrawal of American forces from Vietnam. While it is true that the negotiations at Paris have been unproductive, I do feel that an announced timetable would end all hope for any progress on a negotiated settlement.

Finally, Mr. Speaker, in looking toward the future and toward the kind of relationship we want with the other nations in the international community, I think it is important to reflect on the commitments contained in the many mutual security agreements we have with other nations. Our policy with regard to these commitments must be governed by a consideration of the impact of our actions on those nations' ability to achieve and maintain self-determination.

In short, while we have a moral and political obligation to honor our commitments, those obligations must be couched in a policy of prudence which provides the flexibility for collateral rather than completely dominant American participation.

REPORT OF COMMISSION ON VIOLENT CRIME

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, the National Commission on the Causes and Prevention of Violence has, through its Chairman, Dr. Milton Eisenhower, issued its report on violent crime: homocide, assault, rape, robbery, on November 23–24, 1969.

The able and distinguished gentleman from Louisiana, HALE BOGGS and I served as the Members of the House of Representatives on the Commission. We are of the opinion that the report merits the consideration of all our colleagues and insert it in the CONGRESSIONAL RECORD for reading in every part of our country.

The final paragraph of the report is taken from the monumental work of the President's Commission on Law Enforcement and Administration of Justice, of February 1967.

That final paragraph on the report is as follows:

> Warring on poverty, inadequate housing and unemployment, is warring on crime. A civil rights law is a law against crime. Money for schools is money against crime. Medical, psychiatric, and family-counseling services are services against crime. More broadly and most importantly every effort to improve life in America's "inner cities" is an effort against crime.

Mr. Speaker, a list of the members of the Commission follows:

MEMBERS OF THE COMMISSION

Dr. Milton S. Eisenhower, Chairman.
Judge A. Leon Higginbotham, Vice Chairman.
Congressman Hale Boggs.
Terence Cardinal Cooke.
Ambassador Patricia Roberts Harris.
Senator Philip A. Hart.
Eric Hoffer.
Senator Roman Hruska.
Leon Jaworski.
Albert E. Jenner, Jr.
Congressman William M. McCulloch.
Judge Ernest W. McFarland.
Dr. W. Walter Menninger.

Mr. Speaker, the Commission report follows:

COMMISSION STATEMENT ON VIOLENT CRIME: HOMICIDE, ASSAULT, RAPE, ROBBERY

(Submitted by Dr. Milton S. Eisenhower, Chairman)

When citizens express concern about high levels of violence in the United States, they have in mind a number of different types of events: homicides and assaults, rioting and looting, clashes between demonstrators and police, student seizures of university buildings, violence in the entertainment media, assassinations of national leaders. Foremost in their minds, no doubt, is what appears to be a rising tide of individual acts of violent crime, especially "crime in the streets."

Only a fraction of all crime is violent, of course. Major crimes of violence—homicide, rape, robbery, and assault—represent only 13 percent (or 588,000) of the Federal Bureau of Investigation's Index of reported serious crimes (about 4.5 million in 1968).[1] Moreover, deaths and personal injuries from violent crime cause only a small part of the pain and suffering which we experience: one is five times more likely to die in an auto accident than to be criminally slain, and one hundred times more likely to be injured in a home accident than in a serious assault.

But to suffer deliberate violence is different from experiencing an accident, illness or other misfortune. In violent crime man becomes a wolf to man, threatening or destroying the personal safety of his victim in a terrifying act. Violent crime (particularly street crime) engenders fear—the deep-seated fear of the hunted in the presence of the hunter. Today this fear is gnawing at the vitals of urban America.

In a recent national survey, half of the women and one-fifth of the men said they were afraid to walk outdoors at night, even near their homes. One-third of American householders keep guns in the hope that they will provide protection against intruders. In some urban neighborhoods, nearly one-third of the residents wish to move because of high rates of crime, and very large numbers have moved for that reason. In fear of crime, bus drivers in many cities do not carry change, cab drivers in some areas are in scarce supply, and some merchants are closing their businesses. Vigilante-like groups have sprung up in some areas.

Fear of crime is destroying some of the basic human freedoms which any society is supposed to safeguard—freedom of movement, freedom from harm, freedom from fear itself. Is there a basis for this fear? Is there an unprecedented increase in violent crime in this country? Who and where are most of the violent criminals and what makes them violent? What can we do to eliminate the causes of that violence?

I. PROFILE OF VIOLENT CRIME

Between 1960 and 1968, the national rate of criminal homicide per 100,000 population increased 36 percent, the rate of forcible rape 65 percent, of aggravated assault 67 percent, and of robbery 119 percent. These figures are from the *Uniform Crime Reports* published by the Federal Bureau of Investigation. These Reports are the only national indicators we have of crime in America. But, as the FBI recognizes, they must be used with caution.

There is a large gap between the reported rates and the true rates. In 1967 the President's Commission on Law Enforcement and Administration of Justice stated that the true rate of total major violent crime was roughly twice as high as the reported rate.[2] This ratio has probably been a changing one. Decreasing public tolerance of crime is seemingly causing more crimes to be reported. Changes in police practices, such as better recording procedures and more intensive patrolling, are causing police statistics to dip deeper into the large well of unreported crime. Hence, some part of the increase in reported rates of violent crime is no doubt due to a fuller disclosure of the violent crimes actually committed.

Moreover, while current rates compare unfavorably, even alarmingly, with those of the 1950's fragmentary information available indicates that at the beginning of this century there was an upsurge in violent crime which probably equaled today's levels. In 1916, the city of Memphis reported a homicide rate more than seven times its present rate. Studies in Boston, Chicago and New York during the years of the First World War and the 1920's showed violent crime rates considerably higher than those evident in the first published national crime statistics in 1933.

Despite all these factors, it is still clear that *significant and disturbing increases in the true rates of homicide and, especially, of assault and robbery have occurred over the last decade.*

While the reported incidence of forcible rape has also increased, reporting difficulties associated with this crime are too great to permit any firm conclusion on the true rate of increase.

Violent crimes are not evenly distributed throughout the nation. Using new data from a Victim-Offender Survey conducted by our staff Task Force on Individual Acts of Violence, standard data from the FBI, and facts from other recent studies, we can sketch a more accurate profile of violent crime in the United States than has hitherto been possible. We note, however, that our information about crime is still unsatisfactory and that many critical details in the profile of violent crime remain obscure. Moreover, we strongly urge all who study this profile to keep two facts constantly in mind. First, violent crime is to be found in all regions of the country, and among all groups of the population—not just in the areas and groups of greatest concentration to which we draw attention. Second, despite heavy concentrations of crime in certain groups, the overwhelming majority of individuals in these groups are law-abiding citizens.

(1) *Violent crime in the United States is primarily a phenomenon of large cities. This is a fact of central importance.*

The 26 cities with 500,000 or more residents and containing about 17 percent of our total population contribute about 45 percent of the total reported major violent crimes. Six cities with one million or more residents and having ten percent of our total population contribute 30 percent of the total reported major violent crimes.

Large cities uniformly have the highest reported violent crime levels per unit of population. Smaller cities, suburbs and rural areas have lower levels. The average rate of major violent offenses in cities of over 250,000 inhabitants is eleven times greater than in rural areas, eight times greater than in suburban areas, and five and one-half times greater than in cities with 50,000 to 100,000 inhabitants.[3]

For cities of all sizes, as well as for suburbs and rural areas, there has been a recent

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upward trend in violent crime; the increase in the city rate has been much more dramatic than that for the other areas and subdivisions.

The result in our larger cities is a growing risk of victimization: in Baltimore, the nation's leader in violent crime, the risk of being the victim of a reported violent crime is one in 49 per year. Thus, in the context of major violent crimes, the popular phrase "urban crisis" is pregnant with meaning.

(2) *Violent crime in the city is overwhelmingly committed by males.*

Judgments about overall trends and levels of violent crime, and about variations in violent crime according to city size, can be based upon reported offense data. But conclusions about the sex, age, race and socioeconomic status of violent offenders can be based only on *arrest* data. Besides the gap previously mentioned between true offense rates and reported offense rates, we must now deal also with the even larger gap between *offense reported* and *arrests made*. Accordingly conclusions in these areas must be drawn with extreme care, especially since arrests, as distinguished from convictions, are made by policemen whose decisions in apprehending suspects thus determine the nature of arrest statistics.[4]

In spite of the possibly wide margins of error, however, one fact is clearly indisputable: violent crimes in urban areas are disproportionately caused by male offenders. To the extent that females are involved, they are more likely to commit the more "intimate" violent crimes like homicide than the "street crimes" like robbery. Thus, the 1968 reported male homicide rate was five times higher than the female rate; the robbery rate twenty times higher.

(3) *Violent crime in the city is concentrated especially among youths between the ages of fifteen and twenty-four.*

Urban arrest rates for homicide are much higher among the 18–24 age group than among any other; for rape, robbery and aggravated assault, arrests in the 15–24 age group far outstrip those of any other group. Moreover, it is in these age groups that the greatest increases in all arrest rates have occurred. Surprisingly, however, there have also been dramatic and disturbing increases in arrest rates of the 10–14 age group for two categories—a 300 percent increase in assault between 1958 and 1967, and 200 percent in robbery in the same period.

(4) *Violent crime in the city is committed primarily by individuals at the lower end of the occupational scale.*

Although there are no regularly collected national data on the socioeconomic status of violent offenders, local studies indicate that poor and uneducated individuals with few employment skills are much more likely to commit serious violence than persons higher on the socioeconomic ladder. A forthcoming University of Pennsylvania study of youthful male offenders in Philadelphia, for example, will show that boys from lower income areas in the city have delinquency rates for assaultive crimes nearly five times the rates of boys from higher income areas; delinquency rates for robbery are six times higher.[5] Other studies have found higher involvement in violence by persons at the lower end of the occupational scale. A succession of studies at the University of Pennsylvania, using Philadelphia police data, show that persons ranging from skilled laborers to the unemployed constitute about 90–95 percent of the criminal homicide offenders, 90 percent of the rape offenders and 92–97 percent of the robbery offenders. A St. Louis study of aggravated assault found that blue collar workers predominate as offenders. The District of Columbia Crime Commission found more than 40 percent of the major violent crime offenders to be unemployed.

(5) *Violent crime in the cities stems disproportionately from the ghetto slum where most Negroes live.*

Reported national urban arrest rates are much higher for Negroes than for whites in all four major violent crime categories, ranging from ten or eleven times higher for assault and rape to sixteen or seventeen times higher for robbery and homicide.[6] As we shall show, these differences in urban violent crime rates are not, in fact, racial; they are primarily the result of conditions of life in the ghetto slum. The gap between Negro and white crime rates can be expected to close as the opportunity gap between Negro and white also closes—a development which has not yet occurred.

The large national urban arrest differentials between Negroes and whites are also found in the more intensive Philadelphia study previously cited. Of 10,000 boys born in 1945, some 50 percent of the three thousand non-whites had at least one police contact by age 18, compared with 20 percent of the seven thousand whites. (A police contact means that the subject was taken into custody for an offense other than a traffic violation and a report recording his alleged offense was prepared and retained in police files.) The differences were most pronounced for the major violent offenses: of fourteen juveniles who had police contacts for homicide, all were non-whites; of 44 who had police contacts for rape, 86 percent were non-whites and fourteen percent whites; of 193 who had police contacts for robbery, 90 percent were non-whites and ten percent whites; and of 220 who had police contacts for aggravated assault, 82 percent were non-whites and eighteen percent whites. When the three sets of figures for rape, robbery and assault are related to the number of non-whites and whites, respectively, in the total group studied (3,000 vs. 7,000), the differences between the resulting ratios closely reflect the differentials in the national urban arrest rates of non-whites and whites in the 10–17 age group.

(6) *The victims of assaultive violence in the cities generally have the same characteristics as the offenders: victimization rates are generally highest for males, youths, poor persons, and blacks. Robbery victims, however, are very often older whites.*

There is a widespread public misconception that most violent crime is committed by black offenders against white victims. This is not true. Our Task Force Victim-Offender Survey covering seventeen cities has confirmed other evidence that serious assaultive violence in the city—homicide, aggravated assault and rape—is predominantly between white offenders and white victims and black offenders and black victims. The majority of these crimes involves blacks attacking blacks, while most of the remainder involve whites victimizing whites. Indeed, our Survey found that 90 percent of urban homicide, aggravated assaults and rapes involve victims and offenders of the same race.

In two-thirds of homicides and aggravated assaults in the city, and in three-fifths of the rapes, the victim is a Negro. Rape victims tend strongly to be younger women; the victims of homicide and aggravated assault are usually young males but include a higher proportion of older persons. Nearly four-fifths of homicide victims and two-thirds of the assault victims are male. Generalizing from these data, we may say that the typical victim of a violent assaultive crime is a young Negro male, or in the case of rape, a young Negro woman.

Robbery, on the other hand, is the one major violent crime in the city with a high inter-racial component: although about 38 percent of robberies in the Survey involve Negro offenders and victims, 45 percent involve Negroes robbing whites—very often young black males robbing somewhat older white males. In three-fifths of all robberies the victim is white and nearly two-thirds of the time he or she is age 26 or over. Four-fifths of the time the victim is a man.

Data collected by the Crime Commission indicate that victimization rates for violent crimes are much higher in the lower-income groups. This is clearly true for robbery and rape, where persons with incomes under $6,000 were found to be victimized three to five times more often than persons with incomes over $6,000. The same relation held, but less strongly, for aggravated assault, while homicide victimization rates by income could not be computed under the investigative techniques used.

(7) *Unlike robbery, the other violent crimes of homicide, assault and rape tend to be acts of passion among intimates and acquaintances.*

The Victim-Offender Survey shows that homicide and assault usually occur between relatives, friends or acquaintances (about two-thirds to three-fourths of the cases in which the relationship is known). They occur in the home or other indoor locations about 50–60 percent of the time. Rape is more likely to be perpetrated by a stranger (slightly over half of the cases), usually in the home or other indoor location (about two-thirds of the time). By contrast, robbery is usually committed outside (two-thirds of the cases) by a stranger (more than 80 percent of the cases).

The victim, the offender, or both are likely to have been drinking prior to homicide, assault, and rape, and the victim often provokes or otherwise helps precipitate the crime. The ostensible motives in homicide and assault are often relatively trivial, usually involving spontaneous altercations, family quarrels, jealous rages, and the like. The two crimes are similar; there is often no reason to believe that the person guilty of homicide sets out with any more intention to harm than the one who commits an aggravated assault. Except for the seriousness of the final outcomes, the major distinction is that homicides most often involve handguns while knives are most common in assault.[7]

(8) *By far the greatest proportion of all serious violence is committed by repeaters.*

While the number of hard-core repeaters is small compared to the number of one-time offenders, the former group has a much higher rate of violence and inflicts considerably more serious injury. In the Philadelphia study, 627 of the 10,000 boys were chronic offenders, having five or more police contacts. Though they represented only six percent of the boys in the study, they accounted for 53 percent of the police contacts for personal attacks—homicide, rape and assault—and 71 percent of the contacts for robberies.

Offenders arrested for major criminal violence generally have long criminal histories, but these careers are mainly filled with offenses other than the final serious acts. Generally, though there are many exceptions, the more serious the crime committed, the less chance it will be repeated.

(9) *Americans generally are no strangers to violent crime.*

Although it is impossible to determine accurately how many Americans commit violent crimes each year, the data that are available suggest that the number is substantial, ranging from perhaps 600,000 to 1,200,000—or somewhere between one in every 300 and one in every 150 persons.[8] Undoubtedly, a far greater number commit a serious violent crime at some time in their lives. The Philadelphia study found that of about 10,000 boys 35 percent (3475) were taken into police custody for delinquency, and of the delinquents ten percent (363) were apprehended once or more for a major crime of violence before age eighteen.

A comparison of reported violent crime rates in this country with those in other modern, stable nations shows the United States to be the clear leader. Our homicide

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rate is more than twice that of our closest competitor, Finland, and from four to twelve times higher than the rates in a dozen other advanced countries including Japan, Canada, England and Norway. Similar patterns are found in the rates of other violent crime: averages computed for the years 1963–1967 show the United States rape rate to be twelve times that of England and Wales and three times that of Canada; our robbery rate is nine times that of England and Wales and double that of Canada; our aggravated assault rate is double that of England and Wales and eighteen times that of Canada.

II. CAUSES OF VIOLENT CRIME

Violent crime occurs in many places and among all races but we have just shown that it is heavily concentrated in large cities and especially among poor black young men in the ghettos. We must therefore focus on the conditions of life for the youth of the inner-city to find the root causes of a high percentage of violent crime.

Much has been written about inner-city slums where crime and delinquency are bred. Social scientists have analyzed slum conditions and their causal link to crime and violence, writers and artists have dramatized the sordidness and the frustrations of life in the inner-cities, and a number of Commissions prior to this one have produced comprehensive reports on this subject.[9] In its 1967 Report the Crime Commission described the linkage between violent crime and slum conditions in large cities as "one of the most fully documented facts about crime." Referring to numerous studies conducted over a period of years, the Commission found that violent crime, its offenders and its victims are found most often in urban areas characterized by:

Low income;
Physical deterioration;
Dependency;
Racial and ethnic concentrations;
Broken homes;
Working mothers;
Low levels of education and vocational skills;
High unemployment;
High proportions of single males;
Overcrowded and substandard housing;
High rates of tuberculosis and infant mortality;
Low rates of home ownership or single family dwellings;
Mixed land use; and
High population density.[10]

A series of studies by Clifford Shaw and Henry McKay remain the classic investigation of these ecological patterns.[11] Extensive data on the distribution of delinquency among neighborhoods were collected in a number of large American cities, and the results for Chicago have recently been updated to cover the period from 1900 through 1965. Finding uniformly high correlations between delinquency and areas having the characteristics listed above, Shaw and McKay focused on the process of change in the communities studied.

Neighborhoods disrupted by population movements and social change contained high proportions of delinquents. Although the same central core areas tended to experience social change and high delinquent rates over time, high or low delinquent rates were not permanently associated with any particular ethnic or racial group. The newest immigrant or migrant groups tended to settle initially in the core areas and be responsible for the highest delinquency rates in each city; yet the rates for these groups went down as the groups either moved outward to better areas or achieved a more stable community structure. In Chicago, first the Germans and Irish, then the Poles and Italians, and finally Southern Negroes and Spanish-speaking peoples replaced one another as the newest groups settling in the inner-city and producing the highest delinquency rates. Consistent with these findings has been a regular decline in delinquency rates from the innermost to the outermost areas around the centers of each city examined.[12] Crime and delinquency are thus seen as associated with the disorganization and deprivation experienced by new immigrant or migrant groups as they strive to gain a foothold in the economic and social life of the city.

Negroes, however, have not been able, even when they have improved their economic condition, to move freely from the central cities. Therefore, movement of Negroes with higher income has tended merely to extend the ghetto periphery. The Southern Negro migrants who have now been concentrated in the cities for two generations—as well as Negroes who have been living under conditions of urban segregation even longer—have experienced the same disorganizing forces as the earlier European settlers, but there are a number of reasons why the impact of these forces has been more destructive in the case of the Negro. Discrimination by race in housing, employment and education has been harder to overcome than discrimination based on language or ethnic background. With changes in the economy, there has been less demand for the Negro's unskilled labor than for that of the earlier immigrants. The urban political machines which furthered the political and economic interests of earlier immigrants had declined in power by the time the Negroes arrived in large numbers. The cultural experience which Negroes brought with them from the segregation and discrimination of the rural South was of less utility in the process of adaptation to urban life than was the cultural experience of many of the European immigrants. The net effect of these differences is that urban slums have tended to become *ghetto* slums from which escape has been increasingly difficult.

The National Commission on Urban Problems observed in its Report last year that "one has to see and touch and smell a slum before one appreciates the real urgency of the problem". Some of the urgency comes through, however, even in a simple verbal description of the facts and figures of slum life. Before presenting this description (much of which is drawn from the Reports of the Crime Commission and the Kerner Commission), we emphasize again that many slum residents manage to live peaceful and decent lives despite the conditions that surround them, and that the characterizations which follow are typical only of the ghetto core and those who fall into delinquency. They do not describe all neighborhoods or all residents of the inner city.

The Home. If the slums in the United States were defined strictly on the basis of dilapidated housing, inadequate sanitary facilities, and overcrowding, more than five million families, or one-sixth of the urban population, could be classified as slum inhabitants. To the inner-city child, home is often characterized by a set of rooms shared by a shifting group of relatives and acquaintances, furniture shabby and sparse, many children in one bed, plumbing in disrepair, plaster falling, roaches and sometimes rats, hallways dark or dimly lighted, stairways littered, air dank and foul.

In such circumstances, home has little holding power for a child, adolescent or young adult. Physically unpleasant and unattractive, it is not a place to bring friends; it is not even very much the reassuring gathering place of one's own family. Indeed, the absence of parental supervision early in the slum child's life is not unusual, a fact partly due to the condition of the home.

The Family. Inner-city families are often large. Many are fatherless, permanently or intermittently; others involve a conflict-ridden marital relationship; in either instance the parents may communicate to their offspring little sense of permanence and few precepts essential to an orderly, peaceful life.

Loosely organized, often with a female focus, many inner-city families bestow upon their children what has been termed "premature autonomy." Their children do not experience adults as being genuinely interested or caring persons. These children may, rather, experience adults as more interested in their own satisfactions than those of their children. Consequent resentment of authority figures, such as policemen and teachers, is not surprising. With a lack of consistent, genuine concern for children who are a burden to them, the parents may vacillate from being unduly permissive to being overly stern. Child rearing problems are exacerbated where the father is sometimes or frequently absent, intoxicated, or replaced by another man; where coping with everyday life with too little money for the size of the family leaves little time or energy for discipline; or where children have arrived so early and unbidden that parents are too immature to put their child's needs above their personal pleasure.

The seeds of delinquency in young boys are shown, studies suggest,[13] in families where there is an absence of consistent affection from both parents, and where there is lacking consistent parental direction. Identification of the boy with a stable positive male image is difficult when the father is frequently absent, erratic in his behavior, often unemployed, unfair in his discipline, or treated without respect by others. Conversely, studies indicate that a stable integrated family life can do much to counteract powerful external influences that pull young men toward delinquency.[14] If the inner-city family, particularly the ghetto black family, were stronger and more secure, with good family relationships, more of its offspring could avoid criminal behavior. However, even where there is a stable family which wishes to avoid the problems of slum-ghetto life, continuing racial discrimination makes it difficult for them to remove themselves and their children from the pernicious influences of the slums.

The Neighborhood. In many center city alleys are broken bottles and snoring "winos"—homeless, broken men, drunk constantly on cheap wine. Yards, if any, are littered and dirty. Fighting and drunkenness are everyday occurrences. Drug addiction and prostitution are rampant. Living is crowded, often anonymous. Predominantly white store ownership and white police patrols in predominantly black neighborhoods are frequently resented, reviled, and attacked, verbally and physically. Municipal services such as garbage collection, street repairs and utilities maintenance and the like are inadequate and, at times, all but nonexistent.

Many ghetto slum children spend much of their time—when they are not watching television—on the streets of this violent, poverty-stricken world. Frequently, their image of success is not the solid citizen, the responsible, hard-working husband and father. Rather, the "successful" man is the cynical hustler who promotes his own interests by exploiting others—through dope selling, numbers, robbery and other crimes. Exploitation and hustling become a way of life.

The School. The low-income ghetto child lives in a home in which books and other artifacts of intellectual interest are rare. His parents usually are themselves too poorly schooled to give him the help and encouragement he needs. They have not had the time—even had they the knowledge—to teach him basic skills that are routinely acquired by most middle-class youngsters: telling time, counting, learning the alphabet and colors, using crayons and paper and paint. He is unaccustomed to verbalizing concepts or ideas. Written communication is probably rare in his experience.

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The educational system in the slums is generally poorly equipped. Most schools in the slums have outdated and dilapidated buildings, few text and library books, the least qualified teachers and substitute teachers, the most overcrowded classrooms, and the least developed counseling and guidance services. These deficiencies are so acute that the school cannot hold the slum child's interests. To him it is boring, dull, and apparently useless, to be endured for awhile and then abandoned.

The school experience often represents the last opportunity to counteract the forces in a child's life that are influencing him toward crime and violence. The public school program has always been viewed as a major force for the transmission of legitimate values and goals, and some studies have identified a good school experience as a key factor in the development of "good boys out of bad environments." The link between school failure and delinquency is not completely known, but there is evidence that youth who fail in school contribute disproportionately to delinquency. One estimate is that the incidence of delinquency among drop-outs is ten times higher than among youths who stay in school.[15]

The Job. Getting a good job is harder than it used to be for those without preparation, for an increasing proportion of all positions require an even higher level of education and training. To be a Negro, an 18-year-old, a school dropout, a resident of the slums of a large city, is to have many times more chances of being unemployed than a white 18-year-old high school graduate living a few blocks away. Seventy-one percent of all Negro workers are concentrated in the lowest paying and lowest skilled occupations. They are the last to be hired. Union practices, particularly in the building trades, have always been unduly restrictive toward new apprentices (except those related to union members), and this exclusionary policy has a major impact on young blacks. The unemployment rate, generally down in the last few years, remains twice as high for non-whites; and for black teenagers in central cities in 1968 the unemployment rate was 30 percent, up a third over 1960.

Success in job hunting is dependent on information about available positions. Family and friends in middle-class communities are good sources for obtaining information about employment. In the ghetto, however, information about job openings is limited by restricted contact with the job market. The slum resident is largely confined to his own neighborhood, where there are few new plants and business offices, and unfortunately State Employment Services have been generally ineffective even when used.

Most undereducated youngsters do not choose a job. Rather, they drift into one. Since such jobs rarely meet applicants' aspirations, frustration typically results. Some find their way back to school or into a job training program. Some drift fortuitously among low paying jobs. Others try crime and, if successful, make it their regular livelihood; others lack aptitude and become failures in the illegal as well as the legal world—habitues of our jails and prisons. And there are those who give up, retreat from conventional society, and search for a better world in the private fantasies induced by drink and drugs.

The realities of the employment problem faced by ghetto Negroes are reflected in the data on family income. Negro family income in the cities is only sixty-eight percent of the median white family income. One-third of Negro families in cities live on $4,000 a year or less, while only sixteen percent of the whites do so.

When poverty, dilapidated housing, high unemployment, poor education, over-population, and broken homes are combined, an inter-related complex of powerful criminogenic forces is produced by the ghetto environment. These social forces for crime are intensified by the inferiority-inducing attitudes of the larger American society—attitudes that today view ghetto blacks as being suspended between slavery and the full rights and dignity of free men.

The competitive road to success is accorded great emphasis in American life. Achievement often tends to be measured largely in material terms. Our consumer-oriented culture pressures us to desire goods and services and to feel successful if one obtains them, unsuccessful if one does not. The network of mass communications spreads a culture of consumer desires over a vast audience. Happiness, we are endlessly reminded, is obtaining and having things. Most Americans operate on the premise that in the race to material success all men have an equal chance at the starting line, and that anyone who falls behind has only himself to blame. Yet not all can be at the front of the pack, especially not those who started far behind in the first place. And the race has different rules for different participants.

There are many ways of coping with the frustration of faiure. Some take solace in the fact that others are even further behind. Some withdraw entirely from the race: alcohol, drugs, mental illness and even suicide are avenues of escape. Others, especially college youth whose parents have succeeded in the race, experiment with "alternative life-styles" such as those associated with the hippie phenomenon. In the innter-city, where the chances of success are less, many adopt illegal means in the effort to achieve their goals of securing more money and higher status among their peers.

To be a young, poor male; to be undereducated and without means of escape from an oppressive urban environment; to want what the society claims is available (but mostly to others); to see around oneself illegitimate and often violent methods being used to achieve material success; and to observe others using these means with impunity—all this is to be burdened with an enormous set of influences that pull many toward crime and delinquency. To be also a Negro, Mexican or Puerto Rican American and subject to discrimination and segregation adds considerably to the pull of these other criminogenic forces.

Believing they have no stake in the system, the ghetto young men see little to gain by playing according to society's rules and little to lose by not. They believe the odds against their success by legitimate means are greater than the odds against success by crime. The step to violence is not great, for in an effort to obtain material goods and services beyond those available by legitimate means, lower-class persons without work skills and education resort to crimes for which force or threat of force has a functional utility, especially robbery, the principal street crime.

But the slum ghetto does more than generate frustration that expresses itself in violent acquisitive crime. It also produces a "subculture" within the dominant American middle-class culture in which aggressive violence tends to be accepted as normal in everyday life, not necessarily illicit. In the contemporary American city we find the necessary conditions not only for the birth but also for the accelerated development of violent subcultures, and it is in these settings that most violent aggressive crimes in fact occur.[16]

From the perspective of dominant middle-class standards, the motives in most criminal homicides and other assaults—altercations, family quarrels, jealousy—are cheap issues for which people give their lives or suffer serious injury. Similarly, the transient gratifications to be obtained from the rape or the robbery do not seem to warrant the risk of punishment or the burden of guilt that is presumably involved. Yet these events are much more reasonable to those in the ghetto slum subculture of violence, where a wide range of situations is perceived as justifying violent responses.[17] An altercation with overtones threatening a young man's masculinity, a misunderstanding between husband and wife, competition for a sexual partner, the need to get hold of a few dollars—these "trivial" events can readily elicit a violent response in an environment that accepts violence as a norm, allows easy access to weapons, is physically and culturally isolated from the rest of the wider American community, and has limited social controls—including inadequate law enforcement.

Violence is actually often used to enable a young man to become a successful member of ghetto society. In the subculture of violence, proving masculinity may require frequent rehearsal of the toughness, the exploitation of women, and the quick aggressive responses that are characteristic of the lower-class adult male. Those who engage in subcultural violence are often not burdened by conscious guilt, because their victims are likely to belong to the same subculture or to a group they believe has exploited them. Thus, when victims see their assaulters as agents of the same kind of aggressions they themselves represent, violent retaliation is readily legitimized.

Moreover, if the poor, young, black male is conditioned in the ways of violence by his immediate subculture, he is also under the influence of many forces from the general, dominant culture. As we have said in another statement, violence is a pervasive theme in the mass media. The frequency of violent themes in myriad forms in the media tends to foster permissive attitudes toward violence. Much the same can be said about guns in American society. The highest gun-to-population ratio in the world, the glorification of guns in our culture, and the television and movie displays of guns by heroes surely contribute to the scope and extent of urban violence.

Taking all the foregoing facts and circumstances into account, perhaps we should marvel that there is not more violent crime in the cities of our nation.

III. THE RISE IN VIOLENT CRIME

If, as we believe, the conditions of life for inner-city populations are responsible for the sharp difference in violent crime rates between these populations and other groups in our society, there remains a puzzling paradox to be considered: Why, we must ask, have urban violent crime rates increased substantially during the past decade when the conditions that are supposed to cause violent crime have not worsened—have, indeed, generally improved?

The Bureau of the Census, in its latest report on trends in social and economic conditions in metropolitan areas, states that most "indicators of well-being point toward progress in the cities since 1960."[18] Thus, for example, the proportion of blacks in cities who completed high school rose from 43 percent in 1960 to 61 percent in 1968; unemployment rates dropped significantly between 1960 and 1968; the median income of families living in cities rose by 16 percent between 1959 and 1967 (from $6,720 to $7,813), and the median family income of blacks in cities increased from 61 percent to 68 percent of the median white family income during the same period. Also during the same period the number of persons living below the legally-defined poverty level in cities declined from 11.3 million to 8.3 million.

There are some important counter-trends. The unemployment rate for blacks, through lower, continued to be about twice that for whites; and, as previously noted, unemployment among black teenagers in cities increased by a third between 1960 and 1968

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(to 30 percent, two and one-half times the urban white teenager rate). Moreover, figures indicating a closing of the family income gap between blacks and whites in the 1960's do not reflect a number of critical details, such as the fact that in cities black men who worked the year round in 1967 earned about seven-tenths as much as white workers and that this fraction was unchanged since 1959, or the fact that the "dependency ratio"—the number of children per thousand adult males—for blacks is nearly twice that for whites, and the gap widened sharply in the 1960's.[19] The degree of poverty among the Negro poor in metropolitan areas remained severe, half the families reporting incomes $1,000 or more below the Social Security Administration's poverty budget of $3,335 for a family of four. We also find a significant increase in the number of children growing up in broken homes, especially among Negroes and lower income families in the cities. Among Negroes in the cities in 1968 with incomes below $4,000, only one-fourth of all children were living with both parents, as compared to one-half for white families of the same income level. Significantly, for families with incomes of $10,000 per year, this difference between white and black families disappears.

Whatever may be the correct over-all judgment on the change in inner-city living conditions over the past ten years, it is clear, however, that the change has been less dramatic than the change in violent crime rates during this period. How is this discrepancy to be explained?

In seeking an acceptable answer, we must keep in mind two qualifications which to a degree mitigate the seriousness of the discrepancy: First, while, as we have said, serious increases have occurred in major crimes involving violence, these increases are not so dramatic as FBI data suggest. Undoubtedly our crime reporting system is gradually dipping deeper into the well of previously unreported crime. Second, substantial portions of such increases as have occurred are to some extent attributable to demographic shifts in the population, particularly increases in the young population and increasing urbanization of the population.[20]

Even with these two factors taken into account, however, an important part of the original question remains. Why, if a high percentage of the crime in our cities is caused by factors such as poverty and racial discrimination, has it increased in a period of unprecedented prosperity for most Americans and in a time of painfully slow and uneven but genuine progress toward racial equality? These questions are not susceptible to precise scientific answers, but it is possible to offer informed judgments about them. In our considered opinion, the following factors have been significantly operative in the increasing levels of violent crime in the inner cities:

(1) The United States has been changing with bewildering rapidity—scientifically, technologically, socially, and politically. Americans literally are changing how we work, how we live, how we think, how we manage our vast enterprise. Other rapidly changing nations—Israel, Japan, Western European countries—also have experienced rapid rises in crime rates, though at a much lower level than ours. Sociologists and anthropologists have long observed that rapid social change leads to a breakdown of traditional social roles and institutional controls over the behavior of young and old alike—but particularly the young, who, because of the social change, are less likely to be socialized into traditional ways of doing things (and not doing them) and, hence, ineffectively constrained by these traditional ways. This process includes the breakdown in traditional notions of civility, respect for elders and the institutions and patterns of conduct they represent, property rights, ways of settling disputes, relations between the sexes and many other matters.

With economic and technical progress in the United States has come increased affluence for most—but not all—of the members of our society. This combination of rapid social change and unevenly distributed affluence is devastating. At a time when established ways of doing things, traditions of morality, and attitudes about personal and property rights are changing, rising levels of affluence, interacting with public promises of a better life and television displays of still more affluence, have created expectations that have outstripped reality, particularly among the poor and especially the poor black. Rising income statistics look reassuring until one focuses on the continuing gap between black and white incomes.

We have in this country what has been referred to as a "revolution of rising expectations" born of unprecedented prosperity, changes in the law, wars on poverty, space spectaculars, and a host of other features of contemporary life. But, as one of the research contributions in this Commission's Task Force on Historical and Comparative Perspectives points out,[21] a rapid increase in human expectations followed by obvious failure to meet those expectations has been and continues to be a prescription for violence. Disappointment has manifested itself not only in riots and violent demonstrations—but may also be reflected in the increasing levels of violent crime.

(2) Our agencies of law enforcement have not been strengthened sufficiently to contain the violence that normally accompanies rapid social change and the failure to fulfill human expectations. The criminal justice process, suffering from an insufficiency of resources and a lack of management, has become less effective as a deterrent to crime and as an instrument for rehabilitating those who are apprehended and convicted.

As we analyze in other parts of our reports, we are allowing law enforcement to falter, the handgun census to approach 25 million, and an increasing number of crimes to go unpunished. Every successful crime is an inducement to further crime: it advertises society's inability to enforce generally accepted rules of conduct. Weaknesses of our criminal justice system have had a multiplier effect upon the rise of violent crime.

(3) Public order in a free society does not and cannot rest solely on applications or threats of force by the authorities. It must also rest on the people's acceptance of the legitimacy of the rule-making institutions of the political and social order and of the rules these institutions make. Persons obey the rules of society when the groups with which they identify approve those who abide by the rules and disapprove those who violate them. Such expressions of approval and disapproval are forthcoming only if the group believes that the rule-making institutions are in fact entitled to rule—that is, are "legitimate." What weakens the legitimacy of social and political institutions contributes to law-breaking, including violent crime.

In recent years a number of forces have converged to weaken the legitimacy of our institutions. We repeat what we have said elsewhere: the spectacle of governors defying court orders, police unlawfully beating demonstrators, looters and rioters going unapprehended and unpunished, and college youth attacking society's rules and values, makes it easier, even more "logical," for disadvantaged young people, whose attachment to law-abiding behavior already is tenuous, to slip into law-breaking behavior when the opportunity presents itself. Too, the pervasive suspicion that personal greed and corruption are prevalent among even the highest public officials has fed the idea among the poor that nearly everyone is "on the take," and that the real crime is in getting caught.

The beliefs that some claim to be widely held among poor young ghetto males—that the "system" in the United States is collectively guilty of "white racism" and of prosecuting an "immoral" war in Vietnam—have also tended to impair the moral impact upon them of our nation's institutions and laws and weakened the sense of guilt that otherwise would have restrained the commission of violent crimes against society.

These three factors—disappointments of minorities in the revolution of rising expectations, the weakening of law enforcement, and the loss of institutional legitimacy in the view of many—have had their effects on crime rates throughout our society. It is not surprising, however, that their greatest impact has been in the inner-cities among the young, the poor, the male, the black. It is there that reality most frustrates expectations, that law enforcement provides the least protection, and that the social and political institutions of society serve the needs of the individual least effectively. It is in the inner-city that a subculture of violence, already flourishing, is further strengthened by the blockage of aspirations whose fulfillment would lead out of the subculture, by the failure of a criminal justice system that would deter adherence to undesirable subcultural values, and by the weakness of institutions which would inculcate a competing set of values and attitudes.

IV. THE PREVENTION OF VIOLENT CRIME

For the past three decades, the primary concerns of our nation have been (a) the national defense, mutual security, and world peace (b) the growth of the economy, and (c) more recently, the conquest of space. These challenges have devoured more than two-thirds of all federal expenditures, approximately one-half of federal, state and local expenditures. We have staked out vast projects to promote the general domestic welfare and to overcome some of the problems we have here analyzed—but in view of dangerous inflationary trends and an already unprecedented level of federal, state and local taxation, we have not been able to obtain funds to support such projects in a volume and manner consistent with their lofty aims. The contemporary consequence of this pattern of resource allocation is an enormous deficit of unsatisfied needs and aspirations. Nowhere is this deficit more clearly apparent than in our crime-plagued metropolitan areas, where 65 percent of our people are now living.

In the absence of the massive action that seems to be needed to overcome this deficit, our cities are being mis-shaped in other ways by actions of more affluent citizens who desire safety for themselves, their families, and their investments. The safety they are getting is not the safety without fear that comes from ameliorating the causes of violent crime; rather it is the precarious safety obtained through individual efforts at self-defense. Thus the way in which we have so far chosen to deal with the deepening problem of violent crime begins to revise the future shape of our cities. In a few more years, lacking effective public action, this is how these cities will likely look:

Central business districts in the heart of the city, surrounded by mixed areas of accelerating deterioration, will be partially protected by large numbers of people shopping or working in commercial buildings during daytime hours, plus a substantial police presence, and will be largely deserted except for police patrols during nighttime hours.

High-rise apartment buildings and residential compounds protected by private guards and security devices will be fortified cells for upper-middle and high-income populations living at prime locations in the city.

Suburban neighborhoods, geographically

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far removed from the central city, will be protected mainly by economc hemogeneity and by distance from population groups with the highest propensities to commit crimes.

Lacking a sharp change in federal and state policies, ownership of guns will be almost universal in the suburbs, homes will be fortified by an array of devices from window grills to electronic surveillance equipment, armed citizen volunteers in cars will supplement inadequate police patrols in neighborhoods closer to the central city, and extreme left-wing and right-wing groups will have tremendous armories of weapons which could be brought into play with or without any provocation.

High-speed, patrolled expressways will be sanitized corridors connecting safe areas, and private automobiles, taxicabs, and commercial vehicles will be routinely equipped with unbreakable glass, light armor, and other security features. Inside garages or valet parking will be available at safe buildings in or near the central city. Armed guards will "ride shotgun" on all forms of public transportation.

Streets and residential neighborhoods in the central city will be unsafe in differing degrees, and the ghetto slum neighborhoods will be places of terror with widespread crime, perhaps entirely out of police control during night-time hours. Armed guards will protect all public facilities such as schools, libraries and playgrounds in these areas.

Between the unsafe, deteriorating central city on the one hand and the network of safe, prosperous areas and sanitized corridors on the other, there will be, not unnaturally, intensifying hatred and deepening division. Violence will increase further, and the defensive response of the affluent will become still more elaborate.

Individually and to a considerable extent unintentionally, we are closing ourselves into fortresses when collectively we should be building the great, open, humane city-societies of which we are capable. Public and private action must guarantee safety, security, and justice for every citizen in our metropolitan areas without sacrificing the quality of life and the other values of a free society. If the nation is not in a position to launch a full-scale war on domestic ills, especially urban ills, at this moment, because of the difficulty in freeing ourselves quickly from other obligations, we should now legally make the essential commitments and then carry them out as quickly as funds can be obtained.

What do our cities require in order to become safe from violent crime?

They surely require a modern, effective system of criminal justice of the kind we recommended in our statement on "Violence and Law Enforcement." All levels of our criminal justice process are underfunded and most are uncoordinated. Police protection and community relations are poorest in the high crime slum neighborhoods where they should be the best. Lower courts are impossibly overburdened and badly managed, while juvenile courts have failed to live up to their original rehabilitative ideal. Correctional institutions are generally the most neglected part of the criminal justice process. *We reiterate our previous recommendations that we double our national investment in the criminal justice process, that central offices of criminal justice be created at the metropolitan level, and that complementary private citizen groups be formed.*

In addition to other long-run solutions that we suggest, other immediate steps must be taken to reduce the opportunity and incentive to commit crimes of violence. The President's Commission on Law Enforcement and Administration of Justice made many suggestions which we endorse. In particular, we emphasize the need for actions such as the following (some of which are new):

Increased day and night foot-patrols of slum ghetto areas by interracial police teams, in order to discourage street crime against both blacks and whites; improved street lighting to deprive criminals of hiding places from which to ambush victims; increase in numbers and use of community neighborhood centers that provide activity so that city streets are not deserted in early evening hours.

Increased police-community relations activity in slum ghetto areas in order to secure greater understanding of ghetto residents by police, and of police by ghetto residents. Police should be encouraged to establish their residences in the cities in order to be a part of the community which they serve.

Further experimentation with carefully controlled programs that provide low cost drugs such as methadone to addicts who register, so that addicts are not compelled to resort to robbery and burglary in order to meet the needs of their addiction; increased education about the dangers of addictives and other drugs in order to reduce their use.

Identification of specific violence-prone individuals for analysis and treatment in order to reduce the likelihood of repetition; provision of special schools for education of young people with violence-prone histories, special psychiatric services and employment programs for parolees and released offenders with a history of violent criminal acts.[22]

Concealable hand-guns, a common weapon used in violent crimes, must be brought under a system of restrictive licensing as we have recommended in our earlier statement on firearms.

But safety without fear cannot be secured alone by well-trained police, efficient courts, modern correctional practices, and hand-gun licensing. True security will come only when the vast majority of our citizens voluntarily accept society's rules of conduct as binding on them. Such acceptance will prevail widely among those who enjoy by legitimate means the benefits and pleasures of life to which they believe they are entitled—who have, in short, a satisfactory stake in the system. Today the stake of our impatient urban poor is more substantial than it used to be, but unrealized expectations and needs are massive. To ensure safety in our cities, we must take effective steps toward improving the conditions of life for all the people who live there.

Safety in our cities requires nothing less than progress in reconstructing urban life.

It is not within the purpose or the competence of this Commission to detail specific programs that will contribute to this fundamentally important national goal—the goal of reconstruction of urban life. Such programs must be worked out in the normal functioning of our political processes. Many important ideas have been put forth in the reports of the National Advisory Commission on Civil Disorders, the Urban Problems Commission, the Urban Housing Committee [23] and other groups which have made the city the focal point of their studies. Indeed, as the Urban Problems Commission observed, we already have on the national agenda much of the legislation and the programs needed to do the job. Examples are the Housing Act of 1968, the Juvenile Delinquency Prevention and Control Act, the Civil Rights laws of recent years, the President's welfare reform proposal, and many other existing and proposed enactments.

What we urge, from the standpoint of our concern, is that early and accelerated progress toward the reconstruction of urban life be made if there is to be a remission in the cancerous growth of violent crime. The programs and the proposals must be backed by a commitment of resources commensurate with the magnitude and the importance of the goal and with the expectations which have been irreversibly raised by the small start already made.

Dr. Daniel P. Moynihan has recently outlined a ten-point national urban policy that embraces many of the recommendations of earlier Commissions and which this Commission, while not in a position to endorse in detail, believes to merit careful consideration.[24] The essentials of the ten points, together with some enlargements of our own, are as follows:

(1) *The poverty and social isolation of minority groups in central cities is the single most serious problem of the American city today.* In the words of the Kerner Commission, this problem must be attacked by national action that is "compassionate, massive, and sustained, backed by the resources of the most powerful and the richest nation on this earth." We must meet the 1968 Housing Act's goal of a decent home for every American within a decade; we must take more effective steps to realize the goal, first set in the Employment Act of 1946, of a useful job at a reasonable wage for all who are able to work; and we must act on current proposals that the federal government pay a basic income to those American families who cannot care for themselves.[25]

(2) *Economic and social forces in urban areas are not self-balancing.* There is evidence that some federal programs, such as the highway program, have produced sharp imbalances in the "ecology" of cities, and that others, such as urban renewal, have sometimes accomplished the opposite of what was intended.[26] A more sophisticated understanding and appreciation of the complexity of the urban social system is required—and this will in turn require the development of new, dependable and lasting partnerships between government, private industry, social and cultural associations and organized groups of affected citizens. Without such partnerships even the best-intentioned programs will fail or produce unforeseen disruptive effects.

(3) *At least part of the relative ineffectiveness of the efforts of urban government to respond to urban problems derives from the fragmented and obsolescent structure of urban government itself.* At the present time most of our metropolitan areas are misgoverned by a vast number of smaller, independent local governmental units—yet effective action on certain critical problems such as law enforcement, housing and zoning and revenue-raising requires governmental units coterminous with metropolitan areas. At the same time, however, many city governments suffer from being too large to be responsive to citizens, especially disadvantaged groups with special needs for public services and for increased political participation.

A dual strategy for restructuring local governments is thus required. On the one hand, steps must be taken to vest certain functions, such as the power to tax and to zone, in a higher tier of true metropolitan governments, each exercising jurisdiction over an entire metropolitan area. On the other hand, our cities must also develop a lower tier of modular neighborhood political units, operating under the direction of representatives elected by residents of the neighborhood and with the authority to determine some of the policies and to operate at the neighborhood center some of the services presently performed by city-wide agencies.[27] To provide new insights and new momentum for urban government restructuring, we suggest that the President might profitably convene an Urban Convention of delegates from all the states and major cities, as well as the national government, to advise the nation on the steps that should be taken to increase urban efficiency and accountability through structural changes in local government.

(4) *A primary object of federal urban policy must be to restore the fiscal vitality of*

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urban government, with the particular object of ensuring that local governments normally have enough resources on hand or available to make local initiative in public affairs a reality. Local governments that try to meet their responsibilities lurch from one fiscal crisis to another. Each one percent rise in the gross national product increases the income of the federal government by one and one-half percent, while the normal income of city governments increases only one-half to three-quarters percent at most. Yet federal aid to state and local governments is only 17 percent of state-local revenue, a figure which should be substantially increased as soon as possible. We also believe it is essential to insure that the cities that are most in need of federal funding will obtain their fair share from the states which receive the federal payments.

The President's revenue sharing proposal is one way to increase state and local revenues. However, it is limited both in the amounts envisioned and in the way they are proposed to be channeled. As an alternate to federal sharing of its tax revenue, consideration might be given to a plan by which a full credit against federal income taxes would be given for all state and municipal taxes up to some maximum percentage of a taxpayer's income. To prevent encroachment by state governments upon the municipal tax base, separate ceilings could be fixed for state tax credits and for municipal tax credits. Such a tax-credit plan for revenue-sharing would be simple to execute, would channel more funds directly to cities, and would eliminate competition among neighboring states and communities to lower tax rates as a means of attracting businesses and upper income residents.

(5) *Federal urban policy should seek to equalize the provision of public services as among different jurisdictions in metropolitan areas.* This includes, at the top of the list, public education and public safety. Not only are both of these vital parts of the public sector severly underfunded, but the available resources are not equitably distributed between, for example, the inner city and suburban areas. What constitutes an equitable distribution may not be an easy question to answer, but it is at least clear that the kinds of inner city-suburban disparities in educational expenditures and police protection reported by the Kerner Commission are *not* equitable.[28] Federal aid programs should include standards to insure that equitable allocation policies are maintained.

(6) *The federal government must assert a specific interest in the movement of people, displaced by technology or driven by poverty, from rural to urban areas, and also in the movement from densely populated central cities to suburban areas.* Much of the present urban crisis derives from the almost total absence of positive policies to cope with the large-scale migration of southern Negroes into northern and western cities over the past half century, when the number of Negroes living in cities rose from 2.7 to 14.8 million. In the next 30 years our metropolitan areas will grow both absolutely and in proportion to the total population as this nation of 200 million persons becomes a nation of 300 million persons. We must do the planning and take the actions—*e.g.*, maintenance of a flexible and open housing market, creation of "new towns"—that are necessary if future urban growth is to be less productive of social and human problems than has been true of past urban growth.

(7) *State government has an indispensable role in the management of urban affairs, and must be supported and encouraged by the federal government in the performance of this role.* City boundaries, jurisdictions and powers are subject to the control of state governments, and the federal government must work with state governments to encourage a more progressive, responsible exercise of the state role in this process.

(8) *The federal government must develop and put into practice far more effective incentive systems than now exist whereby state and local governments, and private interests too, can be led to achieve the goals of federal programs.* In recent years Congress has enacted legislation under which the federal government has funded an increasing number of venturesome programs aimed at broadening the scope of individual opportunity for educational and economic achievements. Under many of these new enactments, grants-in-aid to implement the federal policies in health, education, employment and other areas of human welfare have been given not only to state and local authorities, but also to universities, private industries and a host of specially created non-profit corporations. Although these grants have been made pursuant to specified standards of performance, the results have often been disappointing, in part because there have been inadequate incentives for successful performance and inadequate evaluative mechanisms for determining which specific programs are most efficiently and effectively achieving the federal goals.

It is thus increasingly agreed that the federal government should sponsor and subsequently evaluate alternative—in a sense "competing"—approaches to problems whose methods of solution are imperfectly understood, as is increasingly being done in the areas of medical and legal services for the poor and educational assistance for disadvantaged children. Other methods of spurring improvement in the delivery of federally-supported services include the provision of incentives to deliver the services at the lowest possible cost (as in current efforts with regard to Medicare), and the granting of the federal assistance directly to the consumers of the programs concerned, thus enabling them to choose among competing suppliers of the goods or services that the program is designed to provide (as in the GI Bill and other federal scholarship programs).

(9) *The federal government must provide more and better information concerning urban affairs, and should sponsor extensive and sustained research into urban problems.* Social science research is increasingly able to supply policy-makers and the public with empirical indicators of the nature of social problems and the success or failure of efforts to solve these problems. The time is at hand when these indicators should be systematically collected and disseminated in aid of public policy at all levels.

(10) *The federal government, by its own example, and by incentives, should seek the development of a far heightened sense of the finite resources of the natural environment, and the fundamental importance of aesthetics in successful urban growth.* Many American cities have grown to be ugly and inhumane largely because of an unrestrained technological exploitation of the resources of land, air and water by the economically most efficient means. That there has been too little restraint is not surprising in view of the over-all American cultural context in which the natural environment was perceived as an inexhaustible frontier impervious to human harm. Today, however, the critical cultural context seems to be changing, and the "frontier spirit" is giving way to a new conservation ethic more appropriate to a crowded urban society. Government should take the lead in encouraging, and in acting consistently with, the development of this new ethic.

V. CONCLUSION

To summarize our basic findings:

Violent crimes are chiefly a problem of the cities of the nation, and there violent crimes are committed mainly by the young, poor, male inhabitants of the ghetto slum.

In the slums increasingly powerful social forces are generating rising levels of violent crime which, unless checked, threaten to turn our cities into defensive, fearful societies.

An improved criminal justice system is required to contain the growth of violent crime, but only progress toward urban reconstruction can reduce the strength of the crime-causing forces in the inner city and thus reverse the direction of present crime trends.

Our confidence in the correctness of these findings is strengthened by the support of the findings of the President's Commission on Law Enforcement and Administration of Justice and by subsequent events. At the end of its monumental work, in February of 1967, that Commission not only called for scores of improvements in the effectiveness and fairness of the law enforcement process, it also identified the same basic causes of violent crime and said this about their cure.

"Warring on poverty, inadequate housing and unemployment, is warring on crime. A civil rights law is a law against crime. Money for schools is money against crime. Medical, psychiatric, and family-counseling services are services against crime. More broadly and most importantly every effort to improve life in America's 'inner cities' is an effort against crime."

FOOTNOTES

[1] The FBI Index of Reported Crime classifies seven offenses as "serious crimes"—homicide, forcible rape, robbery, aggravated assault, burglary, larceny of more than $50 and auto theft. It classifies the first four—homicide, rape, robbery and assault—as "violent crimes" because they involve the doing or threatening of bodily injury.

[2] Reasons for the gap include failure of citizens to report crimes because they believe police cannot be effective in solving them; others do not want to take the time to report, some do not know how to report, and others fear reprisals.

[3] The direct correlation between city size and violent crime rates may not be as uniform in the south as in other regions. Available data indicate higher suburban violent crime rates relative to center city rates in the south, suggesting the possibility that smaller city rates may also be higher relative to larger city rates in the south (although direct evidence on this point is not presently available).

Also, it should be kept in mind that the relationships noted in the text are for cities within certain population ranges (*e.g.*, more than 250,000, 100,000–250,000, etc.), not for individual cities. Thus the five cities with the highest metropolitan violent crime rates in 1968—Baltimore, Newark, Washington, San Francisco and Detroit—had smaller populations than some very large cities with somewhat lower rates of violent crime.

[4] According to the FBI Uniform Crime Reports, about half of all arrests for serious crimes result in pleas of guilty or convictions: in only 88 percent of all arrests does the prosecutor decide he has sufficient evidence to try the case, and of those cases that are prosecuted, only 62 percent result in a plea of guilty or a conviction, often for a lesser offense than the one originally charged. A wide margin of error thus exists between the making of an arrest and proof that the person arrested has committed an offense.

[5] This is a study of 9945 males born in 1945 and who lived in Philadelpha at least from age 10 to 18. Of this group, 3475, or 35 percent, were taken into custody by the police for delinquent offenses other than traffic violations. Race, socio-economic status and many other variables are analyzed in this study, supported by NIMH, to be published shortly by Thorsten Sellin and Marvin E. Wolfgang under the title, *Delinquent in a Birth Cohort*.

[6] Because some police commonly associate violence with Negroes more than with whites, Negroes may be disproportionately arrested on suspicion, thus producing a higher reported Negro involvement in crime than is the true situation.

[7] In another report, this Commission has indicated that gun attacks are fatal in one out of five cases, on the average; knife attacks are fatal in one out of twenty.

[8] The FBI has reported that in 1968 588,000 violent crimes occurred. This is about 300 crimes of major violence per each 100,000 Americans. It is generally estimated that only about half of all violent crimes are reported; if this is true, the total number of violent crimes per year is in the range of 1,200,000 or 600 per 100,000 people. These are *offenses*, not *offenders*. Since violent crimes often involve several offenders committing a single crime—particularly among the large number of juvenile offenders—a fair guess might be that twice as many offenders (2,400,000) were involved. But some offenders account for more than one crime per year. If we assume the commission of two crimes per year per offender, the total number of offenders drops back to 1,200,000; if we assume the commission of four crimes per year per offender, the total number of offenders is 600,000. Thus the number of Americans who commit violent crimes each year appears to be somewhere between these figures—between one in every 150 and one in every 300 Americans. Since children under twelve and adults over 45 commit relatively few crimes, the rate for persons between 12 and 45 is even higher.

[9] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, 1967); *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968); National Commission on Urban Problems, *Building the American City* (Washington, D.C.: Government Printing Office, 1968).

[10] *The Challenge of Crime in a Free Society, op. cit.*, p. 35.

[11] Shaw & McKay, *Juvenile Delinquency and Urban Areas,* Chicago, 1969.

[12] One expert testifying before this Commission reported his finding in Chicago: a person living in the inner-city faced a risk each year of 1 in 77 of being assaulted; a risk of only 1 in 2,000 in the better areas of the city, and 1 in 10,000 in the rich suburbs.

[13] See studies cited in "The Family and Violence," Chapter 9 of *Law and Order Reconsidered,* the Report of this Commission's staff Task Force on Law and Law Enforcement (Washington, D.C.: Government Printing Office, 1969) and in "Juvenile Delinquency and the Family," Appendix L of the Crime Commission's *Task Force Report on Juvenile Delinquency* (Washington, D.C.: Government Printing Office, 1967).

[14] *E.g.,* U.S. Dept. of Labor, Office of Policy Planning and Research, *The Negro Family: The Case for National Action* (Washington, D.C.: Government Printing Office, 1965), pp. 38–40.

[15] See "Violence and Youth," Chapter 14 of the Report of our staff Task Force on Individual Acts of Violence. Thirty-nine percent of Negroes and 23 percent of whites in cities fail to complete four years of high school.

[16] The subculture of violence is not the product of our cities alone: the Thugs of India, the *vedetta barbaricina* in Sardinia, the *mafioso* in Sicily and the Ku Klux Klan, for example, have existed for many years. Nor is violence absent from the established middle-class culture of the majority in our society. It is simply the greater frequency and approval of illegitimate violence that distinguishes the subculture of violence from the dominant cultural pattern.

[17] We are here drawing upon Marvin E. Wolfgang and Franco Ferracuti, *The Subculture of Violence,* London: Tavistock Publications; New York: Barnes and Noble, 1967.

[18] U.S. Bureau of the Census, *Current Population Reports,* Series P–23, Special Studies (formerly Technical Studies), No. 27, "Trends in Social and Economic Conditions in Metropolitan Areas," U.S. Government Printing Office, Washington, D.C., 1969.

[19] Also, such closing of the family income gap as has occurred all took place after 1965; for the previous 15 years there was no change. See *Law and Order Reconsidered, op. cit.* at 103.

[20] Computations set forth in the Report of our Task Force on Individual Acts of Violence suggest that 18% of the increase in the volume of violent crime between 1950 and 1965 is attributed solely to urbanization, and 12% to age redistribution alone.

[21] See Davies, "The J–Curve of Rising and Declining Satisfactions as a Cause of Some Great Revolutions and a Contained Rebellion," in *Violence in America,* the Report of our staff Task Force on Historical and Comparative Perspectives (Washington, D.C.: Government Printing Office, 1969).

[22] The Philadelphia cohort study cited above shows that out of the entire Philadelphia population of boys born in 1945 (about 10,000), less than six percent had five or more police contacts. Even though the age group from 15 to 24 includes ten such cohorts, the number of identifiable violence-prone youths in a major city such as Philadelphia is still small enough to be manageable.

[23] These reports are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[24] Daniel P. Moynihan, "Toward a National Urban Policy," *The Public Interest,* No. 17, Fall 1969, p. 15. Dr. Moynihan has been Executive Director of the President's Urban Affairs Council and is now Counselor to the President.

[25] The President has recently made such a proposal including a work incentive formula. A somewhat different proposal has been put forward in a recent report of the President's Commission on Income Maintenance Programs.

[26] "Is the only answer to traffic congestion more and wider roads? Clearly in many localities, it is not. The dislocation of people and businesses, the distortion of land use, the erosion of the real property tax base, and the dollars and cents cost, make this an increasingly unacceptable solution." *Tomorrow's Transportation: New Systems for the Urban Future.* U.S. Dept. of Housing and Urban Development (Washington, D.C.: U.S. Government Printing Office, 1968), p. 18. See also *Urban and Rural America: Policies for Future Growth,* Advisory Commission on Intergovernmental Relations (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 59–60.

[27] From the standpoint of reducing violence, needed services which might be provided at the neighborhood level include job counseling and training; family counseling and planning advice; medical and psychiatric care; counseling on alcohol and drugs; citizen's grievance agencies; adult education; preschool training and child care for working mothers; psychological counseling for parents during the formative child rearing years; domestic quarrel teams; suicide prevention units; youth bureaus, including counseling of youth referred for non-police action by local Juvenile Squads and Gang Control Units; and legal advice.

[28] See *Report of the National Advisory Commission on Civil Disorders, op. cit.*, pp. 161–62, 241.

ALLEGED ATROCITIES IN VIETNAM

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, in this 1 minute I want to make an announcement to the House. As chairman of the Subcommittee on Investigations of the Committee on Armed Services of the House of Representatives, for that subcommittee and with the approval of the ranking minority member, the gentleman from Illinois (Mr. Arends), we have requested of the Army that they send to the investigating committee all the information they have on the alleged atrocities at Pinkville which is up in the Song My Province of Vietnam.

We do not know what there is to this or what the Army has in their files in Washington. If, the investigating committee, and we will be sitting as a kind of quasi-grand jury—if we see that this warrants further inquiry and should be brought out into a larger investigation, the subcommittee will do this.

But for the moment, exercising our jurisdiction over the Army and as a subcommittee created for this purpose, we are making this first move. I think the House ought to know it, because I am sure you are getting a lot of inquiries on just exactly what we are going to do in the House of Representatives on this matter which seems to be catching the headlines at this time.

ELECTION OF CONGRESSMAN WAYNE L. HAYS, OF OHIO, PRESIDENT OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. Rivers) is recognized for 60 minutes.

Mr. RIVERS. Mr. Speaker, on or about the 17th of October, in Brussels, one of the most distinguished Members ever to serve in this body was duly elected President of the next session of the North Atlantic Assembly. After many years of dedicated service as chairman of the House delegation to the former NATO Parliamentarians Meeting, now the North Atlantic Assembly, the Honorable Wayne Hays of Ohio, one of the most dedicated, one of the most influential, and one of the most qualified members of that large group was elected unanimously to be the next President of this 15-nation assembly.

Mr. Hays comes to this justified recognition after many, many years of extraordinary service as a member of this group. We know the reason for the creation of NATO, and whether or not NATO did it, Europe has had peace since the shield of NATO was raised above the torn fields and battle fragments, shortly after World War II, of what was left of that great civilization.

Out of NATO came prosperity, and out of NATO came what is known and as has come now to be known as the North Atlantic Assembly, of which our distinguished colleague and veteran in this group was duly elected to this very important position.

Europe is basking in one of the most unusual prosperities it has known in its long, tedious, and troublesome history of periodic war, and periodic peace. Now, with this prosperity, its faces one of the most dangerous things ever to befall a nation. It has been said that when a nation becomes prosperous, it is likely to forget the lessons of the past and it may lower the shield which has defended it during days of adversity.

Mr. Hays in a great speech, which he did not even write, but which came out of his bounteous knowledge, his brilliance and his great mind, reminded us that we have stuck together in time of war. We have marshaled our forces to protect ourselves in time of battle. The problem which now confronts us is, Can Europe and the North Atlantic nations live in peace and prosperity and survive? The same vision that has been the hallmark of Wayne Hays was characteristic of that fine speech which he delivered as he peered into the future, a speech that got such wide acclaim at the NATO meeting.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Oklahoma, our distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I congratulate the distinguished chairman of the Committee on Armed Services, one of the most brilliant and knowledgeable men in the area of which he is speaking, in taking this time to compliment Wayne Hays. Every Member of the House joins the gentleman, I am sure, in the tribute he is paying to a man whose reputation has gone over the years across all the NATO countries and among the parliamentary bodies of the NATO countries as one of the real leaders in this field.

This is a well-deserved honor and we are all very happy it is coming to our distinguished and able colleague.

I congratulate the gentleman from South Carolina for taking this time to speak on this subject.

Mr. RIVERS. Mr. Speaker, I thank the distinguished gentleman from Oklahoma, our majority leader, for the comments he has made.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Michigan, our distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful to the distinguished chairman of the Committee on Armed Services for yielding to me.

Mr. Speaker, I join the gentleman from South Carolina and the distingushed majority leader in complimenting our colleague, the gentleman from Ohio, on his election as President of the North Atlantic Assembly. I think it is a great honor for the gentleman from Ohio, and it also a great honor for the House of Representatives and the Congress as well. It is my understanding this is the second time for the gentleman from Ohio, the first American, to be accorded this honor. This, I think, is a tribute to him and to the diligent and constructive efforts he has made in this great responsibility.

Mr. RIVERS. Mr. Speaker, I thank the minority leader for his statement.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Texas (Mr. Brooks).

Mr. BROOKS. Mr. Speaker, I thank my friend, the gentleman from South Carolina, for yielding.

Mr. Speaker, I join my colleague, the distinguished gentleman from South Carolina in congratulating the Honorable Wayne Hays on his election as President of the NATO Parliamentarians Conference.

For the last 3 years, I have had the honor of representing this body at the NATO Parliamentarians Conferences. As a member of this delegation, so ably led by the gentleman from Ohio, I had occasion to witness his success in dealing with our counterparts in the various nations. Wayne Hays has the respect, admiration and genuine affection of all the NATO representatives. This, combined with his parliamentary dexterity and vast understanding of international problems, has enabled the U.S. delegation to maintain the position of leadership which the international situation requires.

Those of us who have seen him perform so capably as chairman of our delegation were pleased at his election as President of the assembly for 1969 and 1970, a position he held previously in 1956 and 1957.

We were also gratified that our country and our delegation were so honored. I, therefore, join my colleagues in congratulating the gentleman from Ohio on his election.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. Mr. Speaker, I yield to the minority whip, the gentleman from Illinois, who is a member of our NATO group.

Mr. ARENDS. Mr. Speaker, I congratulate the gentleman from South Carolina for calling this matter to the attention of the House at this particular time, because it is very noteworthy that we have in our midst one who has been elected President of the North Atlantic Assembly for this coming year.

It has been my privilege to have served on this assignment for at least eight times, where I worked with and in cooperation with the gentleman from Ohio, both in subcommittees and in the full committees in trying to further the cause of NATO.

NATO, incidentally, just this year celebrated its 20th anniversary. It has proved over that period of time to be the great deterrent we hoped it might be. While some of us may have at times wondered as to its effectiveness, I feel now more strongly than ever that it will continue to maintain the peace in that part of the world as long as the 15-member nations adhere to the principles of that fine organization.

I know the gentleman from Ohio (Wayne Hays) will be an outstanding President of the group through his acquaintanceship over the years with the members of the many different parliamentary bodies and because of the respect they have for him, and I am sure in a cooperative spirit with those of us who worked with him from the United States in this group we will see even better results with this assembly as time goes on.

Mr. Speaker, I congratulate the gentleman from Ohio as an individual and on behalf of the Members of this House for the fine work that the gentleman has done and which I know he will continue to do in the future.

Mr. RIVERS. Mr. Speaker, I thank the gentleman for his remarks.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Speaker, I welcome this opportunity to pay a most deserved tribute to our distinguished colleague, Wayne Hays, who was elected President of the North Atlantic Assembly at its last meeting in October.

The Assembly was first established in 1955 as the NATO Parliamentarians Conference and Wayne Hays has been chairman of the House delegation since that time. In 1956, he was elected President of the Assembly and it is a very signal honor that he has again been chosen by the representatives of the legislative bodies of the 15 NATO countries to head the Assembly.

Although it is an unofficial organization with no statutory powers, the North Atlantic Assembly has served as an important platform for discussions between parliamentary delegates from all the North Atlantic Treaty Organization countries. It can be considered, in fact, as a pilot organization on the Atlantic level and as the nucleus of a future Atlantic assembly.

Wayne Hays has ably and effectively served the people of Ohio's 18th District since 1949, when we both came to the House of Representatives. As a member of the North Atlantic Assembly myself since 1962, I know that he has also served the Nation with great distinction and skill as head of the House delegation to the North Atlantic Assembly. As the Assembly's President, his outstanding qualities of wisdom and statesmanship will further strengthen the role of the Atlantic alliance in working toward our common goals of bringing world peace, security, and prosperity.

Mr. RIVERS. I thank the gentleman for his very fine contribution.

I now yield to our distinguished and beloved Speaker.

Mr. McCORMACK. Mr. Speaker, I join with my friend from South Carolina and my other colleagues in expressing pleasure on the signal honor which has been conferred upon our valued friend from Ohio (Mr. Hays) by his being elected President of the North Atlantic Assembly. He richly earned the action taken by such rich dedication.

We in the House know of the seriousness with which he has taken throughout the years his duties and responsibilities as a member of the North Atlantic Assembly, which for years was known as the NATO Parliamentarians' Conference. He has always reflected credit not only upon the Congress of the United States but particularly upon the House of Representatives.

I know of the sacrifices he has made in assuming and performing these duties. I know of the wonderful results that have flowed from the communications he has had with parliamentarians in the countries that constitute the North Atlantic Pact.

His leadership has been outstanding. His leadership has been firm. His leadership has been consistent.

I know of no one who has a more profound appreciation of the challenges which confront the world of today than our distinguished friend from Ohio (Mr. Hays).

Not only personally as a Member of the House but also as one who has a profound feeling of respect and friendship for the gentleman from Ohio (Mr. Hays) and as Speaker of the House, I am highly honored in having him occupy the responsible position that he will for the next two years, to carry on the responsible work he has been doing with such great success for a number of years.

So I congratulate my friend and convey to him the honor that he has conferred upon the House of Representatives.

Mr. RIVERS. I thank our distinguished Speaker.

Before I yield to any other Member—and we have sufficient time—this is very significant for America and for the world. The President of the United States, President Nixon, has told the world—and this means our potential enemies behind the Iron Curtain—that NATO is there to stay. He is making plans to make our NATO alliance a stronger one than it is, and for the committing of sufficient military strength to carry out our commitments to this organization.

Mr. Speaker, it is highly important and highly imperative that a man of the stature, of the knowledge, of the decisiveness, of the dedication of Wayne Hays, who is always unequivocal in his stand, lead us at this time. The applause by which his election was received was one of the most gratifying things I have ever seen. This is an important group. It has been institutionalized, so far as we are concerned, because our group NATO is sanctioned by legislation passed by this House.

Before I finish, I want to read something of the biography of this distinguished American. A lot is not known about Wayne Hays, who is a kindly, considerate, careful, and patient person. This side of him is seldom told, but it is known everywhere else. I do not know whether it is known in America even now. Wayne Hays said this, among other things, and he did not know that he was going to be called upon at this time. It was a remarkable thing that he was, because normally the succeeding President is not called on as a speaker. He said that he would "like to dedicate my tenure as President to insuring that the NATO notions are brought closer together and that with some degree of unanimity we at least attempt, although there will be certainly differences of opinion and divergences, to look at and advance some solutions to the problems of mankind as seen from our vantage point in Europe and North America." "The problems of mankind." Behind that military shield which protects us, we must take care of the problems, the economic problems, the environmental problems, and the pollution problems. This he sees from his clairvoyant position with which he is hallmarked as a great leader in this Congress and in the world.

The full speech made by Mr. Hays is as follows:

The President (Mr. Wayne L. Hays). In the names of all of you I express thanks to the retiring President, Dr. Gulek, for the extremely able job he has done as President of this organization, for the time he has devoted to it and for the efforts he has made towards the institutionalization of this organization. I consider that the fact that the organization exists is important and although I should like to see it institutionalized the fact that it meets annually, that it is financed by governments, and that every government contributes toward its upkeep and maintenance is some indication that they consider it worth while. We in the United States have legalized it by passing a law. The law was passed in both Houses and signed by the President. As Dr. Gulek did, I urge other legislatures to do whatever is proper to afford recognition to the organization in their legislative Assemblies.

I should like to reminisce about NATO, about some of its successes and problems. I recall a trip I made to Europe in 1948 as a candidate for Congress. I was concerned with one of the problems which had been debated rather strenuously in the American Congress—that of what we should do about assisting Western Europe to regain its proper posture in the World. I recall that the then Congressman from my constituency, who is now deceased who was a friend of mine for many years, had opposed the Marshall Plan and participation of the United States in helping Western Europe to get back on its feet. This was an issue on which America was divided and I did not know where I stood on it. At the primary election I promised that if I were nominated as a candidate I would go to Europe and try to decide for myself what ought to be done and what ought to be the position of the United States. I remember some of the sights I saw there. I remember that Belgium and Switzerland were the only countries I visited which did not have food rationing. I remember my first view of Frankfurt, it was practically flat on the ground, and of Berlin, which was a shambles. I remember the hunger of the Netherlands and people eating out of garbage cans in Italy. I saw this in 1948 and went back to the United States convinced that I should support the Marshall Plan. Subsequently, I was elected and when NATO was formed in 1949, I was convinced that I should support it.

I do not say that NATO should take credit for all the things which have happened in Europe since 1948–49, but I think if it had not been for NATO and, more importantly, for the cooperation of the free nations of the North Atlantic, Europe certainly would not be in the prosperous condition it is in today. People in Western Europe would not be free to be the masters of their destinies. We have accomplished a great deal. Without going into detail over the past twenty years, I think the problems which face us are as grave as those which we have surmounted. We have heard many addresses here which I shall not attempt to recapitulate. We heard one this morning on the problems of our environment. We have had a Resolution on that and Resolutions on the population explosion.

As I came through the Lobby this morning and saw the stacks of paper there I said, "I do not think we need to worry about the population explosion." I said this jokingly because my view is that the population will be drowned some day in a mountain of paper. One of our problems is the proliferation of people and the problems which that causes. I consider NATO a very proper forum for the attempted solution of some of these great problems now facing us.

A newspaper reporter said to me this morning, "How do you consider NATO as a proper forum for environmental problems?" I suspect that the nations comprising NATO contribute more than all the rest of the world put together to air and water pollution and other environmental problems, so I think this is exactly a forum which should be expanded to talk about and work on these problems.

I said before this Assembly 14 years ago—at the risk of being repetitious and boring I point it out again—that the free nations of the world have been able and have been proved to be able—history bears testimony to the fact that they have been able—to work together in times of military stress. We have always, under the gun, been able to do what is necessary to preserve our freedom, but we have yet to prove that we can work together in times of economic stress and now in times of environmental stress.

I recall the great depression of 1929 which in my view was largely accelerated, if not brought about, by the fact that the free nations of the world did not work together but when economic chaos began to descend upon them fell apart and passed restrictive tariff laws against each other and blamed each other for their difficulties. So I should like to see NATO broadened not only as a military structure but as an economic structure, a cultural structure and a structure which addresses itself to the multiplicity of problems which mankind faces in this great North Atlantic Community. I should like to dedicate my tenure as President to ensuring that the NATO nations are brought closer together and that with some degree of unanimity we at least attempt—although there will certainly be differences of opinion and divergencies—to look at and advance some solutions to the problems of mankind as seen from our vantage point in Europe and North America.

Now, Mr. Speaker, I yield to our distinguished colleague, the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

It has been my privilege to be a member of the U.S. delegation to the NATO Parliamentarian Conference now known as the North American Assembly, for 5 years, all of which have seen the continued leadership of our colleague Wayne Hays as chairman of the U.S. delegation, and occupying a very prominent, important, and influential role in all of the councils of the Assembly. To me the fact that he has been elected twice to be President, the only person in the world so honored, is of lesser importance to the role that he has played in the institutional development of NATO. This began as a peacetime alliance bringing the now 15 nations together for peacetime security purposes. It is unique in that respect. It is the most successful alliance of all time. It has now stretched 20 years beyond the end of World War II. Of course, it is an association of sovereign independent nations brought together through the political institutions known as the NATO Council with a permanent representative of each of the 15 nations full time on that Council. However, thanks in great measure to the vision and leadership of Wayne Hays, there is now an auxiliary to the executive authority known as the NATO Council, that auxiliary being the North Atlantic Assembly.

True, it is not so provided in the North

Atlantic Treaty but it has become recognized as a part of the ongoing institution known as the North Atlantic Treaty Organization. At a very recent date the NATO council has recognized the existence, the official existence, of the North Atlantic Assembly and has been receiving communications from the North Atlantic Assembly and responding to those communications. These may seem, perhaps, as minor steps, but to me they are giant steps in the institutional development of this great peacetime alliance, one that holds the highest hopes for mankind and for the preservation of freedom and the containment of aggressive expansion, especially in the European area.

We must in all honesty give highest tribute to Wayne Hays because he not only helped to initiate the legislation in this Chamber that led to the establishment of the NATO Parliamentary Conference in the days when it was truly independent from the NATO Council, but later on through his persistent, effective prodding, not only here in this Capital but in the capitals of other NATO countries, we now have the North Atlantic Assembly which is a major step in the institutional development of this grand alliance.

The gentleman from Minnesota (Mr. Quie) just a few moments ago was called away from the floor, but he did ask me to express as well his appreciation for the great contributions of our colleague, the gentleman from Ohio (Mr. Hays).

Mr. Speaker, I would like to add on a more personal note, it is refreshing to be under the leadership of a man who is so punctual. Whenever the departure day and hour for the North Atlantic delegation is set, we all know exactly when the plane is to leave and if the plane is to take off at 8 o'clock, the plane takes off at 8 o'clock.

I have been equally impressed with the punctuality of all the events that are scheduled throughout the Conference each year. Whenever a briefing is scheduled, say, with the U.S. Ambassador to NATO, as it was this past year, Mr. Hays is there in person well in advance of the appointed hour. It is my opinion that his diligence in seeing to all the details is one of the reasons he has been so effective as the leader of the U.S. delegation. His ability is recognized by the entire North Atlantic Assembly as evidenced by the fact that he has been elected to this position on two occasions.

Mr. Speaker, I thank the gentleman from South Carolina for his leadership in making it possible for all of us to pay this tribute to the gentleman from Ohio (Mr. Hays).

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I consider it a high honor to join my distinguished friend, the gentleman from South Carolina (Mr. Rivers), our beloved Speaker, the majority and minority leaders, and others who have preceded me in paying a much deserved accolade to that great American, Wayne Hays.

Mr. Speaker, it has been said that a politician or a public servant makes three kinds of speeches during his career. One is the speech which he mulls over in his mind on the way to a meeting; the other is the one he delivers at the meeting, but the best one is the one he makes on his way home figuring what he should have said at the meeting.

Mr. Speaker, Wayne Hays is a rare individual who possesses many rare and diverse qualities. The gentleman from South Carolina (Mr. Rivers) brought out the fact that Mr. Hays is very vocal, but that he has another side, a very broadminded kind man. During my 15 years in which I have been associated with him I have found him to be that kind of man, willing to go out of his way to say a kind word on behalf of someone. I am delighted to have this time during which to pay honor and tribute to the very outstanding and distinguished gentleman from Ohio (Mr. Hays) and I want to commend all of you for the kind words which you have expressed on behalf of my distinguished friend.

Mr. RIVERS. I thank the gentleman from Illinois for his contribution.

Mr. Speaker, Mr. Hays is the author of the so-called Fulbright-Hays Act, and this fact should be remembered. It principally provides for educational and cultural exchange as a means of furthering mutual understanding between people of the United States and all other countries.

Mr. Hays authored a resolution which expressed the sense of this House, or of this Congress, that Spain should be admitted into NATO, and I am sure you will agree with me that if NATO is to endure then Spain had better be admitted. We need Spain in NATO—we need Spain in NATO. We need the character of the Spanish people as well as the physical makeup and the logistical position of the Iberian Peninsula as part of the protective shield of NATO.

These are the kinds of things which Mr. Hays perceived years ago, before it was so dramatically brought about by the walkout of France from NATO, leaving our southern flank exposed, and leaving us in a position to be cut down without any logistical security.

Mr. Hays has seen these things. This is why it is so easy, so very easy, for me to get up here, even though I stumble, yet it is stumbling with ease in trying to say some of the many things to which this man is entitled.

Congressman Hays was elected to the 81st Congress. I am going to ask permission to insert this in full in the Record, but I would just like to cite a few more items. He sponsored the things the gentleman from Illinois (Mr. Findley) has referred to, and the so-called Fulbright-Hays Exchange Act. He has been accorded many honorary degrees from the great universities in Ohio and other places. I have spoken in his district. He represents a farming district. You can look at the faces of the people in his district, and you can see that they are great Americans, really the hard-working group of people such as I see in my native South Carolina.

Congressman Hays is a farmer—of course, he is a banker, too—but he owns a very fine farm known far and wide as the Red Gate Farms in Belmont, Ohio. He is a breeder, breeding Angus cattle, and Tennessee walking horses. He has many sides. The more one looks at this man the more one finds the reasons—and the attractive reasons—to admire this great American. I wanted to say these few things just in case time should expire before I could do so. I will submit the biographical material at this point:

BIOGRAPHICAL SKETCH OF CONGRESSMAN WAYNE L. HAYS

Congressman Wayne L. Hays, Democrat, of Flushing, Ohio, was born May 13, 1911, at Bannock, Ohio.

Received primary education in local schools, attended Ohio State University, graduating in 1933, and pursued further studies at Duke University. Between 1935 and 1939, taught history and public speaking.

Served as Mayor of Flushing, Ohio, for three terms (1939–45); Ohio State Senator for one term (1941–42); and Commissioner of Belmont County (1945–49). Member of the Officer's Reserve Corps, United States Army (1933–42); volunteered for active duty in World War II; honourably discharged in August 1942.

Elected to the Eighty-first Congress on November 2, 1948; reelected to the succeeding Congresses to present.

Presently the second ranking member of the House Foreign Affairs Committee. Chairman of the Subcommittee on State Department Organization and Foreign Operations. Has traveled widely as Chairman of this Committee. Made a complete study at the direction of the Foreign Affairs Committee of State Department problems in Africa late in 1957, visiting twelve countries and colonies in Africa.

Also the ranking member of the House Administration Committee.

Chairman of the Subcommittee on Accounts, which handles the finances of all other committees in the House of Representatives, and Subcommittee on Ethics and Contracts.

In 1955 sponsored enactment of legislation to authorize participation in NATO Parliamentarians Conferences (now the North Atlantic Assembly) and has served as Chairman of each House of Representatives delegation to the Conferences since that time. President of this Conference 1956 and 1957, and permanent representative of the United States to the North Atlantic Assembly Standing Committee.

Co-author of the Fulbright-Hays Act of 1961, which provides for educational and cultural exchange as a means of furthering mutual understanding between the people of the United States and other countries.

Received Honorary Doctor of Laws Degrees from Ohio University, Athens, Ohio, on December 2, 1966, and from the College of Steubenville, Steubenville, Ohio, on May 26, 1968.

Presented Caritas Medal by the Most Reverend John King Mussio, the Bishop of Steubenville, Ohio, on March 9, 1969.

Elected President of the North Atlantic Assembly for 1969–70.

Owner of Red Gate Farms, Belmont, Ohio. Breeder of Angus Cattle and Tennessee Walking Horses.

Mr. Speaker, I would now like to yield to a distinguished member of the Committee on Armed Services, the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Speaker, I thank the gentleman from South Carolina for taking this time to pay a very justifiable tribute to the gentleman from Ohio (Mr. Hays).

Certainly his election in the first place, and his unprecedented reelection, reflects great honor not only upon himself, but upon this House of Representatives and upon the United States itself.

I would like to state parenthetically that this country has also been honored with the appointment as vice chairman of the Military Committee of the North Atlantic Assembly, of the gentleman now in the well of the House, the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. Rivers). This, too, is a recognition of the great military expertise held by this gentleman, and is also a tribute to this House.

Mr. Speaker, I was not privileged to be a member of the delegation to the North Atlantic Assembly, but earlier in the year I did have the distinct advantage and honor of attending the biennial North Atlantic Assembly military tour in Europe.

There for a period of ten days we exhaustively studied in the field of defense bureau, in company with many parliamentarians who are members of the North Atlantic Assembly.

Aside from the information we gained on that trip, and aside from the friendships cultivated with my counterparts in other countries, two things stuck out in my mind. First, the outstanding caliber of the representatives from other nations to the North Atlantic Assembly. The second thing I was most impressed with was the very, very great prestige in which the gentleman from Ohio (Mr. Hays) is held by these outstanding legislators.

I gathered the impression that when Wayne Hays spoke, the rest of the NATO nations listened respectfully. I gathered the impression that here was a one-man State Department who is doing a great deal of good for the United States of America in creating good will among the islators.

So I would like to add my personal thanks to Mr. Hays for what he has done and I would simply say I know the North Atlantic Assembly is an outstanding organization, but now thank heavens for the second term in a row it has an outstanding President.

Mr. RIVERS. I thank the gentleman.

Mr. Speaker, I also have in this biography of Mr. Hays a record of the fact that he has been elected over and over again by our group which is composed of House Members and Senate Members as the representative of the standing committee, which is the representative of the heirarchy of the NATO assembly which plans and sets the course of this organization. Mr. Hays is our voice—and a good one it is. We are proud that he was elected unanimously by a joint meeting of our group and where he is elected each year unanimously.

Mr. Speaker, this man is respected and admired and recognized for his great abilities. This is why we are at this time doing this very little thing for this very great man.

Mr. Speaker, I now yield to the gentleman from New Jersey (Mr. Gallagher).

Mr. GALLAGHER. Mr. Speaker, I thank my distinguished colleague, the gentleman from South Carolina, and compliment him for performing an exceptionally fine service here today with respect to one of our Members.

Because there are other Members here who wish to speak, I am going to ask permission to revise and extend by remarks.

Mr. Speaker, I have served on the House Committee on Foreign Affairs with Wayne Hays for some 11 years where he has made, as he has in so many areas, made an outstanding contribution to our national interest unheralded and unsung. So I am delighted to see the House bestow this honor upon him. The honor we pay him today is perhaps in a broader sense an honor to ourselves because by his worthiness and by his dedication and by his knowledge and by the kind of confidence he has inspired in the NATO parliamentarians in terms of what brings honor to us by his worthiness to assume the high honor that he now has.

Mr. RIVERS. Mr. Speaker, I thank the distinguished gentleman from New Jersey.

Mr. Speaker, I now yield to a distinguished member of the Committee on Foreign Affairs, the gentleman from Indiana (Mr. Adair).

Mr. ADAIR. Mr. Speaker, I too want to express my appreciation to the gentleman from South Carolina for making possible this period of time this evening.

As the gentleman from New Jersey who just spoke pointed out, those of us who served with the gentleman from Ohio (Mr. Hays) on the Committee on Foreign Affairs are aware of the great knowledge and expertise that he has in that difficult area—not only the knowledge that he has but the dedication, study and effort that he brings to the solution of the problems which are presented to us.

It has been my happy privilege on more than one occasion to have traveled on official missions with the gentleman from Ohio, and as others have previously pointed out, on those missions he works hard. He is dedicated to finding answers to problems and solutions to difficulties and in proper cases getting information and data which will be of use to the committee and to this Congress.

So, Mr. Speaker, I also want to join those who have previously spoken in expressing gratification at the high honor which has been again bestowed on Mr. Hays, the gentleman from Ohio.

Mr. RIVERS. I thank the very distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Indiana (Mr. Adair) for his contributions. I know Mr. Hays appreciates them.

I yield to the distinguished gentleman from Ohio (Mr. Vanik).

Mr. VANIK. I thank the distinguished chairman for yielding to me.

Mr. Speaker, I want to take this time to pay tribute to the achievement of our distinguished colleague, the Honorable Wayne L. Hays on his being elected President of the North Atlantic Treaty Organization. Our colleague has brought great honor to the Nation, to this Congress, and the State of Ohio which sent him to this body.

I have known Wayne Hays perhaps longer than any Member of this body. We served as members of the Ohio Senate in 1941 and 1942 until we resigned that Ohio Senate for service in the military services of the country.

When I came to this body—in 1954, he was one of the first Members of this body to offer help and assistance—and I will be forever grateful.

We in the Ohio delegation are proud of what Wayne Hays has done in NATO but we are more proud of what he has done—day in and day out in this body in calling things as they are and what they are with parliamentary ease and with legislative truth.

Mr. RIVERS. I thank the gentleman from Ohio. You have said a great deal. I think the country is so fortunate to have this man. He never elects or selects the easy course. I would rather follow the one which he considers right and, as the gentleman has said, he calls them as they are.

I yield to the distinguished gentleman from Texas.

Mr. de la GARZA. Mr. Speaker, I thank the distinguished gentleman from South Carolina, the chairman of the Armed Services Committee, for yielding to me. I join in commending the gentleman for bringing to us the information concerning Mr. Hays. I would like to add my commendation to all of those which have preceded me. I am reminded of a saying we have in south Texas, which I think would be appropriate at this time. I join in the commendations, and each one who spoke before me spoke his feelings. Whatever those feelings might have been, they were commendable of the gentleman from Ohio. I incorporate all of those and add my own with this one special note: I commend him as all the others have, but I commend him further on my own because I consider him my friend.

Mr. Speaker, I am known around these parts as having a wee bit of Irish wit, and I say sincerely I at any moment will happily yield to the gentleman from Ohio. I would also like to state to the gentleman from South Carolina that when he said that the gentleman from Ohio is 56, 57, or somewhere around there, I imagine it is "as the crow flies." I am sure the meetings of NATO will no longer be dull with the gentleman from Ohio presiding, because, as the other gentleman from Ohio who preceded me said. He tells it like it is. But sometimes in the dullest moment he tells it in the most pleasant manner that even the most intricate part of parliamentary procedure can be made easier, and even the most delicate subjects can be treated in a light manner, keeping the Assembly in good spirit and preventing the meeting, as many parliamentarian meetings do, from getting dull from time to time. So I am glad for all the reasons stated that Mr. Hays will direct the Assembly. I know he will direct it with sternness, with fairness, and with a wee bit of wit.

Mr. RIVERS. I thank the distinguished gentleman from Texas. I would like to close on this note, but before doing so, does the gentleman from Ohio desire me to yield?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. Of course, I yield to the gentleman for Ohio.

Mr. HAYS. Mr. Speaker, naturally I am very deeply touched and very appreciative of all the nice things that have been said here this afternoon. I hope that I can justify the things that have been said in my conduct of this office in the next year and a half.

As I said to the Parliamentarians Assembly when I was elected, I would like to dedicate my tenure to bring even closer together the nations of the North Atlantic Assembly.

I am forever grateful to my colleagues for this special order and for all the things they have said. I want to repeat it over and over: I am very touched by it.

I do think we have many problems facing us as an organization, problems that are not military, and as the distinguished gentleman from South Carolina said, behind that military shield we have many problems to solve.

I was glad to have mentioned, among other things, the speech I made on the environmental problems which face us as human beings in this world. I think I would like to have many share an observation I made to the distinguished Ambassador of the Soviet Union in a meeting I had with him last week.

As the distinguished gentleman from South Carolina knows, there is some movement underfoot for our organization to have at least one meeting with the similar people from the East bloc. The Ambassador was interested in what things might be discussed at such a meeting. I said that environmntal problems might be one, and I said: "Mr. Ambassador, with all the air pollution we have today, can you imagine what it is going to be like after 25 years when every traveler from Russia has an automobile to add to all those now in Europe and in the United States?"

This was a facetious thing to say, but it will probably happen. I remember my first trip 25 years ago, when one could drive all over Europe and if one saw one other car in 25 minutes, that was a great deal. Over that period of 25 years the hope of the average person in Europe that he could someday ride in an automobile—which was the hope—is now true, and he is now not only riding in it, but it probably is his automobile—or at least he has made a down payment on it, as his American counterpart has.

So the more of these industrial benefits we bring to people, the more problems we create. With the confidence that has been evinced by my colleagues who were here this afternoon to back me up, I hope to do something to get started—just started—on solving some of these problems.

Again, I thank all.

Mr. RIVERS. Mr. Speaker, I thank the gentleman from Ohio.

I think it is so fitting that on the 20th anniversary of NATO the gentleman from Ohio (Mr. HAYS) has lived to see the fulfillment of his dream of, first, a strong and enduring military shield, with long and successful planning behind it, and now capable of meeting these other problems, and also that great problem of indifference due to prosperity. The gentleman is there to meet this with his leadership and experience. The least we can do is take a minute out to pay the gentleman this tribute.

Mr. Speaker, so frequently we wait until our friends depart, like a poem I learned years ago.

AROUND THE CORNER

Around the corner I have a friend
In this great city that has no end.
Yet weeks pass by and months rush on,
And before I know it, a year is gone
And I never see my old friend's face
But he knows I love him just as well
As in the days when I rang his bell and
He rang mine.

We were younger then, but now we are busy,
Tired men, tired of trying to make a name
And tired of trying to play life's game,
But tomorrow I say I will call on old Jim
Just to show him I am thinking of him.
But tomorrow comes and tomorrow goes
And the distance between us grows and grows.
Around the corner, yet miles away
By telegram—Jim died today.
Now this is what we get and deserve in the end:
Around the corner, a departed friend.

I know the gentleman will live many years, but while I am living and while the Members here are living, and while the gentleman is living, let us give him some encomiums. He has earned them.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I want to add three items.

First I wish to state my personal appreciation to the gentleman in the well. I know and have some appreciation of the many demands on his time as chairman of the Armed Services Committee. Yet, despite these demands he finds time to give for NATO. The fact is that year after year he sets aside at least that 1 week to attend to his responsibilities as a member of the U.S. delegation, and this adds greatly to the value of the work of the delegation.

Second, I want to mention the nonpartisan character of the leadership of the gentleman from Ohio (Mr. HAYS) as chairman of the U.S. delegation. This year, for the first time in the 5 years of my legislative experience, we went there while a Republican occupied the White House, a Republican who had made some far-reaching proposals about the environmental quality of life in the North Atlantic community. I was pleased, indeed, that the gentleman from Ohio (Mr. HAYS) saw fit to make that the central theme of his great address which the gentleman from South Carolina has placed in the RECORD today.

It was very gratifying to me as a Republican to hear the words of high praise the gentleman from Ohio spoke about the U.S. Ambassador to NATO, Mr. Robert Ellsworth, who once served on my side of the aisle here in the House of Representatives.

Mr. RIVERS. I was going to mention that. The gentleman from Ohio (Mr. HAYS), has not been enamored of some of the Ambassadors we had there, but when this young man was selected he went to him and told him of his gratification over his having been selected to represent us, and how he felt certain this would improve our stature in NATO. He does the unusual and the right thing.

This was like a shot in the arm to this young man. He had seen the gentleman from Ohio (Mr. HAYS) in debate. He wanted his approval, and he got it. This young man was a new man, and the gentleman from Ohio did this voluntarily.

This is the kind of man about whom we speak today.

Mr. FINDLEY. If the gentleman will yield further, I want to add one final item, and that is to take note of the remarkable vision and I would say the courage of the gentleman from Ohio (Mr. HAYS), because he is not afraid to tackle challenging new ideas.

He was one of the forces that brought about the enactment of the Atlantic Resolution in 1960, which was followed by the Paris Convention of 1962. To be sure, the Paris Convention did not yield the fruit all hoped it would, but nevertheless the gentleman from Ohio (Mr. HAYS) was willing in those earlier years to give his backing to this far-reaching proposal.

Just a little more than a year ago, in the Committee on Foreign Affairs, where I serve as his colleague, it was the gentleman from Ohio (Mr. HAYS), who moved the previous question which brought to a vote an affirmative vote in the committee on the most far-reaching proposal dealing with the future formation of the North Atlantic community, a proposal that contemplates eventually a Federal structure. Even this did not cause the gentleman to shy away. It was his voice that moved the previous question and brought the question to an affirmative vote.

I am sure I speak for all on my side of the aisle who have served on this delegation—the gentleman from Illinois (Mr. ARENDS), the gentleman from Minnesota (Mr. QUIE), the gentleman from Ohio (Mr. DEVINE), and, certainly, myself—in wishing the very best to the gentleman from Ohio (Mr. HAYS) as he serves his second term as President of the North Atlantic Assembly.

Mr. RIVERS. On that I must say "Amen" and I want to pledge to him my full cooperation and continued support of his leadership.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I join the distinguished gentleman in the well (Mr. RIVERS) and my other colleagues in paying tribute to and congratulating the distinguished gentleman from Ohio, Mr. WAYNE HAYS, upon his election as President of the North Atlantic Assembly.

The honor which has been conferred upon Mr. HAYS, is not his alone, for it is as great an honor for this House, for this Congress, and for this Nation.

That WAYNE HAYS will perform most effectively as president of this important world assembly, we who know him entertain no doubts. He will take to the assembly his characteristic frankness and courage to speak the truth as he sees it, and a sense of conscientious responsibility and leadership, so much needed in this era of international tensions.

He will no doubt make all Americans proud that he is an American, by continuing to gain honor and respect, not only for himself but more so for this great country of ours that he represents.

Mr. RIVERS. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I wish to join our esteemed and beloved colleague, Mendel Rivers, in the expressions of congratulations to the gentleman from Ohio, the Honorable Wayne L. Hays, on the occasion of his election as President of the North Atlantic Assembly for 1969–70.

Having worked closely with Congressman Hays through the years as fellow members of the House Foreign Affairs Committee, I am not surprised that he has been chosen—and for the second time—to lead the North Atlantic Assembly.

No Member of Congress has devoted more assiduously to help resolve the problems of American-European relations than the gentleman from Ohio.

Not only did he spearhead legislation through the Congress in 1955, authorizing American participation in the NATO Parliamentarians' Conference—now called the North Atlantic Assembly—but he has served as chairman of each House delegation to the Conferences since that time and has been permanent U.S. representative to the North Atlantic Assembly Standing Committee.

In those positions, he has given our Nation able representation and has furthered the goals of American-European cooperation and amity.

For his efforts in this area, Congressman Hays deserves our thanks and commendations. We wish him well as he takes up the responsibilities and obligations of a very important position, that of President of the North Atlantic Assembly.

Mr. MORGAN. Mr. Speaker, I wish to thank the distinguished gentleman from South Carolina (Mr. Rivers) for arranging this time to felicitate and congratulate our friend and colleague, Wayne L. Hays, upon his election as President of the North Atlantic Assembly. This is an honor which was also bestowed upon him back in 1956, the second year of the NATO Parliamentarians' Conferences, which are now known as the North Atlantic Assembly.

As one who had the privilege of attending one of these conferences, I have had the opportunity of observing firsthand the skill and knowledge which characterize his service as head of the House of Representatives delegations to the Assembly. He has been a member of the influential Standing Committee since 1955 and has served as a member of the Political Committee during most of the annual Conferences.

I think I can speak for every Member of the House of Representatives who has served on one of these delegations, that Wayne has been a great credit to our country, to the Congress, and to himself, in the discharge of his duties and responsibilities as our chief representative at these Conferences.

His debating skill has evoked the admiration of his many friends in the European parliaments, just as it has here in this House. He has a profound knowledge of our mutual foreign policy problems and has made great contributions toward better United States-Europe understanding and cooperation.

Wayne made an outstanding President of the NATO Parliamentarian's Conference. His recent election to this top post in the renamed organization is a double honor, doubly deserved for his dedication and tireless efforts. I am glad to see this proof of the esteem in which he is held by our European colleagues, and feel that we have every reason to be proud of his continued statesmanlike service as our chief delegate.

Mr. SLACK. Mr. Speaker, once again an American of great ability and distinguished attainment has been selected to hold one of the international responsibilities which help preserve the uneasy balance of world peace. I am privileged to join with those who today pay tribute to our colleague who has often brought the force of reality to debate, Congressman Wayne L. Hays, of Ohio.

As President of the North Atlantic Assembly he will be called upon many times to exercise the firm hand and the sure touch for which he is already renowned. There will be need for an unswerving commitment to the principles on which the Western nations have built their societies. And here, indeed, they have chosen the right man.

Long experienced in European affairs, familiar with NATO since its beginning, seasoned by the combat of a lifetime of public service, none could be more eminently well fitted for the position. We are fortunate to have his experience and abilities at our service at a seat of decision where the cold war waits offstage. My congratulations and best wishes go with him, along with my complete confidence that he will enjoy great success in his endeavors.

Mrs. GREEN of Oregon. Mr. Speaker, I join with my colleagues in honoring a distinguished Member of this body who has just achieved one of the most prestigious positions of honor to which a legislator in the free world can aspire.

Our friend and colleague, Wayne Hays, from the 18th District of Ohio, has been elected President of the North Atlantic Assembly at the recent meeting of that interparliamentary body in Brussels.

This election is a special tribute to the ability and reputation of Mr. Hays because this is the second time that his international colleagues have named him to this position of trust. In 1956 and 1957 Mr. Hays served as President of the North Atlantic Treaty Organization's Parliamentarians' Conference, predecessor to the North Atlantic Assembly. He also has served as Vice President of the Assembly in 1968.

In his 11 terms in the House of Representatives Mr. Hays has commanded the admiration of us all. He is a natural and gifted parliamentarian, a tough-minded legislator who responds to the legislative challenge with all the fervor of the true zealot. Because of his energetic criticism of the imperfect, there are those who are at times intimidated. But behind that tough exterior there is a deeply sensitive individual; one who openly weeps at the loss of a dear friend; one who speaks with unabashed pride of his daughter; one who feels, quite personally, the sorrows of others. His presence here in the House has caused us all to share in the deeper sensitivity which marks the extraordinary man.

Mr. MARSH. Mr. Speaker, it is a pleasure for me to join with others today in recognizing the achievements of the gentleman from Ohio, and particularly his election as President of the NATO Conference is a tribute to his many years of effort in international affairs.

The fact that he has been so honored not only is a recognition of his knowledge in the critical area of foreign affairs that has been the principal field of his interest, but even more so, it reflects his skill in a parliamentary sense which has been evidenced many times here on the floor of the House in a host of other matters of national concern.

I believe that the gentleman's work in the field of scholarships abroad has often gone unnoticed, but I believe the record will show that he was a coauthor of that landmark legislation which established what is ofttimes referred to as the Fulbright Scholarships. More precisely, the program is the Fulbright-Hays Scholarships, and I think it is appropriate at this time to recall this to the attention of the Members. In the years past, many scholars have benefited from this program, and the Nation will undoubtedly gain rich dividends from this scholarship effort; therefore, I did want to mention this as one of the many achievements of the gentleman that we pay tribute to today.

Mr. GALLAGHER. Mr. Speaker, I thank the distinguished gentleman from South Carolina for yielding to me. It is rendering highly commendable service by making possible this deserved tribute to our colleague, Wayne Hayes.

I have had the pleasure of serving on the Foreign Affairs Committee with Wayne Hayes for over 11 years. During that time I got to know him as one of the most effective Members of the Congress, much of the work he does is unheralded and unsung, but few do more to make the Congress function and I know of no one in the Congress who makes greater contribution to our national interest and to our security.

So I am happy that our colleague has been elected to this high honor in the North Atlantic Assembly, for he is a parliamentarian and diplomat of the first rank. And while we honor him today, in a broader sense, he does us honor by having been elected as President of the North Atlantic Assembly. It is a recognition of ability, dedication, and courage to fight for his beliefs. Beliefs which serve this body and our Nation. Under his leadership the North Atlantic Assembly will be able to make an even more meaningful contribution to the cause of peace. And, finally, I join with my colleagues in saluting an able, conscientious, and effective American, our colleague, Wayne Hayes, the distinguished gentleman from Ohio.

DES MOINES SPEECH OF VICE PRESIDENT AGNEW

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Collier) is recognized for 30 minutes.

Mr. COLLIER. Mr. Speaker, in the past few days several Members of Congress and former Vice President Hubert H. Humphrey have made some rather absurd public statements with regard to the Des Moines speech of Vice President Agnew. More recently there have been attacks upon other members of the Nixon administration who have defended the Vice President or expressed their criticism of the news media.

Just ~~as~~ these members of the Nixon administration have the right to criticize any public institution, so do Mr. Humphrey and Members of Congress have the right to criticize them. But the method of their criticism has bordered on sheer asininity in terms of their interpretations. Recognizing that the situation in general, and particularly the Des Moines speech of Vice President Agnew provides an opportunity to do some real political apple polishing with the TV networks, many of these statements are nonetheless ridiculous.

Such charges as intimidation, assaults upon the constitutional guarantee of a free press, and coercive tactics are the figments of political bias that are obvious to the intelligent people of this country.

My colleague from Michigan, Representative O'Hara, went so far as to call for the dismissal of two administration officials, Herb Klein and Dean Burch. While I realize that the President of the United States is obviously too intelligent a man to even dignify such partisan hogwash, I would be remiss if I did not set the record straight on both scores.

In the first place, Dean Burch merely requested transcripts of public statements made by TV commentators. I have had occasion to do this many times, and I am sure most of my colleagues have done likewise. There is certainly nothing in the world wrong with making such a request. To even suggest that Mr. Burch's request was a direct assault upon the constitutional guarantee of a free press is beyond comprehension. To further charge that Herb Klein was likewise guilty of the same assault is equally as insidious.

It seems to me that these statements question the constitutional right of Mr. Klein, Mr. Burch, and others, to express their opinions.

The liberals in this country who are the self-appointed bearers of the torch of individual freedoms, it would seem, have a double standard when it comes to freedom of expression. Regardless of whether one agrees or disagrees with these criticisms of the news media, I deeply resent the implication of the public statement that administration officials "are making it perfectly plain that their only beef with the press is that it does not give the Nixon administration the objective coverage that Kosygin can expect from Pravda, and so forth."

I want to make it very clear that I personally do not question the right of my colleagues or anyone else to express these or other opinions, and I would be obliged to fight for their right to do so even though it is partisan political drivel and unadulterated hogwash.

Instead of quibbling for political advantage should not we be taking a good hard look at the reaction of the American public which can provide the vehicle by which the institutions of this country can be improved?

CONGRESSIONAL REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Schwengel) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, I testified last week before the Special Subcommittee on Legislative Reorganization. While I want to praise the committee for its commendable efforts to get a congressional reform bill before the House this session, I feel there are serious gaps in the bill drafted by the committee. I went into some detail in this respect in the statement I submitted to the committee. For that reason, I would like to insert a copy of my testimony in the Record at this point:

Statement by Hon. Fred Schwengel

Mr. Chairman and distinguished members of this Subcommittee, it is with a deep sense of urgency that I testify on the subject of congressional reorganization. Improving the effectiveness of Congress has been a goal of mine for many years now. It predated even the Joint Committee on the Organization of Congress. I have been a persistent advocate and one with conclusions based on both experience and study. You will expect certain things of me today and I can assure you that you will not be disappointed.

So, Mr. Chairman, I thank you for this welcome opportunity.

May I also say that I am appreciative of the yeoman efforts of the Subcommittee which, since May of this year, has devoted considerable time and energy to drafting a proposed reform act. To the Chairman, Bernie Sisk, and to the other Member of the Subcommittee, I extend my thanks for your diligent efforts and for your expeditious draft of a proposed bill.

The preponderance of what you propose will find no argument from this quarter. There is no reason for me to drone on extensively about our areas of agreement. I think the proposed procedures to guarantee adequate time for filing of supplementary and minority opinions in committee reports is a plus, as is the provision to ensure the availability of reports themselves to Members prior to the consideration of legislation on the floor. It is to be hoped that such provisions will be followed to the letter so that debate and consideration of legislation will proceed at a more knowledgeable pace.

I note that tucked into the Subcommittee's draft is a provision for updating the Precedents of the House of Representatives and for providing Members with a handy compilation of the more important and contemporary precedents at the beginning of each Congress. Not many *Congressional observers* will fall over themselves with glee at this prospect but it is certain that Members of the House will find this a real dividend. This is particularly true of freshmen Representatives who are not aware of nor accustomed to the mysteries of House parliamentary procedure.

The elimination of obsolete Joint Committees is an intelligent and constructive idea. Also I am in accord with the idea of revising and strengthening the Joint Committee which has jurisdiction over the Library of Congress, including, of course, the Legislative Reference Service. I am greatly encouraged, by the way, with those provisions of the reorganization act which will expand the services provided by the Legislative Reference Service.

On February 28, 1968 I spoke directly to the issue of the Service and its relationship with Congress in remarks printed in the *Record* of that day. We are all aware that the Service is a basic research and reference arm for the legislative branch. Through the supply of nonpartisan analysis and unbiased information it assists Members in fulfilling their legislative and constituent tasks. Anything done to augment the assistance L.R.S. can provide to Members is progressive and in the public interest. I am particularly intrigued by the idea of a pool of analysis being available through the Service to aid in the oversight activities of congressional committees. I approve further the authorization in the Subcommittee's draft bill which encourages the Legislative Reference Service to explore ways in which computer technology can be put to use in assisting Congress with the tasks which confront it. On this I shall have some more to say at a later time.

Though I am to some degree dismayed by the failure to include provisions strengthening the lobbying section of the 1946 Legislative Reorganization Act, there is some consolation in the suggestion of the Subcommittee that a Select Committee of the House be appointed to examine the various suggestions for improving regulation of lobbying on Capitol Hill. Particularly important is the stipulation that this Select Committee report its recommendations to the House prior to the final adjournment of the 91st Congress. We can agree, certainly, that the present Lobbying Act is insufficient in terms of its coverage and reporting requirements. While proper and intelligent lobbying is an accepted and acceptable practice in legislative politics, its very nature requires the light of disclosure to preclude from the public's mind the suspicion of underhanded tactics and purposes.

I understand that removal of lobbying provisions from the present bill will expedite its passage in the House and probably, for that matter, the Senate. Still, the Subcommittee has faced up to the pressing need to focus attention on the Lobbying Act and to do something to correct its inadequacies.

We are in a period of history which finds our political institutions and policies in disfavor with far too many of our people. It is unquestionably true that you cannot satisfy all of the people any of the time *but the situation which prevails in our time is not one to bring comfort to those who believe in our republican institutions*. Certainly the displeasure abroad in the land is not without some foundation. Accordingly, it is incumbent upon those of us who have been elected to man our political institutions to take the necessary action to dispel popular doubts as to the integrity and the viability of those institutions. That, along with the real need for congressional reform, is a compelling argument favoring action in this Congress.

Now, Mr. Chairman, I turn to three areas of particular concern to me.

I would be less than honest were I not to express my disappointment at the failure of the Subcommittee to include in its proposed bill an alternative to the seniority system for the selection of committee chairmen. A former Representative in this House has said that "there are three things you can do about the seniority system in Congress: you can attack it directly, you can gnaw at its edges, or you can leave it alone." I believe in attacking it directly.

The Subcommittee has apparently concluded that the best thing to do is to leave it alone. I cannot agree. Seniority as the method for determining committee chairmen is a perfect example of the principle that in a difficult situation "take the path of least resistance." In some situations that may also be the best course of action but not in the selection of committee chairmen. The only telling argument offered in defense of selection by seniority is that it expedites the organization of committees. That is not good enough for me.

Seniority, as you all know, is not a Rule of the House but a custom. Rule 10 of the House provides that the "House shall elect as chairman of each standing committee one of the Members thereof" at the commencement of each Congress. Admittedly, the remaining language of that Rule, in its provision for chairing of the committee by the ranking member in the absence of the chairman, implies seniority. Nevetheless, in the election of the chairman the Rule permits the choosing of any Member of the committee.

For almost six decades now longevity has been the criterion for their selection. It has been said before, and I now say it again, that this use of seniority is, apparently, peculiar to the U.S. Congress. It is not the method employed in our State legislatures or in foreign legislative bodies for the selection of committee chairman. I would say that this is a singularly interesting fact.

In both the 90th and in this Congress I have introduced resolutions which would revise the method for selection of committee chairmen. For those who may not know the language of my proposal, it is contained in House Resolution 81 of this Congress.

My alternative is quite simple. It provides that the members of the committee shall convene as soon as possible following the opening of Congress and by secret ballot the majority party members shall elect the chairman from among the three senior majority members on the committee. In like fashion the minority party members shall elect the minority leader for the committee.

This alternative to the present method has the virtue of permitting the members of a committee a choice in the selection of the chairman and ranking minority members. Thus, if there are valid or seemingly valid reasons in their minds for not awarding the chairmanship to the senior majority member, they can withhold it from him and elect someone in whom they have greater confidence. I would expect that if such a system of election were instituted, it would be a rare occasion for the senior member to be denied the chairmanship. But, I think that option should remain open to the members of the committee if they desire to exercise it. Moreover, the very possibility of not maintaining or attaining the chairmanship by seniority alone could act to curb any abuse of authority by a chairman or prospective chairman.

To buttress my alternative permit me to quote from a former colleague. In *We Propose: A Modern Congress*, John Lindsay has written:

"I am . . . inclined to favor selection of committee chairmen by secret ballot of the members of each committee. Each of the standing committees of the House is a semiautonomous body with its own unique problems and special norms. Committee members, by observing each other at close range in the daily operations of the committee, would seem to me to be in the best position to judge the qualifications necessary for their chairman, and they certainly are aware of intelligence or personality traits which are often important to a smooth-working relationship. Committees are the workshops of Congress; their members should determine who should be seated at the head of the worktable."

I might add that Mr. Lindsay's article effectively devastates arguments offered in defense of selection by seniority by pointing out that the senior members of the majority and minority parties are not alone in having valuable experience on the committee and are not alone in having expertise in the committee's jurisdictional areas. Countering the argument that the seniority principle avoids internecine struggles and their bitter residue is the historically dismaying fact that longevity has too often put into the chairs of the House committees men unresponsive to the platforms and policies of their own party. Finally, the notion that men from safe districts who live long enough to become chairman are somehow more attentive than other Representatives to the "national interest" is dubious at best because it presupposes that such men operate from a rational basis in their consideration of legislation and their estimation of the role of a chairman. There is little, if any, empirical evidence to support that claim.

In matters of courtesy such as the assignment of room space, I think that reliance on seniority is probably as equitable and practical a system as could be devised. But on the question of choosing who shall be the chairman of each of the important standing and special committees of the House, it seems to me that we ought to be governed by a higher law of logic than that which says that the fellow who has been around the longest shall therefore exercise the greatest authority. This is not the way in which we choose the Speaker, or the party leaders on each side of the aisle. Why then should it be the way in which we select committee chairman who exercise equally enormous powers?

I would respectfully request, therefore, that you give some additional thought to eliminating the seniority principle and I offer House Resolution 81 as a possible alternative.

The second matter upon which I elaborate concerns the improvement of resources for supplying Members of Congress with information to assist them in their work. I have previously mentioned my favorable reaction to those parts of the reorganization bill which will improve the services provided by the Legislative Reference Service. In addition, the proposed Joint Committee on Legislative Data Processing is a clear recognition by the Subcommittee that the Congress can and should avail itself of the fantastic benefits which can accrue through use of the computer.

As you are no doubt aware I have been serving this session on the Subcommittee on Mechanical and Electrical Equipment of the Committee on House Administration. My experience with that subcommittee has reinforced my previous conviction that Congress must expand and improve information resources available to it if it is to fulfill its proper role in the National Government.

For the past several years I have been greatly occupied with the study of ways and means by which Congress could accomplish just that and I contributed a chapter on the subject to *We Propose: A Modern Congress*.

For various reasons that we all know, the boundaries separating legislative from executive have blurred since the adoption of the Constitution. Richard Neustadt has suggested that, "the separations between President and Congressmen are partly constitutional, partly political, partly attitudinal, and in no small degree a matter of semantics." Increasingly, Congress has come to rely upon the President for a legislative agenda, though it would be erroneous to conclude that Congress has completely abdicated an initiative role in the passage of public policy.

Despite this reliance upon the President, the Congress is constitutionally charged with the responsibility to set public purpose, to allocate resources, and to test the validity of proposals from the President against the wishes and mood of the people. In carrying out its legislative, oversight, and representative functions, Congress must have not only full and free access to information within the executive branch but the analytical capability to separate the "signals from the noise." Moreover, if Congress is to retain any degree of autonomy, it must equip itself with the necessary machinery and avail itself of adequate manpower for *independent* intelligence gathering, sorting, and analysis.

May I emphasize in this regard that Congress is too dependent upon executive agencies. We authorize programs and then rely upon the implementing agencies to supply us with information necessary to overseeing their performance. To a degree this is unavoidable but certainly Congress should also have independent sources of information and independent means of analysis. One takes encouragement, therefore, from the provision in the draft bill which would authorize congressional committees to employ the services of analysts located within the Legislative Reference Service. With diligent use, these analysts could vastly improve oversight activities by the Congress.

Along with the professional staffs of the committees, the Legislative Reference Service is the agency which can supply Members with accurate and objective information, research, analysis, and evaluation of legislative matters. It is the agency which can and should put Congress on parity with the executive branch in access to information and expertise. Unfortunately, such a heavy demand is placed upon the Service that at present it only partially fulfills these goals.

As I have elsewhere said, the Service must have additional personnel to meet its growing responsibilities. It must be encouraged to adopt new techniques. Automated information retrieval is a must for the Service. The functions of the Legislative Reference Service present a tantalizing number of opportunities for utilizing such devices. The facilities of the Service ought to be improved and its equipment should be of adequate calibre.

It is apparent that the Subcommittee has given a good deal of thought to this matter and I hope the Congress will carry through with its recommendations. Beefing up the services provided by L.R.S. cannot be accomplished if the Congress is niggard in authorizing personnel and appropriating funds.

It is to be hoped that the proposed Joint Committee on Legislative Data Processing will move expeditiously to augment the use of the computer in such ways as may prove practical for the Congress. Already the Clerk of the House employs a computer for personnel and housekeeping chores. The Legislative Reference Service uses the Library's computer for, among other things, production of the *Digest of Public General Bills* and the *Legislative Status Report*. It is exploring additional ways in which to make ways of information storage and retrieval systems. Certain committees, including the House Committee on Banking and Currency, have tapped into the Library's computer in order to expedite production of their calendars.

Wise use of automatic information systems can go far in assisting Congress with its heavy workload, a burden so imposing that it is routine for Congress to sit in session for most of a calendar year, which situation has led the Subcommittee to recommend a regular August recess and aligning the fiscal year with the calendar year.

I commend the Subcommittee for its efforts to improve the flow of information to the Congress.

Finally, Mr. Chairman, I turn to the provisions in the Subcommittee's draft bill for minority staffing on committees. As former Chairman of a Special Subcommittee on Increased Minority Staffing of the Republican Conference and as a long-standing member of the minority party in the House—a situation, I can assure you, which I would like to see changed—I have been much intrigued by this whole problem.

I have been convinced for some time that a minority party is hampered in functioning as the loyal opposition by the failure to provide it with adequate staff representation on the committees of both the House and Senate. It is true that a number of committees do permit the minority to have members on the permanent staff but this is not a uniform practice.

A group of distinguished political scientists has said:

"To deny the Minority in Congress access to adequate representation on Committee staffs eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration. Congressmen, in this difficult and complex period of our history, require access to date and evaluation in those subject areas to which they are given responsibility as Committee members. It is obvious that this work cannot be placed regularly with their own office staffs, which have functions very different from those of a Committee. It is obvious, in light of policy formulation patterns at all levels of government, that the adversarial technique of law and politics in this country requires a personal relationship in which a congressman can develop confidence with the professional staff members. This is why, of course, the President has a high degree of control over his White House Staff, as well as at many policy-making levels in the Executive Departments.

"Some have argued that an increase in minority staffing of congressional committees would jeopardize the recent "professionalization" of these staffs. We do not believe that this is true. There is no reason why such "professionalization" cannot take place in a bipartisan framework. What is needed are professional staff members separately responsible to the majority and the minority. The demand that a substantially larger portion of the professional staff be responsible to the minority members is wholly reasonable and within the best democratic traditions."

Their statement puts the case well.

Furthermore, as my colleague and fellow Republican, James C. Cleveland, has said: "Even in the cases of committees which do list staff members as assigned specifically to assist the minority, those employees are ultimately responsible to the committee chairman, who is always a member of the majority party. By that I mean that they cannot be hired without the chairman's approval; their salaries are subject to the approval of the majority, and often their physical location is determined by the majority. Thus, nowhere in the House does the minority party have guaranteed to it an unobstructed conduit to information vital to the success of its adversary role under our two-party system."

As I have said on many occasions the minority on a committee ought to have exclusive right to hire and fire. As a matter of right, not privilege, it should have allotted to it probably in the neighborhood of 40% of both permanent and temporary staff. With such a staff it could offer constructive alternatives to the proposals of the majority party. With that staff assistance it could submit far more detailed and far better minority and supplementary opinions in committee reports. No matter of what party, the minority must be granted staff on committees which will enable it to be a more adequate and constructive loyal opposition.

Regrettably, this has not been true in the past. Unfortunately, we Republicans have had to suffer from it for most of the past 35 years. I think that this situation has been more detrimental to the Nation and the Congress than it has to us House Republicans.

The Subcommittee has seen fit to include provisions for minority staffing in its proposed bill. In all candor I must take exception to the language as presently written. It is true that the language of the bill provides the minority with a maximum two of the six permanent, professional staff members and one of the six permanent, clerical staff. The language further provides for equitable treatment for the minority staff in terms of pay, work facilities, and accessibility to committee records. It is also true that language in the bill stipulates in a general way that the minority be given fair consideration in the appointment of temporary committee employees.

In the latter regard, however, there are no guarantees that the majority on the committee, specifically the chairman, has to allot any of the temporary staff to the minority. There is no specific formula and no enforcement clause. In other words, the prescription in the bill can be ignored and minority members could be denied a fair share of temporary staff.

Even less palatable is the entire setup for the hiring of minority staff. Sole right of hiring is not vested in the minority. Instead it may only recommend a person whose appointment is subject to ratification by the full committee. The whole purpose of minority staffing is subverted by this method of appointing. Who knows what tests might be applied by the majority party before it will agree to the recommendations of the minority? Why should the majority be given a veto power over the employment of minority staff? That, of course, is the precise effect of the present language. I submit that the majority would never tolerate the minority having such a veto power. This distresses me and I beseech you to alter the language of the bill to permit the minority sole hiring and firing power over minority staff.

CAPITOL GUIDE SERVICE

Mr. Chairman, Part 5, Title IV of the Committee Print deals with a matter in which I have a deep, personal interest, the Capitol Guide Service. It is the object of this part of the bill to replace the existing system, beneficial to a few, with a superior system, beneficial to many, and to erase forever the commercial stigma of collecting a fee from patriotic Americans interested in visiting the Capitol Building.

Mr. Chairman, there is less reason to charge for guide service in the Capitol than there is to charge for guide service in the White House, Ford Theatre or the hundreds of other places where the Park Service has free guide service. When you consider the millions of dollars we spend at the Smithsonian and millions of dollars we have spent building monuments like the Lincoln Memorial, Jefferson Memorial, the Kennedy Memorial and a host of other similar places where we make no charge for visitors, it makes us foolish and inconsistent to charge people for guide service in the Capitol, the most important memorial of them all. I have said hundreds of times to students, groups and friends that more has happened in the shadow of the dome of our Capitol to bring about the Biblical promise of an abundant life than anywhere else in all of time. I believe any study by a competent historian will agree with my conclusions in this respect. There is no place that students can visit where they can more easily catch some of the fire that burned in the hearts of those early patriots who gave us this inheritance and magnificent system and so we should encourage visitors and especially students to come here and make free guide service available to them.

Under the terms of the Committee print, a Capitol Guide Board shall be established, consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, an employee under the Senate appointed by the minority leader of the Senate and an employee under the House of Representatives appointed by the minority leader of the House.

The Capitol Guide Service would be authorized and directed to provide guided tours of the interior of the Capitol Building for the education and enlightenment of the general public. A major feature of the tour will be the fact that there will be *no fee*.

Under the existing arrangement, there is a fee, which seems to me astonishing. In the first place, it does not accord with the dignity of the Capitol Building for persons familiar with its history to be selling their services, like dance-hall girls, at twenty-five cents a head. Nor does it seem to me decorous, from the point of view of Congressmen concerned for the sensitivities of their constituents.

As it now stands, a family from Iowa or North Dakota or California or New Hampshire will come to Washington, where they will immediately develop that same lost feeling experienced by any traveller visiting any big city. Unfamiliarity with places and with prices is apt to make the visitors confused and suspicious and they may get the feeling that the hotel keepers, the waiters, the taxi drivers and half the people they meet on the sidewalk are either out to misinform them as to where things are located or out to sell them something for more than they had expected to pay. It is probably no worse here than it is in other big cities, so far as this feeling is concerned, but still is bad enough. The weary visitors are far from home and are very likely to go looking for a friendly, familiar face, which feeling can lead them to the Capitol Building for a chat with their Congressman. And, while they're at the Capitol, they just might want to look around and take in the sights on the Capitol grounds. They *are* taxpayers, after all, and it *is* their Capitol. But when they meet the guide, who is knowledgeable about the Capitol and capable of showing them around, they find they are expected to pay out twenty-five cents a person for the privilege of visiting *their own* Capitol Building.

The whole idea is outrageous.

Under the terms of the Committee Print, such visitors would be able to draw upon the knowledge and assistance of the Capitol Guide Service, without cost, and their visit to the Capitol would be free of commercialism and its inevitable irritations.

The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Service, upon vouchers approved by the Capitol Guide Board. The Clerk of the House of Representatives shall pay the salaries of employees of the Capitol Guide Service from the contingent fund of the House.

In order to work no hardship upon the staff members of the United States Capitol Guides, currently involved in the act of serving visitors at cost, initial appointments, under authority of the Capitol Guides Act shall be made available to members of the U.S. Capitol Guides, without reduction of level in rank or seniority.

The purpose here is clear enough, I believe. The Capitol Dome symbolizes to most Americans a free Government, with authority extending from sea-to-sea, and from the Canadian border to the Gulf of Mexico, with a National history in which the struggle for survival has not required the abduration of democratic representation.

Our Capitol, symbolic of the freedom we

enjoy, is sacred to the democratic principle. Can we afford to cheapen such a symbol with guides-for-hire infesting the Capitol? I think not. There is an appalling lack of dignity in such an arrangement. We have here the temple of freedom. Can we tolerate the existence of money-changers in the temple? We have for many years, I realize. But that was wrong. We should stand for it no longer. We should end that precedent at once, in favor of another providing the people with a service they deserve without cost, as Americans, as taxpayers and as believers in our National integrity.

I therefore highly recommend that portion of the Committee Print which establishes the Capitol Guide Service.

Let me turn briefly now to several areas of the Committee print which I feel are inadequate and need strengthening or addition of new sections.

Mr. Chairman, I am especially concerned about the omission of provisions for a permanent Joint Committee on Congressional Operations. Even if significant reforms are enacted this year, they can be rendered obsolete or ineffective in short order unless there is created a continuing review process. A bill which I co-sponsored earlier this year, contained a provision establishing such a review process and a permanent committee to accomplish it. The committee would have been directed to "make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States. . . . "The Committee would also have been directed to study automatic data processing and information retrieval systems, together with reviewing legal proceedings which might be of interest to the Congress. The Committee would have been completely bipartisan in makeup under the provisions of our bill. The omission of these provisions constitutes a very serious deficiency in the bill developed by your Committee.

Another area about which I am very much concerned is that of the announcing of votes of Members on action taken by the various committees. I think the strongest provision in this regard is that contained in Section 102B of H.R. 11475. That section would require a *public* announcement of each roll call vote at the conclusion of every meeting, including the votes of individual Members and those who voted by proxy.

With respect to proxy voting, Mr. Chairman, I am completely opposed to any form of proxy voting in committees. It seems to me that the most important votes cast by Members of the Congress, are those cast in committee. It is only reasonable to require that they be physically present to participate in this important phase of our legislative process. If necessary, committee assignments and scheduling of hearings could be reorganized to avoid conflicts.

With respect to the Joint Committee on Legislative Data Processing established by your committee print, the major reservation which I have in this respect, is a fear that it might in any way impede the efforts of the Legislative Reference Service to update the equipment needed in their programs.

Mr. Chairman, I feel that it is high time that we finally "solve the Page problem" once and for all. I think that could be rather easily accomplished by establishing the requirement that no one will be allowed to serve as a Page who has not completed his high school education. I think this a far sounder answer than building dormitories and extending even further our involvement in the supervision and education of Pages. In this vein, I would call your attention to Section 423 of H.R. 6278.

Another important area deleted from the Committee print, is that providing for the Office of Placement and Office Management. I refer here to language similar to that contained in Section 407 of H.R. 6278. This section would have provided an office which would assist in the placement of employees here on the Hill. It is generally agreed that the existing operation of the U.S. Employment Service is unsatisfactory, and is doubtful if it could be revitalized to the point it would be successful. The provision would also establish a division which would provide consultation on office management practices to Members, particularly new Members of Congress. I think this would be most helpful, not only to our new Members but to many of our long-time Members.

It is unclear to me from my study of the Committee print, as to whether or not, individual Members would have access to the Information Specialists created in the Congressional Research Service. It would be my position that the facilities of this service should certainly be available to all Members, and not just to the committees.

Mr. Chairman, this concludes my remarks. On the whole I want to congratulate the Subcommittee for its work and to thank you for your attention to my thoughts on this important matter.

MR. JUSTICE CLARK AND THE FEDERAL JUDICIAL CENTER

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 30 minutes.

Mr. POFF. Mr. Speaker, the Federal Judicial Center was created by Public Law 90-219 which was signed by the President on December 20, 1967. The idea for the Center grew out of the administrative problems caused by the size and complexity of the operations of the Federal courts.

As our Nation has increased in population over the years, the business of the courts has increased apace. The need for studying and streamlining the operations of the courts, while at the same time preserving a full and fair system of justice for all, has grown increasingly more serious but until 1967 no effective steps had been taken to solve any of the problems. In that year it was clear to the Congress that the situation had become critical and that something had to be done. Many of the Federal courts had become nearly paralyzed as a result of administrative inefficiency due to the use of outmoded methods not suited to modern caseloads. Backlogs of cases in many districts were large, and it often took months to get a case to trial. Many court staff personnel were relatively untrained in their duties, and time, money, and resources were being wasted. In the face of this critical need Congress acted, and the Federal Judicial Center came into being, charged with the task of initiating a massive attack on the many administrative problems faced by the courts.

The role envisioned for the Center was threefold: education and training of all court personnel, including judges; research in specific problem areas; and innovation, which would involve the study of modern data processing and computer procedures and their application to the administration of the Federal courts.

Management of the Center was placed in the hands of a seven-member Board of Directors, to include two appellate court judges, three district court judges, and ex-officio the Director of the Administrative Office of the U.S. Courts and the Chief Justice of the United States. The Board then created four advisory committees—operations, research, continuing education, and innovation and development—to oversee the general functions and the many projects to be undertaken by the Center.

The choice of a Director for the Center was a matter of great importance. It was clear that the Center's operations would be widespread and their effects would be felt throughout the entire Federal court system. A man of superior intelligence, proven leadership ability, and considerable knowledge in the field of judicial administration was needed. It was so important that the Director be a man of stature in the legal profession, known by and capable of working effectively with judges throughout the federal system. Mr. Justice Tom C. Clark was the obvious choice.

The Justice had retired from the Supreme Court in June of 1967 when his son became Attorney General of the United States. His 18 years on the Court had given him a breadth and depth of understanding of the Federal judicial system exceeded by no other person. He was known and respected by judges and lawyers throughout the legal profession. His intelligence, compassion, and appreciation of the concepts of justice embodied in our system were reflected in many judicial opinions. Finally his consuming interest in improving the administration of justice was evidenced by his active participation in the work of the American Bar Association Section of Judicial Administration, of which he was the chairman in 1957–58. It was true that Mr. Justice Clark was approaching the age of compulsory retirement from Federal service. It was felt, however, that it was of the greatest importance to have the best possible man as the Center's first Director, since the first year or two of its operation would be crucial. Mr. Justice Clark was that man.

After Mr. Justice Clark's appointment became effective on March 22, 1968, he immediately asked Federal judges throughout the Nation for their suggestions concerning projects the Center could undertake. He personally reviewed all of the many replies received during the next few months, and, together with his staff, established a list of priorities. Several projects were then initiated.

Having passed through the initial stages of creation, staffing, and organizing, let us see what the Center under Mr. Justice Clark's leadership has accomplished to date.

In the area of education and training, three seminars for newly appointed judges have been held under the auspices of the Center. The courses were taught by experienced judges, and dealt with jurisdictional problems, trial practice and effective disposition procedures, discovery, pretrial settlements, selection of juries and their instruction, criminal litigation—including arraignment—omnibus hearings, expediting cases, jury management, sentences, postconviction remedies, et cetera. These seminars were attended by 89 newly appointed judges, and 18 judges of longer tenure served as faculty. Questionnaires were sent following these seminars to the judges who attended, and the answers indicated that a multitude of changes has been instituted throughout the districts as a result of the seminar experience. A fourth seminar is to be held in the near future, and two seminars for appellate judges will be held next year.

A metropolitan court conference of 24 judges from eight heavily populated districts was held in January of this year. Many topics of common interest were discussed, including comparison of filings and depositions, backlogs, State prisoner applications, counsel for indigents, central versus individual calendaring of cases, data processing in judicial administration, and many other subjects. Useful information was developed relating to problems peculiar to districts with high concentrations of people and hence heavy caseloads.

In March, a conference was held for district courts having jurisdiction along the Mexican border. The conference was attended by judges, U.S. attorneys, and probation officers. Problems peculiar to this area were discussed, such as narcotic prosecutions and wetback and immigration problems, as well as State prisoner applications and omnibus hearing techniques.

Criminal cases were also discussed at a conference in Washington in April attended by judges from the five districts having the heaviest criminal caseloads. Problems of expedition of criminal cases, use of the omnibus hearing, bail matters, parole and probation surveillance, and other topics were considered.

A conference of district court clerks was held in April which was attended by 33 clerks and deputy clerks from 19 metropolitan districts having a high percentage of civil backlog and serious criminal cases. Methods of improving office efficiency were discussed, along with docket control, efficient selection and use of jurors and automation, with the hope of evolving techniques for streamlining the operations of clerks' offices.

The chief judge of the courts of appeals met in official conference for the first time in September 1968. This meeting was followed by subsequent meetings in March and October of this year. The crucial problem is to devise ways of handling more efficiently the increasing caseload and expediting the writing of opinions. It developed that there were many different methods used through the circuits for dealing with these problems. As a result, the Center proposed that the circuits adopt a method for screening appellate petitions. This was tried experimentally in the fifth circuit, and it became apparent that over 30 percent of the cases could be resolved fairly on the briefs alone. This finding resulted in a reduction of 10 weeks in the number of formal court sessions for fiscal year 1969, and a reduction of 23 to 25 weeks in fiscal 1970, and with summary dispositions totaling approximately 500 cases. As to the delayed submission of opinions, the Center proposed that a system be instituted whereby if a judge has not filed an opinion within 3 months after a case has been assigned to him for writing, he must abstain from all other duties and devote all his time to the preparation of the opinion. A 30-day rule would apply to dissenting opinions. This procedure has been adopted in most of the circuits, and, when combined with a more effective utilization of law clerks, has had tremendous success. In the fifth circuit, for example, one judge was 46 opinions in arrears; this has been reduced to four.

The clerks of the courts of appeals met in Washington this year for the first time since 1961. There have been, of course, many significant procedural changes since then. Problems of office management, counsel relationship, habeas corpus and pro se applications, and other matters were considered. Replies to questionnaires sent out following the conference indicate a considerable number of changes have come about as a result of the conference.

This past spring and summer the Center sponsored panel discussions at all circuit conferences to better acquaint judges, lawyers, and commissioners with the operation of the Federal Magistrates Act.

The Center has helped coordinate and has participated in a number of probation officer inservice training conferences at Nags Head, N.C., and Custer, S. Dak. Other conferences are being held this fall. The Center has also participated in program formulation at the Federal Probation Training Center in Chicago. A number of courses will be conducted there in fiscal year 1970. The Center is working with outside contractors to develop an introductory magistrates program, to be conducted in the spring. Short orientation courses for part-time magistrates will also be developed.

Seven regional seminars for referees were held in fiscal year 1969, and four more are planned for 1970. A national seminar was held in Washington in September. The Center has also assisted with various courses and meetings for probation officers throughout the United States.

Through the use of modern computer techniques and analysis the Center has assisted both the courts of appeals and the district courts. With regard to the courts of appeals, the development of proposals for screening of appeal petitions, and instituting compulsory time limitations for filing opinions have already been mentioned. More effective use of law clerks throughout the system was the result of a pilot project undertaken in the fifth circuit. In addition, various studies on the operation of the courts of appeals clerks' offices have been undertaken, and the results should be available in 2 or 3 months. It is anticipated that these studies will result in recommendations as to mechanization, improved management techniques, and job descriptions which will enable these offices to operate more efficiently.

In the district courts, computer analysis of administrative procedures has had startling results. In the Eastern District of New York, the delay in the criminal calendar was the longest in the country, over 20 months from indictment to trial. Following analysis of the caseload, a preferred disposition program was instituted. This resulted in a decrease in backlog from 614 cases on March 31, 1968, to 232 cases by January 31, 1969. It is anticipated that by next April 1, the delay will be less than 6 months, the shortest of any metropolitan court.

An analysis of the caseload in the southern district of New York was equally revealing. The breakdown showed that a high percentage of the calendar was personal injury litigation and was controlled by a few law firms. The study also showed that less than 20 percent of the total caseload was carried on the active calendar, indicating that there was a serious time lag in many cases and that this was, in fact, the chief cause of docket congestion. The study also revealed that some 90 percent of the cases were settled without trial, and that if discovery were expedited further processing could be eliminated in all but 10 percent of the cases. The immediate result was the institution of a civil jury pool in October of 1968. Pool judges screen all cases for settlements, and so forth. In the 3 months of October, November, and December of 1968, 546 cases were disposed of against only 284 being terminated during the same year in 1967. Use of this technique alone doubled the disposition rate. In fact, it proved so successful that it was subsequently applied to the admiralty calendar, resulting again in a doubling of the disposition rate. As a result of this experiment, the eastern district of Louisiana is now computerizing its docket, and it is expected that a 20-percent reduction in the docket should be realized.

Computer analysis of dockets has also led to experiments in individual calendaring of cases versus master calendaring. In the eastern district of Pennsylvania, following an analysis of the dockets in November 1968, 248 cases were selected at random and assigned to two judges for individual calendaring. Another 248 cases were earmarked on the central calendar. As of February 14, 1969, a total of 177 of the 248 cases assigned for individual calendaring had been disposed of. Among the cases on the central calendar, only 29 had been terminated. As a result of this and other experiments, five metropolitan district courts have gone over to individual calendars, and the southern district of New York is trying it on an experimental basis.

Finally, surveys of the clerks' offices in the eastern district of Louisiana and in Los Angeles have resulted in the institution of modern business techniques. Also, the eastern district of Louisiana has installed a data processing program to fulfill the information requirements and recordkeeping needs of the judges, the clerk, and the U.S. attorney's and marshal's offices, and if this proves successful, the idea will be adopted elsewhere.

In the area of general research, the Center has been involved in many activities. A study is being conducted concerning the impact of automobile accident claims upon Federal and State courts. Extensive work is being done in the area of habeas corpus applications in Federal courts by State prisoners under title 28, United States Code, section 2254. These cases seriously clog the civil dockets of the courts and also strain relations between State and Federal agencies. A committee has undertaken a survey of State postconviction remedies, with the aim of making recommendations to the States for more effective procedures. Another problem under study is the efficient utilization of jurors. Much of a juror's time after being called is unproductive, boring, and costs the Government considerable money. The aim of the study is to develop ways to use a juror's time more efficiently. As a result of findings already made, the central district of California has instituted changes which are expected to save the Government $100,000 a year in jury costs.

Studies have also been undertaken concerning psychiatric facilities for Federal prisoners, use of parole and probation rather than incarceration, Federal jurisdiction in civil disorder emergencies, and a number of other important areas.

The Center has also been responsible for a number of publications. "The Manual on Complex and Multidistrict Litigation" and the "Judges' Bench Book," a compilation of forms, have been issued to District court judges and are widely used. "The Third Branch" is a six-page bimonthly bulletin devoted to informing the judicial system of current judicial activities. "The Federal Judicial Center Report" is a serial publication through which the Center releases findings on research projects, learned articles and material developed in seminars and other programs. The Center is building a library of materials on judicial administration which it plans to make the most complete in existence.

It is quite clear that the Federal Judicial Center is off to a flying start. In a little more than a year and a half it has already made significant contributions in improving the administration of justice in the federal system. The Congress has been well rewarded for the modest financial investment that has been made in this endeavor.

There can be no doubt that institutions and organizations reflect the character of their leaders. The Federal Judicial Center would not have been the obvious success that it is today had it not been for the inspired leadership of Mr. Justice Clark. There was a critical need to reform and remold the operations of the judicial system. The task required the guidance of a truly outstanding and gifted administrator. Mr. Justice Clark was admirably suited for the task, and he can be more than proud of the results he has achieved.

A CENTURY OF THE SUEZ CANAL: LESSONS FOR THE PANAMA CANAL

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in the Congressional Record of November 13, 1969, I quoted an illuminating article by John Brinton on the early history of the Suez Canal. Another informative article on Suez Canal history by Hon. Julian Amery, Member of Parliament, in the November 15, 1969, issue of the Daily Telegraph, evaluates the strategic significance of the closure of the canal and expresses an informed opinion concerning free world interest. This is of value as lessons in connection with the U.S.-owned and operated Panama Canal.

In order that this perceptive story by Mr. Amery may be more readily available, I include its full text as part of my remarks:

A Century of the Suez Canal

(By Julian Amery, Member of Parliament)

"East is East and West is West and never the twain shall meet." In fact they have met from time immemorial at the Isthmus of Suez.

Here is the ground where the Mediterranean and Atlantic world comes together with the world of the Red Sea and the Indian Ocean. It was this fact of geography which led Napoleon to call Egypt "the most important country in the world." For whoever controls Egypt controls the main gateway between West and East.

Under the Pharaohs, the Ptolemies, the Caesars and the Caliphs, Egypt enjoyed a long era of prosperity as the commercial junction between Europe and Asia. For much of the time, indeed, the Red Sea was linked by canal with the Nile and through the Nile to the Mediterranean. This canal, according to Herodotus, was wide enough to allow the passage of "two triremes abreast." One of the Caliphs closed the canal in the course of an inter-Arab quarrel. His Turkish successors charged excessive dues. Piracy and brigandage also made it unsafe.

In the 15th Century the Venetians tried, in vain, to persuade the Marmalukes to reopen the Nile-Red Sea canal. But by this time the Portuguese, advised by the Knights Templar—the CIA of the Crusades—had discovered that it was cheaper and safer to trade with Asia around the Cape than through Egypt.

Portugal and the maritime States of Western Europe rose to become the commercial leaders of the world. Venice and Genoa declined. Egypt was ruined.

FRENCH INFLUENCE

The revival of Egypt dates from the Napoleonic conquest in 1798. Napoleon judged that, if France could establish herself in Egypt, she would be in a position to threaten Britain's Indian Empire. The building of a Suez Canal had a high priority among his plans. This would have given France interior lines of naval communication between the Mediterranean and the Indian Ocean as compared with Britain's dependence on the Cape route.

It is questionable whether the building of a Suez Canal would in fact have altered the balance of naval power in Napoleon's time. The big sailing ships of those days were carried round the Cape by the trade winds at considerable speed. They might well have been becalmed in the Eastern Mediterranean and the Red Sea.

But with the advent of the steamship all was changed.

Despite the failure of Napoleon's expedition, French influence remained strong at the court of the Khedive. A M. de Lesseps had been French Agent-General in Egypt under Napoleon. His son, Ferdinand, had been brought up in Egypt and was a childhood friend of Said Pasha. When Said became Khedive in 1854, de Lesseps persuaded him to back the idea of a Suez Canal. He also enlisted powerful support in the Paris of Napoleon III.

The British Government resisted the project strenuously. They regard it—not without reason—as a Bonapartist plot designed to undermine Britain's position in Asia. But the technical and commercial arguments in favour of the Canal proved irresistible.

Once the Canal was opened, British policy toward it was reversed. Since we could not stop it, we must control it. Disraeli seized the chance of the Khedive's bankruptcy to buy his shares in the Suez Canal Company. Gladstone was drawn reluctantly into an occupation of Egypt. It was planned to last six months. It continued for 70 years.

The truth is that from the moment the waters of the Red Sea and the Mediterranean met, Britain could not afford to see control of the Canal pass into other hands. Despite an impressive network of international conventions designed to safeguard the rights of the Powers, the only real security for Britain's interest in Asia lay in establishing a British presence.

The occupation of Egypt had momentous consequences for Britain. It involved us in the re-conquest of the Sudan and the annexation of Uganda. It led us in the First World War, to build a British Empire in the Middle East; and, after the Second World War, to extend it to Libya.

During the Second World War the Suez Zone became a major staging post for British aircraft bound for the East, and all the more valuable because its use saved the RAF from overflying other countries. Above all, it became the base from which Britain waged war in the Middle East and North Africa.

As long as we had control of it, our armed forces could be moved easily from Europe to the Middle East, Asia or East Africa. By the same token, Commonwealth forces could be brought there from Australia or South Africa.

After the independence of India, indeed, the Suez Zone became the fulcrum of British power in Asia.

In 1953, however, the British Government succumbed to ruthless American pressures and decided to withdraw from the Suez Canal Zone. This decision called in question the strategic unity of the Commonwealth. Suez in our hands was the gateway to Asia. In hostile hands, it could become a barrier cutting the Commonwealth in two.

It was this prospect that led to the formation of the so-called "Suez Group" in the Conservative party.

The "Suez Group" was widely regarded at the time as a body of reactionary diehards. With the advantage of hindsight, historians are likely to conclude that it was not so much Right-wing as right.

Its main argument was simple—if Britain withdrew from the Canal Zone, a power vacuum would be created which the Egyptians could not fill by themselves; the Americans might in theory take Britain's place, but from what we knew of them and of Nasser's international affiliations, the Soviets seemed more likely to inherit the prize.

The fears of the "Suez Group" were to be dramatically fulfilled. The last British soldier had scarcely left Port Said when Nasser nationalised the Suez Canal Company.

The British reacted strongly. So did the French, infuriated by Nasser's support of the Algerian rebellion. The R.A.F. destroyed the Egyptian Air Force. British and French troops landed at Port Said.

But the Americans broke the nerve of the British Cabinet by ordering their banks to sell sterling on a scale which would have broken the pound. The British and French forces ceased fire and then were pressured by the Americans into an ignominious withdrawal. Perhaps the best verdict on the expedition is one attributed to Sir Winston Churchill: "I do not know if I would have dared to start. I would never have dared to stop."

The Americans destroyed Britain's influence in Egypt, but, despite high-sounding declarations like the Eisenhower doctrine, predictably failed to take our place.

Now, as every armchair strategist knows, Egypt has become the base from which Soviet naval power extends into the Mediterranean as far as Algeria. It is from Egypt that Soviet reconnaissance aircraft shadow the American Sixth Fleet and other NATO forces. Egypt provides the bases from which Soviet support is given to the Yemen Republic and the pro-Communist clique controlling Aden.

BY THE CAPE

But in one respect the Soviets have not yet secured our full inheritance.

The Canal is blocked; and until it is reopened the Soviets cannot exploit their position in Egypt to send naval units from the Mediterranean into the Red Sea and the Persian Gulf. Nor can they send supplies through the Mediterranean to Vietnam.

The Western countries have largely adjusted themselves to the closing of the Canal, albeit at considerable expense. Giant tankers bring Europe's oil round the Cape at much the same price as before, and would continue to do so even if the Canal were reopened. Once again, as in the 15th century, our commerce with Asia goes via South Africa.

What is the Canal's future? The closing of this famous waterway is an undoubted inconvenience to the Mediterranean world and to the countries of the Red Sea. It is a crippling blow to the Egyptian economy.

It is difficult, however, to see how the Canal can be reopened, except in the context of a settlement between Israel and Egypt. Everyone wants a settlement in principle. But the Western Powers have little interest in encouraging the Israelis to withdraw from the Canal so long as Egypt remains a Soviet satellite.

If the Soviets withdrew from Egypt, a new situation would arise. Until then the interests of the free world are, on balance, best served by letting the Canal remain closed. Meanwhile, Egypt's loss is South Africa's gain.

THE FIRST AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, last week, my distinguished and able colleague, the gentleman from Illinois (Mr. COLLIER) was kind enough to write me, advising me of his intention to chastise me this evening for my temerity in requesting the firing of Herb Klein and Dean Burch. I told him then, and I reiterate to the House now, that I appreciated his courtesy in forewarning me, and I felt that Klein and Burch had, in the gentleman from Illinois, an abler defender than they either needed or deserved.

But, Mr. Speaker, in all deference to the able gentleman, let me say that I fear he misses my point. I do not question the right of the President, the Vice President, the Director of Communications, the Chairman of the FCC, or any other person in public life to feel and to say that the press has been unfair to him. I imagine everyone in public life has felt that way, with good reason, from time to time.

What I do question, Mr. Speaker, and what gives me great cause for concern is when such a person, using the prestige and the power of his office, seeks to frighten the communications media into silence by the threat of Government regulation. Both the Vice President and the Director of Communications did precisely that, and the Chairman of the FCC, both by his words endorsing the Vice President's speech, and by his actions in summoning the nets to send him transcripts, underscored the threat.

I know, Mr. Speaker, that both the Klein television interview and the Vice President's Des Moines speech contained disclaimers of censorship. But the latter said it was time that the media were "made to be" more responsive, and the former was very specific about the possibility of government moving in. These words sounded much louder in my ears than the formal disclaimers of censorship with which they were punctuated. When, Mr. Speaker, a man holds a gun in my ribs, asks for my wallet, but denounces the use of violence, I find the gun more convincing than the denunciation.

Mr. Speaker, the Constitution does not require the press to be fair. It does require it to be free. And that freedom first of all and essentially means freedom from the hand of Government regulation.

In closing, Mr. Speaker, let me say I appreciate the comments of the gentleman from Illinois. His right to denounce me stems from precisely the same constitutional concept as does the right of the press to annoy Vice Presidents. I shall continue, Mr. Speaker, to defend that freedom, and, in so doing, to defend the freedom of the former editor of the Berwyn Beacon, the gentleman from Illinois.

THE AMAZING GROWTH OF THE JAPANESE ECONOMY

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MIZE. Mr. Speaker, the Task Force on International Trade has been reviewing U.S. trade policy and prospects for future trade development. Throughout our discussions, the subject of Japanese competition and Japanese market potential has often been considered. The problem of Japanese protectionism has been discussed in relation to many U.S. agricultural commodities.

For those who do not fully appreciate the incredible strength of the Japanese economy, I insert in the RECORD an article carried by the Associated Press and reproduced in the Leavenworth Times of November 17, as follows:

ECONOMY GROWING AT AN AMAZING RATE: JAPAN SUPERPOWER OF THE 1980's

NEW YORK.—One hundred and one years ago the Japanese emperor issued an advisory to his people to "discard misguided practices of the past." He encouraged them to "seek new knowledge from the rest of the world."

Thus ended three centuries of isolation. And thus also were laid the beginnings of an economic story that some observers feel is as significant to world affairs as was the growth to world leadership of the U.S. economy.

The Japanese economy is growing at an amazing rate, somewhere around 13 or 14 percent in real dollars. And the way Japanese manufacturers are plowing money back into expanded facilities, that rate may continue for years.

Match this against a rate of 5 or 6 per cent which most nations would be happy to achieve but seldom do. Japan's rate is twice that of its competitors.

Rising from economic devastation following World War II, this island nation that is physically smaller than California achieved by 1955 a production rate equal to that of its immediate pre-war years. But even faster growth was ahead, and Japan is now the third largest industrial power behind the United States and the Soviet Union.

It leads the world in shipbuilding, production of cotton yarn, motorcycles, cameras, sewing machines, watches and radios. It is the second largest producer of automobiles, turbine generators, artificial fiber and television sets. And it is third in steel, paper, cement and oil refinery products.

With such an abundant output, Japanese businessmen are scurring about the world selling their products and, in many instances scaring the daylights out of domestic companies.

There is a reason for the zeal with which Japanese businessmen approach foreign sales. Japan must export or perish. If its goods are not bought abroad, the nation could not afford to import its basic foods and raw materials.

This situation makes the Japanese story all the more amazing. Barren of raw materials, Japan depends on imports for her oil, iron, wheat, cotton, coal, timber and a long list of other products that Americans take for granted.

One of its most important imports has been technology. Starting from scratch in many areas of production, the Japanese swiftly built up their capabilities by using ideas and methods developed in other countries, adding improvements of their own.

One result is that now the Japanese production plant is more modern than that of the United States. More than 60 per cent of its machine tools are less than 10 years old, for example, compared with 39 per cent in the United States.

Whether or not Japan can continue to capitalize on the implementation of technology is a cause for concern in that nation. Japanese economists feel that their country now must invest its own research and depend less on that of others.

If it fails to produce the scientists and engineers, and if its companies do not put more money into research and development, there is some danger that the tremendous economic expansion will lose energy.

At the moment, the evidence hasn't appeared. In fact, a new book by a Swedish author, called "The Japanese Challenge," states that Japan's per capital income will exceed that of the United States in 15 years.

Haakan Hedberg, whose book is now being translated into English, will be challenged by critics and analysts. They can point out, for example, that per capita income of Japan's 100 million people will have to be tripled to equal that of the United States.

The Japanese nation has other problems also. The number of paved roads is insufficient for a nation so advanced. And highways, airports, ports and other public facilities are badly needed and will have to be built.

Despite these and other problems, the pace of the Japanese economy is so swift right now that many people are bound to accept the subtitle of Hedberg's book as an accurate forecast. It's called "Japan—The Economic Superpower of the 1980's."

THE CHALLENGE OF RURAL DEVELOPMENT

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MIZE. Mr. Speaker, we often become preoccupied with the awesome and tragic difficulties of our great cities. This concern is a proper one and cannot be diminished by other considerations. But rural America, too, has problems. Under the leadership of Secretary of Agriculture Clifford Hardin, the Nixon administration has forcefully called attention to the plight of our rural communities. The Secretary observes:

> While rural America is the home for around a third of our people, it contains approximately 60% of the sub-standard housing and nearly half of the Nation's poor people. These facts, and the conditions associated with them, have accounted for a significant part of the large-scale rural-urban migration that has occurred during the past two decades.

The American population will increase some 100 million during the next three decades. The achievement of an economically healthy and livable rural America will surely make conditions of life more tolerable everywhere, for if the population is substantially forced into crowded center cities and suburban areas, those areas will become totally unlivable while rural America slips into a chronic condition of unrelenting recession.

I have been concerned lest the future economic vitality of rural America be ignored for other, more vocally presented needs. Accordingly, I have been principal sponsor of the Rural Job Development Act in the 90th and 91st Congresses. Senator JAMES B. PEARSON, of Kansas, the author of this important legislation, has served as principal cosponsor along with Senator FRED HARRIS, of Oklahoma, in the other body. As the Congress considers remedies to generate prosperity throughout the country, I hope the Rural Job Development Act will receive very serious consideration.

Secretary Hardin eloquently spoke of the hope and potential of rural America at the annual meeting of the National Association of State Universities and Land-Grant Colleges at Chicago on November 10.

Because his remarks are of importance to every Member and directly relate to the security, prosperity, and dignity of all Americans in the very near future, I include them in the RECORD at this point, as follows:

REMARKS OF SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN AT THE 83D ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES, CHICAGO, ILL., NOVEMBER 10, 1969

For several reasons I welcome this opportunity to meet with old friends and colleagues in the National Association of State Universities and Land-Grant Colleges. I continue to view my own involvement in the affairs of the Association with pride and a touch of nostalgia.

Today I will touch principally on a topic which is not new, but which is becoming urgent. I am referring to the development of rural America—that part of our great nation that lies outside of the metropolitan areas—that part which encompasses most of our geography and around a third of our people.

The further development of rural America must proceed with speed and dispatch because of the people and the problems that exist there, *and* also, because of the utter necessity of relieving the population pressures that are growing daily in our large cities.

While rural America is the home for around a third of our people, it contains approximately 60 percent of the sub-standard housing and nearly half of the nation's poor people. These facts, and the conditions associated with them, have accounted for a significant part of the large scale rural-urban migration that has occurred during the past two decades.

It is not enough that we think in terms of improving conditions and opportunity for the people living today in rural America, and thereby stemming the flow of people to the cities. We must do much more. We must make it a matter of urgent national policy that we create in, and around, the smaller cities and towns sufficiently good employment opportunities and living environments that large numbers of families will choose to rear their children there.

We are not talking about making the huge cities smaller, but in establishing conditions that will make it unnecessary for the great urban centers to have to somehow absorb most of the 100 million or so new Americans who will arrive during the next 30 years. And that most certainly will happen unless strong positive steps are taken to prevent it.

During the past 20 years the total population has grown by 54 million, and all of the growth has taken place in the metropolitan centers. Think of the prblems and the expenses involved if that pattern should continue and an additional 100 million persons were crowded into the existing urban centers in the short span of 30 years.

These are some of the things President Nixon had in mind several weeks ago when he appointed a Task Force for Rural America and requested them to "review the effectiveness of present rural assistance programs, and make recommendations as to what might be done in the private and public sectors to stimulate development."

It was recognition of this same set of conditions that prompted the President to announce just four days ago the creation of a Rural Affairs Council within the Cabinet.

In making these moves, the President hopes to establish a national rural policy that will be coordinated with the drive for a new national urban policy that has been underway for several months.

The options are as varied as the face of America. But development of the magnitude that is necessary can come about only with the most energetic and innovative efforts on the part of State and local governments working in close cooperation with persons and corporations in the private sector. The Federal departments and agencies can provide assistance, and hopefully more in the future, but initiative must invariably come from the communities themselves.

And this is where the State universities and especially the Cooperative Extension Service comes in. These institutions played a vital role in an earlier movement, from East to West as Americans tamed the frontier and built a thriving nation. The acceptance of the mandate to educate the sons and daughters of the working classes may have been the most important component in our country's development and leadership.

In any event, the institutions represented here have long experience in working effectively with people in the private sector and with people in government at all levels. You have great competence in many areas and you enjoy the well-earned confidence of the public. And this is why we call on you now to accept a position of leadership and to lend your efforts and know-how toward a mobilization of the people and the resources of rural America.

Development can occur in many directions. For example, the National Committee on Urban Growth policy—a non-government group—recommends Federal assistance in the creation of 100 new cities of 100,000 each and 10 new cities of a million each. That's a large vision! Yet even an effort as enormous as this would provide for only 20 percent of the additional people we expect in the next 30 years.

Perhaps community development can and should be based principally around existing towns and cities, thus gaining the economic advantages of existing institutions and services, existing history, culture, identity, character, and continuity.

In any case, the decisions must be made by people living within the communities and within the States. State and local policies for urban, suburban and rural growth must be decided and promoted at the State and local level.

Communities which have already exhibited strong growth potential should be helped to develop. When local community leadership and private enterprise have shown the initiative necessary for sound development, government at all levels should be willing to help.

This is in line with a philosophy expressed by President Nixon. He has stated many times his desire for the enhancement of the role and influence of State and local government and he has urged the Federal departments to cooperate fully toward this end. Additionally he has recommended to the Congress the sharing of Federal funds with State and local government.

While the initiatives are expected to come from the State and communities, it is important that the resources and services of the Federal establishment be properly ordered and directed. The role of the Rural Affairs Council is to provide this sense of direction and to bring with it the dedicated support of the President.

In announcing the Rural Affairs Council, President Nixon said:

"It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

"We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

"After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge."

Those words reflect the President's personal support of a program that goes beyond the idea of "making rural America a better place to live"—and looks toward major changes in the distribution of population in America—toward giving Americans *a real choice* as to where they want to live.

The Rural Affairs Council includes those officers of Cabinet level whose agencies can make a significant contribution to community development. The Council includes:

The President, the Vice President, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Commerce, the Director of the Budget and the Chairman of the Council of Economic Advisors.

The Rural Affairs Council will ensure that the government is a full partner, that all the programs that have application to rural America will be brought to bear—HUD's housing and planning money, Labor Department's training programs, HEW's educational and assistance programs, Commerce Department's economic development projects, the Small Business Administration's funds and guidance, these and many others.

The Council will carry on the closest cooperation with the Urban Affairs Council, and other Federal agencies.

Specifically, the Rural Affairs Council will seek to:

Achieve coordination between Federal departments in all matters that may affect rural Americans.

Encourage decentralization of government and coordination of programs between the Federal and State and local governments.

Encourage the effective utilization of voluntary organizations.

Secure up-to-date comprehensive information on the problems that confront rural America. Then identify the causes of those problems and develop solutions, either through existing programs or by initiating new programs.

Encourage action on a regional, State and local basis.

We will seek to improve the effectiveness and timeliness of delivery of public services to rural America. Still, program responsibilities must remain vested to the greatest possible extent in State and local government.

The recommendations of the President's Task Force on Rural Development should provide guidelines for this work.

Immediately, we will get to work on such problems as:

The best means of creating new jobs and new economic opportunity to rural America.

How best to adapt extensive manpower training programs to small towns and rural areas.

How best to ensure decent housing for more rural people.

Within the Department of Agriculture, we are moving in several ways to meet the challenge that the President has put before us.

We are asking the Federal Extension Service to work closely with the State Extension directors. In turn we are hoping that the Cooperative Extension Services will assume a leadership role in organizing and promoting community interest.

In urging this role for Extension, we are in no way reducing the responsibility of the other agencies of the Department.

Every agency in the Department with a contribution to make to rural development has been directed to provide aggressive leadership in its area, assigning appropriate resources and personnel to the effort.

We plan to choose a few special project areas in which to concentrate all Federal activities—areas that represent specific problems in rural America. We expect to learn a lot in those areas that will be useful in the rest of America, both urban and rural.

You know the programs of the Department that are especially important in rural development: the housing, water and sewer loans of the Farmers Home Administration; the small watersheds and resource conservation and development programs of the Soil Conservation Service; the credit potentials of REA and the resource surveys and development programs of the Forest Service. They are most effective when employed in coordination with all other available resources.

The administrators of these agencies, the FHA, SCS, REA, Forest Service, along with the Federal Extension Service, are meeting now as the Departmental Rural Development Committee. As a group, their assignment is to develop the vital policies, programs and priorities necessary for the Department to carry out its rural development mandate.

Dr. Tom Cowden, Assistant Secretary for Rural Development and Conservation, is chairman of this group. He will have a special rural development staff to assist him in program coordination and leadership.

Each member of this committee will be assigned specific liaison responsibilities with other departments of the Federal government, on a similarity-of-service basis. For example, the Farmers Home Administration will assign key men to coordinate with Housing and Urban Development.

Each agency also will be maintaining liaison with national organizations to help make their programs and services more available to rural people and their communities.

One of the key elements of USDA's rural development organization will be the committees set up in each State by the Director of that State's Cooperative Extension Service. These committees will maintain liaison with State governments, other agencies and whatever organizations are involved in the development of our countryside.

Department members on these committees in each State will be representatives of the Forest Service, Soil Conservation Service, Farmers Home Administration and Rural Electrification Administration. They will provide whatever staff services are needed to support activities of the committee.

These committees will decide what kind of USDA rural development organization should be established on a local basis.

Rural development begins at home. It is the responsibility of State and local organizations, groups and leaders. They will provide the channel through which the people may improve their situations: analyzing their local needs, assessing their local potentialities, matching their community's potential with private and public programs at all levels of government.

The work of the Cooperative Extension Service in these basic activities is obviously essential.

The effective development of America depends upon the Cooperative Extension Service working with public and private agencies at the State, regional and local levels. The Service is invaluable in developing an understanding of the nature of development, and in helping Federal agencies to assist in State and local development activities.

To quote from "A People and a Spirit," our joint report:

"Extension can bring cohesiveness into many community development programs through its role in educational leadership. It can help people obtain the right kind of planning, financing and technical aid from other agencies."

The role of Extension, which is significant now, will become more so as it trains new personnel to meet modern demands; as it reorganizes to provide a wider variety of experts to serve more people; as the great State Colleges and Land-Grant Universities become even more active in community development.

Again, from "A People and a Spirit":

"Extension's ability to extend the modern land-grant university to the people is limited only by the breadth of the university and Extension's willingness to function universitywide."

Each American has a role to play in determining the destiny of his country—in creating a fuller more attractive life for everyone—in both rural and urban America.

Beyond the boundaries of metropolitan America lies a fertile land of beautiful landscape, open space, rich resources and an energetic, proud people.

This rural and small town America offers opportunity and hope for a better life for all of us and our children's children, for those who prefer to live in the country and for those who prefer the city.

We can achieve this better life by joining together in common effort to reach our common and realistic goals.

THE WORLD'S MOST AMAZING BOOK

(Mr. BERRY asked and was given permission to extend his remarks at this point in the Record and to include a sermon.)

Mr. BERRY. Mr. Speaker, it was my privilege to attend the White House Sunday services on November 16. The Reverend Harold Hollings, assistant pastor of Landmark Baptist Temple, Cincinnati, Ohio, delivered a sermon that should be made available to all members.

I insert the sermon in the Record at this point:

THE WORLD'S MOST AMAZING BOOK

God has two textbooks, one the textbook of nature and the other the textbook of revelation. The laws of God revealed in the textbook of nature have never changed; they are what they were since the beginning. They tell us of God's mighty power and majesty.

In the textbook of revelation, the Bible, God has spoken verbally; and this spoken word has survived every scratch of human pen. It has withstood the assaults of skeptics and tyrants. Quentin Reynolds once said, "If I were a dictator, the first book I would burn would be the Bible." Greater efforts have been made to destroy the Bible than any other book. Yet despite the attacks of men, through many centuries, it remains the world's most amazing book.

It has often been reiled but it has never been refuted. It has never bowed its head before the discoveries of science. The more the archaeologist digs and the more the scientist discovers, the greater the confirmation of the truth of the Bible.

The Bible has a great tradition and a significant heritage. W. E. Gladstone said, "The Bible is stamped with a speciality of origin, and an immeasurable distance separates it from all competitors."

It was written over a period of 1600 years by men of various backgrounds—law-givers, kings, artisans, farmers, fishermen and scholars. It was written in different countries, under different social and political conditions; yet in its harmony, it is historically, doctrinally and scientifically correct.

One peculiarity of the Bible is its claim to come from God. The writers claim repeatedly that God gave them their material. Two thousand times in the Old Testament they said that God spoke. To tell more than two thousand lies on one subject seems incredible. Either He did just that, or they lied!

Jesus Christ quoted frequently from the Old Testament. He never once indicated that He doubted the Scriptures. The Apostle Paul said, "All Scripture is given by inspiration of God and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: that the man of God may be perfect, throughly furnished unto all good works." The Apostle Peter added these words, "Holy men of God spake as they were moved by the Holy Ghost." The Bible claims to be without a rival. It is not only a word from God, it is the Word of God.

The Bible is also permanent. Christ said, "Heaven and earth shall pass away, but my words shall not pass away." Helen Frazee-Bower expressed this truth well when she wrote:

"The books men write are but a fragrance blown
From transient blossoms crushed by human hands;
But, high above them, splendid and alone,
Staunch as a tree, there is a Book that stands
Unmoved by storms, unchallenged by decay:
The winds of criticism would profane
Its sacred pages, but the Truth, the Way,
The Life are in it—and they beat in vain."

Apart from its divine authority, there is more glowing eloquence, more noble sentiments, more melting pathos, more beautiful poetry between its covers than anywhere else. Macaulay said, "If everything else in our language should perish, the English Bible alone would suffice to show the whole extent of its beauty and power."

The Bible has done more to bless society, to promote brotherhood, commerce, happiness, peace, and liberty in the world, than any other book, and all other books together.

It humbles the lofty, and exalts the lowliest. It condemns the best, yet saves the worst. It engages the study of angels, and is not above the understanding of a little child. It shows us man raised to the position of a son of God, and the Son of God stooping to the condition of a man.

The Bible is not any heavier than a knife, but it is sharper than any two-edged sword. It is no larger than a compact in a woman's purse, but it produces more beauty than all the compacts put together. It is no thicker than a man's wallet but it contains more riches than all the banks in the world.

Our beloved country owes more than we could ever know to the teachings of Scripture. At the Constitutional Convention at Philadelphia, representatives from thirteen colonies came together, each with his own opinion and each so dogmatic that he would not budge an inch. They had almost decided to go back to their homes and form thirteen separate nations, when Benjamin Franklin stood and said: "I have lived a long time and the longer I live the more convincing proof I see that God governs in the affairs of man, and if a sparrow cannot fall without His notice, is it probable that a nation can rise without His aid? 'Except the Lord build the house, they labor in vain that build it.' Without His concurring aid we shall proceed no better than the builders of Babel." A prayer meeting followed and out of that prayer meeting came the Constitution of the United States, whose laws and policies are based largely upon the Word of God.

Daniel Webster said, "If we abide by the principles taught in the Bible our country will go on prospering and to prosper, but if we and our posterity neglect its instructions and authority, no man can tell how sudden a catastrophe may overwhelm us and bury our glory in profound obscurity."

God speaks to man through the Scriptures. This is why it is so important to read the Bible for ourselves. Most of the time we are very grateful about what we eat and how often we eat, but what about food for the inner man? How easy it is to feed the body and starve the soul. Jesus said. "Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God." The ancient patriarch Job said, "I have esteemed the words of His mouth more than my necessary food."

If men and women would only spend more time in the serious study of the Word of God, earth's questions would seem far less significant and heaven's answers far more real.

It is sometimes objected that the Bible is hard to understand. It is not hard to understand but it is hard to believe! Mark Twain once said: "Most people are bothered by those passages of Scripture which they cannot understand; but as for me, I have always noticed that the passages of Scripture which trouble me most are those which I do understand."

Bibles are to be more than depositories of memorabilia. A little boy told his Sunday school teacher that he finally had learned everything that was in the Bible. He said, "Sister's boy friend's picture is in it, so is Mom's recipe for vanishing cream, and a lock of Grandma's hair."

The blessings of God can be claimed only where the will of God is known, trusted and acted upon. If we wish to know what is in a will, we must read the will. If we want to know God's will on any subject, we must read His will. The word "Testament", legally speaking, means a person's will. The Bible contains God's last Will and Testament, in which He bequeaths to us the blessings of redemption. To know God's will we must study His Word.

Dwight D. Eisenhower said, "Like stored wisdom, the lessons of the Bible are useless unless they are lifted out and employed. A faithful reading of Scripture provides the courage and strength required for the living of our time."

God calls a man blessed who meditates in His law day and night. He goes on to say, "And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper."

The Bible is not only good for the soul, but also for the body. U.S. Army Private Roger Boe of Ellow Lake, Minnesota, is a First Infantry Division trooper in Viet Nam. A few weeks ago he was on patrol near Lai Khe when North Vietnamese soldiers ambushed his unit. When the firefight ended, Boe noticed smoke curling from his pocket. An enemy rifle bullet had gone through his wallet and lodged in his Bible, just short of a loaded ammunition clip.

I believe the Bible to be the Word of God because it alone has the ability to satisfy the human heart. One of the great differences between man and animal is that man has the capacity to know and worship God. Every human being has an inherent cry after God. This longing for God cannot be satisfied by science or technology.

To love God and to worship Him, you must know Him in a personal relationship. For this reason the Bible was written. The Bible teaches that the only way that man can bridge the gap between man and God is through Jesus Christ. Jesus said, "I am the way, the truth, and the life: no man cometh unto the Father, but by me."

The Bible is God's "love letter" to us—telling us that His love sent His only Son, Jesus, who gave His life on Calvary for our sins. "For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." The Word of God is the bread of life without which our spirits weaken and die, just as our bodies do if we do not eat. The Apostle Paul said, "Study to show thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth."

When Sir Walter Scott, the famous author lay on his death-bed, shattered in fortune and health, he said to his son-in-law, "Bring me the Book." "What book?" asked Mr. Lockhart. "There is but one Book," was the answer.

David said, "Forever, O Lord, thy word is settled in heaven." May it also be settled in our hearts and in our nation.

In a very moving tribute to the Bible, Billy Sunday takes a word-picture journey through the Scriptures. He describes it this way:

"I entered through the portico of Genesis and walked down through the Old Testament art gallery where the pictures of Abraham, Moses, Joseph, Isaiah, David, and Solomon hung on the walls.

"I passed into the music room of the Psalms and every reed of God's great organ responded to the tuneful harp of David.

"I entered the chamber of Ecclesiastes where the voice of the preacher was heard, and into the conservatory of Sharon and the lily of the valley's spices filled and perfumed my life.

"I entered the business office of the Proverbs, then into the observation room of the prophets where I saw telescopes of various sizes, some pointing to far-off events but all concentrated upon the bright star which was to rise above the moonlit hills of Judea for our salvation.

"I entered the audience room of the King of Kings and passed into the correspondence rooms where sat Matthew, Mark, Luke, John, Paul, Peter, and James penning their epistles.

"I stepped then into the throne room of Revelation and caught a vision of the King sitting on His throne in all His glory and I cried:

> " 'All hail the power of Jesus' name,
> Let angels prostrate fall,
> Bring forth the royal diadem.
> And crown him Lord of all.' "

COMPLACENCY, CANCER, AND THE FRC RADIATION GUIDELINES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the disease of cancer is unpleasant enough without elaborating but my concern for the population of the United States dictates that I comment on recent testimony of Messrs. Gofman and Tamplin of the Lawrence Radiation Laboratory before the Senate Subcommittee on Air and Water Pollution. With the presentation of a paper entitled, "Federal Radiation Council Guidelines for Radiation Exposure of the Population-at-Large—Protection or Disaster," these two emminently qualified scientists have shattered the myth that the public is fully protected from the effects of atomic radiation merely because the Radiation Council exists.

The authors warn us that complacency over the FRC guidelines has created a grave situation for public safety. They presented the committee with evidence that current radiation exposure guidelines are dangerously high and suggested that the Council and the Atomic Energy Commission seek an early downward revision of the guidelines. The issue is summed up in one sentence:

> The case against perpetuation of the existing F.R.C. guidelines is overwhelmingly strong just on the basis of the cancer-leukemia risk, without even considering the potentially much larger problem of effects upon future generations.

Drs. Gofman and Tamplin explain that at one time there was a very great paucity of data concerning the dose versus effect relationship between radiation and cancer or leukemia induction in man. This lack of data contributed to the public's unawareness of the dangers of radiation. But over the past 20 years, the studies of the survivors of the Hiroshima-Nagasaki bombings, study of patients treated with radiation for nonmalignant diseases, study of the occurrence of lung cancer in uranium miners in the United States, and study of cancer and leukemia in children whose mothers had received irradiation during pregnancy, has led to the development of a body of scientific and medical knowledge about irradiation effects which should not be ignored by the public or the Federal Radiation Council.

In the interests of furthering public understanding of the potential health hazards resulting from a continuation of the present FRC guidelines, I submit for close examination by our colleagues, the paper of Messrs. Gofman and Tamplin, and call attention specifically to the addendum to their paper which lists a host of studies which have been done on this subject.

I further ask unanimous consent to put

in the RECORD the background of Dr. Gofman, as set forth in "Who's Who," because this is one scientist who cannot be sneered at for lack of scientific background in this field.

(The paper follows:)

FEDERAL RADIATION COUNCIL GUIDELINES FOR RADIATION EXPOSURE OF THE POPULATION-AT-LARGE—PROTECTION OR DISASTER?

(By John W. Gofman and Arthur R. Tamplin, Division of Medical Physics (Berkeley) and Bio-Medical Research Division, Lawrence Radiation Laboratory (Livermore), University of California)

(NOTE.—Excerpt from Who's Who: Gofman, John William, research biophysicist, physician; b. Cleveland, Sept. 21, 1918; s. David and Sarah (Kaplan) G.; A. B., Oberlin Coll., 1939; Ph. D., U. Calif., 1943, M.D., 1946; m. Helen Fahl, Aug. 10, 1940; 1 son, John David. Nuclear chemistry research Manhattan Project, Berkeley, 1940–44, research large molecular physical chemistry, especially ultracentrifugation of lipoproteins, Donner Lab., U. Calif., since 1947; intern Calif. U. Hosp., San Francisco, 1946–47; became asso. prof. med. physics U. Cal., 1947, now professor medical physics; dir. biomedical research division, associate director U. Calif. Lawrence Radiation Laboratory, Livermore. A discoverer (with Glenn Seaborg) of Uranium 233, 1941, also discovered presence of certain blood lipoproteins associated with that form of arteriosclerosis known as atherosclerosis which is major factor in coronary artery disease. Mem. Phi Beta Kappa, Sigma Xi. Author: (with A. V. Nichols and V. Dobbin) Dietary Prevention and Treatment of Heart Disease; What We Do Know About Heart Attacks; Coronary Heart Disease. Home: 1045 Clayton St., San Francisco 17.)

(Testimony presented before the subcommittee on Air and Water Pollution, Committee on Public Works, U.S. Senate, 91st Congress, Nov. 18, 1969)

We wish to apprise you that, in our opinion, the most crucial pressing problem facing everyone concerned with any and all burgeoning atomic energy activities is to secure the earliest possible *revision downward, by at least a factor of tenfold,* of the allowable radiation dosage to the population from peaceful atomic energy activities. The Federal Radiation Council allowable dose of whole body ionizing radiation is 0.17 Rads per year. We shall present to you hard evidence that leads us to recommend that this be reduced *now* to 0.017 Rads or even less. And we shall present to you the estimated disastrous consequences to the health of the public if this recommendation receives less than immediate, serious attention.

THE FEDERAL RADIATION COUNCIL GUIDELINES

There has been ample reason for skepticism concerning the FRC guides for many years.[1] In essence, this is the case because a valid scientific justification for the allowable dose of 0.17 Rads of total body exposure to ionizing radiation has never been presented. The general vague statement is usually repeated that the risk to the population so exposed is *believed* to be small compared with the benefits to be derived from the orderly development of atomic energy for peaceful purposes.

Dr. Brian MacMahon, Professor of Epidemiology at Harvard, writing as recently as early 1969, stated,

"While a great deal more is known now than was known 20 years ago, it must be admitted that we still do not have most of the data that would be required for an informed judgment on the maximum limits of exposure advisable for individuals or populations".[2]

This is vastly different from the bland reassurances of The Federal Radiation Council Guidelines. We find ourselves in general agreement with Professor MacMahon, except that we go further and feel the already-documented evidence amply justifies a drastic revision *downwards*—and now.[3] [4]

There is an even more hazardous situation associated with the vagueness of the justification for FRC Guidelines. This hazard has become apparent to us through extensive contact with people in radiation surveillance work, in the atomic energy industry, and in atomic energy laboratories. Widely prevalent is the notion that the existing standards have a wide margin of safety built in. Many such individuals refuse to believe that any responsible body would ever set a guideline dosage into the Federal Statutes without a wide margin of safety.

How is it possible that our current Federal Radiation Council Guidelines may have falsely lulled us into complacency? Let us trace the evidence, and restrict our considerations to two major effects of radiation upon humans, namely, cancer and leukemia—in this generation—that is effects upon those humans actually receiving the radiation. *Any conclusion* we draw concerning the hazard of the current radiation guidelines can only be amplified and buttressed by consideration of the additional burden of human misery associated with genetic defects, fetal deaths, and neo-natal deaths.[3] The case against perpetuation of the existing FRC Guidelines is overwhelmingly strong just on the basis of the cancer-leukemia risk, without even considering the potentially much larger problem of effects upon future generations.

HOW DID THE COMPLACENCY ARISE?

First of all, there once existed a very great paucity of data concerning the dose versus effect relationship between radiation and cancer or leukemia induction in man. Steadily, however, during these past 20 years, parts of the story have come to light from a combination of several extremely important sources:

(a) Study of survivors of Hiroshima-Nagasaki by the Atomic Bomb Casualty Commission.

(b) Study of patients *treated* with radiation for non-malignant diseases earlier in life and then developing cancer or leukemia.

(c) Study of children who commonly received irradiation to the neck area in one unfortunate era of American Medicine.

(d) Study of the occurrence of lung cancer in uranium miners in the USA.

(e) Study of cancer and leukemia in children whose mothers had received irradiation (diagnostic) during the pregnancy.

As the early results started to come forth from the Atomic Bomb Casualty Commission, it was noted that *leukemia* might be appearing more frequently in those persons irradiated in Hiroshima and Nagasaki. Attention became centered upon leukemia as a sort of "special" response to ionizing radiation and not much thought was given to other forms of cancer. From the ABCC[5] studies and from wholly independent observations,[2] it is now clear, and we believe no one disputes the estimate that, at least for total doses of 100 Rads or more, the leukemia risk may be expressed as follows:

One to two cases of leukemia per 10^6 exposed persons, where each of them has received 1 Rad of total body exposure. This does not require 1 Rad per year; rather, we are talking about the above rate of disease occurrence with a total integrated exposure of 1 Rad. Furthermore, this incidence of 1 to 2 cases per 10^6 people per year persists for many years, once the latency period* is over, ultimately declining somewhat, at least for chronic leukemia[5].

An incidence rate of 1 or 2 cases per million people per year *sounds* like a small number, especially when this number is viewed in isolation. Indeed, many have hastened to add that spontaneously, without any man-made radiation, leukemia occurs with a frequency of 60 cases per million per year, which makes it a relatively rare disease. So, 1 or 2 cases per year sounds small by itself, and sounds even smaller viewed against a spontaneous rate of 60 per million persons per year. And, as a result, with the *early* atomic bomb survivor data *only* showing leukemia, a widespread complacency set in concerning long-term effects of ionizing radiation, a complacency extending to high circles.

For two very major reasons, this error in thinking has *turned out to be a mistake of the first order of magnitude.*

(1) Leukemia happens to show a shorter latency period than most other forms of cancer. Therefore, the reason it appeared *early* to be the *only* malignancy in the Hiroshima-Nagasaki survivors was simply that not enough time had elapsed for the other forms of cancer to manifest themselves.

(2) The *proper* way to look at the incidence rate of 1–2 per 10^6 persons per year from radiation and the 60 10^6 persons per year spontaneously is *not* in isolation from each other, *but in relation* to each other. Thus, viewed in this light, 1 Rad of ionizing radiation *increases* the leukemia incidence between 1.6 and 3.3%. Or, we can state that the doubling dose for leukemia (namely, that amount of radiation which will double the spontaneous rate) is between 30 and 60 Rads. (Doubling a spontaneous rate of 60 cases per million each year means producing an additional 60 cases per million per year).

WHAT ABOUT OTHER FORMS OF CANCER?

It now becomes an issue of paramount importance to know whether other forms of cancer behave similarly in response to ionizing radiation. *Are* other forms of cancer describable by a fractional increase in occurrence rate per Rad, and if so, how do the fractions compare with those for leukemia? We need no longer speculate about such matters because *hard, incontrovertible data* are available for human cancers induced by radiation. These data represent *facts, not opinion.* Estimates are available for several forms of cancer from worldwide data, US data, and from the studies by the Atomic Bomb Casualty Commission of survivors of Hiroshima and Nagasaki. Let us consider a variety of forms of human cancers.

(a) Thyroid cancer: The Japanese data, primarily based upon adults, show an approximate doubling dose of 100 Rads for development of thyroid cancer, or approximately a 1% increase in incidence rate of thyroid cancer in the population per Rad of exposure of the population.[5]

We can arrive at the risk for younger people in the USA from two items of data.

(a) Pochin gives the figure of 1 case of thyroid cancer 10^6 persons per Rad.[6]

(b) Carroll et al reported that the spontaneous incidence rate for thyroid cancer is difference 5–10 cases per 10^6 persons per year in the age range of 10–20 years.[7]

Combining these two items of information, it is estimated that between 5 and 10 Rads is the doubling dose for thyroid cancer in young people in the US. This means a 10 to 20% increase in risk of thyroid cancer in the youthful population per year per Rad of exposure. Thus, considering the youthful group (USA) and the adults (Japan), the range is be-

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Footnotes at end of article.

*It is a known fact, from many observations, that leukemia or cancer is *not* an immediate response to radiation. There is a period of years (different for different forms of cancer) *before* the clinical disease is manifest. This period is called the latency period.

tween 1% and 20% increase in thyroid cancer per year per Rad of exposure.

(b) Lung cancer: Estimates are available from several sources for radiation-induction of lung cancer. The ABCC studies in Japan indicate an approximate doubling of lung cancer incidence rate for 100 Rads of exposure, or a 1% increase in risk of lung cancer in the population for an exposure of 1 Rad.[5] The experiences of the uranium miners in the USA are complicated by two factors: (a) the dosimetry is poorly known, and (b) many of the workers are still in the latency period.[8] What estimates have been made for the uranium miners suggest the doubling dose for lung cancer to be between 250 and 500 Rads. If the correction for latency is estimated as two-fold, the final estimate would be 125–250 Rads as the doubling dose.[8]

Miller has questioned the Japanese data because of non-specificity of the histology of the cancer cells.[9] On the other hand, the similarity of the ratio of lung cancer to leukemia in the Japanese as compared to the British patients studied by Court-Brown and Doll suggests the Japanese data to be quite reasonable.[10] As a compromise estimate, we shall average the Japanese and USA data, to obtain 175 Rads as the estimate for the doubling dose for lung cancer, or a 0.6% increase in the annual incidence rate of lung cancer in the population per Rad of exposure.

(c) Breast cancer: Breast cancer has been found to be radiation-induced in the Japanese studies.[5] The estimated doubling dose is approximately 100 Rads for breast cancer, or, again, a 1% increase in incidence rate per year of breast cancer in the population per Rad of exposure.

(d) Other forms of cancer: From some important studies on humans receiving therapeutic radiation for the arthritis-like disorder known as rheumatoid spondylitis, Court-Brown and Doll[10] have studied the subsequent occurrence of many forms of cancer in organs heavily exposed, *incidental* to irradiation of the primary disease in the spine. We don't know that all the heavily exposed regions received equivalent doses, but it appears reasonable to estimate that the *various* heavily exposed regions were within a factor of 2 on either side of the median value for the group. If we use Court-Brown and Doll's value for bronchiogenic cancer of the lung as a reference value, and for this form of cancer we have used 175 Rads above as an estimated doubling dose, we can then estimate the doubling dose for radiation for several additional cancers. Uncertainty of precise dose comparisons make these numbers uncertain by a factor of two or thereabouts either on the low or high side. We shall, therefore, not only show the estimated doubling doses for all these additional cancers, but also a range to take this dose uncertainty into consideration. Thus, we have for the following additional cancers:

Site of cancer	Doubling dose (rads)		Percent increase in incidence rate per rad	
	Mean	Range	Mean	Range
Pharynx	40	(20–80)	2.5	(1.2–5.0)
Stomach	230	(115–460)	.4	(.2–0.8)
Pancreas	125	(60–250)	.8	(.4–1.6)
Bone*	40	(20–80)	2.5	(1.2–5.0)
Lymphatic plus other hematopoetic organs	70	(35–140)	1.4	(.7–2.8)
Carcinomatosis of miscellaneous origin	60	(30–120)	1.7	(.9–3.4)

(* Bone may possibly have received higher irradiation dose than other sites. It this were true, the estimated doubling dose is too low for bone.)

Note: Now we are in a position to summarize the radiation-induced cancers for all sites, utilizing all the data available.

Footnotes at end of article.

BEST ESTIMATES OF DOUBLING DOSE OF RADIATION FOR HUMAN CANCERS AND THE INCREASE IN INCIDENCE RATE PER RAD OF EXPOSURE

Organ site	Doubling dose (rads)	Percent increase in incidence rate per rad
Leukemia	30–60	1.6–3.3
Thyroid Cancer:		
Adults	100	1.0
Young persons	(5-10)	(10.0-20.0)
Lung cancer	~175	.6
Breast cancer	~100	1.0
Stomach cancer	~230	.7
Pancreas cancer	~125	.8
Bone cancer	~40	2.5
Lymphatic plus other hematopoietic organs	~70	1.4
Carcinomatosis of miscellaneous origin	~60	1.7

For such an array of widely divergent organ systems, *already including* hard data for nearly all the major forms of human cancers, it is amazing indeed that there is such a small range for the estimated doubling dose. Correspondingly, there is a very small range in the estimated increase in incidence rate per Rad for these widely differing organ sites in which cancers arise.

The only number that is different, and *that one* indicates an *even higher* susceptibility to radiation-induction of cancer, is for thyroid cancer induction in youthful persons (under 20 years of age). As we shall see below, this is *not* at all surprising or inconsistent, for the data presented below suggest a very high sensitivity of embryos in-utero to irradiation, causing subsequent leukemia and cancer during early childhood.

Furthermore, in some of these studies, aside from leukemia, the persons at risk were most probably still in the latency period when studied, so that full expression of the disease has not yet been reached. This would mean than an *even* smaller radiation dose is required to double the incidence rate, or expressed otherwise, the percent increase in incidence rate per Rad of exposure is even higher than that tabulated above. We know, from extensive other data, that bone cancer and skin cancer have definitely been produced by radiation. With further observation and study, the ABCC data will provide firm estimates of the doubling dose for the induction of cancer by radiation at the *few* remaining other major organ sites. At present the *only* malignant disease reputedly *not* induced by radiation is chronic lymphatic leukemia. And even this may be in doubt, since malignant lymphoma, a highly related cancerous disorder, is radiation-induced, both from the data of Court-Brown and Doll[10] and from Japanses data.[11]

IN UTERO-RADIATION AND SUBSEQUENT DEVELOPMENT OF CHILDHOOD LEUKEMIA AND CANCER

Stewart and co-workers originally[12] and MacMahon[13,14] and Stewart and Kneale[15] recently have presented evidence that implicates in-utero radiation of embryos (carried out for *diagnostic* purposes in the mother) with the development of subsequent leukemia plus other cancers in the first ten years of life of the child. The general estimate of the amount of radiation delivered in such diagnostic procedures is 2 to 3 Rads to the developing fetus. From the Stewart and Kneale data, we have, for the following forms of cancer, the estimates of the increase in numbers of cancers for several organ sites:

[Increase over spontaneous incidence in percent]

Type of cancer	Radiation induced increase
Leukemia	50
Lymphosarcoma	50
Cerebral tumors	50
Neuroblastoma	50
Wilms' tumor	60
Other cancers	50
Leukemia[1]	50
Central nervous system tumors[1]	[1] 60
Other cancers[1]	40

[1] Similar estimates from the MacMahon data.

If we now take the central values from both the MacMahon evidence and the Stewart-Kneale evidence, we have as a best estimate, 50% increace in incidence rate for all forms of cancer plus leukemia, associated with diagnostic irradiation of the infant in-utero, and the numbers are closely similar for US practise and British practise. So, for 2–3 Reds to the infant in utero, a 50% increase in incidence rate of various cancers leads to an estimate of 4 to 6 Rads as the doubling dose for childhood leukemia plus cancer due to diagnostic irradiation in-utero. Let us underestimate the risk, and use the higher number, 6 Rads as the doubling dose for in-utero induction of subsequent leukemia plus other childhood cancers. This means a 17% increase in the incidence rate of such leukemias plus cancers per Rad of in-utero explosure of the infant.

It is not at all surprising that infants in-utero should appear *most* sensitive to irradiation, children *next* in sensitivity, and adults *third* (but *by no means* low). This is precisely the order in which these groups stand in terms of the fraction of their cells undergoing cell division at any time—and much evidence suggests these are the cells most susceptible to cancer induction.[16]

GENERAL LAWS OF CANCER INDUCTION BY RADIATION

In view of the widely diverse forms of human cancers plus leukemias showing such striking similarity in their risk of radiation induction, it does not appear at all rash to propose some fundamental laws of cancer induction by radiation in humans:

Law I: "All forms of cancer, in all probability, can be increased by ionizing radiation, and the *correct* way to describe the phenomenon is either in terms of the dose required to double the spontaneous incidence rate of each cancer or, alternatively, as the increase in incidence rate of such cancers per Rad of exposure."

Law II: "All forms of cancer show closely similar doubling doses and closely similar increases in incidence rate per Rad."

Law III: "Youthful subjects require less radiation to increase the incidence rate by a specified fraction than do adults."

Based upon these laws and the extensive data already in hand and described above, the following assignments appear reasonable for all forms of cancer.

For adults	~100 rads as the doubling dose. ~1 percent increase in incidence rate per year per rad of exposure.
For youthful subjects (<20 years of age)	Between 5 and 100 rads as the doubling dose. Between 1 and 20 percent increase in incidence rate per year per rad of exposure.
For infants in-utero	~6 rads as the doubling dose. ~17 percent increase in incidence rate per year per rad of exposure

For the radiation of infants in utero, Stewart and Kneale[15] clearly stated the outlines of these general laws. For adults, Court-Brown and Doll[10] clearly stated the outlines of these general laws.

With all the additional data available plus the data of Stewart and Kneale, MacMahon, and Court-Brown and Doll, we consider the enunciation of these general fundamental laws as having a better experimental base than many laws of physics, chemistry, or biology had when first proposed. Furthermore, we would estimate that the absolute numbers, if anything, probably underestimate the risk. For purposes of setting radiation tolerance guidelines, one might even be advised to use lower doubling doses than those estimated above.

THE IMPLICATIONS OF THESE LAWS FOR THE POPULATION EXPOSURE ASSOCIATED WITH ATOMS-FOR-PEACE PROGRAMS

The *statutory allowable dose* to the population-at-large in the USA is 0.17 Rads per year from peaceful uses of atomic energy in all forms. If everyone in the population were to receive 0.17 Rads per year from birth to age 30 years, the integrated exposure (above background) would be 5 Rads per person. If the risk for all forms of cancer plus leukemia is an increase of 1% in incidence rate per Rad, we have $5\times1=5\%$ increase in incidence rate for all forms of cancer plus leukemia per year.

For a popuulation of 2×10^8 persons in the USA ½ can roughly be estimated to be over 30 years of age. In this group, irradiated from birth, the latency period might, on the average, be expected to be over by ~ 35 years of age.

The *spontaneous* cancer incidence is ~ 280/10^5 persons per year $5\%\times280=14.0$. Therefore, 14 additional cancer cases per 10^5 persons per year due to irradiation.

Thus, *14,000 additional cancer cases per year* in the USA, considering *only* those over 30 years of age.

If we estimate that latency plus lower accumulated dosage provides a smaller number of additional cases in the under 30-year age group, it would by no means be an overestimate to add 2,000 additional cases for the under 30-year age group. (Especially is this true when we see the data above concerning the greater sensitivity of this group to radiation-induced cancer).

There should be added some contribution of additional cases each year to take into account the fact that 0.13 Rads will have been received by each infant in-utero. (0.17 Rads/year × 40/52 years). It is hard to know whether this in-utero radiation carries an increased cancer risk for the whole lifetime or not. The additional contribution for the in-utero radiation (at a period when the effectiveness per Rad is very high) could be between a few hundred and several thousand additional cancer cases per year. We shall not attempt to guess the additional contribution due to in-utero irradiation.

Therefore, 14,000 + 2,000 = *16,000 additional cancer plus leukemia cases* per year in the USA if everyone received the Federal Radiation Council statutory allowable doses of radiation. This would, for the several reasons outlined, appear to be a *minimum* value. 16,000 cases is equivalent to the mortality rate from one recent high year of the Vietnam war! It would appear that this is rather a high price to consider as being compatible with the benefits to be derived from the orderly development of atomic energy.

And we must add to these estimates the comment that we have used only the *hard data* in hand based upon cancer and leukemia induced in humans by radiation. We have said *nothing* of the additional possible burden of loss of life and misery from genetic disorders in future generations, fatal deaths, and neo-natal deaths.[3] Furthermore, we have not used the vast array of experimental animal data which indicate that not only does cancer mortality increase from irradiation, but that many, if not all, causes of death increase—and in about the same proportion as does cancer mortality.

WHAT MUST BE DONE

In the *absence of any direct evidence* in man that factors will operate to reduce these estimated cases of cancer plus leukemia, it would appear that the only sensible thing to do right now is to reduce *drastically* the Federal Radiation Council dose allowable to the population-at-large—by at *least* a factor of 10. The new figure should be below 0.017 Rads for peaceful uses of atomic energy. We are well aware that this suggestion recommends that man-made radiation exposure be limited to a *small* fraction (0.1 or less) of natural background sources.

ARE THERE ANY COUNTER-ARGUMENTS?

A *number* of counter-arguments may be raised against this proposal by some advocates of the peaceful uses of the atom. Before demonstrating to you the lack of validity of every one of these arguments in turn, we must emphasize that this is *not* a proposal against peaceful uses of the atom. Rather, it is a proposal for the use of common sense discretion in atomic energy development, weighed always in favor of the health and welfare of the people of the USA.

Argument 1: "Atomic energy projects thus far have *not* delivered 0.17 Rads to everyone in the population."

That is perfectly true! But the nuclear power industry is only now getting going, and 0.17 Rads per year *is* on the Federal Statute Books as allowable. Additionally, Plowshare proposals and industrial uses of radiation sources will surely add some increment to the population dosage.

Argument 2: *"We don't plan* to deliver the allowable 0.17 Rads per year to everyone in the population-at-large from peaceful uses of atomic energy".

We should certainly hope not! But, if it be true that such doses are unnecessary in the peaceful development of atomic energy, and if it be true that we can develop atomic energy for electric power and other uses with a much lower delivery of radiation to humans, that is indeed excellent news. Surely there can be no objection to immediate codification of this welcome news into *law* so that no one can possibly be confused by a *high* allowable standard and the concomitant promise that we will stay *well below* that figure.

We have alluded previously to our experience indicating that misinformation concerning potential hazard is widespread, with numerous responsible people in atomic energy development laboring under the impression that the *current* standards have a wide margin of safety built in. Just recently an eminent authority in nuclear safety, Professor Merrill Eisenbud, expressed his *opinion* that, "The standards contain enormous built-in conservatism" and "that 50–100 millirads per year (⅓ to ½ FRC Guideline values) will produce no harm".[17] We would indeed be relieved of our concern if Professor Eisenbud would replace his *opinion* with some hard *evidence* to refute the facts presented here today.

Industry *urgently* needs a real standard that can be expected to hold up over time, since a *later* revision downward can lead to excruciatingly costly retrofits in a developed industrial application of nuclear energy. It is *far* better to lower the guidelines for radiation exposure now and do our engineering accordingly. We believe engineering talent can direct its effort to essentially absolute containment of radioactivity *at every step* in any useful atomic energy development.

If we are fortunate enough later to find that some unknown effect operates to protect against the hazards we have demonstrated here, it will be easy enough to raise the guidelines for radiation exposure *then*. In this way we can avoid irreversible injury to our environment and to a whole generation of humans *while* we find out the true facts.

Argument 3: "We live in '*a sea of radioactivity*' and man has for time immemorial been exposed to ionizing radiation. Why worry about adding a little?"

This argument presumes that natural radiation does no harm! As we can demonstrate readily by elementary arithmetic, natural radiation, in all likelihood, does just about as much harm as we would expect from all the evidence we have laid before you.

Let us apply our factor of a 1% increase in cancer incidence rate per Rad. A reasonable value for average radiation due to natural causes is approximately 0.1 Rad per year. At 30 years of age, the average man has received $30\times0.1=3.0$ Rads of radiation from natural sources. (It is higher in some locations, and we shall consider that in a few moments).

Now $3\times0.1=3$, so we expect a 3% increase in the spontaneous cancer rate due to natural radiation. We doubt very, very much that may persons informed in this field would be prepared to argue that 3% of "spontaneous" cancer plus leukemia is *not* due to natural radiation. So, this argument concerning the sea of radioactivity falls of its own weight.

Argument 4: "But possibly there is a 'threshold' dose of radiation below which no harm accrues to man. Aren't you, therefore, unduly pessimistic about our standards?"

There are two crucial answers to this question:

1. Before the work of Stewart, Kneale, and MacMahon all the data concerning cancer plus leukemia induction in man was for total doses of 100 Rads or more. But their data for irradiation of infants in-utero are for *2 or 3 Rads*. And, even more importantly, their data indicate that each Rad may be even 10 times *more effective* in inducing cancer at these *extremely low total doses* than is each Rad at the high doses. So the threshhold concept has suffered some rather severe reverses!

2. We and others are doing experiments on human cells actively to determine the effect per Rad at various *total* doses to see if threshold type effects *ever* exist for man. But to use a *hope* that such thresholds may exist in setting guidelines for the exposure of our population *now* would seem like absolute folly.

Argument 5: "But isn't it true that delivering radiation slowly over a period of years, as would be the case for peaceful applications of atomic energy, may be less harmful with respect to cancer induction than the same dose delivered rapidly?"

It is perfectly true that, for *some* biological effects, the ability of the body to repair damage from previous radiation makes the effect of slow, protracted radiation less than for the same dose delivered rapidly. *No* evidence exists for such an effort on cancer or leukemia induction by radiation in man. Furthermore, the uranium miners received *their* irradiaton slowly over a period of years, and it appears that any protection this provides, if there *is any*, is not enough to appreciably alter any of our major conclusions.

Further, it may take 10 or 20 years to ascertain whether such protraction of radiation lessens cancer induction in man. This only militates in *favor* of redcuing the allowable dosage standards rather than against reducing them. Why, during such an interval of 10–20 years, should we take the high risk, *at the expense of the people of the USA*, of producing extensive irreversible injury?

Argument 6: "But isn't it true that some children have received large dosage of radiation to their thyroid glad from radio-iodine from fallout, as in St. George, Utah, and have failed to show a high incident of thyroid cancer?"

Let us look very closely at this issue. Tamplin has presented evidence, never refuted, that high levels of radio-iodine were indeed deposited in the St. George area during the Nevada tests *above ground* during 1952–55.[18] If children in that area consumed 1 liter of milk each day from cows grazing upon contaminated pastureland, he calculated that the radio-iodine dosage to their thyroid glands would have been approxi-

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Footnotes at end of article.

mately 120 Rads. Now there are several points to consider:

(a) There are some 2,000 children in St. George, Utah.

(b) When thesee children were examined, years after the possible exposure, some of the children in St. George were those who had moved there *since* the exposure, so the true number who might have been exposed is less than 2,000.

(c) Some of the children probably didn't drink 1 liter of milk per day.

(d) Some of the cows were *not* grazing on contaminated pastureland. They were eating uncontaminated stored feed.

But, for the sake of argument, let us *assume* all 2,000 children *were* in St. George, and *did* drink 1 liter per day of radio-iodine-contaminated milk, and *did* receive 120 Rads to their thyroid glands. How much cancer should have been expected?

Again, by simple arithmetic, we can use the mid-figure for increased incidence of thyroid cancer in children per Rad as 15% of the spontaneous rate. If the spontaneous rate is the difference of 10 cases per million per year, our expectation would be, for St. George.

$$\left(\frac{2{,}000}{10^6}\right)\times\left(\frac{15}{100}\right)\times(10)\times(120)=0.36 \text{ cases per year.}$$

Thus, every three years, 1 case of thyroid cancer would be *expected*. With this expectation, one could go for 10 years and not see that one case. Further, the points mentioned above in (b) through (d) would have reduced even this small expectation! So the data from St. George, Utah don't prove at all that radio-iodine exposure *doesn't* produce cancer in children. The St. George Studies just prove if an inadequate study is done, an inadequate result is obtained.

Argument 7: "But isn't it true that living in Denver at high altitude exposes people to more cosmic radiation and that as a result their annual "natural" radiation dose is 1.5 to 2.0 times what it is at sea-level?"

The answer is, "Yes".

"Then why don't they have a higher cancer incidence than people at sea-level?"

This particular argument is brought out and burnished brightly at regular intervals.

The answer is that the excessive radiation due to cosmic rays probably produced precisely as much extra cancer in Denver as our calculations would indicate. Let us make those extremely simple calculations.

First, to compare Denver with a sea-level region, we would have to know that the medical reporting of disease categories were just as good both in Denver and the sea-level community.

Second, we would want to be sure that the people at risk in Denver had lived there all their lives, and the people at sea-level had lived *there* all their lives.

Third, we would want to be sure that all other factors, aside from radiation, were identical in Denver and the sea-level community.

We don't know all these points, but let us suppose we were satisfied on all three. Let us say, to exaggerate the case, that Denver residents get 0.2 Rads per year versus 0.1 Rads per year at sea-level. In 30 years, the average Denver resident would accumulate 6 Rads; the average sea-level resident would accumulate 3 Rads.

Using our increase in cancer incidence rate of 1% per Rad, we would estimate, for Denver, a 6% increase in the cancer incidence rate; for Sea-Level, a 3% increase in the cancer incidence rate.

So, if we set all other "spontaneous" causes of cancer at 100%, we would say, Denver residents should experience 100+6=106.

Sea-Level residents should experience 100+3=103.

No expert in the field of Vital Statistics would be prepared to contest that Denver residents might be experiencing a 3% increase in cancer incidence rate due to cosmic radiation compared with otherwise equivalent people at sea-level.

Argument 8: "But aren't medical x-rays also capable of producing cancer along the lines of your argument?"

Absolutely! There is no justification whatever for *non-essential* x-ray in the course of medical practise. Every physician should acquaint himself with the facts described above and he should be convinced that the risk to his patient is greater by *not* having a particular x-ray taken than by having it taken. There is ample evidence of a concerted campaign within the medical profession to reduce the radiation exposure through diagnostic x-rays.

Argument 9: "Why do you criticize the guidelines for radiation exposure from the development of nuclear energy for electricity generation and say nothing of the hazard to the public from fossil-fuel electricity generating plants?"

Our answer is that we don't condone homicide with knives any more than homicide with guns.

We are in the field of atomic energy and we believe our knowledge enables us to speak to the issue of atomic energy. Therefore, we are presenting the evidence upon which a reasonable set of guidelines for radiation exposure from the peaceful atom can be based. We are *not* against nuclear generation of electricity. We have great confidence that our engineers have the talent to design reactors, reprocessing plants for spent nuclear fuel, transport systems, and waste storage facilities in such a manner that any release of radioactivity that might conceivably expose humans be kept so low as to preclude harm.

If fossil-fuel plants are causing disease in our population, this issue should be evaluated as soon as possible, and the fossil-fuel generating plants should be redesigned to remove effluents that are producing harm.

The general argument that making either nuclear plants or fossil-fuel plants safe will increase the cost of electricity does not impress us. Probably a dollar per month added to electricity cost per family would allow super-clean plants either of fossil-fuel or atomic variety. We submit it is much better to pay a little more for electricity than to die prematurely of cancer or leukemia.

Argument 10: "Experts have estimated that the dosage levels we are discussing in the existing Federal Radiation Council Guidelines might only shorten the average lifespan of humans some weeks or months. Isn't this worthwhile compared to the benefits?"

Absolutely not! First, even the *average* life-shortening may be greater than estimated. Let us assume, however, that the experts are right. The real answer is that this argument is totally immoral. Let us *assume* it is true that the average life expectancy is reduced only by several weeks. But how, we must ask, does this average reduction come about? It arises because many of the victims of premature cancer (those 16,000+ cases per year we referred to previously) lose 10, 20, 30, 40, or 50 years of their potential life span. While 16,000 cases is a large number, when it is diluted into the couple of hundred million people in the country, the resulting *average* reduction of life span due to radiation-induced cancer comes out only several weeks. This monstrous hoax should stop recurring.

SOME CLOSING REMARKS TO SENATORS MUSKIE, GRAVEL, RANDOLPH, AND THEIR COMMITTEE COLLEAGUES

We believe the real area where the problem of safeguarding the public health rests is in the primary biological standards of allowable radiation exposure. We do not think the current standards are at all acceptable.

With respect to calculating how much radiation the public might receive from nuclear power reactors, underground Plowshare events, we have, in our own laboratory, (supported by the Atomic Energy Commission) developed, under Dr. Tamplin's and Dr. Ng's guidance, a handbook, "Prediction of the Maximum Dosage to Man from the Fallout of Nuclear Devices", which enables anyone to calculate the radiation dose possible to any organ of the body from each and every radionuclide producible.[19] Wherever the data are inadequate, the worst possible case is assumed, in order to err always on the side of public protection. We constantly are updating this Handbook and are providing it to workers in the atomic energy field nationally and, where requested, worldwide. We welcome anyone concerned to visit our laboratory to learn, in detail, how to use this Handbook for their needs in public protection work in the radiation field. Thus, in the area of estimating possible *dosage* to humans, there exists, sponsored by the Atomic Energy Commission and required for its work, a highly advanced ability for anyone who wishes to avail himself of it.[*]

At the same time we, both members of an Atomic Energy Commission supported laboratory, should like to speak out on two issues of major importance.

First, any release of radioactivity associated with Plowshare or other programs to regions where humans or other members of our ecosystem can possibly be exposed should be documented by a truly independent agency and made immediately available to public sources for independent review. It may well turn out that attention to injury to other members of the ecosystem may be of greater long-range relevance to man than the immediate attention to man with extensive neglect of the ecosystem which supports his life.

The U.S. Public Health Service is, in principle, such an independent agency, but in practice the overly long delay in release of their measurements for public review is unacceptable. Furthermore, in the vicinity of the Nevada Test Site the AEC can exercise control over their reporting practices. This is also unacceptable. All measurements of radioactivity releases, radionuclide by radionuclide, to any unrestricted area must be made available for public scrutiny on an immediate and, therefore, timely basis. It is doubtful that public credibility can be maintained under existing circumstances.

It is difficult to believe such requirements can really in any way compromise the National Security. If *measurements* of radioactivity releases to unrestricted areas can possibly benefit an unfriendly power, it would indeed be a paradox that such measurements are possible for a hypothetical unfriendly power while being withheld where they may impinge upon the public health and safety of citizens of the USA.

Second, we are speaking out in the strongest terms against the current guidelines for radiation exposure to the population-at-large. We are urging the Atomic Energy Commission itself to join us in seeking early downward revision of the Federal Radiation Council Guidelines.

When the AEC in 1963 requested our laboratory to undertake long range, systematic studies of the effects of Man-Made Radiation upon man, we told AEC Chairman Seaborg and (then) Commissioner Haworth that the results of our studies could very well suggest restrictions upon on-going or proposed AEC projects. We said further that we intended fully to disclose publicly any evidence

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Footnotes at end of article.

[*] Additionally, in the Supplementary Section of this testimony is an extensive recent bibliography of contributions from our Laboratory bearing directly upon *documentation* related to possible dose from underground nuclear explosives of the Plowshare Program. We believe this Committee will find that a large body of evidence is being developed already on this subject.

developed, favorable or unfavorable to the AEC. Both commissioners assured us they were perfectly happy about this prospect—all they wanted was for us to be sure to provide the truth.

Today, we have presented your Committee with much evidence indicating that current radiation exposure guidelines are indeed dangerous—much too high. It would indeed be naive for us to believe that our recommendations will be received with enthusiasm in all quarters. To the best of our ability we have endeavored to present the truth. Our calculations, our evidence may, upon critical examination by others, prove wrong in minor respects. We doubt they will prove wrong in any major respect. The sharp cutting edge of scientific criticism, with all the evidence placed squarely in the open forum, will demonstrate any fallacies, will show where additional evidence is needed, and where errors have been made.

We intend to continue to provide critical appraisal of questions of atomic energy safety in such a manner that the evidence can be examined by the scientific and public community at large. We do not subscribe to the concern that the public might, thereby, become unduly or prematurely alarmed. If a real controversy concerning the evidence exists, the public very well ought to be alarmed, and ought to demand that we pace our technical progress in such a way always that unanswered questions are decided in favor of the health and welfare of the public.

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BEAUTIFYING POWER TRANSMISSION LINES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the September issue of Transmission and Distribution, Mr. J. B. Middleton of the Pennsylvania Electric Co. outlines the program his environment improvement conscious company is undertaking to beautify power transmission lines. The program is worthy of emulation by other power companies. I know there are many conservationists and environmentalists who blithely call for the "improvement of the environment" without considering the practical and/or economic problems involved. Trying to beautify transmission lines is a case in point. When one considers that transmission lines must clear most of any surrounding structures or growth, beautification is nearly impossible. Nevertheless, the Pennsylvania Electric Co. has tackled the impossible and is succeeding. The method of success is explained in the accompanying article:

IMPROVING APPEARANCE OF TRANSMISSION R/W

(By J. B. Middleton)

Fostered mainly by the opinions and demands of the public, transmission right-of-way clearing and maintenance has recently taken on the complexion of a beauty program. Current beautification activities were unheard of ten years ago. In helping develop healthy communities in which to flourish, electric power companies are finding it desirable and necessary to enter into this beautification activity. In an effort to remove the so-called "ugliness" from all of their facilities, two of General Public Utilities Corp. subsidiaries, Pennsylvania Electric Co. and Metropolitan Edison Co., have undertaken a seven-step major beautification effort.

SELECTIVE CUTTING DURING INITIAL CLEARING

In areas were transmission line rights-of-way will be under the surveillance of the public, selective cutting is used to screen and obscure the towers and other items of construction that are necessary for a major power transmission line. At some locations where the topography is favorable, it is possible to leave all of the trees and vegetation. Taller structures and towers make it possible to span the conductors above the ultimate mature height of the trees that are growing on the right-of-way. In some locations where it is possible to leave all the trees, shrubs and other growth, the right-of-way is then barely discernible to the most observant individual.

At the most important highway crossings, both the timber type trees and the trees normally preserved in a pure selective cutting are left on the right-of-way. The tallest trees allowed to remain provide for some height growth. The preserving of the timber type trees is a temporary measure. These will be removed when they threaten the operation of the line. All of the chosen trees for the selective cutting will be preserved as a future vegetative material to reduce the observability of the line.

At highway crossings where limited public scrutiny is anticipated, available vegetation from the selective cutting list (Table 1) is left to reduce the prominence of the transmission line.

The length of the areas designated for selective cutting varies with the topography and the availability of species included in the selective cutting list. Prior to inviting line clearing contractors to bid on any transmission line, a field inspection is made to determine the location, type, and size of selective cutting areas on the line. The construction engineering sections provide allowable vegetation heights for each highway and road crossing on the proposed transmission line. This allowable vegetation height information is used to determine what kind of vegetation and how high it may be left on the right-of-way.

By working with selected line clearance contractors, it has been possible to instruct and control them so that they perform an acceptable selective cutting operation. Traditionally, transmission line construction contractors are primarily concerned with building the line efficiently. We need to work closely with contractors to avoid damage to vegetation that is left for beautification purposes.

USE OF HERBICIDES

In each of the three categories of selective cutting used to shield off the observation of transmission line rights-of-way, herbicides are used selectively to eliminate timber type trees that would re-establish themselves on the right-of-way. Either selective basal or stump treatment is employed to accomplish the elimination of these unwanted species. We use two formulas—16 lb of half and half D and T to 100 gal of solution in fuel oil or diesel oil, or 12 lb. of straight 2,4,5-T in the same amount of solution. The esters that are used in these selective treatments are limited to butoxy ethanol or propylene glycol, but they are not effective on root suckering species. Much promise, on a very limited basis, is showing up for trichloropicolinic acid, which gives hope that root suckering species will be eliminated when this herbicide is applied as a winter dormant application.

In carrying out the routine brush control management, consideration is given to the beauty of the area following the treatment. One of the requirements is that all applications within 100 ft of any highway or road shall be selective basal. In the selective basal treatment we use 16 lb of T in 100 gal of oil. Here again, if trichloropicolinic acid has the ability to kill root suckering species, much can be accomplished in the way of retaining material beauty. The two utility companies are working toward a 12-month chemical treatment program.

Much of the undesirable results can be avoided by treating timber type species during the dormant season. This dormant season in the respective service areas extends from November 1 to May 1. The routine right-of-way management program utilizes all of the available tools to assist nature. These tools are: selective basal treatment; water-borne stem-foliage treatment; preclearing selective basal; stump treatment; mist blower application; and helicopter application. With water-borne, stem-foliage applications, the advantages of each of the chemical solutions is utilized. We use 2,4-D and 2,4,5-T as esters or amines. Areas that contain no timber type trees will not be treated at all. An effort is made to isolate and treat timber type species as selectively as possible when applying the water-borne, stem-foliage treatment.

PLANTING OF VEGETATIVE SCREENS

At all newly cleared transmission rights-of-way as well as all older existing transmission rights-of-way where exposure to public viewing is great, screens of vegetation are planted to provide a shield between the observer on the highway and the power transmission facilities. The planting consists of evergreen trees, shrubs, and low growing broad leaf evergreens.

Selective cutting is more effective than transmission screen planting. However, it must be recognized that some locations are void of the chosen species covered in the selective cutting list. Here, planting may be the best solution.

IMPROVEMENT OF ROUTINE CLEARING TECHNIQUES

Where the topography permits the elevation of the conductors to give safe and reliable operation above the ultimate mature height of forest type trees, the right-of-way is left uncut or narrowed as much as construction practices can accommodate. Burning of waste materials from the clearing operation is accomplished in a manner to avoid scorching or damaging the trees adjacent to the right-of-way. Stump treatment to all stumps one inch and greater in diameter is applied where any clearing is needed. This one-inch diameter breaking point allows for timber type tree stumps to be treated and shrub species to be left untreated to later sprout and provide right-of-way cover. In special cases, where requested, selective clearing is done for the individual property owner. It is very possible that before too long, selective clearing will cover the entire length of the rights-of-way.

With the higher voltages that are now being used to transport electric power, rights-of-way are wider than before. To remove the heavy tree stems from the right-of-way, heavy equipment is mandatory. This heavy equipment rips up the right-of-way and makes it difficult to locate stumps for follow-up stump treating. Pre-treating of the trees to kill them before the right-of-way is cleared has been tried using selective basal with 2,4-D and 2,4,5-T as well as straight 2,4,5-T ester in fuel oil or diesel oil. Concentrated solutions of these materials and trichloropicolonic acid as mist blower applications are being tried.

POLE AND STRUCTURE LOCATIONS AND SIZES

Special attention is given to major highway crossings and areas of heavy public observation. To accommodate the requirements of beautification, modifications have been made in structure location and structure size. Poles have been moved to get them away from the immediate area of observation. Taller structures have been used to accommodate taller growing plant material under the conductors.

HERBICIDES VS. FOOD AND COVER VALUES OF GAME LANDS

In January 1965, the Pennsylvania Game Commission prohibited the use of any herbicides on Pennsylvania State Game Lands. They said that much game food and cover were lost due to the use of chemicals. In the spring of 1967, the Game Commissioners agreed to permit the utilities to demonstrate that application could be controlled and that the wanton destruction of food and cover would not occur. During 1967, four game land areas were treated as a part of this demonstration. The work on these four demonstration areas was accomplished by the dormant selective basal only. Judicious right-of-way management is imperative, especially where herbicides are used.

INSTALLING OF FOOD PLOTS

Two agencies in Pennsylvania, the Departmnt of Forests and Water and the Game Commission, require that designated areas be established as food plots for game on new transmission rights-of-way. Food plot preparation is the conversion of forest land to a high grade of cultivated agricultural land. This practice is expensive.

A CONSERVATIONIST VIEWS THE TIMBER SUPPLY BILL

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, working on the House Interior and Insular Affairs Committee has taught me how complex Federal land management can be, and has given me a splendid opportunity to push hard for conservation measures.

I cosponsored the North Cascades National Park bill and was instrumental in guiding it through the House. The 1967 plan to blast an open pit copper mine in the heart of the Glacier Peak Wilderness Area drew my vehement opposition and led me to ready a bill to block the mine. In committee and on the floor of the House, the long-sought Redwoods National Park, wild rivers legislation, scenic trails bill, national seashore measures, and additions for wilderness areas had my enthusastic support.

In 1960 we had no wilderness preservation system. Today more than 14,300,000 acres are being administered under the Wilderness Act of 1964. One of the latest additions is the 520,000-acre Pasayten Wilderness in the North Cascades.

Why, you might ask, is a life-long conservationist supporting this timber supply bill (H.R. 12025) about which so many bad things have been said?

Like so many natural resources measures, the timber supply legislation might be called "the Halloween bill." Somehow these issues get the full treatment of speculation and exaggeration.

When Congress was working on the North Cascades bill, a highly respected business leader in Bellingham, Wash., said flatly that the local Georgia Pacific plant would shut down within 5 years if the bill were passed. Sportsmen's groups protested the legislation as threatening their activity. In fact, little of the timber cut in the Mount Baker National Forest was involved, and less than 1 percent of the State's deer kill was affected.

This same litany of impending doom pursued us on the Redwoods bill, the Wilderness Act, and other measures. Can it be that well-meaning persons opposed to H.R. 12025 have overlooked the complexities and purposes of national forest management?

TREES AND HOUSES

The Kerner Commission cited deplorable housing as a key factor behind violence and unrest in the Nation's inner cities. Dwelling units in the ghettos are islands of neglect. Overcrowded, poorly insulated, hospitable to rats—these are the facts of life that make slum housing like a medieval prison.

In the Housing and Urban Development Act of 1968, a goal of 2.6 million housing starts was set for the next decade to meet the needs of our people. In addition to the urgent demand for better housing in the core cities, the children of the "baby boom" of 1943–50 are beginning to raise families of their own.

But because of tight money conditions, high interest rates, a severe shortage of commercial sawtimber, and other factors, the total number of new housing starts for 1969 is expected to be only 1 million.

Wood is used in 80 percent of American homes. It is the prime element for rehabilitating ghetto housing. Projected to 1985, our housing needs will demand an increase of about 50 percent in lumber consumption. And 100 percent by 2000. At the present time, the development of wood substitutes is moving forward but is also hindered by cost and other factors.

Trees are essential for the conservation of America, her cities, and her people.

TIMBER, PUBLIC AND PRIVATE

Almost 13 billion board feet of timber was removed last year from the national forests. Roughly 3 billion board feet came from the public lands in Washington and Oregon lying west of the Cascades. Total lumber consumption in the United States amounted to 44 billion board feet, and lands owned by the timber industry itself produced about 36 percent of the harvest.

The forest products industry in the West is characterized by the large firms such as Weyerhaeuser who own vast tracts of timber and small companies that are wholly dependent on national forest timber. The latter include such local concerns as Everett Plywood, Peninsula Plywood, and Anacortes Veneer.

In the face of skyrocketing log exports to Japan and the accompanying rise in timber stumpage prices, Congress in 1968 passed a law requiring that no more than 350 million board feet of national forest timber can be sold into export each year. I worked hard for this conservation measure.

Edward P. Cliff, Chief of the U.S. Forest Service, estimates that 10 billion board feet of public timber is lost each year owing to fire, insects and disease. He states further that there is a current backlog of 4.8 million acres needing reforestation and 13 million acres requiring thinning and other improvement work. To take care of the latter two problems, he told Congress, would cost about $900 million.

The Forest Service and other experts all agree that U.S. housing needs cannot be met unless additional funds are found to increase timber yields through modern forest management practices.

The public lands must respond to the public's needs, be they for recreation, housing, or wilderness. Because they are public lands, they belong to the hiker, to the camper, to the young married couple, and to the ghetto child now suffering and imprisoned in shameful housing.

THE PENDING BILL

In its statement of purpose, H.R. 12025 says that "increased annual harvests from national forest commercial forest land may be permitted under sound conservation principles on the basis of short-range accomplishments so long as long-range goals are assured. * * *

H.R. 12025 establishes a high-yield timber fund in the U.S. Treasury. The fund will be supplied by 65 percent of the receipts from the sale of Federal timber—existing law requires that 25 percent go to the States for schools and roads and that 10 percent be used to finance access road construction.

The funds, estimated to be some $230 million in the first year, would be deployed for reforestation, precommercial thinning, semicommercial thinning, fertilization, salvage sales, and other aspects of timber technology.

How different these sound conservation practices are from the "cut and get out" methods of the last century. Through industry and through the great forestry schools such as the University of Washington we have transformed mistakes into accomplishments. Forest ravaging has yielded to forest reclamation.

Indeed, today's professional forester is equally at home in a laboratory as in a stand of Douglas-fir. He is an ecologist who seeks to put back more than he removes. Often overlooked is his role as a star player in the growing drama of American conservation.

Estimating the precise effects of H.R. 12025 is somewhat difficult, but many persons predict that the output of timber could be increased by 60 percent. Keep in mind, too, that this is a long-range measure. No one in his right mind would sanction a "mow 'em down" logging policy.

MULTIPLE USE AND OTHER AMENDMENTS

The timber supply and conservation bill has gone through four stages as of November 1969. There was the original bill introduced in April, the substitute introduced in June, the amendments of September, and the amendments of November.

These changes should remove legitimate fears about the bill.

By far the most critical change made by the House Agriculture Committee was to require that the timber supply bill conform directly to the Multiple-Use Sustained Yield Act of 1960. I recommend this improvement in my testimony on the bill on May 21.

This act clarifies the organic act on national forests. The 1897 statute says that national forests are established to improve the forests, to secure favorable water flows, and to "furnish a continuous supply of timber for the use and necessities of citizens of the United States."

The 1969 act says:

> The national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.

In section 2 it specifies:

> The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for the multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. *The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act.*

The official Agriculture Committee report on the bill, dated November 18, carries this principle even further: "It is the understanding and expectation of the committee that H.R. 12025 shall not interfere with existing procedures for the designation of wilderness prescribed by the Wilderness Act, or with present practices for multiple-use management of the national forests under the Multiple-Use Sustained Yield Act."

Thus, the H.R. 12025 retains the power of the Forest Service to ban logging even on lands classified as "commercial." This power is already used frequently by the Forest Service. Not only does it ban cutting, but the Service also limits cutting as well.

In fact, H.R. 12025 applies only to commercial forest lands. Of the 186 million acres now administered by the U.S. Forest Service, only 96 million acres are classified as commercial timberlands.

Another important amendment met the objections of conservation groups by eliminating the authority for advance road building. Conservationists feared that this would be used to construct extensive new roads into areas presently roadless.

Yet another change was that which requires the Secretary of Agriculture to submit to the Congress within 1 year first, a plan for the development and management of national forest resources, and second, a similar plan for all commercial forest lands, public and private.

This latter amendment answers the charge that the bill did not call for better timber supply and conservation practices on lands owned by the forest products industry.

LOOKING AHEAD

That H.R. 12025 serves the cause of conservation can be illustrated by a hard, political fact. Simply this: unless we take sound and practical measures to increase the timber supply, it will be much more difficult for Congress to pass wilderness, national park, and recreation bills.

The lobbying on the Redwoods measure offered a good example of this reality. Then, too, we have the 1966 plan to remove 59,000 acres from the Olympic National Park.

There are many areas in the West that deserve inclusion under the Wilderness Act. Among them in my own State are the Alpine Lakes region in the Snoqualmie National Forest and the Mount Aix and Enchantment areas in the Wenatchee National Forest. Translating these wishes into acts of Congress, however, may depend on our ability to assure larger and sustained yields of timber in the areas suitable for cutting.

OEO LEGAL SERVICES PROGRAM

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, if eviction is a person's only experience with the law and the process server a person's only encounter with legal personnel, it is pretty difficult to have an unbiased view of our legal process. And this is doubly true if that legal process has been abused.

One of the major problems of a poor person is to obtain decent housing. Although housing and sanitary codes are in existence to insure that landlords fulfill their duty to maintain decent and safe housing conditions, they have been generally ineffective in protecting an individual tenant's rights.

The OEO legal services program has been helping to make these rights secure. In two District of Columbia landmark decisions, left standing by the U.S. Supreme Court, statutory housing provisions were "given teeth" for the protection of ghetto dwellers.

In the first case, eviction proceedings were brought against a tenant after she fell behind in her rent. Her lodgings were riddled with housing code violations at the time she made the lease. The U.S. court of appeals held that no rent was due under the lease because it was an illegal contract. The court said, "To uphold the validity of this lease agreement, in light of the defects known to be existing on the leasehold prior to the agreement, would be to flout the evident purposes" of the code.

In the second case, the client was threatened with an eviction after she complained to the city about more than 40 code violations which existed in her rented house. When inspectors ordered repair of the violations, she was sent an eviction notice. The court ruled that a landlord had no right to evict a tenant in retaliation for complaints about code violations, a customary way in which unscrupulous landlords intimidate tenants from exercising their right to file such complaints. The court noted that the housing and sanitary codes reflected a strong congressional interest in securing safe housing for slum dwellers, and that the codes depended in part for enforcement on the reporting of violations by private individuals.

Were it not for legal services, recourse to rights would be sought on the streets rather than in the courts. Legal services is doing its job.

HON. WAYNE HAYS, PRESIDENT OF THE NORTH ATLANTIC ASSEMBLY

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, recently I had the honor to attend the 15th session of the North Atlantic Assembly, formerly the NATO Parliamentarians Conference. I observed with considerable pride the high esteem in which our colleague, the distinguished gentleman from Ohio (Mr. Hays) is held by the several representatives from the parliaments of the NATO nations. They made their respect a matter of record, Mr. Speaker, by electing him President of the North Atlantic Assembly.

It is the purpose of the Assembly to seek to strengthen political understanding and cooperation among the member countries. The parliamentarians seek to give active proof of their interest in the problems and development of the Alliance in their respective legislative assemblies. No man has demonstrated his interest more actively than has Wayne Hays.

It was Wayne Hays himself who, in 1955, sponsored legislation to authorize participation by the United States in the NATO Parliamentarians Conferences. He has served as the chairman of every delegation the House of Representatives has sent to the Assembly since that time. He also served as President of the Conference in 1956–57.

I know that Wayne Hays will continue to do the outstanding job he has always done in this new expanded responsibility and I want to extend my warmest congratulations on this international acknowledgment of the outstanding qualities of our distinguished colleague.

U.S. BUSINESS PARTICIPATION IN DEVELOPMENT OF BETTER HOUSING OVERSEAS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, I am today, with my colleague from Florida (Mr. Fascell), introducing a bill for the purpose of study and review by the Congress and the Department of State in connection with our efforts to stimulate private U.S. business participation in the development of better housing overseas.

Let me reiterate that I introduce the bill at this time, not in the expectation that the Congress will be able to act on it now, especially in view of the fact that we enacted the Foreign Assistance Act of 1969 only last week, but rather in the hope that the Congress will take this opportunity to study and consider the proposal for the future. I put this before the House so that the Peterson Commission, too, can consider it as an effective device to promote housing in the developing countries.

The priority to be given to housing in our foreign assistance program is of great concern to me and to the Committee on Foreign Affairs. I am not yet satisfied that proposals which have been brought before the committee satisfactorily encompass the importance of our housing efforts abroad, particularly as these involve the participation of private businessmen and investments of private funds from the United States. Thus, I introduce this bill in the hope that during the next session perhaps, the Congress will be able to proceed with a full exploration of the housing matter. I am hopeful, too, that this bill may contribute to that effort and form a basis for future legislative action.

The Foreign Assistance Act of 1969, which passed the House last week, included a provision to establish an Overseas Private Investment Corporation which is intended to further increase the participation of U.S. businessmen in the total overseas development process. There is, however, a significant omission in the structure of the corporation: it does not provide for the participation of U.S. businessmen involved in homebuilding and financing activities which, in the opinion of many Members of the Congress, constitute a significant part of our foreign aid effort.

Since 1961, the housing guaranty program, particularly in Latin America, has been operating with some measure of success within the Agency of International Development—AID. It is a program which does far more than simply transfer U.S. dollars overseas and provide a supply of houses for the developing countries. This program stimulates and creates private homeownership in those countries and it introduces North American skills in producing better homes at less cost.

The Congress has continually supported this worthwhile program and has reiterated the principle that decent housing and homeownership should be a major foreign assistance objective. The housing guaranty program provides middle-income individuals the opportunity to purchase a home. This group—caught between the wealthy who need no assistance and the impoverished who receive direct Government assistance—contains a most vital segment of society: professional people, skilled workers, teachers, and civil servants.

The bill Mr. Fascell and I are introducing today proposes that a special corporation be created for our foreign housing and home finance activities. Such a corporation, an Overseas Private Housing Corporation, would carry on the present AID housing guaranty activities in the same manner that the proposed OPIC will operate with regard to other private enterprise activities.

The housing corporation proposed in this bill would be financially self-sufficient—operating with the fees it receives and with the proceeds of the sale of shares to the private U.S. business community. Such a corporation would be capitalized initially by a transfer of the fees and reserves presently available for the AID housing guaranty programs. No appropriations would be required.

The Board of Directors would consist of nine individuals—three appointed from private life by the President, three selected by the stockholders, and three from those Government agencies most involved in housing, home finance, and the foreign aid program. The Board would be directly responsible for appointing officers and staff and for the operations of the corporation.

The purpose of the corporation proposed in this bill is similar to the purpose of OPIC. More effective and efficient operations are sought. In the housing guaranty program, for example, delays in processing applications and in approving projects have kept the present housing program from achieving its full potential. In some cases projects have been delayed for such a long period of time that the original approved sales prices are no longer realistic, other circumstances have changed, and the projects are no longer feasible.

I believe that U.S. businessmen require and should be given prompt decisions when investing their money in foreign countries. This is particularly important for housing guaranty activities because of the long development time necessary in order to produce housing.

The corporation proposed in this bill would operate independently of the State Department but would coordinate its activities with the Department. It would provide a means for carrying out, on a businesslike basis, an excellent private enterprise program. A private corporation would operate more efficiently than the present program and its independence and efficiency should encourage the participation of more United States businessmen.

I am pleased to point out that this bill has the wholehearted support of two organizations with unparalleled experience and expertise in this area: The United States Savings and Loan League and the National Association of Home Builders.

I believe that careful study by the Congress of the concept embodied in this bill, may reveal a more effective way to marshal private participation in the foreign assistance program which might hopefully lead to the more efficient operation of that program toward our stated goals.

UNITED STATES TODAY LIKE CUBA WHEN CASTRO WAS STARTING

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues and fellow countrymen the able and eloquent speech delivered by Dr. Manolo Reyes at the graduation exercises of the Cuban teacher retraining program at the University of Miami on October 23, 1969; as well as the very timely and interesting article "United States Like Cuba Was, Fidel's Ex-friend Says'" by Dr. Reyes appearing in the Coral Gables Times of November 10, 1969.

Dr. Reyes is Latin American Affairs

editor of television station WTVJ in my district and is one of our greatest advocates of friendship between the American and Cuban peoples. His voice continues to be a testament to the cause of freedom and his sentiments should be an inspiration to all of us.

His speech and article appear immediately following my remarks:

SPEECH DELIVERED BY MANOLO REYES AT THE GRADUATION EXERCISES OF THE CUBAN TEACHER RETRAINING PROGRAM, UNIVERSITY OF MIAMI, CORAL GABLES, FLA., OCTOBER 23, 1969

This happy occasion reminds me of the boy that was walking on the snow and taking big steps. He was very short but nevertheless he was trying to take almost giant steps. Somebody asked him: "What are you doing?" And he answered: "I am following the footprints of my teacher."

This is to tell you, now more than ever, on your graduation day, how important your daily dealing with children and youngsters really is. You will be the mirror in which they will learn the basic matters of the subjects that you will teach them. But also the manners and reactions that you will use with them.

As time goes by, the child converted into a man will not remember the color of the jacket, or shirt, or the pants, or the suits he used to wear to school. He won't even remember the color of the necktie he liked the most during his school years. But he will always remember his best teacher. I believe that the most precious reward for a teacher is to be remembered, with affection, with gratefulness, by his pupils.

Tonight we are gathered here together for a graduation. After many months and some years, of hard work, a group of Cubans are finishing their studies to become teachers in the United States of America. I want to thank you, the faculty of the Cuban Teacher Program of the University of Miami, for giving me the privilege and the honor of addressing this meeting. As a Cuban I feel very proud of my compatriots, especially tonight.

But, also, as a Cuban, interpreting the feelings of all of you, I want to express your gratitude to the United States of America, to its people, to its government and particularly, to these wonderful teachers of the Cuban Program for their help in providing this unique opportunity to all of you. An opportunity to put you on the road to success and self pride, because the teacher is not only father and mother at school, but also a builder, a constructor of nations.

Tomorrow, when you go out to teach, I know that your teaching will have a different flavor, the expensive flavor of experience. Because, we, the Cubans, are the only ones in the Western Hemisphere that have tasted the evil of communism. We are the only ones that have lost, not permanently, but nevertheless lost, our country due to communism. And I am sure, that you, the new teachers of tomorrow, will be the best speakers for freedom. And always remember . . . that . . . Education Is Freedom. Maybe some of you will go to other latitudes of the United States, where I am sure that democracy will have in you a symbol. We the Cubans will have not only an outstanding spokesman for our oppressed people . . . but also a Cuban Ambassador in exile. His behavior will honor not only the United States, but also our beloved Cuba.

Some of you will stay in this area and will go to teach in schools with Cuban students. I don't want to sound selfish in my expressions, but remember, if the American students need your help, the Cuban youngsters may need it more than any one. He is not in his country. Outside the door of his home he is an American. Inside his home he is a Cuban.

If parents and teachers, especially you the new Cuban teachers, don't work together for his benefit, he can be lost. He is standing between two nations, but don't let him know this problem. Let him be just one of the class. Let him have the same teachings as the others. Don't make special treatment for him. Sponsor and help him to have all the class students as their friends, whether they are Americans, French, Cubans, Europeans, etc. But, bear in mind, that the Cuban youngster has to be saved for the future, because they are the leaders of tomorrow in a free Cuba. And you have to help them to maintain their heritage, their history, their language, so they will not be foreigners when they go back to their native land. And never force them to decide between their native and adopted countries. Remember, the Cubans are fighting for freedom, and in freedom they have to make their own choice. We have to respect it.

To finish these words I want to praise all of you for your efforts that culminated tonight in your graduation. In the midst of our ordeal you have increased your knowledge by hard work, and now you are full accredited teachers in this country. I repeat, I am very proud of all of you, not only because you have shown not only to the University of Miami and your teachers, but to the world, that you have been capable to have been born twice in your life also, because you were born in Cuba, and when you came to a new environment, to a different country, you stood up, and through study, you have been born again.

You have been born for the second time in your life. And I'm sure that when the time comes . . . and it will come, be sure of that . . . you will be born for the third time in your natural life. And that time will be when you will go back to the land in which you opened your eyes for the first time in this world. . . . That time will come when you will be teaching in a Free Cuba.

UNITED STATES LIKE CUBA WAS, FIDEL'S EX-FRIEND SAYS

(By Dr. Manolo Reyes)

Sometimes we take many things for granted. We believe that they are with us and will be forever.

And that is not true.

In 1956, we, the Cubans, felt very sorry about the Hungarian people crushed by the Soviet tanks when they tried to get freedom.

But we never thought that only three years later communism was going to be imposed in our country and the Cuban people would be facing the same situation of the Hungarian people.

And one of the things that brought down the nation was the student disorders!

I believe in student disagreements, and I believe in student controversy . . . but I don't believe in student anarchy just to break respect. Once respect is out, there is no authority. And without respect and authority there are no moral or spiritual values.

Furthermore, the student of today will be the husband, the wife, the father, the mother, the leader of tomorrow. And if he does not learn respect today, he will never be respected tomorrow.

I believe in the peaceful demonstrations authorized by the laws. But I don't believe in demonstrations aimed to wind up in rioting, burning, looting and sniping, because these demonstrations take advantage of the guarantees given by freedom to destroy the same freedom.

I can talk from experience. I saw many student demonstrations in Cuba.

Some of them were peaceful.

Others were done to finish in rioting. And particularly in those, a handful of professional agitators were enough to launch larger groups of innocent students to fight with the police.

And after the fight was over in many streets of Havana, and in many cities of the island, there was a charge made:

"Police brutality."

Because the students are always seen as the sons and daughters of the people, the word student always conveys the picture of a young kid, the one who is growing up.

The word "police" implies a grown up person—strong, equipped with the proper arms to defend himself. And in this mental struggle the student always won the battle in Cuba.

And how did we finish?

With communism in Cuba.

With a massive exodus.

Without a country.

I'll never forget one day that I was going out near the Alma Mater at the University of Havana.

I was studying at the Law School. That day I was going down the big staircase toward Saint Lazaro Plaza.

It was 1947. The Government of President Grau San Martin said it was planning to increase the public bus toll from five to ten cents.

All of a sudden I saw a group of about 50 students screaming and running down the big staircase of the University of Havana.

As soon as they reached the bottom, at gunpoint, they stopped a public bus that was coming and ordered all the passengers to get out.

The leader of the group screaming the most, ordered cables and ropes around the bus. And other students came to pull up the bus.

They did through the big staircase, until the bus was put side by side to the Alma Mater.

Then the ringleader got two gas cans, spread gasoline throughout the bus and set it on fire.

The leader's name was Fidel Castro.

I knew Castro because we were studying the same profession at the Law School. He was two years behind me. He is 43 and I am 45.

Castro as other so-called student leaders at the University of Havana, had long hair, mustaches and always had a gun in his belt.

His clothes were always dirty.

Of course Castro was not seen very often in classes and people speculated that the grades were made by Castro through intimidation or threats.

It can be said that the students at the University of Havana in the years I was there were divided—those who went to the University to study and those who went there to produce unrest.

The first group was the largest by a vast majority.

The second group was a very small minority, but a noisy minority that agitated and destroyed.

In the first group have to be included those honest student leaders that wanted better things for the student body.

In the second group were those who did not reject any means if with them they could get their goals, including sniping and injuring one of their own, so the police can be blamed for it.

Castro himself had been accused many times of the killing of one of the most outstanding student leaders of the University of Havana, Manolo Castro. No relation to Fidel.

And it has been said that Castro shot him in the back.

I'll never forget the day I was going to examinations for the last subject to become a lawyer.

I remembered that we were called at the Aula Magna of the Law School by the student delegate in an urgent meeting.

Hundreds of students gathered together there to listen to what he had to say. And he explained that he was going to call for a strike against the school.

The strike would begin right there and would spread throughout the entire school.

After he made a speech full of fire, I stood up and asked his explanation of why the strike was going to be called.

The explanation was—more participation of the students in the direction of the Law School . . . and the University.

That was enough for me. I stood up again and told him that I was completely sure that he was calling that strike because he did not know the subject he had to be tested on that afternoon.

Since I had never seen him regularly in classes, I invited him to a public debate about the content of the subject.

He refused.

Then I told him in front of all the student body that if I believed his reasons were valid, I would go on the strike.

But since the whole thing was another personal matter, for his own sake, I was not in a position to accept the strike.

So, I was going to the exams.

The rest of the students stood up and voted with me and we would go on with our studies.

This is what happens in many instances. These so-called student leaders work for themselves, for their own benefit, with no regard for the sake of the others.

I saw many times the students pushed into a confrontation with the police.

The so-called leaders, meanwhile, were not with them or ran away seconds before the police arrived.

So, that's why I repeat.

We, the Cubans, know many things about student demonstrations and student riots.

We know how innocent people can be pushed into riots.

We know how the professional agitators work to create or develop these situations.

And we don't want other people to suffer what we had to face in our country.

So, that's why I believe in student rights to disagree, in student controversy to make better and healthy the road of the future . . .

But I don't believe in student anarchy to destroy respect, obedience, authority and the intangible values that makes democracy strong.

RESOLUTION OF THE DADE COUNTY BAR ASSOCIATION OPPOSING THE MURPHY AMENDMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, you and Members of the House will be interested, I believe, in the resolution of the Dade County Bar Association of November 5 opposing the so-called Murphy amendment to S. 3016 in the Senate. I share the views of the Dade County Bar Association about this matter. The resolution of the Dade County Bar Association appears in the Record immediately following my remarks:

Resolution

Whereas, the Dade County Bar Association has been advised that the United States Senate through the "Murphy Amendment" has modified Senate Bill 3016 so as to permit the governor of each state to exercise an absolute and final veto over the grant of funds to any legal services program in the state, and that the Office of Economic Opportunity legislation embodying the Murphy Amendment will now be considered by the House of Representatives,

Be it resolved, that the Dade County Bar Association considers the Murphy Amendment to be unwise, and opposes its enactment.

Dated this 5th day of November, 1969, at Miami, Florida.

Frank A. Howard,
President.

Attest:

Lyle D. Holcomb, Jr.,
Secretary.

RESOLUTION OF THE DADE COUNTY FEDERATION OF WOMEN'S CLUBS ON THE DISSEMINATION OF OBSCENE AND PORNOGRAPHIC MATERIAL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, you know that our citizens are deeply concerned about the dissemination of vast quantities of obscene and pornographic material through the mails and over the country. Many of my colleagues and all of the Florida delegation have introduced legislation to curb this evil. We were very much gratified that the distinguished Dade County Federation of Women's Clubs on October 22 adopted a resolution supporting our H.R. 12627 and similar Senate bill.

A copy of this resolution appears in the Record immediately following my remarks:

Resolution

Whereas, The dissemination of obscene and pornographic material presents a serious threat to the morals and welfare of citizens generally and especially to the youth of our country; and

Whereas, On February 19, 1969, the late Senator Everett McKinley Dirksen introduced Senate Bill No. 1077 in the Senate of the United States to amend Title 18 and Title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; and

Whereas, On July 8, 1969, the Honorable Charles E. Bennett, the Honorable Dante B. Fascell, the Honorable Claude D. Pepper, the Honorable Bill Chappell, the Honorable Don Fuqua, the Honorable Sam M. Gibbons, the Honorable James A. Haley, the Honorable Paul G. Rogers, and the Honorable Robert L. F. Sikes, Florida Members of the United States House of Representatives, introduced House of Representatives Bill No. 12627 to amend Title 18 of the United States Code by adding a section to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of eighteen years, and to restrict the exhibition of movies or other presentations harmful to such persons; and

Whereas, After consideration of Senate Bill No. 1077 and House of Representatives Bill No. 12627, the members of the Dade County Federation of Women's Clubs believe it would be for the best interest of the public that such legislation be enacted by the Congress of the United States,

Now, therefore, be it resolved:

1. That the Dade County Federation of Women's Clubs, of Dade County, Florida, approves and endorses, in principle, Senate Bill No. 1077 to amend Title 18 and Title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes, and House of Representatives Bill No. 12627 introduced by the aforenamed Florida Members of the United States House of Representatives to amend Title 18 of the United States Code to prohibit the dissemination of materials harmful to persons under the age of eighteen years and to restrict the exhibition of movies or other presentations harmful to such persons, and urges the Senate and House of Representatives of the United States to enact said bills into law.

2. That copies of this resolution be furnished to all Florida Members of the Senate and House of Representatives of the United States.

3. That the Florida Federation of Women's Clubs be requested to adopt this resolution at its next regular meeting.

Adopted by the Dade County Federation of Women's Clubs at a regular meeting held in Miami, Florida, on October 22, 1969.

Mrs. Wyatt O. Crane,
President.

Mrs. James W. Beville, Jr.,
Secretary.

DO WE REALLY WANT AN ALL-VOLUNTEER ARMY?

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include pertinent material.)

Mr. HALL. Mr. Speaker, a favorite ploy of those individuals—some well intentioned—who would reduce this Nation's defense capability, is to constantly call for an all-volunteer army. I might add, that these same individuals would also do away with the ROTC program as well as the Selective Service System. They continually refuse to face the fact, that release of induction pressure on the Army, would decimate the vaunted "volunteer" ranks of the other three services.

To those who would like to better inform themselves to the risks presented by this idea, I offer for their enlightenment, an article written by a highly qualified and distinguished American, Gen. Bruce C. Clarke, U.S. Army, retired.

General Clarke, takes his expertise from many years in the military, service in three wars, and a long history of positions of command. I certainly recommend its reading.

The article follows:

Do We Really Want an All-Volunteer Army?

(By Gen. Bruce C. Clarke)

Today there is much discussion about whether our country would be better served by an all-volunteer Army than by one which includes volunteers and inductees. Many of the viewpoints advanced are solidly based, while others give the appearance of being catchy slogans backed by little more than good intentions.

At first glance, the all-volunteer Army concept appears to be an attractive alternative. By permitting the elimination of Selective Service, it would do away with a target of criticism by some Americans. It is asserted that an all-volunteer Army would retain its members for longer careers thus becoming more "professional" and proficient while at the same time reducing high training costs occasioned by rapid turnover.

There are, of course, other favorable arguments for an all-volunteer military force.

My purpose here is not to attempt to destroy these arguments nor to intimate that the entire proposition does not deserve consideration. On the contrary, it seems appropriate now to introduce some further points for consideration by thoughtful military men and by American citizens generally.

At the risk of sounding less than becomingly modest, I believe that some 40 years of military service including three wars and command at nearly all levels might persuade some that what follows has a basis on fact and hard-earned experience.

If the United States adopts a policy of an all-volunteer Army in the face of present world conditions, we may well be in for some real problems.

First off, we want a democratic Army of, and close to, our people. We want an Army that is representative of the best of all those diverse nationalities, races, creeds and conditions which make good our motto "E Pluribus Unum" (out of many—one).

A purely professional force tends to isolate itself, and to be isolated, from the mainstream of national life. It has very little positive impact on our American society and tends to be neglected by the people and their elected representatives. When this happens, adverse effects on morale rapidly reduce the effectiveness of the Nation's defense.

We want and need an Army of men meeting the required high moral, mental and physical standards. When undue enlistment and reenlistment pressures are brought about, standards tend to be lowered in order to fill quotas. For example, during one year while I was in command in Europe, 91% of the soldiers we eliminated from the Army as unsuitable were Regular Army, and most of these were on their first enlistment.

Furthermore, there is no place today in these times of rapidly evolving military technology for an army having any aging professional privates.

Today, the draft encourages many to voluntarily enlist, enroll in the ROTC, join the National Guard and the Reserve and to consider attending one of the service academies. This results from focusing national attention on service needs for quality manpower as well as from the threat of the draft.

And now comes the very practical matter of maintaining the combat elements of the Army and the Marine Corps without Selective Service. Simply stated, the problem essentially is to get officers and men whose job it is to close with the enemy and defeat him on the ground.

The hardships and hazards of duty are not equal among the Armed Services, nor are they equal among the various branches of the Army. The Infantry of the Army and the Marines incur, by far, the greatest risk. Overall casualties of the Korean War are illustrative. For the Army these were 27,604 (of which 84% were Infantry), for the Marines 4267, for the Air Force 1200 and for the Navy 458. During World War II, 89% of the Army people killed were Infantrymen and during the Korean War 92%. While these figures are not in the minds of Americans in general, their overall import is commonly understood.

Between World War II and Korea, we tried to maintain the Army without Selective Service. And, we made an all-out effort to do this. This resulted in so much stress on enlistments in the administrative and technical elements of the Army in order to learn a trade that enlistments in the combat arms were inadequate to maintain them at authorized strength.

While an important incentive, pay alone is not the answer. In this respect, one has only to look at the recruiting picture in some of those countries which pay well considering their economies and go begging for military manpower. Or, closer to home, consider the police recruiting problems of some of our leading, modern police forces where salaries and other benefits appear to be most attractive.

Now, even assuming that we could somehow build and maintain a large all-volunteer force (an assumption which I consider to be of the type that might properly earn a "U" on a staff study at one of our service schools), what happens if a crisis demands expansion? One can but imagine that the Selective Service system would have deteriorated so far that rapid response to vital national need would be impossible. This must not be permitted to happen. This system must be maintained fully and effectively even on a standby basis.

Having said all of this, it is important not to forget that we very much need to maintain a sizable and high quality volunteer career group in our Army.

And this seems a good place to point out that there are a number of things designed to increase career attractiveness which can and should be looked into:

Pay inequities.

Increase of war risk insurance (the present $10,000 figure was evolved in World War I).

More benefits to surviving wives and minor children.

More realistic educational benefits for veterans.

Retirement benefits for those completing 10 years service.

Recomputation of retired pay, on a current pay basis, to insure that inflation does not reduce to penury those retired for long honorable service.

A discharge bonus of about $1000 per year paid after completion of three years enlisted service. This might well be paid in U.S. Savings Bonds.

Other service benefits should be examined in the light of present-day economics as well as the current practices of business and industry. Those things which might be increased or improved include:

On-post housing
Medical and dental care
Post exchange goods and services
Commissary services
Rental and ration allowances

And, we would be well advised to put more thought and effort into how we handle our officers and soldiers so that when they leave the services, they will be "alumni boosters." The veteran with a favorable impression is our best recruiter.

Morale is that great intangible which separates effective armies from the poor ones. The officer-enlisted man relationship in the Army is most important. Over the past years, when we have had a proper balance of professional and citizen officers, non-commissioned officers and men, we have had a fine Army. Both volunteers and selectees have made this true.

It hardly seems the time to break up a winning combination. Rather, it seems wise to reinforce success.

CYCLAMATES BANNED—FLUORIDES SANCTIFIED

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, when the first hint of danger from the use of cyclamates was noticed, the Secretary of Health, Education, and Welfare promptly banned their use.

Then it develops that the hint came from massive doses given to rats—doses so huge that a user of soft drinks containing the substance would need to consume several hundred bottles daily for life to match the amounts. And it also develops that the removal of the products from the general market will price the remaining products, vitally necessary to persons on medically controlled restricted diets, entirely out of sight.

So Mr. Finch has protected rats by endangering diabetics.

The use of the pesticide DDT is to be severely curtailed over the next 2 years—with about the same application of balance between the potential harm and the demonstrated good. No one has shown that the product is harmful to man, but it just might be, so it is banned.

Tobacco has been condemned as harmful to health, while supposedly sophisticated social scientists beat the drums to encourage the smoking of marihuana.

An accelerated program of attacks on the effectiveness of safety of other food additives, flavorings, or preservatives can certainly be anticipated by the bureaucrats who are convinced that they alone can save the ignorant masses from themselves.

But amid all of the noise, there is a deafening silence where the fluoridation of public water supplies is concerned. People must be prevented from ingesting the food products which they are free to buy or to leave alone, but they are not to be protected from the pollution of the water which they must drink.

The double standard is very interesting. Insofar as a commercial additive is concerned, it is condemned at the slightest suggestion that it may, in a lifetime, prove to be deleterious. But with fluorine, a known poison which has been demonstrated to accumulate in the tissues, those who do not wish to receive it as medication through their public water supply must prove beyond a reasonable doubt that it is harmful.

Like the question of racial equality, the value of fluoridation has been pronounced. It is a taboo—not to be questioned.

I include a column by James J. Kilpatrick and the text of H.R. 10900 which I introduced to control the use of public funds in such mass medication:

FLUORIDATED WATER ENJOYS SANCTIFIED STATUS

Recent actions by the government in regard to cyclamates and DDT remind me, somehow, of recent nonactions by the government in regard to fluoridation of public water supplies. My train of thought also passes by a junction known as genetics. Stay aboard for a moment.

On Oct. 16, Robert Finch, secretary of health, education and welfare, cracked down upon products containing cyclamates. He ordered all such diet drinks and packaged soft-drink mixes off the market by the end of the year. It was a bold and decisive step toward protection of the public health.

Why was this action taken? It appeared from certain research conducted by Abbott Laboratories that rats subjected to massive daily doses of cyclamates eventually produced a high incidence of urinary bladder tumors. Both Finch and Dr. Herbert Ley, commissioner of the Food and Drug Administration, went to great lengths to stress that no evidence indicates that cyclamates in normal amounts will cause tumors in man. A soft-drink fan would have to drink 350 bottles a day for life to match the rats' exposure. Nevertheless, a remote possibility of harm existed; so out with cyclamates.

On Nov. 12, Finch made another dramatic announcement: The pesticide DDT will be forbidden for most domestic uses over the next two years. A study commission said this:

"While there is no evidence to indicate that pesticides presently in use actually cause carcinogenic (cancer) or teratogenic (birth deformities) effects in man, nevertheless, the fact that some pesticides cause these effects in experimental mammals indicates cause for concern and careful evaluation."

So out with DDT. And another billion-dollar business down the drain.

Now, it is a curious thing about the fluoridation of public water supplies. Over the last 20 years, 4,400 American communities with a population of 78 million have added a fluoride to their drinking water to reduce decay in children's teeth. Most dentists believe the additive is safe and effective. But this view is not universally held.

In March, John Lear, science editor of Saturday Review, reported upon published papers by scientists of impecable reputation, warning that fluoridation may have dangers after all. One paper came from Dr. Gerald Posen of Canada, citing the grave damage that results when fluoridated water is used in the dialysis baths of artificial kidneys.

Relatively speaking, the fluoride that flows through a dialysis bath is like the cyclamate fed to laboratory rats; it is a massive proposition. But the reaction of U.S. health officials to Lear's article and Posen's paper was pooh-pooh. The American Dental Association will not even listen to such evidence.

This transpired last month, when Dr. A. Allen London of Boonton, N.J., an expert in the field, sought a chance to speak at an ADA-sponsored symposium on fluoridation. There is mounting evidence, he said showing the possibility of side effects from lifetime ingestion of fluoride-treated drinking water. He proposed to present a scholarly summary of these findings.

On Oct. 3, he received this reply from Mary Bernhardt, secretary of the Council on Dental Health of the ADA: "The type of presentation which you are suggesting might have been appropriate a generation ago when the early scientific studies on fluoridation were being carried out. The theme of the Symposium is not controversy, but additional documentation of the universality of experience of the safety and effectiveness of fluoridation, world over. Presentation of the type of paper you propose would be an insult to the scientific community today."

In brief, fluoridation of water must be accepted, like the intellectual equality of races, as absolute dogma, not ever to be examined by anyone. Cyclamates and DDT have no such privileged standing. Away with them! But fluoridation—a compulsory process of mass medication—has become an article of faith. What price consistency in the domain of Robert Finch?

H.R. 10900

A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, no part of any funds appropriated for research, or otherwise available, for expenditure by the Secretary of Health, Education, and Welfare shall be expended to promote, subsidize, or propagandize for fluoridation of public water supplies. Nor shall any such funds be expended to ridicule, dissuade, or disparage the opponents of fluoridation of public water supplies.

EXPORT ADMINISTRATION ACT

Mr. **PATMAN**, on Friday, November 21, 1969, pursuant to the order of Thursday, November 20, 1969, submitted the following conference report and statement on the bill (H.R. 4293), the Export Administration Act:

CONFERENCE REPORT (H. REPT. No. 91–681)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Act of 1969".

FINDINGS

SEC. 2. The Congress finds that—

(1) the availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States;

(2) the unrestricted export of materials, information, and technology without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States;

(3) the unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments; and

(4) the uncertainty of policy toward certain categories of exports has curtailed the efforts of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States.

DECLARATION OF POLICY

SEC. 3. The Congress makes the following declarations:

(1) It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(3) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified trade control policy to be observed by all such nations.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

AUTHORITY

SEC. 4. (a) (1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (A) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of enactment of this Act pursuant to section 10.

(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging the widest possible trade.

(b) To effectuate the policies set forth in section 3, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting and other servicing of exports and the participation therein by any person. Rules and regulations prescribed in the interest of the national security shall provide that express permission and authority must be sought and obtained to export articles, materials, or supplies, including technical data or other information, from the United States, its territories and possessions, to any nation or combination of nations, if the President determines that (1) such articles, materials, supplies, data, or information would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States, and (2) articles, materials, supplies, data, or information of comparable quality and technology to that sought to be exported are not readily available to such nation or nations from other sources: *Provided*, That express permission and authority shall be required to be sought and obtained, in accordance with such rules and regulations, in order to export to any nation or nations articles, materials, supplies, data, or information with respect to which the President has not made the determination referred to in clause (2), if the President (A) determines such action to be necessary in the interest of national security, and (B) includes in the first quarterly report submitted, pursuant to section 10, after taking such action a full and detailed statement with respect to such action setting forth the pertinent articles, materials, supplies, data, or information; the nation or nations affected thereby; and the reasons therefor. Rules and regulations prescribed under this subsection shall implement the provisions of section 3(5) of this Act and shall require that all domestic concern receiving requests for the furnishing of information or the signing of agreements as specified in such section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of such section.

(c) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials, supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

(d) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act.

CONSULTATION AND STANDARDS

SEC. 5. (a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provision shall be made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department, or agency, or official to carry out the policies of this Act.

VIOLATIONS

SEC. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than $10,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be fined not more than five times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) limits

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

SEC. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a rquest for confidential treatment is made by the person furnishing such information, unless, the head of such department or agency determines that the withholding thereof is contrary to the national interest.

(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 10 after such action is taken.

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 8. The functions exercised under this Act are excluded from the operation of sections 551, 553–559, and 701–706, of title 5 United States Code.

INFORMATION TO EXPORTERS

SEC. 9. In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, if requested, and insofar as it is consistent with the national security, the foreign policy of the United States, the effective administration of this Act, and requirements of confidentiality contained in this Act—

(1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;

(2) in the event of undue delay, inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;

(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and

(4) inform each exporter of the reasons for a denial of an export license request.

QUARTERLY REPORT

SEC. 10. The head of any department or agency, or other official exercising any functions under this Act, shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder.

DEFINITION

SEC. 11. The term "person" as used in this Act includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECTS ON OTHER ACTS

SEC. 12. (a) The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934).

EFFECTIVE DATE

Sec. 13. (a) This Act takes effect upon the expiration of the Export Control Act of 1949.

(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

TERMINATION DATE

Sec. 14. The authority granted by this Act terminates on June 30, 1971, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate.

And the Senate agree to the same.

Wright Patman,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Managers on the Part of the House.

Edmund S. Muskie,
Harrison A. Williams,
Walter F. Mondale,
Harold E. Hughes,
John G. Tower,
Wallace F. Bennett,
Edward W. Brooke,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for the regulation of exports, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate-passed bill proposed to let the existing Export Control Act expire on its termination date and proposed to regulate and promote the expansion of exports thereafter under authority of a new act. The House, on the other hand, had passed a bill to extend for 2 years the existing Export Control Act of 1949 with one amendment to the findings, one to the grant of authority and one to the section on enforcement.

The Senate had struck out all of the House bill after the enacting clause and had inserted a substitute amendment. The committee of conference agreed to a substitute for both the Senate amendment and the House bill. With respect to the form of the conference substitute, the managers on the part of the House agreed to the appropriateness of enacting a new law to take effect on the expiration of the existing act. However, a great many of the provisions of the existing law would be, in effect, reenacted under the conference substitute. Under it, the President retains plenary power to control exports.

Except for technical, clarifying and conforming changes, the section-by-section summary which follows explains the differences between the Senate amendment, the House bill and the conference substitute.

Full presidential regulatory authority preserved

The managers on the part of the House insisted upon and prevailed in their position that the legislation in conference was for purposes of regulation and control, not for the purpose of trade expansion, and that the President continue to possess full authority to control exports for reasons of national security, foreign policy and short supply.

Export expansion commission rejected

The Senate-passed amendment called for the establishment of an Export Expansion Commission composed of 15 members to be appointed by the President to study ways to promote, with special emphasis, trade with countries with which our allies have a significantly larger percentage of trade than does the United States. The managers on the part of the House, while recognizing the need and benefits of a continuing and expanded foreign trade, objected and prevailed, pointing out that the purpose of the legislation is regulation and control. In five other instances, Senate language with respect to expansion or promotion was rejected by the House managers.

SECTION-BY-SECTION SUMMARY

Short title

The Senate amendment describes the title of the bill as "Export Expansion and Regulation Act of 1969." The conference substitute cites the proposed act as the "Export Administration Act of 1969".

Findings

National Security

Section 2(2) of the Senate amendment found that "the unrestricted export of materials without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States." The House bill made no mention of "significant contributions to the military potential" but included "information" and "technology" in addition to "materials." The conference substitute, with the addition of the House language "information" and "technology," contains the Senate provision.

Balance of Payments and Trade

The Senate amendment contained, in sections 2(3) and 2(4), two additional findings which take into account changes in the international economy which have taken place over the last 20 years. Section 2(3), as modified and accepted by the House managers, finds that unwarranted restrictions have a serious adverse effect on our balance of payments. Section 2(4), also modified and accepted by the House managers, finds that uncertainty of policy has curtailed the efforts of American business to the detriment of our balance of trade.

Declaration of policy

Trade Policy Broadly Defined

The Senate amendment included a declaration which indicates that it is the policy of the United States both to encourage the expansion of trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and to restrict exports which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States. At the insistence of the House managers, the language referring to "expansion" was stricken.

Objectives of Export Controls

The Senate amendment more specifically defined the same export control objectives found in existing law: only to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the previous inflationary impact of abnormal foreign demand; only to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities; and to the extent necessary to exercise the necessary vigilance over exports from the standpoint of national security. With the word "only" stricken in two instances, the conference substitute conforms to the Senate amendment.

Uniform Application of Controls

The Senate amendment contained a policy provision that, with certain exceptions, export controls should be applied uniformly to all nations with which the United States engages in trade. It was stricken at the insistence of the House.

Multilateral Trade Control Policy

The Senate amendment called for the reformulation and application of controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and for the formulation of a unified commercial and trading policy to be observed by all such nations. The conference substitute clarifies the policy requirement to be a unified trade control policy.

Use of Economic Resources and Trade Potential

The Senate amendment stated an additional objective in the use of our economic resources and trade potential; namely, to further the sound growth and stability of our economy. Existing law calls for the use of these capacities to further our national security and foreign policy objectives, but only in trade with Communist-dominated nations. The conference substitute conforms to the Senate amendment.

Authority

Organizational and Procedural Changes

Section 4(a)(1) of the Senate amendment provided that the Secretary of Commerce shall institute changes he determines are necessary to effectuate the fullest implementation of the policy set forth with a view to promoting the expansion of trade with all nations with which the United States is engaged in trade, with special emphasis on promoting such trade with those countries or groups of countries with which our allies have a larger percentage of trade than does the United States and with other eligible countries not significantly engaged in trade with us.

The section further provided that the Secretary shall review any list of articles and information the export of which was until now prohibited or curtailed with a view to promptly making changes in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of the proposed act. Finally, the Secretary was directed to include a detailed statement about actions taken in compliance with these expansion, promotion, and review provisions in the second quarterly report (and in any subsequent report about actions taken during the preceding quarter) made by the Secretary to the Congress after the date of enactment.

The House contended that all eligible countries should be included in our trade promotion and expansion efforts, but that no specific country or group of countries should be singled out by law for special emphasis in such efforts. Language calling for special emphasis on promoting trade with a particular country or group of countries was stricken from the Senate provision.

Informing American Business

The Senate amendment contained a provision which would direct the Secretary of Commerce to keep the business sector fully apprised of changes in export control policy and procedures with a view to encouraging the widest possible trade. The Senate provision is contained in the conference substitute.

Regulatory Powers of the President

The Senate amendment would enable the President to prohibit or curtail the export from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or other information. The House bill would require the President in prescribing rules and regulations providing for denial of requests to export specified articles, materials, or supplies, to take into consideration their availability from other nations with which the United States has defense treaty commitments, in determining that such exports would prove detrimental to the national security and welfare of the United States. The House provision, like the Senate amendment, was designed to remove the handicap with which American business has been burdened in international competition on one hand, and on the other hand to prompt efforts by our Government to achieve an effective, multilateral control mechanism with our allies.

The Senate amendment provides that rules and regulations prescribed in the interest of national security shall provide that express permission to export to any nation or combination of nations be sought if the President determines that such export would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States, and if the President determines that exports of comparable quality and technology to that sought to be exported are not readily available to such nation or nations from other sources. However, if the President has not determined that exports of comparable quality and technology are not readily available from other sources, he may still require express permission to export if he determines it to be necessary in the interest of national security and if he includes in the first quarterly report subsequent to the action a full and detailed statement setting forth the exports for which express permission is required together with the nation or nations affected and the reasons for requiring express permission. The Senate language is contained in the conference substitute.

Specific Purposes of Export Regulation Reaffirmed

The Senate amendment contained a provision which would make clear that nothing in the proposed act or in regulations stemming from it shall require permission to export except where national security, foreign policy, or domestic short supply make such a requirement necessary. The Senate language is contained in the conference substitute.

Consultation and standards

Control Agency Consultation

Existing law requires that any department, agency or official administering the control program seek advice from the other Federal departments and agencies whose policies and operation have an important bearing on exports. The Senate amendment broadened this requirement to embrace expansion as well as regulation, and to include Presidential consultation with industry from time to time. Language with respect to "expansion" was stricken at the insistence of the House managers.

Full Use of Private Trade Channels

Existing law, not contained in the Senate amendment, provides for representative trade consultation to encourage full use of private competitive trade channels, giving consideration to the interest of small business, merchant exporters as well as producers, and established and new exporters. The conference substitute would continue this provision of existing law.

Information to exporters

The Senate amendment contained a provision which, consistent with national security, foreign policy, and effective administration, would require the departments, agencies, and officials implementing the regulations to inform each exporter about considerations which may cause his export license request to be denied or to be the subject of lengthy examination, about the circumstances arising during consideration of his license application which are cause for denial or for further examination, and about reasons for denial of a license request; and to give each exporter the opportunity to present evidence and information which he believes will help resolve any problems or questions which are, or may be connected with his license request. At the insistence of the managers on the part of the House, the requirements were modified so as to be operative only at the specific request of an exporter and, in the case of circumstances arising during the Government's consideration, to be operative only in the event of undue delay.

Export Expansion Commission

The Senate amendment contained a provision which would have provided for the establishment of an Export Expansion Commission to be composed of 15 members to be appointed by the President to study practicable ways to expand exports, with special emphasis on promoting trade with countries with which our allies have a significantly larger percentage of trade than does the United States, and with other eligible countries with which our trade is not significant. At the insistence of the House managers, the Senate amendment was stricken.

Definitions

Existing law contains a definition of "person." This provision, not in the Senate amendment, is contained in the conference substitute.

Effects on other acts

The Senate amendment contained a provision directing that the authority granted to the President shall be used to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954. The conference report contains the Senate language.

Termination date

The Senate amendment provided for termination of authority on June 30, 1973, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate. The otherwise identical language of the House bill provided for a termination date of June 30, 1971. The conference substitute conforms to the House bill.

Wright Patman,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Corman, for Monday and Tuesday, November 24 and 25, on account of official business.

Mr. Hagan (at the request of Mr. Boggs), for today and the remainder of the week, on account of official business.

Mr. Gude (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of death in family.

Mr. Aspinall, from end of business on November 25 to start of business on December 1, 1969, on account of personal pleasure by having Thanksgiving dinner "with my children."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Beall of Maryland) to revise and extend their remarks and include extraneous matter:)

Mr. Schwengel, for 15 minutes, today.

Mr. Poff, for 30 minutes, today.

(The following Members (at the request of Mr. Roe) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Ottinger, for 60 minutes, on November 25.

Mr. O'Hara (at the request of Mr. Roe), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Kee.

Mr. Michel in two instances and to include extraneous matter.

Mr. Vanik to revise and extend remarks made in connection with H.R. 11193.

(The following Members (at the request of Mr. Beall of Maryland) and to include extraneous matter:)

Mr. Zion.

Mr. Steiger of Wisconsin.

Mr. Thompson of Georgia in two instances.

Mr. Buchanan.

Mr. Johnson of Pennsylvania.

Mr. Ashbrook in two instances.

Mr. Nelsen.

Mr. Reid of New York.

Mr. Wyman in two instances.

Mr. Carter in two instances.

Mr. Landgrebe.

Mr. Schwengel in two instances.

Mr. Derwinski in two instances.

Mr. Foreman.

Mr. Morse.

Mr. Miller of Ohio in two instances.

Mr. Pelly.

Mrs. Heckler of Massachusetts.

(The following Members (at the request of Mr. Roe) and to include extraneous matter:)

Mr. Rooney of Pennsylvania in two instances.

Mr. Ottinger.

Mr. Burke of Massachusetts.

Mr. Rarick in three instances.

Mr. Boland in two instances.

Mrs. Sullivan in two instances.

Mr. Vanik in two instances.

Mr. Hawkins.

Mr. Charles H. Wilson in two instances.

Mr. Moorhead in two instances.

Mr. Galifianakis.

Mr. Donohue in two instances.

Mr. Hicks in three instances.

Mr. Rodino in two instances.

Mr. Kluczynski.

Mr. Hays.

Mr. Gonzalez.

Mr. Rooney of New York.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1421. An act to amend the District of Columbia Legal Aid Act; to the Committee on the District of Columbia.

S. 2602. An act, the District of Columbia Public Defender Act of 1969; to the Committee on the District of Columbia.

S. Con. Res. 44. Concurrent resolution to authorize printing of manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings", as a Senate document; to the Committee on House Administration.

S. Con. Res. 46. Concurrent resolution authorizing the printing of a report entitled "Handbook for Small Business" as a Senate document; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act;

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes;

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; and

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled Joint Resolution of the Senate of the following title:

S.J. Res. 121. Joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on November 21, 1969 present to the President, for his approval, bills of the House of the following titles:

H.R. 11612. An act to make appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 12829. An act to provide an extension of the interest equalization tax, and for other purposes.

ADJOURNMENT

Mr. ROE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 25, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1358. A Communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the executive branch for the fiscal year 1970 (H. Doc. No. 91–199); to the Committee on Appropriations, and ordered to be printed.

1359. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period January 1 through June 30, 1969, pursuant to the provisions of section 4 of Public Law 520, 79th Congress; to the Committee on Armed Services.

1360. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, St. Louis, Mo., Department of Labor; to the Committee on Education and Labor.

1361. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on November 20, 1969, the following conference report was filed on November 21, 1969)

Mr. PATMAN: Committee of Conference. Conference report on H.R. 4293 (Rept. No. 91–681). Ordered to be printed.

(Pursuant to the order of the House the following bills were reported November 21, 1969)

Mr. FISHER: Committee on Armed Services. H.R. 944. A bill to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel; with an amendment (Rept. No. 91–682). Referred to the Committee of the Whole House on the state of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9528. A bill to require students and teachers in the District of Columbia public schools to wear protective devices for their eyes while engaged in certain activities in those schools; with amendments (Rept. No. 91–683). Referred to the Committee of the Whole House on the state of the Union.

(Pursuant to the order of the House on November 20, 1969, the following report was filed on November 22, 1969)

Mr. PERKINS: Committee on Education and Labor. H.R. 12321. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; with an amendment (Rept. No. 91–684). Referred to the Committee of the Whole House on the state of the Union.

[Submitted November 24, 1969]

Mr. DENT. Committee on House Administration. House Concurrent Resolution 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; without amendment (Rept. No. 91–685). Referred to the House Calendar.

Mr. DENT. Committee on House Administration. House Concurrent Resolution 407. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag"; without amendment (Rept. No. 91–686). Referred to the House Calendar.

Mr. HAYS: Committee on House Administration. House Resolution 554. Resolution providing funds for the operation of the Select Committee on Small Business; with an amendment (Rept. No. 91–687). Referred to the House Calendar.

Mr. HAYS: Committee on House Administration. House Resolution 644. Resolution providing for the adjustment of salaries of certain employees of the House Press Gallery; without amendment (Rept. No. 91–688). Referred to the House Calendar.

Mr. HAYS: Committee on House Administration. House Resolution 710. Resolution providing funds for the Committee on House Administration; without amendment (Rept. No. 91–689). Referred to the House Calendar.

Mr. STAGGERS: Committee of Conference. Conference report on S. 2276 (Rept. No. 91–690). Ordered to be printed.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. H.R. 14925. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes. (Rept. No. 91–691). Referred to the Committee of the Whole House of the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 14939. A bill to authorize the Secretary of Health, Education, and Welfare to prescribe standards governing the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 14940. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 14941. A bill to provide for the imposition of a duty on excessive imports of potassium chloride or muriate of potash; to the Committee on Ways and Means.

By Mr. DENNEY:

H.R. 14942. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture.

By Mr. EDMONDSON:

H.R. 14943. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON (for himself, Mr. GRAY, Mr. CRAMER, Mr. GROVER, Mr. STEED, and Mr. CONTE):

H.R. 14944. A bill to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes; to the Committee on Public Works.

By Mr. PETTIS:

H.R. 14945. A bill to amend the Internal Revenue Code of 1954 to provide that the spouse of an individual who derives unreported income from criminal activities, if such spouse had no knowledge of such activities or such income, shall not be liable for tax with respect to such income even though a joint return is filed; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 14946. A bill to give Congress the sole authority to set the prime interest rate; to the Committee on Banking and Currency.

H.R. 14947. A bill to stabilize the prime interest rate at 7½%; to the Committee on Banking and Currency.

By Mr. QUILLEN:

H.R. 14948. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; to the Committee on Interstate and Foreign Commerce.

H.R. 14949. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. Mikva, Mr. Biester, and Mr. Wyatt):

H.R. 14950. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies on Juvenile Justice; to the Committee on the Judiciary.

By Mr. REUSS (for himself, Mr. Ashley, Mr. Moorhead, Mr. St Germain, Mr. Hanna, and Mr. Annunzio):

H.R. 14951. A bill to establish a National Commission on Financial Institutions; to the Committee on Banking and Currency.

By Mr. ROBISON:

H.R. 14952. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide an optional exemption from coverage for individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 14953. A bill to provide long-term financing for expanded urban public transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 14954. A bill to authorize standby credit controls; to the Committee on Banking and Currency.

By Mr. ABBITT:

H.R. 14955. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 14956. A bill to amend the Tariff Act of 1930—to extend the duty-free treatment of certain dyes; to the Committee on Ways and Means.

By Mr. MORSE (for himself and Mr. Fascell):

H.R. 14957. A bill to promote the mobilization and participation of U.S. private capital and skills to assist the peoples in the developing countries of the world to achieve the goal of decent housing and homeownership; to the Committee on Foreign Affairs.

By Mr. NICHOLS:

H.R. 14958. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. SLACK:

H.R. 14959. A bill to promote public confidence in the integrity of Congress and the executive and judicial branches of the Government of the United States; to the Committee on the Judiciary.

By Mr. SPRINGER:

H.R. 14960. A bill to amend the Clean Air Act to authorize appropriations to carry out such act through fiscal year 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO:

H.R. 14961. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.J. Res. 997. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAY:

H.J. Res. 998. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.J. Res. 999. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.J. Res. 1000. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.J. Res. 1001. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY:

H.J. Res. 1002. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of North Carolina:

H.J. Res. 1003. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN:

H.J. Res. 1004. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.J. Res. 1005. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.J. Res. 1006. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD:

H.J. Res. 1007. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI (for himself, Mrs. Griffiths, and Mr. Fraser):

H.J. Res. 1008. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY:

H.J. Res. 1009. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.J. Res. 1010. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.J. Res. 1011. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.J. Res. 1012. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. McDONALD of Michigan:

H.J. Res. 1013. Joint resolution authorizing the President to proclaim annually a "National Manufacturing Week"; to the Committee on the Judiciary.

By Mr. WATTS:

H. Con. Res. 456. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. CAHILL:

H. Res. 725. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduce and severally referred as follows:

By Mr. ADAMS:

H.R. 14962. A bill for the relief of Olav Olsen Mannes; to the Committee on the Juduciary.

By Mr. BIAGGI:

H.R. 14963. A bill for the relief of Franco Emilio Nardi; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

269. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to amending the Constitution of the United States to make provision for Federal-State revenue sharing, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

337. By the SPEAKER: Petition of John E. Butler, Fort Pierce, Fla., relative to humane treatment of American prisoners of war; to the Committee on Foreign Affairs.

338. Also, petition of Allan Feinblum, New York, N.Y., relative to immediate withdrawal of all U.S. forces from Vietnam; to the Committee on Foreign Affairs.

339. Also, petition of the Legion of Estonian Liberation, Inc., New York, N.Y., relative to establishment of a permanent Special Committee on East European Affairs; to the Committee on Rules.

340. Also, petition of Henry Stoner, York, Pa., relative to creation of a special committee of the House of Representatives; to the Committee on Rules.

EXTENSIONS OF REMARKS

LETTER OF APPRECIATION FROM DR. ANDREW H. HENDERSON OF WILLIAMSON, W. VA., TO THOSE CONCERNED WITH COAL MINE HEALTH AND SAFETY LEGISLATION

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. KEE. Mr. Speaker, Dr. Andrew H. Henderson of Williamson, Mingo County, W. Va., an outstanding physician of compassion and unsurpassed reputation in the field of lung diseases, addressed a letter to me dated November 18, 1969, mailed from Williamson, W. Va., on November 20, 1969.

Mr. Speaker, Dr. Henderson at his own personal expense, devoted 30 days of his time in developing factual medical information which he presented in person to the ~~Select~~ Subcommittee on Labor of the House Committee on Education and Labor, with reference to health safety and compensation legislation for those in need.

Because of his concern, Dr. Henderson returned to Washington and testified before the Ways and Means Committee of the House of Representatives on H.R. 10499, which proposes to amend the Social Security Act to provide disability insurance and hospital insurance benefits to people truly in need who are suffering from total disability and/or fatal illnesses, regardless of age.

Because of his intense interest, I do believe that his medical testimony, which was given in laymen's language, was used most effectively by the House Committee on Education and Labor in reporting H.R. 13950 by a committee vote of 30 to 4, which was subsequently passed by the House of Representatives by a vote of 389 to 4.

In his letter, Dr. Henderson congratulates the sponsor of H.R. 9850, as well as the chairman of the House Committee on Education and Labor, the Honorable Carl D. Perkins of Kentucky; Congressman John H. Dent of Pennsylvania; and those members of the committee who gave their all in their successful efforts to obtain such favorable consideration by the House of Representatives.

In addition, Dr. Henderson, who is the son of a coal miner, has also expressed his gratitude to Chairman Wilbur D. Mills of the House Ways and Means Committee, and the members of his committee, for their humanitarian consideration of H.R. 10499, which proposes to make medical care available to those disabled, regardless of age.

He commends Mr. W. A. Boyle, president of the United Mine Workers of America; Mr. George J. Titler, vice president of the United Mine Workers of America; Attorney George Burnett of Charleston; Lew Evans, safety director; and others of President Boyle's staff for their effective work.

Because of factual information contained in Dr. Henderson's letter, I include his letter in the Congressional Record for the purpose of sharing the true history of these legislative endeavors in order that the public record will clearly show for the world to see the effective work contributed by those responsible for these vital advancements.

Williamson, W. Va.,
November 18, 1969.

Hon. James Kee,
Congressman from West Virginia,
Washington, D.C.

Dear Congressman Kee: I want to take this opportunity to express my gratitude for having been able to take part in the struggle for justice for miners for Health and Safety Legislation, which seems to be progressing satisfactorily in Congress, and we hope in the States of West Virginia and Kentucky.

In being in favor of the proposed Federal Coal Mine and Health Bills of 1969, and H.R. 10499 which would make medicare benefits available to totally disabled miners regardless of age, and also, would make it easier for miners with lung disease to get disability.

Please accept my congratulations to you and your co-worker, Congressman Saylor of Pennsylvania, Wilbur Mills, Chairman of Ways and Means Committee and his committee, Carl D. Perkins of Kentucky, Dent of Pennsylvania, et al. Also, I want to commend W. A. Boyle, President of the U.M.W. of A. and George J. Titler, Vice President, Attorney George Burnett of Charleston, Lew Evans, Safety Director and others of President Boyle's staff. It is regrettable that these dedicated men have been attacked in the press by a handful of irresponsible people. But nevertheless this mammoth undertaking in these bills in Congress have proceeded forward and hopefully will benefit all the laboring classes including the coal miner.

Being the son of a coal miner, I am indeed thrilled to see this team of humanitarians at work bringing comfort to so many mining families in America.

Please convey my congratulations to all these dedicated men who have been so effective in this endeavor.

Sincerely yours,
A. H. Henderson, M.D.

CHARLES MARSHALL WASHBURN

HON. MARGARET CHASE SMITH

OF MAINE

IN THE SENATE OF THE UNITED STATES

Monday, November 24, 1969

Mrs. SMITH of Maine. Mr. President, Charles Marshall Washburn, the forestry, farm, and fisheries editor of the Bangor, Maine, Daily News, was recently singled out to receive the Distinguished Service Award of the American Forest Institute.

The award is presented annually by the AFI, which is the communications and education arm of the forest industries in the United States. The recipient is a person from outside the industry who has contributed toward the better understanding of the forest industries.

I am pleased that a man from my home State of Maine was selected for this honor because of the importance of forestry to our economy and future and because it indicates that our newspapers are maintaining a balance of interest between efforts to preserve our natural resources and to develop them properly.

Mr. Washburn received the award during the AFI's annual meeting in Washington. His "few words" of acceptance were one of the highlights of the gathering and I believe they exemplify the sincerity which won him this award.

I ask unanimous consent that Mr. Washburn's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Charles Marshall Washburn on Receiving the Distinguished Service Award of the American Forest Institute, Washington, D.C., October 28, 1969

Thank you Mr. Sutton and thank all of you very, very much for what has happened.

Early yesterday morning prowling around the hotel corridors like a cat in a strange garret—trying to get oriented a little bit and find out what is going on—we came on to a big conference room that looked like what may be the scene of activity for one of these meetings, so we went in. First thing we found is that big sign that says, "What are we going to do about the old people?"

After that little but shattering experience we retired to the main lobby where we met one of our oldest friends, Bob Jones, and we got back to the realities of life. And our problem at the moment was not what to do with the old people but it is how to convey to you our thanks and our everlasting appreciation for what you have done here today.

Mr. Hodges, I think, knows quite well that a newspaper man deprived of his typewriter is handicapped and we are handicapped today by having to try to express in words our appreciation without the advice and counsel of our faithful and understanding typewriter.

One day last spring after the snow had melted away from our northern Maine cities, because regardless of what you may have heard to the contrary, the snow does melt in Maine—for a few weeks. Two small boys were in back of their home playing in the tall grass with a homemade magnifying glass. The grass was dry, the wind was blowing and it was bright sunshine and you foresters know what inevitably happened. After a couple of valuable homes in the area had been scorched, and the shrubbery burned black, and the traffic tie-up on the nearby express highway, which happened to be downwind, was cleared up, the fire department recalled its men and equipment, and a police officer went over to interview the badly scared boys. He concluded his report by saying that the two boys appeared to be astonished that what they had done had caused so much excitement.

I am a little bit astonished today that what we have done should have caused the American Forest Institute to give us this honor. Very great honro for doing what we felt was only our duty—how a newspaper writer in the state of Maine, a state that depends on the forest industries, for three-fifths of its cash income—more than $700 million—could do anything else is a mystery to us. Many times in the past few years I have been sorry that I didn't have brains enough to be a forester. But right now from this point on, I wouldn't envy any forester because of this honor that has been paid here today.

Our early association in life on a Down East Maine farm stands out as one of the influences that Mr. Sutton spoke about. Some might not think this is important but there are those among our people who don't think that the industries of agriculture and forestry are important anyway when they are the basic concerns of all of our own people and one of the fundamental industries of our nation.

But some people continue to speak slurringly about them and say that they are relatively unimportant but they are important to those of us living in rural Down East Maine, not only because some of the early lessons that we learned there were contrary to the doctrines of protest and dissent advocated by some of our people today as a means of bringing about their ideal civilization, but because it was the beginning of a long trail that led to this meeting here with you today.

It was on the Down East Maine farm that we personally became acquainted with trees and the people who work with them.

Every important Maine farm had its woodlot. They weren't dignified with the expression "forest," in those days, although in the aggregate they made up a considerable portion of the 17 million acres of forest land in the state of Maine.

They were privately owned woodlots in the highest sense of the word—hard working woodlots and the original multiple use woodlands if there ever were any. They supplied fuel for the farm home, and they supplied lumber for its buildings. They supplied recreational opportunities for the farm family, game for fall hunting, and fish if the farm boy had time to explore the clear running streams that rushed from the woodlands in the spring.

In the late fall, when the first snow covered the fields of the farm land, it signified the end of the harvest time. The men folk, as we called them in those days, went in the woods to complement the farm income with a harvest of pulpwood or saw logs or whatever might be available without destroying the value of the woodlot.

Frequently, local schools in the towns suspended classes during the cold weather. The practice of carrying children from the far corners of the town in a heated school bus wasn't favorably considered in those days. But the inclement weather that forced the closing of the schools didn't excuse the farm boys from going into the woodlot where they were expected to make their contribution.

But even if the schools did suspend their lessons there were practical lessons to be learned in the woodlot. Lessons about the harvesting of mature trees; and of leaving slash around to fuel a possible forest fire; and about leaving a cleared space above the young trees so they could grow tall and straight and maintain the value of the woodlot for future years and generations.

There are lessons about keen appreciation of a farm home on a cold winter night after a hard day's work in the woods. More importantly, there are lessons about pride in the ownership of a stretch of woodland—a little piece of America. We learned about the men who work in the woods with trees, that woods work is an honorable way for a man to make a living, then and now. And that trees, sturdy and dependable trees in the woods, have the capability of shaping the character of men who work with them and their products.

The northern forests have a way of dealing harshly and severely with the weakling or the charlatan. They are instinctively averse to such association. But they can richly reward and embrace the man of honest purpose and good intent.

It is a little bit like the sea shapes the character of the master mariner. Or like the plow molds the traits of the farmer who follows it. And I just wonder if our country could do with a few more of these sturdy characters in public life today.

Someone once described a certain four-legged animal as being man's best friend. Disputing that assertion is the surest way we know of to start an argument, but we would like to submit that a tree is probably the strongest ally that a man could have in his journey through life.

If the ultimate nightmare should occur sometime, if man should awake and find that all of the products of the forest have been thrust away in the night just what would be his chances for survival in the world today? Even in this age of synthetics and plastics. And if he did survive, what kind of a man would he be?

You in the American Forest Institute have an exciting and responsible place to play in the future development of our forests because there are people in public life today, in influential places, who will claim that the forest industry people are only interested in destroying the natural resources for their own personal financial benefit. And yet strangely enough, these people will raise no war cry whatever, when strip miners devastate an island off the Maine coast.

Couldn't we wonder a bit in passing if some of the troubles facing our forest land owners today might be caused by the fact that too many of our people are getting removed from actual contact with the land? Couldn't some of the clamor of public ownership of woodlands be accounted for by the realization on the part of some of our people, either unconsciously or subconsciously, that they as individuals can never hope to own a river or a lake or even a tree.

I would like to conclude this little presentation today with an expression of thanks to all of the forest industry people who have been so helpful in the past. Their advice has always been freely given, their counsel has been wise, and they have been very tolerant when we made mistakes. They should be the ones who are getting this recognition today.

Mildred and I are very grateful to all of you for what has happened today. I think this event is probably going to stand out as one of the brightest spots in our life together.

We are going back some day to eastern Maine to a little community down there, even back to the little woodlot where some of the friendly trees are still standing. When we do, we will think about this.

The trees have withstood the encroachments of the megalopolis, or had—the last time we looked. We still own them and we have reason to believe that they will be in the family for at least one more generation if we can keep the bulldozers and the oil refineries away from them. While we are doing that we will think of this bright day here.

And thank you all very much.

FRANCIS E. LAVIGNE, BROCKTON LABOR LEADER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to report the passing of one of Massachusetts' great labor leaders. Francis E. Lavigne died on November 8, 1969, at the age of 61. He served for 14 years as president of the Brockton Central Labor Council and was active during his lifetime in labor organizations. Frank Lavigne was a friend of mine for over 30 years. He was personally acquainted with every Member of the Massachusetts congressional delegation. We all held Frank in high regard. He exemplified all the good things in life and was a very effective leader in the labor movement.

Frank Lavigne also interested himself in many charitable causes. He served as a member of the Massachusetts Commission for the Physically Handicapped, United Fund, and the Greater Brockton Red Cross.

A good husband and father, he leaves his wife, Ann Onges; two sons, Philip E. of Germany, and P. Francis of Broctkon, Mass.

My sympathy and prayers go out to his lovely wife and two sons at this time of sorrow.

Mr. Speaker, I am including two news articles concerning the passing of Francis E. Lavigne, a good American, in the Record at this point:

[From the Brockton Daily Enterprise, Nov. 8, 1969]

Francis E. Lavigne, 61, Dies After Long Illness; Was Brockton Labor Leader

Francis E. Lavigne, 61, of 18 Yarmouth Ave., president of the Brockton Central Labor Council for 14 consecutive years and long-active in labor organizations died late this morning at Brockton Hospital after a long illness.

He was born in Brockton and was a resident of this city all of his life. He was educated in Brockton schools and graduated from Brockton High School in 1927.

Mr. Lavigne was employed as a truck driver from 1933 to 1940 by the Brockton Transportation Co. From 1940 to 1942 he worked as business agent for the Teamsters Union, Local 653, and as secretary-treasurer of that union until 1949.

At the request of Conciliator John J. Sullivan of the U.S. Dept. of Labor, Mr. Lavigne was named as a labor member of an arbitration panel which discussed stated grievances at Holy Cross Labor Relations Institute in 1946.

Mr. Lavigne was employed as the first director of political action and education of the Massachusetts State Labor Council, AFL–CIO from 1950 to 1958, at which time he was appointed director of the Dept. of Eductaion and Research of the Massachusetts State Labor Council, AFL–CIO.

He entered organized labor early in his adult life, having first been elected President of the Brockton Central Labor Council, AFL–CIO, in 1955, a post he had held since that time.

In September of this year, he was voted a member and business manager of Local 696, Hotel, Restaurant Workers' and Bartenders' Union.

Mr. Lavigne was a member of Division 1, Ancient Order of Hibernians and a trustee of the Fireworks and Munitions Workers Union, Local 22694. He was a very active member and organizing official of local United Fund drives and also served as a director of the Greater Brockton Chapter of the American Red Cross.

He also served as a member of the Massachusetts Commission for the Employment of the Physically Handicapped, a director of the Massachusetts Higher Education Assistance Corp. and a trustee of the New England Economic Education Council.

Mr. Lavigne married the former Anna Onges on Nov. 11, 1933 in St. Rocco's Church, now St. Casimir's Church.

Funeral arrangements will be announced from the Russell Funeral Home, 165 Belmont St.

[From the Boston Globe, Nov. 10, 1969]

STATE OFFICIAL OF AFL–CIO, F. E. LAVIGNE

BROCKTON.—Services will be Wednesday for Francis E. Lavigne, 60, of 18 Yarmouth av., director of education and research for the Massachusetts State Labor Council, AFL–CIO.

Mr. Lavigne died Saturday at Brockton Hospital following a short illness.

Born and educated in Brockton, he was president of Brockton Central Labor Council for 14 years and was appointed to his present post in 1950.

He was a director of the state Higher Education Assistance Corp., and a trustee of Fireworks Munitions Workers Union Local 22694 and New England Economic Education Council.

Mr. Lavigne was a member of the Massachusetts Commission for the Physically Handicapped, United Fund, Ancient Order of Hibernians and Greater Brockton Red Cross.

He leaves his wife, Ann (Onges); two sons, Philip E. of West Berlin, Germany, and P. Francis of Brockton.

A high Mass of requiem will be offered at 9 a.m. Wednesday in Our Lady of Lourdes Church, Brockton.

AWARD OF DOCTOR OF SCIENCE DEGREE BY LOYOLA COLLEGE, BALTIMORE, MD., TO ASTRONAUT WILLIAM A. ANDERS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, November 24, 1969

Mr. MATHIAS. Mr. President, at its fall honors convocation on October 26, 1969, Loyola College of Baltimore, Md., presented the doctor of science degree, honoris causa, to Astronaut William A. Anders.

I ask unanimous consent to have printed in the RECORD the welcoming remarks of the Very Reverend Joseph A. Sellinger, S.J., president of the college, as well as his introduction of the honored guest on that occasion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WELCOMING REMARKS

To our most honored guest, Mr. Anders, to our distinguished visitors on the platform, students, members of the faculty, parents and friends—I extend a most sincere welcome.

It was on May the twenty-fifth, 1961, that President John F. Kennedy made his proclamation before a joint session of Congress that the United States of America would put a man on the moon in the decade of the sixties. This message came shortly after Mercury One, when Commander Alan Shepard lifted off from Cape Kennedy in Freedom Seven. Then came all of the Mercury, Gemini and Apollo flights, down to Apollo Eleven and man's first walk on the moon and Neil Armstrong's "a small step for man, a giant leap for mankind."

Five hundred years before the birth of Jesus Christ, the Greek philosopher, Heraclitus, one of the leading thinkers of his time, taught that the moon had a diameter of one foot the size of a dinner plate.

Man had begun to study the heavens. Ptolemy's geocentric conception of the universe was revised over the next two thousand years by Galileo, Newton, Einstein and hundreds of other independent thinkers recording and passing on their observations.

On July the twentieth, 1969, in the twelfth year of the space age, this resulted in man setting foot upon Heraclitus' dinner plate for the first time.

Cardinal Newman noted, "Change is the sign of life." People and institutions have always had to change. But change is coming faster now and will come faster yet. We perceive today as a time of sweeping change. In a few years, we may view it as a time of creeping change.

Individuals and institutions are being forced into a constant re-examination of the way we do things, the way we think, even of our most fundamental beliefs. And that makes us nervous.

Not all change is good; some change should be resisted. It is the job of the college or university to prepare its graduates to face change, to initiate change, and to respond wisely to change. Not only should Loyola College prepare its students to deal with change, it must handle the problem itself.

For a few moments, may I share with you some of my reactions, some of my frustrations and my opinions as I deal with the phenomenon of change.

We begin with a basic premise that to resist change is to resist the inevitable (not a very mentally healthy prospect); that to change and prepare for change and to know how and why you should change is the challenge to both the college and its community of faculty and students.

We are often asked if today's Loyola student is changing his institution, or does it just seem that way.

If you look around the country, for better or for worse, students are changing institutions. In the past, colleges told their students what to do. The students came to the college and took the programs that were given them in their majors and minors, and it seldom entered a student's mind that he had any rights in regard to the direction of his own program. That has changed a great deal in the past few years. Loyola's students are now involved with college committees, but not in the radical manner seen on other campuses where you find confrontation politics. The majority of students—the great silent middle, eighty percent of the students—want to get their education, and they are the ones we are not hearing from.

How are students changed by the colleges these days?

Coming to college is something like the puberty rite—the reaching into adulthood. The student has to stand back and look at himself and say: "People have always told me who I am; now I have to find out myself."

Therefore, some of the givens, many of them part and parcel of his homelife, will be re-examined. One of these that the student will always examine is his religious commitment.

This campus is predominantly Catholic, and we have statistics to show that there is a drop in religious commitment between the beginning of freshman and the end of sophomore years. The student is going through a crisis of faith—better yet, a maturation of his faith. He is examining his belief on a more adult level.

In the process of trying to find out your identity, the easiest thing to strike out at is what your parents believe. But many, when it is all said and done, admit: "I'll probably wind up pretty much as my parents are." In other words, there is a going and a return.

The learning process can be a very exciting change in the life of the college student. The human contact between people of different ideas, plus the stimulations of the professors, is a marvelous thing in the ideal order. In his past, the student might not have been thinking of the whole sweep of history, but now he is forced to do so. Even though the student of today says that he is part of the NOW generation, he still needs to know about his past.

I have seen freshmen come in terribly frightened. They do not want to say anything except what the book says. All of a sudden, they find out that people expect them to form their own opinions.

Today's students have a great tolerance for other students. They say: "Do your own thing." They call someone a "beautiful person," and they don't mean "Adonis." This business of getting interested in the inner life of someone else is one of the changing givens of today.

We call ourselves a Christian college; we call ourselves a Catholic college, and we say that we are imbued with the concept of education that has come down through the Jesuits.

A student comes here with a commitment to Catholicism, but he is going to go through that process we find everywhere today—questioning and rebellion.

There are people who say they don't find enough of an atmosphere of Catholicism here, and there are those who find the Catholic influence too strong. The one thing we have to realize is that you cannot make a person religious, and you cannot command a commitment, but you can provide the opportunity for a religious commitment to be developed.

Beyond the many opportunities provided by faculty and staff, the only significant influence on religious commitment comes from fellow students who are on fire with that commitment. You have to start with people. Nobody is affected by a mimeographed doctrine.

Let me repeat one last question—When does the student demand for change become rebellion?

When the rights of the students and faculty are impaired by the demands of fellow students, then change is rebellion. By impaired, I mean when a student's ability to participate in a functioning college is stopped. The desire for change becomes rebellion when a law is broken. Change has to be made within the law, or American society is through.

I close with a prayer of our honored guest of last year's Convocation, Dr. Paul Horgan:

"And we give thanks to Him from Whom we all receive whatever share may be ours of Faith and Vision, love of life and desire to celebrate it in Acts of Creation through the artist's passion and the scientist's and technician's discipline. We give our thanks for whatever of these may dwell in us by His favor, and by His favor may move us to our daily task."

INTRODUCTION OF WILLIAM A. ANDERS

In my previous remarks, I made mention of change and its effect on all of us.

Today, roles have changed. It has been the custom at the Fall Honors Convention to pay special honor, not only to our outstanding students, but also to an outstanding person of the world. However, at this hour, it is Loyola which is truly honored by the man who is her newest alumnus.

He was born in Hong Kong a few years before his Navy Commander father, Arthur Anders, displayed extraordinary heroism in helping to save the lives of seventy-two crew members aboard the gunboat U.S.S. *Panay* when it sank, after being bombed by enemy planes in 1937.

Since graduation from the Naval Academy in 1955, degrees and promotions and honors, as well as responsibilities, have been showered on him. Most important of all of those responsibilities are his wife, Valerie, and their five children. Since his selection as an astronaut in 1963, his responsibilities continued to mount, as he served as backup pilot for the Gemini Two mission and then as lunar module pilot for the historic Apollo Eight mission, man's maiden voyage to the moon in December 1968.

Hailed as one of history's boldest explorers by President Lyndon Johnson on the occasion of receiving NASA's Distinguished Service Medal—the space agency's highest honor—our guest of honor has remained the quiet, enthusiastic, personable young man so described by his soccer coach at the United States Naval Academy.

Loyola College extends her warmest welcome to her latest son, the man who knew what he wanted to do, gold tooth and all.

REVIVING JOE McCARTHYISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MICHEL. Mr. Speaker, after spending this past weekend back in my district, I can report that Vice President AGNEW is the most widely discussed public figure today with the overwhelming majority of people in support of his recent public statements directed toward certain segments of the news media as well as the activities of demonstrators of all kinds.

An editorial appearing in the November 23, 1969, edition of the Peoria Journal Star discusses the attitudes and reactions of those whom the Vice President has spoken about and I think will be of interest to my colleagues. I insert the editorial in the RECORD at this point:

REVIVING JOE MCCARTHYISM

(By C. L. Dancey)

This is a note for the young people now hearing hysterical talk about a "new wave of McCarthyism" in the wake of Spiro Agnew's speech—and who only knows what they are told about "McCarthyism."

The sin of Joe McCarthy was not that he attacked "communists and fellow travelers . . . (although for some it was this direction, it appears, that they found unforgiveable.)

His sin was that he practiced character assassination by innuendo, abusive language, fuzzy "associations," and the most exaggerated and manipulated "circumstantial evidence."

He could take a molehill of suspicion, and by propaganda means, misrepresentation, and innuendo blow it up into a mountain to crush the reputation of a chosen victim.

This vicious and immoral practice is not, however, the exclusive tool of "anti-communists," and it has, sad to say, never been absent. The snide "wit" of the new McCarthy—Eugene—has been the same technique simply used against different targets.

Character assassination by a blizzard of irresponsible charges which melted over and over again under committee investigation but left the same deep residue of successful "smear" has certainly marked the attack on the Haynsworth nomination.

A "LIBERAL" PRACTICE

It has been practiced energetically and incessantly against Spiro Agnew, relying almost entirely on innuendo and misrepresentation, a favorite McCarthy trick of quoting out of context, and sometimes of unadulterated misquotation. This has gone on for a full year, gayly practiced, among others by a host of TV "newsmen" and actors, some actresses, and comics on TV month after month. Yet, these people would throw up their hands in horror about "Joe McCarthy" for it is a code word in the ritual by which they "identify" with "liberals." (The creation of such code words was another of Joe's tricks, that they have taken as their own.)

And now the same old familiar clique is developing its new set of code-words and phrases and attitudes—which, of course, include sheer horror that one of the targets of their uninhibited campaign of character assassination has actually talked back.

That is a terrible crime.

So suddenly, "Spiro Nobody" is sold to us as a frightening monster.

The butt of their ridicule and abuse has suddenly turned into the image of Genghis Khan, instead of the pitiful nothing they treated him as until he talked back.

CRUCIFYING AGNEW

They have every "freedom of speech" to crucify him by the old McCarthy techniques—but if he talks back and defends himself, horrors! This is intimidation!

He must keep his mouth shut, lie down, and submit to being cut to ribbons by the present-day innuendo experts. He must accept being run over by the streamroller silently.

These people have been using every trick McCarthy ever knew and have invented at least one new one—the device of arguing only with yourself, and thus emerging as a "winner" every time!

Now suddenly, they don their tin halos, purse their lips piously, and "fear" that Agnew's long-overdue response may revive the ghost of Joe McCarthy.

We have news for them. That spirit is alive and well and living in their own bosoms, and their own conduct.

And it is just as sickening in its new-found home, as in the original.

But what they have forgotten about McCarthy is the most important thing . . . such a technique is and was self-defeating.

MARYLANDERS AID A SOUTH KOREAN ORPHANAGE

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, November 24, 1969

Mr. MATHIAS. Mr. President, last month Mrs. William Mackinzie, of Emmitsburg, Md., received a letter from her husband, presently serving in the U.S. Air Force at Kunsan Air Base, South Korea. In that letter, M. Sgt. Mackinzie described the deplorable condition of a nearby orphanage.

The Mackinzies, Mr. Eric Glass, president of the Taney Supply & Lumber Co., who contributed all packing and shipping costs, and the many other Marylanders who responded to this human need are to be commended.

I ask unanimous consent that an account of their response, published in the Emmitsburg Chronicle of October 24, 1969, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Emmitsburg Chronicle (Md.) Oct. 24, 1969]

LOCAL HOUSEWIFE CONDUCTS DRIVE FOR KOREAN ORPHANS

An Emmitsburg, R2, housewife, "haunted" by the conditions of squalor and poverty in an orphanage in South Korea—described to her in a letter from her Air Force husband—has decided to do something about it.

Mrs. William Mackinzie has asked and received permission to place receptacles at various locations in Emmitsburg—the Public School, Mother Seton School, the town library and the laundromat—in which the public can deposit clothing and other items which she will mail to her husband's USAF unit to give the orphans for Christmas.

She is also asking others in the county for help.

This is the part of her husband's letter—M/Sgt. William Mackinzie—which led her into her effort:

"The captain asked me to ride along to town with him to go to the orphanage to take some money to them—the so-called place where the kids live is absolutely terrible; you just can't imagine the dirt and filth those poor kids live in.

"Those kids are all infants to seven years old. We had taken along a bag of candy for them—those little faces were beautiful when I started passing it out one little guy dressed in a sweater and nothing else, didn't get one, and the little girl tried to tell me, he went crying around the corner and of course, soft-hearted me, went after him, then I just gave all the candy to them, some had four or five pieces and then they were all smiles!

"After taking pictures all the way to town I just couldn't take any inside the yard, it was so bad. These kids and babies have nothing from day to day except what the guys at the base give them.

"We are in the process of building them a new house but it's done by the month after each payday. They can only buy so much cement and blocks with the money they get. It's so pathetic . . ."

Mrs. Mackenzie said, "This is a verbatim quote from a letter I received last week from my husband, who is stationed with United States Air Force at Kunsan Air Base, South Korea—and it has haunted me ever since it came.

"In this troubled age of anti-Vietnam demonstrations and so-called moratoriums, why can't we here at home make some small token of support for our men over there?

"And what better way than a clothing drive for these children of the orphanage that these men of ours in Korea are interested in helping?

"So, therefore, I have asked for and received permission to place boxes at various locations in Emmitsburg; the public school, Mother Seton School, the town library and the laundromat.

"I am requesting on behalf of my husbands' outfit, the 354th Combat Support Group, any contributions of children's clothing, small clean stuffed animals, bars of soap, small combs, barrettes, etc., and candy for their Christmas trees.

"I already have one pledge of financial assistance from a firm in Taneytown, which will help pay the postage on these packages to Korea. However, more help is needed.

"Any church organization, business firm or any private party who wishes to help please get in touch with me by November 5 at 447-2507 or write me, care of Paul Glass, R2, Emmitsburg, Md.

"If you have clothing you wish to donate and can not get them to one of the collection boxes, please call me and I will have them picked up. Any and all help will be gratefully accepted."

CLAY HITS HARD AT NIXON

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HAWKINS. Mr. Speaker, it has become abundantly evident that in William L. Clay the voters of St. Louis made an admirable choice. In commenting on a recent speech of his, the Kansas City Call referred to him as "hard hitting," "a strong fighting advocate," and "a man of the people," accolades not lightly conferred by that venerable publication.

I am pleased to insert the article in the RECORD:

[From the Kansas City Call, Oct. 24, 1969]

CLAY HITS HARD AT NIXON

Black Missourians and ordinary Joes everywhere have a strong fighting advocate in Congressman William L. Clay of St. Louis: "Bill" Clay, as he is called by many of his constituents, made his first speech as a Congressman in Kansas City this week and greatly impressed his audience, not so much with his eloquence but with the sincere and forthright manner. In which he presented hard, cold and sometimes shocking facts, and with the depth of his concern for the poor and disadvantaged—of whatever race or origin.

Congressman Clay gave plentiful evidence that ours is a sick society and he hit hard at President Nixon's ineptness in facing up to the problems which are his as the current occupant of the White House. Clay hit hard at Nixon, calling him a President more interested in big business, and defense contractors than in people—and more concerned about profits of the rich than problems of the poor.

Clay pulled no punches in lambasting the President and his audience got the feeling that his criticism was genuinely aimed at the policies and practices of the new administration without regard to political differences. It was not a Democratic Congressman finding fault with Republican President on a partisan basis. Rather, it was a man of the people speaking for the people—the little people—that he represents not only in the first Congressional district of St. Louis, not only in Missouri, but all over America.

In the language of the street, Clay has "the goods" on Nixon and he did not hesitate to tell in detail how he feels the President has failed the American people. Judging from the applause which Congressman Clay received at the conclusion of his speech, there were not many Nixon supporters or sympathizers in the audience made up largely of social workers and citizens interested in the welfare of people.

But whether the audience had been sympathetic or not, those who know Bill Clay say that he speaks out strongly and forcefully regardless of the sentiments of his listeners. He was known as a fighter when he was a private citizen and an alderman in St. Louis, long before he thought of runing for Congress. It will be recalled that he went to jail in a celebrated Jefferson bank case for principles in which he believed.

The Missouri Association for Social Welfare performed a public service by bringing to Kansas City the hard-hitting freshman Missouri Congressman.

St. Louis voters, made a good choice when they sent Bill Clay to Congress.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HICKS. Mr. Speaker, much has been said over the years about "the other war" in South Vietnam, but with the peace negotiations and troop withdrawals this "other war" has receded from public attention in many ways.

An exception is the State of Washington, which has had a complete report on land reform, problems of getting policies converted to action in Vietnam, the internal effects in Vietnam of our policies, and so forth.

I refer to a series of articles which appeared recently in the Seattle Post-Intelligencer, written by Frank Herbert. Mr. Herbert accompanied by Dr. Roy L. Prosterman of the University of Washington, who has had land reform in Vietnam as a major field of interest for years and has assisted the South Vietnamese Government in its land reform effort.

Most of us have been interested in this subject, Mr. Speaker, but there has not been much information available. These are excellent articles, and I commend them to the attention of my colleagues. The first article in this series follows:

SAIGON WORRIES ABOUT LAND REFORM FUTURE

(By Frank Herbert)

SAIGON.—Worried officials here began focusing attention yesterday on Paris and the critical question: Do our negotiators see and understand the leverage they can get against Hanoi if massive and effective land reform is carried out among the peasants of South Vietnam? The chief worry here is whether Philip Habib, the U.S. political adviser in Paris, is emphasizing the same irrelevant and superficial questions he did when he was chief political adviser at the embassy in Saigon.

Habib was known to pound the table and shout down those who disagreed with him on land reform in meetings here.

The documentary evidence is conclusive he not only fought against land reform in Vietnam but sabotaged it.

Longtime press and internal officials here also give him the major blame for misleading former President Johnson on some of the worst mistakes in Vietnam. Habib, they say, actually made policy, but people in more exposed positions took the blame.

Files here make it clear how he undermined the effort by Ambassador Lodge to get Washington approval for the proposal of a specific package on land reform.

Lodge, replaced by Ambassador Ellsworth Bunker in the spring of 1967, thought he would be able to get the package approved on his return from Washington but stopped en route for a brief vacation.

This gave Habib time to put together a series of cables to key government figures. The cables were so much against reform that they set up a solid wall against the Lodge plan. This wall greeted the ambassador on his arrival at Washington and he abandoned the plan.

More than 20,000 United States soldiers have been killed since then, many by Viet Cong recruited from among disaffected peasantry, starving tenant farmers and sharecroppers.

Obviously time is running out.

Many in U.S. agencies here appear to be out of touch with the political situation stateside and the critical need for effective reform before the coming rice harvest which begins in December and extends into February.

Men in the field feel this is the last chance for massive political impact before the war is settled one way or another.

The issue can be boiled down to an easily understood political problem, the need for as many votes as possible in the Vietnam countryside. This is because it is very likely the form of election will be tied to any settlement.

HABIB

The issue now is whether Habib, who was such a prisoner of past mistakes, can help make effective policy in Paris.

According to Herman Kahn, director of the Hudson Institute and consultant to the Johnson administration, Habib was chiefly responsible for the Rand Corporation study on land reform.

Among the report's conclusions, is the claim that landowners in Vietnam are the main contributors to political stability. The report went so far as to indicate a concentration of land in fewer hands would increase security, and landowners here are the only people the U.S. can trust.

It is now pretty well understood here that the landowner group comprises many who are among the most opportunistic and would be first to dump the U.S. in a crisis.

Rand conclusions are even disputed by leading southern landowners. They promised to carry out effective reform if granted a share in the power in Saigon by the northern military faction which then was in control.

Previous to the Rand study, Lodge was a strong advocate of reform and publicly described "land to till" as the most effective Cong appeal to the peasantry.

EDITOR

Later it was discovered that the Rand report was prepared primarily by an editor who never had been to Vietnam and who made superficial use of data which he did not understand.

We have seen where reliance only on landlords has taken us. The complete error of this policy, which echoes bloody mistakes we made during the Diem-Nhu period, has been realized by the new U.S. administration.

Our failure to seek a wide base of peasant support has virtually conceded large areas of countryside to the Viet Cong. It has assured them a constant supply of recruits and intelligence.

It is difficult to understand how policy makers here could ignore three major indices on progress of guerrilla war such as enemy casualties, captured weapons, and quality of intelligence.

INTELLIGENCE

The continued high number of insurgent deaths means basically they can afford such losses.

The box score on captured weapons is a major index of effectiveness. The quality of intelligence in the field is the true indicator of where population sympathies rest.

On all counts, the U.S. still is in bad shape.

Observers in the field are virtually unanimous in agreement with the late Bernard Fall that land reform is important as ammunition for howitzers, perhaps more important because it has longer range and greater impact.

This is something every military line officer I have questioned concurs with in angry vehemence.

None see it as a total answer, but all agree reform is an essential foundation of any lasting stability in Vietnam.

A district administrator career officer in one of the hottest areas called reform "the most important issue in the war."

These are men who see their soldiers killed, maimed by mines and booby traps the Viet Cong recruits planted. More than half of the present U.S. and army of Vietnam casualties now are attributed to such.

These officers know considerably more about the physical and psychological problems in the fields than does the U.S. Saigon bureaucracy which seldom strays from its air conditioned cars.

Much of this bureaucracy never sees the brutal reality of the field, the chief contact with the countryside being carefully arranged and carefully insulated tours.

This is demonstrated with frequent dramatic shock when you compare what you are told in Saigon with what you discover when you go into the field.

Example: one of the leading U.S. aid officials described "great progress" being made in general education "all through south Vietnam."

EDUCATED

In the field you discover the illiteracy rate in hamlets and villages is almost constant. The reason is simple. Educated men are not trusted outback either by the Viet Cong or the national police. For their own safety, such men gravitate to cities where a teenage driver for a U.S. official can earn more than a district chief.

Ultimately, we are getting land reform through the firm decision of President Thieu. His decision goes directly counter to many things he has been told by U.S. officials in the past.

Happily, this is no longer the case in crucial areas of the U.S. aid mission.

Key advisers here have just assembled a 13-point recommendation to the Saigon government which reflects point-by-point major elements hammered out by Roy Prosterman in the past four years.

The mission white paper is especially emphatic against any form of tenant land retention by landlords. The mission urges that the eminent domain process take all lands for reasons of fairness to oppressed farmers and for simplicity and speed of administration.

It is now likely that the laborious legislative process may not produce a law before November. This is dangerously close to harvest.

Effective "land to till" as promised by President Thieu would affect some five million people in 800,000 farm families, and would infuse hamlets with middle class stability which is desperately needed in the political war against the Viet Cong.

The big question now: does Paris know?

POLL IN SEATTLE INDICATES OVERWHELMING SUPPORT FOR NIXON'S WAR POLICY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. PELLY. Mr. Speaker, the Seattle Shopping News, a newspaper with a circulation of 164,000, covering a cross section of all the city's people, recently ran an opinion poll on the Vietnam war. The results of this poll are particularly interesting, in light of the massive amounts of space much of the Nation's press and broadcasting news have given protests lately.

The results of this poll are outlined in a letter sent me by the president and general manager of the newspaper, Nicholas Schmidt, and without objection this letter appears at this point in the RECORD:

NEWS PUBLISHING CO.,
Seattle, Wash.

Hon. THOMAS H. PELLY,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN PELLY: For your information, the Seattle Shopping News ran an opinion poll on the Viet Nam war. There was a grand total of 1,464 people who responded. Here is the breakdown.

1. 409 or 27.9% voted that we should announce immediately the pulling out of all of our troops not later than July 1, 1970.

2. 546 or 37.3% approved President Nixon's policy and believe that we should continue with the President's program.

3. 307 or 21% voted to resume large-scale bombing in North Vietnam using nuclear weapons, if necessary, to obtain total victory.

4. 202 or 13.8% voted for other possibilities, but most of them were a cross section of the other three positions with variations. Only 3% of the Other voted to pull out of Viet Nam. Thus, 69.10% voted to support the President's plan for ending the war or to use every weapon in the arsenal, including nuclear weapons, to obtain total victory.

We thought you would be interested in this overwhelming support of the President's position on the Viet Nam war.

This poll was conducted within the city of Seattle, Washington through the Seattle Shopping News, which is a newspaper with 164,000 circulation, covering a cross section of all of a large city's people.

Yours very truly,
NICHOLAS SCHMIDT,
President and General Manager.

SST APPROVAL—A COSTLY AND DANGEROUS MISTAKE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the inclusion into the Department of Transportation appropriation for fiscal year 1970 of funds earmarked for SST development, I fear, represents a costly misplacement of scarce funds vitally needed for pressing domestic problems. It is also unfortunate that stringent safeguards relating to protecting the health and welfare of the American people have not been included in legislation relating to this program. The supersonic transport plane presently being developed in the United States by the Boeing Co., the Anglo-French Concorde SST and the Soviet TU-144 supersonic transport will all be passenger-carrying airplanes that are intended to travel routinely at speeds exceeding the rate at which sound travels in the atmosphere. The Boeing 2707-300 is currently in the research, development, and test phase. First flight is anticipated in late 1972 with deliveries to airlines scheduled for 1978. Both competitor SST's have already flown subsonically and are currently projected for delivery to airlines in 1972. According to Dr. William A. Shurcliff, director of the Citizen's League Against the Sonic Boom, the design of an SST is necessarily very different from that of a subsonic plane because of the radically different airflow problems encountered. When an airplane is propelled through the air at a speed faster than sound travels, the air resistance increases enormously, and the impact of the air heats the front edges of the wings and fuselage to several hundred degrees fahrenheit. Vastly increased power is necessary, fuel consumption is much greater, and new problems of stability, rigidity, and maneuverability arise. A cone-shaped shockwave—sonic boom—is created; it spreads out and progressively strikes a large area of the land or water below. The intensity of any given boom depends upon one basic factor; the weight of the airplane. Recently my staff, in cooperation with those of other concerned Congressmen, researched various issues relating to jet noise and wrote several papers on the subject. One such paper concerned the SST. The plane that Boeing plans to build will be the largest commercial aircraft in the world and will cruise at 1,800 miles an hour. It will fly at an altitude of 65,000 feet, so its "bang zone" will be 40 to 50 miles wide. The strength of the boom which it is expected to produce is estimated to be between 1.7 and 2.3 pounds per square foot. The chief of the FAA's SST economics section has stated that "it takes a boom of well over 5 pounds per square foot to do property damage, such as cracking plaster," but this does not jibe with Government run tests held at Oklahoma City in 1964. There were 1,253 flights resulting in 15,000 complaints and 4,901 damage claims including a claim by one resident whose $90,000 home had been split nearly in two. Similar flights over St. Louis in 1961 and 1962 produced 1,624 damage claims—$58,648 paid—and an experiment over Chicago in 1965 resulted in 2,964 damage claims, with payments finally amounting to $114,763. The average strength of the Oklahoma City booms was only 1.2 pounds per square foot and not over the 5 pounds supposedly necessary to do damage.

Even if the SST was not permitted to fly at normal cruising speed over the mainland, islands, or main shipping routes, its takeoff noise to the sides would be intolerable. It is admitted that there is a correlation between noise levels and the health of man. Excess noise is a growing cause of, among other things, rapid heartbeat, mental illness, family strife, suicide, and murder. At a symposium on noise pollution recently held in Chicago it was agreed by the scientists present that "environmental din" is doubling with every decade and that it will have us all "on the ropes" by 1975. "It might be a good thing if people's ears would bleed," one environmental psychologist told the meeting, which was held by the American Medical Association. "Then people might get aroused. It may take a disaster like the Santa Barbara oil slick to dramatize the situation. Otherwise, noise pollution could be the last straw, on top of air pollution, that might bring our society crashing down."

The economics re the boom take on serious implications, according to one report of the Ad Hoc Congressional Committee against jet noise, when viewed in the context of an alleged FAA hope that 150 to 200 daily transcontinental SST's will be a reality within the next 10 years. If transcontinental flights are permitted, each one will deliver the boom to approximately 10 million people and will result in paid damage claims of about $3,000. If each plane made 2½ round trips per day, paid damage claims would amount to $15,000. If there were 200 such planes making 2½ round trips per day, paid damage claims could amount to $3 million a day or more than $1 billion a year. This does not take into consideration the shattering of the solitude of every park and wilderness area in the country and the damage caused to them. Between August 11 and December 22, 1966, some 83 sonic booms, several of which caused extensive damage, were recorded in Canyon de Chelly National Monument, Ariz. One of these booms loosened an estimated 80 tons of rock which fell on ancient Indian Cliff dwellings and caused irreparable damage. Damage has also been reported in Bryce Canyon National Park in Utah, Mesa Verde National Park in Colorado, Death Valley National Monument in California and Nevada, and Navaho National Monument in Arizona.

The whole SST program places in serious question the commitment of the FAA, the Department of Transportation and of Congress to noise abatement. Thus far, Congress has appropriated $653 million for the SST. On July 11, 1968, the Senate defeated an amendment to the Aircraft Noise Abatement Act which would have prohibited the SST from flying at supersonic speeds across continental America. The proponents of SST in Congress argued that prohibition of overland flights was unnecessary because the FAA probably would not permit such flights anyway. But the very fact that Congress was unwilling to legislate against sonic boom indicates that overland flights by the SST may be anticipated. It may also indicate the tremendous influence that the Boeing Co. can exercise in the Senate. It is especially interesting to note that the SST program somehow appeared to become connected to the recent ABM controversy. One of the strongest supporters of the ABM system in the other body also represents the State in which the Boeing Co. is headquartered. Coincidentally, shortly after the ABM vote, the President announced his decision to wholeheartedly support the SST program and so instructed the Department of Transportation. I find the timing quite interesting. In any event, since the FAA is the agency responsible for the direction and funding of the entire SST development program, the possibility of conflict of interests can hardly be overlooked.

Furthermore, according to the staff report, even if the SST is initially operated at supersonic speeds only on overwater flights, mounting economic pressures to expand the market to the plane will more than likely result in overland routes across the United States. Former Transportation Secretary Alan Boyd has stated:

> I think it will be entirely possible to operate a route over the Plains area and possibly across the Canadian border without discomfort or inconvenience to people on the ground.

The operation of such a route would reduce flying time between Chicago and San Francisco by only about 30 minutes. If supersonic flight on overland routes is not restricted and Government funding is provided, 150 SST's may be in domestic operation by 1990.

Total program costs through the prototype development phase—mid-1973—are estimated at $1.52 billion. The Government share of this amount is to be $1.29 billion. Some $291 million has already been obligated for design competition and $332 million for prototype development. Current funding schedules call for the expenditure of the remaining $662 million at the rate of $96 million in fiscal year 1970, $315 million in fiscal year 1971, $189 million in fiscal year 1972, and $63 million in fiscal years 1973 and 1974. Ninety-nine million dollars of the $195 million required for fiscal year 1970 is available from prior year appropriations, leaving $96 million in new obligational authority in the fiscal year 1970 FAA budget. Total private investment through the prototype development phase is estimated at $229 million with Boeing contributing $114 million, General Electric contributing $55 million, and the airlines contributing the remaining $60 million. Cost overruns are to be shared on a 75–25-percent Government-industry basis. We, therefore, are faced with a tremendous capital investment over an extended number of years. While proponents of the SST argue that it will not fly overland, it is my opinion that pressure from the industry for overland flight can be expected to mount to the point where it becomes irresistible. The FAA has refused to state categorically that the SST will not be permitted to fly over populated areas. Judging from the FAA's activities in the past regarding noise abatement and their foot dragging in that area as well as the fact that the FAA has often acted as the champion of industry interests and apparently has forgotten that it is also supposed to serve and protect the general public, this is not surprising. Perhaps the clause in their enabling legislation stressing promotion of the aviation industry should be stricken and a rewritten statement of purposes strongly emphasizing protection of the public should replace it. As it now stands, there is a potential conflict of interest in having the developing agency responsible for certification also responsible for airport noise standards. The FAA's commitment to the program may color its judgment.

Certain other arguments have been raised for and against the SST program. Prestige, balance of payments, employment, financing, costs, market, and safety issues have all arisen. The SST review panel made up of distinguished and knowledgeable individuals studied all these points. Under Secretary of State U. Alexis Johnson, a member of the panel, addressing himself to the argument that U.S. prestige is on the line stated that "it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige." Dr. Lee DuBridge, Science Adviser to President Nixon and also a member of the review panel in speaking to the problem of Government versus private financing stated:

> The Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

In 1951 the industry appealed unsuccessfully for Government help in jet aircraft development. The program went ahead without the requested Government assistance and the United States attained preeminence in the field. The employment argument; that is, 50,000 jobs will be directly created with a multiplier effect of three for indirect job creation, ignores the fact that virtually all of these anticipated jobs will be highly skilled ones in the aviation technology industry. While I recognize the economic benefit to my constituents in this field, I must point out that the hard-core unemployed will receive practically no benefit from the jobs created. At a time of crises in our cities and great division among our people, programs utilizing Government funds that will not help to alleviate the problems of poverty and frustration found in the ghettos should be carefully scrutinized when one of the rationales for its existence is economic benefit and reduction of the unemployment rate in our land.

I find it also extremely significant that the review panel representing the best evaluative talent available to the Government with 11 relevant agencies contributing had seven of its 11 members recommend no further appropriations. Mr. Speaker, finally, schools in my congressional district are being forced to close due to jet noise. Our Nation's most precious resource is its youth. The schoolchildren in my area as well as those in school systems located near other major jetports are not receiving the best education that would otherwise be available to them. And this, too, we cannot allow to continue. Mr. Speaker, for all the aforementioned reasons I supported the amendment to delete funds for the SST from the appropriation and I regret that it did not prevail.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Enid News in the State of Oklahoma. The editorial follows:

> SAFETY—AND THE BIG-TRUCK BILL
>
> A bill to allow bigger trucks and buses on Interstate highways has received qualified endorsement of the Nixon administration, even though Federal Highway Administrator F. C. Turner says the Transportation Department lacks "sufficiently reliable evidence" to determine whether wider and heavier vehicles would pose additional safety hazards.
>
> Turner's testimony before a House Public Works subcommittee last week brought an expression of "grave disappointment" from the American Automobile Association.
>
> The bill would increase the maximum allowable width of trucks from 8 to 8½ feet and the maximum allowable loaded weight from 73,280 pounds to 108,500 pounds. The administration has endorsed the bill, provided that its effective date is postponed until July 1, 1972.
>
> "It is difficult to understand why the administration has minimized the importance of the danger element of bigger rigs," George F. Kachlein Jr., AAA executive vice president said, "when their own testimony showed that accidents in which larger trucks are involved more often result in fatalities and injuries.
>
> "To subject motorists to the added hazards of bigger trucks, about which admittedly little is known, is to transfer safety experience from the proving ground to the highway, where the experience will be drawn from lives lost and shattered bodies."
>
> Obviously the wider and heavier trucks would improve the position of the trucking industry in competition with other forms of transportation. But Congress and the public must weigh the benefits to one indus-

try against the possible hazards to the motoring public and the costs to the taxpayer.

The Bureau of Public Roads has predicted that the wear and tear of an estimated 300,000 trucks of the size being considered would add $5.8 billion in repair and construction costs to the Interstate system during the first 10 years.

And as Sen. Howard H. Baker Jr., R-Tenn., pointed out when the measure was before the Senate last year, "Vehicular traffic on the Interstate highway must almost invariably make use of other non-Interstate roads at some time during the cycle of loading and delivery."

In other words, bigger trucks would add to the wear and tear on city streets and county roads, as well as on the Interstate routes.

But safety must be the paramount consideration in judging the big-truck bill. And the AAA reports that heavy commercial vehicles comprised only 7 per cent of the nation's registered vehicles but accounted for 11 per cent of total vehicle miles traveled and were involved in 19 per cent of highway fatalities.

The trucking industry has stressed the fact that the pending bill is only permissive, and that states would have to authorize the heavier and wider trucks. But opponents counter that the truckers see state legislatures as easier targets for lobbying than is Congress. Thus, they say, the decisive battle will be fought in Washington.

Asked about the proposal, Oklahoma Highway Director Truman Branscum told The Tribune his department has taken no position and made no studies, but would do so if the pending bill passes Congress and if there is an attempt in the Oklahoma Legislature to raise weight and width limits.

But once the limits are raised in any state, the pressure will be terrific for similar action by all other legislatures. Unless opponents' arguments concerning safety and maintenance costs can be refuted, the big-truck bill should be killed in Congress.

SPIRO AGNEW HAD THE COURAGE TO SPEAK OUT

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, John Crown of the Atlanta Journal spoke out on November 20 as few people on the staff of the Atlanta newspaper would dare. I would like to direct the attention of the entire Congress to Mr. Crown's article and I particularly want to call attention to remarks attributed to Dwight Sargent, curator for the Nieman Foundation for Journalism at Harvard University.

Mr. Sargent warns that "freedom of the press, exercised without restraint, leads to sensationalism, distortion, and the telling of lies."

The entire column is as follows:

[From the Atlanta (Ga.) Journal, Nov. 20, 1969]

THAT INAUGURAL ADDRESS: SPIRO AGNEW HAD THE COURAGE TO SPEAK OUT

(By John Crown)

It has become a popular game with commentators and columnists and people who are paid to draw pictures on editorial pages to refer to President Nixon's inaugural address and then shed their crocodile tears, crying that he really isn't bringing us together.

Every time they want to take issue with what he or his administration is or isn't doing, they pull out the inaugural address and say in effect, "See what you said. Well, you're not doing it."

What these commentators and columnists and people who are paid to draw pictures on editorial pages are doing to keep us apart is artfully sidestepped.

Another ploy is to throw around that current "in" word, polarization. It has enough syllables to make it appear a real forceful and dirty accusation.

Sen. Charles "Bugout Charlie" Goodell and that dedicated talker, Hubert Humphrey, seized on Vice President Agnew's criticism of biased news reporting to cry out that Mr. Nixon is polarizing society instead of bringing us together.

The commentators and columnists and people who are paid to draw pictures on the editorial pages grab every opportunity to criticize and pillory the President and his administration. Should the administration answer these or other critics, the same old moan goes up from the same old moaners that the President is simply not carrying out his pledge to bring us together.

Whether Vice President Agnew brought us together last week is debatable. It is highly doubtful that he alienated anyone who wasn't already on the other side, but he probably brought some over who had been lukewarm or cold. What he said has needed saying for a long time. He expressed the view of a great many people who have been subjected to what they have felt was biased news reporting. He is to be congratulated for his courage and forthrightness in doing so.

People who work for newspapers and in radio and on television on the whole strive for objective reporting. Although every effort is made to keep it that way, those people are human and are subject to human frailties. Bias, or what may be interpreted as bias, is going to seep through on occasion.

On newspapers it is a matter of keeping a story and its headline objective in written form. In addition to writing the news, radio has the added frailty of the human voice with its various inflections. And on television all of the foregoing applies plus the real frailty of watching a human face with all those different expressions.

What Vice President Agnew had to say about news reporting has considerable merit. It should have been taken as criticism that needed examining.

But instead of admitting that there might be shortcomings in the way the news is presented, the network chiefs invoked the usual spectre of government control of news—the good old panic and rally round approach.

Reacting like a talking doll whose button has been punched, Sigma Delta Chi, the professional journalistic society, responded with a lofty resolution condemning control of the news by the vice president or any other government official.

All of this, of course, despite Mr. Agnew's stand that he was in no way advocating government censorship.

The voice of reason came from Dwight Sargent, curator for the Nieman Foundation for Journalism at Harvard University.

"Press freedom exercised absolutely corrupts absolutely and leads to disorderly conduct and the collapse of government," Mr. Sargent said in a speech at Westbrook Junior College, Portland, Maine.

"Freedom of the press exercised without restraint leads to sensationalism, distortion and the telling of lies."

Vice President Agnew does not advocate government control and censorship. But he does say that the news media should be constantly vigilant that its own house is in order.

And judging by the response, a very great many people who depend upon the news media agree with him.

ANTHONY JENZANO: SPECIAL PRIDE IN EXPLORATION OF THE MOON

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GALIFIANAKIS. Mr. Speaker, it is a pleasure to call to the attention of the Congress a special article from yesterday's Raleigh, N.C., News and Observer, citing Anthony Jenzano as "The Tar Heel of the Week."

Mr. Jenzano is a transplanted North Carolinian who came to Chapel Hill 20 years ago for a month's visit—and is still there. As director of the Morehead Planetarium, this amazing man has a stake in this Nation's space successes that will be of interest, I think, to all my colleagues. I take great pride in inserting the entire content of the article into the RECORD:

ANTHONY JENZANO: SPECIAL PRIDE IN EXPLORATION OF THE MOON

(By Jane Hall)

Among earthlings watching the moon shots, none takes more personal pride in the astronauts' achievements than genial Anthony Jenzano of Chapel Hill, director of the Morehead Planetarium.

Secretly, Jenzano feels he has a bit of a personal stake in each space craft as it roars aloft in flame and smoke headed for the outer reaches of space. And well he may.

Since 1960, each astronauts' group has had training in celestial navigation at the Chapel Hill planetarium. They include not only the prime crews, he noted, but also the backup crews, support crews and simulator instructors and technicians from Cape Kennedy and the Manned Space Center in Houston.

Now that the Apollo 12 mission is well underway, Jenzano and the astronauts' instructors—Richard Knapp, assistant director, and John Zunes, educational supervisor—are preparing for the crews of Apollo 13 and 14.

"The astronauts may attend sessions in units or individually," Jenzano said. "The Apollo 11 mission has been the only group, however, to train as a unit.

TRAINING TIME VARIES

"The number of training sessions they attend depends entirely on the mission and its assignments and these vary from mission to mission. Neil Armstrong, commander of Apollo 11, has more planetarium hours—116—than any other astronaut.

"Commander Charles Conrad of Apollo 12 has 70 hours and that mission's other crew members, Richard F. Gordon and Alan Bean, have 53½ hours and 16 hours respectively."

That astronauts have been training regularly at Morehead since 1960 is due in part to Jenzano. Back in 1960 he realized they would need to know celestial navigation and he thereupon proposed a program of study to the National Aeronautics and Space Administration which he offered to do free of charge.

NASA promptly accepted the offer, he reported, partly because Morehead Planetarium was the only major planetarium, with the needed academic talents, relatively near NASA's research center at Langley Field, Va.

It refused, however, Jenzano's offer to conduct the program free of charge and has insisted upon paying the planetarium a token fee for service rendered.

The aim of the training sessions, according to Jenzano, is to provide the astronauts an uncomplicated means of ascertaining the location and orientation of the spacecraft without benefit of instruments or view of earth by using the stars as a guide or point of reference.

Jenzano said the program also aims at generating a process whereby any object seen in space or circumstance experienced (physical discomfort, et al) could be identified with a given star. Recognition of a particular star, plus earth time, would enable the ground crew to translate into real time, thus determining not only the point but the precise time a particular event occurred.

"NASA scientists who are doing research at other universities around the country have also visited us," Jenzano said. "One of them, Dr. Karl G. Henize of Northwestern University, became so interested in the astronauts' program he subsequently became an astronaut."

Whoever visits Morehead Planetarium these days—astronauts, scientists, researchers, school children or just people—will find the most modern and best-equipped major planetarium in the entire world.

And that instrument produces the best and most realistic representation of nature's sky that man can achieve.

INSTRUMENT IS NEW

The reason, the director commented, is that the entire instrument is new and it incorporates every improvement that science has concocted. It is the first production of Model Six of the Karl Zeiss Planetarium.

The new planetarium instrument, Jenzano explained, was a special gift from the Morehead Foundation. Cost of the instrument and its supporting and adjunct devices totaled about $250,000 or more than a quarter-of-a-million dollars.

The new instrument has variable speed motions through wide ranges, improved optics, improved mechanisms throughout, and it has all-electronic modular solid state control components.

"It took us three months to install, from last January through March," Janzano said.

Morehead's new planetarium instruments are designed to show the sky from any point on earth for periods of time ranging up to 26,000 years either forward or backward. They will also simulate rotation, revolution and precessions of the earth as well as change of observer latitude.

WORKED IN PHILADELPHIA

Anthony Francis Jenzano came to Chapel Hill back in 1949, having been borrowed from Fels Planetarium at Franklin Institute in Philadelphia.

He was brought to Chapel Hill to install the Morehead Zeiss Planetarium and he came with the reputation of being the only American citizen ever to completely dismantle and reassemble a Zeiss planetarium instrument.

Like the man who came to dinner, Jenzano came for a month's visit and has stayed for 20 years. "I hadn't been here but a few weeks when they made me an offer I couldn't refuse," he said, eyes twinkling. "It doesn't seem to me I've been here 20 years. It seems more like five."

A native of Philadelphia, Jenzano was born May 20, 1919, into a family consisting of six boys and four girls. He is the son of the late Joseph and Theresa Jenzano and he is, of course, called Tony.

In November, 1941, he married a Philadelphia girl, Myrtle Packer, whose nickname is Jay, and they make their home at 37 Oakwood Drive in Chapel Hill. The Jenzanos have two children, Anthony F. Jenzano Jr. and Carol Jenzano, and one grandson, Anthony Jenzano III.

From West Philadelphia High School on, Jenzano's training has been technical, including a stint in the U.S. Navy from 1943 to 1945. Most of it was in gunfire control, which, he pointed out, is concerned with mechanics, electronics and optics, all three basic ingredients of a planetarium projector.

AT FELS PLANETARIUM

After a brief period as a post-war civilian employe in the Philadelphia Navy Yard, Jenzano advertised his qualifications and thereafter was employed by Fels Planetarium.

"Before the war," Jenzano related, "planetarium instruments were installed by two technicians sent over from Germany. One would return home and the other would remain to service the instrument. Eventually, the one remaining here would become a U.S. citizen.

"At the Fels, however, the German national had not become a citizen and, at the outbreak of the war he was recalled. During the war years, the Fels planetarium instrument received no attention and in 1948 it had a major breakdown.

"In the course of repairing the instrument, I completely dismantled and reassembled it.

"In 1949, the Morehead Zeiss planetarium had arrived from Sweden in 13 huge crates, but no technicians were sent to assemble it. The man who accompanied the shipment simply came to see that it was delivered to the proper people and to have them sign papers to that effect. That was when I was asked to come down."

The Morehead Planetarium—given to the people of North Carolina by the late John Motley Morehead—opened on May 10, 1949.

Noting that the planetarium building is used for a variety of purposes, the director remarked upon the UNC Faculty Lounge on the second floor, and the second-floor kitchen, dining room and series of rooms where special events are held and dignitaries visiting the university are entertained.

On the first floor, he said, there is an art gallery, with changing exhibitions; an accurately scaled model of the UNC campus; space for scientific exhibits; and, of course, space for the planetarium.

PLANETARIUM NOT ENDOWED

No tax monies have ever been used for the planetarium, Jenzano emphasized. The institution is not endowed and it is the only major planetarium installation in the country that sustains operations on ticket receipts and miscellaneous income alone.

In the 20 years of its operation, Jenzano said more than 2,445,000 people have seen the planetarium show, visited the related exhibitions and attended exhibits and events in other areas of the building.

Annual attendance is now about 125,000 a year and of these some 60,000 are school children. The director said planetarium programs geared to the various grades are offered, plus additional programs that are based on some aspect of current public interest. Public programs are changed, he said, every four or five weeks.

Currently, the planetarium is showing its Christmas program. School visitors may see this program, plus a program related to their particular grade.

"Space research has stimulated attendance," Tony Jenzano said. "During last summer's moon shot we had a 50 per cent increase in attendance during July and August and we've noted an increase lately because of the second moon trip.

"We make every effort to tie in our programs with something of current scientific or astronomical interest. For example, next March 7th there will be a total eclipse of the sun which will be visible from a narrow strip of the Eastern seaboard of the United States.

"Already the greatest international interest has been generated and we're getting inquiries about it.

"In this state, Greenville will be in about the center of totality. Undoubtedly, scientists from the far corners of the world will come to Greenville and other Eastern North Carolina towns to view the eclipse.

"Here at Morehead Planetarium, we'll be giving our Easter program (from February through April) but during the two weeks prior to March 7 we will present a program that will inform the public about eclipses."

NEWSLETTER

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I have just issued my end of the year newsletter and am submitting it for the RECORD as a part of the official proceedings of the House. The newsletter contains the usual heading of my previous newsletters, as follows: "Newsletter From Your Open Door in Washington, Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania, No. 16, November 1969."

For the first time I have inserted 13 pictures in the newsletter, in addition to the usual picture of myself before the open door. While I realize the RECORD does not reproduce pictures, they may be seen by interested persons by examining the newsletter as filed in the records of the House. The newsletter is as follows:

NEWSLETTER FROM YOUR OPEN DOOR IN WASHINGTON

(By Congressman ALBERT W. JOHNSON)

NOVEMBER 1969.

DEAR FOLKS IN THE 23RD CONGRESSIONAL DISTRICT: I am sending you this Newsletter in which I comment on the current session of Congress, and also report some of my District contacts this year in connection with important projects and events, as well as some information on other current matters of interest.

THE PARTY LINEUP IN CONGRESS

For the first time since 1955, an Administration in the hands of one party (Republican) is submitting its legislative program to a Congress controlled by the opposition party (Democrat). The Democrats at this writing control the House 247 to 188 or a majority of 59 seats. In the Senate, there are 57 Democrats and 43 Republicans, or a majority of 14. These substantial Democrat majorities present a formidable task for President Nixon.

CONGRESS AND THE PRESIDENT

The pace of Congress has been very slow. As of November 1, 1969, only 2 appropriation bills out of 13 regular annual bills have been passed and sent to the President. The Nation is being run through piecemeal or stopgap appropriations passed on a month to month basis. Despite pleas from President Nixon and messages outlining his program, Congress has not acted on reform of the draft; nor on the new proposal to overhaul the welfare system or crime control, postal reform, control of obscene or pornographic mail, mass transportation improvement, revenue sharing with the states, tax reform, adjustment in Social Security benefits, spending reduction, reorganization of the Poverty Program, or taking politics out of postmaster appointments.

The President has spent a great deal of time on de-escalation of the war in Vietnam looking toward an honorable settlement. Other costly programs of prior Administrations are being studied and examined to make them work better, or to eliminate them entirely. However, the President's calm, sincere approach to the problems that face our country and his emphasis on truth and candor have helped to restore confidence in our national leadership.

REPORT ON MY RECENT POSTAL INSPECTION TRIP

In August of this year, I accepted an assignment to make an inspection of postal facilities abroad for our NATO armed forces and visited the U.S. Postal Air Terminal in Frankfurt, Germany, and London. At the London Terminal, I was surprised to learn that two of the top operational officers were from Warren, Pennsylvania, and I was pleased to have my picture taken with them.

My inspection of the bases indicated a need for mechanized sorting machines and assembly line loading and unloading facilities. While in London, I was briefed on the Postal Corporation plan for England which went into effect on October 1, 1969.

I also visited Paris in order to visit the new town in town under construction, and rapidly being completed. This is a part of my work on the Ad Hoc Committee on Urban Growth Policy, which Committee is studying the problem of urban growth as we go to a population of 300 million people by the year 2000. This Paris development could well be a model for this country to emulate.

EMBASSY BRIEFING IN PARIS

While in Paris, I was privileged to attend a briefing session for visiting Congressmen at the American Embassy in Paris. The briefing covered a wide variety of subjects. We were told that there has been a substantial change for the better in our relations with France since the election of Pompidou as President. We Americans are now welcome in France. Our Naval vessels are cordially received in their ports, as well as our aircraft in their airports. Our forces in Europe comprising the NATO Army were discussed. It is the opinion of our government that we must maintain adequate forces in Europe to keep the peace and preserve freedom. It was pointed out that our very presence in Europe with substantial forces has given the free countries the desire and the will to join forces with us in holding back the forces of Communist Aggression.

THE DISTRICT IS MAKING HIGHER EDUCATION HISTORY

Last year, I featured the fact that the 23rd District is the sportsmen's paradise. This year I am calling attention to its higher education advantages. The leading institution and one of the finest in the Nation is, of course, Pennsylvania State University. Its current on-campus enrollment is 25,900 students. Recently I attended a ground breaking ceremony for the construction of a new research library to cost $8 million which will be the finest in the world. At the ceremony, I donned a hard hat and participated in the ground breaking, a picture of which is shown here on the left. While at the University that day, I posed for the picture at the right beside the famous Nittany Lion, the symbol of the spirit of Penn State.

OTHER COLLEGE ADVANTAGES IN THE DISTRICT

Pennsylvania State University also has one of the best off-campus centers in the State in DuBois, with 472 students enrolled for the fall term. This center has reached its capacity and plans to construct new buildings to permit expansion.

In Bradford, the University of Pittsburgh has a campus and serves 638 students. This is a tremendous boon to this area. This campus is also embarking on a building program on a new 110 acre tract provided by the Kendall Refining Company, a subsidiary of Witko Chemical Company. This construction will provide two new academic buildings, a library, gym, and student residence halls.

Lock Haven State College has grown remarkably. The enrollment is now 2,300. The school has practically been rebuilt in the past ten years. It offers degrees in an amazing number of subjects, and has one of the largest schools in Physical Education in Pennsylvania.

Clarion State College has a campus in Oil City with an enrollment of 360. They are now planning to offer an Associate Degree Program in nursing, starting in 1970. This will be a much needed program and will serve four counties.

Warren is not to be outdone by these other towns. The citizens there have a campus sponsored by Edinboro State College with an enrollment of 372. They are all excited about moving to a new location on 196 acres, known as the Farm Colony on Route 62. They are also expanding their curriculum to include an Associate Degree in nursing.

I am proud of these growing and vital institutions!

STATUS OF THE INSTRUMENT LANDING SYSTEM WITH HIGH INTENSITY LIGHTS AT BRADFORD AIRPORT

The picture presented here is of the group from Cameron, Elk, McKean and Warren Counties who came to Washington to plead for the installation of an Instrument Landing System at the Bradford Airport. They are shown meeting with David Thomas, the Acting Administrator of the F.A.A. I set up this meeting so they could present their case following two tragic airplane accidents. Senator Hugh Scott co-operated in this effort. The group left Washington with the assurance that the system would be installed at a cost of roughly $200,000.00. Now it is ready for use, but for a few technical details. Soon to be added is the much desired high intensity lighting system. Secretary Volpe gave his personal promise to me that this would be done. I consider this installation one of the most important accomplishments of 1969. Pictured here are left to right: F. Wayne Fesenmyer, Chairman, Airport Authority, Mr. Thomas, myself, LeRoy Schneck, Vice Chairman of the Authority; rear: Erwin Murray, Herbert Straub, Robert Swartz (Pennsylvania Aeronautics Commission), L. Douglas Andrews, Mayor Benton, Dr. Hugh Ryan, Blain Mead, Russell Weston, Bennett Friedman, and Jack Lutz.

THE KINZUA DAM AREA HAS OUTGROWN ITS FACILITIES

One of the important developments in the District this year was the tremendous increase in the number of visitors to the Kinzua Dam and Allegheny Reservoir at Warren. This new lake, with its 91 miles of shoreline is a thing of beauty. Representatives of the Kinzua Tourist Bureau of Warren realizing that the future will mean an even greater influx of tourists, which will overtax present facilities, came to Washington to tell the story and request adequate Federal funding for vitally necessary new construction. By means of elaborate charts, they told the story to myself, and to Ed Cliff, the Chief of the Forest Service, Mrs. Julia Hansen, the Chairman of the Subcommittee on Recreation Appropriations, and Senator Alan Bible, the Chief of a like committee in the U.S. Senate. While in the Capitol, they posed for this picture. Pictured from left to right: Barry Epstein, LeRoy Schneck, myself, Bob Dilks, Henry E. Lemeur and William R. Rusin. Also present was Mike Mead of the Warren Times-Mirror & Observer. The group made an impressive showing and I was proud of them. Senator Bible has promised me that he will come up to the Dam and personally view the project.

FOSTER JOSEPH SAYERS DAM DEDICATED

Elsewhere in the District, recreation and conservation received another boost. The Foster Joseph Sayers Dam at Bald Eagle Creek, in Centre County, was dedicated. This dam will create a lake covering 1,730 acres, 7.8 miles long and with 23.4 miles of shoreline. I spoke briefly at the dedication, and presented a flag that had been flown over the Capitol. U.S. Senator Scott was the main speaker. One of my first acts when I became the new Congressman for Centre County was to sponsor and cause to be enacted a bill naming the dam after Foster Joseph Sayers, a World War II hero. Pictured here are the main participants in the program. From left to right: Major General Charles M. Duke, myself, Senator Scott, Foster Joseph Sayers, Jr., Dr. Goddard (Secretary of Forests & Waters), and the mother of Foster Jr. This dam will open up a new era in recreation for Centre and Clinton counties.

FLOOD CONTROL FOR DUBOIS NOW A REALITY

Practically every community in the District has a vital improvement project under way. DuBois is no exception. Flood Control on Sandy Lick Creek is absolutely necessary to permit future development and protection for present industries. Again this year, a group from DuBois came to Washington and asked the Appropriations Committee for funds so that the Army Corps of Engineers can start this project, already designed. While in D.C., they posed with me showing their proposed presentation to the Committee. From left to right: Richard A. Morse, Paul G. Reitz, myself, and Mayor Jesse B. Warren. I am pleased to announce that the Committee and the Congress voted the necessary funds for 1970.

VENANGO COUNTY BREAKS GROUND FOR A NEW PARK

On Friday, August 15, 1969, an event occurred at Dempseytown which in the future will provide a new opportunity for recreation and pleasure for the people of the Venango County area. This was the ground breaking ceremony for the new Two-Mile Run Park and recreation center. The picture was taken as I made one of the dedicatory speeches. Also pictured is construction in progress at the lake site, which lake will be 1-½ miles long and 2,050 feet wide at one point, covering 144 acres. The initial project will cost $1,150,000.00. I congratulate Venango County on this great project. I am intrigued by it because I can visualize a site for a new town in the future, constructed near the park.

EMLENTON CITIZENS PLAN AN OVERLOOK

Another future and worthwhile project of interest to Venango County is the proposed overlook to be constructed on the Clarion County side of the river at the Emlenton High Level Bridge. I visited the site on June 21, 1969, and posed for this picture showing the bridge and overlook site. In the picture are from left to right: Wendell Francisco, myself, Representative Kahle, Bill Cunchula and Mrs. Archie Newton. Mr. Cunchula has offered to donate the site. I consider this project a must and will support it vigorously. The bridge was built for Interstate 80. Of interest to readers is the announcement that this 313 mile interstate artery will be opened its entire length on Friday, September 18, 1970. The dedication will be held at Beaver Stadium at Penn State. President Richard M. Nixon has been invited to make the dedicatory address.

RENOVO'S FLAMING FOLIAGE FESTIVAL COMES OF AGE

An event each year in the 23th District, becoming a tradition, is the annual Flaming Foliage Festival at Renovo. This year on October 12th Susan Laubscher was crowned the 1969 Queen. Lt. Raymond Broderick delivered the principal address. The Queen crowning and program is held in a beautiful natural bowl setting along the Susquehanna River at the Hyner Airport and attracts a large crowd. This year the festival came of age by staging its 21st event. Congratulations to Renovo on this great civic endeavor. I posed with Ray Broderick for a picture with the Queen and runners up. They are left to right: Miss Kim Lowry, of Loyalsock, Miss Susan Laubscher of Lock Haven, Queen, and Miss Kathleen Cooney of Johnsonburg. Barbara Kriegish of Johnsonburg, the 1968 Queen, and Trudy Lee Pedersen, Miss Pennsylvania, crowned the new Queen.

GUEST CHAPLAIN HAS INTERESTING DAY

Congressmen frequently are accorded the privilege of inviting a member of the clergy from their District to be the guest chaplain for the day to open the House of Representatives with prayer. My turn came on September 16, 1969. It proved to be a day of much recognition and honor to not only the District, but to the Reverend James H. Weber, Pastor of Saint Joseph Church, Oil City, Pennsylvania, who I had invited to officiate that day. This was because it happened to be the day a Joint Session of Congress honored the Apollo 11 Astronauts. At the completion of the session, Rev. Weber joined me in attending a reception for the Astronauts. The photograph was taken at this reception and pictured from left to right are: Neil A. Armstrong, Michael Collins, Rev. Weber, Edwin Aldrin, and myself. I have invited Reverend J. Kenneth Soderquist, Pastor of Gethsemane Lutheran Church, Port Allegany, Pennsylvania, to be guest chaplain for early in 1970.

YOUNG PENNSYLVANIA BOWLERS RECEIVE AWARDS

I am always pleased to welcome young people to the Nation's Capitol. On August 4, 1969, the National Bowling Council conducted their 9th annual Youth Bowling Championship. The championship youth bowlers from each state were invited to come to Washington and receive a National award. I represented the members of Congress from Pennsylvania at this presentation ceremony. One of the young men was from my District—Lemont in Centre County. I posed for a picture with the three Pennsylvania winners with their trophies. From left to right they are: Robert Mertz, Greensburg, Pennsylvania—"Scratch" Division champion; Patricia Getz, Pittsburgh, Pennsylvania, Girls' Handicap Division and Jeffrey H. Kane of Lemont, the Boys' Handicap Division. Meeting all these young people from all over the United States gave me great pleasure.

PUBLICATIONS AVAILABLE

As usual, I have a few publications available for distribution: Large map of Vietnam; official 1969 Pennsylvania road map; 1970 Congressional Calendar; Our American Government; Newsletter on scholarships available.

ALSO AVAILABLE: APOLLO 11 FILM

Would you like to see the official NASA film of the Apollo 11 moon-landing, entitled: "Eagle Has Landed"? It is a 16 mm film in color. Schools, civic and fraternal organizations desiring to use this film should write or call:

Stephen L. Wolfe, Field Representative, 553 Third Avenue, Johnsonburg, Pennsylvania 15845, Telephone: 814–965–2807.

And now, in closing, I trust you have found this Newsletter both interesting and informative.

Sincerely yours,

ALBERT W. JOHNSON.

ED FOREMAN—A LATTER DAY COLUMBUS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. LANDGREBE. Mr. Speaker, only two men in this century have served in this House for constituencies in different States. One of them is our distinguished young colleague, ED FOREMAN, formerly of Texas, now of New Mexico.

Such highly successful westward travel is especially remarkable in one so young and is reminiscent of the man who traveled westward to find a New World, Christopher Columbus. Lest you think this allusion to Columbus a bit fanciful, I would cite a recent item in the November 18 issue of The Lion's Roar, a weekly publication of the Downtown Lions Club in Carlsbad, N. Mex.:

> A true story: Last month over at Billy Brown Kindergarten teacher Sissy Daugherty asked her class who discovered America. The hands of eager children went up all over the room, anxious to give the correct answer. So the teacher chose to call on Melanie Rose, Joe's daughter. "Ed Foreman," came the ready reply.

CURRENT STATUS OF THE RULE OF LAW IN RHODESIA AND SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. REID of New York. Mr. Speaker, the Review of the International Commission of Jurists is a quarterly publication of high standing in the legal community and with all those who are concerned about the maintenance of the Rule of Law throughout the world.

The September 1969 issue of the Review contains a summary of the current status of the Rule of Law in Rhodesia and South Africa. The article states:

> There is no doubt, that in Rhodesia and in South Africa the situation is worsening.

I am including the article in the RECORD as I believe this should be a matter of continuing concern to Members of this House.

I am also inserting in the RECORD a speech made earlier this year by Duncan Innes, who recently resigned as president of the National Union of South African Students, the group that had invited me to South Africa this summer to deliver their Annual Day of Affirmation of Academic and Human Freedom address. Mr. Innes' speech is a moving statement of commitment and belief—and of undiminished courage in the face of ever-increasing harassment and personal torment by the state.

The material referred to follows:

THE REVIEW OF THE INTERNATIONAL COMMISSION OF JURISTS—SEPTEMBER 1969

SOUTHERN AFRICA

Regimes which are based on a commitment to racial discrimination continue to pose the most serious problems to the protection of the Rule of Law and human rights in the world. There is no doubt that in Rhodesia and in South Africa the situation is worsening. Despite the clearly expressed desire for a non-violent solution contained in the recent declaration of fourteen East and Central African States,[1] the white-dominated regimes of Rhodesia and South Africa continue their policies of repression, and are becoming increasingly intransigent. The attention of lawyers all over the world must be drawn once again to the erosion of the Rule of Law by the Legislature and the Executive, and to the acceptance of this position by some members of the Judiciary in this area of Africa.[2]

RHODESIA

All possibility of a settlement between the Rhodesian regime and the British Government was abandoned on June 20th this year with the vote by the almost all-white electorate[3] in favour of an apartheid-like constitution. The idea of eventual African rule has been finally rejected, and inequality, discrimination and political repression will continue to be the foundation of government policy. Although the white population forms only 1/22 of the total population,[4] only 16 out of the 66 seats initially in the Lower House may be held by Africans. Eight will be elected by Africans on the African roll and eight will be elected by four tribal electoral colleges.[5] Representation of Africans will be based on their income tax contribution, but the number of 16 representatives will remain static until African income tax contributions exceed 24% of the total income tax contributions of Europeans and Africans; representation will then increase proportionately. However, Africans may never hold more than half the seats in Parliament even when the income tax shares of whites and Africans are on a parity, a situation which will not occur for several generations.[6]

A Senate will replace the former Constitutional Council; it will have strictly limited powers of delaying legislation even in the case of Bills which, on the advice of its legal committee, the Senate considers inconsistent with the Declaration of Rights to be embodied in the Constitution. The new Declaration of Rights will in any case be nonjusticiable; the courts will thus be unable to declare laws unconstitutional where they infringe rights recognised in the Declaration. The new Declaration will permit preventive detention and other derogations from the right to personal liberty. Protection from search and entry will be limited. The right of an accused not to be compelled to give evidence will be omitted. The press and other mass media will continue to be regulated.

Major changes in land tenure legislation are proposed. The present category of "unreserved" land will be abolished and all land in Rhodesia will be divided into areas of reserved European and African land, totalling roughly 44.9 million acres and 45.2 million acres respectively.[7] Thus 250,000 Europeans will have 45 million acres reserved for their ownership, while 4½ million Africans will have an equivalent amount. Moreover, the independent Board of Trustees for Tribal Trust Land will be abolished and control over such land will be exercised by the Head of State.

In the words of Professor Terence Miller, the principal of Rhodesia's multi-racial University College, who resigned as a result of the referendum victory in June, the proposals seem to derive "from a basic intention to ensure indefinitely prosperity and material comfort for the European minority at the expense of the exploitation and repression of the bulk of the majority."

The constitutional proposals are not the only source of concern. In February the Constitution Amendment Act, No. 1 of 1969, amended section 81 of the Constitution of Rhodesia 1965 by authorising the declaration of a state of emergency for a period of twelve consecutive months instead of the previous maximum period of three months.

In the light of these developments, the independence of the Bar and Judiciary in Rhodesia will be of considerable importance in maintaining some measure of adherence to the Rule of Law. The decisions of the Rhodesian High Court in February and in September 1968 when the Appellate Division held firstly that the Rhodesian Government had obtained *de facto* status and then *de jure* status has already provoked understandable dismay. Recently some disturbing features of the trial of the Reverend Ndabaningi Sithole, leader of the banned Zimbabwe African National Union, also gave rise to misgivings as to the manner in which trials with political overtones will be handled. Any reasonable grounds for suspecting that the courts in Rhodesia could be used as a cover to accommodate the executive would only add to the depressing list of complaints against the present regime and its supporters.

Footnotes at end of article.

SOUTH AFRICA

Recent legislation, increased security measures, incidents of brutality and continued general disregard for the Rule of Law indicate that the regime in South Africa is tightening its hold.

In reply to a General Assembly resolution [8] demanding a report on prison conditions in the Republic, the Government asserted that it did not recognise the competence of any United Nations organization to make demands on a foreign State; it also asserted that the Republic administered its penal institutions on the basis of legislation that conformed to the Standard Minimum Rules for the Treatment of Prisoners.[9] However, although the Rules lay down the minimum of medical services that should be available in every institution and outline the precautions that should be taken to ensure the physical and mental health of prisoners including the daily examination of sick prisoners (Rules 22, 25, 26), during 1968 four prisoners died in Robben Island Prison through lack of timely medical attention. The Commissioner of Prisons denied such 'allegations about prison conditions in South Africa', and said that the authorities had 'no knowledge of people who are seriously ill and who have not been given the medically recommended treatment'. The Rules also provide that 'the transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship shall be prohibited'. Nonetheless in April this year three Africans died from suffocation while being transported in an overcrowded police van.

Not only has the government rejected out-of-hand allegations made by the UN and other bodies outside South Africa. It has prosecuted those publishing information about prison conditions in South Africa itself. The most recent case has been that of Laurence Gandar, Editor-in-Chief of the *Rand Daily Mail*. Following the publication of a series of articles in 1965 on conditions in South African prisons, Mr. Gandar and his reporter Benjamin Pogrund were prosecuted under the Prisons Act, 1959.[10] The Government had previously prosecuted the newspaper's informants for perjury and had conducted a radio campaign smearing the newspaper as 'un-South African' and communist influenced. In the Gandar trial, ample evidence was produced to show that, given the situation in South Africa, 'reasonable steps' had been taken to establish the reliability of the information published, evidence which would have satisfied an impartial judge—that is a judge who is freed from the underlying notion that criticism of the administration is necessarily un-South African. Nevertheless the two accused were convicted under the Act.

In addition to the conditions in prisons and the treatment of convicted prisoners, the manner in which detainees have been held by the Security Police under the Terrorism Act [11] has given rise to severe criticism. This year already five detainees have died while being held under the Act and two of these cases have had serious repercussions in South Africa. At the inquest on Mr. Nichodimus Kgoathe, who according to the post-mortem report had died of bronchial pneumonia, evidence was given that the police had found it necessary to investigate allegations that Mr. Kgoathe had been assaulted while being interrogated. A district surgeon told the inquest court that he believed the injuries that the deceased had suffered to have been the result of an assault. He testified that when he examined Mr. Kgoathe shortly before his death he found marks on his body which could have been cause by a rawhide whip and wounds which could have come from an assault with the buckle of a belt. A police sergeant testified that Mr. Kgoathe had complained to him of body pains before being sent to the hospital and had said that he had been assaulted by the Security Police. Nevertheless the Magistrate found himself unable to conclude that any person was responsible for the death.

In March another detainee, James Lenkoe, was found hanging by a belt in his cell after prolonged interrogation by the Security Police. The finding of a first post-mortem was that Mr. Lenkoe had died as a result of hanging and thus suicide was logically concluded. However, a second post-mortem was carried out at the request of the deceased's widow; and expert testimony at the inquest showed beyond reasonable doubt that Mr. Lenkoe had received electric shocks on the day of his death and that his death was also consistent with electrocution. The Magistrate ended the inquest by refusing Mrs. Lenkoe's counsel the opportunity to complete his review of the testimony and by limiting the calling of relevant witnesses. In conclusion, the Magistrate found that no satisfactory proof had been given of electric shock treatment and that no blame could be attached to any person.

In neither case was the verdict satisfactory. However, despite government security measures and official denials, the cases have highlighted the fact that torture and inhuman treatment are not infrequent occurrences in South Africa.

Since these cases, the government has indicated its determination to prevent such information reaching the public in future: on 13th June this year the passport of Mr. Joel Carlson, the Johannesburg attorney who acted for the widows in both the Kgoathe and the Lenkoe inquests was confiscated. Mr. Carlson is the observer for the International Commission of Jurists in South Africa and has represented many political prisoners who have alleged that they were illtreated during detention. The confiscation of his passport is clearly a reprisal for his part in showing up the use of electric shock torture by the Security Police in the Lenkoe inquest as well as his courageous defense in many other political cases. It is also a move calculated to deter both Mr. Carlson and other South African lawyers from dealing with such cases in future. The International Commission of Jurists has repeatedly held that the independence of the legal profession is essential to the proper defense of the Rule of Law. This unwarranted act against a member of the legal profession must be deplored as a direct attack on this principle.

Moreover, as a result of the recent adverse publicity for the Security Police, a General Law Amendment Act was passed on 30th June 1969. Section 10 of this Act, which complements the Public Service Amendment Act of 1969 establishing a 'Bureau for State Security' and extends the provision of the Official Secrets Act 1956, makes it an offence to publish or communicate any matter dealt with by or relating to the Bureau or the relationship between anyone and the Bureau. As a result of this provision, all matters relating to the Bureau are excluded from the public domain, and a person may even be charged with an offence under the Official Secrets Act without ever knowing or being able to know that he had divulged a 'security matter' within the meaning of the 1969 Act. The Act also provides (Section 29) that a signed certificate from a Minister will be sufficient to prevent a person giving evidence if such evidence is considered prejudicial to the interests of the State or public security.

Section 10

2 (*a*) Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war or any military, *police or security matter* and who publishes it or directly or indirectly communicates it to any person in any manner or for any purpose prejudicial to the safety or interests of the Republic, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand five hundred rand or to imprisonment for a period not exceeding seven years or to both such fine and imprisonment.

(*b*) For the purpose of paragraph (*a*)

(*i*) 'police matter' means any matter relating to the preservation of the internal security of the Republic or the maintenance of law and order by the South African police;

(*ii*) 'security matter' means any matter relating to the security of the Republic and includes any matter dealt with by or relating to the Bureau for State Security referred to in Section 1 of the Public Service Act, 1957 (Act No. 54 of 1957) or relating to the relationship subsisting between any person and the said Bureau.

Section 29

(1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compellable and no person shall be permitted or ordered to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law, as to any fact, matter or thing or as to any communication made to or by such person, and no book or document shall be produced in any such proceedings, if a certificate purporting to have been signed by the Prime Minister or any person authorized thereto by him or purporting to have been signed by any other Minister is produced to the court of law, body or institution concerned, as the case may be, to the effect that the said fact, matter, thing, communication, book or document affects the interests of the State or public security and that the disclosure thereof will, in the opinion of the Prime Minister or the said person so authorized or other Minister, as the case may be, be prejudicial to the interests of the State or public security.

(2) The provisions of subsection (1) shall not derogate from the provisions of any law or of the common law which do not compel or permit any person to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law as to any fact, matter or thing or as to any communication made to or by such person, or to produce any book or document, in connection with any matter other than that affecting the interests of the State or public security.

(3) The provisions of this section and any amendment thereof shall apply also in the territory of South-West Africa, including the eastern Caprivi Zipfel.

Not only does the Act consolidate the already enormous powers of the Security Police, it invades the power of the courts to overrule an objection by the Executive to the disclosure or production of official documents [12] and could prevent an accused person from testifying as to the conditions under which he made a statement or confession.

The International Commission of Jurists has already had occasion to examine the South African concept of the Rule of Law.[13] It was defined as follows in *South Africa and the Rule of Law* published by the South African Department of Foreign Affairs in April 1968:

> The Rule of Law may mean different things to different people, but there is general agreement that it requires that a person on trial be accused in open court, *be given an opportunity of denying the charge and of defending himself* and that he be given the choice of a counsel.

In commenting on this definition the Commission pointed out that this is but one aspect of the Rule of Law and that other essential elements are the independence of the Judiciary and the guarantee of its impartiality. By the recent General Law Amendment

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Footnotes at end of article.

Act, the South African government has not only contradicted its own definition of the Rule of Law, it has also seriously undermined the independence of the Judiciary and the guarantee of its impartiality.

SOUTH WEST AFRICA

The second trial in which South West Africans were convicted under the Terrorism Act took place in Windhoek, South West Africa, in July. This trial was again in complete defiance of the UN resolution[14] to terminate South Africa's Mandate over South West Africa and the fact that the UN claims jurisdiction over the territory. The men who have been on trial had been held in detention in Pretoria for up to three years; and there are reports that as many as 250 additional South West Africans are still being held in secret detention and incommunicado under the Terrorism Act.

It is more than ever clear from these developments that southern Africa has entered a period of even greater repression. World legal opinion must be heard in protest against measures in this area which are calculated to prejudice the independence of the Judiciary and the legal profession, and also against legislation which, like the General Law Amendment Act in South Africa, provides an effective mechanism for consolidating a police state.

FOOTNOTES

[1] For the full text of the declaration, see *The Review* of the ICJ, No. 2.

[2] See *Erosion of the Rule of Law in South Africa*, International Commission of Jurists, August 1968.

[3] 83,000 Europeans; 7,000 Africans; 2,000 Asians and coloureds.

[4] Preliminary results of the 1969 official census show 4,840,000 Africans, 230,000 Europeans, 8,700 Asians and 15,000 Coloureds.

[5] The former 'A' and 'B' rolls will be abolished, and there will be a European roll which includes coloureds and Asians and an African roll. Cross-voting is abolished; no African may be a candidate in a non-African constituency or vice versa. The franchise qualifications for both Europeans and Africans will be raised.

[6] The basing of representation for Africans on their income tax contributions, an unacceptable criterion in any event, ignores the fact that income tax contributions by whites to the total State revenue is only about 20%, yet they will have 75% of the Parliamentary representation. The shift of emphasis from income tax to indirect taxation introduced in the recent Budget will render this 20% even more insignificant.

[7] The figure for the European reserved land represents an increase of over 9 million acres.

[8] 2440 (XXIII), adopted following the report in 1968 of the Ad Hoc Working Group of Experts established by the Commission of Human Rights.

[9] Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in a resolution of 30th August 1955.

[10] Section 44(f) makes it an offence to publish 'false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison, knowing the same to be false, or without taking reasonable steps to verify such information, the onus of proving that reasonable steps were taken being upon the accused'.

[11] See *Bulletin* No. 34 for a detailed analysis. The Act allows for indefinite detention of suspects by the police without the need for a court order. Detainees may be held under the Act in conditions of complete secrecy and isolation at the uncontrolled discretion of the police and the Minister of Justice.

[12] See on this point the Special Study in this issue of *The Review* at pp. 35–36 below.

[13] *Erosion of the Rule of Law in South Africa*, International Commission of Jurists, August 1968.

[14] General Assembly Resolution 2145 (XXI) 1966.

OUR COUNTRY OUR RESPONSIBILITY

(By Duncan Innes)

INTRODUCTION

Some people may wonder why I, as a student, have chosen a topic such as this for my talk today; these people may ask why as students we are concerning ourselves with our country and not concentrating on our studies.

To these people I would say that I believe firmly that a university can only reflect the aspirations of the society in which it exists, and thus to study the one without the other is to do only half the job. Each one of us here will shortly be leaving our university to take our places in our society, and it is therefore imperative that we are aware of the state and health of that society. Furthermore, with the present political trend in South Africa, students stand clearly in the political spectrum of our society and so a proper understanding of the society in which they operate is essential.

* * * * *

But first let us analyse briefly our own position—the position of the student in South Africa. For example, how many students are there studying at universities in our country?

In 1968 there were 74,330 enrolled students. Of these students the racial breakdown was as follows:

Whites, 65,745; *African*, 1,530; *Asiatic*, 3,218; and *Coloured*, 3,385.

Total non-Whites: 8,585.

This means that of the total percentage of students studying at institutions of higher learning in South Africa only 11.5 per cent were non-White, and of that percentage 3 per cent were Africans.

Why is the rate of education of the non-White and particularly the African so low? The Government submits again and again that it is doing all it can to increase educational facilities for the non-White. They point to the establishment of the University College of Zululand, of the University College of the North, of the University College of the Western Cape, and they cry, "look what we are doing for the non-White!" And, indeed, giving credit where credit is due, we will admit that the establishment of 3 non-White colleges, which are now almost full-fledged universities is a fine record. But when we study the enrollment figures at some non-White institutions we see that:

University college	Student enrollment		
	1960	1968	Increase
Zululand	41	368	327
Western Cape	161	669	508
Fort Hare	360	451	91

These figures we feel do not denote great progress, but giving the Government the benefit of the doubt, we presume that universities simply grow slowly, so we look at the White universities to see how they have increased their enrolment in the same eight years:

University:	*Increase by 1968*
Natal	2,008
Witwatersrand	3,081
Cape Town	2,058
Potchefstroom	1,547
Pretoria	4,103
Stellenbosch	2,735

It would seem that, from these figures, the Government is doing all it can to improve the opportunities for Whites to get a university education while neglecting the non-Whites almost entirely.

But Mr. Harry Lewis, newly-appointed Nationalist Party MP, tells us that this is not so. Almost confidentially he gives us the reasons. "You see," he says, "the Black man unfortunately just isn't up to university standing. He can't absorb all that knowledge, poor chap. Just look at the school failure rates," he tells us. So like good South Africans, we look at the figures. We see that of all African children of school-going age, 78 per cent are attending schools. This, we agree, is impressive.

We see that in Sub A there are 580,533 African children. But by the time we reach Matric we see that there are only 2,075.

We look at the overall picture and we see that out of an African population of 12,750,000 in 1967 only 17.49 per cent were at school. That is 2 million children. Of these 2 million over 1 million, or more than half, are in Sub A, Sub B, Standard 1 and Standard 2. Why do so many African children fail to get any further?

The answer is very simple. Government sources inform us. They just cannot keep up. They just do not have the brain-power to match us Whites. But what the Government doesn't tell us is that the ratio in these classes is 1 teacher to 58.8 children. What we are not told is that the reasons why there are more children per teacher this year than there were last year is because an African teacher gets paid less than half the salary of a White teacher with equal qualifications. The Government does not tell us that a non-White artisan with a Junior Certificate can get a larger salary than a teacher with a Senior Certificate and 2 years' training. For the non-White, Mr. Chairman, where is the incentive to teach? This is why last year there were 1.750 teaching vacancies among non-Whites.

Our helpful Government sources forget to tell us that although books are free at Government Schools for White children, non-White children have to pay for theirs; and that the parents of most of these youngsters live in abject poverty so that they just cannot afford to let their children go on educating themselves. They have to go out and work or the family will starve.

Thus, although the Minister of Bantu Education can proudly claim that 78 per cent of African children receive schooling, he forgets to mention that less than 30 per cent ever get over Standard 2 and in fact that only 0.08 per cent reach Matric.

If, despite all these facts and figures, our learned Government source still tries to tell us that the Government is doing all it can for non-White education in South Africa, then we must ask one last question. How much money per pupil is spent on education?

In 1960, which was the last time the Government issued these comparative figures:

R144.57 was spent per White child.

R59.13 was spent per Coloured child.

R12.46 was spent per African child.

The education of the non-White, and particularly the African, in South Africa is a myth and a lie. It is something the Government can proudly point to when it is questioned in the United Nations, but when one delves into the intricate cobwebs of half-truths one is confronted with the painful fact: the Government does not want to educate the Black man.

Those who do manage an education, those who gain Matric, those who go on to get degrees and to become doctors are men and women whose courage and determination is not easy to match. Like the medical student, who this year applied for a NUSAS scholarship: he had just completed his 2nd year; he had obtained 2 second class passes—a truly remarkable achievement. I asked him where he lived. He said he shared a one-room shack with a friend. Wasn't it awkward, I asked, if one of them wanted to work at night and the other wanted to sleep with a light shining in the room? There was no light, he said, they had no electricity. But how do you work at night, I asked? By candle-light, he said.

But now, we should ask ourselves why should the Government not wish to do all it can to educate the African and thus enable him to raise his own standard of living? Surely, we would expect any rational government to plough as much money as possible into the education of the poor so that in this way the poor may be better equipped to enter new and better jobs, thus earn larger salaries, raise healthier, better-educated families, and surely in this way, with more and more educated men and women entering our professions our whole society would be enriched and would prosper economically. But this is not the policy of our present Government and to understand why, we must look at the whole political situation.

THE HOAX OF SEPARATE NATIONS

The policy of South Africa at the moment is one where the White group has economic and political control of the country, and they do not intend to let it go.

Now the question arises, if the White group who have this power, do not intend to lose it, what are they going to do with the majority of the people? The White group feels that whatever it does with these people it must ensure three things: firstly, that the policy has some form of moral justification; secondly, that it is economically sound; and thirdly, that it won't involve any loss of power for the Whites. And with those three aims in mind, the late Dr. Verwoerd produced the doctrine of separate nations.

Dr. Verwoerd said we will give the Africans their own nations in which they can have full rights of citizenship. But obviously since we, the Whites, have already developed certain sections of South Africa for ourselves, we will give the Africans those sections that are still largely under-developed so that they can develop those sections for themselves.

Of course those sections that are still under-developed only amount to 13 per cent of the total land space of South Africa, but after all there are only 16 million of them and 4 million of us, he said. And anyway, we can't be expected to give up what we have developed.

But, said his critics, what will happen when these Black nations develop and grow economically and politically powerful? Won't they be a threat to us? I think Dr. Verwoerd just smiled. Because he knew it was all a mammoth hoax.

Dr. Verwoerd knew that the Bantustans were agriculturally semi-impoverished, industrially useless and economically unable to pay for themselves. He knew that the Bantustans could never ever hope to absorb all the Africans in the Republic. There could never be enough work. He said, and Mr. Vorster says, that the Africans will gradually return to the Bantustans as they develop and the need for more workers grows.

REALITIES OF A BANTUSTAN

But let us look at the Government's biggest showcase, the Bantustan which has already survived 5 years of so-called self-government—the Transkei.

The Transkei consists of 16,000 square miles. It has an African population of 1.4 million. Thirteen years after the Tomlinson Report—which was the first blueprint from which Dr. Verwoerd worked—13 years after this report claimed that in 25–30 years the Transkei would be able to support 10 million Africans, we find that it cannot even support 1.4 million. There are 3 factories in the Transkei and they employ less than 2,000 Africans. There are only 32,700 Africans employed in the Transkei and in another 12–17 years, according to the Tomlinson Report, employment must be found for 10 million. Today we learn that the Tomlinson Report is inaccurate. By the year 2000 there will be 9 million more Africans in South Africa than the Report bargained for.

But, we ask, what happens to those Africans who cannot find work in the Transkei and the other homelands? They return to the Republic as migrant labourers.

And so now we can see how the great scheme really works. The homelands can never become economically self-sufficient.

Last year the Transkei had a total budget of R20 million. From its own sources, the Transkei raised R4.5 million. The balance comes from our generous Government. I am sure that should Chief Mantanzima ever wish to do anything with which Pretoria were dissatisfied, Pretoria might discover that there were certain difficulties involved in handing over the R15.5 million so necessary for the Transkei's very survival.

Thus we see that the Bantustans, because they can never be economically self-sufficient, can never be politically independent. And, although they can have all the trappings of independence, such as a Prime Minister, a Cabinet and elections, they will never be able to acquire such natural rights of any nation, as for example an army, even for self-defence. As long as the Bantustans rely on the South African Government for their funds—which they must forever do—they can never support themselves, and therefore, they will never be politically independent. Thus, the Whites' third aim, that they should lose none of their power is realised, while their first aim that their policy should also have a seemingly moral justification is theoretically realised to the lazy or indoctrinated thinker—for "one day", we are told—not in his lifetime, Mr. Virster tells us—but one day, these nations will be free.

And, of course, we must not forget that the policy must be economically sound, too, which was, you will recall, our second requirement. So we have an African population unable to find work in the homelands drifting back into the Republic and supplying a constant labour force for our mines and factories. And they will go on doing this because they need work for food and we will go on receiving cheap labour and our economy will grow and grow and requirement number two has been met. Of course, we do not allow these men to bring their wives and children because we do not need them to work, and if these men grumble about poor wages we simply sack them because our system is so sound that we know that there are millions more who are so hungry that they will work for any amount of money, no matter how small.

THE OUTCOME OF APARTHEID

Apartheid represents a depressing picture. It is a picture of a cunning system that is so evil and so selfish that one wonders that human beings could ever have evolved it.

It is a system that forces over 600,000 people in Soweto, an African township in Johannesburg, to live in 70,000 houses. That is, according to the official Government figures, 9 people per 3-roomed house.

It is a system which orders 33,000 Coloured people to be evicted from their homes in District 6 at a time when there is already a shortage of 30,000 Coloured homes in the Cape Peninsula alone—at a time when 15,000 Coloured people in the Cape are waiting for homes and 66,000 are inadequately housed. These are official Government figures.

It is a system which evicts these people from their homes because, in the words of the Minister of Community Development, Mr. Blaar Coetzee, he "wants it for a White luxury area".

It is a system which causes a man to say, "I do not weep for the non-White; I weep for the White".

It is a system which allows the homes of 170 Coloured people to be bulldozed down and then leaves them sitting for two weeks on the roadside . . . without shelter. A 90-year-old man and a 2-month-old baby, we read, shared a ditch.

It is a system which enables the homes of 1,746 Coloured people, to be bought by the Government and resold to Whites, with the Government gaining a total profit of R6.8 million—and this after official Government sources inform us that 60 per cent of the Coloured people are poverty-stricken.

It is a system that allows in one year for 12,000 cases of malnutrition diseases among African babies, 700 among Coloured babies and 9 among Whites. According to population ratios, these figures should be Whites 9, Coloured 4 and Africans 36.

It is a system that allows 50 per cent of all African children born alive to die before they reach their 5th birthday.

It is a system which allows the Minister of Community Development to stand up and say that the Indians in South Africa must branch out willingly from Commerce or the Government will force them out. "They must branch out into other occupations", he said, "and become clerks, roadworkers and fitters and turners. This will be done", he concluded, "not only in the interests of South Africa, but also in the interests of the Indian community."

LIMEHILL AND STINKWATER

It is the policy of the mass removals of Africans from White areas which has caused the horrors of Limehill and Stinkwater. This is a description of a Government resettlement camp, Stinkwater, which lies 35 miles from Pretoria, and into which the Government has forced thousands of Africans to move. It is written by one who was there, and it appeared in the *Rand Daily Mail:*

"It consists of corrugated iron shacks, mud huts and wooden houses. Hundreds of the slum dwellers have been infected with a scourge of skin diseases. Scores of children had bloodshot eyes accompanied by a discharge of tears. A medical practitioner said the children were showing symptoms of trachoma, which could lead to blindness. Other children had their heads covered with ringworm. Some of them found it difficult to play because of swollen limbs."

But in case you are feeling depressed, do not worry, because the report noted that "there is 1 nurse in the area", and as far as sanitation goes, "a borehole is open for 4 hours a day".

But what did this place look like, we wonder, when the Department of Bantu Administration and Development forced these people to move there and said "this is your homeland"? We do not know what it looked like then, but 6 months after these people had been there in the middle of winter, we know what it looked like. There were no schools, no stores and no clinic. The people lived in tents. There was one hand pump for water which was used by over 400 people.

It is only fair, however, to present the other side of the picture too, and 3 months later there had been improvements. There was half a school, an old shack for a store, a motor-driven pump, but still no clinic. That is progress.

Most of the men who live at Stinkwater work in the cities during the week, and only come home to see their families over the weekend. Those who do come home every day arrive home by bus at 9 p.m. and have to be up at 3 a.m. to catch the bus to the city at 4 a.m The bus fare is 45c per day single and R4.40 a month. In addition, money is, of course, needed for clothes and food. There are no toilets provided at all.

Then there is Limehill, where many people have died. In October of last year an epidemic broke out there, and a letter was sent to the Minister of Health, Dr. Carel de Wet, asking for an inquiry as typhoid was suspected.

On December 10th, the Minister issued a statement saying conditions at Limehill were normal. In only 3 months, from September to December, out of a population of 6,000 only 19 people had died.

On December 21st, Archbishop Hurley visited the area and claimed that he had evidence that between October 1st and December 10th at least 45 people had died. He informed the Minister of Health. The Minister then issued a statement admitting that in 5 months 73 people had died, but this, he said, was also normal. If 19 deaths in 3 months is normal, and 73 deaths in 5 months is also normal, I shudder to think what the Minister would regard as abnormal.

At this stage dozens of pressmen were converging on the area to attempt to ascertain the truth. The Minister was quick to slap a ban on any pressmen visiting the area. But he could not stop members of Parliament going there, and he could not stop doctors going there.

Eventually, after 35 deaths had occurred in 2 weeks, the State ordered inoculations and set up medical "checkpoints". The Natal Regional Director for State Health issued the following statement: "We have established contact with the disease. The picture is not entirely clear, but it is apparently the result of insanitary conditions." A spokesman for the State Health Department said that between 15–20 per cent of the children at Limehill have contracted gastro-enteritis and the disease was spreading to adults. But he added "this is quite normal at this time of year because of the heat and the flies."

What really happened at Limehill, we will probably never know, for while people died, the Government banned the Press from going there; while people died the priests who tried to save them were interrogated again and again by the Special Branch; and while people died, White South Africa went about its business.

What we do have, though, is the report of four doctors who did voluntary medical work in the area before the Government went in and who delivered a "factual account" of their findings.

Between December 28th and January 19th, 760 patients attended one clinic. The size of the community which that clinic served was 2,000. Among the cases examined were: diarrhea and vomiting (68), suspected typhoid (4), confirmed typhoid (8—1 death), pneumonia (9—2 deaths), tonsilitis (19), otitis media (8), eye infections (21), salpingitis (3), cystitis (43), pellagra (53), kwashiorkor (28), vitamin deficiency disease (20), scurvy (8), rickets (3), scabies (27), worm infestation (7), and suspected TB (5).

Fifteen of these patients were pregnant. What, we might ask, would have happened to those people if doctors had not voluntarily gone there to treat them?

One of the diseases mentioned was typhoid. Of this disease the doctors say "it spreads in conditions of poor hygiene . . . In a normal, healthy community the acceptable incidence of typhoid is nil. Thus in a community the size of Limehill, 8 confirmed and 4 suspected cases would in any medical sense be called very serious."

"Diarrhea", the doctors say, "was the commonest reason for consulting us. Just over 50 per cent of all patients who came had these complaints. It is most serious in babies and young children who form a very large percentage of the cases. Sudden deterioration and death may occur within hours."

The doctors continue: "From the disease we saw, it is self-evident that the water and waste disposal facilities were inadequate." They conclude: "We understand that the men are, to a large extent in other areas. We would indicate that this is unsatisfactory and a further factor in continuing the vicious cycle of disease, poverty, ignorance, disease."

This report was published before the Limehill debate began in Parliament. Let us see what occurred there. Dr. de Wet said that in one year there were 18 cases of typhoid and asked what was so abnormal about that. He went on to criticise the United Party, the Press and all those who had attacked Limehill as being "enemies of South Africa". Blaar Coetzee, replying to a barrage of Opposition questions, asked: "Does the U.P. want caviar for the people of Limehill?" Another Government spokesman, amid roars of Nationalist laughter, said that he thought everyone was making a mountain out of a Limehill.

But not all Nationalist comments were sickly witticisms. Sometimes they tried to defend it. There are 2 ambulances available which come in from outside, they cried, and a district surgeon visits the clinic once a week, and there is one district nurse on duty all the time. When their critics said there were 6,000–8,000 people there spread over many miles with no proper toilet facilities, only a pit system, and not one house, Government MP's claimed that these conditions were due to the fact that the people there have done nothing about them. They had, after all, been supplied with tents and equipment to dig pit latrines when they were originally dumped there. It was Dr. Radford, the United Party MP who pointed out that there were no men there—they were working in the cities: "Surely", he said, "you do not expect women with babies on their backs to dig 20-ft. latrines in the hard soil of Northern Natal?"

Dr. Radford went on to say that of the many cemeteries in the area, he had only visited 2, and he had counted 40 graves, not 19 as the Minister had said. He had been shown 750 medical cards of children suffering from gastro-enteritis. And amid jeers and catcalls from Government benches, he added: "And if you want the names on the graves, I will show them to you."

And so the tragedy of Limehill was laughed out of Parliament and the Minister of Health refused to set up a commission to investigate it. We will never know how many people died there. Some people say they have seen hundreds of graves; the Minister has only seen 19. We will probably never know how many hundreds of other Limehills have occurred, are occurring, and are going to occur. Perhaps it is just as well, for as the Nationalist Party newspaper, *Die Transvaler* so aptly put it:

"Limehill was never presented as a utopia to the thousands of outcasts who were shifted there, although it undoubtedly must have seemed like one to many of them. The area offers reasonable living conditions, and the residents are happy because their living conditions there are infinitely better than the places they come from."

Yes, it is true, the residents are happy. Their happiness is the eternal stillness of the grave. But their passing was not a happy one, their last desperate agonies were not happy, and their deaths have labelled South Africa with a terrible guilt.

The guilt for those deaths lies with the Nationalists who jeered and lied to smother the truth. The guilt lies with the public that didn't care. The guilt for those deaths lies with you and I who read the newspaper reports, shook our heads in horror, and then threw the newspaper aside. The guilt, fellow-students, is ours, because we have done nothing.

* * * * * *

I have touched very lightly on the topic of apartheid. I have revealed certain horrors and certain injustices, but I have only scratched the surface. Beneath the surface lie a million further tragedies, human tragedies all of them. Tragedies of discrimination, of despair, of selfishness.

The tragedies of over 12 million Africans who must carry passes with them like dog licenses for fear that they, like dogs, will be impounded. The tragedies of 72,936 Africans who have been uprooted from their homes and forced into barren resettlement areas. The tragedies of 92.5 percent of an Indian group of 99,000 who have been affected by Group Areas. And these are just the facts and figures. They are statistics, Government official statistics, and they cannot tell of the many other horrors that are caused by this system.

They cannot tell of the terrible harm that malnutrition does to the mind and body; they cannot tell of the destruction of minds and personalities which the horrors of Limehill perpetrate, they can only record the deaths. It is impossible to estimate the drunkenness, the poverty, the prostitution, and other vices which this system forces onto the people who are subjected to it. Our only knowledge that this sort of thing occurs is when we see the battered tramp in rags staggering drunkenly down our dirty streets only to be hurled brutally into the back of a waiting van. And then the reaction of the White population is as certain as ever: "You wouldn't want your daughter to marry one of those, would you?"

This is a story of a people with no rights and no future. This is the story of South Africa today. Behind the lamentable story lies a quiet philosophy; a philosophy which the rulers of our land have nurtured and long cherished. It is the philosophy which today steers South Africa on its present course. It is the philosophy which has entrenched itself in our society, our heritage, our way of life. For the last 15 years young South Africans have been subjected to Christian National Education, which pervades our school textbooks and governs the order of our thinking.

But what is it? What is this Christian Nationalism?

I could not define it better than did our own Prime Minister, Mr. B. J. Vorster, when after he had been appointed a general in the Ossewa Brandwag in 1942, he said:

"We stand for Christian Nationalism which is an ally of National Socialism. You can call this anti-democratic principle dictatorship if you wish. In Italy it is called Fascism, in Germany, German National Socialism (or Nazism), and in South Africa Christian Nationalism."

THE STUDENT ROLE

South Africa is our country and our responsibility. If we are concerned for the future of our country, as I am because I do not believe she has a secure future, then we must ask ourselves what we can do for our country and for our future. We must ask ourselves what we, as students, as tomorrow's leaders, can do. We must ask ourselves what NUSAS can do.

This is a question which NUSAS leaders have asked themselves for many years. Some of their answers have not, I feel, been either sensible or realistic. One such answer was the one which the President gave five years ago. In 1964 Jonty Driver, speaking of NUSAS, said, "To be brutally frank and utterly honest, NUSAS is a front for the liberation movement in South Africa." Speaking in 1969, I must say to be that to be brutally frank and utterly honest. Jonty Driver was talking nonsense. NUSAS is not and cannot be any sort of subversive organisation, nor can we house or protect subversives. We are a national students' union and we must remember this. This is all we are and this is all we can claim to be. The duty of a national students' union must be to reflect the views of the students it represents and to carry out such functions as the students wish it to carry out. This is all we can do.

At the same time the views of these students will give the national body certain principles and a a certain basic policy. That policy we might refer to in South Africa as our social conscience. That basic policy or guide has already been discussed, agreed upon, and accepted by the students within NUSAS. It is the internationally acclaimed Universal Declaration of Human Rights, a document signed by all the countries in the world except eight—South Africa, Portugual and some countries of the Communist Bloc.

Not unexpectedly then, the basic thoughts of the Declaration stand directly opposed to the policies of the Government at present.

Our role then, as I see it, the role of NUSAS, the role of South African students, is to hold our basic policy before us as an ideal and to work with all our strength for the implementation of that ideal. Our role must be to point out the injustice of our society. This is our duty, to do both as citizens of South Africa and as members of the community of mankind. Let the South African people never be able to say, as the German people said after they had seen the mangled horrors of Auschwitz and Buchenwald." We did not know this was happening." In 10 years' time, let this not be the pathetic cry of White Africa. We know! We are aware of what is happening! It is our duty to make South Africa aware of what we know.

There are those who would say that all is peaceful in South Africa. Let them remember the thousands of banned men and women who lead twilight existences in our land.

There are those who would say that the African is happy in South Africa. Let them remember Sharpeville.

There are those who would say that the African is well-treated in South Africa. Let them look to the filth of the African locations.

There are those who would say that South Africa is a sunny, healthy land. Let them look to the dead in Limehill.

And when they say to us, as they will: Why do you point out these things? Are you a Communist? Are you a Leftist? Are you an enemy of South Africa? Then reply to them that you are none of these things. Tell them that you are someone who believes that every man who is born has a right to life, that every man who is born has a right to develop himself to his full potential. Tell them that when you point out injustices in your country, you do so not because you wish to harm your country, but because you wish to remove the injustices and thus improve the image of your country.

There is much in this country that needs to be improved for in a land such as this, where the majority have no freedom, none of us can be free. If a Government can condemn one section of the population, there is no reason why it cannot condemn another. The African who struggles for equal rights and equal opportunities is condemned; the White man who defends the African's rights is also condemned. The 180-day law, bannings, passport removals, and deportations are the order of the day. And we must remember that because one person has lost a passport, all of our passports are in jeopardy. We must remember that because one man has been banned, all of us can suffer the same fate.

There is no criterion by which we may judge whether we are safe or not. The law can be no criterion because the courts are discarded by our rulers. You do not have to commit a crime to be condemned by our Government. You simply have to do something that these enlightened dictators do not like at one particular time. With that criterion no-one is safe. Not even the verkramptes, or ultra-conservatives, who are harassed as much by the Special Branch as we are.

There are those who say that one can have freedom in South Africa just as long as one keeps quiet and does not say or do anything that will upset the Government. We must ask these people what sort of freedom do you think you have if you are scared to exercise it? What sort of freedom is it when people are scared to do what they wish to do for fear of losing freedom? This is no freedom. This is a pathetic malprocess which stunts the growth of the mind, the personality and the character of any human being who is subjected to it.

And what freedom do we, in South Africa, have today anyway?

Do we have the freedom to love whom we choose? No! It is against the law to love someone whose skin is of a different pigment to ours. We can only love those whom our rulers have by law approved. Do we have the freedom to go wherever we choose in our country or can we go only to those places which are marked by our Government for Whites only? If we are in a hurry, do we have the freedom to catch the first taxi or bus that arrives, or must we wait for one that is marked for Whites only?

Do we have the freedom to invite the MCC cricket team to visit our country or must we first dictate who their team is to be? Do our athletes have the freedom to compete internationally, and I mean all our athletes? Do we have the freedom to read great books and see great films or are we only allowed access to those our rulers deem fit for us?

These are but a few of our unfreedoms. They are only the beginning. There will be more unfreedoms for us to chalk up on our "Book of Rules".

We can, of course, sit back and accept all of this. We can argue that there is nothing we can do now, and that in time all these problems will sort themselves out. This is a fallacy. Time alone can change nothing. It is through our efforts now that time will eventually reflect change. But we must make the effort now!

We must look around us and ask ourselves what we can do. We do not have to look very far. At this very moment a drama is playing itself out, a drama that once again involves the futures of men and their destinies. I refer to the injustice of unequal pay for South African doctors.

The position is clear. Pay for doctors is not on a basis of merit or amount of work being done. It is on the basis of race. We have already seen that the South African non-White labours under far greater difficulties than the White to educate himself. Yet we see that when he eventually achieves this success, he is condemned to less salary than his fellow doctor who is White. Why? These doctors save the same lives, they heal the same sick, they work the same hours, yet they do not receive the same pay.

The Government tells us that it is because non-White doctors do not have the same needs as the White doctors. It is the right of the individual to decide what his needs are, and no Government has the right to decide for him.

At university at present, there are White and non-White medical students studying together. Their futures are involved here. And they are students. They are our fellow-students. The futures of some of them are tainted with injustice, and I believe that we have a duty to stand by our fellow students, and to defend their rights just as they would defend our rights.

At the end of May almost 200 doctors will resign from hospitals in South Africa, because of unfair treatment. I do not believe that we should encourage them to change their minds because their decision is uncomfortable for us. I believe that we should stand by them because they are right.

A few days ago, the NUSAS executive and Standing Committee of SRC Presidents issued a joint statement in which we expressed our concern at the present situation. We pointed out, as has Professor Chris Barnard, that it is unjust to pay a man according to the colour of his skin. We pointed out that this was of direct concern to NUSAS because there were thousands of medical students studying at centres affiliated to NUSAS and their futures would be affected by this. We pointed out further that NUSAS is the largest medical scholarship agency in the country, and thus we are even more concerned. In our statement we called on the Minister of Health, Dr. Carel de Wel, to take steps to rectify the matter immediately. That is what we have done so far.

I have spoken at length on our country and our responsibility. I have spoken of our aims and our hopes. If at times we lose heart because we are not making the progress we would like to make then we take courage from the words of the late Senator Robert Kennedy, who said in 1966:

"Each time a man stands up for an ideal, or strikes out against injustice or acts to improve the lot of others, he sends forth a tiny ripple of hope, and these ripples meeting each other from a hundred different centres of energy and daring will build a wave which will be so strong that it can sweep down the mightiest walls of oppression and hate."

Let us stand up for our ideals. Let us dare to struggle and let us dare to win. Let us dare to dream of a future in which all the people of South Africa will be able to join hands together and to cry out in the words of the old Negro spiritual:

"Free at last, free at last; thank God Almighty, we're free at last."

THE BREMERTON SUN EVALUATES PRESIDENT NIXON'S VIETNAM SPEECH

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HICKS. Mr. Speaker, much has been written and much has been said about President Nixon's speech on Vietnam. No doubt this speech will continue to elicit comment.

But nowhere have I seen a more thoughtful analysis of the speech, nor a more clear reflection of what I am certain is the general attitude of the public in the Sixth District of Washington, toward the speech in particular and our Vietnam policies in general, than the editorial which appeared in the Bremerton, Wash., Sun on November 5, 1969.

I would like to be on record as supporting our gradual withdrawal from Vietnam, and as sharing the reservations voiced so lucidly here by Mr. Gene Gisley, editor of the Sun. His editorial follows:

HOW MUCH LONGER WILL PROMISES DO?

Many may disagree but President Nixon's Vietnam speech has been a serious disappointment to both hawks and doves. After weeks of speculation that his address would be a major pronouncement on the war, it turned out to be nothing more than a rephrasing of what he's already said.

Almost two years ago, in February, 1968, Mr. Nixon deemed it politically advisable to promise a plan to end American participation in the Vietnam War. He did not clarify the method he would use, cloaking his secrecy in the guise of loyalty to the administration then charged with carrying out the war itself.

The seeds planted then have sprouted and the plants have grown. Monday night, we thought, was the time of harvest.

The President had advertised the speech for weeks. His associates alternated between promising great pronouncements and cautioning against any such hopes. The President was extremely nervous as he spoke; he stumbled frequently in his delivery.

His anxiety was understandable because he was offering two contradictory solutions to the war. He has, he said, a timetable for withdrawing all American combat ground forces from Vietnam as fast as Vietnamese are trained to replace them. But he can not disclose the timetable because that would encourage the enemy to wait out the withdrawal.

If there really is a timetable for withdrawal, we do not see that the enemy would be any less encouraged to wait it out simply because it is unannounced. The distinction between them, of course, is that an unannounced timetable is no timetable at all. And it should be realized that the President's withdrawal relates only to American combat ground forces; not the air force and not logistical support, just combat ground forces.

More importantly, the timetable of withdrawal seems to hinge on the ability and willingness of South Vietnamese to be trained to replace the Americans. And the threat of escalating the war again is clearly retained if "enemy action jeopardizes our remaining forces in Vietnam."

It strikes us that the President sought to win support from both doves and hawks so as to reduce the vocal dissent on the war long enough to give his old policy time to work.

Apparently he has achieved that, at least for a little while. The White House has been deluged, it is reported, with telegrams expressing support for the President's policy as it is understood. Kitsapers too rushed off an unusually large number of wires offering their support.

All of that expressed support may not be as spontaneous as it seems. For the President to receive one telegram bearing 20,000 signatures strikes us as a deliberately engineered expression of support.

What is more to the point is a question as to how long that enthusiastic attitude—genuine or contrived as the case may be—can be sustained.

Others may debate war in terms of morality, purpose, or grand strategy. What concerns the dispassionate observer of current events is the temper of the people. By and large, moral judgments tend to be those in demand at the time they are made; purpose can be read into any rationalized situation.

The temper of the people today is for an end to this business of war-as-usual. The people in 1968 spoke clearly and with such outrage that they removed from political contention one of the nation's most able political practitioners. Mr. Johnson was blamed for the war and so he had to leave. Mr. Nixon said he had a solution for the war and so he was elected.

Can President Nixon much longer con the nation into believing he has a plan to end the war without producing one?

MOTHER'S GRATEFUL TO MYSTERY MAN

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, when Lloyd C. Douglas wrote the book, "The Magnificent Obsession," he told the story of an unselfish, unassuming person who gloried in doing good for others without seeking personal reward or recognition.

Far too often, the exploits of unsung heroes go unnoticed and unrecognized—and unrewarding. Recently, there appeared in the Atlanta Constitution, the morning newspaper published in my district, the story of a "mystery man" who saved the life of a 5-year-old boy by rescuing him after he had been struck by an automobile and administering first aid while the child was in shock.

As so often happens when such a lifesaving event occurs, no one got the man's name and he did not stop to identify himself nor to seek reward or recognition.

However, someone recognized him has an employee of the Atlanta Gas Light Co., and through the assistance of one of my constituents, we have identified this heroic individual as Mr. Raymond K. Vickery of 2010 Childress Drive, Southwest, Atlanta, Ga.

Although in the true tradition of the central character of "The Magnificent Obsession," Mr. Vickery did not seek reward, I certainly think he deserves reward. The news media of this Nation are filled too often with the downfall of mankind, his feelings, his shortcomings, his involvement in crime and graft and corruption, and too few times are there stories of unselfish heroic acts such as the one outlined in the news clipping which I ask the Chair to allow me to insert in the Record. Therefore, it is my pleasure to call to the attention of this body and to the entire Nation the lifesaving act of Mr. Vickery whom the child's mother credits with saving the life of her son. I have no particular reward that I can present him except the praise and admiration of myself and I know the similar appreciation of other Members of this body for the kind of American he really is.

The article follows:

[From the Atlanta Constitution, Nov. 1, 1969]

Saved Son's Life: Mother's Grateful to Mystery Man

(By Diane Stepp)

"I don't know who he was," Mrs. Eva Bell Williams repeated Friday, "but I certainly do want to thank that man. He saved my baby boy's life and I didn't even get to thank him."

Mrs. Williams, a welfare recipient and mother of nine, wants to give this message personally to a "stout built man who works for the Atlanta Gas Light Co.," and who, doctors say, probably saved the life of her 5-year-old son, Alonzo Bernard Davis, after he was struck by a car on Oak Street late Tuesday afternoon.

The unidentified man who was working nearby rushed to the child after he had been struck by the automobile and began administering first aid to the boy who was in shock.

Mrs. Williams, who lives at 592 Lawton St. SW, said that by the time she got to the scene of the accident the man had placed his coat under the child's head and was bent over him giving him first-aid treatment.

Mrs. Williams said that she was so upset that she did not get his name and that she left in an ambulance with her child to go to the St. Joseph's Infirmary.

"The doctor told me that I need to thank this man, whoever he was, 'cause he probably saved my boy's life," said Mrs. Williams. The boy spent 20 hours in an intensive care unit in shock with a skull fracture and bruises on his side and feet. He is now at home and recovering, said his mother.

"He was a white man," said Mrs. Williams, "the sweetest one I ever saw in my life. I wish I could see him again and thank him for my boy's life."

POLITICAL PERSPECTIVE: PRESSURE GROUPS AND ISSUES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SCHWENGEL. Mr. Speaker, in the United States, more than in other modern democracies, organizations outside the party structure are important parts of the political system. As an issue-oriented pressure group itself, the League of Women Voters has devoted one of its series of political perspective tapes to a discussion of "Pressure Groups and Issues." Mrs. Bruce B. Benson, president of the League of Women Voters of the United States, Dr. Royce Hanson, director of the Washington Center for Metropolitan Studies, and John Gunther, director of the U.S. Conference of Mayors, all of whom have lobbied on numerous issues discuss how to translate ideas into political action.

A transcription of the League of Women Voters' program on this subject follows:

Political Perspective: Pressure Groups and Issues

Participants in the program in the order they are heard:

Torrey Baker, former broadcaster, Voice of America;

Mrs. Bruce B. Benson, President, League of Women Voters of the U.S.;

Dr. Royce Hanson, former professor of political science and Director of the Washington Center for Metropolitan Studies; and

Mr. John Gunther, Director, U.S. Conference of Mayors.

Baker. The League of Women Voters presents Political Perspective: Pressure Groups and Issues.

This is Torrey Baker speaking to you on behalf of the League of Women Voters as we look at the relationship between pressure groups and the important issues of the day. You will hear from Mrs. Bruce Benson, President of the League of Women Voters of the United States, Mr. John Gunther, Director, U.S. Conference of Mayors, and Dr. Royce Hanson, former professor of political science and director of the Washington Center for Metropolitan Studies.

Mrs. Benson, if a person is particularly interested in an issue whether it be civil rights or water pollution or foreign policy, what should he do?

Benson. Well, if he really wants to have an influence, if he really wants to get his ideas across and feeling—and feel as if he is having an impact on what happens, he should join with others who have similar ideas and similar goals.

Baker. Dr. Hanson?

Hanson. The best way to be effective in politics if you have ideas you would like to see implemented is to get elected. There is no more effective method. The next most effective method is to get your best friend elected.

Baker. If you have ideas that you would like to see converted to political realities the advice seems to be run for office or join a group. We can't all run for office but we all *can* join a group. Mr. Gunther, who are the pressure groups? What kinds are there?

Gunther. There are those pressure groups that have large numbers of members let's say 'labor unions' and there are—or the Chamber of Commerce have large numbers of members across America. Then there are those pressure groups that have a lot of money. They are groups that generally are lobbying for fairly narrow concepts of amendments to get more money, or to protect what they've got, and they use their money, to influence public opinion, influence elections and the trade unions and the Chamber perhaps use their members to sort of impress on the politician that they have lots of votes out there.

Benson. There are many groups which are working on public issues. Activist groups, such as social action groups within churches, worked very hard during the civil rights struggle. There are consumer's groups, there are groups of citizens particularly interested in the welfare of children and youth, and the League of Women Voters is interested in public issues. The League of Women Voters is a political education, a political action group.

Baker. Joseph C. Harsch has said, "In the United States, more than in other modern democracies, organizations outside the party structure are important parts of the political system. They provide the crusaders with new ideas, the advocates of new or old causes, the recruiters of the faithful where emotional issues are involved. Dr. Hanson?

Hanson. Interest groups are very important and I think it is probably fair to suggest as Mr. Harsch does that they are a prime source of new ideas and new approaches for the political parties which then ultimately take them over through—or take over the ideas through candidacy and through platforms and through legislation and through administrative acts or programs once they get their candidates elected.

Baker. In recent years we have seen another source of ideas—the governmental commission—a group of people chosen by a government official to look into a problem of great concern. The President's Crime Commission—the Commission on Civil Disorders are two that come to mind. What about Commissions as a source of ideas, Mr. Gunther?

Gunther. I think the Commission offers a real opportunity to bring various views to bear on a common problem—the Crime Commission or the Riots Commission. However, I don't think we have got to keep studying everything forever. One of the problems—and I think this is very true with the disadvantaged minority citizen and that is, that we keep studying, and studying, and studying. We don't need very many more studies. We need to do something about them.

Baker. But how *do* we do something about them? How do ideas get from the idea to the political action stage?

Gunther. I think you have to go through political animals and that could be a League of Women Voters local chairman or the mayor. It is people who are willing to involve themselves in the day-to-day political situations—it is these people who stick the ideas into the political mainstream and do something about them. They talk with the politician, they try to persuade him that these ideas are helpful, that they will help him in trying to reach solutions.

Baker. Dr. Hanson?

Hanson. I think ideas for political innovation come very often from necessity. A situation develops which you know, advanced thinkers may have anticipated, but politicians by and large are not supposed to be advanced thinkers. Their job is to respond to the here and now and the squeaking wheels. Well, ultimately as some of these people will attach themselves or get attached on to by a political leader who senses that things are not going as well as they might and that if he has some new ideas and new approaches, that he might be able to achieve power and to exercise power and to undertake programs that will be more beneficial than those that are currently being undertaken.

Gunther. The administration in power is of course a great generator of specific legislation. Almost all the bills that become law in any administration are introduced from the administration forces.

Benson. I think it is very important to remember that if you want to be successful in changing things in politics or in government, you have to work with the political situation as it is at a given time. Lobbying in Congress is very important, working with members of the Administration is very important, and the lobbying that is done with various members of Congress needs to be backed up by direct communications in terms of letters, or telegrams, from the people at home.

Baker. Do you agree, Mr. Gunther?

Gunther. Yes, I think the only value of work on the Hill here in Washington is so that you know what is going on to keep the people back home informed. We hardly ever go see a member of Congress without having the Mayor from that member's hometown talk to him.

Baker. Well, of course, Mr. Gunther, you as a representative of the Conference of Mayors have an advantage. The people you represent are themselves politicians. But that could have disadvantages too. How are you received, for example, when the Mayor is of a different political party from that of the Congressman?

Gunther. The party politics doesn't really make that much difference. I know, for example, that Senator Dirksen greatly respects the ideas of Mayor Daley of Chicago even though they are political—not in the same political party.

Baker. In Washington alone, I understand, there are more than 5,000 trade associations and other organizations trying to influence the Congress and other public agencies. Do any of these people perform a really useful function, Mr. Gunther?

Gunther. I think that—and I say this from having worked for a Senator—on his staff—that the lobbyist performs an extremely useful function in that he gives the Congressman or the Senator some other information than he gets from the Administration. If you didn't have lobbyists you would be solely reliant upon the Administration. On the other hand, you wouldn't want to be solely reliant on one side of the lobby, but that won't happen. For every issue that comes up in Congress there is at least somebody for it and somebody against it and they both come to see you so that you get an outside-nongovernmental view of the merits and demerits of each proposal.

Baker. I understand that Congressmen are a great influence on one another—that 'n fact they "lobby" one another. Is this true, Mr. Gunther?

Gunther. It is absolutely true. I say this all the time to my own staff. The best way to get something done on the floor of the House or the floor of the Senate is to get you three or four firm, staunch allies that are members, and give them the information, get them to go out and try to get recruits and if they can find in talking to a fellow member that well this fellow has got questions that we don't clearly understand, then they come back to us; we give them the answers, try to get the answers, or maybe we can have a little seminar and get some of the doubters in and talk about it and try to answer their question. Or modify the bill to meet their objections. But the inside lobbyists, the members are really the best.

Baker. We all agree that the main purpose of pressure groups is to influence legislation. A somewhat round-about way of doing this is through the use of public opinion. Mr. Gunther, how do you go about influencing public opinion?

Gunther. Well, I think influencing public opinion comes probably at two levels. There is the long-range, trying to change the climate of American view . . . And then there is the short-term use of media, perhaps the "sell."

Baker. Which media are the most important? What about television?

Gunther. Among the media, I would say that television does have more impact than others, but if we could include in media the printed work such as the books and pamphlets I am not sure. I think they are all tied together. For example, the Riots Commission Report is published by Bantam so it is in the realm of media, but certainly the way that television, radio and the newspapers have all carried it, and have handled it and the report itself, having sold by now I guess about a million copies, really has a tremendous impact, so I think all of the media, the picket signs that the people carry in front of the White House . . . that media, that has a great deal of impact. But I think the one thing about television that is awfully hard to ignore the impact of it. You actually see the policeman and the crowds struggling . . . you cannot sort of say "well, that's something really removed. . ."

Baker. What about the media's influence on Congress? Senator Mansfield once said that "Some Congressmen read the Chicago Tribune and some Congressmen read the New York Times, but all Congressmen read their home town paper." Do you agree, Mr. Gunther?

Gunther. I know home-town papers have an influence on a Congressman's thinking. You go to any Congressional office, and they've got all the home-town papers there and the staff is busily going through clipping them and calling them to the attention of the boss. Indeed, when we want—when we find out that a Congressman or a Senator here in Washington is going to vote we think is a wrong way, we not only call up the mayor but when we get the mayor on the phone we say "Also why don't you get the X paper to carry an editorial on this?" and we know that this has substantial influence on the member.

Baker. Mrs. Benson?

Benson. Yes, I do agree with that, the Congressmen are influenced by all kinds of things, not only editorials but also letters to the editors in their local papers. They are influenced by what impact legislation has on their own constituents especially on issues of bread and butter concern, and on taxes. They are influenced by how programs are being carried out at home such as poverty programs, whether they are working well or not, whether they are reaching the people they are supposed to reach.

Baker. Is it worthwhile for a pressure group to try to influence the content of party platforms, Dr. Hanson?

Hanson. I think it is very important to present the views of a group before the Platform Committee. The platforms are not terribly radical in their tone, but they very often are ways by which the mainstream of American politics and begins to accommodate itself to its various tributes and the rising and lowering of intensity of feeling among those groups.

Baker. Congress, the administration, public opinion, party platforms and party members . . . all are ways that pressure groups can influence the turn of events in this country. Our guests agree that individuals can exert pressure on government—can make their voices heard—can see that the issues they think important receive consideration. But only if they join with others who are headed in the same direction. Thanks to Mrs. Bruce Benson, President of the League of Women Voters of the United States, Mr. John Gunther, and Dr. Royce Hanson.

This is Torrey Baker speaking for the League of Women Voters and bringing you Political Perspective: Pressure Groups and Issues.

AFRICAN DEMOCRACY—ONE CHIEF, ONE VOTE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RARICK. Mr. Speaker, the American people are constantly bombarded with suggestions that the primitive states of Africa have attained a degree of maturity and are making great progress in democracy.

Last week in Nairobi it was announced that Kenyatta, the bloody old Mau-Mau butcher of Kenya, was reelected President. In the tradition of tribal rule and African culture, there was no opposition.

The method of choosing a chieftain remains unchanged. It is now termed an election, but the democratic process is as remote as in the ancient times of Stanley and Livingstone. Now, as then, there is no opposition in Kenya because it is still unhealthy—opponents are murdered on the street or secretly hanged—while Kenyatta's Kikuyu tribesmen are "oathing" in the jungle.

Meanwhile in Congo, the two tribal nations of Brazzaville and Kinshasa are at odds. President Mobutu of Congo Kinshasa, tired of allegations that his tribe were plotting against the Congo Brazzaville tribes, rattled his spear and darkly suggested that if he wanted, he could conquer his neighbor in 2 hours.

Apparently, since the kidnaping and elimination of Moise Tshombe, President Mobutu has extraordinary executive powers usually reserved only to kings or chiefs—unimpeded by the moderating influence of democracy.

And interestingly enough, Kenya, Congo Kinshasa, and Congo Brazzaville each hold one vote in the United Nations Organization, just as does the United States. These three African votes match the three votes of the Soviet Union, and in the UNO, they share mutual concern and vote consistently together over such international matters as democratic processes, human rights, and the threat to world peace posed by Rhodesia.

I include several clippings from the Washington Post:

JOMO KENYATTA REELECTED UNOPPOSED IN KENYAN PRESIDENTIAL ELECTION

NAIROBI, November 22—Jomo Kenyatta today was reelected President of Kenya. He was the sole nominee for the post.

Kenyatta, who became Kenya's first President when the country became a republic in 1964 following independence from Britain the year before, said at his home later that he had rededicated himself to the unity, prosperity and progress of the people of Kenya.

Elections for a new National Assembly, the first since before independence, are to be held Dec. 6.

Meanwhile, Kenya's Home Affairs Ministry had no comment to make on today's report that the convicted murderer of Kenya's Economic Minister Tom Mboya was secretly hanged earlier this month.

Nahashon Isaac Njenga Njorge, 32, was sentenced to death in September for shooting Mboya on a downtown Nairobi street on July 5. The East African High Court denied an appeal on Oct. 13.

CONGO TROUBLE

KINSHASA—Warning sirens sounded and troops went on alert in Congo (Brazzaville) after Congo (Kinshasa) President Joseph Mobutu said his nation could conquer its neighbor in two hours.

The President, speaking on the fourth anniversary of his reign, said he was tired of allegations that his nation was plotting against Brazzaville. "I am fed up with it. If we really wanted, it would only take us a couple of hours to silence those people over there," he said.

POSSIBLE REPERCUSSIONS IN POLICIES BEING CONTEMPLATED BY WEST GERMAN CHANCELLOR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DERWINSKI. Mr. Speaker, with the national preoccupation that we have over the Communist aggression in Vietnam and Communist meddling in the Middle East, we must not be oblivious to the political developments in West Germany.

A very keen analyst of the European scene especially of the inherent problems in dealing with Communists, is Ray McHugh, chief of the Washington Bureau of the Copley News Service. Mr. McHugh discusses possible repercussions in policies being contemplated by West German Chancellor Willy Brandt in an article in the Friday, November 7 Illinois State Journal.

BRANDT SHAKES EUROPE WATCHERS WITH OVERTURES TO REDS

(By Ray McHugh)

WASHINGTON.—"Europe watchers" are beginning to feel the first stabs of nervous tension over the new West German government of Chancellor Willy Brandt.

For the first time since World War II, there are twinges of doubt about the course Bonn may follow.

Brandt's election as Chancellor last month caused hardly a ripple in Washington. True, he is the first social Democrat to lead a postwar German government; and, true, he had displayed a certain independent view of relations with Eastern Europe during his years as foreign minister in the "grand coalition" of Chancellor Kurt George Kiesinger; and there was a confidence that any changes in policy would come slowly, that there would be full discussion within the North Atlantic Treaty Organization.

The confidence has been rudely shaken.

In a rapid-fire series of actions and messages, Brandt has:

Hinted at Quasi recognition of the Communist East German regime of Premier Walter Ulbricht.

Indicated a willingness to negotiate a "renunciation of force" agreement with East Berlin.

Opened the way for broad trade talks with Poland which could involve at least implied recognition of the Russian-imposed Oder-Niesse Boundary.

Declared a willingness to begin bi-lateral talks with Moscow on another "renunciation of force" treaty.

Moved toward ratification of the nuclear non-proliferation treaty.

Opened a gaping hole in the "Hallestein Doctrine" which Bonn has employed for more than a decade to discourage diplomatic recgonition of the East German regime.

"The landscape has significantly changed," charged an angry Kiesinger in a speech to the West German Parliament.

The Christian Democrats are vehement in their view that Bonn speaks for all Germans, East and West. Eventual reunification is a cardinal principle. The hopes of millions of expelled persons, for eventual return to homes in the East has always been nourished.

In one short month, Bonn has become a cockpit of debate. Americans accustomed to the quiet days of Christian Democratic majorities when West German policies moved almost in lock-step with U.S. policies appear disconcerted. Under Chancellors Konrad Adenauer and Ludwig Erhard the identification was so close that some Germans complained they had become American puppets. Under Kiesinger's "grand coalition" with the social democrats, the combined power of the two big parties tended to discourage parliamentary controversy.

"Today all this has changed.

"Bonn is no longer a 'quiet little town in Germany,'" said one state department European expert. "It's become quite explosive and somewhat disconcerting."

Brandt's Social Democrats trailed the Christian Democrats in the Sept. 28 voting but neither majority party gained a majority. Brandt forged an alliance with the pivotal Free Democrats that gave him a thin majority in the Bundestag. Technically he enjoys a margin of about a dozen votes, though this has already shrunk to four on at least one ballot.

The new chancellor's concerted bid for new openings toward Communist Eastern Europe has caught many by surprise. Brandt long advocated new efforts toward "detente" with the Russians, but he was expected to move cautiously.

His actions thus far, although bold, have been carefully cushioned with assurance to the United States and other NATO allies. West Germany this week joined NATO allies in rejecting a Warsaw Pact bid for an all-European security conference in early 1970 to discuss disarmament and broader East-West trade. The NATO group said Russia has not yet demonstrated sincerity, but Brandt is already on record as saying Europeans should not allow memories of the 1968 Czech invasion to block talks with the "OST bloc."

He also has told the Bundestag that his overture to Ulbricht distinguishes between formal international recognition and constitutional recognition. The leading West German newspaper "Die Welt" commented that "The distinction . . . is spun too fine to stand up against the massive reality . . . applaud. Before the world they will celebrate it as a 'victory of realism.'"

More Conservative West German newspapers, including one owned by Bavarian leader Franz Josef Strauss have blunty accused Brandt of a "sellout."

Liberal editors are defending Brandt's moves as mere refinements of policies set in motion by previous Christian Democrat regimes.

The presence of 22 Russian divisions in East Germany, however, has always bolstered Adenauer-Erhard-Kiesinger claims that Ulbricht represents nothing but Soviet power.

Sudden moves by Germans always tend to have a jolting effect elsewhere. Two centuries of European history is marked by upheavals directly linked to German turns to the East.

There is no suggestion that Brandt contemplates any dramatic "deal" with the Soviets.

As a youthful mayor of West Berlin who looked like a German counterpart of John F. Kennedy he became an international symbol of resistance to Communist aggression. His World War II role as an underground fighter in Norway against Hitler's Army is well known.

His performance as Kiesinger's foreign minister for the last three years was impressive.

But Brandt remains untested as a national leader. His party is enjoying the dominant role in German politics for the first time. There is an inevitable excitement connected with unaccustomed power, particularly among young pragmatists eager to prove new theories.

Officially, Washington is maintaining a discreet silence on Brant's overtures to the East. Unofficially, it would appreciate a little less eagerness, a little less tension in Bonn.

FOREIGN ASSISTANCE ACT

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DENNIS. Mr. Speaker, it required considerable soul searching on my part to vote for the Foreign Assistance Act of 1969—popularly known as foreign aid—but I believe that I did the right thing as our circumstances and world circumstances presently exist.

This is primarily because of the situation now existing in Southeast Asia, and particularly in Vietnam.

One of the largest items in the foreign aid bill, $414,600,000 for each of the fiscal years 1970 and 1971, or a total of $829,000,000, is for emergency and supporting assistance, and 79 percent of this total is for Vietnam, while 93 percent of the total goes to Vietnam, Laos, and Thailand. These funds are expended for economic, relief, police, and pacification assistance directly and primarily related to increasing the capacity of these countries to maintain economic and political stability and to defend against Communist expansion.

These countries are, of course, perimeter defense countries against Communist expansion in Southeast Asia.

The Republic of Vietnam is currently our ally in war; and very certainly if President Nixon's policy of phased American withdrawal and "Vietnamization" of the war is to have any realistic chance of success—and nothing is more important today than that it have such a chance—then it seems to me axiomatic that we must do all we can to keep Vietnam economically and politically stable and viable during the process. To deny such aid, under current circumstances, would be to sabotage America's Vietnam policy. This I am not willing to do.

In addition, the bill provides $350,000,000 of military assistance in each of the 2 fiscal years, 1970 and 1971, and 90 percent of this, again, goes to front-line countries—Greece, Turkey, Free China, and the Republic of Korea. $50,000,000 additional military assistance is provided to Korea in each of these years; and this is a country which truly stands eyeball to eyeball with the Communist aggressor.

I believe that it is sound American policy—in protection of our own vital interests—to extend such assistance to these countries.

Again the bill was amended on the floor to provide $54,500,000 in fiscal 1970 for military aircraft for Free China—the planes to be purchased in this country, as is the case, generally, with foreign aid expenditures. I voted against this amendment because I was reluctant to add so substantially to the moneys authorized by the bill; but it cannot be denied that this expenditure, too, may be a very useful thing from the point of view of strictly American policy.

There are other good features in the bill, and outstanding among these are $75,000,000 for fiscal year 1970 to assist family planning and population control and $100,000 for the same purpose in fiscal year 1971. This is a type of aid very vitally needed in some countries, and the absence of which would largely nullify over a few years any good which our various aid programs may do.

There has also been, and I am sure there is, waste, inefficiency, and fat in foreign aid. I was pleased to support Representative ADAIR's successful move to cut $100,000,000 from development loan funds over a 2-year period; and I regret the failure of Representative DERWINSKI's amendment, which I also supported and which, over the 2-year period would have trimmed the development loan authorization provided in the committee's bill by $650 million. This would have been a long step toward holding authorizations down to the actual appropriations of last year, or below, which I think ought to be done; but this goal may be substantially reached when the appropriation bill is presented later this session.

During debate on this measure, I stated that I regarded foreign aid as an instrument of American foreign policy, not to be used or employed indiscriminantly as a global do-good program, but selectively as our own policy and interest might indicate.

This has not always been done nor is this the philosophy of all those who support foreign aid; but I subscribe, generally, to the thought expressed during debate by the gentleman from Ohio (Mr. TAFT) when he spoke of foreign aid as "a weapon, an arm of our foreign policy, which, under the circumstances in which we find ourselves today, it would be most unwise to omit and overlook."

Men will honestly differ as to when, where, and to what extent this weapon ought to be employed, and as to what activities may properly come within this definition; and it may be that at another time or in another year I would be less inclined toward the use of foreign aid than I am today—but, on balance, and for the reasons stated, I am satisfied that the success of American foreign policy today requires the passage of the Foreign Assistance Act of 1969.

EQUAL JUSTICE FOR THE POOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MOORHEAD. Mr. Speaker, an amendment to the OEO authorization bill threatens the future of the highly effective legal services program. The amendment, adopted by a close vote of the Senate, gives the Governor of each State the authority to veto a funding or refunding proposal for a legal services program. It removes the existing authority of the Director of OEO to override such a veto.

The philosophy of the legal services program has always been to provide the poor with the same high quality legal service available to those who can afford to retain a lawyer: this philosophy must continue. But enactment of the Senate bill would effectively kill legal services programs in those States where the legal needs of the poor are most severe.

The amendment is primarily aimed at preventing lawyers from handling cases that involve arbitrary or illegal action by governmental officials or that are designed to achieve significant improvements in the laws affecting the poor. These are among the most vitally needed and successful services performed by legal services attorneys to date.

I intend to oppose any amendment which restrict the right of OEO attorneys to represent poor clients.

I include in the RECORD an editorial from the October 23, 1969, edition of the Pittsburgh Press for the attention of my colleagues:

SAME LAW FOR ALL

A Senate amendment to the Office of Economic Opportunity (OEO) extension bill threatens one of the anti-poverty agency's most successful and least expensive programs.

By a 45–40 vote, the Senate adopted the proposal of Sen. George Murphy, California Republican, to enable state governors to veto projects undertaken by OEO's neighborhood legal services program.

Through this program about 1800 lawyers now advise 600,000 poor people in 200 neighborhoods. They handle the normal legal services most people need—not criminal cases—and the rather special matters affecting the poor, such as usury and public housing eligibility.

These lawyers also perform another service. They handle what is known in their trade as "class action"—that is, they go into court and seek for the poor the rights which, in many instances, the poor aren't even aware they have.

For example, the OEO lawyers in 1967 forced California Gov. Ronald Reagan to restore a $16 million cut in the state's Medicaid program.

Sen. Murphy and his cohorts think the taxpayers should not have to subsidize suits against themselves through the legal services program. On the other hand, the law is supposed to treat everyone equally, and if the poor don't know their rights they can't receive equal treatment.

This is not a question of subsidizing troublemakers to harass public officials. This is a question of guaarnteeing an individual citizen the rights that are supposed to be his.

The American Bar Assn. calls Sen. Murphy's amendment "oppressive interference with the freedom of the lawyer and the citizen."

The head of the National Legal Aid and Defender Assn. says the amendment could cause the poor to look on the legal services program "as a paternalistic handout, meant to deceive . . . not to help effectively."

OEO Director Donald Rumsfeld opposes the amendment and says he'll work against it in the House.

If we're going to have law and order in this country, those virtues are going to have to apply across the board. That means the same law for rich and poor.

READING DISABILITY CENTER AND CLINIC, UNIVERSITY OF ALABAMA MEDICAL COLLEGE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. BUCHANAN. Mr. Speaker, the citizens of Alabama have been extremely proud of the outstanding work in medical research, care, and training which is undertaken at the University of Alabama Medical Center in Birmingham, Ala. I am especially pleased at this time to call the attention of my colleagues in the Congress to the particularly significant contribution which the university's Reading Disability Center and Clinic has made to the study of dyslexia and related learning disabilities. In doing so, I also take great pleasure in pointing out that on this date the National Broadcasting Co.'s "Today" show is presenting certain aspects of the clinic's research program to its nationwide audience.

As legislators, we all realize that one of the most important responsibilities of any nation is toward the education of its children. Each year the Congress itself devotes a considerable amount of time to education legislation. Regardless of how effective our education programs are, however, there are countless children who because of specific learning disabilities cannot benefit from the usual methods of teaching. These children suffer from dyslexia, which the clinic defines as "the failure to develop specific perceptual-motor skills to expected proficiency independent of instruction, motivation, sense organ functioning, intelligence, and central nervous system damage." The clinic estimates that 10 to 15 percent of all children are affected by dyslexia to varying degrees.

In confronting this significant problem the Reading Disability Center and Clinic is conducting research into the nature of dyslexia as well as developing the diagnostic instruments and procedures for the early detection of this disorder. The clinic has also given high priority to the development of local remediation programs. There are currently about 2,000 dyslexic children, or those with a related disorder, in the clinic's remediation classes in six States. The clinic establishes local dyslexic research organizations, conducts testing programs to identify those students needing remediation, and follows up with training programs for those local persons who are to serve as teachers and volunteer instructors. The clinic also furnishes these programs teaching materials and consultation. In a related activity, the clinic conducts two intensive summer research programs each year, running 8 weeks and accepting about 100 students each at a boarding school and a day school. Each site achieved an average reading level increase of about 2 years during the 1969 sessions.

The Reading Disability Center and Clinic has also been actively engaged in the collection and dissemination of information concerning what is known about dyslexia and related disorders. More than 7,500 volumes of informational materials have been published and distributed since the clinic's opening 2 years ago. In addition, they have participated in seminars, conducted workshops for professional persons, and accepted speaking engagements in 11 States.

The clinic's plans for the coming year include the operation of an outpatient clinic so that diagnosis and remediation can be offered immediately, the development of a teacher training program for college credit, and the publishing of more data accumulated from their research.

The contribution which the Reading Disability Center and Clinic has made to the research and treatment of dyslexia is indeed immense. We all owe them a debt of gratitude for their work in this field and I hope that it continues with the momentum and success which have marked it to date.

ASP REPEAL: THE RIFF IN TARIFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RODINO. Mr. Speaker, last week President Nixon submitted to the Congress the administration's foreign trade bill. Previous to this submission there was some speculation that the provision to abolish the American selling price system of import valuation would not be included. Such speculation usually centered around the contention that the Department of Commerce was sympathetic to the views of the U.S. chemical industry—in favor of ASP or similar protection—while the President's Special Trade Representative backed ASP abolishment and congressional approval of the separate chemical package negotiated during the last Kennedy round at Geneva.

Recently Chemical and Engineering News' assistant editor, Louis Agnello, brought much of the speculation together in a penetrating review of the various forces at work. Since that time, President Nixon has come out favoring ASP abolition, and for the record, the Newark Star Ledger quickly reacted to "the riff in tariff."

The items follow:

[From the Chemical & Engineering News, Nov. 3, 1969]

FEDERAL AFFAIRS—ASP REPEAL: DISCORD AT THE WHITE HOUSE?

(By Louis A. Agnello)

Early last month, Murray Chotiner, general counsel of the White House's Office of the Special Representative for Trade Negotiations and an increasingly influential figure in the trade policy area, told a group of chemical executives that a new trade bill was "on the President's desk" and would be going to Congress "momentarily." The bill, he told a joint Synthetic Organic Chemical Manufacturers Association-Commercial Chemical Development Association luncheon in New York, includes a provision calling for the repeal of the controversial American Selling Price (ASP) system of customs valuation of benzenoid chemical imports.

A month has now passed and unofficial word from knowledgeable Administration and Congressional sources is that the bill remains "under consideration" at the White House. The reason for the holdup reportedly is that some key members of the Nixon team seem to be having second thoughts about the wisdom of seeking Congressional ratification of the separate agreement on ASP negotiated during the Kennedy round.

Among the key questions currently being rehashed in the Administration's internal deliberations are said to be these:

Why should the President tie himself to a deal made by his Democratic predecessor when it is strongly opposed by a domestic industry it is supposed to benefit and when it has shown itself to be so politically sensitive with a sizable bloc of Congressmen and Senators?

Since ASP clearly is an important U.S. nontariff barrier in the eyes of many foreign governments, wouldn't the U.S. be in a stronger bargaining position in the tough nontariff barrier talks just ahead if it retained ASP to trade off at that time?

Many salutary provisions of the proposed bill—such as adjustment assistance and escape clause relief from mounting imports, payment of the U.S. share in GATT, and some necessary Presidential "housekeeping" authority in the trade area—are relatively noncontroversial. Why risk delaying Congressional action on these by including the highly abrasive ASP repeal proviso in the same package?

Leading the fight against ASP repeal within the Administration reportedly is Commerce Secretary Maurice Stans. But within the past few weeks some of the President's key supporters on Capitol Hill have been strongly urging him to reconsider his position on ASP. At the same time, some industry and labor leaders have been increasing pressure on the White House to delete the ASP provision.

At the moment, the "cleanse ourselves of ASP now and hope for the best" view still seems to be prevailing within the Administration. But it is becoming increasingly clear that the President will have to cash a number of White House "chits" if he hopes to push an ASP bill through Congress, particularly through the Senate. Mr. Nixon has been forced to cash quite a few Congressional "chits" in recent months—what with the ABM, Judge Haynsworth, and other issues upon which the very prestige of his office has been riding. There seems to be some question whether the President is willing to go to the well again on such a relatively inconsequential (politically speaking) issue.

From the history of past trade negotiations, it would seem that the U.S. is going to need a great many ASP's to put on the table before our major trading partners will significantly reduce their nontariff barriers, which have led to the declining U.S. trade surplus in recent years. It may be fine in theory to purge ourselves of ASP before going into such negotiations—and the Administration will reap much praise from abroad and from free traders in this country for having done so. But it will put our representatives in a very difficult negotiating position if we really hope to move this country and the world further toward the goal of free or, better still, "fair" trade.

[From the Star-Ledger, Nov. 20, 1969]

THE RIFF IN TARIFF

President Nixon's long-anticipated message on foreign trade has at last been sent to the Congress, where it is certain to create a stir while facing an uncertain fate.

The proposals set forth in the Chief Executive's special message were perfectly predictable, devoid of last-minute surprises and unencumbered by innovative recommendations. The central thrust was in the direction of freer trade, but there was enough equivocal hedging to disenchant all parties to the controversy, from the most ardent free trader through the most demanding protectionist.

Mr. Nixon alluded to the benefits that freer trade can bring to the entire community, while acknowledging the hardships it can inflict upon specific industries, companies and employees.

Judged overall, the President's message was better balanced than the nation's balance of payments, which showed a large deficit for the third quarter of 1969, despite official promises and efforts to eliminate the worrisome red-ink entries. Released at the same time as the message from the White House, the latest Commerce Department report placed the United States on the losing end of a $2.53 billion difference between exports and imports. The report indicates the nation is heading for its worst year ever in the business of international trade.

The President proposed a liberalization of the law that allows industries hurt by imports to ask for tariff increases or other protection, such as restrictive quotas on competitive foreign goods. Although authorized in 1962, this "escape clause" has never been invoked, partly because an industry must provide proof of injury to win relief. To ease this condition, Mr. Nixon recommended that adversely affected industries be allowed to obtain relief where increased imports were the primary cause of "actual or potential serious injury."

Offsetting this liberalization, the President cited objections to the American Selling Price (ASP) system, which the chemical industry—in which New Jersey is the nation's leader—calls vital to its economical well-being. Some New Jersey firms insist their survival depends on retention of ASP, which is a device by which the value of benzenoid chemical imports is based for tariff purposes on the price of competing American products instead of the actual foreign price. Foreign cartels provided the best reason in the world to avoid foreign price bases. History tells how the old cartels would drop prices in a target country, wipe out the competition and then, having cornered the market, raise prices to whatever the traffic would bear.

New Jersey's congressional delegation, including Rep. William T. Cahill, now governor-elect, has recognized the importance of the ASP system to the chemical industry and its thousands of workers in the state, and its members are on record as being vigorously opposed to any attempt to eliminate the system. Rep. Peter W. Rodino, the Dean of the delegation has particularly pointed to the good-paying jobs which the industry provides to minority group workers in Newark, where ghetto unemployment is already far above unemployment levels elsewhere. Newark Mayor Hugh J. Addonizio and the Essex County Board of Freeholders have strongly urged the retention of ASP.

There is a feeling that President Nixon is now willing to sacrifice ASP to dramatize the need for other nations to act on non-tariff barriers that stand in the way of freer trade in the world market place.

The weakness of this aproach is that it lacks safeguards. There is nothing to compel foreign competitors to lower their border taxes or end other non-tariff barriers which they have enforced for years over the bitter complaints of American industry.

In view of the erosion of America's once impregnable balance of trade position, it is necessary to review and revalue the nation's trade policies.

The advantages which the United States enjoyed for decades, especially with respect to modern plants and technical know-how, vanished in the aftermath of World War II, as Germany and Japan in particular initiated an industrial rebirth in the rubble of their bombed-out cities and countryside.

Free trade has always been a rallying cry with broad popular support. The new facts of international life demand, more than ever, that the United States insist on receiving full value for every concession it agrees to give.

The abuses of the old cartels should caution the United States against surrendering the ASP system without ironclad safeguards that they will not be revived.

Beyond this, genuine reciprocity must prevail. Fair trade must be established before the world can move ahead to freer trade.

OPEN LETTER TO MEMBERS OF CONGRESS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GRAY. Mr. Speaker, since the Russians launched the first sputnik I have been a strong advocate of our space program, both in public statements and my votes as an eight-term Member of Congress. However I do not believe we should be cruel to animals for any reason. An open letter to Members of Congress by Rev. Dr. Robert A. Russell of Denver, Colo., was recently called to my attention and under permission previously granted me I want to have the letter printed in the RECORD. I believe there is some sobering thought in Reverend Russell's letter:

OPEN LETTER TO MEMBERS OF CONGRESS

(By Rev. Robert A. Russell, D.D.)

I hardly need apprise you of the complete failure of the National Aeronautical and Space Administration's abortive experiment in launching Bonny, the "astromonk" (with electrical sensors implanted in its brain and other parts of its body) within a biosatellite capsule into an earth orbit that was to have lasted 30 days.

Eight and one-half days later—after only 30 orbits of the earth—Bonny's failing mental and physical condition compelled the ending of the flight. The biosatellite splashed down, was recovered by a helicopter and Bonny was rushed to a hospital. In about 12 hours from splashdown Bonny died. And the experts were quoted as saying, "we don't know why."

The cost to our taxpayers, so far as I can learn from published reports, was about $92,000,000—and the results were nil.

This experiment, intended to determine the effect of prolonged weightlessness and concomitant factors on our astronauts, "proved" something all of us know beyond question: monkeys are not men and men are not monkeys.

A reasonable assayal of this catastrophic flop would be that Bonny died in fear, misery, incomprehension, loneliness and despair. And, quite likely, in pain. Body functions surely do not become inoperative without acute physical distress. Of course, only Bonny could say with complete authority whether its flight was painless and devoid of anguish. Unfortunately, Bonny cannot testify to that. Neither can the flight's sponsors.

But Bonny's death, merciful or otherwise, *does* testify to a fact proved many times by the National Anti-Vivisection Society. *That is, that animal experiments have little or no relation to possible benefits later to be obtained by humans.*

Bonny, brought to its death under conditions which men easily have survived for 14 days with no ill effects, was one of the primates most closely akin to man anatomically and physiologically. As such, it was the medical world's prime choice for the experiment.

The many millions of dollars spent to send Bonny on its death flight proved nothing, but it did vividly demonstrate once more what humanitarians have been saying for years: animal research holds no solution to the problems concerning mankind with which it is confronted. So—the total result of this experiment adds up to one dead monkey, a bill of millions of dollars to the American tax-payer, and not one single benefit to astronauts, much less the sum total of the human race.

One wonders just when, as animal experiments once more have proved their non-relationship to the human species, so-called scientists will again resort to experimenting on the hapless feeble-minded, paupers and orphans, since they at least are complete physical counterparts of the people this research is supposed to help.

Our concern for humans incapable of giving their intelligent consent for experiments not even intended to benefit them is matched by the outrage of millions of humane persons belonging to animal protection groups over the generally brutal and always inconclusive "work" on the pitifully helpless and trusting sub-species. Would that we could persuade you to heed the words of George Bernard Shaw that "honorable men do not behave dishonorably, even to dogs."

So, I ask you directly, as one of the men and women we have elected to represent our will: what will you do to combat this insensate and frequently useless infliction on animals of pain so agonizing it is beyond my power to discribe or yours to comprehend?

Will you introduce legislation to create a humane advisory committee to pass on proposed projects of doubtful value costing millions, and to guarantee that humane society officials shall have a voice in what is done to animals?

Will you attempt to inaugurate and enforce a continuing check on the treatment of animals cruelly confined for experimentation in space and other government laboratories, again with due recognition of the fact no committee of "scientists" or medical men could reasonably be expected to condemn or halt one of their own projects?

Will you give consideration to the fact that all so-called regulatory legislation proposed thus far for the alleged protection of laboratory animals was rendered sterile and "acceptable" to vivisectors by a provision allowing *them* to set aside any restriction that might interfere with the success(?) of the experiment? Bluntly, all bills (and there have been a score or more of them) have put a fox to watch the chickens! Naturally, such measures have been defeated, and will continue to be defeated. We might as well have a law providing that embezzlement by a bank teller shall be illegal *unless* he *really needs the money*, lack of which will interfere with his plan for a European vacation.

Believe me, ladies and gentlemen of Congress, millions of compassionate people are waiting on your answer. I would greatly appreciate an expression from you, which will, in due time, be placed before the membership of the society I have the honor to head.

ART BUCHWALD

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. OTTINGER. Mr. Speaker, while the fine art of political satire may have suffered a decline, it certainly is not dead—not as long as men like Art Buchwald continue to view government with wit and perspective.

Thanks to an exceptionally interesting article in today's Wall Street Journal, those of us who have been ardent Buchwald readers over the years are now treated to a look at the man behind those satiric thrusts. I am sure my colleagues will enjoy this article and I present it for inclusion in the RECORD:

BUCHWALD DRAWS BLOOD WITH SATIRIC THRUSTS AT CAPITAL OFFICIALDOM—RIOTING STUDENTS GET BARBS, TOO—INSPIRATION FROM MR. AGNEW

(By Ronald G. Shafer)

WASHINGTON.—When it comes to digging up exclusives about what's going on here, nobody matches Art Buchwald.

It was columnist Buchwald who recently uncovered the famous "Dawk Report" recommending elimination of the State Department by 1972 because its duties have been usurped by "the Defense Department, the CIA and Henry Kissinger." And it was the same Buchwald who recently disclosed that Vice President Agnew, despite Washington rumors, "has no intention of dumping Richard Nixon in 1972" and "even intended to give him more responsibilities than any vice president has ever given his President before."

Mr. Buchwald, of course, works with certain advantages that ordinary journalists lack. "I never talk to anybody; facts just get in my way," he says with a puff on a big cigar. Besides, he finds it easier just to make things up.

What Art Buchwald (pronounced baukwald) does is make up funny things about serious news events, and that's not so easy. That's why he's rich and famous from writing an internationally circulated newspaper humor column that satirizes current happenings and pokes fun at the Washington Establishment. The 44-year-old columnist also is rapidly becoming a humor conglomerate—with a 12th book recently published, a new radio show and a popular lecture tour. In a new diversification move, he's writing a political satire for Broadway, called "Sheep on the Runway."

Art Buchwald the man has even more facets. He has a serious side, but he can be as funny in person as he is on paper. Sometimes he bellows like the ex-Marine that he is, but friends say he wouldn't hurt a fly, or even a politician. And the short, stocky humorist has hidden talents. "Artie," confides one friend, "is a helluva touch football player."

There were skeptics who questioned whether columnist Buchwald could make the transition to the Nixon Administration from the more flamboyant Johnson era. And it hasn't been easy. "As a humorist, I needed Lyndon Johnson—a lot more than he needed me," concedes Mr. Buchwald about his once-favorite target.

By contrast, "Writing about the Nixon Administration is about as exciting as covering the Prudential Life Insurance Co.," he says, adding hopefully: "But Spiro Agnew is coming along fast." (The Vice President has been the subject of several Buchwald columns lately, including one in which the humorist denied writing Mr. Agnew's speeches.)

NIXON IS A READER

Mr. Buchwald happily observes that the "Administration has livened up" recently by stirring up a controversy over TV and press news coverage. During a chance meeting at a Washington restaurant the other day, he told Herb Klein, the Administration's Communications Director: "Boy, you guys have put me back in business. Where do I send the wine?" A Buchwald column leaped into the TV news debate by chiding one network for showing the on-field violence of the recent Ohio State-Purdue football game "rather than the peaceful scenes on the sidelines."

Buchwald-watchers maintain he has made the Johnson-to-Nixon adjustment hilariously. Some say the column hit peak form this fall with a report that the Administration was looking for an "autumn White House" in Washington as a retreat from San Clemente, Calif. The column said speculation centered on a large house at 1600 Pennsylvania Ave. but quoted a Nixon spokesman as saying, "We're looking at several houses" in that neighborhood.

Art Buchwald's column, which is syndicated by the Los Angeles Times, now appears in more than 450 newspapers—one of the largest distributions of any Washington column; as recently as 1962, the number was 85. He's believed to be among the most widely read columnists in official Washington. President Nixon, though often a Buchwald target, reads the column. And Spiro Agnew is a "Buchwald fan," although "I'm not so sure he finds the stuff about himself so uproariously funny," says a spokesman for the Vice President.

MAKING MOSCOW RADIO

The Buchwald column appears in nearly every non-Communist country and often turns up in the Soviet Union. The Russian government sometimes reprints anti-Administration Buchwald barbs as straight news. Moscow radio, in a recent program beamed to Asia, read the Buchwald column on the "Dawk Report" as an example of a "Washington mood" demanding "that the U.S. Department of State be done away with."

(Mr. Buchwald declines to accept any rubles for the Soviet reprints. Whenever a U.S. official solemnly suggests that his columns are being used for Russian propaganda, Mr. Buchwald's horrified reply is, "Stop them.")

Part of the Buchwald attraction, some readers say, is that there often is a serious point behind his madness. Many of his columns reflect Mr. Buchwald's own opposition to campus violence and the Vietnam war. (His proposal for getting out of Vietnam was to create a Bay of San Francisco incident and then bring the troops home to protect California.) Other columns show his concern over everyday problems like commuting or unsolicited credit cards. "He can make a point in his 550-word column that a serious columnist would make less clear in twice that many words," says Rowland Evans, co-author of the Evans-Novak Report.

Yet the humorist rarely raises real wrath because he makes sure to be funny first and not to be "preachy." Even the targets of his satire don't seem to get too upset because the Buchwald humor isn't bitter but more like good-natured spoofing. "Perhaps it's a weakness that his satire, although effective, doesn't really sting that much. It pricks the surface but doesn't go to the vitals," says one prominent capital journalist.

Others argue that Mr. Buchwald's kidding, often-whimsical approach is a strength because it commands a wide audience for his serious insights. At any rate, the columnist probably couldn't be more vitriolic if he tried because "he just isn't a mean man," says a friend, Philip Geyelin, who is editorial-page editor of the Washington Post.

Still, the Buchwald barbs often got under the skin of former President Johnson. And some Nixon economists were peeved by a recent column in which a Buchwald-created economist—Professor Heinrich Applebaum—explained that the Administration's tax-reform proposals would ease the burden of the wealthy while allowing the average wage-earner only enough tax savings to buy a new tire or 200 bus tokens. "Why, it wasn't even accurate," fumed one top-level Administration economist.

And the columnist's fanciful views on serious topics aren't a bit funny to some people. Irate letters are sure to pour in whenever he spoofs sex-education critics, gun ownership, the Beatles or, lately, Spiro Agnew. His office walls are lined with 20 of the best "hate" letters. Wrote one teen-aged girl: "You should be ashamed of yourself for hurting our darling Beatles. I hate you, you dirty old man."

Even Buchwald fans concede their hero's satiric barbs don't always hit the mark. Mr. Buchwald himself says he has "never been satisfied with my columns on racial issues." But by most estimates, he has a consistently high batting average.

One occupational hazard, Mr. Buchwald says, is that readers sometimes take his flights of the imagination seriously. Nothing has matched the fuss stirred up a few years ago when he wrote that FBI chief Edgar Hoover was "a mythical person first thought up by the Reader's Digest." Papers carrying the column were deluged with calls from readers demanding to know if the story was true. The FBI still hasn't forgiven him, Mr. Buchwald says.

FROM PARIS TO NEW YORK

"What really scares you," he says, "is when you make something up and it turns out to be true." When President Johnson sent troops to the Dominican Republic in 1965 on the ground of protecting Americans there, a Buchwald column reported that one last American, named Sydney, was being detained there so the troops wouldn't have to leave. The humorist says that when a friend at the U.S. Information Agency saw the column, he asked in all seriousness: "Who have you been talking to? That's been our problem for three weeks."

There isn't any indication that Buchwald columns directly influence government decisions. "But sometimes you incorporate them in your deliberations," says Walter Mazan, an Assistant Transportation Department Secretary. He recalls a recent meeting with airport managers at which officials first chuckled over a Buchwald column on long airport walks and then seriously discussed the problem. The column had disclosed that at Chicago's mammoth O'Hare airport, one gateway walk actually ended up in Davenport, Iowa.

Art Buchwald has been writing funny columns for more than 20 years. He began newspaper work in 1948 as a $25-a-week movie reviewer on the New York Herald Tribune's Paris edition but soon became popular for a column called "Paris After Dark." He came to Washington in 1962, shortly after President Kennedy had canceled White House subscriptions to the Tribune which had been critical of the Administration. Rumor had it that the Buchwald move was in retaliation. That wasn't true, "But I thought it best not to deny it," Mr. Buchwald says.

The humorist gets most of his column ideas from newspaper articles which he rips out and stuffs in his shirt pocket. "Something just has to click," he says. A news story about Jackie Onassis, he adds, is a surefire trigger for his imagination; one recent column purported to interview her judo instructor.

PURE VENOM

Other ideas come from personal experience, such as the column about long airport walks. "My transportation ones are written with real venom," he says.

On a typical working day, the humorist has already read the Washington Post and New York Times before leaving his northwest Washington home at about 9:15 a.m. He takes a taxi (he doesn't have a driver's license) for the 15-minute ride to his office at 1750 Pennsylvania Ave. about one block from the White House.

At the office, he scans the 20 to 40 letters that arrive each day but soon is roaming his 13th-floor hallway, visiting nearby offices of the Boston Globe and Newhouse newspapers. And the morning isn't complete without a stop across the hall to "make trouble" for columnists Rowland Evans and Robert Novak. "There's a method behind it all," he says. "In all the joshing, an idea might spark."

About 11 a.m., Mr. Buchwald sits down to write his own column. Sometimes he may have to sweat for an idea, but once he has one, the writing comes easily. "I don't stew over it," he says, and it usually takes him less than an hour to bang out a column that runs about two and a half pages of yellow typewriter paper. Although he has to write three columns a week, he hasn't any in reserve and usually works only about two columns ahead. (His Sunday column is usually written on Tuesday).

To get a quick reaction to his latest effort, Mr. Buchwald first shows it to his secretary and then takes it around to nearby offices. Mr. Evans usually gives the column a grade. ("If he gives me a B, I'll fight for a B-plus," asserts the humorist.) Occasionally, if the reception is cool, he'll do some rewriting.

(Sometimes, neighbors Evans and Novak aren't in a mood for kidding. Mr. Evans recalls one time when the two were struggling with their own column and Mr. Buchwald bounced in, waving his newest piece. Mr. Evans yelled for Mr. Buchwald to leave them alone but then broke up laughing when the elfish-looking humorist stopped, looked at Robert Novak and deadpanned, "Bob, do you realize that if something happened to Rollie, you'd make twice as much money?")

A PERMANENT TABLE

With the column wrapped up, Mr. Buchwald lunches between about 1 and 2:30 p.m. at the Sans Souci, one of Washington's better and more expensive French restaurants. He has a permanently reserved table against one wall and holds court with a bevy of friends that often include Russell Baker, humor columnist for the New York Times, columnist Mary McGrory of the Washington Star and Ethel Kennedy. He heads home from the office about 4:30 p.m. and, after dinner, often is back at typewriter with some work—lately, polishing his play. "I feel guilty when I'm not in front of the machine," he says.

The cornerstone of Mr. Buchwald's growing empire is his column, which is repackaged for about every available market. Most of his books are collections of past columns and generally sell about 35,000 hardback copies each. A radio show, begun last January, also makes use of dialogue taken from the columns. The five-minute show is broadcast five times a week on 130 educational stations and is just being picked up by 60 FM stations in several major cities.

The columns also are the core of a 45-minute "lecture" that he delivers to college students, conventions, business groups and other organizations. Among current lecturers, "probably no one is in greater demand," even though his fee of $2,500 plus expenses is about the highest around, says a spokesman for W. Colston Leigh Inc., his lecture bureau. He gives four lectures a month, nine months a year.

Mr. Buchwald gives basically the same lecture each time, although topical material is updated periodically. The speech is called "The CIA for Fun and Profit." Its topics range from Mr. Buchwald's capital graffiti—"Judge Haynsworth, call your broker"—to his theories on handling campus-building take-overs—"Instead of trying to get them out, we should brick them in." It also includes recollections of how young Art Buchwald dropped out of the University of Southern California to go to France because he heard that "in Paris, the streets are lined with beds."

POLISHING THE PLAY

Part of lecturer Buchwald's attraction is the engaging way he looks and talks. He looks humorous, like a roundish pixie. He wears hornrimmed glasses, and a large cigar usually protrudes from one side of his mouth. (He smokes six to eight cigars a day.) And his remarks are delivered with a mock seriousness or indignation that makes it sound as though he really believes what he's saying.

Lately, much of his time has been taken up writing—and rewriting—his first Broadway play, which is scheduled to open Jan. 19. The play is about a political-appointee ambassador in a small country in the Himalaya Mountains. One day a hawkish columnist named Joe Mayflower arrives, "and all hell breaks loose," Mr. Buchwald relates.

Mr. Buchwald denies that the columnist in his play represents Joseph Alsop, the real-life pundit. But columnist Stewart Alsop—Joe's less hawkish brother—isn't so sure. "Why," he asks, "does everybody call me Stewart Mayflower?"

Not everything Art Buchwald does is successful. A few years ago he collaborated with the Times' Russell Baker on a movie outline that didn't sell. According to this script, Nikita Khrushchev's nephew came to the U.S. and joined the John Burch Society. But movie producers said it was "too implausible," Mr. Baker says, adding caustically that not long afterward Joseph Stalin's daughter came to the U.S. "and joined the Book-of-the-Month Club."

Nevertheless, Mr. Buchwald has come a long way for a Long Island boy who was raised in foster homes and dropped out of high school to join the Marines during World War II. His annual income now totals about $200,000. And he turns down other income opportunities by refusing to do product endorsements or commercials.

THE EASTER BUNNY

In real life, friends say, the humorist is a friendly, sensitive man. "He can be blustery and loud, too," says Elaine Marcisso, his secretary for the past six years. "But he's the kindest man I've ever met," she says. Others say that he freely gives time and money to charities and hospitals, especially those involved with children.

What many children know is that Art Buchwald is a mythical person who is really the Easter Bunny. A couple of hundred kids and their parents gather each year at the Buchwald home for a traditional party at which the chunky humorist, according to one participant, dresses up in "a flea-bitten rabbit suit and runs around like a Pied Piper." The kids have only a few doubts. Columnist Robert Novak recalls that at this year's party, his three-and-a-half-year-old daughter wanted to know, "Daddy, why is the Easter Bunny smoking a cigar?"

"What people don't understand about Buchwald," says Mr. Novak, "is that he isn't just a funny man. He cares deeply about things." And he does work hard to keep informed on current topics. But he also likes to joke with friends and frequently tries out column ideas in conversations. He often sends friends funny telegrams—collect.

In his spare time, Mr. Buchwald likes to play chess and gin rummy. And on most fall Sundays, he can be found watching pro football either in front of his color TV set or at the Washington Redskins game. He's a quarterback in neighborhood touch-football games. The Post's Mr. Geyelin, a neighbor, describes Mr. Buchwald's football talents this way: "He's not too fast, but he has deceptive speed, good moves and is an accurate passer." But, complains Mr. Geyelin, "he's a nitpicker about the rules."

Although much sought after on the cocktail circuit, Mr. Buchwald, who doesn't drink, prefers to stay at home with his family. He has been married 17 years to a Pennsylvania girl he met in Paris where, he quips, "we both had the same black-market money changer." Art and Ann Buchwald have three adopted children—Joel, 16; Connie, 14, and Jennifer, 13. Reflecting a concern about the generation gap, one parental rule is no television for the kids during the week; as a result of the ban, says father Buchwald, "we found that they started coming in and talking to us."

Columnist Buchwald, however, doesn't let sentiment interfere with business. His family is expected to come up with a couple of column ideas each week, he says sternly, "or out they go."

WAR PRISONERS' RIGHTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DERWINSKI. Mr. Speaker, my attention has been directed to an editorial in the Wednesday, November 19, Southwest Graphic of Lemond, Ill., which in a very effective fashion, emphasizes the concern that all Americans should have over the rights of Americans who are prisoners of war of the Communist North Vietnamese.

The editorial, which follows, very properly emphasizes that even the demonstrators who criticize U.S. foreign policy legitimately express interest in the treatment afforded American prisoners of war:

WAR PRISONERS' RIGHTS

U.S. servicemen fortunate enough to win their way back to freedom from North Vietnamese detention have affirmed that prisoners are often subjected to unspeakable abuses and torture.

Recent action of the American Red Cross to intensify efforts open channels of communication and relief to U.S. servicemen being held as prisoners of war in North Vietnam is highlighted in the approval of a resolution adopted by representatives of 77 governments and 91 national Red Cross societies, urging that prisoners of war be given the benefits and protection of the Geneva Conventions.

This means, as Senator Fulbright of Arkansas observes: "Irrespective of the nature of the conflict which gives rise to his imprisonment a captor should be mindful, in the words of the Convention, that a prisoner is in the hands of a detaining power 'as a result of circumstances independent of his own will.' He should, as recited in the International Red Cross Conference resolution, be promptly identified; afforded an adequate diet and medical care; permitted to communicate with other prisoners and with the exterior; promptly repatriated if seriously sick or wounded; and at all times be protected from abuse or reprisals. And, as specifically prescribed in the Convention, a neutral intermediary such as the International Committee of the Red Cross should be afforded free access to prisoners of war and their places of detention."

Demonstrations that call for the precipitate flight of U.S. forces from Vietnam give no thought to the plight of those left behind—including U.S. prisoners of war.

LEGAL SERVICES SUPPORTED BY MASSACHUSETTS GOV. FRANCIS SARGENT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MORSE. Mr. Speaker, the distinguished Governor of the Commonwealth of Massachusetts, Francis W. Sargent, recently announced his firm opposition to the Senate amendment to the OEO authorization bill, S. 3061, which would provide State veto power over activities of all legal services funded by the Office of Economic Opportunity.

The legal services program has, in my view, been one of the best to come out of OEO, and it has been strongly supported by the President and the American Bar Association. As OEO Director Rumsfeld said:

> The legal services program has come to symbolize much of the mission of this agency; justice for the poor, and orderly institutional change within the framework of the legal system.

In addition to providing a vehicle to assist the poor the service has given many intelligent and concerned young lawyers the opportunity to know the challenge of practicing poverty law, and their interest in turn has sparked new concerns about the framework of institutional care and provision for the poor who, in our society, the traditionally urged to work within the law.

I share the concern of Governor Sargent who believes that the Murphy amendment would seriously weaken the effectiveness of the legal services program by placing a final veto over the lawyer's role as both an officer of the court and an advocate for his client when his action is deemed to be in conflict with the State position. In view of the significance of the views of the Governor of Massachusetts, I insert them in the RECORD at this point for the attention of my colleagues:

> I join with both our distinguished Senators, the Director of OEO Mr. Donald Rumsfeld, and the American Bar Association in urging that every effort be made to defeat this amendment in the House of Representatives. I strongly endorse the concept of "New Federalism" advocated by our President. To me, this means a true partnership between the federal and state government. However, this partnership should not mean the unsurpation of power by states beyond the proper balance.
>
> I do not believe that Governors should have final line item veto over OEO Legal Service Programs. This would seriously hamper the reviewing power by the Director of the Office of Economic Opportunity, and I believe it would jeopardize the effectiveness of the program.
>
> It is essential that poor people be afforded full and unhindered representation now available to persons who can afford counsel. They are entitled to aggressive and effective advocacy, even in actions against Governmental agencies when their constitutional rights are involved. Although Governors generally seek more power, and during these times require more authority, such power in this instance would have an adverse effect on legal services to the poor.

RHODESIA: CONTINUING THE DEBATE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ASHBROOK. Mr. Speaker, on November 18 several Members joined with me to discuss the question of Rhodesia and the ramification of U.S. policy toward this newly independent nation. Discussion of this topic is timely for several reasons. First, November 11 marked the beginning of the fifth year of declared independence; second, several important industries here in the United States are facing increasingly severe hardships because of sanctions against Rhodesia; and third, the Subcommittee on Africa of the House Foreign Affairs Committee recently investigated the sanctions and facets of the Rhodesia question.

Today, to add further information to the remarks of last Tuesday and to continue debate, I insert into the RECORD a statement of commentary prepared by the Rhodesian Information Office. This commentary is directed at what the office has been informed are letters that are being issued by the Department of State presenting the position of the Government and justification for stated position.

The commentary, including the prefacing paragraph explaining the occasion of its publication follow:

U.S. RHODESIA POLICY: A COMMENTARY ON OFFICIAL ATTITUDES

The Rhodesian Information Office has been made aware from time to time of the contents of a State Department letter addressed to American citizens (including members of the Congress (who enquire into the motivations of official policy towards Rhodesia. The rationalisation offered in the letter is open to serious challenge on a number of grounds. It is the purpose of this publication to comment on the letter section by section in order to provide concerned Americans with another side of the Rhodesia story.

The State Department's position is set out in italics. The comments of the Rhodesian Information office follow in regular type.

"The United States supports the United Nations and the United Kingdom in their continuing efforts to restore constitutional authority in Southern Rhodesia."

There is neither U.N. Charter authority nor precedent for the United Nations to take coercive action to restore what is described as *"constitutional authority"* in any national situation or in any situation in which a colonial territory asserts its independence from a colonial power. These are questions which are essentially within the domestic jurisdiction of a state and therefore immune from intervention by the United Nations. (Article 2, paragraph 7 of the United Nations Charter.)

Many countries today enjoying full membership in the United Nations have governments which came to power by rebellion, coup d'etat or other unconstitutional action. Historically the United States achieved its independence in this way. In a listing of 42 African governments in January 1969 "African Report" notes that 14 of them came to power by military coup or other unconstitutional means. None of them is subjected to hostile action or international disability on that account. Recently the constitutional government of Libya was overthrown by an act of rebellion. The new government was quickly recognised by the United States and other countries. No question of restoring the constitutional authority of the former government arose.

The present Rhodesian Government has exercised effective authority over the country before and for four years since its declaration of independence. It is more than a year since Rhodesia's independent judiciary declared that Mr. Ian Smith's Government must be regarded as the "de jure" Government of Rhodesia.

Senator Cranston, introducing in the Senate in May of this year a resolution dealing with U.S. recognition policy, pointed out that "the original American doctrine of recognition was quite simple. During the Jeffersonian era and up to the end of the 19th century, we used fairly objective tests in determining whether to recognise a new government. We merely ascertained whether or not it existed and was capable of sustaining itself. This policy (reflected) a belief that we had no right to interfere in the internal affairs of other nations."

"The basis of our support (for the United Nations and the United Kingdom) is our concern for the threat to the peace in southern Africa posed by the denial of political rights to the 4.4 million Africans who comprise some 94 per cent of the territory's population. The present regime in Southern Rhodesia not only denies the African majority an effective voice in government but has proposed a constitution which seeks to perpetuate white minority rule and institutionalise racial separation."

There is no denial of political rights to Rhodesia's African population. Under the 1961 and 1965 constitutions there is a nonracial qualified franchise providing equal opportunities for all citizens to qualify and register as voters. Most of the more stable democracies have evolved through a qualified franchise, and it is perhaps worth recalling that at the time of America's independence about six per cent of the white population voted. (There was no question of extending the franchise to include black or Indian Americans.)

Rhodesia's proposed new constitution does not seek to perpetuate white minority rule. It provides for an immediate increase in black representation in the legislature (approximately doubling the present representation) and a progressive extension of this representation, based on income tax contributions to the national exchequer, until parity with white representatives in the legislature is reached.

"U.S. News and World Report" noted in January 1967 that at least 37 member nations of the U.N. had governments based on minority rule and at least 25 other members were open to suspicion in this respect. Fewer than half of the U.N. members had governments clearly based on majority rule.

As to the suggestion that Rhodesia's new constitution will *"institutionalise racial separation"*, it is of interest to note that Prime Minister Ian Smith has described it as "a multi-racial set-up in a multi-racial country." It is a fact that the proposed new constitution provides for the separate representation of the races in Parliament and for a basic division of land between the races. This may offend integrationist sentiment but is hardly a justification for offensive international action conceived as a penalty for aggression. The reservation of tribal lands is not unknown in the United States. Moreover, according to the Washington Post, a representative meeting of American Indians at Denver last August decided that they "want the right to be Indians, to preserve their tribal identities and tribal lands, to make their own mistakes, to have a say about their destiny." The separatist elements in Rhodesia's constitution stem from an acknowledgment of the same instincts in Rhodesian society.

The suggestion that Rhodesia's domestic policies constitute a threat to the peace in southern Africa cannot be regarded as a serious proposition. Mr. Dean Acheson describes it as reasoning worthy of the Red Queen in "Through the Looking Glass". "Rhodesia", he says, "in doing what the U.N. has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N. (Chapter 1, article 4):

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

"Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced."

Mr. Acheson concludes: "If this reasoning leads the reader to ask, 'who's loony now?', don't blame Rhodesia. blame the Security Council and Harold Wilson."

Mr. Charles Burton Marshall, Professor of International Politics at Johns Hopkins School of Advanced International Studies, takes a similar view. He points out that Rhodesia has done literally nothing except sever its connection with the British Government. Mr. Marshall says that "this, while rebellion, is certainly not aggression. Rhodesia has made no attack or threat of attack against anyone."

Mr. Marshall's research of the United Nations record reveals that the original British resolution calling for mandatory sanctions against Rhodesia did not contain any finding of a threat to the peace, although such a finding is an essential condition for the imposition of sanctions. When the omission was pointed out, the desired conclusion was inserted without any supporting facts. Supporters of the U.N. position take refuge in the argument that the existence of a threat to the peace may not be questioned once the Security Council has made that determination. Professor Marshall asks if it is enough to stop criticism of a pie to say that a baker made it.

Dr. Walter Darnell Jacobs, Associate Professor of Government and Politics at the University of Maryland, concludes in an article in "World Affairs" (April/June 1967) that "Rhodesia, whatever her sins and shortcomings, cannot be said to represent a threat to the peace."

In spite of the danger of terrorist incursions over her northern border, Rhodesia spends a smaller proportion of her national income on defence than most countries. This is revealed in an analysis published in Britain by the Institute for Strategic Studies in September 1969. Rhodesia's 1968/69 expenditure of 1.9 per cent of gross national product is lower than all but a handful of the fifty-two nations enumerated. Britain's expenditure is 5.3 per cent of G.N.P. The United States and Russia both exceed 9 per cent.

The Organisation of African Unity (representing underdeveloped countries generally in receipt of foreign aid) is reported to have allocated over a million dollars in its current budget to equip guerrilla fighters for subversive operations in and against southern Africa, notwithstanding that the U.N. Charter enjoins member nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

Clearly Rhodesia represents no threat to the peace. Equally clearly the United Nations Organisation, if it is mindful of its Charter principles, has a plain responsibility to restrain the Organisation of African Unity and its members from initiating and subsidising forceful attempts to overthrow the government of Rhodesia.

An alternative and devious presumption suggests that the "threat of the peace" in Rhodesia derives from the danger of an internal upheaval in the country that would have repercussions outside its borders. It might be noted in passing that the same consideration has not been applied to Nigeria, which remains immune from U.N. intervention notwithstanding that for the past two years she has been experiencing a real and not merely presumptive internal upheaval. There has been a death toll in excess of a million and a half people but no threat to the peace has been inferred.

Many recent visitors to Rhodesia have testified to the country's conspicuous tranquility, to the absence of racial tension, to the fact that Rhodesia's unarmed police force is seldom seen and even more rarely needed. The Nigerian Editor-in-Chief of the Lagos Daily Times has said that the overseas picture of Rhodesia as a grim, tense, police state is "a massive fraud."

South African liberal Laurens van der Post, who visited Rhodesia since independence with what he described as "a profound emotional and intellectual bias towards finding nothing but evidence of impending Greek tragedy," found nothing to substantiate his apprehensions. Instead he found "a general preference among them (black Rhodesians) for an evolutionary rather than a violent revolutionary change of Rhodesian society."

Congressman John Ashbrook and two American colleagues who visited Rhodesia in 1966 found that the Rhodesian Government commanded "the virtually unanimous support of the white population" and the respect of a preponderance of the Africans;" also that "the tell-tale signs of racial tension are nowhere to be seen." They concluded that "American policy on Rhodesia represents the triumph of ideology over actuality."

In a letter to the Washington Daily News on December 23, 1966 Mr. Frank Johnson of the American Security Council refers to a cartoon implying that Rhodesia is an oppressive white police state. He writes: "I have just returned from a visit to Rhodesia and can personally vouch that the contrary is true. The few people to be seen on the streets are black as well as white, and none carry guns. Ian Smith drives his own car, has no bodyguard and is quite careless of the most elementary personal security. Perhaps one of the most impressive testimonials of African support for the Smith Government is the fact that communist-trained terrorists entering the country from Zambia are either killed or reported to the border guards by the local African population."

Another testimonial of black Rhodesian support for the Rhodesian Government is contained in a statement issued November 2, 1966 by the Council of Chiefs, recognised traditional leaders of tribal Africans under the British approved 1961 constitution. Part of the statement reads: "We wish to state quite clearly that we support the Government of Rhodesia and we do not accept the claim by the British Prime Minister that he has continuing responsibility and authority for and over our people through the Government and Parliament of the United Kingdom."

In January 1967 veteran Chief Simon Sigola sent letters to U.N. Secretary-General U Thant, President Johnson and President de Gaulle inviting them to visit Rhodesia to see for themselves that it is not "a bad country and a threat to the peace."

Militant leaders of the Organisation of African Unity have expressed disappointment at the apathy and lack of co-operation shown by black Rhodesians towards "freedom fighters" come to "liberate" them. Zambian Foreign Minister Reuben Kamanga was quoted as saying in April 1968—"Reports reaching us indicate that the Rhodesian African masses are accepting the Smith regime." In reporting this statement an AP correspondent noted that "Africans in Rhodesia have been relatively prosperous and their lack of enthusiasm for an anti-white revolution probably grows out of a desire to be left in peace to attend to their own affairs."

"The United States has supported a variety of peaceful measures designed to influence the Smith regime to change its policies and move towards majority rule. The United States voted for the Security Council's resolution of November 12, 1965, which condemned the illegal Smith regime. It also supported the Council's resolutions of December 16, 1966 and May 29, 1968, which called on all member nations to impose economic sanctions against Southern Rhodesia. Executive orders were subsequently issued to carry out the mandatory provisions of those two resolutions with respect to the United States."

It is open to very serious question whether it is a legitimate objective of national policy to seek by coercion to change the purely domestic policies of another country. Senator Cranston quotes with approval Daniel Webster:—"From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ."

There may be some who are willing to overlook a want of principle in public policy provided that it effectively serves an expedient purpose. Rhodesia policy is deficient on both counts.

In his book "The Discipline of Power" former Under Secretary of State and U.N. Ambassador George Ball shrewdly perceives the futility of sanctions, describing them as "a romantic delusion." "In the modern world," he says, "sanctions are not likely to work even when the siege of an economy is enforced by military power. Where military power is not employed and the enforcement of an embargo depends merely on the agreement of nations—whether or not expressed in a United Nations resolution—the result will more likely be annoyance than hardship. As disappointing as it may be to admit it, the siege of an economy is never total, the options of the beleaguered party are too broad, and the psychology of the besieged is too perverse and complex to make such sanctions more than a blunt instrument."

Reporting from Rhodesia, Mr. Ray Vicker confirms Mr. Ball's judgment in a recent issue (September 11, 1969) of The Wall Street Journal:—"What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people? If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, business men, bankers, farmers and ordinary citizens in this ruggedly individualistic land."

Mr. Vicker notes that U.S. support for sanctions is forcing American chrome buyers to deal with Communist Russia at prices 50 per cent higher than Rhodesian chrome. (Rhodesian chrome mines, possessing the free world's largest supply of high grade ore, are owned by American corporations now forbidden either to finance or export their production.)

The conclusion is inescapable that sanctions against Rhodesia have had a bizarre effect from the viewpoint of the sanctioneers. Whilst consolidating political support behind Mr. Smith's government they have somewhat discouraged the inflow of investment capital and thereby diminished job opportunities for black Rhodesians.

"The United Kingdom considers the territory of Southern Rhodesia to be in a state of rebellion and the United Nations has declared the Smith regime to be illegal. Not a single country has accorded recognition to the regime, and the continuing sovereign authority of the United Kingdom in Southern Rhodesia is universally recognised."

This is repetitive.

In addition to the comments made earlier, which include reference to the Rhodesian High Court's finding in September 1968 that Mr. Ian Smith's government must be regarded as the legitimate government of Rhodesia, it is worth noting that the Chief Justice concluded that he could "now predict with certainty that sanctions will not succeed in their objective of overthrowing the present government and of restoring the British government to the control of the government of Rhodesia."

In July 1968 Mr. Thomas McElhiney, a Senior State Department official, was asked in testimony before the Senate Foreign Relations Committee if he believed that the latest round of U.N. sanctions directed against Rhodesia would have more success than past efforts. Mr. McElhiney replied that he did not think there was likely to be any added effect "in the sense of forcing the present Rhodesian regime to come to terms with the British, which is the object of the sanctions."

Subsequent events have confirmed these judgments, and there can be no reasonable doubt that, four years after its declaration of independence, the Rhodesian government satisfies internationally accepted criteria for the recognition of governments holding office in these circumstances.

Testifying before the Senate Foreign Relations Committee on June 17, 1969 Mr. Adrain Fisher, Dean of Georgetown University Law Center, expressed the relevant rule of law as follows:

"So that is the situation you normally deal with when you have a recognition of a new government, and that (Mr. Chairman) only requires a determination that the regime is in control of the territory and population, or a substantial portion of it, and it has a reasonable likelihood of retaining control either of the part already in control or of the entire state."

It is of interest also to note that on September 25, 1969 the United States Senate resolved by a vote of 77 to 3 "that it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology or policy of that foreign government."

In commending this resolution to the Senate on May 27, 1969 Senator Cranston spoke as follows:

"And in the end the policy of nonrecognition is doomed to failure. It did not deter Japan. It did not isolate the Soviet Union. It has not isolated Red China. All too often it has tended to isolate us as much as, or more than, it has isolated various regimes we have not approved. It has never really succeeded in bringing hostile regimes either down or to terms. Often nonrecognition actually strengthens a regime it is supposed to weaken, causing the people to rally to the support of their government against the apparent threat posed by hostile foreign powers."

"The Smith regime represents an attempt by a minority to maintain its control over the great majority of the population. The question is not the right of Southern Rhodesia to independence and self-government, but whether a small minority should be allowed to prevent the achievement of these objectives for all the Rhodesian people. Current British proposals to end the impasse provide for British recognition of Southern Rhodesia independence under the present leadership, provided there are effective guarantees of unimpeded progress toward eventual majority rule. The regime has so far rejected these terms."

This is largely repetitive.

It is true that no agreement has been reached between the British and Rhodesian governments. The Rhodesian government considers that the British government has declined its reasonable proposals for a solution of the conflict between them. It has now decided, following a referendum, to proceed with the implementation of new constitutional proposals which will lead not to majority rule but to parity between the races in the legislature.

"Repressive legislation adopted by the Smith regime to bolster its position, such as that authorizing the arrest and detention of political opponents without benefit of bail or trial, creates its own climate for violence. African nationalist groups, denied peaceful political expression within the colony, are increasingly inclined to resort to more violent methods, including the infiltration into Southern Rhodesia of guerrilla bands."

The methods used by states to protect themselves against subversion do not constitute grounds for taking punitive action against them. Many countries enjoying United States recognition resort to the practices mentioned. In some of these countries the government uses its powers to punish political nonconformity. This is not the position in Rhodesia. Persons are only detained or restricted if the government is satisfied beyond any reasonable doubt that they are prepared to resort to violence in order to achieve political objectives. Provision is made for regular review of these cases, and there has been a progressive reduction in the number of persons held in detention or restriction over the past four years.

There is an active parliamentary opposition, and there is no impediment to the formation of political parties with lawful objectives.

There have been terrorist incursions over Rhodesia's border in recent years with substantial communist backing. The terrorists have received no support from the local population, which has rather cooperated with government security forces in combating the intruders. This may account for a sharp decline in guerrilla activity. There have been no significant incursions for the past twelve months.

"We see no present direct communist threat to Southern Rhodesia, but we believe that the rebel regime, by seeking to perpetuate minority rule, creates conditions under which extremism, including communist influence among anti-regime groups, is almost certain to increase."

Whilst the compilers of the statement may not see any present direct communist threat to Rhodesia, other observers can. In 1968 military journalist Colonel Daniel T. Brigham was invited by the American-African Affairs Association to conduct an investigation into the nature, extent and origins of terrorist activity in southern Africa. Colonel Brigham carried out an intensive six-week survey of the terrorist fronts in Mozambique, Malawi, Rhodesia, Botswana and the Caprivi Strip of South-West Africa. He interviewed scores of officials, prisoners and others in possession of relevant information. His report, published by the Association in February 1969 under the title "Blueprint for Conflict", says:

"Backstage in this development of a blueprint for conflict are the Soviet and Chinese Communists. However their political and ideological quarrels may affect their actions elsewhere in the world, they are pooling technical, military and economic resources to set the stage for one of the bloodiest wars in history—one which they hope and believe will open the road to Cape Town, from which they can dominate the western gateway to the Indian Ocean. Their latest target date for that war is late 1970. Strategically, Red control of Cape Town would end the threat of Free World naval interference with communist long-range planning for conquest of the Far East, the Persian Gulf, and the African east coast. The critical importance of Cape Town has been amply demonstrated during the prolonged closure of the Suez Canal in the wake of the Israeli-Egyptian Six-Day War.

"Military analysts are, of course, aware of the strategic importance of southern Africa. Diplomats in the field have cabled warning reports on the African situation to their home governments, urging a cautious and realistic reappraisal of policy decisions. Free World intelligence is in possession of ample information concerning communist machinations in Africa, including the existence of a joint Red high-command headquarters in Dar-es-Salaam, capital of Tanzania. Judging from actions, however, there are few indications that warning signals have been getting through to top policy-making levels; or, if they have, no one up there seems to be listening. Quite the contrary. Both London and Washington have continued policies of outright hostility to the white-ruled countries of southern Africa, and through careless and injudicious public pronouncements in the United Nations have seemed to endorse the promotion of terrorist war by the Liberation Committee of the O.A.U."

The London Sunday Telegraph's Close-up Team of investigators, after completing a similar intensive survey, reported (April 1969) that "many of the so-called liberation movements are now largely controlled by the communist powers, and in many cases riddled with Communist party members. Guerrillas are armed with the Russian designed Kalashnik or AK 47 automatic rifles; they are steeped in the revolutionary war theories of Peking or Moscow." The report goes on to refer in detail to the guerrillas' communist affiliations.

U.S. military historian Brigadier General S. L. A. Marshall has pointed out (June 1969) that the small arms of the terrorists "are identical with what our troops are up against in Southeast Asia. Most are of Chinese Communist manufacture. Some are of Soviet make."

Mr. Dean Acheson has criticised (April 1969) "hostile harassment with our help of three friendly countries in southern Africa." "These countries," says Mr. Acheson, "were our allies in two world wars. Today with the Russian Navy in the eastern Mediterranean and the Indian Ocean they are more important to us and, as President Banda keeps telling his sub-Saharan black neighbors, more important to them than all the rest of Africa put together."

It is not unnatural that there should be communist influence in extremist groups seeking to overthrow western aligned governments. It may perhaps be questioned whether that is a good reason for the United States to offer the governments concerned a hostile confrontation.

"*We feel a continuation of the present situation is likely to exacerbate racial tensions throughout southern Africa. The attempt by a racial minority to institutionalise and perpetuate its domination over the majority of Rhodesians threatens to lead to chaos and civil strife. Such violence might spread across international boundaries and involve other parties, including extremist elements on both sides. This would be a serious blow to African development and to world peace and security.*"

Unsubstantiated forecasts of future turmoil within the boundaries of a foreign country cannot by any stretched interpretation of international law or practice be held to justify coercive action against that country to compel a change in its political structure or government.

As to the validity of the forecast itself, it is possibly relevant to note once again the manifest evidence of racial harmony in Rhodesia, where not more than 35 lives have been lost in civil riot since the beginning of the century. (43 lives were lost in a few days of rioting in Detroit in July 1967). By any pragmatic test racial tensions in Rhodesia are minimal.

Mr. Ray Vicker, reporting from Rhodesia in The Wall Street Journal (September 22, 1969) shrewdly observed that "African nationalism never was a widespread yearning for the liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population."

It may be worth recalling in conclusion that several of America's leaders have acknowledged the diversity of political institutions across the world and have evinced a spirit of tolerance towards them. President Kennedy considered that "it is a mistake for the United States to fix its image of Africa in any single mold." President Eisenhower believed that "there is no single, best way of life that answers the needs of everyone, everywhere." President Johnson declared that "In Africa and Asia . . . we seek not fidelity to an iron faith but diversity of belief as varied as man himself."

In his Inaugural Address President Nixon spoke as follows:

"Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no-one our enemy."

SOLID SUPPORT FOR PRESIDENT

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ZION. Mr. Speaker, back home in Indiana, President Nixon has more support now than he did a year ago, the Washington Daily News tells us.

The News points out that a poll in Vanderburgh County indicates solid support not only for the President, but also for his Vietnam policies.

The News said:

NIXON GAINS

President Nixon has more support now than he did a year ago, a poll in Vanderburgh County, Indiana—a weather vane in all but one presidential election since 1892—indicates.

Of 166 voters polled, 103 voted for Mr. Nixon last year and 110 said they would vote for him now. Of 63 who voted against him last year, only 46 would still oppose him.

As to his speech on the war: 135 said they are against immediate withdrawal from Vietnam, with 24 in favor; seven undecided.

CONGRESSWOMAN SULLIVAN INTRODUCES BILL FOR STANDBY POWERS TO REGULATE ALL FORMS OF CREDIT, INCLUDING BUSINESS CREDIT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mrs. SULLIVAN. Mr. Speaker, I have today introduced a bill (H.R. 14954) to give the President the power on a standby basis to order Federal regulation of rates and terms of any or all forms of credit transactions whenever he determines "that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume."

This is a very far-reaching bill. It is not confined just to regulation of consumer credit, such as was covered by the Federal Reserve's Regulation W under an Executive order of President Franklin D. Roosevelt during World War II or under a provision of the original Defense Production Act of 1950 during the Korean war. This bill applies instead to all forms of credit, including business credit and so-called commercial paper—which is not now subject to any form of Federal regulation whatsoever.

By coincidence, Secretary of the Treasury David M. Kennedy was quoted in this morning's Washington Post as having told Norman Kempster of United Press International that it may be necessary to give the Federal Reserve "standby power" to regulate consumer credit if a proliferation of credit cards and other credit devices threatens to defeat efforts to control inflation. The Secretary has never asked for such legislation, and my efforts to get him to endorse the idea of standby consumer credit controls were unsuccessful during hearings of the Committee on Banking and Currency last June on the prime interest rate.

Ever since coming to Congress in January of 1953, I have been on record for the existence of standby powers in the Federal Government to impose limitations—when economic conditions warrant—on the terms of consumer credit. I felt it was a mistake for Congress in 1951 to repeal the provision of the Defense Production Act of 1950 authorizing the use of consumer credit controls in times of national emergency and inflationary danger.

CONSIDERATION BY COMMITTEE ON BANKING AND CURRENCY

Repeatedly in recent years, during hearings of the Banking Committee on legislation to amend and extend the Defense Production Act, I brought up this issue, and in 1966, a majority of the Members of the Committee on Banking and Currency agreed to an amendment jointly sponsored by Congressman HENRY S. REUSS of Wisconsin and I to restore standby consumer credit controls to the act. But our committee amendment was defeated on the House floor that year. One of the reasons it was defeated was that we had held no hearings specifically on this proposal.

The following year, therefore, in introducing H.R. 11601, the bill which became the Consumer Credit Protection Act of 1968, and which contains the Federal Truth in Lending Act, I included a provision for standby controls over consumer credit, in order to make sure that there will be hearings on this issue. However, few of the witnesses favoring truth in lending or other provisions of H.R. 11601 would support inclusion in the same legislation of the very controversial subject of consumer credit controls. They frankly stated that they feared it would jeopardize passage of the truth in lending law, which then had its first real chance of passage by Congress after 7 years of bitter debate. And so I agreed to take the credit controls feature out of the bill we were working on, and which became Public Law 90-321.

But this year, once again, I renewed the drive to bring this important question to the fore. Unlike the circumstances when I had previously brought up the subject of standby controls over consumer credit as an anti-inflationary weapon, we were actually in a serious inflation in June of this year when the committee held hearings on the prime interest rate and we were discussing possible solutions for the record-high interest rate levels and the effects they were having on homebuying, small business, college tuition loans, State and local governments, and other big areas of demand for credit at reasonable rates of interest.

TREMENDOUS EXPANSION IN USE OF COMMERCIAL PAPER

By then, however, a new factor had entered the picture—the tremendous increase in business demand for credit, and the proliferation of a new business credit tool, so-called commercial paper, which is, as I said, not regulated in any way by the Federal Government.

Federal Reserve Board Chairman William McChesney Martin conceded during those hearings the desirability of a careful study of the impact on the inflationary situation of commercial paper, and the possible need for some sort of Federal regulation. Mr. David Rockefeller, chairman of the board of Chase Manhattan Bank, also conceded under my questioning that this type of unregulated credit could get out of hand, although he felt it had not done so by then.

The thoughtful answers of Mr. Martin and Mr. Rockefeller to my questions about commercial paper, and the information we developed in our hearings generally on the inflationary demand for business credit regardless of the rates charged, led me to develop legislation which would authorize the President—when economic conditions so demanded—to order the Federal Reserve to regulate some, or all, forms of credit in this country. If that inflationary point has not yet been reached, it is certainly a grave possibility, because interest rates are continuing at record levels and inflation rolls onward. Secretary Kennedy's remarks today reveal that the Administration is more worried now about credit proliferation than it had ever before acknowledged itself to be.

GOVERNMENT DARE NOT REMAIN HELPLESS

All of these things have reinforced my view that the Federal Government must not sit helplessly by while private economic interests take steps and make decisions which threaten our national stability. But in the credit field, the only power the Government has is the power to ration credit by price alone—by high interest rates. This policy has destroyed the homebuilding industry in this country, and undermined our efforts to provide new or rehabilitated housing for moderate- and low-income families despite the availability of Federal subsidies for this purpose. The subsidies cannot possibly meet the gap between the present cost of mortgage money and the amount the families which we want to help can themselves afford to pay in the amortization of their loans.

The middle-income family, which generally needs no subsidy and asks none, is now priced out of the housing market entirely by today's high interest rates.

AMERICAN PEOPLE WILL ACCEPT NECESSARY ECONOMIC RESTRAINTS

Must we wait for inflation to change into recession before we awaken to what we should have been doing right now to meet this serious danger to our economic well-being? If we have a sharp downturn, many people will ask why we allowed credit inflation to get so out of hand that widespread unemployment, business failures, and economic collapse were the inevitable result.

Imposition of controls on consumer credit undoubtedly would inconvenience a lot of people—businessmen and consumers. To have to pay one-third down on a color television set, for instance, and pay off the debt within 18 months—as Regulation W required on most consumer transactions during World War II and the first year of the Korean war—might be hard for many prospective customers to do. But if such terms were imposed in the present circumstances, under the authority of the bill I have just introduced—and I have no idea what, if any, credit restrictions the Federal Reserve might impose if the day arrived when controls became imperative to control inflation generated by the extension of credit in an excessive volume—I am sure most Americans would be willing to forego or postpone some unnecessary purchases for the time being—rather than risk having their employment wiped out by a recession coming on the heels of rampant inflation.

If business borrowings were to be limited under this bill, many businessmen would be indignant, I am sure. But I am also sure that most businessmen believe wholeheartedly in the competitive free enterprise system and would abide by restrictions imposed on their expansion, if the national interest demanded such temporary restrictions.

TEXT OF CREDIT CONTROL ACT

Mr. Speaker, I submit herewith the text of H.R. 14954 as follows:

[91st Cong., first sess.]

H.R. 14954

(In the House of Representatives, November 24, 1969, Mrs. Sullivan introduced the following bill; which was referred to the Committee on Banking and Currency)

A bill to authorize standby credit controls

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title

This Act may be cited as the Credit Control Act.

SEC. 2. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this Act.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to creditors who regularly extend, or arrange for the extension of, credit, whether in connection with loans, sales of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The terms "extension of credit" and "credit transaction" include both loans and credit sales.

(i) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(j) Any reference to any requirement imposed under this Act of any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

SEC. 3. Regulations

The Board shall prescribe regulations to carry out the purposes of this Act. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

SEC. 4. Determination of interest charge

(a) Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined as the sum of all charges, payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

SEC. 5. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

SEC. 6. Extent of control

The Board, upon being authorized by the President under section 5 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum maturity, minimum periodic payments, and maximum periods between payments, which may be stipulated in connection with extensions of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

SEC. 7. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this Act, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this Act. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this Act including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

SEC. 8. Injunctions

Wherever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this Act, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this Act.

SEC. 9. Civil penalties

(a) For each willful violation of any regulation under this Act, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

SEC. 10. Criminal penalty

Whoever willfully violates any regulation under this Act shall be fined not more than $1,000 or imprisoned not more than one year, or both.

DISCUSSION WITH SECRETARY KENNEDY ON NEED FOR STANDBY CONSUMER CREDIT CONTROLS

Next, Mr. Speaker, I submit as documentation and background for this legislation the relevant pages of the hearings of the House Committee on Banking and Currency in June on the prime interest rate, when Secretary of the Treasury David M. Kennedy was asked to discuss the issue of standby consumer credit controls, as follows:

EXCERPT FROM HEARINGS OF THE HOUSE COMMITTEE ON BANKING AND CURRENCY, INVESTIGATION OF INCREASE IN PRIME INTEREST RATE, JUNE 19, 1969

Mrs. SULLIVAN. Thank you, Mr. Chairman. I have a series of questions, the answers to which may well extend beyond my allotted 5 minutes, and I know they are not simple to answer, but I would like to get these questions in the record and have the witness answer them briefly now, and then more fully in the record when you go over the transcript, if that is all right, Mr. Chairman.

The CHAIRMAN. Certainly.

Mrs. SULLIVAN. My questions deal with one aspect of this problem, the possible need for powers to regulate consumer credit in exactly the kind of period we are in right now. During World War II, and for a brief period during the Korean war, the Federal Reserve had authority to invoke regulation W limiting consumer credit terms. As I recall, the regulation required a one-third downpayment on most consumer items, and a payout period within an 18-month period. That authority does not exist today in the Government.

First, I would like to ask this of the Secretary: Do we need the authority right now to restrict the expansion and volume of consumer credit?

Secretary KENNEDY. The volume of consumer credit has not been increasing drastically, but the Federal Reserve System may want authority, and I think that is a more appropriate question to ask Mr. Martin when he appears. It is within their province and I think it is a good question.

Mrs. SULLIVAN. At what point, Mr. Secretary, and under what circumstances do you believe the Government of the United States should have the power to ration consumer credit—for nonessentials particularly—if we are in an inflationary situation as serious as the one you have told us we are in today? And if you wish, you could answer that in writing after you have given it some thought.

Secretary KENNEDY. Yes, and I would like to answer that in connection with other possible regulations that might be more appropriate than reinstatement of a regulation W.

The CHAIRMAN. Will you yield, Mrs. Sullivan?

Mrs. SULLIVAN. Yes, Mr. Chairman.

The CHAIRMAN. Word comes to me from members that they are apprehensive that they will not be reached for questioning. I would like to assure them that as far as I am concerned, we are going to stay in session here until every member has an opportunity to interrogate the Secretary.

Mrs. SULLIVAN. Thank you. I want to get this in the record, Mr. Chairman.

In 1966—and I ask your permission, Mr. Chairman, to put this background information into the record at this point—in 1966, in the report of this committee on the extension of the Defense Production Act, we recommended standby powers to invoke consumer credit controls, and in doing so we quoted the findings of the Joint Economic Committee that very high interest rates do not reduce inflationary consumer prices, but rather aggravate and increase them. What we referred to 3 years ago as very high interest rates were truly low compared to today.

Consumer credit meanwhile has expanded by 25 percent in those 3 years. In addition to that material from House Report 1411 of the 89th Congress, and two pages of the printed hearings on that legislation. I would like to incorporate in the record at this point several pages of testimony from the hearings of the Subcommittee on Consumer Affairs in 1967 on the Consumer Credit Protection Act, in which I questioned officials of the Office of Emergency Management on the provision which was then included in H.R. 11601, the consumer credit protection bill proposing standby powers to invoke consumer credit controls. This provision was subsequently dropped from H.R. 11601 and did not become part of Public Law 90-321.

This material is terribly relevant and appropriate to this hearing this afternoon. We are in a credit inflation. Consumer credit has expanded by 12 percent in just this past year, and as I said, by 25 percent in 3 years.

EXHIBIT A

EXCERPTS FROM HOUSE REPORT 1411, 89TH CONGRESS, ON H.R. 14025, DEFENSE PRODUCTION ACT EXTENSION, APRIL 2, 1966

The Committee on Banking and Currency, to whom was referred the bill (H.R. 14025) to extend the Defense Production Act of 1950, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass. The amendments are shown in the reported bill.

Summary of the bill, as amended

The bill extends the Defense Production Act of 1950, which otherwise expires on June 30, of this year, to June 30, 1968. This bill amends the act to include discretionary authority for the President to issue regulations to control the extension of consumer credit. It also amends the act to eliminate authorization restrictions on the expenditure of funds in connection with the operations of the Joint Committee on Defense Production.

EXTENSION OF EXISTING AUTHORITY

The continuation of the programs authorized in the Defense Production Act is essential to maintaining a state of preparedness to meet future emergencies. This includes power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans to defense contractors who need working capital or equipment for new defense production; lending and procurement authority which in the past was highly instrumental in bringing about large-scale expansion of productive capacity to meet unanticipated defense demands; authority to enable businessmen to cooperate voluntarily in meeting defense needs, with an exemption from the antitrust laws; authority to employ without compensation and when actually employed employees, including advisers and consultants, with exemption from conflict-of-interest statutes; and provisions for a reserve of trained executives to fill Government positions in time of mobilization. The act also creates the Joint Committee on Defense Production.

Some of these powers are needed to maintain production schedules on missiles and other defense contracts, some are needed for longer range preparedness programs, and other powers must be maintained in readiness for immediate use in possible future emergencies.

* * * * * *

New authority for consumer credit controls

The Need for This Legislation

Consumer credit has a major impact on the national economy. The level of consumer credit now stands at over $85 billion.

In the original Defense Production Act of 1950, authority to control consumer credit was contained in title VI of the act. This authority was allowed to expire in 1953. Your committee felt that under present circumstances, particularly because of economic pressures created to a large extent by our military buildup in Vietnam, it was appropriate to provide the President with the discretionary authority to institute consumer credit controls.

One of the important aspects of any program to provide for adequate productive capacity to support the national defense is to provide for the Nation's economic security and health. Effective authority must thus be given the President to fight inflationary pressures when and if they arise.

Your committee felt that it was extremely important for the President to have a selective such as the authority to control consumer credit, so as to assure that our productive capacity will be available to whatever extent necessary to provide for our national security and defense.

Joint Economic Committee Recommendation

The report of the Joint Economic Committee of March 1966 aptly set forth the justification for granting this authority to the President:

"The use of general interest rate increases to fight inflation is not neutral in its effects on the economy. It tends to fall most heavily on small businessmen and on construction and other long-term investment and is not particularly effective in curbing speculative excesses.

"When businessmen begin to accumulate excess inventory because of anticipated price rises, or to overinvest in plant and equipment, their profit expectations are so high that only very large interest rate increases will deter them. In these sectors of the economy interest rate increases may have an inflationary rather than a deflationary effect. On the other hand, residential construction, which we do not want to discourage, is hit much harder by higher rates.

"This committee believes that it would be preferable to concentrate on a prudent and limited restriction of consumer credit as an alternative to general credit restraint. Consumer credit, we know, is not dependent on interest costs because consumers think primarily in terms of the periodic payment they are required to make and, within broad limits, are not deterred or encouraged by interest rate changes. * * *

"An interest rate increase may actually have an inflationary rather than a deflationary effect in the consumer area. But the size of the downpayment and the extent of the repayment period, on the other hand, do affect the demand for consumer credit since they directly determine the size of the monthly payments. Temporary and limited restraint of this sector will do far less harm than the attempt to restrain inflationary pressures by general interest rate increases which are apt to hurt consumers generally, as well as laborers, farmers, and small businessmen, and to fall most heavily on the lower income groups."

Legal effect of section 3

Section 3 of the bill would add to the Defense Production Act an authority for control of consumer credit similar to that which lapsed on June 30, 1953. As in effect prior to that date, title VI authorized the Federal Reserve Board to control consumer credit pursuant to the terms of Executive Order No.

8843, which in turn had been issued under authority of the Trading With the Enemy Act on August 9, 1941.

Section 3 of the bill would amend the Defense Production Act by adding a new title VI authorizing the President, or any agency to which he might delegate the function, to issue regulations for the control of consumer credit. Section 3 also amends section 717 of the act so that the authority to regulate consumer credit would expire at the same time as the other substantive authority which is being extended by the bill.

As proposed to be added by the pending bill, title VI would consist of four sections. Section 601 contains the substantive grant of regulatory authority, section 602 provides investigatory and enforcement powers, section 603 makes violation of the regulations a misdemeanor, and section 604 confers power on the President to delegate his functions under the act.

Section 601 confers regulatory authority over consumer credit in broad terms. Under it, licensing and reporting requirements could be imposed if deemed necessary for effective administration. Revolving credit plans could be dealt with by setting minimum amounts or rates of repayment of outstanding balances. Authority over the terms of personal property lease and rental agreements was also included, the Federal Reserve having held that it existed under prior law because experience in World War II showed that such agreements could otherwise be employed to circumvent credit controls.

"Wholesale" Consumer Credit Regulation

The bill also confers a new type of authority which may be employed as a first line of defense against overexpansion of consumer credit. This is the authority to control such credit at the "wholesale" level, the advantage of this approach being that it may eliminate the need for regulation of individual credit transactions.

Paragraph (2) of section 601 would deal with intercompany transactions, as, for example, between a bank and a sales finance company. Paragraph (3) would permit controls on the proportion of the assets of a multiline lender, such as a bank, which could be devoted to the extension of consumer credit. It would appear necessary that the intercompany and intracompany controls be employed simultaneously in order to prevent the creation of serious competitive imbalances.

It should be noted that the bill is an authorization only, and does not require the imposition of any type of control. It has been couched in general terms in order to permit the regulations issued in some future emergency, whose exact contours obviously cannot now be foreseen, to be tailored to meet that situation. The alternatives to this generality appear to be either a rigid statutory scheme which in all likelihood would go far beyond the necessities of any particular situation, or on the other hand, controls so limited by their inflexibility that they might easily be circumvented and thus be ineffective to accomplish any purpose.

Enforcement

Section 602 authorizes the same enforcement and investigative powers as are conferred on the Securities and Exchange Commission by section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u). That section authorizes the SEC to issue subpenas and take testimony when conducting investigations. It also authorizes the granting of immunity from prosecution in order to compel self-incriminating testimony. Finally, the section authorizes the SEC to obtain injunctive relief against actual or threatened violations. Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) confers exclusive jurisdiction on the district courts of the United States with respect to violations of the act and rules and regulations thereunder, as well as suits for injunctive or other relief.

Section 603 provides maximum criminal penalties of $5,000 and 1 year's imprisonment for violation of regulations issued under the act.

Delegation of Functions

Plenary powers of delegation are conferred on the President under section 604. It should be noted that under this section, the function of policymaking or issuance of regulations might be delegated to one agency, while the function of administration and enforcement might be delegated to a different agency, or to several agencies on the basis of their existing jurisdiction over various types of institutions. No particular pattern of delegation is prescribed in the section, however, and the foregoing have been given by way of illustrations of possibilities rather than as suggestions of what would or should be done.

* * * * *

Title VI—Control of consumer credit

SEC. 601. To assist in carrying out the objectives of this Act, the President is authorized to issue regulations, which may include definitions of terms used in this title, to control, to such extent as he may deem appropriate—

(1) The extension of consumer credit, by means of any prohibitions restrictions, or requirements relating to—

(A) the amounts in which and the purposes for which credit may be extended to any person,

(B) the maximum maturity or other requirements as to the repayment or liquidation of any extension of consumer credit,

(C) where consumer credit is used for the purchase of identifiable property, maximum loan-to-value ratios,

(D) the terms of any arrangement for the lease or rental of personal property, and

(E) such other elements in any extension of credit as may in his judgment require regulation in order to carry out the purposes of this title.

(2) The extension of credit to finance directly or indirectly the extension of consumer credit. Controls imposed pursuant to this paragraph may be related to the borrower's financial history, or to the lender's other loans and investments, or to such other factors as the President may deem appropriate.

(3) In the case of any lender engaged both in the extension of consumer credit and in other types of financing, the proportion of such lender's assets which may be devoted to the extension of any type of consumer credit.

This section shall not apply to extensions of credit to finance the acquisition of real property.

SEC. 602. The President shall have the same powers with respect to the administration and enforcement of this title and all regulations issued thereunder as are conferred by section 21 of the Securities Exchange Act of 1934 upon the Securities and Exchange Commission with respect to that Act and rules and regulations issued thereunder. The courts of the United States shall have the same jurisdiction with respect to matters arising under this title as is conferred upon such courts by sections 21 and 27 of the Securities Exchange Act of 1934 with respect to matters arising under that Act.

SEC. 603. Whoever willfully violates any provision of this title or any regulation issued thereunder shall be fined not more than $5,000, or imprisoned not more than one year, or both.

SEC. 604. The President may delegate in whole or in part any function conferred upon him by this title to any one or more officers, departments, or agencies of the United States, and may in his discretion confer authority to redelegate any function so delegated.

Supplemental views of the Honorable Leonor K. Sullivan, of Missouri

The committee has taken an important step forward by recommending the restoration to the Defense Production Act of standby authority to regulate the terms of consumer credit in order to combat inflationary pressures resulting from an excessive and unstabilizing use of credit. In agreeing to this recommendation, the committee, I am sure, was not indicating either a need for immediate application of credit controls or a conviction that consumer credit is now being used to excess. However, it is essential in a period of high prices and extremely active business activity, coincident with the demands on our economy created by the fighting in Vietnam, that the President have the power to control consumer credit if that should become necessary.

It has been my feeling for some years that the Defense Production Acts should contain not only this authority but other broad standby powers which were in the act until 1953 in the areas of economic stabilization. This is not to say that wage and price controls are now needed, or desirable. Far from it. As I stated in the hearings, a proposal to impose such controls would probably not receive a single vote in the House of Representatives. While it is impossible to foresee the future, it is unlikely that such controls will become necessary again in this country short of greatly expanded warfare, considering the amazing productive capacity of our economy and its ability to provide all essential needs and limitless luxuries, as well.

It should be noted that we have assigned to the Office of Emergency Planning responsibility on a continuing basis for drafting various plans for the imposition of the kind of controls which might someday become necessary in case of any eventuality up to and including nuclear war. Unfortunately, whenever such controls might become necessary, the Congress would then have to begin to consider the authorizing legislation under the worst possible economic, emotional, and psychological conditions to achieve reasoned judgments and make intelligent decisions.

In my questioning of the Director of the Office of Emergency Planning, in the hearings on the pending extension of the act, I asked if consideration should now be given—in a calm atmosphere—to the enactment of standby stabilization powers over consumer credit and also over wages, prices, and rents, and the rationing of civilian needs, against some future catastrophe. Governor Bryant made clear that the administration is not asking for such powers in any of these fields. I believe, however, that the subject of further standby economic stabilization powers should be pursued in future hearings—making crystal clear that such a study would derive not from today's problem but from a prudent respect for future eventualities or possibilities, however remote at this moment.

LEONOR K. SULLIVAN.

Minority views

In this inflationary period, Congress has three basic courses of action it can take. As anti-inflationary measures it can (1) cut Federal spending, (2) increase Federal taxes, or (3) impose direct controls over the economy. We favor (1) cutting Federal spending. If we are to have (2) increase in Federal taxes, we insist that this must be accompanied by curtailment of Federal spending. We abhor (3) direct controls over the economy.

The provisions in this bill authorizing standby consumer credit controls is the first step in the direction of (3) direct controls over the economy. Is this a precursor to price and wage controls?

Why should the Congress seek to impose spending controls on the consuming public when it refuses to curtail Federal spending itself. The recently passed supplemental appropriation bill included funding of over one-quarter billion dollars of new Federal spending programs.

The administration requested a 4-year extension of the existing authorities of the Defense Production Act which expires on June 30. The committee provided a 2-year extension. We support this action.

The committee on its own added a provision giving the President standby authority for the exercise of consumer credit controls. The administration had not requested such authority. Apparently the position of the administration is that while it is not asking for such authority, it will not oppose the grant of such authority by the Congress.

This standby consumer credit control authority will be put forward as an anti-inflationary measure. It would be such if the authority was used. If the authority is not used it can have the opposite effect. If it is used by the Congress as an excuse for not curtailing Federal expenditure, inflationary pressures will continue to build in our economy. We favor curtailment of unnecessary and nonessential Government spending.

William B. Widnall.
Paul A. Fino.
Florence P. Dwyer.
Seymour Halpern.
James Harvey.
Burt L. Talcott.
Del Clawson.
Albert W. Johnson.
J. William Stanton.

Statement of the Honorable Paul A. Fino

I completely agree with the minority views of the standby credit control amendment, but I have a few additional thoughts of my own.

This proposal for standby controls over consumer credit is a deception. Private credit is not the root of this Nation's inflation problem. The root of that problem is public spending. The responsibility for inflation lies with the administration. There is no reason for the burden of inflation to lie on the people. On the contrary, the burden of inflation should lie hard on administration "Great Society" budgeting—I think we may blame budget expansionism for most of the inflation that is rearing its ugly head.

Standby credit controls are an attempt to use a proposed treatment of a symptom to camouflage a lack of desire to treat the underlying cause of the disease. The administration is fooling the people on what is behind today's inflation.

Today's inflation is a function of budget expansionism, and the latter is a function of the cost of the administration's multiplicity of power-grabbing "aid" programs. If these expansionist programs are cut, the tide of inflation will begin to ebb.

So I believe that budget controls and not consumer credit controls are the real economic need today. This standby credit control amendment is just another attempt to try and convince the American people that the administration is committed to tough measures to curb inflation.

The administration is committed to no such thing. They will do anything to make the budget safe for extravagance.

As far as I am concerned, the last thing we should do is to give the administration more power over the American economy. That is like giving firepower to lawbreakers. That is rewarding economic deception. I believe that deception should be exposed and eliminated. Then I think we might find that inflation—and with it the need for controls—had dropped back a few notches.

Paul A. Fino.

Individual views of Hon. W. E. (Bill) Brock

The Congress should not be in the business of giving the President—any President—sweeping discretionary powers that he has not requested.

In a Congress noted for its lack of initiative on legislative matters, it is ironic that we are once again witnessing an effort by those who are frustrated by the limitations of being members of the President's party in such a Congress.

First, fearing that the war in Vietnam might jeopardize Great Society spending programs, they insisted upon increased excise, personal, and corporate taxes.

Now we see an effort to force upon the President standby credit controls.

The inclusion of this amendment, without any hearings whatsoever,, abundantly proves that its sponsors have finally come around to the conclusion that our economy is in grave danger of suffering the pains of inflation caused by increased defense expenditures coupled with a fantastic binge of new domestic spending programs. I do not quarrel with their prognosis. I do, however, disagree with their treatment.

When the President wants such powers, let him ask for them. If the need is apparent, such powers could be granted by the House and the Senate within a matter of days. After all, the 89th Congress has earned itself a reputation for giving the President everything he has asked for—and then some.

The President has warned business and labor to restrain their capital investments and wage demands.

By use of stockpiles, he has already taken the first steps toward price controls.

By threatening to withhold Federal aid, he has moved in the direction of wage controls.

He has even asked the housewife to substitute ground round for top round.

With two notable exceptions, he has talked sternly to every element of our society on the dangers of inflation. Those who have thus far escaped "the treatment" are the Congress and the executive branch itself.

It's a great game. The President talks to the people. The people express their concern to Congress. The Congress tosses the hot potato back to the President. But nary a word of warning from the President to the Congress.

Nary a word about applying responsible standards of performance to our 500-plus politicians in an election year. If the people are to be called upon to exercise restraint in a difficult time, can we apply another criteria to those of us who represent them—or is a dual standard symbolic of legislative expediency?

I shall not be a party to such a shell game.

Bill Brock.

EXHIBIT B

EXCERPT FROM HEARINGS OF HOUSE COMMITTEE ON BANKING AND CURRENCY, ON EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950, MARCH 29, 1966

Mrs. Sullivan. According to the radio reports this morning, the new Consumer Price Index will be announced today, and it will show a substantial increase for February, just as the wholesale index did, and I am sure we will begin to get requests and suggestions now that we impose some sort of controls on prices and wages.

Let me say now that I do not think such an idea at this time would get a single vote in the House. But that is not my point.

The Office of Emergency Planning is supposed to have been busy, among other things, these past 13 years, in drafting plans and legislation for economic controls if they should ever become necessary.

Have you been doing that work, and, if so, could you tell us something about the way you have gone about this assignment?

Mr. Bryant. I am advised that we have been—this has been done and I would like to ask Mr. Belsley to respond in particular for your information.

Mrs. Sullivan. I would be happy to have him do so.

Mr. Belsley. It has been, as you point out, the responsibility of the Office of Emergency Planning and its predecessor agencies to develop plans with respect to price, wage, and rent controls. This has been done. It is a continuing job. The plans have been made not only for conventional or limited war situations but also for nuclear war situations. I hasten to add, however, that nobody at the present time contemplates, or plans, the imposition of such controls under present conditions.

These direct controls generally are considered to be a last resort action with other steps being taken first, so that while the plans for them have been a regular part of the activities of the Office of Emergency Planning, nobody is waving them aloft or ready to impose them on the American people at the present time.

Mrs. Sullivan. One other question: In your opinion, do you or Governor Bryant think that we need any additional authority under the Defense Production Act at this particular time—and I stress "at this particular time"—to give the President additional powers in the area of price and wage and rent stabilization or rationing or anything of that sort?

Mr. Bryant. We do not have at the present time legislative authority in that field, and there is no thinking in the administration of which I know that we need such authority at this time.

Mrs. Sullivan. You would need additional authority from Congress, of course, in order for the President to have standby powers to impose wage or price controls, so I was wondering if there was any thinking in that direction.

Mr. Bryant. That is right. We do not have the authority to do that, and we would have to have it, but there is no present thinking that I know of to ask for it.

Mrs. Sullivan. Thank you.

Mr. Chairman, I have two additional questions, also on the issue of standby authority, and these relate to authority to regulate installment credit. In order to conserve time, I would like to present these questions in writing to Governor Bryant and have him supply us with the answers, if he would, for the record.

Mr. Bryant. I would be glad to.

Mrs. Sullivan. Thank you.

The Chairman. Without objection, so ordered.

(The questions referred to and Mr. Bryant's reply follow:)

"Questions by Mrs. Sullivan to be answered for the record on standby authority to regulate installment credit

"Question. During World War II, we had a program of credit regulation in operation under the Federal Reserve Board, under a regulation known as regulation W. This required a one-third downpayment on installment purchases, with the term of the contract limited to 18 months, I believe, on some items, and 24 on others. It ended in the late 1940's, and I believe was not used during the Korean war—in fact, I believe the Congress prohibited its use.

"Do we need Federal regulation in this field today—I'm not talking about truth in lending, but regulation of installment terms and conditions so that credit is not used excessively to cause inflation?

"Question. Should we write into the Defense Production Act any standby authority for a new type of regulation W if something like that should become necessary to clamp a lid on excessive use of installment credit in an inflationary situation? I am just asking for an opinion, because I know the President has not recommended any such thing and it is not pending before us. But I think we always want to analyze these things in a calm atmosphere—and not wait for some emergency in order to begin talking about it. So, on that basis, could you give us your opinion on the advisability of standby authority to regulate installment terms as an anti-inflation weapon.

"EXECUTIVE OFFICE OF THE PRESIDENT,
"OFFICE OF EMERGENCY PLANNING,
"Washington, D.C., March 30, 1966.

"Hon. WRIGHT PATMAN,
"Chairman, Banking and Currency Committee,
"House of Representatives, Washington, D.C.

"DEAR MR. CHAIRMAN: During yesterday's hearings regarding the extension of the termination date of the Defense Production Act of 1950, as amended, Mrs. Sullivan and Mr. Reuss raised questions regarding the advisability of amending the act to provide standby authority for regulating consumer credit.

"I have some questions whether selective controls over consumer credit are appropriate to the current economic situation. They could have significant advantages, however, under two types of conditions: when military priorities clearly require a sizable diversion of resources away from consumer uses, or when inflationary pressures are strongly concentrated in consumer durable goods industries. I am not certain that we are at the point where either of these conditions is present.

"These comments do not necessarily imply that it would be undesirable for the President to have standby authority, if Congress wished to place it in his hands, which would enable him to institute such controls if and when they became appropriate. The President has not requested such authority, and I am not proposing it here. Indeed, such a request might have undesirable effects if it was misinterpreted as an indication of some intention to impose consumer credit controls.

"I greatly appreciated having the opportunity of discussing H.R. 14025 with your committee yesterday.

"Sincerely,
"FARRIS BRYANT, *Director.*"

EXHIBIT C

EXCERPT FROM HEARINGS OF SUBCOMMITTEE ON CONSUMER AFFAIRS, HOUSE COMMITTEE ON BANKING AND CURRENCY, ON H.R. 11601, THE CONSUMER CREDIT PROTECTION ACT, AUGUST 17, 1967

Mrs. SULLIVAN. Our next witness this morning is the Director of the Office of Emergency Planning in the Executive Office of the President, former Gov. C. Farris Bryant, of Florida, whose job it is to prepare the plans for the day we hope will never come—when the United States would again be fighting for its survival in a world war.

The legislative authority for most of the planning work done by Governor Bryant's office is the Defense Production Act of 1950—or what is left of it. This legislation comes within the jurisdiction of our committee so we have had the pleasure of having Governor Bryant testify on previous occasions.

Our reason for asking you to appear this morning is to discuss with us the position of the administration on the question of adding to our arsenal of economic defenses, in time of national emergency, the authority to establish limits on the use of extension of credit. War or the threat of war always sets off an inflationary spiral, particularly in civilian goods which would undoubtedly become scarce in time of war, and this affects the entire economy. We had credit controls during World War II, and for part of the Korean war. This committee tried last year to reestablish—not the controls—but the authority for them during a national emergency. However, we were badly beaten on the House floor. One of the reasons we were badly beaten was the charge that we had not held hearings on this issue—that it was added to the bill as an amendment after the hearings ended.

We have provided such standby authority in section 208 of this bill, and now Governor Bryant, we want to go into that with you.

Statement of Hon. Farris Bryant, Director, Office of Emergency Planning; accompanied by Mordecai M. Merker, General Counsel; and Leonard Skubal, Chief, Economic Stabilization Division

Mr. BRYANT. Madam Chairman and members of the Subcommittee on Consumer Affairs, I am pleased to have this opportunity to discuss with you H.R. 11601.

The Office of Emergency Planning is involved in the development of preparedness plans and programs which are intended for use in the event of an extraordinary national emergency situation. Included in such plans is legislation specifically covering consumer credit controls. If such controls become necessary, we would submit draft legislation to the Congress.

We have taken this approach in our planning for two reasons:

(1) If consumer credit controls become necessary, a program administered by the President should have the support of the Congress, and

(2) If consumer credit controls become necessary, legislative support for such a program would have the best chance of enactment at that time.

There appears to be general legislative authority for consumer credit controls in section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b) and 12 U.S.C. 95a). I have discussed that law in some detail in my report to the chairman of the House Committee on Banking and Currency. By citing this authority I do not mean to imply that we would plan to rely upon it without further congressional action. In a most extraordinary emergency situation, however, it could be used.

Accordingly, we do not feel that more standby authority, such as section 208, is needed at this time. If, however, the Congress decides to enact such additional authority at this time, we strongly recommend that no restriction, such as the restriction contained in the last sentence of section 208 with respect to real estate credit, be included in such legislation.

The other provisions of H.R. 11601 which would require full disclosure of credit charges would be in accord with the President's program. Those provisions, however, are not within the responsibility of the Office of Emergency Planning, and I defer to the departments and agencies having a direct interest in the subject matter.

Mrs. SULLIVAN. Thank you, Governor.

I want to make a comment before we begin the questioning. Incidentally if we don't have time to complete the questioning, I have a series of questions I will read into the record for you to answer when you correct your transcript.

Mr. BRYANT. Thank you very much.

Mrs. SULLIVAN. Governor, this committee of the House, more than any other, recognizes the problems of your agency in preparing for eventualities we hope will never occur.

I personally think—and have expressed this on numerous occasions— that we should have on the books all of the necessary authority—standby authority—we would need in a war situation. That include price, wage, salary, and rent stabilization powers, credit control authority, rationing—nobody mentions that word and yet in a war situation it would become instantly essential to have such powers.

Why don't we write these things into law when there is no emergency—when we can look at the problems calmly and with reason without trying to translate national policy during a war emergency into a question of whether controls should help the retailer to get a refund from the wholesaler or the wholesaler from the manufacturer.

The Korean war started on a June day and it was September before the Defense Production Act was enacted. Even then it couldn't be put into operation in major particulars until the following January.

In the meantime, the Consumer Price Index went up 1 percent a month. We are trying to help you do your job for the American people. But there is too much timidity in facing up to these issues until an emergency is actually upon us and then I think it is far too late. This is my speech. But it is something I have believed should be done ever since 1953 when we voted to take the standby economic powers out of the Defense Production Act. That act was passed in 1953 over my nay vote. I have been trying to do something about this issue ever since. I feel very much concerned about it.

With that I will turn the questioning over to the other members until they have exhausted their time.

Mrs. Dwyer?

Mrs. DWYER. I have just one question.

I am happy to welcome you, Governor, to this committee. I might say to the chairman that he is doing an outstanding job as a chairman of the Advisory Commission on Intergovernmental Relations.

My question is, Do you believe, and I don't think you do from your testimony, that consumer credit controls should be in a truth-in-lending bill at this time?

Mr. BRYANT. Really, I would have to say that I do not think that they ought to be in any bill at this time. I would not particularly relate it to truth in lending. It is our position that the development of emergency credit controls is related to the total problem of economic and other emergency controls and ought not to be considered until the shape of the emergency is more easily and completely discernible than it is now.

Mrs. DWYER. Thank you.

Mrs. SULLIVAN. Mr. Bingham?

Mr. BINGHAM. Thank you, Madam Chairman.

I too, would like to welcome Governor Bryant.

I want to compliment him on the work that he is doing. I would just like to ask one question, Governor.

Would you develop a little further the thought contained in your statement that if there is a restriction—that if Congress does decide to enact this emergency authority at this time that you recommend there be no restriction with respect to real estate credit as is now contained in the last sentence of section 208?

Mr. BRYANT. Yes, sir, The problem of credit control is not really a separable problem, and if it is attempted, it ought to be attempted in its broadest aspects, and, therefore, in our planning, we do prepare to submit control measures which would control the entire spectrum of credit including real estate credit.

Mr. BINGHAM. Was real estate credit included in the regular uses during the Korean war, for example?

Mr. BRYANT. Yes, sir.

Mr. BINGHAM. Thank you very much.

Mrs. SULLIVAN. I have a few questions that I would like you to answer now; and then, Governor, if there are others, I will submit them for the record for you to answer in writing.

First, as I understand your position in your recent letter to Chairman Patman, you are claiming that since President Roosevelt on August 9, 1941, 26 years ago, issued Executive Order 8843 establishing regulations over consumer credit on the authority of section 5(b) of the Trading With the Enemy Act, originally enacted in 1917, that the President could still adopt emergency consumer credit controls by Executive order pursuant to section 5(b) of the Trading With the Enemy Act. Is that correct?

Mr. **Bryant**. Yes, madam.

Mrs. **Sullivan**. Could you tell me specifically what provisions of section 5(b) of the Trading With the Enemy Act could be relied on to support consumer credit regulations by Executive order?

I ask this question because the title of section 5 of the Trading With the Enemy Act is "Suspension of Provisions Relating to Ally of Enemy; Regulation of Transaction in Foreign Exchange of Gold and Silver." The annotated code indicates that practically all executive actions taken under this provision have related to foreign trade and exchange matters and not to control of domestic consumer credit.

Mr. **Bryant**. May I refer you, Madam Chairman, to title 12 in the U.S. Code Annotated, section 95(a), subsection (1)(A), in which the President is given authority, "to investigate, regulate, or prohibit transfers of credit or payments between, by or through, or to any banking institution."

I have not given you a total quotation, but that is the essence of the language upon which the authority is predicated.

Mrs. **Sullivan**. I am not a lawyer, so I don't know whether the legal meaning of that section can be stretched to apply it to standby controls or the requiring of a minimum amount to be put down on any item that is to be purchased with credit by the ordinary consumer.

Mr. **Bryant**. Madam Chairman, I have with me today, two persons that I would like to present at this time, one, Mr. Skubal, Chief of the Economic Stabilization Division and Mr. M. M. Merker, who is General Counsel for OEP.

May I ask him to respond more fully to your legal question?

Mr. **Merker**. Madam Chairman, the Executive order which was issued on August 9, 1941, by President Roosevelt specifically relied upon section 5(b) of the act of October 6, 1917, which is the Trading With the Enemy Act.

So, we feel that the precedent of reliance upon that statute at that time would still be available to us today, even though our planning does no contemplate it. We would seek legislation at the appropriate time.

Mrs. **Sullivan**. Of course, at the time President Roosevelt adopted this device in the summer of 1941 we did not have on the books a whole pattern of congressional legislation pertaining to various aspects of emergency regulation of our economy. Since that time Congress has spoken on this subject by enacting several laws including the Defense Production Act, containing legislative authority for consumer credit controls. It seems to me that the administration is on very thin ground in relying on a 1917 law for such executive authority when Congress as recently as 1950 provided such authority in the Defense Production Act and in 1953 deliberately and consciously allowed such authority to lapse.

Don't you think that there was a clear intention here by Congress, at least in a limited emergency situation, that the President should not exercise any such authority without coming to Congress first, as President Truman did in 1950?

Mr. **Merker**. That is why our planning contemplates we would come to Congress. We mentioned it only in connection with the most extraordinary situation which might arise which would be more than a normal limited situation where we could appear before Congress. This authority is still on the books and is still available, but is certainly not the approach that we are taking, as we have indicated.

Mrs. **Sullivan**. As I have said, this is the whole reason why I have been trying to have this issue brought up in a calm situation, when we are not in an emergency.

Certainly, the President, or the Federal Reserve Board, would not use such authority under any except the most urgent circumstances. So the whole problem should be reviewed by Congress now, not when it is necessary, or when we are in a hot war, or in a situation where something legislatively would have to be done quickly, and perhaps too hastily.

As I stated before, the Korean war started in June, but we didn't get this act passed until fall, and most of it couldn't be put into effect until the following January. I can remember very, very clearly what happened to prices at that time. People rushed out to buy things they were afraid would be scarce. There was no regulation as to how much of a down payment they had to make on these things. And we did go into an inflationary spiral.

Mr. **Merker**. The approach we have taken has been the agency's position for about 10 to 12 years, and the reason for that is that at the time we developed this approach, it was felt that if we proceeded for legislation without the relatively immediate need for legislation, that we might have restrictions written into the law, such as the restriction that is in here at the moment concerning real estate credit, and other restrictions which might not give us the generally broad authority which the President ought to have if he is to institute a program of consumer credit controls.

Mrs. **Sullivan**. What would prevent you from sending up a bill and letting us explore it? As I say, things are calm right now. There would be no fear that this power was about to be exercised.

Mr. **Merker**. As I indicated, we felt that was not appropriate because we would not get the kind of bill we would like to submit and like to see enacted.

Mrs. **Sullivan**. Our staff advises me that you have recognized this problem in your own documents that you have prepared. One of the most important documents your agency publishes, called "The National Plan for Emergency Preparedness" states in chapter 13:

"Economic Stabilization: In a limited war mobilization, without attack on the United States, emergency measures would probably be required to stabilize the economy. Fundamental problem would be restraining or controlling the inflation which accelerated mobilization could set in motion, even though inflationary pressures might not be generated by immediate shortages of food and services in the early stages of a limited war the psychological reaction in such a situation could produce inflationary pressures requiring forceful national action."

We could be approaching such a situation in the next months, for all we know. We don't know. Under what authority would the administration provide forceful, national action in the consumer credit area if it did not have standby authority already on the books and did not wish to risk the psychological reaction which would certainly result from a request to Congress for legislative authority under such circumstances?

Mr. **Byrant**. The approach would have to be a much broader economic approach than one relating only to consumer credit. As I indicated a moment ago when the question was whether or not this should be included in truth in lending, I said, in my opinion, it should not be included in any bill until it was approached in its broadest aspects, that is, until you encompass the entire spectrum of inflationary or economic controls. However, we would have no objection to section 208 if the restriction on real estate credit is removed.

Mrs. **Sullivan**. We weren't getting anywhere with this on any other proposed bill, including the Defense Production Act, where it had been before, so we put it in with this bill on consumer credit, where we really think it does belong.

Mr. **Byrant**. I understand that.

Mrs. **Sullivan**. I also notice that "The National Plan for Emergency Preparedness" has a section entitled "Index of Authorities" which is said to be the "principal Federal statutes and Executive orders concerned with emergency preparedness." Under the heading, "Principal Statutes" you list the following laws: The National Security Act of 1947, the Federal Civil Defense Act of 1950, the Defense Production Act of 1950, the Strategic and Critical Materials Stock Piling Act, the Federal Property and Administrative Services Act of 1949, and Reorganization Plan No. 1 of 1958. There is no mention anywhere in that listing of the Trading With the Enemy Act as an authority for the exercise of emergency consumer credit controls or of any other domestic emergency preparedness measure.

If the Trading With the Enemy Act is the authority that the executive branch is relying on to institute emergency consumer credit controls, how can you explain that this is not cited in your list of principal statutory authorities for emergency action?

Mr. **Bryant**. I think even worse than that, I wrote Chairman Patman a letter March 30, 1966, really in response to your inquiries, I think, in which I did not refer to this Trading With the Enemy Act. I can only plead that I had only been abroad for 6 days at that time and I simply failed to give you the full information relative to this matter.

The second response I would give to you, we are not really relying on it. We think that in a real emergency situation it could be used as a basis for credit controls, but we do not propose to rely upon it.

Mrs. **Sullivan**. Let me just cite an illustration of why I am concerned; it is on the record and although it doesn't apply to the issue we are talking about here today, it indicates why I feel we should go into these things candidly.

As you may have heard, I have been at war with the administration for 3 years—but only openly since March—on the negotiations over the Panama Canal. I violently oppose the proposed treaty provisions to turn the authority over the Panama Canal to a country that is politically unstable.

During the past 3 years, when the negotiators have been coming to us in executive session to discuss the issues, I asked them time after time whether the Congress does not have to act as a whole if we are to turn over any property—bought and paid for by the United States—under any treaty. And the answer always was, "No, when we abrogate the treaty and make a new treaty it will only have to be ratified by the U.S. Senate." Now they are finding out they were wrong; yet for 3 years I had been raising the question with them. Whether they thought they had the right answers, or whether they went into it deep enough, I don't know. But I think many of these things need delving into. We are not always right as individuals. Our negotiators, who worked with some very clever people, evidently hadn't done their homework well enough to find out whether or not additional authority would be needed, and absolutely ignored our questions on it and made no further study on it.

I still have my doubts—going back to our own subject right now of standby credit controls in a national emergency—whether you have the authority to do what you would need to do in time of such emergency.

In this connection, the Wall Street Journal ran a very interesting story on June 20, 1967, called "The Emergency Jumble: Presidential Crisis Powers Are Irrational and Full of Gaps." I would like to include this article at this point in the Record. I feel that the administration should devote more time to clarifying for us and for the public the emergency powers that it has or might need on a standby basis—especially in the area of economic stabilization and the control of consumer credit.

That is all I have at this point. If there are additional questions, you can answer them for the record.

Mr. Bryant. Thank you.

(End of Exhibit C.)

(Resumption of questioning of Secretary Kennedy, June 19, 1969.)

Mrs. Sullivan. My next question is this. If we are possibly going to need controls on consumer credit, would it not have been better to have enacted them in a standby form 3 years ago as Mr. Reuss and I had proposed at that time in the Defense Production Act amendments of 1966, or last year in the Consumer Credit Protection Act, when there was no inflationary emergency resulting in an 8½ percent prime interest rate? Isn't it always better to consider these problems in a calm atmosphere rather than under the gun of an emergency, when every businessman then feels he has to raise the prices in order to beat the controls?

I am sure your answer would be yes. For instance, if you were to come in here now to ask for legislation for price and wage controls, which nobody wants to even talk about, we know what would happen immediately to labor contracts and prices during the intervening period before any law was written. Everybody would be demanding a labor rate, or a sales price, high enough to see him through a "freeze" and it would be chaos, just as happened in 1950.

My next question which I would like you to answer for the record, when you go over your transcript is this: If there is more credit demand than there is credit available, as seems now to be the case, how do we assure adequte credit for those things which are socially and politically desirable as matters of public policy, such as housing, education, mass transit, essential defense and civil product, expansion of small business opportunities for minority groups, pollution control, hospitals and so on.

Right now these are the very things being priced out of the credit market. Should we not be assigning some priorities, and how can we do that? If you will answer these questions in writing when you have had time to read over and think about it, I will appreciate it.

Secretary Kennedy. Those are good questions.

Mrs. Sullivan. That is all, Mr. Chairman.

(The questions asked by Mrs. Sullivan with Secretary Kennedy's answers follow:)

Do we need the authority right now to restrict the expansion and volume of consumer credit?

Answer. There does not seem to be any present need for authority to restrict consumer credit. In the absence of any indication that an excessive rate of expansion in consumer credit is causing inflationary pressures, reliance should continue to be placed upon general measures of fiscal and monetary restraint.

Consumer credit did rise by a record $11 billion in 1968 and instalment credit by $9 billion. However, this followed a peak year in 1965 and two years of relatively slow growth in 1966 and 1967. Consumer credit accounted for about 11% of total funds raised by nonfinancial sectors in 1968—a lower proportion than in either 1964 and 1965. In the first four months of this year, the montly average increase of consumer credit has been running about 20% below the average monthly rate during the second half of 1968. Therefore, on the basis of recent trends, the expansion of consumer credit seems to be responding to general measures of credit restraint.

At what point and under what circumstances should the Government of the United States have the power to ration consumer credit for non-essentials?

Answer. The power to ration consumer credit—along with comparable authority in other credit areas—would be useful in an inflationary situation which could not be dealt with by general fiscal and monetary restraint. Past experience suggests that selective credit controls may be useful during wartime or periods of very rapid defense buildup. Resources then need to be shifted on a sizable scale from the nondefense to the defense sector, and credit controls may assist the process.

It is also conceivable that credit controls might be needed even in the absence of a rapid defense buildup. If inflation threatened to get entirely out of control and if general measures of restraint could not be applied on a sufficient scale, there might be little choice but to use a comprehensive set of selective restraints temporarily. It should be emphasized that no such situation is currently in prospect.

It is sometimes suggested that special legislative authority should be sought with the actual credit controls placed on a standby basis. An objection to this procedure is that is may create a widespread expectation that controls would be applied in the near future. This could have a seriously adverse effect on the success of general measures to control inflation.

How do we assure adequate credit for those things which are socially and politically desirable as public policy?

Answer. There is no question that many socially desirable projects are being priced out of the credit market because of the current high level of interest rates. As I have already stated, the basic explanation for the general level of interest rates lies in the current strong demand for credit, excessive inflation, and heavy reliance on monetary policy. Thus, in order to assure adequate credit for housing, small business, and local public facilities it is essential to enact the surcharge extension and other fiscal measures, proposed by this Administration which would help to moderate credit demands, control inflation, and reduce reliance on monetary policy.

Another approach to meeting special credit needs—which I would not recommend—would be through new and expanded programs of direct Federal credit assistance in each area unable to compete for credit under current conditions. This approach would add further to overall credit demands and inflationary pressures and would place an even greater burden on monetary policy—thus leading to a further escalation of interest rates. Moreover, the end result of this cycle would be that virtually all of the credit needs in areas unable to compete in the market would be met by Government agencies rather than by the traditional private financial institutions, thus undermining the private credit system and leading to greatly increased dependence on direct Government aid. Clearly, the preferable course is to attack the basic problem of execessive demand through the enactment of the surtax extension and other essential fiscal policy measures which will help to assure a return to more normal credit conditions.

VIEWS OF FEDERAL RESERVE CHAIRMAN MARTIN ON CONSUMER CREDIT CONTROLS AND POSSIBLE CONTROL OVER COMMERCIAL PAPER

Also during those hearings, Mr. Speaker, the Honorable William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, gave thoughtful answers to some of the questions I raised to him on consumer credit controls and also the control of commercial paper and other business credit, as follows:

Excerpt From Hearings of House Committee on Banking and Currency, Investigation of Increase in Prime Interest Rate, June 30, 1969

Chairman Patman. Mrs. Sullivan.

Mrs. Sullivan. Thank you, Mr. Chairman. Mr. Martin, before questioning you on the matter before this committee I want to take this opportunity to express once again my gratitude to the Federal Reserve for the truly outstanding job your agency has done in carrying out your responsibility under the Truth in Lending Act which goes into effect tomorrow. I told your Vice Chairman, Mr. Robertson, that I was going to make sure that Chairman Patman knew about this instance, in which the Federal Reserve has demonstrated its great ability to serve as a consumer agency in the Government.

Mr. Martin. Mrs. Sullivan, I want to say that Governor Robertson deserves the major credit for this, that he has worked like a slave on it, and I think he has been very effective. He had offered to come up, you know, when I was away to testify at this hearing, and he would have been in a better position that I to comment on truth in lending.

Mrs. Sullivan. Thank you. Mr. Martin, along those lines of the Federal Reserve's responsibilities to consumers, do you think the time has arrived when we need the authority to place controls on the expansion of consumer credit? I asked the Secretary of the Treasury, Mr. Kennedy, the same question, and he said it should be directed to you.

Mr. Martin. Mrs. Sullivan, as I testified some time ago, I think it would have been desirable or would be desirable for us to have this authority on a standby basis. We have to weigh all the other factors when we initiate it. As you know, regulation W was taken away from us, and we have advocated on a number of occasions that we have the standby authority, and it has been denied us, so we have no authority to operate there. I think in a period like this, it would be very desirable for us to have standby authority.

Mrs. Sullivan. Back in 1966, I believe, Congressman Reuss and I had an amendment to the Defense Production Act.

Mr. Martin. Right.

Mrs. Sullivan. To give standby credit controls to the President. This was when we did not need it, when we could have done it in a calm atmosphere.

Mr. Martin. Right.

Mrs. Sullivan. But we did not get too many takers on that.

Mr. Martin. No, and after a long colloquy with Congressman Reuss at that time I gave him an affirmative answer.

Mrs. Sullivan. Thank you, Mr. Martin, I believe I was one of the first, during this series of hearings, to raise the question on commercial paper, because I happened to feel that it is very important, and you and others have spoken of the growth of commercial paper. It has increased far beyond any other financial instrument in our monetary system.

Mr. Martin. Right.

Mrs. Sullivan. At the end of April total commercial paper outstanding totalled more than $24.4 billion, up $709 million from the previous month alone, and up $6.9 billion from the level of the preceding year, and the total amount of outstanding commercial paper almost equals the amount of total reserves held by member Federal Reserve banks. Of course, commercial paper is not in any way regulated by our monetary authorities.

Commercial paper, as we know, is exempt from any registration requirements of the Securities and Exchange Act of 1933, so it seems to me that we have here a glaring gap in our monetary system over which the Federal Reserve has no control.

My question is: Do you think it is about time that some form of control be exerted over that fast-growing financial tool that is fueling the fires of this inflationary period?

Mr. MARTIN. I think that is a good question, Mrs. Sullivan, and I think it is one that we ought to study very carefully. As you know, I am not anxious to have any more controls. They are difficult to administer. We have been particularly concerned about affiliates of banks issuing commercial paper, but we have been studying this and we find that the commercial paper issued by affiliates of banks is still well under $1 billion. We are examining our legal authority now as to whether we have the power to regulate it and if so, whether we should. It is in the same situation I think that time deposits are. I think we may come to the conclusion, after we have studied it further that this is something that we ought to consider regulating, not just let it develop as it has been developing.

Mrs. SULLIVAN. Mr. Martin, no one questions that the great impact of this prime rate will be another slowdown in an already depressed housing market, and once again I point out that this committee has given the Federal Reserve the authority to purchase housing paper in the open market, in order to push more funds into this sector. Will you use this authority for bringing the housing market back up?

Mr. MARTIN. Mrs. Sullivan, this is one of the most difficult things that we have, and it is particularly difficult to implement in a period of tight money. I have testified repeatedly and did categorically with Congressman Reuss and also on the Senate side that I do not think that it is proper to use the central bank to subsidize housing or any other sector of the economy. However, I see no harm in our going into the market for agency issues and trying to improve that market, but if we try to do it, we ought to know what we are doing.

We have had three meetings of our Federal Open Market Committee on this. There is an enormous increase in agency loan activity generally, and all of these agencies would like us to buy some of their issues. In other words, in fiscal 1970 we are going to have an increase of $21 billion in agency sponsored and guaranteed loans against about $13 billion in fiscal 1969. This is an enormous increase, and there is a prospective proliferation of issues.

At the present time we are not buying wholesale in the market anyhow. We are following a restrictive monetary policy. As a market man I have some questions about how effective this sort of intervention is. We have not made up our minds yet whether we are going to make some purchases or not, we are still working on it. We will have no trouble acquiring them, but whether we will ever be able to sell them or not is another thing.

Mrs. SULLIVAN. We have also been discussing this, Mr. Martin, in our National Commission on Mortgage Interest Rates.

Mr. MARTIN. Right.

Mrs. SULLIVAN. How do we get more mortgage money into the market? This was one of the suggestions.

I know my time is up but I want to put a question to you. And in line with what I just mentioned, about this commercial paper, I would like you to think of this, too. The U.S. Savings & Loan League has conducted a survey showing that low-priced homes, those offered for sale at $12,500, declined 70 percent between 1965 and 1968, and during this same period homes costing $30,000 or more had a production increase of 53 percent, and production of apartment houses expanded to a point where they represent 40 percent of the new housing starts. Do you think there is any connection between this drastic curtailment of low-cost housing, prime rate increases, and the increases in mortgage interest rates which follow? When you get your copy of the transcript, if you will——

Chairman PATMAN. You may answer it in your transcript.

Mr. MARTIN. Yes, I will be glad to but let me just say this is a clear evidence of inflation, what you are pointing up, and this is the overall thing we have got to deal with. I agree with you.

(The information requested follows:)

We believe that the connection between changes in sales of new low-cost housing and rising costs of credit over recent years have been relatively minor. Housing price, cost, and demand developments appear to have been the principal factors influencing the mix of new housing construction over this period.

The curtailment in conventionally-built low-cost housing was accompanied by sharp growth in output of mobile homes between 1965 and 1968. And these mobile homes were purchased with short-term financing at interest costs substantially higher than average rates charged on mortgage credit. Meanwhile, inflation in building costs continued in new conventionally-built homes helping to account for the reduced sales of low-priced dwellings and expanded sales of high-priced units. A substantial proportion of the rise in average house prices, however, reflected upgraded dwelling amenities at a time when consumer incomes increased further and demands for housing strengthened.

Mobile homes.—A striking development in the housing market during recent years has been the growing output of mobile homes. Although these units are arbitrarily excluded from most house-sales statistics, they represent an increasingly important source of new low-priced shelter. Nearly all mobile homes sell for substantially less than $12,500, excluding land but including furniture.

Shipments of new mobile homes expanded between 1965 and 1968 by almost one-half, as shown in the accompaning table. The enlarged production of this type of residential accommodation more than offset the considerable drop in sales of new conventionally-built homes priced under $12,500. As a result, the availability to homeowners of new low-priced shelter of both types increased by one-fourth, as measured by official statistics on unit sales and shipments.

Occupancy of the expanded volume of new mobile homes was financed short-term, at costs considerably exceeding charges typically associated with long-term mortgage credit. A recent HUD study, in fact, suggests that buyers who purchased new mobile homes between late 1965 and late 1968 paid true interest rates that were at least 1½ times the average rates being charged at the time on mortgages secured by conventional new homes. ("Housing Surveys," Part 2 [1968] p. 80.) Despite these high interest costs, further growth in the output of mobile homes has continued to augment the supply of new low-priced housing so far this year.

Amenities.—In line with a trend extending for many years, buyers have recently been purchasing new conventionally-built homes offering more and/or better amenities, during a period when consumer incomes and living standards have generally risen sharply further. This upgrading has accounted, in turn, for part of the market decline in sales of new low-priced homes lacking many of the quality features demanded by conventional homeowners. Upgrading has also accounted for part of the increase in sales of the highest-priced new dwellings incorporating the latest features.

While no information is available by price classes, upgrading is clearly revealed in the official sales statistics for all types of new conventionally-built homes. According to the Census Bureau's new-home sales series, the average sales price of conventionally-built homes sold between 1965 and 1968 rose about 23 per cent. As much as two-fifths of this over-all rise reflected a shift to larger houses with more and/or better equipment.

Physical costs.—Demand for housing has strengthened considerably since 1965, as reflected partly by the drop in residential vacancy rates to unusually low levels. Under these conditions, developers of conventionally built homes have been in a strategic position to pass on to buyers the sharp increases that have emerged in costs of both land and building. This is another reason why output of conventional housing in the lowest price brackets has dwindled. It also helps to explain why more buyers, as noted above, have turned to low-priced mobile homes which incorporate economics of development that are difficult to achieve in conventional homebuilding.

Physical costs of conventionally-built 1-family homes have increased considerably between 1965 and 1968. An average rise of nearly 19 per cent is suggested by the widely-cited index of construction costs published by E. H. Boeckh & Associates. Land costs, many observers believe, have risen even more sharply. These costs together ordinarily account for the vast majority of total development costs.

NEW HOUSING ACCOMMODATIONS FOR OWNER OCCUPANCY

[In thousands of units]

	Priced under $12,500			Priced at $30,000 and over—
	Sales of conventionally built 1-family homes	Shipments of mobile homes	Total	Sales of conventionally built 1-family homes
1965	51	216	267	74
1968	14	318	332	141
Increase, 1965-68	−37	102	75	67
Percent increase, 1965-68	−73	47	24	91

Source: U.S. Census Bureau, for sales; Mobile Homes Manufactures Association, for domestic shipments which include a few homes priced at $12,500 or more. Very few new mobile homes are believed to be sold for rental.

Financing costs.—The uptrend in costs of all types of credit since 1965 has been reflected in higher interests rates for housing finance as well. But the increase in housing finance costs appears to have accounted for only a minor part of the decline in sales of conventionally-built low-priced 1-family homes between 1965 and 1968, and for only a minor part of the increased sales of high-priced homes of this kind.

No official information is available about recent trends in costs of funds to finance construction of small homes in given price brackets. As a rough estimate, it seems reasonable to assume that these costs generally rose on the order of 50 per cent between 1965 and 1968—about in line with the relative increase in the bank prime rate. Even so, costs of construction funds generally account for an average of no more than 5 per cent of the sales prices of 1-family houses, according to a recent report by the National Commission on Urban Problems. Thus an increase of about 50 per cent in costs of construction funds during the period in question—if passed on fully to buyers—would have been reflected in about a 2½ per cent increase in final prices.

Interest rates on funds to finance long-term owner occupancy apparently rose less between 1965 and 1968 than costs of short-term construction funds. These owner-occupancy financing costs, of course, are not ordinarily reflected directly in the sales price of new homes, except in cases when builders may capitalize mortgage discounts. Nevertheless, costs of financing occupancy have undoubtedly had some influence on buyer decisions to acquire new 1-family homes in various price brackets.

Although average interest rates on conventional first mortgages on new houses increased from about 5¾ per cent in 1965 to nearly 7 per cent in 1968, average maturities on these loans remained close to 25 years, according to the Federal Home Loan Bank Board series. Thus equal monthly payments toward principal and interest necessary to fully amortize a loan of $1,000 increased, on the average from about $6.29 in 1965 to about $7.07 in 1968, or by an eighth. The impact on effective occupancy costs, however, was a good deal smaller. For one thing, debt service payments account for only a part of total annual housing expenses. Also, interest on borrowed funds may be itemized as a deduction for income tax purposes.

VIEWS OF DAVID ROCKEFELLER OF CHASE MANHATTAN BANK

Mr. Speaker, as part of the documentation of this issue of Federal regulation of inflationary extensions of credit in business as well as to consumers, I submit the portion of our prime rate hearings which included my questioning of David Rockefeller, chairman of the board of the Chase Manhattan Bank, and his answers, as follows:

EXCERPTS FROM THE HEARINGS OF THE HOUSE COMMITTEE ON BANKING AND CURRENCY, INVESTIGATION OF INCREASE IN PRIME INTEREST RATE, JUNE 23, 1969

Chairman PATMAN. Mrs. Sullivan.

Mrs. SULLIVAN. Thank you, Mr. Chairman.

Mr. Rockefeller, I am sure you are aware that the growth of commercial paper has increased far more than any other financial instrument in our monetary system. At the end of April I read that the total commercial paper outstanding totaled more than $24.4 billion, up $709 million from the previous month alone, and up $6.9 billion from the level of the preceding year. The total amount of outstanding commercial paper almost eqauls the amount of total reserves held by the member Federal Reserve banks.

And, of course, commercial paper is not in any way regulated by our monetary authorities.

Commercial paper is exempt from registration requirements of the Securities and Exchange Act of 1933. So it seems to me that we have here a glaring gap in our monetary system over which the Federal Reserve has no control.

(Mrs. Sullivan submitted the following article from the New York Times for inclusion in the record at this point:)

[From the New York Times, June 22, 1969]

CORPORATIONS ARE FLOODING MONEY MARKET WITH IOU'S

(By H. Erich Heinemann)

Robert G. Wilson, a 35-year-old partner of Goldman, Sachs & Co., raised $40-billion for American industry last year, and he should do substantially more than that in 1969. Sound incredible? Perhaps. But it's true.

Mr. Wilson is head of the commercial paper department at Goldman, a prestigious member firm of the New York Stock Exchange that is the oldest and by far the largest of the half dozen or so concerns that buy unsecured corporate I.O.U.'s and resell them to investors.

Commercial paper is one of the oldest forms of investment in the United States; a commercial paper rate was quoted in New York City as far back as 1837.

Some Basic Changes

But in the crucible of the money crisis in 1969, the commercial paper market has assumed new importance. It has grown tremendously in size, thereby absorbing some of the stress created by the Federal Reserve System's massive squeeze on credit. But in the process it has created new problems of its own, whose resolution is not yet clear.

And perhaps still more important, basic structural changes have occurred in the commercial paper market that promise to persist long after the money markets begin to return to normal.

At the end of April, the most recent date for which figures are available, commercial paper outstanding totaled more than $24.4-billion up $709-million in the month, and up $6.9-billion from the level a year earlier.

Not only is the size of the market increasing by leaps and bounds, but also new borrowers—some of which are household names in industry—have been coming into the market in droves.

Allied Chemical, the Standard Oil Company of Indiana, Standard Brands, Con Edison, Weyerhaeuser, and Babcock & Wilcox are just a few of the well-known companies whose names are turning up in the market for the first time.

But for the commercial paper dealers, this has been a period of profitless prosperity. The cost of financing inventories of unsold paper is sky high, which more than eats up the paper-thin margins on which the commercial paper dealers are forced to operate.

More seriously, analysts are focusing on the paper market as a potential trouble spot in the credit crunch. The huge expansion of the market has absorbed loan demand that the banking system could not handle.

But no one can be certain of the size or permanence of the pool of funds that the commercial paper market has tapped. Many bankers are apprehensive that, should there be a contraction in the availability of funds for commercial paper, this could reflect massive credit demands back into the banks—demands that already over-loaned commercial banks could not possibly accommodate.

Dealers Confident

This has not happened yet. The major dealers in commercial paper are confident that it will not happen. But the worry remains.

Part of the problem lies in the fact that there are so few dealers in the market. Besides Goldman, which says it issues about half of the paper sold through dealers, there is A. G. Becker & Co., an old line Chicago concern that has long been in the market; Salomon Brothers and Hutzler, one of the leading dealers in all types of short-term securities; Lehman Commercial Paper, Inc., which was started in 1963 by Lewis L. Glucksman, who formerly ran Becker's paper department; the First Boston Corporation, one of the nation's leading investment bankers, which came into the paper market last year; and the "Thundering Herd," Merrill Lynch, Pierce, Fenner & Smith, the nation's largest brokerage house, which in terms of commercial paper is the newest and smallest member of the market.

Other commercial paper dealers include the Nuveen Corporation, which last year acquired Ashwell & Co., an old-line Chicago paper house, and Piper, Jaffray and Hopwood, a leading Minneapolis brokerage house.

There is a broad division in the commercial paper market—between the dealer market—where these firms operate—and the "direct" market, where a group of 27 major finance companies—of which the General Motors Acceptance Corporation by far the largest—sell their notes directly to investors.

In years gone by the direct sellers dominated commercial paper in the volume of their outstanding debt, and in the dynamism of its growth. But this has changed this year. On April 30, directly placed paper was $14.3-billion, up about 7½ percent in the first four months. Dealer placed paper, on the other hand, was $10.1-billion, up 40 percent in the same time period.

Quite clearly, most of the tremendous growth in commercial paper activity this year has been in dealer paper, and very few firms have had to handle the volume.

In its operation, the commercial paper market is simplicity itself. The borrowing company simply makes out an unconditional promise to pay a sum of money on a fixed day in the future and then sells the note at a discount from its face value. The difference between the sale price and the face value represents the interest yield to the investor.

Denominations large

Under the rules of the Securities and Exchange Commission, commercial paper is exempt from the registration requirements of the Securities Act of 1933, provided two requirements are met—that it not have a maturity of more than 270 days, and that the proceeds from the borrowing are used for "current transactions," and not as a substitute for long-term financing.

Years ago, it was possible for the individual investor to dabble in commercial paper.

Some firms sold notes in denominations as small as $5,000. Today, however, this is largely a thing of the past. The minimum denomination these days is generally $100,000, and some dealers say they like to work in nice "round lots" of $1-million.

Naturally, in a market as fluid and informal as this, only the biggest companies with the best credit ratings have much chance of getting funds.

The basic screening is done by the National Credit Office, a subsidiary of Dun & Bradstreet, which provides credit ratings for commercial paper borrowers. There are five different rating categories—ranging from "prime" to "not-recommended"—but in the current tight market it is very hard for any but the "prime" rated names to get much money.

This has become especially true following the collapse this year of the Mill Factors Corporation (which had been rated "desirable," the No. 2 rating) which has defaulted on some $7-million of outstanding paper. The commercial paper holders are hoping, in time, to collect about 65 cents on the dollar from Mill Factors.

In all, the National Credit Office has rated about 500 companies, and there are another 125 or so concerns active as sellers of paper that believe that their credit ratings are sufficiently strong that they can get along without the N. C. O. seal of approval, which costs $300.

Though companies that are active commercial paper borrowers cover a cross section of American business, the makeup of the market has been changing rapidly.

While finance companies still account for well over half of total commercial paper outstanding, they no longer dominate the market the way they did in the 1950's, when, according to some estimates, they accounted for almost 90 per cent of all paper—both dealer and direct.

Electric utilities, telephone companies, industrial concerns, and—perhaps most importantly—bank holding companies have been rushing in to tap this pool of liquidity.

No accurate satistics are available, but some dealers estimate that total bank paper has grown from practically nothing at the beginning of the year to several billion dollars at present, including various exotic new types of paper that are probably not fully reflected in the traditional commercial paper figures.

Agencies involved

Several Government or quasi-government agencies—the Export-Import Bank and the Federal National Mortgage Association are two examples—have tapped the paper marmarket, as have the New York State savings banks, through the Savings Banks Trust Company.

Then, too, the First Boston Corporation is working on a still-tentative plan to create commercial paper for the credit union movement that would allow the nation's 23,000 credit unions—most of which are very small to meet their liquidity needs in the central money market.

First Boston has also been a leader in creating new types of money market instruments for the banks—for example, "documented discount notes" and "loan participation certificates." In the former case, a major bank puts its guarantee on the note of one of its smaller, lesser known customers, which has the effect of giving the company access to the central money market.

Just as the issuers of commercial paper have changed, so, too have the buyers. In the 1920's, banks were the principal buyers; today very few banks buy paper, and those that do are generally very small. Ten years ago corporate treasurers represented an important source of demand; today, while they are still in the market, the corporations are much more likely to be sellers than buyers.

Nonbank financial institutions—mutual funds, savings banks, insurance companies, private pension funds, and state and local retirement funds—are the big buyers in the 1969 market. Indeed, as the stock market has slumped this year, the mutual funds have shortened their sails and poured substantial amounts of money into commercial paper.

In effect, this is a second banking system, entirely outside the banking structure. Most of the time, bankers complain about commercial paper. This year, they are kind of glad it is there.

As the competition for funds has mounted, so, too, quite naturally, have interest rates. Where once it was considered natural for commercial paper to yield, say, one-quarter of a percentage point more than United States Treasury bills, lately this spread has been close to 2 points on occasion.

Late last week commercial paper was being offered to investors to yields anywhere from 8⅜ percent to 8¾ percent, depending on the credit rating of the borrowers. Typically, the dealers try to operate on a "spread" of an eighth of a point, buying paper, at, say 8½ percent, and selling it at 8⅜ percent.

For smaller issues, this spread may be a quarter point, while Merrill Lynch has been quoting a three-eighths of a point spread on very short maturities of paper in order to recoup some of its cost of financing its inventory of paper.

Commercial paper dealers are subject to the same interest rate at New York banks that is applied to Government bond dealers, which averaged 9.2 percent in the week ended Wednesday. But the dealers have been avoiding this "penalty" rate in part at least by going to corporate treasurers who are willing to buy the paper subject to an agreement from the dealer to buy it back on a fixed date in the future.

A high yield

The rates in this "repro" market, while still high, have been well under the dealer loan rates posted by the major banks.

For the more permanent investor, commercial paper has the advantage of generally offering one of the highest—if not the highest—rates of return in the money market, with (Mill Factors to the contrary notwithstanding) very low risk.

Indeed, Salomon Brothers, which prides itself on its ability to trade money-market instruments in volume, considers commercial paper no different from the many other short-term instruments that it offers to its clients.

"We're trying to run a Tiffany operation here," says William E. Simon, partner of the firm. Salomon Brothers has fewer than 35 issuing companies, Mr. Simon explained, but they have unquestioned credit, and they are borrowers in size so that the firm has good selection of paper for sale.

On the other hand, David L. Rosenau, who is masterminding Merrill Lynch's entry into the market, is concentrating on developing a market for commercial paper among the thousands of small- and medium-size businesses that Merrill can reach through its vast network of branch offices all over the country.

"When we build the demand," Mr. Rosenau said recently, "we won't have any trouble getting the inventory we need."

(Resumption of questioning of Mr. David Rockefeller, June 23, 1969):

Mrs. Sullivan. My question to you is: Don't you think it is about time some form of control be exerted over this fast growing financing tool that is fueling the fires of this inflationary period?

Mr. Rockefeller. You are certainly right, Mrs. Sullivan, that it has grown at an extraordinary pace, and has suddenly become a major factor in caring for the needs of business. And you certainly also are right that there is an absence of the same degree of control that there is in commercial banking.

So perhaps an investigation of the subject would be useful, although I have no reason to feel that there are any abuses in the commercial paper market today.

Mrs. Sullivan. No, it is just allowed to grow.

Mr. Rockefeller. But it has grown rapidly, and perhaps it would be useful to review it and see whether there are additional controls or regulations which ought to be imposed. I would be more enthusiastic about studying that than studying paying interest on demand deposits I think, Mrs. Sullivan.

Mrs. Sullivan. I am not going to have time for a full discussion on this, but I am going to ask you too, Mr. Klaman, if you will comment on this point also—not now, but for the record. I want it in the record, and I feel that we should have it, but I want to ask some other questions now that I think are necessary. Ultimately the full impact of all this inflation and high interest rates affects the little fellow, especially the fellow who is trying to buy his house, and the necessities for a house. He is the one paying in the long run for inflated prices.

Mr. Rockefeller, in your statement you indicate that the rates charged by the Chase Manhattan on small business, consumer installments and home mortgage loans have not increased. You also indicate that the volume of funds devoted to the home mortgage market has not been affected. But isn't it a fact that the so-called consumer loans—such things as automobile loans—are already substantially above the 8½ percent rate?

Mr. Rockefeller. That is correct.

Mrs. Sullivan. And what is the real or effective annual interest rate on consumer loans charged by Chase Manhattan?

Mr. Rockefeller. Approximately 12 percent.

Mrs. Sullivan. And on the housing mortgages, isn't it true that you are not raising these rates simply because State law will not allow it?

Mr. Rockefeller. As I indicated in my testimony, there is such a State law, and therefore we don't have the alternative. What the rate would be were there not such a law it is hard to try to anticipate, because we are not faced with that situation, but as of now it is the law that determines the rate.

Mrs. Sullivan. What are you charging now on a housing loan, and how many points are you charging?

Mr. Rockefeller. May I ask Mr. Roeder, who handles this particular field, to give you that.

Mr. Roeder. Our interest rate on residential mortgage loans, Mrs. Sullivan, is 7½ percent. We charge no points. And I think it might be interesting to the committee that in our residential mortgage program, the borrower is permitted to prepay without penalty at any time, so that if the interest rate structure goes down, if the individual chooses to prepay his 7½ percent loan, and refinance it at a lower rate elsewhere, he is in a position to do so. There is no penalty.

Mrs. Sullivan. That is good to hear. Do you make any loans under FHA or VA programs, and if so, how many points are you charging on these in addition to the interest rate?

Mr. Roeder. We make relatively few, Mrs. Sullivan. Our emphasis has been on originating residential mortgage loans through our very extensive branch system. We have some 150 branches. The majority of those branches are located in the smaller communities, in Queens, in Brooklyn, in the Bronx, in Staten Island, Nassau, and Westchester Counties.

Our effort is to generate mortgages there from the people who live in the vicinity of our branches. We feel we should be serving the New York area, so that the number of VA and FHA mortgages that we have made may have been small but again we do not charge points, Mrs. Sullivan.

Mrs. Sullivan. Yes. And can you tell me what is the price range, and if you can't tell me now if you can supply it, what is the price range of most of the housing that you are financing?

Mr. Roeder. I would have a difficult time answering that question offhand, Mrs. Sullivan. We do put a limit on the dollar amount. In other words, we tell our branches the manner in which they are to solicit mortgage loans and give them the forms. We emphasize to them that our effort is to keep each individual loan down. My recollection is at this point that we have said we prefer not to have mortgages in excess of $45,000, again the idea being that we are not anxious to finance a $100,000 house that someone is buying. We would rather finance the customer of our branch who is dealing with it and who hopefully keeps a safe deposit box or uses some other banking services in the area.

Mrs. Sullivan. This is what we would like to know. If you could look further into it and then correct the information when you get your transcript, I would appreciate it.

Mr. Rockefeller. May I say one more word, please, Mrs. Sullivan?

Mrs. Sullivan. Yes, sir.

Mr. Rockefeller. You made a point which I think is a perfectly valid one. High interest rates tend to hurt the small man and the small business perhaps even more than the large business. I think this is probably so.

I would like to stress that I think it is inflation which hurts the small man and the small business, and that interest rates are a product of that inflation. I think that this is an important point to make, because the implication of putting it the other way around is that the banks are raising interest rates out of malice, and are hurting small people out of their own desire. This is certainly not true.

Mrs. Sullivan. That is right. I realize that. It is just that the increased interest rate is going to spread it out again over the cost of whatever they are buying.

There is just one other thing, and you may not be able to give me this offhand. However, you could give it to us after you look over your transcript. Can you tell me how much at this time out of your total loans, what percent by type has been made for residential mortgage, for small business, and for consumer installment loans, and then also indicate whether or not the percentages of these loans to total loans have increased since the first of the year?

Mr. Rockefeller. The categories you speak of amount to about 14 percent of our commercial and industrial loans. We have total mortgage loans of around $1,100 million. But the breakdown of loans I don't have at my fingertips.

Mrs. Sullivan. I think you could supply that more easily at a later date.

Mr. Rockefeller. All right, we will be glad to see what we can put together for you on that.

Mrs. Sullivan. Thank you, and Mr. Chairman, I would like to have put in the record at the point of my first question to Mr. Rockefeller a clipping I have from the New York Times of June 22, 1969, entitled "Corporations Are Flooding Money Market With IOU's."

Chairman Patman. Without objection, it is so ordered.

(The information requested from Mr. Rockefeller pertaining to categories of loans by the Chase Manhattan Bank since the first of the year follows:)

"Our installment credit division loans up to $50,000 per loan and our cash reserve and credit card loans on May 31, 1969 were approximately 5.9% of our total commercial and industrial loans on that date as compared with approximately 4.6% of our total commercial and industrial loans on December 31, 1968, at which time we had not entered the credit card field. Other loans to individuals, corporations and partnerships (~~other than~~ money market loans and loans ~~made by~~ our International Department) in amounts up to $50,000 per loan were approximately 2.4% of our total commercial and industrial loans on May 31, 1969 as compared with 2.2% of our total commercial and industrial loans on December 31, 1968. Our residential mortgage loans were approximately 8.2% of our total commercial and industrial loans on May 31, 1969 as well as on December 31, 1968. Loans in all of these categories increased in relation to total commercial and industrial loans from approximately 15% on December 31, 1968 to approximately 16.5% on May 31, 1969.

"We have not compiled statistics showing the prices of all houses we have financed but on May 31, 1969 we had outstanding approximately 33,210 residential mortgage loans aggregating approximately $509,680,000 or an average of approximately 15,345 per loan."

Mrs. Sullivan. One other question I would like to ask Mr. Rogg. Does your association support the Teague bill to use veteran's insurance reserves for housing loans?

Mr. Rogg. We certainly do. That is H.R. 9476. We think this is not only a valid use of those funds to aid veterans to obtain housing, but we think it might be a breakthrough in having the Federal Government take the leadership in using funds of this kind for this important purpose.

Mrs. Sullivan. One last question, then. Would you also use other Federal trust funds for home mortgage loans?

Mr. Rogg. We would so recommend.

Mrs. Sullivan. Thank you.

Mr. Rogg. And would so recommend in the area of pension funds.

PRESS RELEASE ON CREDIT CONTROL ACT

Finally, Mr. Speaker, I submit the press release I issued today in announcing the introduction of my bill on standby consumer and business credit controls, as follows:

[For immediate release, Monday, Nov. 24, 1969, from the office of Representative Leonor K. Sullivan, 2221 Rayburn House Office Building, Washington, D.C. 20515, Telephone: 225–2671]

Mrs. Sullivan Introduces Bill for Standby Powers To Regulate All Forms of Credit, Including Business Credit

Within hours after Secretary of the Treasury David M. Kennedy was quoted as believing standby controls over consumer credit "may be necessary", Congresswoman Leonor K. Sullivan (D–Mo.) today introduced a bill to authorize the President to order the regulation not only of consumer credit terms but of all business credit, too, including so-called commercial paper.

The regulatory powers could be exercised only after the President made a finding that they were needed "to prevent or control inflation generated by the extension of credit in an excessive volume." The Board of Governors of the Federal Reserve System would administer the controls, at the President's direction, deciding the maximum amount of loans, minimum down payments, maturity periods, and the rates which can be charged.

"Secretary Kennedy's statement in the papers this morning that standby credit controls 'may be necessary' had nothing to do with my decision to introduce the bill," Mrs. Sullivan declared. "But it is interesting to me that he recognizes now the possible need for such legislation. I tried to get him to endorse the idea during hearings of the Banking and Currency Committee months ago, but he would not do so at that time. My new bill has been in preparation for many weeks, and was finally delivered to me by the Office of the House Legislative Counsel on Friday afternoon, so it was my intention to introduce it today in any event."

Congressewoman Sullivan, a ranking Member of the Committee on Banking and Currency and Chairman of its Subcommittee on Consumer Affairs, has tried for three years to get standby consumer credit controls enacted into law. An amendment agreed to in the Banking Committee in 1966 to restore such powers to the Defense Production Act of 1950 was defeated on the House Floor.

She revived the effort in 1967 in the original version of the bill which became the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act, but the consumer credit controls provision was dropped in Committee for lack of support at that time.

During hearings of the Banking Committee in June of this year on the increase in the prime rate, Mrs. Sullivan again brought up the possible need for standby controls over rates and terms of consumer credit transactions, and also raised the question of a need for regulatory powers over the terms of business credit. She pointed out then that so-called commercial paper, issued by banks and finance companies to raise short-term funds from corporations and big investors, was not subject to Federal regulation of any type.

Federal Reserve Board Chairman William McChesney Martin conceded at those hearings that commercial paper could be inflationary and contribute to the increase in interest rates generally. He said the possibility of Federal regulation of such credit should be studied.

Under the Sullivan bill introduced today, the President could authorize the Federal Reserve to "regulate and control any or all extensions of credit" for such periods as the President directed. Among other things the Board could:

(1) require registration or licensing of credit grantors;

(2) prescribe the maximum amount of credit which could be extended in connection with any loan, purchase, or other extension of credit;

(3) prescribe maximum maturity, minimum periodic payments, and maximum periods between payments;

(4) set rates;

(5) obtain injunctions;

(6) instant actions for both civil and criminal penalties for violations. Maximum penalties would be $1,000 fine and 1 year in jail.

The bill is entitled the "Credit Control Act."

Congresswoman Sullivan declared:

"A predominant part of the Administration's fight against inflation seems to be devoted to the effort to tighten availability of credit, through higher and higher interest rates. This effort has had the effect of pricing moderate cost housing, small business, and state and local agencies, out of the market for credit. It has not stopped inflation.

"Rather than continue to ration credit by price alone, I think the American people would be glad to have the burden of fighting inflation spread more evenly across all elements of the economy, by requiring reasonable restrictions on those forms of credit which are most inflationary. Obviously, there is far greater demand for credit than funds available, and under those circumstances, the big corporations which can afford to pay whatever rate is charged are getting all of the credit they need, while the home buyer, and the small businessman, and governmental subdivisions are out in the cold.

"Selective credit controls, which this bill would authorize, could be utilized to channel credit into those activities which best serve the national interest, rather than, as at present, those which return the highest profit. I am sure everyone in the home building industry will welcome this approach, and so will every citizen whose living costs have risen so sharply because of the high cost of borrowing money."

Mrs. Sullivan said she will try to have her bill considered either as part of other legislation now before the Banking Committee dealing with interest rates paid by banks and savings and loans to depositors, or as a separate measure.

THE LAW AND THE OBSCENE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ASHBROOK. Mr. Speaker, Harry M. Clor, associate professor of political science at Kenyon College, Gambier, Ohio, has written an important book which I am sure will receive little public attention or recognition. The title is, "Obcenity and Public Morality." The book is published by the University of Chicago Press.

Professor Clor's views and thoughts on obscenity are also available in condensed form in an essay published in the Denver Law Journal. This essay is cogent, balanced, and timely.

No one can deny that the obscenity industry is a burgeoning one. Even so, there are still many persons who would delay a major effort to solve the problems created by the pornographer and they would use as justification for delay the fact that there are too many other, more important issues at hand. On closer examination I think we will find that there are really few other questions which so often have such a direct and personal impact. Obscenity is hitting away at the senses of the American people through books and magazines and films, salacious advertising, and even comic-type books. Obscenity is entering the home, it is on the newsstands, and in the theaters, and in the mails, all in increasing quantities.

A recent article by the late Senator Everett M. Dirksen, published in Reader's Digest, noted:

> Postal authorities are swamped with complaints from citizens objecting to the pornographer's lurid sex ads. In fiscal 1969 alone, 234,692 such protests were registered. A recent Gallup poll showed that 76 percent of the American people insist that tougher

laws are needed to keep obscene publications off newsstands.

As obscenity moves across the Nation in increasingly greater waves it carries in its path a breakdown in morality, a rotting that guts vital parts of society. Questions directed at controlling obscenity quickly expand upon examination into questions involving morality, the functions and duties of the State, the standards of society, enforcement, definition, and a multitude of other areas. In the introduction to his book Clor writes:

> If the circulation of obscenity is to be controlled at all, then drawing the line requires the exercise of political judgment in the broadest and deepest sense. It is always hard to determine "in what the law is to bid restraint and punishment, and in what things persuasion only is to work." It is never an easy matter to acquire, and to combine, theoretical and practical wisdom, to reason rightly about fundamental principles, and to apply principles with intelligent sensitivity to changing circumstances. But the problems of obscenity and its regulation confronts the decision maker with more than the ordinary difficulties of judgment. This is due, in large part, to the variety and complexities of the factors which must be taken account of: moral, legal, social, psychological, and literary. Serious judgment on this subject requires consideration of the status of the moral values involved, the meaning of the First Amendment, the nature and effects of obscenity, the views prevailing among our citizens, and the nature and role of literary values.

Perhaps the question continues to arise—even though it does not seem to be of the same urgency as other issues—simply because so many important areas are involved.

Many of the people who speak on this question are totally committed to one or the other of the two opposed camps, they are either "moralists" or "libertarians," as Clor names them. For himself, Clor stakes out a middle ground at which he arrives by an interesting and well-planned course.

He says:

> The good society must serve various ends and it must arrange compromises among them.

Mr. Speaker, there are many approaches to the question of controlling obscenity. Professor Clor has presented one of them and I think there is value in studying it:

The Law and the Obscene

(By Harry M. Clor)

In recent decades the controversy over censorship of obscenity in the United States has been growing in intensity. It is now assuming the proportions of a major social issue. If this is not our most important public problem, it has rather significant ramifications.

Since the early 1950's there have been four full-scale Congressional committee investigations and numerous state legislative investigations concerning the circulation of obscene and pornographic publications in this country. In Congress the "Gathings," "Kefauver" and "Granahan" committees have conducted extensive hearings and issued various reports embodying, among others, the following conclusions:

(1) The circulation of salacious literary and visual materials—including books, magazines and motion pictures—is widespread and is steadily increasing.

(2) The commercial exploitation of obscenity has become a highly efficient, large-scale business enterprise realizing enormous profits.

(3) Most of this material is designed wholly to arouse sexual passion, and much of it appeals to extreme, abnormal or perverted interests in sex and violence.

(4) In their form and in their contents these materials violate fundamental standards of morality or decency.

In 1954 the Kefauver Committee was informed that the gross mail order traffic in pornography was about 500 million dollars a year. In 1959 the Granahan Committee reported that the total interstate commerce in such materials had reached one billion dollars a year. Today, of course, these figures would have to be revised upward.

In recent years legislators have noted a pronounced trend toward the type of publication which specializes in detailed presentations of homosexual, lesbian, sadistic and masochistic sexual activity, in graphic descriptions of mass sexual orgies, and in what might be called the obscenity of violence. The obscenity of violence involves the interweaving of cruelty and sex, violence and sensuality. Novels and pictorial magazines of this kind frequently have as their dominant theme the systematic torture and degradation of unclothed women, who are vividly represented as enjoying and inviting this treatment.

Well, one may ask, so what? Publications appealing to the desires and attitudes just referred to abound in our society. They enjoy an expanding market and encounter multitudes of willing customers. But what is the political and social significance of these facts, and what, if anything, should the law undertake to do about them? Is this a real social problem, and one to which secular government should address itself?

On these questions Americans are deeply and often passionately divided. The debate among us usually takes the form of a confrontation between two groups which may be called, without too much distortion, the "moralists" and the "libertarians." The moralists are inclined to see the increasing circulation of obscenity and the attitudes associated with it as a sign of moral laxity, if not moral decay, in our society. They insist upon vigorous action by both public and private agencies to defend fundamental values. The libertarians are inclined to define the newer and more permissive attitudes toward sex as "social change" rather than "moral decay;" and they are disposed to welcome some of this change, or all of it, as a liberation from traditional constraints. Furthermore, the libertarian insists that it is no function of government to defend the moral opinions or dogmas of the day or to control the reading and artistic tastes of free citizens. The moralist replies that liberty is not license, and that government can certainly act against material which promotes juvenile delinquency, crime and perversion. The libertarian asserts that there is no reliable evidence whatever demonstrating that obscenity is a cause of anti-social conduct, and that, furthermore, the very concept of "obscenity" is vague and undefinable and may even be meaningless. The moralist answers that common sense and the practical experience of mankind teach us that vicious literature is harmful, and he accuses the libertarian of having abandoned common sense and the historic experience of mankind. The libertarian replies that it is just such thinking as this which has led to the suppression of great literature in the past and he accuses the moralist of insensitivity to both literary values and constitutional guarantees of freedom.

Much of this controversy centers upon the meaning and proper interpretation of the First Amendment's command that "congress shall make no law abridging the freedom of speech or of the press." The libertarian and the moralist approach the First Amendment with differing and sometimes sharply conflicting presuppositions. The libertarian brings to his interpretation of the First Amendment his doctrine of the absolute primacy of individual freedom in our constitutional and political order. Hence, he is inclined to regard "censorship" in any form whatever, as more destructive or more dangerous than anything that could result from obscenity. The moralist is likely to approach the First Amendment with the presupposition that some forms of censorship are simply inherent in the exigencies of social life. And he will sometimes insist that it is not just the freedom to do as we please but "rational freedom" our system seeks to promote. Finally, to his opponent's concept of individual liberty, the moralist will oppose the concept of majority rule—the majority wants laws to suppress obscenity.

It should be evident by now that this is a profoundly political controversy in the broadest sense of the word "political." The debate over the nature and effects of obscenity and over the meaning of constitutional guarantees is part of a larger conflict of views involving opposing ethical commitments and opposing social or political doctrines. The contestants disagree about the proper function of government in a free society, and perhaps they disagree about the very nature of civil society—the relative social importance of moral standards, freedom of expression and literature.

Given the inevitably political character of the issue, it is not surprising that, on both sides, polemic frequently substitutes for deliberation, and that, on both sides, passions and pre-conceptions frequently govern the organization and analysis of evidence. Some of our moralists are so concerned with considerations of decency and indecency that they fail to make any distinction between pornography and the writings of men like D. H. Lawrence and James Joyce—lumping them all together as obscene. Now the libertarian tends to be highly skeptical about considerations of decency and indecency. He is inclined to regard moral standards as matters of subjective and arbitrary opinion or, to quote Justice Douglas, "tastes and preferences." But he is not at all skeptical about the moral claims of individual freedom. The libertarian tends to be an ethical relativist with an absolute commitment to one principle—freedom of expression. These opinions deeply affect the way in which he approaches social problems such as that of obscenity. In particular, these opinions are substantial contributors to his evidently unshakable conviction that no harm could come from the unrestrained circulation of obscenity. He finds it impossible to believe that damage of any kind could ever result from freedom of expression—no matter what it is that is being expressed. The moralist often assumes, without much effort to prove it, that obscenity causes crime. The libertarian prefers his own unexamined assumption—the assumption that *any* form of censorship, no matter of what or why, is bound to result in wholesale destruction of freedom of speech and press.

However, in spite of the excesses and limitations of these two schools of opinion, the issues raised in the debate between them are fundamental ones, confronting us with the most perplexing questions concerning the relation of law to morality in a liberal society. What is the proper posture of government and law toward moral values and moral character? Does liberal-democracy require of government a strict neutrality toward virtue and vice on the assumption that these are private matters? Or, is there a substantial public interest in the maintenance of certain standards of moral character—a public interest which sometimes requires the support of law? If there is such a public interest how far does it go and how can its demands be reconciled with competing public interests in literary freedom?

In 1957 the Supreme Court decided the landmark case of *Roth* v. *United States* upholding the constitutionality of federal and state laws against obscenity. The majority opinion delivered by Justice Brennan held that obscenity is not that kind of "speech or press" that the First Amendment was designed to protect. The First Amendment was designed to protect all ideas or expressions which have "redeeming social importance"—which excludes obscenity. Justice Brennan did not provide much explanation of what constitutes "redeeming social importance," but it is fairly clear that he intended that concept to include works of artistic value. However, Justice Brennan's main task was to provide a legal definition of obscenity—to determine what is that kind of literature called "obscenity" which is outside of the First Amendment's protection.

The *Roth* decision authoritatively adopts a liberalized definition of obscenity which had been emerging in the Federal Courts for several decades. This is the legal definition: Material "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests." Thus, of all the literary materials dealing with sexual matters only those are legally obscene which meet this fairly rigorous test. That the *Roth* test for obscenity is a liberalized one can be best illustrated by reading it this way: not children or some specially susceptible people—not the standards of a bygone or Victorian age—not some part of it taken out of context. Thus, a literary work can no longer be declared obscene because some particular passages of it would appeal to the prurient interests of children or others particularly susceptible. So, by means of these legal formulae, valuable literature is to be protected and materials predominantly obscene are to be censored. It is a compromise.

But there are a number of problems which remain unresolved in the Roth decision. What constitutes an appeal to "prurient interests?" Justice Brennan defines prurient interests in terms of "lust;" a literary work appeals to prurient interests when its dominant effect is the arousal of lust. But he does not make it clear whether "lust" means ordinary sexual desire or an extreme, perverted or debased form of sexual desire. Further, what are the contemporary community standards on sexual matters and how are these to be ascertained? Finally, what is to be done when a literary work which is found to appeal to the prurient interests of the average person is also found, perhaps by a judge with sophisticated literary tastes, to possess "redeeming social importance." It might reasonably be said that a work like The Story of O appeals to the prurient interests of the average reader; it may also be said that it contains some redeeming literary qualities. When these two considerations conflict, which should take precedence, and why?

The Roth decision can be read as a judicial effort to accommodate the requirements of the First Amendment and those public interests which are served by the regulation of obscenity—a struggle to satisfy the legitimate claims of freedom of expression and the legitimate claims of public morality. But these two sets of claims are left, as it were, in a tenuous balance. The Roth decision does not provide the means for resolution of conflicts between them. In its decisions after the Roth case the Court has sought to resolve these conflicts by moving in an increasingly libertarian direction. From Roth to the present the Court has steadily confined and restricted the operation of obscenity laws, extending the protection of the First Amendment to more and more types of publications.

One can date the libertarian breakthrough from the decision in Manual Enterprises v. Day in 1961. Manual Enterprises, Inc. was in the business of publishing magazines designed explicitly and exclusively to appeal to the prurient interest of homosexuals. These magazines consisted almost wholly of photographs of nude or semi-nude men in various provocative poses, singly or together. Advertisements in the magazine promised even more stimulating stuff. In the lower courts psychiatrists had testified for the government concerning the symbolic sadomasochism and psychological impact of the various poses and instruments presented. The prurient appeal of these materials was uncontested; neither was there any question of redeeming social or literary value. These magazines contained almost no text. There was neither an idea nor an artistic value in sight.

The lower courts all ruled that, under the Roth decision, these magazines are clearly obscene. But the Supreme Court reversed these rulings, holding the publications uncensorable. Justice Harlan's opinion admits that these magazines are prurient, worthless and wholly designed to commercially exploit the weaknesses of unfortunate people; but they do not sufficiently constitute "obnoxiously debasing portrayals of sex" to be legally obscene. Thus the court adds another test to its definition of obscenity—a test which it calls "patent offensiveness." To be legally obscene a publication must now be, not only prurient in the Roth sense, but also "patently offensive"—that is, wholly, self-evidently and extremely obnoxious to the great majority of the people. The majority of the Court now appears to believe that good literature is not safe from censorship unless materials like the Manual Enterprises publications are also safe.

In 1963 the Court took another major step down this particular road. It held that in deciding obscenity cases judges may not weigh and balance the prurient or patently offensive qualities of a work against its redeeming literary or other qualities. If a publication has *any* qualities whatever of literary or intellectual value the law may not reach it—no matter how prurient or patently offensive it may be. Now the smallest degree of artistic or intellectual content will suffice to save a publication from the law, even though the work as a whole be extremely prurient and obnoxiously offensive. Now, to be legally obscene a publication must be predominantly prurient and patently offensive and utterly without the slightest traces of artistry or intellectual content. It may be suggested that under these rulings nothing is obscene except the most extreme forms of so-called "hard-core pornography." Indeed, as the Fanny Hill case indicates, some writings traditionally regarded as sheer pornography must be released from all taint of obscenity under these rulings. This is a far cry from the Roth decision. It is not too much to say that the concepts and definitions of the Roth case have been progressively undermined. Perplexingly, the court continues to reaffirm that the "average-man, prurient interests" test of Roth is the legal definition of obscenity, while at the same time it continues to dismantle the definition and render it unworkable. As a result of this confusion, it becomes increasingly difficult for the members of the Court to decide how obscenity cases should be decided.

Where can the Court go from here? The following are four standard suggestions presented to the Court—all of them reflecting, in one degree or another, libertarian views.

(1) Why not decide openly and explicitly that only "hardcore pornography" can be subject to legal control. Why not confine censorship to materials which are utterly worthless, which contain nothing but sexual episodes and which present these in the most gross and repulsive forms without any restraint whatever.

(2) The "clear and present danger" standard. Censorship is justified only when government can prove that a certain publication or type of publication is a probable cause of criminal acts or other grossly anti-social conduct.

(3) There should be no laws against obscenity as such. The only legtimate laws on the subject are those against "pandering"—that is, the reckless commercial exploitation of prurient materials, as, for instance, purveying them to children, or blatantly offensive public conduct in the dissemination of such materials. The Court has established some basis for moving in this direction in its recent *Ginzburg* decision which declares pandering to be an offense.

(4) Finally, complete abandonment of all legal control of obscenity—the position advocated by Justices Black and Douglas. Government should be concerned only with overt anti-social *conduct*—never with written or visual expression.

These four proposals differ only in the degree of their libertarianism. The first three of them would involve a substantial reduction in the law's effort to control the circulation of obscenity; indeed in practice they would amount to a massive retreat from the national policy of controlling obscenity.

The Supreme Court has drifted steadily toward the libertarian position without really exploring the claims of public morality in this area. The Court, has backed away from the compromise of the *Roth* decision without squarely confronting the question—why do we have laws against obscenity; what are the reasons, or what is the rationale, for such laws. In decision after decision the Court has acted as if its *sole* responsibility were to maximize freedom of expression. We should not be willing to encourage any further dismantling of the censorship until we have seriously examined the case for legal control of obscenity.

The remainder of this essay is only an outline of that case, a statement of its rudiments. It is appropriate to begin with some discussion of what is obscenity, what is the nature of the obscene—not in the law—but in human life and in literature. Most definitions of obscenity confine it to sexual matters or, as they say, "lusts." This is not wrong but it is, in important respects, too narrow. If obscenity consisted only in sexual stimulations there would be little reason to speak, as we often do, of the obscenity of violence. A larger concept of obscenity is implied by the late Richard Weaver in his book, *Ideas Have Consequences*.

"Picture magazines and tabloid newspapers place before the millions scenes and facts which violate every definition of humanity. How common it is today to see upon the front page of some organ destined for a hundred thousand homes the agonized face of a child run over in the street, the dying expression of a woman crushed by a subway train. Tableaux of execution, scenes of intense private grief. These are the obscenities."

What is, or may be, obscene about such things? They do not portray sex or appeal to an interest in sex. They are scenes of violence, agony and death. No one would say that violence, agony and death are in themselves necessarily obscene, and one would not complain about the presentation of these things in the Fifth Act of *Hamlet*. But one can complain about a certain way of disclosing or looking at the most intimate private experience of human beings. In the portrayals referred to, the reader or viewer is invited to dwell upon the details—the physiological details—of human suffering and death. The viewer of these scenes is a stranger to the persons who are undergoing the suffering and dying; he can have no personal interest in them. He is not invited by obscene publications to care about them as individuals. He is invited to dwell upon the physical aspects of their suffering and death in an emotional state which combines revulsion and enjoyment. In these portrayals and the passions they invoke not only are the most intimate aspects of human life revealed, but their human dimensions are reduced to their physical dimensions.

These reflections suggest two preliminary definitions of obscenity: (1) obscenity consists in making public that which is intensely private; it is an intrusion upon intimate physical processors and acts or physical emotional states. And, (2) it consists in the degradation of the human dimensions of life to a sub-human or merely animal level. According to these definitions, obscenity is a certain way of treating or viewing the physical aspects of human existence and their relation to the rest of human existence. Thus, there can be an obscene view of sex; there can also be obscene views of death, of birth, of illness, and of such acts as eating or defecating. Obscenity makes a gross public exhibition of these things and does so in such a way that their larger human context is lost or depreciated.

Obscenity is, after all, a kind of "reductionism." In its pure form its aim is to denude us—to strip us down—to strip aways man's peculiarly human values, ends and functions, reducing him to a collection of animal functions and material things. In the broadest and most general terms obscene literature is that literature which invites and stimulates its audience to engage in this reduction or degradation. Now, for the purpose of judging literary materials there is a vital distinction to be made between literature which invites us to contemplate obscene or degrading aspects of human life and literature which is obscene and degrading. It is the distinction between an invitation to reflect upon—to gain insight into—human debasement and an invitation to wallow in it.

We need examples.

In Act V of *Hamlet*—in the well known "graveyard scene"—Hamlet comments upon death and its inevitable reduction of the human spirit to such stuff as may provide food for worms and stop a bunghole. The act concludes with a scene of violence and carnage. This is not obscene.

In the August, 1966 issue of the *National Enquirer* the headline tells us that a man has killed his son and fed the corpse to pigs. There is a photo of what is supposed to be the reconstructed head of the boy. Inside there is an article telling us how "more than seventy of the slobering animals devoured Alfio's head and torso." There is also a close-up photo of a man cut in half, and a photo of the blood soaked body of a man supposedly murdered by his son. There are stories about women being violated in strange ways, and there is a smattering of sexy pictures which one can relate to these and the other stories if one needs this stimulus to his imagination. This is obscene.

In Act V of Hamlet the audience is exposed to contemplations about the ultimate degradation of man to brute matter. The audience sees the details of this degradation through the eyes of Hamlet—a person in whose doings and sufferings it is deeply interested. In the National Enquirer these details are presented directly to the reader. They are not presented for contemplation; nor are they presented in relation to any person in whom the reader can have a human interest. There is nothing which stands between the reader and the spectacle of human beings reduced to brute force and decaying matter. The reader does not reflect upon the human condition; he leers at scenes of dehumanization. This is the obscene way of presenting death, violence and the human body.

The obscene way of presenting sex can be suggested by Fanny Hill in contrast to Lady Chatterley's Lover. In Fanny Hill, love or affection is reduced to sex and sex is reduced to an interaction of organs and parts of organs; not so in Lady Chatterley. In Fanny Hill, unlike Lady Chatterley's Lover, the characters are simply sexual objects which stimulate in the reader the desire for sexual objects. Fanny Hill, unlike Lady Chatterley's Lover, is predominantly calculated to arouse depersonalized desire. This is the obscene way of presenting sex, and this is what is meant by "stimulating lust"—the systematic arousal of passions which are severed from the social, affectional, aesthetic and moral considerations which make human relations human.

Now, nothing has been said yet concerning what the law should or should not do about these various forms of obscenity. This should depend upon a reasoned judgment concerning the effects of obscenity on human beings and upon understanding of what is the proper business of the law.

With regard to the influences or alleged influences of obscenity upon human beings, it is desirable to consider two kinds of possible effects. One may distinguish between effects upon conduct—more or less immediate effects upon overt behavior and effects upon mind and character—more or less long range effects upon values, attitudes and desires. Most of the contemporary debate is concerned with the first kind of effects. Many police, juvenile correction officials and some psychiatrists insist that there is a direct connection between the circulation of obscenity and crime or juvenile delinquency. Police and officials concerned with delinquency frequently find offenders in the possession of pornography or obscenity. In his testimony before the "Granahan Committee," Dr. Nicolas Frignito, Chief Neuro-Psychiatrist of the County Court of Philadelphia asserted that "Anti-social, delinquent and criminal activity frequently results from stimulation by pornography."

On the other hand, psychologists, sociologists and some psychiatrists frequently point to the absence of rigorous scientific studies demonstrating a connection between reading and anti-social conduct. They insist that such knowledge as we have of anti-social conduct points to much deeper causative fatcors than reading or viewing. A recent statistical study by the Kinsey Institute concludes: "Summing up the evidence it would appear that the possession of pornography does not differentiate sex offenders from non-offenders."

Summing up the evidence and arguments on both sides I am tempted to pronounce this particular contest a draw or a deadlock. There is evidence and informed opinion on both sides which can reasonably claim to be heard. And the evidence does not preclude a reasoned judgment that obscenity is sometimes a factor in the stimulation of anti-social behavior.

However, the argument that we are most anxious to make concerns the more indirect, long-range and subtle effects of obscenity upon mind and character. Common sense and informed opinion have long held that children can be powerfully influenced emotionally and intellectually by the stories they read and hear. It has always been thought dangerous to put sordid or demoralizing stories into the minds of children. What about most adults? Are they totally immune to the impact of materials which appeal to their sensuality while depreciating traditional moral values and humane sensibilities? The current circulation of obscenity among us would strongly suggest that many are not immune to the *appeal* of such materials. And it is difficult to argue that the mere legal fact of adulthood renders us unsusceptible to any influence or impact from them. Libertarian writers on this subject often speak as if adulthood in our society and its corresponding freedom to choose automatically carries with it the moral, psychological and intellectual requisites of good choice. Unfortunately, there is a considerable body of evidence to the contrary. The libertarian does not really wish to say that literary expression is powerless to obtain any hold on the normal adult mind. What he usually wants to say is that literature can have beneficial effects but not harmful ones; passions may be aroused to good ends but not bad ones; and the mind may be inspired with noble thoughts but not base ones. Such a view is, to say the least, untenable. People are influenced, for good or ill, by what they read and see, particularly if these experiences be continuous. There are good reasons for thinking that ordinary adults are not immune to the influences of obscenity. Two ways can be suggested in which these influences may operate.

They may operate upon deep-rooted passions and inclinations and, by means of them, affect attitudes and character. A man need not be particularly abnormal to be moved by appeals to dispositions which we all share and few of us have completely mastered. Hence, those who habitually indulge in lascivious, morbid or sadistic literature are encouraged to find satisfaction in lascivious, morbid and sadistic experiences. It is true that we often bring to such literature the wants which it fulfills. This is half of the truth; the other half is that such wants and inclinations can be reinforced and inflamed. The attitudes and inclinations which lead us to desire obscene experiences can be promoted and strengthened by repeated indulgence in such experiences. One can become habituated to seek unworthy satisfactions; and it is not only children or the mentally ill who are capable of developing unworthy interests and values.

However, the harmful results of obscenity need not be achieved in precisely this manner. The unrestrained circulation of obscene literary and visual materials could operate to break down moral standards by undermining the convictions and the sensibilities which support them. The ethical character of social man does not rest simply upon his reasoning or his moral doctrines. It rests primarily upon a delicate network of opinion, sensibilities and tastes—sometimes called the "finer feelings" or "moral sympathies." These finer feelings or moral sympathies can be blunted and eroded by a steady stream of impressions which assault them. Men whose sensibilities are frequently assaulted and undermined by prurient and lurid impressions may become morally desensitized—desensitized to the higher ethical and aesthetic discriminations. This is what is meant by an "erosion of the moral fabric."

Common experience informed by reflection argues that if men can be improved by good libraries, serious motion pictures and an ethically responsible press, they can be harmed or corrupted by the reverse of these. Obscenity can contribute to the debasement of moral standards and, ultimately, of moral character.

Can it be reasonably said that the organized community—the political community—has no right to be concerned with such influences as these which shape the minds and character of citizens? The libertarian says that the law can punish indecent acts, anti-social conduct and only that. But must government and law remain neutral until moral character has been debased and vicious impulses are about to break out into overt acts? Then it is probably too late. If the law must restrain immoral conduct, then it cannot be indifferent to forces in society which break down moral standards, weakening their hold upon conduct.

Anthropologists tell us that there is no known society which has failed to exercise some censorship in matters relating to sex and the human body. We know of no society in which the regulation of these matters is left wholly to individuals or to spontaneous social groupings. Every society of men establishes public standards of decency. Why? Individuals cannot resolve these difficult and perplexing problems all by themselves; we all need guidance from the community in which we live. And, in the absence of authoritative public standards, it is difficult to see how children could grow up without confusion and disorder in the soul.

But public moral standards are particularly important for liberal society and republican government. Liberal society is interested in the moral character of its members because it depends for its survival upon citizens who have certain capacities for self-discipline or, as it used to be called, civic virtue. Republican government depends for its endurance upon a citizen-body which is willing and able to take an abiding interest in public affairs. It depends upon a citizen-body the members of which will devote their energies to long-range public interests and who can, when necessary, sacrifice private comforts and personal satisfactions for vital public interests. Now a people devoted exclusively to the gratification of sensual appetites is not, strictly speaking, a citizen-body at all. It is a collection of private individuals each absorbed in his own personal and self-centered gratifications. It has been observed more than once that a nation of debauchees would not have responded to Winston Churchill's call to blood and toil and sweat and tears. The "citizens" would have been unwilling to do so and they would have been unable to do so. What, then, would be the prospects for civic virtue in a society whose members are given over to the pleasures, passions and attitudes of the Marquis De Sade?

It is on the basis of considerations such as these that some political philosophers have emphasized the special connection between political freedom and moral virtue and have insisted that republican laws must address themselves rationally to the maintenance of certain virtues. A republic can and ought to concern itself with influences upon mind and character which undermine the moral prerequisites of its existence. It need not sanction unlimited sexual freedom. It can establish and maintain those public moral standards which are the foundation of responsible citizenship.

Now some libertarians will not deny the need for public moral standards, but they will vigorously deny that such standards require the support of law. Their arguments often imply that something called "society" spontaneously develops all the moral standards that are needed. Such sanguine assumptions about the moral self-regulation of "society" are seldom accompanied by evidence or sustained argument. It is frequently asserted that moral guidance and moral restraint should be in the exclusive care of public opinion, of the family and the church. But if public opinion is to be a moral influence, from whence is public opinion to receive its moral guidance? As for the family, this institution is largely a product of the values which prevail in the community; it is not an autonomous social force capable of independently generating values. And it is interesting to note that, while libertarians are insisting upon the exclusive moral role of family and church, increasing numbers of parents and churchmen are appealing to the law for support against obscenity. Experience indicates that public opinion, family and church cannot perform *their* moral functions without some support from law. Public moral standards are required, and private agencies cannot be confidently relied upon to provide them.

The legal control of obscenity can contribute to the maintenance of public moral standards in two ways: First, by preventing or reducing some of the most corrupting influences and, secondly, by holding up an authoritative standard for the guidance of public opinion and individual judgment. Legitimate censorship is not designed to prevent the circulation of all literature which might have an immoral influence. It aims primarily at the most vicious materials, and it seeks, not directly to shape the minds and characters of citizens, but to restrict some of those influences in modern society—such as the mass media—which shape mind and character in harmful ways. The effects of censorship upon these influences are not confined to specific books or motion pictures which the censor condemns. Its more significant effects are those of deterrence. Publishers are deterred from publishing, and authors from writing materials which cannot legally be circulated. But laws against obscene publications will have a more subtle, and perhaps more profound consequence. Such laws announce a moral decision of the community arrived at through its official organs. They assert, in effect, that the organized community draws a line between the decent and the indecent, the permissible and the unpermissible. Individuals may, of course, step over the line, but they have been made aware that there is such a line. They are made aware that the community in which they live is committed to a distinction between what is decent and what is not. In the long run this awareness must have an educative effect upon the moral attitudes and dispositions of most people. We would argue that this educative moral function—this establishment of authoritative standards—cannot be accomplished without the aid of law.

In the light of the foregoing discussion, the following might be suggested as a model for the legal definition of obscenity. A book, story, magazine, or motion picture is obscene when its *dominant* tendency is to produce any of these four effects:

(1) Arouse lust or appeal to prurient interests.

(2) Arouse sexual passion in connection with scenes of extreme violence, cruelty or brutality.

(3) Visually portray or graphically describe in lurid detail the violent physical destruction, torture, or dismemberment of a human being.

(4) Virtually portray or graphically describe in lurid physical detail the death or dead body of a human being, provided these things are done to exploit morbid or shameful interest in these matters and not for genuine scientific or artistic purposes.

Now, if any work embodying these obscene properties be also found to embody any literary, aesthetic or other values, these must be weighed and balanced against its obscene elements. If a work is to be censorable its obscene elements must clearly outweigh its redeeming values. In doubtful cases the benefit of the doubt must be given to freedom of expression. And there must be no censorship of literary classics or genuine intellectual discussions of sexual matters. Obscenity, as defined here, is not a "discussion" or "argument" about sexual matters.

This formulation will be unacceptable to the extreme moralist and the extreme libertarian. The moralist will reject it because it leaves much of the world's "obscenity" untouched by the law—it allows for too many concessions to evil. The libertarian will reject it because it allows for too many concessions to public authority—it compromises with individual liberty.

Neither the extreme moralist nor the extreme libertarian will compromise, because each is, in his own way, a purist or an absolutist. Each is in his own way a man of one principle and one purpose. But the Good Society cannot be devoted wholly to one principle and one purpose; it cannot be devoted simply to morality or wholly to individual liberty. The good society must serve various ends and it must arrange compromises among them.

The moderate democrat does not delight in censorship, and he should not delight in it; he should be aware of its dangers. But he can learn how to use it, with restraint and moderation, for the promotion of public standards which democracy needs and which our contemporary society urgently requires.

CITATION FOR BRAVERY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, to give up one's own life in order that others may go on living is the supreme sacrifice. Needham, Mass. son, Pfc. John A. Barnes III, U.S. Army, will be honored as a patriot and as a great American—an American who was brave enough to sacrifice his own life so that his wounded comrades could continue to live.

John A. Barnes' act of heroism transcends the politics of our day and elevates his memory to the highest plateau of human dedication. The deed that he performed was testimony of a firm and unyielding commitment to his fellow man and country. A both grateful and saddened America wishes to express sympathy to the family of John A. Barnes. Our Nation shall also feel his loss.

I submit the text of the citation awarding posthumously the Medal of Honor to Private Barnes. Such courage should stand forever recorded in the annals of American history.

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Private First Class John A. Barnes, III, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Private First Class John A. Barnes, III distinguished himself by exceptional heroism on 12 November 1967, while engaged in combat against hostile forces in Dak To, Republic of Vietnam. Private Barnes was serving as a grenadier when his unit was attacked by a North Vietnamese force, estimated to be a battalion. Upon seeing the crew of a machine gun team killed, Private Barnes, without hesitation, dashed through the bullet swept area, manned the machine gun, and killed nine enemy as they assaulted his position. While pausing just long enough to retrieve more ammunition, Private Barnes observed an enemy grenade thrown into the midst of some severely wounded personnel close to his position. Realizing that the grenade could further injure or kill the majority of the wounded personnel, he sacrificed his own life by throwing himself directly onto the hand grenade as it exploded. Through his indomitable courage, complete disregard for his own safety, and profound concern for his fellow soldiers, he averted a probable loss of life and injury to the wounded members of his unit. Private Barnes' conspicuous gallantry, extraordinary heroism, and intrepidity at the cost of his own life, above and beyond the call of duty, are in the highest traditions of military service and reflect great credit upon himself, his unit, and the United States Army.

CONGRATULATIONS TO HOLLISTON, MASS., FOR PROTECTING THE LIVES OF THEIR ELEMENTARY SCHOOLCHILDREN

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DONOHUE. Mr. Speaker, a great deal can be accomplished in a great many areas by applying the effective combination of commonsense with prudent spending.

When the application of this wholesome combination results in saving the lives of young schoolchildren I most earnestly believe that accomplishment is in our national interest and merits the concentrated study of every public officer, particularly school officials, in the country.

Therefore, I am especially pleased to include, at this point, an enlightened editorial, recently broadcast over WBZ–TV and radio stations, in Boston, Mass., explaining the steps the town of Holliston, Mass., has taken to preserve the lives and safety of their elementary schoolchildren. In effect, the editorial suggests to the responsible officials in every community in the Nation to "Go thou, and do likewise," which, in this instance, is obviously excellent advice. The editorial follows:

HOLLISTON SHOWS THE WAY

(Delivered by Winthrop P. Baker, general manager, WBZ–TV and John Lightfôot, general manager, WBZ Radio)

We've been pushing for improved school bus safety. Last week we got a call from a listener suggesting we take a look at what was being done in the town of Holliston, some 25 miles southwest of Boston. We did and found a story worth telling—an example worth following.

Holliston this fall has started a two-phase monitor program involving both parents and substitute teachers. The Holliston Elementary School Parents Organization has set up a volunteer program of supervision at 50 of the bus stops in town. That's still not complete coverage. But where the system operates it provides maximum protection against one of the most common types of fatal accidents involving younger children: the ones on which youngsters are run over by buses as they move off from a stop.

The unique part of the Holliston program is on the buses themselves. School officials have assigned monitoring duty to two substitute teachers, who rotate this work with days in class. Under this system each of the town's 34 elementary and middle school bus routes is monitored for at least two consecutive days. Discipline is checked and children are given instruction in safety both on the bus and getting on and off. School officials feel there's a big advantage in having this work done by teachers, whom the children also see working in the schools. The cost of the program is minimal—$8 a day for the teacher doing the bus duty. The dividend in safety can't be accurately measured. But there's no doubt it's there.

As we've said before, we'll support legislation next year to require school bus monitors, a seat for every child and use of seat belts. But good safety programs don't require new laws. Communities themselves can take the lead now with some imagination, parent cooperation and a very small cash outlay. Holliston has done just that.

BROADCAST ON RADIO

November 14, 1969—6:35 a.m.; 8:35 a.m.; 12:10 p.m.; and 3:05 p.m.

November 15, 1969—6:15 p.m.

BROADCAST ON TV

November 13, 1969—6:00 p.m.; and 1:00 a.m.

November 14, 1969—12:00 noon.

EXEND PESTICIDE INDEMNITY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. OBEY. Mr. Speaker, several weeks ago, along with 10 other Members of this House, I introduced a bill, H.R. 14029, which would extend to dairy manufacturers indemnity payments for milk products removed from the market because they are found to contain pesticide residues. Similar indemnity payments are already available to dairy farmers whose milk is rejected because it contains pesticide residues, and payments have been made under this program to farmers in 31 States.

Senator WILLIAM PROXMIRE and 20 cosponsors have just introduced companion legislation in the Senate, and I have also been informed by the Land O'Lakes Creamery of Minneapolis, Minn., that they are in support of this bill.

Mr. Speaker, recently support for this bill has also come in the form of editorials in two of our most respected agricultural journals, Hoard's Dairyman, publish in Wisconsin, and the Dairy Record, published in Minnesota.

The two editorials follow:

[From the Hoard's Dairyman, Nov. 25, 1969]

EXTEND PESTICIDE INDEMNITY

Five years ago, the Congress passed a bill which indemnifies dairy farmers for losses when milk is found to contain pesticide residues. Of course, the contamination must not be the result of negligence on the part of the affected farmer. But Congress appreciated the fact that the widespread use of pesticides, combined with the government's strict requirements with reference to milk, made it inevitable that many innocent dairymen could be hurt.

Now bills have been introduced to extend the indemnity to manufacturers of dairy products. In our opinion, the extension of the protection is fully justified. We doubt that aggregate costs will be very high but the impact on any one or a few persons or firms can be severe.

The only alternative to the government action would be some form of special casualty insurance. We suspect, however, that such insurance, in the aggregate, would be far too costly for the benefits paid. In other words, it is possible that the costs of premiums, which are deductible as a business expense for tax purposes, might cost the government far more in lost revenue than the indemnities which are paid.

[From the Dairy Record, Nov. 12, 1969]

SHOULD INCLUDE PROCESSORS

The bill to amend Public Law 90–484, which provides indemnity payments to producers, to broaden it to make dairy manufacturing and processing firms eligible to receive indemnity payments for pesticide residues in milk, makes sense.

The measure is being pushed by the Wisconsin Cheesemakers Association but it is one that should have the backing of all processing and manufacturing organizations.

As the law now stands, producers are indemnified against losses when their milk is found to contain pesticides but there is no protection for milk manufacturers and processors. They, in fact, can suffer far greater losses than individual dairy farmers inasmuch as the industry has gone almost completely to tankers and the milk from one or two producers, when mixed with a tank load of milk, could ruin an entire batch of products processed or manufactured from it.

During the past year there have been at least two instances of cheese being condemned because it contained pesticides and presumably the plants had to stand the loss, despite the fact that they were entirely innocent.

The whole problem of pesticides is a knotty one. A dairy farmer could buy feed that contained pesticides or his own crops could be infected, as the result of an adjacent farm being sprayed with pesticides. In either case, he would be innocent but he has the protection of indemnification.

The milk processor, however, has no such protection and, in all fairness, it should be extended to him.

That is why Dairy Record urges that producer organizations, as well as processor groups, present a united stand in asking Congress that processors and manufacturers be indemnified for any losses which might be incurred.

WE DO EXPECT TOO MUCH

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. NELSEN. Mr. Speaker, many of us are guilty of harboring rather unrealistic expectations about what our President can do in a brief period of time. In a recent column, Sidney Kienitz, publisher of the Good Thunder Herald, Good Thunder, Minn., casts some sensible light on this strange phenomenon. I submit it for inclusion in the RECORD at this point in my remarks:

A Mankato friend of mine who also happens to be a Democrat, recently said he would like to see me write a few comments about Richard Nixon, especially since his recent speech. So here goes.

Richard Nixon may not be our greatest president—time will tell. But I think we ought to to face the fact that Dick Nixon did not start that fuss in Asia. It's sort of as if your Uncle Sam died and left you a nice tame tiger with only one bad habit; that of liking to eat people.

For some reason or other we expect a man to step into the presidency fully prepared to solve all of the problems facing us and the rest of the world.

If you hired a man (or woman) to wash dishes in your restaurant you would expect it would take a while to know where to find the soap, how hot the water should be and where to stack the dishes.

But we expect a president to step right into office with a fully prepared "do it yourself" kit to solve all of the ills of the world.

A president is expected to have more talent than a dishwasher, or even the head of a big department store. He is expected to have a large talent for picking a lot of the right people to do a first class job with agriculture, industry, human relations, race & color, finance and a host of other matters. He is faced with a number of members of a group called the Congress who did not want him there.

He is commander of our armed forces though his highest rank may have been like Capt. Harry Truman, Lt. Commander John Kennedy, Col. Teddy Roosevelt or Gen. U.S. Grant.

Abe Lincoln, if my memory serves me right, was a captain of militia in some sort of an Indian uprising. We did have a pretty fair general named Ike, too.

But it gets back to the fact that we expect instant know-how from our top man the moment he reports for work on the first day. Possibly some of our computer experts can develop a robot that will do the chore.

SWISS CHEESE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. KARTH. Mr. Speaker, that distinguished and highly effective advocate for the American consumer, Ralph Nader, has characterized the President's consumer message as "Swiss cheese." Indeed, it is.

The Nixon administration had an opportunity to strike a real blow for freedom for the American consumer. But it blew the chance. Instead of a meaningful proposal, it has opted—as Mr. Nader says—for a message with "all the earmarks of a J. Walter Thompson production."

Mr. Speaker, this reaction to the President's message is in the November 22, 1969, issue of the New Republic. I believe many of our colleagues may find the article interesting, and I include it at this point in the RECORD. The article is appropriately, and simply, titled, "Swiss Cheese":

SWISS CHEESE

(By Ralph Nader)

The President's consumer message, delivered to Congress on October 30, has all the earmarks of a J. Walter Thompson production. The President calls it a "buyer's bill of rights," but it turns out to be a buyer's bill of goods. Someone, presumably Mr. Nixon's consumer adviser, Mrs. Virginia Knauer, knows what troubles consumers, for the message does recognize important consumer issues. But the remedies are weak or wrong. Secretary of Commerce Maurice Stans and White House aides, including Bryce Harlow (a former anti-consumer lobbyist), Peter Flanigan and Richard Burress, reduced to nullity one laudable proposal after another during the strained and often sharp fighting that went on before the final draft was finished.

In section after section, the message proves disappointing. The federal consumer class action proposal is made contingent on a "successful government action" to prevent "harassment of legitimate businessmen." This is a creative emasculation; it makes a class of aggrieved consumers wait until a government action is successfully concluded, before going to the federal courts to secure justice for themselves. Apart from the delay and apart from whether the government chooses or has the resources to take important consumer fraud or injury cases, to hold up essentially procedural rights of easier access to the federal courts on such a political contingency is reflective of the politics that turned the message into swiss cheese.

The President proposes setting up a new Consumer Protection Division in the Department of Justice, with investigative powers and authority to intervene on behalf of consumers before federal agencies and to appear in certain judicial proceedings. At a press conference, Assistant Attorney General Richard McLaren said that the Division's staff would include about 50 professionals, but would start with about 20. Since the Department still hasn't filled the single existing post of consumer counsel, even that modest staffing can be viewed skeptically. More important, the new Division was preferred to an independent agency of consumer protection that would have broader powers and resources. Since the Justice Department is the lawyer for government agencies, conflicts of interest between various arms of the Department and the Consumer Division are bound to arise. When the controversies are of great moment, consumer protection will get less attention than the mega-corporations and trade associations with their indentured regulatory agencies.

What does this "buyer's bill of rights" promise for consumer education, and the release to the public of information about government-tested products? The consumer's need to know what he's paying for, his need to be able to choose more wisely is recognized. But it is then torpedoed by the recommendation for "disseminating general information" produced by government from its tests of products it procures, such as drugs, light bulbs, detergents, appliances, electrical equipment, blankets and tires. The key word here is *general*. For well over a year, memos have been circulating between the White House, Bureau of the Budget and the rest of the Executive Branch on releasing *specific* test information, by brand name. The Johnson Administration prepared a report that favored such disclosure, and some officials—Secretary of HEW Wilburn Cohen, for one—vigorously supported it. The Nixon message ended any hope that will be done.

The National Commission on Product Safety has been holding hearings and gathering evidence on the large number of products that are harming hundreds of thousands of people in their homes, because of inadequate design or construction—from color TV sets to washing machines, power lawn mowers, glass doors, toys. The Commission will complete its two-year statutory tenure next year. The Nixon message declares that its labors will be carried on under surveillance by Mrs. Knauer's office, and some vague new legislation.

References to further studies (guarantees and warranties, consumer finance), assurances of future action but without any specifics (OEO activity for poor consumers, aid to states and localities) and the absence of long-awaited regulation of medical devices and safety equipment further illustrates the Administration's anemia on consumer matters. A sleeper in the message, designed to give the government's imprimatur to testing by private laboratories or groups, paves a way for conferring quasi-official status on industry's own standard-setting bodies. The President would let companies advertise the governmental imprimatur on the testing group that they, the companies, retain. This has long been wanted by industry's technical societies.

There *are* some unequivocal proposals in the message. Mr. Nixon reiterates former Administration suggestions that the Federal Trade Commission be empowered to seek preliminary injunctions against unfair or deceptive business practices; it clarifies the FTC's jurisdiction over consumer abuses that "affect" interstate commerce. Mrs. Knauer is instructed to develop a *Consumer Bulletin*, which will publish notices of hearings, proposed rules, final orders and other pertinent information in language intelligible to Americans who do not belong to the tight-knit Washington world of bureaucrats and lobbyists.

Mrs. Knauer's office would become permanent by statute, if the President's recommendation is accepted by Congress. But she is still limping along with a tiny professional staff of under two dozen, and the prospects for more funding do not envision breaking the $1 million a year barrier. Outwardly, Mrs. Knauer has played the good team sport. It will be more difficult, however, for her to simulate satisfaction when she testifies this month before Congress on Rep. Benjamin Rosenthal's bill to establish an independent consumer protection agency with a beginning staff of 1000 consumer defenders. The agency Congressman Rosenthal has in mind would process consumer complaints in the manner of an ombudsman; it would have power to investigate consumer abuses by corporate and governmental institutions, develop new ideas and prototype hardware for safer products, research serious servicing problems, and innovate computerized ways to reach consumers with product and market facts they can use when they are actually at the point of buying something. The agency, proposed in legislation shortly to be introduced by Rosenthal with the probable initial support of at least 100 congressmen, would have no regulatory powers. It would not attract lobbyists. Rather it would be a comprehensively staffed consumers' advocate before regulatory agencies (utility rates, safety standards, anti-pollution standards, freight and passenger rates, customer service) and government departments.

For a Republican Administration and its backers, President Nixon's consumer message may seem a big step forward. But to millions of consumers who are regularly being bilked, and whose health and safety are being impaired by shoddy products and poor service, the White House's entry amounts to timid tip-toeing.

A TRIBUTE TO THE LATE MICHAEL KECKI

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ROONEY of New York. Mr. Speaker, I joined with the entire Polish-American community in sadness earlier this month upon learning of the passing of my good friend, Michael Kecki, who, for almost four decades, was known as the voice of Poland in New York.

Michael Kecki conducted, over radio station WLIB in New York, a weekly Polish-language program called "Voice of Polonia," and was known throughout the entire country for his untiring work in behalf of Polish freedom. Mike was active in many Polish-American societies and organizations and he served them and his adopted country well. Along with millions of other Poles in this country he never ceased his efforts to bring to reality the dream of Polish independence. The Polish Government in exile awarded him the "Polonia Restituta," its highest civilian honor for his efforts on its behalf. In addition, he was twice awarded the Golden Gross Medal and Polish-American societies across the country have honored him many times. Mike was born in Warsaw 62 years ago and after attending King Wladyslaw High School there and a military institute he came to this country in 1930 and worked for the Polish publications Kurier Narodowy and Nowy Swiat.

Mike Kecki and his lovely wife, Natalie, had two fine children and I had the privilege in 1964 of appointing his son, Thomas Michael, to the U.S. Military Academy at West Point. Lt. Thomas Michael Kecki, U.S. Army, is now on duty in Germany. Michael Kecki was a good friend and shall be missed sorely not only by me but by the thousands who knew him and his fine work. To his wife Natalie, his son, and daughter, Natalie Alice, and his sister and family in Poland, the Rooneys extend their deepest sympathy and prayers in this sad hour.

VICTORY AT CEDAR CREEK

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, in the fight against water pollution, the factor too often missing is: leadership. Leadership is what Del Cook supplied in achieving the victory at Cedar Creek.

Mr. Cook lives on the stream that wanders through 32 miles of farmland and a dozen small cities a half hour's drive from downtown Milwaukee. One day 6 years ago, Del Cook found Cedar Creek afloat with dead fish, killed by pollution. Since then, Del Cook has prodded industrial polluters, poked up municipal polluters, recruited other residents into the Cedar Creek Restoration Council, and got after reluctant enforcement officials.

Today Cedar Creek runs clear again. And largely because of the leadership of Del Cook.

Mr. Speaker, I am inserting in the RECORD at this point a recent article from the Milwaukee Journal reporting the accomplishments of Del Cook and the Cedar Creek Restoration Council. I strongly recommend this article to any American who still wonders what he can do about water pollution:

[From the Milwaukee Journal, Nov. 16, 1969]

VICTORY AT CEDAR CREEK

(By Paul G. Hayes)

Cedar creek runs clean again.

It's only 32 miles of Wisconsin's 33,000 miles of rivers and streams, but its waters are clean now, and they weren't five years ago.

It took hundreds of people, many of them reluctant, and tens of thousands of dollars, much of it spent begrudgingly, to clean up Cedar creek.

The people—illegal polluters and permissive public officials—were spurred to action incessantly, often brutally, by Delbert J. Cook, who lives alone on the stream in the town of Cedarburg.

Cook's reputation as a pest is firmly established. Officials say they respect the work he's done, but they object to his tactics.

No one adds that, so far as is known, those are the only tactics that have been shown to work.

Because, so far as is known, there is no other 32 mile stretch of stream in Wisconsin that once ran polluted, but now is clean.

State officials were invited to cite comparable cases, but did not, or could not.

So the fact that Cedar creek runs clean is a big story.

But a bigger story is what you have to do to clean up rivers.

You have to spend five years, averaging more than a meeting a week.

You have to walk up and down the stream banks to find the individual violations of your neighbors. You have to be willing to file suit against the more stubborn of your neighbors. You have to wade into the stream and drag out trash by the truckload.

You have to write dozens of letters to state officials, and your tone must be something like this excerpt from one of Cook's letters:

"There are other cases where I feel you have not done right by us."

"The procrastination on the ditch effluents on Western av. in Cedarburg.

"Your minimizing the oil discharges at the Kiekhaefer plant in Cedarburg.

"The fuzzy approaches to Libby's part in the two recent major fish kills.

"The delays in getting the solid waste fill removed from John Blank's land along the creek.

"And many more."

FOUND DEAD FISH

You have to be very, very angry. And you have to be willing to be very, very lonely.

Cook became angry one morning in 1963 shortly after moving into his remodeled barn-home when he found the creek heavy with dead fish, suffocated when pollutants consumed the stream's oxygen.

"Oldtimers had accepted this happening every year or two," Cook said. "You know, the general attitude was that nothing could be done about it."

At the time, Cook was leader of the Deckers Corners 4-H club. It chose cleaning up the creek as its annual conservation project.

COUNCIL FORMED

"Really, it seemed like an A-B-C thing," Cook said Saturday. "You know, here's the law, here's the situation. Violators should be cited and operation corrected.

"But it's taken five years. State laws give violators 10 days, or 30 days, or a 'reasonable time.' Well, five years is not a reasonable time."

Cook formed the Cedar Creek Restoration council, which held annual cleanups to drag out a century's accumulation of trash and made annual surveys of sources of pollution.

These were the polluters:

The Jackson sewage treatment plant, built in 1939 for 250 people, but overloaded with the sewage of 500 people in 1960.

Libby, McNeill & Libby food canning plant, whose carrot wastes were suspected of causing two fish kills in 1968.

The Level Valley dairy on the north branch of the creek, with an old septic system that contributed whey to the stream.

Justro Foods, west of Ozaukee county trunk I, which makes animal food out of slaughterhouse by-products.

The Kiekhaefer Corp., outboard motor factory in Cedarburg, from which the stream gets doses of a water soluble lubricant.

The Cedarburg sewage treatment plant, also overloaded.

Dozens of malfunctioning septic tanks that drained into the stream from farm homes and small businesses.

Some homes that flushed their toilets directly into the stream.

Most of the industrial polluters have put in treatment facilities. Cedarburg and Jackson have completed plans for sewage treatment plant expansion and are awaiting federal and state funds.

The details of how each polluter was persuaded to stop polluting would make several stories, each filled with accounts of meetings, occasional legal action, each with a fresh set of faces, many of them red with anger.

But in each narrative would be heard Del Cook's domineering voice, slowly, doggedly, uncompromisingly pounding home a point.

FEW REALLY CARE

"There is a small minority of people that actually really care," said Cook. "You get applause at meetings. You get favorable publicity. But when it comes right down to sharing the problem across the table, many times you are just almost alone.

"And it's a very lonely feeling. Particularly when you're with people you've known, friends and acquaintances, and when the line is really drawn, they're on the other side. Except very, very few."

Thomas Kroehn, district director of the state natural resources department states frankly that Cedar creek has gotten more state attention than any other stream in southeastern Wisconsin, and that Cook is the reason.

KROEHN CHEERFUL

A cheerful, thorough administrator and engineer, Kroehn has weathered Cook's pressures philosophically. He generously credits Cook for Cedar creek's restoration.

That is Kroehn's manner. Like most public servants, he stresses instances of co-operation from the polluters rather than the cases of stubbornness. When Kroehn mentions a name, it's in praise. When Cook mentions one, he's usually critical.

"It's much easier for Tom to go into a company, a factory, an industry with a friendly persuasion attitude," said Cook.

OFFICIALS RESIST

Cook has wanted Kroehn to adopt a firmer manner * * *.

But Cook adds that local officials—town and county officials—are the hardest to spur to action because they also are friends and neighbors of the polluters.

Cook, a rugged looking 59, divorced, makes his living as a free lance marketing consultant. He is now building a second home on the creek. Its frame will be the white oak timbers of a 125 year old barn he dismantled and moved to a more isolated stretch off Pleasant Valley Rd., where the creek flows clear and cold through marsh grass.

He has become known around the state for his leadership of the Cedar Creek Restoration council and has been asked for advice by other communities interested in forming similar groups.

DRINKS FROM CREEK

He has other remarks:

"I drink water out of the creek," he said. He does so even though such a practice is inadvisable on any stream, no matter how clear.

"I go down there and cup my hands and take a drink right out of the stream.

"And it's such satisfaction to be able to say, as I did yesterday (in a speech to a conservation group): 'Ladies, you can swim anywhere in the creek.' "

ART McBRIDE HONORED FOR INSTALLATION OF TWO-WAY RADIO COMMUNICATIONS IN CLEVELAND TAXICABS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. FEIGHAN. Mr. Speaker, I wish to acknowledge the highly laudatory and successful efforts of the Motorola Corp. in demonstrating the adaptability of two-way radio communications to the taxicab industry. Motorola installed the first such system on October 15, 1944, for the Cleveland Yellow Cab Co. This historic occasion was honored on October 15, at a banquet attended by national leaders of the International Taxicab Association, representatives of the communications industry, and State and local officials. The presentation of a silver microphone award was made to Art McBride, president of the Cleveland Yellow Cab Co., by Dale Baker, Motorola communications and electronics vice president and north central area manager.

Thanks to the accomplishments of the Motorola Corp. two-way radio has enabled the taxicab industry to improve both their service and customer relations, thus accelerating the growth of many small and medium size cab companies. In addition, the installation of two-way radio units in taxicabs has allowed the taxi companies to play a prominent role in Community Radio Watch, a national public service program aiding the efforts of police and safety departments by serving as extra no-cost eyes and ears in the protection of the community.

WASHINGTON REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska whom I have the honor to represent in the U.S. House of Representatives.

This is my fourth report for the 91st Congress:

THE WASHINGTON REPORT OF CONGRESSMAN GLENN CUNNINGHAM, SECOND DISTRICT, NEBRASKA, NOVEMBER 1969

DO WE TAKE OUR BLESSINGS FOR GRANTED?

DEAR FRIENDS: You will be receiving this report a day or so before sitting down to your Thanksgiving Dinner. I would like to devote, in this time of turbulence, a few words on what it means to all of us.

Thanksgiving is a treasured and cherished institution in our land . . . a time when families and friends throughout America join together.

Too many times we take our blessings for granted as we celebrate Thanksgiving, forgetting that part of our heritage is living in the greatest nation under the sun.

The seed of this country was sown with the rugged voyage of the Mayflower. If those hardy souls aboard that ship had lost their faith with providence and themselves during the terrible ordeal of their first winter at Plymouth, civilization—as we know it—could have been delayed for centuries. The Pilgrims, in their pursuit of freedom in individual beliefs, brought to life the first experiment in liberty, which indelibly marked America as the land of opportunity. It is interesting to note, too, that nobody met these people with handouts from the public purse or special favors; yet, they asked God's blessings and gave thanks for His deliverance.

The Pilgrims were the forerunners of the pioneers who opened a trail westward across the vast expanse of America and into our beloved Nebraska. The difficulties that confronted them were beyond description, but raw courage and hard work overcame the obstacles.

As we look around us in this year of 1969, we find ourselves beset with many problems—both domestic and international. Truly, it is a time to seek guidance for ourselves from a superior force and to pray that those who lead our country in troubled times are endowed with the wisdom essential to preserving America for us today and for those who will follow.

PLATTE RIVER DAM AND RESERVOIR

Many words have been written and spoken on the proposed Platte River Dam and Reservoir. A formal report is in the making for next spring following last week's hearings in Omaha and Lincoln.

As I have stated before, I am opposed to the inundation of productive areas and towns of historical significance. I also feel Congress will take a long, hard look at any project that has an estimated cost of $500 million, which undoubtedly is quite low.

Construction of a dam near Ashland would mean the loss of 126,000 acres of Nebraska farm land. This project also would seriously hamper development of the corridor between Omaha and Lincoln—the area of greatest possible expansion in Nebraska.

I can envision in the next 20 years a continuous area of business, industry and homes between Omaha and Lincoln. This, of course, will be enhanced by the introduction of at least three more major airlines to Omaha next spring.

Omaha will become a major airline hub in the United States. This increased accessibility—only a few months away—will open another vital door to the Heart of the Midlands.

If growth in the corridor between Omaha and Lincoln is impeded, the area will be less attractive to business and industry which might wish to locate in Nebraska.

APOLLO FILM AVAILABLE

I am extremely pleased to let you know that two copies of a color documentary film on the historic voyage of Apollo 11 to the moon are now available through my Omaha office. I have personally viewed this 30-minute film entitled "The Eagle Has Landed." It is non-political and certainly a part of history.

If you would like to have this film shown by an organization to which you belong, have a representative call the Omaha office at 221–4631 for a reservation. I regret that we will not be able to project the film for you, but I am hopeful your group will either have or have available a 16 mm. sound projector.

SEX EDUCATION IN SCHOOLS

The controversy over sex education in our schools continues—not only in Nebraska, but throughout the nation. I introduced a bill which would prohibit the use of Federal funds for such courses in elementary and secondary schools unless the program is approved by the local school board.

I want to preserve for parents the right to decide for themselves through their school system the character and extent of sex education they desire for their children. Many urgent telephone calls and letters from frantic parents have come into my office over this matter. It is of great importance to all of us and I am hopeful legislation along these lines can become law.

PRAYER IN SPACE

I recently introduced a resolution in the House of Representatives which would prevent restrictions on prayer in space.

There is now pending before a Federal Court in Texas a temporary restraining order which would prohibit United States Astronauts from conducting any religious activities in space. It is both understandable and fitting that Astronauts should turn to their religious faith for comfort while on missions in space and this resolution will make that possible.

PRISONERS OF WAR

I have joined with other Members of Congress in introducing resolutions condemning North Vietnam for the inhumane treatment of American prisoners of war.

North Vietnam and the National Liberation Front have show complete disregard for the provisions of the Geneva Convention. Their treatment of American servicemen has been appalling.

The free world condemns these actions and we must pursue even more diligently efforts to obtain a list of prisoners held; gain release of the seriously ill and injured; permit impartial inspections of all prisoner of war facilities and permit the free exchange of mail between prisoners and their families.

Good news for senior citizens—President Nixon recently advised me he has established a Task Force on Problems of the Aging. The task force will examine the problems faced by older people in order to determine how they best can achieve security, dignity and independence. It will review existing programs, suggest improvements, and recommend further actions that might be taken in this important area.

Legislative recommendations—I was honored to join more than 100 of my colleagues in the introduction of a resolution backing President Nixon's troop reduction policies in Vietnam. It's time we pull together, not in many different directions.

Another bill I introduced recently is designed to *slash the number of unsolicited credit cards* flooding American homes. *Others* call for: *A moratorium* on the discontinuance or reduction of railroad passenger train service; *Broadening and strengthening* of Federal consumer protection and information activities; *Election reform* which would place new limitations on campaign contributions and spending; *Changing* the Government's fiscal year (July 1–June 30) to the calendar year; *Strengthening* civil rights remedies available to American Indians under tribal law.

COMMITTEE WORK GROWS

Committee work is one of the most important duties a Member of Congress has and it continues to grow.

Just recently a report of the Interstate and Foreign Commerce Committee, of which I am a ranking member, disclosed that it had been referred more than 1,000 bills. Even though some of these are identical, each group of bills is considered by a subcommittee before being passed along to the full committee for action.

Sincerely,

GLENN CUNNINGHAM.

BUILDING BRIDGES—MORE U.S. AID TO CUBA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RARICK. Mr. Speaker, the UNO has announced through its propaganda arm, UNESCO, a grant to Castro's Cuba of $500,000 to $1.5 million a year over the next 5 years. While designated for education, the moneys are certain to relieve Cuba's desperate economy and ease the financial pressures in such other areas as military, sustaining guerrilla action, and subversion.

The present administration has requested Congress to increase U.S. contributions to the UNO—its main source of income—from $75 million to $100 million a year.

While we buy strategic chromite from Moscow and U.S. businessmen are denied trade with Rhodesia because of U.N. economic sanctions, their tax dollars are to be spent by the UNO to subsidize Cuba—a Red arsenal 90 miles from our shores.

I include a news article:

U.N. TO AID 20 PROJECTS IN CUBA

HAVANA.—The United Nations will cooperate in 20 educational projects in Cuba during the next five years, it was announced here.

Dr. Malcolm S. Eiseshiah, Indian director general of the U.N.'s Education, Scientific and Cultural Organization, told a press conference at the end of a five-day visit that UNESCO would triple its spending in Cuba over the next five years from $500,000 to $1.5 million a year.

ROSS PEROT—DEDICATED AMERICAN PATRIOT

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. COLLINS. Mr. Speaker, Ross Perot is a businessman with lots of heart and the driving force to put it in action. Perot believes in America and he wants to give every citizen an opportunity to stand up and be counted in support of our President.

Felix R. McKnight, our plain-spoken editor of the Dallas Times Herald, wrote an analytical editorial on citizen Ross Perot—a concerned man. Perot has asked citizens from coast to coast to join him in United We Stand, Inc. He asks those who support the President to write Post Office Box 100,000, Dallas, Tex., 75222 and let their voice be heard.

McKnight sums up the Perot message in this November 16 story in the Dallas Times Herald. I know Ross well—I hope sometime when he visits Washington you all get to know him—you will like and admire his dynamic spirit and tremendous drive. He is 110 percent American.

The editorial follows:

ROSS PEROT—DEDICATED AMERICAN PATRIOT

Ross Perot is a man who pays his debts. Not always with currency, of which he has ample amounts, but more with deeds and acts. Remember?

I have never met Ross Perot. I have only read, and heard, of him.

But I intend to meet him, and shake his hand.

I would like very much to know a citizen who took very urgent time to tell a nation to get off its apathy and get the hell into action. This man fascinates me—and many millions more who small-talked among themselves and didn't have the guts to get up and make the big speech.

I refer to recent events in this nation—like the last couple of weeks. When men and women decided it might be fashionable, again, to profess openly that we had a defensible set of grounds upon which we set tents a couple of hundred years ago.

The President made a speech about a war all free men loathe. It was not a spectacular, at the time. Critics said it offered no new hope. Others found a reaffirmation of old principles; a nudge to the drowsy.

Strident voices suddenly mellowed a bit; only the violent clang of the professional dissenter still rings as loudly as it did a couple of weeks ago.

Folks who seemingly almost shied in embarrassment behind their tarnished patriotism, came out of the woodwork. Flags wave in their yards; they punch on headlights during the daytime and some of them even wear little American flags in their lapels.

The "shame" of being patriotic, of moving their lips when they play the Star-Spangled Banner at the Cowboy game, is edging away. The newspapers and the networks, to a degree, are giving battered old American pride the headlines.

The nation is finally getting up its guts. It took a little longer than usual, but it finally made it.

JAMES M. COLLINS.

* * * * *

Ross Perot didn't swing the magic stick alone, but he had a hell of a lot to do with it. He is a fortunate young man, still in his 30s, who got his break in a nation that provides opportunity for men who can cut it with knowledge, a will, a spirit of compassion, a dedication and a respect for concepts upon which this beleaguered country was born.

Ross Perot is a wealthy man because he took advantage of every tool offered any young man who wants to work at the task.

But Ross Perot hasn't retired to the counting house and forgotten how he came to this position. He can, indeed, pay any debt he owes—including the big one to a land that made possible his impossible dream.

He is the young man who has financed a hundred full-page newspaper ads in the nation's largest newspapers—an ad that simply urges his neighbors to buy new stock in the United States of America. He doesn't care whether they are white, black, Republican or democrat.

He simply asks that they clip a coupon, mail it to the President of the United States and sign their name to a simple statement—United We Stand. It isn't a voter registration; it is citizen registration.

True, quite true, Mr. Perot supported Richard M. Nixon for the presidency. But now he urges that you support the office—not the man.

If you didn't happen to get a copy of your local newspaper around the land, Mr. Perot also made it possible to hear the same message via television—at the cost of a few more hundreds of thousands of dollars.

A Nixon political lackey?

Mr. Perot is a quiet, shy man who seeks anonymity. He started this movement anonymously, just as he did when he gave a million dollars to the Dallas Public School System for the enrichment of local public school education. Inquisitive newsmen found him out in both cases—to his embarrassment. His concern and his generosity happen to be very real.

And this "Nixon" man came about his latest United We Stand idea in a most strange manner.

* * * * *

He was flying home after a visit with former President Lyndon B. Johnson at his Hill Country ranch. Mr. Johnson is a Democrat—but he also was a president of the United States, and the depth of his concern for this country, and the office of the presidency, cut deeply into Ross Perot.

It occurred to him that the last four presidents of the United States had followed the same basic policies on Vietnam. Only the strategies had differed. Not one of them, as commander-in-chief, had, in his own way, swerved from the path of protecting a few precious items—like preservation of freedom for people who wanted to be free.

He mulled it over—Ike Eisenhower, John F. Kennedy, Lyndon B. Johnson and now Richard M. Nixon. Presidents, elected by the people, to provide the critical decisions. The people gave authority and, he believes, they still happen to think that the President has more information than crowds in the streets, dulcet television voices, anointed columnists.

So Ross Perot made a decision to shake a national shoulder and stir hundreds of thousands of people across this nation into positive support of their President on the Vietnam issue.

VIEWPOINTS ON AGNEW SPEECH

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SKUBITZ. Mr. Speaker, in our Fifth Congressional District, we have some of the best editors in the Nation. I read with considerable interest their viewpoints on the speech by our Vice President AGNEW. I would like to share these viewpoints with the Members of Congress:

[From the Independence Daily Reporter, Nov. 19, 1969]

SPIRO SPIRALS

One short year ago, after the Republican Convention, rank and file Americans everywhere were asking, "Who Is Spiro Agnew?", the surprise running mate of President Richard M. Nixon.

In the year since this "unknown" from Maryland has skyrocketed into prominence in such a manner the average man on the street today is very much aware of his presence.

Liberals, television and much of the national press were quick to attack after the Nixon-Agnew team took over in January. But their jibes, jokes and "foot in the mouth" talk has changed as everyone becomes conscious of the Vice President who is rattling the teeth of the so-called untouchables. The more he speaks the more sense he makes.

Vice President Agnew, just at the right time, tagged the leaders of the protests and marches against the Nixon war policies as intellectual snobs who are trying to sandbag Nixon at every turn.

Following up his charges that met with wide support, Agnew lowered the boom last week on television news and the biased reporting of the name commentators who have elevated themselves into the diplomatic corps of critics. He didn't call for censorship. But he did call for an end to the hatchet jobs being done on public officials regardless of party.

The outpouring of support for this attack is good evidence Agnew is talking for the great masses of Americans who are intelligent enough to tell when news is being colored and when the networks are out "to get" a certain personality.

Spiro Agnew is no more an "unknown." In fact so high is his stock soaring he may well go down in history as one of the greatest vice presidents the nation has ever had. John Q. Public is fastly finding Agnew is his kind of people and has established his name as a household word throughout the country.

THE VEEP AND TV

At Des Moines, Iowa, a few days ago, Spiro Agnew, the vice-president, took a healthy swat at the way television networks are operated in this country. Like all of Agnew's utterances, this speech stirred up a hornet's nest—but its end result no doubt will soften some of the arrogance which television's top men have taken to themselves.

The Vice President said he is not asking for government, or any other kind of, censorship over the air waves. But then he lowered the boom when he stated further:

"I am asking whether a form of censorship already exists when the news that 70 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases."

Evidently he was hitting at the top line news commentators, who accused Agnew of passing off too many of their preconceived ideas on an "authoritative analysis" of a situation. He also pointed to the examples of newspapers, which first publish the facts and then discuss the subject later on their editorial pages after they have had the time to digest it.

Network heads were righteously indignant over this blast at their handiwork and none admitted any truth in Agnew's criticism. But they are undoubtedly provincial in their views which reflect the opinions of their surroundings in the larger centers of the East.

The Veep is not seeking federal censorship for the glamor fellows, but his remarks are most likely to be heeded by some of the principal offenders. A burnt child avoids the fire, you know.

[From the Winfield (Kans.) Daily Courier, Nov. 19, 1969]

Agnew TV Hassle

Vice President Spiro Agnew's attack on the television industry unmistakably touched a responsive chord among a lot of not-so-silent-any-more Americans. The vibrations go on.

Letters and telephone calls to the headquarters of the three major broadcasting networks and to local stations all over the country have run overwhelmingly in his favor. Even more than his remarks about an "effete corps of impudent snobs" (or was it an "impudent corps of effete snobs"?) involved in the October 15 Vietnam Moratorium, the vice president's targeting of "a small group of men" which determines what news goes out over the air clearly hit something close to the heart of many people.

As usual, however, it is not what the vice president said but what he allegedly implied that has caused the agitation.

What he implied, some defenders of the industry have been quick to warn, is government censorship of television, followed inevitably by censorship of the press, followed eventually by a police state and dictatorship and the abolition of all the freedoms Americans hold dear.

What he actually said, and it bears repeating, is this:

"Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

"And the people of America are challenged, too—challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves, where the people—not government—must be the reformer, where the consumer can be the most effective crusader."

This does not sound like a call to censorship and repression.

We think he said things that needed to be said a long time ago. Editorializing and mingling of biased views with the news by TV commentators has been going on for a long time and should be stopped. A division needs to be made between news and editorial content of television broadcasts.

Agnew's words have been criticized as an attack on the freedom of the press. We interpret them as defense of freedom of the press as opposed to censorship by those who control the TV industry.

[From the Chanute (Kans.) Tribune, Nov. 18, 1969]

Objectivity Is Not Enough

Concentration of power creates opportunity for abuse. This is true with elected officials and it is true with news reporters.

The challenge to news reporters is to guard against abuse. Objectivity has long been the goal. But if a reporter covers news involving strong feelings there is but one way to assure objectivity:

Stay away; don't report it.

Or you can take the slightly more sophisticated approach. Cover the events but function only as a recorder. Prejudice is transmitted, but the reporter maintains his untainted reputation for objectivity. This would please Spiro Agnew.

Hopefully, the art of reporting has advanced beyond this simple-minded approach. Balance is the goal now. A balanced report that includes the pertinent facts of as many viewpoints as space or time permits.

Vice President Agnew warned the nation against television reporters given to raising eyebrows. The silent majority cheered this note.

But cheers or jeers cannot guide a news reporter dedicated to his job.

In the printed media, the U.S. News and World Report is praised by many for its "objectivity." The interview is quoted verbatim—question and response.

But if I only interview people who hold the views I want publicized, I can be objective and prejudiced at once.

The greatest prejudgments involve selection of material. If I report only the abuse of welfare (as does the Abilene newspaper perennially), I transmit prejudice. The positive side of welfare is part of the story too.

Malice is the key consideration. If malice exists, then news reports cannot be balanced nor fair.

Spiro added his voice to those who object to scrutiny by the press. It isn't anything new. His boss has been complaining for two decades. And so did Lyndon Johnson. Does that tell you anything?

[From the Coffeyville (Kans.) Journal, Nov. 17, 1969]

Agnew's Threat to TV

Vice President Agnew's attack on the handling of televised news and news comment is a grave affront to the idea that government should do nothing, directly or indirectly, to inhibit free expression. Agnew did not utter his condemnation as an individual; he was cloaked in the panoply of government. That is the thing to bear in mind when considering his remark that perhaps the time has come for the networks to be "made more responsive to the views of the nation."

On first thought, some may be inclined to see that as not such a had idea. After all, it may be said, majority rules so why wouldn't it be a good thing to make the news broadcasters "more responsive" to popular views? The flaw in this is the element of compulsion. The moment someone in authority can "make" newscasters reflect a particular viewpoint in their broadcasts, free expression is trammeled.

Government interference along these lines would be intolerable. More or less threatening observations by men near the seat of power, such as Agnew made, are scarcely less so. For this was, as Dr. Frank Stanton of Columbia Broadcasting System promptly declared, an "unprecedented attempt by the vice president of the United States to intimidate a news medium which depends for its existence upon government licenses." Agnew was flicking the whip of possible government repression should the networks and affiliated stations not behave as he wishes them to.

Our defense is not of the broadcasters' presentation of news and comment. There are legitimate grounds for criticism, perhaps including some of Agnew's strictures. The point here made is that when the man next in succession to the President castigates the broadcasters for their reportage of a presidential speech he comes close to demanding subservience to the ruling party. That is a dangerous abuse of power.

QUESTIONABLE GUIDELINES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RODINO. Mr. Speaker, the evidence is mounting that this administration is not only backing off from major commitments to social justice begun by the last two Democratic administrations, but is now actually sprinting backward—fully aware of the impact of its methods. Equal opportunity to gain a decent education, which is, after all, what school desegregation is all about, is just one example.

However, today I want to call attention to a policy which could be absolutely disastrous if allowed to prevail—that is the recently reported directive from the Secret Service requesting all Federal employees to furnish information about their fellow workers who make threatening, abusive, or irrational statements about their superiors.

Liberty is too precious and too fragile to even allow what seems to be a laughable directive to go out unchallenged. Perhaps with a special feeling for the rationale of persecution the Newark Afro-American recently spoke out on these "questionable guidelines":

Questionable Guidelines

Those among us who have fears about the United States some day turning more militaristic or employing police state tactics have new reason to be concerned.

The U.S. Secret Service Liaison Guidelines ask federal, state and local law enforcement agencies to supply the Secret Service with information that could result in secret doziers being built up on millions of Americans.

The guidelines ask information about attempts to "embarrass" high officials, people seeking redress of "imaginary grievances," and people making "irrational" or "abusive statements" about high government officials.

A first inclination would be to wonder if the doziers will include one on Vice President Agnew, who has had some rather pointed statements of recent about some of his fellow Americans, including some high government officials?

But the issue is much more significant than that.

Are Americans no longer going to be able to "embarrass" public officials, seek redress of matters some may consider "imaginary," or make statements a neighbor might deem "irrational?"

The new guidelines apparently grew out of the recommendation of the Warren Commission that investigated the Kennedy assassination. It urged steps be taken to better protect presidents and other public officials.

> But it did not recommend anything like the guidelines now in existence.
>
> It is doubtful the commission would agree to the wisdom of these new guidelines.

IMMEDIATE SOCIAL SECURITY PAYMENT INCREASES ARE IMPERATIVELY NEEDED BY OUR OLDER CITIZENS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DONOHUE. Mr. Speaker, despite the importance of other pending measures, and notwithstanding the complexity of certain of its provisions, I most earnestly urge and hope that the leadership, on both sides of the House and the Senate, will cooperate with the respective committee chairmen, so that this House and the Senate will be provided an opportunity in the immediate future to approve a substantial increase in social security benefits, an increase that is desperately needed by millions of people in this country today.

Unfortunately, it is an established fact that an insufficient income is still the major problem that deeply distresses over one-third of the some 25 million Americans now over 65 years of age, and we cannot escape the harsh reality that insufficient income will continue to be the major problem of most all of our senior citizens if we further permit running inflation to smother our best efforts to improve the social security system.

Mr. Speaker, it is a further and unfortunate fact that current social security benefits dismally fail, in most cases, to provide even minimal subsistence standards for our older citizens. It is inconceivable to expect some 25 million Americans, all nearly totally dependent upon social security payments, to exist on income at or near the poverty level.

The imperative need of these social security recipients, in the face of continuous and disheartening advances in the costs of every service and food staple necessary to minimal decent living in this land of promise and plenty, is an immediate substantial increase in social security benefits and allowances. Today, one out of every eight Americans count on their monthly social security check for the mere essentials of a decent life and the economic fact is that their present check is not large enough to provide these essentials.

Mr. Speaker, there are, of course, other improving provisions that must be incorporated into any revision of the present social security law, such as an automatic cost-of-living increase to overcome inflation effects, reduction of the retirement eligibility age, the possibility of eliminating the ceiling on earned income, liberalization of the definition of disability, and removal of the unrealistic extended time period for disability qualification, and many other proposed improvements contained in my bill and the other measures pending in committee.

However, and finally, Mr. Speaker, my urgent plea is to immediately initiate and complete legislative action to grant these social security payment increases, with automatic cost-of-living clauses, alone, if it is felt that we do not have sufficient time left in this session of the Congress to accomplish a total revision of the present social security system. I urge the chairman and members of the House Ways and Means Committee to exert every possible effort to report, if necessary, a separate, substantial benefit increase bill and make the benefits payable retroactively to at least April 1, last. Certainly such legislative action would tend to encourage and generate a more realistic sense and widespread appreciation of the spirit of Thanksgiving and Christmas which is, basically, to contribute as much as we legislatively can toward improving the quality of life for all our fellow citizens and fellowmen here on earth.

HAZELWOOD MARINE KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Lance Cpl. Robert C. Barr, of Hazelwood, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrified their lives for this great country. In tribute to Lance Corporal Barr for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

> HAZELWOOD MARINE KILLED IN VIETNAM
>
> A Hazelwood Marine has been killed in action in Quang Nam, Vietnam, the Defense Dept. announced.
>
> He was identified yesterday as L-Cpl. Robert C. Barr, 19, son of Mr. and Mrs. Anthony B. Barr, of 5020 Ampere St.
>
> Cpl. Barr, a member of the 3rd Platoon, 1st Marine Division, was killed Tuesday.
>
> He was employed at the Homestead Works of U.S. Steel Corp. after graduating from South Vocational High School in June, 1967, joined the Marines in June, 1968, and went to Vietnam last February.
>
> His sister, Cathleen, said "he didn't seem to be having any difficulty in Vietnam . . . I guess he didn't want to scare us."
>
> In addition to his parents and sister, Cpl. Barr is survived by three brothers, Anthony J., 17, Thomas M., 13, and Richard E., 11.

HOUSE OF REPRESENTATIVES—*Tuesday, November 25, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He leadeth me in the paths of righteousness for His name's sake.—Psalm 23: 3.

O Thou who art the light of the world, the life of the faithful, and the love of those who put their trust in Thee, let Thy spirit shine in our hearts as we wait upon Thee in prayer. Grant unto us the will to do Thy will that with faith in Thee alive within us we may let our light of hope shine before men. By Thy grace may we reverently use our freedom to maintain justice, to establish liberty, and to promote understanding among men and nations.

Deepen our life as a nation in righteousness, truth, and good will. Mold us into one people, united in purpose and program, to keep our Nation free and to strengthen the bonds of fellowship between the citizens of our beloved Republic.

Plant virtue in every heart, love in every home, light in every church, and liberty in every country, for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2566. An act for the relief of Jimmie R. Pope.

MAKING IN ORDER CONSIDERATION OF JOINT RESOLUTION FOR FURTHER CONTINUING APPROPRIATIONS, 1970, ANY DAY NEXT WEEK

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a joint resolution making further continuing appropriations for the fiscal year 1970 beyond December 6, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONGRESS MUST PASS FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969 AT THE EARLIEST POSSIBLE MOMENT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, November 20, 1968, was a sad day for the American Nation. On that day 78 men perished in a mine disaster which rocked the complacency of the coal industry and startled the American conscience into a reawakening.

Many people had thought that coal miners were no longer subject to death, disability, and disease because of their occupation. Many believed that the disasters which had always characterized the coal industry were a thing of the past. The explosions, the fires, and the anguished faces of the widows and orphans of Farmington buried forever that mistaken notion.

Under the impetus of Farmington, Congress has considered the need to update and strengthen the Federal Coal Mine Safety Act of 1952. Public pressure would permit no less. Both Houses have now passed a strong coal mine health and safety bill.

Mr. Speaker, the time for temporizing and delay is long over. I urge the members of the conference committee to bring to the floor of the House and the Senate immediately the coal mine health and safety bill which has been agreed upon by the conference. Our moral imperative dictates no less. Our responsibility, not only to the coal miner and his family, but to our own constituents who have demanded effective mine safety legislation dictates that this Congress respond to this demand and pass the Federal Coal Mine Health and Safety Act of 1969 at the earliest possible moment.

THE RECORD PROVES THAT THE GOODELL VIETNAM WITHDRAWAL RESOLUTION WAS DRAFTED "UNDER THE SUPERVISION AND DIRECTION OF TOP LEADERS OF THE NOVEMBER MORATORIUM COMMITTEE"

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I see by news reports this morning that a "spokesman" for the junior Senator from New York, Mr. GOODELL, confirms the story which appeared in yesterday's Washington Post about the origins of the Senator's now famous Vietnam withdrawal resolution, but denies, as I pointed out yesterday, that these circumstances mean that this resolution "was actually drafted under the supervision and direction of the top leaders of the Vietnam Mobilization Committee." The spokesman is quoted as maintaining that all the Senator did was to "consult" with the moratorium.

If the Senator's spokesman claims that what the Senator did was nothing more unusual than routine, run-of-the-mill consultation, then he is either unable or unwilling to read English. If the story is confirmed, then it means what it says.

Here is what the story said: The moratorium wanted a "specific piece of legislation around which they could organize a national campaign." Senator GOODELL "had decided to make a dramatic plunge into the peace movement" and "made contact with the Vietnam Moratorium Committee." The story said:

> Out of that meeting came a Goodell promise to produce some legislation. They discussed and discarded the idea of a bill to prevent draftees from being sent to Viet Nam. They did not want a "sense-of-the-Senate" resolution . . . Goodell finally came up with the December 1970 Disengagement Bill and they agreed to support it around the country.

In other words, Senator GOODELL discarded the bills the moratorium disapproved of and introduced in the Senate only the bill they approved. They had a clear-cut veto over his actions on this particular bill. This is a long way from "consultation" in anybody's dictionary.

Senator GOODELL may be playing the pipe, but the Vietnam Moratorium Committee is clearly calling the tune.

VICE PRESIDENT AGNEW'S COMMENTS ON TV AND NEWS MEDIA

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, I share the valid and growing concern being expressed throughout the country at the unjustified and intemperate attacks by the Vice President on free speech and the media. Employing the propagandist's technique of "sweeping generalization" the Vice President has started down a path which, if followed to its end, could lead to censorship, repression, and erosion of the first amendment freedoms.

Some have made a joke of this. But it is no laughing matter. Broad indictments such as those employed by the Vice President are dangerous weapons that have had great success in totalitarian regimes.

No one can responsibly argue that all the media are always responsible or fair. But as one who had a long career "on the other side of the microphone," I know that the media are constantly striving for the highest standards of responsibility and fairness. Accordingly, I shall in the near future read into the RECORD of the House the responses of media representatives to Mr. AGNEW's charges.

Nor can one reasonably argue that all who dissent from policy do so peacefully or properly. But the violence of a very limited element must never be used to justify restrictions on the fundamental right to dissent.

Vice President AGNEW is, I suppose, exercising his own right of free speech. But I would remind him of the classical argument that no one has the right to abridge the rights of others. And the only consequence of adherence to the doctrine currently being espoused by the Vice President would be the abridgement of the rights of assembly, free speech, free press, and dissent.

These are the very freedoms that have made our country so great and they must be protected if our greatness is to prevail.

I would point out to the Vice President that a little repression, like a little recession, is not good for this country.

DR. EDWARD WENK, JR., ANNOUNCES RESIGNATION

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the announcement came today of the resignation, effective January 31, 1970, of Dr. Edward Wenk, Jr., as Executive Secretary of the National Council on Marine Resources and Engineering Development.

Dr. Wenk served three Presidents as policy adviser on science and technology. As a matter of fact when Dick Nixon became President in January, I immediately expressed the hope that the new administration would retain Dr. Wenk especially because it was apparent that a new and expanded oceanographic program in America is about to come into being after years of careful study and planning. Certainly any legislation to implement our maritime resources and knowledge will owe much to Dr. Wenk, Jr., as those of us on the House Subcommittee on Oceanography will testify.

The Government is losing a topnotch man of science and a great many of us in Congress will regret his leaving, but his future which I understand will be in the academic field assures that his contributions will continue.

Mr. Speaker, I bespeak the sentiments I know of all who worked closely with Dr. Wenk in wishing him well.

PLEA TO END A.B. & W. BUS STRIKE

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute.)

Mr. BROYHILL of Virginia. Mr. Speaker, the A.B. & W. bus strike is now in its third week with no solution in sight. The situation is intolerable. We cannot blame the drivers for insisting on wages they need to maintain a decent standard of living; nor can we blame management, who will have insufficient revenue to operate at a profit without fare increases if they agree to the wage demands. Yet in an area so vital as daily transportation for thousands of commuters and schoolchildren the public interest is paramount.

We are headed on a collision course, Mr. Speaker, with management unable to pay increases demanded by drivers and the drivers unable to work for less. I believe our only solution is to begin immediate negotiations to buy the company and operate it under public ownership.

Mr. Speaker, I am now drafting legislation to give the Washington Metropolitan Area Transit Authority the authority to acquire all bus transportation facilities in the Washington area, and setting up an interim agency to acquire the A.B. & W. system pending required ratification by the States of Virginia and Maryland.

The strike must be settled before Congress can act, Mr. Speaker, but I believe anticipation that the company will be taken over may encourage management to settle for more than they could do profitably if they expected to continue to operate the system.

Mr. Speaker, I urge my colleagues to join me in action to end the chaos this strike is creating.

DEMONSTRATORS SHOULD POST BOND TO INDEMNIFY TAXPAYERS AGAINST DAMAGE

(Mr. DEVINE asked and was given permission to address the House for 1 minute.)

Mr. DEVINE. Mr. Speaker, the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), last night on television, revealed that $1,800,000 was the approximate expense totaled up thus far as the result of the "peaceful" demonstration under the guise of a moratorium. It was pointed out that also every bank along Connecticut Avenue and many of the businesses had their windows smashed and there was pilfering and other damage to the citizens of the District of Columbia and their property.

Accordingly, I was compelled to dig out legislation I had introduced 2 years ago, in November 1967, and reintroduce it today. It would require any person or persons, seeking a permit to demonstrate, to conduct a vigil, to march, or to parade in the District of Columbia or on Federal property, to post a bond to indemnify the taxpayers of America against their indiscretions, and damages caused. I see no reason whatsoever for the law-abiding citizens of America, the taxpayers, to be required to pick up the check for the irresponsible lawbreakers. I trust the leadership will schedule hearings at an early date.

JUDGE HAYNSWORTH SHOULD REMAIN ON CIRCUIT COURT OF APPEALS

(Mr. WATSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WATSON. Mr. Speaker, inasmuch as Judge Haynsworth and his family have just suffered through a totally unjustified and agonizing personal experience, it is understandable that anyone under similar circumstances would be considering the question of his future judicial service. But let me say publicly, as we encourage Judge Haynsworth to remain on the bench, that all knowledgeable people agree that the failure of the U.S. Senate to confirm him was because of geographical and political considerations rather than a lack of personal qualifications.

While it is highly unfortunate, it is also true that there exist desperate and unprincipled individuals willing to employ half-truths and invidious innuendoes in order to win a political battle. I am, however, confident that neither the American people, nor the parties who may be litigants in matters before the appellate court will give credence to any of the absurd charges leveled at Judge Haynsworth.

Not only South Carolinians who know him as a person of unquestioned integrity, impeccable character and exceptional legal ability, but all citizens of the fourth circuit would be further disappointed and saddened, should Judge Haynsworth decide to resign from the bench.

RIEGLE URGES FURTHER U.S. TROOP WITHDRAWALS FROM VIETNAM

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I am encouraged by the statements of Defense Secretary Laird yesterday when he announced that the administration had reached its December 15 Vietnam troop withdrawal target 3 weeks ahead of schedule. In recent weeks, 35,000 U.S. troops have been withdrawn from Vietnam—in addition to the initial withdrawal of 25,000—and this combined withdrawal of 60,000 troops has served to reduce our present U.S. troop strength in Vietnam to 484,000. This number is higher than I would like it to be, but the trend is toward disengagement and this is encouraging.

I was also pleased to hear Secretary Laird state that the withdrawal process would not stop at this point or depend upon additional formal withdrawal announcements. He indicated that the U.S. withdrawal process will continue. This is essential. Our progress in removing our fighting men from Vietnam must continue. More than that, it must continue, I believe, at an accelerated rate.

Since early July, our withdrawal rate has been running at about 10,000 men per month. This rate must be accelerated—otherwise we will still have American troops in Vietnam in 1974. Clearly, the U.S. military effort in Vietnam must end before 1974. I therefore am hopeful that the present rate of withdrawal will be increased.

Having made the decision to withdraw our combat forces from Vietnam, we must proceed toward that goal—making it clear to the Vietnamese that their ultimate destiny rests in their own hands.

ACCOMPLISHMENTS OF CONRAD, FELLOW ASTRONAUTS ARE LAUDED

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, with the safe return of our three Apollo 12 astronauts, we again have witnessed a monumental achievement in the history of mankind.

Above and beyond the incredible technology that went into this second voyage to the moon, I think the human investment in intelligence, courage, and talent of our three astronauts still rates highest in terms of accomplishment. Our highest accolades indeed are merited by Charles "Pete" Conrad, Alan L. Bean, and Richard F. Gordon, Jr.

I am particularly proud that Comdr. Pete Conrad grew up in my congressional district, attended Haverford School and, as a teenager, took his first flying lessons at the old Main Line Airport. I have sent his mother, Mrs. J. Weir Sargent, of Haverford, Pa., the following telegram today:

> Warmest congratulations on Pete's magnificent voyage. I am proud to be one of a very few Congressmen whose constituent has left footprints on the moon. Please convey my best to Pete and Jane. All Americans, and especially those in Montgomery County, Pennsylvania, applaud his extraordinary performance and the calm and courage of the entire family. Our prayers went with him and we rejoice at his safe return.

PROVIDING FUNDS FOR THE OPERATION OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-687) on the resolution (H. Res. 554) providing funds for the operation of the Select Committee on Small Business, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 554

Resolved, That the further expenses of conducting the study and investigation authorized by H. Res. 66 of the Ninety-first Congress, incurred by the select committee appointed to study and investigate the problems of small business, not to exceed $550,000 in addition to the unexpended balance of any sum heretofore made available for conducting such study and investigation, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

Committee amendment: On page 1, line 5, strike out "$550,000" and insert "$40,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE ADJUSTMENT OF SALARIES OF CERTAIN EMPLOYEES OF THE HOUSE PRESS GALLERY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-688) on the resolution (H. Res. 644) providing for the adjustment of salaries of certain employees of the House Press Gallery, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 644

Resolved, That, (a) until otherwise provided by law, the per annum rate of basic compensation of—

(1) the Superintendent of the House Press Gallery shall be $5,960 per annum;

(2) the First Assistant Superintendent of the House Press Gallery shall be $5,265 per annum;

(3) the Second Assistant Superintendent of the House Press Gallery shall be $4,170 per annum;

(4) the Third Assistant Superintendent of the House Press Gallery shall be $3,695 per annum; and

(5) the Fourth Assistant Superintendent of the House Press Gallery shall be $2,950 per annum.

(b) Until otherwise provided by law, such amounts as may be necessary to carry out subsection (a) of this resolution shall be paid out of the contingent fund of the House of Representatives.

(c) This resolution shall become effective at the beginning of the calendar month in which it is adopted.

Mr. **HAYS** (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **HAYS**. Mr. Speaker, I just want to say this is a resolution which will adjust the salaries of the people in the Press Gallery. The committee by itself was able to do it in the Periodical Gallery and the Radio Gallery, but the Press Gallery requires a resolution.

The **SPEAKER**. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. **HAYS**. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–689) on the resolution (H. Res. 710) providing funds for the Committee on House Administration, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 710

Resolved, That during the Ninety-first Congress, the Committee on House Administration is authorized to incur such additional expenses (not in excess of $500,000) as it deems advisable in carrying out its duties, including the development of a computer system for the House of Representatives. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT "A GUIDE TO STUDENT ASSISTANCE"

Mr. **DENT**. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–685) on the concurrent resolution (H. Con. Res. 345) providing for printing as a House document "A Guide to Student Assistance" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 345

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document "A Guide to Student Assistance," prepared by the Committee on Education and Labor; and that sixty-two thousand two hundred additional copies be printed, of which forty-three thousand nine hundred shall be for the use of the House of Representatives, ten thousand three hundred shall be for the use of the Senate, four thousand copies shall be for the use of the Committee on Education and Labor of the House, and four thousand copies shall be for the use of the Committee on Labor and Public Welfare of the Senate.

Sec. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House Documents Room.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO AUTHORIZE PRINTING AS A HOUSE DOCUMENT THE PAMPHLET ENTITLED "OUR FLAG"

Mr. **DENT**. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–686) on the concurrent resolution (H. Con. Res. 407) to authorize the printing as a House document the pamphlet entitled "Our Flag" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 407

Resolved by the House of Representatives (the Senate concurring), That the publication entitled "Our Flag", published by the Office of the Armed Services Information and Education, Department of Defense, be printed with illustrations as a House document; and that two hundred and seventy-one thousand additional copies be printed, of which two hundred and nineteen thousand five hundred shall be for the use of the House of Representatives, and fifty-one thousand five hundred shall be for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2276, CLEAN AIR ACT

Mr. **STAGGERS**. Mr. Speaker, I call up the conference report on the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 24, 1969.)

Mr. **STAGGERS**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. **SPRINGER**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **BOGGS**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 291]

Abbitt
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Bell, Calif.
Blanton
Blatnik
Boland
Bolling
Brock
Brown, Calif.
Cabell
Caffery
Cahill
Carey
Clark
Clay
Collier
Colmer
Conable
Corbett
Corman
Cowger
Dawson
Dennis
Diggs
Dorn
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Goldwater
Green, Pa.
Griffin
Gross
Gude
Hagan
Hamilton
Hanna
Hansen, Wash.
Hébert
Henderson
Hungate
Jacobs
Jones, Ala.
King
Kirwan
Kuykendall
Kyl
Landrum
Leggett
Lennon
Lipscomb
Long, La.
McCarthy
McFall
McMillan
Macdonald, Mass.
MacGregor
Mills
Morton
Moss
O'Neal, Ga.
Ottinger
Passman
Patman
Pepper
Pickle
Pike
Poage
Powell
Pucinski
Purcell
Rees
Reid, N.Y.
Reifel
Roberts
Rostenkowski
Scherle
Scheuer
Shipley
Sikes
Sisk
Smith, Iowa
Stokes
Stuckey
Thompson, N.J.
Udall
Utt
Waggonner
Whalley
Widnall

The **SPEAKER**. On this rollcall 327 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPIRO AGNEW COLORING BOOK GOES BACK TO PUBLISHER

(Mr. **DULSKI** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. **DULSKI**. Mr. Speaker, yesterday I returned to the publisher an unsolicited copy of a book which I received entitled "Spiro T. Agnew Coloring Book." Following is the text of the letter I enclosed:

NOVEMBER 24, 1969.

GROSSET & DUNLAP, INC.,
Publishers, New York, N.Y.

GENTLEMEN: I am returning herewith the Spiro T. Agnew coloring book, which was sent to me recently unsolicited.

In order for me to properly register my disgust for such material, I would have to descend into the gutter with you.

Sincerely yours,

T. J. DULSKI.

FEDERAL-AID HIGHWAY ACT OF 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 721 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 721

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14741) to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes, and all points of order against section 6 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Public Works now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 721 provides an open rule with 2 hours of general debate for consideration of H.R. 14741 to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes. The resolution also waives all points of order against section 6 of the bill and the committee amendment printed in the bill. The reasons for the waiver of points of order are that on page 4, line 8, the language "and private" would not be germane to a public bill; on page 5, in section 6, lines 9 through 12, there is a transfer of funds.

The bill amends the code to extend from January 2, 1970, to April 15, 1970, the date on which the next cost estimate of completing the Interstate Highway System is due to be submitted to Congress.

The bill would establish January 1, 1971, rather than January 1, 1968—the date in existing law—as the date on which the 10-percent penalty on highway apportionments will be invoked in the case of States which fail to effectively control outdoor advertising and junkyards.

The sum of $1,500,000 is authorized for fiscal year 1971 for administrative expenses in carrying out sections dealing with outdoor advertising control, junkyard control, and landscaping and scenic enhancement.

The Secretary of Transportation, in cooperation with the State highway departments, is required to investigate and study how the provisions dealing with highway beautification should be carried out effectively and submit to Congress a report with recommendations not later than April 15, 1970.

There is a new section requiring the Secretary to carry out a demonstration project for the elimination of all public ground-level rail-highway crossings on the route of the high-speed ground transportation demonstration projects between Washington and Boston being conducted under the act of September 30, 1965. If the highway involved is on a Federal-aid highway system, the Federal share would be 90 percent and the railroad's share 10 percent. If the highway is not on such a system, the Federal share would be 80 percent, the railroad's share would be 10 percent, and the State's share would be 10 percent. The Secretary would be required to enter into appropriate agreements with the States and the railroads to insure that all non-Federal costs would be provided before paying any of the Federal costs. Not to exceed $7 million is authorized from the highway trust fund to pay the costs of the project involving highways on the Federal-aid highway system and not to exceed $19 million is authorized from the general fund to pay the costs of the project involving highways not on such a system. The Secretary is required to make an investigation into safety at all ground-level rail-highway crossings through the Nation and submit recommendations and a cost estimate to Congress by January 10, 1971. Funds authorized to carry out section 307 of title 23, United States Code—research and planning—are authorized to be used to carry out this investigation and study.

Apportionment of highway safety funds authorized under section 402(c) of title 23, United States Code—50 percent in the ratio which the public road mileage in each State bears to the total of such mileage in all States and 50 percent in the ratio that the population of each State bears to the population of all States. Each State would be permitted to spend not more than 5 percent of highway safety funds apportioned to it under this section for planning highway safety programs and projects.

The President is authorized to undertake negotiations with Canada for the purpose of entering into a suitable agreement to authorize the paving and reconstruction of the Alaska Highway, from Dawson Creek, Canada to the Alaska border. This would also include a connecting highway to Haines, Alaska. He is to report to Congress the results of these negotiations no later than 270 days after the date of enactment of this legislation.

Mr. Speaker, I urge the adoption of House Resolution 721 in order that H.R. 14741 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Massachusetts (Mr. O'NEILL) has ably stated, House Resolution 721 makes in order for consideration H.R. 14741 under an open rule with 2 hours of general debate, waiving points of order on section 6 of the bill, which contains appropriating language in violation of the rules of the House regarding the transfer of previously appropriated funds and the committee amendment.

The purpose of the bill is to make a number of amendments to the existing Federal Highway Act.

The bill authorizes $1,500,000 for administrative expenses in fiscal year 1971 for the operation of the highway beautification program. No funds are authorized for billboard control, junk yard control, or landscape or scenic enhancement for the fiscal year. This is because the committee, while supporting the concept of the act, finds that it is unworkable in its present form. The committee hopes to reach some decision as to how to proceed in this area when it considers the biennial highway authorization legislation next year.

The bill also creates a high-speed railroad crossings elimination demonstration project to be undertaken by the Department of Transportation in the Washington-New York-Boston corridor. The aim of the project is to eliminate all 43 ground-level crossings of the railroad right-of-way in this area. Under the demonstration project the Federal Government will bear 90 percent of the cost at those 10 crossings on the Federal-aid highway system. On the remaining 33 crossings the Federal Government will bear 80 percent of the cost; the States will bear 10 percent; and, the railroads will bear the remaining 10 percent. Authorizations totaling $19 million are provided to cover the Federal share of the costs. It is estimated that the project will be completed within 4 years.

The bill also amends the Highway Safety Act of 1966. The act provides that the funds appropriated will be made available to the several States under a formula which allocates funds 75 percent on the basis of population and 25 percent at the discretion of the Secretary of Transportation. The bill changes the formula so that apportionments to the States will be made 50 percent on the basis of population and 50 percent on the basis of the public road mileage within the State. The bill also authorizes each State to expend up to 5 percent of its apportionment for planning highway safey programs and projects.

Finally, the bill deals with the Alaskan highway which now stretches some 1,500 miles from Dawson Creek in Canada to Fairbanks, Alaska. There are 1,137 miles of the road in Canada—which are now gravel surface while the approximately 300 miles in Alaska is paved. The road between Dawson Creek and the State of Montana—some 730 miles—is also paved. The legislation aims at securing an all-weather paved road from the Montana border to Fairbanks. The bill authorizes the President to negotiate such an agreement with the Canadian Government and to report the results of such negotiations to the Congress within 9 months so that the negotiated agreements may be incorporated into the biennial highway legislation the committee will consider next year.

On page 11 of the report the committee sets forth a series of recommendations which it believes the U.S. Government should ask Canada to accept as a part of the agreement in this matter. These recommendations include an equitable division of the costs, a prohibition against any tools or other indirect charges, a guarantee of year-around maintenance, and the assurance that vehicle registration and drivers' licenses provisions for those using the road will be reciprocal between the two nations.

The gentleman from New York (Mr. McCarthy) has filed dissenting views. He notes that the Federal Highway Administrator recommended an authorization of $30 million for fiscal year 1971 for highway beautification. He supports this recommendation.

Mr. Speaker, I urge the adoption of the rule and passage of the bill.

I have no further requests for time, but I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14741) to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14741, with Mr. O'Hara in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. Kluczynski) will be recognized for 1 hour, and the gentleman from Florida (Mr. Cramer) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. Kluczynski).

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the distinguished gentleman from Maryland (Mr. Fallon), the chairman of the House Committee on Public works, such time as he may consume.

Mr. FALLON. Mr. Chairman, I am pleased to rise in support of the legislation pending before this body today—H.R. 14741—which was reported by the Committee on Public Works unanimously.

May I at the outset commend the Subcommittee on Roads and its distinguished chairman, Congressman John Kluczynski, for their work on this particular legislation and for the extensive hearings that the subcommittee held earlier this year on matters of utmost importance to the highway program including safety, beautification and the especially important future highway needs beyond the expiration of the present program.

The legislation before you today does several things; the most important of which is to extend to April 15, 1970, the date on which the new cost estimate for completion of the Interstate System is to be submitted to the Congress by the Secretary of Transportation. I have been on record as a strong advocate of this change in the date from January 1970—as required by present law—to April 1970. The reason for this is that in April of 1970 I believe we will be able to receive a more accurate estimate of the future highway cost needs of the Interstate System so that we on the Committee on Public Works will be able to make a proper recommendation to the Ways and Means Committee for the extension of the highway trust fund which, under present law, expires on October 1, 1972. If the trust fund is not extended it would preclude the apportionment of highway funds to the States in the calendar year 1970.

Another important feature of this legislation is the establishment of a formula for the allocation of funds under the Highway Safety Act of 1966. After due deliberation, the committee reached a conclusion that the most equitable means in which these funds could be apportioned is as follows: 50 percent in the ratio which the public road mileage in each State bears to the total of such mileage in all States, and 50 percent in the ratio that the population of each State bears to the population of all States. This formula will provide a fair apportionment for all States. I hope in the future more money will be available for this important program.

The third important feature of this bill covers legislation which I had the privilege of introducing. H.R. 14741 contains a section which authorizes a demonstration project on the high-speed rail line running between Washington and New York City and between New York City and Boston, Mass.

This demonstration project would authorize the elimination of all 43 grade crossings on public highways; some 10 are on the Federal-aid system and 33 on the State highway system. This project, along with the elimination of private grade crossings on the route will make the Metro route a far safer one than it is now. Trains traveling at the speed of up to 150 miles per hour do create definite safety problems and every effort should be made to insure that those who travel these trains in the future will be protected as properly as possible.

The section further requires that the Secretary of Transportation, in cooperation with the State highway departments, make a complete investigation and study of the problem of providing increased highway safety at both public and private ground-level rail-highway crossings, and that the results of that study be reported to the Congress, with recommendations and an estimate of the cost of such a program, not later than January 10, 1971. Highway trust funds are authorized to cover the cost of this study.

H.R. 14741 also covers certain aspects of the highway beautification program, including a study by the Department of Transportation to report back to the Congress by April 15, 1970, with recommendations for any changes in the program, and defers enforcement of the penalty date under the act by the Secretary of Transportation from January 1, 1968, to January 1, 1971.

It also authorizes the Secretaries of State and Transportation to enter negotiations with the Government of Canada for the purpose of obtaining a suitable agreement authorizing paving and reconstruction of the Alaska highway from Dawson Creek, Canada, to the Alaska border, with a requirement that the report on such negotiations be made to the Congress not later than 270 days after the enactment of this legislation.

This is a good bill. It is needed legislation. It is legislation that will help the highway program to move forward on an even keel. I recommend its passage.

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 14741 is not a complicated bill, though it is an important one. The committee report before you explains it in detail, and my remarks will be limited to a summary.

It extends from January 12, 1970, to April 15, 1970, the date by which the Department of Transportation is required to submit to the Congress the final estimate of cost to complete construction of the Interstate System. Next year the Congress must act on the biennial authorization for the Nation's highway construction program. The committee believes we should have before us the most complete, accurate, and up-to-date cost figures available. The extension of time is necessary if we are to have those figures.

With respect to highway beautification, the bill orders a thorough review of the program by the Secretary of Transportation and his report to the Congress, with recommendations for needed changes, by April 15 next. To prevent the States being in jeopardy with respect to highway construction funds pending review by the Department and the Congress, the bill extends the penalty date for noncompliance with the Beautification Act from the date now in the law, January 1, 1968, to January 1, 1971. Also pending that review, the bill does not authorize program funds for beautification. It does, however, authorize $1.5 million for administrative purposes, to maintain staff and keep the program alive. It has been suggested that failure to authorize program funds for 1971 might jeopardize this program because the Congress might find itself in a "time bind" in handling next year's authorization bill. I find it difficult to believe that the Congress will have serious difficulty finding the time to meet its responsibilities with respect to highway construction authorizations.

The bill authorizes the President, acting through the Secretaries of State and Transportation, to undertake serious negotiations with Canada looking toward agreement upon the completion—through paving and reconstruction—of the Alaska Highway. The Subcommittee on Roads inspected the Alaska Highway this year and held hearings at several points on its present route. We are convinced that progress is needed, and that serious and flexible negotiation will open the way to that progress.

This bill also takes the initial step in a field of major concern—highway and rail safety at ground-level, rail-highway crossings. Ultimately, we will have to deal with this problem on a nationwide basis. Now, and urgently, we must deal with it with respect to the high-speed rail service between Washington and New York and Boston. The bill, therefore, authorizes a demonstration project, to be carried out by the Department of Transportation, in cooperation with the States and the railroads involved, to eliminate the 43 public crossings on that route. With respect to the 10 crossings on the Federal-aid highway system, the Federal contribution will be 90 percent and the railroad contribution 10 percent. With respect to the 33 crossings not on the Federal-aid system, the Federal contribution will be 80 percent, the State contribution 10 percent, and the railroad contribution 10 percent. Authorization of Federal funds in the amount of $26 million in fiscal year 1971 is provided, and it is anticipated that the program can be completed within 4 years.

Subsequent to formal action by the Public Works Committee ordering H.R. 14741 reported to the House, we were informally advised by the Department of Transportation that, in the absence of specific language in the law granting the Department contract authority with respect to the funds authorized for this demonstration project, the Bureau of the Budget would find it necessary to object to the Department's making such a request.

This is an urgent matter. I, for one, am not willing to wait, for example, until a Metroliner ploughs into a school bus full of children, at 150 miles an hour, before we get to work on this, and I do not believe any other Member of Congress needs that kind of "inspiration" either.

This act will require cost participation by both the States and the railroads involved. It should be evident, without having to belabor the point, that neither the States nor the railroads are likely to enter into the necessary agreements to provide their shares of the cost without assurance that the Federal Government's share will also be available.

To eliminate even the remote possibility that the present language would not absolutely insure the availability of the full amount of Federal funds, an appropriate amendment will be offered at the proper time.

The Highway Safety Act of 1966, for which the Public Works Committee bears legislative responsibility, required that a permanent formula for the distribution of highway safety funds to the States be adopted to become effective with fiscal year 1970. The committee recommends, in this bill, a formula based 50 percent on population and 50 percent on public road mileage, irrespective of jurisdiction, which is the coverage of the Safety Act itself. The amendment also provides that the States may use up to 5 percent of their allocated Federal funds for planning purposes.

I will not take the time here to discuss in detail the several other important matters growing out of administration of the Highway Safety Act which are discussed in the committee report. I would urge, however, that every Member of this House read that report with care. It constitutes definitive legislative history as to the intent of this Congress in the enactment of the Highway Safety Act. It also serves notice to each of you, my good and valued friends, that I shall be seeking your active and determined support for good-faith fulfillment of the Federal commitment to highway safety in the months ahead. I have been privileged to serve 19 years among you, and I know you are men of conscience and compassion and honor, dedicated to the lives of the people you serve, and that knowledge gives me confidence that I shall not seek your support in vain.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my remarks will be brief. The distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI), has adequately explained the intent and the purpose of the legislation, along with the distinguished chairman of the committee, the gentleman from Maryland (Mr. FALLON).

I do want to comment on a couple of aspects of the legislation.

First, this legislation is here of necessity because of the need for additional time to make proper cost estimates, particularly in view of the 1968 Highway Act, which provided for a new program, broad based. The States need an opportunity to further provide estimates under that particularly in view of the relocation program newly enacted.

The 1968 act added 1,500 miles, which likewise needs additional cost estimates study, and in order to give the Bureau time enough to accomplish this the date has been changed from January 12, 1970, to April 15, 1970, for the report as to the cost estimate for completing the interstate system and the needed funds for the ABC system. They were provided with an additional period of time to April 15. The Bureau indicates it can conform to that date.

The significance of that is it is hoped, and the report so indicates, and it is contemplated that this report will be a base on which the committee can build the authorization for the balance of the interstate system and finally its completion. At the same time, it will provide proper information for the committee to consider what is now called an after-75 program. Where do we go and what do we do relating to the ABC system and relating to reclassification of highways—a study that is now underway—after 1975?

It takes 4 or 5 years to phase in new programs, to start planning for what happens after the Interstate System is essential that adequate time be given to the Bureau to accomplish this objective so that we will have the necessary information upon which our committee can act next year, hopefully, not only with regard to the completion of the Interstate System, with figures that make sense and that are properly considered, but also with regard to the after-75 program.

We have for many years not been giving adequate consideration to the primary, secondary, rural and urban highways. We are now getting into urban highways to a greater extent, with the safety program, TOPICS, and the municipalities are rightly asking when is it going to be their turn to participate in some way in the highway program of the future on some Federal-aid basis?

All these problems will have to be considered next year. That is one of the basic reasons for this additional period of time.

With regard to the highway safety, that has been adequately discussed. It is one of the primary reasons for the bill being here. We had to act on an apportionment formula, because the present apportionment formula has expired. Therefore, this legislation is absolutely essential if the apportionment formula is to be resolved. I believe the one in the bill is a proper resolution of that apportionment formula. It is fair and equitable to all the States and takes into consideration the problems involved.

On page 4 of the bill as it relates to high-speed surface transportation between Washington, D.C., and Boston, Mass., it is absolutely essential, I believe, in the name of safety, not only relating to the railroads but also relating to the highways, that proper consideration be given to how we can have safer railroad crossing to protect both the railroad user and the highway user.

We have set up a pilot project in this bill on this with the Metroliner service between Washington and Boston. That makes more sense, I think, so that we can learn the problems and hopefully come up with proper answers in the future. It is obvious to me—and therefore I offered in the committee an amendment with relation to it, which appears on page 4, line 8—that "private crossings" cause serious safety problems as well. If a study on a long-range basis is going to be made, you have to study what to do, if anything, with the private rail crossings. It is obvious, as the gentleman has stated, that railroad crossing safety is absolutely essential. When we consider that only 30 seconds of warning are provided by current signals at 43 remaining railroad grade crossings on highways, this constitutes a very serious hazard relating to the Washington to Boston railroad.

Mr. Chairman, with respect to the Alaskan Highway, a lot of people wanted to authorize this highway from the United States to Alaska. It was obviously not an acceptable approach at this point on the facts and with no Canadian participation, so we provided for a study as to what should be done in the future with regard to this matter.

To summarize the bill, in 1968, DOT submitted to Congress its estimate of cost to complete the Interstate System. Based on 1966 data, 2 additional years of authorizations would be required to complete the system, at a cost of $56.5 billion—an increase of $9.7 billion over 1965 estimate.

The Federal Aid Highway Act of 1968 added 1,500 miles to the system and extended the completion date by 2 years, from 1972 to 1974. Relocation assistance and real property acquisition requirements were added to the program. The act also required DOT to submit a final estimate for completion of the Interstate System by January 12, 1970. But the new programs, plus a 1,500-mile increase, plus inflation make costing difficult.

AASHO, therefore, proposed that 1970 estimate be based on the 1968 estimate plus cost of 1,500 miles addition.

Despite costing difficulties, this approach was unsatisfactory. The committee must, next year, consider: First, future long-range highway needs; second, authorizations for all Federal-aid highway systems; and third, consultations with Ways and Means on extension of the highway trust fund.

To meet these responsibilities, the committee requires the most current and complete data available, and cannot approve, therefore, the request for abbreviated estimates.

Recognizing, however, the need for additional time to provide a more reliable estimate, particularly in view of the 1968 act requiring additional mileage and relocation, H.R. 14741 extends from January 12, to April 15, 1970, the time for the Federal Highway Administration to submit its cost estimate. The agency will be able to meet this date.

HIGHWAY BEAUTIFICATION

Since passage, in 1965, the Highway Beautification Act has been the subject of controversy, because the mechanics of its administration created problems, costs and hardships for both the Government and individuals.

While not abandoning the philosophy of the act, the committee has concluded it must be revised if it is to succeed. The Secretary of Transportation has been requested, therefore, to submit his recommendations for improving the program by April 15, 1970.

In the meantime, the 10-percent penalties for noncompliance by the States is extended to January 1, 1971.

Also, $1.5 million is authorized to insure a continuing working staff.

Requested authorizations by DOT for 1971 have been deferred until the future of the program is determined, based on the findings contained in the April 15, 1970, report.

RAIL CROSSING ELIMINATION

The Federal Government is presently participating in high-speed ground transportation demonstration project between Washington and Boston. Ultimately, the Metroliner service is contemplated at speeds in excess of 150 miles per hour.

With only 30 seconds of warning provided by current signals, the 43 remaining grade crossings on public highways constitute a serious hazard.

Section 5 does two things: First, directs DOT to make complete investigation of grade crossing problem and report to Congress by January 10, 1971, and second, sets up a demonstration project to eliminate public crossings on Metroliner route. Those crossings—10—on the Federal-aid highway system, are to be financed on a 90-percent Federal, 10-percent railroad basis—$7 million authorized—out of the highway trust fund. Those not on the system, to be financed 80 percent Federal, 10 percent State, 10 percent railroad—$19 million—out of the general fund.

HIGHWAY SAFETY—SECTION 6

Revises the formula for apportionment of safety funds to the States.

Heretofore, 75 percent population basis, and 25 percent at discretion of Secretary.

Amended to 50 percent population basis and 50 percent public road mileage; that is, any road under the jurisdiction of a public authority.

Also authorizes the States to expend 5 percent of its safety funds for planning safety projects with broadest latitude given in their use.

ALASKA HIGHWAY—SECTION 7

Authorizes initiation of negotiations to pave the Alaska Highway. Results to be reported to Congress within 9 months.

Guidelines for negotiations enumerated, and include: First, equitable apportionment of construction costs; second, provision of rights-of-way; third, no tolls; fourth, no other fees; fifth, reciprocal vehicle and license recognition; and sixth, year-round maintenance.

I urge the adoption of the bill.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in support of H.R. 14741. In our concern over the difficulties of the Vietnam war and the tremendous loss of lives in that conflict, we must be careful not to ignore serious situations on the home front. One of these situations is the constantly rising motor vehicle accident toll.

The National Safety Council reports that the loss of lives in the 1960's as a result of accidents involving motor vehicles amounted to approximately 475,000. An additional 1½ million persons were permanently disabled. Fifteen million more were partially disabled. Another 16 million persons were temporarily disabled. The 250 million accidents during this period amounted to a cost of $90 billion. Yet what cost can really be placed on the loss of lives?

The Public Works Committee acting through the Subcommittee on Public Roads has conducted an extensive review of the administration of the Highway Safety Act of 1966. I must commend the committee for its continued interest and inquiry into this important area of citizen concern.

There is much that is still to be done, though, in the area of highway and automobile safety to stop, or at least cut back considerably, this needless loss of life on the highways. Just yesterday, the Department of Transportation reported that tires certified by four major manufacturers failed 30 of 120 safety tests primarily in areas involving endurance, high-speed performance, and strength. Examples of faulty equipment, hazardous road design, improper or no marking of roads and numerous others could be listed directly from the accident reports. But the numbers of people killed and injured speak for themselves.

Elimination of loss of lives due to mechanical failure, improper design, or low-quality equipment requires no new technology. It does not require any massive expenditure of Federal funds. It requires only the commitment by manufacturers of automobile and highway materials to exercise proper care and control in the production of their goods. And in conjunction, it requires the commitment of public officials to the development of standards and guidelines that will make our vehicles and roads models of safe travel to the world.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

Mr. SCHWENGEL. Mr. Chairman, the Federal-Aid Highway Act before us today makes several significant improvements in our basic highway legislation. One of the most significant provisions deals with the problem of rail grade crossings on our highways. It makes a two-pronged attack on the problem, first by directing the Secretary of Transportation to undertake a full-scale study of the problem, and second, it authorizes Federal participation in a demonstration project for the removal of grade crossings on the Metroliner route. These efforts should provide sound data upon which the Congress will be able to make further judgments in this area.

The bill directs a further study of the problem of highway beautification, and delays the date for compliance with the Highway Beautification Act until January 1, 1971. Other provisions of the act extend the date for completion of the Interstate System cost estimate; changes the method of apportioning highway safety funds; and authorizes further negotiation with respect to paving and reconstruction of the Alaska Highway.

Mr. Chairman, I would like to take this opportunity to commend the chairman and ranking minority leader of our committee for their fine leadership on this important legislation.

Mr. OLSEN. Mr. Chairman, I support this legislation. I am heartily in favor of it. Mr. Chairman, I would like to make a few remarks about section 7, of H.R. 14741. This section authorizes the President, acting through the Secretaries of State and Transportation, to undertake negotiations with Canada for the purpose of entering into a suitable agreement to authorize the paving and reconstruction—including realinement—of the Alaska Highway, from Dawson Creek, Canada, to the Alaska border, with a connecting highway to Haines, Alaska.

For the 9 years that I have been in Congress, I have lived with this legislation. Dreams, plans, and prayers have paved this highway a thousand times, and today the voice of this great body has started the ball rolling for a dream to become a reality.

Earlier this year I traveled with the Public Works Subcommittee on Roads, and its distinguished chairman, the gentleman from Illinois, JOHN C. KLUCZYNSKI, to conduct onsight hearings along the proposed Alaska Highway route. Members of this body representing all sections of the Nation accompanied us on the trip and the resulting enthusiasm for reconstruction of the highway was tremendous. Today that enthusiasm has overflowed into this Chamber, and the authorization of negotiations with the

Canadians is indeed another "giant step for mankind."

For some of my colleagues who are not totally familiar with the Alaska Highway, the road as it exists now was constructed by the U.S. Government during World War II. Ever since, there has been a continuing interest in improving the highway so as to provide a dust-free, all-weather, paved ground route leading all the way to Alaska. Since the admittance of Alaska as a State, and more recently with the advent of the tremendous oil discoveries on its North Slope, there has been increasing interest in Alaska, western Canada, and the western part of the United States in the need for progress on this project.

The existing road is 1,535 miles in length from Dawson Creek in Canada to Fairbanks, Alaska. All of the 1,137 miles in Canada is graveled surface. The approximately 300 miles in Alaska is paved. The distance from Dawson Creek to the Canadian border at the State of Montana is 730 miles, all of which is paved. Within the United States, Interstate 15 picks up at the Canadian border and proceeds south through Great Falls, Mont., to connection with I-90 at Butte, Mont. From this point the Interstate System provides distribution to all parts of the United States.

This bill acts as the first step in authorizing the required negotiations between the United States and Canada which will establish the mutual responsibilities and contribution of the two countries toward the completion of the project. In order to coordinate the results of these negotiations with the enactment of biennial highway legislation in 1970 it is also required that the results of these negotiations be reported to the Congress within 9 months.

In 9 months then, we will know our next step, and if all goes well, the Alaska Highway project will be part and parcel of the omnibus highway bill in 1970.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 14741, the Federal-Aid Highway Act of 1969, of which I am a cosponsor. I strongly urge passage of this legislation as reported out of our Public Works Committee.

In my judgment, one of the major features of this legislation has to do with the vital subject of highway safety. Each year in the United States over 50,000 persons lose their lives in accidents on our public roads. To me this is totally inexcusable and intolerable.

We in the Congress, like many others, have given a great deal of lip service to safety on the highway, but we have never provided the full measure of resources that are necessary to find a cure for this gigantic and growing problem.

In the legislation now before us, the Congress has an opportunity to make these necessary funds available to the States in greater amounts than before by making the funds applicable to all public roads, rather than just those that are in the federally aided system. In addition, this act provides for funding for State safety projects on a total program basis rather than the present financing on a project-by-project basis.

By the simple expedient of making this program applicable to all public roads, the States will now be able to earmark additional Federal funds for their safety programs. These new guidelines will permit the individual States to work toward a viable program that can be a major step toward decreasing the carnage on the Nation's highways. New and innovative safety projects can now be commenced, with the net result being the saving of human lives and a reduction in the tremendous economic loss which is a part of our skyrocketing accident rates.

In addition to highway safety, the act also deals with the problem of highway beautification. Thus far, the Highway Beautification Act of 1965 has been rather ineffective, not because of its basic philosophy, but rather, because of the mountain of administrative problems that have been created. The committee has asked for an appropriation of $1.5 million, primarily for administrative expenses for fiscal 1971.

These funds will allow the Department of Transportation to properly study the program and to recommend to the Congress possible revisions that will make the Act more workable, and, most importantly, more meaningful. We are not abandoning the philosophy of highway beautification, but rather are attempting to make it more efficient, and thus, more effective.

The Federal Highway Act of 1969 is extremely important to the health and welfare of the citizens of the United States, since it strikes at one of the major problems of our Nation today—death on the highway. We can and must reverse the present trend of increasing deaths on our public roads and this legislation can and will go a long way toward this goal.

Again, I would like to strongly urge passage of H.R. 14741.

Mr. OTTINGER. Mr. Chairman, having cast the sole vote against the Federal-Aid Highway Act of 1969, I want to make clear that this was a protest against the continuation of our distorted transportation priorities and the omission from this legislation of any authorization beyond June 1970 for highway beautification. The administration had requested $30 million for this program, which was nominal enough, but even that was omitted.

I protest too, against the continued overemphasis on highway construction while the mass transit needs of our Nation's cities are ignored. Despite that 106 of my colleagues and I have sponsored legislation to create a mass transit trust fund, that bill remains in limbo while the roadbuilders successfully lobby for more and more funds with which to pave over more and more of the countryside.

Our children and our children's children will pay a heavy penalty for our failure to achieve a balanced national transportation system.

Mr. STRATTON. Mr. Chairman, I support this legislation and intend to vote for it. Members will recall that over the years I have regularly opposed certain provisions of the Highway Beautification Act relating to signs and billboards. I did so, not because I am opposed to highway beautification but because I have been convinced that the very narrow limitations placed on highway signs and billboards—namely, that only those located 660 feet away from the right-of-way are beautiful—are not only unfair and unrealistic but would impose an intolerable economic burden on small tourist businessmen, restaurant and motel owners, such as those located in this beautiful Finger Lakes region of New York State, which I have the honor to represent.

I had difficulty, Mr. Chairman, in trying to sell this simple proposition to the previous administration. But I have been very pleased to see that our new Secretary of Transportation has resolved to undertake a new review of the sign requirements of the present law to see whether a more flexible, less burdensome, and yet equally attractive set of standards can be established, so that we can eliminate ugly sores on our highways without at the same time driving hundreds of small businessmen out of business.

This bill postpones the effective date of the implementation of this law until the Secretary can complete his survey, and until Congress can then consider and act on his recommendations.

The Secretary's survey is required under this new bill by next April 15. The penalties on the States for noncompliance with the sign provisions of the law are postponed from January 1, 1968, to January 1, 1971. No funds are included here for implementing this program at all; that decision will not be made until after the question of new guidelines for signs and billboards has been determined by new legislation.

This seems to me to be a reasonable way to deal with this problem and I congratulate the great Committee on Public Works for the lead they have taken in making it possible for a new sign section of this law to be written that will be acceptable and beneficial to the traveling public and also to the tourist businessmen.

I support this bill today, then Mr. Chairman, as a constructive step toward the development of a workable and reasonable new rule regulating signs and billboards on the Nation's primary and secondary road systems without causing economic chaos to thousands of tourist small businessmen around the Nation.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read the bill, as follows:

H.R. 14741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1969".

SEC. 2. Section 104(b)(5) of title 23, United States Code, is amended by striking out "within ten days subsequent to January 2, 1970." and inserting in lieu thereof "not later than April 15, 1970."

SEC. 3. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1971".

(b) The first sentence of subsection (b) of section 136 of title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1971".

(c) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for necessary administrative expenses in carrying out sections 131, 136, and 319(b) of title 23, United States Code, not to exceed $1,500,000 for the fiscal year ending June 30, 1971.

SEC. 4. In order to furnish Congress with the information necessary to provide the basis for evaluating the programs established in sections 131, 136, and 319 of title 23, United States Code, the Secretary, in cooperation with the State highway departments, shall make a full and complete investigation and study of how such programs should be carried out to effectively provide the desired public and private benefits and submit to Congress a report based on such investigation and study, including his recommendations, not later than April 15, 1970.

SEC. 5. (a) Chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 321. Demonstration project—high-speed rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) (1) If, in the case of a project to eliminate such a crossing, the highway involved is on any Federal-aid system, the Federal share of the cost of such project shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If, in the case of a project to eliminate such a crossing, the highway involved is not on any Federal-aid system, the Federal share of the cost of such project shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(c) Before paying any part of the cost of the demonstration project authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(d) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than January 10, 1971, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(e) There is authorized to be appropriated not to exceed $7,000,000 from the highway trust fund to carry out paragraph (1) of subsection (b) of this section. There is authorized to be appropriated out of the general fund not to exceed $19,000,000 to carry out paragraph (2) of subsection (b) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"321. Demonstration project—high-speed rail crossings."

SEC. 6. Subsection (c) of section 402 of title 23, United States Code, is amended by striking out in the second sentence thereof "as Congress, by law, enacted hereafter, shall provide.", by striking out the third sentence thereof and by inserting in lieu thereof the following: "50 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States and 50 per centum in the ratio which the population of each State bears to the total population of all States. Each State may expend not to exceed 5 per centum of the sums apportioned to it under this subsection for any fiscal year for planning highway safety programs and projects."

SEC. 7. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than two hundred and seventy days after the date of enactment of this section the results of his negotiations under this section.

With the following committee amendment:

Page 4, line 6, insert "and private" immediately following the word "public".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. **FARBSTEIN**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARBSTEIN: Page 2, after line 21, insert the following:

"SEC. 5. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"'(h) The Secretary shall not approve any plans or specifications for any proposed highway on any Federal-aid system if such project under conditions of normal use (as established by the Secretary) would, in the determination of the Secretary of Health, Education, and Welfare, result (1) in probable violations of applicable air quality standards established under the Clean Air Act, or (2) in any level of noise in excess of that determined by the Secretary of Health, Education, and Welfare to be reasonable and in the public interest.'"

Renumber succeeding sections and references thereto accordingly.

Mr. **FARBSTEIN**. Mr. Chairman, I offer an amendment which would, in effect, require the planner to choose the highway design which most completely minimizes air and noise pollution and gives the Secretary of Health, Education, and Welfare the right to set reasonable standards for highway building.

There has been a growing public concern over the long-term effects of air pollution on public health. Science has linked air pollution to cancer, heart disease, emphysema, chromosome damage, and even the common cold. A great part of this pollution, especially in our urban areas, comes from the automobile.

But almost forgotten in this concern are the immediate effects of the pollutants on the driver behind the wheel. Carbon monoxide not only has the long-term effect of causing or increasing susceptibility to cancer, it has the short term effects of impairing judgment, reducing eyesight and muscular coordination, and causing drowsiness, any of which can be fatal to the driver. In short, air pollution is a safety hazard; and the same can be said for noise pollution.

We are all familiar with the excessive levels of air pollution found in downtown Manhattan, Washington, D.C., or Boston during the rush hour as traffic is lined up bumper to bumper. And for the moment—at least until we do something about the level of pollution emitted by the individual automobile—there is little we can do about this phenomenon, except possibly to ban cars from downtown areas; for the designer of downtown streets has little choice as to where and how he routes his traffic. He simply has to go where the buildings are not.

The highway designer generally is more fortunate for he has a wide choice in most cases as to where he routes his highway and in what manner he does it. Unfortunately, in most instances we have chosen to ignore the dangers from air and noise pollution in the design of our highways.

The classic example of this failure is found in my own congressional district, in the now happily deceased Lower Manhattan Expressway. That roadway went through repeated designs and redesigns in the course of its long and inglorious history as a public controversy in New York City. In the course of these numerous designs and redesigns, the planner even started to take into account the social impact of the highway. However it was only after a group of private citizens called attention to the concentrations of air pollution which would result especially at one tunnel location that the highway designer began to take air pollution into account. As a result thereof the city authorities determined that the objectionable features of the expressway far exceeded the beneficial effects and decided to abandon it.

And as we begin to move more and more to the underground semidepressed expressways, the dangers from excessive concentrations of pollutants will become even greater.

Doing something about this situation is not, however, an impossible goal. There are a wide choice of design and techniques and locations available to the highway designer which allow him to minimize pollution. The National Air Pollution Control Administration currently has a research contract with the City of New York to establish criteria for these designs.

Unfortunately, the law is almost totally silent on this question. To my knowledge the only mention of any environmental factors is in the public hearings section of the Highway Act. But as we all know, the holding of a public hearing does not necessarily mean the Government highway official is listening.

Mr. Chairman, in the hope of correcting this situation, I offer this amendment.

Mr. **KLUCZYNSKI**. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I do want to thank the gentleman from New York for his comments and for all of the help which he has given us in the past. The gentleman is an expert on water and air pollution and also on noise abatement. He is a good, conscientious Member of this body, and it is a pleasure for me to serve with the gentleman. However, in this case I am sorry that we cannot accept the amendment. Next year, when the Committee on Public Works considers the Federal-aid highway program, I hope that the gentleman from New York will be able to appear before our committee; at that time we will consider his amendment.

Again I thank the gentleman for his views, but we cannot accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FARBSTEIN).

The amendment was rejected.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that this is not a major authorization bill in terms of the highway program, but I cannot let this opportunity pass without expressing once again my dismay at the disproportionate manner in which we are pouring money into our highways in this country and at the same time neglecting our mass transit facilities in the cities.

I feel that the highway trust fund should be open for use on a local option basis by States and communities who wish to have part of the funds used for improvement of mass transit facilities.

First, on this point I should like to read to the members of the Committee a letter I received just recently which expresses in a very vivid way the point I have been trying to make. The remarkable thing about this letter is that it comes from a trucker. He is my constituent, but his trucking concern is in Westchester County, N.Y.

Here is his letter:

CRIST TRUCKING, INC.,
Mount Vernon, N.Y., November 5, 1969.

Hon. JONATHAN BINGHAM,
Washington, D.C.

DEAR CONGRESSMAN: Congratulations on your attack against the use of the Highway Trust Fund for highways only.

I am paying $1800 a year into this pouring of concrete, and I am not getting my moneys worth out of it. It is really not so important that I make with my trucks five minutes better time on the run. What is important is that the cities that I run between are still there in another ten years.

Very truly yours,
WILLIAM CRIST, JR.

P.S.—My residence is at 2401 Davidson Ave.

Mr. Chairman, highway transportation is important to the growth and development of the United States but the key word should be "transportation," not "highway." Congress should consider the overall transportation problem, including the important area of mass transit.

In calendar year 1968, over $4 billion was spent on the Nation's highways out of the highway trust fund while in the same period the Federal Government spent less than one-twentieth as much for mass transit. In the last 5 years, over $20 billion of Federal money has been spent to pave the Nation while just slightly more than one-thirtieth of that sum was spent on mass transit.

The decay of the inner city is not only a much talked about problem today, it is a desperately serious problem. Transportation in New York City and other large metropolitan areas almost grinds to a halt twice a day as commuters clog the pavement. What is needed is an integrated transportation policy that encompasses automobile, bus, subway, and rapid rail transportation, rather than this annual homage to the cement industry.

I have argued repeatedly in the past that the highway trust fund should become a transportation trust fund with its moneys available on a local option basis for all of our transportation needs including mass transportation. I note that the Committee on Public Works will next year consider the future of the highway trust fund in consultation with the Committee on Ways and Means. I will take that opportunity to express in depth my conviction that this Nation needs an integrated transportation policy.

Each paved mile of our country adds more cars to our already crowded roads. We have the best highways in the world connecting our cities. Could the same statement be made about our public transportation facilities? One Chicago planner estimates that it takes 5 million square feet of off-street parking space to handle the additional auto traffic brought into the city by a single new expressway lane. The day is not far off when our major cities will become so clogged with traffic that driving downtown will be impossible and may have to be restricted to essential vehicles only. It will be too late then to recognize the importance of an integrated transportation system which includes modern and rapid mass transit.

The bill now before the House makes no major new commitments to the highway program and I therefore find that I can support this bill. However, I do want to endorse the dissenting view of my able colleague, Mr. MCCARTHY, which is published with the committee's report on this bill. The committee does the Nation an injustice when it finds it must spend around $4 billion annually on highways but must eliminate the modest sum of $30 million requested by Federal Highway Administrator Francis C. Turner for highway beautification for fiscal 1971. It is distressing enough that we lose more and more miles of countryside each year. The least we should do is include the sum requested by Mr. Turner to help insure that our highways are as attractive as possible.

I further want to express my serious reservations about the postponement from January 1, 1968, to January 1, 1971, of the date penalties may be imposed upon the States for noncompliance with the billboard and junkyard controls under the Highway Beautification Act of 1965. I am disturbed by the ambiguity of the committee's justification for this action, as expressed in their report on this bill.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARBSTEIN: On page 5, after line 12, insert the following:

"SEC. 7. (a) Chapter 5 of title 23, United States Code, is amended by renumbering existing section 511, including any references thereto, as section 512 and by inserting immediately after section 510 the following new section:

"§ 511. Low-income housing

"(a) The Secretary shall not approve any project under section 106 or 117 of this title which will result in the destruction of any low- and moderate-income housing until he shall have provided, either directly or through the appropriate State agency, for the construction of an equivalent number of units of low-income housing to replace those destroyed.

" '(b) Notwithstanding any other provision of law, on and after the effective date of this section, any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law, which project will result in the destruction of low- and moderate-income housing, shall, in accordance with regulations issued by the Secretary, construct or provide for the construction of an equivalent number of units of low- and moderate-income housing to replace those destroyed. When real property is acquired by a State or local government for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.

" '(c) The Secretary shall make such rules and regulations as he determines necessary to carry out this section, including, but not limited to, the management, control, and operation of any low-income housing constructed under authority of this section.

" '(d) The Secretary shall approve as part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of constructing low-income housing required by this section. Any project agreement with a State highway department executed before the date of enactment of this section with respect to property which has not been acquired as of the date of enactment of this section under any such program shall be amended to include the cost of constructing low- and moderate-income housing required by this section.'

"(b) The analysis of chapter 5 of title 23, United States Code, is amended by renumbering existing section 511 as section 512 and by inserting immediately after section 510 the following:

" '511. Low-income housing.' "

Renumber the succeeding section accordingly.

Mr. FARBSTEIN. Mr. Chairman, this amendment would require the Federal Highway Administration to make arrangements for the replacement of low- and moderate-income housing stock that is destroyed as a result of highway construction.

The amendment would accomplish three objectives. First, it would establish the requirement that the Federal Highway Administration take responsibility for the replacement of the low- and moderate-income housing stock destroyed as a result of highway construction.

Second, it would authorize the Administration to acquire sites for housing for this purpose and construct same.

Third, it would authorize financing to carry out this purpose.

A short time ago this House approved an amendment to the Urban Renewal Act to require the urban renewal plan to provide for the construction of at least comparable low- and moderate-income housing units for those destroyed by an urban renewal project.

I supported that amendment and I believe that offers a precedent which should be applied to highway construction as well.

The National Commission on Urban Problems headed by former Senator Paul Douglas of Illinois recommended this course more than a year ago.

I will quote from the committee recommendation as follows:

> The Commission recommends that highway funds be used to finance the construction of new housing for low and moderate income households in a metropolitan area where demolition for highway construction reduces the supply of such housing, with the requirement that definite commitments to construct the new housing concerned be made before existing housing is demolished.

Mr. Chairman, we know that these ribbons of concrete are being built throughout the Nation and in the course of this building there are destroyed and demolished numerous homes and multistory buildings without provision being made to replace this stock of housing.

It is estimated that in the period of 10 years from 1960 to 1969, housing for almost 1.2 million Americans will have been destroyed as a result of highway construction. Most of this will be in the low- and moderate-income price range.

The relocation program established by the 1968 Highway Act represented a step forward in the recognition that the Federal Government has a responsibility for finding suitable housing for those displaced by highway construction. But the persons who lose their housing as a result of construction of a highway project represent only a small fraction of those whose housing situation is directly affected by the destruction of housing units for highway purposes. The low- and moderate-income housing market in most urban areas is extremely tight. In some cities the vacancy rate is close to zero. Thus the demolition of low- and moderate-income housing units by a highway project not only affects those directly displaced by destroying the housing they occupy, it affects the other inhabitants of that urban area as well who live in low- and moderate-income housing. The destruction of a number of low- and moderate-income units diminishes the total supply of low- and moderate-income units available and means these people will pay more and enjoy lower quality accommodations.

To overcome this problem, I urge the adoption of my amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. KLUCZYNSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment. This is not the proper time to consider the amendment. Next week the full Public Works Committee will hold hearings on a uniform Federal relocation and land acquisition program. That is the time for a consideration of this amendment.

For this reason I oppose the amendment.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to ask the gentleman for the purpose of establishing this in the Record, what provisions are in this bill to take care of the 32 railroad grade crossings of the Penn Central and the old New Haven Railroad between the city of Boston and the city of New York?

Mr. KLUCZYNSKI. We have in the bill a demonstration project to eliminate grade crossings on the route of the Metroliner between New York and Boston.

Mr. BURKE of Massachusetts. Are there any provisions here that will lead to the elimination of these railroad crossings?

Mr. KLUCZYNSKI. As to the other crossings the gentleman refers to a study in the bill by the Department of Transportation and the States will give us the basis for action on the other crossings at a later date.

Mr. BURKE of Massachusetts. I am glad to hear that.

Mr. Chairman, I want to commend the gentleman from Illinois (Mr. Kluczynski) and the members of his Subcommittee on Roads because at the present time the Government is spending a great deal of money on these turbotrains running between Boston and New York. An effort, and a real effort, is being made to eliminate these railroad crossings and lengthen out the time of travel between Boston and New York. Of course, our prayer and our hope is that in the foreseeable future, they will be able to run trains from the city of Boston down to Washington, D.C., in a period of about 5 hours. One of the first steps, of course, would be the elimination of these railroad crossings. I am pleased to hear that the chairman and the committee have taken steps to bring this about.

Mr. KLUCZYNSKI. I, too, am happy the legislation is about to receive action.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Florida.

Mr. CRAMER. I, too, oppose the amendment at this time because this is an issue we will be considering next week in connection with acquisitions by the Federal Government of property. Since that question is going to be considered at that time, the question raised by the gentleman should be considered then rather than piecemeal in this highway legislation.

Mr. KLUCZYNSKI. I invite the gentleman from New York (Mr. Farbstein) to our hearings. He has always made a good witness, and we would be happy to listen to his request.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Montana.

Mr. OLSEN. I wish to compliment the gentleman from New York (Mr. Farbstein) on his amendment and his approach to this matter. Like our chairman, I think we must consider the amendment next week in the context of the whole bill of which he is speaking. I agree with the gentleman from New York (Mr. Farbstein) absolutely. We must plan housing and consider it equally important to ribbons of highway that destroy housing. I know our chairman, the gentleman from Illinois (Mr. Kluczynski), agrees, too, and we are going to write a comprehensive bill on the subject.

I join the chairman in inviting Leonard Farbstein to help us write it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Farbstein).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Cramer: Page 4, strike out line 18 and all that follow down through line 23 and insert in lieu thereof the following:
>
> "(e) There is authorized to be appropriated, to remain available until expended, not to exceed $7,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (b) of this section. There is authorized to be appropriated, to remain available until expended, out of the general fund not to exceed $19,000,000 to carry out paragraph (2) of subsection (b) of this section. The provisions of section 106(a) of this title relating to the obligation of Federal-aid highway funds shall apply to the funds authorized to be appropriated by this subsection."

Mr. CRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. CRAMER. Mr. Chairman, this amendment has been discussed with the majority. It is the amendment which the distinguished Chairman of the subcommittee has referred to. What it does is to give contract authority for the demonstration project relating to the Washington-to-Boston high-speed railroad, to eliminate public railroad grade crossings and give contract authority which we have in all other highway programs.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the distinguished Chairman.

Mr. KLUCZYNSKI. We accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Cramer).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'Hara, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14741) to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System, to amend chapter 4 relating to highway safety, and for other purposes, pursuant to House Resolution

721, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 342, nays 1, not voting 89, as follows:

[Roll No. 292]

YEAS—342

Abernethy
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collief
Collins
Colmer
Conte
Conyers
Coughlin
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Findley
Fish
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyros
Landgrebe
Langen
Latta
Lipscomb
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Ottinger

NOT VOTING—89

Abbitt
Adair
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Bell, Calif.
Blanton
Blatnik
Bolling
Brock
Brown, Calif.
Cabell
Caffery
Cahill
Carey
Chisholm
Conable
Corbett
Corman
Cowger
Dawson
Diggs
Dorn
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fulton, Tenn.
Gettys
Giaimo
Goldwater
Griffin
Gross
Gude
Hagan
Hansen, Wash.
Hébert
Henderson
Hungate
Jacobs
Jones, Ala.
King
Kirwan
Kuykendall
Kyl
Landrum
Leggett
Lennon
Long, La.
McCarthy
McFall
Macdonald, Mass.
MacGregor
Mills
Morton
Moss
O'Neal, Ga.
Passman
Patman
Pickle
Poage
Powell
Pucinski
Purcell
Rarick
Reifel
Roberts
Rostenkowski
Scherle
Scheuer
Shipley
Sikes
Sisk
Smith, Iowa
Stephens
Stokes
Thompson, N.J.
Udall
Utt
Waggonner
Whalley
Widnall

So the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Corbett.

Mr. Hébert with Mr. Adair.

Mr. Waggonner with Mr. Kyl.

Mr. Thompson of New Jersey with Mr. Conable.

Mr. Henderson with Mr. Scherle.

Mr. Lennon with Mr. Cowger.

Mr. Blatnik with Mr. Bell of California.

Mr. Andrews of Alabama with Mr. MacGregor.

Mr. Carey with Mr. Cahill.

Mr. Eilberg with Mr. Esch.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Flood with Mr. Goldwater.

Mr. Giaimo with Mr. Brock.

Mr. Griffin with Mr. Utt.

Mr. Rostenkowski with Mr. Gude.

Mr. Pucinski with Mr. Whalley.

Mr. Sikes with Mr. King.

Mr. Mills with Mr. Gross.

Mr. William D. Ford with Mr. Reifel.

Mr. Macdonald of Massachusetts with Mr. Widnall.

Mr. McFall with Mr. Morton.

Mr. Long of Louisiana with Mr. Udall.

Mr. Jones of Alabama with Mr. Anderson of Tennessee.

Mr. Abbitt with Mr. Alexander.

Mr. Cabell with Mr. Fascell.

Mr. Dorn with Mr. Fisher.

Mr. Edwards of Louisiana with Mr. Flynt.

Mr. Fulton of Tennessee with Mr. Flowers.

Mr. Gettys with Mr. Sisk.

Mr. Hagan with Mr. Roberts.

Mrs. Hansen of Washington with Mr. Rarick.

Mr. Moss with Mr. Pickle.

Mr. Blanton with Mr. Leggett.

Mr. Caffery with Mr. Jacobs.

Mr. Corman with Mr. Hungate.

Mr. O'Neal of Georgia with Mr. Kirwan.

Mr. Brown of California with Mrs. Chisholm.

Mr. Scheuer with Mr. Powell.

Mr. McCarthy with Mr. Diggs.

Mr. Passman with Mr. Landrum.

Mr. Purcell with Mr. Stephens.

Mr. Smith of Iowa with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14227, ADJUSTMENTS OF RETIRED PAY TO REFLECT CHANGES IN CONSUMER PRICE INDEX

Mr. MATSUNAGA, from the Committee on Rules, reported the following privileged resolution (H. Res. 726, Rept. No. 91–692), which was referred to the House Calendar and ordered to be printed:

H. Res. 726

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14227) to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I call up House Resolution 726 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 726?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 726.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for an open rule with 1 hour of general debate for consideration of H.R. 14227 to provide military retirees with an improved formula for future adjustments in their military retired pay.

The purpose of H.R. 14227 is to modify the existing statutory formula under which military retired pay is increased upward to reflect changes in the cost of living.

The bill, as amended, is designed to insure that military retirees will have the same benefit afforded Federal civil service retirees with respect to the 1 percent added increase in cost of living adjustments provided by Public Law 91–93, which was enacted on October 20 of this year.

Federal civil service retirees received a cost-of-living adjustment on November 1, 1969 which included the 1-percent add-on. This bill would provide that military retirees will similarly benefit by this 1-percent add-on retroactive to the same date. Passage of this legislation will simply mean equity for the military retiree.

Mr. Speaker, I urge the adoption of this resolution in order that H.R. 14227 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii (Mr. MATSUNAGA) has ably stated, this resolution provides for the consideration of H.R. 14227 under an open rule, with 1 hour of general debate.

The purpose of the bill is to bring the formula covering retirement pay for the military into line with recent amendments to the formula used by the Civil Service Commission for civilian retirees.

Under the existing formula, whenever the Consumer Price Index increases by 3 percent over the index base, and remains at or above that level for a period of 3 consecutive months, military retired pay is increased on the 1st day of the third month following the 3-month period by the highest percentage of increase attained during that period.

The bill adds to this formula an additional 1 percent upward adjustment with each such cost-of-living increase. The reason for this is to make up for the time lag built into the formula. This same legislation was recently signed into law (91–339) for civil service retirees.

The Department of Defense supports the legislation and estimates the cost for 1 year at about $27,000,000.

The bill was reported unanimously.

Mr. Speaker, I have no further requests for time but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING PER DIEM ALLOWANCE FOR MEMBERS OF UNIFORMED SERVICES

Mr. MATSUNAGA, from the Committee on Rules, reported the following privileged resolution (H. Res. 727, Rept. No. 61–693), which was referred to the House Calendar and ordered to be printed:

H. RES. 727

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 944) to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I call up House Resolution 727, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 727?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 727.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for an open rule with 1 hour of general debate for consideration of H.R. 944 to increase per diem allowance for members of the uniformed services.

The purpose of H.R. 944, as amended, is to increase the maximum per diem in lieu of subsisistence and actual expense reimbursement to the same levels now enjoyed by the civilian Government employees, that is to $25 for the per diem allowance and to $40 for the actual expense reimbursement. At the present time, the maximum per diem is $16 per day and the actual expense reimbursement is $30 per day.

H.R. 944 would provide that all Government employees, military and civilian, will be treated equally.

It is estimated that the additional annual cost resulting from the increases will be approximately $80.8 million.

Mr. Speaker, I urge the adoption of this resolution in order that H.R. 944 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii (Mr. MATSUNAGA) has ably stated, this resolution provides for the consideration of H.R. 944 under an open rule with 1 hour of general debate.

The purpose of the bill is to increase the maximum per diem permitted to members of the uniformed services from $16 per day to $25 per day and the maximum amount which may be reimbursed when actual expenses are paid from $30 per day to $40 per day.

Public Law 91–114, recently enacted, raises the civilian Government employee allowances to $25 per day on a per diem basis and provides that when actual expenses are paid out, the top figure reimbursable is $40 per day. The bill proposes to bring the uniformed services in line with these recent amendments to statutory law covering civilian employees.

The Department of Defense estimates the annual cost resulting from this increase will be approximately $80,800,000. The Department of Defense and the Bureau of the Budget support the bill.

Mr. Speaker, I have no further requests for time, but I reserve the remainder of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 944) to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel, and ask unanimous consent that the bill be conisdered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 944

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 404(d) of title 37, United States Code, is amended by striking out "$16" and "$30", respectively, and inserting in place thereof "$20" and "$35".

With the following committee amendment:

On page 1, line 5, strike out "$20" and insert "$25" and strike out "$35" and insert "$40".

The committee amendment was agreed to.

Mr. PHILBIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, H.R. 944 is designed to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and actual expense reimbursement authorized to meet the travel expenses of service members within the contiguous 48 States and the District of Columbia.

H.R. 944 as originally introduced would have increased the per diem allowance from $16 to $20 and would have increased the actual expense reimbursement allowance from $30 to $35. However, Public Law 91–114, which was enacted recently, raises the civilian government employee allowances higher than those contemplated for the military under H.R. 944. As a result, civilians are now entitled to a per diem allowance of $25 and an actual expense reimbursement of $40. Figures on current costs of lodging and meals were presented to the Committee on Government Operations of the House of Representatives by the Assistant Director of the Bureau of the Budget during the hearings on the civilian bill. These figures caused that committee to conclude that a per diem allowance of $25 and a reimbursement allowance of $40 were necessary.

In light of these findings and in order that all Government employees, military and civilian, would be treated equally, the Committee on Armed Services amended H.R. 944 to increase the per diem allowance for military personnel to the same levels now received by their civilian counterparts, namely the bill's allowance was raised from $20 to $25 and the actual expense reimbursement was raised from $35 to $40. Based upon these increased allowances, the annual cost of H.R. 944 as amended would be $80.8 million. This dollar requirement can be financed within the revised Department of Defense budget for fiscal year 1970. The Department of Defense recommends enactment of the bill at levels that correspond to the civilian allowances. The Bureau of the Budget interposes no objection.

The SPEAKER pro tempore (Mr. Burke of Massachusetts). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTMENTS OF RETIRED PAY TO REFLECT CHANGES IN CONSUMER PRICE INDEX

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14227) to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index, and ask that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1401a(b) of title 10, United States Code, is amended to read as follows: "If the Secretary determines that, for three consecutive months, the amount of the increase is at least 3 per centum over the base index, the retired pay and retainer pay of members and former members of the armed forces who become entitled to that pay before the first day of the third calendar month beginning after the end of those three months shall, except as provided in subsection (c), be increased, effective on that day, by the per centum obtained by adding 1 per centum and the highest per centum of increase in the index during those months, adjusted to the nearest one-tenth of 1 per centum."

With the following committee amendment:

On page 2, after line 5, add the following new section:

"Sec. 2. The provisions of this Act become effective on October 31, 1969."

The committee amendment was agreed to.

Mr. PHILBIN. Mr. Speaker, the purpose of this bill is to modify the existing statutory formula under which military retired pay is increased upward so as to more adequately reflect changes in the cost of living.

EXPLANATION

Under the existing formula for adjusting military retired pay, whenever the Consumer Price Index—CPI—increases by 3 percent over the previous base index and remains at or above that level for a peirod of 3 consecutive months, military retired pay is increased on the 1st day of the third month following that 3-month period by the highest percentage of increase attained during that period.

This formula was designed by the Congress as a device to protect the purchasing power of military retired pay.

A similar formula is utilized by the Civil Service Commission to protect the purchasing power of retired Federal civil service employees. However, the formula for civil service retirees has recently been improved with the enactment of Public Law 91–93, October 20, 1969, by attempting to compensate for an evident deficiency in this formula.

Briefly, the Congress has provided that whenever an adjustment in Federal civil service employee's retired pay is effected, in addition to the percentage increase dictated by the CPI change, there will be added a 1-percent increase to compensate for the lag in the application of this formula.

Thus, since the established formula required a 4-percent increase in civil service retired pay effective November 1, 1969, there was also added an additional 1 percent as a result of Public Law 91–93, with the result that the net increase for civil service retirees was 5 percent.

Since military retirees are confronted with the same problem as civil service retirees, Mr. Rivers introduced the legislation which would extend this improved formula to military retirees as well.

EXECUTIVE BRANCH POSITION

The administration has advised the Committee on Armed Services that it supports enactment of this bill.

FISCAL DATA

The cost of a 1-percent increase in military retired pay for 1 year will be approximately $27,000,000.

COMMITTEE ACTION

The Committee on Armed Services unanimously approved this bill with an amendment, which would make it effective on the same date as the similar provision for civil service retirees—November 1, 1969.

Mr. FLYNT. Mr. Speaker, I strongly support H.R. 14227.

The purpose of this bill is to grant military retirees the same cost-of-living adjustments now afforded Federal civil service retirees.

There was sound reason for adjusting the cost-of-living formula for Federal civil service retirees, and the same reasons apply with equal force to the bill now before the House.

In view of recent history of the rate of increase in cost of living and the rate which will pertain in the foreseeable future, the adjustment authorized in this bill will not fully compensate the retiree for the cost-of-living increase, nor is it intended to do so. It will, however, help to close the gap without adding to the inflationary pressures which cause the cost-of-living increase.

By passing this legislation we keep the faith with our retired military personnel by giving them the same consideration which we have already properly given to Federal civil service retirees.

Mr. PETTIS. Mr. Speaker, when Congress enacted Public Law 85–422 in 1958, it departed from a principle that had been practiced for almost 100 years: That of basing military retired pay on military active duty pay rates.

This legislation was followed in 1963 by Public Law 88–132 linking military retirement pay to the consumer price index. The practical result of this legislation was to introduce further confusion and inequality into the computation of retirement pay for military personnel. Members on the retired rolls or those due for retirement within the next few years almost without exception entered active service and served their careers under a more favorable retirement system.

Persons entering the armed services during that period had every reason to believe that the Government would carry out its end of the bargain by continuing to provide a favorable retirement system. Certainly if these retirement benefits were to be reduced, provisions should have been made to protect the equity of those individuals who had entered the service under that system. Ironically, the action taken by Congress in enacting the two aforementioned public laws occurred during the very period that social security benefits and private pension plans were becoming much more liberal and active duty military pay was being increased.

Under the "cost-of-living" formula, the older retirees, who have less opportunity to supplement their retired pay by outside employment, and whose financial needs may well be greater, will continue to see their income decline in relation to their younger comrades. Such lowered standards at once broke faith with those persons on the active lists as to their own treatment in the years to come. Certainly the lowered standard of compensation arbitrarily imposed upon those already retired can cause little reason for hope for better treatment for those due to retire in the future.

I believe that military people, both active and retired, who entered the military service prior to June 1, 1958, when the recomputation principle was precipitously suspended, have a moral right to have their retired pay computed no less favorably than was provided by law when they undertook the obligations of a military career in anticipation of such benefits.

Whatever the merits of H.R. 14277, I feel that the terms of my proposed legislation, H.R. 310 will improve the system by removing the inequities which I have just cited. In addition, it has the added attraction of ultimately reducing the cost to the Federal Government by eliminating the application of the legislation to those persons who entered the service after the system had been changed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADMINISTRATION ACTION NEEDED TO IMPROVE HOUSING MARKET

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT. Mr. Speaker, in the Wall Street Journal of Wednesday, November 19, I saw two articles, side by side, which were of particular interest to me as chairman of the Subcommittee on Housing.

The first of these articles was captioned "Housing Starts in Month Fell 12 Percent, Most This Year." A reading of this article simply reinforces what all of us already know and have known for some time—that the housing industry continues to be in trouble—in deep trouble.

The second of these articles offers what I think is a glimmer of hope for the housing industry. Preston Martin, the new and dynamic Chairman of the Home Loan Bank Board announced that newly instituted actions will make more than $5.3 billion available in additional funds in 1970. This is a most welcomed piece of news.

But, Mr. Speaker, there was something in this latter article that causes me some concern.

There is nobody in the Congress who has a greater respect for the Bank Board than I. It has done in the past, is doing now, and will in the future, I know, continue to do an outstanding job in helping provide housing for all of our people. The Bank Board is offering to buy some $200 million in mortgage paper which will originate on HUD-subsidized housing projects. What concerns me, Mr. Speaker, is that the administration, in pushing forward in this area, is not really cognizant of what we in the Congress have intended, or if cognizant, it chooses to ignore our mandate.

One of the more important features of the Housing Act of 1968 was section 804 relating to mortgage-backed securities. In our report on the pending Housing and Urban Development Act of 1969, we said:

> When this legislation (i.e. the 1968 Act) was considered last year, the Committee understood that FNMA, using its experience and contacts in the capital market, would be the first issuer of these securities in order to establish their acceptability to potential investors. Other issuers then would be able to take advantage of FNMA's experience and expertise. This still seems to be a sound plan, and would seem to represent a reasonable procedure to initiate and establish a reliable market for this type of security.

It is unclear, at this point, Mr. Speaker, exactly what type of issue the Bank Board is contemplating. If it is the bond type mortgage-backed security. I would certainly expect that the administration will heed the words of our committee and will use that facility—FNMA—which has been ready and willing for some little time and able to move in this area.

If the security involved is not a bond type mortgage-backed security, then I think we must again ask the administration how much longer will it take for it to implement this mortgage-backed security program which still offers so much potential for the tapping of large sums of money so sorely needed by the housing industry.

The housing situation is daily growing more acute, and some 15 or 16 months, Mr. Speaker, seems to be long enough for the administration to perfect its regulations on this section of the law which still offers much promise.

AND I STILL DREAM ABOUT IT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, every day for the past week, we have seen new evidence establishing that war crimes have been committed by members of our Armed Forces in Vietnam. A horrendous tragedy took place in the village of Songmy where Vietnamese civilians, men, women, and babes in arms, were massacred by American Army personnel.

If we did not know it before, we know it now, that the ability to commit war crimes is not restricted to the Germans. War brings out the beast in man. Every nation is capable of committing the kind of atrocity that took place in this small Vietnamese village.

War crimes in our lifetime have been committed by the Soviet Union which slaughtered tens of thousands of innocent Poles and other peoples in Eastern Europe; the Dutch committed similar atrocities in Indonesia before they left those islands; the French perpetrated comparable outrages in Algeria before they vacated that country. There is a litany of names which would include country after country, guilty of atrocities, when one nation sought to subjugate the people of another land. These war crimes are always committed in the name of freedom, liberty, and self-defense.

Almost every country sitting in judgment at Nuremburg has a historical record of having committed atrocities. There were some who made this point when the Nuremburg trials were being conducted, and some said that because there were others who had committed and would commit other atrocities that those Germans who had committed them in World War II ought not to be punished. I did not agree with that point of view then, nor do I now. Instead, we ought to make certain, indeed pledge, that whoever country commits atrocities from whatever country, including our own, must and will be brought to trial. And that we pledge ourselves to evolve a worldwide rule of law and the mechanism to enforce it which will seek out those who violate that law and punish them.

It must have come as a shock to many Americans to learn that our people are as capable of committing these most abhorrent acts as were the Nazis of Germany. It is not enough to hang our heads in shame—we must do more. Man carries within him the most base animal instincts, as well as the divine spirit. When a man personally, or under color of governmental authority, permits those base bestial instincts to govern his conduct and commits acts which, as a result of the Nuremburg trials, now constitute acts, universally accepted as war crimes, such a man or men must be punished.

Whether war crimes are committed by North Vietnamese at Hue or by U.S. soldiers in Songmy, justice requires that those who perpetrate them be tried.

The confession of one of our young soldiers, Paul Meadlo, who participated

in the killing of men, women, and babies at Songmy, is a compelling statement and should be read by all of our colleagues. It follows:

TRANSCRIPT OF INTERVIEW OF VIETNAM WAR VETERAN ON HIS ROLE IN ALLEGED MASSACRE OF CIVILIANS AT SONGMY

(NOTE.—Following is a transcript of an interview with Paul Meadlo, Vietnam veteran, by Mike Wallace on the Columbia Broadcasting System Radio Network last night.)

MEADLO. Captain Medinas had us all in a group, and oh, he briefed us, and I can't remember all the briefing.

WALLACE. How many of them were with you?

A. Well, with the mortar platoon, I'd say there'd be about 65—65 people, but the mortar platoon wasn't with us. And I'd say the mortar platoon had about 20—25—about 25 people in the mortar platoon. So we didn't have the whole company in the Pinkville, no we didn't.

Q. There weren't about 40-45. . . .

A. Right.

Q. —that took part in all of this?

A. Right.

Q. Now you took off from your base camp—

A. . . . yes—Dolly.

Q. . . . Dolly. At what time?

A. I wouldn't know what time it was . . .

Q. . . . in the early morning . . .

A. . . . In the early morning. It was—it would have been a long time ago.

Q. And what had you been briefed to do when you got to Pinkville?

A. To search and to make sure that there weren't no N.V.A. in the village and "spectin" to fight—when we got there . . .

Q. To expect to fight?

A. To expect to fight.

Q. Uh-huh. So you took off and—in how many choppers?

A. Well, I'd say the first wave was about four of us—I mean four choppers, and uh . . .

Q. How many men abroad each chopper?

A. Uh, five of us. And we landed next to the village, and we all got on line and we started walking toward the village. And there was one man, one gook in the shelter, and he was all huddled up down in there, and the man called out and said there's a gook over here.

Q. How old a man was this? I mean was this a fighting man or an older man?

A. An older man. And the man hauled out and said that there's a gook over here and then Sergeant Mitchell hollered back and said shoot him.

Q. Sergeant Mitchell was in charge of the 20 of you?

A. He was in charge of the whole squad. And so then the man shot him. So we moved on into the village, and we started searching up the village and gathering people and running through the center of the village.

Q. How many people did you round up?

A. Well, there were about 40-45 people that we gathered in the center of the village. And we placed them in there, and it was like a little island, right there in the center of the village, I'd say. And—

Q. What kind of people—men, women, children?

A. Men, women, children.

"I WANT THEM DEAD"

Q. Babies?

A. Babies. And we all huddled them up. We made them squat down, and Lieutenant Calley came over and said, "You know what to do with them, don't you?" And I said Yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said, "How come you ain't killed them, yet?" And I told him that I didn't think you want us to kill them, that you just wanted us to guard them. He said, "No I want them dead." So——

Q. He told this to all of you, or to you particularly?

A. Well, I was facing him. So, but the other three, four guys heard it and so he stepped back about 10, 15 feet, and he started shooting them. And he told me to start shooting. So I started shooting, I poured about four clips into the group.

Q. You fired four clips from your . . .

A. M-16.

Q. And that's about—how many clips—I mean how many—

A. I carried seventeen rounds to each clip.

Q. So you fired something like 67 shots—

A. Right.

Q. And you killed how many? At that time?

A. Well, I fired them on automatic, so you can't—you just spray the area on them and so you can't know how many you killed 'cause they were going fast. So I might have killed ten or fifteen of them.

Q. Men, women and children.

A. Men, women and children.

Q. And babies?

A. And babies.

Q. Okay, then what?

A. So we started to gather them up, more people, and we had about seven or eight people, that we was gonna put into the hootch, and we dropped a hand grenade in there with them.

Q. Now you're rounding up more?

A. We're rounding up more, and we had about seven or eight people. And we was going to throw them in the hootch, and well, we put them in the hootch and then we dropped a hand grenade down there with them. And somebody holed up in the ravine, and told us to bring them over to the ravine, so we took them back out, and led them over to—and by that time, we already had them over there, and they had about 70-75 people all gathered up. So we threw ours in with them and Lieutenant Calley told me, he said, "Meadlo, we got another job to do." And so he walked over to the people, and he started pushing them off and started shooting . . .

Q. Started pushing them off into the ravine?

A. Off into the ravine. It was a ditch. And so we started pushing them off and we started shooting them, so altogether we just pushed them all off, and just started using automatics on them. And then——

Q. Again—men, women, children?

A. Men, women and children.

Q. And babies?

A. And babies. And so we started shooting them, and somebody told us to switch off to single shot so that we could save ammo. So we switched off to single shot, and shot a few more rounds. And after that, I just—we just—the company started gathering up again .We started moving out, and we had a few gooks that was in—as we started moving out, we had gooks in front of us that was taking point, you know.

Q. Uh-huh.

A. —and as we walked——

Q. Taking point. You mean out in front? To take any fire that might come.

STEPPED ON LAND MINE

A. Right. And so we started walking across that field. And so later on that day, they picked them up, and gooks we had, and I reckon they took them to Chu Lai or some camp that they was questioning them, so I don't know what they done with them. So we set up (indistinct) the rest of the night, and the next morning we started leaving, leaving the perimeter, and I stepped on a land mine next day, next morning.

Q. And you came back to the United States.

A. I came back to the United States, and lost a foot out of it.

Q. You feel——

A. I feel cheated because the V.A. cut my disability like they did, and they say that my stump is well healed, well padded, without tenderness. Well, it's well healed, but it's a long way from being well padded. And without tenderness? It hurts all the time. I got to work eight hours a day up on my foot, and at the end of the day I can't hardly stand it. But I gotta work because I gotta make a living, and the V.A. don't give me enough money to live on as it is.

Q. Veterans Administration.

A. Right. So——

Q. Did you feel any sense of retribution to yourself the day after?

A. Well, I felt that I was punished for what I'd done, the next morning. Later on in that day, I felt like I was being punished.

Q. Why did you do it?

A. Why did I do it? Because I felt like I was ordered to do it, and it seemed like that, at the time I felt like I was doing the right thing, because like I said I lost buddies. I lost a dam good buddy, Bobby Wilson, and it was on my conscience. So after I done it, I felt good, but later on that day, it was getting to me.

Q. You're married?

A. Right.

Q. Children?

A. Two.

Q. How old?

A. The boy is two and a half, and the little girl is a year and a half.

Q. Obviously, the question comes to my mind . . . the father of two little kids like that . . . how can he shoot babies?

A. I didn't have the little girl. I just had the little boy at the time.

Q. Uh-huh. How do you shoot babies?

A. I don't know. It's just one of them things.

Q. How many people would you imagine were killed that day?

A. I'd say about 370.

Q. How do you arrive at that figure?

A. Just looking.

Q. You saw, you think, that many people, and you yourself were responsible for how many of them?

A. I couldn't say.

Q. Twenty-five? Fifty?

A. I couldn't say . . . just too many.

Q. And how many men did the actual shooting?

A. Well, I really couldn't say that either. There was another . . . there was another platoon in there and . . . but I just couldn't say how many.

"JUST SITTING, SQUATTING"

Q. But these civilians were lined up and shot? They weren't killed by cross-fire?

A. They weren't lined up . . . they [were] just pushed in a ravine or just sitting, squatting . . . and shot.

Q. What did these civilians—particularly the women and children, the old men—what did they do? What did they say to you?

A. They weren't much saying to them. They [were] just being pushed and they were doing what they was told to do.

Q. They weren't begging or saying, "No . . . no," or—

A. Right. They was begging and saying, "No, no." And the mothers was hugging their children and, but they kept right on firing. Well, we kept right on firing. They was waving their arms and begging . . .

Q. Was that your most vivid memory of what you saw?

A. Right.

Q. And nothing went through your mind or heart?

A. Many a times . . . many a times . . .

Q. While you were doing it?

A. Not while I was doing it. I just seemed like it was the natural thing to do at the time. I don't know. It just—I was getting relieved from what I'd seen earlier over there.

"IT WAS . . . MOSTLY REVENGE"

Q. What do you mean?

A. Well, I was getting . . . like the . . . my buddies getting killed or wounded or— we weren't getting no satisfaction from it, so what it really was, it was just mostly revenge.

Q. You call the Vietnamese "gooks"?

A. Gooks.

Q. Are they people to you? Were they people to you?

A. Well, they were people. But it was just one of them words that we just picked up over there, you know. Just any word you pick up. That's what you call people, and that's what you been called.

Q. Obviously, the thought that goes through my mind—I spent some time over there, and I killed in the second war, and so forth. But the thought that goes through your mind is, we've raised such a dickens about what the Nazis did, or what the Japanese did, but particularly what the Nazis did in the second world war, the brutalization and so forth, you know. It's hard for a good many Americans to understand that young, capable American boys could line up old men, women and children and babies and shoot them down in cold blood. How do you explain that?

A. I wouldn't know.

Q. Did you ever dream about all of this that went on in Pinkville?

A. Yes, I did . . . and I still dream about it.

Q. What kind of dreams?

A. I see the women and children in my sleep, Some days . . . some nights, I can't even sleep. I just lay there thinking about it.

THANKSGIVING, 1969: PRODUCTION GAINS BUT DISTRIBUTION FAILS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, General Sherman followed the basic and classic strategy of battle first enunciated by Gen. Nathan Bedford Forrest, of "getting there firstest with the mostest."

We won on the battlefields in World War II with logistics which carried out that strategy; we had the right equipment and firepower in the right places at the right time to overwhelm the enemy. The Marshall plan after the fighting followed the same logistical pattern: we speedily provided what was required to save Europe from starvation, economic collapse, and ruin.

Currently, we have mastered outer space to the moon with expert planning and scientific knowledge, coordinating the most complex instruments and harnessing power to have exactly what is needed at the right place at exactly the right time. With perfectly controlled accuracy over hundreds of thousands of miles, the three astronauts, Gordon, Dean, and Conrad, landed on this earth yesterday within yards of their return target after spending several hours at a preselected spot on the lunar surface.

Jefferson 200 years ago envisioned this country as a great agricultural nation, and he was right, but it was more than that. By the time of Sherman we had blended industrial development with an expanding agriculture. If Sherman's soldiers were hungry, it was a matter of logistics, or a failure of distribution.

Gen. George Marshall in the forties used logistics as the keystone for military success, and for the rescue of Europe with food and other goods when the fighting had ended.

With all these successes, why cannot we distribute an abundance of food so millions of our people need not be hungry? Why are millions of children in our land undernourished, and know hunger before they know the alphabet? Why are many elderly people unable to live comfortably in retirement with decent food, and in security without the ills of malnourishment?

Sherman's principle—getting there firstest with the mostest—would win this battle on hunger, and we have repeatedly demonstrated the logistical ability in war, peace, and in space, to carry out that principle.

Generations of farmers have undergone the sweat and the dust of spring plantings, summer cultivation, and fall harvests believing that the abundance of food they produced would satisfy the hunger of the Nation.

The Thanksgiving holiday is a celebration of the realization of this American dream, offering thanks to divine providence for plentiful foodstuffs.

Yet, to tell it like it is, is to admit that while productivity in agriculture flourishes, distribution of our abundance fails daily. Hunger is a constant companion of one-sixth of our population. Nearly 30 million Americans, a high percentage of them children and elderly, are not able to satisfy their daily nourishment requirements.

Our farmers are grinding out their production now in a squeeze that finds their costs exceeding prices and returns, partly because they must forego cultivation of a substantial part of their land. In the absence of adequate distribution and use of their products, they must take 20-year-ago prices while paying costs based on current inflated economic levels, boosted there partially by our huge investment in putting men on the moon.

Truth forces us to admit that while we have attained the knowledge and technology to master outer space, we have slipped backward in meeting human needs and that our Thanksgiving celebration, thanking the Almighty for an abundant harvest, is becoming increasingly deceptive and inappropriate.

Our farmers grow an abundance of food. That is their part, but their abundance becomes a price depressing burden on them. They are entitled to a fair return, but they do not get it because the rest of us are not doing our part—seeing that food is distributed to all those in need.

Hunger need not be a problem.

There should be no empty plates on Thanksgiving Day, and there will not be in future years if we solve problems of food distribution which are far less complex than General Marshall solved in the forties, and far less complex than those involved in sending a triumvirate of men through space to a small target on the moon and then bringing them back to a precise spot on this earth.

We should dedicate ourselves on this Thanksgiving Day, 1969, to seeing that Thanksgiving next year—not 5 years hence, or 10 years hence, but Thanksgiving in 1970—can be celebrated in completely good conscience.

NATIONAL SECURITY: ARE WE ASKING THE RIGHT QUESTIONS?

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, one of the most impressive contributions made recently to the discussion on the size of our defense budget and the military-industrial complex is the article by Mr. Paul Warnke in the October Washington Monthly called, "National Security: Are We Asking the Right Questions?"

The distinguished former Assistant Secretary of Defense declares that—

> There are growing signs of a healthy willingness to question some of the items in the defense budget. But the absence of an over-all policy from which these individual items derive makes the debate revolve largely around tangential issues.

The article is a balanced exploration of how our military means may be kept consistent with our political objectives, and what those objectives should be. It follows:

NATIONAL SECURITY: ARE WE ASKING THE RIGHT QUESTIONS?

(By Paul C. Warnke)

(NOTE.—Paul C. Warnke was Assistant Secretary of Defense for International Security Affairs from August, 1967, until February of this year, and General Counsel of the Department of Defense from September, 1966, through July, 1967. He is now practicing law in Washington.)

In the area of national security, it is probably a good deal easier to raise questions than to supply answers. Anyone who has ever tried the latter can only hope that his successors will be better at it. But he may also find himself hoping that he, and the American public generally, can begin to do a better job of asking the right questions. Until we do, there is little purpose and even less justice in railing about the size of our defense budget. The military-industrial complex, with the soaring cost of its care and feeding and its dire consequences for the quality of American life, is the inevitable answer to the questions we have asked and the demands we have made in the name of national security. Our military-industrial complex exists because we have asked for it.

We can never cut it back to size and free up a fair share of our budget dollars for competing and compelling causes until we begin asking the right questions—about how our defense effort squares with the real world and with our genuine national security. Without the right questions directed to the right people we can never get answers that will permit us to design, or even to recognize, a defense budget commensurate with our over-all interests and objectives.

In not too oversimplified terms, the concept of security we evolved after World War II was to make sure that non-Communist countries stayed that way. During the years when "Who Lost China?" was the popular security questions, nobody in the national-security business, at least, craved identification as one who had "lost" some other strayed member in the non-Communist community.

The Eisenhower Administration pursued

the concept of security by adhering to the doctrine of "massive retaliation." As the answer to the question of how we could prevent Communist take-overs, we could point to our nuclear striking force. But this answer became less and less plausible as our monopoly in intercontinental missiles dissipated. Neither we nor our potential adversaries could continue to believe that the United States would react to any and every Communist provocation by initiating a nuclear exchange in which our own society would be devastated.

Nor could we accept an "all-or-nothing" doctrine of defense that would leave us bereft of any ability to respond with conventional force to conventional attacks on friendly nations. So "massive retaliation" gave way to the more common-sense notion of a "flexible response" adequate to counter, and hopefully to deter, instances of aggression for which we would be unwilling to risk a nuclear holocaust.

But the cost of the capability to respond flexibly can be immense if an American military response must be contemplated whenever an international development disfavors our national interests. And this expense can be infinite if the adequacy of that capability must be measured in terms of a clear superiority in every aspect of armed might.

In a world in which we are not the single "great power," any such total military versatility and invincibility is clearly unprocurable—at any price. Until we begin to refine our questions and direct them toward realistic and realizable security goals, we will continue to ask the impossible and get answers that are unacceptable.

In the broadest sense, we now ask our government: make us safe from any attack by any foe. The answer is a defense budget in the neighborhood of $80 billion a year. It is an answer that is increasingly unsatisfactory. It certainly does not satisfy the Joint Chiefs of Staff, who recognize that this amount is inadequate to buy the American people anything like full protection. The Armed Services Committees of Congress can prove that a lower budget means less over-all military strength and less capacity to do things by military force, for a defense budget of $80 billion obviously provides the capability to meet contingencies that a budget of $50 billion must ignore. But before concluding that the $50 billion budget will leave us weaker and in greater danger, we need political judgments as to what unmet contingencies are apt to occur and—if they do occur and if they are unmet—what vital national interests may be adversely affected. We need the further political judgment of whether the $30 billion thus freed can be spent on problems of greater risk to our national security and in areas of greater benefit to the over-all quality of American life. We need the answers that will put in perspective any incremental gain in physical security.

In the age of intercontinental ballistic missiles, we cannot now, with any amount of money, buy physical safety from a Soviet attack of indescribable devastation. But the real pressures for a ballistic-missile defense—and perhaps even its lulling designation as the "Safeguard" system—derive from our unwillingness to accept emotionally what we have every factual reason to comprehend.

Nor can we curb the infinite expansion of the military-industrial complex by continuing to demand margins of superiority over our potential adversaries all across the spectrum of military armament. We should ask, instead, which leads are meaningful in terms of security or political advantage, and which are not. "Superiority" in nuclear missiles, for example, is too expensive if all it gives us is a status symbol. And "inferiority" is no cause for alarm or even embarrassment if what we have is enough to deter any Soviet effort at a pre-emptive strike.

We should keep in mind that what the Soviets themselves are doing may not always provide a useful measure for the appropriateness of our own defense expenditures. We sometimes seem to proceed on the assumption that we are not doing enough unless we more than match what the Soviets spend in every area of armed might. We rarely require whether the Soviets are spending too much. Instead, when there is criticism of our ABM deployment, we accept as valid the answer that, after all, the Soviets have already deployed an ABM of their own. Maybe we should ask whether theirs is a poor investment. While vaunting our superior sophistication in other things, both economic and social, we at times come perilously close to adopting Soviet answers when it comes to the allocation of our defense dollars on strategic weapons systems.

In the area of conventional forces, we waste the time and the talents of our military leaders when we leave them to prepare their budget requests on the basis of assumptions devoid of political validity. Our military planners, in fact, are major victims of our defective interrogatory technique. The problem is not that their advice is too often ignored. It is that their answers frequently don't matter because we've asked them the wrong questions. It's neither fair nor fruitful to ask them to develop a military machine that will help achieve a set of foreign-policy objectives which haven't been articulated—and which, when developed, can prove impervious to military solution.

In order to obtain the proper weapons systems—in the proper quantities and supporting the proper number of military personnel—we need a much clearer idea of the circumstances under which we will be willing to use them. The Systems-Analysis group within the Office of the Secretary of Defense serves an essential function in developing the most effective means of performing the various military missions. These civilian experts constantly discuss issues of relative cost effectiveness with the different Armed Services. But neither the civilian nor the military personnel of the Pentagon should be asked to speculate on the nature and number of instances in which they'll be asked to provide military force in furtherance of national objectives. Our current force posture—designed to fight two wars while handling another contingency somewhere else in the world—is the product of such speculation.

This "two-and-a-half war" concept did not arise from an informed prediction of international developments. It derived, during the last decade, from what Pentagon planners saw as the need to buttress conventional military forces neglected during our years of reliance on a nuclear strategy of "massive retaliation." But we lacked then, as we lack now, an accepted perception of our national-security interests; we had no measure for the adequacy of our conventional military capability. As a consequence, our forces are not shaped to fit a policy—and the risk always exists that the policy itself may be influenced by the military forces on hand. We need not conclude that our analyses of force requirements in the early '60's were wrong. But we do need to ask if, in today's world, our national scale of priorities justifies the expense of preparing to fight the Soviets in Europe, while we simultaneously fend off Chinese aggression in Asia and deal elsewhere with some lesser adversary.

It may be that I unduly discount the risk that Russia and China may resolve their differences to the point where they could even consider concurrently engaging us in large-scale conventional warfare. But it is difficult to imagine that either nation would deem the nuclear threshold sufficiently high to block an early resort to strategic forces. Before we commit ourselves to further funding against such an eventuality, we should ask the National Security Council to consider the likelihood of this kind of dispersed Armageddon, and to shun a policy that might make it thinkable.

A bumper sticker of the recent past read: "Support Mental Health or I'll Kill You." Sanity in foreign policy compels the recognition that we can't use military means to make the world behave the way we'd like it to behave. We can't use it to compel a country to be free and democratic. And we're aware, at least tacitly, that however we may deplore aggression and strife anywhere in the world, most of it cannot affect our national security and most of it does not call for an American military response. But I don't think we've told those who originate our defense planning enough to permit their reasoned response to our basic questions about how national security can best be assured.

When we ask them to define the necessary dimensions of our military forces, referring them to our existing treaty commitments is not enough. No treaty negates our right to determine the character of our reaction on the basis of our perception of the national interest. Our one absolute commitment is to the preservation of our own independence. And we might fairly ask whether that independence does, in fact, turn on the viability of every international basket case with anti-Communist credentials.

To accept the facts of modern life, we need not adopt the extreme position that no defense effort is availing and that no measure of security can be obtained through expenditures for weapons systems. What is required is that debate about the level of defense expenditures—and about the kinds of quantities of armaments that we can prudently purchase—focus on the real risks and on the means realistically available to meet them. In national defense, as in our personal finances, we can afford to carry just so much insurance—particularly against the rarer tropical diseases. Our present preoccupation with physical security may be anachronistic when only two nations in the world can pose a physical threat and when neither could carry it out except at the cost of its own existence as a modern society.

In posing new questions about our national security, we need not repudiate the expert witnesses on whom we have relied in the past. Granted, the results achieved have not been uniformly satisfactory. But we should resist the temptation to blame our Vietnam troubles, for example, on the advice of our military men. In my view, we've consistently been asking them the wrong questions about Vietnam. Such issues as measuring the pace and permanence of pacification involve political judgments that only an objective Vietnamese politician could make, if one could be found. Our commanders are probably right in thinking that a virtual U.S. military occupation is the best way to control an insurgency, but it does little to advance our announced political goal of self-determination for the South Vietnamese.

It has been suggested—by Candidate Goldwater in 1964 and by Senators on both sides of the aisle in years since—that victory in Vietnam requires only that we tell our military leaders that we have decided to win and then leave the war to them. This ignores, I think, our lack of an agreed definition of victory and our unwillingness to go all-out to achieve military conquest. Indeed, no satisfactory answer can be given to the question why we are in Vietnam, because we never asked the question in time. In late 1967, Secretary Rusk explained our presence as necessary to contain a projected one billion Chinese armed with nuclear weapons. But if the original purpose of American participation in Vietnam was to contain China, we never asked whether adoption of an attrition route to victory was consistent with that purpose. Certainly there are more promising avenues to the close-in control of China than by killing off the Nationalistic North Vietnamese.

Much of the failure to examine the underlying political rationale stems from a fear of poaching on military preserves. But, in the absence of all-out war, our military means surely must be kept consistent with our political objectives. They can't be and they won't be unless we insist that our policymakers articulate these objectives.

Perhaps the first step toward useful answers in the realm of national security would be to abandon the partisan pose. "Missile gap" allegations from the 1960 campaign, like the outlandish charge of a "security gap" in 1968, have only made it more difficult for incoming administrations to pose the relevant questions. What should worry us is a "question gap" that leaves us without meaningful answers, both on national-security policy and on how it should be translated into military capability. In making decisions on defense planning we're constantly in danger of putting the hardware before the horse sense.

There are growing signs of a healthy willingness to question some of the arms in the defense budget. But the absence of an overall policy from which these individual items derive makes the debate revolve largely around tangential issues.

For example, in examining the request for additional attack carriers, it is sensible to ask whether one nuclear-powered carrier is preferable to the two that could be built with conventional power for the same price. It's important to note the age of some carriers in our fleet and the alternative possibility of land-based aircraft. But the real questions remain unanswered. They concern the relationship between our tactical air power and our security interests. Fifteen nuclear attack carriers will indeed permit the flexible application of that power anywhere in the world. But where in the world, and against whom, will we want to apply it, and what should we pay for this capacity?

Without an updated justification for our carrier fleet, we can make no value judgments on the need for new fleet defense aircraft. The mission intended for the F–111B (the Navy version of the TFX) was to stand well off from the fleet for hours with a highly sophisticated missile capable of shooting down hordes of enemy bombers at great range. But debate about the F–111B focused on its weight, its expense, and whether Boeing might have done it better. The Navy succeeded in substituting the F–14A, which on paper provides a superior dog-fighter but continues with the basic mission of fleet defense. The case for continuing this multibillion-dollar program should not rest on the merits of the airplane. The question we should ask is: what are the chances that our fleet will be sent to sea when there is a real risk of the kind of mass air attack that only the Soviets could mount? Perhaps we should be persuaded that this is plausible, but I think those responsible for our foreign policy should be asked to convince us.

The Senate, by almost a two-to-one margin, recently approved going ahead with the Advanced Manned Strategic Aircraft (AMSA). Supporters of a new nuclear bomber, while granting its redundancy, refer to the risk that our intercontinental ballistic missiles may work imperfectly. But no new bomber can provide the ability to destroy the Soviet missile forces and thus prevent nuclear retaliation. Nor, we are told, do we aim at any such "first-strike" capability. Our strategic forces are intended to deter and thus, in an age of sophisticated air defense, strategic missiles must remain our primary deterrent. How, we might ask, is that deterrent affected by a decision to proceed with a new manned aircraft on the premise that it is needed because the nuclear missiles may not work? Moreover, our continued expenditures for anti-bomber defense are rationalized as serving to discourage the Soviet Union from developing a new supersonic bomber. Do we expect our bomber to be that much better, the Soviet air defense that much poorer, or the Soviets that much smarter in deciding that manned bombers are obsolete?

Sound defense decisions outside the procurement area are equally impossible until we acquire a better sense of policy direction. In the military assistance field, continuation of our military advisors in Latin America obviously preserves a degree of United States influence. But shouldn't we ask, on a country-by-country basis, whom we are influencing, toward what ends, and how this serves our national interest?

As a military matter, reversion of Okinawa to Japanese administrative control primarily involves the question of our unrestricted freedom to use it as a military base. But politically we should ask whether there may ever be circumstances in which we will want to use Okinawa for military operations which the Japanese are unwilling to support. In situations where the Japanese conclude that such use is not in their security interests, can it be essential to ours?

British withdrawal from East of Suez will leave a "great-power" vacuum in the Indian Ocean. Do we need bases and boats to fill it or can we count on nature's abhorrence, and the people of the area, to do that job? The considerations that led to British colonialism in the Nineteenth Century, when empire was profitable, can't justify an American military presence in this century if it means little more than a bigger defense bill. The White House and State Department assert that we will not replace the British. But unless we tell our military planners to forget it, we may find ourselves continuing to pay for that possibility.

The asserted unavailability of a "peace and growth dividend" will be a self-fulfilling prophecy if we use the peace to catch up on every item of our defense arsenal stinted by Vietnam priority needs. Before we can fit our defense program to our national interest, we must decide when and where we may seek to advance those interests by the application of military force. If our national security in fact demands a kind of Western Hemisphere "Brezhnev doctrine," we need the means to enforce a non-Communist orthodoxy. If we plan to support regimes in Southeast Asia against overthrow by their internal political rivals, we have to face up to the budgetary consequences. And if we must conclude that our security requires us to resist and repel external aggression wherever it appears in the world, then our present defense budget is indeed too little and too late.

But I doubt that these are the premises on which our foreign policy will proceed in practice. And I think that the theory underlying our defense budget should be consistent with what we plan in practice to do. This violates, I recognize, the principle of ambiguity in the conduct of foreign policy. There are admitted disadvantages in tipping off a hostile power as to the circumstances under which we may go to war. A degree of uncertainty is undeniably a valuable factor in deterring aggression. But the gray area should not be so large as to delude those who, if under attack, would have our best wishes but might expect our armed support. A coherent defense program can never be constructed if we continue to leave the architects confused about the purposes we want it to serve.

LAWYERS FOR THE POOR

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on October 19, 1969, the Senate passed an OEO authorization bill. Contained in this bill was an amendment offered by Senator GEORGE MURPHY, Republican, of California, which might, if enacted, kill the highly successful legal services program of OEO.

The so-called Murphy amendment gives the Governor of each State the power to veto periodically the funding of legal services programs under OEO. It removes the present authority of the Director of OEO to override such a veto.

Since its inception, the legal services program throughout the Nation has assisted thousands of poor clients gain equal justice under law. The program has attempted to assure that a poor person unable to pay legal fees will receive the same quality of effective legal assistance as his more affluent brother. The threatened or actual use of a Governor's veto power might destroy all the gains already achieved by the program.

In addition, legal services attorneys might be faced with serious ethical problems if the amendment bill is enacted into law. For example, a legal services lawyer might hesitate to represent a client properly or might hesitate to take all available legal measures in behalf of such client if the lawyer had reason to believe that the Governor would be unhappy with the results.

I oppose the Murphy amendment and any other amendment which would restrict the right of OEO attorneys to represent poor clients.

On November 6, 1969, the directors of the Onondaga County Bar Association adopted a resolution in opposition to the Murphy amendment. I include this resolution in the RECORD for the attention of my colleagues:

RESOLUTION ADOPTED BY THE DIRECTORS OF THE ONONDAGA COUNTY BAR ASSOCIATION ON NOVEMBER 6, 1969

Whereas the adoption by the United States Senate of an amendment to S. 3016 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity;

And whereas, such power contravenes this Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the client;

Now, therefore, be it resolved, that this Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change, and opposes the adoption of said amendment.

POSTAL REFORM

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, as I sit through session after session on the Post Office Committee on the subject of postal reform, I get the feeling the Post Office Department itself is totally disinterested in reform.

In years past, when there was important postal legislation before the committee, contacts from the Post Office were made on a daily basis. Though I do not think such frequency is always necessary, or even desirable, I do believe it would behoove the Postmaster General to send some word to the committee as to the desires and needs of the Department to be incorporated in postal reform legislation.

Not only have contacts not been made with the majority side, but from discussion, it appears the Post Office liaison has even failed to contact the ranking members on the minority side.

In a meeting last week, the General Counsel of the Post Office was quoted as saying that he had his "marching orders" not to give the committee any administrative assistance or expressions of desire on this extremely important legislation. It appears to me the administration might be attempting to hamper the committee's goal of turning out a model, progressive reform bill.

Why would this be so?

The only reasoning I can surmise is that the present postal administration wants the committee to grind out a lousy reform bill so it can say, "I told you so. Nothing short of our corporation will do the job."

Mr. Speaker, I, for one, and many of my colleagues are totally convinced that far-reaching, farsighted postal reform can be formulated within the present framework of the postal service and I would hope the postal administrators would join the Congress in this monumental and vital task.

Finally, Mr. Speaker, Vice President Agnew said in Alabama the other night that Mr. Blount had exceptional courage to tackle all the problems of the Post Office. I agree with Mr. Agnew, but I question the judgment of Mr. Blount in his evident decision of not permitting the top echelon of the Post Office Department to work closely with the House Post Office Committee in fashioning reform legislation that would be most beneficial to the future operation of his Department.

VIOLATION OF THE BASIC RIGHTS OF SCHOOLCHILDREN

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, shortly I will present to all the Members of this body a bill designed to protect the schoolchildren of all of America from some of the abuse which the schoolchildren of the South have been receiving at the hands of the so-called intellectuals in HEW.

I recognize, Mr. Speaker, that there is much prejudice among certain people against the South and they have no concern whatsoever as to what happens to education in our area of the country. But I do believe, Mr. Speaker, that there are many, many Members of this body who, if they will take the time to see the abusive tactics used against southern schoolchildren, will recognize that this may also happen in their own areas unless something is done. I am inserting in the Record immediately following this speech, Mr. Speaker, an article from the Washington Post of this morning and I wish to call attention to the fact that the chief civil rights enforcement officer in HEW plans to force the busing of students in all southern schools where he says he has the power to do so and is apparently dismayed that he does not have the same power as respects the northern schools.

I have had this very same individual, Mr. Panetta, sit in my office and tell me that the existence of all-black or all-white schools is unconstitutional in the South because of our past discrimination and they must be eliminated even if it requires busing of students, closing of schools, or by whatever means and incidentally we have had 356 schools closed so far.

It is interesting to note that he now states that affirmative measures must be taken to eliminate racially identifiable schools in the North as well, although he laments the fact that apparently he does not have the support at present to do so.

With the help of the Members of this body and if they will support the bill which will be sent around after the Thanksgiving holiday wherein I define a unitary school system as one in which no discrimination is present, we keep these pseudointellectuals from violating the basic rights of all of the schoolchildren in America.

The text of the article follows:

Racial Isolation Assailed

(By Peter Milius)

A top administration civil rights official urged yesterday that Congress outlaw all racial isolation in the nation's schools, in effect prohibiting Northern-style as well as Southern-style segregation.

The suggestion came from Leon E. Panetta, director of the Department of Health, Education and Welfare Office for Civil Rights, at a Senate hearing at which Sen. John C. Stennis (D-Miss.) again castigated the administration for enforcing current desegregation laws in the South but not in the North.

Stennis has been pressing the administration for some time to look North as well as South, partly in the belief that equal pressure will make the North stop voting for desegregation laws.

He has used HEW's figures to call attention to the massive segregation in most major Northern school systems, and has argued that segregation is as bad one place as another.

When he made the same argument yesterday, Panetta surprised him by agreeing, at least in part.

There is indeed little to choose between Northern and Southern segregation, Panetta said, and it is true that federal pressure has been greater in the South.

But Panetta said this is because of the law, not the administration. It is Congress that has "let the North off the hook," he said, and Congress ought to change the law.

The exchange at the hearing—an otherwise routine look at the HEW budget—was part of a spreading national debate over the desegregation laws.

The courts are as concerned as Congress and the Executive Branch.

The problem is what to do about urban areas, South as well as North, where school segregation is attributable at least in part to residential patterns.

Current law forbids school segregation when it is demonstrably deliberate, the result of official policy, past or present, tacit or declared.

In the South, where there was once segregation by law, this official intent is easy to establish, and the courts and HEW have thus confidently ordered Southern school districts to desegregate.

They have defined a desegregated district as one with no vestiges of the old dual system. Among other things, this has meant no more all-Negro schools.

The trouble is this doctrine has been developed in relatively simple, rural school districts. The courts are only now turning to the South's big cities, which have at least a fourth of its black pupils.

Southern cities are a lot like their Northern counterparts. Whatever the historical differences, both have all-Negro schools in the middle of large, all-Negro neighborhoods.

The only way to do away with the all-Negro schools is to bus students, often on a large scale and at some expense.

Federal judges in the South are now trying to decide whether and how much to make cities bus to desegregate, and whether city school systems, like the rural ones, must do away with every all-Negro school.

One of the arguments against busing is that there is just as much racial isolation in most major Northern school systems, where busing is not required.

It is hard to insist that situations now so similar in fact are that different in law.

This has been one of Stennis' points, and Panetta conceded it yesterday. He went further, suggesting that most Northern segregation is probably just as much due to official policy as the Southern variety is.

The only difference, he said, is that the Northern policies are subtler and harder to prove in court.

"It is possible, and indeed likely," Panetta observed in his prepared remarks, "that racial separation in the schools is the inevitable result of conscious decisions to achieve that result, however inarticulate in terms of present law."

"A separate education for minorities is a deprivation no less pernicious because constitutional rights are said not to be abridged," he went on. "We hold no brief for racial separation—wherever it may exist."

Panetta's prepared remarks were cleared through HEW Secretary Robert H. Finch's office. Panetta said yesterday, however, that he was speaking for himself, and that no racial isolation bill is being prepared by the administration.

The Civil Rights Commission proposed a national racial imbalance law two years ago. The proposal got nowhere.

Like the federal courts, however, Congress is dealing with the subject of desegregation this year. The House added a provision to the HEW appropriations bill in effect repealing HEW's power to cut off federal funds to school districts that refuse to desegregate.

REPRESENTATIVE MAY ON WHEAT INDUSTRY COUNCIL BILL

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MAY. Mr. Speaker, I am pleased to join with my colleague on the House Committee on Agriculture, the gentleman from Texas (Mr. PURCELL), in the introduction of a bill providing for the establishment of a Wheat Industry Council. As chairman of the Livestock and Grains Subcommittee, the gentleman has devoted considerable effort to unifying the various elements of the wheat industry—producers, millers, and end-product manufacturers. I have shared this objective with him and believe it is being achieved.

We recently sponsored a joint resolution calling upon the President to proclaim October 28 as the Day of Bread. Following approval by Congress and the issuance of the proclamation by President Nixon, wheat growers, millers, and bakers jointed together in a most successful series of nationwide observances. Their purpose was—and will continue to be—to give proper recognition to the economic, nutritional, and even the social or cultural contributions made by wheat and its products the world over.

And now, Mr. Speaker, the wheat industry seeks our endorsement of a self-help program through which it can meet its obligations as a provider of one of our most basic foods.

For some 5 years, wheat producers, millers, bakers, macaroni manufacturers, and others have been trying to devise a mechanism through which the industry can raise funds through an assessment on themselves for research into the nutritional values of wheat and wheat foods and the possibility of new and improved wheat foods. This is but one of the activities the Wheat Industry Council would carry out, but in these times it is most critical.

Let me cite a pertinent example. Early this month the American Bakers Association and the Millers' National Federation, with the support of the Associated Retail Bakers of America and the Wheat and Wheat Foods Foundation, petitioned the Food and Drug Administration for a tripling of iron content in enriched flour, bread, and rolls. Virtually all leading nutritionists agree that this will be the best means of combating recently discovered widespread iron deficiency anemia in the U.S. population, especially among children, teenagers, and women of childbearing age. This step and others under discussion require a substantial input of research effort which could be provided very effectively by the proposed Wheat Industry Council.

Mr. Speaker, it is too late in the session to expect congressional action on this bill. I do hope, however, that next year we will be able to give early and favorable consideration to the establishment of a Wheat Industry Council.

NOW IS THE TIME FOR THE TENNESSEE-TOMBIGBEE WATERWAY

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, recent statistical figures published by the Shipbuilders Council of America indicate a growing use of gulf ports for shipbuilding and repair activity. The selection of these ports for maintenance and manufacture of vessels indicates the great interest of the maritime industry in the gulf coast region.

The gulf ports are becoming more active every day as the commerce of the Nation moves in ever increasing quantities through these year-round warm water gateways to the world. And sitting right in the middle of the gulf crescent is the booming Port of Mobile.

But there is great need for better access to these ports from the heartland of America. And the Tennessee-Tombigbee Waterway system is the answer. Men have dreamed of this development for generations and now everything is right to commence construction. The ports are ready, the Gulf Intercoastal Canal is ready, the Cross-Florida Canal will be ready at the appropriate time, the studies, plans and design are ready, the Corps of Engineers is ready, and the benefit-cost ratio is very good.

The waterway would not only provide swift access to and from the American interior, but would bring commerce and industry to one of the most economically depressed regions of our country.

Countless jobs will be created in areas where many of the residents depend on welfare checks, food stamps, and handouts for survival. It would turn areas that utilize more tax dollars than they collect into areas that are self-sufficient and productive.

Ten years ago, five States—Alabama, Mississippi, Tennessee, Kentucky, and Florida—banded together to urge completion of this project. These States are taking the lead, but 23 States will directly benefit from this project. As the coordinator of the efforts in Washington to get construction funds included in the next presidential budget, I urge all my colleagues in the House to become familiar with and support completion of this project. When completed, this vast water system will rank among the great projects to develop this wonderful country of ours. No singular waterway project will benefit so many people in such great need in so many widespread areas. One could hardly begin to compute the ultimate benefits to the country as a whole.

Now is the time for the Tennessee-Tombigbee Waterway. I urge President Nixon to include construction money in his fiscal year 1971 budget to get this project underway.

UNIFORM SYSTEM OF RELOCATION ASSISTANCE

(Mr. COHELAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I have today introduced a bill which will establish a uniform system of relocation assistance for all persons affected by a federally funded or federally assisted land development program.

This bill, originally drawn by myself, the gentleman from Oklahoma (Mr. STEED), the gentleman from Massachusetts (Mr. CONTE), and the gentleman from Connecticut (Mr. WEICKER), is cosponsored by 41 other Members of the House of Representatives.

For many years, we have recognized the great benefits brought to our urban and rural communities by urban renewal, highways and a multitude of federally assisted development programs. We have not, however, paid due attention to the side effects of this renewal. I refer to the dislocation of residents and small businessmen who are forced to move as a result of construction.

This year, our attention has been focused on this problem. Seventeen bills have been introduced this session to attack this problem.

The focus of our bill is slightly different, however, as it provides full relief for the displaced homeowner. The homeowner, often elderly or poor, generally has but one major asset—his house. This house has been laboriously purchased and represents the fruition of a struggle for a decent life. Often located in a depressed area of our cities, the market value of such homes is minimal. When the home is taken by a renewal agency or highway building program, the acquisition price—while often fair value—is far below what is necessary to purchase another dwelling.

This bill will attack this problem directly, by authorizing a grant to the displaced homeowner equal to the difference between the fair value of the acquired home and the cost of a comparable dwelling. This, I submit, is the only fair way to approach relocation assistance.

What we are proposing is a house for a house—fair treatment for those who need it most.

This is not entirely a homeowner measure, however, as it also provides monetary relief for the tenant, small farmer, and small businessman displaced by the Federal project.

For the benefit of my colleagues, I submit for the RECORD at this time a summation of the major provisions in this comprehensive relocation assistance act.

SUMMARY OF COMPREHENSIVE RELOCATION ASSISTANCE ACT

HOMEOWNERS

In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to a displaced person who is the owner of real property which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment shall be the amount (if any) which, when added to the acquisition payment, equals the price required for the displaced owner to purchase a decent, safe, and sanitary dwelling, reasonably accessible to public services and places of employment, which is commensurate with the acquired dwelling in terms of size, function, accommodations, and facilities and is substantially equivalent as a replacement of the acquired dwelling taking into account human considerations including the economic and social effects of moving into the new dwelling and living in the new location. Such payment (which shall in no case be less than the maximum payment which could be made to the displaced owner under subsection (a)(1) of this section if he were not eligible for the payment under this paragraph) shall be made only to a displaced owner who purchases another dwelling within one year after the date on which he is required to move from the acquired dwelling.

The Secretary of Housing and Urban Development, for all agencies making payments under this subsection, shall (A) determine the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) of this subsection, and (B) prescribe methods and standards for determining whether or not one dwelling is commensurate with and substantially equivalent as a replacement of another for purposes of such paragraph.

FARMOWNERS

In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues a farm operation, provided the average annual net earnings of the farm operation (but in no event less than $2,500 nor more than $5,000) in a case where the displaced person moves the farm operation, or in an amount equal to two times the average annual net earnings of the farm operation (but in no event less than $5,000) in a case where the displaced person discontinues the farm operations.

Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the farm operation (but in no event less than $6,000).

SMALL BUSINESS OWNERS

In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than $10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business (but in no event less than $2,500 nor more than $5,000) in a case where the displaced person moves the business, or in an amount equal to two times the average annual net earnings of the business (but in no event less than $5,000) in a case where the displaced person discontinues the business. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business (but in no event less than $6,000).

THE MILITARY AND POLITICS

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, in Sunday's Washington Post Bernard D. Nossiter wrote an article describing the way in which the Army is using a Vietnam war hero, an Army major, who is assigned to Army liaison.

As reported in the article, Maj. James Rowe has "filmed at least 20 television interviews and cut six radio tapes with as many representatives" in the past 2 weeks. These are then sent to stations in the Member's home district or used for Army "information" programs.

In addition, the major has made a 30-minute film for the Republican National Congressional Committee, which is being offered to legislators.

These programs stress support of the administration's policy in Vietnam and attack the media and Members of Congress who do not agree. In several of these shows, the major has attacked the position of several Senators including Senators FULBRIGHT, MCGOVERN, MANSFIELD, and former Senator Wayne Morse; and he has also questioned the patriotism of at least one Senator, according to the article.

These activities sanctioned and encouraged by the U.S. Army raise some serious questions in my mind.

The Army is using an active duty Vietnam war hero to criticize and attack critics of administration policy—the press, the media, Members of Congress, and others who disagree.

In our democracy the Military Establishment is supposed to be separate from the civilian Government. The obligation of the Military Establishment is to implement policy.

The traditional role of the military in the American system is the carrying out of policy made by the Congress and the President. It does not include partisan politics or attempting to play a political part in the system by influencing policy.

Ours is a system of checks and balances—separation of powers.

The Army's use of Major Rowe to support the position of the administration on the war and to attack its critics violates the doctrine of separation of powers and breaches the barrier between the military and politics which has existed in this country since its beginning.

I urge the appropriate committees of Congress to conduct full investigations of this matter, and I urge the Secretary of Defense immediately to direct the Army to halt such unwarranted interference in a major issue of policy.

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, if I may in this 1 minute get the attention of the gentleman who just preceded me in the well to propound a question to the gentleman relative to the remarks he has just made, if the gentleman would be so kind as to respond, I have just listened with great interest to the statement which the gentleman has made.

I wonder if the gentleman is speaking from firsthand knowledge or newspaper accounts of this matter?

Mr. RYAN. Mr. Speaker, if the gentleman will yield, I stated that I was commenting upon a newspaper article by Bernard D. Nossiter printed in the Sunday edition of the Washington Post.

Mr. DICKINSON. I cannot sit here and remain silent while a great soldier, a valiant defender of our Nation, a man who has been awarded the Purple Heart twice, has been decorated for gallantry in action, a man who was a captive of the Vietcong for over 5 years and resisted them unrelentingly until he escaped—a true hero in the history of our armed services is maligned by the gentleman from New York (Mr. RYAN).

It is not unheard of that a Member of this body speaks on a subject in ignorance but it is a sad day when a person accepts as fact every statement from the Washington Post and then mistates that.

I do have personal knowledge of Major Rowe. It was at my invitation that he appeared before the House Armed Services Committee. He made a tremendous impression on all who heard him—so much so that he was invited to the White House for a visit with the President and later to discuss his captivity with the Chief of Staff, General Westmoreland. In fact, the major appeared on a television program with me and I hereby include a transcript of the interview that I had with him:

(The following is the complete text of an interview between Congressman Bill Dickinson of Alabama's 2nd District and Major James N. Rowe. Major Rowe was a prisoner of the Viet Cong for over 5 years. Major Rowe was a prisoner of war for longer than any other American in any war in the history of the United States.)

DICKINSON. Hi, I'm Bill Dickinson, Congressman from the 2nd District of Alabama. I have with me here on Capitol Hill (in the studio with me) one of the most remarkable fellows I have ever met in my life. Recently, I have been very active in the Prisoner of War problem of the American servicemen in Vietnam and those who are missing in action. As a result of my activities, I came in contact with Major Rowe who is with me today and he has a remarkable story to tell. So remarkable, in fact, that I think that you and all American citizens should hear it. As a result of my contact with him, I invited him to come to Washington and, at the request of Chairman Rivers, he spoke to the House Armed Services Committee. Major Rowe, as a result of your speaking to the Armed Services Committee, what's happened since then?

ROWE. Well, sir, I didn't really expect all that did happen. I had a chance to visit with the President of the United States; I've seen probably more Congressmen than I knew ever existed, and I had a visit yesterday evening with my boss, the Chief of Staff.

DICKINSON. Well, you went to the White House and visited with President Nixon first, is that correct and that was directly after your tremendous presentation to the House Armed Services Committee? How long did you talk with him, and were you able to get any point over with him? Were you able to really do any good, that you felt, to tell him what is going on with the POWs in Vietnam?

ROWE. Yes sir, I think he is very interested in this and I had the opportunity to spend about 20 or 25 minutes with him.

DICKINSON. Well, that's great because, you see, what I failed to tell the people is that you have one thing that nobody else can claim and that is you were held prisoner of war longer than any soldier has ever been held a prisoner of war in the United States. How long were you a prisoner of the Viet Cong?

ROWE. About 5 years and 2 months, sir.

DICKINSON. Five years and 2 months as prisoner and you were kept in the Delta all of this time?

ROWE. Yes sir, I was in the Mekong Delta, it was in the U-Minh Forest which is along the western border.

DICKINSON. And you met with the President, then you met with General Westmoreland, the Chief of Staff?

ROWE. Yes sir.

DICKINSON. And you had a long conversation with him, I understand. You were also invited, and did appear, on The Today Program, is that right?

ROWE. Yes sir, I did. I had an opportunity yesterday morning; I got up at 4 o'clock in the morning to appear on the program.

DICKINSON. Now as I understood it, you were going to comment on The Today Program on the peaceniks and beatniks and the other misguided people whose intentions are right in connection with the Moratorium;

were you asked anything about it on The Today Program?

ROWE. No sir, I think I made a mistake, I let my views be known before we went on camera.

DICKINSON. Well, you were supposed to go on for 14 minutes?

ROWE. We had 14 or 15 minutes initially, sir, and when we finally got on it wasn't that long at all.

DICKINSON. They never asked you one question about the Moratorium, is that correct? (Major Rowe nodded in the affirmative.) Well we'll get to that in just a moment. But in 5 years and 2 months of captivity tell me a little bit about your physical treatment, how were you treated and what did they do to you?

ROWE. Well sir, by American standards you're at a very low level, this is one thing you can't judge it by American standards, because by the Vietnamese standards, under those conditions and that environment, they don't feel that you're that far under them.

DICKINSON. What did you have to eat, for instance?

ROWE. We had rice two meals a day, sir.

DICKINSON. And what else?

ROWE. Nuoc Mam or salt. This is the standard diet, of course, they eat rice, this is the basis of their whole diet and they feel that an American can do the same thing, so it's rice 2 meals a day, seven days a week, month in and month out.

DICKINSON. Were you ever given any meat?

ROWE. Yes sir, when they could catch fish and had enough for them as well as an excess we got it, generally we got the dead ones.

DICKINSON. By dead, you mean rotten?

ROWE. Generally speaking, out of 20 we might get 2 or 3, that's for four Americans.

DICKINSON. Now you told our Committee that you might eat anything that swims, crawls or flies, is that right?

ROWE. Yes sir, you eat for nutritional value and not for taste. If there was anything that we could get our hands on that we could put on a menu, we put it on.

DICKINSON. What was the state of your health?

ROWE. Well initially, sir, in the first 6 months I went down from about 165 to about 115 pounds, and after that I started to learn to eat rice and build back up. The diseases I had, I had dysentery for five years, berri berri, hepatitis, and a fungus infection which is prevalent among Americans in that area.

DICKINSON. Are you all right physically now?

ROWE. Well sir, they got everything straightened out except dysentery and it will take a while with that.

DICKINSON. You say for 5 years you suffered with this illness?

ROWE. Yes sir.

DICKINSON. Well now, how could you keep going for 5 years? I understand they kept you in leg irons at night and you were caged; how could you keep going for 5 years living in these conditions?

ROWE. Well sir, you make up your mind not to die there. In other words, you have three things that get you through, and they're all faiths; one is faith in God, one is faith in the Country, and one is faith in the other POWs. And if you've got those three things, you can make it.

DICKINSON. Now you would really say that you contribute your life, then, to your faith in God, your faith in Country, and your faith in the other POWs?

ROWE. Yes sir, these are the three things.

DICKINSON. Well, did anything happen that would shake your faith in God, or your Country or the other POWs while you were there?

ROWE. Well, the faith in God I don't believe a VC can shake that because they don't understand it, they don't believe it so they don't understand it. Faith in Country was one thing that they did attack, probably more often than anything else. They took, well, I divided it actually into two periods of time, the first between 1963 and 1967, the latter part of 1967 as the first period and the second period between October of 1967 and December of 1968. The first period of time they drew strictly from communist sources for propaganda, in other words, to try and convince us that our efforts in Vietnam were wrong, that the American Government was not representative of the people, that there was a great rift between American people and the Government.

DICKINSON. Was this effective with you and the other POWs?

ROWE. No sir, it's a Vietnamese writing for American consumption and it's not really that effective; but in the latter part of 1967 and early 1968, they stopped drawing from their own sources and began to draw from AP, UPI, Time, Newsweek, Life, Look, Washington Post, New York Times. They picked statements from people within our own government, people within the United States, figures that are known and they quoted their statements opposing our efforts in Vietnam.

DICKINSON. Is this, then, the thing that was most effective in shaking your faith in yourself and in your Country and willingness to live?

ROWE. It was the only time during the entire period of time that I really doubted whether or not I was really right.

DICKINSON. Well, would you say they were principally government figures, or did the hippies and the yippies on the street, what did they quote that was most effective?

ROWE. Well, sir, they would say them all in one breath and you would have a whole line of people within the government, and then they would come up with Stokely Carmichael, Rap Brown, Eldridge Cleaver, Tom Hayden, Benjamin Spock.

DICKINSON. Now getting back to the Moratorium, the people who think they are going to affect a quicker peace by bringing about demonstrations. You were a captive for over 5 years, you learned to speak the language, you learned to know the mind of the Vietnamese, do you think the Moratorium demonstration and the people walking up and down the streets with the placards, is this going to hasten the day when the hostilities will cease or do you think it will strengthen the determination of Hanoi to fight 'til the bitter end?

ROWE. Two things, sir, the Viet Cong, this comes from one of their political cadre, a provincial level political cadre, a communist and member of the Lao Dong party; he said that we do not expect a military victory nor do we expect an immediate political victory, but through the demonstrations and disorder in the United States, the anti-war movement, the United States Government can be robbed of its support of the people and forced to withdraw from Vietnam. At that time we will have total victory. At the same time, considering this even further. If you take their attitude towards negotiations where they regard conditions as a sign of weakness, it's only going to bring further demands. And if they win in Vietnam, that will not be the end but the beginning. This is the thing that's important to the military, and I as a military man.

DICKINSON. You told us you were preached to daily, you were politically indoctrinated or attempt was made almost daily, and you became familiar with their overall plan. First, what do they expect to accomplish in Vietnam, are they up to or behind schedule, what can we expect from them?

ROWE. They're behind schedule, sir. They were supposed to over-run Vietnam and have total victory in 1965, but President Johnson averted this by putting in United States troops.

DICKINSON. And is it true that this is just one apple on the bush?

ROWE. It's a very large tragedy, sir, and it expands throughout Indo-China.

DICKINSON. Now, are you sure that if it had not been for our action in Vietnam that the South Vietnamese would have fallen by now and they would probably be into other countries, is this your feelings?

ROWE. Yes, sir, the NVA, they are the imbalance. The North Vietnamese are the imbalance and at that point they could have put enough men and enough communist equipment into South Vietnam to overrun the country.

DICKINSON. And you're convinced, as I am, having been there twice, that Thailand, Laos, Cambodia will all fall if we drew out and give in without securing South Vietnam?

ROWE. Sir, they will maintain the momentum of victory and it will carry through Laos and Thailand.

DICKINSON. And you're convinced that regardless of whether we should have been there in the first place or not, we're doing what is necessary now. Tell me, what do you think will be the effect if the demonstrators would have their way and we would just pull out right now, what would be the effect?

ROWE. It would be a blood bath. The communists promise in their political program, this is the political program of the Liberation National Front, and the way they state it, we will severely punish the diehard, cruel agents of the American imperialists and their lackies in Saigon, which is a blanket purge and it's going to be one of the bloodiest that they've ever seen in Asia, and they won't stop.

DICKINSON. Well, we saw that they killed over 3,000 at Hue during the Tet.

ROWE. That's one offensive, sir, and imagine if they take over the country.

DICKINSON. I'm convinced that what you say is right. Now there were two things that you told our Committee. First, that you were marked for execution and that you did escape. What made you think that you were marked for execution and how did this come about?

ROWE. Well sir, I had a period of time that I was going through documents of theirs while they were at lunch. I would just go to where they kept an ammunition box, a 30 caliber ammunition box where they had all their papers. I learned some bad habits in Special Forces and lock picking was one of them. I would go there and pick the lock during this period of time and check out their papers, and whatever I thought was important I would copy down and put it back. I found one paper in there, this was in the latter part of 1968, where a request had come from Zone for the name of an American POW from MR 3 and my name had been submitted and this is a one-way trip as far as that is concerned.

DICKINSON. When you were captured, you gave them what you call a cover story?

ROWE. Yes sir, I did.

DICKINSON. Was this effective and do you think it had something to do with keeping you alive?

ROWE. Yes sir, I maintained this for 4 years and it enabled me to say "I don't know" rather than "I can't tell you", and I think that this was most effective. In 1968, some group, I don't know what it was, but I was called in and the Viet Cong prevention cadre told me that the justice and peace loving friends of theirs in the United States had sent them a biographical sketch on me, which very effectively blew my cover story and marked me.

DICKINSON. Let me get this straight. American citizens, under the cover of being some peace group, had searched your biography and furnished this to the Viet Cong, so it blew your cover story, is that correct?

ROWE. Apparently so, sir.

DICKINSON. And finally, how did you get away?

ROWE. Well sir, I just took advantage of American B–52's and American helicopters and a very trusting guard that I got rid of, broke away from them, signaled the choppers and had American underfire come in and pick me up.

Dickinson. And escape?

Rowe. Yes, sir.

Dickinson. And you're going back?

Rowe. Yes sir, I've volunteered to go back and I'll be back in 1970.

Dickinson. You're the most remarkable man that I know. Thank you, Major Nick Rowe.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. STRATTON. I, too, not only had the privilege of hearing Major Rowe when he appeared before the members of our committee, but I was so impressed by the story he told that I too had a film made with him.

He never impugned the patriotism or integrity of any Member of this body or the other body. But he did, in fact, recall quite well many events during his captive period, the longest captive period of any American serviceman, with particular reference to certain statements presented to him by the Vietcong, made by various prominent leaders of our country, to the effect that we had no business in Vietnam and that we ought to get out. This, he told us, was the low point of his captivity. It really shook his morale. That is a statement of fact and it is a fact, I believe, that ought to be known to the American people.

Mr. FOREMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New Mexico.

Mr. FOREMAN. Mr. Speaker, I regret that the gentleman from New York (Mr. Ryan) had only the newspaper article about Major Rowe to which he referred, rather than knowing all the facts as they exist.

Earlier this month, Maj. James N. Rowe, U.S. Army Special Forces—for 5 years a prisoner of war of the Vietcong—testified before the House Armed Services Committee of his experiences and treatment by the enemy.

He suffered malnutrition, disease, and continuous abuse. Three of the eight in his prison "cage" died. The Vietcong worked on them continuously to try to make them admit and sign a confession of the "U.S. Crime of Aggression." Almost daily, the prisoners heard the reports of the riots, demonstrations, and disorder in the United States as reported by the news media. The words of a few dissident U.S. Senators condemning the United States in her role in the Vietnam conflict were aired regularly for the prisoners.

Major Rowe said:

> The peace demonstrators and the disheartening words of these Senators made our life most difficult . . . it helped to break the spirit of Americans and boost the morale of the Viet Cong.

He was offered a release upon his demonstration of his sincerity to "admit his crime" and his pledge to return to this country and join in the leadership of the "peace demonstrators." Identified by background material and biography, furnished by an American "peace group," refuting his capture cover story to the enemy, Major Rowe was scheduled for execution. He foiled their plans by his daring escape on December 31, 1968.

A 30-minute, person-to-person, video and audio recording of my interview with Major Rowe is available to Members desiring to review it or use it. And as mentioned by the gentleman from New York, it is also my understanding that the Republican congressional committee also has a similar program available for the use of Members.

Mr. DICKINSON. I thank the gentleman for his comments, and I would again suggest to the gentleman from New York (Mr. Ryan) that he get his facts straight.

The SPEAKER. The time of the gentleman has expired.

TELEVISION APPEARANCE BY MAJOR ROWE

(Mr. BERRY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, the only reason that I have asked for this 1 minute is to advise the House that I placed in the Record today a portion of the transcript from the interview with Major Rowe. This happened to be between our colleague, the gentleman from North Dakota (Mr. Andrews) and Major Rowe. I placed only a portion of it in. But I would ask the Members to search in the body of the Record for the portion of the transcript that I put in the Record, because it is most interesting.

INTO SPACE—THROUGH COOPERATION

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous material.)

Mrs. GREEN of Oregon. Mr. Speaker, not all great editorial writing being done in America is confined to the pages of big city newspapers, as the following written by Eric Allen of the Medford, Oreg., Tribune will attest. The excellence of its style and vision, I hope, will not prevent recognition of the eminently practical suggestion Mr. Allen is advancing in his distinguished and important essay on Soviet-American cooperation in space.

The timeliness of Eric Allen's statement, reminds us that the idea of this special cooperative venture need not continue to be paid only lipservice.

Our second moon landing just concluded clearly establishes that the race to the moon has been won twice over. Simultaneously, the start of those long-awaited Strategic Arms Limitation Talks, "SALT," in Helsinki clearly signals the time is ripe for fruitful cooperation as an alternative to debilitating competition in many fields. And there is undeniably a close enough affinity between modern armaments and space to make it entirely appropriate and germane to include both in an expanded SALT agenda at Helsinki.

The burden of paying for America's ventures in space has been onerous and it would be naive to assert that the exploration of space has not been conducted at the expense of other high priority needs of this Nation. I was reminded of this recently by the plaintive observation of a 63-year-old widow begging me to do something about her bare subsistence social security benefit. She asked incredulously:

> Why are we going to the moon a second time? We know there's nothing there!

I would not denigrate the superb accomplishments of our astronauts. In fact, I can say that the happy chatter and infectious laughter of Astronauts Conrad and Bean, lighting up the cold night of the universe, was perhaps worth billions of dollars—but only in a figurative sense. How much more uplifting, inspiring, and comforting it would be to be hearing simultaneously the voices of astronauts and cosmonauts—formerly employed as fighter and bomber pilots to intimidate one another—encouraging one another across the landscape of the moon or Mars as a result of a joint venture by their governments. I cannot think of a better adjunct and aid to disarmament programs.

For these reasons, I commend Eric Allen's thoughtful and timely editorial to your attention:

INTO SPACE—THROUGH COOPERATION

When Congresswoman Edith Green was in town last weekend, a Jackson County couple presented her with a letter in which it was strongly suggested that the United States and the Union of Soviet Socialist Republics cooperate in future space ventures.

With irrefutable logic, they pointed out that the two nations have agreed that space should be off-limits for military ventures, that both would benefit financially and economically from jointly conducted space exploration, and that cooperation in this area would greatly minimize the chances that the "space race" could turn into something that would eat into the substance of both nations, and ultimately threaten the non-military-uses agreement.

There is reason to believe that the U.S.S.R. might be agreeable to such a cooperative endeavor, they pointed out. During the current visit of the two Soviet cosmonauts, they have suggested this very thing, and surely they would not voice such a suggestion in public unless it jibed with official opinion in the Kremlin.

Reduced appropriations for space, which could result from such cooperation, could then be applied to urgently-needed domestic programs, such as cleaning up the nation's air and water pollution.

The suggestion is eminently sensible.

It will, of course, meet with resistance from those who believe that nothing good can ever come out of Soviet Russia, no matter under what guise, and that cooperation, in such a case, would merely create an opportunity for Russia to gain American space "secrets" and know-how cheaply, perhaps with inimical intent.

This view ignores several things, first among them that is would be just as much to Russia's own enlightened self-interest as it would be to ours to decrease such massive expenditures through cooperative and shared knowledge.

Another fact is that in at least one instance, in Antarctica, Russia is already actively cooperating with American scientists and explorers, under a non-military-use treaty similar to the one governing the use of space. (Another similar treaty, governing the depths of the oceans, is now under negotiation.)

Still another fact that this negative attitude ignores is that, in reality, America really doesn't have any "space secrets." It has some know-how, and some hardware, that is not in the public domain, but so does Russia. Space exploration would be speeded, at less cost, if the two great technological giants were to pool their efforts, instead of to waste their substance in a further "race" based solely—or almost so—on prestige.

The plaque now resting quietly on the moon says "We came in peace for all mankind." The first human words uttered from the surface of the moon were "One small step for a man, a giant leap for all mankind."

The way to make these entirely appropriate and idealistic statements come true is through cooperation, not extravagant and potentially dangerous competition.

As for prestige, no one can take away the American moon landing. Would it not now add to our prestige to be willing to share the conquest of space with "all mankind"—starting with the only other spacefaring nation?—E.A.

SECRETARY STANS STACKS CENSUS PANEL

(Mr. BETTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BETTS. Mr. Speaker, the need for an objective and comprehensive review of decennial census procedures, particularly the continuation of the $100 criminal penalty applied to every question, became evident to Congress and the Secretary of Commerce earlier this year. Secretary Stans in testimony before the House Subcommittee on Census and Statistics on June 16 proposed a "blue ribbon" Census Advisory Committee which would include "Members of Congress, representatives of State and local governments, academicians and other professionals, representatives of minority, civil rights and other public interest groups and suppliers and users of census data from business and industry."

Yesterday Secretary Stans announced the formation of a Decennial Census Review Committee and appointment of its 17 members. I am not aware of anyone on the list, except the congressional appointees, who have ever favored census reform. As a matter of fact the list is loaded with advocates of compulsory responses carrying the full criminal penalties. In the interest of having some sort of a balanced Commission, I recommended to the Secretary the name of Prof. Arthur R. Miller of the University of Michigan, one of the most scholarly and articulate supporters of census reform in the country. His name does not appear on the list. Evidently no one who raised even a faint breath of criticism of the status quo was considered for this Commission.

After congressional prodding—two Members of Congress were added—Senator HIRAM FONG of Hawaii and the gentleman from California (Mr. CHARLES H. WILSON). I am particularly happy to see Mr. WILSON on this Commission. As chairman of the Subcommittee on the Census, I was impressed with his diligence, his fairness, and the vast know-how which he acquired on this subject. I am sure Senator FONG is also well informed on this issue. However, except for these two Members, I can, even now, predict a Commission report violently opposed to voluntary census questioning and firm in support of the status quo.

JUSTICE FOR THE POOR

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, during my first term in office I have had the privilege of serving on the Judiciary Committee. My service on that committee has reinforced my strong belief that the American judicial system must be responsive to the needs of the citizens, whether those citizens be rich or poor. Unfortunately, it is now more difficult for a poor person to avail himself of necessary legal assistance than for a middle-income citizen. However, the Office of Economic Opportunity's legal services program has done much to narrow the legal assistance gap.

Recently the National Commission on the Causes and Prevention of Violence issued a report which underscores the desperate need for legal assistance to the poor. This distinguished and respected Commission, on which the distinguished ranking minority member of my committee serves, urged the expansion of the present legal services program of the Office of Economic Opportunity. I wholeheartedly concur in this recommendation of the Commission. I am deeply troubled, however, by the peril in which the legal services program has been placed as a result of the Senate-passed amendment which would allow the Governor of a State to have an item veto over a legal services program in his State. We are beginning to make progress with the legal services program and now, this amendment is threatening to deny equal justice for the poor. If we appear to offer hope and assistance to the poor, only to withdraw it when it begins to reach a point where meaningful assistance is being given, the certain consequences will be less, not more, respect for the principles of law and order and equal justice for all in a democratic society.

I for one applaud the Commission's firm stand on the need to provide legal assistance to the poor.

At this point I insert an editorial from the Chicago Sun-Times entitled "Justice for the Poor":

JUSTICE FOR THE POOR

The National Commission on the Causes and Prevention of Violence has underscored the desperate need for more legal assistance for the poor.

This is in sharp contrast to the ill-advised proposal before Congress that would give state governors the right to veto some federal legal-aid programs.

That move, in a Senate-passed amendment contributed by Sen. George Murphy (R-Calif.), should now be given short shrift by the House.

The thrust of the commission report is that inadequate police departments, overcrowded courts and harsh jails foster disrespect for the law. And this disenchantment is greatest among those "who feel they have gained the least from the social order and from the actions of government."

To place these failures in perspective, the commission noted that the criminal justice system—federal, state and local, including police, courts and correctional institutions—receives less government money each year than is spent on farm programs.

Among the chief recommendations of the commission was recruitment of more lawyers to aid the poor, in both civil and criminal cases. It also urged expansion of the present legal aid program of the Office of Economic Opportunity—the very program that the Senate has voted not to expand, but to cripple.

There is a pragmatic as well as humane reason for such expansion. Denial of justice to the poor increases disrespect for the law and the judicial system. Such disrespect can only lead to increased criminality, alienation and violence.

We urge the House to heed the commission's findings and to jettison the Murphy amendment. We urge the whole of Congress to set a course toward a responsive judicial system.

TAX RELIEF AND TAX REFORM

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am today submitting to Senator ALBERT GORE, a member of the Senate Finance Committee, a petition signed by over 156 Members of the House of Representatives supporting his efforts to increase dependency exemptions from the present $600 to $1,000 per person.

My distinguished colleague, the Honorable PETER RODINO, of New Jersey, has obtained an additional 16 Members while my distinguished colleague from Pennsylvania, the Honorable JOHN SAYLOR, has advised me that he is submitting a list of over 50 Republican Members of the House, making a total of at least 222 Members of the House who support tax relief by way of increased exemptions and who have signed these petitions.

There is no doubt in my mind that over 300 Members of the House, an overwhelming number of its membership, concur in this approach to tax relief and tax reform.

Under the closed rule which prevailed when the tax reform proposal was considered in the House, it was impossible to get a House vote on the question of increased tax exemptions. If the Senate should adopt this approach and approve Senator GORE's approach for an increase in tax exemptions at the rate of $100 per year for the next 4 years, it seems to me that the conferees should be substantially affected by what clearly appears to be the preference of the majority of the Members of the House and the Senate.

It is clearly the feeling of the Members who have signed this petition that the present $600 dependency exemption is totally unrealistic and is not related in any fashion to the actual costs of dependency support. Increasing this tax allowance to $1,000 will reflect more accurately the burden of support which presently exists.

Following is the text of my letter to Senator ALBERT GORE who has indicated that he will lead the fight for increased exemptions along with the names of those Members of the House who have endorsed this approach:

Hon. **Albert Gore,**
U.S. Senate,
Washington, D.C.

Dear Senator Gore: We, the undersigned Members of the United States House of Representatives, urge your support of an amendment to provide for an increase in the dependency exemptions from $600 to at least $1000.

We support an increase in dependency exemptions to take effect immediately or in several stages depending upon revenue effect to the Treasury. A meaningful increase in dependency exemptions is long overdue.

Sincerely yours,

Messrs. Abernathy, Adams, Addabbo, Glenn Anderson, William Anderson, George Andrews, Annunzio, Ashley, Aspinall, Blackburn, Baring, Barrett, Bennett, Bevill, Biaggi, Bingham, Boland, Brinkley, Brademas, Brasco, Brooks, George Brown, James Burke, Phillip Burton, Byrne, J. Herbert Burke.

Messrs. Caffery, Carey, Casey, Celler, Mrs. Chisholm, Messrs. Clark, Clay, Conyers, Culver, Daddario, Daniel, Daniels, Delaney, Diggs, Dingell, Dent, Donohue, Dorn, Dowdy, Downing, Dulski.

Messrs. Eckhardt, Edmondson, Don Edwards, Eilberg, Fallon, Farbstein, Fascell, Feighan, Flood, Flowers, Flynt, Friedel.

Messrs. Galifianakis, Gallagher, Garmatz, Gaydos, Giaimo, Gilbert, Gonzalez, Gray, Mrs. Edith Green, Messrs. William Green, Hagan, Hanley, Hamilton, Hanna, Hansen, Harrington, Hathaway, Hawkins, Hays, Hébert, Hechler, Helstoski, Hicks, Holifield, Hull, Howard, Hungate.

Messrs. Jacobs, Harold Johnson, Walter Jones, Karth, Kastenmeier, Kazan, Kee, Kluczynski, Koch, Kyros, Leggett, Speedy Long, Lowenstein, Lukens, Macdonald, Madden, Matsunaga, Meeds, Mikva, George Miller, Minish, Mrs. Mink, Messrs. Mollohan, Morgan, William Murphy, McCulloch.

Messrs. Nedzi, Nichols, Nix, Obey, O'Hara, O'Neill, Olsen, Ottinger, Patten, Pepper, Perkins, Podell, Powell, Melvin Price, Pucinski, Pickle, Randall, Rarick, Rees, Roberts, Byron Rogers, Paul Rogers, Rosenthal, Roybal, Ryan, Frank Rooney.

Messrs. Scheuer, Shipley, Slack, Neal Smith, Staggers, Steed, Stokes, St Germain, Taylor, Frank Thompson, Tiernan, Tunney, Vanik, Vigorito, Van Deerlin, Waggonner, Waldie, White, Charles Wilson, Wolff, Wright, Yatron, Zablocki, Blatnik, Button, Pollock, Ogden Reid, Sandman, Stratton, Rodino.

It is fiscally sound for Congress to enact a tax reform proposal which would increase the standard deduction to 15 percent with a $1,500 ceiling and increase exemptions at the rate of $100 per year beginning in calendar year 1971 until personal exemptions are increased to $1,000 per year. On the basis of projected revenue receipts, increasing at an annual rate of 7 percent and on the basis of expenditures increasing at a rate of $10 billion per year, the surplus for 1970 should reach $3.4 billion, $7.5 billion in fiscal 1971; $11.5 billion in fiscal 1972; $14.25 billion in fiscal 1973; $22.8 billion in fiscal 1974; and $27.7 billion in fiscal 1975.

The following table is an outline of the effect of increasing the tax exemption to $1,000 commencing 1971 through 1975:

[In billions]

	Fiscal years—					
	1970	1971	1972	1973	1974	1975
Revenue:						
1. From present law (with House-passed surcharge extension plus fiscal dividend)	$208.0	$222.0	$237.5	$254.1	$271.9	$290.0
2. Reform bill	+0.5	+2.0	+2.5	+3.0	+3.5	+4.0
Total revenue	208.5	224.0	240.0	257.1	275.4	294.9
Increase personal exemption ($650 in calendar 1969; $750 in 1970; $850 in 1971; $950 in 1972; and $1,000 in 1973)	0	−1.35	−3.35	−5.15	−8.45	−12.1
Increase standard deduction to 15 percent with $1,500 ceiling[1]	−1.8	−1.8	−1.8	−1.8	−1.8	−1.8
Net revenue after larger exemption and higher standard deduction	206.7	220.8	234.8	250.15	265.15	281.0
Expenditures (assumed $10,000,000,000 per year increase)	193.0	203.0	213.0	223.0	233.0	243.0
Surplus on unified budget	+13.7	+17.8	+21.8	+24.55	+32.15	+38.0
Trust fund surplus (assumed to be constant)	+10.3	+10.3	+10.3	+10.3	+10.3	+10.3
Administrative budget surplus	+3.4	+7.5	+11.5	+14.25	....	+27.7

[1] Increase from the present 10 percent with $1,000 limit.

BIAFRAN RELIEF

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, the tragedy of starvation of the victims of the Nigeria-Biafra conflict has been deplored by Americans and the international community alike. It has long been the concern of private citizens, religious leaders, and Government leaders, both in the Congress and the administration.

Yet the tragedy continues.

Entwined as the hunger problem has become with complicated and difficult international considerations, effective solution has been defied primarily because of the parties to the conflict themselves. The inability of Nigerians and Biafrans to agree on a common relief delivery plan has thwarted the efforts of aid organizations, and eluded the humanitarian objectives to which the U.S. Government is committed.

The following statement by Secretary of State William Rogers speaks to the enormous efforts our Government has made, both in terms of relief contributions and diplomatic negotiations to devise a plan for the delivery of relief supplies that will be acceptable to both sides. It speaks to the frustrations that these endeavors have met to date.

It has been a disappointing and discouraging course, but I am indeed hopeful that our efforts will succeed, so that we will be able to move forward to relieve the anguish and suffering that this tragedy has wrought.

Statement by Secretary of State William P. Rogers on Biafran Relief

Over the past nine months this Administration has made a major effort to help relieve the anguish and suffering of civilian victims of the Nigerian civil war. A further report on our efforts is in order.

From the beginning of this tragic event the United States has sought to support and insure an effective means of delivering relief to the sufferers on both sides.

Some of the steps this Government has taken include the appointment of a high-level Coordinator of all United States activities relating to Nigerian/Biafran relief, Ambassador C. Clyde Ferguson; the donation of over $65 million to the international relief effort; and sustained diplomatic efforts, both bilaterally and in concert with other concerned Governments, to obtain agreement on expanded international relief arrangements.

Nevertheless, relief into Biafran-held territory remains tragically inadequate.

Relief supplies now reach the Biafran enclave only at night, in insufficient amounts, by aircraft across Federally controlled territory lacking the approval of the Federal Government and originating outside Federal jurisdiction. Furthermore, following the shooting down of one of its aircraft on June 5, the International Committee of the Red Cross suspended its night flight operations which had provided roughly one half of relief supplies. ICRC flights have remained suspended since that time in view of the Federal Government's reiteration on June 30 that it could no longer permit such night flights across its territory. One major consideration cited by the Federal authorities was the intermingling at night of arms flights and relief flights into the enclave. The present arrangements for getting relief into the enclave are considered by the agencies involved to be both dangerous and inefficient.

In recent weeks, the United States has vigorously supported efforts of the ICRC to obtain agreement by both sides on a program of daylight relief flights.

On September 13, the ICRC, after extensive diplomatic efforts, concluded an agreement with the Government of Nigeria allowing an internationally-inspected and militarily-inviolable relief airlift during daylight hours for an experimental period with good prospects for renewal. The Biafran authorities, however, have refused to accept such flights—principally on the grounds that they believed they could not rely on either the Red Cross or the Federal Government to assure that the daylight airlift would not be violated by a surprise attack on the Biafran airfield, the vital terminus for their arms supply. They asked instead that they be given third party assurances as to the good faith of the Federal Government of Nigeria.

To meet this concern, at President Nixon's direction, we took the following initiatives designed to facilitate agreement on a safe and effective method of getting relief into the enclave:

(1) We sought and received the solemn assurance of the Federal Government of Nigeria that it would ensure that no hostile military action would be taken against the ICRC relief aircraft.

(2) After consultations with us, other governments agreed to offer impartial observers to accompany ICRC aircraft on their relief flights.

(3) Ambassador Ferguson went to West Africa to give the Biafrans the specific pledge of the Federal Government of Nigeria as to

the inviolability of the ICRC daylight relief flights.

On October 24, 1969, the Biafran authorities formally rejected this assurance.

On October 31, the Biafrans publicly announced their acceptance of an earlier U.S. plan for a surface route utilizing the Cross River in Eastern Nigeria. Under this proposal relief supplies would be delivered by ship to a mutually agreed neutralized distribution point. We have stated our willingness to resume discussions on this.

In our view however this Cross River route cannot substitute for the immediate resumption of ICRRC daylight flights. Even if the plan could be promptly implemented the capacity of the river route will be greatly reduced by a low water level for several more months. The agreement of the two sides to this plan is so far in principle only and there has been no meeting of minds on the specifics of inspection and guarantees. Nevertheless, our Relief Coordinator is continuing his efforts to bring about agreement on the Cross River proposal.

Daylight flights under agreed procedures therefore remain the only practicable scheme for an immediate and substantial expansion of relief operations.

We believe that the ICRC proposal is such a realistic and reasonable scheme. We consider that the Federal Government, in agreeing to the ICRC proposal, has acted constructively and in accordance with its humanitarian responsibilities. We also believe that the proposed arrangements for daylight flights meet in a reasonable manner the legitimate security concerns of the Biafran authorities.

Innocent civilians are in desperate need of food and medical supplies. The United States stands ready to continue its aid to these helpless victims of the Nigerian war. We earnestly hope that the Biafran leadership will reconsider its position regarding daylight flights.

Beyond these immediate measures, however, we clearly recognize that the ultimate solution to the problem of relief is an end to the war. The suffering and the fighting have gone on too long. As President Nixon has said, the United States earnestly hopes for the earliest negotiated end to the conflict and a settlement that will assure the security and peaceful development of all the people involved.

IMPEACHMENT—GOOD BEHAVIOR MEANS WHAT IT SAYS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, on several occasions this year, I have called to the attention of our colleagues the responsibility which is specifically reserved to this House by the express provisions of the Constitution.

I refer to impeachment—the constitutional vehicle whereby the people of the United States, acting through their elected Representatives in this House, indict and bring to trial public officers who have breached their trust.

From time to time I have called for the House to initiate such proceedings against William O. Douglas, whose personal and official conduct while occupying the high office of Associate Justice of the Supreme Court of the United States cries out for investigation.

His intimate associations with known criminals, subversives, and international conspirators is a matter of public record. His actions as a member of the highest court of the land in furthering the Communist conspiracy—of which the infamous Rosenberg stay is only one example—embarrass the Court and are a mockery to judicial ethics.

While a majority of the other body has mounted a zealous crusade for high standards of judicial ethics, Members of this body have announced an intention to initiate such proceedings against this bad apple in the judicial barrel.

Awareness of the need is present; the American people grow impatient. This House must initiate impeachment proceedings forthwith.

It is appropriate to call to the attention of our colleagues—who may soon have the opportunity to vote on a bill of impeachment—some of the conclusions regarding the relevance of impeachment and the constitutional requirement of good behavior reached by the U.S. Senate sitting as a court of impeachment in the trial of the last Federal judge so removed, whose offenses were trivial compared to the public record of Douglas.

I include in my remarks selected opinions in the impeachment trial of Halsted L. Ritter, U.S. district judge for the southern district of Florida, as published in the official record of that proceeding:

Excerpts From Proceedings of the U.S. Senate in the Trial of Impeachment of Halsted L. Ritter, U.S. District Judge for the Southern District of Florida

[Seventy-fourth Congress, second session, March 10 to April 17, 1936]

Statement of Senators Borah, La Follette, Frazier, and Shipstead in the Matter of the Impeachment of Halsted L. Ritter

The Constitution of the United States provides:

"The President, the Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors" (art. II, sec. 4).

"The judicial power of the United States shall be vested in one supreme court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office" (art. III, sec. 1).

As early as 1688 the good-behavior standard for the judiciary was adopted by the English Parliament, nearly 100 years prior to the adoption of our Constitution. And as early as 1693 the English courts construed the meaning of good behavior in relation to its effect on the tenure of office of a judge.

In one of these decisions may be found the following language: "It is an estate for life determinable upon misbehavior; for 'during good behavior' is during life; it is so long as he doth behave himself well; i.e., if he behaves himself well in it so long as he lives he is to have it so long as he lives, during life and during good demeanor."

This principle was adopted by the framers of the Constitution, and is found in section 1, article III.

It is our view that a Federal judge may be removed from office if it is shown that he is wanting in that "good behavior" designated as a condition of his tenure of office by the Constitution, although such acts as disclose his want of "good behavior" may not amount to a crime.

Our Federal judges are appointed for life, conditioned upon their good behavior, and if they fail in this respect they may be impeached and removed from office. This, we feel, is a wise provision of the Constitution and that its enforcement is necessary in order to maintain respect for and the integrity of our courts. If a judge is guilty of such conduct as brings the court into disrepute, he is not to be exempt from removal simply because his conduct does not amount to a crime.

We therefore did not, in passing upon the facts presented to us in the matter of the impeachment proceedings against Judge Halsted L. Ritter, seek to satisfy ourselves as to whether technically a crime or crimes had been committed, or as to whether the acts charged and proved disclosed criminal intent or corrupt motive; we sought only to ascertain from these facts whether his conduct had been such as to amount to misbehavior, misconduct—as to whether he had conducted himself in a way that was calculated to undermine public confidence in the courts and to create a sense of scandal.

There are a great many things which one must readily admit would be wholly unbecoming, wholly intolerable, in the conduct of a judge, and yet these things might not amount to a crime.

If judges could not be removed from office for misbehavior or misconduct or the want of "good behavior", then, notwithstanding such conduct upon the part of the judge, he could continue indefinitely if he succeeded in avoiding those things which would amount to a crime, although the things less than a crime might make the administration of justice a matter of universal distrust.

Believing, therefore, that the evidence established beyond doubt the want of "good behavior", we felt constrained to so vote, without passing upon the question of whether his acts constituted a crime or crimes.

Wm. E. Borah.
Robert M. La Follette, Jr.
Lynn J. Frazier.
Henrik Shipstead.

Memorandum Opinion in the Impeachment Trial of Judge Halsted L. Ritter—Submitted by Senator Elbert D. Thomas

I disagree with those who maintain that the phrase "During good behavior" refers only to tenure. The phrase is not synonymous with "for life." Its expanded meaning is that a judge may serve for life, providing his behavior is good. Misbehavior, therefore, is a cause for removal, and in an impeachment trial that is all that need be proved, for conviction calls for only removal from office, which in turn may lead to a bar from future office holding. That is not a punishment for wrongdoing in the ordinary sense but mere removal from office because of unfitness. This is the only conclusion proper when one reads further in the Constitution that "The party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

Fitness for office is the test, tenure for life is the result. Life tenure follows in the wake of good behavior. The aim of the fathers in setting up the Constitution was to create a Government by law; therefore those who were to be the custodians of the law, the judges, were to be granted every safeguard. Their compensation was not to be diminished, and later, by the interpretation of the judges themselves, not to be diminished even by an income tax. The guaranteed continued compensation was given that they might be free from the worries of ordinary citizens and other governmental officials as far as the world's goods were concerned and therefore economically independent of their fellow men. Their very appointment presupposed their fitness as to knowledge, ability, and civic virtue. Under our Constitution the judge is set apart in a class by himself with a tenure that is denied all other officials. But this tenure is not "for life"; it is "during good behavior." Tenure during good behavior means, so far as life is concerned, only that it may extend through the period of the incumbent's life time. It is in no sense a guaranty of a life job, and misbehavior in the ordinary, dictionary sense of the term will cause it to be cut short on the vote, under special oath, of two-thirds of the Senate, if charges are first brought by the House of Representatives.

Can anyone imagine that the framers of the Constitution thought for a minute of giving anyone under the American system a life tenure as such? It must never be forgotten that the influences of Harrington and his theories about office holding, especially the theory of rotation, as expressed in his Oceana, were constantly in the minds of those who wrote our Constitution. The most casual study of the history of the fears of the founders of the new Government, fears of aristocracy, fears of heredity, fears of princes, fears of title, fears of life tenure, is convincing in this respect. The founders of this Government condemned the life idea, did they not? Did they not provide specifically that a republican form of government should be guaranteed to all the States? The whole theory of the Constitution denies the notion of life tenure.

To assume that good behavior means anything but good behavior would be to cast a reflection upon the ability of the fathers to express themselves in understandable language. Moreover, historically there can be no doubt of what the words "good behavior" meant in the minds of the framers of our Constitution, because historically they had the phrase not only from English law but also from colonial experience.

Under our Constitution, all civil officers may be impeached. If the aim is to remove from office because of infidelity to trust or to the oath of office, the standard of judgment is not the same in all cases. With administrative officers the idea of discretion may be very wide. Usually these are subject to removal by order of the Executive, who has himself a limited, definite term. In Congress each House is judge of its own Members, so the question as to whether a Senator or Representative is a "civil officer", as used in relation to impeachment, need not be raised. The Constitution prescribes quite clearly the method to be employed where a member of the judiciary, holding tenure "during good behavior", is concerned. The standard here is good behavior. It was no doubt felt that anything less than good behavior from one charged with upholding the sanctity of the bench is reprehensible, impeachable, and, yes, criminal if you will.

As there is no appeal from a conviction after impeachment, the House of Representatives has wide latitude in selection of reasons for impeachment. The Senate, too, makes its own rules, and the individual Senator votes in accordance with his own opinion, without instruction from the court in the sense that an ordinary jury receives instructions. These provisions, too, stress the theory that the real question before the Senate in the trial of judges is their fitness to maintain the trust which the people must have in their courts.

In the case just considered a defense for an act in allowing a fee was advanced that as the fee was satisfactory to the attorneys for all parties concerned, that the judge felt that he need not be further interested. A judge is not a mere referee between litigants; he has a responsibility to the State and the people. Thus we see that an attitude may constitute a serious misbehavior.

Civic virtue may be assumed as a qualification for all officeholders, the theory that public office is a public trust is universal, but in the case of judges it is made a matter of emphasis in written law by the use of the phrase "good behavior."

In a recent opinion of the Supreme Court, these words are used: "Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces, and one or the other must of necessity perish wherever they are brought into conflict." Accepting this theory of our Constitution, the high Court struck down the action of an administrative officer. If arbitrariness, which is merely a characteristic of behavior, is fatal to our Constitution when exercised by an administrative officer, who can be removed from office by his superior, how much more fatal would it be to our Constitution if exercised by a judge who is protected from removal excepting upon conviction after impeachment. If arbitrariness in an administrative officer is incompatible with the Constitution and citizens are to be protected from it by the judges, the arbitrariness on the part of a judge must be considered doubly reprehensible. Incompatible with the Constitution and also reprehensible, yet it could hardly be called criminal in the legal sense. Thus misbehavior must be considered as a justifiable reason for conviction after impeachment.

The constitutional expression, "shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors", gives rise to the theory that conviction should follow only after proof of crime committed. The expression quoted seems to be a limitation upon the phrase, "during good behavior." But this does not follow. Crime is a matter of degree. Crime, too, depends upon time, place, circumstance, effect, and the persons party to it. Conspiracy is always hard of proof. In a judge, a nod from the bench or a gesture in the chamber may constitute a crime. Crime by those who are the guardians of the law need not be measured on the score of indictability. Furthermore, in the case of judges an impeachable crime need not be an indictable one.

Impeachment, though, must be considered as a criminal proceeding. Under the American Constitution an impeachment trial comes only after long investigation, condemnation, and after formal vote of the House of Representatives. Serious as is the impeachment and the consequent trial there are definite limitations upon the Senate's power to punish after guilt has been established. Thus while the proceeding is criminal the decision does not have the usual resultant punishment which ordinarily follows conviction for crime. That is left to the courts after indictment. This, as mentioned above, emphasizes the fact that the trial is primarily to pass upon the fitness of the person impeached to continue in office.

Impeachment is by definition a criminal accusation brought in a legislative body. The idea is old. It was used in the Greek city states, where a Greek citizen could be impeached before a political assembly, and public officers were in this way tried for misconduct in public service. Impeachment, though, as we know it today, is a modern institution. While its use is not general, provisions for its use are found in the constitutions of several European states and in most of those of Latin America. That it is still considered an effective institution is proved by the fact that it found a place in the Weimar Constitution of Germany in 1919.

Impeachment as we have it in our American Constitution is American in origin. One need not go outside the constitutional experiences of our own land for an interpretation of the intents of the fathers in inserting the impeachment provision in the Constitution. Impeachment in America is limited to the President, Vice President, and civil officers of the United States. In England, according to English law at the time our Constitution was brought into being, "All the King's subjects were liable to impeachment, whether officials or not, and for any offense." (See Thomas, The Law of Impeachment in the United States, American Political Science Review, vol. 2, p. 378). The history of impeachment in England, though, shows that it was used mostly to enforce the theory of the responsibility of the higher officers of the Crown to Parliament. Its use as we have it expressed in the American Constitution had become discredited and almost discontinued in England at the time our Constitution was formulated. That American impeachment theory had its origin in America need not be questioned. To illustrate, we find the immediate antecedents to the theory of impeachment as we have it in the Constitution in Thomas Jefferson's proposal in 1783 for the constitution of Virginia: "There shall be a court of impeachments * * *. Before this court any member of the three branches of government * * * may be impeached * * * for such misbehavior in office as would be sufficient to remove him therefrom; and the only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office, * * * two-thirds of those present must concur in the sentence * * *." That impeachment of officials to correct their misbehavior was the prevailing American thought is reflected in another quotation from Jefferson written in the same year as the Declaration of Independence, "For misbehavior, the grand inquest of the Colony, the House of Representatives, should impeach them before the Governor and the council * * * and if convicted, should be removed from their offices" (from a letter to George Wythe written in 1776).

That good behavior should be the prevailing test of fitness is questioned by those who claim that if the charges are not specifically for "treason, bribery, or other high crimes and misdemeanors" impeachment might be used for political purposes. If the English thought had been the prevailing one in America in 1787, this might be a proper deduction. For British law made it possible to impeach a minister for being guilty of bad judgment in that he had ill-advised his King. But, as stated above, the Constitution makers did not follow English law; they followed American theory, and it was proper that they should, for such British text writers as Blackstone and Woodeson, who were both extensively read by the Colonists, had taken stands in advance of English law and even then maintained that impeachment proceedings must be for serious offenses and the trial in the nature of criminal proceedings, and not for political purposes. In the American Constitution the two-thirds vote required for conviction is a sufficient safeguard against a political abuse.

American history has proved this to be true in that the inability to obtain an impeachment conviction even for serious offense caused Americans in the first quarter of the nineteenth century to assert that, so far as the judges were concerned, "impeachment is scarcely a scarecrow."

That Americans considered the institution of impeachment as being an insufficient protection, especially against misbehavior of judges is proved by their State constitutional provisions in regard to the tenure of judges. As a result American State constitutional writers turned from the theory of indefinite terms during good behavior to short terms of definite limits. Had the early tendencies in impeachment trials not proved the extreme difficulty in gaining conviction, the "scarecrow" criticism would not have developed, and the appointment of judges for indefinite tenure might have become the common practice as newly created States were set up and their constitutions adopted.

ELBERT D. THOMAS.

MEMORANDUM OPINION OF SENATOR MCADOO IN THE MATTER OF THE IMPEACHMENT OF HALSTEAD L. RITTER

I do not take the view that an impeachment proceeding of a judge of the inferior

Federal courts under the Constitution of the United States is a criminal proceeding. The Constitution itself has expressly denuded impeachment proceedings of every aspect or characteristic of a criminal proceeding. This is made clear in article II, section 3, which provides:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

Upon conviction, removal from office is the sole punishment unless the Senate shall, by vote, add to it "disqualification to hold and enjoy any office of honor, trust, or profit under the United States." The last sentence of this same article II, section 3, expressly provides that the convicted party "shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

Obviously, the purpose of the framers of the Constitution was primarily to remove from office and disqualify from holding office a judge found guilty of misbehavior, or a want of good behavior within the meaning of the Constitution; but, if, as elements of misbehavior, it was shown in the trial that the accused had been guilty of crimes or misdemeanors under the laws of the United States, he could be punished therefor in a criminal proceeding in the courts of proper jurisdiction. It was not, therefore, necessary to prove the respondent guilty beyond a reasonable doubt, as is the rule in cases where persons are accused of crimes or misdemeanors involving loss of life, liberty, or property.

I approach this subject from the standpoint of the general conduct of this judge while on the bench, as portrayed by the various counts in the impeachment and the evidence submitted in the trial. The picture thus presented is, to my mind, that of a man who is so lacking in any proper conception of professional ethics and those high standards of judicial character and conduct as to constitute misbehavior in its most serious aspects, and to render him unfit to hold a judicial office.

Among other things, the impeachment charges that the Respondent Ritter allowed his former law partner, A. L. Rankin, a fee of $75,000 in the Whitehall Hotel receivership case; that out of said fee Rankin paid Ritter $4,500 in cash—$2,500 on December 24, 1930, and $2,000 in April 1931. The fact that these payments were made in cash instead of by check and that they are the only transactions between Ritter and Rankin where cash passed between them, Rankin having given Ritter checks for all other payments made to him, evidences a guilty stain which no explanation can erase. The explanation advanced is that Rankin owed Ritter $5,000 for the purchase, some 2 years previously, of the interest of said Ritter in the partnership firm of Ritter & Rankin. It is significant that no payments were made on account of the alleged sale to Ritter by Rankin out of any moneys received during that period except from the $75,000 fee allowed by Judge Ritter to Rankin.

It is significant, too, that when Judge Akerman, at Judge Ritter's request, allowed Rankin a "conservative fee" of $15,000 in the spring of 1930, not one dollar of this amount was paid to Judge Ritter. This appears to have been clean money. Would not an honest debtor have hastened to pay Judge Ritter out of this $15,000 fee at least a substantial sum on account of the $5,000 debt? He did not do it. He waited until the $75,000 fee, fixed by Judge Ritter, had been paid, and then, within the secret walls of the Judge's chamber, where each expected that the transaction would never become known, actual cash, amounting to $4,500 was handed to Judge Ritter by Rankin. It is incompatible with any theory of the high judicial integrity, which I concede to be essential in a judge on the bench, to have been a party to such a transaction. The explanations are not convincing. Upon reading the evidence one is impressed with the suspicion, if not the belief, that the alleged $5,000 debt of Rankin to Ritter was an afterthought and that it was presented as a means for justifying this cash transaction of such a questionable and incriminating character. Would not, in the circumstances, an honest judge have said to Rankin when the cash was tendered: "I will not accept cash, because it invests the transaction with a quality which I cannot endure. You honestly owe $5,000, and if you wish to make a payment on account, let it be made by check, as is usual between men of honor in transactions of this nature."

I am impressed with the fact that the commendable considerations which Judge Ritter advanced in his letter of July 2, 1930, to Judge Akerman when he asked that judge to relieve him of any embarrassment in fixing "the total allowance to be made Judge Rankin in the Whitehall receivership case" did not prevail with Judge Ritter when he fixed the final fee of his former law partner, Rankin, December 24, 1930. In view of the fact that Rankin owed him at that time $5,000, that its payment might be made out of the fee he might allow Rankin, that Rankin was his former law partner, would not any judge have seen clearly the impropriety, at least, of his rendering judgment in favor of Rankin in such circumstances? The explanation that all of the attorneys had agreed upon the fee does not satisfy because a judge should look beyond the agreements of attorney in matters of this sort when they are administering great trusts in their courts. That the part of this fee which went to Rankin was grossly excessive, in view of the services performed by him, is clear to my mind from the testimony adduced in the case.

I shall now pass on to the failure of Judge Ritter to report this $2,500 cash payment in his income-tax return for the calendar year 1930. This return was filed March 14, 1931. It is not a complicated income-tax return. On the contrary, with the amount of income Judge Ritter had, it is a simple matter to have made a full and correct return. He willfully, or intentionally, omitted to include the $2,500 cash payment. I cannot account for this omission on any other ground than that he knew that these were stained or tainted dollars, and that he did not wish to attract the attention of the revenue agents to this item when his tax return was being audited. Judge Ritter swore that his tax return for 1930 was "a true and complete return made in good faith for the taxable year stated, pursuant to the Revenue Act of 1928 and the regulations issued thereunder." Judge Ritter cannot claim ignorance of the law. It is a well-established rule that ignorance of the law excuses no man. Certainly ignorance of the law cannot excuse a judge, who must know the law in order that he may perform his duty to enforce it. Part V, section 51(a), of the Revenue Act of 1928 requires "every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income" * * * to "make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title."

Section 146 of the same act provides (a) that "any person required under this title * * * by law or regulations made under authority thereof, to make a return, keep any records, or supply any information for the purposes of the computation, assessment, or collection of any tax imposed by this title, who willfully fails * * * to make such return, keep such records, or supply such information at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof be fined not more than $10,000 or imprisoned for not more than 1 year, or both, together with the costs of prosecution."

That Justice Ritter, a district judge of the United States, should have willfully and intentionally filed a false return under oath to the Bureau of Internal Revenue is to me incomprehensible. This fact alone would, in my judgment, warrant his impeachment, Judge Ritter's explanation is as follows:

"In 1930 I had a loss of $4,874 and some cents, which is fully explained in my income tax return * * * I made out that report on the 14th of March, just the day before it was due, and I put down that loss and I did not in my report put down $5,300 (this includes the $2,500 cash payment from Rankin) that I had taken in because after taking out my exemption, it left only $1,800 over against $4,800, which showed no income payable. * * *

"There would not have been one dollar due if I had put in that money that I had received, and my loss was O. K.'d by the Department and was accepted and marked 'paid'."

This explanation is wholly untenable. He was, under the mandate of the statute, required to make a true and complete return of all of his income in order to enable the Bureau of Internal Revenue to audit his account and to make "the computation, assessment, or collection" of any tax that might be due from him to the United States. No taxpayer is permitted to audit his own return and determine for himself whether his losses outbalance his income, and therefore omit to make "the true and complete return" required by law. If every taxpayer was permitted to do what Judge Ritter did in this instance, the Government would be defrauded of hundreds of millions of dollars in income taxes. Judge Ritter attempts to justify his false return by saying: "My loss was O. K.'d by the department and was accepted and marked 'paid.'" This, of course, means nothing. If the "Department," or Bureau of Internal Revenue, O. K.'d his incomplete return without having made any effort to discover whether or not the judge had made a complete return of his income, this endorsement is of no value and does not signify that the Bureau of Internal Revenue approved a false return, which it did not know was false. It perhaps presumed that a judge of the United States court would not, under oath, falsely state the amount of his income.

In the matter of the appointment of a receiver for the Whitehall Hotel property in the suit of *Bert E. Holland et al.* v. *The Whitehall Building & Operating Co.*, I cannot find any justification for the assertion by Judge Ritter of jurisdiction in that case. Holland had the required amount of bonds ($50,000) to maintain a foreclosure suit against the property. Upon the solicitation of Rankin, and in collusion with Richardson, Metcalf, Sweeny, and Bemis, Holland had been induced to employ Rankin to bring an action in Judge Ritter's court.

Before the suit was actually filed, namely, on October 10, 1929, Holland telegraphed Rankin to "withhold filing foreclosure bill until further advice." The next day, October 11, Rankin telegraphed Holland: "Foreclosure bill mailed clerk court Miami yesterday afternoon."

On October 10, the same day that he received Holland's telegram, Rankin wrote the clerk of the court at Miami, enclosing bill of complaint in the Whitehall case, naming Holland et al. as complainants and requesting the clerk to "lock up this bill as soon as it is filed and hold it until Judge Ritter's return, so that we will not have any newspaper publicity before our application is heard before the judge." This unquestionably reflects an evil purpose. Rankin was about to lose his prey. He could easily have withdrawn the bill from the clerk, as requested by Holland, but instead of doing that, he busied himself in an effort to secure intervenors in the case so that he might, if possible, file the bill in spite of Holland's directions and make it stick upon the interventions.

Why should the bill be held until Judge Ritter's return? This brings out in bold relief the pattern of the design which was to carry out the plan predetermined by Richardson, Rankin, Metcalf, and others to secure a receivership of the Whitehall Hotel. Ritter was essential.

In reply to further telegrams from Holland, dated October 14 and October 16, Rankin wired Holland October 17: "As requested, will not make application for you for receiver Whitehall pending instructions"; and on October 18 Rankin again wired Holland, saying: "Other first-mortgage bondholders Whitehall have intervened and will apply court tomorrow 10:30 a.m. for appointment of receiver."

Holland was in Miami on October 28, 1929, and testifies that he "met Mr. Rankin in the courthouse corridor" before the case was called for hearing. He testifies further that he said to Rankin that he "was there in person" * * * and that he "desired to appear for" himself, and "did not want his (Rankin's) services longer." On the same day, October 28, 1929, the case came on for hearing before Judge Ritter. Rankin had been discharged as attorney for Holland and had been told by Holland not to prosecute, in his behalf, the application for a receivership.

Holland, who is a lawyer of reputation in Boston, Mass., appeared in person in Judge Ritter's court and, according to Ritter's own testimony, Holland said: "I am a lawyer; I reside in Boston; I am the plaintiff in this case, and I do not desire anything done in this case." This was tantamount to a request by Holland for a dismissal of the action. Judge Ritter testified before the Senate that he said, in reply to Holland: "Well, have you been paid?" Ritter further stated: "Naturally, the inference occurred to my mind that the plaintiff had been bought off, or that he was instituting this case and wanted to keep it on the books as a sort of a hold-up proposition. I could not tolerate such a thing of that kind in my courts; and I told him that I did not think that a nonresident should come into my court and start a case, when he had counsel present; and if he was to control the case, it occurred to me, when he had lawyers present, and I should act upon what he said, I did not see how we could ever make progress in the case and get it to final conclusion. If a nonresident had to be notified about the case, and was conducting his own case, I did not see how we could ever push the case through."

In the first place, Judge Ritter was, without justification, insulting to Holland when he asked, "Well, have you been paid?" There was certainly nothing in the record to warrant such an assumption on the judge's part. Moreover, why did the judge say to him that he "did not think that a nonresident should come into my court and start a case and then stand up when it came up on this important matter of a receivership and say that he did not want anything done in the case when he had counsel present"?

Holland is an American citizen. It is true that he was a resident and citizen of the Commonwealth of Massachusetts, but one of the distinct reasons for the jurisdiction of the United States courts is diversity of citizenship. Holland, as a nonresident, had as much right to the protection of Judge Ritter's court as a citizen of the State of Florida. He was particularly entitled to courteous treatment by the court, especially in view of the fact that he did not have lawyers present, since he had discharged Rankin as his attorney and was, of necessity, forced to appear in his own behalf.

I think that Holland was entitled to a dismissal of the proceeding, without regard to technicalities. Apparently the suit was not dismissed because the proceeding would have failed since Holland was the only complainant who could qualify the action with the required amount of bonds; namely, $50,000. It appears that an effort had been made to introduce, hastily, intervenors in the action, representing, in the aggregate, some $7,500 of bonds; but with Holland out, the court could not take jurisdiction. The assertion of jurisdiction in this case seems to me to have been essentially arbitrary and tyrannical.

As recently as April 6, 1936, the Supreme Court of the United States, in the case of *J. Edward Jones, petitioner,* v. *Securities and Exchange Commission,* rendered a decision which is directly in point:

"The general rule is settled for the Federal tribunals that a plaintiff possesses the unqualified right to dismiss his complaint at law or his bill in equity unless some plain legal prejudice will result to the defendant other than the mere prospect of a second litigation upon the subject matter (*Pullman's Palace Car Co.* v. *Transportation Co.,* 171 U.S. 138, 145–146). In announcing the rule, this Court approved and cited as authority the decision rendered by Chief Justice Taft, then circuit judge, in *Detroit* v. *Detroit City Ry. Co.* (55 Fed. 569). The opinion in the latter case, reviewing the English and American authorities, states the rule as follows:

" 'It is very clear from an examination of the authorities, English and American, that the right of a complainant to dismiss his bill without prejudice, on payment of costs, was of course except in certain cases. * * * The exception was where a dismissal of the bill would prejudice the defendants in some other way than by the mere prospect of being harassed and vexed by future litigation of the same kind.'

"*Chicago & A. R. R. Co.* v. *Union Rolling Mill Co.* (109 U. S. 702, 713–715); *Barrett* v. *Virginian Ry. Co.* (250 U.S. 473, 476); *McGowan* v. *Columbia River Packers' Assn.* (245 U.S. 352, 358); *Veazie* v. *Wadleigh* (11 Pet. 55, 61–62); *Confiscation Cases* (7 Wall. 454, 457–458). The foregoing decisions, together with others, are reviewed in an opinion delivered by Chief Justice Taft in *Ex parte Skinner & Eddy Corp.* (265 U.S. 86), and the conclusion stated as follows:

" 'The right to dismiss, if it exists, is absolute. It does not depend on the reasons which the plaintiff offers for his action. The fact that he may not have disclosed all his reasons or may not have given the real one cannot affect his right.

" 'The usual ground for denying a complainant in equity the right to dismiss his bill without prejudice at his own costs is that the cause has proceeded so far that the defendant is in a position to demand on the pleadings an opportunity to seek affirmative relief and he would be prejudiced by being remitted to a separate action. Having been put to the trouble of getting his counter case properly pleaded and ready, he may insist that the cause proceed to a decree.' "

The law and the testimony in this case convince me that the plaintiff had the unqualified right to dismiss the bill. None of the categories described in the foregoing decisions of the highest court of the land were present in this case, but a receiver was appointed, nevertheless. The weight of evidence seems to me to establish the fact of a conspiracy because each man who was a party to the effort to promote the receivership was recognized in the particular position which he expected to receive if the court took jurisdiction. Richardson was receiver; Metcalf was his attorney; Sweeny and Bemis ran the hotel, and Rankin continued to represent Holland, who had dismissed him as his attorney. Ritter had functioned perfectly.

One must judge these matters by the effect of men's actions in order to determine the motive. All that happened in this case was not mere coincidence. It was designed.

The gift from Francis was not explained to my satisfaction. No honest judge should, for one moment, accept gifts of large amounts of cash or valuable things of any sort. The donor in this case may not have had an evil purpose. I grant that he had not, but that does not alter the standard which I think should govern the judges of every court in the land. He got a picture of the mind of this respondent by one answer he gave. Senator Reynolds propounded this question to Judge Ritter: "Why did you accept a $7,500 gift from Mr. Francis?" Judge Ritter replied: "Why I accepted it because it was a gift—he was a friend of mine—*just the same as I would accept a gift fom anybody.*" (The italics are mine.) Does not this answer betray a perverted state of mind for any man who wears the judicial ermine? Does not this give an illuminating view of the ethical standards which governed him? Would not the general acceptance of the practice of taking gifts "from anybody", which by every implication of Judge Ritter's answer, he considers proper, destroy all confidence in the administration of justice in our courts? I cannot, myself subscribe to any such theory or practice. If Judge Ritter would accept a gift "from anybody", how could he impartially discharge the duties of his high trust?

The Good Book says: "A gift doth blind the eyes of the wise and pervert the words of the righteous." (Deut. 16: 19.)

This great truth from Holy Scripture has come down to us through the ages and is as definite a guide for human conduct as it was when first uttered.

Good behavior, as it is used in the Constitution, exacts of a judge the highest standards of public and private rectitude. No judge can besmirch the robes he wears by relaxing these standards, by compromising them through conduct which brings reproach upon himself personally, or upon the great office he holds. No more sacred trust is committed to the bench of the United States than to keep shining with undimmed effulgence the brightest jewel in the crown of democracy—justice.

However disagreeable the duty may be to those of us who constitute this great body in determining the guilt of those who are entrusted under the Constitution with the high responsibilities of judicial office, we must be as exacting in our conception of the obligations of a judicial officer as Mr. Justice Cardozo defined them when he said, in connection with fiduciaries, that they should be held "to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior" (*Meinhard* v. *Salmon,* 249 N.Y. 458).

W. G. McAdoo.

FRANCIS L. LOWENHEIM CHARGES THAT FRANKLIN D. ROOSEVELT LIBRARY WITHHELD OFFICIAL DOCUMENTS AND LATER GAVE THEM TO A PRIVATE COMPANY

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Texas (Mr. Bush) is recognized for 5 minutes.

Mr. **BUSH**. Mr. Speaker, Francis L. Lowenheim, associate professor of history at Rice University, has charged that the Franklin D. Roosevelt Library, an instrument of the Federal Government, withheld official, unclassified documents from him and later gave them away to a private company which tried to copyright them. Professor Lowenheim recently wrote me detailing the facts behind his charges and I would like, at this time, to insert excerpts from his letter in the Record:

History Department,
Rice University,
Houston, Tex., November 11, 1969.
Hon. George Bush,
House Office Building,
Washington, D.C.

Dear Congressman Bush: * * *

The story of this case is briefly as follows. In the fall of 1966–1967 I was on sabbatical leave from Rice University, where I have been on the faculty since 1959 (I received my Ph. D. at Columbia in 1952, was at Princeton from 1951 to 1957, and served in the Department of State in Washington in 1958–1959). I went to the Roosevelt Library at Hyde Park, N.Y., and wanted to put together in book form the correspondence of President Roosevelt and Professor William E. Dodd of the University of Chicago, the famous American historian who served with such distinction as U.S. ambassador to Nazi Germany 1933–1937.

* * * * *

Despite numerous visits and the most careful search (according to government records I was at Hyde Park more than twenty times), I was unable however to find all the letters that passed between the President and Professor Dodd; in particular, I was unable to locate the first letters dating from 1933–1934. This was especially frustrating since, after considerable effort, I had finally found all the remaining correspondence, down to the end of 1937, when Professor Dodd left for home. I repeatedly asked for all the missing letters—so that I could finish my book—but I was always told that I had been given everything there was, and there was nothing more to be found in the Hyde Park files.

Still I did not give up. In the fall and winter of 1967–1968, when I was back at Rice, I made a number of trips up to the Manuscripts Division of the Library of Congress, where the Dodd Papers are deposited (there are about 20,000 items), but despite weeks of searching there, I never found the missing letters. Thus while I had transcribed and edited all the correspondence 1934–1937 and had it ready to go to press, the fact that I did not have the 1933–1934 letters made it impossible for me to publish my book, in which several leading publishers had expressed an interest. In the spring of 1968, therefore, I laid the whole manuscript aside.

In late June 1968 I discovered that the Harvard University Press was planning to publish in the fall a three-volume compilation entitled "Franklin D. Roosevelt and Foreign Affairs 1933–1937", edited by Edgar B. Nixon, the Assistant Director of the Roosevelt Library (which by the way is operated by the National Archives, a part of the General Services Administration), and when I immediately telephoned Mr. Nixon at Hyde Park to ask what Dodd-Roosevelt letters he had in his own collection, I received from him, a few days later, a listing that showed that all the missing letters that I needed for my book were in his volumes.

But the worst was still to come. Before long, I learned that the Nixon volumes had in fact been prepared years before, had been sitting in a vault at the Roosevelt Library, and had been simply concealed from me and, as it turned out, many other scholars. But what I did not know in July 1968, and did not find out until November 1968, when Dr. James B. Rhoads, the Archivist of the United States, told me personally in his office, was that the Nixon volumes were in fact an official United States Government publication, which Mr. Nixon, a government employee, had put together as part of his official duties on government time.

Then followed weeks and months of trying to get the rest of the story and get some sort of remedial action. In December 1968 I learned that the Harvard galley proofs carried a Harvard copyright notice, and early in 1969 I got in touch with the Copyright Office of the Library of Congress, which twice turned down the application of the Harvard University Press to copyright these volumes. In February I approached Congressman Eckhardt, and in mid-March * * *.

I shall not trouble you with a detailed chronology of what has happened since then. The main developments may be summed up as follows:

1. It has become known that the Nixon compilation, substantially completed in 1961, had been systematically concealed from countless scholars working at the Roosevelt Library over many years, including such leading Roosevelt biographers as Professor James MacGregor Burns of Williams College, such top authorities on recent American history as Professor E. David Cronen, Chairman of the History Department at the University of Wisconsin, and such leading diplomatic historians as Professor Gerhard L. Weinberg of the University of Michigan. Indeed, Dr. Rhoads has not been able to furnish my attorney the name of a single scholar who was shown and used the Nixon edition—which, of course, was an absolutely indispensable guide or finding aid to the thousands of Roosevelt foreign policy documents at Hyde Park.

2. It is now known that I was by no means the only person from whom documents were withheld at Hyde Park. For example, the same thing—only much worse—happened to Professor Richard P. Traina, Dean of the Faculty of Wabash College, who was working at the Roosevelt Library on a book on American diplomacy and the Spanish Civil War. Dean Traina had three time as many documents withheld as I did. The withholding in his case went on for over five years. And the withholding was done by Mr. Nixon personally.

3. My attorney, Mr. William D. Zabel, of Baer & McGoldrick, 345 Park Avenue, New York City, has established that there is a fifty-year old Act of Congress, which clearly and specifically prohibits the publication of such official government volumes by anyone save the Government Printing Office, unless permission for private publication had been granted by the Joint Congressional Committee on Printing. Such permission was neither sought nor granted.

* * * * *

4. On September 7, 1969 twenty historians—including numerous internationally known scholars in the field—signed a statement in The New York Times Sunday Book Review arraigning the government for what had happened, and asking for a congressional investigation. Since that statement appeared, other scholars have come forth to report that they have had the same or similar experiences at the Roosevelt Library, including withholding of documents, concealment of the Nixon compilation, gross favoritism to certain scholars.

* * * * *

5. After I submitted to the National Archives in late December 1968 a 23-page memorandum of complaint (which was never acknowledged), the National Archives in January–February 1969 made an investigation of its own, and found that the Hyde Park records of which I had seen and copied agreed completely with my story. In other words, they knew from their own investigation that I was telling the truth when I said that I had not seen or copied these crucially important letters.

* * * * *

Now, Congressman Bush, I am a reputable and reasonably well-known historian, and scholars such as myself cannot make false charges and survive professionally. If it were discovered that *I* had lied, I would doubtless lose my position at Rice and would be completely destroyed professionally. But what happens if I have told the truth? How do I get a hearing? What I am asking, therefore, is an opportuntiy to tell my story before a congressional committee under oath, and that Dr. Rhoads and all the other people involved in this case can be similarly called.

* * * * *

Most respectfully yours,
Francis L. Lowenheim,
Associate Professor.

Through his able Congressman, the Honorable Bob Eckhardt, Professor Lowenheim has been working to obtain a congressional investigation of the concealment of these papers. I, too, would like to see such an investigation and have written the Honorable Jack Brooks, chairman, Government Activities Subcommittee, Government Operations Committee.

Mr. Speaker, Congressman Eckhardt has done a masterful job in bringing the facts of Professor Lowenheim's case to public attention and I hope we will see a fair, open, and extensive investigation in the near future.

NEW YORK CITY CONGRESSIONAL HEARING ON AUTOMOTIVE AIR POLLUTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, 20 Members of Congress from New York and New Jersey have joined with me in inviting the heads of the big four automotive producers to testify at a public hearing on auto air pollution we have scheduled in New York City for early December.

Auto critic and consumer advocate Ralph Nader is scheduled to testify at the hearing, which is to be held Monday, December 8, at 10 a.m., at the Customs Court House Building, 1 Federal Plaza, New York City.

In addition to Nader, witnesses will testify on the health implications of automotive pollution and on low pollution technology. Into the latter category fall the questions of what the auto industry can be doing now to lower pollution levels from the internal combustion engine and how desirable and feasible alternatives to the current automobile propulsion system are.

The level of urban air pollution is reaching disastrous proportions. The public is becoming increasingly skeptical over what the industry is doing to reduce air pollution levels.

This is demonstrated by a recent national study which found 62 percent of the public willing to force industry action to reduce pollution by outlawing the internal combustion engine. In July, I introduced H.R. 13281, legislation to ban the internal combustion engine after January 1, 1978, unless new and stricter standards for controlling air pollution can be met by the auto industry.

Much of the industry's efforts of late appear to have gone into attempting to keep the public from finding out its past efforts to prevent the development of antipollution devices. With the Justice Department's suit against the auto industry now terminated in a consent decree, we want to know what the companies are doing to improve existing engines and develop new ones, and we want to learn this information from the men who make and can justify the industry's policy—the presidents and chairmen of the boards of General Motors, Ford, Chrysler, and American Motors.

Among those testifying on automotive technology are members of the Federal Panel on Electrically Powered Vehicles, headed by Dr. Richard S. Morse of the Massachusetts Institute of Technology. That panel, which included industry members, concluded in 1967 that the automobile manufacturers were capable of reducing pollution far below levels required for 1970 model cars. Witnesses scheduled to testify on health implications include Dr. Stephen Ayres of St. Vincents Medical Center in New York City, and Dr. Leonard Greenberg, former New York City Air Pollution Commissioner.

Those sponsoring the hearing are:

Leonard Farbstein, of New York;
Benjamin S. Rosenthal, of New York;
Shirley Chisholm, of New York;
Bertram L. Podell, of New York;
James H. Scheuer, of New York;
William F. Ryan, of New York;
Joseph P. Addabbo, of New York;
Edward I. Koch, of New York;
James J. Delaney, of New York;
Peter W. Rodino, Jr., of New Jersey;
Seymour Halpern, of New York;
Jonathan B. Bingham, of New York;
Adam C. Powell, of New York;
Richard L. Ottinger, of New York;
Henry Helstoski, of New Jersey;
Allard K. Lowenstein, of New York;
Joseph G. Minish, of New Jersey;
Mario Biaggi, of New York;
Dominick V. Daniels, of New Jersey;
Edward J. Patten, of New Jersey; and
Frank J. Brasco, of New York.

The following is the text of the letter we sent to the presidents and chairmen of the boards of the four major automobile companies:

House of Representatives,
Washington, D.C., November 7, 1969.

Gentlemen: We are writing you today as Members of Congress, representing the New York-New Jersey-Connecticut metropolitan region, concerned about air pollution.

We are sure you will agree that air pollution has become a matter of grave concern to every American and that the automobile industry has the responsibility to make every effort to alleviate this problem.

It is our intention to hold hearings to examine the impact of the automobile on the air of the New York-New Jersey-Connecticut metropolitan region. These hearings will be held in the Ceremonial Court Room, U.S. Customs Court Building, One Federal Plaza, New York City at 10 a.m. on December 8.

You, as the head of one of the major American industries, are in a position to exercise your responsibilities for helping to solve this severe environmental problem by appearing before our panel at that time.

We are anxious to become acquainted with what your company is doing, or plans to do in the future, to overcome the adverse effects on the atmosphere of pollution from automobiles. We are not so much concerned with the details of how your company is meeting specific governmental requirements. Rather, we are interested in the broader context of what steps you are taking for the improvement of the internal combustion engine and the exploration and developement of alternative means of propulsion.

Thus, we are more desirous of hearing from you, the people at the highest policymaking level of management, than from technical or other laboratory personnel. You are, of course, welcome to bring such personnel to advise you.

We would appreciate your favorable reply to this invitation at your earliest convenience. Please contact Congressman Leonard Farbstein at (202) 225-5635.

With sincere regards, we are ——— ———.

Letters sent to the following:

Mr. Roy D. Chapin, Jr., Chairman of the Board and Chief Executive Officer, and Mr. William V. Lunburg, President and Chief Executive Officer, American Motors Corporation, 14250 Plymouth Road, Detroit, Michigan 48232.

Mr. James M. Roche, Chairman of the Board; and Mr. Edward N. Cole, President, General Motors Corporation, General Motors Building, Detroit, Michigan 48202.

Mr. Lynn A. Townsend, Chairman of the Board; and Mr. V. E. Boyd, President, Chrysler Corporation, 341 Massachusetts Avenue, Detroit, Michigan 38231.

Mr. Henry Ford II, Chairman of the Board; and Mr. L. A. Iacocca, Executive Vice President and President of the North American Automotive Operation, The American Road, Dearborn, Michigan 48121.

JOHN F. KENNEDY

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. **GONZALEZ**. Mr. Speaker, 6 years ago, a cold November 25, 1963, this Nation reeled in grief as we laid to rest the 34th President of the United States, John F. Kennedy.

For those of us who were in Dallas just 3 days before when we horror-strickenly learned that the President was dead from an assassin's bullet, November 25 is a particularly sad day to remember. For most of us who went to Dallas, it took at least 3 days for the full impact of the reality of that awful event to flood our hearts and minds.

Although 6 years in a life span is a relatively short time, 6 years is also a long enough time to heal at least partially some wounds.

To be sure November 22 and 25, 1963 will always be sad to recall for those of us who were alive and aware of the world around us at the time, but what is most remembered after the healing balm of time is not the heavy sadness, but what John F. Kennedy evoked in the hearts of Americans and in the hearts of citizens of goodwill in every nation throughout the world.

John F. Kennedy left us suddenly and without warning, but his legacy to us could not be destroyed by the single act of a deranged man.

His legacy was one of vision and courage and determination, and a new vigor in statesmanship and leadership which have resulted in our sending the first men to the moon, while at the same time making us look for the first time at the complex economic problems which cause some people to go hungry in a land of plenty.

Countless writers, political scientists, and historians have pointed out that at the time of his death, President Kennedy's program for the United States and the world of growth and progress was completely stymied.

Yet, Mr. Speaker, and my distinguished colleagues, without his listing straightforwardly the goals and basic issues we must face and have, at least, partially faced since his death, where would we be now?

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. Miller) is recognized for 60 minutes.

Mr. **MILLER** of Ohio. Mr. Speaker, we Americans have been extremely busy in recent years coping with crises and worrying about our problems at home and abroad, to give much thought to what we have to be thankful for—to what makes all the coping and worrying worthwhile. It is good, and necessary, for a nation to subject itself to self-criticism and to set ever-higher goals. But self-criticism can too easily degenerate into cynicism and despair. Americans everywhere will soon be commemorating the first Thanksgiving celebrated by the colonists of Plymouth Bay. To me, Thanksgiving is not merely a harvest festival or an occasion for a family reunion. It is an ideal time and opportunity to renew our faith and confidence in ourselves as individuals and as a Nation.

Some of us might ask today: Just what have we got to be thankful for? Daily we see stories in the news media of riots and crime, we face economic peril, some say a war drains our money and kills our fine young men and the end is not yet in sight. Our campuses are aflame with disorder and disruption. Black is pitted against white in some cities—it would seem to some that we have little to be thankful for.

There are those who say the American dream is dead or dying, poisoned by self-interest, rotted by indifference, maimed by violence. The great aspiration is ended, they tell us, and America is now only another crowded nation, not even able to maintain order: a power, but not a society, not a culture. We have gone, almost directly, they would have us believe, from primitiveness to decline, a far poorer record than that of Rome.

Today we seem to be living in an age of revolution, protests, and demonstrations—an age of rebellion and criticism against things conventional—indeed, even against those very ideals, values, and traditions upon which our Republic was founded, and which, through the years, has made ours the great Nation that it is.

On every hand, we see confusion, doubt, mistrust and fear—all compounding the many problems spawned as man seeks to live with himself.

But this cry is as old as the Nation. It was sounded in the earliest days of our Republic, when the States seemed ready to drift apart; during the Civil War, when they did split apart; in the great depression, when millions of unemployed shuffled in soup lines.

But this is not it—this does not signify our demise, not the great day of judgment for America. For America is change, and the changes have come, often enough, with great upheavals. This country is the vast experimental laboratory in human relations for the 20th century; it is, in a sense, defining and creating the 20th century; for much of the world.

This is not a "sick society." It may be a deeply unsettled and bewildered society, and the reason is not merely the extraordinary changes in this last generation, but the speed of these changes. It is the rate of change that is new. The life of Americans today resembles that of say, Lincoln's time not much less than life in Lincoln's time resembled life in ancient China.

We are part of a constantly changing world—a modern, complex, and highly technological world—a world sometimes characterized by man's insensitivity to man, and fraught with the danger of man's eventual destruction of himself.

But despite these uncertain, disturbing, chaotic times, there still exist those sound values and principles which have sustained America since its inception.

We Americans are a peace-loving people. We believe in liberty, justice, freedom of spirit, the dignity of man, and all of the principles enunciated so eloquently in our Constitution.

We are an impatient people, a zealous people in defense of freedom, an energetic people in meeting the challenges of peace, and pursuing a better life for Americans and other peoples throughout the world.

America has her idealism—though it is sometimes unrealized; she has her courage—though it may sometimes seem misguided; and she has her freedom of spirit—which, though sometimes trampled upon, always remains undaunted.

America has a strong sense of unity during crises, and the grit and determination to see a difficult job through. She likes to root for the underdog, and has a basic love of fellowman and a sense of fair play. She has ingenuity and creativity in abundance.

Americans are the most natural workers—together in the world. We live by the system of individual enterprise, while at the same time being the supreme cooperative society. Totalitarian countries say they are cooperative societies, but they must force their people to work. It is absurd to believe that the races of men who turned an empty, forbidding continent into the most efficient engine of production and distribution ever seen, who created the first mass democracy with essential order and essential freedom, will not solve the problems of crowding, poverty, pollution, and ugliness. The solutions will create new problems, after which there will be new solutions, then new problems, and so our life will go on. Were human problems ever totally solved, change would come to a stop, and we would begin to die.

In some areas of endeavor, America has drawn criticism—especially in the field of foreign policy. But this should come as no surprise to us. Any nation which accepts as part of its foreign policy the responsibility of major assistance to other nations defending their freedom, is bound to be criticized by others who live by an opposing philosophy.

America today has many problems. But dedication and strict adherence to the sound principles we believe in have brought us a long way since that day back in 1620 when our Pilgrims landed on Plymouth Rock. I have faith that continued adherence to these principles we hold so closely will see our great Nation emerge with even more strength and dignity.

To be sure, we Americans are not perfect—far from it. We have made many mistakes, and undoubtedly will make many more. The only nation which makes no mistakes is one which does nothing—and even this may be a mistake,

But the important thing is that we in America are moving forward. We are trying to improve—we are tackling our problems, and making progress in many areas—for example, in civil and human rights, and in science and technology—technology that has carried us to the moon and will carry us beyond.

We are also making progress in dealing with pollution, housing, education, health, labor, inflation, and other complex problems of urban development. And though some may doubt it, I think we are meeting the challenge of international diplomacy.

If I sound somewhat optimistic today about our country, it is because I am. Mr. Speaker, America has a great past, and it has an even greater future. We are the beneficiaries of a rich heritage—a heritage that dates back roughly to the landing of our forefathers in Plymouth, Mass.

Americans are spiritually geared to the past, as well as to the future. We are constantly seized with concern for our children more than for ourselves. Yet it is not possible to see our society in perspective without these backward glances to what we once were, with the consequent realization that we are using different scales of measuring well-being today.

At the turn of the century, a newborn child could expect to live about to the age of 50; today, the expectancy is about 70. Once, a mother had sound reason to fear giving birth; today, death in childbirth has been all but eliminated. Once, a full high school education was the best achievement of a minority, today it is the barest minimum for decent employment and self-respect.

One could cite hundreds of similar examples of how our standards of expectancy have risen, as they should, along with our standard of life. The truth is that we Americans are perfectionists, which simply means that we were not, are not, and never will be satisfied either with the quantities or the qualities in our life.

By the year 2000, we will look back upon these present years not only as one of America's periodic convulsions, but as a rather backward period. By then, the typical American family will have an income of around $20,000 a year or more; the typical American adult will have had at least 2 years of college, with far broader intellectual and cultural horizons. By then, the old urban centers will have been rebuilt, and many millions will live in satellite "new cities," part urban, part rural. The incurable diseases like cancer and arthritis will be under far better control.

The present explosion in books, theater, music, and art will have transformed tastes and comprehension to an enormous degree. And already, according to the Englishman, C. P. Snow, something like 80 percent of the advanced study of science in the Western World is going on in the United States of America. This is the real reason for the "brain drain" from abroad to the United States, not merely the higher pay. The facilities, the action, the creative excitement are increasingly here. None of this guarantees a single new Shakespeare, Rembrandt, Mozart, or Einstein, but it will help guarantee a great lifting of the massive center, of the "ordinary" people. This is the premise and the point about America—ours is the first organized dedication to massive improvement, to the development of a mass culture, the first attempt to educate everyone to the limit of his capacities. We have known for a long time that it can be done only through the chemistry of individual freedom.

The popular passion of Americans is not only politics, baseball, money, or material things. It is also education. Education is now our biggest industry, involving more people even than national defense. The percentage of youth in college climbs steeply upward. Today, even a poor boy in the South has a better statistical chance of getting into college than an English youth. And there are about 44 million full- and part-time adult students pursuing some kind of formalized learning on their own.

We still do have poverty in America, but it will be overcome. What makes this poverty an issue in America is not so much that it exists amidst affluence. Today, poverty is an issue because for the first time in all mankind's history, it may truly be possible for one society to eliminate poverty—as a result of its affluence.

Our Nation is the strongest and richest on earth. With only 6 percent of the world's population, we produce more than a third of all the world's goods and services. We spend billions each year to erase poverty. Our Nation has brought more dignity and equality to mankind than any other nation in history. Luxuries undreamed of by princes and potentates a generation ago are now routinely available to most Americans.

Perhaps we Americans today have not scored as high as we had hoped. But we have scored higher than ever before—and we are not through yet.

Just think of it. In less than one generation, Americans have conquered scores of diseases from smallpox to polio.

We have built more schools and hospitals than all generations since the beginning of time. Within two generations, we have made the automobile, the radio, TV, and the telephone available to virtually all of our citizens.

We have the highest wages and the shortest workweeks. Barriers to jobs and education are crumbling everywhere. Even our lower income groups live far better than the above-average citizen in most countries of the world.

We should take special note of the form and structure of our Government which has made these material and social gains possible. Ours is a government which is responsive to dissent, conscious and concerned about the individual.

Although our critics, foreign and domestic, may point at flaws and inefficiencies in our political system, it cannot be disputed that the American citizens govern the most powerful and affluent nation in the history of the world—a nation with a maximum of individual rights and freedoms.

The answer to those who criticize and want to destroy is for them to become involved with the system as millions of other concerned Americans do and thereby publicly test their ideas under the proven democratic processes. Worthwhile and lasting change can come about only through legitimate procedure. Our political system has undergone great changes in the past; we remain flexible for necessary improvements in the future.

Probably no other country criticizes itself as frequently, or as openly, as we do. This has been healthy. Americans are always facing up to their problems, seeking new and better solutions to them. We set national goals and when one plateau is reached, new levels of excellence are sought.

It is a remarkable fact that great numbers of very ordinary people in distant lands understand the American dream better than some Americans. If, by some magic, all barriers to emigration and immigration around the world were lifted tomorrow, by far the single biggest human caravan would start moving in one direction—our way, toward the United States.

This is living testimony, not abstract argument, from men who know the meaning of America in their bones and marrow. The dream lives on, and we are the keepers of the dream. That is what is right with America, and the reason for our Thanksgiving in 1969, a special day to take pride in America.

Mr. Speaker, I want to announce that I intend to insert in the CONGRESSIONAL RECORD each business day a specific fact illustrative of our Nation's great economic, cultural, and spiritual achievements, to serve as a daily reminder of the success of the American way that is emulated throughout the world.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Speaker, I compliment the gentleman from Ohio for bringing before the House and before our country the great things we have here in this country to be thankful for. I think the gentleman is doing a distinct service by entering in the RECORD every day at least one of the great things we have to be thankful for.

Mr. Speaker, I compliment the gentleman also for bringing again to the attention of all of us and to the attention of this House the fact that one of the things that makes this country great is, that although we make mistakes and although we are human, we seem to have a genius for keeping on trying—and trying to make the American dream live, the dream of equal justice and equal opportunity for all.

As long as this country will go on trying, as the gentleman says, we shall achieve that American dream.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I congratulate the gentleman from Ohio for taking the special order today on such a very important subject as "Take Pride in America."

Along with other Members our office received a "Dear Colleague" letter, giving notice of his intention to speak today and inviting participation. Because I was out of the city yesterday, I found this invitation on my desk this morning. I am proud to join him to discuss such a subject.

As we near Thanksgiving Day there could be no more appropriate time to take note of what we in the United States have to be thankful for. We have problems, true, but none of them are insoluble. We enjoy the highest standard of living in the world. We are a prosperous country. But our greatest asset is our freedom. This freedom throughout all of our history has ensured to every child on maturity the right to succeed in this great country of ours, if only they are determined to use their talents to persevere, which simply means a willingness to work at their chosen job.

Not only is our productive capacity the greatest of any country in the world, but we are a country that because of our firm belief in the several different freedoms, such as freedom of speech, freedom of worship, and freedom of choice in all we do, we have become the best educated, best informed, best nourished, and most blessed country in the world.

With all of these material and spiritual blessings on the asset side of the ledger there is no reason to conceal that our country is under attack by its critics, foreign and domestic. That is all the more reason why at this time of the year it is important that we set aside a few minutes to be thankful for our great ideals, the values and the traditions that have made our Nation the greatest in the world. If such a description of our country would seem to be self-praise, I feel confident we would be granted forgiveness even by our neighbors, because it is these same ideals and standards of conduct within our country that have contributed to our success as a producer of the good things of life, which have inspired the rest of the world to emulate us.

The subject of this special order bears a considerable measure of similarity to the discussion on the floor of the House on the eve of the November moratorium. The gentleman from Indiana, a former national commander of the Veterans of Foreign War, and myself lead a bipartisan discussion on the topic "Operation Speak Out." In that discussion we emphasized that for too long we have listened to those who would tear down our country rather than those who would build it up. For too long the great silent majority have listened to a small, vocal minority insist that everything was wrong in America. These detractors and pessimists urged everyone to join the new mobilization for a quick solution to everything that plagued our country. But as we pointed out in that special order and as the gentleman from Ohio is doing today, those who insist that America is sick as they put it, and argue she is so ill that there is no hope for recovery, are not the least different from the pessimists of other periods in our history.

One of the best causes for optimism and for true hope and faith that we will come through our present difficulties and go on to higher levels of economic, cultural, and even spiritual accomplishment, is the fact that a person can visit a room in any library in America where the shelves are filled with books on American history. In this room a person can close his eyes or walk blindfolded over to a shelf, and pull down a book. On opening that book of some period of American history he can pick at random without any preconceived selection a chapter from our history. Then the reader will find there has never been a time in our history that we have not been able to work out our problems and dissolve our hinderances. He will also learn there has never been a single instance in all of our history when, after we have resolved our complications, we have failed to go on to greater achievements. These are facts which can be proven by reference to almost any book on American history.

As we near this Thanksgiving Day we should not only give thanks for our well-being, but recall our destiny as leader of the free world. We should once again revive in ourselves faith in the ideals, values, and traditions that have made us great.

As we discuss today the topic "Take Pride in America" I am reminded that this week in southwest Missouri our colleague and my fellow Missourian, Dr. Durward Hall, is starting an effort described as "We Love America." This effort will begin in Joplin, Mo., and will undoubtedly be emulated in other Missouri cities. It is the kind of spirit that has led to the thousands of admonitions appearing on the front of motorcars near the front license plates, which reads "Get Your Heart in America—Or Get Yourself Out."

I look forward with interest to the series of insertions the gentleman from Ohio says he intends to put in the CONGRESSIONAL RECORD each day reciting a specific fact indicative of our national achievements. I am proud to associate myself with his effort. At this Thanksgiving season it is a time not only to give thanks for our material blessings, but to be thankful for our national spirit of optimism and faith in the future rather than gloominess of a small minority of wretched pessimists who have forgotten the facts of our glorious history, and would underestimate, underrate and undervalue the positive aspects of our great nation.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman from Missouri for his comments.

VOLUNTEER FIREMEN

(Mr. WOLFF asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, throughout our Nation there are numerous dedicated persons who devote many man-hours and risk their lives so that communities will be protected against the tragedies of fires and other disasters. These men are our volunteer firemen.

As I have stated on several previous occasions, too often these courageous men remain unsung heroes. It is for this reason that I recently filed two bills which would afford these men some of the acknowledgement which they certainly deserve. One of my bills would provide compensation for those firemen injured while protecting Federal property, while the other bill affords these men second- and third-class mailing privileges similar to those enjoyed by other service oriented non-profit organizations.

Although both these bills, in my estimation, are important recognition of the tireless efforts of volunteer firemen, I feel that we still do not totally acknowledge volunteer firemen's contributions with these two bills alone.

These men expend incredible amounts of man-hours protecting our communities. Often they incur considerable financial expense to themselves in the pursuit of maintaining such associations, and just as often they must sacrifice time they might have spent with their families, in order to insure that the lives and hopes of their neighbors do not go up in smoke.

With this as a consideration, I feel that we owe them much more than just thanks. That is why I am introducing a bill which would amend the Vocational Education Act of 1963 to provide funds for the training of volunteer firemen. In this way, we will be eliminating some of the excessive expense that these organizations have had to carry themselves in order to insure that their volunteers are adequately trained.

This bill would also go a long way in demonstrating how great is our concern for the safety of all citizens and how very grateful we really are for these fine men who insure safer lives for all of us.

DEPOSITION OF W. A. BOYLE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Congress is deeply concerned with strong and effective coal mine health and safety legislation. There has been considerable discussion concerning the origin, interpretation and future administration of the coal mine health and safety laws. There is a direct relationship between the effectiveness of this legislation and the general attitude of the United Mine Workers of America.

Recently, Joseph A. Yablonski obtained a temporary injunction to keep from being fired as director of the UMW Labor's Non-Partisan League. The following text of the deposition of UMW President W. A. Boyle contains some useful material relating to the pending legislation and its future. This deposition was taken on August 21, 1969 in connection with the civil action filed by Mr. Yablonski in the U.S. District Court for the District of Columbia, and is a public document which contains material relating to legislation and other matters:

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION No. 1799–69

Joseph A. Yablonski, Plaintiff, v. *United Mine Workers of America, W. A.* (*"Tony"*) *Boyle, International President thereof, George J. Titler, International Vice President thereof, and John Owens, International Secretary-Treasurer thereof, Defendants*

(Washington, D.C., Thursday, August 21, 1969)

The deposition of William A. Boyle, was called for examination by counsel for the plaintiff in the above-entitled action, pursuant to notice and date as ordered by the Court, before Frank P. Shelburne, a Notary Public in and for the District of Columbia, in Suite 410, 1001 Connecticut Avenue, N.W. Washington, D.C., commencing at 10:00 a.m. on August 21, 1969.

APPEARANCES

On behalf of the plaintiff: Joseph L. Rauh, Jr., esq.

On behalf of the defendants: Edward Carey, Esq., Willard P. Owens, Esq., Harrison Combs, Esq., and Susan V. Richards.

Also present: Beverly Moore.

PROCEEDINGS

Whereupon, William A. Boyle was called as a witness by counsel for the plaintiff, and having first been duly sworn by the Notary Public, was examined and testified as follows:

Examination by counsel for the plaintiff

By Mr. Rauh

Q. Will you please state your full name?

A. My name is William A. "Tony" Boyle.

Q. And your address, please?

A. Business or residence?

Q. I will take both, please.

A. My business address is 900 15th Street, United Mine Workers Building, Washington, D.C., area code 20005.

My residence, 4422 35th Street, Northwest, Washington, D.C., area code 20008.

Q. Have you been known by any other name?

A. The nickname of Tony.

Q. Nothing else?

A. No, sir.

Q. Would you please describe the functions of the Labor's Nonpartisan League?

A. The principal function of the Labor's Nonpartisan League—they have many functions, numerous functions—the principal function, of course, is promoting our legislation as enunciated by the United Mine Workers Convention and its international executive board, or between sessions of the board and the convention by the international officers, on all matters pertaining to legislative matters, that is their principal duty.

They have other assignments.

Q. What are the other assignments, please?

A. Well, they assist when they can, especially if Congress is not in session, and there is no labor legislation that we may be interested in, in formalizing their reports for the coming conventions, in building up their records as to how the Congressmen and the Senators cast their votes on legislation that was necessary in the opinion of the United Mine Workers, in promoting the candidacy the best they can and the election of our friends and the defeat of our enemies, things of that nature.

Q. Anything else?

Mr. CAREY. That you can remember.

The WITNESS. I just can't think right now. But I guess I use them on other assignments like I use the other departmental heads from time to time.

By Mr. Rauh

Q. Do you recall on June 6 of this year addressing a letter to the plaintiff, Mr. Joseph Yablonski, the last paragraph of which reads as follows:

"It is obvious from your schedule in the League that you have been unable to adjust your efforts to spend more than an hour or so on the job. Your international officers have an obligation to the membership to demand a full-time director. Accordingly, you are being relieved of this assignment as acting director effective immediately so a full-time director can be appointed. You should report to District 5, president Budzanoski, for a reassignment."

Do you recall that letter?

A. Yes, I do—I recall dictating a letter. I suppose you are reading verbatim, but I haven't seen the letter.

Mr. CAREY. I presume you will have no objection to allowing only the president, deponent, to look at the letter.

Mr. RAUH. Certainly.

The WITNESS. Yes, sir, I dictated this letter to Mr. Yablonski.

By Mr. Rauh

Q. Now, is it customary in the United Mine Workers to give a warning to someone prior to removal?

A. I don't quite follow your question, Mr. Rauh. What do you mean by warning, that I notify them in advance that I am going to remove or discharge them or something of that nature?

Q. My question is this.

Isn't it customary before you remove somebody to warn them what they are doing wrong so that they can correct it?

A. He knew what he was doing wrong.

Q. Had you at any previous time made any suggestion to him what he was doing wrong?

A. If my memory serves me correctly, I think the answer to that question recall some detail as to how it came about.

In February of this year Mr. Yablonski contacted officials and officers and representatives of the United Mine Workers to intercede with me because he was desirous of becoming the director of Labor's Nonpartisan League because of Mr. Howe's retirement.

And I forget whether—I don't recall whether it was in March or April that Mr. Yablonski asked the Safety Director, Mr. Louis Evans, to intercede for him. And Mr. Louis Evans came to my office and asked me if I had decided on anyone to replace Mr. Howe, who was the director.

And I told him no. And I happened to be thinking about it.

He said that Mr. Yablonski had been in to see him, and he would like to have the job very much, would you consider him.

I said, "I will think about it, Lou."

Then the next contact that I had was—I forget whether it was in this sequence or not, but it happened that Mr. Carey, our general counsel, interceded for Mr. Yablonski and asked me if I would give him a try as director of Labor's Nonpartisan League.

At which time I told Mr. Carey that he had little or no experience in legislative matters, that this was a pretty heavy job, that Lou Evans had been in to see me, and that I was weighing it, considering it, and I would give it further thought.

Mr. Carey left.

And following that some time later International Secretary-Treasurer of the United Mine Workers of America John Owens asked for a meeting with me. He came to my office and told me that in his office presently was Mr. Yablonski. And he said:

"He is asking me to come down and talk

with you because he would like to be made director of Labor's Nonpartisan League."

And I said:

"Well, John"—speaking to Mr. Owens—I said: "John, I haven't made up my mind on anyone yet. I would have to talk with Mr. Yablonski, because of the constitutional requirements of the president of this international union, I would have to talk with him."

He said:

"Well, he is in my office now. Would you talk with him now?"

And I said:

"Yes, send him down."

So he came down.

At which time we went into great details as to the responsibilities of the office.

First, I told Mr. Yablonski, I said:

"Joe, I think that you would want to give serious consideration as to whether you want to leave your home or your estate that you have in Pennsylvania. I understand that you have a nice estate up there, a nice home. You have lived there for some time. This job requires a full-time man seven days a week the same as I work, the same as the safety director works, and maybe you want to give consideration before you make that move by contacting or discussing it with Mrs. Yablonski. She may not want to move to Washington. This job requires that you be here and live in Washington."

At which time Mr. Yablonski said to me:

"That is not necessary. I have discussed it with Mrs. Yablonski. And she will be glad to move to Washington."

I said that is one of the requisites of being a director or the head of these departments that we have in Washington, that you live here.

He asked for one favor, and that was that—I said:

"You will have to resign as international board member, because you cannot hold two jobs under the constitution at the same time."

He said:

"That I understand fully." "But," he said, "if you make me the acting director I could serve out my term as international board member and be the acting director and then take over the full responsibility of the directorship after my term as international board member expires."

Well, I could see no harm in that. And I said I thought we could work that out.

Then he asked another favor. And that was that I make no announcement that he was going to be connected with the League because it would affect the property value of this farm and estate, or whatever he called it. That he has in Pennsylvania, that if they knew that he was coming to Washington to live permanently that the value of the property would depreciate.

And I told him:

"I will make no announcement to that effect, I will do what you want to do because I don't want you to lose any money on the sale of your property up there." But I said, "Joe, you know you have got to move to Washington."

He said:

"There is no question about that, I will move to Washington, my wife will move to Washington, we will make our home in Washington. But let me sell the property for the most money that I can get out of it."

I agreed with that.

Well, no arrangements were made by Mr. Yablonski to carry out his promises to me.

You see, Mr. Rauh, I have to have a full-time safety director, I have to have a full time director of organization, and I have to have a full time director of Labor's Nonpartisan League at Washington. I want to be able to put my hand on any of it at any hour of the day or night if necessary in the interests of the United Mine Workers organization. That I can't do if someone is in Pennsylvania or Ohio or somewhere else.

Q. Now, will you answer the question. Did you ever give him——

Mr. CAREY. Wait a minute. Let him determine whether he has answered the question.

Are you finished, Mr. Boyle?

The WITNESS. Well, I just wanted to point out that Mr. Yablonski was only on the job—he was appointed May 1st, and he had other assignments that he wanted to clean up, and some that I wanted him to clean up. So if my memory is correct, it was in the middle of the month, somewhere around the 19th, I believe, that I asked the vice president of the organization, Mr. Titler, to locate Mr. Yablonski and tell him that I would appreciate it if he would get to Washington as soon as possible, that I understand that our legislation on behalf of the United Mine Workers organization, both safety, black lung legislation and our pneumoconiosis bill were in difficulty, and I wanted him to come to Washington, it was making it difficult for me to be contacting and meeting with these people, that the director of the League should be contacted.

He arrived in Washington, I believe, the following day. And I was out of the office. And because of other commitments, on the 21st I wrote him a letter—I believe it was the 21st, I will stand corrected if that isn't the date, but I believe it was the 21st—I wrote him a letter and advised him what was necessary on the Hill, that he was unfamiliar with the lobbying procedure over there, that his associate officer should take a walking tour with him to acquaint him with all of the Congressmen and all of the Senators, even on those that we couldn't depend upon in promoting our legislation, to meet them all.

Knowing full well that Mr. Yablonski had not been on the hill, I wanted these fellows that had been over there for years to take him around and get him acquainted with everyone in their offices.

That I understand they did. I don't know to what extent, because I never got the complete report on it. But I understand that they carried that out.

I believe that more or less answers your inquiry, does it not, Mr. Rauh?

By Mr. Rauh

Q. Have you finished?

A. Yes.

Q. Now, answer the question. I asked you if you ever gave him a warning. You can go ahead and filibuster here if you want, but I asked you if you ever gave him a warning. You could have said yes or no. Did you ever give him a warning?

Mr. CAREY. I move the word "filibuster" be stricken, because there is no evidence to support that because of that particular comment.

Mr. RAUH. That is up to the judge.

Mr. CAREY. I move to strike it to support the record.

By Mr. Rauh

Q. Did you ever give him a warning between May 1 and June 1st?

Mr. CAREY. Warning as to what?

By Mr. Rauh

Q. A warning that he was going to be removed, did you ever give him a warning between May 1 and June 6?

A. He got the warning when he got the letter telling him he was removed. It is not necessary under the constitution of the United Mine Workers to give people advance warning that you are going to be removed six months from now or eight months from now or a week from now or a day from now, that is uncalled for in the constitution of the United Mine Workers, it has never been recognized.

Q. Did you ever discharge anybody else without a warning?

A. I have never discharged anyone.

Q. Did you ever remove anybody else without a warning?

A. Why yes.

Q. Who?

A. I have removed several people.

Q. Will you state them for the record?

A. Well——

Mr. CAREY. If you can recall.

The WITNESS. Yes, if I can recall them. I am trying to think—it happens so seldom that people don't carry out—these people were not removed because they wouldn't carry out the functions of the president of the organization as Mr. Yablonski refused to do, these people were removed or changed for other reasons, because of age, infirmity, and things of that nature, retirement, all of those things entered into it.

By Mr. Rauh

Q. Will you state the name of one person you removed without a warning, please.

Mr. CAREY. If you can recall.

The WITNESS. I don't recall anyone where there was any warning—I don't understand what you mean by warning.

Mr. CAREY. May I refresh his recollection?

Mr. RAUH. No. And I wish you would stop interrupting. At the end of the deposition you are free to do anything you want on the record. You have used already, Mr. Carey, very unfair tactics. You said "if you can recall." I am asking the questions. I wish you wouldn't interrupt, you may object, but you may not interrupt by prompting the witness to use the word "recall," which you just did about two minutes ago.

Mr. CAREY. I suggest vis-a-vis on your part.

Mr. RAUH. I don't understand your point.

Mr. CAREY. You take the same position that I am taking, you behave and I will behave.

Mr. RAUH. I have done nothing except behave perfectly here. I have not said one word that was wrong. You have tried to trip the witness. Now, I am going ahead with this as best I can. It will end up in court as everything we do does.

Now, I have a question, which I haven't got a satisfactory answer to.

Have you ever at any time discharged or removed any person without a warning, and if so, can you name him?

The WITNESS. The answer to that, Mr. Rauh, would be that if you have evidence that I have done that, why I would like to look at it, I would like to have the opportunity to verify it. I don't recall of any.

By Mr. Rauh

Q. That is exactly my point. So Mr. Yablonski is the first person removed without a warning, is that correct?

Mr. CAREY. You may ask a question, but you cannot make a statement.

The WITNESS. No, that is not so.

By Mr. Rauh

Q. Please name the person you removed without a warning?

A. These people who are removed from office get the same kind of letters, call them letters, or notifications, that Mr. Yablonski did.

Q. Can you, Mr. Boyle, name one person you ever discharged or removed without a warning?

A. You are trying to ask me if I quit beating my wife, I am telling you, Mr. Rauh, I am telling you that—you are not going to try to box me in to when I quit beating my wife, because I never beat my wife.

I am telling you now that these men who have been removed from office for any reason whatsoever or cause got the same notification that Mr. Yablonski got.

Q. I must ask you again, can you name one man removed who didn't have a previous indication that he was doing something wrong, could you name one man?

Mr. CAREY. That you can recall at this particular time.

The WITNESS. I would have to look my record up to find out, because there have been so many of those things that have transpired I don't know, I would have to look my record up.

By Mr. Rauh

Q. At this moment you cannot recall a single person you have ever removed without a warning, is that correct?

A. No, that is not my answer.

Q. Will you name one you can recall?

A. There have been several men that have been removed by letter.

Q. Will you name them, please?

A. But I would have to go into my records to recall now, it has been so long ago since that happened, I would have to go to my records.

Q. How long ago was the last case where you removed somebody without a warning?

A. I didn't remove anyone in the terms that you want to put it without a warning. Mr. Yablonski was on notice, plenty of notice. He gave his own warning on May 29.

Q. I didn't understand that. What did you mean by that?

A. You know what I mean by it, Mr. Rauh. You are not trying to be naive with me as an attorney, are you? You sat at the press conference and guided him through the press conference as to what to say and what not to say and when to say it and when not to say it, at a closed press conference down at the Mayflower Hotel the day after he had been in my office for four hours. He was in my office on the 28th day of May, and on the 29th day of May you sat at a table with him advising him and counseling him for the press as to what to release and what not to release.

And after release of, I don't know, 29 pages or whatever it was of a press release, Mr. Yablonski certainly knew then from that, with all of his experience that he claims he has in this organization, that he was in violation of the constitution.

Q. What was the violation of the constitution on May 29?

A. Because he wasn't carrying out the policies of the international organization or its convention.

Q. In what way?

A. By the statements that are in that 29 page, or whatever it is, release that I presume you put together, by that statement which in itself—which speaks for itself—is in violation of the principles and policies enunciated by the organization down through the years since 1890.

Mr. Rauh. Would the counsel for Mr. Boyle care to show him the statement of May 29 to which Mr. Boyle referred?

By Mr. Rauh

Q. Mr. Boyle, do you have in front of you now the statement of May 29 to which you have just referred?

Mr. Carey. He has it before him now. Do you wish to proceed with your question?

Mr. Rauh. I asked Mr. Boyle if he now had the document before him to which he had referred. He has not answered.

The Witness. I would judge that this is the statement to which I referred, the May 29 statement. It is lengthy, I don't know how many pages. But it appears to me to be the same one that I read.

By Mr. Rauh

Q. Will you please state where in that document violates the constitution and policies of the United Mine Workers since 1890?

A. It doesn't only violate the constitution of the United Mine Workers organization, without going through the formality of the organization, in so doing it doesn't only violate the organization's principles and policies enunciated since 1890, but there are references in there that are most incorrect, you can't put your finger on every one of them, but there are, to my information—and I am advised by people that are supposed to know—the statement, for example, that his father was killed in a coal mine. His father didn't die in a coal mine, I am told, at all, he died in the hospital from pneumonia. It is in here somewhere. I don't know where it is. And things of that nature. That has nothing to do with the violation of the constitution, I understand that. But I am just pointing out all these frivolous things that are in this thing that you had little knowledge about when you put it together for him that are in violation of the constitution, violation of policy.

And no better proof of that—no better proof is that at a meeting of the international executive board on June 23 every member of the international executive board who spoke—and most of them spoke—said that it had been the principle and the policy of the international union—all of which all of a sudden Mr. Yablonski has objected to, in that he as an international board member had previously carried out those very principles of the constitution.

Q. You just said on the record, Mr. Boyle, that the question of where his father died was not the answer to my question. Will you answer my question. What in that document violates the principles and policies and constitution of the Mine Workers since 1890?

Go through it carefully and name the paragraphs that constitute the violation of the principles and policies of the constitution.

A. The whole document, the document in its entirety. That is the answer that you will get from me, Mr. Rauh, the document in its entirety.

Q. You refuse to point to a particular thing in there that violates the policies and principles?

A. For the simple reason that every one ties in with the other, yes.

Q. Well, let's go through it sentence by sentence, since you won't point to it.

Mr. Carey. Just a moment. I am going to object to that. And don't you answer those questions, Mr. Boyle.

By Mr. Rauh

Q. Does it violate the principles and policies of the United Mine Workers for Mr. Yablonski to have said:

"Today I am announcing my candidacy for the presidency of the United Mine Workers of America?"

Mr. Carey. Let me object, and state the reason for our objection.

The Witness. It has already been told.

Mr. Carey. Mr. Boyle says that he took the statement as a whole. You don't extract a sentence out of its context and try and place an interpretation on it. The position of Mr. Boyle is that the document speaks for itself. He says he read it in toto, and having read it in toto he concluded that this is in violation of the constitution. And that is a legal determination. And he will not answer any further questions as to specific sentences in that document.

By Mr. Rauh

Q. Is that your position, Mr. Boyle?

A. That is my postion.

Q. Do you have any union contracts, Mr. Boyle, which would permit the discharge of any employee without a warning for what he is doing wrong?

Mr. Carey. Objection to that. When you say "employee," you mean an employee of the United Mine Workers?

Mr. Rauh. No.

By Mr. Rauh

Q. Do you have any union contract with an employer that would permit them to discharge someone or remove them from a job without a warning of what they are doing wrong?

A. I don't think that has anything to do with the purposes that I am here for.

Q. Are you refusing to answer that question?

A. Certainly we know what our workng agreement is and so do you.

Mr. Rauh. If you are objecting——

Mr. Carey. Our objection is that it is irrelevant and immaterial and has nothing to do with the issue.

The Witness. It has nothing to do with the deposition. As to whether Mr. Yablonski was removed from the office properly or improperly, it has nothing to do with what the contract provides for between operators and mine workers.

By Mr. Rauh

Q. Is it your position, Mr. Boyle, that the personnel policies inside the United Mine Workers are not as fair as those you put on the employees with whom you have contracts?

Mr. Carey. I object to that question, because we are not drawing conclusions between a contract and the personnel policies of the organization. Do not answer the question.

By Mr. Rauh

Q. You indicated earlier that there were some duties that you wanted Mr. Yablonski to carry out after May 1 prior to coming here. What were those duties, Mr. Boyle?

A. Let me see if I understand the question. From May 1 until he arrived here, is that the question?

Q. Yes, sir.

A. I had some work for him to perform in West Virginia on a commission. I had an international commission. Mr. Yablonski was one of them. And he was working on that. He had some personal matters that he wanted to take care of. I suppose they pertained to his estate in Pennsylvania, I don't know. And when the vice president that I mentioned previously got ahold of Mr. Yablonski, to my understanding he was in West Virginia.

Q. And that is where you had sent him?

A. That is right.

Q. Now, Mr. Yablonski states in his letter to you of June 10:

"From that date, May 1, for the next two and one half weeks I was engaged in various activities in the field, all of them specifically at your direction."

Is that a correct sentence?

A. I wouldn't say that that was correct in its entirety, because I think he was taking care of some personal matters too—all of which is not important—a man is entitled to take care of some personal matters if he wants to. I don't think the court is concerned about the man trying to get more money for his property or something of that nature.

Q. You have no complaint, then, to what he did from May 1 to May 19?

A. Not as far as this deposition is concerned, but I have got some complaints that will come out in time, yes.

Q. What are those complaints?

A. It is not necessary for the purpose of this deposition.

Q. I think that anything is relevant here to your complaints against Mr. Yablonski. Will you please state them for the record?

A. I didn't know about them at the time he was called to Washington. I know about them now.

Q. Tell me what they are.

A. In the newspaper—like this morning's newspaper article by Joseph Rauh. We don't want them in for publicity purposes. If that is what you brought me over here for is to get in the newspapers again, Mr. Rauh, you are just wasting your time.

One thing I understand, properly or improperly, is that you have got plenty of money and plenty of time, that your client is so pleased, but I am not, I have neither. But I have got a lot of work to do for the United Mine Workers in trying to get this legislation passed while he is running around the country right now. And there are calls in my office I will venture now asking me to come to the Hill on this legislation and do something about it.

And I want to do the best job I can for the United Mine Workers.

And you are just dilly-dallying along here asking these silly, super-silly questions so that I can't get back to my work. Because it makes no difference to you. I don't know who pays your fee, but I suppose you get paid by the hour. But I get paid by the month. And I have got a job to do for the United Mine Workers, and I want to get back to it.

Now, if you are going to play games here as to what Mr. Yablonski did or didn't do to dissatisfy me and all of these different things that are not relevant as far as this deposition is concerned, we will tell you that we don't want it in the newspaper tomorrow morning under the heading of what Joe Rauh had to say. I am not headline seeking. I am not in the newspaper every day, as you know. But Joe Rauh was in there this morning, in case you haven't read it, and what you had to say.

You are in there every day, practically.

Q. What are you referring to about this morning, Mr. Boyle?

Mr. Carey. I would suggest, forget about that phase of that. You said the matters that occurred between May 1 and May 21 were irrelevant to the matter which is the cause of this specific legislation. Now, you have said you are not going to answer the question. And I advise you to cease talking at this particular moment on that particular matter.

By Mr. Rauh

Q. Mr. Boyle, you brought up the question of something that I said in this morning's papers. Will you kindly state what it is?

A. Yes, sir.

Mr. Carey. It is immaterial. I would object to your answering.

By Mr. Rauh

Q. You referred earlier to certain complaints you had against Mr. Yablonski for the period May 1 to 19. Will you state what they are?

Mr. Carey. You have asked that question before. Mr. Boyle says he is not going to answer it. I object to it. I advised him not to answer it, and I suggest we not be repetitious.

By Mr. Rauh

Q. Mr. Boyle, on May 26 you directed Mr. Yablonski to go to Capitol Hill and retrieve a letter—a copy of a letter from Senator Williams which was sent to Senator Randolph. Is that correct?

A. That is correct.

Q. What was the letter that you had sent to Senator Randolph?

A. Senator Randolph had introduced a bill. The Mine Workers Union through me had taken some objections to the bill. It wasn't as strong a bill as what the United Mine Workers' president was advocating be passed on the Hill. Senator Randolph took exception, I believe, to two words in the letter that I addressed to the Chairman of the Committee, a copy of which went to Mr. Williams—I addressed the letter to Randolph, and a copy of it went to Senator Williams.

And the language seemed to disturb—two words in the letter, as I recall, seemed to disturb Senator Randolph. They didn't mean that much one way or the other. And in the light of Senator Randolph's work performance in the past on behalf of the United Mine Workers' legislation, and always being a staunch supporter of the Mine Workers' legislation in the past, and working diligently in the interests of the coal miners of his state in particular, as long as two words in the letter were offensive to him, why I raised no objection to changing those words.

And I asked Labor's Nonpartisan League, I believe, if my memory serves me correctly, I asked the assistant director——

Mr. Carey. Who was that, Mr. Boyle?

The Witness. Mr. James Kmetz to discuss with Joe Yablonski and see if that letter could be retrieved so that I could satisfy the Senator by the changing of two words. That is all it amounted to. And Joe Yablonski was successful, and his associate, I presume, in getting the letter. And he returned it to me. And the letter was rewritten. And we took out the words that were objectionable, two in number, and sent it to the Committee.

By Mr. Rauh

Q. Yablonski was then successful in what he did for you in recovering that letter from Senator Williams?

A. With the assistance of James Kmetz. James Kmetz is the one—or Harrison Combs—one of those associates of his went in and got the letter and gave it to Joe Yablonski, as I understand, and Joe Yablonski gave it to me.

Q. You are certain that Mr. Yablonski was in your office for four hours on May 28, the day he announced his candidacy for president?

A. Yes, sir.

Q. Do you have records of who was in your office, or does your secretary?

A. Yes.

Q. You do?

A. Yes.

Q. Will you produce those, please, at the next deposition?

A. I would be glad to. He was there by invitation of the president of the International Union.

Q. What was the subject discussed on May 28 during those four hours?

A. Well, the safety director—who was a full-time man who resided in Washington and had to leave the state of Pennsylvania and had to sell his home and move here because of a full-time seven day job the same as the Labor's Nonpartisan League directorship is, he sold his home and moved to Washington. He lives here. He is on the job seven days a week like I am. He called me, and in the light of the United Mine Workers having experts from Europe and elsewhere testifying in behalf of the Mine Workers' legislation before Mr. Yablonski became the acting director of Labor's Nonpartisan League, and while we were pushing for this legislation, we brought these various witnesses in.

Mr. Evans told me that he had a knowledgeable man from Wales who, as I understand it, acquainted with the Dr. Googh that we had brought over from Wales to testify on behalf of our black lung legislation at the expense of the United Mine Workers, because the Congress of the United States wouldn't do it. And he told me that this man would like to see me and talk with me.

At which time I told him that that would be all right, I would meet with him at X hour.

And I advised my office to have Labor's Nonpartisan League safety director—I believe you were there, Mr. Carey.

Mr. Carey. Yes, sir, I was.

The Witness. And the officers of the union present to hear the discussion and the analyses of this expert man from Great Britain—all in furtherance of our legislation. And if I recall, it consumed some four hours of our time.

During those discussions everyone was privileged to speak freely. The safety director, Mr. Evans, asked numerous questions. I asked several questions, all in the promotion and the interest of our mine worker's safety legislation.

As the meeting was drawing to a close, I shall always remember that I asked Mr. Yablonski, your client, if he as the acting director of Labor's Nonpartisan League had any questions whatsoever that he wanted to ask this man that would help us in the promotion of our safety legislation.

And everyone who was present, I am satisfied, will testify that the fact that his answer was no. And he never asked a question. And we asked questions for four hours trying to promote our safety legislation.

I was more than astounded that someone that was supposed to be pushing our legislation wouldn't have one question to ask.

We will be glad to supply the list of those who were present, and you can discuss it with them if you care to do so.

That was on the 28th day of May, if my memory serves me.

Then what happened—I arrived at the office between 8:15 and 8:30 on the morning of the 29th. Around 9:00 o'clock, or shortly after 9:00 o'clock, several calls came in with respect to the Mine Workers position on legislation. Which prompted me, as I looked at the clock, at 9:00 on the morning of the 29th, to call Mr. Yablonski's office. And I was apprised by his secretary that he hadn't shown up, and was not there.

I said:

"Well, maybe he went directly to the Hill, because this legislation is in trouble. Maybe he is over on the hill."

I tried to locate him, because there were several people that I wanted to contact on the Hill in regard to what the Mine Workers will or will not do on this legislation.

She was unable to locate Mr. Yablonski, but she did locate Mr. James Kmetz, the assistant director of Labor's Nonpartisan League. And I asked him where Mr. Yablonski was, I wanted to talk with him, because there was some maneuvering and hanky-panky going on over there with respect to our bill, and I wanted to talk to him about it—I don't mean by Mr. Yablonski, I mean by certain groups of Congressmen, as I recall.

Mr. Carey. What date was this?

The Witness. What date was this? The 29th of May.

Mr. Kmetz informed me that Mr. Yablonski was not on the Hill.

I said:

"Well, how can I locate him?"

He said:

"I don't know."

Then I did the best I could to delay and satisfy the peoples' inquiry with respect to what the Mine Workers could or could not do on this legislation.

The reason that Mr. Yablonski was not over on the Hill was because when the teletype came in, the first knowledge I had of it, it said on the teletype that a private press conference was held at the Mayflower Hotel at which you were present announcing his candidacy for the office of president of the United Mine Workers of America.

It was reasonable on my part to understand why he wasn't over on the Hill, because he was in the Mayflower Hotel with you and others.

By Mr. Rauh

Q. Have you finished?

A. Yes.

Q. Who were these several calls from that you referred to that morning?

A. Several of the aides, whatever their names were, I don't recall their names, that were calling in behalf of the Congressmen and the Senators over there.

You are familiar with legislative matters, quite familiar. As I understand it with legislative matters, when the Congressmen or Senators are busy with other work or on the floor or something, their aides take over. And these fellows wanted to know if the Mine Workers could adjust themselves to thinking along the lines of weakening of the bill, and things of that nature, all of which I wouldn't be a party to.

Q. Will you state which offices called you, please.

A. There were several of them. I don't recall them right now. I talked with so many Congressmen, and I have talked with so many AAs, administrative assistants, in the short length of time that Mr. Yablonski has been the acting director of Labor's Nonpartisan League, that it would be humanly impossible for me to recall how many of these people have called me, because I was never confronted with that while we had Mr. Howe on as director of Labor's Nonpartisan League, it was very seldom that I would get a call from anyone over there as to the position of the United Mine Workers. But after he got on the job, because he was inexperienced, why I was constantly being called by offices of not only the Committee of Mines and Mining or whatever they call it over there, or Education and Labor, but I was being called by other people that were interested in the Mine Workers' legislation.

I just can't recall, Mr. Rauh, how many calls that I got, and from whom I received all of those calls. You are asking for something that is almost a physical impossibility for you or anyone else to recall since May, all of the different calls and who gave them to me and what hour I got them and who gave them to me and who didn't call me and things of that nature, I just can't recall.

Q. Do you recall in what manner these people wanted to weaken the bill?

A. Oh, yes. They wanted the Mine Workers to compromise their position in some respects, all of which they had lost interest in.

Q. In what way did they want you to compromise your position?

A. Well, as you well know, perhaps, the United Mine Workers, after a lengthy study by experts, and knowing the industry as well as we know it, and realizing that coal miners are facing these hazards daily, both from dust and the other hazards incident to coal mining, our experts, after long study about the displacement of men and their employment and forcing these coal companies to reduce the dust hazard in coal mining—it was unlimited, in quantity and quality—they decided that we would be quite fortunate if we could force through the legislature, with the experience that we had with the legislative bodies since 1890, a three milligram requirement of the dust level in coal mines.

Personally, as a coal miner, I am not familiar with three milligrams, two milligrams, six milligrams, those are technical terms that are used by experts. Those are things that are picked out by other people as well as myself as being the proper terms. But after great consultation by the international executive board and the officers of the union and the experts that we hired, we felt that we would be very fortunate indeed if we could reduce the dust hazard to three milligrams, whereas the administration bill was calling for 4.5 milligrams, and then later reduced to coincide with the Mine Workers three milligrams.

Some Congressman, as I understand it, had 4.5 milligrams in his first bill, and when he found out that the Mine Workers had made a study of it he reduced his thinking to three milligrams.

We want the record to show that this union will never be satisfied until we have zero milligrams in the coal mines of this country, if that is physically possible, and we think it is, we think it can be accomplished. It may take some time. And that is what Congress is now considering.

That is why they wanted to know—we couldn't go for 4.5 milligrams, is my understanding, for a limited time. And when they found out that the Mine Workers—the president of the international union would not compromise, neither did he have the authority to compromise that position, that three miligrams was the set figure, and I didn't have the authority as chief executive officer of the union to arbitrarily reduce it or increase it—that had been agreed upon.

Then, after May 29——

Q. The question is about the morning of May 29, Mr. Boyle, which you have brought up. You said you had several calls between 9:00 and 9:30. You cannot recall who made them. Now, what specific compromise were they asking?

A. I had so many—let the record show that I have had so many calls since the time that Mr. Yablonski has been the acting director over there, because of his inexperience in handling matters of that nature, that I can't recall how many, and neither could you, if you were in the same position as I am in, as to how many of those offices and secretaries and assistants called me concerning the Mine Workers' legislation over there. I don't recall.

Q. You brought out the calls the morning of May 29 between 9:30, I didn't bring them up, you brought them up. You cannot recall who made them to you?

Mr. CAREY. That question has been answered. He says he can't. This is repetitious, Mr. Rauh.

By Mr. Rauh

Q. And you cannot recall what was said about the compromises?

A. No. But, you see, they were working diligently that day, particularly on mine safety legislation, and the record will so disclose. But Mr. Yablonski was not there, he was with you, attending a press conference in the Mayflower Hotel when he should have been over on the Hill promoting the safety legislation for the United Mine Workers of America.

As far as making his announcement of his candidacy was concerned, it could have waited to a more opportune time when our bills weren't in trouble, he could have waited until a weekend if he wanted to. He could have waited until some other time. But we worked it out, Mr. Rauh, we worked it out without him.

Q. You referred to a three milligram requirement of dust level. Could you explain that, please?

A. No, it is a technical thing that was arrived at by the experts. And they have agreed among themselves that in order to keep the coal mines, so I am told, and told by the safety director, and told by experts in the field of safety, told by the experts in health, and told by the experts that we contacted, that if we could reduce this dust hazard to three milligrams, and then work from that point on to zero milligrams, that we would have made a great accomplishment with this Congress over here, something that we have had great difficulty with. And I think you are aware of the fact that during the years gone by that the United Mine Workers were very unsuccessful in getting the legislation that they proposed for health and safety of coal miners of this country.

And it always required, it seemed, some major disaster to waken the Congress and waken the public and waken everyone to the fact that they ought to do something for coal miners. As soon as that cooled off, then we didn't get any legislation. That has been the history, before I became president, and to a degree since I became president.

Now, those bills need the constant attention. I don't mind telling you that that while your client is out of the city presently, it is my intention to go over on the Hill in his absence while he is on the campaign trail and further the legislation, when the office over there that I think in my judgment needs recontacting. And I am going to do it. Because I am vitally concerned and vitally interested, and paid, as he is, to promote the safety legislation that has been enunciated by this union.

Q. My question, Mr. Boyle, is, what does the three milligram figure mean? I don't undertsand it.

A. Well, like the man from Wales that we brought over here, it is a technical term. A lot of people figured that they use a three milligram arrangement in Wales and England. And much to the surprise of the committee, and much to the surprise of us, they don't use a milligram arrangement in measuring the dust quantity in the mines at all, they weigh it. I don't know that.

The committee didn't know it. Others didn't know it. The people that I had discussed it with, doctors and others, didn't know that they weighed it instead of using a milligram arrangement in determining the amount of dust. That is not a satisfactory—we are not satisfied with three milligrams, we want a zero milligram, if it is humanly possible to get it.

Q. I didn't ask you what you want, I asked you what the three milligrams measurement means.

Mr. CAREY. Just a moment. The question has been answered. Mr. Boyle has explained what he understands it to be. It has been provided to him by experts. It is a very technical area of coal mining. He has explained it. And I object to his being asked and asked and asked.

Don't answer any questions along that line, Mr. Boyle.

By Mr. Rauh

Q. What did you mean previously when you said you didn't understand what happened in Wales, that they did it by weight over there? What did you mean by that?

A. As I recall, the doctor—and it is a technical thing—the doctor that we brought over here said—I think in fairness to you, Mr. Rauh, that you should read his testimony. It will give you a better explanation than one that I could give you, because it uses technical phrases that I am not familiar with.

Q. Isn't a milligram weight, Mr. Boyle?

A. Not in the terms that it is used in Wales, no.

Q. In what terms is it by weight?

A. I don't recall. You would have to read the testimony of Mr. Googh.

Q. Isn't it a fact, Mr. Boyle, that you don't understand the three milligrams?

Mr. CAREY. I object to that, and I move it be stricken from the record.

The WITNESS. Oh, yes, we understand it. And that is the reason we put it in there, after consulting with experts. We understand it.

Mr. CAREY. Don't answer any more questions like that. You don't have to answer insulting questions. You are not here to be insulted by anybody.

By Mr. Rauh

Q. You referred previously to Mr. Yablonski not being here. Isn't it a fact that you approved his vacation while Congress was away?

Mr. CAREY. During what period particularly are you speaking of? Let's have the time.

By Mr. Rauh

Q. Isn't it a fact, Mr. Boyle, that you approved his vacation from August 14 to September 4 because Congress is away?

A. Yes, sir.

Q. Who are you going to see?

A. But if he were living in Washington, as he promised faithfully to do, and he got the job on the premise that he would move to Washington, and sell his estate—and believe you me, it is an estate—he should take you up there some weekend—and let me tell you, if he were here in Washington, vacation or no vacation, I would have the opportunity of at least requesting, suggesting or asking him to go over on the hill where I am going to go today to further this thing. But no, as I explained to you just previously, he is on the campaign trail. More power to him.

Q. Where does Mr. Kmetz live?

A. Where does he live?

Q. Yes.

A. He lives in Washington, D.C.

Q. Isn't he on vacation out of the city right now?

A. I don't think so, no. He is at home. I think you could call him on the phone and get him at home now.

Q. Are you going to use him while he is on vacation?

A. If necessary I will use him. And I am satisfied that Mr. Kmetz is of the caliber that would willingly come in and forsake his vacation completely and entirely if it was in the interest of the United Mine Workers. I have that much confidence in him.

Q. And Mr. Combs is in the city too?

A. As far as I know he is, yes, sir. He was seen yesterday or the day before.

Q. Have you used them while they were on their vacations?

Mr. Carey. This vacation or prior vacations?

By Mr. Rauh

Q. Have you used them while they were on this vacation?

A. I haven't any occasion to use them.

Q. Where were you going on the Hill today, Mr. Boyle?

Mr. Carey. I object to that. You have no duty to tell Mr. Rauh where you are going. Don't answer that question.

The Witness. Are you going to have lunch at Young's this afternoon, one of those long lunches? I am not. Are you going to have one of those long lunches over there? If you are, then maybe I can answer where I am going to have my lunch today. Paul Young's.

Mr. Carey. We have objected to the question. There is no duty on the part of the witness to explain——

The Witness. He knows what I am alluding to, when a man is off duty.

Mr. Carey. I prefer that you not answer the question and cease at this point, Mr. Boyle.

By Mr. Rauh

Q. You said that I knew what you were alluding to. Will you please state what you are alluding to.

Mr. Carey. I move that it be stricken. And he has no further comment on it.

By Mr. Rauh

Q. The relevance of the question on where are you going on the hill is credibility. On that basis I repeat the question. Will you state where you are going on the hill today?

A. I have refused to do so because I don't think that it has anything to do with the deposition.

Mr. Carey. On advice of counsel you refuse to answer because there is no duty on your part to explain to anybody where you are going to be at any time during this particular day, whether you are being deposed or not.

Mr. Rauh. Would counsel please show Mr. Boyle Mr. Yablonski's letter of June 2, and Mr. Boyle's response of June 12?

Mr. Carey. Did you say June 2 and June 12?

Mr. Rauh. Yes.

Let the record show that Mr. Boyle conferred with Mr. Combs during this deposition——

The Witness. Let the record also show that I asked him what time he had to leave the city today, because he is leaving the city.

Mr. Carey. What was your response, Mr. Combs?

Mr. Combs. I have to leave about noon. And may the record show that I have a commitment in the court at Pittsburgh having nothing to do with this case and I resent counsel's connotations that I was having a conference with the witness, because there is no foundation for that.

Mr. Carey. Let the record reflect that the conversation took the maximum of half a second.

May I see what those letters are to give me an idea?

Mr. Rauh. The letters to which I have referred are Exhibit B and Exhibit C to the Civil Action No. 1662–69.

Mr. Carey. Exhibit B is the letter addressed to Mr. Yablonski, Mr. Kmetz and Mr. Combs, from W. A. Boyle.

Mr. Rauh. You are looking at the wrong complaint. You are looking at 1799. This is 1662.

Mr. Carey. This deposition involves 1799.

Mr. Rauh. I am only referring to this to get the documents.

Mr. Carey. You said Exhibit B, and that is why I looked under 1799. Where else would I look?

Mr. Rauh. You don't have those exhibits? Then I will provide them.

Mr. Carey. They are here somewhere, but I just can't find them at the moment.

By Mr. Rauh

Q. Mr. Boyle, I hand you a letter dated June 2, 1969 from Mr. Yablonski to yourself, and your response of June 12, and ask you if they are what they purport to be?

Mr. Carey. I move that any interrogation involving the letter identified by date as June 2, 1969 from Joseph Yablonski to president W. A. Boyle, and the letter dated June 12, 1969 from W. A. Boyle to Joseph Yablonski, are irrelevant, immaterial and have nothing to do with the action, and I will suggest that he not answer any questions about them.

Mr. Rauh. We will just put the questions on the record, then, for the court.

By Mr. Rauh

Q. The first question, are these the two letters the letter which you received and the letter which is your answer.

Mr. Carey. We will stipulate to that.

Mr. Rauh. All right.

By Mr. Rauh

Q. In your letter of June 12 you refused Mr. Yablonski's request that you instruct all persons paid from the United Mine Workers of America funds in Washington and in the field to take a hands off position on Mr. Yablonski's efforts to get nominations and your efforts to do the same. You stated that to grant that request would require you to violate the law. In what way would it have required you to violate the law?

Mr. Carey. I have advised the witness not to answer the question. In the first place it is irrelevant and in the second place it calls for a conclusion of law.

By Mr. Rauh

Q. In Mr. Yablonski's letter of June 2 he requested that the Mine Workers' journal give his candidacy equal space with yours, Mr. Boyle. Your answer of June 12 was:

"Your request is in contravention of the international constitution and the law."

In what way would it have been in contravention of the international constitution and the law?

Mr. Carey. I advise the witness not to answer, because it has nothing to do with the litigation for which this deposition is being taken at this time.

Mr. Rauh. In Mr. Yablonski's letter to you of June 2, 1969 he asked the union to distribute his literature to the membership in accordance with Section 401. You responded that the matter contained in this point will be taken up at the next meeting of the international executive board. In view of the requirement of Section 401(c) why did you not grant his request?

Mr. Carey. I advise the witness not to answer the question. And I further suggest that that involves an entirely different action which is presently pending in the United States District Court for the District of Columbia. It is a legal matter which has not finally been determined by the ultimate court in this District, or in the Supreme Court of the United States.

It is a matter which is of serious legal import. And no one knows the conclusive answer to it at this point. And I advise the witness not to answer the question.

Mr. Rauh. So that Mr. Carey cannot say in court that he hasn't been advised of the relevance and can repeat his objection after I state the relevance, I will now state it.

Giving a legal answer which is probably incorrect is evidence of hostility by Mr. Boyle, and his refusal to state why it would have been illegal to grant our request is further evidence of his hostility to Mr. Yablonski.

Mr. Carey. Let the record reflect that the word "hostility" is a self-serving declaration. It is a word of prejudice. It is done for the purpose of either eventually finding itself in a newspaper. It has nothing to do with the particular matter being litigated here. And it is nothing at all that we are interested in at this particular time, because we are restricting ourselves exclusively to that which is being litigated in this deposition.

Mr. Owens. May we add the further objection that the purpose of all this is to try this case in the newspapers rather than in the court, and to lay the groundwork for that as they have been doing in the past.

Mr. Carey. And let the record further reflect that if Mr. Rauh's position is correct, every time a witness refuses to answer a question, legally or not, it is evidence of hostility. And I say there is no legal basis for the use of such a term.

By Mr. Rauh

Q. Mr. Boyle, were you present at a meeting of the international executive board of the United Mine Workers on June 23, 1969?

A. I was.

Q. Did you preside?

A. I presided, if my memory serves me correctly, for most of that meeting. Perhaps there was an interim period that I did not serve. I would have to look at the record.

Q. At any time during that meeting did you say that Ralph Nader's letter to John L. Lewis upset Mr. Lewis terribly, and that the letter couldn't have helped Mr. Lewis any, or words to that general effect.

Mr. Carey. I would suggest that there was a transcript made of this particular meeting, a copy of which has been provided to the plaintiffs. And the record will speak for itself.

Mr. Rauh. As you know, Mr. Carey, we question the validity of that transcript. And I am asking Mr. Boyle whether he made this statement—I am asking Mr. Boyle whether at any time during the course of this meeting he made the following statement or anything substantially equivalent, that Ralph Nader's letter to John L. Lewis upset Mr. Lewis terribly, and that the letter couldn't have helped Mr. Lewis any.

Mr. Carey. I object to the question, because I don't see its relevance.

Mr. Rauh. The relevance, Mr. Carey, is that we challenge as fake and incomplete the transcript which you filed. And I am now trying to ask Mr. Boyle under oath whether he said things that we believe to have been said, that we filed an affidavit on. And I cannot see that it can be possibly irrelevant. the validity of the transcript you filed. I am perfectly happy to take that one to court.

Mr. Carey. Let me suggest, Mr. Rauh, you use words very loosely, and you have no hesitancy in making generalized indictments of people. My observation of you during this litigation is that without any basis in fact you have made many allegations. So the fact that you refer to his as a fake doesn't affect us one iota.

We are content to rely on the record, which is the official copy of the transcript.

And further, what communication if any there was between Mr. Boyle and Ralph Nader has nothing to do with the removal of Mr. Yablonski as acting director of the Labor's Nonpartisan League. And I suggest it is irrelevant, it is immaterial, and there is no basis here at all.

Mr. Rauh. Is it your position, Mr. Carey, that the validity of your transcript is irrelevant?

Mr. Carey. I did not say that at all. I said that the transcript which is there is a valid transcript. Now, whether things were said off the record, which is customary at many of these meetings—that may have occurred. But I take the position that this is a valid legal document which is the official transcript of the executive board meeting of June 23. Now, if someone speaks off the record—and Mr. Yablonski knows this well—there are many things said off the record. And apart from that, I say that that question is not germane, it is not relevant, it is immaterial, and it is done only for prejudicial purposes.

By Mr. Rauh

Q. So that the record may reflect this, Mr. Boyle, did you say on or off the record at the meeting on June 23 substantially as follows:

That Ralph Nader's letter to John L. Lewis upset Mr. Lewis terribly, and that the letter couldn't have helped Mr. Lewis any?

A. Shall I answer?

Mr. Carey. If you recall.

The Witness. Well, if I didn't say it then, off the record or on the record, because I haven't read the record, I don't have time to read the record—you evidently have the time—I will take the record—a man is sworn as I understand it to give an accurate, true record of what transpired at the board meeting. Mr. Yablonski proudly says he has been a member of that board for 20 some years. He has spoken off the record on numerous occasions, and every board member speaks off the record on numerous occasions. And if I didn't say it about Mr. Nader at that time, I will say it now, I will say it now—would that satisfy you? That the letter greatly disturbed—yes, I will say it now, I don't recall whether I said it then or not, but if it will satisfy you and be of any comfort to you, I will say it now, that the letter to John L. Lewis with respect to the things that he said in there about his protege, so to speak, a man that he brought in to train to take over the responsibilities of this union, a man who told your client he would never be an international officer because he was an ex-convict, and in my presence—certainly it greatly disturbed Mr. Lewis. I will say it now.

I don't recall whether I said it then. I would be happy to say it now.

Mr. Rauh. Did you say it then, Mr. Boyle?

Mr. Carey. He has answered the question, he says he doesn't recall.

The Witness. If I didn't say it then I am saying it now.

Mr. Carey. You have answered the question. Don't answer any more.

By Mr. Rauh

Q. Did you say several times—did you make reference several times to that "camel rider from Lebanon?"

A. I don't recall that.

Q. You don't have any recollection——

Mr. Carey. Just a moment. He has answered the question. He doesn't recall it, period. He is not going to be asked the same question a second time.

Mr. Rauh. It is very proper, Mr. Carey.

Mr. Carey. No, it is not. He has answered that question Don't you answer another question involving that. We are not going to indulge in repetition here.

By Mr. Rauh

Q. Have you ever used the phrase with respect to Mr. Nader "that camel rider from Lebanon?"

A. I don't recall. I could use lots of statements about Mr. Nader, because Mr. Nader started off in the first instance making a lot of statements about the president of the international union, the United Mine Workers of America. Do you want to ask him some questions?

Q. I am trying to find out, Mr. Boyle, what was said off the record at the June 23 meeting. It is clearly relevant, since that is where the action was taken against Mr. Yablonski. Do you recall whether you said on or off the record that a number of those riders had been near your home at different times, and that you were going to do something about it.

A. If I didn't say it then I will say it now.

Q. Did you say it then?

A. I don't recall. But if I said it—I have said it some times—I don't know whether I said it at the board meeting, but I have said it at a number of places, and I will say it now.

Q. Did you say you were going to get guards to protect you from the Nader's raiders?

A. No, I never did.

Q. Did you say on or off the record that you wanted it definitely on the record that there were no lawyers in the meeting.

A. I don't recall any lawyers being there——

Mr. Carey. Just a moment. Let me suggest this, that the transcript will reflect that specific item. Let us have the transcript, and we will answer the question.

By Mr. Rauh

Q. Did you say on or off the record that "we have been called by Joseph Yablonski's lawyers prior to the meeting, and we are informed of the lawyers belief that the board was planning to remove the board member from District 5, but that the board had fooled the lawyer," did you say that on or off the record?

A. That is quite a long question. I would like to have that again. Did I say what?

Q. "That we were called"——

A. Quote by whom?

Q. I am asking you if you said that?

A. Whom quote?

Q. I am asking you if you said that?

A. Yablonski's quote or my quote?

Q. Your quote. I am asking you if you said on or off the record substantially the following: "That we were called by Joseph Yablonski's lawyer prior to the meeting, and were informed of the lawyer's belief that the board was planning to remove the board member from District 5 from the board, but that the board had fooled the lawyer," did you say that on or off the record on June 23?

A. I don't recall.

Mr. Carey. And let the record reflect that Mr. Rauh called me and asked me if Mr. Yablonski was on the agenda to be removed as acting director. And I said it was ridiculous, there was no such thing on the agenda on June 2. Do you recall that conversation.

Mr. Rauh. Yes.

Mr. Carey. And what did I tell you?

Mr. Rauh. That you weren't planning that.

Mr. Carey. Did anything occur on that date?

Mr. Rauh. Yes. We beat you in court that afternoon and made it impossible for you to do it.

Mr. Carey. I am asking you about the meeting. Was I correct in what I told you.

Mr. Rauh. You were incorrect. And the reason you couldn't get away with your trick, Mr. Carey, was that I beat you in court, and got Mr. Yablonski to be made a formal candidate that afternoon, and you couldn't remove him the next Monday.

Mr. Carey. That is completely untrue. This is June 2, 1969, that I am talking about. And there was no litigation in court.

Mr. Rauh. Anything about a conversation on June 2? This conversation was on June 20 that I am referring to.

Mr. Carey. The biggest mistake I made was talking to you at all about the matter. I guess we all make boo-boos, and that was mine.

By Mr. Rauh

Q. Mr. Boyle, do you have any recollection on or off the record of having said anything whatever about Mr. Nader at the June 23 meeting?

Mr. Carey. I will object to its relevancy. But you may answer it if you can, Mr. Boyle.

The Witness. I don't recall whether it was on the meeting or during the meeting or off the record or on the record. But I have said several things about Mr. Nader in public, in meetings and elsewhere. He was a man that was injecting himself into affairs that he knew nothing about, and things of that nature. Yes, I have said those things, but I don't recall whether I said it on the record or off the record at that board meeting.

And if it was said off the record, let the record show, Mr. Rauh, that it had no effect upon the resolution that was adopted by the international executive board, because any off the record remarks that were made that I would have any recollection of were certainly after the adoption of the resolution, because they would not be germane to the resolution, and they would not be permitted to be discussed before the resolution by me or anyone else.

They must have been after the international executive board made a determination and made a decision as it did by resolution, a copy of which has been supplied to you.

Mr. Carey. If they occurred at all.

The Witness. If they occurred at all.

Mr. Rauh. Mr. Carey, I just call to your attention that you added to Mr. Boyle's testimony the words "if they occurred at all." Mr. Boyle is testifying, Mr. Carey.

Mr. Carey. I am thoroughly aware of that.

Mr. Rauh. Would counsel for Mr. Boyle please show him page——

The Witness. Can I get a drink of water?

Mr. Rauh. We will adjourn for 10 minutes while the reporter rests and changes his paper.

Mr. Combs. For the record, I am going to have to withdraw from taking this deposition. I have a commitment in court in Pittsburgh, and I have to catch a plane.

Mr. Carey. So that there is no question that I am coaching him, while Mr. Boyle goes out I will remain here.

(Short recess.)

By Mr. Rauh

Q. Will the counsel for Mr. Boyle please show him the purported transcript of the June 23 board meeting.

Mr. Carey. Any specific page?

Mr. Rauh. Page 17.

By Mr. Rauh

Q. At the bottom of that page, Mr. Boyle, you state:

"Now we have another resolution. Before we read this resolution let the record reflect that I don't see any lawyers or press men in here."

What was the cause for that statement?

A. Whether it was on the record or off the record the purpose of that statement was because Mr. Yablonski wanted to be represented at a meeting of the international executive board by his attorney, Mr. Joe Rauh. And it is traditionally and historically so in the Mine Workers organization that at executive board meetings never in the history of the organization, in all of its—since 1890—have lawyers been permitted to come before the board for one side or the other and argue a case, it has been a matter of policy making, a matter within the union, it was matters that were strictly in conformity with the constitution, and matters to be discussed between the individuals and not lawyers.

So when Mr. Yablonski made the request that you be there, I told him that there were no lawyers in the room whatsoever.

Q. In what form did he make a request?

A. In a statement on the floor.

Q. Where is the statement, please?

A. I don't have any statement. I said it was either off the record or on the record. It may be in the record. I never read the record.

Q. Will you please read the record and see if you can find it?

A. I don't know. He may have been speaking off the record.

Mr. Carey. Stand on the position you took.

The Witness. He wanted to be represented at that meeting—does he deny that—by you. Does he make an assertion that he doesn't want to be represented at that meeting by you?

By Mr. Rauh

Q. Isn't it a fact, Mr. Boyle, that he wrote you a letter and asked to be represented by counsel?

A. It could be. But again I say to you that the international executive board and this union does not permit lawyers for either the plaintiff or the defendant to argue their case before—it is not a court of law, it is a policy making body. It is a union matter exclusively, it is not a court of law, and lawyers are not permitted to argue the case pro and con before the international executive board.

If Mr. Yablonski is capable, as you say, and others, of being the president of the United States United Mine Workers of America, he should have been able to defend himself without a lawyer, the same as every other coal miner does.

Q. Isn't it a fact, Mr. Boyle, that on June 23 earlier that day Mr. Yablonski wrote you saying that "when you take this matter up with the international executive board later on you permit me to have counsel present?"

A. That letter, I believe, is the letter that came after the board meeting, isn't it? He had someone deliver the letter after the board session was over, trying to build up some more newspaper material, I suppose.

Q. Now will you explain when the request came that caused you say that there are no lawyers present?

Mr. Carey. That presents facts which aren't in the record. You may ask him, was he aware of any request by Yablonski or anybody else to be represented by legal counsel. Now, there is no evidence in the record to suggest that this comment was provoked by any request by you or anybody else. Now, why did you make that request—that is the way it should be phrased—why did you make this observation?

By Mr. Rauh

Q. Why did you make that observation, Mr. Boyle?

A. Because Mr. Yablonski wanted to be represented by you before the board for the first time in the history of the organization.

Q. And what form was that request by Mr. Yablonski in?

A. Orally.

Q. Can you point to it on the transcript?

A. I said orally. He made the statement orally, if my memory serves me. And then he sent me a letter after the board meeting saying that he wanted to be represented by counsel. It came a little bit too late.

Q. Was the oral statement to which you refer made to you personally or made before the board?

A. Well, as I recall, it was made before the board. I don't recall, to be exact.

Mr. Carey. Just a moment. You mean before the board or before the board meeting? What do you mean by before? Let's be precise and speak with clarity? Is this before the board or before the board meeting? I would like to know what you mean.

Mr. Rauh. Are you asking me, Mr. Carey?

Mr. Carey. Yes, sir.

Mr. Rauh. You don't have a right to ask me questions. I shall ask the questions of Mr. Boyle.

Mr. Carey. I have a right to have you phrase your questions so that they are intelligible for the witness to answer correctly. And I say before, it is susceptible of two interpretations. It means when the board was in session or before the board was called into session. And I would like to know which one you mean.

By Mr. Rauh

Q. I will let Mr. Boyle answer the question. When and where did Mr. Yablonski ask to have legal representation?

A. As I recall, it was either when the board was in session or it was before we entered into session, it was in the board room, as I recall, when he made the statement that he wanted to be represented by counsel. And I said:

"There are no counsel here at all, there is going to be no counsel here."

And there was no counsel there, either representing—notwithstanding that the United Mine Workers organization down through the years have ordered and directed and requested that counsel be present at board meetings because of litigation and law suits and things of that nature, on this particular day there were no lawyers there, none on either side.

But he wanted from the floor—I don't know whether it was while the board was in session or before the board went into session, but Joe Yablonski—you know him quite well—is not reluctant to ask questions of that nature on or off the record. And he asked that he have the privilege of having you there. And I told him that there would be no lawyers there. It is not a court of law.

Q. Was this request of Mr. Yablonski's made after you had called the meeting to order?

A. I don't believe it was. I believe it was before.

Q. Was it made in a private conversation with you?

A. No, it was made from the floor.

Q. In other words, it is your testimony that Mr. Yablonski made a request of you from the floor before the meeting was called to order?

A. Well, I don't recall whether the board was off the record or on the record, or whether the board was in session or wasn't in session, but he did ask during that period of time that he be represented by counsel, Joe Rauh. He mentioned the name.

Q. Isn't it a fact, Mr. Boyle, that you got that letter prior to the board meeting?

A. Now listen, don't you question my integrity, because I will get up and walk out of this place before I will have you impugn my integrity. I told you the fact, and I told you the truth. And if you don't want to accept them, I am not going to sit here and be insulted by Joe Rauh. I don't have to, and I won't.

The court hasn't told me that I have to sit here and be insulted by you, told that I am a liar, that I received the letter. I have testified that that letter came after the board meeting, and if you don't want to accept that on the record, then don't call me a liar, because you are not big enough.

Let's get that understanding. And I am not going to remain here, counsel's advice notwithstanding, and be insulted by you. If you want to get in the newspapers tomorrow morning like you were this morning, go to the newspapers and get this in there, that I walked out of your meeting. That is exactly what I will do if you impugn my integrity again and my truthfulness. I am telling you the truth. I am under oath, and you are not, and I am telling you truthfully and honestly what transpired. And I am not going to sit here and be insulted by you.

You have got a reputation of insulting people, and you are not going to insult me. I am not going to take it from you, I don't have to. I can walk out of the office, and we will find out from the court whether the court can order me to stay in here and be insulted or not.

Don't call me a liar during the rest of these conferences, or I am not going to be here. I am under oath, and I am telling the truth to the best of my knowledge.

Q. Are letters stamped in for time at your office, Mr. Boyle?

A. Do which?

Q. Are letters received in your office stamped to show the time in which they are received?

A. No, I don't believe they are. The dates are put on them. We don't have a time clock, we have no time clocks that I know of in the office.

Q. Did you ever ask your secretary what time she got that letter?

A. Yes. She told me that she got the letter after we came back from the board meeting, is when I read the letter.

Q. Did you ask your secretary what time the letter came in?

A. No. The letter came in while we were in session, I know that.

Q. Would you change your testimony if we had an affidavit that it was delivered at 10:30 and the board meeting started at 10:45?

A. No, I wouldn't change my testimony to that effect at all, because I had no knowledge of the letter until I came back from the board meeting, no, the affidavit notwithstanding.

Q. What time did the meeting start?

A. I don't recall. The minutes will show.

Q. Will you look at the minutes and state the time the board meeting started?

A. That doesn't mean that I went to that board room at 10:45, because it said the board was called to order at 10:45.

We could have been in there at 9:00 o'clock, 9:30, 9:45, 10:00 o'clock, we go in there at any hour. Lots of times we don't go in there maybe until after the board is in session—not in session, but after the hour it is supposed to convene, we are delayed because of some other matters. That doesn't necessarily mean that the people weren't sitting around in there discussing and talking, and in coal miners' language, shooting the breeze in there at 10:00 o'clock. I suppose there were fellows in there before 9:30 in that board room, and the meeting started on the record at 10:45.

Mr. Carey. Is it customary to have conferences with other international officers before you walk in?

Mr. Rauh. Mr. Carey, you are not taking this deposition, you cannot interrupt to ask questions. You can ask any questions you want at the finish.

By Mr. Rauh

Q. Mr. Boyle, hadn't you given your secretary instructions to deliver immediately all matters relating to Mr. Yablonski?

A. No. Why would I? Mr. Yablonski would write, as he is writing to me now. What he is writing to me now is not delivered to me immediately. Why would he get preferential treatment immediately? I have other things to do.

Q. Wasn't the June 23 meeting called primarily on the resolution of Mr. Yablonski?

A. Not necessarily so.

Q. What was the primary reason for it being called?

A. There was a number of things. Read the minutes, and they will disclose what it was called for. They speak for themselves.

Q. What was the primary reason for the meeting of June 23?

Mr. Carey. If there was a primary reason.

The Witness. I don't recall what all transpired.

By Mr Rauh

Q. I am not asking you what took place, I am saying, what was the primary reason why that meeting was called?

Mr. Carey. I suggest that the witness be allowed to look at the index and let him read it over and determine if there is any primary reason for calling that particular meeting.

The Witness. Lots of time meetings are called—

Mr. Carey. Read the index to yourself, Mr. President, the agenda.

The Witness. Yes, I can see, now that you direct my attention to it, the primary reason for the meeting.

By Mr. Rauh

Q. What was it?

A. It was because the United Mine Workers of America were without a trustee representing the United Mine Workers on the Welfare and retirement fund. And the selection was made. And they selected the president in the name of W. A. Boyle as a successor to John L. Lewis as trustee of the welfare and retirement fund. This was of great importance to us. And that was one of the reasons it was called. I would say if there is any primary reason connected with it, that it was of vital importance to the Union to have representation on there.

And another thing that now come to my attention after looking at the index, is that for the first time in the labor movement of this country, without exception, in any organization or any labor organization whatsoever, we established for the first time at that meeting something to promote the health and well being of the coal miners in this union when we set up a new department known as the Occupational Health Division of our organization. And we set that up. And we recommended that Dr. Kerr, Loren Kerr head that department.

Another thing that was of vital importance to us was a discussion of a memorial to John L. Lewis in memory of his service of 40 years as president of this organization. I believe that was one of the first things that was under discussion, if I recall. And that was a reason also, that we wanted to discuss when, where and how we could have a memorial arrangement in honor of this great labor leader.

Q. So it is your testimony that ratification of your action on Yablonski was not the major reason for the board meeting?

A. Absolutely not.

Q. Who wrote the resolution on Yablonski, Mr. Boyle?

A. The one that was adopted by the international executive board you are talking about?

Q. Yes, sir.

A. It was drafted in my office with the aid and assistance of materials drafted for Mr. Yablonski by you. Attorneys and everyone else, international officers, everyone discussed it. And I asked Mr. Yablonski, for your edification, if this was a letter from Joe Rauh or a letter from Yablonski.

He said: "Well, my name is signed to it."

And I said: "That isn't the question, Mr. Yablonski. Who wrote the letter?"

And he admitted you wrote it. It is nothing uncommon.

Q. Where is that, Mr. Boyle?

A. I believe it is in the record.

Q. Could you point to it, please?

A. No, I can't.

Q. Are you refusing to answer the question? I am asking you to point out where in the record it shows that he said that I had written it.

Mr. Carey. He didn't say that at all.

The Witness. I didn't say that.

Mr. Carey. That is a misconstruction of what he said.

Read his answer, Mr. Reporter, please.

(The record was read as follows:)

"Answer: It was drafted in my office with the aid and assistance of materials drafted for Mr. Yablonski by you. Attorneys and everyone else, international officers, everyone discussed it. And I asked Mr. Yablonski, for your edification, if this was a letter from Joe Rauh or a letter from Yablonski."

The Witness. So he told me.

Mr. Rauh. Now, my question is, is this part of the transcript?

A. I don't believe it is.

Q. When did he tell you that?

A. When we were discussing the exchange of letters.

Q. When was that?

A. That was on the 23rd day of June, I believe.

Q. During the board meeting?

A. Not necessarily would I say it was during the board meeting. If it was during the board meeting it would be on the record. Because that reporter, as this reporter, I suppose, is under oath to record what goes on the record and what goes off the record.

Q. Are you denying that you wrote those letters from Mr. Yablonski?

Mr. Carey. Mr. Boyle, Mr. Rauh doesn't have to answer that question because he is not being deposed.

The Witness. Well, he doesn't have to ask the question either. If he is privileged to ask the questions I am privileged to ask questions as a layman. He can't ask questions and give the answers as well, and frame them in such a way and get the answers he wants without me asking him questions, Mr. Carey. If he confines himself to asking the questions I will try to confine myself to giving the answers in reply.

By Mr. Rauh

Q. Isn't it a fact that Joe Yablonski didn't arrive at that board meeting until about 10:45, when the meeting started, and there never was any such conversation that you are suggesting?

A. No, that is absolutely—as far as I recall Joe Yablonski was in the board meeting and in the board room when I arrived, at the seat, sitting there. And the reason I recall very vividly that he was there is because others will tell you that he was there.

Q. What time did you arrive?

A. I don't recall.

Q. Who took the transcript of the meeting of June 23?

A. The reporter, one of the reporters, I don't know his name, but one of the reporters, I don't know him—I shouldn't say I don't know him, I know him to the extent that he has been taking these things for years and years, I don't know how many years. And I don't know which one it was, because they relay according to their schedules, I suppose. Sometimes—they belong to the same firm, but they relay different ones. I don't know this fellow. I don't recall which one it was.

Q. What was the firm?

A. I don't even know the name of that. That is how familiar I am with the reporters. I don't have anything to do with the reporters, very little. I never talked to them, only when I am in the board room. The only time I ever see these reporters to which you allude is when they are in that board room taking down the minutes.

Q. At the next deposition will you supply the name of the reporting firm, please.

A. We may have it now.

Do you have it in our files now?

Miss Richards. We use an Indianapolis firm known as the Mann firm. But he sends people from Washington.

Mr. Carey. Do you want this on the record?

Mr. Rauh. Yes.

By Mr. Rauh

Q. What is the firm, Mr. Boyle?

A. The firm that has been used for a great many years is Mann. And they are an Indianapolis firm. And long before my moving to Washington and long before the Mine Workers moved to Washington, it is my understanding that they used that firm when the headquarters were over in Indianapolis. That is just hearsay on my part, I don't know that to be a fact. And they have continued to use that firm. They may have some local reporters around here, I don't know.

Q. I believe you said earlier that everybody joined in writing the resolution. Could you please state several of the everybody?

A. Well, what I intended to say was, if I said everyone wrote it, of course everyone didn't write it, everyone discussed it.

Q. Who wrote it, Mr. Boyle?

A. The resolution was drafted and put in final form, I believe. by the legal department.

Mr. Carey. We will stipulate that the final form was drafted by the legal department. Does that satisfy you?

Mr. Rauh. Would the counsel for Mr. Boyle please place the resolution before him.

By Mr. Rauh

Q. Do you have before you, Mr. Boyle, the resolution which was adopted at the June 23 international executive board meeting?

A. I do.

Q. Will you please look at the last "whereas."

A. The last "whereas?"

Q. Yes, please. I ask you to state what the opposition to the policies of the international union by Mr. Yablonski is to which you refer in that resolution.

A. Well, I will be very happy to comply with your request, Mr. Rauh. By being repetitious——

Mr. Carey. Just a moment, Mr. Boyle. Before you restrict it to one "whereas," I think you should take a look at the prior "whereases"——

Mr. Rauh. Mr. Carey, this is tipping the witness. I asked him a question, I didn't expect you to answer.

Mr. Carey. I am not tipping the witness. I didn't expect you to take something out of context and get the witness to answer as to one specific "whereas." I suggest that he look at the whole thing.

The Witness. That is just what I was about to tell him. I am quite familiar with the whereases.

By Mr. Rauh

Q. The question is, what policies of the international union did Mr. Yablonski oppose?

A. Well, when the international union adopted a policy of procedure on legislation and had legislation introduced in both houses of Congress, after Mr. Yablonski's statement that I was inept and passive of May 29, Congressmen, Senators, began to lose confidence in whether the Mine Workers were sincere in wanting this legislation passed or not, because Mr. Boyle—because of someone on the international executive board had said he was inept and passive. Those men had not read what he said about me on May 2, where I was the greatest labor leader in the country today, they didn't read that, that record was not read. So they took it for granted that we weren't sincere.

And my office would receive calls, and men who were working in Labor's Nonpartisan League would be contacted, other than Mr. Yablonski. And they said, now, after all, how much do you want? How far are you going to go on this? How much of it do you want? Are you sincere about this whole thing? We didn't have that, we weren't confronted with that until Mr. Yablonski read his statement, with your help, on May 29, before the press that I was inept, and passive, satisfied, so to speak, and wasn't doing things that were necessary to get legislation through.

So it made it most difficult, it made it most difficult to try to go back and go over all of the work that had been done prior to Mr. Yablonski's time by everyone connected with our legislation, and convince those people that we were sincere, that we did want this legislation, that we did have to have this legislation.

That should answer your question, Mr. Rauh. I hope you have answered it—I have answered it to the best of my ability when I say that we had no alternative but to remove him as acting director, a job that he was not familiar with, a job that he had only been on since the 21st day of May until he made his statement that I was inept and passive. I was a great guy before that. I made all kinds of great accomplishments, in the opinion of Mr. Yablonski, if you want to read them, the statement where he introduced me at the convention, and he introduced me on April 1st at a luncheon in Pittsburgh. He asked to do so because he was a board member from that district.

Then he asked, did he have the privilege of introducing me at meetings at Richwood, West Virginia in April, I believe it was.

And then he asked for the same privilege of introducing me in District 31 following that. And then he asked again to have the privilege of introducing me in Charleston, West Virginia, where those who were present heard him say that I was the greatest man in labor today and was pushing for stronger legislation than had ever been introduced by the United Mine Workers in the history of the organization, and that this man was leading the coal miners of this country to greater things in six years time than any other predecessor ever led them to in a like number of years, or in the time that they served, and words to that effect.

All of those things I believed. I was naive. I accepted them. I thought he was honest. I thought he was an honest person in saying those things.

And much to my chagrin and shock, I find that all of a sudden, within a period of less than 10 days, 9 days or so, I became a culprit or something, I am not for all of these things, I am not for the passage of this legislation. But at all times before these 9 days I was the greatest man in labor, I was pushing for all of these things, I had asked for more things over there than any other president of the United Mine Workers had ever asked for, all a matter of record somewhere.

The press carried them, the press carried his statements to that effect. And I read it, I read it with my own eyes. And I was shocked to say the least to read that all of a sudden in 9 days time I was inept and passive.

What do you suppose the Congressmen of the United States thought? They must have thought, they couldn't think otherwise, that this man Boyle had changed his mind, he is not sincere, he doesn't mean what he says. And here comes along a man that has been introducing him since last September as the greatest man in labor, and asking for more things than what can be accomplished by any other president of the United Mine Workers of America—all of which was wholly untrue as far as I am concerned, but he said it, I didn't say it, he said it—and the Congressmen, I suppose that is what prompted their calls, and their discussions with the rest of the representatives over on the Hill, one with the other, how far do these United Mine Workers want to go on these bills?

Are they going to be satisfied with a weak bill, a strong bill, or no bill at all? And I am sweating blood, and the rest of the men are sweating blood, to try to get this legislation through. And that caused a great confusion in the minds of many people over on the Hill as to whether or not we were sincere in wanting these things.

And that is why I said that he could no longer go around the halls of Congress and convince these people. And I don't believe that I am far afield when I say that he isn't convincing anybody about anything over there any more.

I haven't restricted him, and I haven't restricted him in any way, shape or form, he hasn't been restricted. But I think the people have lost confidence in him, because I have told them what the United Mine Workers of America and this president wants, and we will take no less. And now they believe me again. But he ruptured all of that by his, what I call inept statements.

You were misled on that one, Mr. Rauh, because it did the coal miners of this country untold damage. And the coal miners of this country know it. The coal miners of this country are being called by Mr. Congressman and everyone else, so I am told, asking, what do these miners want? There seems to be a division in the policy of the mine workers organization. When we adopt a policy in the United Mine Workers organization, whether I like it or don't like it, and when the convention adopts the procedures, whether I like them or don't like them, I am compelled and controlled by those actions of those people, in the democracy that prevails in the United Mine Workers organization I am compelled to do that.

And it might interest you to know that Mr. Yablonski voted for all of these things along with everyone else. And in all of his time on the international executive board—and I was there before Mr. Yablonski was—in all the time that he has been on the international executive board up until now, up until the middle of May, so to speak, when he changed his mind for some reason, he has voted for these very same things, and he voted for this legislation that he now says isn't any good, that I am passive, that I am inept, he voted for them. And he never voted no once on the international executive board with one exception, when the board unanimously selected me to be the trustee of the welfare and the retirement fund in Mr. Lewis' place, he refrained from voting, which was the same as voting no.

That is the only record that I can find in the history since he has been a board member that he voted against the policy of the organization or against the majority.

That is why I was compelled to remove him, so that he discontinued going around telling people on the Hill, they don't mean what they say.

Q. You say that a lot of Congressmen called you after Mr. Yablonski said you were inept and passive. Could you name a few?

A. I don't know that they were all Congressmen. Some of the AAs—I said, if you will read the answer, that a great many of them were contacted by the other representatives of Labor's Nonpartisan League, namely, Mr. Kmetz, and Mr. Combs, is what the answer is, regardless of what your associate has written to you on it.

Q. You didn't say earlier that some Congressmen called up after——

A. Yes, I have had calls from Congressmen. And I am not going at this time to disclose their names so that they are put in jeopardy, either. I have got plenty of them that called me, and they are not going to be threatened or placed in jeopardy by talking with me. I don't have to, I am not required to under the deposition. I don't know what purpose it would serve to tell you that John Doakes called me from the State of Florida or Indiana or Timbuktu on this legislation, I don't know for what purpose that would serve this deposition.

Q. I will tell you, you said a number of Congressmen called you after Mr. Yablonski called you inept and passive. I question that. And I ask you to state the name of a single Congressman or his office that called you.

A. And I am not going to put them in jeopardy by telling them, I am not required to.

Mr. Carey. Can you recall their names?

The Witness. No, I cannot recall their names.

Mr. Rauh. Again, Mr. Carey, I suggest that you had no right to ask that question. To clear up the record, you have the right at the end.

Mr. Carey. I would rather clear it up now. I believe in doing things properly and quickly and get it over with.

By Mr. Rauh

Q. Did you consider it opposition to the policies of the international union to call you inept and passive?

Mr. Combs. Don't answer that. He has gone over that several times.

By Mr. Rauh

Q. Can you name a single policy of the international union that Mr. Yablonski opposes?

Mr. Carey. You have answered that question, you said that you will take the document as a whole, you are not going to take it out of context. And you stand on that position.

The Witness. Read in the newspapers what he said recently.

By Mr. Rauh

Q. What are you referring to in the newspapers about what Mr. Yablonski has said recently that you consider opposition to the policies of the international union?

Mr. Carey. I am going to direct you not to answer, because this occurred subsequent to his removal from office, and it has nothing to do with the issues being litigated. I will direct you not to answer.

Mr. Rauh. This is the first time I have ever taken a deposition with two lawyers testifying for the witness.

The Witness. Let the record show that there is two lawyers that are questioning me too.

Mr. Combs. We are not directing the witness, nor have we said a word to him.

The Witness. I guess he is a lawyer.

Mr. Carey. He is a courier with baggage. Let that observation remain, because it carries no import. I am used to this with Mr. Rauh.

By Mr. Rauh

Q. I call to your attention the fact, Mr. Boyle, that when I asked you what policies of the international union Mr. Yablonski opposed you referred solely to the fact that he had called you inept and passive. I now ask you whether you can name a single policy of the international union which Mr. Yablonski has opposed.

A. I refer you to the resolution.

Q. What part of the resolution.

A. All of it, in toto, and the minutes of the board meeting, a copy of which you have been supplied.

Q. But you refuse to state the differences of policy?

A. I am not getting into that.

Mr. Carey. Answer the question, and don't answer any further questions involved in that particular matter. This is repetitious.

By Mr. Rauh

Q. On July 15, 1969, in opposition to our efforts to obtain a preliminary injunction reinstating Mr. Yablonski, Mr. Owens, your attorney, made the following statement at page 17:

"Here is Mr. Boyle, charged with the duty of carrying out this important function, fighting Congress in legislature to get specific legislation."

What specific legislation are you seeking in Congress?

A. If I understand the question, you are speaking about the international secretary-treasurer, John Owens.

Q. No, this was the statement of Mr. Willard Owens at the hearing.

A. I suppose he referred to safety legislation, I don't know.

Q. What specific legislation are you seeking to which Mr. Owens was referring? What legislation do you want?

A. I think that that is very simple. I think that everyone knows what legislation we want. I think that that question is completely—presently we are—first, we are interested in all labor legislation, but primarily we are interested in the health and safety bill before the Congress.

Q. Which bill?

A. I forget the number of it. If you will just permit me to finish my answer, I will go ahead. Of course, if you are going to interrupt me, I can't finish. Maybe if we can arrive at some kind of an understanding between you and me that you ask the questions and let me give the answers we will get along much faster.

We are primarily interested in the mine safety legislation, the dust control bill, two separate bills. And we are also interested in the pneumoconiosis bill, the only one before the Congress of the United States presented for introduction by the United Mine Workers of America after receiving the proper approval. These are the three bills that we are primarily interested in. There is other legislation over there as it affects labor, certainly, and as it affects the cause of the common man and the working people of this country.

The United Mine Workers do the best they can to aid and assist in the passage of that legislation. And that has been historically true of the United Mine Workers Union. I think it can be factually said, and truthfully said, and the record will reveal, that the United Mine Workers organization was responsible for the passage of the Social Security Act, if any labor organization was responsible for it, the Workmen's Compensation Improvement, and things too numerous for me to recall right now that the Mine Workers are concerned in.

And I know that you would be greatly interested in knowing that we were successful just of recent date in the great state of Ohio for the first time in getting a bill passed through that Congress over there for the victims of pneumoconiosis. I was asked to come over here and meet with the Governor and the officails of the government and the Senate and the House, and I took time out on a weekend from a busy schedule and went over there and did that. And we were successful. And I played a small part, I suppose, in getting that bill through.

When I arrived the bill had passed. I believe, 8 to 4, in the House, and was killed in the Senate. And it was passed after.

Those are the things that we are concerned about in every state, and over on the hill.

Q. Are you finished?

A. Yes.

Q. You referred to three bills, specific bills on the hill. Will you state exactly what those three bills do and who the authors of the bills are and give us the details of that?

Mr. Owens. That is irrelevant. We will furnish copies of the bills and put them in the record, and you will have the number and all that.

Mr. Rauh. I suggest to you, Mr. Owens, that Mr. Boyle is purporting to be active on legislation, and I am cross examining now on the question of whether he knows anything about legislation. This is very relevant.

Mr. Owens. How would that be relevant? You are talking about whether the removal of Mr. Yablonski was a reprisal for running, not about the specifics of the bills.

Mr. Rauh. Mr. Boyle himself has continuously said how he had to act in Mr. Yablonski's place. I am suggesting—and I am questioning on the point—that Mr. Boyle can't act in Mr. Yablonski's place because he doesn't know a single thing about the legislation. I am trying to get at the question. And it is very relevant.

By Mr. Rauh

Q. Mr. Boyle, my question is this. You referred to three bills on the Hill. Will you state their authors and anything about those bills that you know?

A. Do you want me to answer that?

Mr. Carey. In the first place, let me reply to the snide observation of Mr. Rauh that Mr. Boyle knows nothing about the legislation which is pending, which he knows is completely untrue. He made that observation without anything to support it at all. And I particularly resent a generalization such as that which is so contemptible coming from a member of my profession.

Mr. Boyle has sponsored legislation on that bill for a period of years, long before Mr. Rauh was familiar with a coal mine or knew what a coal mine was. Now, the specific legislation we are willing to identify by number as to House and Senate.

These bills have been proposed at the behest of the United Mine Workers of America. We are perfectly content to hand him at his convenience a copy of these proposals. Now, we are not going to get into the specifics of legislation, because it is not relevant to the matter here. The only issue that this litigation is about is whether Mr. Boyle had the right to remove Yablonski as acting director of Labor's Nonpartisan League on June 6, 1969.

What occurred subsequent to that is of no moment as far as that issue was concerned. The question is, what occurred prior and on that specific date. Anything beyond that is not relevant, it is not material, and it is not germane. And if this man wishes to indulge in a fishing expedition in order to clutter up this record with irrelevant material, he may ask the questions, and I am going to advise the witness not to answer.

By Mr. Rauh

Q. My question is, Mr. Boyle, you referred to three pieces of legislation on Capitol Hill in which you were interested referring to mine safety. I ask you, can you identify a single one of those bills by the contents or the author?

Mr. Carey. I have made our observation for the record, and the witness will remain mute on anything you ask about legislation.

By Mr. Rauh

Q. Were the bills in before Mr. Yablonski was removed?

A. We had bills in the Congress——

Mr. Carey. Just a moment.

I don't know whether he can answer that question with succinct answer yes or not.

Go ahead and answer that question.

The Witness. After the Denver convention in September, and after the reconvening of Congress, and after the resolution that was adopted at the Denver convention unanimously in September of 1968, the president of the international union contacted every president of the United Mine Workers, region, area, or district, in the furtherance of the mandate of that convention to get legislation passed in the coming session of Congress.

And in January of that year, 1969, proposals were made to Congress. Mr. Yablonski did not become the acting director until the 20th day of May, and was removed from office somewhere about the first week in June, June 6.

So I say without hesitation that these bills were all drafted, drawn. He concurred in them, was a party to them. He raised no objections, at least, to them, before he became the director. Now, it is all right for him to say as afterthought, perhaps, that we should have included the sun or the moon or the stars or something else in those bills to his liking, he could say that.

Those are the things I am trying to point out, Mr. Rauh, that are weakening the United Mine Workers bills today. And that is what I am troubled about, that is what I am concerned about. I am worried and concerned that the United Mine Workers who go down in the bowels of this earth are going to continue to die in these coal mines because this legislation is going to be watered down. And who is aiding comfort to this whole thing? You be the judge.

The president of this organization has been carrying out the mandate of that convention, he has been carrying out the mandate of the international board of which your client is a member. And now we find that I am inept, that I am passive, that I don't know what I want. And Congressmen are concerned about it. And you have had enough experience with Congress, I don't have to tell you, it takes very little sometimes to change a Congressman's mind. And so when we come out with a bill—and we will come out with a bill, Joe Yablonski notwithstanding, we will come out with a bill—it may not be what the United Mine Workers have been struggling and fighting for, but it will be a great improvement over what the present thing is, I can assure you of that.

And I told him that I would rock the halls of Congress if we didn't get it. And I meant just exactly what I said.

Sure, it has been weakened. Sure, some people over there are looking for excuses to vote——

Miss Richards. Tell him the provisions of the bill. You know them, you wrote them all.

The Witness. I know them all. I helped write the bills, they were written in my office, I know all about the things.

That is just like Mr. Carey said, a fishing expedition to carry on the thing here, paid by the hour, I suppose.

By Mr. Rauh

Q. Mr. Boyle, you have just said that Mr. Yablonski charged you with not knowing what you want. I am asking you whether you even know what is in the bills that you referred to. Will you state the authors and the Senators and Congressmen in favor of these bills, whose bills they are and the substance of them, or won't you?

A. We will do better than that. We will supply you with a copy of them. And we will also give you their comments on them. We will supply you with a copy of every one of them that we went to and discussed the matter with.

And Mr. Yablonski, your client, wasn't around to discuss it with these people. He was not the acting director.

We will be happy to do that. We will be happy to supply you with the people that we contacted.

The only danger about that is that some Congressman may be endangered politically so by revealing that he was for or against or opposed to the Mine Workers bill.

You talk about reprisals. I know what has happened to Congressmen, and so do you. We vote for our friends, and we try to vote against our enemies. I think you do the same.

I don't think it is fair to expose those who were favorable to the Mine Workers suggestions and those that we have converted to us now, and then some of them that have left us, and some of them that we brought back, that that is germane to this deposition to tell you who those individuals are, and why, so that they are in political jeopardy in their respective areas because they support a strong Mine Workers bill. I don't think it is fair of you to ask me that.

Q. Have you finished?

A. Yes, sir.

Q. Exposed to whom? I didn't understand what you meant.

A. Exposed to whom?

Q. You referred to exposing these men.

A. Yes.

Q. How would your answering the question——

A. Because it will be in tomorrow morning's Washington Post or the New York Times that Boyle said that X Senator or X Representative had done so and so, it would then be given by Boyle, it would be given by Joe Rauh.

Q. Mr. Boyle, I call again to your attention the fact that we are not asking for you through your staff to produce bills, I am testing whether you know anything about these bills. And I am asking you again, you referred to——

A. I think you are insulting the intelligence of the president of the international union who helped draft the bills—the bills were drafted in my office—to try to go on a fishing expedition as to what we put in and why we put it in and why we didn't put it in, and why we didn't take this, and why we didn't do that. You point out to me as an attorney where that is germane to taking a deposition as to whether Mr. Yablonski should have been retained as the acting director of Labor's Nonpartisan League, a man who has been on the job for nine days before the so-called reprisal took place. He knows more about it than the president that has been down here lobbying for 21 and a half years.

I have been down here lobbying for 21 and a half years with John Lewis. I think I have some knowledge of what is in those bills. And you know better. You know better.

Q. Have you finished?

A. Yes.

Q. Will you state what is in those bills here?

A. No. We will supply you with a copy of them.

Mr. CAREY. Mr. Boyle, I see no harm in your explaining what you know about these bills, the gassy, nongassy mines compartment——

Mr. RAUH. Wait a minute. Don't you tip him as to what he should say about these bills. If he wants to explain these bills, that is one thing, but it is not up to the lawyer to tip the witness as to what is in these bills like you were just trying to do.

Mr. CAREY. He knows these bills backward and forward.

Mr. RAUH. Let him explain them to me.

Mr. CAREY. I am suggesting to him——

The Witness. I can't see that this has anything to do with the deposition. You might as well ask me if I am going fishing next Monday.

By Mr. Rauh

Q. I don't want to argue with you any more. Are you going to answer the question that has been repeatedly asked as to what is in these three bills or not.

A. I answered one of them, and that is on the three milligrams. Do you want me to repeat that? Are you trying to fill this thing up?

Mr. CAREY. I wouldn't get into that aspect. Tell him the other aspects of the legislation.

The Witness. There are three bills over there. The United Mine Workers of America is the only individual or group of people that have introduced three bills.

By Mr. Rauh

Q. What are the three bills substantially, and who are the Senators or Congressmen whose names appear on those bills?

A. Well, again I tell you, the pneumoconiosis bill that is of vital concern to us, and is all important to us, I don't mind relating it to you. The pneumoconiosis bill that the United Mine Workers had introduced in Congress does something that no state in the Union does, absolutely none, not a state, even where they have pneumoconiosis laws in the state. This bill would do something that no other Congressman or Senator has introduced over there on his own. We asked that the Federal Government pick up the tab and be responsible for those victims of pneumoconiosis who contracted this dreadful, killing disease prior to the passage of any state laws, which don't make it retroactive.

We asked that that be done. We ask that the Federal Government accept the responsibility of picking up the tab for those victims of pneumoconiosis, or better known as black lung, for those mines which have completely gone out of business or are no longer in existence, the owners may have passed to the great beyond, but the men are still alive and dying from black lung.

We asked that that bill be passed. That bill is now being pushed. We will get around to pushing it, because right now what vitally concerns the Congress of the United States is the mine safety legislation.

Now, why did we introduce three bills instead of just one bill? Because with your experience you know, Mr. Rauh, it is very easy for a Congressman to say, "I love your mine safety bill that protects the lives and limbs and the well being of coal miners, but I just couldn't go for that pneumoconiosis thing," or vice versa. And we didn't want them to have that excuse. Or, "we don't like your black lung dust bill, because that three milligram thing, the operators can't meet it, they will go out of business, the operators have told me they will go out of business if they have to come down to three milligrams, and you are too tough on that, I would have liked to have voted on your safety bill, but I had to vote against it because you are going to put the mines out of business with your three milligram bill."

So we put in three bills, safety bill, the dust control bill, and the black lung bill, better known as the pneumoconiosis bill. And those were all drafted before Joe Yablonski showed up on the scene, and he had nothing to do with them, he had nothing to do with the drafting of those bills.

And we are going to push for them. And the Congress, so they tell me—not by Mr. Yablonski, because he doesn't converse with me or tell me what he does or doesn't do—but I am told by other sources that the Congress of the United States is combining the safety and the dust bill, and saying nothing about the pneumoconiosis bill presently. And we have thousands and thousands and thousands of coal miners in this country that, unless we can get the Federal Congress to pass a pneumoconiosis bill, will get nothing out of any legislation, statewise or otherwise, because they won't make it retroactive. And I am greatly concerned about that.

Now——

Mr. CAREY. What are the features of these bills that you are aware of, some of the other features that may have escaped your memory.

The WITNESS. I have told you about the black lung——

Mr. RAUGH. Mr. Carey, don't——

Mr. CAREY. I am not telling him, I just said——

The WITNESS. Which bill do you want to know about that I haven't told you about?

I know what you want. You want to know what is in our mine safety bill, I suppose.

By Mr. Rauh

Q. I would like to know what is in any of them, and who introduced them and where they stand at the present time.

A. You know who introduced them. I will tell you who introduced them, and then he will have to take his chances politically, I suppose, if you want to jeopardize him politically. I can tell you who did it.

Q. Who did it.

A. Johnny Dent introduced it in the House of Representatives, and Carl Perkins introduced our pnuemoconiosis bill. What more do you want to know? Are you questioning?

Q. Certainly.

A. And our safety bill was introduced by a group of Senators and a group of House Representatives over there, a group of them. And Senator Williams is the subchairman of the committee that I testified before on the safety bill at the time some of your associates were taking pot shots at me. Your client sat in the front—and we have witnesses to the effect—sat in the front row of the auditorium—we had to have the auditorium for the television and what have you when I testified. And he was the first one to run up and put his arms around me and greet me and tell me what a marvelous, magnificent job I did in presenting the mine workers case on mine safety. And I took the position that because of the Farmington disaster that a lot of these people who have never seen a coal mine, never worked in a coal mine, were not interested in coal miners, and could be less concerned about coal miners, all got on the band wagon, and they were all going to make political hay and otherwise out of the Farmington disaster where they killed 78 men down there.

All right. When our legislation went in we asked for more restrictive things in that bill than what the so-called Johnson bill that went up in October, I believe it was, or September——

Mr. CAREY. September.

The Witness. September or October.

And then it went up again in January.

And then in September Congress recessed and no action was taken on the Johnson bill.

The Johnson bill was a much weaker bill than the Mine Workers bill.

And then it went up again in January, and they would take no action until the new administration came in. And when the new administration came in they took lifts out of the Mine Workers bill, the same as your Congressman friend over there took lifts out of the Mine Workers bill, and said so in print that he took six or seven lifts out of the United Mine Workers bill. He liked it. He didn't have them in when he introduced his bill, but he has got them in there now.

Now the United Mine Workers bill calls for things that they don't call for in these other proposed bills or legislation over there that I am greatly fearful that we will get because of my ineptness, ineffectiveness. I am greatly concerned. I took a position, strong position, the first time it has ever been taken in the history of this organization, that the Federal Bureau of Mines under the Department of Interior should be charged with the responsibility—and Joe Yablonski didn't say this, Tony Boyle said it, and it was concurred in. And after I was on the scene of the Farmington disaster—I was there before Joe Yablonski knew there was a disaster, I flew down there immediately, I was there, Charlie, and I am telling you that you made up my mind then that when legislation went before the Congress that I would recommend to the international convention, or I would recommend to the international board, or I would recommend to any associate officers, or anyone that I could get to agree with me, that these coal mine inspections under the Bureau of Mines was a farce as far as I was concerned.

They make an inspection every three months, and sometimes every four months. And then they leave. And then the mine gets in such a deplorable condition that the Federal Mine Inspector and the State Inspector notify the coal company in advance that we will be there on X date, and they start a house clean arrangement, so that the mine is in good shape.

And then they make the inspection. And they find few violations. And they clean it up. And after they leave again they know that they won't be back again for another three months.

I told this in the auditorium down there before 200 people, before Mr. O'Leary and Mr. Udall and all the rest of them. I told them down there—maybe you were there—I told them in this bill now that I want a Federal Coal Mine Inspector stationed in every coal mine that liberates methan gas in quantities that are dangerous and injurious to the life and the well being of these coal miners. If they can put these wardens, I told them, out here on the streams to check me if I have got a fishing license, they can put these Federal Coal Mine Inspectors in these coal mines. And if their lives are endangered, and if they have to test for this methane gas, if they have to look at a bad roof, if they have to see whether this dust meets the requirements of law, then they themselves, stationed there every day, will be more concerned and more interested.

That is now being pushed, a Federal Coal Mine Inspector.

And I say that this government is lax, and the Congress of the United States is lax, and anyone else is lax if they don't compel a Federal Coal Mine Inspector to be stationed in every mine of the United States that liberates excessive quantities—and let that determination be made by the Bureau of Mines, I won't make it—but excessive quantities that are dangerous and injurious to the life and the well being of those coal miners.

All right. What else, they said, does this man Boyle want?

Well, I came up with another one. And they said, where did he ever discover that one? No one has ever asked about it. I asked. And in explaining my reason for it I told the Congress of the United States, I told the Senate, that never in the history of coal mining in this country have they had safety chambers in coal mines.

They said, what do you mean by safety chambers?

I said, I have been through these explosions, and I know that mens' lives can be saved, not all of them perhaps, but some of them at least can be saved if they have a place that they can flee to in the event of an explosion where they can close the doors, and that these coal companies should be compelled and required to put safety chambers in these mines.

The coal companies are fighting it. It is too expensive.

I, as you well know, without me telling you, I rate the human being and the well being of the human being and his health and life above a profit. Let me put these safety chambers in these mines.

All right. I wanted the ventilation of the coal mines of this country increased from 6,000 cubic feet to 9,000 cubic feet to sweep those faces—and if you don't understand what I mean by faces, that is where the men actually work, where this dust is created—to sweep those faces with 9,000 cubic feet of air instead of 6,000 cubic feet of air. And they are fighting that.

I made the statement that if these manufacturers can develop a machine that can produce 50 tons per man per day, that they should be compelled to build a machine that will eliminate this dust hazard in its entirety. I asked the Congress of the United States to do that in this legislation.

And I asked further that if these companies that now have these expensive machines in there are to be given any time at all on the part of this U.S. Congress, it should be limited, it should be a limited time, in order for these manufacturers of these machines to come in and put a hood on these cutting machines, those continuous miners, so that that dust could be eliminated, and cut down to three milligrams.

I asked them to do that.

I have asked those things along with many other things that I just don't recall right now. Those are the important things that I want in that bill. I want that ventilation increased to 9,000 cubic feet. I want safety chambers in those coal mines. I want a Federal Mine Inspector placed in every coal mine in this country that produces and gives off excessive methane gas, and let the experts in the Bureau of Mines determine what is excessive.

I know what is excessive. Anything that will cause an explosion is excessive.

And I insist and have insisted, and nothing much has been done about it. And I will bet you that when our legislation comes out it will be watered down, that a Federal Mine Inspector won't be stationed at every one of these mines so that his own life is endangered as well as a coal miner's life is endangered. And I told the Senate and I told the House when I testified before both of them that if a Federal Mine Inspector was in that mine every day paid by the Federal Government, not paid by the coal company so that he could be bought off, not paid by this union so that we are accused of buying him off, but paid by the Federal Government.

That is their responsibility, to protect these men. And if he was paid by the Federal Government to be there every day, you would see how few explosions we would have. You would see how few injuries we would have in coal mines. They won't put that in the bill either when this gets watered down.

Of course, I will be the one that will take the bumps, because I am inept, I don't know what I want.

Mr. Carey. You are passive.

The Witness. I am passive, just take it—he doesn't mean it.

I don't know how loudly I could shout over there in the Congress of the United States to try to impress them.

And your client hugged me, he didn't shake hands with me, he hugged me, he hugged me in the presence of people who will give affidavits, and said that that is the best testimony that has ever been given on mine safety legislation, we will get you some affidavits if you want it on that, that they heard him say it, the best testimony that was ever given by any president of this organization.

"I am proud of you, I am proud to be a member of this union with our—with you as our leader. You certainly told them off today. You told them, by God, what the coal miners are entitled to. You just keep fighting, and we will get most of it or get some of it at least."

I think that answers your question, Mr. Rauh.

By Mr. Rauh

Q. Have you finished?

A. Yes.

Q. There are three pieces of legislation you referred to. Will you state for me the introducers. First was the safety legislation. Who introduced it in the House and who introduced it in the Senate?

A. It was back—pneumoconiosis bill as I recall—

Q. I am referring to the safety bill.

A. The safety bill was introduced by accident. And if my memory serves me correctly—I am trying to think of the Senators—what is that fellow's name—Williams.

Mr. Carey. Harrison Williams.

The Witness. Yes. I was trying to think of his first name. I couldn't think of it. Harrison Williams.

By Mr. Rauh

Q. Who introduced the dust control bill in the House and the Senate.

A. Jimmy Dent.

Mr. Carey. John Dent.

You know that is a slip of the tongue. He knows Johnny Dent for 25 years. Don't make a mountain out of a molehill. Congressman John Dent.

By Mr. Rauh

Q. And who in the Senate?

A. That introduced the——

Q. Dust control bill.

A. Well, there was a group of them, several of them.

Q. Can you name any of them?

A. Yes——

Mr. Carey. If you have identified a group, I don't see the necessity of identifying them specifically. This to me is surplusage. The bill has been introduced at the behest of the union, whether Peter Doakes or John Doakes or Casper Milquetoast presents them is unimportant. The bills are presented. That is the important thing. The name to me are just hog wash.

By Mr. Rauh

Q. Can you name any Senator who introduced the gas control bill.

A. Yes, several.

Q. Who?

A. By the way, if my memory serves me correctly, on that other one previously, I think Saylor was on it too, if I remember right. I can't remember all of their names.

Q. Can you name any Senator on the dust control bill?

A. Yes.

Q. Who?

A. Williams, Harrison Williams.

Q. Any other? You said there was a group.

A. Yes, there was a group. But you have got to remember that I have been working on this thing since January, and some of them that submitted their names then skipped my mind. And I have a department that is supposed to be very familiar with everyone on that. And I have got a department that I pay well to be familiar with all of the names and everybody to contact and those that they don't contact. I don't know why it is so important that I recall verbatim every man who listed his name as being a party to these bills over there.

It might interest you to know that not only the men who are authors of this bill, not only those people who are authors of the bill were contacted by this president of the United Mine Workers, but people that we tried to influence that were not authors of this were contacted. Now, ask me who they were, and I will tell you that I am not going to tell you, I am not going to put them in jeopardy.

I know what you will do to them.

Mr. Carey. I object to you asking who is the author or who proposed the bill. He has indicated the substance of the bill. The basic issue, if it is an issue, and I don't think it is, is what is contained in the bill. That is what is important to the coal miners of the United States, whether the man comes from Tallahassee or Oshkash or Walla Walla or what his name is is unimportant. He has given you the substance of the bill that you asked for. And I say, to ask him specifically name after name after name is a waste of time. It is irrelevant. And it is surplusage. And I suggest that you not go into that any further.

By Mr. Rauh

Q. I will ask the question, who introduced the black lung bill in the House, the pneumoconiosis bill in the House, and who introduced it in the Senate?

Mr. Carey. You don't have to answer that, Mr. President.

The Witness. I have already answered who introduced it in the House.

By Mr. Rauh

Q. Who did?

A. I think the record will show that Carl Perkins played a major role in it.

Q. And who did it in the Senate?

A. I think that will—the same ones that were on—the same men that were on our other bills introduced it.

Who is on the bills, and who is not on the bills is not as important to me as the contents of those bills, and what they will do for coal miners, and what they won't do for coal miners, and the watering down of that legislation by other people, that is more important to me than whether Joe Rauh's name is on there or Tony Boyle's name is on there as introducing a bill in the House to provide for those things. They only have one vote. We are trying to convince the Congress of the United States that this is good legislation, and that they all ought to pass it. And I have talked with so many of them that I don't recall. There could be—you could ask me how many men are on those bills, and I would have to ask you how many fish is in a barrel, because I don't know.

Mr. Carey. The names are all for the birds anyway, aren't they? What we are interested in is substance.

The Witness. We are interested in what is in those bills, and what they are going to do for the mine workers.

Mr. Rauh. Mr. Owens, you said something——

Mr. Owens. You can't tell me when to talk to my co-counsel and not to, any more than I can tell you when not to talk to Mr. Moore.

Mr. Rauh. What was that you said?

Mr. Owens. I am not going to have you tell me when I can talk to my co-counsel.

Mr. Rauh. You are talking to him constantly.

By Mr. Rauh

Q. Mr. Boyle, the Senate has reported out a bill, has it not, the Senate committee?

A. Yes.

Q. Would you tell what of your three bills is contained in the bill reported out by the Senate?

A. I am not going to go into detail, because your client hasn't advised me as yet as to whether or not we can get the full contents of that. The Congressional Record will disclose, I suppose.

But I don't have the time. You see, I have something else to do. That is why I appoint departmental heads, to keep me advised, and your client has refused to do so. He has declined to do so. He won't do so, on vacation or off vacation, he won't do so.

It might interest you to know that your client is more interested in other things than he is federal mine legislation. And I have other duties to perform as the president of this legislation. You have one duty to perform, that of an attorney. I have got many duties to perform as the president of this organization, and many locales and localities to look out for, and hundreds of thousands of men who depend upon decisions that I make from day to day. But you and your client don't have that responsibility. And so for that reason I cannot keep abreast with every fishing expedition that you care to explore.

But we will be glad to get that information for you if it is unavailable to you, we will get all of that information for you.

Q. Mr. Boyle, my question is a very simple one. Will you state or will you not state what parts of the bills which you have referred to as the mine workers bills are contained in the Senate Labor Committee bill that has been reported out.

Mr. Carey. I object to that, because this is a constant revolving situation. What was in the bill today may not be in it tomorrow. This is a thing that is fluid, and you know it is. And we are not going to discuss it.

Mr. Owens. It is irrelevant to anything in the deposition.

Mr. Rauh, if your idea is to take a deposition in a law suit, that is one thing. But if you are trying to try this law suit as a political campaign manager and trying to find some part of this that you can distort for that purpose, that is an improper action. And we are going to see what happens, if that is what you have got in mind. Now, if you want to ask him questions about the matters that have involved in the removal of him from his job as acting director, that is one thing. But when you get into all this other stuff, you show that you are abusing the procedures of the court and the legal procedures for an entirely different purpose. It is improper.

Now, we have let you go far afield because of the possibility of any relevant matter or anything that would lead to any relevant matter. But obviously that is not what you are doing. I would advise him to not answer any more questions. We haven't got the time to sit here and listen to you do it.

The Witness. Coal miners are dying while we are here. Maybe I could help some way or other.

By Mr. Rauh

Q. Has Mr. Yablonski ever disagreed with any of the specific parts of any of the three bills that you purported to describe?

Mr. Carey. What particular period are you referring to? Prior to June 6 or subsequent?

Mr. Rauh. Will you read the question please.

(Record read.)

Mr. Carey. Prior to or subsequent to June 6?

Mr. Rauh. The question speaks for itself.

Mr. Carey. The question does not speak for itself, because there is no time limitation to it. The time limitation in this particular litigation is June 6, 1969, and that is all we are litigating. If you want to know on that date or prior thereto, then you may ask the witness. But subsequent to that, absolutely not. Because the issue arose—and the issue being tried here is a very narrow issue, whether the president of the international union can remove a man who indicts the entire administration and takes issue with what is being done.

By Mr. Rauh

Q. Mr. Boyle, have you ever prior to June 6 heard directly or indirectly any criticism by Mr. Yablonski of any of the three specific bills that you have purported to describe before?

A. Prior to June 6?

Q. Yes.

A. To the contrary, he upheld in speech after speech after speech after speech the things that the United Mine Workers were for, and its president. And then all of a sudden in nine days he became inept, passive, doesn't know what he wants, in nine days time. "The greatest man in labor today." That is his statement, not mine.

Mr. Carey. That is May 29 you are referring to?

The Witness. Yes.

By Mr. Rauh

Q. At any time prior to June 6 did you hear him criticize any of those three bills specifically, or did anybody tell you that they had criticized those three bills?

Mr. Carey. He has answered the question. I suggest that he not answer a repetitive question.

By Mr. Rauh

Q. Since May 29——

A. I am going to answer that question by saying this, that he wholeheartedly supported the mine workers legislation until he became a candidate for president of the United Mine Workers, and then he went over there to the newspapers with you and told everybody that I was inept and I wasn't doing this and I wasn't doing that, and that my legislation wasn't any good.

Q. Have you finished?

A. No, I haven't finished. I can make a speech here as long as you want me to stay.

How long would you like me to make a speech, an hour? I can tell you about the things that have happened since May 29.

Q. Please do, What happened beyond May 29 and since?

Mr. Carey. Mr. Boyle, you have answered the question.

By Mr. Rauh

Q. Are you finished?

A. This is all for campaign purposes, this is for you and other associates of his.

Mr. Carey. You have answered the question that he asked.

By Mr. Rauh

Q. Between May 28 and June 6 inclusive, can you point to any criticism by Mr. Yablonski of the three bills that you purported to describe?

A. I wouldn't recall what days they were, because I don't keep track of the days, and I don't keep those things, and I don't know whether it was on the 1st, 2nd, 3rd, 4th, 5th or 6th of June, I wouldn't know what days they were. And I don't think that you know what suit you wore on the 3rd day of June either, I don't think you know what I ate on the 4th day of June either. You are asking me questions that are most unreasonable as to whether or not I remember certain dates. I don't recall what dates they were.

Mr. Carey. You have answered the question.

Mr. Rauh. Now, Mr. Boyle, since you don't recall the dates they were, can you state any criticism, specific criticism by Mr. Yablonski at any time of the three pieces of legislation you described before.

Mr. Carey. At what time and what period?

Mr. Rauh. Any time, can you name——

Mr. Carey. Don't go beyond June 6, Mr. Boyle. If the question is restricted from May 29 to June 6, answer the question. If it is subsequent to that, hold your fort and don't say anything.

The Witness. Well, it was——

Mr. Carey. Let's have the question. I want the time spelled out.

Mr. Rauh. Mr. Boyle said he could not recall anything between May 8 and June 6 inclusive.

The Witness. I didn't say any such a thing. Let the record show that I didn't say that. I didn't say any such a thing. I said I can't recall the days.

Mr. Carey. That is what he said.

By Mr. Rauh

Q. Putting the days aside, Mr. Boyle, can you recall or state any criticism made by Mr. Yablonski during the period May 28 to June 6 of the specific legislation that you described before.

A. Yes.

Q. When was that?

A. It happened during the period of time when you were advising him as his attorney that the main legislation was passive and inept on the part of the president of the organization, it was in the paper, it is in your statement, it is in the one that you helped him with when you were at the press conference over at the Mayflower Hotel, is the one that I am referring to. He took exceptions to it in the newspapers since then. He has taken exceptions to it, and so have you, in the newspapers.

If the newspapers are correctly quoting you, and I guess they are, why there are all kinds of statements in there that challenges not only the president, they will challenge his own union, because the union is the one that passed on it, not me.

Mr. Carey. This is on May 29 when he made his statement. That is what he asked for.

By Mr. Rauh

Q. Have you read Mr. Yablonski's statement of May 29?

A. Yes.

Q. Will you take it in your hand now on page 1 and go through it and point to any specific criticism which he has ever made of the legislation you described before?

Mr. Carey. Don't answer that question. That question has been asked at least two or three times, and we refused to be exposed to repetition after repetition.

By Mr. Rauh

Q. Mr. Boyle, on July 15 Mr. Owens stated at the court hearing as follows:

"The work"—referring to the work in District 5 to which you assigned him—"even gave him an increase of $5,000 in pay over and above what he would be getting as acting director of the Labor's Nonpartisan League, or as an executive board member."

Would you explain how he would get $5,000 more in the job to which you sent him?

A. That is exactly right.

Q. Would you explain how that was.

Mr. Carey. Explain it to him.

The Witness. I would be happy to. That is exactly right. There couldn't be a more truthful statement. Mr. Yablonski, the director of the Labor's Nonpartisan League——

Mr. Carey. Just a moment. Do you want an answer to this question or not?

Mr. Rauh. I hear it.

Mr. Carey. You have turned yourself away. I suggest that you listen to an answer that you requested.

Mr. Rauh. I can listen to the answer and ask for a document to be used later to save time.

Mr. Carey. You are a most phenomenal man if you can.

Go ahead.

(Short recess.)

Mr. Carey. You may proceed.

By Mr. Rauh

Q. I think Mr. Boyle was in the midst of explaining how he gets $5,000 more for working in the field as head of Labor's Partisan League and as a member of the executive board.

A. All members in the field do not get $5,000 more, Joe Yablonski is one of the exceptions.

Q. Could you explain why?

A. Yes, I would be glad to. The League director—and this is subject to review now, because these are figures that are hard for me to carry in my mind, because there are so many different salaries in our organization—but subject to checking them, the league director's salary was somewhere around $17,000, I believe it was, and before he retired he was getting something more than that, they gave him an increase, as I recall, I forget how much.

The international board members get $20,000 a year.

When I arrived at an idea for a new division in the organization—I never had one before—to be created known as the Organizing Committee, subject to the approval of the International Executive Board, I set up such a committee, and the board approved it. The deceased John T. Kmetz was the first director. And he recommended certain individuals that he wanted on his organizing staff. So we paid those individuals—and Joe Yablonski was one of them—$5,000 a year more than what the other board members got. It is just that simple. He got that $5,000 for being on the organizing committee.

Now, returning to his home state where he was elected, where he lives, where his family is, with the exception of the son that he has down here—and that was another thing I failed to mention earlier, that he told me that as to moving from Pennsylvania, his wife would be more than happy to do so, because she had a son and grandchildren here. He failed to carry that out, he never moved here.

In returning him to his home district I thought I was doing him a favor, I didn't send him to Timbuktu, he didn't—I didn't send him to Alaska, I didn't send him to Siberia, I sent him to where he came from, where he liked it best. And there is a lot of work to be performed. And because he didn't go other people are doing the work. And this union is paying the bill.

Now, he is getting $26,000 a year and expenses in Washington for a job that we never paid the director that much for before. Now, if I had reduced his salary to that of the directors, you would have been the first one to say it was a reprisal. You would have gone down to court and said it was a reprisal, they cut his wages. But the other director held the job for 30 years and only got around $15,000, $16,000, $17,000 so he is getting $26,000 now, although the constitution gives me the right to cut him below that, if I cared to do so. But I didn't want—I have nothing personally against Joe Yablonski.

Any man can run for this job if he is qualified and can get it. I don't——

Mr. Owens. Let me interrupt. There is an important call for Mr. Carey.

(Off the record.)

By Mr. Rauh

Q. Had you finished your answer with respect to the $5,000 increase that he would get in the field?

Mr. Carey. What was the last part he said.

(The record was read as follows:)

"Answer. All members in the field do not get $5,000 more, Joe Yablonski is one of the exceptions."

The Witness. I guess I have answered it.

Mr. Rauh. The record should show that the time is now 1:40. I am prepared either to go on or to recess for lunch at the convenience of the witness. I am prepared to come back after lunch or to come back in the morning. And I want the record to show that I am leaving this entirely to the witnesses' convenience.

The Witness. I think I would like to continue on, for work reasons is all.

Mr. Carey. We would just as well continue.

The Witness. I would just as well continue, if it is all right with you.

Mr. Rauh. All right.

By Mr. Rauh

Q. At the same hearing of July 15 Mr. Owens stated as follows:

"Now the thing about being in District 5, he was district president one time and executive board member, and under the constitution you can't hold both offices."

I show you a copy of the constitution of the United Mine Workers effective October 1, 1968, adopted at Denver, Colorado, September 9, 1968, and ask you to point out to me the provision in the constitution that says one cannot hold both offices.

Mr. Carey. We are not going to answer that question. It has no relevancy to the matter at hand.

The Witness. There was a contest on up there at the time.

Mr. Carey. It has nothing to do with this issue. I will advise the witness not to answer.

The Witness. The man not in office today is contesting against Joe Yablonski for one of those jobs up there.

By Mr. Rauh

Q. Would you point out to me the provision in the constitution that supports Mr. Owens' statement, a representation to the United States District Court for the District of Columbia.

A. Yes.

Mr. Carey. We have told you——

By Mr. Rauh

Q. I say, can you point that out?

Mr. Carey. I have advised the witness not to answer. Why you persist when I have advised him—we have taken a position, period.

Mr. Rauh. Mr. Carey, you took the position that was irrelevant. It was relevant enough for your assistant to recite it to the United States District Court in opposition to a preliminary injunction to replace Joe Yablonski in his job. Now, if it was relevant enough for the District Court, to be stated to the District Court, it is relevant enough to be answered by Mr. Boyle.

Mr. Carey. I suggest that everything said by a lawyer in court is not relevant. And if you are going to try and sell me that idea, you are just blowing up a false storm, because I say a lot of things in court which aren't relevant to the issue, and you know that too. In fact, lawyers are off the issue 98 percent of the time.

Mr. Owens. Since I am the one that said it, it was merely a background—Mr. Yablonski is being returned to his other area, the area in which he was president, and the area in which he was an international executive board member. And I think I went on and said other things, that it being the heart of the coal field, and so forth, returning him to his job that he previously had was not a reprisal.

It had nothing to do with the constitution or anything about it.

Mr. Rauh. Since Mr. Owens spoke maybe he would point out——

Mr. Carey. I would advise him not to. He is not under oath, he is not a witness.

Mr. Owens. That part is irrelevant.

By Mr. Rauh

Q. In the same transcript Mr. Owens stated at page 20 as follows:

"Yablonski can't expect to use a job that he got assigned to him and then oppose doing the work that is assigned to him."

Can you Mr. Boyle state any time at which Mr. Yablonski has opposed doing the work that is assigned to him?

Mr. Carey. What work are you talking about?

Mr. Rauh. I have given Mr. Boyle a question from the quotation speaking on his behalf. And it read as follows:

"Yablonski can't expect to use a job that he got assigned to him and then oppose doing the work that is assigned to him."

I am asking Mr. Boyle whether Mr. Yablonski has at any time "opposed doing the work that is assigned to him."

The Witness. In regard to that, rather than doing the work that was assigned to him, he doesn't do any work at all. And that is what he meant when he said this, that I have many departmental heads, the safety division, the organizing committee, the occupational disease department, and every district president from the West Coast to the East Coast from Canada to Alabama. And Mr. Yablonski, when he is in his office, which is very infrequent, when he is in his office expects me to hourly tell him what to do and when to do it. As a departmental head he is supposed to be telling these other people that work for him or with him, or his associates, what to do. I just don't have that time for any of these departmental heads. And that is what he was alluding to in my opinion when he said that he can't lead him around by the hand and tell him every hour of the day that you do this. He is getting $26,000 a year, $6,000 a year more than anyone else doing the same kind of work, maybe even $8,000 a year or more, in order to be able and competent to perform this work.

Now, he can't do it because he says he works under my direction. He works under my direction the same as the safety director. I haven't seen the safety director for days and days and days. That is not to say that the safety director isn't performing his duties and doing his work and taking care of the safety in these coal mines. If I were to take him by the hand and lead him to every coal mine he is to go to I wouldn't be doing anything else.

So Mr. Yablonski, when he is not running around the streets of Washington, and when he is not in his office, and when he is not out campaigning, and when he is not visiting with you, he is not over on the Hill performing this work, because I didn't tell him a specific hour to be there.

Now, I just can't do that, Mr. Attorney, I just can't do that.

By Mr. Rauh

Q. So you are unable to state a specific instance where he has opposed doing the work that was assigned to him?

A. I answered the question by saying that he isn't doing any work, very little if any.

Q. Which is it?

A. He is campaigning. You and he were in the newspaper this morning again. You ought to get it and read it.

Q. Would you tell me what newspaper it was so I can get it?

A. It is the Washington Post. You are in all of them.

Q. Would you state the nature of the story so I could find it?

Mr. Owens. You can look it up, Joe, if you want it. You take the Post. I see you have got the cartoons on the wall here.

Mr. Carey. He probably read it with his Post Toasties in the morning.

The Witness. He probably read it before I did.

Mr. Rauh. This is about the fifth time that I didn't bring something up, but Mr. Boyle brought it up, and then refuses to answer questions about it.

By Mr. Rauh

Q. You said you saw something in the Washington Post. I am asking you what that story was about so that I can see it. What was that story about?

Mr. CAREY. Don't answer that question. Let him interpret it for himself.

By Mr. Rauh

Q. Is that your answer, Mr. Boyle?

A. Yes, sir. Read the newspaper and place your own interpretation upon it. I have placed mine.

Q. Subsequently on page 20 of the same transcript Mr. Owens speaks as follows:

"He"—meaning Yablonski—"brings up these questions about federal and state legislative and administrative provisions. We have specific legislation that he is involved in that he says that he is opposed to that."

Would you state what legislation Mr. Yablonski said he is opposed to.

Mr. CAREY. In the first place, I will object, because Mr. Boyle didn't say that, Mr. Owens said it. So Mr. Boyle can't interpret Mr. Owens.

The WITNESS. I haven't read that, I haven't seen it.

By Mr. Rauh

Q. Can you name any specific legislation involved before federal and state bodies that Mr. Yablonski has said he is opposed to?

Mr. CAREY. That question was asked 15 times today, and I direct you not to answer the question. It is repetitious after repetition.

By Mr. Rauh

Q. On page 25 of the same transcript Mr. Owens states as follows:

"Then on page 3"—referring to the May 29 statement—"he goes down on what all he is going to do in here about compensation and greater payments for other injuries, and the establishment of a workers legal right to sue the coal operator for negligence resulting in the worker's injury.

"The COURT. Isn't that what the union is working for too?

"Mr. OWENS. Not of this specific legislation."

Let the record show that there had been a conversation between all three counsel and Mr. Boyle before I have even asked the question.

Mr. CAREY. Let the record reflect that I didn't say anything in any alleged conversation. That is a despicable and contemptible lie. I didn't say anything. And if you allege that I was engaged in a conversation, you are misrepresenting, you are prevaricating, and you are fabricating. And I suggest you get back and proceed with a little integrity and dignity.

Mr. RAUH. At least two of the three counsel were talking.

Mr. CAREY. You said all counsel.

Mr. RAUH. I thought you were in it too.

Mr. CAREY. Your thinking was completely wrong. It is just as wild as you generally are, you make a wild accusation without any basis of facts.

Mr. RAUH. I heard two of the counsel speaking to Mr. Boyle, and I thought I heard all three.

Mr. OWENS. I did not speak to Mr. Boyle.

Mr. RAUH. I heard you.

Mr. OWENS. I did no such thing.

Now, the way you have this room around here, if I want to say something to Mr. Carey, then because he is here, we are in close quarters, I am going to confer with him or say anything that I want to him. I can tell you what I said, that you are getting into matters that have nothing to do with this, and it is improper for you to do that, and we ought not to sit here and let you do this type of thing. And that is why I said that it is immaterial, it has nothing to do with the matters that should be taken up in this deposition.

I can say that to counsel and tell him to object to this all I want to. And there is nothing improper about it.

Mr. RAUH. That is exactly my point, you said that right in front of Mr. Boyle.

Mr. OWENS. Do you make an objection to it? Let's say it right out in the open in front of you and everybody else.

Mr. CAREY. In fact, I had my hand up to indicate that he was not to answer, because it was so obviously irrelevant.

Mr. RAUH. Now that you have said it is irrelevant, I would like a chance to ask the question.

Mr. CAREY. What is the question please?

Let him ask it again. We will probably save more time.

By Mr. Rauh

Q. The first question, Mr. Boyle is, did you understand the colloquy between Mr. Owens and the court which I read you, or do you want me to read it again?

Mr. CAREY. I will direct the witness not to answer any question on any comment between Mr. Owens, co-counsel in this case, and the court, because there is no obligation or no basis for Mr. Boyle to interpret the remarks of another person, and you know that is improper. If you want to ask Mr. Owens and take his deposition, that is a different matter. But you are not going to have this witness interpret another person's remarks. You know it is wrong, and you should know if you don't know.

By Mr. Rauh

Q. Mr. Boyle, I want to ask you a question about this colloquy. Do you prefer that I read it again?

Mr. CAREY. No. I have already told him, I have heard it, and I have advised the witness not to answer it.

By Mr. Rauh

Q. The question, then, Mr. Boyle, on the basis of that colloquy, is whether the union is working for legislation for compensation and greater payments for injuries and the establishment of a worker's legal right to sue the coal operator for negligence resulting in the worker's injury. Is the union working for that?

Mr. CAREY. Don't answer that question. You will answer that question in a proper forum, and this isn't the proper forum and he knows it. You will take your position when it is necessary. We are not going to try our case in the newspapers.

Why this snide reaction in the background there? You ought to have better manners.

By Mr. Rauh

Q. Would it be fair to say that as acting director of Labor's Nonpartisan League, Mr. Yablonski is in charge of legislation for the United Mine Workers of America?

A. I am sorry, I didn't quite hear the first part of it.

Mr. RAUH. Repeat the question, Mr. Reporter.

(Record read.)

The WITNESS. He has all of the responsibility and he has all of the authority as the acting director of the League in the same category as the director has.

By Mr. Rauh

Q. And what does that mean in respect to legislation?

A. It means——

Mr. CAREY. Subject to whose direction?

The WITNESS. Well, of course subject to my direction, all of it is subject to my direction. But nevertheless he has the responsibility, after he knows what the policy and the program of the United Mine Workers is, whether he concurs in that personally or whether he disagrees with it, after it has been adopted and accepted by the international union, then under instruction of the international president it becomes his duty to use his best efforts with his associates to lobby those bills through the Congress. And certainly there can be differences of opinion as to what is better, what is good, or what is bad. But those things are all thrashed out. And then they are turned over and given to the departmental head with full authority to act.

And he has had that authority. And it has never been taken away from him, except when I removed him. And it was not a reprisal. That is all I have got to say.

Of course, let the record show that I am not going to relinquish the duties and the authorities vested in me as president of this organization to any departmental head whether he is the director of Labor's Nonpartisan League or the safety director or anyone else. That is what some would like for me to do, but I am not going to do it.

Mr. CAREY. How about me?

The WITNESS. Or the head of the legal department, he takes his orders too. I am not going to give up that authority as long as I am president. I don't think that it is fair under the constitution or otherwise to expect the president to subject himself to changing the policy by some departmental head.

By Mr. Rauh

Q. Did the United Mine Workers take a full page ad in certain newspapers of the country on Monday, August 4, concerning mine safety legislation?

Mr. CAREY. I will advise the witness not to answer the question. It has nothing to do with the issue involved here. I have advised him not to respond.

Mr. RAUH. I would like the reporter to mark for identification this advertisement in the Washington Post, signed by W. A. Boyle, President, United Mine Workers of America, as Plaintiff's Exhibit 1.

(The document referred to was marked Plaintiff's Exhibit No. 1 for identification.)

Mr. CAREY. My reading this shouldn't hold up the questioning. You can proceed.

Mr. RAUH. I am going to put the questions on the record, and then we will let the court decide.

Mr. CAREY. You can proceed.

Mr. RAUH. I have to have it back.

By Mr. Rauh

Q. This is an advertisement, is it not, Mr. Boyle, dealing with the United Mine Workers effort to get safety legislation.

Mr. CAREY. I am now entering a general objection which will continue as long as any questions are asked about this specific article. I am going to advise the witness not to answer any question involving this Washington Post article on the basis that it is irrelevant, it is immaterial, it is not germane to the issue, and it has nothing to do with the question as to whether Yablonski was justifiably or unjustifiably removed.

And you can just direct your questions to the reporter, as far as any inquiries regarding that, because the witness will remain mute, on my advice.

Mr. RAUH. Was this advertisement shown to Mr. Yablonski prior to the time it was published?

Mr. CAREY. I have told you what our position is.

By Mr. Rauh

Q. Was this advertisement shown to any of the following prior to the time it was published: Mr. Kmetz, Mr. Combs, or Mr. Howe?

Mr. CAREY. I told you, keep going. We are not going to answer any questions.

By Mr. Rauh

Q. How many papers was this advertisement printed in?

Mr. CAREY. Continue your questioning.

By Mr. Rauh

Q. Isn't it a fact that this is the most important presentation by the Mine Workers to the people of the United States concerning mine safety legislation, and that it was mentioned to and discussed with everybody involved in that except the acting director of Labor's Nonpartisan League?

I take it? The same answer.

Mr. Carey. I think the record is rather clear on that.

The Witness. Maybe he was out campaigning.

By Mr. Rauh

Q. What was your answer, Mr. Boyle?

A. Forget it.

Q. I can't forget it, you said something.

Mr. Carey. He has withdrew it.

Mr. Rauh. Let the record show that Mr. Boyle said that Yablonski was out campaigning.

The Witness. You heard it?

Mr. Rauh. I just said it was on the record.

The Witness. I said maybe he was, I didn't say he was. Don't put words in my mouth. You are not that big, stature or otherwise. Don't give me that lip. I will walk out of here. I don't have to take it from you. And I am just about ready to leave any minute now. I have got more important things to do than sit here and take it from you.

Your reputation precedes you, you know.

Mr. Carey. That is all, Mr. Boyle.

By Mr. Rauh

Q. Have you finished, Mr. Boyle?

A. Yes.

Mr. Carey. Mr. Boyle has finished. Please proceed with the deposition.

By Mr. Rauh

Q. Will you state, Mr. Boyle, exactly what your words were that I interpreted because they were softly stated, will you state them exactly as you want them on the record.

Mr. Carey. It is withdrawn, and Mr. Boyle has said nothing.

By Mr. Rauh

Q. Is that the answer you care to give, Mr. Boyle.

Mr. Carey. I have advised you what the witness will say, and he is not going to answer any questions on that particular matter.

By Mr. Rauh

Q. Mr. Boyle, on page 3 of the answer given by your counsel to the plaintiff, Mr. Yablonski, in this case, the following appears:

"Plaintiff's position in opposition to the United Mine Workers of America's health and safety program, which had been approved by the governing body of the United Mine Workers of America, made him unfit for that position."

Would you kindly state any details you can setting forth plaintiff's position in opposition to the United Mine Workers of America's health and safety program.

Mr. Owens. That is the same question.

Mr. Carey. That is the same question phrased in a different fashion. And I have advised the witness that he has already answered that question, and he will not answer it again, in order to just submerge this record with a lot of verbiage. It is going to cost them a lot of money, and I think it is ridiculous.

By Mr. Rauh

Q. Did you send a letter, Mr. Boyle, to the Senate committee giving your answer to certain statements by Secretary Hickel with reference to mine safety legislation?

Mr. Carey. What date was this?

Mr. Rauh. It is within the last month. I think Mr. Boyle would know whether he sent a letter to the Senate committee concerning a previous letter or statement by Mr. Hickel?

The Witness. I did.

By Mr. Rauh

Q. You did?

A. Yes.

Q. Did you consult Mr. Yablonski in connection with the preparation of such a response?

A. Absolutely not.

Q. Why not?

A. Because it was not necessary, and never has been done. With the director who was on there for 30 years it was never done. Who is Mr. Yablonski that I should ask him whether or not the president can exercise his prerogatives of writing to the Congress or of writing to the Secretary of Interior or of writing to a Congressman? Do I have to ask Mr. Yablonski, is it all right with you if I write a letter to those people?

Q. Did you consult with anybody in the preparation of that letter?

A. I don't have to.

Q. Did you?

Mr. Carey. The answer to that question is, the letter has his signature. His signature is affixed to that letter. He adopts in toto what is in that letter. Whether anybody helped him or aided him is immaterial. The record speaks for itself and the witness stands on that.

By Mr. Rauh

Q. Was that letter shown to Mr. Kmetz, Mr. Combs or Mr. Howe, or discussed with them in any way?

A. I don't recall. They may have got copies, I don't know.

Mr. Carey. He means prior to—is that what you are talking about?

By Mr. Rauh

Q. Was there any consultation prior to its being sent in anyway with Mr. Combs, Mr. Kmetz or Mr. Howe?

A. Absolutely not.

Q. You wrote the letter entirely yourself?

A. I wrote the letter without any counsel. The question was, did I consult Mr. Combs, Mr. Yablonski, or Mr. Kmetz. And the answer to your question is nc, absolutely not. If you want to frame another question I am ready to answer it.

Q. With whom did you consult.

Mr. Carey. Objection to that. You don't have to tell him who you consulted with.

The Witness. I have already told you I didn't consult with those people. And I didn't consult with you.

Mr. Carey. You might have consulted with the news vendor on the corner. But what has that got to do with the letter?

The Witness. I thought the letter was in the interest of the United Mine Workers.

Mr. Carey. There is no objection to my cocounsel and myself conferring, is there?

Mr. Rauh. I would like to state the relevance of this question, so that when I get the answer to it in court I am not—the relevance of it is that I do not believe that Mr. Boyle could have prepared that letter by himself, and that he has now denied that he consulted with anyone of the four people most likely to know, and therefore on that basis I want to go into the question as to with whom he did consult as a question of credibility, not having consulted with any of these other people.

By Mr. Rauh

Q. I now repeat the question, with whom did you consult before you prepared this letter?

A. What does that have to do with——

Mr. Carey. The question of whether he consulted with anybody or whether he did not is immaterial and irrelevant. As I said earlier, the letter bears his signature. He adopted a position. As the chief executive of this union he has a right to write a letter to any Congressman or any Senator, and a piano tuner or anybody else. He can write a letter to a lawyer and bypass me. He can write a letter and bypass the organizational director. He can write a letter and bypass all the directors of the various areas in which we have directors in the union. He is vested with that authority under the constitution of the international union, and he is under no duty to consult anybody. When he decides what is best for the union, then he has a right to make that decision.

That is between meetings of the executive board.

By Mr. Rauh

Q. Are you familiar, Mr. Boyle, with the Schweiker amendment?

A. Schweiker? Yes.

Q. What is it?

A. Schweiker from Pennsylvania was contracted, as I understand it, by Labor's Nonpartisan League for the purpose of trying to strengthen the bill before him. And it is my further understanding that Schweiker, who heard me testify up there prior to Mr. Yablonski coming on the job, acquiesced, and became a party to it. And the latest report I have on it is that Schweiker hasn't changed his mind. Schweiker is out of Pennsylvania. I know him.

Q. What was the nature of the Schweiker amendment?

A. It was in the form of strengthening the bill.

Q. In what way did it strengthen it?

A. Well, if I have been properly informed, I suppose, not going over myself, and finding out what I found out, Schweiker, along with other things, you know, wanted this dust level taken care of in a shorter period of time than some other people wanted. That was one of the things he wanted. And he was vitally interested in the dust control, in the strengthening of the dust control provisions of the bill. It may not show there, the article that you have in front of you, but he was even in favor of strengthening some of the safety laws.

It may not show in the article there. He was greatly concerned on that.

And I think if it is adopted—I don't know whether it is adopted or what stage it is in right at present, but in all probability, what he has suggested and recommended will be given serious consideration by the Congress, I would hope, both on safety and dust.

Q. Then the answer is that you don't know what the Schweiker amendment is?

Mr. Carey. That is not what he said at all. He told you what it did. It strengthened the dust provisions and the safety features, but he wanted to spell it out word by word. I think he has answered the question, and I suggest that he not answer any more about it.

By Mr. Rauh

Q. In the Mine Workers Journal of August 1, 1969 the following appears:

"As the Journal was going to press July 31 the full Senate Labor and Public Welfare Committee gave its approval to a coal mine safety bill. On July 29 Senator Richard S. Schweiker, Republican of Pennsylvania, at the UMW's request, was successful in having the following amendment included: 'The Secretary shall station Federal Inspectors for the purpose of making mine inspections on each and every day such miners are producing coal at these underground coal mines which liberate excessive quantities of explosive gases and which are most likely to present explosion dangers in the opinion of the Secretary based on the past history of the mine and other criteria he shall establish.' "

A. That is exactly what I have told you previously, it is repetitious, I have told you that I was the one that came up with the idea that these federal mine inspectors must be stationed at those places, and that we were pushing hard to get those federal mine inspectors stationed there. And when I said improvement to the mine safety bill, what more did you want me to say?

I know what is in that journal. I read that journal. I know what is in it. I can't repeat it verbatim.

Mr. Carey. I think you have answered that thoroughly.

The Witness. I think the record will show that I proposed that the federal mine inspectors be engaged.

Mr. Carey. You have asked this question before as to what was in the various bills. You are asked to identify them by name. And I said, in that form, it is not substantial. You are able to provide the substance which was contained in the bills. And this to me is repetitious, and it proves nothing.

By Mr. Rauh

Q. Isn't it a fact, Mr. Boyle, that Senator Schweiker put that in at Joe Yablonski's request?

Mr. OWENS. What is the materiality of that?

Mr. RAUH. Do you want to answer the question?

Mr. CAREY. Don't answer the question. What difference does it make on whose behest it was placed in there?

By Mr. Rauh

Q. Isn't it a fact that you gave orders to Mr. McCarty not to put in that Mr. Yablonski should be given credit for this?

A. Let's don't be silly. That is all right for the Washington Post that you hit every morning, it is all right for you to give out those releases, Mr. Rauh, but let's don't go ridiculous; the Journal would be the last one to try to take credit from anyone. Joe Yablonski is inexperienced for the short period of time he has been on the hill, he couldn't even find Schweiker's office unless someone led him by the hand to it. He wouldn't know how to get there, let alone propose this and that and everything. All of this formality of this bill was gone into long before Mr. Yablonski became a candidate or was put on as Labor's Nonpartisan League's acting director or anything else. What you are trying to make is something out of this thing that is absolutely false, untrue, and a downright damned lie when you say it.

Mr. CAREY. Further, the ethics of the profession, as I understand it, require that before a lawyer asks a question in which he impugns or challenges the integrity of the witness, or suggests something improper, there should be a basis for it. And I would like to have Mr. Rauh put on the record any information he has that Mr. Boyle tried to suggest to the Journal editors that it was not to be stated that Mr. Yablonski was responsible for it.

Mr. RAUH. I am happy to do so, Mr. Carey. Thank you for the opportunity. I wouldn't otherwise have had it.

A reporter for the Swedish Press has informed us that he was sitting with Justin McCarthy in Justin McCarthy's office, and that Mr. Boyle called three times during that period directing Mr. McCarthy as to what he should say, and that Mr. McCarthy said to this reporter, Mr. Isaacson by name, that he wished he could give fair treatment to Mr. Yablonski in the United Mine Workers Journal, but that Mr. Boyle had ordered him not to mention Mr. Yablonski's name. The name of the reporter who gave us this information is Mr. Isaacson of the Swedish Press. And it was a very clear basis for asking these questions about the United Mine Workers Journal.

I consider Mr. Isaacson a very expert reporter from the basis of discussions I have had with him in the labor movement in general, a man of integrity and responsibility who had no reason for so informing us except that he believed it to be the truth. That is the basis for my question.

The WITNESS. Let me say this in answer to that. I want to answer that, because I want it well known on the record that at no time in the writing of the article that you refer to did I ever have any conversation with Mr. McCarthy, at no time. And if the man that you mentioned took it for granted that Mr. McCarthy was talking with Mr. Boyle, then certainly he is mistaken, because I have never met the gentleman, and I am not going to impugn his integrity or say that he is fabricating, but Mr. McCarthy—and let the record show—Mr. McCarthy never consulted with me once in the writing of that article, and very little does he consult with me in the writing of the Journal, very little. And I don't care who says that he has talked with Boyle, whether—no matter who the individual is, or how honorable he is, my statement is on the record that I never talked with McCarthy in the writing of that article and numerous other articles or any other articles, that are in that particular issue.

And I did not.

Now, that man is mistaken that he was talking with me. He was talking with someone else. McCarthy never talked with me about it. I suggest that you talk with McCarthy to find out whether he talked with me.

By Mr. Rauh

Q. Have you ever talked to Mr. McCarthy about the Journal reporting that Yablonski has announced his candidacy.

Mr. CAREY. Objection to that. It has nothing to do with the issue at all.

By Mr. Rauh

Q. Do you question that Mr. McCarthy said to Mr. Isaacson——

Mr. CAREY. We are not going into the integrity or lack of integrity of Mr. McCarthy. We will produce Mr. McCarthy at the proper time.

Mr. RAUH. Let me just finish my question.

By Mr. Rauh

Q. Do you question that Mr. McCarthy told Mr. Isaacson that he would prefer to make the Mine Workers Journal free instead or just making it one sided for Mr. Boyle?

Mr. CAREY. Don't answer that question.

By Mr. Rauh

Q. Have you told anybody else to make clear to the editors of the Mine Workers Journal that Yablonski shouldn't be mentioned?

Mr. CAREY. Objection.

By Mr. Rauh

Q. Do you know or don't you know that since he has been a candidate for office he has never been mentioned once in the Mine Workers Journal?

Mr. CAREY. Objection to that. It is not true.

By Mr. Rauh

Q. Which is it in?

Mr. CAREY. He is not answering the question. I am making an observation, I was looking out here in right field and talking to myself. I do that occasionally.

Mr. RAUH. Would Mr. Carey care to tell me where Mr. Yablonski's name has appeared in an article in the United Mine Workers Journal?

Mr. CAREY. No, I wouldn't care to tell you anything. I am not being questioned by you, Mr. Rauh.

By Mr. Rauh

Q. After you removed Mr. Yablonski from his position as acting director of Labor's Nonpartisan League, did you recall Mr. Robert Howe from retirement to resume that position, his position as director of Labor's Nonpartisan League?

A. I did.

Q. When you reinstated Mr. Yablonski what did you do with Mr. Howe?

A. Well, I didn't pay him $26,000 a year like I am paying Mr. Yablonski, I didn't do that. But I asked him if I could have his services as assistant to the president, because knowing of the inability of Mr. Yablonski on legislative matters, and in addition to that, using Mr. Howe for other work that I needed done, I asked him if he would come back out of retirement. Because this was a crucial moment in the history of the United Mine Workers organization.

I put it to him in such a way that he could hardly reject coming back, because I told him that my legislation—and when I say my legislation I mean the legislation that I was ordered and directed by this union to promote in the legislative halls of Congress—and I told him that I thought that he owed it to the union to come back and let us have his experience in trying to push this legislation through.

In addition to that, Mr. Howe was more than willing to come back and aid and assist and do anything he could. In fact, Mr. Howe attempted to and endeavored to tell Joe Yablonski how to proceed, with Mr. Howe's 30 years of experience, how to proceed, how to do certain things on the Hill. But Mr. Yablonski did not want anyone dictating to him or telling him what he wanted to do at all as the acting director. Mr. Howe met with utter failure in trying to keep him from falling into pitfalls over there and endangering himself.

And Bob Howe is the type of a gentleman that—I don't know of a person that couldn't get along with him, I don't know of any, not one. And he said that in the interest of the coal miners of this country that he would come back. And I pointed out to him, I said, because of the Farmington, the Mannington—some call it Mannington and some call it Farmington—disaster, that we had created and aroused the public of this country by the killing of these 78 in that mine down there to a point that if we could possibly get some legislation through—and that I needed all the help I could get, would he come back and help me push this thing through the legislative halls, that if we are ever going to get legislation to protect the lives and the limbs and the well being of coal miners, that now that we have an aroused public and an aroused Congress, that now perhaps we could do it.

And that is why Bob Howe came back. And he met with utter failure in trying to influence Mr. Yablonski, because Mr. Yablonski wasn't around very much, you know, he was around very little. He spent very little of his time on the Hill, and he spent very little of his time in the office.

But I was told that he was to have the acting directorship back, so he was restored to it. I obey the laws of the land, I obey court orders the best I can. And that is something that can't be said by a lot of people.

Q. Who are you referring to, Mr. Boyle?

A. Those who violate laws, and have violated laws.

Q. Who are you referring to, Mr. Boyle?

A. Anyone who violates laws.

Q. But you have nobody in particular in mind?

A. Not presently, no.

Q. You said that Mr. Howe had tried to help Mr. Yablonski avoid pitfalls and not endanger himself. How has Mr. Yablonski fallen into pitfalls and endangered himself?

Mr. CAREY. He didn't say he did, he said so that he wouldn't, he didn't say he did.

The WITNESS. I didn't want him to fall into them. I had nothing personally against Joe Yablonski, or I wouldn't have given him the job. I wanted him to make good on the job. I wanted him to do everything possible to make good at it. But I do know that he was inexperienced. And this man Howe was good enough to come back and aid and assist.

And I didn't want—you have been over in the legislative halls of Congress often enough to know that even you can accidentially, unintentionally make a mistake. If you are infallible, you are the first man that I have met that is. And I think even you with your legislative experience could perhaps be guided to some degree by someone else.

Those are the things that we had in mind.

We are so vitally concerned and interested in getting this legislation through that we could taste it. And I don't know whether we are going to get it or not.

By Mr. Rauh

Q. Has Mr. Yablonski fallen into pitfalls or endangered himself that you think Mr. Howe is trying to avoid for him?

Mr. CAREY. Don't answer that question. I don't see its relevance.

By Mr. Rauh

Q. You said that Mr. Howe had tried to influence Mr. Yablonski. In what way did he do that, and when did he try that?

Mr. Carey. He didn't say influence at all. I don't think the word "influence" is used, and I recall it.

Mr. Rauh. Mr. Reporter, will you please return to Mr. Boyle's long answer on the question of what Mr. Howe was doing and see if the word "influence" was used.

Mr. Carey. I thought he said the word "persuade," persuade him how to maneuver on the Hill, how you do things on the Hill, was my impression of the phraseology.

Mr. Rauh. Will you read the answer?

(The record was read as follows:)

"Answer: Well, I didn't pay him $26,000 a year like I am paying Mr. Yablonski, I didn't do that. But I asked him if I could have his services as assistant to the president, because knowing of the inability of Mr. Yablonski on legislative matters, and in addition to that, using Mr. Howe for other work that I needed done, I asked him if he would come back out of retirement. Because this was a crucial moment in the history of the United Mine Workers organization.

"I put it to him in such a way that he could hardly reject coming back, because I told him that my legislation—and when I say my legislation I mean the legislation that I was ordered and directed by this union to promote in the legislative halls of Congress—and I told him that I thought that he owed it to the union to come back and let us have his experience in trying to push this legislation through.

"In addition to that, Mr. Howe was more than willing to come back and aid and assist and do anything he could. In fact, Hr. Howe attempted to and endeavored to tell Joe Yablonski how to proceed, with Mr. Howe's 30 years of experience, how to proceed, how to do certain things on the Hill. But Mr. Yablonski did not want anyone dictating to him or telling him what he wanted to do at all as the acting director. Mr. Howe met with utter failure in trying to keep him from falling into pitfalls over there and endangering himself.

"And Bob Howe is the type of gentleman that—I don't know of a person that couldn't get along with him, I don't know of any, not one. And he said that in the interest of the coal miners of this country that he would come back. And I point out to him, I said, because of the Farmington, the Mannington—some call it Mannington and some call it Farmington—disaster, that we had created and aroused the public of this country by the killing of these 78 men in that mine down there to a point that if we could possibly get some legislation through—and that I needed all the help I could get, would he come back and help me push this thing through the legislative halls, that if we are ever going to get legislation to protect the lives and the limbs and the well being of coal miners, that now that we have an aroused public and an aroused Congress, that now perhaps we could do it.

"And that is why Bob Howe came back. And he met with utter failure in trying to influence Mr. Yablonski, because Mr. Yablonski wasn't around very much, you know, he was around very little. He spent very little of his time on the Hill, and he spent very little of his time in the office.

"But I was told that he was to have the acting directorship back, so he was restored to it. I obey the laws of the land, I obey court orders the best I can. And that is something that can't be said by a lot of people."

By Mr. Rauh

Q. Now that the record has been clarified—and it does quote Mr. Boyle as saying that Mr. Howe met with utter failure in trying to influence Mr. Yablonski—I repeat the question. How, Mr. Boyle, did Mr. Howe, when and where and what, try to influence Mr. Yablonski?

A. Well, Mr. Yablonski took the position, as I understand it—I haven't spoken with Mr. Yablonski—as I understand his position, he was the acting director, that he was going to run the League, and he wasn't taking orders from Bob Howe or anyone else over there. In fact, he wasn't going to take any orders from the president of the organization. And when I pointed out in a letter and otherwise that Bob Howe was here to be helpful, you wrote a letter for him—you recall the letter better than I do, because it is your letter, Joe Yablonski doesn't write that way—I know him—you said that he didn't want any confrontation with a man his age.

And so he walked out of the office after he showed up, spent 30 or 40 minutes in the office, and left for the entire day. And he didn't go to the Hill, and couldn't be located because he didn't want a confrontation with a man that wanted to aid and assist and help him. That is why I used the word "persuasive" or "influence," or whatever it is, it makes no difference what language you want to put on it, but that is what he was trying to do, but he didn't want to listen to anyone.

Q. Have you finished?

A. Yes.

Q. Did you just say that Mr. Yablonski had refused to carry out some order of yours? I didn't understand that.

A. I said that Mr. Yablonski wasn't going to take orders from Mr. Howe. I said, as I recall—we can read it—that Mr. Yablonski had taken the position that he wasn't going to take orders from anyone, he was going to run that League over there to suit himself. His associates have been over there for many years, and they would be quite helpful to him—and Bob Howe could be quite helpful to him. If any of them need any assistance that I may possess, or any ability that I may possess, they were free to call upon me. Never once did Mr. Yablonski see fit to ask me for any assistance, or Mr. Howe for any assistance, or anyone else that I know of connected with legislative matters. On the contrary, when he is here, he does just about as he pleases. As the President of the organization he wants me to lead him by the hand by the hour, by the day.

And I don't have that kind of time. If I had that kind of time I don't need an acting director of Labor's Nonpartisan League, I can go over there and do it without him.

But I put all of my assistance and help at his disposal, and the experience of 30 some years of Mr. Howe, and he hasn't utilized it. It shows very little interest as far as I am personally concerned. And I think a great many people in the industry, the miners of this country, realize that little interest is being shown.

Mr. Carey. By whom?

The Witness. By Mr. Yablonski—and benefit as far as legislation is concerned.

He should utilize, in my judgment—his judgment is supreme in his opinion, but in my judgment he should utilize the experience of people who have been doing this work for many, many years. He should inquire, in my judgment, like other departmental heads, if the president of the organization is satisfied, dissatisfied, or whether or not we should proceed or not proceed on certain angles.

You asked whether or not he was consulted on some things a minute ago. He has yet to call the president of the United Mine Workers of America and ask one single iota question with respect to the legislative matters over there since May 29.

And he was only on the job nine days before that. There hasn't been one departmental head, not one district president, not one international board member, that hasn't on some occasion either written me, telephoned me or met with me in person to get my advice and counsel on something with respect to this organization, with one exception, Joe Yablonski. And I have met with his associates from time to time, because they come to me seeking advice and counsel, and I give it to them.

Mr. Carey. Why do they come to you?

The Witness. They can't get it from a man that doesn't know. That can't get it from a man that is inexperienced and knowing nothing about it.

By Mr. Rauh

Q. The question to which I do not believe you answered is responsive was relating to a refusal to carry out orders. Can you state any time he ever said he would refuse to carry out your orders, or any order you gave him he wouldn't carry out.

Mr. Carey. I object to that. I think the president has answered that question extremely well, he said, at no time since this man has been appointed acting director, or since the reinstatement by the court, has he had the courtesy as a subordinate officer of this union to call the chief executive officer to ask his advice on vital matters involving the coal miners of this country.

He has completely ignored the president's office. He is trying to run an independent unit. And that is the insubordination that Mr. Boyle is talking about.

Now, I don't know of any department head that has failed to consult the president. And as you know, the chief executive officer has the ultimate responsibility to make the determination on almost all issues of this union—in fact, all issues of any importance. And that has not been done by Mr. Yablonski, as Mr. Boyle has just recited in detail.

By Mr. Rauh

Q. Mr. Boyle, Mr. Carey has made a statement on your behalf——

Mr. Carey. No, I merely told you what he said when you asked this question the second time.

By Mr. Rauh

Q. Mr. Boyle, Mr. Carey has made a statement on your behalf that Mr. Yablonski is quietly of insubordination. Is that your position?

A. No, I didn't say that.

Q. I said Mr. Carey just made that statement, and I was asking if that was your position?

A. That has nothing to do with this deposition. When we get around to the insubordination part of it, you will have some more work to do, Mr. Rauh. We will prove about the insubordination when that time, when the judge or the court orders that I should prove about insubordination, we will be in a position to do that. That has no applicability to what I am here for today in any way, shape or form about his insubordination. I am here today to give a deposition, at your invitation, as to whether or not I had the right to take him off that job. You want to get into extra curriculum and such things. I can ask you when was the last time you rode horseback. I am not getting into these extracurricula things. When we talk about insubordination we will meet that one when it comes.

Q. Is it your position, Mr. Boyle, that Mr. Yablonski has been insubordinate?

Mr. Carey. Don't answer that question. You just told him that you will cross that bridge when it is necessary.

By Mr. Rauh

Q. In what way could you assist Mr. Yablonski on the legislation, Mr. Boyle?

Mr. Carey. I suggest that the witness not answer the question.

By Mr. Rauh

Q. Then why should he ask you on these matters?

Mr. Carey. That is a matter for him to determine, and I advise the witness not to answer.

By Mr. Rauh

Q. Since Mr. Yablonski has returned to the office and has regained his position as acting director of Labor's Nonpartisan League, what has Mr. Howe done?

Mr. Carey. Objection to that. We are not going to go into what Mr. Howe did. You might just as well ask what I did. Don't answer the question, Mr. Boyle.

Mr. Rauh. Isn't it a fact that you have run Labor's Nonpartisan League through Mr. Howe?

Mr. Carey. Don't answer the question. You are presuming a fact which doesn't exist.

By Mr. Rauh

Q. Do you know whether Mr. Howe has been directing the work of Mr. Kmetz and Mr. Combs?

Mr. Carey. Don't answer the question, Mr. President.

By Mr. Rauh

Q. And is it a fact that Mr. Howe has been directing the work of Mr. Kmetz and Mr. Combs?

Mr. Carey. Same advice and same position.

By Mr. Rauh

Q. Do you get a daily report from Mr. Howe?

Mr. Carey. Same.

By Mr. Rauh

Q. The question is, do you get a daily report from Mr. Howe?

Mr. Carey. On what?

Mr. Rauh. On Mr. Howe's activities.

Mr. Carey. I am not going to let him answer that question.

By Mr. Rauh

Q. Did you ask for a daily report from Mr. Yablonski?

A. Yes, sir.

Q. Why did you ask for one from him and not from other staff members?

A. I have asked it from other staff members, and I get it from other staff members.

Q. Do you get it from Mr. Howe?

Mr. Carey. Don't answer that question, because Mr. Howe is in a unique position. You don't have to answer it.

By Mr. Rauh

Q. What is the unique position, Mr. Boyle, that Mr. Carey says Mr. Howe is in?

Mr. Carey. Because he is assistant to the president, and he doesn't have to answer any questions about what he does for the president.

The Witness. Any more than the League.

Mr. Carey. Right.

Do you want to know if I make a report daily to the president? Would you like to see my reports?

By Mr. Rauh

Q. Do all staff members except Mr. Howe make daily reports to you, Mr. Boyle?

Mr. Carey. Same resistance to the question, it has no relevance.

By Mr. Rauh

Q. Who approves vacations for members of the staff?

Mr. Carey. I don't know what the relevancy of that is.

By Mr. Rauh

Q. Isn't it a fact, Mr. Boyle, that you approve the vacations of subordinates of Mr. Yablonski whose vacations should more properly have been approved by Mr. Yablonski if in fact he holds the job as acting director?

Mr. Carey. Objection to that.

The Witness. It never has been done, never in the history of this union has the director of Labor's Nonpartisan League approved vacations. It has always been the president's prerogative and his duty to arrange for the vacations of these people. Why should Mr. Yablonski, because he is your client, be singled out, as a special individual that he should take the prerogative of the president over and arrange that a man can go on a vacation to suit Mr. Yablonski? That is not his duty under the constitution, under the law, or under your thinking, or under your theory. You or Mr. Yablonski are not going to run this United Mine Workers Union, you might as well make up your minds to that. And I am looking you right in the eye when I say that. I am telling you that you are not going to run this union.

And you can snicker all you want to, because I will yank you by the long hair if you fool around with me.

Mr. Carey. This is evidence of the lack of manners that has been shown constantly throughout the hearing.

The Witness. Continually with that long hair and making these faces and snickering.

You fool around with me, and I will grab him by the hair.

Put that on the record.

By Mr. Rauh

Q. Have you finished?

A. Yes.

Mr. Rauh. I have instructed Mr. Moore not to respond, but on his behalf, Mr. Moore's conduct has been exceptional in this regard—

The Witness. That is your judgment, that is just your opinion. That is the opinion of one in this room, that is not the opinion of everyone else that is in here.

Mr. Carey. Why didn't you challenge my observation an hour and a half ago that he had better demonstrate better manners?

Mr. Owens. Mr. Moore sat there constantly and snickered and laughed and made faces at the witness all during the deposition.

The Witness. He won't make too many more faces at me when you don't see him, I will say that.

Mr. Rauh. I will simply say that it has been quite hard for me as an experienced attorney not to resent the performance of Mr. Boyle and his attorneys have put on here today. And I have 30 years of experience, and I have had trouble not resenting the performance put on by Mr. Boyle and his counsel here today, but I have been able to do it because of my experience.

I would understand a person who had not seen so many depositions being shocked at the performance here by Mr. Boyle and by his four attorneys.

The Witness. And the same goes for you, Mr. Rauh, the same goes for you, I am shocked and amazed, even with all of your legal experience, I am shocked and amazed that you would stoop to try to inject things into a deposition that you have done. I am shocked, I am amazed.

Mr. Carey. I am not going to reply, because I am tired of making observations about Mr. Rauh. He knows what I think about him.

By Mr. Rauh

Q. Is it your testimony, Mr. Boyle, that you approved the vacations of all the staff people?

Mr. Carey. That question is repetitious. The record already reflects the answer.

Don't answer it.

Mr. Rauh. I don't think the record reflects any answer, Mr. Carey.

Mr. Carey. The record does. And I suggest that we ask the reporter to read the testimony as to how vacations have been determined in the League in prior years, just to show that this man doesn't know what he is talking about.

Mr. Rauh. If Mr. Carey asks you to go back to it, do so.

Mr. Carey. That is where the president says he has always had the vacations of the members of the League approved by him, there is nothing unusual in what he did this year at all.

Mr. Rauh. That was said. My question goes much broader.

By Mr. Rauh

Q. Do you approve the vacations of all the staff people of the United Mine Workers, not simply the Labor's Nonpartisan League?

A. I certainly do. And for 30 years—that includes the League—prior to my becoming president of this organization. If the general counsel wanted to take a vacation he has got to clear it with me.

Q. Where were the offices of Labor's Nonpartisan League at the time you removed Mr. Yablonski?

Mr. Carey. We will stipulate if you want that. They were on Eye Street, and subsequently transferred to 1437 K.

By Mr. Rauh

Q. What was the reason for the transfer, Mr. Boyle?

A. We may have to transfer them back, because it didn't work out as we anticipated. It was anticipated that the League and the safety division would have to vacate the premises on Eye Street, because there was a possibility of other departments going in that locale, and they were going to take it over. And we had some empty space over on K Street, so we moved him over there. Now that that did not materialize, we may be required to move either the League or the safety division or both of them back over to Eye Street.

I think we have that prerogative, I don't know.

Mr. Carey. We could have moved into the Mayflower Hotel in a suite.

By Mr. Rauh

Q. Who signed checks for the bills of Labor's Nonpartisan League at the time Mr. Yablonski was removed, Mr. Boyle.

A. There wasn't any checks being signed over there, as I recall. They borrowed money from the United Mine Workers to pay their rent over there, and things of that nature. And now that we have discontinued any rent fees to the Labor's Nonpartisan League it doesn't necessitate any checks being written.

Q. No previous director of Labor's Nonpartisan League has signed the checks for his own bills?

Mr. Carey. You mean for his personal bills?

The Witness. Not that I know of.

By Mr. Rauh

Q. Mr. Yablonski had no right to sign any checks prior to the removal?

A. There is no money over there.

Q. And Mr. Howe hasn't signed any checks?

A. No, sir. Personal checks of his own, but no checks as far as the union is concerned has Mr. Howe signed.

Q. Prior to Mr. Yablonski reporting for work at the new location at 9:00 a.m. on Monday, July 21, had you any conversation with Mr. Howe concerning the operation of Labor's Nonpartisan League in the new circumstances?

A. In what respect?

Q. On July 17 the court entered its order directing you to give Mr. Yablonski back his job as acting director of Labor's Nonpartisan League. That same day or the next day Mr. Carey informed me that you were not going to appeal the order. Mr. Yablonski reported for duty at 9:00 a.m. on Monday July 21. At any time prior to then did you discuss with Mr. Howe the operation of Labor's Nonpartisan League in the new circumstances of Mr. Yablonski being reinstated?

A. I certainly did.

A. And was said?

A. I asked him to aid and assist, and being repetitious on the record, to aid and assist and do everything he could to benefit the passage of that legislation over there that was vital to the coal miners of this country, that I was scared we were going to lose—I was scared we were going to lose it under your client, Mr. Yablonski, to be than fair with you.

And I had every confidence in this man Howe. And I did consult with him. And I told him to guide him, to help him, to work with him, to do anything and everything, and to help the other associates of his in getting this legislation through. I even wrote a letter to him to take a walking tour so that he would go from one Congressman's office to anothers and meet the administrative assistants and to meet the Congressmen, and the same in the Senate, to do those things so that he would become acquainted with what they do over there on the Hill in order to get legislation passed. Certainly I discussed that with Mr. Howe.

Q. Did you discuss with Mr. Howe who was to be in charge of that office?

A. He knew, I didn't have to discuss it with him, he knew that Mr. Yablonski was restored, in compliance with the court's order, as the acting director, he knew that. I may have told him, repeated it, but I know that he knew it.

Q. Can you then explain how on the morning of July 21 Mr. Howe offered Mr. Yablonski a desk in the storeroom or the alcove and told him he would continue to be in charge of legislative matters, can you explain how that happened in view of what you just said.

A. No, I have no knowledge of it—and I don't believe it happened—if it did happen. You say it happened. I don't believe it happened. I don't know. I wasn't there.

Q. You don't believe that Mr. Howe retained the desk of the director of Labor's Nonpartisan League there, I take it, and that he offered Mr. Yablonski a desk in an alcove or a storeroom, you don't believe that?

A. I know that Mr. Howe is not over there, he is in our building.

Q. On the morning of July 21, Mr. Boyle, are you saying——

A. I have never been in that building.

Q. Have you discussed the events of July 21 with Mr. Howe since then?

A. In what respect?

Q. Have you discussed the events of July 21 with Mr. Howe in any respect?

A. I have discussed a lot of things with Mr. Howe that don't pertain to legislation, your client or anyone else, I discussed a lot of things with him. You would have to be more specific as to what you want. I don't know what you want. If you tell me what you want I will be glad to respond.

Q. Have you discussed at any time since July 21 with Mr. Howe what occurred when Mr. Yablonski came in that morning and Mr. Howe offered him a desk in the storeroom or an alcove, have you discussed that with Mr. Howe?

A. When that was called to my attention, that there was a controversy over there, I told Mr. Howe, or sent word to Mr. Howe, rather, to come to my building—I call it my building where I am located, the Mine Workers Building—to perform the duties from there as assistant to the president, or give him anything he wants, let's don't have any rankle or jangle or fight or argument over there as to where he sits.

But let it be remembered that when Mr. Yablonski was the acting director of Labor's Nonpartisan League he was over on Eye Street, and the court did not tell me to put him in my particular office over on K Street, and if they had been in the cellar, in the attic or wherever it was, the court didn't tell me, and I haven't been told to this day.

He may be dissatisfied where he is now, I don't know. He has never told me that he is completely satisfied where he is now. I don't know. Maybe he would rather be up here. He spends a great deal of his time here, doesn't he?

Do you want to answer that?

Q. Have you finished?

A. Yes.

Q. The question I am about to ask, Mr. Carey, has to deal with the hostility of Mr. Boyle to Mr. Yablonski, and relates to incidents evidencing that hostility. I think the hostility of Mr. Boyle to Mr. Yablonski is relevant to the question whether his removal was a reprisal. And I have made that statement so that there will be no argument as to my purpose in asking the questions, and my ground for relevance.

Mr. CAREY. First I would have to hear the question before I can make a determination.

By Mr. Rauh

Q. Have you discussed with anyone, Mr. Boyle, the attack on Mr. Yablonski on June 28, 1969?

Mr. CAREY. Objection. It has nothing to do with this particular matter.

Mr. OWENS. What attack are you talking about?

Mr. RAUH. I am perfectly willing——

Mr. CAREY. Is this the hoax in Springfield you are talking about?

Mr. RAUH. You have characterized it that way. I will simply read it the way I have given it to the secretary.

Mr. CAREY. Are you referring to the Springfield episode?

Mr. RAUH. Of course.

Mr. OWENS. Mr. Rauh, if you are going to ask questions about these matters, fine, go ahead, about his removal as acting director. If you are going to all this other campaign stuff—you are acting now as a campaign manager and asking questions. That is highly improper, and you know it. That is why you were telling us what you were going to do in advance. We are not going to let him answer any questions like that.

Mr. CAREY. In order to save time and save expense for both parties—I don't know how much money you people have, you obviously have a great deal, but we want to conserve as much money as we can—now, any question which does not relate to his removal as director of Labor's Nonpartisan League we will object to, and I suggest that if you are going to continue to ask those questions, I am going to ask the court to impose the burden of paying the cost of this deposition for us on you.

Mr. RAUH. I am perfectly happy for you to make that move. We feel that Mr. Boyle's hostility to Mr. Yablonski——

The WITNESS. You haven't proven any hostility on my part to Mr. Yablonski.

Mr. CAREY. We don't concede there is hostility. This is merely a self-serving declaration.

The WITNESS. Yes, he wants to be his lawyer, campaign manager, and take depositions and everything else at one time, judge, jury or what have you.

Mr. CAREY. If he wants to use these self-serving declarations, we can't stop him.

Go ahead, Mr. Rauh. You are wasting your time. You are not going to get any answers, except on the specific issue that is before the court, the removal or the non-removal, the legitimacy or the illegitimacy.

Mr. RAUH. That is correct, Mr. Carey. The legitimacy or the illegitimacy of the removal depends upon a state of mind shown in part by the events which I would like to inquire about, such as the one at Springfield. They demonstrate that there is a tremendous hostility by Mr. Boyle, which I think the record will show today. But that will be up to the court.

And I think we should go into these questions.

In order to save time I will try to work out a stipulation with you as to the type of questions we will ask on each of the four letters, each of the events in the four letters to the Secretary of Labor. And if we could have possibly 10 minutes off the record, I think we could put that stipulation on the record that we would ask with respect to each paragraph in the four letters to Mr. Schultz, a certain number of questions which you then, I take it, will say he should not answer.

But instead of asking him 100 times, because we think there are 100 violations, we would only stipulate that they would be asked, and we will let the court decide whether these are evidence or hostility.

Is that satisfactory?

Mr. CAREY. The position we take is this. On June 6 President Boyle, the defendant in this action, removed the president as acting director of Labor's Nonpartisan League. Based upon his conclusions, the man had taken a position at complete variance with the policies which were essential to the betterment, economically and safety-wise, of the members of the UMWA. After reading the press release of May 29 Mr. Boyle exercised a certain judgment. Based upon that judgment he removed this man as acting director of Labor's Nonpartisan League.

This is June 6. Any question subsequent to that time has no relevancy to this matter. And we intend to answer whatever allegations you write to the Secretary of Labor, or have written, or have written to other government agencies, incidentally, and also circulated in the newspapers, we will answer those questions in the proper forum at the present time. This is not the proper forum, because this issue is not before the court.

So there is no use, we cannot enter into a stipulation of any kind. I have made it clear that if you intend to ask any of these questions we are going to object.

Now, you can do what you want and proceed in your own unique fashion, but I am not going to stipulate.

Hostility has nothing to do with this issue at all. Whether you like a man or dislike him, the question is whether he was removed for cause. I may hate a man whom I work with, but the hostility between me and him has nothing to do with the fact that I may remove him because of inefficiency or ineptitude or incompetence, that is the test.

And that was the test here.

By Mr. Rauh

Q. Mr. Boyle, I read you a paragraph from my letter of July 9, 1969 to the Secretary of Labor, George P. Schultz——

Mr. CAREY. I will go this far. If you can identify that letter and say to whom it is addressed and ask Mr. Boyle if he is going to answer any questions involved in that particular letter, I will tell him not to answer, and you can get it much more quickly if you wish.

Mr. RAUH. That is what I meant by the stipulation.

Mr. CAREY. Take the letters and identify them, and we will take our position. You know it. You have been around 30 years, you have been around longer than I have. And you know that these questions are improper, and you know they are thoroughly improper.

And you have talked about being disturbed by my behavior. I am shocked and aghast at your behavior in indulging in what I consider improprieties, because this is going to be used for an ulterior purpose and not for the basic issue which is before the court, and well you know it.

Mr. RAUH. The basic issue is whether Mr. Yablonski was removed as a reprisal. The question I want to ask is with respect to Mr. Boyle's hostility toward Mr. Yablonski's candidacy, and is the best evidence that this was a reprisal.

Mr. CAREY. You said his hostility against Mr. Yablonski. Now you are shifting your position. You didn't say candidacy before, you said his hostility against Mr. Yablonski. My God, as I said yesterday, will you love me in December as you did in May. There was a saccharine sweetness that he threw around on a public platform, and now to take a position and indict this man and charge him with ineptitude, it almost makes me regurgitate, because he was lying then or he is lying now.

You can't take two positions which are contradictory and be telling the truth both times.

Mr. RAUH. I believe the four letters to Secretary of Labor Schultz, July 9, 1969, July 18, 1969, July 25, 1969, and August 13, 1969 are relevant because they show Mr. Boyle's hostility to Mr. Yablonski and Mr. Boyle's hostility to Mr. Yablonski's candidacy. Since it has been made clear that no questions will be answered on the record, I would simply like a stipulation that no question about the events in those letters will be answered without a court order, whether they are about Mr. Boyle's knowledge of the events, his participation in the events, his investigation of the events, or his refusal to take any action to stop the events. And I would inquire on all of those subjects if I were permitted. I take it that we are now stipulating that subject to a court order Mr. Boyle will not answer any questions about those points.

Mr. OWENS. There is one thing I might say. Wasn't there one thing in your letter about the removal of the director of Labor's Nonpartisan League?

Mr. RAUH. That is paragraph two. But I was not going to inquire into that.

Mr. OWENS. Outside of that.

Mr. RAUH. Then my statement, other than paragraphs one and two which I was not going to inquire into, because they were the two cases in the court, my statement is satisfactory to you, Mr. Carey?

Mr. CAREY. It is satisfactory, but I want to make a statement for the record.

There is nothing under the Federal Rules of Discovery when a deposition is being taken that prevents a lawyer from asking a question. I do not particularly appreciate these questions being asked—not that we are reluctant to answer them, we will answer these questions at the proper time, and in the proper forum. But I do not intend to violate the canon of ethics or allow them to be violated by Mr. Rauh or anyone else. Because I can see a projection of two or three days from now where these questions will be carried in the newspapers, we will be down in court asking for a court order, an order to get propaganda for a political campaign, which I think is contemptible. I cannot stop it. I can object to it. But I do question the ethics of the proponents of such proposition.

Mr. RAUH. With that statement, we do have a stipulation that you would answer no questions in the circumstances that I outlined on the record.

Mr. CAREY. I assume—and you assure me, and I am accepting your assurance—that all of these events took place subsequent to the removal date of Mr. Yablonski as acting director, is that true?

Mr. RAUH. I cannot without reading the four letters go into that. I believe that to be true, but I haven't reread the four letters this morning.

Mr. CAREY. If you find that to be true and we do go to court, would you then be willing to withdraw that?

Mr. RAUH. All right.

Mr. CAREY. That is all right, that is satisfactory to me.

Mr. RAUH. And there will be no defense made in court that I didn't ask the questions on the record when I seek to get an order that he answered questions in this regard, is that correct?

Mr. CAREY. That is correct.

Mr. RAUH. I want to make two statements on the record. First, the continued reference by Mr. Boyle to my statement to the press is a mistake. I said nothing there. This is a mistake given out by someone else, and I at no time said this. It is not particularly important to me, because I don't think it would have been anything wrong to have said that Mr. Yablonski feels that the wildcat strike is a testament to the lack of confidence of the men in the union. But I didn't want the—I simply want the record to show that.

Secondly, since there has been throughout the day a continual reference to working by the hours and high fees, I think the record should show that I have not been paid one cent by Mr. Yablonski, and unless some funds are collected from the public, which I hardly expect will occur, I shall spend these hundreds of hours for nothing, except the purpose of getting some democracy in the United Mine Workers, which I feel is sadly lacking.

Mr. CAREY. Let the record reflect that we don't need third parties to provide democracy in the United Mine Workers of America. We feel perfectly competent, we feel the United Mine Workers is a democratic union despite what Mr. Rauh says.

And I would like to ask you this, Mr. Rauh. You said that you did not say that this was a test of Mr. Boyle's—or you are alleging to have said what.

The WITNESS. He is alleged to have said——

Mr. CAREY. You have denied this, and I accept your denial. I don't question it.

The WITNESS. In the Washington Post.

Mr. CAREY. Will you be willing to drop a note to the Washington Post or call the Post and say that you were misquoted and you never said that?

Mr. RAUH. I am not quoted in this, it says a lawyer for Mr. Yablonski. You jump to the assumption that was me. I said nothing.

Mr. CAREY. It says his Washington lawyer. Who else do you have.

Mr. RAUH. I have no one.

Mr. CAREY. Mr. Moore is not a lawyer, I take it.

Mr. RAUH. Mr. Moore will be a lawyer in a year.

Mr. CAREY. I am not questioning that but who is the Washington lawyer?

Mr. RAUH. I am the Washington lawyer. And in so far as they say I said that, they made a mistake.

However, I am perfectly willing to write the Washington Post this letter: I did not say that, but had I been asked, I would have.

Mr. OWENS. What does what is in that paper have to do with this? Let's stop.

(Off the record.)

Mr. RAUH I think we have concluded this short of making a decision whether to go to court to get the answers to the questions that have not been responded to.

I do, however, intend to take on some other depositions of employees of the United Mine Workers, and I am wondering, because they are not parties, whether you want me to subpoena them, or whether you will accept a notice for their depositions, Mr. Carey.

Mr. OWENS. If the employees are in town, arrange the time and set the depositions down.

Mr. CAREY. A time usually convenient to both parties, and ample notice, not like the last one.

Mr. RAUH. On that basis I think we have concluded this deposition, subject to the court action if we decide to take it.

(Whereupon, at 3:30 p.m., the taking of the deposition was concluded.)

RALPH NADER AND THE PUBLIC INTEREST

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. HECHLER of West Virginia. Mr. Speaker, Ralph Nader, lawyer for the people, is having a growing impact on behalf of powerless individuals. No empire builder, Mr. Nader is nevertheless attracting to his banner some of the most creative and imaginative talent among young people. In the following two articles, the first appearing in Life magazine and written by Jack Newfield, and the second appearing in the New Republic and written by Mr. Nader, the process and philosophy of his activities are set forth.

I hope that these articles will inspire many more individuals, young, old and young at heart, to recognize the enriching values which are involved in battling unselfishly for the public interest.

[From Life magazine]

NADER'S RAIDERS: THE LONE RANGER GETS A POSSE

(By Jack Newfield)

His address is kept secret, yet people somehow find out and wait on the sidewalk to present some problem they've encountered, to provide some clue for him to follow up. In Winsted, Conn., where he grew up, more than a dozen letters and almost a dozen long-distance calls reach his parents each week, seeking his help. In Washington, where he lives and works, his mail heaps up in large piles, much of it addressed simply: "Ralph Nader, Washington, D.C."

A few seasons back Ralph Nader was the solitary, slightly eccentric-crusader for auto safety, a single-issue, individualistic reformer, bereft of staff or money. But now the loner has spawned a movement. Now the Lone Ranger has a posse. He has diversified his sense of outrage into a dozen new areas, from justice for American Indians, to ecology, to reform of the United Mine Workers Union. He has set up an activist institute in Washington with a full-time staff and some foundation funds. And he has become a folk hero in the nation's law schools, which provided him with most of the 102 young people (out of 2,000 volunteers) who spent the summer burrowing into the soft underbelly of the federal bureaucracy, looking for scandals and skeletons.

The influence of Naderism, that belief in individuals challenging institutions, continues to grow. Consumer groups are organizing across the country to fight for causes, like purity in meat and parity in drug prices, that he forcefully brought to public attention. Adam Walinsky, Robert Kennedy's former speechwriter and a close friend of Nader's, has assembled 15 of his own Raiders to work in New York. Joe Tom Easley, one of the summer volunteers, plans a similar group for Texas. And all this grassroots energy has helped to forge an effective bloc of consumer-oriented United States senators, including Abraham Ribicoff, Warren Magnuson, William Proxmire, Walter Mondale and Gaylord Nelson. Nader works with all of them, feeding them data and information, testifying before their subcommittees and suggesting new issues for them to look into. Naderism is becoming an important social force.

The location of Ralph Nader's $107-a-month office is a closely guarded secret. He doesn't have a phone in the file-and-periodical-cluttered, $80-a-month furnished room he lives in. He works roughly 18 hours a day, cruising the city to meet with his network of subterranean contacts in the press, Congress and corporations making long-distance calls on the pay phone in the hall of his boarding house, drafting articles, speeches, letters and congressional testimony, and reading dry congressional subcommittee reports and complex legal and scientific journals.

Nader meets friends and interviewers not at home or at work but in places like the lobby of the Dupont Plaza Hotel in Washington. He allows no one to accompany him on his mysterious rounds of Washington where he, among other things, gets copies of secret reports from people in corporations and government agencies, reports which will document old crusades and lead to fresh ones. "Too much of what I do has to remain confidential and secret," he says. "I must have my privacy."

He has totally integrated his concepts of work and leisure. And he has systematically conditioned his body to function on four hours' sleep a night. "I happen to like what I do very much," he explains. "My desire for privacy is a function of my need for time. I actually find the act of staying up till dawn researching a confidential memorandum pleasurable. It's just that I would rather work 20 hours a day on something that gives me real satisfaction than three hours a day on an alienating job that bores me. So I don't have to go to a discothèque at night to relax."

As Nader talks, there are quick, nervous thrusts of his long, bony hands. This is his only distinguishing gesture. The voice is soft and unaccented, his manner is moderate, almost bland. His dress is conventional, his ties are particularly dull. He is not bombastic but, rather, he blends, and this personal style is part of his attraction to the young who work with him. He makes many other people uncomfortable, though, because they can't understand his motives. A senator once asked him, "Why do you do this?" and Nader replied, "You wouldn't ask me that if I was representing the A.S.P.C.A., would you?"

His adversaries suspect that baser human drives like money, ego and power are his real fuel. They speculate that he has a secret Swiss bank account, that he harbors secret political ambitions, that he has been bought off by the bicycle industry.

His friends ridicule the rumors and point out that he draws no steady salary and lives mainly on money from college lectures he gives (about 20 a year ranging from no fee to a maximum of $1,000) and articles he writes, mostly for *The New Republic* at $125 each. He did earn about $60,000 for his book, *Unsafe at Any Speed*, but has spent almost all of that over the past three and a half years financing new investigations. "Ralph is just an old-fashioned moralist," says his confidant and publisher, Richard Grossman. "He's in the Brandeis tradition. He's just very outraged by the breakdown of ethics in business and government. He *is* what he *seems*. All the rest is mythology invented by the press. He's not lonely. He's not crazy. He is not humorless."

A congressman who has worked closely with Nader suggests that his secret weapon is his "lack of ego. Ralph just isn't desperate to grab all the credit every time he has a scoop. He'd rather call Morton Mintz at the Washington *Post*, or Warren Magnuson over in the Senate, and let them release it, then call a press conference himself. He just has no ulterior motives. He doesn't have an ideology to sell. He won't even tell me if he's a Democrat or a Republican."

And another friend, offering that Nader has no car, only four suits and eats many of his evening meals alone, explains Nader's lifestyle this way: "Look, if you really believe that cars are unsafe, meat and fish are unhealthy, television gives off harmful rays, that jets are dangerous and that air is polluted, you're apt to live a little bit like a nun."

"I don't like to think of myself as an idealist," Nader said recently. "If you define an idealist as someone who recedes from the real world because he wants his own world to be pure, then I'm not an idealist. I think of myself as being very practical because I want to be effective. One of the reasons I do what I do is that I feel very strongly the inadequacies of the traditional reformers. They don't do their homework. They get all involved with status, egotism and the rituals of publicity. Even the great old muckrakers like Upton Sinclair and Lincoln Steffens only did 20% of the job. They stopped with exposure. They didn't follow through by politically mobilizing a concerned constituency."

Nader has also been labeled an "Ombudsman," a "lobbyist," a "muckraker." But the title he likes best is "people's lawyer."

"The function of a lawyer," he said with his flair for aphorisms, "is to be a good investigator, analytic and careful. And to be savvy about the uses of power. I am a lawyer. Most lawyers are too hung up on clients. The most important thing a lawyer can do is become an advocate of powerless citizens. I am in favor of lawyers without clients. Lawyers should represent systems of justice. I want to create a new dimension to the legal profession. What we have now is a democracy without citizens. No one is on the public's side. All the lawyers are on the corporations' side. And the bureaucrats in the Administration don't think the government belongs to the people.

"For example, the industries, corporations and lobbyists manipulate the federal commissions and agencies. The Interstate Commerce Commission has always been a tool of the railroads, the bus lines and the trucking industry. The Department of Interior has been easily influenced by the oil and gas industries. The Department of Agriculture has been an instrument of the tobacco industry. No one represents the public interest. Lawyers are never where the needs are greatest. I hope a new generation of lawyers will begin to change that."

So, when Nader began to expand his investigations in the summer of 1968, he imported seven volunteers, including four law students and two law school graduates, to help him. They came to Washington to look into the Federal Trade Commission, and in early January of 1969 Nader personally delivered the students' 185-page report to Washington's media meccas. The report described one $22,000-a-year bureaucrat asleep in his office, documented other examples of political cronyism and corporate favoritism, and three months later President Nixon requested an FTC investigation by the American Bar Association.

Next Nader helped establish the new tax-exempt, nonprofit Center for Study of Responsive Law in an old townhouse off Dupont Circle. The Center, funded by the Carnegie and other foundations, has a consultant staff of four young lawyers and a political scientist, and works on consumer issues. Nader is the unsalaried chairman of the board of trustees.

And in the summer of 1969, his button-down guerrilla band of 102 college and graduate students roamed over Washington. The student volunteers received subsistence salaries (about $50 a week from foundation sources) for their exhausting season of interviewing uptight agency deskmen, pacifying suspicious Under Secretaries and studying dusty archives. The agency employes panicked, threw temper tantrums at Nader, refused to open up files to the students and in general behaved as if they had something to hide.

Most of the Raiders were law students, but a few were studying medicine, engineering and even anthropology. Twenty-one of them were women. Broken down into teams of between seven and 14, they focused on the Departments of Agriculture, Interior and HEW; the Interstate Commerce Commission (ICC); and on Covington and Burling, one of the capital's most politically connected private law firms. These targets were picked, rather than, say, the Pentagon or the State Department, because they are the agencies most directly related to consumer issues. Covington and Burling was added to the list because of its considerable work in behalf of corporations in consumer areas.

The Raiders seemed to be the sort of students who in 1961 would have volunteered for the Peace Corps or in 1964 have gone to Mississippi to register black voters or in 1968 would have worked for Eugene McCarthy or Robert Kennedy. They are not New Left types, and are quick to criticize the S.D.S. revolutionaries for being too ineffectual, too theoretical and too irrational. Like their leader, the Raiders tend to be personally and culturally conventional. They don't wear unusually long hair or seem to be rock music fanatics. Most seem to have the liberal, law student's mind-set: hard-working, activist, linear; seekers still of a way to wed morality to legality without violence.

Two of the most impressive were Jim Fallows, a Harvard undergraduate, and Julian Houston, a second-year law student at Boston University. Fallows is the president of the *Harvard Crimson* and spent the previous summer doing civil rights work in the Alabama black belt. Houston, who is black, was a first-generation activist with S.N.C.C. and the Northern Student Movement in the early '60s. Explaining his leap from organizing the underclass to exploring the power structure, he said, "Working with Nader I feel I'm attacking the same problems S.N.C.C. was, only at a different access point. With S.N.C.C. we tried to organize the people who worked on Senator Eastland's plantation. Here I'm working with the team looking into the Department of Agriculture. That department has influence over small farmers, black people and poor people every day."

The agriculture team was most concerned with investigating the department's food stamp program, with finding out the status of racial integration in the department's rural extension service, and in determining what influence the tobacco growers and certain senior congressmen like Jamie Whitten of Mississippi [chairman of the House Appropriations Subcommittee that approves the Agriculture Department's budget] have over the department. Fallows, who worked on the investigation along with Houston, said the Raiders had not received much cooperation. "One division director removed two manuals from the department's public library as soon as we asked to see them. They wouldn't let us examine their files, which we feel should be open to citizens under the Public Information Act. We discovered a lot of employes are actually afraid of losing their jobs if they talk to us. The bureaucracy has turned people into serfs who live in fear. We're trying to penetrate a whole way of life when we dig into this department."

Back at school now, each team of Raiders is drafting a heavily documented report on its findings, and these will be published as a book. Any royalties from the book will be used as the royalties from *Unsafe at Any Speed* were—to subsidize further investigations. And the book will include dozens of episodes gleaned from trips like the one Fallows and Houston made one hot, muggy afternoon to a man in the Agriculture Department's civil rights office. The pair had interviewed the same man the day before, and Houston talked about him while driving across the sultry city. "This guy is a relic,' Houston said. "He's a Negro who acts like he's never heard of *de facto* segregation. It's our job to evaluate what kind of job he does for poor people and black people in the South. He has some responsibility for the rural extension service, which should be teaching people how to grow better crops. But that service is *de facto* segregated, and he doesn't do anything about it."

At the Department of Agriculture building, the Raiders had to explain their purpose and fill out a form to gain entry to the parking lot. Inside the dirty, gray building, the halls were poorly lighted and not air-conditioned. On each side there were dozens of small, Kafkaesque cubicles.

The employee was very nervous. He stammered, his hands trembled a little, and he kept looking down at the floor. "I could get fired," he said, "if I say the wrong thing to these boys."

For a half hour the two Raiders questioned him like zealous district attorneys. From his answers, it appeared that the department was not trying to integrate the extension service, and that white county workers in the South do not help many blacks. Finally, he looked Houston in the eye and said:

"Look, my grandfather was a slave. Now I'm here. I know everything is not perfect. I know things have to change. But not so fast. *You* can keep pushing, but *I* have to go slower. I have to worry about a wife and children. My grandfather was a slave, you understand what that means, don't you?"

Leaving the office, Houston said quietly, "That really moved me, but damn it, the guy is not doing his job because the bureaucracy has him living in terror of being fired or demoted."

The team of Raiders investigating the Food and Drug Administration (FDA) came upon similar fears. One morning in August two Raiders—Jim Turner, a recent graduate of Ohio State Law School, and Peter Gold, a second-year student at N.Y.U. Law—interviewed Kenneth Kirk, the No. 3 man in the FDA, for 90 minutes. Their goal was to find out just why in 1966 the FDA had ruled that cola drinks did not have to list caffeine as an ingredient on their bottle labels.

In the course of the prodding but low-keyed interview, the administrator repeatedly asked Gold how and where he had obtained specific memos or files because he, Kirk, had been looking for them himself. He also said he was totally unaware of meetings that Gold casually referred to.

Although Kirk said he was ignorant of the exact details of how the caffeine decision was made, he did reveal that just before the decision was announced, he received two telephone calls. One was from Senator Richard Russell of Georgia, the home state of one large cola company. Another large soft drink producer that would have been affected by the ruling is located in Texas and the second call was from a member of Lyndon Johnson's White House staff. Both callers "expressed concern about the progress of the issue."

Later, someone said, "Kirk asked to look at the copies of the memos we had, just to try to find out who leaked them. But he gave the ball game away when he told us Russell and Johnson's guy had called up."

At their law schools now, Nader's summer Raiders are beginning to launch student campaigns to reform law school curriculums so that they include and create courses relevant to advocacy law. Most of the Raiders have decided to carve out careers in "public interest law," and Ralph Nader, out of a Winsted, Conn. family of moderate means, out of Princeton University and out of Harvard Law School, hopes to set up a "public interest law firm."

The *Harvard Law Record* commented in a recent editorial that the university "should recognize that Ralph Nader may be the most outstanding man ever to receive a degree from this institution." Norman Dorsen, N.Y.U. law professor and noted civil liberties advocate, says, "Nader is one of several important forces—along with Earl Warren he is the most personal—that have helped to liberate law students from rigid commercial attitudes." Bob Walters, investigative reporter for the Washington *Star*, says, "I've seen Nader speak at law schools and the guy is treated as a real saint in those places. They respond to him like they do to Tom Hayden or Eldridge Cleaver at other campuses."

In the long run, Ralph Nader's greatest impact may not be on the corporations, or on the federal bureaucracy, but on the next generation of lawyers and law students that he has inspired by his aggressive yet modest example. Ralph Nader may be generating the legal profession's first cult of nonpersonality.

[From the New Republic, Oct. 11, 1969]

Law Schools and Law Firms

(By Ralph Nader)

(Note.—Ralph Nader has become a national institution, the unpaid representative of the public interest before Congress and the regulatory agencies. He is board chairman of the new Center for Study of Responsive Law in Washington and has contributed to The New Republic since 1965.)

It was a similar ritual every year. About 550 new law students would file into venerable Austin Hall at Harvard Law School on a September day and hear the no-nonsense dean, Erwin N. Griswold, orient them. The good dean had the speech down to a practiced spontaneity. He advised them that at that instant they had become members of the legal profession, that law firms were the backbone of the profession, that there were no glee clubs at the Harvard Law School and that the law was a zealous mistress. Thus was launched a process of engineering the law student into corridor thinking and largely non-normative evaluation. It was a three-year excursus through legal minutiae, embraced by wooden logic and impervious to what Oliver Wendell Holmes once called the "felt necessities of our times." It is not easy to take the very bright young minds of a nation, envelop them in conceptual cocoons and condition their expectations of practice to the demands of the corporate law firm. But this is what Harvard Law School did for over a half century to all but a resistant few of the 40,000 graduates.

The Harvard Law pattern—honed to a perfection of brilliant myopia and superfluous rigor—became early in the century the Olympian object of mimicry for law schools throughout the country. Harvard also did everything it could to replicate its educational system through its production of law school teachers, casebooks, and an almost proselytizing zeal. This system faithfully nourished and fundamentally upheld a developing legal order which has become more aristocratic and less responsive to the needs and strains of a complex society. In turn, the established legal order controlled the terms of entry into the profession in ways that fettered imagination, inhibited reform and made alienation the price of questioning its assumptions and proposing radical surgery.

Unreal as it may appear, the connection between the legal establishment and the spectacular increase in the breakdown of the legal system has rarely been made outside the fraternity. This is due to the functional modesty of the profession, its reluctance to parade itself as the shaper, staffer and broker for the operating legal framework in this country. What is not claimed is not attributed. This escape from responsibility for the quality and quantity of justice in the relationships of men and institutions has been a touchstone of the legal profession.

Anyone who wishes to understand the legal crises that envelop the contemporary scene—in the cities, in the environment, in the courts, in the marketplace, in public services, in the corporate-government arenas and in Washington—should come to grips with this legal flow chart that begins with the law schools and ends with the law firms, particularly the large corporate law firms of New York and Washington.

Harvard Law's most enduring contribution to legal education was the mixing of the case method of study with the Socratic method of teaching. Developed late in the nineteenth century under Dean Christopher Columbus Langdell, these techniques were tailor-made to transform intellectual arrogance into pedagogical systems that humbled the student into accepting its premises, levels of abstractions and choice of subjects. Law professors take delight in crushing egos in order to acculturate the students to what they called "legal reasoning" or "thinking like a lawyer." The process is a highly sophisticated form of mind control that trades off breadth of vision and factual inquiry for freedom to roam in an intellectual cage.

The study of actual law cases—almost always at the appellate court level—combines with the Socratic questioning sequence in class to keep students continually on the defensive, while giving them the feeling that they are learning hard law. Inasmuch as the Socratic method is a game at which only one (the professor) can play, the students are conditioned to react to questions and issues which they have no role in forming or stimulating. Such teaching *forms* have been crucial in perpetuating the status quo in teaching *content*. For decades, the law school curriculum reflected with remarkable fidelity the commercial demands of law firm practice. Law firm determinants of the content of courses nurtured a colossal distortion in priorities both as to the type of subject matter and the dimension of its treatment. What determined the curriculum was the legal interest that came with retainers. Thus, the curriculum pecking order was predictable—tax, corporate, securities and property law at the top and torts (personal injury) and criminal law, among others, at the bottom. Although in terms of the seriousness of the legal interest and the numbers of people affected, torts and criminal law would command the heights, the reverse was true, for the retainers were not as certain nor as handsome. Courses on estate planning proliferated, there were none for environmental planning until a few years ago. Other courses dealt with collapsible corporations, but the cupboard was bare for any student interested in collapsing tenements. Creditors' rights were studied deeply; debtors' remedies were passed by shallowly. Courses tracking the lucre and the prevailing ethos did not embrace any concept of professional sacrifice and service to the unrepresented poor or to public interests being crushed by private power. Such service was considered a proper concern of legal charity to be dispensed by starved legal aid societies.

The generations of lawyers shaped by these law schools in turn shaped the direction and quality of the legal system. They came to this task severely unequipped except for the furtherance of their acquisitive drives. Rare was the law graduate who had the faintest knowledge of the institutionalized illegality of the cities in such areas as building and health code violations, the endemic bribing of officialdom, the illegalities in the marketplace, from moneylending to food. Fewer still were the graduates who knew anything of the institutions that should have been bathed in legal insight and compassion—hospitals, schools, probate and other courts, juvenile and mental institutions and prisons. Racialism, the gap between rich and poor, the seething slums—these conditions were brought to the attention of law firms by the illumination of city riots rather than the illumination of concerned intellects.

Even the techniques of analysis—the ultimate pride of the law schools—were seriously deficient. Techniques which concede to vested interests a parochial role for the law and which permit empirical starvation of portions of their subject matter become techniques of paralysis. This was the case in the relation of tort courses and motor vehicle injuries. Law as prevention, law as incorporator of highway and vehicle engineering facts and feasibilities was almost totally ignored. The emphasis was on legal impact after crashes occurred, so as to assign liabilities and determine damages between drivers. Another failure in analysis was thematic of the entire curriculum. Normative thinking—the "shoulds" and the "oughts"—was not recognized as part and parcel of rigorous analytic skills. Although the greatest forays in past legal scholarship, from the works of Roscoe Pound to those of Judge Jerome Frank, proceeded from a cultivated sense of injustice, the nation's law schools downplayed the normative inquiry as something of an intellectual pariah. Thus the great legal challenges of access to large governmental and corporate institutions, the control of environmental pollution, the requisites of international justice suffered from the inattention of mechanized minds. There was little appreciation of how highly demanding an intellectual task it was to develop constructs of justice and injustice within Holmes' wise dictum that "the life of the law is not logic, it is experience." Great questions went unasked, and therefore unanswered.

Possibly the greatest failure of the law schools—a failure of the faculty—was not to articulate a theory and practice of a just deployment of legal manpower. With massive public interests deprived of effective legal representation, the law schools continued to encourage recruits for law firms whose practice militated against any such representation even on a sideline, *pro bono* basis. Lawyers labored for polluters, not anti-polluters, for sellers, not consumers, for corporations, not citizens, for labor leaders, not rank and file, for, not against, rate increases or weak standards before government agencies, for highway builders, not displaced residents, for, not against, judicial and administrative delay, for preferential business access to government and against equal citizen access to the same government, for agricultural subsidies to the rich but not food stamps for the poor, for tax and quota privileges, not for equity and free trade. None of this and much more seemed to trouble the law schools. Indeed, law firms were not even considered appropriate subjects of discussion and study in the curriculum. The legal profession—its organization, priorities and responsibilities—were taken as given. As the one institution most suited for a critical evaluation of the profession, the law school never assumed this unique role. Rather, it serviced and supplied the firms with fresh manpower selected through an archaic hierarchy of narrow worthiness topped by the editors of the school's law review. In essence it was a trade school.

The strains on this established legal order began to be felt with *Brown* vs. *Board of Education* in 1954. *Brown* rubbed the raw nerves of the established order in public. The mounting conflict began to shake a legal order built on deception and occult oppression. The ugly scars of the land burned red. Law students began to sense, to feel, to participate, and to earn scars of their own. Then came the Kennedy era with its verbal eloquence, its Peace Corps—overseas and later here. Then came Vietnam and Watts, Newark and the perturbation became a big-league jolt. Law students began to turn away from private practice, especially at the Ivy League law schools. Those who went directly to the firms were less than enthusiastic. The big corporate firms in New York and Washington began to detect early signs that their boot camps were not responding to the customary Loreleis of the metropolitan canyons. Starting salaries began to reflect the emergence of a seller's market. Almost two years ago, the big New York Cravath firm set a starting salary of $15,000 a year and many firms followed. Still the law graduate detour continued. The big firms began to promise more free time to engage in *pro bono* work—the phrase used to describe work in the public interest such as representing indigents. The young graduates were still dissatisfied—first over the contraction of the promises and second over the narrow interpretation given to *pro bono* work.

At the same time, more new or alternative career roles in public service began to emerge. Neighborhood Legal Services, funded by OEO, was manned by 1,800 young lawyers around the country at last count. The draft is driving many graduates into VISTA programs. There are more federal court clerkships available. And the growth of private, public-service law institutions such as Edgar Cahn's Citizen's Advocate Center and the Urban Law Institute headed by his wife, Jean Cahn, are not only providing such career roles but articulating their need throughout the country.

Meanwhile back at the law schools, student activism has arrived. Advocacy of admission, curriculum and grading reform is occurring at Harvard and Yale. Similar currents are appearing at other law schools. New courses in environmental, consumer and poverty law are being added to the lists. The first few weeks of the present school year indicate that the activists' attention is turning to the law firms that are now coming on campus to recruit. In an unprecedented move, a number of detailed questionnaires, signed by large numbers of students, are going out to these firms. The questions range far beyond the expected areas of the firms' policies on minority and women lawyers, and *pro bono* work. They include inquiries about the firms' policies on containing their clients' ambitions, on participation in law-reform work, on conflict of interest issues, on involvement in corporate client and political activity, and on subsidizing public-interest legal activity. Such questionnaires are preliminary to the development of courses on law-firm activities, and to more studies of specific law firms, which began this past summer with a study of the largest Washington, D.C. firm, Covington and Burling.

The responses which the firms give to these questionnaires, and whatever planned response the students envisage for those firms who choose not to rely, will further sharpen the issues and the confrontations. The students have considerable leverage. They know it is a seller's market. They know how vulnerable these very private firms are to effective public criticism. Status is crucial to these firms. Status is also a prime attraction for competent law school graduates.

In recent months, there has been much soul-searching among the larger firms. Memos suggesting various opportunities for *pro bono* work by younger associates have been circulating between partners. A few decisions have been made. Some New York and San Francisco firms are considering or have instituted time off allowances ranging from a few weeks a year to a sabbatical. Piper & Marbury, a large Baltimore firm, has announced its intention to establish a branch office in the slums to service the needs of poor people, without charging fees if there is an inability to pay anything. Arnold and Porter, the second largest Washington, D.C. firm, has appointed a full time *pro bono* lawyer and is permitting all firm members to spend if they wish, an average of 15 percent of their working hours on public service activities. Hogan and Hartson, the third largest D.C. firm, is setting up a "Community Services Department" to "take on public interest representation on a non-chargeable or, where appropriate, a discounted fee basis," according to the firm's memorandum on the subject.

The Hogan and Hartson memorandum is a fairly candid document. Like other firm memorandums on *pro bono* ventures, there is the acknowledgement that such a move "may have a favorable impact upon recruitment." The executive committee of Hogan and Hartson concedes that "there is a tendency among younger lawyers, particularly those with the highest academic qualifications, to seek out public-service oriented legal careers as an alternative to practice in the larger metropolitan law firms." In its internal firm statement, the committee notes that it "regards of the relative disfavor into which the major law firms have fallen to be attributable, at least in part, to the feeling among recent law school graduates *that these firms have failed to respond to the larger problems of contemporary society.*" (Their emphasis.) Some statistics impressed the senior partners: the University of Michigan Law School reports that 26 of its 1969 graduates entered Wall Street law firms as compared with an average of 75 in preceding years. Harvard Law School reported that the percentage of its graduates entering private law practice declined from 54 percent in 1964 to 41 percent in 1968, and an even more significant decline is expected in the next few years.

It is too early to appraise these programs because they have not yet gotten underway. The likelihood that serious or abrasive conflict of interest situations will arise depends on the kind of *pro bono* work selected. If this work deals with "band-aid law" in the slums on a case basis, few conflicts of interest problems should arise. On the other hand, should the *pro bono* lawyers grapple with the financial institutions who fund the slum moneylenders for example, or strive toward structural reform of a legal institution, then the probability of conflict is increased.

Because of the enormously greater cost-benefit which attached to the more basic *pro bono* efforts, the external and internal pressures on the firm's leaders will be in that direction. This could lead to more profound clashes between the firm's allegiance to its paying clients and its recognition of public service responsibilities. With additional law student and younger lawyer demands for cash contributions for scholarships to minority law students, for admission of more minority lawyers to firm membership, and for senior partners to pay "reparations" out of their own salaries to assist the legally deprived—all demands made or in the process of being made—the pressure may soon exceed the firms' threshold of tolerance. At that point the experiment in *pro bono* may terminate.

Whatever the outcome, the big firms will never be the same again. They will either have to dedicate substantial manpower and resources to public service, and somehow resolve the conflict of interest problem, or they will decline in status to the level of corporate house counsel or public relations firms. The polarization of the legal profession seems a more likely development. Before he left Harvard almost two years ago to become U.S. Solicitor General, Dean Griswold wrote of his belief that there would be a "decline in the relative importance of private law practice as we have known it in the past." This trend is in fact occurring as far as the younger lawyers' concept of importance is concerned. However, the immense power of these firms and their tailored capacity to apply know-how, know-who and other influences remains undiminished.

Recent evidence of the resourcefulness of large corporate law firms in overwhelming the opposition on behalf of its clients comes from the firm of Wilmer, Cutler and Pickering. A firm team, headed by Lloyd Cutler, obtained last month on behalf of the domestic auto companies a feeble consent decree in return for the Justice Department's dropping its civil antitrust case charging the domestic auto companies with conspiracy to restrain the development and marketing of pollution control systems since 1953. Earlier Mr. Cutler succeeded in having the Antitrust Division heed his representations that the original policy to initiate criminal proceedings, after an 18-month grand jury strongly wanted to return an indictment, be dropped. The terms of the consent decree are being challenged by a number of cities in federal district court at Los Angeles. The petitioners allege that there are inadequate provisions for disclosure of the conspiracy information and for long-term compliance, and that the great deterrent effect of a public trial was lost. Without going into further detail, it is sufficient to state that many law students and younger lawyers see a divergence in such a case between the lawyer's commitment to the public interest and his commitment to the auto industry.

Professor Charles A. Reich of Yale Law School expressed one form of this heightened expectation of the lawyer's role as follows: "It is important to recognize explicitly that whether he is engaged publicly or privately, the lawyer will no longer be serving merely as the spokesman for others. As the law becomes more and more a determinative force in public and private affairs, the lawyer must carry the responsibility of his specialized knowledge, and formulate ideas as well as advocate them. In a society where law is a primary force, the lawyer must be a primary, not a secondary, being."

The struggle of the established law firms to portray themselves as merely legal counselors affording their corporate clients their right to legal representation is losing ground. So too is their practice of hiding behind their responsibility to those clients, and not taking the burden of their advocacy as the canons of ethics advise them to do wherever the public interest is importantly involved. Either they are technical minions or they bear the responsibility attendant upon their status as independent professionals.

Clearly, there is need for a new dimension to the legal profession. This need does not simply extend to those groups or individuals who cannot afford a lawyer. It extends to the immense proliferation of procedural and substantive interests which go to the essence of the kind of society we will have in the future, but which have no legal representation. The absence of remedy is tantamount to an absence of right. The engineer of remedies for exercising rights is the lawyer.

The yearning of more and more young lawyers and law students is to find careers as public-interest lawyers who, independent of government and industry, will work on these two major institutions to further the creative rule of law. The law, suffering recurrent and deepening breakdowns, paralysis and obsolescence, should no longer tolerate a retainer astigmatism which allocates brilliant minds to trivial or harmful interests.

THE NEWS MEDIA

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, in the last few weeks, Vice President Agnew has directed the attention of the American public to our news media. Considering themselves to be above criticism, the members of the media have reacted indignantly to charges of nonobjectivity. However, many of us have long observed the biased reporting which these molders of public opinion and understanding have presented. I would like to add one more example to those which have been observed.

Prior to President Nixon's November 3 speech on his Vietnam policy, NBC and CBS television showed film clips of supposed atrocities by South Vietnamese soldiers. Furthermore, immediately after the President's speech these film clips were run again. However, diligent investigation proved these film clips to be over 2 weeks old. For some inexplicable reason, the networks were holding this film and decided to use it at this particular instance.

The publication Combat published by the National Review contains a thorough explanation of the activities of the news media with regard to President Nixon's speech on November 3. For the information of my colleagues, I am inserting excerpts from this article in the Record:

TV NETWORKS PREPARE PRESIDENT'S AUDIENCE WITH ATROCITY PICTURES

Tuesday, Nov. 3 might have been S- (for Speech) Day for President Nixon, but for two American television networks it was A- (for Atrocity) Day. CBS and NBC networks chose their important evening news programs—Walter Cronkite in one case, Huntley-Brinkley in the other—to show off footage of South Vietnamese troops engaged in maltreatment of captured Viet Cong and North Vietnamese troops. The news reports, unspecified as to timeliness, exploded on TV sets on the populous East Coast just two and a half hours before the President was scheduled to deliver his major Vietnam address. On CBS, correspondent Don Webster showed a South Vietnamese soldier stabbing a captured North Vietnamese soldier, and then—in deference to the queasy—narrated comments indicating the corpse was mutilated. Cronkite displayed an air between outrage and piety. Switching to NBC, the H-B team showed a South Vietnamese Ranger belting a captured enemy soldier around, with a cutaway to an American Army officer at a briefing session insisting that allied forces are abiding by the Geneva Convention and did not mistreat prisoners.

The television networks' field coverage on Vietnam is approaching the proportion of a scandal. All three networks uniformly ignore the widespread torture of allied troops, and the murder of civilians by Viet Cong cadres sent to terrorize villages into submission. The Tet offensive Hue massacre (almost 6,000 bodies found so far) received "just enough" coverage. Day-by-day combat operations in South Vietnam are usually dismissed in less than a dozen lines. This suppression is readily apparent to anyone watching the casualty figures each week: at present rates about 100 Americans, about 300 South Vietnamese and about 1,800 North Vietnamese and VC troops are killed, but the TV networks (which now provide Americans with their most immediate information about the war) have reported only light skirmishes.

CBS-TV News is one of the major offenders. In its war coverage CBS had displayed missionary fervor in exposing what it believes are the failings of the South Vietnamese Army. One day, a report on closing of a U.S. Army base, and allegations that the base is being systematically stripped by South Vietnamese. The next day, a report on a gathering of South Vietnamese command and general officers, with commentary on rumors of a coup d'etat (hardly a report to instill confidence in U.S. allies). Then a few atrocity pictures to establish a mood while the nation awaits a report from its President; the next day a commentary from Saigon on how little evidence there is that South Vietnamese troops can do a fighting job; switch to Washington for the report of an exclusive rumor that the U.S. military commander in Vietnam is about to be sacked. The next day a report, two sentences long, that North Vietnamese troops shelled or mortared 45 South Vietnamese hamlets and villages, the next day 68 villages—there are *never* any pictures of these villages subjected to enemy shelling. When shelled villages are shown, they are communities that have (1) been hit in error by allied guns or planes (American mistakes are CBS favorites) or (2) VC strongholds in villages that have been deliberately destroyed by U.S. forces (one such tearful report on Marine destruction of a VC strongpoint won a CBS correspondent a journalism prize).

Few of today's young marchers know or care anything about military history; and the press, which should, is certainly not trying to put its coverage into historical perspective. The result is a subtle but powerful anti-military bias. One must remember that in all wars civilians are killed, black markets flourish, and bombers unload off-target. Examples: (1) More civilians killed at Honolulu by falling antiaircraft shells than by Japanese bombs, (2) St. Lo, France, virtually destroyed by allied artillery, thousands of civilians killed, during liberation of Normandy. (3) U.S. Navy ships shot down 50 C-47's full of paratroopers during Sicilian invasion, (4) Italian and French looters, and thousands of GIs, stole Uncle Sam blind during the French and Italian campaigns, when whole trainloads of equipment disappeared into the black market. Those stories, sometimes delayed by censors who recognized their damaging effect on wartime morale, were revealed to the American public, but they were presented in context as mistakes, ineptitudes or military necessity (as the case might be) *not* representative of the conduct of the war.

Mr. Speaker, recently, I had the pleasure of writing a column for the local papers in my congressional district concerning Vice President Agnew's speech. For the information of my colleagues, I am hereby inserting this column in the Record:

Few speeches by public officials in recent years have aroused as much discussion as the last two by Vice President Agnew in which he has been rather critical of news media. The public reaction has generally been one of praise for the Vice President while reaction of the spokesmen for the media under criticism have denied the assertions of the Vice President.

I personally feel that the Vice President has performed a genuine public service by bringing out into the open, as only a man in his position could effectively do, a discussion which is vital to a continuation of free democratic processes. Our entire political system is dependent upon an informed citizenry. If our citizens are not being fully informed of events then their collective judgment in selecting public leaders or in supporting or opposing government policies would be faulty due to a failure of information.

I can personally say that the television stations in Atlanta have always been most fair with me, during political campaigns as well as during my service in office. I do not have the same high opinion, however, of some of the newscasters on our national networks.

Those charged with the responsibilities of gathering and reporting news should be concerned at the display of public support for Mr. Agnew's remarks. They should be concerned because this support reveals a distrust by the general public of news media. No one who takes pride in his work should feel happy with the knowledge that the persons they are seeking to serve are skeptical as to their basic honesty! If such distrust exists, the source of such distrust is undoubtedly the networks themselves, and it is only they who can remove the public doubts which are so evident.

Mr. Agnew has not proposed government censorship nor would I support such move. Censorship would be the worse of two evils. If defects do exist in news coverage and reporting, the industry can be compelled by the force of public opinion to cure the defect.

We all recognize that for an event to be news-worthy, it must be aberrational from the norm. For example, it is not news that 60-million housewives prepared breakfast this morning for their families, but if one housewive stabs her husband that is news! It is the stabbing event which would, in the course of things, be reported and not the activities of the 60-million housewives.

I think the lack of confidence being expressed by many citizens in news reporting services partially arises because news services devote an inordinate amount of time and space to the aberrational. In the process, they have lost perspective.

Not only has the balance between the aberrational and the norm been very badly abused, but it is increasingly recognized that many events occur or enjoy far greater public participation than would otherwise be the case except for great cooperation on the part of the news media. A good example is the Moratorium demonstrations which received such broad television and newspaper coverage *prior* to the event's occurrence. In effect, the sponsors of the demonstration received millions of dollars worth of free publicity which could only have the effect of mobilizing sentiment in favor of the demonstrations. *The Washington Post*, the largest newspaper in Washington, devoted literally thousands of words and scores of pictures to the proposed demonstration *prior* to the event. Thus, the Post was not serving to report an event *after* its occurrence, but was actively assisting in preparations for the event.

The general public rightly resents the use of the news media, whether it be television or the printed word, for the promotion of political events. Political positions rightly belong on the editorial page or in editorial comment, but when the news pages and the news reports themselves serve to promote political causes with which the newscaster or reporter feels sympathy, it is an abuse of the purpose of news reporting.

In summary (and I apologize for the length of this column), it is may opinion that the great public endorsement of Vice President Agnew's recent speeches arises because of two justifiable convictions held by the public. First, the public resents the degree to which perspective in news reporting is so badly distorted that the distasteful and weird are constantly displayed to the exclusion of predominate modes of conduct and accepted standards. Secondly, news media cooperation prior to events having political significance have become a form of co-sponsorship of the event. The public does not regard co-sponsorship of political events as a proper news media function.

No one in political life wants to pick a fight with a newscaster or a city editor. I hope that my observations here will not be regarded as an attempt to "pick a fight." What I am doing is giving my opinion as to why public distrust of news media does exist.

Mr. Speaker, I now call upon the members of the news media to conduct an investigation of their own ethics and standards. For the past few years, both Houses of Congress have established ethics committees to judge Members' conduct. The Motion Picture Producers' Association has established codes for classifying films in order to see that their material is properly distributed. Maybe its time for the news industry itself to stop and review its own conduct.

ALCOVY RIVER

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, recently, I had the pleasure of introducing H.R. 14918, a bill to amend the Watershed and Flood Protection Act of 1954. I was motivated to take this action after discovering that the Soil Conservation Service of the Department of Agriculture has been responsible for the destruction of wildlife within many of the streams found in the Southeastern United States. In fact, the Soil Conservation Service was planning to destroy all wildlife through the process of channelization of the Alcovy River in Georgia. This river is one of the few unpolluted natural streams in my State and is very close to the city of Atlanta. The actions of the Soil Conservation Service, if allowed to continue, could make gigantic drainage ditches out of all of our streams.

Dr. Charles H. Wharton of the University of Georgia in Atlanta has undertaken a study regarding the need to preserve the Alcovy and other such natural streams. For the information of my colleagues, I am hereby inserting into the RECORD two papers which Dr. Wharton has written on this subject:

THE ALCOVY RIVER—A UNIQUE NATURAL HERITAGE

(By Charles H. Wharton)

PROLOGUE

Foremost among the things which can destroy this nation is the failure to recognize and teach the true relationship of man to the natural world. The most shocking manifestation of this is the abuse and destruction of our natural environments of air, water, and land. Lately it has become manifest through the ecologist Eugene Odum and his associates that a combination of water and land, the coastal marsh, is of critical importance. Another combination of water and land, the inland swamplands, perhaps lacking so significant a champion, and with far less data in their behalf, have nevertheless come to their time in history.

This report is written in behalf of the larger river swamps of the Southeast, those mysterious assemblages of water and forest, the wet and the unwet, that have intrigued naturalists and explorers from 1791 to 1969. From the days of William Bartram, who found and lost the gorgeous *Franklinia* in the great Altamaha swamps, we have hardly known how to treat this quite conspicuous and little understood feature of our natural environment. To the average man the word "drain" was the major verb to apply to this watery realm that was neither fish nor fowl. Forlorn ditches and abandoned canals over the state attest the lack of appreciation and understanding of these wetlands. The mighty Okeefenokee but narrowly escaped the fate of drainage brought by ditch, canal, or channel; the vast Everglades has come close to death by the same means.

Today, a deepening and widening of swamp streams by bulldozer and dragline, called "channelization" threatens the remaining fresh water river swamps of Georgia. Channelization is a part of nearly every flood control project of the Soil Conservation Service under Public Law 566. Because P.L. 566 projects have been largely confined to small watersheds, the channelization of larger Georgia streams has not been attempted. Proposed channelization of the large Alcovy River in Newton and lower Walton Counties has abruptly brought this facet of flood control in conflict with ecologist, conservationists and resource management agencies. Not only would channelization destroy the Alcovy's position as a state scenic river, but it would jeopardize one of the state's few remaining natural areas, the potential of which is of value to every citizen in Georgia.

Small bottomlands, on streams small enough to have been manageable by the beaver, the Indian and the Caucasian settlers, are not the issue. We here are concerned with the large swamp ecosystem, too large to be mastered by man or animal, that has existed in a relatively stable state for centuries. These great river swamps were likely the last refuge of the vanished mastodons, mammoths and ground sloths who, incredibly, appear to have survived here until as late as 2000 years ago. Today these swamps are the last refuge for a dwindling host of native fauna, including the cougar, red wolf and ivory-billed Woodpecker.

I thus offer constructive criticism of only one phase of Soil Conservation Service activity, the interpretation of P.L. 566 as regards channelization of the larger swamps along the large streams. No opposition is intended against flood control reservoirs, protection of land being farmed or having been farmed, or other sound aspects of the Alcovy Project.

INTRODUCTION

The Alcovy River is a branch of the Ocmulgee, and the easternmost of three large rivers draining into Jackson Lake. Above Jackson Lake are impressive shoals and the fall is most rapid. From about four miles below Covington north to Monroe the river is bordered by some of the finest bottomland swamps in the Piedmont. Where standing or flowing water is abundant, there are numerous stands of tupelo gum (*Nyssa aquatica*), a coastal plain species. Infrequently flooded portions of the swamp bear a floodplain assemblage of water oak, swamp chestnut oak, sweet gum, hackberry and poplar. Occasional high bluffs border the river with beeches and mountain laurel. Among the larger vertebrates, water fowl, deer, raccoon, otter, beaver, mink, swamp rabbit and squirrel are often abundant. The forest floor supports a rich assemblage of smaller vertebrate life. Among the amphibia are Ambystomid salamanders (spotted and marbled), two species of *Eurycea*, *Hemidactylium*, *Pseudotriton*, the golden mouse (*Ochrotomys nuttali*) and in the high swamps and ecotones, the rare southeastern shrew, *Sorex longirostris*, and the jumping mouse, *Zapus hudsonicus*. The southernmost locality for the northern meadow mouse, *Microtus pennsylvanicus*, was discovered adjacent to the swamp by Homer Sharp on Sam Hay's property south of Covington. The swamp pools swarm with invertebrate life even in winter. Current studies are underway on food chains in the Alcovy swamp but relatively little is known of this prominent ecosystem. The Alcovy itself is clean and unpolluted compared to other Piedmont streams. It is perhaps unique among Piedmont rivers in the vastness of its swamps, the nature of the swamps, and in having an accessible and central location. We at Georgia State use the Alcovy for field trips and have found it very convenient to an institution in urban Atlanta. Further, its cleanliness offers us a research control in comparative studies of the swamp ecosystem of the South River, now virtually an open sewer. River basin studies are an important phase of the current International Biological Program. Between Monroe and Jackson Lake the Alcovy provides unexcelled wilderness experience in hiking, boating, hunting, fishing and general natural history. The quality of its water and its environment of plant and animal life makes the river a valuable candidate for the state scenic rivers system.

The area of the swamp lying south of the Alcovy Station railroad trestle has been calculated by planimeter from U.S.G.S. quadrangles to be 1825 acres, and is of the most crucial importance. Complete U.S.G.S. coverage is not available in Walton County but the area from the railroad bridge north to Monroe has an estimated 1500 acres of river swamp.

THE ALCOVY PROJECT

The Soil Conservation Service, under Public Law 566, has very recently completed plans for a project which is intended to eliminate 80% of the swamp forest along the Alcovy and two principal tributaries, Cornish and Flat Creeks. This project is sponsored by the Upper Ocmulgee Soil and Water Conservation District and city officials of Monroe, Covington and other communities. About 15 reservoirs are to be constructed. Two are large, the largest having a normal pool of 560 acres, a flood pool of 1235 acres. The present Alcovy channel is to be dredged from five to six feet deep (published plans for Cornish Creek, Flat Creek and the lower Alcovy call for a cut below grade of from 4.0 to 8.5 feet); the spoil may be spread or not spread at the landowner's wishes. Cornish

Creek will be dredged from its junction with the Alcovy (5.5 foot depth to top of bank) to Highway 138 (4 foot depth here). All trees will be cut on one or both sides of the river and tributaries in a strip from 30 to 100 feet wide to make it easier to deposit the dredging spoil and to prevent trees from falling into the river. The present channel of the Alcovy is to be followed in dredging. In certain areas the channel will be widened as well as deepened. On Cornish and Flat Creeks old dredge lines will be followed. From the terminus of the present large swamps about a mile above the highway 213 bridge to about six miles downstream, snagging and clearing of the river will be done. The costs of the project on the Alcovy proper will be $6,003,032 of which $3,909,874 are public funds. The costs of Cornish Creek are $4,860,009 of which $3,196,910 are public funds. The stopping of erosion, the reduction of flood-frequency on existing croplands, and the impoundment of water for late summer use by cities downstream are all worthwhile objectives of the Alcovy Project. *Disagreement comes only with channelization of the lower Alcovy below Monroe and in certain parts of lower Cornish and Big Flat Creeks.*

The evidence is strong that channelization of the Alcovy will destroy a very valuable resource, not only for the owners of the river, but for the people of the entire state. Serious confrontations between conservation, game and timber resource people and the advocates of P.L. 566 have occurred, chiefly over the disastrous effects of channelization. Weaknesses of P.L. 566 programs have been summarized by Poole[1] of the Wildlife Management Institute indicating that, in many states, "engineers, economists and physical scientists are making irrevocable biological decisions affecting irreplaceable resources". Stuart[2] has presented an analysis of P.L. 566 recommending elimination and reduction of channelization. Russell[3] of Kentucky Fish and Wildlife Resources has discussed the catastrophic effects of 566 projects indicating that ". . . lowland woodland habitat comes the nearest to a multiple use concept of any wildlife environment. Its utilization by important furbearers, waterfowl and for its timber resources make it doubly valuable from the monetary and recreational standpoints". "We in Kentucky have found that wildlife habitat destruction far outweighs any possible benefits under the P.L. 566 programs".

Barick[4] reported to the Southeastern Directors of Wildlife Commissions that his study group examined nine streams channelized by P.L. 566 projects and detailed the impact on swamp hardwood tree production. "Participants observed clear cut evidence of tupelo gum damage and destruction through excessive water removal and right of way clearing. Expert opinion expressed indicated that excessive lowering of water tables would result in tupelo die-back and that this valuable species would be replaced by other less valuable species. In the course of our tour we gained additional information supporting our belief that desired agricultural drainage could be secured without destroying the valuable wetlands, since the present drainage design is based upon the erroneous assumption that these areas have no significant value." Barick's group consulted with drainage engineers and found that modification of former procedures was indeed practical. Forest Durand,[5] while director of the Tennessee Game and Fish Commission, expressed the growing concern held by many state agencies dealing with conservation of natural resources (including Georgia officials), that P.L. 566 projects are very questionable where the resources being lost are in short supply and increasing demand while those gained are already in oversupply. Durand points out that channelization and stream alteration appear an easy way to arrive at satisfactory cost benefit figures as required by law. Director Durand challenged the current idea of getting water that can not be put behind dams off the watershed as soon as possible, reversing the past philosophy of holding it there, a philosophy which had originally helped enact P.L. 566.

Bayless and Smith[6] in a study of habitat alteration associated with stream channelization in eastern North Carolina, compared the fish populations of 23 channeled and 36 unchanneled streams and found 90% reduction in weight and number of game fish per acre in streams channeled by P.L. 566 projects. For a 40-year period following channelization fish and wildlife populations did not recover. Allen's[7] report on channelization's impact on fish and wildlife revealed that all 13 southeastern states felt that channelization posed a serious threat. In addition, Kentucky reported erosion and slumping in 60% of P.L. 566 channels inspected. Leonard Foote and I found serious slumping in the Little River channel emptying into Lake Allatoona. Unfortunately, owing to the uniform and faster current created by channelization, this material is not redeposited locally but swept far downstream into the lakes. In naturally meandering streams, soil that may erode on the outside of bends is redeposited on the inside of other bends. Departments of some states, such as Florida, have urged repeal of P.L. 566. South Carolina suggested that important ecological types and areas be placed in a "hands off" category. Ecologists and agency specialists of the Georgia Natural Areas Council have the responsibility of establishing a classification of Georgia environments and of declaring their public value as soon as possible.

Ecologists and wildlife specialists were criticized at a public hearing on the Alcovy because they had supposedly waited 10 years to make themselves heard. A letter from the Georgia Game and Fish Commission dated March 4, 1968, states that the Commission is not made aware of a project until it is already approved and that recommendations for modification of stream channelization are entirely ignored. While a preliminary work plan map on the Alcovy was prepared as early as 1960, feasibility studies by Service engineers were begun in 1963, stopped in 1964 due to reservoir limitation figures, and not resumed until 1967 when P.L. 566 was amended to raise the size of reservoirs from 5000 to 12,500 acre feet. According to the S.C.S. itself complete finalized plans for the Alcovy Project have been made available only in the past few months. It has therefore been difficult even for agencies on the inside of these projects to have known what was intended prior to 1967.

Alabama's chief of Game and Fish, Kelly,[8] indicates that channel construction alone usually costs several times more than the market price of the land alleged to be benefited, and that a closer look reveals that in almost all instances the amount of money to construct the channel, if placed in savings at the current interest rate, would more than pay for annual losses of each landowner, incurred as a result of floods."

According to the work plans it would appear that 4,327 acres of swampland could be drained for creating additional farmland. This is directly against administrative policy set forth in para. 101.101–101.103. Chap. 1, Part 1, *Watershed Protection Handbook,* S.C.S., U.S.D.A. which states "No P.L. 566 financial or technical assistance will be provided for projects in which monetary benefits accrue primarily from bringing additional land into agricultural production." Charles Elliott, writing for The Atlanta Journal (Outdoors and Recreation, March 9, 1969), says that he fails to understand how we can pay landowners to put their agricultural land in the federal soil bank and then expend federal funds to give them more agricultural land.

Even if the acreage cited above could bring private monetary gain the cost to the public is prohibitive. According to a statement issued by the Georgia Game and Fish Commission February 27, 1969, "These plans say the annual benefits of this will be worth $105,000 a year. Channelization costs . . . to accomplish this would cost almost three million dollars, which could mean that it would take almost 30 years for the benefits of drainage to match the cost. By that time, the future recreational and educational uses of the swamp lands might exceed their value to the public as drained land. . . ."

Something is fundamentally wrong when any organizatoin can, without basis in sound ecological study, destroy a large life system (ecosystem) of great potential value to its owners and to the people of the entire state. It is fundamentally wrong to expend public funds to help private citizens, while the pleas of public agencies and professionals are ignored. The implications of the Alcovy go far beyond this river. Projects under P.L. 566 nearly blanket Georgia's Piedmont. Unless true cooperation on channelization soon occurs between the S.C.S. and other state and Federal agencies, three will be no scenic rivers left in Georgia and the esthetic, educational, scientific and recreational benefits of many streams will be lost for generations to come. The children of the present landowners have to live in the environment which we leave them. At the heart of the matter is the fact that many landowners have derived no monetary yield from their swampland and are being taxed as highly on it as they are for high ground which can be developed or cultivated. We must acknowledge this problem. We must indicate ways to get tax relief for swampland and point out how it may be profitable to keep swamps in their natural state. The remainder of this paper seeks to set forth the significance of the living swamp in its unchanneled state, followed by reasons why landowners should maintain their swamp in a natural state.

THE ALCOVY IN EDUCATION AND SCIENCE

Since uplands, fields or forests are increasingly involved in subdivision and commercial enterprise, they are rapidly becoming scarce making it increasingly difficult to establish areas where school children and college students may learn on field trips the fundamental relationships between water, soil, plants and animals. The river swamps provide ideal natural laboratories, being generally available to almost all urban centers. The rich life system of the Alcovy is centrally located to serve a vast urban population, providing no channelization is done and the river can be set up under a state scenic rivers bill or established as a natural area by the State Natural Areas Council entering into agreement with the owners.

Natural areas, such as the Alcovy bottomlands, are important to education in Georgia. Undirected education, such as the boy-swimming hole—cane pole—dog association, can be a very important educational experience. Channelization also makes it extremely difficult to teach the fundamental concepts of man and nature to school children, by depriving them of a comparatively inexpensive local environment which is available to many communities and which is *not* in demand for construction and development. The river swamps have all the attributes of natural outdoor laboratories—all our cities and towns desperately need these areas within an afternoon's bus ride.

The role which the life system or ecosystem of the swamp plays in maintaining water quality and in productivity and other basic questions requires that a large natural swamp such as that on the Alcovy be available for basic studies to provide answers of regional importance to all watershed man-

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agement where the larger swamp forests are involved. The Alcovy swamp is centrally located to major universities and colleges. There is currently underway an International Biological Program to investigate the life systems of the earth. Inland wetlands are perhaps the least understood division of the Eastern Deciduous Forest Biome. Emory University is concentrating its efforts on the Altamaha system, primarily the granite outcrops and coastal estuary. Shorter College is investigating the occurrence of southern plant species in northern Georgia. The University of Georgia is concentrating its large facilities on major dry environments of forest and field. Georgia State is currently investigating food chains and ecology in the river swamps, including the Alcovy. Some very basic questions can be conducted in the Alcovy swamplands. Through sediment studies C^{14} dating and pollen analysis questions as to the age of the swamps and historical hydrology may be answered. Such questions as the course and rate of sedimentation, changes in river channel and tree composition are vital to future planning involving river swamps. Effects of old channelization on the Alcovy, Big Flat, and lower Cornish Creeks need to be evaluated.

Existant croplands now flooding and likely to be aided by the Alcovy project lie on the headwaters of the Alcovy and Cornish projects, not within the larger swamplands. Attempting to drain the large swamps will not then prevent flooding of existing farmlands. Normally, in flood time, water spreads slowly out through the large swamps, some of it sinking into the ground, with the result that the head of floodwater is much reduced and both rise and fall may take several days. Channelization would seek to hurry the water downstream making problems below and allowing the velocity of the water to carry sand and silt downstream in unprecedented magnitude. The 566 project will not prevent floods—it only lowers their incidence from yearly to every 3 years. Floods can come for several straight years or there may be several dry years in a row. Channelization is not designed to cope with the heavier floods which come with a probability cycle of every 5, 10, 15, 25, and 50 years. These heavier floods can come during any year. Any farming or fencing of bottomlands of the Alcovy is therefore done at considerable risk.

S.C.S. 566 projects are concerned with water quantity, not quality. The larger river swamps act as effective filters, depositing their silt loads over a large area, cleaning the river as it flows. With channelization much of the suspended material has no opportunity to settle out, the higher velocity of the water can carry it into Jackson Lake, which may rapidly become eutrophic and sterile, destroying particularly the Alcovy arm, which is the cleanest part of the lake. One has only to compare the turbidity of a channelized stream such as Little River emptying into Allatoona with the Alcovy. The river swamps act not only as settlement basins for suspended matter, but probably function as natural oxidation basins, purifying the water of pollution. Tim Douglas' work in Pennsylvania showed that where sulfate wastes were pumped into woodlands, the streams coming out were purer than the effluent from the best sewage treatment plants. Ed Hall, biologist of the State Water Quality Board, told me that he was astonished at how the Flint River cleaned itself in the swampy stretch between Atlanta and Griffin.

Some ecologists suspect that the larger swamps may act in the natural regulation of water, absorbing it during the wet season and feeding the stream during the late summer and fall. The water-storage capacity of the Alcovy Swamps may be dependent in part on the water level within the main stream. Studies indicate that beaver ponds increase the ground water beyond their limits. A study at the Coweeta Hydrologic Station revealed that 24 inches of water poured daily onto the forest floor at the head of a stream in June and July, materially raised the stream flow at lower elevations during the dry months of September and October.

Productivity is measured in terms of the plant and animal life which the river swamp can grow. Although we lack data in this regard, Leonard Foote and other ecologists feel that the river swamps are very probably the most productive environments in the state. The fertility brought in by flooding, and that added by decaying organic material in the swamp itself are responsible. Thus these areas can grow timber rapidly and produce mammal, bird and fish life which can be harvested. Why export this fertility to Jackson Lake by channeling the river, when it can be used locally? Rick Foote took a five mile float trip down Little River before it was recently channeled and counted 300 mallards and black ducks. We have already seen that there is no comparison in fish productivity between channeled and unchanneled streams and that the growth of gum trees is dependent on the height of the water table and standing water. The channeled stream presents a dismal picture, its steep banks and constantly rolling sand bottom provide no foothold for the beginning of a food chain to support vertebrate life. Few fish can maintain themselves in a channeled stream. The tracks of muskrat, mink and raccoon will often be sought in vain along it's edge. I have seen this tragic situation on Gum Creek in Newton County, channeled some years ago. Unless the landowner does much prompt side drainage, desirable trees die and impenetrable marshy areas are produced. Tree succession often appear to favor the undesirable river birch and frequently areas are covered with tangles of honeysuckle, privet and briers. In contrast, the swamp pools and ox-bows of unchanneled streams teem with life even in mid-winter, providing a stable basis for food chains involving fish, turtles, raccoon, mink and others. The tupelos, oaks, hickories, holly and innumerable grape vines provide food for a wide variety of birds and mammals. The Alcovy swamps are the refuge for a large tricounty deer population. The river swamps provide a greater variety of life than any other Piedmont habitat. There are no grounds for swapping this variety of quality game, fish, birds and mammals for more quail-cottontail habitat, already in abundance.

Recently the unlimited use of pesticides, and air and water pollution has vividly brought to focus the utter dependence of man upon his natural environment, no matter how deep within the levels of a modern city he may try to hide. Society can no longer ignore ecological principles—ecology is now really human ecology—and basic to our survival as individuals or as a nation. The relatively young discipline of ecology (the relation of life to the environment) has been strained to produce practical results of application to our burgeoning populace. Scientists have discovered in the nick of time that the vast expanses of what appeared to be useless marsh grass along the Georgia Coast was, in reality, a factory making food for millions of tons of shellfish and fish in the marshes and along the entire continental shelf of the state. Our factual knowledge of the function of the great river swamps, such as those of the Alcovy, is too meager to warrant their demise at this stage of human history.

People are reawakening to the startling fact that modern man, with all his technical genius, is scarcely better off than the pioneers. To them, at least, vast stores of unplundered soils and forests had yet to yield their richness. Need we destroy every vestige of the natural environment that may remain?

The winds of change have swept across the U.S. Army Corps of Engineers. According to Weathersbee[9] the Corps is receiving the "scorn of a growing segment of the public which is desperate over the careless exploitation of natural resources.." In April the Corps sent a circular to its engineers calling for the unprecedented consideration of non-construction alternatives in flood control planning. Despite billions spent on dams, annual flood losses continue to rise. The answer may lie "in simple zoning controls to keep construction off areas likely to be flooded while preserving the flood plain as a park." The Corps of Engineers has decided to make environmental quality, including both esthetic and ecological considerations, an additional primary objective.

Ecologists and conservationists of the state of Georgia would very much like to see officials concerned with P.L. 566 include among their objectives esthetic and ecological considerations; it is only in this rerecognition of man's true relationship to his natural environments that the quality life we demand will be satisfied. Our survival as a viable state and nation asks each of us to recognize this relationship to natural environments and participate in their preservation or lose not only our leadership in the world community, but our life.

PROFITABLE MANAGEMENT OF ALCOVY SWAMPLANDS

The landowners who own the swamp in the vicinity of Covington have large holdings, and few appear to have any plans for the swamp. All appear to realize that it could never be commercial or residential property. All of these men seem to know that subdivision from residential expansion will, in a few years, bring such a return from the high ground, that the cost of clearing the swamp lands for possible pasture would hardly be worth while for the few years of yield that could be expected before they sold or developed their high ground. Only one owner would like to try farming some of this bottomland. He is apparently willing to take the risks and is prepared to invest in the necessary side ditching and care that would be needed to maintain this high-risk farming. It is not evident that landowners adjacent to the larger streams are enthusiastic about claiming bottom land.

Few follow-up studies appear to have been made on P.L. 566 projects. Leonard Foote (Wildlife Management Institute) indicated that on projects he has visited, he has seen only one example of a landowner trying to reclaim what had been large swamp forest. Too often, the effects of clearing and side ditching the larger bottoms appears to be offset by the accumulation of rainwater abetted by insufficient drainage, the normal lack of slope and the high berm of dredging spoil. These bottomlands converted to pasture frequently present the landowners with the invasion of inedible sedges, rushes and unpalatable, vigorous weed growth which is difficult to control because of the bogging down of machinery. Small wet places gradually coalesce into larger areas and are often abandoned. Normally, beavers do not attempt to dam streams as large as the Alcovy or the side streams in the flood plain forests. The spoil banks along a dredged stream, however, may stimulate beavers to dam side streams. The landowner should be prepared for their depredations.

WHAT THE ALCOVY AND ITS SWAMP FOREST CAN MEAN TO THE LANDOWNER

Providing that the channelization of the Alcovy and lower tributaries can be avoided, there are a number of approaches that will profit the landowner more than trying to reclaim terrain still subject to periodic flooding. These land use projects are outlined below.

(1) **Help establish the Alcovy as a Scenic River at a state or national level.** This would

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vastly increase the value of the wetlands adjoining the rivers as well as increase the tourist income of Covington, Monroe, Social Circle and the entire tri-county area.

(2) The individual landowners can protest the plant and animal communities of the Alcovy swamplands for purchase by groups, agencies and organizations for use as natural areas maintained for educational and scientific purposes, river parks, etc.

(3) The individual landowners can have access to lawyers in conservation groups who can assist them in obtaining tax relief. There is the possibility that property may be leased for educational purposes and that the fair rental value can be deducted from income tax, resulting in a saving that will offset ad valorem taxation. The giving of a scenic easement also has advantages in income tax reduction and reduced tax valuation of the property involved. One Newton County landowner, by showing land value figures provided by Georgia Kraft, was able to get the County to lower the valuation of his swamp land from $85.00–$89.00 to $60.00 per acre. It should be pointed out that swamp drainage may raise the landowner's taxes whether or not they can profitably farm any of the bottomland. There is, on the other hand a very excelent chance of having valuations lowered or eliminated by the proper type of use.

(4) Individual landowners can protect their swamps, managing them as natural areas, and derive an income from paid hunting, fishing, boating and camping. Paid camping, hunting and fishing and other outdoor recreation have seen fantastic recent growth. It is one of the opportunities of the future. The high productivity of ponds and of oxbow lakes in river swamps is well established and growth rates are high.

(5) The "green belt" of the Alcovy River swamp will enhance the value of adjacent dry lands. The esthetic beauty and the wildlife of swamps along the Alcovy and Cornish Creek has already proven a substantial asset to subdivision. The beauty of swamps has brought to one wise landowner a group of purchasers who cherish this wild resource for hunting, fishing, but chiefly for *personal esthetic enjoyment*. As urban sprawl gobbles real estate, the swamp green belt more and more enhances the environment of housing and industry. Do not underestimate the lure and attractiveness of swamps to many people, particularly urban dwellers to whom a small piece of wild America can be a treasure of enjoyment.

EPILOGUE

If you would have a natural scenic area of significance to yourself, your children and to fellow Georgians, I urge you to contact a Director of the Alcovy River Watershed Association, the County Commissioners of the cities and counties involved, or other officials, asking modification of the Alcovy project *only as regards channelization in the lower parts of the watershed*. One can cut a forest and eventually it will return. It is doubtful if channeled areas can recover their natural conditions within several lifetimes, if ever. Therefore, any decision that you make goes far beyond the few years during which some temporary local profit might be secured.

FOOTNOTES

[1] Poole, Daniel A., Weaknesses in the Public Law 566 Watershed Program, presented at the 15th National Watershed Congress, Louisiana, May 27, 1968.

[2] Stuart, Russ, An Analysis of Public Law 566, presented at the N.W.F. meeting, Las Vegas, Nevada, March 1964.

[3] Russell, Dan M., Wildlife and P.L. 566 Watersheds, presented to State Soil Conservation Staff Conference, February 25, 1963.

[4] Barick, Frank, Tour of Small Watersheds (P.L. 566) Projects in North Carolina by Special Study Committee of Appalachian Section of S.A.F., June 17, 1964.

[5] Durand, Forest, presented to North American Wildlife and Natural Resources Conference, Detroit.

[6] Bayless, Jack, and William Smith, The Effects of Channelization Upon the Fish Populations of Lotic Waters in Eastern North Carolina, North Carolina Wildlife Resources Commission, Raleigh.

[7] Allen, Ralph H., A Summary Report on Channelization and Its Impact on Fish and Wildlife Resources to the Southeastern Association of Game and Fish Commissioners, Alabama Department of Conservation, Montgomery, 1968.

[8] Kelley, Charles D., personal communication dated February 21, 1969.

[9] Weathersbee, Christopher, The New Corps, *Science News*, Vol. 95 (1), February, 1969.

Why We Must Preserve the Alcovy River [1]—the Significance of the Great River Swamps of the Southeast

(By Charles H. Wharton)

The Alcovy River in Walton and Newton Counties, is being proposed by the Georgia State Game and Fish Commission for study as a State Scenic River under Senate Bill 90, which authorizes the Georgia Natural Areas Council to study and recommend streams of especial value to the legislature for preservation in the natural state. The Council is composed of three groups: an inter-agency group of state officials, a group of natural resource specialists from the legislature, and a group of professional ecologists from colleges and universities. The Council considers the wise use of the state's remaining natural environments for all of the people for all time, and it identifies samples of these natural environments which must remain inviolable in the public interest.

The lower Alcovy River is a remnant of a characteristic Piedmont environment which is rapidly disappearing. The disappearance of hardwood bottomland swamp forest in the Piedmont and Coastal Plain is largely due to a little-understood federal program involving flood control on small watersheds conducted by the U.S. Soil Conservation Service under the authority of Public Law 566. Recently the details of a plan, called the Alcovy River-Cornish Creek, Flat Creek Projects, has come to general public attentain. An attached map indicates the area involved, the location of the 15 proposed small reservoirs, and the part of the river proposed as a State Scenic River. Widening and deepening the Alcovy by "channelization" threatens some 3000 acres of the finest river swamp remaining in Georgia's Piedmont, as well as jeopardizing the value of beautiful shoal water downstream and a good part of Jackson Lake. The total watershed acreage involved in the Soil Conservation Service projects totals 168,072 acres.

The Alcovy is ideal as a scenic river. Its extensive flood plain swamps afford tremendous potential use in general public recreation, hunting and fishing, education, and the advancement of scientific knowledge. Scientists of the world are currently cooperating (to learn more about such ecosystems) in an International Biological Program—in fact, the fate of mankind now rests on understanding and working with, not against, the natural functions of the environment. The need for an understanding of our environment is urgent because of the number of specialists, engineers, politicians agencies and other special interest groups proposing and endorsing vast schemes: cross-state canals, dams, new methods of harvesting timber; all intent on "doing something with" or "getting something out of," our environments. The nearly uncontrollable mania of the U.S. Corps of Engineers to build large dams is equisitely revealed in a recent article by Justice William O. Douglas titled "The Public Be Damned." [2]

Pollution and pesticides are only two of many factors which may damage our environment. Unless environmental ecologists are soon consulted in every phase of the management of our biosphere, our culture is doomed to a lingering degeneration of the quality life to which we aspire. Further, the dominant political system will be the one with enough constraints, both legal and personal, to prevent the alteration and pollution of any part of its environment without adequate scientific study integrating all the physical, chemical, biological and psychological factors involved.

I'd like to discuss the function and use of a little understood environment, the stream swamps of the Southeast. The United States is not dependent upon this type of environment for subsistence, unlike many countries of Southeast Asia where, for example, food growing must be largely confined to wet-rice agriculture in the marshes, floodplains, and deltas of the rivers. We are still feeding on the remaining topsoil of the Midwest, and are able to exploit poorer soils elsewhere by an advanced technology of machines, irrigation, and fertilization. Our peculiar combination of natural resources and advanced technology has made us, temporarily at least, the most powerful nation on earth.

These facts make it painful for me to attempt to explain how and why one of our governmental services continues to organize and conduct a self-perpetuating plan for the systematic destruction of the river swamp, a characteristic and natural environment of the southeastern United States. I refer specifically to the practice of flood control by dredging, called "channelization", a program of conducting rainfall from where it is needed (on forests and fields), to where it is not (the ocean). How does channelization destroy the natural plant and animal community of the river flood plain? But first, what is the river floodplain and what are its natural functions?

THE RIVER FLOOD PLAIN

Flood plains are common to every stream where the land has a gentle slope. The normal channel of the stream or river is in equilibrium with transport of water and debris supplied by the drainage area. Flood plains are formed by the side cutting, or meandering, action of the stream, which deposits as much on the inside of each bend as it undercuts from the outside of each bend, Fig. 2. During high water *the entire flood plain is the channel of the river*. This phenomenon has apparently been operative for millions of years. Hoyt and Langbein (1954) found in a study of 140 locations in 36 states that the overbank flow is equalled or exceeded every two years. Leopold and Maddock (1954) say, "Frequency of overbank flow is remarkably constant among rivers." Overbank flow, then, is a natural phenomenon. As a matter of fact, it cannot be prevented on the Alcovy River or anywhere, except by the building of enormously expensive dikes which must be periodically raised owing to deposition in the restricted flood plain which remains. The world's treasures do not possess the money required for such extreme measures on small watersheds.

Damage to man comes only when he builds structures or tries agriculture on the river bottomland. It is preferable to use the word "inundation" when speaking of natural swamplands, since the word "flood" has connotations of damage due to man's lack of understanding of the true function of the river plain. Soil Conservation Service small watershed projects are designed not to stop inundation but to reduce the average frequency of it. It is possible to have inundations for several consecutive years. Heavier inundations come at intervals averaging 5, 10, 15, 25, or 50 years, and little control can be exercised over them.

NATURAL FUNCTIONS OF A BOTTOMLAND SWAMP

It was once thought that the great expanses of coastal marsh grass were useless,

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Footnotes at end of article.

but thanks to Eugene Odum and his colleagues we realize that owing to action of decomposer and other organisms, food for shellfish, shrimp and fish in our marshes and on our continental shelf is produced by this "factory", and not only that, waters off the Georgia coast appear to be several times richer than those off the coasts of North Carolina and Oregon. Not as much is known about the river swamps. Some things are known. Other functions must await research efforts.

The great river swamps of Georgia have evidently existed in a stable state for centuries. They were among the last post-Pleistocene habitats for mastodon, mammoth, and ground sloth until, some scientists believe, as recently as 2000 years ago. The southeastern river swamp has been the habitat that enabled the last of the dinosaurians, the alligator, to survive. Judging from the frequency of fossil remains, deep southern swamps must have provided protection from heat and enough lush aquatic and terrestrial plants (many evergreen) to help sustain these great beasts in their last refuge. The river swamps have also provided a refuge for turtles, those most ancient of reptiles. In Bartram's day, bottomlands and adjacent areas fed the bison on river cane. Today, America's rarest animals, such as the cougar, red-wolf, and ivory bill woodpecker find their last stronghold there. The river swamps, if intact, form natural corridors for the movement of life forms which, when wiped out in one area, may repopulate from another. The stable and more equithermal swamplands have allowed some Coastal Plain life (bowfin, brown water snake) to pentrate deeply into alien habitats and have permitted northerly species (salamanders (*Desmognathus*), star-nosed mole) to exist in the Coastal Plain In flood control river swamps act as natural storage reservoirs in several ways by impounding water on the flood plain and in the soil. Leopold and Maddock[3] say, "The overbank flow therefore, constitutes an important part of the natural valley storage during a flood. The natural storage provided by river channel and flood plain is similar to the kind of flood control provision that man attempts to build by engineering works." As agencies of water storage some ecologists believer larger swamps may aid in the storage of underground water, possibly to augment stream flow during low water in the fall. They may raise the watertable of land outside the swamp. Unfortunately, the Soil Conservation Service pays scant attention to *water quality*. Swamps deposit most sediment on the inside of bends. Some of it, however, also deposits on the forest floor according to Wolman and Leopold.[4] These authors do not, however, specifically mention the effects of depressions, old channels, and ox-bow lakes. The filtering action by the swamp both cleans water and traps fertility. It may also aid in purifying pollutants, such as insecticides and herbicides, from farmlands.

Leopold and Wolman[5] indicate the function of vegetation in inducing deposition and state, "the width of a river is subject to constant readjustment if the banks are not stabilized by vegetation . . . In the eastern United States river banks generally tend to be composed of fine-grained material having considerable cohesiveness, and large trees typically grow out from the bank and lean over the stream. Their roots are powerful binding agents, and under these conditions width adjustments are small and slow. Only large floods are capable of tearing out the banks."

PRODUCTIVITY

The swamp pools and channels and streams (more or less full in winter and spring) and the moist leaf mold layer swarm with a host of algae, bacteria, yeasts, and other fungi, which either manufacture food by photosynthesis or release minerals by decomposition. Odum[6] lists semi-aquatic and terrestrial communities on alluvial soils in the highest category of the year-round production of protoplasm. The natural swamp may be the richest inland environment we have, probably possessing more species of animals than any other in Georgia and an environment with rapid plant growth as well. In Fig. 3 note that man is the beneficiary of this productivity.

In his report on the Satilla River, Donald Scott,[7] with 25 years of experience in the biology of streams, summarizes the significance of swamps to the productivity of fish. He states that the initial capture of energy by microorganisms (phytoplankton) is insignificant in the flowing portions of most Georgia streams, "The organic matter which supports the population of higher organisms . . . has its source outside the stream itself. It is obvious that river levels will exert a strong influence on the success or failure of reproduction of many of the inhabitants of the stream, and especially of fish. High water levels expand the habitat, breeding grounds and food supply of fishes. They also increase the total food supply in the river by washing into it organic matter that had been accumulating in the swamps and flood plains . . . It is my conclusion that naturally occurring fluctuating water levels are preferable to stabilized flows."

Scott has this to say about the so-called "snagging and dragging" operations (in this case referring to the Satilla River), "Extensive or even moderate snagging operations would have a very detrimental effect on the ecology of the river and would certainly affect the quality of fishing in an adverse manner . . . The removal of snag piles . . . would increase the area of relatively sterile sand bottom."

Thus, as Scott indicates, it is the regular inundation of their flood plain by rivers which accounts for their high productivity. In the case of the Alcovy, the export of swamp nutrients may help to maintain the fertility of part of Jackson Lake.

There remain to be mentioned other uses of the Piedmont swamp lands. Besides the obvious refuge and food it provides for deer and wild turkey, it furnishes dens and food for squirrel, raccoon, otter, beaver, muskrat, and a host of smaller mammals and birds. Ducks in particular profit from its winter food supply. Our commonest duck, the wood duck, nests in hollow trees in this habitat. Other recreative uses include bird watching, boating and hiking. The mystic beauty of the swamps appeals to the esthetic sense of painters and photographers and, for the layman, especially the city dweller, it offers a unique and accessible experience in escaping the confusion of modern civilization. Only moments from a busy highway, it provides a sense of isolation and wilderness so vital to our urban population. Thoreau said " . . . in wildness is the preservation of the world . . . . The cities import it at any price. Men plow and sail for it. From the forest and wilderness come the tonics and barks which brace mankind . . . ." Charles Lindberg,[8] now a leader in conservation, recently said, ". . . I have turned my attention from technological progress to life, from the civilized to the wild. In wildness there is a lens to the past, to the present and to the future . . . an awareness of values that confronts us with the need for and the means of our salvation. Let us never forget that wildness has developed life, including the human species. . . . If we can combine our knowledge of science with the wisdom of wildness, if we can nurture civilization through roots in the primitive, man's potentialities appear to be unbounded."

In the summer, the Alcovy swamp presents a picture of depressions and channels, some with pools of water, some completely dry. These drying up pools represent the same environment that urged certain fish (with primitive lungs) to crawl through the mud to find deeper water and in doing so to become the first land vertebrates. In the swamps of summer, we are thus witness to the surviving remnant of a scene 300 million years ago—a habitat that produced the most significant step in the evolution of vertebrate animals in the history of life.

The southern swamps have important educational values. Uplands become increasingly involved in subdivision and industry. Inland swamps are widespread enough to be *the last natural outdoor laboratories*. Education may be exploration by school boys on their own, or class field trips learning the fundamental relations of animals, plants, soil and water. The swamplands are likely the only remaining environment that cannot be used for construction and development.

Science needs time to study and document the true functions and contributions of the river swamp. The role it plays in maintaining water quality is of immediate importance. Figure 3 suggests a tentative web of life based upon the productivity of a river swamp. Note that man is the ultimate recipient of most of the food chains, which are based upon the alternate rise and fall of natural inundation. That man, by careless agriculture and construction has intensified the height and perhaps the incidence of flooding is not argued here. We have passed the centuries of heaviest erosion and abuse of the land. The present swamplands have survived and adjusted. Since we are now urbanizing America, what is the point in their destruction at this stage in history? Especially since it is likely that they will be the last green belts that shall remain when urban sprawl and industrialization has run its course. The Southern Forest Resource Analysis Committee of 1969 called them, "The South's Third Forest," reporting that they were needed to help maintain the nation's hardwood timberland base.

I have talked with several Atlantans who have purchased river swampland. They wish nothing more than to maintain its esthetic beauty and its outstanding hunting and fishing.

CHANNELIZATION

What are we exchanging for the functions and uses of these swamps and esthetically pleasing streams? We are getting in exchange shallow, fishless ditches designed to hasten water and silt downstream to the ocean or to the next lake below. Conservation agencies all over the country helped pass the original Small Watershed Flood Control Act, principally because it was designed to retain water where it fell, not hurry it off. Channelization has been a bitter pill for many to swallow. Basic to the increased use of channelization has been a diminishing agriculture, in the Piedmont especially. The S.C.S., in order to maintain its power structure, has had to turn to flood control. Planning has fallen into the hands of hydraulic engineers, leaving both ecologists and area planning commissions helpless and hopeless.

Channelization destroys the swamp if the owner does not side ditch it, Fig. 1. Most landowners won't spend $400/acre to get a little land into agriculture, still risky because flooding can never be entirely prevented. Very few owners would afford side ditches unless they were trying to reclaim land for agriculture. If they did cut side ditches to save their timber they would still lose substantial parts of the swamp—in any event they would probably interfere with the regular bank overflow and drain off. Swamp life is adapted to alternating periods of wet and dry. Tupelo, for example, can seed only when the swamp floor is dry, although the trees themselves require periodic inundation.

Federal and state Game and Fish agencies have few or no funds or personnel to adequately evaluate S.C.S. projects. The U.S. Fish and Wildlife Service has only two men for 14 southeastern states. They can only take

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a quick look at the general plans. since final plans and exact location of reservoirs and channels are not fixed when they are called in. The Georgia Game and Fish Commission has no money or personnel to assign to even inspect the many watershed proposals. Thus there is no factual evidence to support S.C.S. claims that they have "worked with" Federal and State agencies, and have their approval of a project. The only "approval" they have had is a token concurrence by these agencies because their protests have been repeatedly ignored.

No, not every small watershed project involves channelization, but for every stream where dredging proves impractical, it is likely that two new projects will take its place elsewhere, where dredging is practical. Every stream in Georgia possessing a flood plain or swamp is a potential candidate for the dragline and bulldozer. *In our coastal plain channelization is the major means of flood control*—few reservoirs are constructed in this area. Bill Baab of the *Augusta Chronicle* bitterly described to me a forthcoming project for the magnificent Brier Creek, a wildlife paradise.

Channelization increases silt downstream. Figures from an S.C.S. report [9] indicates that doubling the discharge rate of Barber Creek tripled the silt load which it carried. Bank slump and lack of natural root bind are two important sources of this silt from the channel itself.

Figure 1 is a profile of Barber's Creek, a tributary of the Oconee River, channeled in 1965. The owners did not wish to spend the $300–$400 per acre to try and reclaim the adjacent bottomland.[10] Yet landowners along the lower Alcovy are expected to spend this kind of money on 80% of the swamp. Let me quote Norman Berg's leter to Senator Russell dated May 26, 1969: "The main purpose of this project is to eliminate the frequent damage that occurs to agricultural lands." On the lower Alcovy, desired as a State Scenic River, there are no farming lands to be "protected," and few pastures. The high ground of the majority of the large landowners on the river will make them wealthy—most of them have no special desire to change the natural swamp.

Dr. Harvey Howell (pers. comm.) of Cartersville made a detailed investigation of S.C.S. plans for a project on Raccoon Creek in Paulding and Bartow Counties. He found that the S.C.S. had proposed the expenditure of nearly a half million dollars, including the ruination of some 300 acres of good land, to "protect" an agricultural valley three miles long averaging ¼ mile wide. This was in spite of the fact, documented by Howell, that there had never been a crop loss or any significant damage due to floods in this valley, according to the 10 landowners involved. Nor was there any interest among them in having this project. Howell's personal study of the valley revealed a few shallow washes here and there (which could have been stabilized with vegetation) which, lumped together, would total less than four acres.

Further, Dr. Howell talked with Farmers on the Coosawatee and Etowah Rivers. The outcome of these conversations was that Allatoona Dam has prevented annual winter inundations from depositing their silt increment, with the result that some farmers were forced to use three times the amount of fertilizer to grow the same crops as when inundation of crop fields occurred. Dr. Howell suggests not disbanding the S.C.S. but changing their name and redirecting their efforts.

There are no laws or regulations requiring channelization. These ugly ditches are at the discretion of the engineers who develop the work plans of each project. We are told that they cannot build reservoirs without "protecting" lands downstream. (It does not matter whether these downstream acres are or ever have been in cultivation.) Every acre "protected" is valued at enough to offset the cost of building the reservoirs. In other words, the benefit (protection) must offset the cost (reservoir and channel). Thus the derivation of the all-important "cost-benefit" ratio. With new industries and Covington itself withdrawing more and more of the Alcovy's water during the dry fall months, it would make far more sense to have these same reservoirs protecting the natural swamps and the river from running too dry—then you can add the wildlife, recreation, education, science and green belt values and arrive at a higher benefit than the present basis of value.

There may be several reasons why the S.C.S. will not discuss modifying the Alcovy project. They may feel that compromise or change will put questions in the public mind about many other projects. They perhaps suspect that their hydrological, ecological and economic evidence for the Alcovy River will not bear close examination by a group outside the Department of Agriculture. With their multi-million dollar budget and the political machinery of making local citizens "responsible" for plans their engineers devise, they apparently feel so secure that they can ignore the rest of the people. They very likely feel that they can concentrate on other watersheds until their opposition on the Alcovy gets tired or gets re-elected.

It seems assured that Federal and State agencies and the scientific community are going to conduct an intensive study of channelization. It may well be that the people of the United States may find it necessary to demand a congressional investigation of the entire structure of the Soil Conservation Service. I regret that the failure of the S.C.S. to co-operate over the Alcovy River may precipitate a nationwide re-evaluation of flood control on small watersheds. Inevitably, the American taxpayer is going to find out some rather unpleasant things. It does not seem just that our tax dollars go to (1) destroy an environment that is so useful for wildlife, recreation, education, and science, (2) put more land in agriculture when we are trying to hold down agriculture and subsidies, (3) increase land values for landowners whom we pay to keep some of the same land out of agriculture, (4) support landowners who both sponsor and vote approval on federal projects which will give them financial gains.

I was astounded the other day to hear from several citizens at Covington that only two miles of the Alcovy was going to be channeled. It leads me to believe that many other people are going to be deeply shocked at what is going to happen to their river, and that in the long run, they will lose a valuable and irreplaceable resource base for community prosperity and happiness.

I deeply regret that this issue has arisen over the Alcovy—involving not only a beloved river but beloved friends and acquaintances. Yet faced with the loss of this magnificent stream and its living swamps and with the knowledge that upon its fate may also hinge the fate of nearly every stream and swamp in the Southeast, there is no course but to present to you my professional viewpoint and trust that you will soon make a decision, and follow it with a course of action in keeping with your concern.

Figure 1—Diagrammatic profile of a Channeled Stream—Barber's Creek at Highway 78 Bridge

[Profile drawing not printed in Record]

This project was completed in 1965. The landowners on Barber's Creek did not wish to invest the $300–$400 per acre necessary to side drain and prepare this bottomland for possible agricultural use (it would be still subject to occasional flooding).

A—Stream has shallow, even depth with rolling sand bottom; absence of holes, debris or hiding places for aquatic life; no logs, limbs, roots as a substrate for bacteria, algae and fungi.

B—Steep, eroding banks no longer bound by tree roots; absence of still water pools where insect larvae and crustacea can exist.

C—Sandy deposits of dredging spoil—originally planted to grasses and legumes. Unless landowner mows and fertilizes them they quickly revert to an unproductive tangle of brier, honeysuckle, sycamore, etc.

D—River birch zone, an inferior timber tree which dominates disturbed habitat which is only lightly flooded.

E—Marsh where water ponded by the spoil bank has killed the original hardwood timber. Such a marsh may or may not produce muskrats or ducks. It is less desirable than the original swamp. The southeastern river swamps owe their high productivity to alternate wetting and drying. They must be properly drained as well as inundated to survive. Any alteration of this natural rise and fall of water damages this important ecosystem. Reducing the frequency of inundation by reservoir construction may damage production by this assemblage of plant and animal life but may not necessarily kill it.

Figure 2—Diagrammatic Profile of an Unchanneled Stream—Alcovy River at Highway 278 Bridge

[Profile drawing not printed in Record]

A—The side-cutting meanders of a normal flood-plain stream create diverse habitats; roots, however, bind the soil. Roots and undercut banks, logs, pools and shallows provide varied habitats for aquatic life.

B—The forest canopy often shades and cools much of the water (this is more readily seen upstream from the second bridge). Tracing swamp streams on aerial photos is often difficult.

C—Sand and silt deposit in a bar (deposits of lateral accretion) on the inside of each meander. Profile below crosses such a curve.

D—Pothole or depression pool in the swamp floor; even in mid-winter these pools teem with life.

E—Normal forest floor; leaves and logs provide food and cover for invertebrates, amphibians and reptiles.

F—An old river channel, often cut off into an "ox-bow lake". Some of the most productive fishing in the south is provided by such "lakes". Both D and F often support stands of tupelo gum (*Nyssa aquatica*) which bear a large purple berry; the flower is the source of tupelo honey.

D–E–F—Silt deposits in these places at high water (overbank deposits).

[Figure 3 not printed in Record]

FOOTNOTES

[1] Based on a report delivered to the Georgia Conservancy at Winder, Georgia, on June 28, 1969.

[2] *Playboy Magazine*, July, 1969.

[3] Leopold, Luna and Thomas Maddock, Jr., 1954. *The Flood Control Controversy*. The Ronald Press, N.Y. 278 pp.

[4] Wolman, M. Gordon and Luna B. Leopold. 1957. "River Flood Plains: Some Observations on Their Formation." U.S. Geological Survey Professional Paper 282–C, Washington, D.C.

[5] Leopold, Luna B. and Gordon Wolman. 1957. "River Channel Patterns: Braided, Meandering and Straight." U.S. Geological Survey Professional Paper 282–B, U.S. Government Printing Office, Washington, D.C.

[6] Odum, Eugene. 1963. Fundamentals of Ecology. W. B. Saunders Co., Philadelphia.

[7] Scott, Donald. Report on the Satilla River *IN* Report of the Satilla River Expedition, May 22–24, 1969.

[8] *Life*, July 4, 1969, p. 61.

[9] Siltation in Lake Jackson and Alcovy River by James R. Huff, Soil Conservation Service, Athens, Ga. March 10, 1969.

[10] Ref. Dan Searcy, Soil Conservation Service, Athens, Ga.

Second, the Georgia Fish and Game Commission has been leading the fight to preserve this valuable wildlife habitat. Leading this fight is its distinguished director, Mr. George Bagby. In the Fish and Game Department's monthly publication, Georgia Game and Fish, Mr. Bagby presents a very concise explanation of the harm perpetrated by channelization of our natural and wildlife resources. Furthermore, the fish and game commission in their magazine has carried an article concerning my activities in trying to protect the Alcovy River. For the information of my colleagues, I am hereby inserting these two articles into the RECORD:

OUR RUINED RIVERS

(By George Bagby)

Once, it was a pretty little stream.

Clear, green water flowed between its even greener tree-lined banks, here and there dashing under the limbs of an overhanging tree, over a fallen log, around a few rock ledges.

In one of those darker green pools below an old log, a big catfish fanned her eggs in the nest like a quart of pearls. Nearby, a flaming orange redbreast bream in male spawning colors plucked a small aquatic worm from the gravel of the stream bottom. Further downstream below the rock shoals, a hungry largemouth bass woofed down a crawfish for lunch, while a crappie snapped up a small minnow, oblivious of a small boy quietly drowning worms near the bank.

Occasionally, a small boat would drift down the stream, its occupants charmed in the magic spell of ever changing green water and trees under white clouds and a blue sky. Sometimes, a young couple came to picnic on its banks and to laugh at the handprints of a raccoon on the mud of the bank, or to spy on a mother wood duck and her tiny brood swimming downstream. High overhead in a big old oak, a family of grey squirrels chattered from the entrance to their tree hollow den, finishing up last year's stored acorns.

But that was a long time ago . . . "the good old days."

Now, the young man who drowned worms in the spring, and hunted the squirrels in the winter, was a father himself. Like him, his children would be able to drink in the wonder of the woods, and of the small, beautiful stream.

But instead of green water, a dingy, muddy stain met their dismayed eyes. The den tree where the squirrels played was gone, even the log in the water where the catfish built its nest. There were no wood ducks swimming the shallow, swift water, and no raccoon prints where a crawfish or a salamander had met its fate. There were no little boys with cane poles in their hands, or lovers playing on the banks, now stripped bare of their once beautiful foliage.

Sickened by what they had seen, the family turned bitterly away from the once beautiful stream, never to return again.

This is channelization.

The President's Council on Recreation and Natural Beauty made up of the Vice President, Secretary of Interior, Secretary of Commerce, T.V.A., and the Secretary of Agriculture (whose Department includes the Soil Conservation Service), and other department heads had this to say about federal water resources projects in their book *From Sea to Shining Sea:*

"The Council proposes that Federal flood control and other water resource development programs and projects seek to retain or restore natural channels, vegetation, and fish and wildlife habitats on rivers, streams, and creeks and apply the same policy to federally assisted public and private projects affecting rivers, streams, and creeks."

Under the provisions of Public Law 566, the U.S. Soil Conservation Service is authorized to plan and construct with federal money projects to prevent flood damage and erosion, and to store flood water for municipal and industrial water supplies, irrigation, and recreation.

Public Law 566 does not give veto power over these projects to state game and fish commissions. It does require the U.S. Soil Conservation Service to submit copies of plans to the state game and fish commissions and the U.S. Fish and Wildlife Service.

These two agencies are required by the law to make comments to the Soil Conservation Service on what effects the proposed project plans would have on fish and wildlife. This advice is not binding on the SCS in any way, and that agency can completely disregard the comments of wildlife agencies if they choose.

This has frequently been the case in the last decade since the 566 law was passed. Today, the game and fish agencies of most of our sister states are embroiled in constant conflict with the SCS because of the extensive and widespread damage these projects do to fish and wildlife habitat, primarily from dredging of stream beds and draining of wildlife wetlands, especially riverbottom hardwoods.

Such destructive projects are a national conservation issue. Only last October, the Southern Division of the American Fisheries Society adopted a resolution calling on the SCS, TVA, and the Corps of Engineers to halt any further watershed projects until an economic evaluation can be made of the value of fishing, hunting, boating, and other recreational values of the small streams affected.

Our sister wildlife agencies in the states of North Carolina, Tennessee, Alabama, and Louisiana, to name only a few, have strenuously protested this destruction. Their position has been supported fully by the Southeastern Association of Game and Fish Commissioners, and by many state and national conservation organizations. In this connection, I would like to quote a statement by Mr. Charles Kelley, Director of the State of Alabama's wildlife agency, made in his report as president of the Southeastern Association of Game and Fish Commissioners at their 1967 conference in New Orleans:

"A major problem existing in my state at this time concerns watershed projects. The original concept was to design, through federal assistance, watershed projects in such a manner as to improve the renewable natural resources within the watersheds. From the very beginning, public monies have cften been used to develop agricultural resources which directly benefit the individual landowner at the sacrifice of such public resources as fish and wildlife: the loss of which is felt by many people. From the trout streams in North Carolina to the shores of the Gulf Coast, channelization has played havoc with our valuable fish and wildlife habitat.

"Fish and wildlife losses, as a result of channelization of one watershed stream when examined alone, may appear to be insignificant. Not only will stream channelization destroy the fishery resource of the watershed stream itself, but channelization destroys the spawning habitat for such species as walleye, sauger, and white bass. Without adequate stream spawning habitat, these species will ultimately disappear or be greatly reduced.

"Not only is channelization detrimental to the fishery resources, but it destroys feeding and occupational habitat for a number of game and furbearing animals and the wood duck.

". . . If fish and wildlife losses were given proper consideration as a factor in arriving at the cost benefit ratio of the watershed, I am sure that in many cases impoundments would replace channelization in order to arrive at a cost benefit ratio figure which would assure federal funds for the project.

"Fish and wildlife organizations can no longer stand still and watch our natural stream areas turned into manmade ditches devoid of fish and wildlife. We must continue our efforts to gain greater appreciation of our fish and wildlife resources, or most surely we will suffer to an even greater extent in the future."

The destructive effect of channelization and drainage on fish and wildlife is well documented. A study by the North Carolina Wildlife Resources Commission of 23 streams that have been channeled shows that 90 per cent of the game fish were lost, both by weight and number. It is important to note that 40 years after channelization there was no significant improvement in the fish population.

A recent report of the State of North Carolina on SCS channelization projects contained the following section:

"Of three completed projects in eastern North Carolina, we can point to none which has not been highly destructive to wetland wildlife. Of several projects currently in the planning or active state, we can point to none for which the final approved plans include adequate provisions for the protection of wetland wildlife resources."

A study of a stream before and after channelization was made by the Mississippi Game and Fish Commission. Before channelization, the Tippah River had a good population of large size game fish, averaging 240 pounds per acre. After channelization, that poundage dropped to only five pounds. Where the stream originally contained five bass averaging about two pounds each in size, the same area after channelization contained four bass with a total combined weight of two-tenths of a pound all together. Where fishing was once good for crappie, bluegill, and flathead catfish, none were found afterwards. Instead, the study area contained 1,480 minnows and 18 game fish weighing five pounds, compared to the previous 887 game fish and minnows weighing 240 pounds.

In the event that any interested person would like to have a copy of these scientific studies, we will be happy to send them a copy.

We all know that drainage of wetlands means the annihilation of ducks and other waterfowl. Such areas serve as refuges for deer, rabbits, squirrel, raccoon, and many species of furbearing animals.

There are 166 of these watershed projects already planned on every major fishing stream or lake in Georgia or just upstream from it, out of a potential total of over 300. Each one of them includes plans for dredging streams and draining wetlands that are essential for wildlife. Forty-one of these projects have already been approved for construction, and 22 have been completed. 103 applications are pending. A list of these projects is printed with this article.

We have seen these projects and the destruction that they have already caused to wildlife and fishing in Georgia. You can see it for yourself at the locations shown on the map of completed projects. You can see the pictures of some of these projects here: judge for yourself the destruction that they have done.

But first, I want to clarify the position which our department has taken on the watershed projects proposed on the Alcovy River and two of its major tributaries above Lake Jackson in Gwinett, Walton, and Newton counties, Flat Creek and Cornish Creek.

The channelization and drainage of the Alcovy River and its swamps above Lake Jackson as presently planned by the Soil Conservation Service will do irreparable harm to the wildlife and scenic values of this unique wild area on the edge of the greatest metropolitan area in the Southeast. Increased sedimentation caused by the construction of the channels will threaten the last remaining source of pure water in Lake Jackson, the favorite fishing spot of middle Georgia.

The false statement has been deliberately and maliciously made that the State Game and Fish Commission and its director have opposed the approval of the Alcovy River and the Flat Creek-Cornish Creek Watershed

Projects. This is a barefaced lie. We are not trying to kill these two projects. We don't have that authority. We are not trying to keep these three counties from having four large lakes for recreation and municipal and industrial water supplies. We are in favor of them, and have publicly stated that we would stock these lakes and 11 smaller reservoirs and several hundred smaller farm ponds free of charge and that our fish biologists would help to manage them to produce the best possible fishing for an impoundment of this type. We have not opposed planting cover crops and wildlife food patches. We would favor opening up boat passageways through the Alcovy for fishermen, hunters, and boaters.

We have objected to one portion and one portion only of the proposed watershed plans, and that is the channelization and drainage of the Alcovy River above Lake Jackson.

Our Department has asked the Soil Conservation Service to revise their watershed construction plans to eliminate objectional channelization. They have refused to even consider our protests. For this reason, we are asking Congress and the President to delay approval of funds for the two projects until such time as the Soil Conservation Service will agree to include in their construction plans adequate protection for the Alcovy River and Lake Jackson, including the elimination of all channelization between the upstream dams and Lake Jackson.

Under the provisions of Public Law 566, we are required to make comments on the effects of the Alcovy Watershed Project on fish and wildlife habitat. We did not ask to make these comments. We were invited to make them at a meeting in Monroe by a letter on February 7, 1969 from Mr. Cecil Chapman, State Conservationist of the U.S. Soil Conservation Service. Previously, in our letter of August 23, 1968, we concurred with a report by the U.S. Fish and Wildlife Service that the Alcovy Project as presently designed by the U.S. Soil Conservation Service would adversely affect fish and wildlife habitat.

We have never approved the Alcovy Project from the day when we were first officially notified of it, years after it had been sold to the local landowners by the Soil Conservation Service. We have never changed our position on the Alcovy Project or any other destructive dredging or draining proposals. Our files are filled with letters this department has written the SCS for years and years objecting to such practices. We have held many meetings with the SCS to register our complaints, but they have gone virtually unheeded.

We were asked to comment on the Alcovy Project, as well as required to by public law. We have made public our biological comments on the adverse effects that the channelling and draining portions of the project plan will have as it is now drawn. We have no other step to take. Our department cannot veto the project. It is the responsibility of the Soil Conservation Service and the watershed group to weigh the testimony that we have given them to the best of their ability, and then take whatever action in regard to the project that they wish, subject to the approval of congress. The matter is out of our hands.

While we do approve of the 15 small reservoirs on warm water streams in this project, we don't believe that it is necessary to destroy the streams and swamps below them in order to build the lakes. There is no doubt that draining the 4,000 acres of swamps will destroy the wildlife that depends on them for their existence. Channelization of miles of stream on the Alcovy and its tributaries will destroy the fishing in them. Even the biologists of the SCS admit this. We believe that this destruction will also adversely affect fishing in Lake Jackson as well. The watershed plans could be changed to prevent this damage. Engineering the reservoirs instead of channeling the water is the obvious answer.

The engineers of the SCS tell us that the channel they will dredge in the Alcovy won't fill up with silt, because of the swift, shallow water flow that will be created. If the silt from this seven-year construction project won't fill up the Alcovy River channel above Lake Jackson, then where will it go, except straight Lake Jackson?

What will happen when the swamps are drained where the silt from flood waters once settled out, before it reached Lake Jackson?

The Alcovy River section of Lake Jackson is seldom the red mud color of the Yellow River and South River sections, even in the winter. In the early summer it is the first section of the Lake to clear, producing good largemouth bass and crappie fishing for 80,000 Georgians and more than 100 lake cabin owners and their families. Fishermen spend well over half a million dollars in a year as a result of fishing trips there. In three months in 1966 alone, more than 300,000 crappie were caught in Jackson. With its clear water in the Alcovy arm, Lake Jackson is more fertile than any reservoir in Georgia, with a rich green plankton bloom just like a well-fertilized farm pond. But with muddy water, it would be more productive than any muddy pothole spurned by fisherman. Muddy water prevents plankton bloom in the water that is so important in feeding fish. It interferes with their reproduction and it makes them harder to catch.

This is especially disturbing at a time when the State Game and Fish Commission is spending thousands of dollars on research and management programs on Lake Jackson designed to improve fishing there which are dependent on a high water quality in the Alcovy River. This spring the Commission stocked 150 adult white bass into Lake Jackson in an effort to establish this popular game fish there. At the same time, we have outlawed commercial fishing with nets in the Alcovy and in the lake to help these fish to enter the river on their annual spring spawning run, to populate the lake naturally. Wildlife rangers of the Commission are spending a great deal of time patrolling the river mouth to prevent illegal poaching there.

Since the Alcovy is the most unpolluted stream flowing into Jackson, it is essential if white bass are to succeed there, since the Yellow River is heavily silted and the South River receives a large portion of the City of Atlanta's untreated raw sewage. For this reason, only the Alcovy is suitable for white bass spawning, and that could be ruined by channelization produced siltation, high temperatures, shallow water, and swifter, fluctuating current.

In addition, the U.S. Fish and Wildlife Service only recently approved our request for 23,000 striped bass to stock in Lake Jackson this fall. These fish will congregate in the Alcovy in the spring attempting to spawn, producing good fishing. This fishery may be wasted if the Alcovy is made into a shallow, but swift, muddy water ditch.

The Soil Conservation Service would have us believe that there will be no additional silt in the Alcovy as a result of this project. We aren't so sure. They don't mention the silt that will be flushed downstream while the bulldozers, the draglines, and the dynamiters are working, let alone the erosion ditches and gullies that will form at every rain.

It should be clearly understood that the State Game and Fish Commission is in full agreement with the principles of watershed management and flood control. However, in the case of the two watersheds in question, we are not satisfied with provisions of the plans for alteration of the flood plain lands for agricultural production. It is our understanding of Public Law 566 and regulations established for its administration that drainage ditches and channelization will not be carried out for the purpose of creating additional farmland.

However, figures in the two work plans indicate that 4,327 acres of swamp land areas will be drained, apparently for this purpose. In addition, the reports indicate that 8,652 acres of forest land will be cleared, primarily to create pastureland, which could easily be converted to crop land. These plans say the annual benefits of this will be worth $105,000 a year. Channelization costs listed in the reports to accomplish this would cost over three million dollars, which could mean that it would take almost 30 years for the benefits of drainage to match the cost. By that time, the future recreational or educational uses of the swamp lands might exceed their value to the public as drained land, either agricultural or as a subdivision.

Channeling 80.8 miles of these three streams to make possible the drainage of 4,327 acres of privately owned swamp land as proposed by the SCS will cost the U.S. taxpayer $3,494,432 for construction and engineering costs, or $807.77 an acre, which is almost three times the existing value of the land, based on the SCS estimate of $300 an acre.

The taxpayers of Georgia cannot understand why the federal government should take our tax money to create additional acres of croplands, while at the same time it uses our tax money to pay landowners to keep land out of production through programs like the soil bank, while placing acreage allotments on crops, purchasing and storing surplus crops, also with our tax money. It doesn't make sense to them, or to me.

We wish to make it clear that we are not opposing the philosophy of federal help to private landowners. We are not opposing the right of the landowner to manage his land as he sees fit, as long as he is spending his own money to do it. We are opposing the destruction of publicly-owned natural resources through the expenditure of public funds. Since the wildlife found on these lands is the property of the State of Georgia, we are very much concerned with any publicly-financed project which would be detrimental to fish and wildlife values. In our view, any such project would be similar to a situation in which the State Game and Fish Commission might use public funds to build a duck pond that might flood out part of Interstate 20, also built with public funds.

We are very much disturbed to see an agency of the U.S. Department of Agriculture proposing the drainage of a large acreage of wetlands, while at the same time another federal agency in the Interior Department is spending millions of dollars to preserve and develop wetlands for waterfowl.

It doesn't make sense for one federal agency to be destroying wildlife habitat as fast as it can, while another federal agency tries to preserve it. During the last 20 years, drainage projects like those of the U.S. Soil Conservation Service have destroyed three to four million acres of bottomland hardwoods in the Southeast of significance to waterfowl. At the same time, the U.S. Fish and Wildlife Service has only been able to purchase 158,751 acres of wintering ground habitat for waterfowl from 1948 to 1968 at a cost of $12,043,325 in duck stamp funds of sportsmen. It does not take a mathematician to realize that wildlife and the scenic beauty of our country are on the losing end, and that our money is being wasted.

At a time when the number of hunters and fishermen in our state and nation are rapidly increasing, we can scarcely afford to wantonly destroy the remaining vestiges of wildlife habitat that civilization has so far spared from the bulldozer and the dragline.

By the same token, the 4,327 acres of wetlands for wildlife that would be drained under this plan represents more acres of waterfowl habitat than is owned by the State of Georgia today.

The total loss of valuable wildlife habitat that would be unfavorably altered by this plan exceeds the total acreage of many game management areas of the State Game and Fish Commission. In addition to the 4,000 acres of swamplands that will be lost to waterfowl, the more than 8,000 acres of forested land to be cleared for pastures would be essentially lost for deer and squirrel, two of Georgia's three most hunted species of wildlife.

The hardwood wetlands in question serve as resting, roosting, and feeding places for mallard, black ducks, and wood duck, which also nest there. In fact, they are the only duck hunting areas in Newton County. As a result, deer have become numerous enough for the State Game and Fish Commission to authorize a one day doe hunting season in the county for the past two years. It is also interesting to note that the largest Boone and Crockett Club deer rack of the 1967 Georgia hunting season was bagged by a hunter in Newton County, in the Alcovy River Swamp. Being close to Atlanta, the area receives heavy hunting pressure.

In addition to the primary species of ducks, deer, and squirrels, the wetlands provide a home for cane-cutter rabbits, raccoons, and fur bearing species like mink, otter, muskrat, and beaver. They are potentially a refuge area for wild turkeys and bear. Dense stands of tupelo gum trees and their large annual crop of berries eaten by almost every wildlife species depend on the swamp conditions.

But if the 4,000 acres of wetlands are drained and 8,000 acres of forests are removed, all of these species will virtually disappear from the area permanently, if the planned modifications are maintained in future years, as the work plan calls for. At the same time, they will not be replaced by cropland game species like quail or doves of the primary land use is to be pasture lands, since grasslands produce little food for either species.

In addition to game animals, draining of the wetlands and channelization of 80 miles of stream beds in the project areas will have a serious effect on the fish population of the affected streams. The Alcovy River is a good fishing stream at certain times of the year, primarily for bream and catfish, although there is some bass fishing as well. Backwater sloughs and pool areas that would be eliminated by channelization are the best places to fish, as well as important to maintain cooler temperatures in the pools. Their removal in a channelization project would tend to increase water temperatures, making them less desirable for fish and the aquatic organisms they feed on. Removing the stabilizing influence of the tree root systems from the stream banks will result in greatly increased erosion of the stream bank that will not be adequately controlled by tall fescue and white clover. The movement of sand and sediment in the stream bottoms will be constantly accelerated, greatly reducing the amount of bottom organisms living there for fish to feed on.

The State Game and Fish Commission is seriously concerned about the siltation that inevitably will occur in the Alcovy during the project work, which will last over a period of at least seven years, if funds are provided on the planned schedule. This will be multiplied by what we believe to be unnecessary channelization which the stream will not recover from in the next half century.

Our Department is not opposed to the construction of small impoundments on warm water streams to provide for recreation, municipal and industrial water supplies, and flood control. However, we are unalterably opposed to destructive channelization features of projects such as the two on the Alcovy, and to dams on trout streams that make the downstream water too warm for trout.

The State Game and Fish Commission would not be opposed to making the Alcovy passable for small fishing boats or canoes by careful removal of trees blocking the main channel. This could be done without channelization or the use of heavy construction equipment. The State of North Carolina uses an amazingly effective winch utilizing a small portable chain saw motor to clear logs from fishing streams in eastern North Carolina, without disturbing the stream bottom or banks. Such a service by the watershed project in place of destructive channelization would be welcomed by the State Game and Fish Commission, sportsmen, and small pleasure boaters. With proper maintenance, the Alcovy would be one of Georgia's finest natural scenic areas so close to a major metropolitan area.

We feel that this aspect of the Alcovy as it is presently being used or as it could be used in the future for recreation has not received sufficient attention, in the two project work plans. In examining them, we are unable to find any economic figures for the loss hunting, fishing, boating, or outdoor recreation benefits, present or future. For this reason, we feel that more study should be given to the proposal before final plans are drawn, and for a concentrated effort made to establish the fish and wildlife recreational and economic value of the Alcovy Watershed should it be allowed to remain unchanneled and with its swamps undrained.

However, based on our careful review of the Alcovy project work plans and the objections to them, it is our position that we cannot approve the projects as they have been presented to us, without further study of wildlife losses and alterations to the watershed plans to eliminate our objections.

We therefore called on the State Conservationist of the Soil Conservation Service and the regional director of the U.S. Bureau of Sport Fisheries and Wildlife to meet with us in an effort to restore these differences to the mutual satisfaction of all interested parties, before final plans are drawn.

But the Alcovy project is not the most frightening aspect of the small watershed program of the SCS. What disturbs me even more is the list of fine little fishing streams marked for destruction, running into every major lake and river in Georgia. We know that these channeled streams, these drained swamps, and dammed trout streams are gone during our lifetime, if not forever. In many sections of Georgia, there are no other places for the public to fish, or hunt.

When projects like the Alcovy threaten our irreplaceable wildlife resources, it is the duty and the obligation of the State Game and Fish Commission to inform the people what the effects of these projects will be, without being accused of irresponsible criticism, without being called liars, without being threatened with political reprisals. When the people have been fully informed of all the facts, we believe they will make the right decision, and that is the only right that we ask from the public.

In one of Robert Frost's poems he poses a question which is basic to the future of man on earth. He says,

"Nature within her inmost self divides
To trouble men with having to take sides."

I do not think he means that man must decide to be for nature and against development; but nature itself compels man to decide whether other life is to be allowed to survive along with man, or if all is to be subordinated to the human species. I believe that the Georgia Game and Fish Commission has a vital role in Georgia in taking the side of nature's creatures, in ensuring that we share our world with other species and in this sharing, I am convinced man becomes a better being.

Once man has laid his hand upon a natural environment, change begins to take place.

Unless he considers other species, this change will continue to destroy the conditions necessary for other forms of life until, eventually, man finds himself alone on his landscape. He cannot live for himself alone.

The Georgia Game and Fish Commission and the Soil Conservation Service both have responsibilities in preservation and conservation of the environment required by wildlife. Together we can provide a measure of balance, a balance which we must have if we are to avoid being swallowed up by a complex, technological age in which man can too easily forget that he is but one part of a system of nature, the temporary custodian of a life that has been lived for centuries before and which must go on for centuries to come.

A hundred years ago there was room on earth for all the creatures of field and forest and enough left for man to reap his required harvest. Today man's needs have multiplied. His numbers have increased beyond the wildest dreams of earlier days. We must face the fact that this increase in numbers, this increase in needs for the resources will grow in geometrical measure.

We have little time left and we have much to do, yet we *are* considerably better placed now than once we were. Many Georgians *now* recognize that steps must be taken and taken soon and fortunately there are things happening. It has been said that the best time to plant a tree was thirty years ago, the second best time is today. The same is true for conservation. The best time to conserve the habitat necessary for our wildlife would have been fifty or a hundred years ago. The second best time is now. We can still save many of our wonderful streams without trying to restore them years from now at even greater cost than their destruction.

As Director of the Game and Fish Commission, I am committed to pursuing the ideal of conservation, of creating a balanced environment. I am convinced that our legal mechanisms for conserving the quality of our natural environment in Georgia and this country are incomplete and inadequate. Unless we direct ourselves *now* to improving these mechanisms and coping with this question, we will have to pay the price tomorrow, and we might not be able to meet the bill.

Man must learn to control his appetite for immediate benefits if his long term needs are to be met, before it is too late.

Now is the time we must decide if that little boy will be able to sit on the bank of a beautiful stream with his cane pole, or whether that stream will be in a ditch or behind a dam. The decision is yours.

(NOTE.—Letters of protest to the Alcovy-Cornish Creek-Flat Creek and other channelization projects should be sent to Georgia's two U.S. senators and the congressman from your district, care of either the Senate or the House Office Building, Washington, D.C.)

BLACKBURN HITS ALCOVY CHANNEL

Georgia's Fourth District U.S. Congressman, Ben Blackburn, has raised serious questions on the feasibility of the proposed Alcovy River and Flat Creek-Cornish Creek Watershed Projects because of what he terms the "tragic aftermath" of "channelization," which has seen the destruction of countless irreplaceable streams in Georgia and throughout the Nation in the past decade.

Channelization programs, designed for flood control and land reclamation, are carried out under Public Law 566, the "Watershed Protection and Flood Prevention Act," administered by the Soil Conservation Service of the U.S. Department of Agriculture.

In expressing his deep concern, the Congressman said that channelization—the deepening, clearing and straightening of stream beds by bulldozers and draglines—hangs as a heavy threat over every stream in north and central Georgia. Channelization projects are now believed to be causing irrevocable basic changes in the entire areas involved, and are resulting in the loss of thousands of acres of scenic beauty.

Blackburn suggests that on the basis of what has happened in Georgia and in fact across the Nation, the benefits which have come because of channelization are far outweighed by the loss of untold acres of hardwood, the almost complete destruction of natural recreation areas, game, fish and wildlife, and the subsequent lowering of the surrounding water table.

"It is ironic that while a number of Federal agencies, including even the U.S. Department of Agriculture, are spending large sums on water and wildlife reclamation, seeding forests, and attempting to rebuild the natural ecology, another agency in effect is spending millions to destroy vast water areas, the habitats of fish and wildlife, and natural beauty spots," he said.

"Studies of the effects of channelization in other areas of our Nation indicate a drastic reduction of game fish. One study, from North Carolina, compared the fish population of 23 channeled, and 36 unchanneled streams, and found a 90% reduction in the weight and number of game fish per acre in streams channeled. This experience indicates that in a 40-year period after channelization fish and wildlife would not recover," Blackburn said.

The Soil Conservation Service contends that channelization, which includes the draining of swamps, provides the subsequent return to "use" of literally millions of acres of land, and claims the elimination of flood possibilities in the streams which have been channelized.

As hundreds of thousands of acres are placed in Federal soil banks, the Soil Conservation Service is spending more millions to "reclaim land" for farmers. Blackburn asks the question, "Why is it necessary to 'reclaim land' at the same time the Federal Government is spending millions in Georgia to keep out of production land which is presently available?"

The Alcovy Rivershed Project calls for the channelization of more than 80 miles of the Alcovy River, known for its fish and wildlife and for its surrounding thousands of acres of beautiful natural forest and river swamp. Lake Jackson, into which the Alcovy flows, has become a major recreation area and source of game fish. Under the careful management of the Georgia State Game and Fish Commission, the fish population is increasing. Blackburn said that he shares the concern of the Game and Fish Commission, residents, and conservation leader that under channelization, the clear waters of the Lake will be drastically muddied by the torrent pouring in from the river, with the resulting destruction of Lake Jackson as a recreation and fishing area.

The expenditure for the Alcovy Project for up to 80.8 miles of channeling is estimated at $3,494,432.00, to benefit 4,326 acres of swampland. The cost of channelization comes to $807.77 an acre. Oddly enough, Blackburn stated, "estimated land value of the improved swampland is presently $300.00 an acre! If equal funds were placed in an interest-bearing bank or securities accounts, landowners could more than be repaid for possible flood damage or for not planting crops. The taxpayers could save more than $500 an acre if the land were purchased and the swamp declared a wildlife preserve!"

Water management officials claim that far from an effective method of flood control, a channeled stream acts as a chute through which valuable water rushes to major tributaries toward the seas, lost before it can be of benefit to the land. While channelization projects in the past have served to reduce the incidences of flooding to once every three years, when flood waters pour down channelized streams, the devastation can be far more widespread, and more often than admitted, these streams are known to cause a worse flooding problem than ever before at different times and in different places further downstream.

"The after-effects of channelization are seen in Georgia's Little River, channeled years ago, which has felt the additional effect of 'slumping,' the process where rushing water cuts into the steep banks, caves them, and causes a serious erosion and land loss problem. Along the ditch which was Little River, the bank collapse has already resulted in serious damage to many portions of the 'reclaimed land.' Little River's muddy waters rush to Lake Allatoona, and where they enter the lake is much of what is left of the old river."

"Too, one of the often unnoticed but very real dangers of channelization is swamp drainage. Swamps are among the world's finest reservoirs and purification areas, acting as water filters and natural oxidation basins, depositing the silt loads of the river over large areas, cleaning the river as its flows through the countryside. Water emerging from a river swamp is purer than water from the best modern treatment plants," Blackburn said.

"Water management officials are concerned that swamp drainage through channelization will result in ever-increasing flood conditions since swamps are retention areas which serve the dual purpose of absorbing water during wet seasons, and feeding the rivers during the dry summer months," he said.

Blackburn added that "the continuation of channelization projects, which tear away what it has taken nature centuries to build, will see the loss of a great part of the beauty and bounty of Georgia and the Nation, the streams and rivers existing today."

Mr. Speaker, Outdoor Life, one of the Nation's foremost magazines on fishing and other outdoor recreation, carried an article concerning Mr. Bagby's action and outlined the effects channelization has had on different streams in North Carolina. For the information of my colleagues, this article is also inserted in the Record:

Protest Soil Conservation Practices

A formal protest by the Georgia Game and Fish Commission as brought out into the open the depredations against wildlife and its habitat being attributed to the U.S. Soil Conservation Service, which operates under terms of the Watershed Protection and Flood Prevention Act.

Known as Public Law 566, the act provides for flood-control measures in the form of dams; municipal, agricultural, and recreational water supplies in the form of lakes; and land reclamation through drainage of swamps.

The original concept of the legislation was to design watershed projects in a way that would improve renewable natural resources within the watersheds.

The Georgia commission's protest concerns the S.C.S.'s plan for the Alcovy River watershed in Gwinnett, Newton, and Walton counties.

The service calls for a seven-year operation during which time several large lakes would be constructed, cover crops and food patches planted for wildlife, and the river channel cleared of debris. The cost of the project has been set at about $9-million, the federal government providing some $7-million and nonfederal funds providing about $2-million.

Some outcry arose from landowners along the river and others connected with the project when it was thought that the Game and Fish Commission sought to block the entire program. But George T. Bagby, the department's director, soon set matters straight.

"We have objected to only one portion of the proposed watershed plans, and that is the channelization and drainage of the Alcovy River above Lake Jackson," Bagby stated.

Channelization is the fly in the S.C.S.'s ointment, and it is by no means limited to statewide projects. It should be of concern to conservation agencies and organizations throughout the country.

Channelization ruins rivers and destroys trout streams and whatever fish and wildlife happen to be there. Channelization creates barren ditches, and the S.C.S.'s plans for the Alcovy would destroy through drainage some 4,000 acres of swamp.

In past S.C.S. channelization projects, such as at Barber Creek near Winder, Georgia, trees and brush bordering the stream were bulldozed away, thus destroying whatever cover had been there for years and used by wildlife.

The S.C.S. plan is to plant grasses and legumes "to hold back the soil" along the stream banks, but, as has happened on some completed projects, this growth can be washed out by heavy rains; the soil, once held in place by roots of trees and shrubs, is soon carried off in downpours.

"We don't believe it is necessary for the S.C.S. to destroy the streams and swamps below in order to build the dams above," says Bagby. "There is no doubt that draining the 4,000 acres of swamps (as outlined in the Alcovy plan) will destroy the wildlife that depends on them for existence. Channelization of miles of stream on the Alcovy and its tributaries will destroy the fishing in them. Even the S.C.S. biologists admit this.

"We believe that this destruction also will adversely affect fishing in Lake Jackson. The watershed plans could be changed to prevent this damage. Enlarging the reservoirs instead of channeling the river is the obvious answer." Lake Jackson is a 4,500-acre reservoir into which the Alcovy flows.

"Engineers of the S.C.S. tell us that the channel they will dredge in the Alcovy won't fill up with silt, because of the swift, shallow water flow that will be created." Bagby continues. "If the silt from this seven-year construction project won't fill up the Alcovy channel above Lake Jackson, then where will it go? What will happen when the swamps, now the settling place for silt from natural runoff, are drained?"

The S.C.S. has yet to provide satisfactory answers to those questions.

Georgia isn't the only state concerned about S.C.S. watershed plans. South Carolina, North Carolina, Tennessee, Mississippi, and Alabama have been waging war with the S.C.S. for years, and to no avail.

Why? States have no veto powers, and any recommendations they make or advice they give is not binding on the S.C.S., according to Bagby.

"The U.S. Fish and Wildlife Service also has objected to the channelization plans in these projects," he comments, "but like the states, even this federal agency has no veto."

A study made by North Carolina's Wildlife Resources Commission of 23 streams that have been channeled shows that 90 percent of the gamefish (by both weight and number) were lost. A Mississippi study made before and after a stream was channeled shows drastic reductions in gamefish populations. A stream that once had an average of 240 pounds of gamefish an acre before channelization had only five pounds of tiny gamefish afterward.

Bagby says the Alcovy project is not the most frightening aspect of the S.C.S.'s small-watershed program: "What disturbs me even more is the list of fine little fishing streams marked for destruction," he declares.

The Georgia director also points out that the President's Council on Recreation and Natural Beauty noted that flood control and other water-resources development programs seek to retain or restore natural channels, vegetation, and fish and wildlife on rivers, streams, and creeks. The council also said this policy should be applied to federally assisted public and private projects affecting the same area, Bagby notes. The Secretary of Agriculture, the S.C.S.'s boss, serves on the council.

It is ironic that most of the hullabaloo surrounding the Georgia projects was brought up during National Wildlife Week, which this year emphasized the importance of conserving wildlife habitat.

"Such destructive projects are a national conservation issue," Bagby emphasized. "Only last October, the Southern Division of the American Fisheries Society adopted a resolution calling on the S.C.S., the TVA, and the U.S. Army Corps of Engineers to halt any further watershed projects until an economic evaluation can be made of the values of fishing, hunting, boating, and other recreation in the areas affected."

Two years ago, Charles D. Kelley, chief of the Division of Game and Fish of the Alabama Department of Conservation, backed up what Bagby says is his (Kelley's) report as president of the Southern Association of Game and Fish Commissioners.

"From the very beginning [of the project]," his report states, "public monies have often been used to develop agricultural resources which directly benefit the individual landowner at the sacrifice of such public resources as fish and wildlife, the loss of which is felt by many people.

"From the trout streams in North Carolina to the shores of the Gulf Coast, channelization has played havoc with our valuable fish and wildlife habitat.

"Fish and wildlife losses, as a result of channelization of one watershed stream, when examined alone," Kelley continued, "may appear to be insignificant. Not only will stream channelization destroy the spawning habitat for such species as walleyed pike, sauger, and white bass, but it also destroys the fishery resource on the watershed stream itself. Without adequate stream spawning habitat, these species will ultimately disappear or be greatly reduced.

Channelization also destroys feeding and occupational habitat for a number of game and fur-bearing animals and the wood duck."

Kelley offered one solution: "If fish and wildlife losses were given proper consideration as a factor in arriving at the cost-benefit ratio of the watershed, I am sure that in many cases impoundments would replace channelization in order to arrive at a figure which would assure federal funds for the project.

"Fish and wildlife organizations can no longer stand still and watch our natural stream areas turned into man-made ditches devoid of fish and wildlife. We must continue our efforts to gain greater appreciation of our fish and wildlife resources, or most surely we will suffer to an even greater extent in the future."

Back in Georgia, meanwhile, the S.C.S. probably will go on with its plans for the Alcovy River even though the Game and Fish Commission has spent thousands of the taxpayers' dollars on Lake Jackson.

With its clear water in the Alcovy arm, Lake Jackson is more fertile than any other reservoir in Georgia. It has a rich green plankton bloom just like that of a well-fertilized farm pond. But should its waters become muddied, it would be no more productive than any muddy pothole. Biologists point out that muddy water prevents plankton bloom in the water, interferes with fish reproduction, and makes the fish harder to catch.

"Our department is spending thousands of dollars attempting to stock white bass in Jackson," Bagby stated. "These fish will spawn in the Alcovy, unless it is channeled. Their success would give thousands of fishermen a new species to fish for.

"In addition, the U.S. Fish and Wildlife Service only recently approved our request for 23,000 striped bass to stock in Lake Jackson this fall. These fish will congregate in the Alcovy in the spring and attempt to spawn, but this fishery could be wasted if the Alcovy is made into a muddy, shallow-water ditch."

Bagby points out that the S.C.S. has led everyone to believe that there will be no additional silt in the Alcovy as a result of its project.

"We aren't so sure," he declares. "They don't mention the silt that will be flushed downstream while the bulldozers, the draglines, and the dynamiters are working, let alone the ditches and gullies that will form at every rain.

"When projects like the Alcovy threaten our irreplaceable wildlife resources, it is the duty and the obligation of the State Game and Fish Commission to inform the people on what the effects of these projects will be, without being accused of irresponsible criticism, without being called liars, without being threatened with political reprisals. When the people have been fully informed of all the facts, we believe they will make the right decision, and that is the only right we ask from the public." (*Bill Baab, Augusta Chronicle.*)

Mr. Speaker, I believe that after reviewing these articles all Members of this House will readily agree that remedial action is needed very quickly. I urge the Members of this body to encourage the chairman of the House Agriculture Committee to hold immediate hearings on my bill.

LIFE IN A VIETCONG PRISON CAMP

(Mr. BERRY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, last week our colleague, Mark Andrews of North Dakota, had an interesting radio and television interview with Maj. Nick Rowe of McAllen, Tex., who had been held prisoner by the Vietcong for 5½ years prior to his escape.

In view of the fact that there are so many experts in this country on how best to get out of the war, and how much good these marches and protests and moratoriums are doing, it seems to me it would be good to find out what a man who has seen the war and been in it and been in a prison camp longer than any other American in history has to say about it.

Under unanimous consent, I insert excerpts from that interview in the Record in hopes that a real "expert" may have an opportunity to present the position of those less fortunate than the "long hairs" who are marching and carrying Vietcong flags at these moratoriums and demonstrations.

Excerpts from the interview are as follows:

Andrews. While you were over there, what was your biggest problem in the 5½ years that you were in prison?

Rowe. Well sir, I think there were two of them that actually came up. The first as far as survival, as far as maintaining my own stability while I was a POW, from the period of 1963, this is October of 1963, until the latter part of 1967—when they tried to influence us—they drew from propaganda sources that came either from Hanoi, COSVN in the south, this is the Liberation National Front, or their own propaganda sources, and this was to destroy a POW's faith in his country, to make him feel that the very structure of our government and our society was crumbling. And, for the most part this is ineffective because it was a Vietnamese writing for an American, and their standards are different, their ideas are different, syntax, everything was such that it was really ineffective.

But, in the latter part of 1967 they ceased drawing from their own sources. They dropped all communist propaganda sources and *began to quote from the American news media or magazines or wire sources, UPI and AP. I think the most devastating was when they began to quote from prominent men within our own government condemning our efforts in Vietnam and calling for withdrawal. This to me was the most devastating blow to my morale and the only time that I really questioned whether or not I was right during the entire period of time I was in.* This was a low point for me, a time when a POW cannot question himself. A POW must believe that he's right—that his country's right, *and this is the only time during the entire period of time that I did wonder whether or not I was right, and I resolved it.* I finally resolved it in my own mind that *the country was much bigger than these men* and that I was right in supporting my country and they were wrong. In that manner I readjusted my own thinking to the point that I once again believed in my country—in my country's efforts and its cause. And this is the one thing that separates a POW as far as whether or not he can be influenced or cannot be influenced. *But, that did have a devastating effect on my morale.*

The second thing that came up was in the middle part of 1968. I had developed a cover story when I was captured. This is a story which I devised to mislead the Viet Cong in their interrogations so that I was able to say "I don't know" when they asked me sensitive questions or questions about areas that I didn't want to discuss—I'd say "I don't know" rather than "I won't tell you" or "I can't tell you." I felt that I could go a lot longer saying, "I don't know'" And, I maintained this story for over four years and this one particular day they called me into a meeting in the big cadre hooch and they had a gentleman who was supposed to have been from provincial central committee. This was a high ranging political official within the Liberation National Front. And he told me that peace and justice loving friends of the Liberation National Front in America had provided them with a biographical sketch.

Andrews. That's a big help.

Rowe. Yes sir—what it did in effect is completely compromised my cover story—it blew my cover story wide open. And, at that point, he said that the Front had determined that I was not sincere vis-a-vis the Liberation National Front. I went on an execution list for January. I think primarily because of this. In other words, they realized that I had lied to them for that long a period of time. *And, it's difficult enough as a POW anyway without having somebody in the United States do something like this.*

Andrews. In other words their efforts really put you on an execution list and you escaped a month before you were due to be executed.

Rowe. About three weeks before sir.

Andrews. Well that certainly is fortunate. Now, Nick, I know you were down at the Washington Monument last Saturday and you walked among these people demonstrating for peace. As one of those who probably was more deeply affected by this war than any other American, what was your reaction?

Rowe. First of all sir, I saw a large number of people there who had not been to Vietnam and who probably would never go to Vietnam and coming from a relatively sterile environment, protesting about something that they really didn't understand.

The second thing that got me was that when we walked up, I heard somebody up there yelling, "down with imperialism, down with capitalism, down with the oppressive leadership in the White House." I heard the same things from the Viet Cong, sir, except there they said it in Vietnamese and here they were yelling it in English. *To look around the crowd and to see Viet Cong flags* *flying around the Washington Monument, to see American flags that had the stars removed and the peace symbol superimposed on them, to see an American flag with a Viet Cong flag flying above it*—to me to see this in the United States, sir—*I have had friends of mine that died in Vietnam opposing that flag* and then to see it here in the United States and hear people calling for peace.

ANDREWS. Well now what effect does this type of march have on the Viet Cong's willingness to settle this conflict?

ROWE. Sir, they told me—this is a direct quote from Major Bies, Major Nuyen G. Kong, one of the political cadre from the Liberation National Front. He told me in a discussion one day—he said, "we do not expect a military victory nor do we expect an immediate political victory, *but through the dissension and disorder in the United States the government*, this is the American government, *will be deprived of the support of the people and forced to withdraw from Vietnam*, and at that time, *we*—speaking of the Liberation National Front *will have total and final victory. And they feel that the support that they receive from the United States—people within the United States—is their key to success. And they tell their people, they use this all the way across from American POW's to the peasants, to their soldiers, and they say that they must support their friends in the United States just as their friends in the United States are supporting them. All contributing to the cause which is the overthrow of the U.S. effort in the world today. They label it imperialism.*

ANDREWS. In other words even though they've been, to all effects, militarily defeated, they continue to hang on, continuing to wage war because of this encouragement.

ROWE. Right sir—*they feel that the revolutionary base is formed in the United States* and the *revolutionary base here* is contributing to their efforts there *so they must continue to fight—that victory is within their grasp*. They see the movement growing, just like the crowd out there Saturday. You can show them pictures, and I know that they'll see pictures of that crowd—you can show them pictures of a crowd anywhere marching past the White House or the Justice Department or anything like that and it could be any crowd—*but if you show them pictures of a crowd with a VC flag lying in the midst of it then those people in Vietnam*—the Viet Cong—*know they have the support of the American people, and it's blown up and distorted so this is the mass of the American people*. And again it's relayed to the POW's—to everybody over there.

PRESIDENT NIXON'S MESSAGE TO THE CONGRESS ON TRADE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZE. Mr. Speaker, President Nixon has transmitted a message on trade to the Congress that is both forward looking and prudent in approach. The President demonstrated that his administration has a keen appreciation of the complexity of the issue, for he advanced timely and appropriate suggestions for promoting trade between the United States and other members of the world community. I take this opportunity to underscore some observations made by the President and to make some observations of my own on the U.S. role in world trade development.

COMPETITION IS INTENSE

America can no longer enjoy the luxury of ignoring foreign markets. Our balance of trade has diminished from a healthy $6 billion surplus at the beginning of this decade to practically zero today. Inflation, the war, and a host of other accumulative ills have seriously undermined our balance of payments as well.

Most respected authorities suggest we must achieve an export level of $50 billion per year by the mid-1970's or see our financial position wholly discredited. That goal is ambitious and urgent. When the President speaks of the need to reduce tariffs and nontariff barriers to the extent possible, he speaks of a goal of the highest national priority.

A favorable trade position will not come easily. Some U.S. manufacturing plants are antiquated and creaky by Japanese standards; most European nations have followed the Japanese example by making substantial capital investments in export-oriented industries. Just as U.S. inflation has made the American market attractive to foreign sellers, and American goods unattractive to foreign buyers, so also has inflation frustrated efforts by businessmen and industrialists to modernize. The credit crunch also has limited foreign capacity to purchase American goods. The President of the Export-Import Bank of the United States recently found it necessary to travel to Europe's money markets in search of financing for U.S. exports. American credit sources have been depleted, yet the need for export credit grows dramatically each year.

Most industrialized nations have traditionally depended more heavily upon exports than has the United States. America has traditionally exported less of her GNP than any other advanced economy. Now that we, too, must export to survive, we find ourselves with a paucity of established customers and outlets.

CHANGING TIMES CALL FOR NEW POLICIES

It might seem otherwise, but there has been no conscious conspiracy to frustrate U.S. exports. Rather, the practices of yesterday have proved wholly inadequate to meet today's rapidly shifting national priorities.

With the balance of trade gone, with the balance of payments in alarming deficit, with inflation and a surge of protectionism at home, with increased world responsibility and dwindling resources to invest abroad, with inadequate credit for American sales that might be made; the Nixon administration now announces a trade policy that must overcome these difficulties and establish a firm foundation for future patterns of trade. Future practices, of necessity, will be different from anything American business has experienced.

I think the President has suggested appropriate action. He has urged the Congress to support him by passing legislation that he will recommend at the proper time.

The Congress should support the President in this common effort, for without legislative authority he certainly will be unable to reverse the trends I have outlined. President Nixon has set America on the proper path. It is up to the Congress to insure the Nation has a profitable and safe journey.

F. SCHWENGEL, LEADER AGAINST "BIG TRUCK" BILL, WINS DESERVED PRAISE IN IOWA PAPERS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, our colleague from Iowa, FRED SCHWENGEL, has been leading the fight against the "big truck" bill.

As a member of the Roads Subcommittee, I have been more aware than most of the well-documented case FRED SCHWENGEL built against the "big truck" bill. He brought to the fight a dedication and sincere concern for highway safety that would not be denied.

Mr. Speaker, it now appears the battle against the big truck bill may be won again this year. It is appropriate to recognize FRED SCHWENGEL and the others who have fought against this unwarranted legislation. Last year when the Public Works Committee reported a big truck bill, there was a group of us who signed the minority and supplemental views opposed to the bill. In addition to FRED SCHWENGEL and myself, Congressmen RICHARD MCCARTHY, ROBERT MCEWEN, JAMES KEE, and the late Congressman Robert Everett indicated our opposition to the legislation.

Recently, Mr. Speaker, two Iowa newspapers justly paid tribute to the work of FRED SCHWENGEL in stopping the big truck bill. I insert them in the RECORD at this point:

[From the Cedar Rapid (Iowa) Gazette, Nov. 20, 1969]

TRUCK BILL DEAD

Thanks to the continuing effort of Congressman Fred Schwengel of Iowa's First district, and a few others, the highly controversial long-truck bill that is pending in congress probably is dead for this session.

In a news report from Washington this week Rep. Schwengel was reported as saying the White House wants no truck bill at all and he doesn't look for the bill to make it out of the public works committee, of which he is a member. The bill would have allowed longer and heavier trucks to ply interstate highways and, undoubtedly, would have been the opening wedge in efforts to relax state laws to permit these trucks to use other highways—many not built to accommodate them.

Anti-big truck congressmen took the position that the whole question of legalizing bigger trucks deserves a greater in-depth study than has been presented yet, with emphasis on safety factors and on how much their added weight would increase highway deterioration.

Moreover, little study has been done to show effects of wind currents and suction action stirred up by bigger trucks in passing lighter vehicles on the highways. This would be a good time, then, to authorize a study that, hopefully, would develop answers that would be helpful in any future discussions in congress on legalizing larger trucks.

[From the Davenport-Bettendorf (Iowa) Times-Democrat, Nov. 19, 1969]

A JOB WELL DONE

The controversial long-truck bill reportedly is dead for this session of Congress, and a lion's share of credit for that must go to Rep. Fred Schwengel of this First District.

The measure to permit longer and heavier trucks on the interstates has had substantial Republican support in Congress but the

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Davenport Republican reports now that the "White House said they want no truck bill at all, which means Republicans are not going to give it any help."

Schwengel adds that he has enough Democrats on his side so that no bill will be coming out of the Public Works committee this session.

Concerned with what he is convinced would pose a menace to safety on the nation's highways, Schwengel has fought a continuing, courageous battle against the truck proposal in the face of formidable pressures. Most recently his campaign has taken the form of insistence upon an exhaustive study before any legislation might be advanced. For his efforts, he merits the applause of the people.

CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

(Mr. MESKILL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MESKILL. Mr. Speaker, Monday, December 1, will be the second time that H.R. 14646 will come before the House of Representatives on the Consent Calendar. The first time the bill, known as the Connecticut-New York Railroad passenger transportation compact, came before the House on the Consent Calendar on November 17, it was objected to by the distinguished gentleman from Pennsylvania because of his concern about the potential Federal cost of the program. The gentleman from Pennsylvania asked for information on the manner in which the railroad modernization program is to be financed.

Today, I wish to provide that information for my distinguished colleague and hope that it will satisfy any doubts he, or anyone else, may have had about giving congressional assent to this interstate compact.

Unfortunately, Mr. Speaker, I will be out of Washington on December 1 to attend the Intergovernmental Committee for European Migration being held in Geneva. My distinguished colleague, HENRY SMITH, a member of Judiciary will be here, however, on December 1 to answer any questions that may be raised on the bill. And I will be available until Wednesday.

First, I wish to reiterate the purpose of this legislation. The sole purpose of H.R. 14646 is to meet a constitutional requirement that all interstate compacts be approved by the Congress of the United States. If I may, I would like to read from the U.S. Constitution. Article I, section 10 states:

> *No State shall, without the Consent of Congress,* lay any Duty of Tonnage, keep Troops, or Ships of War in Time of Peace, *enter into any Agreement or Compact with another State,* or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Compliance with the Constitution, then, is the single reason for this body to take action on this legislaion. By acting favorably on H.R. 14646, we are merely giving authority to two legal entities, the Connecticut Transportation Authority—CTA—and the Metropolitan Transportation Authority of the State of New York—MTA—to enter into an agreement to act jointly to improve and modernize railroad passenger transportation services between the two States.

Mr. Speaker, unless we give congressional consent to this interstate compact, the States of Connecticut and New York will not be able to act in concert to improve railroad service between their two borders.

I cannot reiterate strongly enough that favorable action on this bill on December 1 will only confirm an agreement which has been entered into between the respective transportation authorities of the two States.

Enactment of this legislation in no way commits the Federal Government to the expenditure of any funds.

If we pass this bill, all we are doing is granting legal authority to two legal entities to act together for a specified purpose.

The funding aspect of improving and modernizing the New York, New Haven & Hartford Railroad is an entirely separate issue. Funding is a part of the appropriations process. The time for Congress to question the advisability of spending Federal money for improving transportation is when it is considering the appropriation bill for the Department of Transportation.

Let me emphasize again, Mr. Speaker, that this legislation does not authorize or appropriate any Federal money for any purpose. I hope that this clears up any confusion or misunderstanding there may have been on this issue.

Now, Mr. Speaker, I hope that what I am about to say will not confuse the issue that we have before us. The gentleman from Pennsylvania has asked me to explain the modernization program that is contemplated and planned by the States of Connecticut and New York.

I shall briefly outline the modernization program and how it is to be financed. The States of New York and Connecticut have taken concurrent legislative action to cooperate in a joint venture to provide for the continuation and improvement of essential railroad passenger service, subject to congressional approval of the interstate compact. The compact, authorizing this agreement, was approved by the State Legislature of New York last year and by the Connecticut General Assembly this year. Under the agreement, the MTA and the CTA are authorized to "first, acquire assets of the New York, New Haven & Hartford Railroad—and its successors—where needed; second, repair and rehabilitate such assets; third, dispose of such assets where not needed; and fourth, operate the service or contract for its operation. The two agencies are also authorized to apply for aid, Federal, State, or local."

The main feature of the two-State program to improve commuter service between New York and Connecticut is a proposed $80 million full capital improvement program. In 1966, the States of New York and Connecticut submitted an application to the Department of Transportation for funds to assist in the implementation of the full capital improvement program—New York State law requires that for any bond issue for capital improvements, the State must have submitted an application for Federal aid. The Department of Transportation indicated that they would be unable to fund this application and asked the two States to resubmit an application for funds for a priority program. New York and Connecticut complied with this request and submitted an application for a $56.8 million priority capital improvement program. It is this priority capital improvement program which the two States are anxious to implement.

In December of 1967, President Johnson approved a grant of $28.4 million—the priority program request—to go to the States of New York and Connecticut to assist the States in carrying out the proposed bistate modernization of the bankrupt New York, New Haven & Hartford Railroad. The grant is a 50 percent matching grant. The remainder of the funds for the program is to be made up by the two States.

New York is committed to providing $12,425,500 for the modernization effort. Connecticut will provide $15,974,500 to aid the ailing commuter service. This brings the total package for modernization to $56.8 million, the priority capital improvement program.

Let me summarize this. The States of New York and Connecticut have been awarded a Federal grant of $28.4 million for a priority capital improvement program, contingent upon approval of the interstate compact we have before us today. New York has made available $12.4 million of its share. New York's share is to be financed by funds from a State bond issue and from MTA funds—75 percent from State bonds; 25 percent from MTA funds. Connecticut has put up its share of $16 million which is to come from the public service tax fund—$6 million—and from the sale of public bonds. The bonding authority for the sale of these bonds has already been approved.

In both States, financing of the program to upgrade passenger railroad service is assured—provided for under existing legislation.

In addition, the State of New York intends to spend $7 million in additional funds over and above its $12.4 million share to buy the 14 miles of New Haven right-of-way in New York State from Woodlawn to Port Chester, along with stations, shops, and power installations. New York does not intend to apply for Federal funds for this acquisition.

Desiring to proceed with the full modernization program for the commuter railroad, both New York and Connecticut have applied for a Federal grant to complete the full $80 million capital improvement program. This application is pending, but no action has been taken on it by DOT. At this time, the transportation authorities of both States have no intention to apply for any funds over and above those necessary to finance the $80 million program.

Since Federal funds may only be used for capital improvements, there will be no applications from the States for Federal moneys for operating costs. Money necessary for the operation of the railroad by the two States will have to come from CTA and MTA sources.

In answer to the question of the distinguished gentleman from Pennsylvania about the total Federal cost of the modernization program, I can state unequivocally that the top figure might be $40 million. That is the highest it could go under present plans. The figure that we are talking about for the present, however, is $28.4 million. This amount is for half of the priority capital improvement program. A grant for this amount has already been approved by the DOT. Its acceptance is contingent on the action we take on Monday.

The Senate has already approved the interstate compact. House action and the President's signature are all that stand between a bankrupt dilapidated railroad and a modern, pleasant, dependable railroad line capable of serving the thousands of commuters who would rather ride the rails than sit in lines of jammed automobile traffic for hours on their way to and from work.

Not only will a modern commuter service between New York and Connecticut be a convenience to residents of Westchester County and Connecticut; it will also assist the city of New York in controlling and regulating its enormous traffic problem.

If we do not want to choke the major arteries of our cities with cars until movement becomes impossible, then we will have to develop balanced systems of transportation that make use of a variety of resources.

The modernization and improvement program planned and developed jointly by New York and Connecticut is a landmark venture in bistate cooperation to meet the needs of a metropolitan area whose growth knows no boundaries.

The program will contribute to the orderly growth and progress of both States. I urge my colleagues to act favorably on this interstate compact bill. Encourage initiative between States to meet their problems cooperatively. Do not frustrate such efforts. Permit these two States to act in concert to meet their major transportation needs. That is all I ask. Mr. Speaker, I urge the House to approve this interstate compact by enacting H.R. 14646.

PRESIDENT NIXON TAKES MEANINGFUL STEP IN LIMITING CBW

(Mr. LLOYD asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. LLOYD. Mr. Speaker, President Nixon today has taken a significant step toward worldwide control of chemical and biological warfare by condemning use of such weapons and ordering U.S. stockpiles of biological weapons destroyed. The President further stated that the United States will never employ germ warfare even if an enemy were to do so, and said future U.S. research in this area will be limited to defensive measures. The President also asked the Senate to ratify the 1925 Geneva protocol prohibiting first use of chemical and biological weapons, and for the first time, denounced use of chemicals which incapacitate without killing.

I applaud this announcement. I have long felt that a distinction should be made between chemical and biological warfare, and that there is little justification for actively pursuing research and development in the biological field. Biological weapons, unlike chemical weapons, have never been used in modern warfare. Estimates of their possible effectiveness are based upon naturally occurring epidemic and laboratory experiments.

There is no reason why the United States should not take active leadership in securing bans on production and stockpiling of biological weapons, and I view the President's announcement as a logical first step in meaningful controls of these weapons.

As a cosponsor of a House resolution urging the President to resubmit the Geneva Protocol, I believe that the United States has always been committed to a "no first use" policy on CBW. Yet while we are committed to this principle and have voted for a United Nations resolution inviting all nations to ratify the protocol, the United States has not done so. Ratification would remove any possible ambiguity regarding U.S. policy on this issue.

Mr. Speaker, there has been a great deal of emotionalism and misrepresentation of facts surrounding the chemical and biological program in recent months. Nevertheless, there is a great need as well as a public demand for clarification of policy on CBW, greater safety in research and testing programs, and meaningful controls over the use of these weapons. The President's announcement today and the action already taken by this Congress with respect to the CBW program are in response to this demand, and have my full support.

I include a statement given by Dr. Ivan L. Bennett, Jr., director of the New York University Medical Center, before the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Affairs Committee during recent hearings on the Geneva Protocol resolution in the Record at this point:

Statement of Dr. Ivan L. Bennett, Jr., Director of the New York University Medical Center, Before the House Foreign Relations Subcommittee on National Security Policy and Scientific Developments, November 20, 1969

Mr. Chairman and members of the Subcommittee, it is a privilege to have this opportunity to appear before you to discuss chemical and biological warfare.

As I understand it, the immediate stimulus for your inquiry is a series of resolutions introduced into the House of Representatives calling on the President to resubmit the Geneva Protocol of 1925 to the Senate for ratification. The Resolutions then go on to point out that resubmission of the Protocol would provide an opportunity for a comprehensive review of this country's policies in the fields of chemical and biological warfare (CBW) and that ratification would constitute a clear and unequivocal reaffirmation of our traditional policy of no first use of CBW.

I will use this occasion to enumerate some characteristics of CBW that, in my opinion, should be clearly understood by all who are interested in international control of these weapons, whether by agreement to ban their use, as does the Geneva Protocol, or going even further and banning their very existence. I will try to explain why I believe that the aspects of CBW that I have singled out are of key importance in deciding on what the next steps should be and I will comment specifically upon resubmission of the Geneva Protocol to the Senate at this time.

The subcommittee's interest is particularly appropriate because of the possibility that the review of the U.S. stance on CBW, now underway in the Executive Branch under the National Security Council, may soon lead to the formulation and announcement of a clear and coherent national policy in this area.

The fact that we have had no agreed-on policy, the almost incredible failure of the Senate to ratify the Geneva Protocol when it was first submitted, and our use of tear gas and chemical herbicides in Vietnam have combined, in my opinion, to place this country in an international position which might be described, charitably, as "ambiguous." During the first six months of this year, along with consultants from 13 other nations, I helped to draft a report on CBW for the Secretary-General of the United Nations. I can state at first hand that American credibility in discussions of the control of CBW has been compromised and we are being subjected to increasingly vigorous and bitter criticism by the representatives of many nations, by no means only those of the Eastern bloc.

The lack of a coherent policy, the strong repugnance felt by most people for the concept of using poisons or diseases in warfare, and the dismal series of recent episodes such as the killing of hundreds of sheep with nerve gas at Dugway Proving Ground in Utah, the controversy over the Army's plans to ship obsolete chemical munitions to the east coast and to dump them into the ocean in Operation Chase, the accident with nerve gas on Okinawa, the subsequent revelation that the U.S. also maintains stocks of lethal chemical munitions in West Germany, and the carrying out of open air field tests of lethal chemicals in Hawaii without the knowledge of state officials, have all converged to mobilize public and Congressional demands for reform. I believe that our domestic political climate is more conducive to a revision of our policies on CBW than it has ever been before.

For the purposes of this discussion, I will abide by the definition contained in the U.N. report on CBW issued in July, 1969:

"Chemical agents of warfare are taken to be chemical substances, whether gaseous, liquid, or solid, which might be employed because of their direct toxic effects on man, animals, and plants. Bacteriological (biological) agents of warfare are living organisms, whatever their nature, or infective material derived from them which are intended to cause disease or death in man, animals, or plants, and which depend for their effects on their ability to multiply in the person, animal or plant attacked." (*Chemical and Bacteriological* (*Biological*) *Weapons and the Effects of Their Possible Use,* Report of the Secretary-General, United Nations' Publication E–69–I–24, New York, 1969, p. 5.)

Although the possibility of using agents such as mosquitoes, potato beetles, or other insect pests has been suggested, the only living organisms that can presently be used in the warheads of biological weapons are *microorganisms* which means *germs* or *microbes*. These include bacteria, viruses, a few disease-producing *fungi*, and a group of organisms called *rickettsiae*, which are intermediate between the viruses and the bacteria. Diseases produced by rickettsiae include Rocky Mountain Spotted Fever, typhus, and so-called Q-fever. The afflictions that might be caused by these agents range from such deadly epidemic infections as plague, which carries a high mortality and is very contagious to exotic viral diseases, such as Venezuelan Equine Encephalitis, a prostrating, influenza-like illness which lasts only a few days, is not transmitted directly from man to man, and from which complete recovery is almost certain. The knowledge of microbial genetics which has been acquired in recent years makes it possible to select particularly virulent strains of these microorganisms for use in warfare and to assure that they will be resistant to antibiotic drugs or extremely difficult to identify by the usual laboratory techniques employed for diagnosis.

The chemical agents available to the armed forces in this country include the organophosphorus G-type and V-type nerve agents which are closely related to some of the more potent insecticides, and which are far more lethal for man than the traditional chlorine and phosgene which were used in World War I. *GB* (*Sarin*) is quite volatile and kills within minutes after inhalation. *VX* is less volatile, ordinarily would be disseminated as a liquid, can contaminate a target area for several days, is lethal when inhaled as a vapor, and also can kill when absorbed through the eyes or the intact skin.

Mustard gas is actually a highly irritating liquid known technically as a *vesicant* or *blister-agent*. It produces painful burns of the eyes and skin within hours after contact. If mustard is inhaled in sizable quantities, it can cause a fatal outpouring of fluid into the lungs, so-called pulmonary edema.

Another class of chemical agents is the "incapacitating" chemicals or "harassing" agents. These include *Adamsite* (*DM*) and *BZ* which cause burning of the eyes, irritation of the throat and lungs, incoordination, headache, nausea and vomiting, and general debility lasting for many hours or days after contact.

The last category of chemical agents is the *tear gases* or *lachrymators*, *CN* (chloroacetophenone) and *CS* (orthochlorbenzilidene malononitrile). These have such transient effects that as "riot control agents (RCI)," they are employed by police in many countries for the control of civil disorders. The effects of other incapacitating agents such as DM and BZ are too severe and prolonged for use against civilians for this purpose. *CS* is the agent which our troops are using in Vietnam.

Chemical and biological weapons have specific properties which set them apart from conventional high explosive and flame munitions and nuclear weapons in that they exert their injurious effects only on *living* matter. An attack with these weapons would not damage or destroy buildings and other physical structures (excepting the possibility of residual contamination by the agents).

Present concepts of the use of these weapons in military engagements call for their delivery and dissemination by munitions which release the agent into the atmosphere as a vapor, aerosol, or spray so as to expose enemy personnel either by inhalation or skin contact. They are looked upon as "area" weapons that can inflict casualties in a given region without the intelligence requirement for precise targeting that constrains the most effective employment of conventional weapons. An attack with a biological agent could be expected to blanket a larger geographic area than could an attack using a comparable weight of a chemical agent. The release of a chemical or biological agent into the open air as a toxic or infectious "cloud," subject to the vagaries of wind and weather is often cited by opponents of chemical and biological warfare as a moral argument against the use of these weapons because of the danger to civilian non-combatants if the cloud should veer away from the battlefield. This objection, based upon *uncontrollability*, has been quite persuasive, of late, in forcing limitations upon the peace-time testing of these weapon systems by the U.S. armed forces where the civilians at risk may be our own citizens. Reliability of performance is highly desirable, from a military viewpoint, for any weapon system, and this moral objection can be used analytically to argue that at least portions of the "chemical-biological option" which most defense establishments, including our own, desire to retain are unsound on technical grounds.

I do not put it in these terms merely to sound gratuitous about current expressions of moral indignation over CBW. Personally, however, I reject the implication that the only "moral" way to kill an enemy on the battlefield is with iron. *All war is immoral*, whether waged with cold steel, iron bombs, poison gas, virulent microbes, or nuclear weapons. Arguments based upon morality alone, until now, have had very little impact upon the Pentagon or ministries of defense anywhere. To a large extent, the political decisions here and elsewhere, that will be required to further restrict or to abolish these or other forms of weaponry will be dependent upon convincing military establishments that they can relinquish an "option" by arguing within the framework of their responsibilities and missions *as they view them*. The task of translating convincingly the moral argument of the threat to civilians implied by non-controllability into a military argument of technical unreliability of a weapon system is an example (and a very simple one at that) of an analytic approach to problems of disarmament.

There now exist both chemical and biological agents and the systems to deliver them that can produce casualties in man ranging from transient disability with complete recovery to rapid death. It has been stated emphatically by well-intentioned individuals that variations in resistance and susceptibility of populations (especially civilian populations) and of age-groups within populations along with the uncontrollables of distribution and dosage entailed by atmospheric release of agents, make it impossible to draw a dividing line between a category of *non-lethal* agents, intended to incapacitate, and a category of *lethal* agents, intended to kill.

Unfortunately, this is nothing more than a form of begging the real question. It is undeniable that there might be survivors after an attack with a lethal agent or that an attack with a non-lethal agent might result in a few fatalities. There is not the slightest doubt, however, that these agents can be categorized accurately on the basis of the statistical probability of their effects if disseminated in a specific amount among a given target population. Furthermore, and most importantly, the various *military* options for the use of chemical and biological weapons are crucially rooted in this distinction.

Both chemical and biological agents lend themselves to covert use in sabotage against which it is exceedingly difficult to visualize any really effective defense. For example, a relatively small quantity of a culture of virulent bacteria introduced into the ventilation system of the New York subway or sprayed upon unsuspecting passengers at an airport could certainly play havoc with our public health system. It has been calculated that the placing of only 5.0 kilograms of botulinum toxin, a poisonous material produced by a bacterium, (which, though biologically produced would be used as a chemical weapon) into a reservoir would result in the same degree of poisoning that would be achieved by dumping 10 tons of potassium cyanide into the water supply. I will not dwell upon this use of CBW further because as one pursues the possibilities of such covert uses, one discovers that the scenarios resemble that in which the components of a nuclear weapon are smuggled into New York City and assembled in the basement of the Empire State Building. In other words, once the possibility is recognized to exist, about all that one can do is worry about it.

Leaving aside, for the moment, antiplant or anticrop agents or an attack directed against domestic animals, it can be assumed that *the primary purpose of an attack with chemical or biological weapons would be the incapacitation or killing of human beings*. A frequently mentioned scenario in discussions of these "horror" weapons is that of a surprise attack on a large city using a lethal chemical such as VX or GB or a lethal biological agent such as the microbe which causes plague. Such an attack could be expected to produce massive casualties among an unsuspecting civilian population. It is in envisioning the human toll of an attack of this sort that many have referred to chemical and biological agents as "weapons of mass destruction" or the "poor man's nuclear bomb." It should be realized, however, that the major monetary cost to an aggressor nation carrying out an attack on a city would not be for the high-explosive, the incendiary mixture, the gas, the bacteria, or the viruses used to fill the bombs, projectiles, or missiles which might be employed for attack. Rather it is for the procurement and maintenance of the delivery systems (bombers, cannons, missiles), the logistical back-up for these systems (fueling, radar) and their platforms (airbases, carriers, submarines, etc.), and the investment in highly trained personnel that the major expenditures would be made.

Furthermore, a decision to attack a major city for strategic purposes as part of a campaign to erode the enemy's industrial or economic base would, in most instances, be better implemented by using munitions that would destroy factories, storage facilities, railways, highways, bridges, docks, and shipping as well as human lives. What I am suggesting, rather bluntly, is that if it is decided to eliminate a city, it may be more cost-effective, from a military viewpoint, to blow it up or burn it down rather than merely to poison the residents or infect them with a disease.

It is not my purpose to deprecate the dangers of CBW, to allay fears about the consequences of the use of these weapons, or to lessen opposition to CBW on moral or other grounds. It is to demonstrate the possibility of questioning the technical base for the general military philosophy which says that our national security demands that we "keep all options open" no matter how limited the need for or the utility of a given option may be. Similarly, arguments of cost-effectiveness or maintaining an option because it is "cheap" should be countered by asking, "Relative to what?"

The plain fact is that the acquisition and maintenance of an offensive chemical or biological capability by the military forces of any country is not a substitute for maintaining a conventional arsenal. CBW is invariably a military "add-on" involving increased expenditures that cannot be offset by foregoing some other form of armament.

Although, by custom, chemical and biological weapons have been lumped as "CBW," especially in political discussions, there are major technical differences between these two categories of weapons. One of the most significant of these is *the difference in the time required for the weapons to produce their effects*. A chemical attack results in casualties within minutes or hours. Biological agents would require days or weeks to have an effect because the microbes must multiply before symptoms of disease occur. This is the so-called incubation period that elapses between exposure to infection and the first appearance of symptoms of illness. The situations in which it might be militarily preferable to carry out an attack and then to wait for a period of days for its effect to become evident are limited, to say the least.

Indeed, insofar as *lethal* chemical and biological weapons are concerned, all arguments for possessing them finally come down to the basic assertion that if the Soviets or some other potential aggressor possesses them, then we must have them too. The crux of this thesis is that if we have them, it will *deter* an enemy from using them against us because we will be able to *retaliate* in kind. This argument deserves careful examination. If there is any single concept concerning CBW upon which there is universal military agreement, it is that the *first use* of lethal chemicals or lethal biologicals in battle will result in a large number of casualties if the side that is attacked has not been forewarned. There exist effective defensive measures against CBW in the form of masks and protective clothing and after the introduction of CBW into a conflict, both sides could employ these measures to protect their troops and casualty rates in subsequent chemical or biological attacks could be expected to be strikingly reduced.

In essence, then, the real military effectiveness of lethal CBW, in terms of inflicting casualties, will accrue to the force that *initiates* use against an unwarned enemy; thereafter, the use of defensive measures could largely blunt the effectiveness of this form of armament. The foregoing statements concerning the effectiveness of *defensive* measures refer exclusively to military personnel. *The vulnerability of civilians, as opposed to troops, is not specific for CBW.* Preparations to protect the civilian population against conventional CBW, or nuclear attack in most countries, including the U.S. are wholly inadequate (there are a few notable exceptions such as Sweden and Switzerland).

The Geneva Protocol which the United States signed but which our Senate failed to ratify, bans first use of lethal CBW and this country is on record in the U.N. as having agreed to follow the principles of the Protocol. Unless we abandon this stance and modify our policy so as to allow our forces to *initiate* use of CBW, a change which, in my opinion, would be politically unthinkable for the United States, we have already relinquished the option to employ lethal CW or BW in the most militarily effective fashion. What then, are the advantages of retaining an option to retaliate in kind?

For biological weapons, it does *not* necessarily follow that the best military or political response to an attack would be retaliation in *kind*. The attacker, being forewarned that biologicals might be used in return, could defend his troops by masking and largely reduce the effectiveness of second use of these weapons. If the attack had imperiled our own military situation, it is questionable whether a counterattack against a forewarned enemy with a biological agent and the attendant delay during the incubation period would meet the needs of our forces. Furthermore, national leaders who are not deterred by our nuclear capability from using BW against us are hardly likely to be deterred by our possession of a BW capability. Indeed, if it were known that we possessed no offensive BW capability, an aggressor might be *more* deterred from initiating BW against us by the realization that our response might be escalation to nuclear weapons.

The situation with lethal chemicals is somewhat different from that with lethal biologicals. A military force attacked with lethal chemicals would suffer casualties but, as mentioned, by masking and donning protective clothing could protect itself against further attacks. Gas masks and protective clothing, however, greatly impede normal physical activity of troops and would restrict the mobility of forces in the field. Unless the opponent can be forced to suffer the same penalties of restricted activity, he is at great advantage and the advantage might be enough to turn the tide of battle.

Therefore, retaliation in *kind*, with lethal chemicals, could very well be the best *military* response, not in the hope of inflicting heavy casualties upon the forewarned enemy, but to impose upon him the handicap of operating in a toxic environment. Here again, however, barring *first use*, the only reason for possessing a lethal chemical capability is because the other side might have it. Another possible response to a lethal chemical attack which imposed the handicaps of masking and other defensive measures upon United States troops might be escalation to tactical nuclear weapons to regain advantage over the enemy. I will not attempt to portray what the consequences of such a response might be against an enemy with similar nuclear capability or what world opinion might be if the United States initiated the use of tactical nuclear weapons against an enemy which lacked a nuclear capability. In terms of the effects upon *civilian populations* about whom so many opponents of CBW have expressed concern, however, the questions raised by a choice between retaliation to lethal chemical attack in kind or by escalation to tactical nuclear weapons offer small comfort.

Many scenarios could be conjured up to emphasize the two conclusions that I wish to suggest: first, the "option" of lethal CBW would be unnecessary if one's enemy lacked a similar option; and second, while it is extremely doubtful that the best military response to biological attack would be retaliation in kind, the arguments for retaliation in kind in case of lethal chemical attack are somewhat more convincing from a military viewpoint.

One last difference, which is only partly technical, between chemical and biological weapons deserves emphasis. Chemical warfare was used on a large scale in World War I and, under battlefield conditions, proved to be capable of inflicting numerous casualties. Its occasional use since then (in Ethiopia, China, and Yemen) has borne out its effectiveness as a weapon. Chemical warfare, then, is a proved and established concept. Biological weapons, in contrast, have never been used in modern warfare and judgments of their possible effectiveness are based upon naturally occurring epidemics, laboratory accidents with infectious microbes, and extrapolations from laboratory experiments and field-trials. The emotional and military commitment to biological warfare is nothing like as deep-seated and fully developed as is that to chemical warfare.

The language of the Geneva Protocol is equivocal, unfortunately, and it is not absolutely clear that it prohibits the use of incapacitating chemical agents such as tear gas. This is a matter of opinion and, although many nations, including our allies as well as members of the Soviet bloc, have claimed that tear-gas falls under the ban in the Protocol, the United States has *always* held that the use of tear-gas is not excluded by the Protocol. In July of this year, Secretary-General U Thant, at the time he issued his report on Chemical and Biological Weapons, called on all nations to affirm that "the prohibition contained in the Geneva Protocol applies to the use of all chemical, bacteriological and biological agents (including tear gas and other harassing 'agents')."

Laudable as the Secretary-General's motives may have been, I regard this recommendation as unfortunate, in a U.S. domestic political sense, at this time. This country is using the tear gas, CS, in Vietnam. To be sure, it was originally introduced with assurances (which I believe were genuine) that it would be used for humane purposes, to avoid civilian casualties, etc. It is now used in huge quantities and is believed by our field commanders in Vietnam to be an important addition to their weaponry.

It must be admitted that *objective* evidence of the effectiveness of CS has not been given by any operational analytic study but this lack does not change the way that our Army and Marine forces *feel* about CS. At a time when the Administration is trying to find a way out of Vietnam and trying, among other things, to hold American casualties to an absolute minimum, any move that might be interpreted as taking an effective weapon away from our forces in Vietnam would surely carry domestic political risks. If our casualties should rise, for whatever reason, the withdrawal of permission to use CS would surely be blamed by someone. There is no longer any pretext, incidentally, that CS is used primarily for "humane" purposes. *It is an adjunct to conventional weapons and makes it possible to inflict more casualties on the enemy while holding down our own losses.*

If the Geneva Protocol is resubmitted to the Senate without any reservation, I am fearful that the recent recommendation by the Secretary-General will result in argument and debate over whether the Protocol precludes the use of tear gas. If it were ratified without reservation, the United States automatically would be guilty of violating it because we are using CS in Vietnam. If it were ratified with the same reservation that we alone have always expressed about tear gas, this would fly in the face of other nations and the U.N. I believe that if the result of resubmission of the protocol to the Senate were to shelve it again or actually to turn it down, this would be disastrous for our international stance. I do not know the way out of this political dilemma unless the war in Vietnam can be brought to an end. I believe strongly that the "option" to use tear gas or other incapacitating chemicals is one that we should eventually be willing to relinquish in return for an effective international agreement banning not only the use but the possession of chemical weapons.

I have not discussed herbicides and their use for defoliation and crop destruction in Vietnam because this is another subject. It is worth pointing out, however, that if the next step beyond the Geneva Protocol is to be an agreement banning the development, production, and stockpiling of chemical weapons, both tear-gas and herbicides will pose special problems. The manufacture and use of tear-gas for non-military purposes will surely continue. Similarly, the manufacture and use of herbicides for non-military purposes will surely continue. To devise controls upon their development or stockpiling for military use will require considerable political ingenuity.

In contrast, there is no reason other than military use that could serve as an excuse for developing or producing any biological weapon. They have no place in quelling civil disturbances and they have no commercial use in agriculture or elsewhere.

Because chemical weapons are an established part of the arsenal of many nations and because of the complex situation surrounding tear gases and herbicides, I believe that it will require prolonged discussions to arrive at an international agreement banning production and stockpiling of chemical weapons.

None of these difficulties need apply to biological weapons.

It is my personal belief that our strategy should be to take advantage of the present climate of public opinion and agree to abolish biological weapons and to pursue vigorously the possibility of eventual abolition of chemical weapons.

If we separate the B from the C in CBW, we have an opportunity to ban, for the first time, the very existence of a weapon. This could be done without waiting to complete wrangling over retaliation in kind with lethal chemicals, the status of tear gas and of herbicides, both domestic and international, and the exact meaning of the mysterious phraseology of the Geneva Protocol. Such a move would not arouse the same vigorous objections from most military establishments that come forth when their chemical "option" is threatened.

The journey toward the goal of general and complete disarmament will be long and hard. It is high time that we took this first step, no matter how small it might seem.

This completes my statement, Mr. Chairman. I will be glad to answer any questions that you or other members of the Subcommittee might care to ask.

OUT OF THE STREETS?

(Mr. GERALD R. FORD asked and was given permission to extend his remarks

at this point in the Record and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, there doubtless have been many interpretations of the meaning of the November 13–15 moratorium and the impact of it. The best I have seen appeared editorially in the November 18 edition of the Wall Street Journal.

The Journal's analysis was most perceptive. It made a number of excellent points with regard to what the moratorium revealed and what the dangers are in such demonstrations.

I agree with the Journal that the demonstrators are simply "a faction of the people" who have alined themselves against other factions of the people and against a large majority of the Nation's elected representatives.

The Journal also makes the point that mob action of this kind is "an attack on democracy itself" because "the success of democracy depends on keeping arguments in the political process and out of the streets."

I commend the Journal editorial to my colleagues. The editorial follows:

OUT OF THE STREETS?

The Vietnam moratorium demonstrators have made the point that there's a lot of deeply felt opposition to the war. The question arises whether there's anything further to be proved by continuing to take to the streets.

If, indeed, there was anything to be proved in the first place. Opposition to the war comes as no surprise to anyone, least of all the Administration. The demonstrations have been notably empty on the level of specific policy—do the demonstrators want immediate withdrawal or don't they?

It is by now pretty evident, also, that the demonstrations are not going to topple the Nixon Administration. In fact, it seems to us their upshot has been to leave President Nixon in firmer command than ever before. The Administration was forced to get a grip on its self-assurance, and its mobilization of support has been impressive.

Not even the anti-war movement leaders are any longer talking about the quarrel in terms of The American People versus a recalcitrant President. Quite clearly, the disputants are a faction of the people versus opposing factions and their elected representatives. Now that this is clear, we doubt that the peace crusade will ever be quite the same.

That the anti-war people are merely a faction sharply reflects on the morality of their appeal from the electoral process to the streets. Yes, we fully understand about the necessity of structuring legal rights to protect free speech and dissent. That does not mean there is a moral right to sanction every form of dissent, and throughout history the appeal to the streets has been an attack on democracy itself.

The latest moratorium, after all, resulted in two nights of rioting in the streets of the capital. The fashionable circles have decided more or less to ignore this inconvenient fact. We have not asked the FCC to collect us any transcripts, but we would swear we heard Chet Huntley say the other night that while troops were on standby, "There was no violence to suppress." Perhaps he had not watched the filmclips he showed a little later in his program.

The violence as wrought by only a few thousand of the demonstrators, of course, and was not the dominant mood of the event. The demonstration leaders deserve a measure of praise for their successful efforts to prevent violence during the Saturday march itself. But they are trying to tell the nation: We collected 300,000 people and kept them peaceful for a few hours Saturday afternoon and the violence the night before and the night after is none of our responsibility. Imagine the reaction of the fashionable circles if the Administration offered such an infantilism.

The danger of the appeal to the streets is precisely that you cannot control the chain of events you start. The mob you assemble will always have its uncontrollable elements, and that they did not dominate the event one time is no guarantee they will not the next time. The inherent danger is compounded by the anti-war organizers' refusal to cleanse their ranks, where columnists Evans and Novak report pro-violence elements, pro-Hanoi elements, functionaries from the various Communist parties and the like.

Pro-Administration groups are also starting to appear, and as they gain organizational and logistical experience a clash in the streets will become more likely. We hope the Administration will lay a restraining hand on street action by its supporters, and that anti-war Senators will do the same on their side of the debate. We are encouraged that some who sympathize with protest are suggesting that political action in next year's elections is more appropriate than continued demonstrations. It is in electoral battles, not in the streets, that real policy alternatives can be articulated and real national sentiment measured.

Street demonstrations are a heady sport; their chief success seems to be intoxicating the participants with their own virtue. We only hope they sober up enough to realize they are toying with fire, that the success of democracy depends on keeping arguments in the political process and out of the streets.

BANNING FIRST USE OF GASES AND BACTERIOLOGICAL METHODS OF WARFARE IS INITIATIVE TOWARD PEACE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's decision to seek Senate approval of U.S. participation in the Geneva protocol banning first use of gases and bacteriological methods of warfare is an initiative toward peace that may have far-reaching effects.

This affirmative action by the White House could have a highly salutary impact on the strategic arms limitation talks now in progress in their preliminary phase.

In taking the United States out of the field of germ warfare, the President has made abundantly clear to the American people and to peoples throughout the world the great devotion that this Nation has to the objective of universal peace.

Not only is this action reassuring to our own people but it is also fresh proof to the people of other nations that the United States wants nothing so much as peace for itself and for all countries in the world commonwealth.

I believe this move by President Nixon will greatly enhance the standing of the United States in the eyes of the world. I would go further and say that seldom has the prestige of the United States been greater than at this moment in our glorious history.

IN SUPPORT OF REPEALING SOCIAL SECURITY LOOPHOLE FOR THE WEALTHY

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the House Committee on Ways and Means, which has already compiled a remarkable legislative record this year including the tax reform bill and improvement in the unemployment compensation system, is well on the way toward drafting significant changes in our social security law.

I hope that the committee will recommend benefit increases of 50 percent, half of which will start next year and the rest by 1972. Such increases will require changes in the financing, and I have recommended that this be accomplished by expanding the income base that is subject to social security taxes.

The existing tax base is $400 billion a year because only the first $7,800 of wage income is subject to taxes. By removing this limitation the base would rise by $100 billion, or 25 percent.

Additionally, the system presently exempts capital gain income, dividends, corporate income, and other privileged income. Total personal income under the national income account is running at about $747.5 billion, or $247.5 billion above the potential present base. By taxing just $100 billion of this the total base expansion would be 50 percent.

In testimony before the Ways and Means Committee, I pointed out that the $7,800 limit on income and the exemption of privileged income is a loophole for the wealthy that allows them to escape paying their fair share of the cost of social security. The average worker pays social security taxes on all of his income, but the wealthy evade payments on most of their income while drawing equal benefits.

By removing this inequity, we could increase social security benefits by 50 percent without the need for general revenue funding, lower the tax rate so that the great majority of workers would pay lower social security taxes, and at the same time increase employment.

My testimony goes into greater detail on this proposal, and I include it at this point in the Record:

INCREASES IN SOCIAL SECURITY BENEFITS

(By Representative Patsy T. Mink)

Mr. Chairman and distinguished members of the Committee, I appreciate this opportunity to present my views on the need for an immediate increase in Social Security benefits.

In summary I propose the following: (1) an increase in Social Security benefits in the range of 50 percent; (2) an immediate increase in the minimum primary benefit to $100 with subsequent increases to $120 a month by January 1, 1972; (3) removal of discrimination against women in the Social Security program; (4) extension of the tax base to all taxable income; (5) provision of disability insurance benefits for the blind as sought by my bill, H.R. 12273; other changes along the lines of H.R. 14430, sponsored by Congressman Gilbert.

Our elderly and retired citizens have been severely hit by the inflation of recent months and thousands can no longer afford adequate food, clothing, and shelter, much less the comforts the rest of us take for granted. Workers who counted on Social Security to provide for them during retirement are living in poverty by the government's own criteria.

We must act now to remove the specter of malnutrition, disease, and misery facing our older citizens by enacting a Social Security bill that will complement the monumental tax reform bill, Unemployment Compensation bill, and other landmark legislation initiated by this Committee this year.

Our goal should be maximum benefits with least taxation, or equitable treatment of contributors and beneficiaries. Currently there is an imbalance against those benefitting from Social Security. Due largely to increases in worker income, we could increase OASDI benefits by 17½ percent right now with no increase in Social Security payments. There is, however, a 50 percent inadequacy in medical insurance fund income which should be reduced by removing abuses of the Medicare and Medicaid programs which have increased medical costs enormously.

Put differently, OASDI needs only $27.2 billion to maintain existing benefits this year rather than the actual $32 billion income. Medical insurance plan income of $6.9 billion is needed rather than the actual $4.6 billion. In total the Social Security System needs only $34.1 billion this year instead of $36.6 billion being collected, to maintain long-range actuarial integrity. The difference, $2.5 billion, is the amount by which benefits could be increased immediately with no change in financing.

The Administration has recommended increasing the taxable wage base to $9,000 from the existing $7,800. Either figure would continue the regressive nature of Social Security financing. Under this arrangement the average worker pays Social Security taxes on all or nearly all of his income, while wealthy individuals escape taxation altogether on all income above $7,800. Moreover, upper income brackets take advantage of other loopholes through capital gains, dividends, corporate income, and other privileged income.

Thus, if we enact the Administration proposal the wealthy will continue to escape paying their fair share of the cost of the Social Security System while still enjoying benefits equal to those paid for by the working man. This is an enormous tax loophole such as those we have tried to correct by adoption of tax reform. We should remove this inequity by expanding the tax base to include at least all income subject to Social Security taxes.

According to the Social Security Administration, some $372.3 billion in wages and $27.4 billion in self employment net earnings is being taxed for Social Security purposes during the present tax year, 1969. The total is about $400 billion subject to tax within the current limit of $7,800. Simply by expanding the base we could tax $451.8 billion in wages and $47.5 billion in self employment net earnings for a total of about $500 billion. We could thereby add $100 billion to the taxable base immediately by removing this loophole for the wealthy.

The combined employer-employee contribution rate for next year is scheduled to be 9.6 percent. By expanding the wage base we could have an additional sum of about $9.6 billion in increased income which could be used either for a large increase in benefits, or a large decrease in payments or a combination of both.

Since total personal income in the national income account is expected to be about $747.5 billion this year, there are prospects for inclusion of other income in the base subject to Social Security taxes. Overall, reform of the financing system to eliminate its regressive features should allow meaningful increases in benefits, without the need for general revenue funds.

I firmly believe this change would result in a reduction in taxes on the great majority of working people. It would also expand employment. Because of the current limitation of the tax to the first $7,800 of earned income, employers have a strong incentive not to hire new workers. Instead, they attempt to get more work out of those employees they already have.

Employers would prefer to pay one person $15,600 in income and pay their share of Social Security taxes on only $7,800, than to hire two workers at $7,800 each and pay taxes on $15,600. The general result is resistance to the employment of new workers. We find increased overtime and more stringent workload demands on existing employees instead. Removal of the wage base limitation would remove this incentive to unemployment and at the same time continue to allow workers to have overtime in cases where they and the employers desire it.

In addition, the higher benefits made possible by this change would remove the necessity for many Social Security beneficiaries to supplement their income. You have before you many proposals to increase the amount of income an ostensibly retired person could earn and still receive Social Security benefits. I approve of a retired person being able to supplement his income if he chooses, but we should remove the economic necessity of this. Social Security should provide adequate benefits so that a working person could truly retire and enjoy his senior years without the penalty of poverty or the need to continue working full or part time. This would also tend to make more jobs available to younger workers now unemployed or underemployed.

Since the Committee has received extensive testimony on most of the other subjects I mentioned at the opening of my remarks, I would like to limit my remaining comments to benefits for the blind and providing equal Social Security benefits for women.

Under my bill, H.R. 12273, persons who meet the definition of "industrial" blindness would be considered disabled regardless of their capacity to work, and could receive Social Security disability insurance benefits for any month in which they do not engage in substantial gainful activity. The bill would eliminate the alternative definition of disability that now applies to blind workers aged 55 and over, requiring inability to do previous work or any similar work. Disability benefits would be payable after age 65 to blind workers who have six quarters of coverage even though they are not insured for retirement benefit purposes. I strongly commend the purposes of this legislation to the Committee in the hope that the forthcoming legislation in this field will incorporate such a provision for the blind.

The existing Social Security System renders a great inequity to women. They work and contribute on an equal basis with men, but because they may be wives, women do not receive equal benefits. It is mandatory that we amend the law to provide equity for working men and women by recognizing the working wife's contribution. The law is based on the rigid premise that a woman's place is in the home, yet increasing numbers of women are working and therefore suffering from this inequity.

Specifically, there must be benefits for the married, working woman based on her contribution; and married couples must be allowed to pool their income for the purpose of computing Social Security benefits. This is the purpose of legislation which I first sponsored in 1966. Husbands, widowers, and children of working women are also entitled to the same benefits which wives, widows, and children of men workers can now receive. Another inequity is the fact that if a husband becomes mentally ill and is committed, he must prove dependency on his wife, in order for benefits to be paid in cases where the wife works. If the wife does not work, she can receive benefits.

I fail to see the logic of these laws which penalize working women merely on the basis of sex. This form of discrimination should have been abolished long ago, yet it continues to linger on the statute books as an archaic remnant from the time when women did not have equal rights before the law.

The Social Security System pattern of discrimination against working women should be eliminated, but not at the expense of the non-working wife. Why should a retired couple get less in total monthly benefits if both worked, than a couple receiving benefits based on the same total earnings where only the husband works? This is not only discriminatory but illogical, arbitrary, unfair and contrary to national policy.

If only the husband has worked and had average earnings of $650 a month—$7,800 a year—the benefits paid to the couple at age 65 would be $323 ($218 to the husband and $105 to the wife).

On the other hand, if the husband and wife each had average earnings of $325 a month, or $3,900 each a year—for combined annual earnings of $7,800—their benefits will be *lower*, $134.30 each or a total of only $268.60. This penalty of $54.40 a month or $652.80 a year is grossly unjust at a time when women comprise 37 percent of our nation's work force, more than half of whom are married!

Under the present system a wife who has *never* worked under Social Security may receive as much under her wife's benefits as another woman who had worked and paid contributions. This is another disincentive to employment built into the system. For example, such a non-working wife would receive $105 as a wife's benefit if her husband received the maximum of $650 monthly; on the other hand, if the same wife worked and paid contributions on average monthly earnings of $120, she would be entitled at age 65 to a benefit of $81.10, plus an additional wife's benefit of $23.90, for a total of $105—the same as if she had never worked at all. This is an incredible way to manage what is primarily a work-related insurance system.

On a dollar-for-dollar comparison, the working wife is receiving a poor return for her contribution. This is true at a time when married women outnumber single women in the work force by two to one. The solution is to provide a working woman's benefit on top of, instead of in lieu of, a wife's benefit. This would recognize her financial contribution to the system and at the same time be consistent with the principle of equity between men and women.

As I have said, current policy discriminates between treatment of husbands and widowers. At present husbands and widowers only receive benefits from their working wives if dependent, yet a wife receives spouse's benefits whether dependent or not. This dependency requirement for entitlement to husbands or widower's benefits should be eliminated in accordance with the general equity which we should strive to achieve.

In light of this, I should mention also that no provision is made for payments to male widowers with surviving children, despite the fact that the considerations which require payment in the case of widows seem to apply also to men. This should also be remedied by authorization of father's as well as mother's insurance benefits.

I have touched only some of the matters which the Committee must consider in seeking new amendments to the Social Security law. In brief, I feel that significant increases for all Social Security recipients are necessary immediately including benefits paid under our Aid to Dependent Children program. The system's inequities with regard to different benefits for men and women should also be removed, and more benefits should be paid to the blind.

The increased benefits, which would remove thousands of our elderly citizens from poverty and help reduce unemployment, should be financed through expansion of the Social Security tax base to all income with a concomitant reduction in the tax rate.

I am confident that the Committee will approve significant legislation in this field, just as it has acted so beneficially on other matters in the current session.

NEW HAMPSHIRE SOLDIER IN VIETNAM EXEMPLIFIES STATE'S MOTTO: "LIVE FREE OR DIE"

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the son of some friends of mine in my hometown of New London, N.H., wrote his family a very moving, thought-provoking letter from Vietnam. It was published, along with an introductory letter from his mother, now Mrs. Richard Chatellier, in the Manchester Union-Leader.

I offer the two letters for the RECORD in the hope that my colleagues and other readers will find time to read the words of a brave and patriotic New Hampshireman written from the field of battle where he is daily giving new life to the motto of our State: "Live Free or Die."

The letter follows:

DON'T FALTER

NEW LONDON, N.H.

To the EDITOR:

A letter came to us today from our son, Sp4 Kirk Ramsey, who has been with the 25th Infantry Division in Vietnam for the past six months. So many people have so much to say about what should be done about Vietnam. I feel that an opinion from a man who is there is worth reading, and I pass on a portion of Kirks letter to you with pride.

Kirk had just completed his first year of law school when he was drafted, and he plans to finish his education upon his return.

Sincerely,

MRS. RICHARD CHATELLIER.

DEAR FOLKS: I have been lucky . . . there have been dozens of times when I could have shared the fate of some of my friends . . . only circumstances and luck put me in another place, or made the booby trap that exploded miss me . . . and once when I stepped on a dud. It is strange to me.

It seems we have at last won . . . the enemy is defecting in incredible numbers. We find more and more of his supplies, and the influx of arms into Vietnam has nearly been cut off. Casualties are very high for the enemy. Where we once had reason to dread the night, it has become our most useful resource. The enemy comes out at night and we have the means to spot him; radar listening devices to detect sounds; and people walking; sniffing devices to smell the enemy and starlight scopes to see him in the dark. Every night the enemy is hit by gunships and artillery, completely taken by surprise. Frequently one will give up and tell us friends he was with were all killed by a sudden artillery barrage in the middle of the night. It seems as if one big push would really bring victory.

How different to be here, and listen to those in the "World" back home who give the answers.

I suspect that the Moratorium will force Nixon to cease fire. Why do we make it so hard on ourselves? We continue to be our own worse enemy, to defeat ourselves. If we had closed the Ho Chi Ming Trail; if we had closed the source of supply, if we had once used our full might to threaten the North we could not be paying this price.

Let this question be asked? Do we quit like cowards? America must stand up and stop hesitating and equivocating. Don't falter when our very lives are at stake. Will we wish-wash right down the drain? Will we back out of Vietnam? Have the Reds really won by outwaiting us?.

I only hope and pray that if America falls from the constellations she will do so in a manner befitting a nation of once free men. I pray we don't slide under but stand tall. Let the citizens shake off their lethargy. Vietnam is growing to her needed strength, why fail her now?

Please don't falter when our very lives are at stake.

Sp4c. KIRK RAMSEY.

FASCELL CALLS FOR NEW THRUST IN BATTLE AGAINST ORGANIZED CRIME

(Mr. WRIGHT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, over the past few years one of the more articulate and forceful proponents of a better-coordinated effort against organized crime has been the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, of which I am a member. In a recent address at the second organized crime training conference of the Justice Department's Law Enforcement Assistance Administration, Subcommittee Chairman DANTE B. FASCELL, of Florida, broke ground on two new proposals which, if implemented, can take us a long way toward the goal of minimizing the impact of organized crime in America.

Because it represents an incisive analysis of some of the obstacles we face in that battle, I insert the text of Chairman FASCELL's address:

ADDRESS BY HON. DANTE B. FASCELL

Mr. Velde, Mr. Coster and distinguished guests. I appreciate the kind invitation of the Law Enforcement Assistance Administration to address this impressive gathering of top law enforcement personnel from an 18 state region.

A few months ago at a forum on organized crime sponsored by the U.S. Chamber of Commerce, a high Justice Department official, upon seeing three hundred businessmen gathered to discuss organized crime, remarked that an equal number of *law enforcement* personnel could not have been gathered 8 years ago to discuss the same topic. For that reason and many others, this Regional Training Conference on Organized Crime is very significant.

Shortly before boarding the plane which brought me here I was asked what the new Administration has meant to Washington. I said that I thought the change has been nothing short of amazing. There has been a marked improvement in performance, an unbroken series of quality personnel appointments, a rededication to high goals, and a convincing record of achievement. I'm sure that most of you agree and are pleased that Vince Lombardi has also meant these things to Washington.

This term in Congress for me has been especially challenging and my constituent mail has been heavier than normal. A certain Key Biscayne constituent has been flooding my office with mail demanding to know why the Democratic-controlled Congress has not solved these things like inflation, Viet Nam, crime, Spiro Agnew and all the rest.

But the topic of discussion for you at this conference and for me tonight is something which is beyond partisanship, beyond the tuggings of politics. It is something which should unite all branches and levels of Government in a unified force, as normally occurs in a declared war against an external enemy.

As we meet here tonight our Nation is in the throes of much difficulty at home and abroad. The tax dollar and its source are strained from high commitments, the incidence of crime continues to rise, public faith in our institutions is at a low mark.

Suggested solutions to these problems are plentiful. What is scarce, however, is articulation of the manner by which organized crime exacerbates these national ills and many others.

Almost forty years ago the Wickersham Commission reported the threat that syndicated crime posed to our Nation. Eighteen years ago Senator Kefauver established what we suspected—that organized crime uses any means available to defeat any attempt to interfere with its operations. Twelve years ago we were shocked to discover that 75 of the top executives of the crime confederation could methodically and efficiently parcel out the country for the purpose of plundering by an anointed few.

Six years ago shock revisited us in the form of the Valachi testimony which revealed the gory inner-workings of the mob. Two years ago the Presidential Crime Commission's Organized Crime Task Force, which was so ably guided by LEAA's Administrator, Mr. Charles Rogovin, revealed that the biggest change which had occurred since the early '30's was that organized crime had grown more powerful. And last year the House Subcommittee on Legal and Monetary Affairs, which I chair, revealed a sporadic and at times ineffective Federal effort against organized crime.

Tonight I want to discuss two critical needs which are evident from this steady flow of Government reports. The first is the need to elicit public indignation about this cancer in our national body. The second, intimately related to the first, is the need for law enforcement agencies, at all levels of Government, to better coordinate their efforts and thereby eliminate the fragmented approach. In other words, not only to start speaking with each other but to get completely married.

While those of us who have been close to the fight against organized crime have become more aware of the nature of the threat we face, increased awareness cannot be said to exist among all key segments of the public as a result of the outpouring of information I have recited.

Technically, there is no public apathy about organized crime. Apathy cannot exist as to something about which one is unaware. The public has not been made to understand the true magnitude and nature of the organized crime problem, and consequently, has not been in a position to demand action.

We must realize that, in the final analysis, it is the public which must approve greater outlays for the organized crime fight and select the public officials who are charged with leading that fight. It is the public which must be aroused to stimulate vigorous action by law enforcement agencies. It is the public which must be the backbone to this offensive.

I propose that the manner to stimulate the public indignation which is vital to the overall battle is through a new approach to the handling and dissemination of information and intelligence about organized crime.

This new approach has two basic ingredients which, if implemented, can generate the public support which is needed for a vigorous anti-organized crime program.

First, we must make greater use of our communications capabilities. The United

States is blessed with the most proficient and pervasive communications structure in the world. The power of mass media and the press to inform and persuade is beyond question. So is the power of advertising. In the past, television, radio and the press have valuably assisted Government in the conduct of many worthwhile projects. All of us have seen the fruits of this cooperation—from prevention of car thefts to enlistment in the Peace Corps. The Advertising Council attests to the effective results of these campaigns.

I can speak from experience. Several years ago when the Nation was suffering a severe coin shortage and the Legal and Monetary Affairs Subcommittee was doing what it could to ease that situation, the banking industry, the Treasury Department and the news media collaborated in asking people to take their coins out of dresser drawers and piggy banks and put them into circulation. The results were phenomenally good.

This type of cooperation between Government and the private sector underscores the great potential that exists for illuminating the threat posed to the American people by organized crime. More than 90% of all homes in the United States have television sets and radios. An equally high number have access to the commercially printed word. With more than 600 television stations, 4000 AM radio stations and more than 10,000 daily and weekly newspapers in this country, can there be any doubt about the role that our communications machinery can play in increasing public awareness about organized crime?

Arrangements can be made for the voluntary contribution of artwork, production and airtime for such campaigns, subject only to a nominal payment for costs.

Therefore, I propose that the Department of Justice initiate a campaign with the appropriate industry representatives to dramatize and disclose to the American people the true meaning, impact and effects of organized crime in America. This campaign should utilize all available advertising tools which have proved so effective through the years, certainly including the press.

Second, we must loosen the restrictions which now exist on information collected about organized crime. One of the reasons for the scarcity of public information about the crime confederation is that law enforcement units, Federal, State and local, have bound themselves to a policy which severely restricts dissemination of intelligence—even to other law enforcement units. I agree that we must maintain safeguards to assure that sensitive intelligence does not flow into the hands of the mob.

However, the attitude today seems to be that all intelligence about organized crime is strictly confidential to the agency which collects it. I propose that we classify organized crime information and intelligence under a structure of diminishing levels of confidentiality. A loosening of existing restrictions will be achieved only when trust is established among the cognizant law enforcement agencies and when we give credit to organized crime for knowing that most of their overt moves are under constant scrutiny by law enforcement agencies.

Intelligence which is essential to a tactical goal or to a particular case or group of cases currently in the stage of development should, of course, be bound by a stringent proscription against dissemination except possibly to the most trusted law enforcement agencies which can make shortrun productive use of it. This type of intelligence may be labeled "secret."

A second type of intelligence which may be classified "confidential" may have no immediate bearing on a pending case, but may have a long-range strategic value. As to this type, the agency holding it should relax the strictures against dissemination and make it available to appropriate and trusted law enforcement agencies in other jurisdictions and at other levels of Government. One of the long-standing reasons for reluctance to disseminate organized crime intelligence has been the absence of trust. For that reason, the work that LEAA is doing in bringing together Federal, State and local officials is a great step toward establishing rapport and thereby creating trust among these officials. I hope the result will be a greater exchange of information among these agencies once proper security safeguards have been instituted.

A third and less sensitive category of intelligence pertains generally to the manner by which organized crime groups and members operate and detrimentally affect specific segments of society. This type should not be publicly disseminated if it has investigative or prosecutive value, but should be available to scholars and research institutions once they have complied with reasonable security safeguards.

In recent years members of the academic community have provided valuable analyses and conclusions, and it behooves us to continue this interdisciplinary attack on the mob. There must be closer cooperation between theoreticians and practitioners so that a cross-fertilization of general and specific information on organized crime may be attained.

Finally, a greater amount of non-sensitive information about organized crime should be open and widely disseminated to the public and the press. I am convinced that once the American people are fully aware of the pernicious works of organized crime they will demand and get effective action. Our speeches are not enough. They must be shown the nuts and bolts of this nationwide conspiracy. We must develop bibliographies, indexes and information systems which will be generally and continually available to the public.

There is a wealth of knowledge contained in daily newspapers, television documentaries and university research papers, all of which should be brought together and disseminated widely. This in turn should stimulate more research and development work pertaining to organized crime. We know very little about the characteristics of the consensual victims of organized crime—the loan shark victim, the narcotics addict and the gambling loser. It is this type of knowledge we need in order to re-tool the machinery of Government for a successful offensive against organized crime.

Some say it is solely the Government's responsibility to make the public aware of this menace. I say that the private sector, including those industries that I have mentioned, have an equal responsibility to project this danger to the public.

The second critical need that I see is the necessity to eliminate the uncoordinated and fragmented approach to organized crime. There should be no mistaking the fact that organized crime presents the leading contemporary challenge to Federal, State and local law enforcement units.

It is estimated that organized crime in the United States has an annual gross revenue of at least $60 billion. When we realize that the Gross National Product of Canada in 1968 was $59 billion and that the 1968 GNP for all of Central America and Mexico was only $31 billion, there is no need to belabor the point of the power and influence of organized crime. What must be emphasized is that unless Federal, State and local governments improve coordination of their activities and cooperation with each other, we face a continuation of the losing battle against syndicated crime.

One of the most disturbing revelations during my Subcommittee's hearing on the Federal effort against organized crime was that some of the Federal departments and agencies, which have significant responsibilities in protecting the American marketplace, had little awareness of the fact that organized crime was making inroads into their areas of jurisdiction.

In July of this year, as part of my Subcommittee's continuing study of the Federal Government's capabilities against organized crime, as Chairman I sent a comprehensive set of questions to more than thirty-five Federal departments and agencies. The purpose was to determine the precise nature and extent of training and instruction given to Federal personnel in the area of organized crime and also to find out what such benefits flowed to State and local personnel. With few exceptions, the responses that I have received show a woeful lack of programs aimed at improving the organized crime fighting capabilities of not only Federal personnel. but also State and local agents.

Although the responses have not yet been made public, I think it is important that I give you an example of one of the most glaringly deficient programs which exists at the Federal level.

Let me quote to you the response I received from the Federal Trade Commission in a letter dated August 6, 1969. I quote,

"DEAR MR. CHAIRMAN: This is to inform you that the Federal Trade Commission has no training programs which have been designed to equip its personnel and others to combat organized crime.

"The Federal Trade Commission is charged with keeping competition in trade both free and fair. We therefore, have no training programs designed for the above-mentioned purpose."

The FTC has awesome responsibilities under the Federal Trade Commission Act and the Clayton Act for keeping the marketplace free of corrupt practices. That it could respond in such a fashion is beyond my comprehension. If there is one force in this country which is keeping the marketplace unfree and unfair it is organized crime. Tonight I call upon the recently appointed new Chairman of the FTC to reevaluate the course that agency has taken in this critical area and to commence a vigorous campaign against organized crime, armed with the weapons that we in Congress have given that Agency.

In fairness it should be said that a few other Federal agencies are only slightly less deficient in their recognition of the dangers posed by organized crime.

Therefore, before effective coordination among all levels of Government is achieved, it is necessary that each level and branch put its house in order before embarking on a course that will merely compound existing deficiencies.

I am very pleased by the progress being made by the Law Enforcement Assistance Administration toward greater inter-Governmental cooperation in the fight against organized crime. This Regional Training Conference is testimony to the sort of thinking that must prevail if Government is to make progress in this battle.

Apart from the training activities being conducted by LEAA, another significant development is occurring, which if properly conducted, can do much to better equip law enforcement agents in this fight. I refer to the proposed Federal Consolidated Law Enforcement Training Center in Beltsville, Maryland. Conceived as a bold departure in the training of law enforcement agents, this school would provide education and training for more than 20 Federal agencies.

This new school was proposed because of the "need for Federal agents to have thorough knowledge and skills in modern law enforcement techniques." It will not be open to State and local agencies because of the already existing FBI Academy.

My investigation has shown that the proposed curriculum for the Beltsville School is sorely deficient in courses dealing with organized crime. For example, of the 510 classroom hours which will be devoted to basic training of all investigators, not one hour is set aside specifically for organized crime subjects. Of the additional 198 hours which the Customs Bureau will devote to special training of its agents, not one hour is specifically set aside for organized crime. Apart from that, the proposed curriculum of the Beltsville School is deficient in subjects such as surveillance, undercover techniques, criminal investigations in metropolitan areas, criminal conspiracy, and use of informants.

I submit to you that a barber in the State of Florida is given more training in preparation for his vocation than the average student at the Beltsville School will receive in organized crime. In the course of an agent's career, he comes in contact with the activities of organized crime far more frequently than he does with overt acts of violence. I strongly suggest that law enforcement training programs at all levels of Government be structured so that they coincide with this fact of life.

In his April 23rd Message on Organized Crime, President Nixon announced that he was directing the newly appointed Advisory Council on Executive Organization to examine the effectiveness of the Executive Branch in combating organized crime. Since the President has said that the Council will consider the organizational relationship of the Federal Government to States and cities in carrying out domestic Federal programs, I propose that a significant portion of the Council's work be devoted to an examination of the sufficiency of law enforcement training programs, including those which are conducted for the benefit of State and local law enforcement agents.

The Council should have and maintain a continuing dialogue with persons and groups around the country who have the credentials and expertise to offer meaningful recommendations. Among others, I refer specifically to LEAA's National Organized Crime Advisory Committee.

As we approach the end of this decade, both time and developments emphasize the need for a new thrust in this war that we fight within our shores.

Winston Churchill once said that the maxim of the British people is "Business as usual." I say that this maxim has all too often applied in our country in dealing with the problem of organized crime. The 1970's will bring no change if we do not stop treating this deep-seated cancerous condition with only the skills of dermatology.

PERSONAL ANNOUNCEMENT

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MURPHY of New York. Mr. Speaker, last Thursday, the House passed H.R. 14580 to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social and political institutions.

I have always been a stanch supporter of the overall foreign aid concept, as the record will show. However, I was unable to be present on the floor for this particular Thursday night vote. St. John's University of Brooklyn, N.Y., is one of this great Nation's truly outstanding institutions of higher education. Putting first things first, there are some accolades a man simply cannot turn his back on. This was one of those occasions. St. John's University, on the evening of the foreign aid vote, named me their "Man of the Year" at a testimonial dinner. In order to be present for this singularly, great honor, I was unable to take part in the vote which was delayed by a series of time-consuming amendments.

Among these amendments were the ones providing an additional $54.5 million for military assistance for the Republic of China and another try at an across-the-board slash in the foreign aid appropriation. I would have voted against both measures. The funds for the Republic of China were already adequate and, as I stated before, I am opposed to cuts in a program so vital to the security of the United States.

I regret not having been recorded on the final vote. But I would not have been present for the high honor accorded me by St. John's University had I not been sure that this important legislation was assured of passage.

UNITED NATIONS SECRETARY GENERAL U THANT'S PROPOSAL TO NEUTRALIZE SOUTH VIETNAM

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. ECKHARDT. Mr. Speaker, Mr. Rolland Bradley of Houston, Tex., has proposed that consideration be given to accepting Secretary General U Thant's proposal to neutralize South Vietnam. Since I feel that it is most important that all possibilities for settlement of the war in Vietnam be explored, I would like to include in the RECORD Mr. Bradley's proposal:

WHY ALL THIS SILENCE?

(By Rolland Bradley)

When the titular leader of the Democratic Party in his campaign last year, held his principal public meeting in Houston, Texas, after his address he invited questions. One of the most significant inquiries was substantially as follows: Do you approve Secretary-General U Thant's proposal that the fighting in South Vietnam be ended by neutralizing the area as was done in Austria? The candidate for President of the United States answered in the affirmative. Yet little or no serious consideration seems to have been given to the proposal. The fact that it came from a high official in the United Nations did not give the suggestion much weight. This illustrates how little power is possessed by our only agency for international peace. However, our experience with Austria, where Russia finally agreed to its neutralization, seems to indicate that U Thant's proposal should be considered seriously at this time. Furthermore, U Thant's Southeast Asian background should strengthen our hope that the parties most concerned would accept his plan. This makes one wonder why Clark Clifford, our recent Secretary of Defense, did not mention the proposal in his recent article. Although Arthur Goldberg had been our Ambassador to the United Nations, he did not even mention U Thant's suggestion when the various means of settling the conflict over South Vietnam were listed by Goldberg.

Why do we have all of this silence?

If a neutralized South Vietnam were established by action similar to Austria's neutralization, this could be a vital step toward a concert of Great Powers. With their respective satellites we could secure a settlement such as Winston Churchill urged several years after he fathered the idea of the Iron Curtain. The present era requires something much more constructive than the Cold War. Nationalism must make room for something more inclusive than the alliance system if a Third World War is to be prevented. Settlement in South Vietnam by the method mentioned above would give neither Communism nor its opponents a victory. A neutralized South Vietnam would be the price that unhappy land would pay in order to prevent the danger of the present conflict's spreading into an atomic war between the large nations.

A second step toward the concert of Powers must be found in the present effort by the United States and Russia to effect meaningful treaties that should end the arms race. Both of these Powers need their economic resources to serve the interests of their respective peoples. The best security that both systems have for survival is the success they have in this service, for the people are sovereign ultimately. Communism or any other system can succeed only so long as it is accepted by the people who live under it. Both America and Russia would do well to remember this fact.

A third step that Russia and America should take together is that of getting China to join in an arms settlement that will limit armaments and mean the end of atomic weapons, as well as germ and gas warfare. As fast as nationalism will permit, there must be such limitation on armaments that no nation will be able to defy humanity. To prevent international war we must have an agency, possibly the United Nations, more responsibly organized and with limited power adequate to put a trouble shooter into the field when necessary to prevent war between nations.

In ending the Cold War we must provide means so that another general war will be impossible. The nations must cooperate to this end for the sake of humanity. Otherwise we shall have a holocaust with hydrogen bombs. The military on both sides will know that nothing can prevent this extreme method of seeking victory. They know that the side that loses will be subject to 'war-crimes' trials and execution of its leaders. This example was set in Germany and Japan after the Second World War.

Why not follow the advice of the Secretary-General of the United Nations and neutralize South Vietnam? This should become the beginning of the end of the threat to humanity by the contest between Communism and its enemies in South Vietnam. It should become an example of the Great Powers working together for the welfare of their respective peoples.

CORRESPONDENCE BETWEEN PRESIDENT ROOSEVELT AND AMBASSADOR BULLITT

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ECKHARDT. Mr. Speaker, for several months I have been assisting my constituent, Prof. Francis Loewenheim of Rice University, in his attempts to have his charges against employees of the National Archives aired. Professor Loewenheim has charged that correspondence between President Roosevelt and Ambassador Bullitt at the Franklin D. Roosevelt Library in Hyde Park, N.Y., was withheld from him during the course of his research at the library.

A voluminous record of correspondence, clippings, and documents has developed in this matter. Rather than burden the RECORD with this wealth of material, I will submit two samples of the evidence in the case to explain my concern. The first sample consists of a letter to the editor of the New York Times Book Review, published in September, from 20 distinguished scholars sharing Professor Loewenheim's condemnation of the actions of some National Archives employees, and a responding letter from Archivist James B. Rhoads:

PRESIDENTIAL PAPERS

To the EDITOR:

The recent publication of "Franklin D. Roosevelt and Foreign Affairs, 1933–1937" by the Harvard University Press (reviewed by you on July 6) raises certain important issues which we believe deserve the serious consideration of interested scholars, general readers, and public officials.

First of all, it has been known for some time that these three volumes had been substantially completed in the early 1960's, but that their existence had been systematically and without any justification concealed from several scholars who have worked at Hyde Park over many years, and would have had occasion to consult and to use them. We deplore this as a serious abuse of archival power.

Secondly, although the three volumes consist almost entirely of official United States Government documents, or documents willed to the American people by President Roosevelt (and should therefore have been published by the Government Printing Office), they were instead offered to three private university presses—Harvard, Yale, and Princeton, the last of which declined to bid on them. Since these volumes are in fact official publications of the United States Government, we believe that their publication—whether by a university press or a commercial publisher—raises serious questions of legality and propriety.

Thirdly, though Section 8 of the U.S. Copyright Law makes it clear that such volumes or documents may not be copyrighted, the Harvard University Press was permitted by the General Services Administration (which controls the Roosevelt Library) to publish these volumes with a Harvard University copyright, which has twice now, however been refused registration (that is, rejected) by the Copyright Division of the Library of Congress.

Finally, several scholars have, over the past 10 years, had various documents at Hyde Park denied or withheld from them, seriously affecting their work and, in at least one instance, preventing its completion and publication altogether.

For these reasons, we believe that a complete investigation of the history of these three volumes, as well as the operations of the Presidential libraries, is urgently called for. The material preserved in the Presidential libraries is among our most precious national assets. Their operations and publications must be completely above suspicion—which in the case of the Roosevelt Library, is unfortunately not true at the moment.

Leonard Bates, University of Illinois; Barton J. Bernstein, Stanford University; Ray Allen Billington, Huntington Library; Robert E. Burke, University of Washington; Norman F. Cantor, Brandeis University; Gordon A. Craig, Stanford University; E. David Cronon, University of Wisconsin; Carl N. Degler, Stanford University; Manfred Jones, Union College.

Lawrence S. Kaplan, Kent State University; Harold D. Langley, Catholic University; Francis L. Loewenheim, Rice University; Arno J. Mayer, Princeton University; William H. Nelson, University of Toronto; Jacob M. Price, University of Michigan; Armin Rappaport, University of California, La Jolla; Richard P. Traina, Wabash College; Gerhard L. Weinberg, University of Michigan; Bernard A. Weisberger, New York University; Henry R. Winkler, Rutgers University.

A REPLY

On behalf of the National Archives and Records Service of the General Services Administration, and its Franklin D. Roosevelt Library, I should like to express our appreciation to the Book Review for its courtesy in permitting us to present the following comments on the above letter.

1. The volumes, compiled between 1957 and 1961, were set aside until 1967, when a change in State Department restrictions permitted their completion and publication. At no time was their existence concealed, as stated in the letter. On the contrary, the volumes were mentioned to many searchers at the Library, and the Library Director also mentioned them in a paper read before the April 1965 meeting of the Mississippi Valley Historical Association, published in the Midwest Quarterly VII (Autumn 1965), 53–65.

2. The volumes were published without cost to the Federal Government, which makes their private publication both legal and proper. The method followed not only saved money but is also achieving wide dissemination of the volumes through the publisher's distribution machinery.

3. At the time the contract for publication was made, it was not known what copyrightable elements might be contributed to the volumes by the publisher to supplement Government-furnished documents and materials, which are in the public domain. The contract for publication provided therefore that a copyright may be procured except as to such materials as are in the public domain. As required by the contract, the copyright notice in the volumes states that "the copyright does not cover any documents that are in the public domain."

4. Documents open for research—and this is the vast bulk of the documents in the Roosevelt Library—have been and are made available impartially to all searchers. The contention that any of these documents have been denied or withheld has no basis in fact. Access to documents bearing a national security classification (or on which restrictions have been imposed by the donors) is, of course, restricted.

With one exception, none of the signers of the letter has ever asked the Library for the facts in the case. Full details will be supplied to them, and to others interested, on request to the Library or the National Archives and Records Service.

JAMES B. RHOADS,
Archivist of the United States.

WASHINGTON.

The second sample of evidence in this matter is two paragraphs taken from the contract between the National Archives and Harvard College for publication of the work, "Franklin D. Roosevelt and Foreign Affairs, 1933–1937." This three-volume work contains material allegedly withheld from historians. It was denied a copyright by the Copyright Office on the ground that all the material contained in it is in the public domain.

1. The Government grants and assigns to the Publishers the sole and exclusive right to print, reprint, or cause to be published in any and all forms, including serial, digest, translation, anthology, recorded, motion picture, radio, and television, as well as book form, throughout the world, a typescript work entitled, "Franklin D. Roosevelt and Foreign Affairs, 1933–1937," during the full term of any copyright thereof and all renewals of any such copyright.

7. The Government will refrain from publishing, without the consent of the Publishers, during the continuance of this contract, any abridged or other edition of the said work, or any similar work which tends to interfere with the sale of the said work.

I appreciate the interest of my distinguished colleague from Houston (Mr. BUSH) who is also submitting a statement on this matter.

COMMISSION ON POT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation to establish a Commission on Marihuana. The expanding U.S. marihuana phenomenon calls for a corresponding increase in scientific research into all facets of the situation. Only from a foundation of hard facts can we proceed to reevaluate existing marihuana laws to bring them in line with the realities of marihuana use.

The first task of the Commission, as proposed in my bill, will be to separate fact from fiction. It must be determined whether the use of marihuana is dangerous or harmless. If it is found that marihuana use does not warrant the harsh penalties provided for in existing law, then the law should be changed. However, if it is found that marihuana use does cause physical or psychological damage to individuals, or has a cumulative detrimental effect upon society as a whole, the law should be adjusted to reflect those findings. The result in either case must be laws which are both acceptable and effective.

Another area of concentration and one which will constitute the major objective of the study is the relationship between marihuana and the use of hard drugs. I can think of no area which is more crucial to any endeavors to change the marihuana laws than the marihuana hard drug relationship.

To date the connection has been neither proved nor disproved, and disparities exist between separate scientific findings on the relationship. The present state of affairs is graphically illustrated by the following two reports. On October 15, Dr. Stanley F. Yolles, Director of the National Institutes of Health, testified before the House Select Committee on Crime that the scientific community knows nothing in the nature of marihuana that predisposes to heroin use, and that less than 5 percent of chronic users of marihuana go on to heroin use. Three days later, the Washington Post reported the findings of three studies at the District of Columbia Department of Corrections linking drug use to crime. Dr. Robert DuPont, the corrections community service official, stated that while the percentage of persons using only marihuana coming to the Department of Corrections was very small, the percentage who use only marihuana and not heroin was about 2 percent. Thus, 98 percent of persons coming to the Department of Corrections who use heroin also use marihuana. These facts, while not contradicting Dr. Yolles testimony, certainly raise the question of the connection between marihuana and hard drugs, and at the very least, demand that extensive research be done in this area. My proposed Commission is the proper vehicle to initiate and coordinate research on this very critical relationship.

The proposed Commission will be composed of nine members appointed by the President, and will concentrate their research on the following areas:

First, the extent of use of marihuana

in the United States to include the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

Second, an evaluation of the efficacy of existing marihuana laws;

Third, a study of the pharmacology of marihuana and its immediate physiological and psychological long-term effects;

Fourth, the relationship of marihuana use to aggressive behavior and crime; and

Fifth, the relationship betwen marihuana and the use of other drugs.

The Commission will submit its report within 1 year after its creation, and, in addition to providing an in depth analysis of the total marihuana situation, the report will contain recommendations for legislative and administrative action to carry out its proposals.

WORLD SUPPORT FOR PRESIDENT NIXON ON PEACE IN VIETNAM

(Mr. TAFT asked and was given permission to extend his remarks at this point in the Record.)

Mr. TAFT. Mr. Speaker, President Nixon has not only succeeded in uniting most Americans behind his efforts to obtain a just peace in Vietnam, but he also has won support from some of the world's outstanding leaders.

Two of these are Mrs. Golda Meir, the Prime Minister of Israel and Pope Paul VI.

I recognize that most of my colleagues have read about their endorsement of President Nixon's pursuit of peace speech of November 3 but still, I call to their attention that it is unusual to find two such divergent leaders united behind the proposals of a third.

Mrs. Meir leads a beleaguered nation surrounded by hostile forces but determined not to surrender.

The Pope stands preeminently as a man of peace.

Yet, their words to the President are remarkably similar in impact.

Through our Ambassador to Israel came this message:

> The Prime Minister wishes to congratulate the President on his meaningful speech and express her hope that he will speedily succeed in bringing about peace in Vietnam. The President's speech contains much that encourages and strengthens freedom loving small nations the world over which are striving to maintain their independence existence looking to the great democracy, the United States of America.

The Pope is quoted in part as saying,

> We also understand that the right mode of ending the conflict demands in the present circumstances a well meditated and responsible procedure, not only to avoid neglecting international obligations which honor and the necessity of not betraying the confidence of one's allies require should be fulfilled, but also in order that the cause and the ideal proposed to your fellow citizens, for which so many have made the sacrifice of their very lives, that is: helping a people which is weak and deserving of assistance to defend its right to self determination and to the free promotion of its peaceful development—that this cause and this ideal should not be denied.

Mr. Speaker, it would be well if those who marched November 15th pondered a bit on the words of these two great leaders.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McClure) and to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 60 minutes, on December 10.

Mr. Bush, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein, for 30 minutes, today.

Mr. Tunney, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'Neill of Massachusetts in five instances and to include extraneous matter.

Mr. Don H. Clausen during the debate on H.R. 14741.

(The following Members (at the request of Mr. McClure) and to include extraneous matter:)

Mr. Whalen.

Mr. Pelly in two instances.

Mr. Ayres in two instances.

Mr. Davis of Wisconsin.

Mr. Zwach.

Mr. Hall.

Mr. Eshleman.

Mr. Fulton of Pennsylvania in five instances.

Mr. Foreman in two instances.

Mr. Hosmer in two instances.

Mr. Bob Wilson.

Mr. Hunt.

Mr. Goodling.

Mr. Wyman in two instances.

Mr. Steiger of Arizona.

Mr. Mathias.

Mr. Skubitz in five instances.

Mr. Ashbrook in two instances.

Mr. Meskill in two instances.

Mr. Schwengel in three instances.

Mr. Brown of Ohio.

Mr. Brock.

Mr. Conte in two instances.

Mr. Denney.

Mr. Nelsen.

Mr. Roth.

Mr. Roudebush.

Mr. Reid of New York.

Mr. Pettis.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Purcell in two instances.

Mr. Long of Maryland.

Mr. Rees in two instances.

Mr. Ottinger in five instances.

Mr. St. Onge.

Mr. Howard.

Mr. Ryan in five instances.

Mr. Preyer of North Carolina in two instances.

Mr. Bingham in three instances.

Mr. Johnson of California in two instances.

Mr. Rarick in three instances.

Mr. Biaggi.

Mr. Flynt.

Mr. Edwards of California in two instances.

Mr. Hicks in two instances.

Mr. Hébert.

Mr. Boland in two instances.

Mr. Kluczynski.

Mr. Hays.

Mr. Gonzalez in two instances.

Mr. O'Neill of Massachusetts in two instances.

Mr. Lowenstein in two instances.

Mr. Donohue in two instances.

Mr. Miller of California in five instances.

Mr. Minish.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2566. An act for the relief of Jimmie R. Pope; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2056. An act to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on November 24, 1969 present to the President, for his approval, bills of the House of the following titles:

H.R. 3666. An act to amend section 336(c) of the Immigration and Nationality Act;

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes;

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; and

H.R. 14195. An act to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 26, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1362. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States transmitting a report of opportunities for improvement in management of military-owned household furnishings overseas, Department of Defense, was taken from the Speaker's table, and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. H. Res. 726. Resolution for consideration of H.R. 14227, a bill to amend section 1401a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in Consumer Price Index. (Rept. No. 91–692). Ordered to be printed.

Mr. MATSUNAGA: Committee on Rules. H. Res. 727. Resolution for consideration of H.R. 944, a bill to amend section 404(d) of title 37, United States Code, by increasing the maximum rates of per diem allowance and reimbursement authorized, under certain circumstances, to meet the actual expenses of travel (Rept. No. 91–693). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 14964. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guarantee provision; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN (for himself, Mr. Conte, Mr. Steed, Mr. Weicker, Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Boland, Mr. Brown of California, Mr. Burton of California, Mr. Button, Mr. Carey, Mr. Clay, Mrs. Chisholm, Mr. Conyers, Mr. Daddario, Mr. Edwards of California, Mr. William D. Ford, Mr. Foreman, Mr. Flood, Mr. Gaydos, Mr. Green of Pennsylvania, Mr. Hastings, and Mr. Hathaway):

H.R. 14965. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. COHELAN (for himself, Mr. Corman, Mr. Hawkins, Mr. Holifield, Mr. Horton, Mr. Leggett, Mr. Mikva, Mr. Miller of California, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. Patten, Mr. Podell, Mr. Price of Illinois, Mr. Powell, Mr. Reuss, Mr. Rogers of Colorado, Mr. Rosenthal, Mr. Roybal, Mr. Stokes, Mr. Thompson of Georgia, Mr. Tunney, and Mr. Charles H. Wilson):

H.R. 14966. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. COUGHLIN (for himself, Mr. McClory, and Mr. MacGregor):

H.R. 14967. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 14968. A bill to require an applicant for a permit to hold a demonstration, parade, march, or vigil on Federal property or in the District of Columbia to post a bond to cover certain costs of such demonstration, parade, march, or vigil; to the Committee on Public Works.

By Mr. DONOHUE:

H.R. 14969. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 14970. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 14971. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By MR. HANLEY:

H.R. 14972. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of Michigan, Mr. Broomfield, Mr. Cahill, Mr. Dulski, Mr. Fraser, Mrs. Hansen of Washington, Mr. Howard, Mr. Mann, Mr. Meskill, Mr. O'Neill of Massachusetts, Mr. Pettis, Mr. Stanton, and Mr. Lukens):

H.R. 14973. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 14974. A bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14975. A bill to amend the Tariff Act of 1930 to provide for the refund of certain postal fees charged with respect to merchandise imported in the mails; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 14976. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14977. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14978. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H.R. 14979. A bill to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MIZE:

H.R. 14980. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 14981. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. NELSEN (for himself, Mr. Thompson of Wisconsin, Mr. Fuqua, and Mr. Broyhill of Virginia):

H.R. 14982. A bill to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto; to the Committee on the District of Columbia.

By Mr. PURCELL (for himself and Mrs. May):

H.R. 14983. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

By Mr. REIFEL (by request):

H.R. 14984. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST. ONGE:

H.R. 14985. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

By Mr. TAFT:

H.R. 14986. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 14987. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 14988. A bill to amend the Internal Revenue Code of 1954 to allow a credit for amounts paid tuition or fees to educational institutions, and to allow a credit for taxes paid for public education; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 14989. A bill to make the provisions of the Vocational Education Act of 1963 applicable to individuals preparing to be volunteer firemen; to the Committee on Education and Labor.

By Mr. WATSON:

H.R. 14990. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mrs. MINK:

H.J. Res. 1014. Joint resolution to give immediate effect to the provisions of the Child Protection and Toy Safety Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. CAHILL:

H. Res. 728. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Res. 729. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DONOHUE:

H.R. 14991. A bill for the relief of Mrs. Athena Loukanari; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 14992. A bill for the relief of Allen H. "Mal" Elward; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 14993. A bill for the relief of Hazel Alberta (Flanders) Kirkendoll, Sheila Darlene (Kirkendoll) McFarland, Lydia Ellen (Flanders) Smith, Wilma Elizabeth (Flanders) Bainter, Temple Lucile (Flanders) Schulz Wells, William Edward Schulz, Genevia Bell (Flanders) Iiams, John Calvin Iiams, David Eugene Iiams, Pamela Sue Iiams, Florence Garnell (Flanders) Bergerhofer, Richard Albert Bergerhofer, Debra Ann Bergerhofer, Finis Marion (Flanders) McFarland, Mari Kathleen (McFarland) Palmer, and Gary Lee McFarland; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 14994. A bill for the relief of Dave Mueller; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14995. A bill to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

341. The SPEAKER presented a petition of the Governor of the Farm Credit Administration, transmitting a resolution of the elected directors of the Nation's 37 farm credit banks, in appreciation of the support of Congress of farmer-owned credit systems which was referred to the Committee on Agriculture.

SENATE—*Tuesday, November 25, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Dr. Thomas A. Stone, associate pastor, National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal Father, most high and mighty ruler of the universe, by whom our Nation was established: We rejoice in this week of National Thanksgiving, and especially in this place today we lift the prayers of gratitude of the people for another safe return of our explorers from the realms of space. The widening horizons of man's experience bring new wonder at Thy creative power and the sustenance which Thou dost give the people.

We thank Thee for Thy favor shown under our fathers and Thy faithfulness continued to their children; for the rich land given us for an inheritance, and the great power entrusted to the people; for the fidelity of men set in authority, and the peace maintained by righteous laws; for an honorable place among the nations, and the opportunity of increasing service to the world.

Within the hearts and minds of the men in this assembly, keep Thou the commonwealth beneath Thy care, and guide the state according to Thy will; and Thine shall be the glory and the praise and the thanksgiving from generation to generation.

We pray through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 24, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 45 minutes.

Mr. PROXMIRE. Mr. President, I yield 10 minutes of my time to the distinguished majority leader.

Mr. MANSFIELD. I thank the Senator.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Wisconsin (Mr. PROXMIRE), statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. With objection, the nominations are considered and confirmed en bloc.

(The nominations are as follows:)

Calendar No. 680, Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years.

Calendar No. 681, Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years.

Calendar No. 682, James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years.

Calendar No. 683, Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

Calendar No. 684, Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

Calendar No. 685, William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years.

Calendar No. 686, J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the action of the Senate earlier today in confirming the nomination of William C. Black, of Texas, to be U.S. marshal for the northern district of Texas, be vacated, and that the nomination which is designated as Calendar No. 685 be returned to the calendar.

The PRESIDING OFFICER. Without objection, the confirmation of the nomination will be vacated, and the nomination will be returned to the calendar.

COMMISSION ON CIVIL RIGHTS

Mr. THURMOND subsequently said: Mr. President, although new members of the Commission on Civil Rights are expected to be approved this morning by a voice vote, I would like to go on record as being in opposition to these appointments. I opposed the establishment of this Commission in the beginning, I know of nothing it has accomplished, and I feel that it should be abolished.

For this reason, Mr. President, I will not support any nominations to the Commission on Civil Rights.

The bill clerk proceeded to read sundry nominations to the Commission on Civil Rights.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE RESEARCH

Mr. MANSFIELD. Mr. President, the military procurement authorization measure contained a provision of particular importance and significance. I refer to section 203 of the military procurement authorization, which reads as follows:

> None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function.

The language of that amendment is clear and specific. The clear intent was to restrict the pervasive policy of the Department of Defense with respect to the sponsorship of research. I think the wisdom of this amendment was manifested by the fact that it remained untouched throughout the conference between the two Houses and is now a part of the law.

Congress, when it enacts its laws, does not attempt to waste time on futile gestures. I make this statement because of the feeling of dismay and astonishment when I read a reply by the Department of Defense to a letter from Senator Fulbright concerning the impact of section 203 on the sponsorship of its research. That letter stated that all of the Department of Defense research has a direct and apparent relationship to a mission of the Department of Defense and thus there would be no impact on their sponsorship by the passage of this section. It is greatly upsetting to see any executive agency disabusing the clear expression of congressional intent. It would be unwise for Congress to attempt to supervise the day-to-day operations of any of the executive agencies; the executive must be permitted to operate with certain discretion but within the confines of congressional policy delineations. I repeat, it is essential that the broad policy guidelines set down by Congress in the enactment of its laws be followed by the executive agencies. For too long, perhaps, some agencies have been permitted to operate without the type of constitutional check that gives particular relevance to our form of government. I do not believe that it can be tolerated by Congress.

The sponsorship of research by the Department of Defense over the past 20 years has contributed greatly to this country. During this period, Defense was the only agency that was able to obtain sufficient funds to keep the Government's contribution to the scientific community at a level that would maintain this Nation's primacy in the field of scientific research. I think, however, that the attitudes in this country have matured to the extent that we can now justify directly the sponsorship of research in this country by the civilian agencies more directly responsible for the type of work deemed desirable. I believe that there is some merit to the theory that some of the abuse that is being heaped upon the Department of Defense in recent times can be traced to the involvement of the Defense Department in matters more far-reaching than its mission or needs really require. The sponsorship of nonmission oriented research—research that does not have a direct and apparent relationship to a specific mission of the Department of Defense—is a clear example of this overextension.

As a sponsor of this amendment, I can clearly state that there was no intention on my part, and thus I do not believe any intention on the part of Congress when it enacted this section into law, of depriving the scientific community of proper funding for valid research projects. There was, I believe, the intention to realine some of the sponsorship of research. I believe a readjustment of these jurisdictional lines would be much healthier for our society and for the research community itself. Basic research, the key purpose of which is to expand the existing body of knowledge in a particular field—rather than further or develop a specific mission or operation—should be funded by the civilian agencies set up for those purposes. The National Science Foundation was established in 1950 for the specific purpose and intent to maintain the level of excellence in the basic sciences and to contribute public resources to that end. The amount of basic research funded by the Department of Defense last year was approximately $250 million. There was another $1.1 billion funded for so-called applied research. There is some question as to whether or not some of this latter could validly meet the criteria of having a direct and apparent relationship to a specific mission of the Department of Defense. I believe that prior to the passage of the Defense appropriation bill this year, a clear accounting from the Department of Defense in this area should be obtained. Last week, I sent letters off to the Secretary of Defense, Mr. Laird, expressing my dismay with the office of Dr. John Foster and his response to the Fulbright inquiry.

In addition, I sent separate letters to Dr. Foster informing him personally of the misinterpretation of section 203; to Elmer Staats, the Comptroller General, requesting an appraisal of the effect of section 203 on the procedures of the Department of Defense in the sponsorship of basic research and a report prior to the consideration of the Defense appropriation bill sometime next month: Robert Mayo, the Budget Director, apprising him of section 203, hoping that he could make its impact clearly felt in next year's budget presentation. This latter impact would be achieved by a shift of resources from the Department of Defense to the appropriate civilian agencies.

I see no reason why that shift cannot be made and valid research projects undertaken on that basis under the agencies which are charged with the primary responsibility for such projects and not the Department of Defense.

Mr. President, I ask unanimous consent to have printed in the Record the letter to Dr. Foster and the response to that letter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

October 8, 1969.

Dr. John S. Foster, Jr.,
Director, Defense Research and Engineering,
Department of Defense, Washington, D.C.

Dear Dr. Foster: I noted the enclosed article in this morning's Washington Post concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out the intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. Fulbright.

Director of Defense
Research and Engineering,
Washington, D.C., November 3, 1969.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: Thank you for sending me the Washington Post article of 8 October 1969 concerning the Project THEMIS research at the University of Mississippi in the area of Biocontrol Systems.

Historically, animals have been used to perform a variety of tasks. For example: dogs and rescue operations in the Swiss Alps; geese for sentry duty (dates back to the Roman Legions); the carrier pigeons; and porpoises to assist in undersea operations. More recently pigeons have been trained to cull out defective items from pharmaceutical and electronic small component inspection lines. Dogs have been trained to perform a variety of tasks that have proved helpful to our military personnel in Vietnam. Dogs can detect buried and above ground mines, booby traps and trip wires and warn of the presence of these devices. All of these applications have utilized some unique animal capacity to enhance man's operational capability or to save lives. It is our purpose in this research to extend and exploit such capabilities for use when our forces are exposed to situations such as those they now

> face. We believe that the potential of utilizing the unique capabilities of certain animals and birds should be investigated if by doing so human lives may be saved. I hope you will agree that this line of applied research has a direct relationship to specific military functions and operations.
>
> We have been giving considerable thought to the implementation of Sections 203 of the House authorization bill and 205 of the Senate authorization bill which require that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." The research programs of the military departments and Defense agencies are under continual review by elements of DoD and receive, in addition, the critical scrutiny of my office. It has long been DoD policy to support only research which is relevant to military functions and operations. Most of our projects in the research and exploratory development budget categories (from which comes most of our university funding) are, in fact, relevant to *many* military operations. From time to time, however, we eliminate support for research fields which are no longer relevant to DoD needs; high energy physics is a recent example. I do not expect, therefore, that implementation of these sections will entail any new type of review or selection. Nevertheless, Secretary Laird, Secretary Packard, and I have been instituting a number of new management approaches which will provide a basis for more coherent and explicit presentations to the Congress about the basis for our budget requests.
>
> Sincerely,
>
> G. L. TUCKER
> (For John S. Foster, Jr.).

Mr. PROXMIRE. Mr. President, I support the distinguished Senator from Montana, the majority leader, in the fine statement he has just made. There is no question that Federal research has been overwhelmingly sponsored by the Department of Defense in the last few years.

The National Science Foundation, which has been established, as the distinguished Senator said, to do this job, has not been adequately funded in some respects. Of great importance is the fact that the waste which is implicit here is obvious. If we provide funds for the Department of Defense, this is one area where we do not adequately scrutinize them, and there is bound to be waste and extravagance involved. The people who supervise them in the Department of Defense, who may be well qualified for military projects, but cannot do the job for research outside of their field.

I am impressed with the waste in an area called independent research. Independent research is something the Defense Department provides for contractors as a percentage of their overhead on the basis of supporting their research potential. This is not used for governmental purposes but for whatever purpose the defense contractor wishes to use it. We know the overwhelming majority do most of their work in the defense area, but they can use it to improve their own research commercial position.

I think the Senator from Mississippi (Mr. STENNIS) did a good job to cut this down in conference. He accepted my amendment and reduced the sum available in conference.

I hope in the future the thrust of the speech made this morning by the distinguished majority leader is followed by Congress, to wit, that we provide only those funds for the Department of Defense we can justify in the defense area; that they be for clearly described governmental purposes; that we know precisely what the appropriation is designed to meet; that we know what the benefits are for the cost involved; and in other research areas not defense oriented that nondefense agencies that know what they are doing, handle it.

Mr. MANSFIELD. I thank the Senator.

ORDER FOR RECOGNITION OF SENATOR ALLOTT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 20 minutes at the conclusion of the remarks of the distinguished senior Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to be excused from attendance in the Senate for personal reasons this afternoon and tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3181—INTRODUCTION OF THE REGIONAL WATER QUALITY ACT OF 1970

Mr. PROXMIRE. Mr. President, we are losing the battle against water pollution. We are polluting our waters faster than we are cleaning them up. Despite the expenditure of over $5.4 billion by the Federal, State, and local governments between 1957 and 1969, we are falling behind in the battle. Despite the enactment of three major pieces of legislation, we are losing ground. Despite a loud public outcry, we are in worse shape now than when the first control legislation was enacted. Despite our most vigorous efforts, we have made little progress toward cleaning up our Nation's waterways in the last 10 years. A comprehensive review of our past efforts by the General Accounting Office released just 2 weeks ago confirms these conclusions:

> As a result of the approaches followed in the past, many treatment facilities have been constructed which, because of pollution from other sources, have not had an appreciable effect on reducing the pollution or improving water quality and uses of the nation's waterways.

For those of us who have labored long years toward getting the pollution control program started, the news is very discouraging. To hear that our best efforts have largely been in vain is very hard to take. The immediate reaction is to deny the facts. Many who have worked so hard will simply refuse to believe the facts. "What do you mean, we have not made any progress?" they ask. "What about all the legislation that has been passed, what about all of the money that has been spent? What about all of the desperate fighting to obtain the smallest concessions?" The question which must be asked, however, is how much cleaner is the water? The simple fact is that it is dirtier. Somewhere we have made mistakes in organizing the fight.

Yes, money has been spent. Yes, thousands of words have been written deploring the situation. And, yes, many laws have been passed. But the water is dirtier. There is more slime on its surface, there are more dead fish lying along the river banks, there are more beaches closed. What then is wrong? Where have we failed? The sophisticated observer will immediately declare that we have not spent enough money. And he is right—up to a point. But the question must be asked, what have we received for the money which has been spent? Very little is the GAO conclusion. But the problem runs much deeper than simply a lack of money. It runs into the very strategy behind our present efforts. It runs to the very heart of our current attack on the problem.

We have confused the means with the ends. We have awarded grants for the construction of waste treatment plants on a first-come-first-serve basis with little thought to their real contribution to cleaning up the water. We have become obsessed with the number of plants built, and have forgotten to ask how much cleaner the water is. We have emphasized the means and assumed the ends. But the means have not produced the desired results. We have built treatment plants, but many are lying idle or only partially operational due to a lack of skilled operators. We have built plants which handle such a small fraction of the actual pollutants being dumped in the waterway that they have produced no measurable improvement in water quality. The General Accounting Office summarized the problem very well:

> We believe, however, that the benefits obtained from the construction of the projects have not been as great as they could have been, because many waste treatment facilities have been constructed on waterways where major polluters located nearby—industrial and municipal—continued to discharge untreated or inadequately treated wastes into the waterways.

To understand the real problem, a brief review of our present pollution control policy is needed.

Our present strategy is based on two central tenets. The first is a policy of Federal subsidies for the construction of waste treatment facilities. The second is the Federal enforcement policy against individual waste dischargers. In its simplest form, present policy amounts to one of the carrot and the stick. Federal subsidies are used to induce municipalities to construct municipal waste treatment plants. This is the carrot approach. The financial support for waste treatment plant construction was first introduced in the Water Pollution Control Act of 1956 and the authorization of funds for such subsidies has increased ever since. Under present provisions, it is possible for a municipality to recover from the Federal Government up to 55 percent of the cost of constructing treatment plants.

The other element of the present policy, the stick, is the collection of enforcement efforts initiated by the Federal Water Pollution Control Administration to bring individual polluters to heel and force them to increase abatement efforts. Unfortunately, comparatively few enforcement actions have been brought against individual polluters. The substantial economic and political power of these industrial polluters has been a serious roadblock to effective enforcement actions.

Although a number of waste treatment plants have been constructed, many of them are simply not equipped to handle the tremendous demands on their capacity to break down raw sewage. A severe lack of trained operators has aggravated the situation.

Much more important, however, than simple operational difficulties is the failure of the present efforts to deal with the major sources of pollution. The report of the General Accounting Office emphasized the fact that much money has been spent on plants which make only very limited contributions to improving river and stream quality because they handle such a small fraction of the total wastes dumped in the river. In every major river system studied by the GAO, the results were the same: We have failed to mount a significant attack against the major contributors to pollution.

I shall cite only one example studied by GAO to illustrate the point. The name of the river is withheld to protect the guilty:

> This example involves a 170 mile section of one of the largest interstate rivers in the United States. Although there are more than 20 municipalities located on this stretch, only six discharge their wastes into the river. Sixteen Federal Water Pollution Control Administration Grants totalling about $6.1 million and two Accelerated Public Works Grants totalling about $1.6 million were made to five of the six municipalities between April 1957 and April 1969 for the construction of waste treatment facilities.

During the 12-year period studied from 1957 to 1969, the new facilities have successfully reduced domestic wastes poured into the river in terms of their biochemical oxygen demand by 14 percent. But domestic wastes account for only 25 percent of the total waste dumped in the river. Thus, the plants only served to reduce total pollution in the river by approximately 3 percent. However, during the same period, the amount of industrial wastes dumped into the river increased by an astronomical 350 percent—measured by the biochemical oyygen demand created which is needed to break down the waste. To quote the GAO report:

> The reduction in municipal biochemical oxygen demand (BOD) that has been accomplished (147,000 P.E.) is of little consequence when compared with the increase in BOD permitted to be discharged by industries (2.4 million PE). Thus despite the expenditure of over $7.7 million, we have allowed an increase in industrial waste equal to over 16 times the amount by wnich we have reduced domestic waste. The summary made by GAO of the experience is very enlightening:
>
> Thus, the construction of waste treatment facilities with the aid of $7.7 million in federal grants has not had an appreciable effect in abating, controlling, and preventing water pollution in this section of the river.

The real source of the problem should now be clear. Our present efforts, despite their admitted lack of funding, failed to even attack the major contributors to pollution—industries located along the river. A full 75 percent of the total wastes dumped into the river are created by industry and yet our present efforts have had almost no effect in controlling this source of pollution. In fact these sources of pollution increased almost 350 percent in the 12 years between 1957 and 1969. This better than anything else should show the inadequacy of the present strategy.

What is more, GAO makes it very clear that this is not an isolated example. The report itself contains seven other similar examples, all of them leading to the same conclusion that our present strategy has almost completely failed to tackle the major sources of industrial pollution.

The grim conclusion one is forced to draw from all of this is that our present strategy for combating water pollution has had only limited success in improving the quality of our Nation's waters. This is not to say that these efforts have not had the best intentions, that they were not possibly all we could do under the circumstances. Those of us who have fought long and hard for just this much know how difficult the battle has been. But we must not give up in the face of past disappointments. We must not become fatalists. What we must do is reassess the situation—see where we have made our mistakes and redirect our efforts to correct them. We must look ahead to a new plan, a new strategy before it is too late.

A NEW STRATEGY FOR POLLUTION CONTROL

To those searching for a new strategy, there is a great deal of hope. An alternative strategy does now exist. It is a proven strategy. Where it has been tried, it has met with great success. It promises to yield dramatic progress in a relatively short time. And the best part of it is that it is relatively simple. What it is not is a panacea which will stop all water pollution overnight. It does promise, however, to substantially improve water quality throughout the United States—improve it to a degree which present efforts could not hope to achieve for many years and only after the expenditure of hundreds of millions of dollars.

What is this new strategy? Like the present strategy, it is based on two essential elements. The first one is the imposition of a system of national effluent charges. The second is the development of regional agencies for planning and managing water quality on a wide basis. A brief explanation of these two techniques will help focus our understanding before we deal with them in detail.

First of all, we must understand that the so-called pollution problem is essentially an economic problem. Pollution is actually the wasted resources of our society. Pollution represents the marginal amounts of those resources which we have said are economically no longer useful. They are the limited quantities which it is no longer profitable to recover. Why are they marginal? Because we have said they are. We use resources only to the degree beyond which it is cheaper to get more of the resources. This is the value basis we use in our economic system. The direct consequence of this fundamental fact is that we must seek an economic solution if we are to attack the heart of the pollution problem.

Under the present strategy there is an economic incentive to continue polluting the environment. It is simply cheaper in many cases for an industry to pay a fine and continue polluting the water than to develop pollution control devices. It is one of sheer economics. The only way to reverse this system is to make it economical not to pollute. We must create a system which provides an economic incentive based on the profit motive to reduce the production of waste. This is the only permanent solution. Force is not the answer. We must make it profitable not to pollute the water. We must make it profitable for a company to recover those marginal resources which it has been wasting up to this time. We must make the water a resource which, like every other resource in the production process, has to be paid for as a legitimate cost of production.

The first step in this new strategy would be the imposition of a system of national effluent charges. These charges would be levied as a form of rent for the use of the water to dispose of industrial wastes. The charges would vary depending on the relative demand placed on the water in disposing of particular waste products. The water can assimilate only so much waste. Each polluter would be assessed based on the quantity of the waste discharged and also on its relative strength and toxicity.

The water would be considered like any other productive resource which is used in the manufacturing process. Merely because it is part of the public domain, and not owned privately, is no reason why it should be considered as a free gift of nature to be despoiled without penalty. We do not allow industry to go into our national forests and cut timber simply because it is part of the public domain. It is sold to the highest bidder. Why should the water be treated any differently? It is just as much a productive resource as timber. The only difference is that its use cannot be easily allocated. We cannot sell the water the way we sell timber. We can, however, charge industry for its use based on the degree to which that use impairs its quality and purity. This is only fair. It is only rational.

There is no reason why the public should be made to bear the cost of cleaning up water which industry has used free of charge to carry away its waste products. Waste disposal is a legitimate cost of production. It is a normal cost of doing business. Why should it be treated any differently from any other legitimate cost? Business must be made to accept this doctrine. It must accept the fact that it is not the only group competing for the water's use. Sportsmen have a right to fish the same water. The public has a right to pure drinking water. Both the public and the fishermen pay for the use of the water. Why should industry be exempted? These are the reasons for the imposition of effluent charges—to make sure that industry pays its fair share like any other water user.

Each type of waste now dumped in our waterways would be assessed a certain amount per pound based on the relative demand it places on the water's capacity to assimilate and break down wastes.

Since the charges would be levied on a per pound basis, there would be a direct incentive for polluters to reduce their waste production in order that a major part of the charge would be eliminated. As new technology develops for limiting waste discharges even further, the effluent charge would provide a continuing incentive to install the most up-to-date production processes to cut down on waste production and thus reduce the total bill. The ultimate goal, of course, would be to "loop the system" where all of the resources put into the system would be totally used in the manufacturing process, and, therefore, there would be no wastes discharged into the environment.

ADVANTAGES

What exactly are the advantages of implementing such a system of effluent charges? There are a number of very important advantages: First, and perhaps most important, the imposition of such a system will enable us to make rapid strides in a relatively short time toward significantly improving the quality of our Nation's waterways. The proposal would attack the major sources of pollution, unlike the present efforts which have dealt with only a fraction of the problem. The economic incentives not to pollute would be very strong. There would be almost an immediate impact due to the natural desire of polluters to reduce their charges as soon as possible. That this is not merely theory, but what has actually happened in practice, is shown by a number of examples where the system has had spectacular success.

Several examples where towns have imposed so-called sewerage charges on industry for the use of the town's waste treatment plant provide excellent cases in point. These sewerage charges are very similar in their impact to effluent charges. The first example is a major industrial operation in Otsego, Mich. The town's waste treatment plant had been designed under the assumption that it would have to handle about 500 pounds of biochemical oxygen demand per day in 1983. However, by 1965 the actual biochemical oxygen demand—BOD—load from the town's major industrial operation alone was about 1,500 pounds per day. The city commission decided to charge the company for all expenses for treating wastes from the industry above 500 pounds per day.

The first monthly billing of the firm after the initiation of the surcharge was based on an estimated biochemical oxygen—BOD—load of 27,000 pounds. This represented a total of 900 pounds per day, down from 1,500 pounds before the tax. For the second 30-day billing period, the firm's biochemical oxygen demand—BOD—load was down to about 22,000 pounds—733 pounds per day, down over 50 percent from the original 1,500 pounds per day. For the third billing period after the charge had been initiated, the BOD load was down to about 15,000 pounds—500 pounds per day, or approximately the BOD load projected for 1983. Thus in 3 months the effluent charge had led to a 66-percent reduction in the amount of untreated wastes released by the plant. What is more the effluent charge had brought the total waste discharged down to the base amount which the city had agreed to handle. The response to the charge was obvious, and very rapid. It is very questionable whether current Federal enforcement efforts would have been able to achieve nearly the degree of success in nearly the same time.

The second example is the development and initiation of a sewer surcharge in Springfield, Mo. Faced with sharply rising waste loads in 1962, Springfield decided to apply a surcharge on industrial waste discharges above the normal strength of sewage. The rationale, like that of the bill we are introducing today, was to provide an incentive for industrial operations to reduce waste discharges and would provide funds for expansion of the city's treatment plant facilities. Each plant discharging sewage above the permissible concentration was notified of the amount of the prospective surcharge, and of the fact that the city would review the assessment whenever a plant made operational changes. Even before the first official billing, some plants began to take action. A packing plant that faced an assessment of about $1,400 per month modified its production processes and ended up with a sewer bill of only $225 per month. A commercial laundry, faced with a large monthly surcharge because its waste discharge was warm and had a relatively high concentration of suspended solids, made changes that resulted in a significant net savings in its production costs even with the sewer surcharge. Many other industries in the town took similar swift corrective action and reduced their charges substantially.

Dr. Allen V. Kneese, a Ph. D. in economics, one of the leading authorities on the economics of water pollution control, and incidentally, the man who called this action to the attention of the Joint Economic Committee a few months ago, when he appeared as a witness, summed up the experience of various communities with sewerage or effluent charges in his book entitled "Managing Water Quality, Economics, Technology, Institutions":

> The responses of industrial operations to the imposition of sewer charges can be generalized as follows. First, the imposition of a charge or surcharge tends to encourage plants to make changes that in many cases reduce not only the volume of effluents, but the water intake. Second, sewer charges tend to induce an examination of production processes that often uncovers relatively simple modifications which may result in net reduction in total production costs.

Thus, a system of effluent charges can be expected to provide significant improvements in water quality.

The second advantage which would result from the imposition of a system of national effluent charges is that it would assign responsibility for pollution control to those who are responsible for the pollution. In other words the polluters would pay for the damages caused by pollution, not the public at large. Recently, there has been increasing recognition of the importance of this fundamental doctrine that those who are responsible for pollution should be responsible for cleaning it up. The Water Quality Improvement Act of 1969 recognizes this essential responsibility when it charges oil companies, not the public, with the responsibility for cleaning up any future spills and for restoring the quality of the damaged environment. The bill we are introducing today strengthens this emphasis. We must restore the fundamental tenet that the polluter and not the Government must be ultimately responsible for cleaning up the environment. The annual report of the Council of Economic Advisers supports this view and recommends a system of effluent charges to develop a sustained revenue system to fight pollution. I quote from the report:

> Although it must assist in eliminating the large backlog of capital requirements, the federal government cannot and should not finance local waste treatment indefinitely. In the long run, localities should collect revenues from the polluters adequate to sustain the system and to expand it in line with normal growth. Charges based on use of treatment facilities provide long-run incentives for the abatement of pollution. Effluent charges on polluters in sections of the river where there is no municipal treatment could have a similar effect; when waste discharge is costing industrial firms a certain amount for each pound discharged, the volume of waste will be reduced and the revenue collected will help to pay for collective treatment.

The third principal advantage of a system of effluent charges is that it would contribute to the ultimate solution of the pollution problem; that is, the reduction of waste production. Much of our present effort is directed toward converting one form of waste into another form of waste which is considered less obnoxious. In the process we may actually create more waste. We are merely changing the form of waste, not eliminating it. Without concentrated efforts toward actually cutting down on the amount of waste, not modifying its form, we will be shortly faced with a situation where the production of waste will overtake our ability to dispose of it. If we are to survive in a society which uses enormous amounts of matter and energy, we must find ways to reuse that matter and energy that we now give off as waste.

The imposition of a system of national effluent charges will provide the strongest possible incentives for the maximum use of our productive resources, and thus the reduction of waste. This is where "looping the system"—that is, converting waste into new resources—become so essential. Not only will this conserve valuable natural resources which are irreplaceable, but it will dramatically cut down on our waste production. This is, without question, one of the most important long-range advantages of the effluent charge technique for handling pollution. The technology exists today in many cases for "looping the system." The only thing lacking is an economic incentive to put it to work. The bill being introduced today will provide this needed incentive.

The fourth major advantage of imposing a system of national effluent charges would be that such a system would provide revenue which could be utilized to further pollution control efforts in other sectors of the economy, most notably in eliminating domestic wastes produced by our municipalities, and, of course, to reduce the enormous size of our Federal budget.

The bill we are introducing today would provide that 50 percent of the revenue collected would be redistributed to the Nation's municipalities to assist them in the construction and maintenance of waste treatment facilities. Mr. President, there is nothing more obvious today than the funding gap between authorizations and appropriations for the construction of waste treatment facilities. Every Member of this body is aware of the critical need for more money for pollution control efforts. Unfortunately the Federal fiscal outlook today is not promising for increased pollution control expenditures. Unless an alternative source of funds is found, the present gap will almost certainly continue. The situation will continue to get worse instead of better.

This bill would provide much of the additional needed revenues. It has been estimated by Dr. Kneese, already mentioned, that an average effluent charge of 10-cents per pound of waste applied on a national basis would yield, at present waste production rates, approximately $2 billion in revenue each year. Of course, it is expected that the actual amount collected would be lower due to improvements made by industry to reduce their waste production.

Conservatively, however, Dr. Kneese estimates that in the first year of operation, the effluent charge system could be expected to produce a minimum of $1.5 billion in revenues which would then be available to the municipalities for the construction of waste treatment plants. This is almost seven times the amount which would be provided by the Nixon budget, almost three times the amount the House has voted, and 1½ times the amount which has been authorized by the Senate for the current year. In view of the fact that there is a $2 billion backlog for Federal funds alone, the need for increased revenue is painfully obvious. This bill would provide that revenue.

Fifth, the bill will provide strong economic incentives for the creation of regional water management associations. These associations will provide the necessary coordination to make a comprehensive attack on a region's water pollution problems possible. They will also enable us to take advantage of significant economies of scale which can be realized in treatment efforts. This will sharply reduce the costs associated with water quality improvement.

What is more important, the bill will allow the maximum possible freedom in developing these water management associations. Existing associations such as the Delaware River Basin Commission, will be encouraged to develop comprehensive plans for treatment works and other control measures as soon as possible. Once the Secretary of the Interior is satisfied that these plans are adequate, he is empowered to turn over to the commission grants from the special trust fund for the construction of regional water improvement facilities. Thus, the bill looks toward turning ultimate responsibility for water quality management over to associations which can provide the necessary coordination between industry, local governments and State and Federal authorities.

SUMMARY OF ADVANTAGES

Thus, the bill presents five principal advantages: First, it promises to sharply improve water quality in a short period of time. Second, it places responsibility on the polluter, and not the public, for paying for damage to the environment. Third, the bill works toward an ultimate solution to the pollution problem by encouraging waste reduction rather than waste conversion. Fourth, the bill will provide substantial new sources of sorely needed revenue to finance the construction of municipal waste treatment facilities. Fifth, and perhaps most important, the bill provides strong economic incentives for the creation of regional water management associations.

ADVANTAGES FOR INDUSTRY

The bill, however, has advantages not only for those concerned with cleaning up our waters, but for those who are doing the polluting. The immediate reaction I have obtained from some people with whom I have discussed the bill is, "How about businesses that have to use water for legitimate and desirable productive purposes? How will they be affected?"

Mr. President, I think there may be some private support for this measure among the industries involved. To the industrialist who is faced with paying the charges, the bill has advantages over the present strategy. Faced by massive public demands backed by Federal and State enforcement efforts to clean up pollution, the industrialist is faced with two alternatives. He can either support a system of effluent charges which will enable him to make his own decisions as to how best to reduce waste production through changes in his production processes, at his own speed, or he can continue to face increasing Federal and State pressure to stop all pollution by a date which is imposed on him. It is a choice between force and freedom. In either case, the public demands that our waters be cleaned up—and soon. The demand is clear. It will not go away. It will only increase in the years ahead. Something will be done. The only question which now remains is, how will it be done? For the industrialist, our bill presents an alternative, an alternative much more attractive than what he can expect to face in the next few years under the present system.

ADVANTAGES FOR CONSERVATIONISTS

For the conservationist who is concerned over ends, that is, actual improvement in the quality of the water, the bill also has advantages. Some may charge that the bill does not demand a complete halt to all water pollution immediately. Of course, that is true. The point is, however, given the practical impossibility of enforcing absolute standards against industry, the bill provides the most reasonable alternative. The bill provides strong economic incentives, incentives industry understands, to clean up pollution. The results will be much more sweeping than those obtained from isolated enforcement efforts to stop all pollution in a given industry. The difference is that the effluent charge approach will provide the maximum across-the-board improvement in water quality. And this is what we should be interested in. Ideal standards which cannot possibly be enforced are equal to having no standards at all. We must accept economic and political realities. We must seek the optimum solution, whether or not it represents the theoretical ideal. If we want clean water, not ideal standards, then the effluent charge technique is called for. The crisis is too serious to argue over ideal standards. We must begin to move swiftly and we must adopt the strategy which will give us the maximum amount of improvement in the shortest time. The system of effluent charges will do this. It will give us cleaner water in a short time, and that is what we should be concerned about.

WHO SUPPORTS EFFLUENT CHARGES?

Perhaps most important, the effluent charge technique has substantial support in the Federal Water Pollution Control Administration, the principal agency involved in the problem. In a comprehensive study of the Delaware Estuary, the FWPCA concluded that—

> (1) Effluent charges should be seriously considered as a method for attaining water quality improvement. (2) A charge of 8 to 10 cents per pound of oxygen demanding material discharged appears to produce relatively large increases in critical dissolved oxygen levels. (3) A charge of that level is not expected to cause major regional economic readjustments (such as the closing of industrial plants) in the study area (Delaware River Estuary). (4) The charge method attains the same goal as a conventional method of improving water quality, but treatment costs are lower, and the effect on waste dischargers is more equitable. Also the charge provides a continuing incentive for the discharger to reduce his wastes discharge and serves as a guide to public investment decisions.

The effluent charge program also has the support of the Council of Economic Advisers and the Environmental Pollution Panel of the President's Science Advisory Committee. In addition, the President's Task Force on Pollution Abatement consisting of representatives from the Bureau of the Budget, the Council of Economic Advisers, the Department of Commerce, the Department of the Interior and the Treasury Department strongly recommended a system of national effluent charges. What is more, the effluent charge technique has the support of most major economists and is supported by such research organizations as Resources for the Future, which has done substantial research into the system, and strongly recommends its implementation in the United States. Thus the concept is not new, and it has the support of major elements in the Government including the major water pollution control agency.

I might say, Mr. President, that this is a technique that has been used for some years, with great success, in Europe, where, of course, industry is much more intensely concentrated, and thus pollution could be a much more serious problem. It has been the principal technique which has kept the Rhine River, for example, from being the terrifically polluted type of stream which so many of our waterways, like Lake Erie and other areas, have become. It works well, and has been adopted in Canada as well as in Europe.

WHAT WILL THE BILL DO?

The bill we are introducing today directs the Secretary of the Interior in conjunction with the Secretary of the Treasury to establish a schedule of charges for those substances which detract from the quality of our Nation's waters. The charges will be based on the damage different substances inflict on the water. Each polluter will then pay an amount based on the quantity of particular wastes he dumps into the water. At any time he may petition the FWPCA for a change in his total charges due to improvements he has made in the productive process which cuts down on wastes.

Fifty percent of the revenue collected will then be redistributed to municipalities for the construction of municipal waste treatment plants. The remaining 50 percent will be placed in a special trust fund which will be allocated to the regional associations once they receive certification from the Federal Water Pollution Control Administration. This will enable the cities to construct many of the badly needed waste treatment facilities which have not received adequate funding in recent years. It will also provide strong economic incentives for the formation of regional water management associations which can provide a coordinated attack on water pollution problems.

Mr. President, the Nation's water crisis is getting more serious. The need for a new strategy of attack is only too clear. The water is getting dirtier, not cleaner. Unless a new strategy is developed, it may be many years before any significant progress is made against water pollution. The bill we are introducing today provides that new strategy. It promises to yield significant improvements in water quality in a short time. It will do this in an equitable manner. It will do it less expensively than is possible using coercion. Most important, it will contribute to the ultimate solution of the pollution problem, that is the reduction of waste. As the distinguished Senator from Maine (Mr. Muskie), who has been a great leader in this area, has stated:

> Any concept of the environment—air, water, or land—as an infinite reservoir, with an infinite capacity to dilute, disperse, and assimilate waste is outmoded and irresponsible . . . [We must] shift the focus to waste management and reduction as the most effective guarantee of environmental improvement.

The bill we are introducing today will work toward this end. As Senator Muskie has indicated, we must look to the future. This bill is an effort toward that end.

Mr. President, I introduce this bill in behalf of myself, the Senator from Montana (Mr. Mansfield), the Senator from Ohio (Mr. Young), my colleague from Wisconsin (Mr. Nelson), the Senator from Colorado (Mr. Dominick), the Senator from New Jersey (Mr. Case), the Senator from Indiana (Mr. Hartke), the Senator from South Dakota (Mr. McGovern), the Senator from Nevada (Mr. Cannon), and the Senator from Rhode Island (Mr. Pell).

I ask that the bill be appropriately referred, and that it be printed in the Record at this point.

The **PRESIDING OFFICER** (Mr. Allen in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the Record in accordance with the Senator's request.

The bill (S. 3181), to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities, introduced by Mr. Proxmire (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3181

SHORT TITLE

Section 1. This Act may be cited as the "Regional Water Quality Act of 1970".

FINDINGS AND PURPOSE

Sec. 2. (a) Congress finds and declares that the clear, fresh, natural waters of the Nation's rivers, lakes, streams, estuaries, bays, and coastal areas have become despoiled and unsightly dumping grounds for the wastes of our industries and for the raw or inadequately treated sewage of our communities; that there is a national concern for the potentially harmful effects of these waters to our health and welfare, for the esthetic qualities of these waters, and for the suitability of these waters for municipal, agricultural, industrial, recreational and wildlife and sport and commercial fish uses; that there is a national urgency to control, prevent, and eliminate polluting substances in these waters through the construction, where appropriate, of coordinated river basin or areawide waste treatment works if these waters are to be reclaimed and restored to adequate standards of quality for our health, welfare, and resource needs; that present Federal programs now authorized to provide financial assistance in the construction of such works are inadequate to meet the rising demand for the works and that these programs have focused on the need for individual municipalities to construct treatment facilities rather than on coordinated efforts to clean up entire river basins and attack all major sources of pollution; that these present programs need to be supplemented by a program which focuses on a coordinated regional approach which provides desirable economic incentives to water users to conserve water and to minimize pollution through reduction in the quantity of waste products dumped into these waterways and which will encourage the formation of interstate regional water management associations which ultimately will assume full financial responsibility for the provision of waste treatment works in the most effective and economically efficient manner.

(b) It is therefore the purpose of this Act to encourage the formation of permanent regional water management associations which are responsible for the preparation and develoment of comprehensive pollution control plans for all or part of a river basin or parts thereof that is consistent with or part of a comprehensive river basin water and related land use plan for the area. These objectives shall be accomplished through—

(1) the establishment of economic incentives to water users to conserve water and minimize wastes and to join together in regional water management associations to promote the most efficient use of the water sources of the region; and

(2) the provision of financial assistance to municipalities and regional management associations for the construction of waste treatment facilities.

DEFINITIONS

Sec. 3. For the purposes of this Act the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "construction" includes preliminary planning to determine the economic and engineering feasibility of waste treatment activities, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of such facilities; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of such facilities; and the inspection and supervision of the construction of such facilities;

(3) "waste treatment facilities" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, powers, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof; and

(4) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

NATIONAL AFFLUENT CHARGES

Sec. 4. (a) In furtherance of the purpose of this Act, the Secretary and the Secretary of the Treasury shall prescribe such regulations as are necessary to establish and put into effect not later than June 1971, a schedule of national effluent charges for all those substances other than domestic sewage which detract from the quality of the water for municipal, agricultural, industrial, recreational, sport, wildlife and commercial fish uses. In determining such charges the Secretary shall consider the relationship between the quantity and quality of the waste discharged and the resulting damage to the quality of the waterway as the base for specific charges.

(b) Revenues collected by the Secretary of the Treasury pursuant to such charges shall be deposited in a trust fund (hereinafter referred to as the "fund") in the Treasury to be available without further appropriation to the Secretary for use as prescribed in section 5.

(c) Any person who violates any regulation established pursuant to this Act shall be subject to a civil penalty of not less than $1,000 nor more than $5,000 for each violation. Each day of such violation shall constitute a separate offense. Such penalties may be compromised by the Secretary, when deemed in the public interest.

(d) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction to restrain violations of regulations established pursuant to this Act.

USE OF FUND

Sec. 5. (a) The Secretary shall distribute amounts received in the fund in each fiscal year according to the following formula: fifty per centum shall be allocated to municipalities for the construction of waste treatment facilities in accordance with section 6, and fifty per centum shall be allocated to regonal water management associations for the construction of waste treatment facilities in accordance with section 7.

GRANTS TO MUNICIPALITIES

Sec. 6. From allocations pursuant to section 5 the Secretary shall make grants to municipalities in any State for the construction of waste treatment facilities. Such grants shall be made on a priority basis determined by the Secretary in accordance with the purpose of this Act in such manner as to provide for such facilities where the need is greatest.

GRANTS TO REGIONAL MANAGEMENT ASSOCIATIONS

SEC. 7. From allocations pursuant to section 4 the Secretary shall make grants to regional management associations for the construction of waste treatment facilities. Such grants shall be made (1) in amounts determined on the basis of the population of the area to be served and the urgency of the need, and (2) subject to the condition that—

(A) the association has developed and submitted to the Secretary a comprehensive water pollution control plan for the region over which it has jurisdiction;

(B) such region covers the area of one or more river basins in one or more States or is an area in one or more States of related land uses;

(C) the Secretary determines that such plan provides for a coordinated attack on water pollution and other related conservation problems in such region; and

(D) such association is a permanent organization with authority (including enforcement authority) to carry out such plan.

OTHER CONDITIONS AND REQUIREMENTS

SEC. 8. The Secretary may establish by regulation such other conditions and requirements for grants pursuant to this Act as he determines necessary to carry out the purpose of this Act.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Without objection, it is so ordered.

POSTPONEMENT OF IMPLEMENTATION OF NEXT INCREMENTAL INCREASE IN NEW GRAZING FEE SCHEDULE

Mr. ALLOTT. Mr. President, I am delighted to inform the Senate that today I have received a copy of a letter addressed to the chairman of the Interior Committee wherein the Secretary of the Interior announces his decision to postpone the implementation of the next incremental increase in the new grazing fee schedule as established by regulations published January 10, 1969. I applaud the Secretary on this wise decision.

As Senators know, earlier this year grazing fees, and specifically the 400-percent increase proposed by the former Secretary of the Interior, were the subject of extensive hearings by the Public Lands Subcommittee under the able chairmanship of the senior Senator from Idaho (Mr. CHURCH). These hearings elicited substantial information regarding the severe impact of the former Secretary's planned 400-percent increase in grazing fees.

It should be recognized that the proposed 400-percent increase was based, at least ostensibly, upon the 1966 Western Livestock Grazing Survey in which 10,000 ranchers participated. It was understood that the agreed-upon cost factors would be utilized in arriving at the new fees. However, the former Secretary refused to recognize one of the agreed-upon cost factors; namely, permit value. The former Secretary assigned as his reason for refusing to recognize permit value as a cost factor the argument that to recognize permit value would "recognize a proprietary interest in the public lands." Of course, section 3 of the Taylor Grazing Act provides, among other things, that the issuance of a permit "shall not create any right, title, interest, or estate in or to the lands."

Therefore, his assigned reason for reversing himself seems to be totally without basis. However, it should also be noted that that same section of the Taylor Grazing Act also states that "grazing privileges recognized and acknowledged shall be adequately safeguarded." Those "privileges" include, as set forth in section 3, the preference of renewal of the permit in the permittee. Further, in accordance with the act:

> Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or landowners of water or water rights.

Therefore, any reasonable reading of the Taylor Grazing Act would lead one to the conclusion that while no "right, title, interest, or estate in or to the lands" is created by the act, the grazing privileges created and granted to those persons having commensurable and appropriate land holdings nearby does have value, and that value is an appropriate factor to be utilized in computing the "reasonable fees" provided for by the act.

I commend the present Secretary of the Interior for forestalling further fee increases. He is keeping his word. In his February 18 press release Secretary Hickel said:

> For our part, the Department will keep this whole matter under review in the future, taking into account new information and new circumstances, including those developed in the course of judicial proceedings, Congressional hearings, and recommendations of the Public Land Law Review Commission.

The Commission is scheduled to complete its report on June 30, 1970. This report promises to be the most comprehensive study of public land laws and policies ever conducted, and it will be of particular interest to the public land States.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Secretary of the Interior to the chairman of the Committee on Interior and Insular Affairs which was delivered this morning.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in further response to your letter of August 7, 1969, enclosing the unanimous resolution by the Senate Interior and Insular Affairs Committee requesting a review of the grazing fee schedule announced on January 14, 1969.

The requested review has been completed by this office. As noted in the resolution, the questions raised before the Committee, considered in connection with the language and legislative history of the Taylor Grazing Act, cast doubt upon the propriety of the 1969 fee schedules. They may not have taken into account consideration of the full purpose and intent of Congress as established in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 290).

As you are aware, the Public Land Law Review Commission is presently studying the matter and will during calendar 1970 make its recommendations thereon. This Department, of course, is awaiting with great interest the results of the Commission's work.

Meanwhile, we think it appropriate to delay implementation of the next increment until the views of the Commission have been made known and evaluated. At that time, my Department will take such further action as it may determine to be proper.

We plan to publish before December 1, 1969, a proposed rulemaking, copy of which is attached hereto.

We will appreciate your observations.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JORDAN of Idaho. Mr. President, I join the distinguished Senator from Colorado in being grateful that Secretary of the Interior Hickel has decided to delay implementation of the next grazing fee increment until the Public Land Law Review Commission has concluded hearings and has arrived at its recommendations concerning grazing fee schedules.

As a member of both the Public Land Law Review Commission and the Senate Interior and Insular Affairs Committee, I am well aware of the pressing need for sufficient time to present a comprehensive review of the grazing fee schedules imposed by the Department of the Interior on January 14, 1969.

The Public Land Law Review Commission has given this matter much searching analysis and today's announcement by Secretary Hickel is greatly appreciated as it will allow the time necessary to incorporate our findings on the schedules into the rest of our public land law recommendations, due at the conclusion of our work on June 30, 1970.

Secretary Hickel's decision is a wise one and I commend him for it.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Idaho. The Senator from Idaho and the Senator from Arizona (Mr. FANNIN) have been most diligent in working on the Public Land Law Review Commission reports which are very extensive and cover a great many complicated and difficult areas. Both Senators have been most diligent in attending committee meetings.

I think it might be wise to note at this time, if I may, that the letter from the Secretary does not commit him to follow the recommendations of the Public Land Law Review Commission, but he has wisely deferred any other incremental increase until after that Commission has reported.

Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I am very pleased to join my colleagues in praising the Secretary for taking this action and giving Congress an opportunity to review the report of the Public Land Law Review Commission.

It is essential that we take matters into consideration that I do not think were considered when the previous Secretary made the decision to change the rates of the grazing fees.

Grazing use of public lands does not produce significant revenues—gross receipts from all public land grazing were approximately $10 million in fiscal 1968—in terms of public finance. Prior to 1905, no charge whatever was levied for grazing use of any of the public domain. Grazing on unreserved public domain controlled by the Department of the Interior continued unregulated and free of charge until passage of the Taylor Grazing Act of 1934. Because the grazing lands were not exclusively used by the livestock operators, the Secretary did not relate fees to the costs of administration.

The fair market value for public land grazing is not necessarily the same as the value of private land grazing, since the livestock operator is one of several segments of our society utilizing the lands. All the ramifications of the problems involved in the usage of public lands for grazing have been and are being reviewed by the Public Land Law Review Commission. So any final decision on grazing fees should await the report of this Commission. This delay will permit Congress to express its will.

I feel that in taking these matters into consideration, the Secretary has realized the necessity of getting more information, and of course this additional information will be coming from the Public Land Law Review Commission and can be considered by Congress; and recommendations can be made at that time, and perhaps decisions can be made at that time.

So I am very pleased to join my colleagues in praising the Secretary for this action.

Mr. ALLOTT. I thank the Senator.

Mr. President, early this spring we had extensive hearings on this matter, at which the distinguished Senators who have just spoken were present, as was the Senator from Colorado, and I think the case was very adequately made at that time that this matter should be deferred.

Mr. BELLMON. Mr. President, I join with my distinguished colleague, the Senator from Colorado, in complimenting the Secretary on his decision to postpone the change in the grazing fees.

I might say that my own State of Oklahoma has very little, if any, land involved in this decision, but our State is vitally concerned with the livestock industry. I know that when sudden changes are made in the economics of an industry like this, it can cause dislocations that affect not only the livestock producers but also the total economy of the areas and the States involved.

I believe that the Secretary is extremely wise in postponing a decision on a matter of this kind until the facts are known and until the full implications of the decision are carefully understood. I believe that the policies that have been followed in the use of Bureau of Land Management lands have now been accepted. They have been built in as a part of the cost of production for ranchers. I believe that until the whole process has been carefully studied, we are really taking a very dangerous step in altering these steps to a significant degree.

I therefore wish to join the Senator from Colorado in complimenting the Secretary. I am confident that, after all the facts are known, the Secretary will be able to come to a decision that is just and one that will not cause the serious dislocations that might have been caused had his decision been made at this time.

Mr. HANSEN. Mr. President, I, too, wish to join the distinguished Senator from Colorado (Mr. ALLOTT) in expressing pleasure and gratification for the actions taken by the Secretary of the Interior in announcing a withholding of any additional increases in the grazing fees charged on Bureau of Land Management lands until the report by Public Land Law Review Commission is made. I suspect that few areas of public interest are as badly misunderstood as is this one. Having served as Governor of Wyoming, I am well aware, as are a number of other people in the State, that the important contribution which public lands make to the public good is not reflected by the actual amount of the fee charged for the use of these lands. Rather, the support that these lands give the overall economy of an area is the important factor. In no area is this more true than in the area of livestock production.

What happens when public lands can be grazed is that economic units are made out of other privately owned land that is on the tax roll. Thus, significant tax contributions are made by the added number of livestock placed upon the county tax rolls by the constructive use of public and private lands.

It may seem to a number of people that these increases are rather insignificant, but I need not remind the distinguished Senator from Colorado—because he knows so well—that that is not the case. The livestock industry has been hard hit. Whereas most elements in the economy have prospered and have kept pace with the rising prices that have characterized most of the economy in the United States in the last decade, this is not been true with regard to cattle and sheep. This year, cattle were selling at the same price per pound at which they were selling 20 years ago. Cattle producers have not benefited from the increases.

To a housewife who observes the price she has to pay for meat in the supermarket, this may seem hard to believe. The reason she has to pay more is that the added cost of steak and of roasts comes not from increases that go to the producer of livestock but, rather, goes to all the people along the way who handle the meat. It goes to the worker in public transportation, moving the livestock to market. It goes to the packinghouse worker. It goes to the persons who actually do the cutting and the wrapping in the supermarket. Those are some of the reasons why the price of meat is higher, as far as the housewife is concerned, than it may have been a few years ago.

But the livestock rancher—both the cattleman and the sheepman—have not participated in this benefit, which largely has gone to other elements of the industry. As a consequence, while the grazing fees would not be raised very much, it could be enough to put out of business a number of operators who are now marginal. I do not say, and it is not contended, that the increases would put out of business everybody who is in the livestock business. But what is important to understand is that, as we are making a very major effort to overcome the impact of urban problems which we see being exacerbated because of the movement from rural to urban areas, anything we can do to stabilize employment in rural areas will help. If we let even some of the marginal operators in the sheep business and the cattle business go down the drain, what will happen is that the persons who were employed on those farms and ranches which are no longer able to operate will move into the city. They will drift into the bigger metropolitan areas and will add to the problems of urban America.

In my judgment, the action taken by the Secretary of Interior gives recognition not only to the ramifications that an increase in the cost of grazing fees may have in this area but that he recognizes the importance of giving the Public Land Law Review Commission an opportunity to study all the testimony which has been presented and to examine all the facts which have been dug out by commission staff members in order to have the benefit of the recommendations of the Public Land Law Review Commission before implementing any further grazing fee changes.

I know it does not sound like much when one speaks of only a few cents per animal head per month on lands, but, Mr. President, when your nose is just about to the water level, it does not take much to shove it under. That is where a number of marginal sheep and cattle operators are today. So what the Secretary is doing, in effect, is to withhold the adverse effect that an added increase in grazing fees would have upon these marginal operators, and to give the Public Land Law Review Commission the opportunity to make such recommendations, as in its wise judgment it will be making to the Department of Interior.

In this respect, I know he has acted wisely. I compliment him for his decision. It is a decision I am certain will be misunderstood by some and some will inveigh against it and say he is not acting in the best public interest. I think the facts state the opposite; he has acted in the best public interest.

I am happy to join with the Senator in giving him credit for taking a very wise course.

Mr. ALLOTT. Mr. President, I thank the Senator. Will the Senator yield?

Mr. HANSEN. I yield.

Mr. ALLOTT. Mr. President, I wish to compliment the Senator on his statement because he and other Senators who have spoken here today understand this situation so well.

I wish to compliment the distinguished junior Senator from Oklahoma on the statement he has just made in regard to this matter because it reflects the concern of those who do have to deal with these problems and our own attitudes toward it.

As the Senator will remember, I have a document showing that the wool growers in the country, the sheepmen, today are realizing 2 to 2.5 percent on their investment, and it is estimated that if the fee schedule of the former Secretary of the Interior had been effected, the return would drop to 1.03 percent in 1973, and .65 percent in 1978. Is the Senator aware of that?

Mr. HANSEN. I am aware of that and I am pleased that the distinguished ranking minority member of the Committee on Interior and Insular Affairs has brought it to the attention of Senators this morning. I say that because it is a fact that often escapes the attention of people when one talks about going into business. Most people, most bankers, most investors recognize it is perfectly legitimate and certainly characteristic of a good thrifty business to expect, first of all, that one will get a return on the investment he makes in lands and in capital. Is that not correct?

Mr. ALLOTT. The Senator is entirely correct. In addition, when one considers that already this year with the implementation of this sudden order of the former Secretary of Interior in the last few days of his office, that the increase amounted to 33⅓ percent over the previous year, following pretty closely the overall ceiling on grazing fees as recommended by the National Advisory Board, it seems to me that the cattlemen and the stockmen of this country have already taken a substantial increase in their costs.

I was thinking about the Senator's statement about the price of cattle in cents per pound being approximately what it was 20 years ago. There seems to be a widespread feeling that stockmen and ranchers are getting rich. There is only one other commodity or product that I know of which is in this general area, that sells for the same rate per pound, and that is sugar. Otherwise, if one goes over the range of these products outside livestock they have increased constantly. The price of cattle did move up a short while this year and then fell right off again.

If a man was fortunate enough to sell his stock at that time he got a little relief from this, but the facts are that the price of livestock, the price that goes to the producer of livestock today, is comparable to that of 20 years ago. He alone has not been able to share in this great so-called affluent society we have, and if he is going to, he has to get a higher percentage of profit than he is getting now.

I thank the Senator for yielding and I also thank him for his very pertinent remarks.

Mr. HANSEN. Mr. President, I appreciate the leadership that has been given to this effort by my distinguished friend from Colorado (Mr. ALLOTT).

The president of our State stock growers association appeared in Boise, Idaho, in 1966 when this study was being set up and the ground rules were being agreed upon, when there was concurrence by Federal representatives as well as State stock associations insofar as consideration of items that were to be considered was concerned. The president of our State cattle association, Carl Jorgenson, was there when it was agreed that the cost or investment in permits was a legitimate cost of doing business on the western range country.

So what the Secretary has done by his action in withholding any further increases is to give time to the Public Land Law Review Commission to consider that cost along with all others.

I am sure—and I wish to underscore this because it should not go unnoticed—this is not a partisan effort or the result of partisan interest that the Secretary very wisely has arrived at the decision he has; but rather, it is an effort that reflects the interest and support of people on both sides of the aisle.

I wish to mention the Senator from Idaho (Mr. CHURCH).

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. ALLOTT. I think any discussion of this matter at all—and I do not intend to discuss it much more—would be very lacking if we did not take credit and give credit to the distinguished Senator from Idaho (Mr. CHURCH), who is chairman of the Public Lands Subcommittee of the Committee on Interior and Insular Affairs, and instigated the hearings which we held earlier this year. The same thing would also be true with respect to the senior Senator from Nevada (Mr. BIBLE), who also, with those who have spoken this morning, attended and took an active part in those hearings which, incidentally, cover over 500 pages. The justification for the action of the Secretary is made over and over again in the hearings. Any remarks on this would be remiss if they did not include and give proper credit to the Senator from Idaho (Mr. CHURCH) and the Senator from Nevada (Mr. BIBLE).

I thank the Senator for yielding.

Mr. HANSEN. Right at that point, I should like to call attention to the fact that my colleague, Mr. MCGEE, has introduced legislation which would hold in abeyance any increase in grazing fees which resulted from the implementation of a formula that failed to take into account the investment in grazing permits as part of the cost of production.

I wanted to make that point clear, because it highlights the point my colleague from Colorado was making, in that this is not a partisan effort. It is a bipartisan effort. It merely would attempt to do justice to a beleaguered but important element of the industry in the western range country.

Mr. DOMINICK. Mr. President, I want to congratulate both my colleague (Mr. ALLOTT) and the Senator from Wyoming (Mr. HANSEN) for having this colloquy on this extremely important point. We keep hearing all the time that we should not worry about increasing fees for the livestock people because, after all, they are not paying their fair share of the game. The fact is the increase that had been originally proposed amounted to $10 million a year and it would seem to me that until we find out what we are going to do on this policy, we will be punishing people largely responsible for supplying much of the food and material we need so desperately in this country.

I am therefore delighted that the Secretary has taken the action he has. I congratulate my colleague from Colorado for bringing it up in this colloquy.

Mr. HANSEN. I thank the Senator from Colorado (Mr. DOMINICK). He has been most perceptive in speaking out for the people of his State. When he does that, he speaks also in a very meaningful and forceful way, for all of us in the West because we find our interests are alike throughout the western range country.

Mr. HATFIELD. Mr. President, Secretary Hickel's action in postponing the next increment of the grazing fee increase reflects a responsiveness that does great credit to his office.

It has been a matter of continuing concern to me because I have felt that action should not be taken to increase grazing fees until the results of the Public Land Law Review Commission were made known. Primarily for this reason, I opposed the action to increase the fees early this year.

The implications of the Secretary's action will be felt throughout the West. It will be particularly significant in Oregon where about 52 percent of the land is owned by the U.S. Government. Much of this land has traditionally been used for grazing purposes and as a result a substantial livestock industry has developed.

The Secretary's action is very timely and will be welcomed by the entire livestock industry in Oregon.

The PRESIDING OFFICER. Pursuant to the previous order, there will now be a period for the transaction of routine morning business with a 3-minute time limit.

A CBS INTERVIEW THIS MORNING

Mr. DOMINICK. Mr. President, I had the very disagreeable and unhappy experience this morning of watching CBS news on television. I am not one of those who participated in criticism of the news media. I am not one of those who have gone out and said that they were slanting the news. I am not talking about that.

I am talking about an interview with a young man who allegedly participated in a "massacre" in South Vietnam.

I think that the interview which CBS conducted, further publicizing this incident, was inexcusable under our legal and judicial system.

We have at the present time a man who is under indictment for murder and here comes an interviewer getting a witness—whether he is paid or not, I do not know—and spreading publicly through this country allegations which were not under oath, allegations which have been disputed by other people while the case is going on, in an inflammatory way, in a way designed to prejudice both himself and the person under indictment, in total disregard of the rules of the Supreme Court and in total disregard of our general feeling that a man is innocent until proved guilty.

It strikes me that when we find an ordinarily responsible network and other people who have republished it, including the Washington Post, going along and taking a viewpoint that this is news and any time it is news one can disseminate it regardless of an individual's rights, then we may have arrived at a situation where no individual can be legally and justifiably defended.

This man was not under oath. He was not warned of his rights. He admitted—whether it is true or not, I do not know—that he had personally participated in the murder of some of these men, women, and children.

He had no lawyer to advise him. He had no one there to tell him what he had a right to do or not have the right to do.

In the process, he specifically mentioned the man who is now being indicted for murder.

Mr. President, if we cannot have a court proceeding of this magnitude and this seriousness, not only to the individual involved, but also to the whole country, conducted in some kind of logical, sensible, and thoughtful way, without this kind of publicity, then this country has gone a long way down the drain.

I have never been so justifiably upset, in my opinion, over any newscast I have ever seen before.

In my opinion, this is an invasion of the legal and judicial system of the country, which is the foundation of our country. It is an effort, under the guise of news, to put forth as the truth a statement from someone who has not been sworn, who has not been examined, who undoubtedly will be a witness in this very proceeding, and it was conducted in a fashion where the interview finally ended up, according to the transcript in the Washington Post, with the statement of his mother, "They made a murderer of him."

Mr. President, what is happening here?

What kind of country do we have when this kind of garbage gets put on the air?

It may be true, I do not know, but if it is true, that man is entitled to some kind of warning before he issues any kind of statement like that against himself.

Further, this has the possibility of so influencing public opinion that this case cannot be conducted in an atmosphere of objectivity. This publicity could spread an atmosphere of guilt around the country with regard to this type of operation—if in fact there was one—that may make it impossible to get a fair trial of an individual now under indictment.

There have been other cases, civilian cases, in which the Supreme Court ruled that the atmosphere has been so prejudiced that there is no way to have a fair trial. We have had to let some of those individuals go, even though they may have committed a crime.

Is that what we are going to do in this case?

Here is another example of the other side of the coin.

I would say, Mr. President, and I say it with deep conviction, that this particular interview spread through the news media in this way is not in accordance with the system we should have. It is not fair to the defendant being tried. It is not fair to the system under which he is being tried and is a total violation of the individual's rights who made the interview.

Mr. HOLLINGS. Mr. President, I join in the general sentiments expressed by the distinguished Senator from Colorado (Mr. DOMINICK). I saw the same interview. What disturbed me, in addition, of course, to the intrusion upon individual rights, was, more particularly, the individual's own interest and his own well being. In this respect, he was obviously sick.

We have seen things like this happen under the pressure of combat. We have seen men shocked in combat. We have observed their psychological response. Feelings of guilt have remained with them for a long time.

Here was a man who was undoubtedly under that particular influence of illness when being interviewed at a particular moment and pleading guilty.

Mistakes are made in battle. Are we now going to say that every member of a helicopter crew or every member of an Air Force B–52 bomber which strikes the wrong target shall be called a murderer? That is the point we seem to be coming to in this country.

We have seen it in the Green Berets case. There was a difference in judgment.

The fellow who was being interviewed, about whom the distinguished Senator from Colorado was speaking, was talking about having lost his buddy. Was his reaction an overreaction to the pressure of war, and is he going to be tried as a common murderer before the facts are known? That is what concerns me in the entire treatment of the war in Vietnam.

I think the interview was highly out of order.

I simply do not think, as the Senator from Colorado has indicated, that a sick man, a man in this particular condition, ought to be exposed to an entire contravening of a person's rights before an authorized and competent investigation is conducted. I think this is entirely wrong and inexcusable. I congratulate the Senator from Colorado for bringing it to the attention of the public in its true light.

THE BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, yesterday I called the attention of the Senate to the fact that the country has never had such an acute shortage of railroad boxcars as exists in Nebraska at this time. I also stated that certain southern and eastern railroads are in flagrant violation. I further said, in substance, that the Interstate Commerce Commission apparently had neither the will nor the courage to do anything about it.

Just a few minutes ago I received a telephone call from the manager of a farmers' elevator in a small community. He reported that their elevator alone had 500,000 bushels of grain piled on the ground because there is nowhere else to put it.

A newspaper article that came to my desk yesterday refers to this problem in the following language:

> Throughout the State, we have mountains of grain in streets, ball diamonds, and school grounds, waiting for boxcars.

An Associated Press article from Des Moines, Iowa, reads:

> Railroad cars belonging to Midwestern railroads urgently needed to move the grain harvest are being held by railroads in other parts of the country, Gen. John P. Doyle said here Wednesday.
>
> Gen. Doyle, a retired Air Force transportation specialist, is chairman of the Mid-America Transportation Council which is studying the problem.
>
> He explained that "our Midwestern railroads are very good about building cars, but when they are sent out of the region, they don't seem to come back."
>
> One result of the boxcar shortage in Nebraska may be the spoilage of "five to 10 percent of the grain now being stored on the ground," said E. C. Schlaphoff, director of the Nebraska Department of Agriculture.

Mr. President, under the present system, an offending railroad or shipper can keep a boxcar too long, but the charge is so small that it is cheaper for the railroad to hoard and use some other line's cars than to build cars for itself or to build storage facilities.

Two years ago, or about then, a bill was passed which, we were told, would give the Interstate Commerce Commission authority to remedy the situation. As of this date, the Commission has not done anything about it. The Commission seems to be totally out of touch with the needs of shippers, and even the railroads are definitely out of touch.

The Interstate Commerce Commission has been around Washington too long not to understand the needs of our economy, but they are too slow; their procedures are inadequate. The Commission has proved, or nearly so, that it is unable to govern the situation. I wonder why the Commission should be supported by the taxpayers any longer. If the members of the Commission are not reading the CONGRESSIONAL RECORD, I suggest that they should.

Mr. HANSEN. Mr. President, will the Senator from Nebraska yield?

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I yield to the Senator from Wyoming.

Mr. HANSEN. Has not the Committee on Commerce repeatedly instructed the Interstate Commerce Commission to implement its regulations and to impose such fines as are necessary in order to have cars returned to the Western railroads?

Mr. CURTIS. Yes. There has been a flagrant violation and refusal to follow the directions of an official committee of Congress, and of the law.

Mr. HANSEN. As a consequence, no matter what some of the western railroads may do to try to provide adequate types of cars to take care of shippers, the ability of some eastern and other lines throughout the country to latch onto cars and to keep them effectively denies the kind of rail transportation that is required to prevent, for instance, the great spoilage of grain that is taking place in the Senator's State of Nebraska today. Is not that true?

Mr. CURTIS. Yes. Without a hearing, the Interstate Commerce Commission has granted an increase in freight rates. It may be that the Commission did not have time to give any attention to shippers or others who want to give the railroads some opposition.

When the measure was passed—I think it was about 2 years ago—a large number of persons who had worked on it for years were invited to the White House, where President Johnson had a signing ceremony. It was believed that Congress had given the Commission what it had said, over the years, it needed—the authority to prevent railroads and shippers from hoarding boxcars, thus preventing them from being returned to the places where they originated.

In fairness, I should say that some members of the Interstate Commerce Commission are alert to the problem. They want to do something to solve it. But the Commission as a whole has miserably failed.

Mr. President, I yield the floor.

EXECUTIVE COMMUNICATIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Stockpile Report of the Office of Emergency Preparedness

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the semiannual report on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the management of military owned furnishings overseas; opportunities for improvement, Department of Defense, dated November 25, 1969 (with an accompanying report); to the Committee on Government Operations.

Report of Personnel Claims Paid by the Department of Justice

A letter from the Acting Assistant Attorney General for Administration, transmitting, pursuant to law, a report on personnel claims paid by the Department for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

Proceedings of the 44th Meeting of the Convention of American Instructors of the Deaf

A letter from the president, Gallaudet College, Washington, D.C., transmitting pursuant to law, a report on the proceedings of the 44th meeting of the Convention of American Instructors of the Deaf, held at Berkeley, Calif., June 20–27, 1969 (with the accompanying papers); to the Committee on Rules

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter from the Governor of the Farm Credit Administration, Washington, D.C., transmitting a resolution adopted by the directors of the farm credit banks of the cooperative farm credit system at their annual conference, expressing appreciation for congressional support and assistance in helping farmers and ranchers to become the complete owners of their own credit systems; to the Committee on Agriculture and Forestry.

A letter, in the nature of a petition, from the president of the Okinawa Bar Association, praying for equitable treatment for the lawyers in Okinawa at such time as the administrative authority over the Ryukyu Islands is turned over to Japan; to the Committee on Foreign Relations.

A memorial adopted by the King County Council, King County, Wash., in support of the President's efforts to end the Vietnam military action; to the Committee on Foreign Relations.

The petition of Thomas G. Staley, of Eagle Point, Oreg., praying for the preservation of the Rogue River; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Oklahoma District Council of the Assemblies of God, Oklahoma City, Okla., praying for the enactment of legislation to prohibit the distribution and sale of obscene publications to minors; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1678. A bill for the relief of Robert C. Szabo (Rept. No. 91–555);

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas (Rept. No. 91–557); and

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife (Rept. No. 91–558).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 19. A bill to reimburse certain persons for amounts contributed to the Department of the Interior (Rept. No. 91–556).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes (Rept. No. 91–559).

By Mr. WILLIAMS of Delaware, from the Committee on Finance, without amendment:

H.R. 14020. An act to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on United States savings bonds (Rept. No. 91–560).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Lewis Hoffacker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Cameroon, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Equatorial Guinea; and

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

By Mr. EASTLAND, from the Committee on the Judiciary:

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri.

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences:

George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE (for himself Mr. Mansfield, Mr. Young of Ohio, Mr. Nelson, Mr. Dominick, Mr. Case, Mr. Hartke, Mr. McGovern, Mr. Cannon, and Mr. Pell):

S. 3181. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

(The remarks of Mr. Proxmire when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. MOSS:

S.3182. A bill for the relief of Eou Bee Han; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Cooper, and Mr. Randolph) (by request):

S. 3183. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Public Works.

(The remarks of Mr. Boggs when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DOLE:

S. 3184. A bill for the relief of the Johnson State Bank; to the Committee on the Judiciary.

S. 3183—INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BOGGS. Mr. President, pursuant to an authorization contained in the Clean Water Restoration Act of 1966 a study was conducted by the Federal Water Pollution Control Administration into the role estuaries play in our national life. As a result of this study the administration has submitted proposed legislation that would implement certain of the recommendations of the study.

Senator Cooper had intended to introduce this legislation with Senator Randolph, by request. However, Senator Cooper is necessarily absent today and asked that I introduce, by request also, the proposed bill.

I ask unanimous consent that the statement of Senator Cooper, a letter of transmittal from Secretary Hickel and the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and statement will be printed in the Record.

The bill (S. 3183) to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone, introduced by Mr. Boggs (for himself, Mr. Cooper, and Mr.

Randolph), by request, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled, That as a result of a comprehensive study carried out pursuant to Section 5(g) of the Federal Water Pollution Control Act, as amended, and the information derived therefrom of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on navigation, flood control, recreation, water supply and water power, and on other beneficial purposes, the Congress finds and declares that it is necessary to establish a national policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and implementation of comprehensive management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment.

Sec. 2. This Act may be cited as the National Estuarine and Coastal Zone Management Act of 1970.

Sec. 3. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as Section 20. After Section 18 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new section:

"Sec. 19. (a) For the purposes of this section—

"(1) 'Estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(2) 'Coastal zone' means the land, waters, and lands beneath the waters in close proximity to the coastline (including the Great Lakes) and strongly influenced by each other. For purposes of identifying the objects of planning, management and regulatory programs the coastal zone extends seaward to the outer limit of the United States territorial sea. Within the coastal zone as defined herein are included areas influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, sounds, embayments, harbors, lagoons, inshore waters and channels.

"(3) 'Coastal State' means any State of the United States bordering on the Atlantic, Pacific or Gulf Coast or the Great Lakes, and includes Puerto Rico, and the Virgin Islands.

"(4) 'Secretary' means the Secretary of the Interior.

"(b) Congressional Findings; Declaration of Policy.

"(1) Congress hereby finds that there is a national interest in the effective management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone for the following reasons:

"(A) The pressures of population growth and economic development, including requirements for industrial, commercial, residential development, recreation, exploitation of mineral resources and fossil fuels, transportation and other navigation, waste disposal, and exploitation of fish and other living marine resources, impose an increasing number of conflicting demands upon the finite resources of the coastal zone.

"(B) Estuaries, marshlands, and other parts of the coastal zone contain extremely valuable habitat for fish and wildlife which move beyond state boundaries; such areas are vital to the life support of a major part of the Nation's commercial and sport fisheries harvest; such areas, particularly the estuaries, constitute ecological systems which are susceptible to destruction and disruption by man.

"(C) Continued unplanned or uncoordinated development activities in the coastal zone pose an immediate threat of irreversible harm to the coastal zone and its resources and a loss of the benefits it offers.

"(D) The Coastal Zone is a valuable area for multiple economic, recreational, and resource uses.

"(E) The interest in the coastal zone extends to the citizens of all the States, and is not limited to the citizens in the coastal States.

"(c) Program Development Grants.

"(1) The Secretary is authorized to make grants to any coastal State for the purpose of assisting in the development of a comprehensive management program for the land and water resources of the coastal zone. Such grants shall not exceed 50% of the costs of such program development. Other Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this subsection, the coastal State must demonstrate to the satisfaction of the Secretary that such grants will be used to develop a comprehensive management program consistent with the requirements set forth in subsection (d)(3) hereof. Successive grants may be made annually, provided however, that no subsequent grant shall be made under this subsection until the Secretary finds that the coastal State is adequately and expeditiously developing such a comprehensive management program. Upon completion of the development of the coastal State's comprehensive management program, the coastal State shall submit such program to the Secretary for review.

"(2) No annual grant to a single coastal State shall be made under this subsection in excess of $200,000.

"(d) Operating Grants.

"(1) The Secretary is authorized to make annual grants to such coastal States for not more than 50% of the costs of administering such program if he approves a coastal State's management program, in accordance with subsection (3) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(2) Such grants shall be allotted to the States with approved programs based on regulations of the Secretary, which shall take into account the amount and nature of the coastline and area covered by the plan, population, and other relevant factors.

"(3) Prior to granting approval of a comprehensive management program submitted by a coastal State, the Secretary shall find that:

"(A) The Governor of the Coastal State has designated a single agency to receive and administer the grants for implementing the management plan set forth in subsection (D) hereof and the management plan and changes thereto have been reviewed and approved by the Governor;

"(B) The coastal State is organized to implement the management plan set forth in subsection (D) hereof;

"(C) The agency or agencies responsible for implementing such management plan have vested in them the regulatory authorities necessary to implement the plan, including but not limited to, permit authority, authority to acquire interests in real property through the power of eminent domain and zoning authority, or authority to require local zoning to conform with the State management plan.

"(D) The coastal State has developed and adopted a management plan for its coastal zone adequate to carry out the purposes of this Section and containing the following provisions:

"(aa) An identification of the boundaries of the portions of the coastal State subject to the management plan;

"(bb) An identification and recognition of the national, State and local interests in the preservation, use and development of the coastal zone;

"(cc) A feasible land and water use plan, consistent with applicable water quality standards, within specific sections of the coastal zone reasonably reflecting the needs of industry, transportation, recreation, fisheries, wildlife, natural area protection and residential development and other public and private needs, taking into account both short-term and long-term requirements;

"(dd) A description of the coastal State's current and planned programs for management of its coastal zone consistent with the management plan;

"(ee) An identification and description of the means by which the management plan and other resource use and management plans at the Federal, State and local levels in which the coastal State is represented or is a participant concerning use, conservation, and management of the coastal zone will be coordinated, including the relationship of the management plan to State, interstate, and regional comprehensive planning as appropriate;

"(ff) Procedures for adequate review of State and local and private projects for consistency with the management plan;

"(gg) Procedures for furnishing advice as to whether Federal and federally assisted projects are consistent with the management plan;

"(hh) Procedures for modification and change of the management plan, including public notice and hearing;

"(ii) The plan was developed in cooperation with relevant Federal agencies, State agencies, local governments, and all other interests;

"(jj) Procedures for regular review and updating of the management plan;

"(kk) Adequate provisions for disseminating information concerning the management plan and any subsequent modifications or changes therein; and

"(ll) Provision for conducting, fostering or utilizing relevant research.

"(E) The coastal State has provided for adequate public notice and public hearings in the development of the management plan;

"(4) Grants under this subsection shall be subject to the following limitations:

"(A) No annual grant to a single coastal State shall be made under this section in excess of $200,000; and

"(B) No grant funds shall be used for the acquisition of real property.

"(5) With the approval of the Secretary, the Governor of a coastal State may allocate to an interstate agency a portion of the grant under subsections (c) and (d) of this section for the purpose of carrying out the provisions of said subsections provided such interstate agency has the authority to meet the applicable provisions of subsection (d)(3) of this section otherwise required of the coastal State.

"(e) Review of Performance.

"(1) The Secretary shall conduct a continuing review of the comprehensive management programs of the coastal States and of the performance of each coastal State.

"(2) The Secretary shall have the authority to terminate any financial assistance extended under subsection (d) of this section and to withdraw any unexpended portion of such assistance if: (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the coastal State has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

"(f)(1) Advisory Committees for Management of the Coastal Zone.

The Secretary is authorized to establish in the Department of the Interior advisory committees to consult with and make recommendations to the Secretary on matters of policy concerning the coastal zone. Any such committee shall be composed of persons designated by the Secretary and shall perform such functions and operate in such manner as the Secretary may direct.

"(2) Members of such advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(g) Interagency Coordination and Cooperation.

"(1) The Secretary shall not approve the plan submitted by the State pursuant to subsection (d) until he has solicited the views of Federal agencies principally affected by such plans or has evidence that such views were provided the State in the development of the plan. In case of serious disagreement between any Federal agency and the State in the development of the plan the Secretary shall seek to mediate the differences.

"(2) All Federal agencies conducting or supporting activities in the coastal area shall seek to make such activities consistent with the approved plan for the area. States and local governments submitting applications for Federal assistance in coastal areas shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved plan for the coastal area. Federal agencies shall not approve proposed projects that are inconsistent with the plan without making investigation and finding that the proposal is, on balance, sound. The Secretary shall be advised by the heads of other agencies of such problems and be provided an opportunity to participate in any investigation.

"(h) Nothing in this section shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of water resources planning, development, or control; nor to displace, supersede, limit or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government, nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this section;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carryout the provisions of this section; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

"(i) Miscellaneous.

"(1) The Secretary shall develop, after appropriate consultation with other interested parties, both Federal and non-Federal, such rules and regulations covering the submission and review of applications for grants authorized by subsections (c) and (d) as may be necessary to carry out the provisions of this section.

"(2) A coastal State receiving a grant under the provisions of subsections (c) and (d) of this section, the agency designated by the Governor to administer such grant, and an interstate agency allocated a portion of a grant under the provisions of subsection (d) shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved management program as the Secretary may require, and shall keep and make available such records as may be required by the Secretary for the verification of such reports and evaluations.

"(3) The Secretary, the head of another Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received under the provisions of subsections (c) and (d) of this section.

"(j) Appropriations.

"(1) There are authorized to be appropriated:

"(A) the sum of $2,000,000 for fiscal year 1971 and such sums as may be necessary for the fiscal years thereafter prior to June 30, 1975, for grants under subsection (c) of this section; and

"(B) such sums as may be necessary for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. for grants under subsection (d) of this section.

"(2) There are also authorized to be appropriated such sums as may be necessary for the Secretary to carry out the provisions of this section."

The letter, presented by Mr. Boggs, is as follows:

Department of the Interior,
Washington, D.C., November 13, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: We are pleased to transmit the enclosed report of the National Estuarine Pollution Study pursuant to section 5(g) of Public Law 89–753 which law was originated by the Committee on Public Works of the United States Senate. Also enclosed is a draft of proposed legislation to amend Public Law 89–753, the Federal Water Pollution Control Act, as amended, consistent with the findings of the study. The bill provides for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone. We recommend that the report together with the proposed bill be referred to the appropriate Committee for consideration and we recommend that the proposed bill be enacted.

Section 5(g) of the Federal Water Pollution Control Act, as amended, directed the Secretary of the Interior to conduct a comprehensive study of the Nation's estuarine and coastal zones and to make recommendations regarding their management and the respective roles of Federal, state, and local governments. The study, which extended over a three-year period, was conducted in cooperation with the Corps of Engineers, Water Resources Council, and every other Federal agency and office involved with estuaries; with all coastal states, and many concerned public and private organizations. Extensive public hearings were held in all coastal states; regional conferences were held with state administrators and state officials.

The Department of the Interior is broadly concerned with the whole area of natural resources and their most effective management. Nowhere is the need for effective management more noticeable than in the estuarine and coastal zone. Here is a situation where many uses compete, be they commercial uses, such as industrial and transportation, as against commercial fishing, and outdoor recreation. Added to this are such intensive uses as off-shore mining, particularly for sand, gravel, oil, gas and sulphur, as well as the discharge of wastes.

The enclosed draft bill establishes a national policy for the effective management and protection of the coastal zone. To accomplish this policy, the bill will add a new section 19 to the Federal Water Pollution Control Act, as amended, to provide for a cooperative program between the Federal and coastal state governments. Federal grants may be made to the coastal states on up to a 50 percent matching basis for developing a comprehensive management program for the coastal zone. Upon approval by the Secretary of the Interior of a coastal state's management program, operational grants may be made to the coastal state on a matching basis for the purpose of implementing the program. The new section provides for a continuing review by the Secretary of the coastal states' performance in the implementation of the state management program.

The Bureau of the Budget advises that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

Walter J. Hickel,
Secretary of the Interior.

The statement of Mr. Cooper is as follows:

Mr. Cooper. Mr. President, one of the essential components on the Nation's environmental system is the coastal area with its complex of tides, bays, harbors, marshes and other natural phenomena that are classified as estuaries. Biologists have given us graphic evidence of the role estuaries play in the overall natural system particularly in essential biological productivity. We tamper ignorantly with this system at our own risk. The report emphasizes the importance of managing the coastal zone in the public interest so that all factors and uses can be considered in proposed development.

To implement its recommendation the report is accompanied by legislation which the administration has proposed that would establish a national policy for the effective management and protection of the coastal zone. The legislation would provide for a cooperative program between the Federal and coastal State governments continuing the policy stated in pollution control legislation that primary responsibility rests with the States. Federal grants to provide assistance to the States for the development of comprehensive programs for the coastal zone are proposed. To achieve compliance with national policy there is also provision for Federal approval.

The Coastal Zone is an extremely important resource and one which we must manage rationally. We can no longer continue ad hoc and unplanned development of this area. Therefore, I am pleased to introduce with Senator Randolph by request this legislation which results from an authorization contained in the Clean Water Act of 1966, and anticipate that it will receive thorough and constructive review by the Committee beginning with public hearings in the near future. It is recognized, however, that many of the provisions of this bill go beyond pollution and rivers and harbors aspects and raise questions of interest to the Committee on Commerce. It is anticipated, therefore, that the Committee on Public Works will work closely with the Committee on Commerce during its consideration of this bill.

The authorization to conduct this study was very much the product of the desire of Mr. Randolph, the Chairman of the Committee on Public Works and other members of the Committee to initiate a program which would lead to the adequate consideration of the coastal zone in our national life. The Committee is to be complimented for its foresight in asking for such a study, and the Administration, particularly Secretary Hickel's Department of the Interior is to be commended for furnishing such a complete and far sighted report.

ADDITIONAL COSPONSORS OF BILLS

S. 2461

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH) I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3035

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3035, to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age 62 cutoff.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3092

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS) I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. MOSS) and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of S. 3092, to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in defraud of consumers.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3171

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE) I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 3171, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 49—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR CONGRESSIONAL RECOGNITION OF THE GODDARD ROCKET AND SPACE MUSEUM

Mr. ANDERSON. Mr. President, on this day following the successful conclusion of yet another miraculous space voyage, I think it is fitting that we pause a moment to consider how we reached this point. How were we able, in a dozen years, to marshal the energy and technology to reach from the earth to the moon? We have only to think back those dozen years, when the space race had only barely begun, to realize the magnitude of your accomplishments since. But what was the foundation on which we built? To whom do we owe tribute for the early, historic developments which made all the rest possible? Who taught us to proceed when the odds were long and the resources short?

Many have done their share and more, but the man whom we now know as "the father of modern rocketry" is Dr. Robert H. Goddard. His early, lonely experiments—carried out at a time when most of us were still taken with the novelty of propeller airplanes—taught us a great deal not only in terms of technology but in terms of the indomitable human spirit.

I am pleased to say that Dr. Goddard carried on many of his early invaluable experiments in my own State of New Mexico, near the city of Roswell. Wildlife and startled ranchers must have looked on with considerable surprise as Dr. Goddard's experimental rockets streaked into the desert sky.

Between 1929 and 1941, with the aid of the Guggenheim Foundation, Goddard laboriously pursued his large gyro-controlled liquid fuel rocket experiments in New Mexico. His work anticipated in technical detail the German V–2 missiles, although Goddard himself sought no publicity and did not make details of his work widely known. He even called his rockets "Nell" after, in his words, "the girl who ain't been done right by."

Today, finally, praise of Dr. Goddard's basic work is in vogue. As Wernher von Braun has said: "Dr. Goddard was ahead of us all." Dr. Goddard, in short, not only realized the potentialities of space flight but also contributed directly to bringing it to practical realization.

I am glad that the city of Roswell, where Dr. Goddard worked during those lonely years, has long recognized his singular contribution. The newest high school there is named in his honor. More than 10 years ago, in April 1959, Dr. von Braun was present for the dedication of the Goddard Rocket and Space Museum at Roswell. Since then, the scope of the museum has expanded so that the Nation now has a fitting memorial to Dr. Goddard and his work.

Mr. President, today I am introducing legislation which provides for congressional recognition of the Goddard Rocket and Space Museum.

The museum has long done a great deal through its educational exhibits and special programs to demonstrate the remarkable developments in rocketry by Dr. Goddard. Recently, the museum added an exact replica of Goddard's workshop and a new Goddard planetarium. These displays are duplicated nowhere else. Also, the display of Goddard memorabilia is one-of-a-kind. On the museum grounds are installed his rocket launching tower and his observation tower, both of which originally were located in the desert northwest of Roswell. Inside, the exhibit consists of motors, controls and other experimental pieces of apparatus, photographs illustrating his early work, and some of his original drawings and notes.

The legislation I am introducing, Mr. President, provides that the Congress hereby recognizes the museum as a fitting memorial to Dr. Goddard, the lonely genius who helped show us the way to the stars. I am hopeful that we can receive quick approval of this appropriate legislation.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 49), which reads as follows, was referred to the Committee on Aeronautical and Space Sciences:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Doctor Robert H. Goddard, who pioneered in rocket experimentation and contributed to America's success in landing men on the moon, and who is known as the "Father of the Rocket", and as an appropriate and outstanding institution for the collection, preservation, and display of the works and memorabilia of Doctor Goddard.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 25, 1969, he presented to the President of the United States the enrolled bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on November 24, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 295

Mr. YOUNG of Ohio submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 296

Mr. FANNIN (for himself, Mr. PERCY, and Mr. TOWER) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 297 THROUGH 300

Mr. TOWER submitted four amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. TOWER when he submitted the amendments appear later in the RECORD under the appropriate hearing.)

AMENDMENT NO. 301

Mr. DOLE (for himself, Mr. Pearson, and Mr. Cook) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 302

Mr. CURTIS submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 303

Mr. FANNIN submitted an amendment, intended to be proposed by him, to House bill 13270, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 304

Mr. GORE (for himself, Mr. Burdick, Mr. Cannon, Mr. Hartke, Mr. Kennedy, Mr. Montoya, Mr. Proxmire, Mr. Ribicoff, Mr. Yarborough, and Mr. Young of Ohio) submitted amendments, intended to be proposed by them, jointly, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 305 THROUGH 309

Mr. JAVITS submitted five amendments, intended to be proposed by him, to House bill 13270, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Javits when he submitted the amendments appear later in the Record under the appropriate heading.)

AMENDMENT NO. 310

Mr. PROXMIRE. Mr. President, I am submitting an amendment intended to be proposed by me to H.R. 13270 to bring the tax treatment of foreign oil exploration and development more into line with the tax treatment of domestic oil exploration and development.

My amendment carries out the intent of the Treasury Department's submissions of September 4 and 30. I report this was the Nixon position as presented to the Finance Committee. It is a moderate position to equalize the foreign and domestic oil industry. After all, the alleged purpose of the oil industry's tax incentives are to encourage domestic exploration and development, not foreign.

My amendment is in two parts: The first part is almost identical to the House provision, section 431, requiring companies to take foreign losses into account when determining their foreign taxable income.

Under present law a U.S. taxpayer is allowed a foreign tax credit against his U.S. tax liability on foreign income. My proposal would not change this rule. My proposal would only require that when a loss is incurred abroad it be offset against income abroad rather than domestic income. Under the per-country formulation of foreign tax credits in the present law, foreign taxes and income are considered on a country-by-country basis.

Since the per-country limitation is computed separately for each foreign country, losses which occur in one country reduce U.S. tax on domestic income, rather than reducing the credit for taxes paid to other foreign countries. However, when the business operation in the loss country becomes profitable, the income, in effect is likely not to be taxed by the United States because the foreign country is likely to impose a tax equal to the U.S. tax and, as a result, a foreign tax credit is likely to be allowed with respect to that income.

There should be no objection to this simple provision. All it requires is that companies with foreign losses must offset them against foreign profits, rather than domestic profits. It allows almost unlimited carry forward and carry back and thus should not create any difficulties for any firms doing business abroad. As a matter of fact, it should help the domestic oil industry because the major oil companies would be placed on the same basis independent domestic producers are now on.

The second part of my proposal only refers to a few large international companies which are on the overall foreign tax credit limitation basis. To my knowledge, the only oil companies to be affected would be Getty and Standard Oil of New Jersey. These are the only companies that aggregate all foreign taxes and income.

The problem the second part of my proposal is aimed at arises from the difficulty in distinguishing royalty payments from tax payments. This problem arises where the taxing authority in a foreign country is also the owner of mineral rights in that country. Since royalty payments may not be credited against U.S. taxes, the allowance of a foreign tax credit for a payment which, although called a tax, is, in fact, a royalty, allows a taxpayer a larger reduction in U.S. tax than would occur if a deduction—instead of the credit—were available. Where the credit exceeds the U.S. tax on the income from the mineral production in the foreign country, the excess credit can be used to offset U.S. tax on income from other operations in that country, or on income from other foreign countries.

My proposal merely puts the oil industry on the same basis that other industries are on. It provides a separate foreign tax credit limitation so that excess credits from mineral income cannot be used to reduce U.S. tax on other foreign income. In other words, the foreign tax credit allowed on mineral income from a foreign country will be limited to the amount of U.S. tax on that income. Excess credits may be carried over under the normal foreign tax credit carryover rules and credited against U.S. tax in other years on foreign mineral income.

My proposal is similar to the House provision, section 432, but is not quite so restrictive. I think the best way I can explain the difference is to use an example. Assuming the effective U.S. tax rate on the oil industry is 20 percent, although the theoretical U.S. rate is 50 percent, and the foreign tax rate is 60 percent, my proposal would disallow foreign tax credits on mineral income between 20 and 50 percent. The House proposal would disallow all the foreign taxes above 20 percent; that is the taxes between 20 and 60 percent under my hypothetical example.

In effect, my proposal places foreign mineral production on the same basis as domestic mineral production.

Quite frankly, I do not know of any reason why we should give more encouragement for foreign oil exploration being done by gigantic oil companies than we do for domestic exploration. That is why I am introducing these proposals and the reason I am also introducing an amendment to eliminate the foreign percentage depletion allowance. I agree wholeheartedly with the House that there is no justification for such a provision in our tax code and therefore will move to reinstate the House passed section 501(b)(1) limiting percentage depletion for the oil and gas industry is to encourage domestic exploration and thereby protect our national security, I cannot see any justification for these additional tax benefits or subsidies for foreign oil, particularly when most of that exploration and development is being done in the area which, even according to the oil industry, is our most insecure source of supply. How can we justify such special treatment?

Mr. President, I send the foreign tax credit amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Henry L. Brooks, of Kentucky, to be U.S. circuit judge for the sixth circuit to fill a new position created by Public Law 90-347 which was approved June 18, 1968.

Alfred T. Goodwin, of Oregon, to be U.S. district judge for the district of Oregon, vice John F. Kilkenny, elevated.

Cristobal C. Duenas, of Guam, to be judge of the District Court of Guam for the term of 8 years, vice Paul D. Shriver, resigned.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. Burdick), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, December 3, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia, vice Joseph C. McGarraghy, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), chairman; the Senator from Michigan (Mr. HART); and the Senator from Nebraska (Mr. HRUSKA).

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 2, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

R. Dixon Herman, of Pennsylvania, to be U.S. District judge for the middle district of Pennsylvania, vice Federick V. Follmer, retired.

David L. Middlebrooks, Jr., of Florida, to be U.S. District judge for the northern district of Florida, vice George Harrold Carswell, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

ELEMENTARY AND SECONDARY NEGRO STUDENT POPULATION IN OHIO

Mr. STENNIS. Mr. President, I have a concern which, I believe, is shared by the parents of schoolchildren throughout the entire Nation. It is the concern for the continuation of what I call the community school or neighborhood school. In many parts of my area of the country that concept of public school education is being destroyed through over-rapid demands for total integration or total mixing of the students as between races, somewhat on a percentage basis.

I believe that throughout the Nation the same law applies that is now being applied in our part of the country; and I believe if this extreme application is applied in areas outside the South, it will have a very wholesome and effective response from the parents.

There are certain amendments in the appropriation bill for the Department of Health, Education, and Welfare that will come before this body in one form or another, and perhaps there will be other amendments. In order to get the facts before Senators, I have prepared certain figures taken from official records in the Department of Health, Education, and Welfare that reflect the conditions that exist in this country outside the South These figures are authentic. They have been computerized and in an open hearing, under my questing, Mr. Finch stated that as far as he knows and believes they are substantially correct.

I have figures today from the State of Ohio, as they apply to this subject. I shall have other figures later.

Ohio is one of the 10 States outside the Southern and border States which, in the aggregate, have over 90 percent of the elementary and secondary Negro student population. The overall total in the Northern and Western States is 2,834,083 Negro students. Ohio has a Negro student population of 287,440, but as the total elementary and secondary school population of Ohio, according to the HEW's 1968–69 school survey, is 2,400,296, the Negro student population amounts to only 11.9 percent of the total.

The white student population in Ohio is 2,093,321, or 87.5 percent of the total. The remaining negligible percentage of 0.6 percent consists of American Indians, Orientals, and Spanish-American students, so that for all practical purposes Ohio has 87.5 percent white and 11.9 percent black students in its schools.

Yet, according to official Health, Education, and Welfare IBM tabulations, there are 18 school districts in 18 cities in Ohio which have one or more schools with Negro student enrollments between 80 and 100 percent. To be more exact, there are 197 such Negro schools, in these 18 districts with an aggregate enrollment of 163,783, which is 65 percent of the total Negro student enrollment—252,641—in the public schools of these 18 cities. So, although the total Negro student population of Ohio is only 11.9 percent of the overall student population, 57 percent of the total Negro student enrollment in Ohio schools are attending schools that are 80 to 100 percent black. This percentage would be much higher if it were possible to show the total Negro student enrollments in all schools having a majority of black students, that is, where Negroes make up more than 50 percent of the total school enrollment, but the Health, Education, and Welfare IBM data available does not include cities or school districts where the minority enrollment is under 80 percent.

Actually, of these 197 predominantly Negro schools, there are 154 which are 90 to 100 percent Negro, of which 131 are 95 to 100 percent Negro, with 105 of them being 98 to 100 percent Negro.

The records show 65 of the 105 schools which are 98 to 100 percent black are in Cleveland alone.

Whenever the record reflects a high percentage of Negro student segregation, it also reflects a high percentage of white student segregation or isolation. For example, the Cleveland school district has a total elementary and secondary student enrollment of 156,054 in 180 schools; 87,241, or 55.9 percent of these students are Negroes; 66,324, or 42 percent, are white students. Of the 87,241 black students, 69,728, or 80 percent, are segregated in 68 schools which are 95 to 100 percent black; 70,048, or 86 percent, are segregated in 73 schools 90 to 100 percent black; and 79,221, or 89 percent, are segregated in 78 schools 80 to 100 percent black.

Now, let us look at the white student side of the picture. Of the 66,324 white students, 12,870 are in 25 schools 99 to 100 percent white; 24,176 are in schools 98 to 100 percent white; 40,775 are in 59 schools 95 to 100 percent white; and 49,491 are in 70 schools 90 to 100 percent white. In all of these 70 schools which were 90 to 100 percent white, there were only 497 Negro students, or about 1 percent of the total enrollment of these schools.

I make these comparisons without any reflection on the students of any group. What I am concerned about is the extreme application of rules that tend to destroy and deny all students the benefit of the community school and applying the principle only in one area of the country and virtually overlooking other areas of the country.

The computer run also reflects the number of Negro students attending majority white schools and the number of white students attending majority Negro schools. Of the total Negro student enrollment in Cleveland of 87,241, only 4,172, or 5.1 percent, attended majority white schools. Of the 66,324 white students which make up 42.5 percent of the enrollment in the Cleveland schools, only 4,056, or 6 percent, went to predominantly Negro schools.

Mr. President, we talk about the 15 long years that the South has dragged its feet. Those same 15 years have been running here in the State to which I very respectfully refer. There are segregated school conditions in areas of this State, as I have said, these are the official figures. I shall ask unanimous consent to put all the figures in the RECORD in just a few minutes. There are other cities.

Let us take perhaps a more typical city in Ohio, such as Columbus. In Columbus there are 168 schools with a total enrollment of 110,699, of which 81,655, or 73.8 percent, are white and 28,729, or 26 percent are Negroes, leaving a minimal percentage of other minority students. Here also you have a sharp polarization, or segregation, of the races. Of the 81,655 white students, 45,752, or well over 50 percent, are in 74 schools which are 98 to 100 percent white. There are only 127 black students in these 74 schools. There are 5,034 white and 137 black students in nine schools which are 95 to 98 percent white. There are 5,229 white and 413 black students in 10 schools that are 90 to 95 percent white. There are 6,722 white and 940 black students in nine schools that are 85 to 90 percent white. There are 3,390 white and 695 black students in five schools that are 80 to 85 percent white, and 11,369 white and 5,951 black students in 22 schools that are from 51 to 80 percent white. In all, 8,263 black students, or nearly 28 percent of the total Negro student enrollment, attend majority white schools. On the other hand, only 4,159, or 5 percent of the white students, attend majority black schools, and of the 20,466, or 72 percent of the Negro students which attend majority Negro schools, 16,341 are in schools that are 80 to 100 percent black; 11,684 are in schools that are 90 to 100 percent black; 7,211 are in schools that are 95 to 100 percent black; and 4,146 are in schools that are 99 to 100 percent black.

Whether you take Cleveland and Columbus, or Cincinnati, Toledo, Dayton, Akron, or any number of other cities or towns in Ohio where there are substantial concentrations of Negro students, you will find the same pattern.

I emphasize again that I am not talking against integration or to the discredit of any students, colored or white, I am talking about the fact that, as I understand the decision of 1954, Negro students are entitled, as a matter of principle, to the right of association with those of the white race. That being true then there is a whole lot of denial of that right in this area. I call that to the attention of Senators now and I shall do so again in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD the tables pertaining to the school population in Ohio to which I have already referred.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

OHIO STATE TOTAL

[Number of districts, 640; representing, 640; Number of schools, 4,222; representing, 4,222]

	American Indians	Negro	Oriental	Spanish American	Minority Total	Other	Total
Students	736	287,440	2,768	16,031	306,975	[3] 2,093,321	2,400,296
Representing	736	287,440	2,768	16,031	306,975	2,093,321	2,400,296
Teachers	15	5,516	90	109	5,730	86,683	92,353
Representing	15	5,516	90	109	5,730	86,683	92,353

[1] Following page numbers are synonymous to school districts.

[2] 11.9 percent.

[3] 87.5 percent.

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	2,626	19	44	2,689	8,418	11,107		1	23	0	0	24	421	445
Percent	.0	23.6	0.2	0.4	24.2	75.8	100.0		0.2	5.2	0.0	0.0	5.4	94.6	300.0
Whittier (18)	0	804	0	4	808	27	835	011111110000000 (96.8)	0	3	0	0	3	28	31
Garfield (8)	0	286	0	0	286	134	420	011111110000000 (68.1)	0	2	0	0	2	16	18
South (3)	0	416	0	8	424	683	1,107	000000001110000 (38.3)	0	6	0	0	6	50	56
Edison (5)	0	121	0	7	128	244	372	011111110000000 (34.4)	0	1	0	0	1	12	13
Faurot (7)	0	106	0	2	108	261	369	011111110000000 (29.3)	0	0	0	0	0	13	13
Central (2)	0	178	1	2	181	513	694	000000001110000 (26.1)	0	2	0	0	2	28	30
Lowell (14)	0	108	1	1	110	341	451	011111110000000 (24.4)	0	0	0	0	0	15	15
Lima (1)	0	342	5	9	350	1,612	1,968	000000000001110 (18.1)	0	3	0	0	3	96	99
Emerson (5)	0	65	0	0	65	309	374	011111110000000 (17.4)	0	0	0	0	0	13	13
Roosevelt (16)	0	55	0	0	55	343	398	011111110000000 (13.8)	0	0	0	0	0	13	13
Jefferson (11)	0	45	4	0	49	348	397	011111110000000 (12.3)	0	1	0	0	1	15	16
West (4)	0	65	3	1	69	629	698	000000001110001 (9.9)	1	3	0	0	4	31	35
Horace Mann (9)	0	12	0	9	21	567	588	011111110000000 (3.6)	0	0	0	0	0	17	17
Washington McKinley (15)	0	15	1	1	17	611	628	011111110000000 (2.7)	0	0	0	0	0	20	20
Lincoln (12)	0	6	2	0	8	430	438	011111110000000 (1.8)	0	1	0	0	1	12	13
Longfellow (13)	0	2	0	0	2	186	188	011111110000000 (1.1)	0	1	0	0	1	6	7
Westwood (17)	0	0	2	0	2	377	379	011111110000000 (0.5)	0	0	0	0	0	13	13
Irving (10)	0	0	0	0	0	803	803	011111110000000 (0.0)	0	0	0	0	0	23	23

DISTRICT: HAMILTON. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: HAMILTON. COUNTY: 9 BUTLER

Number	3	1,554	11	18	1,586	13,877	15,463		1	17	2	1	21	587	608
Percent	0.0	10.0	0.1	0.1	10.3	89.7	100.0		0.2	2.8	0.3	0.2	3.5	96.5	100.0
Harrison (12)	0	673	0	2	675	143	818	011111110000000 (82.5)	1	9	1	0	11	21	32
Roosevelt (4)	0	343	0	0	343	654	997	000000011110000 (34.4)	0	3	0	0	3	30	33
Jefferson (15)	1	189	0	0	190	615	805	011111110000000 (23.6)	0	1	0	0	1	33	34
Garfield (1)	0	217	0	1	218	1,270	1,488	000000000001110 (14.7)	0	1	0	1	2	67	69
Harding (3)	0	44	2	2	48	944	992	000000001110000 (4.8)	0	3	0	0	3	40	43
Taft (2)	0	61	0	0	61	1,395	1,456	000000000001110 (4.2)	0	0	0	0	0	66	66
Adams (7)	2	6	2	2	12	647	659	011111110000000 (1.8)	0	0	0	0	0	26	26
Buchanan (8)	0	8	0	0	8	472	480	011111100000000 (1.7)	0	0	0	0	0	16	16
Taylor (12)	0	1	0	3	4	298	302	011111110000000 (1.3)	0	0	0	0	0	11	11
Monroe (19)	0	0	3	1	4	359	363	011111110000000 (1.1)	0	0	0	0	0	13	13
McKinley (18)	0	2	0	1	3	300	303	011111000000000 (1.0)	0	0	0	0	0	9	9
Pierce (20)	0	5	0	0	5	557	562	011111110000000 (0.9)	0	0	0	0	0	21	21
Polk (21)	0	2	0	0	2	255	257	011111110000000 (0.8)	0	0	0	0	0	9	9
Cleveland (9)	0	0	4	0	4	658	662	011111110000000 (0.6)	0	0	0	0	0	23	23
Van Buren (23)	0	3	0	0	3	522	525	011111110000000 (0.6)	0	0	0	0	0	18	18
Lincoln (16)	0	0	0	4	4	857	861	011111110000000 (0.5)	0	0	0	0	0	30	30
Fillmore (10)	0	0	0	1	1	688	689	011111110000000 (0.1)	0	0	1	0	1	27	28
Wilson (6)	0	0	0	1	1	1,098	1,099	000000001110000 (0.1)	0	0	0	0	0	43	43

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: HAMILTON. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: HAMILTON. COUNTY: 9 BUTLER—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Washington (5)	0	0	0	0	0	543	543	000000001110000 (0.0)	0	0	0	0	0	24	24
Madison (17)	0	0	0	0	0	643	643	011111110000000 (0.0)	0	0	0	0	0	25	25
Hayes (13)	0	0	0	0	0	441	441	011111110000000 (0.0)	0	0	0	0	0	16	16
Grant (11)	0	0	0	0	0	268	268	011111110000000 (0.0)	0	0	0	0	0	9	9
Jackson (14)	0	0	0	0	0	250	250	011111000000000 (0.0)	0	0	0	0	0	10	10

DISTRICT: SPRINGFIELD. NUMBER OF SCHOOLS: 30. REPRESENTING: 30. CITY: SPRINGFIELD. COUNTY: 12 CLARK. ASSURANCE: 441

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Students	14	3,924	7	17	3,962	14,448	18,410		0	51	1	0	52	648	700
Percent	0.1	21.3	0	0.1	21.5	78.5	100.0		0	7.3	0.1	0	7.4	92.6	100.0
Fulton (13)	0	464	0	1	465	103	568	011111110000000 (81.9)	0	5	0	0	5	17	22
Keifer Junior High (6)	0	358	2	0	360	188	548	000000001110000 (65.7)	0	3	0	0	3	22	25
Garfield (14)	0	179	0	0	179	144	323	011111110000000 (55.4)	0	2	0	0	2	12	14
Frey (12)	0	259	0	5	264	213	477	011111110000000 (55.3)	0	2	0	0	2	14	16
Highlands (16)	0	402	0	4	406	341	747	011111110000000 (54.4)	0	2	0	0	2	23	25
Hayward (5)	1	316	0	2	319	510	829	000000001110000 (38.5)	0	2	0	0	2	30	32
Springfield South (1)	5	698	0	1	704	1,417	2,121	000000000001110 (33.2)	0	3	0	0	3	85	88
Lincoln (21)	0	136	0	0	136	365	501	011111110000000 (27.1)	0	1	0	0	1	17	18
McGuffey (23)	0	95	0	0	95	258	353	011111110000000 (26.9)	0	1	0	0	1	12	13
McKinley (24)	0	76	0	1	77	263	340	011111110000000 (22.6)	0	2	0	0	2	11	13
Perrin Woods (25)	0	143	1	0	144	552	696	011111110000000 (20.7)	0	2	0	0	2	20	22
Emerson (11)	0	152	0	0	152	660	812	011111110000000 (18.7)	0	5	0	0	5	23	28
Elmwood (10)	0	92	1	0	93	415	508	011111110000000 (18.3)	0	1	0	0	1	19	20
Jefferson (17)	2	70	0	2	74	353	427	011111110000000 (17.3)	0	1	0	0	1	12	13
Grayhill (15)	0	86	0	0	86	442	528	011111110000000 (16.3)	0	2	0	0	2	15	17
Clark (3)	1	59	0	0	60	487	547	000000001110000 (11.0)	0	0	0	0	0	23	23
Washington (29)	0	39	0	0	39	398	437	011111110000000 (8.9)	0	2	0	0	2	14	16
Roosevelt (7)	0	80	0	0	80	841	921	000000001110000 (8.7)	0	2	0	0	2	32	34
Schaefer (8)	4	56	1	0	61	765	826	000000001110000 (7.4)	0	0	1	0	1	30	31
Franklin (4)	0	33	0	0	33	518	551	000000001110000 (5.0)	0	1	0	0	1	20	21
Springfield North (2)	0	74	0	0	74	1,385	1,459	000000000001110 (5.1)	0	1	0	0	1	64	65
Kentucky (18)	0	13	2	1	16	443	459	011111110000000 (3.5)	0	1	0	0	1	12	13
Lagonda (20)	1	9	0	0	10	349	359	011111110000000 (2.8)	0	2	0	0	2	16	18
Bushnell (9)	0	15	0	0	15	527	542	011111110000000 (2.8)	0	1	0	0	1	19	20
Snowhill (26)	0	7	0	0	7	450	457	011111110000000 (1.5)	0	1	0	0	1	15	16
Snyder Park (27)	0	3	0	0	3	273	281	011111110000000 (1.1)	0	2	0	0	2	11	13
Kenwood Heights (19)	0	5	0	0	5	596	601	011111110000000 (0.8)	0	1	0	0	1	20	21
Warder Park (28)	0	4	0	0	4	577	581	011111110000000 (0.7)	0	1	0	0	1	18	19
Mann (22)	0	1	0	0	1	468	469	011111110000000 (0.2)	0	1	0	0	1	16	17
Wayne (30)	0	0	0	0	0	142	142	011111110000000 (0.0)	0	1	0	0	1	6	7

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180 REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	128	87,241	198	2,163	89,730	66,324	156,054		3	2,153	8	5	2,169	3,365	5,534
Percent	0.1	55.9	0.1	1.4	57.5	42.5	100.0		0.1	28.9	0.1	0.1	39.2	60.8	100.0
Washington Irving (167)	0	985	0	0	985	0	985	111111110000001 (100.0)	0	23	0	0	23	9	32
Quincy (140)	0	732	0	0	732	0	732	111111110000001 (100.0)	0	18	0	0	18	4	22
Columbia (66)	0	686	0	0	686	0	686	011111110000001 (100.0)	0	21	0	0	21	4	25
Rawlings (37)	0	1,456	0	0	1,456	0	1,456	000000001110000 (100.0)	0	35	0	0	35	19	54
Kennard (35)	1	824	0	0	825	0	825	000000001110000 (100.0)	0	25	0	0	25	7	32
Mary B. Martin (119)	0	791	0	0	791	0	791	111111110000001 (100.0)	0	23	0	0	23	6	29

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA.—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Rutherford B. Hayes (96)...	0	749	0	0	749	0	749	111111110000001 (100.0)	0	25	0	0	25	3	28
Louis Pasteur (137).....	0	830	0	0	830	0	830	111111110000001 (100.0)	0	25	0	0	25	5	30
Patrick Henry (30)......	0	2,032	2	1	2,035	0	2,035	000000001110000 (100.0)	0	49	0	0	49	32	81
Miles Standish (153)....	0	1,113	1	1	1,115	0	1,115	011111110000000 (100.0)	0	23	0	0	23	15	38
HarryB. Davis (28).....	1	1,637	1	1	1,640	0	1,640	000000001010000 (100.0)	0	58	0	0	58	0	58
Edward M. Williams (173)	0	339	0	0	339	0	339	011111110000001 (100.0)	0	7	0	0	7	3	10
Anton Cedina (91)......	0	1,210	0	0	1,210	0	1,210	111111110000001 (100.0)	0	36	0	0	36	4	40
Rosedale (147).........	0	1,030	0	0	1,030	0	1,030	111110000000001 (100.0)	0	24	0	0	24	7	31
Charles N. Chesnutt (63)...............	0	931	0	0	931	0	931	111111110000000 (100.0)	0	27	0	0	27	2	29
Wade Park (161).......	0	1,148	0	3	1,151	0	1,151	111111110000000 (100.0)	0	31	0	0	31	1	32
Joseph F. Landis (111).	0	898	0	0	898	0	898	011111110000001 (100.0)	0	22	0	0	22	6	28
Mary M. Bethune (50).	0	710	0	0	710	0	710	000001110000000 (100.0)	0	19	0	0	19	6	25
Alfred A. Benesch (49).	0	670	0	0	670	0	670	111111110000001 (100.0)	0	18	0	0	18	3	21
Dunham (77)..........	0	1,183	0	0	1,183	0	1,183	111111110000001 (100.0)	0	25	0	0	25	11	36
Clara Tagg Brewer (54).	0	432	0	0	432	0	432	011111110000000 (100.0)	0	7	0	0	7	5	12
Dike (74).............	0	258	0	0	258	0	258	011111110000001 (100.0)	0	9	0	0	9	0	9
Crispus Attucks (89)...	4	872	1	2	877	0	877	111111110000001 (100.0)	0	20	0	0	20	4	24
Hazeldell (97).........	0	1,076	2	0	1,078	1	1,079	011111110000001 (99.9)	0	27	0	0	27	11	38
Andrew J. Rickoff (144).	0	1,019	0	0	1,019	1	1,020	011111110000000 (99.9)	0	27	0	0	27	4	31
Mount Pleasant (131)..	0	964	0	0	964	1	965	111111110000001 (99.9)	0	24	0	0	24	6	30
Iowa Maple (103)......	0	903	0	0	903	1	904	011111110000000 (99.9)	0	19	0	0	19	15	34
Lafayette (108)........	0	857	0	0	857	1	858	011111110000001 (99.9)	0	21	0	0	21	7	28
Glenville (8)...........	0	3,399	0	0	3,399	4	3,403	000000000001110 (99.9)	0	54	0	0	54	78	132
John Burroughs (58)...	0	831	0	0	831	1	832	111111110000001 (99.9)	0	27	0	0	27	3	30
Chesterfield (62)......	0	819	0	0	819	1	820	011111110000000 (99.9)	0	17	0	0	17	13	30
Franklin D. Roosevelt (38)...............	0	1,567	0	0	1,567	2	1,569	000000001110000 (99.9)	0	38	0	0	38	20	58
Parkwood (136).......	0	772	0	0	772	1	773	011111110000000 (99.9)	0	21	0	0	21	3	24
Oliver N. Holmes (100).	0	1,089	0	0	1,089	2	1,091	011111110000000 (99.8)	0	30	0	0	30	8	38
Bolton (51)...........	0	1,039	0	0	1,039	2	1,041	111111110000000 (99.8)	0	21	1	0	22	9	31
Charles H. Lake (110)..	0	989	0	0	989	2	991	111111110000000 (99.8)	0	25	0	0	25	7	32
John N. Faper (141)...	0	946	0	0	946	2	948	011111110000001 (99.8)	0	22	0	0	22	6	28
Stephen E. Howe (102).	0	759	0	0	759	2	761	111111110000000 (99.7)	0	16	0	0	16	8	24
Hough (101)...........	0	730	0	0	730	2	732	111111110000001 (99.7)	0	21	0	0	21	3	24
East Technical (6).....	0	2,546	0	1	2,547	7	2,554	000000000001110 (99.7)	0	65	1	1	67	44	111
Corlett (67)...........	0	1,052	0	4	1,056	3	1,059	011111110000001 (99.7)	0	20	1	0	21	11	32
Daniel E. Morgan (126).	0	962	0	0	962	3	965	111111110000001 (99.7)	0	23	0	0	23	9	32
Forest Hill Parkway (176)...............	0	853	0	0	853	3	856	011111110000001 (99.6)	0	15	0	0	15	8	23
Longwood (116).......	0	502	0	0	502	2	504	111111110000000 (99.6)	0	15	0	0	15	1	16
Wooldridge (177)......	0	412	0	0	412	2	414	111111110000001 (99.5)	0	15	0	0	15	0	15
Capt. Arthur Roth (148).	0	1,171	0	0	1,171	6	1,177	011111110000001 (99.5)	0	24	0	0	24	15	39
Observation (133)......	1	398	0	0	389	2	391	011111110000001 (99.5)	0	10	0	0	10	2	12
Rubert Fulton (85).....	0	776	0	0	776	4	780	011111110000001 (99.5)	0	18	0	0	18	4	22
John F. Kennedy (11)..	1	2,629	0	1	2,631	14	2,645	000000000001110 (99.5)	0	43	0	0	43	67	110
Addison (19)..........	0	2,158	3	0	2,161	12	2,173	000000001110000 (99.4)	0	60	0	0	60	21	81
Adlai Stevenson (155)..	0	663	0	0	663	4	667	011111110000000 (99.4)	0	12	0	0	12	7	19
Charles N. Eliot (25)...	0	1,315	0	0	1,315	8	1,323	000000001110000 (99.4)	0	21	0	0	21	26	47
Doan (75).............	0	560	0	0	560	4	546	111111100000001 (99.3)	0	23	0	0	23	5	28

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA —Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Alexander Hamilton (28)	0	1,451	0	0	1,451	12	1 463	000000001110000 (99.2)	0	29	0	0	29	26	55
John D. Rockfeller (146)	0	932	0	8	940	8	948	111111110000000 (99.2)	0	21	0	0	21	6	27
Emile B. Desauze (72)	0	314	0	0	314	3	317	011111110000001 (99.1)	0	10	0	0	10	2	12
John Hay Night (3)	0	1,215	0	2	1,217	12	1,229	000000000000001 (99.0)	0	31	0	0	31	31	62
Charles Dickens (73)	0	866	2	5	873	10	883	011111100000001 (98.9)	0	21	0	0	21	8	29
Margaret Ireland (104)	0	677	0	9	686	9	695	111111110000000 (98.7)	0	21	0	0	21	6	27
Charles Orr (135)	0	448	0	0	448	6	454	111111110000001 (98.7)	0	11	0	0	11	2	13
Thomas Edison (7)	0	687	0	0	687	10	697	000000001111110 (98.6)	0	31	0	0	31	16	47
Central (22)	3	1,159	0	10	1,172	18	1,190	000000001110000 (98.5)	0	22	0	0	22	24	46
Moses Cleveland (65)	0	1,162	0	5	1,167	18	1,185	011111110000000 (98.5)	0	26	0	0	26	9	35
Lulu Diehl (24)	0	647	0	0	647	11	658	000000001110000 (98.3)	0	17	0	0	17	10	27
Beehive (47)	0	978	0	0	978	18	996	011111110000001 (98.2)	0	18	0	0	18	14	32
John Hay (9)	0	1,894	1	6	1,901	39	1,940	000000000001110 (98.0)	0	28	0	0	28	45	73
Robert H. Jamison (33)	0	1,297	0	1	1,298	40	1,338	000000001110000 (97.0)	0	22	0	0	22	24	46
Gracemount (90)	0	739	0	0	739	37	776	011111110000001 (95.2)	0	13	0	0	13	11	24
East (5)	0	1,726	16	14	1,756	96	1,852	000000000001110 (94.8)	0	29	0	0	29	43	72
Marion (118)	8	398	0	32	436	30	466	011111110000000 (93.6)	0	17	0	0	17	4	21
Empire (26)	0	842	1	5	848	70	918	000000010110000 (92.4)	0	24	0	0	24	14	38
Nathan Hale (27)	0	1,054	0	0	1,054	107	1,161	000000001110000 (90.8)	0	22	1	0	23	20	43
aul Revere (142)	0	1,300	0	0	1,300	134	1,434	011111110000000 (90.7)	0	34	0	0	34	12	46
Boulevard (52)	0	616	0	0	616	79	695	011111110000000 (88.6)	0	14	0	0	14	5	19
John Adams (1)	0	2,153	0	1	2,154	361	2,515	000000000001110 (85.6)	0	23	0	0	23	83	106
Sterling (154)	7	374	0	24	405	68	473	111111111000001 (85.6)	0	7	0	0	7	8	15
Woodland (175)	0	516	0	0	516	101	617	111111110000000 (83.6)	0	12	0	0	12	4	16
Cranwood (68)	0	514	0	0	514	109	623	011111110000001 (82.5)	0	7	1	0	8	8	16
Audubon (20)	0	966	0	0	966	378	1,344	000000001110000 (71.9)	0	20	0	0	20	28	48
Wilson (42)	0	562	4	12	578	240	818	000000001110000 (70.7)	0	16	0	0	16	21	37
Mount Auburn (130)	0	268	0	2	270	132	402	011111110000000 (67.2)	0	5	0	0	5	8	13
East Madison (80)	1	281	0	21	303	206	509	111111110000000 (59.5)	0	13	0	0	13	6	19
Harvey Rice (143)	0	304	0	0	304	219	523	011111110000001 (58.1)	0	6	0	0	6	15	21
Brooklawn (56)	0	189	1	0	190	141	331	011110000000000 (57.4)	0	1	0	0	1	7	8
Jane Adams (2)	3	428	3	25	459	382	841	000000000011111 (54.6)	0	5	0	0	5	42	47
Miles (124)	0	391	0	4	395	368	763	011111110000000 (51.8)	0	11	0	0	11	16	27
Standard (152)	0	241	0	8	249	245	494	111111110000000 (50.4)	0	10	0	0	10	7	17
Woodlands Hills (176)	0	234	3	1	238	235	473	011111111000001 (50.3)	0	6	0	0	6	8	14
Suwinski (151)	0	531	6	0	537	543	1,080	011111110000000 (49.7)	0	24	0	0	24	8	32
Anthony Wayne (171)	0	223	3	7	233	262	495	011111110000000 (47.1)	0	5	0	0	5	12	17
Alexander Graham Bell (179)	0	79	0	3	82	100	182	111111111110000 (45.1)	0	11	0	0	11	14	25
Hicks (98)	0	115	0	94	209	244	464	111111110000000 (45.0)	0	3	0	0	0	13	16
East Clark (78)	0	478	2	3	483	630	1,113	011111110000001 (43.4)	0	5	0	0	5	23	28
Henry N. Longfellow (114)	0	174	0	1	175	234	409	011111110000001 (42.8)	0	5	0	0	5	10	15
William H. McGuffey (120)	3	62	2	33	100	147	247	011110000000000 (40.5)	0	0	0	0	0	7	7
Hodge (99)	7	224	3	17	251	440	691	011111110000000 (36.3)	0	7	0	0	7	15	22
Sunbeam (180)	0	70	0	6	76	138	214	011111111110000 (35.5)	1	1	0	0	2	15	17
Max S. Hayes (10)	1	269	0	12	282	526	808	000000000001110 (34.9)	1	2	0	0	3	41	44
Scranton (150)	0	1	0	124	125	379	504	111111110000000 (24.8)	0	3	0	0	3	10	13
Waring (164)	2	17	18	41	78	242	320	011111110000001 (24.4)	0	6	0	0	6	5	11
Collinwood (4)	3	776	13	8	800	2,492	3,292	000000001111110 (24.3)	0	11	1	1	13	116	129

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA —Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Longmead (115)	0	140	2	8	150	477	627	111111100000000 (23.9)	0	0	0	0	0	18	18
Paul L. Dunbar (76)	4	1	0	123	128	451	579	111111110000000 (22.1)	0	2	0	0	2	15	17
Tremont (157)	11	194	0	96	301	1,132	1,433	111111110000000 (21.0)	0	6	0	0	6	48	54
Mill (127)	0	0	0	81	81	310	391	011111110000001 (20.7)	0	1	0	0	1	10	11
W. Dean Howells (32)	7	65	2	123	197	829	1,026	000000001110000 (19.2)	0	4	0	0	4	37	41
Carl F. Shuler (39)	6	143	5	8	162	1,026	1,188	000000001110000 (13.6)	0	1	0	0	1	46	47
Kentucky (107)	5	53	2	63	123	805	928	111111110000001 (13.3)	0	5	0	0	5	24	29
Willow (174)	1	25	0	23	49	358	407	011111110000001 (12.0)	0	6	0	0	6	7	13
Orchard (134)	2	19	0	107	128	1,005	1,133	011111110000000 (11.3)	0	3	0	0	3	29	32
Lincoln (12)	5	54	4	169	232	2,116	2,348	000000001111110 (9.9)	0	3	0	0	3	91	94
West Technical Branch night (18)	2	14	6	75	97	1,083	1,180	000000000000011 (8.2)	0	0	0	0	0	46	46
Barkwill (46)	0	6	0	32	38	434	472	011111110000001 (8.1)	0	6	0	0	6	8	14
Waverly (170)	1	0	0	68	69	843	912	011111110000001 (7.6)	0	2	0	0	2	23	25
Myron T. Herrick (31)	0	34	1	17	52	648	700	000000001110000 (7.4)	0	6	0	0	6	25	31
Buhrer (59)	1	0	0	34	35	437	472	011111110000000 (7.4)	0	1	0	0	1	12	13
West (16)	8	24	6	110	148	2,061	2,209	000000001111110 (6.7)	0	3	1	2	6	89	95
Nathaniel Hawthorne (95)	1	38	1	8	48	676	724	011111110000001 (6.6)	0	0	0	0	0	24	24
Case (61)	0	16	1	6	23	329	352	011111110000001 (6.5)	0	6	0	0	6	5	11
William H. Brett (53)	0	24	2	5	31	444	475	011111110000001 (6.5)	0	2	0	0	2	12	14
Walton (162)	0	0	0	31	31	458	489	011111110000000 (6.3)	0	0	0	0	0	14	14
Miles park (125)	0	25	0	0	25	485	510	011111110000000 (4.9)	0	3	0	0	3	12	15
Louisa M. Alcott (44)	3	0	5	0	8	156	164	011110000000000 (4.9)	0	0	0	0	0	4	4
John Marshall (13)	1	110	10	14	135	2,689	2,824	000000000001110 (4.8)	0	3	0	0	3	117	120
East Dension (79)	0	0	5	18	23	503	526	011111110000000 (4.4)	0	0	0	0	0	13	13
Sackett (149)	0	10	0	26	36	797	833	011111110000000 (4.3)	0	1	0	0	1	29	30
Lawn (113)	0	0	1	24	25	613	638	011111110000001 (3.9)	0	0	0	0	0	19	19
Clark (64)	0	0	0	21	21	552	573	011111110000001 (3.7)	0	0	0	0	0	17	17
A. B. Hart 29)	0	35	1	2	38	1,039	1,077	000000001110000 (3.5)	0	4	0	0	4	40	44
Memorial (122)	0	16	0	1	17	468	485	011111110000001 (3.5)	0	1	0	0	1	17	18
Landon (112)	10	2	3	4	19	527	546	011111110000001 (3.5)	0	0	0	0	0	15	15
West Technical (17)	2	14	5	84	105	3,160	3,265	000000000011110 (3.2)	0	3	0	0	3	140	143
Union (159)	2	0	0	11	13	397	410	011111110000000 (3.2)	1	6	0	0	7	5	12
Louis Agassiz (43)	1	12	1	1	15	517	532	011111110000000 (2.8)	0	0	0	0	0	15	15
Thomas Jefferson (34)	1	2	2	34	39	1,442	1,481	000000001110000 (2.6)	0	3	0	1	4	49	53
TOD (156)	0	0	0	6	6	224	230	011111110000000 (2.6)	0	2	0	0	2	5	7
Wilbur Wright (41)	7	10	6	9	32	1,359	1,391	000000001110000 (2.3)	0	0	0	0	0	48	48
Mckinley (121)	0	2	1	9	12	543	555	011111110000001 (2.2)	0	0	0	0	0	19	19
Artemus Ward (163)	0	1	0	11	12	544	556	011111110000001 (2.2)	0	0	0	0	0	16	16
Gordon (89)	0	0	0	10	10	481	491	011111110000000 (2.0)	0	0	0	0	0	14	14
Almira (45)	1	3	2	11	17	818	835	011111110000001 (2.0)	0	2	0	0	2	21	23
Denison (71)	0	0	0	14	14	683	697	011111110000001 (2.0)	0	0	0	0	0	20	20
Puritas (139)	0	9	1	2	12	694	706	011111110000000 (1.7)	0	0	0	0	0	21	21
Willard (172)	0	1	6	7	14	848	862	011111110000001 (1.6)	0	0	0	0	0	26	26
Fruitland (83)	0	0	0	5	5	208	313	011111110000000 (1.6)	0	0	0	0	0	9	9
George Washington (166)	0	0	6	0	6	371	377	011111110000001 (1.6)	0	0	0	0	0	14	14
Gilbert (88)	0	0	0	11	11	727	738	011111110000000 (1.5)	0	1	0	0	1	20	21
Milford (126)	0	0	0	12	12	797	809	011111110000000 (1.5)	0	0	0	0	0	22	22
Washington Park (168)	0	0	3	0	3	222	225	011111110000000 (1.3)	0	0		0	0	0	0

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CLEVELAND. NUMBER OF SCHOOLS: 180. REPRESENTING: 180. CITY: CLEVELAND. COUNTY: 18 CUYAHOGA—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
South (15)	0	10	0	12	22	1,664	1,686	000000000001110 (1.3)	0	3	0	0	3	64	67
Riverside (145)	0	1	3	3	7	532	539	011111110000001 (1.3)	0	0	0	0	0	20	20
Warner (165)	0	0	2	5	7	534	541	011111110000000 (1.3)	0	0	0	0	0	14	14
Charles A. Mooney (36)	0	1	4	14	19	1,458	1,477	000000001110000 (1.3)	0	2	1	0	3	51	54
Murray Hill (132)	0	2	1	0	3	235	238	011111111100001 (1.3)	0	1	0	0	1	12	13
Verda Brobst (55)	3	2	0	4	9	768	777	011111110000000 (1.2)	0	0	0	0	0	21	21
Benjamin Franklin (82)	0	1	0	11	12	1,103	1,115	011111110000000 (1.1)	0	0	0	0	0	31	31
Newton D. Baker (21)	0	5	2	0	7	665	672	000000001110000 (1.0)	0	2	0	0	2	27	2
Halle (92)	0	3	0	4	7	699	706	011111110000000 (1.0)	0	0	0	0	0	20	20
W. Cullen Bryant (57)	0	0	0	4	4	406	410	011111110000001 (1.0)	0	0	0	0	0	12	12
Dawning (70)	0	0	1	2	3	324	327	011111110000000 (0.9)	0	0	0	0	0	10	10
Harvard (94)	0	0	0	3	3	379	382	011111110000000 (0.8)	0	3	0	0	3	0	12
Paul Bellamy (48)	0	1	0	0	1	153	154	011111110000000 (0.6)	0	0	0	0	0	5	5
Garfield (86)	0	0	0	3	3	471	474	011111110000000 (0.6)	0	0	0	0	0	13	13
Tom L. Johnson (105)	0	1	1	0	2	327	329	011111000000000 (0.6)	0	0	0	0	0	9	9
George N. Carner (50)	0	0	0	4	4	713	717	111111110000001 (0.6)	0	18	0	0	18	4	22
Memphis (123)	1	0	0	2	3	597	600	011111110000001 (0.5)	0	0	0	0	0	20	20
Valleyview (180)	0	0	2	0	2	434	436	011111110000000 (0.5)	0	1	0	0	1	11	12
James Ford Rhodes (14)	0	4	3	0	7	1,649	1,656	000000000001110 (0.4)	0	1	0	0	1	71	72
Oliver Hazard Perry (138)	0	1	0	0	1	269	270	011111111100000 (0.4)	0	0	0	0	0	16	16
Clara E. Westropp (40)	0	3	0	0	3	840	843	000000001110000 (0.4)	0	2	0	0	2	31	33
Douglas MacArthur (117)	0	0	1	0	1	342	343	011111110000000 (0.3)	0	0	0	0	0	11	11
Euclid Park (81)	0	0	0	0	0	494	494	011111110000000 (0.0)	0	0	0	0	0	14	14
Fullerton (84)	0	0	0	0	0	478	478	011111110000000 (0.0)	0	1	0	0	1	13	14
Lake (109)	0	0	0	0	0	132	132	001100000000000 (0.0)	0	0	0	0	0	4	4
Robinson G. Jones (106)	0	0	0	0	0	601	601	011111110000001 (0.0)	0	1	0	0	1	15	16
Mark Twain (158)	0	0	0	0	0	213	213	011110000000000 (0)	0	0	0	0	0	6	6
Mound (129)	0	0	0	0	0	463	463	011111110000000 (0)	0	2	0	0	2	10	12
Hannah Gibbons (87)	0	0	0	0	0	301	301	011111110000001 (0)	0	0	0	0	0	9	9
William Rainey Harper (93)	0	0	0	0	0	359	359	011111110000001 (0)	0	0	0	0	0	11	11
Watterson (169)	0	0	0	0	0	395	395	010111110000000 (0)	0	0	0	0	0	12	12

DISTRICT: SHAKER HEIGHTS. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: SHAKER HEIGHTS. COUNTY: 18 CUYAHOGA

Number	0	1,698	10	0	1,708	6,165	7,873		1	9	0	2	12	361	373
Percents	0.0	21.6	0.1	0.0	21.7	78.3	100.0		0.3	2.4	0.0	0.5	3.2	96.8	100.0
Moreland (10)	0	499	0	0	499	63	562	011111110000000 (88.8)	0	2	0	0	2	22	24
Ludlow (7)	0	181	8	0	189	138	327	011111110000000 (57.8)	0	1	0	0	1	12	13
Woodbury (3)	0	348	0	0	348	578	926	000000001110000 (37.6)	0	1	0	0	1	56	57
Lomono (6)	0	166	0	0	166	456	622	011111110000000 (26.7)	0	1	0	0	1	23	24
Shaker Heights (1)	0	338	1	0	339	1,543	1,882	000000000001110 (18.0)	0	1	0	2	3	90	93
Sussex (12)	0	37	1	0	38	343	381	011111110000000 (10.0)	0	1	0	0	1	16	17
Byron (2)	0	91	0	0	91	923	1,014	000000001110000 (9.0)	0	0	0	0	0	56	56
Onaway (11)	0	18	0	0	18	371	389	011111110000000 (4.6)	0	1	0	0	1	14	15
Boulevard (4)	0	8	0	0	3	351	359	011111110000000 (2.2)	0	1	0	0	1	14	15
Fernway (5)	0	6	0	0	6	358	364	011111110000000 (1.6)	0	0	0	0	0	16	16
Merger (9)	0	6	0	0	6	611	617	011111110000000 (1.0)	0	0	0	0	0	26	26
Malvern (8)	0	0	0	0	0	430	430	011111110000000 (0.0)	1	0	0	0	1	16	17

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: EAST CLEVELAND. NUMBER OF SCHOOLS: 9. REPRESENTING: 9. CITY: EAST CLEVELAND. COUNTY: 18 CUYAHOGA

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	5,200	11	8	5,219	2,177	7,396		0	46	0	0	46	297	343
Percent	0.0	70.3	0.1	0.1	70.6	29.4	100.0		0.0	13.4	0.0	0.0	13.4	86.6	100.0
Rozelle (6)	0	643	0	0	643	6	649	011111110000001 (99.1)	0	9	0	0	9	19	28
Mayfair (4)	0	731	0	0	731	55	786	011111110000000 (93.0)	0	2	0	0	2	28	30
Chambers (3)	0	829	0	0	829	97	926	011111110000000 (89.5)	0	6	0	0	6	30	36
Superior (7)	0	485	3	4	492	114	606	011111110000000 (81.2)	0	4	0	0	4	22	26
W. H. Kirk (5)	0	893	0	4	897	257	1,154	000000001100001 (77.7)	0	14	0	0	14	51	65
Shaw (1)	0	1,105	0	0	1,105	768	1,873	000000000011110 (59.0)	0	9	0	0	9	83	92
Prospect (5)	0	505	5	0	510	443	953	011111110000000 (53.5)	0	2	0	0	2	36	38
Noble (9)	0	5	0	0	5	83	88	111110110000001 (5.7)	0	0	0	0	0	10	10
Caledonia (2)	0	4	3	0	7	354	361	011111110000000 (1.9)	0	0	0	0	0	18	18

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	19	28,729	205	91	29,044	81,655	110,699		1	504	6	3	514	3,549	4,063
Percent	0	26.0	0.2	0.1	26.2	73.8	100.0		0	12.4	0.1	0.1	12.7	87.3	100.0
Felton (79)	0	498	0	0	498	0	498	111111110000000 (100.0)	0	10	0	0	10	17	27
Pilgrim (131)	0	392	0	0	392	0	392	011111110000001 (100.0)	0	13	0	0	13	2	15
Monroe (31)	0	570	0	0	570	1	571	000000001110000 (99.8)	1	11	0	0	12	19	31
Lexington (105)	0	302	0	0	302	1	303	011111110000000 (99.7)	0	5	0	0	5	7	12
Eastgate (78)	0	447	0	0	447	3	450	011111110000000 (99.3)	0	5	0	0	5	11	16
Champion (18)	0	664	0	0	664	5	669	000000001110001 (99.3)	0	25	0	0	25	9	34
East (4)	0	1,280	0	0	1,280	13	1,293	000000000001110 (99.0)	0	19	0	1	20	42	62
Trevitt (148)	0	277	0	0	277	3	280	101111110000000 (98.9)	0	6	0	0	6	9	15
Maryland Park (113)	0	241	0	0	241	3	244	011111110000000 (98.8)	0	6	0	0	6	3	9
Beatty Park (46)	0	471	0	0	471	6	477	111111110000000 (98.7)	0	9	0	0	9	6	15
Lastwood (74)	0	246	0	0	246	6	252	011111110000000 (97.6)	0	7	0	0	7	4	11
Garfield (86)	0	448	0	0	448	13	461	111111110000000 (97.2)	0	14	0	0	14	4	18
Fair Avenue (76)	0	682	0	0	682	25	707	111111110000000 (96.5)	0	14	0	0	14	17	31
Fairwood (78)	0	704	0	0	704	37	741	011111110000000 (95.0)	0	7	0	0	7	17	24
Shepard (140)	0	316	0	0	316	18	334	011111110000000 (94.6)	0 0	5 15	0 1	0 1	5 17	7 22	12 39
Franklin (24)	0	796	0	0	796	50	846	000000001110000 (94.1)				0	11	20	31
Windsor (158)	0	804	0	0	804	54	858	111111110000000 (93.7)	0	11	0	0			
Gladstone (88)	0	472	0	1	473	39	512	011111110000000 (92.4)	0	5	0	0	5	11	16
Milo (118)	0	551	0	0	551	50	601	111111110000000 (91.7)	0	10	0	0	10	16	26
Main Street (110)	0	652	0	0	652	60	712	111111110000000 (91.6)	0	10	0	0	10	12	22
Hamilton Avenue (90)	0	878	0	0	878	94	972	011111110000000 (90.3)	0	7	0		7	29	36
Ohio Avenue (126)	0	860	0	0	860	99	959	111111110000000 (89.7)	0	19	0	0	19	17	36
Linmoor (28)	0	1,108	0	0	1,108	141	1,249	000000001110000 (88.7)	0	11	0	0	11	36	47
11th Avenue (75)	0	624	0	2	626	80	706	111111110000000 (88.7)	0	7	0	0	7	17	24
Brentnell (52)	0	560	0	0	560	83	643	011111110000000 (87.1)	0	7	0	0	7	13	20
Clarfield (58)	0	588	2	1	591	94	685	011111110000000 (86.3)	0	3	0	0	3	20	23
6th Avenue (142)	0	211	0	0	211	37	248	011110000000000 (85.1)	0	3	0	0	3	7	10
Kent (100)	0	574	0	0	574	122	696	011111110000000 (82.5)	0	7	0	0	7	17	24
Clearbrook (59)	0	125	0	0	125	28	153	001111000000000 (81.7)	0	6	0	0	6	1	7
Watkins (152)	0	341	0	0	341	113	454	011111110000001 (75.11)	0	3	0	0	3	11	14
Highland (98)	0	600	6	2	608	225	833	011111110000000 (73.0)	0	6	0	0	6	21	27
Alum Crest (42)	0	267	4	4	275	122	397	011111110000000 (69.3)	0	5	0	0	5	7	12
Sullivant (147)	0	299	0	0	299	209	508	011111110000000 (58.9)	0	11	0	0	11	7	18
Mohawk (8)	0	767	0	0	767	563	1,330	000000001111110 (57.7)	0	11	0	0	11	48	59
Roosevelt (33)	0	481	0	1	482	385	867	000000001110000 (55.6)	0	4	0	0	4	31	35

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Livingston Avenue (109)	0	551	1	1	553	445	998	111111110000000 (55.4)	0	6	0	0	6	25	31
Hudson (95)	0	182	0	0	182	153	335	011111000000000 (54.3)	0	2	0	0	2	8	10
Beery (16)	1	433	1	0	435	366	801	000000001110000 (54.3)	0	3	0	0	3	29	32
Duxberry Park (70)	0	204	0	0	204	201	405	011111110000000 (50.4)	0	2	0	0	2	10	12
East Columbus (72)	0	287	0	0	287	290	577	011111110000001 (49.7)	0	2	0	0	2	17	19
Linden McKinley (6)	0	906	1	0	907	928	1,835	000000000001110 (49.4)	0	5	0	0	5	72	77
Fairfax (165)	0	23	0	0	23	30	53	000111111111100 (43.4)	0	3	0	0	3	8	11
Fulton (85)	0	124	0	0	124	173	297	011111110000001 (41.8)	0	5	0	0	5	8	13
First Avenue (61)	0	131	0	0	131	190	321	011111110000000 (40.8)	0	1	0	0	1	10	11
Chicago Avenue (57)	0	210	3	0	213	309	522	011111110000000 (40.8)	0	2	0	0	2	19	21
Deshler (87)	0	359	0	4	363	555	918	011111110000000 (39.5)	0	2	0	0	2	23	25
Columbus Evening (3)	0	434	8	6	448	774	1,222	000000000011111 (36.7)	0	7	0	0	7	55	62
Indianola (26)	0	348	1	0	349	612	961	000000001110000 (36.3)	0	3	0	0	3	33	36
Weinland Park (153)	0	237	2	2	241	462	703	111111110000000 (34.3)	0	2	0	0	2	25	27
Eastmoor (22)	0	284	4	1	289	561	850	000000001110000 (34.0)	0	3	0	0	3	29	32
Lincoln Park (106)	0	241	0	2	243	472	715	111111110000000 (34.0)	0	10	0	0	10	18	28
Southmoor (40)	0	210	0	0	210	417	627	000000001110000 (33.5)	0	2	0	0	2	21	23
South (11)	0	529	0	0	529	1,143	1,672	000000000001110 (31.6)	0	1	0	0	1	68	69
Central (2)	0	449	3	0	452	990	1,442	000000000011110 (31.3)	0	8	0	0	8	69	77
Second Avenue (137)	0	172	0	0	172	393	565	111111110000000 (30.4)	0	3	0	0	3	23	26
Heimandale (91)	0	122	0	0	122	285	407	011111110000000 (30.0)	0	7	0	0	7	7	14
Third Street (168)	0	38	0	0	38	98	136	000000000011110 (27.9)	0	3	0	0	3	6	9
Franklinton (84)	0	93	0	0	93	247	340	011111110000000 (27.4)	0	3	0	0	3	13	16
Everett (23)	0	252	1	1	254	743	997	000000001110000 (25.5)	0	3	1	0	4	37	41
Marion Franklin (7)	2	270	0	2	274	881	1,155	000000000001110 (23.7)	0	4	0	0	4	50	54
Hilltonia (25)	0	232	0	0	232	773	1,005	000000001110000 (23.1)	0	2	0	0	2	34	36
Starling (35)	0	196	0	0	196	833	1,029	000000001110000 (19.0)	0	4	0	0	4	36	40
Reeb Avenue (133)	4	120	4	0	128	578	706	111111110000000 (18.1)	0	3	0	0	3	27	30
West Mound (155)	0	125	0	0	125	574	699	011111110000000 (17.9)	0	1	0	0	1	21	22
Neil Avenue (167)	0	20	1	0	21	110	131	001111110000000 (16.0)	0	0	0	0	0	12	12
Eastmoor (5)	0	234	5	0	239	1,281	1,520	000000000001110 (15.7)	0	1	1	0	2	57	59
Burroughs (54)	0	127	0	2	129	740	869	011111110000000 (14.8)	0	0	0	0	0	28	28
Douglas (69)	0	78	0	0	78	478	556	111111110000000 (14.0)	0	9	0	0	9	16	25
West (13)	1	277	1	5	284	1,778	2,062	000000000001110 (13.8)	0	2	0	1	3	78	81
McGuffey (29)	0	98	0	0	98	639	737	000000001110000 (13.1)	0	4	0	0	4	24	28
Beck Street (48)	0	68	0	0	68	508	576	111111110000000 (11.8)	0	1	0	0	1	19	20
Wayne (163)	0	28	0	0	28	212	240	011111110000000 (11.7)	0	2	0	0	2	6	8
Heyl Avenue (92)	0	79	0	0	79	620	699	011111110000000 (11.3)	0	1	0	0	1	23	24
Koebel (103)	0	54	0	0	54	453	507	011111110000000 (10.7)	0	3	0	0	3	13	16
North (9)	0	131	11	3	145	1,271	1,416	000000000001110 (10.2)	0	2	0	0	2	55	57
Alexander Graham Bell (166)	0	11	1	0	12	111	123	111111100000000 (9.8)	0	0	0	0	0	16	16
Thurber (128)	0	18	0	0	18	173	191	011111110000000 (9.4)	0	0	0	0	0	7	7
Westmoor (37)	0	92	0	0	92	891	983	000000001110000 (9.4)	0	1	0	0	1	33	34
Kingswood (102)	0	35	8	1	44	428	472	011111111000000 (9.3)	0	0	0	0	0	16	16
Barrett (15)	0	82	1	1	84	976	1,060	000000001110000 (7.9)	0	4	0	0	4	40	44
Indianola (98)	0	33	8	0	41	499	540	011111110000001 (7.6)	0	1	0	0	1	21	22
Bellows (49)	4	19	0	2	25	307	332	011111111000000 (7.5)	0	0		0	0	12	12
McGuffey (115)	0	58	3	0	61	805	866	011111100000000 (7.0)	0	1	0	0	1	26	27
Michigan Avenue (117)	0	38	0	0	38	557	595	011111110000000 (6.4)	0	1	1	0	2	18	20
Moler (119)	0	27	2	0	29	451	480	011111110000000 (6.0)	0	1	0	0	1	13	14

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Ninth Avenue (120)	0	1	7	3	11	222	233	011111110000000 (4.75)	0	0	0	0	0	8	8
Linden (108)	0	35	3	4	42	944	986	011111110000000 (4.31)	0	1	0	0	1	30	31
Birwick (50)	0	21	0	0	21	480	501	011111110000000 (4.2)	0	0	0	0	0	15	15
Westgate (156)	0	25	3	0	28	657	685	011111110000000 (4.1)	0	0	0	0	0	20	20
Broadleigh (53)	2	12	3	2	19	457	476	011111110000000 (4.0)	0	0	0	0	0	19	19
Arlington Park (43)	0	4	8	2	14	481	495	011111110000000 (2.8)	0	3	0	0	3	15	18
Willis Park (157)	0	7	3	5	15	532	547	011111110000001 (2.7)	0	1	0	0	1	18	19
Dana Avenue (66)	0	18	0	0	18	671	689	011111110000001 (2.6)	0	2	0	0	2	18	20
Hubbard (94)	0	14	0	0	14	545	559	011111110000000 (2.5)	0	2	0	0	2	17	19
Avondale (44)	0	7	4	0	11	573	584	010001110000001 (1.9)	0	2	0	0	2	17	19
Johnson Park (27)	0	22	0	0	22	1,193	1,215	000000001110000 (1.8)	0	2	0	0	2	38	40
Northwood (123)	0	4	3	0	7	419	426	011111110000000 (1.6)	0	0	0	0	0	14	14
Leawood (104)	2	0	5	6	13	793	806	011111110000000 (1.6)	0	1	0	0	1	23	24
Southwood (144)	0	10	0	1	11	701	712	011111110000000 (1.5)	0	1	0	0	1	22	23
Medary (116)	0	8	2	0	10	663	673	011111110000000 (1.5)	0	1	0	0	1	23	24
James Road (99)	0	6	0	0	6	412	418	011111110000000 (1.4)	0	0	0	0	0	13	13
Ridgeview (32)	0	2	7	1	10	704	714	000000001110000 (1.4)	0	2	0	0	2	26	28
Fairmoor (77)	0	1	5	2	8	573	581	011111110000000 (1.4)	0	0	0	0	0	21	21
Cranbrook (64)	0	1	5	2	8	594	602	011111110000000 (61.3)	0	0	0	0	0	20	20
Sherwood (34)	0	4	6	2	12	903	915	000000001110000 (1.3)	0	1	0	0	1	29	30
Scottwood (136)	0	3	6	0	8	639	647	011111110000000 (1.2)	0	0	0	0	0	19	19
North Linden (121)	0	4	1	0	5	402	407	011111110000001 (1.2)	0	0	0	0	0	18	18
Indian Springs (97)	0	6	1	0	7	606	613	011111110000001 (1.1)	0	0	0	0	0	21	21
Glenmont (89)	0	1	3	1	5	466	471	011111110000000 (1.1)	0	0	0	0	0	15	15
Fifth Avenue (80)	0	2	0	0	2	211	213	011111110000000 (0.9)	0	1	0	0	1	6	7
Calumet (55)	0	4	0	0	4	424	428	011111110000000 (0.9)	0	0	0	0	0	13	13
Fornof (83)	0	3	0	0	3	321	324	011111110000001 (0.9)	0	1	0	0	1	12	13
Dominion (21)	0	5	4	0	9	964	973	000000001110000 (0.9)	0	1	0	0	1	36	37
Crestview (20)	0	2	4	0	6	644	650	000000001110000 (0.9)	0	0	0	0	0	25	25
Valleyview (150)	0	0	3	0	3	358	361	011111110000000 (0.8)	0	1	0	0	1	11	12
Lindbergh (107)	0	3	1	0	4	486	490	011111110000001 (0.8)	0	3	0	0	3	12	15
Stockbridge (146)	1	0	0	3	4	526	530	011111110000000 (0.8)	0	1	0	0	1	16	17
Clinton (60)	0	0	6	1	7	936	943	011111110000000 (0.7)	0	0	0	0	0	30	30
Homedale (161)	0	0	2	1	3	462	465	011111110000000 (0.6)	0	0	0	0	0	14	14
Forest Park (82)	0	0	0	5	5	807	812	011111110000000 (0.6)	0	0	0	0	0	24	24
Woodcrest (159)	0	3	1	0	4	672	676	011111110000000 (0.6)	0	0	0	0	0	21	21
Maize Road (111)	0	0	4	0	4	710	714	011111110000000 (0.6)	0	0	0	0	0	22	22
Pinecrest (132)	0	0	4	0	4	716	720	011111110000000 (0.6)	0	1	0	0	1	21	22
Marburn (112)	0	1	1	0	2	373	375	011111110000000 (0.5)	0	0	0	0	0	12	12
West Broad Street (154)	0	5	0	0	5	963	968	011111110000000 (0.5)	0	0	0	0	0	29	29
Buckeye (17)	2	0	0	2	4	819	823	000000001110000 (0.5)	0	1	0	0	1	29	30
Alpine (41)	0	1	1	0	2	428	430	011111110000000 (0.5)	0	0	0	0	0	13	13
Oakland Park (124)	0	1	1	0	2	429	431	011111110000001 (0.5)	0	1	1	0	2	13	15
Shady Lane (135)	0	3	0	0	3	644	647	011111110000000 (0.5)	0	0	0	0	0	20	20
Crestview (65)	0	0	2	0	2	436	438	011111110000000 (0.5)	0	0	0	0	0	14	14
Olde Orchard (127)	0	1	1	0	2	534	536	011111110000000 (0.4)	0	0	0	0	0	16	16
Binns (51)	0	0	2	0	2	651	653	011111110000000 (0.3)	0		0	0	1	20	21
Oakmont (125)	0	0	0	1	1	333	334	011111110000001 (0.3)	0	0	0	0	0	12	12
York Town (39)	0	2	0	0	2	668	670	000000001110000 (0.3)	0	2	0	0	2	25	27
Woodward Park (38)	0	0	2	0	2	712	714	000000001100000 (0.3)	0	2	0	0	2	22	24

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: COLUMBUS. NUMBER OF SCHOOLS: 168. REPRESENTING: 168. CITY: COLUMBUS. COUNTY: 25 FRANKLIN—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Kenwood (101)	0	0	1	0	1	357	358	011111110000000 (0.3)	0	0	0	0	0	12	12
Maybury (114)	0	0	0	2	2	726	728	011111110000000 (0.3)	0	0	0	0	0	22	22
Salem (13)	0	0	2	0	2	743	745	011111110000000 (0.3)	0	0	0	0	0	22	22
Stewart Avenue (165)	0	1	0	0	1	374	375	011111110000000 (0.3)	0	0	0	0	0	12	12
Medina (30)	0	3	0	0	3	1,151	1,154	000000001110000 (.3)	0	1	0	0	1	40	41
Clinton (19)	0	0	2	1	3	1,202	1,205	000000001110000 (.2)	0	1	0	0	1	42	43
Parsons (130)	0	1	0	0	1	436	437	011111110000000 (.2)	0	0	0	0	0	16	16
Brookhaven (1)	0	3	0	0	3	1,350	1,353	000000000001110 (.2)	0	1	0	0	1	57	58
Wretstone (14)	0	2	1	0	3	1,463	1,466	000000000001110 (.2)	0	1	0	0	1	52	53
Scioto Trail (135)	0	1	0	0	1	586	587	011111110000000 (.2)	0	1	0	0	1	17	18
Walnut Ridge (12)	0	1	1	0	2	1,290	1,292	000000000001110 (.2)	0	0	0	0	0	54	54
Northland (10)	0	0	2	0	2	1,368	1,370	000000000011110 (.1)	0	1	0	0	1	50	51
Hoy Road (96)	0	1	0	0	1	812	813	011111110000000 (.1)	0	1	0	0	1	25	26
Eakin road (71)	0	0	0	0	0	752	752	011111110000000 (0)	0	2	0	0	2	21	23
Devonshire (88)	0	0	0	0	0	742	742	011111110000000 (0)	0	0	0	0	0	22	22
Como (62)	0	0	0	0	0	625	625	011111110000000 (0)	0	1	0	0	1	17	18
Valley Forge (149)	0	0	0	0	0	694	694	011111110000000 (0)	0	0	0	0	0	23	23
Wedgewood (26)	0	0	0	0	0	567	567	000000001110000 (0)	0	1	0	0	1	22	23
Northtowne (162)	0	0	0	0	0	231	231	011111110000000 (0)	0	0	0	0	0	7	7
Colerain (61)	0	0	0	0	0	137	137	011110000000000 (0)	0	0	0	0	0	5	5
Winterset (164)	0	0	0	0	0	264	264	011111110000000 (0)	0	0	1	0	1	9	10
Northridge (122)	0	0	0	0	0	560	560	011111110000000 (0)	0	1	0	0	1	16	17
Walford (151)	0	0	0	0	0	369	369	011111110000000 (0.0)	0	1	0	0	1	11	12
Sharon (139)	0	0	0	0	0	319	319	011111110000000 (0.0)	0	0	0	0	0	10	10
Courtright (63)	0	0	0	0	0	597	597	011111110000001 (0.0)	0	0	0	0	0	19	19
Smith Road (143)	0	0	0	0	0	470	470	011111110000000 (0.0)	0	1	0	0	1	13	14
Easthaven (160)	0	0	0	0	0	279	279	011111110000000 (0.0)	0	0	0	0	0	8	8
Parkmoor (129)	0	0	0	0	0	402	402	011111110000000 (0.0)	0	0	0	0	0	14	14
Siebert (141)	0	0	0	0	0	512	512	011111110000001 (0.0)	0	0	0	0	0	19	19
Cedarwood (55)	0	0	0	0	0	467	467	011111110000000 (0.0)	0	2	0	0	2	12	14
Georgian Heights (87)	0	0	0	0	0	663	663	011111110000000 (0.0)	0	0	0	0	0	20	20
Beaumont (47)	0	0	0	0	0	491	491	011111110000000 (0.0)	0	0	0	0	0	14	14
Barnett (45)	0	0	0	0	0	253	253	011111110000000 (0.0)	0	0	0	0	0	8	8

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	83	37,275	169	99	37,576	49,231	86,807		0	735	6	3	744	2,502	3,246
Percents	0.0	42.9	0.2	0.1	43.3	56.7	100.0		0.0	22.6	0.2	0.1	22.9	77.1	100.0
Douglass (37)	0	551	0	2	553	0	553	011111110000000 (100.0)	0	13	0	0	13	5	18
Millvale (58)	0	563	0	0	563	0	563	111110000000000 (100.0)	0	13	0	0	13	7	20
Hays (44)	0	863	0	0	863	0	863	111111110000001 (100.0)	0	29	0	0	29	7	36
Sands (77)	0	688	0	0	688	0	688	111111110000001 (100.0)	0	17	0	0	17	10	27
Ach (9)	0	914	0	1	915	0	915	000000001110000 (100.0)	0	29	2	0	31	14	45
Washburn (86)	0	776	0	0	776	0	776	011111110000000 (100.0)	0	17	0	0	17	17	34
Evanston (40)	0	878	0	0	878	0	878	011111110000001 (100.0)	0	11	0	0	11	17	28
Rockdale (72)	0	1,058	1	0	1,059	0	1,059	011111110000000 (100.0)	0	21	0	0	21	15	36
Burton (25)	0	893	0	0	893	1	894	011111110000000 (99.9)	0	19	0	0	19	10	29
South Avondale (82)	0	811	0	0	811	1	812	011111110000000 (99.9)	0	21	0	0	21	12	33
Columbian (34)	0	542	0	0	542	2	544	011111110000000 (99.6)	0	13	0	0	13	10	23
Hoffman (47)	0	1,183	0	0	1,183	6	1,189	011111110000000 (99.5)	0	26	0	0	26	16	42
Sawyer (19)	0	1,183	0	0	1,183	8	1,191	000000001110000 (99.8)	0	29	0	0	29	22	51

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Taft (84)	0	1,293	0	4	1,297	42	1,339	111111110000000 (96.9)	0	15	0	0	15	32	47
Burdett (24)	0	456	0	0	456	21	477	011111110000000 (95.6)	0	11	0	0	11	5	16
Garfield (42)	0	644	0	0	644	36	680	111111110000000 (94.7)	0	16	0	0	16	7	23
Cummins (36)	0	652	0	0	652	38	690	011111110000000 (94.5)	0	12	0	0	12	10	22
Winton Terrace (96)	0	1,257	4	0	1,261	81	1,342	011111110000000 (94.0)	0	17	0	0	17	26	43
Taft (4)	0	1,142	3	0	1,145	116	1,261	000000000001110 (90.8)	0	18	0	0	18	37	55
Bloom (10)	5	755	0	0	760	90	850	000000001110000 (89.4)	0	22	0	0	22	21	43
Porter (17)	1	573	1	0	575	85	660	000000001110000 (87.1)	0	15	0	0	15	16	31
Windsor (94)	0	550	1	0	551	111	662	111111110000000 (83.2)	0	16	0	0	16	9	25
Schiel (79)	0	732	0	2	734	161	895	011111110000001 (82.0)	0	16	0	0	16	15	31
Madisonville (55)	0	832	0	1	833	228	1,061	011111110000000 (78.5)	0	7	0	0	7	27	34
Heberle (45)	0	704	0	0	704	231	935	111111110000000 (75.3)	0	17	0	0	17	20	37
Cutter (11)	1	936	1	1	939	323	1,262	000000001110000 (74.4)	0	31	1	0	32	35	67
North Avondale (63)	0	710	0	0	710	246	956	011111110000000 (74.3)	0	11	0	0	11	21	32
Hughes (3)	0	1,464	1	1	1,466	517	1,983	000000000011110 (73.9)	0	12	0	0	12	70	82
Silverton (80)	0	431	0	1	432	173	605	011111110000000 (71.4)	0	6	0	0	6	17	23
Kennedy (49)	0	541	2	0	543	252	795	011111110000000 (68.3)	0	6	0	1	7	17	24
Peaslee (67)	0	426	0	0	426	245	671	111111110000000 (63.5)	0	9	0	0	9	16	25
Heinold (15)	0	673	0	0	673	393	1066	000000001110000 (63.1)	0	15	0	0	15	39	44
Rothenberg (76)	0	489	0	0	489	286	775	111111110000000 (63.1)	0	4	0	0	4	31	35
Carll (26)	0	323	2	0	325	199	524	011111000000000 (62.0)	0	6	0	0	6	11	17
Vine (85)	0	419	1	1	421	260	681	111111110000000 (61.8)	0	7	0	1	8	15	23
Glenview (101)	0	34	0	0	34	22	56	000000000000001 (60.7)	0	1	0	0	1	4	5
Campbell (104)	0	361	1	0	362	245	607	000000001100000 (59.6)	0	6	0	0	6	22	28
Sixth District Primary (81)	0	124	0	0	124	87	211	111110000000000 (58.8)	0	2	0	0	2	15	17
Merry (108)	0	638	0	0	638	473	1111	000000001110000 (57.4)	0	9	0	0	9	38	47
Courter Technical (2)	0	1042	6	0	1,048	882	1,930	000000000011110 (54.3)	0	10	0	0	10	81	91
Guilford (103)	0	84	0	0	84	99	183	000000000000000 (45.9)	0	5	0	0	5	8	13
Webster (89)	0	188	0	1	189	225	414	111111110000000 (45.7)	0	6	0	0	6	12	18
Withrow (7)	1	1,443	6	4	1,454	1,889	3,343	000000001111110 (48.5)	0	19	2	0	21	116	137
Lyon (18)	1	382	0	1	384	519	903	000000001110000 (42.5)	0	7	0	0	7	33	40
North Fairmount (64)	0	249	2	0	251	364	615	011111110000001 (40.8)	0	2	0	0	2	19	21
Condon (100)	0	127	0	0	127	200	327	011111111100001 (38.8)	0	2	0	0	2	21	23
Shroder (21)	0	316	2	0	318	501	819	000000001110001 (38.8)	0	4	0	0	4	28	32
Childrens Unit (99)	0	38	0	0	38	60	98	000000000000001 (38.8)	0	6	0	0	6	8	14
Woodward (8)	1	1,251	10	3	1,265	2,047	3,312	000000001111110 (38.2)	0	9	0	0	9	126	135
Clifton (32)	1	327	12	2	342	634	976	011111110000000 (35.0)	0	4	0	1	5	35	40
Bond Hill (22)	0	251	3	0	254	505	759	011111110000000 (33.5)	0	1	0	0	1	22	23
Washington Park (87)	0	215	6	1	222	469	691	011111110000000 (32.1)	0	7	0	0	7	28	35
Winton Place (95)	2	244	0	0	246	555	801	011111110000000 (30.7)	0	2	0	0	2	23	25
Allen House (97)	0	20	0	0	20	46	66	000000000000001 (30.3)	0	3	0	0	3	0	3
Hillcrest (102)	0	3	0	0	3	7	10	000000000000001 (30.0)	0	0	0	0	0	1	1
Roll Hill (13)	0	148	4	1	153	387	540	011111110000000 (28.3)	0	2	0	0	2	14	16
College Hill (33)	0	216	1	0	217	556	773	011111110000000 (28.1)	0	3	1	0	4	20	24
Swifton Primary (83)	0	108	8	10	126	351	477	011110000000000 (26.4)	0	2	0	0	2	15	17
Walnut Hills (5)	10	623	15	5	653	1,976	2,629	000000001111110 (24.8)	0	4	0	0	4	96	100
Washington (88)	0	176	1	0	177	594	771	011111110000000 (23.0)	0	3	0	0	3	23	26
Pleasant Hill (68)	0	189	2	5	196	669	865	011111110000000 (22.7)	0	2	0	0	2	21	23
Morgan (59)	0	58	0	0	58	207	265	111111110000000 (21.9)	0	0	0	0	0	8	8

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: CINCINNATI. NUMBER OF SCHOOLS: 106. REPRESENTING: 106. CITY: CINCINNATI. COUNTY: 31 HAMILTON. ASSURANCE: 441—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Highlands (46)	0	48	0	0	48	176	224	011111110000000 (21.4)	0	1	0	0	1	8	9
Aiken (1)	0	371	7	2	380	1,412	1,792-	000000000011110 (21.2)	0	2	0	0	2	74	76
Bramble (23)	0	105	0	0	105	398	503	011110000000000 (20.9)	0	2	0	0	2	11	13
Eastwood (39)	2	172	0	0	174	765	939	011111110000000 (18.5)	0	2	0	0	2	27	29
Schwab (20)	0	169	4	6	176	880	1,056	000000001110000 (16.7)	0	3	0	0	3	39	42
Kirby Road (51)	0	140	0	2	142	739	881	011111110000000 (16.1)	0	2	0	0	2	26	28
Lincoln (52)	0	65	0	1	66	368	434	011111110000000 (15.2)	0	1	0	0	1	14	15
Hyde Park (48)	0	115	3	4	122	705	827	011111110000000 (14.8)	0	2	0	0	2	24	26
Roosevelt (74)	0	61	0	1	62	425	487	011111110000000 (12.7)	0	1	0	0	1	15	16
Hartwell (43)	0	53	0	0	53	667	720	011111110000000 (7.4)	0	2	0	0	2	21	23
Child Guidance Home (98)	0	0	0	1	1	13	14	000000000000000 (7.1)	0	0	0	0	0	2	2
Pleasant Ridge (69)	0	58	0	3	61	1,007	1,068	011111110000000 (5.7(	0	3	0	0	3	29	32
Sayler Park (78)	0	25	1	0	26	470	496	011111110000000 (5.2)	0	0	0	0	0	14	14
Chase (30)	0	12	4	0	16	606	622	011111110000000 (2.6)	0	1	0	0	1	20	21
Mount Adams (60)	0	1	2	0	3	114	117	111111110000000 (2.6)	0	0	0	0	0	3	3
Dater (12)	1	20	5	2	28	1,187	1,215	000000001110000 (2.3)	0	2	0	0	2	47	49
Mount Airy (61)	0	5	3	4	12	509	521	011111110000000 (2.3)	0	2	0	0	2	14	16
Whittier (92)	0	17	1	3	21	960	981	001111110000000 (2.1)	0	2	0	0	2	28	30
Oakley (65)	1	7	10	0	18	977	995	011111110000000 (1.8)	0	2	0	0	2	30	32
Roselawn (75)	0	6	0	1	7	420	427	011111110000000 (1.6)	0	2	0	0	2	11	13
Gamble (14)	0	8	4	1	13	830	843	000000001110001 (1.5)	0	1	0	0	1	30	31
Quebec Heights (70)	0	7	6	0	13	872	885	011111110000000 (1.5)	0	1	0	0	1	24	25
Lusanttville (34)	0	6	0	3	9	684	693	011111110000000 (1.3)	0	1	0	0	1	20	21
Fairview (41)	2	7	2	0	11	891	902	011111110000000 (1.2)	0	2	0	0	2	27	29
Carson (27)	1	0	6	3	10	881	891	011111110000000 (1.1)	0	1	0	0	1	23	24
Covedale (35)	0	0	4	4	8	823	831	011111110000000 (1.0)	0	2	0	0	2	23	25
Roberts (18)	0	11	0	0	11	1,264	1,275	000000001110000 (0.9)	0	5	0	0	5	47	52
Western Hills (6)	0	13	2	3	18	2,402	2,420	000000000001110 (0.7)	0	1	0	0	1	96	97
Westwood primary (90)	0	0	2	0	2	286	288	011110000000000 (0.7)	0	0	0	0	0	8	8
Osage primary (93)	0	2	1	0	3	437	440	011110000000000 (0.7)	0	1	0	0	1	11	12
Westwood (91)	0	0	2	3	5	854	859	011111110000000 (0.6)	0	2	0	0	2	22	24
Mount Washington (62)	0	2	2	0	4	689	693	011111110000000 (0.6)	0	1	0	0	1	21	22
Central Fairmount (29)	0	4	0	0	4	708	712	011111110000000 (0.6)	0	2	0	0	2	19	21
Kilgour (50)	1	0	3	1	5	942	947	011111110000000 (0.5)	0	1	0	0	1	28	29
Carthage (28)	0	0	1	1	2	381	383	011111110000000 (0.5)	0	1	0	0	1	12	13
Midway (57)	0	1	0	2	3	577	580	011111110000000 (0.5)	0	0	0	0	0	16	16
Oyler (66)	2	1	0	0	3	861	864	011111110000000 (0.3)	0	4	0	0	4	25	29
Eastern Hills (13)	0	2	0	0	2	660	662	000000001110000 (0.3)	0	1	0	0	1	26	27
Cheviot (31)	0	0	1	1	2	829	831	011111110000000 (0.2)	0	1	0	0	1	20	21
McKinley (56)	0	1	0	0	1	618	619	011111110000000 (0.2)	0	1	0	0	1	18	19
Eastern Hills (38)	0	0	0	0	0	322	322	011111110000000 (0.0)	0	1	0	0	1	11	12
Linwood (53)	0	0	0	0	0	342	342	011111110000000 (0.0)	0	1	0	0	1	11	12
Riverside Harrison (71)	0	0	0	0	0	559	559	011111110000000 (0.0)	0	2	0	0	2	16	18
McMillan Center (105)	0	0	0	0	0	0	0	000000000000000 (0.0)	0	2	0	0	2	5	7

DISTRICT: LINCOLN HEIGHTS. NUMBER OF SCHOOLS: 2. REPRESENTING: 2. CITY: LINCOLN HEIGHTS. COUNTY: 31 HAMILTON. WEIGHT: 1.0

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	1,898	0	0	1,898	0	1,898		0	75	0	0	75	3	78
Percents	0.0	100.0	0.0	0.0	100.0	0.0	100.0		0.0	96.2	0.0	0.0	96.2	3.8	100.0
Lincoln Heights (1)	0	503	0	0	503	0	503	000000000011111 (100.0)	0	17	0	0	17	2	19
Lincoln Heights (2)	0	1,395	0	0	1,395	0	1,395	011111111100001 (100.0)	0	58	0	0	58	1	59

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: LORAIN. NUMBER OF SCHOOLS: 23. REPRESENTING: 23. CITY: LORAIN. COUNTY: 47 LORAIN. ASSURANCE: 441. WEIGHT: 1.0-GRADES

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	33	2,280	15	2,492	4,820	12,488	17,308		0	43	0	5	48	573	621
Percents	0.2	13.2	0.1	14.4	27.8	72.2	100.0		0.0	6.9	0.0	0.8	7.7	92.3	100.0
Lincoln (14)	0	201	0	473	674	59	733	011111110000000 (92.0)	0	7	0	2	9	20	29
Boone (3)	6	256	0	85	347	128	475	011111000000000 (73.1)	0	7	0	0	7	10	17
Hawthorne (9)	0	297	0	138	435	328	763	000000111100000 (57.0)	0	3	0	0	3	32	35
Garfield (7)	5	308	2	200	513	425	938	011111110000000 (54.7)	0	4	0	0	4	27	31
Charleston (4)	0	250	0	76	326	357	683	001111110000000 (47.7)	0	2	0	0	2	24	26
Harrison (8)	0	86	0	40	126	153	279	011111110000000 (45.2)	0	0	0	0	0	9	9
Lowell (17)	5	11	0	336	352	431	783	011111110000000 (45.0)	0	2	0	2	4	20	24
Whittier (22)	2	61	0	230	293	445	738	000000001100000 (39.7)	0	1	0	0	1	25	26
Oakwood (19)	0	4	0	95	99	171	270	011111110000000 (36.7)	0	1	0	0	1	8	9
King (1)	2	289	3	426	720	2,057	2,777	000000000011110 (25.9)	0	6	0	1	7	93	100
Brownell (23)	1	51	1	32	85	328	413	010000000000000 (20.6)	0	1	0	0	1	7	8
Washington (21)	1	61	0	10	72	354	426	011111110000000 (16.9)	0	0	0	0	0	16	16
Lorain(2)	1	194	2	145	342	1,871	2,213	000000000011110 (15.5)	0	3	0	0	3	79	82
Fairhume (6)	0	46	0	19	65	378	443	001111110000000 (14.7)	0	1	0	0	1	13	14
Larkmoor (13)	3	49	3	33	88	818	906	011111110000000 (9.7)	0	1	0	0	1	29	30
Longfellow (16)	0	30	0	16	46	450	496	000000001100000 (9.3)	0	2	0	0	2	19	21
Irving (11)	6	21	0	34	61	603	664	001111111100000 (9.2)	0	1	0	0	1	26	27
Emerson (5)	0	4	0	17	21	255	276	011111110000000 (7.6)	0	0	0	0	0	11	11
Masson (18)	0	34	1	39	74	980	1,054	001111111100000 (7.0)	0	0	0	0	0	41	41
Lakeview (12)	0	24	0	14	39	572	611	011111110000000 (6.4)	0	0	0	0	0	20	20
Palm Avenue (20)	1	0	0	15	16	260	276	011111110000000 (5.8)	0	0	0	0	0	10	10
Jane Lindsay (15)	0	1	3	5	9	187	196	011111110000000 (4.6)	0	0	0	0	0	7	7
Homewood (10)	1	2	0	14	17	878	895	011111110000000 (1.9)	0	1	0	0	1	27	28

DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	26	16,473	88	1,439	18,026	43,658	61,684		0	379	5	6	390	1,906	2,296
Percents	0.0	26.7	0.1	2.3	29.2	70.8	100.0		0.0	16.5	0.2	0.3	17.0	83.0	100.0
Roosevelt (65)	0	946	0	0	946	0	946	011111110000000 (100.0)	0	28	0	0	28	8	36
Ella P. Stewart (25)	0	671	0	4	675	0	675	011111111100000 (100.0)	0	22	0	0	22	3	25
Washington (72)	0	547	0	0	547	5	552	011111110000000 (99.1)	0	15	0	0	15	5	20
Lincoln (45)	0	1,232	0	4	1,236	19	1,255	011111110000000 (98.5)	0	31	0	0	31	11	42
Gunckel (35)	0	1,147	0	9	1,156	29	1,185	011111111100001 (97.6)	0	34	0	0	34	12	46
Robinson (64)	0	856	2	4	862	28	890	000000011100001 (96.9)	0	23	2	0	25	27	52
Pickett (59)	0	1,353	0	0	1,353	46	1,399	011111111100000 (96.7)	0	31	0	0	31	12	43
Scott (6)	0	1,874	5	24	1,903	178	2,081	000000000011110 (91.4)	0	36	1	0	37	55	92
SS (12)	0	107	0	1	108	15	123	000000000011110 (87.8)	0	8	0	0	8	4	12
Warren (71)	0	589	7	9	605	97	702	011111110000000 (86.2)	0	18	0	0	18	7	25
Ryder (66)	0	271	0	4	275	62	337	011111110000000 (81.6)	0	3	0	0	3	8	11
Fulton (29)	0	960	4	17	981	225	1,206	011110111100000 (81.3)	0	23	0	0	23	20	43
SS Irwin (75)	0	247	0	10	257	68	325	011111111100000 (79.1)	0	10	0	0	10	2	12
Scott evening school (7)	0	325	8	61	394	107	501	000000000000001 (78.6)	0	0	0	0	0	0	0
Glenwood (33)	0	794	0	38	832	606	1,438	011111111100000 (57.9)	0	15	0	0	15	30	45
Libbey (3)	0	829	0	68	897	845	1,742	000000000011110 (51.5)	0	11	0	0	11	68	79
Sherman (67)	4	448	0	81	533	570	1,103	011111111100000 (48.3)	0	13	0	1	14	26	40
Hale (52)	1	605	1	14	621	692	1,313	011111111100000 (47.3)	0	7	0	0	7	37	44
Westfield (73)	0	151	2	100	253	325	578	011111000000000 (43.8)	0	2	0	0	2	17	19
Hamilton (36)	0	403	0	29	432	580	1,012	011111111100000 (42.7)	0	2	0	0	2	34	36
Spring (68)	0	280	0	39	319	477	796	011111111100000 (40.1)	0	1	0	0	1	23	24

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Parkland Craft (58)	0	76	0	4	80	131	211	000000001100000 (37.9)	0	2	0	0	2	14	16
Jones (40)	0	104	1	83	188	566	754	000000111100001 (24.9)		1	0	1	2	29	31
Feilbach (76)	0	36	0	1	37	112	149	001111111111111 (24.8)	0	0	0	0	0	14	14
Mount Vernon (51)	0	73	0	0	73	265	338	011111110000000 (21.6)	0	0	0	0	0	12	12
Birmingham (17)	0	66	0	67	133	560	693	011111111100000 (19.2)	0	1	0	0	1	22	23
Macomber Vocational Tech (4)	1	181	2	29	213	1,000	1,213	000000000011110 (17.6)	0	2	0	0	2	59	61
Whitney Vocational Tech (10)	0	86	1	13	100	496	596	000000000001110 (16.8)	0	1	0	0	1	28	29
LaGrange (43)	4	12	1	106	123	648	771	011111111100000 (16.0)	0	0	0	0	0	72	27
Woodward (11)	2	241	5	100	348	2,011	2,359	000000000011110 (14.8)	0	4	0	1	5	82	87
Marshall (47)	0	1	2	85	88	555	643	011111110000000 (13.7)	0	0	0	0	0	21	21
Dandale (55)	0	95	0	46	141	924	1,065	011111111100000 (13.2)	0	2	0	0	2	34	36
Franklin (28)	0	14	1	53	68	525	593	011111111100001 (11.5)	0	1	0	1	2	19	21
Motique Junior High (13)	1	165	0	12	178	1,390	1,568	000000001110010 (11.4)	0	2	0	0	2	58	60
Garfield (30)	0	54	0	39	93	727	820	011111111100000 (11.3)	0	0	0	0	0	25	25
Waite (9)	4	99	2	75	180	1,703	1,883	000000000011110 (9.6)	0	4	0	1	5	67	72
Devilbiss (2)	0	163	2	3	168	1,645	1,813	000000000011110 (9.3)	0	2	1	1	4	87	91
Navarre (53)	0	43	0	24	67	698	765	011111111100000 (8.8)	0	0	0	0	0	24	24
Bancroft Hills (15)	0	6	2	9	17	179	196	011111110000000 (8.7)	0	1	0	0	1	6	7
Walbridge (70)	0	55	0	14	69	740	809	011111111100000 (8.5)	0	3	0	0	3	25	28
Chase (19)	1	11	0	12	24	266	290	011111100000000 (8.3)	0	0	0	0	0	11	11
Rugers (5)	0	113	2	7	122	1,390	1,512	000000000001111 (8.1)	0	0	0	0	0	65	65
Riverside (63)	0	29	0	11	40	675	715	011111111100000 (5.6)	0	3	0	0	3	21	24
Martin (48)	0	5	0	8	13	247	260	011111110000000 (5.0)	0	2	0	0	2	8	10
Stickney (69)	0	1	0	21	22	458	480	011111111100000 (4.6)	0	1	0	0	1	16	17
Old Orchard (58)	0	24	1	0	25	620	645	011111111100000 (3.9)	0	0	0	0	0	26	26
Nebury (54)	0	0	0	18	18	529	547	011111110000000 (3.3)	0	1	0	0	1	15	16
East Side Central (23)	0	1	0	25	26	766	792	011111111100000 (3.3)	0	1	0	0	1	27	28
Cherry (20)	0	6	0	16	22	702	724	011111111100000 (3.0)	0	1	0	0	1	21	22
McKinley (50)	0	20	0	12	32	1,065	1,097	011111111100000 (2.9)	0	1	0	0	1	39	40
Fall Meyer (27)	0	4	1	4	9	343	352	011111110000000 (2.6)	0	0	0	0	0	14	14
Longfellow (46)	6	17	2	1	26	1,152	1,178	011111111100000 (2.2)	0	1	0	0	1	38	39
Kleis (42)	0	0	6	0	6	290	296	011111110000000 (2.0)	0	1	0	0	1	9	10
Grove Patterson (34)	0	1	2	2	5	278	283	011111110000000 (1.8)	0	0	0	0	0	10	10
Deveaux (22)	0	20	0	1	21	1,177	1,198	011111111100000 (1.8)	0	0	0	0	0	45	45
Heather Downs (39)	0	0	6	0	6	461	467	011111110000000 (1.3)	0	0	0	0	0	15	15
Keyser (41)	0	3	1	0	4	324	328	011111110000000 (1.2)	0	1	0	0	1	10	11
Raymer (61)	0	6	0	5	11	913	924	011111111100001 (1.2)	0	0	0	0	0	33	33
Burroughs (18)	0	0	0	6	6	706	712	011111111100000 (0.8)	0	1	0	0	1	23	24
Harvard (37)	0	1	3	2	6	718	724	011111111100000 (0.8)	0	0	0	0	0	24	24
Edgewater (24)	0	0	1	2	3	432	435	011111110000000 (0.71)	0	0	0	0	0	14	14
Start (8)	2	3	4	4	13	2,015	2,028	000000000011110 (0.6)	0	0	0	0	0	80	80
Larchmont (44)	0	0	2	0	2	403	405	011111110000000 (0.5)	0	0	0	0	0	13	13
Point Place (60)	0	0	1	0	1	294	295	000000001100000 (0.3)	0	0	0	0	0	12	12
Glann (31)	0	0	0	1	1	353	354	011111110000000 (0.3)	0	3	0	0	3	9	12
Arlington (14)	0	0	2	0	2	764	766	011111111100000 (0.3)	0	0	0	0	0	24	24
Lonshor (1)	0	3	2	0	5	1,953	1,958	000000002222220 (0.3)	0	0	0	0	0	77	77
Hawkins (38)	0	0	1	0	1	440	441	011111110000000 (0.2)	0	1	0	0	1	12	13
Glendale (32)	0	0	0	1	1	471	472	011111110000000 (0.2)	0	0	0	0	0	15	15

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: TOLEDO. NUMBER OF SCHOOLS: 76. REPRESENTING: 76. CITY: TOLEDO. COUNTY: 48 LUCAS—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Whittier (74)	0	0	2	1	3	1,492	1,495	011111111100000 (0.2)	0	1	0	0	1	50	51
Beverly (16)	0	0	1	0	1	520	521	011111110000000 (0.2)	0	0	0	0	0	17	17
Crossgates (21)	0	0	0	0	0	403	403	011111110000000 (0.0)	0	1	1	0	2	10	12
Ottawa River (57)	0	0	0	0	0	286	286	011111110000000 (0.0)	0	0	0	0	0	9	9
Mayfair (49)	0	0	0	0	0	279	279	011111110000000 (0.0)	0	0	0	0	0	9	9
Reynolds (62)	0	0	0	0	0	298	298	011111110000000 (0.0)	0	0	0	0	0	10	10
Elkhurst (26)	0	0	0	0	0	326	326	011111110000000 (0.0)	0	0	0	0	0	13	13

DISTRICT: YOUNGSTOWN. NUMBER OF SCHOOLS: 43. REPRESENTING: 43. CITY: YOUNGSTOWN. COUNTY: 50 MAHONING

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	6	10,905	50	801	11,762	14,882	26,644		0	81	2	2	85	968	1,053
Percent	0.0	50.9	0.2	3.0	44.1	55.9	100.0		0.0	7.7	0.2	0.2	8.1	91.9	100.0
Covington (17)	0	566	0	0	566	22	588	011111110000000 (96.3)	0	6	0	0	6	14	20
Grant (19)	0	618	1	4	623	30	653	011111110000000 (95.4)	0	6	0	0	6	20	26
Jefferson (25)	0	523	0	9	532	36	568	011111110000000 (93.7)	0	2	0	0	2	17	19
Monroe (30)	0	740	0	4	744	57	801	011111100000000 (92.9)	0	3	0	0	3	27	30
Thorn Hill (37)	0	336	0	0	336	29	365	011111110000000 (92.1)	0	6	0	0	6	9	15
Hillman (7)	0	705	4	39	748	103	851	000000001110000 (87.9)	0	5	0	0	5	33	38
White (41)	0	296	0	4	300	62	362	011111110000000 (82.9)	0	0	0	0	0	13	13
Lincoln (27)	0	602	0	139	741	158	899	011111111000000 (82.4)	0	8	0	0	8	27	35
Roosevelt (32)	0	279	0	203	482	111	593	011111110000001 (81.3)	0	1	0	0	1	19	20
Madison (28)	0	426	1	26	453	146	599	011111111000000 (75.6)	0	3	0	0	3	19	22
Science Hill Elementary (33)	0	179	0	5	184	68	252	001111111000000 (73.0)	0	2	0	0	2	8	10
Science Hill Jr. (43)	0	255	1	4	260	98	358	000000001100000 (72.6)	0	4	0	0	4	15	19
Harrison (27)	0	336	3	4	343	153	496	011111100000000 (69.2)	0	4	0	0	4	13	17
North (3)	1	476	4	5	486	217	703	000000000011110 (69.1)	0	4	1	0	5	27	32
Cleveland (15)	0	395	2	3	400	191	591	011111110000000 (67.7)	0	1	0	0	1	19	20
South (5)	0	798	2	24	824	468	1,292	000000000001110 (63.8)	0	5	0	0	5	53	58
Richey (31)	0	106	0	9	115	69	184	011111111000000 (62.5)	0	0	0	0	0	5	5
Hayes (23)	0	380	0	10	390	255	645	000000001100000 (60.5)	0	2	0	1	3	26	29
Garfield (18)	0	266	1	9	276	198	474	011111110000000 (58.2)	0	0	0	0	0	17	17
Williamson (42)	0	223	11	45	279	205	484	011111110000000 (57.6)	0	1	0	0	1	16	17
Princeton (8)	0	401	0	9	410	330	740	000000000011100 (55.4)	0	1	0	0	1	31	32
East (2)	0	862	0	116	978	808	1,786	000000000111110 (54.8)	0	4	0	0	4	78	82
Rayen (4)	0	554	2	31	587	655	1,242	000000000011110 (47.3)	0	2	0	0	2	56	58
Tod (38)	0	73	0	4	77	174	251	011111110000000 (30.7)	0	0	0	0	0	8	8
Haddow (20)	0	118	0	17	135	310	445	011111111000000 (30.3)	0	1	0	0	1	16	17
McKinley (29)	0	69	2	6	77	284	361	011111110000000 (21.3)	0	2	0	0	2	9	11
Bennett (13)	0	63	0	24	87	355	442	011111111000001 (19.7)	0	0	0	0	0	20	20
Stambaugh (35)	0	60	0	10	70	300	370	011111110000000 (18.9)	0	2	0	0	2	14	16
Sheridan (34)	0	49	3	0	52	330	382	011111110000000 (13.6)	0	1	0	0	1	14	15
Harding (21)	0	44	2	1	47	392	439	011111110000000 (10.7)	0	0	0	0	0	14	14
Adams (11)	0	20	0	13	33	493	526	001111111100000 (6.3)	0	0	0	0	0	23	23
West (10)	5	23	0	8	34	623	657	000000001110000 (5 2)	0	0	0	0	0	26	26
Bancroft (12)	0	4	0	3	7	187	194	011111110000000 (3.6)	0	0	0	0	0	7	7
Washington (39)	2	19	1	0	22	590	612	011111110000000 (3.6)	0	3	0	0	3	17	20
Wilson (5)	0	19	9	3	31	1,520	1,551	000000000011111 (2.0)	0	1	1	0	2	63	65
Chaney (1)	0	20	0	4	24	1,415	1,439	000000000001110 (1 7)	0	1	0	1	2	57	59
Jackson (24)	0	0	0	3	3	592	595	011111111000000 (0 5)	0	0	0	0	0	20	20
Coitsville (16)	0	1	0	0	1	203	204	011111110000000 (0.5)	0	0	0	0	0	7	7

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: YOUNGSTOWN. NUMBER OF SCHOOLS: 43. REPRESENTING: 43. CITY: YOUNGSTOWN. COUNTY: 50 MAHONING—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Taft (36)	0	1	0	1	2	421	423	011111111000000 (0.5)	0	0	0	0	0	14	14
Bunn (14)	0	0	0	2	2	681	683	011111111000000 (0.3)	0	0	0	0	0	23	23
Volney Rogers (9)	0	0	1	0	1	502	503	000000001110000 (0.2)	0	0	0	0	0	22	22
West (40)	0	0	0	0	0	501	501	011111110000000 (0.0)	0	0	0	0	0	16	16
Kirkmere (26)	0	0	0	0	0	540	540	011111110000000 (0.0)	0	0	0	0	0	16	16

DISTRICT: DAYTON. NUMBER OF SCHOOLS: 69. REPRESENTING: 69. CITY: DAYTON. COUNTY: 57 MONTGOMERY. ASSURANCE: 441

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	15	22,790	73	67	22,945	36,582	59,527		0	673	0	2	675	1,682	2,357
Percent	0	38.3	0.1	0.1	38.5	61.5	100.0		0	28.6	0	0.1	28.6	71.4	100.0
Roosevelt (7)	0	2,083	0	0	2,083	0	2,088	000000000111110 (100.0)	0	63	0	0	63	31	94
Weaver (63)	0	1,224	1	0	1,225	0	1,225	111111111100000 (100.0)	0	42	0	0	42	5	47
Troy (59)	0	676	0	0	676	0	676	111110000000000 (100.0)	0	23	0	0	23	0	23
Wogaman (67)	0	1,078	0	0	1,078	0	1,078	111111111100001 (100.0)	0	36	0	0	36	1	37
Macfarlane (47)	0	1,281	1	0	1,282	1	1,283	111111111100000 (99.9)	0	44	0	0	44	0	44
Miami Chapel (52)	0	667	0	0	687	1	688	000001111100000 (99.9)	0	25	0	0	25	3	28
Monary Park (50)	0	533	0	0	533	3	536	111111100000000 (99.4)	0	15	0	0	15	4	19
Westwood (65)	0	1,564	0	0	1,564	9	1,573	111111111000000 (99.4)	0	40	0	0	40	21	61
Dunbar (2)	0	1,487	1	0	1,488	9	1,497	000000000011110 (99.4)	0	55	0	0	55	7	62
Residence Park Primary (54)	0	432	0	0	432	3	435	011100000000000 (99.3)	0	10	0	0	10	3	13
Whittier (66)	0	843	0	0	843	6	849	111111111100000 (99.3)	0	18	0	0	18	11	29
Jackson (37)	0	355	0	0	855	7	862	000001111100000 (99.2)	0	27	0	0	27	5	32
Irving (36)	0	847	p	0	847	8	855	111111111100000 (99.1)	0	25	0	0	25	10	35
Carlson (17)	0	608	0	0	608	6	614	011111111100000 (99.0)	0	20	0	0	20	4	24
Jackson Primary (38)	0	678	0	0	678	8	686	011110000000000 (98.8)	0	17	0	0	17	4	21
Residence Park (55)	0	747	0	0	747	9	756	000011111000000 (98.8)	0	20	0	0	20	11	31
Edison (22)	0	508	0	0	508	14	522	111110010000000 (97.3)	0	18	0	0	18	3	21
Highview (34)	0	898	0	0	898	27	925	111111111100000 (97.1)	0	20	0	0	20	13	33
Greene (31)	0	545	0	0	545	18	563	111111111100000 (96.8)	0	22	0	0	22	7	29
Roth (8)	2	1,263	0	4	1,269	99	1,368	000000000111110 (92.8)	0	38	0	0	38	20	58
Addams (12)	0	504	0	0	504	179	683	111111111100000 (73.8)	0	7	0	0	7	19	26
Jefferson (39)	0	568	2	0	570	375	945	000001111100000 (60.3)	0	5	0	0	5	37	42
Jefferson Primary (40)	0	393	0	0	393	295	688	011100000000001 (57.1)	0	7	0	0	7	15	22
Cornell Heights (19)	0	382	13	3	398	466	864	101111111100000 (46.1)	0	3	0	0	3	28	31
Longfellow (45)	0	444	0	0	444	605	1,049	111111111100000 (42.3)	0	6	0	0	6	31	37
Gardendale (28)	1	81	0	0	82	202	284	111111111100000 (28.9)	0	4	0	0	4	8	12
Gorman (69)	0	19	0	0	19	71	90	011111011100000 (21.1)	0	0	0	0	0	8	8
Col White (10)	0	338	4	6	348	1,403	1,751	000000000011110 (19.9)	0	3	0	1	4	72	76
Washington (62)	0	138	0	1	139	570	709	111111111100000 (19.6)	0	4	0	0	4	21	25
Patterson (6)	0	290	1	8	299	1,283	1,582	000000000011110 (18.9)	0	4	0	0	4	60	64
McGuffey (49)	1	137	0	1	139	812	951	111111111100000 (14.6)	0	1	0	0	1	33	34
Kennedy Deaf (421)	0	15	0	1	16	163	179	111111110000000 (8.9)	0	6	0	0	6	15	21
Meadowdale (51)	0	54	2	2	58	613	671	011111111100000 (8.6)	0	1	0	0	1	26	27
Valerie (60)	0	35	3	0	38	425	463	011111111100000 (8.2)	0	0	0	0	0	17	17
Ruskin (56)	0	66	2	0	68	870	938	111111111100000 (7.2)	0 0	0 4	0 0	0 0	0 5	39 35	39 39
Emerson (23)	0	62	3	0	65	839	904	111111111100000 (7.2)	0	4	0	0	4	35	39
Shoup Mill (58)	0	26	0	0	26	338	364	011111111100000 (7.1)	0	1	0	0	1	13	14
Hickorydale (33)	0	35	0	0	35	494	529	011111111100000 (6.6)	0	0	0	0	0	19	19
Drexel (20)	0	37	0	0	37	601	638	011111111100000 (5.8)	0	2	0	0	2	20	22
Belle Haven (14)	0	61	0	7	68	1,120	1,188	011111111100000 (5.7)	0	2	0	0	2	39	41
Fairview (3)	0	75	1	4	80	1,340	1,420	000000000011110 (5.6)	0	4	0	0	4	62	66

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: DAYTON. NUMBER OF SCHOOLS: 69. REPRESENTING: 69. CITY: DAYTON. COUNTY: 57 MONTGOMERY. ASSURANCE: 441—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Gettysburg Avenue (29)	0	34	1	1	36	615	651	011111111100000 (5.5)	0	1	0	0	1	25	26
Loos (46)	0	33	1	0	34	670	704	011111111100000 (4.8)	0	1	0	0	1	26	27
Wilbur Wright (11)	0	51	1	1	53	1,365	1,418	000000000011110 (3.7)	0	3	0	0	3	60	63
Fairview (25)	0	14	2	2	18	781	799	011111111100000 (2.3)	0	1	0	0	1	27	28
Kiser (4)	0	14	0	1	15	747	762	000000000011110 (2.0)	0	2	0	0	2	38	40
Hawthorne (32)	1	0	4	0	5	286	291	011111111100000 (1.7)	0	0	0	0	0	11	11
Van Cleve (61)	1	9	1	2	13	788	801	011111111100000 (1.6)	0	1	0	0	1	31	32
Horace Mann (43)	0	1	2	2	5	339	344	011111111100000 (1.5)	0	0	0	0	0	13	15
Brown (16)	0	7	1	6	14	1,131	1145	011111111100000 (1.2)	0	0	0	0	0	44	44
Meadowdale (5)	1	18	1	0	20	1,637	1657	000000000011110 (1.2)	0	3	0	0	3	69	72
Huffman (35)	7	0	2	1	10	966	976	111111111100000 (1.0)	0	3	0	0	3	36	39
Stivers (9)	0	6	2	0	8	902	910	000000000011110 (0.9)	0	2	0	0	2	52	54
Fairport (24)	0	1	5	0	6	838	844	011111111100000 (0.7)	0	1	0	0	1	27	28
Kemp (41)	0	0	2	2	4	679	683	011111111100000 (0.6)	0	0	0	0	0	26	26
Patterson (53)	0	0	0	3	3	562	565	011111111100000 (0.5)	0	1	0	0	1	23	24
Eastmont Park (21)	0	0	2	2	4	840	844	011111111100000 (0.5)	0	1	0	0	1	32	33
Belmont (15)	0	0	3	0	3	654	657	011111111100000 (0.5)	0	1	0	0	1	24	25
Fort McKinley (26)	0	0	2	0	2	464	466	011111111100000 (0.4)	0	1	0	0	1	17	18
Grant (30)	0	1	2	0	3	752	755	111111111100000 (0.4)	0	1	0	0	1	23	24
Allen (13)	0	1	0	1	2	602	604	011111111000000 (0.3)	0	1	0	0	1	23	24
Cleveland (18)	0	0	3	1	4	1,244	1,248	011111111100000 (0.3)	0	0	0	0	0	41	41
Belmont (1)	1	2	0	3	6	2,003	2,009	000000000011111 (0.3)	0	4	0	1	5	72	77
Franklin (27)	0	0	2	0	2	854	856	011111111100000 (0.2)	0	1	0	0	1	31	32
Shiloh (57)	0	1	0	0	1	581	582	011111111100000 (0.2)	0	0	0	0	0	18	18
Orville Wright (88)	0	0	0	1	1	791	792	011111111100000 (0.1)	0	1	0	0	1	28	29
Lincoln (44)	0	0	0	1	1	1,069	1,070	011111111100000 (0.1)	0	1	0	0	1	38	39
Lewton (43)	0	0	0	0	0	556	556	011111111100000 (0.0)	0	0	0	0	0	19	19
Webster (64)	0	0	0	0	0	574	574	011111111100000 (0.0)	0	0	0	0	0	28	28

DISTRICT: JEFFERSON TOWNSHIP LOCAL. NUMBER OF SCHOOLS: 5. REPRESENTING: 5. CITY: DAYTON. COUNTY: 57 MONTGOMERY

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	1	1,889	1	1	1,892	933	2,825		0	48	0	0	48	57	105
Percent	0.0	66.9	0.0	0.0	67.0	33.0	100.0		0.0	45.7	0.0	0.0	45.7	54.3	100.0
Blairwood Elementary (3)	0	658	0	0	658	3	661	011111110000001 (99.5)	0	16	0	0	16	6	22
Jefferson (2)	0	450	0	0	450	204	654	000000001110000 (68.8)	0	12	0	0	12	16	28
Jefferson High School (1)	1	337	1	1	380	233	613	000000000001110 (62.0)	0	8	0	0	8	13	21
Radcliff Heights (5)	0	223	0	0	223	190	413	011111110000000 (54.0)	0	6	0	0	6	10	16
Jefferson Elementary (4)	0	181	0	0	181	203	484	011111110000000 (37.4)	0	6	0	0	6	12	18

DISTRICT: ALLIANCE. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: ALLIANCE. COUNTY: 76 STARK

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	1,127	8	1	1,136	5,118	6,254		0	9	0	0	9	255	264
Percent	0.0	18.0	0.1	0.0	18.2	81.8	100.0		0.0	3.4	0.0	0.0	3.4	96.6	100.0
Franklin (4)	0	251	0	0	51	27	278	011111110000000 (90.3)	0	3	0	0	3	10	13
Morgan (7)	0	269	0	0		226	495	011111100000000 (54.3)	0	0	0	0	0	21	21
Stanton (2)	0	221	0	1	222	522	744	000000001110000 (29.8)	0	3	0	0	3	31	34
Riverside (10)	0	42	0	0	42	149	191	011111110000000 (22.0)	0	0	0	0	0	6	6
Alliance (1)	0	248	1	0	249	1,061	1,310	000000000001110 (19.0)	0	3	0	0	3	67	70
Liberty (6)	0	37	1	0	38	485	523	011111110000001 (7.3)	0	0	0	0	0	20	20
State Street (3)	0	41	0	0	41	685	726	000000001110000 (5.6)	0	0	0	0	0	30	30

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: ALLIANCE. NUMBER OF SCHOOLS: 12. REPRESENTING: 12. CITY: ALLIANCE. COUNTY: 76 STARK—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Freedom (5)	0	11	0	0	11	325	336	011111110000000 (3.3)	0	0	0	0	0	11	11
North Lincoln (8)	0	4	4	0	8	470	478	011111110000000 (1.7)	0	0	0	0	0	18	18
Parkway (9)	0	2	1	0	3	282	285	011111110000000 (1.1)	0	0	0	0	0	10	10
Rockhill (11)	0	0	1	0	1	307	308	011111110000000 (0.3)	0	0	0	0	0	11	11
South Lincoln (12)	0	1	0	0	1	579	580	011111110000000 (0.2)	0	0	0	0	0	20	20

DISTRICT: CANTON. NUMBER OF SCHOOLS: 33. REPRESENTING: 33. CITY: CANTON. COUNTY: 76 STARK

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	6	4,318	19	95	4,438	17,539	21,977		0	50	1	4	55	846	901
Percent	0.0	19.6	0.1	0.4	20.2	79.8	100.0		0.0	5.5	0.1	0.4	6.1	93.9	100.0
Allen (7)	0	386	0	0	386	17	403	010001110000001 (95.8)	0	2	0	0	2	15	17
athrop (19)	0	330	0	0	330	97	427	010001110000001 (77.3)	0	3	0	0	3	17	20
Hartford (18)	0	553	0	5	558	233	791	000000001100000 (70.5)	0	5	0	1	6	41	47
Roosevelt (24)	0	253	0	2	255	113	368	010000000000001 (69.3)	0	2	0	0	2	12	14
Washington (29)	0	363	0	0	363	220	582	010001110000001 (62.3)	0	4	0	0	4	20	24
Belden (9)	0	416	0	8	424	270	694	010001110000001 (61.1)	0	2	0	2	2	23	25
Martin (21)	0	283	0	1	284	187	471	010001110000001 (60.3)	0	2	0	0	2	17	19
Burns (10)	0	208	0	2	210	318	528	010001111100001 (39.8)	0	3	0	1	4	17	21
McKinley (4)	0	912	0	9	921	1,558	2,479	000000000011110 (37.2)	0	5	0	0	5	105	110
Wells (30)	0	166	1	0	167	413	580	010001110000001 (28.8)	0	2	0	0	2	21	23
Horace Mann (20)	0	77	0	0	77	398	475	010001111100001 (16.2)	0	1	0	0	1	16	17
Timken Vocational (5)	0	151	1	14	166	1,221	1,387	000000000011110 (12.0)	0	2	0	0	2	68	70
Canton Adult Evening (1)	0	16	0	0	16	129	145	000000000011110 (11.0)	0	0	0	0	0	0	0
Starr (26)	0	30	0	1	31	255	286	010001110000001 (10.8)	0	1	0	0	1	11	12
Garfield (15)	0	12	4	2	18	295	313	010001110000001 (5.8)	0	1	0	1	2	9	11
Souers (6)	3	58	1	1	63	1,047	1,110	000000001110000 (5,7)	0		0	0	2	47	49
Gibbs (16)	0	32	2	0	34	788	822	010001111100001 (4.1)	0	2	0	0	1	27	28
Dueber (13)	0	13	0	0	13	431	444	010001110000001 (2.9)	0	1	0	0	1	14	15
Lincoln (3)	3	9	0	24	36	1,271	1,307	000000000011110 (2.8)	0	1	0	1	2	59	61
Mason (22)	0	5	0	3	8	285	293	010000001100001 (2.7)	0	1	0	0	1	9	10
McGregor (23)	0	3	0	9	12	511	523	010000000000001 (2.3)	0	1	1	0	2	18	20
Fairmount (14)	0	14	2	0	16	707	723	010001111100001 (2.2)	0	0	0	0	0	23	23
Lehman (2)	0	1	2	13	16	1,020	1,036	000000000011110 (1.5)	0	0	0	0	0	47	47
Youtz (33)	0	6	0	0	6	417	423	010001110000001 (1.4)	0	0	0	0	0	19	19
Harter (17)	0	6	0	0	6	477	483	010011111100001 (1.2)	0	1	0	0	1	19	20
Smith (25)	0	4	0	0	4	320	324	010001111100001 (1.2)	0	1	0	0	1	15	16
Cudar (11)	0	3	0	1	4	539	543	010011110000001 (0.7)	0	1	0	0	1	18	19
Clarendon (12)	0	1	4	0	5	776	781	010001111100001 (0.6)	0	1	0	0	1	26	27
Woodland (31)	0	2	1	0	3	586	589	010001111100001 (0.5)	0	1	0	0	1	20	21
Stone (27)	0	3	0	0	3	712	715	010001111100001 (0.4)	0	1	0	0	1	28	29
Summit (28)	0	2	1	0	3	944	947	010011111100001 (0.3)	0	1	0	0	1	30	31
Worley (32)	0	0	0	0	0	501	501	010011111100001 (0.0)	0	0	0	0	0	18	18
Baxter (8)	0	0	0	0	0	483	483	010001110000001 (0.0)	0	1	0	0	1	17	8

DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	6	15,137	64	41	15,248	43,341	58,589		0	163	0	1	164	2,035	2,199
Percent	0.0	25.8	0.1	0.1	26.0	74.0	100.0		0.0	7.4	0.0	0.0	7.5	92.5	100.0
Bryan (25)	0	588	0	0	588	0	588	011111110000000 (100.0)	0	8	0	0	8	20	28
Lane (50)	0	676	0	0	676	3	679	011111110000000 (99.6)	0	8	0	0	8	16	24
Crouse (28)	0	1,056	0	0	1,056	14	1,070	011111110000000 (98.7)	0	7	0	0	7	32	39
Schumacher (65)	0	813	0	0	813	40	853	011111110000000 (95.3)	0	3	0	0	3	24	27

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Howe (47)	0	405	0	0	405	29	434	011111110000000 (93.3)	0	4	0	0	4	14	18
Maple Valley (54)	0	56	0	0	56	5	61	001100000000000 (91.8)	0	2	0	0	2	2	4
South (11)	0	871	0	1	872	103	975	000000000011110 (89.4)	0	13	0	0	13	31	44
Robinson (64)	1	918	2	0	921	178	1,099	011111110000000 (83.8)	0	15	0	0	15	22	37
Miller (58)	0	273	0	0	273	54	327	011111110000000 (83.5)	0	3	0	0	3	9	12
Horace St. John Stewart Primary (71)	0	304	0	0	302	60	362	011110000000000 (83.4)	0	3	0	0	3	9	12
Grace (37)	3	501	2	0	506	139	645	011111100000000 (78.4)	0	7	0	0	7	23	30
West (21)	0	921	2	1	924	278	1,202	000000001110000 (76.9)	0	5	0	0	5	48	53
Thornton (20)	1	727	0	0	728	293	1,021	000000001110000 (71.3)	0	7	0	0	7	42	49
Margaret Park (55)	0	648	0	0	648	420	1,068	011111110000000 (60.7)	0	6	0	0	6	33	39
Crosby (27)	0	241	0	3	244	192	436	011111110000000 (56.0)	0	4	0	0	4	13	17
Findley (32)	0	436	2	1	439	399	838	011111110000000 (52.9)	0	3	0	0	3	22	25
Buchtel (1)	0	606	1	2	609	812	1,421	000000000001110 (42.9)	0	2	0	0	2	54	56
Perkins (19)	0	441	0	0	441	776	1,217	000000001110000 (36.2)	0	0	0	0	0	46	46
Lincoln (53)	0	345	2	2	349	636	985	011111110000000 (35.4)	0	4	0	0	4	33	37
Glover (36)	0	352	2	1	355	687	1,042	011111110000000 (34.1)	0	0	0	0	0	33	33
Goodyear (13)	0	445	1	1	447	921	1,368	000000001110000 (32.7)	0	1	0	0	1	56	57
Jennings (16)	0	422	1	2	425	962	1,387	000000001110000 (20.6)	0	4	0	0	4	52	56
East (3)	0	318	0	0	318	785	1,103	000000000001110 (28.8)	0	1	0	0	1	45	46
However Vocational (8)	0	172	0	0	172	448	620	000000000001110 (27.7)	0	0	0	0	0	35	35
Central (2)	0	257	2	1	260	741	1,001	000000000011110 (26.0)	0	1	0	0	1	43	44
McEbright (57)	0	173	0	2	175	525	700	011111110000000 (25.0)	0	3	0	0	3	18	21
Evening (5)	0	129	0	0	129	460	589	000000000000001 (21.9)	0	1	0	1	1	29	30
Leggett (52)	0	164	0	0	164	595	759	011111110000000 (21.6)	0	1	0	0	1	29	30
Henry (42)	0	96	0	4	100	367	467	011111110000000 (21.4)	0	2	0	0	2	14	16
Hill (64)	0	177	0	2	179	685	864	011111110000000 (20.7)	0	1	0	0	1	29	30
North (10)	0	238	0	1	239	928	1,167	000000000011110 (20.5)	0	1	0	0	1	56	57
Barber (22)	0	145	0	0	145	601	746	011111110000000 (19.4)	0	0	0	0	0	22	22
Rankin (61)	0	194	3	0	197	818	1,015	011111110000000 (19.4)	0	3	0	0	3	32	35
Goodrich (12)	0	223	0	0	223	953	1,176	000000001110000 (19.0)	0	3	0	0	3	42	45
Portage Path (60)	0	108	0	0	108	713	821	011111110000000 (13.2)	0	1	0	0	1	26	27
Garfield (7)	0	241	0	3	244	1,739	1,983	000000000001110 (12.3)	0	1	0	0	1	80	81
Seiberling (66)	0	136	3	0	139	1,048	1,187	011111110000000 (11.7)	0	1	0	0	1	37	38
Erie Island (29)	0	60	2	2	64	577	641	011111110000000 (10.0)	0	2	0	0	2	17	19
Fraunfelter (35)	0	28	0	4	32	476	508	011111110000000 (6.3)	0	1	0	0	1	14	15
Harris (39)	0	40	0	1	41	785	826	011111110000000 (5.0)	0	1	0	0	1	27	28
Kent (17)	0	56	0	0	56	1,136	1,192	000000001110000 (4.7)	0	0	0	0	0	46	46
Mason (56)	0	37	0	2	39	883	922	011111110000000 (4.2)	0	4	0	0	4	33	37
Forest Hill (34)	0	15	0	0	15	520	535	011111110000000 (2.8)	0	1	0	0	1	17	18
Pfeiffer (59)	0	10	0	0	10	419	429	011111110000009 (2.3)	0	0	0	0	0	14	14
Hotchkiss (46)	0	8	2	1	11	502	513	011111110000000 (2.1)	0	2	0	0	2	18	20
Case (26)	0	5	15	0	20	935	955	011111110000000 (2.1)	0	1	0	0	1	31	32
Essex (30)	0	4	1	1	6	458	464	011111110000000 (1.3)	0	2	0	0	2	13	15
Heminger (41)	0	4	0	0	4	312	316	011111110000000 (1.3)	0	1	0	0	1	11	12
Rimer (62)	0	2	3	0	5	401	406	011111110000000 (1.2)	0	0	0	0	0	17	17
Innes (15)	0	14	0	0	14	1,178	1,192	000000001110000 (1.2)	0	0	0	0	0	45	45
Kenmore (9)	0	17	0	0	17	1,453	1,470	000000000011110 (1.2)	0	0	0	0	0	61	61
Bettes (23)	0	5	0	1	6	550	556	011111110000000 (1.1)	0	1	0	1	2	20	22
Jackson (48)	0	0	4	0	4	399	403	011111110000000 (1.0)	0	0	0	0	0	12	12
Litchfield (18)	1	5	4	0	10	1,143	1,153	000000001110000 (0.9)	0	1	0	0	1	42	43

OHIO STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT—Continued

DISTRICT: AKRON. NUMBER OF SCHOOLS: 71. REPRESENTING: 71. CITY: AKRON. COUNTY: 77 SUMMIT—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Highland Park (43)	0	1	3	1	5	737	742	011111110000000 (0.7)	0	2	0	0	2	26	28
Smith (67)	0	1	2	0	3	519	522	011111110000000 (0.6)	0	0	0	0	0	15	15
Windemere (70)	0	0	3	0	3	565	568	011111110000000 (0.5)	0	0	0	0	0	18	18
King (49)	0	3	0	0	3	660	663	011111110000000 (0.5)	0	1	0	0	1	21	22
Firestone (6)	0	3	0	1	4	1,340	1,344	000000000001110 (0.3)	0	2	0	0	2	50	52
Hatton (40)	0	2	0	0	2	981	983	011111110000000 (0.2)	0	2	0	0	2	28	30
Ellet (4)	0	2	0	0	2	1,132	1,134	000000000001110 (0.2)	0	1	0	0	1	45	46
Ritzman (63)	0	0	1	0	1	797	798	011111110000000 (0.1)	0	2	0	0	2	24	26
Fairlawn (31)	0	0	1	0	1	834	835	011111110000000 (0.1)	0	1	0	0	1	24	25
Hyre (14)	0	1	0	0	1	1,369	1,370	000000001110000 (0.1)	0	1	0	0	1	49	50
Betty Jane (24)	0	0	0	0	0	1,111	1,111	011111110000000 (0.0)	0	2	0	0	2	37	39
Hillwood (45)	0	0	0	0	0	101	101	011000000000000 (0.0)	0	0	0	0	0	2	2
Firestone Park (33)	0	0	0	0	0	1,057	1,057	011111110000000 (0.0)	0	2	0	0	2	29	31
Gainther (38)	0	0	0	0	0	289	289	011110000000000 (0.0)	0	0	0	0	0	8	8
Voris (69)	0	0	0	0	0	596	596	011111110000000 (0.0)	0	0	0	0	0	27	27
Thomastown (68)	0	0	0	0	0	298	298	011111110000000 (0.0)	0	0	0	0	0	10	10
Lawndale (51)	0	0	0	0	0	421	421	011111110000000 (0.0)	0	1	0	0	1	13	14

DISTRICT: WARREN CITY. NUMBER OF SCHOOLS: 24. REPRESENTING: 24. CITY: WARREN. COUNTY: 78 TRUMBULL. ASSURANCE: 441

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	3,206	10	11	3,227	11,083	14,310		0	26	0	1	27	536	563
Percent	0	22.4	.1	.1	22.6	77.4	100		0	4.6	0	.2	4.8	95.2	100
First Street (10)	0	493	0	0	493	15	508	101111110000001 (97.0)	0	6	0	0	6	16	22
Washington (22)	0	242	0	0	242	33	275	101111110000001 (88.0)	0	2	0	0	2	11	13
JeGerson (12)	0	412	1	0	413	116	529	111111110000000 (78.1)	0	2	0	0	2	19	21
Tod Avenue Elementary (20)	0	102	0	0	102	52	154	011111110000001 (66.2)	0	0	0	0	0	8	8
Willard (24)	0	305	1	1	307	158	465	011111110000000 (66.0)	0	1	0	0	1	19	20
Market (2)	0	159	0	0	159	96	255	000000000111110 (62.4)	0	5	0	0	5	11	16
Roosevelt (18)	0	117	0	1	118	367	485	011111110000000 (24.3)	0	0	0	0	0	16	16
West (23)	0	165	1	0	166	547	713	000000001100000 (23.3)	0	0	0	0	0	32	32
Last (7)	0	156	0	0	156	556	712	000000001100000 (21.9)	0	1	0	0	1	31	32
Turner (21)	0	121	1	0	122	517	639	000000001100000 (19.1)	0	0	0	0	0	24	24
Warren Western Reserve (3)	0	358	3	1	362	1,577	1,939	000000000011110 (18.7)	0	3	0	0	3	82	85
Mann (15)	0	125	0	0	125	580	705	011111110000001 (17.7)	0	0	0	0	0	22	22
Harding (1)	0	294	1	5	300	1,646	1,946	000000000011110 (15.4)	0	3	0	1	4	84	88
Alden (4)	0	56	1	0	57	383	440	011111110000000 (13.0)	0	0	0	0	0	15	15
Elm Road (8)	0	32	1	0	33	320	353	011111110000000 (9.3)	0	2	0	0	2	11	13
aird Avenue (13)	0	40	0	0	40	427	467	111111110000000 (8.6)	0	1	0	0	1	14	15
Dickey Avenue (6)	0	12	0	2	14	413	427	011111110000000 (3.3)	0	0	0	0	0	15	15
McKinley (17)	0	8	0	0	8	498	506	011111110000000 (1.6)	0	0	0	0	0	16	16
Emerson (9)	0	6	0	0	6	672	678	011111110000000 (0.9)	0	0	0	0	0	22	22
Garfield (11)	0	2	0	1	3	452	455	011111110000000 (0.7)	0	0	0	0	0	15	15
McGuffey (16)	0	1	0	0	1	554	555	011111110000000 (0.2)	0	0	0	0	0	19	19
Lincoln (14)	0	0	0	0	0	168	168	011111110000000 (0)	0	0	0	0	0	7	7
Secrest (19)	0	0	0	0	0	516	516	011110110000000 (0)	0	0	0	0	0	14	14
Devon (5)	0	0	0	0	0	420	420	011111110000000 (0)	0	0	0	0	0	13	13

THE NIXON-SATO COMMUNIQUE

Mr. BYRD of Virginia. Mr. President, during the weekend, I had an opportunity to study the communique issued Friday by the President of the United States and the Prime Minister of Japan.

It was cordial in tone, as it should have been. It is important, I feel, that there be a close and friendly relationship between Japan and the United States.

Prime Minister Sato's visit to the

United States, as President Nixon made clear, should help achieve a better understanding between the two countries.

The text of the communique is three columns of newspaper type. It is divided into 15 brief sections.

The key section is number 6.

This is the section which deals specifically with Okinawa. In this section, the Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan to return Okinawa to Japanese control. President Nixon expressed appreciation of the Prime Minister's view:

Now we come to the key sentences:

> They (President Nixon and Prime Minister Sato) therefore agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East, including Japan.
>
> They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support.

Now, let us analyze the above language.

Just what agreement was reached by Mr. Nixon and Mr. Sato.

First. They agreed that the two governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa, and,

Second. Such consultations would be subject to the conclusion of these specific arrangements with the necessary legislative support.

So, it seems clear that the only agreement made by President Nixon is one of principle; namely, an early reversion of Okinawa.

But no details have been agreed to.

No specific arrangements have been agreed to.

The agreement, to cite the text of the communique, is to "enter into consultations regarding specific arrangements."

As one who feels that the United States must have the unrestricted use of Okinawa, our greatest military complex in the far Pacific, if we are to continue our widespread commitments in Asia, I frankly am relieved since reading the text of the communique.

The text does not bear out the newspaper headlines concerning the communique.

The only agreement President Nixon made was to "immediately enter into consultations regarding specific arrangements."

And then that was followed by the two leaders of government specifying that any specific arrangements would be subject to legislative support which, insofar as the United States is concerned, means approval by the Senate.

I am glad to state to the Senate that I support this communique. It should help Prime Minister Sato in Japan without forfeiture by the United States of any control over Okinawa other than agreeing to enter "into consultations regarding specific arrangements."

I am especially pleased that the Senate's role in any final arrangements affecting Okinawa is specifically recognized in the text of the communique.

The fact that this is so clearly spelled out in the communique results, I feel, from the action taken by the Senate of the United States on November 5, 1969.

On that date, the Senate, by a recorded vote of 63 to 14, specified that any change in the Treaty of Peace with Japan must come to the Senate for approval or disapproval.

In the Nixon/Sato communique 16 days later, both leaders recognized that any "specific arrangements" affecting Okinawa would be subject to Senate approval.

In my judgment, this establishes a historic precedent and one which is of vital importance both to the Senate and to the Nation.

President Johnson, last year, unilaterally returned to Japan the Bonin Islands, which included Iwo Jima, without submitting his action to the Senate for ratification.

The Senate was not aware of President Johnson's action until the deed had been accomplished.

But the Senate on November 5 of this year served notice that any changes in treaties previously ratified by the Senate must be submitted to the Senate for approval.

This action of the Senate on November 5, followed by the Nixon/Sato communique of November 21, makes clear that both the Senate and President Nixon are aware that no change may be made in the present status of Okinawa without Senate approval.

It is difficult to predict what the Senate will do in regard to Okinawa—and I do not intend to try.

The leadership of the Senate favors an early return of Okinawa to Japan, but I have talked with a great many Senators who do not agree with that viewpoint.

I have the feeling that the United States will be retaining the free and unrestricted use of Okinawa until such time as we reduce our commitments to defend so many Asian nations. It is my hope that we will soon begin to reduce our Asian commitments.

I ask unanimous consent, Mr. President, that the text of the Nixon-Sato communique be printed at this point in the Record.

There being no objection, the communique was ordered to be printed in the Record, as follows:

The Nixon-Sato Communique

Washington, November 21.—Following is the text of the joint communiqué issued today by President Nixon and Premier Eisaku Sato of Japan:

[1]

President Nixon and Prime Minister Sato met in Washington on Nov. 19, 20 and 21, 1969, to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan.

[2]

The President and the Prime Minister recognized that both the United States and Japan have greatly benefited from their close association in a variety of fields, and they declared that guided by their common principles of democracy and liberty, the two countries would maintain and strengthen their fruitful cooperation in the continuing search for world peace and prosperity and in particular for the relaxation of international tensions. The President expressed his and his Government's deep interest in Asia and stated his belief that the United States and Japan should cooperate in contributing to the peace and prosperity of the region. The Prime Minister stated that Japan would make further active contributions to the peace and prosperity of Asia.

[3]

The President and the Prime Minister exchanged frank views on the current international situation, with particular attention to developments in the Far East. The President, while emphasizing that the countries in the area were expected to make their own efforts for the stability of the area, gave assurance that the United States would continue to contribute to the maintenance of international peace and security in the Far East by honoring its defense treaty obligations in the area. The Prime Minister, appreciating the determination of the United States, stressed that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its obligations referred to by the President. He further expressed his recognition that, in the light of the present situation, the presence of United States forces in the Far East constituted a mainstay for the stability of the area.

[4]

The President and the Prime Minister specifically noted the continuing tension over the Korean peninsula. The Prime Minister deeply appreciated the peace-keeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security. The President and the Prime Minister shared the hope that Communist China would adopt a more cooperative and constructive attitude in its external relations. The President referred to the treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan. The President described the earnest efforts made by the United States for a peaceful and just settlement of the Vietnam problem. The President and the Prime Minister expressed the strong hope that the war in Vietnam would be concluded before return of the administrative rights over Okinawa to Japan. In this connection, they agreed that, should peace in Vietnam not have been realized by the time reversion of Okinawa is scheduled to take place, the two Governments would fully consult with each other in the light of the situation at that time so that reversion would be accomplished without affecting the United States efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference. The Prime Minister stated that Japan was exploring what role she could play in bringing about stability in the Indochina area.

[5]

In light of the current situation and the prospects in the Far East, the President and the Prime Minister agreed that they highly valued the role played by the Treaty of Mutual Cooperation and Security in maintaining the peace and security of the Far East including Japan, and they affirmed the intention of the two Governments firmly to maintain the treaty on the basis of mutual trust and common evaluation of the international situation. They further agreed that the two Governments should maintain close contact with each other on matters affecting the peace and security of the Far East, including Japan, and on the implementation of the Treaty of Mutual Cooperation and Security.

[6]

The Prime Minister emphasized his view that the time had come to respond to the strong desire of the people of Japan, of both the mainland and Okinawa, to have the administrative rights over Okinawa returned to Japan on the basis of the friendly relations between the United States and Japan and thereby to restore Okinawa to its normal status. The President expressed appreciation of the Prime Minister's view. The President and the Prime Minister also recognized the vital role played by United States forces in Okinawa in the present situation in the Far East. As a result of their discussion it was agreed that the mutual security interests of the United States and Japan could be accommodated within arrangements for the return of the administrative rights over Okinawa to Japan. They therefore agreed that the two Governments would immediately enter into consultations regarding specific arrangements for accomplishing the early reversion of Okinawa without detriment to the security of the Far East including Japan. They further agreed to expedite the consultations with a view to accomplishing the reversion during 1972, subject to the conclusion of these specific arrangements with the necessary legislative support. In this connection, the Prime Minister made clear the intention of his Government, following reversion, to assume gradually the responsibility for the immediate defense of Okinawa as part of Japan's defense efforts for her own territories. The President and the Prime Minister agreed also that the United States would retain, under the terms of the Treaty of Mutual Cooperation and Security, such military facilities and areas in Okinawa as required in the mutual security of both countries.

[7]

The President and the Prime Minister agreed that, upon return of the administrative rights, the Treaty of Mutual Cooperation and Security and its related arrangements would apply to Okinawa without modification thereof. In this connection, the Prime Minister affirmed the recognition of his Government that the security of Japan could not be adequately maintained without international peace and security in the Far East and, therefore, the security of countries in the Far East was a matter of serious concern for Japan. The Prime Minister was of the view that, in the light of such recognition on the part of the Japanese Government, the return of the administrative rights over Okinawa in the manner agreed above should not hinder the effective discharge of the international obligations assumed by the United States for the defense of countries in the Far East, including Japan. The President replied that he shared the Prime Minister's view.

[8]

The Prime Minister described in detail the particular sentiment of the Japanese people against nuclear weapons and the policy of the Japanese Government reflecting such sentiment. The President expressed his deep understanding and assured the Prime Minister that, without prejudice to the position of the United States Government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.

[9]

The President and the Prime Minister took note of the fact that there would be a number of financial and economic problems, including those concerning United States business interests in Okinawa, to be solved between the two countries in connection with the transfer of the administrative rights over Okinawa to Japan and agreed that detailed discussions relative to their solution would be initiated promptly.

[10]

The President and the Prime Minister, recognizing the complexity of the problems involved in the reversion of Okinawa, agreed that the two Governments should consult closely and cooperate on the measures necessary to assure a smooth transfer of administrative rights to the Japanese Government, in accordance with reversion arrangements to be agreed to by both Governments. They agreed that the United States-Japan Consultative Committee in Tokyo should undertake over-all responsibility for this preparatory work. The President and the Prime Minister decided to establish in Okinawa a preparation commission in place of the existing advisory committee to the High Commissioner of the Ryukyu Islands for the purpose of consulting and coordinating locally on measures relating to preparation for the transfer of administrative rights, including necessary assistance to the government of the Ryukyu Islands. The preparatory commission will be composed of a representative of the Japanese Government with ambassadorial rank and the High Commissioner of the Ryukyu Islands, with the chief executive of the government of the Ryukyu Islands acting as adviser to the commission. The commission will report and make recommendations to the two Governments through the United States-Japan Consulative Committee.

[11]

The President and the Prime Minister expressed their conviction that a mutually satisfactory solution of the question of the return of the administrative rights over Okinawa to Japan, which is the last of the major issues between the two countries arising from World War II, would further strengthen United States-Japan relations, which are based on friendship and mutual trust and would make a major contribution to the peace and security of the Far East.

[12]

In their discussion of economic matters, the president and the Prime Minister noted the marked growth in economic relations between the two countries. They also acknowledged that the leading positions which their countries occupy in the world economy impose important responsibilities on each for the maintenance and strengthening of the international trade and monetary system, especially in the light of the current large imbalances in trade and payments. In this regard, the President stressed his determination to bring inflation in the United States under control. He also reaffirmed the commitment of the United States to the principle of promoting freer trade. The Prime Minister indicated the intention of the Japanese Government to accelerate rapidly the reduction of Japan's trade and capital restrictions. Specifically, he stated the intention of the Japanese Government to remove Japan's residual import quota restrictions over a broad range of products by the end of 1971 and to make maximum efforts to accelerate the liberalization of the remaining items. He added that the Japanese Government intends to make periodic reviews of its liberalization program with a view to implementing trade liberalization at a more accelerated pace than hitherto. The President and the Prime Minister agreed that their respective actions would further solidify the foundation of over-all U.S.-Japan relations.

[13]

The President and the Prime Minister agreed that attention to the economic needs of the developing countries was essential to the development of international peace and stability. The Prime Minister stated the intention of the Japanese Government to expand and improve its aid programs in Asia, commensurate with the economic growth of Japan. The President welcomed this statement and confirmed that the United States would continue to contribute to the economic development of Asia. The President and Prime Minister recognized that there would be major requirements for the postwar rehabilitation of Vietnam and elsewhere in Southeast Asia. The Prime Minister stated the intention of the Japanese Government to make a substantial contribution to this end.

[14]

The Prime Minister congratulated the President on the successful moon landing of Apollo 12, and expressed the hope for a safe journey back to earth for the astronauts. The President and the Prime Minister agreed that the exploration of space offers great opportunities for expanding cooperation in peaceful scientific projects among all nations. In this connection, the Prime Minister noted with pleasure that the United States and Japan last summer had concluded an agreement on space cooperation. The President and the Prime Minister agreed that implementation of this unique program is of importance to both countries.

[15]

The President and the Prime Minister discussed prospects for the promotion of arms control and the slowing down of the arms race. The President outlined his Government's efforts to initiate the strategic arms limitations talks with the Soviet Union that have recently started in Helsinki. The Prime Minister expressed his Government's strong hopes for the success of these talks. The Prime Minister pointed out his country's strong and traditional interest in effective disarmament measures with a view to achievement of general and complete disarmament under strict and effective international control.

Mr. HOLLINGS. Mr. President, I commend our distinguished colleague from Virginia for emphasizing the importance of the Okinawa question to the security of the free world, and its disposition to the interest and participation of the U.S. Senate, as concerns the so-called agreement or communique between President Nixon and Prime Minister Sato.

I do not necessarily enjoy the same comfort as the Senator, but I hope he is right. I do not necessarily enjoy the same assurance that this communique is crystal clear. Having just gone through a 3-month ordeal of headline and substance, and having had the headline prevail after having read the substance over and over again, and lost, and there being no education in the second kick of a mule, I would like to read some of the headlines and show what I believe Prime Minister Sato had in mind as to this particular communique.

The headline in the Japan Times on Tuesday, November 11, was as follows: "Sato Tells Opposition U.S. Will O.K. Reversion Under 1972 Formula." That is the headline.

It so happened that the Interparliamentary Union group from the U.S. Senate was in Japan on that day, and visiting in the home of the Prime Minister. It was at practically that same time that the sense of the Senate resolution of the distinguished Senator from Virginia was under consideration here. I would have joined in support of what the Senator from Virginia presented in that resolution. But Mr. Sato received that resolution in the context that it had no bearing whatsoever, and he said so very clearly. He said if he had misunderstood it, he did not believe he would have been invited to the United States to continue with discussions.

He cited the matter that under no circumstance, for example, would the textile talks be confused with the Okinawa question. Now, Mr. President, this is the one section of the article with which I agree. I believe our international security and our commitments in the Far East transcend a singular economic problem like textile jobs, and certainly no one has been more attentive to that particular problem than I.

Some have said that we are going to swap Okinawa for textiles with Japan, and I do not agree with that approach in any way whatsoever. I do not think they should be confused, because this is far, far more important to world peace than fulfilling our commitments in the Far East.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask consent that I be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I thought the Senator from Virginia had yielded the floor. I will be glad to ask the Senator a question.

I do not necessarily wish to join the Senator from Virginia with my particular thoughts. However, I will continue, if the Senator will permit me.

I think there has been some confusion. First, certainly we should not confuse textiles with Okinawa. Second, I deplore the confusion of the Mutual Security Pact of 1964 with the rights of Okinawa.

I am fully aware of the statement of former Secretary of State Foster Dulles and of the ultimate sovereignty. We do not want countries. We did not want the Philippines. We did not want Cuba. We did not want Vietnam. We do not want territorial gain. Everyone knows that.

We do not want the responsibility that has been thrust upon us, but having had it thrust upon us, we should not confuse the mutual security pact with the internal affairs of Japan.

Okinawa is so fundamental in carrying out—at this particular time or any other time—our commitment in the Far East.

It is only, in my judgment, as I see it from listening to Japan itself, the domestic political concern with the reelection of the Prime Minister in January that brings about this confusion. They want to have him reelected. That is fine with me. However, if it comes to filling the commitment or getting him reelected, I think we should bring it clearly to the attention of the people of Japan that they should assume some of the responsibilities.

I do not think that we should confuse this with legislating the demonstrators when we tell it like it is. And there has been activity engaged in concerning our responsibility or role as Senators. And I am not sure that is appreciated yet by the Executive.

I hope that the Senator is correct. I believe that ultimately Okinawa should go back. I think that if we could make an agreement to continue our responsibility and operations in Japan with the unquestioned right of launching combat operations, to use the expression employed in Japan—not just nuclear, but also combat operations—without having to check with the Japanese Government, that is all we would need.

Under the 1972 formula, we have to check with them. This is what Mr. Sato understands. If we could only buy a subscription to the Japanese Times for the Members of the Senate between now and the election in January, we would understand better what has been and is being published in the headlines instead of what is in the actual agreement. I think this is an important agreement.

The Senator from Virginia interprets the Senate's clear language as conveyed in the Byrd resolution as reaffirming the obligation and right of the Senate with respect to treaty obligation. I would wish that if the Executive disagrees with the Senator's version, he would so state.

I think that the Senator from Virginia has brought about a very important understanding and brought it to the light of truth.

Getting behind the headlines and to the substance of the matter, I can see where the substance of the Senator's interpretation is founded. However, unfortunately, that has not been my experience.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished and able Senator from South Carolina. I associate myself with his statements for the most part.

In regard to what Mr. Sato may feel about what should happen to Okinawa, that is his own personal view. However, I am taking the language of the communique signed by the President of the United States and by the Prime Minister of Japan at face value.

I am assuming that they are being fair with the American people and with the Japanese people and with the Senate of the United States, and that the executive branch of the Government will do what the communique says it will do, and that is, submit any proposal affecting Okinawa to the Senate of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be recognized for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, if that is done, I am convinced that there are enough Senators who feel that Okinawa is vital to the United States if our country is to continue to guarantee the freedom of so many Asian nations.

I have no doubt that Prime Minister Sato will endeavor to use his discussions with the President to his political advantage in Japan. And like the Senator from South Carolina, I see no particular objection to that. He is entitled to put whatever interpretations he wishes on it.

However, what we in the Senate have a right to rely upon is the statement of the President of the United States which is inserted as a major part of the communique—that any action must receive legislative support.

I think, as does the Senator from South Carolina, that this is a vitally important matter.

This Nation is deeply committed all over the world.

We have mutual defense agreements with 44 different nations.

We have committed ourselves to defend Japan, Vietnam, Thailand, Laos, Australia, New Zealand, the Philippines, and many other places, the names of which do not come to mind at the moment.

If we are going to adhere to all of these commitments, I submit that we had best keep our greatest military complex in the far Pacific, which is Okinawa. And I think the action the Senate took on November 5 of this year in the sense-of-the-Senate resolution will be extremely important in protecting the Okinawa bases for the United States and will also be extremely important in reasserting the Senate's role in foreign policy.

Mr. HOLLINGS. Mr. President, I, too, agree with the Senator from Virginia that now is not the time to return Okinawa under our present commitments and under the present circumstances with world peace being in jeopardy in the Far East.

I am not ready to withdraw from the Far East. I, too, as does the Senator from Virginia, take the communique at its face value. I read the same words:

> They further agree to expedite the consultations with a view to accomplishing the reversion during 1972 subject to the conclusion of these specific arrangements with the necessary legislative support.

It does not guarantee the accomplishment of it. And the word "support" does not necessarily mean advice and consent.

I believe the President wanted to put it clearly in light of the sense of the Senate resolution which advised that we felt that the advice and consent to confirm the treaty ratification was necessary and that the actual exclusion of the word "ratification" is significant in itself. And their use of the word "support," rather than "ratification," is what is disturbing to me.

I hope the Senator is correct. We have the same sentiment, I believe, with respect to our commitments and the vital nature of Okinawa at this time to the fulfillment of the obligations of the United States in the Far East and in the maintenance of world peace.

SENATOR EVERETT McKINLEY DIRKSEN

Mr. PERCY. Mr. President, I ask unanimous consent, in behalf of my good friend, the Vice President, to have printed in the Record remarks by him regarding the life of Senator Dirksen.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Vice President. Few men command an overwhelming spiritual presence. The late Senator Everett McKinley Dirksen was such a man. While language was important to him and he used words with a rare grace, ideas were central to him and inspired his eloquence. While appearance and stature were important to him, his strength was generated by his character and his image was lighted by his soul. Everett McKinley Dirksen did not just sound like a Senator should sound or look like a Senator should look. He exemplified a Senator in his manner, his action, his work.

Senator Dirksen was a consummate politician and an extraordinary legislator, because he knew that the heart of law and politics was people. And he understood people. He not only represented them, but dedicated his great gift of expression to articulate and defend their values.

That he was a successful man and leader is a matter of fact. Even more, he was a man for all seasons; interested in all things, comfortable with all men. He was a warm and generous person who loved his family and his country with a stirring intensity. He gave much of himself to others; he was a fine teacher, an excellent ally and an admirable opponent.

It is not just the United States Senate or the Republican Party but all America which is less for his death. Yet, there is comfort. We are a better, stronger Nation for his wisdom. We not only enjoyed the years of his leadership, but know that he, too, enjoyed being a leader. We are grateful whenever we see a deserving man live to be a legend in his own time.

Senator Dirksen often quoted Abraham Lincoln, not only because he was a President, a Republican or a citizen of Illinois; but because both men shared a profound faith in America and a philosophy that was so purely American. Therefore, in eulogizing the late Senator; there can be no more fitting conclusion than these words of President Lincoln: "I like to see a man proud of the place in which he lives. I like to see a man live in it so that his place will be proud of him."

LIFE, LIBERTY, AND SECURITY

Mr. PROXMIRE. Mr. President, there can be no doubt that life, liberty, and security are three of the most basic human rights. This fact is recognized in article 3 of the United Nations Declaration of Human Rights, adopted in December of 1948. This article states:

Everyone has the right to life, liberty and security of person.

In its survey of human rights in the United States, the President's Commission for the Observance of Human Rights Year 1969 stated in regard to article 3:

The broad principle of individual freedom and personal security set forth in Article 3 is similarly expressed in various provisions of American constitutional and statutory law. Thus, Article 3 is markedly similar in its terms to the "due process" clauses of the Fifth and Fourteenth Amendments to the United States Constitution, which provide that neither the Federal nor State governments shall deprive any person of "life, liberty or property without due process of law."

Other provisions of the Federal and State Constitutions limit more specifically governmental authority to restrict or interfere with personal liberty. For example, the Fourth Amendment to the Federal Constitution expressly recognizes "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

In addition to these basic constitutional guarantees, the Federal and State legislatures have enacted numerous statutes designed to assure the freedom and security of the individual, such as provisions regulating the issuance of search warrants and implementing the Federal constitutional right to be represented by counsel in criminal prosecutions. (See also Articles 9 and 12.)

Our Nation has certainly gone to great lengths to insure the rights of life and liberty to us all. It should go without saying that these rights do not belong only to those in our Nation, but to nations throughout the world. These most basic human rights have been guaranteed to the citizens of this Nation. Should they not be guaranteed to the citizens of the world?

The human rights conventions concerning the abolition of forced labor and on genocide are integral to the assurance to the peoples of the world that they are somewhat protected against the insecurities that this life offers. It is to give the peoples of the world an assurance that their life, liberty, and security are protected by law that I ask this Chamber to immediately consider and ratify the human rights conventions that I have mentioned.

NEWSPAPERS IN THE 1970'S

Mr. MURPHY. Mr. President, recently I and several other Senators joined the Vice President in suggesting that certain areas of our fourth estate should reexamine their reporting policies and undertake a long-needed appraisal of the way they perform their services.

No one would ever suggest censorship of any kind. The freedom that exists in the press is a part of its greatness and the background of our heritage. Yet, at the same time, we cannot deny that constructive criticism is as much a part of this freedom. Positive recommendations are needed. In the future, the fourth estate will continue to expand its important role in all our lives.

Charles L. Gould, publisher of the San Francisco Examiner, delivered a most thought-provoking, analytical essay, entitled "Newspapers in the 1970's" at the 44th annual convention of the California Newspaper Advertising Executive Association. In his remarks, Mr. Gould, a newspaperman for 35 years, gives an exciting preview of the future of our great press and offers many positive programs for America's news media. I commend Mr. Gould for his carefully prepared observations and ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Newpapers in the 1970's

(By Charles L. Gould)

At the very outset, let me make it patently clear that I do not presume to stand before you as an expert in any sense of the term.

However, I do speak to you as a newspaperman who—in the past 35 years—has been privileged to meet with literally thousands of experts in all parts of the world.

It is largely because of my first-hand knowledge of the high mortality rate of predictions made by these geniuses that I run a little gun-shy in addressing myself directly to the star-gazing topic that has been assigned me by your program chairman.

As I look into my personal ink-stained crystal ball I find it difficult to predict the size and content of Sunday's newspaper let alone make predictions about the newspapers of the seventies. In fact, after reading the latest report on the Senate's fancy dance on the Newspaper Preservation Act, I would be out of mind to comment on the future of San Francisco's liveliest economic shotgun marriage.

While I tend to run skeptical of the prophecies of many of the experts, I do not mean to discount the truth that we are in the midst of a scientific revolution that will surely change many aspects of the communications industry.

In fact, if it runs unchecked it could change the very shape of the world.

This week in San Francisco one noted professor told a convention group that if the Government permits, cable television is able, ready and willing to bring a world of culture, science, entertainment, education and medical counsel into the homes of subscribers.

Other scientists visualized print-out machines that will one day permit cable television subscribers to pick and choose from a wide variety of newspapers and magazines including, we presume, special sales messages from friendly used car dealers.

Recently in Washington a scientist testified to the possibility of linking computers with satellites to achieve simultaneous world-wide transmission of news, advertising and official announcements in as many as 76 separate languages.

Yesterday we learned of a Boston chemist who is seeking to perfect a nylon-type paper that can be electronically impregnated to receive news reports and pictures—in full color—while the subscriber sleeps.

If this genius is able to develop his dream, the subscriber, when he has completed reading the paper, merely gives it a charge of negative current and it is erased and ready for the next edition.

Each week trade papers in the electronics and communications field are filled with stories and charts of new break-throughs in man's crash program to expand, improve and speed the dissemination of news and advertising.

Yes . . . the dreams of tomorrow are here today. How many of them will ever come to fruition?

To put this question in proper perspective, let me read from a news release I have reproduced in my remarks.

It is from a speech made by General James Guthrie Harbord, chairman of the board of the Radio Corporation of America before the engineering students of Princeton University. Listen carefully . . . and I quote . . . "Over a facsimile transmitter, four large New York newspapers may soon radio-broadcast their full editions to the home. Before the end of the year, model facsimile attachments for home reception will be tested. RCA has already developed a model receiver to retail for $100."

This statement by General Harbord takes on added importance when measured against these words by David Sarnoff, one of the guiding forces behind the growth and development of RCA. General Sarnoff predicted—and again I make a direct quote—"radio delivery of a complete Sunday newspaper, comics and all, to the home in one minute," end of quote.

Think of it . . . a receiver for $100 . . . and the possibility of receiving a complete Sunday newspaper . . . comics and all in less than one minute.

These are not the musings of mad dreamers . . . . these are the statements by two men who played important roles in building one of the greatest electronic empires in all the world.

The greatest significance of these remarks, however, is the timing. General Harbord made his historic speech on November 23, 1935. And General Sarnoff made his remarkable prediction in November 1948.

You now understand why I am reluctant to try and lift the curtain on the newspapers of the seventies.

Again, let me make it clear that I do not underestimate the size and scope of the scientific revolution that is sweeping the nation and the world. It will have far-reaching effects. It will change the techniques and much of the hardware essential to the production and distribution of newspapers.

I have never been one to minimize the importance of modern, efficient production and distribution facilities in this frightfully complex, costly and competitive newspaper business.

I have seen solid and substantial properties falter and fail as a result of dry rot in the plant. And as a result of dead wood in the management.

However, the real heart-beat of a great newspaper . . . the real thrust and drive and power comes not from the throbbing roar of the mammoth presses. . . . it comes from the product. It comes from the words, the hopes, the dreams, the prayers, the criticisms and the inspiration woven into the fabric of the stories and editorials and features and pictures that are the warp and woof of a newspaper.

Editors must care. Reporters must care. They must be concerned. As a team they must generate and project proper blends of courage and compassion. They must be willing and ready to seek out truth and flush out evil. Newspapers must not be apathetic or apologetic. They can be—and should be—the conscience of the communities they serve . . . and of the nation . . . and of the world.

They must sift fact from fiction and dedicate their energies to accurately and honestly mirroring the changing parade of contemporary life. They must not be fooled by the silver-tongued oratory of some who would undermine our nation through deception and intrigue. Neither should they permit themselves to be taken in by the bombastic blasts of pseudo-intellectuals or militant extremists.

They must chart and steer steady courses, avoiding both the far left and the far right, despite the turbulent forces that would turn them from their twin goals of truth and service.

They must be on guard against the derelictions and excesses of their own members.

They must be equally vigilant to the attempts of some in high places who seek to curb and control the free press . . . who seek to restrict and limit freedom of choice in the market place.

For make no mistake about it—across the width and breadth of our fair land there are now developing a series of campaigns that will seek to place stifling limitations of the freedoms now enjoyed by many facets of our highly complicated and highly successful private enterprise system.

Because of my deep concern in these matters, please bear with me while I stray from my assigned topic.

Let me for the next few minutes speak to you as a card-carrying consumer.

To prove my qualifications in this regard, I place in evidence a wallet that bulges with various varieties of the plastic "play and pay later" currency that is presently so popular with princes, paupers and the proletariat.

I have been a practicing consumer for more than half a century. I have conducted my practice in most of the states of the union and in a hundred lands around the world.

On the basis of these experiences I am quite convinced that the American public—despite inflation, despite high taxes, despite tension and turmoil and trouble in our streets—despite all of these things—the American public never had it so good.

More people have more money than ever before. They earn more, save more, spend more, and, yes, owe more than any other generation since the beginning of time.

While I am a great champion of the American system and of the free and open marketplace, I must confess there are rare occasions when I stand as a doubting Thomas as I attempt to evaluate some of the products, promises and performances that are pushed and peddled by both the private and public sectors of our society. Note, I said "both."

For today, more than ever before, big government plays for big stakes as it uses Madison Avenue tactics and techniques in merchandising its programs to the public.

In fact, it seems that every sector of our complex society is caught up in the ever escalating game of beating last year's figures.

As a result, we live in a pressure-cooker environment where superlatives are the order of the day.

We live in a nation where biggest, best, most, greatest, largest, finest, gigantic and stupendous are employed in describing everything from airplanes to zithers and from movie stars to washing machines. And don't exclude poverty programs or campaigns to sell government savings bonds.

Our private enterprise system is sparked and stimulated by the owners and operators of our great and small companies and corporations; by men and women with money, vision, and courage. Plus the priceless ingredients of faith and freedom.

It is stimulated, too, by the masters of salesmanship in action; the big guns of the advertising profession who expend multimillion dollar budgets to support the verve and nerve of manufacturers who are out to capture a bigger share of the market for soap or soup or cornflakes or cold cream.

But—never has any manufacturer or merchant prince indulged in merchandising and advertising slug-fests of the magnitude of some of those launched by the brain-trusters of big government over the past thirty years.

During these three decades, bureaucrats in Washington—Republicans and Democrats alike—have poured billions of dollars into programs to sell the New Deal, the Fair Deal, the NRA, the Marshall Plan, the Peace Corps and a hundred other grandiose plans that were literally guaranteed to bring peace, prosperity, equal opportunity or mutual joy to the citizens of the world and for our great republic.

It is not necessary to go into ancient history to get a realistic picture of the techniques and tactics used by our political professionals when they embark on planned programs to peddle their personal brands of big brotherism to the consuming public.

Every four years we witness the greatest show on earth as they make the run for the roses . . . and let the devil take the hindmost.

Let us take a look at the gross and costly orgy of windy rhetoric and pie-in-the-sky promises that marked many of last year's elections.

Never before have candidates travelled so far or so fast. Never before have candidates talked so often on so many different subjects.

Never before have candidates been seen and heard and reported so consistently and extensively.

Never before have so many millions of dollars been poured into campaigns where the winners take all.

All sides used terms and tactics in their merchandising and advertising programs that would have the FCC, the FDA, the four a's, the ANPA, the Better Business Bureau, and a dozen other agencies hot on the trail of any private organization that indulged in such excesses.

But these were not merchandising and advertising campaigns for new products. The end results were infinitely more important.

These men and women—and their campaign leaders—were pointing for the most precious treasures in all the world.

The trust of the American people. The faith of our future. The destiny of our cities, our states, our nation, and perhaps of the world.

It is a sad travesty indeed that the path to offices of such glory and greatness should be through the swamp lands of invective and innuendo.

Let me make it clear that I do not target in on the Presidential race alone. But, surely, in some of its dimensions—at the primary level in particular—some candidates failed to reflect the dignity and character of the high office sought.

I point the finger of shame more directly at those desperate men and women who believed the end justified the means.

Today, it is possible that some of these men and women are seated in the halls of Congress. Others may hold positions of power in the city, state, or federal government. Those who do will play roles in charting the future of this nation in the months and years ahead.

However, I would be guilty of the same shading of the truth that I attribute to some candidates if I tended to tar all of our government representatives with these slanted suggestions.

Nothing could be farther from the truth.

Candidates for all offices must run the gauntlet of public opinion. They must be tested and evaluated in the market place by the same consumers who have been educated to be discriminating and selective by the high priests of our competitive, profit-oriented private enterprise system.

Nowhere in all the world is there a screening system so sensitive—so eminently successful—as this nation's polyglot population of two hundred million citizens.

They are rich and poor, young and old, skilled and unskilled. They are black and white and red and yellow. They are long-haired and short-haired and no-haired. They live in apartments, in shacks, in mansions, in hovels. They like all sorts of things in all manner of degrees.

All are different. Yet, all are alike in their determination to be different.

It is the wide range of their talents and temperaments and tastes that provides this nation with its complex yet highly effective screening system.

It is true, of course, that shoddy products or politicians or policies may win temporary acceptance.

But woe to the candidate or company or corporation that long fails to measure up to its promises.

For one of the great strengths of our highly competitive, free choice society is its ability to purge most of the poisons from its system.

Look at the incumbent candidates who became croppers in the last election. They bear vivid testimony to the purging power of our voting citizens.

And note well the truth that these same

citizens vote in the market place as well as in the voting booth.

Last year nearly 16,000 American business concerns faded from the scene. They went into bankruptcy because they lost the public vote . . . they lost the faith and support of the consuming public.

Despite the failure of these thousands of companies and corporations, our nation is presently economically stronger than ever before.

In the past eight years total gross national output in the United States increased more than 300 billion dollars. Nearly 60 per cent.

Corporate profits soared thirty billion dollars, More than 60 per cent.

Personal incomes jumped more than 225 billion dollars and the number of persons employed increased a whopping eight million.

Now let me make it patently clear that the fountainhead of our affluent society is not big government. The mainspring of our capacity to produce more, spend more, save more and share more is our private enterprise system. And equally important the faith of our people in this system.

Weaken that faith and the sensitive balance of our unique and highly complicated system can falter and fail. Ours is an economy of diverse and seemingly separate and independent elements. But they are bound together with emotional mortar of consumer faith.

It is thus that I share with many of our business leaders a feeling of frustration and futility and fear as I find men and women in high places within and without our Government who look at profit as a dirty word and are targeting in on big business in general and at the advertising profession in particular.

Well, profit is not a dirty word in my lexicon. Profit is one of the most powerful ingredients in the complex machinery of our complex society.

Without profits there would be a drying up of investment capital. Without profits there would be a drying up of wages and salaries. Without profits there would be a drying up of taxes, charitable contributions and educational funds.

It is an ironical truth that the most frequent attacks on the profit system come from those in government, those in education, those in religion.

While all three divisions play a most vital role in our society, none is directly involved in commercial profit making. Yet all are wholly dependent on the profits created by others.

In fact, the members of these eleemosynary cults are the queen bees of our industrial hive.

In preparation for today's discussions, I struggled through the labored and loaded logic of dozens of directives, essays, speeches and bulletins—critical of facets of our free enterprise system—that have poured forth from the weird wonderland of Washington . . . and from a dozen State Capitals throughout the nation.

I do not cloud the honesty and sincerity of all of these men and women who have raised their voices in protest against some of the basic planks in our free enterprise system. Most are as sincere as they are deluded.

However, no government agency . . . no do-gooders in private or public life can possibly have as much interest in pleasing the consuming public as do our successful companies and corporations. For—in our economy—their lives literally depend on keeping their customers happy.

In my pursuit of facts for today's meeting, I found a recurring note of criticism in dozens of the bulletins and speeches that came from our Justice Department, from our consumer councils and our alphabetical agencies.

Advertising in all of its ramifications is a favored target for the iconoclasts who seem determined to try their strength at shaking and shocking the gods of competitive commerce.

Some echoed the sentiments of Arnold Toynbee, the famous British historian, who has repeatedly charged that advertising borders on the immoral. In one essay he said—and I quote—"I cannot think of any circumstances in which advertising would not be evil." end of quote.

The Honorable John K. Galbraith, an advisor to at least three presidents, was equally outspoken in his attacks. He charges advertising with being a costly luxury that raises the prices of goods and services and thus becomes an unnecessary and unwarranted burden for working men and women.

A few weeks ago, Senator Philip A. Hart, who heads the powerful antitrust and monopoly subcommittee, deplored the concentration of power in various areas of our private enterprise system.

He exhumed an old ghost and again paraded it before members of the American Advertising Federation who were meeting in the nation's capital.

He said: "The fellow with the most advertising dollars can, as a general rule, clobber his less financially endowed rivals."

He admitted that this was not a new charge but he ignored completely the substantial file of evidence that tends to cloud his thesis. Was Coca Cola's tidal wave of advertising able to slow the powerful and challenging drive of Pepsi Cola?

Was not Senator Hart's logic faulted when Winston challenged and passed Camel cigarettes in a classic example of a competitive free-for-all?

What happened to the theories of other prophets of doom who 20 years ago claimed that the Great Atlantic and Pacific Tea Company had reached such a position of power and influence that it would soon strangle and destroy all competition. Ask Safeway and Grand Union and Lucky Stores and First National if they are in danger of being gobbled up by A&P?

No Senator Hart, whiz kids and doubledomes to the contrary, no one has ever been able to put a hammer-lock on customer loyalty so long as freedom of choice is maintained.

The billion dollar fiasco of the Edsel motor car is a priceless testimonial to the discriminating taste and complete independence of Mr. and Mrs. John Q. Public . . . *so long* as freedom of choice in the market place is maintained.

More recently, Senator Hart also referred to a bill he planned to introduce that would set up an independent consumer's council. He referred to it as—and I quote—"an independent corporation chartered by the Congress."

What would the corporation do? Here, the good Senator dusted off a few of the deweyeyed dreams of Esther Pederson, former queen bee of the mushrooming federal consumer agency, and Donald F. Turner, former Assistant Attorney General for the Federal Government. The corporation envisioned by Senator Hart would act as a collector and dispenser of facts and figures and guidelines on products and services offered to the consuming public. He envisions a nation-wide network of bureaus and systems to achieve these ends.

Yes—that's what the man proposed.

The bureau would grade and evaluate all consumer goods and services. He would have reports regularly issued so that the public could be the beneficiaries of his costly scoring system.

Would not and could not this—if it ever came to fruition—be the most monumental and costly boon-doggle in all time?

Who would do the scoring? How would it be done? Who would settle disputes? Who would pay the cost?

If this foolish fantasy ever came to pass and truly functioned as planned, let's look at the consequences.

Would not the consumers buy only those products and services with the highest scores?

Would not the also-rans soon falter and fail and then fade away? Would not competition wither and die?

Instead of eliminating or reducing monopolies as Senator Hart envisions, would not this socialistic scheme give birth to the very Frankenstein of monopoly that the Senator fears and deplores.

Carried to its fanciful conclusion, would we not have an economy where competition was as effectively throttled as it is in Russia with its rigid state controls on production, distribution and display?

Now, let me make it clear that I am not out to white-wash advertising. Neither do I propose that the Eagle Scout emblem of good citizenship be conferred on all our merchants, manufacturers and entrepreneurs.

I am sometimes annoyed at the shocking or unethical behavior of some elements of the business community. And I do not exclude newspapers from such criticism. We are sometimes guilty of questionable conduct.

In short, I am quick to admit there are unhealthy viruses that infect our private enterprise system.

But these are not malignancies. They do not require the strictures or surgery of government action. I believe we presently have the medicine and the power within our free society to make the necessary cures.

In those instances where laws are broken, the courts should, of course, take corrective action.

In most cases, though, I believe the purging action should come from the responsible elements of the business community that are affected.

Responsible advertising men must accelerate their fight against those who cloud their industry.

Responsible real estate men must accelerate their fight against those who cloud their industry. Responsible movie producers, publishers, promoters, retailers and manufacturers must hear a fair share of the burden of policing their own industries.

Only by demonstrating this kind of concern for the basic interests of the consuming public can we hope to preserve freedom of the market place. Such action is the best defense against the regimented enslavement that could be the end result of some of the visionary dreams advanced by far too many ambitious empire-builders within and without our government.

We must not underestimate the force and drive and ambition of these government planners. Neither should we assume that the Federal Government has a patent on chastity belts for industry.

On Wednesday of this week, the senior branch of our California Legislature voted overwhelmingly to ban all cigarette advertising in the state of California.

Prohibitions of this kind are pushed at this hour in Washington and a dozen state houses from coast-to-coast. It is ironical that many of the same real and pseudo intellectuals who campaign for such restrictions are at the same time beating the drums for legalizing marijuana.

This, though, seems to be par for the course in this age of confusion and contradictions.

For example, while prayer is banned in our school rooms, the Free Speech Movement with its gutter language and permissive sex attitudes is embraced by thousands of faculty members in high schools and colleges throughout the land.

Another sorry band of trouble makers is able to enlist impressive support for a campaign to ban the ROTC from some colleges and universities. At the same time a similar group makes frightening progress in selling some educational leaders on establishing accredited courses in counter-insurgency and guerrilla warfare.

In short, there are some who use our tax-supported institutions of higher learning as staging areas for mapping campaigns to overthrow the system. We may—in truth—be hoist on our own petard.

There is still another dimension to this problem. The matter of instant experts.

We have had a virtual tidal wave of publicity for Ralph Nader, the iconoclast of despair. My limited research does not indicate he has ever constructed anything. He knows not how to build but he knows too well the art of destruction.

There are tens of thousands like him in schools and colleges on radio and television in newspapers and magazines and in many departments of government.

They question the quality or purpose or method or need of cars and bikes and washing machines and fur coats and airports and airplanes and food products.

By searching out tiny flaws and imperfections—real and imagined—they can cloud and damage the honest efforts of millions of scientists, engineers, architects and workmen who have helped to give our nation the highest standard of living the world has ever known.

For twenty years these self-styled experts have flooded the airwaves and our entire communications system with statements charging the establishment with corruption, dishonesty, misrepresentation and deceit.

Is it any wonder that today's youth is disturbed and concerned and rebellious and cynical?

As I indicated earlier, I do not propose to sanctify big business. It has its weaknesses. But most of all it has its strengths. And the latter are shared by all of our people including those who scoff and deplore the merits of the profit system.

Within the government there are some critics who use the techniques and talents of the very people they profess to deplore—the men and women of Madison Avenue.

These critics build their programs with professional skill. They employ dramatic presentations and are adept at adopting the sales wallop of slogans and the well turned phrase.

Who, for example, can quarrel with the clarion cry for Truth in Packaging? Like Motherhood and an early Spring, it has almost universal appeal.

But look behind the slogan. It is only the camel's nose pushing under the tent.

The bureaucratic brain-trusters have announced grandiose plans for reshaping, repackaging, re-designing, and re-organizing many of our basic business concepts.

They have publicly deplored the wide variety of products that crowd the shelves of our supermarkets. They have deplored their multiple shapes, their sizes, their contents and their labels.

They are disciples of the cult of uniformity. And conformity. They fail to understand the vital importance of freedom of choice. And even the freedom to make the wrong choice.

These government planners come from a growing school of economists who are long on theory but short on experience. These are the Bureaucrats who never met a payroll. These are the ones who demand an investigation on the higher price of bread, while, at the same time, they applaud union-negotiated wage increases for the men who haul the wheat, for those who grind it, for those who bake it, and for those who sell it.

They fail to understand that if you continue to increase the costs of industry without commensurate increases in productivity, you must expect a corresponding increase in prices.

Now—don't get me wrong. I am 100% in favor of protecting consumers.

As a long-time card carrying, cash carrying, credit using consumer, I am heartily in favor of any system or procedures that will help me get higher quality and lower prices on the goods and services I purchase.

But, having witnessed for more than thirty years the way Uncle Sam has protected our farmers with price controls, soil banks, bonuses, quotas and other impractical gimmicks, I have a strong suspicion that, as a taxpayer, I can't stand much more of his planned protection.

Now, I see my time is up. In closing—as my friend Jim McCollum has pointed out—when it comes to truth in packaging . . . perhaps the government planners should start by relabeling some of their own packages.

Let them start with the dollar bill. Let them clearly state that it lacks the purchasing power of last week or last month or last year. To quote Jim McCollum: "How can the average housewife know if she is getting her money's worth if she doesn't know what her money is worth."

Let them also take a long look at the nickels and dimes and quarters and half dollars that are presently circulated.

They may be sandwiches, but they don't go far toward a lunch or dinner.

In fact, they actually violate the express guidelines of the Constitution.

If a private manufacturer produced such shoddy merchandise I suspect it would be a case for Senator Hart.

However, just as every package of cigarettes carries a danger warning, so, too, does every coin produced by Uncle Sam. The language is different, but the meaning is the same.

Every coin carries the statement: In God we trust. To that I say amen.

OUR OIL IMPORT PROGRAM

Mr. EAGLETON. Mr. President, yesterday, on the floor of the Senate, several Senators participated in a most interesting discussion of our oil import program in general and its application to the American petrochemical industry in specific.

This discussion, which appears at pages 34450 through 34454 of the RECORD of November 24, 1969, began with a very lucid statement by my distinguished senior colleague from Missouri (Mr. SYMINGTON). His statement points out the present dilemma of the American petrochemical industry insofar as it is restricted in its access to foreign raw materials, the seriously inhibiting effect these restrictions have on the industry's ability to compete, and the implications this situation will doubtless have on our balance-of-payments position if it is allowed to continue.

Other Senators—including Senators PERCY, JAVITS, TYDINGS, HART, PROUTY, THURMOND, and PROXMIRE—addressed themselves to the immediate problems of the American petrochemical industry as well as to some of the broader implications of our existing oil import program.

Mr. President, I believe yesterday's discussion to be a most interesting and important one. Our present oil import program has many far-reaching consequences.

While it has been argued that there are national security considerations which justify production for the oil industry, we cannot afford to perpetuate our present policy to the detriment of a modern growth industry whose importance will surely increase over the years ahead.

If the United States is inhibited from trading effectively on the basis of its technological superiority as manifested in the petrochemical industry and many others, I see little hope that we will ever be able to prosper in the world economy. In this regard, I wish also to commend President Nixon's forward-looking statement of November 18, 1969, that the "competition cannot stop at the water's edge" and that his administration will continue to pursue freer trade policies to the extent that these are consistent with our general national and economic interests.

The situation of the petrochemical industry has been of concern to me for some time, and, like Senator SYMINGTON, I have written to Secretary Shultz, as Chairman of the President's Task Force on Oil Import Control, regarding this matter. I ask unanimous consent that the text of my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 22, 1969.

Hon. GEORGE P. SHULTZ,
Chairman, Cabinet Task Force on Oil Import Control, Washington, D.C.

DEAR MR. SECRETARY: I realize that you are Chairman of the Cabinet Task Force on Oil Import Control, the broad scope of which I know to be complex and far-reaching.

I want to bring one facet of this complex problem to your attention, i.e. the effect of the Oil Import Program on the domestic petrochemical industry:

The Oil Import Program limits the ability of the domestic industry to select feedstocks suitable for its manfacturing needs. For the most part, the industry is limited the use of natural gas liquids as feedstocks, as these materials are approximately at parity with the feedstocks used by foreign competition. However, industry experts forecast a developing supply-price situation on these gas liquids which will make them uneconomic by the mid-seventies.

The industry has the ability and the desire to use heavier petroleum fractions—naptha, gas oil and crude oil—the same feedstocks available to its foreign competition. The present Import Program, however, makes these heavy feedstocks produced in the United States approximately 60% more expensive to the domestic petrochemical industry than the prices being paid by foreign competition. With feedstock costs the major element of total chemical economics, the domestic petrochemical manufacturer cannot realistically consider use of these heavier materials. Thus, with future supplies of natural gas liquids doubtful, and with use of heavier alternates economically unfeasible, the domestic petrochemical manufacturer is presented with a serious dilemma as to how to intelligently plan for the enormous investment required in the construction of future petrochemical facilities. Obviously, the forward planning for these types of projects must commence several years in advance of the completion of the facilities.

The industries only realistic election at this point is to construct facilities abroad, as I observe many U.S. companies are doing. This type of action is bound to have an unfavorable long-term effect on our nation's security, its jobs, its tax income, and its balance of payments.

I bring this situation to your attention so that it may be considered along with all other possible modifications and changes in the Oil Import Program.

Yours very truly,
THOMAS F. EAGLETON,
U.S. Senator.

Mr. EAGLETON. In conclusion, Mr. President, I wish to emphasize the vital importance of the report to be issued by the President's Task Force on Oil Import Control. I have high hopes that this report, which is expected to be issued by the end of this year, will make some new recommendations which will rectify some of the inequities of our present program without doing any violence to our national security or to our domestic oil producers. I eagerly await this report as do, I daresay, the distinguished senators previously mentioned who participated in yesterday's discussion.

A SHOT IN THE ARM

Mr. HRUSKA. Mr. President, for the first time in the history of our country the shortcomings and ineffectiveness of our corrections system is the subject of immediate public concern and pressure for action. Almost every day in our newspapers we see new indictments of the failure of the prisons, the jails, and probation and parole.

These methods have failed because they have never been given the support needed to make them work. They have experienced a totality of neglect that should weigh heavily on the conscience of every citizen.

In 1968, Congress took the first significant action to make up for this neglect. It enacted the Omnibus Crime Control and Safe Streets Act, which set up the machinery and authorized the funds to bring about improvement in all areas of law enforcement, including corrections.

I invite attention to an article entitled "A Shot in the Arm for Corrections," written by Richard W. Velde, Associate Administrator of the Law Enforcement Assistance Administration, and published in the September, 1969, issue of Federal Probation. It relates what is being done to begin the process of change in the field of corrections, and it is apparent that all of the programs of the new agency are being brought to bear—bloc grants, discretionary funds, technical assistance, research, and academic assistance.

If the task of improving corrections is to be accomplished, a much greater commitment must be made at all levels of government.

On September 9, 1969, I introduced a bill, S. 2875, designed to amend the Law Enforcement Assistance Act and provide greater flexibility to the Law Enforcement Assistance Administration dealing with the problems facing our Nation's corrections and penal systems.

Since then I have received support for this bill from penologists and corrections officials from all over the Nation.

I urge prompt and favorable Senate consideration of this necessary legislation.

Mr. President, I ask unanimous consent that Mr. Velde's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SHOT IN THE ARM FOR CORRECTIONS

(By Richard W. Velde)

Corrections is in a deplorable state in this country. It has reached this condition after decades of neglect and apathy by the general public, by many legislators, and too often by corrections administrators themselves. Current literature on corrections gives a picture very different from the realities—both the realities as we have seen them and as they are described by states in their plans for criminal justice system improvements submitted to the Law Enforcement Assistance Administration. The literature gives the impression that correctional treatment programs have reached a high level of sophistication. From the state plans, however, it is evident that these programs exist largely on paper.

STATE PLANS ARE HIGHLY DESCRIPTIVE OF DEPLORABLE CONDITIONS

The state plans document the fact that institutional correctional programs are often either nonexistent or rudimentary. Probation is commonly lacking in resources and is largely a matter of form rather than substance. Parole standards and practices vary widely. Everywhere there are insufficient numbers of personnel, and they are generally underpaid and lacking in training. Facilities are typically wanting where they are needed, or so hopelessly rundown and archaic that they are virtually useless.

Much alleged progress in corrections has been measured in terms of euphemisms. For example, earlier this year I visited a state prison that had recently been redesignated a "correctional institution." But it had obviously remained a prison in every sense of the word.

In some places the positions of guards have been retitled "correctional officers." But as often as not they have remained largely undereducated, untrained, ill-paid, and preoccupied with purely custodial duties.

The "hole" has been given a number of different official appellations in recent years. It is called "isolation," "seclusion," or a "special treatment unit." (Someone with a sense of humor must have thought up the latter name!) But to the inmates and personnel alike it remains the "hole," and from the forbidding appearance of the place in most institutions that I have seen, a more dignified term is unwarranted.

In plan after plan, we find the same conditions recounted by states. Only words change:

. . . "(The state's) jails tend generally to be in abominable condition . . . a public disgrace and a continuing breeding ground for crime. . . . Too often youthful criminals are thrown in with seasoned offenders who further indoctrinate them in the ways of the criminally corrupt . . . ."

. . . "Seventy-nine percent of the county and city jails are substandard . . . dungeon-like facilities, unfit for human habitation . . . .

. . . "Juvenile educational and rehabilitation activities are substandard . . . ."

. . "There are no alternatives to incarceration of juveniles, such as halfway houses . . . ."

. . . "Juvenile probation is understaffed, underfunded, and undertrained . . . ."

. . . "(County work camps) apparently keep poor records, possibly not knowing or caring who is where, or why, unless someone asks"

. . . "More convicted juveniles and adults could be put on probation if adequate supervision could be supplied . . . ."

. . . "The need for improvements in the area of probation is enormous . . . ."

. . . "Resources for the correction of offenders except for limited educational and vocational programs are almost nonexistent . . ."

. . . "As a result of inadequate local detention facilities, children have been placed in situations that were reportedly unfit for the confinement of animals and which have resulted in suicides, injuries, and children being subjected to unsanitary conditions and undesirable influences . . . ."

Perhaps the most encouraging thing about the state plans that we received during the fiscal year 1969 is the honesty with which the state planning agencies have described and identified the problems in their correctional agencies.

Perhaps the most discouraging fact is that not enough of the state plans proposed any immediate action to do away with these disgraceful conditions.

But, undeniably, the states at least acknowledged the problems and supplied abundant documentation. The next step is to gain acceptance of the fact that it is time, and long past time, to take action—to bring widespread, meaningful improvements. This is one of the priorities of the Law Enforcement Assistance Administration (LEAA).

LEAA PROGRAMS

During the fiscal year 1969 the Law Enforcement Assistance Administration awarded $25 million in action grants to the states. For 1970, Congress has authorized, though not yet appropriated, a budget of $300 million. If this appropriation is forthcoming, $225 million would go to the states in action grants. It can be an auspicious beginning if corrections gets its proper share. It can mean that corrections will finally end its downward drift. It can mean the start of the long climb toward respectable accomplishment.

In addition to the $225 million in action funds, the administrators of LEAA can expend 15 percent of the total budget on law enforcement projects they feel have substantial significance. Corrections also occupies a higher priority in this program. We are looking for sound ideas in the field of corrections. If the idea is promising, we will sit down with the applicant and develop a formal proposal. The discretionary authority will be used chiefly to fund innovative or demonstration programs that may have national implications, or to initiate within a state valuable programs used elsewhere.

Research projects will be funded directly by the National Institute of Law Enforcement and Criminal Justice,,the research arm of LEAA. The Institute gives grants and contracts for promising corrections research and to develop new techniques for the rehabilitation of offenders.

The Academic Assistance program is another LEAA resource. It is intended to deal with the dismal fact that the average correctional employee does not even have a high school education. The Academic Assistance program finances college degree studies. Corrections and law enforcement personnel are eligible for a loan of up to $1,800 a year or a grant of up to $300 a quarter. A corrections employee can cancel the entire indebtedness if he will then work in corrections for the 4 years following a graduation.

In fiscal 1969, unfortunately, corrections did not get its proper share of the Academic Assistance funds. In some instances, college financial aid officers did not understand that correctional employees qualified as law enforcement officers and were therefore entitled to loans and grants. In other instances, police personnel apparently were favored over those in corrections. We learned about one instance of this rather dramatically when the head of one correctional institution stormed into our office with the news that he had been "robbed"!

This general situation has been corrected. In the future, grants and loans will be distributed in proportion to the relative number of applications from police and corrections personnel. It now is up to corrections personnel to get their share.

Another LEAA program offers technical assistance to state, county, and local correctional agencies, and to state planning agencies. Two million dollars has been budgeted for LEAA technical assistance in fiscal 1970—much of which will go to corrections. We also have other resources upon which we can depend, such as the Federal Bureau of Prisons, the Department of Health, Education, and Welfare, the Labor Department, and the Department of Housing and Urban Development.

Through these and other means, we can furnish to correctional agencies qualified assistance in such fields as probation, parole, institutions, jails, juvenile delinquency, community programs, architecture, engineering, construction, research, and management. And we do not charge a dime for it.

In any of these programs—action grants, discretionary funds, academic assistance, research and technical assistance—the point of contact for correctional agencies is LEAA's Corrections Division. The Division has the responsibility to coordinate LEAA corrections programs and to give correctional agencies all assistance within the responsibility of LEAA.

LEAA'S CORRECTIONAL PRIORITIES

Each state must set its own priorities for action programs. However, LEAA grants will affect national trends and in view of that, LEAA has developed a number of what to us are important priorities.

On the basis of our study of the state plans, we conclude that the field of probation offers the best opportunity for immediate, visible improvement in the correctional process. Planning agencies of state after state have observed that because probation services are missing or weak, many judges depend upon imprisonment as the only effective disposition of cases. One planning agency wrote: "In 1967, approximately 70 percent of the persons committed to the State Board of Corrections were first offenders . . . ."

Another said: "The lack of probational services forces the court to rely heavily on state residential institutions. As a result, 20 percent were committed without even having been on probation . . . ."

Every career corrections official knows that to use imprisonment when probation is indicated is a short-sighted and expensive policy. It costs $3,000 to $4,000 a year to keep an adult in prison and as much as $6,000 a year for a juvenile or youth offender. Probation costs are a fraction of those sums. It is much cheaper for a state to provide good probation services, even if additional appropriations are necessary, than it is to give the judges little choice but to send offenders to prison. If rehabilitation of the offender is our primary objective—and we believe that it must be—the desired result is more likely to come about as a result of probation. The prison or the juvenile institution is more likely to bring about the opposite result.

The California Legislature's Office of Research recently completed a major study of this problem. The study indicated that if all California counties would reduce their prison commitment rates to those already in effect in some of the large counties, commitments to the state prisons would be reduced 60 percent. This development would save approximately $75 million in operating costs. It would also make it unnecessary to build any more prisons for the next 5 years.

A number of state planning agencies have come to similar conclusions. As a result, we hope to see increasing numbers of states emphasize probation improvements in their action proposals. And to the extent that we can, we intend to see that our discretionary and research funds are used to support this priority.

Other needs also are clear. We need more probation personnel. We need better trained personnel. Probation methods themselves should be refined, with more flexibility in the amount of personnel time given to each probationer and the length of probation terms. More resources are required so that probation officers may obtain such services as technical training or medical or psychiatric treatment for their probationers. Probation officers should also be able to place their probationers in various types of community programs—halfway houses, new career programs, job training, volunteer programs.

Related to the problem of improving probation is, of course, the problem of improving parole. Both need to be strengthened in the same ways. In virtually no other phase of corrections do policies and practices vary so widely from state to state as in parole. In some states, the chief means of release is by parole. In other states it is little used. And there is every variation in between.

The potential for improvement is pointed up by the California study, which said: "If mean time served in state correctional institutions were reduced by 20 percent, the effect on serious crime would be insignificant or nil, but the cost savings great."

Research also suggests that the longer a person is imprisoned, the less his chances of rehabilitation. The prison is still the best way of insuring that criminal behavior is perpetuated. It may be that in the United States we rely on imprisonment so much because we are still primarily interested in the punishment of the offender. But if so, we are paying a high price for our vindictiveness. We not only are paying the much heavier financial costs of imprisonment, but also are producing a large corps of thoroughly confirmed criminals.

THE SHAME OF THE JAILS

Another priority for improvement has to be the American jail and police lockups. There are thousands of these facilities, and, typically, they are a disgrace to our people and our Nation. The LEAA Administrator, Charles Rogovin, visited one recently, and after an hour and a half went away with deep feelings of disgust and revulsion. The prisoners were herded together in dark, dirty cells, and for many there was nothing to do but sit in idleness month after month. The jail was run largely by the prisoners themselves. The situation represented by this jail is duplicated many times around the country.

We note the same comments on jails in state plan after state plan. One eastern state said: "None of these jails provides anything beyond custodial care. In many it is impossible to segregate adults effectively. Most are in poor physical condition. During night hours no one supervises inmates and inmates sometimes inflict horrible atrocities on each other . . . ."

In one state, the jails *average* more than 100 years old!

The problem of improving our jails is so formidable that it will take many years and billions of dollars to obtain any noticeable results. Many of the jails simply have to be replaced. About the best hope for the immediate future is to encourage such programs as work release. This is a method of at least minimizing the damage that the jail can do. The offender can work in the community during the day, and sleep in the jail at night.

The White House has set for LEAA the task of developing a prototype of a new kind of jail—a community facility. In addition to detention, it would provide for all types of diagnostc resources for the courts, probation facilities, space for a community residential center, counseling, and, of course, classrooms and medical facilities.

We will use discretionary funds to develop appropriate models and to encourage adaptations of the models to meet the needs of the communities around the Nation. But very largely the task of replacing the present jail system with something more humane and constructive will have to be a job for the communities. The problem is too widespread for LEAA to tackle alone.

MINIMIZING DESTRUCTIVE EFFECTS OF IMPRISONMENT

I should like to turn now to the prison, that peculiar American contribution to civilization. It has not improved much since the Quakers first conceived of it 200 years ago in Pennsylvania.

We read and hear about programs of "correctional treatment" in prison. But a visit to a typical prison usually shows that treatment is so much hocus-pocus. The prison by its very nature must be considered our least effective method of bringing about the rehabilitation of the offender. Perhaps it can never be really effective in this respect, but the damage it does can certainly be reduced.

Many prisons—at least 25 that I know of—are more than 100 years old. And too many of the newer facilities are no better, either in design or physical condition. Our prisons, typically, are nothing but human warehouses. Regimentation is so bad that to speak of rehabilitation or "individualized treatment," as it is often stated, is to abuse the meaning of words.

We need to change our national policy on the use of prisons. There is a great need, of course, to protect society. Despite the best rehabilitative efforts, there always will be some men who are too dangerous to be at large; they must be kept in prison.

But we cannot lose hope even here, and we must continue our efforts to find some way of minimizing the bad effects of the prison on inmates. Even some hardened cases will eventually gain the maturity that comes with the passing of years, and eventually be released. Prison programs must be conceived with this possibility in mind.

We need work release to get some of these men out of the prison until they become eligible for parole. We need halfway houses so that some of these men can be reintroduced gradually to the community. Even in the prison, we need volunteer programs. Neither keeper nor prisoner has an inspiring influence on the other. But the volunteer from the community can directly affect the attitudes, hopes, and aspiration of the imprisoned.

We already have educational and vocational training programs in most prisons. But often they are very inadequate. We need educational programs that really educate, vocational training programs that really teach usable occupations and skills. We deceive only ourselves, for example, when we record the cellhouse mop brigade as "building custodians" enrolled in vocational training. And when half a dozen prisoners are assigned to a task that one person can easily do—the typical situation in prison—we are providing neither employment nor training.

One state plan summed it up this way: "Penal facilities, adult and juvenile, are inadequate and overcrowded . . ." But few states planned to do anything at all for their prisons with their 1969 LEAA money. Is it that they share our society's traditional habit of giving corrections only the crumbs of the state budget?

LEAA EMPHASIS ON CORRECTIONS

So far as the LEAA budget is concerned, we are determined that corrections will receive its appropriate share of funds. It will receive support and emphasis as full as that accorded any other element of law enforcement. Yet if our objectives are to be achieved, the same principle will have to be shared by the states and their planning agencies, and local governments, too.

The task of improving corrections has to be a cooperative effort. For nearly its entire history, corrections has wallowed in neglect and apathy. To get out is going to be a tremendous job. LEAA will seeks help from all responsible sources. We will go anywhere in the country to help.

One state plan contained this statement: "The state's correctional system, including parole and probation, has been studied and restudied, but for reasons largely financial and political, the findings have never been tested or implemented. . . ."

We have no time to waste simply on studies.

The amount of LEAA money available for fiscal 1969 was relatively small compared to what we anticipate will be available in the years ahead. According to the state plans, the 1969 action money will be distributed approximately according to this tabulation:

	Grants	Percentage
Police	$18,600,000	74.2
Courts	1,400,000	5.5
Corrections	3,400,000	13.5
Miscellaneous	1,700,000	6.8
Total	25,100,000	100.0

The commitment of LEAA funds ranged from 50 percent in Guam to zero percent in two states.

The largest proportion of the corrections money, $1,281,894 or 36.4 percent, went into juvenile delinquency programs (not including police prevention or community education programs). Adult institutions got $872,196, or 24.8 percent, adult parole and probation $750,902, or 21.3 percent, jails $291,115, or 8.3 percent, and such miscellaneous activities as research and personnel newsletters, $324,438, or 9.2 percent. Community programs were well represented in all of the first four categories.

All in all, corrections shared in the various LEAA funding programs as follows:

	Total	Correction	Percent
Discretionary	$3,700,000	$700,000	18.9
Research	2,900,000	550,000	18.9
Block	25,100,000	3,400,000	13.5
Total	31,700,000	4,650,000	14.6

A number of the states, including Washington, Maryland, Colorado, Connecticut, and Massachusetts, put the 1969 money to use on excellent programs. One of the projects funded by the State of Washington is an intensive probation service for youth who are so seriously delinquent that they would otherwise be institutionalized. The State also started a project to do away with obsolete jails and replace them with regional detention and diagnostic and rehabilitation facilities. Both address correctional problems that are high priority issues all over the country.

Maryland is training volunteers for intensive work with probationers. Colorado is attempting to keep youngsters out of institutions by developing group homes for probationers and parolees. Connecticut is working on a similar program.

Massachusetts has funded a project to provide intensive probation services to persons in high risk districts, with the emphasis on the use of a wide range of community resources and programs. It also has funded a number of other projects in the corrections field. We trust it is no coincidence that the Administrator of LEAA, Charles Rogovin, is from Massachusetts!

A variety of innovative programs have been undertaken in several other states. With larger investments in coming years—particularly in community programs —the impact of LEAA aid on the corrections field should produce significant results in 2 or 3 years. Within that time it also can bring about a shift in emphasis from the large-scale commitment of offenders to jails and prisons to a more general reliance on probation and community programs.

SANTA BARBARA CHANNEL CHALLENGES OIL INDUSTRY SKILLS

Mr. CRANSTON. Mr. President, last weekend a bizarre new chapter was added to the tragic history of oil development in the Santa Barbara Channel. Sun Oil Co. had hauled an oil platform down from Oakland to be installed on its lease, which, incidentally, is adjacent to the Union lease where oil is still leaking from the site of last January's blowout.

Unfortunately, the platform has been less than tractable to the present state of the skills of the industry's petroleum technicians. Twice this last weekend the platform has tumbled upside down and fallen down to the bottom of the channel. This morning, the platform still floats upside down, resisting efforts to right it, according to reports I have received from Santa Barbara. This inauspicious demonstration of industrial techniques should not go unnoticed by those of us who are concerned with how safe our present drilling practices are. I hope that Senators will take note of the Sun Oil platform saga as described by the Los Angeles Times.

I ask unanimous consent that the Sunday and Monday reports from the Los Angeles Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PLATFORM MAY BE ERECTED TODAY—OIL WELL NERVE WAR HEADS FOR SHOWDOWN

(By Noel Greenwood)

The oil well platform battle is headed for a showdown—possibly this morning—off the coast of Santa Barbara.

Sun Oil Co. work crews Saturday towed their disabled 3,100-ton drilling platform to deeper water to gain more maneuvering room as attempts are made to right it.

Antiplatform forces drifted nearby in a small sloop, prepared to attempt blocking the area where the platform is to be erected.

Although time estimates were uncertain, one oil company spokesman said crews may be ready to place the platform at its planned location sometime this morning.

That could bring on the confrontation between work crews and protesting residents that has been building since the platform was floated down from Oakland last week.

The drilling platform tipped and sank Friday as it was being unloaded from a barge, preparatory to being placed in 190 feet of water about six miles south of Santa Barbara.

There, Sun Oil intends to produce oil from 5,760 acres beneath the ocean floor, leased from the federal government in 1968 for $38.4 million.

But foes of further oil drilling in the Santa Barbara Channel—spurred by memories of the Union Oil spill in January—have mounted a 24-hour "fish-in" to prevent the platform from being erected.

They have rallied around an organization called GOO (Get Oil Out), led by former Democratic State Sen. Alvin Weingand of Santa Barbara.

Weingand Saturday wired President Nixon for help, saying the platform accident "once again highlights (the) inability to control offshore drilling at any stage."

He added in his telegram:

"We implore you, Mr. President, to stop this tragedy before Santa Barbara is once again the recipient of millions of barrels of pollution. We cannot take another disaster."

A Sun Oil spokesman, however, said the platform accident was being exaggerated.

"Everybody talks about this as a disaster," he said. "It's not. It's just a matter of this thing having turned topsy-turvy in the water."

The platform, upside down with its eight legs protruding from the water, went down in about 250 feet of water nearly a mile from the site where it is to be erected.

The oil company spokesman said a tug which took the platform under tow late Saturday afternoon would haul it about 3½ miles seaward to a big ocean-going derrick.

Using cables placed by divers, the derrick will raise the platform. A "jacket" of air-filled pipes will keep it buoyant.

Crews will then be ready to haul the platform to its permanent location and position it right-side up.

Antiplatform forces are pinning their hopes on a ruling expected from the U.S. Supreme Court Monday. The court has been asked by attorneys for Santa Barbara County and the American Civil Liberties Union to halt erection of the platform.

Sun Oil has said that should the blockade prove a problem, any attempt to break it would be made in court—not at sea.

The Coast Guard stationed the cutter Pt. Evans at the scene Saturday, but said it was there for surveillance purposes only.

Harold Beveridge and Bob Waters, GOO leaders, said oil company boats harassed the GOO craft Friday night.

Waters said he was roused from his bunk when one oil boat passed close by.

"We couldn't have gotten a boat between our stern and him when he passed," Waters said.

Oil company spokesmen couldn't be reached for comment.

Beveridge's 34-foot sloop, the Galadriel, is one of several boats being used in shifts to monitor the drilling platform site.

The floating war of nerves has been heightened by periodic hints from the oil company that GOO forces really don't have the oil platform site accurately plotted.

But GOO leaders say they do, and others assert that the site is clearly marked with buoys.

OIL PLATFORM RAISED, THEN TIPS OVER AGAIN—FIRM REFUSES TO DISCUSS PROBLEMS OR PLANS FOR ERECTING RIG IN CHANNEL

(By John Scheibe)

Sun Oil Co.'s drilling platform off Santa Barbara was raised on its side by workmen early Sunday, but by late afternoon it was again floating upside down.

Company spokesmen refused to discuss any problems they may be having with the platform. They also declined to indicate when workmen will try to erect the rig.

Seagoing protesters from GOO (Get Oil Out) cruised nearby in a sloop, determined to block any attempt to install the platform by positioning their boat directly over the platform site.

The platform, which will be erected in a tilting maneuver by a * * * large drilling site.

The platform site, which is five and one half miles from Santa Barbara's beaches, is situated in an east-west line with five other oil towers.

BARGE BEYOND DRILLING SITE

The barge carrying the derrick lay a mile to sea beyond the drilling site Sunday night.

The Coast Guard cutter Point Evans, berthed in Santa Barbara, stood by, waiting for the word from Sun Oil that the platform was ready to be placed.

"We intend to be there when the platform is positioned" said Lt. James Getman. "We're obligated to protect life and property at sea."

The platform, from which Sun Oil intends to drill as many as 60 wells, turned upside down and sank Friday. Work crews succeeded Sunday in raising the platform on its side, with buoyancy provided by the "jacket" of air-filled pipes.

Myron Elliott, Sun Oil production superintendent, declined to speculate when the oil company would make its move.

Another Sun Oil spokesman, Robert Klaus, said the company's lawyers had advised the "silent strategy" because "if we predict when we're going to do what in this operation and it's printed and somebody gets hurt and they take it to court, then we're on very shaky legal grounds because it's almost like we invited them."

DENIES CLAIMS MADE SATURDAY

He denied claims made Saturday by GOO that oil company boats had tried to harass the boats of protesters by swerving close to them.

"I was out there myself," he said. "I didn't notice that. I did notice a couple of GOO boats getting close to that platform."

A U.S. Supreme Court decision is expected today on a plea from Santa Barbara County attorneys and the American Civil Liberties Union to halt erection of the platform.

"If they rule against us, we'll have to get out," said Mrs. Harold Beveridge, a GOO leader.

Sun Oil intends to begin exploring for oil across 5,760 acres of ocean floor, leased from the federal government for more than $61.4 million.

Foes of any new oil drilling in the Santa Barbara Channel—spurred by memories of the disastrous Union Oil Co. leak that began last January, mounted their "fish-in" to prevent the platform from being erected.

They have rallied around former State. Sen. Alvin Weigand of Santa Barbara, a GOO leader, who Saturday wired President Nixon for help.

THANKSGIVING AND CHRISTMAS ACTIVITIES FOR SENIOR CITIZENS IN KANSAS

Mr. DOLE. Mr. President, while the National Federal of Women's Clubs is planning activities for senior citizens for Thanksgiving, the Kansas chapter of this organization is going a step further.

The Kansas chapter plans to host dinners and other activities throughout the Thanksgiving and Christmas holidays.

Mrs. Charles O. Smith, Holcomb, is chairman for the Kansas events, and I am pleased to say that I am a State patron.

This is a prime example of how voluntary action at the community level can help senior citizens who are without family to share in the joys experienced by others during the holiday season. The Women's Federation and especially the Kansas group is to be commended for devoting great energy and funds to others during an especially busy time of the year.

A PLAN TO END VIOLENCE—HERE AND VIETNAM

Mr. McGOVERN. Mr. President, on October 15, the day of the first peace moratorium, Mr. Milton J. Shapp delivered an eloquent, hard-hitting address entitled "A Plan To End Violence—Here and Vietnam." Mr. Shapp, who waged an impressive campaign for the governorship of Pennsylvania in 1968, is a successful, highly respected industrialist and civic leader. I know him as a personal friend and a fellow advocate of peace.

His address was delivered at Bryn Mawr College, Penn State University, and at a torchlight rally at Erie, Pa.

I ask unanimous consent that the text of Mr. Shapp's remarks be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A PLAN TO END VIOLENCE—HERE AND VIETNAM

(By Milton J. Shapp)

In your Inaugural Address last January, President Nixon, you told us about the sign you had seen during Campaign '68 that read, "Bring Us Together." I remember how your voice quavered as you told us that this credo would be the hallmark of your Administration. You promised to strive at all times to bring us together. Well, here we are!

Unfortunately, we find it necessary to come together today to protest violence, here and in Viet Nam. We raise our voices against an entrenched leadership in our nation that seeks to impose its will upon the people of other nations at the expense of our own people.

Mr. Nixon, you've blown your cool. Last week you warned that you would not be influenced by protests against your Viet Nam policies. Yesterday, in that masterful "Dear Randy" letter to an unsuspecting sophomore at Georgetown University (by the way he's too young to vote) you advised the world that "There is nothing new we can learn from the demonstration." It's obvious, you're a disciple of the Ostrich School of Reality.

Come now, Mr. President. You've only been in office nine months. I suggest you place a collect call to Austin, Texas and ask LBJ what happened in 1968.

The statement that there's nothing new you can learn could be almost as fateful for you as Marie Antoinette's, "Let Them Eat Cake."

Make no mistake about it. This cake eating, coke drinking young generation believes it has plenty to tell you and other leaders of this nation about the type of world they want to live in. And they are singularly unimpressed with Presidents who claim they are unimpressed with momentous events.

Now, I must admit that protesting to the establishment in Washington often seems much like complaining to a cigarette machine that has shortchanged you.

But the Viet Nam protests are bringing progress. Don't let us belittle the results. Consider what has been achieved in just one year, primarily as a result of student protests against the immorality of our Viet Nam policies.

Go back to last October. The great debate in this nation raged around the issue of "stopping the bombing."

Today we debate how and how soon we shall pull out of Viet Nam.

Next year, if we keep up the pressure, and certainly by 1971, we will be debating along with returned GI's how we can prevent future Viet Nam's.

Support for our position comes today from many unexpected sources—sources, that last year, no one would have suspected of lending support.

For a specific example, I am in complete agreement with the statement of Mr. Frank Hilton, former National Commander of the Veterans of Foreign Wars, who addressed the Pennsylvania State VFW Convention this past July:

"Never again should our country enter an undeclared war like Korea and Viet Nam, and never again should U.S. troops be sent to war without approval of the U.S. Congress. An endless series of Viet Nams will bring death to each generation of our nation's youth, waste our national treasury and leave us as a nation of physical misfits. The British Empire, what is left of it, is a perfect example of what more than 200 years of periodic war can do to a nation of people."

Mr. Nixon, as the young Mr. Laird, who marches in Wisconsin today, will probably tell his father tonight, you can do no more to stop the anti-war tide sweeping this nation than King Canute could halt the waves.

There are those in this nation who sincerely believe that pulling out of Viet Nam will represent a serious loss of face, and will be an affront to the memory of the 40,000 Americans who have died in the war.

There are some who believe strongly and sincerely that for these reasons we must carry on to victory in Viet Nam.

There are some who feel that even though victory may not be attainable, we must, nonetheless, carry on to justify the deaths of our young men.

I cannot accept these views anymore than I can accept the inane utterings of a man I heard on Philadelphia's WCAU two-way radio last week. He said, "We must not pull out of Viet Nam until we have won total victory else we would be denying our men the *right* to return home as victorious soldiers."

Shades of Caesar's Legions.

I say there has been too much slaughter on both sides already.

The issue before us is not how we can save the nation's face, but how we can save the nation itself.

If, indeed, the reason why our soldiers patrol the rice paddies 10,000 miles away, is to stop the spread of Communism, then the rulers in Moscow and Peiking must be thrilled at our display of stupidity.

They have yet to lose a man in the Viet Nam War.

It is we, not they who are bogged down. They are not draining away the lifeblood of their youth and their precious resources.

What does it avail us to continue with discredited war policies? We do not lose face by pulling out of Viet Nam; for there is no thinking person in the world who does not know that we have the weaponry to completely obliterate North Viet Nam should we so desire. Discontinuing the war would be merely the action taken by a responsible, powerful and peaceful nation, that realizes that this war serves no purpose; that it is immoral to continue and that further slaughter on both sides must be ended.

Further, I ask, can the tragedy of 40,000 dead American soldiers ever be avenged with more unnecessary killing?

To those who sincerely seek victory to uphold the honor of this nation, I say, there can be no victory in this war for America in the sense that we have had past military victories. It is obvious today that we are involved in what is basically a civil war between two and perhaps three or four factions in Viet Nam.

It may be very true that the Theiu-Ky government could not stand if we should withdraw our troops. This is no excuse for staying in Saigon. I say, it is a prime reason why we must get out.

Can there be any real self-determination of the will of the Viet Nam people if this will must be imposed and enforced by the machine guns and bombs of an outside power?

As one who volunteered and then served for over three and a half years in World War II and who would fight again to stop the rise of a new Hitler in the world, and to prevent genocide, I raise my voice against the cancer that is Viet Nam. I raise my voice, as you raise yours, to urge sanity in a troubled land.

We gather to prove to the world that conscience still lives in these United States. We proclaim the power of conscience, and we are determined that it shall be the ultimate power in this nation. We have declared this Moratorium to prove that the concerned of this nation are numbered in the millions. We shall raise our voices until new policies are forged to guide America. We join hands today in a human chain that stretches from the Atlantic to the Pacific and we say with a single voice to Washington: "Stop this senseless killing now!!"

We protest the continued killing of our young men. We protest the devastation of a small, far off land. We condemn the napalm, the flames, the bombing of the innocent and the wanton uprooting of millions of South Vietnamese people who desire to till their land in peace.

Here at home, we are appalled by the neglected America that permits poverty to flourish in our festering urban and rural slums. We protest the inflation caused by war and endless military expenditure. We join with the low and moderate wage earner in opposing the burden of excessive taxation rooted in Viet Nam and the arms race.

We lament our misguided foreign policy, still based upon zones of influence and a game of dominoes. We call for an end to the arms race Armageddon, and the internal decay in our cities that threatens to overwhelm us. We are disturbed by the moral decline in American life, and seek new direction and renewal of the American dream.

We long for the days when our radios and TV sets did not blurt out the news each morning that yet another ten or twenty American youths had been killed in the previous day's action but that this was offset by bombing raids that killed at least 100 or 150 of the enemy; the bodies apparently being counted by the pilots of the attacking planes.

Here today, ours is a peaceful protest symbolizing the determination of aroused people to return the nation to the true pursuit of peace. Our desire is to heal the gaping wounds inflicted upon all of us by this immoral war.

We gather to counter the erosion of Democracy from within the nation, even as tensions rooted in the Viet Nam war boil to the surface.

This great non-violent protest movement for peace—unfortunately—is endangered, because here at home, a relative handful of irresponsibles, in the name of some ill defined and unstated revolutionary design, seek violent confrontation with all who refuse to join them.

I believe that the future belongs to youth who understand the creative use of protest and the might of numbers enlisted on the side of conscience. I believe violence as a principle—even in the name of fighting injustice—will only create greater injustice and alienate the vast majority of Americans, who like those of us here, have had enough of the blood-baths. Let's end violence here and in Viet Nam.

I salute the youth who so carefully forged this October 15th Viet Nam Moratorium and in so doing have taught their elders a great moral lesson. We should know—but we always seem to forget—that there is nothing so powerful as an idea whose moment has arrived.

And the moment has arrived to get out of Viet Nam.

Mr. President, that's the whole idea of today's protest message. The nation is tired of your hypocritical approach.

General Hershey may be gone, but his malady lingers on.

The credibility gap yawns even wider between the White House and the people. You are substituting sleight of hand, top level talkfests and double-talk for performance. The same old talk of Vietnamization of the war goes on just as it did during the Johnson Administration. While Mr. Rogers, Mr. Laird and others within the Administration declare that they seek negotiated peace and not military victory, General Earle G. Wheeler declares in Saigon that there is no change in military policy.

We, the American people, demand to know who is in charge. We demand to know whether it is the civilians or the chiefs of staff. We demand to know the nation's true policy. We have a right to know whether your Administration supports Thieu in his recent statement: "That replacement of (American) troops is not a one year problem, it is a problem that will take years and years," and further, as he told ABC recently, that he—President Thieu, needs atomic weapons.

Are American lives to be sacrificed to support Thieu's intent to rule?

Shall Thieu determine who shall die at Danang or in the Delta? Our answer must be a thundering "No!"

You have asked for suggestions, Mr. President.

Well, I have a simple formula to end the war in Viet Nam. It may sound somewhat facetious on first reading, but there's a kernel of sound reasoning upon which it is based.

Take a sum of money—some rather small sum in today's war market like $2 billion, or even $3 billion.

Put this money in Swiss or other foreign banks. Then tell Messers Thieu and Ky and the top 500 or so leaders and generals in South Viet Nam that all this money is their's—yes, their's personally—to divide. All they have to do is join Madame Nu on the Riviera or in Rome or Paris and stay out of Viet Nam with their families for at least five years. With them gone, it should be rather simple for a new group of leaders in Saigon to sit down with the Viet Cong and North Vietnamese and work out a coalition government.

I've discussed this plan with several members of the press corps who are familiar with the Saigon problem. The main flaw they see in this novel idea, is that it seems that Thieu, Ky and many of the other South Vietnamese leaders are already making more money out of the war than they would get under my peace plan.

Well, we could always raise the ante. After all, what are three or four billion dollars or more on a one-shot basis compared to a drain on our taxpayers in excess of $40 billion per year?

Mr. President, whether you adopt my plan or one of your own, this is to advise that the American people will no longer remain silent. Every day counts for more death and destruction in Viet Nam and decay at home. We have been treated with your demands for patience until our patience has been worn to the breaking point.

For nine months, since inauguration day, this nation has remained silent giving you plenty of time to put into effect the plan promised during the '68 campaign.

Even if you have only become pregnant with an idea during this normal period of gestation, it's time to inform the nation what you hope to bring forth, when and how.

This is no longer Eisenhower's or Kennedy's or LBJ's war, Mr. President. It is yours—Nixon's—war.

It is your war to continue or to end.

If you end the war quickly your place in history is assured. If you do not end the war quickly your place in history is also assured.

You have the power to continue to lead America on the path to peace or on the path to self-destruction.

Mr. President, on this day of Moratorium 1969, we ask you by direct decisive action to stop the war and to truly bring this nation together, so that the American people can go forward and build a more beautiful and productive future for themselves and for all mankind.

Turn the flow of the vast resources of this nation and the power of our intellect in a positive peaceful direction and you will bring all of us together.

FOREIGN PRESS COMMENT ON PRESIDENT NIXON'S ADDRESS

Mr. BELLMON. Mr. President, foreign media comment on President Nixon's recent address on Vietnam has focused to date on its impact on American public opinion. It is gratifying to note that many foreign correspondents and editorialists found that the "silent majority" of Americans is rallying in support of Mr. Nixon's plan to end the war.

Several commentators praised his "clear" and "courageous" statement of strategy for peace, stressing that he had pointed the way to withdrawal of all U.S. ground combat forces.

Here is the gist of what some said:

The independent Times of London maintained that "what is important in this statement is that it is a policy which explicitly removes any need for a breakthrough in Paris."

South Korea's Joongang Ilbo said the speech had produced a feeling of relief among the Vietnam war allies and the people of South Vietnam. The Bangkok World said it "seems to have gone as far as possible" without damaging the allied position.

Not surprisingly Soviet and East European media criticized Mr. Nixon for failing to announce either a further troop withdrawal or a cease-fire. Hanoi radio said that "to divert public opinion he also insinuated that private meetings were being held between the belligerent parties."

The London Daily Telegraph, a strong supporter of President Nixon's efforts to find peace, termed the speech "a courageous act of leadership" and commented further:

> There were already signs before he spoke that the bulk of middle-American opinion was beginning to react against the extremism and near-hysteria of those who were screaming for America to cut and run. . . .
>
> Now Mr. Nixon has presented the basic argument in the clearest and most explicit terms yet . . . There has been criticism for the President's speech from many quarters, as well as praise. But none of his critics has given any convincing explanation of what they would do if they were in his shoes.

In Paris the independent-left Combat thought the most important part of the speech was the conclusion in which he "asked his compatriots not to jeopardize by their peace demonstrations the position of strength which American diplomacy needs to conduct the decisive negotiations to a successful conclusion." It continued:

> It is clear that the foremost world power cannot abandon its allies or lose face with impunity. People who sincerely hope for peace should always have this in mind.

Also in Paris, financial Les Echos wrote:

> Everything permits the belief that the majority of the American people still concur in the formula which Richard Nixon used during his election campaign: "Peace but not capitulation." A quickly organized poll has confirmed this. A moratorium backlash is visible.

The paper observed that the North Vietnamese delegate at Paris "understood this so well that he hurriedly affirmed that no one wanted to humiliate the United States or to make it capitulate. Apparently this is the first show of some understanding of the American position."

Duesseldorf's pro-Christian Democratic Rheinische Post asserted that an unconditional U.S. withdrawal would result in "a complete loss of faith in America's leading role not only in Asia but all over the world." It continued:

> Now the Americans must decide whether they will follow the President. The answer concerns not only Viet-Nam and America, but the whole world.

Leading independent Die Welt of Hamburg carried its Washington correspondent's view that:

> The publication of the letters Nixon exchanged with Ho will convince all Americans that the President has done everything in his power to get a stubborn and irreconcilable enemy to agree to peace.

In Canada, the Montreal Gazette commented that Mr. Nixon "made a noble, and intelligent, effort to heal the divisions" in America. It continued:

> Mr. Nixon's speech may not have succeeded in its prime objective of converting the antiwar groups. But even for them, it must have brought some sobering thoughts about the deep and serious factors involved in finding a solution.
>
> From all who heard it or read it, the speech should produce a more sympathetic understanding of President Nixon's greatest and most agonizing responsibility.

BANGKOK: "NO ABANDONMENT"

Thai media today generally approved the content and approach of the speech. Conservative Prachatipatai of Bangkok said Mr. Nixon had confirmed "that the United States will not abandon the South Vietnamese people's right to choose their future," and that his speech "has brought a sense of relief to the people of Asian countries: The United States will not abandon them."

Mr. President, it is gratifying to see that the propagandists of the cop-out crew, those who try to present the Nation as opposed to the President and for peace at any price, have failed in most parts of the world.

It is obvious that much of the foreign press also recognizes that the President and the United States have obligations to go far beyond the wishes of a comparatively few street demonstrators and that they are determined to live up to those obligations.

OIL IMPORT PROGRAM

Mr. BOGGS. Mr. President, I am pleased that attention yesterday was called to this very important matter of the effect of the oil import program on the petrochemical industry.

It is timely that the oil import program be reviewed not only to be sure that it achieves its national security objectives with respect to the oil industry, but also to be sure that it deals fairly and adequately with the problem of the petrochemical industry. The program must do this in a way which permits both of these great industries to grow and prosper.

The petrochemical companies, several with plants in Delaware, have presented a well-thought-out program to eliminate the disadvantage this industry is suffering in the cost of its feedstocks because of the oil import program.

I believe this diversified industry needs a national program. I am convinced that a fair program should be two-legged. A company should be able to elect: First, to have controlled access to foreign raw materials for petrochemical manufacture, or, second, when the company cannot use foreign raw materials, to have quota adjustments made to eliminate the cost disadvantage of domestic feedstocks over foreign feedstocks.

This is truly a national program. It is good for big and little companies. It is fair to all and gives none an advantage.

This plan is in the national interest. It will permit this great industry to grow and prosper and to increase its exports. It will keep the industry in the United States instead of stimulating the companies to go abroad to look for cheap feedstocks.

It is urgent that we get this plan implemented promptly. These companies have told me that hundreds of millions of dollars of investment in new plants is awaiting decision. We certainly do not want this industry and its jobs to be driven abroad.

If this plan is adopted, the industry can plan ahead, can buy land, arrange financing and can put up the plants in the United States. This is what we need. A program under which industry can plan is urgently needed. I hope the Task Force and the President will see fit to a broad plan fair to all. If it is adopted, we will see a stronger and better petrochemical industry in the United States.

PORNOGRAPHY LEGISLATION CONSIDERED BY THE JUVENILE DELINQUENCY SUBCOMMITTEE

Mr. DODD. Mr. President, I was pleased to note in yesterday's RECORD the majority leader's statement commenting on the need for Federal legislation to combat the tremendous increase in the traffic in pornography through the mails in the United States.

He referred specifically to the pornography legislation which was recently considered by the Subcommittee on Juvenile Delinquency.

In order to complete the record, I should like to add some information to the majority leader's statement on his subject.

On August 5, 1969, the Subcommittee on Juvenile Delinquency reported the administration pornography bills to the Judiciary Committee with a letter from me outlining the urgency of this legislation and requesting immediate consideration by the full committee.

I elected not to conduct further hearings because the Subcommittee on Juvenile Delinquency has conducted many weeks of hearings throughout the years on the issues of the interstate transportation of pornography, pornographic solicitations, and the actual sale of pornography through the U.S. mails.

We all know that we have a mail order pornography problem and that it is growing worse by the hour.

I discussed this matter with the chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), and we both agreed that further hearings were not necessary.

So, based on the hearings which had been conducted as recently as 1967, and based on studies that had continued through 1968 and 1969, the subcommittee reported the administration bills to the full committee.

I have attempted at every Judiciary Committee meeting since that date to have these bills reported to the Senate.

So far, however, I have not been able to secure committee approval.

One member insists on substituting his own bill.

Still others have objections to the bills on constitutional grounds.

In each case, I have offered to consider amendments immediately, or to work the problems out at the staff level, or to conduct hearings immediately on the constitutional questions; in effect, to do anything and everything possible to move this legislation to the floor of the Senate expeditiously.

I must admit that when I originally reported the bills from the subcommittee, I was troubled about some of the constitutional aspects of the legislation. I felt, however, and I feel now, that the proper forum to discuss the constitutional questions was the floor of the Senate, where we could have the advice and counsel of Constitution lawyers on both sides of the aisle, many of whom are not members of the Judiciary Committee. I still feel that the floor of the Senate is the place to resolve any constitutional difficulties which might be involved in the bills.

Nonetheless, at a recent Judiciary Committee meeting, I agreed to work with the Senator from North Carolina (Mr. ERVIN) to consider the constitutional questions on these bills in joint hearings between our two subcommittees. I welcome Senator ERVIN's assistance, because I consider him to be one of the Senate's most able constitutional experts.

Unfortunately, however, Senator ERVIN's schedule will not permit him to consider this issue until January of next year. I can well understand the scheduling difficulties, because I share them myself, and I suspect that every member of the Senate has an overwhelming amount of work which must be completed before Congress adjourns for the year.

For my own part, however, I wish to assure the majority leader that I remain ready to report these bills to the Senate immediately, for I still feel that any questions that exist can be hammered out on the floor of the Senate.

While we are on the subject of delayed legislation, I would like to point out for the record that I presided over 26 days of hearings in the Subcommittee on Juvenile Delinquency on the subjects of juvenile institutions, firearms, and narcotics and dangerous drugs legislation. In every case, however, where the subcommittee has completed its work and where the legislation was reported to the full Judiciary Committee, the bills were interminably held up by someone for one reason or another. This was true of the firearms legislation last year, and it is true this year of the legislation dealing with narcotics and pornography.

The narcotics legislation is a particular case in point, because this legislation has been ready to report out to the Senate floor for several weeks.

The bill is all ready to go.

If there are amendments to be offered, they can be considered on the floor of the Senate.

Yet this bill remains in the full Judiciary Committee, and I do not know when we can expect it to reach the floor.

Frankly, there has been so much delay that one cannot help feeling that there are those who want to pick the roses, but who want all the pruning and thorny work done before they jump into the garden.

Mr. President, the thorny work is all done on narcotics. It has been done for quite some time. And the thorny work is done on pornography. The roses are ready to be picked off, if we could only get the bills to the floor of the Senate.

I would hope that the majority leader could perhaps direct his attention and efforts to those who have thwarted action on the narcotics legislation, for once we have this bill on the floor of the Senate, our attention can be directed solely to pornography.

Again, I commend the majority leader for his comments, and I look forward to his help.

Mr. President, I ask unanimous consent that the text of a letter dated August 5, 1969, to the chairman of the Judiciary Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., August 5, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am submitting herewith two pornography bills, S. 2073, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; and S. 2074, a bill to prohibit the use of interstate facilities including the mails, for the transportation of salacious advertising, which the Judiciary Subcommittee on Juvenile Delinquency is reporting favorably and which by a majority vote recommends that the bills do pass.

As you know these two pieces of legislation were recommended by the Administration and they consider them urgently needed to help this nation combat our rising crime rate. I would, therefore, appreciate your bringing these bills up before the Full Committee as soon as it is convenient.

With kindest personal regards, I am
Sincerely yours,
THOMAS J. DODD,
Chairman.

FOREIGN POLICY OPPORTUNITIES FOR THE SEVENTIES

Mr. PEARSON. Mr. President, I believe that one of the most skilled analysts of international affairs today is Mr. Alf M. Landon. On previous occasions I have had the privilege of calling his addresses to the attention of the Senate, and I do so again today.

Mr. Landon's speech before the American Association of University Women at Topeka, Kans., on November 15, entitled "Leadership for the Seventies," is a particularly perceptive analysis of world conditions. Mr. Landon points to a number of factors which result in an extremely fluid world situation, and it is this state of flux in world conditions which, acccording to Mr. Landon, gives to President Nixon such a great opportunity to reshape American foreign policy and to establish new patterns of long-range consequence.

Mr. Landon asserts that President Nixon is proceeding in precisely the way that he should: That he is proceeding with care and through well-considered moves to develop "a new pragmatic, workable relationship of all governments in place of the emotional reformation of the world in our own image." I agree with this assessment. I believe that the possibilities for new policy initiatives are considerable, and I believe that the Nixon administration will capitalize on those opportunities.

I ask unanimous consent that Mr. Landon's speech be printed in the RECORD. I also ask unanimous consent that an editorial entitled "Wisdom in the Nixon Flexibility," commenting on Mr. Landon's speech, and published in the Topeka State Journal of November 15 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEW LEADERSHIP FOR THE SEVENTIES

President Nixon occupies a flexible position—new for an American president—in fluid world situations existing on the biggest scale at any time heretofore.

All over the globe, old men with fixed positions are on the verge of being retired or losing power for one reason or another. We are in an era of new leaders and new struggles for power with concomitant uncertainty as to their future policies in the swirling, changing world around them. These new leaders may or may not have been tied to the mistakes of the past. Only time can uncover the new strong men and women with willingness and ability to assemble new groups with constructive objectives.

This incipient confusion can serve a healthy purpose in providing at least a temporary period for building new international accommodations and new arrangements on which long range peace can grow and develop.

I make a brief survey of new leadership conditions in many countries. There are really only three major powers in the world today—the United States of America, Russia and China. I mean, considering all facets of government—political, military, as well as industrial—although it is true that West Germany and Japan could be ranked probably ahead of China, and possibly Russia, industrially.

In North Vietnam—with the death of Ho Chi Minh—a new leadership is taking over. In the interim, his acting successor is another old man, who has a somewhat dubious position and is far from the forceful figure of one boss man out of the five younger men named by Ho as the North Vietnamese Communist hierarchy.

In China, there is another old sick man—Chairman Mao—that throws open internal contention as to his successor and leadership. While Premier Chou En Lai has shown a remarkable ability to ride successfully all the internal political upheavals in China for some 20-odd years, he is in his seventies. And whether Mao's designated heir, Lin Piao, will be able to consolidate the political and military leadership of China is now a major question in every foreign office of the world.

Indonesia—the sixth largest country in world population today—is making headway building back stability in its economy and therewith the necessary conditions that will enable a strong and stable government to be established in place of the former Communist sympathizers.

In Pakistan, there is obviously a temporary political change at the top.

In Somalia, the Russians back successfully another military coup.

In Spain and Portugal, shake-ups in the cabinets have just occurred. All this may mean major changes of direction in these governments.

In India, there is also political instability. There are more states in India today that have gone Communist in their local governments than heretofore existed. Indira Gandhi was able to win a new coalition government in the last election only by pandering to the Communists. However, there is still strong opposition to her government in the Indian Parliament and the President of India is another old man with a rather equivocal position in foreign policies as well as his country's domestic policies. It is obvious that, in India—whatever its foreign policies are, they cannot be pro-Chinese Communist policies because of the long and deep-seated antipathy between the peoples of the first and second most populous countries of the world.

Today, the Middle East is the powder keg. The United States of America's power is declining because of political weakness resulting from mounting public protest against any more Vietnams.

Former Secretary of State Dean Rusk and Senator Gale McGee of Wyoming pointed out six months ago the isolationist trend in our country.

That development supports demands for withdrawal of our military forces from South Vietnam—Europe—cuts in foreign aid—and in forceful constructive leadership in world affairs. Ironically, these demands come from conflicting sources that want one, or some, or all of these changes. That is not the isolationism of the 1940's. It is clear today that the American people are internationalist in some areas and isolationist in others.

Following Israel's amazing victories in the brief war of 1967—Russia again started building up the military equipment of Egypt—and other Arab countries—which was destroyed by Israel in that war. But Israel's amazing air superiority over Egypt, the second time, has once more proven the weakness of the Russian policy—either in the equipment that she furnished Egypt the second time—or in the ability of her technicians in training the Egyptian military forces—or in the ability of the Egyptian forces to respond to that training. Yet in the recent election, the government of Israel won only a plurality in the Parliament. That has plagued the Israeli government for some years.

In Egypt, there is Nasser—a weak—perhaps ailing—figure—who has been the chief beneficiary of Russian support in the Middle East. His public existence depends on Soviet financial and military support. Furthermore, many of the Arab countries have shaky governments.

The Soviet is confronted with either making a major effort to build up, for the third time, Egypt and Arab countries' military strength, or, in the light of the Chinese-Russian situation and the mounting trend toward isolationism in America—being satisfied with a stalemate for the time being, at least, in the Middle East.

The Soviet is confronted with the exorbitantly high price it paid in bad public reaction to the Czechoslovakian affair in reaffirmation of its imperialist policy of ruling its colonies by suppression with military troops stationed in those colonies. In Russia, the old Stalin Communists are more powerful than they have been for some years. No one can be sure what that means.

For the last three weeks, a momentous conference in Peking with Soviet representatives has been going on. Whatever the result, that can be a turning point in world history.

If Russia and China are able to compose their animosities, it means the Soviet Union—relieved of war on that front—is confronted with history-making decisions:

1. Can it trust the Chinese if it gets embroiled by continuation of its high pressure tactics on the western front?

2. Can it trust any country unoccupied by Russian troops or threatened by their occupation?

3. Therefore, does it have the vision to match its situation by reversing its perilous mode of operations in the moderate direction of survival in our nuclear age?

4. Do we have the vision to encourage this change in Soviet Union strategy by removing some of our vulnerable policies that are an irritant to normal international relations?

A case in point is the statute that prohibits American firms selling to Russia some 1300 strategic items. Senator Mondale's bill reduces this to 200. At stake is a big fast growing market. But, laying that asside is a greater one of opening better relations with Russia through trade. Our President wishes to keep the present statute, which authorizes him to release any one of the blacklisted items—for a better position in negotiating.

While I generally agree that is of value in negotiating, I think in the present era a positive measure by the Congress and the President is more substantial evidence of American thinking. Furthermore, it gives some assurances to all governments that Congress will not return to a high protective tariff through a quota system.

If the Soviet Union can trust the Chinese, it occupies somewhat the same position that Hitler did in 1938 after his occupation of Czechoslovakia and faces a weaker Europe than Hitler did that year—but occupies a stronger position in the Middle East.

The Soviet Union occupies somewhat the same postiion with China that Stalin did with Hitler. Will the Chinese turn on Russia if it gets deeper embrciled with continued high pressure tactics on the western front as Hitler turned on Stalin?

Former Secretary of State Dean Acheson said recently there had been no change in the Soviets' willingness to push westward. "They have not mellowed—there has not been a process of adjustment to the rest of the world." Canada's former Prime Minister Lester Pearson also said he saw a continued military threat from the Kremlin.

Europe is as unprepared to face the Russians today as it was the Germans in 1914 and 1938, except for the possible use of atomic weapons by France and England. Once they are forced to start throwing them around, there is no stopping place in a world atomic war.

What faces Soviet power in Western Europe?

In Italy, there is a weak coalition government beset by dissension and labor troubles getting weaker day by day in every way.

England is in a jam caused by wildcat strikes and unrest and labor rivalry. Prime Minister Wilson was forced to yield to the left wing of his Labor Party on his attempt to correct the industrial and economic problems of his country. The last by-elections of two weeks ago continued the strong antigovernment vote. Yet he must follow that soft line until it is confirmed or denied in the next election.

DeGaulle is gone—leaving the new untried coalition government in France facing stormy times with the problems he left unsolved.

That brings us to Germany, which, as I say, is one of the great industrial powers of the world, but lacks any sizable military strength or influence.

The result of the recent election is another new coalition government which includes the Free Democratic Party formed with the Social Democrat Party. Walter Scheel, the head of the Free Democrat Party—which denounces the folly of an arms race and advocates limitation of military weapons—is the new foreign minister in this new coalition that will probably be more favorable to conservation with East Germany and Russia than the old one. The French are fearful this new German coalition government will support stronger ties with Britain through the Common Market than European political integration through Paris-Bonn axis.

An outstanding result was the crushing defeat of the National Democrat Party, which had created widespread fear of the danger of a new Nazi Party arising in Germany. However, there is a bigger nucleus for this National Democratic Party than Hitler started with.

In Sweden, there is a new government friendly to Communist Russia.

In the European area, England, France, Italy and Greece all have wobbly economies and ineffective governments. So do North and South Vietnam, Indonesia, Malaysia, Pakistan, India, Egypt—and most of the governments of Latin America. China and Russia have dictatorship economies based on military control, primarily, rather than basic development of a modern social economy.

In Puerto Rico, terrorists are beginning to plan a vigorous campaign of sabatoge to separate the mutuality of interests between Puerto Rico and America.

In the Western Hemisphere, there are three new military governments and, in Canada, an untried government.

As I said at the start, President Nixon occupies a more flexible position than any of his predecessors in this vast changing of world governments replacing older men with fixed positions by younger men naturally more peacefully oriented than the Stalin-Mao and Ho old-liners focused on world conquest for Communism by force.

President Nixon's moderating of President Johnson's containment policy and rejection of Democrat administrations' negative policy for open minded reception of these new governments fits the times, despite the opposition's attempts to force on him the inflexible policies of the Democrat administrations.

President Eisenhower occupied some flexibility, but that was a flexibility based on popular confidence in his leadership—rather than the world conditions at that time. And, furthermore, his flexibility was offset by his Secretary of State, John Foster Dulles, who had an inflexible policy of the threat of massive retaliation and the containment policy.

President Kennedy—involved early with the Bay of Pigs, which had largely been developed by the Eisenhower-Dulles administration—later showed strength and maneuverability in his bold challenge to Russia on the missile bases in Cuba. He was starting to develop a more flexible policy known as inter-dependence—particularly in his American University speech in 1963—when his untimely death prevented the full development of his policy.

President Johnson—in his campaign in 1964—dealt in rhetoric in outlining a flexible position, which he promptly contradicted with the Gulf of Tonkin Resolution in August, 1964, and his Vietnam policy based on that resolution in 1965—which substituted a fixed containment policy for his 1964 campaign rhetoric on a flexible policy.

So President Nixon today really inherits, as I say, more of a fluid position in the world today than any of his predecessors—really since before the start of World War II—when you come to examine the broad outlines of all his predecessors' policies. And that fluidity is contributed to by the probing and searching by the Senate Foreign Relations Committee.

Progess toward stabilizing global affairs on which peace is ultimately based will of necessity include many issues and many governments.

It is fortunate for the people in this rumpus world that the Chief Executive of the mightiest power in the world is not stampeded by emotional clamor from different groups in this country to take one fixed position or another while these major events are still in flux. Time is working on the side of developing a new sound and workable foreign policy in the interest of the United States of America—and what is to the interest of the United States of America is to the interest of peace for all peoples of the world.

It now appears that—in our President and his Secretary of State, William Rogers—our great and beloved country, and the world at large, may have two leaders with the patience and the foresight to watch the turn of major global events that I have briefly outlined and fit their country's policies to them as they develop—instead of trying to guide their development by force or the threat of force—either economic or military.

Roughly, the President and Secretary of State occupy and are following, by and large, the policy of the great English statesman of the eighteenth century—William Pitt, the elder—who, by his patience and skillful handling of the power of Great Britain—avoiding premature decisions and waiting for events to develop which he could use advantageously—sought with great success a Peace Britannica for one hundred years.

Pitt, also, was bitterly attacked by the opposition and some of his own party and by the press for his inaction—a do-nothing policy. England was widely sneered at as "Perfidious Albion."

President Nixon's swing around the circle was first labeled by his opposition more of a publicity stunt than policy making. Yet, when followed by Secretary of State Rogers, the new foreign policy began to shape up—one of other peoples and other governments doing more to help themselves. Apparently no longer is Uncle Sam going to be "Uncle Trusty" in its foreign policies.

This so-called do-nothing policy of the Nixon administration seems to be developing into a calm and iron-willed policy of flexible adjustment to the major changes in the offing all over the globe.

Our President has indicated that he is not going to be hurried in making momentous decisions on crucial policies when he knows time is fighting on his side—as long as he keeps America's military forces organized—efficienty honed for immediate effective response to another major war or threat of war. The demands for national security and domestic stability are also coming into focus along with the international relations.

No one can be sure what variations in foreign policies and international relations these new men in foreign governments will make.

We can be sure they will be major and, while reflecting emotional and local issues, they will also have diverse implications.

At this time, it is impossible to define with accuracy either the dominant attitudes or policies of these new leaders—or who is going to speak with authority. There is also evidence of a difference of opinion in the Soviet Union of major policies between the military and the political hierarchy.

We are ourselves in the midst of a long-required review of United States commitments abroad—economic, political and military.

All this can be described as the era of interim governments—to be followed shortly

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by a time of new governments that can mean a beginning of new policies—new ideologies—new forces at work.

This, then, seems to me to be the measure of our President's policy—sound in its conception of using this opportunity for the return to a balance of power policy—of building on the hopes and fears of new governments without compromising with Communism's goal of world conquest. Our President is developing a new pragmatic workable relationship with all governments in place of the emotional reformation of the world in our own image.

You will remember the hysterical clamour at the time of his inauguration that he had a hundred days to demonstrate his leadership. That has been generously extended to a longer period by some—although others hold that time is now running against our President.

Well, I think time is running his way—not only in the impending changes in so many governments strewn around the globe, but also because he now faces with some assurance the prospect of going on seven more years to shape and mold his policies to bring a real prospect of peace once more to the world by old successfully tried pragmatic principles in places of myth and mumbo-jumbo.

It is monstrous strange—when Mr. Nixon is the first President since Theodore Roosevelt—with the exception of the lamented John Fitzgerald Kennedy—to be initiating a flexible United States of America foreign policy—that he is being pressured from the so-called doves to take a fixed position even down to a timetable for ending the South Vietnamese war by unconditional surrender.

On the other hand, he is being pressured by the so-called hawks to end the Vietnam war by escalating military actions.

Either way, it reduces our President's trading stock in negotiations.

We were once known as a nation of Yankee Traders. Our President is being accused by the strange combination of opposition as having a "do-nothing foreign policy." Well, that can be called watchful waiting, which fits this world situation.

With internal struggles for power and influence going on all over the globe, it is realistic to stand by—for a while, at least—until there is a semblance of permanence in the new governments of the world.

It is high time for us to leave the shaky sixties policies in order to try to inaugurate the sensible seventies.

That is what President Nixon proposes to do in Vietnam. Facing four years of failure by the Johnson administration to establish a viable government there with broad base democratic processes—and the adamant refusal by the Communists to consider his make peace advances—President Nixon is solving the stalemate by turning over to the South Vietnamese government the responsibility of building up a real Vietnamese army so that they can have their own adequate defense forces and we can go home.

Wisdom in the Nixon Flexibility

A direction in President Nixon's present policy—by its very flexibility for which he is being criticized as a do-nothing—is convincingly brought into focus by Alf M. Landon as the logical course for the United States in the current global shakeup.

The former governor and keen student of world affairs makes a searching assessment of today's leadership uncertainties in other nations. He cautions that it is realistic to stand by until there is a "semblance of permanence" in the new governments.

Meanwhile, he told the American Assn. of University Women in his speech here today, "This incipient confusion can serve a healthy purpose in providing at least a temporary period for building new international accommodations and new arrangements on which long range peace can grow and develop."

In view of that, Landon believes President Nixon is wisely assuming the proper stance for the times.

"All over the globe," says Landon, "old men with fixed positions are on the verge of being retired or losing power for one reason or another. We are in an era of new leaders and new struggles for power with concomitant uncertainty as to their future policies in the swirling, changing world around them."

He mentions a score of important nations, their alliances and domestic upheavals—all of which he points out need watching as the United States moves cautiously, under the Nixon flexibility, to develop the new relationships.

For the present, Landon observes, it is an era of interim governments. "At this time," he said, "it is impossible to define with accuracy either the dominant attitudes or policies of these new leaders—or who is going to speak with authority."

As for Nixon's role Landon sees the President in a better position, "more of a fluid position in the world today than any of his predecessors—really since before the start of World War II," to pick his course.

"It is fortunate for the people in this rumpus world that the chief executive of the mightiest power in the world is not stampeded by emotional clamor from different groups in this country to take one fixed position or another while these major events are still in flux," Landon observed.

"Time is working on the side of developing a new and sound and workable foreign policy in the interest of the United States of America—and what is to the peace interest of the United States is to the interest of peace for all peoples of the world."

By their policies, Landon said it now appears that President Nixon and Secretary of State William Rogers are leaders "with the patience and foresight to watch the turn of major global events . . . and fit their country's policies to them as they develop—instead of trying to guide their development by force or the threat of force—either economic or military."

He mentions the new foreign policy beginning to shape up—one of the other peoples and other governments doing more to help themselves.

Apparently Uncle Sam is no longer going to be "Uncle Trusty" in foreign policies, he adds.

"This so-called do-nothing policy of the Nixon administration seems to be developing into a calm and iron-willed policy of flexible adjustment to the major changes in the offing all over the globe."

To those who have felt some uneasiness over not being able to discern President Nixon's intentions beyond Vietnam, the Landon analysis provides a reasonable and assuring explanation.

THE "PINKSVILLE" MASSACRES

Mr. **FULBRIGHT**. Mr. President, reports in recent days of the "Pinksville" massacres in South Vietnam have shocked many Americans. We are familiar with our own press and television reports on these alleged incidents.

We have, however, only a hazy idea of the impact these reports have on our friends abroad.

"Pinksville" has driven Apollo 12 off the front pages in many countries.

In an effort to get some idea of foreign press treatment of these alleged massacres, I have examined two recent reports published by the U.S. Information Agency.

I hope that Senators will read the excerpts which I shall place in the Record—excerpts from the November 19 and November 21 issues of "Worldwide Treatment of Current Issues."

I ask unanimous consent that the excerpts be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Alleged Mass Killings by U.S. Troops in Vietnam

News media in Britain, Sweden and India are playing various stories alleging that U.S. soldiers killed large numbers of Vietnamese villagers in March 1968. Little comment has appeared.

"COULD GIVE INITIATIVE TO WAR CRITICS"

The conservative London *Daily Telegraph*, which supports the U.S. position in Viet-Nam, today warned that the massacre story could harm the Administration's cause:

"The moderate demonstrators . . . the police and the President all emerged with credit from the weekend marches. Mr. Nixon is showing resolution in his policy of withdrawing as fast as possible consistent with safety.

"He is, however, still dangerously vulnerable. If, for instance, there proves to be any substance in allegations of an American massacre in Viet-Nam, his critics will regain the initiative."

The conservative London *Daily Mail* today headed a story on the incident, "The Candy Bar Killers: All the Americans Had Rifles. People were Begging and Crying."

The liberal *Guardian* of Manchester and London headlined yesterday: "'Army Killing' Inquiry by U.S.." The pro-Labor *Daily Mirror's* head was "U.S. Stays Silent Over 'Massacre.'"

Commercial television yesterday ran extracts from a CBS report on the alleged massacre. On Monday, a BBC radio commentator predicted that the allegations would arouse renewed storms of protest against the war. A correspondent for commercial TV declared that while the atrocity allegations were "nothing new," the numbers of persons supposedly killed were "the biggest yet."

STOCKHOLM: "AMERICAN CRUELTY"

Liberal *Expressen* of Stockholm, which is highly critical of U.S. Viet-Nam policy, argued today that "the new disclosures about American cruelty have a direct counterpart in the massacre staged by the National Liberation Front at Hue . . .

"The disclosures . . . came only after American opinion had changed . . . Faced with the horrors of war, we must not forget to ask what would have happened in Vietnam if truth had as little chance in the U.S. as it has had in North Viet-Nam, China and the Soviet Union."

TREATMENT IN NEW DELHI

The independent-moderate *Statesman* of New Delhi and Calcutta, which generally shows a basic understanding of the U.S. position in Viet-Nam, front-paged a Reuters report of the account by "survivors" of an American "massacre" of over 300 in Mylai village in March 1968.

It also carried an unidentified South Vietnamese colonel's statement that he asked the American command to investigate the incident in June 1968, but that nothing happened until June 1969. The head over the two stories was "Genocide in Viet-Nam Village."

The extreme-left *Patriot* of New Delhi also front-paged the Reuters story.

MOSCOW: "YET ANOTHER U.S. CRIME"

TASS on Monday distributed a report by a New York correspondent on "yet another crime" by U.S. forces in Viet-Nam—"the execution of 567 unarmed men, women and children and the razing of the village of Song

My." He added that the Defense Department "simply refused to comment on the reports about the crime committed by an American punitive force."

A Radio Moscow commentary yesterday began:

"If I tell you what happened to the village of Song My, you will probably think that I am talking about one of the Nazi crimes in World War II. . . ."

Alleged Mass Killings by U.S. Troops in Vietnam—II

As additional allegations were made that U.S. soldiers killed large numbers of civilians in a cluster of South Vietnamese villages in March 1968, comment appeared in volume in Britain and sparsely in various other countries.

CALL FOR COMMONS DEBATE

All but two London newspapers gave prominent coverage to "massacre" stories today.

The independent Times of London headed its story, "Call For Debate on Massacre—Wilson Still Backs Nixon's Policy." It reported that "back-bench MPs, deeply shocked by allegations of a massacre carried out by American troops in South Viet-Nam, are pressing for a Commons debate before Mr. Wilson goes to Washington in January."

DOES NOT AFFECT MERITS OF U.S. POLICY

The conservative Daily Telegraph, which generally supports the U.S. position in Viet-Nam, headed a story, "U.S. Row Grows at 'Massacres' in Pinkville."

The paper's editorial held that "even if there was a massacre, this would hardly affect the merits of Mr. Nixon's policy in Viet-Nam." It said further:

"It is natural that public opinion should be shocked at such detailed allegations. Even if they are substantiated to the extent of only 1 per cent, they would leave forever a blot on American military honor.

"It must be assumed that the investigation will proceed with the utmost speed and thoroughness, taking no account, in any wider ramifications, either of rank or of any supposed overriding national interest.

"In such cases the highest national interest is that the truth should be convincingly laid bare. The high-level independent South Vietnamese investigation will contribute to this end."

The mass-circulated *Daily Sketch* banner-headlined, "If this can happen, America has lost." Its extensive story included this statement:

". . . Although American troops may have behaved like Nazi SS men or Soviet storm troopers at Mylai, it is important to remember that the U.S. is not a totalitarian state. It is the freest nation in the world. And the facts have come out. The truth is known, despite the damage it can do to America. For this very reason, America's honor is saved."

"MASSACRE THAT CHILLED WORLD"

The pro-Labor *Daily Mirror* devoted all of its front page and part of its back page to the story under the headline, "The Massacre that Chilled the World." Its lead reported, "A horrifying story of a massacre by rampaging American troops stunned the world yesterday."

The conservative *Daily Mail* ran an article titled "The Brutal American," with a subheadline, "What Really Startles Me is that These College Boy Soldiers Do Not Go Mad More Often." The writer said:

"The Americans are great believers in firepower. And dead gooks in black pajamas can't get up and protest, 'Please, Mr. All-American boy, I am not really a Viet Cong.' . . . Firepower corrupts and absolute firepower corrupts absolutely."

In Paris, *Paris-Jour* reported that the 43rd session of the Paris Viet-Nam talks had been "dominated by the feeling of horror created by Mme. Binh's tragic account of the massacre by American forces in March 1968 of 546 Vietnamese civilians . . ."

"AMERICANS WILL NOT HUSH ATROCITIES"

In Bonn, independent *General-Anzeiger* found it "particularly shocking" that "20 months elapsed before the Truong massacre was made known and was investigated. Those who kept silent have harmed the reputation of other U.S. soldiers who are simply doing their sad duty in Viet-Nam.

"The investigation shows that the Americans will not hush up these atrocities. This indiscriminate mass execution . . . will be grist for the mill of the home-front foes of the war, and will considerably interfere with Nixon's efforts to get the nation to adopt a rational attitude toward the war and end it as soon as possible."

Most Dutch papers today carried "massacre" reports but there was no comment.

CHALLENGE FOR AMERICANS

Sweden's liberal *Goteborgs Handels och Sjofartstidning* declared today:

"We know that the opposite side does not act against similar transgressors. This must not bring the Americans to let their own war criminals go free. They now face the challenge of demonstrating that they will do no such thing."

In New Delhi, Mrs. Gandhi's paper, the *National Herald*, and the extreme-left *Patriot* carried Sgt. Bernhardt's "eye-witness" account.

Freetown's *Daily Mail* wrote today, "Let every American bow his or her head in shame."

MOSCOW: "PENTAGON PROTECTS KILLERS"

Communist media gave heavy replay to reports and "eyewitness" accounts.

A Soviet military affairs commentator said in a radio broadcast on Wednesday:

"The Pentagon is pleading ignorant. . . . This is not the first time the Pentagon has tried to protect killers.

"A trial of the killers would amount to an indictment of the entire American policy in Southeast Asia."

TASS yesterday distributed a report from New York rounding up U.S. press coverage of the incident, adding:

"Nobody knows if a trial will take place, since the lawyers of the killers try to whitewash them by pointing to 'an absence of evidence.' But in any case, the witnesses' testimony is a wrathful indictment of the barbaric crimes committed by the American military in Viet-Nam."

TASS said today:

"The crimes again showed the hypocrisy of official Washington which hushes up facts of the real situation in South Viet-Nam while trying to accuse the DRV of 'inhuman' treatment of American prisoners of war."

NATIONAL STUDENT LEADERSHIP SEMINAR

Mr. HATFIELD. Mr. President, last October 23, 24, and 25 a group of students from throughout the Nation met for the National Student Leadership Seminar. The purpose of the seminar was to explore the possible basis for reconciliation among the various segments and polarized groups in our society. One of the participants in the seminar, Scott McBride, the former student body president at Stanford University, has sent me his summary of his impressions. I and other Members of Congress were privileged to participate in part of the seminar and to talk with students attending this event.

Believing that Senators will be interested in those who are searching for reconciling relationships throughout our Nation, I ask unanimous consent that this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Washington, D.C., *November 21, 1969*.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: You will recall we had breakfast together at the National Student Leadership Seminar last month. The seminar had such an impact on me that after it was over I wrote a short diary of my impressions. I am taking the liberty of sending you a copy. I hope that you find it a meaningful chronicle of the events which you were unable to attend.

Not long ago I returned from military service in Vietnam. My experiences in combat have intensified a deep concern I have felt since attending Stanford and Harvard. My concern is that men today seemingly have no basis for really getting together.

At the university I saw human polarization in the form of intellectual aloofness—the readiness to share the currency of the intellect but the reticence to open the bank vault of the heart.

In Vietnam, disengagement among people took the paradoxical form of apparent involvement. We spent most of our waking hours in each other's company. Yet, too often it was togetherness without content. For example, if I asked a soldier to tell me about a dead comrade, often he would admit complete ignorance, even about his friend's own family.

I have never met a more diverse group of people in the military or college as I encountered at the National Student Leadership Seminar. The differing viewpoints of these people could have easily fostered alienation. But they didn't. Instead, we talked openly about possible bases for reconciliation among men. Many honestly admitted that they had no answer. Others felt that the basis could be love emanating from a belief in Jesus Christ.

But we seemed united in an honest search for reconciliation among men. In that, is the hope for reconciliation rather than surrender to alienation. For me, firmly grasping *that hope* was the real significance of the seminar.

Sincerely,

J. Scott McBride.

Thursday, October 23: The People and the Setting

I was helping with registration when people began arriving at the Washington Hilton Hotel for the National Student Leadership Seminar.

The first person to catch my eye was a young man with long hair which drooped to the top of his faded Marine field jacket. He wore an opened-neck work shirt and bell bottom trousers. His clothes starkly contrasted with the luxurious decor of the hotel.

Behind him was a second man. He was the antithesis of the first—the very picture of an old Napolean. He was short, yet braced in a military-like posture which made him appear to stand taller than he was. His short hair was snow white, matching that of his neatly cropped mustache.

These men were joining with 200 other men and women in a program which normally would never have occurred because they ostensibly had nothing in common. Or did they?

Who were these men?

The first man was Dan Campbell. He graduated from Louisiana State University this year and plans to enter law school soon. Currently he participates in the anti-war movement. He has been involved in civil rights activities in the South.

The second man was Merwin Silverthorn, a retired Lieutenant General in the Marine Corps. He fought in World War II and has three sons who followed him through the military. He *supports* U.S. military involvement in Vietnam.

These men were taking part in an interplay between campus and national leaders that included John W. Gardner, Chairman of the Urban Coalition; John W. Macy, Jr., President of the Corporation for Public Broadcasting; John M. Houchin, President of Phillips Petroleum Company; John Hannah, Administrator of the Agency for International Development; and twenty-two congressmen and senators. In addition, some of the younger participants included Jeff Donfeld, White House Staff Assistant; Charlie Palmer, President of the National Student Association; Herm Pirchner, Executive Secretary for the Associated Student Governments; Spencer Oliver, President of the Young Democrats; and Phil Luce, Director of College Services, Young Americans for Freedom.

That's just the beginning of who was there. The great majority of attendees were students. They represented colleges and universities in 36 states stretching from Harvard to the University of California at Berkeley and from the University of British Columbia to the University of Mississippi. Some were student body presidents, others newspaper editors. Some were black. Others white. Some had slanted eyes of Oriental extraction. Others rounded eyes of European heritage. Some were active in the peace movement. Others supported U.S. involvement in Vietnam.

FIRST NIGHT

Alan Boles, a former editor of the *Yale Daily News,* opened the seminar. He said it was a program conceived and planned by a group of about 15–20 students from around the country who met at past Presidential Prayer Breakfasts.

"It's purpose," he said was two-fold, "to create an atmosphere in which meaningful dialogue between a broad variety of campus and national leaders could take place and second, to provide an open opportunity for men to discuss the relevance of the person of Jesus Christ in modern times."

The theme selected to spur the discussion was "Resignation? Revolution? Reconciliation?"

FELICIA'S BIRTHDAY PARTY

The seminar began Thursday night with a fancy hors d'oeuvres reception followed by the viewing of three short films. All of these films shared the theme that man is still wrestling unsuccessfully to solve the perennial problems of human estrangement. The first movie, "Happy Birthday, Felicia," began with scenes of fighting G.I.'s in Vietnam, starving children in Asia, and chanting protesters in the U.S. interrupting the frivolity of a little girl's birthday party. I wished Felicia's party could be isolated from all of this. I wished I could escape these problems too. I was sad for Felicia. And for me. I was anxious, and frustrated, and angry. My stomach churned with visceral manifestations of my anxiety about these grave problems.

My stomach didn't settle during the showing of the next two movies. They were animated cartoons, though, so I laughed. Now I wonder why. The cartoons were actually satires which mocked man's inability to solve the fundamental "people problems" of war, hatred, and prejudice. At the conclusion of the movies the emcee, Bob Mattson from Stanford University, told us soberly to form into little groups to discuss what we had seen.

I couldn't talk. All I could do then was feel, but I wanted to communicate those feelings. That's when I began to realize that maybe this was why we were all there. But nothing really happened in the small group that night. Perhaps that was predictable: we needed to learn something about one another before we would want to share feelings.

FRIDAY, OCTOBER 24: SCHAEFFER'S SPEECH: A PERSONAL HIGHLIGHT

Senator Mark O. Hatfield, who assisted the students in sponsoring the seminar, spoke first at breakfast. He was followed by the principal speaker of the morning, Dr. Francis A. Schaeffer.

Dr. Schaeffer is a philosopher-theologian. He is an author of three books. Though he is an American, he has been residing in Huemoz, Switzerland for the last fifteen years in a small community called L'Abri. In this study center he and the other permanent residents live with guests from all parts of the world who journey there to study and experience how men can live together in the transcendent love of Christ.

Dr. Schaeffer analyzed the major philosophical and historical developments since the time of the early Greeks and then identified the influence of these streams of thought on contemporary life. I found myself taking copious notes on what he said. His principal ideas were:

"We are treating men like machines. The reason we are treating men like machines is we believe they are machines. And if they are only machines, Society is a Big Machine dealing with little machines . . . It's not a fluke modern man is treating man as a machine . . . It's rooted into the philosophy and thinking of our own generation."

* * * * *

"Because people think and act like machines," Dr. Schaeffer said, "they have no basis for their values. They only function on the basis of memory. When a child asks 'Why?' parents have no answer . . . We are faced with a 'plastic culture'. This is the thing many of the young people are screaming out against . . . You can think of the Beatles record, 'we gave her everything money could buy'. And the Beatles said it all in this tremendous thing . . ."

* * * * *

"In modern theology 'God is dead'," "Schaeffer pointed out. "Reason has no place. All content about God is dead. All we are left with are high motivation 'God words' without content. Banners without content. But there they sit—high motivation words—'Christ!' 'Cross!' 'God!', 'Resurrection!' Man picks them up and puts his own content to them and says 'follow me'. I hate 'God words'! 'God words' can lead into tyranny. They can take us anywhere, unless there is content, unless reason has something to say about it, unless there is a possibility of categories on the basis of the God who is there speaking.

"What we have then is religion in the modern theological sense being just another kind of trip. And if reason is gone how do you choose between one kind of trip and another? It doesn't matter."

I thought this analysis of our present day situation was both pointed and accurate. But I was even more fascinated with his solution for our current problems.

"My answer is *that we need reconciliation on the basis of a different kind of revolution.* It must be love. Not love alone, but also a God who is holy and gives categories which can be the basis for reconcilitation. It must be a personal God. On this basis man is not dead. On this basis all is not hopeless. Man is wonderful. He is made in the image of God. On the basis of the substitutionary death of Christ there is an answer for man's true moral guilt. On this basis man can be returned to fellowship with God and horizontal fellowship with men."

As Dr. Schaeffer concluded, I looked at my watch: he had talked for 75 minutes. It seemed like fifteen. I began to wonder why he had captivated me so? Why was his talk so meaningful?

First, he is a man of strongly felt beliefs. I admire a man who has real convictions about the important things in his life. But Schaeffer's convictions do not appear to be a defense for ignorance as they are for some people. He clearly understands why he believes what he does.

At a time when it is not popular to voice Christian beliefs, Schaeffer displays no temerity. He offers a positive solution for reconciling men. And he does not tolerate anyone trying to disregard what he says by categorizing his comments under a meaningless "God word".

VISIT TO CAPITOL HILL

The next activity was a series of small-group visits with twenty-two congressmen and senators. This provided an opportunity for dialogue between campus and national leaders which Alan Boles had mentioned the night before. It was quite a change from Dr. Schaeffer's talk because here we discussed the gutty, pragmatic issues of politics, economics, and social reforms.

In this arena men's differences of opinion on specific issues soon became distinct. But then it occurred to me that this was the testing ground for any basis for reconciliation. Can men be reconciled in the face of reasonable, or even unreasonable differences? As I left the Hill, it seemed that this could only happen if men shared a basis for reconciliation such as an awareness of God's love.

Later in the afternoon, each of us participated in one of four panel discussions with panelists from around the country. These discussions brought into focus many of the thoughts we had been considering throughout the day.

From the panel discussions we adjourned into our small groups again. This time some of the groups "got going". However, others were bogged down. In those groups which did provide meaningful experiences for individuals, the discussions were characterized as frank and personal. In the groups which did not "move" the discussions were largely intellectual and impersonal.

Alan Fong from the University of California at Berkeley, and Steve Whitmore from Sacramento State were two students who did *not* feel the group discussions were very meaningful. In an "ad hoc" meeting we had Friday afternoon they expressed the view that the conference wasn't focusing on specific problems in our society. They wanted to "take over" the seminar that night and direct the discussions to urgent political, social, and economic problems. Just then Luke Lukoskie said that he had disagreed with the notion that the conference wasn't focusing on the important needs of today. He said that in his group students were beginning to feel a common concern for each other. It was this experience that he felt must preface a significant effort to deal with thorny, national problems.

I don't know if Luke changed any minds but he must have had an impact. That night I ate dinner with Alan and just during dinner I perceived a noticeable change in his attitude toward me. Initially I felt he had engaged me in intellectual discussion only for the purpose of trying to "shoot me down" on any point of disagreement. Yet by the end of dinner I felt he was more interested in me as a person than as a computer full of information and opinions. I thoroughly enjoyed our conversation. And for some reason he decided against taking over the meeting.

JOHN GARDNER'S MESSAGE

Our dinner speaker was Dr. John W. Gardner, former Secretary of Health, Education, and Welfare, and now Chairman of the Urban Coalition. He spoke about meaning in life. "Life is a process and meaning is IN the process," he said. "Meaning is something you build into your life, starting fairly early and working at it fairly hard." He also frequently stated the idea that values "come alive only when a living person—or a generation—*recreates* the values for its own time by living the faith, by caring, by doing."

I liked the activist tone of his speech. He clearly tolerates no apathy in the pursuit of meaning in life. His active life of public service is an authentic demonstration of this philosophy.

Later in his talk he added a new emphasis to his remarks. He said, "let me remind you of the real problem. It is not to find a framework of values. It is to bring these values alive."

I disagreed with this assertion. Yes, millions of people in our country are apathetic about living the values, or moral and spiritual tenets they confess. But I think this is because most of them do not understand what they mean.

Most people's actions are stalled by an inability to answer the questions, *Why* should I want peace, liberty, justice, and a sense of community? *Why* should I believe in the dignity of man, the fulfillment of the individual, and quality of opportunity? People today can't bring their values alive because they don't understand them. They have little or no faith in them.

SATURDAY, OCTOBER 25: THE INNER CITY

Saturday morning we moved from the sheltered environment of the Washington Hilton and our philosophical messages to the practical problems of the inner city of Washington. I liked that. I think if beliefs or values have any validity it ought to be demonstrated in practical living experiences.

I was amazed to hear John Staggers, Assistant to the Mayor of Washington, and other black residents describe how they had initially come together in weekly prayer breakfasts. He said the groups were "diagonally" structured. That is they included: black and white, rich and poor, Christian and Jew. The basis for meeting together is their willingness to meet in the love of Jesus Christ regardless of their religious convictions. Now men and women in this association have started many social action projects which are having a significant impact in the city.

I could write much more about the panel discussions and other group meetings we had that afternoon. Or I could try to recapture the regal and peaceful mood of the closing banquet at the Australian Chancery where a folk group—the Kinsfolk from Australia—entertained us with thought provoking songs.

But the real value of the conference is determined by the people who attended it. I was particularly interested with what the students said or wrote about the seminar. One student from the Pacific Northwest asked, "would you help us do something like what happened here on our campus?"

One Yale law student returned to school to find it embroiled in a strike over some faculty decisions. "I ended up wandering up and down the hall," he wrote, "wondering about reconciliation as I carried my picket sign to protest faculty actions. The seminar gave me a chance to stop and look at myself and try to discern where I was going and why. It helped me define some things for myself."

An animated Jewish student from the University of California at Berkeley surprised me when he said, "I am glad I came. It was a very meaningful experience."

I too was glad I came. What happened to me in two and one-half days helped me unshoulder feelings of pessimism and despondency.

These emotions had been welling up in me since my encounter with suffering and inhumanity in Vietnam. In July I left Vietnam and traveled through Asia and Europe. For three months I thought about our nation. About life. About people. About inflexible stubborn people. About all the human problems which I would soon inherit when I got home.

It bothered me that so many people seemed to have everything. Everything except happiness and meaning. Everything except unity with one another.

Then at the seminar, I saw a black socialist and a member of the Young Americans for Freedom talk with one another. I saw a student in the peace movement and a Marine general really communicate with one another.

I'm still wondering, why was it possible for these men to communicate? Maybe I was observing the power of love in action. Whatever it was I liked it.

For the first time in months I felt the warmth of new hope—hope for reconciliation among men.

FAILURE OF THE GENEVA PROTOCOL

Mr. FULBRIGHT. Mr. President, the President's announcement this morning of his intention to resubmit to the Senate the Geneva Protocol of 1925 and to discontinue the production and stockpiling of biological warfare agents by the United States represents a very significant turning point in our Government's attitude toward the question of chemical and biological weapons. The President's actions will be welcomed by all who advocate the control and eventual elimination of these uniquely repugnant forms of warfare. Our failure to adhere to the Geneva Protocol has long been a source of dismay and embarrassment to those, like myself, who would like to see our country in the forefront of efforts to overcome the irrationality of the arms race.

It is a tragic irony that the United States, which played a leading role in the formulation of the Geneva Protocol of 1925, has never become a party to it. Earlier this year, several Members of this body, led by Senator HARTKE, introduced a resolution urging the President to resubmit the Geneva Protocol to the Senate. Today the President has made known his intention to take such action and I warmly applaud his decision.

In recent years and months, the United States has become increasingly isolated by its failure to adhere to the Geneva Protocol. We are today virtually the only major power which has not done so. Twice in the last 3 years, the United Nations called upon all nations which had not done so to accede to the Geneva Protocol. Only this past summer at the Geneva Conference on Disarmament, several new proposals for the further limitations on chemical and biological warfare were introduced. These have successively added to our embarrassment and isolation and have placed us continuously and needlessly on the defensive. As a result of the President's announcement today, we are now on the way to restoring our respectability.

I am especially pleased, of course, that the President went beyond the statement of intent to resubmit the Geneva Protocol and embraced the principles of the United Kingdom's proposal to ban the production and possession of bacteriological weapons. Furthermore, the President's intention to dispose of our existing stock of biological agents represents an almost unparalleled initiative in the field of arms control. It is to be hoped that the Soviet Union might join with the United States in a destruction of similar agents in its possession.

The conscience of the American people, aroused by information which has only recently become available, clearly demanded a rethinking of our chemical and biological warfare program. The President has responded to this sentiment and I hope that my colleagues will join me in endorsing the President's decisions.

Our previous chemical and biological programs, and the secretive, unthinking manner in which they have been pursued, have constituted an ever-present danger to our own population. Our possession of such weapons, and the fact that they were accorded legitimacy in our military planning, contributed to the possibility that mankind might someday have been subjected to untold and unpredictable horrors.

While approving the decisions announced by the President today, there are some points of terminology and interpretation which must be clarified. I am confident the Senate will, in due course, ensure that these questions are addressed. The Committee on Foreign Relations will move promptly to see that this is done. I offer my congratulations to the President for having undertaken the review which led to today's decisions. That review, plus the continuing efforts of Members of both Houses of Congress and of concerned members of the public, created a climate of enlightened opinion and concern in this body and throughout the country. I look forward to continued progress which will remove the United States from its reluctant position on these critical issues and restore us to a rightful position of leadership among nations.

PRESIDENT NIXON RENOUNCES BIOLOGICAL WARFARE

Mr. CASE. The President's action today in renouncing biological warfare, limiting first use of chemical weapons, and ordering steps toward the disposal of existing bacteriological stocks, is a potentially far-reaching decision. No less than nuclear armaments, the proliferation of chemical and biological weapons has represented a grave threat to world security.

Together with yesterday's joint approval of the Nuclear Nonproliferation Treaty by this country and the Soviet Union, today's declaration by President Nixon represents an initiative which could bring the world closer to the real security of genuine arms control. Such initiatives are critical if we are to break through the mutual distrust and suspicion which otherwise will stalemate the strategic arms limitations talks just begun in Helsinki.

PORTLAND, OREG., COURTS EXPEDITE CASE BACKLOG

Mr. HATFIELD. Mr. President, great concern exists in our country regarding court delay. The old adage that "Justice delayed is justice denied" is so true. We must concern ourselves with this problem and act on court reform measures which will lessen court congestion and delay.

At the State level, I am proud to see that the circuit courts of Multnomah County—the courts of Metropolitan Portland—again are among the leaders in insuring a speedy disposition of lawsuits. My praise also goes to the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), for the court of common pleas in Delaware, Media, Pa., edged out Multnomah County for first place in 1969.

The national average for court delay is 22.1 months, according to the calendar status study of the Institute for Judicial Administration. This figure represents the delay between service of the answer and jury trial. In 1969, the delay in the Delaware, Media Court of Common Pleas was only 4.2 months. The Multnomah County, the delay was only 4.8 months. The courts in third position—the circuit court of Shelby, Memphis County, Tenn., was 9.5 months.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of State trial courts in counties over 500,000 having delays of under 1 year. It is a credit to the judges, the court administrators, the lawyers, and the public in these seven areas. All parties should be proud of this record. I am sure that I speak for my fellow Senators from all these areas when I commend them for working to see that our State court case backlog is lessened and congestion is relieved.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COURTS SHOWING DELAYS UNDER 12 MONTHS IN COUNTIES OF OVER 500,000

Court and county	Population (1960)	From service of answer to trial (average in months)	
		1969	1968
Court of common pleas, Delaware (Media) Pa	553,154	4.2	4.3
Circuit court, Multnomah (Portland) Oreg	522,813	4.8	4.1
Circuit court, Shelby (Memphis) Tenn	627,019	9.5	11.9
Circuit court, Dade (Miami) Fla	935,047	9.7	10.6
Court of common pleas, Cuyahoga (Cleveland) Ohio	1,647,895	[1]10.5	35.4
Circuit court, Jefferson (Louisville) Ky	610,947	10.8	11.7
District court, Bexar (San Antonio) Tex	687,151	11.6	10.0

[1] Estimate.

Mr. SCHWEIKER. I would like to commend the senior Senator from Oregon for his comments on the critical problem of court backlogs, and for printing the Institute for Judicial Administration's list of courts with the best records.

I am proud to recognize the common pleas court of Delaware County, Pa., as the 1969 leader, and proud to commend the judges and administrators of this court for their significant achievement.

In addition to what the Senator from Oregon had to say concerning State court problems, the same problems exist on the Federal level. The Senate recently passed the omnibus judgeship bill to add 70 new district court judges, and it is my hope that this bill will pass the House and be signed into law in the near future.

All of us are concerned with the growing problems of crime and law enforcement, and it is paramount that our court backlog problems be solved so that responsible crime control measures are not rendered inept due to judicial backlogs which prevent speedy resolution of cases.

Equally important are the civil cases. It is lamentable that long delays in suits being considered often make legal redress impossible for many lower and middle class citizens who cannot afford extensive counsel fees, and who cannot wait years for final disposition.

With modernization of judicial administration, increased numbers of judges, and necessary legislation, all court systems can hopefully achieve the record of Delaware County, Pa., common pleas court and Multnomah, Oreg., circuit court.

IMPROVING JUDICIAL ADMINISTRATION

Mr. TYDINGS. Mr. President, disrespect for the law and its institutions represents a critical national malaise. A burgeoning crime rate, city streets abandoned after dark, university buildings seized and educational processes disrupted, public officials physically and verbally abused are but some of the reprehensible consequences.

One underlying cause of disrespect for law is the inability of our courts to fairly and expeditiously decide cases which come before them. Unfortunately, the continued use of outmoded judicial techniques in the face of a veritable flood of criminal and civil litigation has resulted in prolonged delays, seriously reducing the effectiveness of our judicial machinery. As the staff report to the National Commission on the Causes and Prevention of Violence recently has stated:

> Delays resulting from poor court management thus help to create conditions of disrespect for law and legal institutions, which in turn can increase the chances for violence in our society.

My good friend, the distinguished junior Senator from New Mexico (Mr. MONTOYA) well understands the importance of court improvements to restore and cement respect for law. Senator MONTOYA is himself a lawyer and legislator who has grappled with court congestion and administration problems. In a farsighted speech recently delivered before the National Association for Court Administration, Senator MONTOYA called for new techniques of judicial administration to revitalize our system of justice. His remarks deserve widespread circulation. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR JOSEPH M. MONTOYA BEFORE THE NATIONAL ASSOCIATION FOR COURT ADMINISTRATION

It is a genuine pleasure for me to participate in this first annual national Association for Court Administration Conference. I want to extend to the association—and particularly to Ron Porter who has so capably organized this gathering—my sincere gratitude for being invited to be with you today. As a member of the legal profession, I share your concern over the administration of our judicial system. I can assure you that I share your concern over the backlogs that exist in the courts across the nation. It is fundamental to any solution to the crisis facing our judicial system that we critically examine the administrative process of our courts—and this examination must of course focus on the role of the court clerk's office.

Addressing the Harvard Law School two years ago, former Chief Justice Warren surveyed the problems facing our courts at that time:

The former Chief Justice reminded us that our courts today face the heaviest caseloads in our history. "Backlogs continue to mount and the time span between the commencement of action and the termination of the case continues to rise. For the ninth consecutive year—(and this was two years ago)—the number of appeals on the dockets of our courts of appeals in the federal system has increased. Ten percent more cases were filed in these courts in 1967 than in 1966. Since 1960 the number of appeals in these courts has more than doubled. Cases in the Federal District Courts are increasing every year."

Since Chief Justice Warren recited those statistics, our judicial dilemma has continued to deteriorate. During Senator Tyding's Subcommittee hearings last year on improving our judicial machinery, it was brought out that the caseload of the Federal courts reached record proportions during fiscal year 1968. Judge Payne, Judge Bratton, and Gene Greeson will tell you that *their* workloads are rapidly increasing, and I assure you that our New Mexico Federal Court is a model of effective and efficient justice. Our Federal District Courts across the Nation are simply not going to be able to cope with the increased workload unless and until we recognize the demands that our society is placing upon them. And the judiciary at *every* Governmental level faces the same crises.

Ours is a nation dedicated to liberty and justice for all. We enact laws to insure the attainment of this goal. The progress we make toward this end depends upon the commitment of the vast majority of our society to obedience of law. As Aristotle once noted, "In all well-attempted governments there is nothing which should be more jealously maintained than the spirit of obedience to law, more especially in small matters: For transgression creeps in unperceived and at last ruins the state, just as constant recurrence of small expenses in time eats up a fortune." Obedience to law can only be forced on a small percentage of society. The society which must compel obedience to law by force or threat of force cannot long endure. Obedience must therefore be the product of respect.

It grieves me to say that respect for the law is at an all time low. Our cities and campuses are tinderboxes which have in the recent past burst into the flames of anarchy and destruction. But contempt and subversion of law are not limited to a small minority of our youth and poor. Their numbers are minuscule in comparison to those who falsify insurance claims, bribe public officials, fix their parking tickets, cheat on their income tax or engage in any of the other so-called white collar crimes that erode the foundation of society.

Those of us who have made the law our profession have no greater responsibility than to restore respect for law. For respect and disrespect for our system of justice results from the way we perform.

Mr. Howard James in his prologue *CRISIS IN THE COURTS* describes this decay of the respect for law graphically:

It (Crisis in the Courts) was conceived in the fall of 1966 when the editors of *The*

Christian Science Monitor pondered the weakened foundations and crumbling pillars of American justice.

For 1966 was a year when more and more citizens expressed alarm over soaring crime statistics—apparent evidence of a crime explosion in the United States.

It was a year that brought verbal attacks on the police, even as they battled minority groups in the streets over the effects of social and economic injustice of centuries.

The Supreme Court of the United States remained under fire from those who believed it had gone too far in forcing desegregation, in eliminating prayers from schools, in the reapportionment of State Legislatures, and in protecting the rights of men and women accused of criminal acts.

Others berated the high court for moving too slowly. The logjam in our civil courts made it almost impossible to bring about speedy and fair justice.

New scandals were uncovered in the Nation's lower courts. Philadelphia's magistrates' courts were so bad that it was being proposed that they be abolished. The Justice-of-the-Peace system had already been replaced in Maine and Illinois, and other states were pondering similar changes, and New Mexico has since re-ordered its judiciary.

There was a great deal of talk about the "generation gap"—the breach between adults and children—in 1966. There were more divorces, and the family lost more ground, while state and institutional responsibility increased.

While the things some youngsters did were worse than before, other things that were "childish pranks" before World War II, when this writer was growing up, had become "juvenile delinquency" by 1966 as our society grew more mobile, citified, and impersonal and less tolerant.

In 1966 television was still growing up, and sometimes the more bizarre aspects of our society were brought into our living rooms so often that they began to seem like the Norm.

As in years past, the number of traffic accidents climbed. Safety experts told us this was the result of speeding, drinking and a youthful love for the daring and reckless (sometimes involving immature adults) combined with flaws in automobiles. More and more Americans were—whatever the reason—hauled into court.

The headlong, sometimes violent rush of urban areas continued to be a concern. Yet Wilfred Owen, an authority on urban affairs, predicted that this Nation *could* become "urbanized and civilized, as well as motorized and mechanized!"

It caused Governor Daniel J. Evans of the State of Washington to comment in a citizens' conference called to improve his State's courts:

'Too few people, I am convinced, understand the vital role—the key role—which the courts must play, and which the administration of justice must play, in an urbanized society. The sweep of history that lies behind us—whether of the Nation or of this State—has been largely constructed on the law."

Government derives its power from the laws established by the people; people derive their freedom from the laws, and limit it according to the majority consent of those who are governed.

The courts are bound by the law, and laws in turn are both adjudicated by the courts and administered by them.

Laws govern the formation of cities, the conduct of commerce and industry, the control of traffic, and the relationship of every citizen to every other citizen.

And it is therefore the law and the courts of law which in large measure determine whether or not we can succeed as a civilized people in a complex, integrated, and urbanized society.

American society has indeed become integrated, complex and urbanized. And yet our courts at least until recently, were administering justice with a methodology much the same as had been done in the circuit riding days of Lincoln.

For many years we were concerned about the administration of justice in our courts but considered the just and efficient administration of our courts as too menial for much of our attention, or too professional for consideration by nonlawyers, or both.

The administration of our courts was so antiquated that it was impossible to identify the problems, to say nothing of solving them. It was, in short, a mess. In many places it still is a mess. Courts in this country, and the legal profession as a whole, have been too slow to recognize the need to increase the number of officials who are experts in efficient administration with some knowledge of the law. In the past too often administrative responsibilities have been entrusted to staffs ill-equipped in expertise, personnel and frequently in competence.

But I am telling you things you already know too well. I feel something like the minister who unleashes threats of fire and brimstone on his congregation knowing that those in attendance are already aware of it and that those who need it most are absent.

Those of you in attendance at this conference have demonstrated your awareness of the need to upgrade the American system of justice. Clerical problems plague every office—judicial and otherwise—of our government. The public must be alerted to the critical importance of the court clerk in the adjudication of a particular case. Effective, swift justice requires more than able judges and attorneys, and the formation of this Association this past December represents a significant advancement for our judicial system. I am aware of the preliminary work which has predated the establishment of the Association, I might add, and I assure you that the legal profession is appreciative of those efforts.

Let me say in closing that I certainly appreciate the opportunity to participate in this Conference.

I believe that this meeting marks a new direction and role for the Court Clerk's Office. The Association itself is a product of positive efforts to improve American justice. Let me pledge to you my own continuing efforts to improve our judicial machinery, and let us work together towards that goal.

Thank you very much.

THE SILENT MAJORITY OF THE LEWISTON-AUBURN AREA OF MAINE

Mrs. SMITH of Maine. Mr. President, the silent majority of the Lewiston-Auburn area of Maine has spoken out in support of the President's efforts to negotiate a peaceful settlement of the Vietnam war. They have done so in a two-full-page advertisement in the Lewiston Daily Sun signed by 750 citizens of that area.

This is truly a remarkable demonstration of support of the President. It is remarkable not only in the number of signatures but as well in the fact that the signatures were achieved in a very minimum time attesting to the spontaneity of the feeling.

It is bipartisan support—or nonpartisan support—for this remarkable expression comes from what is often called the capital or heartland of the Democratic Party in the State of Maine. Lewiston is overwhelmingly Democratic; Republicans receive only a very small fraction of the total votes.

I presented this "Message From the Silent Majority" to the White House this morning when attending a bipartisan breakfast that the President had for the top members of the armed services and Foreign Relations Committee of Congress with respect to his decision to stop the production and stockpiling of chemical and biological warfare material.

I am keenly disappointed that the President has been too busy for a formal presentation with pictorial evidence to be provided for the 750 signers of the message of support but I am gratified with what the White House staff told me—that the President was receiving so many of these messages of support that it was impossible to make prompt responses to all of them and would require a considerable delay before he could formally accept this message which it was my honor to deliver on behalf of the 750 signers from the Lewiston-Auburn area.

Reluctantly, I concluded that it would be far more meaningful to deliver the message this morning because of the important time element rather than to wait until a distant time when a formal presentation could be made.

I ask unanimous consent to have printed in the Record an article reporting on this remarkable message, and published in the Lewiston Daily Sun of November 14, 1969.

There being no objection, the article was ordered to be printed in the Record, as follows:

Area "Silent Majority" Answers Nixon Appeal—750 Sign Message

(By Alyce Bouchard)

President Nixon's plea for support of his administration's Vietnam War policy received enthusiastic response among Lewiston-Auburn area citizens, and through the efforts of Dr. Cyprien L. Martel Jr. and Dr. Jou S. Tchao, these members of the "Silent majority" had the opportunity to express their support of their government.

Following a thoughtful discussion on the war, Drs. Martel and Tchao went to Mayor John B. Beliveau on Wednesday of last week, asking him to put their thoughts together in a statement to be circulated in the Twin City area in the form of a petition.

This statement, called "Message From the Silent Majority," reads, "We the undersigned, being conscientious Americans, support our constitutional form of government and the Presidency of the United States, in its efforts to negotiate a peaceful settlement of the Vietnam War."

"The reason we did it was because the President asked for our support," said Dr. Martel. "We wanted to make a public statement of this support and involve as many people in it as possible."

FANTASTIC RESPONSE

Dr. Martel said the response was "fantastic" and that better than 90 per cent of the people approached were "eager to participate." Within six days, some 750 signatures were gathered, and there easily could have been many more.

The petition and the 750 signatures appear in two full-page adds in this edition of the Sun. The expense was paid by contributions from the signers of the petition.

Newspapers containing the published petition will be sent to Maine's Congressional delegation, to members of the Foreign Relations Committee and key government officials, especially in the State Department.

The signatures represent a true cross-section of the community, Dr. Martel said. "People in all walks of life were involved."

He and Dr. Tchao agreed that "it was an overwhelming experience to see people so eager to support their government and their country. This in itself is rewarding."

TRULY SPONTANEOUS

This was not an organisation of any sort, Dr. Martel pointed out. "It was a truly spontaneous thing, to show our support for the President, particularly during this difficult time."

Asked what he thought about the Friday and Saturday march on Washington, Dr. Martel said, "I think it is fine if it is peaceful, but most of us think this is an attempt to force the President to do something he doesn't feel he can do at this time. We want to demonstrate to him that he has our support in doing what he feels he must do as President of the United States.

"We learn from this that a vast majority of the people are supporting the President in what he feels he has to do. Peaceful demonstrations are fine," he concluded, "but we must ultimately follow his (the President's) leadership."

IN PRAISE ON NIXON'S CBW POLICIES

Mr. HATFIELD. Mr. President, now that nuclear agreements are under serious consideration with the advent of the SALT talks, it is with great pleasure and high regard that I view President Nixon's decision announced this morning to move forward with the limitation of chemical and biological weapons.

Since Richard Nixon assumed the office of the Presidency our Nation has made great strides toward establishing a rational policy for the development and use of CB agents. Although the history of international attempts of CBW controls can be traced back to the Hague Conference in 1899, our Nation did not have a national policy delineating such controls until the first month of Nixon's Presidency. In January shortly after taking office a meeting was convened of high officials representing all Federal agencies. The result of this meeting was an agreement to ban first the germ and gas warfare, with the exception of herbicides and tear gas, and that any combat use of the CB weapons has to first be authorized by the President.

Today President Nixon announced another milestone in the history of CBW controls. He has requested that the Senate move to ratify the Geneva Protocol of 1925; that all biological stockpiles be disbanded; and made official the previous agreement that the United States would never initiate first use of CB weapons.

The beneficial results of this announcement cannot even be estimated. In international scope the ratification of the Geneva Protocol will mean that the United States will at long last join over 60 other nations that have agreed to banning gas and bacteriological methods from warfare. These other parties include all members of NATO except the United States, all the Warsaw Pact members, all the European countries except Albania, and all other nuclear powers including China. The dismantling of the biological stockpiles heralds a great moment in the history of arms control and limitation. And the ban on first use in military and strategic strategy prevents the use of CBW as an offensive and highly escalatory weapon.

The fact that the stockpiling limitation is geared to only affect biologics—agents which are living and can reproduce as opposed to chemical agents which do not possess reproduction capabilities—is somewhat disappointing, as I have for some time believed that our stockpiling efforts should be greatly reduced in both of these areas. However, I praise this announcement as a giant step in the right direction and will pledge myself to do all that I can to insure the ratification of the Geneva protocol as soon as possible.

President Nixon's announcement followed a very alarming and important report by the United Nations concerning the development and use of chemical and biological agents. The recent U.N. report warned that chemical and biological weapons could result in mass extermination of populations with the result that weather conditions and infected individuals could return the reaction to the perpetrators of such warfare. The effect would be that the entire world population could be decimated by a limited war between two nations. As weapons, chemicals and biologics are very difficult to control in spacial and temporal terms they are dependent on various conditions for maximum effectiveness, and decontamination of areas affected is at times impossible. Given these facts I have opposed chemical and biological weapons as not being feasible, tactical, strategic, or humanitarian and in terms of benefits derived not a valuable addition to our already substantial arsenal of conventional and nuclear weapons. I have never understood how it could be rationalized that militarily we would fight wars with epidemics, starvation, and mass extermination, while at the same time our foreign aid and policy has centered around medical help and agricultural aid in order to prevent those conditions which give rise to the trouble spots in today's modern world.

With the President's announcement this morning I look forward to this as the turning point in what has come for many to be a truly insane arms race.

INTERNATIONAL SPACE COOPERATION

Mr. ANDERSON. Mr. President, on October 1, Mr. Arnold W. Frutkin, the Assistant Administrator for International Affairs at the National Aeronautics and Space Administration, at Cloudcroft, N. Mex., addressed a conference of the International Academy of Astronautics. In his address, Mr. Frutkin recounts what has been achieved during the past decade in international space cooperation, discusses the problems and gaps in space cooperation, and suggests an approach to greater cooperation.

A great deal has been achieved by the United States in a wide variety of joint space projects with many other countries around the world. This cooperation runs the gamut from such things as cooperation in the building and manning of ground tracking stations to our largest international cooperative satellite effort with the Federal Republic of Germany. In this program German and United States joint contributions are in excess of $100 million, with the Germans putting up by far the major part.

Mr. Frutkin says:

> The problems in space cooperation are not so much technical as political, financial and managerial or organizational . . .

He defines two gaps in cooperation: No significant development in the cooperation and use of major hardware for exploration programs, and the gap of political geography as it applies to the Soviet Union and nations in the Soviet bloc. In accounting for these two significant gaps he points out that in the case of Europe where most of our programmatic cooperation in science and applications has taken place, the problem is in the low level of expenditures for space activity in Europe. Mr. Frutkin points out that all of the European countries together spend roughly $300 million a year on space research; less than one-tenth the expenditures of the United States or the Soviet Union. Mr. Frutkin says this is clearly the product of political decisions in Europe and has prevented Europe from not taking up NASA's proposals to cooperate in major programs or to undertake major programs in their own behalf. Mr. Frutkin sees this as underlying Europe's complaints about its role in Intelsat, stemming from the fact that Europe made too small and too late a start in the development of communications satellites.

As for the gap in political geography between the United States and the Soviet bloc, Mr. Frutkin points out that the Soviets during the first 10 years of space developed only a single cooperative satellite project—with France—and that is presently in a suspended stage. Only recently has the Soviet Union reported flying experiments of some eastern European nations. On the other hand, the United States has offered many times to launch experiments of Soviet, Polish, and Czechoslovakian scientists. He concludes that Soviet policies so far do not require direct and substantive engagement in international cooperation.

As to the charge made by some that NASA has "given up" in trying to cooperate with the Soviets, listen to this statement by Mr. Frutkin:

> We are open to any suggestions . . . we mean to leave no stone unturned in making clear the opportunities which exist for Soviet cooperation.

Mr. President, Mr. Frutkin's address is a frank, accurate, and hard-hitting appraisal of the status of international cooperation in space. He concludes by saying that we cannot act alone—that we must have partners and he provides further suggestions on how to achieve this.

All those interested in this important area of international cooperation will want to read what Mr. Frutkin has to say:

Mr. President, I ask unanimous consent that Mr. Frutkin's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the Record, as follows:

STATUS OF INTERNATIONAL COOPERATION IN SPACE

(By Arnold W. Frutkin, Assistant Administrator for International Affairs, National Aeronautics and Space Administration)

Mr. Chairman, distinguished ladies and gentlemen. It is a very great pleasure to be here with you this evening.

The meeting in Dr. van Allen's home in Maryland in the early '50s, to which the chairman referred, not only introduced the International Geophysical Year, it also led to the space programs in which we are engaged today. It was at a meeting of the International Geophysical Year International Committee in Rome in 1954, that scientists proposed that artificial satellites be introduced as a contribution to the IGY program. Not only did this stimulate both the U.S. and Soviet space programs, but it also introduced those programs in the context of an international cooperative effort. We have been trying to realize the full potential of that beginning ever since.

Today we stand literally at a crossroads in the exploration and use of space. We stand between the first decade and the second decade. We stand between the successful completion of the prime commitment of the first decade, the manned lunar landing, and the need to commit to the major programs of the next decade. This crossroads applies equally well to the international programs which construe a part of the space effort here and abroad. Again there is a past achievement of which we can be very proud, I think—a successful and fruitful international cooperation in space which I will try to describe more fully somewhat later. Yet if we look at what has been done in the past decade with objectivity, then we will find, as Senator Anderson has said in the letter read by the Chairman, that there are significant gaps. There is a serious question, as we proceed into the next decade, whether the next giant step in space will be taken by the space powers alone or by a broader group of nations in partnership.

The kind of discussion that you have been having here in the IAA in the past few days is very important because it suggests what *could* be done together in space. You are helping, through your professional, unofficial meetings, to define the progress which *could* be made in space if official cooperation could be organized to carry out specific programs. In fact, I believe that the difficult issues are not so much in the technical questions as to what might be done in space, but in the more fundamental question as to *how* we can achieve the cooperation which is necessary to do these projects on an international basis. The problems, in other words, are not so much technical as political, financial and managerial or organizational, if you will. The real problems are not in the hardware, but really in the software, very broadly defined. And it is to the non-technical aspects of cooperation that I mean to direct my remarks this evening.

If we are to analyze our future course in space cooperation objectively, we have to ask ourselves four questions: We have to identify the gaps or shortfalls in cooperation that have been left by cooperative efforts in the first decade. We have to account for them so that we can understand just why these gaps exist. We have to consider what would be needed to correct them. And we have to consider what quite new opportunities may exist for us in the future.

If we look first at the gaps in space cooperation, I think they are fairly easy to identify. We have only to consider what elements in the basic programs of space research and exploration have not been covered by cooperation and, in addition, we have to look at a political geography to see what areas of the world are not fully represented in cooperation. But I don't want to identify the gaps quite yet. I would like first to recount what we have done in the past decade rather generally so as to insure that when we do look at the gaps themselves, we do so with some perspective.

If we start by looking at what has been achieved in space science programs, we see a wide variety of joint satellite projects, supported by NASA in our international programs, and supported as well on an international basis by the European Space Research Organization in that region. So far NASA has launched eleven (now twelve) foreign satellites in cooperative projects in which the foreign participants conceive and design, construct and fund those satellites, and we launch them with our boosters. We, in effect, gain a free satellite, they gain a free launching. And there is no exchange of dollars between us. It has been a remarkable program of true cooperation and it has been very successful. To give you some sense of its dimensions, I can say that the proposed German probe to the sun, the largest such cooperative satellite effort in which NASA is engaged, combines German and U.S. contributions in excess of $100,000,000. The prospects of continuation of this type of program are excellent. There is a long list of countries continuing to submit proposals under it, the cooperation and the science have always been successful, and the fact that these proposals are negotiated on a basis of mutual program interest ensures that a full contribution is made to space science. The countries involved have been the United Kingdom, Canada, France, Italy, Germany and the ten nations which are members of ESRO. I hope that before very long we will add Spain to that list as well as the Netherlands and Sweden.

Similar cooperative contributions have been made by individual experiments flown on our own U.S. satellites by foreign scientists. Their proposals are invited at the same time that we invite proposals for experiments from American investigators; they are selected on their merits and are, again, carried out without an exchange of funds. A large number have already been flown, and a larger number are in preparation or under consideration. This program has been of considerable value to our NASA satellite observatory effort and has greatly expanded opportunities for foreign scientists to participate in useful research.

Our broadest cooperative effort in flight projects is in the sounding rocket area. Today nearly half of all NASA's scientific sounding rocket launchings are conducted in cooperation with other countries. Almost two dozen countries are involved in this kind of work and, because of the somewhat lesser cost, it is possible for the less-developed countries to participate so that we bring in such nations as India, Brazil, Pakistan, Argentina, and so on. Launching facilities have been developed in all of these regions, plus others, facilities which can be used by scientists for investigations which actually require access to special locations for research into polar, auroral, and equatorial phenomena.

The recent Apollo 11 mission is a rather interesting example of our efforts to provide for the maximum international participation in any of our programs. I think most of you know that among the very first experiments deployed on the surface of the Moon was a Swiss device to investigate the solar wind and its composition. The laser reflector which was deposited on the Moon by the astronauts was advertised as available to all countries to use, and it is indeed being used by other countries today, notably France and, we may safely assume, others as well. I think you know that the first samples of lunar surface materials have now been distributed or are being distributed not only to American investigators but also to some 36 foreign scientists, whose proposals for analysis of those samples have merited their participation in the program.

There is a whole range of cooperative ground-based observations (distinguished from flight programs) that scientists abroad have been able to carry out in support of orbiting satellite projects, many of them actually necessary to the discharge of those programs. These ground-based efforts include a variety of ionospheric observation programs. Some 40 countries have been involved in this kind of activity and many hundreds of scientists.

Apart from our own US-based cooperation, ESRO, the European Space Research Organization, including 10 European countries, has brought together much scientific cooperation. Today's launching is their fourth satellite in orbit. So it is quite clear that in the sphere of science, there has been very rich and full cooperation and very widespread progress. The projects have been somewhat modest, but they do include such an ambitious effort as the German solar probe. I have no doubt, therefore, that if we do establish an orbiting space laboratory, it will be a comparatively simple matter to insure international scientific participation in the use of that laboratory.

Now if we look at the practical applications of space, I think we see a record in the past ten years which is comparable to that in the scientific aspects. In the first experimental communications satellite work, we involved some 13 countries, nearly all of which built their own ground terminals, at their own expense, as an admission ticket, so to speak, for participation in that first experimentation. Today, that modest beginning has evolved into the Intelsat consortium of 65 countries, which has already greatly expanded our intercontinental telephone communication capacity, provided real-time routine TV coverage of events of great interest around the world, and cut the cost of overseas telephone calls. Also in the communications field, we are providing reimbursable launching facilities for foreign national applications which are in the immediate future. For instance, we will launch Canada's national communication satellite system.

I am most proud to include in this account of cooperation in the applications field the agreement NASA signed only last week with India. Under this agreement, NASA will, in 1972, launch the synchronous ATS–F satellite which will later be made available to India for use in direct broadcasting of TV, the first direct TV broadcasting, into village receivers, making a conventional TV distribution system as we know it unnecessary for India. The programming will go into 5,000 remote Indian villages, bringing instruction for the purpose of population control and the increase of agricultural productivity, and so on. Clearly, this is a tremendous new venture, bringing to a developing country the advantages of advanced technology in a totally constructive form, creating a new opportunity for a people to improve their economic and social situation. I think the world will watch this experiment very closely.

In the weather field today, we have routine operational deployment and use of weather satellites. As you know, some 50 countries have installed simple equipments (the APT stations) which permit them to receive data from our satellites daily and directly.

We are engaged with the French in an experimental meteorological satellite and balloon program, Project Eole, to track the global circulation of the winds. We have a further informal proposal from France for a synchronous meteorological satellite as a contribution to GARP, the Global Atmospheric Research Program, another very ambitious international effort to advance meteorological science. In geodesy there are very similar international programs growing out of and supporting our own national geodetic satellite projects. Thirty-seven countries are cooperating in this.

There are additional prospects of cooperation in experiments for air traffic controls by satellite, and we have already developed cooperative programs to prepare for future earth resources surveys by satellite. We are working, for example, with Mexico and Brazil in developing their basic earth survey capability through the use of aircraft in this field. Here, I should note the President's statement made in the United Nations a few days ago, dedicating this country to internationalizing the benefits of earth resources surveys as the program develops and as it realizes its promise. So, again, in space applications, too, a rather interesting international record has been established.

The same thing is true in operational activities in space. You know that our tracking stations, spread about the world, are operated with active support and often direct staffing by nationals of the host countries. In fact, in several locations the costs of operating the stations are borne by the host countries. We have close relationships with the ESRO and French tracking nets as well. Many of you do not know, perhaps, of the very extensive operational arrangements made with the literally dozens of countries in Africa, Asia and South America for the staging and overflight of US aircraft in conjunction with contingency rescue operations for the Apollo program. There is also an extensive, unprecedented, and sophisticated information exchange arrangement with the European Space Research Organization, and I think the extent of publication of information pertaining to NASA programs is probably also unprecedented. Thus, in operations, too, we have had very substantial cooperation in the past decade.

Now let us turn to the gaps in cooperation. I think they can be seen very clearly in the space program elements which I have not covered. There has been no significant cooperation in the development and use of the major hardware for exploration programs, the Apollo and Saturn hardware. There has been participation in scientific aspects, but not in the planning of the big hardware programs, not in their study, not in their design, nor in their development, or use. And I might say that this gap is related to another gap which is in the area of major cost-sharing for the human exploration of space. These are expensive programs, but they have not had international cooperation.

Another major gap I want to point out is in the political geography. It is quite clear that I have not mentioned the Soviet Union in a significant way in my account of cooperation in the first decade. It is very much to our regret and, I am sure, to the regret of our Soviet colleagues represented here tonight, that we have not been able to develop significant cooperation in this wide range of space programs. In view of the very substantial capability of the Soviet Union in space, there is much we could do together.

Now, let us attempt briefly to account for these two significant gaps. We have not very far to look. If we think of the programmatic gap, the lack of cooperation in the big hardware program, we can look first to Europe where most of our programmatic cooperation in science and applications has taken place. Why has this cooperation not been greater? The answer is quite clearly in the level of expenditure of space activity in Europe. All of the European countries together spend roughly $300,000,000 a year on space research. This is an order of magnitude less than space expenditure by the United States, and presumably the same order of magnitude less than the space expenditure of the Soviet Union. That level of expenditure obviously is the product of political decisions or judgments in Europe, based upon assumptions of the value of space activity to Europe at this stage. These value judgments are implicit in the decision of the European Space Research Organization not to tackle the proposed large astronomical satellite a couple of years ago—which would have been a $200,000,000 project. I think it implicit also in the decision of Europe not to take up a NASA proposal some four years ago to cooperate in a major program such as a large deep space probe project. Europe's complaints about its role in Intelsat, I believe, stem inevitably from the fact that Europe made too small and late a start in the development of communications satellite capability.

One must say that Europe has set its sights at a very much lower level of activity in space than either the US or the Soviet Union and that this does not permit major participation in programs like Apollo, the planetary grand tour, a Mars lander, a space laboratory, or timely applications programs. Perhaps this reflects only an early judgment of the potential value of space activity. Perhaps it reflects too modest a view of early European capabilities. Perhaps it reflects only a wait-and-see attitude. In any case, with the ending of the first decade of space activity, I would hope Europe will review these judgments. Whether Europe engages in future technology or continues to engage in past technology hangs in the balance here.

Now, as we look at the gap in political geography, it is clear that the Soviet Union does not figure significantly in any map of space cooperation partners. We have achieved some token but not substantial cooperation with the Soviet Union. We have throughout the years made many overtures, but we have unfortunately very little to show for them. Soviet officials have often explained their unwillingness to respond in terms of prior conditions, like total disarmament or withdrawal from Vietnam. Personally, I question these explanations.

I don't believe the Soviet Union has a special problem toward cooperation with the United States. My reason is that the Soviet Union did not, in the first decade, develop significant international cooperation in space research and exploration with other countries not involved in Vietnam. In the first ten years of space, the Soviet Union developed only a single cooperative satellite project—with France—and that is presently in a suspended stage. (Only since this paper was given has the Soviet Union reported flying experiments of other nations and those only eastern European nations.) We, on the other hand, have long since offered to our Polish and Czechoslovakian colleagues opportunities to fly experiments on U.S. satellites and more recently these opportunities were opened to Soviet scientists. But we don't hear of Soviet programs like our direct broadcast program with India or our earth resources programs with Mexico and Brazil. One can conclude only that Soviet policies so far do not require direct and substantive engagement in international cooperation. Now, changes are, of course, possible; changes could be taking place right now, and we hope very much that this is the case. Later is better than never.

Now, what can we do about these gaps? As a general approach to this question, let me read to you a brief section from NASA's report to the President's Space Task Group which has recommended to the President the desirable course of space activities in the next two decades. The report states that:

"The challenge we now face with our collaborators overseas is to develop significantly greater international participation in the next decade of space, which will require more advanced technology and increased investment in space activities in Europe and the other advanced countries. This raising of sights is fundamental to increasing international participation in future space progress. To accomplish this several actions must be taken:

We must fully inform prospective collaborators of the future direction and scope of United States programs.

These collaborators must become involved in the detailed definition of space objectives and in the conceptual and design studies required to achieve them.

We must approach future decision points for United States and other nation commitments to new space programs within a framework of common knowledge, experience, and close association so that every nation's space interests may find focus in the development of new capabilities for space exploration and utilization.

Domestic policies and procedures in the United States and other participating nations will have to be reviewed to facilitate cooperative activities.

New international mechanisms for developing and managing major multinational space ventures must be brought into being.

"Many specific projects have been identified and are available for joint consideration if basic decisions are made in Europe or other countries to explore increased international participation in space."

Now let me illustrate one attempt, a very recent attempt, to involve our collaborators in a basic program and to bring them onto common ground with us as we approach decision points for future programs. In the last few weeks, we have sent abroad NASA's conceptual studies for a space shuttle, or reusable booster, distributing these studies to seven or eight European firms and government laboratories through the space agencies with which we deal. We have invited these firms to critique the studies and to visit here in mid-October to participate in a NASA meeting with possible contractors, looking toward the definition of design studies which will take us one step further toward a space shuttle. Thus, the words we use on the subject of cooperation are meant quite seriously and in each case there are concrete actions which we have taken to follow up on the points we make.

Now let us be still more specific. If we take the space funding level in Europe, how is that level to be escalated? Well, we know that the gross national product of Europe is comparable to that of the Soviet Union; in fact, it considerably exceeds that of the Soviet Union, so it is at least theoretically possible for Europe to have as large a program as the Soviet Union does, and one not too different from our own. On the other hand, current space funding in Europe may be shrinking today rather than increasing. So, there is a major task and there is a need for the best thinking in Europe on its future role in space and the implications of its policies and decisions on this point.

The problem covers not only the question of funding but also the question of organization. A central European organization such as Europe is even now considering, a European NASA, could be an important mechanism for optimizing the funding which can in fact be brought to bear on space programs. Clearly, a single regional organization could in fact move forward more effectively than funds-starved national organizations. It is, however, for Europe to determine the relationship and compatibility of national programs with a pooled regional effort. And it is for Europe to consider how far it will go to accept central management institutions supported by in-house capabilities which are so important for space systems development and integration. And it is for Europe to decide whether it wants to take a short-term view or long-term view of the problem of national sharing in the contracts given for a central space program. So long as the GNP is roughly comparable to ours and the Soviets, everything else is possible.

Let us look now at the second gap, in political geography, and ask how the Soviet Union can be made a partner in the space efforts of the future. Again, let me refer to the report of the Space Task Group:

"Progress would only be possible if the Soviets were to accept the principle of cooperation in space despite the presence of abiding political issues in other areas. They would have to be convinced at the highest level of government that substantive cooperation in space is a desirable path to detente and the establishment of broader mutual confidence. A series of graduated steps to this end could easily be formulated. The lowest level could consist simply of full and frank exchanges of detailed space project results. The next level might involve prearranged complementary activities, for example, mutual support of tracking requirements or coordinated satellite missions for specific tasks in space. A third level would reach fully integrated projects in which subsystems provided by each side would contribute to an agreed, coherent space mission. Such a graduated approach need not be a precondition to cooperation, but might contribute to a growing base of confidence and an increasing level of future cooperative ventures."

This is simply one possible approach to the problem. There are others. We are open to any suggestions. Until these can be explored in depth on a bilateral basis, we mean to leave no stone unturned in making clear the opportunities which exist for Soviet cooperation. I might say that it has been made clear to our Soviet colleagues at the highest level, that proposals by their scientists for experiments to fly in our satellites would be welcomed. They have been given detailed information to permit them to use the laser corner reflector left on the moon by our astronauts. They have been invited to participate in the analysis of the lunar samples. They have been invited to participate in early discussions of the scientific experiments to be flown on our Viking-Mars 1973 mission; and while our invitation in that case was rather late, we have offered to hold a special meeting for this purpose and, in addition, to consider Soviet proposals for experiments and to discuss coordination of our planetary programs.

And so, we here will do all we can to remedy the major gap in the political geography of international cooperation in space. President Nixon in his recent UN speech left no doubt that this nation wishes to increase very substantially the level of international participation in space programs. His remarks should be read together with the record of concrete cooperation which we have established in the past decade. If they are taken all together—his policy statements and our tangible performance—if should be clear that this is a real, not rhetorical issue that we are addressing. Cooperation by definition must engage two or more actors. We cannot act alone, we must have partners. We, together with our partners and potential partners, must work out new ways to arrive at increased cooperation and more significant projects and programs in a common future.

PRESIDENT NIXON TAKES HISTORIC STEP FOR MANKIND

Mr. GOODELL. Mr. President, President Nixon has taken an historic step toward peaceful relations among nations with his decision to send to the Senate for ratification the Geneva Protocol outlawing the use in war of poisonous gas and germ weapons.

The President's decision to reactivate the protocol after it has laid dormant for 43 years is welcome from the standpoints of morality, sound policy judgment, and military comomnsense.

Today the United States moved to join the international community in banning the use of lethal gas, incapacitating chemicals, and disease-producing germs in war. This is a great decision for the future of mankind.

In Senate floor action on the omnibus-antichemical biological warfare amendment this summer, I stated that anything so infamous as germ warfare should be deterred ultimately by eliminating germ weapons from the arms arsenals of nations. I urged then that we fight germs with medicine; not with germ weapons. With the President's statement today, this conviction is moved to reality.

In view of the growing concern to control chemical and germ weapons, I wish to share with Members of Congress my views on these weapons as "targets for further disarmament." I ask unanimous consent that the article entitled "Targets for Further Disarmament: CBW" be printed in the RECORD.

There being no objection, the publication was ordered to be printed in the RECORD, as follows:

TARGETS FOR FURTHER DISARMAMENT: CBW

(By Senator CHARLES E. GOODELL)

(Policy Paper published by the Center for International Studies, New York University, Summer 1969.)

"Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world . . . the high Contracting Parties . . . agree to extend their prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration."

GENEVA PROTOCOL,
June 17, 1925.

Since World War II, discussion on disarmament measures and security matters has focused on nuclear weapons. Significant achievements in regulating nuclear weapons while building international confidence have included: the "hot-line" agreement; the Limited Nuclear Test Ban Treaty; the Treaty on Outer Space; the UN Security Council Resolution regarding non-nuclear nations; and the Non-Proliferation Treaty.

Although international attention has concentrated on nuclear armaments, there should be no misunderstanding as to the underlying aim of these arms control talks. The aim has not been merely nuclear regulation. The aim has been toward general disarmament. Evidence of this is seen in Article VI of the Non-Proliferation Treaty providing that each party to the Treaty "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

The plain fact is that regulation of one weapon system is not going to accomplish much in abating the eerie sense of doomsday capability, in stemming the tide carrying us toward world extinction, if on the other hand, nations of the world are engaged in a competitive build-up in another weapon system also potentially capable of world annihilation.

A U.S. policy, then, which charts a course for nuclear arms control agreement must necessarily be weakened when paralleled with an expanding military program of research, development, testing and production of chemical and biological weapons (CBW).

In this light, chemical and biological weapons as well as the consequences of actual or potential use become a necessary subject for present-day disarmament concern. A re-examination of U.S. policy toward these weapons becomes imperative given the tactical use of chemical agents in Vietnam operations.

I. CHEMICAL AND BIOLOGICAL WEAPONS

Rational discussion of chemical and biological weaponry requires some knowledge of its component parts. Traditionally, scientists have claimed that the technical jargon of weaponry "befoozles" the ordinary man. And traditionally, military men have declared that weapons decisions are matters for the weapons expert. Nevertheless, some attempt must be made by the non-expert to know these weapons if we are to respond to CBW with sustained understanding rather than to react sporadically on impulse and ignorance.

Briefly, the CBW system consists of an agent, dissemination device, and method of delivery. Among chemical agents are nerve gases (GB and VX); incapacitating agents (BZ); riot control gases (CN and CS); harassing agents (DM and HD also known as mustard gas); incendiary agents (napalm and WP); and defoliants and herbicides—although chemical in nature, these agents have also been considered related to biological warfare since they are plant killers. Biological agents have been chosen from at least four kinds of microorganisms: bacterial diseases (plague, anthrax, and tularemia); rickettsial diseases (Q fever and Rocky Mountain spotted fever); viral diseases (yellow fever and encephalomyelitis: VEE, EEE); and anticrop fungal diseases (rice blast and potato blight).

Some chemical and biological agents are categorized as "lethal," that is, they are designed for killing man. Lethal chemical agents include nerve gases: GB and VX. Lethal biological agents include the bacterial diseases: plague, anthrax, and tularemia.

Other CBW agents are categorized as "non-lethal," that is, they are designed to control a combat situation—to flush an enemy from hiding or remove his ability or morale to fight. While designed to control rather than to kill, non-lethal agents in concentrated doses can be "lethal" in effect.

Still other CBW agents are designed to attack man indirectly by destroying food sources, crops and livestock.

Dissemination and delivery of agents—be agents solids, liquids, or gases—to targets can be accomplished in a variety of ways. Research has demonstrated that aerosol sprays are especially effective to disseminate germs. Delivery of agents can be by aircraft and even missile warheads.

The fact is that any country possessing chemical factories has some potential for chemical warfare; and biological warfare is within the grasp of any country which can produce vaccines. Another point regarding chemical and biological weapons is that they are comparatively cheap to produce. It is estimated that countries with a viable industrial and scientific infrastructure can acquire significant chemical and biological warfare capability with annual expenditures in the millions rather than billions of dollars.

Beyond CBW production, however, is the problem of accurate delivery of the agent to targeted areas with sufficient destructive capability to warrant its use over another weapon system. This problem has been a significant factor in restraining nations with a chemical and biologoical weapons arsenal from actually using agents extensively in combat.

II. MILITARY AND NON-MILITARY CONSEQUENCES OF CBW

It is acknowledged that possible military consequences of large-scale chemical and biological warfare range unpredictably from minus-zero—the attacker becomes the victim; to zero—a fiasco; to something close to total world destruction. The key word is this assessment is "unpredictably." The fact is that we just do not know what the consequences would be from a strategic attack by chemical or biological weapons. We do know that a country prepared to take the risk of initiating such a CBW attack would have to assume non-retaliation by the country attacked or by its allies. If this assumption proved wrong, the initiator would have to be prepared defensively to meet retaliation, be the counter-attack CBW, nuclear, or whatever in nature. In addition, the country initiating CBW would have to be assured that the attacked population lacked civil defense preparedness. Without these contingencies covered, a country would be foolhardy to initiate a strategic attack with CBW.

Regarding tactical use of chemical agents in combat, we know from World War I accounts that the use of gas—tear gas, chlorine, phosgene and mustard—resulted in over a million casualties. We do not yet know with any degree of certainty what military gains have been achieved by the use of defoliants, herbicides and riot control gases (CN and CS) in Vietnam.

According to a March 1969 statement to Congress by General Hebbeler, Director of Chemical and Biological Research for the Pentagon, defoliants aimed at destroying jungles have proved "useful" in Vietnam as part of the anti-ambush program; and riot control gases have been "valuable" to Vietnam commanders in clearing the enemy from their tunnel hideouts. General Hebbeler also mentioned that herbicides are being used against enemy crops in an anti-food program. He made no comment on military effectiveness, but did say that herbicides are "harmless" to life or to the soil, with "no residual effect" on the soil since they are "effective no longer than one growing season."

In contrast to this military assessment and nonassessment of United States use of chemical agents in Vietnam, are the evaluations and opinions of the nonmilitary experts.

Roger Hilsman, Professor at Columbia, in observing results of defoliation in Vietnam, cast doubt on the effectiveness of the anti-ambush technique. He has observed that it is not so much the leaves and trunks that guerrillas use for cover, but the curves in the road and the hills and valleys.

Ecologists and nutritionists take a grim view of the defoliation and herbicide techniques in Vietnam. A 1968 report on ecological consequences of defoliation by the United States Department of Agriculture concludes that it is impossible to know how far-reaching and how lasting will be the changes in ecology brought by the wide-spread chemical spraying in Vietnam, but the report warns that forest recovery may take at least 20 years. Others contend that there may be serious damage to soil and agriculture. Nutritionists including Dr. Jean Mayer, Professor of Nutrition at Harvard, say that the victims of food shortages in war are children, women and the elderly. In assessing the anti-crop techniques in Vietnam, the point made by Dr. Mayer is that only the innocent bystanders can be hurt.

III. MOMENTUM FOR CBW DISARMAMENT TALK

In addition to these negative-effect assessments of chemical warfare in Vietnam, there are the political repercussions. The question is: Have possible military gains outweighed the adverse consequences of United States initiated chemical warfare in Vietnam? In my view, the answer is that they have not.

Political repercussions to United States use of chemical warfare in Vietnam have been both international and national.

Internationally, the United States has provoked mistrust and evoked criticism. Countries of the world have spoken out against United States use of chemical warfare in Vietnam, declaring that it is immoral, inhuman, in violation of the provisions of the Geneva Protocol of 1925, and contrary to customary international practice which has developed as a result of the Protocol.

Within the United States, there has been an erosion of confidence from people-to-goverment and within government, from legislative branch-to-executive branch. The American people have protested against the secrecy of United States chemical operations in Vietnam. They have resented the fact that while the United States defoliation program began in 1961 and while appropriations for the Pentagon's chemical and biological program tripled in 1963 to approximately $300 million, it was not until 1965 that official comment was publicized on United States use of gas in Vietnam operations and its legality.

It was then that Secretary of State Rusk declared that the United States is not engaged in using the kind of chemical agents prohibited by the Geneva Protocol of 1925. The State Department made a distinction between "lethal" and "non-lethal" agents. With this distinction made, the State Department concluded that the Geneva Protocol of 1925 prohibits only lethal agents; hence, the use of non-lethal riot control, defoliant and herbicide gases is not within its prohibition.

Besides the time lag between United States use of gas in Vietnam and official acknowledgement, the public is loath to accept the State Department's interpretation of legality-in-use of non-lethal agents. There is also a growing skepticism as to Presidential-Security Advisor-Pentagon-State collusion: that the Pentagon sets combat requirements, "oversells" them to the President and his Security Advisors and then the State Department proceeds in a game of legal leapfrog to justify such requirements.

Nor has Congress escaped public criticism over United States build-up in its chemical and biological arsenal. It is true that Congress can check the growth of defense programs through authorizations and appropriations. It is equally true, however, that Pentagon proposals protected by the shield of classified information—available to Congress, but not for public disclosure—have in effect bulldozed democratic control of defense program expenditures. The Pentagon's presentation of defense programs follows a familiar pattern. Porgrams are presented as "an urgent requirement to national security" and "vitally neecssary to the defense of the country"; programs are justified in terms of perceived international threats, that is, "as long as other nations maintain such programs, we must maintain our defensive and retaliatory capability."

This state of governmental affairs—military command over Congressional control—is becoming increasingly subject to Congressional attack. There is mounting feeling in the Senate that Pentagon programs are oversold and underprotested. No longer can the Pentagon expect an automatic acceptance-response to its requested program. And the Pentagon can expect the question: do we really need this CBW program?

Among other things, the effects of the above-mentioned international and national repercussions will activate debate on United States policy on biological and chemical warfare and its divergence from the spirit of the Geneva Protocol of 1925 outlawing the use of chemical and biological warfare.

IV. U.S. POLICY ON CBW: A REVIEW

By the outbreak of World War II, 42 nations had ratified the Geneva Protocol of 1925. Of these, 19, including France, Great Britain and the Soviet Union, reserved the right to use CBW against a non-signatory and a signatory enemy which used them first.

The United States signed the Protocol and the Senate Foreign Relations Committee reported it out favorably on June 26, 1926. The Senate, however, did not ratify the Protocol and on December 13, 1926 referred it back to Committee, where it remained dormant. In 1947, President Truman withdrew the Protocol from further consideration by the Senate.

Looking back at Senate floor debate on the Protocol, we find the following statement by Senator Wadsworth (R., N.Y.) which might well summarize the general thought of those then opposing ratification. As reported in the *Congressional Record* of December 9, 1926, Senator Wadsworth stated:

"I realize perfectly well that the United States . . . has established a precedent in this matter of attempting to prevent by treaty stipulation chemical warfare. . . . It is true that in 1922, as a result of the deliberations of the Washington conference, the Senate did ratify such a treaty (which did not become effective since France failed to ratify). I opposed the treaty at the time in open session, pointing out what I believed to be its essential fallacies, and it is for very similar reasons that I am opposing this treaty. . . .

"I think it fair to say that in 1922 there was much of hysteria and much of misinformation concerning chemical warfare. I was not at all surprised at the time that the public very generally—not only in this country but in many other countries—believed that something should be done to prohibit the use of gas in warfare. . . . Today we have much more information. . . .

"It may not be a pleasant thought, Mr. President, but I cannot get it out of my mind that we shall never be able to prevent in war the use of a weapon which is militarily effective. When a nation is fighting for its life, like an individual, it will seize any weapon which will save its life. . . . I contend that you cannot prevent it."

To most of the Senators then, a perceived threat was that gas would probably be used in future conflicts and the United States would have to be prepared to use it in retaliation.

This "military preparedness" theme runs throughout the evolution of United States policy on CBW and has over the years been used to justify a Defense program for research, development, testing and production of chemical and biological weaponry.

The CBW program has consistently been urged by the Army Chemical Corps with varying degrees of support from Secretaries of Defense. Over the year, added support has come from scientists and engineers. In a February 1967 survey of 1,800 scientists and engineers, 89 percent favored continuation of the CBW development program.

Regarding United States policy on *use* of chemical and biological agents in combat, there has evolved what might be called a CBW policy of alternative choice.

The policy of no-first-use was set by President Roosevelt in 1943 and re-affirmed by President Eisenhower in 1960.

Much has been said, however, of the changes in provisions found in the Army Field Manuals of 1954 and 1956. The 1954 edition, indicating the non-first-use policy, stated:

"Gas warfare and bacteriological warfare are employed by the US against enemy personnel only in retaliation for their use by the enemy."

The 1956 edition, however, deleted this provision and implied a freedom-of-use policy in a new provision which stated:

"The United States is not a party to any treaty, now in force, that prohibits or restricts the use of warfare in toxic or non-toxic gases, or smoke or incendiary materials or of bacteriological warfare."

Whether the United States would or would not use chemical and biological agents in combat remained in effect a subject of Presidential discretion. There would be a variety of options open: (1) no-first-use of asphyxiating poisonous or other gases and bacteriological methods as suggested by the

Geneva Protocol; (2) use of toxic gases, non-toxic gases, incendiary materials, bacteriological—all or some or perhaps even a mixture of the toxic and non-toxic gases—as suggested by the Army in view of the no-treaty-restrictions interpretation. A president's choice would also be between first-strike and a retaliatory second-strike.

Presidents Kennedy and Johnson chose the option of first-strike with nontoxic gases for Vietnam operations.

Legality of use was explained to the nation by the State Department in 1965 and to the nations of the world by Ambassador Nabrit before the United Nations General Assembly in 1966. He stated:

"The Geneva Protocol of 1925 prohibits the use in war of asphyxiating and poisonous gas and other similar gases and liquids with equally deadly effects. It was framed to meet the horrors of poison-gas warfare in the first World War and was intended to reduce suffering by prohibiting the use of poisonous gases such as mustard gas and phosgene. It does not apply to all gases. It would be unreasonable to contend that any rule of international law prohibits the use in combat against an enemy, for humanitarian reasons, of agents that governments around the world commonly use to control riots by their own people. Similarly, the Protocol does not apply to herbicides, which involve the same chemicals and have the same effects as those used domestically in the United States, the Soviet Union and many other countries to control weeds and unwanted vegetation."

This is the present United States position on the use of CBW in combat. Interestingly enough, however, Ambassador Nabrit voted for the UN General Assembly Resolution of December 5, 1966 which called for strict observance of the "principles and objectives" of the Geneva Protocol and which urged all non-signatories to accede to the Protocol. In voting for the Resolution, nevertheless, the United States Representative again retreated by qualifying that although the United States supported the Protocol's "principles and objectives," it was for each State to decide whether to adhere to the Protocol "in the light of constitutional and other considerations." To date the United States has not acceded to the Protocol.

V. UNITED POLICY ON CBW: AN APPRAISAL

In examining United States rejection of the Geneva Protocol, let us consider whether the points raised against its acceptance withstand argument.

Let us assume that the Senate had ratified the Geneva Protocol in 1925. Would this have prohibited second-strike capability? The fact is that it would not. There is nothing in the Protocol which impairs the right of self-defense. Indeed, that right is inherent in every nation and is implicit in international agreements. Although express recognition of the principle seems unnecessary, 19 ratifying nations declared the right to use CBW against non-signatories and an enemy which used them first. There can be no question in view of accepted international practice or declared right that violation of the Protocol through resort to CBW by one party would automatically release the other parties from their obligations to the Protocol-breaking State.

Moreover, would the Protocol have prevented the United States from building up its chemical and biological weapons arsenal? The fact is that it would not. The Protocol does not call for a limitation or reduction of CBW. What it calls for is a prohibition of use of CBW in war. Indeed, it was acknowledged in the 1920's that qualitative and quantitative disarmament in CBW was difficult, if not impossible to enforce. United States delegates to the Geneva conference of 1925 suggested the control of CBW by prohibiting international trade in poisonous gases designed for use in war. The suggestion was dropped when confronted with the fact that it would be impossible to establish a qualitative distinction between chemicals for war and those for industrial and pharmaceutical purposes.

Whether United States ratification of the Protocol would have prevented the development of a CBW policy of alternatives choice allowing for the use of non-lethal chemical warfare is difficult to say. Perhaps it would not. Ratification of the Protocol by Italy and Egypt did not prevent them from using gas in war.

The United States, then, had nothing to lose militarily in ratifying the Protocol. But what could be gained in political terms and in humane term was lost.

The United States could have agreed with other signatories that CBW—even if not all agents, then at least lethal agents—would not be used in future wars. Such agreement would mean restraint or escalated use of chemical and biological weaponry. Such agreement would have built yet another barrier to the leap forward among nations in the direction of catastrophic world destruction.

The United States could have contributed to a reduction of the dangers confronting our own people and all mankind. Dangers of CBW range from accidental injury and death due to CBW laboratory and field testing to the risks involved in obsolete agent disposal; to calculated casualty and death from use of CBW in war. Also included is the danger of miscalculated destruction conceivable in a CBW first-strike and retaliatory second-strike exchange. It is conceivable in terms of a "surprise" CBW attack by x country on y, that y, unable to identify the attacking country, could counter-attack z through miscalculation.

We know that war is one of the oldest institutions known to mankind. Throughout centuries, abhorrence of arms has not averted the use of arms. War continues to be an inefficient way to settle disputes, but still it continues. Enemies continue to become friends, and friends then enemies. So too, does the cycle repeat itself where the victor pays for destruction of his enemy; then for reconstruction of his friend. Meanwhile, armaments have reached a point of destruction capability unheard-of in human history.

What we have failed to grasp is that war of the past and war of the present, however cruel, destructive and inefficient, can be viewed and must be viewed as significantly different from war in the future. It is this fundamental difference, however, with which we seem unable to come to grips. Yet if we fail to do so, it is at the peril of world survival.

But the United States has chosen to forfeit the political gains and the gains for humanity which ratification of the Geneva Protocol offers. Along with this, we have failed to take steps to ensure against a future chemical and biological war.

Indeed, the United States has taken a major step to weaken the prohibition of chemical and biological warfare by means of the State Department's interpretation of 1965. The Protocol prohibits the use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices." In my judgment this would include non-lethal gases. The State Department in making its case for use of non-lethal gas in Vietnam, however, has preferred the French translation of the provision: "gaz asphyxiants, toxiques *ou similaires*, ainsi que de tous liquides, matieres ou procedes analogues."

Still the question remains: is our CBW policy of use of non-lethal chemical agents in war in the best interest of the country? In my judgment it is not. At best, it has contributed marginal short-term advantage in war. At worst—in view of the fact that in war, targets may be singled out for multiple attacks over time; hence, creating the possibility that non-lethal gas in multiple doses may become lethal in effect—the use of non-lethal gas is just a dose or two away from the use of lethal gas.

Meanwhile, present CBW policy and weapon development programs merely create a wedge between our often stated general disarmament aim and an action program to achieve it. What is so disturbing about this wedge is not so much its present size, but its driving force which could in effect split meaningful action from general disarmament. This driving force is the competitive race among nations to build up a viable CBW arsenal. We have already witnessed CBW escalation since World War I.

There has been escalation in the potency of CBW agents. In gases: chlorine replaced tear gas, phosgene replaced chlorine and the arsenal expanded with the addition of mustard gas and the nerve gases, GB and VX. Then microbiological replaced biologicals. It was in the mid-1950's that military scientists determined that germ particles ranging in size from 1 to 5 microns could evade natural body defenses and hence, be more effective in germ warfare.

There has been escalation in delivery systems. Chemical warheads for the Sergeant brought CBW to the missile age; and now there are biological warheads for the Sergeant. We have come some way since 1944 and the Army's ill-fated scheme to use bats to deliver incendiary bombs.

There has been escalation in target potential and in the number of countries resorting to chemical agents in combat. The size of the budget for CBW program development has also been built up. In the last ten years, our expenditures for a CBW program have increased seven-fold to over $350 million estimated for fiscal year 1970.

This momentum has merely taken us up the steps of the "balance of terror" ladder bringing us yet another weapon system with potential capability for world destruction.

From this vantage point, then, is general disarmament made meaningless and an action program toward this end unrealistic? Are we fated for development and use of CBW in war as predicted in 1926? Such an inference could be made and appear sound. In my view, however, such an inference is not only a conception with dire consequences but a dangerous delusion. I am reminded here of the warning given us by the philosophers. It was Karl Jaspers who wrote in *The Origin and Goal of History:*

"Anyone who regards an impending war as certain is helping in its occurrence, precisely through his certainty. Anyone who regards peace as certain grows carefree and unintentionally impels us into war. Only he who sees the peril, and does not for one instant forget it, is able to behave in a rational fashion and to do what is possible to exorcise it."

The peril of further escalation in development and use of chemical and biological weaponry in combat is the progression to possible world destruction. The point to be realized is that general disarmament is not a nicety, or luxury, but a necessity. Its best argument is humanity and its survival.

In 1966 and 1968, the United States reaffirmed its acceptance of the "principles and objectives" of the Geneva Protocol. To date, this acceptance has been mere rhetoric.

If United States support of the Protocol is more than rhetoric and if our aim for general disarmament is not to be withered in weaponry, the following series of steps must be taken:

1. Immediate action by the President to present the Geneva Protocol to the Senate for "advice and consent" on ratification.

2. Pursue negotiations in the Eighteen-Nation Committee on Disarmament (ENDC) outlawing the use of microbiological methods in war. The British draft of August 1968 prohibiting "the use of microbiological methods of warfare of any kind and in any circumstances" should be supported.

3. Abandon the use of defoliants and herbicides in Vietnam. The possible negative side-effects of their use both in anti-ambush programs and anti-crop programs not only justify this step, but require it in view of post-war Vietnam economic recovery and reconstruction needs.

4. Initiate talks, both bilaterally and multilaterally, with the aim of achieving a microbiological test ban treaty. The necessary tools are already being developed for policing such a ban. Alarm systems include: (1) monitoring of air at CBW testing fields on the assumption that if biological testing has occurred the air will be marked with a sharp increase in number of 1- to 5-micron sized particles; (2) collecting and staining particles from the air to distinguish living from non-living material.

5. Ban unilaterally chemical and biological weapons testing at all testing stations until and unless the study being prepared by the Office of Science and Technology in connection with the UN study of the effects of CBW can report no harmful effect to environment and no hazard to population within a range of 400 miles of the testing station.

We have made attempts to face nuclear regulation. We now need to negotiate controls on CBW. It must be recognized, however, that arms control agreements are doomed to failure if they are not coordinated and incorporated in an acceptable scheme of security among nations.

Security of this nation, both at home and among nations, is and must continue to be our first and foremost priority in decision-making. It will not be achieved by the military scientists. It will not be achieved in stages of false security derived from an ABM system. If we fail to regulate CBW now, security will not be gained by defense requests for an antimicrobiological monitoring system.

The insatiable race for over-kill, with its risk of war and its inherent threat of world destruction, has reached the point of diminishing returns.

Time still remains to take the risks of peace; in economic competition, in social development, in binding arms control agreements and in international cooperation. Time still remains to pool the tremendous resources of scientific talent, both at home and throughout the world, to convert knowledge-to-kill to knowledge-to-preserve; to redirect creativity from war-like purposes to peaceful purposes; and to free the energies of man from a threatened world to a more liveable world.

We can and must use this time now to see if these peaceful avenues to security and survival will not be more successful than the other.

MERCHANT MARINE LEGISLATION: WHERE IS IT?

Mr. TYDINGS. Mr. President, the shocking decline in our merchant marine is widely known and well documented. Nearly everyone concerned with maritime matters, in the industry and in government, is familiar with the dismal statistics.

Three-fourths of the U.S.-flag fleet is over 20 years of age. Our merchant fleet carries less than 7 percent of American cargo. U.S. shipyards are simply not turning out the 30 new ships per year we require. Our fleet is faced with block obsolescence, for by 1982 our merchant marine will number only 202 ships, assuming no new construction after 1970, instead of the present 650 vessels.

Without doubt, the disintegration of a strong merchant marine threatens the economic prosperity and national security of the United States.

The administration, to its credit, has recognized the importance of restoring our merchant fleet to its once preeminent position. We in Congress have heard time and time again that major maritime legislation will be sent up for our review and approval. Yet for 9 months we heard only promises, and then, in late October, when a maritime message at long last appeared, no legislative proposal was in tow.

A Presidential message is not a piece of legislation. It is interesting and important, and this one was both, but it is not a specific bill upon which the Merchant Marine Subcommittee can act. Unfortunately, the public tends to equate a Presidential message with legislation. And usually, such a message is accompanied by a bill.

But this did not occur when the Congress received the maritime message on October 23. That was a month ago, and we still have no legislation. The long-awaited maritime legislation has still not arrived.

I point this out to Senators and urge the administration to send us the proposed legislation now. Further delay will mean an increased time lag before the ships we desperately require are ready to go.

I realize the complexity of the problem and recognize the difficulty in preparing specific legislation, but the fact of the matter is that if it cannot be done in a year, it probably cannot be done at all.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I have a bit of morning business.

TAX REFORM ACT OF 1969

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does that end the morning hour officially?

The PRESIDING OFFICER. Morning business is concluded.

The question is on agreeing to the amendment of the Senator from Virginia.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I have a piece of morning hour business that will take approximately 5 minutes. I hope that I may be accommodated.

Mr. BYRD of West Virginia. I yield to the Senator at this time.

Mr. JAVITS. I am not quite ready at this time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S NEW PEACE INITIATIVES

Mr. GRIFFIN. Mr. President, at the White House this morning, President Nixon demonstrated once again his unceasing search for peace.

In a statement of far-reaching importance, the President made it clear that the United States has renounced the use of lethal biological weapons and all other methods of biological warfare.

He also said that the United States will confine its biological research in the future to defensive measures, such as immunization and safety measures, and that recommendations will be considered concerning the disposal of existing stocks of bacteriological weapons.

In addition, the President reaffirmed the oft-repeated renunciation by the United States of the first use of chemical weapons, and he announced that the United States is extending this renunciation to the first use of incapacitating chemicals.

In keeping with this purpose, the President said he will submit to the Senate for its advice and consent the Geneva Protocol of 1925.

I applaud and welcome the President's announcement this morning as still a further initiative by this administration in the direction of peace and better understanding in the world.

I ask unanimous consent that the statement of the President be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT, NOVEMBER 25, 1969

Soon after taking office I directed a comprehensive study of our chemical and biological defense policies and programs. There had been no such review in over fifteen years. As a result, objectives and policies in this field were unclear and programs lacked definition and direction.

Under the auspices of the National Security Council, the Department of State and Defense, the Arms Control and Disarmament Agency, the Office of Science and Technology, the Intelligence Community and other agencies worked closely together on this study for over six months. These government efforts were aided by contributions from the scientific community through the President's Scientific Advisory Committee.

This study has now been completed and its findings carefully considered by the National Security Council. I am not reporting the decisions taken on the basis of this review.

CHEMICAL WARFARE PROGRAM

As to our chemical warfare program, the United States:

Reaffirms its oft-repeated renunciation of th first use of lethal chemical weapons.

Extends this renunciation to the first use of incapacitating chemicals.

Consonant with these decisions, the Administration will submit to the Senate, for its advice and consent to ratification. The Geneva Protocol of 1925 which prohibits the first use in war of "asphyxiating, poisonous or other Gases and of Bacteriological Methods of Warfare." The United States has long supported the principles and objectives of this Protocol. We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons.

BIOLOGICAL RESEARCH PROGRAM

Biological weapons have massive, unpredictable and potentially uncontrollable consequences. They may produce global epidemics and impair the health of future generations. I have therefore decided that:

The U.S. shall renounce the use of lethal biological agents and weapons, and all other methods of biological warfare.

The U.S. will confine its biological research to defensive measures such as immunization and safety measures.

The DOD has been asked to make recommendations as to the disposal of existing stocks of bacteriological weapons.

In the spirit of these decisions, the United States associates itself with the principles and objectives of the United Kingdom Draft Convention which would ban the use of Biological methods of warfare. We will seek, however, to clarify specific provisions of the draft to assure that necessary safeguards are included.

Neither our association with the Convention nor the limiting of our program to research will leave us vulnerable to surprise by an enemy who does not observe these rational restraints. Our intelligence community will continue to watch carefully the nature and extent of the biological programs of others.

These important decisions, which have been announced today, have been taken as an initiative toward peace. Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples we set today, we hope to contribute to an atmosphere of peace and understanding between nations and among men.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SPEECHES OF VICE PRESIDENT AGNEW

Mr. JAVITS. Mr. President, the speeches which have been made recently by Vice President Agnew have aroused considerable interest.

Last night I did a videotape interview on the David Frost television show for broadcast next week on WNEW-TV in New York and other stations. In response to questions of Mr. Frost, I set forth my view of the controversy which has arisen concerning the recent speeches of the Vice President. I feel it is only fair to say on the Senate floor what I said on television, and I ask unanimous consent that the portion of the transcript dealing with the Vice President be inserted into the Record.

There being no objection, the transcription was ordered to be printed in the Record, as follows:

Transcript of Senator Javits' Remarks Regarding Vice President Agnew on Videotaping of the David Frost Show, Monday, November 24, 1969

Frost. Those are three things that you'd like the President to do. How about the Vice President? Does he . . .

Javits. I'd like the Vice President to take President Nixon's advice that we speak in quiet voices and so forth (applause).

I think he—you know, we've had attacks on the press and in other days, even in Harry Truman's day, and he attacked the press. There was no—there were—the media weren't all that vital, that is, the radio and television. Now, the Vice President has kind of swept them all off together and attacked them all, and he's also, I think, I don't think he's helped the situation very much by trying to lump those who dissent from the Administration's view on the Vietnam as somewhat less patriotic, in terms of the ultimate interests of . . . (applause).

Now, you could say, well, all these are political techniques. Politicians have used them before. They tend to be diversionary. That is, you know, if you can't solve a problem, you raise the devil with the people who are criticizing you about it. So, this is very understandable. The difficulty, I think, comes in the timing which is now, when the debate on Vietnam is hot and which originated from the fact that the—that the Vice President complained that the President's speech of November 3 on Vietnam was criticized. Well, what are the media for, if not for that? And, the overtone, that somehow or other there might be some sanction, to wit, every radio and television station is licensed, and maybe that's going to count when it comes time for renewal. This is very disconcerting. But I would discount it all, on the grounds that it's an old political technique. You attack somebody. The press is most convenient, and it takes people's minds off the policy. You know—is our policy in Vietnam succeeding? Is our policy against inflation succeeding and so on?

What bothers me about this is the uncertainty as to the extent of the President's backing for it. This is left completely up in the air. Who's doing this? Is this the Vice President? Or is this the Administraton's policy? Now, I am willing to say that the President didn't know anything about what Agnew was going to say. But he knows now, and he can stop him any morning at 9:00, and I think we're entitled to know what the President thinks about this and what is the Administration's policy (applause).

Frost. Do you—do you know what the President thinks?

Javits. I wish I did. You hear all kinds of rumors and discussions about who wrote the speeches and about the calls that went out from the White House, but I've been asked this too long—and I think all of us are too sophisticated—to assume that's the evidence. But I think the time is fast approaching, if this thing burgeons and the Vice President keeps it up, when the country will have a right to know. If this is the Administration's policy, then it's a very frontal struggle in respect of the—the first Amendment, the freedom to express yourself. But if it's just the Vice President's way of breaking into the headlines—well, perhaps it isn't all that ponderous and serious.

Frost. If you were the President and it didn't have your support, what would you do?

Javits. I'd stop it because I think that the—I think it tends to be divisive and to polarize the country at a very critical time. And I think that the President has counseled us all to speak with a quieter voice. And I think the first person you would naturally expect to listen to him would be the Vice President (applause).

Mr. JAVITS. Mr. President, I have some grave disquiet about this matter, and I expressed it. I had no desire or intention to make any set speech about it at this time, because I have been waiting to hear something authoritative from the President of the United States.

The Vice President, of course, is entitled to speak out on any issue he likes—in fact, his views are most eagerly sought as are the views of any high administration official. However, in all of the sound and the fury of recent days over the right of dissent and the exercise of freedom of the press, radio, and television—the sound and fury that have been touched off by the Vice President's words—one very important question still has not been answered. And in terms of administration policy on such vital and sensitive issues, it is the President that counts decisively. But we have not yet heard from the President on any of these statements of the Vice President—are they his or is he speaking for the administration?

There are many Americans, including myself, who think it most appropriate that now that we have heard from the Vice President, from the Postmaster General, from the President's Director of Communications, and from the Attorney General, on the questions of dissent and of the press and media—that we now hear from the President. That will then determine whether there is really a grave issue or whether it is a Vice President being colorful. I have felt, and I think many of us have a right to feel, that it is one thing to be a colorful Vice President. It is another thing to speak the policy of the administration. We have now heard from the Vice President in what he himself admits is a rather abrasive way.

Mr. President, this week's Life magazine carries a guest column by Vice President Agnew entitled: "Spiro Agnew Says: 'I Did It On My Own.' " The Vice President writes in the first person and declares again and again that it was his personal reaction to certain events which precipitated his recent speeches concerning the mass media, demonstrators, and related subjects. I ask unanimous consent that the Vice President's column be inserted into the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. The time has now come, it seems to me, to find out whether this is or is not administration policy that the Vice President is speaking.

It is the uncertainty as at the position of the President which has stirred such deep uneasiness. If, in fact, it is the enormous power and prestige of the office of the President of the United States that stands behind the Vice President's recent speeches—speeches that tend to intimidate those who evoke the traditions and rights guaranteed by the Bill of Rights—then we are in for a grave crisis.

I am troubled, first, by the timing of the Vice President's several statements, the reasons for that timing, the implied threat to freedom of speech which is involved, the diversionary nature of the Vice President's speeches and whether they tend to inhibit future criticism, by the press or media, of the administration's Vietnam or other policies.

Second, I am troubled by the attitude of the administration. Rumor and circumstantial evidence allege that the Vice President is uttering administration policy. We know the President could end it. The President himself has urged that we "lower our voices." And we have a right to know whether it is the Vice President or the administration speaking now.

Frankly, attacks on the press and media have not been unusual in our history. Jack Kennedy barred copies of the New York Herald Tribune from the White House, Harry Truman called the press very harsh names, and F.D.R. said the newspapers were against him, and so forth.

The issues of concentration of ownership in the media, and the editorial objectivity of the media, are, of course, "hardy perennials." The questions of both "equal time" and of the application of the antitrust laws have been the subject of Federal Government inquiry and, on occasion, of litigation, for over a generation. But after the media had some critical words to say about the President's November 3 Vietnam speech, the Vice President's attack on the media inevitably has the implication of some threat to muzzle the press and to refuse licenses to TV or radio critics. In such cases, a disclaimer by the Vice President of any desire for "Government control" is standard operating procedure and reassures no one.

Such implications are particularly distressing at this time because the entire matter can become an unfortunate diversion taking the emphasis off intelligent discussion of the most fundamental issues facing our Nation—Vietnam and inflation. The conversion of that kind of intelligent discussion into a divisive and embittered conflict over personalities and media will inevitably hamper rather than foster a proper sharing of responsibility between the Executive and the Congress and a proper understanding by the public.

I am also concerned that the timing of the Vice President's recent speeches may engender a fear as to whether this administration recognizes the dangers inherent in such an attack upon the media and press and upon those who honestly disagree with administration policy on such major matters as the administration's handling of Vietnam and inflation.

This, I think, is the most important question of all, because I think that to polarize the country any further in some divisive and embittered conflict over personalities and media will inevitably tend to hamper rather than foster a proper sharing of responsibility between the Executive and the Congress and a proper understanding by the public.

The great strength of our society can be found in the fact that we can dissent without dissent being considered unpatriotic, or that it is patriotic only to assent. It is just as patriotic to advise our country against a course which is not in its best interest. The deep and sincere views of men and women—just as patriotic as the Vice President—can be expressed, and it is just as patriotic as it is to close ranks behind a decision that the President made. We do not want that done blindly, but we do not want any sanctions for it either.

It is in that sense I speak today. I also express the hope that the Vice President will not be taken in by what may be a superficial reaction of the polls. This country is fundamentally dedicated to civil liberties and the right to speak out. I believe the polls could be turned around sharply if people thought that the Vice President's words posed an implied threat to freedom to dissent.

Beside that question, which is fundamental, the other question is: Whose policy is this? Is it the policy of the administration or a colorful Vice President? I think that needs to be announced at the earliest possible time and I hope very much that it will be.

EXHIBIT 1

SPIRO AGNEW SAYS: "I DID IT ON MY OWN"

The most often asked question of the past weeks has been, "What set the Vice President off?" The most frequently suggested answer is, "The President."

That is the easy answer. It certainly would be an obvious explanation in keeping with the traditional job description. But it is not the answer, and this in itself is characteristic of an Administration which does not value answers because they are easy or obvious.

The reason I spoke out was because, like the great silent majority, I had had enough. I had endured the didactic inadequacies of the garrulous in silence, hoping for the best but witnessing the worst for many months. And because I am an elected official, I felt I owed it to those I serve to speak the truth.

One of the great dangers of the media is the constant temptation of elected officials to use them to their pollitcal advantage. It does not take great perception to know that if an elected official advocates certain policies and eschews others, he will not only get news space but editorial plaudits as well. If all an elected official wants is a good press, he has only to recite certain accepted precepts . . . and most of the media will respond with a conditioned accolade to the ringing phrase. Couching it in negative terms, if an elected official wants to avoid a bad press, all he has to do is fuzz the controversial issues or carefully work his way around them.

But what kind of leader is this? More importantly, what kind of human being is this? Someone who values expediency at best and would not be above deceit at worst. I am not speaking now of men who sincerely go down the line with the media majority on all issues, but rather of those who use their ready knowledge of what news and editorial writers like—and many do—to advance their own political careers.

Thus, it was not that I suddenly launched a spiritual crusade nor that I was handed the White House standard, but that I was speaking my thoughts and that those thoughts abraded some revered dogmas of the Fourth Estate.

I did not make my speech at New Orleans to accommodate the President or even the American people. I made it to fulfill my own conviction that a political leader should lead, should point out problems where problems exist and dangers where dangers exist.

I made the speech because I believe—and believe deeply—that, while the right of lawful dissent is sacred, the purposes behind any civil dissent are subject to question. Moreover, perpetual street and campus demonstrating can erode the fabric of American democracy.

This is not a new idea with me but one I have articulated throughout my political career. My first experience with public protest came when I was the county executive of Baltimore County, Md. There I saw lawful demonstration deteriorate to unlawful civil disobedience.

As governor of Maryland, I saw civil disobedience flame into full-scale insurrection.

Dissent is one of the most popular, yet one of the most widely misunderstood, subjects of the day. Too often the very subtle lines which separate violence, nonviolent civil disobedience, dramatic demonstration and conventional dissent are blurred. There are important distinctions to be registered which cleanly separate these categories.

While most thoughtful individuals condemn violence, many find it easy to justify nonviolent civil disobedience where the cause is to redress a just grievance. Even here, there are important distinctions to be drawn. The nonviolent breaking of a discriminatory law enforcing segregation in a restaurant, later declared unconstitutional, has a retrospective justification. But the nonviolent breaking of a law unrelated to discrimination for which redress is sought, such as lying in the street to block traffic as a protest against the denial of equal employment opportunity, cannot be condoned. The rights of others not involved in the dispute to their freedom of locomotion are thereby disrupted.

The most earnest advocate of nonviolent civil disobedience would have little sympathy for an activity which affected his right to gainful endeavor. I doubt whether the network commentator who feels sympathy for nonviolent demonstration would respond favorably should several militants anchor themselves in front of his cameras and refuse to be moved so that the show could go on.

Coming next to the distinction between lawful demonstration and what used to be conventional dissent, the following points are in order. Peaceful picketing and other dramatic group activities which interfere with no law nor any individual's rights are clearly protected by the Constitution. But this does not necessarily mean that such emotion-provoking tactics are justified to marshal opinion for every dispute. Before the media granted valuable advertisement to the antic arts, people were more inclined to debate their points of disagreement than make spectacles of themselves. Persuasive dialogues, suitably publicized, not only preserve the right of dissent, but offer constructive alternatives so that the parties are allowed to move toward eventual accommodation of each other. Solution of this type is impossible in demonstrations because the communication sought is not with the party triggering the complaint, but with the noninvolved whom the demonstrators hope to enlist in their support.

Now I understand very well that many thoughtful people believe that the knottier social problems of our time could never have been solved without dramatic demonstration to trigger the public conscience. I cannot agree with this concept because the entire history of social and economic change in this country is evidence of a steady improvement since the turn of the century. It is true that the rate of progress has increased in recent years; but, even conceding that demonstration has been somewhat of a factor, frightening forces have been set in motion as the public has become conditioned to precipitate action rather than quiet discussion. The announced decision of the more extreme antiwar groups to continue and to escalate their disruptive activities proves this.

Is it not time to turn the energy and purpose of the American people toward the construction of solutions to the difficult problems rather than protest against their existence?

Consider the idea of protest purely, removing it from any issue, and still it raises a multitude of questions.

Protest is generally negative in content. It is against some person or thing. It does not offer constructive alternatives and it is not conducive to creating the thoughtful atmosphere where positive answers may be formulated.

Over the last few years we have seen protest become a way of life. In fact, protest has become a policy and program unto itself. This is negativism at its quintessence.

Still, the greatest problem with protest is its open invitation to exploitation. We are fortunate when it is only being used by fledgling politicians to further their careers. We are foolish not to recognize that it can be used by far more malevolent men to foster far more nefarious goals. I need only rest my case upon the short and turbulent life of the Weimar Republic to prove this point.

Moving to the particular type of protest I attacked, the Vietnam Moratorium, it is not only negative in content but brutally counterproductive. It encourages the North Vietnamese government to escalate the fighting and fortifies their recalcitrance at the bargaining table in Paris. It undermines the policies of the President of the United States—the only man who has both the power and the responsibility to make peace.

All of these factors prompted me to speak, and I might add that the response from across the country has been both extensive and gratifying. However, had the only reaction been critical, I would still not regret my words. I spoke because I believe that a leader must lead, and I believe that an elected official must speak honestly to his constituents. Prior to every election, I have divulged my personal holdings for public scrutiny. It would be unthinkable to conceal my convictions.

Finally, I believe that the people of the United States would like to know their Vice President for what he really is and what he really thinks. The game of "ridicule the Vice Presidency," played so enthusiastically over the years, is wearing thin on the people of our country. They know that Vice Presidents are people, not cartoon characters.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is is so ordered.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that beginning at 2 p.m. today the time on the pending amendment offered by the able senior Senator from Virginia (Mr. BYRD) be limited to 1 hour, the time to be equally divided between the mover of the amendment (Mr. BYRD) and the able chairman of the Committee on Finance (Mr. LONG), with the understanding that the vote not occur after 3 p.m. today.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, and I do not expect to object, this is a vitally important bill, the tax reform and tax relief legislation. The Committee on Finance deliberated at great length on this matter, and at the end of 2 months brought in the pending proposal.

I cooperated fully with the committee and the chairman to the end that this bill could be reported by October 31 and brought to the Senate at the earliest possible time. I personally want to see it enacted by the Senate at the earliest possible time.

I have some hesitancy in agreeing to time limitations on amendments because this bill and each part of the bill affects so many citizens all over our Nation. However, since the lime limitation applies only to the amendment which I have offered, and since it is not a matter that needs great debate, because all Senators are familiar with what it would do, I will raise no objection to this time limitation on this amendment. But I wish to state as a matter of policy I am not certain that objection should not be raised in the future to time limitations on vitally important amendments.

Mr. BYRD of West Virginia. Mr. President, I amend my request to provide that time in opposition to the amendment be under the control of the able senior Senator from Delaware (Mr. WILLIAMS).

The PRESIDING OFFICER. Did the Senator state the vote would not occur before 3 p.m. today?

Mr. BYRD of West Virginia. Not after 3 p.m. today. It could occur before 3 p.m. if time were yielded back.

Mr. GORE. Mr. President, reserving the right to object—and I shall not do so—I am intervening for the purpose of making a brief statement.

The amendment which I propose to offer to raise the personal exemption from $600 to $1,000 as a substitute to the various rate changes in the bill, is now being drafted by the legislative drafting service. It is necessary to draft it with great care and the draftsmanship could not begin until it was known whether or not the distinguished chairman would be given consent to introduce the committee bill as original text.

The drafting will be completed this afternoon. I shall submit the amendment.

The distinguished Senator from Indiana (Mr. HARTKE) has just indicated a willingness to cosponsor the amendment. I have not sought cosponsors. However, I ask unanimous consent that any Senator who wishes so to do will have until midnight today to add his name as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, further reserving the right to object, it will be my purpose to submit to the Senate my arguments, my justification for the amendment, tomorrow, which may consume most of the day. I will be prepared to vote on the amendment, with the agreement of the leadership, any time next week.

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I call attention to the fact that Senators may proceed at any time to speak on this amendment, for it or against it, and that the controlled time will only begin at 2 p.m.

The PRESIDING OFFICER. At 2 o'clock p.m. controlled time commences.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) be listed as a cosponsor of amendment No. 287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I thank the Senator from Virginia for listing my name as a cosponsor. The Senator knows that this is something which I raised with the Finance Committee. As I indicated yesterday, we were short only two votes, because we were on an amendment and did make a desperate try to reverse the policy concerning utilization of the surtax as a method of doing something to the country—I am not exactly sure what.

I would hope that someone would speak for the surtax but, apparently, no one will speak for it in this whole Chamber. It is a remarkable piece of legislation. It creates an economic credibility gap.

The surtax was originally suggested at 10 percent and was urged by the Johnson administration for a long period of time before it was finally enacted. The surtax was supposed to continue for only 1 year.

Even though President Nixon, during his campaign, had made a definite commitment in the campaign that, if elected, he would have the surtax end on June 30, 1969, yet early in the administration, the economic soothsayers of the 19th century convinced him, or somehow convinced the Council of Economic Advisers, or someone else along the line, that that important commitment to the American people, made in President Nixon's campaign, should be changed.

That change of mind was not necessarily bad if arguments could have been made for it on the basis of the facts which would have justified a change in that position. But the economic credibility gap now presented to the American people is no longer just in the minds of some of us in Congress.

Recently, at a meeting, the President addressed members of the business community. The President said that those betting against inflation were betting they would not continue the austerity and tight money policies pursued by the administration that were pursued by the former administration. Most of the leading business people at the meeting expressed concern about continuation of the surtax as an effective instrument to combat inflation.

Basically, what they have continued to say is that the surtax has been a miserable failure. It has accomplished only one thing; namely, it has taken money out of the pockets of the American people, and has provided for a decrease in their purchasing power. At the same time, so far as fighting inflation is concerned, contrary to every expectation and warning, it has contributed to inflation.

The remarkable attitude which has developed, I suppose, was in a speech made by one of the members of the Council of Economic Advisers this past weekend, Mr. Stein, who was reported in the New York Times on Saturday of this past week to have made an honest confession; that is, that the surtax, rather than being an inhibiting factor or a controlling factor in the fight against inflation, really was a contributing factor to inflation. He said that the flowthrough effect of the surtax on the cost-push inflationary spiral had actually caused a consequential increase in the cost of living and an increase in the price structure.

This is really nothing which should have been surprising, but it is astonishing now to see the administration coming to the belated recognition of the fact that the surtax is, indeed, inflationary. This falls in line, as I said yesterday, with the difficulties of interpreting whether we have an overheated economy or whether we have merely an overheated price structure.

Since 1965, there has been a sharp increase in the cost of living. The fact is that the sharp increase really has accelerated since 1965 at a rather rapid pace, especially in the past 2 years.

There are those who contend that one of the reasons is the fact that we have had deficits. This argument is made repeatedly, that is, that big deficits in the Federal budget cause a loss of price stability. I have with me here the information, submitted to me by the Bureau of the Budget and the Labor Department, which I asked for during the hearing, which deals with this relationship between deficits and surpluses in the Federal budget from the year 1946 through 1969.

This information is rather revealing, in that it demonstrates conclusively that no relationship can be determined from this report between a deficit or a surplus in the budget and the cost of living. To be specific, before the big deficit of 1968, we had a deficit of $25.2 billion, the largest deficit up to that time. The largest peacetime deficit in the United States occurred in 1958–59—the fiscal year 1959. That deficit was $12.9 billion, or almost $13 billion.

Remarkable as it may seem, in the same year of the biggest deficit up to that time, the cost of living increased at a slower rate than at any time in the entire period of the 1950's, except for the 2 years of depression, 1954 and 1955. The increase in the cost of living was eight-tenths of 1 percent.

To anticipate an argument, which probably will not be presented during the debate, because I do not see any Senator who will really defend the surtax on the basis of economics—an argument frequently made by some economic pundits, that there is a delayed effect—the truth is that the effect can be demonstrated from the cost-of-living increase of one-sixth.

From 1960 through 1965, a period of more than 6 years, the total deficits of the United States exceeded $20 billion. In each year there was a substantial deficit in the unified budget, amounting to as much as $7.1 billion in 1962, $4.8 billion in 1963, and $5.9 billion in 1964.

Yet again, contrary to every argument made, and repeatedly made, throughout the United States by even some of the best economic minds in the field, the increase in the cost of living in 1962 was only 1.2 percent; in 1963, 1.2 percent; in 1964, 1.3 percent. There could not have been much more stability in the price structure than there was. The fact is that in the period from 1960 through 1965, there was relative price stability.

But, as I said before, the constant increase in the deficit, especially the increase in the deficit of 1968, has not really resulted in a tremendous increase in the change of the pattern, as some would lead us to believe, because in 1968, with a deficit of $25.2 million, the increase in the cost of living was 4.2 percent. In the next year it was 4.6 percent.

Basically, the purpose of the surtax is to control inflation and reduce or dampen the demand. The idea is that if money is taken out of the taxpayer's pocket, he will not have as much to spend; if he does not have as much to spend, that will lessen his demand; if his demand is lessened, the seller will thereby have to reduce prices. That sounds good if it is not related to actual amounts. But the difficulty is that the real increase in the cost of living in the past few years has not been in areas where such reductions in the pocketbooks of the American people will actually result in a reduction of demand.

The biggest increase of any item in the United States since 1965 has been in hospital charges. Hospital charges since 1965 have risen 76.5 percent.

To follow the argument made by the pundits and by experts in the field of economics on the value of the surtax, one would have to say that the need to go to the hospital could be reduced by increasing the amount of tax paid. Anyone in his right mind understands that such an argument does not make good sense at all.

Probably the second highest national increase has been in the cost of transportation. What we are seeing, again, is a constantly increasing demand for higher charges for transportation, as witness the increase in transit fares in Washington, the increase in airline fares nationally, the request of the railroads for increases in fares and freight rates, the request for fare increases by buslines. There has been an increase of 30.5 percent in rates in the field of transportation.

If one wants to make the argument that if we can reduce the amount of money in the taxpayer's pocket, he will find it somehow less desirable to go to work the next day and not use transportation facilities, that does not make good sense.

I suppose the real tragedy of the high-interest-rate, tight-money policy is the crisis in homebuilding. This is an utter disaster. The increase in population has caused a demand for about 2½ million of new houses a year. But construction is now down to a little over 1 million new units. I do not think there is any disagreement on the part of economic experts that the building of units in which people can live is now not in a recession, but in a depression. This decline has increased by 25 percent in the cost-of-living index. In substance, it is said that we can cut back on the demand for homes simply by reducing the amount of money that is in one's pocket. But a young married couple, who are trying to build their own nest, cannot find enough money for the downpayment; and even if they can find it, the interest rates for mortgages are around 8½ percent; and the 4 to 7 points additional raise the effective mortgage rate to about 11 percent. This makes it almost impossible for the ordinary young persons who are trying to make their own way to have their own home, and really have a home.

Attempts have been made by the FHA and others to alleviate the difficulty and to stop the deterioration in the homebuilding industry.

Cutting back on the demand by increasing the surtax is not going to have any effect whatsoever in those areas. It is really surprising that we have adopted the so-called austerity or collapsed economy philosophy despite the evidence from Britain, which is following the same program. Britain has tried to adopt the same basic approach to its economy, with continuing economic disaster as a result.

In the United States, the historic solution to the problem of inflation, prior to the time of the tight-money policy experts beginning in 1949, was mainly in measures which offered incentives to increase the productivity of workers.

Yet, I think there is no question that anyone who has looked at what is going to happen in 1970 will take the economic view that there will be wage and price increases. We will see, in 1970, the biggest wage increases by U.S. corporations, in order to avert strikes. It is quite evident that they plan to raise their prices to meet these wage increases. The corporations will blame labor, and labor will blame the corporations. In my opinion, neither will be basically at fault.

There is no question that the economy is slowing down. There is no question that inflation is continuing unabated. We should put at rest any idea that by slowing down the economy, inflation can be slowed down. Probably the national output increase will be the lowest in this year—1969—of any but two of the last 10 years. In other words, the United

States, basically, is coming to a standstill; we are becoming stagnant.

In the last quarter, the increases in personal consumption, expenditures, and fixed investment have all slowed down. At the same time, the labor force is continuing to increase. Profits have suffered even more, and they are continuing to decrease. As I have said already, as a result of the housing slump, the sales of furniture and household appliances are down, and even in the field of automobile sales we see a circumstance in which the automobile manufacturers, in the next 3 months' period, are going to produce more than 417,000 fewer automobiles because of the cutback in sales. Chrysler is faced with such a difficult time that, in three of their assembly plants, they are going to shut down completely for 1 week because of excess inventory.

What we have seen during this period from 1965, with the surtax and the tight-money policies, is an increase in the discount rate by the Federal Reserve Banks. Industrial production in the United States has fallen the third month in a row. I think it is rather remarkable to look at that. The index was 174.6 in July and 173.3 in October. What we have seen is the United States of America holding itself up before the world and pointing out to the world the great failures of the American economy to meet the needs of its people. If we had taken such a position throughout our history, pointing to failures as evidence of success, I think that most people would have thought the American dream was something which should not be copied, or even talked about in public.

In the week ending November 15, this failure has resulted, as I said, in a decrease in automobile production, which is projected to some 417,000 automobiles less. Production has already dropped 6.4 percent. Car loadings are off 1.8 percent. Paperboard production lost 4.8 percent.

Some people have been talking about the fact that tight money and a continuation of the tight-money program, the austerity program, will be successful.

The tight-money program is probably basically in four areas, as I said a moment ago. There is an increase in the discount rate; an increase by the Federal Reserve Board in the reserve requirement on demand deposits; the major thrust by the Federal Reserve Board in its mistaken tight-money policies was the open market operation, which was designed to restrict credit through tightened reserves; and the final blow was when regulation Q ceilings on time deposit rates were set at artificially low, noncompetitive levels. This forced most banks to go to the Euro market, where they were paying 12 percent, or to go to country banks, which stopped lending money to anyone else altogether, because they could loan to city banks at 10 percent.

Anyone who follows these programs can see we have had a combination of circumstances: an increase in the cost of doing business by increasing the interest rates, an increase in the cost of doing business by increasing taxes, a resulting increase in the demand for labor to meet the increase in the cost of living, which is caused by these factors, the war in Vietnam and its tremendous cost, and a resulting increase in prices by the people in the manufacturing part of our economy.

What is presented to the American people, practically, is no prospect of getting out of this straitjacket. There is open talk, now, of a business recession. But even if we had a business recession, would it reverse the trend? Since no one will defend the surtax, we have to ask the questions and give some of the answers that we read in the publications and hear some the economists give outside the Senate. I think it is remarkable—and I keep pointing this out—that no Senator will come to the floor and defend the surtax itself.

Will a recession actually reduce prices? I think the answer is quite evident, if you look at the facts again. It seems to be out of style, but if you look at the record of the four major recessions since World War II, there was an actual reduction in prices in the period from 1948 to 1949—a net reduction of 2 percent. That was the last time. Since that time, we have had a continuous increase in prices, without regard to the unemployment rate or the economic stability of the country. From 1953 to 1954, during that recession, prices increased 0.2 percent. During the 1957 and 1958 recession, prices increased 2.2 percent. In the 1960 and 1961 recession, prices increased 1 percent.

Those figures are relatively high, when taken into consideration with the overall price increases occurring during that period of time. I think Secretary of the Treasury Kennedy recognized that, because he admitted as much yesterday, when he said he could offer no hope whatsoever of anything resembling a drop in prices.

In other words, what we have is an oversimplification being presented to the American people. And what will the net result be? It has to be an increase in unemployment. That is already becoming evident. One of the leading conservative economic advisers to BARRY GOLDWATER in his 1964 campaign says we already have overkill, and we will have substantial unemployment—probably, in his opinion, as much as 5 percent—by the early part of next year.

If that is true, and if we may assume that it could reach 5½ percent by February or March of next year, an increase in unemployment from a low of 3.3 percent, say, to 5.3 percent, which is a 2-percent increase, represents an increase of more than 1,340,000 unemployed individuals in the marketplace today. That means that those people are beginning to draw unemployment compensation benefits, if they are qualified; and if they are not qualified to draw unemployment compensation benefits, they will be forced to draw increased welfare. The welfare rolls are already overburdened, and President Nixon says he wants to take people off the welfare rolls and put them on the payrolls—a policy to which I subscribe.

But if this prediction proves to be accurate, it means we will have a tremendous number of people going onto the welfare rolls. It means also we will have increased incentive for social unrest. It means that practically every program we have on a Federal level to increase productivity and to train manpower will come to naught, because there will be no place for the trainees to go. That will apply to the training programs of the Labor Department, the Manpower Acts, and all of those things. The Office of Economic Opportunity will become nothing more than an office for dispensing funds to keep people living.

I would have hoped that we could at least have left well enough alone, and ended this surtax on December 31, as sort of a New Year's resolution to put the United States back again onto a traditional approach to solving its economic problems—that is, mass production, full utilization of our economic strength and our industrial capacity, recognition of the tremendous need, for example, for additional hospital facilities and, on the home level, for additional educational facilities, and a policy of providing for increased revenue rather than decreased revenue due to a shrinking of the actual tax base, by cutting back on profits and on the amount of money that people can earn, and by causing unemployment.

But I would imagine that we will go ahead and follow this policy, and then the next result will be, as we have already been warned, that we will have to go to wage, price, and credit controls. The first red flag has already been put out on credit controls. This red flag was placed in the fashion that it was said there was too much utilization of credit cards, and therefore some type of control might have to be put upon their use.

Control of credit, control of wages, and control of prices were all items utilized during World War II. And if the economic severity of the war is going to continue, I would imagine that there will be justification for following this procedure.

I think, however, that it is all rather sad. It is rather sad to do as I have done, to go out to the rural parts of America where one sees, not an overzealous demand by the people, but the plight of widows of coal miners who are huddled around coal stoves even in early September, half blind, and receiving only one warm meal a day. It is sad to see such a woman with her legs wrapped with ragged quilting to keep warm. It is sad to see the turmoil and tragedy of the inner cities.

It is sad to note that one out of every five children of New York City already benefits from a welfare check and that one out of every eight people in New York City is on welfare.

The country needs to regain its old spirit. It cannot regain its spirit if we are going to repress the economic growth of the Nation.

America is pointing itself out as being the provider of food and the good things of life, medical care, and housing not only for the young who want to have their own homes, but also for the elderly citizens who live in places that are considered unfit for human habitation.

If we are going to establish priorities for America, I believe that the first priority should be that America should put forth greater effort in its economic endeavors and not less, and that the first priority should be the recognition of the fact that we cannot have a better state of affairs economically by squeezing those who are already providing for the economic growth of the Nation.

I hope that the Senate will reject the surtax extension. I must admit that my hopes are not accompanied by a great deal of expectation.

Mr. YOUNG of Ohio. Mr. President, I have listened with admiration to the speech of the distinguished senior Senator from Indiana. I am in agreement with all his statements. I realize that his expressed skepticism at the conclusion of his remarks are well founded. I know that the distinguished senior Senator from Virginia in offering his amendment to bring an end to the 10 percent surtax on December 31, the date it is to expire, has offered an excellent amendment. Frankly, however, I do not have high hopes that when the roll is called the amendment will be agreed to.

The Finance Committee has recommended the renewal of this obnoxious, atrocious surtax at a rate of 5 percent, following December 31, 1969. It is very easy for Senators to go along with that decision, when in truth and in fact we should abolish the unfair, regressive surtax altogether.

Mr. President, when the 10 percent surtax—which is a tax on top of a tax—was first proposed by President Johnson, I spoke out against it and voted against it. Earlier this year I spoke out against and voted against the extension of the surtax recommended by President Nixon.

We all know that the average American family bears a heavy tax burden and has borne that burden over the years. We know in particular that if a family consisting of a husband, wife, and 2 youngsters, receives—perhaps as a result of both parents being gainfully employed, and necessarily so—a yearly income ranging from $4,000 to $14,000, that family bears an unduly heavy tax burden. I think it is atrocious for the President to ask Congress to continue a surtax on top of the tax burden already borne by such families. Such a tax violates the sound principle of just taxation that taxes should be levied according to ability to pay. It burdens most those who have least.

When the proposal was first advanced and voted upon, Congress went along with President Johnson. President Johnson said at that time that such a tax would help to end inflation. We all seek very much to put an end to inflation. However, since that 10-percent tax was imposed there has been more uncontrolled inflation than ever before. The tax did nothing whatever to stop inflation. Our taxes now are very high. They are oppressive. We should reject the continuation of this abominable tax on a tax.

Mr. President, I consider myself a conservative on fiscal matters, although I read in the newspaper sometimes that I am regarded as a liberal. However, I am truly a conservative on fiscal matters. If one does not believe that statement, he can just ask my wife. I think she will say that I am very tight and cautious when it comes to spending money.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. HARTKE. Mr. President, I thank the Senator for the statement he has made so far with relation to the surtax. I believe that his statement is exactly correct.

I do not think that any of us would want to pass judgment on what type relationship one has with his wife. However, I can verify the statement of the Senator from Ohio on one score, and that deals with matters having to do with the fiscal and monetary affairs of the Congress of the United States. The Senator from Ohio has a long and distinguished record of being a conservative economic philosopher and he votes in that fashion.

Mr. President, I point out that the Senator from Ohio is not without company. Milton Freeman, the president of the Society of Economists of the United States, was BARRY GOLDWATER's No. 1 economic adviser in 1964. He does not advocate a continuation of the surtax.

Pierre Rinfret, a noted economist from New York, and—head, Boston company—who was the economic adviser to President Nixon during his campaign in 1968 and who advised him to make the statement that the surtax should die on June 30, finds himself now in the position of his recommendations being ignored. I would not say he has broken with the administration, but he disagrees with the idea that you should follow the doctrine of austerity in the economic expansion of the Nation on this tax on a tax.

I compliment the Senator on his conservative record in fiscal affairs.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Indiana (Mr. HARTKE) for the remarks he has made regarding me and my record as a Senator.

The Senator from Indiana and I both were elected to the Senate for the first time in 1958, when we were reelected on the same day in 1964. We have served together as colleagues and friends. I know that the record of all the Congresses from January 1959 to this good hour shows that both the Senator from Indiana and I have consistently voted against duplication and waste in Government spending. We have taken a position favoring fiscal responsibility in all matters. We are opposed to continuing the surtax for the reasons that it too heavily burdens those already unduly burdened; and, very definitely, it has not stopped uncontrolled inflation, as its sponsors claimed it would.

In 1967, 21 persons in the United States with incomes exceeding $1 million for that year paid no income taxes whatever. Thirty-five persons with incomes exceeding $500,000 for that year paid no income taxes whatever. In 1967, 150 persons whose incomes exceeded $200,000 for that year paid no income taxes whatever. Of course, none of these wealthy individuals paid any surtax whatever.

Mr. President, some years ago, when Congressman-at-Large from Ohio, I was a member of the taxwriting Ways and Means Committee of the House of Representatives. I believe I have had some experience and training in the matter of just taxation. I firmly believe that instead of renewing an atrocious tax on top of a tax, we should first remove some of the indefensible tax loopholes which permit the ultrarich men and women of our country, ultrawealthy families, and ultrawealthy corporations to evade paying their fair share of taxes, while at the same time the rank and file men and women of this country are too heavily burdened.

At first, 10 percent was added arbitrarily to the tax a small corporation would pay on its income and to the tax that individual families would pay on their incomes. Now it is proposed that, after December 31, 5 percent will be added. If the amendment offered by the Senator from Virginia (Mr. BYRD) is adopted, we will bring an end to this atrocious tax.

I am not going to take the time on this occasion to advert to all the unconscionable tax loopholes. It would take the rest of the day and perhaps until midnight if any Senator were to detail the tax loopholes that individuals and corporations in this country may take advantage of and do take advantage of. We certainly must put an end to some of those loopholes, and we should try to end all of them. Among the most flagrant tax loopholes is the 27½ percent oil depletion allowance favoring huge oil and gas companies. I am hopeful that the Senate will reject the 23-percent figure recommended by the Finance Committee and vote to reduce this allowance to 15 percent. At the very most, this depletion allowance should not exceed the 20-percent approved in the other body.

There is one loophole we should eliminate that has been very lucrative for some rich lawyer friends of mine in Ohio and for wealthy men and women throughout the country. The Internal Revenue Service records show that in 1967, 766,751 individual taxpayers claimed and got away with their claim—that they suffered $1,194,000,000 as farm losses.

I am told by a high official in the Internal Revenue Service that when the records for the year 1968 are fully disclosed, they will show that approximately 900,000 individual taxpayers claimed—and got away with the claim—that they had suffered more than $2.5 billion as farm losses in 1968. Many of those taxpayers are wealthy gentlemen farmers, so-called, who would not know the front end of a cow from its rear.

For more than 10 years, it has been the practice of ultrawealthy executives and other men of wealth to buy farms solely for tax purposes. What do they care whether the farm sustains itself or shows a yearly deficit of $50,000? They have a fancy farm, and they simply take a tax loss. If the farm that a man of wealth owns loses $50,000 a year, he takes that as a tax loss from his income and from his profits in stock transactions, and so forth. The loss costs him nothing.

Internal Revenue Service officials have a term for this tax loophole. They call these "Gettysburg Farms." This refers to the action of three wealthy friends of the late President Eisenhower who purchased a very expensive farm in Pennsylvania and stocked it with the best equipment in the world, the most expensive bulls and cattle, and so forth. Of course, it was a showplace. There are plenty of them.

Many are even more magnificent than the Gettysburg farm of our late President.

Naturally, the price of farm acreage throughout the country, in every State of the Union, keeps going up and up. Of course, the gentlemen farmers, the owners of those "Gettysburg Farms," will profit eventually when they sell that land or part of the land by reason of the tremendously increased land values. The annual operating losses mean nothing whatever except tax deductions.

This is one of the many loopholes, and there are many others, that should be and will be debated in the Senate. Hopefully, they will be brought to an end.

We should strive with the hope that before Christmas Day of this year the Senate will have passed a new tax reform bill providing meaningful relief for the taxpayers of this country. The great majority of them are too heavily burdened, while a large number of citizens take advantage of present tax loopholes, and evade their just share of the expenses of our Government.

Mr. President, if the amendment of the Senator from Virginia is adopted later today on a rollcall vote—and it will be adopted if each Senator gives it thorough consideration instead of just coming in and standing with the establishment—it will be a tangible step toward levying taxes according to ability to pay, which is, of course, the very sound principle of just taxation.

I yield the floor.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished Senator from Ohio for his able and effective support of this amendment.

I might say I have never understood exactly how one fights inflation by taking money out of the top pockets of the taxpayers so they cannot spend it and giving it to the Government so they can spend it.

So I am not much impressed with the arguments that have been made that this is a way to fight inflation. I am not persuaded by those arguments.

I want to say to the Senator from Ohio that his support on this matter is extremely important and I am grateful for the statement he made.

Mr. YOUNG of Ohio. Mr. President, I thank the senior Senator from Virginia.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, this proposal to discontinue the surtax at the first of the year would cause this Government to have a big increase in the administrative budget deficit that is expected for next year.

I have before me a table based on information obtained from the Bureau of the Budget indicating what the expected deficit would be in the event that the surtax is not continued. The chart indicates that there will be a projected governmental deficit in the administrative budget of $4.2 billion. It is estimated that the outlays would be $153.4 billion and the receipts $149.2 billion, leaving a deficit in the administrative budget of $4.2 billion. If this amendment were agreed to, that would give us a deficit in the budget of $6.2 billion.

The Senator from Virginia, as well as the Senator from Delaware, and virtually all of our conservative budget thinkers in this body, have insisted that we should look to the administrative budget rather than to a consolidated budget to see how we stand in Government spending, and they contend that we should not rely on the surpluses in the social security fund, the unemployment insurance fund, or the railroad retirement fund to balance our budget.

If one looks at the administrative budget, the complete repeal of the surtax in January, would cause that administrative deficit to be $6.2 billion. Beyond looking at what the deficit would be in Government spending, one must keep in mind that this administration looks upon this budgetary problem as the one major area in which it is making a fight to try to restrain inflationary pressures. It is contended that just the symbol of a big Government deficit tends to encourage a lot of spending that would not occur otherwise, and it tends to accelerate the spiral of inflationary pressure with the result that people lose in inflation what one could save the public by tax reductions. Therefore, the administration makes the argument, and I think with considerable logic, that if we repeal this surtax as of January, it is going to be inflationary and give us a Government deficit of major size.

It is true that on a consolidated budget basis, when one adds the Government trust funds to the administrative budget for fiscal 1970, we do expect to have a surplus of $5.9 billion. That is something that may or may not happen, depending on what we do with the social security bill when it gets over here. Many Members of the House of Representatives, and I am sure some Members of the Senate, contend that we should pass a cost-of-living increase in social security before we go home this year.

If we do, that increase could well cause us to reduce the surplus in our so-called consolidated budget by perhaps $2 billion or $3 billion, with the result that even on a consolidated budget basis we might face the prospect of a deficit. The House of Representatives, where everyone has to run for office next year, certainly has to think about these things and the House has thought our budgetary situation was so important a problem for this Government that it sent us not one bill but two bills to continue the surtax at 5 percent into the first 6 months of 1970.

The Finance Committee voted on this matter several times. Every time it has voted that the 5 percent surtax should be continued for the first 6 months of next year.

We in the Senate voted on the issue and voted to continue the 10 percent surtax as a matter of fiscal responsibility to the end of this year. The Senate would have voted at that time to continue the 5 percent surtax over into next year, if some of us who were going along with the Democratic leadership purely as a matter of procedure had voted our convictions on the matter, and had voted with those on the other side of the aisle who felt that the House-passed measure for a continuation of the 5 percent surtax into the first 6 months of next year was needed.

There is some doubt whether the President could sign this bill, whether he would be justified in signing it, if the revenue in the bill, especially for the first 6 months of next year, should be reduced in the fashion indicated.

It is my understanding that this would not only cause us a $2 billion loss of revenue in the first part of the year, but also a loss of more than $1 billion in addition in the months to follow which fall into the fiscal year 1971. From a fiscal point of view the Treasury feels, and the majority of us on the committee feel, that the Government cannot stand this revenue loss—that this revenue is needed.

If we pass the tax bill the way the committee has recommended it, compared to existing law, the public will get a 5 percent tax cut in January. Then it will get another tax cut in July of another 5 percent. Then under the bill at the beginning of next year, the public will get a further reduction of 2 percent in tax rates, and after the 12 months that follow, another tax cut is phased in of about 3 percent.

This would mean an overall reduction of about 15 percent in taxpayers' liability over a period of 3 years.

Mr. President, I submit that it would be unwise to do what I have seen done in the past. We passed a huge tax reduction that wound up with the Government in a deficit position for years to come, without waiting to see what the budgets would be when those years transpired, and then found it necessary to place a big tax increase upon the public once more because we had too big a tax cut to begin with. Rather, it would be best, I submit, that we reduce taxes to the extent we can reduce them now. We can look toward further reductions later on, instead of a greater reduction than we can justify at this particular time, which would stimulate inflation and place ourselves in a position later on that we may feel we have to vote another tax increase.

For all these reasons, Mr. President, as much as I share the desire of the Senator from Virginia (Mr. BYRD) to take off the 5-percent surtax, I believe as a matter of responsibility to this Nation both fiscally and monetarily, in order to maintain the purchasing power of our money, that we should reject the proposal to strike from the bill the continuation of the 5-percent surtax.

Mr. McGOVERN. Mr. President, when this session of Congress began, the American people flooded their representatives with letters and telegrams demanding that something be done immediately about the glaring inequities in our present tax system. No other issue in recent memory aroused such a spontaneous outpouring of indignation by citizens throughout the country.

This "taxpayers revolt" earlier in the year moved the Ways and Means Committee of the House of Representatives to hold one of the most comprehensive hearings on tax reform in our history and the House itself to finally pass a bill setting forth an historic program of reform.

The House bill was not a perfect bill. It did not close all the loopholes. But it was a good start.

After the House acted, the American people had a right to think that their revolt had been won. They stopped their letters and their telegrams, feeling that from now on the tax system would treat every citizen with equal fairness.

Unfortunately, where the people as a whole left off, the special interests picked up, lobbying expertly and diligently for the special privileges they have come to prize so highly over the years.

The efforts of these lobbyists were not wasted.

When the administration made its recommendations to the Senate Finance Committee, one thing was clear—the administration wanted to step backwards from the House bill.

When the Finance Committee reported its bill, it was clear that while a majority of the members espoused the principle of reform, they had not taken the concrete actions necessary to make the reform real.

Now the full Senate is about to debate this issue. I think the Senate can restore the provisions necessary to finally close down what one expert calls the "supermarket era of tax shelters" and open up an era of tax equity.

But those of us in the Senate who are going to engage in the fight for tax justice need an aroused and informed public behind us.

Especially, we need the help of those thousands of citizens who earlier in the year openly expressed their indignation over tax system inequities. If these citizens, singly and in groups, will again raise their voices, will again send their letters and telegrams demanding tax reform, then I think this battle can be won.

So let the call go out loud and clear across the land to every one of our citizens. To every citizen. who is fed up with the fact that some millionaires in America pay no taxes while the average family with the average income pays more than its fair share. To every citizen who is tired of picking up the tax tab while the rich get a free ride from capital gains and bonds, depletions, and drilling expenses, hobby farms and charitable deductions.

Mail your letters. Send your telegrams. Even telephone if you can. Once again, make your discontent heard. The Senate will heed your demands if you will make them loudly and clearly.

Now, I make no claim to expertise in tax matters. But it takes no special expertise—not on my part or on the part of any hard-working tax-paying citizen—to know what basically needs to be done to make the American tax system fair.

First, any tax reform measure must begin to close the most serious loopholes through which wealthy individuals and businesses now avoid carrying their share of the burden.

Second, any tax reform measure must include a "minimum tax" feature so that no individual or corporation can avoid paying a reasonable amount of taxes through any combination of tax preferences or special deductions.

Third, any reform measure must insure that the Nation's poor will no longer be forced to pay taxes and that those who are just above the poverty line or in the middle-income class do not carry an undue share of the tax burden.

Turning to the specific loopholes on which action must be taken, I think that primary attention should be focused on eight of these:

First, the act should write an end to the massive Federal subsidy program for oil and gas producers. The notorious percentage depletion allowance should be reduced immediately to 20 percent for domestic wells and eliminated entirely for foreign operations. Allowances for other minerals should be lessened proportionately. In addition, current-expense deduction of "intangible drilling costs" should be prohibited. Exploration and development costs should be treated as investment in capital assets and subject to gradual depreciation under the same rules that apply to other capital expenditures. Finally, the dollar-for-dollar foreign tax credit which oil companies derive from overseas royalty payments should be terminated, and these payments should be itemized as regular deductions against income.

All of these steps are needed to show the American people that the Congress is serious about tax reform and intent on distributing tax burdens more equitably. Both the House and the Senate Finance Committees have recognized this, but neither has gone far enough. In my opinion, the Finance Committee amendments raising the percentage allowance to 23 percent and restoring depletion deductions for overseas drilling are contrary to the mandate of the taxpayers revolt.

There are no arguments left to justify continued tax preferences for investments in oil and minerals—preferences which cost the Treasury over $1.5 billion annually in lost revenues. Since 1926, tax subsidies in this sector have allowed producers to recover initial investment many, many times over. Percentage depletion and related mineral loopholes have become the symbols of tax privilege in the public mind. They should not survive our present efforts at tax reform.

I recommend that the Senate take the following steps:

Reduce the oil depletion allowance to 20 percent immediately and reduce the depletion allowance for other minerals proportionately.

Provide for careful study of plans to phase-out all percentage depletion allowances and replace them with normal cost depletion provisions.

Require the capitalization of intangible drilling and development costs for income producing minerals facilities under the same rules that apply to any other business expenditures.

Terminate percentage depletion for overseas drilling operations and convert foreign tax credits to regular deduction items.

Second, the act must begin reformation of the Internal Revenue Code's provisions dealing with capital gains, or today, gains derived from the sale of capital assets are taxed at one-half the rate at which ordinary income is taxed with a proviso that the rate cannot exceed 25 percent.

In the long run, I believe that this country should drastically alter its capital gains rate structure which is of significant value only to the wealthy, and of virtually no value to low-income Americans who lack stock holdings or other property investments. Perhaps after study, we can replace it with a reduced tax rate for only a small amount of profits derived from the sale of capital assets and with a reasonable income averaging proposal to protect against the bunching of earnings in any particular year.

But for now I think that we will be taking a satisfactory step forward if we enact the following changes in the capital gains rate structure:

An elimination of the 25 percent maximum tax rate which is of advantage only to the wealthy—an elimination which would set a maximum capital gains tax rate of 32.5 prcent—or one-half the highest tax rate applicable to ordinary income.

An increase in the required holding period of an asset to qualify it for capital gains treatment. In short, the current holding period should be raised from 6 months to 1 year.

The removal of the capital gains rate privilege from corporations. This special rate provision was originally added to the Internal Revenue Code to aid individuals receiving income from the sale of assets unrelated to normal business activities and to prevent the bunching of income in one year which might lead to an abnormally high tax bill under the progressive rate structure applying to individuals. It should not be used for the benefit of corporations, all of whose operations are linked together in the activity of earning income and whose revenues are taxed at one rate.

The first two of these changes were incorporated in the House bill but deleted by the Finance Committee under urging from the administration. The third change was included in neither bill. Its adoption would lead to a revenue increase for the Federal Government of some $400 million. More importantly, such a change would constitute a major step forward in reducing the importance of the entire capital gains structure.

If these changes are combined with a commitment by this Congress to alter tax laws during the next session so that appreciated property cannot be transferred at death without the payment of even capital gains taxes, we will have demonstrated that our tax code is no longer to remain a mixture of special provisions under which the wealthy can succeed in having their income taxed under a special set of rates.

Third, the act should amend those provisions of the Code which provide unintended relief for the "hobby farmers" and "absentee cowboys."

The liberal tax accounting rules which were designed for the benefit of the ordinary farmer are being manipulated by others who engage in farming solely for the purpose of creating losses to offset their nonfarm income.

This practice not only reduces Federal revenues, it produces subsidized competition for the legitimate farmer and rancher.

Congress should act now to put the tax farmer out of business. Amendments should permit farm losses to be offset in full up to $15,000 for those whose nonfarm income does not exceed that amount. But for those with nonfarm income in excess of $15,000, the amount against which farm losses may be offset should be reduced dollar for dollar for income over $15,000.

Such a scheme would close a notorious tax loophole and restore a normal relationship between farm property values and income to be derived from farming.

Fourth, we must adopt a subsidy provision which will persuade, but not force, States and municipalities to stop the future issuance of tax-exempt bonds—a subsidy which will greatly reduce the cost of borrowing to the States. For the problem with tax-exempt bonds is that they provide the wealthy with enormous benefits but do not offer equal value to the governmental bodies which have issued them. In my judgment, an equitable solution to this difficulty is to offer a Federal interest subsidy of sufficient size that local governmental bodies will realize that it is to their best advantage to accept this subsidy in return for the issuance of taxable bonds. The House of Representatives accepted this approach in theory but failed to enact an interest subsidy large enough to be attractive to States and localities. The Senate deleted the provision entirely. In my judgment, if the Congress were to provide for a 50-percent interest subsidy and declare that the Federal Government will offer this subsidy for all bonds without judging their merits, it will have established the necessary preconditions for the gradual and voluntary elimination of the tax-exempt bond problem.

Fifth, the act must reduce the tax benefits available from investment in real estate—especially the spectacular benefits realizable from the ownership of an office building or other commercial property. At the same time, it must build in incentives to make private investment in low- and middle-income housing attractive because that type of housing produces such a limited amount of rental income that it will simply not be built unless the tax advantages offered are sufficient to attract investors.

To accomplish these goals, the act should go beyond the House and Senate Finance Committee bills and tighten up the so-called recapture rules for investment in commercial buildings so that at the time of sale the entire gain will be taxed as ordinary income to the extent of prior depreciation. This is of course the recapture rule which has been applied to a sale by a business of machinery and equipment. In regard to luxury residential housing, we should follow the House approach and require that at the time of sale, any price differential reflecting a difference between accelerated and straight-line depreciation will be taxed at ordinary rates. In contrast, the bill must provide that where low- or middle-income housing is at issue, the period over which depreciation is permitted will be reduced to 20 years and a private owner who is either selling to a tenant's group or community organization or is willing to invest the sale proceeds in other low- or moderate-income housing can do so without paying any taxes on the sale and without affecting the depreciable basis of his new building.

If the Congress adopts these rules, we may finally see a shifting of priorities in the housing field. Perhaps then, we shall be able to supply the 500,000 low- or moderate-income housing units which have long been set as an annual goal and which we have barely constructed if the last 20 years are added together.

Sixth, we must terminate the extraordinary tax privileges enjoyed by our financial institutions. Although the corporate tax rate is set at 48 percent, the average actual rate paid by commercial banks is only 24 percent. Moreover, the average tax rate declines to 14.5 percent for savings and loan associations and to 5 percent for mutual savings banks. The existence of these absurdly low tax rates for these giant institutions is due in great part to an artificial bad debt reserve provision made available in the Internal Revenue Code.

Neither the House bill nor the Senate Finance Committee bill goes far enough in removing this unjustifiable privilege. There is no reason why bad debt reserves for all banks should not be placed on an actual experience basis. We should no longer tolerate bad debt claims which are simply unrelated to losses experienced by these institutions.

Seventh, we must limit the right of individuals to deduct interest on funds borrowed strictly for personal investment purposes. It is wrong that the wealthy can invest in growth securities which return little income, appreciate rapidly, and will eventually be taxed upon sale at capital gains rates with borrowed funds bearing interest payments which are currently deductible against ordinary income. The bill, passed by the House of Representatives, would limit such deductions to the individual's investment income including capital gains, plus a set dollar figure. In my judgment, this provision is extremely equitable and should not have been dropped from the bill by the Senate Finance Committee. The full Senate should act to return it to the bill.

Eighth, we must bring private foundations under tighter governmental control but we must do so in a fair and reasonable manner. We must never forget that in a broad variety of endeavors, private foundations have been of major value to American society. The funds of private foundations supported the work of Dr. Salk on the polio vaccine; the development of our public library system; and the research which made possible our entire present space program.

Over the years, however, it is true that serious abuses developed among a minority of private foundations. Some of them have been used as vehicles for the financial accommodation of their creators. Others have been used to perpetuate control of business enterprises. One foundation, for example, has acquired 24 separate business enterprises in recent years, ranging from a cement manufacturing concern and gravel production companies to a window manufacturing establishment and a lumber company. Another foundation now holds a controlling interest in 45 separate business corporations.

These abuses, involving self-dealing and business control, must be curtailed—quickly and effectively. The bill reported by the Finance Committee unfortunately cuts back on the worthwhile changes made by the House of Representatives. The full Senate must therefore reverse directions and tighten the provisions passed by the House rather than accept a weakening of them.

I must repeat, however, that most foundations have not engaged in the abuses which I have mentioned. And once the laws are reformed to prevent abuse by the minority, it makes no sense to impose a general tax upon foundations or to limit the life of foundations to 40 years. The Finance Committee's bill would produce both of those results. To take these steps would have major detrimental effect upon private philanthropy in this Nation and would diminish seriously the flow of funds to scholarship programs, to medical research, and to educational improvements. Both provisions should, therefore, be eliminated from the pending tax reform legislation.

Finally, the Senate should emphatically reverse the Finance Committee action in prohibiting private foundation participation in voter registration drives. While the Internal Revenue Service should continue to forbid the use of foundation funds for partisan political ends, registration programs such as those sponsored regularly by the League of Women Voters and the Southern Regional Council should be encouraged as a wholly legitimate form of citizen education.

Turning now to the question of a minimum tax, I think that such a tax must be adopted to insure that regardless of any tax preferences that are left in the code after the 1969 act is enacted, every wealthy individual—and I stress the word every—will pay at least some taxes to the Federal Government. We can no longer accept a situation in which the Treasury is forced to report that in a recent year at least 155 taxpayers earned over $200,000, but paid no taxes at all.

It is not enough simply to require that each of these individuals makes some "conscience" payment in taxes to the Federal Government. Rather, we must make certain that the payments which will be made are significant in size. The concept of "minimum" in the term "minimum tax" cannot be applied so that the impact of the tax itself will be destroyed.

In short, we must not structure a minimum tax system under which the wealthy will be permitted to pay less than even this Nation's poorest taxpayers.

In meeting this two-part test for a meaningful minimum tax, I believe that neither the House bill nor the Senate Finance Committee bill nor the proposals of the Nixon administration are completely satisfactory. In regard to the first part of that test which requires the payment of taxes by every wealthy individual, all of these bills include major exceptions. The House bill, for example, does not require a taxpayer who is computing his income for minimum tax purposes to include mineral depletion allowances and intangible drilling costs. The result is that a Texas millionaire whose income is completely derived from oil wells will probably not be affected by the bill—at least not until the amendments which I have just suggested take full effect. The Senate Finance Committee—following suggestions made by the Nixon administration—includes in the minimum tax the preferences for income derived from the production of minerals, but excludes municipal bond interest and the appreciation aspect of charitable contributions.

The acceptance of each and every one of these exceptions to the general principle of a minimum tax is wrong. Whatever the argument for permitting certain tax preferences to remain in the Internal Revenue Code, our touchstone for a minimum tax must be that every individual who is the recipient of one or more of these preferences should still be required to pay some taxes.

The most controversial item in the minimum tax package is municipal bond interest. It has been clear for some time that the Federal tax shelter for bondholders is an inequitable and inefficient way to finance local government. For every $1 gained by the issuing government, the Federal treasury loses $2 in tax revenues. Certainly it is good public policy to repair this loophole while at the same time reducing the burden of debt for State and local governments. A revenue plan which subsidizes directly the interest costs of new bonds but which subjects current bond returns to some measure of Federal taxation should be our goal. Properly prepared, such a plan should be acceptable to all State governments, municipalities, and local school districts. In the long run, it should lessen financing charges for these agencies and stabilize a chronically uncertain market.

If we are to meet the second part of my test, minimum tax payments must not be insignificant. Certainly, we should require that every individual pay taxes on at least 50 percent of his actual income prior to preferences and exclusions and, to maintain consistency with our present Internal Revenue Code, he should be required to pay these taxes according to the same progressive rate structure that exists for ordinary income. Under these guidelines, the bill passed by the House of Representatives meets the test of requiring substantial payments. In contrast, the Senate Finance Committee bill calling for a flat 5-percent payment on all tax preferences above $30,000 simply asks for too little in the way of taxes from those whose incomes are great. Its lack of progressivity means that the taxpayer who has $25,000 in tax preferences will pay less to the Federal Government than the ordinary salary earner with $10,000 in income.

The 1969 act should also provide that the minimum tax concept will not simply be applied to individuals but will also be applied to corporations. There are far too many large banks and manufacturing corporations which pay little or no taxes because of the use of tax preferences. I see no reason why the identical limitations on tax preferences which are applied to individuals should not also be carried over to corporations. The same principle which supports the concept of a minimum tax for individuals is equally applicable. Moreover, the revenue gain for the Federal Government due to an extension of this tax to the corporate arena will be substantial.

Finally, I want to touch on those aspects of both the House and Senate Finance Committee bills which take steps to redistribute the tax burden among our citizens. In both bills, the necessary changes are made in the Internal Revenue Code to end the preposterous situation under which some individuals and families whose incomes fall below the poverty lines are required to pay taxes. Moreover, these bills also include provisions which will scale down the tax payments of those whose incomes fall close to the poverty line and those who qualify as middle-income taxpayers.

While the Nixon administration has supported the concept of ending the taxation of individuals living in poverty, it has also called for a scaling down of the tax relief offered to other low- and middle-income individuals and families. It has done so on grounds that this type of tax relief helps only certain classes of people; that it offers too much assistance to individuals without offering commensurate tax relief to corporations; and that it produces a gap between tax revenues gained and tax revenues lost as a result of the 1969 act.

In my judgment, the position of the administration is without merit. If the administration is concerned about a possible gap between revenues gained and revenues lost, let it support the amendments I have suggested earlier for closing up loopholes. For the effect of these amendments will be to end any imagined revenue gap which would demand a reduction in tax relief for those individuals and families who need it most.

Tax reform is necessary today, not to raise more tax revenues but to make it fairer and easier to raise what we need. In the past, seeing so much that has to be done, we have often been careless in noting how the burdens are falling. It is time to correct that error and to prepare for the future by distributing our tax burdens properly and justly.

ANOTHER OIL TAX LOOPHOLE

Mr. PROXMIRE. Mr. President, before we vote on tax reform for the oil industry on next Monday I commend for the consideration of the Senate an article by John Lang of the Associated Press detailing a means employed by the oil industry to swell their already swollen tax subsidies.

They employed "ghost foundations" to create artificial tax losses to avoid paying their already minimal tax burden. Fortunately, the Finance Committee tax reform proposal will prevent this from occurring in the future. I trust that provision will not be deleted from the tax reform bill.

I ask unanimous consent that Mr. Lang's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GHOST FOUNDATIONS HELP CUT OIL TAXES

(By John S. Lang)

Dozens of shadow foundations are being used as middlemen by banks and oil companies in deals through which mineral producers avoid $100 million a year in federal income taxes.

The tax-exempt foundations are nonprofit charitable corporations, yet they give little or no money to charity.

Instead, an Associated Press study shows, their main purpose is to serve as conduits in complex, multimillion-dollar transactions that allow mineral producers to:

Stretch the benefits of the present 27½ per cent depletion allowance beyond the 50 per cent net income limitation set by Congress.

Reduce or eliminate federal income tax liability, sometimes by creating self-induced paper losses.

Alarmed by the spreading use of tax avoidance tactics, the Treasury Department asked Congress this year to close the loophole. Provisions to do that are included in the tax-reform bill on which the Senate opens debate today.

The transactions, legal under present law, involve carved-out production payments.

In essence, a production payment is the right to future income from a mineral deposit such as an oil field. An oil company may carve out a certain percentage of that future production and sell it for immediate cash.

The practice of selling production payments dates back to the 1800s. But the use of the transactions to avoid taxes is a relatively recent development, spurred by court decisions and government tax rulings.

Because the courts have held that production payments are "interests in land" and because national banks' land dealings are restricted by law, banks are leary of buying production payments outright.

So instead of banks dealing directly with mineral companies, foundations—known in the trade as "straws"—are set up to buy the production payments. The foundations get the money from the banks through loans, with the production payment serving as collateral.

Government officials said they don't know how many foundations are involved in such deals. But an Associated Press check of foundations in two states—Louisiana and Texas—turned up more than 30 foundations whose only assets were production payments. Most had directors or officers linked to banks or oil company law firms.

These foundations handled $118,500,000 in production payments last year. They gave to charity $145,635—or little more than one-tenth of one per cent of the money they handled.

The charitable contributions are small, foundation officers said, because the foundations have little net income. All they earn is the fractional difference between the interest rates charged by the banks on loans to the foundations and the slightly higher interest equivalent paid by the oil companies on the money received from the foundations.

An unpublished Treasury Department study shows production payments deals totaled $750 million in 1967 and $703 million in 1968, a three-fold increase from 1965's total of $217.4 million.

Tax analysts say oil companies top the list of mineral producers involved in the transactions, although they could not provide a detailed breakdown.

Treasury officials calculate that one tax dollar is lost for every seven dollars involved in the deals. Thus, they say, the transactions have cost the government more than $100 million annually in tax revenues in each of the last two years.

Most of the transactions come in the last few days of the year, when mineral company accountants are in a position to know what the firm's tax liabilities would otherwise be.

"In short," a Treasury Department study said, "a corporation sells production payments at the end of the year so as to circumvent the 50 per cent net income limitation on the depletion deduction, to distort the net operating carryback or carryover provisions, to avoid the foreign tax credit limitation, or, in the case of 1967, to avoid the expected corporate surtax in 1968."

One federal official put it more bluntly. "Frequently," he said, "the only purpose is tax avoidance."

Representatives of banks and the mineral industry, who are lobbying against changes in the present tax law, deny that production payments are used primarily to avoid taxes.

However, Harold M. McClure, Independent Petroleum Association president, testified before a House committee that "one of the reasons that a carve-out is used in the oil industry is to maximize depletion." But he said the big reason for selling the payments is to avoid showing the money as loans on a firm's books. "From my standpoint this is the major thing," he said.

Treasury Department officials say that by using the production payments, a company can fatten depletion allowance benefits and inflate its income one year, then take a self-induced loss the next and avoid paying any taxes.

Here is how they say the depletion allowance is intended to work, using a fictitious firm, Strike It Rich, Inc.:

Strike It Rich has gross income from wells totaling $10 million in one year. The 27½ per cent depletion allowance based on this would represent $2.75 million in tax-free income.

But the company has expenses totaling $8 million, leaving a net income of $2 million. Because the depletion allowance may not exceed half of net income, the company is allowed to deduct only $1 million for depletion instead of the $2.75 million figured on the gross.

This leaves $1 million on which Strike It Rich must pay federal income tax. At the corporate rate of 52.8 per cent, the company pays $528,000 in taxes.

But by using the production payments deals and complex accounting procedures, officials say, mineral companies can bypass the 50 per cent limitation on the depletion allowance.

Here, according to officials, is how it can be done, again using the fictitious Strike It Rich, Inc.:

Strike It Rich sells a production payment for $8 million. This is added to the company's original $10 million gross, boosting total income to $18 million in the first year. Business expenses remain the same, $8 million, but now the net taxable income is $10 million.

The depletion allowance is based on the full gross income—or 27½ per cent of $18 million. This means the full depletion allowance, $4,950,000 is tax-free. The company pays taxes on the other $5,050,000 in income, or a tax of $2,666,400 at the corporate rate of 52.8 per cent.

This is substantially more taxes than the company would have paid if it had not sold the production payment. But its taxes the next year are less—and it even may be able to recover all or part of the taxes paid the previous year, like this:

The company has the same amount of production—$10 million worth—the second year, but $8 million of this goes to the purchaser of the production payment. This leaves the company with income of $2 million. But the company also has the same business expenses of $8 million, which it deducts, leaving it with a paper loss of $6 million.

This paper loss eliminates any federal income tax liability for that year. In addition, the $6 million paper loss offsets the $5,050,000 income the first year, and allows the company to collect a refund from the government of the $2.66 million paid in taxes that year.

This still leaves an unused loss of $950,000 which can be carried forward or back to other years.

An example of a bank-foundation-oil company arrangements can be found in New Orleans. There eight foundations list clerks and tellers of Whitney National Bank and member of the bank's law firm as directors.

The foundations carry such names as Thirteen-Hundred Foundation, Eleven-Hundred Foundation, Two-Twenty-Eight Foundation, Six-Twenty-Four Foundation, and Six-Thirty-Five Foundation.

In 1967 and 1968, the Thirteen-Hundred Foundation handled production payments totaling $2,926,353. Its net income during that period was $273, and its sole charitable contribution was $25 to Phillips Memorial Methodist Church.

In 1968 another of the eight foundations, St. Charles, Inc., had a gross income of more than $4 million but made no charitable contributions because it showed a deficit of $10,000.

St. Charles' president is Rene A. Gatti, a teller at Whitney National Bank which made the loan. "Don't ask me about it, I really can't tell you much . . . I'm listed as president . . . but in name only." Gatti said.

He referred to a bank vice president, George P. Bywater, as "the one who sets these things up."

Bywater said he handled the foundations' paperwork but added, "The bank doesn't own these foundations or control them. No bank officer is the director or anything."

As for the bank clerks and tellers listed as foundation directors, Bywater said, "These men are just individuals."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2185) to authorize a Federal contribution for the effectuation of a transit development program for the National Capital region, and to further the objectives of the National Capital Transportation Act of 1965 (79 Stat. 663) and Public Law 89–774 (80 Stat. 1324), with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 48) to adjourn from November 26, 1969, until December 1, 1969, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction; and

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 2056) to amend title 11 of the District of Columbia Code to permit unmarried judges of the courts of the District of Columbia who have no dependent children to terminate their payments for survivors annuity and to receive a refund of amounts paid for such annuity, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction; to the Committee on the District of Columbia.

H.R. 14916. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

RECESS UNTIL 2 O'CLOCK P.M. TODAY

Mr. LONG. Mr. President, our Republican friends are holding a meeting, which they usually do about once a week, at which they discuss things such as the pending amendment, as well as other problems, and it gives them a chance to get their heads together to see what their attitude should be with regard to certain amendments, and other amendments that will be offered on the bill.

I assume that the meeting will be going on for the next 40 minutes and therefore ask unanimous consent that the Senate stand in recess until 2 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 o'clock and 25 minutes p.m., the Senate took a recess until 2 o'clock p.m. today.)

At 2 o'clock p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. PACKWOOD in the chair).

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, debate on the pending amendment will be limited to 1 hour, to be divided equally between the Senator from Virginia (Mr. Byrd) and the Senator from Delaware (Mr. Williams).

Who yields time?

Mr. BYRD of Virginia. I yield myself 5 minutes.

Mr. President, the pending amendment would strike from the tax reform bill the proposal that the surtax be continued beyond Decemeber 31 to June 30, 1970.

To put this matter in perspective, the 10-percent surtax, which has been in effect now for almost 2 years, automatically will expire on December 31 of this year. If the proposed legislation is enacted in its present form, a 5-percent surtax will be placed on all income taxpayers, both personal and corporate, for an additional 6 months, to expire June 30, 1970.

The amendment I have proposed would reduce the revenue to the Government by $2 billion during fiscal 1970. I regret that. During the years I have been in the Senate, I have fought for a responsible policy. I feel that our Government is in a very difficult shape in regard to its fiscal affairs. I think it is important that it set its fiscal house in order.

What we are running up against now in regard to the continuation of this surtax is this: How can we keep faith with the people of our Nation when we take a temporary tax and make it into what is fast becoming a permanent tax?

When the tax was originally enacted, the people were told by Congress and by the executive branch of Government that the tax on incomes would expire automatically on June 30, 1969. But as soon as it expired, or just prior to expiration, Congress immediately continued it for another 6 months. Now the proposal is to continue it again for another 6 months.

I submit, Mr. President, that the people of our Nation have become cynical with Government. They have become cynical because the Government tells them one thing and then proceeds to do something else.

While I regret the loss of revenue to the Government which would be occasioned by the adoption of the amendment I have offered—approximately $2 billion for this fiscal year—it seems to me that it is more important to take a step toward restoring confidence in Government by terminating this temporary tax before it becomes a permanent tax.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. BYRD of Virginia. I yield myself 3 additional minutes.

When we talk about using this tax to fight inflation, I have never fully understood how we can fight inflation by taking money from the pockets of the taxpayers, so that the taxpayers cannot spend that money, and give it to Government, so that Government can spend the money. It does not impress me as being a very logical way to fight inflation.

At a hearing before the Committee on Finance on July 8 of this year, I put that precise question to the Secretary of the Treasury, Mr. David Kennedy. Incidentally, he is a very splendid individual, in my opinion.

I asked the Secretary:

> How do you help inflation, help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?

This was the Secretary's answer:

> Secretary Kennedy. That is a $64 question. To the extent they spend it I am sure you have the answer, but what we are trying to do is to have the Government pay its own way in this period, and reduce the ability of the public to have money to spend. We will send you at least an answer, which might not satisfy you, but we will send you one.

Then Secretary Kennedy supplied for the record, under date of July 11, 1969, a more detailed statement, but somewhat along the same line.

I ask unanimous consent that this colloquy between the Senator from Virginia and the Secretary of the Treasury, on pages 128 and 129 of the Finance Committee hearings on H.R. 12290, be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senator Byrd. Maybe you could give me a statement in reply to this question that has been put to me by a great many. How do you help inflation, help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?

Secretary Kennedy. That is a $64 question. To the extent they spend it I am sure you have the answer, but what we are trying to do is to have the Government pay its own way in this period, and reduce the ability of the public to have money to spend. We will send you at least an answer, which might not satisfy you, but we will send you one.

Senator Byrd. I have been asked that question a good many times.

Secretary Kennedy. It is a good one.

(The information referred to follows:)

July 11, 1969.

This is in response to the question: "How do you help control inflation, or stop inflation, by taking money out of the pockets of the individual citizens so they can't spend it, and putting it into the hands of Government so it can spend it?"

The answer is that the Government expenditure is not going to change because of the surcharge. We are faced with a set of laws and general policies that obligate the Government to do certain things like defend South Viet Nam, pay veterans' benefits, and so forth. We are trying to achieve every feasible economy in carrying out these obligations, but we estimate they will involve expenditures of $192.9 billion in fiscal year 1970, which is $2.4 billion below the figure in the January Budget. If the surcharge is extended, private expenditures will be reduced and Government expenditures will still be $192.9 billion, so total outlays will be reduced and there will be less pressure toward inflation.

Mr. Mayo. That is one of the reasons we are asking for the extension of this surtax, Senator Byrd, so that we won't have to borrow quite so much this coming year.

Senator Byrd. But you still spend the money. In other words, instead of the individual spending the money the Government is spending the money.

Secretary Kennedy. That is right.

Senator Byrd. This is more of a philosophical view, I guess, but one thing that concerns me about extending the surtax is it was enacted as a temporary tax. The public, I think, gets more and more cynical about Government, when Government makes one statement one year and then repudiates that statement the next year. Of course, I am not speaking of the officials involved now, because they were different officials last year than they are this year, but it is the same Government, and when the Government leads the people to believe that they are having a temporary tax, and then consistently turns a temporary tax into a more permanent tax. I think it leads to cynicism on the part of the public toward Government. I think it also causes uncertainty in the minds of the business community as well as the individual citizen, but that is perhaps more of a philosophical question than one that would meet the needs of the Government at the present time.

Mr. Mayo. We are quite conscious, deeply conscious of this, and that is why both of us have pledged that we want to make sure that this is a temporary tax, as soon as we can get past the reasons that caused it to be enacted in the first place.

Senator Byrd. I think it is very important, it seems to me it is very important that it be eliminated at the earliest possible opportunity, to let the people know that the Government is playing fair with them, and when we say the tax is temporary they are going to try to make it a temporary tax, rather than to continue it indefinitely.

Mr. BYRD of Virginia. Mr. President, this proposal seeks to keep faith with the people. The surtax has been extended once. It is proposed now that it be extended again, and even before that has been done, there has been talk that it might be extended a third time, next June.

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. BYRD of Virginia. I yield myself 1 additional minute.

I feel very strongly that if this surtax is continued beyond the December 31 date, it is very likely that it will become a permanent tax, the same as the so-called temporary excise taxes appear to have become permanent, in that they have been on the books now for almost 20 years.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. President, I rise reluctantly to take exception to the amendment that is now pending and express the hope that it will be rejected.

No matter how much we may like to have a tax reduction there is only one way in which we can have a bona fide tax reduction; and that is, to first reduce Government spending whereby we will have the money to do it.

To take the surcharge out of the bill would reduce revenues in the calendar year 1970 by $3.1 billion. In the fiscal year 1970 it would reduce collections by $2 billion and in the fiscal year 1971 by $1.1 billion. The effect of this on the budget would be to reduce the surplus which this bill would otherwise bring about from $3.4 billion down to $1.4 billion in the fiscal year 1970 and to bring the surplus of the bill from $3 billion down to $1.9 billion in the fiscal year 1971.

This is designed as a gradual transition—with a specific termination date—which is badly needed in view of the inflationary pressures which still exist in the economic environment.

Consumer prices and wholesale prices to a lesser extent are still rising albeit more gradually. The worst thing to do when you are beginning to get control over inflation is to take the lid off.

A 1-percentage point rise in the consumer price index has a far worse effect on consumers than retaining this tax at a reduced rate for just a 6-month period. A 1-percentage point rise takes $5 billion out of the consumer's pocket whereas this reduces their income by $3.1 billion. Moreover, you could expect more than a 1-percentage point rise if this is removed.

Some say that the surcharge has not been effective. While it may not have snuffed out the inflationary pressures as soon as everyone wanted, the difficulty was that the pressures got too much of a running start. Despite this, there has been real progress in reducing inflationary pressures.

The gross national product increase quarter by quarter in 1969 has been smaller than the corresponding increases in gross national product in the prior year. Increases in real gross national product have been slowing down. The increase in the fourth quarter of 1968 was $5.7 billion while the increase in the real GNP in the third quarter of 1969 was only $3.9 billion.

The percentage increase in gross national product in terms of current prices is also slowing down:

	Percent
3d quarter 1968	39.5
4th quarter 1968	35.4
1st quarter, 1969	28.4
2d quarter 1969	22.4
3d quarter 1969	22.7

The fact that the increase in wholesale prices is beginning to lag behind consumer prices is still more evidence that inflationary pressures are slowing down. The increase from July to October in consumer prices was 5 percent, but in terms of wholesale prices which lead consumer prices the increase was only 2.4 percent.

Those who are interested in holding down interest rates and making more money available for housing certainly ought to oppose taking off the surcharge at this time because to do so takes the lid off price rises again and makes monetary restrictions all the more necessary.

Mr. President, I wish to point out that we are far from having a balanced budget today, even with the extension of the surtax. It is projected on the so-called unified budget that we will have a surplus of $5.9 billion at the end of this fiscal year. However, as I have already pointed out, that figure was not based on the real administrative budget of the Government. That $5.9 billion was arrived at only after there was included in the computations $9.5 billion of accumulations in the various trust funds such as the social security fund, the civil service trust fund, the railroad retirement fund, and others.

When one takes away those accumulations that are in the trust funds—and they should not be included in the budget of the United States because there are strong restrictions against that money being spent to defray the cost of Government—it will be found there is a deficit of $3.6 billion for this fiscal year. That $3.6 billion is still based on the premise that we will extend the surcharge at 5 percent for another 6 months, that we will repeal the investment tax credit retroactively to last April, that we will extend the excise taxes another full year, that we enact the proposed postal rate increases and proposed user charges, and that we will keep a tight lid on Government spending. If any one of those things is not done that would add to the deficit.

Mr. President, there are other items which are not taken into consideration. These involve actions taken by one House of Congress which are still pending for action by the other body of Congress.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the following additional amounts of expenditures could be added on for this year. First, there is the pay increase bill, which has been passed by the House, which is pending in the Senate, and for which the annual cost would be $1.5 billion over and above the budget. There is the food stamp program, which would add $600 million over and above the budget expenditure figure. There is an additional $500 million appropriation for HEW. This figure would be beyond the budget figure. There are the GI bill and other veterans' bill, which would cost an extra $500 million. In addition, there are various and sundry bills which would add close to another $500 million over the budget. Taken altogether those measures would mean that we are confronted with close to an $8 billion deficit if we enact those bills and then turn around and do not extend the surcharge at a 5-percent rate for the additional 6-month period and return the other revenue producing measures of the pending bill.

Mr. President, I might say even that estimate is based on the premise that when this bill passes the Senate it will provide no more tax reductions for fiscal 1970 than the additional revenue it produced in that period. These are suppositions which may or may not develop. But even without these additional projects, and these things which may or may not happen, I still point out that we are operating the Government today at a deficit of close to $500 million a month. That means we have to borrow this amount of money to keep the Government solvent. This is not the time to talk about cutting revenue.

I call attention to daily statements which are issued by the Department of the Treasury. The one I have before me is dated November 12, 1969. The statement shows that as of June 3, 1969, just 5 months ago, the national debt was $360,861 million; today the national debt stands at $368,444 million, or an increase of $8 billion.

Mr. President, a large part of that amount can be attributed to the fact that revenues that come in during the first 5 months of a fiscal year are lower than they would be for the next half year because December is a heavy revenue month. But even at that we are running far behind the rate of last year. In the first 5 months of the last fiscal year, between July 1, 1968, and November 12, 1968, we find that the deposits of the Federal Government for all types totaled $64.8 billion, whereas withdrawals, or money spent during that same time, totaled $75.6 billion, or a deficit of $10.8 billion. That deficit was accumulated during the first 5 months of the last fiscal year.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I commend the Senator from Delaware for making these facts available to the Senate. Does the Senator believe this statement to be true? As much as we dislike to vote to continue the surtax for one-half of 1970, we are faced with a choice of levying this tax of about $3 billion or ultimately increasing the national debt by $3 billion.

Mr. WILLIAMS of Delaware. There is no question about it.

Mr. CURTIS. It is a choice between $3 billion of tax now or $3 billion of debt, and the amount of interest on $3 billion, which is no small item.

Mr. WILLIAMS of Delaware. There is no question about it. To the extent we reduce taxes by $1 we have to borrow the money, as I have pointed out before. We operate today with a deficit of $500 million a month.

If the Senator will bear with me, I would like to continue the comparison I was making. In the first 5 months last year, beginning July 1, 1968, going down to November 12, 1968, the expenditures exceeded our deposits and revenues by $10.8 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, using the same 5 months for this year for purposes of comparison we find our deposits for this year are $70.4 billion, whereas expenditures for those 5 months amounted to $85.6 billion, which means we accumulated a deficit of $15,156 million in the first 5 months of this fiscal year. That means we are running a deficit at the rate of around $3 to $5 billion more than we were the year before. This is partly because on some of the so-called reduction features of the administration program we get delayed action, so that they will not become fully implemented until the months to come. Expenditures have to be reduced. Otherwise we will be confronted with no surplus, even on a unified budget, but rather we will have a deficit. As I pointed out before, we are operating the Government today at the rate of around $500 million per month more than our income when we figure it on the basis of the calculations we have always used during the preceding 150 years of our Government.

To boast of a surplus on the basis that we can count the accumulation in the trust funds, the civil service retirement fund, the railroad retirement fund, and the social security retirement fund, et cetera, as though it were normal Government revenue has but one purpose; namely, to receive or lull the American people into a false sense of security that our Government is living within its income, when they are not.

It is time that we have a little truth in Government as well as a government preaching about the need for truth in lending and truth in packaging.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Can the Senator tell me what the approximate rate of interest is that the Government is paying now on its indebtedness on new issues?

Mr. WILLIAMS of Delaware. As high as 8 percent—it is running aproximately that—which means that if we adopt the amendment and reject the $3 billion income the Government will be forced to borrow this money and increase further the demand for money at the same time. Annual interest charges on this item alone would be over $200 million.

The problem today is that there is not enough money in the lending market to finance the various industry demands, the demands of individuals for housing, and then a huge Government deficit. I think we have no choice but for the Federal Government to stop its deficit spending.

I will agree with the Senator from Virginia that a major step in that direction—the No. 1 needed step—is more rigid control over Government spending. I know he has been trying to hold down Government spending; but let us face it, there has not been enough of us yet who can hold down Government spending. Until we do we have no choice except to provide revenue to operate the Government.

Mr. CURTIS. It is sometimes said that if we can raise taxes and make less money available, the people cannot spend it. Does the Senator agree with me that that statement has no validity, because if the lack of income from taxes would prevent spending, we would not have any national debt; is that not true?

Mr. WILLIAMS of Delaware. That is true. It merely means that the Treasury Department, which finances the obligations of the Government, has no choice except to go out into the money market and borrow money at the high prevailing rate of interest, which is around 8 percent. Already it is costing us close to $1½ billion per month just to pay the interest on the national debt. We have been running deficits in this Government for the past 15 to 20 years. We seem to have forgotten that the Government does have obligations and that we in Congress have obligations to provide the revenue to finance the Government.

I was one of the authors, along with the Senator from Florida, a couple of years ago that put through this surtax on the request of the then President Johnson, and I said then that we had no choice at that time except to pass the surtax bill because we could not afford the alternative in this country, which was wild inflation.

My criticism of the action then was not what we did but the fact that it took Congress and the administration so long to do it, because had we taken the step to raise taxes a year or two sooner I think that we would not have had the wild inflation we now experience. But we did not take action soon enough. Nor did Congress exercise proper control over expenditures. That is why inflation is running wild today.

By all means, now that we have at least some hope we shall be able to control inflation; let us not take this backward step. Let us hold the brakes on until we know that we have inflation under control.

I hope that the amendment will be rejected.

Mr. President, I withhold the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I am going to support the amendment of the distinguished Senator from Virginia not for the same reasons that have been given on this floor today but for the main reason that I think the amendment is being considered at the wrong time in the consideration of the bill.

The Chair will recall that before we recessed last August, I made the statement that we were willing to go only so far as December 31, until we found out what was going to be done about closing some of the loopholes in our tax structure.

From reading the record and listening to the debate on this floor, the same people who are clamoring for fiscal responsibility are the same people who are defending the favoritism in the tax structure.

So far as the Senator from Rhode Island is concerned, I want to make this abundantly clear: That I am not so much against the extension of the tax for another 6 months, but I want to find out first on whose back we will put this load.

We have favoritism upon favoritism in our tax structure. We should decide, first, how we can close the loopholes and then we should decide what we should do about extension of the surtax.

When the proper time comes, I will be no less courageous to stand up and say that we should have an extension of the surtax, but at this moment I want to find out what we are going to do about the oil depletion allowance. What are we going to do about these other favoritisms in the tax structure? Then, I will vote for the surtax, I think the time has come when, before we extend any tax, we should clean up the tax structure by removing all the favoritism in it.

For those reasons, Mr. President, I support the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. WILLIAMS of Delaware. I will be glad to yield such time to the Senator from Rhode Island as he may require.

Mr. President, first I wish to say to the Senator from Rhode Island that I agree that we need to close many of the loopholes. He has been advocating that for years, and so have I. But I am sure that he will agree that this is true not only of the oil depletion allowance but also in other areas. I can assure the Senator from Rhode Island that I will be with him in trying to close these loopholes because it needs to be done. Yesterday we saw the result of a vote to close some of these loopholes, but we lost. We just did not have the votes. They were important loopholes, I thought, that should be closed. We must let the American people know that whatever taxes are laid upon them will be equitably and equally distributed across the board. I want to let the Senator know that while I disagree with his position on the pending amendment I respect his position. I think that we have no choice except to extend the surcharge for another 6 months. A $3 billion extra loss in revenue at this time cannot be permitted.

I take a back seat to no one, and join the Senator in saying that we should close these loopholes. I hope that before this bill is out of here we can really close some of them.

Mr. PASTORE. The Senator will recall that we had the same colloquy about 4 or 5 months ago, when I said at that time that we should close the loopholes first. This idea saying that we will extend the tax now and take a chance on what will happen on the loopholes, the Senator from Rhode Island is not ready to buy that.

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. PASTORE. You straighten out your tax structure and then I will talk to you about extension.

Mr. WILLIAMS of Delaware. Well, I guess we can find an excuse for anything put in this bill together, so we take it or leave it.

I hope that in the days ahead Senators who are trying to close some of the loopholes—they and our friends who have been attacking the tax reform bill—will be present and helping us.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, will the Senator from Delaware yield me 2 minutes?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana as much time as he may desire.

Mr. LONG. Mr. President, if Senators will look at the summary of H.R. 13270, the blue pamphlet that I have asked to have placed on the desk of every Senator, and turn to page 138, they will see the amount of money proposed to be raised by the bill through so-called loophole-closing measures. They will see how these amounts phase in and will account for more and more income as the years go by. They will see all the various items and provisions in the bill that will raise additional income.

The biggest item of income would be the last item before the total, the investment tax credit, starting with $2.5 billion in 1970 and providing $2,990 million in the following year. Senators will see how much will be raised from changes in the treatment of corporate capital gains, foundations, the unrelated business income of exempt organizations, charitable contributions, farm losses, multiple corporations, accumulation trusts, banks and other financial institutions, percentage depletion, production payments, and regulated utilities. In addition there is a $650 million item on preference income.

So the bill provides many tax increases, the largest single item being the repeal of the investment tax credit, which would, in full operation, produce $3.3 billion a year. The bill also imposes large tax increases on people who are in preferred positions and have preferred types of income or deductions.

The only thing the committee declined to do, really, was to tax the interest on State and local bonds. The present difficulties the States and cities are encountering in raising funds and the effect such a tax might have on this already difficult situation persuaded the committee not to take this action.

There are many who have second thoughts about the bill. It is felt by some that the investment tax credit should be repealed. It is felt by others that we should not repeal the investment tax credit.

I would hope, as does the Senator from Rhode Island, that so long as we have included provisions to raise more money, it should be our intention to keep the revenue-raising items in the bill until out. Of course, if the Senate knocked them out, it would be the privilege of any Senator to seek a tax to increase the overall amount.

Mr. PASTORE. That is exactly the point which the Senator from Rhode Island makes. I know there is much in the bill, but merely because it is in the bill does not mean that that is the bill that will pass the Senate.

The Senator from Rhode Island would first like to know what the bill provides for closing loopholes; then let us decide what exceptions will be made. That is the point I make. I want to know what the attitude of the Senate will be about closing tax loopholes. We cannot put this burden on the backs of the people.

Mr. LONG. I cannot accept the responsibility, because any Senator can call up or offer any amendment he wants to, now or later.

Mr. PASTORE. That is correct. The Senator will agree, will he not, that the House reduced the oil depletion allowance to 20 percent, and that the Senate committee "upped" it?

I should like to know a little more about that before I vote on the surtax. I have not heard that question debated yet.

It is said that we need the money. I know we need the money, but the question is, Whence will it come? Will it come, again, from the little people, or will it come equitably from every taxpayer in the country? That is my question. If the Senator will give me the answer to that question, I will make up my mind.

Mr. LONG. I am not the only one who proposed tax reforms or who wants them. The Senate committee reduced the amount to be raised from reform measures by the House by about $250 million. We would have raised it if we had been allowed to retain the depletion. We cannot all have our way about tax reform. Some items we get, and some we do not.

I proposed that we have a carry-forward basis, so that a person would not get a stepped-up basis when he inherited property, which allows the appreciation of the property prior to death to escape taxation. But I did not have my way about that. Even so, there are still a large number of revenue increases in the bill from tax reforms.

Mr. PASTORE. I realize that; but when we talk about fiscal responsibility, let us not talk out of both sides of our mouth. That is all I say.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I think one thing should be pointed out definitely, because the cost of living is continuing to rise. I think it is most important that someone should explain the opposition to some of the provisions for tax increases in the bill. I hope the distinguished chairman of the Committee on Finance will listen to an argument against the surtax which was made by the administration, outside these Halls, because it deals with inflation. It is a news dispatch from the UPI at 11:44 this morning. It reads:

> WHOLESALE PRICES
>
> WASHINGTON.—Wholesale prices jumped another four-tenths of 1 per cent in November because of the sharp rise in the cost of farm products, the Labor Department estimated today.
>
> The wholesale price level was 4.5 above the figure a year ago.
>
> Preliminary figures released by the department's Bureau of Labor statistics (BLS) said wholesale prices of farm products rose an estimated 2.3 per cent during this month. Industrial commodities rose 0.2 per cent while processed food and feeds averaged the same as in October.
>
> Such increases at the wholesale level normally signal new retail price hikes in the offing.
>
> The November rise in the wholesale prices matched the October advance, which followed three months of smaller increases that appeared to indicate Nixon administration anti-inflation policies might be taking effect.
>
> The 0.4 per cent rise equaled the percentage increase in consumer prices in October, reported last week. This appeared to offer little hope that consumer price increases would be abating in the coming months.
>
> The November rise pushed the wholesale price index to 114.5, which meant that goods which cost $10 at wholesale in the 1957–59 base period cost $11.45 this month.
>
> The wholesale price index advanced sharply during the first six months of 1969, with monthly increases ranging from 0.4 per cent in February and June up to 0.8 per cent in January and May. But the increases dropped off to 0.1 per cent in July and in August, only to rise to 0.2 per cent in September and to 0.4 per cent in October and November.

So anyone who says that any effort is being made at this time, with this bill, to control inflation, just absolutely cannot substantiate his view by the facts. Not a single Senator has risen to substantiate any of this claim.

But the administration takes the position that I am advocating and that the Senator from Virginia (Mr. BYRD) is advocating today, in a speech delivered at Princeton to the Tax Institute of America Symposium by Herbert Stein, one of the President's Council of Economic Advisers. I read a portion of his speech. After Mr. Stein had described the theory which has been laid before the country, a theory which has been shown to be false and has left people standing aghast as to why the principle of high interest rates and tight money does not work, President Nixon's Economic Adviser said, 2 days ago:

> However, subsequent analysis suggested that a temporary tax change would have little effect on private spending, by either businesses or households. This view has apparently been confirmed by experience with the temporary tax surcharge enacted in 1968. The rise of business investment which followed the enactment of the surcharge was so big that one can hardly expect to detect any repressive effect of the surcharge on the corporate profits tax. Microscopic analysis may yet discover some effect of the surcharge on consumption. But in any case we are going to say that the effect was small and late.

Then, this conclusion:

> In fact, the final analysis of the 1968 episode—

Which is the surtax we are debating at this moment—

> May yet reveal that the net effect of the surchage was inflationary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. May I have another 2 minutes?

Mr. BYRD of Virginia. I yield the Senator from Indiana 2 additional minutes.

Mr. HARTKE. In other words, these factors indicate more unemployment and higher interest rates. Mr. William Butler, one of the most distinguished economists in America, of Morgan Guaranty, said last week there is only one reason that the prime rate is not being increased—and I predict it will soon be increased—from its 8½-percent rate of today, and that is because they fear the wrath of Congress; but ultimately they will do it, because just this past week, a triple A utility bond sold for the highest rate in the history of the United States, and they said an immediate increase in interest rates across the board would be forthcoming.

There is no question but that this tight money policy and the surtax are stopping the economy of the United States. There is no question about that. But they are not stopping inflation. That is what I am saying: This administration is now faced with an inflation credibility gap, and someone will have to answer for that one.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I yield myself 5 minutes.

Mr. President, I thoroughly agree with the distinguished Senator from Delaware, who said that there is only one way to effectively reduce taxes, and that is to control spending. I agree thoroughly with that assertion, and the record of the past 4 years will bear out that my votes have been cast precisely along that line.

I believe, too, that the way to control inflation is to control spending. In the long run, it is controlled spending, and not continued increases in taxes, that will most effectively and lastingly combat inflation.

The assertion has been made on this floor today that the Senate has two choices: One is to continue this surtax, which will bring into the Government $2 billion during the current fiscal year; or, if that is not done, it will increase the national debt by $2 billion.

I submit there is a third choice, and that is the choice I think the Senate should take: To eliminate this surtax of $2 billion, and offset it by a decrease in spending. I submit that that can be done and should be done. I point to just one area as an example: It has been proposed that spending for foreign aid be increased by $1 billion this year over last year. I submit that that cannot be justified. That $1 billion increase cannot be justified, and that is only one area where sharp reductions can be made. There are many other such areas.

The able Senator from Delaware brought out another point with which I thoroughly agree. He said there is a time for truth in government. That is really the basis and the number one reason why I have submitted this amendment; because I think that this surtax, which was put on almost 2 years ago, and which automatically expired on June 30, 1969, and was continued as a temporary measure, should come off, or else it will become a permanent tax. Even though this tax was put on as a temporary tax, expiring automatically on June 30, 1969, it has already been extended once, and now it is proposed to extend it again. I submit that that is why people become cynical with government—and the American people have become cynical with this Government, because we, the leaders of the Government, tell the people one thing and then do something else.

When it comes to using this tax to control inflation, I ask this question of the Senate, just as I asked it of the Secretary of the Treasury when he appeared before the Committee on Finance: How do you fight inflation by taking $2 billion out of the pockets of the wage earners and the taxpayers so they cannot spend the money, and turning it over to the Government, so that the Government can spend the money? I submit that that is not the way to control inflation. The way to control inflation is to get Government spending under control, and not continually make permanent taxes which were first put on as temporary measures.

There is $2 billion involved in this amendment—$2 billion for this fiscal year 1970. I dislike to see the Government lose that revenue at this time; but I believe, first, that it can be offset by reductions in spending, and second, that the advantage gained by keeping faith with the people will be more important than maintaining the tax.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I wish I could share the optimism of my friend from Virginia about making good this loss of revenue by a reduction in expenditures. I am afraid, however, that the realities do not substantiate what the Senator has said.

It is very easy to talk about expenditure reduction, but we simply do not have enough votes to achieve that expenditure reduction. We have to face up to the reality of the way appropriations are going in this session. They are going up, and not down.

I should like to make a comment about the failure of the surtax to do anything about inflation. Mr. President, 2 years ago, before the Joint Economic Committee, we had testimony from many of the leading economists in this country. To a man, they indicated the desirability of a blend of an increase in taxes and a reduction in expenditures. Upon interrogation, they agreed that the increase in taxes would have only a delayed impact on inflation, and the reason, of course, is quite obvious: People who have a higher tax bill, who want to make purchases, will go into their savings accounts and make those purchases, and it will not be until some months or possibly even a year or two later that the impact of that tax increase will be felt, as far as inflation is concerned.

On the other hand, they testified unanimously that a reduction in Federal spending would have an almost immediate impact. It is tragic that inflation has continued. I do not think anyone in this country, any economist, expected to have the results of the $25 billion deficit continue as long as they have. It was the first time in our country's history that we had a comparable economic situation.

I think it may not satisfy people to say that if we had not had a surtax, inflation would have been worse, but economists will tell you it would have been worse.

For the sake of coming out with a reasonable balance between expenditures and revenue, I think it would be tragic to subtract from the income of the Treasury $2 to $3 billion in revenue by adopting the Byrd amendment. I share the Senator's concern about spending, and I have done my share of voting to reduce appropriations. But the fact is that we do not have the votes to do it, and in that climate, I think we have to recognize that we simply must insure the revenue to the Treasury, if we do not want to have more inflation and higher interest rates.

Mr. BYRD of Virginia. Mr. President, I admit that if the surtax is eliminated, it will make the budgetary choices ahead of us more difficult. However, I feel that we must undergo necessary discipline. We must control spending.

In the long run, controlled spending and not repeated extensions of tax increases will best combat inflation. The surtax is put on as a temporary tax. And it is fast becoming a permanent tax.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of Virginia. Mr. President, I feel it is important that Congress keep faith with the people. This tax was put on as a temporary tax. It automatically expired last fall. It has been extended once. It is now proposed that it be extended again.

We have heard overtures that it may be necessary in the views of some people to extend it beyond next June 30.

I think it is important to eliminate it now, if we are to keep faith with the people who have become cynical about Government, because we tell them one thing and subsequently do something else.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, earlier this year I took the position that I would oppose extension of the surtax, particularly if the extension were not accompanied by meaningful tax reform.

This was my reasoning.

First, there is no indication that the surtax has been effective in slowing the climb in prices.

And second, a 10- or 5-percent increase on top of an inequitable tax system would increase existing inequities.

For example, the October 20 edition of U.S. News & World Report carried the report that in 1967, 399 individuals whose incomes totaled $185 million paid no Federal income taxes. Five percent of nothing is still nothing.

Today we vote on ending the surtax this year. I will vote to end the surtax for the same reasons I opposed its extension this spring. It still has not been proven that the surtax is an effective anti-inflationary tool.

And we have yet to enact tax reform.

If after we have completed work on tax reform and tax relief provisions of this bill there is a considerable loss of Federal revenues, I might then reconsider my vote on the surtax. However, such reconsideration will be based on the degree of tax reform and the nature of tax relief. Certainly, the major portion of tax relief should flow to those who can least afford to carry the present tax burden.

And finally, any reconsideration of the surtax will also depend on whether a case can be made that the surtax is vital to the effort to stem rising prices.

RELIEF FOR THE AVERAGE AMERICAN TAXPAYER

Mr. DODD. Mr. President, I support the amendment offered by the Senator from Virginia, and I do so without hesitation.

We have heard a great deal of talk about the need for the extension of the surcharge to combat inflation. I am very aware of this spiraling inflation which has plagued our economy for such a long time. I feel, however, that there are other ways to handle inflation without imposing a surcharge across the board.

We all know what is wrong with our tax system, and it is up to this Congress to correct the flagrant abuses and inequities which have existed for so long.

We all know that the very poor do not really have a tax problem, and the very rich can, as we well know, take care of themselves.

But what about the average man, the one who works for his living, the one who has been the chief source of our tax revenues for years?

This is the man I am worried about, middle American or whatever you want to call him. I am worried about him, but more than that, I think we owe him something.

Therefore, Mr. President, I cast my vote in favor of repealing this 5-percent surtax.

The average American has long been carrying a disproportionate share of the burden, and it is high time that Congress showed an interest in giving him some relief.

I shall continue to vote on this tax bill in support of all measures which will provide this essential relief for the average American taxpayer.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment by the Senator from Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE (after having voted in the negative). On this vote I have a live pair with the distinguished Senator from Texas (Mr. YARBOROUGH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. COOK (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. SAXBE (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Kentucky (Mr. COOPER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkanas (Mr. MCCLELLAN), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH), are absent on official business.

I further announced that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

On this vote, the Senator from Wisconsin (Mr. NELSON) is paired with the Senator from North Carolina (Mr. ERVIN). If present and voting, the Senator from Wisconsin would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Idaho (Mr. CHURCH) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from Idaho would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BAKER) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. GOODELL), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Kentucky (Mr. COOPER) have been previously announced.

The result was announced—yeas 28, nays 49, as follows:

[No. 159 Leg.]

YEAS—28

Allen
Bible
Burdick
Byrd, Va.
Cannon
Dodd
Eastland
Fong
Gore
Hart
Hartke
Hatfield
Hollings
Hughes
Jordan, N.C.
Magnuson
McCarthy
McGovern
Metcalf
Montoya
Moss
Pastore
Proxmire
Russell
Spong
Talmadge
Williams, N.J.
Young, Ohio

NAYS—49

Aiken
Allott
Anderson
Bellmon
Bennett
Boggs
Case
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Harris
Holland
Hruska
Javits
Jordan, Idaho
Long
Mathias
McGee
McIntyre
Miller
Mondale
Murphy
Muskie
Packwood
Pearson
Pell
Percy
Prouty
Randolph
Schweiker
Smith, Maine
Smith, Ill.
Sparkman
Stennis
Symington
Thurmond
Tower
Tydings
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Byrd of West Virginia, for.
Cook, for.
Inouye, against.
Saxbe, for.

NOT VOTING—19

Baker
Bayh
Brooke
Church
Cooper
Ellender
Ervin
Goldwater
Goodell
Jackson
Kennedy
Mansfield
McClellan
Mundt
Nelson
Ribicoff
Scott
Stevens
Yarborough

So the amendment (No. 287) of Mr. BYRD of Virginia was rejected.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair instruct the Sergeant at Arms to clear the floor of all staff personnel not immediately needed by their respective Senators or the committee handling the bill.

The PRESIDING OFFICER. The Chair instructs the Sergeant at Arms to clear the floor of all personnel not immediately needed on the floor.

The Senator from Texas is recognized.

Mr. YOUNG of Ohio. Mr. President, a point of order. There are sundry persons here who have no business to be here. They are standing around. I ask that the order of the Chair be enforced.

The PRESIDING OFFICER. The Sergeant at Arms will clear the floor of all personnel not immediately needed in the Chamber.

Mr. YOUNG of Ohio. I thank the Chair.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM

Mr. TOWER. Mr. President, the legislation now before us is so ponderous and complex that it is difficult to avoid becoming bogged down in technicalities, percentages and legal jargon. But we must remember that each line of every one of the 585 pages of this bill has a direct and vital effect on a segment of the American economy. We must remember that very few of the tax provisions in this bill will act in a vacuum, just as very few of the sections of the present tax code act alone. Our tax structure must be viewed as a delicate multi-faceted machine designed, however, imperfectly, to collect the revenues necessary to support our Federal Government. This highly complex machine has many levers, pulleys, and gears, each of which serves to encourage or discourage a specific response from one or more segments of the economy. It is rare that one part of this machine can be adjusted without a reaction in another part. It is equally rare that a change in the tax treatment accorded one industry or group of our economy can be made without affecting another.

Therefore, I must caution all of my

colleagues against over-reaction. In our zeal to adjust the tax machine so that it no longer elicits economic responses which allow 154 men and women to increase their worth by more than $200,000 a year without paying any Federal tax, we must be careful not to throw the machine so out of balance that it adversely affects the remaining millions of men and women who pay full taxes. Vengeance, however justified, is no substitute for reason where the American economy is concerned.

I would hate to think that all the manpower, thought, and time which has been put into this tax "reform" effort was directed at the infamous 154 which we have heard to much about. I would prefer to think that our purpose here in the Senate is to analyze the existing tax structure and approve changes designed to more equitably distribute the tax burden in accordance with overall economic needs. The emphasis must be placed on equity and the needs of the economy.

It is important that we resist the temptation to confuse equality with equity. The economy of this Nation never has been and, in my opinion, never should be based on the notion that all should share equally in the fruits of the system. Instead, this country has been blessed with an essentially free enterprise system which has made use of a free market system to distribute the goods and services available to each man according to his ingenuity, talent, and effort. I do not think that we would have the most powerful economy in the world today if the goal of our tax laws had been to bring about equality of wealth.

Consequently, I must view with concern the statements of those who claim that the sole purpose of this tax bill must be to close so-called "loopholes" in the tax law. Such statements are attractive at first glance. We must remember, however, that a tax law viewed by one man as a loophole represents for another man a reasonable tax incentive. What appears to be an accident of the tax laws which exists solely to allow a few individuals to unjustly enrich themselves may well be a carefully designed attempt to provide incentive to elicit a specific economic response essential to our national well-being.

Many of the so-called loopholes were not accidents, not clandestine creations of a few legislators who were controlled by so-called "fat cats," but attempts to use the tax laws to stimulate an essential segment of the American economy. None of these incentives ever became law without approval of at least a majority of the Members of Congress. All of them were considered to be in the best interests of the United States.

Mr. President, I will gladly join with my colleagues in an effort to eliminate tax incentives which are no longer needed and to close loopholes which have been so abused as to pervert their original purpose. But where a tax incentive is still needed to bring about a desirable response from a segment of our economy, I will not attack it merely because it is popular to do so or because a few individuals are benefiting inordinately from it.

In examining a tax incentive, or "loophole" if you will, the test for retaining it must not be whether we can exercise vengeance on individuals who are increasing their wealth under the law. Instead the test should be twofold: first, is the economic response encouraged by the tax advantage a desirable one? If it is, then we must determine whether granting the tax advantage in question is the best way to bring about the response. If it is the best way—that is, if the net gain to the economy exceeds the tax revenue lost as the result of granting the tax advantage by a great enough margin, then it should not be abolished merely because a few individuals profit greatly from it.

That is the test, Mr. President, that I shall apply to all of the tax incentives which are under review in this bill. Since I do not believe that this test was applied correctly to many of the provisions of the tax law dealt with in this bill, I shall have several amendments to remedy that. I will endeavor to submit my amendments for printing well in advance of the time when I shall bring them up so that all of my colleagues will have the opportunity to give detailed attention to the intent and practical effects of my changes.

Mr. President, I am appreciative of the great strain which the Finance Committee was forced to work under. In my opinion, the bill reported out by the committee is a significant improvement over the one which was approved by the other body. But I cannot support the bill as it is now written. Unless we are able to achieve substanital equity for the treatment of some vital segments of our economy which need to be stimulated, I greatly fear that I shall be unable to recommend final passage.

AMENDMENTS NOS. 297 THROUGH 300

Mr. President, I have a number of amendments that I should like to submit at this time to be printed. I shall have appropriate remarks to make on them as they are called up. I send these amendments to the desk to be printed.

The PRESIDING OFFICER. The amendments will be received and printed and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Texas yield?

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President will the Senator from Texas yield without losing his right to the floor?

Mr. TOWER. I yield.

Mr. BYRD of West Virginia. Mr. President, let me say, first, that we may expect two or three more votes today, hopefully.

It is my understanding that the senior Senator from Indiana (Mr. HARTKE) plans to submit two or three amendments and that he wants votes on them today.

Thus, Senators should be placed on notice that there may be two or three rollcall votes yet today.

However, it is expected that there will be no rollcall votes tomorrow.

THANKSGIVING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 48.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution from the Senate (S. Con. Res. 48) to adjourn from November 26, 1969, until December 1, 1969, which was in line 4, strike out the period, and insert a semicolon and "and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o'clock noon Monday, December 1, 1969.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. MURPHY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. MURPHY. I agree with a great deal that has been said by my distinguished colleague from Texas. I think there is much misdirection in the pending bill. In some areas the stated purpose of the bill has been turned away. There have been some deviations from start to finish.

May I ask my distinguished colleague from Texas how many amendments he sent to the desk just now? I understand the Senator sent more than one to the desk.

Mr. TOWER. Six.

Mr. MURPHY. Six. I thank the Senator. In consideration of the six amendments, would the Senator think that he would agree to a limited time or that the time would be unlimited,

Mr. TOWER. At the moment, I prefer not to agree to a limited time situation because I think when we are dealing with a highly complex issue such as tax reform, Senators should have adequate time to consider it.

Many of our brethren were not aware that we would plunge hastily into voting on amendments, debating on amendments, and agreeing to or rejecting amendments on Monday or Tuesday of this week; but, apparently, it has been determined that we will get right into it. A number of Senators are absent. They are absent because they felt there would not be any major action on this tax reform bill in the early part of this week. Therefore, I think it would be not in the best interests of good legislative procedure to agree to a controlled time situation.

Mr. MURPHY. I agree with my distinguished colleague from Texas that there is a great deal about this bill that should be examined closely. Many Senators have been busy in other committees. In my case, not being a member of the Finance Committee or responsible for the bill, we do have a report which I received in my office late on Friday. It is a most complex document as it stands now. The bill is over 500 pages in length. I should like to urge my colleague from Texas that we take the proper time, that since this matter of tax reform has been kept waiting for 12 years, we not rush in now and do a job that we may not be pleased with or proud of when we finish.

Mr. TOWER. I concur with the Senator from California. How many of the 100 Senators have had the opportunity to read the bill, to ponder it in great detail, and digest it? I would suggest that there are not many. I think we need tax reform. We need a complete recodification of what is an antiquated tax structure. But I certainly do not believe that we should act hastily on this measure which might have been devised merely in response to popular whim or a particular economic fiscal monetary situation which happens to exist at this moment.

When we pass tax reform, we will be passing tax legislation that will affect the whole economy of the United States of America for years and years to come. There are some things in the bill that need to be remedied, such as the efforts to make it possible for a few people in this country to go without paying any taxes. I have no sympathy for them. I am the son of a clergyman by way of background. I have never earned a great deal of money, yet I have always felt that I have paid an inordinate tax bill and, therefore, I would not like to see a few people getting off scot free. I think we are running the grave risk of throwing out the baby with the water. We are running the grave risk of destroying the incentives which have made us the greatest industrial power on the face of the earth.

Mr. MURPHY. I have received more mail, more visits, more telephone calls, more telegrams from more people with regard to the tax bill than anything since I came to the Senate.

Coming here as a sort of surprise entry, as it were, from a background of acting on the stage, I received an inordinate amount of mail at the beginning. The mail has been varied. It occurs as a result of the many facets and complexities that go to make up the State which I have the honor in part to represent.

Mr. President, one-tenth of the population of the United States resides in the State of California. I find it hard to find one industry or one group in the United States that is not heavily represented in the State of California.

As I have gone through the bill with people who represent their communities, good, honest people, productive people, leaders in charity activities, people who have taken the lead in building hospitals, museums, and private colleges, they are all concerned and worried. They are frightened, really, as to the result of some of the things that are in this bill, or were in it.

I must say that the members of the committee on this side of the aisle have done a magnificent job, but there is still so much of it. As one of our distinguished colleagues said to me facetiously, "I not only did not read it; I could not even pick it up."

The tax reform that the Senate enacts at this time will affect the future of this country for many, many years to come. I therefore commend my distinguished colleague from Texas for suggesting that we be not hasty, when we are told that there will be a vote at a time certain, regardless of whether, in the consideration of the majority of this body, it is the proper, the effective, or the safe way to progress.

I think that we should stop and think a little bit. The deliberations of this body are the safeguards for the country. We are supposed to take the time, the trouble, to discuss the issues and to be helpful in debate, and make as certain as we humanly can that the decisions we make will be in the best interests of all the people of this country.

As my distinguished colleague has said, in order to stop some, we may be doing great damage to others who do not deserve any damage, who have been complying with the law completely.

These are among the reasons that have concerned the Senator from California.

I am glad that my colleague from the great State of Texas has spoken out on the matter at this particular time. I hope that as we progress, we will not be rushed, we will not be pushed, we will not be hurried; that we will have time to examine all of these matters carefully; to make certain that they do what we intend, and not that we will come up with some surprises. I think we would do well to take our time and not be rushed in these matters, because this measure is of great importance, and we must not, under any circumstances, disappoint the American people who put their trust in us, in our wisdom and experience, by sending us here as their representatives.

I thank the Senator.

Mr. TOWER. I thank the Senator for his remarks, and wish to associate myself with them. We are supposed to be the world's greatest deliberative body. William S. White, in his book "The Citadel," said the primary function of the Senate is to protect the minority from the precipitate and the emotional tyrannies of the majority. I think that is what we should be engaged in right now.

I think, too, we have for too long thought in terms of a popular myth, that there are two groups in this country, one group called the consumers and another group called the producers. Indeed, every American is both a consumer and a producer, and if we destroy the jobs of a lot of producers by destroying the incentives that make them producers, then we will certainly destroy a lot of consumers in this country. I hope we bear that in mind.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HRUSKA. I have listened with interest to the discussion of the Senator from Texas, and find myself in sympathy with the proposition he has stated concerning limitations on debate. When we are faced with a stack of volumes which we see in front of us, when we look at the printed hearings, when we look at a very complex bill and consider the fact that it made its first appearance on the floor yesterday, it certainly does not seem to be in very good order to limit debate on amendments that are taken up at the present time.

Perhaps they are not particularly complicated in and of themselves, but they fit into a larger pattern, and we do not know yet what that larger pattern is. A Senator has no way of finding out in the discussion what that pattern is.

I would be constrained to consider very deliberately any further requests for unanimous-consent requests to limit debate until we have had time to study the bill, the report, and the hearings, so we know where we are going.

We have not ground out much legislation this year and I know the leadership on both sides of the aisle is a little restive, but that reasoning is small logic for rushing deliberation of legislation that is as important and massive in its impact on the economic and sociological structure of this Nation as the bill we are presently considering.

Mr. TOWER. I agree with the Senator. I certainly, for one, am not one who will agree to controlled time until such time as we have had an opportunity to study the bill. Then perhaps controlled time would be in order, but not until that time.

CLEAN AIR ACT—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of November 24, 1969, p. 35526, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, on July 8 the Senate unanimously agreed to a 1-year extension of the broadened research and demonstration section of the Clean Air Act. Without this legislation the Appropriations Committee would be unable to fund the fuels combustion research efforts which are so vitally needed to achieve control of fossil-fuel-fired powerplants and automobile engines. The House of Representatives passed the National Air Pollution Control Administration budget without funds for this section due to the lack of an authorization.

The conference committee agreed on

an amount 50 percent less than that which was passed by the Senate and which represents a $26.3 million increase over the House figure. The House committee argued that there was no need to authorize an amount in excess of the administration's budget request. The Senate conferees disagreed and indicated a strong belief that the purpose of an authorizing committee was to indicate program need, not program expenditure. Also, the Senate conferees did not think that the administration's budget request would provide an adequate research investment this year.

Mr. President, across the Nation people have spoken out for air pollution control. The manifestations of public opinion which have occurred in public hearing after public hearing in numerous air quality regions have indicated a growing demand for clean air.

I will speak on this subject in the near future when I discuss implementation of the Air Quality Act. However, suffice it to say that air quality standards are being set. In many regions, plans for implementation will soon have to be developed. Those plans for implementation will depend on the availability of technology, alternative fuels, and other methods of reducing air pollution. Control technology for oxides of sulfur, one of the two pollutants for which standards are being set, other than alternative fuels and low sulfur fuels is not available. It was primarily for this purpose that this section was enacted in 1967.

There is a limited supply of low sulfur coal which will be available in most communities to meet standards now. But a major technological breakthrough will be required to assure compliance with the standards which have been proposed and which meet the Nation's energy demands at the same time.

Mr. President, I understand that those who sell and those who use high sulfur coal are arguing against early implementation of proposed standards for sulfur oxides and are opposing use of low sulfur coal because of costs. They are content to wait until control technology is developed pursuant to this section of the Clean Air Act.

I find this unconscionable and unacceptable. If air pollution control officials in any part of the Nation are in fact not going to require alternative fuels as a means of control and wait for technology to be developed, I would personally urge elimination of this section of the law. Section 104 must not be used as an excuse to delay effective control. Low sulfur coal and alternative fuels must be used during the entire period of technology development.

Another area where more research is needed is in developing alternatives to the internal combustion engine and a more effective means of controlling the existing engine. Too little has been done in this area. The administration has been weak in its response to the need to develop this technology. The automobile industry has been guilty of delay.

I would hope that, with this compromise amount of $45 million, the President, the Director of the Bureau of the Budget, and the Secretary of Health, Education, and Welfare would take cognizance of the congressional concern for this program and recognize that $45 million is not merely a compromise figure, but is a rejection of an inadequate budget request and an insistence on the part of the Congress that additional funds be provided for this program.

Mr. President, today I have sent a letter cosigned by Senator RANDOLPH and other members of the Subcommittee on Air and Water Pollution requesting the Appropriations Committee to increase the funds for this program this year in order that oxides of sulfur research and motor vehicle pollution control research can proceed at an accelerated pace.

I hope that my colleagues will support me in this request.

I ask unanimous consent that the letter to the Senator from Washington (Mr. MAGNUSON) be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON PUBLIC WORKS,
Washington, D.C., November 25, 1969.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Appropriations Subcommittee on Labor, Health, Education, and Welfare, and Related Agencies, U.S. Senate, Washington, D.C.

DEAR WARREN: As you know, the Air Quality Act of 1967 is a far-reaching and critically important measure authorizing major Federal support for a national program of air quality enhancement. Substantial progress is being made toward the implementation of this program. However, our capacity to pollute exceeds our capacity to control pollution. For example, in the absence of control, sulfur oxide air pollution levels will continue to increase for the next ten years.

This situation need not continue. The Air Quality Act of 1967 provided adequate authority to develop necessary technology. However, appropriation and budget requests for that program have been inadequate. In 1969 the Administration requested $31.3 million for Section 104. Only $18.7 million were appropriated. For FY 1970 the Administration only requested $18.7 million for Section 104.

The effect of these reduced appropriations will be continued delay in the development of sulfur oxide and motor vehicle emissions control technology. Standards are now being set by the States under the Air Quality Act for particulates and sulfur oxides, but effective long-term implementation of the sulfur oxide standards may be delayed in the absence of technically feasible control systems.

Senate and House conferees have agreed to authorize $45 million to carry out Section 104 in FY 1970 but, as mentioned above, the Administration requested only $18.7 million. The House did not appropriate any funds for this section in the absence of an authorization.

As you know, research and demonstration efforts to control emissions from motor vehicles and to develop alternatives to the internal combustion engine are carried out with Section 104 funds. This effort only received approximately $4 million in 1969 for new propulsion systems as well as control methods applicable to existing systems. This is obviously inadequate.

During recent hearings before your Subcommittee, Mr. C. C. Johnson agreed with Senator Case on the current status of sulfur oxide control technology: "In other words, we are at a very primitive state of the art here." Air pollution control technologies must keep pace with the standards setting procedure by the states and the Federal program must be strengthened in this area.

Yet, at this crucial time, the Administration reduced the fiscal 1970 budget of the Consumer Protection and Environmental Health Service by 13 percent, or $30 million. Environmental quality must become a more important priority. If the Administration does not recognize this need, then the Congress must make up the slack.

Your efforts to strengthen this program by providing adequate funding for research relating to the development of new and improved methods to control fuel combustion by-products will assist in indicating Congressional concern.

We urge you to consider an increase in the Section 104 appropriation to the authorized level of $45 million, with a directive to emphasize development of sulfur oxide and motor vehicle emission controls technology.

If we can be of further assistance in this matter, please let me know.

Sincerely,

EDMUND S. MUSKIE.
HOWARD H. BAKER, Jr.
BIRCH BAYH.
THOMAS F. EAGLETON.
JOSEPH M. MONTOYA.
JENNINGS RANDOLPH.
WILLIAM B. SPONG, Jr.

FUELS RESEARCH IS VITALLY ESSENTIAL IN POLLUTION PROGRAMS

Mr. RANDOLPH. Mr. President, on Thursday, November 20, following the agreement of the House and Senate conferees on S. 2276, I reported the results of that conference to the Senate. The $45 million which this bill authorizes for research on controlling air pollution from fuels combustion and automobile emissions is needed to fund this fiscal year's appropriation. I reiterate that the amount of the authorization falls short of the actual needs for research funds in this field.

The authorization in this bill should not be considered as a precedent for future action. Next year the Committee on Public Works, through its Subcommittee on Air and Water Pollution, will review fuels combustion research needs and attempts to establish authorizations which realistically reflect them.

I hope that when the subcommittee conducts its hearings in this area next year that the Department of Health, Education, and Welfare will be able to provide a clear statement of its program and schedule for fuels combustion research and for the development of alternatives to the gasoline internal combustion engine as propulsion for the automobile.

All of the projections for the energy needs of the United States in the next two to three decades, and all the projections for automobile production in the near future indicate that the quality of air of the urban centers of the United States will continue to be degraded unless these critical problems of eliminating the pollutants from the combustion of fossil fuels and from automobile emissions are solved. There is no higher priority for research and development in the field of air pollution abatement than this challenge. It is my hope that the executive branch will assume greater initiative in this area. The Congress must act affirmatively.

Mr. MUSKIE. I urge the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the expected results of the vote on the surtax amendment of the Senator from Virginia did occur; so now, by virtue of that, we are practically certain we will have a 5 percent surtax continue until at least June 30 of next year, although there is some indication that that will probably not be the end, and I do not anticipate that it will be. If present monetary and fiscal policies continue it will not be the end. Some time about the middle of March, I would imagine, we will find out that the necessity for continuing the surtax beyond June 30 will still be with us.

For that reason, I think it is important that we begin somehow to alleviate some of the financial difficulties in which the States throughout the Nation are now finding themselves.

Thanksgiving is coming this week. I suppose America has a lot to be thankful for. We certainly do. But there are some schoolchildren who are not going to be very thankful, because in many schools throughout the United States the Thanksgiving weekend will be the beginning of a vacation which will continue through Christmas and until January 31 of next year. That is due to the fact that many school districts find themselves without sufficient funds to continue to provide an education for their children.

Probably the State worst affected by this problem is my neighboring State of Ohio. The State of Ohio finds itself in very serious difficulty. The Youngstown schools were closed down last year for a short period, but this year, beginning with the Thanksgiving vacation, many schools will close until after the end of the year.

Frequently, we find it difficult to find a way to make sure that some of the money we collect at the Federal level is provided for use at the local level in the fashion in which we would like to see it used. President Nixon has repeatedly endorsed a proposal which many of us, including the Senator from New York (Mr. JAVITS) and I, introduced a few years ago, for a tax-sharing plan. Since the primary reason we are continuing the surtax is to fight inflation, and since the money will be collected anyway, I think it would be appropriate that it be used in what would surely be the best fashion possible: to provide a continuing education for these young people, who are not looking forward to the prospect of a prolonged Thanksgiving holiday.

The amendment I propose at this time would provide as follows:

> There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated for each of the fiscal years ending June 30, 1970, and June 30, 1971, to each State, to be used by such State for elementary and secondary educational purposes only, an amount equal to the Federal tax collected in such year from taxpayers in such State as a result of the tax surcharge extension under this section.

I send the amendment to the desk, and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HARTKE's amendment to the committee amendment is as follows:

> On page 410, between lines 12 and 13, insert the following:
>
> "(d) (1) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated for each of the fiscal years ending June 30, 1970, and June 30, 1971, to each State, to be used by such State for elementary and secondary educational purposes only, an amount equal to the Federal tax collected in such year from taxpayers in such State as a result of the tax surcharge extension under this section.
>
> "(2) The Secretary of the Treasury shall, on or before October 1, 1971, and October 1, 1972, pay to each State the amount authorized to be appropriated to such State pursuant to paragraph (1) of this subsection for the preceding fiscal year.
>
> "(3) For the purposes of this subsection the term 'State' includes the District of Columbia."

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, there is no need to refer to the second part. It is a very simple proposition. There is no question but that the educational resources of this Nation are severely strained. The foundations of our public school system are crumbling right and left, principally because interest rates are going out of sight, and will go still higher. As my distinguished friend from Ohio (Mr. SAXBE), whom I see in the Chamber, well knows, there will be a long Thanksgivnig holiday in the State of Ohio, and there is no way under the law, at the present time, that they can find any economic way of getting themselves out of this financial bind.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HARTKE. I am happy to yield.

Mr. HANSEN. Do I understand the intent of the Senator's amendment to be that there shall be appropriated, on a 2-year basis, for the fiscal years ending in 1970 and 1971, an amount equal to the surtax collections from January 1 to June 30, 1970, assuming that this extension is authorized and does become law, and that this amount of money could go back to the States in the proportion that the individual income taxes of citizens of that State reflect a proportion of the total?

Mr. HARTKE. That is right.

Mr. HANSEN. As I further understand the Senator, then, what his amendment would do would be to use up all of the money that would be raised through the 5-percent surtax extension the first half of next year, assuming that it does become law, to go back to the States for the support of elementary and secondary education?

Mr. HARTKE. It provides that the funds collected as a result of the extension of the surtax shall be returned to the States on a tax-sharing basis in accordance with the principle endorsed by the President, which he preached during his campaign, and with which I am fully in accord, that it would be returned to the States on a tax-sharing basis. This would be an approach which would take only the moneys collected as a result of the surtax extension—nothing collected prior to December 31 of this year.

Mr. HANSEN. Is it the Senator's opinion that in all of the 50 States this is the most urgent and pressing need that the States have for tax funds?

Mr. HARTKE. It is not my opinion alone. The educational costs of most States are so oppressive that local communities are finding it very difficult to keep their schools open. In my own State of Indiana, the property tax is skyrocketing to the extent that in many communities it is being doubled, solely because of the increased cost of education.

The educational costs in many communities are now equal to or exceed all other governmental expenses combined.

Mr. HANSEN. Is it the Senator's opinion that if this money were appropriated back in the fashion he prescribes, there would be a corresponding reduction in the levying of school taxes?

Mr. HARTKE. I would hope that those areas which are, at the present time, finding themselves in such a financial bind, would, as a result of this allocation of Federal funds to State and local communities, find it possible not to increase their local taxes in the fashion in which they are being increased at the present time.

Let me make it perfectly clear, this is in accord with the basic approach the President has suggested, with a no-strings-attached basis, and it would not require that type of action. As a matter of fact, I would anticipate that in the State of Ohio, for example, what they would do is keep their schools open instead of closing them down, as they are going to be doing Wednesday afternoon of this week. Instead of reducing taxes, they would probably have the children going back to school; and I can think of nothing we could utilize this surtax fund for which would be a better expenditure of the money.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. MURPHY. I am very much interested in the Senator's suggestion. I share an idea with the Governor of my State along the lines of which the Senator speaks. There is, however, one difference. The Senator would provide for the funds to be taken to the Federal Treasury, and returned to the States. I wonder if my distinguished colleague has considered the possibility of a fraction—let us say 1 percent—not being taken, but remaining in the State, and thereby saving the brokerage fee, which I understand is nearly 40 cents on the dollar, to send the money to Washington and get it back again. Has my distinguished colleague considered that as a possible adjunct to his suggestion?

Mr. HARTKE. I think the Senator from California is exactly right in his percentage. We looked it up about 4 years ago, when the Senator from New York (Mr. JAVITS) and I offered a measure exactly paralleling the idea the Senator from California is presently expressing.

However, we are faced with a different situation today. That has not been suggested from any source that has been able to propel it through Congress. I think the initiative should come from Congress, and I am doing the best I can to provide the beginning of a tax sharing program. I think it would be well worthwhile, and the funds would come from an area in which there is a regressive form of taxation on the people themselves. That is, the 5-percent surtax, by any standard, is a regressive form of taxation. Therefore, all I am saying is that since it is on the books, and since the Senate has decided to continue it at least through June 30, this would be a worthwhile forward step, and certainly would help provide alleviation for the type of financial stress that many school districts find themselves in today.

Mr. MURPHY. I thank my distinguished colleague.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HARTKE. I yield to the Senator from Colorado.

Mr. DOMINICK. I shared the reluctance of many Senators, I think, in voting against the amendment of the Senator from Virginia not to extend the surtax. I finally voted against it, upon the basis of the fiscal problems we have. I know that the Senator from Indiana supported the Byrd amendment.

The problem with the Senator's amendment, as I see it, is that what he is doing is the same thing that he has done before, namely, keeping the surtax money in the State, except that under his system, the brokerage fee would be taken out for collecting it and returning it; is that not a fact?

Mr. HARTKE. Mr. President, it depends upon what the Senator means. If the Senator has any other proposal to keep these school systems open which is available—other than for this Thanksgiving Day weekend—I would be in agreement.

I would like to keep the children in school in November and December until Santa Claus comes. And I would like to see this done now.

I do not believe that the Senator from Colorado can present any plan which has any hope of success whatever in view of the tremendous financial peril which the local communities are experiencing at the moment.

One of the reasons that the Finance Committee changed the position of the House in the pending bill, as the Senator well knows, on the question of the taxation of municipal bonds is the fact that school bonds were not selling anyway at any price. They were being rejected out of hand in practically every referendum that had been submitted to the people throughout the Nation.

As far as this provision is concerned, talking about brokerage fees, I want the Senator to know that the parents of the children in our elementary and secondary schools would rather pay a little brokerage fee than to have them out of school.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HARTKE. Mr. President, I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the Senator and I are cosponsors of an amendment which will be offered on tomorrow. The intention of the amendment is to benefit higher education. I am a member of the Education Committee. I supported the request that additional money be appropriated.

I do not think that I am behind the Senator from Indiana, not very far behind, anyway, in my support of the schools. My questions were designed to be of help and not harm.

I gather what we are saying here—and I am trying to find out what the net effect of it is—is that we are to collect the money from the States and give it back to them after deducting the costs of collection and redistribution.

Mr. HARTKE. Mr. President, the fact is that there is no way to give it back. We must find some other way. If the Senator can find any other way to do this, I will be glad to modify my amendment.

The Senator from Colorado has been a leader in the field of education, and he cannot be crticized in this respect. However, quite obviously we are not taking the money from a State or States and giving it back to the same ones. The money will come from the corporate individual taxpayer. He will pay it to the Government. The Government will allocate it to the States for the use of elementary and secondary school purposes.

Mr. DOMINICK. The only problem I find with this concept, which I think would ordinarily be rather reasonable, is the fact that it does not take account of the respective loss to the States and the need of the States for these funds. I find this problem troublesome.

Mr. HARTKE. Mr. President, I find the same difficulty. There is no question that we must have some relief from the tremendous overburden with respect to the financial circumstances that the individual school communities find themselves in.

This is one way to provide that kind of relief in an effective manner.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator if this provision which is the authorizing provision for the support of education, has come out of a Senate committee that has jurisdiction.

Mr. HARTKE. It has not come from any committee whatever. It has not been considered in any committee that I know of. I am not a member of the Education Committee. I am a member of the Finance Committee. It was not considered in the Finance Committee.

The Senator from Virginia and I did what we could. I offered an amendment to do away with the surtax entirely. It was defeated. The same amendment was defeated on the floor by a vote of about 49 to 31.

Failing in that effort, if we are to have a surtax, I think this is one method to approach a very significant deficiency in our elementary and secondary schools.

Mr. HOLLAND. Mr. President, I regret that there is a problem in the State the Senator mentions and perhaps in other States with reference to the support of education. However, I happen to know that problem does not exist everywhere.

I think that the effort of the distinguished Senator would attempt to deal with this problem as if it were general and existed in every State.

Mr. HARTKE. Mr. President, I think that the facts will show—and I do not think there is any reason that this can be disputed—there is not any question about it. If the Senator from Florida means that the schools are not going to close over the holidays in every State, I would agree.

If the Senator means to say, however, that elementary and secondary education has not had the sharpest increases in cost in local communities, I would disagree. They have not only had the sharpest increases, but have also had the largest increases percentagewise in the last few years, more so than in any other part of local government.

Mr. HOLLAND. Mr. President, I think the Senator is correct in that general conclusion. However, I think that the authorizing bill reported by the appropriate committee adequately takes care of that.

The Senator will recall that there was a distinct difference of opinion in the Senate as to whether it had surpassed the means of the average school and had gone very much beyond the appropriation needed for the local schools.

Mr. HARTKE. Mr. President, I remember that we had a bill. However, I do not feel that we are doing all that needs to be done for the education of the children of this country. Quite the contrary. I know that my wife taught school in 1943 in a building which was supposed to be condemned. That building is still in use.

This is not an exception. There are some mighty fine institutions. However, talking about the physical condition of buildings and equipment being used in the major cities, especially in the core part of the cities, it is not only disgraceful for such a condition to exist with the wealth that our Nation reportedly has, but it also makes a big contribution to the difficulty existing in the ghettos and the slums. It is contributing to the reasons why we have so much social unrest and crime in these areas.

Mr. HOLLAND. Mr. President, I am like the Senator from Colorado in that I am one of those who voted reluctantly against the amendment offered by my distinguished friend, the Senator from Virginia. I voted against my own interest, as did other Senators, by a sizable majority, because we will all have to pay the surtax. However, I did so because I wanted to bring about a fiscally responsible situation in the Nation, as I see it, for the approaching year and for the critical time lying ahead.

It seems to me that the distinguished Senator would want to put us in a position, having voted for that laudable objective, of turning around and voting today to take money out of Uncle Sam's pockets and put it in various States proportionately, some of which States undoubtedly need it and many of which undoubtedly do not need it.

I am sorry, but I cannot support the Senator's amendment because it seems to me that it would undo exactly what we were trying to do in voting down the very appealing amendment offered by my distinguished friend, the Senator from Virginia, and supported ardently by my friend, the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I point out to my distinguished friend, the Senator from Florida—and the chairman of the Finance Committee is here and he will agree—that the basis of fiscal responsibility was seldom mentioned by any Government official who testified before the Finance Committee. I asked them at length. I was there and listened to them. The sole basis advanced for the surtax extension was that it would fight inflation.

That was all they said. Herbert Stein, Governor of the Council of Economic Advisers, considering the whole matter of the effect of the surtax, said that it might be inflationary.

This is a remarkable statement to come from a member of the administration. It seems to me that he said he did not clear it with the President. The people who have been making the argument that it is not fiscally responsible as it concerns the budget have been members inside the committee, but the statements have been conceived by the administration. The administration says the sole need of the surtax is to fight inflation. They say they expect that by June 30 of next year the inflationary spiral will be calmed down and it will not be needed for this purpose. Since that is true, and they will have the inflation under control, I say let us use it for a purpose which is worthwhile—that is, to provide for continued education for young people.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. SAXBE. The Senator from Indiana has mentioned several times the fact that in Ohio, schools are closing that would be affected by this, and it is true that there are nine schools that will close after the Thanksgiving holidays, and probably will not reopen until they get money for the next year. But I am afraid that the effort made here would not necessarily help them, because the problem is this: The school foundation in Ohio requires a certain millage to be levied at the local level, and these are not passing their operating levies and thereby do not qualify for the State distribution.

There are several problems that cannot be solved this easily. One of them is that valuations differ on real estate from county to county. Another problem is that there is no uniform rate of taxation. Here is one school district paying 20 mills on the valuation on an operating levy and having good schools and getting the State support, doing all right, and paying its teachers. Another one over here is only willing to vote itself 10 mills and is barely getting by; and here is another one not voting anything and not qualifying for State aid.

I admit that a State must do something at this level. They should have uniform statewide tax levy and uniform valuation. But to channel this money at the present time, we have the confused situation at the State level, and that would not solve it. It would have to be done at the other end, whereby we have the States complying with the uniform valuation and the uniform levy, and then the Federal Government could come in, knowing that all the political subdivisions are paying the same on schools, and help the needy school districts and not just across the board.

Mr. WILLIAMS of Delaware. Mr. President, I shall just take a moment.

I point out that the adoption of this amendment, in addition to creating confusion in the educational programs as approved by Congress by providing for just a short time an extra $3 billion, would create a further deficit of the Federal Government by three and a quarter billion dollars. Certainly we do not have the money to pay for it.

As I pointed out earlier, whether we like it or not we are confronted with the necessity of presenting a balanced package and at least trying to restore some degree of fiscal sanity to this Government. That cannot be done as long as we perpetuate the policy of operating at a deficit of approximately $500 million a month, and if this amendment is adopted it will add another quarter of a billion dollars a month to the deficit spending. This amendment should be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from North Carolina (Mr. ERVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Minnesota (Mr. MCCARTHY) are necessarily absent.

I also announce that the Senator from Washington (Mr. JACKSON), the Senator from Wisconsin (Mr. NELSON), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE) and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

The result was announced—yeas 8, nays 74, as follows:

[No. 160 Leg.]

YEAS—8

Allen
Cannon
Gravel
Hartke
Hughes
McGovern
Mondale
Young, Ohio

NAYS—74

Aiken
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Fulbright
Goodell
Gore
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McGee
McIntyre
Metcalf
Miller
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Allott
Bayh
Brooke
Church
Cooper
Ervin
Goldwater
Jackson
Kennedy
Mansfield
McCarthy
McClellan
Mundt
Nelson
Ribicoff
Scott
Stevens
Yarborough

So Mr. HARTKE's amendment was rejected.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, it had been hoped earlier that we would be able to have another vote this afternoon, but I am now informed that several Senators have appointments at the White House within the next 30 or

40 minutes. Therefore, there will be no more rollcall votes today.

We expect there will be laid before the Senate an amendment by the able senior Senator from Louisiana (Mr. ELLENDER), which will be made the pending business. There may be discussion on the pending amendment today, and tomorrow there will be a further discussion of it. Also, there will be discussion on the amendment to be proposed by the able senior Senator from Tennessee (Mr. GORE). Therefore, there will be no further rollcall votes today. There will be no rollcall votes tomorrow. There may be voice votes tomorrow.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. I think that Senators should be advised of that. There may be some amendments agreeable to the committee, the ranking minority member, the chairman, and members of the committee. Tomorrow is a good day to dispose of them.

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. Thus, Senators should be apprised and given notice that action may take place tomorrow although we do not expect any rollcall votes. I feel that to protect all our colleagues who may wish a rollcall vote, that we should give them notice.

Mr. BYRD of West Virginia. Yes, I am glad the Senator from New York has emphasized the fact that we may have action on amendments tomorrow by voice votes but if any Member insists on a rollcall vote, then a rollcall vote will be put off until Monday next.

AMENDMENT NO. 290

Mr. ELLENDER. Mr. President, I call up my amendment No. 290 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

On page 335, line 10, strike out "23 percent" and insert "27½ percent".

Mr. ELLENDER. Mr. President, the purpose of the amendment is to retain the present 27.5-percent oil depletion allowance. I know that the leadership has just announced that there will be no vote on this amendment until next Monday.

I hope to discuss it tomorrow.

Mr. GRIFFIN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. GRIFFIN. So that Senators will know that there will be a rollcall vote on the Senator's amendment on Monday next, I ask for the yeas and nays on the amendment at this time.

The yeas and nays were ordered.

AMENDMENTS NOS. 305 THROUGH 309

Mr. JAVITS. Mr. President, I send to the desk a series of amendments for printing under the rule and ask unanimous consent that the text of each amendment, together with a brief explanation, may be made a part of my remarks.

The **PRESIDING OFFICER.** Without objection, the amendments will be received and printed, and will be on the table.

Mr. JAVITS. Mr. President, the first amendment relates to an annual report to be called for from the Secretary of the Treasury which will give us an idea, which we seemingly lack, of what will be the revenue loss of the various provisions of the income tax code relating to exclusions, deferrals, and other types of special treatment usually found in our income tax laws.

The amendment reads as follows:

The following new section is to be added at the end of the bill:

"SEC. —. INFORMATION TO BE INCLUDED IN SECRETARY'S ANNUAL REPORT.

"(a) REVENUE LOSSES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the losses in revenues for the fiscal year for which such report is submitted which result under the provisions of subtitle A of the Internal Revenue Code of 1954 and other laws of the United States from—

"(1) the exclusion of items of income for purposes of the taxes imposed by such subtitle,

"(2) the deductions allowed under such subtitle,

"(3) the deferral of the imposition of the taxes imposed by such subtitle, and

"(4) such other special tax provisions in such subtitle or in other laws of the United States as the Secreteary considers appropriate to carry out the purposes of this subsection.

The Secretary shall include in such report only those revenue losses which in his judgment are significant and can be ascertained with reasonable accuracy.

"(b) TAX EXPENDITURES.—The Secretary of the Treasury shall include in his annual report to the Congress estimates of the indirect expenditures made and to be made by the Government through the application and operation of the Federal income tax laws for the fiscal year for which such report is submitted and for the succeeding two fiscal years. Such indirect expenditures shall be related, insofar as possible, to budget outlays as set forth in the Budget of the United States Government for the same fiscal year for which such report is submitted. Such indirect expenditures shall be based on the revenue losses described in subsection (a), but, for purposes of this subsection, such losses may be qualified in such manner as the Secretary considers appropriate to carry out the purposes of this subsection."

Mr. JAVITS. Mr. President, my second amendment allows an additional $600 exemption to the disabled to compensate for their need for extra expenses for transportation to and from work.

This is an amendment I have proposed before. It provides similar treatment for other handicapped as we presently provide for the blind.

From the body of information and according to the support which has now developed, I hope very much that the amendment—the idea whose time has finally arrived—will be adopted. This is not a great money item but a humanitarian one.

(The amendment reads as follows:)

At the end of the bill add the following new section:

"SEC. ——. COMMUTING EXPENSES OF DISABLED TAXPAYERS; ADDITIONAL PERSONAL EXEMPTION.

"(a) COMMUTING EXPENSES.—

"(1) ALLOWANCE OF DEDUCTION.—Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

" 'SEC. 218. TRANSPORTATION OF DISABLED INDIVIDUAL TO AND FROM WORK.

" '(a) GENERAL RULE.—In the case of a disabled individual, there shall be allowed as a deduction expenses paid during the taxable year for transportation to and from work to the extent that such expenses do not exceed $600.

" '(b) DISABLED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "disabled individual" means an individual who is blind (as defined in section 151 (d)(3)) or who has lost or lost the use of one or more of his extremities to such an extent that he is unable during the entire taxable year to use, without undue hardship or danger, a streetcar, bus, subway, train, or similar form of public transportation, as a means of traveling to and from work. A taxpayer claiming a deduction under this section shall submit such proof that he is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

" '(1) if the taxpayer is a veteran with a service-connected disability, a certification from the Veterans' Administration that his disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that he is a disabled individual for purposes of this section; and

" '(2) in any other case, a certification from the United States Public Health Service or any local office thereof that the taxpayer's disability (to the extent based upon or attributable to loss or loss of use of one or more of his extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that he is a disabled individual for purposes of this section.'

"(2) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking out

" 'Sec. 218. Cross references.'

and by inserting in lieu thereof the following:

" 'Sec. 218. Transportation of disabled individual to and from work.

" 'Sec. 219. Cross references.'

"(b) ADDITIONAL EXEMPTION.—

"(1) IN GENERAL.—Section 151 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

" '(f) ADDITIONAL EXEMPTIONS FOR DISABILITY.—

" '(1) FOR TAXPAYER.—An additional exemption of $600 for the taxpayer if he is a disabled individual.

" '(2) FOR SPOUSE.—An additional exemption of $600 for the spouse of the taxpayer if the spouse is a disabled individual and if the taxpayer is entitled to an exemption under subsection (b) for such spouse.

" '(3) DISABLED INDIVIDUAL DEFINED.—The term "disabled individual" means an individual who during the entire taxable year of the taxpayer has a loss or loss of use of one or more of the extremities. A taxpayer claiming a deduction under this subsection shall submit such proof that he (or his spouse) is a disabled individual as the Secretary of the Treasury or his delegate may by regulations prescribe. The regulations so prescribed shall provide that—

" '(A) if such individual is a veteran with a service-connected disability, a certification from the Veterans' Administration that the disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more under the Schedule for Rating Disabilities of the Veterans' Administration (Federal Register, vol. 29, No. 101, part II) shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section; and

"'(B) in any other case, a certification from the United States Public Health Service or any local office thereof that such individual's disability (to the extent based upon or attributable to loss or loss of use of one or more of the extremities) has a rating of 40 percent or more as determined in accordance with such schedule shall be deemed conclusive proof that such individual is a disabled individual for purposes of this section.'

"(2) CONFORMING AMENDMENTS.—

"(A) Paragraph (1) of section 3402(f) (relating to withholding exemptions) is amended by adding at the end thereof the following new subparagraph:

"'(G) one additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f)(1) (relating to the disabled) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit.'

"(B) Subparagraph (D) of such paragraph (1) is amended by striking out '(C), or (F),' and inserting in lieu thereof '(C), (F), or (G)'.

"(C) Subparagraph (E) of such paragraph (1) is amended by striking out 'and' at the end thereof.

"(D) Subparagraph (F) of such paragraph (1) is amended by striking out the period at the end and inserting in lieu thereof '; and'.

"(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b)(1) shall apply only to taxable years ending after the date of the enactment of this Act. The amendments made by subsection (b)(2) shall apply only with respect to payments of wages made after the date of the enactment of this Act."

Mr. JAVITS. Mr. President, I hope very much that the committee will consider very seriously the acceptance of my amendment.

The bill itself gives certain special consideration to housing erected under special Federal programs for low- and moderate-income families, through a no tax on sale incentive to the sale of such projects to participating tenants or nonprofit entities.

The amendment I offer would extend the same treatment to housing projects constructed under State and local laws similar to the Federal programs. We have such a program in New York, financed by State bond issues, combined with local tax abatement. There are similar programs in Massachusetts, Connecticut, New Jersey, Michigan, and Illinois. The criteria of the amendment are sharp enough so that the incentive would not be available in projects other than those contemplated by the provisions which the committee has already made part of the bill.

(The amendment reads as follows:)

On page 536, line 12, delete line 12 through and including page 537, line 8, and insert in lieu thereof the following:

"(1) Qualified housing project—the term 'qualified housing project' means a project to provide rental or cooperative housing for lower income families—

"(A) with respect to which a mortgage is insured under sections 221(d)(3) and 236 of the National Housing Act or is financed under similar provisions of State and local laws, and

"(B) with respect to which the owner is, under such sections, provisions or regulations issued thereunder—

"(i) limited as to rate of return on his investment in the project, and

"(ii) limited as to rental or occupancy charges for units in the project.

"*Provided*, That with the respect to housing projects financed and constructed under similar provisions of State and local laws and Secretary of Housing and Urban Development shall certify that such projects are 'qualified' under the terms of the definition contained in this subsection.

"(2) Approved disposition—the term 'approved disposition' means a sale or other disposition of a qualified housing project to the tenants or occupants of units in such project, or to a cooperative or other nonprofit organization formed solely for the benefit of such tenants or occupants, which sale or disposition is approved by the Secretary of Housing and Urban Development under sections 211(d)(3) and 236 of the National Housing Act or regulations issued under such sections or is approved by appropriate State or local public agencies under similar provisions of State and local laws or regulations issued under such law."

Mr. JAVITS. Mr. President, I am hopeful that the Treasury will look with favor on the foregoing amendment.

The second amendment which I offer deals with the question of cooperative housing projects. The advantage of a cooperative is that the tenant can deduct from his income tax return his share of the interest and the taxes. In order for individual tenant-shareholders in cooperatives to qualify for this tax deduction, there is an 80-percent text—that is, 80 percent of the cooperative income must be attributable to these individual tenant-shareholders. In many cooperatives, we have a situation where some of the income is attributable to public housing agencies which purchase shares in order to sublet apartments in the building to low-income families.

The purpose of my amendment would be to allow this kind of ownership in a cooperative, while still permitting individuals to take their deductions—even if the cooperative does not meet the 80-percent test as a result of this public activity. The Treasury Department expresses a favorable attitude on this amendment, and I hope very much that the committee may find it possible to accept the amendment.

(The amendment reads as follows:)

On page 546, line 12, at the end of section 914 add a new section 915 to read as follows:

"SEC. 915. Section 216(b)(2) is amended to read as follows:

"'(2) TENANT-STOCKHOLDER.—The term "tenant-stockholder" means—

"'(A) An individual,

"'(B) The United States, its possessions and territories, a state or any political subdivision thereof, or any agency or instrumentality of the foregoing empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities, or

"'(C) A church or convention or association of churches, an educational organization referred to in section 503(b)(2), or a hospital referred to in section 503(b)(5), empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities,

who is a stockholder in a cooperative housing corporation, and whose stock is fully paid-up in an amount not less than an amount shown to the satisfaction of the Secretary or his delegate as bearing a reasonable relationship to the portion of the value of the corporation's equity in the houses or apartment building and the land on which situated which is attributable to the house or apartment which such person is entitled to occupy.'"

Mr. JAVITS. Mr. President, finally, I submit an amendment which relates to section 331 of the Internal Revenue Code, the main question involved is the retroactivity of the Senate Finance Committee amendment which relates to tax free redemption of stock by corporations in exchange for appreciated property. The committee has made the operative date October 9, 1969, but because of the failure of the committee press release to indicate that this applied to corporations generally prevented most everyone from knowing that this applied to them until the bill was explained in the committee summary on November 18.

I am hopeful that the committee may find it appropriate to set the date at the date the bill was presented—when the public was generally informed of it—that is on November 18, 1969.

(The amendment reads as follows:)

On page 524, line 11, delete: the date "October 9, 1969," and insert in lieu thereof the following: "November 18, 1969."

Mr. JAVITS. Mr. President, there is one other amendment on the foundation question, which I believe is extremely important. I have been closely identified with this area as this bill has been under consideration, but I will present and explain that tomorrow.

Mr. GORE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Chair informs the Senator from Tennessee that there is a pending amendment now at the desk.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. GORE. Is the amendment to be voted on today?

The PRESIDING OFFICER. No. The yeas and nays have been ordered on the amendment and it will not be voted on today or tomorrow.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIOLOGICAL WEAPONS AND GENEVA PROTOCOL

Mr. PELL. Mr. President, President Nixon today has taken a major step toward relieving the world of the fiendish horrors of biological warfare.

I wholeheartedly commend the President for his decision to eliminate our stockpile of biological weapons and to submit the Geneva protocol to the Senate for ratification, two actions which I have urged in the past.

HIGH COST OF FUNERALS

Mr. PELL. Mr. President, I have long been disturbed at the tremendous expenses families incur at times of death.

I realize that most funeral directors are kind, conscientious men and believe that in Rhode Island we have a particularly responsible and thoughtful group.

I was, nevertheless, struck by the articles written by Mr. Michael Madden, which appeared in the Providence Journal of November 2 and 3, pointing out that even in my own State, it is a pretty expensive business when one dies.

In this connection, I ask unanimous consent that the two articles, entitled "Cost of Dying in Rhode Island Spirals Upward," and "Cemeteries Boost Cost of Dying," may be inserted in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Journal, Nov. 2, 1969]

COST OF DYING IN RHODE ISLAND SPIRALS UPWARD

(By Michael Madden)

The funeral director tapped his fingers lightly on the side of the gray metallic coffin on display in the well-lit and thickly-carpeted "selection room" of his Pawtucket funeral home and said, "Don't buy this."

"It's nothing but a tin can," he remarked. "You wouldn't want to be walking up the steps of the church and have the bottom drop out of it. You'd be better off by getting something sturdier," he advised as he moved on to a more expensive casket.

Lying conveniently by the side of the more expensive casket was a hand-size plastic card with sliding panels that detailed the better construction and attractive features of the more expensive brand.

The funeral director picked it up, slid the panels back and forth and said, "It's like buying an automobile. You can get extras but you only get what you pay for."

The "extras" on the more expensive casket were such things as sturdy innerspring, more ornate fabric on the interior, a thick-gauge coated steel exterior and a device that hermetically seals the casket.

There were no prices on any of the approximately dozen caskets on display in the "selection room." Asked how much the "tin can" cost, the undertaker consulted a piece of paper in his hand and quoted a price of $225. The sealed casket's price was $1,095.

About 9,000 times a year, friends and relatives of dead Rhode Islanders enter the "selection rooms" of funeral homes to pick out a casket. More often than not, they pay prices substantially higher than those of the Pawtucket funeral home.

Although there are no statistics on Rhode Island funeral costs, indications are that Rhode Islanders pay somewhat more than $1,000 for the average casket and services of a funeral home.

And this is only a portion of the total cost to prepare and bury the dead. Added to this are expenses for such items as church services, the cemetery plot, "opening and closing" the grave, a grave liner or vault, a monument or marker, flowers and numerous incidentals.

Indeed, a survey of the Providence area in recent weeks has disclosed that an average funeral, with an average grave and an average-size headstone for a person of average income costs in the vicinity of $2,500.

For many persons, the cost of caring for a dead relative represents the third largest expenditure in their lifetime behind houses and automobiles.

Many times, relatives incur a substantial debt in dealing with funeral homes, cemeteries, monument markers and florists. Months, and even years, are spent paying off these bills.

For others, benefits of insurance policies, intended in most cases to ease the financial burden of the living, are spent to pay for disposal of the dead.

Yet, despite these expenditures of thousands of dollars, most families do not question the prices quoted to them by those in the business of caring for the dead, as they would question the price of any other similarly-priced item or services. Also a person who normally shops for lower prices in day-to-day dealings with other business establishments, is considered "odd" or an eccentric if he does so with funeral items.

A reporter, posing as one in need of funeral and cemetery service, visited more than a dozen funeral homes, cemeteries and monument dealers in recent weeks in the Providence area and found out that:

1. The average price for a funeral, grave, monument and incidentals is about $2,500. The lowest figure for which these services and items can be obtained, excluding public funerals, is about $1,000. At the upper end of the scale, anything goes. Some persons in the Providence area have spent up to $40,000 for an elaborate casket, funeral, grave and a large, ornate monument.

2. Contrary to some areas of the country, there is no public advertising in Rhode Island of the costs of caskets, funeral, cemetery lots or monuments. Indeed, even in the inner recesses of some funeral homes visited, there is no visible price for a casket or funeral. The price for a funeral in these cases is verbally quoted by the funeral director.

3. In some instances, when a price was verbally quoted, or listed on top of the casket, the funeral director did not point out that the price did not include such things as the cost of the church service, cemetery charges, extra automobiles, professional pallbearers, burial garments and other items.

4. Funeral directors did not use sales pressure on the reporter to purchase a certain casket or funeral, but subtle pressures, such as placement and appearance of caskets, were used. In some instances, funeral directors played on the person's grief, by saying such things as, "This is the last chance you have to do what you've always wanted to do" for the dead person.

5. Although cemetery costs were included in a price list, hidden cemetery regulations tend to increase grave prices. For instance, in most cemeteries, a certain number of plots, usually two or three, must be purchased if a person wants to erect a standing monument.

6. Other substantial cemetery costs were not mentioned until the reporter asked about them. For instance, the price of "opening and closing" a grave, which is additional to the price quoted for the grave, was never mentioned by cemetery representatives until they were asked about them. Nor was the necessity to purchase a liner or vault for the grave mentioned until the cemetery representative was asked.

7. Some funeral directors and cemetery representatives quoted the law inaccurately. The reporter was told several times that embalming is required by state law and that a grave liner or vault is required by state law. State law requires neither.

ABOUT 150 IN STATE

There are approximately 150 funeral directors in Rhode Island. In 1968, 9,706 people died in the state at the rate of 10.6 deaths per 1,000 population, according to Mrs. Lera O'Hara, state registrar of vital statistics.

The number of deaths in the state has remained constant in recent years. In 1966, 9,489 people died and 9,378 died in 1967. There are no statistics kept on how many of these people are buried in Rhode Island cemeteries or through Rhode Island funeral homes.

But, if a figure of 9,000 burials in the state is used, this averages out to 60 funerals per year for each funeral director.

However, the funerals are not parceled out proportionately among the funeral directors. Many funeral homes handle fewer than 50 funerals a year. Only a few handle more than 150 a year. The Prata Funeral Home, with three homes in Providence, and other homes in Pawtucket, West Warwick and Woonsocket, apparently handles the most funerals in the state.

John B. Prata Jr., general manager, said that his firm handles more than 800 funerals a year "or more than three times our closest competitor."

Among the funeral homes visited by a reporter, the lowest price for any funeral was $530. This included a cloth-covered wooden casket, preparations of the body and the use and services of the funeral home.

MINIMUM VARIES

In other establishments, the minimum was higher. At an East Providence funeral home, the lowest listed price for a funeral was $790. The funeral director said that a lower-priced funeral could be obtained, but only if the family asked for it.

Generally, the reporter's survey found, average prices for funerals alone, not including cemetery and other costs, ranged from $990 to about $1,500. The highest price for a funeral was in a Providence funeral home that has branches in several other Rhode Island cities. It quoted prices for solid bronze and copper deposit caskets that ranged from nearly $4,000 to $6,000.

Mr. Prata said that he has found that his average non-Italian funeral price ranges from $1,100 to $1,500 and for Italian funerals, from $1,500 to $1,800. Asked why Italians tended to spend more on funerals, he explained that elaborate funerals are traditional among Italians.

A quoted funeral price includes the casket and preparation and care of the body. As explained on a piece of literature that A. T. Costigan & Sons, 220 Cottage St., Pawtucket, hands out to grieving families, the total price includes "our professional services, care and preparation, arrangement and direction of the funeral service, preparation and filing of necessary authorizations, our personnel; use of funeral facilities and equipment, acknowledgment cards, local removal hearse, one limousine and flower service car to a local cemetery, local newspaper notices and casket as selected."

What the price does not include are charges for church service and clergy, professional pallbearers, cemetery charges, monument or marker, additional automobiles, burial clothes and flowers.

An additional automobile costs $25, clergy cost up to $50, pallbearers cost $42 ($7 a man), burial clothes, if necessary, cost from $18 to $39 and the monument, flowers and cemetery costs vary according to individual desires.

A $108 MARKUP

John Rebello Jr. of East Providence, president of the Rhode Island Funeral Directors Association, quoted statistics that showed the average markup over wholesale cost for a casket in New England is $108.

He also said the average cost for the services provided by the funeral director is $776. "Studies have shown," he said, "that an average of 90 man-hours of work are necessary for each funeral."

The state Department of Social Welfare compiles statistics on its cost for providing funerals for the indigent. James Reilly, administrator of public assistance, said that in the fiscal year ending June, 1968, the state paid for the funerals and burial for 236 persons.

Total costs for these funerals was $34,837.40 and the average cost per funeral was $147.61, Mr. Reilly said. Mr. Reilly said the maximum allowable state payment for funerals and burials is $285.

However, Mr. Rebello said private funerals could not be provided at a similar cost. "When a funeral director handles one of these cases, it's costing him $300 or $400, considering the services he provides," Mr. Rebello said.

FIRST FUNERAL ALWAYS HARROWING

"It was the first time I had ever been involved in planning a funeral, so maybe the way it happened was partly my fault," a Cumberland man said recently. "But it was unfortunate all the way around."

The man explained that his mother died recently in a hospital at about 1 a.m. "There was nothing we could do at that time of night so we all went to our homes and tried to sleep," he related.

"The next morning at about 10 a.m. I called a funeral home that I thought my mother had liked and told them that my mother had died and that I wanted to discuss details about the funeral."

The funeral director set up an appointment at the funeral home about three hours later and the man and his brothers and sisters kept it, the man said.

"For the first hour or so the funeral director asked questions about my mother, where she was born, about our relatives, what church we wanted, what were the calling hours, did she work, her social security number and other things," the man said. "Then he took us to the casket factory so we could pick out what we wanted."

PRICES CALLED TOO MUCH

"He quoted us prices on the caskets, and after we talked it over, we felt they were too much for what we were getting. So we told him we were going to go somewhere else. But he said we couldn't do that because he had sent a man to get the body and they were probably working on it."

The man said he became indignant and told the funeral director that he had never told him to pick up the body at the hospital and that no papers had been signed for him to do so. It finally developed that a lawyer would have to be hired to get the body back, the man said, and the family decided to let the matter stand.

Although such incidents apparently happen rarely, the possibility of their recurring is present because most funeral directors assume a family has chosen them to provide the funeral service once the family has called them.

John Rebello Jr., president of the Rhode Island Funeral Directors Association, confirmed that most of his colleagues assume this once a dead person's family makes the first telephone call to the funeral home or walks in its front door.

In most cases, the body is in possession of the funeral home hours before a discussion of the funeral price has taken place or even before a family is aware of the facilities and services offered by a particular funeral home.

BODY SOUGHT QUICKLY

A reporter who visited funeral homes in the Providence area found that one of the first questions the funeral directors asked was, "Where are the remains." It apparently was assumed there was no question that this particular funeral home had been chosen to handle the funeral.

At the William W. Tripp Funeral Home, 1008 Newport Ave., Pawtucket, and the A. T. Costigan & Sons Funeral Home, 220 Cottage St., Pawtucket, the question about the location of the body was asked immediately after the question of "What's her name?"

Arthur T. Costigan even offered to send out an ambulance "immediately" to pick up the body. Told that it was unknown whether the body was at home or at the hospital, Mr. Costigan repiled, "That's okay. I'll have someone call the hospital and check."

In arranging the funeral, the procedure followed by funeral directors was the same. An "arrangement conference" was the first order of business.

During this conference, usually held in the office of the funeral home, the funeral director asks questions about the dead person, such as name, address, relatives, community organizations and other items to be included in the death notice in the newspapers.

After the "arrangements conference," the relatives are then taken to the "selection room," which is either in the funeral home or in a casket factory. All the funeral homes visited by the reporter had a selection of caskets on the premises.

FIRST LEARN COSTS

It is here that the relatives learn for the first time how much the funeral is going to cost them. Some funeral homes, such as the Prata Funeral Home, 1488 Westminster St., Providence, and the Rebello Funeral Home, 901 Broadway, East Providence, have prices for a complete funeral listed on top of the casket.

Others, like the T. F. Monahan & Son Funeral Home, 230 Waterman St., Providence, also have prices on top of the caskets. However, in this case, the price is only for the casket and does not include the costs for embalming, use of the funeral home and other services. It was only after questioning that the reporter was told that price of the casket is not complete and that another $325 has to be added for services.

And, finally, others have no prices listed at all, such as the Costigan Funeral Home. In this situation, a person has to ask for the price of the casket that he wants. The funeral director quotes a price from his head or from a piece of paper in his hand.

Although no direct pressure was used by any funeral director, subtle pressures were introduced. The caskets are not arranged in any descending or ascending order of price, but are scattered throughout the room.

For instance, a metal casket costing $990 is placed next to a solid bronze deposit casket, costing $6,000. With this arrangement, it's difficult to compare one casket with the next expensive casket. However, it is easy to note than an $895 casket is less attractive than its next-door neighbor, a $6,000 solid bronze casket.

MORE ATTRACTIVE DISPLAYS

Furthermore, the reporter found that in some funeral homes, the higher priced caskets were more attractively displayed. In two locations, an inexpensive cloth-covered wooden casket was placed underneath a higher-priced casket, near the floor, so one had to bend down to look at it. In addition, the casket lid was closed, while the lids of the more expensive caskets, with their more ornate fabrics, were open.

The more expensive caskets also were generally the first caskets on hand after entering the "selection room." In one funeral home, three caskets were displayed in the foyer of the selection room. These three, one solid mahogany, one solid maple and one metal, cost $1,455, $1,050 and $1,225 respectively.

It was only after traveling down some steps and into another room that a person would notice that the least expensive casket in the funeral home, a cloth-covered casket costing $665, and other caskets between $750 and $1,000, were available.

Other factors that also could influence a decision are evident. The more expensive caskets are usually placed on attractive wooden or velvet covered biers, while the least expensive ones are either hung from a support on the wall, or are placed on plain wooden supports.

Funeral directors also sometimes refer to some of the less expensive caskets in derogatory terms. Some of the less expensive metal caskets are referred to as "tin cans" or "stovepipes," and one funeral director referred to a cloth covered wooden casket as "this box."

[From the Providence (R.I.) Journal, Nov. 3, 1969]

MORE THAN PRICE OF PLOT INVOLVED: CEMETERIES HELP BOOST COST OF DYING

(By Michael Madden)

The $1,100 to $1,500 that is spent on the average funeral brings a dead Rhode Islander only to the edge of the grave, not into it.

Additional money must be spent for a plot in which a grave can be dug. Usually this money has to be paid to the cemetery before the body can be placed in the ground.

The costs of a casket and services provided by the funeral director were outlined in yesterday's Providence Sunday Journal. A survey by a reporter, who posed as a person in need of funeral and cemetery service, found that the total cost for a casket, funeral, cemetery plot, monument and incidentals in the Providence area was approximately $2,500. From $1,100 to $1,500 of this was spent on the casket and funeral alone, the survey showed.

Burial plots in private cemeteries range in price from $125 for a single plot to more than $24,000 in Swan Point Cemetery for a large plot that can accommodate as many as 144 bodies.

Two-grave plots usually cost between $325 and $550 in the Providence area while three-grave plots range from about $475 to $825. The prices increase according to the number of graves desired. For instance, a six-grave plot at Swan Point costs $1,000 to $1,600.

Restrictions at many cemeteries also set minimum size limits on plots if a person wants a standing monument on the grave. Many cemeteries won't allow monuments on one or two-grave plots.

For instance, at two of the larger Catholic cemeteries in the Providence area, Gate of Heaven in East Providence and St. Ann's in Cranston, at least three single plots, at a cost of $500 to $550, must be bought before the cemetery will allow the erection of a standing monument.

It makes no difference if the grave is intended for only one person. Three single plots must be bought if a monument is to be erected. Three single plots, costing from $500 to $550, must also be bought at St. Francis Cemetery in Pawtucket.

A similar situation exists at Swan Point. If a standing monument is desired, at least two plots must be bought in a monument section. The cost of the two plots ranges from $375 to $550.

At Highland Memorial Park in Johnston, "Rhode Island's Most Modern Burial Estate," no standing monuments are allowed. Only slab markers, flush with the ground, can mark the grave. John E. Pearson, a cemetery representative, explained the regulation like this: "Look how beautiful it looks; you don't have people competing with each other to see who can put up the most expensive monument."

Two single plots in the least expensive section of Highland Memorial Park cost $330. These plots are in the recently opened "Garden of Memory," which is located near a dirt road and a section of scrub brush that is filled with rocks. Asked if he had a more esthetic section, Mr. Pearson replied, "Don't worry. That area (of the scrub brush) is go-

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ing to be developed eventually and it will look beautiful."

Paying the $440 or $500 for the grave site still will not get the body into it. There is another charge.

In the euphemisms of the funeral industry, the charge is levied for "opening and closing" the grave. At both the Catholic and non-sectarian cemeteries, this charge for digging the grave (a 15-minute job with modern construction equipment) is about $100.

But this is not all. There is a further charge for providing a cement liner or vault that will enclose the casket in the ground. These cement liners, which one funeral director said cost about $5 to make, cost $40 at Swan Point, $48 at the Catholic cemeteries and $55 and $60 at Highland Memorial Park.

NO EXTRA PROTECTION

These liners provide virtually no extra protection for the body, but are required by the cemeteries so the ground will not sag when the casket disintegrates.

The cost for the grave, and for the "opening and closing" and for the liner must be paid for in cash before a person can be buried at most cemeteries in this area.

Buying a plot in one cemetery may mean something extremely different from buying one at another cemetery. For instance, if a person buys a three-grave plot at Swan Point, he is assured that only three persons will be buried in it.

However, if a person buys a three-grave plot at Gate of Heaven or St. Ann's, he is told that six persons will be buried in it. "We dig the first one extra deep," a caretaker at Gate of Heaven explained," about seven feet deep. Then the second casket is placed on top of the first one. Furthermore, an additional fee of $10 is charged for digging the deep grave.

Asked if this procedure of two burials in one grave was practiced at Highland Memorial Park, Mr. Pearson replied, "No, we would never think of doing that. We don't piggyback here."

MONUMENT COMES NEXT

After the person is buried, the next charge is for a monument, if one is desired. The price for a Rock of Ages granite monument about four feet wide and three feet high is about $600, according to Frank M. Graham, a monument dealer in Pawtucket. A Rock of Ages granite monument, about 3½ feet wide, costs nearly $400.

Mr. Graham also sells "enduring Gorham bronze memorials." These are bronze plates that have raised lettering and are placed flush on the ground.

Swan Point Cemetery also sells these "enduring Gorham bronze memorials." However, if you want to place one of these on a plot in Swan Point Cemetery, the memorial must be purchased through Swan Point.

Mr. Graham sells his 14-by-36-inch bronze memorials for $185. Swan Point Cemetery sells the identical 14-by-36-inch bronze memorial for $333.

"They get it from Gorham, just like I do," Mr. Graham said.

Arnold T. Booth, "cemetery counselor" at Swan Point, said the cemetery has an income of about $600,000 a year for a fund to care for the grounds of the cemetery. The fund, called the "perpetual care fund," has about $5,000,000 available for caring for the cemetery, Mr. Booth said.

Mr. Booth said the cemetery is obligated to spend all the money that it collects for perpetual care. The cost of the plot includes money that will be spent for its care "perpetually," Mr. Booth said. There are no additional charges for the care of the grave.

About two-thirds of the plots at Swan Point are bought "before the time of stress," Mr. Booth pointed out. About 300 plots are sold annually at the "time of stress" at Swan Point, he said.

Swan Point also has facilities for cremation. Use of the cemetery's crematory costs $70.

However, as Swan Point's cremation brochure mentions, "The charge does not include the funeral director's services or the casket." The charges for a casket and preparing a body for cremation often equal the charge for preparing the body for burial, despite the fact that the casket will also be cremated.

Bronze urns are available from Swan Point in which the cremated remains can be stored. The urns range in price from $35 to $293. Storage of the urns, "with perpetual care," in a Columbarium niche at Swan Point costs an additional $85 to $1,306. "Some of the niches are closed with plate glass and others with solid bronze on which inscriptions may be engraved," the Swan Point brochure states.

If burial of the cremated remains is intended, Swan Point also has special burial plots that cost from $60 to $150. Cremated elements may be left at Swan Point Crematory in "fireproof storage" without charge. After that, rental fee of $12 a year is made.

At the Catholic Gate of Heaven and Swan Point cemeteries, an additional charge is made for a service that is normally expected at cemeteries. Regulations at the cemeteries require that interment prayers be said in the cemetery chapels.

If one should want the casket to be brought to site of the grave, as has been traditionally done, he is told that the prayers have to be said in the chapel. Then the casket can be brought to the grave site.

The cost? $25.

THE FUNERAL BUSINESS—TWO POINTS OF VIEW

"If there is ever a case of a consumer meeting the seller on uneven ground, it's in the funeral business. Most of the people go to a funeral director when they're in an emotional, grief-stricken state. Who wants to be accused of being cheap when burying your mother?" asked Robert F. DiPippo last week.

"The amount of service that goes into a funeral is a lot more than people think. The funeral directing business is not as profitable as people would lead you to believe. When you sit down with your accountant at the end of the year, you see how tight the profit is," said John Rebello Jr. last week.

The views of Mr. DiPippo, a Providence attorney and an organizer of a new consumer protection group, and Mr. Rebello, president of the Rhode Island Funeral Directors Association, sum up the controversy that has waxed hot and cold in the United States in recent years about the cost of burying the dead.

The controversy reached its peak after the publication in 1963 of a book by Jessica Mitford called "The American Way of Death." The book was a scathing attack not only on the high cost of dying but also of the elaborate manner in which many American funerals were conducted.

Mr. DiPippo, who said his group has received several complaints about the methods of some local funeral directors, was especially critical of the manner in which funerals are arranged and caskets selected.

"You get in there and you're emotional and this is the first time you've dealt with a funeral director," Mr. DiPippo said. "Then they ask you questions about social security insurance, and they ask what union the deceased belonged to. But they know by heart how much this person can get from social security, how much the union pension will be or the veteran's benefit. They know all about this built-in readily available money and then, according to law, they have the first crack at the estate for burial costs.

"And when you pick out the casket, they have this all cleverly set up. They use the process of elimination technique. They show you the lower-priced one after the higher-priced one with the implication being you would never bury your mother in this."

"Most of the funeral directors are not dishonest," Mr. DiPippo said. "They're caught in this syndrome where they're forced to prey on the people's predicament."

As for economics, Mr. DiPippo said there has been a proliferation of funeral homes "with the death rate going down." Because of this proliferation, Mr. DiPippo said, "you have a funeral director who has only 15 or 20 funerals a year. So when somebody walks in, he has to make a kill to stay in business."

Mr. Rebello confirmed that most of the 150 funeral homes in Rhode Island handle fewer than 100 funerals a year and that many handle only 20 or 25 funerals a year. "I'd say about nine out of 10 funeral homes in Rhode Island handle less than 50 a year."

Differential doubted

However, he said he did not believe that smaller homes charged more when they did handle a funeral. "After all, in many of these smaller homes, the funeral director will live upstairs with his family, so the funeral home also serves as his own home," Mr. Rebello said.

"Indications are that the bigger funeral homes in Rhode Island are getting bigger. The smaller firm just can't compete. It's just like everything else; the small grocery store is disappearing and so is the small funeral home," Mr. Rebello said.

Asked if he felt that the funeral directing business was profitable, Mr. Rebello said it wasn't as profitable as people thought. "The net margin on an average funeral is $75. You can see how a $75 profit relates to the small firm that handles about 25 or 30 funerals a year."

He conceded that the funeral business, like any other, has its unscrupulous characters. Mr. Rebello said, however, he did not think people are generally forced to buy something they do not want.

"In this business you have to depend on people coming back," he said. "If funeral homes pressured people to buy something they didn't want, nobody would come back the next time and he would be out of business eventually.

"In 90 percent of the cases when a family comes in, the funeral director lets the family pick the funeral it wants," he said. Mr. Rebello said in his funeral home the family goes into the "selection rooms" by themselves. If they have a question about a particular casket, he will answer it, he said. "But the family chooses what it wants."

Averages cited

Mr. Rebello quoted statistics published by the National Funeral Directors Association. These figures claim the average cost for a funeral nationally in 1968 was $865; in New England, it was $884. This compares with an average cost of $779 in 1965 and $615 in 1960, according to the statistics.

Mr. Rebello said that of the $884 spent for the average New England funeral, statistics show $776 went for services and $108 for the casket.

However, the statistics are apparently incomplete, Mr. Rebello noted that only 62 of the funeral directors in New England who handle fewer than 100 funerals a year are included in the tabulations. In Rhode Island alone, Mr. Rebello estimated, about 90 per cent of the approximately 150 funeral homes handle fewer than 100 funerals a year.

It is these small funeral homes, critics contend, that charge the highest prices because of a need to make up for their small volume.

In addition, independent studies have shown that the figures on average funeral costs released by the National Funeral Directors Association have been consistently underestimated. For instance, in 1960 when the NFDA quoted a nationwide average of $615 a funeral, a study by the International Ladies Garment Workers Union showed that the nationwide average for funerals of its members was $890.

In 1965, the NFDA average for an adult funeral was $779, but the ILGWU average was $990.

Lawyer plan studied

Mr. DiPippo said his organization, called the Association for Consumer Protection, is so concerned about the high cost of dying that it is considering a plan under which lawyers would be available to accompany families to the funeral home.

Spokesmen for other consumer groups say they have had virtually no complaints about funeral directors in Rhode Island. Edwin P. Palumbo, executive director of the Rhode Island Consumers Council, said his organization has never received a complaint about a funeral director.

The Consumers Council has available a booklet by Sidney Margolius entitled "Funeral Costs and Death Benefits." The booklet notes that it is "wise" and "certainly proper" for persons to inquire at more than one funeral home in order to get the lowest price.

The booklet notes that costlier caskets and costlier funerals "result from seemingly minor differences in decoration and detail." It adds. "No matter what kind of casket is used, the body will deteriorate and it will deteriorate even faster in an expensive hermetically sealed casket."

A. Michael Marino, vice president and general manager of the Providence office of the Better Business Bureau, noted that his organization also has not received complaints about funeral directors. Mr. Marino advises that persons call their clergyman when the need of a funeral arises and ask him to advise them on the funeral home to go to and the funeral to choose.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE REJECTION OF THE NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. **HRUSKA**. Mr. President, this past Friday the Senate added another chapter to the history of the Senate. In my opinion, it will not be a bright chapter to which we can point with pride. The rejection of Judge Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court ranks with the rejection of Judge John J. Parker as an error that did injustice to the man and deprived the Court and the Nation of the services of an outstanding jurist.

The consideration of Judge Haynsworth's nomination and his rejection took a little over 3 months. The nomination was announced on August 18, sent to the Senate on September 3, reported on November 12, and rejected on November 21.

The review of Judge Haynsworth, his court decisions, and his financial background was exhaustive. At the opening of the Judiciary Committee hearings in September the Senator from Indiana (Mr. BAYH) stated that the examination of this nominee should be a part of the routine process of establishing qualifications of any nominee in the future. If that is true, then the procedures will be rigorous indeed.

While President Nixon is making the selection of the nominee to the Supreme Court he will recommend, it is important that we keep in mind how difficult a selection that is. It is difficult in normal times, and it will be particularly difficult following the rejection of Judge Haynsworth.

I am sure many of my colleagues in the Congress have nominees in mind whom they feel would be superb. The selection of the nominee, of course, is the prerogative of the President. While I am sure he will listen earnestly to the suggestions, the decision will be his.

In making his decision, however, I urge President Nixon to move deliberately. A hastily made decision rushed to the Senate would arrive while the smoke has not yet cleared from the battlefield. It would serve to politicize the Supreme Court even more. Certainly what the Nation needs now is not further political controversy with the Court in the middle.

I would point out, additionally, that the legislative calendar for the remainder of 1969 is badly clogged. We are in the middle of the tax reform legislation. Six appropriation bills remain to be considered including Defense, Labor-HEW, foreign operations, and District of Columbia. Two bills are still in conference. The majority leader has indicated that the Senate should act upon major crime legislation, narcotics legislation, a pornography bill, and elementary and secondary education yet this session.

Mr. President, there is one other facet of the Supreme Court vacancy on which I wish to comment. Many new and vague criteria were applied to Judge Haynsworth during Senate debate. And now another criterion has achieved currency: "Is the nominee a contemporary man, a man of his times?" If there was ever a vague and meaningless standard it is the "contemporary man" standard.

Certainly, one who would be concerned with the situation in the big cities, with civil rights, and with sociological considerations would think in terms of one standard of what is contemporary. Another man, who had been concerned with the crime picture, and with the recent tendency to expand and liberalize the rules of evidence regarding persons accused of crime, would have another standard with reference to what is contemporary. That is only one example of many that could be cited.

I warn my colleagues that this newly announced standard may be the first shot in the renewed battle to prevent President Nixon from restoring balance to the Supreme Court. This is true, not because President Nixon's nominee will not be a man of his times, but because those raising the new standard are in the main those who favor the existing direction of the Court. Contemporary to them means "liberal."

Any efforts to prevent a more moderate Court with a better balance are doomed to failure. I am confident that President Nixon will stand by his commitment to place on the Court a man who believes in judicial restraint, one whose presence on the Court will tend to restore such balance.

I am confident also that the American public agrees with President Nixon's goal. They want to see a balanced Court. As a final arbitor of the meaning of the Constitution and constitutional rights, people want to see more than one political philosophy represented. I commend President Nixon for his efforts in this direction.

Mr. **DOLE**. Mr. President, a sad moment for the administration was the rejection last Friday by the Senate of President Nixon's nomination of Judge Clement Haynsworth to be Associate Justice of the highest court in our land.

The Senate's decision was more than just a defeat for Judge Haynsworth; it was also a defeat for the voices of reason speaking out against the sectional bigotry, politics, and pressures of labor and other groups.

Make no mistake about it. Judge Haynsworth's defeat was political.

It has been suggested the votes of the would-be candidates for President against confirmation offer some clues about the politics of the defeat. It has been suggested that the vote of the Democrat national chairman offers a clue. It has been suggested that the votes of the defenders of Judge Morrisey, the defenders of Justice Fortas, and the defenders of Justice Douglas might offer clues. These suggestions I can neither confirm nor deny, but one need look only at the avowed and admitted pressures brought by labor and by the groups identifying themselves as civil rights groups to understand that great pressure was brought to bear.

Mr. President, there has been much talk about "pressure" from the White House. However, there is every indication that for each bit of reason applied by the White House, organized labor and its allies applied twice as much pressure. It can be said that those who complain the White House did not do enough and those who say it went too far should realize that some enjoy the pressure if it results in subsequent publicity.

Mr. President, as stated earlier, Judge Haynsworth's defeat was a sad event, sad for many reasons. In some cases, false charges were brought against the judge and published and republished.

In other cases, minor incidents, perfectly legal, were enlarged and distorted all out of proportion.

Finally, Judge Haynsworth was judged by a new code that I doubt could be met by most sitting Justices of the Supreme Court or by Members of this body. It may become known as the Haynsworth code.

Mr. President, in eagerness to make political hay, and eagerness of some to demonstrate if they could oppose a Democrat President's appointee they could also oppose a Republican President's appointee, I trust that a good man has not been destroyed.

Judge Haynsworth is a good man and

an honorable man. I encourage him to rise above this political defeat as others have done; to rise above the smears, partisanship, and sectionalism.

I urge him to remain in his present position where he can continue to render great service to our Nation.

The Nation and its courts need men of his caliber.

Mr. President, I am proud to have supported Judge Haynsworth as a nominee to the Supreme Court and to support him on the floor of the Senate today.

He is a credit to his country and his profession.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 13270), the Tax Reform Act of 1969.

AMENDMENT NO. 304

Mr. GORE. Mr. President, I send to the desk an amendment, and ask that it be printed and lie on the table. I ask unanimous consent that it be printed at this point in the Record.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

(The amendment reads as follows:)

Amendment No. 304

Page 454, beginning with line 5, strike out all through page 497, and in lieu thereof insert the following:

"Sec 801. Personal Exemptions.

"(a) Increase to $700 for 1970.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1971—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700'; and

"(2) section 6013 (b) (3) (A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$700', and by striking out '$1,2000' wherever appearing therein and inserting in lieu thereof '$1,400'.

"(b) Increase to $800 for 1971.—Effective with respect to taxable years beginning after December 31, 1970, and before January 1, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$700' wherever appearing therein and inserting in lieu thereof '$800', and by striking out '$1,400' wherever appearing therein and inserting in lieu thereof '$1,600'.

"(c) Increase to $900 for 1972.—Effective with respect to taxable years beginning after December 31, 1971, and before January 1, 1973—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$800' wherever appearing therein and inserting in lieu thereof '$900'; and

"(2) section 6013(b)(3)(A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$800' wherever appearing therein and inserting in lieu thereof '$900', and by striking out '$1,600' wherever appearing therein and inserting in lieu thereof '$1,800'.

"(d) Increase to $1,000 for 1973 and Subsequent Years.—Effective with respect to taxable years beginning after December 31, 1972—

"(1) section 151 (relating to allowance of personal exemptions) is amended by striking out '$900' wherever appearing therein and inserting in lieu thereof '$1,000'; and

"(2) section 6013 (b) (3) (A) (relating to assessment and collection in case of certain returns of husband and wife) is amended by striking out '$900' wherever appearing therein and inserting in lieu thereof '$1,000', and by striking out '$1,800' wherever appearing therein and inserting in lieu thereof '$2,000'.

Sec. 802. Standard Deduction.

"(a) Minimum Standard Deduction for Taxable Years Beginning in 1970, 1971 and 1972.—Effective with respect to taxable years beginning after December 31, 1969, and before January 1, 1973, section 141 (c) (relating to the minimum standard deduction) is amended to read as follows:

"'(c) Minimum Standard Deduction.—The minimum standard deduction is an amount equal to $1,000 ($500, in the case of a separate return by a married individual), reduced, in the case of a taxable year beginning in 1970, 1971, or 1972, by an amount equal to one-fourth of the amount by which—

"'(1) the adjusted gross income for the taxable year, exceeds

"'(2) the sum of—

"'(A) $1,000 ($500, in the case of a separate return by a married individual, plus

"'(B) the amount of each personal exemption provided by section 151 for the taxable year, multiplied by the number of such exemptions for the taxable year.'

"(b) Standard Deduction for Taxable Years Beginning After 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 141 (relating to the standard deduction) is amended to read as follows:

"'Sec. 141. Standard Deduction.

"'The standard deduction referred to in this title is $1,000 ($500, in the case of a separate return by a married individual).[1]

"(c) Determination of Marital Status.—Section 143 (relating to determination of marital status) is amended—

"(1) by striking out 'For purposes of this part—' and inserting in lieu thereof '(a) General Rule.—For purposes of this part—'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) Certain Married Individuals Living Apart.—For purposes of this part, if—

"'(1) an individual who is married (within the meaning of subsection (a)) and who files a separate return maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a dependent (A) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the individual, and (B) with respect to whom such individual is entitled to a deduction for the taxable year under section 151,

"'(2) such individual furnishes over half of the cost of maintaining such household during the taxable year, and

"'(3) during the entire taxable year such individual's spouse is not a member of such household, such individual shall not be considered as married.'

"(d) Technical and Conforming Amendments.—

"(1) Section 4(a) (relating to number of exemptions) is amended to read as follows:

"'(a) Number of Exemptions.—For purposes of the tables prescribed by the Secretary or his delegate pursuant to section 3, the term "number of exemptions" means the number of exemptions allowed under section 151 as deductions in computing taxable income.'

"(2) Section 4(c) (relating to married individuals filing separate returns) is amended to read as follows:

"'(c) Husband or Wife Filing Separate Return.—

"'(1) A husband or wife may not elect to pay the optional tax imposed by section 3 if the tax of the other spouse is determined under section 1 on the basis of taxable income computed without regard to the standard deduction.

"'(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return for a taxable year beginning before January 1, 1973, the tax imposed by section 3 shall be the lesser of the tax shown in—

"'(A) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the 10-percent standard deduction, or

"'(B) the table prescribed under section 3 applicable in the case of married persons filing separate returns which applies the minimum standard deduction.

"'(3) The table referred to in paragraph (2)(B) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in the table referred to in paragraph (2)(B) in lieu of the tax shown in the table referred to in paragraph (2)(A). For purposes of this title, an election under the preceding sentence shall be treated as an election made under section 141(d)(2).

"'(4) For purposes of this subsection, determination of marital status shall be made under section 143.'

"(3) Paragraph (4) of section 4(f) is amended to read as follows:

"'(4) For computation of tax by Secretary or his delegate, see section 6014.'

"(4) Section 1304(c)(5) (relating to special rules for income averaging) is amended by striking out 'section 143' and inserting in lieu thereof 'section 143(a)'.

"(e) Effective Date.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 1969.

"Sec. 803. Tax Rates for Single Individuals and Heads of Household; Optional Tax.

"(a) Heads of Household.—Section 1(b) (1) (relating to rates of tax on heads of household) is amended to read as follows:

"'(1) Rates of tax.—There is hereby imposed on the taxable income of every individual who is a head of a household a tax determined in accordance with the following table:

"'If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660, plus 19% of excess over $4,000.

" 'If the taxable income is:	The tax is:
Over $6,000 but not over $8,000	$1,040, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,480, plus 23% of excess over $8,000.
Over $10,000 but not over $12,000	$1,940, plus 25% of excess over $10,000.
Over $12,000 but not over $14,000	$2,440, plus 27% of excess over $12,000.
Over $14,000 but not over $16,000	$2,980, plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,540 plus 31% of excess over $16,000.
Over $18,000 but not over $20,000	$4,160, plus 32% of excess over $18,000.
Over $20,000 but not over $22,000	$4,800, plus 35% of excess over $20,000.
Over $22,000 but not over $24,000	$5,500, plus 36% of excess over $22,000.
Over $24,000 but not over $26,000	$6,220, plus 38% of excess over $24,000.
Over $26,000 but not over $28,000	$6,980, plus 41% of excess over $26,000.
Over $28,000 but not over $32,000	$7,800, plus 42% of excess over $28,000.
Over $32,000 but not over $36,000	$9,480, plus 45% of excess over $32,000.
Over $36,000 but not over $38,000	$11,800, plus 48% of excess over $36,000.
Over $38,000 but not over $40,000	$12,240, plus 51% of excess over $38,000.
Over $40,000 but not over $44,000	$13,260, plus 52% of excess over $40,000.
Over $44,000 but not over $50,000	$15,340, plus 55% of excess over $44,000
Over $50,000 but not over $52,000	$18,640, plus 56% of excess over $50,000
Over $52,000 but not over $64,000	$19,760, plus 58% of excess over $52,000
Over $64,000 but not over $70,000	$26,720, plus 59% of excess over $64,000.
Over $70,000 but not over $76,000	$30,260, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$33,920, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$36,400, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$41,440, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$49,120, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$62,320, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$75,720, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$89,320, plus 69% of excess over $160,000.
Over $180,000	$103,120, plus 70% of excess over $180,000."

"(b) Single Individuals.—

"(1) In general.—Section 1 (relating to tax on individuals) is amended by redesignating subsection (c) and (d) as (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

" '(c) Unmarried Individuals.—There is hereby imposed on the taxable income of every individual (other than a surviving spouse or a head of a household) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

" 'If the taxable income is:	The tax is:
Not over $500---	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,110, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,590, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,090, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,630, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,210, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,830, plus 34% of excess over $16,000.
Over $18,000 but not over $20,000	$4,510, plus 36% of excess over $18,000
Over $20,000 but not over $22,000	$5,230, plus 38% of excess over $20,000.
Over $22,000 but not over $26,000	$5,990, plus 40% of excess over $22,000.
Over $26,000 but not over $32,000	$7,590, plus 45% of excess over $26,000.
Over $32,000 but not over $38,000	$10,290, plus 50% of excess over $32,000.
Over $38,000 but not over $44,000	$13,290, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000	$16,590, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$20,190, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$26,390, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$32,790, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$39,390, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$46,190, plus 69% of excess over $90,000.
Over $100,000----	$53,090, plus 70% of excess over $100,000.'

"(2) Conforming amendment.—Section 1 (a) (relating to rates of tax on individuals) is amended by striking out so much of such section as precedes the table in pargaraph (2) and inserting in lieu thereof the following:

" '(a) General Rules.—There is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies and an unmarried individual to whom subsection (c) applies) a tax determined in accordance with the following table:'.

"(c) Optional Tax Tables For Individuals.—Section 3 (relating to optional tax if adjusted gross income is less than $5,000) is amended to read as follows:

" 'Sec. 3. Optional Tax Tables for Individuals

" 'In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $7,500 (or such higher amount, less than $10,000, as may be prescribed by the Secretary or his delegate by regulations) and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1.'

"(d) Conforming Amendments.—

"(1) Section 6014 (a) (relating to election by taxpayer) is amended—

"(A) by striking out '$5,000' in the first sentence and inserting in lieu thereof '$7,500', and

"(B) by striking out the last two sentences.

"(2) Section 1304(b)(1) (relating to special rules) is amended by striking out 'if adjusted gross income is less than $5,000.'

"(e) Section 21(d) (relating to changes in rates during a taxable year) is amended to read as follows:

" '(d) Changes Made by Tax Reform Act of 1969 in Case of Individuals.—In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV of subchapter B for purposes of the determination of taxable income shall be treated as a change in a rate of tax.'

"(f) Effective Dates.—The amendments made by subsections (a) and (b) of this section shall apply to taxable years beginning after December 31, 1970. The amendments made by subsections (c) and (d) of this section shall apply to taxable years beginning after December 31, 1969.

"Sec. 804. Collection of Income Tax at Source on Wages.

"(a) Requirement of Withholding.—Section 3402(a) (relating to requirement of withholding) is amended to read as follows:

" '(a) Requirement of Withholding.—In the case of wages paid after December 31, 1969, or the 15th day after the date of the enactment of the Tax Reform Act of 1969 (whichever is later), every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with tables prescribed by the Secretary or his delegate. Such tables shall correspond in form to the tables in effect under this subsection on December 31, 1969. For purposes of applying such tables, the term 'amount of wages' means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b)(1).'

"(b) Percentage Method of Withholding.—

"(1) Wages paid in 1970.—Effective with respect to wages paid during 1970, the table contained in section 3402(b)(1) is amended to read as follows:

" 'Percentage Method Withholding Table

Payroll period:	Amount of one withholding exemption:
Weekly	$13.50
Biweekly	$27.00
Semimonthly	$29.00
Monthly	$58.00
Quarterly	$175.00
Semiannual	$350.00
Annual	$700.00
Daily or miscellaneous (per day of such period)	$1.80.'

"(2) Wages paid in 1971.—Effective with respect to wages paid during 1971, the table contained in section 3402(b)(1) is amended to read as follows:

" 'Percentage Method Withholding Table

Payroll period:	Amount of one withholding exemption:
Weekly	$15.00
Biweekly	$30.00
Semimonthly	$33.50
Monthly	$67.00
Quarterly	$200.00
Semiannual	$400.00
Annual	$800.00
Daily or miscellaneous (per day of such period)	$2.10.'

"(3) Wages paid in 1972.—Effective with respect to wages paid during 1972, the table contained in section 3402 (b)(1) is amended to read as follows:

" 'Percentage Method Withholding Table

Payroll period	*Amount of one withholding exemption*
Weekly	$17.00
Biweekly	$34.00
Semimonthly	$37.50
Monthly	$75.00
Quarterly	$225.00
Semiannual	$450.00
Annual	$900.00
Daily or miscellaneous (per day of such period)	$2.40.'

"(4) Wages paid after 1972.—Effective with respect to wages paid after December 31, 1972, the table contained in section 3402(b)(1) is amended to read as follows:

" 'Percentage Method Withholding Table

Payroll period	*Amount of one withholding exemption*
Weekly	$19.00
Biweekly	$38.00
Semimonthly	$42.00
Monthly	$84.00
Quarterly	$250.00
Semiannual	$500.00
Annual	$1,000.00
Daily or miscellaneous (per day of such period)	$2.70.' "

Page 549, line 17, strike out "$600" and insert "$700".

Page 550, lines 1, 9, and 11, strike out "$2,300" and insert "$2,400".

Page 550, line 12, strike out "$600" and insert "$700".

Page 550, lines 21 and 22, strike out "this section" and insert "subsections (a) and (b)".

Page 550, after line 23 insert the following:

"(d) Taxable Years After 1970.—

"(1) Taxable years beginning in 1971.—Effective with respect to taxable years beginning in 1971, section 6012(a)(1) is amended—

"(A) by striking out '$700' each place it appears therein and inserting in lieu thereof '$800';

"(B) by striking out '$1,700' each place it appears and inserting in lieu thereof '$1,800'; and

"(C) by striking out '$2,400' each place it appears and inserting in lieu thereof '$2,600'.

"(2) Taxable years beginning in 1972.—Effective with respect to taxable years beginning in 1972, section 6012 (a)(1) is amended—

"(A) by striking out '$800' each place it appears therein and inserting in lieu thereof '$900';

"(B) by striking out '$1,800' each place it appears and inserting in lieu thereof '$1,900'; and

"(C) by striking out '$2,600' each place it appears and inserting in lieu thereof '$2,800'.

"(3) Taxable years beginning after 1972.—Effective with respect to taxable years beginning after December 31, 1972, section 6012(a)(1) is amended—

"(A) by striking out '$900' each place it appears therein and inserting in lieu thereof '$1,000';

"(B) by striking out '$1,900' each place it appears and inserting in lieu thereof '$2,000'; and

"(C) by striking out '$2,800' each place it appears and inserting in lieu thereof '$3,000'."

Mr. GORE. Mr. President, I have received today letters from three distinguished Members of the House of Representatives.

Those distinguished Members have circulated petitions or letters asking the Senate to pass an amendment increasing the personal exemption for each taxpayer and dependent from $600 to $1,000 a year. I wish now to read a letter from Representative Peter W. Rodino, Jr. His letter reads as follows:

Dear Senator Gore: Since our last correspondence regarding your good effort to increase the personal income tax exemption, I have circulated my colleagues eliciting their support for your cause. I have also joined with my good friend Congressman Charles Vanik in securing support for the increased tax exemption. The attached list of the members of the House is in addition to those members that have signed Congressman Vanik's letter. We feel confident that the majority of the members of the House of Representatives will support a provision to increase the personal income tax exemption.

I note that you now propose to increase the exemption from $600 to $1,000 with four yearly increases of $100. The members joined with me are all primarily interested in the principle of increasing a wholly inadequate $600 exemption. Thus, I feel confident they will support any feasible means that accomplishes this important and meaningful task.

Sincerely,

Peter W. Rodino, Jr.

I ask unanimous consent that this letter, together with the list of Members of the House of Representatives attached thereto, be printed in the Record at this point.

There being no objection, the letter and list were ordered to be printed in the Record, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 25, 1969.

Hon. Albert Gore,
U.S. Senate,
Washington, D.C.

Dear Senator Gore: Since our last correspondence regarding your good effort to increase the personal income tax exemption, I have circulated my colleagues eliciting their support for your cause. I have also joined with my good friend Congressman Charles Vanik in securing support for the increased tax exemption. The attached list of the members of the House is in addition to those members that have signed Congressman Vanik's letter. We feel confident that the majority of the members of the House of Representatives will support a provision to increase the personal income tax exemption.

I note that you now propose to increase the exemption from $600 to $1,000 with four yearly increases of $100. The members joined with me are all primarily interested in the principle of increasing a wholly inadequate $600 exemption. Thus, I feel confident they will support any feasible means that accomplishes this important and meaningful task.

Sincerely,

Peter W. Rodino, Jr.,
Member of Congress

An Attached List of Members of the House of Representatives

Rodino, Peter W.; Adams, Brock; Anderson, Glenn; Annunzio, Frank; Baring, Walter; Blackburn, Benjamin; Blatnik, John A.; Brown, George; Burke, J. Herbert; Burton, Phillip; and Button, Daniel E.

Carey, Hugh L.; Conyers, John; Dent, John; Dulski, Thaddeus J.; Eckhardt, Bob; Flynt, John J.; Friedel, Samuel N.; Gaydos, Joseph M.; Hanley, James M.; Helstoski, Henry; Howard, James; Johnson, Harold; and Koch, Edward I.

Lukens, Donald E.; McCulloch, William M.; Matsunaga, Spark M.; Mikva, Abner J.; Miller, George; Pepper, Claude; Pickle, Jake; Podell, Bertram; Reid, Ogden; Rooney, Fred; St Germain, Fernand J.; Sandman, Charles; Stokes, Louis; Stratton, Sam; Tiernan, Robert; Vigorito, Joseph; and Yatron, Gus.

Mr. GORE. Mr. President, I read at this point a letter from Representative Charles A. Vanik:

Dear Senator Gore: We, the undersigned Members of the United States House of Representatives, urge your support of an amendment to provide for an increase in the dependency exemptions from $600 to at least $1000.

We support an increase in dependency exemptions to take effect immediately or in several stages depending upon revenue effect to the Treasury. A meaningful increase in dependency exemptions is long overdue.

Sincerely yours,

——— ———.

The letter is signed by Representative Vanik and 173 Members of the House of Representatives. I ask unanimous consent that the letter and the names, together with Representative Vanik's statement, be printed in the Record.

There being no objection, the letter, list of names, and statement were ordered to be printed in the Record, as follows:

Statement of Congressman Charles A. Vanik, of Ohio, 173 Members of the House of Representatives Sign Letter to Senator Gore Supporting Increase of Dependency Exemption to $1,000

The following letter was sent to Senator Albert Gore, a member of the Senate Finance Committee, in support of his efforts to increase dependency exemptions from the present $600-per-person rate to $1,000.

Senator Gore plans to offer an amendment to this effect on the Senate Floor. The Members of Congress who signed the enclosed letter felt that it was essential that the Senate be informed of the strong support on behalf of increasing dependency exemptions since no vote on this issues was allowed on the House Floor, during consideration of tax reform legislation, which was brought to the Floor under a closed rule.

Congressmen Peter Rodino of New Jersey and John Saylor of Pennsylvania have gathered additional signatures on this important matter and are forwarding them to Senators Gore and Williams of Delaware. In combination the total number of House Members signing any of these three letters of support equals a clear majority of the Membership of the House of Representatives.

It is clearly the feeling of the Members who have signed this letter that the present $600 dependency exemption is totally unrealistic and is not related in any fashion to the actual costs of dependency support. Increasing this tax allowance to $1,000 will reflect more accurately the burden of support which presently exists.

Congressman Charles Vanik attempted to force this issue to a head when the House of Representatives was considering tax reform and relief legislation by asking that the House Rules Committee allow for a vote on this matter. His request was denied. He testified in a similar manner before the Senate Finance Committee. However, the Committee chose to ignore including an exemption increase to $1000 in the bill which they reported out.

When Senator Gore indicated that he would take the fight for the increase to the Senate Floor, Congressman Vanik circulated the text of the following letter to his colleagues in the House of Representatives, and obtained the signatures of 154 Members. The text of the letter is as follows:

"Hon. ALBERT GORE,
"U.S. Senate,
"Washington, D.C.

"DEAR SENATOR GORE: We, the undersigned Members of the United States House of Representatives, urge your support of an amendment to provide for an increase in the dependency exemption from $600 to at least $1000.

"We support an increase in dependency exemptions to take effect immediately or in several stages depending upon revenue effect to the Treasury. A meaningful increase in dependency exemptions is long overdue.

"Sincerely yours,
"Signed by 173 Members of Congress."

AN ATTACHED LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Abernethy, Adams, Addabbo, Glenn Anderson, William Anderson, George Andrews, Annunzio, Ashley, Aspinall, Blackburn, Baring, and Barrett.

Bennett, Bevill, Biaggi, Bingham, Boland, Brinkley, Brademas, Brasco, Brooks, George Brown, James Burke, and Phillip Burton.

James Byrne, J. Herbert Burke, Caffery, Carey, Casey, Celler, Chisholm, Clark, Clay, Conyers, Culver, and Dent.

Daddario, Daniel, Daniels, Delaney, Diggs, Dingell, Dent, Donohue, Dorn, Dowdy, Downing, and Dulski.

Eckhardt, Edmondson, Don Edwards, Eilberg, Fallon, Farbstein, Fascell, Feighan, Flood, Flowers, Flynt, and Friedel.

William G. Ford, Fountain, Fraser, Richard Fulton, Galifianakis, Gallagher, Garmatz, Gaydos, Giaimo, Gilbert, and Gonzalez.

Gray, Edith Green, William Green, Hagan, Hanley, Hamilton, Hanna, Hansen, Harrington, Hathaway, and Hawkins.

Hays, Hébert, Hechler of West Virginia, Helstoski, Hicks, Holifield, Hull, Howard, Hungate, Jacobs, and Harold Johnson.

Walter Jones, Karth, Kastenmeier, Kazan, Kee, Kluczyinski, Koch, Kyros, Robert Leggett, and Speedy Long.

Lowenstein, Lukens, Macdonald, Madden, Matsunaga, Meeds, Mikva, George Miller, Minish, Mink, Mollohan, Morgan, William Murphy, and McCulloch.

Nedzi, Nichols, Nix, Obey, O'Hara, O'Neill, Olsen, Ottinger, Patten, and Pepper.

Perkins, Podell, Powell, Melvin Price, Pucinski, Pickle, Randall, Rarick, Rees, Roberts, Byron Rogers, and Paul Rogers.

Rosenthal, Roybal, Ryan, Fred Rooney, Scheuer, Shipley, Slack, Neal Smith, Staggers, Steed, Stokes, and St Germain.

Taylor, Frank Thompson, Tiernan, Vanik, Vigorito, Van Deerlin, Waggonner, Waldie, White, and Charles Wilson.

Wolff, Wright, Yatron, Zablocki, Blatnik, Button, Pollock, Ogden Reid, Sandman, Stratton, and Rodino.

Mr. GORE. Mr. President, I have received a letter from Representative JOHN P. SAYLOR, of the 22d District of Pennsylvania, dated November 21, 1969, which reads as follows:

DEAR SENATOR GORE: It has come to my attention that Members of your Party are circulating a letter in the House of Representatives urging support for an increase in the personal exemption amount from $600 to $1000.

In a spirit of bi-partisanship I have enclosed for your perusal a copy of an attachment to my press release of July 24, 1969, wherein I listed all House Members by State who supported my bill H.R. 12861 and/or similar bills to accomplish this much needed tax reform.

I am sure it will not escape your attention that 24 of the 27 Members of the Pennsylvania delegation supported the legislation and 6 of the 9 Members of the Tennessee delegation were found in support. You will also note that I listed Members of both Parties who were in favor of granting this widely sought-after tax reform and tax relief measure.

In spite of the fact that the wishes of the majority (233 Members) of the House were not successful in obtaining an amendment to the House-passed tax reform bill, I wish you and your colleagues of both Parties every success in efforts to incorporate such a section in the Senate version of the tax reform proposal.

Based on the attached list, I believe that an increase in the personal exemption amount would stand a good chance of final passage should the Senate act to include the reform in its bill.

Sincerely yours,
JOHN P. SAYLOR.

Mr. President, I ask unanimous consent that the letter which I have read and the list of 233 Members of the House of Representatives be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 21, 1969.

Hon. ALBERT GORE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GORE: It has come to my attention that Members of your Party are circulating a letter in the House of Representatives urging support for an increase in the personal exemption amount from $600 to $1000.

In a spirit of bi-partisanship I have enclosed for your perusal a copy of an attachment to my press release of July 24, 1969, wherein I listed all House Members by State who supported my bill H.R. 12861 and/or similar bills to accomplish this much needed tax reform.

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Based on the attached list, I believe that an increase in the personal exemption amount would stand a good chance of final passage should the Senate act to include the reform in its bill.

Sincerely yours,
JOHN P. SAYLOR.

ATTACHMENT LIST OF 233 CONGRESSIONAL SUPPORTERS OF BILLS TO RAISE THE PERSONAL EXEMPTION AMOUNT—BY STATE

Alabama: Bevill, Buchanan, Edwards, Flowers, and Nichols.
Alaska: Pollock.
Arizona: Udall.
California: Anderson, Brown, Burton, Edwards, Hanna, Hawkins, Holifield, Johnson, Leggett, McFall, Miller, Pettis, Roybal, Smith, Tunney, Waldie, and Wilson, C.
Colorado: Brotzman, and Rogers.
Connecticut: Daddario, Giaimo, Meskill, St. Onge, and Weicker.
Florida: Burke, Frey, Gibbons, Haley, and Rogers.
Georgia: Blackburn, Brinkley, Hagan, and Stuckey.
Hawaii: Matsunaga, and Mink.
Illinois: Annunzio, Gray, Kluczynski, Mikva, Murphy, Price, Pucinski, Railsback, and Shipley.
Indiana: Jacobs, Madden, and Zion.
Iowa: Miller and Schwengel.
Kansas: Sebelius, Shriver, Skubitz, and Winn.
Kentucky: Carter, Cowger, Perkins, and Snyder.
Louisiana: Edwards, Long, Passman, Rarick, and Waggonner.
Maine: Kyros.
Maryland: Fallon, Friedel, Garmatz, Hogan, and Long.
Massachusetts: Boland, Burke, Conte, Donohue, Macdonald, O'Neill, and Philbin.
Michigan: Broomfield, Chamberlain, Conyers, Diggs, Dingell, Wm. Ford, McDonald, O'Hara, Riegle, and Ruppe.
Minnesota: Blatnik, Fraser, Karth, and Zwach.
Mississippi. Griffin, and Whitten.
Missouri: Clay, Hull, Hungate, and Randall.
Montana: Olsen.
Nebraksa: Cunningham and Martin.
Nevada: Baring.
New Hampshire: Wyman.
New Jersey: Daniels, Gallagher, Helstoski, Howard, Hunt, Joelson, Minish, Rodino, Sandman, and Thompson.
New Mexico: Foreman and Lujan.
New York: Addabbo, Biaggi, Bingham, Brasco, Button, Chisholm, Delaney, Dulski, Farbstein, Gilbert, Halpern, Hanley, Hastings, Horton, King, Koch, Lowenstein, McCarthy, McKneally, Murphy, Ottinger, Podell, Ryan, Rosenthal, Scheuer, Wolff, and Wydler.
North Carolina: Fountain, Galifianakis, Henderson, Jones, and Taylor.
Ohio: Ashbrook, Ashley, Clancy, Feighan, Harsha, Latta, Lukens, McCulloch, Minshall, Mosher, and Stokes.
Oklahoma: Camp, Edmondson, and Steed.
Oregon: Green.
Pennsylvania: Barrett, Byrne, Clark, Coughlin, Dent, Eilberg, Eshleman, Flood, Fulton, Gaydos, Goodling, Green, Johnson, McDade, Moorhead, Morgan, Nix, Rooney, Saylor, Vigorito, Williams, Whalley, Watkins, and Yatron.
Rhode Island: St Germain and Tiernan.

South Carolina: Gettys.

South Dakota: Berry.

Tennessee: Blanton, Duncan, Evins, Fulton, Jones, and Quillen.

Texas: Brooks, de la Garza, Eckhardt, Gonzalez, Kazen, Patman, Pickle, Poage, Price, Purcell, White, and Wright.

Utah: Burton.

Virginia: Abbitt, Scott, Wampler, and Whitehurst.

Washington: Adams, Hansen, Hicks, and Pelly.

West Virginia: Hechler, Kee, Mollohan, Slack, and Staggers.

Wisconsin: Kastenmeier, Obey, Reuss, Steiger, Schadeberg, Thomson, and Zablocki.

Arkansas: None.

Delaware: None.

Idaho: None.

North Dakota: None.

Vermont: None.

Wyoming: None.

Mr. GORE. Mr. President, it comes as a great encouragement to the senior Senator from Tennessee that what appears on quick examination to be considerably more than one-half of the membership of the House of Representatives have petitioned the Senate to enact this important and much needed reform, a reform that would give a tax reduction to those who need it the most, those with the largest number of dependents.

The amendment which I have submitted will be called up at an appropriate time. I will undertake to speak upon the amendment at that time. No vote, however, is expected until next week.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL SEGREGATION IN THE STATE OF INDIANA

Mr. STENNIS. Mr. President, as I have heretofore announced, I think it will be helpful, in considering possible amendments that may come up in connection with appropriations bills, particularly the HEW appropriation bill, to have the facts before Senators regarding the school integration picture not just in the South but throughout the United States as well.

In keeping with my purpose to bring these facts to the Members of the Senate and to the people of the Nation, I have compiled certain data taken from the official records of HEW files. Samples of these records have been brought to the special attention of Mr. Finch in an open hearing before the Appropriations Committee, and he agreed, in response to my questions, that they were correct or substantially correct and were believed by him to be substantially correct. They were obtained by lawful means, of course through regular channels, by a staff member of the Appropriations Committee and from the files of the Secretary of Health, Education, and Welfare.

Today I have completed and assembled the figures that reflect the picture with reference to the public schools in the State of Indiana. My remarks will not be at great length, but they will give a summary of the picture in that State as of the date of these figures.

In the 1968–69 school year, there were a total of 1,081,214 elementary and secondary students attending public schools in Indiana. Of this total, 88.8 percent, or 961,182, were white; 9.8 percent, or 105,772, were Negroes, and the remaining 1.4 percent was made up of other minority groups as classified by the HEW as American Indian, Oriental, and Spanish-American students.

However, HEW's computer data reflects that there are 10 cities in Indiana which have one or more schools where Negro students make up 80 to 100 percent of the total school enrollment, and in these 10 school districts are enrolled 87.9 percent of all the Negro students in Indiana—92,953.

There are 57 schools where the Negro enrollment exceeds 80 percent of total enrollment, and of these 57, there are 49 schools where the Negro enrollment is 90 percent to 100 percent of the total enrollment, and 40 schools within these 57 where the enrollment is 99 and 100 percent Negro.

These HEW figures are very significant in the issue of segregation and integration, and help show there is a totally different set of rules applied in school districts outside the South than is applied in school districts in the South.

Let us look at the school district of Indianapolis, the capital of the State. The total 1968–69 public school enrollment is reflected as 108,587 students in 122 schools in this fine city; 72,010, or 66.3 percent, are white students; 36,577, or 33.7 percent, are Negro students—in other words, two-thirds white and one-third Negro students. There are no other minority group students enrolled in these schools. Let us now look at the distribution in these schools in the city.

There are 13,765 Negro students in 17 schools that are from 99.2 to 100 percent black. There are only 37 students listed as white in these 17 schools.

There are another seven schools with a total enrollment of 7,564 students, of which 7,336 are Negro and 228 are white. That would be 3 percent white and 97 percent Negro. The figures show 21,064 of the 36,577 Negro students in Indianapolis segregated in 24 schools that are 97 to 100 percent Negro. In all, there are 34 of the 122 Indianapolis schools which have a majority Negro enrollment. In these 34 schools there are 28,372 Negro students and 3,212 white, or, 4.4 percent of the total white student enrollment of 108,587 are attending these Negro majority schools.

Now let us look at the majority white schools. There are 36 schools with a total enrollmentof 31,221 students which are 99 to 100 percent white—18 schools are 100 percent white. There are but 76 Negro students listed as attending these 36 schools. There are another 28 schools with enrollments aggregating 19,928 that are 90.9 to 98.8 white. There are 869 Negroes attending these 28 schools, or about 4 percent of the enrollment.

Accordingly, 51,159 white students, or 71 percent of the total white student enrollment, are isolated in 64 schools that are 96 to 100 percent white. There are nine schools with a total enrollment of 926 which are 89.1 to 80.3 percent white—8,587 white students; 1,339, approximately 13 percent, Negroes. There are another 15 schools with a total enrollment of 15,847 which are 77.9 to 51.7 percent white—10,007 white; 5,921, approximately 37 percent, Negro. This group of schools includes one technical high school which has 5,190 students—2,717 white and 2,473, or 47.6 percent, Negro.

Overall, there are 68,798, or 95.6 percent, of the 72,010 white students attending Indianapolis public schools that are in majority white schools. Only 3,212, or 4.4 percent, of the white students are attending schools having a majority Negro student enrollment. The 8,305 Negro students attending majority white schools constitute only 10½ percent of the total enrollment of the 88 majority white schools.

If that situation prevailed in a southern school district there would already have been mandates from the Supreme Court or from HEW, on down that the district must be completely integrated forthwith and that necessary Negroes should be bused to predominantly white schools and and white students bused to majority Negro schools—regardless of the consequences.

Mr. President, I could go into the facts and figures as to a great number of those schools and the way it is actually being done, but I suppose that is not necessary here. The same thing could be done in Indianapolis, or anywhere in Indiana, by the same processes and illuminate this picture I have painted, which is thought to be so evil by some and unlawful by all courts. However, virtually nothing has been done, insofar as I know from the record, by HEW in the State of Indiana in an administrative way. As far as I know, no Governor, since the decision in 1954 in the case of Brown against Board of Education has moved and tried to do something about the situation; there has been no enactment of any law by the legislature of that great State—and I am not reflecting on that great State.

Mr. President, my point is that nothing has been done about it and there is no prospect that I know of anything of any appreciable substance being done about it soon; whereas in the area where I live, in the South, schools literally are being torn to pieces—and I mean that; they are going to be left in shambles within a few months.

White students in the area where I live are being taken from their home communities and bused away to another end of the county and placed in schools that are now predominantly colored; and colored students are taken out of schools in the community where they live and they are being bused to another area of the county and placed in vacant spots created there.

I do not think that should be done in the South; I do not think it should be done anywhere. However, if there is a principle involved it should be a uniform principle that applies to all people in all the Nation; and it should be carried out by any President or anyone who is the Secretary of Health, Education, and Welfare, or by the Attorney General.

Mr. President, I point out further that nobody is claiming that the Supreme Court decision of 1954 is not the law of the land. No one is fighting on that basis. But they are not stopping with integration. They literally are leaving a lot of our area of the country in shambles so far as public schools are concerned because of this percentagewise, or almost percentagewise, integration that I say is unfair and unreasonable in any instance from an educational standpoint.

If we are going to have it in one area of the country the only way to bring it to the attention and let it be felt by other areas of the country is to enforce it uniformly throughout the Nation. Then, and only then, can we get a national policy that is based on reason and commonsense and which is really wanted by the people.

I think the parents of the children of this country can get very nearly what they want out of their State legislatures, out of this Congress, and out of anybody who is elected to the White House; but as long as this unbearable burden is being placed on one part of the country that is deemed to be evil to begin with, and a presumption of guilt attached to it, we are not going to have any national policy. We are going to have a policy applied in a section of the country.

I point out also that a great many States outside the South had segregation laws of one kind or another well over into this century, and several of them up until a few years before the 1954 decision by the Supreme Court, but nothing has been done to those States, virtually nothing, if they are outside the South. But they have literally turned us upside down and they have shaken the living life out of our public schools.

Another point I wish to raise is that all segregation, by law or otherwise, was legal by Federal court standards in every State until 1954. It had the sanction and express approval of the Supreme Court, so it was not unlawful anywhere. That was the national policy. We moved then from that 1954 decision that outlawed all segregation statutes wherever they were, and the policies and the statutes that permitted it by choice under any circumstances. So before 1954, it was legal; and after 1954 segregation was declared illegal and void. It was said you could not discriminate against any child in the placement in schools because of color. From that point, we have moved to one policy after another being added to that basic principle by various court decisions. But there has been no nationwide maintaining of this principle that was announced in 1954.

It is my purpose and my sole purpose here and now to get the facts before all the people, before all the Senators, all Members of the House of Representatives, and before officials in the executive branch.

These things have not been known until recently. This is a product of the computer system. I think it should be brought out and then we can make a judgment. I am not here accusing anyone of bad faith, and I am not here just finding fault.

Yesterday in the hearings I posed this question: "When you have these cases in court demanding total integration now, and you mix students up, haul them around and balance them off; when you get all the court decisions you want and assuming they are all carried out by trustees and the people, then, what are you going to do?"

In effect the answer was that that would be the end of the matter and they would dismiss the case and withdraw from the administration of it in any State.

I said, "All right. Then, if the people go back and by natural selection resegregate themselves again, and come back like they were or to a situation which is similar to what they were, what are you going to do then?"

He said, "Well we would have to intervene again."

So, Mr. President, here is a situation in perpetuity where the people are going to be closed in by a system of bureaucracy, or whatever you may call it, from now on.

From now on, we will have to be policed by this theory, this policy of government that they apply, so far, only on a sectional basis. Their reasons are largely fictitious. They are a sham. When we get right down to the heart of the thing, where the people live, that is what is happening.

Now if Congress or the courts should see fit to move into other areas of the country, I think we will hear from a lot of mothers and fathers. I also think that Senators will hear from them, as well as Members of the House, and the President, whoever he may be. This will become a nationwide issue. I believe we will get a more moderate policy out of it.

I do not advocate going back to the old rules prior to 1954. I know that that will not be coming. But so that the schools may live, so that they may live as educational institutions rather than as instruments of social change, so that we may have public education where the poor children, all children, can go if they wish to, rather than to have to go to school under police state methods, so that we may have our children educated in a more natural way, that is what I am pleading for.

I am pleading for the community school, the neighborhood school, the school where children live, where their parents are, and where they have their interests. I believe that that can be well brought about. The only way it can be brought about, I believe, is through the exposure of these facts.

I do not know how long it will take, but I believe it will result in the formulation of a nationwide policy to live and let live which will be to the benefit of everyone in this country and will take care of the educational needs of all our children and give them the opportunity to be trained and become qualified according to their own talents.

But as long as we go along with a sectional policy that applies only to one section of the country, I believe it is not only downright wrong but will destroy the public school system of the area where it is applied.

Thus, I plead with my colleagues to look at the facts, to formulate a national policy that will get to the bottom of the problem and then let us move forward from there.

Mr. President, I mention Indianapolis today, particularly because one of the rare Federal actions filed against a northern school district was filed against the Indianapolis school district on May 31, 1968, That is the one case that, according to my records, has already been filed, almost 18 months ago. But, to date, that action apparently has concerned itself only with teacher assignments, and the only notation concerning it, as reported by the Department of Justice on September 30, 1969, is that it was, "waiting for a trial date." Further, it is my understanding that it is still awaiting a trial date.

Mr. President, let me say on that, that I want any school district to have a reasonable time to make adjustments. I am not advocating any rash action here or to demand the "death penalty" so to speak. That is what they are doing to us in the South, demanding a "death penalty." That is what is being imposed upon us because we have not done this thing. I do not advocate that for any other school district in the country.

My point is that nothing substantial has been done. It has been ignored. The Federal Government has been acting as if these facts did not exist.

Mr. President, let me give one or two more illustrations.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG. Do I correctly understand the Senator's position to be that if the cities and States up North will undertake to abide by some sort of Federal program which they find they can live with, the probabilities are that those of us in the South can come more nearly to living under that program than we can by something which is simply handed down without any concurrence at all or any acceptance at all, to apply only in the Southern States. In other words, that what is to be imposed in the Northern, Eastern, and Western States would, presumably, at least be something the people could live with in some fashion——

Mr. STENNIS. That is right.

Mr. LONG. That such a program would be something that we in the South could more or less live with, than what they are trying to do to us now?

Mr. STENNIS. The Senator from Louisiana is correct. If they apply a real pattern—I am not advocating tearing up the schools, under any conditions—but we are at the point now that it has got to be determined whether there will be anything applied outside the South.

I have no doubt that if they put the pressure on in, say, Ohio, or Indiana, in the large voting States, there will be such a reaction that it will bring a modified policy in the Court, the Congress, HEW, the Department of Justice, and everywhere else. There will be a policy that all the people will benefit by and can live with.

As I have said, I do not know how long it will take to bring that about, but I know as a fact, because I have dealt with them, that the HEW feels it has a "mission." I am not referring to Secretary Finch, although he has got his hand into this problem and he has learned a lot about it. I am not attacking him. He has come out with some very helpful statements. But there has been a group of zealots down there in HEW who have been running wild carrying out what they feel to be their "mission" in life, as they look at it.

We have been promised time and time again that there would be a program set up to go into other States and see what the response was and that perhaps we would get a national policy out of it; but substantially nothing has been done about it.

One suit has been filed outside the Southern States, and one administrative action has been filed, but carried out by HEW on one school.

I illustrated here before that 2 or 3 years ago someone in HEW notified Chicago that it was going to have to get in line. Just like a cannon going off, there came back a response—I do not know from where—perhaps Mayor Daley came down here or just sent a telegram—but, anyway, the White House took the response under advisement. That was about the end of it. Nothing was done about it.

Last spring, between March and June, I believe, HEW gave notice to the Chicago schools that they would have to integrate their facilities.

Immediately there was objection raised by the faculties. They filed a terrific protest. This was all published in the press. The teachers were offered a bonus to go into the schools in question. The last time I heard of it they had still refused to go. That is what the press reported. They demanded that if it was going to have to be carried out, the Federal Governemnt would have to put up the money, which was $48 million, I believe it was.

I talked to one of the Senators from Illinois about that, so those facts are substantially correct.

There has been nothing carried out and no substantial efforts made. Now they say, "Well, the South had de juris segregation but de juris segregation did not exist elsewhere." Well, if that is a valid distinction, they should not go into the North at all. They should not bother, because they did not have any segregation laws in 1954. So they admit to themselves that they have jurisdiction of this matter and that they should proceed. Some of them do. But as a practical matter they do not get down to the facts of life and make any requirements.

Mr. President, Gary, Ind., which is a very fine city, has 50 public schools with a total enrollment of 48,431, of which 29,826, or 61.6 percent are Negro students, 14,063, or 29 percent are white, and the remaining 9.1 percent are classified as Spanish Americans.

Of the total Negro enrollment, 23,265—or about 80 percent—are segregated in 21 schools which are 99 and 100 percent Negro.

Talk about lack of integration. How could there be a more glaring illustration than that?

Down home, the ultimatum of the court is, "No more Negro schools as such. Close them up. Abolish them. Put the children somewhere else." Nothing has been done, as I say, up here.

There are but 20 white students listed as attending these 21 schools—less than one white child to the school.

There are 26,517 Negro students in 24 schools that are 91.3 to 100 percent segregated; 28,910, or 96.5 percent, of the Negro students are in majority Negro schools, with 3,800 Spanish Americans, 2,965 whites, and 77 minority group students.

The term "Spanish Americans" is the term in the computer. That is not my term, but for some reason they classify these people on that basis.

On the white side of the school system, there are five schools—this is Gary, Ind.—with a total enrollment of 4,941 white students, which are from 95.1 to 98.8 percent white. There are only 46 Negro students in these five schools. There are another two schools with 1,048 white students, with 90.2 and 94.4 percent white enrollment, where only 43 Negro students attend. There are also three schools with white student enrollments totaling 3,065, which are from 82.8 to 86.9 percent white. There are another six schools with 2,053 white students which are 64.5 to 78.4 percent majority white. In all, there are only 916 Negro students out of the total Negro enrollment of 29,826, attending majority white schools.

As I understand the case of Brown against Board of Education, decided in 1954, the Court went to great length in its reasoning that Negro students were entitled to the association, the environment, and a list of other opportunities that are supposed to have gone with the white schools. That was the principle of the case, as I understand. If that is right, the children I have been calling attention to are being denied the principle that the Supreme Court laid down as something they were entitled to. There is no effort on the part of the State to correct that condition; only the very slightest effort on the part of the Department of Justice—one suit—and only the slightest kind of effort on the part of HEW to correct that situation.

On the contrary, in other parts of the country, the demand is so total and demanding and exact, contrary to the wishes of a great majority of the colored parents and the white parents, that it is leaving our schools in a shambles, particularly the abrupt application of the principle. In many of them, there has been a more moderate, a more modest, progressive integration, where the proportions were not so pronounced, and things have moved along in such a way as to be able to preserve the public schools.

I think the city of Washington is the outstanding illustration to the whole world of what happens over a period of years when total, immediate integration is applied. I am collecting some facts to show just what the situation is and what has happened in this great city.

In 1963, there was a Federal court case brought against the school district of Gary, Ind., by Negro parents alleging, among other things, compulsory segregation and infringement of civil rights: *Bell* v. *The School City of Gary, Indiana*, 213 Fed. Supp. 819, Affirmed, 7th Circuit, 1963, 324 F. 2d 209, cert. den., 377 U.S. 924, 1965. Here the court laid down rules and policies exactly opposite the rules now applied to the South. The decision was affirmed by the appellate court and certiorari denied by the Supreme Court. Neither HEW nor Justice Department was a party to the suit. Mr. President, I ask unanimous consent that the full HEW records for schools of Indiana be put in the RECORD.

The records to which I refer are the records about which I have been speaking, and are authenticated as being official records, as I have already described.

There being no objection, the records were ordered to be printed in the RECORD, as follows:

INDIANA STATE TOTAL

[Number of districts: 232. Representing: 327. Number of schools: 1,878. Representing: 2,189]

	American Indian	Negro	Oriental	Spanish-American	Minority total	Others	Total
Students	525	105, 772	854	12, 881	120, 032	961, 182	1, 081, 214
Representing	544	105, 178	884	13, 622	121, 226	1, 089, 301	1, 210, 523
Teachers	7	2, 619	32	91	2, 749	39, 816	42, 561
Representing	8	2, 520	33	96	2, 757	45, 046	47, 805

INDIANA STATE TOTAL—Continued

B SERIES—SYSTEMS WITH AT LEAST 1 SCHOOL WITH MINORITY GROUP ENROLLMENT OVER 80 PERCENT

DISTRICT: HAMMOND SCHOOL CITY. NUMBER OF SCHOOLS: 28. REPRESENTING: 28. CITY: HAMMOND. COUNTY: 45 LAKE. ASSURANCE: 441

	Students—							Weight: 1.0—grade	Teachers—						
	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	51	1,637	54	873	2,615	20,918	23,533		1	48	5	5	59	941	1,000
Percent	0.2	7.0	0.2	3.7	11.1	88.9	100.0		0.1	4.8	0.5	0.5	5.9	94.1	100.0
Maywood (15)	0	530	0	42	572	112	684	011111100000000 (83.6)	0	6	0	0	6	22	28
Lew Wallace (26)	0	210	0	10	220	198	418	011111110000000 (52.6)	0	2	0	0	2	13	15
A. L. Spohn (24)	1	283	1	108	393	840	1,233	000000011100000 (31.9)	0	5	1	1	7	51	68
Lafayette (13)	10	103	5	92	210	944	1,154	011111111100000 (17.6)	0	7	2	0	9	38	47
Hammond High School (8)	0	156	3	40	199	1,002	1,201	000000000011110 (16.6)	0	3	0	0	3	55	58
Technical Vocational High School (25)	7	186	2	105	300	1,525	1,825	000000000011110 (16.4)	0	2	0	0	2	93	95
Riverside (23)	0	15	2	33	50	255	305	011111100000000 (16.4)	0	1	0	0	1	11	12
Columbia (4)	1	4	1	50	56	310	366	011111100000000 (15.3)	0	0	0	0	0	14	14
Irving (10)	1	0	0	103	104	594	693	011111100000000 (14.9)	0	1	0	0	1	21	22
Abraham Lincoln (14)	7	3	0	52	62	563	625 +	011111100000000 (9 9)	1	0	1	0	2	19	21
Washington (27)	1	12	9	27	49	565	614	011111111100000 (8.0)	0	1	0	0	1	30	31
Woodrow Wilson (28)	2	47	6	29	84	1,006	1,090	011111110000000 (7.7)	0	2	0	0	2	37	39
Thomas A. Edison (5)	0	61	6	13	80	1,107	1,187	011111111100000 (6.7)	0	1	0	1	2	49	51
Kenwood (12)	7	0	1	11	19	443	462	011111110000000 (4.1)	0	0	0	0	0	16	16
Roland B. Miller (16)	0	0	3	23	26	745	771	011111110000000 (3.4)	0	1	1	0	2	25	27
Morton Elementary (17)	1	0	0	10	11	385	396	011111110000000 (2.8)	0	0	0	0	0	14	14
Gene Stratton Porter (21)	0	0	4	6	10	385	395	011111110000000 (2.5)	0	0	0	0	0	17	17
Orchard Drive (20)	0	1	0	12	13	501	514	011111110000000 (2.5)	0	0	0	0	0	17	17
Lee L. Caldwell (1)	0	0	0	13	13	600	613	011111110000000 (2.1)	0	1	0	0	1	21	22
Harding (9)	0	1	0	20	21	979	1,000	011111100000000 (2.1)	0	4	0	0	4	32	36
Donald E. Gavit Jr.-Sr. High School. (7)	3	23	3	19	48	2,240	2,288	000000001111110 (2.1)	0	6	0	1	7	93	100
Morton Sr. High School (19)	8	0	3	20	31	1676	1707	000000000011110 (1.8)	0	3	0	0	3	70	73
George Rogers Clark Elementary (2)	0	0	1	3	4	266	270	011111110000000 (1.5)	0	0	0	0	0	9	9
Franklin (6)	0	0	0	3	3	205	208	011111110000000 (1.4)	0	0	0	0	0	7	7
James Whitcombe Riley (22)	0	0	1	7	8	660	668	011111110000000 (1.2)	0	0	0	0	0	23	23
Morton Middle School (18)	0	0	0	13	13	1089	1102	000000011100000 (1.2)	0	1	0	1	2	56	58
Thomas Jefferson (11)	0	2	2	1	5	500	505	011111110000000 (1.0)	0	1	0	0	1	17	18
George Rogers Clark (3)	2	0	1	8	11	1183	1194	000000001111110 (0.9)	0	0	0	1	1	61	62

DISTRICT: GARY COMMUNITY SCHOOL CORPORATION. NUMBER OF SCHOOLS: 50. REPRESENTING: 50. CITY: GARY. COUNTY: 45 LAKE.

	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0—grade	American Indian	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	80	29,526	60	4,402	34,368	14,063	48,431		0	1,133	7	24	1,164	782	1,946
Percent	0.2	61.6	0.1	9.1	71.0	29.0	100.0		0	58.2	0.4	1.2	59.8	40.2	100.0
Charles R. Drew Elementary School (12)	0	946	4	0	950	0	950	011111110000000 (100.0)	0	35	1	0	36	4	37
James Henry Garnett Elementary (20)		851	0	1	852	0	852	011111110000000 (100.0)	0	28	0	0	28	2	30
Teenettes (48)	0	7	0	0	7	0	7	000000000000001 (100.0)	0	0	0	0	0	1	1
Daniel Hale Williams Elementary (44)	0	973	0	0	973	0	973	011111110000000 (100.0)	0	30	0	0	30	5	35
Dunbar Elementary (13)	0	793	0	5	798	0	798	011111110000000 (100.0)	0	29	0	0	29	0	31
George Washington Carver Elementary (9)	0	899	0	0	899	0	899	011111110000001 (100.0)	0	34	0	0	34	0	34
Benjamin Banneker Elementary (4)	0	750	0	0	750	0	750	011111110000001 (100.0)	0	27	0	0	27	0	27
Horace S. Norton Elementary (32)	5	1,387	0	28	1,420	0	1,420	011111100000000 (100.0)	0	55	0	0	55	5	60
								011111110000001							

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
David O. Duncan Elementary (14)	0	972	0	0	972	0	972	(100.0) 011111110000000	0	34	0	1	35	2	37
Frederick Douglass Elementary (11)	0	753	0	0	753	0	753	(100.0) 000000001110001	0	30	0	0	30	1	31
Pulaski Junior High (34)	0	1,321	0	0	1,321	0	1,321	(100.0) 000000000011110	0	47	1	1	49	5	54
Theodore Roosevelt Senior High (37)	0	2,603	0	0	2,603	1	2,604	(100.0) 000000011111111	0	95	0	1	96	9	105
Froebel High School (19)	0	1,832	0	28	1,660	1	1,661	(99.9) 011111110000000	0	64	0	2	66	11	77
Alain L. Locke Elementary (25)	0	1,286	0	0	1,286	1	1,287	(99.9) 011111110000001	0	44	0	0	44	0	44
Ernie Pyle Elementary (35)	0	882	0	0	882	1	883	(99.9) 000000001110001	0	29	0	0	29	4	33
Alfred L. Beckman Junior High (5)	0	1,587	0	0	1,587	2	1,589	(99.9) 011111110000000	0	51	0	1	52	14	66
Lincoln Elementary (25)	0	1,152	0	0	1,152	2	1,154	(99.8) 01111111000000	0	38	0	0	38	2	40
Beveridge Elementary (7)	0	1,084	0	40	1,124	2	1,126	(99.8) 000000001111110	0	37	0	0	37	3	40
Tolleston High (38)	0	2,115	0	49	2,164	5	2,169	(99.8) 011111110000001	0	71	0	5	76	27	103
Mary McLeod Bethune Elementary (6)	0	792	0	0	792	2	794	(99.7) 011111110000000	0	30	0	0	30	0	30
William Merritt Chase Elementary (10)	0	480	0	24	504	3	507	(99.4) 011111110000001	0	10	0	0	10	3	18
George Washington Elementary (41)	0	845	0	27	872	19	891	(97.9) 011111110000001	0	24	0	1	25	5	30
Ivanhoe Elementary (22)	0	801	0	257	1,058	73	1,121	(93.5) 011111000000001	0	24	0	0	24	17	41
Brunswick Elementary (8)	0	436	0	501	937	89	1,026	(91.3) 000000000000001	0	27	0	0	27	13	40
Fifth and Lincoln (50)	0	67	0	21	88	11	99	(88.9) 000000000011110	0	7	0	0	7	0	7
West Side Senior High (43)	1	968	3	241	1,213	175	1,388	(87.4) 000000111110000	0	45	0	1	46	18	64
Edison (15)	5	575	6	505	1,191	173	1,364	(87.3) 000000001111110	0	30	0	1	31	21	51
Emerson High (17)	20	821	2	321	1,164	335	1,499	(77.7) 000000000000001	0	12	1	2	15	51	66
Duneand (47)	0	49	0	5	54	21	75	(72.0) 011111000000000	0	2	0	0	2	3	5
Jefferson Elementary (23)	0	75	0	430	505	259	.764	(66.1) 011111110000001	0	17	0	0	17	9	26
Emerson Elementary (16)	0	255	1	376	632	457	1,089	(58.0) 011111110000000	0	11	1	1	13	24	37
John H. Vohr Elementary (39)	0	158	3	352	513	390	903	(56.8) 000000000000001	0	9	1	0	10	24	34
Norton Park (46)	0	20	0	6	26	20	46	(56.5) 000000001111110	0	4	0	0	4	4	8
Mann High (27)	37	475	14	568	1,094	914	2,008	(54.5) 011111110000000	0	14	0	1	15	70	85
Ambridge Elementary (2)	0	18	0	103	121	220	341	(35.5) 000000000000001	0	2	0	0	2	10	12
Fifty-Third and Harrison (49)	0	12	0	1	13	26	39	(33.3) 011110000000000	0	4	0	0	4	7	11
Miller Elementary (30)	0	62	1	8	71	171	242	(29.2) 000000001100001	0	2	0	0	2	7	9
Bailly Junior High (3)	6	234	0	48	288	907	1,195	(24.1) 011111110000000	0	7	0	0	7	47	54
Daniel Webster Elementary (42)	0	74	0	37	111	387	498	(22.3) 011111110000001	0	4	0	0	4	18	22
Kuny Elementary (24)	0	80	6	8	94	342	436	(21.6) 000000000011110	0	5	1	0	6	13	19
Lew Wallace Senior High (40)	2	206	0	173	381	1,840	2,221	(17.2) 011111110000001	0	5	0	2	7	87	94
Franklin Elementary (18)	1	71	2	45	119	650	769	(15.5) 011111110000000	0	13	0	0	13	23	36
Arthur P. Melton Elementary (29)	0	70	2	15	87	575	662	(13.1) 011111110000000	0	3	0	0	3	21	24
Marquette Elementary (28)	0	43	0	43	86	794	880	(9.8) 011111110000000	0	8	0	0	8	19	27
Glen Park Elementary (21)	0	0	0	15	15	254	269	(5.6) 011111110000000	0	1	0	0	1	8	9

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Aetna Elementary (1)	0	0	8	45	53	1,038	1,091	(4.9)	0	5	1	0	6	31	37
Nobel Elementary (31)	0	13	3	15	31	733	764	011111110000000 (4.1)	0	7	0	1	8	21	29
Riley Elementary (36)	3	1	0	20	24	573	597	011111110000000 (4.0)	0	5	0	1	6	18	24
William A. Wirt High (45)	0	31	3	38	72	2,101	2,173	000000001111110 (3.3)	0	15	0	2	17	75	92
Pittman Square Elementary (33)	0	1	2	3	6	496	502	011111110000000 (1.2)	0	3	0	0	3	16	19

DISTRICT: SCHOOL CITY OF EAST CHICAGO. NUMBER OF SCHOOLS: 14. REPRESENTING: 14. CITY: EAST CHICAGO. COUNTY: 45 LAKE COUNTY

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	4,167	0	2,887	7,054	3,359	10,413		0	124	1	13	138	272	410
Percent	0.0	40.0	0.0	27.7	67.7	32.3	100.0		0.0	30.2	0.2	3.2	33.7	66.3	100.0
Columbus Elementary School (11)	0	271	0	4	275	7	282	011111110000000 (97.5)	0	7	0	0	7	4	11
Carrie Gosch Elementary School (9)	0	762	0	76	838	85	923	011111110000001 (90.8)	0	21	0	0	21	12	33
Lincoln elementary School (14)	0	83	0	433	516	56	572	011111000000000 (90.2)	0	10	0	1	11	9	20
Eugene Field Elementary School (4)	0	434	0	158	592	89	581	011111110000001 (80.9)	0	15	0	0	15	9	24
Joseph L. Block Junior High School (1)	0	495	0	440	935	165	1,100	000000001100001 (85.0)	0	12	0	2	14	29	43
Benjamin Franklin Elementary School (12)	0	411	0	384	795	226	1,021	011111110000000 (77.9)	0	12	0	1	13	25	38
Riley Elementary School (13)	0	189	0	398	587	246	823	011111110000001 (70.5)	0	13	0	1	14	16	30
Washington High School (6)	0	578	0	448	1,026	457	1,483	000000000011111 (69.2)	0	9	0	4	13	63	76
Washington Elemenatry School (10)	0	235	0	157	392	227	619	011111110000000 (53.3)	0	8	0	0	8	13	21
Roosevelt High School (3)	0	569	0	105	774	836	1,610	000000001111111 (48.1)	0	11	1	3	15	55	70
Harrison Elementary School (2)	0	34	0	164	198	333	531	0111111100000000 (37.3)	0	1	0	1	2	17	19
McKinley Elementary School (5)	0	6	0	120	126	528	654	011111110000000 (19.3)	0	4	0	0	4	17	21
Mark Elementary School (8)	0	0	0	0	0	40	40	011100000000000 (0.0)	0	1	0	0	1	1	2
Roxana Elementary School (7)	0	0	0	0	0	64	64	011100000000000 (0.0)	0	0	0	0	0	2	2

DISTRICT: FORT WAYNE COMMUNITY SCHOOLS. NUMBER OF SCHOOLS: 56. REPRESENTING: 56. CITY: FORT WAYNE. COUNTY: 2 ALLEN COUNTY

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	20	5,750	58	380	6,218	35,377	41,595		0	66	0	0	66	1,560	1,626
Percent	0.0	12.5	0.1	0.9	14.9	85.1	100.0		0.0	4.1	0.0	0.0	4.1	95.9	100.0
Harmar (29)	3	839	0	16	858	42	900	011111110000001 (95.2)	0	12	0	0	12	23	35
Hanna (28)	0	489	0	20	509	25	534	011111110000001 (95.3)	0	9	0	0	9	12	21
McCulloch (37)	0	528	0	5	533	38	571	011111110000001 (93.3)	0	11	0	0	11	11	22
Memorial Park Junior High School (14)	0	543	0	5	548	131	679	000000001110001 (80.7)	0	5	0	0	5	33	38
Smart (47)	0	892	1	13	906	224	1,130	011111110000001 (80.2)	0	5	0	0	5	38	43
Central High School (1)	1	511	1	30	543	384	927	000000000001110 (58.6)	0	1	0	0	1	44	45
Weisser Park Junior High School (17)	0	406	0	6	412	387	799	000000001110001 (51.6)	0	1	0	0	1	40	41
Ward (53)	0	211	0	5	216	288	504	011111110000000 (42.9)	0	0	0	0	0	18	18
Fairfield Junior High School (6)	0	170	1	23	194	355	549	000000001110001 (35.3)	0	3	0	0	3	26	29
Adams School (19)	0	197	2	27	226	434	660	011111110000001 (34.2)	0	1	0	0	1	23	24
Special Education Center (51)	0	13	0	1	14	35	49	000000000000001 (28.6)	0	0	0	0	0	6	6
Study (52)	0	131	1	6	138	437	575	011111110000000 (24.0)	0	3	0	0	3	17	20
Allen County Children's Home (20)	0	6	0	3	9	33	42	011111111100000 (21.4)	0	0	0	0	0	3	3

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Southern Heights (50)	2	77	0	4	83	387	470	011111110000000 (17.7)	0	0	0	0	0	16	16
Hoaland (33)	0	62	1	32	95	457	552	011111110000000 (17.2)	0	1	0	0	1	25	26
South Side High School (5)	9	259	1	25	294	1,833	2,127	000000000001110 (13.8)	0	1	0	0	1	85	86
Irwin (36)	0	37	4	6	47	520	567	011111110000000 (8.3)	0	1	0	0	1	18	19
Nebraska (39)	0	21	0	15	36	430	466	011111110000001 (7.7)	0	0	0	0	0	16	16
Geyer Junior High School (8)	0	45	2	7	54	669	723	000000001110001 (7.5)	0	0	0	0	0	33	33
Portage Junior High School (18)	0	38	0	14	52	702	754	000000001110001 (6.9)	0	1	0	0	1	32	33
Northcrest (40)	2	29	10	4	45	608	653	011111111000000 (6.9)	0	0	0	0	0	21	21
Riverside (43)	0	25	0	0	25	349	374	011111110000001 (6.7)	0	0	0	0	0	15	15
Indian Village (35)	0	27	0	7	34	498	532	011111110000001 (6.4)	0	0	0	0	0	19	19
Hillcrest (32)	0	9	0	10	19	282	301	011111110000000 (6.3)	0	0	0	0	0	12	12
South Calhoon (48)	0	20	0	3	23	487	510	011111110000001 (4.5)	0	0	0	0	0	18	18
Bloomingdale (22)	2	26	0	5	33	714	747	011111110000000 (4.4)	0	2	0	0	2	24	26
Merle J. Abbett (18)	0	20	0	4	24	566	590	011111110000001 (4.1)	0	1	0	0	1	19	20
Washington (54)	0	1	2	21	24	597	621	011111110000001 (3.9)	0	1	0	0	1	22	23
Holland (34)	0	20	7	0	27	672	699	011111110000000 (3.9)	0	0	0	0	0	20	20
Brentwood (29)	0	14	2	0	16	477	493	011111110000001 (3.2)	0	0	0	0	0	20	20
Maplewood (38)	0	14	1	5	20	871	891	011111110000000 (2.2)	0	0	0	0	0	31	31
Slocum (46)	0	10	0	0	10	446	456	011111110000001 (2.2)	0	0	0	0	0	18	18
South Wayne (49)	0	0	0	17	17	890	907	011111110000000 (1.9)	0	0	0	0	0	28	28
Northwood Junior High School (15)	0	9	2	3	14	781	795	000000001110001 (1.8)	0	0	0	0	0	35	35
Forest Park (25)	0	14	1	1	16	999	1,015	011111110000001 (1.6)	0	0	0	0	0	36	36
Anthony Wayne (21)	0	0	0	9	9	602	611	011111110000000 (1.5)	0	0	0	0	0	22	22
Franklin Junior High School (7)	0	0	0	11	11	895	906	000000001110001 (1.2)	0	0	0	0	0	39	39
Glenwood Park (27)	0	4	5	0	9	765	774	011111110000000 (1.2)	0	1	0	0	1	27	28
Elmhurst High School (2)	0	9	0	4	13	1,473	1,486	000000000001110 (.9)	0	0	0	0	0	61	61
Harrison Hill Elementary (31)	0	5	2	0	7	870	877	011111110000000 (.8)	0	0	0	0	0	26	26
Franke Park (26)	0	0	1	4	5	629	634	011111110000001 (.8)	0	0	0	0	0	22	22
Waynedale (56)	0	0	0	3	3	427	430	011111110000000 (.7)	0	0	0	0	0	13	13
Washington Center (55)	1	3	0	3	7	1,002	1,009	011111110000001 (.7)	0	0	0	0	0	35	35
Snider High School (4)	0	7	2	1	10	1,754	1,764	000000000001110 (.6)	0	0	0	0	0	78	78
Shambaugh (45)	0	4	0	0	4	740	744	011111110000000 (.5)	0	0	0	0	0	24	24
Price (42)	0	0	4	0	4	756	760	011111110000000 (.5)	0	0	0	0	0	24	24
Lakeside Junior High School (12)	0	3	0	0	3	756	759	000000001110000 (.4)	0	1	0	0	1	33	34
Lane Junior High School (13)	0	3	0	0	3	800	803	000000001110000 (.4)	0	1	0	0	1	35	36
Harris (30)	0	2	0	0	2	534	536	011111110000000 (.4)	0	1	0	0	1	17	18
Jefferson Junior High School (10)	0	1	2	0	3	900	903	000000001110000 (0.3)	0	0	0	0	0	39	39
North Side High School (3)	0	4	1	0	5	1,833	1,838	000000000001110 (0.3)	0	1	0	0	1	77	78
Kekionga Junior High School (11)	0	0	0	2	2	916	918	000000001110000 (0.2)	0	0	0	0	0	39	39
Croninger (24)	0	0	2	0	2	994	996	011111110000000 (0.2)	0	2	0	0	2	29	31
Harrison Hill Junior High School (9)	0	1	0	0	1	598	599	000000001110000 (0.2)	0	0	0	0	0	27	27
St. Joseph Central (44)	0	1	0	0	1	832	833	011111110000000 (0.1)	0	0	0	0	0	28	28
Pleasant Center (41)	0	0	0	0	0	253	253	011111110000000 (0.0)	0	0	0	0	0	8	8

INDIANA STATE TOTAL—Continued

DISTRICT: MUNCIE COMMUNITY SCHOOLS. NUMBER OF SCHOOLS: 31. REPRESENTING: 31. CITY: MUNCIE. COUNTY: 18 DELAWARE COUNTY

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	2,077	10	9	2,096	16,402	18,498		0	19	1	0	20	705	725
Percent	0.0	11.2	0.1	0.0	11.3	88.7	100.0		0.0	2.6	0.1	0.0	2.8	97.2	100.0
West Longfellow Elementary (21)	0	157	0	0	157	10	167	111111110000000 (94.0)	0	2	0	0	2	4	6
East Longfellow Elementary (20)	0	336	0	0	336	88	424	111111110000000 (79.2)	0	2	1	0	3	10	13
Garfield Elementary School (16)	0	358	0	0	358	516	874	011111110000000 (41.0)	0	2	0	0	2	27	29
Blaine Elementary School (11)	0	292	0	0	292	436	728	011111110000000 (40.1)	0	2	0	0	2	23	25
Kurner Junior High School (6)	0	185	0	0	185	324	509	000000001110000 (36.3)	0	2	0	0	2	23	25
Washington Elementary (30)	0	73	0	0	73	254	327	011111110000000 (22.3)	0	1	0	0	1	10	11
Franklin Junior High School (5)	0	117	0	0	117	531	648	000000001110000 (18.1)	0	2	0	0	2	29	31
Southside High School (4)	0	180	0	0	180	1,263	1,443	000000000001110 (12.5)	0	2	0	0	2	66	68
Muncie Central Senior High School (2)	0	169	2	3	174	1,579	1,753	000000000001110 (9.9)	0	3	0	0	3	65	68
Wilson Junior High School (9)	0	117	0	1	118	1,079	1,197	000000001110000 (9.9)	0	1	0	0	1	53	54
Morrison Mock School (24)	0	27	0	0	27	311	338	011111111100001 (8.0)	0	0	0	0	0	16	16
Harrison Elementary (17)	0	19	0	0	19	368	387	011111110000000 (4.9)	0	0	0	0	0	13	13
McKinley Junior High School (7)	0	27	0	2	29	834	863	000000001110000 (3.4)	0	0	0	0	0	41	41
Mitchell Elementary School (23)	0	4	1	0	5	440	445	011111110000000 (1.1)	0	0	0	0	0	14	14
Burris School (1)	0	7	1	0	8	719	727	011111111111110 (1.1)	0	0	0	0	0	43	43
Roosevelt School (27)	0	0	0	3	3	454	457	011111110000000 (0.7)	0	0	0	0	0	14	14
Emerson (13)	0	0	2	0	2	358	360	011111110000000 (0.6)	0	0	0	0	0	10	10
Anthony Elementary School (10)	0	3	0	0	3	573	576	011111110000000 (0.5)	0	0	0	0	0	20	20
West View Elementary School (31)	0	2	0	0	2	529	531	011111110000000 (0.4)	0	0	0	0	0	20	20
Sturer Junior High School (8)	0	2	1	0	3	809	812	000000001110000 (0.4)	0	0	0	0	0	34	34
Jefferson Elementary School (18)	0	0	1	0	1	274	275	011111110000000 (0.4)	0	0	0	0	0	10	10
Forest Park (15)	0	1	0	0	1	453	454	011111110000000 (0.2)	0	0	0	0	0	14	14
Sutton Elementary School (29)	0	0	1	0	1	469	470	011111110000000 (0.2)	0	0	0	0	0	14	14
Claypool Elementary School (12)	0	1	0	0	1	569	570	011111110000000 (0.2)	0	0	0	0	0	20	20
Lincoln Elementary School (19)	0	0	1	0	1	618	619	011111110000000 (0.2)	0	0	0	0	0	24	24
Riley Elementary School (26)	0	0	0	0	0	658	658	011111110000000 (0.0)	0	0	0	0	0	19	19
Stevenson Elementary School (28)	0	0	0	0	0	500	500	011111110000000 (0.0)	0	0	0	0	0	15	15
North View Elementary (25)	0	0	0	0	0	436	436	011111110000000 (0.0)	0	0	0	0	0	14	14
McKinley Elementary (22)	0	0	0	0	0	396	396	011111110000000 (0.0)	0	0	0	0	0	13	13
Muncie Trade School (3)	0	0	0	0	0	0	0	000000000001110 (0.0)	0	0	0	0	0	8	8
Eugene Field Elementary (14)	0	0	0	0	0	554	554	011111110000000 (0.0)	0	0	0	0	0	19	19

INDIANA STATE TOTAL—Continued

DISTRICT: MICHIGAN CITY AREA SCHOOLS. NUMBER OF SCHOOLS: 21. REPRESENTING: 21. CITY: MICHIGAN CITY. COUNTY: 46 LA PORTE COUNTY

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	4	1,919	8	38	1,969	11,088	13,057		0	17	2	2	21	473	494
Percent	0.0	14.7	0.1	0.3	15.1	84.9	100.0		0.0	3.4	0.4	0.4	4.3	95.7	100.0
Benjamin Harrison Elementary School (11)	0	199	0	0	199	35	234	011111110000000 (85.0)	0	1	0	0	1	7	8
Central Elementary School (6)	0	391	0	6	397	101	498	011111110000000 (79.7)	0	3	1	0	4	14	18
Niemann Elementary School (17)	0	204	0	0	204	303	507	011111110000000 (40.2)	0	3	0	0	3	14	17
Eastport Elementary School (6)	0	156	0	0	156	306	462	011111110000001 (33.8)	0	1	0	0	1	14	15
Park Elementary School (18)	0	139	0	3	142	281	423	011111110000000 (33.6)	0	1	0	0	1	15	16
Riley Elementary School (20)	0	104	0	5	109	354	463	011111110000000 (23.5)	0	1	0	1	2	11	13
Isaac C Elston Junior High School (3)	0	183	0	2	185	752	937	000000001110000 (19.7)	0	1	0	1	2	38	40
Martin T Krueger Junior High School (4)	0	184	0	0	184	781	965	000000001110000 (19.1)		2	0	0	2	44	46
Garfield Elementary School (10)	0	27	0	4	31	253	284	011111110000000 (10.9)	0	0	0	0	0	9	9
Isaac C Elston Senior High School (1)	0	243	0	3	246	2,505	2,751	000000000001110 (8.9)	0	2	0	0	2	116	118
Jefferson Elementary School (12)	0	9	4	0	13	255	268	(4.9)	0	0	0	0	0	9	9
Baker Junior High School (2)	0	44	0	2	46	966	1,012	000000001110000 (4.5)	0	1	0	0	1	46	47
Cool Springs Elementary School (7)	0	7	4	0	11	519	530	011111110000001 (2.1)	0	0	0	0	0	19	19
Springfield Elementary School (21)	0	12	0	1	13	631	644	011111110000000 (2.0)	0	0	1	0	1	18	19
Pine Elementary School (19)	0	2	0	5	7	376	383	011111110000001 (1.8)	0	0	0	0	0	14	14
Beverly Shores Elementary School (5)	0	3	0	0	3	170	173	001111110000000 (1.7)	0	0	0	0	0	5	5
Joy Elementary School (13)	4	0	0	2	6	505	511	011111110000000 (1.2)	0	0	0	0	0	17	17
Edgewood Elementary School (9)	0	7	0	0	7	633	640	011111110000000 (1.1)	0	0	0	0	0	20	20
Knapp Elementary School (14)	0	2	0	3	5	554	559	011111110000000 (0.9)	0	1	0	0	1	17	18
Marsh Elementary School (16)	0	3	0	0	3	402	405	011111110000000 (0.7)	0	0	0	0	0	11	11
Long Beach Elementary School (15)	0	0	0	2	2	406	408	011111110000000 (0.5)	0	0	0	0	0	15	15

DISTRICT: EVANSVILLE VANDERBURGH SCHOOL CORP. NUMBER OF SCHOOLS: 41. REPRESENTING: 41. CITY: EVANSVILLE. COUNTY: 82 VANDERBURGH CO.

	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total	Weight: 1.0— grades	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	10	2,848	17	24	2,899	31,137	34,036		0	65	0	0	65	1,280	1,345
Percent	0.0	3.4	0.0	0.1	8.5	91.5	100.0		0.0	4.8	0.0	0.0	4.8	95.2	100.0
Lincoln School (20)	0	671	0	0	671	2	673	011111111100001 (99.7)	0	22	0	0	22	8	30
Wheeler School (40)	0	296	4	0	300	90	390	011111111100001 (76.9)	0	4	0	0	4	14	18
Stanley Hall School (33)	0	359	0	0	359	376	735	011111111100000 (48.8)	0	2	0	0	2	29	31
Howard Rucsa School (25)	0	196	0	9	205	411	616	011111111100001 (33.3)	0	1	0	0	1	27	28
Glenwood School (19)	0	223	0	0	223	731	954	011111111100001 (23.4)	0	1	0	0	1	41	42
Central High School (2)	7	330	1	2	340	1,373	1,713	000000000011110 (19.8)	0	5	0	0	5	66	71
Cedar Hall School (9)	0	90	0	0	90	437	527	011111111100001 (17.1)	0	1	0	0	1	21	22
Benjamin Basse High School (1)	0	297	0	0	297	1,533	1,830	000000000011110 (16.2)	0	2	0	0	2	73	75
Union School (36)	0	8	0	0	8	43	51	001111111100000 (15.7)	0	0	0	0	0	2	2
Culver School (11)	0	83	0	0	83	668	751	011111111100001 (11.1)	0	1	0	0	1	31	32

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Delaware School (14)	0	69	0	0	65	579	643	011111111100001 (10.6)	0	3	0	0	3	27	30
White School (41)	0	13	0	0	13	186	199	011111110000001 (6.5)	0	0	0	0	0	8	8
Dodge School (27)	0	20	1	0	21	415	436	011111110000000 (4.8)	0	0	0	0	0	17	17
Baker School (7)	0	27	0	0	27	572	599	011111111100001 (4.5)	0	1	0	0	1	26	27
Fulton School (18)	0	14	0	0	14	380	394	011111111100001 (3.6)	0	1	0	0	1	19	20
Harper School (20)	0	20	0	0	20	582	602	011111111100001 (3.3)	0	1	0	0	1	23	24
Harwood School (21)	1	15	0	0	16	711	727	011111111100000 (2.2)	0	0	0	0	0	28	28
Helfrich Park School (23)	2	16	0	0	18	867	885	011111111100001 (2.0)	0	2	0	0	2	30	32
North High School (4)	0	36	0	0	36	2,133	2,169	000000000011110 (1.7)	0	2	0	0	2	91	93
Washington School (38)	0	7	1	3	11	921	932	011111111100001 (1.2)	0	0	0	0	0	34	34
Francis Joseph Reitz High School (5)	0	25	0	0	25	2,228	2,253	000000000011110 (1.1)	0	1	0	0	1	87	88
Cynthia Heights School (12)	0	8	0	0	8	806	814	011111111100001 (1.0)	0	0	0	0	0	31	31
Vogel School (37)	0	6	1	0	7	758	765	011111111100001 (0.9)	0	0	0	0	0	30	30
Hebron School (22)	0	7	0	0	7	763	770	011111111100001 (0.9)	0	0	0	0	0	31	31
Columbia School (10)	0	4	0	0	4	648	652	011111111100000 (0.6)	0	1	0	0	1	26	27
Tekoppel School (35)	0	4	0	0	4	735	739	011111111100000 (0.5)	0	1	0	0	1	28	29
West Terrace School (39)	0	1	2	0	3	673	676	011111111100000 (0.4)	0	1	0	0	1	23	24
Highland School (24)	0	0	0	4	4	1,012	1,016	011111111100000 (0.4)	0	0	0	0	0	36	36
Dexter School (15)	0	0	3	0	3	795	798	011111111100000 (0.4)	0	1	0	0	1	28	29
Stringtown School (34)	0	0	3	0	3	855	858	011111111100000 (0.3)	0	0	0	0	0	30	30
McGary School (28)	0	1	0	0	1	372	373	011111110000000 (0.3)	0	1	0	0	1	12	13
Fairlawn School (17)	0	0	0	2	2	852	854	011111111100000 (0.2)	0	1	0	0	1	31	32
Plaza Park School (31)	0	0	0	2	2	933	935	011111111100000 (0.2)	0	2	0	0	2	30	32
William Henry Harrison High School (3)	0	2	1	2	5	2,476	2,481	000000000011110 (0.2)	0	3	0	0	3	95	98
Evans School (16)	0	0	0	0	0	936	936	011111111100000 (0.0)	0	1	0	0	1	30	31
Armstrong School (6)	0	0	0	0	0	110	110	001111111100000 (0.0)	0	0	0	0	0	3	3
Perry Heights School (30)	0	0	0	0	0	325	325	011111110000000 (0.0)	0	1	0	0	1	9	10
Daniel Wertz School (13)	0	0	0	0	0	351	351	011111111100000 (0.0)	0	1	0	0	1	16	17
Caze School (8)	0	0	0	0	0	841	841	011111111100000 (0.0)	0	0	0	0	0	31	31
Scott School (32)	0	0	0	0	0	683	683	011111111100000 (0.0)	0	0	0	0	0	26	26
Oak Hill School (29)	0	0	0	0	0	975	975	011111111100000 (0.0)	0	1	0	0	1	32	33

DISTRICT: SOUTH BEND COMMUNITY SCHOOL DISTRICT. NUMBER OF SCHOOLS: 49. REPRESENTING: 49. CITY: SOUTH BEND. COUNTY: 71

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	28	5,937	67	216	6,248	31,062	37,310		0	91	1	2	94	1,348	1,442
Percent	0.1	15.9	0.2	0.6	16.7	83.3	100.0		0.0	6.3	0.1	0.1	6.5	93.5	100.0
Linden Elementary School (29)	0	481	0	0	481		488	011111110000000 (98.6)	0	11	0	0	11	10	21
Perley (44)	0	463	0	2	465	35	500	011111110000001 (93.0)	0	3	0	0	3	20	23
Benjamin Franklin (19)	0	239	4	2	245	60	305	011111110000001 (80.3)	0	3	0	0	3	11	14
Benjamin Harrison (25)	0	645	1	24	670	274	944	011111111100000 (71.0)	0	12	0	0	12	31	43
Schuyler S. Colfax (14)	0	229	0	0	229	126	355	011111110000000 (64.5)	0	4	0	0	4	10	14
Henry Studebaker School (45).	1	718	2	2	723	426	1,149	011111111100000 (62.9)	0	9	0	1	10	36	46
Oliver School (43)	0	555	0	43	598	408	1,006	011111111110000 (59.4)	0	12	0	0	12	30	42
Rally School (26)	0	216	0	0	216	185	401	011111110000000 (53.9)	0	5	0	0	5	10	15
Central Junior Senior High School (2).	7	609	0	4	520	543	1,163	000000001000011 (53.3)	0	3	0	0	3	53	56

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Lulu V. Cline (13)	0	17	0	2	19	52	71	000000000000001 (26.8)	0	0	0	0	0	6	4
Ardmore School (9)	0	94	0	0	94	272	366	011111110000000 (25.7)	0	1	0	0	1	13	16
McKinley School (31)	0	77	6	0	83	329	412	011111110000000 (20.1)	0	0	0	0	0	14	14
Thomas Jefferson School (25).	0	193	5	0	198	816	1,914	011111111100000 (19.5)	0	3	0	0	3	34	37
Woodrow Wilson School (49)	0	34	0		40	173	213	111111110000000 (18.8)	0	2	0	0	2	6	8
Marquette School (34)	0	136	2	0	138	679	817	011111110000000 (16.9)	0	2	0	0	2	24	26
Washington High School (8)		263	0	26	289	1,537	1,826	000000000011110 (15.8)	0	2		0	3	71	74
E. M. Morris School (37)	0	7	0	2	9	49	58	001111111100001 (15.5)	0	0	0	0	0	5	5
James Whitcomb Riley High School (6)	0	217		7	226	1,381	1,607	000000000011111 (14.1)	0	0	0	0	0	73	73
Muessel School (38)	0	120		2	123	921	1,044	011111111100000 (11.8)	0	2	0	0	2	37	39
John Adams High School (1)	0	226	4	0	230	1,845	2,075	000000000011110 (11.1)	0	2	0		2	80	82
James Madison School (32)	0	68		1	70	571	641	011111111100000 (10.9)	0	0	0	0	0	24	24
Lasalle High School (5)		204	0	0	204	1,725	1,929	000000000011110 (10.6)	0	1	0	0	1	67	68
Green Township School (21)	0	0	0	48	48	521	569	011111111100000 (8.4)	0	0	0	0	0	24	24
Lydick School (30)	0	19	0	2	21	345	366	011110000000000 (5.7)	0	0	0	0	0	12	12
Warren School (48)	0	18	1	5	24	502	526	000001111100000 (4.6)	0	0	0	0	0	22	22
Alexis Coquillard School (15)	0	19	3	2	24	779	803	011111111100000 (3.0)	0	1	0	0	1	31	32
Booth Tarkington Elementary School (47)	0	9	8	0	17	562	579	011111110000000 (2.9)	0	0	0	0	0	20	20
John P. Nuner (41)	0	14	5	4	23	914	937	011111111000000 (2.5)	0	2	0	0	2	37	39
Pierre Navarre Elementary School (39)	0	18	0	3	21	939	906	011111111100000 (2.2)	0	2	0	0	2	32	34
Darden Elementary School (16)	16	0	1	2	19	873	892	(2.1)	0	1	0	0	1	30	31
Lafayette Elementary School (27)	0	7	0	0	7	329	336	011111110000000 (2.1)	0	1	0	0	1	11	12
John J. O'Brien (42)	0	3	3	0	6	311	317	011111110000000 (1.9)	0	0	0	0	0	13	13
Thomas A. Edison (17)	0	10	3	5	18	1,184	1,202	011111111100000 (1.5)	0	1	0	0	1	41	42
James Monroe School (36)	0	0	3	5	8	738	746	011111111100000 (1.1)	0	0	0	0	0	33	33
Clay Junior High School (12)	4	1	0	2	7	724	731	000000001100000 (1.0)	0	1	0	1	2	24	26
Forest G. Hay (24)	0	0	3	1	4	442	446	010000010000000 (0.9)	0	0	0	0	0	16	16
Edythe J. Brown Elementary School (10)	0	0	2	0	2	222	224	011111110000000 (0.9)	0	0	0	0	0	8	8
Maple Lane School (33)	0	0	0	3	3	438	441	011111110000000 (0.7)	0	0	0	0	0	15	15
North Liberty High School (1)	0	0	0	2	2	391	393	000000000011110 (0.5)	0	0	0	0	0	19	19
Andrew Jackson High School (3)	0	1	0	6	7	1,399	1,406	000000000011110 (0.5)	0	1	0	0	1	50	51
Edward Eggleston Elementary School (18)	0	0	3	0	3	634	637	011111110000000 (0.5)	0	0	0	0	0	20	20
Lincoln School (28)	0	2	1	1	4	854	858	011111111100001 (0.5)	0	1	0	0	1	33	34
Clay High School (4)	0	2	1	2	5	1,353	1,358	000000000111100 (0.4)	0	3	0	0	3	49	52
John Marshall School (35)	0	0	2	0	2	830	832	011111111100000 (0.2)	0	0	0	0	0	31	31
Swanson Highlands Elementary School (46)	0	2	0	0	2	1,000	1,002	011111110000000 (0.2)	0	0	0	0	0	30	30
Alexander Hamilton Elementary School (22)	0	1	0	0	1	895	896	011111111100000 (0.1)	0	0	0	0	0	31	31
Centre School (11)	0	0	0	0	0	269	269	010000010000000 (0.0)	0	0	0	0	0	10	10
North Liberty Elementary School (40)	0	0	0	0	0	687	687	011111111100000 (0.0)	0	0	0	0	0	24	24
German School (20)	0	0	0	0	0	513	513	011111110000000 (0.0)	0	0	0	0	0	17	17

INDIANA STATE TOTAL—Continued

DISTRICT: INDIANAPOLIS PUBLIC SCHOOLS. NUMBER OF SCHOOLS: 122. REPRESENTING: 122. CITY: INDIANAPOLIS. COUNTY: 49 MARION.

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Number	0	36,577	0	0	36,577	72,010	108,587		0	913	0	0	913	3,151	4,084
Percent	0.0	33.7	0.0	0.0	33.7	66.3	100.0		0.0	22.5	0.0	0.0	22.5	77.5	100.0
Francis W. Parker School (53)	0	1,011	0	0	1,011	0	1,011	011111111100001 (100.0)	0	23	0	0	23	8	31
George Washington Carver School (84)	0	587	0	0	587	0	587	011111111100000 (100.0)	0	15	0	0	15	6	21
Wendell Phillips School (60)	0	517	0	0	517	0	517	011111111100001 (100.0)	0	10	0	0	10	6	16
Elder W. Diggs School (40)	0	942	0	0	942	0	942	011111111100000 (100.0)	0	26	0	0	26	6	32
Robert Gould Shaw School (38)	0	165		0	165	0	165	011111110000000 (100.0)	0	2	0	0	2	1	3
Benjamin Franklin School (34)	0	723	0	0	723	0	723	011111111100001 (100.0)	0	19	0	0	19	4	23
George W. Sloan School (39)	0	1,612	0	0	1,612	1	1,613	011111111100001 (99.9)	0	41	0	0	41	9	50
Crispus Attucks High School (111)	0	2,231	0	0	2,231	4	2,235	000000000011111 (99.8)	0	84	0	0	84	36	120
John Hope School (24)	0	1,060	0	0	1,060	2	1,062	011111111100001 (99.8)	0	31	0	0	31	1	42
William D. McCoy School (23)	0	341	0	0	341	1	342	011111000000001 (99.7)	0	5	0	0	5	4	9
Charles Sumner School (22)	0	333	0	0	333	1	334	011111110000001 (99.7)	0	8	0	0	8	4	12
Mary E. Cable School (4)	0	703	0	0	703	3	706	011111111100001 (99.6)	0	16	0	0	16	13	29
Booker T. Washington School (16)	0	198	0	0	198	1	199	000000001100001 (99.5)	0	10	0	0	10	3	31
Harriet Beecher Stowe School (61)	0	765	0	0	765	4	769	011111111100001 (99.5)	0	14	0	0	14	10	24
Oliver Perry Morton School (27)	0	668	0	0	668	5	673	011111110000001 (99.3)	0	13	0	0	13	6	19
Hazel Hart Hendricks School (35)	0	884	0	0	884	7	891	011111111100001 (99.2)	0	20	0	0	20	11	31
James Whitcomb Riley School (41)	0	988	0	0	988	8	996	011111111100000 (99.2)	0	26	0	0	26	7	33
Riverside School (42)	0	1,293	0	0	1,293	22	1,315	011111111100001 (98.3)	0	32	0	0	32	12	44
Joyce Kilmer School (66)	0	1,054	0	0	1,054	19	1,073	011111111100000 (98.2)	0	19	0	0	19	14	33
Paul C. Stetson School (73)	0	662	0	0	662	12	674	011111110000000 (98.2)	0	16	0	0	16	4	20
Julian Coleman School (106)	0	1,182	0	0	1,182	23	1,205	011111111100000 (98.1)	0	27	0	0	27	15	42
William A. Bell School (57)	0	1,428	0	0	1,428	28	1,456	011111110000001 (98.1)	0	27	0	0	27	19	46
William Watson Woolen School (43)	0	1,258	0	0	1,258	88	1,346	(93.5) 011111110000001	0	27	0	0	27	11	38
Wallace Foster School (30)	0	459	0	0	459	36	495	011111111100001 (92.7)	0	12	0	0	12	5	17
Audubon School (36)	0	764	0	0	764	135	899	011111111100001 (85.0)	0	12	0	0	12	18	30 68
Charity Dye School (25)	0	1,044	0	0	1,044	243	1,287	011111110000001 (81.1)	0	20	0	0	20	26	46
Shortridge High School (117)	0	1,716	0	0	1,716	619	2,335	000000001111110 (73.5)	0	25	0	0	25	86	111
George Rogers Clark School (1)	0	560	0	0	560	212	772	011111111100000 (72.5)	0	4	0	0	4	18	22
Henry P. Coburn School (63)	0	720	0	0	720	353	1,073	011111111100000 (67.1)	0	11	0	0	11	19	30
Daniel T. Weir School (68)	0	789	0	0	789	389	1,178	011111111100000 (67.0)	0	9	0	0	9	30	39
Woodrow Wilson School (72)	0	470	0	0	470	242	712	011111111100000 (66.0)	0	9	0	0	9	14	23
James Russell Lowell School (48)	0	700	0	0	700	399	1,099	011111111100001 (63.7)	0	9	0	0	9	27	36
Emmanuel Haugh School (49)	0	534	0	0	534	347	881	011111111100001 (60.6)	0	9	0	0	9	18	27
General Hospital (120)	0	11	0	0	11	8	19	001111111111110 (57.9)	0	1	0	0	1	1	2

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Dewitt S. Morgan School (83)	0	278	0	0	278	298	576	011111111100000 (48.3)	0	5	0	0	5	13	18
Arsenal Technical High School (122)	0	2,473	0	0	2,473	2,717	5,190	000000000011110 (47.6)	0	18	0	0	18	259	277
Robert Browning School (70)	0	504	0	0	504	576	1,080	011111111100001 (46.7)	0	4	0	0	4	29	33
Austin H. Brown School (6)	0	57	0	0	57	66	123	011111111000001 (46.3)	0	2	0	0	2	3	5
Juvenile Center (119)	0	29	0	0	29	34	63	000011111111110 (46.0)	0	2	0	0	2	3	5
Thomas Jefferson School (7)	0	39	0	0	39	55	94	000000000000001 (41.5)	0	1	0	0	1	5	6
Oscar C. McCulloch School (5)	0	36	0	0	36	52	88	000000000000001 (40.9)	0	1	0	0	1	5	6
H. L. Harshman School (98)	0	464	0	0	464	850	1,314	000000001100000 (35.3)	0	10	0	0	10	45	55
George Washington High School (113)	0	697	0	0	697	1,489	2,186	000000000011110 (31.9)	0	8	0	0	8	104	112
Robert Dale Owen School (11)	0	99	0	0	99	213	312	011111110000001 (31.7)	0	3	0	0	3	11	14
Harry E. Wood High School (114)	0	620	0	0	620	1,605	2,225	000000001111111 (27.9)	0	23	0	0	23	105	128
Theodore Potter School (71)	0	120	0	0	120	345	465	011111110000001 (25.8)	0	2	0	0	2	19	21
Clemens Vonnegut School (9)	0	122	0	0	122	381	503	011111111100001 (24.3)	0	5	0	0	5	13	18
Benjamin Harrison School (2)	0	135	0	0	135	452	587	011111111100000 (23.0)	0	4	0	0	4	14	18
J. K. Lilly, Sr., School (50)	0	248	0	0	248	874	1,122	011111111100000 (22.1)	0	2	0	0	2	36	38
James E. Roberts School (94)	0	35	0	0	35	143	178	011111111111111 (19.7)	0	1	0	0	1	17	18
Broad Ripple High School (110)	0	330	0	0	330	1,483	1,813	000000000011110 (18.2)	0	3	0	0	3	87	90
Edgar H. Evans School (10)	0	56	0	0	56	348	404	011111111100000 (13.9)	0	2	0	0	2	11	13
Otis E. Brown School (19)	0	142	0	0	142	884	1,026	011111111100000 (13.8)	0	2	0	0	2	31	33
Margaret McFarland School (108)	0	49	0	0	49	310	359	011111110000000 (13.6)	0	2	0	0	2	11	13
Nebraska Cropsey School (21)	0	72	0	0	72	478	550	011111110000000 (13.1)	0	4	0	0	4	14	18
Emmerich Manual High School (112)	0	292	0	0	292	2,037	2,329	000000000011110 (12.5)	0	6	0	0	6	111	117
George B. Loomis School (82)	0	62	0	0	62	437	499	011111110000001 (12.4)	0	3	0	0	3	12	15
Arlington High School (109)	0	301	0	0	301	2,467	2,768	000000000011110 (10.9)	0	6	0	0	6	126	132
Oscar S. Deitch School (15)	0	25	0	0	25	249	274	011111111100001 (9.1)	0	2	0	0	2	7	9
Daniel Webster School (44)	0	57	0	0	57	609	666	011111111100001 (8.6)	0	2	0	0	2	20	22
Rousseau McClennan School (88)	0	66	0	0	66	806	872	011111111100001 (7.6)	0	2	0	0	2	27	29
Mary E. Nicholson School (67)	0	68	0	0	68	871	939	011111111100000 (7.2)	0	2	0	0	2	25	27
Emma Donnan School (69)	0	76	0	0	76	996	1,072	011111111100000 (7.1)	0	2	0	0	2	32	34
Northwest High School (116)	0	168	0	0	168	2,329	2,497	000000000011110 (6.7)	0	14	0	0	14	102	116
Whittier School (31)	0	48	0	0	48	672	720	011111110000000 (6.7)	0	3	0	0	3	18	21
William Penn School (46)	0	38	0	0	38	730	768	011111111100000 (4.9)	0	1	0	0	1	24	25
Florence Fay School (20)	0	48	0	0	48	999	1,047	011111111100001 (4.6)	0	3	0	0	3	31	34
Floro Torrence School (80)	0	21	0	0	21	502	523	011111111100001 (4.0)	0	2	0	0	2	21	23
Stephen Collins Foster School (64)	0	38	0	0	38	915	953	011111111100000 (4.0)	0	1	0	0	1	34	35

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Riley Hospital (121)	0	3	0	0	3	73	76	001111111111110 (3.9) 011111110000000	0	0	0	0	0	2	2
Frederick Douglass School (18)	0	15	0	0	15	395	410	(3.7)	0	2	0	0	2	9	11
William McKinley School (37)	0	30	0	0	30	858	888	(3.4) 011111111100001	0	1	0	0	1	31	32
Calvin Fletcher School (8)	0	9	0	0	9	278	287	(3.1) 011111110000000	0	3	0	0	3	4	7
Washington Irving School (13)	0	21	0	0	21	663	684	(3.1) 011111111100000	0	2	0	0	2	16	18
Joseph J. Bingham School (81)	0	17	0	0	17	610	627	(2.7) 011111111100001	0	2	0	0	2	18	20
Eliza A. Blaker School (52)	0	11	0	0	11	416	427	(2.6) 011111111100001	0	1	0	0	1	14	15
Merle Sidener School (56)	0	12	0	0	12	520	532	(2.3) 011111111100000	0	2	0	0	2	19	21
Parkview School (78)	0	13	0	0	13	582	595	(2.2) 011111111100000	0	3	0	0	3	18	21
Calvin N. Kendall School (59)	0	14	0	0	14	671	685	(2.0) 011111110000001	0	2	0	0	2	16	18
Flackville School (97)	0	12	0	0	12	595	607	(2.0) 011111111100000	0	2	0	0	2	18	20
Abraham Lincoln School (17)	0	16	0	0	16	819	835	(1.9) 011111111100000	0	2	0	0	2	26	28
George W. Julian School (54)	0	14	0	0	14	720	734	(1.9) 011111110000000	0	3	0	0	3	20	23
John McCormick School (28)	0	5	0	0	5	344	349	(1.4) 011111111100001	0	3	0	0	3	8	11
Henry Wadsworth Longfellow School (26)	0	13	0	0	13	960	973	(1.3) 011111111100000	0	2	0	0	2	36	38
Anna Pearl Hamilton School (74)	0	5	0	0	5	386	391	(1.3) 011111111100000	0	2	0	0	2	11	13
Frances Willard School (77)	0	6	0	0	6	491	497	(1.2) 000000000011110	0	2	0	0	2	14	16
Thomas Carr Howe High School (118)	0	25	0	0	25	2,370	2,395	(1.0) 011111111100000	0	5	0	0	5	113	118
Albert Walsman School (107)	0	6	0	0	6	747	753	(0.8) 011111110000000	0	1	0	0	1	25	26
Frances Bellamy School (99)	0	4	0	0	4	569	573	(0.7) 000000001100000	0	2	0	0	2	16	18
Willard J. Gambold School (104)	0	5	0	0	5	819	824	(0.6) 011111111100000	0	2	0	0	2	32	34
Clarence R. Farrington School (58)	0	6	0	0	6	1,390	1,396	(0.4) 011111111100000	0	3	0	0	3	42	45
Francis Scott Key School (100)	0	5	0	0	5	1,209	1,214	(0.4) 011111111100000	0	3	0	0	3	36	39
Ernie Pyle School (87)	0	3	0	0	3	729	732	(0.4) 011111111100001	0	4	0	0	4	21	25
Kenneth Walker School (86)	0	3	0	0	3	768	771	(0.4) 000000000011110	0	3	0	0	3	20	23
John Marshall High School (115)	0	5	0	0	5	1,429	1,434	(0.3) 011111110000000	0	3	0	0	3	66	69
Horace Mann School (12)	0	1	0	0	1	309	310	(0.3) 011111111100000	0	3	0	0	3	7	10
Eleanor S. Skillen School (32)	0	3	0	0	3	1,014	1,017	(0.3) 011111110000000	0	2	0	0	2	31	33
Charles W. Fairbanks School (101)	0	3	0	0	3	1,024	1,027	(0.3) 011111110000000	0	3	0	0	3	27	30
Brookside School (51)	0	2	0	0	2	1,125	1,127	(0.2) 011111110000000	0	3	0	0	3	27	30
Jonathan Jennings School (105)	0	1	0	0	1	588	589	(0.2) 011111111100000	0	5	0	0	5	13	18
George H. Fisher School (90)	0	1	0	0	1	656	657	(0.2) 011111110000000	0	2	0	0	2	19	21
Meredith Nicholson School (93)	0	1	0	0	1	748	749	(0.1) 011111110000000	0	3	0	0	3	21	24
Lew Wallace School (103)	0	1	0	0	1	779	780	(0.1)	0	2	0	0	2	22	24

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0— grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Ralph Waldo Emerson School (55)	0	1	0	0	1	905	906	011111111100000 (0.1)	0	3	0	0	3	26	29
George Buck School (91)	0	0	0	0	0	869	869	011111111100000 (0.0)	0	3		0	3	25	26
T. C. Steele School (95)	0	0	0	0	0	1,104	1,104	011111111100000 (0.0)	0	2	0	0	2	33	35
Robert Lee Frost School (102)	0	0	0	0	0	605	605	011111111100000 (0.0)	0	3	0	0	3	18	21
Thomas Edison School (45)	0	0	0	0	0	711	711	011111111100001 (0.0)	0	2	0	0	2	20	22
Arlington Woods School (96)	0	0	0	0	0	395	395	011111110000000 (0.0)	0	3	0	0	3	9	12
William H. Evans School (92)	0	0	0	0	0	265	265	011111110000000 (0.0)	0	2	0	0	2	7	9
James A. Garfield School (33)	0	0	0	0	0	517	517	011111111100000 (0.0)	0		0	0	2	16	18
Christian Park School (79)	0	0	0	0	0	989	989	011111111100000 (0.0)	0	2	0	0	2	31	33
Booth Tarkington School (89)	0	0	0	0	0	1,113	1,113	011111111100000 (0.0)	0	2	0	0	2	35	37
Lillian M. Reifell School (29)	0	0	0	0	0	366	366	011111110000000 (0.0)	0	1	0	0	1	11	12
Nathaniel Hawthorne School (47)	0	0	0	0	0	854	854	011111111100001 (0.0)	0	2	0	0	2	26	28
Thomas D. Gregg School (14)	0	0	0	0	0	880	880	011111110000000 (0.0)	0	2	0	0	2	24	26
Carl Wilde School (76)	0	0	0	0	0	1,321	1,321	011111110000001 (0.0)	0	4	0	0	4	38	42
Anna Brochhausen School (85)	0	0	0	0	0	736	736	011111111100000 (0.0)	0	2	0	0	2	21	23
Raymond F. Brandes School (62)	0	0	0	0	0	767	767	011111111100000 (0.0)	0	2		0	2	22	24
Minnie Hartman School (75)	0	0	0	0	0	1,034	1,034	011111111100000 (0.0)	0	4	0	0	4	25	29
Lucretia Mott School (3)	0	0	0	0	0	611	611	011111111100000 (0.0)	0	2	0	0	2	16	18
Susan Roll Leach School (65)	0	0	0	0	0	830	830	011111111100000 (0.0)	0	2	0	0	2	23	25
DISTRICT: ANDERSON SCHOOL CITY. NUMBER OF SCHOOLS: 29. REPRESENTING: 29. CITY: ANDERSON. COUNTY: 48 MADISON.															
Number	8	2,205	4	11	2,228	14,980	17,208		0	10	0	0	10	671	681
Percent	0.0	12.8	0.0	0.1	12.9	87.1	100.0		0.0	1.5	0.0	0.0	1.5	98.5	100.0
Shadeland (4)	0	490	0	0	490	79	569	011111110000000 (86.1)	0	2	0	0	2	16	18
Hazelwood School (8)	0	404	0	1	405	77	482	011111110000000 (84.0)	0	1	0	0	1	14	15
Westvale (11)	0	393	0	4	397	198	595	011111110000000 (66.7)	0	0	0	0	0	21	21
Central Junior High (2)	1	264	0	0	265	745	1,010	000000011100000 (26.2)	0	2	0	0	2	40	42
South Side Jr. High School (6)	0	195	0	1	196	808	1,004	000000001110000 (19.5)	0		0	0	2	48	50
Central Avenue School (28)	0	10	0	0	10	52	62	000000000000001 (16.1)	0	0	0	0	0	8	8
Anderson Senior High School (5)	7	290	1	1	299	1,837	2,136	000000000001110 (14.0)	0	1	0	0	1	110	111
Brentwood Elementary (29)	0	53	0	0	53	402	455	011111110000000 (11.6)	0	0	0	0	0	14	14
Columbia School (27)	0	20	0	0	20	256	276	011110000000000 (7.2)	0		0	0	0	10	10
Madison Heights High School (9)	0	46	1	1	48	1,290	1,338	000000000001110 (3.6)	0	0	0	0	0	65	65
Riley (19)	0	11	0	0	11	405	416	010011110000000 (2.6)	0	0		0	0	12	12
29th Street Elementary (13)	0	6	0	0	6	475	481	011111110000000 (1.2)	0		0	0	0	16	16
Longfellow School (3)	0	2	0	2	4	379	388	011111110000000 (1.0)	0	1	0	0	1	11	12

INDIANA STATE TOTAL—Continued

	Students—							Weight: 1.0—grades	Teachers—						
	American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total		American Indians	Negro	Oriental	Spanish-American	Minority total	Other	Total
Park Place School (7)	0	2	2	0	4	450	454	011111110000000 (0.9) 000000001110000	0	1	0	0	1	13	14
Madison Heights Junior High School (1)	0	6	0	0	6	732	738	(0.8) 011111110000000	0	0	0	0	0	37	37
Washington (12)	0	3	0	1	4	668	672	(0.6) 011111110000000	0	0	0	0		23	23
Forest Hills School (25)	0		0	0	4	690	694	(0.6) 011111110000000	0	0	0		0	21	21
Lindbergh Elementary School (22)	0		0	0	2	449	451	(0.4) 011111110000000	0	0	0		0	14	14
7th Street (17)	0	1	0	0	1	318	319	(0.3) 011111110000000	0	0	0	0	0	10	10
Meadowbrook School (21)	0	1		0	1	370	371	(0.3) 011111110000000	0	0	0		0	13	13
25th Street (14)	0	1	0	0	1	459	460	(0.2) 000000001110000	0	0	0		0	14	14
North Side Junior High School (10)	0	1	0	0	1	1,098	1,099	(0.1) 001111110000000	0	0	0	0	0	51	51
10th Street School (15)	0	0	0	0	0	416	416	(0.0) 001111110000000	0	0	0	0	0	14	14
Edgewood (26)	0	0	0	0	0	300	300	(0.0) 011110000000000	0	0	0	0	0	10	10
Hiawatha School (23)	0	0	0	0	0	192	192	(0.0) 011111110000001	0	0	0	0	0	6	6
Roosevelt Elementary School (18)	0	0	0	0	0	366	366	(0.0) 011111110000000	0	0	0	0	0	14	14
North Anderson Elementary (20)	0	0	0	0	0	515	515	(0.0) 011111110000001	0	0	0	0	0	18	18
Southview School (16)	0	0	0*	0	0	434	434	(0.0) 011111110000000	0	0	0	0	0	14	14
Franklin Elementary School (24)	0	0	0	0	0	520	520	(0.0)	0	0	0	0	0	14	14

ADJOURNMENT UNTIL 10 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of yesterday, November 24, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 26, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate November 25, 1969:

IN THE NAVY

The following named officers for permanent promotion to the grade of captain in the Navy in accordance with Article II, section 2, clause 2 of the Constitution:

Comdr. Charles Conrad, Jr., U.S. Navy.
Comdr. Richard F. Gordon, Jr., U.S. Navy.
Comdr. Alan L. Bean, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1969:

U.S. ATTORNEY

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years.

U.S. MARSHALS

Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years.

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years.

Anthony E. Rozman, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years.

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years.

COMMISSION ON CIVIL RIGHTS

Maurice B. Mitchell, of Colorado, to be a member of the Commission on Civil Rights.

Stephen Horn, of California, to be a member of the Commission on Civil Rights.

Howard A. Glickstein, of New York, to be Staff Director for the Commission on Civil Rights.

EXTENSIONS OF REMARKS

THE VICE PRESIDENT—VALID CRITICISM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 25, 1969

Mr. FANNIN. Mr. President, Vice President AGNEW has hit a responsive chord in the hearts of most Americans. Most of the people I have talked to about his speeches are not only in agreement, but they say he does not go far enough.

Last week the Arizona Republic published an excellent series of editorials written by Edwin McDowell, who is no stranger to the preparation of material for national media. This is one of the most careful and reasoned series that I have seen on this subject. I ask unanimous consent that the entire series of three articles be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Nov. 16, 1969]

WERE SPIRO AGNEW'S CRITICISMS VALID? COLUMNIST SAYS YES, AND TELLS WHY

(By Edwin McDowell)

Vice President Spiro Agnew will not win an Emmy for his recent speech in Des Moines, charging that the TV networks are abusing their unprecedented concentration of power over American public opinion.

Already commentators are joining the network executives who widely condemned the speech as an attempt to intimidate and interfere with press freedom.

But the public opinion polls will no doubt show, as the early returns have already shown, that the large majority of Americans agree with the vice president.

I also want to go on record in support of Mr. Agnew's criticisms.

Frankly, I am uneasy that the criticism was lodged by a high-ranking government official.

I see no reason to doubt the vice president's opposition to any government censorship, nevertheless my reaction is to recoil whenever a government official says anything that smacks of media censorship.

But Mr. Agnew was right to ask whether a form of censorship already exists. And the answer, in my opinion, is that it does.

It is not as pernicious as government-imposed censorship, yet it is still widespread, it is blatant, and it is a repudiation of the very values that the media in a democracy are charged with upholding—namely, free and equal access to various shades of opinion.

In his rebuttal to Mr. Agnew, J. W. Roberts, president of the Radio, Television News Directors Association, said that broadcast journalists "are not and will not be a propaganda agency for any government's policies or for any government officials."

Correct . . . as far it goes.

But what Roberts did not say is that network broadcast journalists are too often propagandists for particular ideological policies, and it is this commitment which effected the imbalance about which the vice president complained.

Let me be very clear on this point: Arizona radio and TV stations, particularly Phoenix radio and TV with which I am most familiar, do a uniformly excellent job.

They broadcast the news fairly and impartially, are careful to label editorial opinions, and, as far as I can discern, grind few if any ideological axes.

But the networks are something else.

Obviously, most of the news they report is accurate and objective.

There is, after all, only a tenuous connection between ideology and the fact that Apollo 12 is in orbit . . . or that Russia and Red China are at each other's throats . . . or that the cost of living rose another percentage point the previous month.

But in those many grey areas where news touches upon ideology, and in virtually all the areas of comment and analysis, the sentiment is overwhelmingly liberal.

Let us not argue semantics. Unless one is interested solely in scoring debater's points, the term liberal describes the ideology which believes that social welfare, equality, and justice can best be attained through the efforts of the federal government.

Conservatives, on the other hand, are generally wary of a strong federal government, believing with Teddy Roosevelt that a government big enough to do things for you is big enough to do things to you.

Conservatives, therefore, generally believe in the Principle of Subsidiarity—the notion that no large government agency should undertake to do what a smaller government agency can do, and no government agency should do what a nongovernmental agency can do.

Both liberalism and conservatism are eminently respectable, and each ideology is endorsed by men of unquestioned integrity and intellectual acumen.

Yet it is easier for a camel to pass through the eye of a needle than it is for the conservative position to receive a fair hearing on network radio and television.

Who says?

Many people, as a matter of fact.

ABC's Frank Reynolds admitted last year that there is an Eastern, liberal bias on network television.

NBC's Fred Freed is quoted by TV Guide (Sept. 27) as attributing the imbalance on TV to the newsmen's own liberal ideology:

"This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of Newsweek, of the New York Times, of all media."

In a speech delivered in Detroit on Sept. 26, Frank Shakespeare, Jr., director of the U.S. Information Agency, charged that "reporters and commentators entering television leaned to an excessively liberal point of view" and he said it was the responsibility of news directors to assure a better conservative balance.

Finally, in the Nov. 6, 1965 issue of the liberal New Republic, former Time staffer John Gregory Dunne wrote:

"I think it can be argued that the three major networks are indirectly responsible for the proliferation of paranoid (rightwing) broadcasters.

"The reason is that there is nothing on the air today remotely passing for responsible dissent. The news departments of all three networks are in the hands of an Establishment consensus, bounded on one side by Eric Sevareid, on the other by Howard K. Smith."

The frequency with which William Buckley graces the airwaves does not invalidate this description, Dunne said, because, "as Proust was the pet Jew of the anti-Semites, so Buckley is the pet conservative of the Establishment."

Dunne cogently argued for more conservatives on radio and TV, which would have the effect of inducing Americans to consider "whether opposition to Medicare can be dismissed simply as hostility to old people, or support of the bracero program only as an excuse to exploit Mexican wetback labor."

Those points—and Vice President Agnew's—are well taken. I propose to deal with them at greater length.

[From the Arizona Republic, Nov. 17, 1969]

IDEOLOGICAL IMBALANCE ON NETWORKS PREVENTS BALANCED TREATING OF VIEWS

(By Edwin McDowell)

Vice President Spiro Agnew contends that network television gives a distorted view of events.

I concur, although I would extend that to include network radio as well.

And it is distorted because in those many areas of news which brush against ideology, the networks have stacked the deck in favor of the liberal position.

They have not provided us with that "multitude of tongues" of which the late Justice Learned Hand spoke.

Instead, they have been content largely to offer only one viewpoint, a viewpoint which is not monolithic, to be sure, but which—by dismissing or misshaping other viewpoints—makes it more difficult for viewers to formulate intelligent opinions.

This is not the result of any "conspiracy," as some no doubt believe.

Nor is it that network officials and broadcasters deliberately try to deceive their 40 million viewers.

On the contrary, these men are often intelligent, and usually deeply concerned with the events they report.

But the weakness of their position is that, by concentrating almost exclusively on the positions they support on important political, economic, and social issues, they are failings in their duty to inform the public.

CBS's Eric Sevareid, in Phoenix several days ago, said that Mr. Agnew's complaint that the TV networks are dominated by liberals was illogical.

If the President can claim the majority of people support his Vietnam policy, which is at odds with the liberals' views on Vietnam, then, he said, the networks "must be very ineffectual—so ineffectual, I don't know why Mr. Agnew's so upset."

But Mr. Sevareid missed the point by confusing the hold network TV has on viewers with the entirely separate issue of basic fairness.

If the TV-viewing public does not believe as the network commentators believe, it is certainly not for lack of trying on the part of the network commentators.

The fact is that liberalism, like conservatism, commands the allegience of only a small segment of the American public.

Most Americans are, as the articulate liberal Steve Allen once wrote, both liberal and conservative. They pick and choose between those ideologies.

Yet on issue after issue, only the liberal point of view is given the thorough, balanced treatment on network radio and television which both points of view deserve:

Red China's admission to the U.N. . . . conditions in Castro's Cuba or in Soviet Russia . . . East-West trade . . . the U.N. boycott of Rhodesia . . . crime and violence in American society—on all these matters, and many more, it is the liberal viewpoint which predominates.

When the conservative position is given at all, it is most often represented not by the many thoughtful conservative scholars or intellectuals, but by some quasi-reactionary whose very presence seems designed to discredit the position he is ostensibly upholding.

To present Billy James Hargis as the voice of conservatism is as intellectually dishonest as to present Madalyn Murray as the voice of liberalism.

Arthur Schlesinger Jr. has written: "If television and radio were to become the instrumentality of a single opinion, this would constitute an obvious misuse of the air waves and defiance of the Constitution."

Yet, as Vice President Agnew and others have said, they have become the instrumentality of a single opinion.

It is true that radical leftists—one immediately thinks of Noam Chomsky and Susan Sontag—also feel that the media ignore their positions, that the media are too "conservative."

But the purpose here is not to argue whether the left and right zanies should have equal access to the TV and radio networks.

It is to ask whether by denying equal access—and much of the time, any access—to respectable conservative opinion (that is, opinion as far to the right of center as network TV opinion is to the left of center), the marketplace of ideas to which both liberals and conservatives affirm allegiance is effectively shut down.

I believe it is. And I believe the networks have a moral obligation to reassess their position on the matter.

Why during the orgy of self-incrimination that the networks fed us after the assassinations of the Kennedys and Martin Luther King, were viewers subjected to an unremitting string of commentators and consultants who battered us over the head with the club of collective guilt?

Why was not equal time given to those who believe, as did Edmund Burke and as do many intellectuals today, that collective guilt is a harmful and erroneous doctrine?

Why was not equal time given to those intellectuals who deny the Kerner Commission Report's contention that ours is a white racist society?

Why, at the political conventions, do the networks feel compelled not just to report the news but to manufacture the news by repeatedly attempting to foist off their preferred candidates . . . and then complain that the "will of the people" (in reality, the will of the network officials) was thwarted by the electors?

Whitney Young—or was it Roy Wilkins?—was absolutely right, in my opinion, when he charged that Stokely Carmichael has few followers in the black community, but has hundreds of votaries in the media who labor overtime to represent him as a legitimate spokesman for America's Negroes.

Additional comments are in order, and I shall deal with them in a final column.

TODAY'S QUOTE

From a letter in the New York Times Magazine by Dr. Edgar F. Berman, who was personal physician to Vice President Humphrey and a member of his 1968 campaign staff:

The press was almost schizoid during (the Chicago) campaign...

Humphrey, because of his association with Johnson and his refusal to repudiate him, from his announcement on, was unmercifully flayed by the press and TV. . .

However, in the "Crime of Chicago" the

press was a minor force, an accessory after the fact.

Television was the true agent of violence. . .

From my observations, most of the "pencil press" could be found getting most of their "first-hand" reports directly from the tube.

After some reporters were manhandled by the police, the press and TV were a solid affronted front, and few writing journalists doubted the objectivity of the television camera.

[From the Arizona Republic, Nov. 18, 1969]

MEDIA MAKE AS WELL AS REPORT NEWS; NETWORK NEWS STRONGLY ONE-SIDED

(By Edwin McDowell)

Nothing is more disheartening to a person than to have his views distorted or misrepresented.

Yet when distortion and misrepresentation occur year in, year out, in the one medium upon which most Americans depend for their news, it is more than disheartening.

It is inexcusable . . . and shameful.

Yet that is how the conservative viewpoint has been mistreated by network television (and by network radio).

For years now, intellectual conservatives have winced every time the network commentators have supposedly defined the conservative position on the major social, political, and economic issues.

And with good reason, for seldom have those positions emerged in recognizable form.

TV viewers would scarcely know that there are profound philosophical conservative positions on such issues as minimum wages, open housing, right-to-work, school bussing, federal aid, et al.

Most often, the "conservative" positions aired by the networks are those of malcontents, reactionaries, bigots, and Know-Nothings.

Liberal commentators who have never read a line by Hayek, Roepke, Hutt, Friedman, Jewkes, Dietze, Bauer, Palyi, Stigler, D. Jouvenel, and the hundreds of other conservative intellectuals, airily agglutinate those positions with the positions of rightwing crackpots (of whom there are many), and thereby presumably feel that they have faithfully discharged their obligation (as government-created monopolies) to be objective.

For years it was the conservative scholars who alone criticized the present welfare system and urban renewal.

It was conservative intellectuals who proposed the guaranteed annual wage and state-sharing of federal revenues.

It was conservative economists who argued the importance of the money supply as a regulator of economic activity.

Today each of those positions is endorsed by prominent liberals. And Milton Friedman, as the Wall Street Journal recently noted, has become perhaps the most influential economist in the land.

But until liberals began acknowledging that the current welfare system is debilitating, or that urban renewal was really Negro removal, the objections could be found only in conservative journals or in books which were ignored or dismissed by the media.

Even Friedman, like others of the brilliant intellectual Brain Trust Goldwater assembled in 1964 to advise him on public policy, was depicted as an "extremist," a "reactionary," a "mossback" by network commentators who either were unfamiliar with his work or simply were not equipped to understand it.

It is one of the enduring myths of journalism—print and broadcast journalism—that the media do not make the news, but only report it.

Dr. John R. Rider, chairman of the mass communications department at Southern Illinois University, correctly said (Quill, Oct. 1969) "the words and pictures that flow from the instruments of news media do, without question, structure the world for the beholder.

"The consumer of our products can only react to and accept or reject the material we allow him to read or hear or see.

"And so, in our editorial function, we make the world after our own image. The world is as we say it is."

Indeed.

And the world presented by the network TV and radio is a world of pseudo-reality.

In part because of the very nature of news (it is not news, for example, that each airplane landing and taking off at Sky Harbor does so safely; it is only news when one crashes or has a near-miss).

But in larger part because the networks run a closed ideological shop in which there is an almost total absence of viewpoints which run counter to the dominant liberal viewpoint.

That is why, as liberal author Theodore H. White recently noted, while we were given every detail about every extreme rightist individual or organization in the land, we were unprepared for the widespread assault on our traditions and institutions by the extreme left . . . which we were led to believe didn't exist.

Vice President Spiro Agnew was right when he said that the viewpoint of New York (which James Reston termed the "most unrepresentative community in the entire U.S.") is not the viewpoint of America.

He is right that "a raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy."

(Writing in Harper's last year, Robert MacNeil, now with the BBC but formerly with NBC, said: "If a commentator wishes, he can make his attitude known in a multitude of subtle ways by varying his expression or intonation. More important, however, are the facts the commentator chooses to use and the form of words used to report them.")

Mr. Agnew was right when he quoted an unnamed FCC official (it was Nicholas Johnson, the most prominent liberal member of the commission) as saying that the power of the networks may be greater than that of the federal, state, and local governments combined.

Finally, the Vice President was right when he asked how many marches and demonstrations we would have if the marchers did not know that the TV cameras would be there to record their antics for the next news show.

(Dr. Daniel J. Boorstin, professor of American history at the University of Chicago, says: "The development of radio, movies, and TV means that to be newsworthy almost by definition means to be violent. To attract attention on television, there have to be people in motion or people hitting one another.")

Finally, Mr. Agnew was right to question the concentration of power in the hands "of a tiny and closed fraternity of privileged men" a concentration of power they would not tolerate in the hands of the government.

The answer, obviously, lies not in more government control but in greater network responsibility . . . in balancing the predominant liberal view with that of conservatism, the other major, respectable ideology of our age.

Critic and author Leo Rosten said that intellectual honesty demands that one who takes a stand on important issues first be able to express an opponent's position in terms acceptable to the other person.

I believe that with all my heart.

I also believe that the networks have failed woefully to measure up to that standard of intellectual honesty.

My hope is that they set aside their fury with Mr. Agnew long enough to ponder the serious and disturbing questions he raised, and then take positive steps to correct the gross imbalance in their commentary and news.

AS I SEE IT: COUNTRY LUCKY TO HAVE AGNEW

(By Holmes Alexander)

WASHINGTON.—Anarchy, says Vice President Sipro Agnew, is not readily evaluated, and this country may be closer to a crack-up than is generally known.

The October moratorium and the November mobilization turned him on. He burst into whip-lash speeches at New Orleans and Harrisburg.

In public he inveighs against the impudent snobs, the pseudo-intellectuals, the political hustlers who are leading American youth to its own destruction.

"I just hope I didn't wait past the danger point," the vice president told me. "What's my grand design? It's to denounce what I believe to be an unhealthy philosophy and to strengthen the resolve of other national leaders to speak out."

He flipped a leaf of paper on the desk. It showed a letter count of the two weeks which followed his New Orleans speech. The figures read pro-7122, con-1587.

Agnew burns with patriotic concern over his country's internal plight. He is resentful of petty criticism, enraged at his rotten treatment by the hostile press.

How many who ridicule his ardor for the country have what it takes to make a combat company commander? Which of those who feel superior have put themselves through law school and been a law school teacher for seven years?

None of these achievements are mentioned in the typical coverage of Agnew's activities.

Any man of spirit would lash out at his character-assassins. Agnew loathes and distrusts, curses and bypasses those reporters whose publications have done him wrong. The man's got intellectual muscle, and he's got the moxie, and we are lucky to have him around.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HICKS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following series of articles from the Seattle Post-Intelligencer by Mr. Frank Herbert which sheds considerable light on "the other war" in Vietnam, and the problems being encountered in efforts to stabilize that country.

Mr. Herbert accompanied Dr. Roy L. Prosterman of the University of Washington to Vietnam, where Dr. Prosterman advised and assisted the Saigon Government in its land reform efforts.

Following is one of Mr. Herbert's interpretative articles on the situation there:

A TOUGH LOOK AT VIET LAND REFORM

(By Frank Herbert)

COPENHAGEN, DENMARK.—All day yesterday as we flew the SAS TransAsian Express across India and Russia from South Vietnam I kept thinking that what the United States needs most desperately right now is a crash course in South Vietnamese politics.

For the past 17 days in South Vietnam, days of 12 to 20 hours each. I have undergone just such a course at the hands of Vietnamese and Americans who see the problems in clearest terms. There were moments when the brutal Oriental logic of my discoveries shocked me in ways difficult to describe.

Those discoveries and the shocks have left me with a firm belief that we must understand what we can do within the limits of Vietnam as it is, not as we would wish it to be.

The political climate in the U.S. is such that we have run out of time for alternate choices.

A major paradox of the Vietnam War is that we have understood our enemy better than our ally. We have tended to assume our ally is just like us and has the same aims we have.

Almost from the beginning however, we have said the enemy was strongly motivated, fanatically determined, capable of the most blood-chilling violence to gain his ends.

By our standards, it takes something viciously evil and depraved to make the Viet Cong chop off a child's hands in front of his parents because the parents gave information to the Saigon forces. But they have done this and worse. A day seldom passes without such terrorist tactics from the VC.

What we have not seen is this same enemy in our ally.

Here's a shocker No. 1, and let me preface it by the warning that you should strive to prevent its turning you against South Vietnam. Attempt to understand it on their terms.

Quiet but intensive real estate speculation to take advantage of land reform legislation is going on right now all through the Mekong Delta and the Central Lowlands of South Vietnam. Its sources reach into the middle echelons of the Saigon government.

Hopefully, this revelation will come with as much shock to President Nguyen Van Thieu as it does to you. There's reason to believe it will.

What you must grasp about this land speculation is that it's accompanied by brutal suppression of protest, mostly at the hands of some units of the Army of the Republic of Vietnam in which we place such great hopes.

ARVN tactics on occasion include dropping artillery rounds "by mistake" onto recalcitrant villagers asleep in their huts at night.

It's well to note that most South Vietnam experts agree ARVN is "substantially infiltrated" by VC. You can imagine how much this VC infrastructure enjoys turning the peasantry against the ARVN.

Operating behind ARVN muscle, the land speculation takes two basic forms: (1) buying up options at prices well below what would be paid under a land reform program, and (2) paying outrageously low prices for property in insecure areas.

I have talked to landowners who accepted 3,000 piasters per hectare for land in areas controlled by ARVN during the day and by the VC at night. (There are 118 piasters to U.S. $1).

There are authoritative reports of prices as low as 2,000 piasters per hectare in such areas.

These prices work out to about $18 to $25 for 2.4 acres. Compensation prices now being discussed for land taken over under a reform program average 45,000 piasters per hectare. They go up to more than four times that price, and even to 20 times that price for exceptionally choice lands.

CONSCIENCE

What disturbs the American conscience is discovery that the land speculation teams operate with information that has to be fed from key points in key ministries.

Buyers know precisely which landowners are feeling the greatest economic pinch—difficulty over taxes, loans, legal judgments against them.

They also know which lands are marked for highest compensation under land reform.

Shocker No. 2: Much of GVN's "open handed dispensation" of former French lands to the peasantry has been on the basis of political promises.

The tactics remind you of the way wardheelers once bought votes in the U.S. You get the land only if you agree to give Saigon your fullest political support.

To understand the rural response, you have to realize how unutterably war-weary the people are.

Two decades of South Vietnamese have known little more than the ebb and flow of battle across their homes and land.

They are as sick of the VC as they are of Saigon—and this fact alone could account for the drop in VC recruiting noted over the past year.

Realization of this psychological truth has prompted many American advisers to say a big advantage of Popular Force and Rural Force training rests in the simple fact that it arms people and teaches them how to resist both the ARVN and the VC.

You were warned that it's necessary to understand these things in Vietnamese terms.

CONCLUSION

Conclusion number one to be derived from these revelations is that forces within the Saigon government are firmly committed to land reform.

The guns are being turned away from the peasantry and against the landlords.

If this program is carried out quickly and thoroughly it can only help to bring political stability to South Vietnam. People will fight for their own land.

This is a lesson we've learned in South Korea, in Bolivia, in Japan, Mexico and Iran. Land ownership plus economic development bring political stability.

The Saigon government also is aware that every dynasty in Vietnamese history has begun with successful land reform. If they can carry this off—on their terms and with their methods—the war may be shortened by many years.

The clear danger then is that discovery of these actions, which we call corruption, turn us so much against South Vietnam that we abandon that country.

Our task is to read the political indicators clearly in Oriental terms. If we make the wrong decision now, we could be out of the war by this time next year—but with enormous loss of prestige throughout the world, and with nothing to show for our thousands of lives and our billions of dollars except a sad lesson.

If, however, we back Saigon with land compensation money, thus virtually eliminating landlord opposition, we can gain what we've sought all along: a strong South Vietnam firmly committed to support of the U.S.

LESSON

The lesson would be plain to all Southeast Asia. Meanwhile, those who are persuaded that all would be lovely and equitable under a land reform program initiated by the North Vietnamese Communists in South Vietnam should be reminded that land reform or collectivization efforts under communists historically are accompanied by blood baths.

It was true in Russia. It was true in China. And North Vietnamese peasants who took part in a 1954 revolt against Hanoi have not been heard from since. Eight thousand among the peasants of North Vietnam who resisted collectivization were executed out-of-hand.

Of major importance in all of this, is the fact that South Vietnam's effort toward land reform is being attempted through democratic processes. If the North Vietnamese take over South Vietnam, there will be land reform! No question about that. But in a sea of blood.

POLITICS

Someone once said that playing politics in South Vietnam was like fighting for deck chairs on the Titanic.

There's an unfortunate note of truth in this. South Vietnam is essentially an anarchy on a family base. Politics here operate in microcosms of power balance pitted against power balance—all on a family basis.

Whoever holds a power position in South Vietnamese politics holds it as representative of his family. Think of the importance we place on the individual, then apply this emotional force to the concept of the family—only then do you come close to understanding the Oriental attitude.

The most important cellular structure demanding the loyalty of the South Vietnamese individual is his family. If a decision must be taken where the nation falls but the family gains, the Vietnamese may well decide to let the nation fall.

There's no broad base of real nationalism in South Vietnam. Everything operates only on the basis of the most necessary inter-family cooperation.

If you think of a continuous balance-of-power conflict, family against family, you come close to understanding Vietnamese politics.

The issue in Vietnam then may well turn in part on who has how much wealth securely invested outside that tragic nation.

Instead of listening only to the programed promises of South Vietnamese officialdom, the U.S. could well turn its investigative capabilities toward discovering what we can about this vital state of affairs.

SHOCKING

You were warned the lesson was shocking and brutal and that you must not let it turn you off.

Accept it that the people doing the things described here and elsewhere have a vastly different value and moral structure than ours.

They merely want to strengthen their families by taking their cut of land reform profit off the top.

They expect this as their right, not as a sin or cheating or betrayal. They find it outrageous that we cannot understand this simple (to them) fact. They consider you a simpleton if you don't grasp it immediately.

Wouldn't you do the same thing to strengthen your family? What then is arrayed against essential land reform in South Vietnam?

Assuming we guarantee compensation to the landlords, a dollar cost amounting to only six days of the war, or about $400 million, the biggest stumbling block in President Thieu's path is family jealousies. Will those who share his power allow him to build a secure political base among South Vietnam's peasants?

If he carries this off, he's president for life. You have only to look at the example of President Park in South Korea to see the truth of this statement. Certainly, President Thieu has seen this.

He obviously is working right now within the political strictures I have described, attempting to gain a workable land reform law.

He also will seek any personal-family advantage he can.

There may be places where he will be tempted to fudge on land reform to gain more personal-family advantage.

Our task is to make it plain to him that we understand what is happening. Land reform will come about only if he can be persuaded there is no way out of building this political base on the broadest and strongest foundation.

He may already have received part of this message.

The U.S. has guaranteed $10 million from 1969 funds toward landlord compensation under a land reform program. We also have agreed to ask another $30 million next year for the same purpose.

U.S. Mission to Vietnam officials right now are in Washington, D.C., attempting to gain our commitment for another $10 million yearly to support this program, up to a total of $100 million.

But we have been careful. Our promise of $30 million is couched in such terms the U.S. is not obligated to pay a cent unless the South Vietnamese produce a workable law with strong and immediate political impact.

Many South Vietnamese, aware of this, don't believe we mean it. Our task, then, should be to make it clear we do mean it, that we are not going to spend any more American lives to sustain a 19th Century Mandarin oligarchy.

Either South Vietnam undertakes some of the basic 20th Century reforms, such as in South Korea and notably Mexico, or it forfeits the right to further help from us.

EXECUTIVE ENCROACHMENT

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 25, 1969

Mr. FANNIN. Mr. President, an excellent article written by James E. Remmert was published in the American Bar Association Journal in November of 1969.

Mr. Remmert is a member of the major corporation's Dallas legal department and was formerly a member of the American Bar Association staff in Chicago. He is a graduate of the University of Wisconsin. His article is a fine example of the needed distinction that wants emphasis in this Nation; namely, that laws are made by Congress and administered by the Executive, and that differences are resolved by the judiciary.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, November 1969]

EXECUTIVE ORDER 11246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

(NOTE.—Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise. Executive Order 11,246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unilateral Executive judgment and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?)

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.[1] Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take *affirmative action* to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]." Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program"[2] documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged,"[3] contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.[4] In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.[5] In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".[6] This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.[7]

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.[8] These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds[9] and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.[10] However, at least one federal district court[11] and two United States courts of appeal[12] have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has

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Footnotes at end of speech.

to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL–CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress" [12] without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

"The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States."

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed." [14]

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

"The language of the Constitution is not ambiguous or qualified. It places not *some* legislative power in the Congress; Article 1, Section 1 says "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

* * * * *

"Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure." [15]

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

"The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic." [16]

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company* v. *Sawyer*. In referring to the over extended use of the executive order, Justice Jackson said:

"Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction."

* * * * *

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations" [17]

FOOTNOTES

[1] 42 U.S.C. § 2000c.

[2] C.F.R. § 60–40.

[3] Comptroller General's Letter B–163026.

[4] 41 C.F.R. § 60–126(b) (2) (iii).

[5] 41 C.F.R. § 60–1.24 and 41 C.F.R. § 60–1.27.

[6] *Perkins* v. *Lukens Steel,* 310 U.S. 113, at 127 (1940).

[7] *Kern-Limerick* v. *Scurlock,* 347 U.S. 110 (1954).

[8] TIME, June 28, 1968, at 72.

[9] See Pasley. *The Nondiscrimination Clause in Government Contracts,* 43 Va. L. Rev. 837 (1957).

[10] 42 U.S.C. § 2000e-2(j).

[11] *United States* v. *Local 189, United Papermakers & Paperworkers,* 282 F. Supp. 39, 43 (E.D. La. 1968).

[12] *Farkas* v. *Texas Instrument,* 375 F. 2d (629, 632 (5th Cir. 1967), and *Farmer* v. *Philadelphia Electric Company,* 329 F. 2d 3, 8 (3d Cir. 1964).

[13] *Farkas* v. *Texas Instrument,* 375 F. 2d at 632.

[14] CONGRESSIONAL RECORD, vol. 110, pt. 2, p. 2575.

[15] *Youngstown Sheet & Tube Company* v. *Sawyer,* 343 U.S. 579, at 630, 633–634 (1952).

[16] 343 U.S. at 634.

[17] 343 U.S. at 653, 655.

THE PRESIDENT'S TRADE MESSAGE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BROWN of Ohio. Mr. Speaker, it is a measure of President Nixon that he made no effort in his message on foreign trade to gloss over the virtual disappearance of the United States traditional trade surplus.

Statisticians may argue about how large this trade surplus has been in recent years, but there is no question that it has amounted to many billions of dollars—dollars that were essential to financing our national security efforts. It also meant that jobs lost to imports were more than made up by jobs gained in producing exports.

The President now tells us frankly this surplus has disappeared, that inflation has eaten it up. He also reminds us that a number of foreign countries are fully competitive with us.

But the President does not tell us that this change in world affairs means that we should shield ourselves from competition. Quite the opposite. He properly lists the declines in our trade surplus as one more good reason to get inflation under control and he warns bluntly that if we try to restore our surplus by cutting back on imports, other countries will repay us by cutting back on our exports.

In facing this issue so openly, the President has come to the only possible conclusion. We must continue to uphold the policy of trade expansion that has served us so well. But we must at the same time keep our costs down and insist that other countries open their markets as fully to our products as we have to theirs.

In other words, the President proposes a vigorous policy of meeting the competition rather than withdrawing from it. He has also proposed a meaningful liberalization of provisions for helping those who are hurt by competition. But I am confident that if we follow sound policies at home and move forward in the traditional trade policies of the United States, we will seldom have to use such provisions.

In this sense, the President's proposals add up to a complete package. I believe we should approach it in that manner and seek to quickly provide the President the modest and practical authority he has requested.

NATIONAL FOREST CONSERVATION AND MANAGEMENT ACT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. JOHNSON of California. Mr. Speaker, I was among many other Members of the House to offer legislation earlier this year that would make it possible to improve the quality and quantity of timber from the national forests.

This large group of Members, from both parties and from every area of the country, is supporting this concept because of its conviction that only through better timber yields will it be possible to meet the housing goals set by Congress in the past.

This legislation will have a number of other benefits.

In addition to providing ample supplies of timber for the future, it will improve the health of commercial timber lands that also are an important component in our outdoor recreational resources. For my district, and others where national forests are located, it will provide an important stimulus to the economy, both by providing jobs and by an increased contribution of funds to the counties, where income from timber sales is used for roads and schools.

The importance of this bill to my district and to the Nation has been pointed up by a resolution adopted at a recent meeting of the Intercounties Chambers of Commerce of Northern California. This organization represents chambers in the counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, and Tehama.

Mr. Speaker, I would like to share that resolution with this House as an expression of the enthusiasm for the National Forest Conservation and Management Act, as it now is titled in this House, from the people who will have much to do with making it work.

The resolution follows:

RESOLUTION URGES CONGRESS TO SUPPORT NATIONAL TIMBER SUPPLY ACT

Whereas, the National Timber Supply Act has been introduced in Congress and is now being considered by the House and Senate, and

Whereas, the National Timber Supply Act would provide that the receipts from timber sales off the National Forest lands would be returned to the National Forests to provide for increased silviculture efforts and greater harvests within the sustained yield program of the U.S. Forest Service, and

Whereas, Edward Cliff, chief of the Forest Service, has stated that the National Forests could provide an increased yield of as much as two-thirds if funds were available for proper timber management, and

Whereas, the national policy, as stated in the National Housing Act, calls for construction of 2.6 million housing units annually for the next ten years, compared to the recent annual average of 1.5 million units, and

Whereas, low priced lumber products are essential to provide these needed housing units, and

Whereas, the National Timber Supply Act reaffirms the multiple-use management concept of the U.S. Forest Service for national forest lands, and

Whereas, the National Timber Supply Act would provide increased revenues to the counties in which national timber is located, through greater volumes of timber sales.

Now therefore, be it resolved, by Inter Counties Chambers of Commerce of Northern California, that Congress is urged to support the National Timber Supply Act and work toward its passage and

Further, be it resolved, that the Secretary of the Inter Counties Chambers of Commerce of Northern California is directed to send copies of this resolution to the Honorable Harold T. Johnson, Senators Alan Cranston and George Murphy and other interested parties.

BEFORE I MARCH

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. GOODLING. Mr. Speaker—

> To thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man.

These words of William Shakespeare, as expressed in Hamlet, are particularly challenging in this day when one is confronted with the proposition—to march or not to march in demonstration of a conviction.

One Mr. D. McCoy, a resident of Carlisle, Pa., in my congressional district, has written a piece entitled "Before I March," which touches on this subject of marching. Because it presents a penetrating examination of the multiple facets associated with the marching propositions, I submit it to the CONGRESSIONAL RECORD:

BEFORE I MARCH

(By D. McCoy)

Before I march, there are many things I need to know;
My intelligence must prevail, or only a paradox will grow.

I must be sure that what I believe in, is not being misused;
That my actions stem from what I feel and know, not because I'm confused.

Tell me that freedom was, is, and always will be, free;
Assure me, if the war stops, more people will not die across the sea.

I want to find out if the marchers are honest and sincere in what they protest;
I refuse to be guided by those with an underlying motive or quest.

I must be certain that there is only evil in this undeclared war;
Is it possible to guarantee an end to conflict—now and forevermore?
I wonder what it's like to be responsible for a governmental task;

And why veterans, people of experience, choose not to march in a mass.

I must discover if freedom is merely an unearned, personal right;
Question my thoughts, that too much freedom might be our country's blight.

Can a nation be safe, even when its citizens are afraid and selfish?
Those in another generation—don't they have a peaceful wish?

Is being isolated a valid solution—will America survive the years;
Or will this be the beginning of more inevitable and unpredicted fears?

Will the protestors exclude people who cannot cope with life?
I cannot parade as a scapegoat for someone else's anxiety or inner strife.

Will the group omit the people who follow because it's a thing that's new;
Or because someone they respect shouted, "It's the moral thing to do."

Why is it, if I do not march, I'll be called unconcerned and a hawk.
And if I join the parade, I'll be branded a communist, one of a misled flock?

If I stay in the middle, will I be labelled apathetic, the wearer of two hats;
What youth would call a hypocrite—the cause of the generation gap?

Can a reasonable explanation be given that is not contradictory or appalling;
Or is Chicken Little right—"The sky IS falling."

THE GENTLEMAN FROM NORTH CAROLINA

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. PREYER of North Carolina. Mr. Speaker, the November issue of the magazine Under Sea Technology contained an editorial paying tribute to my colleague from North Carolina, Representative ALTON A. LENNON.

Mr. LENNON's understanding of the subject of oceanography is equaled by few men in Washington. He has served as a subcommittee chairman of the House Merchant Marine and Fisheries Committee with dignity and effectiveness.

The article follows:

THE GENTLEMAN FROM NORTH CAROLINA

(By Bob Niblock)

In the consuming push to build a vital national oceanographic effort, there is a natural tendency to forget how far the program has come in one decade. Time and space do not always allow for appropriate recognition of some of the dedicated men who are largely responsible for this progress. There is, we feel, some long-overdue thanks coming to one gentleman in particular and, therefore, we are reserving this page for that purpose this month, although the remainder of the issue is our annual status report on antisubmarine warfare.

The oceanography subcommittee of the House Merchant Marine & Fisheries Committee has just concluded its hearings on the proposed new ocean agency. It was the most crucial round of hearings in the subcommittee's 12-year history and it was no easy chore for the subcommittee members and especially not for its chairman, Representative Alton A. Lennon, the North Carolina Democrat.

We have had the personal pleasure of watching Mr. Lennon in action during these hearings and countless others that preceded them. Few in Congress or anywhere else in Government know the Federal oceanographic program as thoroughly as Mr. Lennon. This knowledge did not come overnight. Since January, 1963, he has been sitting attentively as the subcommittee chairman, listening to one oceanographic expert after another. There is no question that he is one of the few men in Washington who has *really* heard just about everything there is to say about oceanography.

On many occasions, Mr. Lennon has had good cause to properly dress down a witness before him, but we have never seen a man or woman standing before this subcommittee treated without complete dignity and respect. While he can interrogate a witness with the precision of a skilled surgeon, he scrupulously avoids personal assaults.

Each member of his subcommittee is treated with the same high regard, whatever his party affiliation. The non-partisan quality of the oceanography subcommittee is no accident; it was nurtured by a leader who believes firmly that the subcommittee's business is a matter of highest national importance.

Anyone intimately involved in oceanography sometimes grows frustrated by the setbacks, delays and general apathy of those not so involved. We are certain that Mr. Lennon has had his share of discouragement, yet after more than 10 years of duty on the subcommittee, both as a member and as its chairman, he's pushing harder than ever. After hearing all the evidence, he thinks a national ocean agency is something worth fighting for—and that is what he is doing with all the skill, time and energy at his disposal.

This dedicated gentleman from North Carolina has done much in behalf of oceanography.

NEW AUDITORIUM FOR DAVENPORT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. SCHWENGEL. Mr. Speaker, my hometown of Davenport has for many years faced a problem familiar to many cities of its size. The problem is that of finding adequate space and facilities for various public events. A solution to that problem is now in sight in the form of an auditorium being constructed by Palmer College of Chiropractic. The building will be known as Alumni-Anton Meister Hall and will seat 5,100 persons.

I would like to take this opportunity to insert in the RECORD the following editorial on the subject and to voice my personal appreciation to Dr. David Palmer, president of the college, and his staff:

[From the Times-Democrat, Nov. 18, 1969]

IT'S A PLUS FOR DAVENPORT

Davenport, which long has been able to count the Palmer College of Chiropractic an asset, is on the way to collecting another dividend.

Alumni-Anton Meister Hall, for which ground has been broken at Eleventh and Brady Streets, promises to supply at least in part a lack which has been sorely felt in this city for years.

Projected primarily to serve college purposes, it will meet general public needs as it shelters gatherings of up to 5,100 persons.

It should spell the end of frustration in efforts to accommodate auto, boat and home shows, the larger musical events, sports contests, exhibits and various commercial presentations.

For the Palmer College of Chiropractic, of course, it means solution of the problem of providing adequately for annual homecoming crowds, freeing the school and the thousands gathering for the programs from the uncertainties of the weather.

At the same time, it enables Davenport to compete with other and larger centers in providing the assembly facilities which are indispensable to a thriving city. Thus it represents a long step up.

The Palmer College of Chiropractic administration deserves unstinted credit for the undertaking. It also merits the full understanding and support of the community.

"CITIZEN SAILORS"—AUTHOR WILLIAM R. KREH TELLS THE STORY OF NAVAL RESERVISTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BOB WILSON. Mr. Speaker, in these times of strident dissent and public protest, when patriotism seems to be a dubious attribute in the minds of some, it is fitting to remember and recognize the thousands of dedicated men and women who feel it is their patriotic duty to voluntarily help keep our country alert and strong as members of the U.S. Naval Reserve.

A new book, "Citizen Sailors," by William R. Kreh, has just been published by the David McKay Co. of New York, that should help bring some much needed recognition to this silent and often unheralded group of loyal Americans. This book, written under the sponsorship of the Naval Reserve Association, relates the stirring story of how the U.S. Naval Reserve has earned and maintains a reputation for dedicated service to this Nation.

We owe a debt of gratitude to these citizen sailors of our Navy who for nearly 200 years, from the days of the naval militias of the Revolutionary War, have proved to be such a vital element in our Nation's seapower and military preparedness.

As Adm. T. H. Moorer, the Chief of Naval Operations, says in the foreword to Mr. Kreh's book:

> The history of the Naval Reserve is one of brave men and women whose skills, dedication and hard work over the years have enabled our Navy and our American way of life to be what they are today. The Navy's tradition of victory is a heriatge of which our countrymen are justifiably proud—and one which Naval Reservists have helped to make a reality.

The story of our Navy citizen sailors has long needed telling and Mr. Kreh, a writer of skill and perception, has told it well. This is neither a dry history nor an organization manual. It is a story of people, of the individual men from all walks of life who make up the Naval Reserve. I doubt that many Members of Congress are aware of the incredible variety of jobs that Naval Reservists do—you can learn about that in this book. I think the Members will also find particularly interesting the six chapters on the kind of difficult and dangerous assignments that Naval Reservists have performed and are performing in Vietnam. Their story is told by a writer who has a singular flair for telling a good action story.

The Naval Reserve Association is to be commended for performing a truly valuable service in helping to bring this interesting and informative book to print. I hope all of my colleagues will read it.

NOT SUPPORTING OUR PRESENT POLICIES IN VIETNAM

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HOWARD. Mr. Speaker, I recently received a rather unusual letter from one of my constituents, Mrs. David Whelan. Mrs. Whelan indicates in her correspondence that she is the mother of six children—five of whom are sons. She therefore has a special concern.

The main reason Mrs. Whelan wrote to me was that she resents the fact that, because she was not out demonstrating during the October 15, and November 15 moratorium days, she is considered by the present administration to be a member of the putative "Silent Majority," who support our country's present course of action in Vietnam.

She has requested that I, as her representative in Congress, act as her voice to let the administration know that all who do not march or protest volubly, are not supporting our present policies in Vietnam. In an effort to assist her, I would like to insert her letter at this point in the RECORD. The first paragraph will be omitted, as it deals with previous correspondence.

The letter follows:

LONG BRANCH, N.J.,
November 17, 1969.

DEAR MR. HOWARD: But this is not what I am writing to you about now. It concerns the President's speech, in which I was very disappointed.

I have five sons, and hope desperately that this is not their destiny, to fight in every war our President and other representatives tell us is strategically important for the safety of our country.

I resent strongly that because we have not demonstrated on Moratorium days, that we backed his speech. My husband is against the Vietnam war, too, but he did not wish me to go to the Monmouth Shopping Center in Eatontown. He believes this would give aid and comfort to the enemy. I respected his wishes. My daughter called from Wagner College and asked if she could go to Washington, D.C. I told her if her father didn't want me to go to the Shopping Center and march, he wouldn't want her to go to Washington. She respected our wishes. But her friends had called their parents and were going. I assumed that some might not have had their parents blessings, but a good many didn't have strong objections.

Her father told me to write letters and this is what I told my daughter to do. I voted for the 18 yr. old vote mainly because these kids would have a say in what happens to their lives. What right have we to tell an 18 or 19 year old to lay down his very life for our protection, and then tell him he hasn't got the common sense to vote with equal judgment as citizens 21 yrs. and older?

I have great admiration for the majority of the young people. An example of why happened last Christmas at Kennedy Airport. Our son was on stand-by and we waited the whole evening surrounded by so-called "Hippies." This is what we felt anyway, when we first sat down. As we waited we listened to them and watched their courtesy to one another. They had been there all that day and the night before. At 12:30 AM we were told there would be no more flights out that night. We had relatives living nearby and stayed there. We arrived back at the airport at 6:30 AM and there were the same ones, sleeping on the chairs. At about seven thirty, everyone got in line patiently and with the same courtesy. Luckily they put an extra flight on and everyone was accommodated. But for how long can people's patience be tested? What would have happened if they were told no more stand-by that day, and because they were unable to pay full-fare, were also unable to catch their plane?

There is not the slightest doubt in my mind that the Peace Marchers would fight to their death to defend our country here, as would my sons and husband. But fighting in foreign countries and where there is also so much corruption, with ours sons' blood has gone too long.

So would you kindly voice our opinion, because this time next year, if it's the same, I am not promising you or my husband that I would not march behind such men as Dr. Spock. Not being able to afford the trip to Washington, D.C., Monmouth shopping center will have to do.

Very truly yours,
Mrs. DAVID WHELAN,
Long Branch, N.J.

LAW STUDENTS STUDY PETROLEUM MARKETING PRACTICES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. CONTE. Mr. Speaker, I believe that the active interest and concern with public issues and problems being demonstrated today by so many of our young lawyers and law students is an excellent sign. As an example of the new role being played by these young advocates, I would like to insert in the RECORD at this point, the following statement on octane marketing practices in the gasoline industry.

This statement was prepared by five law students at George Washington University Law School and filed recently with the Federal Trade Commission for its consideration of the problems raised by the report:

BEFORE THE FEDERAL TRADE COMMISSION IN THE MATTER OF THE POSTING OF RESEARCH OCTANE RATINGS ON GASOLINE DISPENSING PUMPS

REQUEST FOR PROMULGATION OF A RULE

Introduction

The following report on the marketing practices of the gasoline industry was prepared by students at the George Washington University Law School. The purpose of the report is to present an analysis of the gasoline market from the consumer's point of view. It is proposed that both a rule be promulgated requiring the posting of research octane ratings, in a clear and conspicuous manner on all gasoline dispensing pumps and that the gasoline industry practices of dual distribution and exchange agreements be reexamined taking into full account the deceptive effects of these practices on the consumer. It is felt that these steps are necessary to enable the consumer of gasoline to make a fully informed buying decision.

Marketing practices in the gasoline industry have structured the channels of distribution of gasoline into a complex maze for the consumer. He is incapable of ascertaining either the quality of the product or the components of pricing. Gasoline is an anonymous product to the consumer. He knows only that he is buying a petroleum product, that it has been transformed into gasoline at a refinery, that it is the fuel required for his automobile, and that it may be procured at his local gasoline station. The consumer never sees the gasoline he purchases. He has no idea of what is in it. He has no way to objectively distinguish one gasoline from another. He is unable to distinguish one quality claim from another. Finally, he lacks the sophisticated knowledge necessary to determine if his engine's fuel requirements are being satisfied. But he must use gasoline. He accepts the maze.

Previous examinations of gasoline marketing practices have systematically excluded the effects of those practices upon the consumer. Anti-competitive practices in the gasoline industry have been fully investigated [1] with only one serious defect. Industry marketing practices are irrelevant when treated in the vacuum of what effect the practices have on components of the industry. By definition, marketing includes the consumer. The most flawless distribution system would be useless without the consumer. For this reason, the intra-industrial approach to the evaluation of gasoline marketing practices must be substituted by a consumer-oriented approach.[2] We deem it necessary to apply this consumer-oriented approach to the current octane rating hearings. At the risk of being accused of attempting to re-write history, we also deem it necessary to apply this approach retroactively to the previous gasoline marketing practice reports.

Dual distribution

The industry's practice of offering identical products to the consumer through two different outlets—"dual distribution," is often accompanied by the practice of "dual branding"—making one available under a known brand name and the other under an unbranded or private name. These practices, which are common in the gasoline industry, can be deceptive and unfair to the consumer when they are carried out in a fashion which leads the buyer to mistakenly believe that the lower-priced unbranded gasoline is inferior.

Because the major refining companies, as well as many larger independent refining companies, produce substantially more gasoline than they are able to sell through the normal channels of distribution, additional channels of distribution are utilized. The use of multiple channels of distribution is an obvious solution to the refiner's dilemma of overproduction. The consumer-oriented approach compels us to ask *how* multiple channel distribution effects the consumer.

Dual distribution has been defined as the practice of "marketing products simultaneously through two different channels of distribution—one an independent distributor and the other owned by the marketer, or both independent".[3] Dual branding, that species of dual distribution utilized by major branded refining companies, has been defined as "the practice by some manufacturers of selling their branded goods through one channel and simultaneously marketing the same product in unbranded form through another distribution channel." [4] These definitions which are entirely proper to the intra-industrial approach, must now be rejected and substituted by the following definitions:

"Dual distribution (or dual availability)—the fact of identical products being distributed and made available to consumers through two different outlets.

"Dual branding—the fact of distribution and availability to the consumer of identical products, in branded form at one outlet and unbranded (or private branded) form at another outlet."

Multiple availability of identical products is a common practice in the gasoline industry. Major brand refiners often sell their excess gasoline to private brand or independent dealers at prices substantially below those quoted their own regular branded dealers. The fact that the product sold to both branded dealers and private brand or independent dealers is of like grade and quality, at least, and often identical, raises important legal questions.[5] The unbranded gasoline is the same exact product, without the benefit of the brand name, but with a price two to three times less than the consumer is willing to attribute to the lack of a brand name.[6]

Dual distribution by the gasoline industry deceives the consumer. With none of the recent consumer legislation [7] applicable to gasoline "labeling", and with no comprehensive overall rating system, the consumer is unable to realize the advantages of dual availability because the branded product is differentiated in his mind from the unbranded product.[8] Branded gasolines contain additives while unbranded dealers make no such claims. Branded gasolines are more expensive, which inevitably leads the consumer to the assumption that the higher priced gasoline is "better". This assumption is made with no other tangible quality factors known or made available. The consumer reasons that there must be something inferior about cheaper gasoline. The consumer, unable to objectively determine why the price differential exists, tries to rationalize this difference. Dual distribution, instead of providing dual availability to the consumer, has confused him into the misconception that unbranded gasoline is a product inferior to branded gasoline.

Dual distribution, from an intra-industrial viewpoint, has caused a great deal of instability in the gasoline industry.[9] Discriminatory pricing practices which characterize dual distribution have the potential of causing serious damage, if not complete destruction to free and open competition.[10] The list of persons in some way injured by dual branding in the refined petroleum industry is long, in fact, nearly all inclusive. It is abundantly

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Footnotes at end of speech.

clear that the major brand refiner has the advantage over the smaller independent refiner as a result of a combination of economies of scale and a captive branded market.[11] On the retail price level, the branded dealer who sells his branded gasoline for one or two cents above the non-branded dealer must pay from four to six cents more than his non-branded counterpart for the same product. But, one is reminded that although it appears that the non-branded independent dealer is on top in a price war, the independent dealer must finance his losses, while the branded dealer is enjoying a guaranteed margin, regardless of how long the price war continues or how low the price dips. The major-brand refiner, undisciplined and unwilling to restrain output, is the only one who gains from overproduction.

The argument that consumers benefit from price wars and from the market instability caused by dual distribution is fallacious in that, although the consumer in the isolated price war zone temporarily benefits from reduced prices, he later suffers the effects of reduced competition. Also, major gasoline companies have been known to increase prices outside the price war zones to absorb losses stemming from isolated price wars.

The ideal of dual availability is a state in which the consumer has access to the information which would enable him to make a rational buying decision based on the substantive characteristics of the product, knowing exactly what products can be procured at which outlets. Dual distribution as it is presently practiced by the gasoline industry is deceptive in that it perpetuates misconceptions with regard to product characteristics, it serves the industry without either educating or benefiting the consumer, and it insures that the consumer will remain either misinformed or generally uninformed about substantive product characteristics.

It is probably not deceptive *per se* that the consumer is unable to determine what type of branded gasoline he is purchasing at a private, or independent dealer, or whether it is the same gasoline (like grade and quality). However, the fact that the consumer is not informed of substantive product characteristics, and does not have a comprehensive overall rating system by which he may make a rational buying decision provides for a most deceptive situation.

Exchange agreements

Exchange agreements are arrangements between refiners whereby they market each others gasoline as their own. The agreements are usually entered into for reasons of geographical convenience, but they are unfair to the consumer because they deprive him of the benefits of free competition.

An exchange agreement is a contractual arrangement between two refiners in which one produces a specified quantity and grade of gasoline and exchanges it for a like grade and volume of gasoline produced by the other. Exchange agreements are entered into to save the expense of gasoline cross-hauls into an area in which a company markets gasoline, but in which it has no refinery or product pipe line.

Through the years, gasoline exchange agreements have generally become an integral part of the gasoline marketing structure. Few companies have refineries near all the markets which they serve, because the economies of large scale refineries are sufficiently great so that seldom is it desirable for the companies to scatter small refineries throughout the marketing territory. The results of gasoline exchanges include the ability of the companies to reduce costs through the elimination of cross shipment of products.

Perhaps the best example of an exchange agreement is the Hawaii arrangement. There is only one refinery in the state, and it is owned by Standard Oil of California. The four other major oil companies which market gasoline in Hawaii (Shell, Tidewater, Union, and Texaco) obtain their requirements of regular gasoline from the Standard refinery under exchange agreements. The Hawaiian Senate adopted a resolution in 1963 requesting that the Federal Trade Commission:

"Conduct an investigation into the shipping, distribution, sales and pricing practices of all companies engaged in the business of importing natural gas, gasoline, fuel, and lubricating oils, and all other petroleum products into the State of Hawaii . . . to determine if there exists, or heretofore existed, any illegal monopoly, combination in restraint of trade, price fixing, tie-in sales, or any other violation of Federal law." [12]

One reason for the above legislation order may have been the fact that out of 650 gasoline stations (75% of them surrounding Honolulu) selling five major brands of gasoline, there appears to be little if any price competition at the retail level, with price wars practically non-existent.[13]

It is maintained that ". . . exchange agreements . . . foster competition rather than restrain it", and ". . . the existence of such agreements in our industry has no material effect upon the product quality of the parties to such agreements." [14] Sun Oil assures that "Sun's very limited arrangements of this kind (product exchange agreements) have no effect on the proprietary character of its products." [15] American Oil, likewise, states "[T]he fact that American resells, under its own brand, gasoline received from another refiner pursuant to an exchange agreement, does not mean that the motorist enjoys no real difference in dealing with American as opposed to other oil companies." [16]

There are many reasons why exchange agreements may be harmful to the consumer. Within the industry the larger oil companies will naturally exchange only with other large oil companies. Gasoline will not be sold to a marketer who has few redelivery points. Thus exchange agreements minimize price competition because the small companies, who have little to offer the majors, are usually unable to exchange with them. The consumer thus loses the benefit of competition and feels the effect in the price which he pays for his gasoline.[17] Because the larger oil companies are dealing at less than "arms length" terms, their collusive and co-operative efforts cause prices to be much the same in an area, at least among the major branded types of gasoline.

In Hawaii, for instance, the consumer will pay the same price for all major gasolines, because the exchange agreements have effectively eliminated any price competition. If one of the major oil companies selling gas in Hawaii, but not refining it did try to lower the price to increase volume, his supplier might simply terminate the exchange agreement. This would leave him with one gasoline station and nothing to sell. Due to these exchange agreements, the benefits of free competition are lost to the consumer.

The industry has admitted that in some cases the additive packages are not added. It should be deceptive advertising *per se* for a dealer to advertise a branded gasoline and then sell a gasoline not refined by that branded refiner and without the additive package of that refiner.

Octane ratings

Octane ratings are the best known indices of the quality of a gasoline. They are not made available to the consumer, however. For the consumer to make a fully informed choice between the various brands and grades of gasolines the octane ratings should be disclosed.

Even if the consumer gets the particular brand of gasoline which he believes he is buying, and even if he gets all the particular additives promised by the advertising of the particular gasoline, still the consumer is afforded no objective criterion on which to base his purchase of that gasoline as compared to some other brand. Such a criterion does exist.

That criterion is the octane rating of any given gasoline. The problem facing the gasoline consumer has only been his lack of knowledge about what octane really is. The consumer usually believes that the higher the octane number the better the gasoline. Yet for a given engine there is a particular octane requirement under most driving conditions. Octane of a higher rating than required will do nothing to increase performance while octane of a lower rating may damage the engine if used too much. On the lower side of the scale the driver should be able to hear the knocking of his engine caused by a fuel of too low an octane and then switch to a fuel of a higher octane meeting the requirement of his engine.

However, the consumer has no means to compare fuels. Thus, he may overcompensate for a fuel of too low an octane. For example, the requirement for the consumer's engine might be 94 octane. The regular gasoline at his station might be 93 octane. His engine knocks. He switches to the station's premium fuel of a 99 octane rating. The consumer's cost is substantially increased. But if octane ratings were posted, the consumer would be able to see that the station next door has a regular fuel of 94 or 95 octane which he could try, and thereby find the fuel for his engine's good performance at a fair cost.

Now, the consumer does not have such a tool for rational choice. Naturally the gasoline companies would like every possible motorist to buy premium gasoline. If given only a choice between regular and premium many motorists will certainly be attracted by the connotation of higher quality inherent in the word premium. "Car owners [are] still encouraged to buy premium rather than regular when in doubt—a doubt that the industry itself perpetuates by not giving the buyer the necessary information to help him decide what his car needs." [18]

The main argument against using octane as a means of rating gasolines is that octane is but one of many qualities in a gasoline. This is certainly true. There may be as many as twenty-one identifiable qualities in a gasoline. Each of the companies stresses one or more of its additives—for example, mileage, detergent, or acceleration. However, all gasolines contain these additives. The only difference is in the particular blending or concentration of each. The important point is that all the companies use octane rating as the standard means of determining the basic quality of their gasolines. When gasolines are exchanged between companies, the basis for the agreement is quantity and octane rating. Each company receiving the gasoline then injects its own additives.

Furthermore, the main tests run on gasoline quality for the industry use octane as a chief index. The Ethyl Co. makes monthly checks on gasolines, distributing the octane ratings to the manufacturers. The ratings are coded as to company, but many in the industry say these codes are easily broken. The Bureau of Mines also conducts a biannual report of octanes which goes only to the government and the manufacturers. Octane tests are also made by DuPont. In some cases the companies run spot checks on their competitors, again for octane rating.

It is claimed that octane is but one of many qualities in a gasoline. Yet octane rating is consistently used as a prime index of quality in tests conducted on their gasolines by them and for them. All gasolines must have certain qualities. One gasoline may take you a little farther, a little faster, with a little less wear on your engine. It is preferred that you use premium to do it. The fact that you may get more of certain additives in premium gasoline (Humble admits that its regular gasoline contains only two of the six additives contained in its premium) is a factor which the companies might like to further stress in their advertising. However, "If we continue to insist . . . that a gasoline is better because it contains a certain ingredient, when practically all of them do, are we not asking for a 'truth in advertising' bill that would extend controls far beyond what exists now? It is this skirting the edge of legality, staying just a shade short of untruth, that endangers us all."[19]

There is some question as to which octane rating method is best. The industry seems to lean towards the road method while continuing to claim that octane is not a good index of quality. The road method, though, is quite expensive because it requires a fleet of cars. As a nationwide rating system the road method might be prohibitively expensive. However, the research octane number, as stated, is consistently used in the major gasoline tests. If it does not exactly reflect the need of a particular car, the driver will still be able to know if he is using a gasoline of too low an octane for his engine. It is argued that the driver would be able to detect a gasoline of too low an octane without the octane being posted. The point is that the driver might pass by a gasoline of sufficient octane for one of unnecessarily high octane.

The research octane number must be a good index of gasoline or it would not be used so prevalently in the industry. Ford Motor Co. gives the gasoline-engine requirements of its cars in research octane numbers. "Experience has shown that of the standard tests available Research Octane Number gives the closest approximation to the anti-knock qualities of typical gasolines when used in engines of most current types of passenger cars."[21] Forced to chose priorities . . . the most important factor from the point of view of the engine is the octane potential of the fuel.[22]

Another argument against octane ratings is the belief that there would be octane wars. "To think that large refineries might give away octanes is ludicrous. A large refinery which can reduce its consumption of tetra-ethyl lead (important in raising octane) by a tenth of a milliliter per gallon has potential savings of at least a thousand dollars a day."[23] Most likely the octanes would tend to group into a few uniform areas.

It is also argued that the rating of gasolines would be prohibitively expensive. Yet the industry spends $14 million a year to give away free maps. In 1966–67 the industry spent $100 million on games. Aside from that the gasoline companies already make use of their own periodic ratings, the monthly ratings of the Ethyl Co., and the biannual reports of the Bureau of Mines. All that needs to be done is to turn these reports over to the consumer via posting on gasoline pumps. A five star system, each star signifying a particular spread in octane, seems to work well in Britain. Also, two states, Virginia and Florida, manage to rate their gasolines.

The consumer might be confused by octane ratings. With slight education that can be easily remedied. With posting he will immediately be in a better position than he is now, having absolutely no means to objectively know what gasoline would be sufficient for the good performance of his car. He is furnished with claims and super-claims but no objective standard.

Furthermore, the consumer does not know what the Society of Automotive Engineers' oil numbers mean. Still he buys S.A.E. 10–20 motor oil because it is recommended in his car owner's manual. He changes to a different oil if driving in the mountains or the desert. (A frequent argument is that the octane requirement is less in Denver than in New York.) But all car manufacturers could easily give the octane requirements of their cars and specify any changes that might occur because of different driving conditions. This is done for motor oil. It can certainly be done for gasoline of which so much more is consumed.

It is argued that the same make of car may have a wide variance in octane requirements. However, Ford Motor Co. states that 95% of any one of their particular makes will run on the octane rating which is given. Here, again, the point to be stressed is that the driver can tell if he is using a gasoline that does not meet his engine's requirements, but he should not have to purchase a gasoline of too high an octane because he has no means with which to arrive at the correct octane without a needless expenditure for too much octane:

"The Industry's efforts have focused on improving the efficiency of getting and making its product, not really on improving the generic product or its marketing . . . I do not mean that selling is ignored. Far from it. But selling again is not marketing. I do not, as marketing invariably does, view the entire business process as consisting of a tightly integrated effort to discover, create, arouse, and satisfy customer needs. The customer is somebody out there who with proper cunning can be separated from his lose change."[24]

Not if octane ratings are posted!

Conclusion

We conclude that the gasoline industry has no desire to allow the consumer to make a fully informed buying decision. Their marketing practices serve their industry, not the consumer. Their only association with the consumer is that they offer a necessary, indeed vital, product to him. The industry evidently feels that the consumer is either too ignorant to use octane ratings, or the ratings would endanger the "stability" of a market they have already rendered instable by their own deceptive marketing practices. We therefore move:

1. That the Federal Trade Commission promulgate a rule requiring the mandatory posting of research octane ratings, in a clear and conspicuous manner, on all gasoline dispensing pumps.

2. Further, that the Federal Trade Commission reexamine the gasoline industry practices of dual distribution and exchange agreements, taking into full account the deceptive effects of these practices upon the consumer.

Respectfully submitted,
AUBIN K. BARTHOLD,
THOMAS R. LINK,
JOHN F. LYONS,
H. DAVID MYERS,
HERMAN BLUESTEIN,
Chairman.

November 17, 1969.

FOOTNOTES

[1] Federal Trade Commission Report on Gasoline Marketing, June 30, 1967.

[2] It is to be emphasized that we do not purport to be the sole representatives of the gasoline consumer interest. It is merely our desire to fill a serious gap that has existed.

[3] Mary Gardiner Jones, "Marketing Strategy in Government Regulation in Dual Distribution Practices", 34 *George Washington University Law Review* 456, March, 1966.

[4] *Ibid.*, p. 458.

[5] Section 2(a) of the Clayton Act as amended by the Robinson-Patman Act (15 U.S.C. § 13(a)) provides that:

"It shall be unlawful for any person engaged in commerce, . . . to discriminate in price between different purchasers of commodities of like grade and quality . . . where the effect of such discrimination may be substantially to lessen competition or create a monopoly in any line of commerce, or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them;

"*Provided*, That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered."

In *Borden Company* v. *F.T.C.* (381 F. 2d 175, 1967), the U.S. Court of Appeals for the Fifth Circuit in interpreting Section 2(a) said that:

"In the context of Section 2(a), price discrimination means only a price difference, not an invidious price structure. Once the fact of a price difference is established, other provisions of the stature must be applied to determine whether the price difference is legal or illegal." (At p. 177.)

The decision in *Borden* sets down an implicit guideline. It would appear that the retail price differential would be the maximum allowable wholesale differential. The Court held that:

"Where a price differential between a premium and non-premium brand reflects no more than a consumer preference for the premium brand, the price difference creates no competitive advantage to the recipient of the cheaper private brand product on which injury could be predicated. 'Rather it represents merely a rough equivalent of the benefit by way of the seller's national advertising and promotion which the purchaser of the more expensive branded product enjoys.' (At p. 181, citing Report of the Attorney General's National Commission to Study the Anti-Trust Laws, p. 159, 1955)."

The qualifying portion of Section 2(a) has no effect on the illegality of price differentials in gasoline dual branding. The usual four to six cent differential exceeds that required to provide "due allowance for differences in manufacture, sale or delivery . . ." (See F.T.C. Report on Gasoline Marketing, June 30, 1967.)

[6] Although the consumer is willing to pay one or two cents more for branded gasoline, the major brand refiner is charging the branded dealer four to six cents more per gallon than the unbranded dealer. (See F.T.C. Report on Gasoline Marketing, June 30, 1967.)

[7] It is apparent that Congress is beginning to direct its attention to the problems confronting the nation's consumers. On November 3, 1966 Congress passed Public Law 89–755, commonly known as the "Fair Packaging and Labeling Act" to prevent the use of unfair and deceptive methods of packaging or labeling of consumer commodities. In Section 2, Congress declares its policy concerning the desirability of a fully informed consumer.

Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information as to quantity of the contents and should facilitate value comparisons. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods. (80 Stat. 1296; 15 U.S.C. 1451.)

[8] Informal Survey conducted by authors, October, 1969.

[9] The Supreme Court, in *F.T.C.* v. *Sun Oil Company* (371 U.S. 505, 83 S.Ct. 358, 9L.Ed. 2d 466, 1967), recognized this potential harm.

[P]rice warfare appears to be caused by a number of basic factors, not the least of which are industry over-capacity and the propensity of some major refiners to engage in so-called "dual marketing" under which, in order to increase overall sales and utilize idle facilities, they not only sell branded gasoline to their own dealers but also sell unbranded gasoline to independent retailers or jobbers, often at a lower price. (At pp. 525, 370, 482.)

[10] "Armed with a wholesale price as much as six cents below that of the branded stations, the unbranded retailer is tempted to increase his volume by dropping below the usual two cent retail differential between unbranded and branded gasoline. Of course, this price drop induces retaliatory cuts by major-brand retailers who are operating under a guaranteed margin. This situation rapidly degenerates into a price war. When a price decline occurs, the independent refiner is required to reduce its selling price to protect its dealers and its own future in the market. A price war thus affects all refiners whose gasoline is sold in the area and frequently is responsible for heavy losses." Federal Trade Commission Report on Gasoline Marketing, June 30, 1967.

[11] One of the most serious effects of dual branding is the primary line injury resulting from a major-brand refiner's discriminatory price reductions to independent retailers. This has the effect of foreclosing independent refiners from such outlets.

Such foreclosure would have the effect of weakening the position of the refiner, and may well constitute a threat to the long run independence of the private brand dealer . . . To the extent that the private brander loses the independent refiner as a source of supply, and is forced to rely on the major for gasoline, his effectiveness as a competitive force in the marketing of gasoline will be diminished. (Federal Trade Commission Report on Gasoline Marketing, June 30, 1967, Footnote 9.)

[12] Federal Trade Commission Industry Conference on Marketing of Automotive Gasoline (Hereafter F.T.C. Conference) House of Representatives Committee on Small Business, 1965, Vol. 2, page 1591.

[13] *Ibid.*

[14] Statement of W. H. Burnap, F.T.C Conference, p. 477.

[15] Statement of Sun Oil Company, F.T.C. Conference, p. 1890, 1893.

[16] American Oil Company, A Study of Competition in the Refining and Marketing of Petroleum Products, F.T.C. Conference, p. 1055, 1138.

[17] Exchange agreements are a possible violation of Section 2(a) of the Robinson-Patman Act as an anti-competitive practice. A report to the Attorney General states:

> Of special importance to this department is the competitive performance of the industry as a whole, whether competitive pressures are sufficient to compel the industry to pass on to the consumer full benefit of advances in productivity and cost reduction which it achieves . . . It is therefore a matter of serious question whether that competition is effective to insure that the industry as a whole is regulated by its forces. Certainly, the field markets for crude can not be described as competitive in any real sense, and the pervasive influence of the nonprice barter sales so peculiarily characteristic of dealing among the dominant integrated companies, appears to insulate subsequent markets from competitive forces. (Report (Number 16–8) to the Attorney General of the United States. United States Dept. of Justice, July 1967, p. 84.)

[18] *Consumer Reports*, October, 1968, page 524.

[19] *Neal A. Pritchard*, Vice-President for automtive planning and analysis, TRW, Inc. as quoted in *Advertising Age*.

[21] *British Standards* 4040, Part 1, 1967.

[22] *W. J. Tancing*, Head, Chemical Division, Consumer's Union, contained in F.T.C. Docket 215–21–1–1, page 179.

[23] *Ibid.*, page 181.

[24] *Ibid.*, p. 180, quoting Theodore Levit, *Harvard Business Journal*, July an August, 1960.

THE BLOOD-RED HANDS OF HO CHI MINH

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. STEIGER of Arizona. Mr. Speaker, a great deal has been made of the horrors of war in Vietnam. The cry of "atrocity" labels almost every American military effort.

Some excellent reasons why the Vietcong and the North Vietnamese should be driven from South Vietnam are enumerated by John G. Hubbell in the November issue of Reader's Digest in the following article. Do not read before dining:

THE BLOOD-RED HANDS OF HO CHI MINH

(By John G. Hubbell)

The village chief and his wife were distraught. One of their children, a seven-year-old boy had been missing for four days. They were terrified, they explained, to Marine Lt. Gen. Lewis W. Walt, because they believed he had been captured by the Vietcong.

Suddenly, the boy came out of the jungle and ran across the rice paddies toward the village. He was crying. His mother ran to him and swept him up in her arms. Both of his hands had been cut off, and there was a sign around his neck, a message to his father: if he or anyone else in the village dared go to the polls during the upcoming election, something worse would happen to the rest of his children.

The V.C. delivered a similar warning to the residents of a hamlet not far from Danang. All were herded before the home of their chief. While they and the chief's pregnant wife and four children were forced to look on, the chief's tongue was cut out. Then his genital organs were sliced off and sewn inside his bloody mouth. As he died, the V.C. went to work on his wife, slashing open her womb. Then, the nine-year-old son: a bamboo lance was rammed through one ear and out the other. Two more of the chief's children were murdered the same way. The V.C. did not harm the five-year-old daughter—not physically: they simply left her crying, holding her dead mother's hand.

General Walt tells of his arrival at a district headquarters the day after it had been overrun by V.C. and North Vietnamese army troops. Those South Vietnamese soldiers not killed in the battle had been tied up and shot through their mouths or the backs of their heads. Then their wives and children, including a number of two- and three-year-olds, had been brought into the street, disrobed, tortured and finally executed: their throats were cut; they were shot, beheaded, disemboweled. The mutilated bodies were draped on fences and hung with signs telling the rest of the community that if they continued to support the Saigon government and allied forces, they could look forward to the same fate.

These atrocities are not isolated cases; they are typical. For this is the enemy's way of warfare, clearly expressed in his combat policy in Vietnam. While the naive and anti-American throughout the world, cued by communist propaganda, have trumpeted against American "immorality" in the Vietnam war—aerial bombing, the use of napalm, the inevitable (but relatively few) civilian casualties caused by American combat action—daily and nightly for years, the communists have systematically authored history's grisliest catalogue of barbarism. By the end of 1967, they had committed at least 100,000 acts of terror against the South Vietnamese people. The record is an endless litany of tortures, mutilations and murders that would have been instructive even to such as Adolf Hitler.

Perhaps because until recently the terrorism has been waged mainly in remote places, this aspect of the war has received scant attention from the press. Hence the enemy has largely succeeded in casting himself in the role of noble revolutionary. It is long past time for Americans, who are sick and tired of being vilified for trying to help South Vietnam stay free, to take a hard look at the nature of this enemy.

Blood-Bath Discipline. The terror had its real beginning when Red dictator Ho Chi Minh consolidated his power in the North. More than a year before his 1954 victory over the French, he launched a savage campaign against his own people. In virtually every North Vietnamese village, strong-arm squads assembled the populace to witness the "confessions" of landowners. As time went on, businessmen, intellectuals, schoolteachers, civic leaders—all who represented a potential source of future opposition—were also rounded up and forced to "confess" to "errors of thought." There followed public "trials," conviction and, in many cases, execution. People were shot, beheaded, beaten to death; some were tied up, thrown into open graves and covered with stones until they were crushed to death.

Ho has renewed his terror in North Vietnam periodically. Between 50,000 and 100,000 are believed to have died in these bloodbaths—in a coldly calculated effort to discipline the party and the masses. To be sure, few who escape Ho's terror now seem likely to tempt his wrath. During the 1950s, however, he had to quell some sizable uprisings in North Vietnam—most notably one that occurred in early November 1956, in Nghe An province, which included Ho's birthplace village of Nam Dan. So heavily had he taxed the region that the inhabitants finally banded together and refused to meet his price. Ho sent troops to collect, and then sent in an army division, shooting. About 6000 unarmed villagers were killed. The survivors scattered, some escaping to the South. The slaughter went largely unnoticed by a world then preoccupied with the Soviet Union's rape of Hungary.

With North Vietnam tightly in hand, the central committee of the North Vietnamese communist party met in Hanoi on March 13, 1959, and decided it was time to move against South Vietnam. Soon, large numbers of Ho's guerrillas were infiltrating to join cadres that had remained there after the French defeat in 1954. Their mission: to eliminate South Vietnam's leadership, including elected officials, "natural" leaders, anyone and everyone to whom people might turn for advice. Also to be liquidated were any South Vietnamese who had relatives in their country's armed forces, civil services or police; any who failed to pay communist taxes promptly; any with five or more years of education.

A captured V.C. guerrilla explained how his eight-man team moved against a particular target village: "The first time we entered the village, we arrested and executed on the spot four men who had been pointed out to us by the party's district headquarters as our most dangerous opponents. One, who had fought in the war against the French, was now a known supporter of the South Vietnamese government. Another had been seen fraternizing with government troops. These two were shot. The others, the village's principal landowners, were beheaded."

General Walt tells of the "revolutionary purity" of the Vietcong who came home to two other villages. In one case, a 15-year-old girl who had given Walt's Marines information on V.C. activities was taken into the jungle and tortured for hours, then beheaded. As a warning to other villagers, her head was placed on a pole in front of her home. Her murderers were *her brother* and two of his V.C. comrades. In the other case, when a V.C. learned that his wife and two young children had cooperated with Marines who had befriended them, he himself cut out their tongues.

Genocide. In such fashion did the storm of terror break over South Vietnam. In 1960, some 1500 South Vietnamese civilians were killed and 700 abducted. By early 1965, the communists' Radio Hanoi and Radio Liberation were able to boast that the V.C. had destroyed 7559 South Vietnameses hamlets. By the end of last year, 15,138 South Vietnamese civilians had been killed, 45,929 kidnaped. Few of the kidnaped are ever seen again.

Ho's assault on South Vietnam's leadership class has, in fact, been a form of genocide—and all to efficient. Thus, if South Vietnam survives in freedom, it will take the country a generation to fully replace this vital element of its society. But the grand design of terror involves other objectives, too. It hopes to force the attacked government into excessively repressive anti-terrorist actions, which tend to earn the government the contempt and hatred of the people. It also seeks valuable propaganda in the form of well-publicized counter-atrocities certain to occur at the individual level—for South Vietnamese soldiers whose families have suffered at communists' hands are not likely to deal gently with captured V.C. and North Vietnamese troops.

Dr. A. W. Wylie, an Australian physician serving in a Mekong Delta hospital, points out that a hamlet or village need not cooperate with the Saigon government or allied forces to mark itself for butchery; it need only be neutral, a political condition not acceptable to the communists. After a place has been worked over, its people of responsibility are always identifiable by the particularly hideous nature of their wounds. He cites some cases he has seen:

When the V.C. finished with one pregnant woman, both of her legs were dangling by ribbons of flesh and had to be amputated. Her husband, a hamlet chief, had just been strangled before her eyes, and she also had seen her three-year-old child machine-gunned to death. Four hours after her legs were amputated, she aborted the child she was carrying. But perhaps the worst thing that happened to her that day was that she survived.

A village policeman was held in place while a V.C. gunman shot off his nose and fired bullets through his cheekbones so close to his eyes that they were reduced to bloody shreds. He later died from uncontrollable hemorrhages.

A 20-year-old schoolteacher had knelt in a corner trying to protect herself with her arms while a V.C. flailed at her with a machete. She had been unsuccessful; the back of her head was cut so deeply that the brain was exposed. She died from brain damage and loss of blood.

Flamethrowers at work. Last December 5, communists perpetrated what must rank among history's most monstrous blasphemies at Dak Son, a central highlands village of some 2000 Montagnards—a tribe of gentle but fiercely independent mountain people. They had moved away from their old village in V.C.-controlled territory, ignored several V.C. orders to return and refused to furnish male recruits to the V.C.

Two V.C. battalions struck in the earliest hours, when the village was asleep. Quickly killing the sentries, the communists swarmed among the rows of tidy, thatch-roofed homes, putting the torch to them. The first knowledge that many of the villagers had of the attack was when V.C. troops turned flamethrowers on them in their beds. Some families awoke in time to escape into nearby jungles. Some men stood and fought, giving their wives and children time to crawl into trenches dug beneath their homes as protection against mortar and rifle fire. But when every building was ablaze, the communists took their flamethrowers to the mouth of each trench and poured in a long, searing hell of fire—and, for good measure, tossed grenades into many. Methodical and thorough, they stayed at it until daybreak, then left in the direction of the Cambodian border.

Morning revealed a scene of unbelievable horror. The village now was only a smoldering, corpse-littered patch on the lush green countryside. The bodies of 252 people, mostly mothers and children, lay blistered, charred, burned to the bone. Survivors, many of them horribly burned, wandered aimlessly about or stayed close to the incinerated bodies of loved ones, crying. Some 500 were missing; scores were later found in the jungle, dead of burns and other wounds; many have not been found.

The massacre at Dak Son was a warning to other Montagnard settlements to cooperate. But many of the tribesmen now fight with the allies.

Mutilation on the School Bus. If the communists' "persuasion" techniques spawn deep and enduring hatred. Ho could not care less; the first necessity is the utter subjugation of the people. Ho was disturbed by the rapid expansion of South Vietnam's educational system: between 1954 and 1959, the number of schools had tripled and the number of students had quadrupled. An educated populace, especially one educated to democratic ideals, does not fit into the communist scheme. Hence, the country's school system was one of Ho's first targets. So efficiently did he move against it that the World Confederation of Organizations of the Teaching Profession soon sent a commission, chaired by India's Shri S. Natarajan, to investigate.

Typical of the commission's findings is what happened in the jungle province of An Xuyen. During the 1954-55 academic year, 3096 children attended 32 schools in the province; by the end of the 1960-61 school year, 27,953 were attending 189 schools. Then the communists moved in. Parents were advised not to send their children to school. Teachers were warned to stop providing civic education, and to stop teaching children to honor their country, flag and president. Teachers who failed to comply were shot or beheaded or had their throats cut, and the reasons for the executions were pinned or nailed to their bodies.

The Natarajan commission reported how the V.C. stopped one school bus and told the children not to attend school anymore. When the children continued for another week, the communists stopped the bus again, selected a six-year-old passenger and cut off her fingers. The other children were told, "This is what will happen to you if you continue to go to that school." The school closed.

In one year, in An Xuyen province alone, Ho's agents closed 150 schools, killed or kidnaped more than five dozen teachers, and cut school enrollment by nearly 20,000. By the end of the 1961–62 school year, 636 South Vietnamese schools were closed, and enrollment had decreased by nearly 80,000.

But, in the face of this attack, South Vietnam's education system has staged a strong comeback. Schools destroyed by the communists have been rebuilt, destroyed, and rebuilt again. Many teachers have given up their own homes and move each night into a different student's home so the communists can't find them, or commute from nearby cities, where they leave their families.

Against such determination, the size of Ho's failure can be measured: in 1954, there were approximately 400,000 pupils in school in North and South Vietnam together; today South Vietnam alone has some two million in school. About 35,000—four times as many as in 1962—now attend five South Vietnamese universities, while 42,000 more attend night college.

A South Vietnamese government official explains: "A war shatters many traditional values. But the idea of education has an absolute hold on our people's imagination."

Bar of Justice. The pitch of communist terrorism keeps rising. After the Tet carnage at Hue early this year, 19 mass graves yielded more than 1000 bodies, mostly civilians—old men and women, young girls, schoolboys, priests, nuns, doctors (including three Germans who had been medical-school faculty members at Hue University). About half had been buried alive, and many were found bound together with barbed wire, with dirt or cloth stuffed into their mouths and throats, and their eyes wide open. The communists came to Hue with a long list of names for liquidation—people who worked for the South Vietnamese or for the U.S. government, or who had relatives who did. But as their military situation grew increasingly desperate, they began grabbing people at random, out of their homes and off the streets, condemned them at drumhead courts as "reactionaries" or for "opposing the revolution" and killed them.

"The Tet offensive represented a drastic change in tactics," says General Walt. "This is a war to take over the South Vietnamese people. Ho launched the Tet offensive because he knew he was losing the people. But his troops didn't know it; they were told that they didn't need any withdrawal plans because the people would rise and fight with them to drive out the Americans. What happened was just the opposite. Many fought against them like tigers." Some of the Tet offensive's explosion of atrocities probably can be attributed to sheer vengeful frustration on the part of Ho's terror squads—which Ho may well have foreseen, and counted on.

The full record of communist barbarism in Vietnam would fill volumes. If South Vietnam falls to the communists, millions more are certain to die, large numbers of them at the hands of Ho's imaginative torturers. That is a primary reason why, at election times, more than 80 percent of eligible South Vietnamese defy every communist threat and go to the polls, and why, after mortar attacks, voting lines always form anew. It is why the South Vietnamese pray that their allies will stick the fight through with them. It is why the vast majority of American troops in Vietnam are convinced that the war is worth fighting. It is why those who prance about—even in our own country—waving Vietcong flags and decrying our "unjust" and "immoral" war should be paid the contempt they deserve.

Finally, it is why the communists should be driven once and for all from South Vietnam—and why, if possible, the monsters who presently rule North Vietnam should be brought before the bar of justice.

HELP!

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ZWACH. Mr. Speaker, Margery Burns of Rossport Farms is an institution in Minnesota and especially in our Sixth Congressional District.

Mrs. Burns writes a weekly newspaper column devoted in part to national political opinions and in part to State and local issues.

I read her column religiously. She writes with the good, down-to-earth commonsense of a farm wife. She is not afraid to speak up nor timid about raising her voice in an effort to correct an injustice.

In an entertaining way she can bare the foibles of the modern scene but at the same time deal them a devastating blow.

Recently Mrs. Burns went into a hotel for a steak dinner and was shocked to find a notice on the menu:

> Due to the unexpected and unusually high increase in the cost of beef, we are reluctantly forced to make some menu price adjustments.

How Mrs. Burns, herself a raiser of beef, dealt with this situation is the subject of her column reprinted below.

Mr. Speaker, I particularly commend the reading of this column to my colleagues, especially those who are not too familiar with the farm problem:

HELP!

What would you do?

A short time ago, I took my kids out to dinner at one of the nice hotels in Minneapolis. Because I don't get a chance very often to enjoy that particular kind of delightful outing, I almost fainted when I saw the prices listed on the menu. But that wasn't what bothered me. Do you know what was printed on a note clipped to the menu? Let me quote . . .

"Due to the unexpected and unusually high increase in the cost price of beef we are reluctantly forced to make some menu price adjustments to partially offset these increases. For the duration of these high prices there will be an additional charge of 75c per steak and 50c for roast prime ribs of beef made to our present menu prices. We certainly hope that you will understand the necessity of this action."

AND since we raise beef, I knew that the price of beef was lower than it was 20 years ago!

Now, we were served an elegant dinner by a very nice and ornately dressed waiter in that beautifully decorated dinning room. The steak I ordered (and what else could I order?) was as tender as the steaks from our own beef. It was a sumptuous and satisfying meal.

But beef alone was getting the blame for higher prices in that dining room.

So . . . that night I wrote a substitute note for the hotel management to pin on their menus! Let me quote it . . .

"Due to the inflationary increase in all the costs of giving you the best food and service, we are reluctantly forced to make some menu price adjustments to partially offset these increases. For the duration of this inflationary period, there will be an additional charge . . . etc."

The next day I asked to see the manager in charge of the dining rooms. He came tearing in from a meeting with all the dining room people (I can imagine how pleased he was to be called out of that meeting, but I didn't know he was at a meeting), and he looked braced to hear almost any complaint . . . except the one I had. It really took him by surprise.

I can understand why he was a manager. He handled this "different" complaint with real grace. (He probably was pretty relieved that this was all it was.) Anyway, it turned out that this note about beef came from the head office in the east, and in using it, he was only following orders.

So now, should I send my substitute note to the office in the east or should I just drop the whole thing? The people in charge ought to know that beef isn't the culprit. To be fair and accurate, they should blame the whole cycle of inflation for raising prices and not single out one item, especially when the price of beef is lower than it was 20 years ago. But do you suppose that one complaint will make even a small dent?

There must be some way for us to explain to people how fair prices would keep farmers on the farms instead of forcing them into overcrowded cities and it would make small towns boom again because of more farm customers. Fair farm prices would help solve a lot of big problems for everyone.

What would you do about it?

INTELSAT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. NELSEN. Mr. Speaker, I have introduced today on behalf of myself and Mr. VERNON W. THOMSON of Wisconsin, Mr. DON FUQUA of Florida, and Mr. JOEL T. BROYHILL of Virginia a bill to provide for the immunity from taxation in the District of Columbia for the International Telecommunications Satellite Consortium—INTELSAT.

I insert the following reprint of a section-by-section analysis of the bill and principal portions of a letter forwarded by the Department of State, explaining the need for this legislation:

THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM BILL

SECTION BY SECTION ANALYSIS

Section 1 of the proposed bill defines the scope of the legislation, by stating that it applies to INTELSAT and any successor organization thereto in which the United States through its designated entity participates pursuant to the Communications Satellite Act of 1962 (47 U.S.C., § 701 and following).

Section 2 exempts INTELSAT, and any successor organization thereto, its assets, property, income, operations and other transactions, and the participants therein other than the designated United States entity, from all taxes imposed by the District of Columbia and all license fees imposed by the District of Columbia as a condition to engaging or carrying on a trade or business. It is further provided, however, that this exemption shall not apply to any property which shall not be used for the purposes of INTELSAT and any successor organization, nor to any income, operations or other transactions which shall not be related to the purpose of said Consortium or successor organization. The purpose of this provisions is to establish that the ownership or operation of such a communications satellite system is exempt from District of Columbia taxation, regardless of whether INTELSAT or its successor, or any foreign participants therein, are "carrying on or engaging in any trade or business within the District" or receiving income "from sources within the District," within the meaning of section 47-1580 of the D.C. Code, and regardless of whether such system would otherwise be subject to tax.

Section 3 authorizes the District of Columbia Council to promulgate regulations to carry out the purposes of this Act.

Section 4 provides that the Act shall be effective with respect to taxable years beginning after December 31, 1964.

PORTIONS OF AN EXPLANATORY DEPARTMENT OF STATE LETTER

INTELSAT is a joint venture of entities now representing 63 nations, formed to establish a global commercial communications satellite system. It was created by the intergovernmental Agreement establishing interim arrangements for a global commercial communications satellite system and the attached Special Agreement dated August 20, 1964 (TIAS 5646). The Communications Satellite Corporation has been designated by the President, pursuant to the Communications Satellite Act of 1962, as the United States Representative to and member of INTELSAT.

Most of the foreign participants in INTELSAT are either foreign governments or foreign government ministries. Other foreign partners, however, are either private corporations or entities wholly owned by foreign governments but separate in form therefrom . . . foreign governments or ministries would not be subject to applicable District of Columbia taxes, but foreign private or governmentally-owned corporations might well, under existing legislation and regulations, be subject to the District of Columbia franchise tax. Taxation of such private or quasi-governmental entities in the District of Columbia could, therefore, create inequities among the various foreign partners. From the point of view of the effective operation of the joint venture, it is clearly inequitable for the majority of signatories to be exempt from District of Columbia tax while other partners in the joint venture, in precisely the same position except with regard to their governmental affiliation, may not be similarly exempt. From the point of view of our foreign policy interests, this possible discrimination must be eliminated.

If the taxability of a foreign partner in the joint venture depends upon whether such partner is a government or government ministry, then the freedom of that government to select the appropriate form of entity to represent it in Intelsat would be unduly affected by operation of United States and District of Columbia tax laws. It is clearly desirable to allow each government the freedom to choose the form of entity which it believes can most effectively contribute to its participation in the global system.

Imposition of the District of Columbia unincorporated business franchise tax upon certain of our foreign partners in the international joint venture would be based necessarily on a determination that Intelsat is either (a) engaged in a trade or business within the District, or (b) that it derives any other net income from "sources within the District". Either such determination would rest in part on the activity of the ComSat Corporation as Manager for Intelsat. It is in our interest that these managerial activities continue to be performed in the United States and not transferred abroad because of possible United States or District of Columbia tax consequences. It is, accordingly, in our national interest to ensure that our tax laws, in this respect, are consistent with our overall policy.

The interim nature of the present arrangements provides an additional reason for legislation at this time. Article IX of the Agreement contemplates agreement on definitive arrangements for an international global system by January 1, 1970. The draft legislation is designed to exempt foreign signatories to the Special Agreement (or to a successor agreement) from District of Columbia taxation, irrespective of the form of the definitive arrangements. The enactment of such legislation at this time would ensure that the choice of an appropriate structure and form for the permanent organization would not be influenced by United States or District of Columbia tax laws.

The foregoing discussion demonstrates the necessity to establish with certainty that the income to the foreign participants derived from INTELSAT operations is not taxable by the District of Columbia. Since it is not possible to achieve this certainty within the existing framework of statutory law and administrative interpretation, legislation is necessary to set forth clearly that, as a matter of national policy, all foreign participants in INTELSAT are exempt from District of Columbia taxation on their income derived from the ownership or operation of the global system.

This legislation will not result in any significant loss of revenue to the District of Columbia. As pointed out earlier, the greatest share of INTELSAT's income (currently 53.03%) is received by ComSat. The taxability of ComSat is not affected by the proposed legislation. Thus, if INTELSAT is exempted by the proposed legislation, such share of INTELSAT's income will be included in ComSat's gross income, and hence ComSat will be liable for franchise tax with respect to the portion of such income fairly attributable to the District at the same rate (5%) as INTELSAT would have been. Of the balance of the income from INTELSAT, i.e. the share received by the foreign participants, only that portion which would be considered to be fairly attributable to the District is affected by this legislation. Thus, when the franchise tax rate is applied to the small portion of INTELSAT income actually affected by this legislation, it can be seen that the result in terms of loss of revenue is *de minimis*. INTELSAT does not presently own any real property in the District and does not contemplate acquiring any in the future. Hence, no potential real property taxes would be lost by affording INTELSAT the exemption. The revenue loss to the District resulting from the exemption from personal property tax, sales and use taxes and the unincorporated business license tax would be insignificant.

A RESOLUTION TO CREATE A STANDING COMMITTEE ON THE ENVIRONMENT

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ROTH. Mr. Speaker, our country, I believe, is at a crossroad. We can turn down one fork and go merrily on our way, only to wind up one day in a world where our rivers are too dirty to sustain marine life, and our air is too filthy to sustain human life. Or we can turn in the other direction, focus our efforts on cleaning up our Nation, and reverse the trend that finds us polluting our environment at a devastating rate.

Local governments have taken some steps to control pollution. California has particularly strict antipollution laws on the books, due in part to the smog problems that have plagued that State for so long. Delaware has just authorized a State department of natural resources and environmental control, and I commend the general assembly and Gov. Russell W. Peterson for their foresight. The Federal Government has also taken some action in this area.

But the time has come for a concerted comprehensive effort to attack the problem of our rapidly deteriorating environment. Because of the urgency of the situation, I join most willingly with a number of my colleagues in sponsoring a resolution to create a Standing Committee on the Environment. Only by working from a common base, I believe, can we make enough headway in the next few decades to assure man of a livable world. Any resident of a large city, anyone who lives by a polluted stream, anyone who sees the Delaware, the Anacostia, or any other river that flows through a major industrial area, I am certain, will agree that continued limited action in this area is a luxury none of us can afford.

A few weekends ago I spent some time with my father in the State of Montana. The air is clear and fresh there, the rivers are clean, the sky above the cities is blue, not gray. Unfortunately, such an atmosphere is more the exception than the rule. If we want our children and our grandchildren to enjoy the fruits of all our labors in the 21st century, we had best begin right now the long overdue process of cleaning up our environment. If by 1990 the clean air of Montana has turned to soot, I shudder to think of how difficult it will be to breathe in some of our cities.

MALNUTRITION AMONG THE POOR

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BOLAND. Mr. Speaker, the Springfield, Mass., Daily News has just finished publishing a series of four articles examining the problems of hunger and malnutrition among the city's welfare families. Written by Zedra Aranow, one of the newspaper's ablest reporters, the series points out the alarming effects of chronic malnutrition—widespread physiological and psychological damage in the young, a stultifying listlessness and languor in mature people, early senility in the old.

The articles find serious shortcomings in the way surplus food is distributed to welfare recipients and make specific recommendations for improvement—recommendations I consider particularly apt and astute.

With permission, Mr. Speaker, I insert the articles in the RECORD as this point:

SPRINGFIELD NOW—THE SHAPE OF HUNGER

(By Zedra Aranow)

Hunger is the common enemy.

The hungry child cannot learn in school.

A hungry man cannot work well.

A hungry woman cannot run her house, look after her family.

Yet the shape of hunger in our city is hard to define.

It can only be outlined by asking the experts—medical, educational, nutritional—the welfare workers, the urban ministers.

The questions asked across desks in offices, over coffee cups on kitchen tables, begin to reveal the problem.

"The corn-oriented diet of Africa and India produces the hunger symptoms seen in Biafran pictures; the pot belly, the edema, the change of hair color," said Dr. Morris Medalie, chief of pediatric service at Springfield Hospital Medical Center. "We can be fooled by our wheat-oriented diet which is apt to emerge as the 'failure to thrive' syndrome—which in turn can lead to heart disease and brain damage. Virtually all the cases of hunger we see in the hospital here are caused by inadequate food intake. We know that because they gain weight startlingly in a few days."

Hunger in Springfield can be the nine-month-old child brought to the hospital weighing only 12 pounds. The father works for minimum wages. The mother is ill and not at home. Weekly wages of $58 cannot support the family of eight children, yet the father did not know where to turn.

Hunger is a group of children in the Headstart Program at the South End Community Center. "They're too quiet, too listless," say psychologists visiting the class.

Hunger is the elderly woman, living alone, and refusing the diet suggestions made by a visiting nurse. "I'm 86 and this is what I've eaten all my life. How can a child like you tell me to eat what I've never eaten?"

Hunger is the stack of surplus food gathering dust on Chestnut Street. Five products are refused by at least half of the people standing in line; flour, rolled oats, rolled wheat, cornmeal—and dry milk. Dry milk which would nourish children who seldom have an adequate diet.

In Springfield, the biggest enemy is lack of knowledge. Bigger than lack of food and lack of money although both of those are here too.

Brush aside the feature stories about families who have been triumphant about surviving for a week on welfare food allowances . . . the well educated, well fed families who have managed to last seven days by carefully plotting every cent, every vitamin.

Think instead about the thousands of Springfield families who must eat every week on welfare checks which are based on these monthly food allowances: for an adult living alone, $27; for an adult living with others, $22.50; for children up to age of six $12.80; for child from seven to 12, $18.40; age 13 to 20, $22.95.

THE GRAY AREA

This is a walk around the outline of hunger in Springfield . . . a walk that stretches from the Puerto Rican mother of six who said wistfully, "I don't mind myself to learn something new to cook, especially American dishes. In the restaurant I eat hash and wonder how to make it."—to Miss Grace Minkler, assistant administrator of Adult Services in the Welfare Department here, "I am convinced there are almost as many people entitled to welfare help who are not being reached as there are on our rolls. Much of the hunger in Springfield is in this gray area."

It includes a list of practical, now things which could better use what the city has, without spending more, to help our own people.

"Hunger—the weakened condition brought about by continued lack of food."—dictionary definition.

Lack of food may mean lack of money or lack of nutritional knowledge. In either case, a hunger-hunter starts to ask questions at the city Welfare Department.

"Our case load of 18 to 30 year old clients here has tripled in the last year," says Miss Minkler. "We're trying to find out why." Is it a liberalized program?

People moving into the city?

AN EMERGENCY

Small as the food allowance in a welfare check is—about 90 cents a day for an adult living alone down to less than 50 cents a day for a child under six—any emergency can rob a welfare client of even that amount. If a child has no shoes to wear to school, if the rent is overdue, food money will be spent on the emergency.

Not all welfare recipients apply for surplus foods although all of them are eligible.

Surplus commodities went to 1,600 families in Springfield in June. At least 7,000 were entitled to this help.

XUM

Each family has a surplus food card. Every three months the card is collected and a new one sent out with the next welfare check.

"I take all the food they offer me because I heard if you don't, they mark it against you and you don't get a card again," said a mother of six in the North End.

THE CASE LOAD

There is no routine letter to a welfare client informing him of his right to surplus foods.

Social workers struggling with as many as 100 families, each of which should be visited twice a month, sometimes don't explain surplus foods to clients.

That takes time . . . and there is never enough time.

A language barrier may make it difficult. Mountains of red tape and forms to fill are made higher with an extra form for surplus foods. There are so many informational papers now that it is not unusual to have some lost in the shuffle.

Each family has an assigned day, once a month to collect surplus foods.

"The food weighed almost 100 pounds. I had to take it right away. I needed it. It cost me $3 to get it home in a taxi."

Some of the food is refused.

SHE WANTS RICE

"They want to give me 30 pounds of flour," a woman said. "I took only one bag. (10 pounds) I don't bake. What can I do with it? Why don't they give me what I eat every day . . . rice?"

When an item is left on the shelves, less of that item is ordered for the next month. There is not enough refrigeration to take all of the high protein, easily used cheese that everyone wants.

There is no way to give one woman more rice although in another part of the city unopened boxes of rice are frequently stacked beside trash barrels on rubbish collection days.

Miss Minkler worries because, although she has vitamins she can supply to welfare clients who need them, only 10 per cent of the case load apply. The vast majority of people—those on welfare and those servicing them—don't know about them.

People can be informed about vitamins by either doctors or social workers.

"There is a lack of communication here," says Miss Minkler. "Social workers feel this is a medical question. They try not to invade the medical field. They have more than enough to do as it is."

There is indeed a lack of communication. A nurse in the Headstart Program here has been looking for vitamin supplements for over a year, was startled to learn welfare had them.

HUNGER REACHES INTO SPRINGFIELD'S SCHOOLROOM

How do you recognize hungry children in school?

Miss Elizabeth Rhoades, principal of Lincoln and Jefferson Avenue schools, and her teachers recommend youngsters for the free breakfast program.

"We look at them," she said simply.

"Sometimes they're listless. They may fall asleep in class. They may actually take someone else's lunch.

"We have health lessons in class. Questions about breakfast may provide a clue which we try to follow up with families."

Not all welfare families want their children to have free breakfast which is cold food. Some mothers explain that it's a struggle but they are providing their children with hot breakfasts at home and want to continue.

"I see one small boy every day," Miss Rhoades said, "who's at school at 7:15. He leaves home before anyone else is out of bed. . . . and I know there is no breakfast put out for him."

Teachers will come quietly to her office during the morning and ask, "Have we got anything to eat?" Miss Rhoades knows another hungry child has come to school.

Some arrive at school late and tell a teacher, "My mother didn't have time to make breakfast."

Mrs. Ruth O'Connell of welfare has learned to recognize young malnutrition too. "I notice pallor, poor color.

"Some children are irritable and jumpy. They're quick to disobey, want to be the center of attention. Others are so listless they are interested in nothing. There is no way to rouse them."

Recommendations from school principals put a child's name on the list for free breakfasts and lunches. Nine hundred of them are on the current list.

"These meals are paid for by federal funds," explains John Sullivan of the Federal Project Office here.

"But there is a limit to federal and Title 1 funds. We've been up as high as 1200. Principals are calling for additional breakfasts right now. We have no funds to pay for more."

Free breakfasts include fruit juice, cold cereal and milk plus either fresh fruit or some kind of pastry when possible.

The scope of the problem was indicated when an unplanned survey was taken one day last year at the Howard Street School.

Students were asked what they had eaten for breakfast that day. Ten percent had nothing. Another 20 percent had one item. A total of 75 percent had two items or less.

How does Springfield welfare find the people who need help and don't know where to find it?

"Occasionally we get a telephone call from a concerned neighbor and we'll learn of a woman, alone with four children, struggling on an impossible budget," said Miss Grace Minkler, assistant administrator of Adult Services. Impersonal urging often fails to break the barrier . . . doesn't balance the stigma of applying for help. She will do nothing that involves making a formal admission of her poverty.

"Much of the city's hunger lies in pockets of borderline cases. They are eligible for surplus foods even though they are not on welfare because their income is so small. It might be the margin between bare survival and comfort for them—if we could reach them."

CASELOAD

Bruce Bowen, welfare administrator in charge of surplus food, agrees.

"There must be better communication established with people who really need surplus foods and are not getting them."

Proof of this came when surplus food center moved recently to the present location on Chestnut Street. Routine notification of the move went out with welfare checks that month . . . and prompted a flood of applications for surplus food from families who hadn't known about it before.

But Bowen adds, "Welfare has to be more efficient and better staffed to handle the needs we uncover. We are barely able to keep up with our present load."

According to a survey in September, Springfield's overall case load has increased 93 per cent in the last 15 months.

Bowen sees wider significance in adequate diets.

"Nutrition could be a key area for us. Better fed people would be more willing and more motivated to work and get off welfare rolls. They would be less indifferent to their children's needs. And the children, in turn would learn more at school."

Mrs. Ruth O'Connell, supervisor of home economics at welfare, talks about the special nutritional problems of the elderly, especially those living alone.

TEA AND TOAST

"They fall into a tea and toast pattern," she explained. "They simply fill themselves up periodically without ever making a really nourishing meal. They don't have the initiative to make food for one person. They need someone to cook for, someone to eat with. A social worker's visit, especially if she will sit down and share a meal, is a red letter occasion."

The elderly face special problems in trying to pick up surplus food allotments.

* * * * *

"I take a child's wagon for my food. I wish it could be put in bags instead of boxes. They are so heavy and hard to handle."

"I stood in line for two hours once. I was very tired. When I got up to the door, they closed it and said, 'It's lunch hour. Come back later.'"

* * * * *

Recently, they stopped closing the distribution center at lunch, but Bowen says manpower is critically short there.

"We are running a five or six man operation with two men and one part times volunteer from Concentrated Employment Program."

This makes vacations or employes' illness an almost impossible problem at the distribution center.

"I wrote to Boston over two months ago, and Miss Minkler had written before that, explaining our predicament," said Bowen.

"We haven't even gotten a reply."

HUNGER IN SPRINGFIELD COMES FAMILY SIZE

"We often see hunger as lethargy," says Mrs. Constance Petrunenko.

As project director for Community Nursing at University of Massachusetts, she spends every day at the Riverview housing project here. Three days a week senior students join her to learn how to work with families.

"We're in contact with about 300 families. We can see that they are not buying the right foods.

"We see unopened packages of surplus foods in wastebaskets on home visits. And we try to convince them to use these foods."

She shrugged. "If you've never eaten hot cereal in your life, you're not interested in it. But they do eat lots of bread."

Often, as she makes her rounds, Mrs. Petrunenko finds children at home instead of at school.

"Everyone was too tired to get up in time to get them ready."

This is largely due to inadequate diets, she feels. The victims offer many vague complaints—of headaches, just not feeling good, not being able to pinpoint problems.

"We go into households of large families. Their apartment size refrigerators are tiny when you realize they must hold food for 10 or 11 people. And we often find nothing—nothing at all—on the shelves.

"Families will build up crippling food bills at small local food stores which extend credit. Then they are 'locked in' so they can't buy elsewhere—until there is a real emergency; no food, no money."

At first sight, some mothers and children look chubby and well fed. But they have eaten, literally stuffed themselves, with too many starchy foods to keep, from feeling pangs of hunger. Often they will have skin conditions which are hard to diagnose and treat.

"Other children are exhausted from steady high-carbohydrate diets to nourish parasitic worms with which they are infested. Fruit is too expensive.

"We see mothers giving food to babies and denying themselves. They give them milk, milk, milk. But even mothers love and milk are not enough for babies. They need more in their diet than that.

"Often we don't discover how these devoted mothers are depriving themselves until illness demands surgery. Then pre-surgical blood tests reveal anemia."

Mortality rates for infants less than a year old bear a striking correlation with poverty.

"They are higher in Springfield, Worcester and Boston than anywhere else in the state," said Dr. Morris Medalie, "and the core area rate within each city is high for the area."

Springfield's own city-wide mortality rate is 21.12 per 1,000 live births; the Model Cities area rate is 43.62.

Mrs. Phyllis Harris, supervisor of public health nurses, tells how a family in trouble may be discovered.

"A malnourished baby was so badly off, he was reported to us. The child, youngest of four in the family, responded quickly to treatment in the hospital. We had no choice. We had to send him back home.

"There was no food at all for the family of six. We worked with them, had the older children accepted for free breakfasts and lunches at school. We even made out shopping lists for the father, since the mother was ill.

"It was almost impossible to plan. There was no nearby supermarket, no family car.

"One older child was so hungry, he took the baby's bottle away. We got surplus food and are trying to show the family how to use them."

THE SYMPTOMS

How do you look for a hungry child, Mrs. Sheila Malloy, health coordinator for Headstart, was asked.

"I have an advantage because I see the children over a period of time.

"I check for pallor. I check for activity—a three or four year old shouldn't be listless. And I see a good deal of this.

"I watch for frequent illness. Even circles under the eyes can be a tip-off."

Mrs. Malloy may decide to have a hemoglobin test done to confirm suspicion of anemia, even though Headstart children have had a physical examination.

An anemic child is not apt to have a big appetite. Illness can produce an unfortunate cycle. A child with chronic tonsilitis, for example, eats little because he feels sick. And he feels sicker because he isn't getting enough nourishment—which causes him to eat still less the next day.

This cycle will be common during the winter just ahead.

URBAN MINISTERS

"I came here this summer from a section near the Brooklyn Navy Yard and I find conditions worse in Riverview than there," says the Rev. Juan Valesquez of the Council of Churches. "Puerto Ricans have been there for centuries. They have had time to form societies to help each other."

The soft spoken minister is distressed by what he sees in Riverview, from the rats and cockroaches so prevalent in first and second floor apartments ("How can they store food safely?") to social agencies which treat poor people like 'cases,' not individuals.

"It is not easy for Puerto Ricans coming here," he explains. "They are country people, not urban. Lack of education keeps them from getting good jobs with fat paychecks . . . yet because they look hard for any kind of work, they don't get full welfare. They will always be underemployed.

LANGUAGE BARRIER

"The language barrier keeps them from bettering themselves economically. At the same time it keeps them from learning what help is available.

"What we need is not just another survey to count people. We need committed and concerned people to help people.

"I try to help." His shrug was expressive. He takes six families at a time in his microbus to get surplus foods. He helps families whose names and files have disappeared.

His black briefcase is filled with painstaking pages of individual families who need help. . . and are not on welfare.

"The foods are not familiar and they don't know how to use them."

The Rev. Vaelasquez feels a brief period in a bilingual atmosphere would make the transition less painful.

"I see lack of communications between ethnic groups at Riverview . . . and sometimes petty group jealousies . . . but not hate.

RECENT ARRIVALS

"Yes, there are hungry children, but often pride prevents a family from talking about it and asking help. They won't tell me about themselves personally, but they will talk generally until I gradually learn about their difficulty."

The Rev. Vernie L. Bolden, pastor of St. John's Congregational Church, agrees.

People who don't have enough to eat are recent arrivals, he feels. Or residents who simply aren't aware of what local agencies do. Neighbors may tell them about it, but it doesn't really register.

"They're fearful of red tape, resentful of the invasion of privacy. They are reluctant to give every tiny detail of their family story to authority . . . and this reluctance is matched on the other side of the official desk where every 'right' claimed makes more paperwork.

NO FURNITURE

He sees evidence of malnutrition. One house visit brought him to a woman with four children. There was no furniture in the apartment, no food at all. Church members took the mother to a store for food to tide her over until she could visit city agencies.

A man and wife, temporarily separated from their children, were discovered living in the railroad station, begging food money from passersby. They had no idea where or how to apply for help.

"We are more used to subsidies for things, like roads, rather than people," Rev. Bolden believes, "and what help we offer fails to be human."

LACK OF KNOW-HOW ADDS TO CITY'S HUNGER PROBLEM

"Nobody uses corn syrup; sometimes I get a whole case and I don't know how to use it . . . only to mix with water when children get diarrhea. And they give me 10, 12 pounds of butter and only one box of cheese. I only use butter on bread, not for cooking."

Mrs. S—, mother of six, was talking about surplus foods. She has been receiving them for two years.

Now she sat in her kitchen, sipping coffee, and talked about the program.

She tries not to take food she doesn't use.

"Not the dry milk, the children won't drink it. Not the split peas. What you do with them?"

"I like the raisins, but sometimes the kids make such a mess on the floor with them, I don't always bring them home."

She usually waits in line over an hour for her food. She shakes her head as she thinks of it. "I don't like everybody to go by and see me there. It was better, more room inside, when it was at Buckingham (school). It can be very cold standing in line."

Yet Mrs. S— has been creative with some surplus foods. She discovered how to make delicious meatballs wrapped in instant potatoes and fried.

"When I use regular potatoes, I cold (cooled) them. So I think I will try others. It's easier, no cooking, no peeling."

She'd be happy to show other women her recipes . . . and she'd like to learn new ones.

"Sure, if they show me, I learn."

Mrs. M— has found how to mix surplus cornmeal, flour, water with a little sugar, roll it in balls and fry it. (And yet bags of flour are thrown away unopened; surplus cornmeal has been used in children's sandboxes—while welfare clients buy finer cornmeal. They don't know how to use the coarser surplus cornmeal.)

"You try to make out as best you can. Food is so high you just have to." Mrs. A— shrugs.

A neighborhood aide at the South End Center talks about the difficulty of putting children into the Headstart Program.

"We need it here more than any place. The South End has changed. It's an area of transients now. Most here are mothers without a man in the house. They're not family oriented.

"If I could hold a parents' meeting in a cafe, I'd get good attendance. It's not lack of money. They don't care. The kids are out on the streets at all hours. Some of them look as though a good breeze would blow 'em away."

She can take 30 children in the South End Headstart Program. To keep up to that number, she has admitted 58 during the year. Other centers have waiting lists. Here parents don't want to be bothered getting their children to the program.

"Professionals visit us here and say, 'What's the matter with these kids on Monday morning?' If they knew what some of them go through on weekends! And the Headstart kids are the lucky ones!"

SIZE 2 CLOTHES

A professional aide came through, hunting the records of one small boy who is five years old, wears Size 2 clothes. He's a failure-to-thrive case and she's worried about him. He's been at three different home addresses this year and now his mother is getting ready to move again.

The aide doesn't want to lose track of him. At 22 pounds, he's in too poor shape to be accepted by schools. His trouble may be parasites because he eats tremendously in the center—when he is there.

"We don't toss out a child who only comes occasionally. He may need desperately the few meals we can give him."

George Franklin of Headstart nods when he hears of these cases. He knows.

And he asks, "What's bulgur?"

ON THE LIST

You try to find out for him. Welfare says, "It's on the surplus food list, but we don't know what it is."

The welfare nutritionist says, "It's a kind of crushed wheat, a cereal product. But it hasn't been distributed here since after World War II."

You tell Mr. Franklin this and he can't believe it.

"I've got four cases of it right here. We would serve it to the children but we don't know what to do with it. And we can get an unlimited amount of it if we find out how to use it."

And there are still hungry people in Springfield.

This may be the time for the city to help its own, with the resources, people and food in the city now.

These suggestions are simple, practical and down-to-earth.

They would cost very little (in most cases, nothing) and may prompt more suggestions from the community itself.

BAKE THE FOODS

1. Since the five most often rejected products (flour, cornmeal, rolled oats, rolled wheat and dry milk) can all be used in breads—and since bread is universally liked and used—why can't the leftover surplus foods be baked? In tax supported school kitchens? By independent bakeries at the end of their own schedule when ovens are hot and bakers still on the job?

COOKING CLASS

2. Every seventh grade girl in the city has cooking twice a week for a semester; every eighth grader has it four times a week. Why

can't their lesson plan focus on recipes made of surplus foods? All those from core areas or "gray area" homes could really carry these lessons home.

EXCHANGE IT

3. Why can't surplus foods which are refused be piled on a counter at the distribution center so that they may be exchanged for other items? For example a woman who serves rice frequently might leave one of her bags of flour for extra rice if it is on the "leftover counter." Don't throw it away—exchange it.

DEMONSTRATIONS

4. Why can't the hour-and-a-half demonstration of a day's menus made with surplus foods, designed by Mrs. Ruth O'Connell, welfare supervisor of home economics, be repeated? It was a great success when given at Riverview. There are many nutritionists in the area, in government agencies, schools, hospitals and large businesses who might be able to give one demonstration a month.

FOOD SAMPLES

5. Why can't the baking equipment at Trade High School and the classes in industrial baking be used to perfect surplus food recipes and to bake samples for handing out with the recipes at the surplus food center? Women are much more apt to try a recipe when they know they will enjoy the results.

LANGUAGE BARRIER

6. Why can't all recipes handed out by welfare be written bilingually?

CAR POOLS

7. Why can't car pools be set up systematically at Riverview and other similar centers for collection of surplus foods? Even in a family with a car, the husband is likely to need it for work when it is time to go for surplus foods.

KITCHEN PARTIES

8. Why can't "kitchen parties" be set up in all neighborhoods where women can exchange the surplus foods recipes they have invented? Some are very creative. Almost all are shy about attending meetings out of their immediate vicinity. In groups of about 10, they could gather (and take preschool children with them so there would be no babysitting problems) and exchange ideas. Helping each other . . . being recognized for their inventiveness . . . getting to know neighbors better; there are many plusses for this idea.

STORAGE

9. It is very difficult to store a month's worth of surplus foods, especially grain products, in housing where rats and cockroaches are a problem. (First and second floor apartments at Riverview, for example.) But they could be safely stored in metal or glass containers. Why not get empty metal containers from industrial users so surplus foods may be safely stored in all homes?

MORE CHEESE

10. Lack of sufficient refrigeration prevents the city's storing more surplus cheese which is a popular item and important nutritionally. Couldn't the city get more cheese to distribute merely by adding a few secondhand refrigerators?

"SCHOLARSHIPS"

11. Why can't a handful of welfare mothers be added to cooking classes at Trade High School for a week of instruction as "scholarship" students? It would be a welcome respite from their usual schedule and they might learn a good deal that would be helpful in their own kitchens later. If they went with a few neighbors, they wouldn't feel shy, and would get an extra dividend out of talking it over with each other later.

GOOD FOR DINNER

12. Why can't first and second graders who often learn spelling and pictures of specific food items go a little farther? Why can't the teacher ask "which three items make a good dinner?" or "what is the best food to have for breakfast?"

INFORMATION

13. Why can't a clearing house of information be established for all the departments trying to service the poor? Then all of them would know, for example, where and when supplementary vitamins were available.

FOR SNACKS

14. Why can't a model kitchen be established at Riverview where mothers can use surplus foods to try new recipes—and to provide snacks at community centers or housing developments? This might work through Headstart.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Eugene, Oreg., Register-Guard, the Roseburg, Oreg., News Review, and the Astoria, Oreg., Astorian, in the State of Oregon. The editorials follow:

[From the Eugene (Oreg.) Register Guard, July 31, 1969]

HIGHWAY USERS SHOULD NOT PERMIT THIS

Last year the truck lobby came close to getting a law that would permit even larger trucks to use the interstate highway system. Public outcry prevented passage of the new truck law. Now the truckers are at it again. Again it is time for public outcry. Trucks are too long, too wide, too high and too fast already.

Truckers argue convincingly that the wider, longer and heavier trucks would have larger, wider tires and be more stable, thus safer. That may be so. But what of the fate of the majority of highway users, those in private cars? Passing the highway behemoths—if one can catch up with them—is already a nerve shattering experience in many cases. Suppose the truck were even longer and wider?

The present width limitation for the interstate system is 96 inches, or eight feet. Truckers would like to add six inches to this. That would have the effect of reducing the width of a two-lane road by one foot. And remember that when one talks of regulations for the interstate system, he is really talking about two-lane roads and city streets and bridges. It is impossible for a major truck to make its entire journey on the interstate. It must load somewhere and then get to the interstate. Then it must leave the interstate for its destination.

And then there is the matter of wear and tear on the roads and bridges. John Gunther, executive director of the U.S. Conference of Mayors, has testified about this on behalf of his own organization and the National League of Cities. Older facilities, he noted, were designed for lighter loads. Donald B. Fugate, first vice president of the American Association of State Highway Officials said his organization's studies show that an increase in load from 18,000 to 20,000 pounds could result in a loss of remaining pavement life of 25 to 40 per cent. Increasing the load to 24,000 pounds would result in a 70 per cent loss of pavement life, he said.

American Automobile Association figures show that, obviously, when a passenger car and a truck collide, the passenger car comes out second best. Heavier trucks, argues George F. Kachlein, the association's executive vice president, increase the truck's odds.

And then there is the matter of visibility. A driver stuck behind one of the monsters cannot look ahead to traffic lights in built-up communities or directional signs on the freeways. Often the driver has a hard time seeing around a truck.

One of the disgraceful law enforcement episodes in Oregon is the way the police permit trucks to violate the 50-mile-an-hour speed limit posted every few miles along the freeway.

The truckers' arguments are solely economic and, as economic arguments, they are sound. However, other considerations outweigh the economic. Cargoes too big for the large trucks on the highways today can be moved by train.

The bill to permit larger trucks is before the House Committee on Public Works. No Oregon congressman is on that committee. But Representative John E. Moss, California Democrat, who is not on the committee either, is one of the staunchest opponents of the bill. He might appreciate a letter. The chairman of the committee is Representative George H. Fallon of Maryland. He might like some mail, too.

[From the Roseburg (Oreg.) News Review, Oct. 1, 1969]

KNIGHT SIDES WITH ROAD "DRAGONS"

(By Betty Canary)

There has been much ado about legislation allowing an increase in the size of trucks. States still have the right to set size and weight limits under federal minimums. I thought it would be well to get a trucker's opinion on whether bigger behemoths should be allowed on the nation's highways.

"You're Andy O'Connor?" I asked the driver.

"My friends call me Axles," he said.

"I see. Do you think it wise to put even heavier trucks on the road?"

"Some people call me Knight of the Open Road."

"Just answer the question, please."

"Sounds great to me," he said. "Bigger trucks would definitely speed up the traffic flow."

Glancing at the expressway, where cars were scurrying along before trucks like mice before elephants, I had to agree with him. Give the average American motorist a chance to escape and he's going to try.

"It is my opinion," I said politely, "that heavier trucks would benefit nobody but the trucking companies."

"According to the American Trucking Association, an increase in truck width would permit marked improvement in stability and additional length would make it possible to build safer trucks."

"Safer for whom?" I asked.

"Look at it this way," Axles said. "How many people complain about the length and width of a train?"

"Well, not many of us drive on train tracks," I pointed out.

"Look at the sign on my truck," he said.

"Flammable!" I read.

"Not that one!"

I looked again. Another sign said, "This vehicle pays $4,870 in road taxes annually."

"How much is $4,870 in cement?" I asked.

"You're one of those!" he said disgustedly. "You're going to complain that we tear up the roads?"

"You'll have to admit—trains don't."

"But," he asked slyly, "do railroad engineers blink their lights to tell you when it's safe to pass?"

"Again—I never drive down the tracks."

"O.K.! How about picking out good places to eat? Don't you know everybody says 'Truckers know the best places to eat'?"

"I'd prefer talking about accident statistics," I said. "According to the American Automobile Association, heavy trucks account for 1.54 per cent of total registrations, drive only 5.33 per cent of all miles of travel, but were involved in 11.6 per cent of fatal accidents."

He drove away while I was talking. The last I saw of Axles, he was hitting the air brakes and easing his truck in between two others. One was labeled Wide Load. The other, Explosives.

[From the Astoria (Oreg.) Astorian, Aug. 28, 1969]

TRUCKS ARE TOO LARGE ALREADY

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WORD FROM A SERVICEMAN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HAGAN. Mr. Speaker, Wayne Strickland, the son of my friend and constituent, Mr. W. Virgin Strickland, of Claxton, Ga., was one of three servicemen to author a joint letter expressing their views about the recent Vietnam moratorium. This letter was printed in the editorial space of the Claxton, Ga., Enterprise.

I earnestly feel Wayne and the others have much to say and I therefore commend their letter to the attention of my colleagues:

WORD FROM A SERVICEMAN

NOTE.—The following letter from three servicemen sets forth their feeling about the reports of militant peace demonstrations occurring Oct. 15. One of the servicemen is Wayne Strickland of Claxton. He is now stationed in England. Because of its timely nature, we are giving this letter our editorial space this week.

SIR: As a serviceman stationed overseas I don't have the opportunity to discuss with some of our local politicians, religious leaders and educators some of the questions that I have come up with and have been particularly bothered by since the Oct. 15 peace demonstration, so I'm going to try to speak to them and to the citizens of the community through the newspaper.

First, I'd like to ask what happened to some of our other ideals than peace, such as freedom? All we hear of today is peace, peace for mankind, peace for Americans, etc. etc. I remember being taught in Sunday school, church and in school that freedom of mankind is just as important as peace, for how can there be peace unless there is freedom?

These politicians, people of the cloth, educators and all other advocates of pulling out of South Vietnam today and letting them fend for themselves, have they thought of what would happen as soon as we leave an uneducated, overpowered, under-trained army of regulars and irregulars to hold off a well-trained, well-armed regular army and guerrilla force of North Vietnamese backed up, trained and manned by Red China?

Have these people forgotten what communism is and stands for? Have they forgotten what mass retaliations are? Have they forgotten what slavery is? Or is it that they haven't forgotten these things, but find it easier to set them aside as they protest and march and demand peace for themselves?

Another question, Peace for whom? Just the unfortunate country that has got involved in a dirty, unjust war or for the people who live in daily fear of guerrillas and trained soldiers out to dominate them and then annihilate them if they can't be convinced that communism is their salvation?

I go along with anyone who says this is a dirty, unjust war. Yet I can't see myself donning a black arm band, protesting and saying, "Get out now."

If that happened and we got out, I would have to accept the fact that I and my countrymen condemned a country to slavery by the form of government that proclaimed to the United States, "We will bury you!"

I believe that if some of those advocates of immediate withdrawal would stand back and look at how they have preached and taught the importance of freedom, while proclaiming peace, they would find that they have been hypocritical.

When the people of South Vietnam have been taught what a democratic government can mean as opposed to communism and have been given the arms and training to defend and support themselves, then is the time to withdraw, but not before.

We made big mistakes at the Bay of Pigs and in Hungary by not helping people stand up to tyranny. Why should we make the same mistake again after we have already committed ourselves?

RAYMOND A. KENYON, Jr.,
JACK LEES,
WAYNE STRICKLAND.

"BE A GOOD GUY" SUCCEEDS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. FASCELL. Mr. Speaker, several months ago I was pleased to bring to the attention of our colleagues the excellent efforts being made by the Miami Police Department to foster better community relations.

The "Be a good guy" program was the brainchild of Officer Bill Winn. Through this program of policemen visiting local elementary schools, great strides have been made to eliminate the antagonism between policemen and children.

An article in the November 20 Christian Science Monitor describes the success of the "Be a good guy" program. I commend this article to the attention of our colleagues:

GOOD GUY VISITS SCORE WITH SCHOOLCHILDREN IN MIAMI

(By Jeanne Wellenkamp)

MIAMI.—Police Officer Bill Winn recently marched up the steps of Robert E. Lee Junior High School in Miami, not far from the scene of rioting in the summer of 1968.

He wore the shiny badge of authority on his starched white shirt, and on his hip he carried a loaded Smith & Wesson .38. Tall, ruddy, with square shoulders, Officer Winn appeared the perfect symbol of police authority, a symbol long despised in that area of the city.

But, surprisingly, word traveled from room to room: "The Good Guy is here!"

One seventh-grader ran up to the officer. The boy's eyes were wide with anxiety: "Can I tell you something?"

Mr. Winn took him aside and the youngster explained that a girl in his class said she was going to smoke marijuana.

Officer Winn relayed the information to the school's principal, Ralph Moore, and the two men were able to steer the child away from the experiment.

"That incident could not have happened a year ago," Mr. Moore reported. "Our children regarded a policeman as an enemy. It's amazing how their attitudes have changed since the Good Guy program has started in our school."

ATTITUDES CHANGED

Attitudes have changed similarly in other low-income areas. A representative of the Dade County Department of Housing and Development wrote to Officer Winn:

"The Good Guys have done a fantastic job with the children of the public-housing projects. Before your visits, they had openly stated that they were 'scared of cops.' That feeling has changed greatly, and many of them now know that the policeman is a friend. This was not an easy accomplishment. . . ."

The original Good Guys of Miami are four police officers who are reaching thousands of children and enlisting them as Little Good Guys.

In addition to Officer Winn, the Good Guys are Officers Gaddy Rawls, Ron Koivu, and Bob Alba. Mr. Alba, the most recent Good Guy, is bilingual and works with Cuban children.

During the school year, the Good Guys visit classes at various schools. During holidays they carry their message to Variety Children's Hospital, Sunland Training Center for children, and wherever else they are invited.

INTEREST NOTED

To become a Little Good Guy, a child promises to listen to his teacher, listen to his parents, respect and be courteous to one another, and remember that when in trouble and there is no parent or teacher to help, the policeman is his friend.

The Good Guys have been in existence for less than a year, but already their program has aroused interest in police departments as far away as Japan and South Africa—and in 400 communities in the United States.

The program actually started when Officer Winn's fourth-grade daughter asked, "Daddy, are you the only policeman who smiles at people and is nice to them?"

His daughter's question made him realize that if the police were to help the community solve its problems, they must change their own image. He received the help of Officer Koivu, who was walking a beat in the ghetto, and of Officer Rawls who lived in Liberty City, where the 1968 riot occurred.

PROGRAMS FORMED

Officer Rawls recalls: "I think only my next-door neighbors in Liberty City saw me as a person. Everyone else looked at me with suspicion because I wear the police uniform. It's not a good feeling to have people on your own street fear you."

During the past summer, the Good Guys organized programs in the heart of the ghetto area. Chief of Police Bernard Garmire relieved them of other duties, and the officers devoted their full time to making sure that the summer of 1969 would not be a repetition of 1968.

The Good Guys had no budget, but James Ryder, president of a local trucking company, donated $5,000 which was used to defray extra expenses such as the printing of 150,000 Good Guy decals. The children put these on books, bicycles, or on the windows of their homes.

Programs during the summer included demonstrations of the K–9 Corps, the police helicopter, rescue squad, motorcycles, and other police equipment.

PROGRESS CITED

Officer Rawls feels he received his best reward when he walked down a street in Liberty City and a little girl, dressed in her best, approached him and said shyly, "I'm not afraid of the police any more. All the police are my friends." And she impulsively gave him a big hug.

Officer Winn hopes that the Good Guy concept will spread to the entire police force. But he says that very special qualities are required of the officers who actually go into the schools.

"You have to be a missionary for this sort of work. Maybe you have to be a kind of nut.

"You have to communicate with children when they are very young. You talk about racial prejudice. What do children know about this? They're beautiful. They have no prejudices at all.

"We try to sock it to the parents when we have the chance. We don't care about the length of a kid's hair or what kind of clothes he wears. I was a zoot-suiter myself. We are concerned with the mind of the child, his thinking."

CONGRESSMAN DON EDWARDS' STATEMENT ON SECRET SERVICE GUIDELINES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. EDWARDS of California. Mr. Speaker, recent Secret Service guidelines for collection of information on a substantial portion of our citizens who disagree with the Government are a clear violation of the basic premises of this Government.

Rightfully, the press, one of our guarantors of freedom, has spoken in opposition to these unfair and unconstitutional guidelines. On November 11, 1969, the San Jose (Calif.) Mercury editorialized on the subject. I include this excellent editorial in this Record:

ABANDON "GUIDELINES"

Those "guidelines" laid down by the Secret Service for the collection of intelligence designed to protect public officials go far beyond the legitimate concerns of security and should be withdrawn immediately.

The guidelines, issued to federal and some state and local law enforcement agencies last summer, came to public attention only last week. Literally interpreted and widely applied, these "guidelines" could undermine freedom of political expression in the United States. This is, of course, why they must be disavowed, preferably by President Nixon himself.

The United States Secret Service has, among its other duties, the task of protecting the President, other high federal officials and their families. What need, then, has the Secret Service for information about attempts to "embarrass" high officials.

Public officials who conduct themselves honorably need have no fear of attempts to embarrass them. All public officials, in fact, should be open to embarrassment; it helps to remind them that they are, after all, servants of the people and responsible to them in the long run.

Along the same lines, the Secret Service says it wants:

Information "regarding civil disturbances."

Information on individuals "seeking redress of imaginary grievances, etc. . . ."

Information on persons making "irrational" or "abusive statements" about high government officials.

Information "regarding anti-American or anti-government demonstrations."

Clearly, this is a formula for the stifling of dissent in the United States. Already, the nation's scientific and legal communities are concerned about the collection and exchange of such negative information among the federal departments and agencies. This information has resulted in the compilation of "blacklists" that have deprived the government of the services of men whose political views have been at variance with government policies. This has been so even though the technical expertise of these men has been unassailable.

It is understandable that the Secret Service should wish to keep track of potentially dangerous individuals. Its "guidelines" are not likely to be much help, since the history of political assassination in this country suggests that the assassin is typically a loner, not a man to be involved in demonstrations or organized politics.

What the Secret Service has done is encourage Americans to become informers on one another—with all the potential for evil and injustice that this entails. This is so un-American, in the most fundamental sense of that term, that it must be put aside at once.

LACK FUNDS FOR HIGHWAY SAFETY

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. DENNEY. Mr. Speaker, as a member of the Public Works Committee, I rise to say a few words with reference to funding of the Highway Safety Act.

The committee report indicates that the overriding cause of the small progress and disenchantment with the Highway Safety Act is the lack of money invested in the program at the Federal level. Many of the Government's promises of assistance have fallen short of fulfillment.

It is a strange paradox that we can be so properly concerned about Vietnam, and violence in the streets, and so unmoved when motor vehicle accidents in the decade of the sixties killed more than 475,000 men, women, and children; injured 32,500,000 and accounted for $90 billion in economic waste.

The seventies will be even more disastrous if we do not decide to do something about it and act accordingly.

Secretary Volpe, before the annual meeting of the National Safety Council, said:

> An astonishing 44 percent of the drivers killed in accidents lost their lives because the other driver was drunk.

The use of alcohol by drivers and pedestrians is a factor present in some 25,000 deaths and a total of at least 800,000 accidents in the United States each year. Even while countermeasures to the alcohol and driving problem are being augmented, the use of alcohol is going up.

From the cost estimates provided by the States and the analyses performed by the National Highway Safety Bureau, several dimensions of the highway safety program needs become clear: Total needs in 1968 were $2.5 billion and will grow to $4.5 billion annually in 1976. Needs average $3.4 billion per year for all programs over the next 10 years.

In an effort to get the ball rolling, I have introduced legislation which could provide as much as $1.7 billion for highway safety program activities. The Department of Transportation's 1968 alcohol and highway safety report to Congress outlining the relationship of abusive alcohol use to highway losses, served as the basic research document in formulating the bill.

I would urge every Member of the House to join with the committee in paying close attention to future funding under the Highway Safety Act.

For your information: H.R. 13668 would amend the Federal-Aid Highway Act of 1968 to provide additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol.

THE QUESTION OF FOREIGN AID

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BINGHAM. Mr. Speaker, I was gratified to see the foreign aid bill passed by the House, but the slender margin by which it passed indicates the questions which foreign aid raises in the minds of many Americans.

Clearly, there are weaknesses in our aid program, and serious issues which need further critical examination, particularly in the areas of supporting and military assistance. But a carefully administered program of developmental aid is important to the achievement of the economic and social goals of other countries not as well endowed as the United States.

Reg Prentice, the former British Minister of State, Technology, who resigned to become a rank-and-file Member of Parliament, has written an article which appeared in the October 19, 1969, issue of the Observer. I commend it particularly to the attention of those who oppose the foreign aid program:

AID: THE REASON WHY

(By Reg Prentice)

Two impressions of a visit to India stand out among memories of my two years as Minister of Overseas Development.

The first is of a walk through the slums of Calcutta. Nowhere does the brutal fact of stark poverty make a bigger impact on the visitor. I defy anyone to go there and still oppose overseas aid. Calcutta is getting worse. People still crowd in from the impoverished countryside to live and die on its pavements.

The second is of a tour of Punjabi villages in an area of rapid agricultural progress. New types of wheat had been introduced. The land had been irrigated and agricultural extension workers had achieved a breakthrough in terms of better husbandry, the use of fertilisers and co-operative marketing. The farmers' incomes had increased several times over in recent years. Farmers from farther afield were walking hundreds of miles to ask for a few handfuls of the new seed and to learn about the new methods.

I have met these two aspects of the problem in many other parts of the developing world. On the one hand, the massive human needs of millions of desperately poor people. On the other, examples of successful development leading to a real improvement in people's lives. No room for complacency, but no room for despair.

The success stories are more numerous than is usually imagined. Translating them into global statistics, the United Nations objective for the 1960s (the first "Development Decade") was an annual average rate of growth of 5 percent for the gross national products of the poorer two-thirds of the world. The annual rate at the end of the decade is now about 5 per cent on average, although the figure for the whole decade will be a little lower. This is the fastest rate of growth most of these countries have ever had. It is faster than we achieved in the early stages of our own industrial revolution. Being an average figure it means that many countries achieved less than this, but many achieved more—nine of the developing countries will have doubled their GNP in the 1960s.

Most of this progress is due to their own efforts. About 80 per cent of the new capital created in the developing world in this period has been generated from within. All the aid programmes and all the private investment in the world provide only 20 per cent, but this outside aid will often have made the crucial difference between relative stagnation and real progress.

I believe that the real conclusion is that development is succeeding, but in most of the poorer world it is succeeding, too slowly. The average growth rate of 5 per cent or so has to be seen alongside an average population growth of 2½ per cent a year, or thereabouts. At this rate the vast majority of people in Asia, Africa and Latin America will remain desperately poor for a very long time.

Meanwhile, we are all learning more about the development process. We are avoiding past mistakes. At an early stage there was too much concentration on large prestige projects. Now there is more emphasis on smaller projects, on rural rather than urban development, on agriculture and small industries rather than heavy industries. This coincides with the development of new types of seed for rice, wheat and maize—the Punjabi success story is being repeated in varying degrees in other parts of the developing world.

There is also much more practical attention being given to the threat to mankind posed by the population explosion. There is new emphasis on family planning, especially in Asia. This is a vital part of any sensible policy of development and many of the poorer countries—though not yet enough of them—are pursuing vigorous official programmes in this field. Within our own aid programme we have provided advisers in this field. We are organising family planning courses for overseas medical students in Britain, and we have established a Population Bureau within the Ministry of Overseas Development to work on these problems.

We have now reached the stage when the development process can gather faster momentum. We know what needs to be done. The question is whether we have the will to do it and by "we" I mean both the poorer and the richer countries. The poor countries will require very great restraint and self-discipline to achieve faster progress. If they make the necessary efforts to help themselves—as many are doing already—then they are entitled to look to us for help and for more help than we have been giving.

This help can take many different forms. Trade, private investment and political relationships all come into the picture. But the provision of a growing aid programme is the most vital point of all.

Why should we do more? I believe there are four basic reasons:—

There is a simple moral duty to help those so much poorer than ourselves. As the late President Kennedy said in his inaugural address, we must do it "because it is right." These four words need no elaboration.

It is an investment in peace who can doubt that the lack of development in two-thirds of the world, while the other one-third gets richer, and the gap grows wider, will set up strains and tensions that will make the world more dangerous for all of us?

It is an investment in our own future markets. We all have a vested interest in the growth of the world economy. This particularly applies to Britain with our pattern of trading relationships all over the world. We get nearly 12 per cent of the orders for goods imported by the developing world, although we provide only 7½ per cent of the global flow of aid. A lead by Britain towards a general rise in aid from all donors would be a powerful investment in our future export prospects.

Our own political health depends upon it. How can we, a multi-racial society, expect to solve our domestic problems, unless we play a constructive part in a multi-racial world? The Western nations cannot retreat into cozy little rich men's clubs and expect to prosper in isolation. A policy of inward looking selfishness is not only morally wrong; it would be self-defeating.

Aid should go up in the 1970s, not only from Britain, but from the richer one-third of the world generally. The question has been put before us forcibly by the report of the Lester Pearson Commission. Specifically, they have called upon all donor countries to reach the target of 1 per cent of GNP (which includes both Government aid and private investment) by 1975 at the latest. (Last week Labour MPs put down a motion calling on the Government to carry out the Pearson requirements.) Within this total they call for Government aid to be 0.7 per cent. Last year the flow from Britain was 0.83 per cent, of which 0.42 per cent was Government aid.

These figures are about average for the Western donor countries. The Americans are providing a smaller share of their national wealth, but the French and Germans are both exceeding 1 per cent. Some countries have announced target dates for reaching 1 percent, but Britain has not yet done so, and our aid has been falling slightly as a percentage of GNP.

Our present performance simply does not measure up to the needs of the situation. For all our economic difficulties of recent years, we could and should have done better under both Conservative and Labour Governments. But an inquest on the past is not very fruitful. The vital point is to give this subject greater priority in the future.

Too many people—including people in high places—approach development aid with a kind of "flag-day" mentality—a nice generous thing to do if we have a little cash to spare. The facts of the situation demand that we regard this issue as being in the forefront of politics and the fulfillment of the 1 per cent target as an urgent priority.

PARTISAN POLITICAL HAY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HUNT. Mr. Speaker, I noticed in last Thursday's newspaper that one of my Democratic friends has called on the President's Communication Director Herbert G. Klein, and FCC Chairman Dean Burch to resign.

I, too, would like to call on both of those gentlemen. I would like to call on them to resign themselves to the fact that as long as they are serving as appointees of President Nixon, they will be subjected to such silly and childish demands by those whose only purpose is to make partisan political hay.

Mr. Speaker, I do not call on the Super-Democrat who came up with that self-serving demand to resign. I leave him to his constituents who have the inalienable right to send anyone they wish to represent them in Congress.

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REPORT TO CONSTITUENTS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ESHLEMAN. Mr. Speaker, I am now sending to my constituents another of my regular series of newsletters. I am including the contents of that report in the RECORD at this point:

WASHINGTON SPOTLIGHT

(Report from Congressman ED ESHLEMAN)

CONGRATULATIONS

My congratulations to those men and women who were elected and re-elected at the polls earlier this month. I'm sure that your dedication to public service in the months ahead will verify the wisdom of Lancaster, Lebanon and Lower Dauphin Counties' voters.

OLD FRIEND

My research assistant, Robert Walker, recently greeted an old high school and college friend at my Washington Office. Specialist Fourth Class Denton Ortman of Washington Boro took some time off from his duties as a guard at the Tomb of the Unknown Soldier to pay us a visit. As you can imagine, the assignment as Tomb Guard is one of the military's most elite, and we can be proud of the Army's confidence in this 16th Congressional District soldier.

INTERESTING BREAKFAST

Earlier this month I had breakfast at the White House with President Nixon. 90th Club members (those of us who entered Congress at the same time) were invited to an 8:00 A.M. to 10:00 A.M. session during which the President made some confidential remarks and then allowed us to ask any questions which came to mind. It proved to be an extremely worthwhile two hours. The four main topics discussed were Vietnam, inflation, crime and the domestic reforms proposed by the Administration. The Vietnam conflict received some special consideration, and the thing that struck me most was the shift in policy which the Nixon team has brought about. In 10 months we have gone from a war policy to a peace policy. Another topic of interest concerned the relationship between the President and Vice-President, particularly since the latter has stirred so much controversy lately. Mr. Nixon made the point that the news media always tries to get a President to publicly disown his Vice-President. He said that between 1953 and 1961 the press attempted to separate President Eisenhower and Vice-President Nixon. They failed then, and the President indicated they will fail this time, too.

SUPPORT APPRECIATED

In a massive show of bi-partisan support, over 300 House Members signed a resolution endorsing President Nixon's peace plan. The resolution stated in part: "Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free election . . ." The President appreciated this overwhelming display of support in Congress, and so indicated in a letter to me (shown at right).

HARD TO BELIEVE

Some of the opponents of President Nixon's peace plan seem to feel that their loyalty to America is under question. Perhaps the air should be cleared. The right of dissent is basic in our free society and mere disagreement cannot be used to set someone apart as disloyal. However, the intemperate remarks of some of the leaders in the drive to discredit the President's peace efforts are what have become hard to believe and tend to raise serious questions. Consider these statements of Dr. Benjamin Spock. He said that Richard Nixon's Vietnam speech was "weasily" one of his "shabbiest proposals". "Kennedy tried to Vietnamize the war. Certainly Johnson tried to Vietnamize the war—the only trouble is that it won't Vietnamize because all good Vietnamese are on the other side." So spoke Dr. Spock to a university audience in Vancouver, British Columbia, where he shared the stage with two Vietcong representatives. The baby doctor continued, "Eventually the Saigon army will collapse and go tearing off for wherever they've got their gold salted away." Needless to say, the Vietcong delegates greeted the speech with hearty applause. Is it so surprising that officials like myself would question that kind of irresponsibility?

PREHOLIDAY NOTE

The Department of Health, Education and Welfare is going to have more to say about toys. As children's playthings have become more complicated, mechanical and realistic, they also have become more dangerous. Recently, the list of toys to be reviewed by HEW was expanded to those with electrical, mechanical or heat-hazard characteristics. Previously, the agency could control only poisonous, inflammable, radio-active and explosive toys.

BIG DIFFERENCE

Because we walk on the moon, there is nothing we men—especially we Americans—cannot do if we simply set our minds to it. We can eliminate poverty, rebuild our cities, clean up our streams, freshen our air. You name it. We can do it. That's the kind of moon madness that has afflicted us as a result of Apollo successes. To believe that because we have the technical and managerial skill to reach the moon, we also have the skill to solve immediately our problems at home is both erroneous and dangerous because it can lead to expectations that cannot be fulfilled. The moon goal was reasonably easy to define precisely. The solutions to our major problems back here on earth cannot be given simple definition—and some cannot be defined at all. Consider, for example, the problem of trying to clean up water pollution. Early in his term of office, President Johnson said he wanted to be able to swim safely in the Potomac River before he left the White House. This set a dandy goal for the Water Pollution Control Administration. They didn't know where in the river he wanted to swim or just exactly when he planned to leave the White House. Anyway, they set about doing the preliminary planning. Finally, they came up with an estimate that the Potomac along the District of Columbia shore could be made swimmable at a cost of $2 billion. That's an awful lot of money—enough, in fact, to build a private swimming pool in the backyard of every home in Washington. Or, take the matter of curing poverty. One organization wants us to dedicate the nation to eliminating poverty by 1976. While this goal is worthy, it is not nearly as easy to define poverty precisely as it is to point to the moon and say, "go there." And if you fail to reach the moon, there will be disappointment, but if you promise to eliminate poverty and fail, you might have revolution.

COBWEB CONGRESS

The lack of activity in this 91st Congress is most distressing. One has to wonder if Congress is ever going to get down to work and take some steps toward meeting our great national problems. Only one of the Nixon Administration's reform efforts has cleared the Congress. I would be encouraged if some of the routine legislative business got finished. For example, I think we might expect a majority of the appropriation bills to be passed in a fiscal year that is five months old. There is little doubt but what this Congress lacks leadership, and the failings are rapidly becoming a national disgrace.

HAPPY HOLIDAY

This being the last Newsletter of the Year, I take this opportunity to wish you and yours a Happy Holiday Season. Let us look forward to a New Year with hope for the blessings of peace and renewed faith in the future.

COMMENTARY ON THE OTHER SIDE

The Vice President of the United States was criticized roundly following a speech in which he condemned the news reporting of the national television networks. The networks launched an immediate attack against Mr. Agnew's remarks calling the speech an attempt to impose government censorship on the press. In fact, the Vice President had denounced government censorship in his speech, but had raised a number of important points. It is interesting to me that these same points had been raised by a variety of network personnel prior to the Agnew remarks. I thought you would be interested in some of these comments by television people, all of which were made before the Vice President spoke, but within the past few weeks.

Lester Cooper—ABC: "I want to do a show on what's right with America. We've heard so much about what's wrong. There's a great America out there to cover."

Shad Northshield—NBC: "I was stunned by the public reaction to Chicago. We all were. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't know 56% would have thought we were unfair. It raises enormous questions about journalism. . . . In TV News Departments, we appear to know a lot about the black minority. It's the silent majority we must explore. We haven't done it. We didn't know it was there."

Phil Lewis—CBS: "We're beginning to realize that we've ignored the majority. America doesn't end at the Hudson!"

Joseph Benti—CBS: "We spend so much time on angry blacks, angry youth. But what about that vast forgotten army out there? How many hard-working, law-abiding whites are mad as hell because their story isn't being told?"

Desmond Smith—CBS: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are getting to feel they're not getting the whole story."

Fred Freed—NBC: "This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that the news has grown on. This is true of the networks, of Newsweek, of the New York Times, of all media. Men of like mind are in the news. It's provincial. The blue and white collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad. It's bad to pretend they don't exist. We did this because we tend to be upper-middle class liberals. We think the poor are "better" than the middle class. We romanticize them. The best thing that happened to me was a month I spent walking in Detroit slums after the riots. I stopped romanticizing the poor."

Bill Leonard—CBS: (who defends network objectivity, but also says, "Most reporting is lousy.") "The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side because the answer might kill his story. And these producers who develop and edit a broadcast from the point of view the way they want it to turn out—with their own prejudice showing. That happens quite often."

PERRY HALL STUDENTS HELP FIRST GRADERS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. LONG of Maryland. Mr. Speaker, I recently learned of an outstanding educational program being carried on in my district by the members of the National Honor Society at Perry Hall Senior High School. These students have begun a tutoring program for first graders to provide them with individual help and guidance several times a week. The tutors give up their own free periods at high school in order to work with these small children. I should like to commend the Perry Hall Senior High School Honor Society for its active interest in providing quality education in Baltimore County by including a description of their program in the CONGRESSIONAL RECORD:

PERRY HALL STUDENTS HELP FIRST GRADERS

The National Honor Society of Perry Hall Senior High has started its second year of tutoring the first graders at Perry Hall Annex. Members of the Society who asked to be a part of the program, donate one or two free periods a week to tutor some of the children. This year's program was started a week ago and will last until the close of the school year.

"Big brother-big sister" is the name of the independent study program for the troubled first graders. The main purpose of the program is to give individual help and guidance to those first grade boys and girls who need help. Some may be slow learners or have difficulties in a certain field of study. The program's goal is to get the habits of those small children started in the right direction.

According to Annex sponsor, Mrs. Gebler, the aim of the program is to first build a relationship of mutual feelings of friendliness and the desire to help a little brother or sister.

Activities are directed toward the building of basic concepts, basic math, colors and color words and other general concepts, that are needed in order for the young students to advance next September.

The program was started by Miss Mary Powell an English teacher at Perry Hall. She has since transferred to Taipei American School in San Francisco, California. The program was conceived by an ex-student of Miss Powell, who talked to her last year concerning serious problems that some first graders had in their studies. As a result of Miss Powell's concern, steps were taken and by February, 1969 the independent studies program was underway. At the end of last school year the program had been marked with success.

In appreciation for their time and efforts, the first graders invited their big brothers and sisters to a party "out under the trees."

President of the National Honor Society is senior Richard Healy. Sponsor this year is Mr. Kocher, a history teacher, and again Mrs. Gebler is sponsor at the Annex.

POLLUTION—TIME FOR ACTION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BRADEMAS. Mr. Speaker, on November 13, 1969, I was privileged to deliver an address at a conference on "Pollution—Time for Action" at the University of Notre Dame.

My address was delivered during a seminar sponsored by the University of Notre Dame Industrial Associates Program for Service to Industry and Business.

In my remarks, I discussed the growing awareness among public officials and private citizens of the threat to our environment, the increased funds Congress has voted for Federal water pollution control programs this year, the conditions in our society which lead to ecological imbalance, and the need for programs in environmental education from school through college.

Mr. Speaker, at this point, I would like to insert the text of my remarks in the RECORD:

ADDRESS BY JOHN BRADEMAS

I am delighted to be with you here at the University of Notre Dame today to take part in this conference on "Pollution—Time For Action".

This meeting is an outstanding example of how the resources of higher education, business and industry can be brought together to focus on a major challenge, in this case, the challenge of pollution control.

GROWING REALIZATION OF DANGERS TO ENVIRONMENT

Quite striking to me, and I am sure to you, is the really phenomenal growth in awareness in this country and abroad of dangers to the quality of our environment.

Here are some examples, chosen at random; of what I mean:

1. Dale Cotter's excellent articles on the problem of pollution currently appearing in the South Bend Tribune;

2. The UNESCO conference later this month in San Francisco on environmental problems;

3. Prince Phillip's observation on the "Today" Show that environmental problems constitute one of the biggest concerns of the British people.

4. The vote this week by delegates to the Annual Convention of the National Association of Educational Broadcasters that environment and air pollution are number one national priorities, worthy of the greatest attention by educational broadcasters.

5. Another conference, of which some one hundred Congressman and Senators, including the Congressman addressing you, were sponsors, to bring together in Washington law-makers and scientists to discuss national priorities with particular attention given to environmental problems.

6. My own experience of increasing activity in the environmental field. During recent months, I have been involved in fighting to protect the Indiana Dunes, the Big Walnut Valley in Indiana, and the Sleeping Bear Dunes in Michigan.

And I have been an active member of that rapidly building bipartisan coalition in Congress that has been pressing for more intelligent environmental policies by the Federal Government and more funds with which to make them work.

I shall say more in a moment on these matters.

7. I cite as well the rise in activity on the part of at least some leaders in industry to eliminate air and water pollution. I note, for example, last month's report that Monsanto had spent $15 milllion over the past two years to curb pollution at its plants, and that the Wheelabrator plant in neighboring Mishawaka has just produced the first system of its kind to control air pollution from a municipal incinerator—in Brooklyn.

Industry has a long, long way to go before it meets its responsibilities in controlling industrial pollution. But these examples are encouraging.

8. Increased activity by State and local governments in the pollution control field. In fact, a few State governments beat the Secretary of Health, Education, and Welfare to the punch by banning the use of DDT.

But, as I say, we have just touched the surface in the fight against pollution—and everyone here knows it.

POLLUTION FIGHT JUST STARTING

Here is a report by the General Accounting Office—the chief investigating arm of Congress, issued only last week. It raises serious questions about the Federal water pollution control program.

Based on surveys of eight rivers chosen as typical examples, the report concluded that the effort has been hampered by poor planning, inadequate funds, and unchecked industrial pollution.

The Federal government has contributed $1.2 billion of the $5.4 billion spent on water pollution control since 1967.

But the report found that in every case, government efforts were being overwhelmed by continued outpouring of industrial waste.

For example, six cities along the Mississippi River in Louisiana used $7.7 million in Federal grants to build facilities that cut pollution by 147,000 units, but 80 industrial plants along the same stretch are putting 2.4 million units into the river.

You and I know that American industry has for years turned its back on the problem of pollution, so that:

Oil from faulty drillings fouls our beaches and endangers marine life and water fowl.

Industrial smoke and auto exhaust combine to take minutes off each of our lives.

Industrial waste soils our systems and rivers.

Messy industrial areas, unsightly junk yards, ugly billboards, and thickets of power lines diminish the joy of what we would otherwise see.

And states and local governments are to blame as well. They have refused to enforce laws, codes, and regulations; failed to enact legislation that would cross the interests of industry; and been reluctant even to display concern about the problems of protecting the environment.

As I was thinking of what I ought to say to you today, I recalled how just one week ago tomorrow I was unable to fly from Chicago's O'Hare Field early in the morning for a speech in South Bend, not because of snow, but because of pollution-induced smog. My mind then turned back seventeen years when I was a student at Oxford University in England and took the train into London to see Cab Calloway in "Porgy and Bess" only to come out of that performance in the afternoon into the blackness that began the famous four-day London smog in 1952—a smog that was directly responsible for dozens of deaths and indirectly responsible for 4,000 other deaths traceable to aggravated heart and respiratory conditions.

No longer can we regard these events as accidental or freak cases.

Are such experiences in the offing for larger numbers of people? They may well be, unless we move, and move quickly to see that our technological advances contain no more built-in booby traps for us and for our surroundings.

CAUSES OF POLLUTION

Pollution of our environment is the result of the interaction of man and his technologies and the earth and its resources. As long as populations were small in relation to the earth's resources, man could move on to other areas when he had produced conditions that were unbearable, or unsafe, or unproductive. In the past century, his ability to move on to new resource frontiers became increasingly limited. The scientific and industrial revolution, though its productivity was a boon to man, began to exact a terrible toll on the resources it used, particularly in terms of polluting the environment it affected.

Our society came to regard productivity as our highest national purpose. We rationalized the rapid exploitation of our resources in terms of their output in tons and units of production and dollars, heedless of the consequences. For the most part, there seemed no end to the resources; new jobs and new markets were the national goals. Then, as we approached the middle of this century, we began to realize that the frontiers were gone. We were rapidly moving toward a population of perhaps three hundred million by the end of the century. Suddenly we saw in glaring relief some of the results of the thoughtless use of our national heritage.

Now it is late. Some of our ruined land, much of our forests, and certain of our lakes and streams, we are told, may never again become the highly productive elements of our surroundings they once were. Now, the dark prophecy of Isaiah—2,600 years ago—the one that begins, "The earth also is defiled under the inhabitants thereof . . ." does not seem remote. No longer does Albert Schweitzer's warning that "man has lost the capacity to foresee and to forestall. He will end by destroying the earth," seem like the dark muttering of an old man.

Clearly we have reached a point when our economic goals have to be squared with an increasing public concern for the quality of our environment.

CONGRESS' RESPONSE TO POLLUTION

In my remaining time, I want to speak to you of some of the responses in Congress to the rising concern about pollution and environmental quality.

I shall not pretend to be exhaustive, but hope rather to touch on what I believe are particularly significant developments in what I might call the politics on pollution.

Both Senators Edmund S. Muskie of Maine and Henry Jackson of Washington have been championing bills that would establish environmental quality advisors at the White House level and would require annual reports to the President on the state of the nation's environment.

And many other bills have been introduced in both the House and Senate that have as their objective the development of a national environmental policy.

For an excellent summary of most of these proposals, I refer you to a "Congressional White Paper on a National Policy for the Environment", published just a year ago last month following an informal House-Senate Colloquium on this subject in July, 1968.

There are, however, two particular aspects of Federal environmental policy about which I wish especially to speak to you before closing.

One is money, and the other is education.

First, let me talk about money.

On May 16, 1968, Presidential *candidate* Richard Nixon said, "In cutting the budget, the President must set his own priorities. While some sectors are certain to be pared, other must be preserved. Among those that should escape the budget knife are appropriations for conservation . . . and for the preservation of natural resources."

I both share and applaud that commitment on the part of candidate Nixon—and I regret that President Nixon has abandoned it.

Let me be specific and refer to the Clean Water Restoration Act of 1966.

This measure authorizes Federal grants to states and local communities for the construction of facilities to combat water pollution.

Hundreds of local and state governments in Indiana and elsewhere have drawn up plans for water treatment facilities in the expectation that the Federal government would fulfill its commitment to provide the necessary matching funds.

Here is a splendid opportunity for President Nixon to indicate his priorities and make good on his campaign promise; the Clear Water Act authorizes $1 billion in Federal grants for the current fiscal year.

But what did the President request in his budget for this desperately needed assistance?

Only $214 million.

To give you an idea of the impact of the Nixon administration's budget on Indiana, only two of the 135 local communities in our state which have displayed initiative and have filed application for water pollution grants would be funded.

Is this what the President means when he talks about "The New Federalism"?

Congress has not responded quietly to this short-sighted and disastrous policy.

A bipartisan group of 219 Congressmen, including the one addressing you, a few weeks ago publicly agreed to vote to increase funds for water pollution programs to the authorized level of $1 billion.

The House Appropriations Committee voted to recommend $600 million, and we came within just two votes of appropriating the $1 billion figure in voting on the floor of the House.

I am glad to tell you that about last night Senator Muskie, a leader in the fight in Congress against pollution, told me what you have read in this morning's paper, that the Senate voted yesterday 86–2—for the full $1 billion.

And I hope that the House-Senate Conference Committee will now agree to the larger figure.

It is clear to me that the Congress of the United States has a far better appreciation of the nation's priorities than has a President who rejects the recommendations of a top Subcabinet level committee against a supersonic transport to urge millions of dollars in Federal subsidies for it, while the same President refuses to face up to the grave dangers to our air and water.

THE NEED FOR ENVIRONMENTAL EDUCATION

I turn now to a final subject—education.

For some months now I have been reflecting on how little most of us know about the entire range of problems associated with our environment and ecology.

We are increasingly concerned in the United States, but about or environment, do we know as much as we should?

I think the evidence is clear that we do not.

As a former secretary of the Army, former President of Indiana University, and now President of the National Audubon Society, Elvis J. Stahr, Jr. said a few weeks ago, our schools and colleges "have done a demonstrably miserable job of educating about the fundamentals of man's relation to nature and the balance of nature. . . ."

Dr. Stahr added that the fragmented nature of our educational system was one of the major causes of the failure to cope with the environmental problem.

"In education," he said, "the root of the failure may lie in the almost frenzied specialization which has virtually taken over. Even the environmental sciences are studied piece-meal: nature is broken into little bits—geology, botany, astronomy, zoology, bacteriology, ichthyology, physics, chemistry, etc.—scarcely anywhere in academe are the pieces put back together."

"Somehow," Dr. Stahr concluded, "more environmental awareness must be fed into curricula all along the line."

I agree, and I shall now report to you on two very recent moves in exactly this direction.

I refer first to a report released last week prepared for the use of the President's Cabinet-level Environmental Quality Council by a member of the Office of Science and Technology and by a student, a White House summer intern.

In brief, this report recommends Federal financial assistance for setting up schools of the human environment at colleges and universities throughout the United States, and notes here a comparison with schools of agriculture and public health, both Federally subsidized.

The report is critical of resistance to what it calls "problem-focused education" within universities, and recommends substantial autonomy for the new efforts.

The authors note a serious shortage of trained professionals to deal with environmental problems and say that an expansion of 10 to 100 times our present supply is possible. They recommend $20 million annually initially.

I trust this report will fall on friendly ears at the University of Notre Dame, where significant progress is already being made in environmental studies under the leadership of such persons, to cite only a few, as Professors Patrick Horsbrugh, Wayne Echelberger, Mark Tenney, and Harvey Bender.

THE ENVIRONMENTAL QUALITY EDUCATION ACT

Finally, I want to tell you that, taking seriously the admonition of Elvis Stahr that "environmental awareness must be fed into the curricula all along the line," I yesterday introduced in the House of Representatives a bill that I believe can have a powerful effect in encouraging the education of Americans on preserving and enhancing the quality of their environment.

My bill, which is co-sponsored by my Democratic colleague, Congressman James Scheuer of New York, and my Republican colleagues, Congressmen Ogden Reid of New York and Orval Hansen of Idaho, can help us to begin now to educate our citizenry, especially school children, about the entire range of problems that will determine the kind of environment that we will have in the future.

Under our, bill, Federal funds would be provided for teaching about natural resources, conservation, pollution control, and the need to maintain a balanced ecology.

Today, there are very few resources to help our elementary and secondary schools teach environmental education.

Yet, if we are to shape intelligent environmental policies and generate effective support for them, we must have a citizenry informed and literate about the need for environmental quality and balanced ecology.

My bill, by providing for grants to colleges and universities for developing teaching materials, for teacher training, for pilot projects and for support of environmental education both in schools and community programs, can help fill this serious gap in our educational system.

The bill also provides for environmental education for government officials at local, state, and Federal levels and for community, business, and industrial leaders as well.

The Environmental Quality Education Act has been referred to the Subcommittee which I chair, and I hope to schedule hearings on it during the next session of Congress.

Today in commenting on some of the politics of pollution I have tried to speak of the growing awareness in nearly every sector of our society of the importance of attending to the quality of our environment.

I have told you of some of the response of Congress in developing measures for a national environmental policy.

I have indicated the need for far more Federal financial support of efforts at local and state levels to combat pollution.

Finally, I have spoken of a burgeoning appreciation of the importance of education in our national effort—the education at our colleges and universities of persons professionally qualified to deal with environmental problems, and the education of every American, beginning in our elementary and secondary schools and in local communities, on the significance of the quality of the environment to their own lives and to the future of our country and of mankind.

I trust that what I have said today will make clear that at least one Congressman shares with you, representatives from the fields of industry and higher education, a commitment to action *now*—if our country and our world are to be what we all want them to be—places where men and women can live lives of abundance and joy and beauty.

WHEAT INDUSTRY COUNCIL

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. PURCELL. Mr. Speaker, I introduce, for appropriate reference, a bill to provide for the establishment of a Wheat Industry Council. I am happy to announce that the gentlewoman from Washington (Mrs. May) joins me as a cosponsor of the proposed Wheat and Wheat Foods Research, Education, and Promotion Act.

This proposed legislation will enable the wheat industry to coordinate and finance research and education programs for the benefit of consumers in the United States. I stress the consumer benefit advisedly for it is only through increased nutritional contributions of wheat foods, along with taste appeal, that the wheat industry can prosper.

A few years ago, representatives of growers, millers, bakers, Federal agencies, and scientific and academic institutions joined together in an informal pro tem committee on human nutrition research. They produced a notable document that pointed out just how little is known about the nutritional contribution of wheat foods—and others—in general, particularly in relation to malnutrition, atherosclerosis, obesity, dental caries, anemias, and other special health conditions. In describing the job to be done, the pro tem committee closed with these words:

> To shirk any part of this personal and group responsibility is to shrug off our obligation as producers of food for man and to evade recognition of present and future need.

Mr. Speaker, the wheat industry, from producer to end-product manufacturer, is now trying to assume this responsibility. I hope we will give them our support in the next session.

In closing, Mr. Speaker, I would like to add one comment. This program is not intended to finance the competition of one food against another. Instead, it is intended to provide information where little exists, for the purpose of permitting the wheat industry to combat malnutrition to the extent it can. This, Mr. Speaker, should be the cooperative goal of all elements of the food industry.

FDA'S FAILURE TO PROTECT THE PUBLIC

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. MINISH. Mr. Speaker, I am inserting in the Congressional Record an article written by Morton Mintz in the Washington Post on Sunday, November 23.

Although there is nothing that the Congress can do at this point to alleviate the distressing conditions outlined in the article, I think it is in the public interest to bring the matter to the attention of as wide an audience as possible.

I commend Mr. Mintz on his unfailing attention to public health matters

His article follows:

Public Swallows FDA's Mistakes

(By Morton Mintz)

Despite a lot of tough talk, the Food and Drug Administration continues to approve the sale of about 90 widely prescribed antibiotic combinations that, it says, cause needless massive injury and even death.

FDA Commissioner Herbert L. Ley, Jr., solidly backed by the National Academy of Sciences-National Research Council, has ruled the medicines unsafe. With full NAS-NRC support, he has also ruled the products ineffective as fixed-ratio combinations. In such combinations, the components are mixed in proportions determined by recipe rather than the individual needs of patients.

Yet month after month, under a court order he has failed to resist, Dr. Ley goes on certifying new batches of the combinations as safe and effective, thus permitting them to remain on sale.

Dr. Ley, himself a specialist in the use of antibiotics to treat infections, has testified on Capitol Hill that one of the mixtures, Panalba, alone causes hundreds of thousands of injuries—a few of them lethal—every year. Other specialists are alarmed at the possibility that widespread, needless use of the combinations may bring worldwide epidemics of infections resistant to treatment.

Yet there is no assured end to the "conflict between commercial and therapeutic goals," as Dr. Ley once described it, in which he goes on certifying the combinations.

A CHARGE OF FEAR

This extraordinary situation has many roots—in the FDA's approach to the broad problem of ineffective medicines, in a series of agency responses to resistance from the drug industry and in attitudes of the medical profession.

But according to two former FDA scientists, the period of transition between the lame duck Johnson administration and the incoming Nixon administration was crucial to FDA treatment of the case. There was, the scientists say, an intuitive fear that if agency leaders took strong action against the combinations, it would bring retaliation from a business-oriented White House.

Dr. Robert S. McCleery, who was Commissioner Ley's special assistant for communications, says bluntly that the commissioner "wanted to keep his job," in which he serves at the pleasure of the President.

Dr. McCleery and Dr. B. Harvey Minchew, who was acting director of the FDA's Bureau of Medicine, were interviewed during an investigation by The Washington Post that turned up hitherto secret aspects of the agency's decision-making processes.

They say that a second factor inhibiting the FDA in its treatment of the antibiotic combinations was an uneasy recognition that such a move would focus attention on failures within the FDA itself—starting with a medically unjustified decision a dozen years ago to let the mixtures enter the market.

Thus, Drs. McCleery and Minchew argue, fear abetted by coverup joined to obstruct the FDA from protecting the health and pocketbooks of a vast number of patients.

Dr. Ley and another key figure in the case, J. Kenneth Kirk, associate commissioner for compliance, heatedly deny the charges of fear and cover-up. Kirk concedes, however, that he delayed action on the antibiotics in order to obtain figures on their sales volume (probably $100 million or more a year at wholesale). That was "my idea," he says.

And FDA's counsel, William W. Goodrich, acknowledges in retrospect that had the agency invoked one simple word in the drug law, the subsequent problems might have been substantially minimized if not avoided. The law allows action against drugs posing "an imminent hazard to public health." The agency balked at the word "imminent."

"SHOTGUN" THERAPY

The antibiotic combinations are among the so-called "ethical" drugs, which means that they can be sold only by prescription and cannot be advertised to lay audiences. Their names, therefore, are hardly household words. But in medical channels, including journals distributed free to physicians, they have been long and heavily promoted.

They began entering the market in the 1950s. The FDA released them even though—then as now—specialists in the antibiotic treatment of disease almost universally opposed them.

The main argument in favor of the mixtures has been convenience. This appeal has been especially strong to doctors who wish to be spared the need to make precise diagnoses.

Dr. William L. Hewitt, professor of medicine at the University of California at Los Angeles and chairman of a National Academy of Sciences-National Research Council panel to review drugs, told Sen. Gaylord Nelson's Senate Monopoly Subcommittee last May that the person responsible for FDA's initial approval of antibiotic combinations was Henry Welch, a bacteriologist who in the 1950s headed the agency's Division of Antibiotics.

Dr. Hewitt recalled that Welch had staged symposiums and had engaged in other efforts with an FDA imprimatur to popularize the combinations. This "very bad policy" encouraged "a shotgun approach to the treatment of undiagnosed disease," Dr. Hewitt testified, and he denounced it as "pharmaceutical quackery."

The late Sen. Estes Kefauver developed evidence that Welch got $287,000 from antibiotics producers in an eight-year period, mainly by collecting "honorariums" from two journals whose existence depended upon the antibiotics companies. Welch resigned after the situation was exposed.

However they got on the market, the antibiotic combinations took up an increasing share. Many have been among the 200 most-prescribed medicines. Last year, sales of Panalba—the combination involved in FDA's test case—ran at a rate of $1.5 million a month and accounted for 12 per cent of the domestic gross of the manufacturer, the Upjohn Co.

CASE AGAINST COMBINATIONS

Almost without exception, specialists in the treatment of infectious diseases denounce the use of combinations. They say that the use of two antibiotics when one will do at least doubles the risk of adverse reactions. They also say that fixed ratios prevent a physician from increasing the dose of one component without increasing the dose of the second, thus ruling out treatment tailored to the needs of individual patients.

Panalba, for example, combines two effective antibiotics—novobiocin and tetracycline. But Dr. Ley has said that novobiocin contributes little but risk to patients receiving tetracycline.

In addition, tests sponsored by the Upjohn firm about a decade ago (but not disclosed until and FDA inspector discovered them in company files this year) showed that the components of Panalba were "antagonistic." That is, novobiocin and tetracycline acted against each other, making one less effective than either would be if used alone.

UCLA's Dr Hewitt told the Nelson subcommittee that all sales of Panalba thus become "a net theft from the public."

A primary worry among 30 specialists in infectious diseases—members of five panels that reviewed combinations of anti-infective drugs for the National Academy of Sciences-National Research Council—was that the products allow resistant strains of bacteria to proliferate, creating the possibility of epidemics of infections that resist treatment. They recall with dread, for example, staphylococcus epidemics of the 1950s that were nurtured by overuse of sulfonamides and the early penicillins.

Testifying about one group of mixtures, Dr. Calvin M. Kunin, chairman of one of the NAS-NRC panels, told the Senate Monopoly Subcommittee that "widespread" and "indiscriminate" use "has almost led to disaster" by threatening not merely the individuals receiving the drugs but—because of possible epidemics of resistant infections—"all society."

Dr. Kunin, who is chairman of the department of preventive medicine at the University of Virginia, was speaking about 16 combinations of penicillin with streptomycin (pen-streps). The latter antibiotic can cause deafness, particularly in children. An additional 32 products also contain penicillin but mix it with sulfonamides (pen-sulfas).

THE PANELS' VERDICT

Until 1962, the Food and Drug Administration was empowered to get prescription drugs off the market only if they were unsafe. But in that year, Congress passed the Kefauver-Harris amendments, which added regulatory weapons against ineffective drugs as well. After seven years, no drug with significant sales has been removed.

The National Academy of Sciences-National Research Council entered the picture in 1966, when the FDA made a contract with it to review the efficacy of the approximately 4,000 formulations marketed in the period before 1962 when safety alone had to be demonstrated before marketing.

Last year, NAS-NRC review panels concluded that the pen-streps and the pen-sulfas were not only unsafe but also ineffective as fixed combinations because none was more efficacious than a component used alone. As to Panalba, the initial conclusion was that it was ineffective and "has no place in rational therapeutics."

Last Christmas Eve the FDA moved formally to take Panalba off the market. The reason given was that the company had not submitted the substantial evidence of efficacy required by the 1962 drug legislation. The agency failed, as had the NAS–NRC panels, to cite a lack of safety.

That failure was surprising. For one thing, the FDA for several years had approved a labeling for the novobiocin component of Panalba warning that it can cause serious and even fatal blood diseases, serious liver damage and allergic or hypersensitivity reactions "in a significant percentage of patients."

FDA Commissioner Ley told Sen. Nelson's subcommittee last May that because of novobiocin, about one out of five patients on Panalba is expected to suffer a "reaction that, most often, is merely irritating . . . you can't sleep for several nights or a week, or you may break out in a very unpleasant, uncomfortable rash."

The FDA's formal notice last December gave Upjohn 30 days to file comments, after which the company could request a hearing.

At roughly the same time, the FDA was working to produce positions on two other major classifications of the antibiotic combinations—the penstreps and the pen-sulfas—which the review panels had found both hazardous and ineffective.

Testimony before Rep. L. H. Fountain's House Intergovernmental Relations Subcommittee last spring established that a document declaring the agency's intention to remove the penstreps from the market reached the office of Associate Commissioner J. Kenneth Kirk last Dec. 3, and that a similar document relating to the pen-sulfas reached the same office Jan. 10. Both would have been effective upon publication in the Federal Register, and that in turn would have triggered publication in a medical journal of a "white paper" by two NAS–NRC review panel chairmen warning of the hazards of pen-streps and pen-sulfas. Both documents were in final form—awaiting Commissioner Ley's signature—on Jan. 15.

A FINE SENSITIVITY

On that day, Robert S. McCleery remembers, he had a chance encounter with Associate Commissioner Kirk at FDA headquarters in the Crystal Plaza in Arlington. Then Commissioner Ley's special assistant for communications, Dr. McCleery acquired a reputation for tough-minded regulation during his six years at the agency. He holds FDA's award of merit and the distinguished service medal of the parent Department of Health, Education and Welfare.

He was under pressure at the time from the NAS–NRC panels, which wanted to alert the medical profession to the hazards of the pen-streps and pen-sulfas. Since release of the "white paper" designed to do so depended on publication of the Federal Register documents, "Dr. McCleery was on my back," Kirk recalls.

In the Jan. 15 meeting with Kirk, Dr. McCleery recalls inquiring about the regulatory documents involving the pen-streps and pen-sulfas that had been prepared for the signature of Commissioner Ley. Kirk told him, Dr. McCleery says, "I have advised him [the commissioner] not to sign the papers, because he would be fired by the Nixon administration when it comes in next week."

Although there was no evidence that anything of the kind might happen, Dr. McCleery says, there was in the FDA a finely tuned sensitivity to such signals as Mr. Nixon's campaign stance against tough regulation by the Securities and Exchange Commission and to the incoming President's well publicized friendship with Elmer W. Bobst, the "honorary chairman" of a pharmaceutical firm—not, by the way, one involved in the antibiotics combination controversy.

Kirk "categorically" denies making the statement about administration retaliation, and Dr. Ley says Kirk never told him he might be fired by the Nixon administration. Kirk does say that he told Dr. McCleery that the regulatory papers should not go to the office of the HEW Secretary without a prior determination of the sales volume of the questioned antibiotic combinations.

THE ECONOMIC IMPACT

Later the same day, Dr. McCleery says, he met with Dr. Ley in his office. Saying nothing about the conversation with Kirk, Dr. McCleery asked the commissioner if he had signed the papers. Dr. Ley said that he had not yet seen them. Later he was to tell the Fountain subcommittee that he had the documents on Jan. 21, the day after the Nixon administration took office.

Eight days later, there was a meeting at the FDA about the possibility of setting up an advisory committee on antibiotics. Dr. McCleery, who says he was "bird-dogging" the matter, requested Dr. B. Harvey Minchew to check on the status of the papers. Dr. Minchew put the question to Deputy Commissioner Winton B. Rankin, the FDA's No. 2 man.

"His answer, in essence, was that we were not going to act on it until the whole potential impact of the antibiotics was brought to the Secretary's attention," Dr. Minchew says. By "impact," he says, Rankin meant "economic impact—the fact that they were best-selling drugs. Anticipating industry resistance, they did not want to implement the action until the Secretary's office had concurred."

At a later date, says Dr. Minchew, Dr. Ley told him "substantially the same thing."

"I can't see that the agency should concern itself . . . with how much is being sold in terms of the medical issues involved," Dr. Minchew says. "It was a disappointment."

Kirk says he is "sorry that Harvey was disappointed." But, the associate commissioner says, there is a longstanding rule that the Secretary's office be alerted to any regulatory action with a potentially great impact.

The Commissioner signed the Federal Register papers on April 2—2½ months after the day when, according to his testimony, they were in his office ready for signature. Publicly, he has never given a clear explanation for the delay. Nor has Kirk given a clear explanation as to how the computation of financial effect could have accounted for the delay.

THE PANALBA DELAY

The Panalba case was undergoing a parallel delay. When he signed the initial notice of intention to take the drug off the market last December, Dr. Ley had given the Upjohn Co. 30 days to file comments. But in January, he extended that deadline to give the firm an additional 120 days. That had the effect of ensuring that any possible decisive action would be taken under the Nixon administration.

Dr. Ley has acknowledged that the extension was "a mistake" because it was used by Upjohn not to supply substantial evidence of Panalba's efficacy but for a campaign to deluge the FDA with testimonials from physicians. An estimated 23,000 doctors have prescribed a reported 750 million doses of Panalba since it went on sale in 1957.

Not all the effects of the delay were in the drug company's favor, however. For by March, Dr. Minchew, as acting director of FDA's Bureau of Medicine, was becoming increasingly disturbed about one of Panalba's components, novobiocin.

In a memo to Dr. Ley, Dr. Minchew cited multiple and serious health hazards of this antibiotic that had been noted by an NAS–NRC panel that recommended its removal from the market. (Dr. Ley had overruled the recommendation, choosing instead to try to restrict novobiocin's use drastically with new warnings to doctors.)

The Minchew memo threatened a crisis for the Upjohn firm. So long as efficacy had been the sole issue raised by the FDA, sales of Panalba could continue unabated while an administrative hearing was sought and held and then litigated in the courts. That would probably take years. But with safety an issue, Upjohn had to face the possibility that sales would be halted immediately.

At the FDA, the Minchew memo became the basis for a crisis of a different kind. After all, the agency had been certifying Panalba as safe and effective for 12 years, batch by batch and month by month.

But Dr. Ley himself—in a draft letter of April 29 to the Upjohn firm—discussed Panalba's "clearly evident imminent hazards . . ." And he testified that it needlessly injured hundreds of thousands of persons annually and, along with the pen-streps, contributed to the possibility of staph epidemics.

How, then, could he fail to take the "imminent hazard" route—a route that, in hindsight, FDA counsel Goodrich says "would have been better?"

Commissioner Ley now concedes that the case for an "imminent hazard" decision might have been made on the basis of serious or fatal blood diseases attributed to Panalba. He contends, however, that the FDA would have faced a severe court challenge because of a lack of records showing that skin and allergic reactions were as prevalent as the agency claimed.

Differing from counsel Goodrich, Dr. Ley insists that, overall, the public health probably was better served by his decision to follow an "intermediate" course. This was to declare Panalba a "serious" or "significant" hazard to patients.

In choosing such a middle ground, Dr. Ley says he was trying to come down between "the Rankins and the Kirks" on the one hand—a reference to the two high-ranking FDA officials who rose from the ranks of agency inspectors and who are known for their bureaucratic caution—and the "Don Quixotes" on the other.

Before Dr. Ley's newly contrived weapon could be tested in court, the commissioner had a struggle within HEW that indicated he could not count on the kind of unequivocal support from Secretary Robert H. Finch that his predecessor, Dr. James L. Goddard, had received from former Secretary John W. Gardner.

The struggle began when Dr. Ley called in the Upjohn firm to say that he was going to announce several decisions. These included halting certification of Panalba as effective and safe, recalling existing stocks and requiring the company to distribute a warning letter to physicians.

Through the intervention of Rep. Garry E. Brown (R-Mich.), whose district includes Upjohn's home city of Kalamazoo, the firm met with Finch and Under Secretary John G. Veneman. The result was that on the day of the meeting, May 5, Veneman took an action without known precedent in the history of antibiotic regulation.

In a phone call to Deputy Commissioner Rankin, Veneman asked the FDA to consider resolving the dispute by taking certain alternative steps. These, it turned out, were the very proposals that Upjohn had made. They include a ban on publicity about Panalba, no recall of existing supplies and an administrative hearing that would allow Panalba to remain on the market without interruption.

The next day, Dr. Ley responded in a memo addressed to Finch that, along with other key documents, was aired by the Fountain subcommittee of the House. Dr. Ley said that he "cannot" certify Panalba as safe and effective. The product "has been judged by very competent people not to be effective . . . and to be a hazard to the public health," Dr. Ley's memo said.

"We have the right and the obligation to move to protect the public by requiring its removal from the market and by requiring an appropriate warning to be issued to the doctors of this nation," Dr. Ley said.

"I recommend that the department endorse and support the action initiated by FDA," be continued. "If the department is unable to accept this recommendation, I request your instructions as to the departmental position that I should follow."

(On May 9, three days later, the "departmental position" was relayed to the FDA: to do what Upjohn had asked. But as it happened, that was the very same day that the Fountain subcommittee, preparing for a hearing that was to begin the next week, asked to see FDA files on combination antibiotics.

This request set off a chain of events that included a briefing of Finch by FDA counsel Goodrich. Late in the day, Secretary Finch reversed himself and backed Dr. Ley.

THE UNUSED WORD

With this development, Upjohn moved on May 27 to put Dr. Ley's concept of a "serious" or "significant" hazard to a court test. The firm filed a petition in federal court in Kalamazoo that was intended to keep Panalba on sale through the device of an administrative hearing.

On June 19, the eve of oral arguments before Judge W. Wallace Kent, W. Donald Gray of the Fountain subcommittee staff asked FDA counsel Goodrich in a phone conversation why he was not asserting that an "imminent hazard" existed. Goodrich assured Gray that he had the legal weaponry he needed without that one.

In court on June 20, the Washington lawyers opposing Goodrich—Stanley L. Temko of Covington and Burling for Upjohn; Lloyd N. Cutler of Wilmer, Cutler & Pickering for the Pharmaceutical Manufacturers Association—emphasized repeatedly that the FDA had not claimed an "imminent hazard."

FDA's Goodrich, using phrases about Panalba that are nowhere in the statute ("unwarranted hazard," "substantial hazard," "unacceptable risk"), argued that the agency had not deemed it necessary to invoke "imminent hazard."

He contended that the FDA had traveled the correct legal route when it first required Upjohn to submit substantial evidence of Panalba's efficacy and then, when such evidence was not forthcoming, refused to certify the product as safe and effective.

Even though Goodrich produced affidavits showing 11 fatalities among Panalba users, Judge Kent was clearly unimpressed. His concern, he said, had to be with legal issues, not issues of safety and efficacy.

In July, Judge Kent held that there was no serious threat to the public health. But, he found, there was a threat of another kind—of irreparable injury to the Upjohn company.

He granted an injunction requiring Commissioner Ley to go on certifying Panalba until 30 days after whatever date he disposed of company objections to the FDA's refusal to grant a hearing.

Sensing a clear industry victory, the American Home Products Corp., whose Wyeth Laboratories division is a major producer of pen-streps and pen-sulfas, swiftly went into federal court in Wilmington, Del., where, on the basis of Kent's ruling, it asked for and got an injunction requiring continued certification of those antibiotic combinations as safe and effective.

The ruling was a shattering setback to the FDA's seemingly interminable efforts to stop the sales of unsafe and ineffective drugs.

By the time Judge Kent ruled, Dr. McCleery had left the FDA to join Rep. Fountain's House Intergovernmental Relations Subcommittee as a consultant. After the ruling, he and staff member Donald Gray had a three-way phone conversation with Goodrich. Again the question was, why had the FDA counsel not invoked "imminent hazard?"

As Dr. McCleery and Gray recall the conversation, Goodrich said he still believed he had been on solid legal ground in deciding it was unnecessary to cite the phrase. But, they add, Goodrich also alluded to the tortured record of the FDA in the Panalba case—including the 120-day extension granted by Dr. Ley for Upjohn to file substantial evidence of Panalba's efficacy—and asked, "How could I go into court and charge an 'imminent hazard'?"

Judge Kent's order to continue certifying Panalba posed for Dr. Ley what Dr. McCleery calls "one of the greatest moral challenges" ever faced by a public official.

As a physician and scientist, how could Dr. Ley certify as safe and effective what he had frevently pronounced unsafe and ineffective? As an official of the government, how could Commissioner Ley refuse to obey a court order?

"Above all else," Dr. McCleery argues, Dr. Ley should not have signed certifications for Panalba—"even if it meant resigning." But there was, he points out, an honorable third course: appeal Judge Kent's decision.

Asked why he didn't take it, Dr. Ley says, "I can't really answer this . . . I'm not really sure this course was open to us at this time."

The commissioner adds that he relied on William Goodrich because "I trust Billy as much as I've trusted anyone in my life." He is sure that if an appeal had been "an attractive course, I'm sure I would have followed it."

But Goodrich says he rejected the idea of appealing in favor of what he deemed to be "the shortest and surest way" of getting unsafe antibiotic combinations off the market—ruling on Upjohn's objections to decertification without a hearing. So long as these objections were pending in FDA, Goodrich contends, the chances of a successful appeal would be "not good."

MIDDLE GROUND AGAIN

Commissioner Ley formally ruled that the objections filed by Upjohn offered neither substantial evidence that Panalba was either safe or effective (as a fixed combination) nor reasonable grounds for an evidentiary hearing. "Such a hearing would serve no purpose other than delay," he said in a statement in the Federal Register.

Had Dr. Ley left it at that, he could have stopped certifying Panalba 30 days later as stipulated by Judge Kent. Then the company, if it wished, could appeal. Once again, however, Dr. Ley procrastinated on an invented middle ground.

First, while denying an "evidentiary hearing," he gave Upjohn an opportunity "to make an oral presentation to the commissioner." Second, contrary even to the FDA's own press release, he did not start the clock running on the 30-day moratorium on decertification.

The "oral presentation"—which was as much of a legal novelty as was the "serious," "significant" and "unwarranted" hazard—was held Aug. 13. Five weeks went by in which the FDA continued to certify Panalba—and the pen-streps and pen-sulfas, as well—as safe and effective.

On Sept. 19, Dr. Ley, ruling that nothing in Upjohn's "oral presentation" had changed his judgment, signed a "final order" to take Panalba off the market. But, reversing the position he had taken in May, he did not propose to decertify existing stocks. With this action, the 30-day clock at last began to run.

The Upjohn firm then stopped the clock by filing an appeal in Cincinnati. The FDA "voluntarily agreed to suspend any action against the [Panalba] products pending a decision by the court," the Pharmaceutical Manufacturers Association Newsletter reported. "The court further noted that the government had not found any 'imminent hazard' to health requiring immediate prohibition of the products' sale, and that in the past these products had been repeatedly certified as 'safe and efficacious' by the FDA."

"INEPT" IS TOO KIND

Sometime in December, the appellate court will hear oral argument on issues that it has termed "very significant both to the public and the drug industry." Sometime after that, the court will rule. Sometime after that, an appeal probably will be taken by the losing party—the FDA or Upjohn—to the Supreme

Court. And for an indefinite time to come, the FDA commissioner will go on certifying as safe and effective products that he believes to be neither.

It was with more than a premonition of these events that Dr. McCleery went to Dr. Ley last February to tell him he was leaving.

"I told him I couldn't agree with his kind of regulatory philosophy," Dr. McCleery recalls. "I told him I was seeing evidence that he was handling matters so as to take into account political and economic factors.

"Dr. Ley asked me to stay, to reconsider, to take a couple of weeks vacation to think it over," Dr. McCleery says. "I refused."

Dr. McCleery then was retained as a consultant by the Fountain subcommittee, which at the time was preparing for hearings in April and May on how the FDA had been fulfilling its mandate from Congress to halt the sale of ineffective drugs. The hearings showed, Dr. McCleery says, "that the FDA is not upholding the provisions of the law."

After the hearings, Rep. Fountain characterized the FDA's performance as "inept." Dr. McCleery finds that a "complimentary" adjective. As Dr. McCleery sees it, the consequences for the public of the mishandling of the antibiotics will reach far beyond these drugs to vast numbers of ineffective medicines of all types which were marketed before 1962—but which remain among those most often prescribed today.

"How well have the leaders of the FDA served the nation with only the law to protect it in this confrontation with industry self-interest?" he asks. Yet "in these serious and deadly matters, the FDA is our sole agent for the use of law in the protection of public health. If the law can be so misused by some against the government and the public interest, then the law should be employed by others against the government but in the public interest."

Dr. McCleery recently left the Fountain subcommittee to join consumer advocate Ralph Nader.

Another of the FDA's "Don Quixotes," Dr. Minchew, resigned in May to join the Johns Hopkins Hospital unit in Columbia, Md. "The Rankins and the Kirks," of course, are still there.

In a speech a few months ago, FDA Commissioner Ley defined "the real 'gut' issues of the antibiotic combination controversy" this way:

"Are we in this country dedicated to a rational, scientific basis of antibiotic therapy or are we dedicated to contributing unnecessarily to the 1.5 million hospital admissions annually attributed to adverse reactions to drugs?"

A speech given a few days ago by Dr. Lester Breslow, president of the American Public Health Association, contained a sentence that reads as if it were tailored to give Dr. Ley his answer. In the Panalba case, Dr. Breslow said, "The administrative and judicial action to assure continuing sale was clearly designed to protect the interests of the drug manufacturer, not to avoid the hazard to patients taking the drug."

CHILDREN'S PRAYERS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ROUDEBUSH. Mr. Speaker, Supreme Court decisions have outlawed prayer and Bible reading in the Nation's public schools.

To counteract this decision we are placing five children's prayers in the CONGRESSIONAL RECORD each week for use by the Nation's schoolchildren.

By reading these prayers from the RECORD, there is no violation because even the high-handed Supreme Court has dared not outlaw prayer in the Congress of the United States.

The week's prayers follow:

I

Through the night Thine angels kept
Watch around me while I slept.
Now the dark has gone away,
Lord, I thank Thee for the day.

II

Now I wake and see the light;
'Tis God has kept me through the night.
To him I lift my voice and pray
That He will keep me through the day.

III

Father in Heaven, all through the night
I have been sleeping, safe in Thy sight.
Father, I thank Thee; bless me I pray,
Bless me and keep me all through the day.

IV

Lord, teach me to love Thy children everywhere, because
Thou art their father and mine.

V

God bless all those that I love;
God bless all those that love me;
God bless all those that love those that I love,
And all those that love those that love me.

—*From an old New England sampler.*

BILL KREH WRITES THE STORY OF THE NAVAL RESERVE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HÉBERT. Mr. Speaker, those of us who deal with Reserve matters here on Capitol Hill have fought many notable battles. But because of the nature of our work, our battles deal with numbers and dollars and organizational structure and immense authorizations for weapons and training facilities. In so doing, we may sometimes lose sight of the fact that the most important elements in our Reserve forces are people—individual men and women who give a little something extra of themselves in service to their country.

There has now appeared a book—"Citizen Sailors, the U.S. Naval Reserve in War and Peace"—which reminds us that the people are what matter in the Naval Reserve, not the number of people but the individuals, their dedication, their professionalism, and their sense of sacrifice.

The myriad jobs they do for our national defense, the great service they have given in Vietnam, is told dramatically and movingly in this action packed story.

In the years he was managing editor of Navy Times, Bill Kreh established the reputation as an author with a skillful command of the language and an editor with a discerning knowledge of military affairs. When he writes a book, you can be sure it is valuable knowledge and enjoyable reading. I commend Mr. Kreh and the Naval Reserve Association, which sponsored the volume, for the efforts they have made to improve the understanding of the Naval Reserve on the part of the American people.

MRS. SILVER BEAVER SPEAKS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. HALL. Mr. Speaker, anyone who has been active in working with the Boy Scouts of America is well aware that one of the highest honors that can be attained by an adult leader is the Silver Beaver Award.

This award is presented once each year to a select group of individuals, chosen for their "outstanding service to boyhood."

There are Members in the Congress who have been granted this recognition for service to Scouting.

In the December issue of Scouting magazine, Mrs. Oril Wolf, of Lake Stevens, Wash., writes most eloquently of one man who received the Silver Beaver Award.

The article follows:

MRS. SILVER BEAVER SPEAKS

(By Mrs. Oril Wolf)

The framed certificate reads "For Outstanding Service to Boyhood." The little Silver Beaver, suspended from its blue and white ribbon, is perfect in detail.

I can remember a long time ago, more than 20 years ago in fact, when I watched the first Silver Beaver ceremonies I had ever seen, in a big auditorium in a big city. I was tremendously impressed by these men who had obviously given so much that they had been chosen above hundreds of others for this distinguished award. To me that little "Beaver" was so unattainable it might as well have been a medal from the President of the United States.

Now I know a little more about the "Beaver." I know one man who received it and what he did to merit it. There was never any one big thing or any selfless act of sacrifice. There were many, many little things.

The summer vacations always spent with the troop at camp instead of taking a trip with the family or catching up on some home repair projects. The merit badge counseling for innumerable boys who came evenings, Saturdays, and Sundays. The once-aweek pack or troop meetings planned and carried out. The committee meetings with other dads. The training courses attended and later conducted. The formation of new units. The planning for Scout circuses and Scout-o-ramas. Camporees, a time of highly competitive excitement. The paper work, mountainous—and neglected.

How many times this was positively the last year he was going to be Scoutmaster! The now more than 200 nights he has slept on the hard ground in tents with kids who eagerly sought adventure in the great out-of-doors. And that's what they wanted—adventure!

It didn't necessarily include such mundane things as collecting firewood in the pouring rain, putting up tents, or learning to cook. So the "Whip," as he called himself, set them to their tasks, prevented them from eating all the food raw, groaned when they fell over the pots and pains, lost his temper, and screamed, "Out, everybody out!" when they put freshly caught fish on his sleeping bag.

He climbed mountains, prowled valleys, rescued kids from precarious perches, watched over them in swimming holes—all the time grumbling to himself and growling like a bear routed from his winter's sleep too early, "I'm going to quit this nonsense, I'm getting too old."

The many friends he has acquired, close

friends he may never have met outside Scouting. The fine people in all walks of life who also give time and effort to boys.

And above and beyond all else, the hundreds of boys who call him friend. Some now married with boys of their own. He writes to them in places like Germany and Vietnam. They don't forget him.

He may not think so, but I know he has influenced boys to a better life for maybe generations to come. This was his contribution to a better America. And this is what his Silver Beaver means to me.

He didn't get it just because he was such a willing hand. He also got it for the times he went camping when he would rather have stayed home, for the times he was ready to throw in the sponge and didn't. For the griping he did to make things a little better for "his" boys.

There hasn't been a single spectacular thing he has done for boys really. He has just been there.

This time when I watched the Silver Beavers awarded and they called his name, I didn't feel awed. I just felt a deep quiet pride. Because someone besides Mrs. Silver Beaver knew the kind of a guy he really is.

A STEEL BEAM IN SOUTH AFRICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. FRASER. Mr. Speaker, Roy Wilkins' column which appeared in the November 19, 1969, St. Paul Dispatch deserves a wide audience. He points out that—

> The American system works well enough to deflate the black separatists and not nearly well enough. to justify the smug complacency of the white standpatters.

And whatever its faults, ours is not generally a society "where grown men can be ordered to carry a steel beam 12 miles in their bare hands because no one is outraged that skin color dictates both pay and opportunity."

South Africa is such a society.

The article follows:

A Steel Beam in South Africa

(By Roy Wilkins)

An account from Johannesburg, South Africa, of the delivery by hand of a 36-foot steel beam by six black Africans over a distance of 12 miles highlights both the plight of black people in South Africa and the senseless apartheid pressure being applied to black Americans in our country.

When the company boss told three Africans to deliver the beam they thought (even in South Africa in 1969) that he was joking. He added three more Africans after their protests and in seven hours the trek was over. The manpower method was used in this day of engines because the beam would have required a double-trailer auto truck that the whites maintained was "too expensive."

The black beam-toters did not receive extra pay for their long, hot task.

Here in America there is persistent propaganda by black separatists for the kind of apartheid now in effect in South Africa. They advocate cutting off from white people completely and "going it alone" in blackness. According to this school of thought, the test of every man and idea, of every theory and practice, must be blackness. Nothing tinged with whiteness, no matter how efficient, is acceptable and everything run by blacks, no matter how expensive and inefficient, is mandatory. The only whiteness permitted is white money—without white control.

Whites who seek to justify the snail-like improvement of the lot of Negro Americans also use black people and whites in underdeveloped nations to exhort Negro Americans to patience and contentment. They say, "Look at South Africa and be glad you live in Alabama."

The question, however, is not how Negro Americans rank with the Indians in Chile, for example, but how they rank with white Americans, their fellow citizens for more than 100 years and their fellow residents for 350 years. The test of the American system is not whether it is horrified at black Africans being made to carry steel 12 miles, but whether it is agitated and galvanized to action by black Americans being barred from jobs in their own country because of their color.

The American system works well enough to deflate the black separatists and not nearly well enough to justify the smug complacency of the white standpatters. Ed Wilson is a black laborer working as a union member on a construction crew at a Manhattan luxury apartment. He makes $189 a week and hopes his job will last another year. But the most telling indictment of American racial barriers was his calm assertion that in 10 years only about four jobs came to him through the union. The hard fight for membership is only the beginning of the battle.

The black separatists preach that the history of Ed Wilson "proves" that a black man cannot make it in a white society. Ergo, withdraw to a black society.

Ed Wilson does not believe in this deadly hocus-pocus. He knows that it is better to be able to fight for a better deal than to be in a society where grown men can be ordered to carry a steel beam 12 miles in their bare hands because no one is outraged that skin color dictates both pay and opportunity.

WISCONSIN'S WORK OR STUDY ABROAD PROGRAM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. REUSS. Mr. Speaker, the Wisconsin Work or Study Abroad has been in operation since 1963 and has grown from a small beginning to the point where it plans to send over 2,000 students to study, work or travel in Europe and other places. The directors are J. David Kupper and Arno Michaelis III.

I enclose the summary and conclusions of the work or study program for 1969:

Summary and Conclusions

I think it is obvious from this report that I was favorably impressed with this operation. Next year's operations will be even larger, and the experience gained this year will be very helpful in planning next year's operation. It appears that there will probably be between 2,000 and 3,000 students going abroad next year. WSA has made reservations for 2,600 with leading airlines to transport their students in 1970.

The WSA program is definitely an in-depth cultural experience. This was very evident at each location I visited and was verified by the group leaders in charge. All of these group leaders are teachers in the fields involved, and since many do have students from their own schools in attendance, they felt responsible and are concerned that the programs are worthwhile.

Institutions in the United States should have no hesitancy in granting credit for work done at these schools operated and sponsored in Europe by WSA. The classes meet for 3 hours per day, 5 days a week for 4 weeks which totals 60 hours. This is equal in clock hours to a semester in most United States schools, and with the tours and other experiences in the various communities I feel will exceed the work that would be done in a similar semester course at home. What better way can there be to study a language than in the country itself, living with a native family, mingling with local residents, and hearing practically nothing but that language all the time?

The cost of the program is very reasonable. In calculating travel, board and room, instruction at the various schools, and administrative costs, it is obvious the rate has been held to a minimum.

The WSA program with 4 weeks of study and excursions and two weeks of tour (two weeks independent travel for college students) seems to be about right. A shorter period of study would hardly be worthwhile, and the final tour is a fine way to conclude the experience.

The WSA system of providing chaperones at each campus who are so well qualified assures that everything possible will be done to make the program worthwhile. These people would not tolerate anything less.

It was a privilege for me to make this evaluation. WSA made every effort to make the trip a pleasant one. I was given the opportunity to observe all phases of the operation. I tried to be objective and critical, but I found very little to criticize. WSA officials are aware of the problems that I did mention, and from discussions I heard, I know that these will be corrected. The attitudes of WSA and staff are important. Most of them are young and are energetic and eager to build an organization for the future, and are not primarily interested in financial gain. There were many places they could cut corners and save money, but as far as I could see, they were more interested in providing a good program for the boys and girls involved. I have no reservations in recommending WSA to anyone interested in summer study abroad.

SIXTH ANNIVERSARY OF THE ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. KLUCZYNSKI. Mr. Speaker, 6 years have passed since that infamous Friday, November 22, 1963, when the 35th President of the United States was tragically murdered in Dallas, Tex. Since the death of President John Fitzgerald Kennedy, many of his policies designed to build a New Frontier have been implemented—welfare programs have been established to aid our needy poor, American men have walked on the surface of the moon, our young people continue to serve mankind in the Peace Corps—and other programs of the Kennedy administration have been enacted.

Yet, all of us know that much more must be done before we have built the America John Kennedy led us to hope was attainable. On the sad occasion of the sixth anniversary of his death, it is fitting that each of us should resolve, yet once again, to strive with all our abilities and energy to realize his dream of an America that was a secure and healthy homeland for all her citizens, a land of brotherhood, and a nation of which we all might be proud.

EXPERTS IN GRANTSMANSHIP HELP CORNER FEDERAL FUNDS

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. MATHIAS. Mr. Speaker, an article entitled "Experts in Grantsmanship Help Corner Federal Funds" appeared in the Bakersfield Californian on November 13, 1969, that I would like to bring to the attention of my colleagues. This article deals with the accessibility to Federal funds that wealthy States and local governments have due to their ability to hire experts in grantsmanship. Many of our States and local governments cannot afford to hire these experts and since the Federal Government does not provide a complete catalog or a central office where information on all Federal programs can be obtained, these governmental units are often unable to get the Federal assistance they need.

This thought-provoking article further dramatizes the need for the Program Information Act that will require the creation of a single, comprehensive compendium of all Federal programs. All States and local governments as well as private individuals need such a catalog so they can make sound judgments based on factual and complete information concerning Federal programs.

The article follows:

EXPERTS IN GRANTSMANSHIP HELP CORNER FEDERAL FUNDS

(By Louis Cassels)

WASHINGTON.—In theory, federal aid programs are set up so that the most liberal grants are available to the areas in greatest need.

In practice, it often works out just the opposite. Wealthy states and cities make a rich haul of federal largesse because they can afford to hire experts in grantsmanship. The really needy ones sometimes go without because they don't know how or where or when or for what to apply.

The federal government now has so many different kinds of aid programs that it takes a great deal of effort to keep track of what's available. A careful count by one member of Congress, Rep. William V. Roth Jr., R-Del., has turned up no fewer than 1,315 separate federal programs under which loans or grants are disbursed to qualified applicants.

There are, to choose a few examples at random, 51 programs which disburse aid for economic development, 62 which are intended to help localities deal with environmental pollution and resources conservation, 142 which subsidize particular types of housing projects and 165 which provide aid for schools.

There is no central office in Washington, or anywhere else, which can provide information about all of these programs. In fact, the Budget Bureau cannot even say for sure how many programs there actually are. Rep. Roth's survey may have missed a few dozen—or even a few hundred.

Some states and cities have created special offices, staffed by full-time experts, to make sure they're not missing any bets on federal aid. But a large number of communities—including most of those in most acute need of federal help—are failing to take advantage of assistance programs for which they are eligible. Others are slow getting their applications filed, or apply for help under the wrong program.

There is a simple and obvious remedy for this situation.

The government could publish a catalog, well indexed and kept up to date by frequent revisions, listing every federal aid program, with details about the amount and kind of help available, the eligibility requirements, the proper procedure for making application, and the specific federal agency to be consulted for further information.

The cost of creating and maintaining a master list of available aid programs would be miniscule compared to the sums now being wasted under programs that never reach the people they were supposed to help.

Legislation to require the publication of such a catalog has been introduced in Congress by Rep. Roth and others. A Senate subcommittee on intergovernmental relations, headed by Sen. Edmund S. Muskie, D-Maine, has held hearings on the bill (S–60) and may vote later this month on whether to clear it for floor action.

The legislation has encountered no vocal opposition. But neither has it attracted much public support. It's not, apparently, the kind of issue that stirs people to write to their Congressmen. If it dies in a pigeonhole, it will be just another victim of public apathy about the "tedious details" of government housekeeping.

Meanwhile, the haves will go on getting, and the have nots will go on missing out.

SAVE OUR SERVICE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

A PLEA FROM YOUR LETTER CARRIER: SAVE OUR SERVICE

Your letter carrier is struggling against overwhelming odds.

For years we've done everything we can to get the mails delivered as promptly as humanly possible. We have regarded your letters, checks, post cards and packages as symbols of trust, knowing that in each daily round we carry the hopes and fears of millions of people.

We've faced the ancient perils of snow, rain, heat and gloom of night as well as dog bites, traffic, endless flights of stairs, and increasing heavy burdens. We've done our part to maintain the honored traditions of our service.

Now we need your help.

As a result of short-sighted fiscal policies of the Bureau of the Budget, discriminatory pay scales and scandalous working conditions have reached the point where employment in the postal service imposes a sacrifice on postal workers that no citizen should be forced to bear in the ordinary course of events.

Wages of postal workers average thousands of dollars a year less than the amount determined by the United States Bureau of Labor Statistics as necessary for a "modest but adequate" standard of living.

To reach the top step of our postal pay scale takes up to 25 years of service . . . a goal most postal workers never reach. Over 90% of the letter carriers never rise above level 5 of the 21 level scale.

The rate of turnover among postal workers is nearly 10 times the turnover rate among factoy workers—23 per hundred compared to 28 per thousand. That costs the postal service . . . and the taxpayers . . . over $100 million a year in locating, hiring and training new employees.

To remedy these conditions and to achieve the kind of postal service Americans want and deserve. Congress has passed a bill. That bill is HR 13000 and is now before President Nixon for approval.

Here's what HR 13000 would do:

Provide step increases equivalent to a 5.4% pay increase.

Establish a Federal Wage Commission to determine future postal and federal pay scales.

As of July 1970, provide for top pay scales after eight years of service instead of 25, thus increasing the incentive for postal workers to stay in the postal service.

Here's what you can do:

Please wire or write to President Nixon.

That way you will help us and other organizations of postal workers who are now fighting to better their condition of life. We want to receive from our government employer the same treatment accorded, as a matter of course, workers in the private sector. We want to be paid as well as workers in similar jobs in private industry.

The simple fact is that postal reform begins with good postal pay.

President Nixon can take that first large step toward postal reform by signing HR 13000.

Postal wages are not inflationary.

Postal workers are the victims of inflation.

NO CORPORATION NEEDED

Postal reform is badly needed. The surest path to postal reform is through good postal pay. It cannot be achieved by turning the postal service over to a corporation that will simply put a new name on old practices. Postal reform is up to Congress. The Postal Service, however, should remain in the hands of the people through their elected representatives and not in the hands of a profit-motivated Board of Directors.

NATIONAL ASSOCIATION OF
LETTER CARRIERS.

THERE WILL BE NO MAIL BREAKDOWN THIS CHRISTMAS—THAT IS, UNLESS MANAGEMENT CREATES IT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. DULSKI. Mr. Speaker, a month from today is Christmas Day. When that day comes it is my sincere hope that all of the Christmas mail properly posted will have been delivered.

It is a big job and everyone recognizes that the postal system has not received the backing and support that it has deserved in the past. It is behind on modernization of buildings and equipment, it is behind in its relations with its workers, particularly on pay and working conditions.

But the mail is getting through. And our House Committee is hard at work trying to correct the inequities of law.

The disturbing factor at this time is the demoralizing attitude of the new top management team at the Department. Although it has a big job ahead in the next month, it is repeatedly knocking down the morale of its employees, instead of trying to bolster it.

It is more, it is reported that an order has gone out barring the filling of clerk and carrier vacancies. Is management trying to insure breakdowns in Christmas service around the country?

It happened once before and the Department keeps reminding the public of it in trying to sell its phony panacea that conversion to a public corporation will solve all the postal ills overnight.

That Christmas fiasco at Chicago a couple of years ago was not the fault of postal employes in Chicago or of local management. They saw it coming and pleaded for overtime authority to try to prevent the jam-up.

But the then Postmaster General and his staff, from their ivory tower in Washington, refused to authorize the emergency overtime and other steps needed in Chicago. Result: chaos.

Who was that Postmaster General? None other than Lawrence F. O'Brien, the fellow who takes credit for dreaming up the public corporation idea, now embraced by the new administration.

I recall what James A. Farley, one of our great Postmasters General, said recently at a convention of postmasters:

> There isn't anything wrong with the Post Office that money can't solve.

As a result of the headquarters' order barring filling of vacancies at the present time, the local postmasters are being required to put employees on 12- and 16-hour days. Not only that, but if an employee declines to work overtime, he must have a doctor's certificate to obtain authorized exemption.

Is management trying to wreck the morale and the health of its employees on the eve of the peak mailing season? How can management expect employees to maintain efficiency when it is needed while it requires employees to work overtime for weeks leading up to the Christmas avalanche?

I wonder: Suppose the Postmaster General has his way and obtains his public corporation. Then would he require—and, indeed, be able to force—employees to work the unreasonable shifts which he is now forcing upon them? I doubt it.

The Postmaster General was in London recently for the conversion of the British postal system to a government corporation.

But has he been taking Vice President AGNEW's admonition to tell both sides of the story? Not at all. He neglects to tell anyone that the British system is a complete communications setup—not just the postal system. It also includes the telephone and telegraph system, quite a different proposition than exists in the United States.

I refer to the speech he made the other day in Hattiesburg, Miss., in which he said:

> The corporation concept for managing the mails is spreading throughout the world. I recently attended a ceremony in London marking the transfer of the British postal system to a government corporation, and while in Japan last week, I had the opportunity to study their corporation proposal, which is currently before the Diet.
>
> Certainly this is an idea whose time has come.

Did the General bother to tell you the difference between handling mail in the concentrated area of Great Britain or Japan as compared with service covering 50 States spreading across thousands of miles? Of course he did not, Mr. AGNEW notwithstanding.

Mr. Speaker, our Committee on Post Office and Civil Service has been working diligently on this matter of postal reform since April. Four months of hearings Nearly 3 months of executive sessions. We know what the problems are. We listened to all sides and are making recommendations. We did not start out with a conclusion and then wear blinders to all variations.

Unfortunately, this is what the administration and its mouthpieces have done. We are looking for solutions—not more chaos. We welcome cooperation.

The General said our hearings were fair. I wish I could consider his approach to the situation likewise.

TIRE SAFETY TESTS

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. AYRES. Mr. Speaker, as the Representative of the rubber capital of the world, I am much concerned about the serious effect on the tire industry of undeserved bad publicity arising from the recent release of tire safety test reports by the Department of Transportation.

These reports are nothing but raw, unevaluated data on a few tests which the Department itself plainly says prove absolutely nothing. Yet, we read in the papers scare headlines which say such things as "Tires Failed 25 Percent of Tests for Safety, U.S. Reports."

This gives the unfortunate impression, whether intended or not, that 25 percent of the tires on the road today are unsafe. We know that is utter nonsense, from our own experience as motorists. When tires do fail, in 99 percent of these cases it is due to the fact that they have been worn too thin or completely bald.

I hope that the Highway Safety Bureau and the news media in the future will go to more pains to keep these safety test reports in proper perspective. Or we in the Congress will have to take another look at what is actually happening under the legislation we passed.

To help clarify the situation, I would like to include in the RECORD at this point the following statement by Ross R. Ormsby, chairman of the Tire Industry Safety Council, which is self-explanatory:

TIRE INDUSTRY SPOKESMAN CAUTIONS MOTORISTS AGAINST SNAP JUDGMENT BASED ON PARTIAL SAFETY TEST REPORTS

WASHINGTON, D.C., November 24.—A spokesman for the tire industry today cautioned motorists not to jump to the wrong conclusions because of preliminary reports on the government's tire safety tests.

"Fragmentary reports on a few early tests can give a very misleading and distorted view of the overall situation," said Ross R. Ormsby, Chairman of the Tire Industry Safety Council.

"The favorable experience of millions of motorists over many years with good, safe tires far outweigh a few isolated laboratory tests," he declared.

"As the government testing program continues, and evidence is accumulated on a much larger scale, we are confident that a better pattern of findings will emerge," Mr. Ormsby added. "It will confirm what American motorists and manufacturers already know: our tires are remarkably strong and safe. And they are getting better all the time."

The best measure of tire safety, up to this time, is what has happened to tires in actual use on the highway, Mr. Ormsby maintained.

Independent studies have shown that tire failure is involved in only about one percent of all highway accidents, he pointed out. He cited studies by the California Highway Patrol, Northwestern University Traffic Institute and Cornell Aeronautical Laboratory.

The Tire Industry Safety Council is a new organization formed by all U.S. manufacturers of passenger car tires to expedite the flow of news and information about tire safety development.

The complete text of Mr. Ormsby's statement today follows:

"Motorists should not jump to wrong conclusions because of preliminary reports on the government's tire safety tests. The whole testing program is still relatively new and small. Fragmentary reports on a few early tests can give a very misleading and distorted view of the overall situation.

"The best measure of tire safety, up to this time, is what has happened to tires in actual use on the highways. Independent studies of highway accidents by such organizations as the California Highway Patrol, Northwestern University Traffic Institute and Cornell Aeronautical Laboratory, have shown repeatedly that tire failure is involved in only about one percent of the highway accidents. And in most of those cases, the tread was worn very thin or bald—much below minimum safety standards—before the accident occurred.

"The Department of Transportation itself very properly has put a strong disclaimer on everyone of its early test reports, warning against snap judgment. The disclaimer says plainly: 'Favorable test results should not be interpreted as necessarily establishing that the vehicle or item of equipment is in conformity with any of the relevant Federal Safety standards; similarly unfavorable test results should not be interpreted as establishing nonconformance with the Federal standards.'

"While the government program is just getting underway on a small scale, the manufacturers have been engaged in testing for many years and their own programs have been greatly enlarged in recent months.

"The industry as a whole now runs over four billion tire test miles a year. That is the equivalent of more than 8,000 round trips to the moon each year.

"The manufacturers now spend over $80 million a year on research, development and testing.

"The purpose of this activity is to make sure that all new tires exceed the rigid federal safety specifications now in effect, and to help make even better tires for our customers in the future.

"The favorable experience of millions of motorists over many years with good, safe tires far outweighs a few isolated laboratory tests.

"In the California Highway Patrol study, for example, it was found that tire failure was involved in only 545 out of 60,000 accidents investigated during a six-month period in 1966—roughly one percent. The tread was worn down below accepted safety minimums in 57 percent of those cases. And in 22 percent it was actually worn down to the cords.

"As the government testing program continues, and evidence is accumulated on a much larger scale, we are confident that a better pattern of findings will emerge. It will show a very high degree of safety and durability in tires.

"It will prove what American motorists and manufacturers already know: our tires are remarkably strong and safe. And they are getting better all the time.

"Of course the members of the Tire Industry Safety Council will continue to cooperate with the Highway Safety Bureau, and all other agencies and groups dedicated to improving tire safety even further."

CHILD ABUSE—A GROWING PROBLEM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BIAGGI. Mr. Speaker, I introduced a bill known as the National Child Abuse Act of 1969 last May. Twenty-six of my colleagues cosponsored this bill.

At the time, the problem of child abuse was brought into focus by the New York Daily News. During one of its many public service campaigns, the Daily News took the brutal death of a 3-year-old girl to show that child abuse had become a very serious problem. With William Federici researching and writing many of the articles, the Daily News did such a superb job that I felt compelled to introduce remedial legislation.

Since then, there have been vivid signs that the problem has become even more severe in cities across the Nation. I ask, therefore, that we reexamine my bill and consider it in the light of what is happening to some of the children in our society.

I believe an article written by syndicated columnist Jack Anderson is worthy of our attention. For that reason, I am submitting the text of that article as it appeared in many newspapers on Monday, November 24. It read:

A secret grand jury investigation in Baltimore may blow the lid off a shocking American tragedy—the abuse of helpless children in institutions.

The American Humane Assn. estimates that 10,000 children are beaten, burned, boiled and deliberately starved in the U.S. each year by parents, relatives and guardians. Strangely none of the national agencies that specialize in child welfare keeps a check on abuse in children's institutions.

Joseph H. Reid, executive director of the Child Welfare League, acknowledged that child care centers sometimes attract personnel of the wrong kind. "They are apt to attract people who are themselves looking for a shelter, including homosexuals," he said.

Vincent DeFrancis, children's director of the Humane Association agreed: "It is commonly known in the field that staff people and inmates are frequently involved in homosexual acts."

But both acknowledged that no one knows how serious the problem is—because, explained DeFrancis, "Institutions don't report child abuse, in order to protect themselves."

The Baltimore probe may focus the spotlight on a national scandal that has been kept in the shadows. Under investigation is the Maryland Child Study Center, a residential institution for emotionally disturbed children.

The grand jury's secret inquiry has turned up these alleged examples of brutal treatment and scandalous conduct:

A 10-year-old, brain-damaged child was held by two "houseparents" (untrained child care workers) while he was severely beaten by a third.

Children were forced to perform perverted sexual acts with other children and with their adult supervisors.

Emotionally disturbed children, some with serious sexual problems, observed sexual relations between their unmarried adult supervisors.

At least one alleged abortion was performed on the premises.

Children had access to dexedrene and other drugs, which they accumulated.

Probably the most poignant testimony is contained in a letter written by 16-year-old Dennis Landes, a high school student who had been discharged from the institution.

"The houseparents were brutal, even savage . . ," the boy recalled, "and frequently were indulged, in sexual activities while on duty and in the early hours of the morning."

"One houseparent," he wrote, "would beat and kick us and everybody was terrified of him. One incident that occurred which was typical of (the houseparent's) brutalism was with a boy from my dormitory, Billy Anthony.

"I remember standing in 'A' dorm helplessly watching (the houseparents) beat up Billy. He struck Billy in the face several times as well as in the stomach and threw him on the floor where he put scars on his face and head by kicking him repeatedly with his foot. Afterwards he threw him in the quiet room head first on the concrete and proceeding to kick him for 15 minutes until he was content."

Recalling another of the houseparents, the former patient wrote: "He had a fierce temper and half killed anybody when he got mad. I can remember when he had little Jerry Morland pinned by the neck hanging from the wall a foot from the ground."

Most social workers contacted by this column felt child abuse in institutions wasn't as serious as other problems. Perhaps they should talk to Dennis Landes.

NO CHANGE IN SOUTH AFRICA'S APARTHEID

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. KASTENMEIER. Mr. Speaker, among the outstanding foreign policy problems yet to be tackled by the administration is the future course of our Nation's relations with the Republic of South Africa. It is hoped that one pitfall that will be avoided by our policymakers is seeing a change for the better in South Africa's regressive racial policy where, in fact, the reverse is actually true. The Manchester Guardian Weekly in a front-page story earlier this month concisely and perceptively demolished the theory currently being disseminated that the internal split within the ruling National Party, and the rapid economic growth of the country, are contributing to fundamental changes in South Africa's blatantly racist policies. I commend this article, which follows, to the attention of those of my colleagues who are concerned over the continuing denial of basic human rights to the nonwhite majority in South Africa. It would be well also for those well-meaning, but regrettably naive Americans, who are seeking the silver lining in the dark cloud hanging over South Africa to heed the admonition of the Guardian that "there are no signs that the small shifts of policy which the South African Government has made have changed her internal structure at all."

The article follows:

APARTHEID ANCIENT AND MODERN

It was a useful coincidence that Dr. Hilgard Muller, the South African Foreign Minister, should be in England when the row over the Springboks' rugby tour should have come to its head. It should remind him that his country's new "outward-looking" foreign policy convinces few people here.

The South African Nationalist Party's arch-conservatives may feel that the sight of an African diplomat fraternising in South Africa is a mortal blow to white supremacy. But people outside the country want rather more evidence than that. There are no signs that the small shifts of policy which the South African Government has made, in diplomacy with black Africa or in being prepared to accept Maoris on a visiting rugby team, have changed her internal structure at all. Dr. Muller knows this. He should know now that Britain knows it too.

It would be wrong to call these changes of South African policy concessions. They are designed to strengthen the system of white supremacy by bringing it up to date. The split in the Nationalist Party between so-called Verkramptes (hardliners) and Verligtes (enlightened ones) is really a division of opinion between Ancient and Modern, between fundamentalists and pragmatists. But the basic philosophy remains the same. The hardliners, who were purged from the Nationalists and are to set up their own party under Dr. Albert Hertzog, are worried over what are the only nuances in the Vorster policy.

Mr. Vorster's decision to hold a snap election gives the new party little chance to organise. Indeed, in the long term the split in the Nationalists will strengthen the modernists by making the Nationalist Party even more acceptable to the English-speaking electorate. The tendency for the United Party to lose ground and for a one-party system to emerge grows stronger.

If this trend is discouraging for nonwhite South Africans, industrialisation offers them little more hope. It used to be hoped that economic development would somehow soften white supremacy. If this remains a possibility in the remote future, there is no prospect in the foreseeable years ahead. The last five years have seen a steady dismantling of the limited political rights which Africans and Coloureds had, and growing efficiency in the police state apparatus. The trend is thus towards an increasingly united white electorate with a one-party system ruling over an increasingly numerous and better educated but transient, voiceless, and totally repressed majority. To call the rulers in such a system "enlightened," or to want to sell them armaments, reveals a political and moral obtuseness of a high order.

A SILENT AMERICAN'S RESPONSE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. MESKILL. Mr. Speaker, if there is one constructive thing the Vietnam moratoriums have accomplished, it is to stimulate a mass of silent Americans to speak out in support of their country and their President.

The polls have shown that nearly eight out of 10 Americans support the President's efforts to secure peace in Southeast Asia. This outpouring of sentiment by the "silent Americans" will help the President meet his responsibilities.

A good example of the kind of response the moratoriums have stimulated is an ad which was run in the Torrington, Conn., Register of November 10. The ad was sponsored by a "silent American" and a good friend of mine, Harry Purcell. I wish to insert the text of this ad in the RECORD for the benefit of my colleagues:

Communism, the More it Changes the More it Stays the Same—But Some Americans Have Not Yet Awakened to This Truth

(By Harry B. Purcell)

Leftist antiwar marchers will congregate in Washington this week for 36 hours of demonstrations that are expected to include some shedding of blood. Security officials note that the Washington action—November 14 and 15—is under the direct and overall control of "New Mobilization Committee to End the War in Vietnam" (New Mobe), whose leftist character is not so well camouflaged as the Vietnam Moratorium Committee which sponsored the nationwide October 15 observance. "New Mobe's" steering committee includes persons with well-known Communist backgrounds of violence. The most militant Students for a Democratic Society (SDS) group—"Weatherman"—and "black liberation" units are also expected, so police and military leaders have made plans to cover all eventualities, from peaceful marching, to "mass civil disobedience," to outright riot. The main thrust of the action will again be to attract maximum publicity so as to embarrass the United States before the world, to try to convince the nation and the world that the anti-war movement is a mass movement (actually, the much publicized October 15 action involved less than one half of 1% of the U.S. population).

But there will still be a large number of Americans who will watch this unspeakable spectacle with a "boys will be boys" attitude.

Distantly perhaps, but nevertheless related to such strange people, are those who profess to be more afraid of individuals who are always warning us about Communism than they are of Communists themselves. If they really mean that, they must tremble a lot. Because there are hundreds of millions of people in this world who would warn us about the evil of Communism. They can be found in every free country but particularly in the dozen and one half "captive nations." Let those in the United States who scoff at the dangers posed by Communism tell it to the suffering souls in Czechoslovakia, Hungary, Poland, East Germany, and Vietnam, to mention just a few countries that are expert on the subject. But then, communicating freely with those masses is somewhat restricted, isn't it?

As an alternative to that, the naive noisy minority in this country who, even after 50 years of indisputable and bloody evidence to the contrary, still regard the Russian Bear as something to be embraced, "teddy"-like, might take whatever time they would need to read a couple of books. Two men who had a great deal to do with establishing the Communist Party in the United States knew whereof they wrote. We recommend, therefore, "The Whole of Their Lives" by Benjamin Gitlow; and, "The Techniques of Communism" by Louis F. Budenz.

Or, how about the just published evaluation by this nation's foremost authority on the danger of Communism within the borders of the United States. As a young attorney in 1919 for the Department of Justice, he studied the earliest documents of Communism. Since 1924, as head of the FBI, he has daily followed the ramifications of this conspiracy. No man in America can claim a greater understanding of this evil which is without equal in the twentieth-century. We refer, of course, to J. Edgar Hoover and his just off the press "On Communism." Here is his assessment of the Communist poison:

(1) Communism means primarily a threat from the Soviet Union and its satellities (as well as Red China and other communist nations).

(2) The Communist Party, U.S.A., the largest communist group in this country, has remained obediently loyal to Moscow. A person cannot be a communist and a loyal American at the same time.

(3) Communism is a totalitarian philosophy which embraces all phases of human life: education, art, literature, the press, etc. It is all-encompassing.

(4) In the United States, no indication is apparent that communism has changed even in the slightest from its historic Marxist-Leninist core of a materialist atheistic conspiracy dedicated to overthrowing the institutions of our society. Communism is not, as some claim, becoming more democratic through the passage of time.

(5) Communism employs different facades or tactical changes of clothes to conceal its inner core of revolution and assault against this country. At present the Party has a New Look, post-Stalinist style. This tactic is just as dangerous, if not more so, than the Stalinist Party.

(6) Communism is depending in large measure on noncommunist hands to do its work. As a small minority, it seeks through deception to gain your support. Americans must beware lest the Party achieve support through deception, masquerade, and false promises.

(7) Disrespect for law and order is a fundamental cornerstone of communist tactics. Charges of "police brutality," "illegal arrest," and "persecution" have long echoed in the Party press. These false communist charges, unfortunately, have been taken up by other groups whose basic purpose is to destroy law and order and to create chaos.

(8) A half century of communism has done much to make both the Party and its ideology respectable among many elements in our society. Too many Americans are today becoming ideologically disarmed. Here lies one of the Party's major gains over five decades.

(9) Communism has been able to implant much of its Marxist vocabulary into the rising New Left, "anti-Establishment" movements which are appearing on our campuses. The legacy of communism in this country has been to implant distrust of free government, law and order, and rational solution of conflicts. Marxist terms are regularly used and applied in New Leftist student circles.

(10) At the heart of communism is the concept of violence. Despite Party protestations to the contrary, violence is the ultimate weapon of the communist kit of tactics. He who believes that the communists are peace-loving and have given up the "games of violence" is badly mistaken. The violence doctrines of communist theory and practice have undoubtedly influenced New Left and black nationalist thinking.

(11) The concept of the class struggle remains at the heart of communist revolutionary propaganda and agitation. There has been no lessening of the communist effort to convert issues, such as the civil rights struggle, New Leftism, infiltration into labor and industry, into class struggles—in accordance with historic Marxist teachings. The Party has absolutely no interest in reforms or any activity which would strengthen the existing society.

(12) In these fifty years many varieties of communism have arisen, some competitive and hostile to each other. But not one variety, be it Soviet or Red Chinese, Polish or Yugoslav, Castro or Albanian, is a genuine friend of the United States.

The overwhelming majority of Americans thoroughly understand that the above indictment of Communism is a valid one. They have endured in silence the un-American-like demonstrations and statements of the noisy publicity seeking minority, that strange mixture of admitted Communists, expedient politicians, the immature, the professional communist apologists, the hippies, the draft dodgers, the draft dodger counselors, the seditionists, the traitors, and the sincere but gullible. They have endured it because the vast majority of Americans are a patient, generous people, quick to respect the right of freedom of speech—slow to protect or punish the abusers of their cherished freedoms.

But there are signs of a stirring within that American majority—indications that they have had it, and that their inclination to remain silent is about to end. They are quite fed up with the self-styled "doves" who appear more as "chickens" as they desert to Canada and Sweden; who have only a "knife in the back" for our fighting men in Vietnam; who would "pull the rug" out from under our representatives in Paris who are trying to negotiate an end to the war; who openly declare their desire for the United States to suffer a humiliating defeat in Vietnam; who, even though they are barely beyond the bed-wetting age, insist that they are more competent in prescribing national and international policies than is the President, his cabinet, the U.S. Senate, the House of Representatives and all the other sources of intelligence in and out of Washington that the President can muster.

One of these "signs" took the form of a resolution introduced on the floor of the United States Senate on October 13, 1969 by Senator Dole of Kansas. It is identified as Senate Resolution No. 271 and it was immediately hailed with speeches of many senators who, like millions of other Americans, believe it is time to put the onus for continuing this war where it belongs—on the backs of the Communist governments of Moscow, Peking and Hanoi.

Senate Resolution 271, reads as follows:

"Resolved, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

"(1) Acknowledge that a just and mutually-agreed settlement is the best hope for a lasting peace;

"(2) Show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

"(3) Agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

"(4) Withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held;

"(5) Provide information on the status of U.S. Prisoners of War held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

"Further resolved, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people."

The names of cosponsors of Senate Resolution 271 ordered to be printed in the RECORD, are as follows:

The Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Boggs), the Senator from Nevada (Mr. Cannon), the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from North Carolina (Mr. Ervin), the Senator from Arizona (Mr. Fannin), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from South Carolina (Mr. Hollings), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), the Senator from Maine (Mrs. Smith), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower).

We heartily applaud Senator Dole and the 33 or more senators who promptly associated themselves with S. Resolution 271 as sponsors or cosponsors.

WHAT YOU CAN DO

Communism continues to hurl us a mortal challenge. How we respond will determine whether or not America—this last best hope for freedom on earth—will survive that challenge.

The fight against Communism is the responsibility of all of us. We urge the immediate taking up of this fight by every citizen. A good way to start would be to tear this page out and send it to your senators and representatives in Washington. Tell them in language that they will have no trouble understanding, that you are in favor of the immediate adoption of this resolution. If they are not, demand a written statement as to why they are not. Urge every friend you have to do the same so that our President and our men and women fighting for us in South Vietnam will know that we are 100% behind them.

In addition, we suggest, as a positive counter-demonstration to the violence and disruption planned by the radicals throughout the country on November 14th and 15th, your personal participation, in every possible way, in the patriotic ceremonies that will take place tomorrow on Veteran's Day.

By our natural inclination to be silent, we have allowed a spurious fraction of our total society to believe that they can take over this country and destroy our traditional American ideals.

It's time to blow the whistle on these old ones and to let them know just how fed up America is with their treasonous handiwork.

NATIONAL RIFLE CHAMPIONSHIP TROPHY

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. FLYNT. Mr. Speaker, on Wednesday, November 26, 1969, the Reserve Officers Training Corps Rifle Team at the R. E. Lee Institute at Thomaston, Ga., will be presented the Army National Rifle Championship Trophy for the third time and this trophy will be retired in the permanent possession of R. E. Lee Institute.

This program started in 1964 as the National Junior ROTC marksmanship program. R. E. Lee Institute won the championship in 1965, 1966, and 1969 and was runnerup in 1967 and 1968.

In addition, the rifle team has won the: 3d Army area championship, 3d Army shoulder-to-shoulder match, Georgia State championship, Herb Atkins Memorial Junior ROTC rifle match, Association of the U.S. Army championship at Fort Benning, and the high school rifle match sponsored by the National Explorer Division of the Boy Scouts of America.

Maj. Gen. B. F. Evans, deputy commander 3d Army, will make the presentation to R. E. Lee Institute and retire the trophy permanently with R. E. Lee Institute.

The rifle instructor and assistant professor of military science tactics at R. E. Lee is Sfc. Robert B. Brese, U.S. Army retired, who has served as coach of the R. E. Lee Institute Rifle Team for the past 14 years. Some of the outstanding marksmen in the State of Georgia have developed their skills under his guidance and instruction.

Col. Robert J. Heckert, U.S. Army, retired, is the professor of military science and tactics at R. E. Lee Institute, and Mr. Kenneth J. Moore is principal.

I congratulate R. E. Lee Institute, its rifle team, and the devoted officials of the R. E. Lee Institute for this splendid record of achievement.

"FOREIGN AFFAIRS AND NATIONAL PRIORITIES," A PERCEPTIVE SPEECH BY CONGRESSMAN F. BRADFORD MORSE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. WHALEN. Mr. Speaker, last month our colleague, the Honorable F. Bradford Morse, addressed the National League of Insured Savings Associations at the Boston Statler Hilton Hotel on the subject of "Foreign Affairs and National Priorities."

In his perceptive remarks, Congressman Morse, a distinguished member of the House Foreign Affairs Committee, grasps the essence of this Nation's difficulties. That is, "The United States, as a Nation, has at its disposal limited resources with which to meet rapidly expanding demands." Thus, the major decision to be made now is "how we shall allocate our resources to meet those demands."

The problem exists at this time, he continues, because "our system of assigning priorities has failed us." This failure Congressman Morse attributes to our preoccupation with international commitments and with the threat of world communism which, in turn, has resulted in an "increasing emphasis on the acquisition of military hardware, designed to secure us against a threat which is substantially different from that we faced in the late 1940's."

His suggestions for realining our priorities specifically exclude actions which would jeopardize national security or abandon our international responsibilities. In fact, he observes:

> A substantial portion of what we spend on the military is redundant to the maintenance of national security—that some of it is no more than frosting on what is already a very substantial cake.

As one who attempted during the debate on the military procurement bill to start this body on a course of considering funding requests in light of priorities, I was particularly pleased with Congressman Morse's conclusion:

> What we lack is not the capacity to do what must be done. What we do require is a national concern and a national commitment, indeed a national determination, not to squander our resources on spending that benefits only a few, but to marshall those resources in a concerted effort to solve our domestic problems.

Mr. Speaker, I share the confidence of my good friend from Massachusetts in this Nation's capacity to do what must be done, as I am sure every Member of this House does. Therefore, I recommend to the Members the full text of his remarks which follows:

Foreign Affairs and National Priorities

(By F. Bradford Morse, Member of Congress)

"They've all come to look for America."

A line from a song of the 1960's. The decade which began as the decade of hope but has ended as the decade of despair.

What's gone wrong?

Where have we gone that we have had to begin to look for ourselves?

For generations our people, and indeed the rest of the world, looked upon America as the "City upon a Hill, with the Eyes of all people upon us," to recall the words of John Winthrop as he landed on the coast of Massachusetts over three hundred years ago.

There was great hope. Ours was the country to which all eyes turned to find the basic truths of freedom, justice and democracy. Where other nations had failed, the promise of America was held out as evidence that men—all kinds of men—could govern themselves in their own best interests and thus attain the common good.

And now—they've all come to look for America.

What they have found has disillusioned many: the richest nation in the world, unable adequately to feed and clothe some ten million of its people; the most powerful nation, unable successfully to contribute to the peace for which this embattled world yearns; the most successful democracy in the history of man, unable to make its institutions responsive to the needs and aspirations of all of its people.

Those who look at America see a nation that in the space of nine years began and concluded a triumphant effort to put a man on the moon; but which is unable, or, even worse, unwilling, to eradicate its slums and the poverty and degradation and disease they breed.

Increasing numbers of Americans are beginning to ask themselves—and their leaders—what has become of the City on the Hill? Has the American Dream become a nightmare? Indeed, where is America?

These are not questions being asked by the few—they are the concern of millions who cannot avoid taking note of what is going on around them. Today, one does not have to read about problems to be aware of them. They are there and, unwittingly perhaps, we absorb them. Television has brought a war into our homes every night for the last five years. We have seen our cities burning and our fellow citizens clawing at each other in the streets. No housewife needs to be told about inflation—she feels it in her pocketbook every week when she does the family shopping.

The questions are also asked by the fisherman who searches in vain to find an unpolluted lake or stream where he can catch some fish; by the air traveler who may spend hours stacked up above an airport, only to finds that when he lands, he has comparable difficulty in getting to his destination through endless traffic jams on the ground; by the young Black who cannot find a job or the hundreds of thousands who cannot get decent housing for themselves or adequate education for their children.

Where we are and where we are going are the central questions in what is fast becoming the predominant national debate—the need to establish, as a nation, a new set of priorities for the coming decade.

At the end of World War II, the United States emerged as the preeminently powerful nation in a world devastated by war. While we had committed both men and treasure to the battle, we had not suffered the destruction experienced by England, France, or Germany, who had fought the war on their own homeland, or Japan, who had been devastated by the first atomic weapons. Rather, the war pulled us out of the prolonged stagnation of the Depression years. In terms of our economy we were a far healthier country in 1945 than we had been at the war's beginning.

Some twenty-five years before that, when U.S. intervention had helped to bring the first World War to an end, the reaction on the part of our people was clear—we wanted to return to tending our own business and let the rest of the world go its own way. The battle over the League of Nations demonstrated in unmistakable terms the American people's unwillingness to take on the responsibilities of an international power.

But it was different in 1945. There was little question then that the United States had the responsibility, welcome or not, to share its resources and use its power to aid the countries of Europe in their efforts to rebuild. And with the growing and very real threat posed by our war time ally, Soviet Russia, it also became clear that the United States would have to accept the major responsibility for helping to protect other nations from potential Communist expansion.

That response was not unreasonable, given the facts which faced the world a generation ago. Soviet Russia had just occupied the countries of Eastern Europe, and her postwar activities convinced us that she was indeed setting out to extend her influence and her ideology throughout the rest of the world. And if we did not join forces with the other free nations of the world, and resolve to resist her attempts to export Communist domination, she might very well succeed.

Throughout the late 40's and early 1950's we faced a monolithic Communism, united in its parts and presenting an unvaryingly hostile face to the rest of the world—especially to the United States.

Our response to that threat was to construct a number of alliances through which we could extend the protection of our power to nations not able to defend themselves alone against the threat of Communism, both from Russia and from China. We joined the North Atlantic Treaty Organization and the Southeast Asia Collective Defense Treaty, and encouraged the formation of the Central Treaty Organization.

Through our several "collective defense" treaties, we pledged ourselves to protect our fellow signatories against armed attack with our massive military strength. In the case of Western Europe, we had committed ourselves to a nuclear war with Russia in the event she should launch an attack against our allies.

The sum of those commitments is staggering. In theory at least, the United States is committed—simultaneously if need be—to repel a conventional attack on Western Europe, to counter a nuclear strike launched by the Soviet Union, and to check Communist Chinese aggression in Southeast Asia. In addition we have a self-expressed interest in the right of self-determination on the part of the Latin American republics and the emerging African countries, an acknowledged commitment to the integrity of the state of Israel and an earnest desire to help bring peace to the Middle East.

To ask the question whether the United States has over-committed herself is not unreasonable. To ask the question, whether our alliances and our promises—made in the 1940's and early 1950's—are relevant to the present world situation, and to our own needs and responsibilities as a nation, is imperative.

The world has changed drastically since 1945 when the United States stood alone in the world arena, not only as a dramatically successful experiment in self-government, but also as a nation whose military power was unparalleled.

The nature of the threat we diagnosed then had changed, but we are still applying essentially the same medicine. While we have remained geared to the threat from the monolithic Communism of the 1950's, the internal dynamic of the Communist world has been changing. The 1960's have shown that there are some Communists who think differently from others. We have only to witness the independent posture of Yugoslavia, the liberalization movement in Czechoslovakia, crushed though it was by Soviet tanks, the independent foreign policy of Rumania, and the very real and historical split between the Chinese and the Russians.

Today, nationalism is one of the strongest forces at work in the world. We have seen it in sophisticated form in de Gaulle's France, and as a more primitive but nonetheless equally powerful force in the developing world.

The communist nations are not exempt from this influence. Each of them seeks to establish its own identity as a nation and a people, independent of its identification with world communism. As real as is the continuing hostility of Soviet Russia and China toward the United States, world communism will never be the same again.

Most aspects of the international environment have undergone vast transformation since 1945. A war torn and devastated Europe has now become economically strong and politically stable. Japan has become an international economic power and her prosperity increases steadily.

These changes, and I have mentioned only a few major ones, should be clearly visible to any observer. But the United States has demonstrated, by our conduct in the last several years, that we have failed to understand the impact of these changes and we have failed to respond to them through adjustments in our foreign policies.

We are still a relatively young international power. The American tradition has always focused on our own internal life, on the pursuit of the economic "good life". In addition, America has always stood for the basic principles of freedom and democracy—we were to be, as Emerson wrote, "a beacon lighting for all the world the paths of human destiny". And we viewed it as part of our destiny to spread, by example, the light of freedom to all men and to demonstrate the virtues and the superiority of our democratic way of life.

Our "can-do" attitude has led us inevitably to believe that we could help make the rest of the world achieve a similar success—and there was little question in our minds that the rest of the world would want to follow the American example.

It is all too obvious today that the rest of the world is becoming increasingly skeptical about the American way of life.

Why?

Why has the shining symbol become so tarnished in the eyes of other nations?

I think it is because, in our failure to alter our view of the world and our place in it from that which we perceived a quarter century ago, we have neglected to notice that massive changes were taking place, not only in the world environment, but of perhaps greater importance, in our own country as well.

Because of our preoccupation with the external threat we felt so acutely, we have neglected our own plaguing national problems until they have become so serious and so divisive and so public, that we can no longer ignore them.

And that failure has brought us not only to the present critical domestic impasse; it has also eroded our influence in the community of nations. What we thought was our superior democratic domestic life has been revealed in the last decade as an imperfect system with weaknesses and shortcomings of major proportions.

Once admiring foreign observers now see an America beest by internal conflicts so severe that they threaten to tear our society apart.

Notwithstanding civil rights legislation that has put comprehesive anti-discrimination statutes on the books, Black Americans in many places continue to suffer deprivation of the promise of American life. And they continue to insist, ever more urgently, upon their right to full participation in the American adventure.

White Americans fear the disruption of a society in which they have a predominant stake, and are apprehensive about the potential loss of the material benefits of life for which they have worked very hard and very long.

In the midst of the greatest affluence the world has yet known, poor Americans, white and black, go hungry in some parts of our land. Others subsist on a diet that is far below what is necessary for basic nutrition.

Older Americans, who have spent their most productive years contributing to our growth and prosperity, and who ask only to be able to now reap the benefits of that contribution, look on in despair at an ever increasing cost-of-living which leaves them unable to enjoy fully their retirement years. On fixed incomes, they find even the basic necessities being priced out of their reach.

And young Americans, on dozens of college and university campuses across the country, stage demonstrations and seize buildings, voicing their dissatisfaction and disapproval of both their own institutions and on society as a whole.

The baffled foreigner sees a country where the politics of compromise, once so highly cherished by its practitioners and marveled at and praised by its observers, has been replaced by the politics of confrontation, often violent, always hostile.

British historian Sir Denis Brogan has stated: "This is not going to be the American century. Very few people are enamored of the American way of life."

Until we can successfully make the American dream a reality at home, how can we expect to provide effective moral and political leadership in the world?

Until we make peace and freedom a reality at home, how can we expect other nations to heed our words about peace and freedom in the world?

So, we must ask ourselves, what are we going to do about it?

And that question unavoidably focuses our attention on the problem of national priorities. We have heard this phrase with increasing frequency in recent months, most often in connection with the growing national debate over American involvement in the world and especially our allocation of large sums of money to national defense in support of that involvement.

At the same time, others are arguing that those who would change our priorities are out to disrupt our society and to engineer a retreat from the world.

That is not the case. Those who are concerned about national priorities are neither "peaceniks", nor "anti-military", nor "unilateral disarmers". Rather they share a genuine concern about a simple basic fact. The United States, as a nation, has at its disposal limited resources with which to meet rapidly expanding demands. We must determine how we shall allocate our resources to meet those demands.

But while the statement of the problem is simple, finding and agreeing on its solution is not.

Where and how we assign our priorities in a democracy is determined by political processes. In the past, we have had an overall national consensus on the validity, propriety and desirability of our goals. In part, this consensus had resulted from the fact that the majority of our people, in which was vested the prevailing political power, shared a common culture and respected common values. But even while consensus exists, there are, almost by definition, changing attitudes and aspirations which may be inconsistent—even hostile—to it. If the consensus does not accommodate these forces, if the majority rejects their reality and importance through ignorance or indifference, they inexorably will erode—and ultimately destroy the consensus. And I fear that this is happening.

Too many times our political institutions, responsible as they are for assigning our priorities, have failed in their most basic obligation—to be responsive to the changing and growing needs of the people. Long standing neglect has permitted problems—once measurable and manageable to mushroom out of control. Whereas catastrophe used to be regarded as a temporary phenomenon, today we seem to have found ways to make catastrophe permanent.

We have polluted our water, in some areas far beyond the capacity to make it clean again without spending many years and many billions in the effort. We have desecrated vast portions of our living space—we dump some 3½ *billion* tons of waste on the land each year. We have so neglected our systems of transportation that today traffic jams so congest our cities that it becomes almost impossible to move in them. We have let our urban centers become potential disaster centers.

Clearly, our system of assigning priorities has failed us.

I have tried to suggest that this is partially because we have been so preoccupied with our international commitments and with the threat of world communism, that we have neglected our first commitment—to our own people. We have seen an increasing emphasis on the acquisition of military hardware, designed to secure us against a threat which is substantially different from that we faced in the late 1940's. We are at the point now where we spend some $80 billion—*$80 billion dollars a year*—in military expenditures, and yet we cannot or will not spend enough money to purify our environment, educate our young, feed our hungry, house our poor, or care for our sick.

I do not suggest that we should jeopardize our national security or abandon our international responsibilities. What I suggest is not retreat, nor is it disarmament, although I hope fervently that we may reach an effective and enforceable agreement with the Soviet Union. What I do suggest is that a substantial portion of what we spend on the military is redundant to the maintenance of our national security—that some of it is no more than frosting on what is already a very substantial cake.

In the recent debate in the House of Representatives over the military procurement authorization legislation, one of my colleagues, Congressman Pike from New York, took the floor to oppose spending $1 billion on new ships. The Chairman of the Armed Services Committee insisted that we must spend this $1 billion to replace our older ships. Mr. Pike responded: "Old ships? Yes, and we have old schools and old hospitals, and old highways, too. Our air smells old, our water tastes old and there are people who are old and not being adequately cared for."

That is the question of national priorities in a nutshell.

During the recent controversy over the anti-ballistic missile system, increasing numbers of Americans became aware, as they have not been for many many years, of just what it is costing them to spend such vast amounts of money on ever more complicated and ever more costly weapons systems. And a good many began to ask themselves the question, is this really necessary? It's a good question, and it must be asked again and again.

I think the most important message which our young people are trying to communicate to us today, is that we must take stock of where we are and where we are going. They are demanding that we re-examine our goals, and determine priorities that take account of human needs. They are saying something else too. They are saying that unless we make our political institutions responsive to these human needs, unless we make them work once again for the people they represent, those institutions will not endure as we have known them.

There has never been a more direct challenge to the capacity of democracy to respond to its people's needs.

Our institutions are no better than the concern of the people demands that they be. For too long, too many of us have sat back, secure in our own comfort, willing to let other people deal with what have now become critical national problems with national and, indeed, international ramifications.

We can, if we will it, make our governmental institutions work better for the common good. And make them work better we must if our society is to survive. Unless we can reach those disaffected citizens, young and old, black and white, who sincerely and with some justification, doubt the efficacy of our political processes, we will surely find them seeking other means to achieve their objectives.

We must replace the "culture of the country club" with a culture of concern. Those who have stood apart, or who have resisted change as a potential threat to their own material well-being, must be persuaded that *only* change will preserve both our democratic system and our way of life—for any of us.

We must realize that national security involves more than guns and missiles and armies. For if a democracy continues systematically to exclude millions from the promises of its abundance, then that democracy hasn't a prayer in the world of survival.

If we cannot all have a share, than I am quite convinced that none of us will have it.

Let me add one footnote. There has been a good deal of discussion in recent months about the so-called "peace dividend"—the extra funds that will become available when the Vietnam war is concluded. More recently we have been warned that the "peace dividend" is illusory. We are informed that making up for losses in stockpiles and the natural growth of defense-oriented spending will take up most of the slack. I do not think that this is an acceptable alternative. I believe that we can make such a dividend available if we insist hard enough on it—if we refuse to let those funds become lost in the self-generating growth of an over-inflated defense budget instead of going toward programs to improve housing, education, job training, medical care and all the other worthwhile and currently underfunded efforts to meet our domestic ills.

But, I am optimistic. Thankfully, the question for our relatively wealthy country is not one between guns or butter, or between producer goods or consumer goods or anything quite so stark as that. Rather, we shall probably be pursuing a number of goals in the coming years, including the solution of our social problems, the discharge of our international responsibilities, and the maintenance of our security. The relevant problem is not so much the question of which goals to pursure, because they are indeed rather clear, but the questions of how much, in what combinations and how soon?

What we lack is not the capacity to do what must be done. This "can-do" country is far from being a country that can't do. What we do require is a national concern and a national commitment, indeed, a national determination not to squander our resources on spending that benefits only a few, but to marshall those resources in a concerted effort to solve our domestic problems.

I was impressed that when the crew of the Apollo 11 came to appear before a joint session of Congress, they expressed unanimity on one idea: Colonel Buz Aldrin expressed it: "The Apollo lesson is that national goals can be met where there is a strong enough will to do so."

All of us here can—all of us here must—help to provide that will.

EULOGY FOR MAJ. GEN. FRED L. WALKER, TEXAS' 36TH DIVISION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. TEAGUE of Texas. Mr. Speaker, my good friend Felix McKnight of the Dallas Times Herald has written one of the finest eulogies on an individual I have seen—that individual being the former commanding general of the 36th Infantry Division, Maj. Gen. Fred L. Walker.

Under leave to extend my remarks in the Record, I wish to include Mr. McKnight's editorial for Sunday, November 23, the subject of which is a man who was loved and idolized by a great number of Texans, as follows:

T-Patchers Mourn Their Strong Man

(By Felix R. McKnight)

The other day a very strong man died . . . and many men flinched and paused in the villages and cities, wherever they were. The indestructible, at 82, was gone.

Fred L. Walker was their man. Never the headline personality, but saintly to those who slogged through hell with him as the commanding officer of Texas' 36th Division.

Death came unexpectedly to Maj. Gen. Walker, only days after the public appearance of his long-awaited diary-journal that tediously detailed the World War II story of the T-Patchers.

Men in war make decisions based on two factors: the achievement of an objective and the protection of human life.

General officers—men of the Fred Walker breed—put the high premium on a soldier's life. Not an hour passed in the bloody lurch of the 36th to its final glory that Gen. Walker did not make an entry in his diary that bespoke wracking concern about the well-being of his warriors.

He wept in solitude when his officers and men were killed or maimed. He stayed with them in the suicide zones and he had thin escapes from death.

You could almost feel the wetness of his leathery cheeks when he wrote bitter entries of the Rapido River crossing folly that sent men to what he vainly protested was senseless death.

It is this chapter, written by a man each night as he planned tomorrow's strategy, that will be argued in military critiques and textbooks.

You can hear as many stories of Fred Walker as there are survivors of the 36th. But none could so perfectly frame the man as his own words.

Deep in devastating simplicity, they told of a single man and his men, committed in war to mutual trusts, triumphs and tragedies and eventual victory that had the bittersweet taste.

In the book, "From Texas To Rome," Gen. Walker tells how he inherited a National Guard division and made soldiers of civilians. He loved them, he lived for them, he defended them against the cruel dictates of unwise command decisions.

The Rapido River crossing tragedy—Jan. 20–22 of 1944—tells it all; for the first time in his words. Briefly, Lt. Gen. Mark Clark, commanding the Fifth Army, directed the 36th to cross a 50-foot-wide, 8-to-12-foot-deep, vertically banked and swift Italian River—with Germans fortified and swarming the hills just on the other side.

Gen. Walker thought it was a sentence of murder; and said so . . .

"I'll swear, I do not see how we, or any other Division, can possibly succeed in crossing the Rapido River when the stream is included within the main line of resistance of the strongest German position . . . My men (engineers) look upon the Liri Valley as a muddy bottleneck, guarded by an organized defense behind an unfordable river, without suitable approach routes or exits.

"Any attack would create an impossible situation and end in failure and result in the loss of a great many lives . . ."

Futilely, Walker talked over the problem with Gen. Clark and his staff. The diary notes: ". . . But they do not want to talk about it. The situation looks bad for us . . . They do not understand the problems and do not know what I am talking about . . . Even when our troops get across the river, they are nowhere . . . We are undertaking the impossible, but I shall keep it to myself . . . However, my staff and regimental and battalion commanders are no fools."

Fred Walker knew the ghastly odds of trying to cross unfordable rivers. He was a battalion commander on July 15, 1918, in the pivotal Battle of the Marne River. He made a piece of history when he took 1,200 men in good defensive positions and turned back, confused, disorganized and slaughtered, 10,000 Germans who attempted to attack across a swift, deep and unfordable Marne.

He knew a bit about rivers. And men who died.

But, on Jan. 20, 1944, the soldier taking orders wrote in his diary . . . "I do not know of a single case in military history where an attempt (like this) has succeeded," and then sent his men on the impossible mission. Next day, his diary noted:

"The attack last night was a failure . . ."

Once more, Gen. Walker went back to high command and militarily protested the unacceptable strategy. He wrote: "But he was impatient, in a determined mood, and insisted upon attack before noon. I felt like saying that battles are not won by wishing, while ignoring the facts, but this was no place to court insubordination . . . The stupidity of some higher commanders seem to be profound. I agree with Gen. Harmon that 'These are times when the high command is stupid as hell' " . . .

Finally, very painfully to Gen. Walker, his message got across. A third order to attempt to ford the river was canceled. He stood in the shadow of insubordination; he endured "insulting remarks," but he prevailed.

War is an indefinable, strange and leveling sort of thing. There are individual and group efforts that make for drama, even pages of history.

Footnote to this story is almost what you would expect. Gen. Fred Walker, loser of almost two regiments of the 36th Division in a Rapido fiasco that broke his heart, later argued another high command decision that didn't make military sense to him.

Gen. Mark Clark wanted to capture Rome and ride triumphantly in ahead of American troops. But his plan was wrong—and Gen. Walker told Clark's staff just that.

That time they listened, and permitted Gen. Walker's 36th to crawl an improbable mountain trail the Nazis thought no one would tackle. But the 36th did . . . and they swarmed over a little place called Velletri, routed the Nazis.

And Rome was seized, the back was broken. Gen. Walker and his beloved 36th came back . . . and Gen. Clark had his day. From there it was all downhill.

MYSTIC ORAL SCHOOL

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ST. ONGE. Mr. Speaker, the well-known Mystic Oral School, located in my congressional district at Mystic, Conn., is this year observing the 100th anniversary of its existence. It was founded in 1869 by Jonathan Whipple, who developed the oral method of teaching the deaf to communicate.

On November 9, 1969, the Mystic Oral School dedicated a new classroom building very appropriately named Whipple Hall as a memorial to its founder. I had the honor of dedicating this beautiful building which will house some 70 deaf children and will also provide additional space for teachers, the school administration, and recreational facilities.

Under leave to extend my remarks, I wish to insert into the RECORD the text of an editorial from the Hartford Courant of November 13 and my address at the dedication of Whipple Hall on November 9:

MYSTIC ORAL GIVES A CENTURY OF SERVICE

So many programs are either planned or well under way to give opportunities for education and normal lives to afflicted children that we tend to forget former attitudes which relegated them to meaningless existences. But such was the case generally speaking, when Mystic Oral School opened its doors to the hard of hearing in 1869. For many years after Jonathan Whipple founded the institution where he developed the oral method of teaching the deaf to communicate, the place was in the same category with state hospitals: Most people would rather die than be admitted.

Yet while the average citizen was unlearned concerning the problems and possibilities for correcting their affliction, the deaf already were benefiting from medical research. The Hartford School for the Deaf accepted its first students on April 15, 1817 to become the first school in the United States to receive a governmental appropriation for other than a regular school. But, it and two other institutions which followed at New York City and Boston used the manual, or sign language, technique.

It was not until 1866 that the Clarke School at Northampton, Mass., and the present Lexington School for the Deaf at New York City began encouraging the deaf and dumb to try to speak and to read lips. Many educators believed that the noticeable finger-movements tended to set the deaf even further apart from the rest of society. The argument raged for many years between adherents of the manual and the oral methods. It is now recognized that each technique has its place depending upon the amount of disability and the psychological make-up of the afflicted person.

Mystic Oral School began its century of help to the hard of hearing by implementing Jonathan Whipple's pioneering teaching style. The ensuing years have provided sensitive mechanisms to allow many deaf persons to hear while they also learn to speak. The remarkable results among the school's students have been demonstrated on television and at seminars. Many go on to college where they do as well or better than their classmates and excel in their chosen fields.

A new classroom building was dedicated on November 9 as a memorial to the Nutmegger who applied his talents to bringing hope where there once was none. Whipple Hall will serve 70 preschool and first-grade children. Chances are excellent that many of them will graduate so skilled at communicating with both the deaf and those who hear, that nobody will know the difference.

A CENTURY OF ACCOMPLISHMENT IN EDUCATION FOR DEAF CHILDREN

(Address by Congressman WILLIAM L. ST. ONGE, at the Mystic Oral School dedication, Sunday, Nov. 9, 1969, 3:30 p.m., Mystic, Conn.)

Dr. Owsley, members of the board of trustees, teachers, parents and friends of the Mystic Oral School: It is exactly one hundred years since young William S. Downing of Wilmington, Delaware, was admitted as the first pupil of the Whipple Home School at Ledyard, Connecticut. Master Downing was instructed by Zerah C. Whipple, grandson of the founder of the school and inventor in this country of the Oral Method of instructing the deaf, Jonathan Whipple.

In the one hundred years since that very modest beginning, the Mystic Oral School for the Deaf has compiled a most impressive record of accomplishments. Most impressive of all, perhaps, is the fine new facility known as Whipple Hall which we are dedicating here today in honor of the Whipples. It is a handsome structure, and I know it will be a useful one in the years to come. I am proud to be here with you today and to be able to take part in these ceremonies.

Although the school was first founded by the Whipples in 1869, it was not until three years later, in 1872, that a bill was passed by the General Assembly of Connecticut to provide the first State aid to the school. This assistance, in the sum of one hundred and seventy-five dollars *annually* for each indigent student, was like the school itself quite modest. But, like the school, the State's interest and degree of assistance have grown in the last century. I understand that the State has contributed about three-quarters of a million dollars to help make Whipple Hall a reality. This is a noteworthy demonstration of the State's interest in the education and its concern for the welfare of all of its residents, particularly the deaf.

It is difficult for a hearing person to understand the special problems, the seemingly insurmountable obstacles, which often confront the deaf or hard-of-hearing child. Deafness is unquestionably one of the most socially isolating of all physical handicaps, since loss of hearing interferes directly with communication. Helen Keller described this feeling of isolation in her book *Midstream:*

"Ours is not the silence that soothes the weary senses.

"It is an inhuman silence which severs and estranges, it is a silence which isolates cruelly and completely. Hearing is the deepest, most humanizing philosophical sense man possesses."

Those of us who have been able from an early age to express ourselves easily in words, can only begin to comprehend the deaf child's habitual frustration when we try to communicate in a foreign land, and find even the simplest phrases misunderstood.

Possibly no disability exerts so much impact on so many aspects of a child's development as does an early, severe hearing impairment. Intelligence, language, oral communication, school achievement, general adjustment, and the ability to relate, tend to be adversely affected. But such tendencies are no real measure of a child's potential or human worth. Therefore, it is to society's, as well as his own, advantage that the child be provided with the most skilled instruction that education can devise.

This is what the Mystic Oral School is doing—providing the most skilled instruction that education and research can devise. Back in 1910, Dr. Clara M'Guigan, then the superintendent of the Mystic Oral School, stated its threefold aim as follows:

"First to provide a place where deaf children may be taught to speak and read the lips so they can communicate with hearing people, thus bringing them in close relation to normal members of society; second, to give them a good common school education and to train them in some handicraft by which they may earn their living, if necessary, after they leave school; and third, to preserve the home life, so that these children, who are away from their homes during most of the formative period of their lives, may not miss the family love, care and attention usually provided there. . . ."

I think these aims, expounded almost sixty years ago, stand up very well for the school to strive for even in our own day.

This dedication today is visible proof of what a good conscientious job the State of Connecticut is doing in educating its deaf young people and has been doing for many years. The U.S. Congress and the Federal Government, however, have been active in recent years in improving educational opportunities for the deaf on a broad scale. Much of this recent activity has come as a result of a report issued in 1965 by an Advisory Committee on the Education of the Deaf. This report told the Nation bluntly that we were not doing enough to realize the potential locked in many of our deaf children which could be let out with just a little concerted effort.

Before this report was made, it had been easy to assume complacently that Gallaudet College, a fine liberal arts college for the deaf in Washington, D.C., supported by Federal funds and the only institution of its kind in the world, answered all the needs of deaf teenagers for higher education. This was apparently not the case, however, because Gallaudet was finding out that it had to devote a whole year to pre-college work and adjustment for all but 15 percent of its student body. Even after this year, many of them were not prepared, especially in language and English composition skills, to follow a regular college course. These problems were occurring because a substantial number of deaf youngsters were not being prepared well enough in high school. And for many deaf teenagers who were not interested in a liberal arts education, there was no institution they could go to in order to obtain a technical or scientific education.

The 1965 report also noted that not enough had been done to improve the quality of education offered the deaf child. There had not been enough research into the special needs of the deaf child and the possible applications of modern audiovisual and other educational techniques to teaching the deaf. I am happy to report to you today that during the past four years action has been taken by Congress to remedy some of these problems. New legislation adopted by Congress has made possible the establishment of the National Technical Institute for the Deaf, expansion of the Captioned Films for the Deaf program, and creation of a model high school for the deaf to test new techniques and to provide adequate secondary education.

The National Technical Institute for the Deaf has been established at the Rochester Institute of Technology in Rochester, N.Y. When it is fully operational, it will offer post-secondary technical and scientific education, at no cost to some 600 deaf students.

The Model Secondary School for the Deaf was authorized in 1966. The legislation provided for the construction and equipment of this facility, run by Gallaudet College as an extension of its preparatory year, to serve the District of Columbia and nearby States, and to be a model program to stimulate development of similar programs of excellent secondary education for the deaf in this country comparable to that offered the hearing teenager. The lack of an adequate secondary education makes not only college work impossible, but also means that skilled technical education is virtually out of the question. So the goal of this high school will be excellent preparation of its students, and, in addition, it will serve as an example, to pioneer new methods of instruction which will be made available to all teachers for the deaf through the U.S. Office of Education.

The Captioned Films for the Deaf program was first established in 1958 as a loan service aimed primarily at the cultural enrichment and recreation of deaf persons, although its educational implications were apparent. Amendments to the program in 1962 and 1965 broadened it into an amazingly flexible, productive and comprehensive instructional media program for the deaf, involving research and development, production, acquisition, distribution, and training of teachers to use media. In 1967, legislation by Congress was passed extending these benefits to all handicapped children requiring special education.

This past August, the Congress completed action on a bill which adds a further dimension to the Captioned Films for the Deaf program. This bill provides for the establishment and operation in the Washington, D.C. area of a National Center on Educational Media and Materials for the Handicapped. This center, when operational, will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials.

Just last year Congress passed a modest program which is full of potential to help all handicapped children, the deaf included. This legislation, the Handicapped Children's Early Education Assistance Act, recognizes the fact that the most rapid learning period comes in the years before school traditionally begins. The program engendered by this bill and carried on by public and private agencies and organizations should do much to identify handicapped children early and to help give them a better start toward full, productive lives.

These are some of the things the Federal Government and the Congress have done and are doing to give deaf Americans the full opportunity they deserve. These programs can work only if State and local governments and private organizations and individuals make them work. We are all devoted to the cause of wiping out disability as a barrier to a full life. The Mystic Oral School's devotion to this cause is deep and abiding.

The value of the contribution you make is measureless. The first hundred years and its accomplishments are now history; and I know that with this new facility, the next hundred years will be full of challenges and new accomplishments—and therefore most rewarding to all of us who are striving to make this world a little more pleasant for our fellowmen. May I take this opportunity to congratulate all of you on this day of dedication, which is as much a day to stress the dedication of those of you who work tirelessly for a great human cause as it is an occasion to dedicate this beautiful new building.

FCC COMMISSIONER JOHNSON COMMENTS ON THE VICE PRESIDENT'S SPEECH

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. OTTINGER. Mr. Speaker, Commissioner Nicholas Johnson of the Federal Communications Commission has been an ardent and outspoken advocate of greater responsibility in broadcasting. His efforts to convince the networks and individual broadcasters of the great need for diversity and creativity in broadcasting not only predate Vice President Agnew's insidious attacks on the networks but also lack the blatant partisan overtones of the Vice President's remarks.

On November 17, Commissioner Johnson addressed students at the University of Iowa in his hometown of Iowa City. His remarks bear the careful consideration of us all, and I commend them to the attention of my colleagues, as follows:

Address by Hon. Nicholas Johnson

It is a part of my responsibility as an FCC Commissioner to work for a free and open television system that will operate in the public interest. In the past I have written of the dangers of censorship by the large corporations that own the nation's broadcast facilities. I believe my responsibility today requires a few words about government censorship.

Vice President Agnew's Des Moines speech has rocketed into public consciousness many questions about the significance of television in our society. Such dialogue and awareness could be quite healthy.

Unfortunately, he has also frightened network executives and newsmen in ways that may cause serious and permanent harm to independent journalism and free speech in America.

We are in the Vice President's debt for bringing the issue—and the tactics—into the open. It has not always been so.

In 1968 one of President Nixon's top advisers said ne would "love" to demand more favorable TV coverage of candidate Nixon by *privately* threatening a particular network president. He never did. But he said he wished he could tell the network executive, "If we are elected you just might find yourself in Washington . . . having a little trouble getting some of your licenses renewed." This is reported in Joe McGinnis' book, *The Selling of the President 1968*, and has in effect been confirmed by the adviser in question.

Now President Nixon *has* been elected, and his Vice President—and other Administration spokesmen—are demanding more favorable coverage by all the networks. The threat to licenses is still there. The networks own the most valuable television stations in the country (as well as programing hundreds of affiliates). The threat at least appears worse when President Nixon selects as FCC Chairman the former head of the Republican National Committee, who is scarcely on the job before obtaining transcripts of televised comments of which the President disapproves.

Vice President Agnew simply did publicly—before a nationwide, three-network audience—what corporate and government officials have been doing for years in the privacy of their luncheon clubs and paneled offices. They cajole and threaten publishers and broadcasters in an effort to manage news and mold images.

The Vice President was speaking to the American people. But he was principally castigating the three network presidents—as any other major advertiser might—for televising men and ideas thought to be bad for business. Those who control major power centers, corporate and government, often believe they have a right to manipulate American public opinion to their own ends—to sell goods or elect candidates.

The networks are apparently expected to go along with the system, repeating government press releases during the early evening news, spinning their cotton-candy entertainment at night, and merchandising corporate products with an unending stream of commercials. Too often they comply, but not always.

We are indebted to those television newsmen who have lost their lives in combat or lost their jobs in controversy in order to give all of us occasional glimpses into the powerful institutions that control our lives. We need not agree with their point of view, or believe them to have performed with professional perfection, to be thankful. This century has seen the chilling effects of the control of mass media by other "Directors of Communications" enforcing conformity of views and one-party systems in totalitarian societies. Their leaders also depended on "silent majorities."

Unfortunately, network management has not always provided its newsmen the support they deserve. Profits have often won out over the public interest under corporate or government pressure for conformity. We will be watching carefully the networks' response to the Vice President's assault. It does not bode well that network newsmen have already had their comments about Vice President Agnew's speech discouraged by management, and that the networks have found it easier to provide live coverage from the moon than from the Washington Monument last Saturday during the largest assemblage in the nation's history.

It is true that a handful of men control what the American people see of the world through their television screens but the answer is not to transfer this power from a handful of men in New York to a handful of men in the White House. The answer is to return this power to the people.

We must work, not for less, but for more:

Citizens commentary presenting all points of view;

Locally-owned stations instead of monopoly ownership;

Public participation in the FCC's license renewals;

Locally-originated public service programming;

Right of access to the mass media by all Americans;

Opportunity for creative and talented people in network-dominated program production;

Audience supported stations;

Funding for the Corporation for Public Broadcasting. Surely less discussion, less controversy, less relevant comment are not the answer.

Tolerance of diverse views is the birthright of this nation, enshrined in the freedom of speech and press clause of the First Amendment. Dissent, seemingly divisive, has been for the past 200 years the foundation of our nation's great strength.

It is heartening that FCC Chairman Burch has called for more "public participation" in broadcasting. It could provide a happy ending to what might otherwise become a tragedy for a nation dependent upon free speech and an informed citizenry.

WHERE DOES THIS HERO REST?

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. CONYERS. Mr. Speaker, not too long ago a young black American named William Terry volunteered to serve in the U.S. Army. Proudly he assumed the uniform of his country, and willingly took his training and was sent to Vietnam.

Private First Class Terry wore his uniform proudly, even though it may have been woven by a company which would not have hired or promoted him. And he fought for his country, even though he and 24 million of his countrymen were denied the rights due to them as full-fledged American citizens. And, not long afterwards, Private First Class Terry, only 20 years old, gave his life to his country—killed in action in defense of a government that renounced the same freedoms he was told he was fighting for.

Bill Terry did not think of the slave ships, the auction blocks, Jim Crow, or Judge Lynch. He did not allow himself to be swayed by those who would destroy the dreams of himself and his fellows, by those who would segregate his schools, isolate his jobs, hurl threats, or even bombs at his doorways. Instead, he thought only of what he conceived to be his duty to his country. He fought for what he thought right, and he died for it.

And then, in a Government-issue coffin, he came home to his family—in Birmingham, Ala.

His family asked that he be buried in Birmingham, in a place called the Elmwood Cemetery. But the Elmwood Cemetery said no, only white people could be buried there. So, because he was black, Bill Terry was buried in another cemetery outside of Birmingham, where only blacks were interred. And he was buried in an unmarked grave.

Just as it is a source of pride to relatives of others who lie with him that he is there, so it is a source of shame to our country that he was forced to lie there. What was he to America, even in death? What was his family to America? And now, what is America to them?

In recent days we have heard much of patriotism and our country. Many speeches have been delivered. With all those flags flapping in the breeze, I wonder whether all those speakers included Bill Terry in their thoughts. Did they count him in? Did they care?

Maybe Bill Terry even heard them, there in that place where he rests.

SIGHTS AND SOUNDS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. RHODES. Mr. Speaker, on October 28, 1969, 1 day before his 47th birthday, Edward Banks died. Ed and Eloise Banks, his devoted wife, were warm personal friends of my wife and me. We shall miss him.

Ed Banks was a striking man. A tall, handsome black man, with iron gray hair and a Yorkshire accent, he attracted attention in almost every crowd. His ready wit, sense of humor, and lively interest in every phase of American life made him a delightful person and a worthwhile citizen.

Ed Banks had a distinguished record during World War II as an employee of the International Red Cross. It was after this that he migrated from his native England to the United States and married Eloise. They came to Arizona in the early 1950's and bought the Arizona Tribune, a paper which had the black population of the Phoenix area as its constituency. The paper improved both in quality and in influence under the expertise and hard work of Ed and Eloise Banks. It is today a steady articulate voice of the people it serves.

Ed Banks was a community leader in every sense of the word. He was loyal to his race, but also loyal to his community. Racial relations in Phoenix have been good because of the work of Ed Banks and other like-thinking people of both races.

Very few men have ever had a tribute equal to the one Eloise Banks paid Ed in an editorial in the Arizona Tribune of October 30, 1969. The editorial follows:

SIGHTS AND SOUNDS

(By Eloise Banks)

You and your wisdom and laughter/The silence falls from each rafter; No cup of tea at four, five or seven/Calendar days plus eleven. Pane, pain, writhing inside yet calmness and/Outside you kept laughter despite short breath, and the nearness of death.

What makes a life? Some love and some strife? What makes a wife? Some joy and some fire. What makes a man? Live, love and be life? Some love, fire, strife, joy and a devoted wife.

The pillow is empty—your place is bare/Far lies the book and the hollow chair. Your telly schedule and magazines fall . . . In heaps near your comb and I stare . . . When did he stop living? Was it so brief—twelve years. A dozen—twelve. Twelve equals six pairs, a pair is a double.

Our love equals 12x12. That is a lovetime and a double time of two persons whose initials said EBEB be be never ebb ebb . . . be be—twelve is double six—double time—double love double E double B

EEBB Eloise
Edward
BANKS—where it's reserved.

Farewell to the man who left the misty land of Yorkshire moors—Who heard the whirl of destiny and met with scores—Of men from far and near—to meet, talk, learn and ascertain—That manner of man he would become and let spirits soar—To catch the sight of time beyond the span of yesterday. His time will never end—his day will never darken . . . maintain—The hope and courage he always gave—Death never lowers—A giant among the thousands of men who pass as boors—Farewell—here's a cheerio for the Man from Yorkshire. He said they were too tough for someone called a Hitler or something called Fear. . . .

Here's to the British Square—the victory goes to the last man down . . . the one who leaves silently . . . with courage and bequeaths a pattern of unassailable fortitude to his wife . . . never his defeats—only the wins.

We planned a birthday party. We had planned 23 other birthday celebrations because my husband and I like to enjoy the zest of living. We looked forward to each birthday with almost childish anticipation because he often compared me to his little dear or a little woman who had great intelligence but often could not hide some bit of meanness or glee.

We had planned a birthday party. We had planned 23 other birthday celebrations because Edward and I preferred to grow older with merriment. Each birthday occurred faster than we realized. Twelve years flash by with moonthrust propulsion. We wanted to encompass our years with an insulation of happy memories.

We had planned a birthday party. We had planned 23 other birthday festivities because my Teddy and I were fortunate to enjoy the company of many loyal and party conditioned friends. They enjoyed attending parties and we enjoyed hosting parties.

We planned a birthday party. We had planned 23 other birthday celebrations because my husband and I felt that our happiness was deep, big and wide enough to share with many wonderful friends.

We planned a birthday party . . . tomorrow never came for the birthday planner. Mr. Edward Banks and his wife cordially invite you to attend the late birthday celebration.

Mrs. Edward Banks invites you to attend the late birthday of her beloved husband, Edward, better known as Teddy or Sir Edward, who was born October 29, 1922. The usual celebration was canceled because of an early and unseen guest. Death answered the previous invitation . . . there was no time to R.S.V.P.

The celebration will be held at a later date. His birthday never came—he invited the early visitor. A day too soon. R.I.P. October 28, 1969. Toast the day—Break the glass—Drink the wine.

There will be many more sights and sounds in my life . . . but none can ever replace or erase the sights and sounds brought into my heart and my head and my soul by the Baron. That name was our private one. He simply called me Baroness or Little Bear. We planned a birthday party . . . me and the Baron.

WISCONSIN—STILL AMERICA'S DAIRYLAND

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. **DAVIS** of Wisconsin. Mr. Speaker, in the rapidly growing Ninth Congressional District of Wisconsin, where farms continue to give way to suburban residences, industrial parks, and subdivisions, it is well to keep in mind the contributions of Wisconsin's agricultural producers. Southeastern Wisconsin farms have helped to keep Wisconsin first in these categories: number of dairy cows, corn silage production, hay, production of milk, production of milkfat, production of cheese, acreage devoted to commercial vegetables for processing, and production of commercial beets, sweet corn, and peas for processing.

In 1968, dairy farms in southeastern Wisconsin contained an average of 40 milk cows. They required an average of 4,560 man-hours to operate, of which 4,000 was contributed by the owner and his family. They averaged $111,610 in total capital, of which $71,190 went for land and buildings, $17,770 for machinery and equipment, $16,100 for livestock, and $6,550 for crops. Gross farm income averaged $27,502, of which $14,018 went for farm operating expenses, leaving $13,484 as return to operator for labor and management, and total capital. If we assume a 6-percent return on his investment—$6,696—this leaves $6,788 as the net return to the farmer and his family for their labor, or $1.70 per hour.

And while Ninth District housewives, like housewives everywhere, frequently express dismay at the rising dollar-and-cent increases in food prices, 1969 figures indicate that after-tax income spent for groceries has declined, since 1960, from 20 to 16.5 percent, the lowest in the world.

Mr. Speaker, as we approach the laden tables of Thanksgiving Day, we might well pause to give thanks to the efficient producers and distributors of America's food.

JOHN FITZGERALD KENNEDY, LATE A PRESIDENT OF THE UNITED STATES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, 6 years ago last Saturday, I lost a dear and close friend. The loss of President John F. Kennedy was a great shock to the Nation.

Six years ago, on the floor of the House, I said:

> Words are certainly meaningless tools of expression when one tries to fumble for the proper phrase to convey deep sentiment. What can one do at a time like this except to pray for the assistance of the Lord for the soul of John F. Kennedy and pray for the strengthening of our country, and offer prayers that will bring solace to the members of the bereaved Kennedy family.
>
> Like all of you, I mourn the passing of a dear friend, a friend whom I have known since the first day he entered into the public life of this Nation.
>
> It is less than 2 weeks ago that this great Nation of ours was rent by remorse and silence. In the deltas and the cane breaks, in the prairies of the West. In the tenements of the East, the Nation was shocked and silenced.
>
> To be with silence is to be with God—for in the hearts and minds and on the lips of men were fervent prayers for the soul of our departed President.
>
> Yet during these trying hours, I cannot help but think of the words of the poet, Robert Frost, a great favorite of our President John F. Kennedy. Robert Frost on his 80th birthday made this statement: "Despite our fears and worries, and they are very real to all of us, life continues—it goes on."

Life has gone on for all of us, but because John F. Kennedy lived, the quality of that life has changed. In the 6 years since November 22, 1963, the Nation has accomplished and fulfilled a great many of the programs that President Kennedy proposed.

I will remember Jack Kennedy not only for the policies he gave to the Nation, but more for the hopes, the thoughts, and the ideals he gave to all Americans.

One of his greatest gifts was the spirit of adventure and dedication with which he attacked problems and sought solutions. With him there was a feeling that all things were possible as long as each man did his part.

His ideas were superb; even after his death they led to progress on many fronts, but his ideals were even greater—they created an aura of hope and a spirit of willingness to overcome all obstacles and every evil.

John F. Kennedy did not live to accomplish all he would have done. But because he inspired the Nation, and gave it confidence, much of what he hoped for has become reality. For 6 years, his ideals and his spirit have moved the country in the direction to which he pointed.

Life goes on; we are saddened at his death, but we are grateful that he lived.

CONGRESSMAN WAYNE HAYS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. PHILBIN. Mr. Speaker, I wish to compliment and commend my very able, distinguished chairman, the gentleman from South Carolina (Mr. Rivers), for arranging the very fitting tribute to our esteemed and admired colleague from Ohio, the Honorable Wayne Hays, upon the occasion of his election as President of the Atlantic Assembly Parliamentary Union.

I also want to join the many colleagues who have expressed their pleasure and felicitations and best wishes to the very distinguished gentleman from Ohio for the great, unprecedented honor he has received in being named for the second time as President of this great organization of parliamentarians and statesmen.

Wayne Hays is a valued friend and an outstanding leader of this House for many years. He was selected to head this great international body because, through his rare talents, expertise, dedication, and meritorious service, he has brilliantly demonstrated the kind of strong leadership, guidance, and effectiveness which the Members stand for and desire to exemplify.

Mr. Hays is particularly fitted by reason of his long service in the fields of foreign relations and international affairs, and he is especially endowed by his rich experience, and his understanding and knowledge of the high purposes of this organization, to map a course of action and a program that will meet with the approval of the Members, and result in a united front on the great issues before this distinguished body which may well assure security, freedom, and peace for the world.

I wish for our great friend, Wayne, another outstanding term of parliamentary office, and even greater success, if that be possible, in achieving the highest goals of NATO, the Assembly, and the Parliamentary Union.

We know that Wayne Hays will lead from a posture of understanding, expertise and strength, and full awareness of the concerns which affect so many peoples these days in the world community.

May he and his colleagues in this great work be very successful in reaching all their goals.

PROMPT AND EFFECTIVE CONTROL OF THE INCREASING DISSEMINATION OF PORNOGRAPHIC MATERIAL IS IMPERATIVELY URGENT FOR THE PARTICULAR PRESERVATION OF YOUTHFUL MORALS AND THE WHOLE STRUCTURE OF OUR SOCIETY

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. DONOHUE. Mr. Speaker, I think it is commonly agreed there are few, if any, subjects waiting upon congressional action more vitally important to the national welfare than the control and elimination of the increasing dissemination of pornographic and salacious material through interstate commerce or the mails.

I, and a great many other Members, have introduced legislative proposals designed to effect the elimination of this growing national evil and on October 9, last, I presented a statement before Subcommittee No. 3 of the House Judiciary Committee, in support of my bill, H.R. 5171, and similar bills to accomplish this wholesome purpose. At this point I would like to include the statement I submitted to the committee. It follows:

STATEMENT OF THE HON. HAROLD D. DONOHUE

Mr. Chairman, may I first express, for myself and I am sure the vast majority of my constituents, the deepest appreciation to you and your diligent associates for scheduling and holding these timely hearings on a subject of such tremendous national significance to the preservation of a wholesome morality and morale among the people of this country, particularly our young people.

Although I have personally introduced a bill, H.R. 5171, that is pending before your esteemed committee, designed to eliminate the increasing dissemination of pornographic material, especially to our youth, through interstate commerce or the mails, let me make it clear that my primary concern and appeal here is for this committee, in its wisdom, to recommend to the Congress any bill or combination of bills that will serve to prevent the illicit use of the United States mails and the legitimate avenues of interstate commerce as instruments by which unscrupulous individuals can flood our people with disgusting and undesired solicitations for the sale of pornographic and salacious material, which too often is either directed to or falls into the hands of young people.

Of course, there is no doubt that the peddling of this smut through these channels of solicitation carries with it a very grave danger to the moral structure of our society.

This most offensive invasion of our national mail boxes and vicious commercial assault upon the moral senses of our people, particularly the young, has become so great and so bad that I, and I am sure you and all other Members of Congress, have received a tremendous number of written protests against this evil. I am sure you have also been stopped, just as I have been, on the streets of your home district, by constituents pleading and urging for sensible restriction and control of this immoral disease that threatens to destroy us if appropriate measures are not taken to cure it.

It, therefore, seems clear that we must find appropriate ways and means to strengthen the laws of our States and our Nation, in order to prevent this evil disease from spreading its infectious poisons any deeper into the moral fabric of this country. In the face of this legislative effort, you may hear a great deal of talk about the right of free speech and expression, but I submit that there are other fundamental rights involved in this matter. For instance, the right of a person not to have his privacy invaded; the right, as well as the duty, of a parent to shield the child from what the parent considers evil; and the right of a community to encourage the maintenance of high moral standards.

Admittedly, this is a challenging legislative area because of outstanding court decisions, but the instruments and channels through which this evil is spread around the country are, in substantial measure, subject to pertinent Federal regulation and control.

Therefore, I believe that we must, that we can, and that we cooperatively will, through the leadership of this committee, find the proper legislative step that will lead to the eradication of what has become one of the most threatening national dangers in our whole history.

For our common inspiration toward fulfillment of this imperative legislative duty, let us recall the wise admonition of the father of our country and first president, George Washington, as contained in these words from his "farewell address"—

"Of all the things that lead to political prosperity, religion and morality are indispensible supports."

Mr. Chairman, one of our fundamental legislative obligations is to try, in pertinent legislation here, to encourage improvement in the quality of life for all our citizens, most particularly for the young. I am certain that you, Mr. Chairman, and your distinguished associates, will strive diligently, after examination of all the evidence placed before you, to recommend to the Congress a legislative measure that will serve to retain constitutional privileges, while at the same time, projecting rigid restrictions and control of the unholy and unbridled dissemination of salacious and pornographic material through interstate commerce and the United States mails. May the Almighty grant you effective guidance to the most expedient accomplishment of your vitally important legislative mission.

ALLEGED ATROCITIES BY U.S. MILITARY PERSONNEL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. REID of New York. Mr. Speaker, recent reports in the press have concerned the alleged massacres of a large number of Vietnamese civilians by American military personnel.

The Army announced yesterday that an Army officer, a Lt. William L. Calley, Jr., would be court-martialed on charges of the premeditated murder of at least 109 men, women, and children on or about March 16, 1968, in the village of Songmy in Quangngai Province in South Vietnam.

According to an article in today's New York Times, surviving villagers of Songmy claim that an American infantry unit killed 567 unarmed men, women, and children. Furthermore, in the same article it is held that an initial investigation of the alleged massacre was made in March of 1968, concluding that no massacre had occurred.

The incident is now under a rather more detailed investigation.

Obviously, Mr. Speaker, if these reports contain even a grain of truth, we have committed very grave crimes about which we must find the whole truth.

We are told that we are fighting only to insure that the people of South Vietnam will be allowed to choose their own future through free elections. Is there any justification for mass murder as a means to this end?

We are told that a withdrawal of U.S. troops could mean a "bloodbath" and the murder of thousands of innocent civilians. Yet as we condemn Vietcong atrocities at Hue or the possibility of others following U.S. troop withdrawal, we must equally condemn any action on our part, if verified.

When somewhere between 100 and 600 innocent people are intentionally gunned down in a matter of hours, can we with any moral conscience accept the atrocity as a "natural consequence of war?"

One of the charges being brought against Lieutenant Calley is the murder of a 2-year-old child "whose name and sex is unknown." If, as has been reported, "orders" were to destroy the village and to eliminate all Vietcong, I question how a 2-year-old baby can be identified as a member of a political party, and how moreover a 2-year-old baby can be classified as anything but a defenseless human being.

The transcript of an interview was printed in today's Times, which I would call to the attention of my colleagues. It is an interview conducted by Mike Wallace of CBS News with Mr. Paul Meadlo, a Vietnam veteran present at Songmy. Meadlo was asked why he had taken part in the killings. He replied, in part:

> Because I felt like I was ordered to do it . . . at the time I felt like I was doing the right thing, because like I said I lost buddies. I lost a damn good buddy, Bobby Wilson, and it was on my conscience. So after I done it, I felt good, but later on that day, it was getting

to me . . ." And now, a year and a half later, Meadlo says: "I still dream about it . . . I see the women, and children in my sleep. Some days . . . some nights, I can't even sleep. I just lay there thinking about it.

Meadlo is 22 years old. He lost a foot the day after Songmy. We can easily say that he should not have shot civilians, but we all bear a responsibility. As a nation we must recognize that this is a serious betrayal of our ideals and everything we have said we are fighting for. The most thorough possible investigation by the military and the Congress is imperative. An incident such as the allegation surrounding Songmy does far more to destroy our name around the world than does any concern over loss of honor or saved faces. We cannot escape our responsibility, but we can and must end the war.

AN AMERICAN NIGHTMARE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. OTTINGER. Mr. Speaker, the recent revelations about possible American massacres of Vietnam civilians raise the most serious questions about the conduct of our war effort, troop discipline, and perhaps even more importantly, the effect of the war on America and Americans. These issues were put into sharp perspective by the New York Times editorial of November 23, 1969, and an accompanying analysis by Anthony Lewis which I strongly commend for consideration by my colleagues in the House. The articles are inserted herewith for inclusion in the RECORD:

AN AMERICAN NIGHTMARE

Reports of the deliberate, methodical killing of hundreds of civilians—men, women and children—by American troops in a Vietnamese village last year are so shocking, so contrary to principles for which this country has always stood, as to be beyond belief. Yet the evidence mounts daily that something horrible did take place.

Congress must waste no time in launching a thorough, public investigation of this sordid affair, as proposed by Senator Goodell and others. The fact that North Vietnam and the Vietcong have been guilty of barbaric conduct provides no excuse for any foot-dragging or cover-up by American authorities. The United States public must know—and face—the long-suppressed facts about what may turn out to have been one of this nation's most ignoble hours. If the reports are sustained, those responsible must be brought speedily to justice. It must be made absolutely clear that America does not condone such conduct, war or no war.

At the same time, the United States should take a hard look at other aspects of the conduct of the war in Vietnam that have long disturbed many Americans and foreign friends. The face-to-face shooting of civilians in a village street is not far removed morally, if at all, from the indiscriminate shelling or bombing of civilians from a distance, as happens regularly in the "free fire zones."

More than two years ago, three respected American civilian volunteers in Vietnam resigned, calling the war "an overwhelming atrocity." They cited the destruction of villages and the deaths of "innocent victims of United States bombing, strafing and shelling." It is a measure of the moral callousness engendered by this mass destruction that South Vietnamese officials have attributed their slowness in investigating the Songmy incident to the fact that reports of heavy civilian casualties have become routine.

More recently, the aborted Green Beret murder trial and the documented story by Daniel Lang of the kidnapping, rape and murder of a Vietnamese girl by an American patrol have thrown cruel light on other aspects of a war that has become an American nightmare.

Recognizing that war is always brutal and ugly, but also remembering their own shocked disapproval of German and Japanese atrocities in World War II, Americans must face up frankly to what has become a severe test of conscience.

WHAT ARE WE DOING TO OURSELVES?

(By Anthony Lewis)

LONDON.—One reason given by President Nixon for keeping American troops in Vietnam until an unspecified day when the Thieu-Ky Government can carry on alone is that, otherwise, "Our allies would lose confidence in America." After the terrible news of this past week, the proposition sounds like mockery.

The reports of mass murder by American soldiers have been devastating in their effect on the British, long our closest allies. Like anyone whose trust in a friend's honor is shadowed by doubt, they are bewildered; they meet Americans and ask: Why? How?

Even before this week's allegations, our involvement in Vietnam was probably on balance lessening British confidence in the United States. The Government gave official support, but privately many informed Britons expressed their urgent wish that the United States get out of Vietnam.

Their reason was not, mainly, sympathy for the Vietnamese; it was concern about the effect of the war on the United States. There was a fear that disillusion with Vietnam might turn us to isolation. More important, there was anxiety about the impact of the war on American society—the brutalization of young men, the bitter division of opinion, the signs of moral obtuseness.

Thus the affair of the Green Berets was deeply disturbing to British civil servants and politicians. They were not surprised at one murder in a war. What shocked them was President Nixon's decision to quash the prosecution of the suspected murderers in the interest of intelligence secrecy—and the evident American public approval of that decision.

CORRUPTING EFFECT

It was the sense of a corrupting effect on the American character that changed a man as devoted to the United States as Lord Harlech from a supporter to a resolute critic of U.S. policy in Vietnam. And David Harlech speaks from hard experience; as British Ambassador and friend he stood close to President Kennedy in the Cuban missile crisis.

Last Sunday's Observer devoted four pages to a condensation of Daniel Lang's horrifying New Yorker article, now a book, on how four American soldiers on patrol kidnapped, raped and killed a Vietnamese girl. Even at that the editors, perhaps making clear they were not anti-American, said their purpose was to show the effect of war "on any men and any country."

And then came the stories of American soldiers shooting down hundreds of unarmed old men, women and children in Songmy village. In London, memories of the Nazis were inevitably evoked. Songmy was compared with Lidice, the Czech village destroyed by the Germans in a 1942 reprisal. But at Lidice the Nazis spared the women and children.

One of the most awful visual images of the Nazis was that of a storm trooper leading a child who could barely walk into the gas chambers. It was the description of the children at Songmy that was most heartrending.

Sgt. Michael Bernhardt, in his account, spoke of a boy three or four years old holding a wounded arm while blood trickled between his fingers. "He just stood there with big eyes staring around, like he didn't understand; he didn't believe what was happening. Then the captain's radio operator put a burst of M–16 fire into him."

Ronald Haeberle, the photographer, said he saw "two small children, one only four or five years old. A guy with an M–16 rifle fired at the first boy. The older boy fell over to protect him . . . then they fired six more shots and just let them lie."

If that is even partially true, how can America ever be the same?

And even then the British friends of America found some hope. For unlike the Germans, they said, we had pointed to our own sin; it had taken twenty months, and the persistent effort of just one or two men, but now the conscience of America was aroused and the guilty would surely be punished.

PUNISHMENT NOT SURE

But punishment cannot be so sure. In a guerrilla war with objectives unclear to those who fight it, there is bound to be moral ambiguity. When a President takes us into war by stealth, when he orders more bombs dropped on a small agricultural country than fell on Europe in World War II, will the law surely overrule an ordinary soldier's plea that he was only following orders when he shot civilians?

An Englishman who greatly admires the United States tried last night to articulate his feelings about Vietnam. Finally he said:

"It is what you are doing to yourselves that matters."

SENATOR ROBERT F. KENNEDY'S MOVING TRIBUTE TO HIS FATHER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BOLAND. Mr. Speaker, Senator EDWARD M. KENNEDY, at his father's funeral last week, read an eloquent and moving tribute written some years ago by Senator Robert F. Kennedy. This statement, a testament of a son's abiding love and admiration, makes clear how Joseph P. Kennedy inspired his sons to strive for excellence. With permission, Mr. Speaker, I put this tribute in the RECORD at this point:

TEXT OF TRIBUTE TO JOSEPH KENNEDY WRITTEN BY HIS SON ROBERT AND READ AT MASS

I don't believe he is without faults. But when we were young, perhaps because of the strength of his character or the massiveness of his personality, they were unobserved or at least unimportant. When we grew a little older we realized he wasn't perfect; that he had made mistakes, but by that time we realized everyone did. In many, many ways, to us he is something special.

It wasn't just that he was smarter than anyone else—although I thought he was. Time after time, while growing up, I remember listening to him talk with an important figure in business, the theater or politics and always observing that he was the dominant figure—that he knew more, that he expressed it better.

When I was with the Hoover Commission, he was serving as a member, and President Hoover told me, "Your father is the finest of the commissioners; he makes the greatest contribution."

TOUCHED HEART OF PROBLEMS

His judgment has not always been perfect, but somehow he almost always made sense. He seemed to be able to touch the heart of a problem and to look at things a little better and a little surer than anyone else.

If he was cleverer or wiser than others, he would be unusual. But then perhaps everyone's father is cleverer and wiser than anyone else. But what he meant to all of us went far beyond that.

He has called on the best that was in us. There was no such thing as half-trying. Whether it was running a race or catching a football, competing in school—we were to try. And we were to try harder than anyone else. We might not be the best, and none of us were, but we were to make the effort to be the best. "After you have done the best you can," he used to say, "the hell with it."

He has taken such an active interest in what we were doing. He was not a remote figure asking for periodic reports of our activities. When we played touch football or baseball, he sat on the front porch and watched. He left important discussions with Franklin Roosevelt regarding the Securities and Exchange Commission to go to Choate School in Connecticut because my brother Jack was in difficulty.

ATTENDED FOOTBALL GAMES

If we were racing a sailboat, he was there in his cruiser. One time we did badly. He felt it was because we were not paying attention. There was absolute silence at dinner that evening.

When I played football in high school, he was at the games; when I was questioning Jimmy Hoffa, he was following the hearings on television; when I wrote a book, he read the script.

But most importantly, he has been there when things went badly. Our opponents became his opponents, our problems his problems, although he was careful to make sure we understood that his enemies were not to become our enemies.

And he was there to help. In bad times it has been he, more than anyone else, who has seen the bright side. "Call up Dad, he will be cheerful," my older brother used to say.

The greater the disaster, the brighter he was, the more support he gave. I remember he even found something of comfort on how we handled the Bay of Pigs.

And so it has been this interesting combination—his demand that all his children strive for excellence—strive for it, perhaps not achieve it, but continuously strive for it, and—what made this demand tolerable and in fact enjoyable—the interest and support we felt we always had from him.

Of course, our mother was the stabilizing influence, performing all the functions that a mother can for her children. But his personality was so strong, his ideas so definite, his views and outlook so determined, that he dominated our home and our lives.

What it really all adds up to is love—not love as it is described with such facility in popular magazines, but the kind of love that is affection and respect, orders, encouragement and support.

A SOURCE OF STRENGTH

He loved all of us—the boys in a very special way. Our awareness of this was an incalculable source of strength, and because real love is something unselfish and involves sacrifice and giving, we could not help but profit from it.

His feeling for us was not of the devouring kind, as is true in the case of many strong men. He did not visualize himself as a sun around which satellites would circle, or in the role of a puppet master. He wanted us, not himself, to be the focal points.

This man with such a strong personality, with definite views and a willingness to express them consciously retreated to the background so that the spotlight would be on his sons.

After the nomination in Los Angeles, to which he had contributed more than anyone other than John Kennedy himself he quietly left the city, not waiting for the proud moment of the acceptance speech. He watched it on television in New York. And even the day after the election. When President Kennedy acknowledged his victory at the armory in Hyannis Port, my brother had to use all his powers of persuasion to get his father to accompany him.

It wasn't so much that he felt he was controversial and public expression of his views could perhaps adversely affect all of us. Rather, he was aware of the fact that as we began our careers, we were known as Joe Kennedy's sons.

"Ambassador Kennedy's son has become a Navy pilot." "Joe Kennedy's son Jack is a Congressman." "Ambassador Kennedy's son Robert has become a newspaper columnist.

He knew if he insisted on remaining in the center of national affairs, we would continue to be known as his children. He would be the dominating figure, the personality, the spokesman for the family.

And in how many other families have the young been stultified? Again and again, young men with ability and talent have been kept from taking their places in the affairs of business or on the national stage because an older figure refused to make room and insisted on the glory and attention utnil the very end.

He decided, I believe consciously, this would not happen in our family. The most important thing to him was the advancement of his children.

His sole concern was to contribute to that advancemeht. After the end of World War II, he decided this aim could best be accomplished by doing what, for a strong figure, is probably the most difficult thing to do—to submerge his own personality. This is what he did.

I can say that, except for his influence and encouragement, my brother Jack might not have run for the Senate in 1952, there would have been much less likelihood that he would have received the Presidential nomination in 1960, I would not have become Attorney General, and my brother Teddy would not have run for the Senate in 1962.

He wanted us to be independent in the full sense of the term. At an early age we were sent on trips of our own. We were given tasks of responsibility. We embarked on study programs under teachers or political leaders who held views quite different from his.

My brother Joe went to Spain in the civil war; Jack was given the assignment to help the survivors of the Athenia just prior to the beginning of World War II; I went to Czechoslovakia just after it was taken over by the Communists.

STUDIED UNDER LASKI

Both my older brothers studied under Harold Laski of the London School of Economics, and Joe traveled to Moscow with him.

My father believed we could think and decide things for ourselves. There have been disagreements, sometimes violent, on politics, economics, the future of the country, the world. But he was stimulated.

If his sons had a different philosophy, were more optimistic about the future of life on this planet, then in a more mellow mood he would say, "If I were your age, I would hold these views also."

Beneath it all he has tried to engender a social conscience. There were wrongs which needed attention. There were people who were poor and who needed help; mentally ill who needed assistance. And we had a responsibility to them and to the country.

Through no virtues and accomplishments of our own, we had been fortunate enough to be born in the United States under the most comfortable conditions. We, therefore, had a responsibility to others who were less well off.

Business, even his own operations, were so seldom discussed at home. Despite his rather extensive holdings, none of us was encouraged to go into business, even for the purpose of carrying them on after his retirement. He would rather have been happy with this, but he thought we should discharge our responsibilities and obligations to others by entering government and politics.

His interest in life has been his children—not his business, not his accomplishments, not his friends, but his children. Any lasting contributions we might have made have been in a large part due to the effect he had on our lives.

I think of him now as Tennyson wrote of Ulysses in his old age in a poem the President liked so much:

> ". . . that which we are, we are;
> One equal temper of heroic parts,
> Made weak by time and fate, but strong in will
> To strive, to seek, to find, and not to yield."

STATUS OF WOMEN IN TEXAS: LET'S NOT WASTE TALENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. GONZALEZ. Mr. Speaker, recently, in San Antonio, Tex., the Business and Professional Women's Club sponsored a regional seminar having to do with the expanding role of American women in business and professional life. It was a most productive and meaningful gathering, attended by such notables as the distinguished jurist, Judge Sarah Hughes, of Dallas and other great female leaders. The prime mover of this event was Mrs. Willie Meyer, past president of the B. & P.W. Club of San Antonio. Mrs. Meyer has successfully pursued a career in business and professional endeavor herself and is a perfect symbol of the American career woman who has contributed so greatly to the progress and well-being of American society; in fact, the uniqueness of our American way unquestionably being the very crucial factor of the contribution of the educated and trained woman in American society.

One of the principal speakers at this productive meeting was another highly distinguished woman leader in government, Miss Rhobia C. Taylor, the regional director, Women's Bureau, Wage and Labor Standards Administration of the Department of Labor, headquartered in Dallas, Tex. Miss Taylor has distinguished herself in her role as the regional director. I can testify that she has been a credit to the U.S. Government and has been the cause of the citizens of Southwest United States having complete confidence and faith in the efficiency and superiority of performance of the Federal civil worker. Miss Taylor made a most interesting and valuable contribution to the discussion. But prior to this meeting she made a memorable address on September 16 in Irving, Tex. Mr. Speaker, I place Miss Taylor's remarks into the RECORD:

Status of Women in Texas: Let's Not Waste Talent

(Address by Miss Rhobia C. Taylor)

WOMEN'S POSITION

More than 75 years ago in his book of enduring fame, "The American Commonwealth," James Bryce wrote:

"It has been well said that the position women hold in a country is, if not a complete test, yet one of the best tests of the progress it has made in civilization."

Comparing different societies, he concluded that in every case civilization's advance has been accompanied by greater freedom accorded women and "by a fuller participation on their part in the best work of the world."

Bryce thought American women were the most advantaged in the world at that time, and enjoyed the greatest measure of equality.

By Bryce's test of civilization's advance, measured by the improved position of women, we have made great progress here in the United States since his time. Would he, were he alive today, be pleased by the extent to which our rights and opportunities have been enlarged? Or would he feel we still have a fairly long way to go before we can say we are full participants in—as he put it—"the best work of the world."

I propose to talk of some of the great forward strides we have made and of new ones now in the making. And then I'd like to indicate some of the unfinished items on our agenda as women and some of the challenging goals which remain for us to win.

CHANGING PATTERNS

As I look back just over the years of my own lifetime the transformation in the economic, social and political role we women play in American life has been almost incredible.

One of the most far-reaching and significant changes is the increase in our average expectation of life. The year I was born, girl babies in the United States could expect on the average to live about 50 years. For the baby girl born today, the average expectation of life is nearly 75.

Think what a spectacular difference this makes to all of us as women—this incredible gift of another quarter-century for the enjoyment of life, for the rewarding use of skills, or a larger contribution to the family, to the community, to the Nation. This fact alone makes your lives and mine utterly different from those of our grandmothers.

Isn't this one of the main changes which raise so many of the questions women are thinking about today which relate to our role in society? In addition to living longer, another factor is that today we marry younger, and bear our children earlier. The last child is born to the average American woman at the startlingly young age of 26. For an increasing number of us, by the time we are in our mid-thirties our children are launched in school, and we can then look ahead with the realistic expectation that we shall have at least another 30 or 35 years of active life which we will want to be filled with rewarding and interesting experience. So many of the diseases which used to afflict us and turn us old before out time, or used to afflict our children, are conquered. Think of what this alone means in terms of release of time—quite apart from its release from pain and anguish. Longer, healthier, more active lives for ourselves and our children mean new and exciting challenges.

And the changes wrought by technological advance have also given us new freedom. Housekeeping isn't the arduous job it used to be. It doesn't begin to be as time consuming as when I was a child.

Is it any wonder, then, that more and more young women are asking themselves, "Is being a wife and mother going to be enough for me?"

Being a wife and mother remain primary goals for all of us, but because we have the gift of time and health and release from many former household chores, more and more of us are seeking ways to take an increasingly active part in the world around us. We have talents we want to use. We want to contribute our energies and skills not only to fulfill our own personal aspirations, but also to help make the world a better place for our children—for all mothers' children.

Improvements in our educational opportunities have equipped us for new roles. This is one of our major areas of progress.

The doors to higher education opened early; but for a long period the number of women entering through them remained small, and professional training opportunities beyond the college level were extremely limited. Were they afraid we would lower standards of academic achievement?

Only 57,000 girls graduated from high school in 1900. In 1966 more than a million did so.

At the century's turn, only 50 percent of girls aged 5–20 were enrolled in our schools and colleges. Now the percentage is nearly 90. Our participation in higher education has increased very rapidly indeed. Five thousand young women won their B.A.'s in 1900, all of 300 received an M.A. or other second professional degree that year; and just 23 earned a Ph. D. By 1966 college degrees granted women had mounted to about 225,000; 47,000 won an M.A. or other second professional degree and some 2,100 the doctorate or its equivalent.

EDUCATIONAL ATTAINMENTS

Women are earning the highest percentage of degrees they have received from the nation's colleges and universities since before World War II, and are steadily gaining on men, according to a survey by the U.S Office of Education.

The survey, released in August, shows that during the 12-month period ending June 30 1968, women received 40 percent of the degrees awarded in the country. Before the war, women also were receiving 40 percent of the degrees, but when tens of thousands of returning soldiers flooded the colleges under the GI Bill, the percentage of women graduates dropped to 25 percent.

The figures for the most recent 12-month period have not yet been computed.

During the period studied—a record year in the granting of degrees—women received 345,068 degrees, a 125 percent increase over their 1957–58 total, the survey shows. During the same period, men received 526,764 degrees, a 70 percent increase over their total of a decade earlier.

The percentage of degrees earned by women in 1967–68 was up two points from the previous year, from 38 to 40 percent, as the percentage received by men declined by the same figure.

Of the degrees awarded by 1,567 institutions during the 1967–68 period, men received 56 percent of the bachelor's, 95 percent of the first professional such as law, 64 percent of the master's and 87 percent of the doctorates, the survey shows.

It also notes that:

Publicly controlled institutions accounted for 61 percent of all degrees awarded. The number of degrees from public institutions increased 15 percent over 1966–67, compared to a 10 percent rise from private institutions.

At the bachelor's and master's levels, more degrees were awarded in elementary education than in any other field. Law had the highest number of degrees at the first-professional level, and chemistry had the highest at the doctoral level.

Women received more degrees in education than in any other field, 103,141 bachelor's and 32,773 master's. The largest number of degrees received by men at the bachelor's level was in the social sciences—77,243—and at the master's level in education—30,891.

Women received the majority of degrees in the fields of English, journalism, foreign languages, literature and fine arts. One woman during the 1967–68 school year received a degree in military science.

WORLD OF WORK

This leads us to where we stand in the world of work. First let's talk about our increased participation in the world of work—which is very considerable—and then let's turn to the kinds of work we do.

Nearly half of all women aged 18 to 64 are wage and salary earners. This percentage has been rising very rapidly. When I was a girl, only around a fifth of us held jobs. And of course, in consequence, the proportion of the total labor force we women represent has increased. It's now well over one-third. Today about 30 million women leave their homes to go to work—full-time or part-time.

The likelihood is that 8 or 9 out of 10 girls will hold a job at some time in their lives! Nearly three-fifths of college-educated women, aged 18–64, were in the labor force in 1962, in contrast with 45 percent of those with high school diplomas, and 38 percent of those, also aged 18–64, who did not go beyond elementary school.

And here is an astonishing finding, if you will. Eighty-one percent of those women who had had 5 years or more of college, and who were in the age bracket 45–64, were in the labor force in 1962.

Add to the percentage of college women who are in paid jobs, the percentage now taking an active role in politics, and add in those serving their communities as volunteers, and most of us are really "at work."

I begin to wonder where among today's college graduates are the frustrated females, removed from and yearning to be a part of the world outside the home, that Betty Friedan writes about in her "Feminine Mystique."

While the figures on the proportion of college women in the labor force might seem to suggest that for them work is increasingly and elective choice, expressing their growing desire to fulfill their potentialities as creative human beings, we want to be careful not to lose perspective.

We must remember that we who have this wonderful opportunity to go to college are still very privileged people. (Only about 7 percent of all women over 25 today have enjoyed 4 years or more of higher education.) And being privileged, we have greater responsibilities. But more of this later.

What we should recognize quite clearly is that a very large number of women today who hold down jobs do so out of hard economic necessity.

NEARLY 5 MILLION WOMEN HEADS OF FAMILIES

Many of these women have no alternative but to work. The compulsion to add to the family income is urgent for many wives living with husbands who are unable to provide even the barest essentials—many because they are ill, unemployed, under-employed, or inadequately skilled. We must remember that about one-fifth of our families today have total incomes of less than $3,000. Almost another fifth have incomes between $3,000 and $5,000—still considerably less than what is required to provide a modest but adequate living standard.

But the search for employment is a response to more than merely the need to make ends meet. More and more women want to help purchase the family home. They want to provide added advantages, especially a college education for their children. They also want to be useful human beings.

We women who work add substantially to the Nation's income. Our efforts are helping greatly to lift family living standards. And improved levels of life are one of the most significant aspects of our time. In the past 30 years, the income of our average American family, measured in dollars of constant purchasing power, has doubled. We women have contributed to this, but our larger contribution has also been made possible by the rapid expansion of our economy, which has greatly enlarged job opportunities for women as well as men. Higher incomes have whetted our appetites for still higher incomes. When we have more of the good things of life, we want still more.

The dual role of homemaker and jobholder or volunteer has become a reality for the overwhelming majority of today's college graduates.

IS IT THE "BEST WORK OF THE WORLD?"

Increasingly we are playing a part in the world of work, but to revert again to Bryce's phrase, "Is it the 'best work of the world?' "

We are quite a long way from anything like equality of opportunity. We are still in a highly disadvantaged position relative to men. This is revealed by our earnings. On the average, women who are full-time, year-round workers receive only about 60 percent of what men who are similarly employed earn. This reflects the fact that we are all too often paid less for doing the same work; even more, it reflects our concentration in the lower paid, lesser skilled occupations.

Among all employed women—not college women alone—82 percent are clerical, sales, factory and farm workers or in service occupations. Six percent of us are teachers in the grammar and high schools. (Only 7 percent of us are medical and health workers, college teachers, or other professional and technical workers.) Just 5 percent of us are managers, officials and proprietors.

The factors which have narrowed our opportunities are multiple and complex. There are restrictive hiring practices. There is discrimination in promotions. Many myths, which run entirely counter to the facts, maintain that women make poor supervisors, or that they have substantially higher rates of absenteeism and labor turnover. The claim is often made, and without the slightest justification, that even women with more than adequate training and knowledge lack the ability to assume higher level positions in industry.

Not only do we women confront obstacles in our jobs—they still exist in many other aspects of our lives. Our role in public life is still far from commensurate with our numbers, skills or abilities. Some of our State laws relating to our property rights and other rights are antiquated. For instance, some States still restrict the right of a wife to engage in a separate business of her own. Many other examples might be cited.

The late President Kennedy declared in December 1961 that these "continuing prejudices and outmoded customs act as barriers to the full realization of women's basic rights which should be respected and fostered as part of our Nation's commitment to human dignity, freedom and democracy." These were the opening words of his Executive Order establishing a Commission on the Status of Women made up of a most distinguished group of men and women under the chairmanship of Mrs. Eleanor Roosevelt.

President Kennedy asked the Commission to report to him on what we need to do as a Nation to overcome these discriminations, and to develop recommendations for services "which will enable women to continue their role as wives and mothers while making a maximum contribution to the world around them."

The Commission appointed seven committees. Two concerned themselves intensively with the employed woman and her future, one in private and one in Federal employment. Another was asked to report on protective labor legislation as it affects the employed woman, and still another on the questions of social insurance and taxes—both subjects of vital concern.

Committees were also appointed to consider problems relating to civil and political rights, education, and finally home and community. I couldn't attempt to summarize for you even the highlights of the immense amount of work done and the recommendations presented unanimously by the Commission. But I think it can rightfully be said that when the history of American women's progress is written, the story of the work done by the President's Commission and of what has followed from it will be one of its most dramatic and significant chapters.

It has generated a new spirit of concern about remaining inequities—a new determination to eliminate them. It has created an upsurge of interest in every type of problem women still confront, and in all the changes needed to help women maximize their contribution to their world. Let me mention just a few of the gains made in consequence of the Commission's work.

EQUAL PAY LAW

An Equal Pay Law was enacted by the Congress in 1963. This went into effect on June 11, 1964. It is now the law of the land that women employed in interstate commerce, with the exception of executive, administrative and professional personnel, must be paid wages equal to those of men doing equal work. In 36 states and the District of Columbia equal pay legislation gives women this assurance.

As a result of Presidential directive, both hiring and promotions are being made by all Federal agencies on the basis of qualifications and merit alone, regardless of sex.

Another similar advance resulting from the Commission's recommendations might be cited. Although it has long been the policy of the U.S. Employment Service to refer people for jobs on the basis of their qualifications, regardless of sex, it was found that many employers were inclined to specify whether they wanted a man or woman when filing job orders with public employment offices. (At the Commission's request, the USES issued a policy statement, applicable to State and local public employment offices, to promote equal employment opportunity for men and women.) It included the statement that the policy of USES is "to encourage acceptance and use by employers of hiring specifications based exclusively upon job performance factors."

All working women will benefit from the showcase example of the Federal service.

TITLE VII, CIVIL RIGHTS ACT

We have seen included in the Civil Rights Act which became law in July 1964, a provision ruling out all discrimination in employment on the basis of sex. This applies to all women in interstate industries. One wonders whether such a provision would have been included, had not the Commission's concentrated attention been given, on the national level, to problems relating to the status of women.

American Women, the Commission's report, and I hope all will read it, has been a tremendous impact not only at home but abroad. It has been translated into Italian, Japanese and Swedish. Denmark has set up a Commission; other countries will follow.

But what is probably the most constructive consequence of the Commission's work is that State Commissions on the Status of Women have been set up by administrative or legislative action in every state, the District of Columbia, the Virgin Islands, Puerto Rico, and two municipalities.

Here in Texas, your Commission was established by Executive Order on January 13, 1967. It was composed of 20 members with the Governor responsible for the appointment of those persons with a competency in the areas of public affairs and women's activities, including heads of state departments considered necessary to carry out the work of the Commission. Governor John Connally designated Hon. W. S. Birdwell, Jr., Commissioner, Texas Employment Commission, Austin, as Chairman.

The Commission's duties as stated in the Executive Order were to explore in depth and make recommendations as needed for constructive action in the following areas: (a) the broad scope of educational needs for women with emphasis on vocational training and the special educational needs; (b) new and expanded services for women in the home and in the community to assist them in making their maximum contribution to the general welfare of their families and communities; (c) employment policies and practices affecting women including those of cities, counties and state government, and ways of achieving equal opportunity for employment and advancement and full utilization of the talent and skill of the entire work force; (d) state labor laws applicable to women including examination of the effects of current laws to determine whether they are accomplishing the purposes for which they were designed; and (e) the legal treatment of women in regard to political and civil rights, property rights, and family relations.

Governor Preston Smith is expected to announce the names of members of his Commission in the very near future.

There were 3,700,000 women in Texas fourteen years and older in 1967. Of these, 1,333,000 were in the civilian labor force, and 1,288,700 were actually employed.

The median (half above, half below) age of women workers in Texas rose to 39 years in 1960, from 35 years in 1950 and 32 years in 1940. Over the 20-year period there was increased labor force participation among women of all age groups, with the greatest advance occurring among women 45 to 54 years of age.

Thirty percent of married women (husband present), 35 percent of single women, and 42 percent of women with other marital status were in the labor force in 1960. Married women accounted for 58 percent of all women workers.

The median number of school years completed by all women 14 years of age and over was 10.6 years; by Negro women, 9.0 years. Thirty-nine percent of all women were high school graduates; about 25 percent had less than 8 years of formal education. Of the Negro women, 24 percent were high school graduates and about 37 percent had less than 8 years of formal education.

More Texas women were employed in 1960 than 1950 in 9 of the 11 major occupational groups. The greatest percentage gains occurred among professional and technical workers and clerical workers. Employment decreases were reported among farm workers. In every industry except agriculture, women's employment rose over the 10-year period. The greatest percentage increases occurred among women in construction and mining; finance, insurance, and real estate; manufacturing; and most of the service industries.

In 1959 experienced women workers in Texas had median earnings of $1,783. Highest median earnings were reported for women professional and technical workers. The median income in 1959 for white women 14 years of age and over was $1,170; for nonwhite women, $750.

The Commission made a comprehensive study of employment and other opportunities open to women. The formation of this program came as a result of cooperative efforts among leaders of women's groups, civic organizations, and the news media. A report was prepared and submitted to Governor Connally.

XUM

This means that many thousands of people throughout our country are now engaged in a country-wide enterprise—inquiring into every aspect of the position of women. They are holding meetings and public hearings. Countless committees are hard at work. Out of these deliberations will emerge a new and better climate as far as women are concerned. There will be improvements made in employment practices in the States and localities, in the more widespread provisions of homemaker and day care and other services which will be so helpful to the employed women. Impetus will be given to the enactment of Equal Pay Laws in the 14 States still without them.

The work being done by the many State committees set up to inquire into the need for the extension and improvement of protective labor legislation is bringing home to large numbers of people the fact that many millions of women are still being paid distressingly low wages. (About a fifth of the Nation's women who work at full-time jobs, and work 40 weeks or more during the year, earn less than $2,000 a year.) We already see evidence that the State Commissions are stimulating far greater interest in minimum wage legislation all across the country.

Above all, I think this deepened interest in the problems and needs of women will help to forge new approaches to their education. There are many institutional adjustments needed if we are more fully to realize our potentials.

CONTINUING EDUCATION

We need more programs such as have been developed by Southern Methodist University's School of Continuing Education, with Mrs. Mary E. Miller as Associate Dean, plus the Program for Continuing Education of Women at the University of Texas at Austin, and the Center for Human Resources, University of Houston, to make it possible for women in their middle years who drop out of college to obtain, through part-time study, their B.A.'s or to get their M.A.'s for teaching, social work and other careers. They can do this when their children are still young and then later ready to resume their careers.

The State Commissions are helping us in the Women's Bureau to stimulate interest throughout the country in improving our vocational guidance and training programs for young women.

Another important social change is needed. We ought to give far more consideration to part-time employment opportunities for women. We are woefully short of good teachers. Why shouldn't our schools permit two women to work as a team—one taking the morning periods, the other the afternoon? The mature woman who is raising her own children has much to offer the children of others.

WHAT OF THE FUTURE?

But it is the future that interests us. What are the jobs that will be available in the coming decade, and in which of these jobs can women realistically expect to find opportunities?

Suppose we start with the most glaring shortage, and one generally staffed by women: Elementary and Secondary Teaching. The demand for teachers rose 10 percent between 1965 and 1966, with the following results:

Twenty states had substantial shortages of teacher applicants; shortages of elementary school teachers were widespread.

Nine out of ten states had shortages of Mathematics and Science teachers, and many lacked teachers of English, Foreign Languages, and special education.

Shortages affected communities of every size: 37 teachers for small cities; 22 for central cities; and 19 for suburbs.

But suppose one happens not to be gifted with that particular brand of endurance that is required of teachers. What about Social Work? Shortages exist in public and voluntary agencies, in services to families, children, and the aged; school social work; psychiatric and medical areas.

Only one percent of our engineers are women and only three percent of our lawyers, a ratio that has remained virtually stationary for many years. In Denmark, one-half of the law students are female. In the Soviet Union, the figure is thirty-six percent, and in Germany, almost one-third of the law students are women. In these fields and even to a greater extent in medicine, the United States is woefully behind most other countries in placing women in medical professions. A 1965 survey indicated that we rank behind some 25 other nations (including lots of little ones such as England, Hong Kong, and Switzerland) in percentage of doctors. The Philippines has 24.7 percent, while the United States boasts only 6.7 percent and ranks just above South Vietnam, Madagascar, and Spain.

The needs are tremendous. All of your talents and skills are needed.

SAIGON GOVERNMENT REMAINS THE BIG HANGUP AT PARIS TALKS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BINGHAM. Mr. Speaker, one of the most disturbing aspects of President Nixon's November 3 speech was the implication that there was no possibility of peaceful settlement in Vietnam.

That this is a regrettably mistaken, indeed defeatist, conclusion is well argued by the able columnist Joseph Kraft in today's Washington Post.

I call attention particularly to his final sentence.

The column follows:

SAIGON GOVERNMENT REMAINS THE BIG HANG-UP AT PARIS TALKS

(By Joseph Kraft)

For a little while, it looked as though the Vice President would give us some other things to debate. But not all the false leads in Mr. Agnew's capacious bag of decoys can divert attention from Vietnam.

Even while nobody looks, the awful fact of the war is reasserted by rising casualty rates and the reports of the Sonmy massacre. And the way out is once more underlined by developments at the Paris peace talks.

For despite obvious propaganda overtones, the latest exchange points up the advantages of the negotiating track as a way out. It shows more clearly than ever before that the big hang-up in the talks is the Saigon regime. And with that obstacle out in the open, it is possible to see a way around—through a kind of Rhodes formula for proxy negotiations.

The unique importance of the negotiating track is confirmed in the interview given to Harrison Salisbury of The New York Times by the chief North Vietnamese negotiator in Paris, Xuan Thuy. In his talk, Ambassador Thuy focused attention on two problems that can only be met with assurance through negotiation.

First there is the problem of achieving security for South Vietnam and Southeast Asia after an American withdrawal. Mr. Thuy indicated that the other side would be prepared to negotiate for a neutral South Vietnam, set, he implied, in a neutral Southeast Asia. Then there is the problem of averting a blood bath, or massacre, after a settlement. Xuan Thuy indicated that the other side was interested in negotiating an amnesty against reprisals.

Neither of these points is new, of course. Even so, amplification through Hanoi's favorite American reporter is important. The interview came after President Nixon's exceedingly tough speech of Nov. 3, and after the announcement that the administration would let Henry Cabot Lodge withdraw as chief American delegate to the Paris talks without immediately naming another leading public man as a substitute. In these circumstances, the interview is notice that the other side continues to attach significance to the Paris negotiations but will not alter its stance under pressure.

With respect to the hangup in the talks, it emerges clearly from the rejoinder made by Ambassador Lodge to the Xuan Thuy interview. Xuan Thuy had indicated that Hanoi was prepared to meet secretly with Washington to discuss two main subjects—troop withdrawal and the composition of the government of South Vietnam. He claimed that the United States was only prepared to talk about troop withdrawal.

Mr. Lodge asserted the United States was prepared to discuss much more than troop withdrawal in bilateral secret talks with North Vietnam. He did not say that this country was prepared to talk about the politics of Saigon in such talks. And, in fact, the United States will only discuss Saigon politics if the representatives of the South Vietnamese government are present. But Hanoi will not sit down with the representatives of Saigon. The central hang-up, in other words, is the government of South Vetnam and its status at the peace table.

A strong case can be made that President Nixon is to blame for the emergence of the Saigon government as the big hang-up. The President overruled repeated recommendations by Ambassador Lodge for an early approach to private talks with the other side; by the time the private talks finally got under way the other side had irretrievably hardened its position against the Saigon regime.

But that is not the issue now. The issue now is how to get round the obstacle. And one obvious way lies in the Rhodes formula of proxy negotiations that has been used in the Near East. Under that formula, the United States would sit down in direct talks with North Vietnam on all subjects. But when the question of the composition of the Saigon government came up, the United States would act only as an explicit proxy for the government of Saigon, which would be consulted in all matters at every step of the way.

No doubt it would not be easy to arrange such a procedure. The present Saigon government would squeal—and especially its chief supporter, Ambassador Ellsworth Bunker. Still there is not much doubt that with determination, the United States could wring the necessary concessions out of Saigon. The more so as the other side has already made a step in the direction of proxy negotiations. For Xuan Thuy's statement of Hanoi's willingness to negotiate bilaterally with the United States is the most explicit statement yet made by the other side that North Vietnam will act as proxy for the Vietcong.

Thus, for all the harsh words, the negotiating track remains open and important. But the United States can only get on that track by asserting its interest in peace over the hawks of Saigon. And the true choice is between continuing the war, or putting pressure on Saigon to do what is required for a negotiated settlement.

VIETNAM RESOLUTION—WHY NOT VICTORY?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. RARICK. Mr. Speaker, following the Thanksgiving recess the Members will vote on House Resolution 613, a sense-of-the-House resolution ostensibly expressing the Members' support for the President in his efforts to negotiate a just peace in Vietnam.

Like many of the silent majority, I unequivocally support the President's every effort on behalf of the American people in our assumed role of world leadership and in containing Communist aggression, sustaining the spirit of liberty in the hopes of millions of people oppressed in Communist-dominated countries.

To date, 315 Members have cosponsored this resolution and, I am sure, in good faith—feeling that they are expressing a desire for peace and support for our President. I respectfully declined to join because I feel the resolution goes far deeper than support for the President and negotiating a just peace in Vietnam.

The resolution provides, "supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body." This clause of the resolution is not only repulsive as high-handed dictatorial interference into the affairs of the people of South Vietnam, it is also self-contradictory.

What elections are "free" when they are supervised by outsiders? At most they are a meaningless exhibition. What is intended by "open to all South Vietnamese?" This House is to establish voting qualifications in South Vietnam? Does "open to all" include people who are imported into the area for the election? Does it include children, criminals, traitors, incompetents?

Most contradictory is the phrase, "supervised by an impartial international body." If the body is international, how can it be impartial? If it is international then it is certain to include, if not be controlled by, Communists.

Experience should teach us that in any election, the Communist apparatus is never satisfied until their candidate wins. And I, for one, would never insist that the free people of South Vietnam—who have resisted Communist aggression for such a long period of time—yield powers to the Communists, through political maneuvering, which they have never been able to gain through terrorist activities.

The resolution is self-defeating. While the news media may explain the votes as being for or against peace or support of the President, passage would aline our President with Hanoi who has been calling for new elections, under international controls. This is what the war is all about. Hanoi knows it. We should.

Those who urge the resolution, to give an appearance of support for the President's Vietnam policy, would have the American people believe that there are but two alternatives in Vietnam—the Hanoi position, echoed by the moratorium crowd, demanding immediate unilateral withdrawal—or the President's policy, which differs from the radicals only in the timing of our departure.

There are other alternatives. Some who support the United States, desire peace through victory in Vietnam. Limited to only two alternatives we, by necessity, must support the President's policy even though we are not in full accord.

Most Americans support the President's objectives in Vietnam—a termination of the hostilities as speedily as possible, consistent with our national interests. But many do not necessarily agree with the wisdom of the course which has been chosen—that of negotiating with an undefeated enemy. Negotiation implies compromise—the absolute antithesis of victory, which is the only legitimate reason for war. The best and most certain method to terminate the war promptly and permanently, while discouraging any further such aggressive ventures, is to win it.

Military experts are agreed that the war could be won by conventional weapons in [illegible] to 8 weeks. Had this course been chosen at the beginning, 40,000 American lives would have been saved. Had it been adopted last year, 10,000 American lives would have been spared. How many additional American lives will be lost by negotiating instead of winning in 1970.

If the President had shown strong, positive leadership and pursued a courageous policy upon his taking office, he would not now seek national unity—it would be spontaneous. The great majority, who are now uninspired, would rally behind a dedicated leader on a true course for the United States and their voices would overwhelm the disloyal minority of Hanoi's fifth column.

Why, then, have neither Presidents Eisenhower, Kennedy, Johnson, nor now President Nixon adopted such a positive policy?

Are not our Presidents free to command American troops to win or to formulate positive plans for peace through victory? Why must our people suffer a perpetual loss of American manhood and an insatiable drain of American tax dollars?

We are told our country is committed to defend South Vietnam against Communist aggression by reason of a treaty, the Southeast Asia Treaty Organization, a collective defense treaty authorized under the UNO Charter. South Vietnam is not signatory to either the SEATO treaty agreement or the Pacific Charter.

In voting on the resolution, we will be voting on new elections in South Vietnam contrary to the constitution of that country. An "aye" vote would seem tantamount to a vote supporting the propaganda of the enemy—that South Vietnam does not have a legitimate government.

If the present government of South Vietnam is not de jure—how can we have any binding agreement with it? If it is de jure, how can we justify voting to force internal changes?

Consider that article 4, paragraph 1, of the SEATO Treaty provides that military "measures taken to repel aggression must be immediately reported to the Security Council of the United Nations."

This is in compliance with article 54 of the UNO charter commanding that "the Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements." In our SEATO involvement, in which Vietnam is not a party, every activity—every command of our military—must be reported to the UNO Security Council.

Since 1946, the post of Under Secretary General for Political and Security Council Affairs in the United Nations Organization, with one 2-year exception, has been held by a Russian officer. The exception was a term held by a Yugoslavian Communist. The post is presently held by Leonid N. Kutakov of the Soviet Union.

That Vietnam is a UNO war is clear by the language in the Gulf of Tonkin resolution. The gulf resolution at section 2 provides:

> Consonant with the Constitution of the United States and the Charter of the United Nations, in accordance with this obligation under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force . . . in the defense of its freedom.

Section 3 of the Gulf of Tonkin resolution provides that it shall expire "when the President determines that the peace and security of the area is reasonably assured by international conditions created by the action of the United Nations or otherwise."

In Korea our men fought—and still die under the UNO flag, in a UNO declared war against Communist China. There has been no peace settlement negotiated—and there is no peace. There is only an uneasy cease-fire where American men—who were not even born when the Korean war broke out—continue to be sacrificed, as we continue negotiations at Panmunjom.

In Vietnam we fight another UNO war. This time under the American flag—but with our national leaders bound by treaty not to win nor end the war—except at the discretion of the United Nations Organization.

And, by the same treaty, we are restrained from offensive action. We are limited to "repel," or "defend." It does not permit pursuit, and precludes victory—because it is impossible to win when you can't advance, and when every operation must be approved by the real enemy, sitting in New York at the head of the UNO military committee.

Just as there has been no end to Korea, there can be no end to Vietnam—nor any peace, unless we repeal the UNO Participation Act, or we breach our mistaken allegiance to that organization.

By the resolution at hand, we are further subordinating the office of President of the United States and the powers delegated to us by the American people to the UNO for supreme control over the

Vietnam situation. After 15 years of struggle and loss of the substance and the men of America, any solution achieved under this resolution would be considered to the credit of the UNO in the eyes of the world.

In my humble judgment the enactment of this resolution is far more than an emotional appeal to support the President and bring peace to Vietnam. The resolution has no legal effect. It cannot help the United States, but it could prove a wedge to further polarize our people. It contains within it the seeds of destruction and includes an appeasement guaranteed to result in lengthening the war—not bringing peace. There remain many questions unanswered.

So that our colleagues may see the treaties and resolutions which have precipitated the war, and now the Vietnam resolution which confronts us, I include the Southeast Asia Collective Defense Treaty, the Gulf of Tonkin resolution, and the Vietnam resolution.

SOUTH-EAST ASIA COLLECTIVE DEFENCE TREATY

(Manila Pact)

The Parties to this Treaty,

Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities.

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the Treaty Area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and,

Desiring further to coordinate their efforts for collective defence for the preservation of peace and security,

Therefore agree as follows:

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article II

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Article III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

Article IV

1. Each Party recognizes that aggression by means of armed attack in the Treaty Area against any of the parties or against any State or territory which the Parties by unanimous agreement may hereafter designate would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the Treaty Area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immedately in order to agree on the measures which should be taken for the common defence.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Article V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the Treaty Area may from time to time require. The Council shall be so organized as to be able to meet at any time.

Article VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article VII

Any other State in a position to further the objectives of the Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

Article VIII

As used in this Treaty, the "Treaty Area" is the general area of South-East Asia, including also the entire territories of the Asian Parties, and the general area of the South-West Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the Treaty Area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the Treay Area.

Article IX

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

Article X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation

Article XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.

UNDERSTANDING OF THE UNITED STATES OF AMERICA

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to Communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done at Manila, this eighth day of September, 1954.

PROTOCOL TO THE SOUTH-EAST ASIAN COLLECTIVE DEFENSE TREATY

Designation of states and territory as to which provisions of Article IV and Article III are to be applicable:

The Parties to the South-East Asia Collective Defence Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol to the South-East Asia Collective Defence Treaty.

Done at Manila, this eighth day of September, 1954.

THE PACIFIC CHARTER

The delegates of Australia, France, New Zealand, Pakistan, the Republic of the Philippines, the Kingdom of Thailand, the United Kingdom of Great Britain and Northern Ireland, the United States of America:

Desiring to establish a firm basis for common action to maintain peace and security in South-East Asia and the South-West Pacific;

Convinced that common action to this end in order to be worthy and effective, must be inspired by the highest principles of justice and liberty;

Do hereby proclaim:

First, in accordance with the provisions of the United Nations Charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities;

Second, they are each prepared to continue taking effective practical measures to ensure conditions favourable to the orderly achievement of the foregoing purposes in accordance with their constitutional procedures;

Third, they will continue to cooperate in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in this region;

Fourth, as declared in the South-East Asia Collective Defense Treaty, they are determined to prevent or counter by appropriate means any attempt in the Treaty Area to subvert their freedom or to destroy their sovereignty or territorial integrity.

Proclaimed at Manila, this eighth day of September, 1954.

Joint Resolution to Promote the Maintenance of International Peace and Security in Southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Approved August 10, 1964.

Resolution

Resolved, That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

AVAILABILITY AND USEFULNESS OF FEDERAL SERVICES AND PROGRAMS TO ELDERLY MEXICAN-AMERICANS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. GONZALEZ. Mr. Speaker, Mrs. Marie C. McGuire has already left enduring monuments of her great work in public housing in San Antonio, Tex., and throughout the Nation. She served as public housing commissioner with distinction and now is program adviser for problems of the elderly and handicapped with the Renewal and Housing Assistance Administration, Department of Housing and Urban Development.

Recently she presented testimony to the Senate Special Committee on Aging and made a valuable contribution the understanding of the peculiar problems confronting the aged of Mexican descent who abound in the Southwestern section of our country.

It is a privilege to set for the text of this presentation at this point in the Record:

Availability and Usefulness of Federal Services and Programs to Elderly Mexican-Americans

Mr. Chairman and Members of the Subcommittee, it is a pleasure to appear before this committee for the Department of Housing and Urban Development. With me this morning are two representatives from the *Equal Opportunity Administration of HUD,* Mr. *Isaac Rodriguez* and Mr. *George J. Royball.* Also present is Mr. Daniel L. Schulder from the Model Cities Administration. They will be happy to respond to questions you may have in their areas of responsibility.

The hearings of this Subcommittee of the Senate Special Committee on Aging on January 14, 1969 explored reasons for underutilization of HUD's housing programs for the elderly by eligible Mexican-American senior citizens in cities and states with large Mexican-American concentrations. Testimony revealed that in Texas, Arizona, New Mexico, Colorado and California some 320,000 elderly Mexican-Americans lived on very limited incomes and yet the number occupying HUD-assisted housing for the elderly was far less than other groups in proportion to their numbers.

Three major problems that might account for or contribute to this situation were developed in the hearings:

1. The lack of emphasis on communication techniques that recognized the language and other barriers to an understanding by elderly Mexican-Americans of the availability and their eligibility for such housing. It was suggested that improvement in communication could be brought about by the issuance of a variety of brochures in Spanish, and by increased employment of bilingual staff, particularly in HUD regional and local housing authority offices. Local agencies planning housing or dealing with the housing needs of the Mexican-American elderly were encouraged to expand their efforts to include not only the use of Spanish language mass media, but to recognize the necessity of person-to-person contact with those living in substandard housing.

2. The Committee encouraged the further exploration, as well as the demonstration of special housing types and designs that would be more acceptable to elderly Mexican-Americans and more responsive to social customs and traditions.

3. The Committee heard testimony to the effect that housing intended to encourage occupancy by elderly Mexican-Americans should be located in neighborhoods where Spanish is the dominant language, and where the elderly could remain close to their families, friends, churches and shops.

In addition, the Committee expressed its interest in the emphasis being placed on Mexican-American needs in Model Cities, with particular concern that there should be opportunities for participation in the planning process by elderly Mexican-Americans.

Some progress has been made in each of these areas since that January hearing. We have held two meetings with the Inter-Agency Committee on Mexican-American Affairs to explore the specific issues raised by this Committee. We also have met with several local housing authority officials planning new public housing for the elderly in cities where there is a concentration of Mexican-Americans.

IMPROVEMENT OF COMMUNICATION TECHNIQUES

Since our report to this Committee in January 1969, the number of employees with Spanish surnames in HUD has increased from 157 to 182. On August 21, 1969 a meeting was called by the Assistant Secretary for Equal Opportunity and attended by Secretary Romney with approximately 25 Mexican-American community leaders and organizers. The group discussed the availability and applicability of existing HUD programs to the problems of Mexcan-American communities and resulted in the airing of specific criticisms of HUD efforts. Thereafter the department followed up to ascertain local performance responsive to the Mexican-American community's needs and interests. This work is continuing.

Meetings have also been held with Mexican-American entrepreneurs to familiarize them with the ways and means to obtain Federal contracts, particularly HUD contracts.

SER (Service Employment Re-development) a Mexican-American organization, activated intially by the Department of Labor in cooperation with the League of United Latin American Citizens and the American GI Forum, has been named the subcontractor on a contract let by HUD's office of Research and Technology to survey and identify minority building trades contractors and develop their potential for participation in the re-development process. This work is under the direction of HUD's office of Equal Opportunity.

Two Mexican-Americans have been added to the Equal Opportunity staff. Both are in professional positions: one is working in a liaison capacity with the Model Cities Administration and the other as the Director of the Job Development Division of the Office of Contract Compliance and Employment Opportunity. HUD has made two surveys of Spanish-American employment within the Department. Thus the Department is seeking improvement in hiring efforts to coordinate a Mexican-American talent bank and jobs available in HUD's Western and Southwestern offices, in cooperation with SER. Lists of job vacancies are forwarded by the HUD Equal Opportunity staff to representatives of various segments of the Mexican-American community who might be able to reach qualified, interested Mexican-Americans.

A number of HUD's public information materials have been published both in English and Spanish. Attached is a list of 53 pamphlets, 16 of which have particular relevance to the housing needs of Spanish speaking people and have been issued in both English and Spanish. While many of these now are obsolete due to legislative changes, updated and new bilingual publications are now becoming available. Four of them are: *A Summary of Fair Housing Laws; How to Become a Non-Profit Sponsor; Equal Opportunity: What It Is, What It Does;* and *Fair Housing, USA.* Two new publications in both English and Spanish on the Model Cities program will be ready for distribution within 30 days. These are *Model Cities—Questions and Answers* and *A Place to Live—What Relocation Means to You.*

At present, the Radio and TV Division of HUD's office of Public Affairs has available a number of radio spots on fair housing which have been translated into Spanish for use by Spanish language stations. In addition, the Division is now processing English and Spanish film strips on cooperative housing.

All of these materials are designed primarily for use by local agencies and organizations interested in the needs of the Mexican-American people, including the elderly. In these ways, HUD recognizes the need for more and better printed and audio-visual material in Spanish to keep Mexican-Americans better informed about the programs of benefit to them.

It also may be of interest to you to know that bibliographies of historical, social and cultural books on the Spanish-speaking people in this country are under review in order to select pertinent publications for HUD's library.

HOUSING TYPES AND DESIGN

As mentioned above, two meetings have been held with staff members of the Inter-Agency Committee for Mexican-American Affairs to explore the types and designs of housing that in their opinion would be more responsive to the needs or desires of the elderly Mexican-American and which they would more readily accept and use. It was recognized that as in many cities where this Committee held its hearings, the areas of concentration are in the center city, with intense land use of generally low rise structures. While the neighborhoods are at least partially substandard, both the in-town location and structure density result in very high land acquisition costs. For new construction, this situation will often require high-rise development in order to achieve economic feasibility.

While it was generally agreed in our discussions that one-story dwellings for the elderly would be preferable, it was also recognized and agreed that if an educational program were undertaken to explain how high-rise buildings can increase security and comfort, more and more elderly Mexican-Americans could be expected to take advantage of this type of housing. It was suggested that these high-rise structures preferably should not be over six stories. The need for ample walking and sitting space to take the sun was emphasized. Community space for neighborhood social activities would also play an important part in acceptability. Thus neighborhood residents of all ages would gather together at the older person's place of residence, and this would have significant social and cultural benefits.

It was generally agreed, however, that in order to achieve the acceptance of such a change in living patterns, the educational programs undertaken prior to occupancy, could not rely on mass media alone, but must involve personal meetings with eligible needy elderly and their families.

During these meetings we also explored the concept of a housing development in which only older people live and the acceptance of this pattern by elderly Mexican-Americans. There is some evidence that older Mexican-Americans prefer to live in neighborhoods of all age groups rather than in age-segregated housing, since each age group traditionally has a place and a role in general community affairs. This would indicate that our planning should stress housing designed for the elderly in family housing developments rather than separate from them.

Differences in interior layouts of housing for the Mexican-American elderly also were discussed. We were told that there are numerous special occasions when their families gather at the home of the grandparents. Therefore, our designs should consider arranging the living space so that such gatherings would be possible in comfort. This might mean a combined living-kitchen-dining space to accommodate family gatherings. Such designs probably would not mean an increased cost or an increase in overall space—simply a rearrangement of space. However, we were told that for the elderly Mexican-American woman, it would be absolutely essential to have a private dressing area, and if possible, a sleeping area separate from the larger gathering area. Small, but private outdoor spaces, particularly in warm climates, were considered desirable—designed as an extension of the of the living area. In high-rise buildings, this relationship to the outdoors might be achieved through a greater emphasis on private balconies. With respect to exterior design, the emphasis was on sturdiness and warmth rather than any special types such as Spanish, Contemporary, Early American, etc.

In connection with the desirability of these planning concepts, HUD's Office of Research and Technology currently is reviewing a proposal to study the relationships of Mexican-American living patterns to house design. This research proposal was designed by *The Institute for Personal Effectiveness in Children,* San Diego, California, under the direction of Uvaldo H. Palomares, the Institute President. The Inter-Agency Committee on Mexican-American Affairs is the sponsoring group. In brief, the study would attempt to develop a solid base for planning policy or change based on substantiating facts from the people affected, rather than relying on opinions of observers.

HOUSING LOCATION

It is the Department's general policy to see to it that all racial and ethnic groups have the opportunity to reside within and without areas of racial or ethnic concentration. We have been in communication with Mexican-American organizations in an effort to develop the most meaningful approach for providing maximum housing opportunities for Mexican-American elderly in local communities.

NEIGHBORHOOD FACILITIES

With respect to neighborhood upgrading, our neighborhood facilities program is making an increasing contribution. Of the more than 70 community centers now in operation, 13 serve areas where Spanish-surname users range from 10 to 95 percent. These cities include:

	Percent
Colorado Springs, Colo. (est.)	60
Pagosa Springs, Colo	95
Hutchinson, Kans	10
El Paso, Tex	95
Laredo, Tex	90
San Jose, Calif	28
Brawley, Calif	37
Fresno, Calif. (est.)	35
Visalia, Calif. (est.)	40
Dinuba, Calif	16
Flagstaff, Ariz	56
St. Johns, Ariz	49
Phoenix, Ariz	22

The Phoenix area will soon open a second center. Both centers will provide transportation over a 35 mile area to and from the centers.

In addition to these, 5 more grant reservations have been approved for construction of centers which will be in operation within the next two years in areas with high concentrations of Mexican-Americans.

Since these centers serve all age groups, their location in these neighborhoods reflect their usefulness to the elderly along with other age groups.

MODEL CITIES

This committee has shown a continuing interest in the Model Cities Program and its potential for increasing opportunities for Mexican-Americans. In previous testimony we submitted a comprehensive list of Model Cities programs developing in a number of cities with large Mexican-American concentrations. We would add to that list the plan in Albuquerque for an "employment over 60 programs," and the Eagle Pass, Texas plan to use 20 older women as home-maker aids to assist other elderly in need of these services.

On October 14, 1969, Deputy Assistant Secretary for Model Cities, Mr. Robert H. Baida, testified before the Housing Subcommittee of the Senate Special Committee on Aging on activities to increase emphasis on the needs of the older population in Model Cities areas. Since this is a current statement I would like to include it in the record as the Model Cities' presentation for this subcommittee today.

HOME OWNERSHIP

A word about home ownership. It was pointed out in previous testimony that Mexican-American people generally, including the elderly, put great emphasis on home ownership even though many of these homes were substandard. Rehabilitation aids therefore are of particular significance. While we cannot give you precise statistics by nationality groups, we do know that over 60 percent of the low-income home owners in urban renewal or code enforcement areas who received HUD grants for rehabilitation of their homes were elderly, and over 25 percent of the rehabilitation loans were received by those 62 and over. Grants are available to owner-occupants with incomes of $3000 per year or under. Those with incomes of over $3,000 also are eligible if their housing expenses after rehabilitation exceed 25 percent of their income. It is possible to combine the grants with three percent loans if needed to bring the homes up to local code standards.

As previously indicated, we anticipated that the HUD-FHA Sec. 235 home ownership program might have particular significance for the lower income Mexican-American family since it had the potential of a one percent interest rate. We now can report from 13 HUD FHA-insuring offices in the 5 states with large Mexican population. Out of 4,362 firm commitments issued as of November 13, 1969, some 1,229 were to families with Spanish surnames. One of the FHA offices (Santa Ana, California) has conducted counseling sessions in Mexican neighborhoods and as a result, 51 families were told that they would probably be acceptable under the 235 program. An additional 50 reservations have been tentatively set aside for other Mexican-American families participating in the counseling program.

In the 5 Southwestern states, there were 20 builders with Spanish surnames and these builders have reserved funds to cover 343 dwelling units.

REPORTING BY ETHNIC GROUPS

This Committee will be interested to know that effective September 30, 1969, reports to HUD from local housing authorities on applications for and continued occupancy in public housing, will reflect six major nationality groups, including the Mexican-American. In the future, HUD will be able to analyze and report more precisely the utilization of this housing program by several ethnic groups.

HUD-DEPARTMENT OF LABOR

The Committee also will be interested in an attachment describing a joint effort by HUD and the Department of Labor to provide jobs and housing in Friona and Hereford in the Texas Panhandle. While this effort is not related to the elderly per se, it could have beneficial side effects in view of the extended family tradition of Mexican-Americans.

It has been a pleasure to present this brief progress report since your earlier hearings.

I LOVE AMERICA WEEK

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. SKUBITZ. Mr. Speaker, I feel proud that my hometown of Pittsburg, Kans., has observed a very important week called I Love America Week. I think it is quite noteworthy the news coverage given to the event by an article in the Pittsburg Headlight Sun as follows:

[From the Pittsburg (Kans.) Headlight-Sun, Friday, Nov. 21, 1969]

I LOVE AMERICA WEEK TO BE CELEBRATED HERE

Joining other communities in the tri-state area, the city of Pittsburg will observe "I Love America Week" next week.

Mayor Rex Bowers Thursday issued a proclamation at the behest of the American Legion and Veterans of Foreign Wars and other interested persons. Coming during Thanksgiving week, it is intended to bring out a positive voice in behalf of the country while giving thanks to God for the country in which we live.

Rev. Walter W. Snyder, pastor of the Zion Lutheran Church, explained the week as follows:

The idea behind this was started by Dr. J. B. Simon of Joplin, an optometrist, who felt that there has been too much negative expression in regard to our country. He felt that something positive should be said.

The move to proclaim the week of Nov. 24 through Nov. 30 as "I Love America Week" is non-political, not pro or anti anything. It is intended only as a positive affirmation that whatever the shortcomings of our nation might be, we love it, are proud of it and certainly on Thanksgiving Day should give thanks that we live in such a nation as we do.

Various interested parties from Pittsburg in cooperation with the American Legion and Veterans of Foreign Wars petitioned Mayor Rex Bowers to proclaim the week of Nov. 24 through Nov. 30 as "I Love America Week," in cooperation with other towns and cities in the surrounding area.

The governor of Missouri has been petitioned to issue a similar proclamation for the whole state.

The rash of negative demonstrations has prompted this move as a positive reaction. Posters will be placed in the stores of all cooperating merchants, together with a supply of red, white and blue arm bands to be worn during the week. Citizens are also asked to fly their flags.

Every citizen in his own way is asked to give particular thanks on Thanksgiving Day. Ministers are requested to have special prayers for our nation in the Thanksgiving services and every citizen should use the opportunity to speak positively, constructively and proudly of the nation which has given him the freedom of speech which he exercises.

Also the proclamation:

PROCLAMATION

Whereas: the United States of America is a free democracy, permitting freedom of speech and thought, and

Whereas, the Veterans of Foreign Wars, American Legion and interested citizens want to express thanks for living in a free country, and

Whereas, all people should be given the opportunity, without political restriction, to express themselves positively that whatever shortcomings our nation might have, we are still proud to be citizens of such a great land, and wish to express our love for our nation during this time when we pause for a special day of Thanksgiving,

Now therefore, I, Rex Bowers, Mayor of Pittsburg, Kansas, hereby proclaim the week of November 24–30, 1969: "I LOVE AMERICA WEEK", and urge all citizens to express our love for our country, not only this particularly designated week, but each day throughout the year.

Dated this 20th day of November A.D., 1969.

REX BOWERS,
Mayor.

Attest:

——— ———,
City Clerk.

CALL OFF THE WOLVES

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. MESKILL. Mr. Speaker, along with many other Americans I watched the Vice President of the United States articulate his "dissent" in Des Moines and Montgomery. Vice President AGNEW has challenged the news media to do better than it has in the past to present balanced and objective coverage of the day's events. Even his critics agree that the Vice President raised some important questions.

Today, our communications media possesses almost inestimable power. If it is used properly, it can be the most powerful force in the world to bring about social and political progress. If it is abused, it can be one of the most negative forces in society.

Mr. AGNEW's speeches have harkened a warning. He has alerted the public to discriminate between fact and commentary. He has warned the viewer that all television commentators may not be neutral objective in their presentation of the news. And he has challenged the media men to "relate their great freedom with their great responsibility."

Herman Angel, who writes for the Meriden Record, has written an interesting column entitled "We Second SPIRO: Call Off the Wolves." Mr. Angel is the dean of the press corps at the State capitol in Hartford, Conn. He is known around the capital for "telling it like it is." This column is a good example of Mr. Angel's style. He minces no words.

Mr. Speaker, I would like to share his comments on Mr. AGNEW's speeches with my colleagues by inserting his column in the RECORD:

WE SECOND SPIRO: CALL OFF THE WOLVES

(By Herman Angel)

As one who doesn't agree with Vice President Spiro T. Agnew, all of the time, we found ourselves in partial agreement with his Des Moines speech last Thursday evening some of the time.

Agnew criticized the television networks harshly for their habit of immediately following speakers of great national importance, mostly the presidents of the United States, a few minutes after they conclude an all-network address to the nation, with their own specialized comments, taking advantage of the big audiences built up by the expectation that the nation's chief executive may have something of importance to say to everyone.

Before the vast audience, estimated at 70 million people, could digest the speech delivered on Nov. 3 by President Richard M. Nixon, the highly regarded commentators of the three major networks were at him like a pack of wolves.

All of the quotes they could muster from previous Nixon's speeches, some made in the 1963, campaign, quotes that could be used to embarrass the President, were on tap ready for use, and use them they did.

The listeners, for whom the speech was intended, before they could give the President at least an honest consideration, were at the mercy of the so-called commentators on the three major networks.

This was the part of the night's "entertainment" to which we objected, and were heartened by the Agnew speech in which he severely condemned the practice as a danger for American democracy.

We were also quite alarmed at the immediate response that came from the networks on Thursday night, indicating they were just as ready, inserting their alarm over government licenses of radio and television stations as a result of the criticism that came from the Vice President. Agnew, if our memory serves, made no threat against any station or network, but the presidents of the networks, apparently prepared by a copy of the speech issued in advance, jumped at the idea as a means of discrediting the Vice President.

As we have indicated, and want to repeat, we are no blind follower of Spiro Agnew, but we think he scored a point when he referred back to March, 1968, when President Lyndon B. Johnson, heckled furiously and continuously by the same commentators, announced unexpectedly that he would not be a candidate for reelection. The commentators, so ready with their quick and witty remarks on other occasions, were left speechless, only because President Johnson didn't have the foresight to permit them to know in advance what his political plans were for the future.

There is a great deal of difference between newspaper commentary and that practiced, at least on presidents, by the major networks, all of whom seem to ape one another in matters of entertainment and politics. We don't believe it is a conspiracy, just a case of imitation.

In the newspapers, the report of the speech appears as a separate news item, and the commentary appears on the editorial page, mostly in different section. Sometimes the editorial comment appears the same day as the report on the speech, other times, two or three days later. But there is no intention of the part of newspapers to cram down the throats of readers the opinions of one or two editors in the same report of the speech or item of news.

The best judgment in these affairs would be for the networks to allow the listeners time to consider the speeches delivered by a president before rushing to the air waves with their own comments, comments which sometimes destroy everything the president has said. As happened on this occasion, and on Nov. 3.

Agnew probably went too far when he tried to judge the actions of the networks in their presentation of the news, as news. Both President Nixon and Vice President Agnew were carried live, and in full, in their recent speeches, and the networks are in the clear in this regard. Very few newspapers in the nation could spare the space to carry both speeches in full text, although there are some who do.

But the president of the United States is not a shuttlecock for the networks to use in their own game of badminton.

In the present national dilemma in Viet Nam President Nixon is trying to do what others in national United States office have failed to accomplish in 10 years; and the French government was unable to do in 10 years before that.

The least the people can do, and the commentators too, is give him an ample chance to come to terms with a most difficult enemy, encouraged, it now seems by the dissenters.

Until President Nixon uses up a reasonable length of time to accomplish his goal, reasonable people will give him every chance to drag us out of the mud in Vietnam.

ANARCHY DOES NOT JUST HAPPEN—IT IS PLANNED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. RARICK. Mr. Speaker, two of the three points on which the foundation of this Nation was laid are the family ties and responsibilities, and the willingness to diligently labor to improve ourselves and our position in life. One of the fundamental doctrines of America, the right of social mobility, says that a man can go as far as his ability and his willingness to work will take him. It does not give a guarantee of success, or wealth, or happiness to anyone, nor should it.

But things seem to be changing. Youngsters who are in the process of flunking freshman English, accompanied by the teachers who cannot teach the subject which they failed last year, are streaming behind the pied pipers of the left in their assault on civilization. It seems that government owes everyone a Utopian existence—and the elite intellectuals are quite prepared to plan and deliver it; with the money taken by taxes from the poor fools who still feel that a man should work to support himself and his family.

If it were not sure to be taken seriously by those who have a vested interested in perpetuating their own bureaucracy, the plans being leaked out of the White House Conference on Food, Nutrition, and Health, would make good slapstick comedy. They all have one basic premise—the encouragement of total destruction of family life and the destruction of all rewards for work. Unemployment compensation during pregnancy, free food stamps under HEW jurisdiction, fluoridation of all water, the encouragement of teenage immorality and high school pregnancies, all are designed to aid the indigent and penalize the industrious and worthwhile citizen.

The District of Columbia, whose integrated schools were to be a model for the Nation, has apparently given up even a pretense of an effort to teach the unteachable in its nearly all-black school system, but is prepared to feed two meals a day during the school year, and operate the schools as free meal centers for all the year round. Food offered should be, it is said, "in keeping with the cultural background and food habits of the local people." More and better foods are to go to the "unusually large percentage of low-income families here"—and any such offensive words as "donated" or "not to be sold" are to be deleted, in case anyone can read and might have their feelings hurt by the idea of charity.

Meanwhile the left lauds the values of the Communist style collectives of Israel, called "kibbutzim" there. It would seem that such a total destruction of the family is a thing to be desired, if the glowing accounts of such successes are to be given credibility. But Americans who have not yet been brainwashed still remember that the history of such collectives in this country, as in all of the world, is one of total failure. Even the free-love hippie colonies which abound in some of our cities are not working out too well when it comes time, as it always will, for someone to pay the piper.

Then, finally, as a surprisingly appropriate memorial to the late Robert F. Kennedy, and assisted by a Ford Foundation grant, a group of agitators are roaming the country stirring up the "have-nots" in the never-ending search for the American proletariat with which to man the barricades for the long sought "class war" which no one has ever quite organized in this country. This is the same combination which attracted a little attention by giving huge "readjustment" grants to the Kennedy staffers who were severed from the payroll by the incident in Los Angeles, while the Kennedy campaign debts remained unpaid.

I include in my remarks a potpourri of typical newspaper clippings, showing the ever plainer outlines of the attack on American civilization:

[From the New York Times, Nov. 23, 1969]

Panels Planning White House Conference on Nutrition Urge Substantial Cash Aid for the Poor

(By Marjorie Hunter)

WASHINGTON, November 22.—Substantial cash aid for the poor was strongly recommended today by several panels involved in planning the upcoming White House Conference on Food, Nutrition and Health.

One panel proposed a guaranteed annual income of "at least" $5,500 for a family of four. Another recommended $5,915 as the minimum amount needed.

Such levels far exceed amounts proposed this year by Presdient Nixon and by the President's Commission on Income Maintenance Programs.

The President has asked Congress for $1,600 for a family of four, plus $750 in bonus food stamps.

COMMISSION'S PROPOSAL

The Presidential Commission, appointed by President Johnson and headed by Ben W. Heineman of Chicago, proposed last week a $2,400 minimum income level, without bonus food stamps.

Cash aid for the poor was one of hundreds of recommendations that will be submitted to the White House conference by numerous panels.

The conference, to be held Dec. 2 to 4 at the Sheraton-Park Hotel, was called by President Nixon to recommend ways to meet the nation's nutritional needs, with particular emphasis on the poor.

Dr. Jean Mayer, a special constultant to the President, who is organizing the conference, predicted today that its key recommendations would be implemented "quite quickly."

WILL GO TO WHITE HOUSE

He said the recommendations, particularly those involving money, would be presented to the White House before Christmas for inclusion in the President's budget for the fiscal year 1971, which will be sent to Congress in January or February.

"We'll see rapidly mounting expenditures for food programs," Dr. Mayer predicted.

The panel recommendations, to be considered by the full conference, range all the way from encouraging breast feeding of infants to repeal of all state and local sales taxes on food.

Among the recommendations of the 26 panels are the following:

Unemployment compensation for women during periods of pregnancy when they are unable to work.

Transferal of all food aid programs, such as food stamps, school lunch, surplus commodities, from the Department of Agriculture to the Department of Health, Education and Welfare.

$125 worth of free food stamps each month to four-member families whose monthly incomes do not exceed $100.

$1.5-billion a year in Federal funds for free or reduced-price school lunches and breakfasts.

Fortification or enrichment of such basic foods as milk and grain products, including bread and cereals.

Food preparation centers for the distribution of nutritional meals to invalids, the aged, institutions and schools.

Flouridation of all community water systems.

Mobile food stores to serve the rural poor.

Development of new low-cost, nutritional foods, as well as fortified or enriched snacks.

A nationwide surveillance and monitoring system to seek out the hungry or malnourished.

An increase in Federal aid for training of public health nutrition personnel.

$25-million a year to help develop home gardens in rural areas and small towns.

An increase in the pay or allowances of the "military poor" and the provision of food stamps redeemable in post exchanges.

Family planning information and services for teen-agers, whether married or not, and the repeal of all laws or ordinances that prevent pregnant girls from remaining in school.

There are hundreds of other recommendations, dealing with labeling of foods, research on safety of additives, consumer protection, establishment of food stores in urban slums and special aid to migrants and Indians.

[From the Washington (D.C.) Post, Nov. 23, 1969]

ACLU Praises District of Columbia Police Action

The Washington chapter of the American Civil Liberties Union yesterday released the contents of a letter to Police Chief Jerry V. Wilson praising the "extraordinary job" performed by Wilson and the force during last weekend's antiwar demonstrations here.

Signed by board chairman Allison W. Brown Jr., the letter says the department's actions "created a standard which should be studied by police chiefs all over the country. . . ."

However, Allison did find minor faults with police actions during the disturbances Friday night in DuPont Circle and Saturday afternoon in front of the Justice Department.

He specifically criticized what he termed "excessive" use of tear gas at the Justice Department.

He also suggested to Wilson that the police had been too quick to use tear gas at Dupont Circle and that some of the civil disturbance units lacked coordination and worked at "cross purposes" on Saturday.

However, reiterating that these were minor complaints made in the spirit of constructive criticism, Allison renewed his praise of the restraint and discipline of the force.

[From the Washington (D.C.) Post, Nov. 23, 1969]

Two Free Meals a Day Proposed for All City Schoolchildren

(By William L. Claiborne)

Free breakfasts and lunches in their own schools for all children in Washington and transferral of food assistance policy making here from the Department of Agriculture to the Department of Health, Education and Welfare were proposed yesterday by the White House Conference on Food, Nutrition and Health.

The need for broad reforms of the District's programs to battle hunger was attributed by the Presidential panel to the unusually large percentage of low-income families here and, because of the absence of representative government, to their inability to effect change in existing food programs.

The chairman of the panel's subcommittee on the District of Columbia said in an interview yesterday that the decision to propose withdrawing food program control from the Agriculture Department stemmed from a belief that existing measures were "ineffective" and that the department is "oriented toward the farmer and not the low-income consumer."

The panel, which will meet next week to condense subcommittee recommendations contained in the voluminous report released yesterday and present them to the President for legislative action, also recommended that:

The supplemental food program be expanded and made so flexible that "any person in need" may be quickly certified for assistance.

By next July, school feeding facilities be used communitywide so that free food is available to other "vulnerable" age groups, such as preschool children, elderly persons and pregnant women.

Major expansion of nutrition training in public, college and post-graduate schools as well as various media and community campaigns to educate the public.

Feeding programs be operational year-round.

The cost of food stamps be reduced significantly and that free stamps be made available to those with very low incomes or no income at all.

Food stamps be issued for the purchase not only of food but items of personal and household hygiene items.

A program be developed to advise parents and day care center operators of their rights to participate in feeding programs.

Foods offered should be "in keeping with the cultural background and food habits of local people." Also, the panel recommended that the word "donated" be stricken from food packages, because of the stigma attached to the term.

Noting that Washington is the only municipality in the nation wtihout self-government, the panel emphasized the "responsibility and power" of the federal government to act swiftly on behalf of the city's hungry and impoverished.

However, Dr. Leroy A. Jackson, chairman of the panel's D.C. subcommittee, sounded an unoptimistic note for speedy congressional action on the recommendations.

"Other recommendations of the report may get immediate attention by the localities involved, but we've still got the same old problem of going slowly through the Congress," Dr. Jackson said.

Dr. Jackson said about 15 witnesses from the inner city were heard by his subcommitte and that the consensus was that the federal food stamp program is "basically inadequate" because of the cost of stamps and the lack of flexibility in certification standards.

Also, he said, there are not enough supplementary food distribution centers and that the requirements for supplementary food are too rigid.

The same complaint was recently voiced by City Councilwoman Polly Shackleton, chairman of the Council's health and welfare committee, who publicly assailed "stringent requirements" imposed by the Agriculture Department. A parade of witnesses before the Senate Select Committee on Nutrition and Human Needs also denounced the federal food stamp program, one calling it "government-guaranteed hunger."

Free lunches are available in some District schools to children whose parents are at poverty level and free breakfasts are being experimented with in some schools. However, some schools do not have any lunch facilities at all.

For City Pay Raises: District of Columbia Asks Congress To Increase Grant

(By Irna Moore, Washintgon Post Staff Writer)

The Nixon administration has suggested to Congress that it consider increasing the federal payment to the District by $10.8 million to cover the cost of police, fire and teacher pay raises.

Mayor Walter E. Washington, who has proposed an increase in the city income tax and a $5.2 million additional federal payment to finance the pay raises, sent the city's version of the salary and revenue legislation to Congress Thursday.

A letter from the mayor sent with the bill lists a full $10.8 million federal payment as "the other alternative" to the income tax raise. That suggestion was reportedly inserted by the federal Bureau of the Budget, which acts as administration spokesman on city legislation.

In earlier statements to the City Council and the Senate Appropriations Subcommittee, the mayor offered the combination of income tax and federal payment as his only revenue proposal.

The Budget Bureau and the administration decided to add their suggestion for a number of reasons, several sources speculated yesterday.

Because the legislation raising the salaries of policemen, firemen and teachers stands an excellent chance of passage, both the administration and the mayor are concerned about taking a "fiscally responsible" position by providing a source of funds to pay it. But the administration was reportedly worried that the income tax increase might not win congressional approval, and felt another source of revenue should be suggested.

If no new revenue is approved, the cost of pay raises—$10.8 million for the rest of the fiscal year—will have to come out of the city's budget. As approved by the House Appropriations Committee Thursday, the budget has already been trimmed by $27.8 million.

"When the administration knows we're already cut that close to the bone," one city official commented, "naturally they don't want to see any more budget cuts, especially not anything that might cut the President's crime program."

Another reason for the administration's support of an additional federal payment, the officials added, is the President's April 28 home rule message. In it, the President backed the city's proposal to fix the federal payment at 30 per cent of local revenues—or $120 million this year.

The revenue bill passed by Congress last month authorized only a $105 million federal payment. Another $10.8 million to finance the pay raises would still be well within the President's commitment to $120 million.

In addition, new income tax legislation must originate in the House, where it could run into trouble. If that happens another official noted, the traditionally more friendly Senate District Committee could initiate legislation to increase the federal payment.

The city actually prefers enactment of increased income tax rates as a solution. While either an additional federal payment or higher income taxes will pay for the cost of the pay raises this fiscal year, new tax rates would also raise $21.5 million to cover the cost in fiscal 1971.

City officials drew some encouragement for the income tax increase's chances from the House Appropriations Committee report issued with its version of the budget.

After noting that the pay raises and the funds needed to pay for them were not included in the budget, the report quoted without comment from the mayor's letter to the committee outlining his plan to raise the necessary revenue.

[From the Washington (D.C.) Post, June 29, 1969]

The Kibbutz: A Lesson for Americans

(By Dorothy Rich)

(Note.—A kibbutz school is run by the community. The entire kibbutz selects members to serve on the education committee and sends its most qualified people to be trained as teachers. To decide educational issues the kibbutz meets as a whole, hears recommendations and makes its decision.)

The education of children on an Israeli kibbutz is very different from education given to children here. Most kibbutzim are agricultural collectives: people have banded together to work in the fields or to make a product, and to make collective decisions about everything from sharing profits to raising their children.

Children from birth live in their own special quarters. Parents live apart but come to visit or take their children home with them after working hours each day. Both mothers and fathers work full-time and children are cared for by trained nurse-teachers in their special houses.

This is all very different from the American way—yet it works. When something works, even though it's different, it's worth checking into. In fact, there is a renewed interest today in kibbutz education primarily because of the new book. *The Children of Dream,* but also because we have problems that need solving. Can the kibbutz approach help us?

Much of the kibbutz system is inappropriate for American education because of our society's emphasis on individual rather than group concerns. But it is possible to select from the kibbutz approach, to copy and adapt techniques that can be useful to us here.

Aliza Brandwine, an Israeli, has taught on a kibbutz and has been director of the St. Mary's County, Md. pre-school program. She feels Americans can learn from kibbutz education:

A kibbutz school is run by the community. The entire kibbutz selects members to serve on the education committee and sends its most qualified people to be trained as teachers. To decide educational issues the kibbutz meets as a whole, hears recommendations and makes its decision. For example, if one child has a special talent, a meeting is called to decide whether that child should be sent to a special school.

Here parent programming in schools is based on what principals or P–TA boards think parents want or need. And often only a handful of people show any interest. On a kibbutz everyone knows that he can be effective, that he has a say. Here the tendency is to either leave it to the experts or to feel what's the use.

Kibbutz child-care facilities enable parents to go to meetings and carry out plans. A mother who wants to take a course or go to a meeting here must first find a place to leave her children.

Parents and children have a great deal of time together in spite of living apart. The hours after 4 p.m. each day are devoted to the children. How many American parents spend that much time playing with their kids each day?

All children receive equal educational opportunities. If music or art or dance is thought appropriate for children, then all receive the benefits of this training.

Competition is de-emphasized. Without the push to be first or be best, there are fewer pressures on the child. For example, says Dr. Brandwine, no one on a kibbutz worries if a child isn't reading at age 6.

Personal relationships between people are stressed. If you have a problem about a child, you talk it over. You don't send a note home.

The whole way of life on a kibbutz supports the educational process. Education is used to perpetuate the goals and ideals of the group: the goals are definite and everyone has a stake in seeing them achieved. Children assimilate this sense of "we—not just me" with their milk and their lessons. Another point about growing up in a kibbutz is that youngsters are expected to do real work. With this real involvement in the life around them, there is no juvenile delinquency.

On a kibbutz, everyone is needed and feels it. On a kibbutz, education is really a vital part of the community life. These are the important lessons for American education and the American way of life.

[From the Washington (D.C.) Post, Nov. 25, 1969]

RFK's Memorial

(By Elizabeth Shelton)

The memorial being built to assassinated Sen. Robert F. Kennedy is no marble monument that the tourist will visit, camera in hand. Instead, it engages people skilled in solving social problems.

Fred Dutton, executive director of the Robert F. Kennedy Memorial described details of the relatively unpublicized project yesterday for the Woman's National Democratic Club. He told how in its first year of operation it already extends from Appalachia to California's vineyards and from Western Indian reservations to Eastern urban ghettos.

Dutton who directed Kennedy's final campaign, described how a VISTA-like corps of 33 RFK fellows, most of them in their mid-20's and trained as professional specialists, are working on subsistence stipends for poverty organizations.

Louis C. Baldanza, 24, of Garfield, N.J., is an architect designing the expansion of existing homes of poor Mexican Americans in San Antonio, Tex. The houses are overcrowded with large families and the remodeling is being done on the frames while the families keep on living there.

David C. Bellows, 25, of Little Silver, N.J., is developing consumer cooperatives and group buying among the Appalachian poor. He is also trying to find handicrafts that are marketable to raise money to meet some of the needs of the poor whites living in poverty.

Duane T. Bird, 21-year-old Hidatsa Indian from Mandaree, N.D., is in Denver trying to slow the high dropout rate of Indian college students.

Dorothy Foster, 20, from Tuscaloosa, Ala., is developing an experimental black studies curriculum for a tutorial project in Newark, N.J.

Marian Moses, 33, a registered nurse, is assigned to the grape pickers' labor leader, Cesar Chevez, to develop a health services program in Delano, Calif., for migrant workers and to recruit a medical staff.

Mr. and Mrs. David Robinson, 26 and 25, of Tarrytown, N.J., are at the Rocky Boy, Mont., Indian reservation trying to work out a system that will give the Chippewas community control of their children's education. The children are transported 500 miles to an educational system Dutton described as being "as regimented as 'Oliver!' "

Part of the memorial is headquartered in Washington. Thirty-five lawyers in private practice are donating free time to the rural and city poor, acting to intercede in their behalf with the federal bureaucracy.

Assisting Chavez' United Farm Workers in attempts to stop Defense Department buying of grapes is one of their projects. Another is helping Navahos set up a bookkeeping system to keep accurate records of their tribal funds.

A Citizens Communications Center has been set up in the Washington office to work toward better and more representative local news coverage by radio and television, particularly in Southern cities where Negroes receive little or no air time.

The RFK Memorial provides day-to-day counseling and assistance to community groups and also administers several grants, one of which is from the Stern Family Fund, to study and evaluate the tactics and strategy of student efforts to change university policies.

The memorial is working with the Center for Community Change, which it helped to initiate. Under a Ford Foundation grant, the center, headed by Jack Conway, is working on development of a Trans-Southern rural economic program; on a project to encourage youths to do research and seek action on social problems; and on a forthcoming report on the problems of American Indians.

A CALL FOR A REEVALUATION OF OUR AFRICA POLICY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. OTTINGER. Mr. Speaker, I have received a letter from one of my constituents—Mr. Chris L. Siegler of Elmsford, N.Y.—who has recently completed a 27-month assignment with the Peace Corps in Sierra Leone.

I read this young man's letter with considerable interest and believe that he has not only presented some insight into the current situation in this critical area but has also raised some important and pertinent questions regarding the efficacy of the U.S. policy in Africa.

I deeply appreciate Mr. Siegler taking the time and trouble to share his experience and observations with me and I feel his comments deserve our close and careful consideration. I am pleased, therefore, to submit Mr. Siegler's letter herewith for inclusion in the Record:

Elmsford, N.Y.,
November 21, 1969.

Hon. Congressman Richard L. Ottinger,
House of Representatives,
Washington, D.C.

My Dear Congressman Ottinger: I have just returned from 27 months with the Peace Corps in Sierra Leone, West Africa. This period was an education more significant to me than my entire four years in college. It has provided me with a stimulus to act and a perspective by which to assimilate, judge and evaluate future events. My experiences and my convictions compel me to write this letter to you.

The approach of the Nixon Administration to Africa as outlined by the Secretary of State, Mr. Rogers, to a group of Peace Corps in-country directors was, "The U.S. as a nation is entirely self sufficient without the continent of Africa. Therefore, our policy goals are short term; a commitment to the protection and promotion of American interests on the African continent. We shall revise this policy only under crisis conditions." Congressman, what I seek to urgently convey to you is that this year, this day, this hour is that critical time. Now is the time for positive action. The fires of hate and misunderstanding have been kindled and the wind to enrage and sweep the flames is now blowing.

The African is and has always been a man of great pride. This has always been misunderstood by the white man looking through the eyes of his own white culture. They first saw the African selling his own "brothers" to the white trader, but they did not discern this as the right of the conquering over the conquered. Slaves had been systematized as economic and political institutions in the African society ages before the white man made his appearance. The authority the African chief had over his subjects was a source of pride to his subjects. The African today looks at the achievements of the white civilization. He compares these with his own situation after 200 years of domination by the white man. He senses powers within him which have been denied expression. He believes, and with much justification, that the colonial white is at fault; the colonial white must bear the blame for his present condition . . . the colonial white.

America as a young nation suffered under colonization. Her people fought and died to attain the freedom and opportunities of independence. The African sympathizes with the American struggle and empathizes with her victory. Yet, today's America confuses him. Today, he sees the great heritage of our country standing side by side with the colonials—Portugal, Britain and France—and sanctioning directly or indirectly the actions of South Africa, Rhodesia and Angola infringing upon the inherent proprietary right of the black man to his own land. To the African America is a picture of jagged contradictions: John F. Kennedy and hope; Nixon and indifference; freedom and independence; Viet Nam and imperialism; Peace Corps and help; the CIA and interference; "liberty, equality and fraternity"; Martin Luther King and racial hatred. They go on and on. The African wants to understand. He wants to believe in America and what we should stand for. But everywhere he looks we are darkening this picture. We grant token acceptance to the Smith government in Rhodesia by maintaining a consulate ("status under consideration"); a Pan American plane is boarded in Ghana's international airport and Moise Tshombe is arrested; Julius Nyerene (perhaps the most progressive and dynamic leader in Africa) makes a visit to Canada and gets not an invitation to Washington but a greeting by a city Mayor during a stopover at Kennedy airport. The African reads "American aid to Africa to be cut back"—perhaps explained by our embassies, but understood? or, "Nixon makes no mention of Africa in major address to the United Nations." With these events as his references the proud but insecure Africa leader asks "why is the United States in Viet Nam?" and "what was the involvement of the CIA in the Dominican Republic, Nkrumah's Ghana or Viet Nam?" These are serious questions to the African demanding and deserving meaningful honest answers from the United States.

A new era is kaleidoscopically unfolding on the dark continent. This is the post independence generation. The bright young people who have been educated overseas but recognize no allegiance to the former colonial masters of their parents. They see, somewhat vaguely, America and Russia (and more so now, Red China)—capitalism vs. communism. Some are bitterly partisan, but many withhold judgment for lack of evidence. This is why I say the critical period is now. These young Africans, the future leaders of their countries, seek a model for themselves and their countries. Russia and communism already have the advantages of not being aligned with former colonial nations and possessing a showpiece of rapid technological advancement in a brief period of time.

The African leader is perched on the edge of a bare framed structure with little or no foundation and exposed to violent pressures from all sides constantly threatening his hold. His country is besieged by myriad economic, social and psychological problems with no sign or hope of immediate rectification. Politically this is an impossible situation. He seeks an intellectual commitment to progress from his people that is neither understood nor accepted. Therefore, he descends to the more basic instinct of pride. He strives for an emotional commitment, to build a personal charisma which rejects any suspicion or his methods while articulating the consciousness of belonging to a particular nation, a pride in the heritage of that nation and a commitment to the protection of that nation through a total effort toward progress of her entire population. Development is necessarily slow as theories are many and untested, and the resources not immediately available. Verbally rebuffing a great nation like America temporarily placates the self-conscious ego of the underdeveloped nation. Most of the African leaders realize they can speak with impunity about either of the great powers as we patronizingly accept any abuse, afraid of losing our already tenuous acceptance on their continent. These affronts enhance the charisma of the leader. One has only to look at Secou Touré of Guinea. He accepted Kennedy, then rejected him in favor of the Russians. When the Russian commune system failed, the Red Chinese were waiting. Now with the economy stagnating and possibly worse than in the beginning, the diplomatic feelers are again going out to the West. And we are standing at the doorstep, flowers in hand (witness the re-invitation and acceptance of Peace Corps). Development in Guinea is stumbling but the personal prestige gained by toying with the world's great powers has entrenched the charismatic Touré. America has never understood the hate and mistrust her mismanaged and misused loans and aid have bred because she has never suffered the humiliation of being forced to ask for or accept charity. Foreign aid from a great power is often construed by the acceptor as a piece of small change rewarded to the beggar for his subservience. This does not have to be the case.

Let us examine some forms of aid sponsored by our government. West Africa contains perhaps the classic example of America's foreign aid futility—Liberia, the laughing stock of West Africa. Liberia is the one nation to which all others can point as being worse off than they are. America has invested millions of dollars attempting to prime the Liberian economy. We have succeeded in giving Monrovia perhaps the highest cost of living of any black African city excluding Dakar. We have also succeeded in protecting the most preposterous despot and corrupt government on the African continent. In other countries we have stuffed the pockets of thousands of petty political figures by making them the beneficiaries of lucrative AID contracts. We have wasted millions of dollars on thoughtlessly prepared schemes for material aid most of which never reached the people. People sent over as development experts experiment with their theoretical models at the expense of these underdeveloped countries. (I can cite examples for these charges.)

There are, however, some favorable examples. The recent efforts of the World Bank appear to be the product of the recipient country's initiative and a careful analysis by Bank officials. If the execution of these proposals can be accomplished with even minimum efficiency this system would have to be rated the most effective distribution of large aid funds. In a cost analysis the Peace Corps is extremely effective both as an agent of development and a form of good will. The distribution of U.S. embassy aid funds or the supervision of smaller AID schemes by the volunteer insures against the charge of token bribery and facilitates the execution of plans. Perhaps there are even better ways?

What I am pleading for is a re-evaluation of our approach to Africa or more generally the underdeveloped nations of the world. We stress democracy and because of their political heritage they can't understand it. They stress money without stipulation and we can't understand or accept. "From those to whom much is given, much is expected." America must bear the responsibility for understanding the African situation.

The understanding and acknowledgement of the Africa world by John F. Kennedy did more to support America's image as a nation committed to freedom than all the billions of dollars of foreign aid we have squandered. It is now we must renew the challenge of understanding, of extending the symbolic USAID handshake without the palmed dollar bills.

Sir, in these pages, I have tried to present and share something of what my experience taught me. It is something that distresses me deeply—it is an unnecessary situation. I can only hope that I have aroused your curiosity or reinforced your convictions. I thank you for your consideration.

Respectfully,

CHRIS SIEGLER.

HOUSE TV PROBE BACKS AGNEW

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. ASHBROOK. Mr. Speaker, when Vice President Agnew took the TV news media to task in his recent Des Moines speech the anticipated hue and cry from the parties involved was not long in coming. An excellent example of the unfair packaging of news to which the Vice President referred to was illustrated by an article, "House TV Probe Backs Agnew," which appeared in the November 22 issue of Human Events, the long established and alert newsweekly here in Washington. The probe cited by the article was a year-long investigation by a special subcommittee of the House Commerce Committee which looked into TV's role in the coverage of the 1968 Democratic National Convention.

As is often the case in efforts at misrepresentation, what is omitted is often as important as positive distortions. Selective editing to emphasize a particular theme, as was pointed out in the House report, is a powerful propaganda weapon in the hands of a comparatively few. Selective interviewing is another device extremely useful in slanting a news package.

The Human Events commentary on TV abuses is important as background to be considered in the present controversy over TV news packaging, and for this reason I insert it in the Record at this point:

HOUSE TV PROBE BACKS AGNEW

Network officials, liberal senators and much of the East Coast press were in a state of apoplexy last week after Vice President Spiro Agnew's stinging verbal assault on the bias of the TV news media. Sen. Edward M. Kennedy, always warmly treated by the "Nets," decided that Agnew's speech was "an attack designed to pit American against American," because it didn't agree with Teddy's view of the way things are. The network presidents shouted "Censorship!" or its equivalent, though Agnew clearly called for only a fairer presentation of the news. And Thomas P. F. Hoving, a Lindsayite who heads the National Citizens Committee for Broadcasting, proclaimed that Agnew's attack was "disgraceful," "ignorant" and "base."

Yet no amount of hysteria aimed at Agnew could hide the fact that the vice president was right on the mark, as the results of a year-long probe by a special subcommittee on investigations of the House Commerce Committee make clear. Touched on by Agnew in his sizzling spanking of the networks, the report, briefly mentioned on these pages last week, details the prejudiced manner in which TV covered the 1968 Democratic National Convention.

Worked on by a number of staffers and compiled by counsel Daniel Menelli and chief investigator James P. Kelly, the report concludes that: "In an attempt to give an overall impression, it might be said that the coverage presented over the air does, in retrospect, seem to present a one-sided picture which in large measure exonerates the demonstrators and protesters and indicts the city government of Chicago and, to a lesser degree, the Democratic party."

The report strongly suggests that the TV commentators—the same ones that Agnew was discussing—were biased against the "Establishment" from the outset, not only because of ideology but because they were annoyed at the security arrangements and the inconvenience caused by the transportation strikes and lack of facilities.

TV reporters repeatedly condemned the convention arrangements and, as if to bolster their own partisan feelings, would collect remarks assailing "oppressive" police tactics from such left-wing liberals as Shirley MacLaine, Jules Feiffer, Theodore Bikel, Arthur Miller and Paul Newman.

From the facts gathered by the staff investigators, the Menelli-Kelly report avers, ". . . it would be possible to conclude that the networks had deliberately sought out for interview those with known baised feelings against the conduct of the convention and the city government, some of whom would appear to have questionable credentials as political commentators."

The staff paper also singles out both CBS and its principal commentator, Walter Cronkite, for special criticism. Unlike the other networks, for instance, CBS even "declined to provide the names of the film editors" so they could be interviewed by House probers. Cronkite, furthermore, not only somberly and monotonously criticized the convention setup but may have distorted the news in other ways as well.

"In viewing the videotape of the CBS convention coverage," the report contends, "the investigators noted a passage in which Mr. Cronkite stated that the police were 'severely manhandling a minister.' The accompanying action shows police merely attempting to get a man dressed in clerical garb into a patrol wagon, using what the investigators felt was reasonable force to overcome the man's resistance."

A review by subcommittee sleuths of the "outtakes"; i.e., film that was taken but never used, "left the investigators with the impression that the significant outtakes contained a predominant amount of material which would have been unfavorable to the demonstrators."

Reel No. 236–109, taken by CBS but not used over the air, was a display of weapons used by the demonstrators against the police. Film No. 236–292, also not used, contains shots of police being stoned.

One of the most astonishing examples of CBS's curious scissoring techniques was in connection with CBS reel No. 20–5, taken on the evening of August 28. The title of this reel was "Arresting of Hippies and Rough Line Between Police and Hippies, No. 2." Says the report: "This presents a night scene in front of the Hilton Hotel, with a live microphone located in a mobile unit. One of the announcers says: "They are assaulting police lines.' Investigators note that this was the first indication found of any recognition by those covering the event of television that provocation of the police was involved in the subsequent altercation between the demonstrators and police in front of the hotel.

"Because of the communications difficulties arising from a communications strike, this taped material could not be presented over the air until about 45 minutes after the event occurred. When the material was presented over the air, no reference was made to the above-quoted remark, nor was any scene of such an assault visible. Shots of material raining down from the Hilton Hotel onto the heads of the police and news camera crews was also available but not broadcast. The investigators also noted footage showing police cars being stoned by the demonstrators with the police pursuing and capturing at least one of the stone throwers. . . .

"While many of the commentators spoke at length concerning the shock they felt concerning what was happening to the young demonstrators downtown, little or no comment was made concerning profanity, obscene signs and gestures, and physical abuse employed by the demonstrators to provoke the police. . . .

". . . Scenes were recorded by the cameras which, at least arguably, might have put a different tone on the broadcasters' coverage of the convention. Crowds were shown in violent and ugly moods. Police were shown being stoned and pelted with rocks and bottles. Obscene signs and language were discernible, both of which might have diminished any sympathy felt for the demonstrators by the average viewer . . . ."

The staff report noted that in the process of fighting a provocatory blow can be omitted showing only the counterblow. Thus, an incident may be transformed into the appearance of an unprovoked arrest or attack by the police officer.

"Just such an incident," says the report, "was alleged to have occurred. An informant, who was personally present to witness a disturbance at the corner of Michigan Avenue and Balbo Drive, informed the staff that he observed a demonstrator pick up a wooden sawhorse and hurl it against a police officer. The officer immediately charged the demonstrator, struck him and took him into custody.

"The informant relates that he and a friend, who also witnessed the event, saw the incident covered on a television news program later that evening. He stated that the coverage did not show the action of the demonstrator in throwing the sawhorse, but showed only the police officer making what now appeared to be an unprovoked assault on a demonstrator followed by an arrest. . . .

"The incident is shown . . . in a book entitled *Chicago Eyewitness* by Mark Lane. [Lane, who has an affinity for far-left causes, is perhaps best known for his efforts to clear Lee Harvey Oswald of any guilt in the assassination of President Kennedy.] This book, which is critical of the Chicago authorities, is illustrated by a number of photographs. One sequence of photographs shows a segment of the crowd, including a uniformed police officer and a plainclothes detective.

"The sequence shows the sawhorse in the process of being thrown, and the subsequent arrest of the demonstrator. The captions to the photographs, however, assert that it is the police officer who is hurling the sawhorse at the crowd. The incident is discussed in Mr. Lane's book, and again it is asserted that the police officer for no apparent reason hurled a sawhorse at the crowd and then arbitrarily arrested a demonstrator.

"Upon inspection of the photographs, however, it seems clear that it is the police officer who is the target of the flying sawhorse. His arms are shown outstretched as if to ward off the object. His hands are extending through the rungs of the sawhorse, in such a way that it appears impossible he could be throwing it. The caption underneath, however, reads: 'Policeman throws sawhorse at crowd.'" The "sawhorse incident," then, apparently received the "Lane" treatment when it appeared on TV—just another incident supporting Agnew's thesis of the towering bias in TV news coverage.

TV's distortion of events was also proved earlier this year by FBI and other investigators doing work for the House Agriculture Appropriations subcommittee chaired by Rep. Jamie Whitten (D.-Miss.). Delving into the background of CBS's documentary, "Hunger in America," committee investigators discovered that much of what the film claimed was untrue. A CBS narrator, for instance, in perhaps the most dramatic scene in the movie, solemnly stated that a baby he was viewing had just died of starvation. Yet the doctor who pronounced the baby dead told House investigators the baby was not even undernourished and had died from other causes entirely. (*See Human Events*, June 14, page 421.)

EVEN LIBERALS LIKE THE VEEP

The liberal news media is fond of zapping the vice president, but his outspoken opinions have, so far only appeared to increase his popularity. The Gallup poll shows a rise in positive opinion for the Veep, and he is fast becoming the toast of even Washington, D.C.

Vice President Agnew has asked the public to write the networks and their local stations urging them to present the news in a fair and impartial manner. For your convenience, we are again listing the addresses of the major TV networks:

American Broadcasting Co., 7 West 66th Street, New York, N.Y. 10023. President: Leonard H. Goldenson. ABC News: Elmer Lower.

Columbia Broadcasting System, 51 West 52nd Street, New York, N.Y. 10019. President: Frank Stanton. CBS News: Richard S. Salant.

National Broadcasting Co., 30 Rockefeller Plaza, New York, N.Y. 10020. President: Julian Goodman. NBC News: Donald Meaney.

Reporting on Agnew's reception in the Nation's Capital—before his denunciation of the TV networks—the Washington *Star* noted in its society pages that while the sympathizers make fun of him for "foot-in-mouth disease," more and more the people on the party circuit are calling him the "voice of common sense in the wilderness."

At the John Slocums supper party to honor historian Dr. David Boorstin, new head of the Museum of History and Technology, the vice president's admirers, said the *Star*, "apparently way outnumbers his detractors.

"And this was no right-wing gathering of Birchites or even one-time Goldwater supporters. A lot of these people were admirers and supporters of Adlai Stevenson. At a table for 10, nine persons agreeing with Agnew's stand on demonstrators and his belief in discipline within the family included Mrs. Dillon Ripley, wife of the progressive head of the Smithsonian; Prof. Alexander Victor of Yale University and his wife, and John Slocum.

"Heyward Isham, a diplomat for whom David Bruce and Nicholas Katzenbach vied when the latter was under secretary of state and the former ambassador to Great Britain, said he was inclined to agree with the vice president."

WHEN IS A SILENT MAJORITY NOT A SILENT MAJORITY?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. OTTINGER. Mr. Speaker, we recently have been treated to an incredible administration propaganda barrage designed to demonstrate that a silent majority of the American people support the President's Vietnam policies. Like all historic governmental propaganda efforts in every country, this administration has shown itself fully willing to distort facts, take inconsistent positions and bully the press to "prove" the correctness of its position. This is, indeed, an alarming phenomenon in our free, democratic society.

The discerning of silent majorities is an occult art which deserves careful scrutiny by Congress and the public.

For example, using one professional telephone poll right after the President's speech to show that 77 percent of the American public supports the President's plan while blithely ignoring the previous in-depth poll taken immediately prior which shows public approval of Senator Goodell's scheduled withdrawal plan is highly questionable on grounds of simple honesty. Ignoring as well the Harris September 29 poll showing only 35 percent for the President's handling of the war hardly adds to the administration's credibility.

Then, there is the administration's handling of congressional action as an index of public sentiment. The President and Ambassador Lodge loudly proclaim the sponsorship in the House by 300-odd Members of a resolution supporting his "pursuit of a just peace in Vietnam" as a sure-fire reflection of American support. On the other hand, when the Senate rejected the Haynsworth Supreme Court nomination 55 to 45, the President showed no hesitation about taking to the airwaves to announce his certainty that the decision was not supported by the silent majority of Americans. The President really cannot have it both ways, at least not believably.

The gulf of the credibility gap grows wider daily, challenging the incredibility of the Johnson administration in its frequent proclamations that we were winning the war. The situation would be humorous if the issues involved were not so deadly serious. When the government in a democratic society cannot be believed, the state of freedom of that society is rendered highly insecure.

The icing on the mud pie is the production by the U.S. Information Agency of the propaganda film proclaiming a silent majority supporting the President on the war. The film is so blatantly distortive and propagandistic as to render it ludicrous. Besides undermining our credibility with the 104 countries in which it is to be shown, the film will do great damage to the acceptability of all of our other information activities. Those foreigners who have been relying on our news broadcasts for their only factual presentation of world events will be given good reason to doubt their authenticity.

The propriety of the American Government producing films editorializing on the grandeur of the Vice President and the infallibility of administration policies is highly questionable, to say the least. I think it does our interests untold damage.

The issues presented by the administration's foray into propagandistic bombast is well analyzed in the article by Clayton Fritchey in the New York Post of November 24, 1969, which I submit herewith for insertion in the RECORD:

THE SEMI-SILENT

(By Clayton Fritchey)

WASHINGTON.—The most remarkable thing about that new U.S. Information Agency film, which shows that President Nixon's Vietnam policy is backed by the "great silent majority" of Americans, is not so much what went into it, as what was left out.

The star of the USIA production, which will be seen in 110 countries, is Dr. George Gallup. He is described in the film as a "researcher respected for his objective approach," and as the author of a public opinion poll taken after the President's Nov. 3 speech on Vietnam.

Gallup is shown telling a USIA interviewer that his poll found that "a large majority of the American people supported the President's policies," and that "a large majority of the public favored the President's program for troop withdrawals." But Gallup was not asked about, nor did he refer to, another poll he took several weeks ago which showed just the opposite.

In October, Gallup tested reaction to the resolution introduced by Sen. Goodell (R-N.Y.) calling for the withdrawal of all U.S. troops from Vietnam by the end of next year. The proposal was promptly denounced by Nixon as "defeatist." Nevertheless, Gallup found the public approved the Goodell plan by almost 2 to 1, or 57 to 31 per cent, to be exact.

Now, however, Gallup is reporting that his organization made a snap telephone survey of 501 adults after the President's speech, and discovered that 77 per cent favor Nixon's stand against any time limit for troop withdrawals.

With Vice President Agnew denouncing television and the press for lack of "objectivity," the USIA did not choose the best moment to produce and distribute this dubious example of thinly disguised administration propaganda. It will not improve the agency's reputation for credibility, nor Gallup's either, for that matter.

On Nov. 13, Ambassador Henry Cabot Lodge told the Communist delegation at the Paris peace talks that, "recent opinion polls in the U.S. make it clear" that the "vast majority of the American people" supports Nixon's war policy. But Lodge must know by this time that Hanoi makes a point of monitoring U.S. public opinion polls for itself.

On Nov. 12, the day before Lodge spoke, Gallup reported as follows: "The extent to which the public's views on the Vietnam war have changed over the last two years is dramatically seen in the shift from the 'hawk' to 'dove' position since 1967. Hawks outnumbered doves in a December 1967 survey, 52 to 35 per cent . . . In the latest Gallup survey . . . almost the exact reverse is true: doves outnumber hawks 55 to 31 per cent."

In the USIA film, Gallup tells the world that the American public by a 6-to-1 ratio "thinks demonstrations do more harm than good." Almost simultaneously, pollster Louis Harris reported that Americans "by a relatively narrow 45 to 37 per cent were not in sympathy with the first Moratorium Day demonstration on Oct. 15" but a large majority has had second thoughts. He says 81 per cent have since concluded that "the anti-war demonstrators may not be entirely right, but they are raising real questions which ought to be discussed and answered."

Last month, Gallup reported that Nixon's "popularity rating had declined over four consecutive surveys." Harris (on Sept 29) said: "In his handling of the Vietnam war, the President has hit a new low with the public of only 35 per cent positive, down 12 points since June."

So what is the truth about the majority, silent or otherwise? Nobody knows for sure. Almost anything can be "proved" by the polls; and it might be noted that LBJ also flaunted them when they were favorable and spurned them when they weren't. Nixon displays 50,000 telegrams to show he is right. His critics produce 250,000 marchers to show he is wrong. And so it goes.

TENNESSEANS RALLY TO AGNEW'S CALL FOR OBJECTIVE NEWS BROADCASTING

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. BROCK. Mr. Speaker, despite the frenzied reaction of the national networks, and hostile editorials in some Washington papers, Vice President SPIRO AGNEW's recent speech on the need for fairness in network news coverage has been enthusiastically applauded by many responsible members of the press, and by thousands of concerned citizens.

As evidence of this, I cite the two following editorials. The first appeared in the November 15 issue of Mr. James Stahlman's outstanding Nashville Banner, the second in the November 14 Chattanooga News-Free Press, a highly respected newspaper from my home city. I can affirm that these two excellent editorials reflect the feelings of a majority of Tennesseans on the basis of the many letters, wires, and phone calls my office received supporting the Vice President and applauding his speech. The editorials follow:

[From the Nashville (Tenn.) Banner, Nov. 15, 1969]

THE GREEKS HAVE A WORD FOR IT—SPIRO T. (FOR TIGER)

Vice President Spiro T. Agnew dropped the other shoe Thursday night; and by screams of anguish from the TV network people you know it landed squarely on target. Without pausing for station identification, or a gas-pain commercial, they went into instant replay of self-interview to exonerate their simon pure, impartial, and wholly objective selves.

They don't care for Mr. Agnew. He does not lend himself to the pliability required of their favorite political heroes—and on camera has what is to them the nasty habit of speaking his own mind, and adhering to his own script. Besides, he doesn't believe either that a handful of sponsored thespians—photogenic or not—acquire infallibility with the broadcasting license granted; or are employed in that capacity to advise on policy or run the country.

And he says so bluntly—not via the lifted eyebrow, the quizzical smile, the sneer, or the nuance of a word in tones from the mellifluous to the sepulchral. He comes right out with it, as in his speech at Des Moines. He took these self-appointed oracles apart, and, though the network technicians went swiftly and frantically to work to reassemble the fractured vanities, even to their fan clubs they will never be the same again.

Previously he had pricked the bubbleheads in general, their rivals and kindred policy-needlers in that "intellectual" miscellany; and millions cheered that overdue public deflation. But he saved the best for the last, blowing the fuse on three channels simultaneously.

There is nothing wrong with television, per se, that a recovered sense of responsibility and perspective on the part of network management and big name commentators could not correct. The Vice President was not assailing it as an industry—and certainly, as he made perfectly clear, was not advocating government censorship. He was pointing out the aberrations inflicted and the dangers through reckless abuse of self-appropriated prerogatives, by those seeking in it to wield a power never delegated by law or license.

"The purpose of my remarks tonight," he said, "is to focus your attention on the little group of men who not only enjoy a right of instant rebuttal to every presidential address, but more importantly wield a free hand in selecting, presenting and interpreting the great issues of our nation. . . . We cannot measure this power and influence by traditional democratic standards, for these men can create national issues overnight. They can make or break—by their coverage and commentary—a moratorium on the war. . . . Certainly, it represents a concentration of power over American public opinion unknown in history."

Vice President Agnew has rendered his nation a service—via the truth, the whole truth, and nothing but the truth.

The instant yelp from network television's side indicates that he hit his mark. A concerned America applauds. As David won't be saying to Chet, "Good Morning, Spiro."

[From the Chattanooga (Tenn.) News-Free Press, Nov. 14, 1969]

AGNEW'S MOST IMPORTANT SPEECH

It had needed saying for a long time. Vice President Spiro T. Agnew showed last night that he was just the man to say it well.

He called attention pointedly to the frequent unfairness of the three television networks in their coverage of public affairs.

Often, the handful of network newsmen distort and disparage by indirection. Mr. Agnew said it this way: "A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubt in a million minds about the veracity of a public official or the wisdom of a government policy." This is the way the attack is most effectively carried on, by snide implication. Sometimes however, it is more direct, with stacked presentations, propagandistic rebuttal or the showing of only one side.

Why is this so important, important enough for a Vice President to speak on it?

The importance is that America runs on public opinion. And since there are only three national TV networks, they have great power to mold public opinion, and they do not always do it fairly.

It is not just that "one side" has been victimized. As Mr. Agnew said, "Every American has a right to disagree with the President of the United States, and to express publicly that disagreement. And he made it clear he is not seeking censorship. He raised the vital question, however, of "whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit their own set of biases."

That's why it's important.

Some newspapers are unfair, too. But most newspapers present their views on their editorial pages and offer straight news in the rest of the paper. And there are thousands of newspapers, with the influence of most of them being limited to their localized circulation areas. With TV it's different. When only three networks blanket the country, presenting programs that may be received broadly and effortlessly, their power to propagandize and influence is tremendous.

Mr. Agnew asked how many "marches" there might have been if there had been no TV cameras. Undoubtedly, the availability of TV and other news coverage has encouraged many demonstrators. But it must be recognized that though this is a fact, marches and demonstrations and other events—though distasteful—cannot go unreported just because their perpetrators are news conscious. News is any significant variation from normal standards, whether the variation is for good or bad. No one should ask that certain type of news be covered and certain types be ignored, but only that there be fairness and accuracy in covering it all.

Some news is, by its very nature, partisan. Mr. Agnew's speech, for example, certainly expressed his opinion, just as a speech by former Vice President Hubert Humphrey would express a different attitude on many issues. The desire is not to have either viewpoint ignored but to have each given honest presentation. Unfortunately, on too many occasions that has not been done. Or when coverage of the event has been given, an effort to refute or twist or rebut or discredit often has been closely connected with it.

The networks, of course, didn't like Mr. Agnew's appropriate criticism.

CBS President Frank Stanton called Mr. Agnew's remarks "an unprecedented attempt . . . to intimidate a news medium which depends for its existence upon government licenses." It was nothing of the kind. Is any criticism of network news "intimidation?" Is TV propaganda and brainwashing and forced feeding of the public supposed to go unmentioned so no one will cry "intimidation"?

NBC President Julian Goodman said the Vice President's speech was "an appeal to prejudice." Quite the contrary, it was an appeal for TV news not to be prejudiced.

ABC President Leonard H. Goldenson was less commital, saying he is "fully confident in the ultimate judgment of the American public." The first expressions of judgment by the people indicated applause and approval of Mr. Agnew's speech and appreciation of its importance.

The three networks are in a constant battle for pre-eminence, each jealously and covetously seeking to attain and retain high ratings of public attention to their schedules. The news programs of the networks often are the most interesting of their presentations, the most important of all they do.

Isn't it a wonder, then, that at least one of the networks—if not all three—has not come up with the ultimate "gimmick" to attract and hold the top TV news audience? What is the one thing that a network might possibly do to gain the greatest confidence and loyalty of the news-viewing public? Why, it's very simple.

Why doesn't at least one network just "go straight" and present a clear news report giving fair and full expression to all sides, with no hatchet jobs, no brainwashing?

It might be surprising how popular this honest approach would be with the American people.

POLITICAL PERSPECTIVE: MONEY AND POLITICAL CAMPAIGNS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. SCHWENGEL. Mr. Speaker, the League of Women Voters believes that part of the citizens' political education is learning the facts of life about the costs of political campaigns. "Political Perspective: Money and Political Campaigns" is a taped interview with Dr. Herbert Alexander, director of the Citizens Research Foundation and former Director of the President's Commission on Campaign Costs, bringing out some of the reasons political campaigning now runs into big money and what new methods are being used to tempt political contributors to help meet rising costs.

A transcription of the League of Women Voters' program on this subject follows:

Political Perspective: Money and Political Campaigns

Participants in the program in the order they are heard:

Dr. Herbert Alexander, Director of the Citizens Research Foundation and former Director Presidents' Commission on Campaign Costs.

Torrey Baker, former broadcaster Voice of America.

Alexander. Political costs in this country have increased in the past few years. . . . In 1964, we estimated all political costs at all levels were about two hundred million dollars. This includes running for office from the White House to the state house to the court house. Many people think this is a lot of money. Actually, it is much less than we spend each year in this country on chewing gum or cosmetics.

Baker. The voice you just heard was that of Dr. Herbert Alexander, Director of the Citizens Research Foundation. I am Torrey Baker speaking to you on behalf of the League of Women Voters and bringing you Political Perspective—Money and Political Campaigns.

A major problem of political parties—and individual candidates—is raising money—money for billboards, for spot announcements on radio and television; money to rent offices and hire speech writers; money to get from place to place. Money is always a problem.

Or perhaps the problem is making the giving and using of political money respectable. Many people still think that those who contribute money to politicians do so only to buy favors ranging from the fixing of a parking ticket to an assignment as ambassador to some glamorous country. Dr. Alexander does not entirely agree.

Alexander. Some people may want a particular job, may want contracts; some individuals do have axes to grind in the contributions they make. Many of the people who do contribute seek not necessarily a specific appointment or policy but rather the good will of the party or of the individual who will be in public office. Often what the individual who contributes in large sums seeks is access to the U.S. Senator, to the Governor in order to be able to present, to articulate his point of view, to receive what he hopes will be a sympathetic hearing and to insure that his voice will be heard in final determination of public policy.

I think the contributor gets some kind of gratification for his contribution even if it is only a five or ten dollar contribution. He may believe in the policies that are advocated by the candidate or just one policy that is of prime importance to that individual, and he would like to see it carried out.

Many contributors give to the party out of habit. Contributing is a form of political participation. In our affluent society it is sometimes easier for a person to contribute money than it is to contribute time, and money can be considered a substitute for volunteering service and time to the candidate or party of your choice.

Baker. So people give to a political party or candidate for a variety of reasons—through habit—because they want to get something for themselves—or because they truly believe in a particular candidate or a particular political party. We asked Dr. Alexander how many people give and who are they?

Alexander. In 1964 there were about 12 million contributors to candidates and parties and committees at all levels. This may seem like a lot. It's about 17% of those who voted. There were more than 70 million voters at the presidential level in 1964. Nevertheless the 12 million who contributed at some level in 1964 represent a tremendous advance over the handful of wealthy individuals who may have supported the candidacy of a president . . . at the turn of the century when politics was supported largely by a few wealthy individuals or before that by a few wealthy corporations.

Baker. In spite of the improvement, Dr. Alexander does not believe that enough people give.

Alexander. I believe that it is important that we increase the numbers of contributors. It is not an impossible task in our affluent society. In 1964 political costs were two hundred million dollars. If twenty million individuals gave an average of ten dollars each, we would have been able to achieve that result without undue reliance upon special interests or large contributors. The system has been such in the past that the bulk of the money has come from the large contributors, but it would minimize regulatory problems; it would minimize ethical problems for the parties and candidates if we were able to achieve larger numbers of small contributors.

Baker. If it would minimize ethical problems for the parties and for the candidates to have the bulk of the campaign money come from a large number of small contributors, what have the parties done to encourage this, and what has happened?

Alexander. It happens that the Republican National Committee . . . has a very successful mail drive for ten dollar contributors. . . . It has good success in attracting large numbers of contributors and in 1966 and 1967 raised more than three million dollars from more than two hundred and fifty or three hundred thousand contributors. This is the largest number of contributors that any party at any level has ever had in American history. The Democrats have not been as successful as the Republicans in mail drives. The problem with mail drives is that while the national committee may carry it on successfully it is a costly effort. And it is not conceivable to me that the national committee of a party can successfully raise money through mail and that the fifty state committees, and three thousand county committees of that same party can also competitively be successful in raising money through the mails. There are certain advantages at certain levels to certain kinds of fund raising campaigns. I think the effort at the national level can be directed toward mail campaigns. State parties are most successful probably in running large fund raising events at perhaps a hundred dollars a ticket. At the local level, the parties can organize door-to-door drives and both parties have had these sometimes successfully. The "Dollars for Democrats" program is known to Democrats throughout the country, and the Republicans have had successful "Neighbor to Neighbor" drives in which the local party organizations recruit solicitors to go door-to-door to raise money for the party.

One of the greatest problems is—as in all fund raising personal solicitation is the most effective and the problem is to get enough solicitors—that is to recruit enough volunteers to ask enough other people to give to the party or the candidate of their choice. There are in this country, for example, a hundred eighty thousand election districts. If each party had an average of ten solicitors in each election district across the country, this means that each party would need a minimum of one million eight hundred thousand solicitors. We simply don't have the volunteered manpower available for this kind of massive solicitation.

Baker. A discussion of raising money for politics brings up the question of restrictions on the amount that can be given.

Alexander. There are under federal law limitations on the amount that any one individual can give to any one candidate or committee, that is, a five thousand dollar limitation. Actually an individual can contribute up to five thousand dollars to as many candidates and as many committees as he desires. So it is still possible at the federal level to contribute fifty or one hundred thousand dollars to, for example, a presidential campaign by the device of contributing up to the maximum of five thousand dollars to a number of committees, to the farmers for candidate Jones, to the lawyers for candidate Jones, to the doctors for candidate Jones, and so on.

Baker. There are restrictions on the amount that can be spent as well. Dr. Alexander doesn't believe such restrictions are wise. Instead he urges a more positive approach.

Alexander. I don't think there should be restrictions on the amount that can be spent in politics. I think we have sufficient restrictions and prohibitions and limitations and . . . we'd be better off if we thought rather in terms of establishing minimal floors so that opposing candidates will have at least minimal access to the electorate. I think we have got to think in terms of some—achieving some equality of access for candidates to the electorate rather than putting artificial limitations on the amounts that can be spent.

Baker. There are several ways of helping candidates and parties get their message to the public on an equitable basis. Dr. Alexander mentions some of them. Free time on radio and television, for example . . .

Alexander. Since the cost of radio and television is so high. I think it might be desirable that stations be encouraged to give more time.

Baker. State subsidized brochures and literature . . .

Alexander. I think that Oregon has an interesting practice of distributing to every registered voter a publicity pamphlet which includes a page which is made available to each candidate for each office. . . . This is done in both the Democratic and Republican primaries separately . . . and it is also distributed through the mail at the cost to the state of Oregon for the general election period to each registered voter.

Baker. State action giving tax incentives for political contributions . . .

Alexander. Four states of the Union—Minnesota, California, Missouri, and Hawaii—permit inhabitants of the state to deduct from their income tax, from their state income tax, amounts up to one hundred dollars contributed to political parties or candidates. There have been many similar proposals at the federal level for either tax deductions or tax credits.

Another way in which governments . . . can assist parties and candidates is through providing subsidies. . . .

The subsidy need not necessarily take the form of a direct grant of cold cash. It can take the form of provision of services . . . For example, the British subsidy is, in part, through the provision of a mailing privilege for each candidate so that he can make one mailing to each potential, to each registered voter.

Other ways in which the government can provide services rather than cash are through government systems to register voters and to get them to the polls.

I think that the act of government encouragement dignifying and sanctioning the act of contributing would be an important one in instilling the notion that it is the duty and responsibility of every individual in a democracy to contribute in some way to the party or candidate of their choice. If not in the volunteering of time, in the volunteering of money to help support the political system.

I happen to believe that politics is important. I believe that it is important that candidates and parties have the opportunity to reach the electorate. . . . I think we should have our politics all the time and I think we've got to come to the point of recognizing that it requires substantial support from the American people.

Baker. It is on this positive attitude—that the expense of nominating and electing officials is an inevitable cost of democracy—that we conclude our interview with Dr. Herbert Alexander of the Citizens Research Foundation.

This is Torrey Baker speaking to you on behalf of the League of Women Voters, bringing you Political Perspective—Money and Political Campaigns.

BLYTHEDALE CHILDREN'S HOSPITAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 1969

Mr. OTTINGER. Mr. Speaker, the rehabilitation of injured and chronically ill children is a vital part of our national health effort, but it is a part which too often goes unnoticed. An institution which has led the way in caring for handicapped and injured children is Blythedale Children's Hospital in Valhalla, N.Y. The very human story of Blythedale was told in an excellent New York Times article by Nan Ickeringill and I present it herewith for inclusion in the RECORD:

BUT WHEN THEY'RE BETTER, SOME CHILDREN HAVE NOWHERE TO GO

(By Nan Ickeringill)

VALHALLA, N.Y.—Carol Anne, 7 years old, who has suffered from arthritis since the age of 3 months, was taking her first wobbly steps supported by crutches.

Jeff, 16, paralyzed from the waist down as the result of an accident, was propelling himself toward the dining room on his stretcher-on-wheels, driving with the careless expertise of a sports car enthusiast.

Lorraine, 7, victim of a hit-and-run automobile accident that had left her with some brain damage, was singing "Ring Around a Rosie" as she danced unsteadily around a stack of trays.

And all 92 beds at Blythedale Children's Hospital were empty.

The accent at Blythedale is on living, not on illness. Even one day in a hospital is too long, and these children have already spent long periods in other hospitals before coming to Blythedale for an average of 130 days of rehabilitative care.

Because movement is freedom, every child is given some form of wheeled conveyance. If he can only move a finger, he can move around Blythedale's gaily colored corridors in an electric wheel chair. And everything from schoolwork to sports can be accomplished from the stretcher-on-wheels known as the Blythemobile.

STREET CLOTHES FOR SCHOOL

There is school every day from 9 to 3, interrupted, as necessary, by therapy. The children wear street clothes, not pajamas, so that huge casts and braces become somehow less obvious. All meals are taken in the dining room, not in bed. And there are recreation periods when the children play anything from pool to Ping-Pong, adjusting the rules according to the degree of handicap of the players.

All the bedrooms lead directly out-of-doors, where fresh air and kite flying help blow away thoughts of hospital.

It is not unusual to find babies, dogs, cats and even goldfish visiting the hospital at all hours of the day. This is part of an effort to keep the hospitalized child feeling like an active member of his family. It is all too easy to consider a hospital stay some form of punishment.

The children also go off on home visits whenever possible. This has a two-fold purpose: To keep the child from being cut off from his home and to help the family adjust to his increased capabilities. If a mother continues to do everything for a child who is learning to dress himself and even walk with the aid of braces, then hospital's efforts could be wasted.

The patients range in age from a few months to 18 years. The youngest child ever admitted was three weeks old. He had some 15 fractures just caused by the birth process.

Preschool children live in a more circumscribed world than the older patients—a nursery full of blocks and rocking horses and playpens. Here, as in the rest of the hospital, the sounds are generally joyful, so that it is easy to overlook the fact that the little boy tensely balancing blocks has both legs in braces spread apart by an iron bar; that the baby in the playpen has a huge cast beneath his diaper; and that the child caroling "Old MacDonald Had a Farm" in recognizable form was so badly injured by a truck that when he arrived from his previous hospital all he did was grind his teeth and dig his nails into his palms until they bled.

A majority of the children are from poor families. Robert Stone, executive director of the hospital, thinks this is because private physicians are not as aware of Blythedale as are the social service departments of hospitals to whom the poor must apply for help.

FINANCIAL AID FOR PATIENTS

The cost at Blythedale is $55 a day, so almost no one pays his own bill. The care is covered under Medicaid's catastrophic illness clause—to the extent of $46 a day. The balance is made up partly by the Federation of Jewish Philanthropies and partly by personal donations from members of the hospital's board of directors.

The problem of caring for victims of chronic and long-term illness is becoming greater all the time, as medicine saves more and more children who, in the past, would have died from such diseases as cystic fibrosis and cerebral palsy.

Another pressing problem is that of children with nowhere to go when they are ready to be discharged. Some of the patients at Blythedale are there because of parental abuse; some have families that don't want to have anything to do with a chronically ill child. As lovable little Keicia, age 3½, wound her arms around him, Mr. Stone looked helplessly over the child's shoulder.

"I could release her tomorrow if only she had somewhere to go," he said.

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